

ORDINANCE NO. 01-29

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE (ORD. NO. 83-23) OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A CONDITIONAL USE PERMIT TO ALLOW A BUILDING WITH EXTERIOR WALLS WITH LESS THAN 90% MASONRY MATERIALS EXCLUDING OVERHEAD DOORS ON WALLS WITHOUT STREET FRONTAGE, ON 5.24 ACRES OF LAND, AS DESCRIBED IN EXHIBIT "A", 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; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, an amendment to the City of Rockwall Comprehensive Zoning Ordinance has been requested by Walter Pat Grady on behalf of Lakeside Chevrolet to provide for the general provision and requirements for a Conditional Use Permit to allow a building with exterior walls with less than 90% masonry materials excluding overhead doors on walls without street frontage, on 5.24 acres of land known as Lakeside Chevrolet Addition, Lot 2, Block A (2005 South Goliad) and as further described on Exhibit A attached hereto and made a part hereof; 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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance, as heretofore amended, be and the same is hereby amended by the approval of a Conditional Use Permit to allow a building with exterior walls with less than 90% masonry materials excluding overhead doors on walls without street frontage, on 5.24 acres of land as described on Exhibit A.

**Section 2.** That the tract of land described on Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall has heretofore amended, as amended herein by granting of this approval shall affect only the property as heretofore described and said property shall be limited to

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the uses, density, area, setback and other requirements set forth herein.

**Section 3.** That development on property described on Exhibit "A" shall be limited to uses and requirements listed in **§ 2.12 (C) Commercial Use District** of the City of Rockwall Comprehensive Zoning Ordinance (Ordinance No. 83-23) and the following conditions;

1. That the proposed building adhere to the exterior materials as shown on Exhibit "B" attached hereto and made a part hereof.

**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 Comprehensive Zoning Ordinance No. 83-23 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.

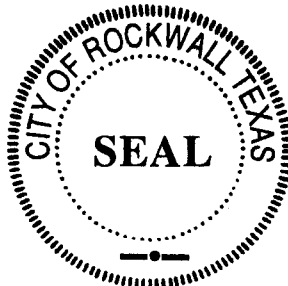
**Section 6.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 16 day of July, 2001.

*[Signature]*  
APPROVED

*Belinda Page*  
ATTEST

1st Reading 6-18-01  
2nd Reading 7-16-01



# EXHIBIT "A"

## OWNER'S CERTIFICATE

STATE OF TEXAS

COUNTY OF ROCKWALL

**WHEREAS**, Lakeside Chevrolet. Being owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

**DESCRIPTION**, of a 6.729 acre tract of land situated in the Joseph Cadle, Survey Abstract No. 65, Rockwall County Texas; said tract being comprised of a portion of the 17.1 acre tract described in deed to James R. Dudney recorded in Volume 47, Page 599 of the Real Property Records of Rockwall County, Texas and being the remainder of the of the same tract described in Warranty Deed from James R. Dudney to Lakeside Chevrolet Company recorded in Volume 101, Page 991 of the Real Property Records of Rockwall County, Texas; and all of Lot 1, Block A, the Grady Addition, an addition to the City of Rockwall, Texas according to the plat recorded in Cabinet C, Slide 72 of the Plat Records of Rockwall County, Texas; said 6.729 acre tract being more particularly dexscribed as follows:

**BEGINNING**, at a ½-inc iron rod with "Pacheco Koch" cap set; said point being in a northeast line of State Highway 205 (Goliad Street), (a variable width right-of-way, 100 feet wide at this point); said point being the south corner of the Crossing Addition, an addition to the City of Rockwall, Texas according to the Final Plat recorded in Cabinet C, Slide 108 of the Plat Records of Rockwall County, Texas; said point being South 30 degrees, 40 minutes, 00 seconds East, a distance of 544.17 feet from the southeast line of Yellowjacket Lane (a 50 foot wide right-of-way);

**THENCE**, North 45 degrees, 27 minutes, 45 seconds East, departing the said northeast line of State Highway 205 and along the southeast line of said Crossing Addition; said point being the most southerly corner of the Rockwall Business Park, an addition to the City of Rockwall, Texas according to the plat recorded in Cabinet A, Slide 283 of the Plat Records of Rockwall, Texas, then continuing along the southeast line of said Rockwall Business Park, in all a distance of 631..42 feet to a ½-inch iron rod found for corner in the southwest line of a tract of land described in deed to lone D. Stroble recorded in Volume 210, Page 303 of the Real Property Records of Rockwall County, Texas;

**THENCE**, South 45 degrees, 16 minutes, 21 seconds East (South 45 degrees, 02 minutes, 21 seconds East, Deed), along the said southwest line of the Stroble tract, a distance of 195.92 feet to a ½-inch iron rod found for corner; said point being the west corner of the Harrison Subdivision, an addition to the City of Rockwall, Texas according to the Final Plat recorded in Cabinet B, Slide 144 of the Plat Records of Rockwall County, Texas;

**THENCE**, South 44 degrees, 21 minutes, 23 seconds East, along the southwest line of said Harrison Subdivision a distance of 129.50 feet to a ½-inch iron rod found for corner; said point being the north corner of the Billy G. Jones Subdivision, an addition to the City of Rockwall, Texas according to the Final Plat recorded in Babinet B, Siide 01 of the Plat Records of Rockwall County, Texas;

**THENCE**, South 39 degrees, 46 minutes, 16 seconds West, along a northwest line of the said Jones Subdivision, a distance of 228.79 feet to a ½-inch iron rod with "Pacheco Koch" cap set at an angle point;

**THENCE**, South 46 degrees, 24 minutes, 44 seconds West, continuing along a northwest line of the said Jones Subdivision, a distance of 25.39 feet to a ½-inch iron rod with "Pacheco Koch" cap set at the west corner of the said Grady Addition;

**THENCE**, South 45 degrees, 33 minutes, 50 seconds East, along the northwest line of the said Grady Addition and the southwest line of said Jones Subdivision, a distance of 215.99 feet to a ½-inch iron rod with "Pacheco

## EXHIBIT "A"

Koch" cap set in the northwest line of Interstate Highway 30 (a variable width right-of-way); said point being the west corner of the said Jones Subdivision;

**THENCE**, South 41 degrees, 03 minutes, 06 seconds West, along the said northwest line of Interstate 30, a distance of 285.86 feet to a ½-inch iron rod with "Pacheco Koch" cap set for corner; said point being the east corner of a tract of land described in Special Warranty Deed from Shell Oil Company to Motiva Enterprises, L.L.C. recorded in Volume 1487, Page 79 of the Deed Records of Rockwall County, Texas;

**THENCE**, North 59 degrees, 11 minutes, 28 seconds West, departing the said northwest line of Interstate Highway 30 and along the northeast line of the said Motiva tract, a distance of 158.35 feet to a ½-inch iron rod with "Pacheco Koch" cap set; said point being the northeast corner of the Motiva tract and the southeast corner of a tract of land described in General Warranty Deed from Richard and Jo Ann Cullins to the Cullins Family Partnership recorded in Volume 1123, Page 235 of the Deed of Records of Rockwall County, Texas;

**THENCE**, North 11 degrees, 10 minutes, 30 seconds East, along a southeast line of the said Cullins tract, a distance of 47.88 feet to a ½-inch iron rod with "Pacheco Koch" cap set for corner; said point being the south corner of a tract of land described in Warranty Deed for A. P. Roffino to the City of Rockwall, Texas recorded in Volume 81, Page 250 of the Deed of Records of Rockwall County, Texas;

**THENCE**, North 51 degrees, 04 minutes, 28 seconds East, along the southeast line of the said City of Rockwall tract, a distance of 50.00 feet to a ½-inch iron rod with "Pacheco Koch" cap set for corner at the east corner of said City of Rockwall tract;

**THENCE**, North 31 degrees, 09 minutes, 07 seconds West, along the northeast line of the said City of Rockwall tract, passing at a distance of 50.00 feet the east corner of the said Rockwall tract; said point being a south corner of the remainder of a tract of land described in deed from Dr. T. D. Kunkler to James R. Dudney recorded in Volume 47, Page 599 of the Deed Records of Rockwall County, Texas and also being the south corner of a 20 foot Sanitary Sewer and Roadway Easement granted to Texas and also being the south corner of a 20 foot Sanitary Sewer and Roadway Easement granted to the City of Rockwall by James R. Dudney in instrument recorded in Volume 84, Page 237 of the Deed of Records of the County of Rockwall, Texas, then continuing along the northeast line of the said Dudney tract and said Easement, in all a distance of 68.09 feet to a ½-inch iron rod with "Pacheco Koch" cap set for corner at the east corner of said Dudney tract and said Easement;

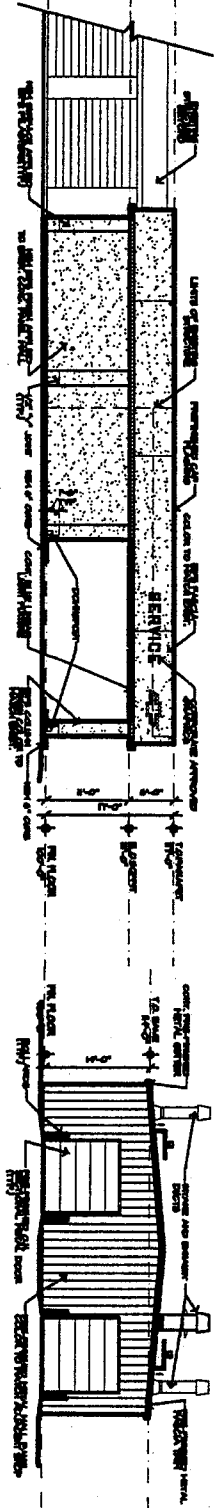
**THENCE**, South 51 degrees, 07 minutes, 23 seconds West, along the northwest line of the said called 20 foot Sanitary Sewer and Roadway Easement, a distance of 244.57 feet to a 5/8-inch iron rod found for corner in the said southeast line of State Highway 205;

**THENCE**, South 30 degrees, 40 minutes, 00 seconds West, along the southeast line of State Highway 205, a distance 329.57 feet to the POINT OF BEGINNING

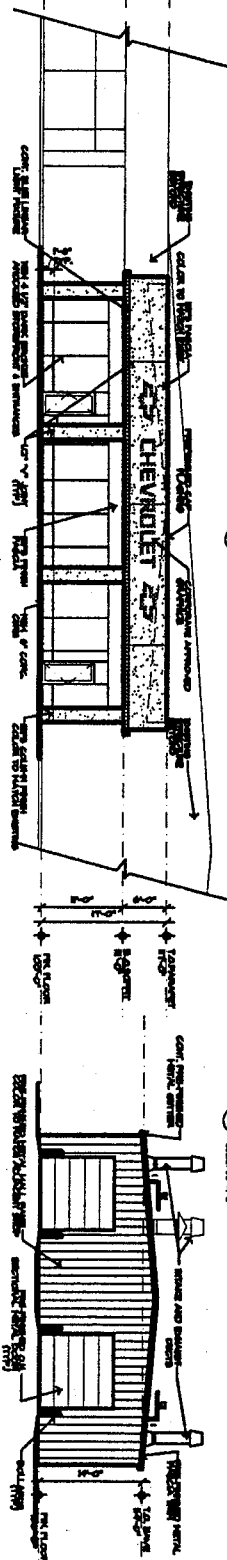
**CONTAINING**; 293.104 square feet of 6.729 acres of land, more or less.



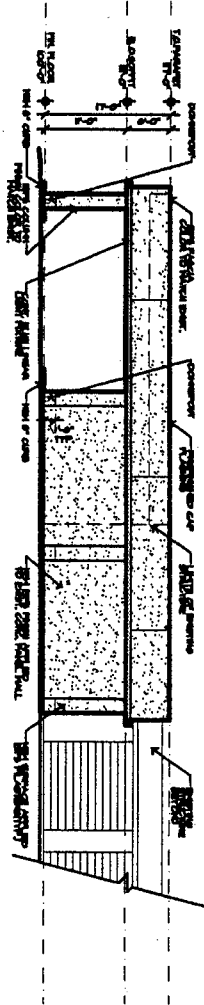
# EXHIBIT "B"



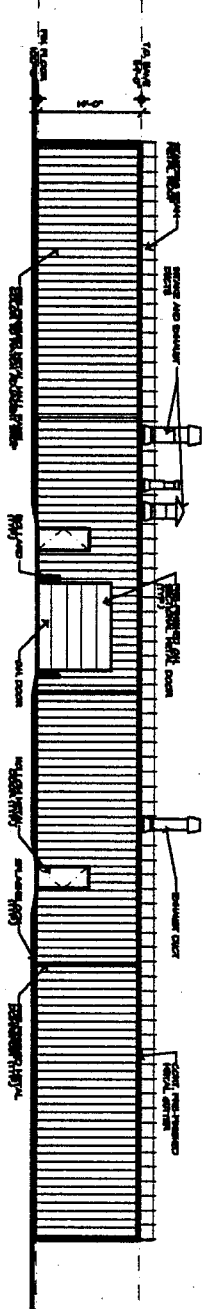
① Service Addition West Elevation



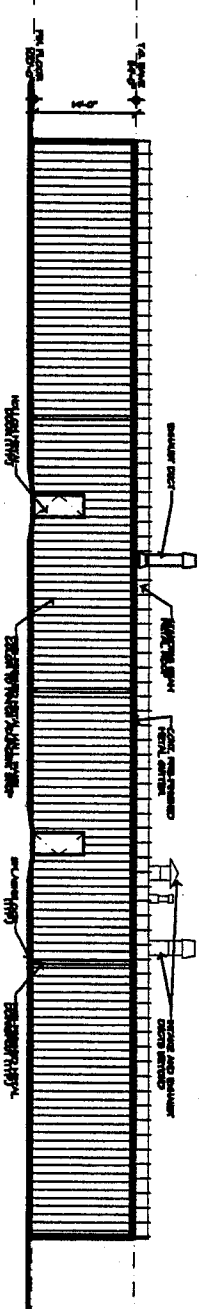
② Service Addition South Elevation



③ Service Addition East Elevation



④ New Paint Shop West Elevation



⑤ New Paint Shop East Elevation

⑥ New Paint Shop North Elevation

⑦ New Paint Shop South Elevation