

CITY OF ROCKWALL

ORDINANCE NO. 13-39

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 10 (PD-10) [ORDINANCE NO. 04-25] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A CHANGE IN ZONING FROM PLANNED DEVELOPMENT DISTRICT 10 (PD-10) FOR SINGLE FAMILY-DETACHED AND TOWNHOME USES TO PLANNED DEVELOPMENT DISTRICT 10 (PD-10) FOR LIMITED GENERAL RETAIL (GR) DISTRICT USES FOR A 3.816-ACRE TRACT OF LAND SITUATED IN THE J. CADLE SURVEY, ABSTRACT NO. 119, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; 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, the City has received a request from Shea Kirkman on behalf of CADG Rockwall 41, LLC for an amendment to the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall to adopt a change in zoning from Planned Development District 10 (PD-10) for Single Family-Detached and Townhome uses to Planned Development District 10 (PD-10) for limited General Retail (GR) District uses for a 3.816-acre tract of land situated within the J. Cadle Survey, Abstract No. 119, City of Rockwall, Rockwall County, Texas, and more specifically described in *Exhibit 'A'* of this ordinance, which hereinafter 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, and the governing body in the exercise of its legislative discretion, has concluded that Planned Development District 10 (PD-10) [Ordinance No. 04-25] and the Unified Development Code [Ordinance No. 04-38] 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 [Ordinance No. 04-38] of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended by amending the zoning map of the City of Rockwall so as to change the zoning from Planned Development District 10 (PD-10) for Single Family-Detached and Townhome uses to Planned Development District 10 (PD-10) for limited General Retail (GR) District uses for the *Subject Property*; and

Section 2. That the *Subject Property* shall be used only in the manner and for the purposes provided for in *Section 4.1, "General Commercial District Standards," and Section 4.4, "General Retail (GR) District", Article V, "District Development Standards", of the Unified Development Code* of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future;

Section 3. That the *Subject Property* shall allow all the uses permitted of right or by Specific Use Permit (SUP) stipulated for the General Retail (GR) District as set forth in *Article IV, "Permissible Land Uses", of the Unified Development Code*, with the exception of the following uses which will be expressly prohibited:

- ✓ *Carnival, Circus or Amusement Ride [Temporary]*
- ✓ *Commercial Amusement/Recreation [Outside]*
- ✓ *Gun Club, Skeet or Target Range [Indoor]*
- ✓ *Theater*
- ✓ *Night Club, Discoteque or Dance Hall*
- ✓ *Restaurant, Less than 2,000 SF with a Drive-Through or Drive-In*
- ✓ *Restaurant, 2,000 SF or more with a Drive-Through or Drive-In*
- ✓ *Retail Store with Gasoline Product Sales Limited to Two (2) Dispensers and Four (4) Vehicles*
- ✓ *Retail Store with more than Two (2) Gasoline Dispensers*
- ✓ *Car Wash/Auto Detail*
- ✓ *Car Wash/Self Service*
- ✓ *Service Station*

Section 4. That the official zoning map of the City be corrected to reflect the changes in the zoning described herein.

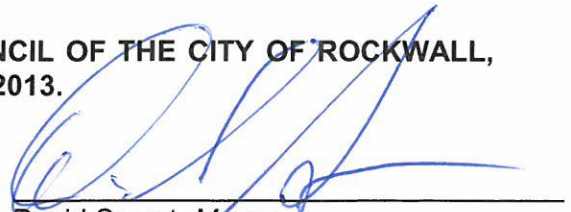
Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense and each and every day such offense 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 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 all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

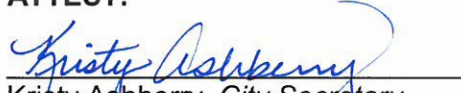
Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, ON THIS THE 21ST DAY OF OCTOBER, 2013.



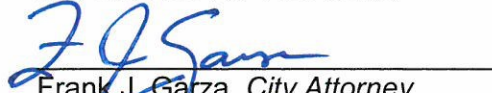
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: 10-07-13

2nd Reading: 10-21-13

Exhibit 'A':
Legal Description

**DESCRIPTION OF
3.816 ACRES OF LAND**

BEING a tract of land situated in the J. Cadle Survey, Abstract Number 65, and the F. Henderson Survey, Abstract Number 119, City of Rockwall, Rockwall County, Texas, being a portion of that tract of land described by deed to CADG Rockwall 41, LLC as recorded in Instrument Number 2012-478225, Property Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at the southwest corner of said CADG Rockwall 41, LLC tract, being the southeast corner of Lot 1, Block 1, Rockwall Centre Corners Addition, an addition to the City of Rockwall recorded in Cabinet G, Page 299, Plat Records, Rockwall County, Texas, and being in the north right-of-way line of State Highway 126 (a 120 foot right-of-way);

THENCE S 87°43'32"E, 1068.21 feet with the common south line of said CADG Rockwall 41, LLC tract, and said north right-of-way line to the **Point of Beginning**;

THENCE N 55°48'03"E, 712.94 feet departing said common line to the southwest right-of-way line of T.L. Townsend Drive (a variable width right-of-way), the beginning of a non-tangent curve to the right;

THENCE with said southwest right-of-way line and non-tangent curve to the right, an arc distance of 404.94 feet, through a central angle of 29°39'00", having a radius of 782.50 feet, the long chord which bears S 22°54'07"E, 400.43 feet;

THENCE S 41°18'08"W, 59.08 feet with said southwest right-of-way line to the aforementioned north right-of-way line of State Highway 126;

THENCE with said right-of-way line the following courses and distances:

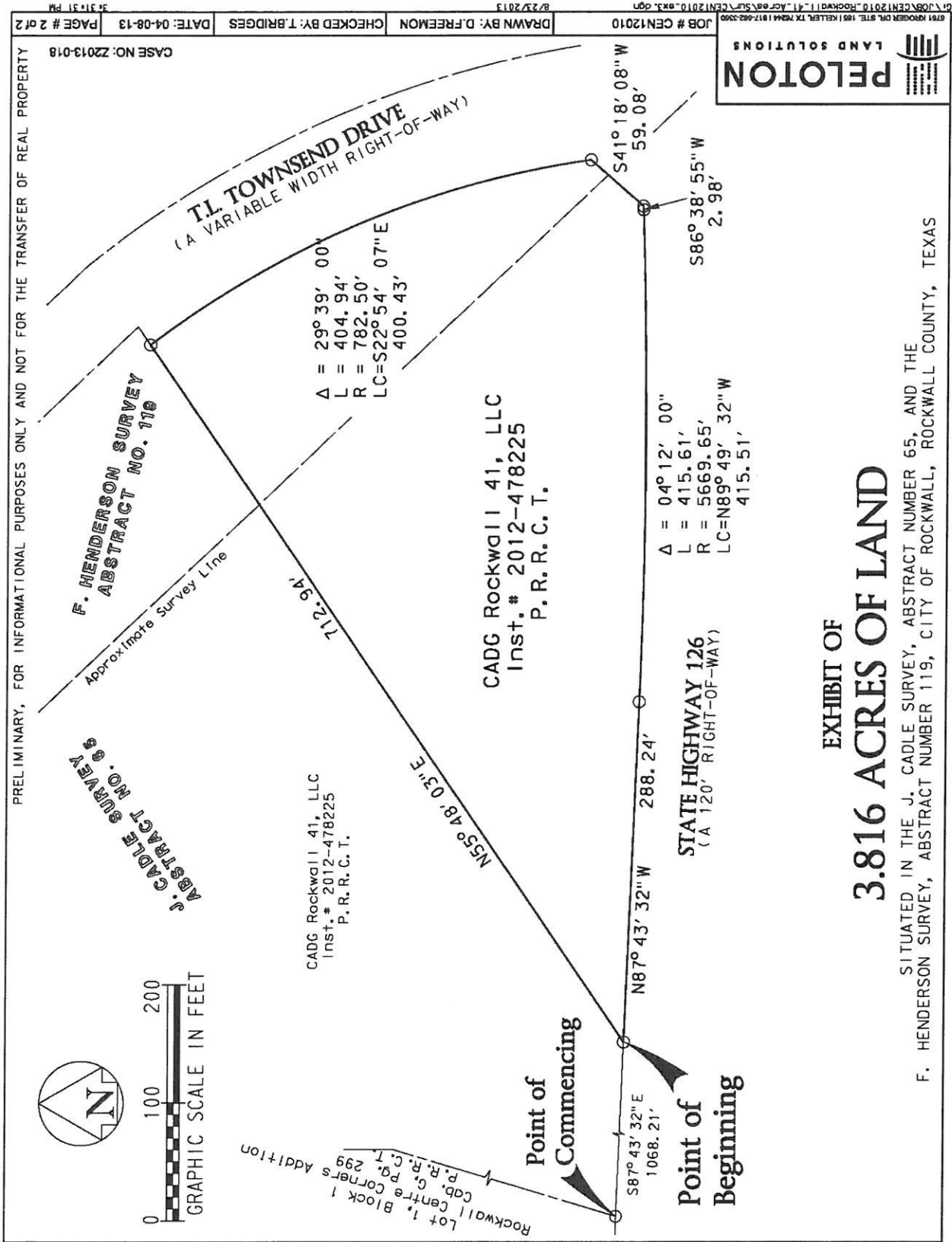
S 86°38'55"W, 2.98 feet to the beginning of a non-tangent curve to the right;

With said non-tangent curve to the right, an arc distance of 415.61 feet, through a central angle of 04°12'00", having a radius of 5669.65 feet, the long chord which bears N 89°49'32"W, 415.51 feet;

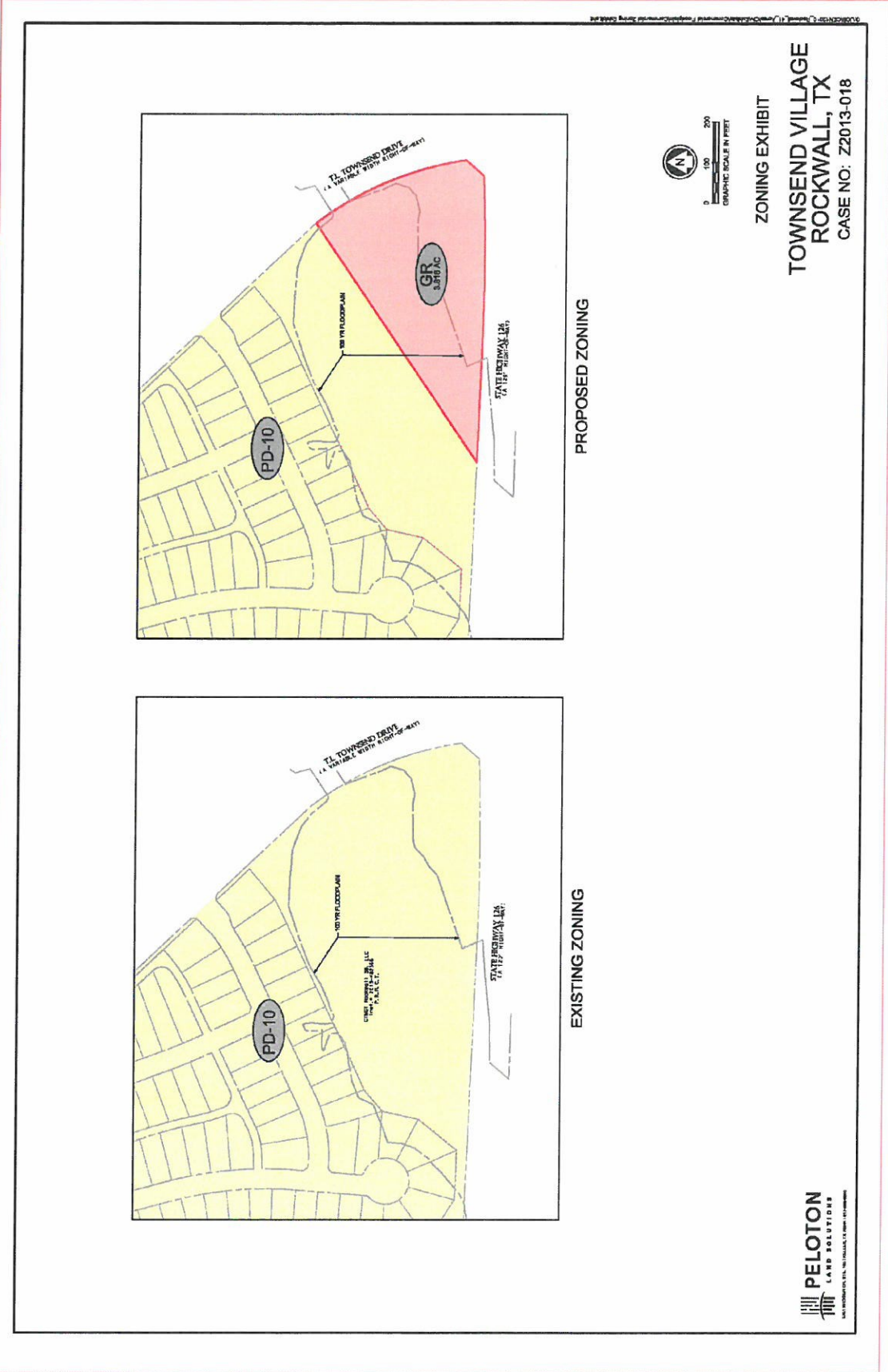
N 87°43'32"W, 288.24 feet to the **Point of Beginning** and containing 166,206 square feet or 3.816 acres of land more or less.1

"Preliminary, this legal description is for informational purposes only and not for the transfer of real property."

**Exhibit 'B':
Property Survey**



**Exhibit 'C':
Zoning Exhibit**



ZONING EXHIBIT
TOWNSEND VILLAGE
ROCKWALL, TX
CASE NO: Z2013-018

