



# PLANNING AND ZONING CASE CHECKLIST

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

P&Z CASE # 2018-86 P&Z DATE \_\_\_\_\_ CC DATE \_\_\_\_\_ APPROVED/DENIED \_\_\_\_\_  
ARCHITECTURAL REVIEW BOARD DATE \_\_\_\_\_ HPAB DATE \_\_\_\_\_ PARK BOARD DATE \_\_\_\_\_

ZONING APPLICATION
<input type="checkbox"/> SPECIFIC USE PERMIT
<input type="checkbox"/> ZONING CHANGE
<input type="checkbox"/> PD CONCEPT PLAN
<input type="checkbox"/> PD DEVELOPMENT PLAN

SITE PLAN APPLICATION
<input type="checkbox"/> SITE PLAN
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN
<input type="checkbox"/> PHOTOMETRIC PLAN
<input type="checkbox"/> BUILDING ELEVATIONS
<input type="checkbox"/> MATERIAL SAMPLES
<input type="checkbox"/> COLOR RENDERING

PLATTING APPLICATION
<input type="checkbox"/> MASTER PLAT
<input type="checkbox"/> PRELIMINARY PLAT
<input type="checkbox"/> FINAL PLAT
<input type="checkbox"/> REPLAT
<input type="checkbox"/> ADMINISTRATIVE/MINOR PLAT
<input type="checkbox"/> VACATION PLAT
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN

<input checked="" type="checkbox"/> COPY OF ORDINANCE (ORD.# _____)
<input checked="" type="checkbox"/> APPLICATIONS
<input checked="" type="checkbox"/> RECIEPT
<input checked="" type="checkbox"/> LOCATION MAP
<input type="checkbox"/> HOA MAP
<input type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> NEWSPAPER PUBLIC NOTICE
<input type="checkbox"/> 500-FT. BUFFER PUBLIC NOTICE
<input type="checkbox"/> PROJECT REVIEW
<input type="checkbox"/> STAFF REPORT
<input type="checkbox"/> CORRESPONDENCE
<input type="checkbox"/> COPY-ALL PLANS REQUIRED
<input type="checkbox"/> COPY-MARK-UPS
<input type="checkbox"/> CITY COUNCIL MINUTES-LASERFICHE
<input type="checkbox"/> MINUTES-LASERFICHE
<input type="checkbox"/> PLAT FILED DATE _____
<input type="checkbox"/> CABINET # _____
<input type="checkbox"/> SLIDE # _____
NOTES: _____
_____
_____
_____
_____
ZONING MAP UPDATED <u>8-17-18</u>



# DEVELOPMENT APPLICATION

City of Rockwall  
Planning and Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO.

22018-026

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

*[Signature]*

CITY ENGINEER:

Please check the appropriate box below to indicate the type of development request (Resolution No. 05-22) [SELECT ONLY ONE BOX]:

### Platting Application Fees:

- Master Plat (\$100.00 + \$15.00 Acre)<sup>1</sup>
- Preliminary Plat (\$200.00 + \$15.00 Acre)<sup>1</sup>
- Final Plat (\$300.00 + \$20.00 Acre)<sup>1</sup>
- Replat (\$300.00 + \$20.00 Acre)<sup>1</sup>
- Amending or Minor Plat (\$150.00)
- Plat Reinstatement Request (\$100.00)

### Site Plan Application Fees:

- Site Plan (\$250.00 + \$20.00 Acre)<sup>1</sup>
- Amended Site Plan/Elevations/Landscaping Plan (\$100.00)

### Zoning Application Fees:

- Zoning Change (\$200.00 + \$15.00 Acre)<sup>1</sup>
- Specific Use Permit (\$200.00 + \$15.00 Acre)<sup>1</sup>
- PD Development Plans (\$200.00 + \$15.00 Acre)<sup>1</sup>

### Other Application Fees:

- Tree Removal (\$75.00)

### Notes:

<sup>1</sup>: In determining the fee, please use the exact acreage when multiplying by the per acre amount. For requests on less than one acre, only the "base fee" is required.

## PROPERTY INFORMATION [PLEASE PRINT]

Address 621 White Hills DR

Subdivision

Lot

Block

General Location

## ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

Current Zoning Commercial

Current Use VACANT

Proposed Zoning Commercial

Proposed Use RESTAURANT

Acreage 1.33

Lots [Current]

Lots [Proposed]

**Required for Plats:** By checking the box at the left you agree to waive the statutory time limit for plat approval in accordance with Section 212.009 of the Local Government Code.

## OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

Owner

Applicant

Contact Person

Contact Person

Address

Address

City, State & Zip

City, State & Zip

Phone

Phone

E-Mail

E-Mail

TXHWS, LLC  
Tony Osburn  
9942 CR 540  
LAVERN, TX 75146  
972-345-9445

## NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared Tony Osburn [Owner/Applicant Name] the undersigned, who stated the information on this application to be true and certified the following:

"I hereby certify that I am the owner, or duly authorized agent of the owner, for the purpose of this application; all information submitted herein is true and correct; and the application fee of \$ \_\_\_\_\_, to cover the cost of this application, has been paid to the City of Rockwall on this the 15 day of JUNE, 2018. By signing this application I agree that the City of Rockwall (i.e. "City") is authorized and permitted to provide information contained within this application to the public. The City is also authorized and permitted to reproduce any copyrighted information submitted in conjunction with this application, if such reproduction is associated or in response to a request for public information."

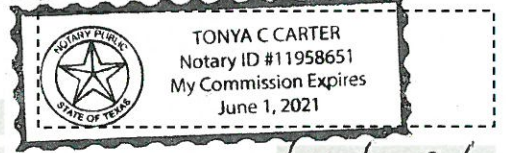
Given under my hand and seal of office on this the 15 day of JUNE, 2018.

Owner's/Applicant's Signature

*[Signature]*

Notary Public in and for the State of Texas

*[Signature]*



My Commission Expires

6/1/21



## **DEVELOPMENT REVIEW COMMITTEE (DRC) CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT**

Phone: (972) 771-7745

Email: [Planning@Rockwall.com](mailto:Planning@Rockwall.com)

External Review: Wayne Carter, Charter Communications  
Jim Friske, Charter Communications  
Dinah Wood, Atmos  
Randy Voight, Oncor  
Phillip Dickerson, Oncor  
Brian Duncan, AT&T  
Javier Fernandez, RISD  
Brenda Callaway, TXDOT  
Stephen Geiger, Farmer's Electric  
Frank Spataro, Farmer's Electric

Internal Review: Amy Williams, Engineering  
John Shannon, Building Inspections  
Ariana Hargrove, Fire  
Andy Hesser, Parks  
Andy Villarreal, Police

From: Planning & Zoning Department

Date: 2/28/2019

To assist the Planning Department in evaluating the attached request, we are sending it to you for your review and comments. Please return any comments and/or plan mark-ups to us within five (5) days. Internal staff will also be required to have all comments input into CRW no later than Friday, 06/22/2018. Planning staff will assemble all comments received in time for our regularly scheduled DRC meeting on 6/26/2018 at 2:00 p.m. The Planning and Zoning Commission work session will be held on 6/26/2018 at 6:00 p.m. You are welcome to attend both meetings. If you have any questions, please contact us at (972) 771-7745.

**Project Number:** Z2018-026  
**Project Name:** SUP for a Drive-Through Restaurant  
**Project Type:** ZONING  
**Applicant Name:** TXHWS, LLC  
**Owner Name:** SAFA & SONS, LLC,  
**Project Description:** Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary.



# RECEIPT

Project Number: Z2018-026  
Job Address: 615 WHITE HILLS DR  
ROCKWALL, TX 75087

Receipt Number: B80390

Printed: 2/28/2019 10:36 am

Fee Description	Account Number	Fee Amount
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ZONING

01-4280

\$ 219.95

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**Total Fees Paid:**

**\$ 219.95**


Date Paid: 6/18/2018 12:00:00AM

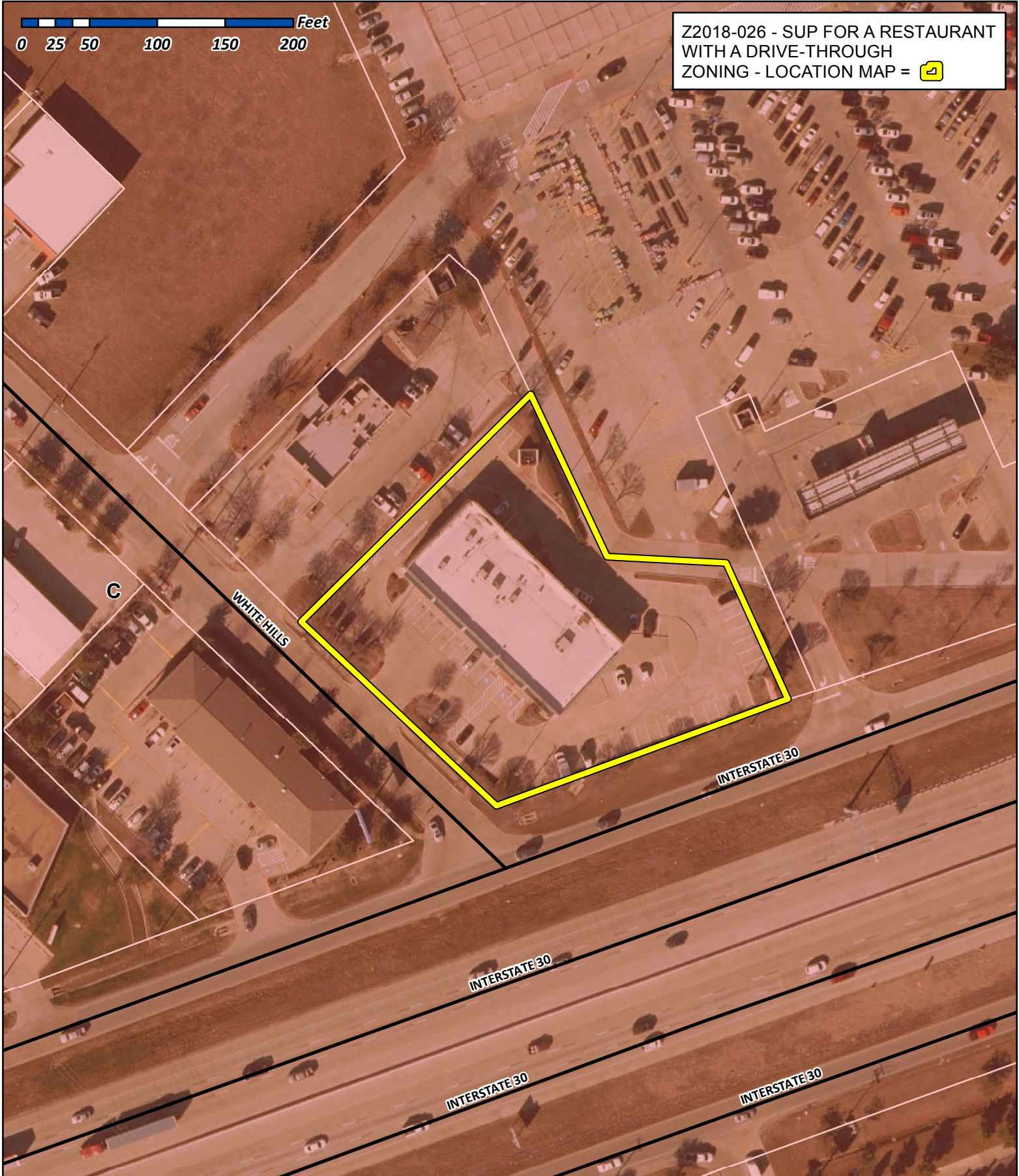
Paid By: TXHWS, LLC 03-18

Pay Method: CHECK 98

Received By: LM

0 25 50 100 150 200 Feet

Z2018-026 - SUP FOR A RESTAURANT WITH A DRIVE-THROUGH  
ZONING - LOCATION MAP = 



## City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75032  
(P): (972) 771-7745  
(W): [www.rockwall.com](http://www.rockwall.com)

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

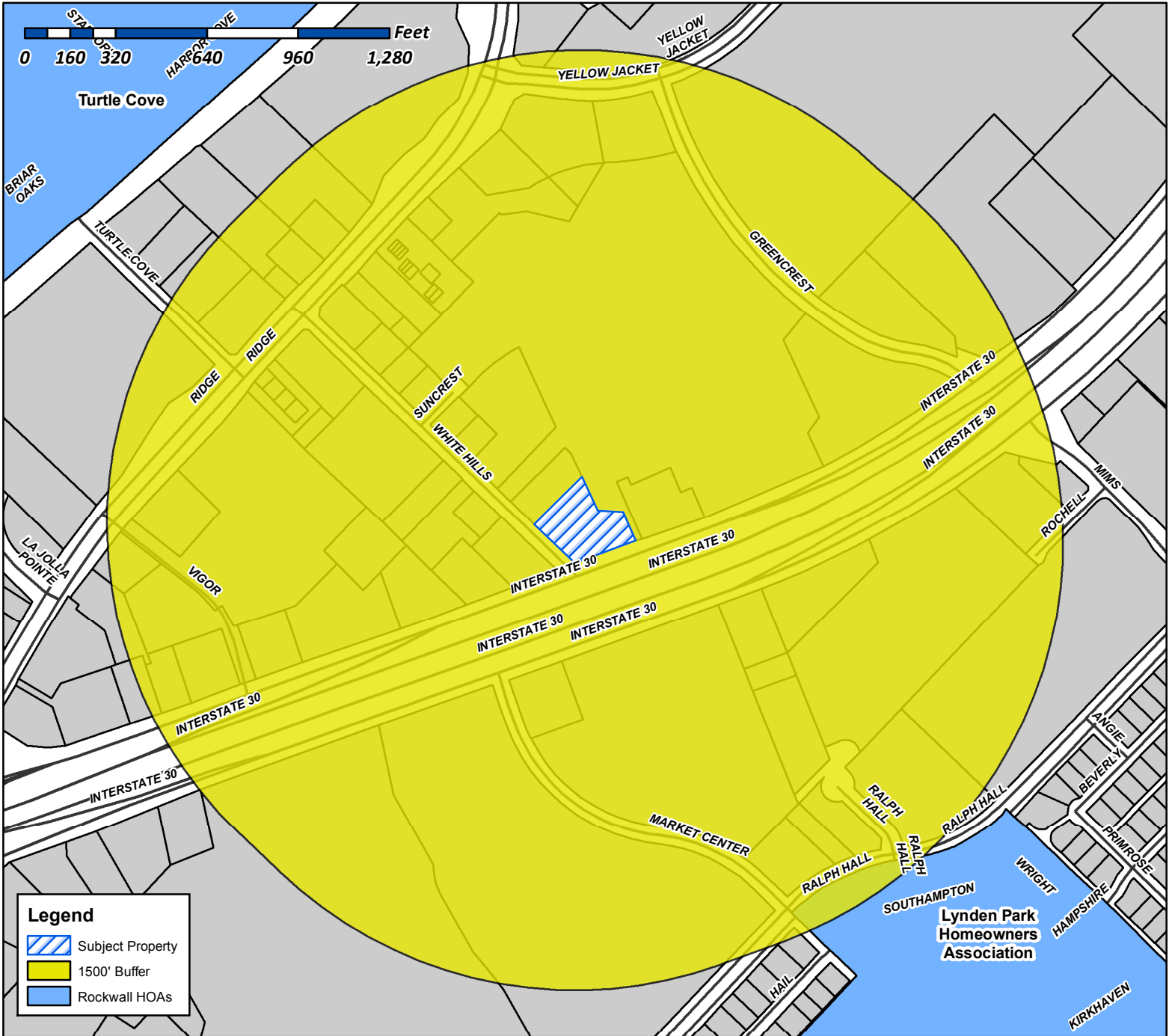




# City of Rockwall

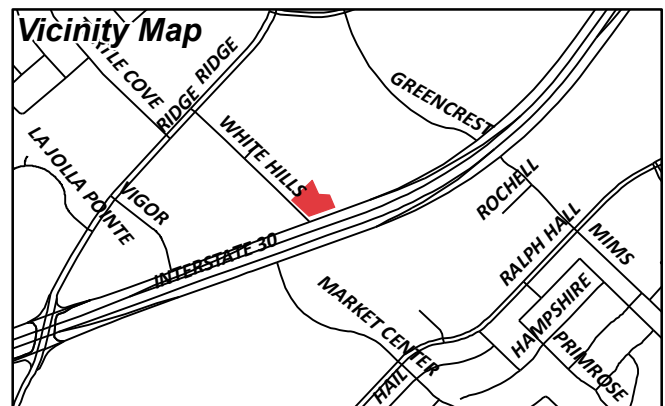
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**Case Number:** Z2018-026  
**Case Name:** SUP for a Restaurant with a Drive-Through  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 621 White Hills Dr

**Date Created:** 6/18/2018  
 For Questions on this Case Call (972) 771-7745

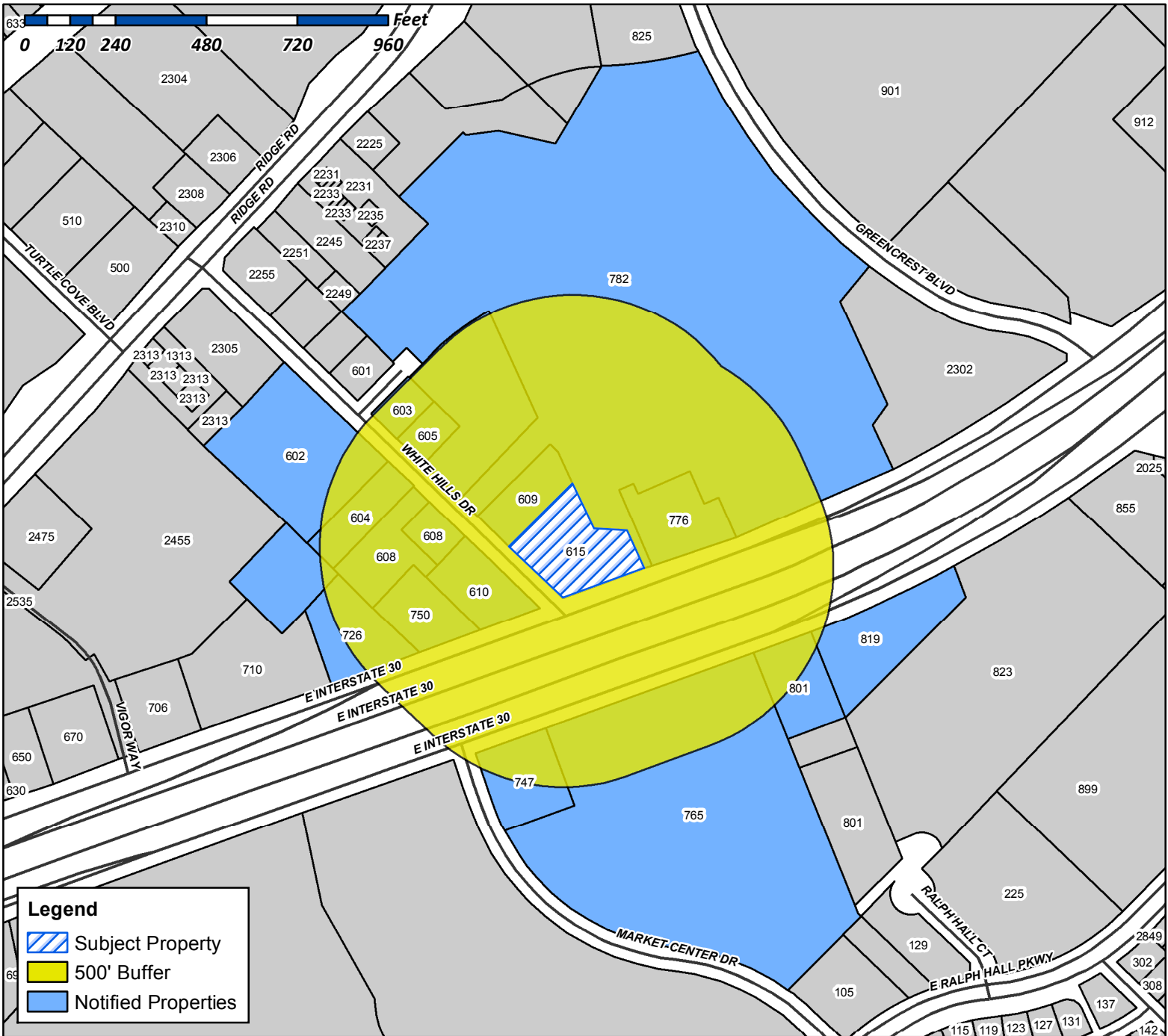




# City of Rockwall

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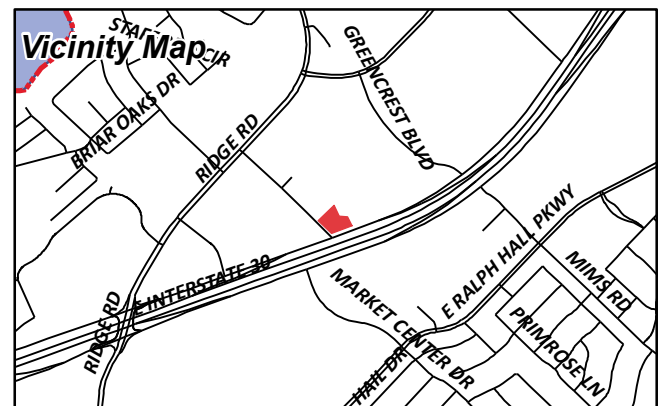
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**Case Number:** Z2018-026  
**Case Name:** SUP for a Restaurant with a Drive-Through  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 621 White Hills Dr

**Date Created:** 06/18/2018

**For Questions on this Case Call (972) 771-7745**



WEINBERGER HAROLD E 1998 FAMILY TRUST &  
ELANA KROLL 1993 TRUST  
1425 CAMINO LUJAN  
SAN DIEGO, CA 92111

MAJESTIC CAST INC  
1625 FERRIS RD  
GARLAND, TX 75044

THE TWO SHORT, LP  
A TEXAS LIMITED PARTNERSHIP  
1810 KENTWOOD CIR  
ROCKWALL, TX 75032

COLE OB ROCKWALL TX LLC  
C/O OTB ACQUISITION LLC  
2201 W ROYAL LANE, SUITE 240  
IRVING, TX 75063

605 WHITE HILLS LLC  
253 QUAIL CREEK ROAD  
ROCKWALL, TX 75032

609 WHITE HILLS LTD  
C/O TACO BUENO RESTAURANTS INC  
300 E JOHN CARPENTER FWY STE 800  
IRVING, TX 75062

WALKER I REALTY INC  
C/O CHARLES F WALKER  
3404 MARQUETTE ST  
DALLAS, TX 75225

INVEZA GROUP LLC  
4400 TEMECULA CREEK TRAIL  
MCKINNEY, TX 75070

CURRENT RESIDENT  
602 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
603 WHITE HILLS DR  
ROCKWALL, TX 75087

CONAWAY ROBERT  
604 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
605 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
608 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
609 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
610 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
615 WHITE HILLS DR  
ROCKWALL, TX 75087

SAYED PROPERTY MANAGEMENT LLC  
7008 MILLS BRANCH CIR  
PLANO, TX 75024

CURRENT RESIDENT  
726 I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
747 E I30  
ROCKWALL, TX 75087

SEVEN26 PROPERTIES LLC  
750 E I-30 SUITE 105  
ROCKWALL, TX 75087

CURRENT RESIDENT  
765 I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
776 E I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
782 I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
801 E I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
819 E I30  
ROCKWALL, TX 75087

ARC BFRKWTX001 LLC  
C/O ED RYBURN CMI SENIOR TAX SPECIALIST  
BRIDGESTONE AMERICAS HOLDING INC 535  
MARRIOTT DR 9TH FLOOR  
NASHVILLE, TN 37214

HD DEVELOPMENT PROPERTIES LP  
PROPERTY TAX DEPT #0531  
PO BOX 105842  
ATLANTA, GA 30348

JACKSON ROCKWALL INVESTMENT  
PO BOX 657  
ROCKWALL, TX 75087

FIRST PRESBYTERIAN CHURCH  
ROCKWALL, TEXAS, INC  
PO BOX 692  
ROCKWALL, TX 75087

MURPHY OIL USA INC  
PO BOX 7300  
EL DORADO, AR 71731



WAL-MART REAL ESTATE  
BUSINESS TRUST  
PO BOX 8050  
BENTONVILLE, AR 72712



CITY OF ROCKWALL

ORDINANCE NO. 18-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] AND 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) TO ALLOW FOR A RESTAURANT, LESS THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 1.33-ACRE PARCEL OF LAND, ZONED COMMERCIAL (C) DISTRICT, AND IDENTIFIED AS SHAFER PLAZA 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 Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for the purpose constructing a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on a 1.33-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and being identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, addressed as 621 White Hills Drive, and being 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 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 the establishment of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* 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 *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Section 1.1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Section 4, Commercial Districts*, and *Section 6.6, IH-30 Overlay (IH-30 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of

Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in *Exhibit 'B'* of this ordinance and identified as *Suite 261*.
- 2) The circulation and cueing plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.

## 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 AUGUST, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

1<sup>st</sup> Reading: July 16, 2018

2<sup>nd</sup> Reading: August 6, 2018

**Exhibit 'A':**  
*Subject Property*

Legal Description: Shafer Plaza Addition  
Address: 621 White Hills Drive

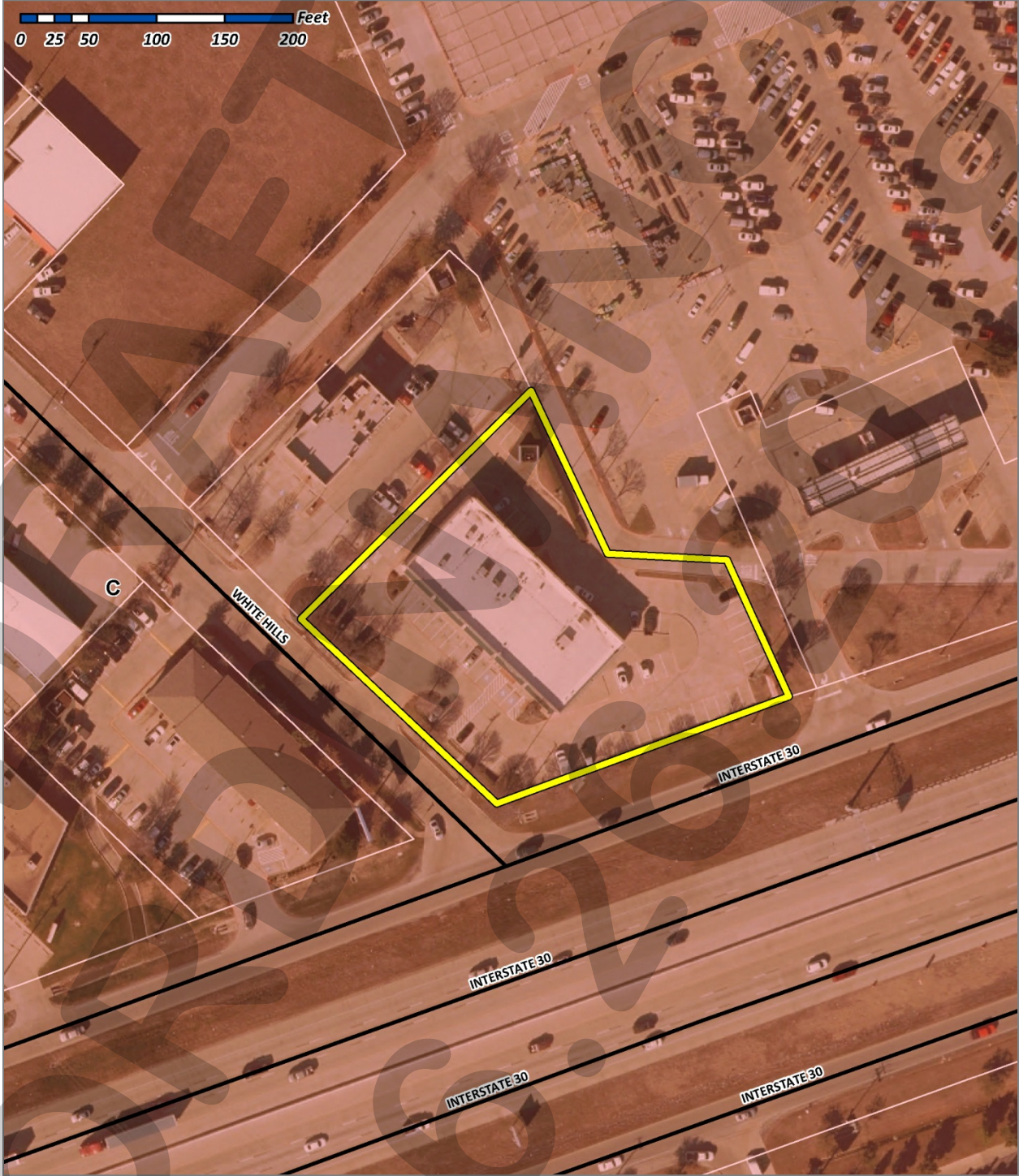
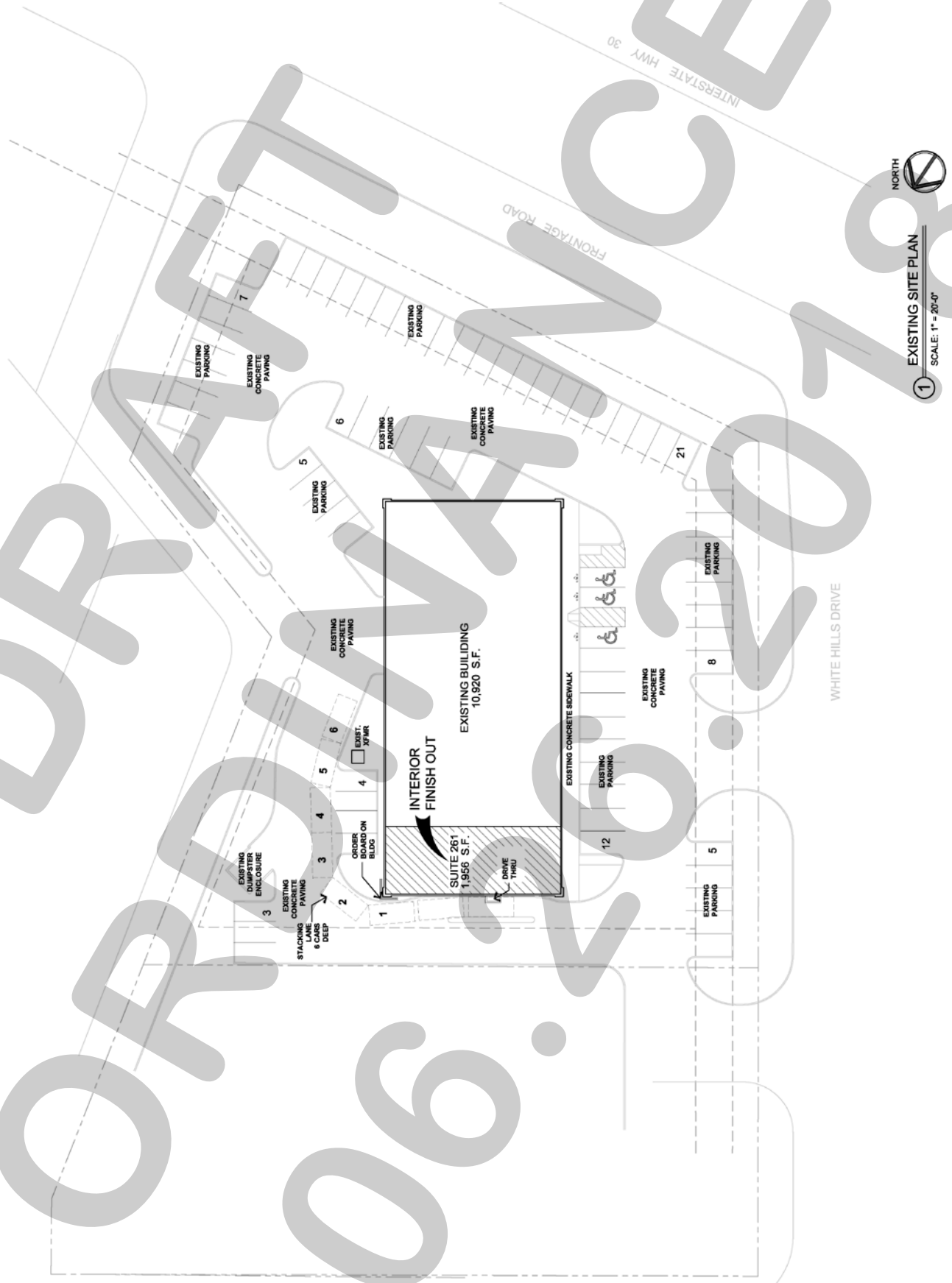


Exhibit 'B':  
Concept Plan



## City of Rockwall Project Plan Review History



<b>Project Number</b> Z2018-026	<b>Owner</b> SAFA & SONS, LLC,	<b>Applied</b> 6/15/2018 LM
<b>Project Name</b> SUP for a Drive-Through Restaurant	<b>Applicant</b> TXHWS, LLC	<b>Approved</b>
<b>Type</b> ZONING		<b>Closed</b>
<b>Subtype</b> SUP		<b>Expired</b>
<b>Status</b> Staff Review		<b>Status</b>

<b>Site Address</b>	<b>City, State Zip</b>	
615 WHITE HILLS DR	ROCKWALL, TX 75087	<b>Zoning</b>


<b>Subdivision</b>	<b>Tract</b>	<b>Block</b>	<b>Lot No</b>	<b>Parcel No</b>	<b>General Plan</b>
SHAHER PLAZA - CITY OF ROCKWALL	NULL	NULL	NULL	4922-0000-0000-00-OR	

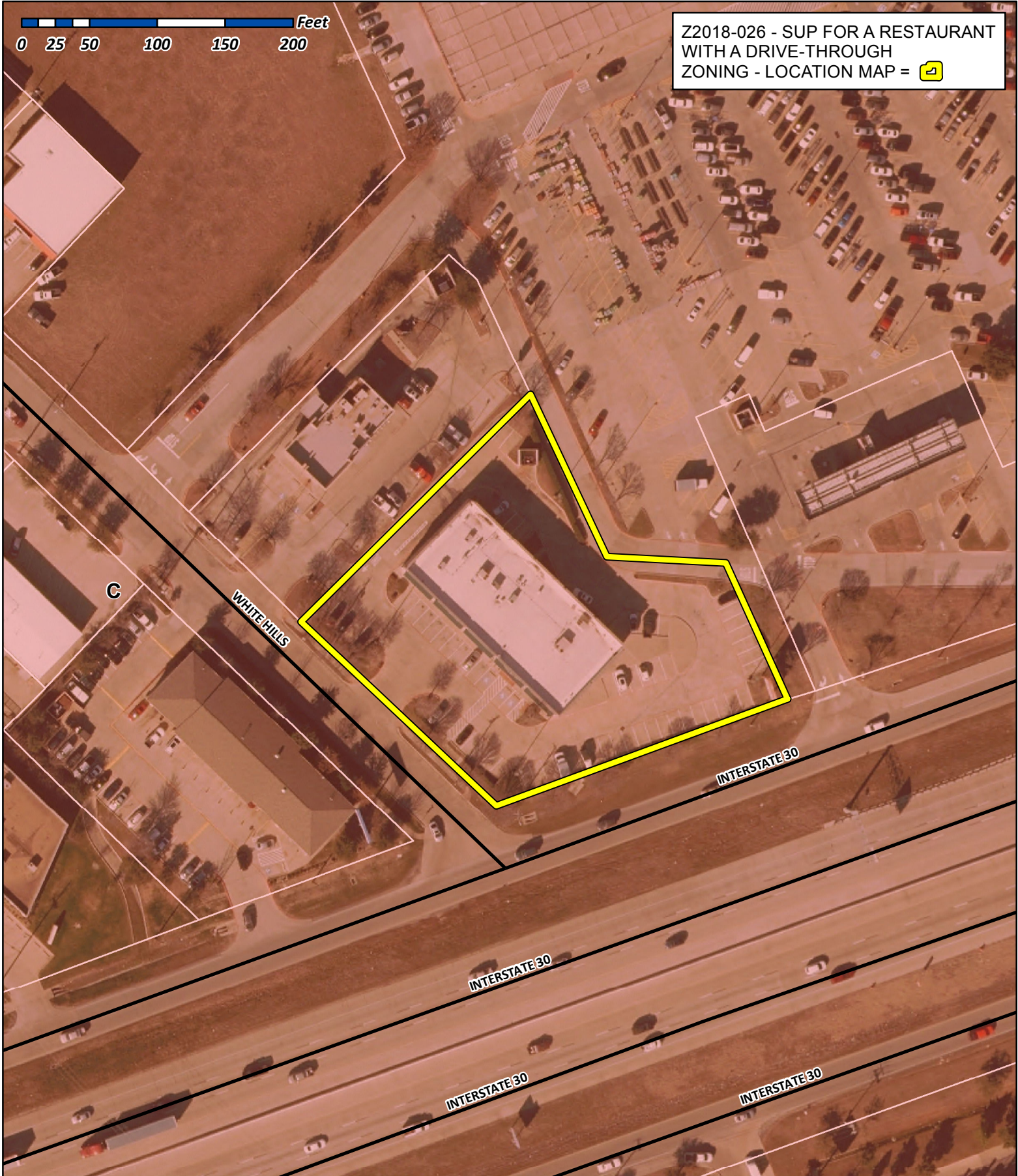
Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
ENGINEERING (6/21/2018 9:00 AM AW) A drain from the dumpster will be required to be installed to the grease trap	Amy Williams	6/15/2018	6/22/2018	6/21/2018	6	APPROVED	See Comments
FIRE	Ariana Hargrove	6/15/2018	6/22/2018	6/21/2018	6	APPROVED	
PLANNING	Ryan Miller	6/15/2018	6/22/2018	6/18/2018	3	APPROVED	See Comments



Type of Review / Notes	Contact	Sent	Due	Received	Elapsed Status	Remarks
Z2018-026; SUP for a Restaurant with Drive-Through						Please address the following comments (M= Mandatory Comments; I = Informational Comments)
I.1						This is a request for the approval of a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, and addressed as 621 White Hills Drive.
I.2						For questions or comments concerning this case please contact Ryan Miller in the Planning Department at (972) 772-6441 or email rcmiller@rockwall.com.
M.3						For reference, include the case number (Z2018-026) in the lower right hand corner of all pages on future submittals.
M.4						Please review the attached draft ordinance prior to the June 26, 2018 Planning & Zoning Commission meeting.
I.5						Article IV, Permissible Uses, of the Unified Development Code (UDC) requires stacking lanes for drive-through service windows accommodate a minimum of six (6) cars.
M.6						Staff has included the following operational conditions in the attached Specific Use Permit (SUP) ordinance:
						1) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan contained Exhibit 'B' in the attached SUP ordinance and identified as Suite 261.
						2) The circulation and cueing plan shall generally conform to the concept plan depicted in contained in Exhibit 'B' of the SUP ordinance.
I.7						Staff has identified the aforementioned items necessary to continue the submittal process. Please make these revisions and corrections, and provide any additional information that is requested. Revisions for this case will be due on July 3, 2018; however, it is encouraged for applicants to submit revisions as soon as possible to give staff ample time to review the case prior to the July 10, 2018 Planning & Zoning Meeting. The Planning & Zoning Work Session meeting will be held on June 26, 2018.
I.8						The projected City Council meeting dates for this case will be July 16, 2018 [1st Reading] & August 6, 2018 [2nd Reading].

0 25 50 100 150 200 Feet

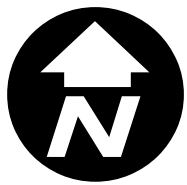
Z2018-026 - SUP FOR A RESTAURANT WITH A DRIVE-THROUGH  
ZONING - LOCATION MAP = 



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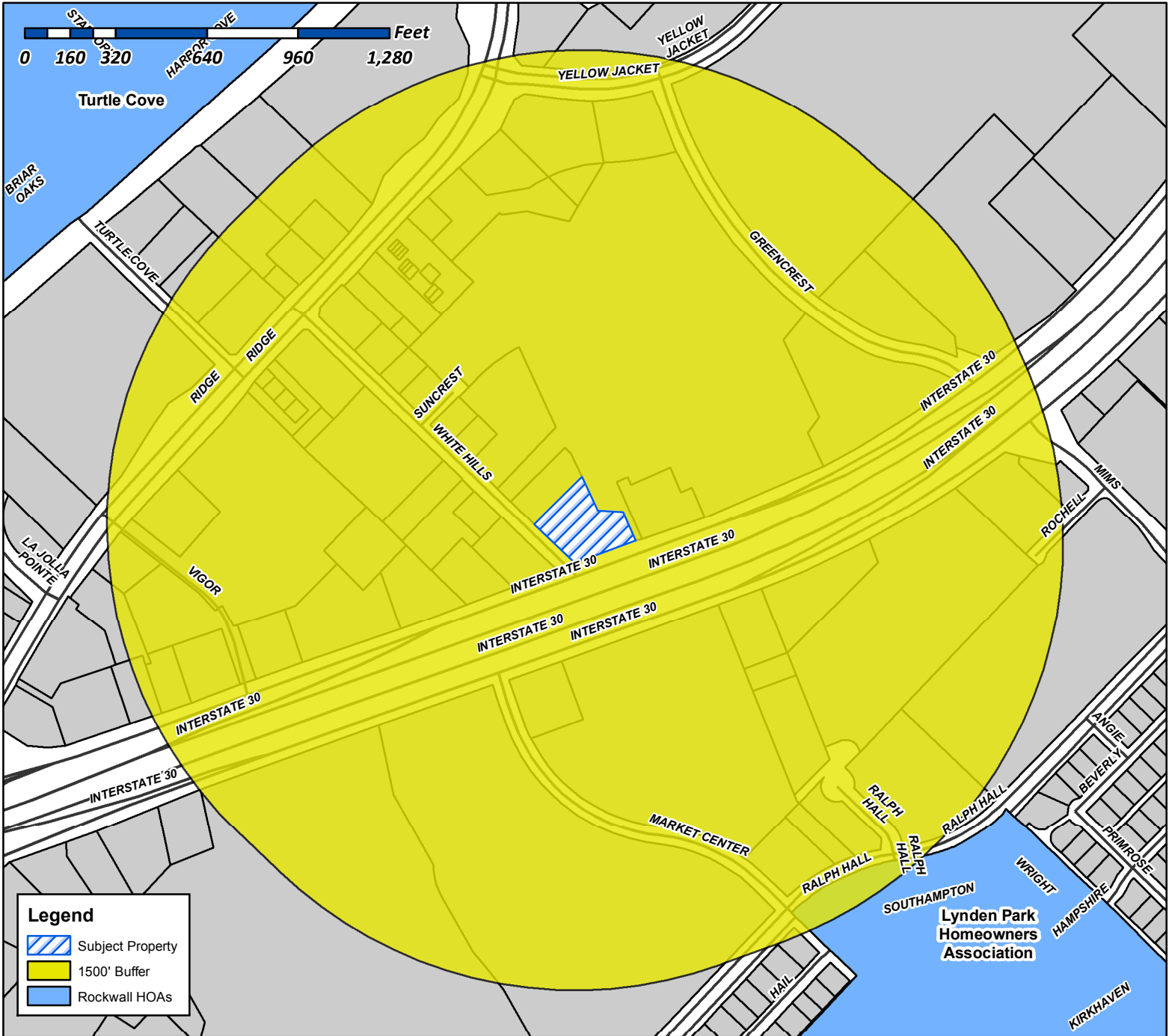




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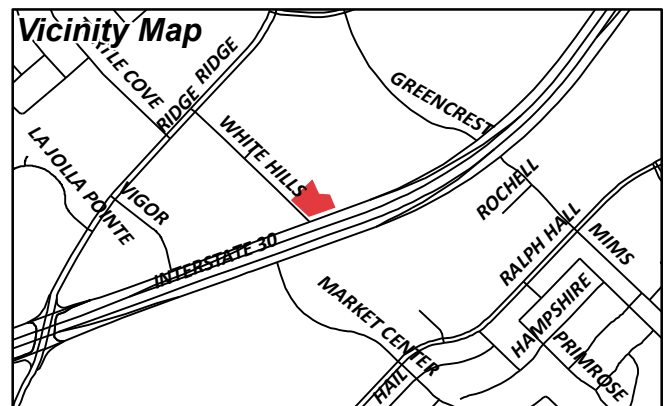
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**Case Number:** Z2018-026  
**Case Name:** SUP for a Restaurant with a Drive-Through  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 621 White Hills Dr

**Date Created:** 6/18/2018  
 For Questions on this Case Call (972) 771-7745

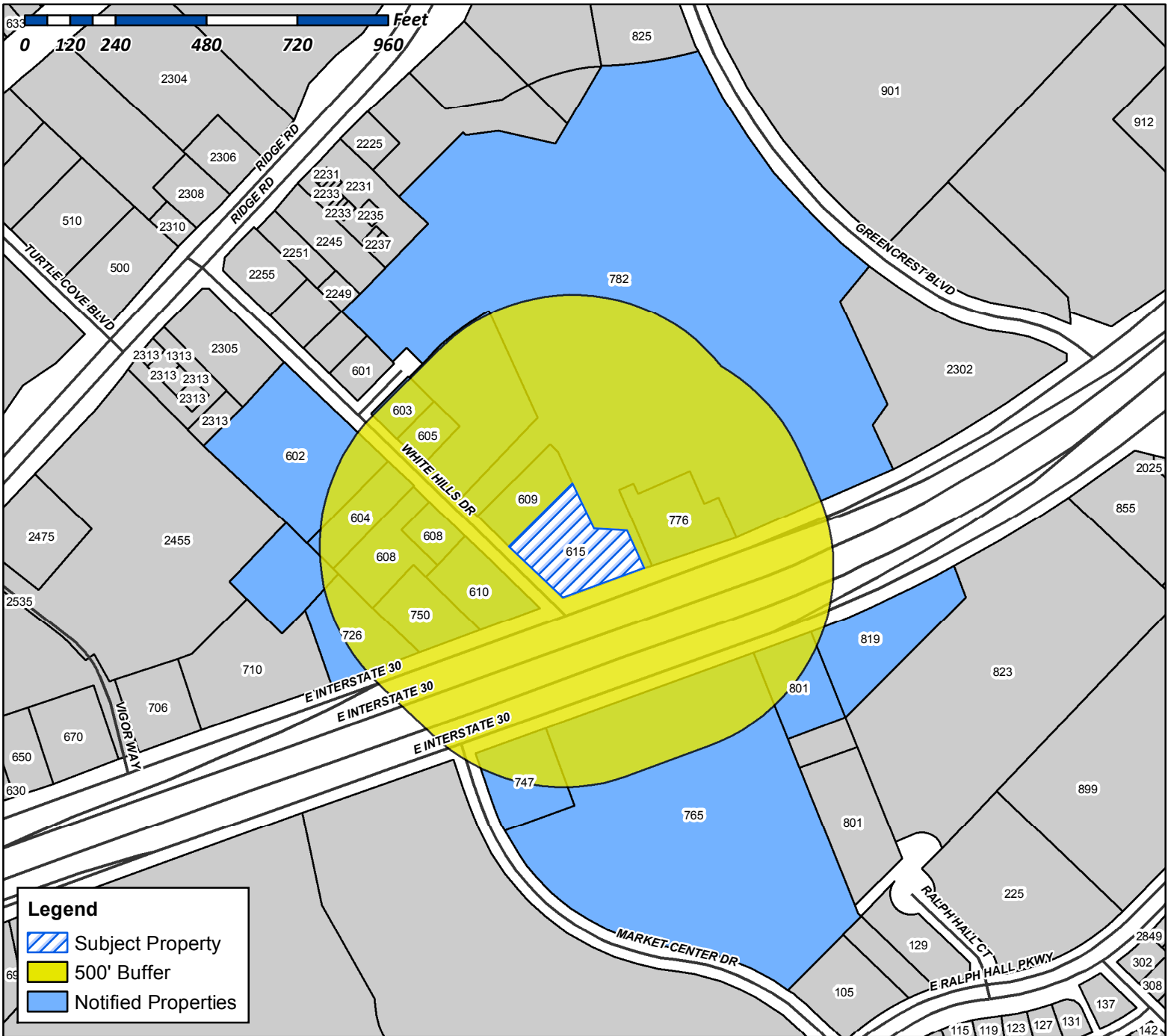




# City of Rockwall

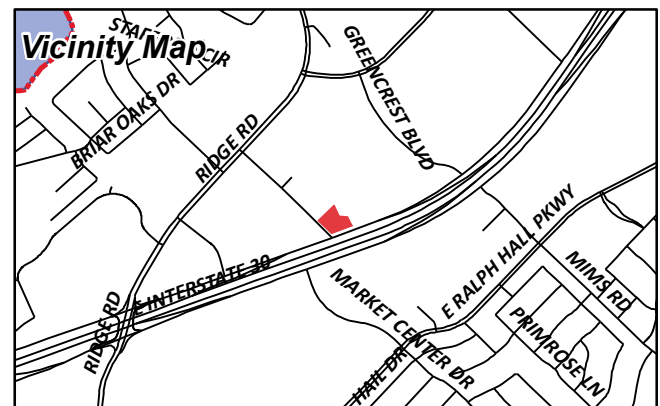
Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
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CITY OF ROCKWALL

ORDINANCE NO. 18-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] AND 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) TO ALLOW FOR A RESTAURANT, LESS THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 1.33-ACRE PARCEL OF LAND, ZONED COMMERCIAL (C) DISTRICT, AND IDENTIFIED AS SHAFER PLAZA 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 Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for the purpose constructing a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on a 1.33-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and being identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, addressed as 621 White Hills Drive, and being 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 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 the establishment of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* 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 *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Section 1.1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Section 4, Commercial Districts*, and *Section 6.6, IH-30 Overlay (IH-30 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of



Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in *Exhibit 'B'* of this ordinance and identified as *Suite 261*.
- 2) The circulation and cueing plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.

## 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 AUGUST, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

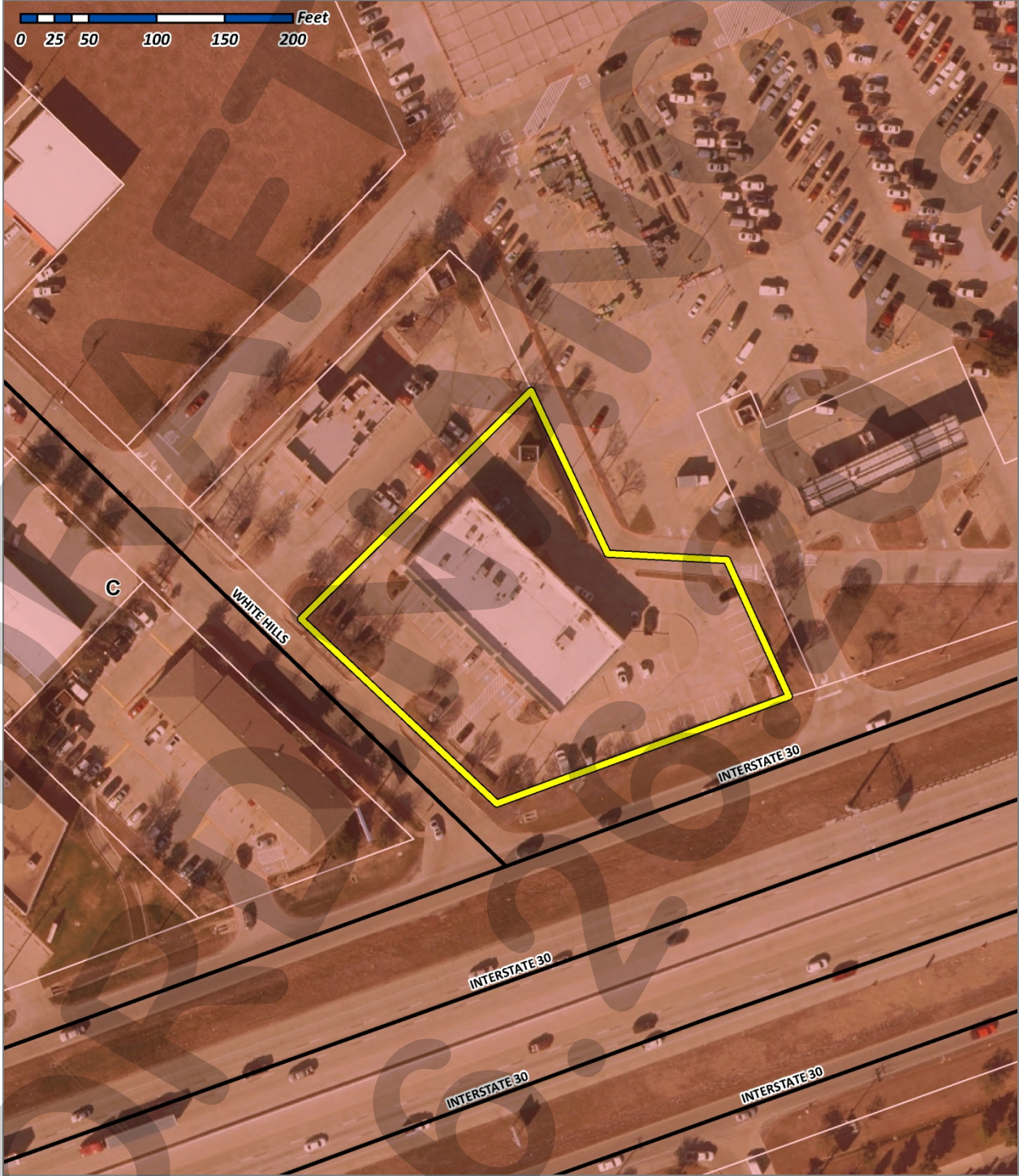
\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: July 16, 2018

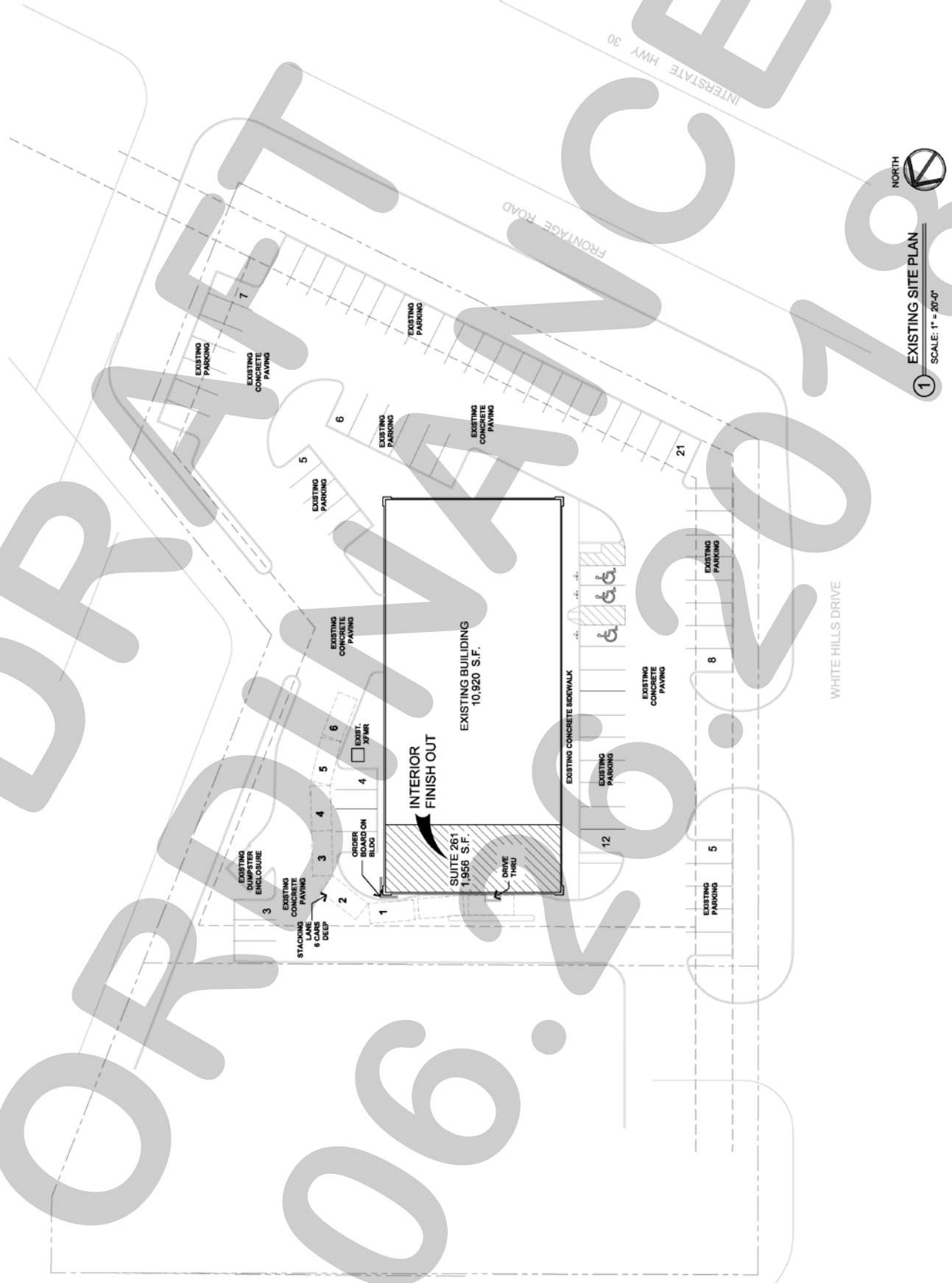
2<sup>nd</sup> Reading: August 6, 2018

**Exhibit 'A':**  
*Subject Property*

Legal Description: Shafer Plaza Addition  
Address: 621 White Hills Drive



**Exhibit 'B':  
Concept Plan**



**CITY OF ROCKWALL  
PLANNING AND ZONING COMMISSION MEMO**

**AGENDA DATE:** 07/10/2018

**APPLICANT:** Tony Osburn; TXHWS, LLC

**AGENDA ITEM:** Z2018-026; SUP for a Restaurant with Drive-Through

---

**SUMMARY:**

Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for a *Restaurant, Less Than 2,000 SF with Drive-Through* on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary.

**PURPOSE AND CHARACTERISTICS OF THE REQUEST:**

The applicant Tony Osburn of TXHWS, LLC is requesting the approval of a Specific Use Permit (SUP) for the purpose of establishing a *restaurant, less than 2,000 SF, with drive-through/drive-in facilities* in a 1,956 SF lease space. The lease space is located in a 10,920 SF multi-tenant, strip-retail building that was constructed in 2001 [Case No. PZ2000-128-03], is zoned Commercial (C) District, and is located at the northeast corner of the intersection White Hills Drive and the E. IH-30 frontage road. According to Article IV, *Permissible Uses*, of the Unified Development Code (UDC), a *restaurant, less than 2,000 SF, with drive-through/drive-in facilities* requires a SUP in a Commercial (C) District. The UDC goes on to require that all restaurants with drive-through/drive-in facilities meet the following two (2) criteria: [1] the restaurant shall not have access to local residential streets, and [2] the drive-through/drive-in shall provide stacking lanes capable of cueing a minimum of six (6) cars per lane. In this case, the existing building only has access via a cross access easement -- *shared with the Wal-Mart Supercenter* -- to the east and direct access onto White Hill Drive to the west, and does not directly access any residential streets. In addition, the applicant has provided a concept plan demonstrating that the drive-through can accommodate stacking for a minimum of six (6) cars. Staff should also point out that when this building was originally constructed, this lease space incorporated a drive-through to accommodate a bakery; however, the bakery and drive-through were discontinued. Based on the concept plan submitted by the applicant the proposed land use appears to conform to all requirements of the UDC.

**ADJACENT LAND USES AND ACCESS:**

The land uses adjacent to the subject property are as follows:

*North:* Directly north of the subject property is a 0.74-acre parcel of land identified as *Lot 3A, Block A, Wal-Mart Super Center Addition* that is currently occupied with a fast-food restaurant (*i.e. Taco Bueno*). The property is zoned Commercial (C) District. Beyond this is an access drive connecting the Wal-Mart Supercenter to White Hills Drive. North of this access easement is a vacant 2.003-acre parcel of land identified as *Lot 4, Block A, Walmart Super Center Addition*, and zoned Commercial (C) District.

*South:* Directly south of the subject property are the westbound lanes of the E. IH-30 frontage road followed by the main lanes of E. IH-30 and the eastbound lanes of the E. IH-30 frontage road. Beyond this is an 11.389-acre parcel of land identified as *Lot 1, Block A, Home Depot-Rockwall Addition*, which is occupied with a general retail store (*i.e. Home Depot*). This property is zoned Commercial (C) District.

*East:* Directly east of the subject property is a shared access drive followed by a 1.013-acre parcel of land, identified as *Lot 5, Block A, Wal-Mart Super Center Addition*, and is zoned Commercial (C) District. Situated on this property is a retail store with gasoline sales (*i.e. Murphy Oil*). East of this use are the parking areas for the Wal-Mart Supercenter and a limited service restaurant (*i.e. Starbucks*). These areas are zoned Commercial (C) District.

*West:* Directly west of the subject property is White Hills Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the Comprehensive Plan. Beyond this is a 0.812-acre parcel of land identified as *Lot 2, Block A, Derrick Addition*, and zoned Commercial (C) District. Situated on this property is a general retail store (*i.e. Firestone Tires*).

### **NOTIFICATION:**


On June 27, 2018, staff mailed 31 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Lynden Park Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had not received any notices returned.

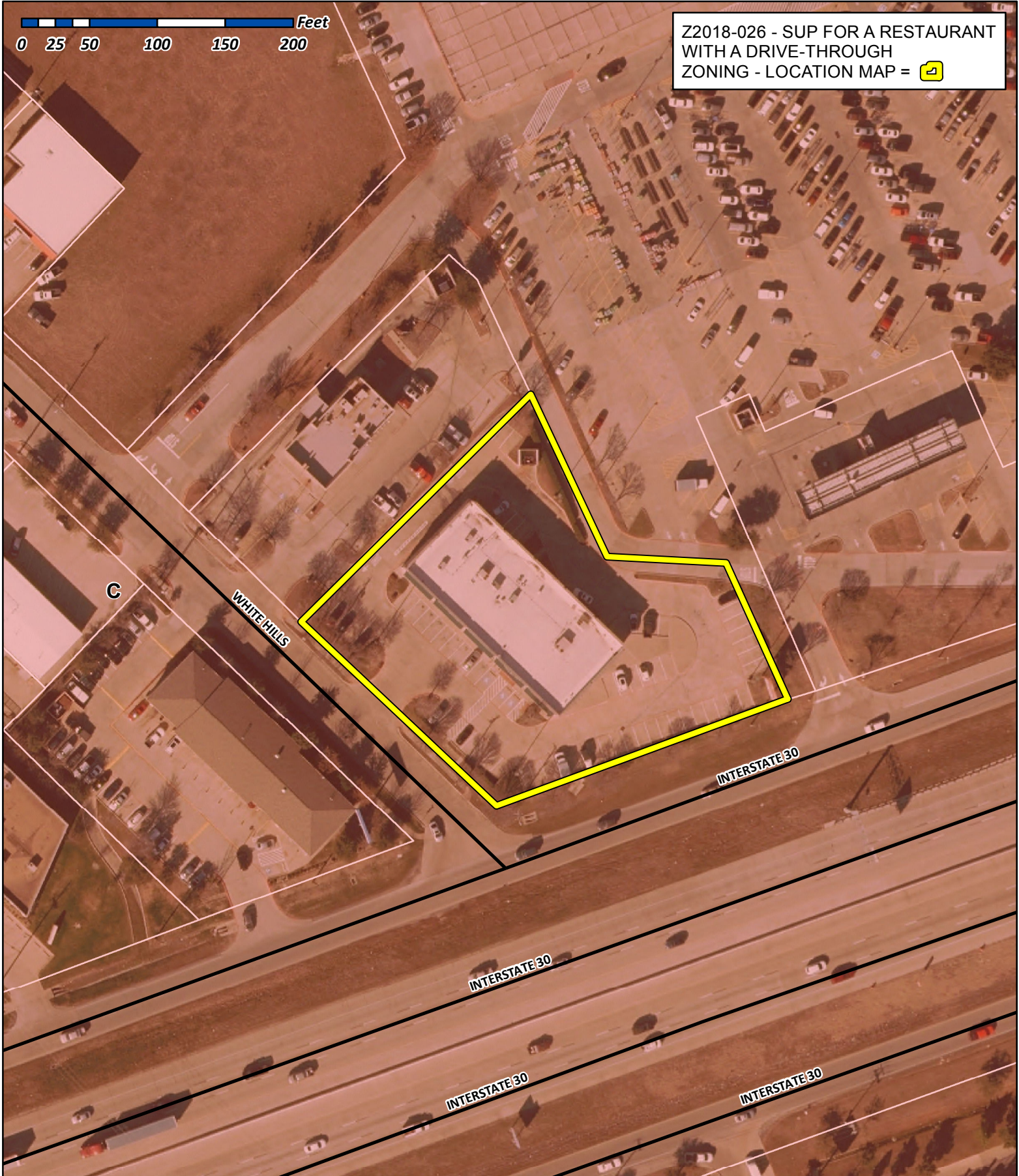
### **RECOMMENDATIONS:**

Should the Planning and Zoning Commission choose to approve the applicant's request, staff would offer the following conditions of approval:

- 1) The operation of a *restaurant, less than 2,000 SF, with drive-through/drive-in facilities* on the subject property shall be subject to the following operational conditions, which are contained in the SUP ordinance:
  - (a) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance and identified as *621 White Hills Drive*.
  - (b) The circulation and cueing plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
- 2) Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the *International Building Code*, the *Rockwall Municipal Code of Ordinances*, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

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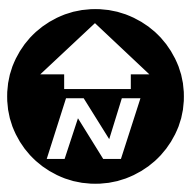
Z2018-026 - SUP FOR A RESTAURANT WITH A DRIVE-THROUGH  
ZONING - LOCATION MAP = 



## City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75032  
(P): (972) 771-7745  
(W): [www.rockwall.com](http://www.rockwall.com)

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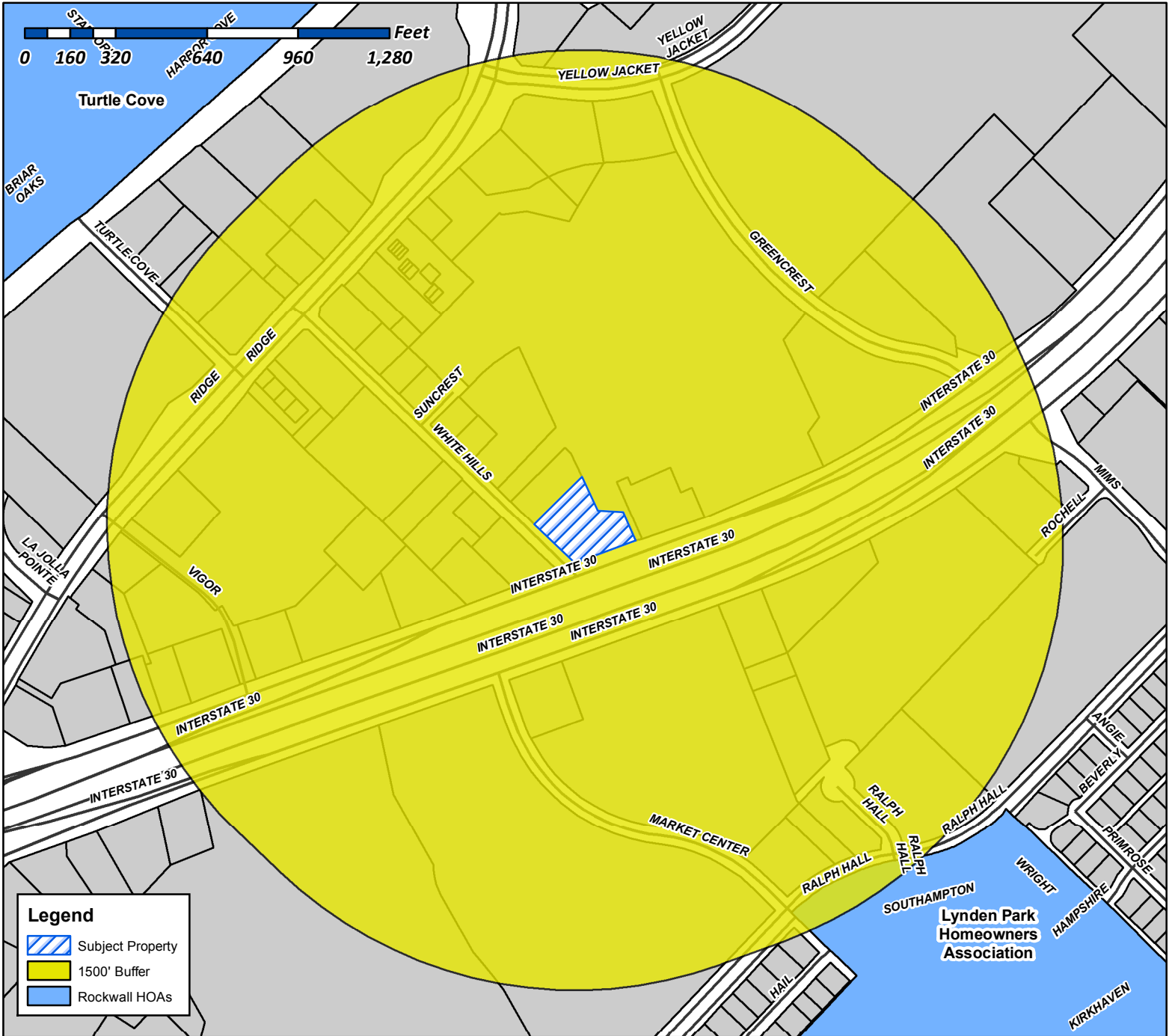




# City of Rockwall

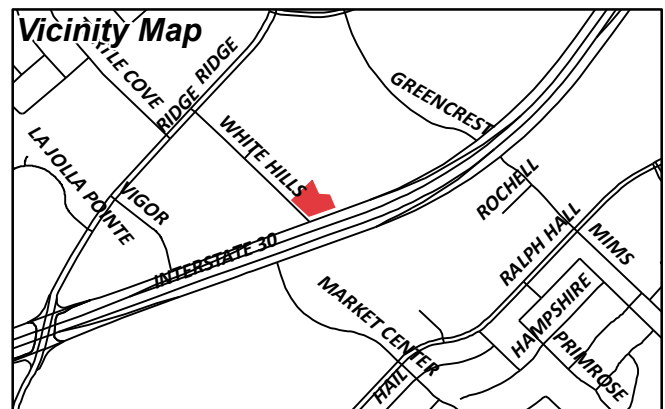
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**Case Number:** Z2018-026  
**Case Name:** SUP for a Restaurant with a Drive-Through  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 621 White Hills Dr

**Date Created:** 6/18/2018  
 For Questions on this Case Call (972) 771-7745





**From:** [Morales, Laura](#)  
**To:** [REDACTED]  
**Cc:** [Miller, Ryan](#); [Gonzales, David](#); [Brooks, Korey](#)  
**Subject:** Neighborhood Notification Program: Notice of zoning request  
**Date:** Wednesday, June 27, 2018 9:53:20 AM  
**Attachments:** [HOA Map \(06.18.2018\).pdf](#)

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To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that will be published in the Rockwall Herald Banner **June 29, 2018**. The Planning and Zoning Commission will hold a public hearing on **Tuesday 7/10/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 7/16/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below.

Additional information can also be found at

<https://sites.google.com/site/rockwallplanning/development/development-cases>

**Z2018-026- Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for a *Restaurant, Less Than 2,000 SF with Drive-Through* on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary.**

If this email is reaching you in error, please forward it to your HOA or neighborhood group representative and update the contact information at <http://www.rockwall.com/planning/hoa.asp>.

Sincerely,

*Laura Morales*

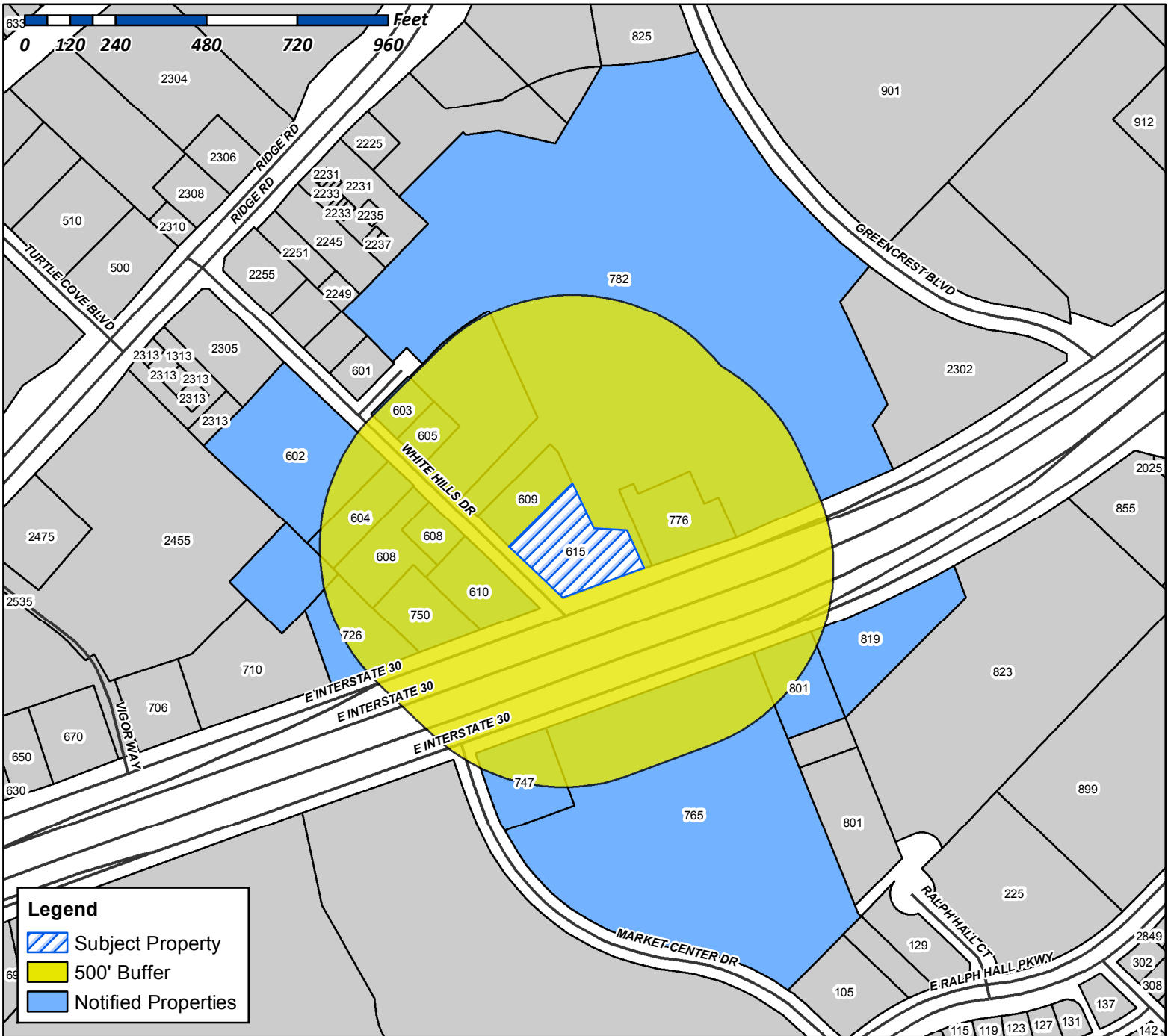
Planning & Zoning Coordinator  
City of Rockwall Planning & Zoning Department  
972-771-7745 | 972-772-6438  
[lmorales@rockwall.com](mailto:lmorales@rockwall.com) | <http://www.rockwall.com/planning/>



# City of Rockwall

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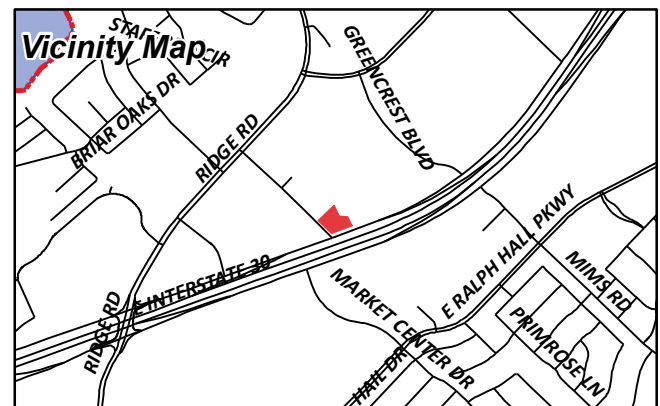
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**Case Number:** Z2018-026  
**Case Name:** SUP for a Restaurant with a Drive-Through  
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# NOTICE OF PUBLIC HEARING

## CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

**Case No. Z2018-026: SUP for a Drive-Through Restaurant**

*Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary.*

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 7/10/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 7/16/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Ryan Miller**  
**Rockwall Planning and Zoning Dept.**  
**385 S. Goliad Street**  
**Rockwall, TX 75087**

You may also email your comments to the Planning Department at [planning@rockwall.com](mailto:planning@rockwall.com). If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **7/16/2018** to ensure they are included in the information provided to the City Council.

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

**Case No. Z2018-026: SUP for a Drive-Through Restaurant**

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Four horizontal grey bars for providing reasons for support or opposition.

Name:

Grey bar for Name

Address:

Grey bar for Address

**Tex. Loc. Gov. Code, Sec. 211.006 (d)** If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



CITY OF ROCKWALL

ORDINANCE NO. 18-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] AND 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) TO ALLOW FOR A RESTAURANT, LESS THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 1.33-ACRE PARCEL OF LAND, ZONED COMMERCIAL (C) DISTRICT, AND IDENTIFIED AS SHAFER PLAZA 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 Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for the purpose constructing a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on a 1.33-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and being identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, addressed as 621 White Hills Drive, and being 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 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 the establishment of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* 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 *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Section 1.1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Section 4, Commercial Districts*, and *Section 6.6, IH-30 Overlay (IH-30 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of

Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in *Exhibit 'B'* of this ordinance and identified as *621 White Hills Drive*.
- 2) The circulation and cueing plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.

## 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 AUGUST, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

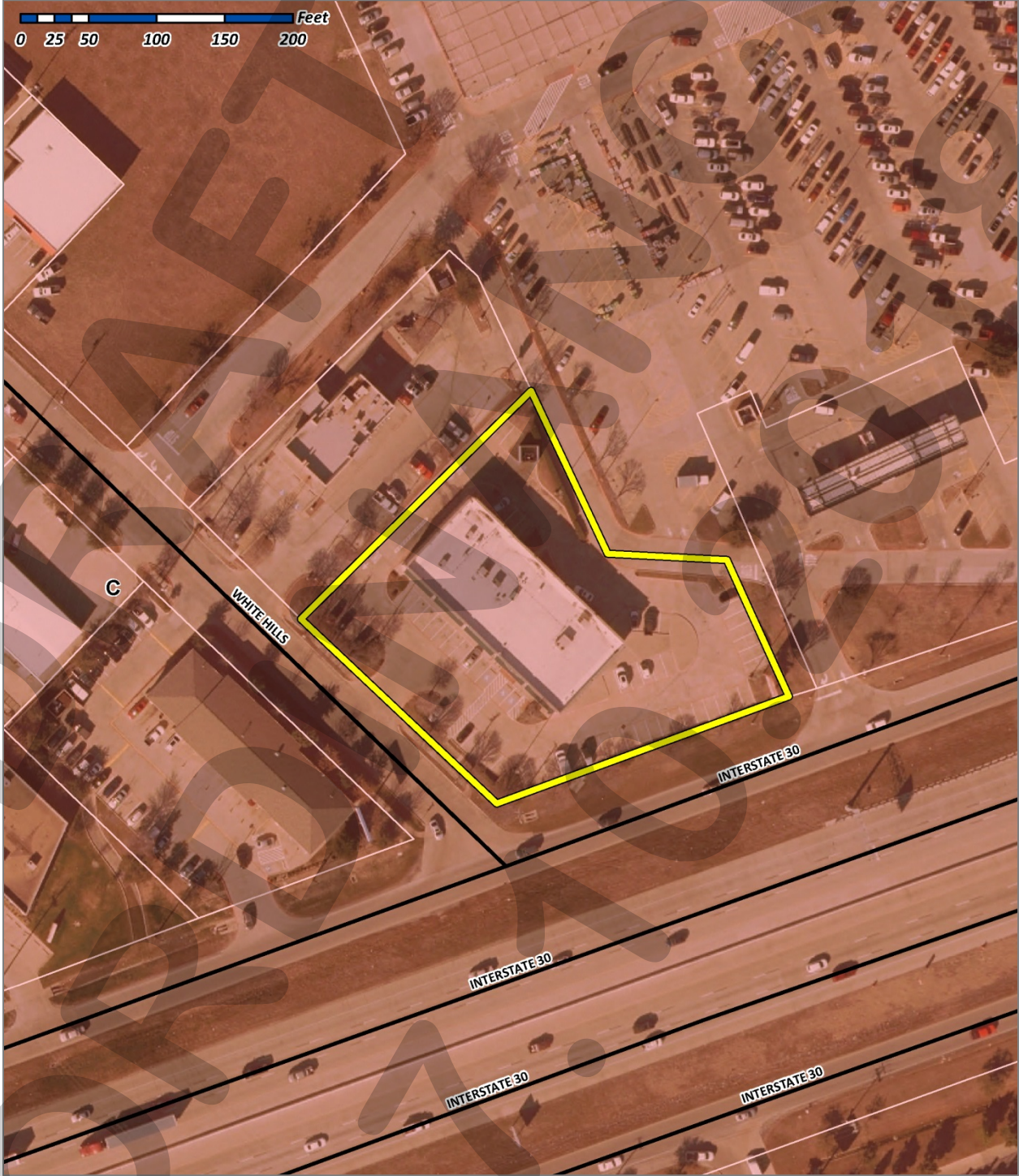
\_\_\_\_\_  
Frank J. Garza, *City Attorney*

1<sup>st</sup> Reading: July 16, 2018

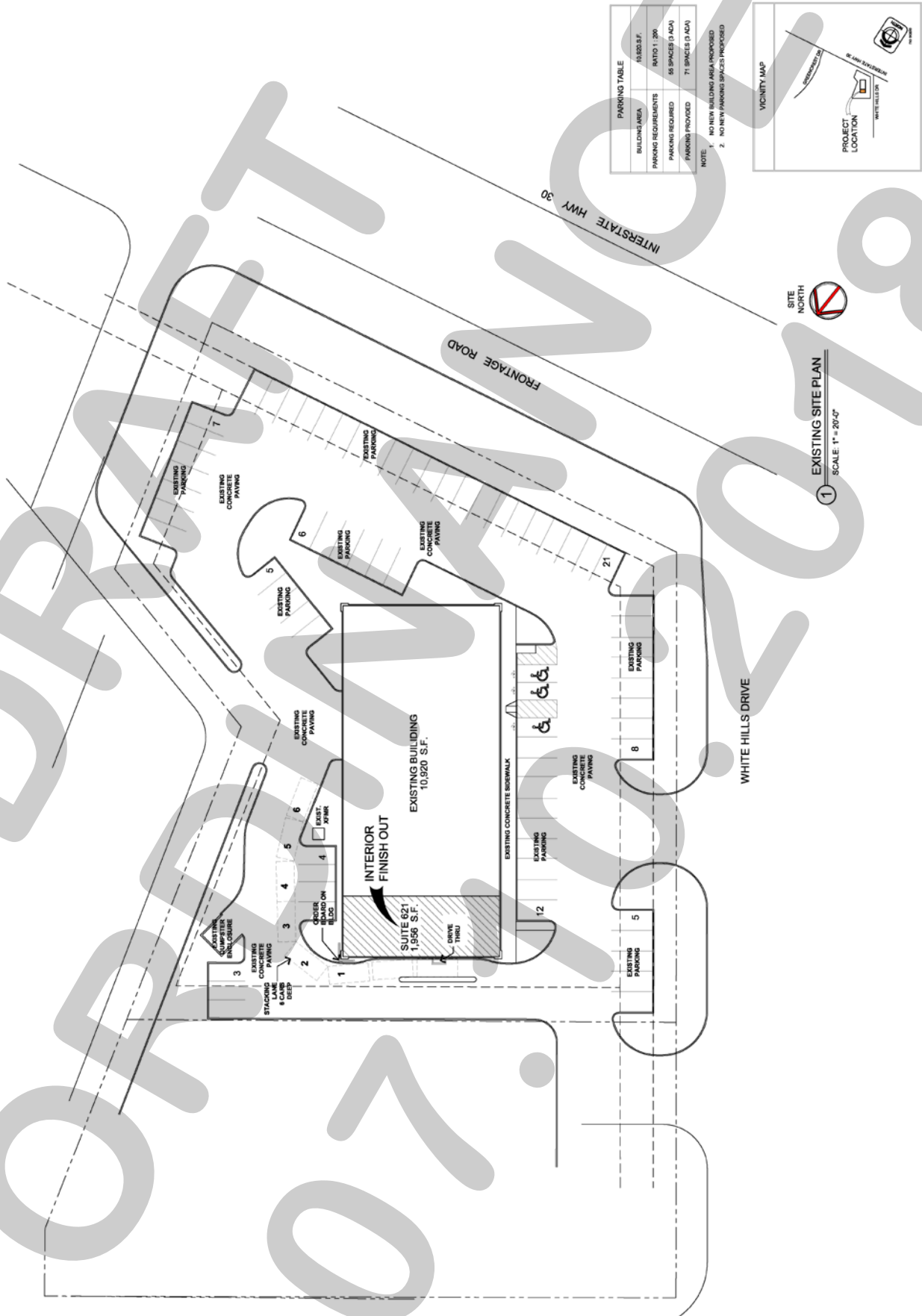
2<sup>nd</sup> Reading: August 6, 2018

**Exhibit 'A':**  
*Subject Property*

Legal Description: Shafer Plaza Addition  
Address: 621 White Hills Drive



**Exhibit 'B':  
Concept Plan**



# CITY OF ROCKWALL CITY COUNCIL MEMO

**AGENDA DATE:** 07/16/2018

**APPLICANT:** Tony Osburn; TXHWS, LLC

**AGENDA ITEM:** Z2018-026; SUP for a Restaurant with Drive-Through

---

## **SUMMARY:**

Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for a *Restaurant, Less Than 2,000 SF with Drive-Through* on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary.

## **PURPOSE AND CHARACTERISTICS OF THE REQUEST:**

The applicant Tony Osburn of TXHWS, LLC is requesting the approval of a Specific Use Permit (SUP) for the purpose of establishing a *restaurant, less than 2,000 SF, with drive-through/drive-in facilities* in a 1,956 SF lease space. The lease space is located in a 10,920 SF multi-tenant, strip-retail building that was constructed in 2001 [Case No. PZ2000-128-03], is zoned Commercial (C) District, and is located at the northeast corner of the intersection White Hills Drive and the E. IH-30 frontage road. According to Article IV, *Permissible Uses*, of the Unified Development Code (UDC), a *restaurant, less than 2,000 SF, with drive-through/drive-in facilities* requires a SUP in a Commercial (C) District. The UDC goes on to require that all restaurants with drive-through/drive-in facilities meet the following two (2) criteria: [1] the restaurant shall not have access to local residential streets, and [2] the drive-through/drive-in shall provide stacking lanes capable of cueing a minimum of six (6) cars per lane. In this case, the existing building only has access via a cross access easement -- *shared with the Wal-Mart Supercenter* -- to the east and direct access onto White Hill Drive to the west, and does not directly access any residential streets. In addition, the applicant has provided a concept plan demonstrating that the drive-through can accommodate stacking for a minimum of six (6) cars. Staff should also point out that when this building was originally constructed, this lease space incorporated a drive-through to accommodate a bakery; however, the bakery and drive-through were discontinued. Based on the concept plan submitted by the applicant the proposed land use appears to conform to all requirements of the UDC.

## **ADJACENT LAND USES AND ACCESS:**

The land uses adjacent to the subject property are as follows:

*North:* Directly north of the subject property is a 0.74-acre parcel of land identified as *Lot 3A, Block A, Wal-Mart Super Center Addition* that is currently occupied with a fast-food restaurant (*i.e. Taco Bueno*). The property is zoned Commercial (C) District. Beyond this is an access drive connecting the Wal-Mart Supercenter to White Hills Drive. North of this access easement is a vacant 2.003-acre parcel of land identified as *Lot 4, Block A, Walmart Super Center Addition*, and zoned Commercial (C) District.

*South:* Directly south of the subject property are the westbound lanes of the E. IH-30 frontage road followed by the main lanes of E. IH-30 and the eastbound lanes of the E. IH-30 frontage road. Beyond this is an 11.389-acre parcel of land identified as *Lot 1, Block A, Home Depot-Rockwall Addition*, which is occupied with a general retail store (*i.e. Home Depot*). This property is zoned Commercial (C) District.

*East:* Directly east of the subject property is a shared access drive followed by a 1.013-acre parcel of land, identified as *Lot 5, Block A, Wal-Mart Super Center Addition*, and is zoned Commercial (C) District. Situated on this property is a retail store with gasoline sales (*i.e. Murphy Oil*). East of this use are the parking areas for the Wal-Mart Supercenter and a limited service restaurant (*i.e. Starbucks*). These areas are zoned Commercial (C) District.

*West:* Directly west of the subject property is White Hills Drive, which is identified as a *Minor Collector* on the City's Master Thoroughfare Plan contained in the Comprehensive Plan. Beyond this is a 0.812-acre parcel of land identified as *Lot 2, Block A, Derrick Addition*, and zoned Commercial (C) District. Situated on this property is a general retail store (*i.e. Firestone Tires*).

### **NOTIFICATION:**

On June 27, 2018, staff mailed 31 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Lynden Park Homeowner's Association (HOA), which is the only HOA/Neighborhood Organization within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property as required by the UDC. At the time this report was drafted, staff had not received any notices returned.

### **RECOMMENDATIONS:**


Should the Planning and Zoning Commission choose to approve the applicant's request, staff would offer the following conditions of approval:

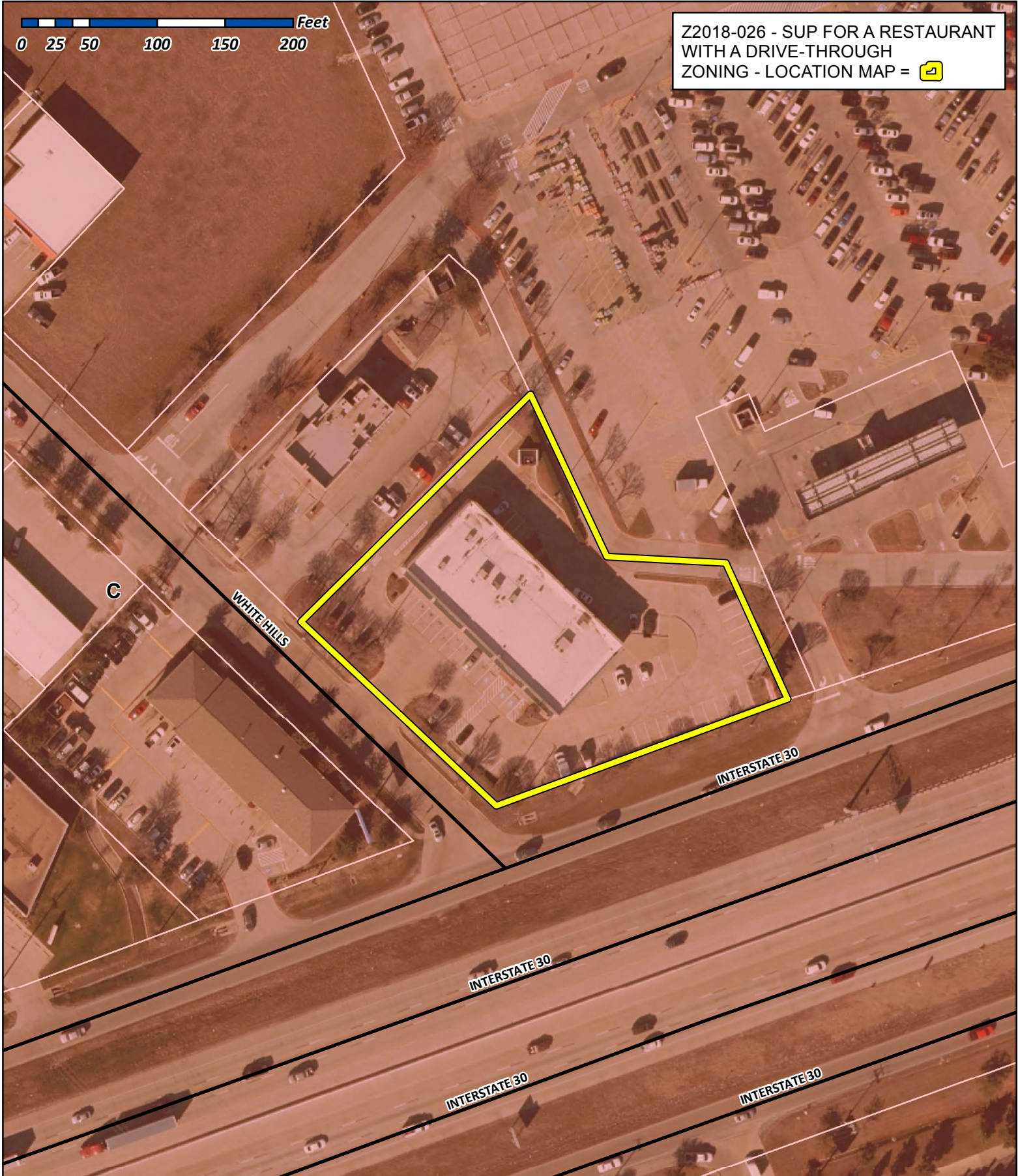
- 1) The operation of a *restaurant, less than 2,000 SF, with drive-through/drive-in facilities* on the subject property shall be subject to the following operational conditions, which are contained in the SUP ordinance:
  - (a) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance and identified as *621 White Hills Drive*.
  - (b) The circulation and cueing plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.
- 2) Any construction or building necessary to complete this request must conform to the requirements set forth by the *UDC*, the *International Building Code*, the *Rockwall Municipal Code of Ordinances*, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

### **PLANNING AND ZONING COMMISSION:**

On July 10, 2018, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioners Moeller and Fishman absent.

0 25 50 100 150 200 Feet

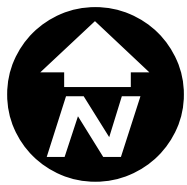
Z2018-026 - SUP FOR A RESTAURANT WITH A DRIVE-THROUGH  
ZONING - LOCATION MAP = 



# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75032  
(P): (972) 771-7745  
(W): [www.rockwall.com](http://www.rockwall.com)

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

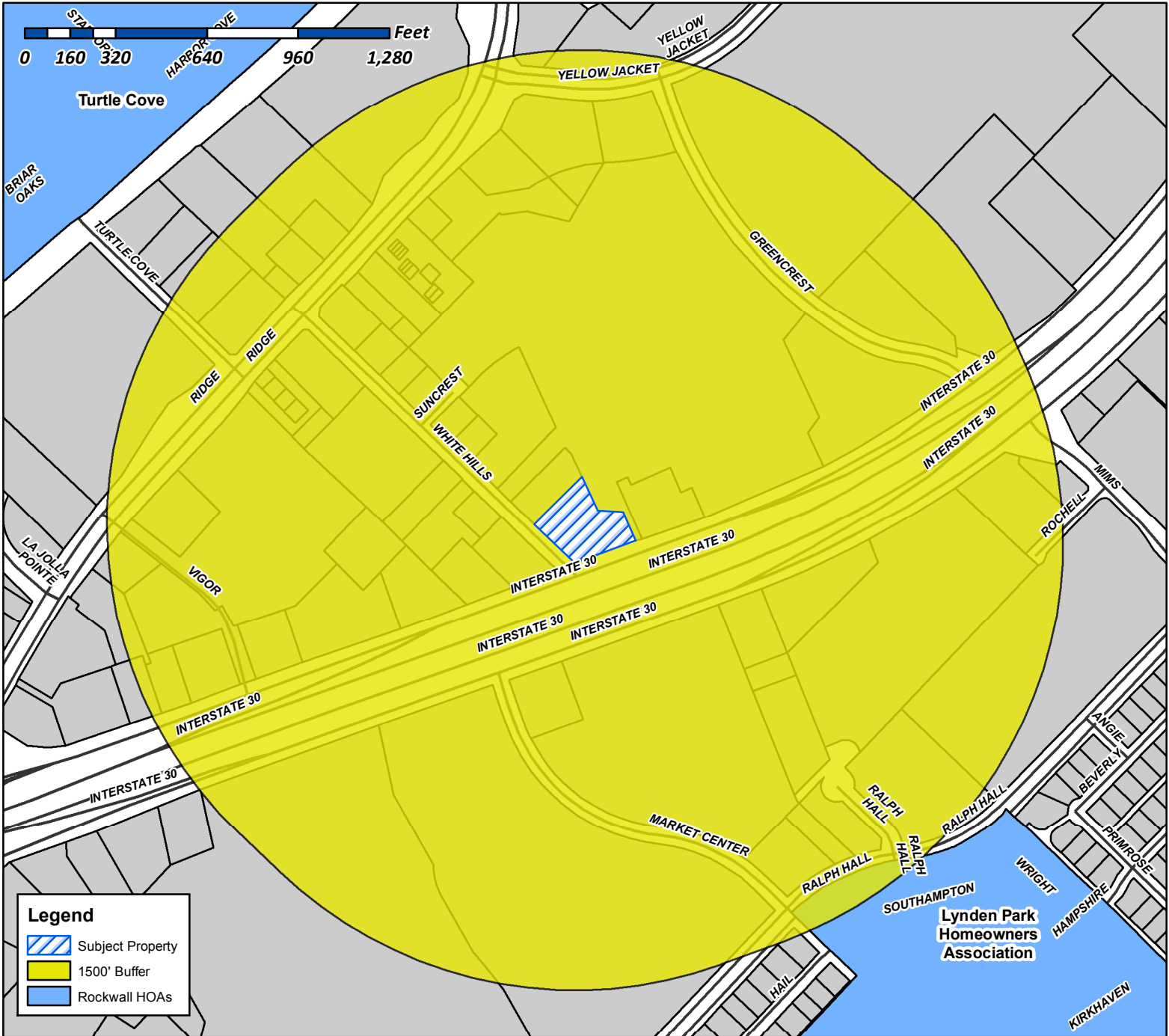




# City of Rockwall

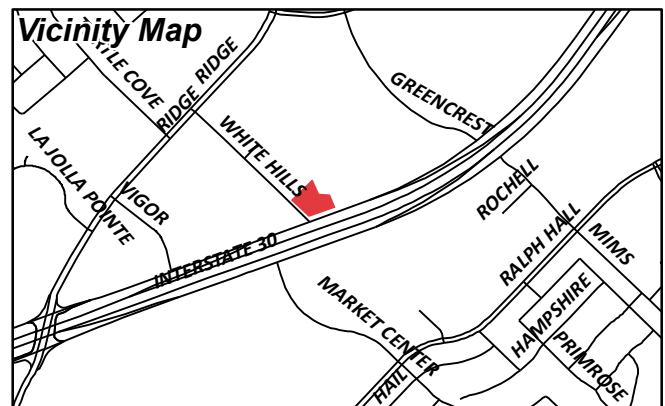
Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
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**Case Number:** Z2018-026  
**Case Name:** SUP for a Restaurant with a Drive-Through  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 621 White Hills Dr

**Date Created:** 6/18/2018  
 For Questions on this Case Call (972) 771-7745



**From:** [Morales, Laura](#)  
**To:** [REDACTED]  
**Cc:** [Miller, Ryan](#); [Gonzales, David](#); [Brooks, Korey](#)  
**Subject:** Neighborhood Notification Program: Notice of zoning request  
**Date:** Wednesday, June 27, 2018 9:53:20 AM  
**Attachments:** [HOA Map \(06.18.2018\).pdf](#)

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To whom it may concern:

Per your participation in the Neighborhood Notification Program, you are receiving this notification to inform your organization and residents of a request for a zoning change that lies within 1,500 feet of the boundaries of your neighborhood or subdivision. As the primary contact for the organization, you are encouraged to share this information with the residents of your subdivision. Please find attached a map detailing the location of the subject property requesting the zoning change in relation to your subdivision boundaries. Additionally, below is a summary of the zoning request that will be published in the Rockwall Herald Banner **June 29, 2018**. The Planning and Zoning Commission will hold a public hearing on **Tuesday 7/10/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 7/16/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street. If you have any questions or comments regarding this request, the contact information for the Planning Department is listed below.

Additional information can also be found at

<https://sites.google.com/site/rockwallplanning/development/development-cases>

**Z2018-026- Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for a *Restaurant, Less Than 2,000 SF with Drive-Through* on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary.**

If this email is reaching you in error, please forward it to your HOA or neighborhood group representative and update the contact information at <http://www.rockwall.com/planning/hoa.asp>.

Sincerely,

*Laura Morales*

Planning & Zoning Coordinator  
City of Rockwall Planning & Zoning Department  
972-771-7745 | 972-772-6438  
[lmorales@rockwall.com](mailto:lmorales@rockwall.com) | <http://www.rockwall.com/planning/>

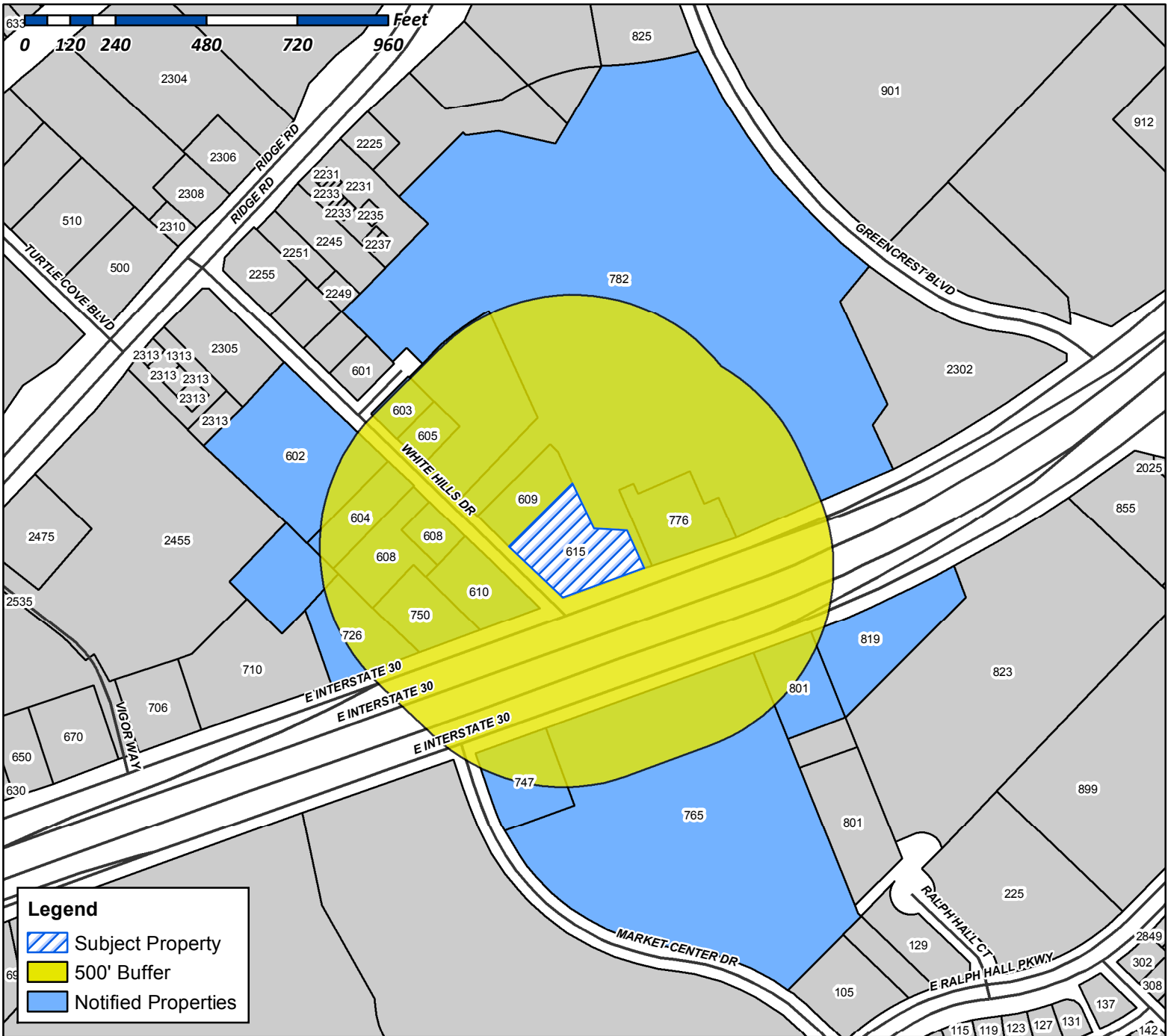




# City of Rockwall

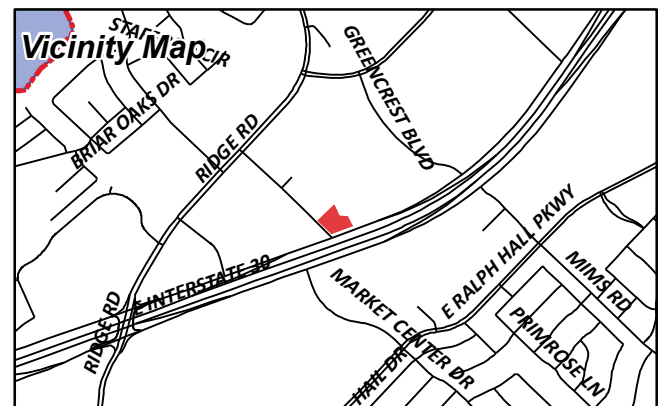
Planning & Zoning Department  
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**Case Number:** Z2018-026  
**Case Name:** SUP for a Restaurant with a Drive-Through  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 621 White Hills Dr

**Date Created:** 06/18/2018  
**For Questions on this Case Call** (972) 771-7745



WEINBERGER HAROLD E 1998 FAMILY TRUST &  
ELANA KROLL 1993 TRUST  
1425 CAMINO LUJAN  
SAN DIEGO, CA 92111

MAJESTIC CAST INC  
1625 FERRIS RD  
GARLAND, TX 75044

THE TWO SHORT, LP  
A TEXAS LIMITED PARTNERSHIP  
1810 KENTWOOD CIR  
ROCKWALL, TX 75032

COLE OB ROCKWALL TX LLC  
C/O OTB ACQUISITION LLC  
2201 W ROYAL LANE, SUITE 240  
IRVING, TX 75063

605 WHITE HILLS LLC  
253 QUAIL CREEK ROAD  
ROCKWALL, TX 75032

609 WHITE HILLS LTD  
C/O TACO BUENO RESTAURANTS INC  
300 E JOHN CARPENTER FWY STE 800  
IRVING, TX 75062

WALKER I REALTY INC  
C/O CHARLES F WALKER  
3404 MARQUETTE ST  
DALLAS, TX 75225

INVEZA GROUP LLC  
4400 TEMECULA CREEK TRAIL  
MCKINNEY, TX 75070

CURRENT RESIDENT  
602 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
603 WHITE HILLS DR  
ROCKWALL, TX 75087

CONAWAY ROBERT  
604 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
605 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
608 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
609 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
610 WHITE HILLS DR  
ROCKWALL, TX 75087

CURRENT RESIDENT  
615 WHITE HILLS DR  
ROCKWALL, TX 75087

SAYED PROPERTY MANAGEMENT LLC  
7008 MILLS BRANCH CIR  
PLANO, TX 75024

CURRENT RESIDENT  
726 I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
747 E I30  
ROCKWALL, TX 75087

SEVEN26 PROPERTIES LLC  
750 E I-30 SUITE 105  
ROCKWALL, TX 75087

CURRENT RESIDENT  
765 I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
776 E I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
782 I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
801 E I30  
ROCKWALL, TX 75087

CURRENT RESIDENT  
819 E I30  
ROCKWALL, TX 75087

ARC BFRKWTX001 LLC  
C/O ED RYBURN CMI SENIOR TAX SPECIALIST  
BRIDGESTONE AMERICAS HOLDING INC 535  
MARRIOTT DR 9TH FLOOR  
NASHVILLE, TN 37214

HD DEVELOPMENT PROPERTIES LP  
PROPERTY TAX DEPT #0531  
PO BOX 105842  
ATLANTA, GA 30348

JACKSON ROCKWALL INVESTMENT  
PO BOX 657  
ROCKWALL, TX 75087

FIRST PRESBYTERIAN CHURCH  
ROCKWALL, TEXAS, INC  
PO BOX 692  
ROCKWALL, TX 75087

MURPHY OIL USA INC  
PO BOX 7300  
EL DORADO, AR 71731

WAL-MART REAL ESTATE  
BUSINESS TRUST  
PO BOX 8050  
BENTONVILLE, AR 72712



# NOTICE OF PUBLIC HEARING

## CITY OF ROCKWALL, PLANNING & ZONING DEPARTMENT

PHONE: (972) 771-7745  
EMAIL: PLANNING@ROCKWALL.COM

To Whom It May Concern:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

**Case No. Z2018-026: SUP for a Drive-Through Restaurant**

*Hold a public hearing to discuss and consider a request by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for a Restaurant, Less Than 2,000 SF with Drive-Through on a 1.33-acre parcel of land identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District, addressed as 621 White Hills Drive, and take any action necessary.*

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on **Tuesday, 7/10/2018 at 6:00 p.m.**, and the City Council will hold a public hearing on **Monday, 7/16/2018 at 6:00 p.m.** These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

**Ryan Miller**  
**Rockwall Planning and Zoning Dept.**  
**385 S. Goliad Street**  
**Rockwall, TX 75087**

You may also email your comments to the Planning Department at [planning@rockwall.com](mailto:planning@rockwall.com). If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by **7/16/2018** to ensure they are included in the information provided to the City Council.

Sincerely,

**Ryan Miller, AICP**  
Director of Planning & Zoning

MORE INFORMATION ON THIS CASE CAN BE FOUND ON THE CITY'S WEBSITE: [HTTPS://SITES.GOOGLE.COM/SITE/ROCKWALLPLANNING/DEVELOPMENT-CASES](https://sites.google.com/site/rockwallplanning/development-cases)

PLEASE RETURN THE BELOW FORM

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Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
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Grey bar for Name

Address:

Grey bar for Address

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PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



CITY OF ROCKWALL

ORDINANCE NO. 18-XX

SPECIFIC USE PERMIT NO. S-XXX

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**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 the establishment of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* 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 *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Section 1.1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Section 4, Commercial Districts*, and *Section 6.6, IH-30 Overlay (IH-30 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code [Ordinance No. 04-38] of the City of

Rockwall as heretofore amended, as amended herein by the granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in *Exhibit 'B'* of this ordinance and identified as *621 White Hills Drive*.
- 2) The circulation and cueing plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.

## 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 AUGUST, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

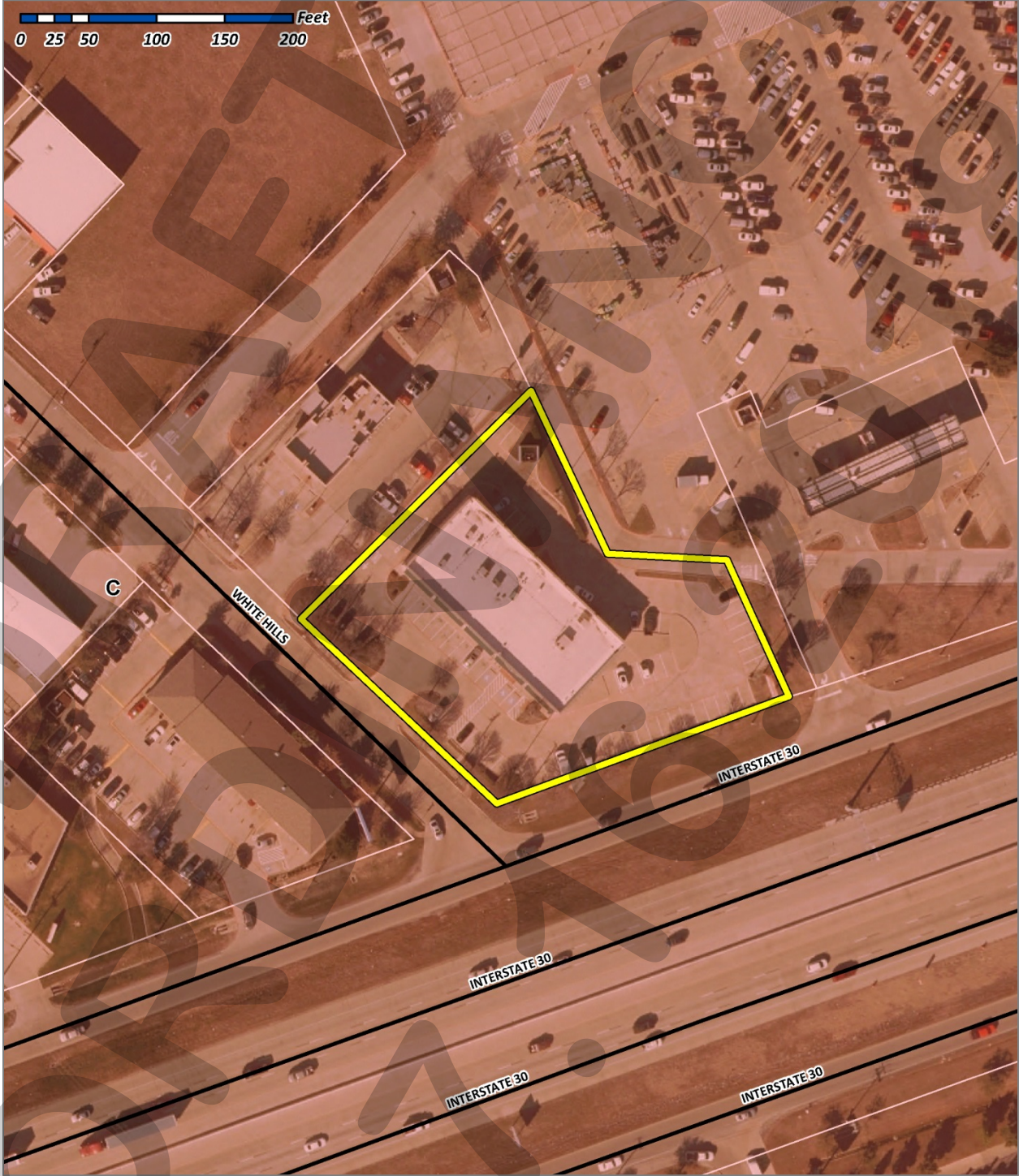
1<sup>st</sup> Reading: July 16, 2018

2<sup>nd</sup> Reading: August 6, 2018

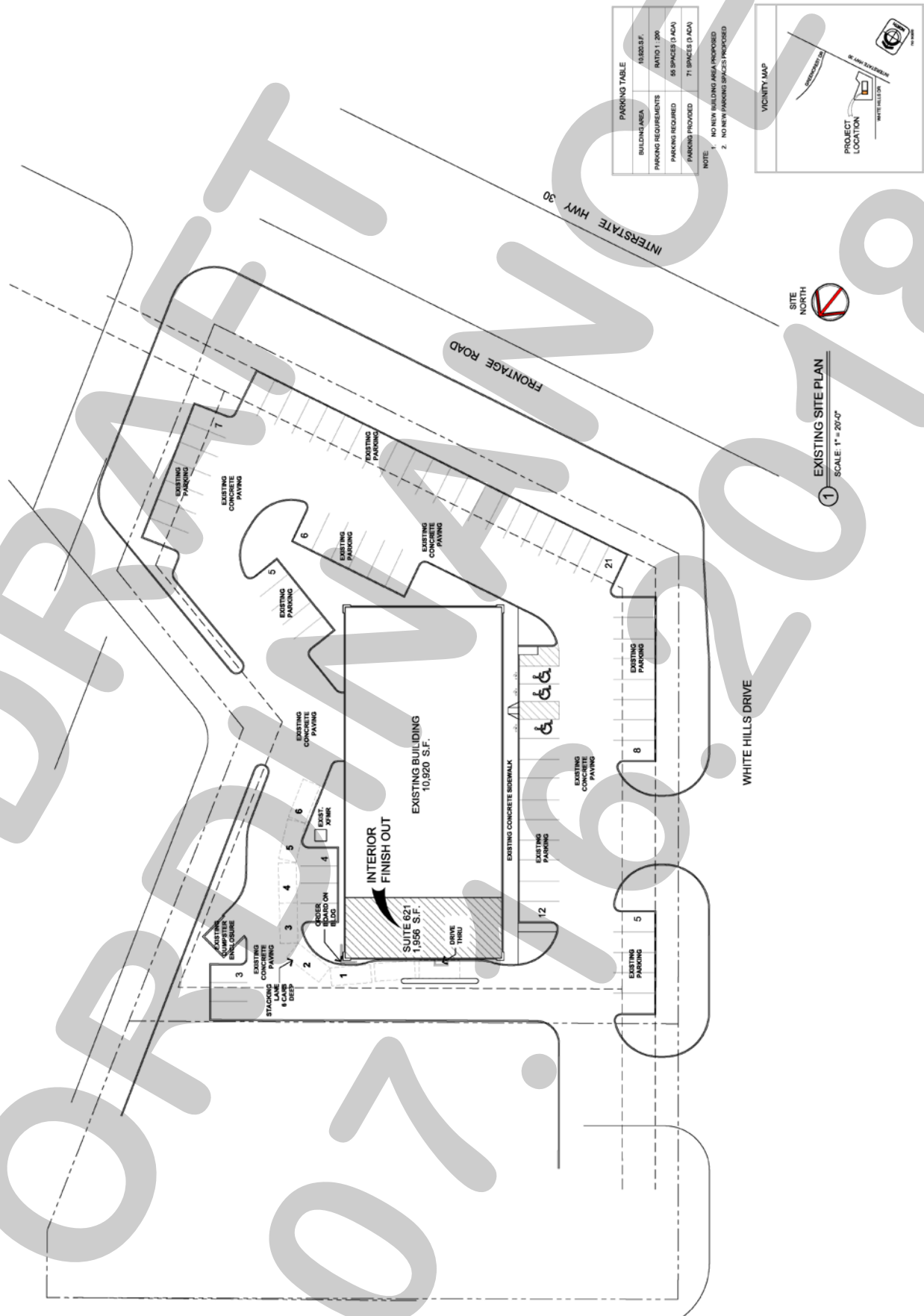


**Exhibit 'A':  
Subject Property**

Legal Description: Shafer Plaza Addition  
Address: 621 White Hills Drive

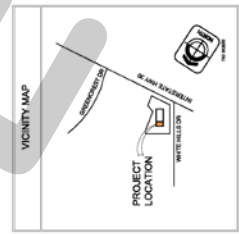


# Exhibit 'B': Concept Plan



PARKING TABLE	
BUILDING AREA	19,823 S.F.
PARKING REQUIREMENTS	RATIO 1 : 200
PARKING REQUIRED	99 SPACES (3 ADA)
PARKING PROVIDED	71 SPACES (3 ADA)

NOTE: 1. NO NEW BUILDING AREA PROPOSED  
2. NO NEW PARKING SPACES PROPOSED



SITE NORTH  
EXISTING SITE PLAN  
SCALE: 1" = 20'-0"

CITY OF ROCKWALL

ORDINANCE NO. 18-31

SPECIFIC USE PERMIT NO. S-192

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) TO ALLOW FOR A RESTAURANT, LESS THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 1.33-ACRE PARCEL OF LAND, ZONED COMMERCIAL (C) DISTRICT, AND IDENTIFIED AS SHAFER PLAZA 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 Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for the purpose constructing a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on a 1.33-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and being identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, addressed as 621 White Hills Drive, and being 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 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 the establishment of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* 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 *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Section 1.1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Section 4, Commercial Districts*, and *Section 6.6, IH-30 Overlay (IH-30 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change,

and as may be amended in the future, and shall be subject to the additional following conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in *Exhibit 'B'* of this ordinance and identified as *621 White Hills Drive*.
- 2) The circulation and cueing plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.

## 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.

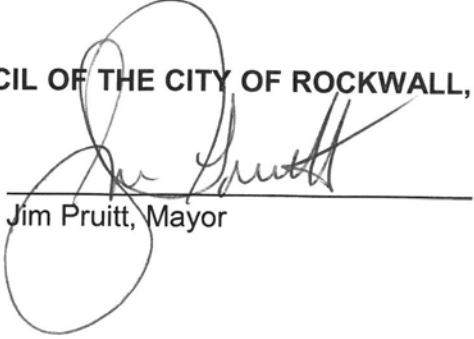
**SECTION 4.** That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

**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 AUGUST, 2018.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



1<sup>st</sup> Reading: July 16, 2018

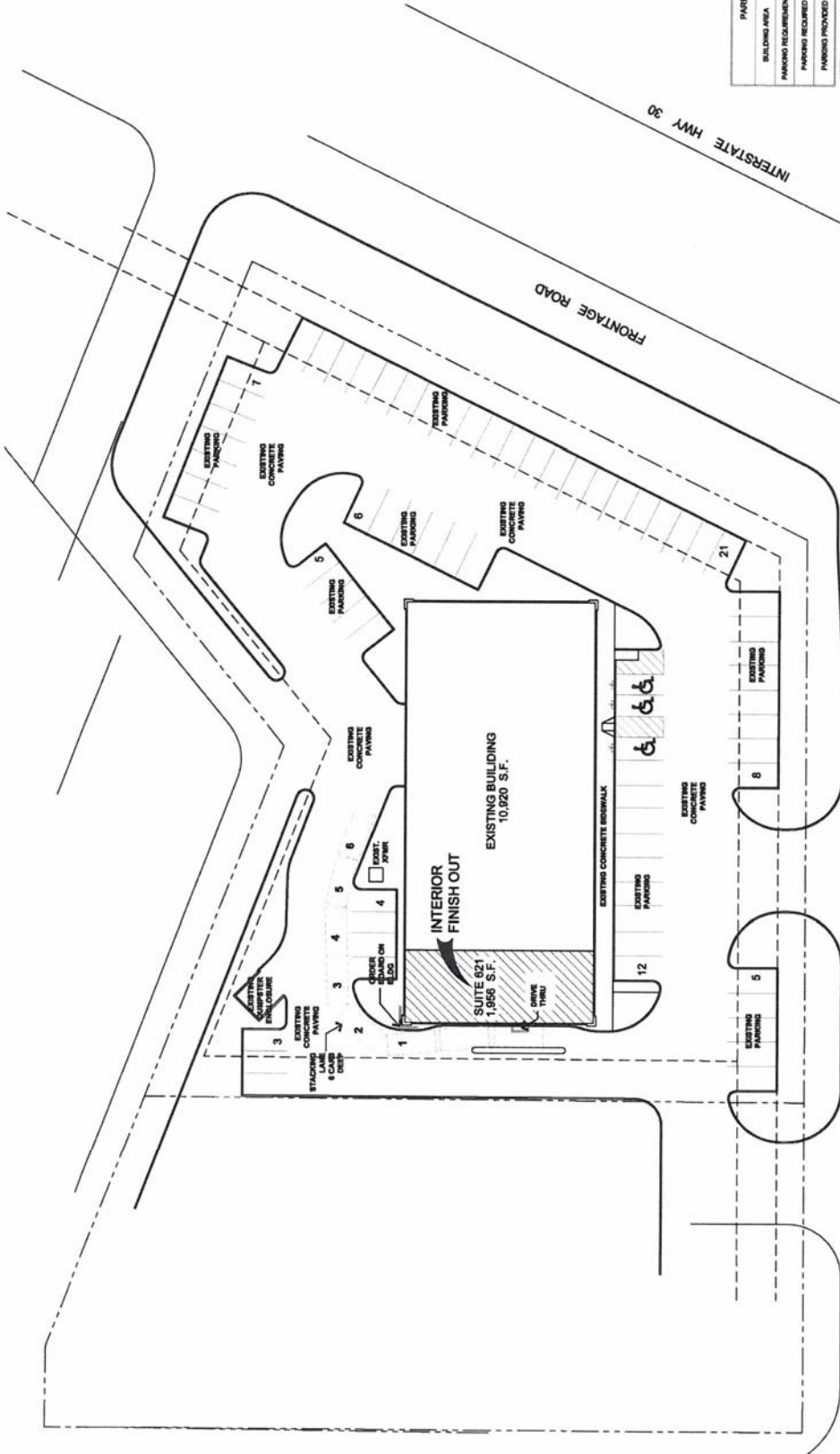
2<sup>nd</sup> Reading: August 6, 2018

**Exhibit 'A':**  
*Subject Property*

Legal Description: Shafer Plaza Addition  
Address: 621 White Hills Drive

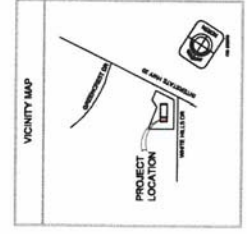


# Exhibit 'B': Concept Plan



PARKING TABLE	
BUILDING AREA	10,920 S.F.
PARKING REQUIREMENTS	RATIO 1 : 200
PARKING REQUIRED	55 SPACES (3 ADA)
PARKING PROVIDED	71 SPACES (3 ADA)

NOTE:  
 1. NO NEW BUILDING AREA PROPOSED  
 2. NO NEW PARKING SPACES PROPOSED



1 EXISTING SITE PLAN  
 SCALE: 1" = 20'-0"



August 15, 2018

**ATTN:** Tony Osburn  
TXHWS, LLC  
9942 CR 540,  
Lavon, TX 75166

**RE: SUP ZONING (Z2018-026), SUP for a Drive-Through Restaurant**

Dear Applicant:

This letter serves to notify you that the above referenced case that you submitted before the City of Rockwall was approved by City Council on 07/16/2018 via Ordinance No. 18-31. The following is a record of all recommendations, voting records and conditions of approval:

*Should the Planning and Zoning Commission choose to approve the applicant's request, staff would offer the following conditions of approval:*

- 1) *The operation of a restaurant, less than 2,000 SF, with drive-through/drive-in facilities on the subject property shall be subject to the following operational conditions, which are contained in the SUP ordinance:*
  - (a) *The constraints of this Specific Use Permit (SUP) shall be limited to the area indicated on the concept plan depicted in Exhibit 'B' of the Specific Use Permit (SUP) ordinance and identified as 621 White Hills Drive.*
  - (b) *The circulation and cueing plan shall generally conform to the concept plan depicted in Exhibit 'B' of the Specific Use Permit (SUP) ordinance.*
- 2) *Any construction or building necessary to complete this request must conform to the requirements set forth by the UDC, the International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.*

**PLANNING AND ZONING COMMISSION:**

- ✓ *On July 10, 2018, the Planning and Zoning Commission approved a motion to recommend approval of the Specific Use Permit (SUP) by a vote of 5-0, with Commissioners Moeller and Fishman absent.*

**CITY COUNCIL:**

- ✓ *On July 16, 2018, the City Council's motion to approve the Specific Use Permit (SUP) to allow for a restaurant less than 2,000 SF with a drive-through with staff conditions passed by a vote of 7-0 [1st Reading].*
- ✓ *On August 6, the City Council's motion to approve the Specific Use Permit (SUP) to allow for a restaurant less than 2,000 SF with a drive-through with staff recommendations passed by a vote of 7-0 [2nd Reading].*





Please contact the City of Rockwall Planning staff at (972) 771-7745 with any questions or concerns regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Miller".

**Ryan Miller, AICP**  
Planning Director  
Planning & Zoning Department  
City of Rockwall, TX