

**CITY OF ROCKWALL**

**ORDINANCE NO. 11-38**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL AS PREVIOUSLY AMENDED SO AS TO APPROVE A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A "CONGREGATE CARE FACILITY" WITHIN THE (GR) GENERAL RETAIL DISTRICT, ON A TRACT OF LAND CONTAINING APPROXIMATELY 4.279-ACRES AND MORE SPECIFICALLY DESCRIBED HEREIN AS EXHIBIT "A"; 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**, a request has been received from Mark Lowen of The Lenity Group, LLC for a Specific Use Permit (SUP) within the (GR) General Retail district to allow for a "congregate care facility" on a 4.279-acre tract of land known as Tract 16-5, Abstract 145, J. D. McFarland Survey, and more specifically described herein as Exhibit "A"; 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 the Unified Development Code 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 (Ord. No. 04-38) of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to grant a Specific Use Permit (SUP) within the (GR) General Retail district to allow for a "congregate care facility" on a 4.279-acre tract of land known as Tract 16-5, Abstract 145, J. D. McFarland Survey, and more specifically described herein as Exhibit "A"; and

**Section 2.** That the Specific Use Permit shall be subject to the conditions set forth in **Article V, Section 4.4 (GR) General Retail District**, of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

1. That the subject property described in Exhibit "A" shall strictly adhere to the SUP Concept Plan attached hereto as Exhibit "B."
2. Future development of the property will require submittal and approval of a site plan, engineering plans, and final plat.
3. That the use shall strictly comply with the definition and allowances provided for "congregate care" in Article IV of the Unified Development Code.
4. That there shall be a maximum of 118 congregate care units in the development.

5. That there shall be a minimum of 40% open space provided in the development.
6. That a minimum of 0.73-parking spaces shall be provided per unit.
7. That the maximum building size shall be 115,000-sf.
8. That the maximum height shall be 40-feet, as defined in the Unified Development Code.
9. That the congregate care facility be non-smoking.

**Section 3.** That the official zoning map of the City be corrected to reflect the changes in zoning described herein.


**Section 4.** 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 5.** 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 of the City of Rockwall, Texas, 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.

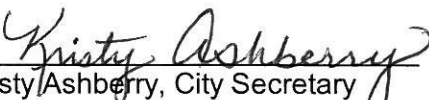
**Section 6.** That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

**Section 7.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 6<sup>th</sup> day of September, 2011.**

  
\_\_\_\_\_  
David Sweet, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Pete Eckert, City Attorney



1<sup>st</sup> Reading:08-15-11

2<sup>nd</sup> Reading:09-06-11

Exhibit "A"  
Z2011-018 (The Lenity Group)

DESCRIPTION OF PROPERTY SURVEYED:

BEING a tract of land situated in the J. D. McFarland Survey, Abstract No. 145, City of Rockwall, Rockwall County, Texas, and being all of a called 4.263 acre tract of land, conveyed to Andrews Leasing, Inc., as evidenced in a Deed without Warranty as recorded in Volume 1375, Page 290 of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for the east corner of said 4.263 acre tract, same being the north corner of Lot 1, Block A of Rockwall Ford Addition, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet D, Slide 355 of the Plat Records of Rockwall County, Texas (P.R.R.C.T.), same being on the apparent southwesterly line of a called 7.624 acre tract of land, conveyed to the City of Rockwall, Texas, as evidenced in a Special Warranty Deed recorded in Volume 747, Page 52, D.R.R.C.T.;

THENCE South 47°46'07" West, along the southeasterly line of said 4.263 acre tract and the northwesterly line of said Lot 1, Block A of Rockwall Ford Addition, a distance of 463.78 feet to a 5/8-inch "KHA" capped iron rod set for the south corner of said 4.263 acre tract and the west corner of said Lot 1, Block A, said iron rod being located 1.7 feet northeast of the monumented northeasterly line of Lot 1, Block A of Rockwall Place Apartments, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet D, Slide 53, P.R.R.C.T.;

THENCE North 45°59'08" West, along the southwesterly line of said 4.263 acre tract, passing at a distance of 399.95 feet, a 1/2-inch iron rod found for the north corner of said Lot 1, Block A of Rockwall Place Apartments, continuing for a total distance of 401.02 feet to a 5/8-inch "KHA" capped iron rod set for the west corner of said 4.263 acre tract, same being on the southeasterly right of way line of Yellow Jacket Lane (a called 90' wide right of way);

THENCE in a northeasterly direction, along the northwesterly line of said 4.263 acre tract and the southeasterly right of way line of said Yellow Jacket Lane, the following:

North 43°40'21" East, a distance of 27.46 feet to a 5/8-inch "KHA" capped iron rod set for the point of curvature of a curve to the right;

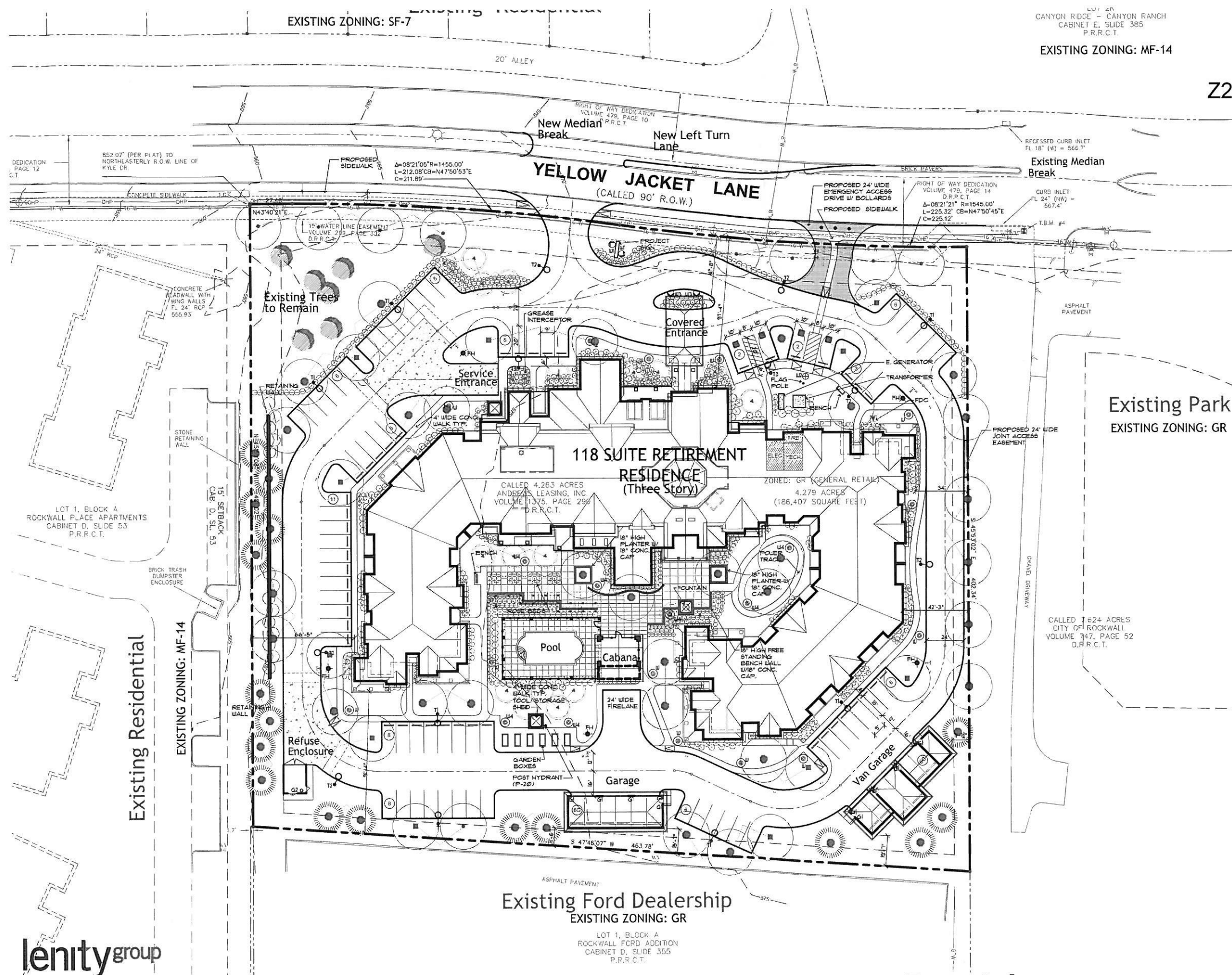
Along the arc of said curve to the right, through a central angle of 08°21'05", having a radius of 1,455.00 feet, a chord bearing of North 47°50'53" East, a chord distance of 211.89 feet and an arc length of 212.08 feet to a 5/8-inch "KHA" capped iron rod set for the point of reverse curvature of a curve to the left;

Along the arc of said curve to the left, through a central angle of 08°21'21", having a radius of 1,545.00 feet, a chord bearing of North 47°50'45" East, a chord distance of 225.12 feet and an arc length of 225.32 feet to a 5/8-inch "KHA" capped iron rod set for the north corner of said 4.263 acre tract, same being on the southwesterly line of aforesaid 7.624 acre City of Rockwall tract;

THENCE South 45°53'02" East, departing the southeasterly right of way line of said Yellow Jacket Lane, along the northeasterly line of said 4.263 acre tract and the southwesterly line of said 7.624 acre tract, a distance of 402.34 feet to the POINT OF BEGINNING and containing 4.279 acres (186,407 square feet) of land, more or less.

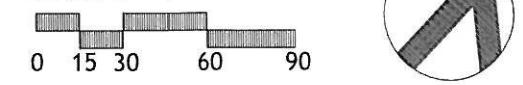
Exhibit "B"  
 SUP Concept Plan  
 Z2011-018 - Congregate Care

EXISTING ZONING: MF-14



# SUP CONCEPT PLAN

DATE: 09 August 2011  
 SCALE: 1" = 30'-0"



**PROJECT STATISTICS:**  
 CURRENT ZONING: UNDEVELOPED - GR  
 FEMA: ZONE - X

**PD BOUNDARY AND PROJECT AREA:**  
 TOTAL AREA 4.26 AC 185,566 SQ. FT.

**AREA CALCULATIONS:**

BUILDING FOOTPRINTS:	45,218 SQ. FT.	24.3%
PATIOS / WALKS:	11,101 SQ. FT.	6.0%
DRIVES / PARKING:	51,136 SQ. FT.	27.6%
OPEN SPACE:	81,869 SQ. FT.	42.1%

**STRUCTURES BUILDING:**

**RETIREMENT BUILDING:**

FIRST FLOOR:	41,488 SQ. FT.
SECOND FLOOR:	35,322 SQ. FT.
THIRD FLOOR:	35,324 SQ. FT.
<b>TOTAL:</b>	<b>112,134 SQ. FT.</b>

CABANA:	708 SQ. FT.
GARAGE:	1,302 SQ. FT.
VAN GARAGE:	1,720 SQ. FT.

**PROPOSED BUILDINGS:**

FINISHED FLOOR TO MEAN HEIGHT	38'-0"
TYPE OF CONSTRUCTION	V-A

- PARKING:**
- 4 ACCESSIBLE SPACES
  - 12 GARAGE SPACES
  - 74 OPEN SPACES
  - 90 SPACES PROVIDED



471 High Street SE, Suite 10 Salem, Oregon 97301  
 P 503 399 1090 F 503 399 0565 W lenitygroup.com

ARCHITECTURE PROVIDED BY DANIEL ROACH, ARCHITECT

# Rockwall Retirement Residence

Rockwall, Texas



9310 NE Vancouver Mall Dr., Suite 200  
 Vancouver, WA 98662-8210  
 (360) 213-1550 Fax (360) 213-1540