

CITY OF ROCKWALL

ORDINANCE NO. 19-22

SPECIFIC USE PERMIT NO. S-209

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 50 (PD-50) [ORDINANCE NO. 17-19] 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 LESS THAN 2,000 SF WITHOUT A DRIVE-THROUGH OR DRIVE-IN FACILITY ON A 0.23-ACRE PARCEL OF LAND, ZONED PLANNED DEVELOPMENT DISTRICT 50 (PD-50) FOR RESIDENTIAL OFFICE (RO) DISTRICT LAND USES, AND BEING IDENTIFIED AS BLOCK 20B OF THE AMICK 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 Chris Lam, P.E. of Lam Consulting for the approval of a Specific Use Permit (SUP) for a *Restaurant Less Than 2,000 SF without a Drive-Through or Drive-In* on a 0.23-acre parcel of land, zoned Planned Development District 50 (PD-50) for Residential Office (RO) District land uses, situated within the North Goliad Corridor Overlay (NGC OV) District, and being identified as Block 20B of the Amick Addition, City of Rockwall, Rockwall County, Texas, addressed as 505 N. Goliad Street, 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 Planned Development District 50 (PD-50) [*Ordinance No. 17-19*] 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 50 (PD-50) [*Ordinance No. 17-19*] 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 Less than 2,000 SF without a Drive-Through or Drive-In* 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 *Planned Development District 50 (PD-50)*, and *Section 1.1, Land Use Schedule*, of *Article IV, Permissible Uses*, and *Subsection 4.02, Residential Office (RO) District*, of *Section 4, Commercial (C) Districts*, of *Article V, District Development Standards*, and *Subsection 6.04, North Goliad Corridor Overlay (NGC OV) District*, of *Section 6, Overlay Districts*, of *Article V*, 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 following additional conditions:

## 2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant Less Than 2,000 SF without a Drive-Through or Drive-in (restaurant)* land use on the *Subject Property* and conformance to these requirements is necessary for continued operations:

- 1) The development and operation of a *restaurant* land use shall generally conform to the *Concept Plan* depicted in *Exhibit 'B'* of this ordinance;
- 2) The operation of the *restaurant* land use shall be limited to the area on the first floor as depicted in the *Floor Plan* attached in *Exhibit 'C'* of this ordinance;
- 3) The use of the second-floor area shall be limited to storage only. Any other use will require additional parking spaces.
- 4) A minimum of six (6)-foot tall board on board wood fence shall be constructed along the west property boundary -- *adjacent to the residentially zoned property* -- prior to the issuance of a Certificate of Occupancy (CO).
- 5) Should the land use change from a *Limited Service Restaurant (i.e. to a full-service restaurant or any other land use)*, the subject property shall comply with the parking requirements contained in *Article VI, Parking and Loading*, of the Unified Development Code. If the parking provided on the subject property does not meet the parking requirements for the proposed land use, this Specific Use Permit will need to be amended in accordance with the procedures contained in *Section 4, Specific Use Permits*, of *Article IV, Permissible Uses*, of the Unified Development Code (UDC).

## 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 outlined 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

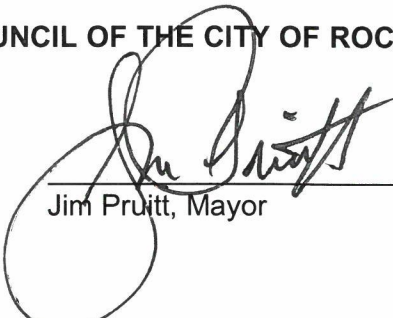
ordinance be, and the same are hereby repealed to the extent of that conflict.

**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;

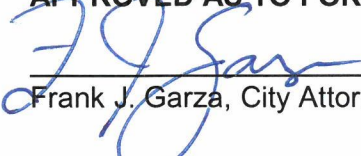
**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,  
THIS THE 3<sup>rd</sup> DAY OF June 2019.**

  
\_\_\_\_\_  
Jim Pruitt, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Kristy Cole, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Frank J. Garza, City Attorney



1<sup>st</sup> Reading: May 20, 2019

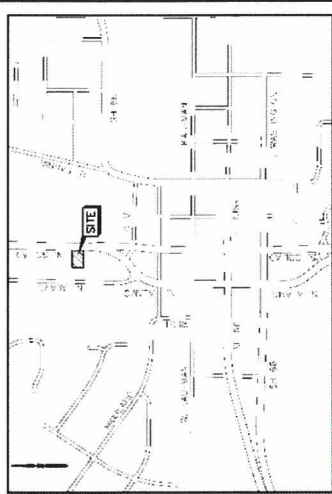
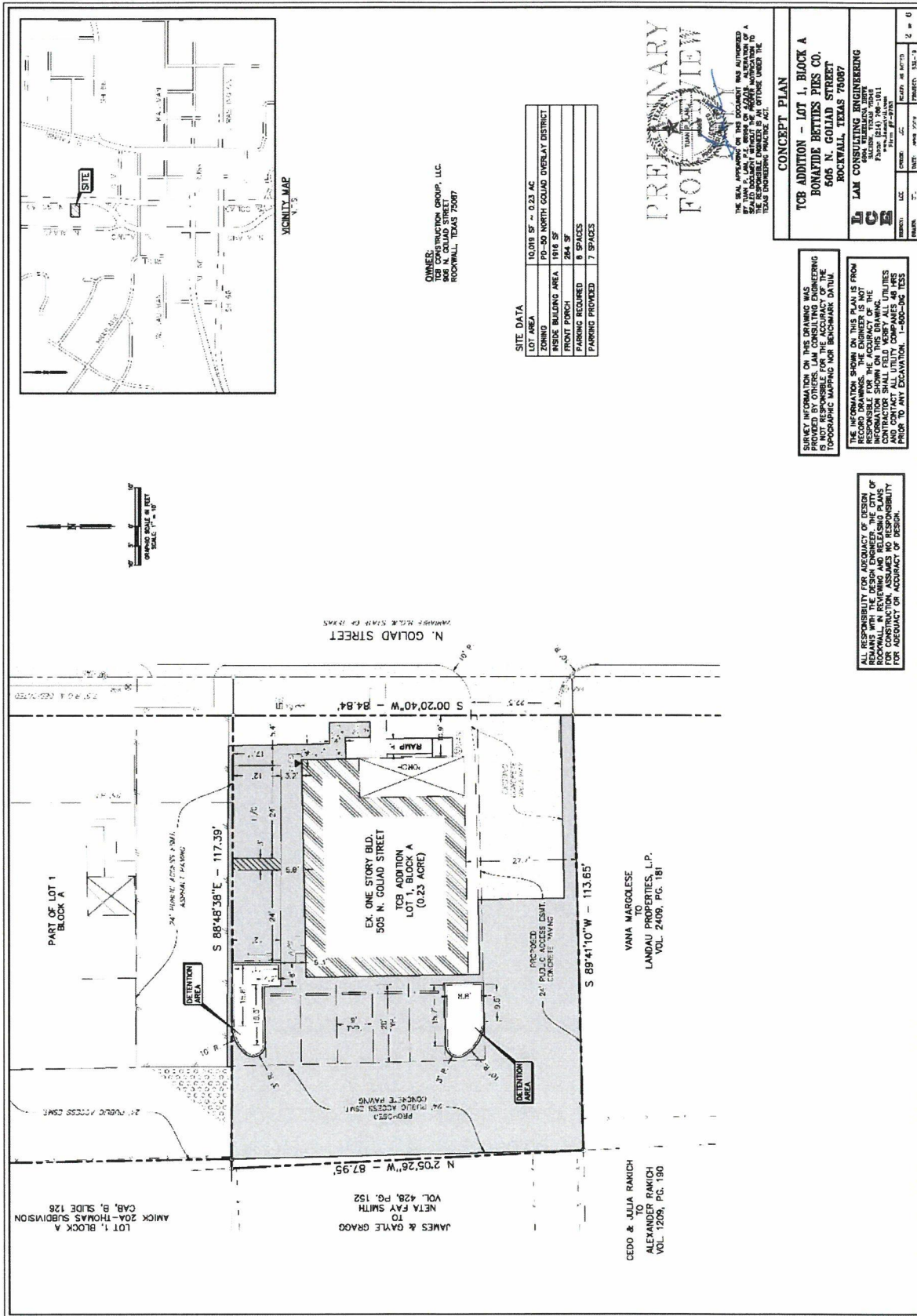
2<sup>nd</sup> Reading: June 3, 2019

**Exhibit 'A':**

*Legal Description: Block 20B, Amick Addition  
Address: 505 N. Goliad Street*



# Exhibit 'B': Concept Plan



VICINITY MAP  
N-5

OWNER:  
TCB CONSTRUCTION GROUP, LLC.  
806 N. GOULAD STREET  
ROCKWALL, TEXAS 75087

SITE DATA	
LOT AREA	10,018 SF = 0.23 AC
ZONING	PD-50 NORTH GOULAD OVERLAY DISTRICT
INSIDE BUILDING AREA	1816 SF
FRONT PORCH	284 SF
PARKING REQUIRED	8 SPACES
PARKING PROVIDED	7 SPACES



THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY THE BOARD OF PROFESSIONAL ENGINEERS OF THE STATE OF TEXAS. THE ENGINEER'S ACCEPTANCE OF THIS DOCUMENT IS AN OFFENSE UNDER THE TEXAS PROFESSIONAL ENGINEERING ACT.

### CONCEPT PLAN

TCB ADDITION - LOT 1, BLOCK A  
BONNIE BETTUS PINS CO.  
604 N. GOULAD STREET  
ROCKWALL, TEXAS 75087

TCB  
LAW CONSULTING ENGINEERING

PROJECT	DATE	SCALE	SHEET NO.	TOTAL SHEETS
TCB ADDITION - LOT 1, BLOCK A	08/20/2019	AS SHOWN	1	2

THE INFORMATION ON THIS PLAN WAS PROVIDED BY OTHERS. LAW CONSULTING ENGINEERING IS NOT RESPONSIBLE FOR THE ACCURACY OF THE TOPOGRAPHIC MAPPING OR BENCHMARK DATA.

THE INFORMATION SHOWN ON THIS PLAN IS FROM RECORD DRAWINGS. THE ENGINEER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN. THE CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO ANY EXCAVATION. 1-800-368-1233

ALL RESPONSIBILITY FOR ADEQUACY OF DESIGN REMAINS WITH THE DESIGN ENGINEER. THE CITY OF ROCKWALL ASSUMES NO LIABILITY OR RESPONSIBILITY FOR CONSTRUCTION. ASSUMES NO RESPONSIBILITY FOR ADEQUACY OR ACCURACY OF DESIGN.

**Exhibit 'C':  
Floor Plan**

Bona fide Betties Pie Company  
505 N Goliad

