

CITY OF ROCKWALL

ORDINANCE NO. 18-49

SPECIFIC USE PERMIT NO. S-198

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 TO ADOPT A SPECIFIC USE PERMIT (SUP) ALLOWING FOR A FREE STANDING COMMERCIAL ANTENNA, ON A 0.08-ACRE PORTION OF A LARGER 7.64-ACRE TRACT OF LAND KNOWN AS YELLOW JACKET PARK AND IDENTIFIED AS TRACT 11 OF THE J. CADLE SURVEY, ABSTRACT NO. 65, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 from Kira Bauman of Bauman Consultants, on behalf of John Gatz of EcoSite for a Specific Use Permit (SUP) allowing for a *Freestanding Commercial Antenna* on a 0.08-acre portion of a larger 7.64-acre tract of land known as Yellow Jacket Park and identified as Tract 11 of the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, zoned General Retail (GR) District, situated on the south side of Yellow Jacket Lane, west of the intersection of S. Goliad Street and Yellow Jacket Lane, 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*] 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 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 a *Freestanding Commercial Antenna* within a General Retail (GR) District on the *Subject Property*; and

SECTION 2. That the Subject Property shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP), and as specifically set forth in Section 2.1.11, *Utilities, Communications and Transportation*, of Article IV, *Permissible Uses*, of the Unified

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

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Freestanding Commercial Antenna* on the *subject property* and conformance to these operational conditions are required for continued operations:

- 1) All development must generally conform to the *Concept Plans* depicted in *Exhibits 'B' & 'C'* of this ordinance.
- 2) The 30 parking spaces depicted in *Exhibit 'B'* shall be required to be constructed prior to the proposed communications tower/monopole and equipment storage area.
- 3) The communications tower/monopole shall not exceed a maximum overall height of 150-feet.
- 4) Antennas shall not extend more than ten (10)-feet above the maximum overall height of the communications tower (*i.e. 160-feet*).
- 5) No more than four (4) separate antennas and four (4) separate cabinets/buildings shall be located within the *subject property*.
- 6) The proposed communications tower/monopole and equipment storage area shall be fenced with an eight (8) foot wrought iron fence, and screened with Nellie R. Stevens Holly trees that will completely impair visibility of the equipment storage areas. The proposed screening plan shall be reviewed and approved by the Planning and Zoning Commission at the time of site plan review.
- 7) All landscaping required to screen the proposed equipment storage area shall be irrigated, and maintained in a healthy, growing condition at all times.
- 8) Submittal and approval of a site plan and building permit shall be required prior to the installation of the communications tower/monopole and/or any of its components.
- 9) The operation of this site shall conform to all federal, state and local standards.

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 outlined 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.

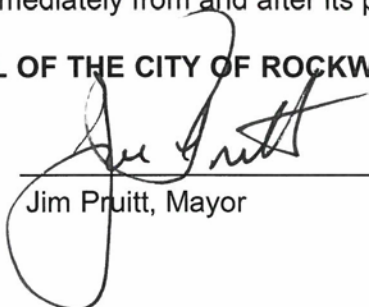
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 3RD DAY OF DECEMBER, 2018.



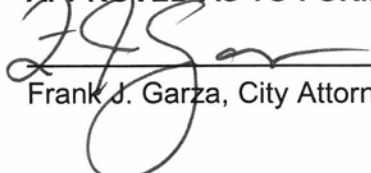
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: November 19, 2018

2nd Reading: December 3, 2018

Exhibit 'A'
Legal Description

Legal Description of Leased Area

BEING 0.082-acres (3,600 square feet) of land, out of a called 7.624-acres described in Deed to the City of Rockwall, Texas, recorded under Volume 747, Page 52 In the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.), located in the JOSEPH CADLE SURVEY, Abstract 65, Rockwall County, Texas, said 0.0826-acre tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a point in the southeast Right-of-Way (R.O.W.) line of West Yellow Jacket Lane (R.O.W. varies), for the west corner of said 7.624-acres and the north corner of a called 4.279-acre Lot 1, Block A, Rockwall Retirement Residence, a subdivision recorded under Volume H, Page 187 in the Plot Records of Rockwall County, Texas, conveyed in Deed to Rockwall Retirement Residence LLC, recorded under Volume 6624, Page 178 O.P.R.R.C.T., from which a found 5/8-Inch Iron rod with cap bears South 62°37'32" East, a distance of 2.21 feet;

THENCE South 45°55'07" East, along the common line between sold 7.624-acres and a said 4.279-acres, a distance of 375.81 feet, to a point;

THENCE North 43°51'04" East, over and across said 7.624-acres a distance of 23.27 feet for a point being the west corner of a 0.2182-acre Access and Utility Easement (A.U.E.);

THENCE South 45°55'07" East, along and with the southwest line of said A.U.E., a distance of 395.92 feet to a point for the south corner of said A.U.E. for the POINT OF BEGINNING in the northwest line of the herein described tract;

THENCE North 44°04'53" East, a distance of 56.73 feet to a 5/8 Inch Iron rod with orange cap stamped "Landpoint 10194172" set for the north corner of the herein described tract;

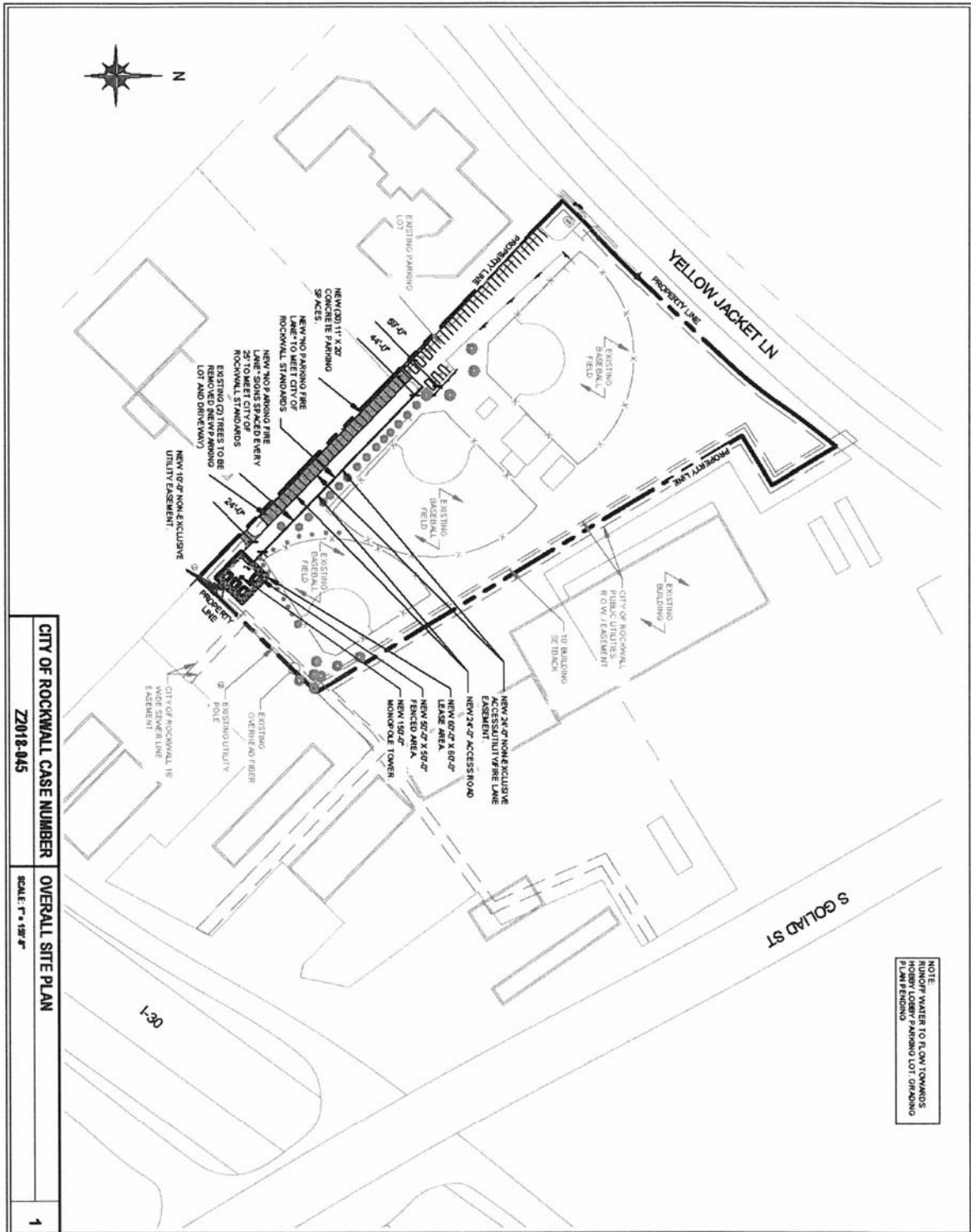
THENCE South 45°55'07" East, a distance of 60.00 feet to a 5/8 Inch iron rod with orange cap stamped "Landpoint 10194172" set for the east corner of the herein described tract;

THENCE South 44°04'53" West, a distance of 60.00 feet to a 5/8 inch iron rod with orange cap stamped "Landpoint 10194172" set for the south corner of the herein described tract;

THENCE North 45°55'07" West, a distance of 60.00 feet to a 5/8 inch iron rod with orange cap stamped "Landpoint 10194172" set for the west corner of the herein described tract;

THENCE North 44°04'53" East, a distance of 3.27 feet to the *POINT OF BEGINNING*, containing a computed 0.0826-acres (3,600 square feet) of land.

Exhibit 'B' Concept Plan



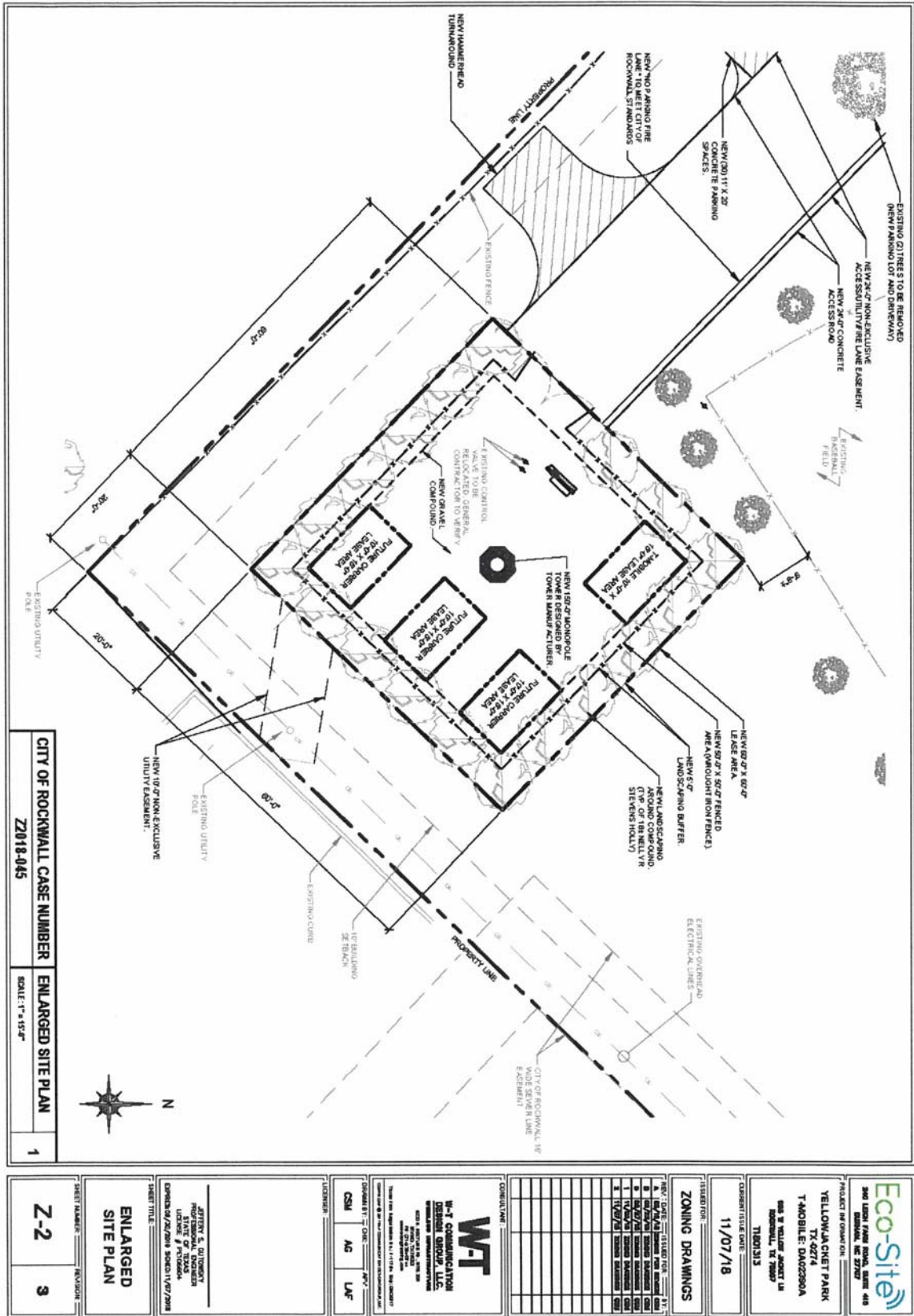
NOTE: WATER TO SLOW TOWARDS HOBBY CENTER PARKING LOT (ORLANDO P LANE) PER ORD.

CITY OF ROCKWALL CASE NUMBER: Z2018-045
 OVERALL SITE PLAN
 SCALE: 1" = 150'-0"
 1

 540 LEBEL FARM ROAD, SUITE 414 DALLAS, TX 75228 PROJECT NO: 2018-045	PROJECT: YELLOW JACKET PARK TX 0274 T-MOBILE: DA02280A 980 W YELLOW JACKET LN ROCKWALL, TX 75087 11901313	CONSULTANT: W-T W-T COMMUNICATION DESIGN GROUP, LLC 2000 W. UNIVERSITY BLVD., SUITE 200 FORT WORTH, TX 76102 TEL: 817.339.9999 WWW.WTDESIGN.COM	DRAWN BY: T. CONNOR CSM AC LAF	SHEET NUMBER: Z-1 SHEET TOTAL: 3
	PROJECT: YELLOW JACKET PARK TX 0274 T-MOBILE: DA02280A 980 W YELLOW JACKET LN ROCKWALL, TX 75087 11901313	CONSULTANT: W-T W-T COMMUNICATION DESIGN GROUP, LLC 2000 W. UNIVERSITY BLVD., SUITE 200 FORT WORTH, TX 76102 TEL: 817.339.9999 WWW.WTDESIGN.COM	DRAWN BY: T. CONNOR CSM AC LAF	SHEET NUMBER: Z-1 SHEET TOTAL: 3

Exhibit 'C'

Enlarged Concept Plan



CITY OF ROCKWALL CASE NUMBER
Z2018-045

ENLARGED SITE PLAN
SCALE: 1" = 65'-0"

1

 200 LINDEN BLVD SUITE 200 ROCKWALL, TX 75087 PH: 972.962.4100 WWW.ECO-SITE.COM	PROJECT #/OWNER #: YELLOW/JAN CHET PARK TX-0278 T-MOBILE: DMO2290A 800 N. YELLOW JACKET LN ROCKWALL, TX 75087 T800313	CURRENT ISSUE DATE: 11/07/18	ZONING DRAININGS NEW LOT: 11800 SQ. FT. 1. A/M/A/JA ZONING DISTRICT 2. A/M/A/JA ZONING DISTRICT 3. A/M/A/JA ZONING DISTRICT 4. A/M/A/JA ZONING DISTRICT 5. A/M/A/JA ZONING DISTRICT 6. A/M/A/JA ZONING DISTRICT 7. A/M/A/JA ZONING DISTRICT 8. A/M/A/JA ZONING DISTRICT 9. A/M/A/JA ZONING DISTRICT 10. A/M/A/JA ZONING DISTRICT	CONSULTANT: W-T COMMUNICATIONS CENTRAL GROUP, LLC 10000 W. VILLAGE BLVD SUITE 1000 FORT WORTH, TX 76154 WWW.WT-COMM.COM 817.335.1111	OWNER: CSM AG LAF	SHEET NUMBER: Z-2 REVISION: 3
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