

ORDINANCE NO. 98-29

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 AN EXPANSION TO AN EXISTING CONDITIONAL USE PERMIT FOR A COMMERCIAL AMUSEMENT AND OUTDOOR GRASS SALES ON A TRACT OF LAND DESCRIBED HEREIN IN THE "HWY. C " HIGHWAY COMMERCIAL ZONING DISTRICT ON A TRACT OF LAND DESCRIBED HEREIN; 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 Conditional Use Permit for a Commercial Amusement for a golf driving range and golf course and outdoor grass sales in the "Hwy. C " Highway Commercial zoning district has been requested by Doyle Anderton 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 so as to grant a Conditional Use Permit for a Commercial Amusement for a golf driving range and golf course and outdoor grass sales in the "Hwy. C " Highway Commercial zoning district to the property as described in exhibit "A"

Section 2. That the Conditional Use Permit shall be subject to the following special condition:

1. That any expansion will require approval by the Planning and Zoning Commission and City Council.

Section 3. 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 Conditional Use Permit and as may be amended in the future.

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 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 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 20th day of July, 1998.

Cindy Kindred
ATTEST, Cindy Kindred
City Secretary

George R. Hatfield
APPROVED, George R. Hatfield
Mayor



1st Reading July 6, 1998

2nd Reading July 20, 1998

EXHIBIT "A"

BEGINNING at an iron rod found for a corner, at the Northeast corner of said Way tract and on the South line of M.K. & T. Railroad and at the Northwest corner of that tract of land conveyed to Ouida Ruth Springer by deed recorded in Volume 75, Page 59 of the Deed Records of Rockwall County, Texas;

THENCE: South $00^{\circ} 07' 25''$ East a distance of 1718.72 feet along the East line of said Way tract to an iron rod found for a corner at the Northeast corner of that 1.0000 acre tract of land described in deed recorded in Volume 210, Page 21, Deed Records, Rockwall County, Texas;

THENCE: South $88^{\circ} 37' 46''$ West a distance of 163.39 feet to an iron rod found for a corner at the Northwest corner of said 1.0000 acre tract;

THENCE: South $00^{\circ} 07' 25''$ East a distance of 289.33 feet to an iron rod found for a corner on the North line of Interstate Highway No. 30, and at the Southwest corner of said 1.0000 acre tract;

THENCE: South $73^{\circ} 51' 49''$ West a distance of 206.76 feet along the North line of said Interstate Highway No. 30; to an iron rod ^{found} for a corner;

THENCE: North $16^{\circ} 08' 11''$ West a distance of 36.00 feet to an ^{in concrete} "x" cut ^{found} for a corner at the point of curvature of a circular curve to the right having a central angle of $24^{\circ} 12' 49''$ and a radius of 110.00 feet; and a chord that bears North $04^{\circ} 01' 47''$ West a distance of 46.14 feet;

THENCE: Along said curve an arc distance of 46.49 feet to an iron rod ^{found} for a corner at the point of reverse curvature of a circular curve to the left having a central angle of $10^{\circ} 12' 40''$, and a radius of 400.00 feet, and a chord that bears North $02^{\circ} 58' 17''$ East a distance of 71.19 feet;

THENCE: Along said curve an arc distance of 71.29 feet to an ^{in concrete} "x" cut ^{found} for a corner;

THENCE: North $02^{\circ} 08' 03''$ West a distance of 103.92 feet to an iron rod ^{set} for a corner at the Northeast corner of that 1.025 acre tract of land described in deed recorded in Volume 194, Page 355, Deed Records, Rockwall County, Texas;

THENCE: South $87^{\circ} 39' 58''$ West a distance of 308.42 feet to an iron rod found for a corner;

THENCE: North $04^{\circ} 28' 33''$ West a distance of 1036.69 feet to an iron rod found for a corner;

THENCE: South $89^{\circ} 09' 06''$ East a distance of 176.29 feet to an iron rod found for a corner at the Southwest corner of said E. M. Elliott Survey;

THENCE: North $00^{\circ} 23' 47''$ West a distance of 786.90 feet along the West line of said Elliott Survey to an iron rod found for a corner on the South line of M.K. & T. Railroad;

THENCE: North $89^{\circ} 16' 29''$ East a distance of 589.35 feet along the North line of said Way tract and the South line of said M.K. & T. Railroad to the Point of Beginning and Containing 28.3627 Acres of Land.

The plat heron is a true, correct and accurate representation of the property as determined by survey: the lines and dimensions of said property being as indicated by the plat. There are no encroachments, conflicts, or protrusions, except as shown.