City of Rowlett



Official Copy

4000 Main Street Rowlett, TX 75088 www.rowlett.com

Ordinance: ORD-020-24

AN ORDINANCE OF THE CITY OF ROWLETT, TEXAS, AMENDING THE COMPREHENSIVE PLAN, COMPREHENSIVE ZONING ORDINANCE, AND ZONING MAP OF THE CITY OF ROWLETT, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM PLANNED DEVELOPMENT (PD) DISTRICT WITH A BASE ZONING OF GENERAL COMMERCIAL/RETAIL (C-2) TO PLANNED DEVELOPMENT DISTRICT – AMENDED (PD-A1) WITH A BASE ZONING OF GENERAL COMMERCIAL/RETAIL (C02) TO DEVELOP A FOOD TRUCK PARK, CONSTRUCT A 2,220 SQUARE FEET BUILDING AND A DOG PARK WITH AMENITIES FOR APPROXIMATELY 3.19 ACRES OUT OF THE JAMES HOBBS SURVEY, ABSTRACT 571, CITY OF ROWLETT, DALLAS COUNTY, TEXAS AND BEING GENERALLY LOCATED DIRECTLY NORTH OF THE INTERSECTION OF LAKEVIEW PARKWAY AND SHIPP ROAD; PROVIDING DEVELOPMENT STANDARDS; APPROVING A SITE CONCEPT PLAN, LANDSCAPING PLAN AND BUILDING FAÇADE PLAN; PROVIDING A REPEALING CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the property described herein has made application for a change in zoning, requesting that the subject property be rezoned from Planned Development (PD) with a base zoning of General Commercial/Retail (C-2) to Planned Development – Amended (PD-A1) with a base zoning of General Commercial/Retail (C-2) to develop a food truck park, construct a 2,220 square feet building and a dog park with amenities;

WHEREAS, the Planning and Zoning Commission of the City of Rowlett and the governing body of the City of Rowlett, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners and interested persons generally, the governing body of the City of Rowlett is of the opinion that said zoning ordinance and map should be amended as provided herein and should be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROWLETT, TEXAS THAT:

<u>SECTION 1</u>: The recitals set forth above are determined to be true and correct and are hereby adopted and incorporated herein.

SECTION 2: The Comprehensive Zoning Ordinance, Comprehensive Plan and Zoning Map of the City of Rowlett, Texas, as heretofore amended, are hereby amended by granting a change in zoning from Planned Development (PD) with a base zoning of General Commercial/Retail (C-2) to Planned Development – Amended (PD-A1) with a base zoning of General Commercial/Retail (C-2) to develop a food truck park, construct a 2,220 square feet building and a dog park with amenities for property being described as approximately 3.19 acres of land out of the James Hobbs Survey, Abstract 571, City of

Rowlett, Dallas County, Texas, being generally located directly north of the intersection of Lakeview Parkway and Shipp Road and being more specifically described and depicted in Exhibit "A", attached hereto and incorporated herein by this reference (hereinafter the "Property").

SECTION 3: All use and development of the Property, including all land uses, structures, the use and occupancy of all structures, and the development, construction, operation, and maintenance of the Property and all improvements on the Property, shall be governed by the development standards and regulations attached hereto and incorporated herein by this reference as Exhibit "B" subject to the following additional terms, which shall supersede any contrary provisions herein:

- 1. During operating hours, there may be a maximum of five (5) vending vehicles parked simultaneously on the Property;
- 2. Incompatibility buffers for the north and east property boundaries shall be required and shall be comprised of 15-foot buffer width with one tree per lineal feet; north incompatibility buffer will have 13 trees and an 8 foot masonry wall; east incompatibility buffer will have a total of 11 trees and a six foot wrought iron fence with large evergreen shrubs; both buffers will include additional evergreen shrubs planted at 8 foot intervals to create an opaque buffer;
- 3. Motion-activated cameras for nighttime surveillance will be installed and monitored on the Property and the appropriate legal authorities will be immediately notified by the Property owner in the event trespassers are observed on the Property during non-operating hours.
- 4. A partial 10-foot masonry wall, approximately 195 feet in length, will be constructed along the west property line to conceal the lift station and continuing with a 4-foot wrought iron fence, to allow for a view of the lake from the Property;
- 5. At the time of installation, the developer must comply with city standards pertaining to construction by incorporating materials and protections to eliminate nuisance for neighboring properties;
- 6. Food trucks will be setback a minimum of 50 feet from the rear yard (north) property line;
- 7. The driveway for the Property shall allow and accommodate only right turn in (ingress) and right turn out (egress) movements for vehicular traffic;
- 8. Hours of operation for Friday and Saturday shall be 9:00 a.m. to 11:00 p.m.

SECTION 4: The site concept plan attached hereto and incorporated herein by this reference as Exhibit "C" is hereby approved and shall apply to and govern all land uses, structures, the use and occupancy of all structures, and the development, construction, operation, and maintenance of the Property and all improvements on the Property.

SECTION 5: The landscaping plan and building facade plan, attached hereto and incorporated herein by these references respectively as Exhibits" D" and "E" are hereby approved and shall apply to and govern all land uses, structures, the use and occupancy

of all structures, and the development, construction, operation, and maintenance of the Property and all improvements on the Property.

SECTION 6: The Property shall be used only in the manner and for the purposes provided herein and by the ordinances of the City of Rowlett, Texas, as heretofore amended, and as amended herein. The development, use, and occupancy of the Property shall conform to the standards and regulations set forth herein and in Exhibits "B" through "E," the provisions of the Rowlett Development Code (Chapter 77 of the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas), and the Code of Ordinances of the City of Rowlett, Texas, as amended. In the event of any conflict or inconsistency between the provisions of this ordinance and the provisions contained in any other provision of the Rowlett Development Code or other codes or ordinance does not include a standard or regulation that is otherwise required for similar or comparable development or uses by the Rowlett Development Code or Code of Ordinances, then the standard or regulation required by the Rowlett Development Code or Code of Ordinances shall apply.

SECTION 7: All provisions of the ordinances of the City of Rowlett in conflict with the provisions of this ordinance as applicable to the Property be and the same are hereby repealed and all other provisions of the ordinances of the City of Rowlett not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 8: An offense committed before the effective date of this ordinance is governed by the prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 9: Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 10: Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Rowlett, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

<u>SECTION 11</u>: This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

At a meeting of the City Council on September 9, 2024, this Ordinance be adopted. The motion carried by the following vote:

- Ayes: 4 Mayor Margolis, Councilmember Reaves, Councilmember Bowers, and Councilmember Schupp
- **Noes: 3** Mayor Pro Tem Winget, Deputy Mayor Pro Tem Shinder and Councilmember Britton

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Approved by Black Mayols Mayor	Date <u>September 9, 2024</u>
Approved to form by LC City Attorney	Date <u>September 9, 2024</u>
Interim City Secretary	Date <u>September 9, 2024</u>

FXHIBIT

DESCRIPTION

All that certain lot, tract or parcel of land situated in the JAMES HOBBS SURVEY, ABSTRACT NO. 571, City of Rowlett, Dallas County, Texas, and being all of a called 1.811 acres tract of land as described in a Warranty deed to Rasheed Al-Sharhan and Jo Lena Al-Sharhan, as recorded in Volume 92020, Page 0365 of the Deed Records of Dallas County, Texas, and all of a called 0.679 acres tract of land as described in a Warranty deed to Rasheed Al-Sharhan and Jo Lena Al-Sharhan, as recorded in Volume 2003256, Page 3335 of the Deed Records of Dallas County, Texas, and also all of a called 0.68 acres tract of land as described in a Warranty deed to Rasheed Al-Sharhan and Jo Lena Al-Sharhan, as recorded in Document no. 20070339867 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows: described as follows:

BEGINNING at a City of Dallas Water Department brass disk in concrete monument found for corner in the take line for Lake Ray Hubbard, at the northwest corner of said 1.811 acres tract and at the southwest corner of Lot 8, Block A, Shady Acres Addition, an Addition to the City of Rowlett, Texas, according to the Plat thereof recorded in Volume 68030, Page 1016 of the Plat Records of Dallas County, Texas;

THENCE N. 89 deg. 39 min. 00 sec. E. along the south line of said Addition, at 210.00 feet pass a 1/2" iron rod found at the northeast corner of 1.611 acres tract and northwest corner of 0.679 acres tract, at 296.00 feet pass a 1/2" iron rod found at the northwest corner of 0.68 acres tract and continuing for a total distance of 391.82 feet to a 1/2" iron rod found for corner at the northeast corner of 0.68 acres tract and the northwest corner of a tract of land as described in a Warranty deed to Victory Baptist Church of Rowlett, as recorded in Volume 81150, Page 1096 of the Deed Records of Dallas County, Texas;

THENCE S. 00 deg. 18 min. 12 sec. E. a distance of 294.39 feet to a 5/8" iron rod found for corner in the curving north right-of-way line of State Highway 66 Lakeview Parkway;

THENCE in a southwesterly direction along a curve to the right having a central angle of 12°50'21", a radius of 1849.86 feet, a tangent of 208.14 feet, a chord of S 73°06'51"W, 413.66 feet and along said right-of-way an arc distance of 414.53 feet to an "X" chiseled in concrete for corner at the southwest corner of said 1.811 acres tract and in the take line for Lake Ray Hubbard;

THENCE N. 05 deg. 20 min. 53 sec. E. along said take line, a distance of 195.00 feet to a City of Dallas Water Department brass disk in concrete monument for corner;

THENCE N. 04 deg. 07 min. 23 sec. W. along said take line, a distance of 218.56 feet to the POINT OF BEGINNING and containing 3.19 acres of land.

NOTES

 According to F.E.M.A. Flood Insurance Rate Map. Community Panel No. 48113C0245K dated July 7, 2014, this property lies in Zone X. This property does not appear to lie within a 100-year flood plain.

2) BEARING SOURCE: RECORDED PLAT VOLUME 68030, PAGE 1016, M.R.D.C.T.

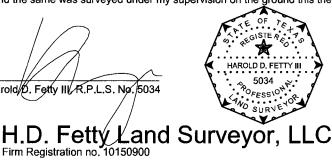
3) ALL 1/2" IRS ARE CAPPED WITH YELLOW PLASTIC CAPS "RPLS 5034."

4) THE FOLLOWING EASEMENTS DO NOT APPEAR TO AFFECT THIS LOT: (i) V. 871, P. 378 (ii) V. 553, P. 165 (iii) V. 668, P. 113 (iv) V. 763, P. 427 (v) V. 67126, P. 836 (vi) V. 1540, P. 533 (vii) V. 73237, P. 1241

SURVEYOR'S CERTIFICATE

SURVEYOR'S CERTIFICATE I, Harold D. Fetty, III, Registered Professional Land Surveyor No. 5034, do hereby certify that the above plat of the property surveyed for Allegiance title Company, Alliant National Title Insurance Company, LLC. and Mike Chen at State Highway No. 66, Rowlett, Dallas County, Texas, is the result of a careful collection of the best evidence available to me and my opinion is based on the facts as found at the time of survey. This survey meets the requirements of the Minimum Standards of Practice as approved and published by the Texas Board of Professional Land Surveying, effective September 1, 1992 and subsequent revisions, and the same was surveyed under my supervision on the ground this the 23rd day of September, 2021.

Harold D. Fetty III, R.P.L.S. No. 5034



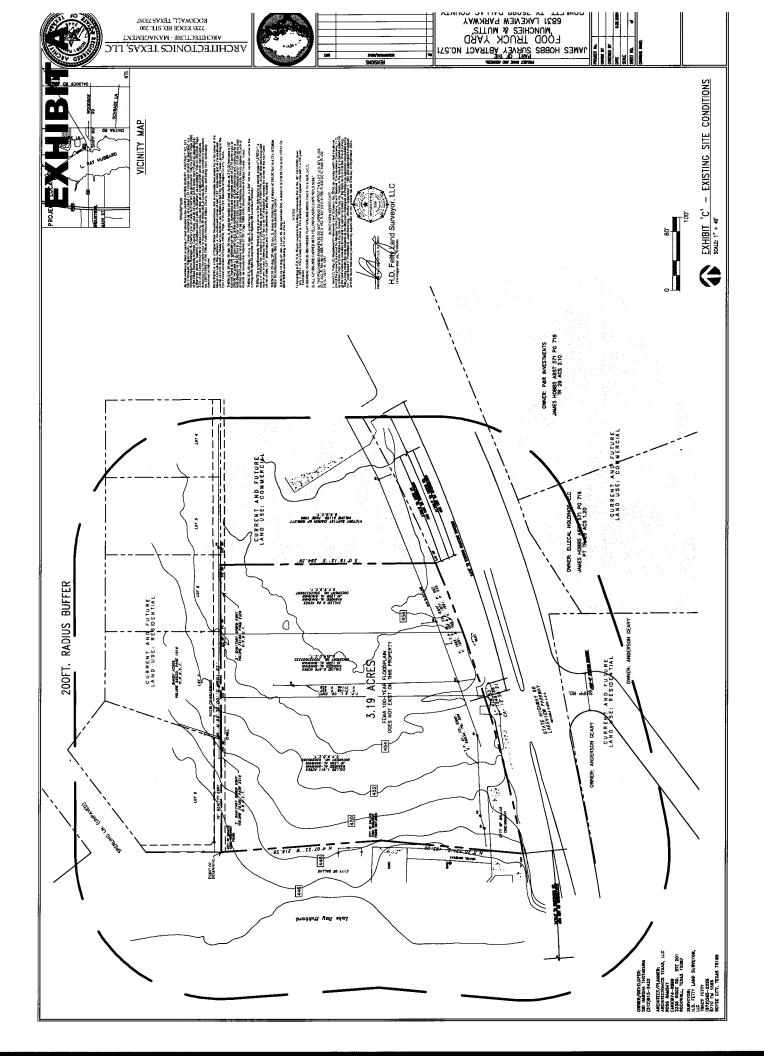


EXHIBIT B

1. General Standards.

a. The Property shall be governed by this Ordinance and the Rowlett Development Code, as amended. In the event of a conflict between this Ordinance and the Rowlett Development Code, as amended, this Ordinance shall control.

b. Development of Munchies & Mutts shall be in general conformance with the Concept Plan (Exhibit E) and the Landscaping Plan (Exhibit F), all as amended in accordance with this Ordinance. In addition to minor modifications provided for in Section 77- 811, minor amendments to the plans may be approved by the Director of Community Development that do not: (i) add uses not permitted under this ordinance, (ii) increase the maximum permitted building height set forth in this ordinance, (iii) reduce required parking, and (iv) increase the floor area within the development, as reflected on the Concept Plan, the total building area will not exceed 5,000 square feet.

c. Building facades shall consist of materials stipulated by this Ordinance, and elevations will be reviewed and approved at the time of Site Development Plan.

2. Comprehensive Plan.

The City Council finds that this Ordinance is consistent with the City of Rowlett Comprehensive Plan as amended.

Property shall be governed by the provisions of the Rowlett Development Code applicable to land in the Limited Commercial/Retail C- 2 zoning district, as modified by this Ordinance.

All the uses that are permitted by right in C- 2 zoning district are permitted at Munchies & Mutts.

Following additional uses would also be permitted that are not defined in the ordinance

- 1. Dog park
- 2. Event center
- 3. Permanent and temporary food trucks
- 4. Drive thru for food truck

Following are permitted by Special Use Permit at Munchies & Mutts.

- 1. Medical Laboratory
- 2. Tower(commercial, radio, television, relay, cellular or microwave) over40 ft.

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- 3. Alternative Financial Institution
- 4. Restaurant (with drive-thru)
- 5. Single-phase office building or office complex with less than 100,000 sq.ft./gfa
- 6. InteriorCommercialParking Garage
- 7. Sports Arena(indoor]
- 8. Amusement Park
- 9. CommercialAmusement
- 10. Driving Range, Putting Course
- 11. Theater (outdoor)
- 12. Self Service Laundromat
- 13. Spa or massage establishment
- 14. Greenhouseand/or plant sales
- 15. ConvenienceStore (gas pumps required)
- 16. Retail vehicle filling station other than associated with a convenience store
- 17. Vehicle Service and repair, light
- 18. Hotel

These requirements are developer/applicant initiated.

The following dimensional standards shall apply and constitute the exclusive lot size, setback, building size, and height requirements for an occupiable building.

LOT SIZE			MINIMUM SETBACK REQUIREMENTS			MAX FLOOR AREA (sq.ft.)	MAXIMUM STOREY	
MIN. LOT AREA (sq.ft./lot)	MIN. WIDTH (ft.)	MIN. DEPTH (ft.)	MAX. LOT COVERAGE (%)	SIDE (ft.)	FRONT (ft.)	REAR (ft.)	5000	1 story
None	None	None	80%	15	50 ft. FROM ALL STREET RIGHTS-OF-WAYS	15		

i. A colored facade plan showing the plan view and elevation view shall be made a part of the Site Development Plan approval process. The colored facade plan shall include notes listing all material types, finishes, and colors for all exterior elements.

ii. Buildings shall be 100 percent masonry construction per elevation, exclusive of roofs, doors, and windows. Such building materials shall also be compliant with the International Building Code in effect at time of building permit application.

iii. Each primary structure shall have a clearly defined main pedestrian entrance featuring the following elements: canopies or porticos, overhangs, recesses or projections.

iv. Buildings shall incorporate a human scale near ground level on commercial buildings and along street facades and entryways through the use of such scale elements as windows, doors, columns, and beams. The maximum # of stories on any building shall be one and the maximum height of 30'-0"

v. Screening for the outdoor ground mechanical shall be of evergreen bushes at the minimum height of the mechanical unit(s) at the time of installation. The landscape shall be spaced to create an opaque screen on sides visible from any street or ROW.

vi. Following standards apply to dog parks on the property. At a minimum 2 dog waste stations shall be provided on the property at strategic locations. Pet water fountains will be provided on the property. Dog park shall have a min 4ft fencing around the perimeter and a staged entrance area with double gate system. A signage will be clearly displayed on the dog park stating the park usage rules.

vii. Hours of operation are limited to the following based on ORD-011-24.. Deliveries can occur outside of these hours only at the designated loading dock.

Mon - Thu & Sun: 9AM - 10PM Fri - Sat : 9AM - 11PM

viii. Dumpsters/Trash Compactors on the property shall be placed at a sufficient distance away from the Lakeview Pkwy to retain aesthetics of the property. Dumpsters shall not be placed within 50 ft from north property line sharing border with residential properties to minimize any potential visual or olfactory impact. A minimum of 1 recycling bin shall be labeled and placed in proximity to the food truck parking area.

ix. Screening standards shall comply with Sec. 77-504.F.1-2 of the Rowlett Code of Ordinances and as amended by Ordinance ORD-011-24. Incompatibility buffer for north and east property boundaries shall be requires to be comprised of 15ft buffer with one tree per 30 linear foot; north incompatibility buffer will have a total of 13 trees and 8ft masonry wall; east incompatibility buffer will have a total of 11 trees and 6 ft wrought iron fence with large evergreen shrubs; both buffers will include additional evergreen shrubs planted at 8 ft intervals.

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x. Loading areas shall be restricted to areas adjacent to a building structure. Loading areas facing a major street or ROW shall be screened with evergreen bushes and shall be spaced to create an opaque screen on sides visible from any street or ROW.

xi. An exterior lighting plan shall be submitted as part of the Site Development Plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Open areas and dog parks shall be illuminated at a minimum of 1 FC on hours of operation. Such lighting fixtures shall not exceed a height of 8'-0".

Parking lots and other background spaces shall be illuminated as unobtrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize local lighting that defines the space without glare.

Lakeview Parkway Corridor. All exterior lighting luminaires shall be mounted no higher than 15'-0" in parking lot areas. All fixtures used shall have shields or hoods that direct light downward and reduce light spillage. The maximum intensity for parking lot light bulbs shall not exceed 16,000 lumens, with minimum spacing of 50'-0" between mounting poles.

xi. During operating hours, there can be a minimum of one and a maximum of five vending vehicles parked simultaneously. Vending vehicles should have a 50 ft setback from the north perimeter sharing the border with residential zoning. Vending vehicles shall not use bells, music or other attention getting devices so as not to disturb the peace and tranquility of the neighborhood. Exterior lighting on vending machines/vehicles shall not exceed 9'-0" height. Vending vehicles may be parked on site during non-operating hours. All the illumination from vending machines will be turned off during non-operational periods.

xiii. Visible emissions of any kind at ground level past the lot line of the property on which the source of the emissions is located are prohibited. Development will meet or exceed the standards for acceptable emissions determined by the Texas Commission on Environmental Quality and/or the Environmental Protection Agency and/or the North Central Texas Council of Governments.

xiv. A handwashing station that is accessible outdoors and compliant with ADA (Americans with Disabilities Act) standards shall be made available on the premises. xv. Photo prop area shall be placed on the property to capture the visually appealing lakeview backdrop. Flashlights should not be positioned higher than 7 feet unless equipped with reflectors to prevent any light spillage into neighboring properties.

xvi. Parkings will be provided as per the following metric. Rest of the parking standards shall comply with Rowlett Development Code of Ordinances

xv. At the time of installation, developer will comply with city standards pertaining to construction by incorporating materials and protections to eliminate nuisance for neighboring properties.

<u>USAGE</u>

Open area/patio seating Event center/Recreation Club RATIO 1 per 4 Seats 1 per 100SF or 1 per 4 seats

Deviations:

Following deviations are requested to enhance the experience of the property usage.

Deviation	Details & Justification
Adjust the screening requirements along the western property line	A partial 10 ft masonry wall approximately 195ft will be erected along a section of the western property line to conceal the Dallas city water pump from view and continuing with a 6ft wrought iron fence to preserve the panoramic view of lakeview from the site. Enhancing the property's aesthetics, a visually appealing mural or wall art will be installed. To optimize visibility of the wall, no vegetation screen will be planted adjacent to the masonry wall on the western property line. For further details, please consult Exhibit F - Landscape plan.

