

CITY OF ROCKWALL

ORDINANCE NO. 19-19

SPECIFIC USE PERMIT NO. S-207

**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) ALLOWING STRUCTURES THAT EXCEED 60-FEET IN HEIGHT WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT, ON A 42.61-ACRE TRACT OF LAND BEING IDENTIFIED AS TRACT 7 OF THE N. BUTLER SURVEY, ABSTRACT NO. 20 (11.3736-ACRES); TRACT 31 OF THE R. BALLARD SURVEY, ABSTRACT NO. 29 (8.197-ACRES); AND LOT 1-01, BLOCK 1, INDALLOY ADDITION (14.53-ACRES), 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 Mark W. Pross of Pross Design Group, Inc. on behalf of Carolina Molina of Alvaplast US (SPR Packaging) for the approval of a Specific Use Permit (SUP) to allow for structures that will exceed 60-feet in height within the *Light Industrial (LI) District* on an 42.61-acre tract of land, identified as Tract 7 of the N. Butler Survey, Abstract No. 20 (11.3736-acres); Tract 31 of the R. Ballard Survey, Abstract No. 29 (8.197-acres); and Lot 1-01, Block 1, Indalloy Addition (14.53-acres), City of Rockwall, Rockwall County, Texas, zoned *Light Industrial (LI) District*, generally located at the terminus of Aluminum Plant Road, 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 structures that will exceed 60-feet in height within the *Light Industrial (LI) District* as stipulated by Article IV, *Permissible Uses*, 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 5.01, Light Industrial (LI) District*, and *Section 7.03, Non-Residential District Development Standards*, 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 conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of an office/ warehouse/manufacturing facility that exceeds 60-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 buildings and/or structures shall not exceed 100-feet, as depicted in *Exhibit 'C'* of this ordinance; and,
- 3) The building elevations depicted in *Exhibit 'C'* are for reference to the height of the extruder bays for all phases (*i.e. phase 2, 3, 4, & 5*), and do not represent approved building elevations. Any building elevations associated with the project shall be subject to the requirements of the Unified Development Code (UDC), review by the Architectural Review Board, and approval by the Planning and Zoning Commission [*and City Council if applicable*]; and,
- 4) Future expansion of the site [*i.e. Phases 3, 4, and 5*] should have all silos placed on the southern portion of the subject property, adjacent to the railroad tracks, as depicted in *Exhibit 'B'* of this ordinance; and,
- 5) The subject property shall provide and maintain a landscape screening buffer along the western and northern property boundaries [*i.e. Overall Landscape Plan*], as depicted in *Exhibit 'D'* of this ordinance and shall be constructed with Phase 1 of the development.

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

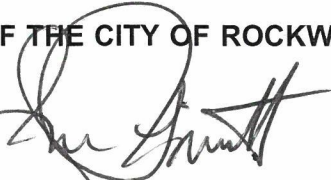
**Section 5.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict

**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.

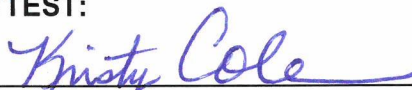
**Section 7.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application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

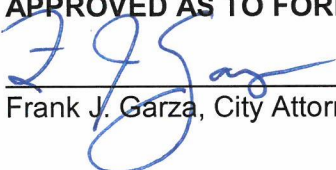
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 6<sup>TH</sup> DAY OF MAY, 2019.**

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

1<sup>st</sup> Reading: April 15, 2019

2<sup>nd</sup> Reading: May 6, 2019



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

**BEING** A 42.6035 ACRE PARCEL OF LAND SITUATED IN THE N. BUTLER SURVEY ABSTRACT NO. 20 AND THE R. BALLARD SURVEY, ABSTRACT NO. 29, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; SAID 42.6035 ACRE TRACT BEING ALL OF 11.3736 ACRE OF TRACT OF LAND DESCRIBED IN GENERAL WARRANTY DEED TO ALVAPLAST U.S., INC., A DELAWARE CORPORATION RECORDED IN INSTRUMENT NUMBER 20150000002739 OF THE OFFICIAL PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS; AND BEING PART OF 98.319 ACRE TRACT OF LAND DESCRIBED IN A WARRANTY DEED TO COLUMBIA EXTRUSION CORPORATION, DATED DECEMBER 22, 1988 AND RECORDED IN VOLUME 444, PAGE 102 OF THE REAL PROPERTY RECORDS OF ROCKWALL COUNTY, TEXAS; AND BEING A PART OF LOT 1 IN BLOCK 1 OF INDALLOY ADDITION, AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET "D", SLIDE 273 OF THE PLAT RECORDS OF ROCKWALL COUNTY TEXAS; SAID 42.6035 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A POINT FOR CORNER AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF INDUSTRIAL BOULEVARD (A 65-FOOT WIDE RIGHT-OF-WAY) AND THE SOUTH RIGHT-OF-WAY LINE OF AIRPORT ROAD (A VARIABLE WIDTH RIGHT-OF-WAY);

**THENCE** SOUTH 00° 07' 36" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID INDUSTRIAL BOULEVARD AND THE EAST LINE OF SAID 11.3736 ACRE ALVAPLAST U.S., INC. TRACT FOR A DISTANCE OF 788.63 FEET TO A POINT FOR CORNER IN THE NORTH RIGHT-OF-WAY LINE OF UP/DALLAS GARLAND N.E. RAILROAD (A 100-FOOT WIDE RIGHT-OF-WAY); SAID POINT BEING THE SOUTHEAST CORNER OF SAID 11.3736 ACRE ALVAPLAST U.S., INC. TRACT;

**THENCE** SOUTH 88° 36' 50" WEST DEPARTING THE WEST RIGHT-OF-WAY LINE OF SAID INDUSTRIAL BOULEVARD AND ALONG THE SAID NORTH LINE OF UP/DALLAS GARLAND N.E. RAILROAD AND THE SOUTH LINE OF SAID 11.3736 ACRE ALVAPLAST U.S., INC. TRACT, FOR A DISTANCE OF 584.08 FEET TO THE SOUTHWEST CORNER OF SAID 11.3736 ACRE ALVAPLAST U.S., INC. TRACT AND THE SOUTHEAST CORNER OF AFORESAID LOT 1 IN BLOCK 1 OF INDALLOY ADDITION, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF AFORESAID 98.319 ACRE TRACT DESCRIBED IN DEED TO COLUMBIA EXTRUSION CORPORATION;

**THENCE** SOUTH 88° 32' 20" WEST CONTINUING ALONG THE SAID NORTH LINE OF UP /DALLAS GARLAND N.E. RAILROAD AND THE SOUTH LINE OF SAID LOT 1 IN BLOCK 1 OF INDALLOY ADDITION AND PASSING AND PASSING APPROXIMATELY AT A DISTANCE OF 332.77 FEET THE SOUTHWEST CORNER OF AFORESAID LOT 1 IN BLOCK 1 OF INDALLOY ADDITION AND CONTINUING ALONG THE SAID NORTH LINE OF UP /DALLAS GARLAND N.E. RAILROAD FOR A TOTAL DISTANCE OF 578.23 FEET TO A POINT FOR CORNER, SAID POINT BEING THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 21774.77 FEET WITH A CENTRAL ANGLE OF 00° 58' 11" AND A CHORD BEARING SOUTH 88° 05' 13" WEST AT A DISTANCE OF 368.51 FEET;

**THENCE** SOUTHWESTERLY AND FOLLOWING ALONG SAID CURVE TO THE RIGHT AND CONTINUING ALONG THE SAID NORTH LINE OF UP /DALLAS GARLAND N.E. RAILROAD FOR AN ARC DISTANCE OF 368.52 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 88° 04' 12" WEST CONTINUING ALONG THE SAID NORTH LINE OF UP /DALLAS GARLAND N.E. RAILROAD FOR A DISTANCE OF 101.65 FEET TO A POINT FOR CORNER;

**THENCE** NORTH 09° 24' 49" WEST DEPARTING THE SAID NORTH LINE OF UP/DALLAS GARLAND N.E. RAILROAD FOR A DISTANCE OF 1039.14 FEET TO A POINT FOR CORNER IN THE EAST BOUNDARY LINE OF PARK PLACE WEST II, AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE AMENDED PLAT THEREOF RECORDED IN CABINET "G", SLIDE 100 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS;

**THENCE** NORTH 04° 52' 54" WEST ALONG THE EAST LINE OF SAID PARK PLACE WEST ADDITION FOR A DISTANCE OF 207.14 FEET TO A POINT FOR CORNER;

**THENCE** NORTH 81° 27' 00" EAST LEAVING THE EAST LINE OF SAID PARK PLACE WEST ADDITION FOR A DISTANCE OF 408.12 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 83° 23' 14" EAST AND PASSING AT A DISTANCE OF 216.91 FEET THE WEST LINE OF AFORESAID LOT 1 IN BLOCK 1 OF INDALLOY ADDITION AND CONTINUING ON FOR A TOTAL DISTANCE OF 274.94 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 85° 37' 16" EAST FOR A DISTANCE OF 435.64 FEET TO A POINT FOR CORNER IN THE EAST LINE OF AFORESAID LOT 1 IN BLOCK 1 OF INDALLOY ADDITION AND THE WEST LINE OF 7.497 ACRE TRACT OF LAND DESCRIBED IN DEED TO ROCKWALL COMMUNITY PLAYHOUSE AND RECORDED IN VOLUME 4239, PAGE 203 OF THE REAL PROPERTY RECORDS OF ROCKWALL COUNTY, TEXAS;

**THENCE** SOUTH 06° 42' 50" EAST ALONG THE EAST LINE OF AFORESAID LOT 1 IN BLOCK 1 OF INDALLOY ADDITION AND THE WEST LINE OF SAID 7.497 ACRE TRACT OF LAND DESCRIBED IN DEED TO ROCKWALL COMMUNITY PLAYHOUSE, FOR A DISTANCE OF 360.89 FEET TO A POINT FOR CORNER AT THE END OF A 50' WIDE STREET DEDICATION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS BY DEED RECORDED IN VOLUME 67, PAGE 116 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS

**THENCE** SOUTH 06° 22' 45" EAST CONTINUING ALONG THE EAST LINE OF AFORESAID LOT 1 IN BLOCK 1 OF INDALLOY ADDITION FOR A DISTANCE OF 50.93 FEET TO A POINT FOR CORNER IN THE SOUTH RIGHT-OF-WAY LINE OF AFORESAID

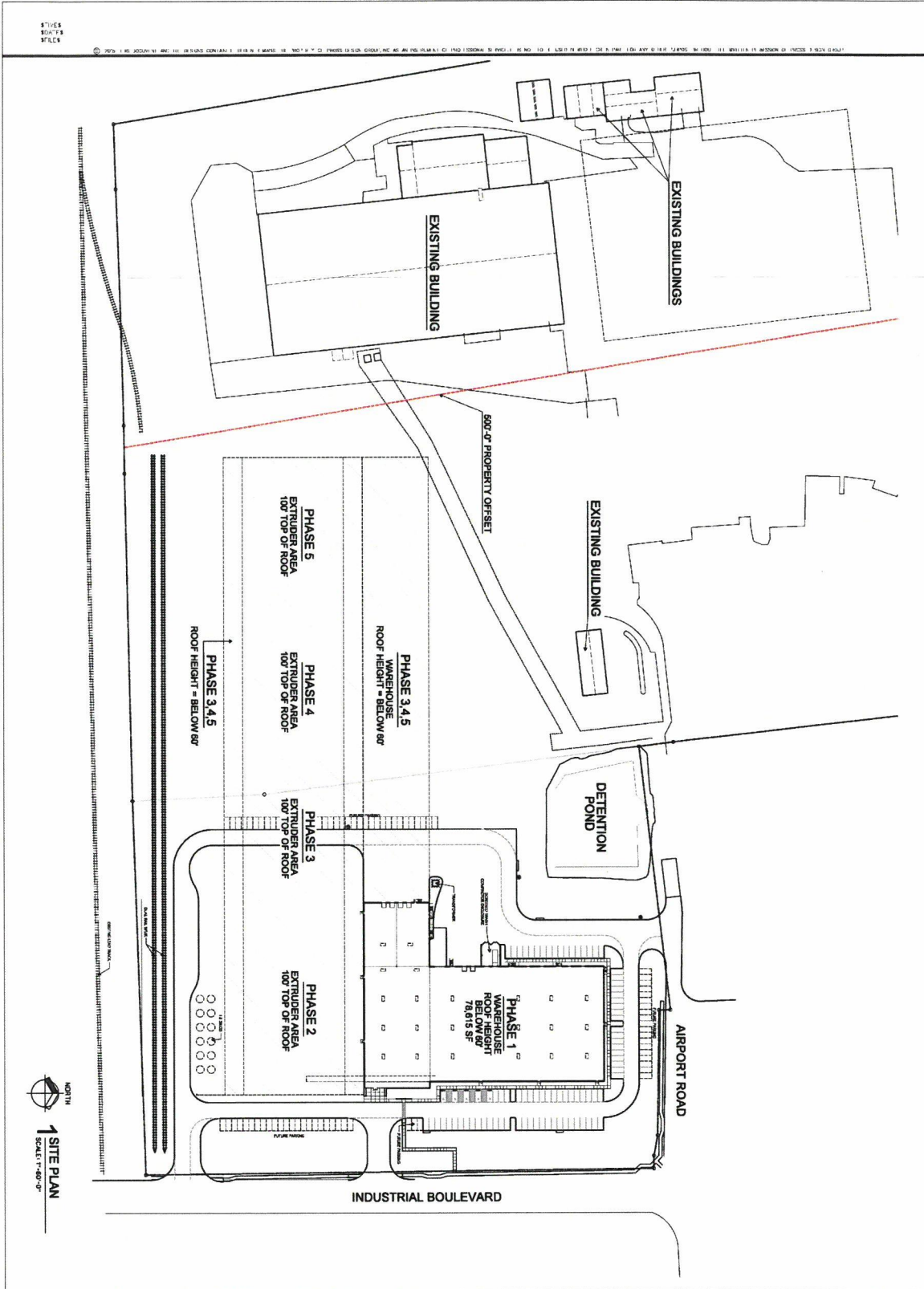
**Exhibit 'A':**  
*Legal Description*

AIRPORT ROAD; SAID POINT ALSO BEING THE NORTHWEST CORNER OF AFORESAID 11.3736 ACRE ALVAPLAST U.S., INC. TRACT;

**THENCE** DEPARTING THE WEST LINE OF SAID 11.3736 ACRE ALVAPLAST U.S., INC. TRACT AND THE EAST LINE OF SAID LOT 1 IN BLOCK 1 AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID AIRPORT ROAD, THE FOLLOWING COURSES AND DISTANCES NUMBERED **(1) THROUGH (5)**;

1. NORTH 83° 53' 38" EAST FOR A DISTANCE OF 413.66 FEET TO A POINT FOR CORNER;
2. SOUTH 01° 01' 31" EAST FOR A DISTANCE OF 17.89 FEET TO A POINT FOR CORNER;
3. SOUTH 88° 37' 46" EAST FOR A DISTANCE OF 195.72 FEET TO A POINT FOR CORNER;
4. SOUTH 79° 05' 55" EAST FOR A DISTANCE OF 32.05 FEET TO A POINT FOR CORNER;
5. SOUTH 88° 51' 14" EAST FOR A DISTANCE OF 20.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 42.6035 ACRES OF LAND, MORE OR LESS.

# Exhibit 'B': Conceptual Site Plan

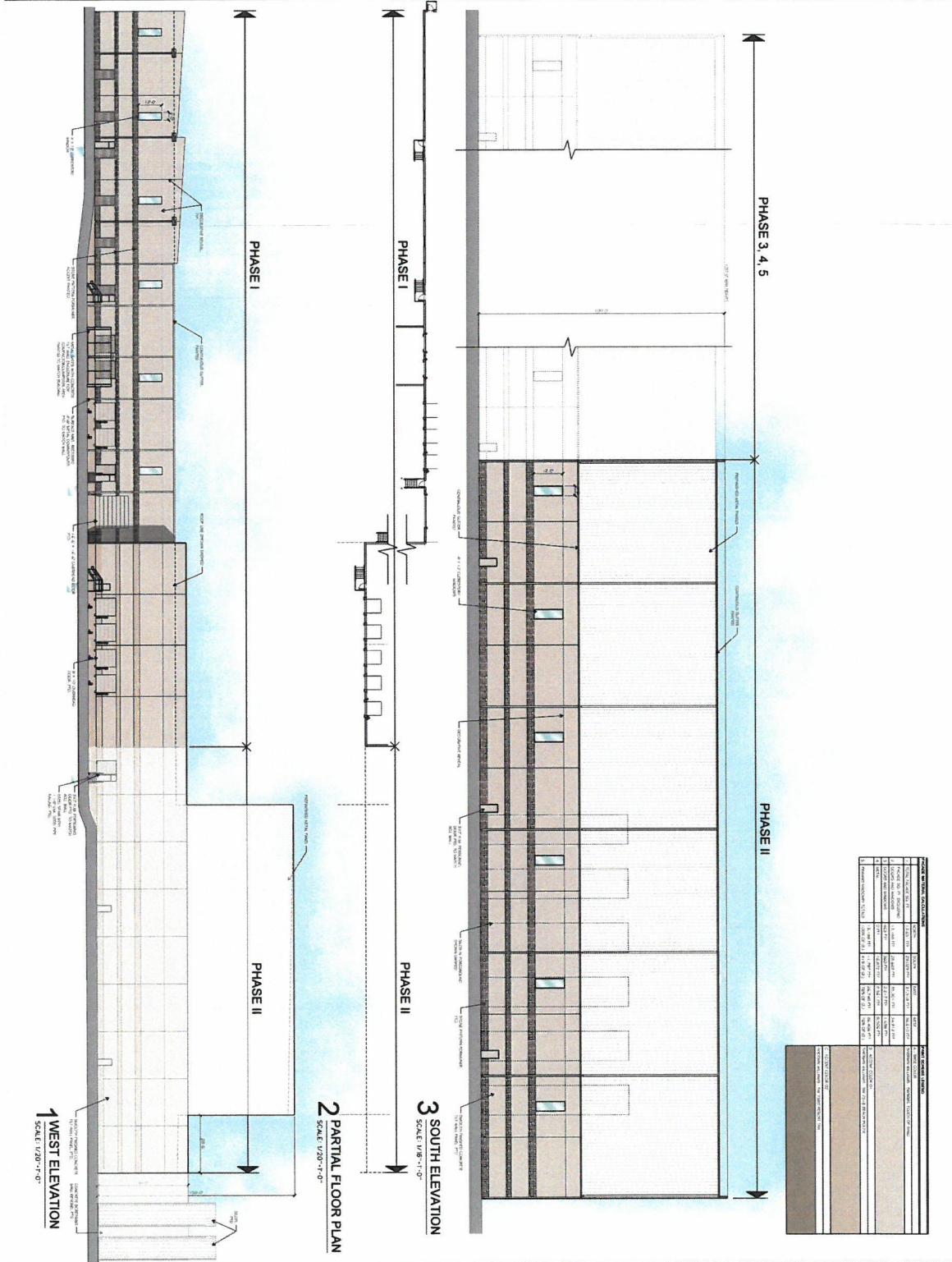


job no sheet: <b>A1.0</b>	 <b>SPR NORTH</b> ROCKWALL, TEXAS	 pros design group, Incorporated <small>89011 Harvest Hill Road, Suite 100, Dallas, Texas 75243 972-709-1400</small>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>#</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	#	DATE	DESCRIPTION													drawn by <b>MARK W. PROBST</b> checked by <b>MARK W. PROBST</b> date: <b>05/18/2019</b>
#	DATE	DESCRIPTION																		

# Exhibit 'C': Concept Building Elevation Phasing Plan

ENGINEER  
ARCHITECT  
PLANNER

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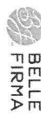
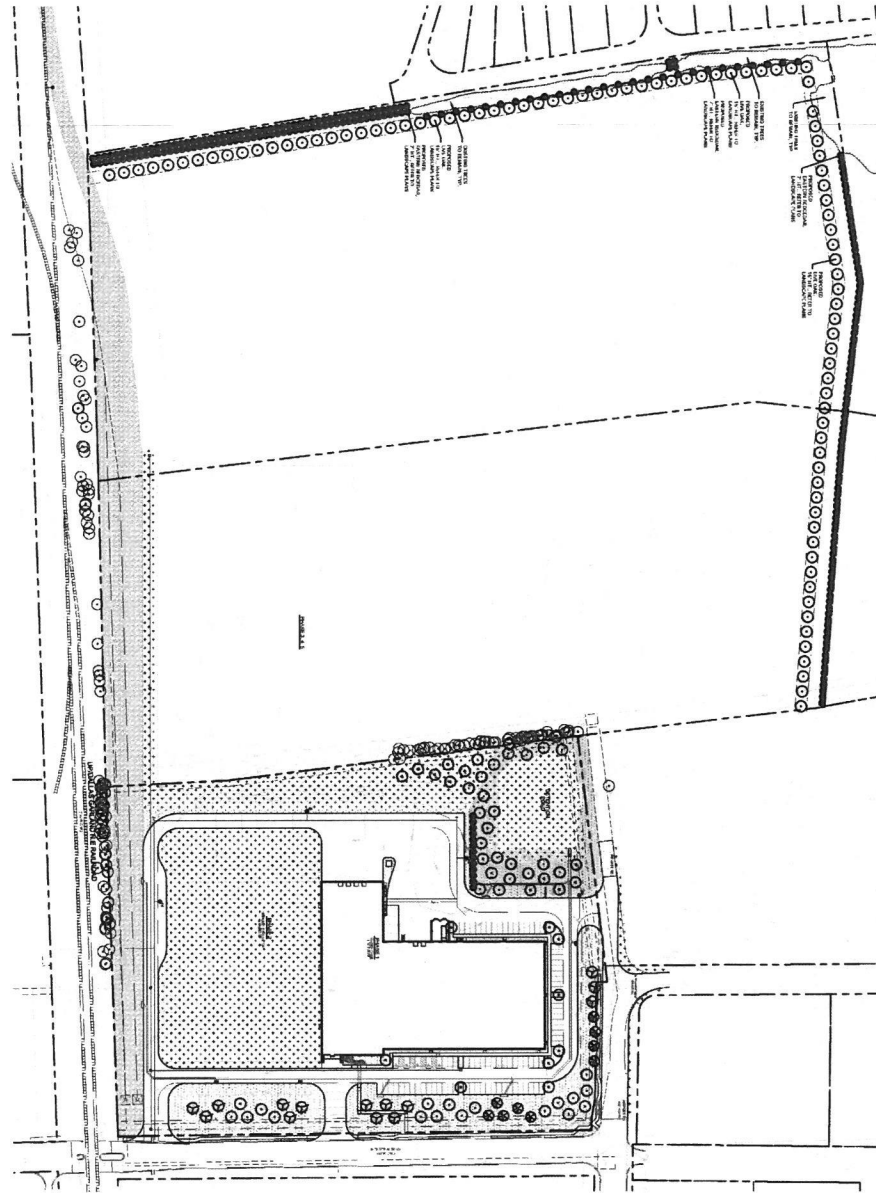


REVISIONS		DATE		DESCRIPTION	
1	05/13/2019	MARK W. PROSS	05/13/2019	ISSUED FOR PERMIT	
2					
3					
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5					

Job No. A3.1 Sheet A3.1	<b>SPR PACKAGING</b> SPR NORTH ROCKWALL, TEXAS	 <b>pross design group, Incorporated</b> <small>20110 Highway 1907, Suite 100, Dallas, Texas 75244</small>	 <small>MARK W. PROSS 051319</small>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>#</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	#	DATE	DESCRIPTION													drawn: SF checked MARK W. PROSS date 05/13/2019
#	DATE	DESCRIPTION																		

# Exhibit 'D': Landscape Screening Plan

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4242 North Central Exp.  
Suite 500  
Dallas, Texas 75205  
214.885.7712

**OVERALL LANDSCAPE PLAN**

job no  
sheet  
**L1.00**

**SPR**  
PACKAGING  
SPR NORTH  
ROCKWALL, TEXAS

**poly**  
pross design group, incorporated  
6510 Harwood Hill Road, Suite 100, Dallas, Texas 75205 972.719.1400

DATE: 02/14/19  
DRAWN BY: KAH  
CHECKED BY: KAH  
SCALE: 1" = 40'-0"

#	DATE	DESCRIPTION
1	02/14/19	CITY COMMENTS

drawn:  
KAY  
checked:  
KAH  
date:  
01/15/19