

CITY OF ROCKWALL

ORDINANCE NO. 23-44

SPECIFIC USE PERMIT NO. S-310

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING *ORDINANCE NO. 22-02 [S-266]* AND THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *NEW MOTOR VEHICLE DEALERSHIP FOR CARS AND LIGHT TRUCKS, A MAJOR AUTO REPAIR GARAGE, AND OUTSIDE STORAGE* ON A 7.17-ACRE PARCEL OF LAND IDENTIFIED AS LOT 2, BLOCK 1 , ROCKWALL RECREATIONAL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* OF THIS ORDINANCE; 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 Drew Donosky of Claymoore Engineering on behalf of Clay Cooley of 1540 East IH-30 Rockwall, LLC for the approval of a Specific Use Permit (SUP) superseding *Ordinance No. 22-02 [S-266]* and allowing the expansion of an existing *New Motor Vehicle Dealership for Cars and Light Trucks (i.e. Clay Cooley Hyundai)* being a 7.17-acre tract of land identified as Lot 2, Block 1, Rockwall Recreational Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 1540 E. IH-30, and being more specifically depicted and 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 *Ordinance No. 22-02 [S-266]* the Unified Development Code (UDC) [*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 the approval of this ordinance shall supersede all requirements stipulated in *Ordinance No. 22-02*.

**SECTION 2.** That the Unified Development Code (UDC) [*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 a *New Motor Vehicle Dealership for Cars and Light Trucks, Major Auto Repair Garage, and Outside Storage* as stipulated by Subsection 01.02, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

**SECTION 3.** That the Specific Use Permit (SUP) shall be subject to the requirements set forth in

Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 05.01, *General Industrial District Standards*, and Subsection 05.02, *Light Industrial (LI) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] -- as heretofore amended and as may be amended in the future --, and with the following conditions:

### 3.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *New Motor Vehicle Dealership for Cars and Light Trucks* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The development or redevelopment of the *Subject Property* shall generally conform to the Concept Plan depicted in *Exhibit 'B'* of this ordinance.
- (2) The development or redevelopment of the *Subject Property* shall generally conform to the Landscape Plan depicted in *Exhibit 'C'* of this ordinance.
- (3) The development or redevelopment of the *Subject Property* shall generally conform to the Building Elevations depicted in *Exhibit 'D'* of this ordinance; however, these elevations shall be subject to review and recommendation by the Architectural Review Board (ARB) and approval by the Planning and Zoning Commission through the site plan review process.
- (4) No vehicle display areas shall be permitted within the required landscape buffers along IH-30 and Commerce Street.
- (5) Motor vehicle inventory for the proposed *New Motor Vehicle Dealership for Cars and Light Trucks* shall not be stored on an unimproved surface.
- (6) Motor vehicle inventory for the proposed *New Motor Vehicle Dealership for Cars and Light Trucks* shall not be stored within the Commerce Street Right-of-Way (*i.e. Commerce Street is for public parking only*).

The following conditions pertain to the operation of a *Major Auto Repair Garage* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The outside storage of tires or any other automotive parts shall be prohibited.
- (2) Any maintenance of motor vehicles shall be performed in a completely enclosed building, and no work on motor vehicles shall be performed outdoors.

The following conditions pertain to the operation of *Outside Storage* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) Outside storage shall be screened by an eight (8) foot masonry wall as depicted in *Exhibit 'B'* of this ordinance.

### 3.2. 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 compliance to the following:

(1) Upon obtaining a *Certificate of Occupancy (CO)* and/or building permit, 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 Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

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

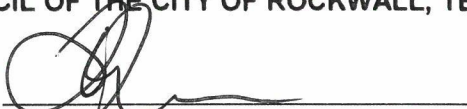
**SECTION 5.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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.

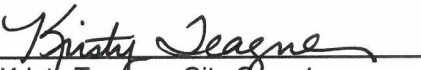
**SECTION 7.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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.

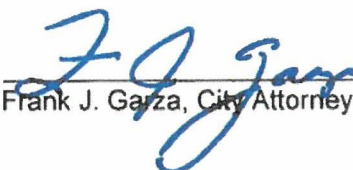
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 5<sup>th</sup> DAY OF SEPTEMBER, 2023.**

  
Trace Johannesen, Mayor

**ATTEST:**

  
Kristy Teague, City Secretary

**APPROVED AS TO FORM:**

  
Frank J. Garza, City Attorney



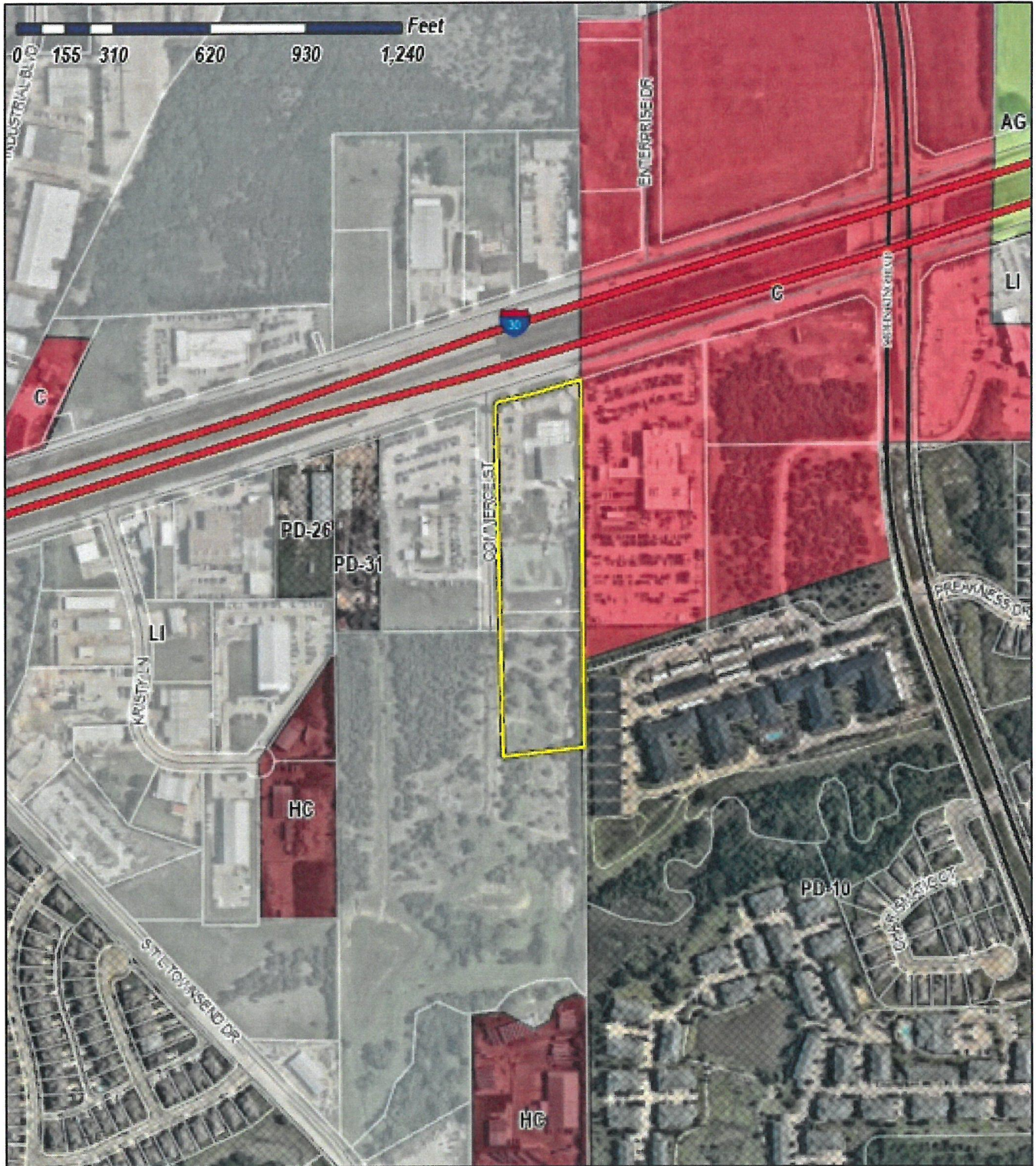
1<sup>st</sup> Reading: August 7, 2023

2<sup>nd</sup> Reading: September 5, 2023

**Exhibit 'A'**  
**Zoning Exhibit**

Address: 1540 E. IH-30

Legal Description: Lot 2, Block 1, Rockwall Recreational Addition





# Exhibit 'C': Landscape Plan

