

CITY OF ROCKWALL
ORDINANCE NO. 19-05
SPECIFIC USE PERMIT NO. S-203

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 FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A STRUCTURE THAT EXCEEDS 36-FT IN HEIGHT WITHIN THE SCENIC OVERLAY (SOV) DISTRICT IN A COMMERCIAL (C) DISTRICT, ON A 9.70-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 15 OF THE E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; 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 Andrew Bennitt of BODA Powell, LLC on behalf of the owner Vinod Miranda for the approval of a Specific Use Permit (SUP) to allow for a structure that exceeds 36-feet in height within the *Scenic Overlay (SOV) District* on an 9.70-acre tract of land, identified as Tract 15 of the E.P.G. Chisum Survey, Abstract No. 64, City of Rockwall, Rockwall County, Texas, zoned *Commercial (C) District*, situated within the *Scenic Overlay (SOV) District*, generally located at the southwestern corner of the intersection of Ridge Road [FM-740] and Turtle Cove Boulevard, 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 [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 a structure that exceeds 36-feet in height within the *Scenic Overlay (SOV) District* as stipulated by *Section 4.5, Commercial (C) District* and *Section 6.8, Scenic Overlay (SOV) District, of Article V, District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] on the *Subject Property*; and

Section 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in *Section 4.5, Commercial (C) District* and *Section 6.8, Scenic Overlay (SOV) District, of Article V, District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended and as may be amended in the future, and shall be subject to the additional

following additions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an office building that exceeds 36-feet in height on the *Subject Property*, and conformance to these operational conditions is required for continued operations:

- 1) The development of this property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance; and,
- 2) The maximum overall height of the building shall not exceed four (4)-stories or 60-feet, as depicted in *Exhibit 'C'* of this ordinance.

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 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.


Section 5. 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 6. 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 7. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, 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 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 8. 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 JANUARY, 2019.**



Jim Pruitt, Mayor

ATTEST:


Kristy Cole, City Secretary



APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: December 17, 2018

2nd Reading: January 7, 2019

Exhibit 'A':
Legal Description

All that certain lot, tract or parcel of land situated in the E.P.G. CHISUM SURVEY, ABSTRACT NO. 64, City of Rockwall, Rockwall County, Texas, and being all of a tract of land as described in a Warranty deed from James W. Reese to LGI Properties. LTD, dated July 1, 2003 and being recorded in Volume 3075, Page 146 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT brass disk monument found for corner at the intersection of the southwest right-of-way line of Turtle Cove Drive, a 60 foot right-of-way, with the northwest right-of-way line of Ridge Road F.M. 740, a variable width right-of-way per Volume 1582, Page 317 of the Real Property Records of Rockwall County, Texas, and being at the east corner of the above cited tract of land;

THENCE in a southwesterly direction along the northwest right-of-way line of Ridge Road F.M. 740 as follows:

S. 45 deg. 59 min. 50 sec. W. a distance of 113.22 feet to a TXDOT brass disk monument found for corner;
S. 57 deg. 34 min. 20 sec. W. a distance of 103.07 feet to a TXDOT brass disk monument found for corner;
S. 35 deg. 01 min. 32 sec. W. a distance of 101.12 feet to a TXDOT brass disk monument found for corner;
S. 33 deg. 32 min. 12 sec. W. a distance of 204.12 feet to a TXDOT brass disk monument found for corner;
S. 40 deg. 08 min. 27 sec. W. a distance of 136.97 feet to a TXDOT brass disk monument found for corner at the south corner of said Reese to LGI Properties tract and being in the northeast boundary line of Lot 1, Block A,

LAKE POINT HEATH AND SCIENCE CENTER ADDITION, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet C, Slide 216 of the Plat Records of Rockwall County, Texas;

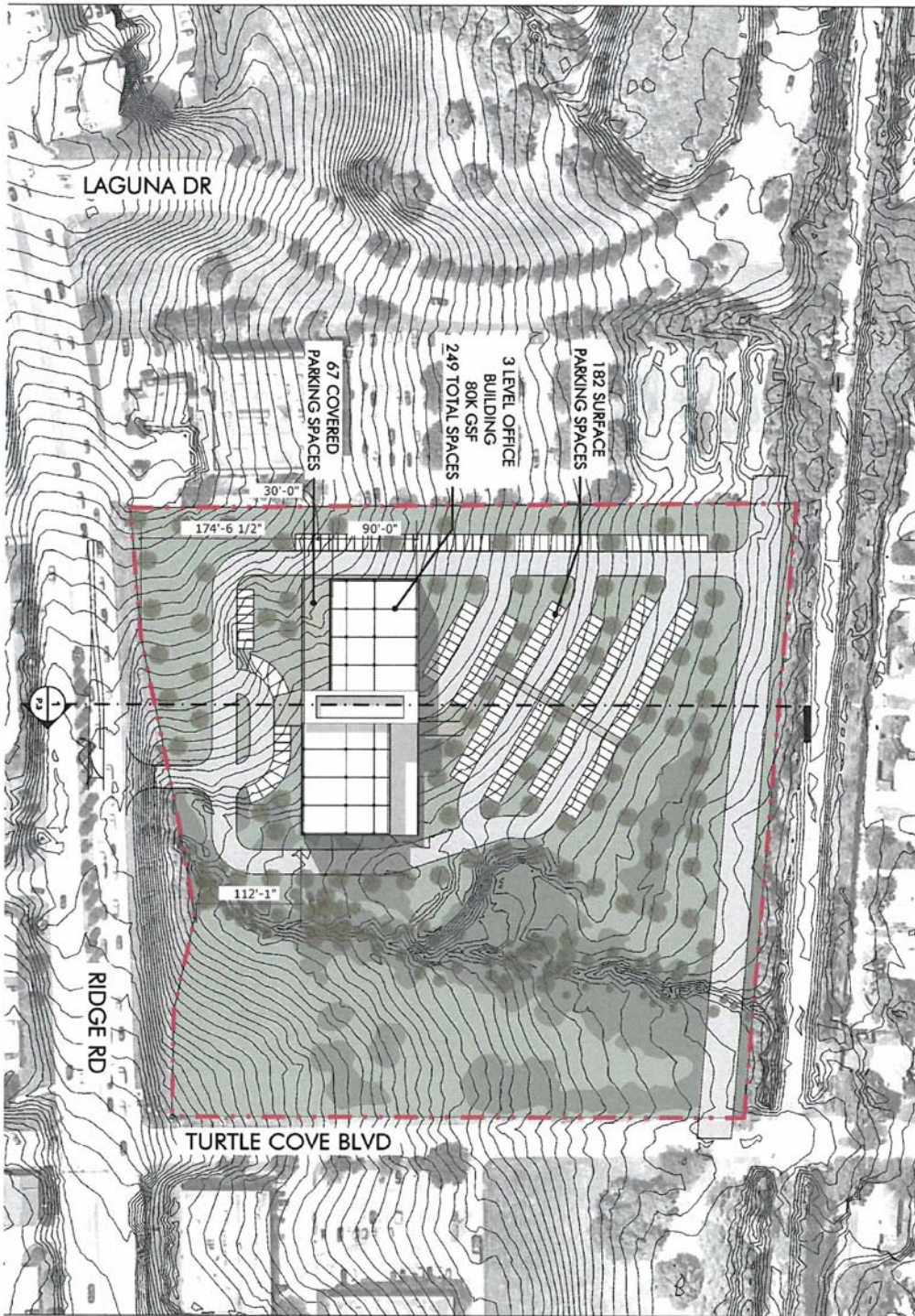
THENCE N. 45 deg. 31 min. 12 sec. W. a distance of 711.59 feet to a 3/8" iron rod found for corner at the west corner of said Reese to LGI Properties tract and being in the southeast right-of-way line of the Union Pacific Railroad, a 100 foot right-of-way;

THENCE N. 49 deg. 42 min. 29 sec. E. along said railroad right-of-way, a distance of 658.84 feet to a 1/2" iron rod found for corner in the southwest right-of-way line of Turtle Cove Drive;

THENCE S. 44 deg. 58 min. 41 sec. E. along said right-of-way line, a distance of 612.21 feet to the *POINT OF BEGINNING* and containing 422,730 square feet or 9.70 acres of land.

**Exhibit 'B':
Conceptual Site Plan**

BOKA Powell




 Concept Site Plan
 11.19.2018
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Exhibit 'C':
Sightline View for Building

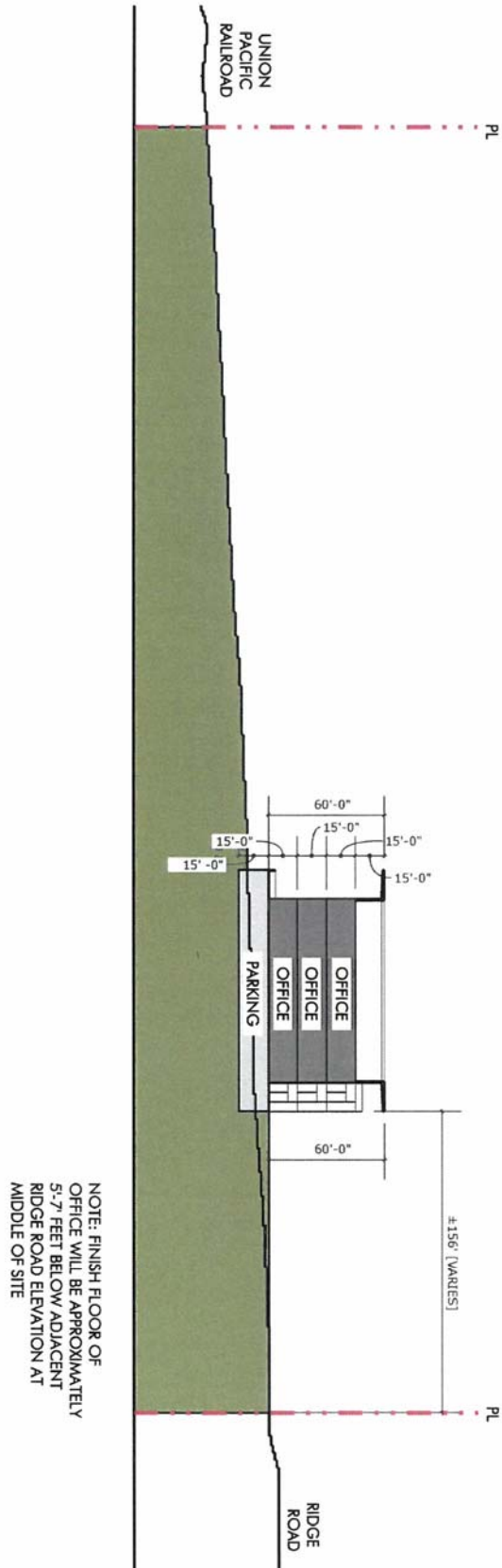
BOKA Powell

Concept Site Section
Scale: 1"=50'

Office Building

11.19.2018

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36' ALLOWABLE HEIGHT
REQUEST FOR DISCRETIONARY
VARIANCE TO ALLOW 24'
ADDITIONAL FEET FOR 60' FEET
ALLOWABLE HEIGHT
(NET HEIGHT GAIN 19')