

CITY OF ROCKWALL

ORDINANCE NO. 22-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [ORDINANCE NO.'S 17-08, & 19-41] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO APPROVE A PD DEVELOPMENT PLAN FOR A GENERAL RETAIL SHOPPING CENTER ON AN 8.63-ACRE PORTION OF A LARGER 36.428-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3 OF THE S. KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED HEREIN BY *EXHIBIT 'A'* AND DEPICTED HEREIN BY *EXHIBIT 'B'*; 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 Bowen Hendrix of DuWest Realty, LLC on behalf of John Arnold of the Skorborg Company for the approval of a PD Development Plan for the development of a general retail shopping center within Planned Development District 70 (PD-70) [*Ordinance No.'s 17-08, & 19-41*] on an 8.63-acre portion of a larger 36.428-acre tract of land identified as Tract 3 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas and being more fully described in *Exhibit 'A'* and depicted in *Exhibit 'B'* 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 Planned Development District 70 (PD-70) [*Ordinance No.'s 17-08, & 19-41*] and the Unified Development Code [*Ordinance No. 20-02*] should be amended as follows:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:**

**SECTION 1.** That the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 17-08*.

**SECTION 2.** That Planned Development District 70 (PD-70) [*Ordinance No. 19-41*] and the Unified Development Code (UDC) [*Ordinance No. 20-02*], as heretofore amended, shall be further amended by amending the *Concept Plan* approved with *Ordinance No. 19-41* and the official zoning map of the City of Rockwall so as to approve a *PD Development Plan* for the *Subject Property*; and,

**SECTION 3.** That the *Subject Property* shall be used only in the manner and for the purposes provided for in Planned Development District 70 (PD-70) [*Ordinance No. 19-41*], the Unified

Development Code (UDC) [Ordinance No. 02-02], and in compliance with the following conditions and requirements:

- (1) The development of the *Subject Property* shall generally conform to the *Concept Plan* contained in *Exhibit 'C'* of this ordinance.
- (2) *Retail Buildings 'B' & 'C'* -- as depicted in *Exhibit 'C'* of this ordinance -- shall generally conform to the *Concept Building Elevations* contained in *Exhibit 'D'* of this ordinance; however, the elevations submitted with the *PD Site Plan* shall require a recommendation from the Architectural Review Board (ARB) prior to approval by the Planning and Zoning Commission.
- (3) Outdoor seating areas shall be permitted in conformance with the *Concept Pedestrian Centers* depicted in *Exhibit 'E'* of this ordinance.
- (4) The development of the *Subject Property* shall incorporate a private passive/active greenspace amenity that is generally in the same location as depicted in *Exhibit 'C'* of this ordinance and that generally conforms to the *Concept Passive/Active Greenspace Amenity* in *Exhibit 'F'* of this ordinance.
- (5) The pedestrian pathways provided adjacent to the southern property boundary shall be generally as depicted in the *Concept Plan* contained in *Exhibit 'C'* of this ordinance.
- (6) Trails connecting to the adjacent residential subdivision shall generally be constructed as depicted in the *Concept Plan* contained in *Exhibit 'C'* of this ordinance.

**SECTION 4.** The official zoning map of the City of Rockwall, Texas be corrected to reflect the changes in zoning described in this ordinance;

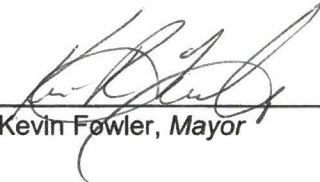
**SECTION 5.** That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *Two Thousand Dollars* (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense;

**SECTION 6.** 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 7.** 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 8.** That this ordinance shall take effect immediately from and after its passage;

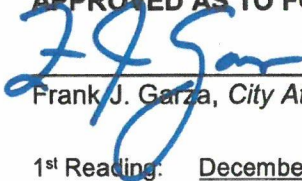
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 3<sup>rd</sup> DAY OF JANUARY, 2022.**

  
\_\_\_\_\_  
Kevin Fowler, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

1<sup>st</sup> Reading: December 20, 2021

2<sup>nd</sup> Reading: January 3, 2022



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

**BEING** a tract of land situated in the S. King Survey, Abstract No.131, City of Rockwall, Rockwall County, Texas and being part of a tract of land described in Special Warranty Deed to Stone Creek Balance, LTD, recorded in Instrument No. 2007000375394, Official Public Records, Collin County, Texas, and being part of a tract of land described in Special Warranty Deed to Meritage Homes of Texas, LLC, recorded in Instrument No. 20150000013037, Official Public Records, Rockwall County, Texas, and being part of Lot 27, Block A, of Stone Creek Phase VII, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Instrument No. 20160000011737, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

**BEGINNING** at a Concrete Monument found at the north corner of a right-of-way corner clip for the east right-of-way line of State Highway 205 (N Goliad Street - a variable width right-of-way)

**THENCE** with said east right-of-way line, North 14°18'59" West, a distance of 100.00 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

**THENCE** departing said east right-of-way line, North 38°46'11" East, a distance of 387.72 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set in a south line of Lot 8, Block D, Stone Creek Phase IV, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet H, Slide 317, Plat Records, Rockwall County, Texas;

**THENCE** with the south line of said Lot 8, the following course and distances, to wit:

South 14°18'59" East, a distance of 100.00 feet to a 1/2-inch iron rod with plastic cap stamped "CORWIN" found;

North 88°26'01" East, a distance of 96.46 feet to a 1/2-inch iron rod with plastic cap stamped "CORWIN" found at the most westerly southwest corner of said Lot 28;

**THENCE** with the south line of said Lot 28, North 88°27'32" East, passing at a distance of 195.78 feet a 1/2-inch iron rod with plastic cap stamped "CORWIN" found for a south corner of said Lot 28, departing said south line and continuing in all a total distance of 513.73 feet to a 5/8-inch iron rod with plastic cap stamped "KHA" set;

**THENCE** South 0°02'44" West, passing at a distance of 101.33 feet the north west corner of a tract of land described as Quail Run Fire Station recorded in Special Warranty Deed to The City of Rockwall, recorded in Vol. 5635, Pg. 211, Deed Records, Rockwall County, Texas, and continuing with the west line of said Quail Run Fire Station, passing at a distance of 262.60 feet the southwest corner of said Quail Run Fire Station, continuing with the north right-of-way line of Quail Run Drive (a variable width public right-of-way) in all a total distance of 395.49 feet to a point for corner;

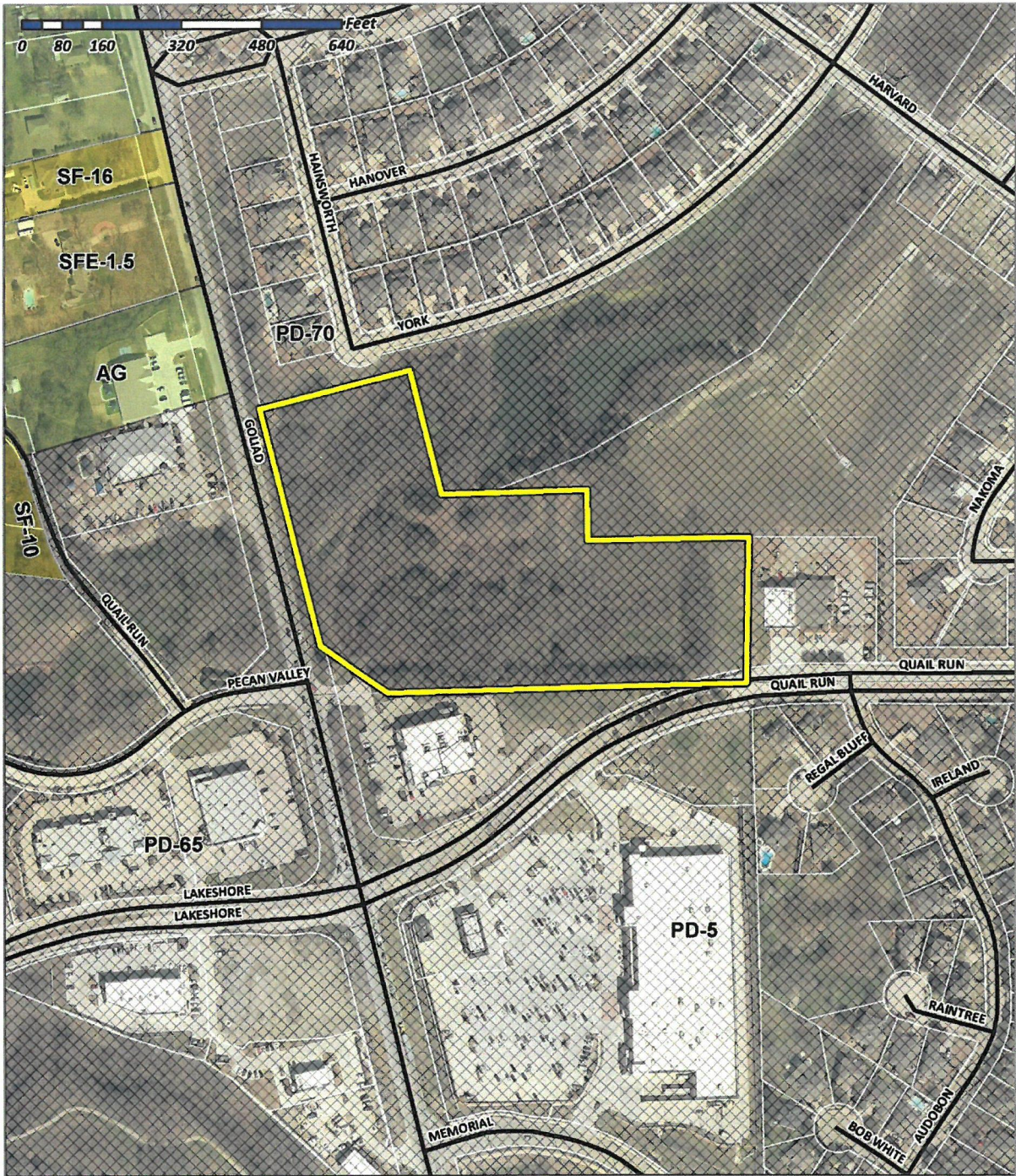
**THENCE** with said north right-of-way line, South 89°34'22" West, a distance of 67.13 feet to a point for corner for the northeast corner of Lot 1, Block B of Quail Run Retail, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet E, Slide 67, Plat Records, Rockwall County, Texas;

**THENCE** with the north line of said Lot 1, South 88°24'25" West, a distance of 650.72 feet to a 1/2-inch iron rod with plastic cap stamped "CARTER & BUGESS" found at the southeast corner of said right-of-way corner clip;

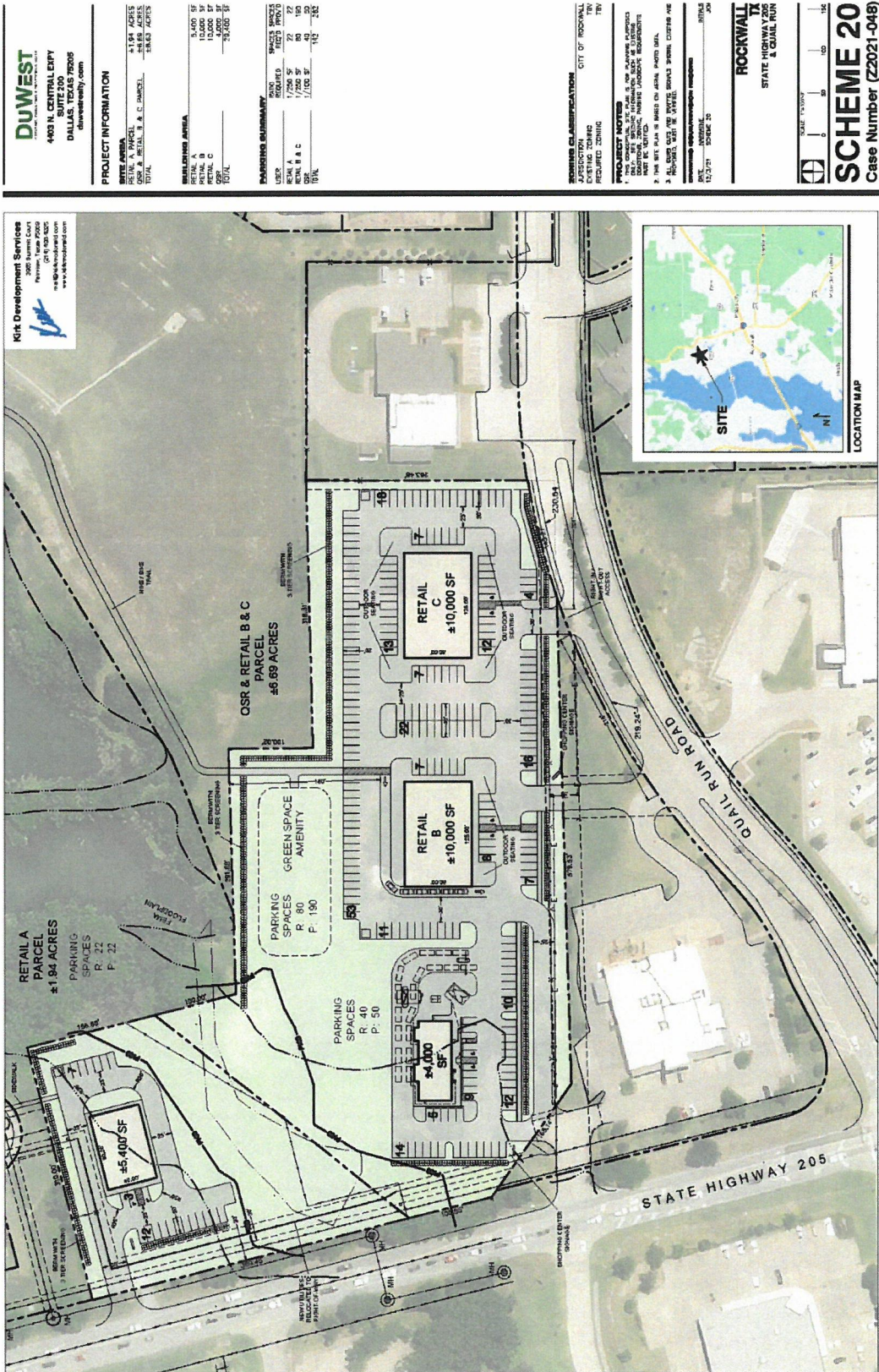
**THENCE** departing said north line and with said corner clip, North 54°44'35" West, a distance of 165.14 feet to the **POINT OF BEGINNING** and containing 7.456 acres or 324797 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Exhibit 'B':  
Location Map



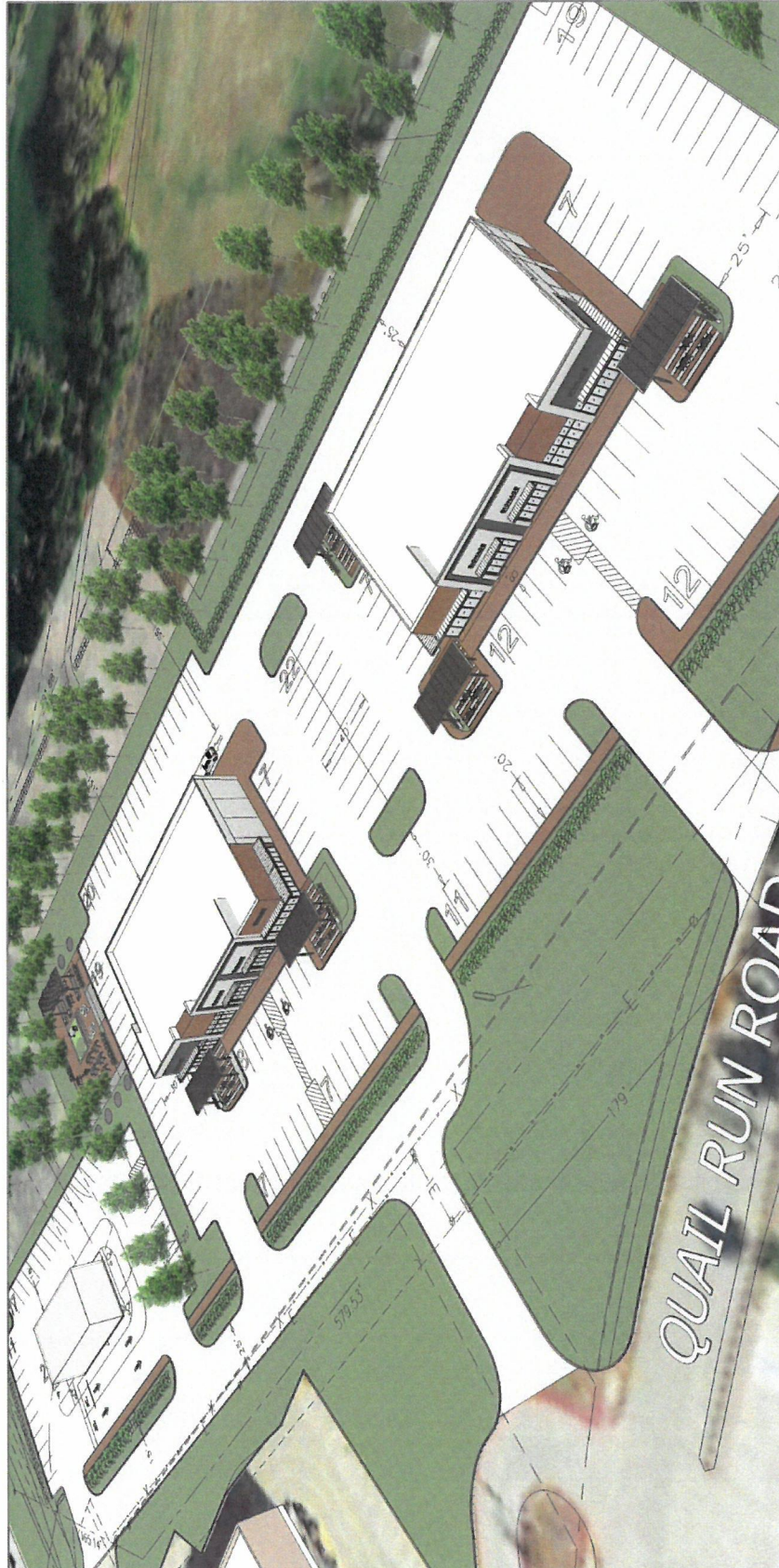
# Exhibit 'C': Concept Plan



**Exhibit 'D':**  
*Concept Building Elevations*



**Exhibit 'E':**  
*Concept Pedestrian Centers*





**Exhibit 'F':**  
*Concept Passive/Active Greenspace Amenity*

