

CITY OF ROCKWALL

ORDINANCE NO. 17-59
SPECIFIC USE PERMIT NO. S-178

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 A MINI-WAREHOUSE FACILITY WITHIN A COMMERCIAL (C) DISTRICT, ON A 8.733-ACRE TRACT OF LAND BEING IDENTIFIED AS A PORTION OF LOT 16 AND ALL OF LOT 17, RAINBO ACRES ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF 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, the City has received a request from Russell Phillips for the approval of a Specific Use Permit (SUP) to allow for a *Mini-Warehouse Facility* in a Commercial (C) District on a 8.733-acre tract of land being described as a portion of Lot 16 and all of Lot 17, Rainbo Acres Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, addressed as 259 Ranch Trail, and being more specifically described in *Exhibit 'A'* and depicted in *'Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated 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 a *Mini-Warehouse* within a Commercial (C) District as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*; and

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the conditions set forth in *Subsection 2.1.10, Wholesale, Distribution, and Storage*, of *Section 2, Use Standards*, of *Article IV, Permissible Uses*, and *Subsection 4.5, Commercial (C) District*, of *Section 4, Commercial District*, of *Article V, District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*], as heretofore amended and as may be amended in the future, and shall be subject to the following operational conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions shall pertain to the operation of a *mini-warehouse facility* on the subject property, and conformance to these operations is required for continued operation:

- 1) The development shall generally conform to the *Concept Plan* depicted in *Exhibit 'C'* of this ordinance.
- 2) The building elevations shall generally conform to the *Concept Building Elevations* depicted in *Exhibit 'D'* of this ordinance.
- 3) The maximum number of storage units provided shall not exceed 575 units for the facility.
- 4) A residential unit as an accessory use shall be permitted and shall not exceed 1,600 square feet. This residential unit may exceed one (1) story in height, but shall not be greater than 36 feet in height.
- 5) No outside storage of any kind shall be allowed (*this includes the outside storage of boats, recreational vehicles, trailers, and motor or self-propelled vehicles*).
- 6) Businesses shall not be allowed to operate within individual storage units.
- 7) The commercial operation of rental trucks and trailers shall be prohibited.
- 8) The developer shall preserve the tree lines situated along the southern, eastern, and northern property lines, as depicted in the *Concept Plan* in *Exhibit 'C'*.

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.

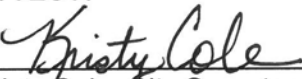
SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid,

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.

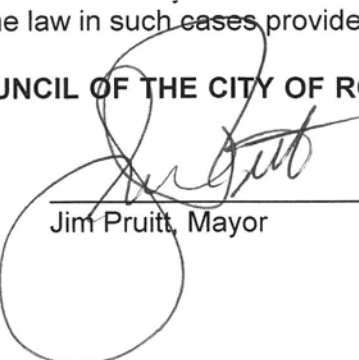
SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides;

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

ATTEST:



Kristy Cole, City Secretary



Jim Pruitt, Mayor

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: October 16 2017

2nd Reading: November 6, 2017

Exhibit 'A':
Legal Description

BEING a tract of land situated in the W. W. Ford Survey, Abstract No. 80, Rockwall County, Texas and being all of Lot 14 and Part of Lot 16 of Rainbo Acres, an addition to the County of Rockwall as recorded in Cabinet A, Slide 20, Plat Record of Rockwall County, Texas and being the same tract as conveyed to Kenneth E. McMullen and wife, Sandra A McMullen as recorded in Volume 692, Page 280, Deed Records of Rockwall County, Texas and being more particularly described as follows

BEGINNING at an ½ inch iron rod found for corner of the Southwest corner of Lo 14 and the Northwest corner of Lot 12, said point being in the East line of Ranch Trail, a 50-foot right-of-way

THENCE North 12 degrees 07 minutes 10 seconds East, along the East line of Said Ranch Trail a distance of 331.64 feet to an "X" set on a stone wall for corner

THENCE South 85 degree 40 minutes 48 seconds East a distance of 336.54 feet to an ½ inch iron rod found for corner

THENCE South 89 degrees 35 minutes 04 seconds East a distance of 567.74 feet too an ½ inch iron rod found for corner in the East line of Said Rainbo Acres Addition

THENCE South 00 degrees 57 minutes 41 seconds East, with a fence along the East line of said addition, a distance of 421.06 feet to an ½ inch iron rod found for corner, said point being the North corner of Lot 8

THENCE South 43 degrees 37 minutes 24 seconds West, with a fence along the Northwest line of said Lot 8, a distance of 562.22 feet to an ½ inch iron rod found for corner, said point being the most Easterly corner of Lot 12 and the most Southerly corner of Lot 14

THENCE along the common line of lot 12 and lot 14 as follows;

North 46 degree 33 minutes 18 seconds West a distance of 462.31 feet to an ½ inch iron rod set for corner

North 89 degrees 46 minutes 58 seconds West a distance pf 460.00 feet to the Point of Beginning and containing 8.733 acres or 380,411.045 square feet of land.

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