

CITY OF ROCKWALL

ORDINANCE NO. 11-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AND (PD-32) PLANNED DEVELOPMENT NO. 32 DISTRICT (ORDINANCE NO. 10-21), SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 3.945-ACRES AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, approval of a PD Development Plan within (PD-32) Planned Development No. 32 district has been requested by Russell Phillips of Harbor Heights Investors, LP, for a 3.945-acre tract of land situated along the south side of the IH-30 service road west of Horizon Road and more specifically described herein as Exhibit "A"; and

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, and the governing body in the exercise of its legislative discretion, has concluded that the Unified Development Code 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 Unified Development Code (Ord. No. 04-38) of the City of Rockwall, Texas, as heretofore amended, and (PD-32) Planned Development No. 32 district (Ord. No. 10-21), be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to approve a PD Development Plan for a 3.945-acre tract within the "Summit Office" subdistrict within (PD-32), said tract being situated along the south side of the IH-30 service road west of Horizon Road and more specifically described herein as Exhibit "A"; and

Section 2. That the tract of land described in the attached Exhibit "A" shall be used only in the manner and for the purposes provided for in the Unified Development Code (Ord. No. 04-38) of the City of Rockwall and (PD-32) Planned Development No. 32 district (Ord. No. 10-21), as heretofore amended, and subject to the following additional conditions and requirements:

1. Future submittal and approval of detailed PD Site Plan for review, which shall indicate compliance with all applicable standards of the PD-32 district with the following exceptions:
 - a. Restaurant/retail use shall be allowed on the top floor of the proposed office tower and on the pad site indicated on the approved Development Plan attached hereto as Exhibit "B."

- b. A drive-through shall be permissible in conjunction with a financial institution, but shall strictly adhere to the approved Development Plan attached hereto as Exhibit "B."
 - c. All streets shall be designed and constructed in accordance to the streetscape requirements of Ordinance No. 10-21, as amended, except that the onstreet parking for "Street C" on the Development Plan shall be modified as shown on Exhibit "B." Other streetscape elements such as landscaping, sidewalks, lighting, etc shall be provided to the furthest extent possible for "Street C" in accordance with the adopted streetscape requirements, and as otherwise approved by the City of Rockwall.
- 2. Future submittal and approval of all required subdivision plats.
 - 3. All required parking for the additional restaurant/retail use(s) granted by approval of this PD Development Plan shall be met with the parking provided by this development (i.e. garage, surface, etc).
 - 4. Architectural design of all buildings within the Summit Office Subdistrict of the PD-32 district shall be subject to the Harbor District Design Guidelines as adopted by Resolution No. 10-40, Exhibit "A" and to architectural review as prescribed by the Unified Development Code.

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 4. 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 TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code 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 6. 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 7. That 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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 2nd day of May, 2011.

William R. Cecil
William R. Cecil, Mayor

ATTEST:

Kristy Ashberry
Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Pete Eckert
Pete Eckert, City Attorney

1st Reading: 04-18-11

2nd Reading: 05-02-11



EXHIBIT "A"

Legal Description
Z2011-007

PART of the M.J. Barksdale Survey, Abstract No. 11, embracing a portion of Hill Top Drive, a 30 feet wide platted right of way, Culpepper/Spatex Joint Venture recorded in Volume 209, Page 484, BB Asset Management recorded in Volume 2027, Page 322, City of Rockwall recorded in Volume 4324, Page 290, Rockwall Rental Properties, L.P. recorded in Volume 4710, Page 236, Faulkner Investment CO. LTD. Properties recorded in Volumes 1542, Page 296, Volume 1656, Page 83, Volume 4330, Page 108, of the Deed Records of Rockwall County Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the northeast corner of said Faulkner Investment CO. LTD. tract Volume 1656, Page 83 of said Deed Records and the southerly line of I.H. 30 (a variable width right-of-way);

THENCE South 42 degrees 49 minutes 03 seconds West, along the southeast line of said Faulkner Investment CO. LTD. tract Volume 1656, Page 83 and the northwest line of Lot 1 Block A, Christian Church Addition tract Cabinet A, Slide 217 Plat Records Rockwall County Texas, a distance of 116.07 feet to 1/2 inch iron rod found at the southwest corner of said Faulkner Investment CO. LTD. tract Volume 1656, Page 83 for corner;

THENCE South 44 degrees 02 minutes 50 seconds West, along the southerly line of said Faulkner Investment CO. LTD. tract Volume 1542, Page 296, a distance of 15.09 feet to a 1/2 inch iron rod found at the most northerly corner of said Faulkner Investment CO. LTD. tract Volume 4330, Page 108 for corner;

THENCE South 46 degrees 02 minutes 42 seconds East, along the northeast line of said Faulkner Investment CO. LTD. tract Volume 4330, Page 108 and the southwest line of Lot 1 Block A Christian Church Addition tract Cabinet A, Slide 217, a distance of 90.07 feet to a 1/2 inch iron rod found at the northeast corner of said Faulkner Investment CO. LTD. Tract Volume 4330, Page 108 and the northwest line of said Hill Top Drive for corner;

THENCE South 46 degrees 44 minutes 44 seconds East, along the northeast line of said Hill Top Drive, a distance of 46.79 feet to a 1/2 inch iron rod found at the southeast line of said Hill Top Drive and the northwest corner of said Culpepper/Spatex Joint Venture tract;

THENCE South 46 degrees 19 minutes 52 seconds East, along the northeast line of said Culpepper/Spatex Joint Venture tract, a distance of 57.97 feet to a 1/2 inch iron rod found at the northeast corner of said Culpepper/Spatex Joint Venture tract and the southeast corner of Lot 1 Block A Christian Church Addition tract Cabinet A, Slide 217

THENCE North 44 degrees 06 minutes 26 seconds East, along the southeast line of said Culpepper/Spatex Joint Venture tract, a distance of 69.90 feet to a 1/2 inch iron rod found at the beginning of a curve to the left having a radius of 120.00 feet, a central angle of 04 degrees 36 minutes 27 seconds, and a chord which bears North 59 degrees 51 minutes 34 seconds East, 9.65 feet;

THENCE along said curve to the left, an arc distance of 9.65 feet to a 1/2 inch iron rod found for corner;

THENCE South 45 degrees 21 minutes 12 seconds East, a distance of 162.85 feet to a 1/2 inch iron rod found for corner;

THENCE South 44 degrees 22 minutes 17 seconds West, a distance of 207.22 feet to a 1/2 inch iron rod found for corner;

THENCE South 45 degrees 10 minutes 59 seconds East, a distance of 24.49 feet to a point for corner;

THENCE South 72 degrees 44 minutes 07 seconds West, through the interior of the aforementioned City of

EXHIBIT "A"

Legal Description

Z2011-007

Rockwall tract, a distance of 297.95 feet to a point for corner;

THENCE North 17 degrees 15 minutes 53 seconds West, a distance of 262.21 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE South 72 degrees 44 minutes 07 seconds West, a distance of 14.00 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner;

THENCE North 17 degrees 15 minutes 53 seconds West, through the interior of the aforementioned Rockwall Rental Properties L.P., a distance of 260.20 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found on the aforementioned southerly line of I.H. 30 for corner;

THENCE North 74 degrees 49 minutes 50 seconds East, along the northerly line of said Rockwall Rental Properties L.P., and the southerly line of I.H. 30 (a variable width right of way), a distance of 32.37 feet to a Wood Right of Way Monument found at the northwest corner of the aforementioned Faulkner Investment CO. LTD. tract Volume 1542, Page 296 for corner;

THENCE North 82 degrees 56 minutes 00 seconds East, continuing along the southerly line of I.H. 30 (a variable width right of way) and the northerly line of said Faulkner Investment CO. LTD. tract Volume 1542, Page 296, a distance of 238.63 feet to a 1/2 inch iron rod found at the northwest corner of said Faulkner Investment CO. LTD. tract Volume 1656, Page 83 for corner;

THENCE North 82 degrees 42 minutes 41 second East, continuing along the southerly line of I.H. 30 (a variable width right of way) and the northerly line of said Faulkner Investment CO. LTD. tract Volume 1656, Page 83, a distance of 88.82 feet to the **POINT OF BEGINNING** and containing 171,884 square feet or 3.945 acres of land. **SAVE AND EXCEPT THE FOLLOWING 1,151 SQUARE FEET PORTION OF THE FOREGOING PROPERTY:**

PART of the M.J. Barksdale Survey, Abstract No. 11, embracing a portion of Faulkner Investment CO. LTD. recorded in Volume 1542, Page 296, of the Deed Records of Rockwall County Texas and being more particularly described as follows:

BEGINNING at a Wood Right of Way Monument found at the northwest corner of the said Faulkner Investment CO. LTD. tract the northeast corner of Rockwall Rental Properties, L.P. recorded in Volume 4710, Page 236, and the southerly line of I.H. 30 (a variable width right-of-way);

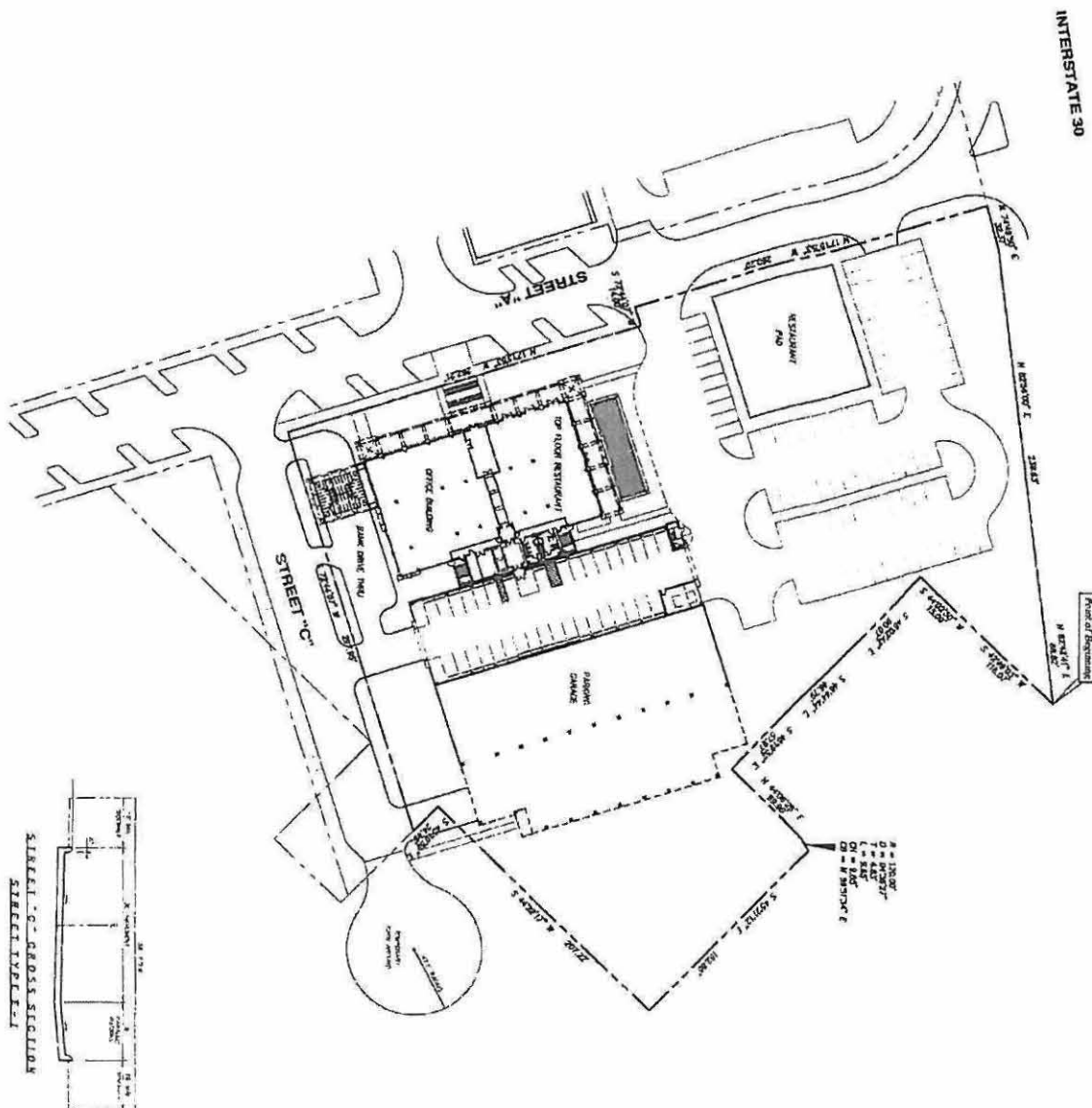
THENCE North 82 degrees 56 minutes 19 seconds East, along the said southerly line of I.H. 30 (a variable width right-of-way) and the northerly line of said Faulkner Investment CO. LTD. tract, a distance of 7.75 feet to a 1/2 inch iron rod found for corner;

THENCE South 16 degrees 31 minutes 11 seconds East, departing the southerly line of said I.H. 30 (a variable width right-of-way), and the northerly line of the aforementioned Faulkner Investment CO. LTD. tract, a distance of 49.46 feet to a 1/2 inch iron rod found for corner;

THENCE South 73 degrees 25 minutes 30 seconds West, a distance of 36.01 feet to a 1/2 inch iron rod found lying on a southwest line of the aforementioned Faulkner Investment CO. LTD. tract and lying on a northeast line of the aforementioned Rockwall Rental Properties, L.P. tract for corner;

THENCE North 49 degrees 36 minutes 39 seconds West, along a common line of said Rockwall Rental Properties, L.P. and Faulkner Investment CO. LTD. a distance of 1.89 feet to a 1/2 inch iron rod found at an angle point in same;

THENCE North 14 degrees 20 minutes 24 seconds East, along a common line of said Rockwall Rental Properties, L.P. and Faulkner Investment CO. LTD. a distance of 57.31 feet to the **POINT OF BEGINNING** and containing 1,151 square feet or 0.026 of an acre of land.



SHEET 1 OF 2 SECTION
SHEET TYPE 1-1

The family is presently not very well known in the area of the world outside of the Day Camp - Chicago - the Day Camp.

NOT FOR CONSTRUCTION

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[illegible]

~ Civil Engineer ~
F.C. CUNY CORPORATION
 12 Number Court North Tarrytown, N.Y. 10590-4050
 Telex: 540440 and Engineering: 540440

Harbor Heights
Harbor Heights Investors, L.P.
#2 Horizon Court, Heath, Ia. 515032
Ph. 972-772-9400 Fax 972-772-6801

CITY OF ROCKWALL

ORDINANCE NO. 16-28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 10-21* OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN FOR AN URGENT CARE FACILITY ON A 1.042-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1 AND 2, BLOCK A, BRISCOE/HILLCREST ADDITION AND TRACT 41-2 OF THE E. TEAL SURVEY, ABSTRACT NO. 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Grey Stogner of Crestview Real Estate on behalf of Tom R. Briscoe and Briscoe Oil, Inc. for an amendment to *Ordinance No. 10-21* of Planned Development District 32 (PD-32) and the Unified Development Code [*Ordinance No. 04-38*] for the purpose of establishing a PD Development Plan for an *Urgent Care Facility* within the *Summit Office Subdistrict*, on a 1.042-acre tract of land identified as Lots 1 and 2, Block A, Briscoe/Hillcrest Addition and Tract 41-2 of the E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 32 (PD-32) [*Ordinance No. 10-21*] and the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

Section 1. That Planned Development District 32 (PD-32) [*Ordinance No. 10-21*] and the Unified Development Code [*Ordinance No. 04-38*], as heretofore amended, shall be further amended by adopting this PD Development Plan and amending the official zoning map of the City of Rockwall for the *Subject Property*; and,

Section 2. That development of the *Subject Property* shall generally be in accordance with the PD Development Plan, as depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

Section 3. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 10-21*], the

Unified Development Code [Ordinance No. 04-38], the IH-30 Overlay [IH-30 OV] District, and in compliance with the following conditions and requirements:

- 1) That development of this property shall generally conform to the *PD Development Plan* as submitted; and,
- 2) That a waiver be granted by the City Council for the Design Standards to the *Building Placement Requirements* of the *Summit Office Subdistrict* by allowing the building to be approximately 65-ft from the right-of-way of Horizon Road; and,
- 3) That a minimum of approximately 32% of the building's façade must be built to the build-to-line (BTL) adjacent to Pinnacle Way Drive; and,
- 4) That prior to the issuance of a Building Permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District No. 32 (PD-32) [as amended], the requirements approved in the PD Ordinance, and the Unified Development Code (UDC); and,
- 5) That prior to the issuance of a Building Permit, and after approval of a *PD Site Plan*, the applicant shall submit and seek approval of a *Final Plat* combining Lots 1 & 2, Block A of the Briscoe/Hillcrest Addition and Tract 41-2 of the E. Teal Survey, Abstract No. 207 for the development; and,
- 6) That dedication of a minimum of a 24-ft cross access easement extending from Pinnacle Way Drive and connecting to the property directly west of the subject property (*i.e. Lot 4, Block A, Harbor District Addition*); and,
- 7) That the buildings design scheme be reviewed by the Architectural Review Board (ARB) at the time of the *PD Site Plan*; and,
- 8) That any construction resulting from the approval of this *zoning amendment* shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Section 4. That the City Council, in accordance with Section 272.001(b) of the Texas Local Government Code, does hereby authorize the abandonment of the right-of-way for Hill Top Lane (*as depicted in Exhibits 'B' of this ordinance*) to the adjacent landowners and the Mayor is hereby authorized to issue and sign a quitclaim deed to the adjacent landowners who last appear on the current tax rolls of the City;

Section 5. That 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 *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

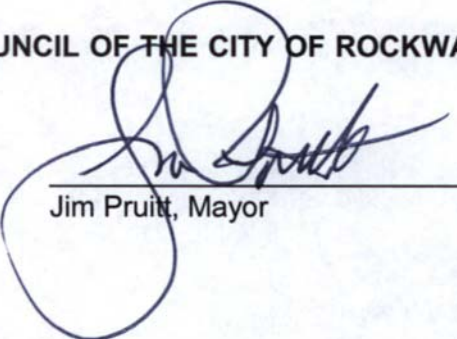
Section 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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;

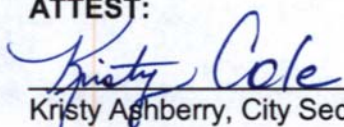
Section 7. That the standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

Section 8. That 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;

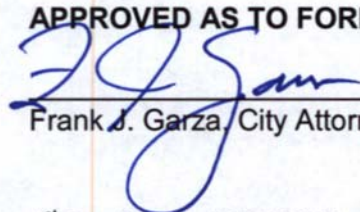
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 2nd DAY OF MAY, 2016.**


Jim Pruitt, Mayor

ATTEST:


Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

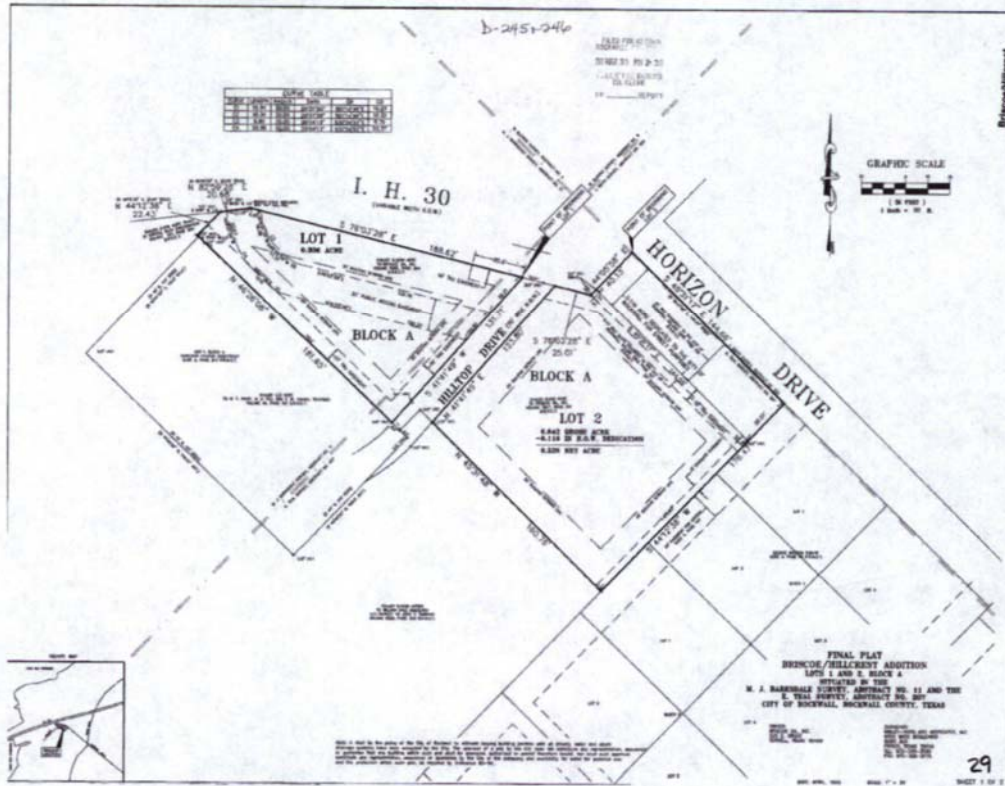

Frank J. Garza, City Attorney



1st Reading: 04/18/2016

2nd Reading: 05/02/2016

Exhibit 'A': **Legal Description**



LEGAL DESCRIPTION **7,983 SQ. FT. / 0.1833 ACRES**

Being a 0.1833 acre tract of land situated in the E. Teal Survey, Abstract No. 207, in the City of Rockwall, being all of a called 0.18 acre tract of land described in a deed to Thomas R. and Jennifer Briscoe, recorded in Volume 1921, Page 102, Deed Records, Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod set for the southerly corner of said called 0.18 acre tract, and being in the northwesterly line of Lot 2, Block 2, George Morton Estates, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat recorded in Cabinet A, Page 47, Plat Records, Rockwall County, Texas.

THENCE N 45°31'48" W, along the south line of said called 0.18 acre tract, a distance of 158.55 feet to a 1/2 inch iron rod set for the northwest corner of said called 0.18 acre tract;

THENCE N 41°27'59" E, along the northerly line of said called 0.18 acre tract, a distance of 50.07 feet to a 1/2 inch iron rod set for the common corner of said called 0.18 acre tract, and Lot 2, Block A of Briscoe / Hillcrest Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat recorded in Cabinet D, Page's 245, Plat Records, Rockwall County, Texas;

THENCE S 45°31'48" E, along the common line of said called 0.18 acre tract, and said Lot 2, Block A, a distance of 160.75 feet to a 1/2 inch iron rod set for the common corner of said called 0.18 acre tract, and said Lot 2, Block A, said point being in the northerly line of Lot 1, Block 2, of said George Morton Estates;

THENCE S 43°58'48" W, along the common line of called 0.18 acre tract, and said George Morton Estates, a distance of 50.00 feet to the POINT OF BEGINNING and containing 7,983 square feet or 0.1833 acres of and more or less.

CITY OF ROCKWALL

ORDINANCE NO. 18-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO.'S 16-48, 16-54 & 17-22], SPECIFIC USE PERMIT NO. S-182 [ORDINANCE NO. 18-07] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A *PD DEVELOPMENT PLAN* FOR A 9.081-ACRE TRACT OF LAND IDENTIFIED AS LOT 2A OF THE ISAAC BROWN ADDITION AND LOTS 1 & 2, BLOCK A, HARBOR VILLAGE ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request by Cameron Slown of F. C. Cuny Corporation on behalf of Phillip McNeill, Jr. of McNeill Hotel Company and Jason Lentz of Atticus Summer Lee Townhomes for the approval of a *PD Development Plan* for a 42-unit townhome development, 228-unit condominium development, and a hotel development situated within the *Interior and Residential Subdistricts* of Planned Development District 32 (PD-32) and being on a 9.081-acre tract of land identified as Lot 2A of the Isaac Brown Addition and Lots 1 & 2, Block A, Harbor Village Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 32 (PD-32) [Ordinance No.'s 16-48, 16-54 & 17-22], Specific Use Permit No. S-182 [Ordinance No. 18-07] and the Unified Development Code [Ordinance No. 04-38] should be amended as follows:

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

Section 1. That the approval of this ordinance shall superseded all requirements stipulated in *Ordinance No.'s 16-48, 16-54, & 18-07*; and,

Section 2. That Planned Development District 32 (PD-32) [Ordinance No. 17-22] and the Unified Development Code [Ordinance No. 04-38], as heretofore amended, shall be further amended by amending the *Concept Plan* approved with *Ordinance No. 17-22* and the official zoning map of the City of Rockwall so as to approve a *PD Development Plan* for the *Subject Property*; and,

Section 2. That the development of the *Subject Property* shall generally be in accordance with the *PD Development Plan*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

Section 3. That development of *Areas 1, 2 & 3* of the *Subject Property* -- as depicted in *Exhibit 'B'* of this ordinance -- shall generally be in accordance with the *Concept Building Elevations*, depicted in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

Section 4. That *Areas 1, 2 & 3* of the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 04-38*], and in compliance with the following conditions and requirements:

Area 1: Townhomes

- 1) Cross access (as depicted in *Exhibit 'C'* of this ordinance) shall be provided to the property directly north of the subject property.
- 2) Prior to the submittal of a final plat the applicant shall submit and seek approval of a detailed site plan that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [as amended] and this ordinance, and with the guidelines contained in *Resolution No. 10-40*.
- 3) The building elevations submitted with the site plan will require a recommendation from the Architectural Review Board (ARB) prior to approval by the Planning and Zoning Commission (and City Council if necessary).
- 4) An open space master plan will need to be submitted with the site plan. The open space master plan will need to be reviewed by the Parks Board.
- 5) Prior to the issuance of a building permit, the applicant shall submit and seek approval of a final plat.

Area 2: Condominiums

- 6) The north/south public road connecting Summer Lee Drive to the southwest corner of the subject property shall be designed and constructed in accordance with the *Street Type 'G₁'* standards stipulated in *Exhibit 'E'* of this ordinance.
- 7) The minimum building setback adjacent to *Street Type 'G₁'* shall be one (1) foot.
- 8) Prior to the submittal of a final plat the applicant shall submit and seek approval of a detailed site plan that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [as amended] and this ordinance, and with the guidelines contained in *Resolution No. 10-40*.
- 9) The building elevations submitted with the site plan will require a recommendation from the Architectural Review Board (ARB) prior to approval by the Planning and Zoning Commission (and City Council if necessary).

- 10) An open space master plan will need to be submitted with the site plan. The open space master plan will need to be reviewed by the Parks Board.
- 11) Prior to the issuance of a building permit, the applicant shall submit and seek approval of a final plat.

Area 3: Hotel

- 1) This *PD Development Plan* shall constitute approval of a structure in excess of 36-feet within the Scenic Overlay (SOV) District, and satisfy the requirements of Subsection C, *Special Use Standards*, of Section 6.8, *Scenic Overlay (SOV) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38].
- 2) The proposed hotel shall be prohibited from being utilized as an *Extended Stay*, *Transient* or *Residence Hotel*, which are considered to be standard hotel rooms that do not contain kitchen facilities.
- 3) The building elevations submitted with the site plan will require a recommendation from the Architectural Review Board (ARB) prior to approval by the Planning and Zoning Commission (and City Council if necessary).

Section 5. The official zoning map of the City of Rockwall, Texas be corrected to reflect the changes in zoning described in this ordinance;

Section 6. That 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 *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

Section 7. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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 8. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

Section 9. That 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;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 5TH DAY OF MARCH, 2018.



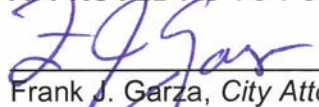
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: February 19, 2018

2nd Reading: March 5, 2018

Exhibit 'A':
Legal Description

BEING situated in the Edward Teal Survey, Abstract Number 207, Rockwall County, Texas and being a portion of Lots 2A of Isaac Brown's Land Partitioned to His Heirs, an addition to the City of Rockwall according to the plat thereof recorded in Cabinet J, Slide 235-236, Plat Records, Rockwall County, Texas and Lots 1 and 2 Block A of the Harbor Village Addition an addition to the City of Rockwall according to the plat recorded in County Clerk's File Number 20170000020949, Plat Records, Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap stamped "RSCI" found at the southerly corner of said Lot 2 block A, said iron rod also being the easterly corner of Lot 6A of said Land Partitioned, and being in the northwest line of Murphy Plaza No. 2, an addition to the City of Rockwall according to the plat thereof recorded in Cabinet G, Slide 255, Plat Records, Rockwall County, Texas;

THENCE North 45 degrees 23 minutes 09 seconds West, 803.96 feet along the southwest line of said Lot 2 block A and the northeast line of said Lot 6A to a 1/2 inch iron rod with cap found at the southernmost corner of that certain tract of land described in Resolution No. 16-19, executed by the City Council of Rockwall, Texas;

THENCE North 45 degrees 23 minutes 09 seconds West, 46.09 feet along the southwest line of said Resolution tract to a 5/8 inch iron rod with cap stamped "REALSEARCH" set in the south right-of-way line of Summer Lee Drive (Variable Width Right-of-Way) and being the beginning of a non-tangent curve to the left;

THENCE 122.34 feet along said southeast right-of-way line of Summer Lee Drive and with said non-tangent curve to the left, having a radius of 532.50 feet, through a central angle of 13 degrees 09 minutes 49 seconds, whose long chord bears North 51 degrees 54 minutes 11 seconds East, 122.07 feet to a point in the southeast right of way of Summer Lee and being the beginning of a compound curve to the left;

THENCE 13.78 feet, continuing along said southeast right-of-way line of Summer Lee Drive and with said compound curve to the left, having a radius of 532.50 feet, through a central angle of 01 degrees 28 minutes 57 seconds, whose long chord bears North 44 degrees 34 minutes 48 seconds East, 13.78 feet to a 1/2 inch iron rod with cap stamped "RDS" found;

THENCE North 43 degrees 50 minutes 20 seconds East, 225.87 feet, continuing along said southeast right-of-way line of Summer Lee Drive to a 1/2 inch iron rod with cap found in the northeast line of said Lot 2 block A;

THENCE South 45 degrees 16 minutes 37 seconds East, 57.05 feet, along said Southeast right of way line of Summer Lee and Northeast line of Lot 2 block A to a point for corner being the Southwest corner of Lot 2a on the southeast right-of-way line of Summer Lee Drive, a variable width right-of-way;

THENCE North 44 degrees 12 minutes 43 seconds East along said right of way line a distance of 120 feet to a point set for corner at the North corner of Lot 2a on the southeast right-of-way line of Summer Lee Drive, a variable width right-of-way;

THENCE South 45 degrees 00 minutes 00 seconds East along the Northeast line of Said Lot 2A, a distance of 785.78 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the East corner of said Lot 2A, said point being the Northwest line of Hammer Addition, an Addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet D. Slide 210 of the plat Records of Rockwall County, Texas;

THENCE South 44 degrees 07 minutes 20 seconds West, along the northwest line of Hammer Addition, a distance of 120 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the Southeast corner of Lot 2A and the East corner of Lot 2 Block A;

THENCE South 43 Degrees 52 Minutes 09 Seconds West, departing said common lot corner and along the southeast line of said Lot 3A, 4A and 5A, a distance of 359.62 feet, to the POINT OF BEGINNING, and containing 394,828 square feet or 9.06 acres of land, more or less.

Exhibit 'B':
Area Map

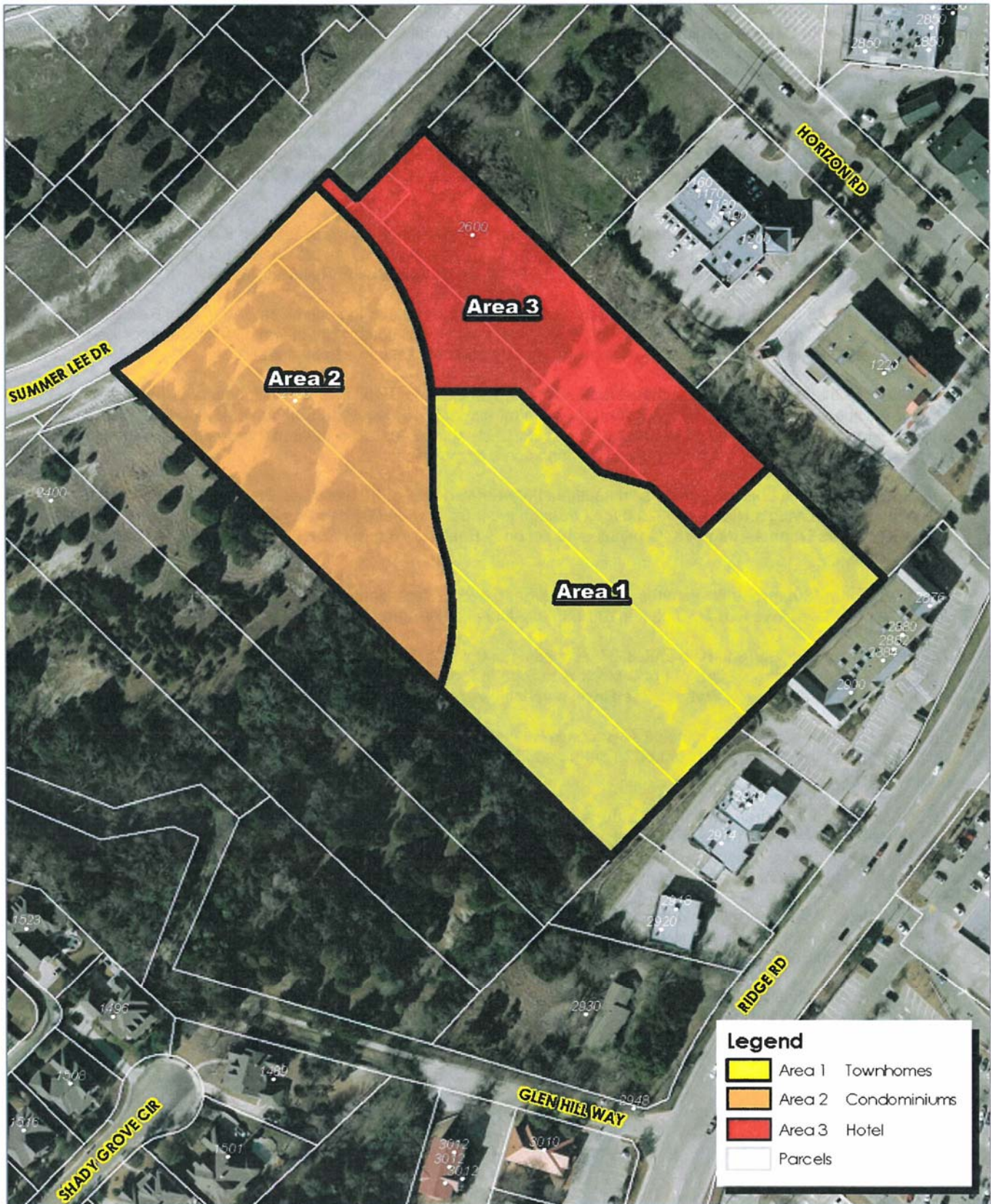
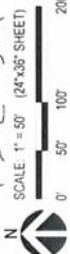


Exhibit 'C':
Area 1: Townhome Concept Plan



Exhibit 'C': Area 2: Condominium Concept Plan

HARBOR URBAN CENTER - PODIUM					ATTICUS REAL ESTATE		2016/2017
UNIT TABULATION: BLDG TYPE 1 & OVER 2 PODIUM							9/1/16
UNIT NAME	UNIT TYPE	NET RENTABLE	UNIT COUNT	PERCENTAGE	TOTAL RENTABLE	% BREAKDOWN	
E2	EFF	455	22	10%	10,570	10%	
A1	1br/1ba	647	8	4%	5,176		
A2	1br/1ba	618	54	24%	33,372		
A3	1br/1ba	650	27	12%	17,550	5%	
A4	1br/1ba	726	34	15%	25,024		
A5	1br/1ba	683	8	4%	5,464		
B2	2br/2ba	944	15	7%	15,104		
B3	2br/2ba	1,048	19	8%	19,912	33%	
H4	2br/2ba	1,101	29	13%	31,929		
B5	2br/2ba	1,279	11	5%	14,069		
TOTALS			228	100%	178,270		
UNIT AVERAGE NET SF:					781.89		
<small>* NET AREA IS COMPUTED TO INCLUDE SQUARE FOOTAGE FROM EXTERIOR FAZ OF ALL EXTERIOR FRONTAL WALLS THAT ENCLOSE AN SPACE. IT DOES NOT INCLUDE PORCHES, BALCONIES, PATIO, OR STORAGE.</small>							
PROJECT DATA							
GROSS TOTAL UNIT AREA:				173,270 SF			
UNIT AVERAGE NET SF:				781.89 SF			
ACREAGE DENSITY:				120.41 UNITS/ACRE			
PARKING:				345 SURFACE SPACES (1.64/UNIT)			
				175 GARAGE SPACES			
				175 SURFACE SPACES			
				340 TOTAL SPACES			
				1.75 SPACES/UNIT			



HUMPHREYS & PARTNERS ARCHITECTS, L.P.
539 Lupton St., Suite 300, Dallas, TX 75248 | 972.511.5638 | www.humphreys.com



ARCHITECTURAL SITEPLAN
CONDOMINIUMS
September 17, 2016

HARBOR URBAN CENTER
2016-025
10/04/2016

A202

Exhibit 'C':
Area 3: Hotel Concept Plan

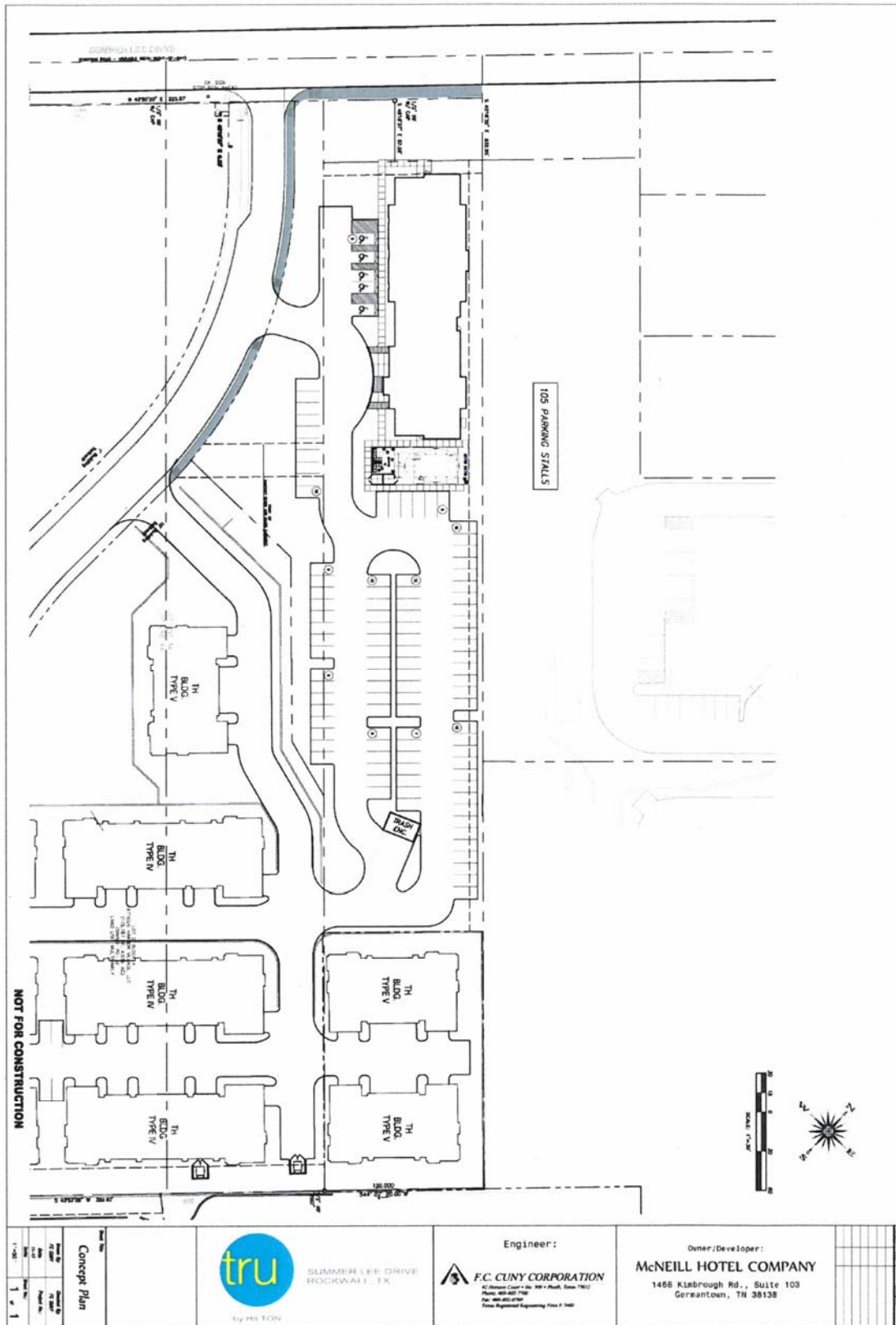
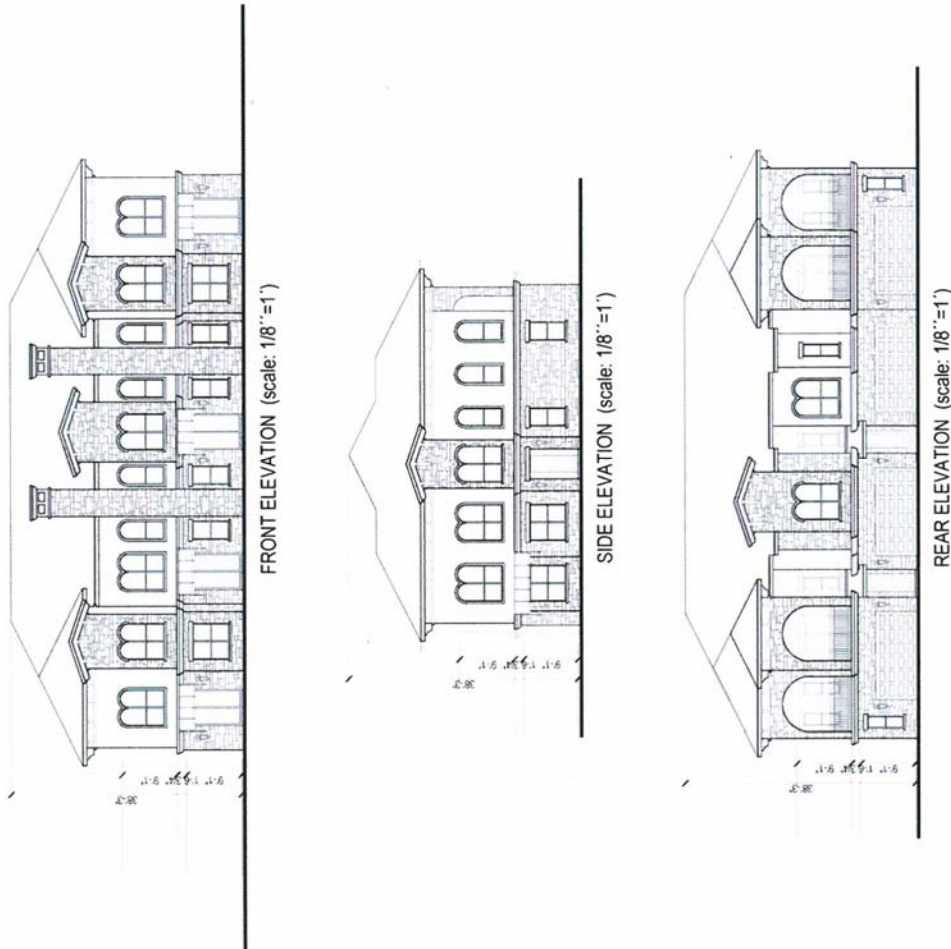


Exhibit 'D':
Area 1: Townhome Concept Building Elevations



SCALE: 1/8" = 1'-0" (24"x36" SHEET)
 0' 8' 16' 32'

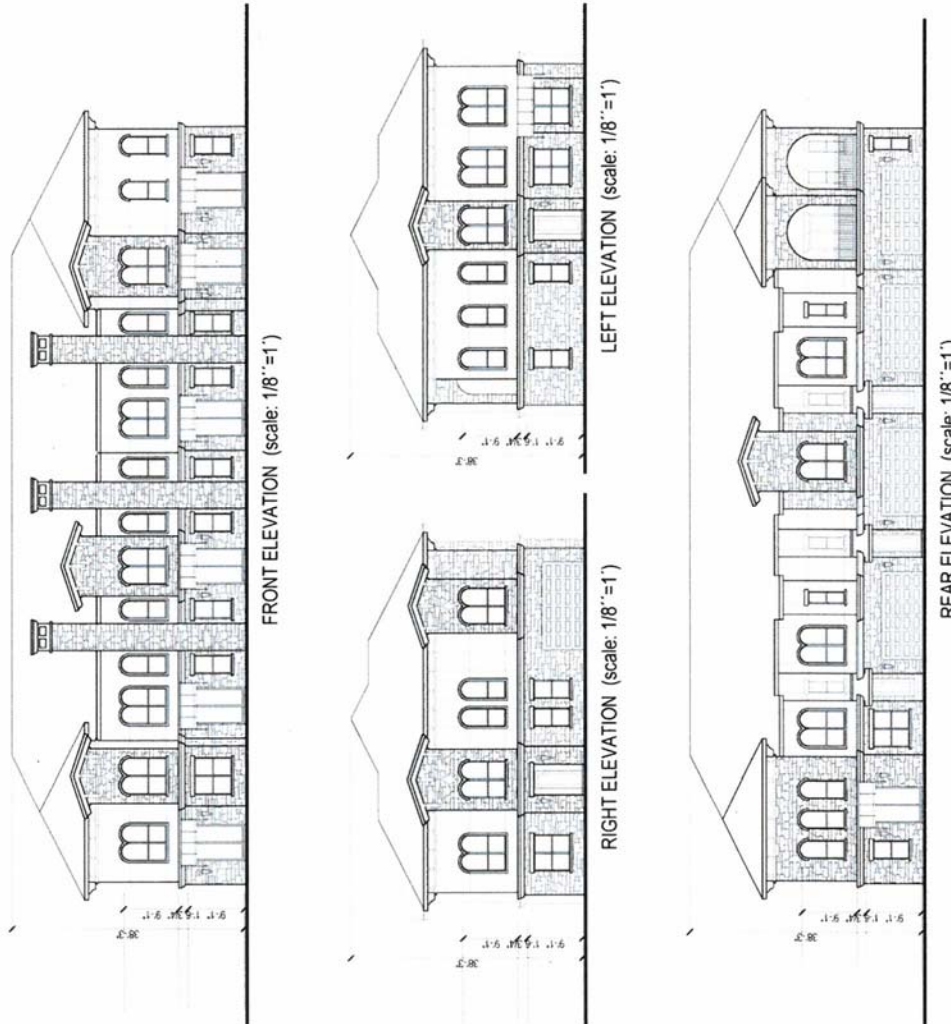
HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5539 Highland, Suite 200, Dallas, TX 75249 | 972.701.8636 | www.humphreys.com



TH BLDG II. ELEVATIONS
 August 2, 2018

A422
 Z2016-026
HARBOUR URBAN CENTER
 Rockwall, TX
 HP3M 10205

Exhibit 'D':
Area 1: Townhome Concept Building Elevations



SCALE 1/8" = 1'-0" (24"x36" SHEET)

0' 8' 16' 32'

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5339 Alpha Rd. Suite 300 Dallas, TX 75240 | (972) 751-9638 | www.humphreys.com



TH BLDG III: ELEVATIONS
 August 2, 2018

A432
 Z2016-026
HARBOR URBAN CENTER
 Rockwall, TX
 August 2, 2018

Exhibit 'D':
Area 1: Townhome Concept Building Elevations



SCALE: 1/8" = 1'-0" (24x36" SHEET)
 0' 8' 16' 32'

HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5559 Alpha Rd., Suite 202 Dallas, TX 75246 | (214) 751-8638 | www.humphreys.com

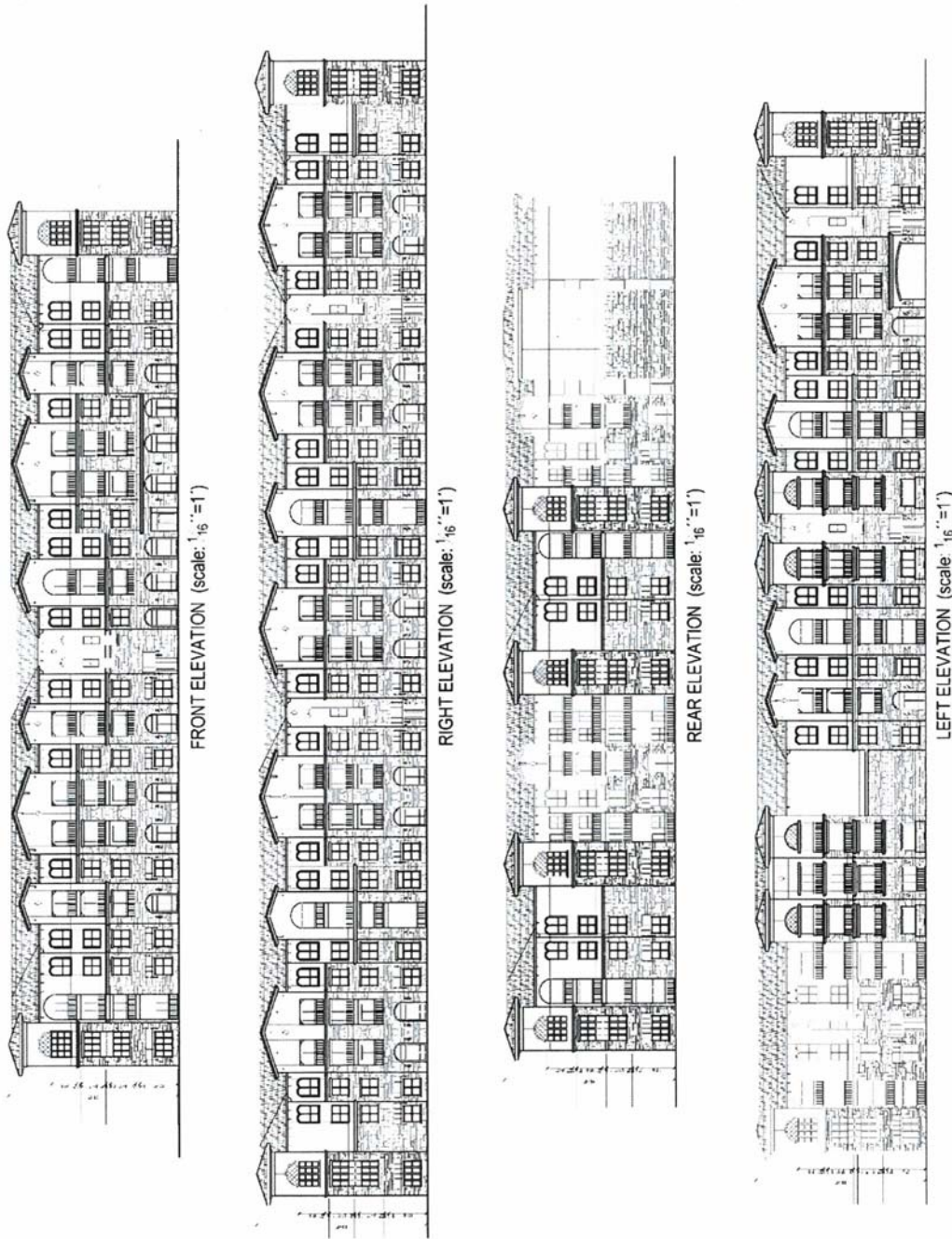


TH BLDG III. ELEVATIONS
 August 2, 2018

A442
 Z2016-026

HARBOUR URBAN CENTER
 10000 E. 14th St., Suite 100
 Dallas, TX 75246

Exhibit 'D':
Area 2: Condominium Concept Building Elevations



A412
 Z2016-025

HARBOUR URBAN CENTER
 Rockwall, TX
 10/14/16

WRAP BLDG. ELEVATIONS
 August 2, 2016



HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5500 Preston Road, Suite 1000, Dallas, TX 75240
 214.343.1234 hpa@hpa.com

Exhibit 'D':
Area 2: Condominium Concept Building Elevations



FRONT ELEVATION - SCALE: 3/32"=1'

A412

HARBOR URBAN CENTER
 Rockwall, TX
 10/24/2018

WRAP BLDG. ELEVATIONS
 10/24/2018



HUMPHREYS & PARTNERS ARCHITECTS, L.P.
 5338 Alpha Rd., Suite 202, Dallas, TX 75240 | 972.731.6506 | www.humphreys.com

Exhibit 'D':
Area 3: Hotel Concept Building Elevations

A Distinctly Different Design



This advertisement is not an offering. Federal regulations and the laws of some states and provinces regulate the offer and sale of franchises. An offering will only be made in compliance with those regulations and laws, which may require providing you with a disclosure document.

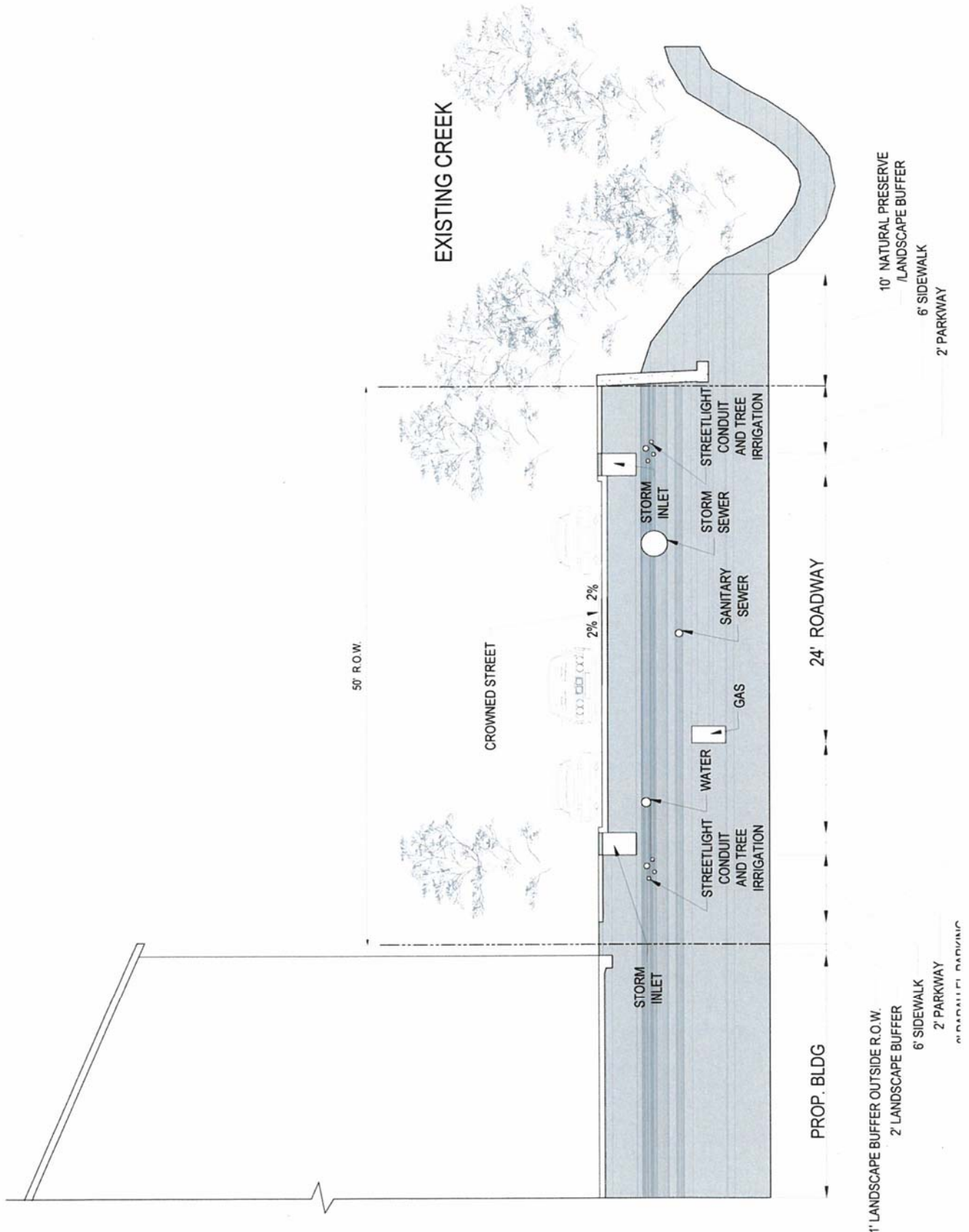
Exhibit 'D':
Area 3: Hotel Concept Building Elevations

A Distinctly Different Design



This advertisement is not an offering. Federal regulations and the laws of some states and provinces regulate the offer and sale of franchises. An offering will only be made in compliance with those regulations and laws, which may require providing you with a disclosure document.

Exhibit 'E':
Roadway Cross Section



CITY OF ROCKWALL

ORDINANCE NO. 19-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 17-64* & PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [*ORDINANCE NO. 17-22*] AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A DEVELOPMENT PLAN ON APPROXIMATELY 7.344-ACRES FOR PROPERTY IDENTIFIED AS LOT 9, BLOCK A, HARBOR-ROCKWALL ADDITION AND TRACT 16 OF THE M. J. BARKSDALE SURVEY, ABSTRACT NO. 11, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF *TWO THOUSAND DOLLARS (\$2,000.00)* FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Jim Ziegler of PegasusAblon on behalf of Rockwall Rental Properties, LP for the approval of a Planned Development (PD) Development Plan within Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] for a 7.344-acre tract of land identified as Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32), located at the southwest corner of the intersection of the IH-30 frontage road and Lakefront Trail and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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, and the governing body in the exercise of its legislative discretion, has concluded that *Ordinance No. 17-64*, Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 17-64*;

SECTION 2. That any portion of *Ordinance No.'s 11-43 & 13-16* in conflict with this ordinance shall be subject to the requirements of this ordinance;

SECTION 3. That Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 04-38*], as heretofore amended, shall be further amended by amending the PD Development Plans approved with *Ordinance No.'s 11-43 & 13-16* and the official zoning map of the City of Rockwall so as to approve a PD Development Plan for the *Subject Property*; and,

SECTION 4. That development of the *Subject Property* shall generally be in accordance with the PD Development Plan, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 5. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [Ordinance No. 17-22], the Unified Development Code [Ordinance No. 04-38], and in compliance with the following conditions and requirements:

5.1 CONSTRUCTION SCHEDULE

Building Adjacent to Lakefront Trail (i.e. Building ①)

This *PD Development Plan* shall be subject to review by City Staff and/or the Planning and Zoning Commission and City Council on May 6, 2020. At the time of review, if a building permit has not been issued for the proposed multi-family development adjacent to Lakefront Trail (*indicated as ① on Exhibit 'B' of this ordinance and consisting of 375 condominium units*), City Staff shall provide a report, with the assistance of the developer, to the Planning and Zoning Commission and City Council indicating the progress of the development. Upon review of the report, the Planning and Zoning Commission shall provide a recommendation to the City Council concerning the possible revocation of the additional 26 allocated condominium units (*i.e. reducing the number of units for the multi-family development adjacent to Lakefront Trail -- indicated as ① on Exhibit 'B' of this ordinance -- to 349 condominium units*), and after review of the report and recommendation of the Planning and Zoning Commission the City Council may -- *after proper notice* -- initiate public hearings for the revocation of the additional 26 allocated condominium units.

Building Adjacent to the Harbor Fountain (i.e. Building ②)

This *PD Development Plan* shall be subject to review by City Staff and/or the Planning and Zoning Commission and City Council on June 1, 2020. At the time of review, if a building permit has not been issued for the proposed multi-family development adjacent to the Harbor Fountain (*indicated as ② on Exhibit 'B' of this ordinance and consisting of 75 condominium units*), City Staff shall provide a report, with the assistance of the developer, to the Planning and Zoning Commission and City Council indicating the progress of the development. Upon review of the report, the Planning and Zoning Commission shall provide a recommendation to the City Council concerning the possible revocation of the additional 25 allocated condominium units (*i.e. reducing the number of units for the multi-family development adjacent to the Harbor Fountain -- indicated as ② on Exhibit 'B' of this ordinance -- to 50 condominium units*), and after review of the report and recommendation of the Planning and Zoning Commission the City Council may -- *after proper notice* -- initiate public hearings for the revocation of the additional 25 allocated condominium units.

Commencement of Construction and Continuous Construction

Once a building permit has been issued for either property (*i.e. Building ① or Building ②*), the developer/property owner shall have six (6) months to commence construction on the site in accordance with Section 10-116 of Article III, *Building Code*, of Chapter 10, *Buildings and Building Regulations*, of the Municipal Code of Ordinances (*i.e. Section [A] 105.5, Expiration, of the International Building Code*). Once construction has commenced, construction must be continuous during the regular workweek unless construction is delayed due to delays

beyond the control of the developer/property owner. Such delays shall include, but not be limited to, fires, floods, labor disputes, epidemics, abnormal weather conditions, acts of God or any preference, priority or allocation order duly issued by the Federal Government. Abnormal weather delays are those that are beyond what is normal for the climate and time of year. If construction of the site has not commenced within six (6) months of the issuance of a building permit, or construction is not continuous, City staff shall provide a report, to the Planning and Zoning Commission and City Council indicating the progress of the development and possible revocation of the permit. Upon review of the report, the Planning and Zoning Commission shall provide a recommendation to the City Council concerning the possible revocation of the permit for additional allocated condominium units (*i.e. reducing the number of units for either project back to the numbers approved under Ordinance No. 13-16*), and after review of the report and recommendation of the Planning and Zoning Commission the City Council may -- *after proper notice* -- initiate public hearings for the revocation of the additional allocated condominium units.

5.2 DEVELOPMENT CONDITIONS

- 1) Development of this property shall generally conform to the *PD Development Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) Prior to the issuance of a Building Permit the applicant shall submit and seek approval for a detailed PD Site Plan that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [*as amended*] and with the requirements approved in this ordinance;
- 3) The proposed multi-family development adjacent to Lakefront Trail (*indicated as 1 on Exhibit 'B' of this ordinance*) shall be permitted to consist of a maximum of 375 condominium units. The proposed multi-family development adjacent to the Harbor Fountain (*indicated as 2 on Exhibit 'B' of this ordinance*) shall be permitted to consist of a maximum of 75 condominium units.
- 4) Prior to the issuance of a Building Permit the applicant shall submit and seek approval for a subdivision plat;
- 5) The architectural design of all buildings within the two (2) affected Subdistricts (*i.e. the Harbor Residential Subdistrict and the Harbor Link Mixed-Use Subdistrict*) shall conform to the Harbor District Guidelines (*i.e. Resolution 10-40*), all applicable ordinances associated with Planned Development District 32 (PD-32) [*as amended*], and to the Unified Development Code;
- 6) All buildings throughout the development shall be constructed with a consistent design scheme, and be approved by the Architectural Review Board (ARB);
- 7) The private street and pedestrian access easement extending from Lakefront Trail to the proposed multi-family development adjacent to the Harbor Fountain (*indicated as 2 on Exhibit 'B' of this ordinance*), will be required to be located within a *Pedestrian Access Easement* on the final plat and shall be constructed in accordance with the street cross section and concept plan depicted in *Exhibit 'C'* of this ordinance; and
- 8) The proposed uses for this development shall be required to demonstrate that they have access to a sufficient number of parking spaces within the development to support their use.

SECTION 6. The official zoning map of the City of Rockwall, Texas be corrected to reflect the changes in zoning described in this ordinance;

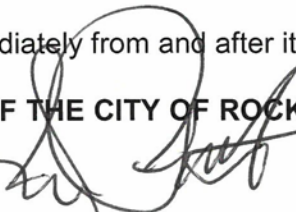
SECTION 7. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 8. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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 9. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

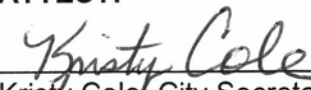
SECTION 10. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF MAY, 2019.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



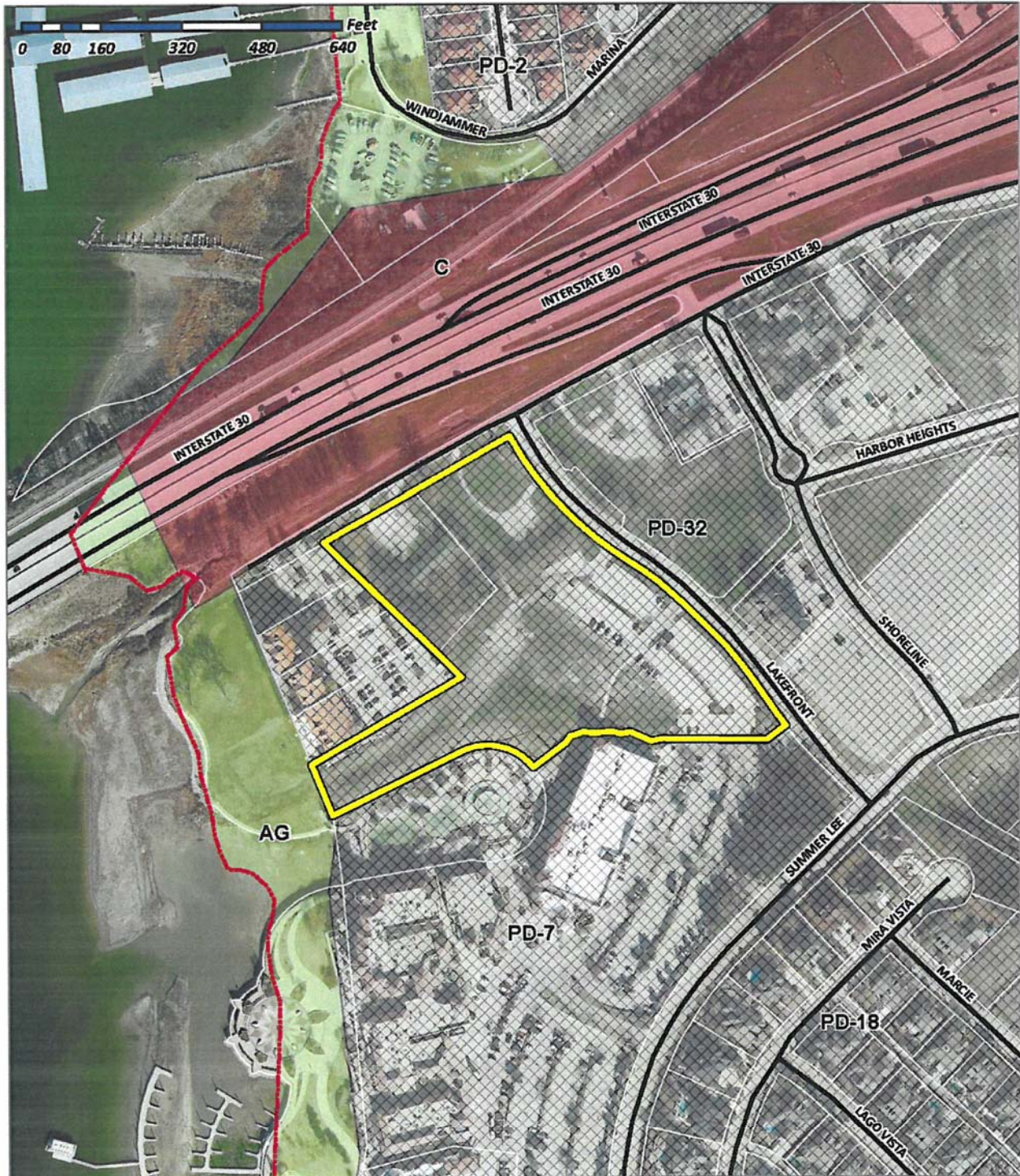
Frank J. Garza, City Attorney

1st Reading: April 15, 2019

2nd Reading: May 6, 2019



Exhibit 'A':
Legal Description



Legal Description: Lot 9, Block A, Harbor-Rockwall Addition and Tract 16 of the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas

Exhibit 'A':
Legal Description

Legal Description: *Tract 16 of the M. J. Barksdale Survey, Abstract No. 11*

Being a tract of land situated in the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, and being a 1.225-acre tract out of a 55.200-acre tract as recorded in *Volume 59, Page 383*, deed records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the southeast line of Interstate Highway 30, said point being 286.50-feet more or less, from the north corner of said 55.20-acre tract, a 3/8" iron rod found for corner;

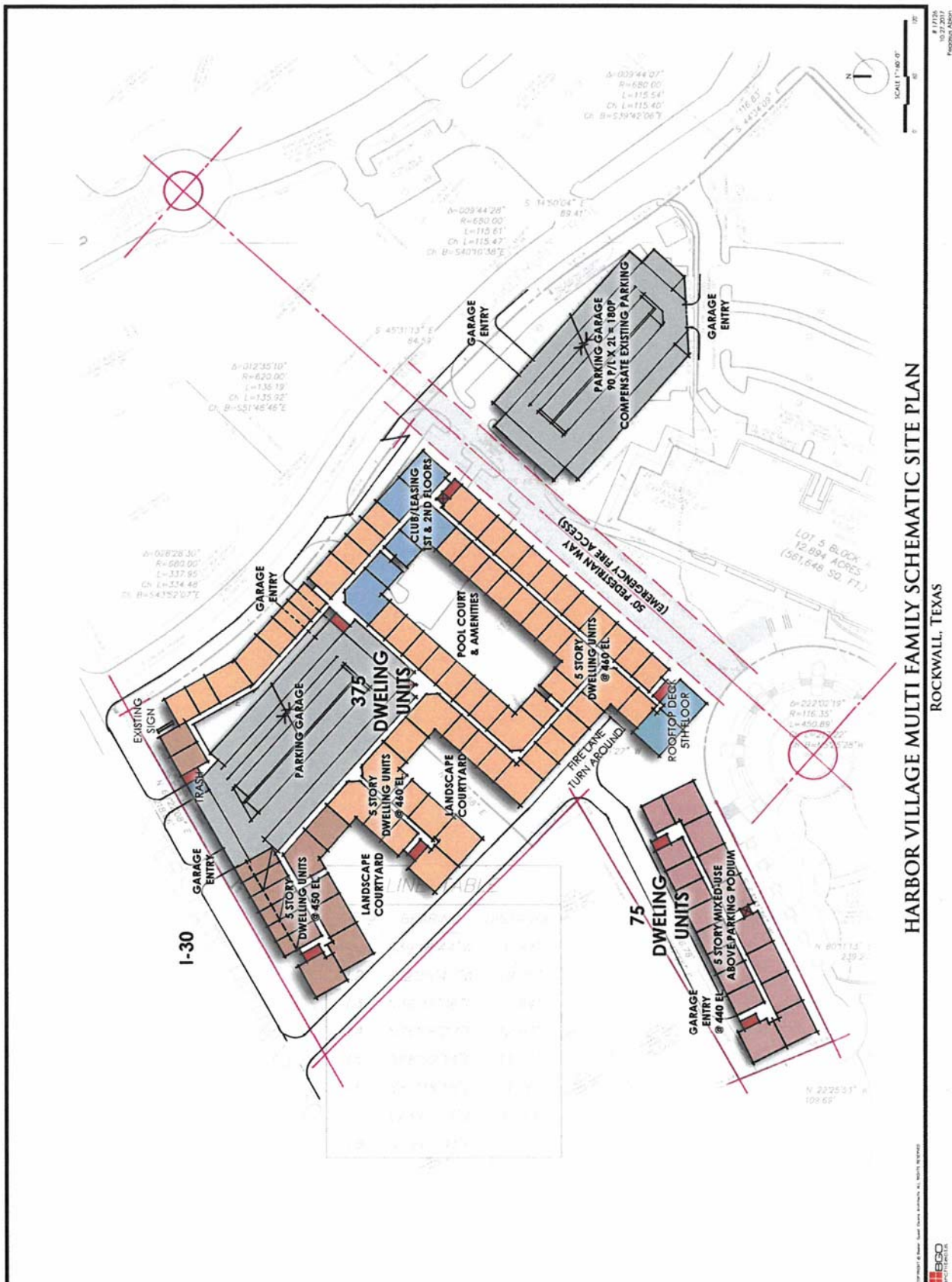
THENCE, South 38 Degrees 29 Minutes 38 Seconds East, leaving the said southeast line of Interstate Highway 30, a distance of 254.63-feet to a 5/8" iron rod found for corner;

THENCE, South 44 Degrees 24 Minutes 14 Seconds West, a distance of 176.46-feet to a 1/2" iron rod found for corner;

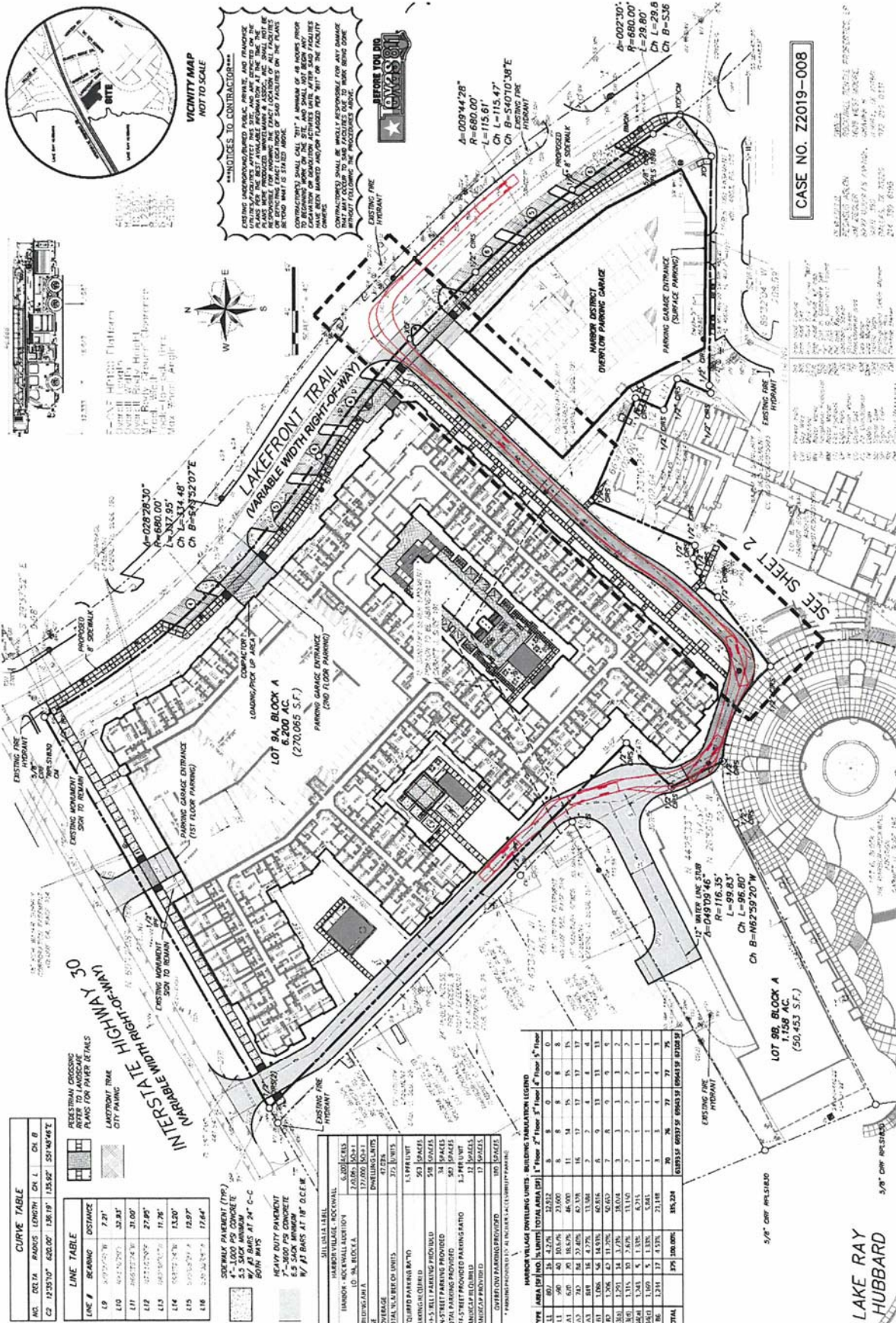
THENCE, North 43 Degrees 48 Minutes 20 Seconds West, a distance of 311.10-feet to a point on the southeast line of the Interstate Highway 30, a 3/8" iron rod set for corner;

THENCE, North 50 Degrees 48 Minutes East, along the southeast line of Interstate Highway 30, a distance of 206.43-feet to the *PLACE OF BEGINNING* and containing 53,371.640 SF or 1.225-acres of land, more or less.

Exhibit 'B':
PD Development Plan



Private Street and Pedestrian Access Easement



Private Street and Pedestrian Access Easement

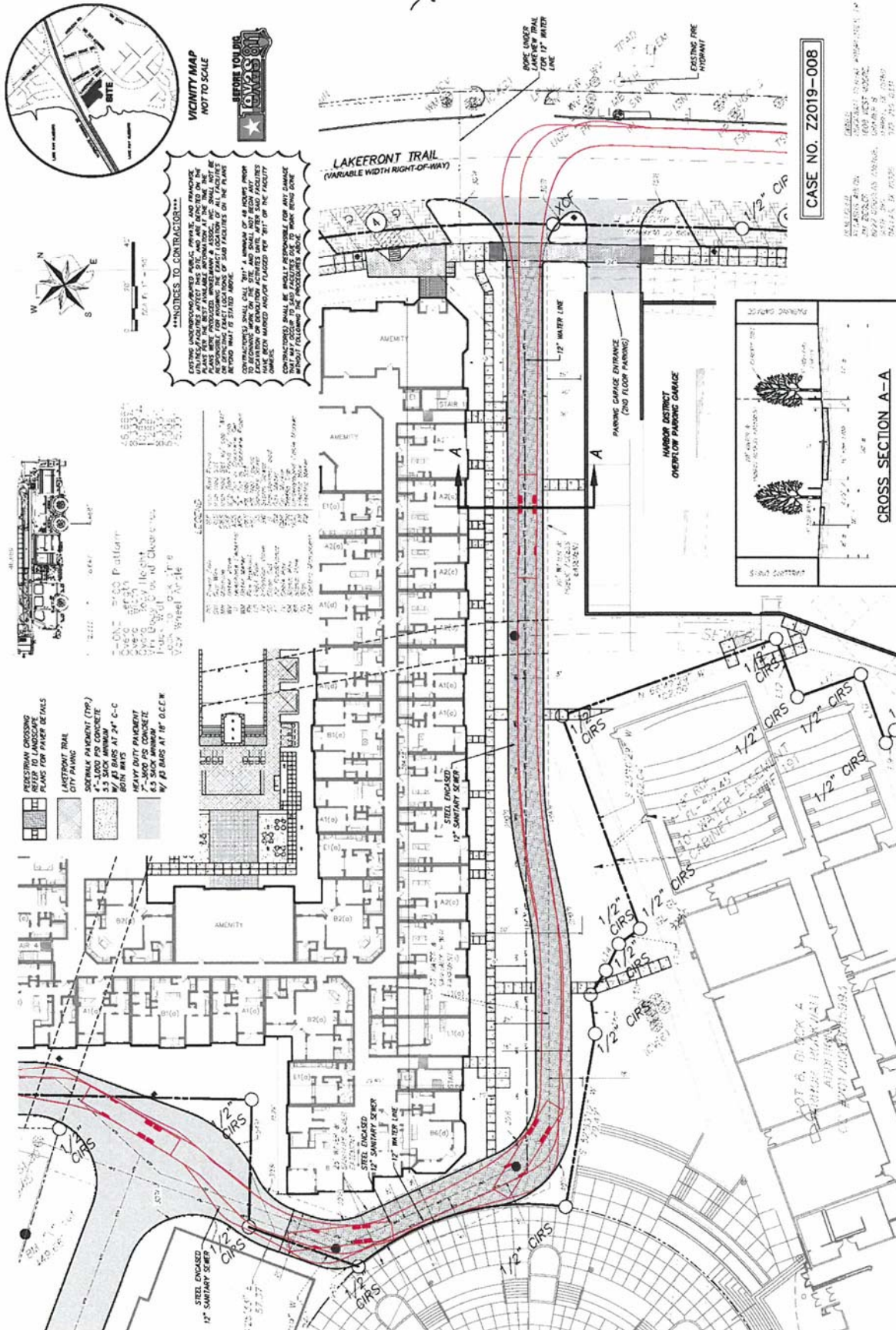
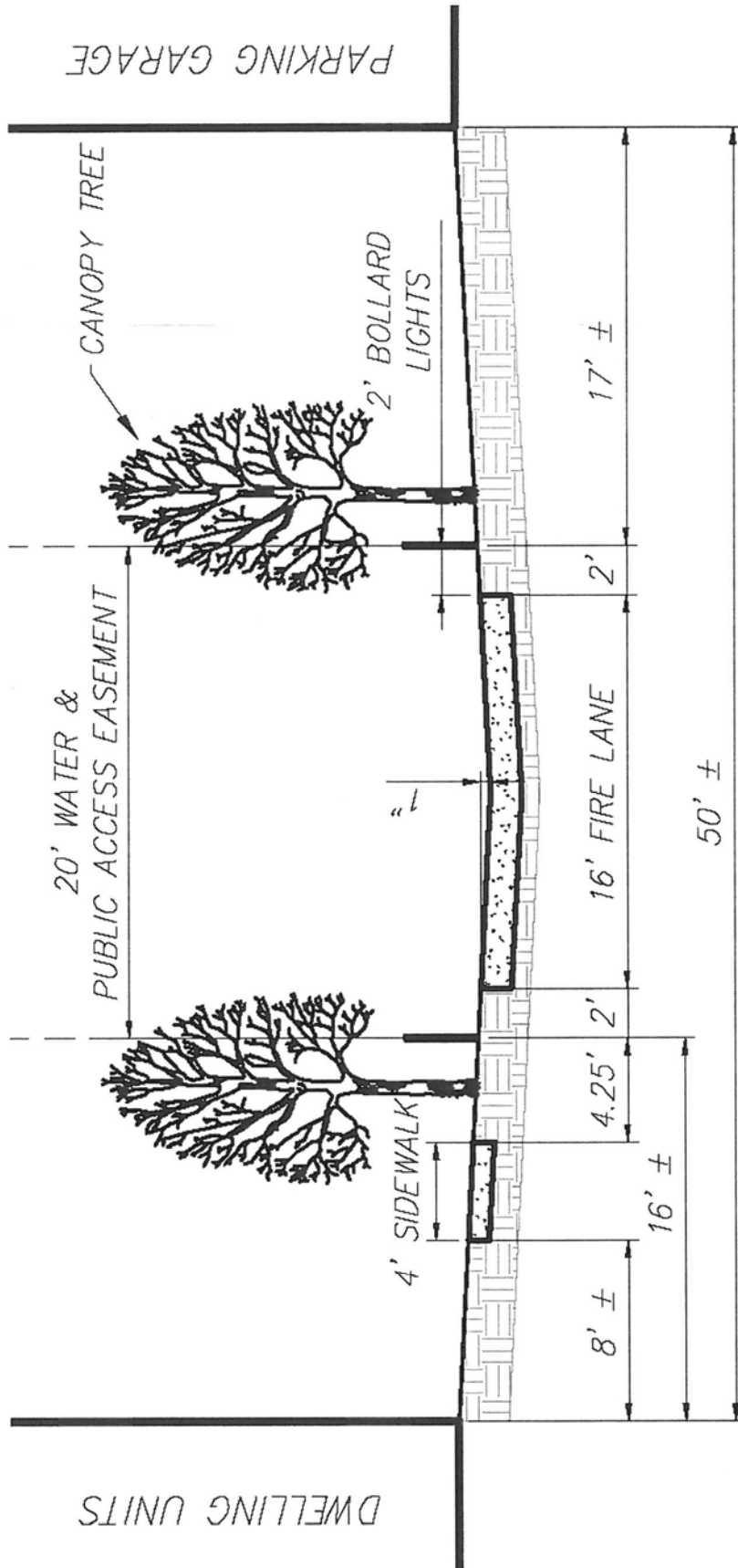


Exhibit 'C':
Private Street and Pedestrian Access Easement



CROSS SECTION A-A

CITY OF ROCKWALL

ORDINANCE NO. 19-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 14-51 & 17-22* OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) AND THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR RETAIL/RESTAURANT PAD SITES ON A 2.893-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, HARBOR DISTRICT ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of D. W. Bobst of J-BR2, LLC for an amendment to *Ordinance No. 14-51* of Planned Development District 32 (PD-32) [*Ordinance No. 14-51*] and the Unified Development Code [*Ordinance No. 04-38*] for the purpose of establishing a PD Development Plan for retail/restaurant pad sites within the *Hillside Subdistrict*, on a 2.893-acre parcel of land identified as Lot 1, Block B, Harbor District Addition, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 32 (PD-32) [*Ordinance No.'s 14-51 & 17-22*] and the Unified Development Code [*Ordinance No. 04-38*] should be amended as follows:

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

SECTION 1. That the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 14-51*;

SECTION 2. That Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 04-38*], as heretofore amended, shall be further amended by adopting this PD Development Plan and amending the official zoning map of the City of Rockwall for the *Subject Property*; and,

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the PD Development Plan, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 4. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 04-38*], and in compliance with the following conditions and requirements:

- 1) Development of this property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) All buildings shall be developed with consideration to the pedestrian access easements/pedestrian ways perpendicular to Harbor Heights Drive, and a seat wall shall be incorporated into the area identified as *Park* in the *Concept Plan* depicted in *Exhibit 'B'*. The pedestrian access easements/pedestrian ways shall be consistent with the design guidelines contained in *Resolution No. 10-40*;
- 3) All pedestrian access easements/pedestrian ways shall be required to be dedicated as easements at the time the property is replatted;
- 4) All building materials and color schemes proposed for this development should conform to the requirements stipulated by Planned Development District 32 (PD-32) [*as amended*];
- 5) Prior to the issuance of a building permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [*as amended*] and with the requirements approved in this ordinance;
- 6) All buildings throughout the development shall be constructed with a consistent design scheme, incorporate four (4) sided architecture that creates a dual entry appearance, and be approved by the Architectural Review Board (ARB) at the time of the *PD Site Plan*;
- 7) Prior to the issuance of a building permit the applicant shall submit and seek approval for a replat that indicates all necessary easements; and,
- 8) The proposed uses for this development shall be required to demonstrate that they have access to a sufficient number of parking spaces within the development itself to support the use.

SECTION 5. That 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 *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

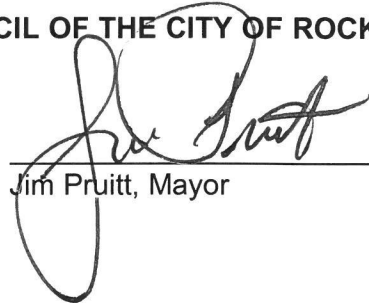
SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is

different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 8. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 1ST DAY OF JULY, 2019.**



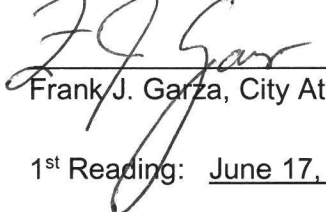
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: June 17, 2019

2nd Reading: July 1, 2019



Z2019-013



CITY OF ROCKWALL

ORDINANCE NO. 22-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 17-22] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A CONDOMINIUM BUILDING ON A 1.20-ACRE TRACT OF LAND IDENTIFIED AS LOT 1, BLOCK D, HARBOR DISTRICT ADDITION AND LOTS 3 & 4, BLOCK 11 AND LOTS 1, 2, 3, & 4, BLOCK 12, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY *EXHIBIT 'A'*; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Louis Clark of KinoD, LLC on behalf of D. W. Bobst of 101 Hubbard Dr. LLC, Gary Shultz of Culpepper/Spatex JV, and Allen Anderson for the approval of a *PD Development Plan* for a 42-unit, condominium building to be situated within the *Hillside Mixed-Use Subdistrict*, on a 1.20-acre tract of land identified as Lot 1, Block D, Harbor Addition and Lots 3, & 4, Block 11 and Lots 1, 2, 3, & 4, Block 12, Moton Addition, City of Rockwall, Rockwall County, Texas and more fully described and depicted in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 32 (PD-32) [Ordinance No. 17-22] and the Unified Development Code [Ordinance No. 20-02] should be amended as follows:

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

SECTION 1. That Planned Development District 32 (PD-32) [Ordinance No. 17-22] and the Unified Development Code [Ordinance No. 20-02], as heretofore amended, shall be further amended by adopting this *PD Development Plan* and amending the official zoning map of the City of Rockwall for the *Subject Property*; and,

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 3. That development of the *Subject Property* shall generally be in accordance with

the *Conceptual Building Elevations*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 4. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 20-02*], and in compliance with the following conditions and requirements:

- (1) The development of the subject property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance.
- (2) The development of the subject property shall generally conform to the proposed *Conceptual Building Elevations* depicted in *Exhibit 'C'* of this ordinance and to the design guidelines contained in *Resolution No. 10-40*.
- (3) The proposed condominium building shall not contain more than 42 urban residential units.
- (4) All building materials and color schemes proposed for this development should conform to the requirements stipulated by Planned Development District 32 (PD-32) [*as amended*].
- (5) Prior to the issuance of a building permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [*as amended*] and with the requirements approved in this ordinance.
- (6) All buildings throughout the development shall be constructed with a consistent design scheme, incorporate four (4) sided architecture that creates an entry appearance on all four (4) sides, and be approved by the Architectural Review Board (ARB) at the time of the *PD Site Plan*.

SECTION 5. That 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 *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;


SECTION 6. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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 7. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council

of the City of Rockwall, Texas;

SECTION 8. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 7TH DAY OF MARCH, 2022.**



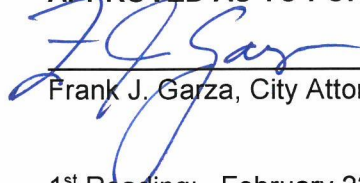
Kevin Fowler, Mayor

ATTEST:



Kristy Teague, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: February 22, 2022

2nd Reading: March 7, 2022



Exhibit 'A':
Legal Description and Location Map

BEING a tract of land situated in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being all of Lots 1 and 2 of Block 12 and part of Lots 3, and 4 of Block 12, and all of Lots 3 and 4 of Block 11 and part of a 20-foot easement as shown on George Morton Estate Addition, an addition to the City of Rockwall, recorded in Volume A, Page 47, Plat Records, Rockwall County, Texas, and all of Lot 1, Block D of Harbor District Addition, an addition to the City of Rockwall, recorded in Instrument No. 2014000003301, Official Public Records, Rockwall County, Texas, and being all of a called 0.2938-acre tract of land described in General Warranty Deed to Olumide Adebawale recorded in Instrument No. 20210000034928, of said Official Public Records, and being all of a called 0.18-acre tract of land described in Special Warranty Deed to Olumide Adebawale recorded in Instrument No. 20210000025046, of said Official Public Records and being all of the land described as "Tract 1" and "Tract 2" in Special Warranty Deed to Olumide Adebawale, recorded in Instrument No. 20210000034977, of said Official Public Records and being more particularly described as follows:

BEGINNING at a ½-inch iron rod found in the northwest right-of-way line of Summer Lee Drive (a variable width right-of-way) and being the south corner of said Lot 1, Block D;

THENCE departing said northwest right-of-way line of Summer Lee Drive and with the southwest line of said Lot 1, Block D, North 45°47'16" West, a distance of 67.53-feet to a ½-inch iron rod found at the beginning of a non-tangent curve to the right with a radius of 126.00-feet, a central angle of 01°35'35", and a chord bearing and distance of North 24°31'45" East, 3.50-feet and being a west corner of said Lot 1, Block D and being in the east right-of-way line of Sunset Ridge Drive (a variable width right-of-way) recorded in Instrument Number 20140000003301, of said Official Public Records;

THENCE with said east right-of-way line of Sunset Ridge Drive and west line of said Lot 1, Block D, the following courses and distances:

In a northeasterly direction, with said non-tangent curve to the right, an arc distance of 3.50-feet to a ½-inch iron rod found for corner at the beginning of a reverse curve to the left with a radius of 174.00-feet, a central angle of 42°35'25", and a chord bearing and distance of North 04°01'49" East, 126.38-feet;

In a westerly direction, with said reverse curve to the left, an arc distance of 129.34-feet to a ½-inch iron rod found for corner;

North 17°15'53" West, a distance of 29.94-feet to a ½-inch iron rod found for corner;

North 72°44'07" East, a distance of 7.72-feet to a ½-inch iron rod found for the northeast corner of said Lot 1, Block D, and being in the southwest line of said 0.2938-acre tract;

THENCE continuing with said east right-of-way line of Sunset Ridge Drive and with the southwest line of said 0.2938-acre tract, North 45°21'56" West, a distance of 14.15-feet to a 5/8-inch iron rod found for the west corner of said 0.2938-acre tract;

THENCE continuing with said east right-of-way line of Sunset Ridge Drive and with the northwest line of said 0.2938-acre tract, North 44°17'17" East, a distance of 14.70-feet to a 5/8-inch iron rod found for corner;

THENCE departing said east right-of-way line of Sunset Ridge Drive and continuing with the northwest line of said 0.2938-acre tract, North 44°11'47" East, a distance of 116.31-feet to a ½-inch iron rod with plastic cap stamped "R.S.C.I. 5034" found for the north corner of said 0.2938-acre tract;

THENCE with the northeast line of said 0.2938-acre tract, South 45°26'20" East, a distance of 97.73-feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for the east corner of said 0.2938-acre tract;

THENCE with the northwest line of said existing 20-foot Easement shown on George Morton Estate Addition and North 44°11'47" East, a distance of 20.00-feet to a ½-inch iron rod found for corner;

Exhibit 'A':
Legal Description and Location Map

THENCE departing said northwest line and over and across said 20-foot Easement and with the northeast line of said Lots 1 and 4 of Block 12 of the George Morton Estate Addition, South 45°26'20" East, a distance of 160.57-feet to a ½-inch iron rod with plastic cap stamped "R.S.C.I. 5034" found for the corner in said northwest right-of-way line of said Summer Lee Drive;

THENCE with said northwest right-of-way line of Summer Lee Drive, the following courses and distances:

South 43°53'07" West, a distance of 19.52-feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set for corner at the beginning of a tangent curve to the right with a radius of 467.50-feet, a central angle of 32°24'23", and a chord bearing and distance of South 60°05'18" West, 260.91-feet;

THENCE in a northerly direction, with said tangent curve to the right, an arc distance of 264.42-feet to the *POINT OF BEGINNING* and containing 53,115 square-feet or 1.2194-acres of land.

Bearing system based on the State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983(2011).

Exhibit 'A': **Legal Description and Location Map**

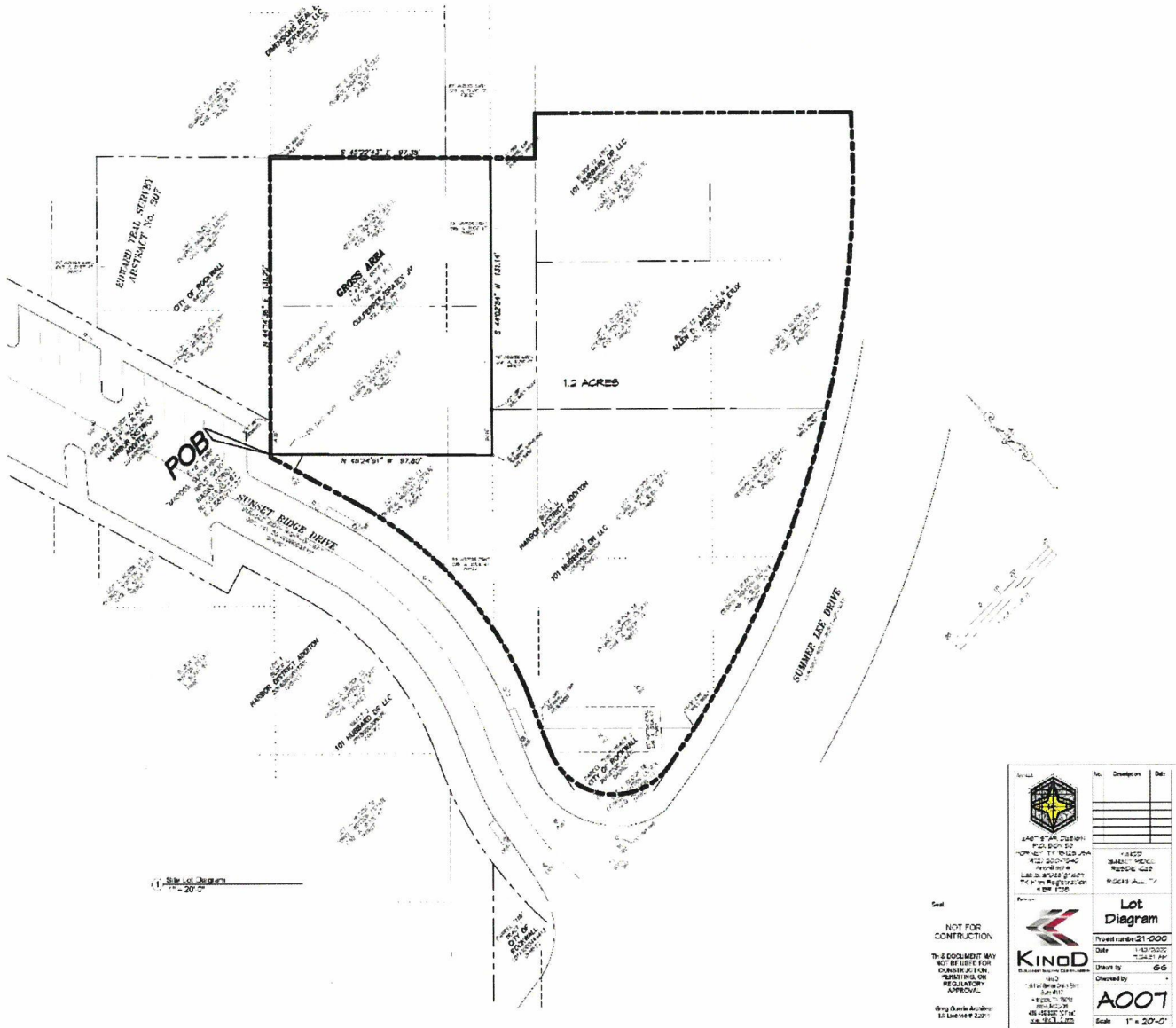
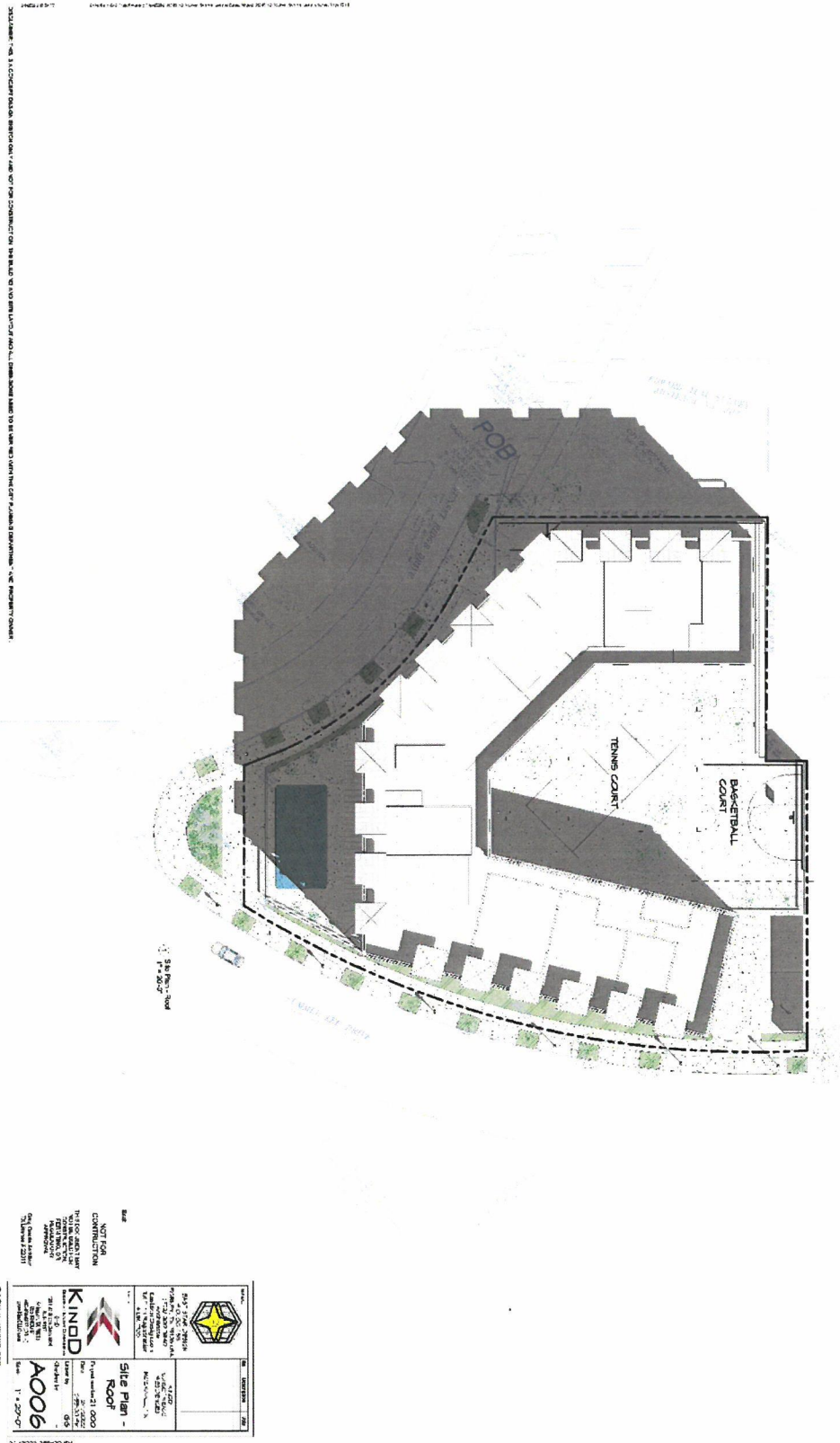


Exhibit 'B': Concept Plan



Exhibit 'B': Concept Plan





Architectural drawing of the proposed building elevation for the 10000th Avenue project. The drawing shows a multi-story building with a mix of window styles, including arched and rectangular windows, and a flat roof. The building is situated on a lot with a sidewalk and landscaping. The drawing is labeled "PROPOSED" and "10000th Avenue".

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CITY OF ROCKWALL

ORDINANCE NO. 22-36

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 32 (PD-32) [ORDINANCE NO. 17-22] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A CONDOMINIUM BUILDING ON A 3.59-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1, 2, 3, & 4, BLOCK 2; LOTS 1, 2, 3, & 4, BLOCK 3; LOTS 1, 2, 3, & 4, BLOCK 5; LOTS 1 & 2 AND A PORTION OF LOTS 3 & 4, BLOCK 6; LOTS 2, 3, & 4, BLOCK 7; LOTS 1 & 2, BLOCK 8; AND LOTS 1, 2, 3, & 4, BLOCK 9, MOTON ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED AND DEPICTED HEREIN BY EXHIBIT 'A'; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has received a request from Asher Hamilton of RIV Properties, on behalf of Michael Gibson of Marion E. Wilson, Michael White, Dimensions Real Estates Services, LLC; Mark R. Carson; Allen Anderson; Gary Shultz of Culpepper/Spatex JV; and Robert Fields of In the Estate of Ernest Fields for the approval of a *PD Development Plan* for a 176-unit, condominium building to be situated within the *Hillside Mixed-Use Subdistrict* and the *Horizon/Summer Lee*, on a 3.95-acre tract of land identified as Lots 1, 2, 3, & 4, Block 2; Lots 1, 2, 3, & 4, Block 3; Lots 1, 2, 3, & 4, Block 5; Lots 1 & 2 and a portion of Lots 3 & 4, Block 6; Lots 2, 3, & 4, Block 7; Lots 1 & 2, Block 8; and Lots 1, 2, 3, & 4, Block 9, Moton Addition, City of Rockwall, Rockwall County, Texas and more fully described and depicted in *Exhibit 'A'* of this ordinance, which hereinafter shall be referred to as the *Subject Property* and incorporated by reference herein; and

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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

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

SECTION 1. That the approval of this ordinance shall supersede *Ordinance No. 22-10*; and,

SECTION 2. That Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development Code [*Ordinance No. 20-02*], as heretofore amended, shall be further amended by adopting this *PD Development Plan* and amending the official zoning map of the City of Rockwall for the *Subject Property*; and,

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, depicted in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 4. That development of the *Subject Property* shall generally be in accordance with the *Conceptual Building Elevations*, depicted in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*; and,

SECTION 5. That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], the Unified Development Code [*Ordinance No. 20-02*], and in compliance with the following conditions and requirements:

- (1) The development of the subject property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance.
- (2) The development of the subject property shall generally conform to the proposed *Conceptual Building Elevations* depicted in *Exhibit 'C'* of this ordinance and to the design guidelines contained in *Resolution No. 10-40*.
- (3) The proposed condominium building shall not contain more than 176 urban residential units.
- (4) All building materials and color schemes proposed for this development should conform to the requirements stipulated by Planned Development District 32 (PD-32) [*as amended*].
- (5) Prior to the issuance of a building permit the applicant shall submit and seek approval for a detailed *PD Site Plan* that demonstrates compliance with all applicable standards of Planned Development District 32 (PD-32) [*as amended*] and with the requirements approved in this ordinance.
- (6) All buildings throughout the development shall be constructed with a consistent design scheme, incorporate four (4) sided architecture that creates an entry appearance on all four (4) sides, and be approved by the Architectural Review Board (ARB) at the time of the *PD Site Plan*.

SECTION 6. That 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 *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 7. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code, 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 8. The standards in this ordinance shall control in the event of a conflict between this

ordinance and any provision of the Unified Development Code or any provision of the City Code, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code (including references to the *Unified Development Code*), and references to overlay districts, in this ordinance or any of the Exhibits hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 9. That this ordinance shall take effect immediately from and after its passage;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 5TH DAY OF JULY, 2022.**



Kevin Fowler, Mayor

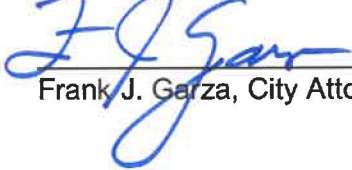
ATTEST:



Kristy Teague, City Secretary



APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: June 20, 2022

2nd Reading: July 5, 2022

Exhibit 'A':
Legal Description and Location Map

PARCEL 1 (TRACTS 1 & 2)

TRACT 1: All that certain 0.705-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lot 2 and part of Lots 1, 3 and 4, of Block 2 and Lots 1 and 2 and part of Lots 3 and 4, of Block 4 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being part of the tract of land described in a Warranty Deed to Culpepper/Spatex Joint Venture, recorded in Volume 209, Page 475 of the Deed Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap (illegible) found at the north end of a corner clip at the intersection of Summer Lee Drive, a variable width public right-of-way and Horizon Drive, a variable width public right-of-way per the right-of-way dedication to the City of Rockwall recorded in Instrument Number 2005-0000338484 of the Official Public Records of said county;

THENCE with the northwest right-of-way line of Summer Lee Drive the following courses and distances;

South 38°15'10" West, a distance of 44.84-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 43°54'47" West, a distance of 14.91-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 43°55'59" West, a distance of 131.01-feet to a ½-inch iron rebar with a cap (illegible) found for corner in the southwest line of said Lot 3, Block 4 and in the northeast line of Lot 4, Block 6 of said addition;

THENCE North 45°23'07" West, with said southwest line and said northeast line, passing at a distance of 38.12-feet, to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in said northwest right-of-way line and the east corner of a called 0.160-acre tract of land described in a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of said Official Public Records, continuing with said southwest line of said Lot 3, Block 4, the southwest line of Lot 2, Block 4, the northwest line of said Lot 4, Block 6, the northwest line of Lot 1, Block 6 of said addition, and the northwest line of said 0.160-acre tract, in all, a total distance of 139.41-feet to a ½-inch iron rebar with a cap stamped "RPLS6484" set for the west corner of said Lot 2, Block 4, the north corner of said Lot 1, Block 6 and in the southeast line of a 40 foot wide easement, recorded in said addition;

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2 Block 4 and said Lot 1 and Lot 2, Block 2 and said southeast line of said 40 foot wide easement, a distance of 230.94-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the southwest right-of-way line of said Horizon Drive at the beginning of a non-tangent curve to the left, with a radius of 510.50-feet and a chord which bears South 37°22'46" East, a distance of 14.17-feet;

THENCE with said southwest right-of-way line of Horizon drive the following courses and distances;

Along said curve to the left, with a central angle of 01°35'26" and an arc distance of 14.17-feet to a ½-inch iron rebar with a cap (illegible) found for the beginning of a compound curve to the left, with a radius of 576.50-feet, and a chord which bears South 41°42'06" East, a distance of 70.67-feet;

Along said curve to the left, with a central angle of 07°01'39" and an arc distance of 70.71-feet to a ½-inch iron rebar with a cap (illegible) found for corner;

South 45°16'48" East, a distance of 17.37-feet to the *POINT OF BEGINNING* and containing 0.705-acres (30,690 square-feet) of land.

TRACT 2: All that certain 0.463-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall

Exhibit 'A':
Legal Description and Location Map

County, Texas and being Lots 1, 2, 3 and 4, Block 3 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being part of the tract of land described in a Warranty Deed to Culpepper/Spatex Joint Venture, recorded in Volume 209, Page 475 of the Deed Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 3, and at the intersection of a 20 foot wide easement, recorded in said addition, from which a ½-inch iron rebar with a cap stamped "RPLS 5034" found bears North 73°52'22" West a distance of 22.02-feet and a 5/8 inch iron rebar with a cap stamped "Sam Inc" found bears North 88°48'34" East, a distance of 27.56-feet;

THENCE North 43°50'43" East, with the northwest line of said Lot 1 and Lot 2, Block 3 and the southeast line of the 20-foot-wide easement, a distance of 131.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 3 and the west corner of Lot 2, Block 1 of said addition;

THENCE South 45°21'44" East, with the northeast line of said Lot 1 and Lot 4, Block 3 and the southwest line of said Lot 2, Block 1 and Lot 3, Block 1 of said addition, a distance of 154.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said Lot 4, Block 3, the south corner of said Lot 3, Block 1 and in the northwest line of a 40 foot wide easement as recorded in said addition;

THENCE South 43°50'43" West, with the southeast line of said Lot 3 and Lot 4 Block 3 and said northwest line of said 40 foot wide easement, a distance of 131.01feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 3, Block 3 and at the intersection of said northwest line of the 40 foot wide easement and the northeast line of said 20 foot wide easement;

THENCE North 45°21'44" West, with the southwest line of said Lot 2 and Lot 3, Block 3, and the northeast line of said 20-feet wide easement, a distance of 154.01-feet to the *POINT OF BEGINNING* and containing 0.463-acres (20,176 square-feet) of land.

Parcel 2

All that certain 0.160-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lot 1 and part of Lot 4, Block 6 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being same 0.160-acre tract of land described a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said 0.160-acre tract, in the northeast line of said Lot 4, Block 6, the southwest line of Lot 3, Block 4 of said addition and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way, from which a ½-inch iron rebar with a cap (illegible) found in said northwest right-of-way line bears South 45°23'07" East, a distance of 38.12-feet;

THENCE with the southeast line of said 0.160-acre tract and said northwest right-of-way line, the following courses and distances;

South 49°50'10" West, a distance of 25.57-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner;

North 45°40'41" West, a distance of 20.93-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the southeast line of said Lot 1, Block 6 and the northwest line of said Lot 4, Block 6;

South 44°13'18" West, a distance of 39.98-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said 0.160-acre tract, the south corner of said Lot 1, Block 6, the west corner

Exhibit 'A':
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of said Lot 4, Block 6 the north corner of Lot 3, Block 6 of said addition, the east corner of Lot 2, Block 6 of said addition, and the east corner of a called 0.18-acre tract described in a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of said Official Public Records;

THENCE North 45°21'44" West, with the southwest line of said 0.160-acre tract, the southwest line of said Lot 1, Block 6, the northeast line of said 0.18-acre tract, and the northeast line of said Lot 2, Block 6, passing at a distance of 77.43-feet, a 1/2inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 1, Block 6, the north corner of said Lot 2, Block 6 and in the southeast line of a 40foot wide easement, recorded in said addition, in all, a total distance of 97.43-feet to the west corner of said 0.160-acre tract, the north corner of said 0.18-acre tract and in the center of said 40 foot wide easement;

THENCE North 43°50'43" East, with the center of said 40-foot-wide easement, a distance of 65.51-feet to the north corner of said 0.160-acre tract;

THENCE South 45°23'21" East, with the northeast line of said 0.160-acre tract, passing at a distance of 20.00-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 6, the west corner of said Lot 2, Block 4 of said addition, continuing with said northeast line of the 0.160-acre tract, the northeast line of said Lot 1 and Lot 4, Block 6, and the southwest line of said Lot2 and Lot 3, Block 4, in all, a total distance of 121.30-feet to the *POINT OF BEGINNING* and containing 0.160-acres (6,964 square-feet) of gross area, 0.130-acres (5,654 square-feet) of net area of land.

Parcel 3

All that certain 0.175-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lot 2 and part of Lot 3, Block 6 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being a called 0.18-acre tract of land described a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the south corner of said 0.18-acre tract, in the southwest line of said Lot 3, Block 6 and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way, from which a ½-inch iron rebar with a cap stamped "RPLS 5034" found in said right-of-way bears South 45°21'27" East, a distance of 19.89-feet;

THENCE North 45°21'27" West, with the southwest line of said 0.18-acre tract, said southwest line of Lot 3, Block 6 and, in said northwest right-of-way line, passing at a distance of 43.01-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 2, Block 6, the west corner of said Lot 3, Block 6 and the west corner of Lot 1, Block 8 of said addition, departing said northwest right-of-way line and continuing with said southwest line of the 0.18-acre tract, the southwest line of said Lot 2, Block 6 and the northwest line of said Lot 1, Block 8, passing at a distance of 119.67-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 6, the north corner of said Lot 1, Block 8 and in the southeast line of a 40 foot wide easement recorded in said addition, continuing with said southwest line of the 0.18-acre tract, in all, a total distance of 139.67-feet to the west corner of said 0.18-acre tract and in the center of said 40 foot wide easement;

THENCE North 43°50'43" East, with the northwest line of said 0.18-acre tract and in the center of said 40 food wide easement, a distance of 65.50-feet to the north corner of said 0.18-acre tract and the west corner of a called 0.160-acre tract of land described a General Warranty Deed to Mark R. Carson, recorded in Instrument Number 2008-00394439 of said Official Public Records;

THENCE South 45°21'44" East, with the northeast line of said 0.18-acre tract and the southwest line of said 0.160-acre tract, passing at a distance of 20.00-feet, a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 2, Block 6 and the west corner of said Lot 1, Block 6, continuing with said northeast line of the 0.18-acre tract, the northeast line of said Lot 2, Block 6, said southwest line of the 0.160-acre tract and the southwest line of said Lot 1, Block 6, in all, a total distance of 97.43-feet to

Exhibit 'A':
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a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said 0.18-acre tract, the west corner of said Lot 2, Block 6, the south corner of said 0.160-acre tract, the south corner of said Lot 1, Block 6 and, in said northwest right-of-line of Summer Lee Drive;

THENCE with the southeast line of said 0.18-acre tract and said northwest right-of-way line, the following courses and distances;

South 44°13'18" West, a distance of 19.50-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner;

South 09°43'47" East, a distance of 46.51-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner;

South 29°14'41" West, a distance of 19.61-feet to the *POINT OF BEGINNING* and containing 0.175-acres (7,635 square-feet) of gross area and 0.145-acres (6,325 square-feet) of net area of land.

Parcel 4

All that certain 0.230-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lots 1 and 2, Block 8 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A, Slide 47B of the Plat Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the south corner of said Lot 2, Block 8, the west corner of Lot 3, Block 8 of said addition, the east corner of Lot 1, Block 10 of said addition and the north corner of Lot 4, Block 8 of said addition, from which, a ½-inch iron rebar with a cap stamped "RPLS 5034" found bears South 45°21'46" East, a distance of 63.39-feet;

THENCE North 45°21'46" West, with the southwest line of said Lot 2, Block 8 and the northeast line of said Lot 1, Block 10, a distance of 76.12-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 2, Block 8, the north corner of said Lot 1, Block 10 and in the southeast line of a 40 foot wide easement recorded in said addition;

THENCE North 43°50'43" East, with the northwest line of said Lot 1 and Lot 2 Block 8 and said southeast line of the 40 foot wide easement, a distance of 130.96 feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 8, the west corner of Lot 2, Block 6 of said addition and in the southwest line of a called 0.18-acre tract of land described a General Warranty Deed to Allen Anderson, recorded in Instrument No. 2008-00394440 of the Official Public Records of said county;

THENCE South 45°21'27" East, with the northeast line of said Lot 1, Block 8, the southwest line of said Lot 2, Block 6 and said southwest line of the 0.18-acre tract, a distance of 76.66-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the east corner of said Lot 1, Block 8, the south corner of said Lot 2, Block 6, the west corner of Lot 3, Block 6 of said addition and the north corner of said Lot 4, Block 8, from which a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the south corner of said 0.18-acre tract and in the northwest right-of-way line of Summer Lee Drive, a variable width public right-of-way bears South 45°21'27" East, a distance of 43.01-feet;

THENCE South 44°04'51" West, with the southeast line of said Lot 1 and Lot 2, Block 8 and the northwest line of said Lot 3 and Lot 4, Block 8, passing at a distance of 114.25-feet, a ½-inch iron rebar found, in all, a total distance of 130.95 feet to the *POINT OF BEGINNING* and containing 0.230-acres (10,002 square-feet) of land.

Parcel 5

All that certain 1.245-acre tract of land in the Edward Teal Survey, Abstract No. 207, Rockwall County, Texas and being Lots 1, 3 and 4, and part of Lot 2 Block 5, Lots 3 and 4 and part of Lot 2, Block 7 and Lots 1, 2, 3 and 4, Block 9 of George Morton Estate, an addition to the City of Rockwall, recorded in Cabinet A,

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Slide 47B of the Plat Records of said county, and being all of the tract of land described in a General Warranty Deed to Dimensions Real Estate Services, recorded in Instrument No.2011-00451974 of the Official Public Records of said county, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of Lot 2, Block 9, the north corner of Lot 1, Block 11 of said addition, and in the southwest line of a 20 foot wide easement recorded in said addition;

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2, Block 9 and Lot 2, Block 7 and said southeast line of the 20 foot wide easement, a distance of 135.22-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for corner in the northwest line of said Lot 2, Block 7 and in the south right-of-way line of Pinnacle Way, a 58 foot wide public right-of-way, from which a ½-inch iron rebar found at the intersection of said south right-of-way line of Pinnacle Way and the east right-of-way line of Sunset Ridge Drive, a variable width public right-of-way bears South 72°49'03" West, a distance of 184.95-feet;

THENCE North 72°49'03" East, with said south right-of-way line of Pinnacle Way, a distance of 69.48-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for corner in the northeast line of said Lot 2, Block 9;

THENCE South 45°37'46" East, continuing with said south right-of-way line of Pinnacle Way and with the northeast line of said Lot 2, Block 9, a distance of 42.61-feet to a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the east corner of said Lot 2, Block 9, the north corner of said Lot 3, Block 9 and the west corner of said Lot 4, Block 7;

THENCE North 44°12'16" East, continuing with said south right-of-way line of Pinnacle Way and with the northwest line of said Lot 4, Block 7, a distance of 65.39feet to a 5/8 inch iron rebar with a cap stamped "Maddox" found for the north corner of said Lot 4, Block 7, the west corner of said Lot 3, Block 7, the south corner of said Lot 2, Block 7, and the east corner of the terminus of said Pinnacle Way;

THENCE North 45°28'03" West, with the east right-of-way line of said Pinnacle Way and the southwest line of said Lot 2, Block 7, a distance of 41.44-feet to a 5/8-inch iron rebar with a cap stamped "Maddox" found in said east right-of-way line of Pinnacle Way;

THENCE North 17°34'51" West, departing said southwest line of said Lot 2, Block 7 and continuing with said east right-of-way line of Pinnacle Way, passing at a distance of 28.13-feet to the north corner of the terminus of said Pinnacle Way, in all, a total distance of 40.12-feet to a ½-inch iron rebar with a cap stamped "RPLS6484" set in the northwest line of said Lot 2, Block 5 and in the southeast line of a 20 foot wide easement recorded in said addition;

THENCE North 43°50'43" East, with the northwest lines of said Lot 1 and Lot 2, Block 5 and said southeast line of the 20 foot wide easement, a distance of 112.80feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the north corner of said Lot 1, Block 5 and the intersection of said southeast line of the 20 foot wide easement and the southwest line of another 20 foot wide easement recorded in said addition, from which a 5/8 inch iron rebar with a cap stamped "Sam Inc" bears North 44°39'37" West, a distance of 19.25-feet;

THENCE South 45°21'44" East, with the northwest lines of said Lot 1 and Lot 4, Block 5 and said southwest line of the 20 foot wide easement, a distance of 154.01-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the west corner of said Lot 4, Block 5 and the intersection of said southwest line of the 20 foot wide easement and the northwest line of a 40 foot wide easement recorded in said addition;

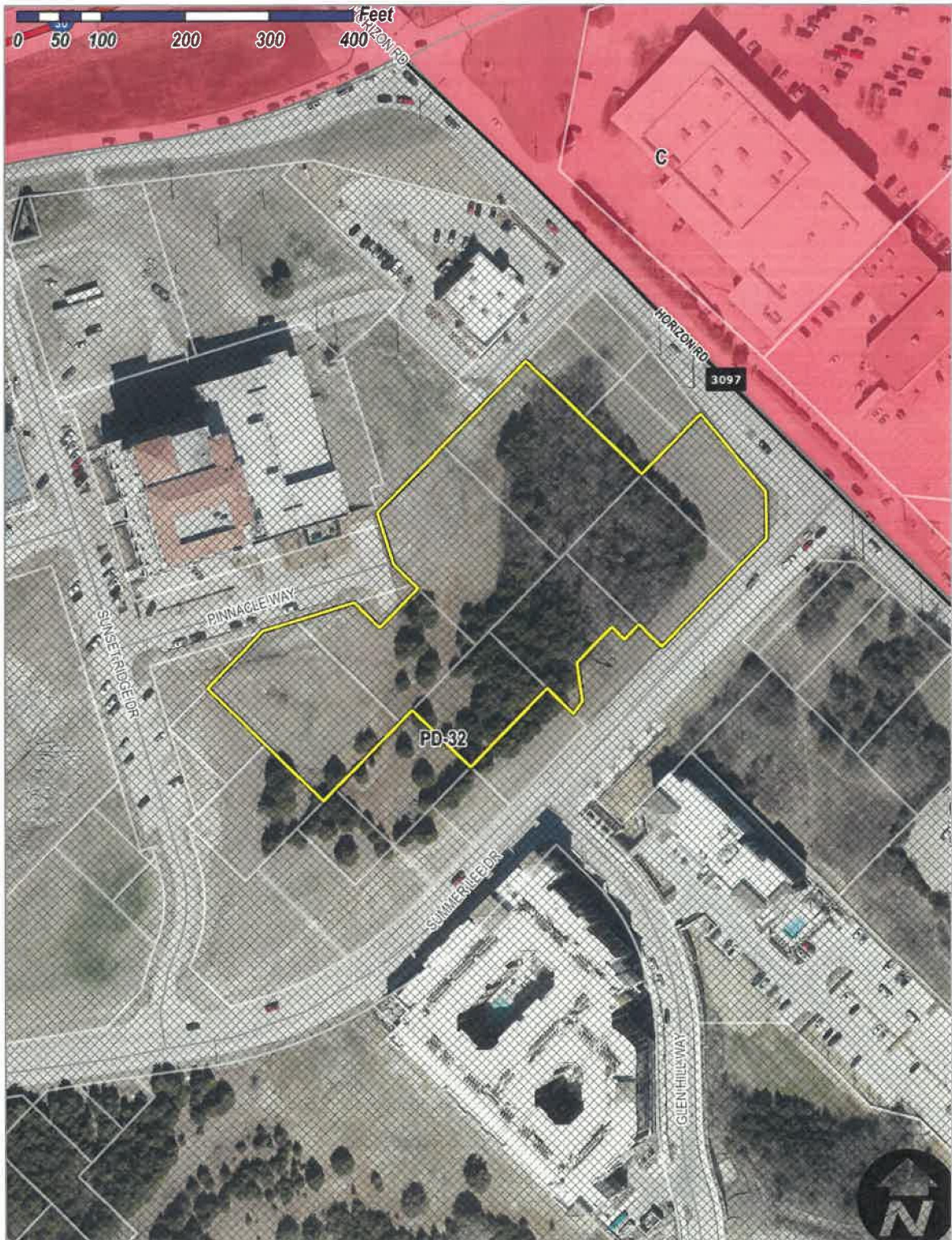
THENCE South 43°50'43" West, with the southeast lines of said Lots 3 and 4, Block 5, Lots 3 and 4, Block 7 and Lots 3 and 4, Block 9 and said northwest line of the 40 foot wide easement, a distance of 393.33-feet to a ½-inch iron rebar with a cap stamped "RPLS 6484" set for the south corner of said Lot 3, Block 9 and the east corner of said Lot 4, Block 11 of said addition, from which a ½-inch iron rebar found bears South

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45°25'13" East, a distance of 18.07-feet;

THENCE North 45°25'13" West, with the southwest lines of said Lots 2 and 3, Block 9 and the northwest lines of said Lots 1 and 4, Block 11, passing at a distance of 78.94-feet, a ½-inch iron rebar with a cap stamped "RPLS 5034" found for the west corner of said Lot 3, Block 9, the south corner of said Lot 2, Block 9, the east corner of said Lot 1, Block 11, and the north corner of said Lot 4, Block 11, in all, a total distance of 154.01-feet to the *POINT OF BEGINNING* and containing 1.245-acres (54,217 square-feet) of land.

Exhibit 'A':
Legal Description and Location Map



[illegible]

Exhibit 'C':
Conceptual Building Elevations



Exhibit 'C':
Conceptual Building Elevations

