

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING FROM "GR", GENERAL RETAIL DISTRICT, "SF-10", SINGLE-FAMILY RESIDENTIAL DISTRICT AND "MF-15", MEDIUM DENSITY MULTI-FAMILY DISTRICT TO "PD" PLANNED DEVELOPMENT ON A 11.576 ACRE TRACT OF LAND MORE FULLY DESCRIBED HEREIN; 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, a change in zoning from "GR", General Retail District, "SF-10", Single-Family Residential District and "MF-15", Medium Density Multi-Family District to "PD-49", Planned Development District with special conditions, on property as described in Exhibit "A", has been submitted by Kent Stainback; 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, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

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

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of a zoning change from "GR", General Retail District, "SF-10", Single-Family Residential District and "MF-15", Medium Density Multi-Family District to "PD-49", Planned Development District on property described on Exhibit "A", attached hereto and made a part hereof.

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 Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

Section 3. That development in the area within Exhibit "A" shall be limited to uses and requirements listed in the General Retail district of the Comprehensive Zoning Ordinance and subject to site plan approval by the Planning and Zoning Commission and City Council with the following special conditions;

- (1) Unless otherwise stated herein, or otherwise indicated on the attached Preliminary Plan, Exhibits "B" through "J", which is incorporated herein and made a part hereof for all purposes, or on the subsequently submitted and approved Development Plan and Landscape Plan, development standards for the Property, including, but not limited to, yard, lot and space, height, parking and loading regulations shall be in accordance with the "GR", General Retail provisions of the Code. The open space landscape buffer indicated on the Preliminary Plan between the existing "SF-10" lots to the north

of the subject property and the retail sites shall be used for buffering and open space purposes. The base zoning for this tract shall be "GR", General Retail, but it shall not be considered as part of the shopping center developed on the property, and it shall be screened from such center as shown on the Development Plan for the property.

- (2) Landscaping for the property shall be as reflected on the attached Preliminary Plan and shall comply with the landscape regulations of the City of Rockwall, Ordinance no. 88-28 and the City's Tree Preservation Ordinance no. 99-32, except as otherwise specifically indicated on the approved Preliminary Plan. As a part of the development a landscaping buffer/open space of approximately 2.8 acres will be provided as shown on the attached Preliminary Plan. Screening, as approved on the attached Preliminary Plan, shall separate the retail uses from the open space parcel. It is the intent that the open space shall generally remain in its natural state with the exception of the screening required herein and certain underbrush, as determined by the City. It is also the intent that the developer shall be recognized for the dedication of the open space and shall be given certain agreed upon credits toward the site landscaping for the anchor user. Such credits shall be identified on the approved Preliminary Plan.
- (3) The following uses shall not be permitted on the Property:
 - a. A tavern, bar, nightclub, discotheque or any other establishment the principal source of revenue for which is from the sale of alcoholic beverages for on-premises consumption, (or a private club, as defined under the applicable city ordinances, in conjunction with a restaurant).
 - b. A bowling alley or game room (except for game room areas that may be incidental to the use of a building for restaurant purposes).
 - c. A theater (motion picture or live performance).
 - d. A flea market.
 - e. An adult type bookstore, adult entertainment establishment, nude or semi-nude modeling studios or bars or other establishment selling or exhibiting pornographic materials or operating a sexually oriented business.
 - f. A massage parlor.
 - g. A skating rink.
 - h. A mortuary.
 - i. A mobile home or trailer court, labor camp, junkyard or stockyard.
 - j. A land fill, garbage dump or site for the dumping, disposing, incineration or reduction of garbage.
 - k. A pawnshop.
 - l. A bingo parlor/establishment.
 - m. Gasoline sales or service.
- (4) The maximum size of any building on the Property shall generally not exceed 42,000 square feet of floor space, but in no case shall any building exceed 43,500 sq. ft.

- (5) All exterior walls of retail buildings shall meet the minimum Code requirements of ninety percent (90%) masonry content and shall consist of brick, stone, split-face masonry block, EIFS (exterior insulated finishing system), Dry-vit, or other masonry construction of comparable kind and character, with provision that specific building materials, designs and building elevations must be submitted for approval by the Council as part of the Preliminary Plan approval.
- (6) Exterior color schemes for the retail buildings shall be limited to the use of earth tone colors. Painting of brick, stone or masonry shall be prohibited, but integrated coloring is permitted. "Earth tones" does not include a manufactured material with a natural color that resembles the natural color of a concrete material.
- (7) Except for those uses prohibited herein, those uses in the Code requiring Specific or Conditional Use Permits in General Retail Districts shall be permitted under this Planned Development District upon application for and approval of such permits in accordance with the Code.
- (8) All paving shall be concrete.
- (9) Lighting standards: All lighting shall meet the requirements of the outdoor lighting Ordinance Ord. 97-33 unless otherwise stated herein. All exterior pole lighting shall be box lighting with flush bulbs to prevent glare. All light poles within 200' of the existing residential development shall not exceed a height of twenty (20) feet. All lighting shall be designed to allow no greater than two (2) foot candles of light at the outer perimeter lines of the Property. No light poles shall exceed twenty-eight (28) feet. All light poles within thirty (30) feet of the outer perimeter lines of the Property shall have shields placed on three sides of the bulb to direct the lighting straight down.
- (10) Signage: Pylon signs shall not be permitted on the Property. All detached signs shall be monument signage, and shall comply with the City's Codified Sign Ordinance, dated March 26, 1999.
- (11) Traffic: A traffic impact analysis will be performed by or at the expense of the developer. This study will address driveway spacing, on-site circulation of trucks and retail customers, appropriate median openings and intersection impacts.
- (12) Drainage: A preliminary drainage study will be performed by the developer and presented to the City Engineer. The purpose of this study is to meet the requirements of the subdivision ordinance and engineering standards. This study should demonstrate the drainage solution and drainage plan for this site. The preliminary drainage study shall be submitted to the City with the submission of the Preliminary Plan. The detailed drainage study shall be submitted with the final engineering.
- (13) Environmental Assessment: If required by local, state or federal requirements, in conjunction with the submission of the final engineering the applicant will provide a wetlands determination for the site.
- (14) Truck deliveries: The site should be oriented so that truck deliveries can be accommodated and encouraged to access the site from S.H. 66.
- (15) Architectural Controls: All buildings in the development should be architecturally harmonious and have coordinated architectural elements, building materials and colors. All roof mounted equipment shall be reasonably screened from view, utilizing planting materials and building materials. All buildings shall use building articulation and architectural elements to accent the buildings. These elements shall be used on the buildings along roadways and backing to the residential areas. Architectural

concepts, proposed materials and features shall be submitted with the Preliminary Plan for review and approval.

- (16) Buffer zone and/or open space: The buffer/open space zone shall be landscaped and designed so as to provide visual, sound and distance buffer between the residential property and the proposed development and shall be submitted on the Preliminary Plan for review and approval.
- (17) Drive throughs and truck docks shall be so oriented to minimize the impact of those operations on the existing residential development.
- (18) Outside storage: Outside storage shall only be allowed under the incidental display conditions outlined in Comprehensive Zoning Ordinance of Rockwall, Texas, Ordinance No. 83-23, section 8.5, but shall not allow any seasonal display of landscape type materials.
- (19) Parking lot screening: the parking lots facing S.H. 66 and North Lakeshore shall be screened to reduce the scale of development and to shield the roads from vehicle lights. Methods of screening could include landscaping, the use of low walls, berms or a combination of two or more methods, which shall be submitted for approval by the Council as part of the Preliminary Plan approval.

Section 4. That development in the area within Exhibit "A" shall also be subject with the following additional conditions;

- (1) That the incidental display of retail items for sale including all outdoor vending machines is prohibited.
- (2) That no light pole, pole base or combination thereof shall exceed twenty (20) feet in height.
- (3) That all monument signs not exceed five (5) feet in height.
- (4) That all skylights shall be designed so as to minimize glare.
- (5) That additional landscaping be installed along North Lakeshore Boulevard.
- (6) That the approximately 2.8 acre buffer/open space zone be dedicated to the City of Rockwall.

Section 5. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 6. 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 7. 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

Comprehensive Zoning Ordinance No. 83-23 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 8. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.

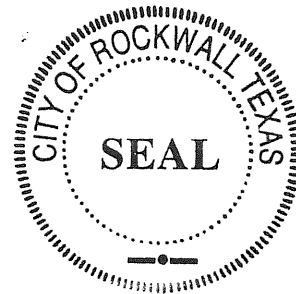
DULY PASSED AND APPROVED this 2nd day of April, 2001.

Scott L. Self

APPROVED

Belinda Page

ATTEST



1st Reading 3.21.01

2nd Reading 4.02.01

BEING A 9.633 ACRE PARCEL OF LAND SITUATED IN THE B.F. BOYDSTON SURVEY, ABSTRACT NO.14, IN THE CITY OF ROCKWALL, TEXAS, AND BEING ALL OF A CALLED 9.633 ACRE TRACT OF LAND AS DEEDED TO WALMART STORES EAST, INC., AS RECORDED IN VOLUME _____, PAGE _____, OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS (DRRCT), SAID 9.633 ACRE PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 3/8-INCH IRON ROD FOUND, BEING THE NORTHWEST CORNER OF SAID WALMART PARCEL, BEING THE SOUTHWEST CORNER OF NORTHSHORE PHASE ONE, AN ADDITION TO THE CITY OF ROCKWALL, AS RECORDED IN CABINET "A", SLIDE 181, DRRCT AND BEING IN THE EAST LINE OF NORTH LAKESHORE DRIVE (100 FOOT RIGHT-OF-WAY);

THENCE ALONG THE NORTH LINE OF SAID WALMART TRACT, BEING THE SOUTH LINE OF SAID NORTHSHORE ADDITION THE FOLLOWING TWO (2) COURSES AND DISTANCES:

N 51° 10' 57" E, A DISTANCE OF 299.65 FEET TO AN X-CUT IN CONCRETE SET, AND

N 87° 32' 39" E, A DISTANCE OF 278.08 FEET TO A 5/8-INCH IRON ROD FOUND, SAID POINT BEING A NORTHEAST CORNER OF SAID WALMART TRACT, BEING THE NORTHWEST CORNER OF S. SPARKS ADDITION, AN ADDITION TO THE CITY OF ROCKWALL, AS RECORDED IN CABINET "B", SLIDE 393, DRRCT;

THENCE CONTINUING ALONG THE NORTH LINE OF SAID WALMART TRACT, BEING THE WEST AND SOUTH BOUNDARY LINES OF SAID SPARKS ADDITION THE FOLLOWING TWO (2) COURSES AND DISTANCES:

S 02° 28' 19" E, A DISTANCE OF 129.98 FEET TO A 1/2-INCH IRON ROD FOUND, BEING THE SOUTHWEST CORNER OF SAID SPARKS ADDITION,

N 86° 38' 49" E, A DISTANCE OF 244.73 FEET TO A 1/2-INCH IRON ROD FOUND, SAID POINT BEING A NORTHEAST CORNER OF SAID WALMART TRACT, BEING THE SOUTHEAST CORNER OF SAID SPARKS ADDITION, AND BEING IN THE EAST LINE OF THE REMAINDER OF A CALLED 9.2277 ACRE TRACT OF LAND AS DEEDED TO 9.2277 ACRE LIMITED PARTNERSHIP AS RECORDED IN VOLUME 431, PAGE 107 DRRCT;

THENCE S 79° 58'33" E, ALONG THE EAST LINE OF SAID WALMART TRACT, BEING THE WEST LINE OF SAID REMAINDER TRACT A DISTANCE OF 244.83 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET, SAID POINT BEING A NORTHEAST CORNER OF SAID WALMART TRACT, AND BEING THE NORTHWEST CORNER OF A TRACT OF LAND AS DEEDED TO THE CITY OF ROCKWALL AS RECORDED IN VOLUME 254, PAGE 745, DRRCT;

THENCE S 05° 44' 03" W, ALONG THE EAST LINE OF SAID WAL-MART TRACT SAME BEING THE WEST LINE OF SAID CITY OF ROCKWALL TRACT, A DISTANCE OF 89.75 FEET TO A 1/2-INCH IRON ROD FOUND, SAID POINT BEING A SOUTHEAST CORNER OF SAID WALMART TRACT, BEING THE SOUTHWEST CORNER OF SAID CITY OF ROCKWALL TRACT, AND BEING THE NORTHWEST CORNER OF A TRACT OF LAND AS DEEDED TO DAVID WADE AND VIRGINIA CANUP, AS RECORDED IN VOLUME 37, PAGE 325, DRRCT;

THENCE ALONG THE LINE COMMON TO SAID WALMART TRACT AND SAID WADE CANUP TRACT THE FOLLOWING TWO (2) COURSES AND DISTANCES:

S 40° 29' 02" W, A DISTANCE OF 392.60 FEET TO A 1/2-INCH IRON ROD FOUND, AND

S 04° 18' 48" E, A DISTANCE OF 41.70 FEET TO A TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) ALUMINUM CAP MONUMENT FOUND, SAID POINT BEING THE SOUTHEAST CORNER OF SAID WALMART TRACT, BEING THE SOUTHWEST CORNER OF SAID WADE CANUP TRACT, AND BEING IN THE NORTH RIGHT-OF-WAY LINE OF STATE HIGHWAY 66 (ALSO CALLED RUSK STREET, VARIABLE WIDTH RIGHT-OF-WAY);

THENCE S 68° 43' 45" W, ALONG THE SOUTH LINE OF SAID WALMART TRACT, BEING THE NORTH RIGHT-OF-WAY LINE OF SAID HIGHWAY 66 A DISTANCE OF 190.766 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET, SAID POINT BEING A SOUTHWEST CORNER OF SAID WALMART TRACT, BEING THE SOUTHEAST CORNER OF NORTHSORE PLAZA PHASE TWO, AN ADDITION TO THE CITY OF ROCKWALL AS RECORDED IN CABINET "C", SLIDE 23, DRRCT;

THENCE N 00° 39' 54" W, ALONG THE WEST LINE OF SAID WALMART TRACT, BEING THE EAST LINE OF SAID NORTHSORE ADDITION, PASSING THE NORTHEAST CORNER OF SAID ADDITION, BEING THE SOUTHEAST CORNER OF NORTHSORE PLAZA PHASE 3, AN ADDITION TO THE CITY OF ROCKWALL, AS RECORDED IN CABINET "C", SLIDE 54, DRRCT, CONTINUING ALONG THE EAST LINE OF SAID NORTHSORE PHASE 3 A TOTAL DISTANCE OF 227.26 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET,

THENCE ALONG THE SOUTH LINE OF SAID WALMRT TRACT, BEING THE NORTH LINE OF SAID NORTHSORE PLAZA PHASE THREE THE FOLLOWING TWO (2) COURSES AND DISTANCES:

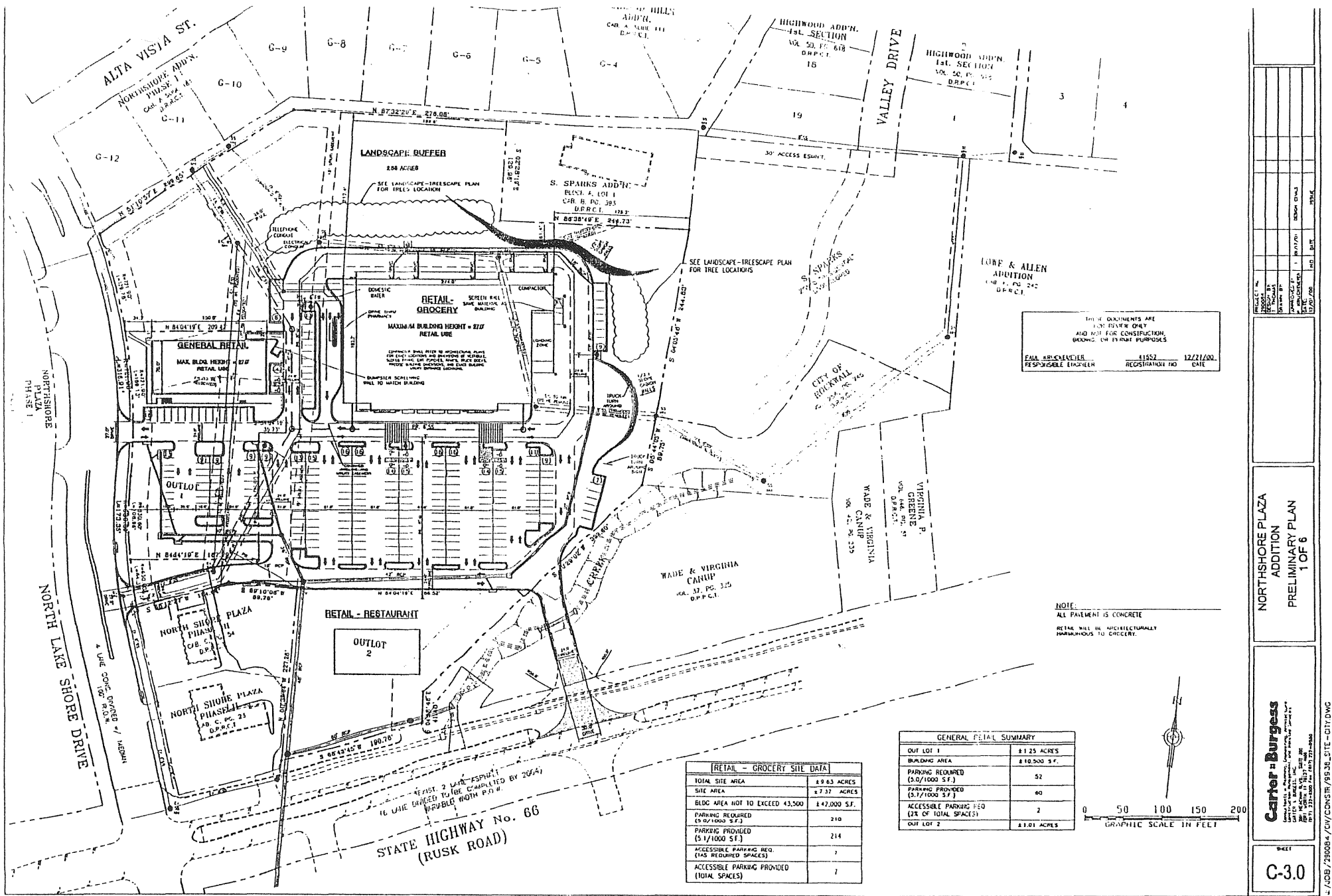
S 89° 10' 06" W, A DISTANCE OF 89.76 FEET TO A 5/8-INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER & BURGESS" SET, AND

S 68° 12' 27" W, A DISTANCE OF 124.64 FEET TO A X-CUT FOUND IN CONCRETE PAVING, SAID POINT BEING A SOUTHWEST CORNER OF SAID WALMART TRACT, BEING THE NORTHWEST CORNER OF SAID NORTHSORE PLAZA PHASE 3, AND BEING IN THE EAST RIGHT-OF-WAY LINE OF SAID NORTH LAKESHORE DRIVE;

THENCE ALONG THE WEST LINE OF SAID WALMART TRACT, BEING THE EAST RIGHT-OF-WAY LINE OF SAID NORTH LAKESHORE DRIVE THE FOLLOWING TWO (2) COURSES AND DISTANCES:

ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 630.60 FEET, A CENTRAL ANGLE OF 15° 55' 24", AN ARC LENGTH OF 175.25 FEET, AND HAVING A CHORD WHICH BEARS N 08° 23' 14" W, A DISTANCE OF 174.69 FEET TO A 3/4-INCH IRON ROD, AND

ALONG A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 721.90 FEET, A CENTRAL ANGLE OF 25° 09' 37", AN ARC LENGTH OF 317.01 FEET, AND HAVING A CHORD WHICH BEARS N 13° 10' 04" W A DISTANCE OF 314.47 FEET TO THE POINT OF BEGINNING AND CONTAINING 9.633 ACRES OF LAND, MORE OF LESS. BASIS OF BEARING FOR THIS DESCRIPTION IS THE TEXAS COORDINATE SYSTEM, NAD 83, NORTH CENTRAL ZONE, BASED ON THE CITY OF ROCKWALL GEODETIC NETWORK MONUMENTS, NUMBERS R005, R011, R012, R013, AND R018.



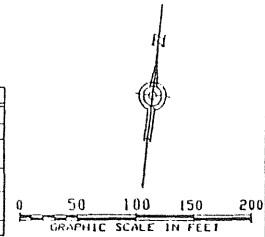
THESE DOCUMENTS ARE
FOR REVIEW ONLY
AND NOT FOR CONSTRUCTION,
BIDDING OR FINANCIAL PURPOSES

DATE: 12/21/00
RESPONSIBLE ENGINEER: [Signature]
REGISTRATION NO: 41552

NOTE:
ALL PAVEMENT IS CONCRETE
RETAIL WILL BE ARCHITECTURALLY
HARMONIOUS TO EXISTING.

[RETAIL - GROCERY SITE DATA]	
TOTAL SITE AREA	49.63 ACRES
SITE AREA	17.37 ACRES
BLDG AREA NOT TO EXCEED 43,500	142,000 S.F.
PARKING REQUIRED (5.0/1000 S.F.)	210
PARKING PROVIDED (5.1/1000 S.F.)	214
ACCESSIBLE PARKING REQ. (1% REQUIRED SPACES)	1
ACCESSIBLE PARKING PROVIDED (TOTAL SPACES)	1

GENERAL RETAIL SUMMARY	
OUT LOT 1	11.25 ACRES
BUILDING AREA	110,500 S.F.
PARKING REQUIRED (5.0/1000 S.F.)	52
PARKING PROVIDED (5.1/1000 S.F.)	60
ACCESSIBLE PARKING REQ. (1% OF TOTAL SPACES)	2
OUT LOT 2	11.01 ACRES



**NORTHSHORE PLAZA
ADDITION
PRELIMINARY PLAN
1 OF 6**

Cartor & Burgess

1500 N. 10TH ST., SUITE 200
DENVER, CO 80202
TEL: 303.733.1400 FAX: 303.733.1400

C-3.0

EXHIBIT "B"

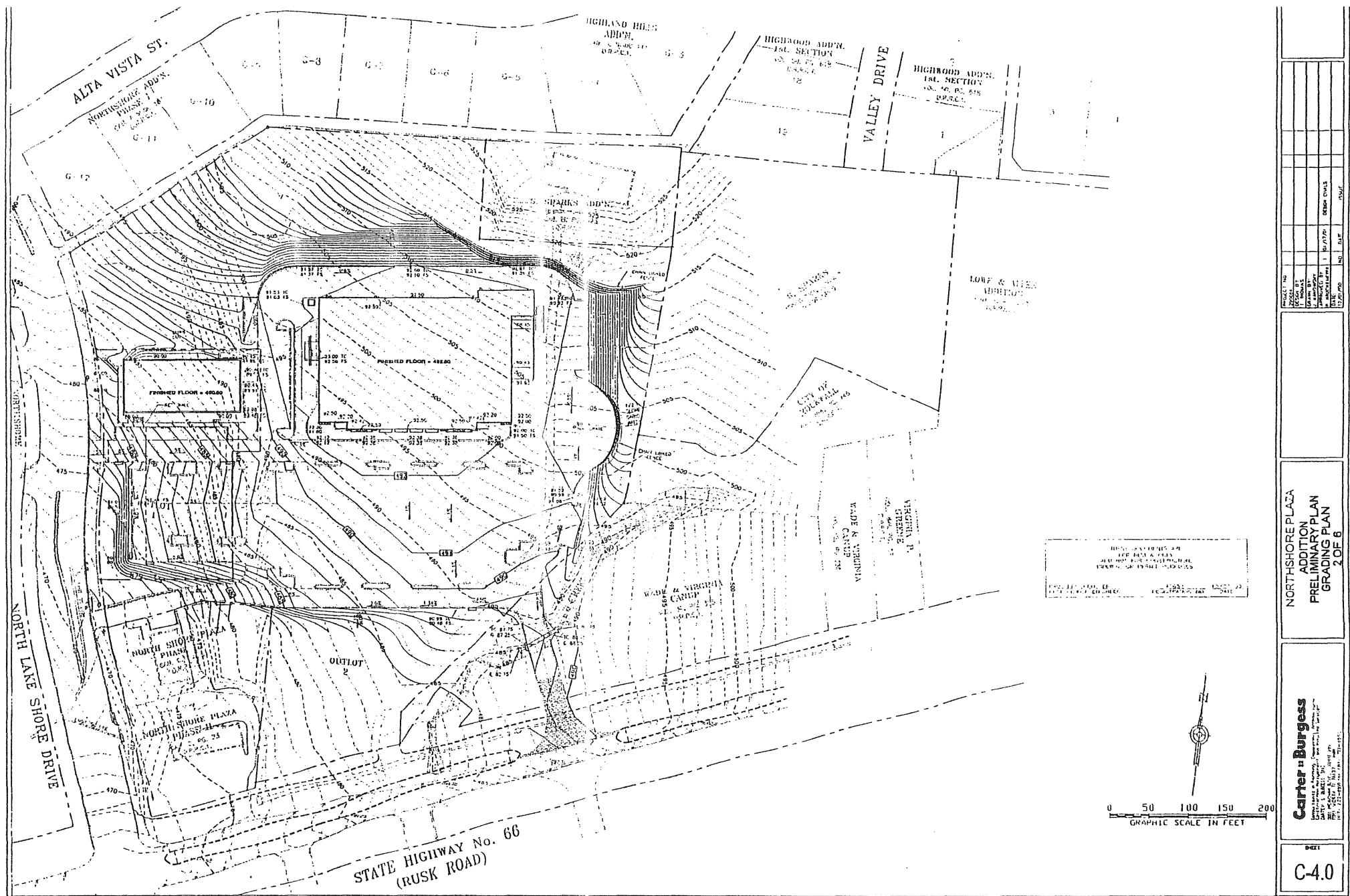
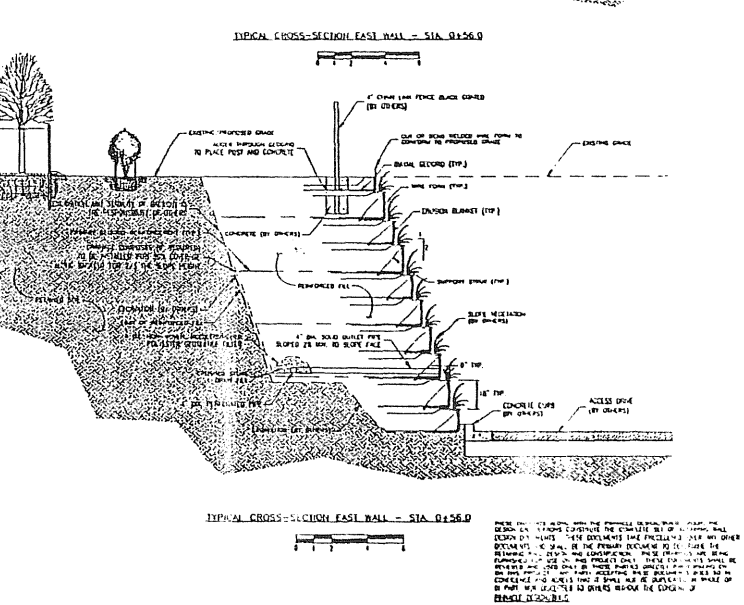
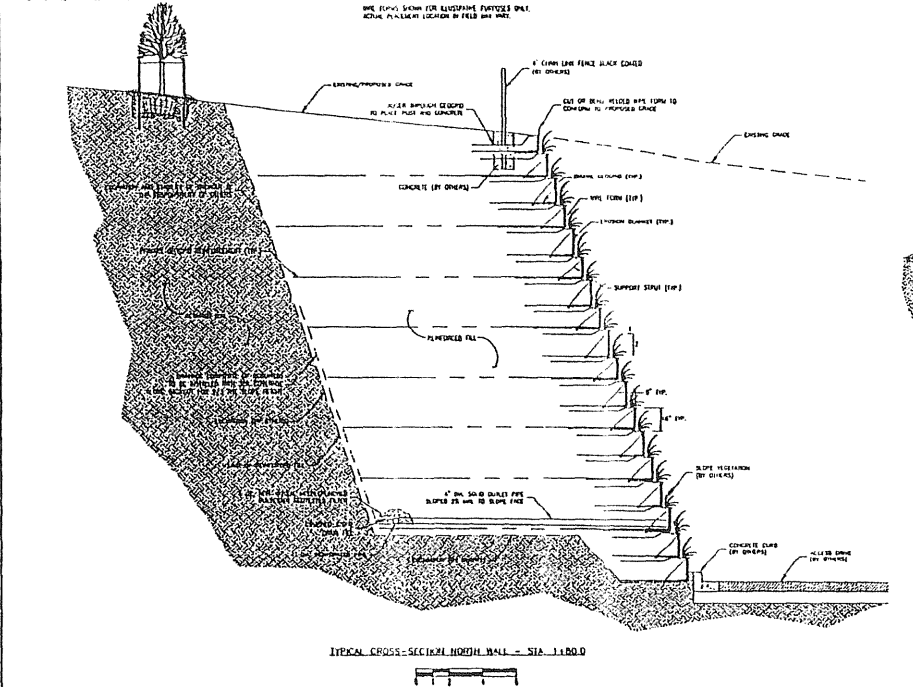


EXHIBIT "C"



Project Number
200249
Date Drawn
1/8/01
Drawn By
LSB
Drawn By
LSB
Scale
As Shown

CS2

Carter Burgess
 Structural Engineers, Inc.
 10000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90024
 Tel: (213) 746-1000
 Fax: (213) 746-1001

17204

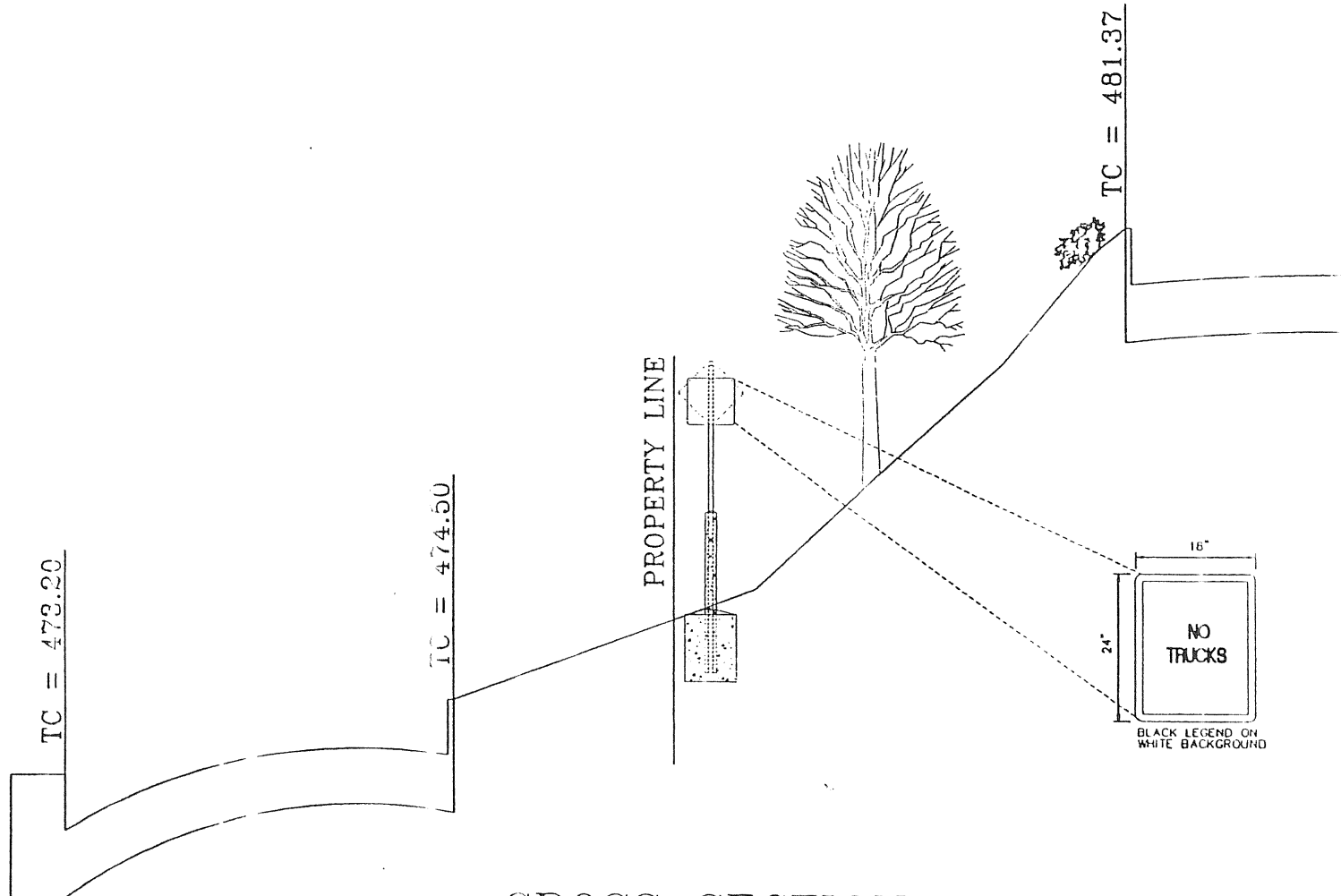
C-DW-1

**NORTHSHORE PLAZA
 ADDITION
 PRELIMINARY PLAN
 GABION WALL DETAILS
 3 OF 6**

PROJECT NO.	17204	SHEET NO.	17204-1	DATE	10/1/88	DRAWN BY	J. B. BURGESS	CHECKED BY	J. B. BURGESS	APPROVED BY	J. B. BURGESS
<p>PROJECT LOCATION: 10000 Wilshire Blvd., Suite 1000, Los Angeles, CA 90024</p> <p>PROJECT DESCRIPTION: ADDITION TO NORTHSHORE PLAZA</p> <p>DESIGNER: CARTER BURGESS, INC.</p> <p>DATE: 10/1/88</p> <p>DRAWN BY: J. B. BURGESS</p> <p>CHECKED BY: J. B. BURGESS</p> <p>APPROVED BY: J. B. BURGESS</p>											

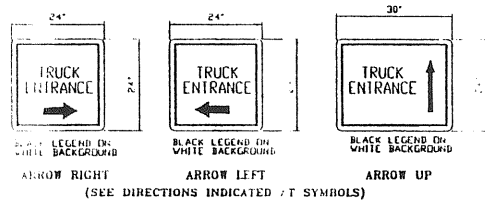
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NORTH LAKE SHORE DRIVE

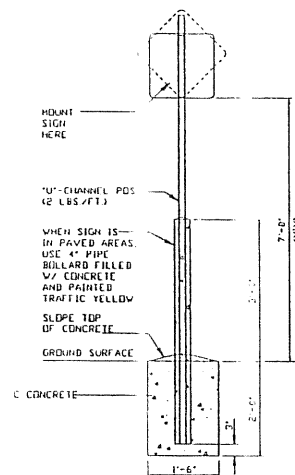


CROSS SECTION AT
NORTH LAKE SHORE DR.

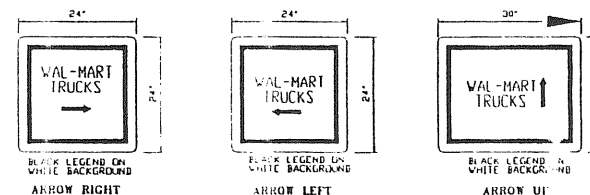
EXHIBIT "H"



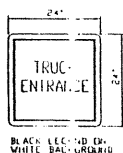
"TRUCK ENTRANCE" SIGN (w/ARROW)
NOT TO SCALE



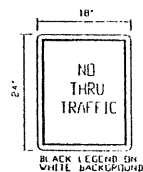
STANDARD SIGN BASE
NOT TO SCALE



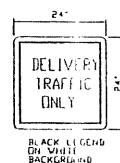
"WAL-MART TRUCKS" SIGN (w/ARROW)
NOT TO SCALE



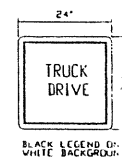
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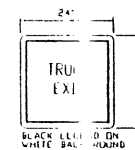
"NO THRU TRAFFIC" SIGN
NOT TO SCALE



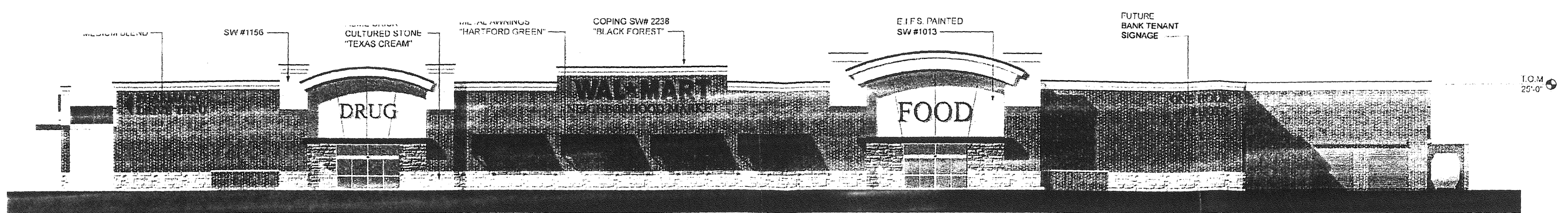
"DELIVERY TRAFFIC ONLY" SIGN
NOT TO SCALE



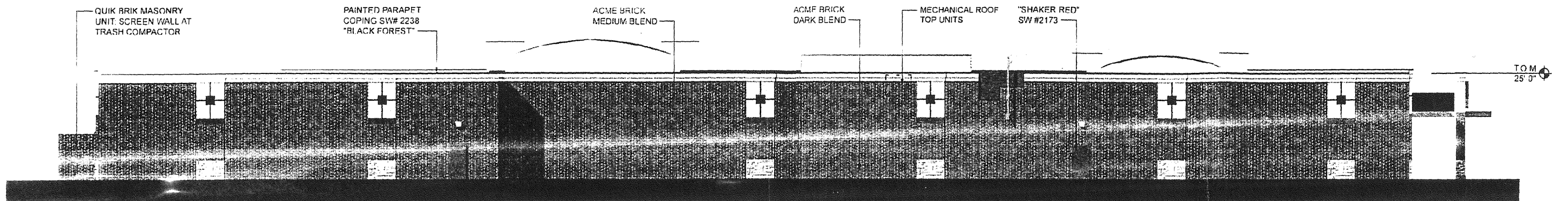
"TRUCK DRIVE" SIGN
NOT TO SCALE



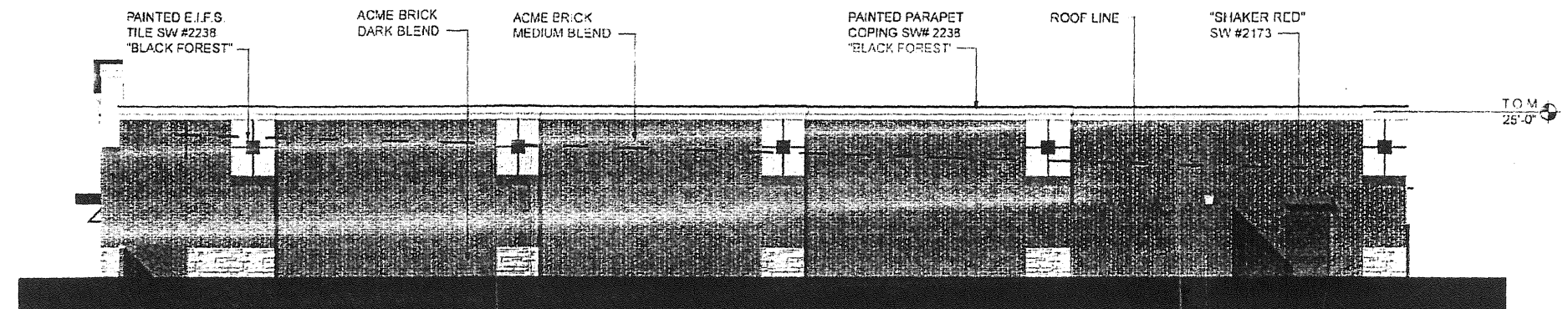
"TRUCK EXIT" SIGN
NOT TO SCALE



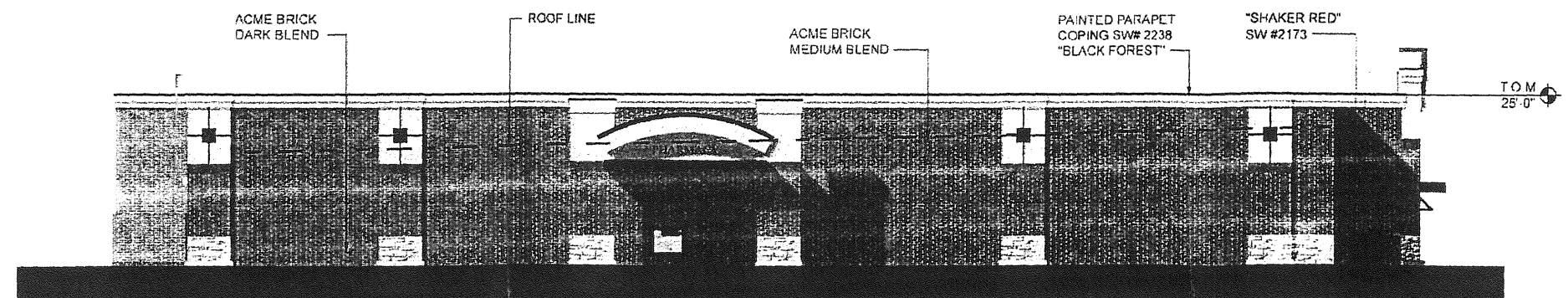
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

SIGN	LETTER HEIGHT	AREA
"WAL-MART NEIGHBORHOOD MARKET"	---	150 SF
"WAL-MART"	3' - 0"	---
"NEIGHBORHOOD MARKET"	1' - 5"	---
"FOOD"	4' - 2"	67 SF
"DRUG"	3' - 2"	40 SF
"ONE HOUR PHOTO"	1' - 8"	44 SF
"PHARMACY DRIVE THRU"	---	---
"PHARMACY"	3' - 8"	50.4 SF
"PHARMACY"	1' - 6"	18.25 SF
"BANK TENNANT"	---	20 SF
TOTAL		389.65 SF