

CITY OF ROCKWALL

ORDINANCE NO. 18-34

SPECIFIC USE PERMIT NO. S-194

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 CRAFT BREWERY, DISTILLERY AND/OR WINERY ON A 1.16-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1R OF THE CAIN PROPERTIES ADDITION #1 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 Doug Galloway on behalf of Corey Cannon for the approval of a Specific Use Permit (SUP) for a *Craft Brewery, Distillery and/or Winery* for the purpose of establishing a brewery on a 1.16-acre parcel of land, zoned Downtown (DT) District, situated within the SH-66 Overlay (SH-66 OV) District, being identified as Lot 1R of the Cain Properties #1 Addition, City of Rockwall, Rockwall County, Texas, located north of the intersection of S. Goliad Street [SH-205] and Storrs Street, and being more specifically described 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 *Craft Brewery, Distillery and/or Winery* 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 4.8, Downtown (DT) District*, and *Section 6.9, SH-66 Overlay (SH-66 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 *Craft Brewery, Distillery and/or Winery* on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a brewery shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* and *Concept Building Elevations* depicted in *Exhibit 'C'* of this ordinance.
- 2) The maximum square footage of the building used for a brewery shall not exceed 12,000 SF in total building area.
- 3) The areas dedicated to the direct sale of the on-site manufactured product shall not exceed 40% of the total floor area of the building.
- 4) The *Subject Property* shall not be used as a winery (*a facility used for the manufacturing, bottling, labeling and packaging of wine*) or a distillery (*a facility used for manufacturing of distilled beverages*).
- 5) The *Subject Property* may be used for all permitted accessory uses as well as special event rentals.
- 6) Any grain bins or silos located on the *Subject Property* shall be located on the *Subject Property* so as not to be readily visible from the streets adjacent to the *Subject Property*, or shall be shielded from view by materials that are complementary to the exterior of the brewery building, unless otherwise approved by the City Council.
- 7) The brewery's hours of operation shall be limited so that it will not be open to the general public after 10:00 PM, provided that this shall not prevent the facility from hosting private special events during later hours so long as such events are not open to the general public.
- 8) In accordance with Section 12, *Brewer's Permit (B)*, of the Texas Alcoholic Beverage Commission's Alcoholic Beverage Code, retail package sales of on-site manufactured products (*i.e. beer, ale or malt beverages*) to the ultimate consumers for consumption off-premise of the *Subject Property* shall be prohibited.
- 9) In the event of the sale or other transfer of the *Subject Property*, or the transfer of a majority interest in the entity which owns the *Subject Property*, this SUP shall remain in effect for the *Subject Property*, however such new owner of the *Subject Property* may not operate a tasting room for on premise consumption of beer by the general public (*a Tasting Room*) unless the City Council shall have approved the operation of such a *Tasting Room* by the new owner. Any application for operation of a *Tasting Room* by a future owner of the *Subject Property* may be reviewed by the City to ensure the new ownership of the *Subject Property* understands and agrees to comply to the conditions and operational constraints contained in this SUP ordinance or other applicable law with respect to the operation of a *Tasting Room* and that any such *Tasting Room* be operated as an accessory use to a brewery on the *Subject Property*. Failure to comply to these requirements could result in termination of the SUP in accordance with Section 2.2, *Compliance*, of this ordinance. The

provisions of this *Section 9* shall not be applicable to a transfer of the *Subject Property* to Cory and/or Eva Cannon (*the Cannons*) or any entity controlled by the Cannons (*including without limitation Siren Rock Brewing Company, LLC*) or to any descendants of the Cannons by will or intestate succession or as part of an estate planning process.

- 10) The brewery operated on the *Subject Property* shall comply with all applicable ordinances of the City of Rockwall related to noise emanating from the *Subject Property*. The business will not allow performance of music outside of the building on the *Subject Property* prior to 6:00 PM on the following holidays: Memorial Day, Mother's Day, Father's Day or Veterans Day.

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.

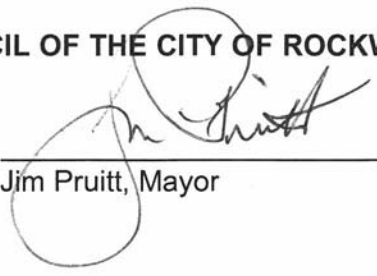
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 20TH DAY OF AUGUST, 2018.




Jim Pruitt, Mayor

ATTEST:



Kristy Cole, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: August 6, 2018

2nd Reading: August 20, 2018

Exhibit 'A':
Survey and Legal Description

Legal Description for Area 1

Being a portion of Lot 1-R, of the Replat of Cain Properties No. 1, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof, recorded in Cabinet C, Slide 138, Plat Records, Rockwall County, Texas, and being the same tract of land described in deed to Cain Family Partnership, LTD., recorded in Volume 2379, Page 165, Deed Records, Rockwall County, Texas:

BEGINNING at a 1/2" iron rod found in the present West line of State Highway 205, a variable width right-of-way, at the most Northerly Northeast corner of Lot 1-R, of said addition, same being an interior ell corner of said Lot 1, said point being North 88°54'50" East, a distance of 55.83' from the East line of Alamo Street, a 60' right-of-way;

Thence the following three (3) course and distances along the said West line of State Highway 205;

- 1) Thence South 00°19'31" East, a distance of 99.92' to a 1/2" iron rod found for corner;
- 2) Thence South 89°40'29" West, a distance of 77.43' to a "X" found for corner;
- 3) Thence South 18°25'49" East, a distance of 157.96 to a 1/2" iron rod with a yellow plastic cap set at the Northeast corner of Lot 1-RA;

Thence South 89°41'12" West, a distance of 269.46' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set in the East line of a City of Rockwall Cemetery, at the Northwest corner of said Lot 1-RA;

Thence North 00°20'48" East, along said East line a distance of 250.05 to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence North 89°41'09" East, a distance of 140.00' to the *PLACE OF BEGINNING* and containing 50,681 square feet or 1.163 acres of land.

Exhibit 'A':
Survey and Legal Description

Legal Description for Area 2

Being a portion of Lot 1, of the Replat of Cain Properties No. 1, an addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof, recorded in Cabinet C, Slide 138, Plat Records, Rockwall County, Texas, and being a portion of a tract of land described in deed to the State of Texas, recorded in Instrument No. 2007-00380306, Official Public Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found in the present West line of State Highway 205, a variable width right-of-way, at the most Northerly Northeast corner of Lot 1-R, of said addition, same being an interior ell corner of said Lot 1, said point being North 88°54'50" East, a distance of 55.83' from the East line of Alamo Street, a 60' right-of-way;

Thence South 38°51'32" East, cutting through said Lot 1 and said State of Texas tract, a distance of 126.41' to an "X" found on a concrete sidewalk, in the said West line of State Highway 205, at the present most Easterly Northeast corner of said Lot 1-R;

Thence South 88°54'50" West, a distance of 77.43' to a 1/2" iron rod found at the exterior ell corner of said Lot 1, same being an interior ell corner of said Lot 1-R;

Thence North 01°05'10" West, a distance of 99.92' to the *PLACE OF BEGINNING* and containing 3,868 square feet or 0.089 of an acre of land.

Exhibit 'B': Concept Plan

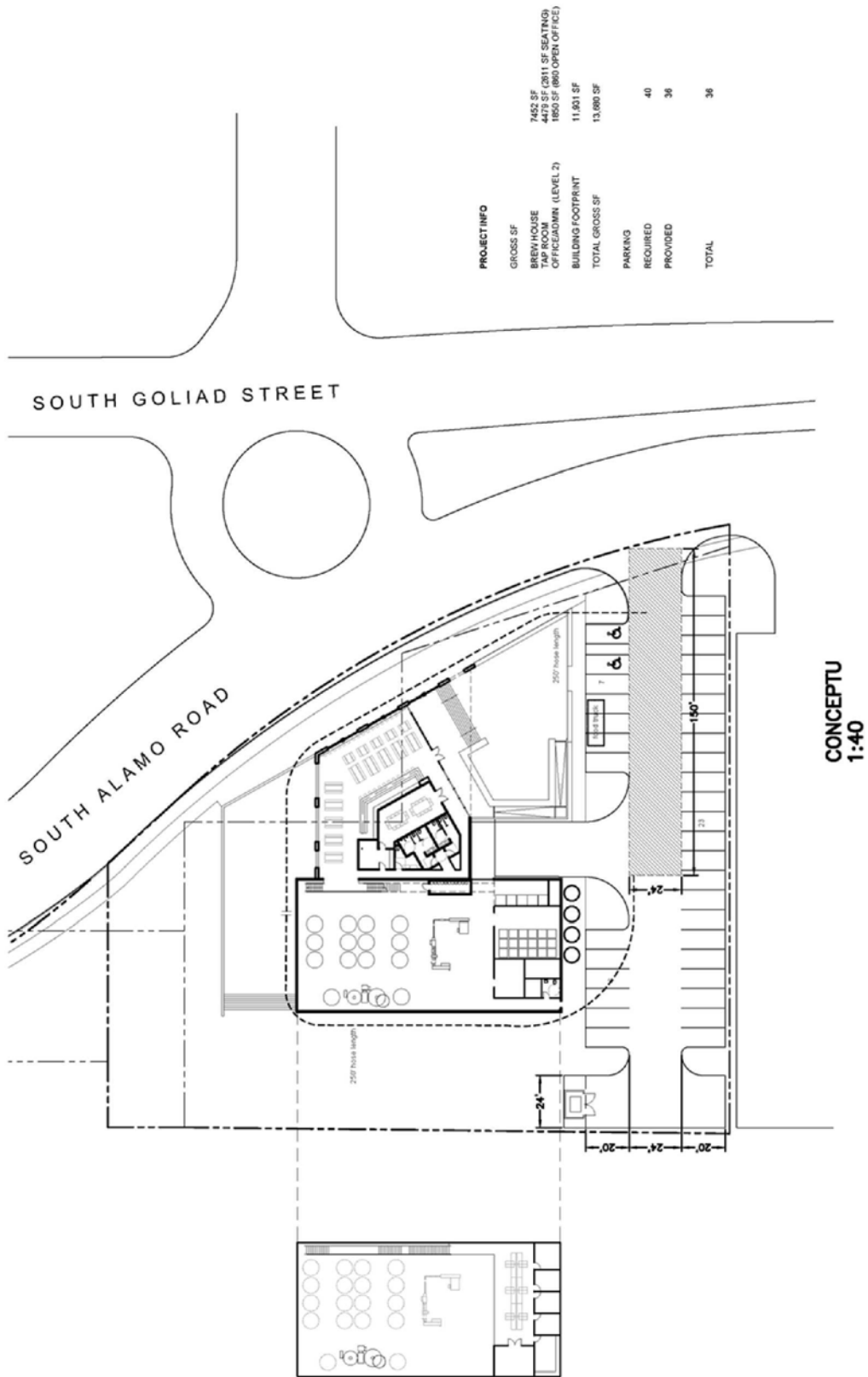


Exhibit 'C':
Concept Building Elevations



Exhibit 'C':
Concept Building Elevations



NORTH ELEVATION



SECTION THROUGH TAP ROOM