

ORDINANCE NO. 79-51

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 A FACILITY GENERATING HEAVY TRUCK OR RAIL TRAFFIC AND REQUIRING ACCESS TO MAJOR TRANSPORTATION CHANNELS IN A HIGHWAY COMMERCIAL ZONING DISTRICT TO BE LOCATED 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 an institutional use in a SF-10 zoning classification has been requested by Michael Ashley on behalf of Love's Country Stores for the property described on Exhibit "A"; 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 an institutional use in a SF-10 zoning classification on the property described on Exhibit "A" attached hereto and made a part hereof.

**Section 2.** That the Conditional Use Permit shall be subject to the following conditions:

1. The permit is granted under Highway Commercial (HwyC) for the purposes of allowing only what is described under Ordinance 83-23, Section 2.19, Part C-12 for the property as described on Exhibit "A".
2. Site Plan approved by the City Council prior to the issuing of building permits.

**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 6<sup>th</sup> day of December

Belinda Page  
ATTEST

Scott L. Self  
APPROVED

1st Reading 11-15-99  
2nd Reading 12-6-99



# Exhibit "A"

## OWNER'S CERTIFICATE

STATE OF TEXAS  
COUNTY OF ROCKWALL

WHEREAS, I-30/549 Joint Venture, being the owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

BEING all of a 6.2407 acre tract of land out of the J. Lockhart Survey, Abstract No. 134, in the City of Rockwall, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8" iron rod found at the intersection of the South ROW line of Interstate Highway No. 30 and the Westerly ROW line of F.M. Road No. 549 Service Road South;

THENCE: S 00° 32' 00" W, 353.20 feet along said Service Road ROW, to a 1/2" iron rod set;

THENCE: S 59° 05' 27" E, 127.50 feet to a 1/2" iron rod set in the West ROW line of F.M. Road No. 549 (an 80' ROW);

THENCE: S 00° 32' 00" W, 396.57 feet along the West ROW line of F.M. Road No. 549 to a 1/2" iron rod set;

THENCE: S 89° 59' 52" W, 368.50 feet to a 1/2" iron rod found;

THENCE: N 04° 30' 57" W, 239.24 feet to a 1/2" iron rod set;

THENCE: S 85° 29' 03" W, 12.00 feet to a 5/8" iron rod set;

THENCE: N 04° 30' 57" W, 445.20 feet to a 5/8" iron rod set;

THENCE: N 16° 09' 00" W, 39.52 feet to a 5/8" iron rod set in the South ROW line of Interstate Highway No. 30;

THENCE: N 82° 22' 52" E, 21.97 feet along the South ROW line of Interstate Highway No. 30 to a 1/2" iron rod found at an angle point;

THENCE: N 73° 51' 00" E, 334.35 feet along the South ROW line of Interstate Highway No. 30 to the PLACE OF BEGINNING and containing 6.3778 acres of land.

EXHIBIT "A"

