

CITY OF ROCKWALL

ORDINANCE NO. 24-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 44 (PD-44) [ORDINANCE NO.'S 97-28 & 09-03] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM A HEAVY COMMERCIAL (HC) DISTRICT AND COMMERCIAL (C) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 44 (PD-44) AND FOR THE PURPOSES AMENDING THE CONCEPT PLAN AND DEVELOPMENT STANDARDS FOR A 90.37-ACRE TRACT OF LAND IDENTIFIED AS LOTS 6, 7, 8 & 9, BLOCK A, RAYBURN COUNTRY ADDITION; LOT 1, BLOCK 1, HELWIG ADDITION; LOT 1, BLOCK A, ESTEP ADDITION; AND TRACT 3 OF THE W. H. BARNES SURVEY, ABSTRACT NO. 26, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND FURTHER DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; 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 David Naylor of Rayburn Electric Cooperative for the approval of a *Zoning Change* from a Heavy Commercial (HC) District and Commercial (C) District to Planned Development District 44 (PD-44) and for the purposes of amending the concept plan and development standards contained within Planned Development District 44 (PD-44) [*Ordinance No.'s 97-28 & 09-03*] for a 90.37-acre tract of land identified as Lots 6, 7, 8 & 9, Block A, Rayburn Country Addition; Lot 1, Block 1, Helwig Addition; Lot 1, Block A, Estep Addition; and Tract 3 of the W. H. Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, Heavy Commercial (HC) District, and Planned Development District 44 (PD-44) for Commercial (C) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, bounded by SH-205 to the east, Sids Road to the north, and Mims Road south and west, and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* 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 44 (PD-44) [*Ordinance No.'s 97-28 & 09-03*] 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 97-28 & 09-03*;

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 may be amended in the future;

SECTION 2. That development of the *Subject Property* shall generally be in accordance with the *Concept 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*;

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *Development Standards*, outlined 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*;

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein;

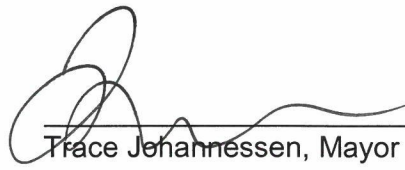
SECTION 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offense and each and every day such 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 [UDC]*), 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 5TH DAY OF AUGUST, 2024.



Trace Jehannessen, Mayor

ATTEST:


Kristy Teague, City Secretary



APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: July 15, 2024

2nd Reading: August 5, 2024

Exhibit 'A'
Legal Description

BEING 90.37 acres of land situated in Abstract 26, William N. Barnes Survey in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at the Westernmost corner of the Rayburn Country Addition, Block A, Lot 9 (2019), NAD83 Texas State Plane GPS Coordinate (Grid): E 2598018.94, N 7014699.27-feet;

- 1 *THENCE* North 45°-09'-40" East, along the Southern Right of Way of Sids Road, a distance of 1166.39-feet to a corner;
- 2 *THENCE* South 45°-09'-07" East, following the boundary of the Pott Shrigley Addition (RCAD Account # 47004), a distance of 338.73-feet to a corner;
- 3 *THENCE* North 45°-09'-13" East, continuing along said boundary, a distance of 247.63-feet to a corner;
- 4 *THENCE* North 45°-02'-39" West, a distance of 338.69-feet to a corner;
- 5 *THENCE* North 45°-09'-41" East, a distance of 59.41-feet to a corner;
- 6 *THENCE* South 46°-05'-37" East, a distance of 10.654-feet for a corner;
- 7 *THENCE* North 44°-07'-04" East, following the boundary of the Helwig Addition (RCAD Account # 44046), a distance of 794.409-feet to a corner;
- 8 *THENCE* South 29°-54'-19" East, continuing along said boundary a distance of 734.37-feet to a corner;
- 9 *THENCE* South 30°-01'-35" East, along the West Right of Way of South Goliad St. (State Highway 205), a distance of 284.635-feet to a point;
- 10 *THENCE* South 30°-01'-35" East, continuing along said Right of Way, a distance of 297.94-feet to a point;
- 11 *THENCE* South 30°-01'-35" East, a distance of 449.71-feet to the beginning of a curve;
- 12 *THENCE* along said curve to the left having an angle of 09°-34'-15" and a radius of 5789.71-feet with a chord distance of 966.01-feet and a chord bearing of South 34°-48'-42" East, to the beginning of a curve;
- 13 *THENCE* along said curve to the right having an angle of 129°-16'-39" and a radius of 40.00-feet with a chord distance of 72.29-feet and a chord bearing of South 25°-02'-31" West, to a point;
- 14 *THENCE* South 89°-40'-52" West, along the North Right of Way of Mims Rd, a distance of 366.51-feet to a point;
- 15 *THENCE* South 89°-40'-52" West, continuing along said Right of Way, a distance of 849.66-feet to a point;
- 16 *THENCE* North 88°-36'-16" West, a distance of 1129.63-feet to the beginning of a curve;
- 17 *THENCE* along said curve to the right having an angle of 46°-17'-43" and a radius of 417.50-feet with a chord distance of 328.24-feet and a chord bearing of North 65°-27'-24" West, to a point;
- 18 *THENCE* North 42°-18'-34" West, a distance of 364.963-feet to a corner;
- 19 *THENCE* North 43°-30'-55" East, following the boundary of Abstract 26, Tract 3-7, a 1.5-acre tract (RCAD Account # 26918), a distance of 70.203-feet to a point;
- 20 *THENCE* North 45°-33'-50" East, continuing along said boundary, a distance of 99.73-feet to a corner;
- 21 *THENCE* North 45°-07'-43" West, a distance of 338.235-feet, to the *POINT OF BEGINNING AND CONTAINING* 90.37 acres of land (3,936,502.92 square-feet) more or less.

Exhibit 'B'
Survey

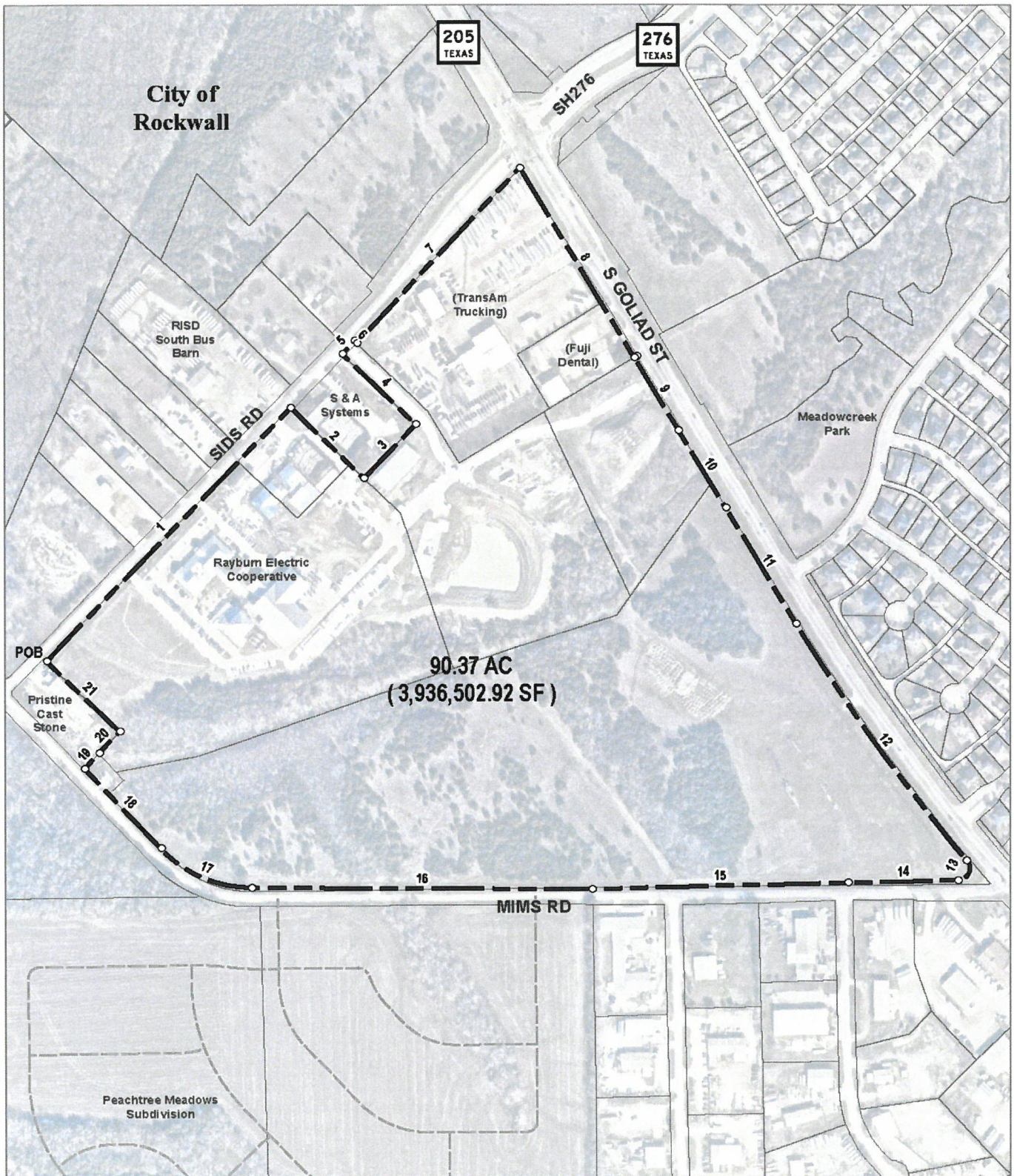


Exhibit 'C'
Concept Plan

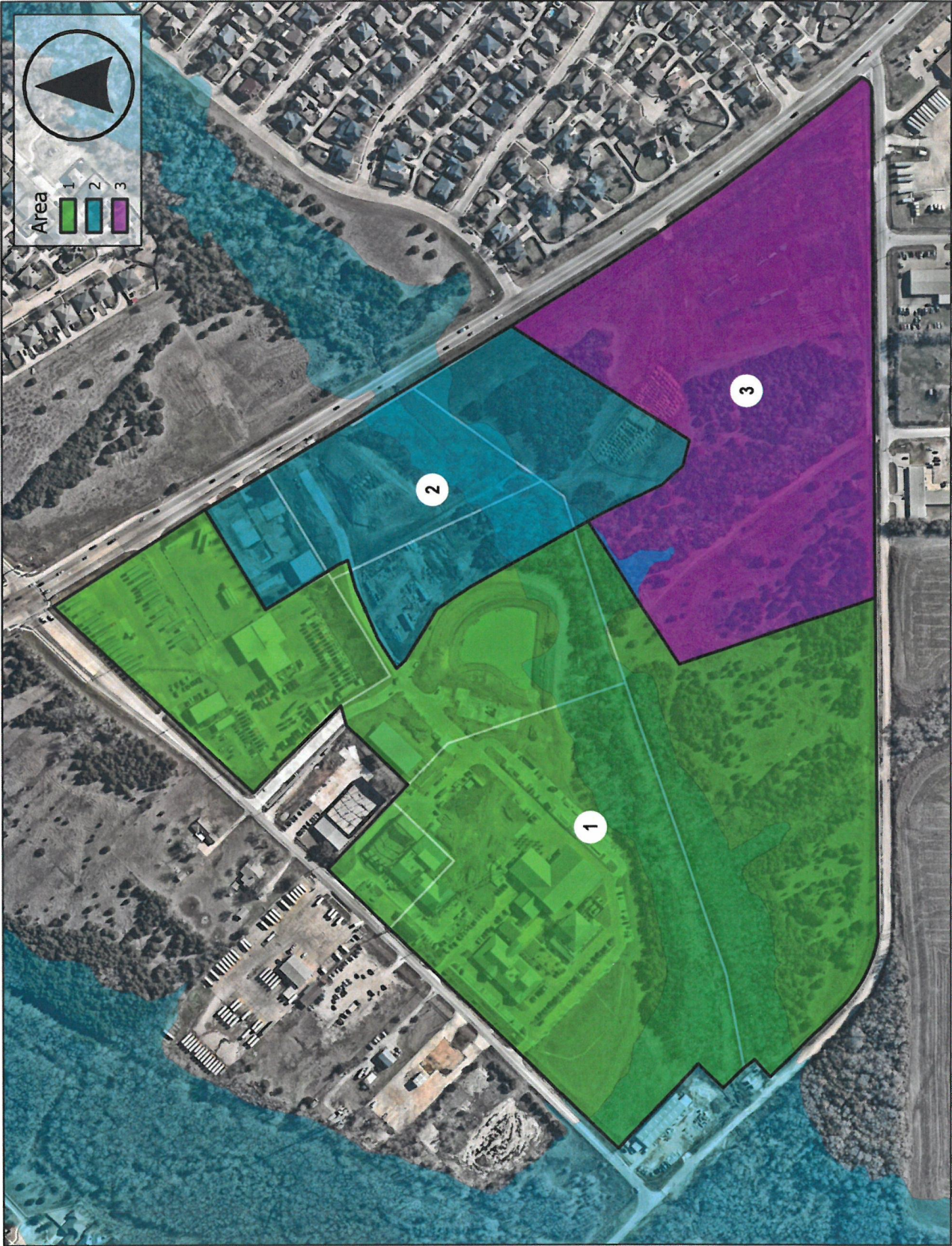


Exhibit 'D'
Development Standards

(A) PURPOSE.

The purpose of this Planned Development District ordinance is to provide flexible design standards to accommodate a commercial campus for the Rayburn Electric Cooperative that incorporates unique architecture and land uses that are otherwise not permitted in the Commercial (C) and Heavy Commercial (HC) Districts. These land uses include the existing offices and warehouse space, future amenities for employees and their guests (*e.g. a private indoor gun range and recreation area*), and community spaces (*e.g. recreational fields, soccer complex, playgrounds, etc.*).

(B) GENERAL STANDARDS FOR ALL AREAS.

- (1) Development Review Process. All development proposed for the *Subject Property* shall require site plan approval in accordance with the requirements and procedures of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC).
- (2) Development Standards. In addition to the standards stipulated for the underlying zoning district, *Areas 1, 2, & 3 -- as depicted in Exhibit 'C' of this ordinance* -- shall be subject to the requirements of Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC).
- (3) Permitted Uses. Unless specifically provided for by this Planned Development District ordinance, the land uses permitted within *Areas 1, 2, & 3 -- as depicted in Exhibit 'C' of this ordinance* -- shall be determined by the underlying zoning district and additional land use provisions stated in Sections (C), (D), & (E) of this ordinance and as stipulated by the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC); however, the following land uses shall be prohibited in all *Areas* of this Planned Development District:
 - Animal Boarding/Kennel without Outside Pens
 - Animal Clinic for Small Animals without Outdoor Pens
 - Animal Hospital or Clinic
 - Community Garden
 - Urban Farm
 - Caretakers Quarters/Domestic or Security Unit
 - Covenant, Monastery, or Temple
 - Limited Service Hotel
 - Full Service Hotel
 - Residence Hotel
 - Motel
 - Assisted Living Facility
 - Blood Plasma Donor Center
 - Cemetery/Mausoleum
 - Church/House of Worship
 - College, University, or Seminary
 - Convalescent Care Facility/Nursing Home
 - Congregate Care Facility/Elderly Housing
 - Daycare with Seven (7) or More Children
 - Emergency Ground Ambulance Services
 - Hospice
 - Hospital
 - Local Post Office

Exhibit 'D'
Development Standards

- Regional Post Office
- Temporary Carnival, Circus, or Amusement Ridge
- Private Country Club
- Private Club, Lodge or Fraternal Organization
- Theater
- Alcoholic Beverage Package Sales
- Alcoholic Beverage Store
- Antique/Collectible Store
- Brew Pub
- Business School
- Catering Service
- Temporary Christmas Tree Sales Lot and/or Similar Uses
- Copy Center
- Craft/Micro Brewery, Distillery and/or Winery
- Incidental Display
- Garden Supply/Plant Nursery
- Hair Salon and/or Manicurist
- Laundromat with Dropoff/Pickup Services
- Self-Service Laundromat
- Massage Therapist
- Private Museum or Art Gallery
- Night-Club, Discotheque, or Dance Hall
- Pawn Shop
- Permeant Cosmetics
- Pet Shop
- Temporary Real Estate Sales Office
- Rental Store without Outside Storage and/or Display
- Restaurant with less than 2,000 SF with Drive-Through or Drive-In
- Restaurant with less than 2,000 SF without Drive-Through or Drive-In
- Restaurant with 2,000 SF or more with Drive-Through or Drive-In
- Restaurant with 2,000 SF or more without Drive-Through or Drive-In
- Retail Store with Gasoline Sales that has Two (2) or Less Dispensers (*i.e. a Maximum of Four [4] Vehicles*)
- Retail Store with Gasoline Sales that has more than Two (2) Dispensers
- Secondhand Dealer
- Art, Photography, or Music Studio
- Tailor, Clothing, and/or Apparel Shop
- Tattoo and/or Body Piercing
- Taxidermist Shop
- Bail Bond Service
- Commercial Cleaners
- Custom and Craft Work
- Electrical, Watch, Clock, jewelry and/or Similar Repair
- Feed Store or Ranch Supply
- Furniture Upholstery/Refinishing and Resale
- Gunsmith Repair and Sales
- Rental, Sales and Service of Heavy Machinery and Equipment
- Locksmith
- Medical or Scientific Research Lab
- Manufactured Home Sales
- Shoe and Boot Repair and Sales
- Trade School
- Major Automotive Repair Garage
- Minor Automotive Repair Garage
- Automobile Rental
- New or Used Boat and Trailer Dealership

Exhibit 'D'
Development Standards

- Full Service Car Wash
- Self-Service Car Wash
- New and/or Used Indoor Motor Vehicle Dealership/Showroom
- New Motor Vehicle Dealership for Cars and Light Trucks
- Commercial Parking Lot
- Recreational Vehicle (RV) Sales and Service
- Service Station
- Towing and Impound Yard
- Towing Service without Storage
- Truck Rental
- Truck Stop with Gasoline Sales and Accessory Services
- Carpet and Rug Cleaning
- Environmentally Hazardous Materials
- Food Processing with No Animal Slaughtering
- Light Assembly and Fabrication
- Heavy Manufacturing
- Light Manufacturing
- Mining and Extraction of Sand, Gravel, Oil and/or Other Materials
- Printing and Publishing
- Salvage or Reclamation of Products Indoors
- Sheet Metal Shop
- Welding Repair
- Cold Storage Plant
- Mini-Warehouse
- Wholesale Showroom Facility
- Bus Charter Service and Service Facility
- Radio Broadcasting
- Recording Studio
- Trucking Company

(4) *Landscape Standards*. Unless specifically provided for by this Planned Development District ordinance, and in addition to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC), *Areas 1, 2, & 3 -- as depicted in Exhibit 'C' of this ordinance* -- shall be subject to the following requirements:

(a) *Landscape Buffer (SH-205)*. A minimum of a 25-foot landscape buffer shall be provided along the frontage of SH-205 (*outside of and beyond any required right-of-way dedication*), and shall incorporate ground cover, a *built-up* berm, and shrubbery along the entire length of the frontage. Berms and shrubbery shall have a minimum combined height of 48-inches. In addition, three (3) canopy trees and four (4) accent trees shall be planted per 100-linear feet of frontage. A meandering five (5) foot sidewalk shall be constructed within the 25-foot landscape buffer.

(b) *Landscape Buffer (Mims Road and Sids Road)*. A minimum of a ten (10) foot landscape buffer shall be provided along the frontage of Mims Road and Sids Road (*outside of and beyond any required right-of-way dedication*). In addition, one (1) canopy and one (1) accent trees shall be required to be planted per 50-linear feet of frontage. A five (5) foot sidewalk shall be constructed within the ten (10) foot landscape buffer.

(5) *Building and Design Standards*. All buildings proposed within *Areas 1, 2, & 3 -- as depicted in Exhibit 'C' of this ordinance* -- shall incorporate complementary architectural styles, building materials, and colors. The Architecture Review Board (ARB) shall review all building elevations during the site plan process to ensure that a complementary design

Exhibit 'D'
Development Standards

scheme and building materials are being proposed, and that the design is consistent and complimentary to the existing buildings on the site. In addition, buildings that are adjacent to or that will be highly visibility from S. Goliad Street (SH-205) should generally conform to the *General Overlay District Standards*; however, buildings internal to the site should be given special consideration through the variance process to allow more functional buildings and building materials.

- (6) *Variances*. The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance; however, in considering a variance to the standards of this ordinance the Architectural Review Board (ARB) and Planning and Zoning Commission shall consider the previous approvals and design schemes of the overall campus and look to create uniformity in design and aesthetics for the area.

(C) AREA 1.

- (1) *Permitted Uses*. *Area 1 -- as depicted in Exhibit 'C' of this ordinance* -- shall be subject to the land uses permitted within the Heavy Commercial (HC) District, as stipulated by the *Permissible Use Charts* contained within Article 04, *Permissible Uses*, of the Unified Development Code (UDC); however, the following additional land use provisions shall apply to *Area 1*:

(a) The following additional land uses shall be permitted *by-right*:

- Private Indoor Gun Range

NOTE: For the purposes of this Planned Development District ordinance, a *Private Indoor Gun Range* shall be defined as a gun range that is fully contained within an enclosed area (*i.e. all activities shall be done inside an indoor building*) that is intended for the private use of employees of Rayburn Electric Cooperative and their guests.

(b) The following additional land uses shall be permitted as an accessory land use to an *Corporate Office Campus/Warehouse* land use:

- Major Automotive Repair Garage
- Service of Heavy Machinery and Equipment
- Self-Service Car Wash
- Welding Repair

- (2) *Development Standards*. Unless specifically provided for by this Planned Development District ordinance, the development standards for *Area 1* shall be those stipulated for properties in the Heavy Commercial (HC) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(D) AREA 2.

- (1) *Permitted Uses*. *Area 2 -- as depicted in Exhibit 'C' of this ordinance* -- shall be subject to the land uses permitted within the Commercial (C) District, as stipulated by the *Permissible Use Charts* contained within Article 04, *Permissible Uses*, of the Unified Development Code (UDC); however, the following additional land use provisions shall apply to *Area 2*:

(a) The following additional land uses shall be permitted *by-right*:

Exhibit 'D'
Development Standards

- Private Outdoor Recreation Facilities
- Banquet Facility/Event Hall

NOTE: For the purposes of this Planned Development District ordinance, the *Private Outdoor Recreation Facilities* land use shall be defined as private recreation facilities (e.g. pickleball courts, basketball courts, picnic areas, playgrounds, or similar uses) that are intended for the private use of employees of Rayburn Electric Cooperative and their guests.

- (2) Development Standards. Unless specifically provided for by this Planned Development District ordinance, the development standards for Area 2 shall be those stipulated for properties in the Commercial (C) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC).

(E) AREA 3.

- (1) Permitted Uses. Area 3 -- as depicted in Exhibit 'C' of this ordinance -- shall be subject to the land uses permitted within the Commercial (C) District, as stipulated by the *Permissible Use Charts* contained within Article 04, *Permissible Uses*, of the Unified Development Code (UDC); however, the following additional land use provisions shall apply to Area 3:

(a) The following additional land uses shall be permitted *by-right*:

- Outdoor Commercial Amusement/Recreation
- Banquet Facility/Event Hall
- Solar Collector Energy Panels (*Ground Mounted*)¹

NOTES:

¹: The Solar Collector Energy Panels land use shall adhere to the following *Conditional Land Use Standards*:

- (1) The Solar Collector Energy Panels shall be required to be shown on a site plan that is approved by the Planning and Zoning Commission.
 - (2) The Solar Collector Energy Panels shall be fully screened from the public's view (i.e. adjacent properties or rights-of-way) by a solid masonry screening wall. As an alternative, the Planning and Zoning Commission may grant the use of three (3) tiered screening and berms where it is deemed to be an appropriate screening alternative.
 - (3) All ground mounted or pole mounted Solar Collector Energy Panels shall be located outside of any building setbacks or easements.
 - (4) The maximum overall height of ground mounted or pole mounted Solar Collector Energy Panels shall be eight (8) feet.
 - (5) Solar Collector Energy Panels shall meet all other pertinent requirements of the Unified Development Code (UDC).
- (2) Development Standards. Unless specifically provided for by this Planned Development District ordinance, the development standards for Area 3 shall be those stipulated for properties in the Commercial (C) District as stipulated by Article 05, *District Development Standards*, of the Unified Development Code (UDC).