

CITY OF ROCKWALL

ORDINANCE NO. 17-09

SPECIFIC USE PERMIT NO. S-162

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 PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) FOR A CAR WASH WITHIN THE SCENIC OVERLAY (SOV) DISTRICT, FOR A 2.008-ACRE TRACT OF LAND IDENTIFIED AS LOTS 1 & 2-01, BLOCK A, THE WOODS AT ROCKWALL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE, 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 Robert Miklos of Miklos Law, PLLC on behalf of the Hacienda Car Wash for the approval of a Specific Use Permit (SUP) to allow a *car wash* on a 2.008-acre tract of land identified as Lot 1 & 2-01, Block A, The Woods at Rockwall Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the Scenic Overlay (SOV) District, 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 AND 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, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for a *car wash* within the Scenic Overlay (SOV) District as stipulated by Section 6.8, *Scenic Overlay (SOV) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be developed and/or used only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance, and as stipulated by Section 6.8, *Scenic Overlay (SOV) District*, Section 4.1, *General Commercial District Standards*, and Section 4.5, *Commercial (C) District*, of Article V, *District Development Standards*, of the 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 *car wash* on the *Subject Property*, and conformance to these operational conditions are required for continued operations:

- 1) The development of this property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance; and,
- 2) The *car wash* shall be setback a minimum of 50-feet from Ridge Road; and,
- 3) The *subject property* will incorporate and maintain a live screening fence (*i.e. wrought iron with landscaping*) along the southern property line adjacent to Lot 1, Block A, Lakewood Park Addition.

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) *Revocation*. 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). The procedure for revocation or rescinding a Specific Use Permit (SUP) shall be the same procedure for requesting a new Specific Use Permit (SUP).
- 2) *Expiration*. If a building permit for an *car wash* has not been issued within (1) year of the approval date of this ordinance, and/or a Certificate of Occupancy (CO) has not been issued within one (1) year of a building permit, the Specific Use Permit (SUP) shall automatically expire due to inactivity.
- 3) *Abandonment*. If the use is abandoned for a period of six (6) months this Specific Use Permit (SUP) shall automatically expire. Vacancy or inactivity can be determined by the following:
 - (a) The water and/or electrical services have been disconnected or discontinued on the property; and/or
 - (b) The subject property (*e.g. lease space, parcel or parcels of land, lot, tract etc.*) is unoccupied; and/or
 - (c) The use is abandon due to the issuance of a Certificate of Occupancy (CO) for a use other than (*and exclusive from*) the use approved with the SUP.
- 4) *Extension*. Upon recommendation from the Planning and Zoning Commission, the City Council may grant a one (1) time extension to the expiration requirements stated above for

a period not to exceed one (1) year. To apply for an extension a property owner shall file a written request with the Director of Planning or his designee at least 90 days prior to the expiration date. Extension requests shall not require a public hearing. No additional extension shall be granted without complying with the notice and hearing requirements for an initial application for a SUP.

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

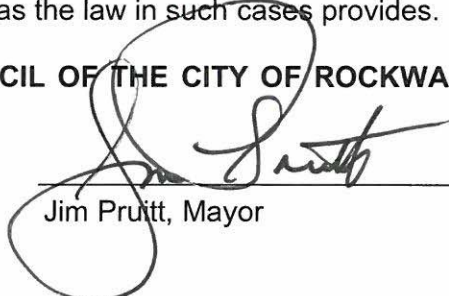
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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.

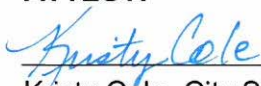
SECTION 6. If any section of provision of this ordinance or the application of that section or provision to any person, firm, cooperation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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.

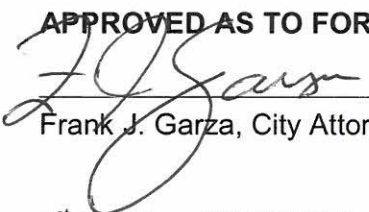
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF FEBRUARY, 2017.


Jim Pruitt, Mayor

ATTEST:


Kristy Cole, City Secretary

APPROVED AS TO FORM:


Frank J. Garza, City Attorney

1st Reading: 01-17-2017

2nd Reading: 02-06-2017



Exhibit 'A': Legal Description

TRACT 1:

Being a tract of land situated in the E.P. Gaines Survey, Abstract No. 64, and being a portion of Lot 1, Block A and Lot 2, Block A of the Woods At Rockwall Addition, an addition to the City of Rockwall, Texas according to the plat recorded in Cabinet E, Slide 343 of the Plat Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the most northerly west corner of said Woods At Rockwall Addition, also lying on the southeast line of F.M. 740 a variable width right-of-way;

THENCE, North 47 degrees 01 minute 01 second East along the southeast line of said F.M. 740 and the northwest line of said Lot 1, Block A, a distance of 166.98 feet to a 1/2 inch iron rod with cap stamped "TXHS" found for the northwest corner of a tract of land described by deed to Mountainprize, Inc. recorded in Instrument No. 20140000002584 of the Official Public Records of Rockwall County, Texas;

THENCE, South 42 degrees 57 minutes 29 seconds East, along the westerly said Mountainprize tract, a distance of 128.95 feet to a 1/2 inch iron rod with cap stamped "TXHS" found at an angle point in same;

THENCE, North 81 degrees 58 minutes 49 seconds East, along the southerly line of said Mountainprize tract, a distance of 137.61 feet to a 1/2 inch iron rod with cap stamped "TXHS" found for the beginning of a non-tangent curve to the right having a radius of 536.81 feet, a central angle of 30 degrees 19 minutes 15 seconds, and a chord which bears North 73 degrees 24 minutes 15 seconds East, 280.17 feet;

THENCE, continuing along the southerly line of said Mountainprize tract and said non-tangent curve to the right, an arc distance of 284.08 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for the beginning of a reverse curve to the left having a radius of 772.78 feet, a central angle of 00 degree 07 minutes 47 seconds, and a chord which bears North 88 degrees 30 minutes 05 seconds East, 1.75 feet;

THENCE, along said reverse curve to the left, an arc distance of 1.75 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for the northeast corner of said Pneuma Ventures tract recorded in instrument No. 20140000002784, and the northwest corner of Wal-Mart Supercenter Addition, an addition to the City of Rockwall, Rockwall County, Texas according to the Plat recorded in Cabinet E, Slide 333 of the Plat Records of Rockwall county, Texas;

THENCE, South 30 degrees 33 minutes 42 seconds West, along the northwest line of said Wal-Mart Supercenter Addition, a distance of 237.93 feet to a 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" found for corner lying on the northerly line of same;

Exhibit 'A': Legal Description

THENCE, along the northerly line of said Wal-Mart Super Center Addition the following courses and distances:

North 76 degrees 57 minutes 22 seconds West, a distance of 154.03 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 found for corner;

South 82 degrees 22 minutes 15 seconds West, a distance of 87.98 feet to a 1/2 inch iron rod found for corner;

North 45 degrees 10 minutes 32 seconds West, a distance of 9.80 feet to a 1/2 inch iron rod with cap stamped "TXHS" found for corner;

South 44 degrees 49 minutes 28 seconds West, a distance of 239.43 feet to a 3/8 inch iron rod found for the northwest corner of said Wal-Mart Supercenter Addition and the south corner of said Lot 1, Block A, also lying on the northeast line of Lot 1, Block A of Lakewood Park, an addition to the City of Rockwall according to the plat recorded in Cabinet B, Slide 10 of the Plat Records of Rockwall County, Texas;

THENCE North 44 degrees 45 minutes 15 seconds West along the common line of said Lot 1, Block A, Woods At Rockwall Addition and said Lot 1, Block A, Lakewood Park Addition, a distance of 98.44 feet to a 1/2 inch iron rod found for the south corner of a tract of land described by deed to Layan Investments, Inc., recorded in Volume 7066, Page 140 of the Official Public Records of Rockwall County, Texas;

THENCE North 44 degrees 57 minutes 47 seconds East along the southeast line of said Layan Investments tract, a distance of 99.83 feet to a 5/8 inch iron rod with cap stamped R.P.L.S. 5430 found for the east corner of same, also for an ell corner of said Lot 1, Block A, Woods At Rockwall Addition;

THENCE North 44 degrees 42 minutes 26 seconds West along the common line of said Lot 1, Block A, Woods At Rockwall Addition and said Layan Investments tract, a distance of 119.96 feet to the PLACE OF BEGINNING, and containing 87,469 square feet or 2.008 acres of land.

