

CITY OF ROCKWALL

ORDINANCE NO. 17-52

SPECIFIC USE PERMIT NO. S-175

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 STRUCTURE THAT EXCEEDS 36-FEET IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, ON A 1.082-ACRE PARCEL OF LAND BEING IDENTIFIED AS LOT 6, BLOCK A, TEMUNOVIC 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 Kevin Patel of Triangle Engineering, LLC on behalf of Michael Fisher of 1306 Summer Lee, LLC for the approval of a Specific Use Permit (SUP) to allow for a medical office buildings that exceeds 36-feet in height within the Scenic Overlay (SOV) District on a 1.082-acre parcel of land, identified as Lot 6, Block A, Temunovic Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development 9 (PD-9) District for General Retail (GR) District land uses, situated within the Scenic Overlay (SOV) District, addressed as 1310 Summer Lee 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 Planned Development District 9 (PD-9) and 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) to allow a structure that exceeds 36-feet in height within the Scenic Overlay (SOV) District as stipulated by *Section 6.8, Scenic Overlay (SOV) District, of Article V, District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] for the *Subject Property*; and

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in *Section 4.4, General Retail (GR) 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 conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the height limitation for a medical office building on the *Subject Property*, and conformance to these conditions is required for continued operations:

- 1) The proposed medical office building shall generally conform to the *Concept Building Elevations* depicted in *Exhibit 'B'* of this SUP ordinance, and shall be subject to review and recommendation by the Architecture Review Board (ARB).
- 2) The maximum height of the building shall not exceed *43-feet* at the midpoint of the roof, with a maximum overall height not to exceed *52-feet*, and as depicted in *Exhibit 'B'* of this SUP ordinance.

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.

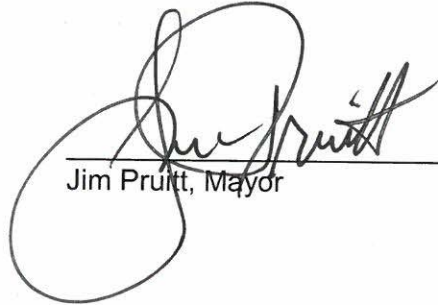
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict

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 2ND DAY OF OCTOBER, 2017.



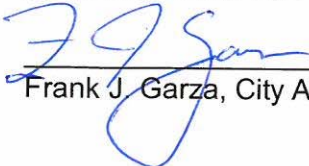
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: September 18, 2017

2nd Reading: October 2, 2017

Exhibit 'A':
Legal Description

MEETS AND BOUNDS DESCRIPTION:

WHEREAS, Temunovic Partnership, LTD, is the owner of a remainder of a tract of land in the Edward Teal Survey, Abstract No. 207, situated in the City of Rockwall, in Rockwall County, recorded in Volume 7038, Page 319 of the Deed Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at an "X" cut found for the south corner of NEC Ridge/Summer Lee addition, an addition to The City of Rockwall, Texas recorded in Cabinet I, Slide 71, Plat Records Rockwall County, Texas, said point also lying on the northerly line of Summer Lee Drive, (a called 65' right-of-way);

THENCE North 12 degrees 45 minutes 10 seconds East along the easterly line of said NEC addition, a distance of 140.92-feet to a 1/2 inch iron rod found for corner;

THENCE North 34 degrees 21 minutes 34 seconds East continuing along the easterly line of said NEC addition a distance of 28.41-feet to a 1/2-inch iron rod found for corner;

THENCE North 12 degrees 22 minutes 14 seconds East continuing along the easterly line of said NEC addition a distance of 38.10-feet to a 1/2 inch iron rod with cap stamped "KAZ" found for the east corner of said NEC addition, same lying on the southerly line of Lot 27, Block A, of the replat of lot 13R called Lots 26 & 27, Block A, Horizon Ridge Addition, an addition to The City of Rockwall, Texas recorded in Cabinet H, Slide 367, Plat Records Rockwall County, Texas;

THENCE South 74 degrees 21 minutes 03 seconds East along the southerly line of said Lot 27 a distance of 47.33-feet to a 1/2 inch iron rod found for corner at the beginning of a curve to the right;

THENCE with said curve to the right having a radius of 3074.27-feet, a central angle of 08 degrees 19 minutes 56 seconds, an arc length of 447.07-feet, a chord bearing of South 77 degrees 19 minutes 17 seconds East a distance of 446.67-feet to a 1/2-inch iron rod found for an inner ell corner of Lot 21 of Replat Horizon Ridge Addition, an addition to The City of Rockwall, Texas recorded in Cabinet G, Slide 123, Plat Records Rockwall County, Texas;

THENCE South 16 degrees 59 minutes 12 seconds West a distance of 248.08-feet to a 5/8-inch iron rod found for the west corner of Lot 22 of Replat Horizon Ridge Addition, an addition to The City of Rockwall, Texas recorded in Cabinet G, slide 293, Plat Records Rockwall County, Texas, said point also lying on the aforementioned northerly line of Summer Lee Drive and at the beginning of a curve to the right;

THENCE with said curve to the right and along the northerly line of said Summer Lee Drive having a radius of 4243.50-feet, a central angle of 03 degrees 44 minutes 10 seconds, an arc length of 276.70-feet, a chord bearing of North 71 degrees 10 minutes 43 seconds West a distance of 276.65-feet to a 5/8 inch iron rod found for corner at the beginning of a reverse curve to the left;

THENCE with said reverse curve to the left and continuing along the northerly line of said Summer Lee Drive having a radius of 1512.55-feet, a central angle of 08 degrees 00 minutes 30 seconds, an arc length of 211.41-feet, a chord bearing of North 73 degrees 18 minutes 03 seconds West a distance of 211.24-feet to the *POINT OF BEGINNING* containing 112,445 square-feet, or 2.581 acres of land.

