



# PLANNING AND ZONING CASE CHECKLIST

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

P&Z CASE # 22018 1000 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 checked="" type="checkbox"/> HOA MAP
<input checked="" 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. 22018-008

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: *[Signature]*

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 1411 South Goliad Street Rockwall, TX 75087

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_

General Location next to Dairy Queen

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

Current Zoning \_\_\_\_\_ Current Use Retail, Storage

Proposed Zoning \_\_\_\_\_ Proposed Use \_\_\_\_\_

Acreage \_\_\_\_\_ 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]

<input type="checkbox"/> Owner	<u>Al Vivo and Mattie Vivo</u>	<input type="checkbox"/> Applicant	_____
Contact Person	<u>Al Vivo or <del>Mattie Vivo</del></u>	Contact Person	<u>Mattie Vivo</u>
Address	<u>1692 Chesterwood drive</u>	Address	<u>1692 Chesterwood drive</u>
City, State & Zip	<u>Rockwall, TX 75032</u>	City, State & Zip	<u>Rockwall, TX 75032</u>
Phone	<u>708-228-4797 or <del>409-338-9983</del></u>	Phone	<u>409-338-9983</u>
E-Mail	<u>avivojr@gmail.com</u>	E-Mail	<u>mattilyn@gmail.com</u>

## NOTARY VERIFICATION [REQUIRED]

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ [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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_. 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 \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

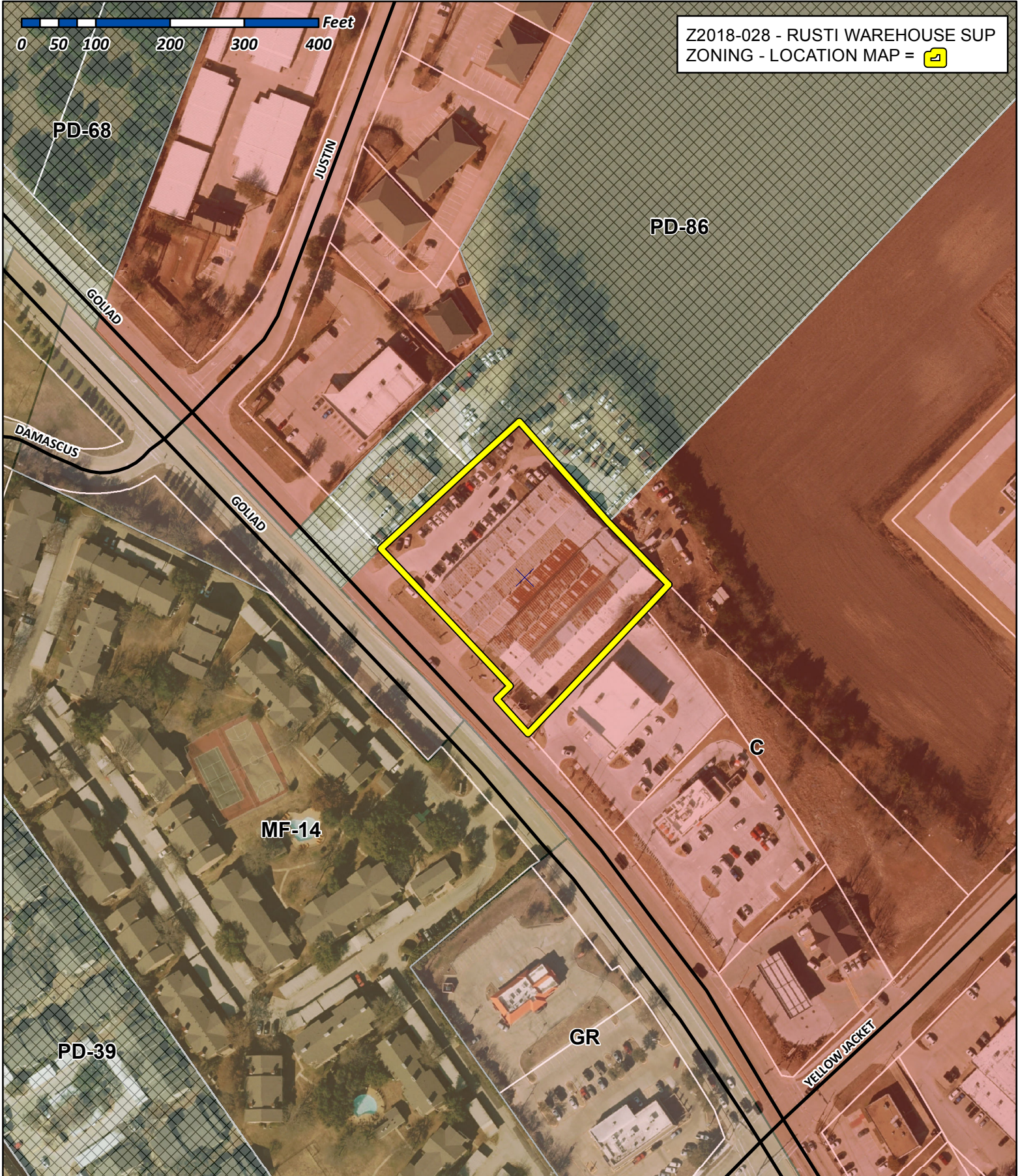
Owner's/Applicant's Signature


*[Signature]*

Notary Public in and for the State of Texas

My Commission Expires \_\_\_\_\_





Z2018-028 - RUSTI WAREHOUSE SUP  
 ZONING - LOCATION MAP = 



# City of Rockwall

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

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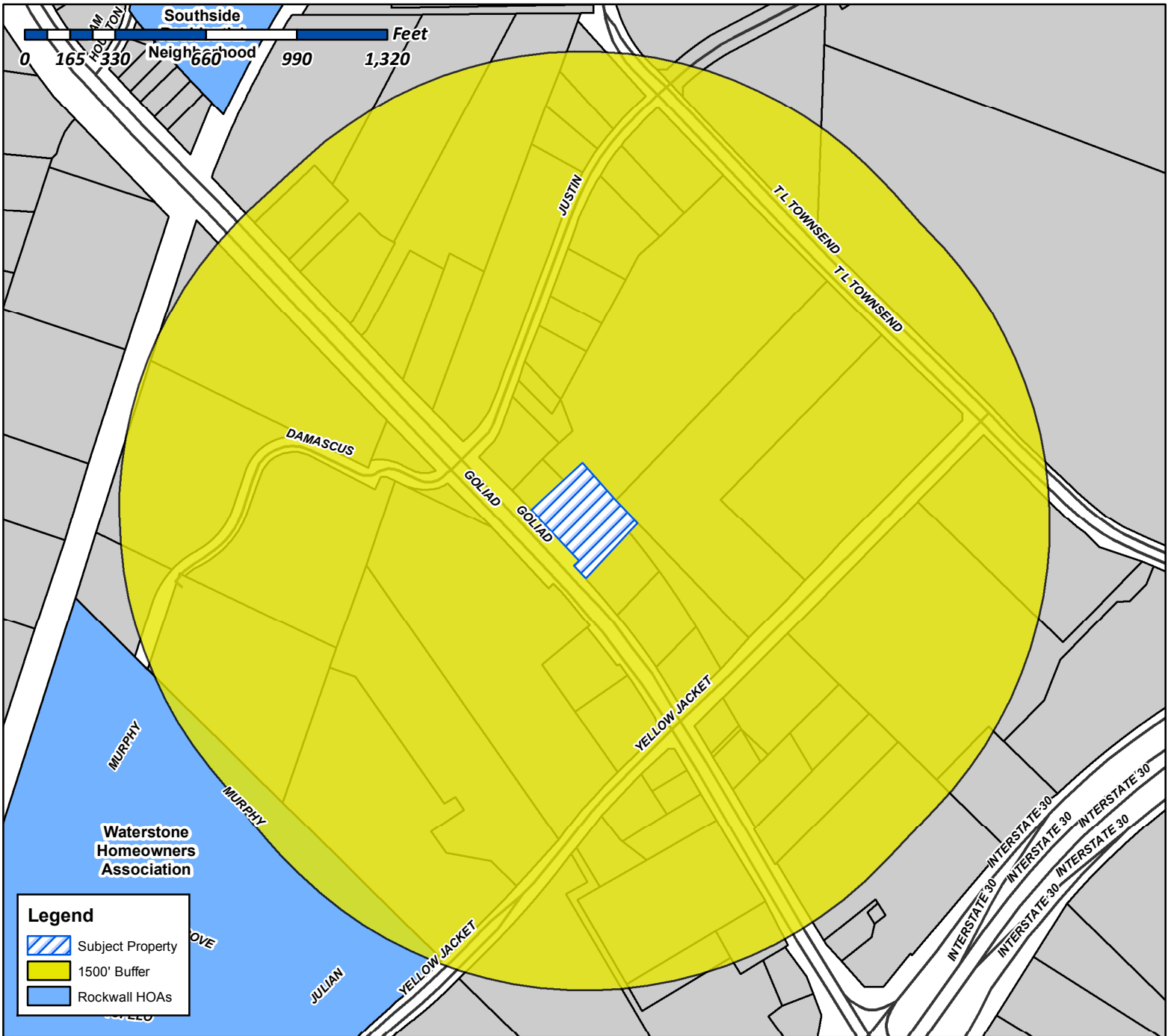




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**Case Number:** Z2018-028  
**Case Name:** Rustic Warehouse SUP  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 1411 S Goliad St

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



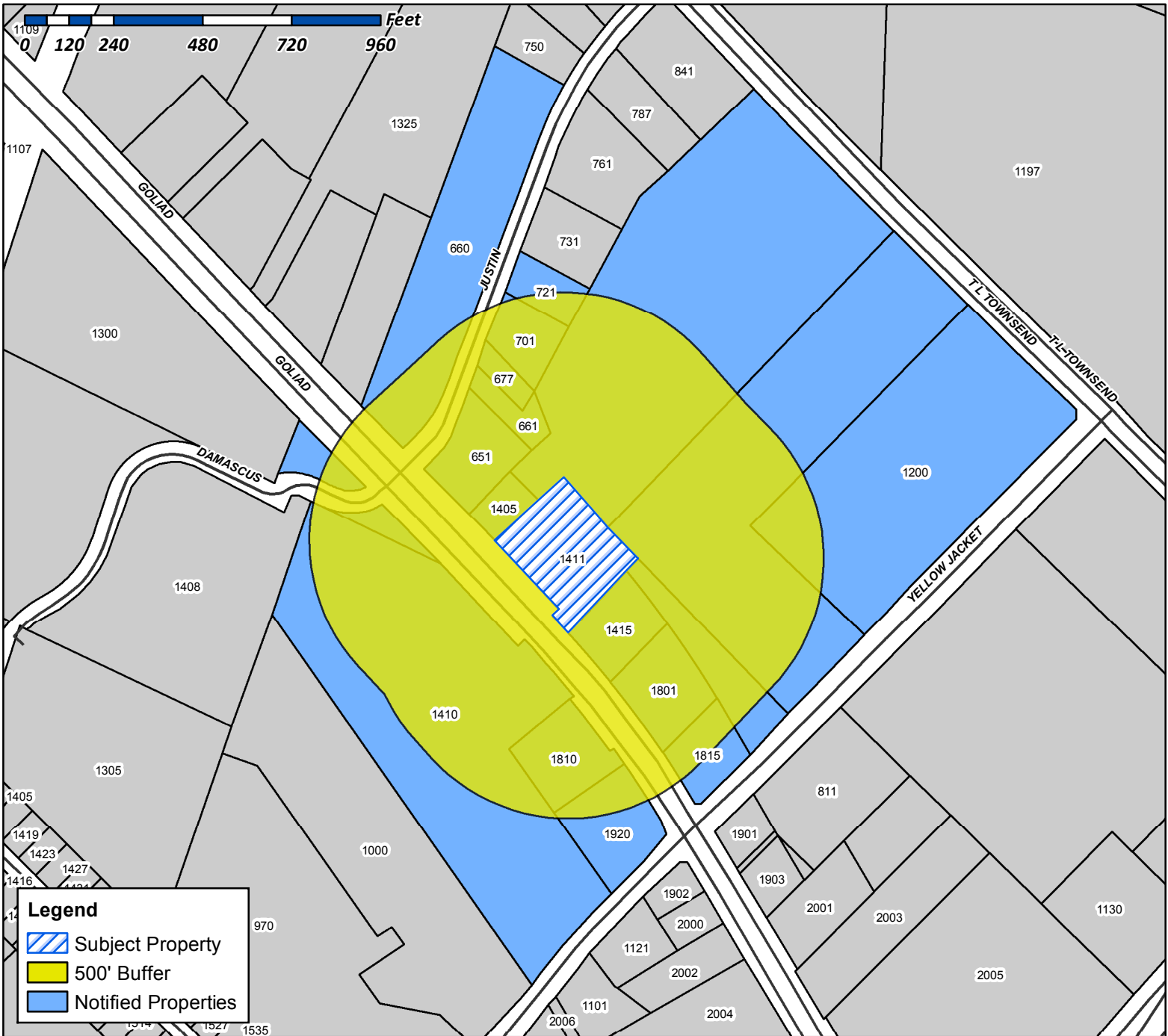




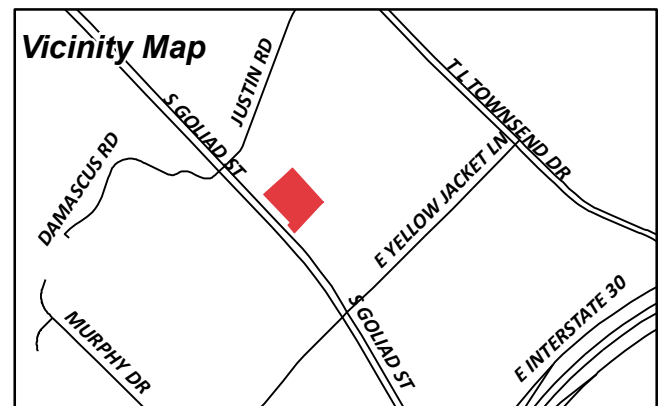
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FIRST UNITED METHODIST CHURCH  
FINANCE OFFICE  
1200 E YELLOW JACKET LN  
ROCKWALL, TX 75087

WDC PEBBLEBROOK APARTMENTS LLC  
13400 BISHOP'S LANE SUITE 270  
BROOKFIELD, WI 53005

CURRENT RESIDENT  
1405 S GOLIAD  
ROCKWALL, TX 75087

HERITAGE CHRISTIAN ACADEMY  
1408 S GOLIAD ST  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1410 S GOLIAD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1411 S GOLIAD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1415 S GOLIAD ST  
SACRAMENTO, TX 75087

CURRENT RESIDENT  
1801 S GOLIAD  
ROCKWALL, TX 75087

LONE STAR CHICKEN LP  
1810 S GOLIAD ST  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1815 S GOLIAD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1920 S GOLIAD  
ROCKWALL, TX 75087

COOPER RESIDENTIAL LLC  
2560 TECHNOLOGY DRIVE SUITE 100  
PLANO, TX 75074

RETAIL BUILDERS INC  
3000 NE 63RD ST  
OKLAHOMA CITY, OK 73121

CAMERON & CAMERON  
4090 EAST FM 552  
ROCKWALL, TX 75087

VALLEY DEVELOPMENT COMPANY INC  
4624 DUCKHORN DR  
SACRAMENTO, CA 95834

CURRENT RESIDENT  
651 JUSTIN RD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
660 JUSTIN RD  
ROCKWALL, TX 75087

BREEN & MCKEON LLP  
661 JUSTIN RD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
677 JUSTIN RD  
ROCKWALL, TX 75087

COUCH AND DAVIS PROPERTIES LLC  
685 JUSTIN RD  
ROCKWALL, TX 75087

RHOADS RHOADS AND COX  
6905 ELLSWORTH AVE  
DALLAS, TX 75214

CURRENT RESIDENT  
701 JUSTIN DR  
ROCKWALL, TX 75087

FIRST FINANCIAL NETWORK  
721 JUSTIN RD STE 101  
ROCKWALL, TX 75087

PS LPT PROPERTIES INVESTORS  
C/O PUBLIC STORAGE (PS #26644)  
ATTN: IRMA PIMENTEL REAL ESTATE PARALEGAL  
701 WESTERN AVENUE  
GLENDALE, CA 91201

TEASDALE INVESTMENTS LLC  
C/O RICHARD C GRANT  
CULHANE MEADOWS PLLC 100 CRESCENT CT  
SUITE 700  
DALLAS, TX 75201

DAIKER PARTNERS LTD  
PO BOX 1059  
ROCKWALL, TX 75087

AUTO ZONE INC  
DEPARTMENT #8088  
PO BOX 2198  
MEMPHIS, TN 38101

WHITFORD D R  
PO BOX 307  
PALMER, TX 75152

ROCKWALL ICE CREAM HOLDINGS LLC  
PO BOX 852  
WAXAHACHIE, TX 75168



To whom it may concern,

My husband and I, Al and Matilyn Vivo, are the owners of the Rustic Warehouse located at 1411 S Goliad, Rockwall, TX 75087. The Rustic Warehouse is a retail store selling primarily furniture and home décor. We also sell Annie Sloan chalk paint and offer paint classes.

In the future we intend on expanding. We have a long-term plan and we have all intentions on being here for a while.

Now we are asking for (SUP) to allow furniture repair and upholstery to be permitted on site in our work space indicated on the site plan. The work space and storage area are currently being utilized by only 10 of our vendors. This will allow 10 of our vendors to repair, paint, wax, and touch up pieces on site. This is a huge convenience for the vendors not to have to transport pieces back and forth from their homes. Also, this helps us provide the best customer service to be able to touch pieces up on site if damaged. Without being permitted to these uses on site it would be a detriment to our overall sales and huge inconvenience to our vendors.

We appreciate all your help with this process.





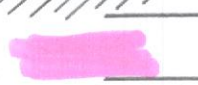

Kindest regards,

Al and Matilyn Vivo

The Rustic Warehouse



Front

	Work Space	450 sq. Ft.
	Storage Space	3420 sq. Ft.
	Retail Space	6185 sq. Ft.
	Break - Class Room	200 sq. Ft.
	Office Space	81 sq. Ft.
	Rest rooms	374 Sq. Ft.



- Note:
1. Water fountain (A) to be installed in Kitchen area. To meet all City Codes and Specs.
  2. Framing Hall (B) to meet all building Codes and Specs.

Rustic Ware House  
Expansion  
1411 South Goliad  
Rockwall Tx 75087

Page 2

1/8" = 1' Scale  
Total Expansion 3786 sq. Ft.

Drawn By John Mathis  
214.310.7657



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) ALLOWING *FURNITURE UPHOLSTERY, REFINISHING AND REPAIR* IN CONJUNCTION WITH AN EXISTING GENERAL RETAIL STORE ON A 1.9175-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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 Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing general retail store on a 1.9175-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and being identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, addressed as 1411 S. Goliad Street [SH-205], 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 *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing retail store 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 6.7, SH-205 Overlay (SH-205 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 the *Furniture Upholstery, Refinishing and Repair* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) All *Furniture Upholstery, Refinishing and Repair* operations shall be ancillary to the primary land use (*i.e. general retail store*).
- 2) The constraints of the area used for *Furniture Upholstery, Refinishing, and Repair* shall be limited to 450 SF and be located in the area indicated as *Work Space* on the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 3) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
- 4) The manufacturing or large-scale assembly of furniture shall be prohibited.

## 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**

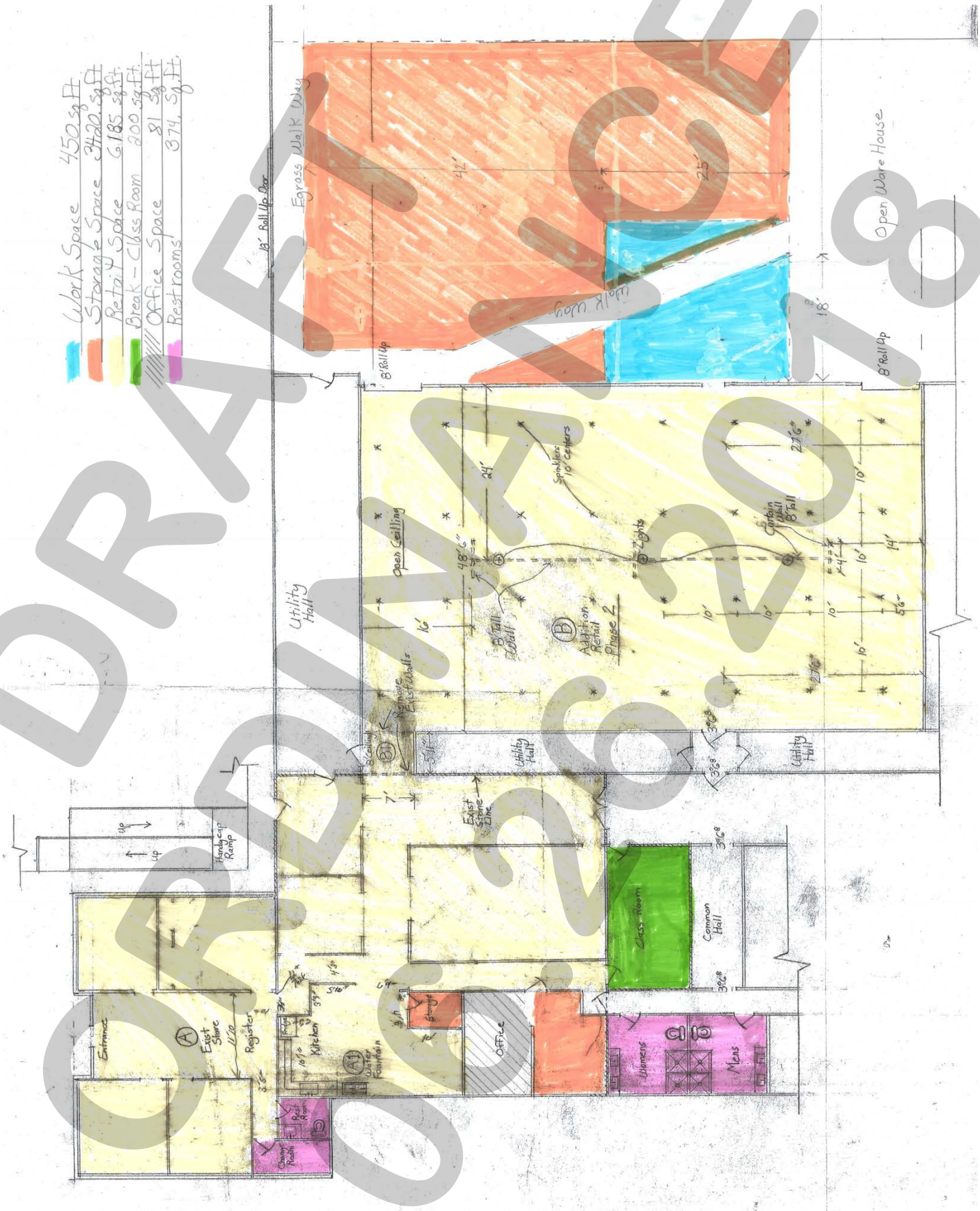
Legal Description: Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255  
Address: 1411 S. Goliad Street





Exhibit 'B':  
Floor Plan

Work Space	450 sq ft
Storage Space	3420 sq ft
Retail Space	6185 sq ft
Break - Class Room	800 sq ft
Office Space	81 sq ft
Restrooms	374 sq ft



## City of Rockwall Project Plan Review History



<b>Project Number</b> Z2018-028	<b>Owner</b> T-ROCK, LP	<b>Applied</b> 6/15/2018 LM
<b>Project Name</b> SUP for Rustic Warehouse	<b>Applicant</b>	<b>Approved</b>
<b>Type</b> ZONING		<b>Closed</b>
<b>Subtype</b> SUP		<b>Expired</b>
<b>Status</b> NEED REVISIONS		<b>Status</b> 6/19/2018 RM

<b>Site Address</b> 1411 S GOLIAD	<b>City, State Zip</b> ROCKWALL, TX 75087	<b>Zoning</b>
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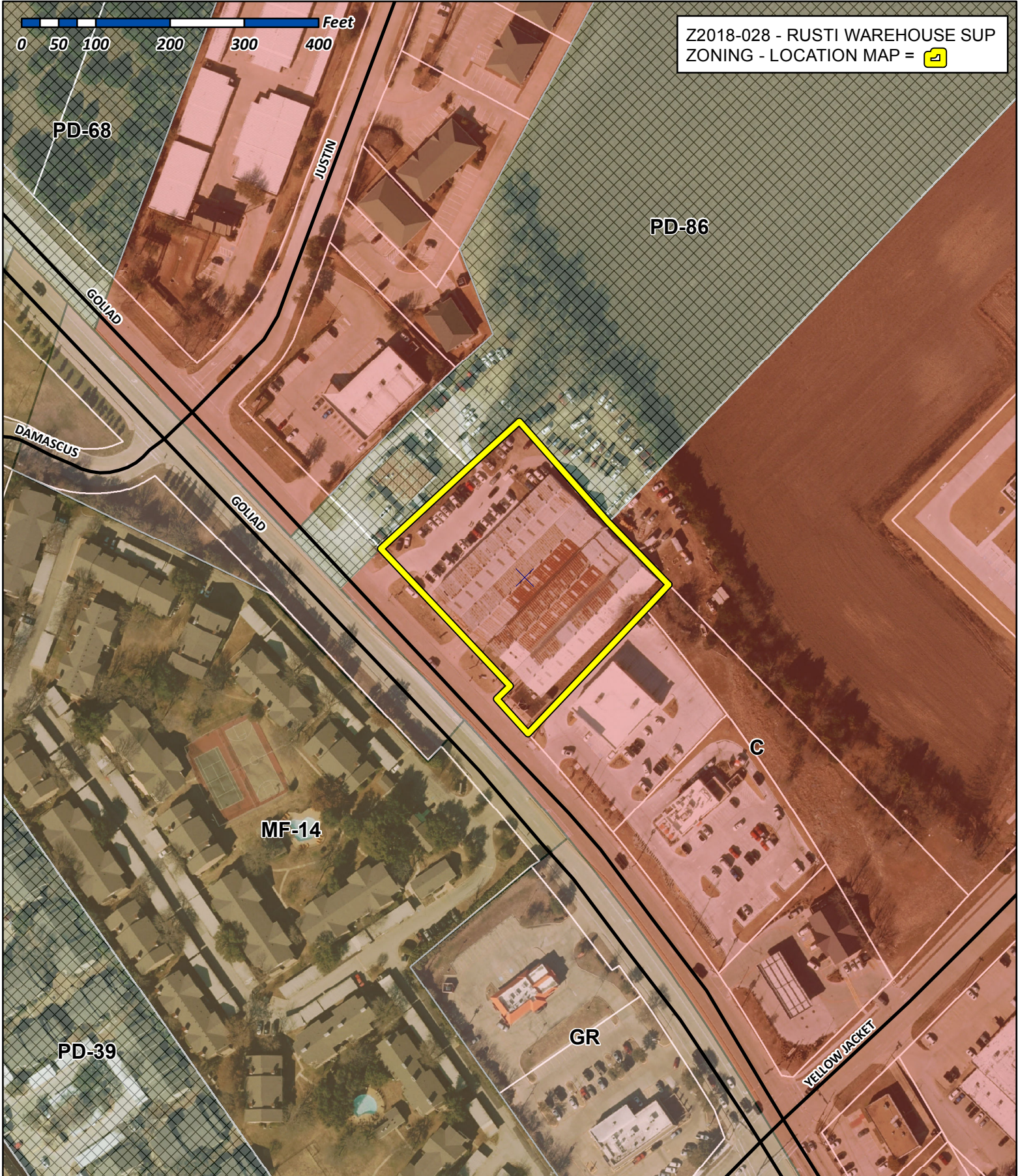
<b>Subdivision</b> FIRST UNITED METHODIST CHURCH	<b>Tract</b> 2	<b>Block</b> NULL	<b>Lot No</b> 2	<b>Parcel No</b> 0255-0000-0002-00-0R	<b>General Plan</b>
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Type of Review / Notes	Contact	Sent	Due	Received	Elapsed	Status	Remarks
ENGINEERING (6/21/2018 9:01 AM AW) Any expansion will require concrete parking and detention	Amy Williams	6/15/2018	6/22/2018	6/21/2018	6	APPROVED	See Comments
FIRE (6/21/2018 10:31 AM AA) Shall comply with all applicable fire code requirements, including electrical, ventilation, and fire protection requirements. An operational permit is required from the fire department prior to conducting operations utilizing spray finishing or dust producing operations of any type.	Ariana Hargrove	6/15/2018	6/22/2018	6/21/2018	6	APPROVED	See commnets
PLANNING	Ryan Miller	6/15/2018	6/22/2018	6/19/2018	4	APPROVED	See Comments



Type of Review / Notes	Contact	Sent	Due	Received	Elapsed Status	Remarks
Z2018-028; SUP for Rustic Warehouse						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) allowing the Furniture Upholstery, Refinishing & Repair land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, and addressed as 1411 S. Goliad Street [SH-205].
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 (Z2018-028) 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 that the Furniture Upholstery Refinishing or Resale is accessory to the primary use (i.e. retail).
I.6						The business does not currently have sufficient parking for this land use. Sufficient parking will need to be constructed prior to the expansion of this business.
M.7						Staff has included the following operational conditions in the attached Specific Use Permit (SUP) ordinance:
						1) All Furniture Upholstery, Refinishing and Repair operations shall be ancillary to the primary land use (i.e. general retail store).
						2) The constraints of the area used for Furniture Upholstery, Refinishing, and Repair shall be limited to 450 SF and be located in the area indicated as Work Space on the concept plan depicted in Exhibit 'B' of the Specific Use Permit (SUP) ordinance.
						3) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
						4) The manufacturing or large-scale assembly of furniture shall be prohibited.
I.8						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.9						The projected City Council meeting dates for this case will be July 16, 2018 [1st Reading] & August 6, 2018 [2nd Reading].





Z2018-028 - RUSTI WAREHOUSE SUP  
 ZONING - LOCATION MAP = 



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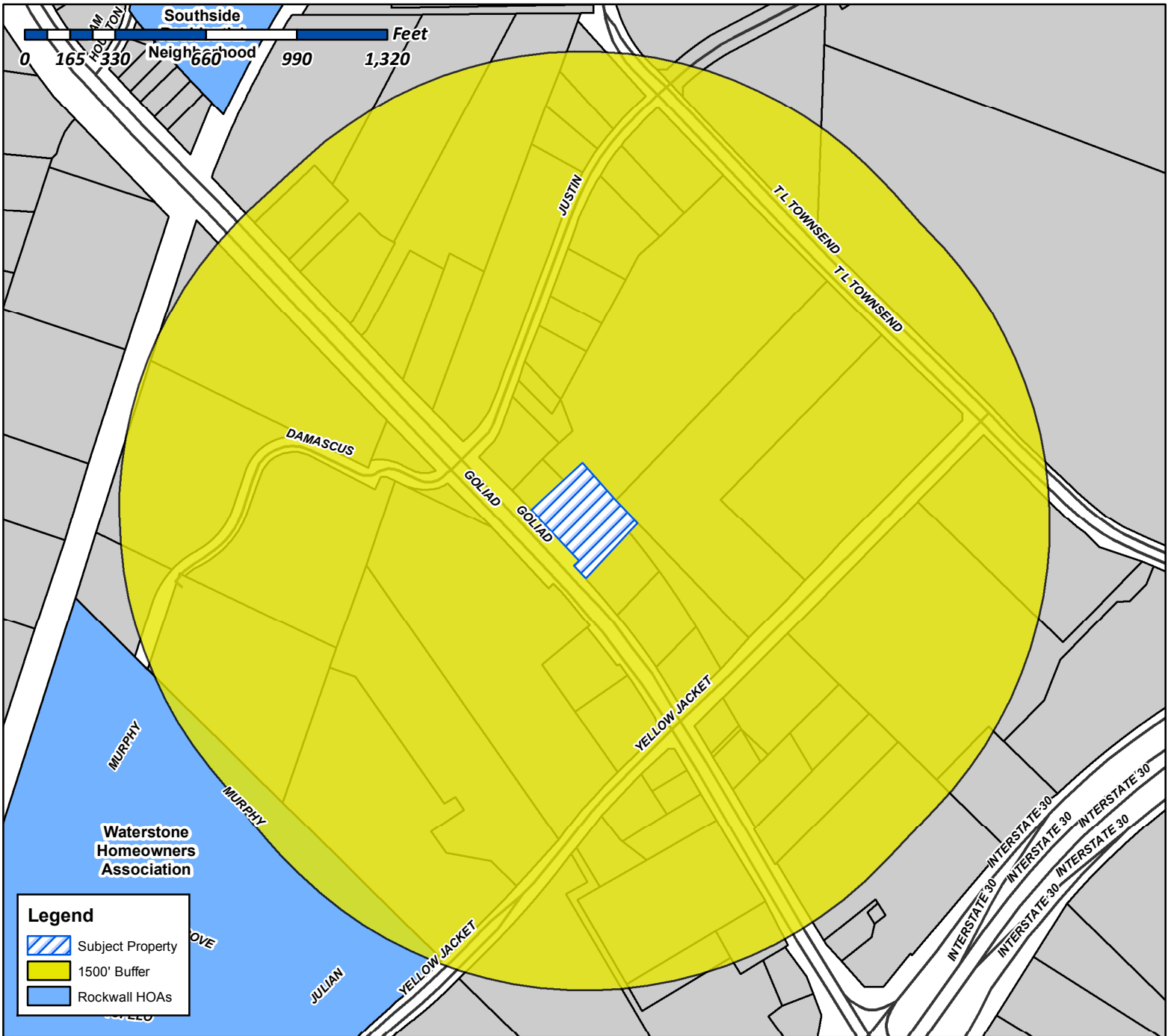




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**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 1411 S Goliad St

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



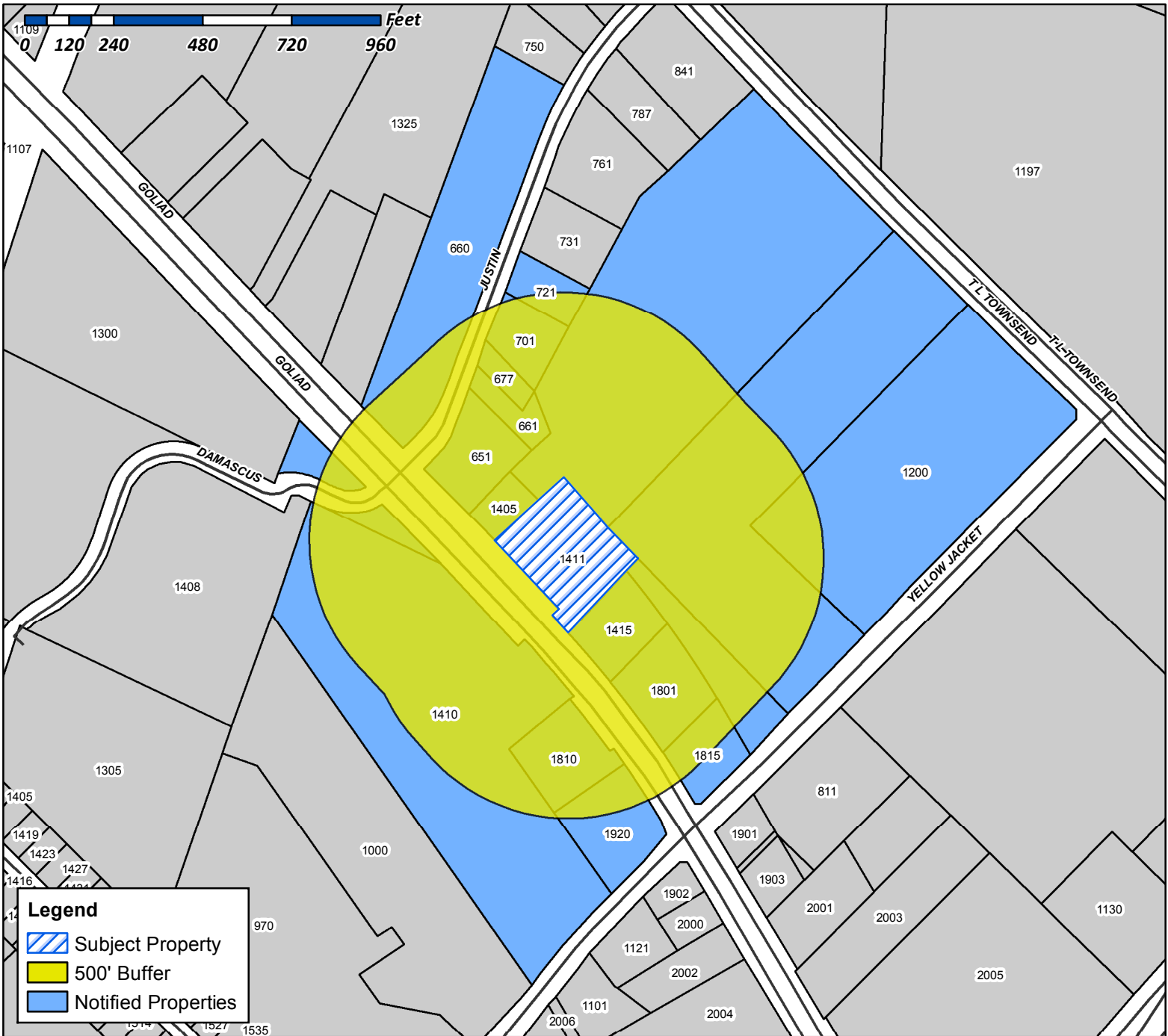




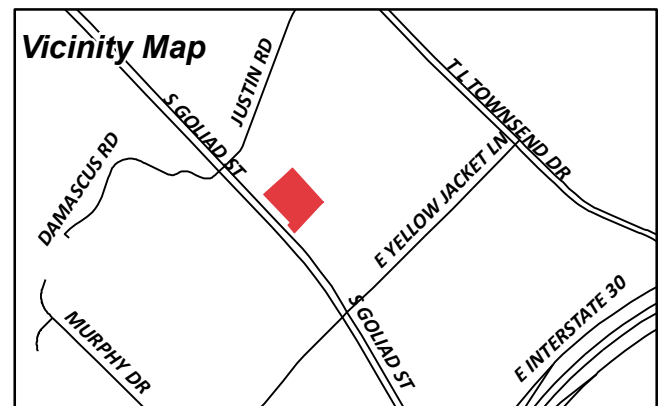
# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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**Case Number:** Z2018-028  
**Case Name:** Rustic Warehouse SUP  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 1411 S Goliad St



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

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

FIRST UNITED METHODIST CHURCH  
FINANCE OFFICE  
1200 E YELLOW JACKET LN  
ROCKWALL, TX 75087

WDC PEBBLEBROOK APARTMENTS LLC  
13400 BISHOP'S LANE SUITE 270  
BROOKFIELD, WI 53005

CURRENT RESIDENT  
1405 S GOLIAD  
ROCKWALL, TX 75087

HERITAGE CHRISTIAN ACADEMY  
1408 S GOLIAD ST  
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FIRST FINANCIAL NETWORK  
721 JUSTIN RD STE 101  
ROCKWALL, TX 75087

PS LPT PROPERTIES INVESTORS  
C/O PUBLIC STORAGE (PS #26644)  
ATTN: IRMA PIMENTEL REAL ESTATE PARALEGAL  
701 WESTERN AVENUE  
GLENDALE, CA 91201

TEASDALE INVESTMENTS LLC  
C/O RICHARD C GRANT  
CULHANE MEADOWS PLLC 100 CRESCENT CT  
SUITE 700  
DALLAS, TX 75201

DAIKER PARTNERS LTD  
PO BOX 1059  
ROCKWALL, TX 75087

AUTO ZONE INC  
DEPARTMENT #8088  
PO BOX 2198  
MEMPHIS, TN 38101

WHITFORD D R  
PO BOX 307  
PALMER, TX 75152

ROCKWALL ICE CREAM HOLDINGS LLC  
PO BOX 852  
WAXAHACHIE, TX 75168

To whom it may concern,

My husband and I, Al and Matilyn Vivo, are the owners of the Rustic Warehouse located at 1411 S Goliad, Rockwall, TX 75087. The Rustic Warehouse is a retail store selling primarily furniture and home décor. We also sell Annie Sloan chalk paint and offer paint classes.

In the future we intend on expanding. We have a long-term plan and we have all intentions on being here for a while.

Now we are asking for (SUP) to allow furniture repair and upholstery to be permitted on site in our work space indicated on the site plan. The work space and storage area are currently being utilized by only 10 of our vendors. This will allow 10 of our vendors to repair, paint, wax, and touch up pieces on site. This is a huge convenience for the vendors not to have to transport pieces back and forth from their homes. Also, this helps us provide the best customer service to be able to touch pieces up on site if damaged. Without being permitted to these uses on site it would be a detriment to our overall sales and huge inconvenience to our vendors.

We appreciate all your help with this process.

Kindest regards,

Al and Matilyn Vivo

The Rustic Warehouse



Front

Work Space	450 sq. Ft.
Storage Space	3420 sq. Ft.
Retail Space	6185 sq. Ft.
Break - Class Room	200 sq. Ft.
Office Space	81 sq. Ft.
Rest rooms	374 sq. Ft.



- Note:
1. Water fountain (A) to be installed in Kitchen area. To meet all City Codes and Specs.
  2. Framing Hall (B) to meet all building Codes and Specs.

Rustic Ware House  
Expansion  
1411 South Goliad  
Rockwall Tx 75087

Page 2

1/8" = 1' Scale  
Total Expansion 3786 sq. Ft.

Drawn By John Mathis  
214 310 7657



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) ALLOWING *FURNITURE UPHOLSTERY, REFINISHING AND REPAIR* IN CONJUNCTION WITH AN EXISTING GENERAL RETAIL STORE ON A 1.9175-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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 Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing general retail store on a 1.9175-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and being identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, addressed as 1411 S. Goliad Street [SH-205], 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 *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing retail store 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 6.7, SH-205 Overlay (SH-205 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 the *Furniture Upholstery, Refinishing and Repair* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) All *Furniture Upholstery, Refinishing and Repair* operations shall be ancillary to the primary land use (*i.e. general retail store*).
- 2) The constraints of the area used for *Furniture Upholstery, Refinishing, and Repair* shall be limited to 450 SF and be located in the area indicated as *Work Space* on the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 3) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
- 4) The manufacturing or large-scale assembly of furniture shall be prohibited.

## 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**

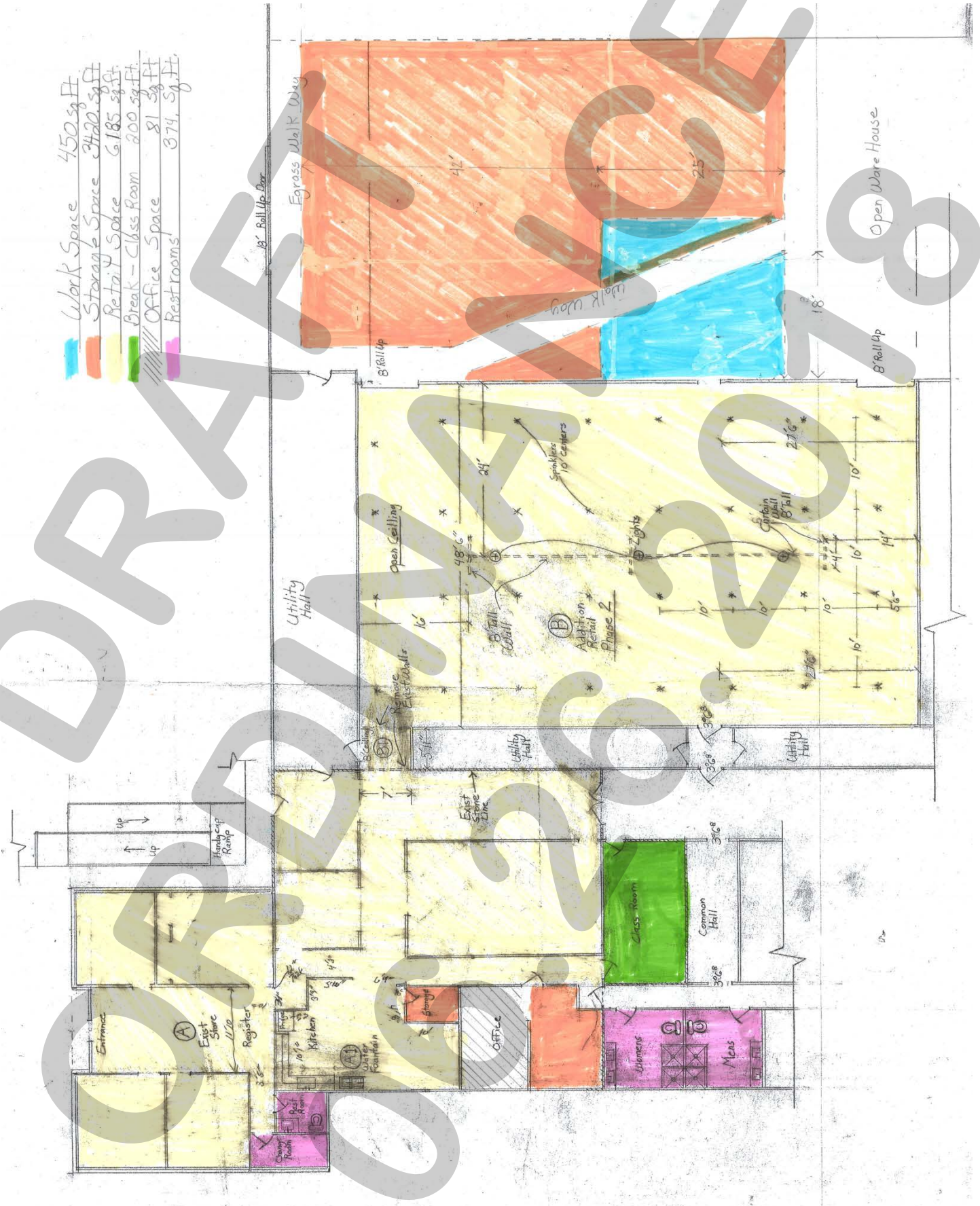
Legal Description: Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255  
Address: 1411 S. Goliad Street





Exhibit 'B':  
Floor Plan

Work Space	450 sq ft
Storage Space	3420 sq ft
Retail Space	6185 sq ft
Break - Class Room	800 sq ft
Office Space	81 sq ft
Restrooms	374 sq ft



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

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

**APPLICANT:** Al & Mattie Vivo; *Rustic Warehouse*

**AGENDA ITEM:** **Z2018-028**; *SUP for Furniture Upholstery, Refinishing & Repair*

---

**SUMMARY:**

Hold a public hearing to discuss and consider a request by Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing the *Furniture Upholstery, Refinishing & Repair* land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], and take any action necessary.

**PURPOSE AND CHARACTERISTICS OF THE REQUEST:**

At the April 2, 2018 City Council meeting, the City Council directed staff to prepare a text amendment amending Article IV, *Permissible Uses*, of the Unified Development Code (UDC) for the purpose of allowing the *Furniture Upholstery/Refinishing and Resale* land use in the Commercial (C) District by a Specific Use Permit (SUP). This direction came as the result of an appointment with Mattie Vivo -- *the owner of the Rustic Warehouse* --, who was requesting the text amendment to bring her business into compliance with the Unified Development Code (UDC). This text amendment was ultimately adopted on June 4, 2018. In response to this amendment, the applicant's Mattie and Al Vivo have submitted an application requesting the approval of a Specific Use Permit (SUP) for the *Furniture Upholstery/Refinishing and Resale* land use as an accessory use to an existing general retail store. According to the adopted text amendment *Furniture Upholstery/Refinishing and Resale* is permitted within the Commercial (C) District only "...as an ancillary use to a general retail store (*i.e. a business whose primary purpose is to sell finished goods*) by Specific Use Permit (SUP)." The applicants have submitted a floor plan that shows that the area dedicated for *Furniture Upholstery/Refinishing and Resale* (indicated as "Work Space" on the plan) would be 450 SF, which represents 7.27% of the area dedicated to retail sales and 4.20% of the total square footage of the *Rustic Warehouse*. Based on the adopted text amendment, the applicant's request does appear to be in compliance with the land use requirements for a *Furniture Upholstery/Refinishing and Resale*; however, a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation by the Planning and Zoning Commission.

In the attached packet staff has included a draft ordinance that provides the operational conditions for the operation of a *Furniture Upholstery/Refinishing and Resale* business on the subject property. Staff should note that the current land use is not in conformance with the parking requirements; however, that the applicants and building owner have proposed a parking plan that would bring this land use into conformance with these requirements. Specifically, an additional three (3) parking spaces will need to be added for this use to meet the necessary parking requirements. Staff has added this as a condition of approval for this case.

**ADJACENT LAND USES AND ACCESS:**



The subject property is located at 1411 S. Goliad Street. The land uses adjacent to the subject property are as follows:

*North:* Directly north of the subject property is a 0.48-acre tract of land, identified as *Tract 34 of the B. J. T. Lewis Survey, Abstract No. 255*, which is zoned Commercial (C) District and is currently occupied with a restaurant (*i.e. Cole Mountain*). Also north of the subject property is a 10.369-acre tract of vacant land, identified as *Tract 8 of the B. J. T. Lewis Survey, Abstract No. 255*, which is zoned Planned Development District 86 (PD-86) for a multi-family apartment complex.

*South:* Directly south of the subject property is a 0.91-acre parcel of land, identified as *Lot 3, Block 1, HJG Plaza Addition*, which is currently occupied with a general retail store (*i.e. Advanced Auto Parts*). South of this is a 1.154-acre parcel of land, identified as *Lot 1, Block 1, HJG Plaza Addition*, which is currently occupied with a restaurant, greater than 2,000 SF, with a drive-through/drive-in (*i.e. Dairy Queen*). Both properties are zoned Commercial (C) District.

*East:* Directly east of the subject property is a 1.4769-acre vacant parcel of land identified as *Lot 6, Block 1, First United Methodist Church Addition*. Beyond this is a nine (9) acre vacant parcel of land identified as *Lot 8, Block 1, First United Methodist Church Addition*. Both properties are zoned Commercial (C) District.

*West:* Directly west of the subject property is S. Goliad Street [*SH-205*], which is identified as a P6D (*i.e. principle, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the Comprehensive Plan. Beyond this is an 11.579-acre parcel of land identified as *Lot 1, Block A, Pebblebrook Addition*. This property has a multi-family apartment complex constructed on it and is zoned Multi-Family 14 (MF-14) District.

### **NOTIFICATION:**

On June 27, 2018, staff mailed 29 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Waterstone Estates 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.

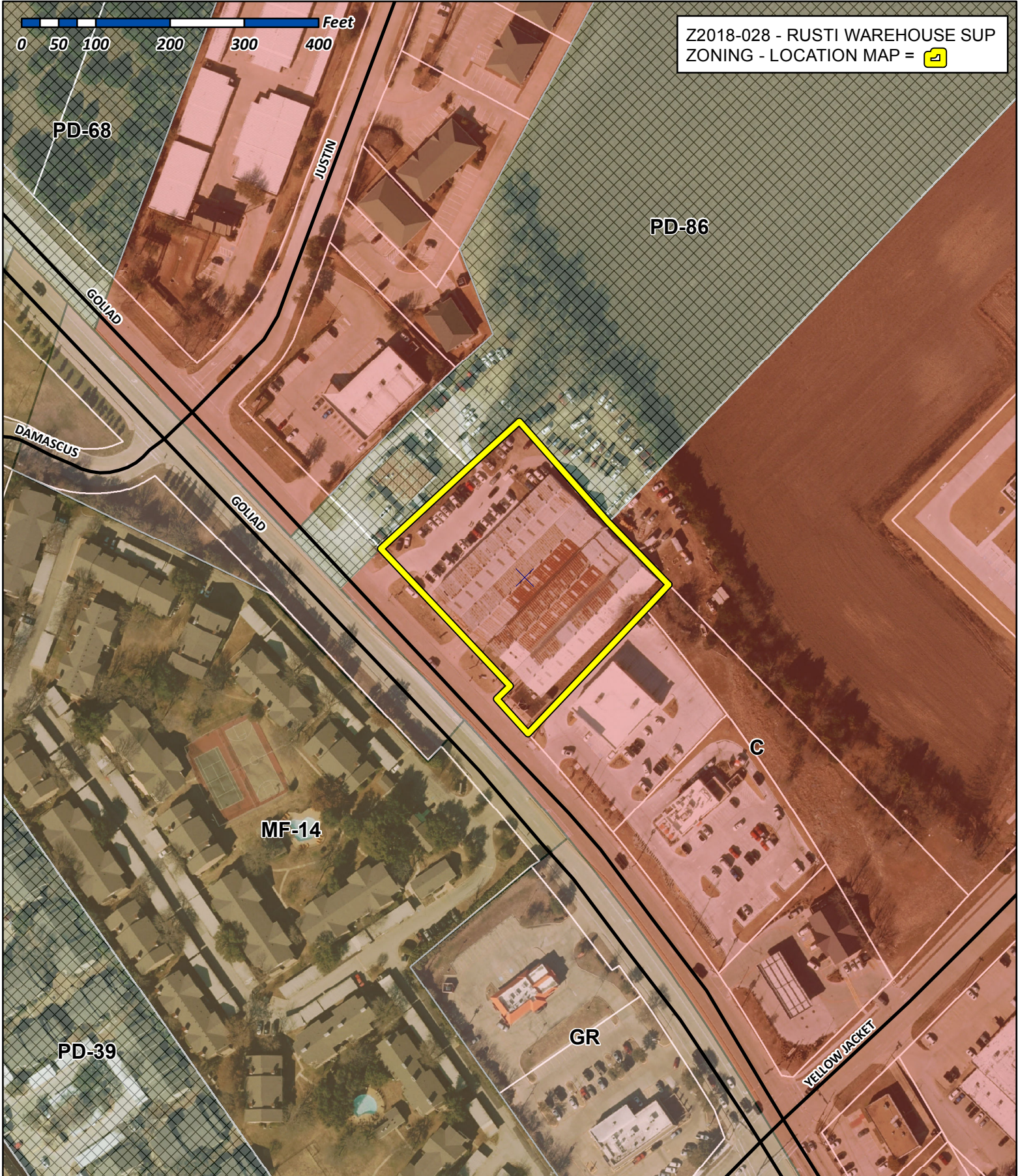
### **RECOMMENDATIONS:**


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 the *Furniture Upholstery, Refinishing and Repair* on the subject property shall be subject to the following operational conditions, which are contained in the SUP ordinance:
  - (a) All *Furniture Upholstery, Refinishing and Repair* operations shall be ancillary to the primary land use (*i.e. general retail store*).
  - (b) The constraints of the area used for *Furniture Upholstery, Refinishing, and Repair* shall be limited to 450 SF and be located in the area indicated as *Work Space* on the concept plan depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.

- (c) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
  - (d) The manufacturing or large-scale assembly of furniture shall be prohibited.
- 2) A total of 35 parking spaces are required to properly park this land use based on the floor plan provided for this Specific Use Permit (SUP) request. Currently, there are 32 parking spaces provided on-site. The additional three (3) parking spaces will need to be added to this property within one (1) year of the adoption of this Specific Use Permit (SUP) request, or the floor plan will need to be revised to reflect conformance with the existing parking spaces (*i.e. the square footages will need to be reduced*). This will require the adoption of a revised Specific Use Permit (SUP) ordinance by the City Council pending a recommendation by the Planning and Zoning Commission.
- 3) 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.





Z2018-028 - RUSTI WAREHOUSE SUP  
 ZONING - LOCATION MAP = 



# City of Rockwall

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

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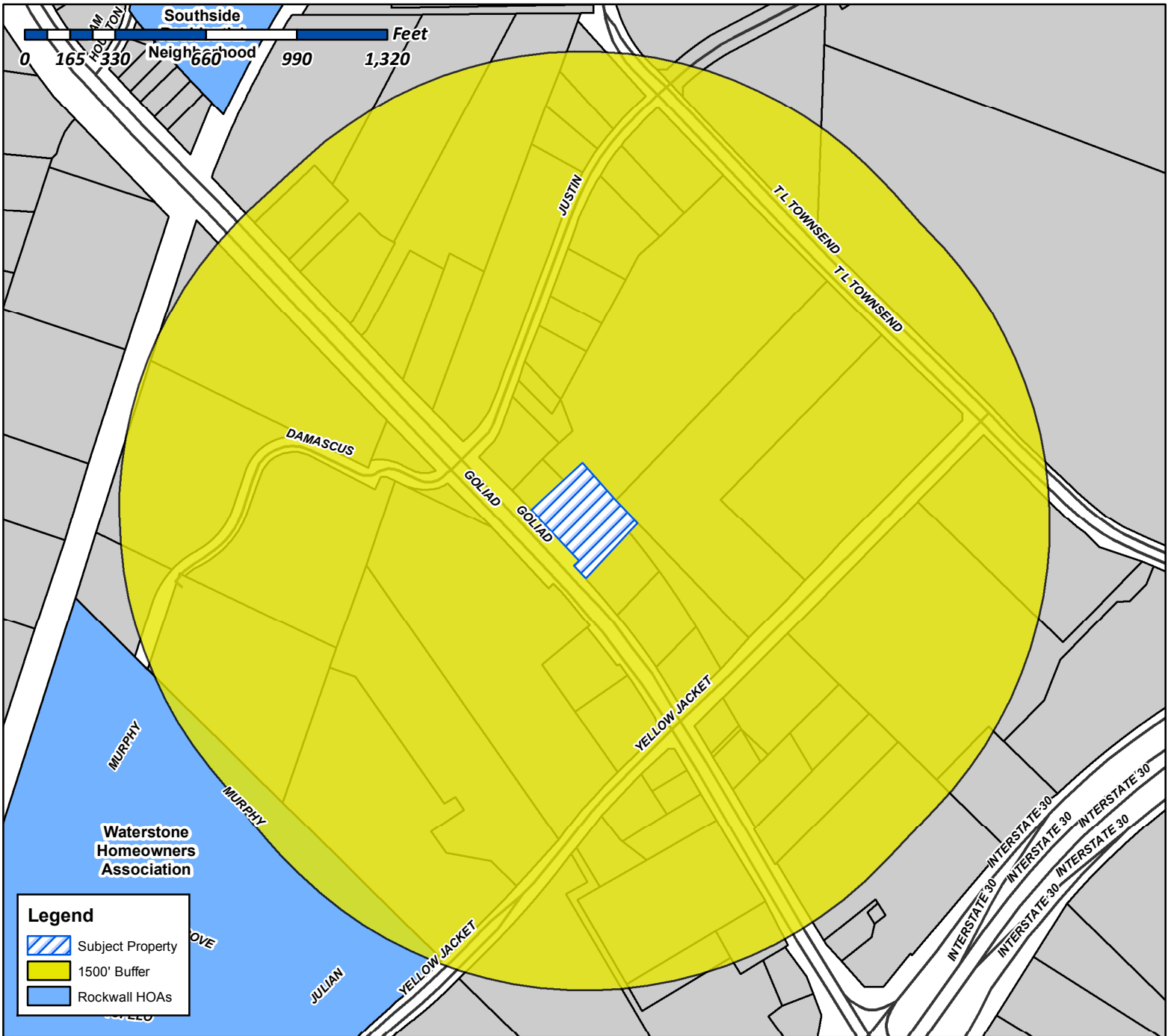




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**Case Number:** Z2018-028  
**Case Name:** Rustic Warehouse SUP  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 1411 S Goliad St

**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 Noification Program: Notice of zoning request  
**Date:** Wednesday, June 27, 2018 10:09:20 AM  
**Attachments:** [HOA Map \(06.18.2018\).pdf](#)

---

Please see attached map.

---

**From:** Morales, Laura  
**Sent:** Wednesday, June 27, 2018 10:03 AM  
**To:** 'whoarockwall@gmail.com'  
**Cc:** Miller, Ryan; Gonzales, David; Brooks, Korey  
**Subject:** Neighborhood Noification Program: Notice of zoning request

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>

**Z2018-028- Hold a public hearing to discuss and consider a request by Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing the *Furniture Upholstery, Refinishing & Repair* land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], 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*



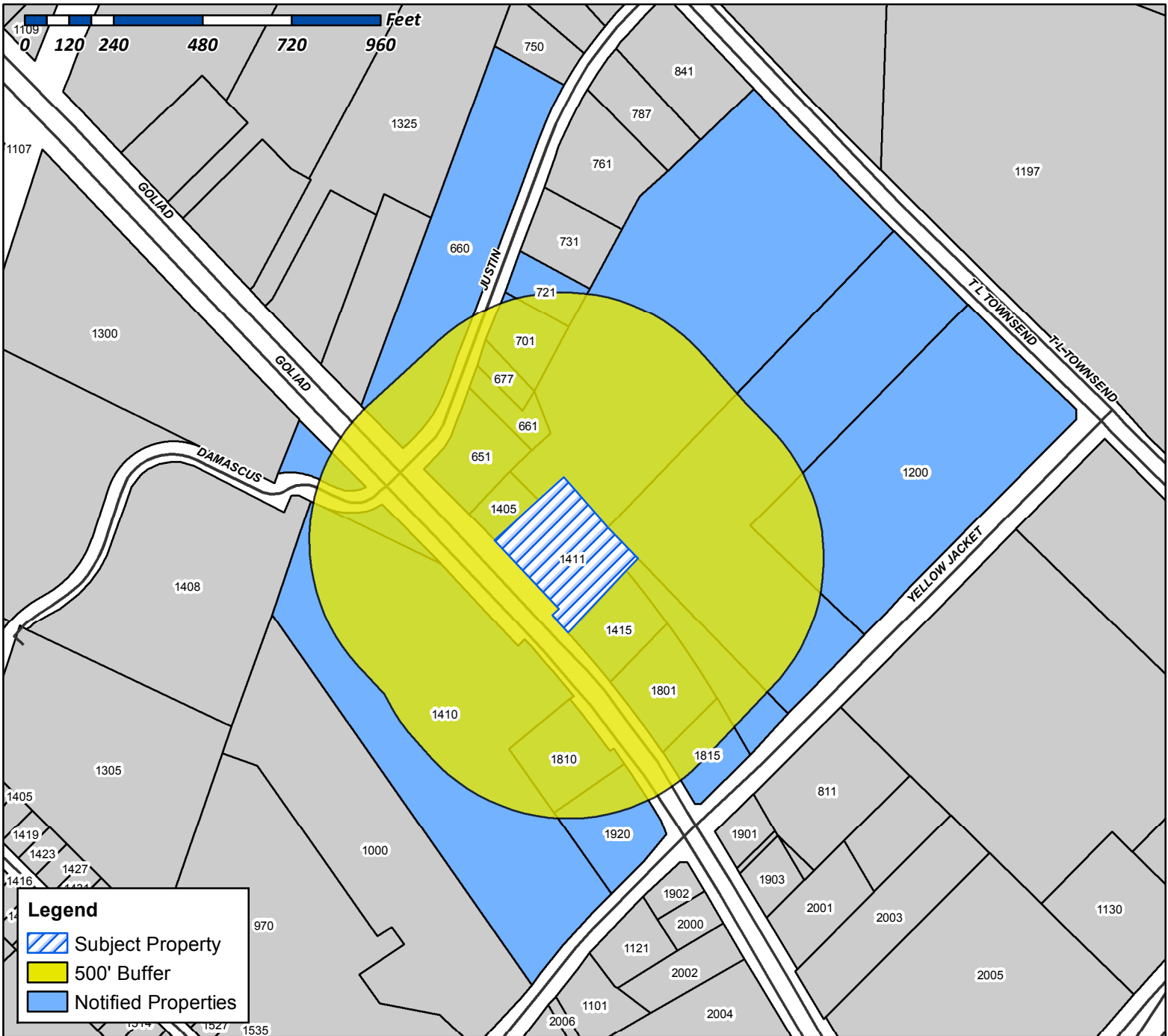
Planning & Zoning Coordinator  
City of Rockwall Planning & Zoning Department  
972-771-7745 | 972-772-6438  
[Lmorales@rockwall.com](mailto:Lmorales@rockwall.com) | <http://www.rockwall.com/planning/>



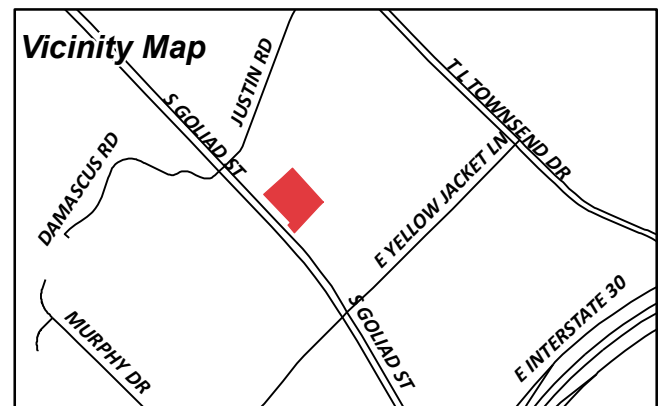
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**Case Address:** 1411 S Goliad St



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

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TEASDALE INVESTMENTS LLC  
C/O RICHARD C GRANT  
CULHANE MEADOWS PLLC 100 CRESCENT CT  
SUITE 700  
DALLAS, TX 75201

DAIKER PARTNERS LTD  
PO BOX 1059  
ROCKWALL, TX 75087

AUTO ZONE INC  
DEPARTMENT #8088  
PO BOX 2198  
MEMPHIS, TN 38101

WHITFORD D R  
PO BOX 307  
PALMER, TX 75152

ROCKWALL ICE CREAM HOLDINGS LLC  
PO BOX 852  
WAXAHACHIE, TX 75168





# 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. Z2018-028: SUP for Rustic Warehouse**

*Hold a public hearing to discuss and consider a request by Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing the Furniture Upholstery, Refinishing & Repair land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], 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. Z2018-028: SUP for Rustic Warehouse**

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

To whom it may concern,

My husband and I, Al and Matilyn Vivo, are the owners of the Rustic Warehouse located at 1411 S Goliad, Rockwall, TX 75087. The Rustic Warehouse is a retail store selling primarily furniture and home décor. We also sell Annie Sloan chalk paint and offer paint classes.

In the future we intend on expanding. We have a long-term plan and we have all intentions on being here for a while.

Now we are asking for (SUP) to allow furniture repair and upholstery to be permitted on site in our work space indicated on the site plan. The work space and storage area are currently being utilized by only 10 of our vendors. This will allow 10 of our vendors to repair, paint, wax, and touch up pieces on site. This is a huge convenience for the vendors not to have to transport pieces back and forth from their homes. Also, this helps us provide the best customer service to be able to touch pieces up on site if damaged. Without being permitted to these uses on site it would be a detriment to our overall sales and huge inconvenience to our vendors.

We appreciate all your help with this process.

Kindest regards,

Al and Matilyn Vivo

The Rustic Warehouse



Front

Work Space	450 sq. Ft.
Storage Space	3420 sq. Ft.
Retail Space	6185 sq. Ft.
Break - Class Room	200 sq. Ft.
Office Space	81 sq. Ft.
Rest rooms	374 sq. Ft.



- Note:
1. Water fountain (A) to be installed in Kitchen area. To meet all City Codes and Specs.
  2. Framing Hall (B) to meet all building Codes and Specs.

Rustic Ware House  
Expansion  
1411 South Goliad  
Rockwall Tx 75087

Page 2

1/8" = 1' Scale  
Total Expansion 3786 sq. Ft.

Drawn By John Mathis  
214.310.7657



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) ALLOWING *FURNITURE UPHOLSTERY, REFINISHING AND REPAIR* IN CONJUNCTION WITH AN EXISTING GENERAL RETAIL STORE ON A 1.9175-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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 Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing general retail store on a 1.9175-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and being identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, addressed as 1411 S. Goliad Street [SH-205], 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 *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing retail store 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 6.7, SH-205 Overlay (SH-205 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 my 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 the *Furniture Upholstery, Refinishing and Repair* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) All *Furniture Upholstery, Refinishing and Repair* operations shall be ancillary to the primary land use (*i.e. general retail store*).
- 2) The constraints of the area used for *Furniture Upholstery, Refinishing, and Repair* shall be limited to 450 SF and be located in the area indicated as *Work Space* on the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 3) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
- 4) The manufacturing or large-scale assembly of furniture shall be prohibited.

## 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: Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255  
Address: 1411 S. Goliad Street









# CITY OF ROCKWALL CITY COUNCIL MEMO

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

**APPLICANT:** Al & Mattie Vivo; *Rustic Warehouse*

**AGENDA ITEM:** **Z2018-028**; *SUP for Furniture Upholstery, Refinishing & Repair*

---

## **SUMMARY:**

Hold a public hearing to discuss and consider a request by Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing the *Furniture Upholstery, Refinishing & Repair* land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], and take any action necessary.

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

At the April 2, 2018 City Council meeting, the City Council directed staff to prepare a text amendment amending Article IV, *Permissible Uses*, of the Unified Development Code (UDC) for the purpose of allowing the *Furniture Upholstery/Refinishing and Resale* land use in the Commercial (C) District by a Specific Use Permit (SUP). This direction came as the result of an appointment with Mattie Vivo -- *the owner of the Rustic Warehouse* --, who was requesting the text amendment to bring her business into compliance with the Unified Development Code (UDC). This text amendment was ultimately adopted on June 4, 2018. In response to this amendment, the applicant's Mattie and Al Vivo have submitted an application requesting the approval of a Specific Use Permit (SUP) for the *Furniture Upholstery/Refinishing and Resale* land use as an accessory use to an existing general retail store. According to the adopted text amendment *Furniture Upholstery/Refinishing and Resale* is permitted within the Commercial (C) District only "...as an ancillary use to a general retail store (*i.e. a business whose primary purpose is to sell finished goods*) by Specific Use Permit (SUP)." The applicants have submitted a floor plan that shows that the area dedicated for *Furniture Upholstery/Refinishing and Resale* (indicated as "Work Space" on the plan) would be 450 SF, which represents 7.27% of the area dedicated to retail sales and 4.20% of the total square footage of the *Rustic Warehouse*. Based on the adopted text amendment, the applicant's request does appear to be in compliance with the land use requirements for a *Furniture Upholstery/Refinishing and Resale*; however, a Specific Use Permit (SUP) is a discretionary decision for the City Council pending a recommendation by the Planning and Zoning Commission.

In the attached packet staff has included a draft ordinance that provides the operational conditions for the operation of a *Furniture Upholstery/Refinishing and Resale* business on the subject property. Staff should note that the current land use is not in conformance with the parking requirements; however, that the applicants and building owner have proposed a parking plan that would bring this land use into conformance with these requirements. Specifically, an additional three (3) parking spaces will need to be added for this use to meet the necessary parking requirements. Staff has added this as a condition of approval for this case.



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

The subject property is located at 1411 S. Goliad Street. The land uses adjacent to the subject property are as follows:

- North:** Directly north of the subject property is a 0.48-acre tract of land, identified as *Tract 34 of the B. J. T. Lewis Survey, Abstract No. 255*, which is zoned Commercial (C) District and is currently occupied with a restaurant (*i.e. Cole Mountain*). Also north of the subject property is a 10.369-acre tract of vacant land, identified as *Tract 8 of the B. J. T. Lewis Survey, Abstract No. 255*, which is zoned Planned Development District 86 (PD-86) for a multi-family apartment complex.
- South:** Directly south of the subject property is a 0.91-acre parcel of land, identified as *Lot 3, Block 1, HJG Plaza Addition*, which is currently occupied with a general retail store (*i.e. Advanced Auto Parts*). South of this is a 1.154-acre parcel of land, identified as *Lot 1, Block 1, HJG Plaza Addition*, which is currently occupied with a restaurant, greater than 2,000 SF, with a drive-through/drive-in (*i.e. Dairy Queen*). Both properties are zoned Commercial (C) District.
- East:** Directly east of the subject property is a 1.4769-acre vacant parcel of land identified as *Lot 6, Block 1, First United Methodist Church Addition*. Beyond this is a nine (9) acre vacant parcel of land identified as *Lot 8, Block 1, First United Methodist Church Addition*. Both properties are zoned Commercial (C) District.
- West:** Directly west of the subject property is S. Goliad Street [*SH-205*], which is identified as a P6D (*i.e. principle, six [6] lane, divided roadway*) on the City's Master Thoroughfare Plan contained in the Comprehensive Plan. Beyond this is an 11.579-acre parcel of land identified as *Lot 1, Block A, Pebblebrook Addition*. This property has a multi-family apartment complex constructed on it and is zoned Multi-Family 14 (MF-14) District.

## **NOTIFICATION:**

On June 27, 2018, staff mailed 29 notices to property owners and residents within 500-feet of the subject property. Staff also notified the Waterstone Estates 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 the *Furniture Upholstery, Refinishing and Repair* on the subject property shall be subject to the following operational conditions, which are contained in the SUP ordinance:
  - (a) All *Furniture Upholstery, Refinishing and Repair* operations shall be ancillary to the primary land use (*i.e. general retail store*).
  - (b) The constraints of the area used for *Furniture Upholstery, Refinishing, and Repair* shall be limited to 450 SF and be located in the area indicated as *Work Space* on the concept plan depicted in *Exhibit 'B'* of the Specific Use Permit (SUP) ordinance.

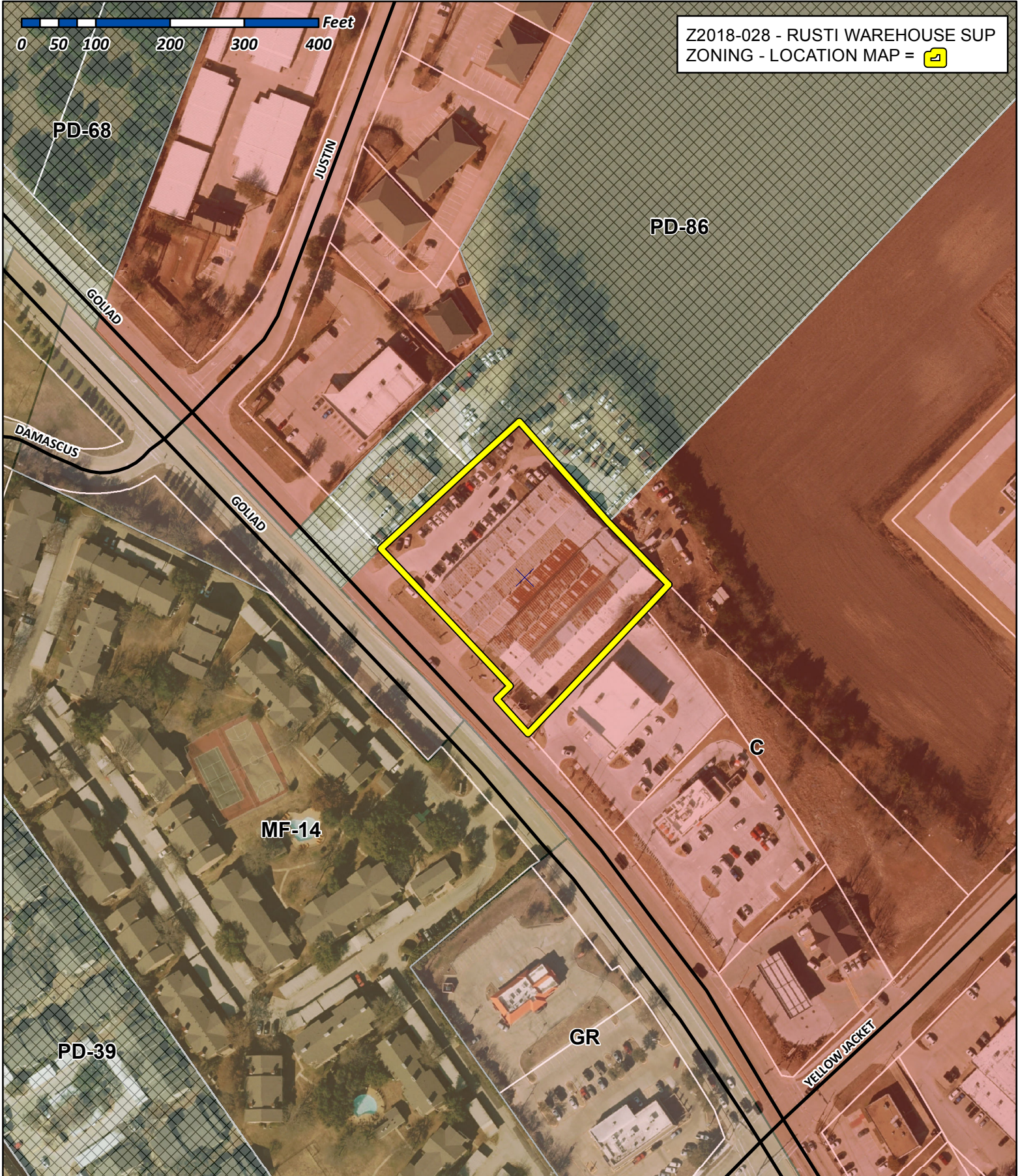


- (c) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
  - (d) The manufacturing or large-scale assembly of furniture shall be prohibited.
- 2) A total of 35 parking spaces are required to properly park this land use based on the floor plan provided for this Specific Use Permit (SUP) request. Currently, there are 32 parking spaces provided on-site. The additional three (3) parking spaces will need to be added to this property within one (1) year of the adoption of this Specific Use Permit (SUP) request, or the floor plan will need to be revised to reflect conformance with the existing parking spaces (*i.e. the square footages will need to be reduced*). This will require the adoption of a revised Specific Use Permit (SUP) ordinance by the City Council pending a recommendation by the Planning and Zoning Commission.
- 3) 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.





Z2018-028 - RUSTI WAREHOUSE SUP  
 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.



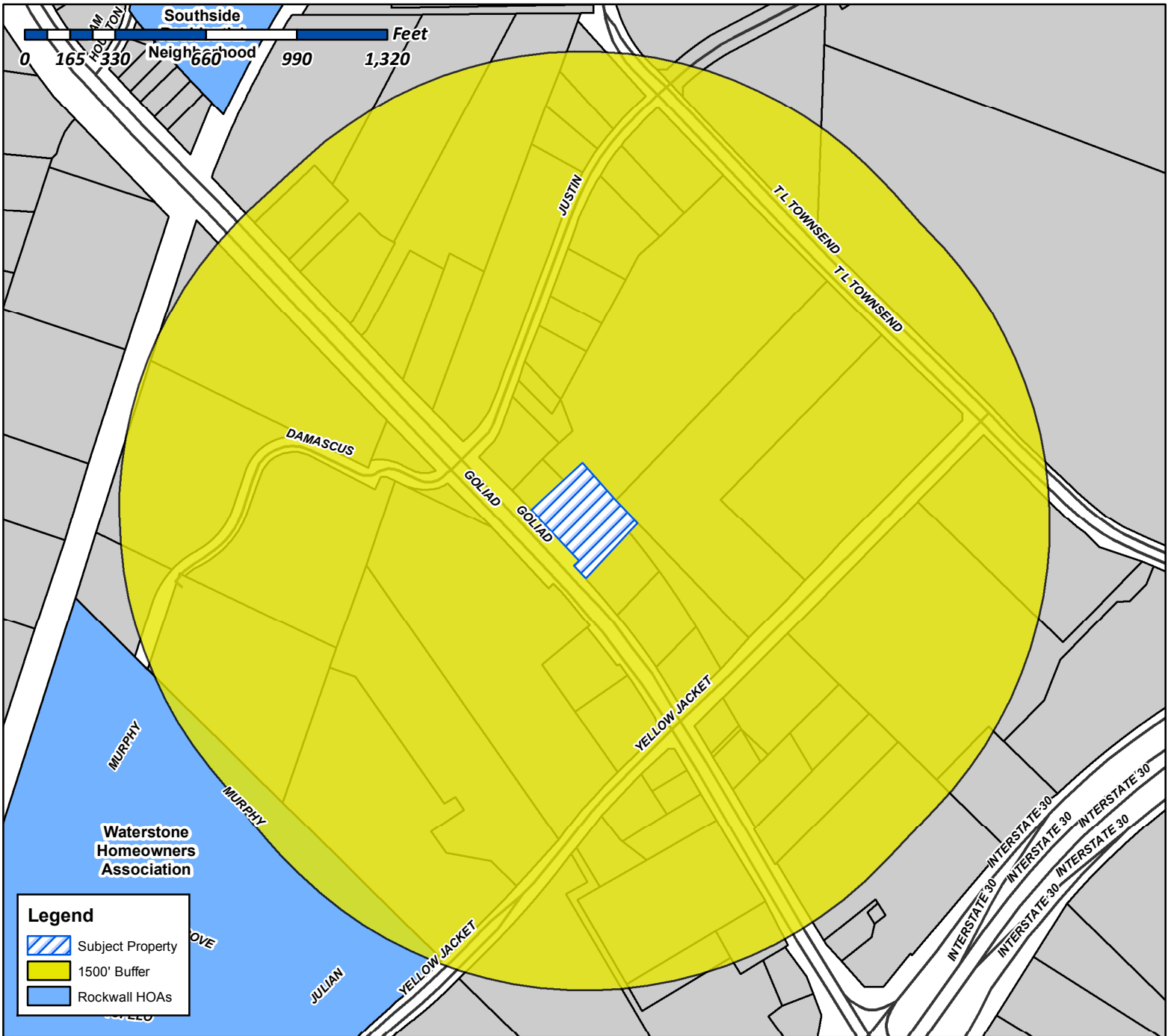




# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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**Case Number:** Z2018-028  
**Case Name:** Rustic Warehouse SUP  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 1411 S Goliad St

**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 Noification Program: Notice of zoning request  
**Date:** Wednesday, June 27, 2018 10:09:20 AM  
**Attachments:** [HOA Map \(06.18.2018\).pdf](#)

---

Please see attached map.

---

**From:** Morales, Laura  
**Sent:** Wednesday, June 27, 2018 10:03 AM  
**To:** 'whoarockwall@gmail.com'  
**Cc:** Miller, Ryan; Gonzales, David; Brooks, Korey  
**Subject:** Neighborhood Noification Program: Notice of zoning request

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>

**Z2018-028- Hold a public hearing to discuss and consider a request by Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing the *Furniture Upholstery, Refinishing & Repair* land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], 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/>

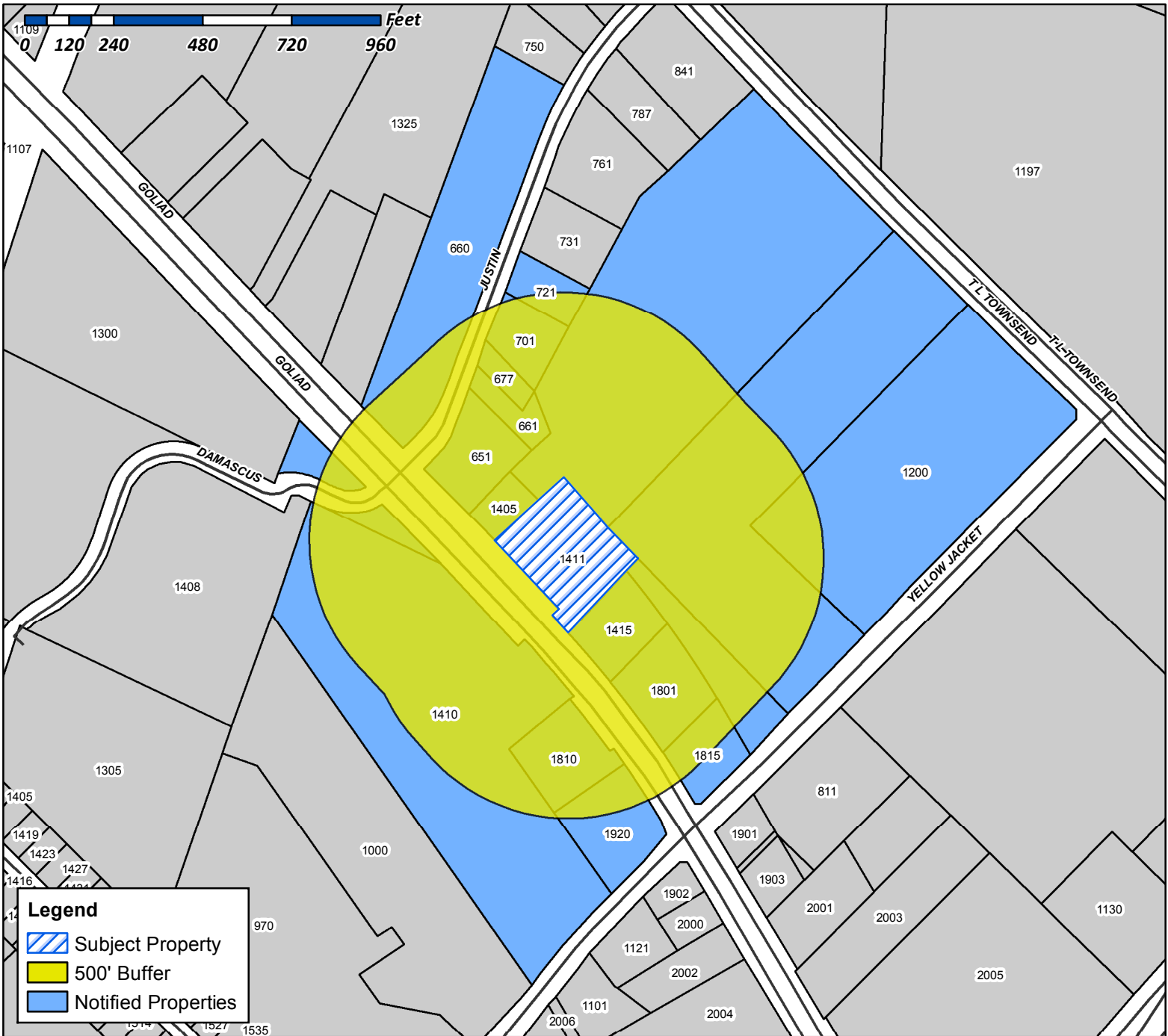




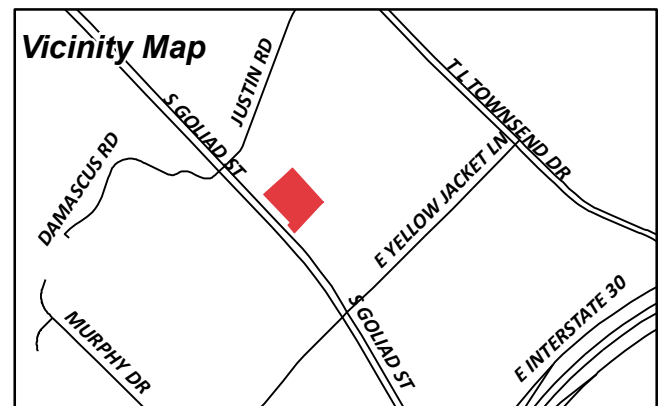
# City of Rockwall

Planning & Zoning Department  
385 S. Goliad Street  
Rockwall, Texas 75087  
(P): (972) 771-7745  
(W): www.rockwall.com

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**Case Number:** Z2018-028  
**Case Name:** Rustic Warehouse SUP  
**Case Type:** Zoning  
**Zoning:** SUP  
**Case Address:** 1411 S Goliad St



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

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



FIRST UNITED METHODIST CHURCH  
FINANCE OFFICE  
1200 E YELLOW JACKET LN  
ROCKWALL, TX 75087

WDC PEBBLEBROOK APARTMENTS LLC  
13400 BISHOP'S LANE SUITE 270  
BROOKFIELD, WI 53005

CURRENT RESIDENT  
1405 S GOLIAD  
ROCKWALL, TX 75087

HERITAGE CHRISTIAN ACADEMY  
1408 S GOLIAD ST  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1410 S GOLIAD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1411 S GOLIAD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1415 S GOLIAD ST  
SACRAMENTO, TX 75087

CURRENT RESIDENT  
1801 S GOLIAD  
ROCKWALL, TX 75087

LONE STAR CHICKEN LP  
1810 S GOLIAD ST  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1815 S GOLIAD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
1920 S GOLIAD  
ROCKWALL, TX 75087

COOPER RESIDENTIAL LLC  
2560 TECHNOLOGY DRIVE SUITE 100  
PLANO, TX 75074

RETAIL BUILDERS INC  
3000 NE 63RD ST  
OKLAHOMA CITY, OK 73121

CAMERON & CAMERON  
4090 EAST FM 552  
ROCKWALL, TX 75087

VALLEY DEVELOPMENT COMPANY INC  
4624 DUCKHORN DR  
SACRAMENTO, CA 95834

CURRENT RESIDENT  
651 JUSTIN RD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
660 JUSTIN RD  
ROCKWALL, TX 75087

BREEN & MCKEON LLP  
661 JUSTIN RD  
ROCKWALL, TX 75087

CURRENT RESIDENT  
677 JUSTIN RD  
ROCKWALL, TX 75087

COUCH AND DAVIS PROPERTIES LLC  
685 JUSTIN RD  
ROCKWALL, TX 75087

RHOADS RHOADS AND COX  
6905 ELLSWORTH AVE  
DALLAS, TX 75214

CURRENT RESIDENT  
701 JUSTIN DR  
ROCKWALL, TX 75087

FIRST FINANCIAL NETWORK  
721 JUSTIN RD STE 101  
ROCKWALL, TX 75087

PS LPT PROPERTIES INVESTORS  
C/O PUBLIC STORAGE (PS #26644)  
ATTN: IRMA PIMENTEL REAL ESTATE PARALEGAL  
701 WESTERN AVENUE  
GLENDALE, CA 91201

TEASDALE INVESTMENTS LLC  
C/O RICHARD C GRANT  
CULHANE MEADOWS PLLC 100 CRESCENT CT  
SUITE 700  
DALLAS, TX 75201

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ROCKWALL ICE CREAM HOLDINGS LLC  
PO BOX 852  
WAXAHACHIE, TX 75168





# 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. Z2018-028: SUP for Rustic Warehouse**

*Hold a public hearing to discuss and consider a request by Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing the Furniture Upholstery, Refinishing & Repair land use in conjunction with an existing general retail store on a 1.9175-acre tract of land identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District, addressed as 1411 S. Goliad Street [SH-205], 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. Z2018-028: SUP for Rustic Warehouse**

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



To whom it may concern,

My husband and I, Al and Matilyn Vivo, are the owners of the Rustic Warehouse located at 1411 S Goliad, Rockwall, TX 75087. The Rustic Warehouse is a retail store selling primarily furniture and home décor. We also sell Annie Sloan chalk paint and offer paint classes.

In the future we intend on expanding. We have a long-term plan and we have all intentions on being here for a while.

Now we are asking for (SUP) to allow furniture repair and upholstery to be permitted on site in our work space indicated on the site plan. The work space and storage area are currently being utilized by only 10 of our vendors. This will allow 10 of our vendors to repair, paint, wax, and touch up pieces on site. This is a huge convenience for the vendors not to have to transport pieces back and forth from their homes. Also, this helps us provide the best customer service to be able to touch pieces up on site if damaged. Without being permitted to these uses on site it would be a detriment to our overall sales and huge inconvenience to our vendors.

We appreciate all your help with this process.





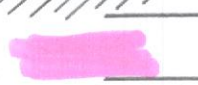

Kindest regards,

Al and Matilyn Vivo

The Rustic Warehouse



Front

	Work Space	450 sq. Ft.
	Storage Space	3420 sq. Ft.
	Retail Space	6185 sq. Ft.
	Break - Class Room	200 sq. Ft.
	Office Space	81 sq. Ft.
	Rest rooms	374 Sq. Ft.



- Note:
1. Water Fountain (A) to be installed in Kitchen area. To meet all City Codes and Specs.
  2. Framing Hall (B) to meet all building Codes and Specs.

Rustic Ware House  
Expansion  
1411 South Goliad  
Rockwall Tx 75087

Page 2

1/8" = 1' Scale  
Total Expansion 3786 sq. Ft.

Drawn By John Mathis  
214.310.7657



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) ALLOWING *FURNITURE UPHOLSTERY, REFINISHING AND REPAIR* IN CONJUNCTION WITH AN EXISTING GENERAL RETAIL STORE ON A 1.9175-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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 Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing general retail store on a 1.9175-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and being identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, addressed as 1411 S. Goliad Street [*SH-205*], 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 *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing retail store 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 6.7, SH-205 Overlay (SH-205 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 my 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 the *Furniture Upholstery, Refinishing and Repair* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) All *Furniture Upholstery, Refinishing and Repair* operations shall be ancillary to the primary land use (*i.e. general retail store*).
- 2) The constraints of the area used for *Furniture Upholstery, Refinishing, and Repair* shall be limited to 450 SF and be located in the area indicated as *Work Space* on the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 3) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
- 4) The manufacturing or large-scale assembly of furniture shall be prohibited.

## 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: Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255  
Address: 1411 S. Goliad Street









CITY OF ROCKWALL

ORDINANCE NO. 18-33

SPECIFIC USE PERMIT NO. S-193

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) ALLOWING *FURNITURE UPHOLSTERY, REFINISHING AND REPAIR* IN CONJUNCTION WITH AN EXISTING GENERAL RETAIL STORE ON A 1.9175-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2 OF THE B. J. T. LEWIS SURVEY, ABSTRACT NO. 255, 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 Al and Mattie Vivo for the approval of a Specific Use Permit (SUP) allowing *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing general retail store on a 1.9175-acre tract of land, zoned Commercial (C) District, situated within the SH-205 Overlay (SH-205 OV) District and being identified as Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255, City of Rockwall, Rockwall County, Texas, addressed as 1411 S. Goliad Street [SH-205], 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 *Furniture Upholstery, Refinishing and Repair* in conjunction with an existing retail store 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 6.7, SH-205 Overlay (SH-205 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 the *Furniture Upholstery, Refinishing and Repair* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) All *Furniture Upholstery, Refinishing and Repair* operations shall be ancillary to the primary land use (*i.e. general retail store*).
- 2) The constraints of the area used for *Furniture Upholstery, Refinishing, and Repair* shall be limited to 450 SF and be located in the area indicated as *Work Space* on the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 3) The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.
- 4) The manufacturing or large-scale assembly of furniture shall be prohibited.

## **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.

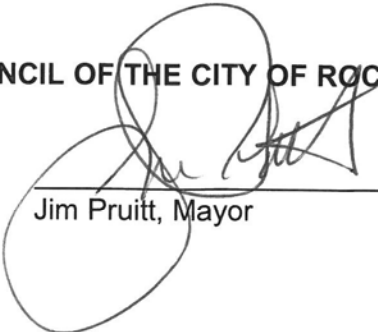
**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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



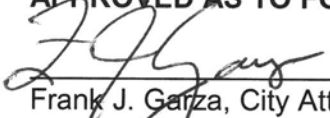
applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

**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



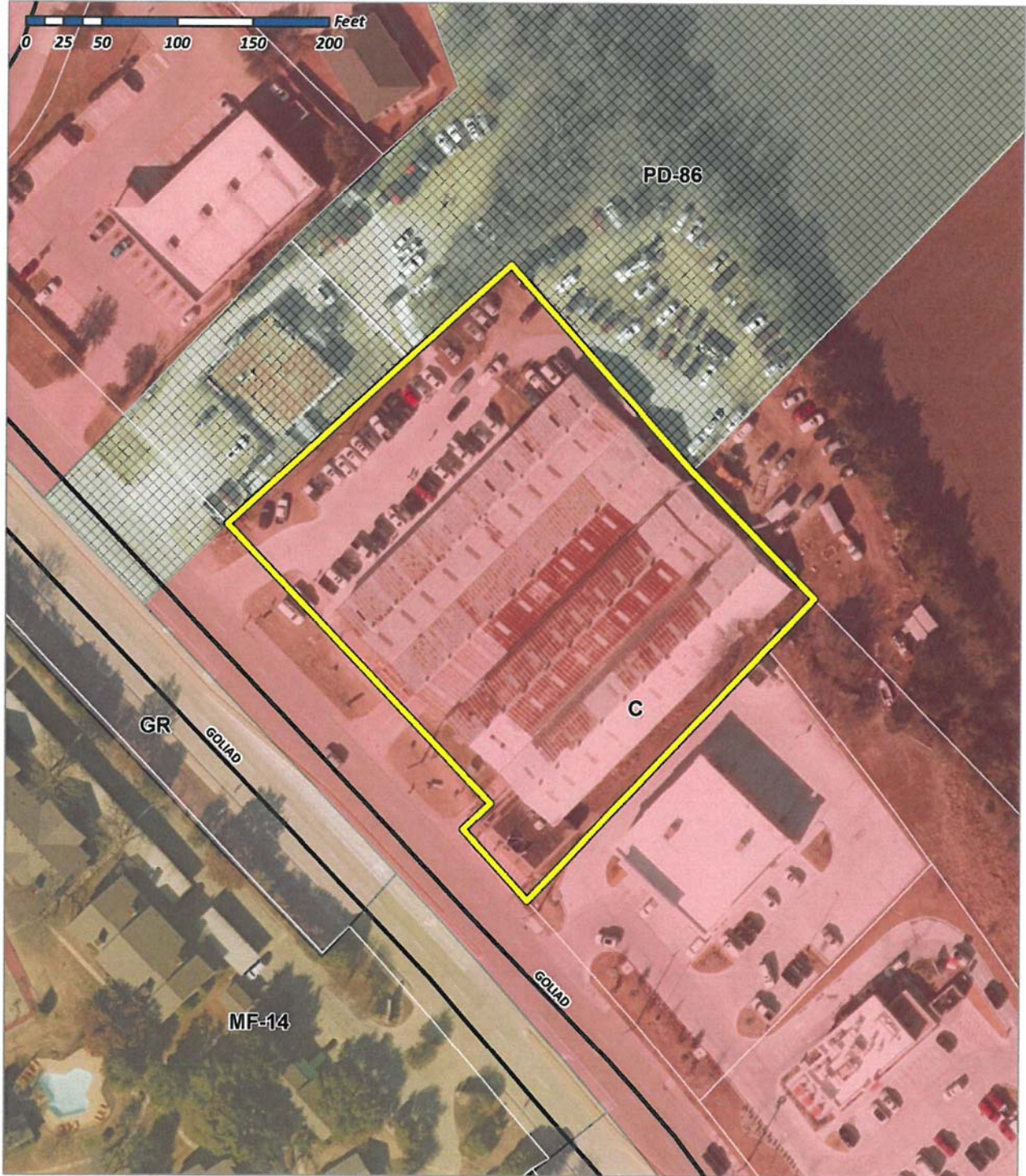
1<sup>st</sup> Reading: July 16, 2018

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



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

Legal Description: Tract 2 of the B. J. T. Lewis Survey, Abstract No. 255  
Address: 1411 S. Goliad Street





**Exhibit 'B':  
Floor Plan**







August 15, 2018

MATTIE VIVO  
1692 CHESTERWOOD DRIVE,  
Rockwall, TX 75032

**RE: SUP ZONING (Z2018-028), SUP for Rustic Warehouse**

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 August 6, 2018 via Ordinance No. 18-33. 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 the Furniture Upholstery, Refinishing and Repair on the subject property shall be subject to the following operational conditions, which are contained in the SUP ordinance:*
  - (a) *All Furniture Upholstery, Refinishing and Repair operations shall be ancillary to the primary land use (i.e. general retail store).*
  - (b) *The constraints of the area used for Furniture Upholstery, Refinishing, and Repair shall be limited to 450 SF and be located in the area indicated as Work Space on the concept plan depicted in Exhibit 'B' of the Specific Use Permit (SUP) ordinance.*
  - (c) *The use of a paint sprayer or aerosol painting products to finish furniture shall be prohibited without the installation of a paint booth in accordance with all applicable state and local requirements.*
  - (d) *The manufacturing or large-scale assembly of furniture shall be prohibited.*
- 2) *A total of 35 parking spaces are required to properly park this land use based on the floor plan provided for this Specific Use Permit (SUP) request. Currently, there are 32 parking spaces provided on-site. The additional three (3) parking spaces will need to be added to this property within one (1) year of the adoption of this Specific Use Permit (SUP) request, or the floor plan will need to be revised to reflect conformance with the existing parking spaces (i.e. the square footages will need to be reduced). This will require the adoption of a revised Specific Use Permit (SUP) ordinance by the City Council pending a recommendation by the Planning and Zoning Commission.*
- 3) *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 Furniture Upholstery, Refinishing & Repair land use in conjunction with an existing retail store with staff conditions passed by a vote of 7 to 0 [1st Reading].*
- ✓ *On August 6, 2018, the City Council's motion to approve the Specific Use Permit (SUP) to allow for a Furniture Upholstery, Refinishing & Repair land use in conjunction with an existing retail store with staff conditions passed by a vote of 7 to 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", is positioned above the typed name.

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