

ORDINANCE NO. 94-38

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 STRUCTURE NOT MEETING THE STRUCTURAL BUILDING MATERIALS REQUIREMENTS AND APPROVE A PRIVATE CLUB IN A COMMERCIAL ZONING CLASSIFICATION 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) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for a structure not meeting the structural building materials requirements and for a private club on the property described on the attached Exhibit "A" has been requested by Brinker International; 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 ordinance 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 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, Texas as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a structure not meeting the structural building materials requirements and approving a private club on a tract of land described on Exhibit "A", attached herein and made a part hereof.

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

- a. That the CUP is granted for the development as shown on the attached Exhibit "A" and any significant amendments to the site plan must be submitted to the Planning and Zoning Commission.

SECTION 3. That the property described herein shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall,

as heretofore amended, as amended hereby with the approval of this Conditional Use Permit, and as may be amended in the future.

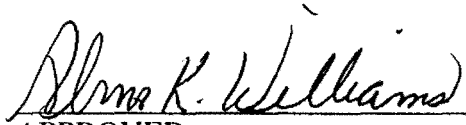
SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.


SECTION 5. 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, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance 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 shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same area hereby repealed to the extent of that conflict.

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 as the law in such case provides.

DULY PASSED AND APPROVED this 7th day of November, 1994.


APPROVED
Mayor, City of Rockwall


ATTEST
City Secretary

1ST READING 10-17-94

2ND READING 11-7-94

EXHIBIT A

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS BRINKER, INTERNATIONAL, BEING THE OWNER OF A TRACT OF LAND IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, SAID TRACT BEING DESCRIBED AS FOLLOWS:

BEING 1.433 ACRES OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT 200, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 72.243 ACRE TRACT CONVEYED TO 740/3097 LIMITED PARTNERSHIP BY DEEDS OF RECORD IN VOLUME 620, PAGE 69, VOLUME 620, PAGE 73, VOLUME 620, PAGE 77, VOLUME 620, PAGE 81, AND VOLUME 620, PAGE 85 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS; SAID 1.433 ACRE TRACT OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 1/4 inch iron pipe found for the North corner of the remainder of said 72.243 acre tract and the West corner of a Lot 1, Block A, Tribbey Addition, a subdivision of record in Cabinet C, Page 117 of the Deed Records of Rockwall County, Texas, also being in the south right-of-way line of U.S. Highway No. 30.

THENCE South 44° 06' 41" East, a distance of 306.03' with the Northeast line of the remainder of said 72.243 acre tract and the West line of said Lot 1, to a 1/2 inch iron rod set for corner;

THENCE South 45° 53' 19" West, over and across the remainder of said 72.243 acres, a distance of 163.10 feet to a 1/2 inch iron rod set for a corner;

THENCE North 62° 13' 44" West, continuing over and across the remainder of said 72.243 acres, a distance of 275.21 feet to a 1/2 inch iron rod set for a corner in the most northerly, northwest line of the remainder of said 72.243 acre tract and the south right-of-way line of said U.S. Highway No. 30;

THENCE with the westerly line of said 72.243 acres, same being the easterly line of said Interstate Highway No. 30, North 26°53'01" East, a distance of 156.75 feet to a concrete right-of-way monument found for a corner and North 49°38'03" East, a distance of 100.68 feet to the POINT OF BEGINNING, containing an area of 1.433 acres (62,434 sq. ft.) of land, more or less, within these metes and bounds.