

CITY OF ROCKWALL

ORDINANCE NO. 19-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5) [ORDINANCE NO.'S 73-31, 87-23, 88-11, 96-25 & 00-28] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, FOR THE PURPOSE OF AMENDING PLANNED DEVELOPMENT DISTRICT 5 (PD-5), BEING A ~547.68-ACRE TRACT OF LAND SITUATED WITHIN THE S. S. McCURRY SURVEY, ABSTRACT NO. 146, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF A 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 by Rob Whittle for the approval of an amendment to Planned Development District 5 (PD-5) [*Ordinance No.'s 73-31, 87-23, 88-11, 96-25 & 00-28*] for the purpose of amending the garage orientation requirements for an 11.003-acre portion of the larger ~547.68-acre Planned Development District, which is situated within the S. S. McCurry Survey, Abstract No. 146, City of Rockwall, Rockwall County, Texas, identified as Planned Development District 5 (PD-5), and more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* of this ordinance, which hereinafter 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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 5 (PD-5) [*Ordinance No.'s 73-31, 87-23, 88-11, 96-25 & 00-28*] and the Unified Development Code [*Ordinance No. 04-38*] 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.'s 73-31, 87-23, 88-11, 96-25 & 00-28*;

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes authorized by this Planned Development District Ordinance and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future;

SECTION 3. That development of the *Subject Property* shall generally be in accordance with the *Concept Plan*, described in *Exhibit 'B'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'B'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 4. That development of the *Subject Property* shall generally be in accordance with the *PD Development Standards*, described in *Exhibit 'C'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'C'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

SECTION 5. That the official zoning map of the City of Rockwall, Texas be corrected to reflect the change in zoning described here in.

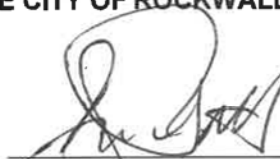
SECTION 6. That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

SECTION 7. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code [*Ordinance No. 04-38*], 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 for this ordinance are declared to be severable;

SECTION 8. The standards in this ordinance shall control in the event of a conflict between this ordinance and any provision of the Unified Development Code [*Ordinance No. 04-38*] of any provision of the *City Code*, ordinance, resolution, rule, regulation, or procedure that provides a specific standard that is different from and inconsistent with this ordinance. References to zoning district regulations or other standards in the Unified Development Code [*Ordinance No. 04-38*] (*including references to the Unified Development Code*), and references to overlay districts, in this ordinance or any of the *Exhibits* hereto are those in effect on the date this ordinance was passed and approved by the City Council of the City of Rockwall, Texas;

SECTION 9. That this ordinance shall take effect immediately from and after its passage;

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 7TH DAY OF OCTOBER, 2019.



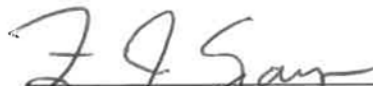
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: 09-16-2019

2nd Reading: 10-07-2019



EXHIBIT 'A':
Legal Description

BEING 547.68 acres of land (also known as Planned Development No. 5, City of Rockwall) generally situated in Abstract 146, S. S. McCurry Survey, Abstract 122, M. B. Jones Survey, and Abstract 124, J. H. B. Jones Survey in the County of Rockwall, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a point on the Eastern Right of Way line of North John King Blvd. and East Quail Run Rd. (located at NAD83 Texas State Plane GPS Coordinate (Grid): 2599456.003E, 7035211.252N Feet), point also bears North 4°-12'-55" East a distance of 2,426.862 feet, from a White Water Ln. storm drainage inlet benchmark (NAD83 Texas State Plane GPS Coordinate (Grid): 2598875.433E, 7032771.106 N feet):

- 1 **THENCE** South 1°-55'-15" East, a distance of 87.002 feet, for a corner;
- 2 **THENCE** North 89°-59'-44" East, a distance of 139.965 feet, for a corner;
- 3 **THENCE** South 0°-12'-13" East, a distance of 752.184 feet, for a corner;
- 4 **THENCE** North 89°-26'-3" East, a distance of 113.821 feet, for a corner;
- 5 **THENCE** South 0°-28'-28" East, along the Eastern Right of Way line of North John King Blvd., distance of 1266.225 feet, for a corner;
- 6 **THENCE** South 89°-56'-36" West, a distance of 125.88 feet, for a corner;
- 7 **THENCE** South 1°-19'-57" East, along the Eastern boundary of the Caruth Lakes Addition, a distance of 484.248 feet, for a corner;
- 8 **THENCE** South 88°-7'-18" West, a distance of 222.984 feet, for a corner;
- 9 **THENCE** South 1°-10'-33" East, a distance of 419.674 feet, to the beginning of a curve to the left having a radius of 358.409 feet;
- 10 **CONTINUING** along said curve to the left, through a central angle of 13° 24' 34", a distance of 83.691 feet, a chord bearing of South 31°-54'-10" West, an arc length of 83.882 feet, tangent of 42.133 feet for a corner;
- 11 **THENCE** North 1°-41'-27" West, a distance of 143.627 feet, for a corner;
- 12 **THENCE** South 88°-32'-19" West, a distance of 207 feet, for a corner;
- 13 **THENCE** South 1°-41'-27" East, a distance of 490.818 feet, to a point;
- 14 **THENCE** South 1°-41'-27" East, a distance of 260.031 feet, for a corner;
- 15 **THENCE** South 89°-19'-55" East, a distance of 150.377 feet, for a corner;
- 16 **THENCE** South 1°-27'-36" East, a distance of 299.847 feet, for a corner;
- 17 **THENCE** North 87°-52'-30" East, a distance of 14.643 feet, for a corner;
- 18 **THENCE** South 0°-38'-51" East, a distance of 466.086 feet, for a corner;
- 19 **THENCE** North 89°-7'-10" East, a distance of 42.873 feet, for a corner;
- 20 **THENCE** South 1°-59'-37" East, along the centerline of FM1141, a distance of 755.941 feet, to the beginning of a curve to the right having a radius of 463.619 feet;
- 21 **CONTINUING** along said curve to the right, through a central angle of 25° 29' 28", a distance of 204.568 feet, a chord bearing of South 20°-17'-10" West, an arc length of 206.265 feet, tangent of 104.868 feet for a corner;
- 22 **THENCE** South 16°-36'-29" West, a distance of 0.296 feet, for a corner;
- 23 **THENCE** South 88°-11'-53" West, along the centerline of State Highway 66 (Williams St), a distance of 1265.935 feet, for a corner;
- 24 **THENCE** North 0°-29'-15" West, a distance of 154.265 feet, for a corner;
- 25 **THENCE** South 88°-21'-55" West, a distance of 249.226 feet, for a corner;
- 26 **THENCE** South 1°-55'-26" West, a distance of 116.711 feet, to a point;
- 27 **THENCE** South 0°-34'-45" East, a distance of 35.308 feet, for a corner;
- 28 **THENCE** South 89°-8'-43" West, a distance of 63.899 feet, to the beginning of a curve to the left having a radius of 892.973 feet;
- 29 **CONTINUING** along said curve to the left, through a central angle of 13° 56' 26", a distance of 83.691 feet, a chord bearing of South 82°-28'-34" West, an arc length of 217.267 feet, tangent of 109.173 feet to a point;
- 30 **THENCE** North 81°-52'-11" West, a distance of 28.666 feet, to a point;
- 31 **THENCE** North 84°-46'-25" West, a distance of 370.870 feet, for a corner;
- 32 **THENCE** North 0°-13'-33" West, a distance of 166.864 feet, for a corner;
- 33 **THENCE** South 89°-8'-37" West, a distance of 775.659 feet, for a corner;
- 34 **THENCE** North 0°-8'-56" West, a distance of 1331.182 feet, to a point;

EXHIBIT 'A':
Legal Description

- 35 **THENCE** North 7°-19'-27" West, a distance of 46.023 feet, to a point;
36 **THENCE** North 0°-32'-38" West, a distance of 123.421 feet, for a corner;
37 **THENCE** South 89°-20'-56" West, a distance of 749.143 feet, for a corner;
38 **THENCE** South 5°-24'-36" East, a distance of 10.011 feet, for a corner;
39 **THENCE** South 88°-53'-57" West, a distance of 247.504 feet, to a point;
40 **THENCE** South 87°-17'-12" West, a distance of 0.478 feet, to a point;
41 **THENCE** South 87°-3'-23" West, a distance of 47.974 feet, to a point;
42 **THENCE** South 88°-30'-6" West, a distance of 447.084 feet, for a corner;
43 **THENCE** South 9°-13'-57" West, a distance of 68.404 feet, for a corner;
44 **THENCE** South 89°-5'-31" West, a distance of 596.411 feet, to the beginning of a curve to the left having a radius of 4342.699 feet;
45 **CONTINUING** along said curve to the left, through a central angle of 10° 41' 5", a distance of 808.673 feet, a chord bearing of North 9°-50'-4" West, an arc length of 809.846 feet, tangent of 406.101 feet to a point;
46 **THENCE** North 14°-15'-56" West, along the centerline of State Highway 205 (N. Goliad St.), a distance of 3030.52 feet, for a corner;
47 **THENCE** North 88°-15'-29" East, a distance of 784.634 feet, to a point;
48 **THENCE** North 89°-36'-51" East, along the centerline of East Quail Run Rd., a distance of 1968.743 feet, for a corner;
49 **THENCE** South 3°-32'-29" East, a distance of 969.901 feet, for a corner;
50 **THENCE** North 88°-30'-49" East, a distance of 1779.891 feet, for a corner;
51 **THENCE** North 0°-21'-3" West, a distance of 530.608 feet, to a point;
52 **THENCE** North 1°-35'-46" West, a distance of 424.101 feet, for a corner;
53 **THENCE** North 89°-10'-59" East, along the centerline of East Quail Run Rd., a distance of 847.002 feet, for a corner;
54 **THENCE** South 0°-16'-35" East, a distance of 462.415 feet, for a corner;
55 **THENCE** South 89°-23'-26" East, a distance of 435.817 feet, for a corner;
56 **THENCE** North 0°-4'-34" West, a distance of 473.06 feet, for a corner;
57 **THENCE** North 89°-2'-49" East, a distance of 99.793 feet, to the beginning of a curve to the left having a radius of 113.58 feet;
58 **CONTINUING** along said curve to the left, through a central angle of 69° 11' 2", a distance of 128.965 feet, a chord bearing of North 49°-25'-7" East, an arc length of 137.147 feet, tangent of 78.33 feet to a point;
59 **THENCE** North 89°-14'-25" East, a distance of 22.678 feet to the *POINT OF BEGINNING AND CONTAINING* 547.68 acres of land (23,856,878.88 square feet) more or less. The above description also intended to follow all adjacent existing city limits, and abutting parcel boundaries unless noted.

Closure Report

Number of Courses: 59

Total Perimeter Length: 26622.146

Misclosure As X/Y: 0, 0.001

Misclosure As Direction/Distance: N 24°-14'-24" E, 0.001 feet

EXHIBIT 'A': Legal Description

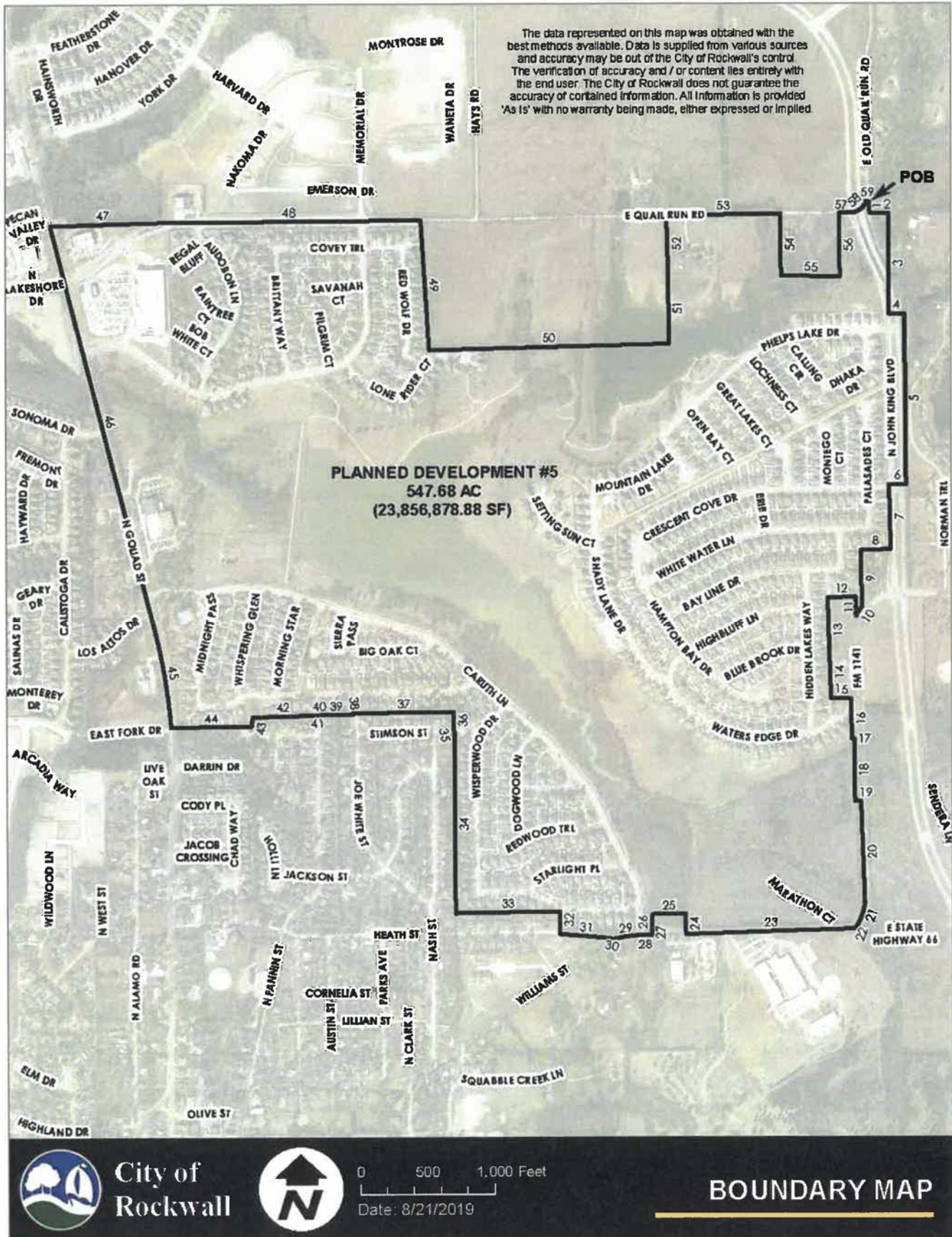


EXHIBIT 'B':
Concept Plan

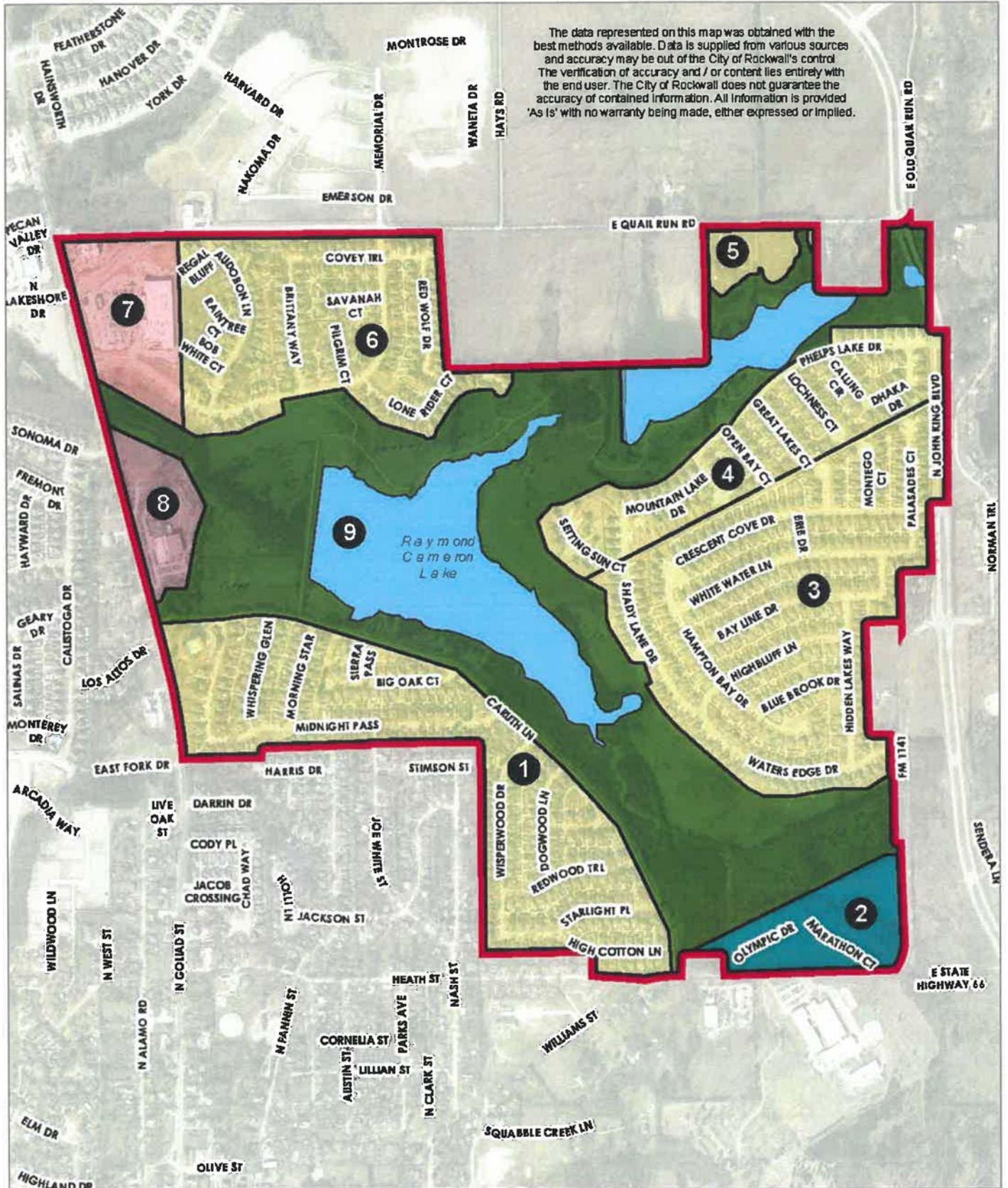


EXHIBIT 'C':
PD Development Standards

(A) Purpose.

- (1) October 7, 2019. The purpose of this amendment to Planned Development District 5 (PD-5) is to consolidate *Ordinance No.'s 73-31, 87-23, 88-11, 96-25 & 00-28*; however, this ordinance does not change the intent, restrictions or land uses established in any previous ordinance with the exception of changing the garage setback requirements for *Tract 2* as depicted in *Exhibit 'B'* of this ordinance.

(B) Density and Development Standards

- (1) Tracts 1 & 3. The area identified as *Tracts 1 & 3* in *Exhibit 'B'* of this ordinance shall be subject to the land use and development standards permitted for the Single-Family 7 (SF-7) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future.
- (2) Tracts 4, 5 & 6. The area identified as *Tracts 4, 5 & 6* in *Exhibit 'B'* of this ordinance shall be subject to the land use and development standards permitted for the Single-Family 8.4 (SF-8.4) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future.
- (3) Tract 2. The area identified as *Tract 2* in *Exhibit 'B'* of this ordinance shall be subject to the land use and development standards permitted for the Zero Lot Line (ZL-5) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additional conditions:
- (a) Garage Orientation. Garages shall be permitted to be oriented in a front entry configuration; however, garages oriented toward the street in a front entry configuration must be situated a minimum of five (5) feet behind the front building façade of the primary structure. In addition, properties utilizing a front entry configuration shall have a minimum of a 25-foot front yard building setback. In this case the front façade of the primary structure does not include an accessory structure attached to the primary structure (e.g. a porch, sunroom, etcetera). All garage configurations that are not front entry shall meet the requirements of Article VI, *Parking and Loading*, of the Unified Development Code (UDC).
- (4) Tract 7. The area identified as *Tract 7* in *Exhibit 'B'* of this ordinance shall be subject to the land use and development standards permitted for the General Retail (GR) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additional land uses being permitted *by-right*:
- ☒ Planned Shopping Center (*Less Than 19.0-Acres*)
 - ☒ Neighborhood Convenience Center
 - ☒ Restaurants
 - ☒ Restaurants with Drive Through/Drive-In Facilities
 - ☒ Restaurants with Accessory Outdoor Seating
 - ☒ Pharmacy with Drive Through/Drive-In Facilities
 - ☒ Retail Store Limited to Six (6) Gas Pump Dispensers¹

Notes:

¹: Subject to review by the Architectural Review Board (ARB), Planning and Zoning Commission, and City Council.

EXHIBIT 'C':
PD Development Standards

- (5) Tract 8. The area identified as *Tract 8* in *Exhibit 'B'* of this ordinance shall be subject to the land use and development standards permitted for the Agricultural (AG) District as stipulated by Article IV, *Permissible Uses*, and Article V, *District Development Standards*, of the Unified Development Code (UDC) of the City of Rockwall as heretofore amended, as amended herein by granting this zoning change, and as maybe amended in the future, with the following additional land uses being permitted *by-right*:

☒ Community or Recreation Club (*Public or Private*)

- (6) Tract 9. The area identified as *Tract 9* in *Exhibit 'B'* of this ordinance is designated as open space/public park land.