

CITY OF ROCKWALL
ORDINANCE NO. 14-24
SUP NO. 120

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 4.08-ACRE TRACT OF LAND LOCATED IN THE J. LOCKHART SURVEY, ABSTRACT NO. 134 AND BEING THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO THE CAMBRIDGE COMPANIES, INC. AS RECORDED IN VOLUME 101, PAGE 795 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT "A"; 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) District has been requested by Brad Fenton of Fenton Motor Group, LLC and on behalf of Cambridge Companies, Inc., on a 4.08-acre tract of land known as the J. Lockhart Survey, Abstract 134, and being that certain tract of land described in a deed to the Cambridge Companies, Inc. as recorded in Volume 101, Page 795 of the deed records of Rockwall County, TX, 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, 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) District for the *Subject Property*; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Article V, Section 4.5, Commercial 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"); and

2. The proposed conceptual site plan shall be attached to the SUP Ordinance for the purpose of establishing a boundary that will incorporate said SUP Ordinance with SUP No. 111 (Ord. No. 13-36) for the purpose of developing a "Motor Vehicle Dealership, New" on a 15.658-acre tract of land as depicted in Exhibit "B"; and
3. A development for a "Motor Vehicle Dealership, New" shall provide, and maintain in a pedestrian access easement, a corner enhancement Gateway Freestanding Wall Element as conceptually rendered or of similar quality as per the John King Blvd Design Guidelines Concept Plan located in the City's 2011 Comprehensive Plan; and as attached hereto as Exhibit 'C' and Exhibit 'D'; and
4. Future site plan submittal and approval shall be required, including Architectural Review and adherence to all standards specified in the IH-30 Overlay and 205 By-Pass Corridor Overlay districts and other applicable sections of the Unified Development Code; and
5. Submittal and approval of engineering plans and final plat prior to the issuance of a building permit; and
6. Any variance to the IH-30 Overlay and/or 205 By-Pass Corridor Overlay districts or other sections of the Unified Development shall be considered at the time of site plan approval; and
7. 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 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 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.

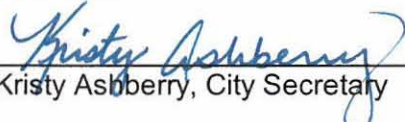
Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL,
TEXAS, this 2nd day of June, 2014.



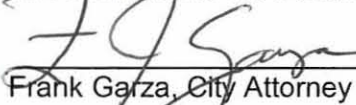
David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank Garza, City Attorney



1st Reading: 05-19-14

2nd Reading: 06-02-14

Exhibit 'A'

FIELD NOTES ZONING TRACT "J" EXHIBIT "A"

BEING 4.08 Acres of land located in the J. LOCKHART SURVEY, Abstract No. 134, Rockwall County, Texas, being a portion of that certain tract of land described in deed to the Cambridge Companies, Inc. as recorded in Volume 101, Page 795 of the Deed Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a point at the Northeast corner of said Cambridge tract, lying in the South right-of-way line of I.H. No. 30 (a variable width right-of-way);

THENCE S 00°13'35"E along the East line of said Cambridge tract, 635.87 feet to a point;

THENCE S 89°32'57"W, 300.62 feet to a point in the centerline of S.H. No. 205 Bypass (a 120 foot right-of-way), said point being the beginning of a Non-Tangent Curve to the Right;

THENCE along the centerline of said S.H. No. 205 Bypass as follows:

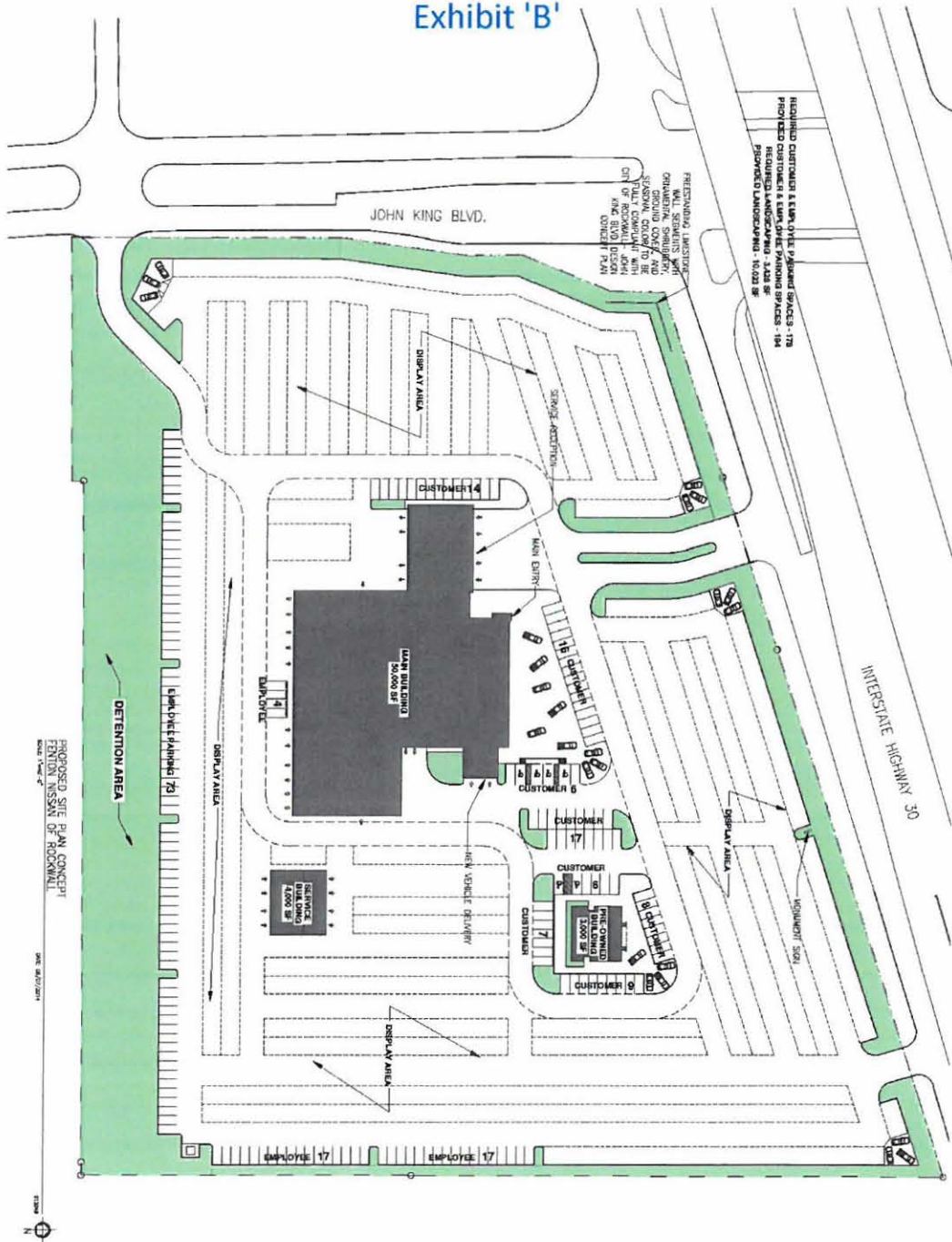
NORTHWESTERLY, 16.72 feet along said Curve to the Right, having a radius of 1,950.00 feet, a central angle of 00°29'28" and a chord bearing N 00°35'02"W, 16.72 feet to a point at the end of said Non-Tangent Curve to the Right;

N 00°20'18"W, 528.35 feet to a point in the North line of said Cambridge tract and the South right-of-way line of said I.H. No. 30;

THENCE N 72°49'16"E along the North line of said Cambridge tract and the South right-of-way line of said I.H. No. 30, 315.46 feet to the PLACE OF BEGINNING containing 4.08 Acres of land.

SAVE AND EXCEPT the portion thereof platted for right of way purposes for the SH 205 Bypass, believed to be approximately 0.94 acres of land.

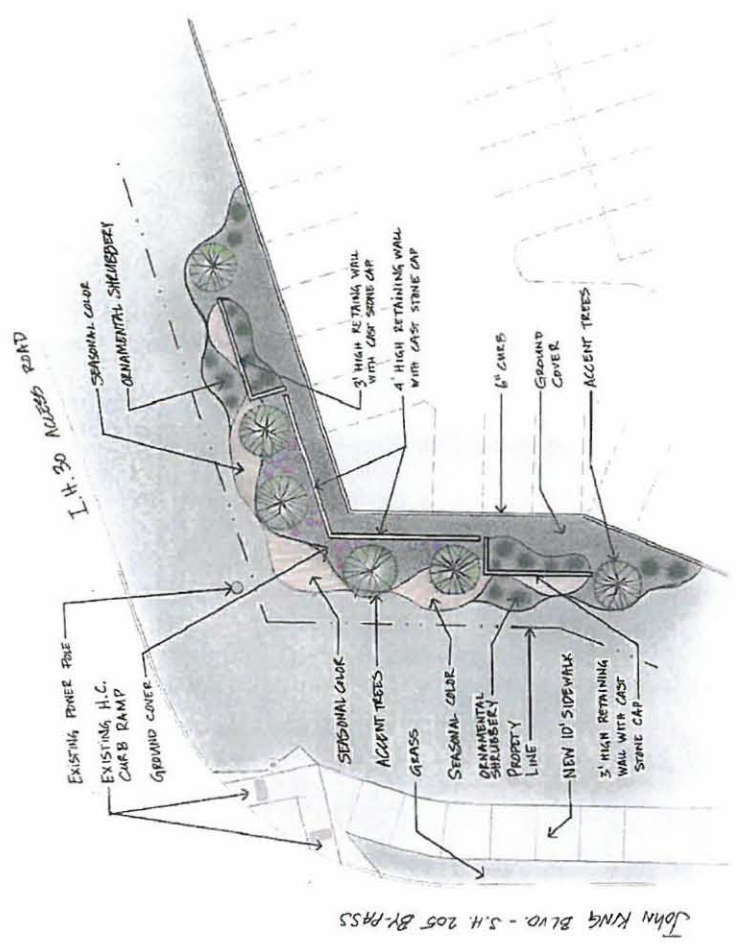
Exhibit 'B'



THIS DRAWING IS THE PROPERTY OF BOWEN WILLIAMS & ASSOCIATES. THE DRAWING OR INFORMATION DERIVED THEREFROM SHALL NOT BE REPRODUCED OR USED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT.

BWA ARCHITECTURE PLANNING INTERIORS 3000 W. Highway 124, Suite 110 Dallas, Texas 75244 P 972-462-0901 F 972-462-0902 bwilliams@bwa.com www.bwilliams.com	FENTON NISSAN OF ROCKWALL - New Construction SE CORNER OF I-30 AND S. JOHN KING BLVD. ROCKWALL, TEXAS PROPOSED SITE PLAN CONCEPT	DATE: 05.08.14 DRAWN BY: D13049 SCALE: 1"=40'-0"
--	---	--

Exhibit 'C'



D13049

DATE: 14/05/13

NOT TO SCALE

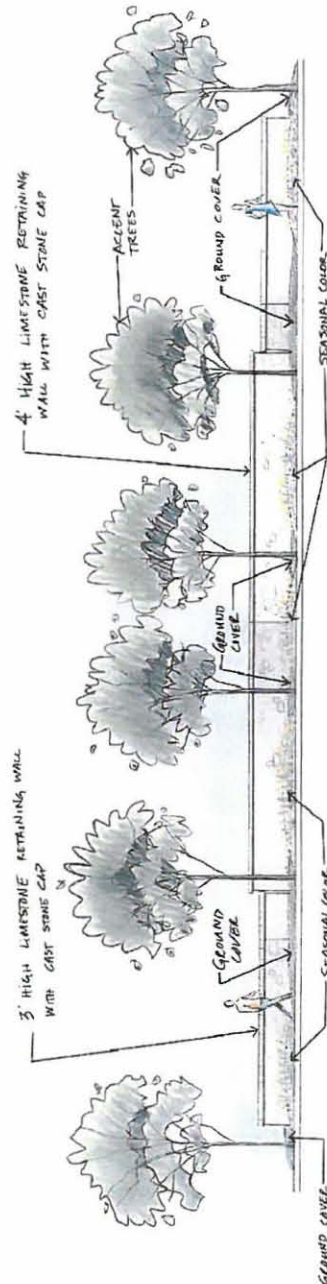
FENTON MOTOR GROUP - ROCKWALL
GATEWAY LANDSCAPE PLAN CONCEPT

A Professional Corporation
Member: American Institute
of Architects

2010 LED FREEMAN
SUITE 110
DALLAS, TX 75224
972-461-5461
Fax 972-681-2449



Exhibit 'D'



A Professional Corporation
Member American Institute
of Architects

3010 LBJ FREEWAY
SUITE 110
DALLAS, TX 75234
972-461-5661
FAX 972-661-5649



FENTON MOTOR GROUP - ROCKWALL
GATEWAY ELEVATION CONCEPT

NOT TO SCALE

DATE: 11/05/13

D13049