

CITY OF ROCKWALL

ORDINANCE NO. 17-45
SPECIFIC USE PERMIT NO. S-174

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 MUSIC STUDIO IN PLANNED DEVELOPMENT DISTRICT 60 (PD-60), ON A 0.747-ACRE PORTION OF A LARGER 2.49-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 9, BLOCK A, FLAGSTONE CORNERS 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 Deric Salser of Salsar Development Group on behalf of Russ Porter of Rockwall School of Music, LLC for the approval of a Specific Use Permit (SUP) to allow for a *Music Studio* in Planned Development District 60 (PD-60) on a 0.747-acre portion of a larger 2.49-acre parcel of land being described as a portion of Lot 9, Block A, Flagstone Corners Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 60 (PD-60) for Residential Office (RO) District land uses, addressed as 1830 & 1842 Mims Road, and being more specifically described in *Exhibit 'A'* and depicted in *'Exhibit 'B'* of this ordinance, 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 Planned Development District 60 (PD-60) [*Ordinance No. 05-05*] 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 *Music Studio* as stipulated by Planned Development District 60 (PD-60) [*Ordinance No. 05-05*] and 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 1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Planned Development District 60 (PD-60)* [*Ordinance No. 05-05*] as heretofore amended and as may be amended in the future, and shall be subject to the following:

2.1 OPERATIONAL CONDITIONS

- 1) The music studio shall generally conform to the concept plan shown in *Exhibit 'C'* and the concept building elevations shown in *Exhibit 'D'* of this ordinance.
- 2) A six (6)-foot masonry screening wall shall be provided adjacent to residential properties (*i.e. east and south property lines*).
- 3) A row of canopy trees a minimum of four (4) caliper-inches in size and spaced 20-feet on center shall be planted adjacent to the residential properties to the northeast and southeast of the subject property.
- 4) Incidental display/outside storage is prohibited.
- 5) A shrub row shall be provided as headlight screening for any parking adjacent to residential properties or that face towards Mims Road.
- 6) The dumpster enclosure doors shall not face towards any residential properties.
- 7) A Cross-access easement shall be provided adjacent to the property to the northwest of the subject property.
- 8) Music outside of the studio is prohibited.

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.

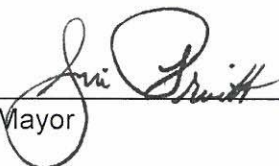
SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (\$2,000.00) for each offence and each and every day such offense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

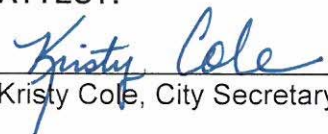
SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 5TH DAY OF SEPTEMBER, 2017.**



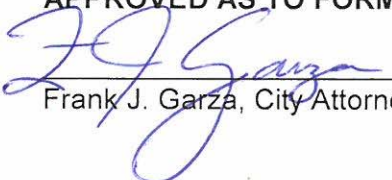
Jim Pruitt, Mayor

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 a 32,538 square feet or 0.747 acre tract of land situated in the JD McFarland Survey, Abstract No. 145, in the City of Rockwall, Rockwall County, Texas, and being part of Lot 9, Block A of the Replat of Flagstone Corners recorded in Instrument Number 2012000047945000 of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set at the southeast corner of said Lot 9, and being the southwest corner of Lot 1 of the Flagstone Estates recorded in Instrument Number 200600003619110 of the Official Public Records of Rockwall County, Texas, and being in the north line of Mims Road;

THENCE North 45°55'42" East, a distance of 182.46 feet, along the north line of Mims Road, same being the south line of Lot 9, to a 1/2" iron rod set in the northwest corner of said 0.747 acre tract;

THENCE North 43°56'04" East, a distance of 182.46 feet, departing the north line of Mims Road, along the northwest line of said 0.747 acre tract, to a 1/2" iron rod set for the northwest corner of said 0.747 acre tract, and being in the south line of Lot 8, Block A of said Replat of Flagstone Corners;

THENCE South 45°53'02" East, a distance of 62.84 feet, along the north line of said 0.747 acre tract, and the common south line of said Lot 8, to a found "X" cut in concrete, being the southeast corner of said Lot 8, and being in the west line of Lot 4 of said Flagstone Estates;

THENCE South 44°00 '58" West, a distance of 6.82 feet, along the east line of said 0.747 acre tract, and the common west line said Lot 4, to a found "X" cut in concrete at the southwest corner of said Lot 4;

THENCE South 46°33'56" East, a distance of 119.58 feet, along the northeast line of said 0.747 acre tract, same being the south line of said Lot 4, to a 1/2" iron rod set for the southeast corner of said 0.747 acre tract, and being the southwest corner of said Lot 4, and being the northwest corner of Lot 3 of said Flagstone Estates;

THENCE South 43°54 '55 " West, a distance of 176.87 feet, along the southeast line of said Lot 9, same being the west line of said Lot 3, and the west line of said Lot 1, to the POINT OF BEGINNING, and containing 32,538 square feet or 0.747 acres of land, more or less.

BASIS OF BEARING:

THE BASIS OF BEARING FOR THIS SURVEY IS THE
TEXAS STATE PLANE, NORTH CENTRAL ZONE,
GEODETIC BEARING ESTABLISHED BY GPS
MEASUREMENTS TAKEN ON 6/26/17

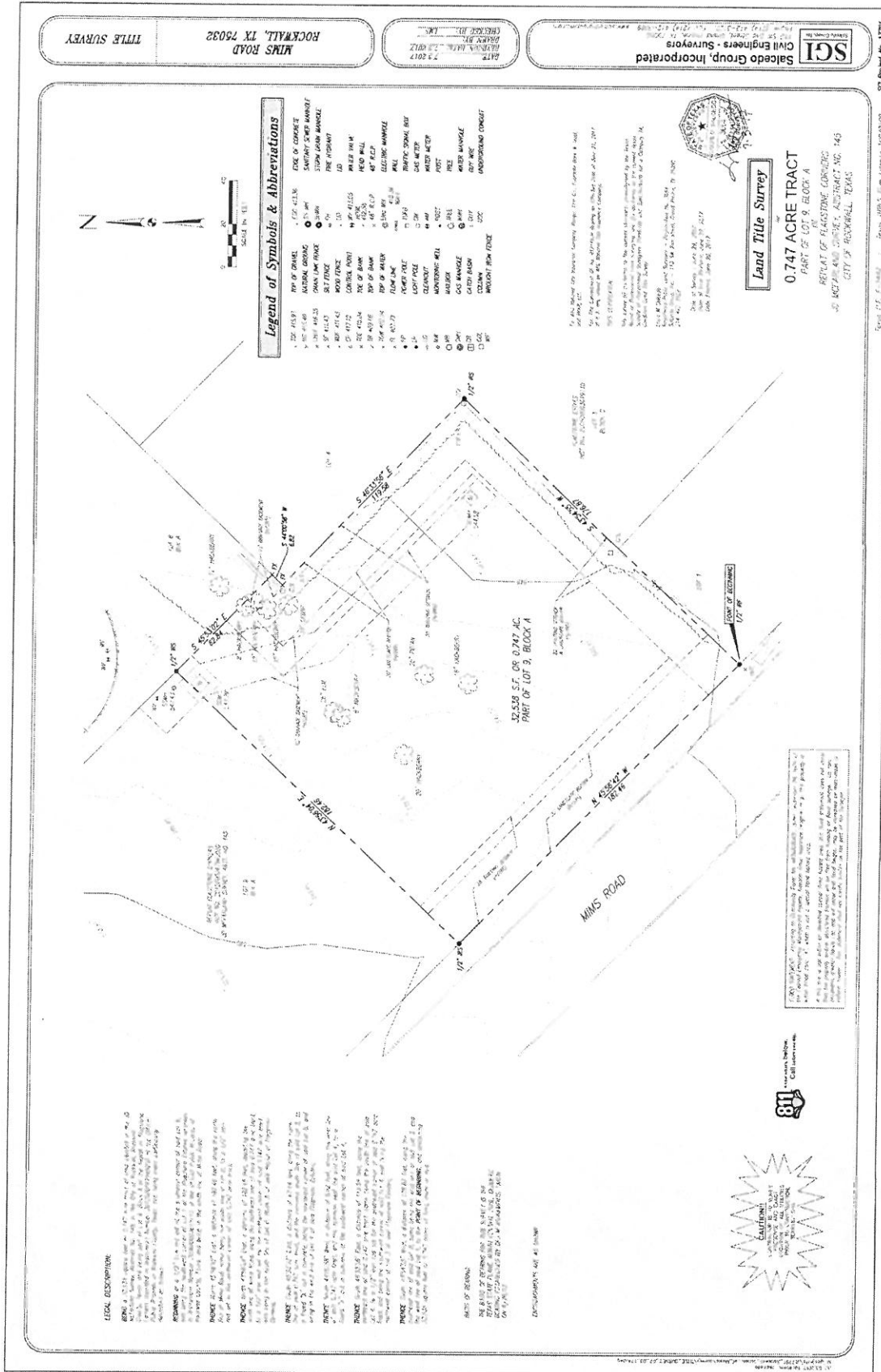


Exhibit 'C':
Concept Plan

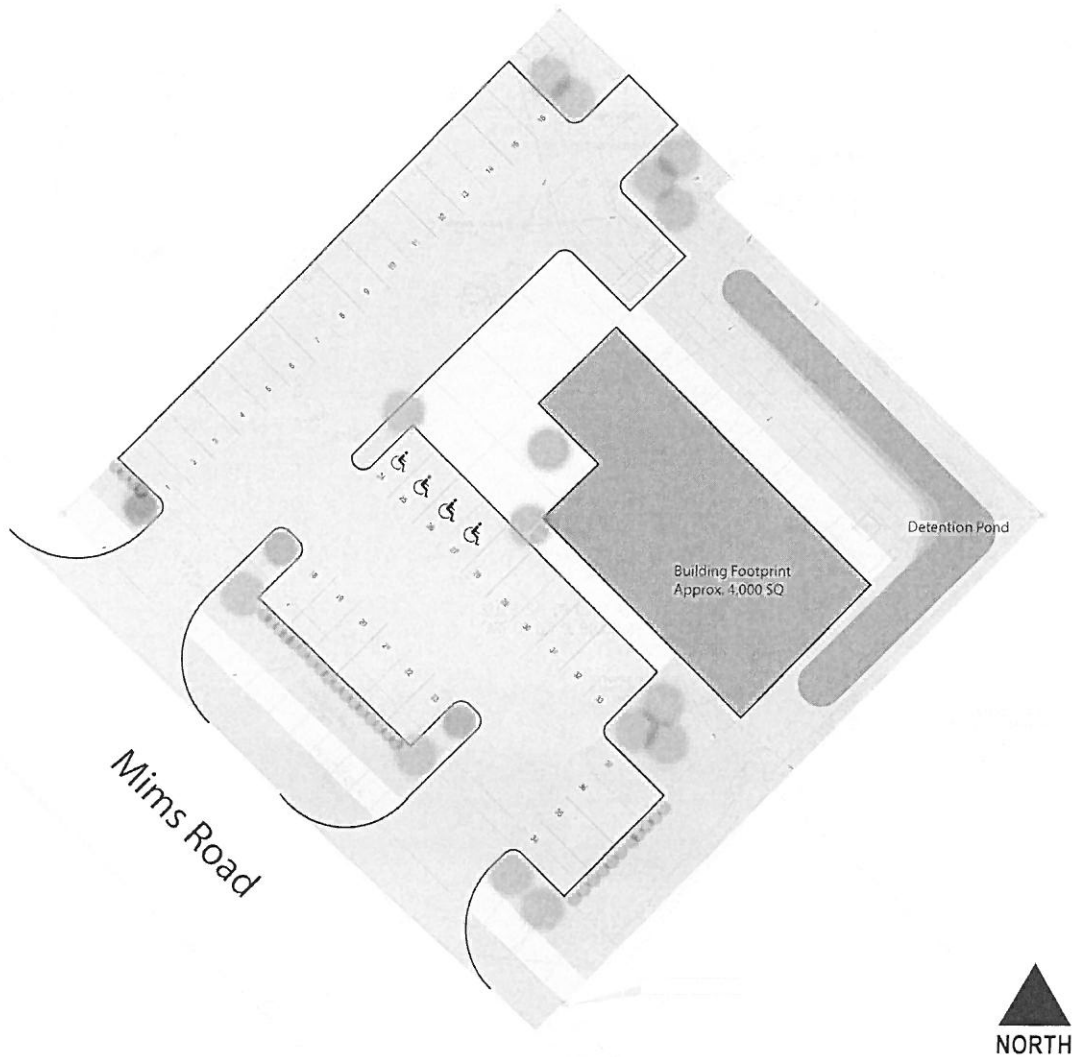
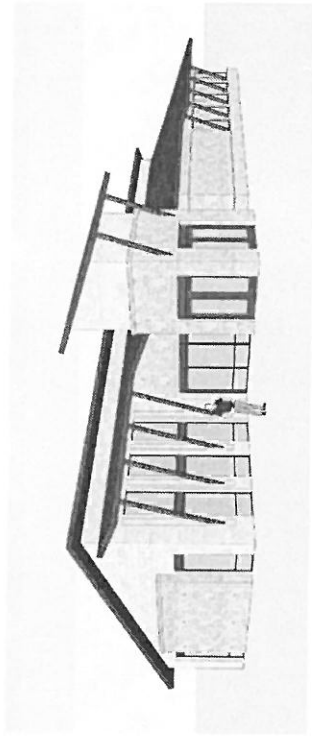
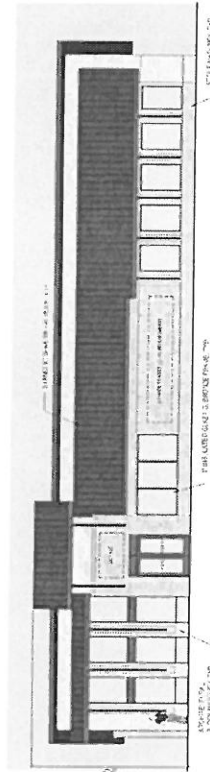


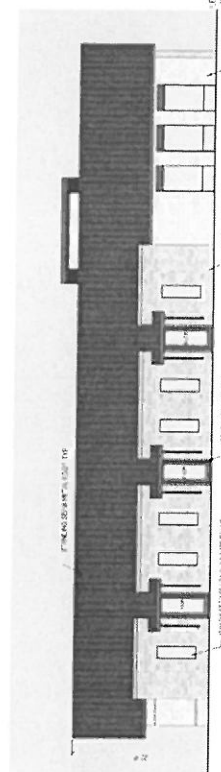
Exhibit 'D': Concept Building Elevations



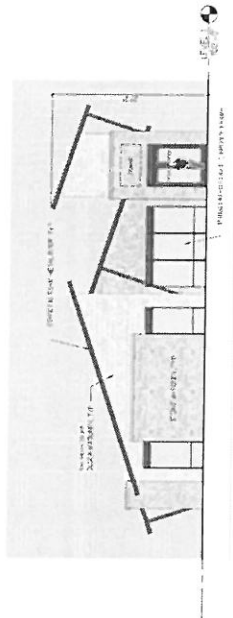
3 PERSPECTIVE - FRONT ENTRY



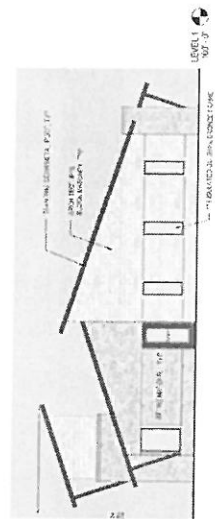
2 EXTERIOR ELEVATION - SOUTH WEST



1 EXTERIOR ELEVATION - NORTH EAST



5 EXTERIOR ELEVATION - NORTH WEST



4 EXTERIOR ELEVATION - SOUTH EAST