

CITY OF ROCKWALL, TEXAS

ORDINANCE NO. 12-29

SPECIFIC USE PERMIT NO. S-99

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, SPECIFICALLY TO ALLOW FOR A RESTAURANT LESS THAN 2,000 SQUARE FEET WITH A DRIVE-THROUGH WITHIN A COMMERCIAL (C) DISTRICT, KNOWN AS A 0.182 ACRE TRACT OF LAND SITUATED IN THE E.P. GAINES CHISUM SURVEY, ABSTRACT NO. 64, BEING A PORTION OF LOT 6, BLOCK A, WAL-MART SUPERCENTER ADDITION AND LOCATED AT 782 IH-30; 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 to allow for a Restaurant less than 2,000 square feet with a drive-through within a Commercial (C) District has been requested by Cristal Villarreal of Jacobs Engineering Group, on a 0.182 acre tract situated in the E.P. Gaines Chisum Survey, Abstract No. 64, being a portion of Lot 6, Block A, Wal-Mart Supercenter Addition and located at 782 IH-30; 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 to allow for a Restaurant less than 2,000 square feet with a drive-through within a Commercial (C) District has been requested by Cristal Villarreal of Jacobs Engineering Group, on a 0.182 acre tract situated in the E.P. Gaines Chisum Survey, Abstract No. 64, being a portion of Lot 6, Block A, Wal-Mart Supercenter Addition and located at 782 IH-30; City and County of Rockwall, Texas; and

Section 2. That the Specific Use Permit shall be subject to the conditions set forth in 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 following additional conditions:

1. A restaurant less than 2,000 square feet with a drive-through shall be allowed on the subject property in accordance with the Elevations attached hereto as Exhibit "A."
2. A restaurant less than 2,000 square feet with a drive-through shall be allowed on the subject property and shall not exceed 0.182 acres of land in accordance with the SUP Site Plan attached hereto as Exhibit "B."
3. The restaurant shall not exceed five hundred fifty (550) square feet in area and shall meet the minimum six (6) car stacking lane requirement for a drive-through restaurant.
4. Alteration to building elevations shall be subject to review and recommendation by the Architectural Review Board, Planning and Zoning Commission, and approval by the City Council.
5. 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 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 November, 2012.




David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



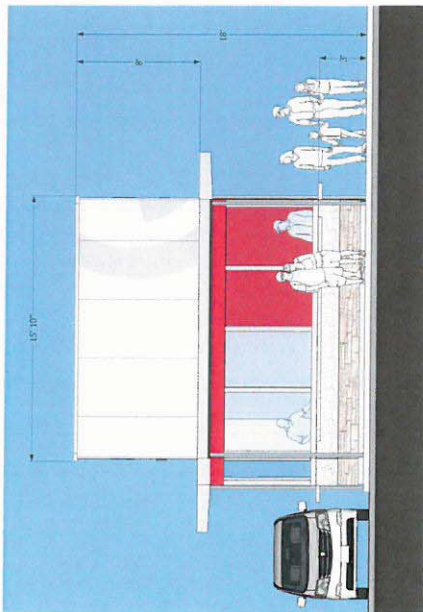
Pete Eckert, City Attorney



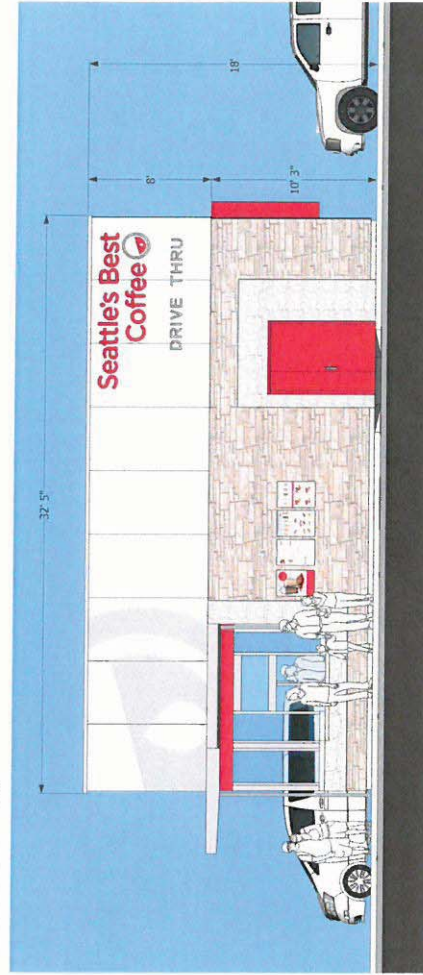
1st Reading: 11-19-12

2nd Reading: 12-03-12

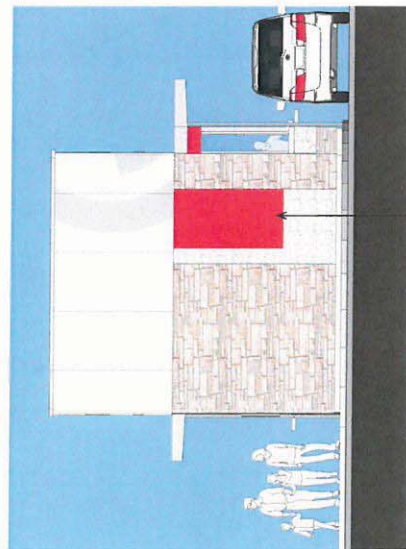
EXHIBIT "A"



front



right



back



left

EXHIBIT "B"

