

CITY OF ROCKWALL

ORDINANCE NO. 18-21

SPECIFIC USE PERMIT NO. S-188

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] AND THE UNIFIED DEVELOPMENT CODE [ORDINANCE NO. 04-38] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT, GREATER THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 0.81-ACRE PARCEL OF LAND ZONED PLANNED DEVELOPMENT DISTRICT 65 (PD-65) AND IDENTIFIED AS LOT 3, BLOCK A, LAKESHORE COMMONS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Worth Williams of Moore Worth Investment, LLC for the approval of a Specific Use Permit (SUP) for the purpose constructing a *Restaurant, Greater than 2,000 SF, with Drive-Through or Drive-In Facilities* on a 0.81-acre parcel of land, zoned Planned Development District 65 (PD-65) [Ordinance No. 17-03] for General Retail (GR) District land uses, and being identified as Lot 3, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, addressed as 1945 N. 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 Planned Development District 65 (PD-65) [Ordinance No. 17-03] and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That Planned Development District 65 (PD-65) [Ordinance No. 17-03] and the Unified Development Code [Ordinance No. 04-38] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Restaurant, Greater than 2,000 SF, with Drive-Through or Drive-In Facilities* as stipulated by Planned Development District 65 (PD-65) [Ordinance No. 17-03] and 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 only in the manner and for the purposes

described in this Specific Use Permit (SUP) ordinance and as specifically set forth in Planned Development District 65 (PD-65) [*Ordinance No. 17-03*] and *Section 6.11, North SH-205 Corridor Overlay (N. 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 a *Restaurant, Greater than 2,000 SF, with Drive-Through or Drive-In Facilities* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The site plan shall generally conform to the concept plan depicted in *Exhibit 'B'* of this ordinance.
- 2) The building elevations shall generally conform to the concept building elevations depicted in *Exhibit 'C'* of this ordinance; however, the elevations shall be subject to review and recommendation by the Architectural Review Board (ARB).

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.

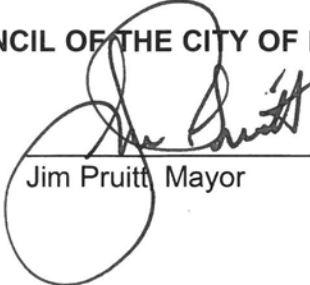
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 2ND DAY OF APRIL, 2018.**



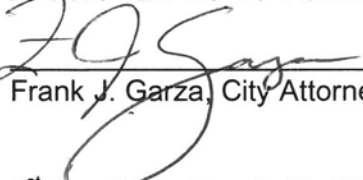
Jim Pruitt Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: March 19, 2018

2nd Reading: April 2, 2018

Exhibit 'A':
Legal Description

All that certain lot, tract or parcel of land situated in the J.H.B. Jones Survey, Abstract No. 124, City of Rockwall, Rockwall County, Texas, and being part of Lot 3, Block A of Lakeshore Commons Addition, Lots 1-4, Block A, an Addition to the City of Rockwall, according to the Plat thereof recorded in *Cabinet J, Page 185* of the Plat Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod with plastic cap stamped "STOVALL & ASSOC." set (hereinafter called ½" iron rod set) for corner in the west line of State Highway No. 205 at the northeast corner of the above cited Lot 3, said point also being the southeast corner of Lot 2;

THENCE S. 14 Degree 17 Minute 14 Seconds E. with the West line of State Highway No. 205 a distance of 113.72-feet to a ½" iron rod set for corner;

THENCE S. 75 Degree 42 Minute 46 Seconds W. a distance of 223.43-feet to an "X" cut in wall set for corner in the Northeast line of that tract of land described as Tract 1 in a Deed from Arkoma Development, L.L.C., to the City of Rockwall, Texas, as recorded in Volume 5670, Page 162 of the Real Property Records of Hunt County, Texas, said point also being in the Southwest line of Lot 3;

THENCE N. 47 Degree 23 Minute 51 Seconds W. with a Northeast line of said City of Rockwall tract a distance of 90.74-feet to an "X" cut in wall set for corner;

THENCE N. 56 Degree 32 Minute 05 Seconds W. with a Northeast line of said City of Rockwall tract a distance of 71.85-feet to an "X" cut in wall set for corner at the West corner of Lot 3, said point also being a South corner of Lot 1;

THENCE N. 16 Degree 39 Minute 03 Seconds E. with a Northwest line of Lot 3 and a Southeast line of Lot 1 a distance of 56.72-feet to an "X" cut in concrete set for corner in a Southwest line of Lot 2 at a North corner of Lot 3, said point also being a corner of Lot 1;

THENCE S. 47 Degree 14 Minute 05 Seconds E. with a Northeast line of Lot 3 and a Southwest line of Lot 2 a distance of 22.78-feet to an "X" cut in concrete found for corner;

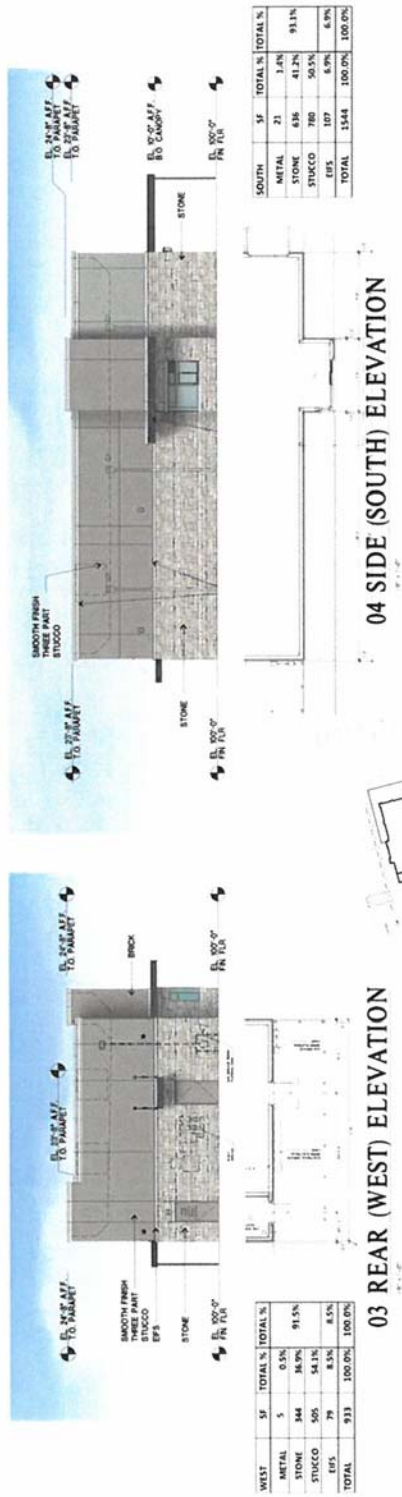
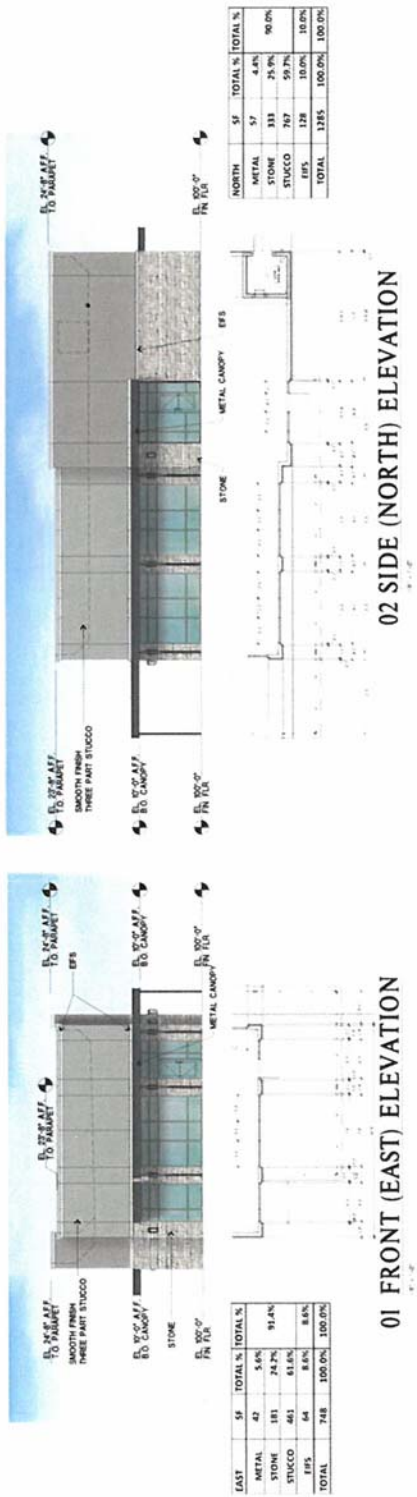
THENCE S. 72 Degree 06 Minute 04 Seconds E. with a Northeast line of Lot 3 and a Southwest line of Lot 2 a distance of 46.17-feet to a ½" iron rod with cap stamped "STOVALL & ASSOC." found for corner;

THENCE N. 42 Degree 07 Minute 52 Seconds E. with a Northwest line of Lot 3 and a Southeast line of Lot 2 a distance of 17.76-feet to a 1/2' iron rod with cap stamped "STOVALL & ASSOC." found for corner;

THENCE N. 86 Degree 59 Minute 47 Seconds E. with a North line of Lot 3 and a South line of Lot 2 a distance of 154.50-feet to a ½" iron rod with cap stamped "STOVALL & ASSOC." found for corner;

THENCE N. 75 Degree 42 Minute 46 Seconds E. with a North line of Lot 3 and a South line of Lot 2 a distance of 74.36-feet to the *POINT OF BEGINNING* and containing 0.814-acres of land.

Exhibit 'C':
Concept Building Elevations



650 ARCHITECTS
Dallas, TX 75201
650architects.com

PROPOSAL:
MOORE WORTH INVESTMENTS, LLC
10707 N. CENTRAL EXPY. SUITE 300
ROCKWALL, TEXAS 75087
CONTACT: WORTHY@650ARCHITECTS.COM
214-415-9989

MATERIALS COLORS:
FROM MOUNTAIN LEDGE COUNTY
EIFS: COLOR TO MATCH SW 1000 ANEW GRAY
STUCCO PRIMARY: COLOR TO MATCH SW 7744 ZEUS
STUCCO SECONDARY: COLOR TO MATCH SW 886 ELEPHANT EAR
STONE: COLOR TO MATCH BERKSHIRE LEAD COLE
STOREFRONT: CLEAR ANODIZED

LOT 3, BLOCK A
LAKESHORE COMMONS ADDITION
LAKESHORE COMMONS - LOT 3
ROCKWALL, TEXAS
MOORE WORTH INVESTMENTS, LLC

PRELIMINARY PLAN
NOT FOR CONSTRUCTION
ELEV04
JOB NO. 18-14
DATE: 08/14/18
SCALE: AS NOTED
CASE #: Z2018-001