

CITY OF ROCKWALL

ORDINANCE NO. 12-19

SPECIFIC USE PERMIT NO. S-97

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT WITHIN PLANNED DEVELOPMENT DISTRICT 50 (PD-50) ALLOWING FOR A DAYCARE FACILITY, THE SUBJECT PROPERTY IS LOCATED AT 502 N. GOLIAD STREET, BEING A 0.37 ACRE TRACT OF LAND DESCRIBED AS LOT 1, BLOCK 1 OF BLACK'S COLLECTABLES ADDITION; 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 Karri Shojaei-Scott for a Specific Use Permit within Planned Development District 50 (PD-50) allowing for a Day Care Facility on the property located at 502 N. Goliad Street, being a 0.37 acre tract of land described as Lot 1, Block 1 of Black's Collectables Addition, City and County of Rockwall, Texas; 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 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit allowing for a Day Care Facility within Planned Development District 50 (PD-50), on the subject property at 502 N. Goliad Street, being a 0.37 acre tract of land described as Lot 1, Block 1 of Black's Collectables Addition, City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in "**PD-50**" **Planned Development District-50 (PD-50) & Section 4.2, "R-O" Residential Office District, of Article V, District Development Standards, of the City of Rockwall Unified Development Code (Ordinance 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 and definitions.

2.1 Permitted Use Definitions

Day Care Facility: A facility enrolling seven (7) or more children where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a child care facility in accordance with Rockwall's Municipal Code of Ordinances.

2.2 Operational Conditions

The following conditions pertain to the operation of a Day Care Facility on the subject property at 502 N. Goliad Street and conformance to these stipulations are required for continued operations:

- 1) That the Site Plan depicted in Exhibit 'A' shall control the development of the Child Care Facility.
- 2) All areas designated for outside play be located at the rear or side yards of the subject property. No outside play areas shall be permitted in the front yard of the subject property.

- 3) The facility is not permitted to exceed an enrollment of 29 children or exceed the children to caregiver ratios as stipulated by the Texas Administrative Code.
- 4) No parking, standing or stopping will be permitted in the twenty (20') foot cross access easement. This will include the act of picking-up and dropping-off of children.
- 5) Parking along, adjacent to or in the right-of-way of SH-205 shall be prohibited. Parking in front of the building for any reason shall also be prohibited.
- 6) Signage for the site shall conform to the Old Historic Rockwall Historic District Guidelines detailed in Exhibit B of Ordinance No. 02-46 (PD-50) and the North Goliad Corridor Overlay (NGCOV) District.

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

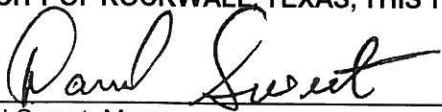
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 offence 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.

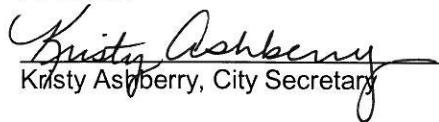
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6th DAY OF AUGUST, 2012.



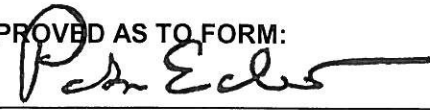
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 07-16-12

2nd Reading: 08-06-12

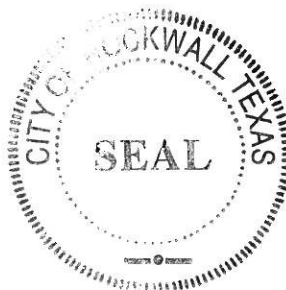
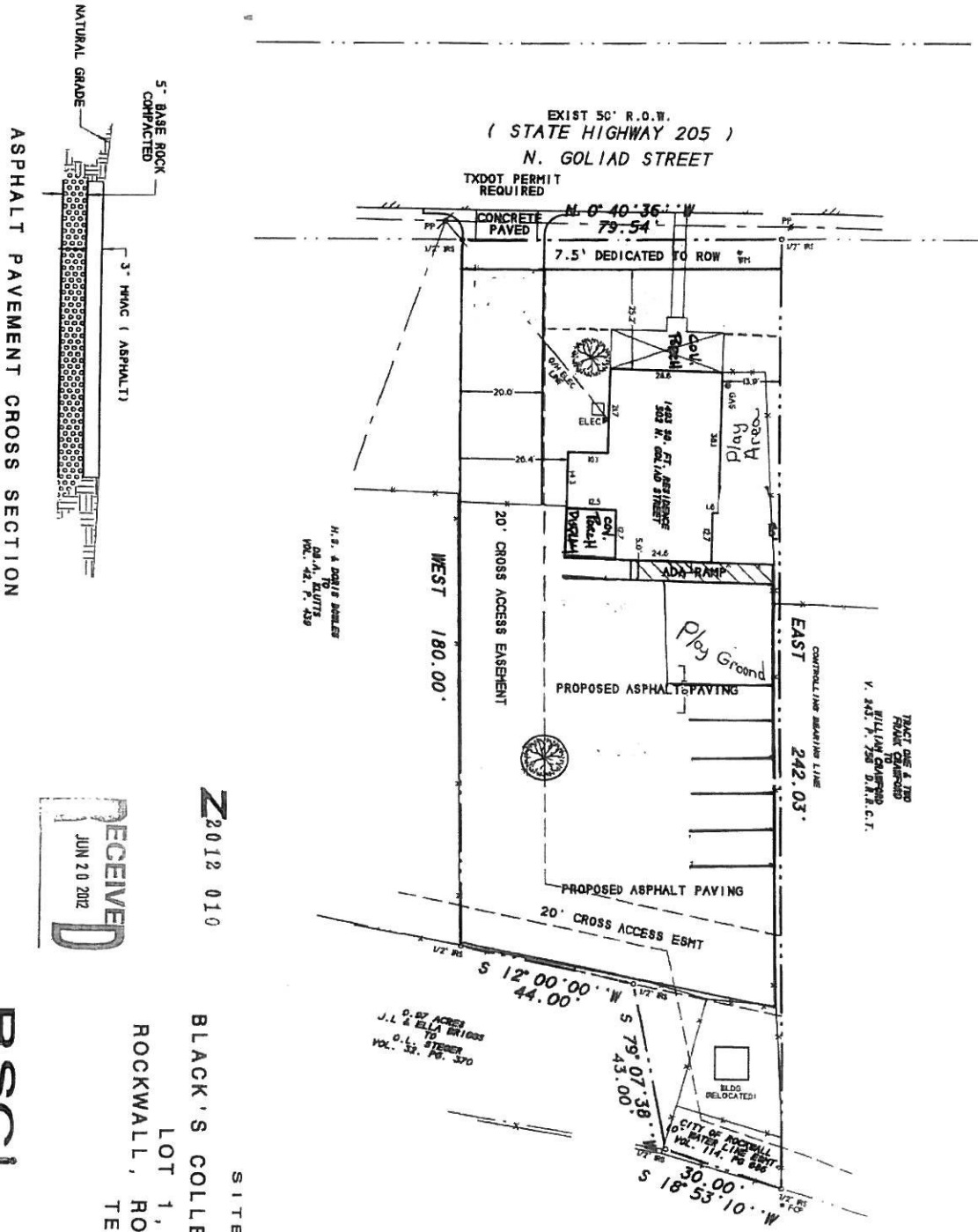


Exhibit A: Site Plan
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Z2012 010



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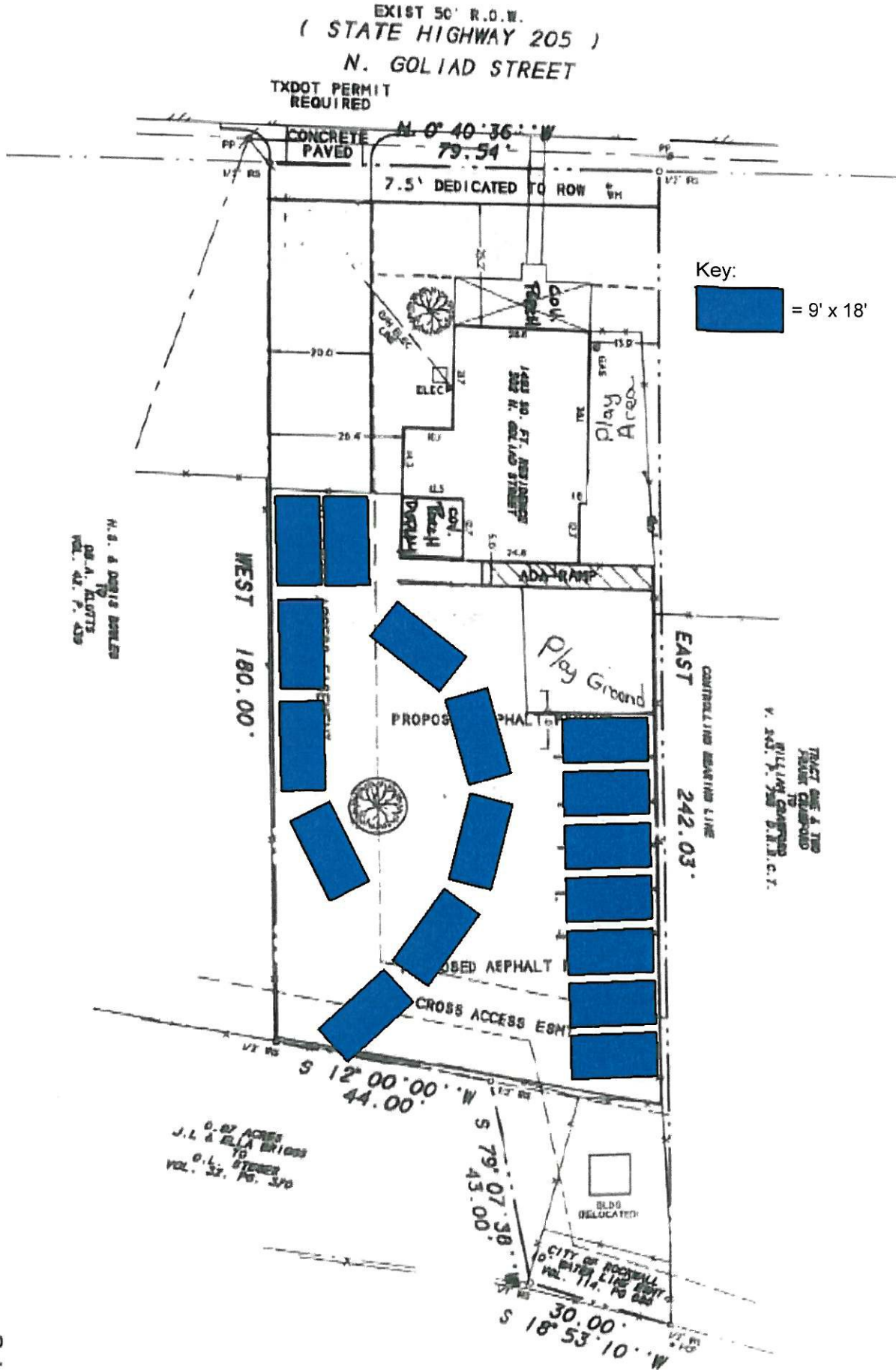
SITE PLAN
 BLACK'S COLLECTABLES ADDITION
 LOT 1, BLOCK 1
 ROCKWALL, ROCKWALL COUNTY
 TEXAS

RSCI LAND SURVEYING
 ROCKWALL SURVEYING CO., INC.
 1844 S. FM 551, NOVAE CITY, TX 75119 917-728-0464 PHONE 972-772-8443 FAX

REPORT DATE: APRIL 15, 2012
 SCALE: 1" = 30' PARALLEL 1155-5
 SHEET: BLOCK 01 OF 2008

SYMBOL	LEGEND
(Symbol)	AS
(Symbol)	LS
(Symbol)	MS
(Symbol)	PS
(Symbol)	TS
(Symbol)	US
(Symbol)	VS
(Symbol)	WS
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Exhibit B: Parking Layout
(Page 1 of 1)



BUSINESS PLAN



MARIGOLD LEARNING ACADEMY

Childcare

502 N. Goliad Str.

Rockwall TX.

75087

Email: marigoldlearningacademy@gmail.com

May, 26 2012

Marigold Learning Academy is a private, for-profit school for children with Autism Spectrum Disorders. The school was founded to provide a structured, nurturing, and stimulating learning environment for children with learning differences which prevent them from being successful in regular programs. The student body will be comprised of children ages 30 months through 1st grade, who have been diagnosed with Aspergers Syndrome, Autism, and Pervasive Development Disorders (PDD) or related Autism Spectrum Disorders (ASD).

Products and Services

Marigold Learning Academy is the only school in Rockwall County area with a program designed specifically for children with Autism. The program is unique in its ability to meet the needs of children with ASD, not only offering an academic program but also addressing the social and language challenges which make mainstreaming into regular classes so difficult. Enhancing self-confidence and building appropriate behaviors are an integral part of the program. We are dedicated to transforming the lives of children, their families and their community by providing the highest quality of services.

Marigold offers a challenging curriculum at all program levels addressing each of the major skill areas of Academic Development, Communication/Speech Therapy, Independence Skills Training, Structured Therapeutic Skills Development, Behavior Training, Occupational Therapy, Music Therapy, Art Therapy, Individualized Parent Training, Dietary/Nutritional Training, Animal- Assisted Therapy, School Transition Training, and most importantly, the social delays typical of children with autism. Structured and small student: teacher ratio is an important part of the program at all levels. No single method is used, but individual student needs are addressed.

Student teacher ratio is 7 students to 1 teacher; the maximum capacity is 29 students to 4 to 5 teachers/support staff.

Instructional times are from 8:00am to 3:00pm. Students will have the opportunity to attend before and after school program from 7:00-8:00, and 3:00pm- 4:30pm. The before and after school program will allow for flexibility in arrival and departure times. We anticipate that 30 to 40 percent of our students will participate in our before and after school program.

The academy will provide support to the local home school community; parents will have the opportunity to enroll students three days a week. We anticipate 20 percent of the total enrollment to comprise of home school students.

The academy will provide door to door services for student arrival and departure. Parents will drop off students using the designated drive-way, staff members will help students exit the cars and escort them into the school. When parents arrive in the afternoon, the teachers will escort their student's to their individual car. These procedures will allow for a constant flow of traffic during the peak times which will be at the start and end of a regular school day.

Marigold Learning Academy will maintain a web-based presence. Our site will provide general information on the company, a contact link for questions and other customer feedback, family access to Internet viewing of the facilities common instructional areas, information on our service(s)/curriculum, driving directions, business/academic hours, product/instructional material purchasing capability, etc. The web-based service will be open twenty-four hours a day and three hundred and sixty-five days per year.

Food Service

We will follow the nutrition and food service requirements as noted in the Texas Department of Family and Protective Services Minimum Standards for Child-Care Centers: (a) You must serve all children ready for table food regular meals and morning and afternoon snacks. (b) You must ensure a supply of drinking water is always available to each child and is served at every snack, mealtime, and after active play in a safe and sanitary manner. (c) You must not serve beverages with added sugars, such as carbonated beverages, fruit punch, or sweetened milk except for special occasion such as a holiday or birthday celebration. (d) You must not use food as a reward or punishment. In addition to state and local standards, we will also have a fruit and vegetable garden, gluten-free and casein-free diet will be offered and no artificial ingredients only wholesome foods.

Regulatory Requirements

Regulatory oversight is significant in the business industry. We will make application for all necessary local, state and federal licenses, registrations and permits.

Our primary regulatory obligations include the following: business reporting/compliance requirements, Texas Department of Family and Protective Service – Child Care Licensing, staff criminal/drug/documentated worker background checks, student transportation, and food service regulations, State Department of Public Instruction (DPI) instructional staff certifications/licenses, professional malpractice/professional liability insurance, student confidentiality, student contracting/payment regulations.

All zoning, permits, certifications, and licensing will be fulfilled.