

CITY OF ROCKWALL

ORDINANCE NO. 13-36

SUP NO. 111

**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 A TRACT OF LAND TOTTALLING 11.568-ACRES AND KNOWN AS TRACT 12 OF THE JOHN LOCKHART SURVEY (1.06-ACRES), ABSTRACT 134 AND LOT 1, BLOCK A OF THE LAFON ADDITION (10.51-ACRES), AND MORE SPECIFICALLY SHOWN IN EXHIBIT "A" AND DESCRIBED IN EXHIBIT "B"; 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) for a "Motor Vehicle Dealership, New" within the Commercial (C) and Light Industrial (LI) Districts has been requested by John Spiars with Spiars Engineering and on behalf of NESBO, LP, on a tract of land totaling 11.568-acres and known as Tract 12 of the John Lockhart Survey (1.06-aces), Abstract 134, and Lot 1, Block A of the Lafon Addition (10.51-acres), and more specifically shown in Exhibit "A" and described in Exhibit "B"; 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 Commercial (C) and Light Industrial (LI) Districts on a tract of land totaling 11.568-acres and known as Tract 12 of the John Lockhart Survey (1.06-aces), Abstract 134, and Lot 1, Block A of the Lafon Addition (10.51-acres), and more specifically shown in Exhibit "A" and described in Exhibit "B"; and

**Section 2.** That the Specific Use Permit shall be subject to the conditions set forth in **Article V, Section 4.5, Commercial District and Section 5.3 Light Industrial (LI) 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 SUP is for the proposed land use only (i.e. "Motor Vehicle Dealership, New").
2. Staff would recommend the proposed conceptual site plan be attached to the SUP for the purpose of providing a metes and bounds description indicating the boundary of the proposed New Car Dealership as shown in Exhibit "C".

3. 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.
4. Submittal and approval of engineering plans and final plat prior to the issuance of a building permit.
5. 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.
6. 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.

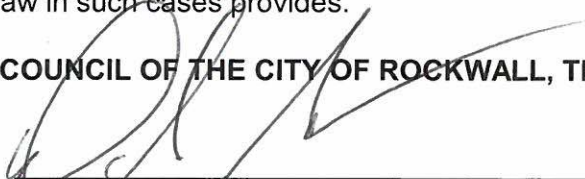
**Section 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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 7<sup>th</sup> day of October, 2013.**

  
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 David Sweet, Mayor

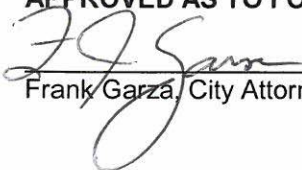
**ATTEST:**

  
 \_\_\_\_\_  
 Jacky Casey, Assistant to the City Secretary

1st Reading: 09-16-13

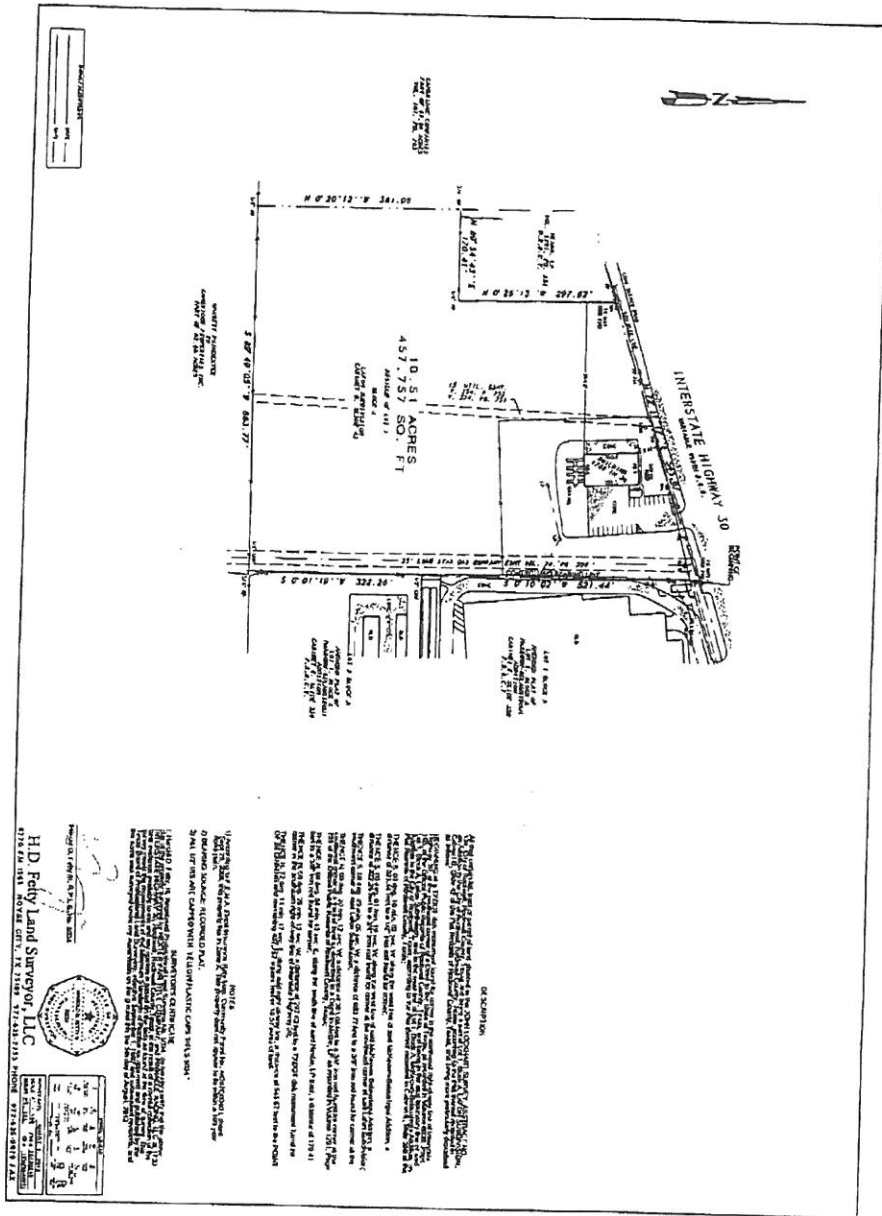
2nd Reading: 10-07-13

**APPROVED AS TO FORM:**

  
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 Frank Garza, City Attorney



# EXHIBIT "A"



TOTAL P.02

## EXHIBIT "B"

All that certain lot, tract or parcel of land situated in the JOHN LOCKHART SURVEY, ABSTRACT NO. 134, City of Rockwall, Rockwall County, Texas and being a part of Lot 1, Block A, LAFON SUBDIVISION, an Addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet B, Slide 42 of the Plat Records of Rockwall County, Texas, and also being a part of a 1.105 acres tract of land as described in a Warranty deed from Randal Nesbit to NESBO, LP dated February 6, 1997 and being recorded in Volume 1201, Page 251 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT disk monument found for corner in the southeast right-of-way line of Interstate Highway 30, at the southeast corner of a Deed to the State of Texas, as recorded in Volume 6038, Page 105, of the Official Public Records of Rockwall County, Texas, and being in the east boundary line of said Lot 1, Block A, Lafon Subdivision, and in the west line of Lot 1, Block A, McKeown-Belaustegui Addition, an Addition to the City of Rockwall, Texas, according to the Plat thereof recorded in Cabinet E, Slide 359 of the Plat Records of Rockwall County, Texas;

THENCE S. 00 deg. 10 min. 02 sec. W. along the west line of said McKeown-Belaustegui Addition, a distance of 521.44 feet to a 1/2" iron rod found for corner;

THENCE S. 00 deg. 01 min. 19 sec. W. along the west line of said McKeown-Belaustegui Addition, a distance of 322.26 feet to a 3/4" iron rod found for corner at the southeast corner of said Lafon Subdivision;

THENCE S. 89 deg. 49 min. 05 sec. W. a distance of 683.77 feet to a 3/8" iron rod found for corner at the southwest corner of said Lafon Subdivision;

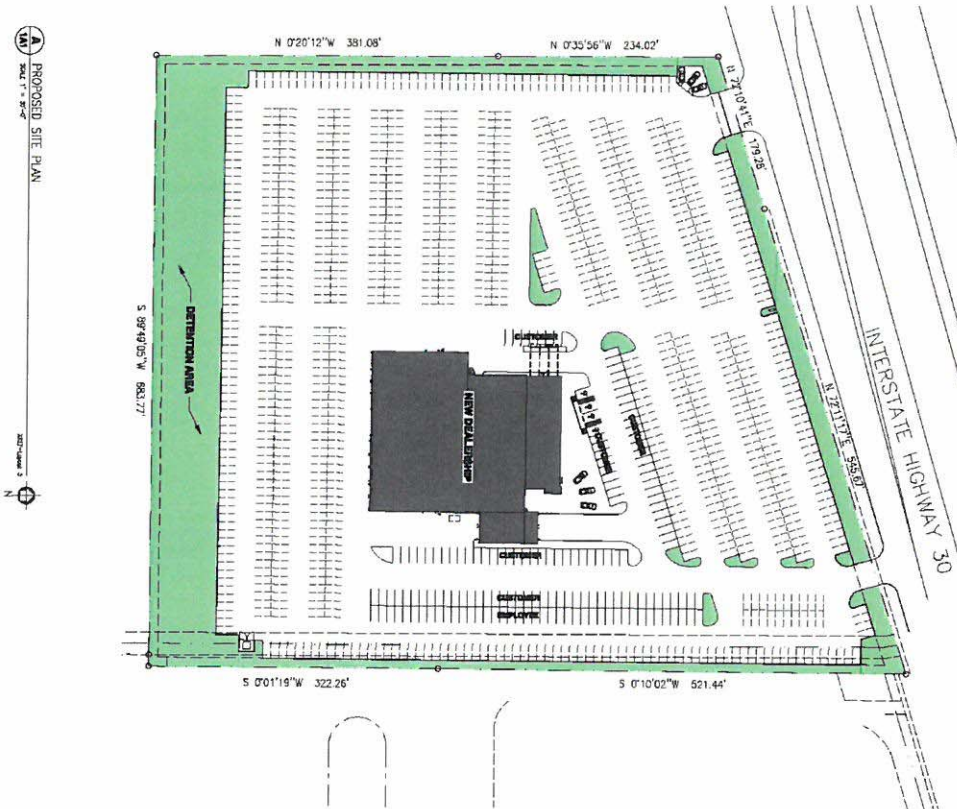
THENCE N. 00 deg. 20 min. 12 sec. W. a distance of 381.08 feet to a 3/8" iron rod found for corner at the southwest corner of Nesbo, LP tract;

THENCE N. 00 deg. 35 min. 56 sec. W. along the west line of said Nesbo, LP tract, a distance of 243.02 feet to a TXDOT disk monument found for corner in the southeast right-of-way line of Interstate Highway 30;

THENCE N. 72 deg. 10 min. 41 sec. E. along said right-of-way line, a distance of 179.28 feet to a TXDOT Disk monument found for corner;

THENCE N. 72 deg. 11 min. 17 sec. E. along said right-of-way line, a distance of 545.67 feet to the POINT OF BEGINNING and containing 503,922 square feet or 11.57 acres of land.

# EXHIBIT "C"



PARKING:  
 157 STANDARD STALLS  
 DISPLAY PARKING:  
 942 STALLS  
 TOTAL: 1099 STALLS

THIS DRAWING IS THE PROPERTY OF EDWYON WILLIAMS & ASSOCIATES. THE DRAWING(S) OR INFORMATION DEPICTED SHALL NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT.

	<b>ARCHITECTURE</b> <b>PLANNING</b> <b>INTERIORS</b>	2020 1st Highway 11th Fl. Jkt Dallas, Texas 75201 P: 214-424-4444 F: 214-424-4444 www.edwyon.com	Edwyon Williams & Associates A Professional Corporation 11000 Rockwall Road Rockwall, Texas 75087	PROJECT NO. 08115.13	DATE 08/15/13	SHEET NO. <b>1A1</b>
	<b>FENTON NISSAN OF ROCKWALL</b> - New Construction NEAR S.W. CORNER OF H-30 AND S. JOHN KING BLVD. ROCKWALL, TEXAS PROPOSED SITE PLAN					