

CITY OF ROCKWALL

ORDINANCE NO. 17-21

SPECIFIC USE PERMIT NO. S-165

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) BY AMENDING ORDINANCE NO. 11-37 (SUP NO. S-034), SPECIFICALLY TO ALLOW FOR A RESTAURANT IN CONJUNCTION WITH AN ACCESSORY GENERAL RETAIL STORE AND BANQUET FACILITY ON A 0.6849-ACRE PARCEL OF LAND; ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES; BEING ADDRESSED AS 506 N. GOLIAD STREET AND IDENTIFIED AS LOT 1, ABATE INJURY REHAB ADDITION, 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 Brenda and Stuart Myers for the approval of a Specific Use Permit (SUP) by amending Ordinance No. 11-37 (*SUP No. S-034*) for a *Restaurant with an accessory General Retail* store and *Banquet Facility* for a 0.6849-acre parcel of land identified as Lot 1, Abate Injury Rehab Addition, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, addressed as 506 N. Goliad Street, City of Rockwall, Rockwall County, Texas, and more specifically depicted 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 Ordinance No.'s 06-52 & 11-37 and 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 approval of this ordinance shall supersede all requirements stipulated in Ordinance No. 06-52 and 11-37 for the *Subject Property*; and

Section 2. 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 *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* with an *accessory General Retail* store and *Banquet Facility* within a Planned Development District 50 (PD-50) as stipulated by *Ordinance No. 16-15* and Article IV, *Permissible Uses*, of the Unified Development Code on the *Subject Property*; and

Section 3. 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, *Ordinance No. 07-29* and as stipulated by Section 4.2, *Residential Office (RO) 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 following conditions and compliance standards:

3.1 Operational Conditions

The following conditions pertain to the operation of a *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* on the *Subject Property*, and conformance to these operational conditions are required for continued operations:

- 1) The operation of a *Restaurant [Less Than 2,000 SF; Without Drive-Through or Drive-In Service]* shall generally conform to the *Floor Plan – 1st Floor* contained in *Exhibit 'C'* of this ordinance, and incorporated by reference herein;
- 2) The service area of the restaurant will be limited to a maximum of 2,000 SF;
- 3) Alteration to the building elevations shall be subject to review and recommendation by the Historic Preservation Advisory Board (HPAB);
- 4) The *General Retail* store use shall be incidental to the *Restaurant*, limited to Lounge Area 2 (approximately 215 SF) as depicted on the *Floor Plan – 1st Floor* contained in *Exhibit 'C'* of this ordinance, and may only include products generally found within the restaurant;
- 5) In the event that the adjacent property located at 504 N. Goliad Street (*i.e. the property to the south of the subject property*) is converted to a non-residential land use that is allowed within PD-50, the dedicated cross access easement on the *Subject Property* shall be paved with concrete to connect the adjacent properties (*i.e. 504 N. Goliad Street and 602 N. Goliad Street*) as depicted in *Exhibit 'A'* of this ordinance. All paving must be constructed within 60 days of the approved site plan for 504 N. Goliad Street and shall be constructed accordance with the standards of Article VI, *Parking and Loading*, of the Unified Development Code;
- 6) *Banquet Facility (Event Venue)*. A banquet facility (or event venue) -- to be located on the 2nd floor of the *Subject Property* shall generally conform to the *Floor Plan – 2nd Floor* contained in *Exhibit 'D'* of this ordinance, and incorporated by reference herein -- shall be permitted through the approval of a Certificate of Occupancy (CO); however, such use shall be subject to the following conditions:
 - a) *Banquet Facility* (or event venue) is defined as a commercial facility that can be rented out for the purpose of hosting private events (*e.g. birthday parties, wedding receptions, meetings, etc.*). These events shall not be open to the general public.
 - b) Prior to the approval of a CO for a *Banquet Facility* (or event venue), the *Subject Property* is required to provide additional parking spaces meeting the requirements stipulated by Article VI, *Parking and Loading*, of the Unified Development Code [*Ordinance No. 04-38*] and shall be subject to one (1) parking space per 100 SF of floor area and shall generally conform to the *Floor Plan* contained in *Exhibit 'C'* of this ordinance.
 - c) The hours of operation for the *Banquet Facility* (or event venue) shall be limited to Sunday through Thursday, 8:00 AM – 9:00 PM and Friday & Saturday, 8:00 AM – 11:00 PM.

3.2 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 as outline in the Unified Development Code, the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4, Specific Use Permits (SUP), of Article IV, Permissible Uses, of the Unified Development Code (UDC).

Section 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

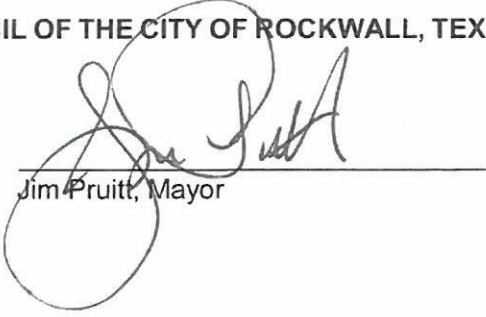
Section 5. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 6. 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 7. 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 8. 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 17th DAY OF April, 2017.



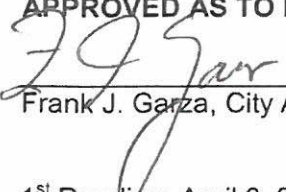
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: April 3, 2017

2nd Reading: April 17, 2017



City of Rockwall, Texas

Exhibit B: Location Map

Address: 506 N. Goliad Street

Legal Description: Lot 1, Abate Injury Rehab Addition

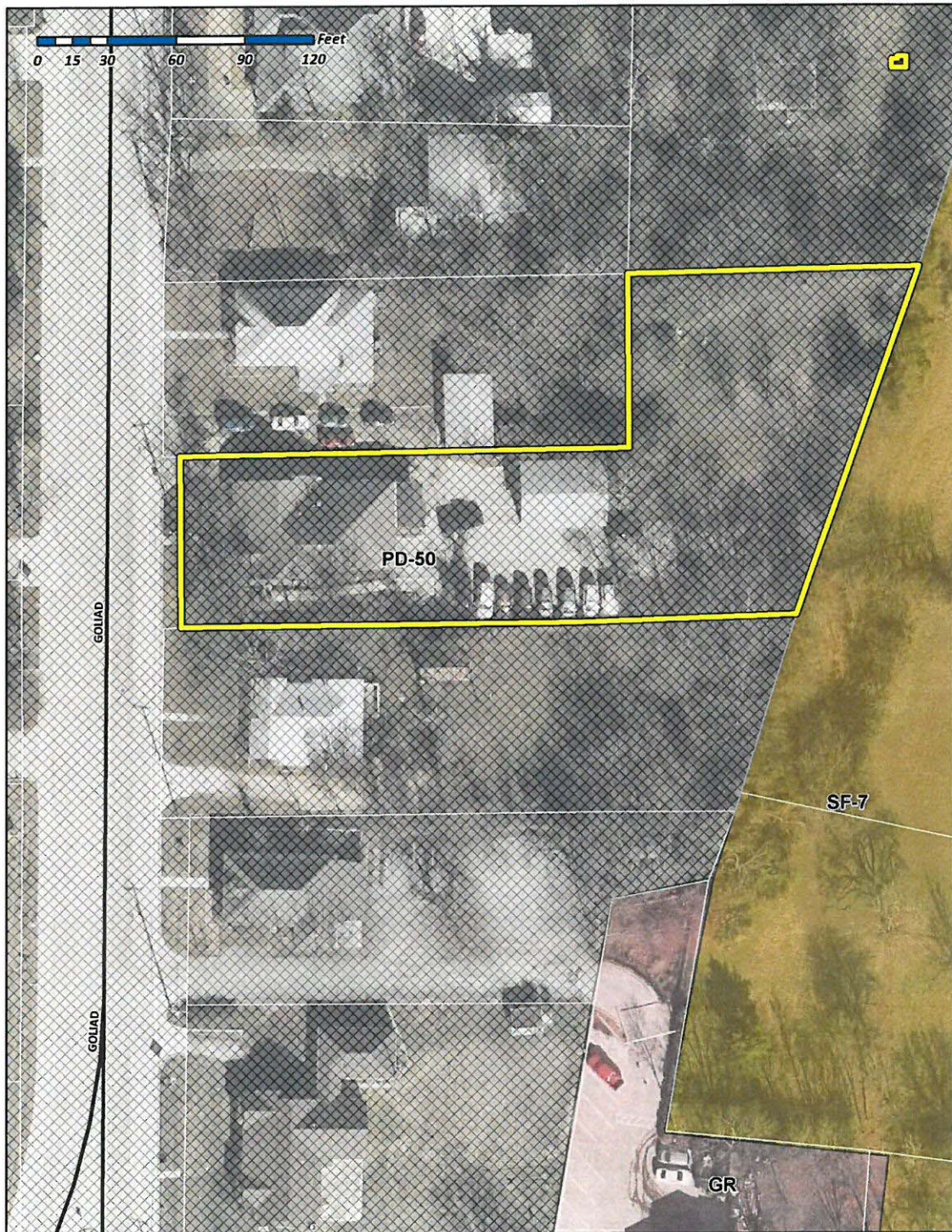
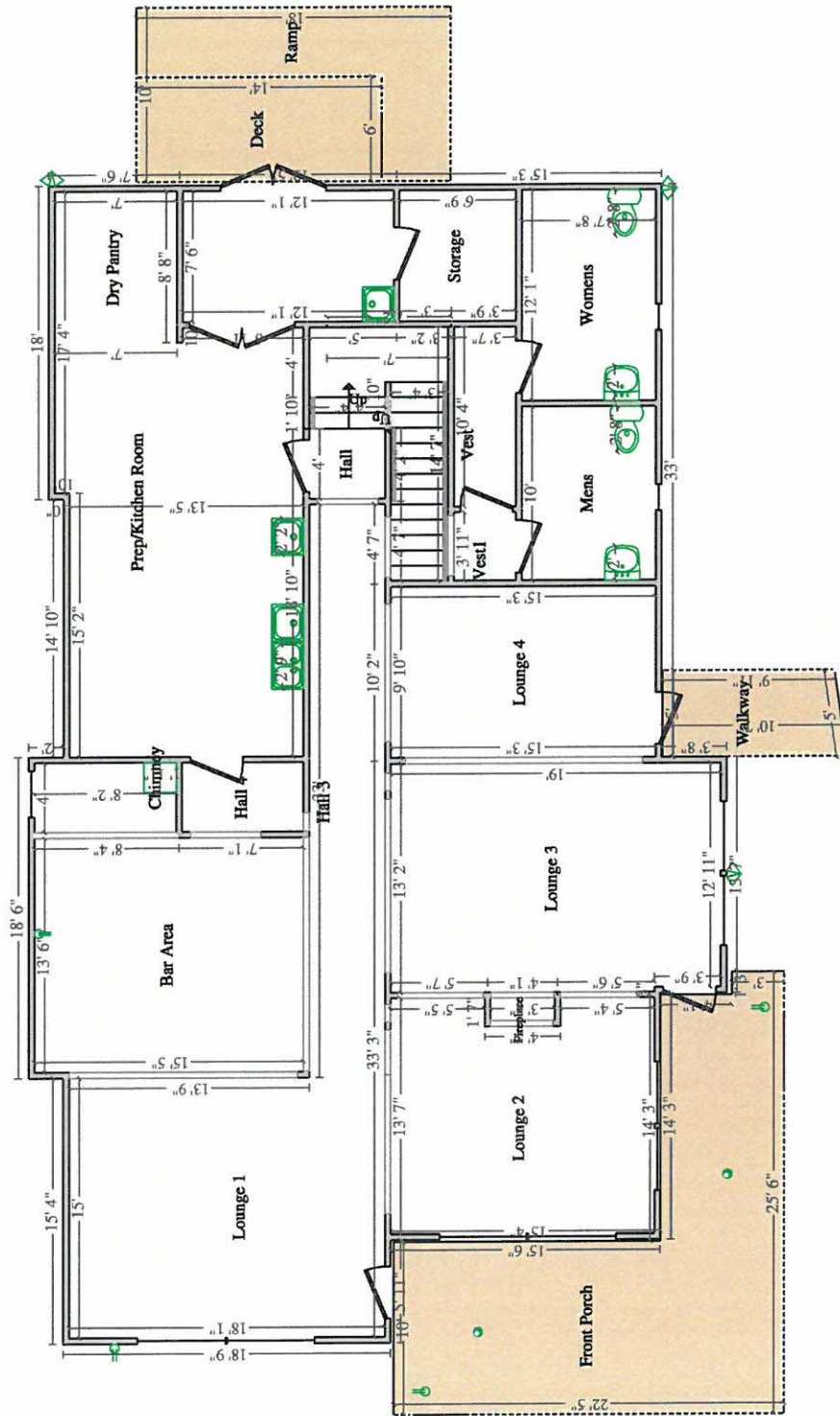


Exhibit C: 1st Floor, Floor Plan



Scale: 3/16" = 10"

1st Floor Plan

Dimensions:

- Top Wall: 20' 5" (left), 17' 9" (right)
- Right Wall: 15' 9" (top), 15' 1" (bottom)
- Bottom Wall: 17' 3" (left), 13' 6" (right)
- Left Wall: 19' 11" (top), 26' 1" (bottom)
- Internal Vertical Dimensions: 18' 11" (left of Mechanical), 18' 9" (right of Mechanical)
- Internal Horizontal Dimensions: 14' 3" (top of Mechanical), 4' 10" (bottom of Mechanical)
- Rest Room: 8' 2" (width), 5' 7" (depth)
- Stairwell: 5' 9" (width), 4' 11" (depth)
- Deck: 15' 9" (width), 11' 5" (depth)
- Area 1: 11' 5" (width), 4' 1" (depth)

Rooms and Features:

- Office:** Located in the top right corner.
- Area 1:** Located in the center of the plan.
- Rest Room:** Located in the bottom left corner.
- Stairwell:** Located in the bottom center.
- Mechanical:** Located in the bottom right corner.
- Deck:** Located in the bottom left corner, adjacent to the Rest Room.
- Suits:** Located in the bottom left corner, adjacent to the Deck.

Other Details:

- Green fan symbols are located in the Office, Area 1, and Rest Room.
- AC units are labeled in the Mechanical room: AC1, AC2, AC3.
- Water supply (W) and drain (D) are indicated in the Mechanical room.
- A north arrow is located in the bottom left corner.

City of Rockwall, Texas