

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 15-22

SUP NO. 140

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 TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A "DAYCARE FACILITY" WITHIN AN AGRICULTURAL (AG) DISTRICT, BEING A 2.00-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1 OF THE DEWOODY ADDITION, AND LOCATED AT 3011 NORTH GOLIAD STREET, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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 Sam Ellis on behalf of the owner, the George Dewoody Estate for the approval of a Specific Use Permit (SUP) allowing for a "*Daycare Facility*" within an Agricultural (AG) District, being a 2.00-acre parcel of land identified as Lot 1 of the Dewood Addition, and located at 3011 North Goliad Street, City of Rockwall, Rockwall County, Texas, and more specifically 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, 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 for a "*Daycare Facility*" within the Agricultural (AG) District for the *Subject Property*; and

Section 2. That the Specific Use Permit shall be subject to the requirements as set forth in **Article V, Section 2.1, Agricultural (AG) District** of the City of Rockwall Unified Development Code (Ord. 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 a *Daycare Facility* on the *Subject Property* and conformance to these stipulations is required for continued operations:

- 1) That adherence to Engineering and Fire Department standards shall be required, and
- 2) That future site plan submittal and approval shall be required, including Architectural Review and adherence to all standards specified in the North SH 205 Corridor Overlay district and other applicable sections of the Unified Development Code (UDC), and
- 3) That the proposed conceptual site plan shall be used only for the purpose of establishing a general layout of the daycare facility as depicted in Exhibit 'B' of this ordinance, and
- 4) That the use for a daycare facility as requested shall be allowed on the 1.940-acre tract of land, and
- 5) That submittal and approval of engineering plans, and final plat shall be required prior to issuance of a Certificate of Occupancy.

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.

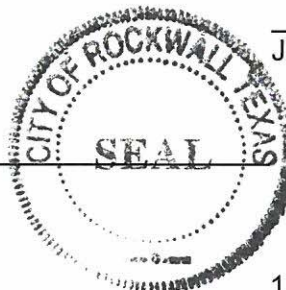
Section 6. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance 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 No. 04-38 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.

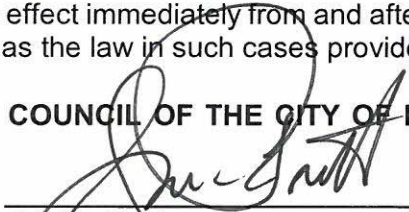
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of August, 2015.


ATTEST:


Kristy Cole, City Secretary




Jim Pruitt, Mayor

APPROVED AS TO FORM:


Frank Garza, City Attorney

1st Reading: **07-20-15**

2nd Reading: **08-03-15**

Exhibit 'A' - Legal Description

FIELD NOTE DESCRIPTION

BEING a 1.940 acres tract of land situated in the Samuel King Survey, Abstract No. 131, Rockwall County, Texas and being all of Lot One of De Woody Addition an addition to the City of Rockwall according to the plat recorded in Cabinet A, Slide 387 of the Plat Records Rockwall County, Texas (PRRCT) and being more particularly described as follows:

Beginning at a point for corner in the west right of way line of State Highway No. 205 (North Goliad Street) a 100 feet wide right of way from which a ½ inch iron rod found bears, NORTH 42°24'55" EAST a distance of 0.35 feet;

THENCE along the west line of said State Highway No. 205 (North Goliad Street), SOUTH 13°15'00" East a distance of 223.20 feet to a point for corner from which a 5/8 inch iron rod found bears SOUTH 89°15'07" EAST a distance of 1.65 feet and being in the north line of Lot 1, Block D of North Lakeshore Valley an addition to the City of Rockwall according to the plat recorded in Cabinet G, Slide 247 (PRRCT);

THENCE along the common line of said Lot One and Lot 1, Block D, SOUTH 73°33'02" West a distance of 356.45 feet to a point for corner from which a ½ inch iron rod bears SOUTH 42°24'55" WEST a distance of 0.35 feet and being in the east right of way line of Quail Run Road a variable width right of way;

THENCE along the east line of said Quail Run Road, NORTH 16°30'14" WEST a distance of 72.55 feet to a point from which a 5/8 inch iron rod found bears NORTH 66°36'45" WEST a distance of 3.28 feet and being in the north line of said Quail Run Road;

THENCE along the north line of said Quail Run Road, NORTH 80°05'54" WEST a distance of 37.23 feet to a 5/8 inch iron rod set for corner;

THENCE along the west line of said Lot One, NORTH 09°30'06" WEST a distance of 134.76 feet to a point for corner from which a ½ inch iron rod found bears SOUTH 76°22'22" WEST a distance of 7.69 feet and another ½ inch iron rod found bears NORTH 77°57'23" EAST a distance of 8.33 feet;

THENCE along the north line of said Lot One, NORTH 73°33'00" EAST a distance of 386.04 feet to the POINT OF BEGINNING;

CONTAINING 1.940 acres or 84,484.79 square feet of land more or less all according to that certain survey prepared by A. J. Bedford Group Inc.

