

**CITY OF ROCKWALL**

**ORDINANCE NO. 06-32**

**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 CHANGE IN ZONING FROM (C) COMMERCIAL DISTRICT TO (PD-68) PLANNED DEVELOPMENT NO. 68 DISTRICT, SPECIFICALLY TO ALLOW FOR AGE-RESTRICTED SENIOR HOUSING AND COMMERCIAL USES ON A 25.45-ACRE TRACT KNOWN AS TRACT 18, ABSTRACT 255, B.J.T. LEWIS SURVEY, AND MORE FULLY 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**, the City has received a request from Brad Forslund of Churchill Residential, Inc., for a change in zoning from (C) Commercial District to (PD-68) Planned Development No. 68 District, specifically to allow for age-restricted senior housing and commercial uses on a 25.45-acre tract known as Tract 18, Abstract 255, B.J.T. Lewis Survey, and more fully 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 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 change the zoning from (C) Commercial District to (PD-68) Planned Development No. 68 District, specifically to allow for age-restricted senior housing and commercial uses on a 25.45-acre tract known as Tract 18, Abstract 255, B.J.T. Lewis Survey, and more fully described herein as Exhibit "A";

**Section 2.** That the 25.45-acre subject property described in the legal description (Exhibit "A") and PD Concept Plan (Exhibit "B"), including the 6.31-acre "Tract 1" designated for age-restricted senior housing, shall be subject to the PD Development Standards attached herein as Exhibit "C."

**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 21<sup>st</sup> day of August, 2006.**

  
\_\_\_\_\_  
William R. Cecil, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Dorothy Brooks, City Secretary

**APPROVED AS TO FORM:**

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

**1<sup>st</sup> Reading: 07-17-06**  
\_\_\_\_\_

**2<sup>nd</sup> Reading: 08-21-06**  
\_\_\_\_\_

EXHIBIT "A"

Being an unspecified 6.3 acre tract of land situated in a 25.45 acre tract of land in the B.J.T. LEWIS SURVEY, ABSTRACT No. 255, Rockwall County, Texas, and being more particularly described on Exhibit A attached hereto and made a part hereof for all purposes.

Being a tract of land situated in the B.J.T. Lewis Survey, Abstract No. 255, and being part of the same tract of land conveyed to N.L. Lofland by deed recorded in Volume 24, Page 437, Deed Records, Rockwall County, Texas and said tract being more particularly described as follows:

BEGINNING at a point for a corner at the intersection of the Southeast right-of-way line of the M.K.&T. Railroad and the Northeast right-of-way line of State Highway 205, said point also being on a curve to the right having a central angle of 10 degrees 02 minutes 59 seconds, a radius of 3769.72 feet and a chord that bears North 27 degrees 53 minutes 16 seconds East, a distance of 660.36 feet;

THENCE around said curve in a Northeasterly direction with the Southeast right-of-way line of said railroad, an arc distance of 661.21 feet to a point for a corner;

THENCE South 88 degrees 12 minutes 53 seconds East, a distance of 1042.46 feet to an iron rod for a corner in a fence line;

THENCE South 23 degrees 03 minutes 24 seconds West along said fence, a distance of 306.93 feet to a point for a corner;

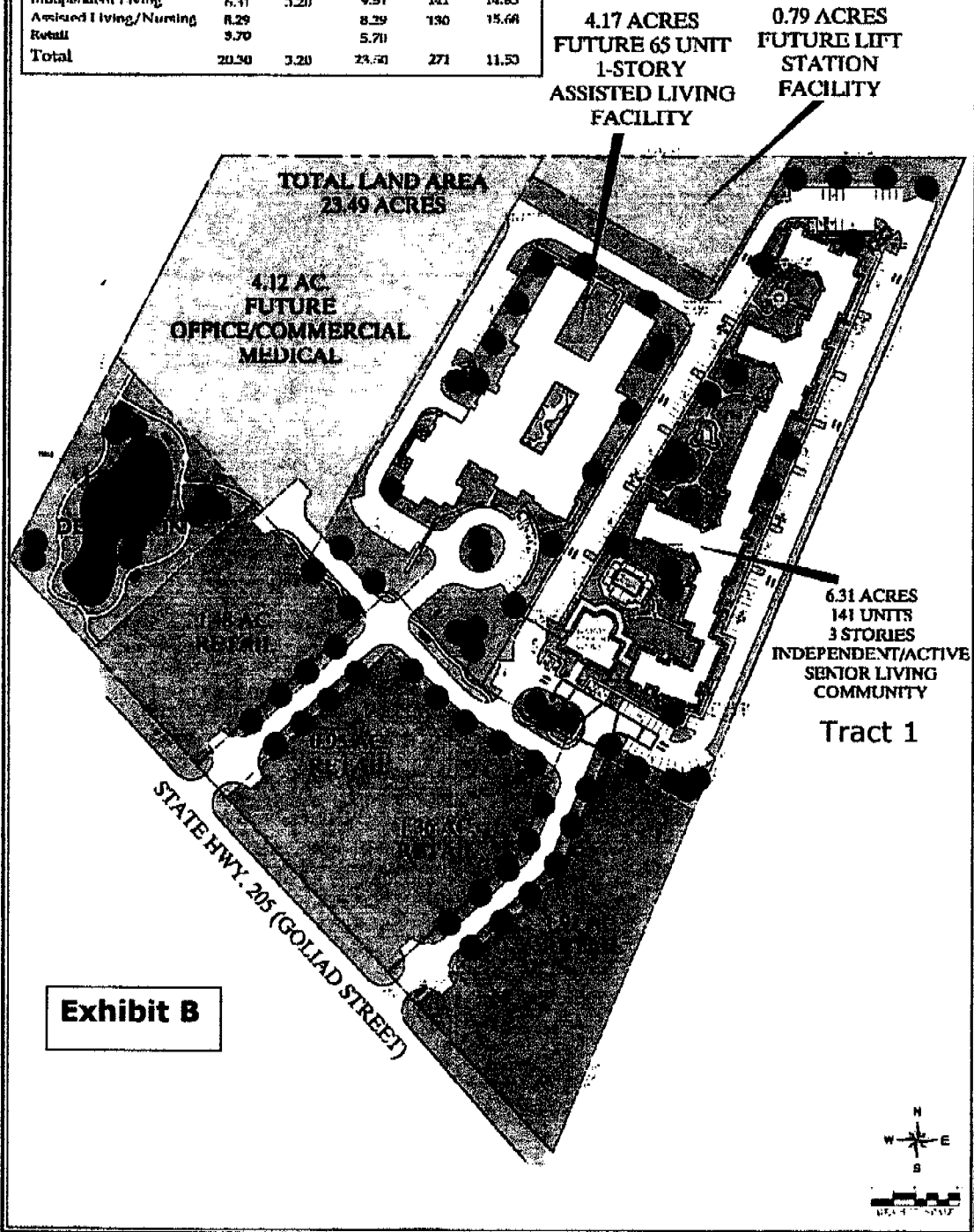
THENCE South 21 degrees 37 minutes 22 seconds West along said fence, a distance of 1216.35 feet to an iron rod for a corner on the Northeast right-of-way line of State Highway No. 205;

THENCE North 42 degrees 13 minutes 47 seconds West with said right-of-way line, a distance of 1164.12 feet to the POINT OF BEGINNING and containing 25.45 acres of land, including 0.61 acres in easements, leaving a net of 24.84 acres of land.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

### Density Chart

	Site	Common		Units	Density
		Area	Total		
Independent Living	6.31	3.20	9.51	141	14.80
Assisted Living/Nursing	8.29		8.29	130	15.68
Retail	3.70		5.70		
<b>Total</b>	<b>20.30</b>	<b>3.20</b>	<b>23.50</b>	<b>271</b>	<b>11.53</b>



**Exhibit B**

## Evergreen at Rockwall

August 2, 2006

## EXHIBIT "C"

### DEVELOPMENT STANDARDS FOR PROPOSED PLANNED DEVELOPMENT

These PD Development Standards apply to the 25.45-acre property described in the Legal Description (Exhibit "A") and PD Concept Plan (Exhibit "B") attached hereto and made a part hereof for all purposes.

#### A. GENERAL REQUIREMENTS

1. The 25.45-acre subject property described herein shall be used only in the manner and for the purposes provided for in **Article V, Section 4.5, Commercial (C) District** of the Unified Development Code of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and subject to the following additional conditions:

a. **Prohibited Land Uses.** In addition to uses prohibited in the Commercial (C) District as per **Article IV, Permissible Uses, Table 1 - Land Use Tables**, of the Unified Development Code, the following uses shall be prohibited within this PD:

- Animal Boarding/Kennel with or without outside pens
- Cemetery
- Billiard parlor or pool hall
- Carnival, circus or amusement ride
- Commercial Amusement/Recreation (Outside)
- Gun Club, Skeet or Target Range (indoor)
- Astrologer, Hypnotist or Psychic Art and Science
- Night Club, Discotheque or Dance Hall
- Pawn Shop
- Secondhand dealer
- Building and Landscape Material sales, with or without outside storage
- Research and Technology/ Light Assembly
- Auto Repair Garage, minor
- Boat and Trailer Dealership (new and used)
- Car Wash, Auto Detail
- Car Wash, Self Service
- Motor Vehicle Dealership, new or used
- RV Sales and Service
- Service Station
- Mining and Extraction (sand, gravel, oil and other)
- Helipad
- Railroad yard or shop

b. **Specific Uses.** In addition to uses requiring a Specific Use Permit (SUP) in the Commercial (C) District as per **Article IV, Permissible Uses, Table 1 - Land Use Tables**, of the Unified Development Code, the following uses shall require approval of a Specific Use Permit (SUP):

- Retail store with gas sales, with more than 2 dispensers, including an accessory car wash
2. **Development Plan.** A PD Development Plan shall be submitted for each tract, except for the 6.3-acre property designated for age-restricted senior housing and shown as "Tract 1" on the PD Concept Plan (Exhibit B). The PD Development Plan shall be submitted and approved in accordance with Article X of the Unified Development Code, and shall be reviewed for its conformity with the spirit and intent of this ordinance and to ensure overall connectivity within the Planned Development district.
  3. **Site Plan.** A PD Site Plan shall be submitted for each tract and approved in accordance with Article X of the Unified Development Code prior to any application for a building permit, except as noted for the 6.31-acre "Tract 1" in Section B.12 below. The PD Site Plan will be reviewed for its conformity with the spirit and intent of this ordinance.
  4. **Architectural Review.** All development within the PD shall adhere to the SH 205 Overlay district, as amended, and shall be subject to Architectural Review as part of the approval of the respective PD Site Plan, with the exception of "Tract 1" which shall adhere to the elevation drawings attached herein as Exhibit "D." All development shall adhere to architectural symmetry and design features that encourage connectivity and consistency with similar design themes.
  5. **Buried Utilities.** All overhead utilities shall be placed under ground except as otherwise approved by the City of Rockwall.
  6. **Lighting.** No light poles shall exceed 20 feet in height. All lighting fixtures shall focus light downward and be contained on site.
  7. **Open Space.** A minimum of 20% of each site shall be developed as open space, which may include landscaping buffers and islands, landscaped detention areas, hardscape gathering areas, and pool and other outdoor recreational areas.
  8. **Parks.** All residential development within the property shall be subject to review by the City of Rockwall Parks Board at the time of PD Site Plan and/or platting. The Parks Board shall make recommendations to the City Council regarding trail requirements, parkland dedication requirements and pro-rata equipment fees for the development.
  9. **Conformity with Other Ordinances.** Unless in conflict with the standards herein, development shall comply with the standards and procedures established by the City that are in effect at the time.
  10. **Additional Provisions.** Any additional provisions not covered within these requirements shall refer to the Unified Development Code.

## **B. AGE-RESTRICTED SENIOR HOUSING DEVELOPMENT STANDARDS ("TRACT 1" ONLY)**

### **1. Land Uses Allowed.**

- a. *Age Restricted Senior Housing*, which shall be defined according to the State of Texas and Federal Fair Housing Laws, including but not limited to the following:
  - 100% of the occupied units are occupied by at least one (1) person who is fifty-five (55) years of age or older, or handicapped;
  - The housing facility or community publishes and adheres to policies and procedures that demonstrate their intent to meet all provisions of the Housing for Older Persons Act of 1995.

- The housing facility or community complies with all rules issued by the Secretary of Housing and Urban Development for verification of occupancy.
  - The housing facility has significant facilities and services specifically designated to meet the physical or social needs of older persons.
- b. Private streets
- c. The following uses shall be permitted on "Tract 1" as an accessory use to age-restricted senior housing:
- Barber and Beauty Shop
  - Cafeteria/Common dining facilities
  - Chapel
  - Community Center
  - Drug store / Pharmacy
  - Game Court
  - Greenhouse
  - Handcrafted art work studio
  - Health Studio
  - Instructional Art Studio
  - Medical Treatment Services (such as a medical clinic, physical therapy services, inhalation therapy, and other related uses)
  - Office
  - Private recreation club or area
  - Retail store (food and other goods)
  - Snack Bar
  - Swimming pool
2. **Maximum number of units.** The 6.31-acre property described as "Tract 1" may contain no more than 145 multi-family units, all of which shall be "age-restricted" as defined above.
  3. **Building Height.** Building height shall not exceed 60 feet. Multi-story buildings shall be required to provide interior elevators.
  4. **Maximum Building Coverage** as a percentage of lot area – 45%
  5. **Masonry Requirement.** Buildings shall contain 95% masonry, excluding windows and doors and shall adhere to the elevation drawings herein attached as Exhibit "D." For the purposes of this ordinance, masonry shall be defined as brick, stone, cultured stone, cementaceous fiber board (Hardy Plank or similar in 9-inch or smaller width boards) and cementaceous stucco. The masonry requirements for all building facades shall include a minimum of 20% natural or quarried stone.
  6. **Building Articulation.** The buildings shall be highly articulated in a similar manner to the elevation drawings attached herein as Exhibit "D" illustrating the exterior finishes and treatments.
  7. **Unit Sizes.** The minimum unit size shall not be less than 700 s.f. and the average unit size shall not be less than 800 s.f. All units shall have interiors finished out in a like and similar manner to other Churchill Residential age-restricted properties located in Plano and Keller Texas.

8. **Parking.** No less than 1.2 parking spaces shall be provided per unit. Any attached or detached garages or carports shall be approved during the review of the site plan (with building elevations), and shall be constructed with materials matching the primary structure.
9. **Common Recreation Amenity.** The Age-Restricted Senior Housing area shall have a clubhouse facility including residence dining areas and a kitchen. In addition, other amenities such as an exercise club and pool shall be provided.
10. **Phasing.** No phasing of multi-family development shall be allowed.
11. **Screening from adjacent uses.** Additional landscaping and or screening shall be provided on all perimeter property lines adjacent to other uses. This may consist of solid landscaping such as hedgerows or a combination of iron (tubular steel) fencing and landscaping, or as otherwise approved by the Planning and Zoning Commission. A detail of this screening shall be included with the site plan submission.
12. **PD Site Plan.** The Planning Commission shall review the PD Site Plan for "Tract 1" and forward its recommendation to the City Council who shall review the final PD Site Plan and shall approve, conditionally approve, or deny the PD Site Plan. All required off-site improvements such as firelanes and access, utility and drainage facilities, and open space shall be approved as part of the PD Site Plan for Tract 1.

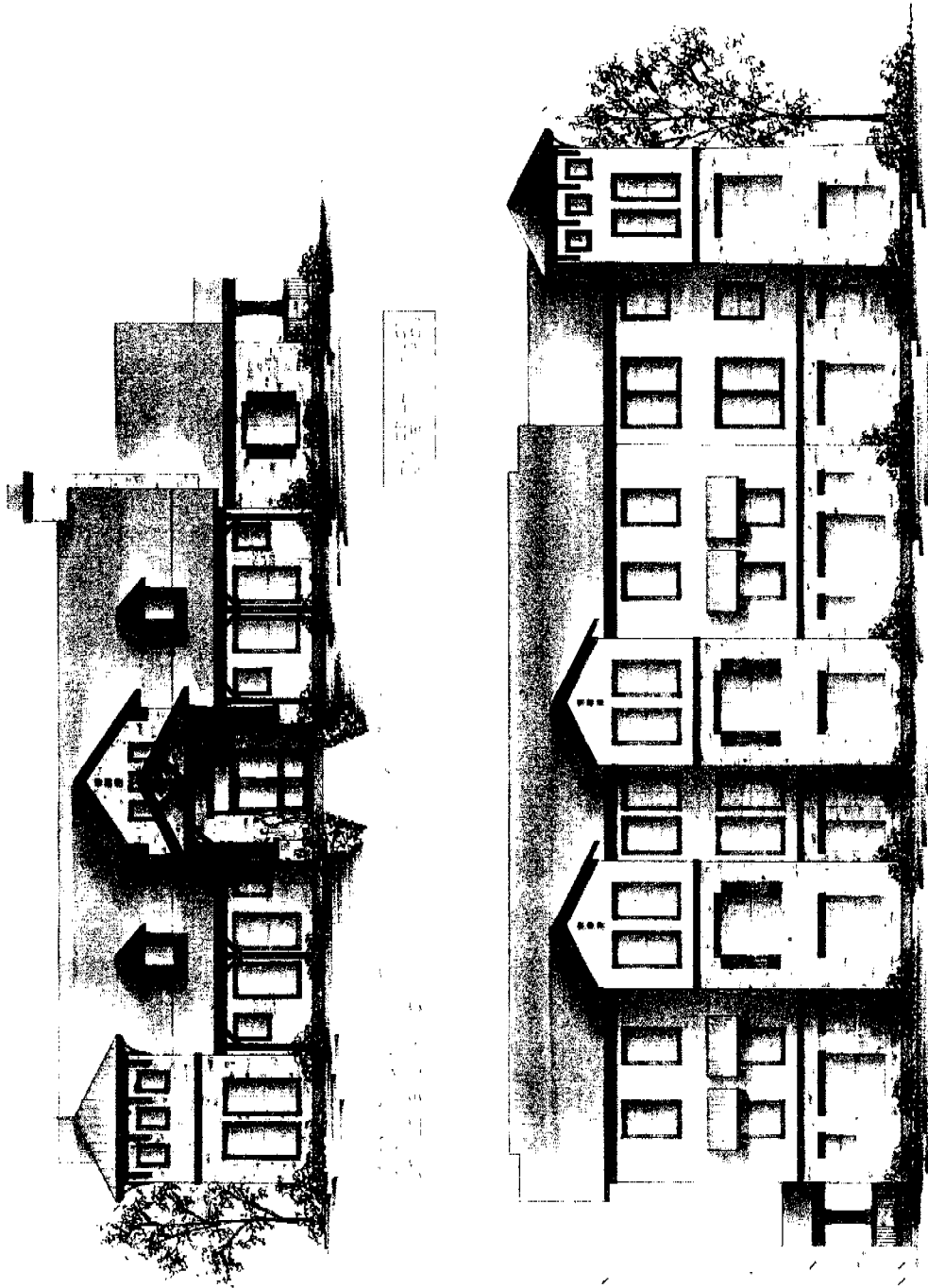




7-31-06

*Overgreen at Rockwall*  
Rockwall, Texas

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**Payment Reference:**

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ORD#06-32  
RCN= 9/7

**Total:** 57.00  
**Tax:** 0.00  
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**Prepaid:** 0.00  
**Total Due** 57.00

# PUBLISHER'S AFFIDAVIT

## THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the said newspaper meets the requirements of Section 2051.044 of the Texas Government Code to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Publisher further deposes and says that the attached notice was published in said news paper on the following date(s) to wit:

September 7<sup>th</sup> A.D. 2006

William Jordan  
Editor and Publisher

### SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

- a) is personally know to me, or  
 b) provided the following evidence to establish his/her identity.

on the 7<sup>th</sup> day of September A.D. 2006  
to certify which witness my hand and seal of office.



Patricia A. Shaw  
Notary Public, State of Texas

### CITY OF ROCKWALL

#### ORDINANCE NO. 06-32

**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 CHANGE IN ZONING FROM (C) COMMERCIAL DISTRICT TO (PD-68) PLANNED DEVELOPMENT NO. 68 DISTRICT, SPECIFICALLY TO ALLOW FOR AGE-RESTRICTED SENIOR HOUSING AND COMMERCIAL USES ON A 25.45-ACRE TRACT KNOWN AS TRACT 18, ABSTRACT 255, B.J.T. LEWIS SURVEY, AND MORE FULLY 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.**

*/s/William R. Cecil, Mayor*

*/s/Dorothy Brooks, City Secretary*

1st Reading: 7-17-06

2nd Reading: 8-21-06