

AN ORDINANCE OF THE CITY OF ROCKWALL AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO GIVE THE FOLLOWING DESCRIBED TRACTS OF LAND A PLANNED DEVELOPMENT DISTRICT ZONING CLASSIFICATION FOR SHOPPING CENTER USES, TO BE DESIGNATED AS PLANNED DEVELOPMENT DISTRICT NO. 4, SAID PLANNED DEVELOPMENT DISTRICT BEING DESCRIBED AS FOLLOWS, TO-WIT: BEING TWO TRACTS OUT OF THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LYING IN AND SITUATED IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, A PART OF THE DANIEL ATKINS SURVEY, AND BEING TRACTS 4 AND 5 OUT OF A SUBDIVISION OF THAT CERTAIN 49.56 ACRES OF LAND IN THE B.J.T. LEWIS AND DANIEL ATKINS SURVEY AS SUBDIVIDED BY C. F. RHOADES AND WIFE, AND CONVEYED TO AL I. FOLSOM AND ARTHUR A. FOLSOM, BY FIVE SEPARATE DEEDS, BEING NUMBERED IN TRACTS FROM 1 TO 5, INCLUSIVE, THE ABOVE DESCRIBED TWO TRACTS BEING NUMBERS 4 AND 5 OF SAID SUBDIVISION, AND BEING THE SAME PROPERTY CONVEYED BY AL I. FOLSOM AND WIFE, ITA H. FOLSOM, AND ARTHUR A. FOLSOM AND WIFE, BETTY S. FOLSOM, TO THE FOLSOM COMPANY BY DEED DATED MAY 2, 1953, OF RECORD IN VOLUME 49, PAGE 249, DEED RECORDS OF ROCKWALL COUNTY, TEXAS, LESS A STRIP OFF THE WEST SIDE OF SAID TWO TRACTS CONVEYED TO THE STATE OF TEXAS FOR RIGHT OF WAY PURPOSES FOR F.M. ROAD 749; SAID TWO TRACTS DESCRIBED AS FOLLOWS: TRACT NO. 1: BEGINNING AT A STAKE IN THE WEST RIGHT OF WAY LINE OF M-K-T RAILROAD 1032 FEET SOUTH 18 DEGREES 43' WEST OF THE NORTHEAST SURVEY LINE OF D. ATKINS SURVEY; THENCE SOUTH 18 DEGREES 43' WEST 666.5 FEET TO POINT OF CURVE IN SAID RIGHT OF WAY; CONTINUING WITH SAID RIGHT OF WAY ALONG ARC OF A 2 DEGREE CURVE TO THE RIGHT IN A NORTHWESTERLY DIRECTION A DISTANCE OF 471.5 TO A STAKE FOR A CORNER; THENCE NORTH 71 DEGREES 17' WEST 321 FEET TO A STAKE IN THE EAST MARGIN OF SAID F.M. ROAD 740; THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID ROAD; NORTH 18 DEGREES 29' EAST 125.4 FEET; NORTH 15 DEGREES 17' EAST 823 FEET; NORTH 13 DEGREES 53' EAST 99.4 FEET; NORTH 12 DEGREES 26' EAST 107.8 FEET TO A STAKE FOR A CORNER; THENCE SOUTH 71 DEGREES 17' EAST 399.5 FEET TO THE PLACE OF BEGINNING, CONTAIN-

ING 9.217 ACRES; TRACT NO. 2: BEGINNING AT A STAKE IN THE SOUTH-
WEST INTERSECTION OF THE M-K-T RAILROAD RIGHT OF WAY AND THE
NORTHEAST INTERSECTION OF F.M. ROAD NUMBER 740; THENCE ALONG THE
EAST RIGHT OF WAY LINE OF SAID ROAD NORTH 10 DEGREES 30' WEST 48
FEET; NORTH 6 DEGREES 12' WEST 100 FEET; NORTH 0 DEGREES 27' EAST
100 FEET; NORTH 6 DEGREES 34' EAST 100 FEET; NORTH 12 DEGREES 30'
EAST 100 FEET; NORTH 19 DEGREES 24' EAST 100 FEET; AND NORTH 22
DEGREES 30' EAST 245 FEET TO A STAKE FOR A CORNER; THENCE SOUTH
71 DEGREES 17' EAST 321 FEET TO A STAKE IN THE WEST RIGHT OF WAY
OF SAID RAILROAD; THENCE ALONG THE WEST RIGHT OF WAY OF SAID RAIL-
ROAD ALONG THE ARC OF A 2 DEGREE CURVE TO THE RIGHT IN A NORTH-
WESTERLY DIRECTION A DISTANCE OF 860 FEET TO THE PLACE OF BEGIN-
NING, CONTAINING 3.927 ACRES, AS SURVEYED BY R.E.L. HALFORD,
ROCKWALL COUNTY SURVEYOR ON DECEMBER 22, 23,24, 1964; PROVIDING
FOR CERTAIN CONDITIONS; PROVIDING FOR A PENALTY NOT TO EXCEED THE
SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DE-
CLARING AN EMERGENCY.

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 pub-
lication and otherwise, and after holding due hearings and afford-
ing a full and fair hearing to all the property owners generally
and to all persons interested and situated in the affected area,
and in the vicinity thereof, and in the exercise of its legisla-
tive discretion, has concluded that the Comprehensive Zoning
Ordinance should be amended; 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 by amending the zoning map of the City of Rockwall
so as to give the following described property the following
zoning classification, to-wit:

That the following area be, and the same is hereby zoned
Planned Development District No. 4 under special conditions, to-wit:

BEING two tracts out of that certain lot, tract or parcel of land, lying in and situated in the City of Rockwall, Rockwall County, Texas, a part of the Daniel Atkins Survey, and being Tracts 4 and 5 out of a subdivision of that certain 49.56 acres of land in the B.J.T. Lewis and Daniel Atkins Survey as subdivided by C. F. Rhoades and wife, and conveyed to Al I. Folsom and Arthur A. Folsom, by five separate deeds, being numbered in tracts from 1 to 5, inclusive, the above described two tracts being numbers 4 and 5 of said subdivision, and being the same property conveyed by Al I. Folsom and wife, Ita H. Folsom, and Arthur A. Folsom and wife, Betty S. Folsom, to the Folsom Company by deed dated May 2, 1953, of record in Volume 49, Page 249, Deed Records of Rockwall County, Texas, less a strip off the West side of said two tracts conveyed to the State of Texas for right of way purposes for F.M. Road 740; said two tracts described as follows:

TRACT NO. 1:

BEGINNING at a stake in the West right of way line of M-K-T railroad 1032 feet South 18 Degrees 43' West of the Northeast Survey line of D. Atkins Survey;

THENCE South 18 degrees 43' West 666.5 feet to point of curve in said right of way; continuing with said right of way along arc of a 2 degree curve to the right in a Northwesterly direction a distance of 471.5 to a stake for a corner;

THENCE North 71 Degrees 17' West 321 feet to a stake in the East margin of said F.M. Road 740;

THENCE along the East right of way line of said Road; North 18 degrees 29' East 125.4 feet; North 15 Degrees 17' East 823 feet; North 13 Degrees 53' East 99.4 feet; North 12 Degrees 26' East 107.8 feet to a stake for a corner;

THENCE South 71 Degrees 17' East 399.5 feet to the place of beginning, containing 9.217 acres.

TRACT NO. 2:

BEGINNING at a stake in the Southwest intersection of the M-K-T Railway right of way and the Northeast intersection of F.M. Road Number 740;

THENCE along the East right of way line of said road North 10 Degrees 30' West 48 feet; North 6 Degrees 12' West 100 feet; North 0 Degrees 27' East 100 feet; North 6 Degrees 34' East 100 feet; North 12 Degrees 30' East 100 feet; North 19 Degrees 24' East 100 feet; and North 22 Degrees 30' East 245 feet to a stake for a corner;

THENCE South 71 Degrees 17' East 321 feet to a stake in the West right of way of said railroad;

THENCE along the West right of way of said railroad along the arc of a 2 Degree curve to the right in a Northwesterly direction a distance of 860 feet to the place of beginning, containing 3.927 acres, as surveyed by R.E.L. Halford, Rockwall County Surveyor on December 22, 23, 24, 1964.

SECTION 2. That the above zoning classification as Planned Development District No. 4 is granted subject to the following special conditions:

(1) That the Planned Development District for Shopping Center Purposes shall be developed in accordance with the site plan for said area, which is attached to and made a part of this ordinance for all purposes.

(2) That all developments of property covered by this ordinance shall be in accordance with the approved site plan, and no substantial change in the development shall be permitted except after obtaining approval of the change of such site plan in the manner required for change and amendments to the Comprehensive Zoning Ordinance.

(3) That said Planned Development District area may be used for all uses permitted under Neighborhood Services and General Retail zoning classifications under the Comprehensive Zoning Ordinance and Use Chart contained in the Comprehensive Zoning Ordinance of the City of Rockwall, except the following uses shall not be permitted, to-wit:

Recreation concessions, private clubs, flashing signs, gasoline service stations, restaurants with drive-in service, or laundry and cleaning self-service automatic.

(4) That in the development of said property under Planned Development District No. 4 zoning classification, such property shall be developed in accordance with the regulations applicable to Neighborhood Service districts and General Retail district regulations under Comprehensive Zoning Ordinance, except where said regulations shall be different from the attached site plan, and to that extent said attached site plan shall control. Otherwise, as shown on said site plan the regulations applicable to the Neighborhood Service and General Retail districts relating to area regulations, offstreet parking loading regulations, height regulations, accessory building regulations, as

contained in the Comprehensive Zoning Ordinance shall be applicable.

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, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. That the above described tracts of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended and as amended herein, by the granting of this zoning change.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense.

SECTION 6. WHEREAS, it appears that the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest and general welfare of the City of Rockwall, and creates an urgency and an emergency in the preservation of the public health, safety and welfare, and requires 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 by the City Council of the City of Rockwall, Texas, on the 27th day of JANUARY, 1972.

APPROVED:

Harry J. Myers
MAYOR

DULY RECORDED:

Daena G. Williams
CITY SECRETARY

APPROVED AS TO FORM:

H. Lane Nichol
ATTORNEY

ABSTK CT No 1
 ROCKWALL COUNTY TEXAS

O.R. "Chick" McELYA
 ENGINEERS

3901 San Jacinto
 October 26, 1971

Dallas, Texas

Scale 1" = 100'

M/O 29781

PROPERTY DESCRIPTION

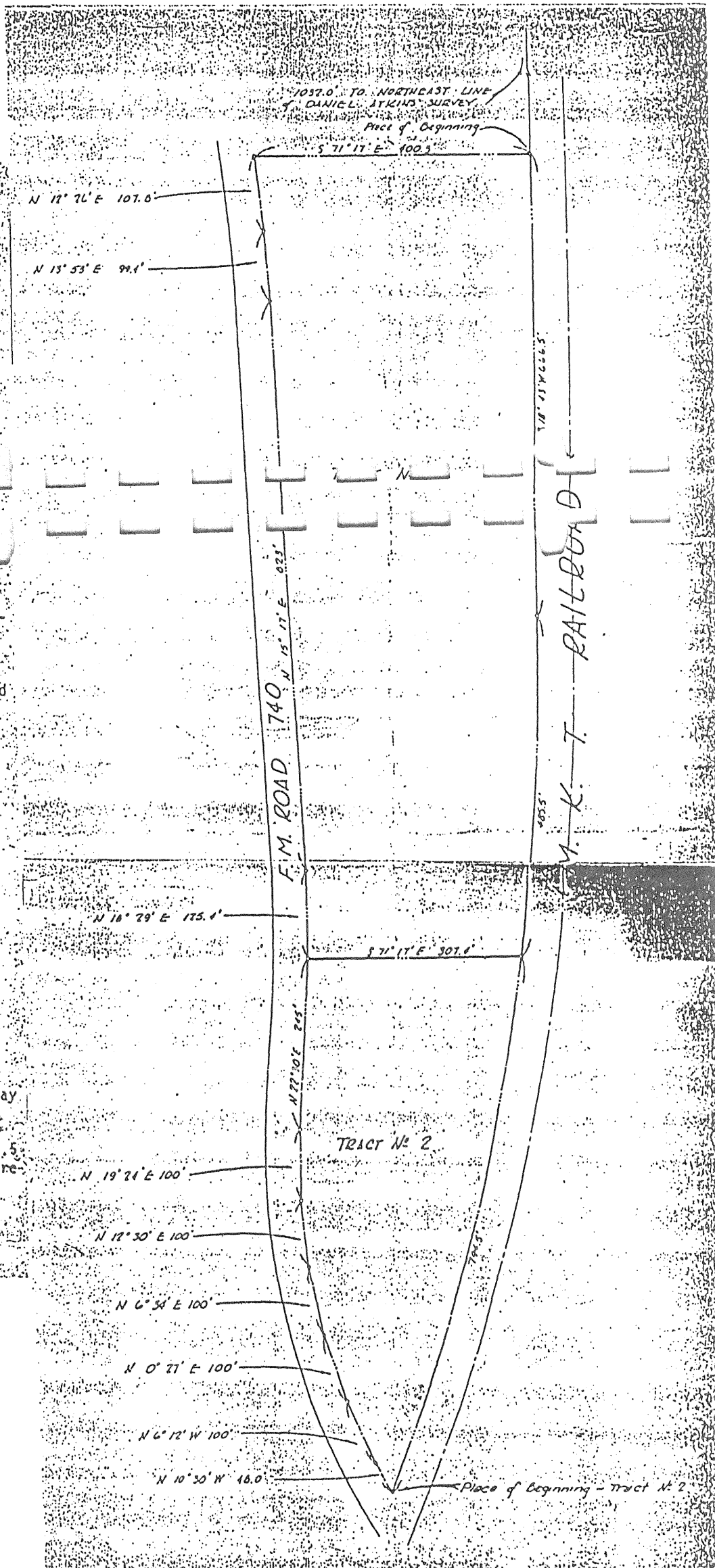
BEING two tracts out of that certain lot, tract or parcel of land lying in and situated in the City of Rockwall, Rockwall County, Texas, a part of the Daniel Atkins Survey, and being Tracts 4 and 5 out of a subdivision of that certain 49.56 acres of land in the B.J.T. Lewis and Daniel Atkins Survey as subdivided by C.F. Rhoades and wife, and conveyed to Al. I. Folsom and Arthur A. Folsom; by five separate deeds; being numbered in tracts 1 to 5 inclusive; the above described two tracts being numbers 4 and 5 of said subdivision, and being the same property conveyed by Al. I. Folsom and wife, Ita H. Folsom, and Arthur A. Folsom and wife, Betty S. Folsom, to the Folsom Company by deed dated May 2, 1953, of record in Volume 49, Page 249, Dead Records of Rockwall County, Texas, less a strip off the West side of said two tracts conveyed to the State of Texas for right of way purposes for F.M. Road 740.

TRACT NO. 1

BEGINNING at a point in the West right-of-way of M-K-T Railroad; 1032 feet South 18° 43' West of the Northeast survey line of D. Atkins Survey;
 THENCE South 18° 43' West 666.5 feet to point of curve in said right-of-way; continuing with said right-of-way along a curve to the right in a Southwesterly direction a distance of 485.5 feet to a point for corner;
 THENCE North 71° 17' West 307.4 feet to a point in the East line of said F.M. Road 740;
 THENCE along the East right-of-way line of said road as follows:
 North 18° 29' East 125.4 feet
 North 15° 17' East 823 feet;
 North 13° 53' East 99.4 feet;
 North 12° 26' East 107.8 feet to a point for corner;
 THENCE South 71° 17' East 400.3 feet to the PLACE OF BEGINNING, and containing 9.40 acres of land, more or less.

TRACT NO. 2

BEGINNING at a point in the Southwest intersection of the M-K-T Railway right-of-way and the Northeast line of F.M. Road No. 740;
 THENCE along the East right-of-way line of said road as follows:
 North 10° 30' West 48 feet;
 North 6° 12' West 100 feet;
 North 0° 27' East 100 feet;
 North 6° 34' East 100 feet;
 North 12° 30' East 100 feet;
 North 19° 24' East 100 feet;
 North 22° 30' East 245 feet to a point for corner;
 THENCE South 71° 17' East 307.4 feet to a stake in the West right-of-way of said Railroad;
 THENCE along the West right-of-way of said railroad along the arc of a curve to the right in a Southwesterly direction a distance of 794.5 feet to the PLACE OF BEGINNING and containing 3.65 acres of land, more or less.



PD-4

ORDINANCE NO. 01-26

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE 72-3 AS HERETOFORE AMENDED SO AS TO GRANT A ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; ORDERING A CHANGE IN THE USE OF SAID PROPERTY "PD-4", PLANNED DEVELOPMENT NO. 4; 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 City of Rockwall initiated change in zoning from "PD-4" – Planned Development No. 4 with "NS"-Neighborhood Service and "GR"-General Retail (with the exception of recreation concessions) to "PD-4" – Planned Development No. 4 with "GR"-General Retail (with the exception of recreation concessions, private clubs, flashing signs, gasoline service stations, restaurants with drive-in service, or laundry and self service automatic.) on the property more fully described on the attached 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 (Ord. No. 83-23) and Ordinance No. 72-3 of the City of Rockwall, Texas as heretofore amended, be and the same is hereby amended with the approval of the allowed uses within "PD-4"-Planned Development No. 4 for the property more fully described in Exhibit "A", attached hereto and made a part thereof.

Section 2. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. That the above described tract of land shall be used only in the manner and for the purpose authorized by the Comprehensive Zoning Ordinance (Ord. No. 83-23) of the City of Rockwall, as heretofore amended and as amended hereby, by allowing only those uses allowed under the "GR"-General Retail zoning district section as approved uses within "PD-4" – Planned Development District No. 4, subject to the following special conditions:

- A. That the Planned Development District for Shopping Center purposes shall be developed in accordance with site plan for said area, which is attached to and made part of this ordinance for all purposes.
- B. That all developments of property covered by this ordinance shall be in accordance with the approved site plan, and no substantial change in development shall be permitted except after obtaining approval of the change of such site plan in the manner required for change and amendments to the Comprehensive Zoning Ordinance.
- C. That said Planned Development District area may be used for all uses permitted under the "GR"-General Retail zoning classification under the Comprehensive Zoning Ordinance and use chart contained in the Comprehensive Zoning Ordinance of the City of Rockwall, except the following uses shall not be permitted, to-wit:

Recreation concessions, private clubs, flashing signs, gasoline service stations, restaurants with drive-in service, or laundry and cleaning self-service automatic.

- D. That in the development of said property under "PD-4"-Planned Development District No. 4 zoning classification, such property shall be developed in accordance with the regulations applicable to the "GR"-General Retail district regulations under the Comprehensive Zoning Ordinance, except where said regulations shall be different from the attached approved site plan, and to that extent said attached shall control. Otherwise, as shown on said site plan the regulations applicable to the "GR"-General Retail district relating to area regulations, off-street parking loading regulations, height regulations, accessory building regulations, as contained in the Comprehensive Zoning Ordinance shall be applicable.

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 18 day of June, 2001.



APPROVED

Belinda Page
ATTEST



1st Reading 6-4-01

2nd Reading 6-18-01

