

CITY OF ROCKWALL

ORDINANCE NO. 11-02

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 (SUP) TO ALLOW FOR A "RESTAURANT, 2000-SF OR MORE, W/ DRIVE-THRU OR DRIVE-IN" WITHIN (PD-70) PLANNED DEVELOPMENT NO. 70 DISTRICT, ON A 1.05-ACRE TRACT OF LAND KNOWN AS PART OF LOT 6, BLOCK A, STONE CREEK RETAIL ADDITION, AND MORE SPECIFICALLY SHOWN IN 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, 2000-sf or More, w/ Drive-Thru or Drive-In" within the (PD-70) Planned Development No. 70 district has been requested by Cameron Slown of Adams Engineering for a proposed McDonalds Restaurant on a 1.05-acre tract of land being part of Lot 6, Block A, Stone Creek Retail Addition, and more specifically described in 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 for a "Restaurant, 2000-sf or More, w/ Drive-Thru or Drive-In" within the (PD-70) Planned Development No. 70 district, for a proposed McDonalds Restaurant on a 1.05-acre tract of land being part of Lot 6, Block A, Stone Creek Retail Addition, and more specifically described in Exhibit "A"; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in **Ordinance No. 09-44** (i.e. PD-70), **Ordinance No. 09-01** (i.e. PD-70 Development Plan), and **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. Future site plan submittal and review required, including Architectural Review, to determine compliance with all requirements of (PD-70) Planned Development No. 70 district and the North SH 205 Overlay district.
2. The development should generally adhere to the approved concept plan attached hereto as Exhibit "A," including the use of outdoor seating and enhanced paving walkways.

3. The drive-thru area(s) and outdoor seating area should be landscaped with diverse and native plantings similar to the McDonalds development depicted in Exhibit "B."
4. Adherence to all engineering and fire department requirements.
5. A shared parking agreement between McDonalds and the Stone Creek Retail development shall be required, unless the minimum required parking is provided at the time of site plan review.

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, 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 7. 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.

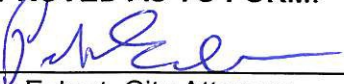
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 3rd day of January, 2011.


William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary

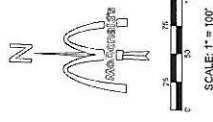
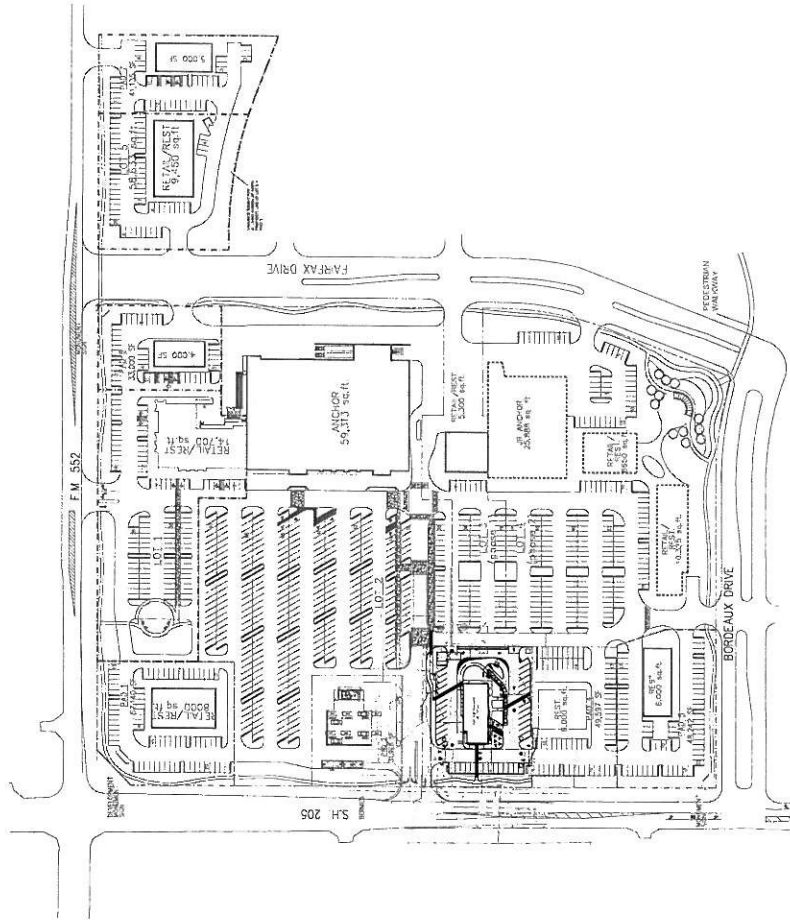
APPROVED AS TO FORM:


Pete Eckert, City Attorney



1st Reading: 12-20-10

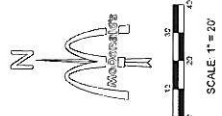
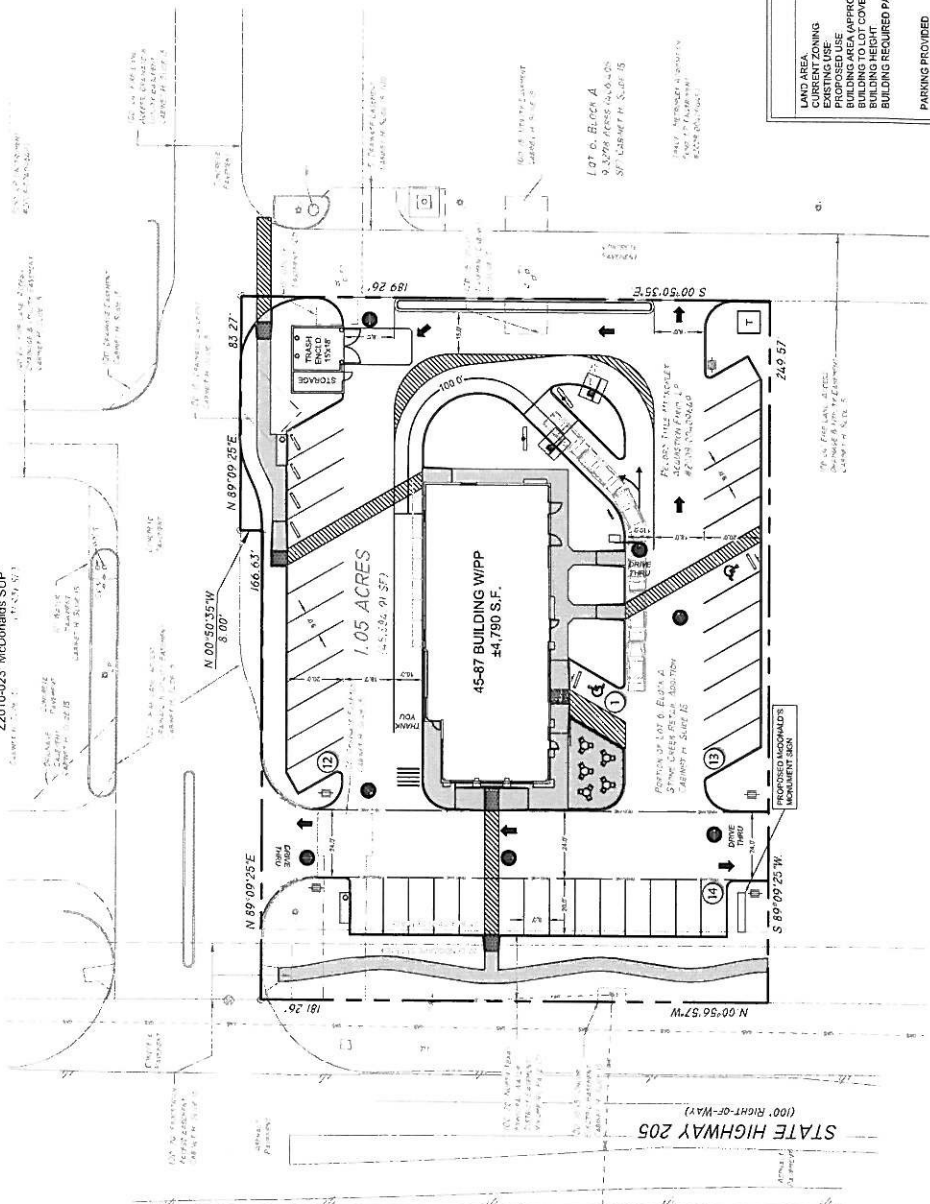
2nd Reading: 01-03-11



SITE INFORMATION	
LAND AREA	45,786.51 SF (1.05 AC)
CURRENT ZONING	PD-20
PROPOSED LOT	McDONALD'S RESTAURANT
BUILDING AREA (APPROXIMATE) RETAIL	24,750 SF
LANDSCAPE COVERAGE	21.4%
BUILDING HEIGHT	21' MAX
PARKING PROVIDED	1 SF SPACE PER 100 SF
HANDICAP PARKING PROVIDED	4,770 SF/100 SF = 48 SPACES
HANDICAP PARKING REQUIRED	(SHARED PARKING TO BE PROVIDED)
LANDSCAPE PERCENTAGE	21
	2
	2
	8,548.72 SF/45,786.51 SF = 20.86%

ZONING EXHIBIT OVERALL VIEW - PROPOSED McDONALD'S
 STONE CREEK RETAIL - ROCKWALL, TX

12/08/2010



SITE INFORMATION	
LAND AREA	45,788.61 SF (1.05 AC)
CURRENT ZONING	PD-20
PROPOSED USE	McDONALD'S RESTAURANT
BUILDING AREA (APPROXIMATE) RETAIL	44,790 S.F.
LANDSCAPE COVERAGE	21.42%
BUILDING HEIGHT	21.42'
BUILDING REQUIRED PARKING	1 SPACE PER 100 SF
PARKING PROVIDED	4,790 SF/100 SF = 48 SPACES
LANDSCAPE PARKING PROVIDED	(SHARED PARKING TO BE PROVIDED)
HANDICAP PARKING REQUIRED	2
LANDSCAPE PERCENTAGE	9,548.72 SF/45,788.61 SF = 20.85%

ZONING EXHIBIT - PROPOSED McDonald's
 STONE CREEK RETAIL - ROCKWALL, TX

12/08/2010

Exhibit "B" – Z2010-023

Landscaping Concept for Drive-Thru and Outdoor Seating Area

