

CITY OF ROCKWALL

ORDINANCE NO. 23-10

SPECIFIC USE PERMIT NO. S-295

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 46 (PD-46) [ORDINANCE NO. 21-32] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NEW AND/OR USED INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM* ON A 1.99-ACRE PORTION OF A LARGER 3.853-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-09 OF THE J. A. RAMSEY SURVEY, ABSTRACT NO 186, 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 Matthew J. Peterson of DB Constructors on behalf of Jeff Fleming for the approval of a *Specific Use Permit (SUP)* for a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on a 1.99-acre portion of a larger 3.853-acre tract of land identified as Tract 2-09 of the J. A. Ramsey Survey, Abstract No. 186, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 46 (PD-46) for Commercial (C) District land uses, situated within the SH-276 Overlay (SH-276 OV) District, generally located on the southside of Springer Road east of the intersection of Springer Road and Corporate Crossing, and being 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 Planned Development District 46 (PD-46) [Ordinance No. 21-32] and the Unified Development Code [Ordinance No. 20-02] 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 Planned Development District 46 (PD-46) [Ordinance No. 21-32] and the Unified Development Code [Ordinance No. 20-02] 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 for the establishment of a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* as stipulated by Article 04, *Permissible Uses*, of the Unified Development Code [Ordinance No. 20-02] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth

in Planned Development District 46 (PD-46) [Ordinance No. 21-32] and Subsection 01.01, *Land Use Schedule*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*; Subsection 04.05, *Commercial (C) District*, and Subsection 06.02, *General Overlay District Standards*, of Article 05, *District Development Standards*, of the Unified Development Code [Ordinance No. 20-02] of the City of Rockwall -- as heretofore amended and may be amended in the future -- and with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *New and/or Used Indoor Motor Vehicle Dealership/Showroom* shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) The sales/storage facility must be in a completely enclosed building; and,
- 3) Outside display and/or storage of vehicles shall be prohibited. This includes storing vehicles under canopies/awnings or similar covered structures; and,
- 4) All activities shall remain inside the building (*i.e. no detailing, washing, sales activities, etcetera shall be performed outside the building*); and,
- 5) Accessory uses may be allowed in compliance with the *Land Use Schedule* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC); and,
- 6) The *New and/or Used Indoor Motor Vehicle Dealership/Showroom* shall be restricted to the sale of motor vehicles only (*i.e. cars and/or light trucks*); and,
- 7) The subject property shall comply with all standard of the City of Rockwall Fire Department for such use.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (after proper notice) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) [Ordinance No. 20-02].

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

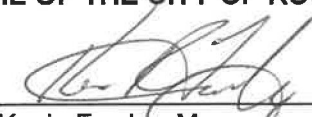
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 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 7. 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 6TH DAY OF MARCH, 2023.**



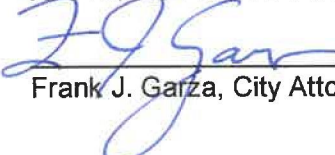
Kevin Fowler, Mayor

ATTEST:



Kristy Teague, City Secretary

APPROVED AS TO FORM:



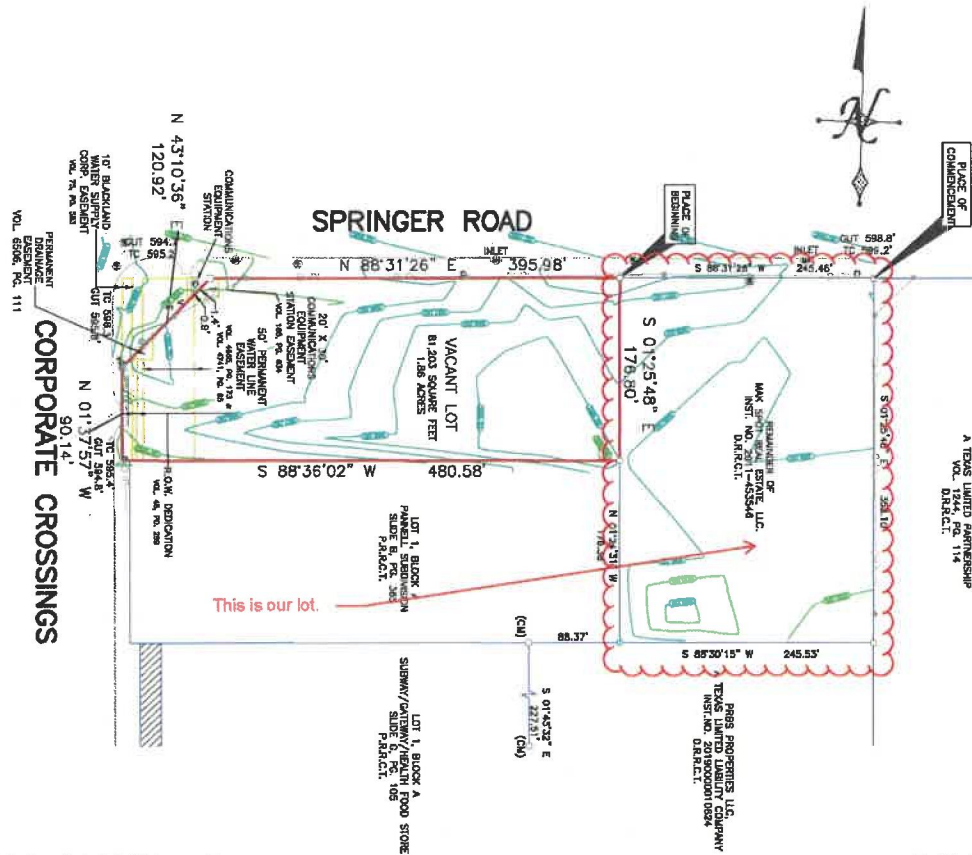
Frank J. Garza, City Attorney



1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A': Survey





DIPLOMA LICENSED LAND SURVEYOR
A TEXAS LIMITED PARTNERSHIP
VOL. 1444, PG. 114

1020 E. -30, STE. 1003
ROCKWALL, TEXAS 75087
REAL REGISTRATION NO. 10194388
BARRY S. RHODES Registered Professional Land Surveyor (2114) 326-1080
This is to certify that I have, this date, made a careful and accurate survey on the ground of property
CORPORATE CROSSINGS
ROCKWALL COUNTY, Texas,
located at No. _____ in _____
BEING all that certain lot, part or parcel of land shown in the U.S. Boundary Survey, Annex No. 186, Rockwall County, Texas, being a part of Block A, Parcel Subdivision as addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Title B, Texas (D.R.C.T.), and being more particularly described by the following notes and bearings described:
COMMENCING at a 1/2 inch mark and found for corner in the South line of Springer Road, at the Northeast corner of a tract of land described in deed to Petros Leasing, LTD., a Texas Limited Liability Company, recorded in Volume 1244, Page 114 (D.R.C.T.), being the Northeast corner of said Mark Sporn Road Survey, LLC tract;
THENCE South 88 deg. 31 min. 26 sec. West, with the said South line a distance of 2345.46 feet to a 1/2 inch yellow-capped iron nail found for corner at the Northwest corner of that remaining portion of said Mark Sporn Road Survey, LLC tract, being the PLACE OF BEGINNING of the Bench described tract;
THENCE South 01 deg. 24 min. 48 sec. East, a distance of 176.90 feet to a 1/2 inch brass found for corner at the Northeast corner of Lot 1, Block A, Parcel Subdivision as addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Title B, Page 345, Plat Records, Rockwall County, Texas (D.R.C.T.);
THENCE South 88 deg. 36 min. 02 sec. West, a distance of 480.58 feet to a point for corner in the East line of Corporate Crossings;
THENCE North 01 deg. 37 min. 57 sec. West, a distance of 90.14 feet to a point for corner;
THENCE North 43 deg. 10 min. 36 sec. East, a distance of 120.92 feet to a point for corner in the said South line of Springer Road;
THENCE North 88 deg. 31 min. 26 sec. East, a distance of 2395.98 feet to the PLACE OF BEGINNING and containing 81,200 square feet or 1.86 acres of land.

PROPERTY SUBJECT TO
EASEMENTS & RESTRICTIONS
VOL. 112, PG. 35; VOL. 217, PAGE 06
VOL. 125, PG. 25; VOL. 217, PAGE 06
SECTIONS ARE BEING OPEN AND BOUNDARIES ARE BEING RECORDED IN THE PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS.
OWNERS ARE ADVISED THAT THE SURVEY IS SUBJECT TO ANY OTHER RECORDED INSTRUMENTS, DEEDS, EASEMENTS, RESTRICTIONS, OR OTHER RIGHTS THAT MAY AFFECT THE SURVEYED PROPERTY.
ON OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE SURVEYOR IS NOT RESPONSIBLE TO OTHER THAN THE PERSONS AND ENTITIES SPECIFICALLY NAMED HEREON.
DATE: 12-02-2022
G. F. No. 4-02219092
THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR OB CONSTRUCTION, INC.

ACCEPTED BY: _____

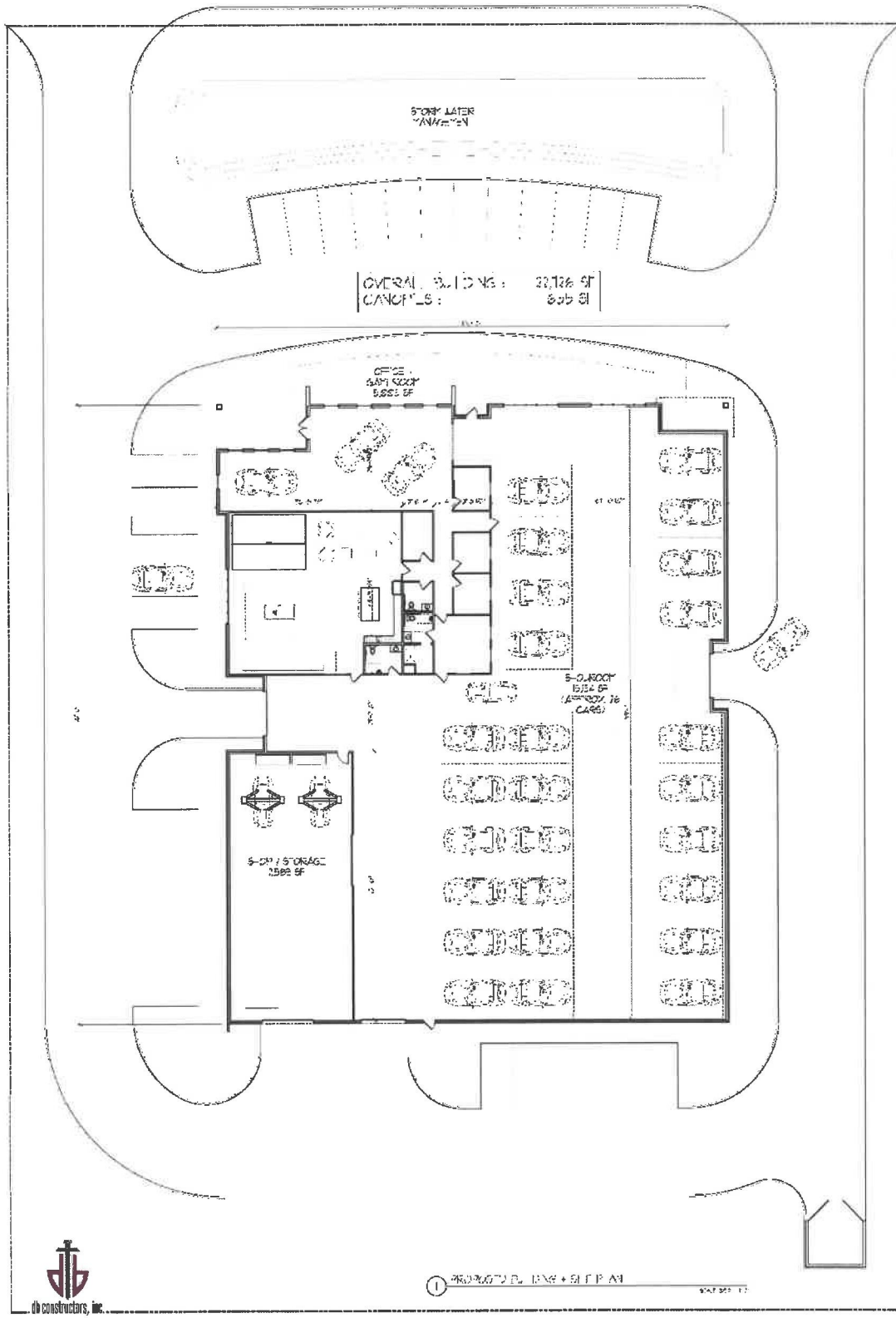



TOPO SURVEY



BURNS
SURVEYING

**Exhibit 'B':
Concept Plan**



**Exhibit 'C':
Concept Building Elevations**



**Exhibit 'C':
Concept Building Elevations**

