

CITY OF ROCKWALL

ORDINANCE NO. 08-25

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 ALLOWING FOR A RESTAURANT WITH A DRIVE-THRU AND DRIVE-IN WITHIN (PD-46) PLANNED DEVELOPMENT NO. 46 DISTRICT, ON A TRACT OF LAND KNOWN AS PART OF LOT 1, BLOCK A, SUBWAY/GATEWAY/HEALTH FOOD STORE ADDITION AND MORE SPECIFICALLY DESCRIBED HEREIN IN AS EXHIBIT "A"; 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 restaurant with a drive-thru and drive-in within (PD-46) Planned Development No. 46 District has been requested by Michael Alturk of MA Engineering on the property known as part of Lot 1, Block A, Subway/Gateway/Health Food Store Addition, more specifically described herein in as Exhibit "A"; 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 allowing for a restaurant with a drive-thru and drive-in within (PD-46) Planned Development No. 46 District on the property known as part of Lot 1, Block A, Subway/Gateway/Health Food Store Addition and more specifically described herein in as Exhibit "A"; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in ***(PD-46) Planned Development No. 46 District*** and ***Article V, Section 4.5, Commercial (C) District*** of the Unified Development Code as heretofore amended and as may be amended in the future, and shall be subject to the following additional conditions:

1. Adherence to the approved site plan (Exhibit "B"), landscape plan (Exhibit "C"), and building elevations (Exhibit "D").
2. The City Council reserves the right to review the Specific Use Permit granted herein upon the expiration of one (1) year from the date hereof.

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 2nd day of June, 2008.




William R. Cecil, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney

1st Reading: 05-19-08

2nd Reading: 06-02-08



OWNERS CERTIFICATE:

STATE OF TEXAS:

COUNTY OF ROCKWALL:

WHEREAS TATARI INVESTMENT LP is the owner of a tract land situated in the J.A. Ramsey Survey, Abstract No. 186, Rockwall County, Texas and being conveyed in deed recorded in Volume 5056, Page 86, of the Deed Records of Rockwall County, Texas, and being a portion of Lot 1, Block A, of Subway/Gateway/Health Food Store Addition an addition to the City of Rockwall, Rockwall County, Texas, according to the Plat thereof recorded in Cabinet G, Slide 105, Plat Records Rockwall County, Texas, and being all of a tract of land conveyed in deed recorded in Volume XXXX, Page XXX, Deed Records Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a ½” yellow capped iron rod found for corner in the East right of way line of F.M. Road 549, at the Northwest corner of said Lot 1, and said point being at the Southwest corner of Lot 1, Block A, Pannell Subdivision an addition to the City of Rockwall, Rockwall County, Texas according to the Plat thereof recorded in Cabinet B, Slide 365, Plat Records Rockwall County, Texas;

THENCE North 88 degrees 43 minutes 08 seconds East along the South line of said Pannell Subdivision, a distance of 252.51 feet to the PLACE OF BEGINNING;

THENCE North 88 degrees 43 minutes 08 seconds East along the South line of said Pannell Subdivision, a distance of 132.63 feet to a ½” yellow capped iron rod found;

THENCE South 01 degree 37 minutes 01 second East, a distance of 237.87 feet to a ½” yellow capped iron rod found;

THENCE South 89 degrees 16 minutes 07 seconds West (Directional Control) along the North right of way line of State Highway 276, a distance of 134.22 feet to a point;

THENCE North 01 degree 14 minutes 04 seconds West, a distance of 236.57 feet to the PLACE OF BEGINNING AND CONTAINING 0.727 Acres or 31,650 square feet of land.

