

CITY OF ROCKWALL

ORDINANCE NO. 08-40

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 (SUP) TO ALLOW FOR A "GARDEN SUPPLY / PLANT NURSERY" WITHIN THE (NS) NEIGHBORHOOD SERVICES DISTRICT, TO BE LOCATED AT 1001 NORTH GOLIAD ON A 1.57-ACRE TRACT KNOWN AS TRACTS 30, 31, 32 AND 32-1, ABSTRACT 146, S. S. MCCOURRY SURVEY; 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 (SUP) to allow for a "Garden Supply / Plant Nursery" within the (NS) Neighborhood Services District, has been requested by John Palmer of Lakewood Garden Center, to be located at 1001 North Goliad on a 1.57-acre tract known as Tracts 30, 31, 32 and 32-1, Abstract 146, S. S. McCourry Survey, City and County of Rockwall, Texas; 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 by the approval of a Specific Use Permit to allow for a "Garden Supply / Plant Nursery" within the (NS) Neighborhood Services District, to be located at 1001 North Goliad on a 1.57-acre tract known as Tracts 30, 31, 32 and 32-1, Abstract 146, S. S. McCourry Survey, City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Article V, Section 4.3, (NS) Neighborhood Services 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. The development shall generally adhere to the approved concept plan attached hereto as Exhibit "A."
2. Future submittal of a detailed site plan and approval by the Planning and Zoning Commission shall be required, including more specific details on any exterior lighting, permanent landscaping and/or preservation of existing trees, outside display areas and elevations for new or remodeled structures on the property.

3. Future engineering plans submittal and approval required, at which time a facilities agreement may be needed for timing and extent of required improvements to adjacent right-of-ways, utilities, access, fire protection, etc.
4. No repair or service of lawn and garden care equipment shall be allowed in conjunction with this development.
5. All storage of bulk and palette items (e.g. mulch, fertilizer, etc) shall be contained entirely within the existing covered carport or screened area between the carport and existing primary structure as indicated on the attached site plan.

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 4th day of August, 2008.

William R. Cecil

William R. Cecil, Mayor

ATTEST:

Kristy Ashberry

 Kristy Ashberry, City Secretary

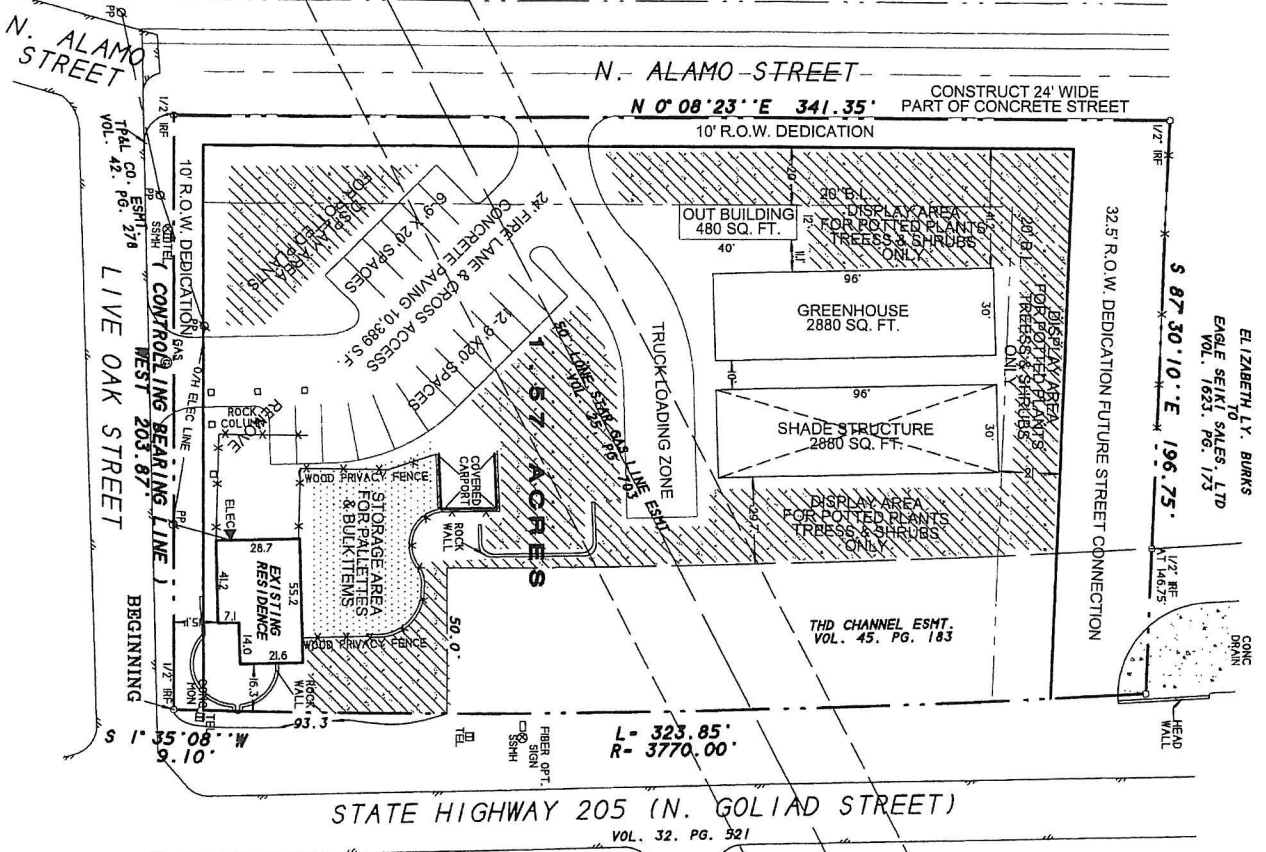
APPROVED AS TO FORM:

Pete Eckert

 Pete Eckert, City Attorney



1st Reading: 07-21-08
 2nd Reading: 08-04-08



ELIZABETH L.Y. BURKS
TO SALES LTD
VOL. 1623, PG. 173

L- 323.85'
R- 3770.00'

STATE HIGHWAY 205 (N. GOLIAD STREET)
VOL. 32, PG. 321

DARRIN STREET

DESCRIPTION
All that certain lot, tract or parcel of land situated in the S.S. McCURRY SURVEY, ABSTRACT NO. 60, City of Rockwall, Rockwall County, Texas, and also that certain lot, tract and parcel of land described in a Warranty deed from J.W. Wright to O.O. Scott as recorded in Volume 271, Page 190 and 191 of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the intersection of the North right-of-way line of Live Oak Street and the West right-of-way line of State Highway 205 (N. Goliad Street), said point being at the Southeast corner of the above cited First tract;

THENCE WEST (Controlling bearing line) along the North line of said Live Oak Street a distance of 203.87 feet to a yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner in the West right-of-way line of Alamo Street (not constructed);

THENCE N. 00 deg. 08 min. 23 sec. E. along said right-of-way line, a distance of 341.35 feet to a 1/2" rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the Northwest corner of said Second tract;

THENCE S. 87 deg. 30 min. 10 sec. E. along an old fence line, at 146.75 feet pass a 1/2" rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for witness and continuing for a total distance of 196.75 feet to a point for corner in concrete at the base of a concrete headwall, being in the West right-of-way line of State Highway 205;

THENCE in a Southwesterly direction along a curve to the left having a central angle of 04 deg. 55 min. 18 sec., a radius of 3770.00 feet, a chord of S. 01 deg. 11 min. 29 sec. E., 323.75 feet, a tangent of 162.02 feet, along said right-of-way line, an arc distance of 323.85 feet to a concrete monument found for corner;

THENCE S. 01 deg. 35 min. 08 sec. W. along said right-of-way line, a distance of 9.10 feet to the POINT OF BEGINNING and containing 1.57 acres of land.

NOTES

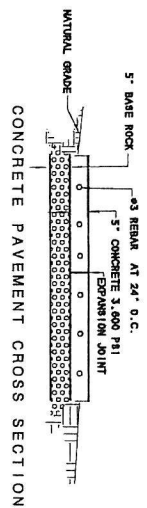
- 1) According to F.E.M.A. Flood Insurance Rate Map, Community Panel No. 480547 0005 C dated June 16, 1992, this property lies in Zone X. This property does not appear to be within a 100-year flood plain.
- 2) BEARING SOURCE: RECORDED DEED IN VOL. 21, PG. 190.
- 3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "R.S.C.I. RPLS 5034".

CURRENTLY ZONED AS
SPECIAL USE PERMIT
REQUESTED FOR
GARDEN CENTER USE

"LAKEWOOD GARDEN CENTER"
1001 LIVE OAK STREET
ROCKWALL, TX 75087

FILE COPY

OWNER:
JOHN PALMER
7030 EDGERTON
DALLAS, TX 75231
214-448-5189



SYMBOL LEGEND

Symbol	Description
Circle with dot	Center of Circle
Circle with cross	Center of Square
Circle with triangle	Center of Triangle
Circle with square	Center of Circle
Circle with diamond	Center of Square
Circle with hexagon	Center of Triangle
Circle with octagon	Center of Circle
Circle with decagon	Center of Square
Circle with dodecagon	Center of Triangle
Circle with hexagram	Center of Circle
Circle with heptagon	Center of Square
Circle with octagram	Center of Triangle
Circle with nonagon	Center of Circle
Circle with decagram	Center of Square
Circle with undecagon	Center of Triangle
Circle with dodecagon	Center of Circle
Circle with tridecagon	Center of Square
Circle with tetradecagon	Center of Triangle
Circle with pentadecagon	Center of Circle
Circle with hexadecagon	Center of Square
Circle with heptadecagon	Center of Triangle
Circle with octadecagon	Center of Circle
Circle with enneadecagon	Center of Square
Circle with icosagon	Center of Triangle
Circle with hexasium	Center of Circle
Circle with heptasium	Center of Square
Circle with octasium	Center of Triangle
Circle with nonasium	Center of Circle
Circle with decasium	Center of Square
Circle with hendecadium	Center of Triangle
Circle with dodecadium	Center of Circle
Circle with tridecadium	Center of Square
Circle with tetradecadium	Center of Triangle
Circle with pentadecadium	Center of Circle
Circle with hexadecadium	Center of Square
Circle with heptadecadium	Center of Triangle
Circle with octadecadium	Center of Circle
Circle with enneadecadium	Center of Square
Circle with icosadium	Center of Triangle
Circle with hexasium	Center of Circle
Circle with heptasium	Center of Square
Circle with octasium	Center of Triangle
Circle with nonasium	Center of Circle
Circle with decasium	Center of Square
Circle with hendecadium	Center of Triangle
Circle with dodecadium	Center of Circle
Circle with tridecadium	Center of Square
Circle with tetradecadium	Center of Triangle
Circle with pentadecadium	Center of Circle
Circle with hexadecadium	Center of Square
Circle with heptadecadium	Center of Triangle
Circle with octadecadium	Center of Circle
Circle with enneadecadium	Center of Square
Circle with icosadium	Center of Triangle

R.S.C.I.
ROCKWALL SURVEYING CO., INC. LAND SURVEYING
1984 S. FM 551 ROYSE CITY, TX 75189 972-772-5434 PHONE 972-772-5443 FAX

DATE: JULY 16, 2004
SCALE: 1" = 40' FILE# 2004002-518
DRAWN BY: PALMER