

CITY OF ROCKWALL

ORDINANCE NO. 15-18

SPECIFIC USE PERMIT NO. S-138

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A COMMERCIAL AMUSEMENT/RECREATION FACILITY (OUTDOOR) AND MORE SPECIFICALLY A BASEBALL TRAINING FACILITY, WITHIN A COMMERCIAL (C) DISTRICT, BEING A SIX (6) ACRE TRACT OF LAND IDENTIFIED AS TRACT 4-07 OF THE N. BUTLER SURVEY, ABSTRACT NO. 20, AND GENERALLY LOCATED ON THE NORTHWEST QUADRANT OF AIRPORT ROAD AND JOHN KING BOULEVARD, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' AND AS DEPICTED IN EXHIBIT 'B'; 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 request has been made by Jonathan Hake of Cross Engineering Consultants, Inc. on behalf of the owner Kenneth R. Smith of K. R. Smith Holdings, LLC for the approval of a Specific Use Permit (SUP) allowing for a *Commercial Amusement/Recreation Facility (Outdoor)* and more specifically a baseball training facility, within a Commercial (C) District, being a six (6) acre tract of land identified as Tract 4-07 of the N. Butler Survey, Abstract No. 20, and generally located on the northwest quadrant of Airport Road and John King Boulevard, City of Rockwall, Rockwall County, Texas, and more specifically described in Exhibit 'A' and as 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, 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 [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit

(SUP) allowing for a *Commercial Amusement/Recreation Facility (Outside)* and more specifically a baseball training facility within a Commercial (C) District for 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) ordinance granted herein and shall be subject to the conditions set forth in *Article IV, Permissible Uses, Section 2.1.5 Recreation, Entertainment and Amusement Use Conditions*, and *Article V, District Development Standards, Section 4.5 Commercial (C) District*, of the *City of Rockwall Unified Development Code [Ordinance No. 04-38]* as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

2.1 Operational Conditions

The following conditions pertain to the operation of the Commercial Amusement/Recreation Facility (Outdoor) on the Subject Property and conformance to these stipulations is required for continued operations:

- 1) That adherence to Engineering and Fire Department standards is required.
- 2) That the lighting levels are generally not to exceed the levels established in the preliminary photometric plan submitted for this site in order to contain spill over lighting and glare on adjacent properties, and that the illumination will generally not exceed an average of 50-FC as indicated on such plan.
- 3) That the heights for the lighting pole standards are not to exceed a maximum overall height of 50-ft (includes pole, base, fixtures, etc.).
- 4) That submittal and approval of a site plan (to include approval of a photometric plan), engineering plans, and final plat are required prior to issuance of a certificate of occupancy.
- 5) That written clearance from the Federal Aviation Administration (FAA) shall be provided to the City indicating approval of the maximum height for the light pole standards, the maximum intensity regarding glare produced from the lighting, and any other requirement deemed necessary for the safety of air traffic to and from the Rockwall Municipal Airport.
- 6) That the City Council reserves the right to review the Specific Use Permit (SUP) any time after the effective date of this ordinance.

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

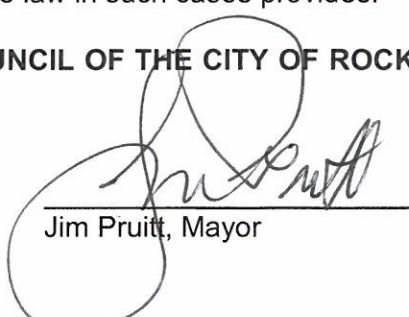
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 offence 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.

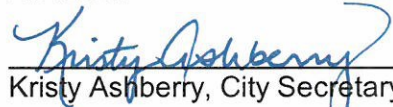
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6th DAY OF July, 2015.**



Jim Pruitt, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: 06-15-15

2nd Reading: 07-06-15

Exhibit 'A'

LEGAL DESCRIPTION

All that certain lot, tract or parcel of land situated in the N. BUTLER SURVEY, ABSTRACT NO, 20, City of Rockwall, Rockwall County, Texas, and being all of that tract of land as described in a Warranty deed from Brewer Properties, LP to Rockwall Property Corporation, dated July 7, 2006 and being recorded in Volume 4667, Page 101 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod found for corner at the northeast corner of Lot 4, Block A, of COLUMBIA PARK ADDITION, BLOCK A, LOT 4, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet H, Slide 329 of the Plat Records of Rockwall County, Texas;

THENCE S. 62 deg. 32 min. 11 sec. E. a distance of 654.99 feet to a 3/8" iron rod found for corner;

THENCE S. 69 deg. 44 min. 24 sec. E a distance of 14.21 feet to a ½" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner;

THENCE S. 00 deg. 22 min. 33 sec. W. a distance of 290.21 feet to a ½" iron rod with yellow plastic cap stamped "RPLS 5034" set for corner in the north right-of-way of Airport Road per Volume 5913, Page 123 of the Official Public Records of Rockwall County, Texas;

THENCE N. 89 deg. 07 min. 11 sec. W. along said right-of-way line, a distance of 596.53 feet to a ½" iron rod found for corner at the southeast corner of Lot 4, Block A;

THENCE N. 00 deg. 22 min. 33 sec. E. along the east boundary line of said Lot 4, Block A, a distance of 588.04 feet to the POINT OF BEGINNING and containing 261,360 square feet or 6.00 acres of land.

JOHN KING BOULEVARD
(at) 1001-21-0000

Case No. Z2015-017

SICKMILL PROPERTY CORPORATION
VOL. 4657, PG. 121
(O.P.R.C.T.)
8.00 ACRES
261,360 S.F.

AIRPORT ROAD

STOP!
CALL BEFORE YOU DIG



NOTE: THIS IS NOT A CONSTRUCTION DOCUMENT.
THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY.

CROSS ENGINEERING CONSULTANTS

131 B. Tabor and J. M. Kohnen, *German "Gleichschaltung"*, *German F.B. From No. 8* (1974).

Exposure Why	# Exposed (N _E)	Score
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ZONING EXHIBIT

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KR SMITH, HOLDINGS LLC

CITY OF ROCKWALL, TEXA

City of Rockwall, Texas