

CITY OF ROCKWALL
ORDINANCE NO. 17-27
SPECIFIC USE PERMIT NO. S-166

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 *MOTOR VEHICLE DEALERSHIP, NEW (CARS AND LIGHT TRUCKS)* ON A PROPERTY ZONED LIGHT INDUSTRIAL (LI) DISTRICT, AND WITHIN THE IH-30 OVERLAY (IH-30 OV) DISTRICT, FOR A 4.86-ACRE TRACT OF LAND IDENTIFIED AS TRACT 5 OF THE N. M. BALLARD SURVEY, ABSTRACT NO. 99, 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 Cameron Slown of FC Cuny Corporation on behalf of Randall Noe of Rockwall Rental Properties, LP for the approval of a Specific Use Permit (SUP) to allow for a *Motor Vehicle Dealership, New (Cars and Light Trucks)* on a 4.86-acre tract of land identified as Tract 5 of the N. M. Ballard Survey, Abstract No. 99, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the *IH-30 Overlay (IH-30 OV) 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 *Motor Vehicle Dealership, New (Cars and Light Trucks)* within the *Light Industrial (LI) District* as stipulated by Section 2.1.8, *Auto and Marine-Related Use Conditions* for a *Motor Vehicle Dealership, New*, of Article IV, *Permissible Uses*, 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 5.1, *General Industrial District Standards*, Section 5.3, *Light Industrial (LI) District*, of Article V, *District Development Standards*, and Section 2.1.8, *Auto and Marine-Related Use Conditions* for a *Motor Vehicle Dealership, New*, of Article IV, *Permissible Uses*, 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 *Motor Vehicle Dealership, New (Cars and Light Trucks)* on the *Subject Property*, and conformance to these operational conditions are required for continued operations:

- 1) That the development of this property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance; and,
- 2) That used vehicles may only be sold as an ancillary use to the *Motor Vehicle Dealership, New (Cars and Light Trucks)* as established in this ordinance; and,
- 3) All outside display of vehicles must be on an approved concrete, or enhanced concrete surface; and,
- 4) All vehicle display areas must meet the landscape standards for parking areas.

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 (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

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.

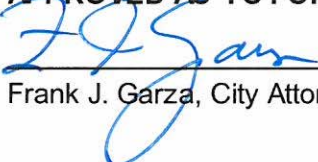
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS
THE 15TH DAY OF MAY, 2017.**

ATTEST:



Kristy Cole, City Secretary

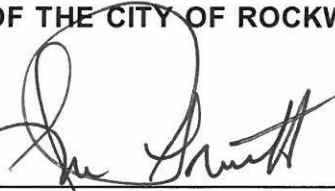
APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: 05-01-17

2nd Reading: 05-15-17



Jim Pruitt, Mayor



Exhibit 'A': Legal Description

DESCRIPTION

Being a tract of land situated in the A. Hanna Survey, abstract number 99 and the N.M. Ballard Survey, abstract number 24, Rockwall County, Texas and being a part of that same tract of land conveyed to JOHN Felix Carssow, as recorded in Volume 96, Page 358, Deed Records, Rockwall County, Texas and being more particularly described as follow:

BEGINNING at a point in the north line of Interstate Highway No. 30, said point as being the southeast corner of said Carssow tract, and being the southwest corner of Lot 1, block 1 Sparks Office Plaza, a ½ inch iron rod found for corner;

THENCE South 73 degrees 45 minutes 00 seconds West, with the north right of way line of Interstate highway No. 30, a distance of 23.71 feet to a ½ inch iron rod found for corner;

THENCE North 16 degrees 05 minutes 39 seconds west, a distance of 74.08 feet to a ½ inch iron round found for corner;

THENCE South 71 degrees 13 minutes 47 seconds West a distance of 22.94 feet to a ½ inch iron rod found for corner;

THENCE South 21 degrees 25 minutes 15 seconds East, a distance of 73.37 feet to a ½ inch iron rod found in the north right of way line of Interstation Highway 30, and the south line of said Carssow tract for corner;

THENCE South 73 degrees 45 minutes 00 seconds West, with the north right of way line of Interstate Highway 30 and the south line of said Carssow tract, a distance of 829.94 feet to a ½ inch iron rod set of corner;

THENCE North 10 degrees 46 minutes 32 seconds west, a distance of 65.99 feet to a ½ inch iron rod set for corner;

THECE South 72 degrees 13 minutes 28 seconds West, a distance of 57.02 feet to a point in creek and in the east line of a tract of land conveyed in a deed to New Liberty Missionary Baptist Church, recorded in Volume 87, Page 228, deed records, Rockwall County, Texas for corner;

THENCE North 27 degrees 40 minutes 35 seconds East, with the west line of said Carssow tract and the east line of said New Liberty Missionary Baptist Church tract a distant of 358.63 feet to a ½ inch iron rod found for corner in the south line of a 49.839 acre tract of land conveyed in a deed to Rockwall Steel Co., recorded in Volume 752, page 27, deed records, Rockwall County, Texas and being the northwest corner of said Carssow tract and being the northeast corner of said New Liberty Missionary Baptist Church tract;

Exhibit 'A': Legal Description

THENCE North 88 degrees 02 minutes 46 seconds East with the north line of said Carssow tract and south line of said Rockwall Steel Co. tract a distance of 737.49 feet to a ½ inch iron rod found in the west line of said Lot 1, being the northeast corner of said Carssow tract for corner;

THENCE South 00 degrees 13 minute 04 seconds East with the east line of said Carssow tract, a distance of 153.00 feet to the place of beginning and containing 4.862 acres of land more or less.

Exhibit 'B': Concept Plan

