

**CITY OF ROCKWALL**

**ORDINANCE NO. 13-47**

**SPECIFIC USE PERMIT NO. S-116**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS GRANT A SPECIFIC USE PERMIT TO ALLOW FOR AN "ASSISTED LIVING FACILITY" ON A 0.96-ACRE TRACT OF LAND IDENTIFIED AS LOTS 2 & 5, BLOCK 1 OF THE ALLIANCE ADDITION, AND FURTHER DESCRIBED IN EXHIBIT "A" ATTACHED HERETO, AND ZONED PLANNED DEVELOPMENT DISTRICT NO. 57 (PD-57), CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 Specific Use Permit (SUP) for an "Assisted Living Facility" within Planned Development District No. 57 (PD-57) has been requested by Cameron Slown and on behalf of Med-Tech Construction, on a 0.96-acre tract of land, and identified as Lots 2 & 5, Block 1 of the Alliance Addition and further described in Exhibit "A" attached hereto, City of Rockwall, Rockwall County, Texas, and which is situated southeast of the corner of the intersection of H. Wallace Lane and Jeff Boyd Drive, which herein after 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, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code of the City of Rockwall should be amended as follows:

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

**SECTION 1.** That the Unified Development Code of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) to allow for an "Assisted Living Facility" within Planned Development District No. 57 (PD-57) as stipulated by the Unified Development Code [Ordinance no. 04-38] on the *Subject Property*; and

**SECTION 2.** That the Subject Property shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) and as set forth in the Unified Development Code [Ordinance No. 04-38] as heretofore amended, and as may be amended in the future, and shall be subject to the additional following conditions and compliance standards:

**2.1 Operational Conditions**

The following conditions pertain to the operation of an "Assisted Living Facility" on the *Subject Property*, and conformance to these operational conditions is required for continued operations:

1. The "Assisted Living Facility" shall adhere to the development standards established in Planned Development District No. 57 (PD-57) for the property described in Exhibit "A" attached hereto and;
2. The development will require site plan approval and is subject to review by the Architectural Review Board (ARB) as stipulated in Planned Development District No. 57 (PD-57).

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

**Section 4.** 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 5.** 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.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, 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 of this ordinance shall remain in full force and effect.

**Section 7.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.


**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 2nd DAY OF DECEMBER, 2013.**

  
David Sweet, Mayor

**ATTEST:**

  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
Frank J. Garza, City Attorney

1<sup>st</sup> Reading: 11-18-13

2<sup>nd</sup> Reading: 12-02-13



## EXHIBIT "A"

### FIELD NOTES DESCRIPTION:

**PART** of the W. W. Ford Survey, Abstract No. 80, situated in the City of Rockwall, Rockwall County, Texas, embracing all of Lots 2 and 5, Block 1 of Alliance Addition Phase 2, an addition to the City of Rockwall, Rockwall County, Texas as shown on the plat recorded in Cabinet G, Slide 301 of the Plat Records of Rockwall County, Texas, and being more particularly described as follows:

**BEGINNING** at a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the west corner of said lot 5, and the south corner of Lot 1 of said Alliance Addition, said point also lying on the northeast line of Alliance Drive, a 60 feet wide right of way;

**THENCE** North 45 degrees 12 minutes 49 seconds East, along the common line of said Lots 1, and 5, passing the west corner of said Lot 2 at 131.46 feet, and continuing along the common line of said Lots 1 and 2, a total distance of 237.08 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the north corner of said lot 2, said point also lying on the southwest line of a 33.5 foot right-of-way dedication;

**THENCE** South 44 degrees 28 minutes 29 seconds East, along the northeast line of said Lot 2 and the southwest line of said right-of-way dedication, a distance of 188.47 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the east corner of said Lot 2, and the north corner of Lot 3 of said Alliance Addition;

**THENCE** South 45 degrees 12 minutes 49 seconds West, along the common line of said Lots 2, and 3, passing the east corner of said Lot 5, and the north corner of Lot 6 of said Alliance Addition, at 105.61 feet, and continuing along the common line of said Lots 5 and 6, a total distance of 211.22 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for the south corner of said lot 5, said point also lying on the aforementioned northeast line of Alliance Drive;

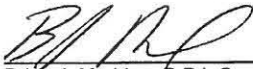
**THENCE** North 44 degrees 28 minutes 29 seconds West, along said northeast line of Alliance Drive, a distance of 57.97 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found at the beginning of a curve to the left, having a radius of 330.00 feet, a central angle of 23 degrees 13 minutes 58 seconds, and a chord which bears North 55 degrees 41 minutes 31 seconds West, 132.90 feet;

**THENCE** along said curve to the left an arc distance of 133.81 feet to the **POINT OF BEGINNING** and containing 40,895 square feet or 0.938 of an acre of land.

The Basis of Bearings is the Final Plat of Alliance Addition Phase 2, an addition to the City of Rockwall, Rockwall County, Texas recorded in Cabinet G, Slide 301 of the Plat Records of Rockwall County, Texas.

### \*Surveyors Certification\*

I, **Brian J. Maddox**, Registered Professional Land Surveyor Number 5430, State of Texas, do hereby certify to that this description was prepared from the public records.

  
Brian J. Maddox, R.P.L.S.  
October 17, 2013

