

CITY OF ROCKWALL

ORDINANCE NO. 23-08

SPECIFIC USE PERMIT NO. S-293

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING PLANNED DEVELOPMENT DISTRICT 65 (PD-65) [ORDINANCE NO. 17-03] 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 A *RESTAURANT WITH 2,000 SF OR MORE WITH A DRIVE-THROUGH OR DRIVE-IN* ON A 0.579-ACRE PARCEL OF LAND, IDENTIFIED AS LOT 1, BLOCK A, PECAN VALLEY RETAIL ADDITION, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DESCRIBED AND DEPICTED IN *EXHIBIT 'A'* 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 Dewayne Zinn of Cross Engineering Consultants, Inc. for the approval of a Specific Use Permit (SUP) for a *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In* for the purpose of constructing a restaurant on a 0.579-acre parcel of land described as Lot 1, Block A, Pecan Valley Retail Addition, City of Rockwall, Rockwall County, Texas, zoned Planned Development District 65 (PD-65) [Ordinance No. 17-03] for General Retail (GR) District land uses, addressed as 150 Pecan Valley Drive, and being more specifically described and 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 (UDC) [Ordinance No. 20-02] and Planned Development District 65 (PD-65) [Ordinance No. 17-03] 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 65 (PD-65) [Ordinance No. 17-03] 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 a 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 Planned Development District 65 (PD-65) [*Ordinance No. 17-03*]; and, Subsection 04.01, *General Commercial Districts Standards*, and Subsection 04.04, *General Retail (GR) 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 the following conditions:

2.1 OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Restaurant with 2,000 SF or more with a 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) Additional landscaping and a berm or masonry wall shall be required along *Pecan Valley Drive* and *N. Goliad Street* at the time of site plan to provide headlight screening for vehicles traveling along *N. Goliad Street* from vehicles in the drive-through and cueing lanes of the proposed *Restaurant with 2,000 SF or more with a Drive-Through or Drive-In*.

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.

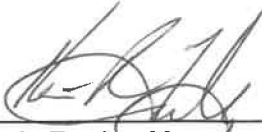
SECTION 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 6TH DAY OF MARCH, 2023.**



Kevin Fowler, Mayor

ATTEST:



Kristy Teague, City Secretary



APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: February 21, 2023

2nd Reading: March 6, 2023

Exhibit 'A'
Location Map and Legal Description

Address: 150 Pecan Valley Drive

Legal Description: Lot 1, Block A, Pecan Valley Retail Addition



Exhibit 'A'
Location Map and Legal Description

BEING A TRACT OF LAND LOCATED IN THE SAMUEL KING SURVEY, ABSTRACT NO. 131, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF A TRACT OF LAND DESCRIBED IN A DEED TO JCDB GOLIAD HOLDINGS, LLC, RECORDED IN INSTRUMENT NUMBER 2019000009184, OFFICIAL PUBLIC RECORDS, ROCKWALL COUNTY, TEXAS (O.P.R.R.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD FOUND WITH CAP STAMPED "STOVALL", BEING THE SOUTH CORNER OF SAID JCDB GOLIAD TRACT AND BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF PECAN VALLEY DRIVE (A 50' RIGHT-OF-WAY) WITH THE EAST RIGHT-OF-WAY LINE OF QUAIL RUN ROAD (A 50' RIGHT-OF-WAY);

ALONG THE WEST LINE OF SAID JCDB GOLIAD TRACT AND THE EAST RIGHT-OF-WAY LINE OF SAID QUAIL RUN ROAD AS FOLLOWS:

(1) N 35°33'55" W, 69.89 FEET TO A 1/2" IRON ROD FOUND WITH A CAP STAMPED "STOVALL";

(2) N 41°00'51" W, 69.59 FEET TO A POINT, FROM WHICH A 5/8" IRON ROD FOUND BEARS N 41°00'51" W, 95.11 FEET, SAID IRON ROD BEING THE NORTHEAST CORNER OF A RIGHT-OF-WAY DEDICATION FOR QUAIL RUN ROAD AS SHOWN ON THE PLAT RECORDED IN CABINET G, PAGE 281, PLAT RECORDS, ROCKWALL COUNTY, TEXAS (P.R.R.C.T.);

THENCE N 48°59'09" E, DEPARTING THE WEST LINE OF SAID JCDB GOLIAD TRACT AND THE EAST RIGHT-OF-WAY LINE OF SAID QUAIL RUN ROAD, 20.79 FEET TO A POINT;

THENCE N 75°49'41" E, 102.18 FEET TO A POINT; THENCE N 49°16'23" E, 59.99 FEET TO A POINT;

THENCE 75°50'22" E, 51.98 FEET TO A POINT;

THENCE S 14°09'38" E, 100.31 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF NORTH GOLIAD STREET (STATE HIGHWAY NO. 205) (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A CONCRETE MONUMENT FOUND BEARS N 43°35'00" E, 11.82 FEET;

THENCE S 43°35'00" W, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID NORTH GOLIAD STREET, 110.62 FEET TO A POINT, BEING THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF SAID NORTH GOLIAD STREET WITH THE NORTH RIGHT-OF-WAY LINE OF SAID PECAN VALLEY DRIVE AND THE BEGINNING OF A CURVE TO THE LEFT;

THENCE SOUTHWESTERLY, AN ARC LENGTH OF 88.33 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID PECAN VALLEY DRIVE AND SAID CURVE TO THE LEFT, HAVING A RADIUS OF 275.00 FEET, A DELTA ANGLE OF 18°24'13", AND A CHORD BEARING S 71°24'37" W, 87.95 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 0.579 ACRES (25,233 SQUARE FEET) OF LAND, MORE OR LESS.

**Exhibit 'B':
Concept Plan**

