

CITY OF ROCKWALL

ORDINANCE NO. 17-57

SPECIFIC USE PERMIT NO. S-177

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 FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) WITHIN A LIGHT INDUSTRIAL (LI) DISTRICT ALLOWING FOR AN INDOOR MOTOR VEHICLE DEALERSHIP/SHOWROOM LOCATED IN A 2,500 SQUARE FOOT PORTION OF AN APPROXIMATELY 12,500 SQUARE FOOT BUILDING AS INDICATED IN EXHIBIT 'A' AND EXHIBIT 'B' OF THIS ORDINANCE, AND ADDRESSED AS 1785 E. IH-30, SUITE 1, WHICH IS LOCATED ON A ONE (1) ACRE TRACT OF LAND IDENTIFIED AS TRACT 5-1 OF THE 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**, a request has been made by Sydney Brown of Godspeed Motors, LLC on behalf of the owner Greg Ollom for a Specific Use Permit (SUP) within a Light Industrial (LI) District allowing for an *Indoor Motor Vehicle Dealership/Showroom* located in a 2,500 square foot portion of an approximately 12,500 square foot building as indicated in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, and addressed as 1785 E. IH-30, Suite 1, which is located on a one (1) acre tract of land described as Tract 5-1 of the J. Lockhart Survey, Abstract No. 134, City of Rockwall, Rockwall County, Texas and more fully described in *Exhibit 'A'* and *Exhibit 'B'* 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 [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 an *Indoor Motor Vehicle Dealership/Showroom* within a *Light Industrial (LI) District*, as stipulated by *Section 2.1.8, Auto and Marine-Related Use Conditions*, of *Article IV, Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] for the *Subject Property*; and,

**Section 2.** That the Specific Use Permit shall be subject to the conditions set forth in *Section 2.1.8*,

*Auto and Marine-Related Use Conditions*, of Article IV, *Permissible Uses* and Section 5.3, *Light Industrial (LI) 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 following additional conditions:

## **2.1 OPERATIONAL CONDITIONS**

The following conditions pertain to an *indoor motor vehicle dealership/showroom, new and/or used* on the *Subject Property*, and conformance to these conditions is required for continued operations:

- 1) The sales/storage facility must be a completely enclosed building.
- 2) Outside display or storage of vehicles shall be prohibited. This includes storing vehicles under canopies/awnings or similar covered structures.
- 3) All activities shall remain inside the building (*i.e. no detailing, sales activities or other operation activities shall be performed outside the building*).
- 4) Accessory uses may be allowed in compliance with the *Permissible Use Charts* located within Section 1.1 of Article IV, *Permissible Uses* of the Unified Development Code (UDC).
- 5) The area designated for an *indoor motor vehicle dealership/showroom, new and/or used* shall be restricted to Suite 1 of 1785 E. IH-30, which is a 2,500 SF area (50' x 50') depicted in *Exhibit 'B'* of this ordinance.
- 6) The indoor motor vehicle dealership shall be restricted to the sale of motor vehicles only (*i.e. cars and light trucks*).
- 7) The subject property shall comply with all fire department standards for such use.

## **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 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.

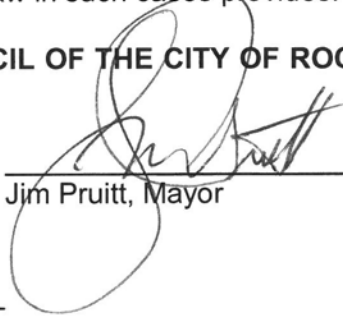
**Section 5.** Any person, firm, or corporation violating any of the provisions of this ordinance shall be

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.

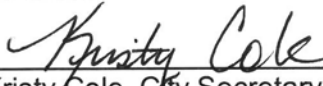
**Section 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application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

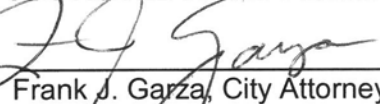
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 6<sup>TH</sup> DAY OF NOVEMBER, 2017.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

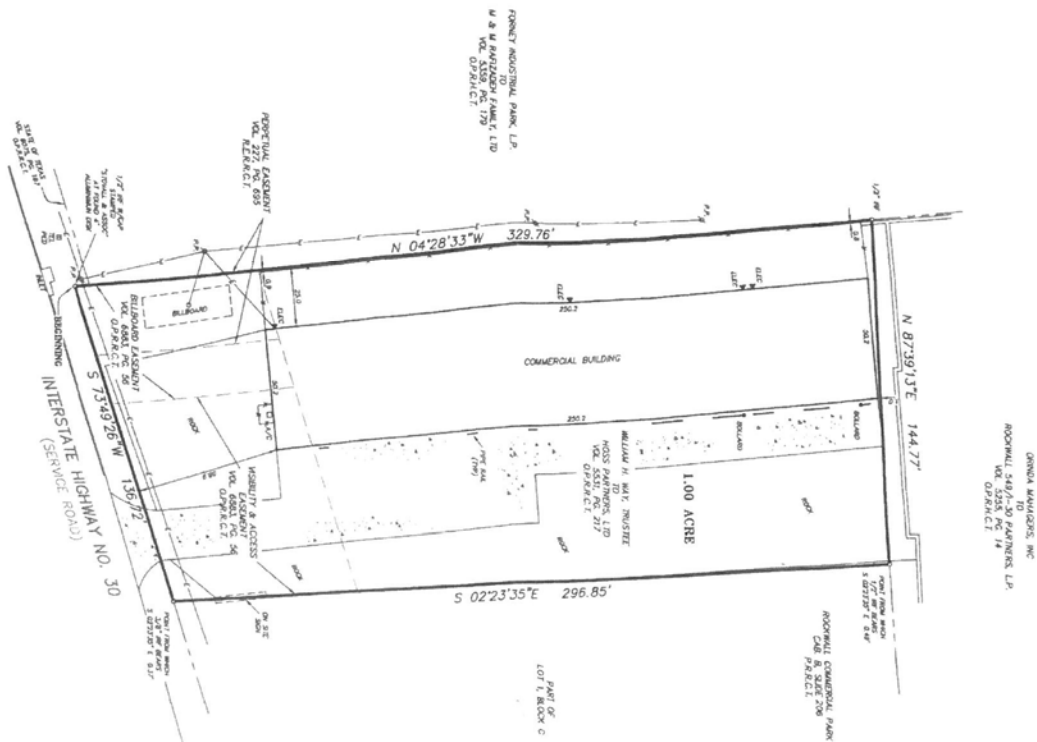
**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1st Reading: October 16, 2017

2nd Reading: November 6, 2017



## DESCRIPTION

All land contained in tract or parcel of land relating to the John Lockwood Survey, Vol. 60, Section 18, Township 9 North, Range 1 East, T-9N, R-1E, located in Jackson County, Texas, and being known as that tract of land described in a Deed from William H. Kay, Trustee, to the John Lockwood Cemetery Trustees, recorded in Volume 5001, Page 417 of said Official Public Records of Jackson County, Texas (hereinafter called "Kay Tract"), and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with plastic cap labeled "RAYLIS & ASSOC." found for the first time in the Southwest corner of the Southeast corner of that tract of land described in a Deed from Wm. H. Kay, Trustee, to the John Lockwood Cemetery Trustees, recorded in Volume 5001, Page 417 of said Official Public Records of Jackson County, Texas, said points also being at a 3/4" aluminum disk found;

1928a, b, c, d, e, f, g, h, i, j, k, l, m, n, o, p, q, r, s, t, u, v, w, x, y, z, aa, ab, ac, ad, ae, af, ag, ah, ai, aj, ak, al, am, an, ao, ap, aq, ar, as, at, au, av, aw, ax, ay, az, ba, bb, bc, bd, be, bf, bg, bh, bi, bj, bk, bl, bm, bn, bo, bp, bq, br, bs, bt, bu, bv, bw, bx, by, bz, ca, cb, cc, cd, ce, cf, cg, ch, ci, cj, ck, cl, cm, cn, co, cp, cq, cr, cs, ct, cu, cv, cw, cx, cy, cz, da, db, dc, dd, de, df, dg, dh, di, dj, dk, dl, dm, dn, do, dp, dq, dr, ds, dt, du, dv, dw, dx, dy, dz, ea, eb, ec, ed, ee, ef, eg, eh, ei, ej, ek, el, em, en, eo, ep, eq, er, es, et, eu, ev, ew, ex, ey, ez, fa, fb, fc, fd, fe, ff, fg, fh, fi, fj, fk, fl, fm, fn, fo, fp, fq, fr, fs, ft, fu, fv, fw, fx, fy, fz, ga, gb, gc, gd, ge, gf, gg, gh, gi, gj, gk, gl, gm, gn, go, gp, gq, gr, gs, gt, gu, gv, gw, gx, gy, gz, ha, hb, hc, hd, he, hf, hg, hh, hi, hj, hk, hl, hm, hn, ho, hp, hq, hr, hs, ht, hu, hv, hw, hx, hy, hz, ia, ib, ic, id, ie, if, ig, ih, ii, ij, ik, il, im, in, io, ip, iq, ir, is, it, iu, iv, iw, ix, iy, iz, ja, jb, jc, jd, je, jf, jg, jh, ji, jj, jk, jl, jm, jn, jo, jp, jq, jr, js, jt, ju, jv, jw, jx, jy, jz, ka, kb, kc, kd, ke, kf, kg, kh, ki, kj, kk, kl, km, kn, ko, kp, kq, kr, ks, kt, ku, kv, kw, kx, ky, kz, la, lb, lc, ld, le, lf, lg, lh, li, lj, lk, ll, lm, ln, lo, lp, lq, lr, ls, lt, lu, lv, lw, lx, ly, lz, ma, mb, mc, md, me, mf, mg, mh, mi, mj, mk, ml, mm, mn, mo, mp, mq, mr, ms, mt, mu, mv, mw, mx, my, mz, na, nb, nc, nd, ne, nf, ng, nh, ni, nj, nk, nl, nm, no, np, nq, nr, ns, nt, nu, nv, nw, nx, ny, nz, oa, ob, oc, od, oe, of, og, oh, oi, oj, ok, ol, om, on, oo, op, oq, or, os, ot, ou, ov, ow, ox, oy, oz, pa, pb, pc, pd, pe, pf, pg, ph, pi, pj, pk, pl, pm, pn, po, pp, pq, pr, ps, pt, pu, pv, pw, px, py, pz, qa, qb, qc, qd, qe, qf, qg, qh, qi, qj, qk, ql, qm, qn, qo, qp, qq, qr, qs, qt, qu, qv, qw, qx, qy, qz, ra, rb, rc, rd, re, rf, rg, rh, ri, rj, rk, rl, rm, rn, ro, rp, rq, rr, rs, rt, ru, rv, rw, rx, ry, rz, sa, sb, sc, sd, se, sf, sg, sh, si, sj, sk, sl, sm, sn, so, sp, sq, sr, ss, st, su, sv, sw, sx, sy, sz, ta, tb, tc, td, te, tf, tg, th, ti, tj, tk, tl, tm, tn, to, tp, tq, tr, ts, tt, tu, tv, tw, tx, ty, tz, ua, ub, uc, ud, ue, uf, ug, uh, ui, uj, uk, ul, um, un, uo, up, uq, ur, us, ut, uu, uv, uw, ux, uy, uz, va, vb, vc, vd, ve, vf, vg, vh, vi, vj, vk, vl, vm, vn, vo, vp, vq, vr, vs, vt, vu, vv, vw, vx, vy, vz, wa, wb, wc, wd, we, wf, wg, wh, wi, wj, wk, wl, wm, wn, wo, wp, wq, wr, ws, wt, wu, wv, ww, wx, wy, wz, xa, xb, xc, xd, xe, xf, xg, xh, xi, xj, xk, xl, xm, xn, xo, xp, xq, xr, xs, xt, xu, xv, xw, xx, xy, xz, ya, yb, yc, yd, ye, yf, yg, yh, yi, yj, yk, yl, ym, yn, yo, yp, yq, yr, ys, yt, yu, yv, yw, yx, yy, yz, za, zb, zc, zd, ze, zf, zg, zh, zi, zj, zk, zl, zm, zn, zo, zp, zq, zr, zs, zt, zu, zv, zw, zx, zy, zz.

## NOTES

- 1) BEARING SOURCE: THE MOST RECENTLY USED LINE OF TRACT RECORDED IN VOL. 889 OF THE PUBLIC RECORDS OF THE COUNTY OF LOS ANGELES.
- 2) THE ABOVE SOURCE IS THE MOST RECENTLY USED LINE OF TRACT RECORDED IN VOL. 101 OF THE PUBLIC RECORDS OF THE COUNTY OF LOS ANGELES.
- 3) ALL BOOKS MUST BE CARRIED WITH PLASTIC CAPS STAMPED "STYALL & ASSOC."
- 4) SURVEY PREPARED WITH BENEFIT OF THIS COMMITTEE, D.F. NO. 14709-12-00359
- 5) EFFECTIVE DATE: JULY 10, 2012.
- 6) "C.M." = CONTROL MONUMENT.
- 7) THIS TRACT IS SUBJECT TO THE EASEMENT RECORDED IN VOL. 506, PG. 441 D.B.C.T.
- 8) THE FOLLOWING EASEMENTS DO NOT LIE ON THIS TRACT: (1) VOL. 208, PG. 740 D.B.C.T., (2) VOL. 507, PG. 70 D.B.C.T., (3) VOL. 508, PG. 70 D.B.C.T.

I, Donald S. Mobley, Registered Professional Land Surveyor, State of Texas, do certify that the plat herein was made from measurements performed on the ground, the lines and dimensions of said property being indicated by the plat, the improvements are within the boundaries of the property, set back from the property lines the distances indicated and there are NO VISIBLE ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, except as shown on the plat herein.

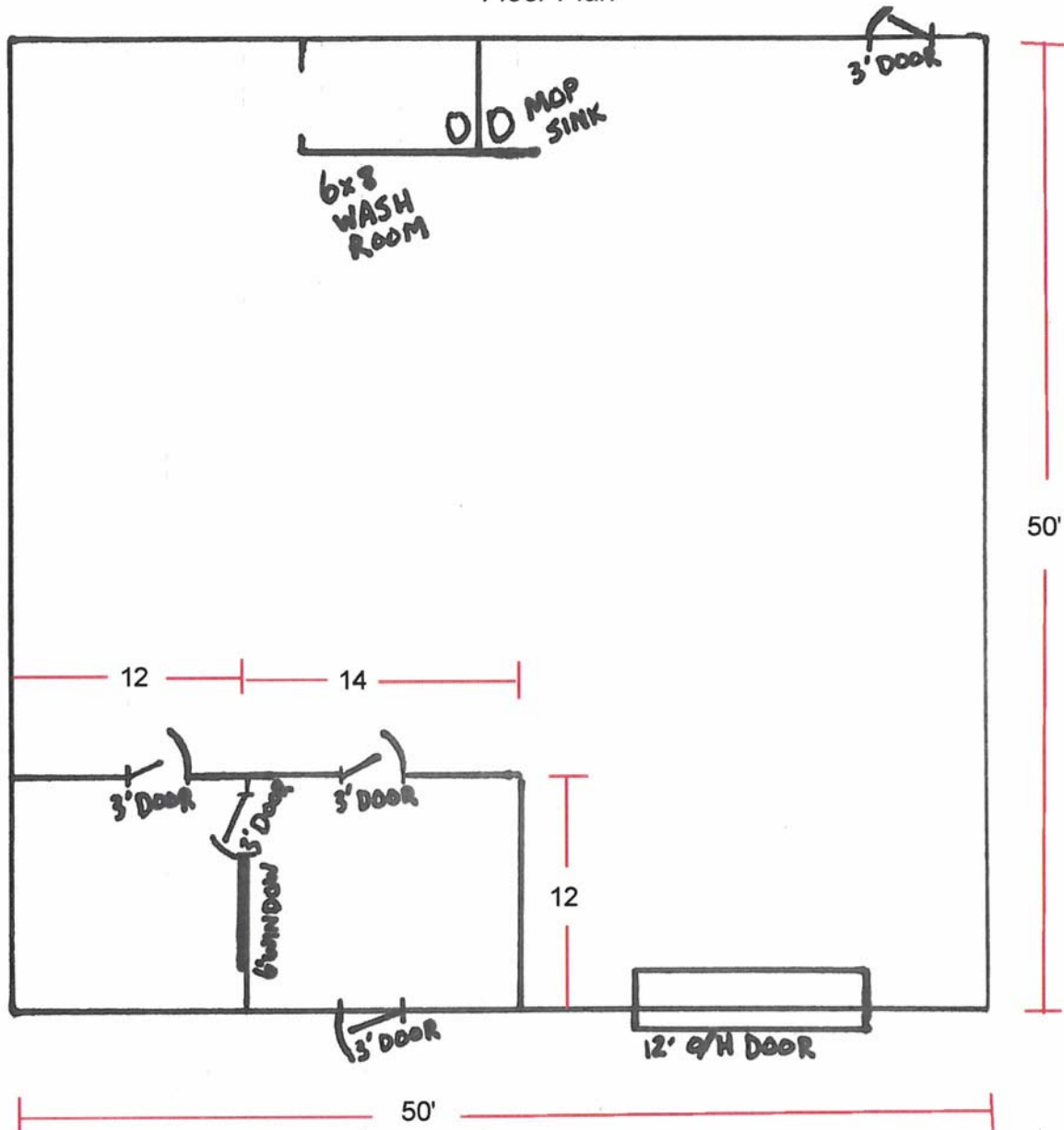


Donald S. Holder, R.P.L.S. No. 0204

STOVALL &amp; ASSOCIATES

[illegible]

Exhibit 'B - Suite 1  
Floor Plan



1785 EI-30 SUITE 101  
ROCKWALL, TX 75087