

CITY OF ROCKWALL
ORDINANCE NO. 16-38
SPECIFIC USE PERMIT NO. S-153

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 (SUP) TO ALLOW FOR A RETAIL STORE WITH MORE THAN TWO (2) GASOLINE DISPENSERS AS SPECIFIED IN ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A 0.918 - ACRE TRACT OF LAND ZONED PLANNED DEVELOPMENT DISTRICT 9 (PD-9) FOR GENERAL RETAIL (GR) DISTRICT LAND USES, AND IDENTIFIED AS LOT 1, BLOCK A, MR. M ADDITION, 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, a request has been made by Jim Evans of CEI Engineering Associates, Inc. on behalf of Bob Hubbard of EZ Mart Stores, Inc. for the approval of a Specific Use Permit (SUP) to allow a retail store with more than two (2) gasoline dispensers on a 0.918-acre parcel of land identified as Lot 1, Block A, Mr. M Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 9 (PD-9) for General Retail (GR) District land uses, 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 Planned Development District 9 (PD-9) and 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 Planned Development District 9 (PD-9) and 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 retail store with more than two (2) gasoline dispensers within Planned Development District 9 (PD-9) as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code for the *Subject Property*.

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in Planned Development District 9 (PD-9) and **Article V, Section 4.4, General Retail (GR) District Standards, of the Unified Development Code (Ordinance No. 04-38)** as heretofore amended, as amended herein by granting of this Specific Use Permit (SUP), and as may be amended in the future, and shall be subject to the additional following conditions.

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 'C'* of this ordinance;
- 2) Prior to the approval of a Building Permit a Site Plan generally conforming to the Concept Plan in *Exhibit 'C'* 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 'C'* of this ordinance.
- 2) No more than eight (8) gasoline dispensers shall be allowed on the *Subject Property*; and,
- 3) No outside display of merchandise or outside storage shall be permitted on the subject property.

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 6th DAY OF June, 2016.**



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: May 16, 2016

2nd Reading: June 6, 2016



Exhibit A: Legal Description

PROPERTY DESCRIPTION

STATE OF TEXAS § COUNTY OF ROCKWALL §

BEING a tract of land situated in the E. TEAL SURVEY, ABSTRACT NO. 207, City of Rockwall, Rockwall County, Texas and being all of Lot 1, Block A, Mr. M Addition, an addition to the City of Rockwall, Rockwall County, Texas according to the plat thereof recorded in Cabinet C, Page 24, Plat Records, Rockwall County, Texas (P.R.R.C.T.), and being more particularly described as follows:

BEGINNING at a TXDOT (Texas Department of Transportation) Brass Monument found for the most northerly corner of Lot 1, Block A, of said Mr. M Addition, said monument also being the northeast end of a corner clip at the intersection of the southwesterly right-of-way line of Ridge Road (F.M. Road 3097, variable width right-of-way) and southeasterly right-of-way line of Ridge Road (F.M. Road 740, variable width right-of-way);

THENCE South 45 deg 40 min 35 sec East, departing said corner clip and along the southwesterly right-of-way line of said Horizon Road and the Easterly line of Lot 1, Block A, of said Mr. M Addition, a distance of 222.12 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner, from which a TXDOT Aluminum Monument bears, South 84 deg 11 min 36 sec West, a distance of 2.82 feet and a 1/2 inch iron rod found bears North 40 deg 44 min 12 sec West, a distance of 3.77 feet;

THENCE South 74 deg 35 min 42 sec West, departing the southwesterly right-of-way line of said Horizon Road, along the Southeast line of said Lot 1, the Northwest line of Lot 20, Block A, Horizon Ridge Addition, and addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet F, Slide 336, Official Public Records, Rockwall County, Texas, and the Northwest line of Lot 1, Block A, of RDI Retail Addition, an addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet D, Slide 369, Official Public Records, Rockwall County, Texas, a distance of 350.75 feet to a TXDOT Brass Monument found for corner, being situated in the southeasterly right-of-way line of said Ridge Road and being the beginning of a non-tangent curve to the left having a radius of 623.69 feet, a central angle of 15 deg 47 min 49 sec, a chord bearing of North 26 deg 09 min 20 sec East and a chord length of 171.41 feet;

THENCE along the southeasterly right-of-way of said Ridge Road, the Westerly line of Lot 1, Block A, of said Mr. M Addition, and said non-tangent curve to the left, an arc distance of 171.95 feet to a 1/2 inch iron rod with red plastic cap stamped "W.A.I." set for corner;

THENCE North 18 deg 15 min 25 sec East, continuing along the southeasterly right-of-way of said Ridge Road and the Westerly line of Lot 1, Block A, of said Mr. M Addition, a distance of 76.38 feet to a TXDOT Aluminum Monument found for corner at the southwest end of the said corner clip;

THENCE North 74 deg 35 min 42 sec East, along said corner clip, a distance of 82.72 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 0.918 acres or 40,001 square feet of land, more or less. Bearings shown hereon are based upon an on-the-ground Survey performed on the 18th day of

September, 2014, utilizing a G.P.S. measurement (NAD 83, Texas State Plane, North Central Zone) using City of Rockwall, Control Monuments Reset #1 and R014.



800 SF KIOSK
AIR/WATER
UNIT

ADA PARKING
FOR FUEL

HARRISON ROAD

MERCHANDISER
LAYOUT

8 MPD
DISPENSERS

DUMPSTER
ENCLOSURE

ELECTRIC
TRANSFORMER

VENT RISER

UNDERGROUND
STORAGE TANKS

ROOSE ROAD

Engineering Associates, Inc.
KROGER FUEL SW675(EXPANSION)
NEG HARRISON ROAD & ROOSE ROAD
ROOSEWELL, TX

CONCEPTUAL SITE PLAN