

CITY OF ROCKWALL

ORDINANCE NO. 17-39

SPECIFIC USE PERMIT NO. S-171

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, AS HERETOFORE AMENDED, SO AS TO FURTHER AMEND THE ZONING MAP TO ADOPT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT GREATER THAN 2,000 SF WITH A DRIVE-THROUGH IN A GENERAL RETAIL (GR) DISTRICT, ON A 0.857-ACRE PARCEL OF LAND BEING IDENTIFIED AS A PORTION OF LOT 4, BLOCK A, DALTON-GOLIAD ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS AND MORE FULLY DESCRIBED IN EXHIBIT 'A' OF THIS ORDINANCE; 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 Juan J. Vasquez of Vasquez Engineering, LLC on behalf of the owner Don Silverman of Rockwall 205-552, LLC for the approval of a Specific Use Permit (SUP) to allow for a *Restaurant greater than 2,000 SF with a Drive-Through* on a 0.857-acre parcel of land, identified as Lot 4, Block A, Dalton-Goliad Addition, City of Rockwall, Rockwall County, Texas, zoned *General Retail (GR) District*, situated within the *North SH-205 Overlay (N-SH-205 OV) District*, addressed as 3611 N. Goliad Street, 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, 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 *Restaurant greater than 2,000 SF with a Drive-Through* within a *General Retail (GR) 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 *Section 4.5, Commercial (C) District*; and *Section 6.11, North SH-205 Overlay (N-SH-205 OV) 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

additional following additions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant greater than 2,000 SF with a drive-through* on the *Subject Property*, and conformance to these operational conditions is required for continued operations:

- 1) The development of this property shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this SUP ordinance; and,
- 2) The development of this property shall generally conform to the *Concept Building Elevations* depicted in *Exhibit 'C'* of this SUP ordinance; and,

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

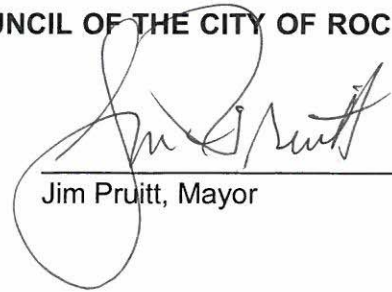
Section 5. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict

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 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 7TH DAY OF AUGUST, 2017.



Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: July 17, 2017

2nd Reading: August 7, 2017

Exhibit 'A':
Legal Description

BEING a 0.857-acre tract of land situated in the T. R. Bailey Survey, Abstract No. 30, in the City of Rockwall, Rockwall County, Texas and being a part of Lot 2, Block A of the Dalton Goliad Addition and Addition to the City of Rockwall filed under instrument number 2016000001709 Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at the most northeasterly corner of Lot 3, Block A of the said Dalton Goliad addition same being in the westerly right-of-way line of State Highway No. 205 (a 110-feet right-of-way);

THENCE along the common line of said Dalton Addition and said State Highway No. 205 North 00°54'01" West, a distance of 60.00-feet to the *POINT OF BEGINNING* being the most southeasterly corner of said 0.857 acre tract;

THENCE along the southerly line of said 0.857-acre tract South 89°05'59" West, a distance of 290.66-feet to a point for corner;

THENCE North 00°54'01" West, a distance of 128.60-feet to a point for corner;

THENCE North 89°05'59" East, a distance of 289.42-feet to a point for corner located in the westerly right-of-way line of said State Highway No. 205 same being the beginning of a non-tangent curve to the right, having a radius of 2,805.03 feet, a central angle of 01°37'28", and a chord bearing and distance of South 01°47'40" East, 79.52-feet;

Along said non-tangent curve to the right and said State Highway No. 205, an arc distance of 79.53-feet to an angle point;

THENCE South 00°54'01" East, a distance of 49.09-feet to the *POINT OF BEGINNING* and containing 37,346 SF or 0.857-acre of computed land, more or less.

Exhibit 'B': Concept Site Plan

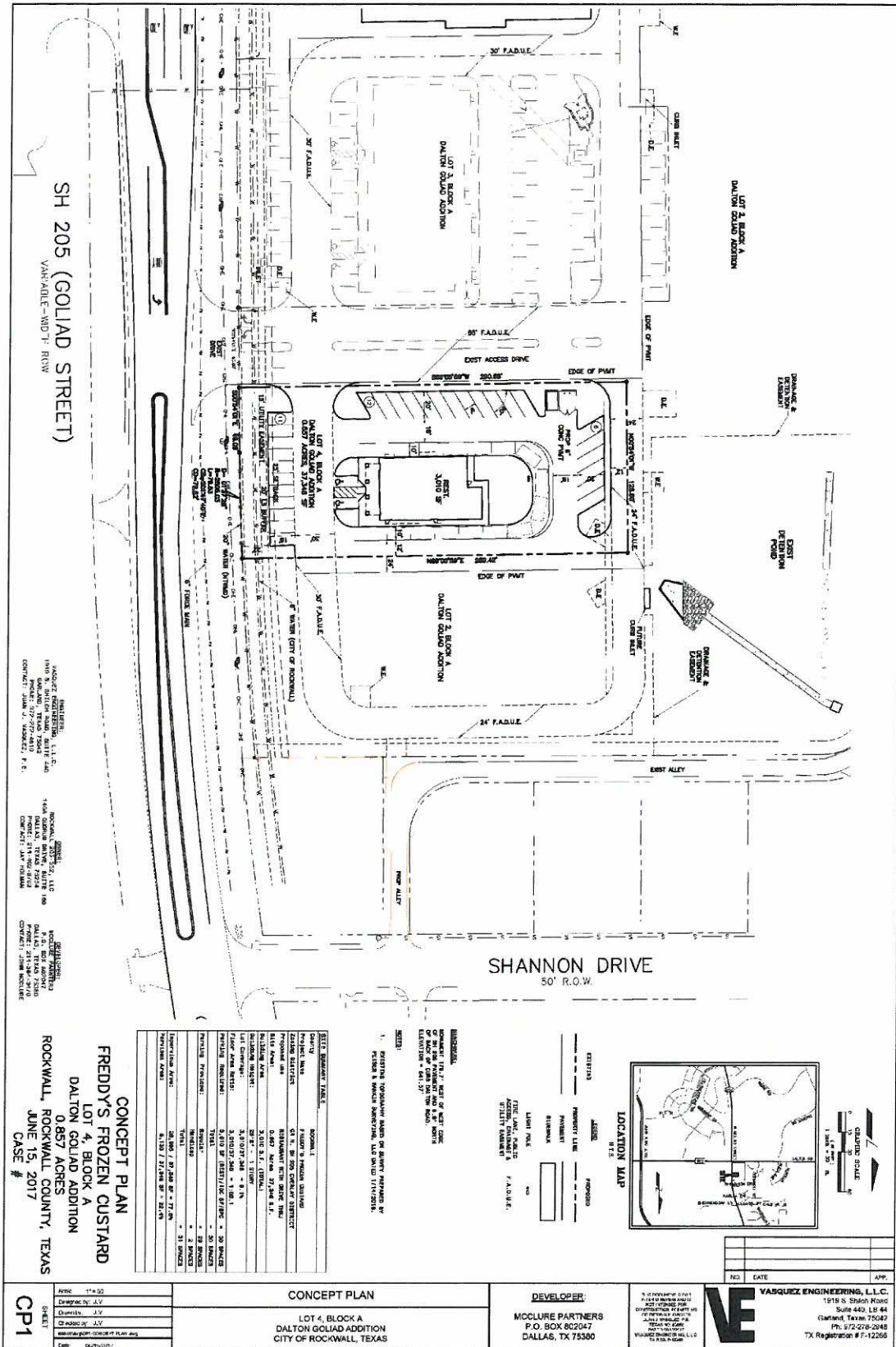


Exhibit 'C': Concept Building Elevations

