

CITY OF ROCKWALL

ORDINANCE NO. 05-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DRIVE-THROUGH WINDOW AS AN ACCESSORY TO A RESTAURANT ON A TRACT OF LAND KNOWN AS LOT 4, BLOCK A, HORIZON RIDGE ADDITION; 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, a Specific Use Permit for a drive-through window as an accessory to a restaurant within the (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses has been requested by Jeff Linder of Kimley-Horn and Associates, Inc., for the property known as Lot 4, Block A, Horizon Ridge Addition; City and County of Rockwall, Texas; 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 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit for a drive-through window as an accessory to a restaurant within the (PD-9) Planned Development No. 9 district allowing for "GR" General Retail uses has been requested by Jeff Linder of Kimley-Horn and Associates, Inc., for the property known as Lot 4, Block A, Horizon Ridge Addition; City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Article V, Section 4.4, General Retail District** of the City of Rockwall Unified Development Code (Ord. No. 04-38) as heretofore amended and as may be amended in the future, and shall be subject to the additional following additions:

1. That the approved Conceptual Site Plan and Landscape Plan attached hereto as

Exhibits "A" and "B" shall control the development of the "Drive Thru Restaurant". The development shall be in accordance with such conceptual Site Plan, Landscape Plan and development criteria.

Section 3. 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 4. 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 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Unified Development Code No. 04-38 of the City of Rockwall, Texas, 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 for this ordinance are declared to be severable.


Section 6. 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 17th day of October, 2005.



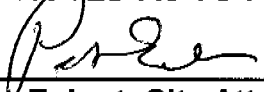
William R. Cecil, Mayor

ATTEST:

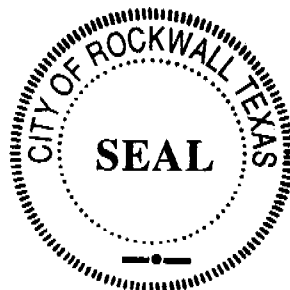


Dorothy Brooks, City Secretary

APPROVED AS TO FORM:

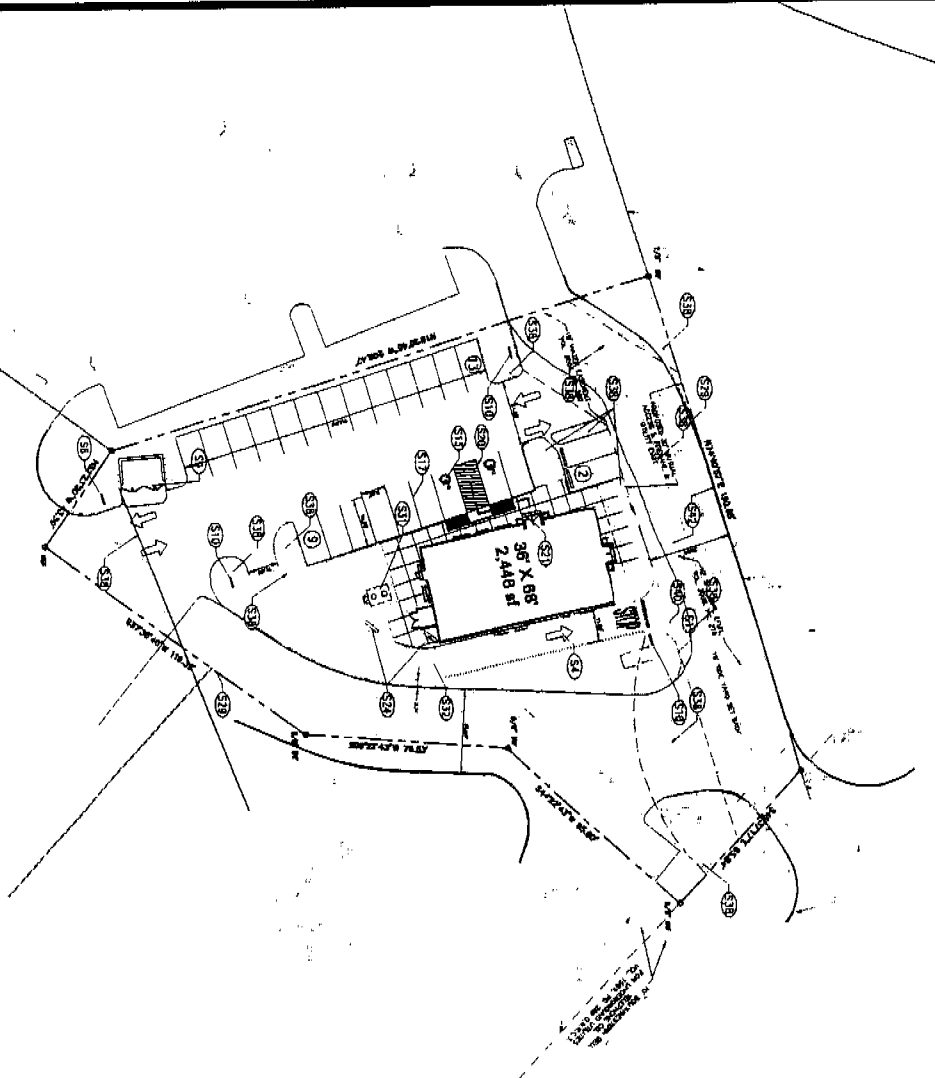


Pete Eckert, City Attorney



1st Reading: 10-3-05
2nd Reading: 10-17-05

Exhibit "A"



RECEIVED
 SEP 23 2005
 BY _____

- SITE PLAN KEY NOTES**
- S1) CONCRETE CURB - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S2) EXISTING IMPAVIMENT - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S3) EXISTING SIDEWALKS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S4) EXISTING DRIVEWAYS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S5) EXISTING DRIVEWAYS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S6) EXISTING DRIVEWAYS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
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 - S26) EXISTING DRIVEWAYS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S27) EXISTING DRIVEWAYS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S28) EXISTING DRIVEWAYS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.
 - S29) EXISTING DRIVEWAYS - SEE PLAN SHEETS C-1, FOR LOCATION, WIDTH, HEIGHT AND FINISH.

2005 018
FILE COPY

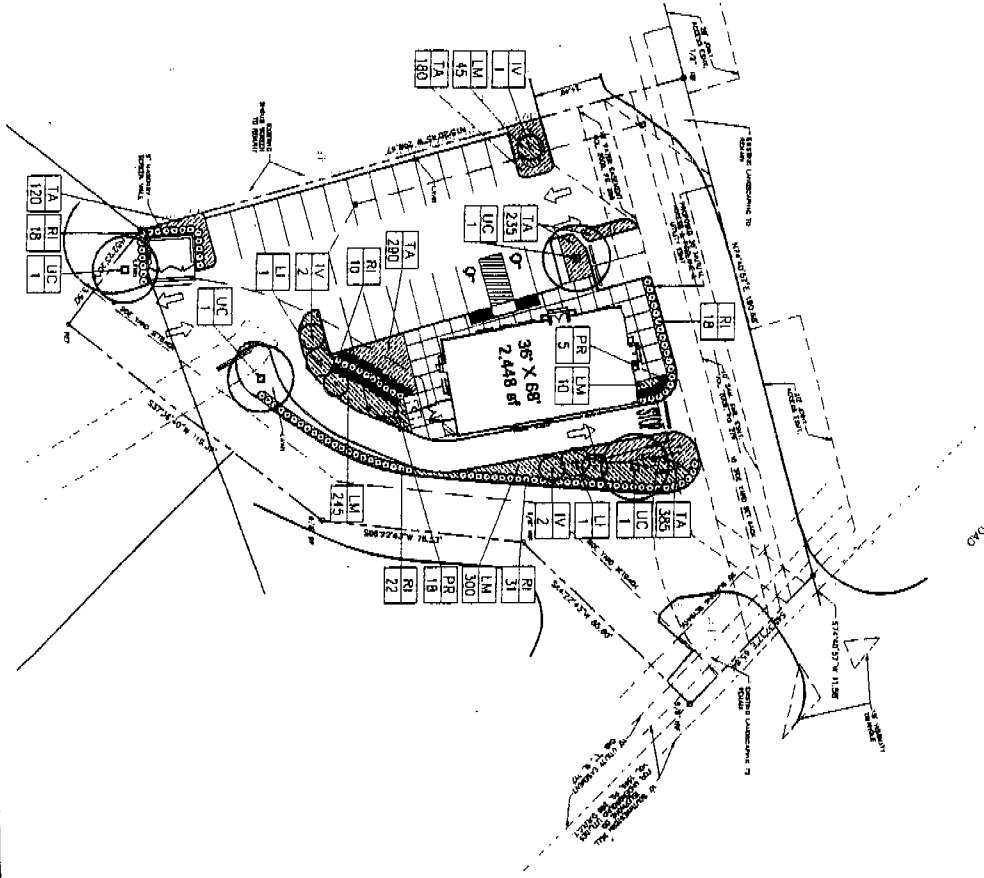
PANDA EXPRESS
 1-800-888-8888
 WWW.PANDAEXPRESS.COM

PANDA EXPRESS INC.
 1155 W. BROADWAY
 SUITE 100
 DENVER, CO 80202
 TEL: 303.733.8888
 FAX: 303.733.8888

ARCHITECT

 ARCHITECTS
 1111 17th Street, Suite 1000
 Denver, CO 80202
 TEL: 303.733.8888
 FAX: 303.733.8888

Exhibit "B"



RECEIVED
 SEP 23 2005
 By _____

2005 018

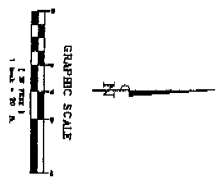
FILE COPY

NOTES:

1. ALL PLANTINGS SHALL BE SHOWN IN THE "PLANTING LIST" PER CITY.
2. ALL PLANTINGS SHALL HAVE A 1:12 SLOPE ON ALL EXPOSED EROSION CONTROL STRUCTURES.
3. ALL PLANTINGS SHALL BE APPROVED BY PLANNING AND ZONING DEPARTMENT.

Landscape Calculations:

2005 018 AREA	34,288
EXISTING LANDSCAPE REQUIREMENTS	8,000 sq ft
(10% OF 2005 018 AREA)	
PROPOSED LANDSCAPE REQUIREMENTS	3,400 sq ft
(10% OF 2005 018 AREA)	
NET LANDSCAPE REQUIREMENTS	4,600 sq ft
(PROPOSED MINUS EXISTING)	
LANDSCAPE PLANTINGS	3,400 sq ft
(10% OF 2005 018 AREA)	
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(10% OF 2005 018 AREA)	



No.	Date	Revision	App.

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Scale: AS SHOWN
 Drawn by: CJK
 Checked by: JH
 Date: SEPTEMBER 2005
 Project No. 2005 018

LANDSCAPE PLAN

PANDA EXPRESS
 SE CORNER FM 3097
 AND FM 740
 ROCKWALL, TEXAS



Kimley-Horn and Associates, Inc.
 800 Cherry Street, Suite 11, Suite 1000
 Fort Worth, Texas 76102
 Tel. No. (817) 338-6541
 Fax No. (817) 338-6509

Advertising Receipt

Rockwall County News

316 S Goliad, Ste 107
PO BOX 819
Rockwall, TX 75087
Phone: 972-722-3099
Fax: 972-722-3096

ROCKWALL, CITY OF-LEGALS ®
ATTN: DOROTHY BROOKS
385 SOUTH GOLIAD
ROCKWALL, TX 75087

Cust#: 01100978-000
Ad#: 17532840
Phone: (972)771-7700
Date: 10/31/05

Ad taker: 15 **Salesperson:** 6 **Classification:** 001

Description	Start	Stop	Ins.	Cost/Day	Surcharges	Total
09 ROCKWALL COUNTY NEWS	11/02/05	11/02/05	1	54.00		54.00

Payment Reference:

L 323208

Total: 54.00
Tax: 0.00
Net: 54.00
Prepaid: 0.00

Total Due 54.00

PUBLISHER'S AFFIDAVIT

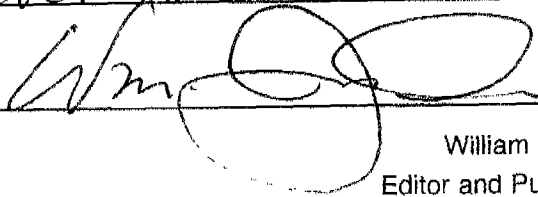
THE STATE OF TEXAS COUNTY OF KAUFMAN

Before me, the undersigned authority, on this day personally appeared William Jordan, who being by me duly sworn, deposes and says that he is the Publisher of **Rockwall County News** that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published;
4. it has been published regularly and continuously since 1916; and
5. it is generally circulated within Kaufman County.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

November 2nd A.D. 2005



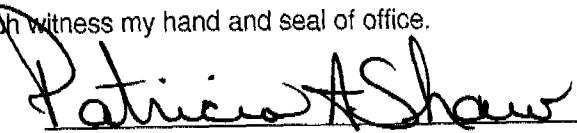
William Jordan
Editor and Publisher

SUBSCRIBED AND SWORN BEFORE ME

by William Jordan, who

a) is personally known to me, or
 b) provided the following evidence to establish his/her identity _____

on the 1th day of November A.D. 2005
to certify which witness my hand and seal of office.



Notary Public, State of Texas

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ROCKWALL, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT TO ALLOW A DRIVE-THROUGH WINDOW AS AN ACCESSORY TO A RESTAURANT ON A TRACT OF LAND KNOWN AS LOT 4, BLOCK A, HORIZON RIDGE ADDITION; 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.

/s/ William R. Cecil, Mayor Cecil
/s/ Dorothy Brooks, City Secretary
1st Reading: 10-3-05
2nd Reading: 10-17-05

