

CITY OF ROCKWALL

ORDINANCE NO. 18-07

SPECIFIC USE PERMIT NO. S-182

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, TEXAS, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP AND PLANNED DEVELOPMENT DISTRICT 32 [*ORDINANCE NO. 17-22*] TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR A HOTEL WITHIN THE INTERIOR AND RESIDENTIAL SUBDISTRICTS OF PLANNED DEVELOPMENT DISTRICT 32 (PD-32) ON A 2.166-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2A OF THE ISSAC BROWN ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 Cameron Slown of F. C. Cuny Corporation on behalf of Phillip McNeill, Jr. of McNeill Hotel Company for the approval of a Specific Use Permit (SUP) to allow a *Hotel* on a 2.166-acre parcel of land identified as Lot 2A of the Isaac Brown Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 32 (PD-32) [*Ordinance No. 17-22*], situated within the *Interior* and *Residential Subdistricts* of Planned Development District 32 (PD-32) and the Scenic Overlay (SOV) District, generally located southwest of the intersection of Summer Lee Drive and Horizon Road [*FM-3097*], 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 the Unified Development Code [*Ordinance No. 04-38*] and Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] 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 for *Hotel* within a Planned Development District 32 (PD-32) as stipulated by *Ordinance No. 17-22* on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be developed and/or used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as set forth in Planned Development District 32 (PD-32) [*Ordinance No. 17-22*] and the Unified Development

Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions and compliance standards:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Hotel* on the *Subject Property* and conformance to these stipulations are required for continued operations:

- 1) Prior to the submission of a site plan, a *PD Development Plan* depicting a more detailed *Concept Site Plan* and *Concept Building Elevations* than those contained in this Specific Use Permit (SUP) ordinance shall be required to be approved by the City Council pending a recommendation from the Planning and Zoning Commission.
- 2) Nothing contained in this Specific Use Permit (SUP) ordinance shall be deemed to supersede the requirements of *Ordinance No. 17-22*.
- 3) The development of this property shall generally conform to the *Concept Site Plan* depicted in *Exhibit 'B'* of this Specific Use Permit (SUP) ordinance where not in conflict with *Ordinance No. 17-22*.
- 4) The proposed hotel shall generally conform to the *Concept Building Elevations* depicted in *Exhibit 'C'* of this Specific Use Permit (SUP) ordinance where not in conflict with *Ordinance No. 17-22* and pending a recommendation from the Architectural Review Board (ARB).
- 5) This Specific Use Permit (SUP) ordinance shall constitute approval of a structure in excess of 36-feet within the Scenic Overlay (SOV) District, and satisfy the requirements of Subsection C, *Special Use Standards*, of Section 6.8, *Scenic Overlay (SOV) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38].
- 6) The proposed hotel shall be prohibited from being utilized as an *Extended Stay*, *Transient* or *Residence Hotel*, which are considered to be standard hotel rooms that do not contain kitchen facilities.

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 of Rockwall be corrected to reflect the changes described herein.

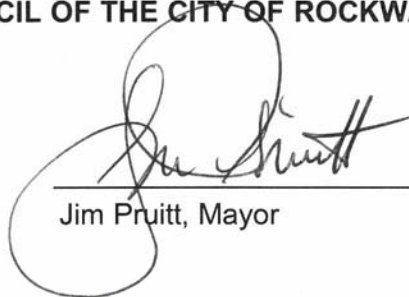
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 of provision of this ordinance or the application of that section or provision to any person, firm, cooperation, 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 to 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 2ND DAY OF JANUARY, 2018.**



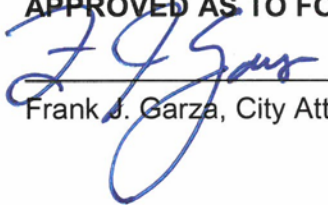
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: December 18, 2017

2nd Reading: January 2, 2018

Exhibit 'A'
Legal Description

All that certain lot, tract or parcel of land situated in the *EDWARD TEAL SURVEY, ABSTRACT NO. 207*, City of Rockwall, Rockwall County, Texas, and being a part of Lot 2A of *ISAAC BROWN'S LAND PARTITIONED TO HIS HEIRS*, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet A, Slide 57 of the plat Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at ½" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the Southeast right of way line of Summer Lee Drive at its intersection with the Northeast boundary line of said Lot 2A, said point being at the East corner of a 9,569 square foot tract as described in a Deed from William Dale Douglass to the City of Rockwall, Texas, as recorded in Volume 4967, Page 188 of the Real Property Records of Rockwall County, Texas;

THENCE South 45 degrees 00 minutes 00 seconds East along the Northeast line of Said Lot 2A, a distance of 785.78 feet to a ½" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the East corner of said Lot 2A, said point being the Northwest line of Hammer Addition, an Addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet D. Slide 210 of the plat Records of Rockwall County, Texas;

THENCE South 44 degrees 07 minutes 20 seconds West, along the northwest line of Hammer Addition, a distance of 120 feet to a ½" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the South corner of Lot 2A and the East corner of Lot 3A;

THENCE North 45 degrees 00 minutes 01 second West along the South line of said Lot 2A, a distance of 785.97 feet to a ½" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the Southeast right of way of Summer Lee Drive;

THENCE North 44 degrees 12 minutes 43 seconds East along said right of way line a distance of 120 feet to the *POINT OF BEGINNING* and containing 94,351 square feet or 2.16 acres of land.

Exhibit 'B'
Concept Site Plan

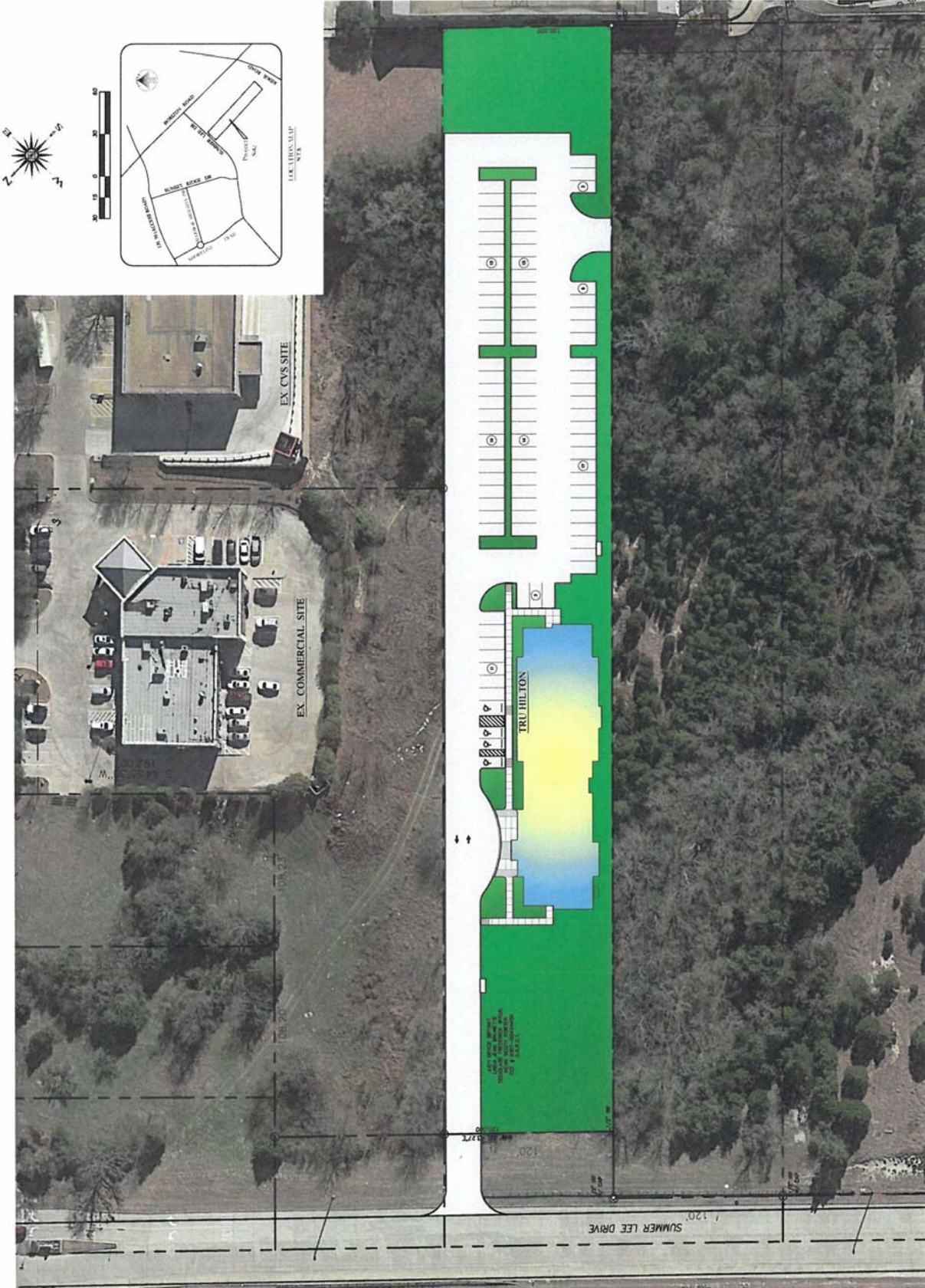


Exhibit 'C'
Concept Building Elevations

A Distinctly Different Design



This advertisement is not an offering. Federal regulations and the laws of some states and provinces regulate the offer and sale of franchises. An offering will only be made in compliance with those regulations and laws, which may require providing you with a disclosure document.

Exhibit 'C'
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