

CITY OF ROCKWALL

ORDINANCE NO. 17-18

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 A LIGHT INDUSTRIAL (LI) DISTRICT TO PLANNED DEVELOPMENT DISTRICT 83 (PD-83) FOR A MULTI-FAMILY APARTMENT COMPLEX ON THE SUBJECT PROPERTY, BEING A 42.548-ACRE TRACT OF LAND IDENTIFIED AS TRACT 1-4 OF THE J. M. ALLEN SURVEY, ABSTRACT NO. 2, 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 by Terry Gwin of SWBC Real Estate, LLC on behalf of the owner Gene Lambreth of Pneuma Ventures, LTD for the approval of a zoning change from a Light Industrial (LI) District to a Planned Development District for a multi-family apartment complex on a 42.548-acre tract of land identified as Tract 1-4 of the J. M. Allen Survey, Abstract No. 2, 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 and Renderings*, 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(e) 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) *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;

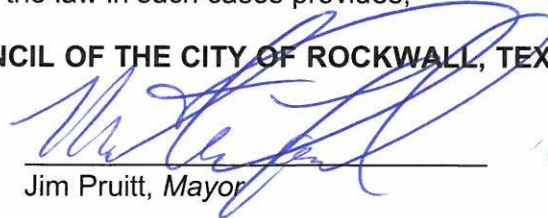
Section 7. That if any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance 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 20th DAY OF MARCH, 2017.



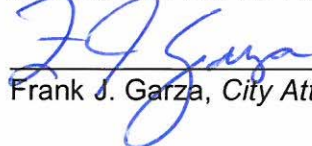
Jim Pruitt, Mayor *FOR*

ATTEST:



Kristy Cole, *City Secretary*

APPROVED AS TO FORM:



Frank J. Garza, *City Attorney*



1st Reading: 03-06-17

2nd Reading: 03-20-17

Exhibit 'A':
Legal Description

BEING a tract of land situated in the James M. Allen Survey, Abstract No. 2, City of Rockwall, Rockwall County, Texas; and being part of a tract of land described as Tract Three in General Warranty Deed without Title Examination to Pneuma Ventures , L.T.D. recorded in Volume 2924, Page 314 of the Official Public Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at the northwest corner of Block C, Rockwall Technology Park, an addition to the City of Rockwall according to the plat recorded in Cabinet E, Page 329 of the Plat Records of Rockwall County, Texas and being in the south line of that tract of land described in Warranty Deed to The Hitt Family Limited Partnership recorded in Volume 1875, Page 238 of said Official Public Records;

THENCE with the west line of said Block C, South 1°33'45" East, a distance of 1767.79 feet the southwest corner of said Block C and being in the north right-of-way line of Discovery Boulevard (an 85-foot wide right-of-way) ;

THENCE with said north right-of-way line of Discovery Boulevard, the following courses and distances:

South 89°12'13" West, a distance of 687.07 feet to a point for corner;

North 45°47'47" West, a distance of 61.52 feet to a point for corner;

South 89°12'13" West, a distance of 35.13 feet to a point for corner;

South 44°12'13" West, a distance of 59.92 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 21°45'33", a radius of 557.50 feet , a chord bearing and distance of North 75°37'03" West , 210.45 feet ;

In a northwesterly direction, with said curve to the right, an arc distance of 211.72 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 5°25'19", a radius of 642.50 feet, a chord bearing and distance of North 67°28'57" West , 60.78 feet;

In a northwesterly direction, with said curve to the left, an arc distance of 60.80 feet to the southeast corner of a tract of land described as Parcel 1 in General Warranty Deed to Rockwall Downes Development , LLC recorded in Instrument No. 2015000005937 of said Official Public Records;

THENCE departing said north right-of-way line of Discovery Boulevard and with the east line of said Parcel 1 and the east line of Block E, Rockwall Downes Phase 1, an addition to the City of Rockwall according to the plat recorded in Cabinet I, Page 187 of said Plat Records, North 0°38'31" West, a distance of 1694.55 feet to the northeast corner of said Block E and in the south line of Lot 1, Block A, LaFon Subdivision, an addition to the City of Rockwall according to the plat recorded in Cabinet B, Page 42 of said Plat Records;

THENCE with the south line of said LaFon Subdivision, the south line of McKeown-Belaustegui Addition , an addition to the City of Rockwall according to the plat recorded in Cabinet E, Page 233 of said Plat Records and said south line of The Hitt Family Limited Partnership tract, North 89°36'02" East, a distance of 1038.82 feet to the **POINT OF BEGINNING** and containing 42.548 acres of land.

The bearings are based on a bearing of North 89°36'02" East for the north line of that tract of land described as Tract Three in the General Warranty Deed without Title Examination to Pneuma Ventures , LTD recorded in Volume 2924, Page 314 of the Official Public Records of Dallas County , Texas.

This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey , and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Exhibit 'A': Survey

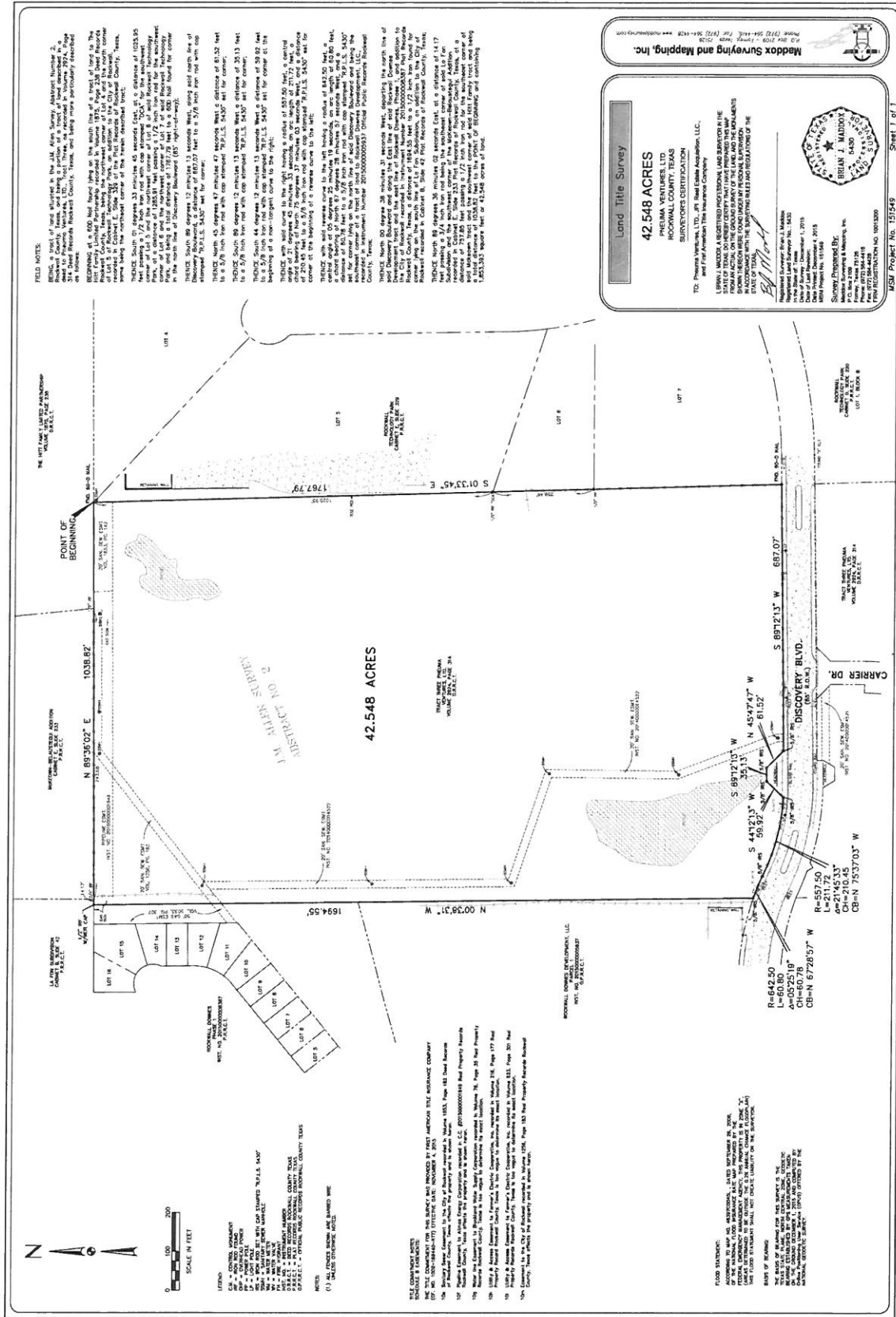


Exhibit 'C':
Development Standards

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*.
2. *Unit Composition.* The unit composition for *Phases I & II* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and stated in *Tables 1A & 1B* below; however, in no case should the average net unit area decrease below 1,000 SF for *Phases I & II*. In addition, the minimum net unit area of the smallest unit shall not be decreased below 650 SF for *Phase I & II*.

Table 1A: Unit Composition for Phase I

<i>Unit Name</i>	<i>Unit Type</i>	<i>Minimum Net Unit Area (SF)</i>	<i>Number of Units (#)</i>	<i>Total Area (SF)</i>	<i>Units as Percentage (%)</i>
A1	One (1) Bedroom	650 SF	34	22,100 SF	11.53%
A2	One (1) Bedroom	750 SF	36	27,000 SF	12.20%
A3	One (1) Bedroom	850 SF	37	31,450 SF	12.54%
A4	One (1) Bedroom	900 SF	20	18,000 SF	6.78%
A5	Two (2) Bedrooms	975 SF	30	29,250 SF	10.17%
A6	Two (2) Bedrooms	1,075 SF	20	21,500 SF	6.78%
B1	Two (2) Bedrooms	1,125 SF	26	29,250 SF	8.81%
B2	Two (2) Bedrooms	1,175 SF	28	35,900 SF	9.49%
B3	Two (2) Bedrooms	1,225 SF	28	34,000 SF	9.49%
C1	Three (3) Bedrooms	1,460 SF	36	52,560 SF	12.20%
<i>Average Net Unit Area:</i>				<i>1,020.37 sf</i>	
<i>Total Units:</i>			<i>295</i>		<i>100.00%</i>

Table 1B: Unit Composition for Phase II

<i>Unit Name</i>	<i>Unit Type</i>	<i>Minimum Net Unit Area (SF)</i>	<i>Number of Units (#)</i>	<i>Total Area (SF)</i>	<i>Units as Percentage (%)</i>
A1	One (1) Bedroom	650 SF	34	22,100 SF	11.53%
A2	One (1) Bedroom	750 SF	36	27,000 SF	12.20%
A3	One (1) Bedroom	850 SF	37	31,450 SF	12.54%
A4	One (1) Bedroom	900 SF	20	18,000 SF	6.78%
A5	Two (2) Bedrooms	975 SF	30	29,250 SF	10.17%
A6	Two (2) Bedrooms	1,075 SF	20	21,500 SF	6.78%
B1	Two (2) Bedrooms	1,125 SF	26	29,250 SF	8.81%
B2	Two (2) Bedrooms	1,175 SF	28	35,900 SF	9.49%
B3	Two (2) Bedrooms	1,225 SF	28	34,000 SF	9.49%
C1	Three (3) Bedrooms	1,460 SF	36	52,560 SF	12.20%
<i>Average Net Unit Area:</i>				<i>1,020.37 sf</i>	
<i>Total Units:</i>			<i>295</i>		<i>100.00%</i>

3. *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 By-Pass Overlay (SH205 BY-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 14.00 dwelling units per gross acre of land; however, in no case should the proposed development exceed 595 units. All lots shall conform to the standards depicted in *Table 2*, which is as follows:

Exhibit 'C':
Development Standards

Table 2: Lot Dimensional Requirements

Minimum Lot Width	60'
Minimum Lot Depth	100'
Minimum Lot Area	10,000 SF
Minimum Lot Area/Unit	2,000 SF
Minimum Front Yard Building Setback	25'
Minimum Side Yard Building Setback	10'
Minimum Rear Yard Building Setback	10'
Minimum Separation Between Main Buildings	20'
Minimum Separation Between a Main Structure to an Accessory Structure	10'
Maximum Height ⁽¹⁾	60'
Maximum Lot Coverage	45%
Minimum Landscape	20%

General Notes:

¹: 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 or parapet of the building if it is a flat, mansard or shed roof; or to the midpoint of the roof if it is gable, hip or gambrel roof.

4. *Parking and Loading Standards.* The minimum parking shall be as follows: (i) for one (1) bedroom and efficiency units a minimum of 1½ parking spaces per unit shall be provided; (ii) for two (2) bedroom units a minimum of two (2) parking spaces per unit shall be provided; and, (iii) for three (3) bedroom units a minimum of 2½ parking spaces per unit shall be provided. In addition, a minimum of 20% of the total parking requirement shall be covered parking spaces. Tandem parking spaces (*i.e. spaces in front of garages*) are NOT permitted.

5. *Building Standards.* The building elevations shall generally conform to the *Concept Building Renderings* depicted in *Exhibit 'D'* of this ordinance; however, these elevations are subject to change pending recommendations by the City's Architectural Review Board (ARB). In addition, all development on the subject property shall conform to the following building standards:

(a) *Masonry Requirements.* The minimum masonry requirement for the exterior façades of all buildings shall be 90% (*excluding windows and doors*). For the purposes of this ordinance, the masonry requirement shall be limited to full width brick, natural stone, cultured 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 70% 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% stone natural or quarried is required on all building façades.

(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 By-Pass Overlay (SH205 BY-

Exhibit 'C':
Development Standards

OV) District contained in Section 6, *Overlay Districts*, of Article V, *District Development Standards*, of the Unified Development Code.

6. *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 total height. 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 (Discovery Boulevard).* A minimum of a 20-foot landscape buffer shall be provided along the frontage of Discovery Boulevard, and shall incorporate a minimum of three (3) canopy and two (2) accent trees per 100-feet of linear frontage. The developer shall also be responsible for the construction of sidewalks along Discovery Boulevard.

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

(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*.


7. *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.

8. *Open Space.* The development shall consist of a minimum of 20% open space (or a minimum of 8.5-acres), and generally conform to the *Concept Plan* contained in *Exhibit 'B'* of this ordinance. Floodplain acreage may count for up to 50% of the 20% open space requirement. All open space and floodplain shall be maintained as private open space by the owner/property management company.

9. *Screening Fence Standards.* Fences located along the perimeter of roadways, abutting open spaces, greenbelts and parks shall be required to be wrought iron or a tubular steel fence. Wrought iron/tubular steel fences can be a maximum of eight (8) feet in height. *No continuous solid screening walls shall be constructed adjacent to Discovery Boulevard.*

10. *Variances.* The variance procedures and standards for approval that are set forth in the Unified Development Code (UDC) shall apply to any application for variances to this ordinance.

Exhibit 'D': Concept Building Elevations

01/13/2017 FOR REVIEW PURPOSES 	ARCHITECT: CROSS ARCHITECTS, P.L.L.C. 1255 W. 15TH STREET, SUITE 125 PLANO, TEXAS 75075 P: 972.398.6644 F: 972.312.8566 WWW.CROSSARCHITECTS.COM	SWBC AT ROCKWALL ROCKWALL, TEXAS	DATE: 01/13/2017 PROJECT NUMBER: TBD REVISIONS: NO. DATE	DRAWING SHEET NO. PERMIT SHEET NUMBER: A1.1 TYPICAL ELEVATION <small>CONTINUED ON P. 010</small>
---	---	---	---	---

TYP. EXT. ELEVATION
 MASONRY: 100%
 NATURAL STONE: 30%
 SIP PANELS: 70%



01 TYPICAL ELEVATION
SCALE 1/8" = 1'-0"

Exhibit 'D':
Concept Building Rendering

01/13/2017 FOR REVIEW PURPOSES	 ARCHITECT: CROSS ARCHITECTS, PLLC 1255 W. 15TH STREET, SUITE 125 PLANO, TEXAS 75075 P: 972.398.6644 F: 972.312.8866 WWW.CROSSARCHITECTS.COM	SWBC AT ROCKWALL ROCKWALL, TEXAS	DATE: 01/13/2017 PROJECT NUMBER: TBD REVISIONS: NO. DATE	DRAWING NO.: 2017-001 PERMIT: DESCRIPTION: A1.2 PERSPECTIVE ELEVATION <small>COMPILED BY: B&B</small>
--------------------------------------	--	---	---	--



01 PERSPECTIVE ELEVATION
 SCALE: 1/8" = 1'-0"