

CITY OF ROCKWALL

ORDINANCE NO. 13-14

SPECIFIC USE PERMIT NO. S-108

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 SPECIFIC USE PERMIT (SUP) NO. S-100 [ORDINANCE NO. 12-30] TO ALLOW FOR A 75-FOOT POLE SIGN IN CONJUNCTION WITH A RETAIL STORE WITH MORE THAN TWO (2) GASOLINE DISPENSERS WITHIN A GENERAL RETAIL (GR) DISTRICT AS SPECIFIED IN ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A 1.8169 ACRE TRACT OF LAND ZONED COMMERCIAL (C) DISTRICT AND GENERAL RETAIL (GR) DISTRICT, AND DESCRIBED AS PART OF THE JOSEPH CADLE SURVEY, ABSTRACT NO. 65, BEING ALL OF LOT 1R, BLOCK A OF THE MONTEGO ADDITION, AND A PORTION OF LOT 2, BLOCK A OF THE ROCKWALL SHOPPING CENTER, ROCKWALL COUNTY, TEXAS; 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**, a request has been made by Jake Petras to amend Specific Use Permit (SUP) No. S-100 [Ordinance No. 12-30] to allow for a 75-foot pole sign in conjunction with a retail store with more than two (2) gasoline dispensers within a General Retail (GR) District as stipulated by Article IV, Permissible Uses, of the Unified Development Code for a 1.8169 acre tract of land zoned Commercial (C) District and General Retail (GR) District, and described as part of the Joseph Cadle Survey, Abstract No. 65, being all of Lot 1R, Block A of the Montego Addition, and a portion of Lot 2, Block A of the Rockwall Shopping Center Addition, Rockwall County, Texas, which is situated at the northwest corner of the intersection of SH-205 and the IH-30 access road, 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 a 75-foot pole sign in conjunction with a retail store with more than two (2) gasoline dispensers within a General Retail (GR) District as stipulated by Article IV, Permissible Uses, of the Unified Development Code on the *Subject Property*; and

**SECTION 2.** That the Subject Property shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) Ordinance and set forth in **Article V, Section 4.4, General Retail (GR) District Standards, and Article V, Section 4.5, Commercial (C) District Standards, of the 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 Conditions for a Certificate of Occupancy (CO)**

The following conditions pertain to the development of a retail store with more than two (2) gasoline dispensers on the *Subject Property*, and conformance to these development conditions are required for the issuance of a Certificate of Occupancy (CO):

- 1) All development on this property shall generally conform to the Concept Plan in Exhibit 'B' of this ordinance and strictly adhere to the Building Elevations in Exhibit 'C' of this ordinance.
- 2) Prior to the approval of engineering plans and/or the issuance of a building permit the applicant will be required to submit signed and sealed legal descriptions and exhibits for all easements necessary for the construction of the proposed retail store with more than two (2) gasoline dispensers to the Engineering Department for filing through separate instrument with Rockwall County.
- 3) All signage shall generally conform to the Sign Elevations in Exhibit 'D'. Additionally, one (1) pole sign shall be permitted along the IH-30 frontage road and one monument sign shall be permitted along SH-205. Both signs should be generally located in similar positions as to the positions depicted in the Concept Plan in Exhibit 'B' of this ordinance, and should conform to the height and material standards shown in said exhibit.
- 4) Prior to the approval of a Building Permit a Site Plan generally conforming to the Concept Plan in Exhibit 'B' of this ordinance will need to be submitted and approved by the Planning & Zoning Commission, and City Council if necessary.

### **2.2 Operational Conditions**

The following conditions pertain to the operation of a retail store with more than two (2) gasoline dispensers on the subject property, and conformance to these operational conditions are required for continued operations:

- 1) All operation on this property shall generally conform to the Concept Plan in Exhibit 'B' of this ordinance and strictly adhere to the Building Elevations in Exhibit 'C' of this ordinance. Additionally, all conditions of Section 2.2 of this ordinance must be satisfied for continued operations.
- 2) No outside display of merchandise or outside storage shall be permitted on the subject property, with the exception of the following items which will be required to be indicated on the approved site plan: ice machine, propane cage, and/or DVD rental kiosk.

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

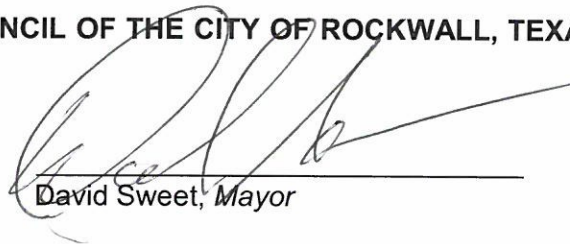
**Section 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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.

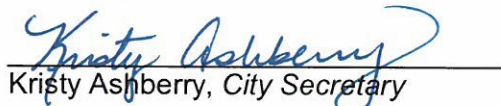
**Section 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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.

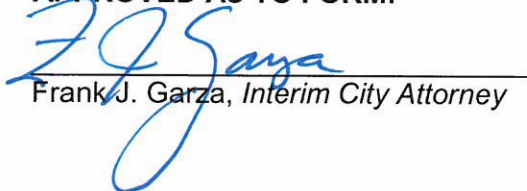
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 3<sup>rd</sup> DAY OF JUNE, 2013.**

  
\_\_\_\_\_  
David Sweet, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Ashberry, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, Interim City Attorney



1<sup>st</sup> Reading: May 20, 2013

2<sup>nd</sup> Reading: June 3, 2013

## Exhibit A: Legal Description

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### PROPOSED ZONING DESCRIPTION

**BEING** a tract of land located in the City of Rockwall, Rockwall County, Texas, part of the Joseph Cadle Survey, Abstract No. 65, being all of Lot 1R, Block A, Montego Addition, an addition to the City of Rockwall according to the plat thereof as recorded in Cabinet E, Slide 128, Map Records, Rockwall County Texas, being all of that 0.6396 (called) acre tract of land described in deed to C & V of Lancaster, Inc. as recorded in Volume 135, Page 49, Deed Records, Rockwall County, Texas, also being part of that 0.556 acre tract described in deed to Adelphi Petroleum, Inc. as recorded under County Clerk's File No. 2010-00443279, Deed Records Rockwall County, Texas, also being part of Lot 2, Block A, Rockwall Shopping Center Addition, an addition to the City of Rockwall according to the plat thereof recorded in Cabinet B, Page 231, Map Records, Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2" iron rod with red cap stamped "F-D" found at the south corner of said Lot 1R, being the southeast corner of said Lot 2, Block A, Rockwall Shopping Center Addition;

**THENCE**, along the west line of said Lot 1R, the west line of said 0.6396 acre tract and the east Line of said Lot 2, North 35 degrees 22 minutes 17 seconds West, a distance of 30.50 feet;

**THENCE**, departing the west line of said Lot 1R, over and across said Lot 2 the following:

North 50 degrees 07 minutes 19 seconds West, a distance of 102.01 feet;

North 45 degrees 16 minutes 04 seconds West, a distance of 60.38 feet;

North 37 degrees 10 minutes 05 seconds West a distance of 53.24 feet;

North 30 degrees 47 minutes 55 seconds West, a distance of 204.06 feet;

North 60 degrees 08 minutes 27 seconds East, passing at a distance of 29.05 the south corner of Lot 1, Block A, said Rockwall Shopping Center Addition and an "ell" corner of said Lot 2, continuing along the common line of said Lot 1 and Lot 2 for a total a distance of 126.57 feet to a 1/2" iron rod found for the northwest corner of said Lot 1R, Block A, Montego Addition;

**THENCE**, along the north line of said Lot 1R and the south line of said Lot 1, North 60 degrees 23 minutes 07 seconds East, a distance of 109.03 feet to a 5/8" iron rod set with plastic cap stamped "R. P. L. S. 5199", being in the east line of said Lot 1R and the west line of a 15' right-of-way dedication for South Goliad Street (State Highway No. 205, a variable width R. O. W.) as shown on said Montego Addition plat;

**THENCE**, along the east line of said Lot 1R and the west right-of-way line of South Goliad Street, South 31 degrees 19 minutes 22 seconds East, a distance of 127.61 feet to a 5/8" iron rod set with plastic cap stamped "R. P. L. S. 5199";

**THENCE**, continuing along said common line, South 20 degrees 06 minutes 10 seconds East, a distance of 154.46 feet to a 5/8" iron rod set for the east corner of said Lot 1R, being in the northwesterly right-of-way line of Interstate Highway No. 30, a variable width R. O. W.);

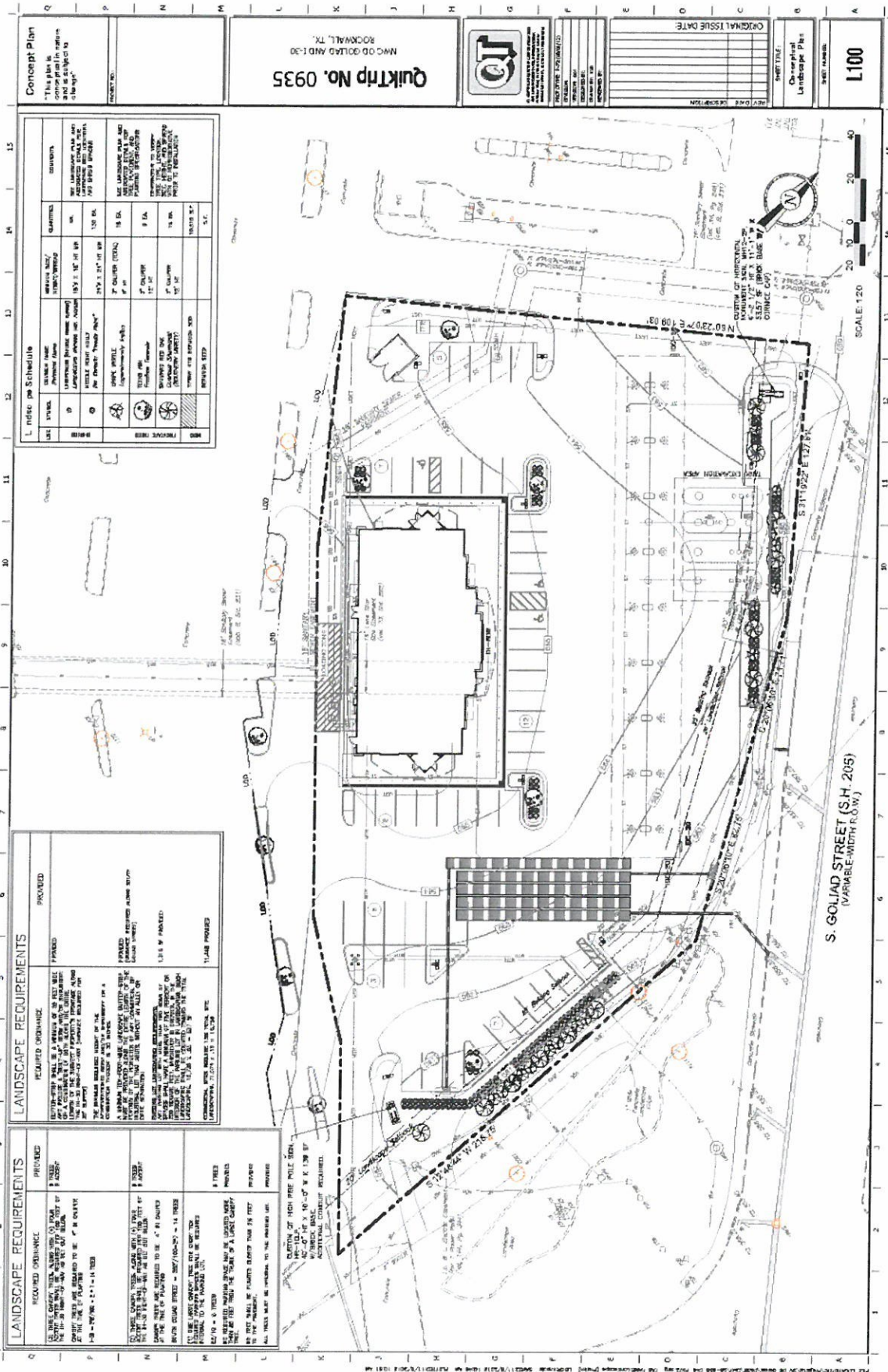
**THENCE**, along the southeasterly line of said Lot 1R and the northwesterly line of Interstate Highway No. 30, South 12 degrees 48 minutes 44 seconds West, a distance of 218.75 feet to the POINT OF BEGINNING and containing 79,143 square feet or 1.8169 acres of land more or less.

**NOTICE**, "This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared."



# Exhibit B: Concept Plan

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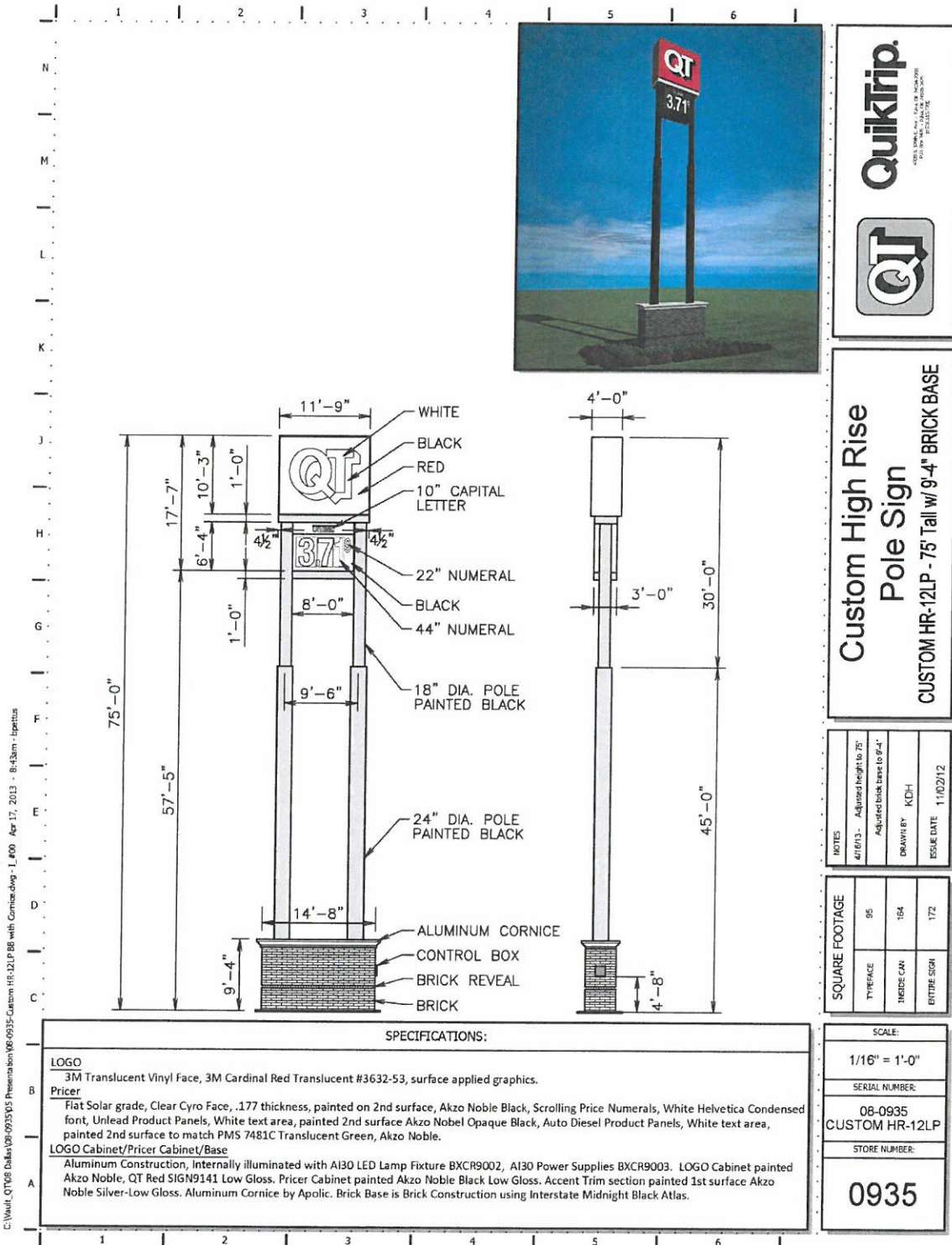






# Exhibit D: Sign Elevations

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# Exhibit D: Sign Elevations

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