

CITY OF ROCKWALL

ORDINANCE NO. 18-22

SPECIFIC USE PERMIT NO. S-189

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO AMEND SPECIFIC USE PERMIT NO. S-131 [ORDINANCE NO. 15-05], WHICH ALLOWS FOR A NEW MOTOR VEHICLE DEALERSHIP ON A TEN (10) ACRE TRACT OF LAND IDENTIFIED AS TRACTS 4 & 4-02 OF THE N. M. BALLARD SURVEY, ABSTRACT NO. 24, AND THE A. HANNA SURVEY, ABSTRACT NO. 99, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 request has been made by Ed Hicks, Jr. of Clay Cooley Automotive for the purpose of amending Specific Use Permit (SUP) No. S-131 [*Ordinance No. 15-05*], which allows for a *New Motor Vehicle Dealership* on a ten (10) acre tract of land identified as Tracts 4 & 4-02 of the N. M. Ballard Survey, Abstract No. 24 and the A. Hanna Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, located within the IH-30 Overlay (IH-30 OV) District, and more specifically described in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; 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 Specific Use Permit (SUP) No. S-131 [*Ordinance No. 15-05*] and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall should be amended as follows:

NOW AND THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the enactment of this Specific Use Permit (SUP) Ordinance shall supersede all requirements stipulated in *Ordinance No. 15-05*;

SECTION 2. That Specific Use Permit (SUP) No. S-131 [*Ordinance No. 15-05*] and the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant an amendment to Specific Use Permit (SUP) No. S-131 [*Ordinance No. 15-05*] allowing for the establishment of a *New Motor Vehicle Dealership* within a Light Industrial (LI) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*;

SECTION 3. That the *Subject Property* shall be developed and/or used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as stipulated by Section 2.1.10, *Distribution and Storage*, of Article IV, *Permissible Uses*; Section 5.1, *General Industrial District*

Standards; Section 5.3, *Light Industrial (LI) District*, of Article IV, *District Development Standards*; Section 6.6, *IH-30 Overlay (IH-30 OV) District* of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following operational conditions and compliance standards:

3.1 COMPLIANCE STANDARDS

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code [Ordinance No. 04-38] will require compliance to the following standards:

- 1) This Specific Use Permit (SUP) shall be subject to review by Planning Department staff and/or the Planning and Zoning Commission and City Council on June 1, 2018. At the time of review, Planning Department staff shall be required to review the completeness of the following improvements:
 - (i) *Phase 1*. Engineering plans addressing paving and drainage shall be approved by the Engineering Department. The storm water/drainage and detention pond shall be permitted and accepted by the City.
 - (ii) *Phase 2*. All concrete paving depicted on the *Concept Plan* in *Exhibit 'B'* of this ordinance shall be permitted and accepted by the City.
 - (iii) *Phase 3*. Demolition of the existing building shall be permitted and completed.

Should the improvements be complete staff shall provide a report to the Planning and Zoning Commission and City Council indicating conformance to the requirements of this ordinance, and operation of the *New Motor Vehicle Dealership* shall be permitted to continue under the requirements of this ordinance and the Unified Development Code [Ordinance No. 04-38]. Should the improvements be incomplete, this SUP ordinance shall automatically expire.

- 2) Should the *Subject Property* continued to be operated as an outside storage/outside display lot for new vehicles in conjunction with the adjacent *New Motor Vehicle Dealership* (i.e. S-094) then no Certificate of Occupancy (CO) shall be required. Upon changing the use to a standalone *New Motor Vehicle Dealership*, a Certificate of Occupancy (CO) shall be required for the change of use.
- 3) Should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code [Ordinance No. 04-38], the City Council may -- *after proper notice* -- initiate proceedings before the City Council to revoke this SUP ordinance.

3.2 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *New Motor Vehicle Dealership* on the *Subject Property*, and conformance to these operational conditions is required for continued operation:

- 1) All development on the *Subject Property* shall be in conformance to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) Should the use of the subject property become independent of the adjacent *New Motor Vehicle Dealership* [*Clay Cooley Hyundai*] (i.e. any event that would require a separate Certificate of Occupancy [CO] to be issued) and development not conforming to *Exhibit 'B'* of this ordinance is proposed, a new site plan submittal shall be required to be submitted, reviewed and

approved by the Planning and Zoning Commission and/or City Council in accordance with the requirements of the Unified Development Code [*Ordinance No. 04-38*];

- 3) All motor vehicles shall be required to be parked on an all-weather surface (*i.e. concrete or asphalt*);
- 4) The operation of the *Subject Property* shall conform to all federal, state and local standards.

SECTION 4. That the official zoning map of the City of Rockwall be corrected to reflect the changes described herein.

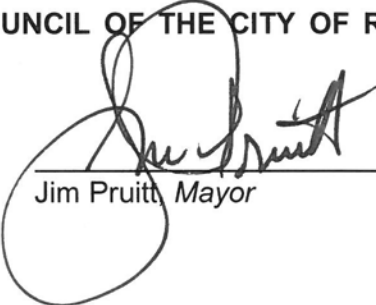
SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 6. 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 7. If any section of provision of this ordinance or the application of that section or provision to any person, firm, cooperation, 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, and the City Council declares that it would have to 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 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 THE 2ND DAY OF APRIL, 2018.



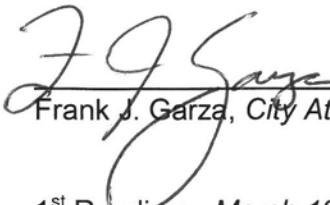
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: March 19, 2018

2nd Reading: April 2, 2018

Exhibit 'A': Legal Description

BEING a 10.000 acre tract or parcel of land lying and being situated in the N. M. BALLARD SURVEY, Abstract 24, and the A. HANNA SURVEY, Abstract 99, in the City of Rockwall, Rockwall County, Texas and being that certain tract described in Special Warranty Deed to Gordon Rockwall Investments, LLC, recorded in Volume 6959, Page 100, Deed Records, Rockwall County, Texas (D.R.R.C.T.) and a portion of that certain tract described in deed to Thomas Real Estate, LP, recorded in Volume 1507, Page 203, D.R.R.C.T.; and being more particularly described by metes and bounds as follows:

BEGINNING at an aluminum TxDOT monument at the southern end of a corner clip located at the intersection of the southerly right-of-way line of Interstate Highway 30 (a variable width right-of-way) and the west right-of-way line of Commerce Street (a 60-foot wide right-of-way per Cabinet F, Slide 379, Map Records, Rockwall County, Texas);

THENCE South 00 degrees 40 minutes 20 seconds East, along the east line of said Gordon Rockwall tract and said west right-of-way line, a distance of 707.36 feet to a 3/8 inch iron rod found for the southeast corner of said Gordon Rockwall tract and the southwest corner of said right-of-way of Commerce Street; said found iron rod also being located at an angle point in the north line of said Thomas Real Estate tract;

THENCE South 00 degrees 35 minutes 03 seconds East, crossing said Thomas Real Estate tract, a distance of 469.11 feet to a point for corner;

THENCE South 89 degrees 24 minutes 57 seconds West, continuing to cross said Thomas Real Estate tract, a distance of 472.60 feet to a point on the west line of said Thomas Real Estate tract;

THENCE North 00 degrees 21 minutes 13 seconds West, along the west line of said Thomas Real Estate tract, a distance of 468.78 feet to a 112 inch iron rod found for the northwest corner of said Thomas Real Estate tract and the southwest corner of that certain tract described in General Warranty Deed to Rockwall Credit Services, L.C., recorded in Volume 4314, Page 34, D.R.R.C.T.;

THENCE North 89 degrees 22 minutes 30 seconds East along the common line of the said Thomas Real Estate tract and said Rockwall Credit Services, L.C. tract, a distance of 153.71 feet to a point for corner; said point being the southeast corner of the Rockwall Credit Services, L.C. tract and the southwest corner of the Gordon Rockwall tract;

THENCE North 00 degrees 41 minutes 38 seconds West, continuing along the common line of said Rockwall Credit tract and Gordon Rockwall tract, a distance of 629.40 feet to a point for corner in the south right-of-way line of the aforementioned Interstate Highway 30, same point being the northeast corner of said Rockwall Credit tract and the northwest corner of said Gordon Rockwall tract;

THENCE North 72 degrees 46 minutes 00 seconds East, continuing along said south right-of-way line and along the north line of said Gordon Rockwall tract, a distance of 308.48 feet to a point for the northern end of the aforementioned corner clip;

THENCE South 65 degrees 17 minutes 09 seconds East, along said corner clip, a distance of 23.86 feet to the Point of Beginning and containing 10.000 Acres (435,600 Square Feet) of land.

NOTE: The Basis of Bearings for this description is the deed to Thomas Real Estate, LP, recorded in Volume 1507, Page 203, D.R.R.C.T. This description is based upon a compilation of public records.

Exhibit 'B': Concept Plan

