

CITY OF ROCKWALL

ORDINANCE NO. 17-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN ZONING TO AMEND ORDINANCE NO. 06-02, 08-02 & 10-28, BEING IDENTIFIED AS A 49.35-ACRE TRACT OF LAND SITUATED WITHIN THE S. KING SURVEY, ABSTRACT NO. 131 AND THE J. B. JONES SURVEY, ABSTRACT NO. 124, 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 Worth Williams of Moore Worth Investments, LLC on behalf of the owner Mark S. Kelldorf of Arkoma Development, LLC for the approval of an amendment to Planned Development District 65 (PD-65) for the purpose of amending *Ordinance No.'s 06-02, 08-02 & 10-28* being identified as a 49.35-acre tract of land situated within the S. King Survey, Abstract No. 131 and the J. B. Jones Survey, Abstract No. 124, 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 1 (PD-1) [*Ordinance No.'s 06-02, 08-02 & 10-28*] 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.'s 06-02, 08-02 & 10-28*;

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. 04-38*] 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 *Location Map/Area 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*;

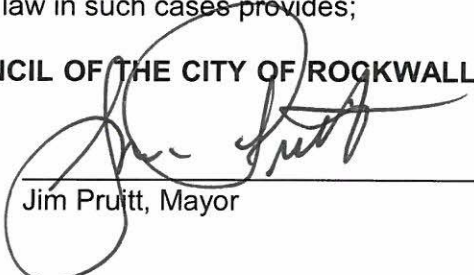
Section 5. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such 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;

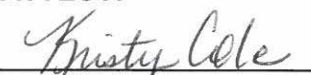
Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 3RD DAY OF JANUARY, 2017.**



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 12/19/2016

2nd Reading: 01/03/2017

Exhibit 'A':
Legal Description

Tract One: 32.83-Acres

BEING of a tract of land out of the S. King Survey, Abstract No. 131 and the J. B. Jones Survey, Abstract No. 124, in the City of Rockwall, Rockwall County, Texas, being part of the 46.81 tract of land described in deed to Arkoma Realty, recorded in *Volume 2279, Page 273* of the *Deed of Record* of Rockwall County, Texas, being part of the 6.40 acre tract of land described in deed to Granville Davis recorded in *Volume 69, Page 595* of the *Deed of Record* of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point for the intersection of the northwest right-of-way line of North Lakeshore Drive (*85-feet ROW at this point*) with the southerly most west line of said 46.81-acre tract;

THENCE with the west lines of said 46.81-acre tract, the following courses and distances to wit:

North 00°26'38" West, a distance of 543.18-feet to a point for corner;
South 54°58'13" West, a distance of 122.35-feet to a point for corner;
North 83°16'59" West, a distance of 136.00-feet to a point for corner;
North 35°30'59" West, a distance of 188.00-feet to a point for corner;
North 70°43'59" West, a distance of 107.50-feet to a point for corner;
North 10°45'159" West, a distance of 171.00-feet to a point for corner;
North 70°07'59" West, a distance of 175.00-feet to a point for corner;
South 89°07'01" West, a distance of 130.00-feet to a point for corner;
North 36°05'159" West, a distance of 56.87-feet to a point for corner;
North 33°07'21" East, a distance of 116.67-feet to a point for corner;
North 39°50'57" East, a distance of 311.65-feet to a point for corner;
North 04°37'55" East, a distance of 217.53-feet to a point for corner;
North 11°37'41" West, a distance of 50.53-feet to a point in Quail Run Road;

THENCE along said Quail Run Road, the following courses and distances to wit:

South 83°27'28" East, a distance of 295.32-feet to a point for corner;
South 82°32'17" East, a distance of 129.27-feet to a point for corner;

THENCE leaving said Quail Run Road and with the west line of *Six-0 Subdivision*, an addition to the City of Rockwall according to the plat thereof recorded in *Cabinet B, Page 54* of the *Plat Records* of Rockwall County, Texas part of the way, South 07°07'49" West, a distance of 299.69-feet to a point for corner;

THENCE with the south line of said *Six-0 Subdivision*, the south line of Barz Acres, an addition to the City of Rockwall according to the plat thereof recorded in *Cabinet C, Page 14* of the *Plat Records* of Rockwall County, Texas, the south line of Wilson Addition, an addition to the City of Rockwall according to the plat thereof recorded in *Cabinet A, Page 275* of the *Plat Records* of Rockwall County, Texas and the south line of a 0.49 acre tract of land described in deed to Dean Lanty recorded in *Volume 349, Page 4* of the *Deed Records* of Rockwall County, Texas, South 80°48'37"11 East, a distance of 420.59-feet to a point for corner;

THENCE continuing with the south line of said 0.49-acre tract, North 88°28'17" East, a distance of 313.50-feet to a point in the centerline of Quail Run Road;

THENCE with said centerline, North 18°54'05" West, a distance of 211.45-feet to a point for corner;

THENCE leaving said centerline, North 72°55'01" East, a distance of 389.63-feet to a point for corner in the west right-of-way line of State Highway 205 (variable width ROW);

THENCE with said west right-of-way line, the following courses and distances to wit:

South 14°09'38" East, a distance of 509.46-feet to a point for corner;
South 43°34'59" West, a distance of 158.82-feet to a point for corner;
South 71°57'06" East, a distance of 159.25-feet to a point for corner;

Exhibit 'A':
Legal Description

South 14°17'14" East, a distance of 243.88-feet to a point in the north right-of-way line of said North Lakeshore Drive;

THENCE with said north right-of-way line, the following courses and distances to wit:

South 75°56'40" West, a distance of 3.43 feet to a point for the beginning of a non-tangent curve to the right with a radius of 65.00-feet, a central angle of 96°44'10" and a chord bearing and distance of South 34°18'46" West, 97.17-feet;

Southwesterly, with said curve, an arc distance of 109.74-feet to a point for the beginning of a compound curve to the right with a radius of 807.50-feet, a central angle of 4°17'33" and a chord bearing and distance of South 84°49'37" West, 60.48-feet;

Southwesterly, with said curve, an arc distance of 60.50-feet to a point for corner; South 86°58'24" West, a distance of 225.10-feet to a point for the beginning of a tangent curve to the left with a radius of 892.50-feet, a central angle of 47°07'08", and a chord bearing and distance of South 63°24'50" West, 713.47-feet;

Southwesterly, with said curve, an arc distance of 733.97-feet to a point for corner;

THENCE South 39°51'16" West, a distance of 192.14-feet to the *POINT OF BEGINNING* and containing 32.83-acres of land.

Exhibit 'A':
Legal Description

Tract Two: 16.52-Acres

BEING of a tract of land out of the J. B. Jones Survey, Abstract No. 124, in the City of Rockwall, Rockwall County, Texas, being part of the 46.81-tract of land described in deed to Arkoma Realty, recorded in *Volume 2279, Page 273* of the *Deed of Record* of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point for the intersection of the south right-of-way line of North Lakeshore Drive (85-feet ROW at this point) with the south line of said 46.81-acre tract;

THENCE with said south right-of-way line, the following courses and distances to wit:

North 39°51'16" East, a distance of 249.64-feet to a point for the beginning of a tangent curve to the right with a radius of 807.50-feet, a central angle of 47°07'08", and a chord bearing and distance of North 63°24'50" East, 645.52-feet;

Northeasterly, with said curve, an arc distance of 664.07-feet to a point for corner;

North 86°58'24" East, a distance of 174.93-feet to a point for the beginning of a tangent curve to the right with a radius of 240.00-feet, a central angle of 10°38'58", and a chord bearing and distance of South 87°42'08" East, 44.54-feet;

Southeasterly, with said curve, an arc distance of 44.61-feet to a point for the beginning of a reverse curve to the left with a radius of 260.00-feet, a central angle of 14°25'10", and a chord bearing and distance of South 89°35'14" East, 65.26-feet;

Southeasterly, with said curve, an arc distance of 65.43-feet to a point for the beginning of a compound curve to the left with a radius of 902.50-feet, a central angle of 1°20'16" and a chord bearing and distance of North 82°32'03" East, 21.07-feet;

Northeasterly, with said curve, an arc distance of 21.07-feet to a point for the beginning of a reverse curve to the right with a radius of 80.00-feet, a central angle of 83°51'17", and a chord bearing and distance of South 56°12'26" East, 106.91-feet;

Southeasterly, with said curve, an arc distance of 117.08-feet to a point for corner;

North 75°43'11" East, a distance of 3.66-feet to a point for corner in the west right-of-way line of State Highway 205 (*variable width ROW*);

THENCE with said west right-of-way line, South 14°17'14" East, a distance of 877.52-feet to a point for the northeast corner of Lakeview Summit Phase IV, an addition to the City of Rockwall according to the plat thereof recorded in *Cabinet D, Page 378* of the *Plat Records* of Rockwall County, Texas;

THENCE with the north line of said addition part of the way, the following courses and distances to wit:

South 88°40'43" West, a distance of 46.97-feet to a point for corner;

North 71°15'19" West, a distance of 564.26-feet to a point for corner;

THENCE North 72°47'58" West, a distance of 806.31-feet to the POINT OF BEGINNING and containing 16.52-acres of land.

Exhibit 'A':
Survey

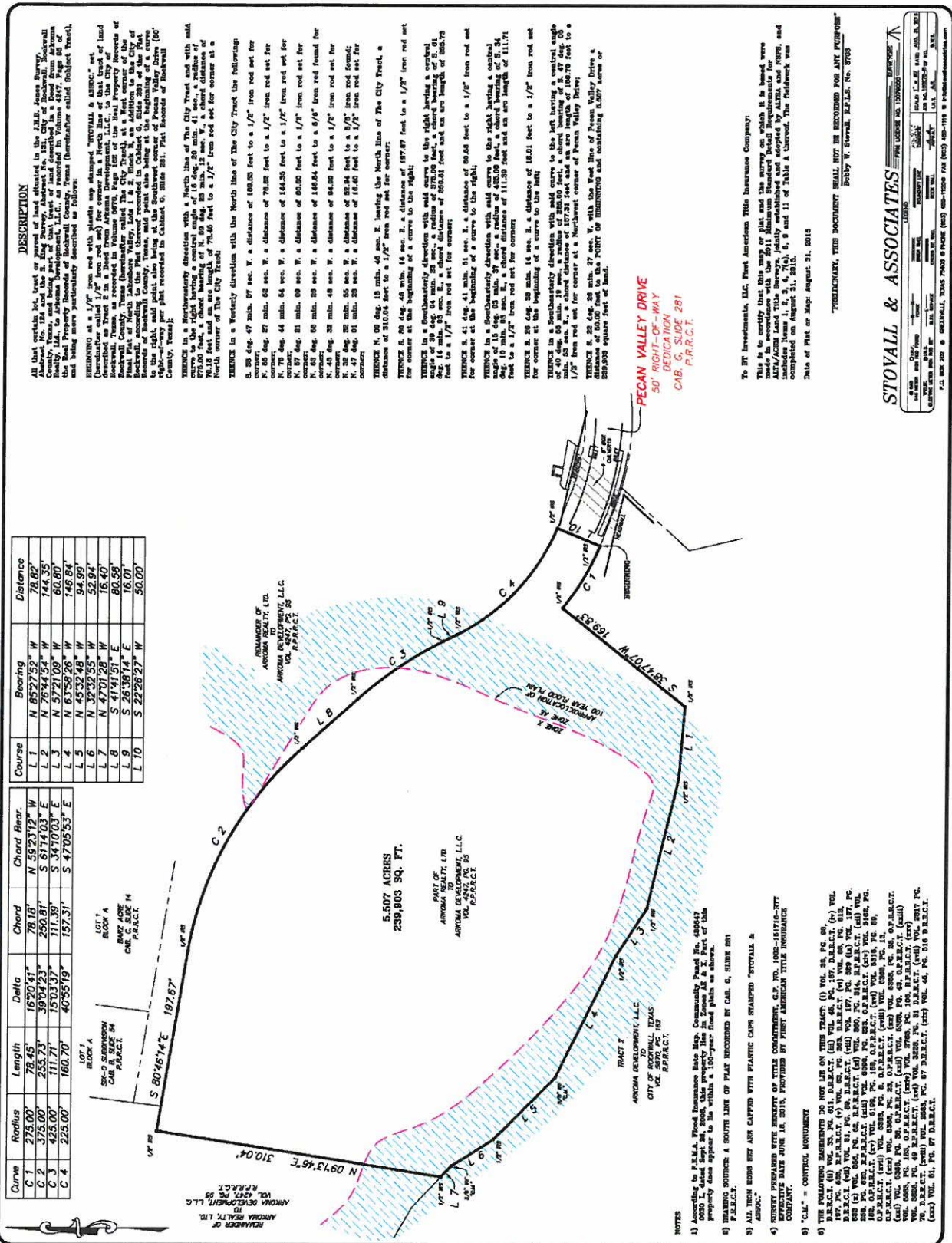


Exhibit 'A':
Survey

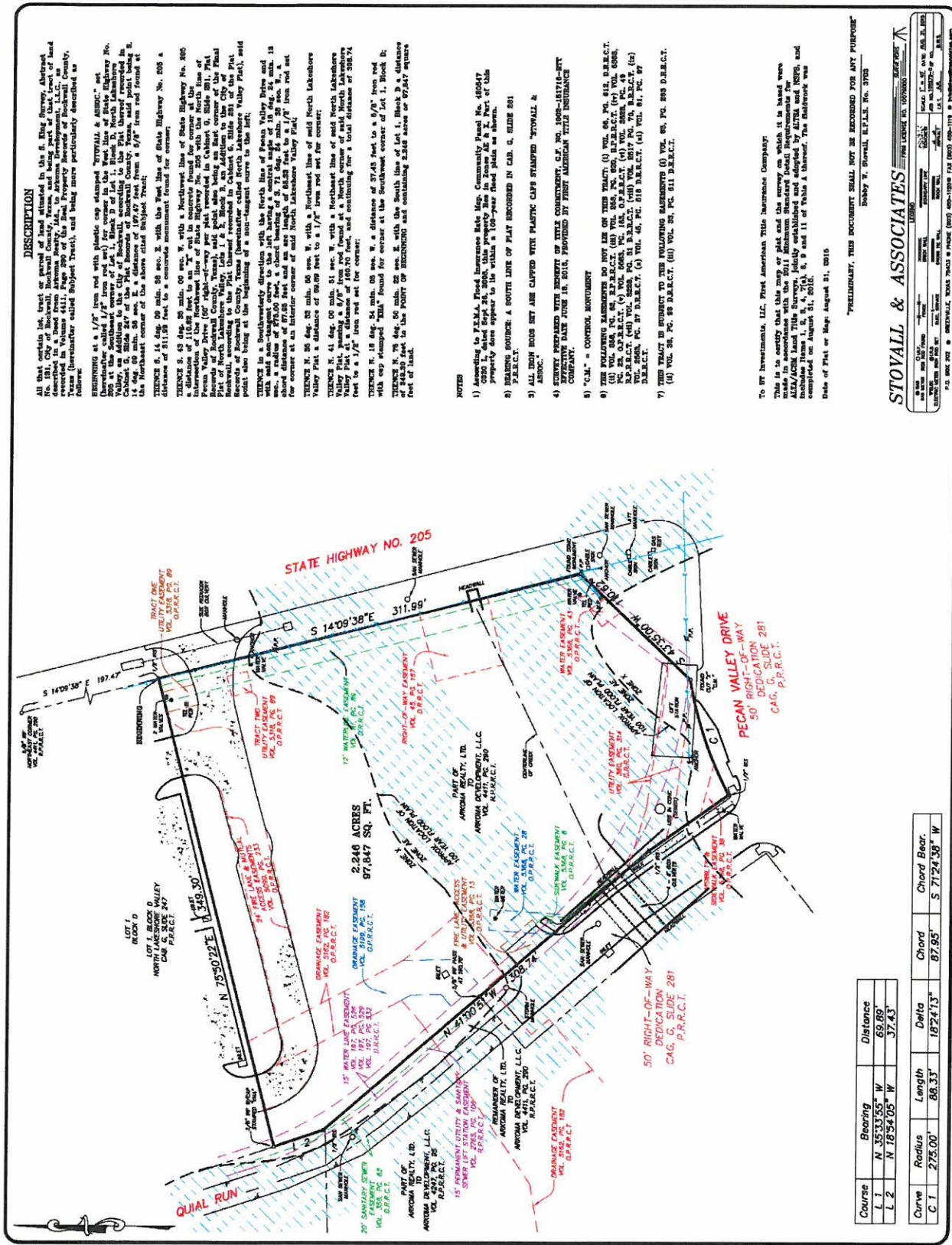


Exhibit 'A':
Survey

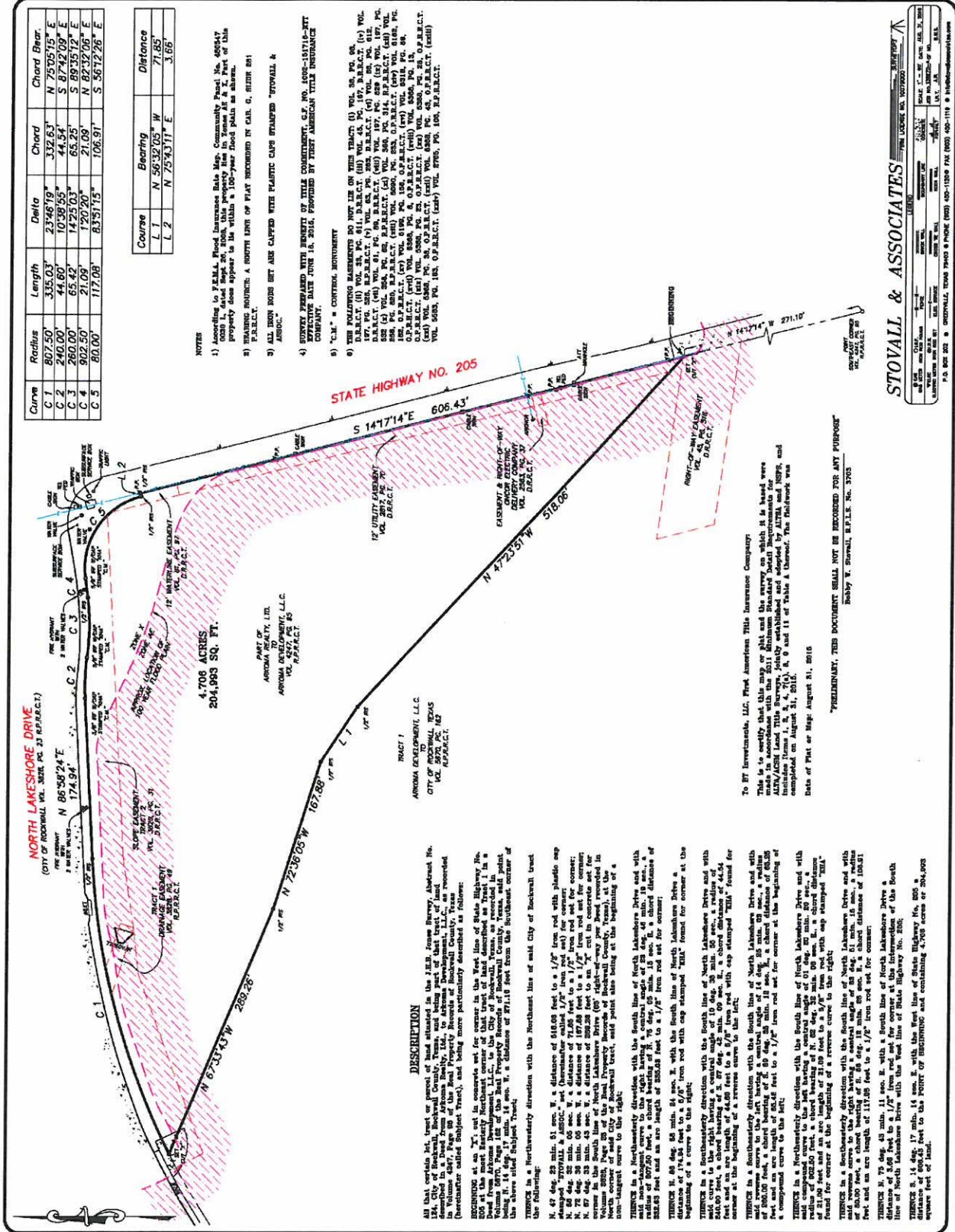


Exhibit 'B':
Location Map/Concept Plan

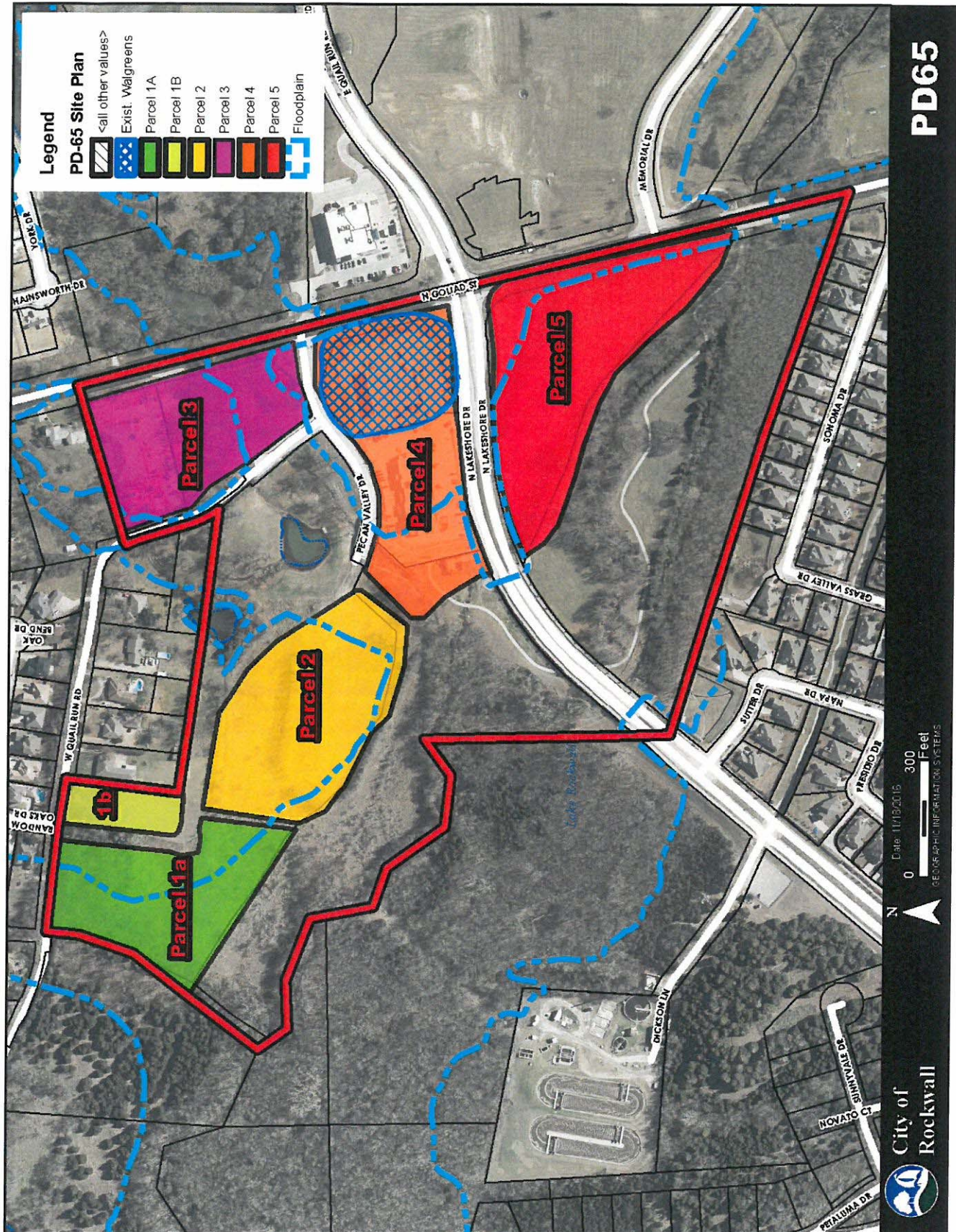


Exhibit 'B':
Location Map/Concept Plan

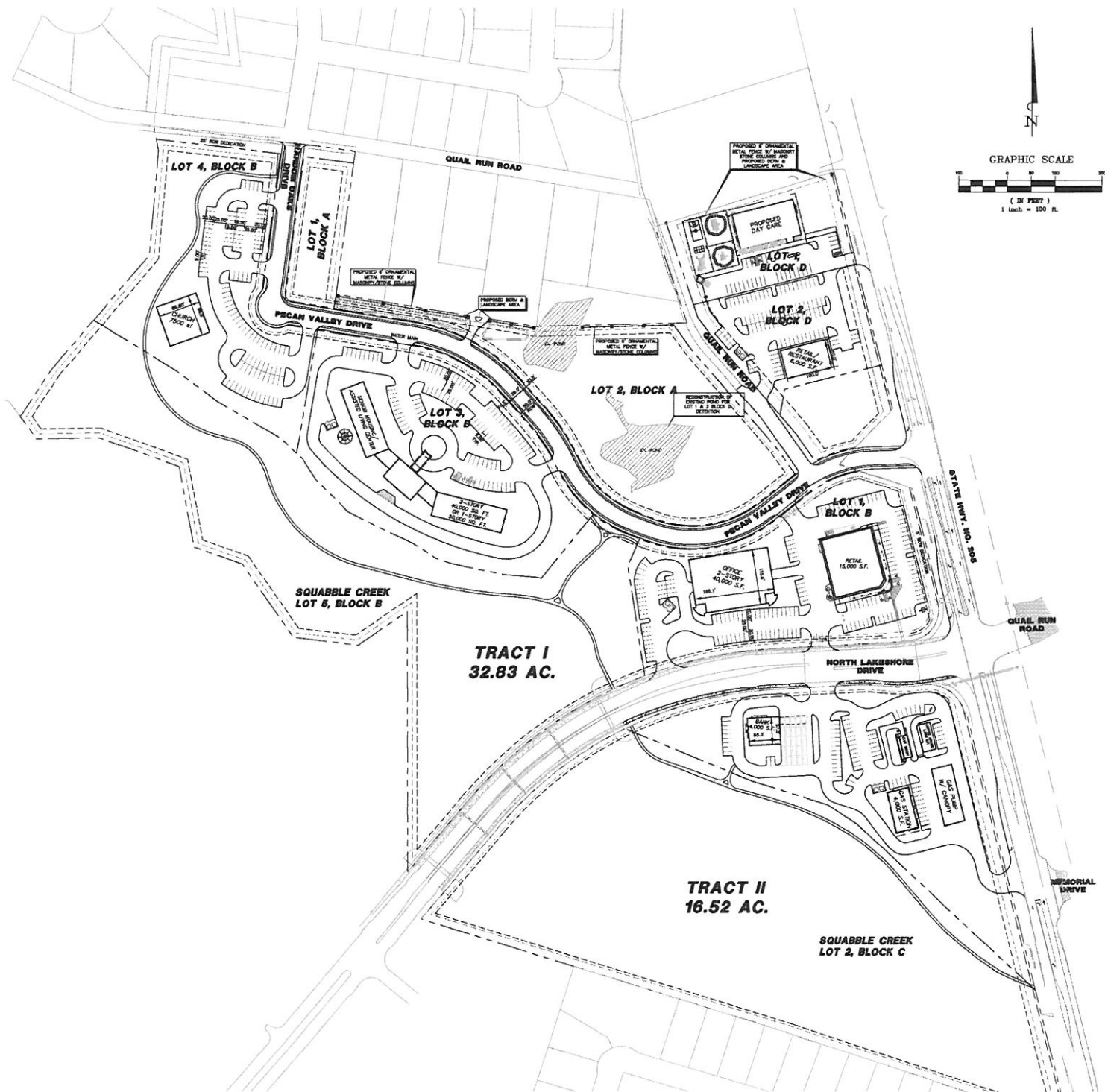


Exhibit 'C':
PD Development Standards

Open Space

1. Open Space. All common areas and dedicated landscape easements and open space areas shall be maintained by a Property Owner's Association (POA), including areas of landscaping in the public right-of-way along Quail Run Road, SH-205 [N. Goliad Street] and N. Lakeshore Drive.

Parcel 1A & 1B (Lot 4, Block B & Lot 1, Block A)

2. Permitted Uses. Parcel 1 as depicted in Exhibit 'B' of this ordinance shall be subject to the development standards and land uses permitted for the Single Family 10 (SF-10) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right:

- ☒ Church/House of Worship

3. Maximum Building Height. A maximum building height of 60-feet shall be permitted; however, any building over 36-feet shall require a Specific Use Permit (SUP).
4. Maximum Building Size. A maximum building size of 10,000 SF shall be permitted.
5. Maximum Number of Residential Units. One (1) residential unit shall be allowed on Parcel 1.

Parcel 2 (Lot 3, Block B)

1. Permitted Uses. Parcel 3 as depicted in Exhibit 'B' of this ordinance shall be subject to the development standards and land uses permitted for the General Retail (GR) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right:

- ☒ Assisted Living Facility
- ☒ Nursing Home/Convalescent Care Facility
- ☒ Private Streets
- ☒ Office

Permitted by Specific Use Permit (SUP):

- ☒ College, University or Seminary
- ☒ Trade School

Prohibited Uses:

- ☒ Outside Storage/Display and/or Merchandising

2. Maximum Building Height. A maximum building height of 60-feet shall be permitted; however, any building over 36-feet shall require a Specific Use Permit (SUP). In addition any structure exceeding 40,000 SF shall be limited to maximum height of 28-feet.
3. Maximum Building Size. A maximum building size of 40,000 SF shall be permitted on multi-story buildings. On a single-story building a maximum building size of 50,000 SF shall be permitted.

Parcel 3 (Lots 1 & 2, Block D)

1. Permitted Uses. Parcel 3 as depicted in Exhibit 'B' of this ordinance shall be subject to the development standards and land uses permitted for the General Retail (GR) District as

Exhibit 'C':
PD Development Standards

stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Prohibited Uses:

- ☒ Billiard Parlor or Pool Hall
- ☒ Gun Club, Skeet Shooting or Target Range (*Indoor*)
- ☒ Carnival/Circus or Amusement Ride
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Second Hand Dealer
- ☒ Helipad
- ☒ Auto Repair Garage (*Minor*)
- ☒ Self-Service Car Wash
- ☒ Full-Service Car Wash
- ☒ Railroad Yard/Shop
- ☒ Mining/Extraction
- ☒ Astrologer, Hypnotist, or Psychic
- ☒ Public and Private Parking Facilities
- ☒ Outside Storage/Display and/or Merchandising

2. *Maximum Building Height.* A maximum building height of 28-feet shall be permitted.
3. *Maximum Building Size.* A maximum building size of 20,000 SF shall be permitted.

Parcel 4 (Lot 1, Block B)

1. *Permitted Uses.* Parcel 4 as depicted in Exhibit 'B' of this ordinance shall be subject to the development standards and land uses permitted for the General Retail (GR) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right:

- ☒ Private Streets
- ☒ College, University or Seminary

Prohibited Uses:

- ☒ Billiard Parlor or Pool Hall
- ☒ Gun Club, Skeet Shooting or Target Range (*Indoor*)
- ☒ Carnival/Circus or Amusement Ride
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Second Hand Dealer
- ☒ Helipad
- ☒ Auto Repair Garage (*Minor*)
- ☒ Self-Service Car Wash
- ☒ Full-Service Car Wash
- ☒ Railroad Yard/Shop
- ☒ Mining/Extraction
- ☒ Astrologer, Hypnotist, or Psychic
- ☒ Public and Private Parking Facilities

2. *Maximum Building Height.* A maximum building height of 60-feet shall be permitted; however, any building over 36-feet shall require a Specific Use Permit (SUP). In addition

Exhibit 'C':
PD Development Standards

any structure located within 250-feet of SH-205 [*N. Goliad Street*] shall not exceed 28-feet in height.

3. Maximum Building Size. A maximum building size of 40,000 SF shall be permitted. In addition any structure located within 250-feet of SH-205 [*N. Goliad Street*] shall not exceed 20,000 SF in total size.
4. Outside Storage and Display. Outside storage and display shall be prohibited on all property within Parcel 4, with the exception of the property depicted on *Exhibit 'B'* of this ordinance (*i.e. Walgreens*) and which is further identified as Lot 1, Block B, North Lakeshore Valley Addition. This property shall be subject to the following additional requirements:
 - (a) No outside display or outside storage shall be allowed on the property with the exception of two (2) household propane exchange cages, which shall be located under cover and limited by the following dimensions: 2'-6" (l) x 13'-6" (w) x 6'-0" (h).

Parcel 5 (Lot 2, Block C)

1. Permitted Uses. *Parcel 5* as depicted in *Exhibit 'B'* of this ordinance shall be subject to the development standards and land uses permitted for the General Retail (GR) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additions:

Permitted By-Right:

- ☒ Retail Store with Gasoline Sales with a Maximum of Six (6) Dispensers Servicing 12-Vehicles (*the primary structure shall be located within 250-feet of the SH-205 [N. Goliad Street] right-of-way*)
- ☒ Car Wash as an Accessory Use to Retail Store with Gasoline Product Sales

Prohibited Uses:

- ☒ Billiard Parlor or Pool Hall
- ☒ Gun Club, Skeet Shooting or Target Range (*Indoor*)
- ☒ Carnival/Circus or Amusement Ride
- ☒ Night Club, Discotheque, or Dance Hall
- ☒ Second Hand Dealer
- ☒ Helipad
- ☒ Auto Repair Garage (*Minor*)
- ☒ Self-Service Car Wash
- ☒ Full-Service Car Wash
- ☒ Railroad Yard/Shop
- ☒ Mining/Extraction
- ☒ Astrologer, Hypnotist, or Psychic
- ☒ Public and Private Parking Facilities
- ☒ Outside Storage/Display and/or Merchandising

2. Maximum Building Height. A maximum building height of 60-feet shall be permitted; however, any building over 36-feet shall require a Specific Use Permit (SUP). In addition any structure located within 250-feet of SH-205 [*N. Goliad Street*] shall not exceed 28-feet in height.
3. Maximum Building Size. A maximum building size of 40,000 SF shall be permitted. In addition any structure located within 250-feet of SH-205 [*N. Goliad Street*] shall not exceed 20,000 SF in total size.