

CITY OF ROCKWALL

ORDINANCE NO. 17-43

SPECIFIC USE PERMIT NO. S-173

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, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESIDENCE HOTEL IN A COMMERCIAL (C) DISTRICT AND TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FT IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 5.217-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 8 AND ALL OF LOTS 9 AND 11, BLOCK A, LA JOLLA POINTE, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 Mahbub Dewan of D1 Architect on behalf of Deepak Gandhi for the approval of a Specific Use Permit (SUP) to allow for a *Residence Hotel* in a Commercial (C) District on a 5.217-acre parcel of land, identified as a portion of Lot 8 and all of Lots 9 and 11, Block A, La Jolla Pointe, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned *Commercial (C) District*, situated within the *IH-30 Overlay (IH-30 OV) and Scenic Overlay (SOV) Districts*, generally located along La Jolla Pointe Drive, east of the intersection of La Jolla Pointe Drive and Laguna Drive, and more specifically described in *Exhibit 'A'* of this ordinance, 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 [*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 (C) 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*, of 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 additions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Residence Hotel* on the *Subject Property*, and conformance to these operational conditions is required for continued operations:

- 1) The development of this property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this SUP ordinance for the development of a *Hyatt House*; and,
- 2) The proposed hotel shall generally conform to the *Concept Building Elevations* depicted in *Exhibit 'C'* of this SUP ordinance, and shall be subject to review and recommendation by the Architecture Review Board (ARB); and,
- 3) The maximum overall height of the building shall not exceed four (4)-stories or 60-feet.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

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

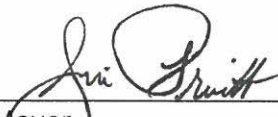
Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense 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 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 5TH DAY OF SEPTEMBER, 2017.



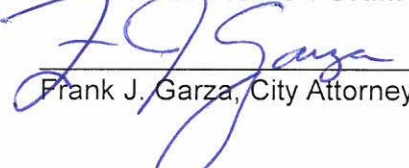
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: August 21, 2017

2nd Reading: September 5, 2017

Exhibit 'A':
Legal Description

BEING all of Lots 9 and 11 and a portion of Lot 8, Block A, replat of La Jolla Pointe Addition, Phase 2 in the City of Rockwall, Rockwall County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with cap stamped "Arther Surveying Company" found at the most southwesterly corner of Lot 11, Block a, replat of La Jolla Pointe Addition, Phase 2, same being in the east right of way line of La Jolla Pointe Drive (60' right of way);

THENCE along the east right of way line of La Jolla Pointe Drive north 23°51'55" west a distance of 438.29 feet to a ½" iron rod with cap stamped "Arther Surveying Company" found for the beginning of a tangent curve to the right having a radius of 120.00 feet, a central angle of 87°15'39", a cord bearing North 19°45'54" East a distance of 165.60 feet to a reversed curve to the left;

THENCE 136.79 feet along the arc of said curve and said south right of way line, having a radius of 660.00 feet, a central angle of 11°52'01" and a chord bearing North 57°27'21" East a distance of 136.45 feet to a point;

THENCE departing said south right of way line South 13°51'24" East a distance of 183.31 feet to a point;

THENCE North 60°03'24" East a distance of 191.31 feet to a point on the west right of way line of Carmel Circle and being the point of curvature of non-tangent curve to the left;

THENCE 172.49 feet along the arc of said non-tangent curve and said west right of way line, having a radius of 58.00 feet, a central angle of 170°23'27" and a chord bearing North 63°27'02" East a distance of 115.59 feet to a point on the south right of way line of Carmel Circle;

THENCE along the south right of way line of Carmel Circle North 37°06'28" East a distance of 37.31 feet to a point;

THENCE departing said south right of way line South 53°10'30" East a distance of 397.12 feet to a point;

THENCE South 44°36'44" West a distance of 87.62 feet to a point;

THENCE North 53°10'30" West a distance of 49.31 feet to a point;

THENCE South 70°39'38" West a distance of 499.77 feet to a point;

THENCE South 21°09'56" West a distance of 206.59 feet to the *POINT OF BEGINNING* and containing 5.219 acres or 227,349 square feet of land.

Exhibit 'C':
Conceptual Building Elevations

