

CITY OF ROCKWALL
ORDINANCE NO. 16-21
SPECIFIC USE PERMIT NO. S-148

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 ON A 3.2039-ACRE TRACT OF LAND ZONED LIGHT INDUSTRIAL (LI) DISTRICT, LOCATED WITHIN THE IH-30 (IH-30 OV) OVERLAY DISTRICT, ADDRESSED AS 1780 E. IH-30 AND DESCRIBED AS TRACT 7-01 OF J. LOCKHART SURVEY, ABSTRACT NO. 134, CITY OF ROCKWALL, 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, the City has received a request from Matt Moore of Claymoore Engineering, Inc., representing *Service King Collision Repair*, on behalf of the owner, Mike James of UV Real Estate, LP, for a Specific Use Permit (SUP) allowing for *Outside Storage* in conjunction with a proposed *Auto Repair Garage (Major)* [i.e. *Auto Body Shop*] on a 3.2039-acre tract of land zoned Light Industrial (LI) District, located within the IH-30 (IH-30 OV) Overlay District, addressed as 1780 E. IH-30 and identified as Tract 7-01 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, 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 [Ordinance No. 04-38] 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* 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 IV, 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 operation of a *Auto Repair Garage (Major)* with outside storage of automobiles on the subject property at 1780 E. IH-30 and conformance to these stipulations are required for continued operations:

- 1) All development must generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance, which shall be incorporated herein by reference.
- 2) All outside storage and outside overnight storage of vehicles (*excluding equipment, parts and inventory*) shall be screened from adjacent properties and public rights-of-way by a minimum six (6) foot masonry fence. The outside storage of equipment, parts and inventory shall be prohibited.
- 3) Garage doors or overhead doors shall not face onto a public right-of-way.
- 4) Vehicles shall not be stored on site for longer than 90 days.
- 5) All work shall be performed inside an enclosed building.
- 6) 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) 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 to revoke the Specific Use Permit (SUP).

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

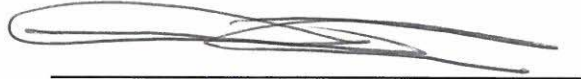
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 of provision of this ordinance or the application of that section or provision to any person, firm, cooperation, 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 to 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 7TH DAY OF MARCH, 2016.**



Dennis Lewis, Mayor Pro Tem

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: 02-15-2016

2nd Reading: 03-07-2016

Property Survey w/ Legal Description

RHODES
Surveying ©

BARRY S. RHODES Registered Professional Land Surveyor (972) 475-8940
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 1780 Interstate Highway 30, in the city of ROCKWALL, ROCKWALL COUNTY Texas



STATE OF TEXAS:
COUNTY OF ROCKWALL:

BEING a tract of land situated in the John Lockhart Survey, Abstract No. 134, Rockwall County, Texas being conveyed to U.V. Real Estate LP as recorded in Volume 6771, Page 1, Deed Records, Rockwall County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch yellow capped iron rod set for corner being in the South line of Interstate Highway 30, being the Northeast corner of a tract of land conveyed to Ivor and Kathryn Mckeown as recorded Volume 6749, Page 228, Deed Records, Rockwall County, Texas and being the Northwest corner of said U.V. Real Estate tract;

THENCE North 73 degrees 51 minutes 00 seconds East , a distance of 201.50 feet to a ½ inch yellow capped iron rod set for corner being the Northwest corner of a tract of land conveyed to Salehoun Family Limited Partnership as recorded Volume 4605, Page 60, Deed Records, Rockwall County, Texas and being the Northeast corner of said U.V. Real Estate tract;

THENCE South 01 degrees 49 minutes 34 seconds East, a distance of 859.22 feet to a ½ inch iron rod found for corner being in the North line of a tract of land conveyed to Hitt Family Limited Partnership as recorded in Volume 1875, Page 238, Deed Records, Rockwall County, Texas and being the Southeast corner of said U.V. Real Estate tract;

THENCE South 68 degrees 13 minutes 26 seconds West, a distance of 139.25 feet to a ½ inch yellow capped iron rod set for corner being in the East line of said Mckeown tract;

THENCE North 06 degrees 36 minutes 15 seconds West, a distance of 541.16 feet to a ½ inch iron rod set for corner;

THENCE North 05 degrees 17 minutes 51 seconds West, a distance of 318.18 feet to the PLACE OF BEGINNING and containing 3.29 acres of land.

SALEHOUN FAMILY LIMITED
PARTNERSHIP
VOLUME 4605 PAGE 60

IVOR & KATHRYN
MCKEOWN
VOLUME 6749 PAGE 228

HITT FAMILY LIMITED
PARTNERSHIP
VOLUME 1875 PAGE 238

THIS CERTIFICATION DOES NOT
TAKE INTO CONSIDERATION
ADDITIONAL FACTS THAT AN
ACCURATE TITLE SEARCH AND OR
EXAMINATION MIGHT DISCLOSE.

The plat hereon is true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location and type of building and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distance indicated.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: $1" = 100'$
Date: 02/20/2013
G. F. No.: _____
Job no.: 90664
Drawn by: CW

TEXT
 IMPROVEMENTS
 BOUNDARY LINE
 EASEMENT/SETBACK
 RESIDENCE/FENCES

THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR
U.V. REALTY
USE OF THIS SURVEY FOR ANY OTHER PURPOSE
OR OTHER PARTIES SHALL BE AT THEIR RISK AND
UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS
FOR ANY LOSS RESULTING THEREFROM.



Site Plan/Concept Plan

