

ORDINANCE NO. 88-4

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR GASOLINE SALES AS AN ACCESSORY TO A RETAIL USE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for gasoline sales as an accessory to a retail use has been requested by Paul Kangus for the property more fully described in Exhibit "A" attached hereto; 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to

grant a Conditional Use Permit for gasoline sales as an accessory to a retail use on the property described in Exhibit "A".

SECTION 2. That the Conditional Use Permit shall be subject to the following special conditions:

1. If the permit is not activated within six (6) months of the date of approval, the permit will automatically be cancelled.

2. Once activated, there shall be no time limit on the Conditional Use Permit.

3. The trash receptacle shall be located adjacent to the 20 ft. landscaped buffer, screened with brick wall and planting facing toward the building.

4. Elevations shall conform with photos shown of the Rowlett store including color of brick.

5. The metal roof shall be extended to all four sides of the building.

6. Property to rear of building shall be landscaped with photinias.

7. Sidewalks on sides of building shall be widened and landscaped with shrubbery adjacent to building.

SECTION 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance 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 4. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance 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.

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, 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 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 of this ordinance are declared to be severable.

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.


DULY PASSED AND APPROVED this 1st day of February, 1988.

APPROVED:

ATTEST:

By: 

1st reading 1/18/88  
2nd reading 2/1/88



BEGINNING at a concrete monument at the North corner of said Tract 5 and at the intersection of the right-of-way cut back of F.M. 740, an 80-foot right-of-way, with the Southwest line of F.M. 3097, a 100-foot right-of-way;  
THENCE: South  $45^{\circ} 35' 20''$  East a distance of 218.07 feet with the Southwest line of F.M. 3097 to an iron rod set for a corner;  
THENCE: South  $74^{\circ} 40' 57''$  West a distance of 368.72 feet to an iron rod set for a corner on the Southeast line of F.M. 740, said iron rod being on a circular curve to the left having a central angle of  $16^{\circ} 23' 19''$ , a radius of 613.69 feet, and a chord that bears North  $26^{\circ} 32' 20''$  East a distance of 174.94 feet;  
THENCE: Along said curve and with said Southeast line an arc distance of 175.54 feet to an iron rod set for a corner;  
THENCE: North  $18^{\circ} 20' 40''$  East a distance of 69.72 feet continuing with the Easterly line of F.M. 740 to an iron rod set for a corner;  
THENCE: North  $74^{\circ} 40' 57''$  East a distance of 103.42 feet with the previously mentioned right-of-way cut back to the Point of Beginning and Containing 0.9839 Acres of Land.