

CITY OF ROCKWALL

ORDINANCE NO. 13-29

SPECIFIC USE PERMIT NO. S-110

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 APPROVE A SPECIFIC USE PERMIT (SUP) TO ALLOW A RESTAURANT (EXCEEDING 2,000 SQUARE FEET) WITH A DRIVE-THROUGH OR DRIVE-IN WITHIN PLANNED DEVELOPMENT DISTRICT 9 (PD-9) FOR A PROPERTY DESIGNATED FOR GENERAL RETAIL (GR) DISTRICT USES AS SPECIFIED WITHIN ARTICLE IV, PERMISSIBLE USES, OF THE UNIFIED DEVELOPMENT CODE, FOR A 0.9218-ACRE PORTION OF TRACT 4-9, E. TEAL SURVEY, ABSTRACT NO. 207, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OR 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 request has been made by Stacy McVey, on behalf of Double Eagle Properties, LLC, for the approval of a Specific Use Permit (SUP) to allow restaurant (exceeding 2,000 square feet) with a drive-through or drive-in within Planned Development District 9 (PD-9) for a property designated for General Retail (GR) District uses, and described as a portion of Tract 4-9, E. Teal Survey, Abstract No. 207, City of Rockwall, Rockwall County, Texas, which is situated at the northeast corner of the intersection of Ridge Road [FM-740] and Summer Lee Drive, and more specifically described 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 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 (SUP) allowing for a restaurant (exceeding 2,000 square feet) with a drive-through or drive-in within Planned Development District 9 (PD-9) for a property designated for General Retail (GR) District uses as required by Article IV, *Permissible Uses*, of the Unified Development Code on the *Subject Property*; and

SECTION 2. That the *Subject Property* shall be used only in the manner and for the purposes described in this Specific Use Permit (SUP) Ordinance and set forth in Section 2.1.6, *Retail and Personal Service Use Conditions*, of Article IV, *Permissible Uses*, of the Unified Development Code [Ordinance No. 04-38] as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future, and shall be subject to the additional following conditions and compliance standards:

2.1 Operational Conditions

The following conditions pertain to the operation of a restaurant (exceeding 2,000 square feet) with a drive-through or drive-in on the *Subject Property*, and conformance to these operational conditions are required for continued operations:

- 1) All operations on this property shall generally conform to the Concept Plan depicted in Exhibit 'B' of this ordinance.
- 2) A site plan for the *Subject Property* shall be required to be reviewed and approved by the Architectural Review Board (ARB) and the Planning & Zoning Commission, to determine compliance with all the requirements of Planned Development District 9 (PD-9) and the Scenic Overlay (SOV) District, prior to this operational ordinance becoming effective.
- 3) Any construction or building necessary to complete the operation of this *Specific Use Permit* must conform to the requirements set forth by the Unified Development Code, the currently adopted International Building Code, the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the local, state and federal government.

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

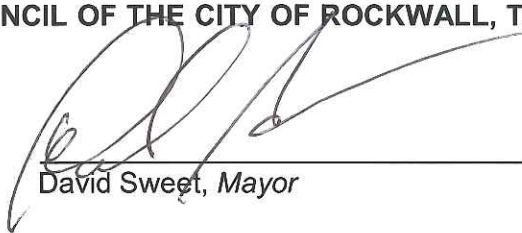
Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

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 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 THE 19TH DAY OF AUGUST, 2013.**



David Sweet, Mayor

ATTEST:



Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: 08-05-13

2nd Reading: 08-19-13

Exhibit A: Survey

