

CITY OF ROCKWALL

ORDINANCE NO. 21-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) [ORDINANCE NO.'S 94-15 & 01-27] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 41 (PD-41) AND REZONING A 1.46-ACRE TRACT OF LAND FROM SINGLE-FAMILY 10 (SF-10) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 41 (PD-41), BEING A ~145.744-ACRE TRACT OF LAND SITUATED WITHIN THE A. HANNA SURVEY, ABSTRACT NO. 98 AND THE J. G. B. JONES SURVEY, ABSTRACT NO. 124, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 Doug Galloway of Viaduct Development on behalf of GotRocks Properties, LLC for the approval of a zoning change from Single-Family 10 (SF-10) District to Planned Development District 41 (PD-41) for General Retail (GR) District land uses for a 1.46-acre tract of land being a portion of a larger 2.96-acre parcel of land identified as Lot 1, Block A, North Lake Shore Daycare Addition, City of Rockwall, Rockwall County, Texas, zoned Single-Family 10 (SF-10) District and Planned Development District 41 (PD-41) [Ordinance No.'s 94-15 & 01-27] for Single-Family 10 (SF-10) land uses, addressed as 1940 N. Lakeshore Drive, and more fully described in *Exhibit 'A'* of this ordinance as *Tract 2*, and depicted in *Exhibit 'B'* of this ordinance as a portion of *Area 4*, which hereinafter the combine acreage of *Tracts 1 & 2* in *Exhibit 'A'* 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 41 (PD-41) [Ordinance No.'s 94-15 & 01-27], Specific Use Permit (SUP) No. S-057 [Ordinance No. 08-39], 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 all requirements stipulated in *Ordinance No.'s 94-15, 01-27 & 08-39*;

**SECTION 2.** That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

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

**SECTION 4.** That development of the *Subject Property* shall generally be in accordance with the *PD Development Standards*, described 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*;

**SECTION 5.** That the official zoning map of the City of Rockwall, Texas be corrected to reflect the change in zoning described here in.

**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 [*Ordinance No. 04-38*], 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 [*Ordinance No. 04-38*] of 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 [*Ordinance No. 04-38*] (*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 1<sup>ST</sup> DAY OF FEBRUARY, 2021.**

  
Jim Pruitt, Mayor

**ATTEST:**

  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: January 19, 2021

2<sup>nd</sup> Reading: February 1, 2021

**EXHIBIT 'A':**  
**Legal Description**

Tract 1: Existing Planned Development District 41 (PD-41)

BEING a tract of land situated in the A. Hanna Survey, Abstract No. 98, and the J.G.B. Jones Survey, Abstract No. 124, Rockwall County, Texas, and being a part of that certain 262.474 acre tract of land described as *Tract 1*, in Special Warranty Deed, recorded in *Volume 147, Page 474* Deed Records, Rockwall County, Texas, and further being a part of that tract of land conveyed to Robert S. Folsom by Richard W. Pickens, by deed recorded in *Volume 100, Page 293*, and being part of a 85.873-acre tract of land conveyed to H. L. Williams by deed recorded in *Volume 51, Page 397*, and being part of a tract conveyed from Dickerson to Robert S. Folsom by deed recorded in *Volume 100, Page 677*, and part of a tract being conveyed from W. F. Barrow Jr. to R.S. Folsom by deed recorded in *Volume 102, Page 403*, and all of the above conveyances are recorded in the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod set at the intersection of the north line of Northshore Phase 2B, an addition to the City of Rockwall recorded in *Slide B, Page 324*, Plat Records, Rockwall County, Texas, with easterly line of N. Lakeshore Drive, 100-foot right-of-way;

THENCE along the easterly lines of N. Lakeshore Drive, all to ½" iron rods set for corner as follows:

North 4°49'27" East a distance of 13.66-feet to the beginning of a curve to the right, having a central angle 51°36'07", a radius of 450-feet, and a chord that bears North 30°37'30" East a distance of 391.72-feet;

Along said curve an arc distance of 405.28-feet to the end of said curve;

North 56°25'34" East a distance of 279.87-feet to the beginning of a curve to the left having a central angle of 67°17'45", a radius of 681.01-feet, and a chord that bears North 22°46'41" East a distance of 754.68-feet;

Along said curve an arc distance of 799.87-feet to the end of said curve;

North 10°52'11" West a distance of 800.41-feet to the beginning of a curve to the right having a central angle of 10°15'10", a radius of 750.00-feet, and a chord that bears North 5°44'36" West a distance of 134.03-feet;

Along said curve an arc distance of 134.21-feet to the end of said curve, and North 0°37'01" West a distance of 30.46-feet to the center of a public road (*Alamo Road*);

THENCE along the center of said public road as follows:

South 58°12'46" East a distance of 266.02-feet to a ½" iron rod set for corner;  
South 24°18'28" East a distance of 129.52-feet to a ½" iron rod set for corner;  
South 42°59'16" East a distance of 88.95-feet to a ½" iron rod set for corner;  
South 56°23'18" East a distance of 465.30-feet to a ½" iron rod set for corner;  
South 63°51'31" East a distance of 383.27-feet to a ½" iron rod set for corner at the northeast corner of said *Pickens Tract*;

THENCE South 1°08'58" East a distance of 25.74-feet to a ½" iron rod set for corner in a fence line on the southerly line of said road and at the northwest corner of said *Dickerson Tract*;

THENCE along said southerly line and generally with said fence line all ½" iron rods set for corner as follows:

South 65°56'58" East a distance of 403.91-feet;  
South 81°00'39" East a distance of 206.91-feet;  
North 88°14'11" East a distance of 1,150.00-feet;

**EXHIBIT 'A':**  
*Legal Description*

North 81°00'39" East a distance of 965.12-feet;  
South 63°00'39" East a distance of 247.93 feet-to a ½" iron rod set for corner at the northeast corner of said *Barrow Tract* and said *Tract 1*;

*THENCE* South 24°08'47" West a distance of 194.61-feet with the east line of said *Barrow Tract* and said *Tract 1* to a ½" iron rod set for corner at a fence post;

*THENCE* South 08°54'33" East a distance of 84.59-feet with an old fence line to a ½" iron rod set for corner on the north line of *Northshore Phase 3*, an addition to the City of Rockwall, recorded in *Slide A, Page 337*;

*THENCE* North 89°10'45" East a distance of 305.83-feet to the northeast corner of said addition;

*THENCE* South 01°10'53" West a distance of 522.77-feet with the east line of said addition to a point for a corner;

*THENCE* South 00°12'21" East a distance of 209.37-feet to the most northerly southeast corner of said addition;

*THENCE* South 89°26'01" West a distance of 252.98-feet to an "ell" corner of said addition;

*THENCE* South 00°58'56" West a distance of 232.75-feet to the southerly southeast corner of said addition and the most easterly northeast corner of *Northshore Phase 1*, recorded in *Slide A, Page 181*, Plat Records, Rockwall County, Texas;

*THENCE* with the north lines of said *Northshore Phase 1* and the south lines of said *Northshore Phase 3* as follows:

South 89°43'56" West a distance of 190.05-feet to a point for a corner;  
South 00°58'56" West a distance of 3.55-feet to a point for a corner;  
South 89°43'56" West passing at 318.51-feet to the southwest corner of said *Phase 3* and continuing a total distance of 1,595.56-feet to the most northerly northwest corner of said *Phase 1*;

*THENCE* North 00°16'04" West a distance of 300.00-feet to a ½" iron rod found for a corner;

*THENCE* South 89°43'56" West a distance of 127.37-feet to a ½" iron rod found at the point of curvature of a circular curve to the left having a central angle of 24°00'00", a radius of 650.00-feet, and a chord that bears South 77°43'56" West a distance of 270.29-feet;

*THENCE* along said curve an arc distance of 272.27-feet to a ½" iron rod found for a corner;

*THENCE* South 65°43'56" West a distance of 285.66-feet to a ½" iron rod found at the point of curvature of a circular curve to the right having a central angle 14°28'26", a radius of 350.00-feet, and a chord that bears South 72°58'09" West a distance of 88.18-feet;

*THENCE* along said curve an arc distance of 88.42-feet to a ½" iron rod found for a corner;

*THENCE* South 09°47'38" East passing at 297.25-feet to the northwest corner *Rockwall School Addition No. 2*, an addition to the City of Rockwall and continuing a total distance of 315.00-feet to ½" iron rod found for corner;

*THENCE* South 00°44'21" East a distance of 134.43-feet along the west line of said addition to a ½" iron rod set for corner at the northeast corner of that tract of land conveyed to N. L. Lofland by deed recorded in *Volume 29, Page 462*, Deed Records, Rockwall County, Texas;

*THENCE* South 89°36'50" West a distance of 377.53-feet generally along a fence and the north line of said Lofland tract to a ½" iron rod set for a corner;

**EXHIBIT 'A':**  
*Legal Description*

*THENCE* North 89°28'21" West a distance of 307.93-feet continuing along said fence to a ½" iron rod found for a corner at a fence corner post;

*THENCE* North 00°30'20" East a distance of 127.33-feet to a fence corner post for a corner;

*THENCE* North 89°29'00" West a distance of 544.40-feet to a ½" iron rod found for a corner at the most northerly southeast corner of the previously mentioned *Northshore Phase 2B*;

*THENCE* Along the east and then the north lines of said addition as follows:

North 00°31'00" East a distance of 190.00-feet to a ½" iron rod set for a corner;

North 89°29'00" West a distance of 5.01-feet to a ½" iron rod set for a corner;

North 00°31'00" East a distance of 140.00-feet to a ½" iron rod set for a corner at the most northerly northeast corner of said addition.

*THENCE* North 89°29'00" West a distance of 500.68 feet to the *POINT BEGINNING* and containing 145.744-acres of land.

*Tract 2: Single-Family 10 (SF-10) District Tract of Land Being Incorporated into Planned Development District 41 (PD-41)*

*BEING* a tract of land situated in the A. Hanna Survey, Abstract No. 98, and the N. Butler Survey, Abstract No. 21, Rockwall County, Texas, and part of the North Lakeshore Daycare Addition, as recorded on August 30, 2018 in the *Deed Records* of Rockwall County, Texas, and being more particularly described as follows:

*BEGINNING* at the most northeastern corner of the North Lakeshore Daycare Addition, an addition to the City of Rockwall, Block A, Lot 1, Rockwall Central Appraisal District *Property ID# 72086*;

*THENCE* Along the property lines and adjacent zoning boundary lines of said addition as follows:

South 13°21'59" West a distance of 186.68-feet for a corner;

South 45°34'42" West a distance of 148.33-feet for a corner;

North 24°52'10" West a distance of 129.52-feet for a corner;

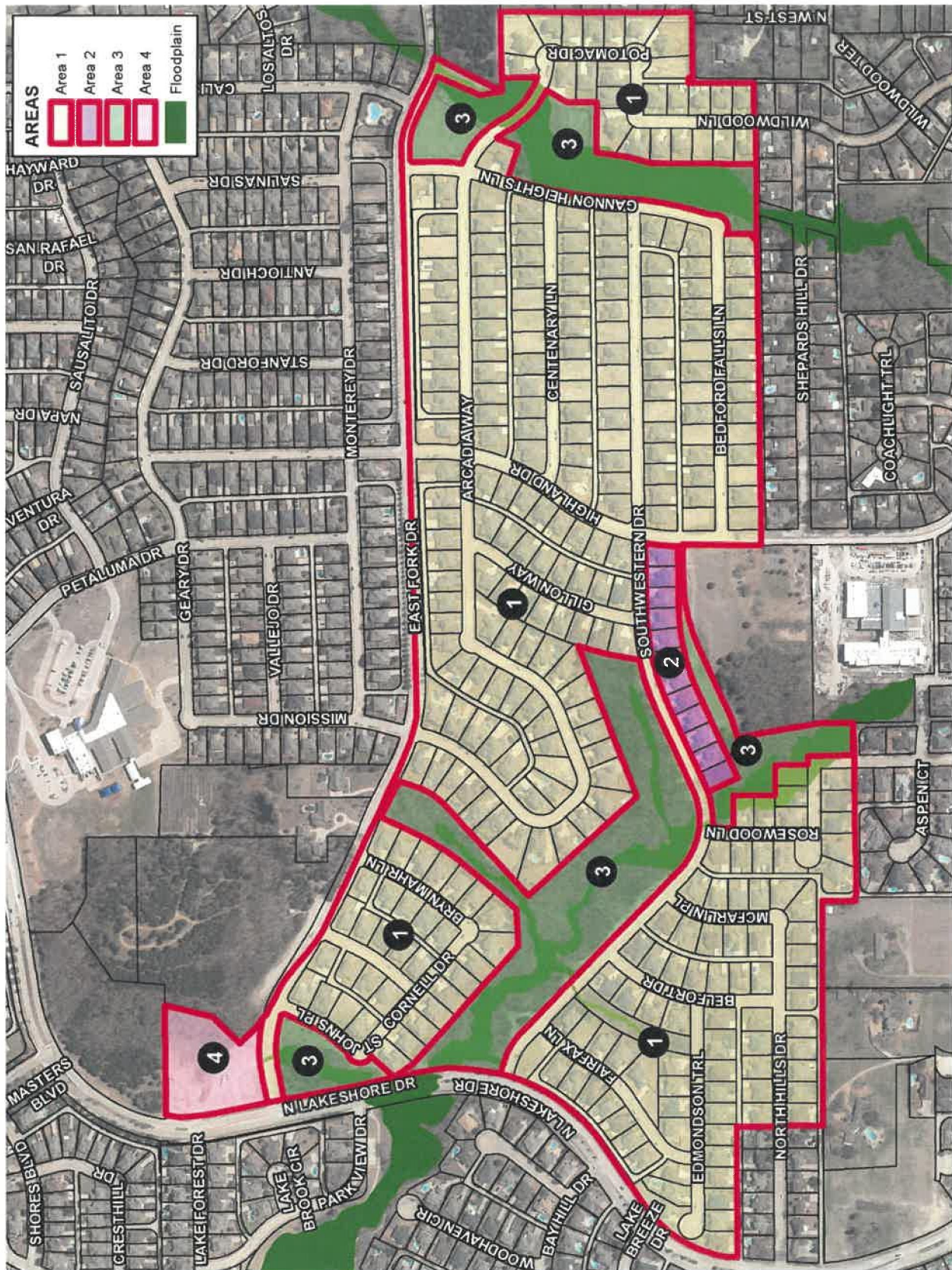
North 58°46'28" West a distance of 266.02-feet for a corner;

North 89°38'31" East a distance of 52.33-feet along the North boundary of the subdivision for a point;

North 89°38'31" East continuing a distance of 419.29-feet to the *POINT BEGINNING* and containing 1.46-acres (63,457.121894 SF) of land.



**EXHIBIT 'B':**  
Concept Plan





**EXHIBIT 'C':**  
**PD Development Standards**

(A) Purpose.

- (1) Ordinance No. 94-15. The purpose of the request is to permit the development of single-family homes comparable to those permitted on other tracts in the area. The development may include private amenities for the use and enjoyment of the residents within the subdivision. Other improvements will include greenbelts for the use and enjoyment of the general public and landscaping along N. Lakeshore Drive and Alamo Road.
- (2) Ordinance No. 01-27. The City initiated a zoning amendment to Planned Development District 41 (PD-41) in accordance with the Planned Development Review Process performed by the City of Rockwall Planning and Zoning Commission as required under the Planned Development of the Comprehensive Zoning Ordinance (*Ordinance No. 83-23*).
- (3) Ordinance No. 19-01. The purpose of this request is to incorporate a 1.46-acre tract of land into Planned Development District 41 (PD-41) and change a 2.96-acre property at the northeast corner of E. Fork Drive and N. Lakeshore Drive to allow limited General Retail (GR) District land uses and development standards.

(B) Areas 1 & 2: ~145.7-Acres [Phases 1, 2 & 3 of the Preserve Subdivision]: The area identified as Areas 1 & 2 in Exhibit 'B' of this ordinance shall be subject to the following requirements:

- (1) Permitted Land Uses. Areas 1 & 2 shall be subject to the permitted land uses stipulated for properties in a Single-Family 10 (SF-10) District as specified by Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future.
- (2) Lot Composition. The lot composition shall conform to the following:

| Area   | Acreage       | Minimum Lot Size (SF) | Dwelling Units (#) | Dwelling Unit (%) |
|--------|---------------|-----------------------|--------------------|-------------------|
| 1      | ~118.10-Acres | 10,000 SF             | 294                | 84.24%            |
| 2      | ~19.60-Acres  | 10,000 SF             | 55                 | 15.76%            |
| TOTAL: | ~145.70-Acres |                       | 349                | 100.00%           |

- (3) Density and Dimensional Requirements. The following density and dimensional requirements are required for development on Areas 1 & 2:

| Lot Type (see Concept Plan) ►                                | AREA 1 <sup>(1)</sup> | AREA 2 <sup>(1) &amp; (2)</sup> |
|--|-----------------------|---------------------------------|
| Minimum Lot Area   | 10,000 SF             | 10,000 SF                       |
| Minimum Lot Width at Front Building Setback                  | 80'                   | 80'                             |
| Minimum Lot Depth  | 100'                  | 100'                            |
| Minimum Front Yard Setback                                   | 25'                   | 25'                             |
| Minimum Side Yard Setback                                    | 6'                    | 6'                              |
| Minimum Side Yard Setback (Adjacent to a Residential Street) | 15'                   | 15'                             |
| Minimum Rear Yard Setback (Adjacent to an Arterial Street)   | 20'                   | 20'                             |
| Minimum Rear Yard Setback                                    | 10'                   | 10'                             |
| Minimum Area/Dwelling Unit (SF)                              | 2,000 SF              | 2,000 SF                        |
| Minimum Distance Between Buildings                           | 10'                   | 10'                             |
| Maximum Lot Coverage   | 35%                   | 35%                             |
| Maximum Height   | 36'                   | 36'                             |
| Minimum Off-Street Parking Requirement <sup>(3)</sup>        | 2                     | 2                               |

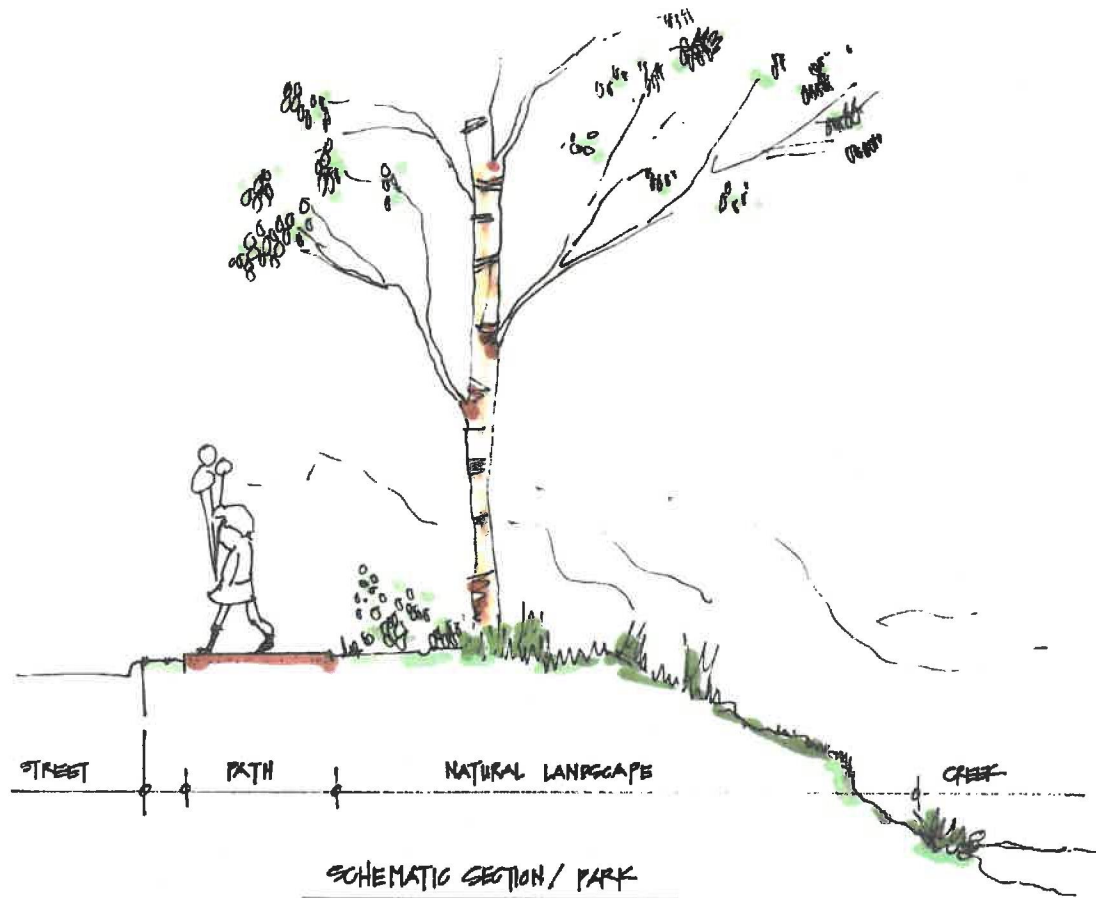
General Notes:

- <sup>1.</sup> Maximum number of single-family dwellings per lot is one (1).
- <sup>2.</sup> Without alleyways.
- <sup>3.</sup> Minimum two (2) car garage required.

**EXHIBIT 'C':**  
*PD Development Standards*

- (4) Masonry Requirements. Exterior wall construction within the Planned Development District shall consist of a minimum of 75% masonry with no single elevation of any structure containing less than 50% of its exposed surface of masonry construction as specified herein. This requirement applies only to the first floor of the structure.
- (5) Garage Orientation. On lots not accessible by an alleyway, garage doors shall be oriented in a *Traditional Swing* or *J-Swing* (i.e. oriented so that the garage doors do not face onto a public street).
- (6) Schematic Sections. All development within Areas 1 & 2 shall maintain conformance with the following schematics:

Figure 1: Park and Trail





**EXHIBIT 'C':**  
PD Development Standards

Figure 2: Screening Along N. Lakeshore Drive

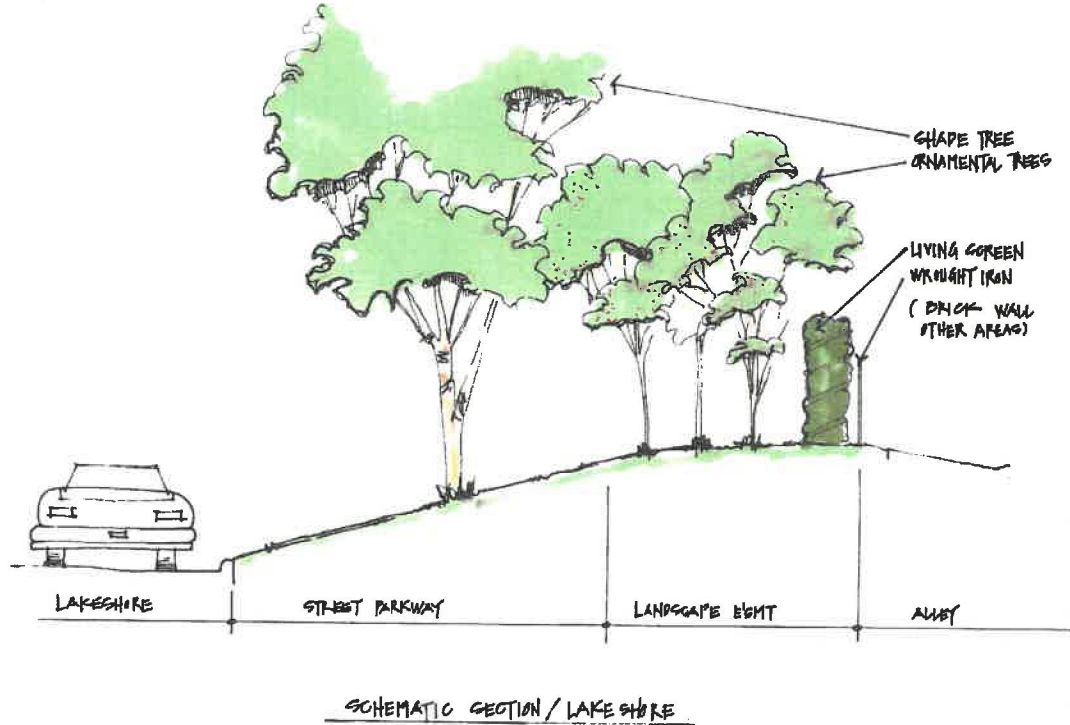
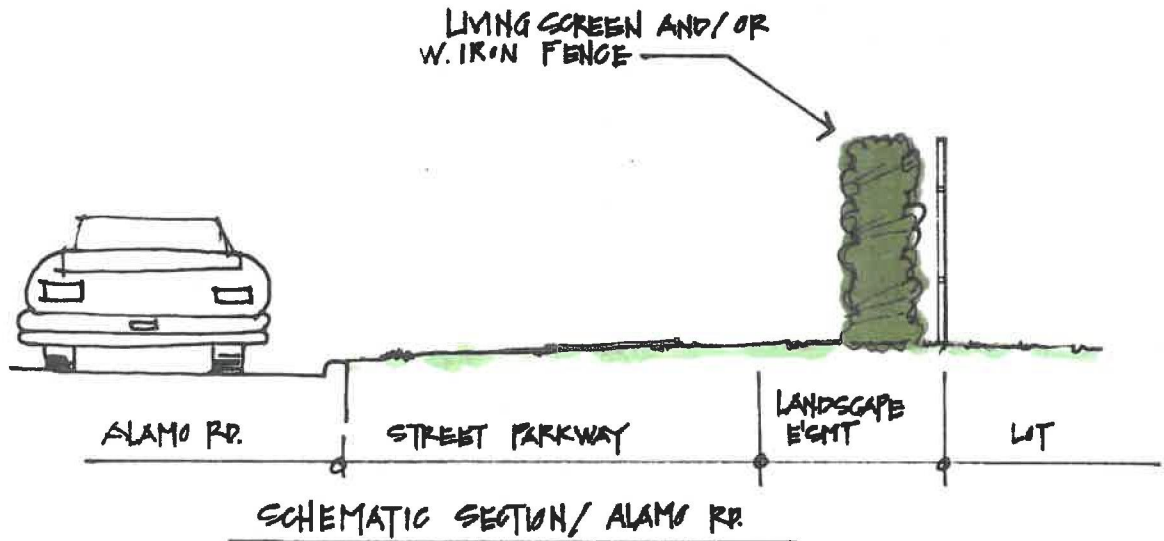


Figure 3: Screening Along Alamo Road



- (C) Area 3: 8.0-Acres [Greenbelt and Open Space]: The area identified as Area 3 in Exhibit 'B' of this ordinance shall be preserved as a greenbelt, and shall not be developed for any purpose other than to provide open space for the area identified as Areas 1 & 2 in Exhibit 'B' of this ordinance.
- (D) Area 4: 2.96-Acres [General Retail (GR) District]: The area identified as Area 4 in Exhibit 'B' of this ordinance shall be subject to the following requirements:

**EXHIBIT 'C':**  
*PD Development Standards*

- (1) Permitted Land Uses. Area 4 shall be limited to the following land uses: [1] *Medical Office Building*, [2] *Office Building*, and [3] *Daycare with Seven (7) or More Children*. These land uses shall be subject to the *Conditional Land Use Standards* stipulated for a property in a General Retail (GR) District as required by Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future.
- (2) Density and Dimensional Requirements. Area 4 shall be subject to all of the development standards for a property in a General Retail (GR) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future; however, the minimum lot depth for a property in Area 4 shall be 83-feet.
- (3) General Overlay District Standards. Area 4 shall be subject to the development requirements contained in Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC); however, only a ten (10) foot landscape buffer will be required along N. Lakeshore Boulevard and E. Fork Road.