CITY OF ROCKWALL

ORDINANCE NO. 17-12

SPECIFIC USE PERMIT NO. S-163

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 HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FEET IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 1.74-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 1, BLOCK A, COMFORT INN & SUITES ROCKWALL TOWNE CENTER 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 Himmat Chauhan of Best Western Plus, Rockwall Inn & Suites, on behalf of the owner Pastem Corporation for the approval of a Specific Use Permit (SUP) to allow for a *Hotel* in a Commercial (C) District and to allow for a structure that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 1.74-acre parcel of land being described as Lot 1, Block A, Comfort Inn & Suites Rockwall Towne Center Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) and the IH-30 Overlay (IH-30 OV) Districts, addressed as 700 E. IH-30, 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*] and Specific Use Permit (SUP) No. S-55 [*Ordinance No. 08-37*] 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 approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 08-37*;

Section 2.   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 *hotel* within a Commercial (C) District as stipulated by

Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] and to allow for a structure that exceeds 36-feet in height within the Scenic Overlay (SOV) District as stipulated by Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*], on the *Subject Property*; and

Section 3. 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; and Section 6.8, Scenic Overlay (SOV) 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 site plan and building elevations, depicted in Exhibit 'A' and Exhibit 'B' of the attached ordinance.

2) The hotel shall be limited to 33 residence suites. The remaining 47 rooms shall be typical hotel rooms (i.e. not contain kitchen facilities).

3) The building shall be no more than 60-feet in height.

4) Freestanding signage associated with this development shall be limited to a monument sign (i.e. no pole sign shall be allowed).

5) Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Section 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 5. 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 6. 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 7. 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 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 6th DAY OF MARCH, 2017.
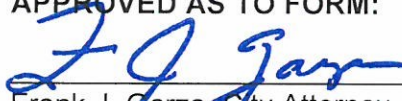
Jim Pruitt, Mayor

ATTEST:

Kristy Cole, City Secretary

APPROVED AS TO FORM:

Frank J. Garza, City Attorney

1st Reading: 02-20-2017

2nd Reading: 03-06-2017

SEAL — CITY OF ROCKWALL, TEXAS

SITE LOCATION

SITE AREA 1.74 ACRES

NORTH

PROPOSED MAX. HT = 60'-0"

VIGOR WAY

SWIMMING POOL

DROP OFF CANOPY

H.C.

H.C.

NEW HOTEL W/ PARKING PROVIDED FOR 86 CARS

RETAINING WALL

24' FIRE LANE

24' FIRE LANE

DUMPSTER W/ MASONRY SCREEN WALL AND HORIZ WOOD GATE

1 CONCEPT SITE PLAN
1" = 20'-0"

CONCEPT SITE PLAN
NEW HOTEL

ROCKWALL TOWNE CENTRE
LOT 1, BLOCK A

BEING A REPLAT OF LOT 8, BLOCK "A"
ROCKWALL TOWNE CENTRE PHASE 4

E.P.G. CHISUM SURVAY, A-64
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS

LEGAL DESCRIPTION

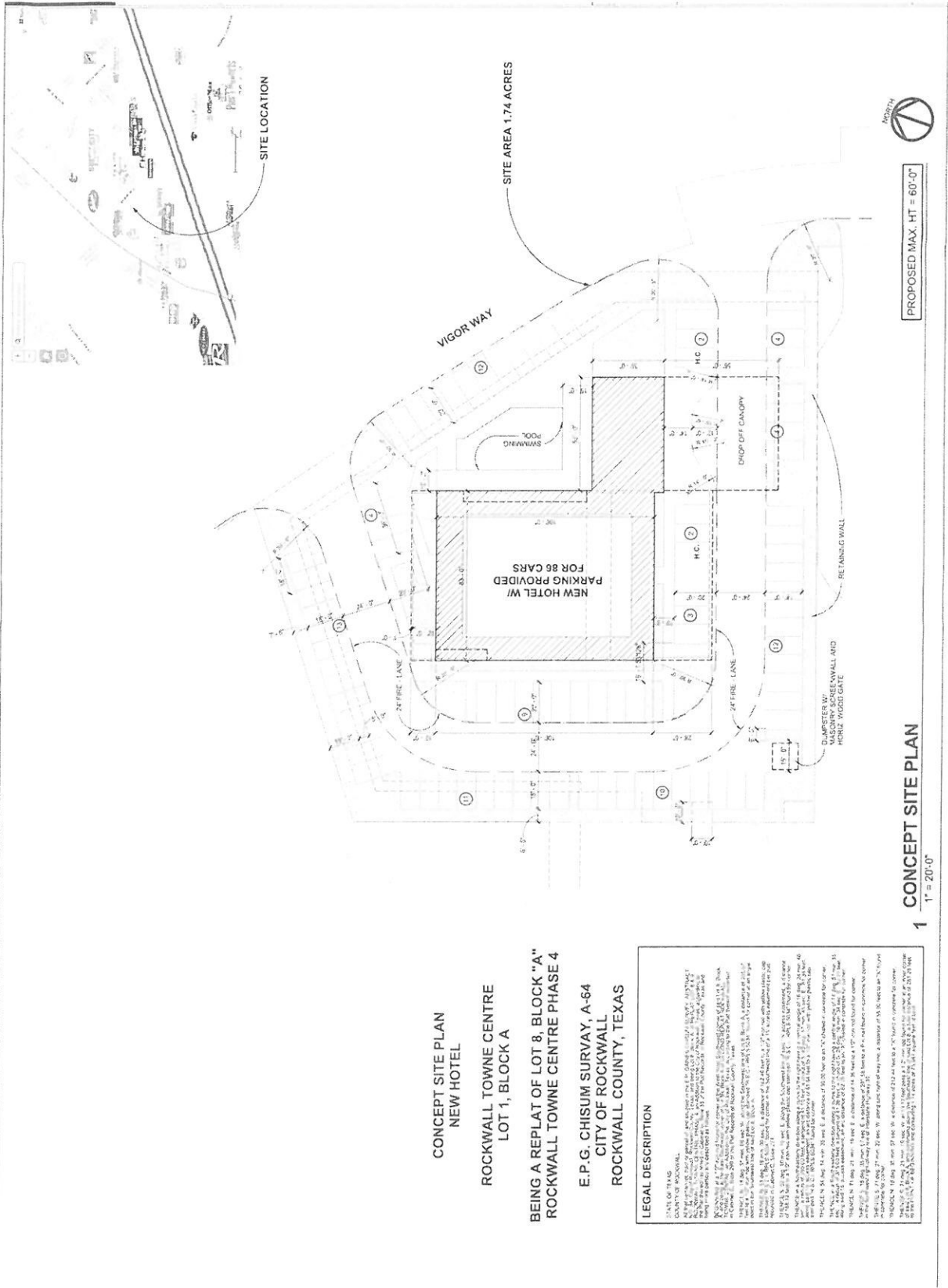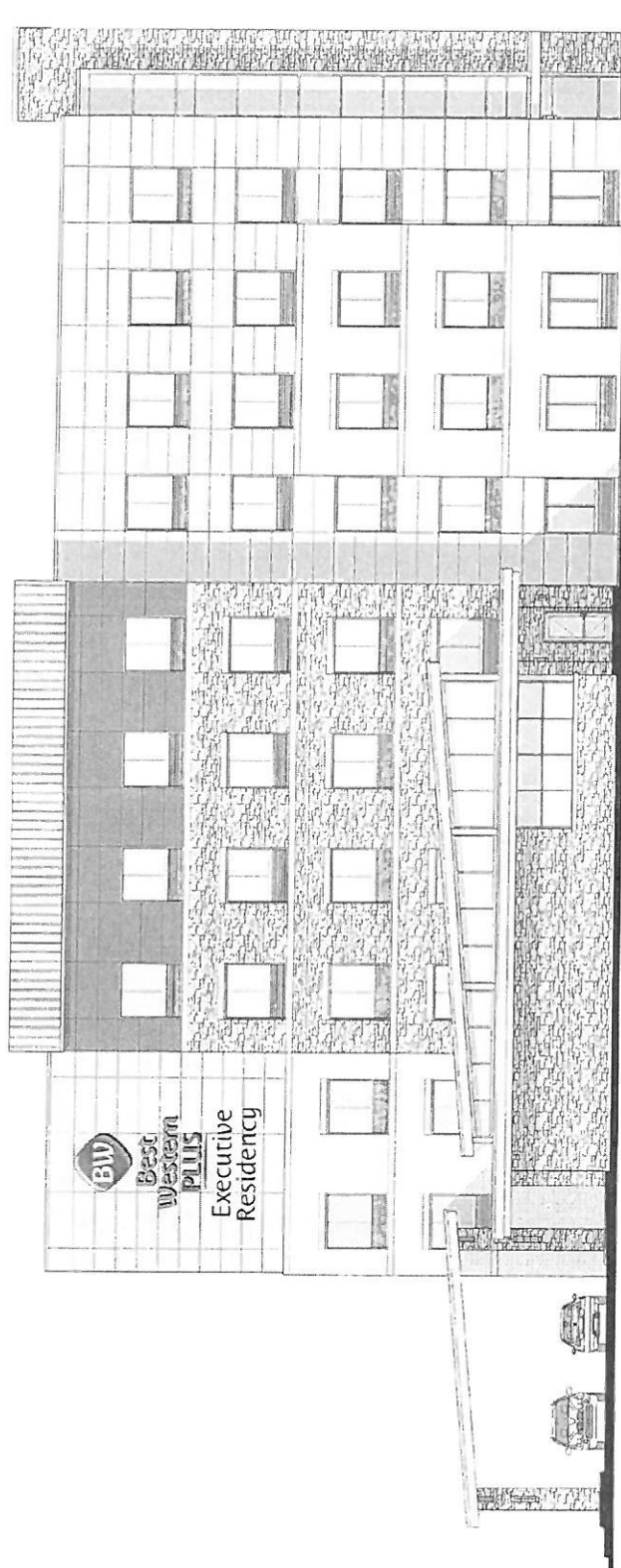STATE OF TEXAS
COUNTY OF ROCKWALL

Exhibit 'B':
Building Elevations

Best Western PLUS Executive Residency ROCKWALL, TX.