

CITY OF ROCKWALL

ORDINANCE NO. 22-35

SPECIFIC USE PERMIT NO. S-281

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *GENERAL RETAIL STORE* ON A 10.649-ACRE PARCEL OF LAND IDENTIFIED AS LOT 1, BLOCK B, ROCKWALL TECHNOLOGY PARK, PHASE 2 ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DESCRIBED IN *EXHIBIT 'A'* AND DEPICTED IN *EXHIBIT 'B'* OF THIS ORDINANCE; 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 Cameron Ehn, PE of DB Constructors on behalf of Matt Wavering of the Rockwall Economic Development Corporation (REDC) for the approval of a Specific Use Permit (SUP) to allow a *General Retail Store* on a 10.649-acre parcel of land identified as Lot 1, Block B, Rockwall Technology Park, Phase 2 Addition, City of Rockwall, Rockwall County, Texas, zoned Light Industrial (LI) District, situated within the FM-549 Overlay (FM-549 OV) District, generally located at the southeast corner of Corporate Crossing and Discovery Boulevard, and being more specifically described in *Exhibit 'A'* and depicted in *Exhibit 'B'* 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 (UDC) [*Ordinance No. 20-02*] 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. The Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) to allow a *General Retail Store* in accordance with Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 04.04, *Light Industrial (LI) District*, and Subsection 06.07, *FM-549 Overlay (FM-549 OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] -- as heretofore amended and may be amended in the future -- and

with the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of the *General Retail Store* on the *Subject Property* and conformance to these conditions is required for continued operation:

- 1) The development of the *Subject Property* shall generally conform to the Concept Plan as depicted in *Exhibit 'C'* of this ordinance.
- 2) The development of the *Subject Property* shall generally conform to the Building Elevations as depicted in *Exhibit 'D'* of this ordinance with consideration of the Architecture Review Board's recommendations.

2.2 COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)* of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require the *Subject Property* to comply with the following:

- 1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner 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 may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

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 5TH DAY OF JULY, 2022.**



Kevin Fowler, Mayor

ATTEST:



Kristy Teague, City Secretary



APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: June 20, 2022

2nd Reading: July 5, 2022

Exhibit 'A'
Legal Description

BEING a tract of land situated in the JOHN A. RAMSEY SURVEY, ABSTRACT NO. 186 and the JOHN H.B. JONES SURVEY, ABSTRACT NO. 125, Rockwall County, Texas being a portion of a tract of land described in a deed to Rockwall Economic Development Corporation, recorded in volume 2224, page 226, Deed Records, Rockwall County, Texas (D.R.R.C.T), and being all of lot 1, Block B, Rockwall Technology Park, Phase II an addition to the City of Rockwall, Rockwall County, Texas, as shown in the Plat recorded in Cabinet E, Slides 305 and 306, Plat Records, Rockwall County, Texas (P.R.R.C.T.) and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod with cap stamped "Wer & Assoc Inc" in the South right-of-way line of Discovery Boulevard (an 85 foot wide right-of-way), said iron rod being the northeast corner of said Lot 1, and the northeast corner of Lot 2, Block B, Rockwall Technology Park, Phase III, an addition of the City of Rockwall, Rockwall County, Texas, as shown on the Plat recorded in Cabinet H, Slides 273 and 274, P.R.R.C.T.;

THENCE South 01 degrees 23 minutes 41 seconds East, along the East line of said Lot 1 and the West line of said Lot 2, a distance of 1123.07 feet to a ½" iron rod found with cap stamped "Wer & Assoc Inc" in the North right-of-way line of Springer Road (a variable width right-of-way), said iron rod being the southeast corner of said Lot 1 and the southwest corner of said Lot 2;

THENCE South 88 degrees 36 minutes 19 seconds West, along the North right-of-way line of said Springer Road and the South line of said Lot 1, a distance of 1176.28 feet to a ½" iron rod set with cap stamped "Wer & Assoc Inc", said ½" iron rod being the southwest corner of said Lot 1 and being the intersection of the north right-of-way line of said Springer Road and the East right-of-way line of Corporate Crossing (a 110 foot wide right-of-way);

THENCE North 02 degrees 06 minutes 33 seconds West, along the West line of said Lot 1 and the East right-of-way line of said Corporate Crossing (FM-549), 703.63 feet to an "X" cut set, said "X" cut set being the northwest corner of said Lot 1, and being the intersection of the East right-of-way line of said Corporate Crossing and the South right-of-way line of said Discovery Boulevard;

THENCE along the North line of said Lot 1 and the South right-of-way line of said Discovery Boulevard as follows:

- (1) North 83° 29' 49" East, a distance of 99.85 feet to an "X" cut found;;
- (2) North 89° 12' 27" East, a distance of 110.31 feet to a ½" iron rod found, being a beginning fo a curve to the left;
- (3) Northeasterly, an arc length of 601.06 feet along said curve to the left, having a radius of 1042.50 feet, a delta angle of 33°02'02", and a chord bearing of N 72° 41' 26" E, 592.77 feet to a ½" iron rod found with a cap stamped "Wer & Assoc Inc";
- (4) North 56° 10' 24" East, a distance of 360.25 feet to a ½" iron rod found with a cap stamped "Wer & Assoc Inc", being the beginning of a curve to the right.
- (5) Northeasterly, an arc length of 115.74 feet along said curve to the right, having a radius of 957.50 feet, a delta angle of 06° 55' 33", and a chord bearing of N 59° 38' 11" E, 115.67 feet to the **PLACE OF BEGINNING** and containing 22.649 acres (986,609 SF) of land, more or less.

Exhibit 'B' Location Map

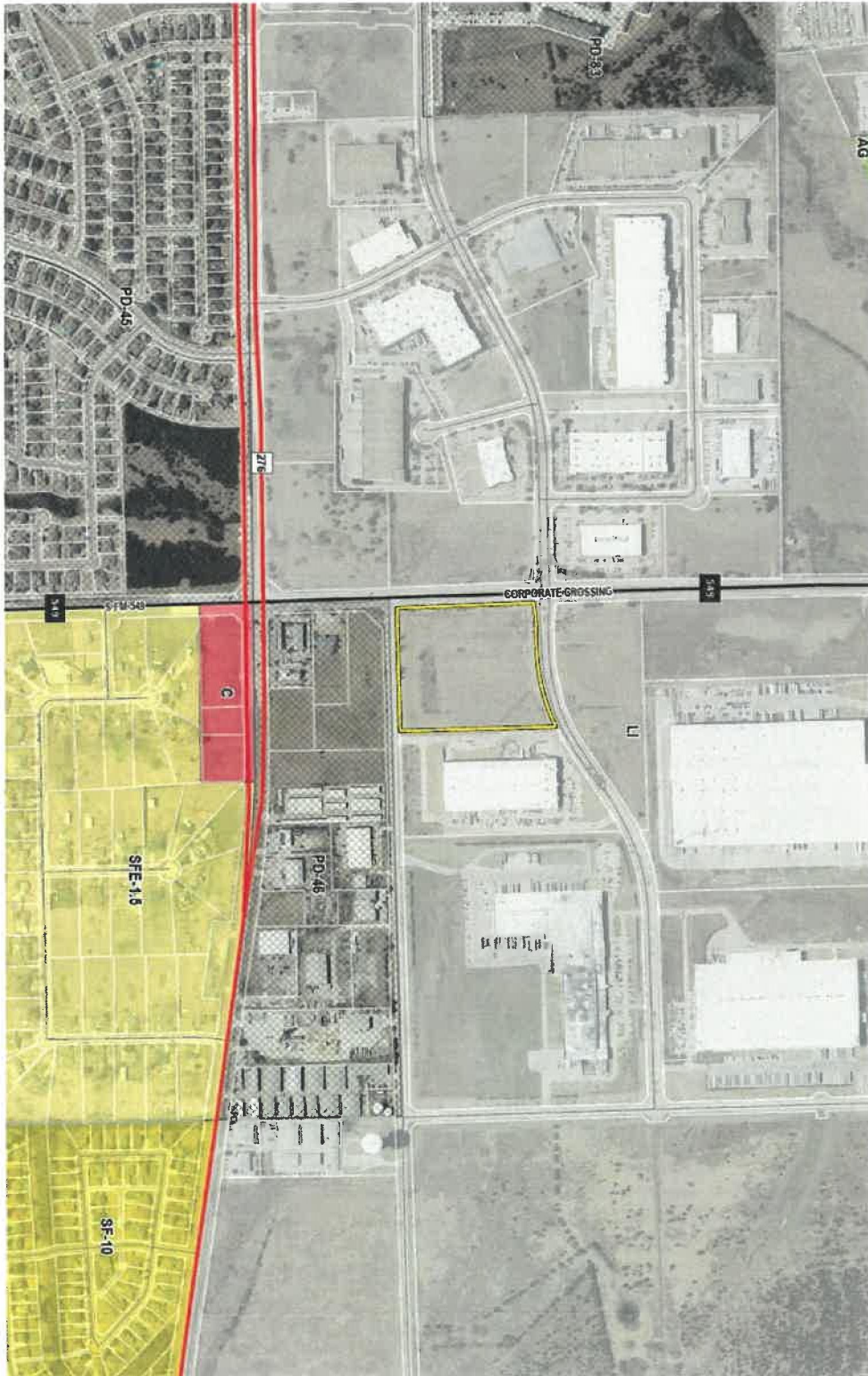
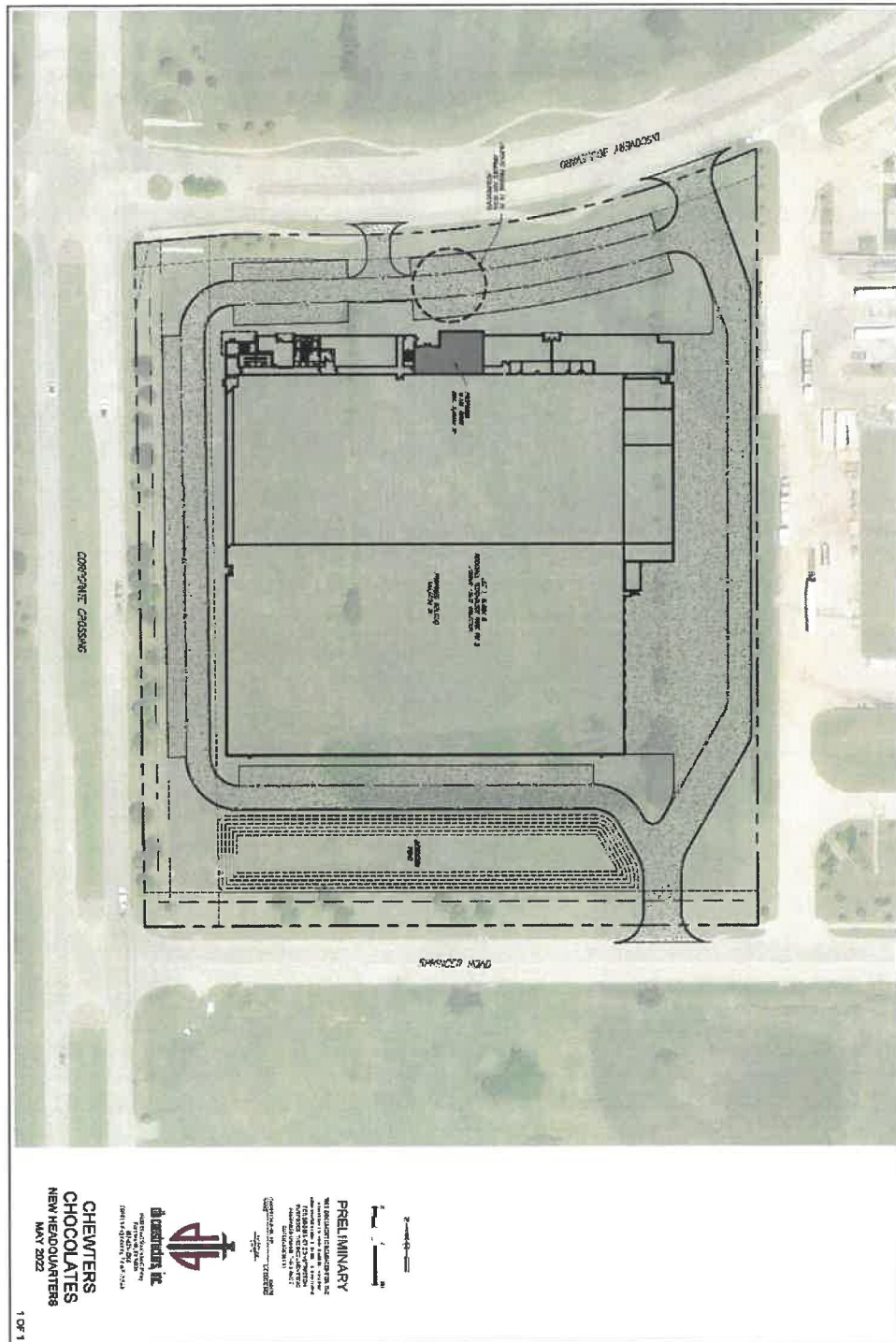


Exhibit 'C'
Concept Plan



Chewters, Inc.
 14000 DOWNEY BLVD
 SUITE 100
 ROCKWALL, TX 75087
 (972) 967-1111
**CHEWTERS
 CHOCOLATES
 NEW HEADQUARTERS
 MAY 2022**



PRELIMINARY
 THIS PLAN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. ALL DIMENSIONS AND LOCATIONS ARE APPROXIMATE. THE OWNER SHALL VERIFY ALL INFORMATION AND CONDITIONS PRIOR TO CONSTRUCTION. THE CITY OF ROCKWALL IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN.



**Exhibit 'D':
Building Elevations**

