

CITY OF ROCKWALL

ORDINANCE NO. 23-15

SPECIFIC USE PERMIT NO. S-297

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW THREE (3) TEMPORARY EDUCATIONAL BUILDINGS ON A 6.64-ACRE PARCEL OF LAND ZONED MULTI-FAMILY 14 (MF-14) DISTRICT IDENTIFIED AS LOT 1, BLOCK A, HERITAGE CHRISTIAN ACADEMY 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, a request has been made by Brad Helmer on behalf of Heritage Christian Academy (HCA) for the approval of a *Specific Use Permit (SUP)* allowing *Existing Temporary Education Buildings* to remain on a 6.64-acre parcel of land identified as Lot 1, Block A, Heritage Christian Academy Addition, City of Rockwall, Rockwall County, Texas, zoned Multi-Family 14 (MF-14) District, addressed as 1408 S. Goliad Street [SH-205], and being 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. 20-02] 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 approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 19-02*; and

SECTION 2. That the Unified Development Code [Ordinance No. 20-02] 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 *Existing Temporary Educational Buildings* to remain on the *Subject Property* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [Ordinance No. 20-02]; and

SECTION 3. That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 03.12, *Multi-Family 14 (MF-14) District*; Subsection 04.01, *General Commercial District Standards*; and

Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of *Existing Temporary Educational Buildings* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The *Temporary Educational Buildings* shall generally conform to the building elevations and site plan depicted in *Exhibit 'B'* of this ordinance.
- 2) The *Subject Property* shall not have more than three (3) *Temporary Educational Buildings*.
- 3) The Specific Use Permit (SUP) shall be valid for a period of one (1) year from the date of approval. At which time the City Council shall review the Specific Use Permit (SUP) to determine if a one (1) year extension is warranted.
- 4) The *Temporary Educational Buildings* are subject to administrative review in the event that the *Subject Property* is sold, conveyed, or altered in any manner.

3.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Should *Subject Property* fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

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

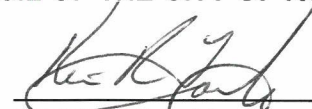
SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 3RD DAY OF APRIL, 2023.



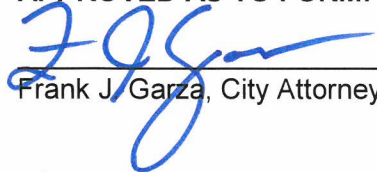
Kevin Fowler, Mayor

ATTEST:



Kristy Teague, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: March 20, 2023

2nd Reading: April 3, 2023

Exhibit 'A': Legal Description

Heritage Christian

SURVEYOR'S CERTIFICATE
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, THAT KENNETH E. BROWN, do hereby certify that I prepared this plat from an actual and correct survey of the above described land, and that the same is true and correct according to the best of my knowledge and belief.

KENNETH E. BROWN, R.E.L.S. NO. 2002



STATE OF TEXAS
COUNTY OF ROCKWALL
CITY OF ROCKWALL

Heritage Christian Academy Addition
Being a Replat of First United Methodist Church Addition and a Replat of Our Lady of the Lake Catholic Church Addition

B.J.T. LEWIS SURVEY, ABSTRACT NO. 225
CITY OF ROCKWALL, TEXAS

APPROVED:
MAYOR, City of Rockwall
Date: June 22, 2004

OWNER/DEVELOPER
FIRST UNITED METHODIST CHURCH
1406 S. GUNN ST.
ROCKWALL, TEXAS 75087
(972) 771-0000

ENGINEER/SURVEYOR
DOUPHRATE & ASSOCIATES, INC.
P.O. BOX 1338
ROCKWALL, TEXAS 75087
(972) 771-0004

FINAL PLAT
LOT 1, BLOCK A
HERITAGE CHRISTIAN ACADEMY ADDITION
(BEING A REPLAT OF FIRST UNITED METHODIST CHURCH ADDITION AND A REPLAT OF OUR LADY OF THE LAKE CATHOLIC CHURCH ADDITION)
6.841 AC. - 1 LOT
B.J.T. LEWIS SURVEY, ABSTRACT NO. 225
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PRODUCT: SURVEY
DATE: JUNE 22, 2004
SCALE: AS SHOWN
DRAWN: J. BROWN
CHECKED: K. BROWN

DOUPHRATE & ASSOCIATES, INC.
2385 BRUCE ROAD
ROCKWALL, TEXAS 75087
PHONE: (972) 771-1004

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Exhibit 'B':
Site Plan

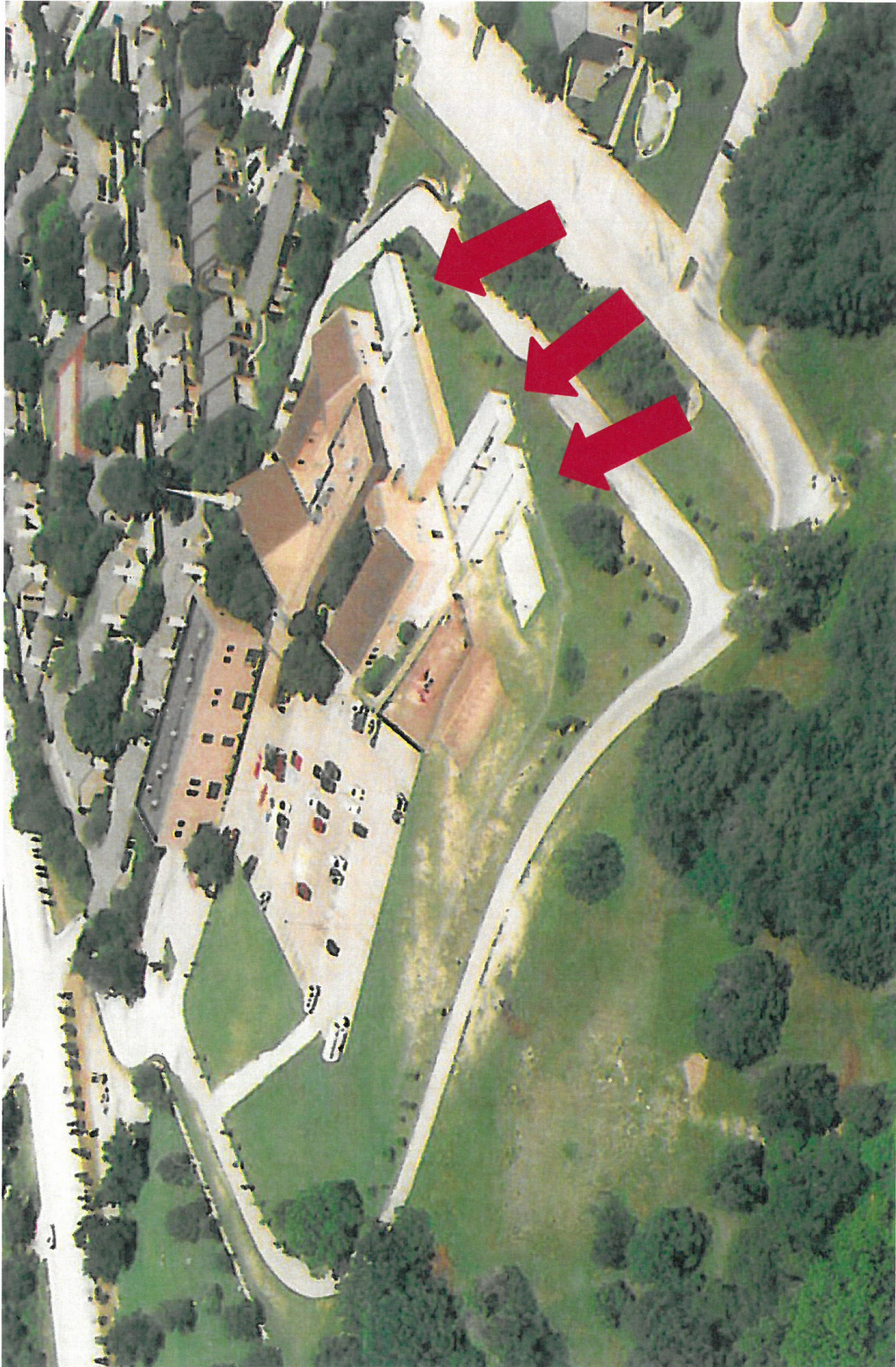


Exhibit 'C':
Applicant's Letter



February 8, 2023

To: Rockwall City Council

Ryan Lewis, AICP, Director of Planning

From: Brad Helmer, Head of School

Heritage Christian Academy

Mr. Lewis and Council Members,

First let me say on behalf of the HCA community how grateful we are that you worked with us to bring our gymnasium and classroom building to fruition. We are looking at a May completion date and could not be more excited. Your willingness to allow us to keep our portables during the building process despite the track record does not go unnoticed!

Please know that while the intent of this letter is to respectfully request one additional year with our portable classrooms, we will fulfill our commitment to you and remove the portable buildings this summer should you choose to deny this request. That said, I would like to present the following information as you consider the application for the SUP.

Current enrollment is 424 students: 264 elementary and 160 secondary students. This is the **largest** number of enrolled students in HCA's 28-year history. In January of each year, we re-enroll current families for the next school year. After accounting for the 20 seniors who will graduate, we have re-enrolled 378 students, which is a 93% retention rate.

Open enrollment for new students begins in February of each year for the next school year (23-24). We have already enrolled 17 new students. We have 20 students who are in varying stages of enrollment, and 20 students who have shown interest in moving forward with enrollment. Yesterday alone, we had 18 families attend an Open House to learn about the school. All this to say, we are only in February, and we are about to match, for 23-24, our current enrollment number. Historically, the bulk of our enrollment of new students happens between April and August, so there is no telling how many students we may have the opportunity to enroll before the 23-24 school year begins in August.

This is where I need to share with you my logistical concerns. It does not matter how many new students wish to attend HCA if we do not have space to accommodate them. When my portables, which represents 6 classrooms, are gone, I will move those students to the six new classrooms in our gym building. The net increase, however, is zero. Currently, including the portables, I have 37 classrooms available. So, in planning for next year, when my portables go away - even though I have 6 new classrooms - I have no additional room for the number of students we could potentially enroll.