

Agenda Notes
City Council - 10/7/85

- II. H. Consider Approval of an Amendment to the Comprehensive Zoning Ordinance to Change the Maximum Density Allowed in "MF-15" and "MF-20" Multifamily Residential Districts

- Action Needed:
1. Motion to amend density restriction in "MF-15" Residential District.
 2. Motion to amend density restriction in "MF-20" Residential District.

At the August 8th meeting the Commission held a public hearing on changing the maximum density in "MF-15" and "MF-20" Multifamily Residential Districts. This action was initiated because of the City Council directive that the Commission should consider such changes so as to reduce the maximum density in straight multifamily zoning districts.

The minutes of that meeting are enclosed, showing the comments made by various owners of multifamily zoned property in the City. The Commission tied on a vote to amend the density restriction.

The Commission then reconsidered the item on the September 12th Agenda and voted to eliminate the "MF-20" district and to reduce the density in "MF-15" to 14 units to the acre. Attached is a copy of a letter from Folsom Investments regarding any proposed changes.

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 materials with a sprinkler system installed with adequate water pressure and 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 the number of seats were shown throughout the restaurant, the deck and courtyard. Therefore, the City had calculated the seating requirement for those two areas based on square foot area 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 to. 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

EXCERPTS FROM P&Z MINUTES OF
AUGUST 8, 1985, RE: DENSITIES
IN "MF-15" & "MF-20"

the 1972 Zoning Ordinance and all amendments and adopted a new Zoning Ordinance in May of 1983. The new ordinance does not allow construction of apartments in General Retail districts. It also did not exempt any platted properties from the new density restrictions. The Chairman opened a public hearing on an amendment to the Zoning Ordinance maximum densities in "MF-15" and "MF-20" Multifamily Districts. Harold Chenault said that the financial community would not allow multifamily dwellings to be overbuilt again in the area. When he purchased a piece of property in town it was zoned "MF-15" Multifamily Residential. If the Commission and Council should reduce the density on that property it would be an economic hardship on him. Dr. Sherman Sparks recommended the Commission not recommend a change in the density maximum. He noted that the important item to consider was quality of construction and pricing, not density. Cindy Sweatt, a realtor, said that economically if the density is reduced a developer must build smaller units. Jerry Henningsman of Folsom Investments pointed out that his company owned large multifamily acreage in town. He said that a density of 10 to 15 units per acre was uneconomical to build currently. He said the problem with multifamily dwellings is not density but quality. The Chairman closed the public hearing. Seligman expressed concern that the over development of multifamily dwellings could again happen in the area. He suggested the City might not need a district allowing 20 units per acre. Smith questioned the rationale behind having the two zoning districts for multifamily dwelling. Henningsman said that to a developer the difference between 15 and 20 units per acre is substantial. He noted there could be problems with locating the denser apartments near residential areas. Smith asked Staff for an opinion. Martin said that creating more than one multifamily district gives the Commission and Council some flexibility. If they have a higher density in mind for specific developments, such as highrise elderly apartments or other similar uses, then they either have to establish one zoning district with a high enough density for that use and allow it in other areas, or else establish a lower density classification to allow the majority of the multifamily development which the City would experience. The Commission discussed the Planned Development option for multifamily residential. Knight asked for clarification as to what was being amended. Staff explained that the density section under area requirements in two sections of the Zoning Ordinance were under consideration at the request of the City Council. Quinn said the City did not need a classification for 20 units per acre. Knight pointed out they did not hear anyone speak in favor of reducing the multifamily residential density. Quinn stated that in previous years the City had been pressured for many requests for multifamily zoning. He suggested that the Commission and Council reduce density now before anyone else was ready to develop. Smith expressed concern that the properties not be made economically unfeasible for development. Seligman made a motion to recommend approval of an amendment to the maximum density in the "MF-20" Multifamily Residential District to 12 units per acre and make no amendment to the maximum density in "MF-15" District. Smith seconded the motion. The motion was voted on and failed, with Seligman and Smith voting for and Quinn and Knight voting against. The Commissioners discussed the tie vote. They decided to table any additional action until the September 12th meeting.

The meeting was recessed at 11:05 P.M. It was reconvened at 11:15 P.M.

Folsom Investments, Inc.

Bent Tree Tower, Suite 800 16475 Dallas Parkway Dallas, Texas 75248-2661 (214) 931-7400

September 23, 1985

Mayor Leon Tuttle
City of Rockwall
205 West Rusk
Rockwall, Texas 75087

Re: City of Rockwall/MF-15 Zoning District Amendment

Dear Mayor Tuttle:

We at Folsom Investments, Inc. are very concerned about the item tentatively scheduled to be heard by the City Council on October 7th to amend the City's MF-15 zoning District classification. At its September 12th hearing, the City Plan Commission voted to abolish the MF-20 District classification and to decrease the density allowed in an MF-15 District to 14 units per acre. Folsom Investments, Inc. owns approximately four-fifths of the City's undeveloped MF-15 land. I testified during the Plan Commission hearing that this reduction in density will decrease the amount of amenities and the architectural quality of future apartment complexes while having little effect on traffic generation, the key concern mentioned at the hearing.

As the owner of more than 20% of the property zoned MF-15, Folsom Investments, Inc., pursuant to Article 1011e, hereby serves written notice opposing such change. We feel that MF-15 is at the maximum limit of economical, quality multi-family construction. Continued erosion in this density will eliminate your quality developer and result in a product that tries to make the numbers work but cannot.

I will be present at the Council meeting on October 7th in order to address any concerns that you or other Council members may have. If you have more immediate questions regarding this matter, please do not hesitate to contact me.

Very truly yours,


Gerald W. Hengsman
Sr. Vice President

GWH/cn

cc: Pete Eckerd, City of Rockwall
Bill Eisen, City of Rockwall
Joseph Geary, Geary, Stahl & Spencer
Bob Folsom
Marie Garrison
Denny Holman

ORDINANCE NO. 85-67

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 83-23 OF THE CITY OF ROCKWALL BY AMENDING SECTION 2.7; REDUCING THE DENSITY ALLOWED IN IN MF-15 ZONING DISTRICT CLASSIFICATION; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the guidelines established in in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; 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 State law in reference to the adoption of amendments to Comprehensive Zoning Ordinances have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners interested in the zoning regulations to be amended by the City, the governing body of the City of Rockwall is of the opinion that the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative discretion,

NOW, THEREFORE, BE IT ORDAINED BY the City Council of the City of Rockwall, Texas:

SECTION 1. That the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall as heretofore amended and as hereafter may be amended, be and the same is hereby amended by amending Section 2.7 E. 4. as follows:

"E. Area Requirements:

4. Maximum Density Per Gross Acre - (~~1~~/\$) "14" units/acre"

SECTION 2 . 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 3. 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, nor shall adjudication affect any other section 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 4. 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 5. 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 3rd day of December, 1985,
1985.

APPROVED:



Mayor

ATTEST:



City Secretary

1st reading 11-19-85

2nd reading 12-3-85

Robert Yarborough and Jerry Vincent, representing the Rockwall YMCA, then appeared before the Council to request a variance on the requirement for paved parking lots. They pointed out special problems associated with the YMCA's need to increase the size of their parking lot.

Fox asked if the parking lot variance could be granted on a temporary basis. Eisen stated that the Council would have the ability to place a time limit after which renewal would need to be reconsidered if that was the Council's desire. Davis stated his support for pursuing this matter in the manner suggested by Fox. Eubanks stated that he had a problem with requiring churches to pave parking lots and not requiring the YMCA to do the same. Tuttle and Fox stated that they did see a difference in this case. Bullock stated that Lakeside Bank had been granted a temporary gravel parking lot permit.

Gournay made a motion that the Council waive the parking lot standards for the Rockwall County YMCA in accordance with the plans that they presented with the proviso that the waiver be good for only three years. Eubanks seconded the motion. The Mayor explained that this meant that the YMCA would have to come back to the Council to request another waiver if need be. The motion was voted on and passed unanimously.

The Council then considered an item to hold a public hearing and consider amendment to the Comprehensive Zoning Ordinance changing the maximum density allowed in "MF-15" and "MF-20" Multi-family residential districts.

Eisen pointed out that, as had been reported previously by Planning and Zoning Vice Chairman Don Smith, the Council had previously asked the Planning and Zoning Commission to hold hearings and consider and review the maximum densities allowed in the multifamily residential zoning districts of the City. He told the Council that as the ordinance currently exists, there are both Multifamily 15 and Multifamily 20 Zoning Districts included which allow 15 and 20 units per acre respectively. He told the Council that the Planning and Zoning Commission had concluded these hearings and forwarded a recommendation to the Council which would:

1. eliminate the "MF-20" District
2. place a maximum density of 14 units per acre in in the "MF-15" District.

Eisen pointed out that the City had received a letter protesting the change being proposed from Folsom Investments which owns more than 20% of the property in the City which is zoned "MF-15". He explained that due to this opposition a three-fourths vote of the City Council would be required to amend the ordinance.

The Mayor opened a public hearing on the matter and asked if there was anyone in the audience who wished to be heard on the subject.

Jerry Henningsman, representing Folsom Investments, appeared before the Council. Henningsman outlined the chronological history

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of Folsom Investment's involvement in Rockwall. He stated that about 12 years ago Folsom Investments had purchased about 93 acres of land in Rockwall and immediately afterwards had had the property zoned "MF-1" and General Retail which, he stated, at that time (in both zoning classifications) permitted 25 units per acre. He stated that in 1979 the Company had developed the Pebblebrook Apartments in Rockwall which involved 230 units at a density of 20.8 units per acre. He stated that in February of 1983 the City of Rockwall had passed an ordinance which reduced the "MF-1" zoning classification to 17 units per acre. He stated that Folsom Investments did, at that time, have a plat in for Phase I and Phase II of Canyon Ridge Apartments which was approved and the project was specifically exempted from the ordinance change at that time. He said that the remaining 64 acres, which is about four-fifths of the land currently being discussed (in terms of "MF-15" property in Rockwall today) was reduced to the 17 units per acre classification. He stated that in April of 1983 his Company began Phase I of the Canyon Ridge project (164 units) which are developed at a density of 23.3 units per acre. He said that in May of 1983 the City passed a new Comprehensive Zoning Ordinance which reduced the "MF-1" district to 15 units per acre on the same 64 acres and eliminated the cumulative aspect of the previously existing ordinance. He stated that this took away Folsom Investment's opportunity to develop Phase II of Canyon Ridge even though it had been platted and the Company had agreed to the improvements (including the extension of Yellowjacket Lane and had well over \$100,000 in improvements into the second phase). He stated that the second phase, under the change, had been completely eliminated. He stated that the Company now has a General Retail tract immediately adjacent to Canyon Ridge. He stated that now, in 1985, the Planning and Zoning Commission had had two hearings addressing the possibility of reducing the "MF-15" district to an even lower density. He outlined his assessment of the impact of the density on land prices. He told the Council that this meant that Folsom would have to begin cutting project costs. He stated that the firm had prided itself in being a good neighbor, had developed good projects in a time frame that did not inundate the market, and recognized the limitations of the market. He also pointed out that Folsom Investments had not considered looking at Housing Finance Bonds to finance low-income housing, nor had it sold land to anyone who proposed to do so. He stated that the amenities put into Canyon Ridge could easily be excluded in future developments to cut costs without violating building codes or ordinances. He stated that this would, however, have an adverse impact on the project. He stated that these deletions would result in the building of "junk" rather than "quality". He stated that when a type of density was created that requires developers to cut corners, they would tend to do so in a manner that would have an impact and produce projects that do not belong in places such as Rockwall. He stated that low density would not attract the good developers. He stated that he had not built any projects in densities less than 16 units per acre. He also discussed rental rates with the Council. He asked that the Council carefully review the recommendations of the Planning and Zoning Commission and sustain the ordinance as it is written today.

Welborn asked what the Company had paid for the property 12 years ago. Henningsman stated that he did not know. Welborn

stated that she certainly did not feel it was the intent of the City to be punitive against the Folsom firm. She stated, however, that she felt that the Council had an obligation to consider density matters.

Fox stated that several of the Council had been elected to control such matters as density and that he did not see that high density was needed in Rockwall. He stated that the City had certain minimum amenities required by ordinance. He stated his support for the 14 unit per acre change.

Tuttle asked if there was anyone else wishing to be heard. There being no one, the public hearing was closed.

Fox made a motion that the "MF-20" residential district be eliminated and that the density in the current "MF-15" district be changed to 14 units per acre. Eubanks seconded the motion. Eubanks stated that he had initially been in favor of ten to twelve units per acre; however, he would support the fourteen units per acre as a compromise. In response to a question from Welborn, Vice Chairman Smith told the Council that Chairman Quinn had voted against the 14 units per acre compromise because he had been in favor of ten to twelve units per acre. He stated that the fourteen units per acre had been a compromise after hearing all testimony. The motion was voted on and passed six to one, with Tuttle, Fox, Gournay, Eubanks, Welborn and Bullock voting in favor and Davis opposed.

The Council then considered the City Manager's Report. Eisen brought the Council up to date on the status of the annexation proceedings. He told the Council that the City had, late last week, received a letter from Rockwall Fishing Marina indicating that a sale of that marina had been made contingent upon approval of the Cities of Rockwall and Dallas. He said that the Staff would be reviewing the matter and have a recommendation on the matter at the next meeting. He updated the Council on the status of the City's new computer system. Discussion was given to the cleanliness of the marina. Fox requested that a schedule for improvements which had to be made be included in the project.

Fox suggested that the City seek help from the Dallas Park Department in removal of trees on the south side of the I-30 bridge. He suggested that this would possibly open that side of the lake up to sailboats.

Gournay asked when the City's best opportunity was to get the Rockwall Fishing Marina cleaned up. Eisen stated that the best time would be during negotiation regarding assignment of the concession agreement. Gournay asked about the sewer problem on Stonebridge. Eisen told the Council that the project to fix that problem should be completed this week. Gournay asked about the bridge over Squabble Creek on Hartman Street. Eisen told the Council that bid specifications were out for the Washington Street crossing which would have to be accomplished at the same time the work on Hartman Street is accomplished. Gournay asked for a schedule at the next meeting as to the completion of the project.

Fox asked the Staff to prepare a resolution which would request the Rockwall Success to print at least the minutes of the

PLANNING AND ZONING ACTION SHEET

Applicant: City of Rockwall Case No. 85-73-2
 Property Description Comprehensive Zoning Ordinance
 Case Subject Matter reduce density in MF-15, MF-20

CASE ACTION

no active decided

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z: <u>Sept 12, 1985</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Conditions: Recommended elimination of MF-20 and reduction in density of MF-15 to ~~MF~~ 14 units per acre

Date to City Council October 2, 1985

Conditions: approved changes as recommended by P&Z - unanimously

Ordinance No. _____ Date: _____

ITEMS IN FILE

- | | |
|--|-----------------------------|
| <u>Zoning Cases</u> | <u>Plat/Site Plan Cases</u> |
| <u>N/A</u> Application | _____ Application |
| _____ Site Plan | _____ Filing Fee |
| _____ Filing Fee | _____ Plat/Plan |
| _____ Notice to Paper | _____ Engineer's Review |
| <u>N/A</u> Notice to Residents | _____ Consultant's Review |
| <input checked="" type="checkbox"/> List of Residents Notified | _____ |
| <input checked="" type="checkbox"/> Residents' Responses | _____ |
| <u>N/A</u> Consultant's Review | _____ |
| _____ ordinance | |
| <input checked="" type="checkbox"/> agenda notes | |