

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. P&Z 85-6A-CUP Date Submitted 7.22.85
Filing Fee \$55.00
Applicant Michael Stephenson
Address 311 I-30 E. Serv. Rd Rockwall Phone 722-1001
Owner Tenant _____ Prospective Purchaser _____

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto):

I hereby request that a Conditional Use Permit be issued for the above described property for:

Henry Africa - combustible materials:
wood colm, wood trusses, & beams.

The current zoning on this property is Commmercial.
There are/are not deed restrictions pertaining to the intended use of this property.

I have attached hereto as Exhibit A a plat showing the property which is the subject of this requested Conditional Use Permit and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

Signed Michael A. Johnson

Note: The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

(The following Certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description; however, the same is not a requirement of the Application.)

CERTIFICATE

I hereby certify that I have checked the legal description of the property described in this Application and the same describes the tract of land shown on the Plat attached hereto as "Exhibit A" and said description is sufficient to allow qualified surveyor to locate and mark off said tract on the ground.

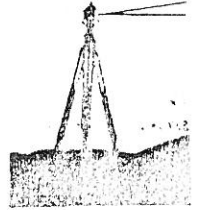
Surveyor or Attorney for Applicant
(Mark out one)



B. L. S. & ASSOCIATES, INC.

304 WEST RUSK • P.O. BOX 65 • ROCKWALL, TEXAS 75087 • ROCKWALL 722-3038 • DALLAS 226-7522

Surveying & Engineering Services



July 25, 1985

DESCRIPTION

BEING, a tract of land situated in the M.J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, and being those tract as conveyed to Michael A. Stephenson, as recorded in Volume 166, Page 42, Volume 177, Page 346, and Volume 210, Page 595, Deed Records, of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING, at a point on the Southeast line of Interstate Highway No. 30, said point being the West corner of said tract recorded in Volume 166, Page 42, a $\frac{1}{2}$ " iron stake found for corner.

THENCE, along the Southeast line of Interstate Highway No. 30, and around a curve to the right in a Northeasterly direction, having a central angle of $1^{\circ} 02' 10''$, a radius of 11,309.20 feet, a distance of 204.48 feet to the end of said curve, a $\frac{1}{2}$ " iron stake found for corner.

THENCE, S. $38^{\circ} 41' 58''$ E., leaving the said Southeast line of Interstate Highway No. 30, a distance of 199.60 feet to a $\frac{1}{2}$ " iron stake for corner.

THENCE, S. $41^{\circ} 52' 20''$ W., a distance of 79.62 feet to a $\frac{1}{2}$ " iron stake found for corner.

THENCE, S. $43^{\circ} 05' 42''$ W., a distance of 165.00 feet to a $\frac{1}{2}$ " iron stake found for corner.

THENCE, N. $30^{\circ} 13' 41''$ W., a distance of 273.85 feet to the PLACE OF BEGINNING and containing 1.202 acres of land.

PLANNING AND ZONING ACTION SHEET

Applicant Michael Stephenson Case No. 85-64-CUP

Property Description Henry Africa Rest.

Case Subject Matter CUP for less than 100% non

combustible materials for restaurant

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>Aug 8</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conditions _____			

Date to City Council <u>Sept 9</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conditions <u>1 hour fire rated materials</u>			
<u>adequate sprinkler system</u>			

Ordinance no. 85-63 Date Oct. 15, 1985

ITEMS IN FILE

Zoning Cases

- Application
- N/A Site Plan
- Filing Fee
- Notice to Paper
- Notice to Residents
- List of Residents Notified
- N/A Residents' Responses
- N/A Consultant's Review
- Agenda Notes
- Minutes
- Ordinance
- Correspondence

Plat/Site Plan Cases

- Application
- Filing Fee
- Plat/Plan
- Engineer's Review
- Consultant's Review
- Agenda Notes
- Minutes
- Correspondence
- County File Number

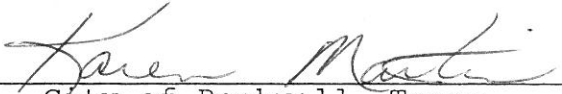
BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30
o'clock P. M. on the 8 day of August, 1985 in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Michael Stephenson
for a Conditional Use Permit for a Private Club as an Accessory to a
General Restaurant

on the following described property:

Henry Africa Restaurant
303 I-30
(see attached)

As an interested property owner, it is important that you attend this hear-
ing or notify the Commission of your feeling in regard to the matter by re-
turning the form below. In replying, please refer to Case No. 85-63-CUP



City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and
Zoning Commission, 205 West Rusk Street, Rockwall, Texas 75087.

Case NO. 85-63-CUP

I am in favor of the request for the reasons listed below. _____

I am opposed the request for the reasons listed below. _____

- 1.
- 2.
- 3.

Signature _____

Address _____

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,
City of Rockwall

~~Harold H. H. H.~~
~~Hott~~ Erby

M J Barksdale

Celpepper's

1. Church on the Rock, P.O. Box 880
2. D. L. Faulkner, c/o Equity Tax Group,
James PO Box 475759, Garland 75047
3. ~~John~~ Brown, Rte 3 Box 412
4. ~~Gene~~ Gene Peak Investment Corp., 12970
Pandora Dr, Dallas 75238
5. Gene Burks, 603 Wooded Trail
6. Kirby Albright ~~12970~~ 9330 LBJ Freeway, Ste 775
7. ~~Garland Federal State~~ PO Box 461507, Garland 75046
Dallas 75243

11

CITY OF ROCKWALL
205 West Rusk Street
ROCKWALL, TEXAS 75087-3628
(214) 722-1111 — Dallas 226-7885

TO: ■ Michael Stephenson
■ Culpepper Cattle & Catering Co.
■ 309 I-30
■ Rockwall, TX. 75087

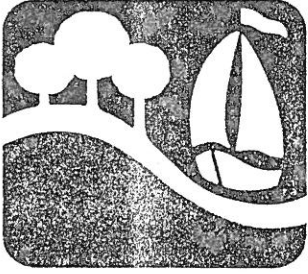
■ Karen Martin
■
■

> Subject: Henry Africa Private Club Conditional Use Permit

On Aug. 8, 1985 the P & Z Commission voted to recommend approval of the above permit subject to meeting all standards set by the City Council. The Council will hear this case on Sept. 9, 1985.

cc: John Lindsay
103 S. San Jacinto
Rockwall, TX. 75087

DUPLICATE



CITY OF ROCKWALL

"THE NEW HORIZON"

October 21, 1985

Michael Stephenson
452 Yacht Club Drive
Rockwall, Tx. 75087

Dear Mr. Stephenson:

On October 15, 1985, the City Council of the City of Rockwall approved a Conditional Use Permit for a private club as an accessory to a restaurant meeting all the requirements of the City's ordinances regulating private clubs for Culpepper Cattle and Catering Company Restaurant and the Henry Africa Restaurant.

One of the provisions of this ordinance requires that each private club shall provide the City with a copy of the reports submitted to the Texas Comptroller of Public Accounts and Texas Alcoholic Beverage Commission within 30 days of the end of each quarter. The first report for Culpepper Cattle and Catering Company will be for the quarter ending December 31, 1985. This report will be due by January 30, 1986. When Henry Africa becomes operational it will also fall under these requirements.

If you have any questions, please don't hesitate to contact me.

Sincerely,

Julie Couch
Assistant City Manager

JC/mmp

IV. C. 4. 85-64-CUP - Hold Public Hearing and Consider Approval of a Conditional Use Permit for a Building with Less than 100% Noncombustible Materials at the Henry Africa Restaurant

- Action Needed:
1. Hold public hearing.
 2. Motion to approve or deny Conditional Use Permit for combustible structural materials in the Henry Africa Restaurant with any conditions.

In designing the new Henry Africa restaurant the owner and architect would like to incorporate wooden trusses, beams, and columns. Our Zoning Ordinance requires all buildings in Commercial Districts be constructed of 100% noncombustible materials unless the owner obtains a Conditional Use Permit from you and the City Council. The architect will argue his case as to the need for these materials in his design.

If you should grant this Conditional Use Permit we suggest there be no time limit placed on it since it is a structural permit. The Building Code would require that any building with combustible materials, such as a restaurant, have either a sprinkler installed or else have all the wood treated to a one hour fire rating. It would be cheaper for the applicant in install the sprinkler system, once adequate water to run such a system is brought to the site. We would therefore suggest that a condition of approval of this permit be the installation of a sprinkler system and the provision of adequate water pressure to the site to run such a system.

We sent notices to six neighboring property owners.

Minutes of P+Z 8/8/85

Staff pointed out the location of the proposed rezoning for a hospital on Yellowjacket Lane east of FM-740. The Chairman opened a public hearing. Raymond Cameron, as a member of the Board of Directors of the hospital, spoke in support of the hospital's construction. Terry Andris presented an organizational chart for the new hospital. He explained it would be a 70 bed, not-for-profit hospital. It would be a full service hospital employing approximately 150 people. Ernie Wright said he had no problem with eliminating the exit from the parking lot shown on Yellowjacket Lane. He said the building was designed to initially contain four floors, with an additional three floors in the future. He showed the Commissioners elevation drawings of the hospital, both with four and seven floors. Mr. Westmoreland, of Wright-Rich Architects, said that the hospital was designed to have entrances on two levels. The emergency room would have an entrance on a level lower than the main entrance on the opposite side of the building. The Chairman closed the public hearing. Smith questioned the need for additional parking on an area currently shown as landscaping. Westmoreland said that the parking shown was sufficient for the entire seven floors. The owners had considered building a support facility and therefore might need additional parking in the future. He pointed out that the landscaped area would contain most of the drainage from the area. The hospital was planning some sort of nature trail or pedestrian area. The hospital is located 68 ft. from the side property line. The applicant was requesting a total height of 112 ft. Smith questioned economic feasibility of a hospital in Rockwall at this time. Andris explained that the hospital would be phased; first, only a portion of all the departments would be opened. All support services would be available, however. He said it would be a Level Two hospital. Smith pointed out the Commissioners should consider whether the property should be rezoned to Commercial, with or without a hospital since the rezoning would not be tied to any particular use. He suggested that if a Conditional Use Permit were granted to go up to 112 ft. that it be tied to the hospital only. Quinn clarified that the site was contiguous with the existing Commercial District. Smith made a motion to recommend approval of a change in zoning from "MF-15" Multifamily Residential to Commercial on a 10 acre site east of FM-740 on Yellowjacket Lane. Knight seconded the motion. The motion was voted on and carried unanimously.

Seligman made a motion to recommend approval of a Conditional Use Permit to allow a hospital 112 ft. in height on the 10 acre site east of FM-740 on Yellowjacket Lane subject to a detailed site plan with the parking lot exit removed and a description of the landscaping submitted to the Planning Commission prior to or at the same time as the final plat. Knight seconded the motion. The motion was voted on and carried unanimously.

Seligman made a motion to approve the preliminary plat for the one lot subdivision for Rockwall Memorial Hospital on 10 acres east of FM-740 on Yellowjacket Lane. Knight seconded the motion. Smith asked that the approval of the preliminary plat be tied to the drawing submitted in his packet and before him at the meeting. The motion to approve the preliminary plat was voted on and carried, with Knight, Seligman and Quinn voting for and Smith voting against.

Staff explained the location of the Culpepper Cattle and Catering Company restaurant and proposed new Henry Africa restaurant. A site plan showing the buildings and parking spaces proposed was presented. Michael Stephenson was asking to place a nonmasonry facade building

next to the existing restaurant, as well as obtain a Conditional Use Permit for the private club in the restaurant. Stephenson was also proposing to place a building with combustible structural materials on the Henry Africa site and install a private club in that restaurant. The Chairman opened the public hearing. There being no one to speak except the developer, the Chairman closed the public hearing. John Lindsay explained that the applicant planned to move a portion of the building formerly known as Crawdaddy's Restaurant in Dallas onto the current restaurant site and convert it to a retail building. Arts and crafts would be sold inside the building. He felt the building blended with the existing Culpepper's style. He pointed out the applicant had removed the amphitheater which was shown on the 1983 site plan and replaced the area with parking. A sidewalk was planned to connect the restaurants and parking lot. Henry Africa restaurant would incorporate the existing foundation and walls of the house on the site. The builder would then extend metal studs, sheathing lathe and stucco against the existing wall. Some areas of the building will be concrete block covered with stucco. The existing structure could not carry the entire planned restaurant. Therefore, the additional new portion will span over the existing foundation and wall. Wooden pole-like beams would be used in the ceiling. Pole type beams would be used as a finish material, but there would be sheetrock behind them. Wooden columns are planned outside the restaurant. The roof would be tile. The interior floors are tile. A sprinkler system would be installed. Smith questioned why the architect was trying to retain the existing building. Lindsay said it would not be cheaper to remove the house. They planned to use the two-car garage as the entry to the restaurant and cover over the brick exterior with stucco. Lindsay agreed they would be using heavy timbers in the combustible materials. Quinn suggested that the applicant could use noncombustible structural materials and install only decorative wood. The architect and owner both requested the wood structural materials to carry out a theme. Stephenson explained that he had purchased the Crawdaddy's building before the City's masonry requirement was adopted. He planned to use only a portion of the building and keep its tin roof. Stephenson said he planned to install all paved parking. The Henry Africa site would have concrete parking. The rest of the property would be either asphalt or concrete, depending on the bid they receive. Smith questioned the timing of the paving. Stephenson said he had applied for permanent financing on the entire project. He anticipated approval in 30 to 45 days. He would then immediately start paving the parking in the rear of the property. Quinn questioned again why the applicant would not build the new restaurant with noncombustible materials, rather than asking for a Conditional Use Permit. Stephenson said he wanted to create a certain atmosphere. Without the wood he feared it would be sterile environment. Stephenson said that he is currently working on extending an 8 in. water line to the site and a natural gas line. He asked to be able to move the retail building on the site before winter to stop deterioration of the building. Lindsay said the owner plans to run sewer from the Signal Ridge development. Stephenson explained that the retail building was designed to touch the existing restaurant, but that there would be no door joining the two.

Seligman made a motion to recommend approval of a Conditional Use Permit for a retail building with less than 90% masonry facade next to the Culpepper Cattle and Catering Company as shown on the revised site plan with the condition that no Certificate of Occupancy be issued on

the building until sufficient parking spaces are paved to accommodate both the Culpepper restaurant and the retail building. Smith seconded the motion. Smith suggested the motion be changed to require paving before granting a moving permit. Knight said he thought it was a nice plan and suggested approval. Smith asked the required parking for the retail and existing restaurant. Staff stated it would be 83 spaces. The motion to recommend approval of the Conditional Use Permit subject to paving 83 spaces before obtaining a Certificate of Occupancy was voted on and carried unanimously.

Smith made a motion to recommend approval of a Conditional Use Permit for a private club meeting the conditions set by City Council as an accessory to the Culpepper Cattle and Catering Company restaurant with no time limit. Seligman seconded the motion. The motion was voted on and carried unanimously.

Smith questioned the dimensions of parking spaces and other items on the site plan. He also asked what type of landscaping would be provided. Lindsay assured him that the spaces all met City standards. The trees shown on the site plan are existing trees which will be retained. The Commission discussed whether to require landscaping on the Culpepper site. Smith made a motion to recommend approval of the site plan for Culpepper and Henry Africa restaurants as presented. Seligman seconded the motion. The motion was voted on and carried unanimously.

Seligman made a motion to recommend approval of a Conditional Use Permit for the Henry Africa restaurant to contain combustible structural materials subject to the installation of a sprinkler system with adequate water pressure to run such a system installed. Knight seconded the motion. Smith questioned whether there should be a time limit placed on the permit. Smith asked to amend the motion to require one hour fire rated heavy timber for the combustible materials. Seligman agreed to the amendment. Knight seconded the amendment. The amended motion to approve the Conditional Use Permit for Henry Africa to have one-hour fire rated heavy timber combustible material with a sprinkler system installed with adequate water pressure with a one year time limit was voted on and carried unanimously.

Smith questioned the number of seats which would be provided in Henry Africa. Lindsay explained that the number of seats were shown throughout the restaurant but not on the deck and courtyard. Therefore, the City had calculated the parking requirement for those two areas based on square footage rather than seating. Knight made a motion to recommend approval of a Conditional Use Permit for a private club as an accessory to the Henry Africa restaurant with no time limit. The Commissioners discussed whether a time limit should be added. They agreed not. Seligman seconded the motion. The motion was voted on and carried unanimously.

Staff gave background information to the Planning and Zoning Commission concerning a piece of Folsom Investments property which is zoned General Retail. The developer had begun construction of Canyon Ridge Apartments in the General Retail section when it was allowed under the 1972 Zoning Ordinance. In October of 1982 the developer platted an area for two phases of the apartments. In February of 1983 the City Council amended the Zoning Ordinance restricting the density on multi-family dwelling units in General Retail districts. What property already platted was specifically exempted. However, the City Council repealed

Agenda Notes
City Council - 9/9/85

IV. F. 4. 85-64-CUP - Hold Public Hearing and Consider Approval of a Conditional Use Permit for a Building with Less than 100% Noncombustible Materials at the Henry Africa Restaurant

- Action Needed:
1. Hold public hearing.
 2. Motion to approve or deny Conditional Use Permit for combustible structural materials in Henry Africa Restaurant with any conditions such as adequate water service.

In designing the new Henry Africa Restaurant, the owner and architect would like to incorporate the existing foundation and walls of a house on the site. The builder would then extend metal studs, sheathing, lathes and stucco against the existing wall. Some areas of the building would be concrete block covered with stucco. The new portion will span over the existing foundation and walls. Wooden pole-like beams would be used in the ceiling. Pole-type beams would be used a finish material, but there would be sheetrock behind them. The applicant also plans wooden columns outside the restaurant. The roof and interior floor should be tile. He does plan to install a sprinkler system.

Our Zoning Ordinance requires all buildings in Commercial Districts be constructed of 100% noncombustible structural material if they contain over 5,000 sq. ft. unless the owner obtains a Conditional Use Permit from the City Council.

The applicant stated that he would like to get this permit because he felt it fit with his Mediterranean style. He wanted to create a certain atmosphere and without wood he feared the restaurant would be too sterile.

The applicant will either have to treat all wood in the building or else have a sprinkler system installed. It will be cheaper for him to install a sprinkler system. However, since he is currently on a 2 inch water line, we suggested a condition of approval of this permit be that adequate water be available to operate such a system effectively.

We sent notices to 6 neighboring property owners. We received no responses. The Planning and Zoning Commission recommended approval of the permit to allow Henry Africa Restaurant to have one-hour fire rated heavy timber combustible materials with a sprinkler system installed with adequate water pressure to operate it and a one year time limit.

We would not recommend a time limit on this permit if you approve it because it is a structural permit.

Council Minutes 9/9/85

to spend the money for legal fees to enforce ordinances. Stephenson agreed. Fox pointed out that the City had worked with every business developer in the City. He stated that he was of the opinion that some of the past problems should be worked out before new projects were started. Davis stated his feeling that the City should give Stephenson the chance to correct past problems and do right.

Nell Welborn made a motion to approve a request from Michael Stephenson for a Conditional Use Permit for a building with less than 90% masonry facade next to Culpepper Restaurant with the stipulation that a Certificate of occupancy would not be issued until paving of parking lots was completed on all of Culpeppers. Bullock seconded the motion. The motion was voted on and passed, six to one, with Fox opposed.

The Mayor opened a public hearing on a request from Michael Stephenson for a Conditional Use Permit for a private club as an accessory to a restaurant at Culpepper Cattle and Catering Company. Considerable discussion was given to the location of the entrance relative to the location of the bar. The Mayor closed the public hearing.

Gournay made a motion that the Council approve a Conditional Use Permit for a private club as an accessory to a restaurant at Culpepper Cattle and Catering Company which would meet the standards set by the City Council and without a time limit. Bullock seconded the motion. The motion was voted on and passed unanimously.

The Council then considered a site plan and preliminary plat for Henry Africa and Culpepper Restaurants on I-30. Tuttle asked if adequate fire protection would be provided. Stephenson told the Council that his engineers were working on utility plans. The Council discussed further the corrugated metal for a currently existing fence. Gournay made a motion to approve the site plan/preliminary plat for Henry Africa and Culpepper restaurants on I-30 with the following stipulations:

1. That the existing metal fence be replaced with a cross-tie fence.
2. That the plan meet the City's landscape requirements.
3. That an 8 inch water main be constructed to serve Henry Africa and Culpepper restaurants.
4. That City sewer service be provided for both Henry Africa and Culpepper restaurants.
5. That all associated parking lots and driveways be paved.

Eubanks seconded the motion. The motion was voted on and passed unanimously.

The Mayor opened a public hearing to consider a request for a Conditional Use Permit by Michael Stephenson for a building with less than 100% noncombustible materials at the Henry Africa Restaurant. John Lindsey, representing Stephenson, explained that

this was being requested so that the restaurant could use structural materials which would more adequately achieve the design concept proposed. The Mayor closed the public hearing.

Welborn made a motion to approve a Conditional Use Permit for a building with less than 100% noncombustible materials at the Henry Africa restaurant provided the structural materials which were noncombustible have a minimum of one hour fire rating and that a complete sprinkler system be provided. Eubanks seconded the motion. The motion was voted on and passed unanimously.

The Mayor opened a public hearing on a request from Michael Stephenson for a Conditional Use Permit for a private club as an accessory to a restaurant at the Henry Africa Restaurant. Stephenson told the Council he was requesting approval of a private club for Henry Africa Restaurant. Mayor Tuttle closed the public hearing.

Fox made a motion that a Conditional Use Permit for a private club as an accessory to a restaurant at the Henry Africa Restaurant be approved with the condition that the club operate within the guidelines of the City's private club ordinance. Welborn seconded the motion. The motion was voted on and passed unanimously.

The Mayor opened a public hearing on an ordinance amending the Comprehensive Zoning Ordinance recognizing existing conditions in private clubs and allowing them to continue. There being no one present to speak on the matter, the Mayor closed the public hearing.

Gournay made a motion to continue to prohibit video games in all private clubs and require that existing clubs remove their video games in order to come into compliance with City standards. Fox seconded the motion. The motion was voted on and passed unanimously.

The Council then heard the City Manager's report. Eisen reviewed the status of annexation proceedings with the Council. He stated that there appeared to be no problem with survey work on annexations for I-30 and FM-276 parcels; however, SH-205 annexations might have to be carried over to the next calendar year. He also advised the Council of the status of the new computer system. He told the Council that the water situation looked much improved, but emphasized that if compliance with the rationing program dropped off we could again have problems. The Council discussed the need for more water supply from North Texas Municipal Water District. The Council expressed the desire to transmit the feeling of the entire Council regarding the need to receive more water from the North Texas Municipal Water District. It was generally agreed that the Council should adopt a resolution expressing this concern.

The Council then considered approval of an amendment to the preliminary plan for PD-8, Chandlers Landing to allow for a private

to spend the money for legal fees to enforce ordinances. Stephenson agreed. Fox pointed out that the City had worked with every business developer in the City. He stated that he was of the opinion that some of the past problems should be worked out before new projects were started. Davis stated his feeling that the City should give Stephenson the chance to correct past problems and do right.

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ORDINANCE NO. 85-63

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A STRUCTURE WITH LESS THAN 100% NONCOMBUSTIBLE STRUCTURAL MATERIALS ON THE TRACT OF LAND DESCRIBED IN EXHIBIT "A"; PROVIDING FOR CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

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 Comprehensive Zoning Ordinance 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 Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to grant a Conditional Use Permit for a structure with less than 100% noncombustible structural materials on the tract of land described in Exhibit "A".

Section 2. That the Conditional Use Permit shall be subject to the following special conditions:

1. There shall be no time limit on the Conditional Use Permit.
2. This permit is issued for the use of one-hour rated heavy timbers with the installation of a sprinkler system with adequate water pressure to operate it.

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, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

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 ONE THOUSAND DOLLARS (\$1,000.00) for each offense 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 Comprehensive Zoning Ordinance No. 83-23 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 all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 8. 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.

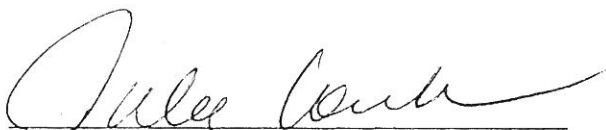
DULY PASSED AND APPROVED this 15th day of October, 1985.

APPROVED:



Mayor

ATTEST:



City Secretary

1st reading 10/7/85

2nd reading 10/15/85