

CITY OF ROCKWALL

ORDINANCE NO. 18-44

SPECIFIC USE PERMIT NO. S-196

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING SPECIFIC USE PERMIT NO. S-072 [ORDINANCE NO. 10-09] AND THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, ROCKWALL COUNTY TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A CARWASH IN CONJUNCTION WITH AN EXISTING RETAIL STORE WITH GASOLINE SALES IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.996-ACRE TRACT OF LAND. IDENTIFIED AS A PORTION OF LOT 2 AND ALL OF LOT 1, BLOCK B, HORIZON RIDGE CENTER ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; 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**, the City has received a request from Brandon Waldrum of CEI Engineering Associates, Inc. for the approval of a Specific Use Permit (SUP) to allow for a *carwash* in conjunction with an existing retail store with gasoline sales in a General Retail (GR) District on a 0.996-acre tract of land being described as a portion of Lot 2, and all of Lot 1, Block B, Horizon Ridge Center Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, addressed as 3520 Horizon Road [FM-3097], and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated 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 the Planned Development District 9 (PD-9) [Ordinance No. 88-20], Specific Use Permit (SUP) No. S-072 [Ordinance No. 10-09], and the Unified Development Code (UDC) [Ordinance No. 04-38] 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 approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 10-09*;

**SECTION 2.** That the Unified Development Code (UDC) [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *carwash* in conjunction with an existing retail store with

gasoline sales as stipulated by Section 1, *Land Use Schedule*, of Article IV, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 04-38], on the *Subject Property*; and,

**SECTION 3.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 4.4, *General Retail (GR) District*, of Section 4, *Commercial Districts*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 04-38] and Planned Development District 9 (PD-9) [Ordinance No. 88-20] as heretofore amended and as may be amended in the future, and shall be subject to the following:

### 3.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *carwash* on the *Subject Property* and conformance to these stipulations is required for continued operations:

- 1) The carwash shall generally conform to the concept plan depicted in Exhibit 'B' of the attached ordinance.
- 2) No outside display of merchandise or outside storage shall be allowed on the subject property, with the exception of the following items: ice machine, propane case, and DVD rental kiosk. The location of these items shall be indicated on the site plan.
- 3) The carwash shall be constructed of the same exterior materials as the existing retail store with gasoline sales (i.e. 7-Eleven).
- 4) The tunnels of the carwash shall be screened from Horizon Road [FM-3097] utilizing landscape screening (e.g. trees, pampas grass, etc.).
- 5) The carwash shall be screened from the adjacent properties to the southeast and southwest utilizing landscape screening (e.g. pampas grass).
- 6) The dumpster enclosure shall be screened from Tubbs Road utilizing landscape screening (e.g. trees, pampas grass, etc.).
- 7) No additional drive approaches on Tubbs Road shall be permitted.

### 3.2 COMPLIANCE

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 (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), 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 (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

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

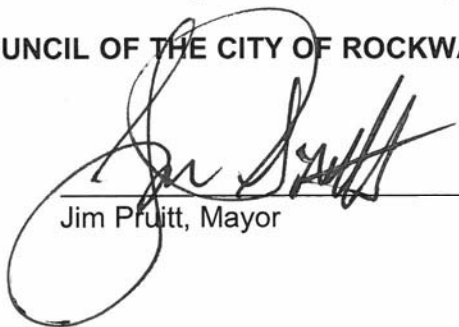
**SECTION 5.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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 or provision of this ordinance or the application of that section or provision to any person, firm, corporation, 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 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.

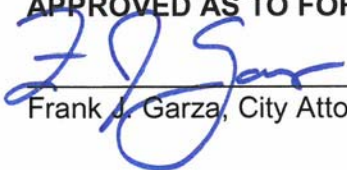
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 1<sup>ST</sup> DAY OF OCTOBER, 2018.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

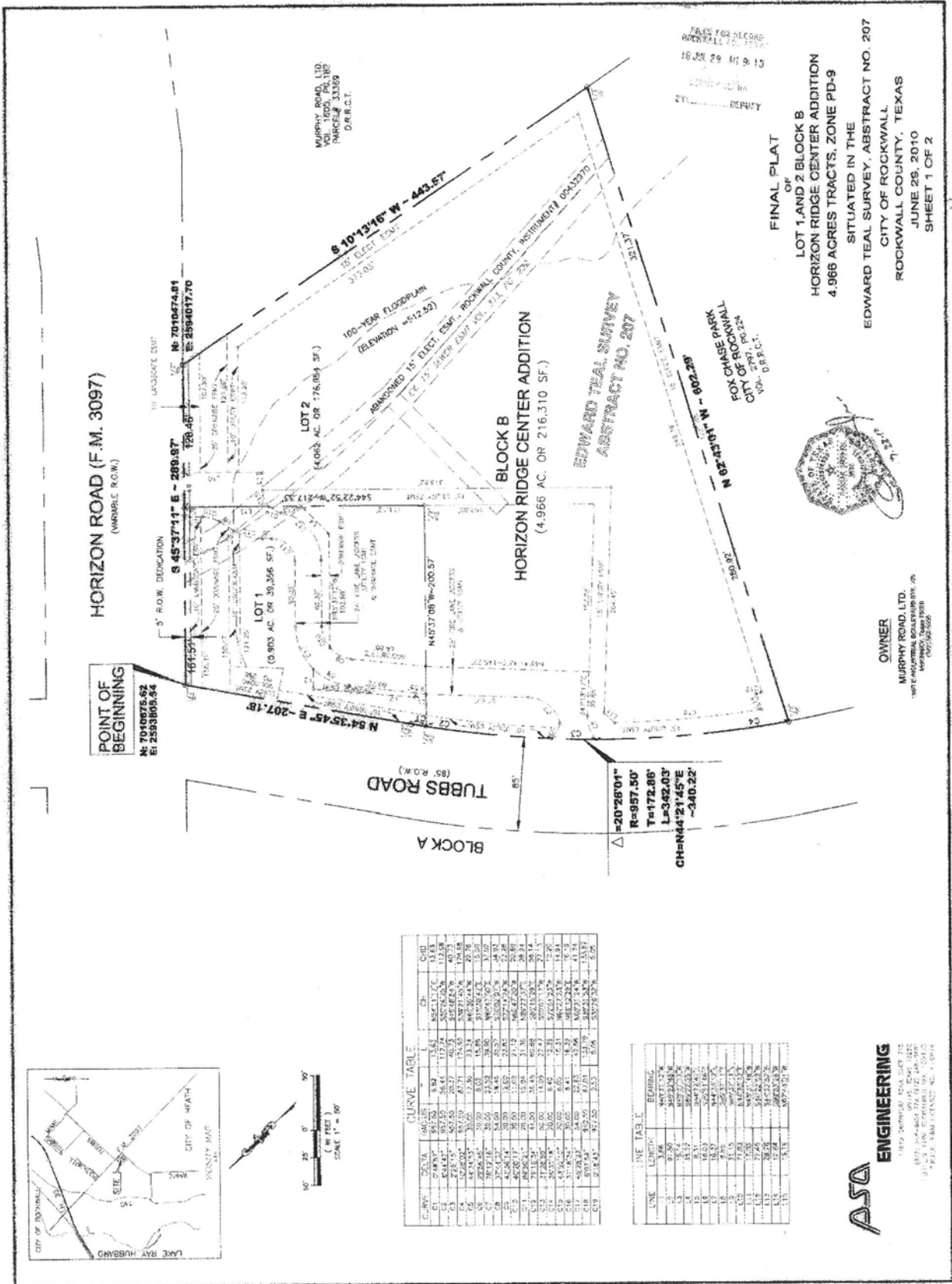
  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: September 17, 2018

2<sup>nd</sup> Reading: October 1, 2018

**Exhibit 'A':  
Plat**



**HORIZON ROAD (F.M. 3097)**  
(WARRANTED R.O.W.)

**POINT OF BEGINNING**  
N: 7010075.62  
E: 2553805.94

S 45°37'11" E - 289.87'  
N: 7010674.81  
E: 2550417.70

S 10°13'16" W - 443.57'  
15' EJECT. EASE  
375.00'

LOT 2  
(4.063 AC. OR 176,064 SF.)

LOT 1  
(0.903 AC. OR 39,356 SF.)

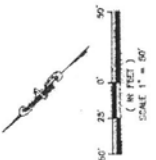
**BLOCK B**  
**HORIZON RIDGE CENTER ADDITION**  
(4.966 AC. OR 216,310 SF.)

**EDWARD TEAL SURVEY**  
**ABSTRACT NO. 207**

N 10°13'16" W - 443.57'  
N 10°13'16" W - 443.57'  
N 10°13'16" W - 443.57'

**FINAL PLAT**  
OR  
**LOT 1 AND 2 BLOCK B**  
**HORIZON RIDGE CENTER ADDITION**  
**4.966 ACRES TRACTS, ZONE PD-9**  
SITUATED IN THE  
**EDWARD TEAL SURVEY, ABSTRACT NO. 207**  
CITY OF ROCKWALL  
ROCKWALL COUNTY, TEXAS  
JUNE 26, 2010  
SHEET 1 OF 2

**OWNER**  
MURPHY ROAD, LTD.  
10000 WINDY HOLLOW DRIVE  
ROCKWALL, TEXAS 75087



CURVE	DELTA	ARC LENGTH	CHORD	CHORD BEARING
C1	90°00'00"	157.08'	157.08'	N00°00'00" E
C2	90°00'00"	157.08'	157.08'	S00°00'00" W
C3	90°00'00"	157.08'	157.08'	E00°00'00" W
C4	90°00'00"	157.08'	157.08'	N00°00'00" E
C5	90°00'00"	157.08'	157.08'	S00°00'00" W
C6	90°00'00"	157.08'	157.08'	E00°00'00" W
C7	90°00'00"	157.08'	157.08'	N00°00'00" E
C8	90°00'00"	157.08'	157.08'	S00°00'00" W
C9	90°00'00"	157.08'	157.08'	E00°00'00" W
C10	90°00'00"	157.08'	157.08'	N00°00'00" E
C11	90°00'00"	157.08'	157.08'	S00°00'00" W
C12	90°00'00"	157.08'	157.08'	E00°00'00" W
C13	90°00'00"	157.08'	157.08'	N00°00'00" E
C14	90°00'00"	157.08'	157.08'	S00°00'00" W
C15	90°00'00"	157.08'	157.08'	E00°00'00" W
C16	90°00'00"	157.08'	157.08'	N00°00'00" E
C17	90°00'00"	157.08'	157.08'	S00°00'00" W
C18	90°00'00"	157.08'	157.08'	E00°00'00" W
C19	90°00'00"	157.08'	157.08'	N00°00'00" E
C20	90°00'00"	157.08'	157.08'	S00°00'00" W

LINE	LENGTH	BEARING
L1	157.08'	N00°00'00" E
L2	157.08'	S00°00'00" W
L3	157.08'	E00°00'00" W
L4	157.08'	N00°00'00" E
L5	157.08'	S00°00'00" W
L6	157.08'	E00°00'00" W
L7	157.08'	N00°00'00" E
L8	157.08'	S00°00'00" W
L9	157.08'	E00°00'00" W
L10	157.08'	N00°00'00" E
L11	157.08'	S00°00'00" W
L12	157.08'	E00°00'00" W
L13	157.08'	N00°00'00" E
L14	157.08'	S00°00'00" W
L15	157.08'	E00°00'00" W
L16	157.08'	N00°00'00" E
L17	157.08'	S00°00'00" W
L18	157.08'	E00°00'00" W
L19	157.08'	N00°00'00" E
L20	157.08'	S00°00'00" W

**ASA ENGINEERING**  
1819 WINDY HOLLOW DRIVE  
ROCKWALL, TEXAS 75087  
(972) 966-8800 FAX (972) 966-8801  
www.asa-engineering.com  
P.E. VAN TENSER, INC. 1-2014

Exhibit 'B':  
Concept Plan

