

CITY OF ROCKWALL

ORDINANCE NO. 18-30

SPECIFIC USE PERMIT NO. S-191

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT WITH A DRIVE-THROUGH IN A GENERAL RETAIL (GR) DISTRICT, ON A 1.40-ACRE TRACT OF LAND BEING IDENTIFIED AS LOT 2, BLOCK A, LAKESHORE COMMONS ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City has received a request from Randy Eardley, P.E. of Wier & Associates, Inc. on behalf of Getra Thomason-Saunders of Chick-Fil-A, Inc. for the approval of a Specific Use Permit (SUP) to allow for a *restaurant, 2,000 SF or more with a drive-through*, in a General Retail (GR) District on a 1.40-acre tract of land being described as a Lot 1, Block A, Lakeshore Commons Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) for General Retail (GR) District land uses, addressed as 1979 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 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 the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *restaurant, 2,000 SF or more with a drive-through* as stipulated by Section 1, *Land Use Schedule* of Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*], on the *Subject Property*; and

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 4.4, *General Retail (GR) District*, Section 4, *Commercial Districts*, of Article V, *District Development Standards*, of the Unified Development Code (UDC) and Planned Development District (PD-65) [*Ordinance No. 17-03*] as heretofore amended and as may be amended in the future, and shall be subject to the following:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *restaurant, 2,000 SF or more with a drive-through* on the *Subject Property* and conformance to these stipulations is required for continued operations:

- 1) The restaurant shall generally conform to the concept plan shown in *Exhibit 'B'* of this ordinance.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Section 8.3, *Council Approval or Denial*, of Article II, *Authority and Administrative Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- 1) Upon obtaining a Certificate of Occupancy (CO), should any business or establishment operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outline in the Unified Development Code (UDC), the City Council may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Section 4.4.(3) of Article IV, *Permissible Uses*, of the Unified Development Code (UDC).

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

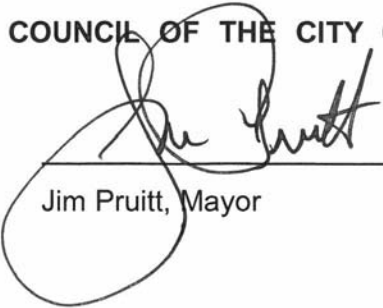
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

SECTION 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS* (\$2,000.00) for each offense 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 JULY, 2018.



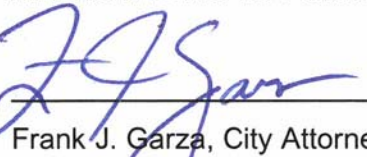
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:

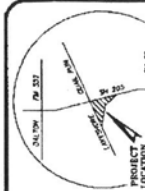
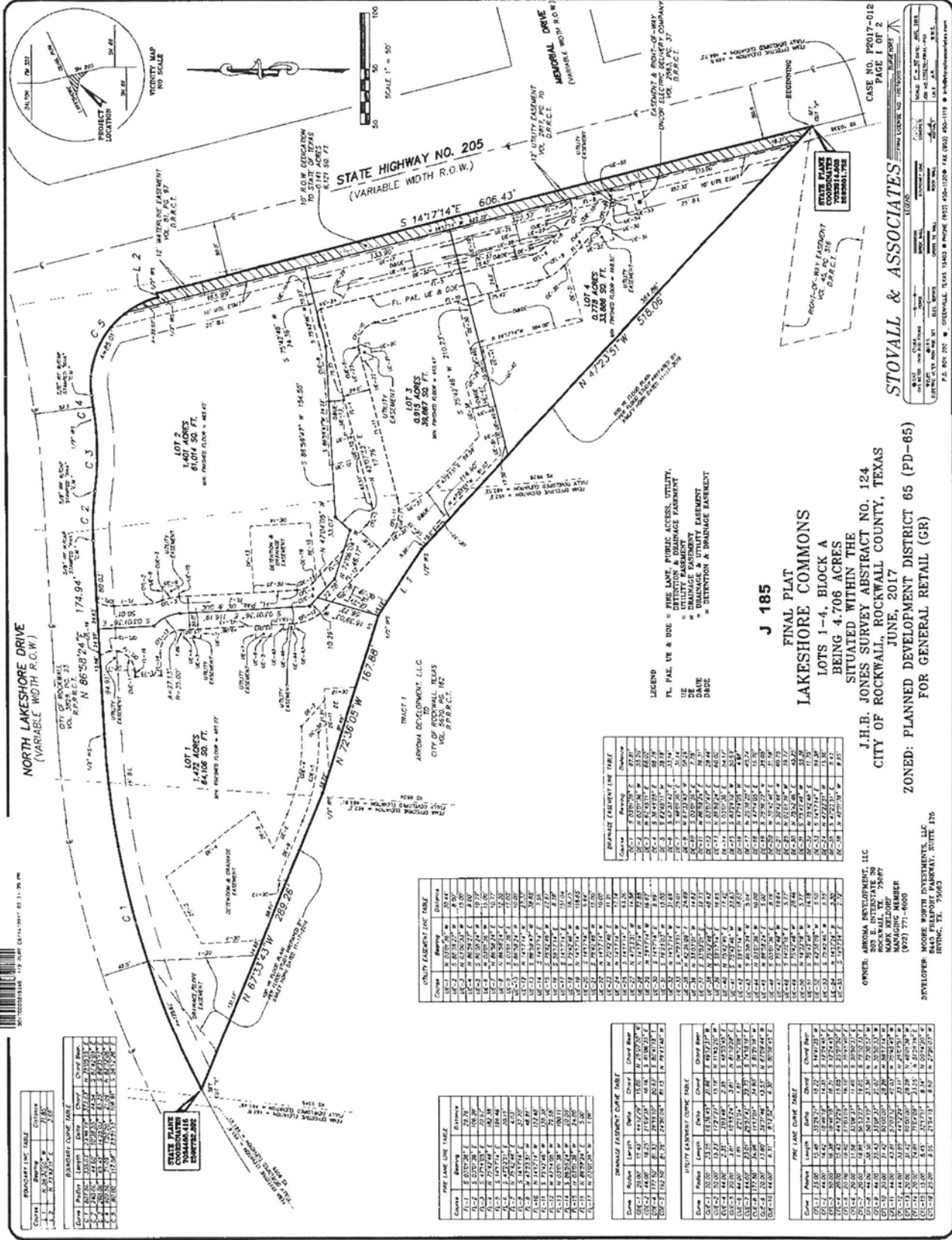


Frank J. Garza, City Attorney

1st Reading: 06-18-18

2nd Reading: 07-02-18

Exhibit 'A': Survey



CHUCK	REAR	DEPTH	WIDTH	AREA
1-1	17.00	17.00	17.00	313.00
1-2	17.00	17.00	17.00	313.00
1-3	17.00	17.00	17.00	313.00
1-4	17.00	17.00	17.00	313.00

CHUCK	REAR	DEPTH	WIDTH	AREA
2-1	17.00	17.00	17.00	313.00
2-2	17.00	17.00	17.00	313.00
2-3	17.00	17.00	17.00	313.00
2-4	17.00	17.00	17.00	313.00

CHUCK	REAR	DEPTH	WIDTH	AREA
3-1	17.00	17.00	17.00	313.00
3-2	17.00	17.00	17.00	313.00
3-3	17.00	17.00	17.00	313.00
3-4	17.00	17.00	17.00	313.00

CHUCK	REAR	DEPTH	WIDTH	AREA
4-1	17.00	17.00	17.00	313.00
4-2	17.00	17.00	17.00	313.00
4-3	17.00	17.00	17.00	313.00
4-4	17.00	17.00	17.00	313.00

CHUCK	REAR	DEPTH	WIDTH	AREA
5-1	17.00	17.00	17.00	313.00
5-2	17.00	17.00	17.00	313.00
5-3	17.00	17.00	17.00	313.00
5-4	17.00	17.00	17.00	313.00

CHUCK	REAR	DEPTH	WIDTH	AREA
6-1	17.00	17.00	17.00	313.00
6-2	17.00	17.00	17.00	313.00
6-3	17.00	17.00	17.00	313.00
6-4	17.00	17.00	17.00	313.00

CHUCK	REAR	DEPTH	WIDTH	AREA
7-1	17.00	17.00	17.00	313.00
7-2	17.00	17.00	17.00	313.00
7-3	17.00	17.00	17.00	313.00
7-4	17.00	17.00	17.00	313.00

CHUCK	REAR	DEPTH	WIDTH	AREA
8-1	17.00	17.00	17.00	313.00
8-2	17.00	17.00	17.00	313.00
8-3	17.00	17.00	17.00	313.00
8-4	17.00	17.00	17.00	313.00

LEGEND

- FL. PAL. UT. & DSE = FIRE LANE, PUBLIC ACCESS, UTILITY, DETENTION & DRAINAGE EASEMENT
- DL = DRAINAGE EASEMENT
- DE = DRAINAGE & UTILITY EASEMENT
- DEE = DRAINAGE & DRAINAGE EASEMENT

UTILITY EASEMENT TABLE

CHUCK	REAR	DEPTH	WIDTH	AREA
1-1	17.00	17.00	17.00	313.00
1-2	17.00	17.00	17.00	313.00
1-3	17.00	17.00	17.00	313.00
1-4	17.00	17.00	17.00	313.00

**J 185
FINAL PLAT
LAKESHORE COMMONS
LOTS 1-4, BLOCK A
BEING 4.706 ACRES
SITUATED WITHIN THE
STATE PLANK
CONVEYANCE
CORPORATE
RECORD #18500011702**

DRAINAGE EASEMENT TABLE

CHUCK	REAR	DEPTH	WIDTH	AREA
1-1	17.00	17.00	17.00	313.00
1-2	17.00	17.00	17.00	313.00
1-3	17.00	17.00	17.00	313.00
1-4	17.00	17.00	17.00	313.00

**OWNER: ARKINA INVESTMENTS, LLC
1501 S. ROCKWALL, SUITE 300
ROCKWALL, TX 75087
MANAGING MEMBER
(972) 771-0000**

**DEVELOPER: MORGAN WENDE INVESTMENTS, LLC
6405 FREEMONT PARKWAY, SUITE 175
IRVING, TX 75063**

**J.H.B. JONES SURVEY ABSTRACT NO. 124
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
JUNE, 2017
ZONED: PLANNED DEVELOPMENT DISTRICT 65 (PD-65)
FOR GENERAL RETAIL (GR)**

STOVALL & ASSOCIATES
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P.O. BOX 202 • ROCKWALL, TEXAS 75087 • PHONE: (972) 400-1100 • FAX: (972) 400-1110 • info@stovallandassociates.com

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**Exhibit 'B':
Concept Plan**

