

ORDINANCE NO. 98-04

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 MINOR AUTOMOTIVE REPAIR IN A 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 minor automotive repair in a commercial zoning district on a tract of described in Exhibit "A" has been requested by Discount Tire Company; 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 Minor automotive repair in a commercial zoning district on a tract of land described in Exhibit "A".

Section 2. 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 and shall be subject to the following condition:

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all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 2nd day of February, 1998.

Cindy Kindred
ATTEST

[Signature]
APPROVED

1st Reading 1/20/98

2nd Reading 02/02/98



EXHIBIT "A"

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, Bob Clements, being the owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

NOW, THEREFO
STATE OF TEX
COUNTY OF RO

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the REPLAT o
whose name i
all streets, al
thereon show
certify that a
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this plat.

I understand
purposes stat
desiring to us

1. No buildin easements
2. Any public part of ar which in efficiency any publi from and reconstru removing any time,
3. The City c resulting subdivisio
4. The devel storm dra
5. The devel drainage drainage developme
6. No house this addit owner has the City c on the st: installati water and alleys, all

Until escrow determined b private comn by an agreem make such ir made by a cc developer and the time stat obligated to and/or devel improvement evidence of w

Until the dev secretary in area, guarant which time s

I further ack

All that certain lot, tract or parcel of land situated in the JAMES SMITH SURVEY ABSTRACT NO. 200, City of Rockwall, Rockwall County, Texas, and being a part of Lot 1, Block A, PATRICK-STEPHENSON SUBDIVISION, an addition to the City of Rockwall, Texas, according to the plat thereof recorded in Cabinet B, Slide 320, of the Plat Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner at the northwest corner of said Lot 1, Block A, said point also being at the northeast corner of Lot 1, Block A, TRIBBEY ADDITION an addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet C, Slide 117, of the Plat Records of Rockwall County, Texas, said point being further defined as being in the southerly right-of-way line of Interstate Highway 30;

THENCE N 68 deg. 45 min. 58 sec. E., along said right-of-way line a distance of 129.85 feet to 1/2" iron rod found for corner;

THENCE N 70 deg. 45 min. 52 sec. E., along said right-of-way line a distance of 100.55 feet to a 1/2" iron rod found for corner at the northwest corner of a 0.765 acre tract of land as described in a Warranty Deed from Michael Stephenson and John Patrick to Retail Building, Inc. dated October 8, 1985, and being recorded in Volume 239, Page 276, in the Deed Records of Rockwall County, Texas;

THENCE S 11 deg. 13 min. 29 sec. E., a distance of 210.03 feet to an "X" found chiseled in concrete parking lot for corner;

THENCE N 71 deg. 24 min. 41 sec. E., a distance of 160.13 feet to a 1/2" iron rod found for corner at the southeast corner of said 0.765 acre tract, said point being in the west boundary line of Lot 1, Block A, of CHURCH ON THE ROCK ADDITION an addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet B, Slide 84, of the Plat Records of Rockwall County, Texas;

THENCE S 11 deg. 11 min. 56 sec. E., along the west line of said addition a distance of 229.61 feet to a 1" axle rod found for corner;

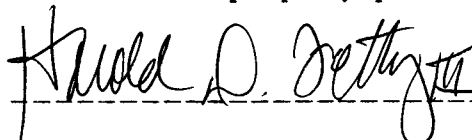
THENCE S 12 deg. 32 min. 52 sec. W., along the west line of said addition a distance of 388.50 feet to a 1/2" iron rod found for corner at the southeast corner of said Lot 1, Block A, TRIBBEY ADDITION;

THENCE N 28 deg. 30 min. 01 sec. W., (controlling bearing line) along the east line of said TRIBBEY ADDITION a distance of 772.95 feet to the POINT OF BEGINNING and containing 3.466 acres of land or 150,957.258 square feet of land.

SURVEYOR'S CERTIFICATE

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENT:

THAT I, Harold D. Fetty, III, do hereby certify that I prepared this plat from an actual and accurate survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision.



Registered Professional Land Surveyor No. 5034

STATE OF TEXAS
COUNTY OF ROCKWALL

This instrument was acknowledged before me on the _____ day of _____, 1997.