

CITY OF ROCKWALL

ORDINANCE NO. 07-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON AN 8.686-ACRE TRACT OF LAND KNOWN AS PART OF TRACT 2, ABSTRACT 134, J. LOCKHART SURVEY AND TRACT 3, ABSTRACT 2, J.M. ALLEN SURVEY, AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A"; 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 Specific Use Permit for a "Motor Vehicle Dealership, New" within the (PD-10) Planned Development No. 10 District and (C) Commercial district has been requested by Gary DeFrain of The Cambridge Companies, Inc., on an 8.686-acre tract of land known as part of Tract 2, Abstract 134, J. Lockhart Survey and Tract 3, Abstract 2, J.M. Allen Survey, and more specifically shown in 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 Unified Development Code 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 Unified Development Code of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit for a "Motor Vehicle Dealership, New" within the (PD-10) Planned Development No. 10 District and (C) Commercial on an 8.686-acre tract of land known as part of Tract 2, Abstract 134, J. Lockhart Survey and Tract 3, Abstract 2, J.M. Allen Survey, and more specifically shown in Exhibit "A"; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Article V, Section 4.5, Commercial District** of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended and as may be amended in the future, and shall be subject to the additional following additions:

1. Approval of the Specific Use Permit (SUP) is for the proposed land use only (i.e. "Motor Vehicle Dealership, New").
2. Future site plan submittal and approval shall be required, including Architectural Review and adherence to all standards specified in the IH-30 Overlay district and other sections of the Unified Development Code.

3. Any variance to the IH-30 Overlay district or other section of the Unified Development shall be considered at the time of site plan approval, including requirements for cross access, building design and materials, and any other site development requirements.
4. The SUP shall expire if development has not commenced within three (3) years from the approval date of the SUP ordinance.

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, 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 Unified Development Code No. 04-38 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 7. 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 6th day of August, 2007.



William R. Cecil, Mayor

ATTEST:

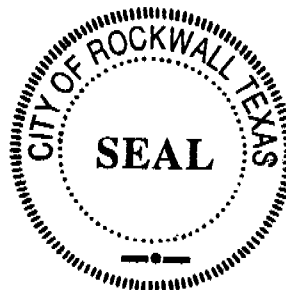


Dorothy Brooks, TRMC, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney



1st Reading: 07-16-07

2nd Reading: 08-06-07

EXHIBIT A

Z2007-021

SUP for "Motor Vehicle Dealership, New"

• FIELD NOTES TRACT 1*

BEING A TRACT OF LAND LOCATED IN THE J. LOGGART SURVEY, ABSTRACT NO. 134 AND THE J. H. ALLEN SURVEY, ABSTRACT NO. 2, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN DEED TO THE CAMBRIDGE COMPANIES, INC. TRUSTEE RECORDED IN VOLUME 101, PAGE 795 (TRACT A), DEED RECORDS, ROCKWALL COUNTY, TEXAS, (O.R.C.T.) AND N VOLUME 99, PAGE 1022, (TRACT B) D.R.C.T., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "WER & ASSOC INC", FROM WHICH A 1 INCH IRON PIPE FOUND BEARS S 66°15'34" W, 0.71 FEET, ALSO BEING THE NORTHWEST CORNER OF SAID CAMBRIDGE TRACT A, AND N THE SOUTHEAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 30 (A VARIABLE RIGHT-OF-WAY),

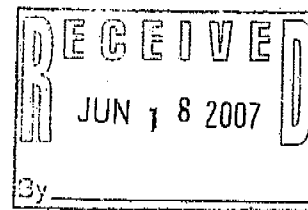
THENCE N 72°49'18" E, ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID HIGHWAY 30, 420.00 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "WER & ASSOC INC",

THENCE S 00°23'18" E, 859.34 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "WER & ASSOC INC",

THENCE S 72°08'06" W, 421.55 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "WER & ASSOC INC", BEING IN THE WEST LINE OF SAID CAMBRIDGE TRACT B,

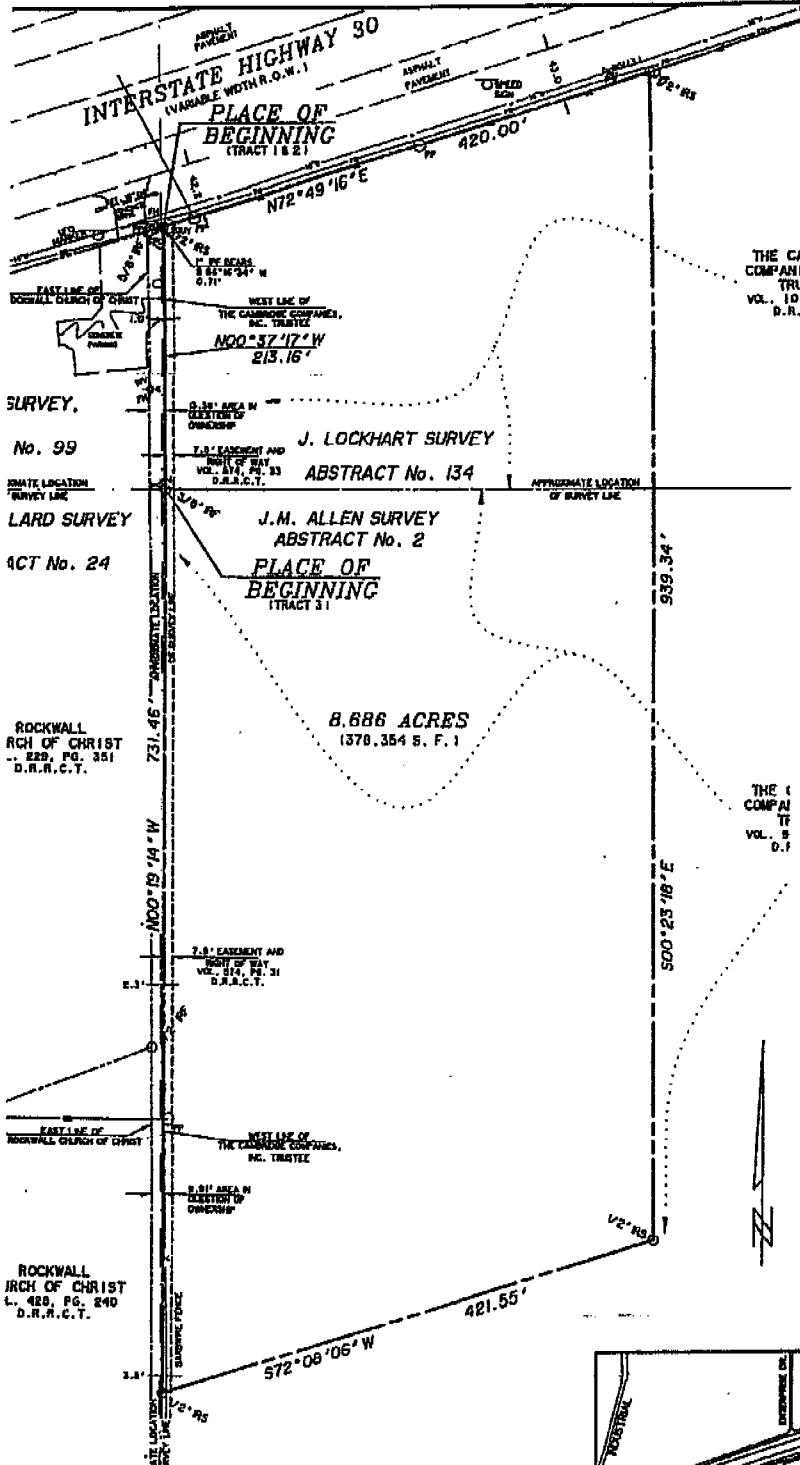
THENCE N 00°19'14" W, ALONG WEST LINE OF SAID CAMBRIDGE TRACT B, 731.45 FEET TO A 3/8 INCH IRON ROD FOUND,

THENCE N 00°37'17" W, 213.15 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 8.686 ACRES (378,384 S. F.) OF LAND.



2007 021
FILE 0 17

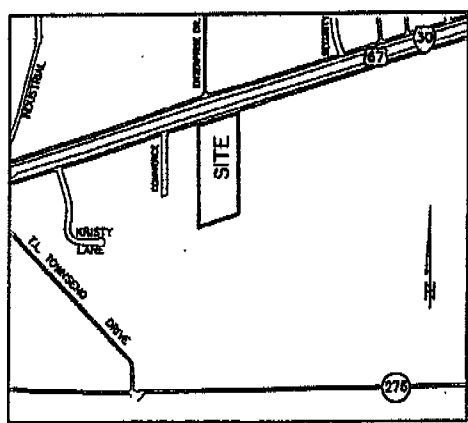
BOUNDARY SURVEY



RECEIVED
 JUN 18 2007
 By

2007 021

COPY



VICINITY MAP
N.T.S.

Advertising Receipt

MET PUBLISHING, INC.

P.O. BOX 669
Terrell, TX 75160

Phone: 972-563-6476

Fax: 972-563-0340

ROCKWALL, CITY OF-LEGALS TÆ

385 SOUTH GOLIAD
ROCKWALL , TX 75087

Acct #: 01100978

Ad #: 00002145

Phone: (972)771-7700

Date: 08/07/2007

Ad taker: 11 **Salesperson:** 6

Sort Line: LG#316298 ORD#7-26

Classification 001

Description	Total
02 ROCKWALL COUNTY NEWS 08/16/2007	60.00

Total: 60.00

Tax: 0.00

Net: 60.00

Prepaid: 0.00

Total Due: 60.00

PUBLISHER'S AFFIDAVIT

THE STATE OF TEXAS COUNTY OF ROCKWALL

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn deposes and says the he is the Publisher of **The Rockwall County News** and the said newspaper meets the requirements of Section 2051.044 of the Texas Government Code to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1985; and
5. it is generally circulated within Rockwall County.

Publisher further deposes and says that the attached notice was published in said news paper on the following date(s) to wit:

August 16th A.D. 2007

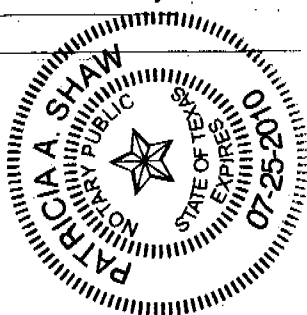

William Jordan
Editor and Publisher

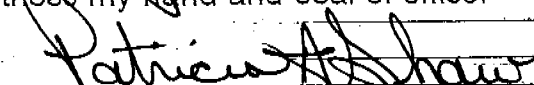
SUBSCRIBED AND SWORN BEFORE ME

by William Jordan who

- a) is personally know to me, or
 b) provided the following evidence to establish his/her identity.

on the 16th day of August, A.D. 2007
to certify which witness my hand and seal of office.




Notary Public, State of Texas

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Is/ William R. Cecil, Mayor
Is/ Dorothy Brooks, TRMC, CMC,
City Secretary
1st Reading: 07-16-07
2nd Reading: 08-06-07