

CITY OF ROCKWALL

ORDINANCE NO. 18-31

SPECIFIC USE PERMIT NO. S-192

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE [*ORDINANCE NO. 04-38*] OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A RESTAURANT, LESS THAN 2,000 SF, WITH DRIVE-THROUGH OR DRIVE-IN FACILITIES ON A 1.33-ACRE PARCEL OF LAND, ZONED COMMERCIAL (C) DISTRICT, AND IDENTIFIED AS SHAFER PLAZA ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a request has been made by Tony Osburn of TXHWS, LLC for the approval of a Specific Use Permit (SUP) for the purpose constructing a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* on a 1.33-acre parcel of land, zoned Commercial (C) District, situated within the IH-30 Overlay (IH-30 OV) District and being identified as Shafer Plaza Addition, City of Rockwall, Rockwall County, Texas, addressed as 621 White Hills Drive, and being more specifically depicted in *Exhibit 'A'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall should be amended as follows:

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

SECTION 1. That the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing for the establishment of a *Restaurant, Less than 2,000 SF, with Drive-Through or Drive-In Facilities* as stipulated by Article IV, *Permissible Uses*, of the Unified Development Code [*Ordinance No. 04-38*] on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used and developed only in the manner and for the purposes described in this Specific Use Permit (SUP) ordinance and as specifically set forth in *Section 1.1, Land Use Schedule*, of Article IV, *Permissible Uses*, and *Section 4, Commercial Districts*, and *Section 6.6, IH-30 Overlay (IH-30 OV) District*, of Article V, *District Development Standards*, of the Unified Development Code [*Ordinance No. 04-38*] of the City of Rockwall as heretofore amended, as amended herein by the granting of this zoning change,

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

2.1 OPERATIONAL CONDITIONS

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

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

2.2 COMPLIANCE

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

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

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

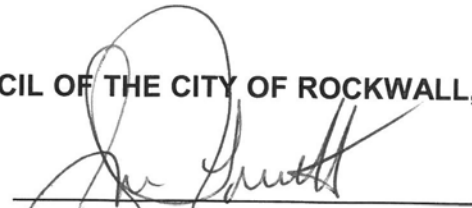
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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

SECTION 6. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF AUGUST, 2018.



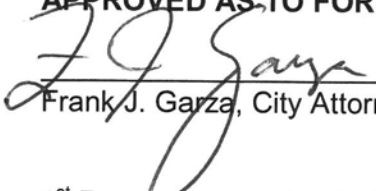
Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney



1st Reading: July 16, 2018

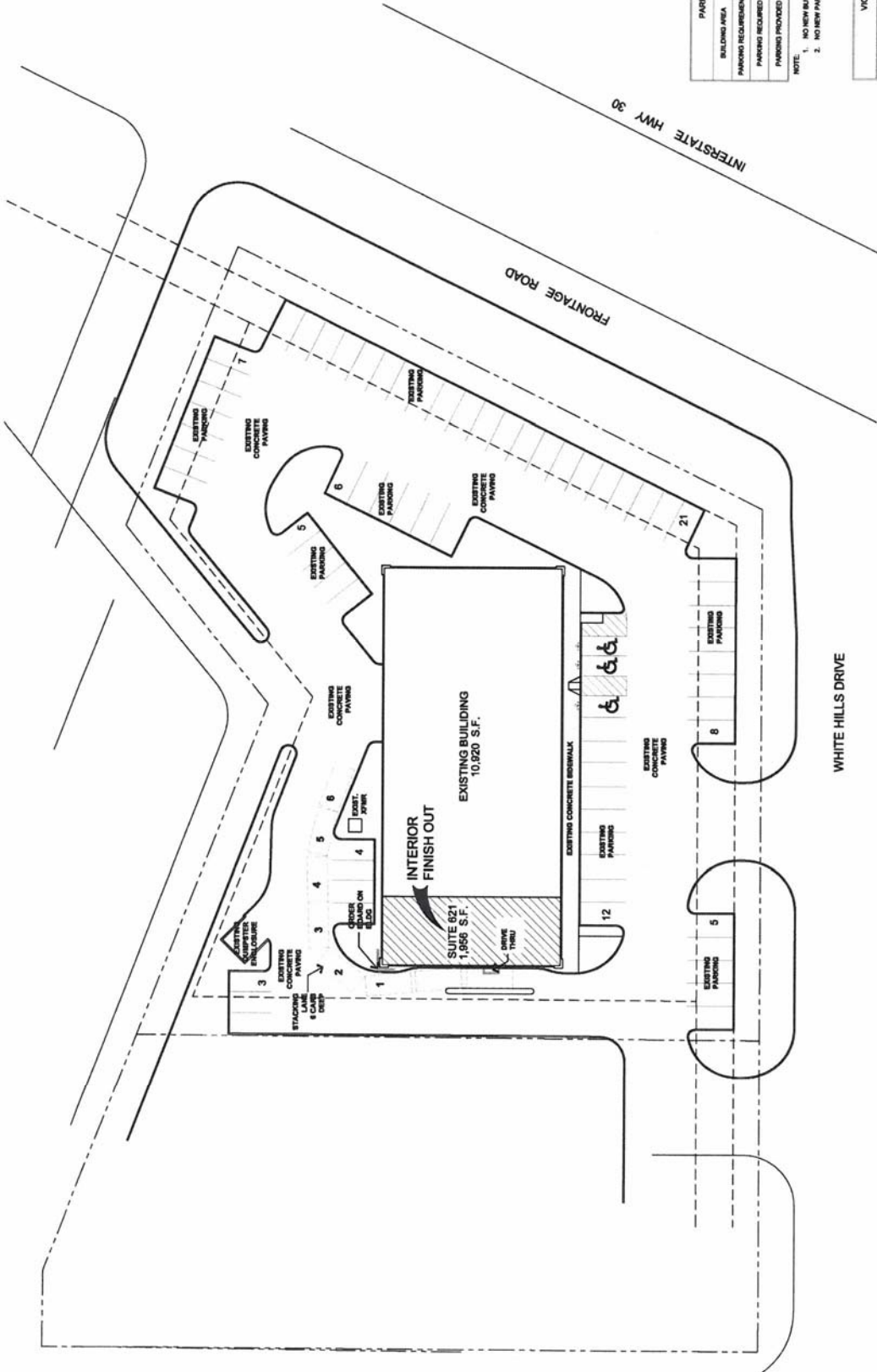
2nd Reading: August 6, 2018

Exhibit 'A':
Subject Property

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

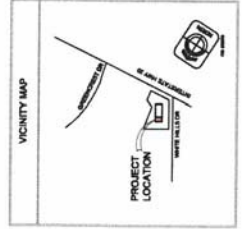


Exhibit 'B': Concept Plan



PARKING TABLE	
BUILDING AREA	10,820 S.F.
PARKING REQUIREMENTS	RATIO 1 : 200
PARKING REQUIRED	54 SPACES (3 ADA)
PARKING PROVIDED	71 SPACES (3 ADA)

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



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