

ORDINANCE 94-23

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A COMMERCIAL AMUSEMENT IN A PLANNED DEVELOPMENT ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 1, BLOCK A, EASTRIDGE CENTER ADDITION; 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, a Conditional Use Permit for a Commercial Amusement for an video arcade has been requested by CiCi's Pizza for the property described as being a portion of Lot 1, Block A, Eastridge Center Addition and described further on the approved site plan attached hereto as Exhibit "A"; 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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a commercial amusement for a video arcade on the property described on Exhibit "B", attached hereto and made a part hereof, and further described on the approved site plan attached hereto and made a part hereof as Exhibit "A".

SECTION 2. That the Conditional Use Permit shall be subject to the following special conditions:

1. The permit is approved for up to fifteen (15) machines.
2. Any noise making machine shall be located in a room separate from the dining room.
3. The permit shall be reviewed by the Planning and Zoning Commission for compliance with all requirements within one year from date of final approval.

4. No smoking in the separate room.

SECTION 3. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this Conditional Use Permit and as may be amended in the future.

SECTION 4. That all ordinance~~s~~ 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 offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 6. If any section paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, 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 for this ordinance are declared to be severable.

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.

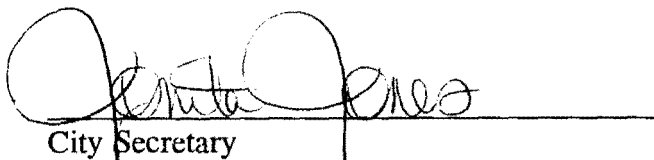
DULY PASSED AND APPROVED this 2nd day of August, 1994.

APPROVED:



Mayor

ATTEST:



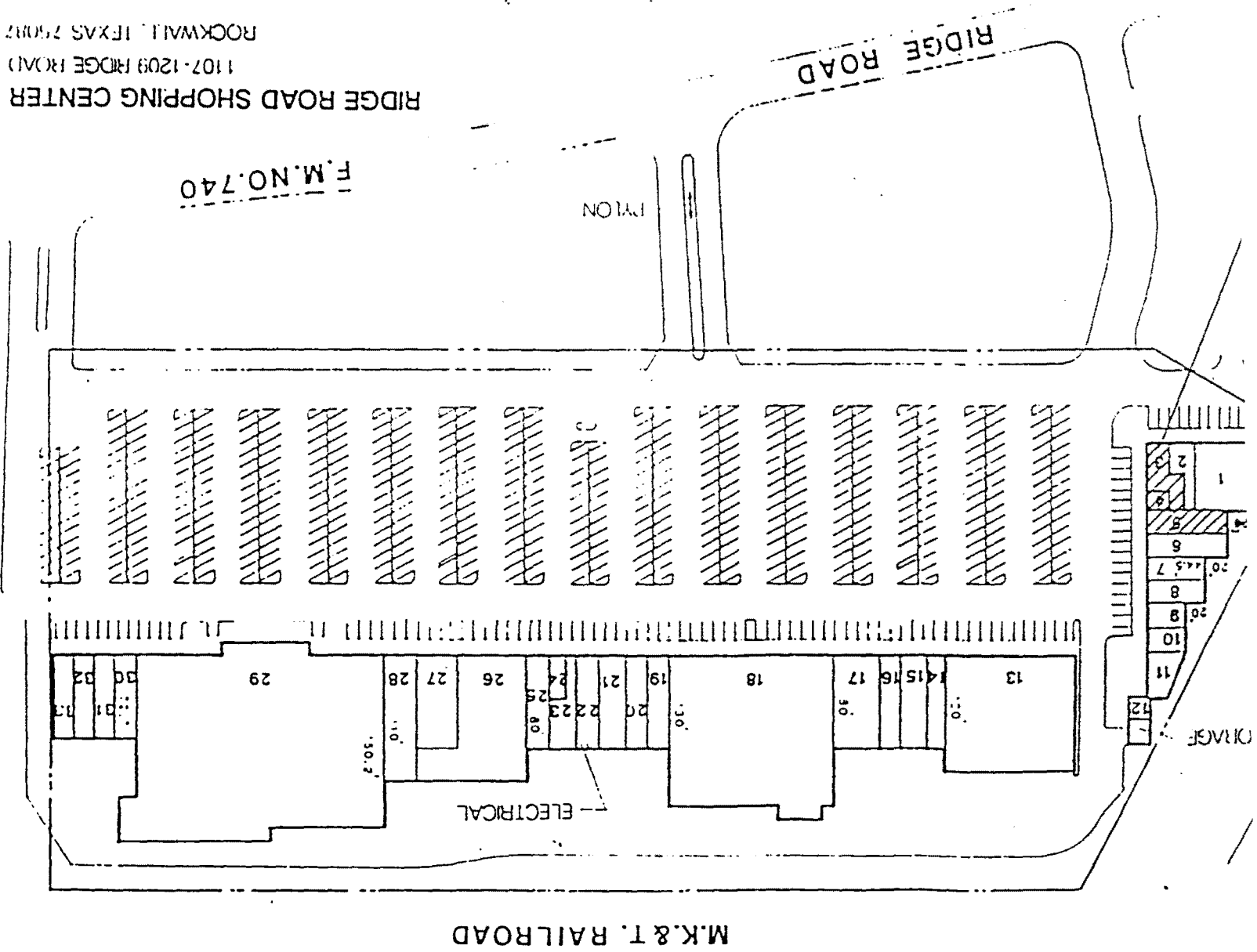
City Secretary

1st reading 07-18-94

2nd reading 08-01-94

EXHIBIT "A"

DEMISED PREMISES



RIDGE ROAD SHOPPING CENTER
1107-1209 RIDGE ROAD
ROCKWALL, TEXAS 75087

F.M. NO. 740

PYLON

RIDGE ROAD

M.K.&T. RAILROAD

DRIVE

EXHIBIT "B"

LEGAL DESCRIPTION

STATE OF TEXAS
COUNTY OF ROCKWALL.

BEING 4 tracts or parcels of land situated in the Daniel Atkins Survey, Abstract No. 1, and the B.J.T. Lewis Survey, Abstract No. 225, Rockwall County, Texas, and being a part of that 20.75 acre tract of land described in deed recorded in Volume 78, Page 322, Deed Records, Rockwall County, Texas, and further being a part of Eastridge Center, an addition to the City of Rockwall, recorded in Slide A, Page 263, Plat Records, Rockwall County, Texas, and being more particularly described as follows:

Phase I

BEGINNING at an iron rod at the Northeast corner of Eastridge Center at the intersection of the Southwest line of State Hwy. 205 with the Westerly line of the M.K. & T. Railroad;
THENCE: South 18° 43' 00" West a distance of 510.00 feet with the Westerly line of said Railroad to an iron rod set for a corner;
THENCE: North 71° 17' 00" West a distance of 472.18 feet leaving said Westerly line to an iron rod set for a corner;
THENCE: North 18° 43' 00" East a distance of 544.10 feet to an iron rod set for a corner;
THENCE: South 71° 17' 00" East a distance of 410.11 feet to an iron rod set for a corner on the Southwest line of State Hwy. 205;
THENCE: South 42° 30' 00" East a distance of 70.82 feet with said Southwest line to the Point of Beginning and Containing 255,857 Square Feet or 5.8737 Acres of Land.

Phase II
Section 2

COMMENCING at an iron rod at the Northeast corner of Eastridge Center at the intersection of the Southwest line of State Hwy. 205 with the Westerly line of the M.K. & T. Railroad;
THENCE: South 18° 43' 00" West a distance of 510.00 feet with the Westerly line of said Railroad to an iron rod set for a corner at the Point of Beginning;
THENCE: South 18° 43' 00" West a distance of 433.00 feet continuing with said Westerly line to an iron rod set for a corner;
THENCE: North 71° 17' 00" West a distance of 472.18 feet leaving said Westerly line to an iron rod set for a corner;
THENCE: North 18° 43' 00" East a distance of 433.00 feet to an iron rod set for a corner;
THENCE: South 71° 17' 00" East a distance of 472.18 feet to the Point of Beginning and Containing 204,456 Square Feet or 4.6937 Acres of Land.

Phase II
Section 4

COMMENCING at an iron rod at the Northeast corner of Eastridge Center at the intersection of the Southwest line of State Hwy. 205 with the Westerly line of the M.K. & T. Railroad;
THENCE: North 42° 30' 00" West a distance of 70.82 feet with the Southwest line of State Hwy. 205 to an iron rod set for a corner at the Point of Beginning;
THENCE: North 71° 17' 00" West a distance of 410.11 feet leaving said Southwest line to an iron rod set for a corner;
THENCE: North 18° 43' 00" East a distance of 34.09 feet to an iron rod set for a corner;
THENCE: North 47° 21' 30" East a distance of 167.60 feet to an iron rod set for a corner on the Southwest line of State Hwy. 205;
THENCE: South 42° 30' 00" East a distance of 376.27 feet with said Southwest line to the Point of Beginning and Containing 38,520 Square Feet or 0.8843 Acres of Land.