

CITY OF ROCKWALL

ORDINANCE NO. 10-12

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 AMEND THE SPECIFIC USE PERMIT APPROVED VIA ORDINANCE NO. 07-26, ALLOWING FOR A "MOTOR VEHICLE DEALERSHIP, NEW" ON AN 8.686-ACRE TRACT OF LAND KNOWN AS TRACT 3-1 OF ABSTRACT 2, J.M. ALLEN SURVEY AND ABSTRACT 134, J. LOCKHART SURVEY, AND MORE SPECIFICALLY DESCRIBED 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, an amendment to a Specific Use Permit approved via Ordinance No. 07-26, allowing for a "Motor Vehicle Dealership, New" within the (C) Commercial district, has been requested by Bennett Ratliff of The Ratliff Group, LLC, on an 8.686-acre tract of land known as Tract 3-1 of Abstract 2, J.M. Allen Survey and Abstract 134, J. Lockhart Survey, and more specifically described 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 amend the Specific Use Permit approved via Ordinance No. 07-26 allowing for a "Motor Vehicle Dealership, New" within the (C) Commercial district on an 8.686-acre tract of land known as Tract 3-1 of Abstract 2, J.M. Allen Survey and Abstract 134, J. Lockhart Survey, and more specifically described 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. The site plan approved by the City of Rockwall via Planning Department Case No. SP2008-028 shall also be considered valid for the three (3) year period of this SUP.
3. The SUP shall expire if development has not commenced within three (3) years from the approval date of this ordinance (i.e. June 7, 2013).

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 7th day of June, 2010.

William R. Cecil

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry

Kristy Ashberry, City Secretary

APPROVED AS TO FORM:

Pete Eckert

Pete Eckert, City Attorney

1st Reading: 05-17-10

2nd Reading: 06-07-10



• FIELD NOTES TRACT 1a

BEING A TRACT OF LAND LOCATED IN THE J. LOCKHART SURVEY, ABSTRACT No. 134 AND THE J. M. 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 COMPANES, INC. TRUSTEE RECORDED IN VOLUME 101, PAGE 799 (TRACT A), DEED RECORDS, ROCKWALL COUNTY, TEXAS, (D.R.R.C.T.) AND IN VOLUME 99, PAGE 1022, (TRACT B) D.R.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 "WIER & ASSOC INC", FROM WHICH A 1 INCH IRON PPE FOUND BEARS S 66°16'34" W, 0.71 FEET, ALSO BEING THE NORTHWEST CORNER OF SAID CAMBRIDGE TRACT A, AND IN THE SOUTHEAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 30 (A VARIABLE RIGHT-OF-WAY),

THENCE N 72°49'16" 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 "WIER & ASSOC INC",

THENCE S 00°23'18" E, 939.34 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC",

THENCE S 72°08'06" W, 421.85 FEET TO A 1/2 INCH IRON ROD SET WITH A CAP STAMPED "WIER & 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, 731.46 FEET TO A 3/8 INCH IRON ROD FOUND,

THENCE N 00°37'17" W, 213.16 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 8.696 ACRES (378,384 S. F.) OF LAND.



