

CITY OF ROCKWALL

ORDINANCE NO. 13-13

SPECIFIC USE PERMIT NO. S-107

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) FOR OUTSIDE STORAGE AND DISPLAY ON A 4.922-ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT AND LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT, THE SUBJECT PROPERTY IS LOCATED AT 1530 E. IH-30, BEING DESCRIBED AS TRACT 4-02 OF N.M. BALLARD SURVEY, ABSTRACT NO. 24 AND THE A. HANNA SURVEY, ABSTRACT NO. 99; 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, the City has received a request from Zack Amick of Gordon Rockwall Investments LLC, for a Specific Use Permit (SUP) allowing for *Outside Storage and Display* on a 4.922-acre tract of land zoned Light Industrial (LI) District, located within the IH-30 (IH-30 OV) Overlay District, and identified as Tract 4-02 of the N.M. Ballard Survey, Abstract No. 24 and the A. Hanna Survey, Abstract No. 99 situated within the City and County of Rockwall, Texas and 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 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 (SUP) allowing for *Outside Storage and Display* within a Light Industrial (LI) District located within the IH-30 (IH-30 OV) Overlay District on the *Subject Property*; and

Section 2. That the Subject Property shall be used only in the manner and for the purposes described in the Specific Use Permit (SUP) and specifically set forth in *Section 2.1.10, Wholesale, Distribution and Storage, of Article II, Permissible Uses; Section 5.3, Light Industrial (LI) District, and Section 6.6, IH-30 (IH-30 OV) Overlay District, of Article V, District Development Standards, of the City of Rockwall Unified Development Code (Ordinance No. 04-38)* as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions and compliance standards:

2.1 Operational Conditions

The following conditions pertain to the outside storage and/or outside display of new vehicles in conjunction with an adjacent new car dealership on the subject property at 1530 E. IH-30 and conformance to these stipulations are required for continued operations:

- 1) All development must conform to the approved *Site Plan* depicted in Exhibit 'B' of this ordinance, which is incorporated herein by reference.
- 2) This SUP is intended for storage of new vehicles only and shall not be utilized for the sale of vehicles.
- 3) The operation of this site shall conform to all federal, state and local standards and comply with the requirements of Section 2.2, *Compliance Standards*, of this ordinance.

2.2 Compliance

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) The Specific Use Permit (SUP) shall automatically terminate three (3) years after City Council adoption of this ordinance. Ninety (90) days prior to the cessation of this ordinance the applicant shall have the opportunity to submit an application with the Planning and Zoning Department of the City of Rockwall for the renewal of the ordinance for a period to be determined by City Council. The application will initiate proceedings before the Planning & Zoning Commissions and City Council.
- 2) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code, the City Council may, after proper notice, initiate proceedings before the City Council to revoke the Specific Use Permit.

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

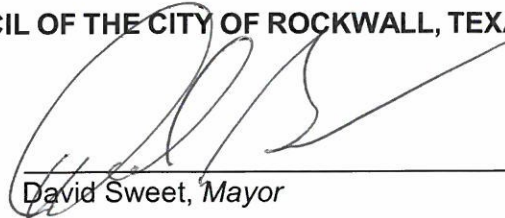
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 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, ON THIS THE 3rd DAY OF JUNE, 2013.



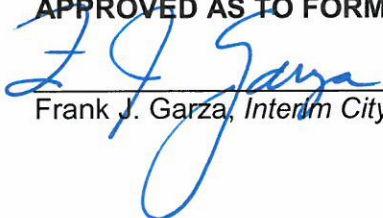
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, Interim City Attorney



1st Reading: May 20, 2013

2nd Reading: June 3, 2013

Exhibit 'A'
Legal Description

DESCRIPTION OF PROPERTY SURVEYED

BEING a 4.922-acre tract of land situated in the N. M. BALLARD Survey, Abstract No. 24, and in the A. HANNA Survey, Abstract No. 99, in the City of Rockwall, Rockwall County, Texas, and being part of a 48.033-acre tract of land described in the deed from Eva E. Tadlock, a widow, and C. W. Tadlock to Max Schied, Trustee, dated 18th day of July, 1972, and recorded in Volume 103, at Page 791 of the Deed Records of Rockwall County, Texas, and being the remainder of that certain 5-acre tract of land described in the deed from Max Schied, Trustee to Gaston and Gaston Auctioneers, Inc. dated the 10th day of October, 1978, and recorded in Volume 137, at Page 832 of the said Deed Records of Rockwall County, Texas, said tract being more particularly described as follows:

BEGINNING at a 3-inch aluminum TxDOT monument found in place on the westerly line of the above mentioned 48.033-acre tract at its intersection with the southerly right-of-way line of Interstate Highway 30, said 3-inch aluminum TxDOT monument marking the most southerly southwest corner of a 3,450 square-foot tract of land described in the deed from Marly K. Salley, et vir Oscar Salley, to the State of Texas, dated the 16th day of January, 2010, and recorded in County Clerk's Document No. 2010 00430987 (Volume 6069, at Page 254) of the said Deed Records of Rockwall County, Texas, and having coordinates based on the Texas Coordinate System of 1983, North Central Zone of:

X = 2,601,110.56 U. S. Survey Feet

Y = 7,021,781.94 U. S. Survey Feet

(Reported as North 7,022,808.07, East 2,601,490.67 based on the TxDOT conversion factor of 1.000146135 in the cited deed to the State of Texas)

THENCE with the southeasterly right-of-way line of Interstate Highway No. 30 and the southeasterly line of the above mentioned 3,450-square-foot State of Texas tract the following two courses and distances:

1. N 72°46'00"E 308.48 feet

2. S 65°17'09"E 23.86 feet to a 3-inch aluminum TxDOT monument found in place on the westerly right-of-way line of Commerce Street (a 60-foot right-of-way) according to the plat thereof recorded in Cabinet B on Slide 323 of the Map and Plat Records of Rockwall County, Texas, and being in the westerly line of a 5-acre tract described in the deed from Max Schied, Trustee to Rockwall Church of Christ, dated the 15th day of December, 1977, and recorded in Volume 131, at Page 405 of the said Deed Records of Rockwall County, Texas;

THENCE S 00°40'20"E with the westerly right-of-way line of Commerce Street at a distance of 622.43 feet pass a 5/8-inch steel rod found (called to be the southwest corner of the last mentioned 5-acre tract but fails to satisfy the called distance for the westerly line of that tract) and continuing on the same course for an additional distance of 84.93 feet for a total distance of 707.36 feet to a 3/8-inch steel rod found;

THENCE S 89°22'30"W for a distance of 317.00 feet to a 3/8-inch steel rod found;

THENCE N 00°41'38"W for a distance of 629.40 feet to the PLACE OF BEGINNING and containing 4.922 acres of land.

The bearings and coordinates reported on this report of survey are reported in U.S. Survey Feet based on the Texas Coordinate System of 1983, North Central Zone (NAD83 4202) and the distances are measured at the surface. The combined factor for this project is 0.999853886 based on the TxDOT regional conversion factor.

To: Gordon Rockwall Investments, LLC, Marly K. Salley and Reunion Title Company

