

CITY OF ROCKWALL

ORDINANCE NO. 17-62

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 CHANGE THE ZONING FROM AN AGRICULTURAL (AG) AND COMMERCIAL (C) DISTRICTS TO A PLANNED DEVELOPMENT DISTRICT 86 (PD-86) TO ALLOW AN AGE RESTRICTED MULTI-FAMILY APARTMENT COMPLEX AND MEMORY CARE FACILITY ON THE SUBJECT PROPERTY, BEING A 12.40-ACRE TRACT OF LAND IDENTIFIED AS TRACT 8 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'*; 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 Bart Tinsley of Rockwall SIL, LLC on behalf of the owner Don Cameron of Cameron & Cameron for the approval of a zoning change from an Agricultural (AG) and Commercial (C) Districts to a Planned Development District for an age restricted multi-family apartment complex and memory care facility on a 12.40-acre tract of land identified as Tract 8 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* 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 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 *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 2.** That development of the *Subject Property* shall generally be in accordance with the *Planned Development 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 3.** That development of the *Subject Property* shall generally be in accordance with the *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 4.** That development of the *Subject Property* shall generally be in accordance with the *Concept Building Elevations*, contained in *Exhibit 'D'* of this ordinance, attached hereto and incorporated herein by reference as *Exhibit 'D'*, which is deemed hereby to be a condition of approval of the amended zoning classification for the *Subject Property*;

**Section 5.** That development of the *Subject Property* shall be in conformance with the schedule listed below (*except as set forth below with regard to simultaneous processing and approvals*).

- (a) The procedures set forth in the City's subdivision regulations on the date this ordinance is approved by the City Council, as amended by this ordinance (*including Subsections 5(b) through 5(f) below*), shall be the exclusive procedures applicable to the subdivision and platting of the *Subject Property*.
- (b) The following plans and plats shall be required in the order listed below (*except as set forth below with regard to simultaneous processing and approvals*). The City Council shall act on an application for an *Open Space Master Plan* in accordance with the time period specified in *Section 212.009* of the *Texas Local Government Code*.
  - (1) PD Site Plan
  - (2) Open Space/Amenity Plan
  - (3) Final Plat
- (c) *PD Site Plan*. A *PD Site Plan* covering all of the *Subject Property* shall be submitted and shall include a *Site Plan*, *Building Elevations*, *Treescape Plan*, *Landscape Plan* and a *Photometric Plan*. A *PD Site Plan* application may be processed by the City concurrently with an *Open Space/Amenity Plan* for the development.
- (d) *Open Space/Amenity Plan*. An *Open Space/Amenity Plan* covering all of the *Subject Property* shall be submitted and shall include a detailed depiction of all proposed public and private amenities. An *Open Space/Amenity Plan* may be processed by the City concurrently with a *PD Site Plan Application* for the development.
- (e) *Deed Restrictions*. Prior to or concurrently with the recording of the final plat for the *Subject Property*, the owner of the *Subject Property* shall establish a restrictive covenant for the *Age Restricted Multi-Family Apartment Complex* by executing and recording an instrument approved by the City Attorney pursuant to which the *Age Restricted Multi-Family Apartment Complex* shall be limited to residential uses by people 62-years of age or older consistent with the Federal Fair Housing Act and all other applicable laws.
- (f) *Final Plat*. Prior to the issuance of any building permits, a *Final Plat* for the *Subject Property* shall be submitted for approval.

**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;

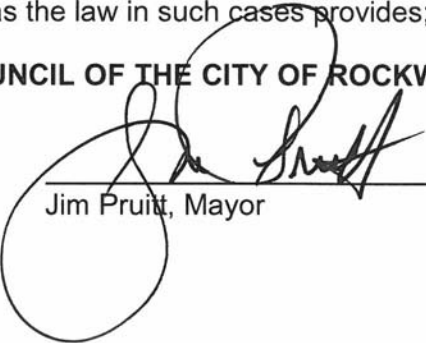
**Section 7.** That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision

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, 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 or 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 (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 and the publication of the caption of said ordinance as the law in such cases provides;

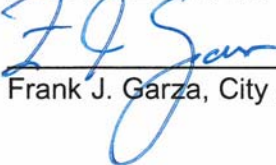
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 4<sup>TH</sup> DAY OF DECEMBER, 2017.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: 11-20-2017

2<sup>nd</sup> Reading: 12-04-2017

**Exhibit 'A':**  
*Legal Description*

**LEGAL DESCRIPTION FOR ROCKWALL**  
**MEMORY CARE AND SENIORS INDEPENDENT LIVING FACILITIES**

**LEGAL DESCRIPTION:** Being a tract of land out of the B. J. T. Lewis Survey, Abstract No. 255 and situated in the City of Rockwall, Rockwall County, Texas, and surveyed by Miller Surveying, Inc. of Hurst, Texas, in March 2017, said tract being the same tract of land described in the deed to BCR Family Land Trust recorded in Document No. 2012-00480248, of the Official Public Records of Rockwall County, Texas, and being more particularly described as follows:

**BEGINNING** at a ½ inch capped steel rod found for the most easterly corner of said Cameron tract, said rod being in the southwesterly right-of-way line of North T. L. Townsend Drive, and being the most northerly corner of Lot 8, Block 1, First United Methodist Church Addition, an addition to the City of Rockwall, Rockwall County, Texas, recorded in Cabinet I, Slide 107, of the Plat Records of Rockwall County, Texas;

**THENCE** South 44 degrees 10 minutes 16 seconds West with the northwesterly boundary line of said Lot 8, a distance of 1098.41 feet to a ½ inch capped "MILLER 5665" steel rod set for the most westerly corner thereof, and also being in the northeasterly boundary line of the same tract of land described in the deed to Teasdale Investments, LLC., recorded in Volume 2015, Page 10884, of the Deed Records of Rockwall County, Texas;

**THENCE** North 43 degrees 14 minutes 26 seconds West with the northeasterly boundary line of said Teasdale tract a distance of 181.41 feet to a ½ inch capped steel rod found for the most northerly corner of the said Teasdale tract;

**THENCE** South 44 degrees 07 minutes 44 seconds West a distance of 59.65 feet to a ½ inch capped steel rod found;

**THENCE** North 44 degrees 03 minutes 31 seconds West a distance of 99.90 feet to a cross in concrete set;

**THENCE** North 44 degrees 52 minutes 20 seconds East a distance of 103.71 feet to a ½ inch capped steel rod found;

**THENCE** North 20 degrees 26 minutes 34 seconds West a distance of 126.60 feet to a ½ inch capped steel rod found for the most southerly corner of Lot 5-R, Block A, Justin Drive Professional Park, LTD, an addition to the City of Rockwall, Rockwall County, Texas recorded in Cabinet E, Slide 228 of the Plat Records of Rockwall County, Texas;

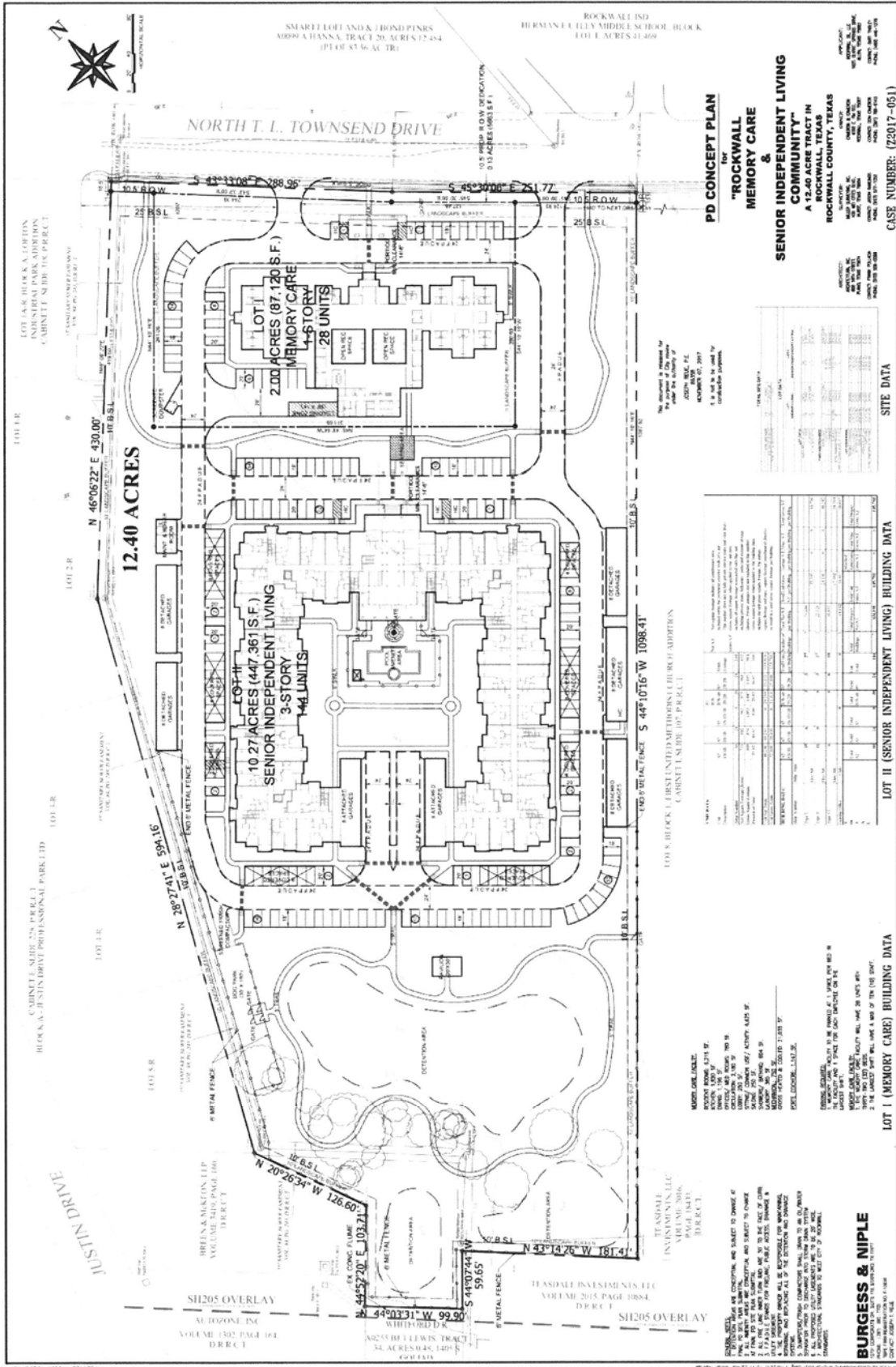
**THENCE** North 28 degrees 27 minutes 41 seconds East with the southeasterly boundary line of said Block A a distance of 594.16 feet to a cross in concrete found for an angle point therein;

**THENCE** North 46 degrees 06 minutes 22 seconds East continuing with said southeasterly boundary line a distance of 430.00 feet to a ½ inch capped "MILLER 5665" steel rod set for the most easterly corner of Lot 1A-R, Block A, Lofton Industrial Park Addition, an addition to the City of Rockwall, Rockwall County, Texas recorded in Cabinet E, Slide 318 of the Plat Records of Rockwall County, Texas, said rod being in the said southwesterly right-of-way line of North T. L. Townsend Drive;

**THENCE** South 43 degrees 33 minutes 08 seconds East with said southwesterly right-of-way line a distance of 288.96 feet to a ½ inch capped "MILLER 5665" steel rod set;

**THENCE** South 45 degrees 30 minutes 06 seconds East continuing with said southwesterly right-of-way line a distance of 251.77 feet to the point of beginning and containing 12.400 acres of land more or less.

**Exhibit 'B':  
Concept Plan**



**Exhibit 'C':**  
*Development Standards*

1. *Permitted Uses.* Unless specifically provided by this Planned Development ordinance, only those uses permitted within the Multi-Family 14 (MF-14) District, as stipulated by the *Permissible Use Charts* contained in Article IV, *Permissible Uses*, of the Unified Development Code (UDC), are allowed on the *Subject Property*; however, the *subject property* shall only be used as an *Age Restricted, Multi-Family Apartment Complex*, and a *Memory Care Facility*. The *Age Restricted, Multi-Family Apartment Complex* must also follow all federal and state guidelines.
  
2. Permitted accessory uses to age-restricted independent senior housing and memory care:
  - Barber and Beauty Shop
  - Cafeteria/Common dining facilities
  - Chapel
  - Community Center
  - Drug Store / Pharmacy
  - Exercise Room
  - Game Court / Gaming Room
  - Greenhouse
  - Handcrafted art work studio
  - Health Studio
  - Instructional Art Studio
  - Medical Treatment Services (such as a medical clinic, physical therapy services, inhalation therapy, and other related uses)
  - Office
  - Private recreation club or area
  - Retail Store (food and other goods)
  - Snack Bar
  - Swimming pool

*NOTE: Accessory uses are intended for the residents of the proposed Age Restricted, Independent Senior Housing Facility and Memory Care Facilities and shall not be utilized by the general public.*

3. *Unit Composition.* The unit composition shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and as stated in *Table 1* below for the multi-family apartment complex; however, in no case should the minimum size unit for any multi-family apartment be less than 700 square feet and the average net unit area decrease below 800 square feet.

Table 1: Unit Composition

<i>Unit Name</i>	<i>Unit Type</i>	<i>Minimum Net Unit Area (SF)</i> <sup>1</sup>	<i>Number of Units (#)</i>	<i>Total Area (SF)</i>	<i>Units as Percentage (%)</i>
A2	1 Bedroom/1 Bathroom	731 SF	66	48,246 SF	45.83%
A3	1 Bedroom/1 Bathroom	802 SF	24	19,248 SF	16.67%
B3	2 Bedroom/2 Bathroom	973 SF	30	29,190 SF	20.83%
B5	2 Bedroom/2 Bathroom	968 SF	24	23,232 SF	16.67%

*Average Net Unit Area: ~833 SF*

*Maximum Permitted Units: 144 100.00%*

General Notes:

<sup>1</sup>: *The net square footage includes only air-condition space and is exclusive of patios, balconies and exterior storage areas.*

4. *Density and Dimensional Requirements.* Unless specifically provided by this Planned Development ordinance, the development standards stipulated by the Multi-Family 14 (MF-14) District and the SH-205 Overlay (Sh-205 OV) District, as specified by Article V, *District Development Standards*, of the Unified Development Code are applicable to all development on the *Subject Property*. The maximum permissible density for the *Subject Property* shall not exceed 14.0 dwelling units per gross acre of land; however, in no case

**Exhibit 'C':  
Development Standards**

should the proposed development exceed 144 dwelling units for the multi-family apartment complex and 28 dwelling units for the memory care facility. All lots shall conform to the standards depicted in *Table 2*, which is as follows:

Table 2: Lot Dimensional Requirements

	<u>Memory Care</u>	<u>MF-14</u>
Minimum Lot Width	60'	60'
Minimum Lot Depth	100'	100'
Minimum Lot Area	10,000 SF	10,000 SF
Minimum Lot Area/Unit	2,000 SF	2,000 SF
Minimum Front Yard Building Setback	25'	25'
Minimum Side Yard Building Setback	5'	10'
Minimum Rear Yard Building Setback	5'	10'
Minimum Front Yard Carport/Parking Setback	15'	15'
Minimum Side Yard Carport/Parking Setback	10'	10'
Minimum Rear Yard Carport/Parking Setback	10'	10'
Minimum Separation Between Main Buildings <sup>(1)</sup>	20'	20'
Minimum Separation Between a Main Structure to an Accessory Structure	10'	10'
Maximum Height <sup>(2)</sup>	1-story <sup>2</sup>	3-story <sup>2</sup>
Maximum Lot Coverage	45%	45%
Minimum Landscape	20%	20%
Minimum Open Space <sup>(3)</sup>	20%	20%

General Notes:

- <sup>1</sup>: The minimum separation between two (2) buildings without doors or windows on facing walls shall be a minimum of 15-feet.
- <sup>2</sup>: The height of the building shall be measured from the average elevation of the finished grade along the front of the building to the highest point of the roof, roof element, or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof (*i.e.* 40-ft for the multi-family unit complex) if it is gable, hip or gambrel roof. Maximum height shall not exceed 3-stories or 60-feet overall height for the multi-family complex and 1-story or 30-feet overall height for the memory care facility.
- <sup>3</sup>: The minimum open space area will be calculated based on the gross area of the lot, and will include both active and passive recreational areas.

5. **Parking and Loading Standards.** The parking and loading requirements shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and as stated in *Table 3* below, and equal a minimum of 1.50 parking spaces per residential unit (*i.e.* multi-family complex and memory care facility).

Table 3: Parking Provided

Parking Type	Number of Spaces (#)	Spaces as Percentage (%)
Surface - Multi-Family	109	42.08%
Covered Parking Spaces	52	20.08%
Garage Spaces	56	21.62%
Surface - Memory Care Facility	42	16.22%

Total Number of Parking Spaces: 259

6. **Building Standards.** The building elevations shall generally conform to the *Concept Building Elevations* depicted in *Exhibit 'D'*; however, all development shall adhere to the following building standards:

- (a) **Masonry Requirements.** The minimum masonry requirement for the exterior façades of all buildings shall be 90%. For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, and cast stone. Cementaceous fiberboard horizontal lap-siding (*e.g.* *HardiBoard* or *Hardy Plank*) and, stucco (*i.e.* three [3] part stucco or a comparable -- to be determined by staff) may be used for up to 50% of the exterior of the building; however, stucco may not be used within the first four (4) feet above grade on a façade visible from a public street or open space. A minimum of 20% natural stone is required on all building façades.

**Exhibit 'C':**  
*Development Standards*

- (b) *Roof Design Requirements.* All buildings shall be designed such that no roof mounted mechanical equipment (i.e. HVAC, satellite, vents, etc.) shall be visible from any direction. *Note: Screening of mechanical equipment is necessary for all equipment regardless of location (i.e. roof mounted, ground mounted, or otherwise attached to the building and/or located on the site).*

Screening of roof mounted mechanical equipment and/or other rooftop appurtenances shall be accomplished through the construction of an architectural feature, which is integral to the building's design and ensures that such equipment is not visible from adjacent public rights-of-way.

- (c) *Architectural Requirements.* All buildings shall be architecturally finished on all four (4) sides with the same materials, detailing and features. In addition, all buildings shall be subject to the architectural requirements of the SH-205 Overlay (SH-205 OV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code.

7. *Landscaping and Hardscaping Standards.*

- (a) *Landscape Requirements.* Landscaping shall be reviewed and approved with the *PD Site Plan*. All *Canopy/Shade Trees* planted within this development shall be a minimum of four (4) caliper inches in size and all *Accent/Ornamental/Under-Story Trees* shall be a minimum of four (4) feet in height at the time of planting. The following tree species are approved for planting within this development:

- i) *Canopy/Shade Trees.* Afghan Pine, Bald Cypress, Bur Oak, Cedar Elm, Eastern Red Cedar, Homestead Elm, Lacebark Elm, Little Gem Magnolia, Live Oak, October Glory Maple, Red Oak, Texas Ash, Texas Red Oak.
- ii) *Accent/Ornamental/Under-Story Trees.* Desert Willow, Eastern Redbud, Eves Necklace, Mexican Buckeye, Possumhaw Holly, Shangtung Maple, Yaupon Holly.

- (b) *Landscape Buffers.* A minimum of a fifteen (15) foot landscape buffer shall be provided along the frontage of T. L. Townsend Drive and a minimum of a ten (10) foot landscape buffer along the perimeter of the north, south, and west property boundaries. Each landscape buffer shall incorporate a minimum of one (1) canopy tree per 50-foot linear feet of buffer area. The buffer trees along the north property line shall be located a minimum of 15-foot south of the north property line to avoid conflict with existing 15-foot sanitary sewer easement. The developer shall also be responsible for the construction of sidewalks and trails required along T. L. Townsend Drive.

- (c) *Parking Lot Landscaping.* All parking lot landscaping shall conform to the requirements of Article VII, *Landscape Standards*, of the Unified Development Code with the exception of the following:

- i) One (1) canopy tree per ten (10) parking spaces shall be provided. Trees shall be planted within the required parking islands or within 20-feet of a parking space.
- ii) Parking island shall be provided at a spacing not to exceed a maximum distance of 20 parking spaces.
- iii) No tree may be planted closer than 2½ feet to the pavement.



**Exhibit 'C':**  
*Development Standards*

- (d) *Irrigation Requirements.* Irrigation shall be installed for all required landscaping located within common areas, landscape buffers and/or open space. Irrigation installed in these areas shall be designed by a Texas licensed irrigator or landscape architect.
- (e) *Hardscape.* Hardscape plans indicating the location of all sidewalks and trails shall be reviewed and approved with the *PD Site Plan* and/or *Opens Space/Amenity Plan*.
8. *Trash Receptacles.* Trash and recycling receptacles shall be four (4) sided, with eight (8) foot walls constructed and clad with materials matching the primary structures, and have a self-latching gate. All trash and recycling receptacles shall be internal to the site and not be situated within any established building setbacks or landscape buffers.
9. *Fence Standards.* Fences located along the north, south, and west property boundaries as shown on the Planned Development Concept Plan depicted in *Exhibit 'B'* of this ordinance shall be required to be wrought iron or a tubular steel fence. Wrought iron/tubular steel fences can be a minimum of six (6) feet, but shall not exceed a maximum of eight (8) feet in height.
10. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code shall apply to any application for variances to this ordinance.

**Exhibit 'D':**  
*Concept Building Elevations*



CASE NUMBER: (Z2017-051)

# Rockwall Seniors Study

Exhibit 'D':  
Concept Building Elevations

