

CITY OF ROCKWALL

ORDINANCE NO. 17-07

SPECIFIC USE PERMIT NO. S-161

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 (SUP) TO ALLOW FOR A RESIDENCE HOTEL IN A COMMERCIAL (C) DISTRICT WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT, ON A 3.0-ACRE PORTION OF A LARGER 8.613-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 4 OF THE J. D. MCFARLAND SURVEY, ABSTRACT NO. 145, AND LOT 1, BLOCK B, GOLDENCREST ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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 Tom Kirkland of TEKMAK Development on behalf of the owner Randall Noe of Rockwall Rental Properties for the approval of a Specific Use Permit (SUP) to allow for a *Residence Hotel* in a Commercial (C) District on a 3-acre tract of land of a larger 8.613-acre tract of land being described as tract 4 of the J.D. McFarland Survey Abstract No. 145 and Lot 1, Block B, Goldencrest Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, which herein after shall be referred to as the *Subject Property* and incorporated 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 [Ordinance No. 04-38] 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 a *residence hotel* within a Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] on the *Subject Property*; and

Section 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in *Section 4.5, Commercial District; Section 6.6, IH-30 Overlay (IH-30 OV) District of Article V, District Development Standards*, 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 additions:

- 1) The building shall generally conform to the concept plan and building elevations, depicted in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance.
- 2) The building shall not exceed 60-feet in height;
- 3) The Specific Use Permit (SUP) is subject to review by the City Council upon change of ownership.

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.

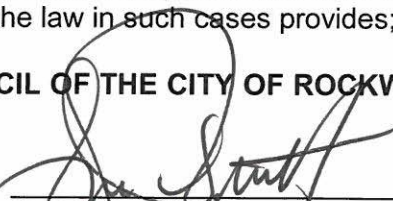
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF FEBRUARY, 2017.

ATTEST:




Kristy Cole, City Secretary



Jim Pruitt, Mayor

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 01-17-2017

2nd Reading: 02-06-2017

Exhibit 'A':
Legal Description

DESCRIPTION

Being a part of the 14.45 acre tract of land as described in a warranty deed from Bayoud Family Trust Limited Partnership to Rockwall Rental Properties, LP. dated June 27, 2005 and being recorded in Volume 4076, page 48 of the Real Property Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at an iron rod for corner at the West corner of a 1.79 acre tract of land as described in a warranty deed from Bayoud Family Limited Partnership to Rockwall Independent School District, as recorded in Volume 1865, Page 95 of the Real Property Records of Rockwall County, Texas;

Thence South 44 degrees 16 minutes 15 seconds East a distance of 200.00 feet to a ½" iron rod found for corner;

Thence South 45 degrees 22 minutes 14 seconds West a distance of 636.74 feet to a point for corner;

Thence South 06 degrees 32 minutes 30 section West a distance of 130.97 feet to a point for corner in the curving Northwest right of way line of Greencrest Boulevard;

Thence along the curving right of way line of Greencrest Boulevard a central angle of 23 degrees 57 minutes 39 seconds a radius of 415 feet, a tangent of 88.06 feet a chord of North 70 degrees 00 minutes 09 seconds West 60.01 feet, an arc distance of 60.09 feet to a point founds for corner;

Thence North 15 degrees 53 minutes 23 seconds East a distance of 66.59 feet to a point for corner;

Thence North 06 degrees 32 minutes 30 seconds East a distance of 147.21 feet to a point for corner;

Thence North 45 degrees 22 minutes 14 seconds East a distance of 157.96 feet to a point for corner;

Thence North 44 degrees 37 minutes 46 seconds West a distance of 141.45 feet to a point for corner along the Southern boundary of the Rockwall High School Addition, an addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet C, Slides 147 and 148 of the Plat Records of Rockwall County, Texas;

Thence North 45 degrees 11 minutes 57 seconds East a distance of 124.73 feet to a point for corner;

Thence North 45 degrees 32 minutes 05 seconds East a distance of 374.14 feet to a point for corner;

Thence North 63 degrees 26 minutes 35 seconds East a distance of 2.42 feet to the **POINT OF BEGINNING** and containing 122,145 square feet or 2.80 acres of land.

Site Plan

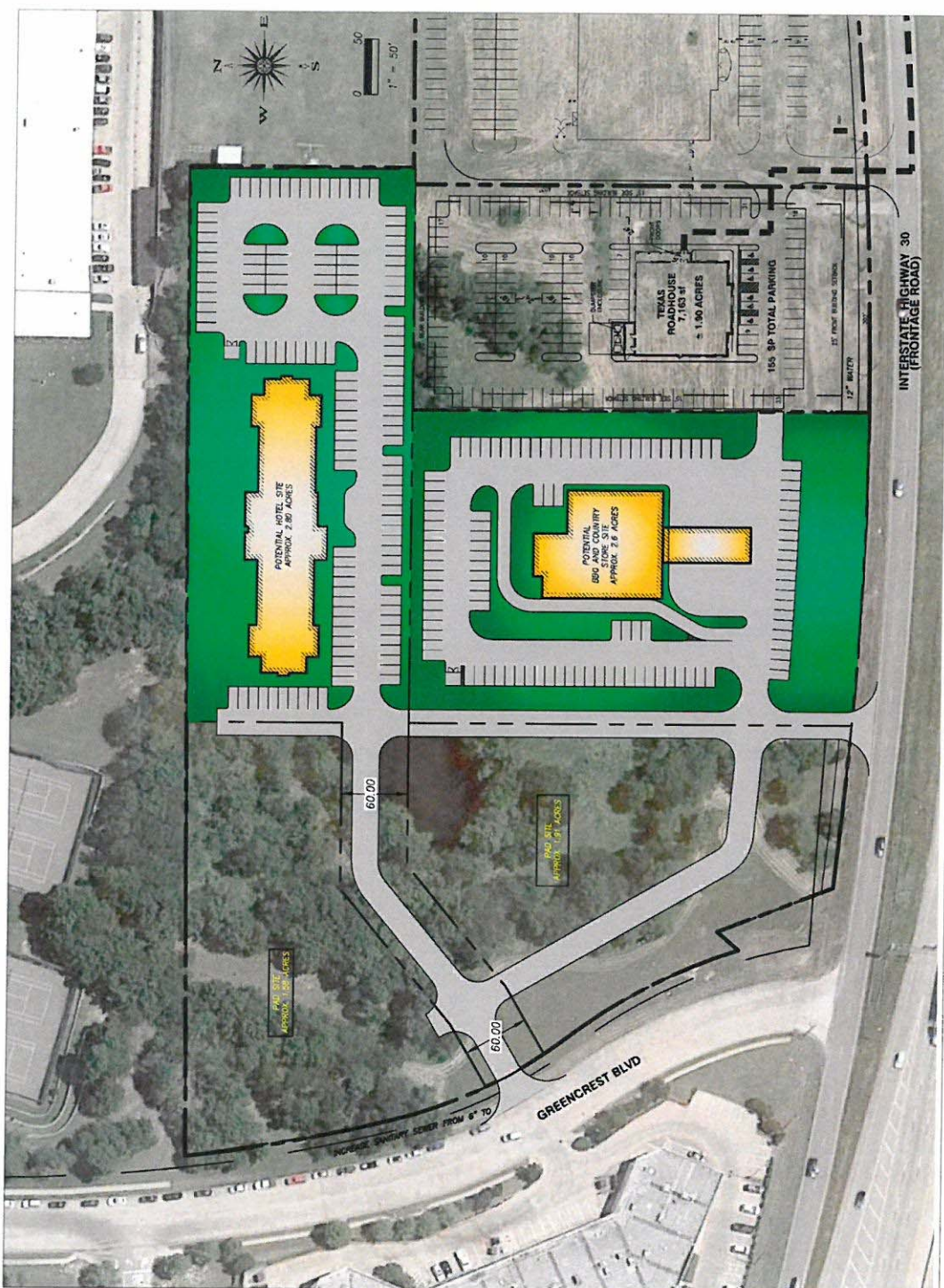


Exhibit 'C':
Building Elevations

