

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT "PD" PLANNED DEVELOPMENT DISTRICT NUMBER 22 ON THE FOLLOWING DESCRIBED TRACT: BEING AN 6.89 ACRE TRACT OF LAND SITUATED IN THE E. TEAL SURVEY, ABSTRACT NO. 207, AND BEING PART OF A 55.106 ACRE TRACT OF LAND CONVEYED FROM HENRY BECKMAN TO KIRBY ALBRIGHT BY DEED DATED AUGUST 14, 1968, AND RECORDED IN VOLUME 83, PAGE 510, DEED RECORDS, ROCKWALL COUNTY, TEXAS, AND FURTHER BEING A PART OF THE ABOVE DESCRIBED 26.89 ACRE TRACT OF LAND, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON ROD SET IN THE CENTERLINE OF AN ABANDONED DIRT ROAD ON THE CITY OF DALLAS TAKE LINE FOR LAKE RAY HUBBARD, SAID POINT ALSO BEING THE NORTH CORNER OF SAID 55.106 ACRE TRACT OF LAND AND THE NORTH CORNER OF SAID 26.89 ACRE TRACT; THENCE: SOUTH $45^{\circ} 50' 03''$ EAST WITH SAID DIRT ROAD AND THE NORTHEAST LINE OF SAID 26.89 ACRE TRACT A DISTANCE OF 866.27 FEET TO A POINT FOR A CORNER ON A CIRCULAR CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF $33^{\circ} 47' 14''$ AND A RADIUS OF 230.49 FEET; THENCE: ALONG SAID CURVE IN A SOUTHWESTERLY DIRECTION AN ARC DISTANCE OF 135.92 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE: SOUTH $77^{\circ} 57' 11''$ WEST A DISTANCE OF 368.15 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF $29^{\circ} 13' 16''$ AND A RADIUS OF 200.00 FEET; THENCE: ALONG SAID CURVE IN A SOUTHWESTERLY DIRECTION AN ARC DISTANCE OF 102.00 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE: NORTH $41^{\circ} 16' 05''$ WEST A DISTANCE OF 80.00 FEET, RADIAL TO THE ABOVE DESCRIBED CURVE TO A POINT FOR A CORNER; THENCE: NORTH $66^{\circ} 14' 58''$ WEST A DISTANCE OF 146.20 FEET TO A POINT FOR A CORNER ON THE CITY OF DALLAS TAKE LINE FOR LAKE RAY HUBBARD; THENCE; NORTH $23^{\circ} 45' 02''$ EAST A DISTANCE OF 6.10 FEET TO AN ANGLE POINT IN SAID TAKE LINE; THENCE: NORTH $11^{\circ} 03' 39''$ EAST A DISTANCE OF 678.50 FEET WITH SAID TAKE LINE TO THE POINT OF BEGINNING AND CONTAINING 6.89 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall,

PD-22

have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby, amended by amending the Zoning Map of the City of Rockwall so as to grant "PD" Planned Development District Number 22 on the following described property:

BEING an 6.89 acre tract of land situated in the E. Teal Survey, Abstract No. 207, and being part of a 55.106 acre tract of land conveyed from Henry Beckman to Kirby Albright by deed dated August 14, 1968, and recorded in Volume 83, Page 510, Deed Records, Rockwall County, Texas, and further being a part of the above described 26.89 acre tract of land, and being more particularly described as follows:

BEGINNING at an iron rod set in the centerline of an abandoned dirt road on the City of Dallas Take Line for Lake Ray Hubbard, said point also being the North corner of said 55.106 acre tract of land and the North corner of said 26.89 acre tract;

THENCE: South $45^{\circ} 50' 03''$ East with said dirt road and the Northeast line of said 26.89 acre tract a distance of 866.27 feet to a point for a corner on a circular curve to the Right having a central angle of $33^{\circ} 47' 14''$ and a radius of 230.49 feet;

THENCE: Along said curve in a Southwesterly direction an arc distance of 135.92 feet to the point of tangency of said curve;

THENCE: South $77^{\circ} 57' 11''$ West a distance of 368.15 feet to the point of curvature of a circular curve to the Left having a central angle of $29^{\circ} 13' 16''$ and a radius of 200.00 feet;

THENCE: Along said curve in a Southwesterly direction an arc distance of 102.00 feet to the point of tangency of said curve;

THENCE: North $41^{\circ} 16' 05''$ West a distance of 80.00 feet, radial to the above described curve to a point for a corner;

THENCE: North $66^{\circ} 14' 58''$ West a distance of 146.20 feet to a point for a corner on the City of Dallas Take Line for Lake Ray Hubbard;

THENCE: North $23^{\circ} 45' 02''$ East a distance of 6.10 feet to an angle point in said Take Line;

THENCE: North $11^{\circ} 03' 39''$ East a distance of 678.50 feet with said Take Line to the Point of Beginning and containing 6.89 acres of land.

SECTION 2. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby, repealed

and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That Planned Development District Number 22 shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended and as amended hereby, provided that the granting of Planned Development District No. 22 to the above described tract of land is subject to the following special conditions:

- A. Prior to the issuance of any building permit in Planned Development District No. 22, a comprehensive site plan of the development shall be filed with the Planning and Zoning Commission, and after appropriate recommendation by the Commission, and after hearing, the City Council shall approve a final site plan, which shall be filed and included as Exhibit "A" and made a part of this ordinance for all purposes. Such comprehensive site plan shall set forth in detail the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the thoroughfare plan of the City of Rockwall, sidewalks, utilities, drainage, parking space, height of buildings, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary by the City Council so as to create a reasonable transition to and protection of the adjacent property.
- B. Development of Planned Development District No. 22 shall be regulated by the following requirements:
 1. Allowed uses
 - a. Marina
 - b. Retail uses
 - c. Office uses
 - d. Apartment or condominium uses at a density not to exceed 20 units per gross acre
 - e. Restaurant/Private Club facilities
 - f. Recreational facilities
 - g. Hotel uses
 2. Maximum height of structures - ten (10) stories

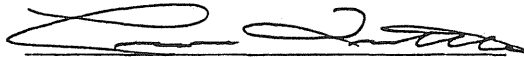
- C. No building or other permits shall be issued by any officer, agent or employee of the City of Rockwall for development of the above described tract in "PD-22" unless and until a final comprehensive site plan and list of proposed uses shall have been finally approved by the City Council of the City of Rockwall and attached to and made a part of this ordinance as exhibit "A".
- D. All development of property covered by Planned Development District No. 22 shall be in accordance with the provisions of this ordinance and the finally approved comprehensive site plan and list of approved uses, and no substantial change in the development shall be permitted, except after obtaining approval of the change of such site plan in the manner required for changes and amendments to the Comprehensive Zoning Ordinance.

SECTION 4. Any person, firm, or corporation violating any of the provisions of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, and as amended hereby, and upon conviction shall be punished by a penalty of fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

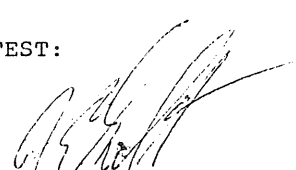
SECTION 5. This ordinance shall become effective from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED by the City Council of the City of Rockwall, Texas, on the 4th day of April, 1983.

APPROVED:


Mayor

ATTEST:


City Secretary

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 83-23 OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED AND AMENDING ORDINANCE NO. 83-18, SO AS TO INCLUDE AN APPROVED DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT NO. 22; ATTACHING THE APPROVED DEVELOPMENT PLAN AS EXHIBIT "A"; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED ONE THOUSAND DOLLARS(\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Rockwall and Ordinance No. 83-18 as heretofore amended, be and the same are hereby amended, provided that the approved development plan for Planned Development No. 22 shall affect only the property shown thereon and said property shall be limited to the uses, setback, height, coverage, parking, and other requirements set forth thereon and in this ordinance and Ordinance 83-18 subject to the following special conditions:

- (a) That the development plan attached hereto as Exhibit "A" and made a part hereof shall control the development of PD No. 22 and any and all development shall be in strict accordance with such development plan.
- (b) That the hotel contain no more than 296 rooms.
- (c) That the site contain a minimum of 491 parking spaces.
- (d) That all improvements inside the Dallas take line are subject to approval by the City of Dallas.

(e) That no substantial change in development of Lake Ray Hubbard Hotel and Conference Resort shall be permitted except after obtaining approval of the change of such development through amendment of this development plan or other changes in the Comprehensive Zoning Ordinance applicable to PD No. 22 in the manner required for changes to the Comprehensive Zoning Ordinance.

SECTION 2. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of ONE THOUSAND DOLLARS (\$1,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. If any section, subsection, sentence, phrase, word, paragraph, provision of this ordinance or the application of that section, subsection, sentence, phrase, paragraph, or provision to any person, firm, corporation, situation, circumstance if for any reason is judged invalid, the adjudication shall not affect any other section, sentence, phrase, word, paragraph, or provision of this ordinance or the application of any other section, subsection, sentence, phrase, paragraph or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section, subsection, sentence, phrase, paragraph, or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.


SECTION 5. This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 5th day of November, 1984.

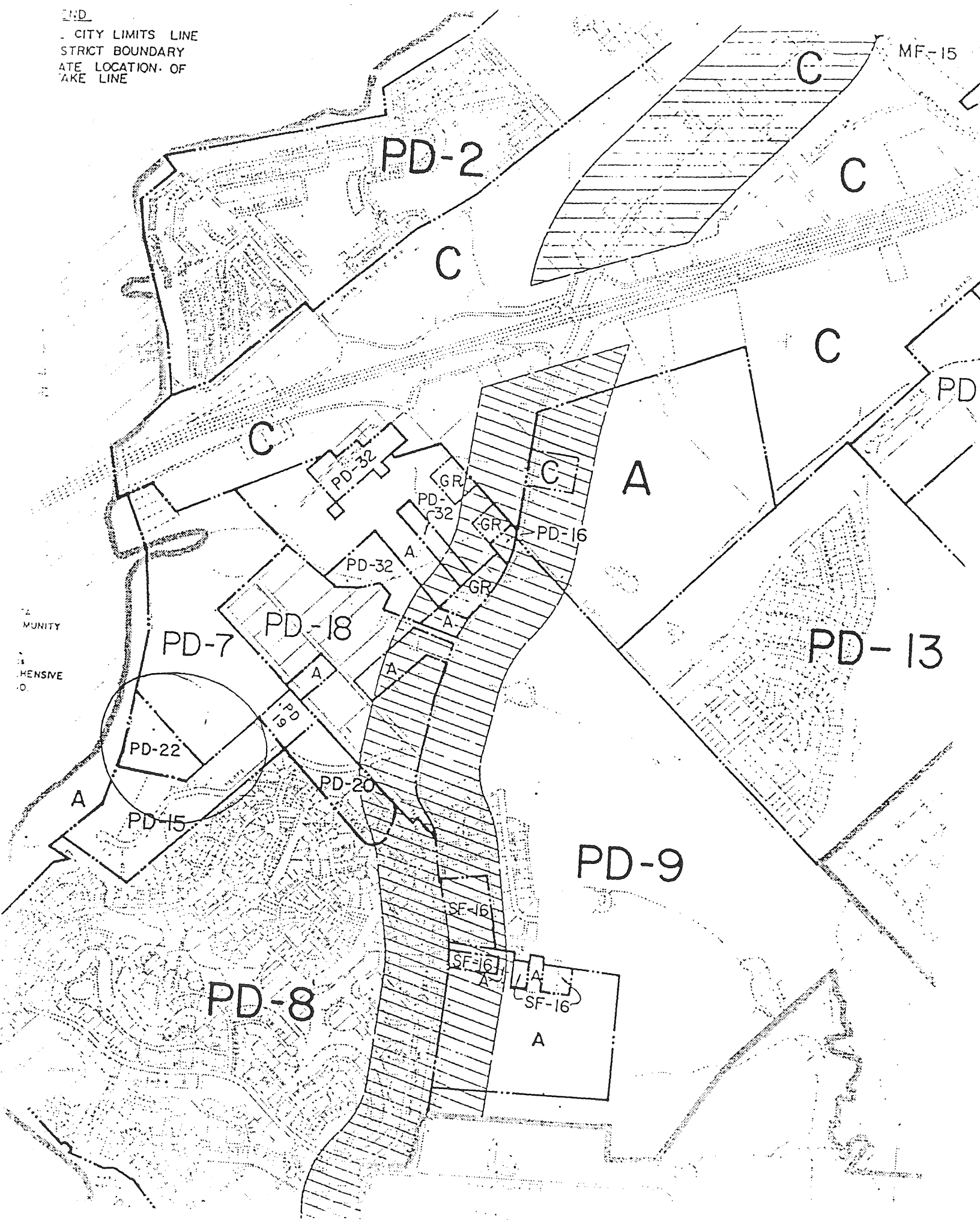
APPROVED:

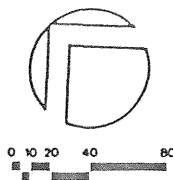

Mayor

ATTEST:

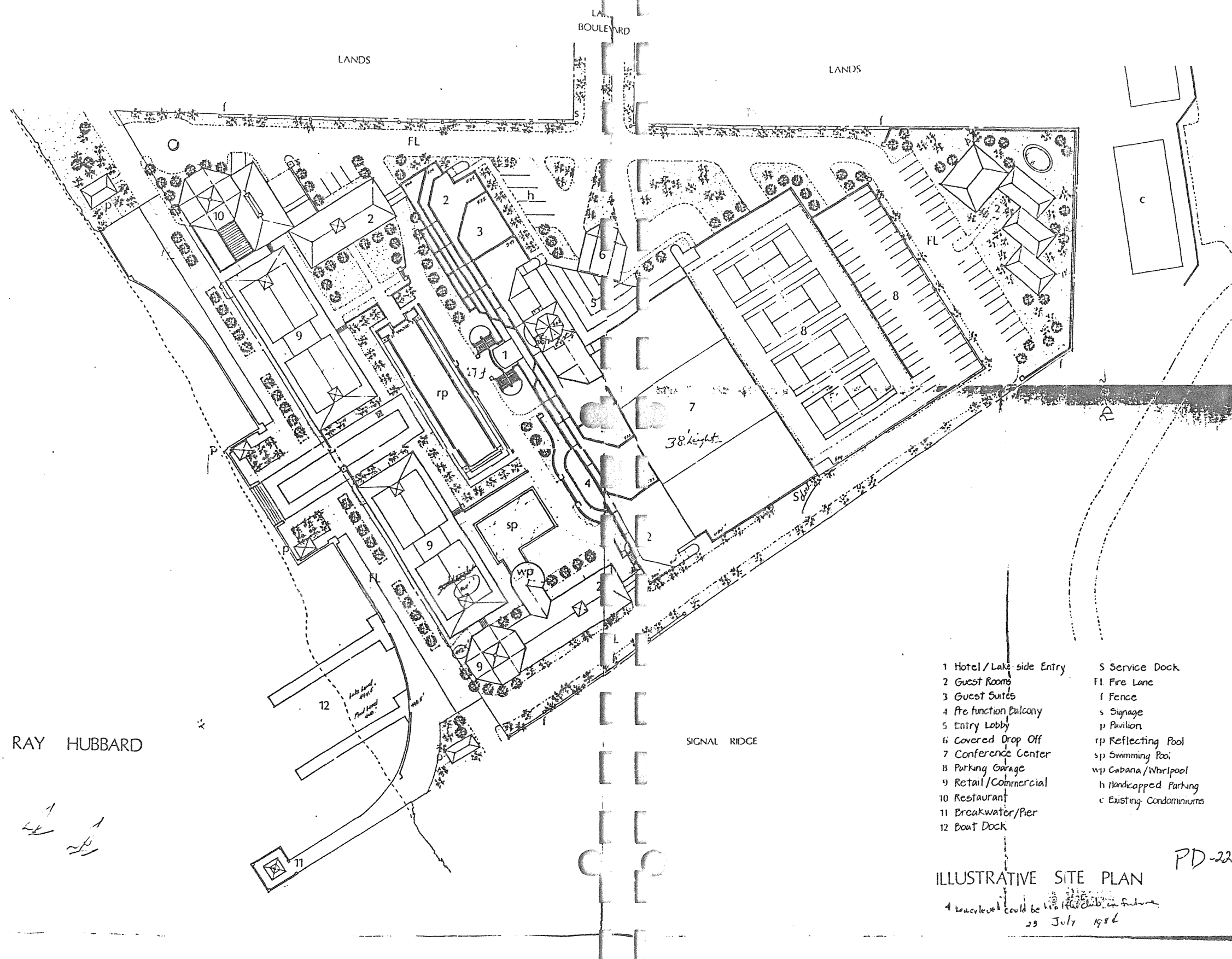

City Secretary

END
CITY LIMITS LINE
STRICT BOUNDARY
DATE LOCATION OF
TAKE LINE





LAKE RAY HUBBARD



- | | |
|-------------------------|-------------------------|
| 1 Hotel/Lake-side Entry | S Service Dock |
| 2 Guest Rooms | FL Fire Lane |
| 3 Guest Suites | F Fence |
| 4 Pre function Balcony | s Signage |
| 5 Entry Lobby | p Pavilion |
| 6 Covered Drop Off | rp Reflecting Pool |
| 7 Conference Center | sp Swimming Pool |
| 8 Parking Garage | wp Cabana/Whirlpool |
| 9 Retail/Commercial | h Handicapped Parking |
| 10 Restaurant | c Existing Condominiums |
| 11 Breakwater/Pier | |
| 12 Boat Dock | |

ILLUSTRATIVE SITE PLAN

A lower level could be used for a future
25 July 1986

PD-22

GLAD ASSOCIATES
Architecture +
Planning

LAKE RAY HUBBARD HOTEL + CONFERENCE RESORT
Kirby Albright
Arkwall, Texas

MEMORANDUM
February 25, 1992

TO: Mayor and City Councilmembers
FROM: Planning and Zoning Commission
RE: Completion of PD Reviews

The Planning and Zoning Commission has completed its review of the Planned Developments. This report addresses the review of the following PD's:

PD-2 PD-8 PD-11 PD-13 PD-14 PD-22
PD-32 PD-34

Generally the Commission has recommended no change in the majority of the Planned Developments. The exceptions to this are in PD-8 and PD-22. In August of last year the Commission had recommended that hearings be initiated on PD-22. PD-22 was originally approved in 1983. It is located south of I-30 along the lake shore between the Harbor and Chandlers Landing and contains 6.9 acres. The uses approved in the PD are Marina, Retail, Office, Apartment/Condominium at 20 units per acre, Restaurant/Private Club, Recreational Facilities, and Hotel. It has been site planned for a Hotel/Conference Center. There has been no development on the property since site plan approval in 1984. The owner has been continuing to attempt to market the site and still hopes to develop the property. The Commission had some concerns about the multifamily uses that are approved under the PD. As it is currently approved the site could be developed with multifamily development at 20 units per acre, which exceeds the maximum density under MF-15 of 14 units per acre. Because of this concern the Commission recommended that the Council consider initiating hearings to address this issue. The Council tabled any action on the item until the LARC study was completed. This study has been completed and the item has been placed back on the agenda for your consideration.

The owner of the property is currently has an offering for development of this site as a hotel and he has requested that no changes be made in the PD at this time. Attached is a copy of a letter from Mr. Albright, the property owner, outlining his request. A location map and a copy of the approved site plan is attached.

PD-8 is the Chandlers Landing development and it is completed with the exception of three areas. One area is Phase 15, which is zoned for zero lot line and single family. Phase 2 of Harbor Landing is also undeveloped and it is zoned for SF-7 and SF-10. The last remaining undeveloped area is Phases 4 and 5 of Spyglass Hill. These phases could be developed at 18 units per acre. Phase 4 has been platted and siteplanned for 18 units per acre. Phase 5 has not been platted or site planned. The Commission has also recommended that hearings be held on this area to consider reducing the permitted density.

These are the only actions recommended by the Commission as a result of this PD review. Attached is a brief description of the remaining PDs that have been reviewed and not recommended for change.

PD SUMMARY

PD-2

This PD contains the Lakeside Village development and the Turtle Cove development. Only two areas are still undeveloped, those being Phase 5 of Lakeside Village and Phase 2 of Turtle Cove. Phase 5 of Lakeside Village is zoned for 181 townhouse lots meeting the City's standards and the remaining undeveloped portion of Turtle Cove is zoned for zero lot line development. The owner of Turtle Cove has submitted a request to amend the area requirements of the site to single family rather than zero lot line.

PD-11

This PD is located along Alamo Road adjacent to the lake. It is south of the Shores and north of Northshore. There are no uses assigned to this PD. Prior to development of the property the owner will have to submit a zoning request to establish a use within the PD or to rezone it to another classification.

PD-13

PD- 13 consists of the Windmill Ridge development on FM-3097 and the undeveloped tract adjacent to Windmill Ridge. The approved uses are single family and duplex. The approved uses are in conformance with the land use plan.

PD-14

PD-14 is located south of I-30 and west of SH-205. It has been partially developed as Rockwall Business Park East. The PD is approved for commercial, industrial, and hotel uses. There is an approved preliminary plan for the entire development and the entire development is platted as well. The land use plan indicates commercial and office in the area. The industrial area approved in the zoning is located off of I-30 and is geared toward an office/warehouse showroom type of development.

PD-32

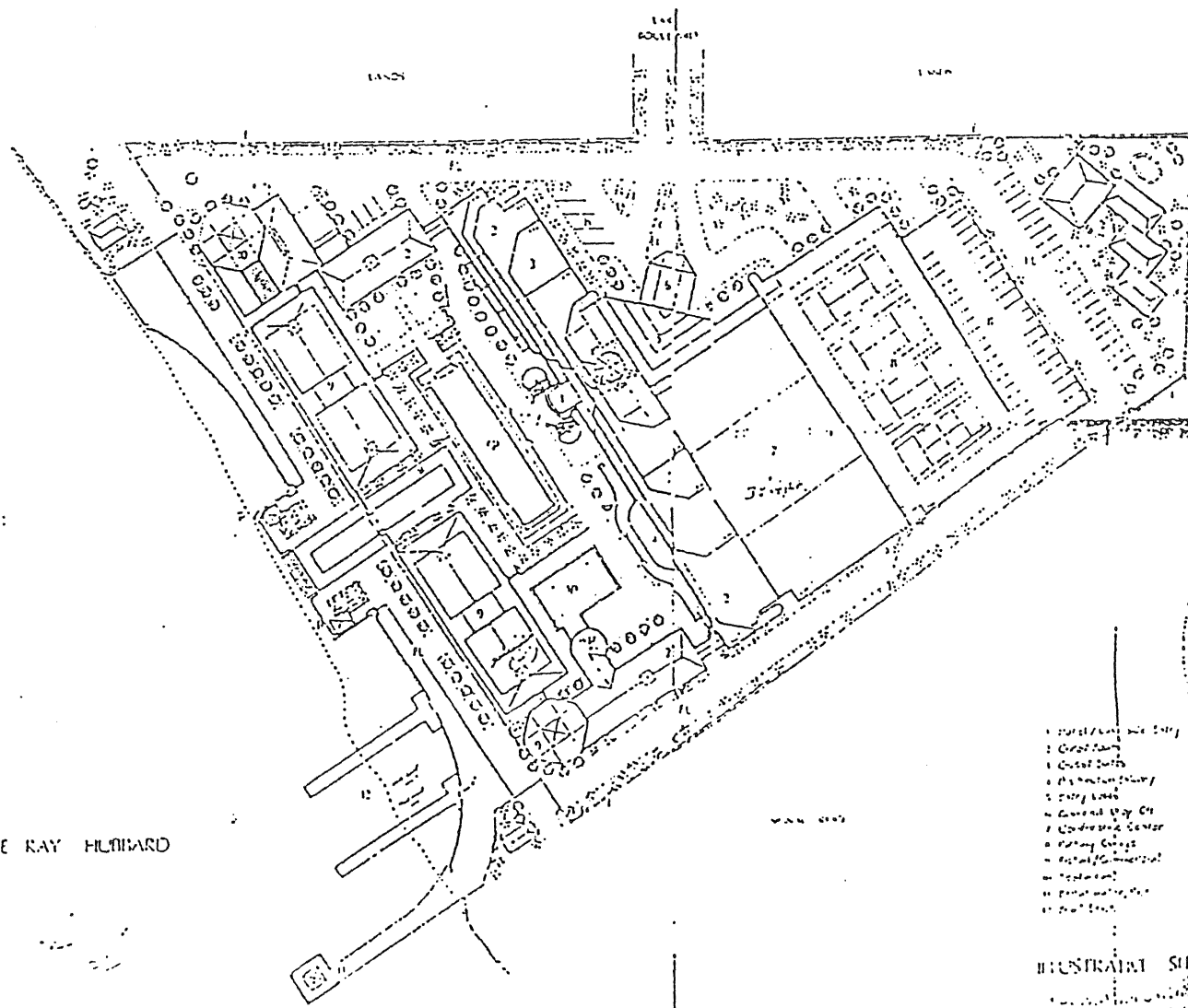
This PD is located west of Horizon Road. The uses permitted under the PD include commercial uses. There are a number of conditions that apply to this PD that allow the City considerable authority in addressing any proposed development.

PD-34



100' 0"

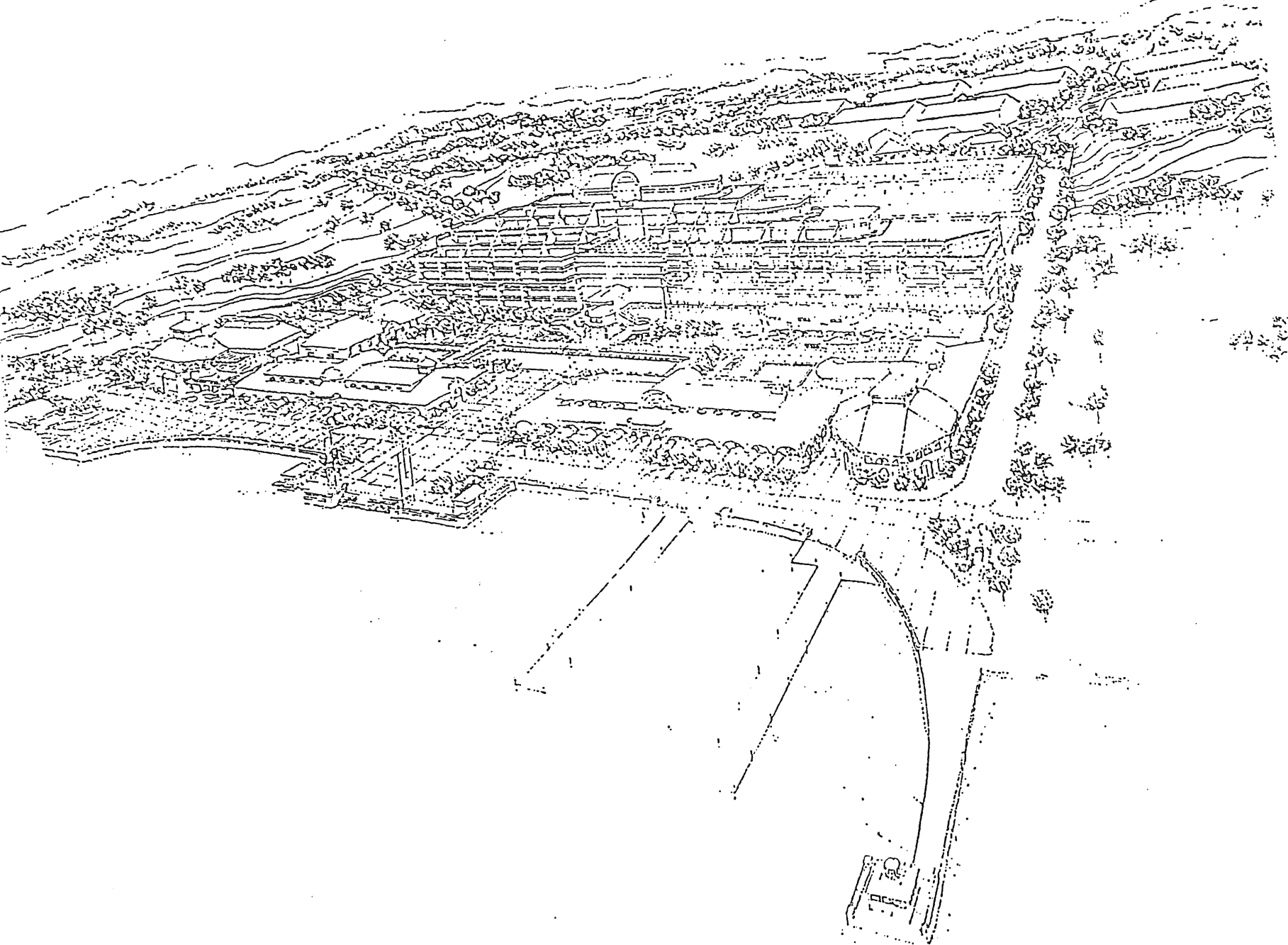
LAKE RAY HARBOR



- | | |
|-----------------------|-----------------|
| 1 Hotel Main Entrance | 11 Service Deck |
| 2 Guest Room | 12 Fire Lane |
| 3 Guest Suite | 13 Office |
| 4 Administration | 14 Restaurant |
| 5 Entry Lobby | 15 Bar/Lounge |
| 6 Conference Room | 16 Banquet Hall |
| 7 Conference Center | 17 Banquet Hall |
| 8 Restaurant | 18 Banquet Hall |
| 9 Restaurant | 19 Banquet Hall |
| 10 Restaurant | 20 Banquet Hall |

ILLUSTRATIVE SITE PLAN

FD-22



Albright Properties

9535 Forest Lane, Suite 100
Dallas, Texas 75243
(214) 644-4101

February 24, 1992

The Hon Mayor Frank Miller and
Members of the Rockwall City Council
Rockwall, Texas 75087

Dear Mayor and Members:

Re changing Multi-family density on Planned Development
No. 22.

Although I have discontinued soliciting small investors
in a limited partnership, several brokerage houses have
a copy of the confidential Private Placement Memorandum
and are interested in seeking a single investor.

Attached is a copy of Page 5 of the Memorandum. Please
note that if the minimum investment is not subscribed
to by May 15, 1992, the offering will terminate.

Should a change be made in the density and an investor
commits before May 15, 1992, I would not be able to close
the offering because a significant change would have
occurred from the zoning.

I can see no problem to the City of Rockwall in tabling
this item until after May 15, 1992 and respectfully ask
that this action be taken.

Sincerely,



Kirby Albright

Enc.

indebtedness. The General Partners will receive 20% of any profits resulting from the sale of Property after the payment of the Preferred Return to the Limited Partners, and will receive 20% of Partnership distributions prior to any sale of the Property after payment of the Preferred Return to the Limited Partners, although no such distributions are anticipated. Additionally, Kirby Albright, one of the General Partners, may be paid a real estate commission in connection with the sale of the property; provided, however, such sales commission shall not exceed 3% of the sales price of the property. See "Compensation to General Partners and Affiliates" and "Partnership Allocations and Distributions."

Cash Distributions
and Distributions
from Sale:

It is not anticipated that the Partnership will have any cash distributions until the Property is sold. Upon the sale of the Property, assuming adequate Sale Proceeds, after payment of any real estate commissions, the Partnership Agreement provides that the Limited Partners will receive a return of their Capital Contributions, plus an annual non-compounded return of 10.75% of their Capital Contributions (the "Preferred Return"). Profits, if any, will be distributed to the Partners, with the Limited Partners receiving 80% and the General Partners receiving 20%. See "Partnership Allocations and Distributions."

Plan of Distribution
and Escrow
Arrangements:

The Interests will be offered by the General Partners and their authorized representatives. The General Partners may engage one or more registered broker dealers who are members of the National Association of Securities Dealers, Inc. as soliciting dealers. Until acceptance by the General Partners of the subscriptions for a total of 55 Interests, payments for Interests will be deposited in an interest-bearing escrow account with a national bank or a trust company in Dallas, Texas, which will serve as Escrow Agent. The funds will be invested in investments approved by the National Association of Securities Dealers, Inc. If the required minimum is not obtained on or before May 15, 1992, the offering will terminate and all subscription

rd

16 15 14 13 12 11 10

Marina

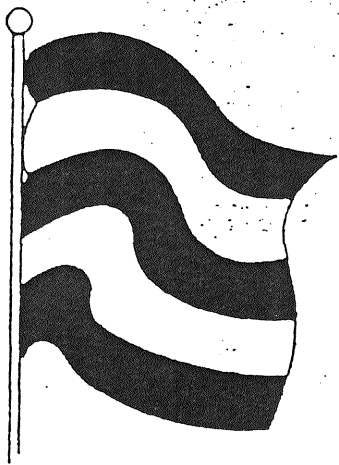
Chandler

Spyglass

Multi-Family

ding

Rockwall , Texas



Area for which a Circulation Plan must be provided

Prepared in Cooperation With the STATE OF TEXAS DEPARTMENT OF COMMUNITY AFFAIRS.

The Preparation of this Map was Financed in Part Through COMPREHENSIVE PLANNING ASSISTANCE GRANT NO. TX. - 06-16-1163-33

certify that this Official
supersedes and replaces
official zoning map referred
on 1.3 of Ordinance No
the City of Rockwall, Texas.

Secretary

DATE ADOPTED 1 July, 1985

CIRCULATION

EXHIBIT "C"

LAKE

