

**CITY OF ROCKWALL**

**ORDINANCE NO. 02-47**

**AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, TO PROVIDE FOR GENERAL PROVISIONS AND REQUIREMENTS FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A MINI-WAREHOUSE SELF STORAGE FACILITY WITHIN A "HWY C", HIGHWAY COMMERCIAL ZONING DISTRICT, FOR A TRACT OF LAND BEING MORE FULLY DESCRIBED HEREIN AS EXHIBIT "A", LOCATED ON THE EASTBOUND I-30 SERVICE ROAD WEST OF THE INTERSECTION OF I-30 AND FM 549, 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**, an amendment to the City of Rockwall Comprehensive Zoning Ordinance has been requested by Kirby Albright to provide for the general provisions and requirements for a Conditional Use Permit to allow for a mini-warehouse self storage facility within a "Hwy C", Highway Commercial zoning district, for a tract of land being more fully described herein as Exhibit "A", located on the eastbound I-30 Service Road west of the intersection of i-30 and FM 549; 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 recitals above are found to be true and correct and incorporated herein for all purposes.

**Section 2.** That the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of a Conditional Use Permit for a mini-warehouse self storage facility within a "Hwy C", Highway Commercial zoning district, for a tract of land being more fully described herein as Exhibit "A", located on the eastbound I-30 Service Road west of the intersection of I-30 and FM 549, hereto and made a part hereof.

**Section 3.** That the property described as Exhibit "A" 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 approval shall affect only the above aforementioned property and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

**Section 4.** That development in the area within Exhibit "A" shall be limited to uses and requirements listed in **Section 2.19 (Hwy C) Highway Commercial District** of the City of Rockwall

Comprehensive Zoning Ordinance (Ordinance No. 83-23) and the Conditional Use Permit shall be subject to the following additional conditions:

1. That the property be subject to the approved site plan, building elevations and landscape plan attached as Exhibit "B" and all other development requirements of the City of Rockwall.
2. That the total square footage of all self storage units not exceed 32,560 square feet.
3. That all ground-mounted HVAC equipment be screened with a minimum six-foot (6') high masonry wall matching the exterior building materials of the main structure.

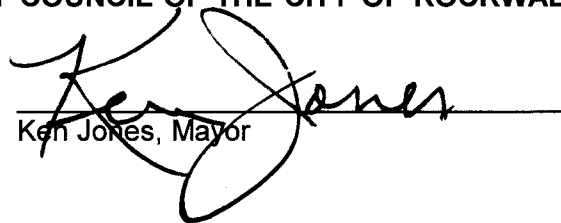
**Section 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such 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 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 8.** 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.


**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 7<sup>th</sup> day of October, 2002.**

  
Ken Jones, Mayor

**ATTEST:**

  
Dorothy Brooks, City Secretary

**APPROVED AS TO FORM:**

  
Pete Eckert, City Attorney

1<sup>st</sup> Reading: September 16, 2002  
2<sup>nd</sup> Reading: October 7, 2002



**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**BEING** A TRACT OF LAND SITUATED IN THE JOHN LOCKHART SURVEY, ASBTRACT NO.134, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, BEING A PART OF THAT CALLED 3.195 ACRE TRACT AS CONVEYED TO KIRBY ALBRIGHT AS RECORDED IN VOLUME 781, PAGE 93 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING**, AT THE SOUTHEAST CORNER OF SAID TRACT RECORDED IN VOLUME 781, PAGE 93, SAME BEING THE SOUTHWEST CORNER OF REPLAT OF LOVE'S ADDITION NO. 1, AN ADDITION TO THE CITY OF ROCKWALL, AS RECORDED IN CABINET D, SLIDES 293 AND 294 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS;

THENCE, SOUTH 89°47'35" WEST, ALONG THE SOUTHERLY LINE OF SAID TRACT RECORDED IN VOLUME 781, PAGE 93, A DISTANCE OF 205.17 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAME, AND ALSO BEING THE SOUTHEAST CORNER OF LOT 1, BLOCK 1 OF YAHOO ADDITION, AN ADDITION TO THE CITY OF ROCKWALL AS RECORDED IN CABINET B, SLIDE 342, OF SAID PLAT RECORDS;

THENCE, NORTH 04°30'57" WEST, ALONG THE EAST LINE OF SAID YAHOO ADDITION, A DISTANCE OF 321.94 FEET TO A POINT;

THENCE, NORTH 85°29'03" EAST, LEAVING THE EAST LINE OF SAID YAHOO ADDITION, A DISTANCE OF 81.00 FEET TO A POINT;

THENCE, NORTH 04°30'57" WEST, A DISTANCE OF 124.15 FEET TO A POINT;

THENCE, NORTH 85°29'03" EAST, A DISTANCE OF 51.59 FEET TO A POINT;

THENCE, NORTH 04°30'57" WEST, A DISTANCE OF 216.02 FEET TO A POINT;

THENCE, NORTH 16°09'00" WEST, A DISTANCE OF 42.41 FEET TO A POINT ON THE SOUTHERLY LINE OF INTERSTATE HIGHWAY NO. 30;

THENCE, NORTH 82°11'52" EAST, ALONG THE SOUTHERLY LINE OF SAID HIGHWAY, A DISTANCE OF 60.64 FEET TO A POINT AT THE NORTHWEST CORNER OF SAID LOVE'S ADDITION;

THENCE, ALONG THE WEST LINE OF SAID LOVE'S ADDITION, THE FOLLOWING:

SOUTH 04°30'57" EAST, A DISTANCE OF 445.20 FEET TO A POINT;

NORTH 85°29'03" EAST, A DISTANCE OF 12.00 FEET TO A POINT;

SOUTH 04°30'57" EAST, A DISTANCE OF 238.44 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 2.195 ACRES OF LAND.





**EXHIBIT "B"**

PROGRAM		LANDSCAPE SCHEDULE	
LOT 1	LOT 2	TREE SCHEDULE	SHRUB SCHEDULE
LOT 1, 43560 SF, 1.0 AC. BUILDING - 8000 SF, 10% IMPERVIOUS - 24485 SF, 56% LANDSCAPE - 19065 SF, 44%	LOT 2, 87120 SF, 2.585 AC. BUILDING - 51750 SF, 59% IMPERVIOUS - 68240 SF, 78% LANDSCAPE - 17376 SF, 16%	1. LIVE OAK 4" CALIPER MATURE OVER 20' x 4 2. BRADFORD PEAR 4" CALIPER MATURE OVER 20' x 2 3. YAU PON 2" CALIPER MATURE UNDER 20' x 2 4. RED BUD 2" CALIPER MATURE UNDER 20' x 3	5. FRASER'S PHTINA MATURE OVER 6' x 10 5 GAL. 6. DWF CHINESE HOLLY MATURE HT. 3' x 75 1 GAL. @ 36" OC. SHADED AREA DENOTES GRASS ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN UNDERGROUND WATERING SYSTEM.

