

CITY OF ROCKWALL

ORDINANCE NO. 22-53

SPECIFIC USE PERMIT NO. S-288

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 70 (PD-70) [ORDINANCE NO. 19-41] AND 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) FOR ONE (1) RESTAURANT WITH 2,000 SF OR MORE WITH DRIVE-THROUGH OR DRIVE-IN ON A 8.684-ACRE TRACT OF LAND IDENTIFIED AS TRACT 3-10 OF THE S. KING SURVEY, ABSTRACT NO. 131, 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 Bowen Hendrix of DuWest Realty, LLC for the approval of a Specific Use Permit (SUP) for a *Restaurant with 2,000 SF or More with Drive-Through or Drive-In* for the purpose of constructing one (1) restaurant on a 8.684-acre tract of land described as Tract 3-10 of the S. King Survey, Abstract No. 131, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 70 (PD-70) for limited General Retail (GR) District land uses, situated within the SH-205 Overlay (SH-205 OV) District, generally located north of the intersection of N. Goliad Street [SH-205] and E. Quail Run Road, 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 Planned Development District 70 (PD-70) [Ordinance No. 19-41] and 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.** Planned Development District 70 (PD-70) [Ordinance No. 19-41] and 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) for a *Restaurant with 2,000 SF or More, with Drive-Through or Drive-In* 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, *General Retail (GR) District*, and Subsection 06.07, *SH-205 Overlay (SH-205 OV) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and to the requirements set forth in Planned Development District 70 (PD-70) [Ordinance No. 19-41] -- 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 a *Restaurant with 2,000 SF or More with Drive-Through or Drive-In* 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 ' B'* of this ordinance.
- 2) The applicant shall provide three tier screening on the north, south, and west sides of the concept plan.

### **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.

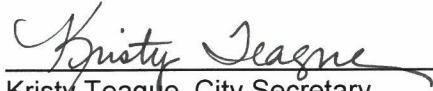
**SECTION 6.** If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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 3<sup>rd</sup> DAY OF OCTOBER, 2022.

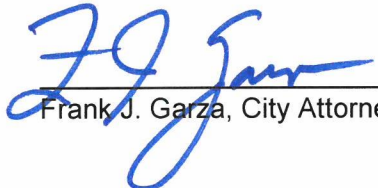
  
\_\_\_\_\_  
Kevin Fowler, Mayor

ATTEST:

  
\_\_\_\_\_  
Kristy Teague, City Secretary



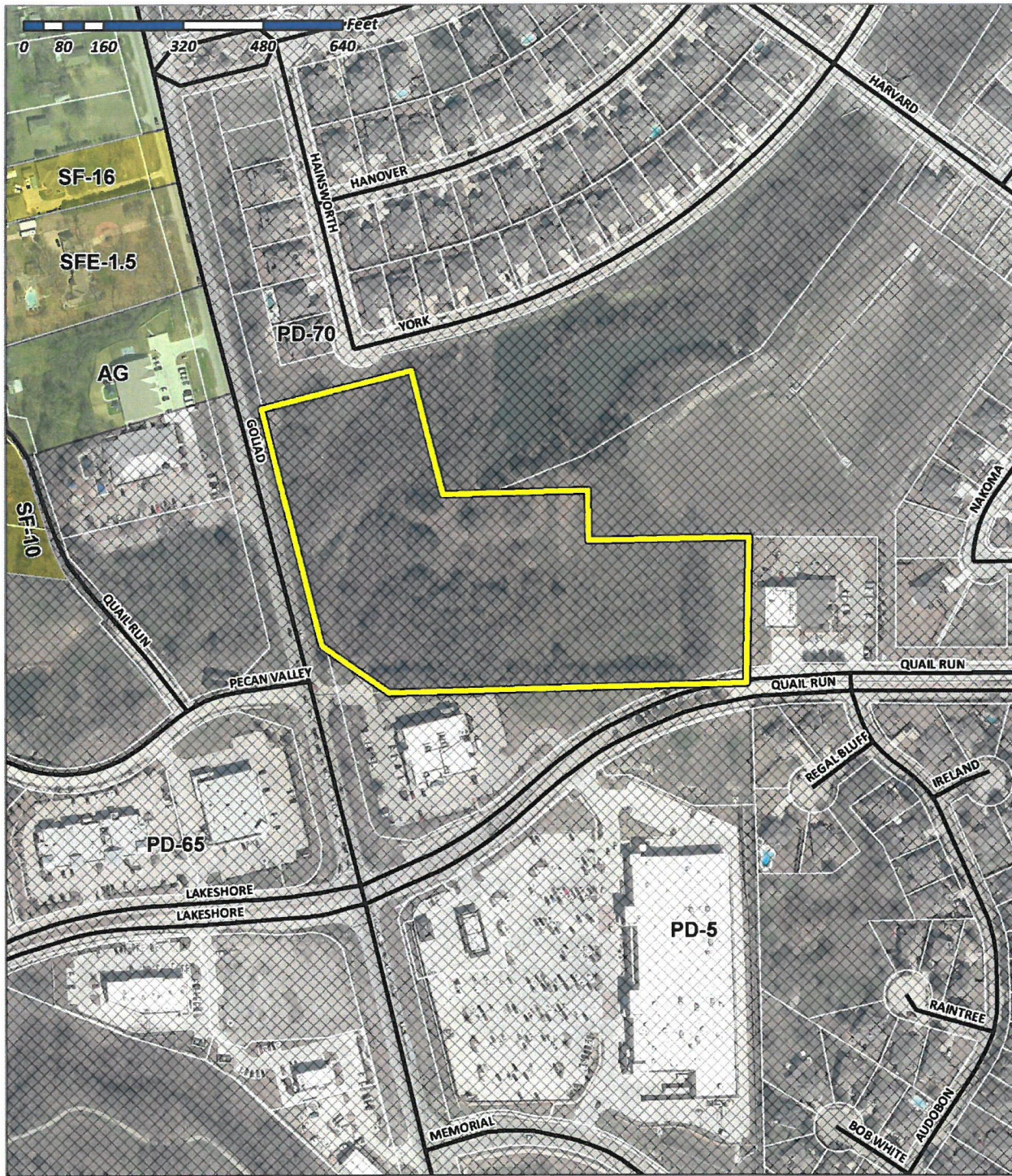
APPROVED AS TO FORM:

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

1<sup>st</sup> Reading: September 19, 2022

2<sup>nd</sup> Reading: October 3, 2022

Exhibit 'A'  
Location Map



**Exhibit 'B':  
Concept Plan**

