

CITY OF ROCKWALL

ORDINANCE NO. 16-56

SPECIFIC USE PERMIT NO. S-157

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 2.59-ACRE TRACT OF LAND BEING A PORTION OF A LARGER 7.32-ACRE TRACT OF LAND ZONED GENERAL RETAIL (GR) DISTRICT, AND IDENTIFIED AS TRACT 17-12 OF THE W. W. FORD SURVEY, ABSTRACT NO. 80, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A'; 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 Jimmy Strohmeyer of Strohmeyer Architects, Inc. on behalf of D. W. Bobst of J-BR2, LLC for the approval of a Specific Use Permit (*SUP*) to allow a retail store with more than two (2) gasoline dispensers on a 2.59-acre tract land being a portion of a larger 7.32-acre tract of land, zoned General Retail (GR) District, and identified as Tract 17-12 of the W. W. Ford Survey, Abstract No. 80, 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 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 [*Ord. No. 04-38*] 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 a General Retail (GR) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ord. No. 04-38*] for the *Subject Property*; and,

SECTION 2. That the *Subject Property* shall be developed and used only in the manner and for the purposes described in this Specific Use Permit (*SUP*) ordinance granted herein and shall be subject to the conditions set forth in **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) Prior to the approval of a Building Permit, submittal of a Site Plan generally conforming to the Concept Plan in *Exhibit 'B'* of this ordinance must be approved by the Planning & Zoning Commission; and the City Council if necessary.
- 2) The development on the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.

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 operations on the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'B'* of this ordinance.
- 2) The development shall be limited to a maximum of eight (8) gasoline dispensers on the *Subject Property*; and,
- 3) No outside display of merchandise or outside storage shall be permitted on the *Subject Property* with the exception of the following items: ice machine, propane cage, and/or DVD rental kiosk. Outside storage or display must be approved by the Planning and Zoning Commission at the time of the site plan.
- 4) The City Council reserves the right to review the Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.

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.

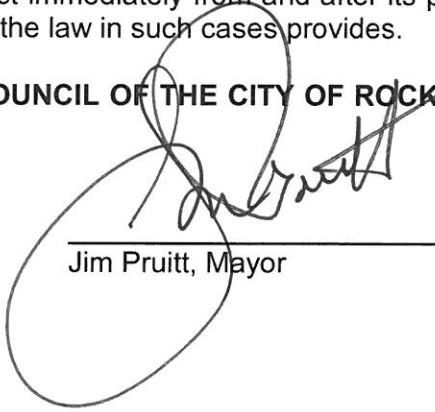
Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense 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 3rd DAY OF OCTOBER, 2016.**




Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: September 19, 2016

2nd Reading: October 3, 2016

Aug 17, 2016 - 2:33pm User: \$(GETVAR,??)
/tmp/AcPublish_3845/BOBST-549-CONVSTORE.dwg

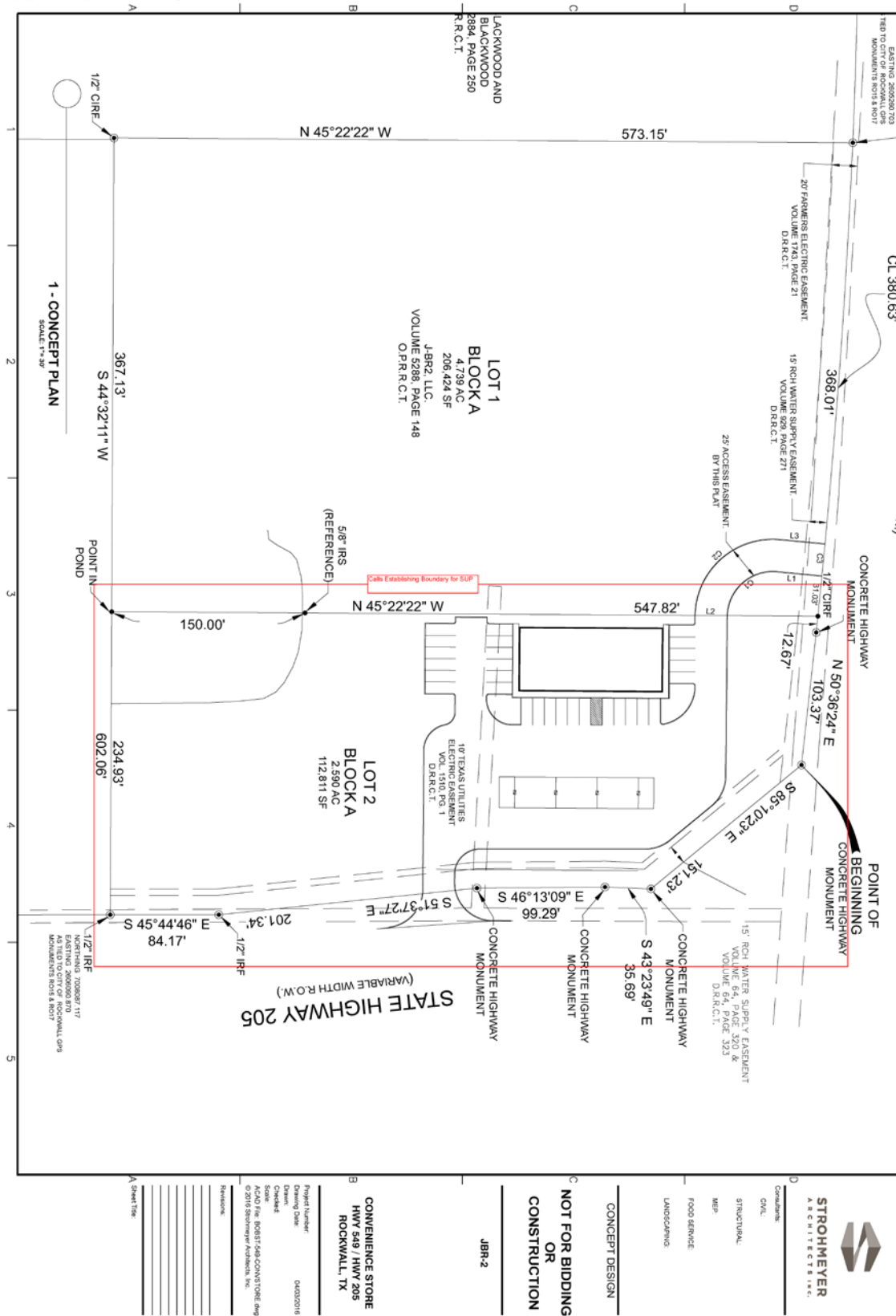


Exhibit 'B': Conceptual Site Plan

/tmp/ACPublish_3845/BOB5T-549-CONVSTORE.dwg

