

CITY OF ROCKWALL

ORDINANCE NO. 23-64

SPECIFIC USE PERMIT NO. S-320

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR *HEAVY MANUFACTURING* ON A 32.00-ACRE PORTION OF A LARGER 77.148-ACRE TRACT OF LAND IDENTIFIED AS TRACT 6 OF THE J. H. B. JONES SURVEY, ABSTRACT NO. 125, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* 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 Phil Wagner of the Rockwall Economic Development Corporation (REDC) for the approval of a Specific Use Permit (SUP) for *Heavy Manufacturing* on a 32.00-acre portion of a larger 77.148-acre tract of land identified as Tract 6 of the J. H. B. Jones Survey, Abstract No. 125, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, generally located at the southwest corner of the intersection of Data Drive and Discovery Boulevard, and being more specifically described in *Exhibit 'A'* and depicted in *Exhibit 'B'* 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 (UDC) [*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. The Unified Development Code (UDC) [*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) for a *Heavy Manufacturing* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 05.02, *Light Industrial (LI) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- *as heretofore amended and as may be amended in the future* -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Heavy Manufacturing Facility* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The development of *Phase 1* of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) The development of the *Subject Property* shall generally conform to the Phasing Plan as depicted in *Exhibit 'C'* of this ordinance.
- 3) The development of the *Subject Property* shall generally conform with the architecture and design images depicted in the Concept Building Elevations contained in *Exhibit 'D'* of this ordinance; however, conformance to the Concept Building Elevations does not constitute a waiver, variance, or exception to any of the development requirements contained in the Unified Development Code (UDC). In addition, development of the subject property shall be subject to recommendations made by the Architecture Review Board (ARB) through the site plan review process.
- 4) In the event that the property owner fails to complete the *Phase 1* improvements depicted in *Exhibit 'B'* of this ordinance and does not receive a Certificate of Occupancy (CO) from the City of Rockwall within a period of four (4) years from the approval date of this ordinance (*i.e. December 3, 2027*) this Specific Use Permit (SUP) shall expire. If an extension of the Specific Use Permit (SUP) is necessary, the property owner shall submit a request in writing to the Director of Planning and Zoning no less than 90 days prior to the expiration date of this ordinance (*i.e. prior to September 4, 2027*). Upon receipt of a request for an extension, the Director of Planning and Zoning shall bring the request forward to Planning and Zoning Commission and City Council for review. The Planning and Zoning Commission and City Council shall be charged with determining if an extension of the Specific Use Permit (SUP) is warranted. This shall be conducted in accordance with the process and procedures outlined in Subsection 02.03, *Procedures for Zoning Applications*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC), and with which this ordinance was originally adopted.

2.2 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) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner 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 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 Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning 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 offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. 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 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 4TH DAY OF DECEMBER, 2023.**



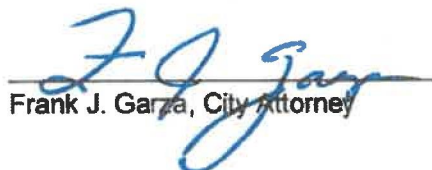
Trace Johannessen, Mayor

ATTEST:



Kristy Teague, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: November 20, 2023

2nd Reading: December 4, 2023

Exhibit 'A'
Legal Description

BEING a tract of land situated in the J.B. Jones Survey, Abstract No. 125 and the J.A. Ramsey Survey, Abstract No. 186, in the City of Rockwall, Rockwall County, Texas, being part of Lot 1, Block B, of Rockwall Technology Park Phase V, an addition to the City of Rockwall, as described in Document No. 2023000006632, in the Official Public Records of Rockwall County, Texas (O.P.R.R.C.T.), said Lot being part of a tract of land described in a Deed to Rockwall Economic Development Corporation, as described in Volume 5528, Page 194, in the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found at the most northerly northwest corner of said Lot 1, being in the south line of Discovery Boulevard (85-foot right-of-way);

THENCE North 88 degrees 23 minutes 40 seconds East, with the north line of said Lot 1 and the south line of said Discovery Boulevard, a distance of 929.29 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found at the point of curvature of a curve to the right, having a radius of 807.50 feet and a central angle of 13 degrees 13 minutes 52 seconds;

THENCE continuing with the north line of said Lot 1 and south line of said Discovery Boulevard, and with said curve to the right, an arc distance of 186.47 feet (Chord Bearing South 84 degrees 59 minutes 24 seconds – 186.06 feet);

THENCE South 01 degree 42 minutes 43 seconds East, departing the north line of said Lot 1 and south line of said Discovery Boulevard, a distance of 1,200.92 feet to the south line of said Lot 1, being the north line of Springer Road (80-foot right-of-way);

THENCE South 88 degrees 36 minutes 34 seconds West, with the south line of said Lot 1 and the north line of said Springer Road, a distance of 879.70 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found;

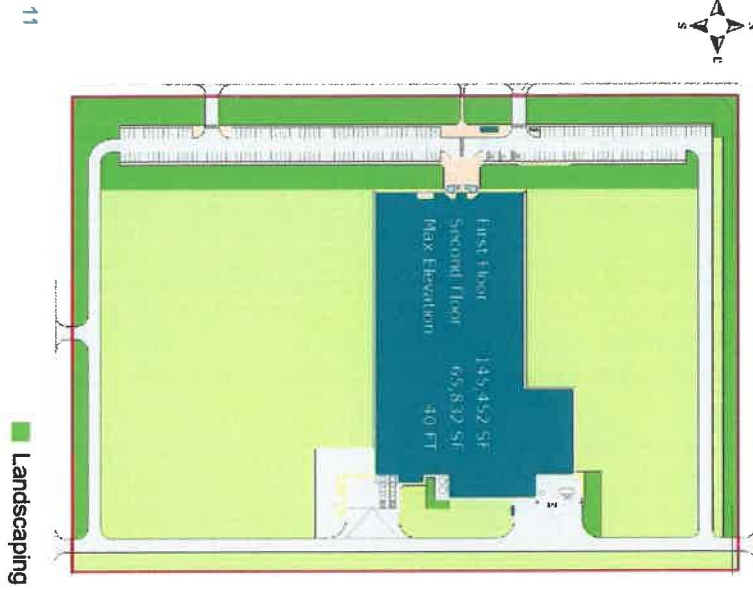
THENCE North 46 degrees 34 minutes 32 seconds West, continuing with the south line of said Lot 1 and north line of Springer Road, a distance of 41.45 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found in the east line of Data Drive (65-foot right-of-way);

THENCE North 01 degree 42 minutes 44 seconds West, with the west line of said Lot 1 and the east line of said Data Drive, a distance of 1,159.54 feet to a 1/2-inch iron rod with red cap stamped "PJB SURVEYING" found;

THENCE North 43 degrees 20 minutes 28 seconds East, continuing with the west line of said Lot 1 and east line of Data Drive, a distance of 42.39 feet to the *POINT OF BEGINNING* and containing 32.00 acres of land.

Exhibit 'B'
Concept Plan

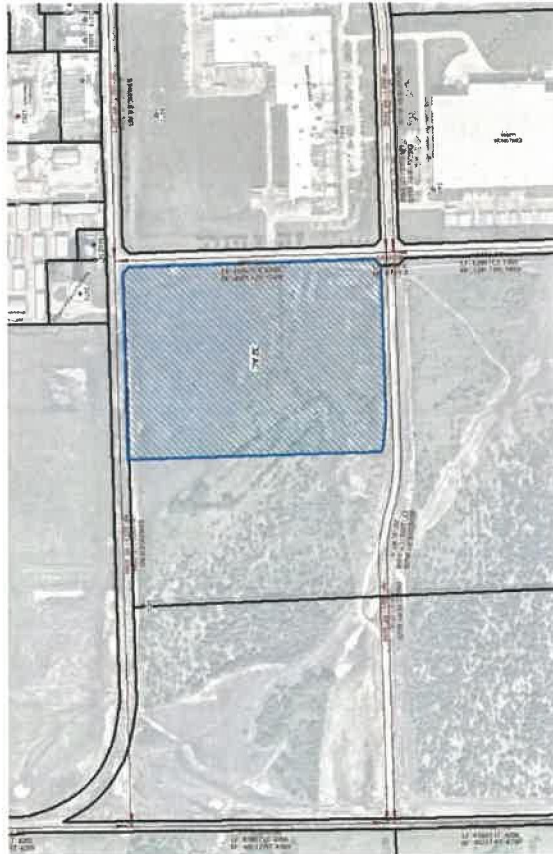
Phase 1 Plot Layout



Landscaping

11

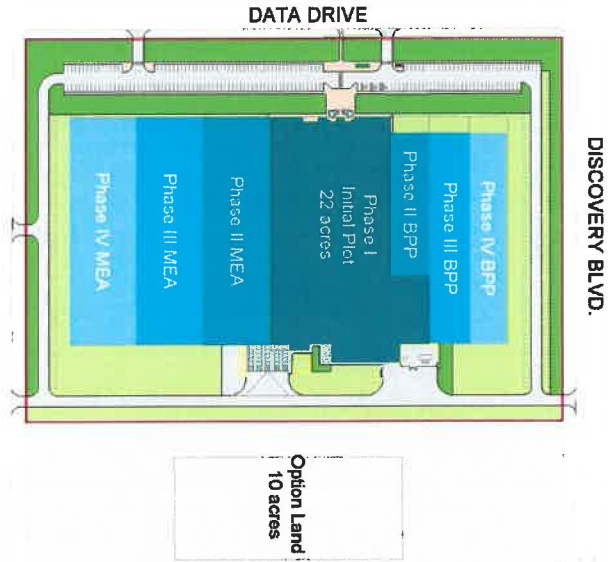
Phase 1 is positioned to enable the subsequent phases of the building with minimal disruption. Car parking provided for 201 vehicles



BALLARD™

Exhibit 'C'
Phasing Plan

Expansion Including Option Land

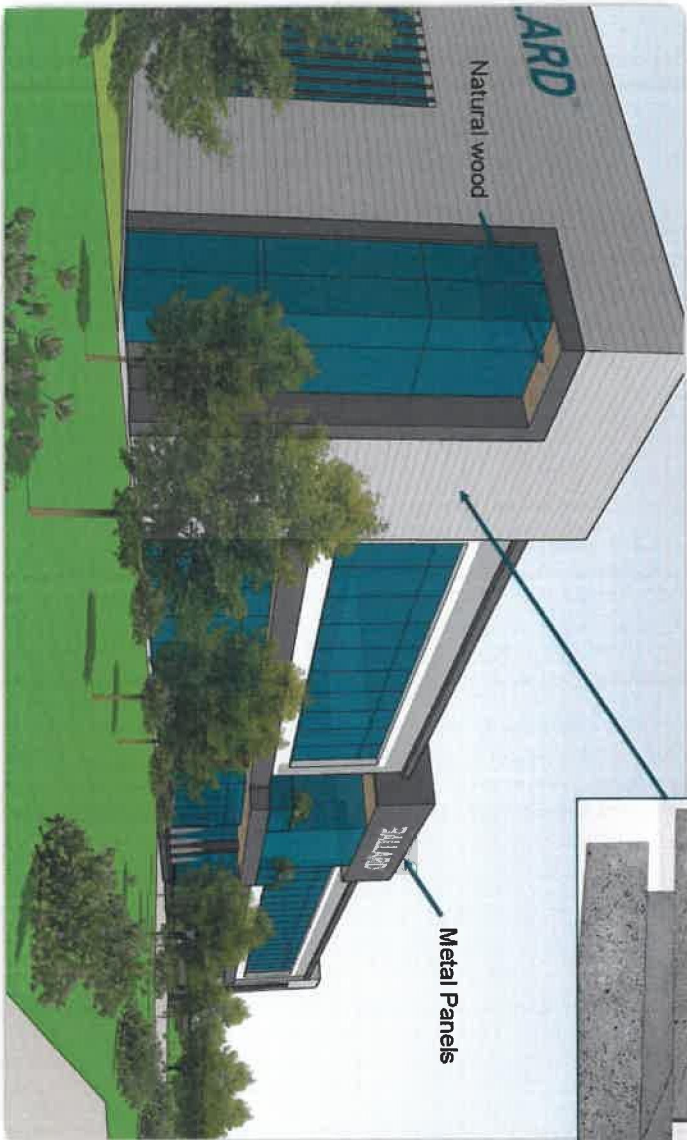


The building is designed to be expanded in phases or sub-phases for capacity expansion. Whilst likely that MEA and BPP phases are built at the same time they could be independent. Module, office and warehouse additions onto the MEA are envisaged but may not occur. A separate R&D building may be erected on the option land

BALLARD™

Exhibit 'D'
Concept Building Elevations

Concept Architecture



Natural Stone

Platinum PLANC™
 Large Format Stone Venues

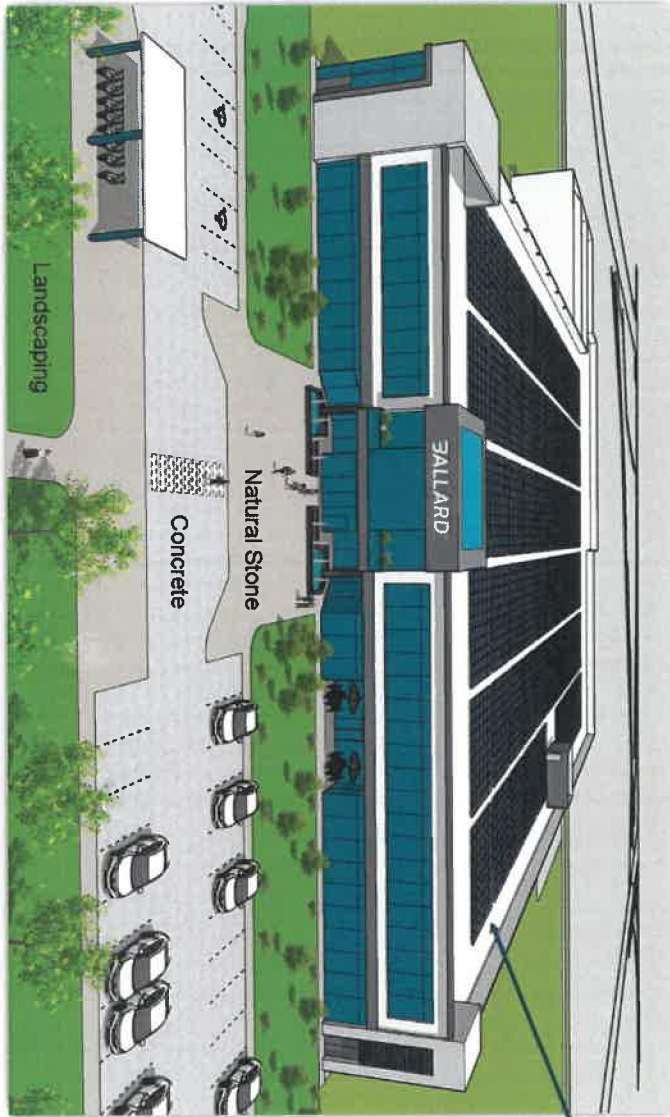
PRODUCT DETAILS BELOW: this is the stone and do not mistake the Planc Series with a trending color and the unique surface texture that you'll only find with natural stone. Order your sample kit today!



BALLARD™

Exhibit 'D'
Concept Building Elevations

Concept Architecture



1.4MW solar PV

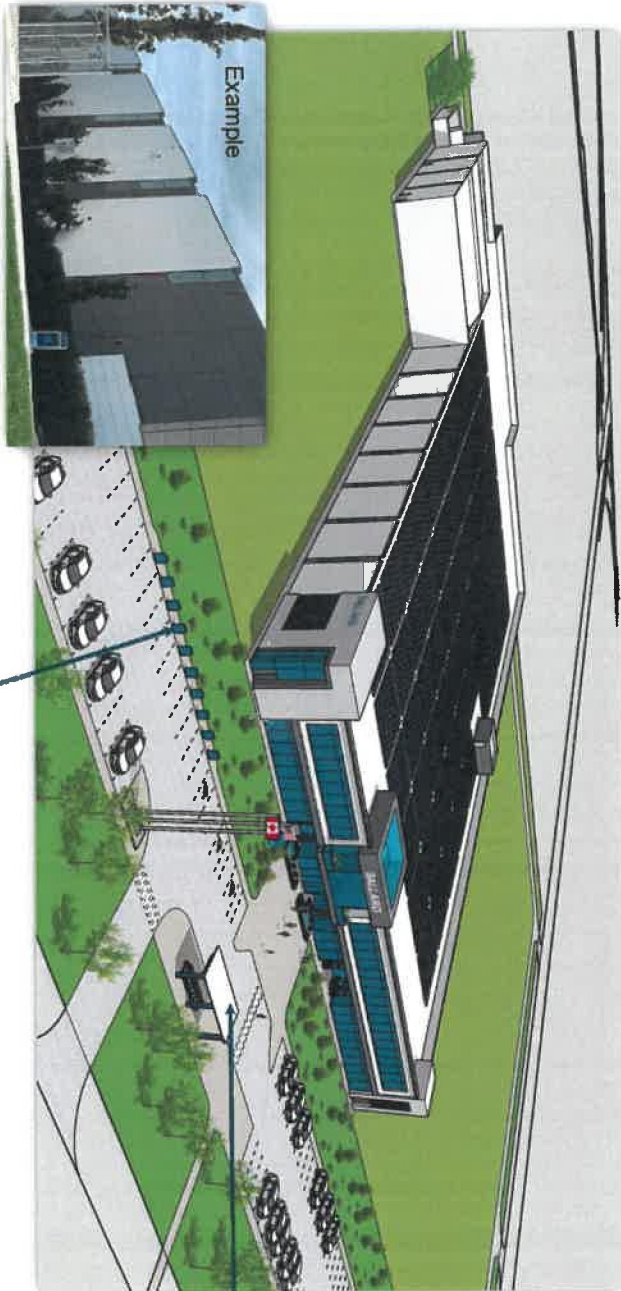
14

WEST
DATA DRIVE

BALLARD™

Exhibit 'D'
Concept Building Elevations

Concept Architecture

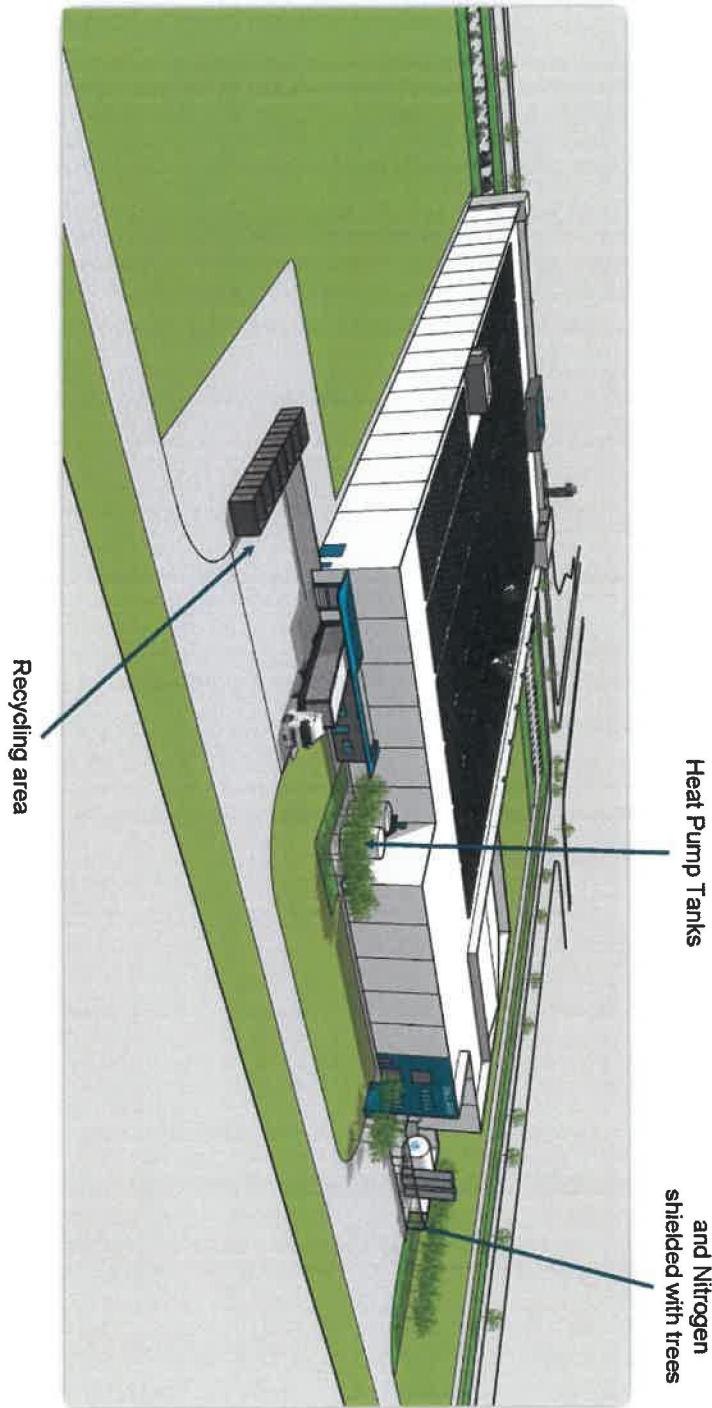


15

3ALLARD™

Exhibit 'D'
Concept Building Elevations

Concept Architecture



16

BALLARD™

Exhibit 'D'
Concept Building Elevations

Elevations

