

CITY OF ROCKWALL
102 East Washington
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 85-87-Z Filing Fee 60.00 Date 10/2/85
Applicant MICHAEL H. WALLACE Phone 722-6534 ^H
Mailing Address Rt 1 Box 118W ROCKWALL 659-1919 ^W

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED: (if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

I hereby request that the above described property be changed from its present zoning which is

DUPLEX District Classification
to HEAVY COMMERCIAL OR COMMERCIAL District Classification
for the following reasons: (attach separate sheet if necessary)

*AS STATED IN PUBLIC MEETING OF OCT 22ND 1985.
TO BRING THE ZONNING CLASSIFICATION INTO CONFORMITY
WITH THE INTENDED USE OF THE PROPERTY.*

There ^(Are) (Are Not) deed restrictions pertaining to the intended use of the property.

Status of Applicant: Owner Tenant _____ Prospective Purchaser _____

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

Signed MICHAEL H. WALLACE

NOTE: The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. 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.

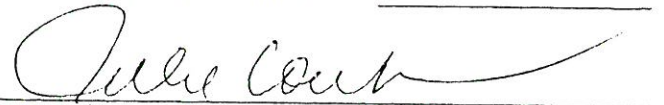
Surveyor or Attorney for Applicant
(Mark out one)

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 7. M. on the 14th day of November, 1985 in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Cutter Hill Phase III Homeowners Association
for a change in development plan for Cutter Hill, Phase III to add
carports to existing parking for Phase III
on the following described property:

Phase III, Cutter Hill Chandlers Landing

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. 85-87-D


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. 85-87-D

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

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

- 1.
- 2.
- 3.

Signature 
Address 119 H. M. Chandler

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

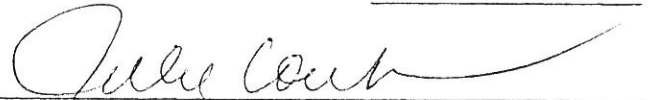
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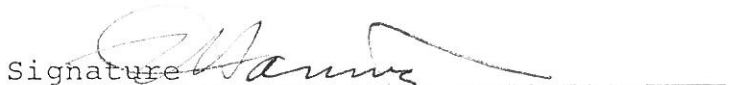
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I am opposed the request for the reasons listed below. XX

1. I would be in favor of this request only if the "carports" are garages to completely
enclose the automobiles as is the requirements for the remainder of the residential
2. housing in Chandlers Landing.
3. Other than this requirement - I oppose the request.

Signature  _____

Address 512 Columbia _____

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

Thank you,
City of Rockwall

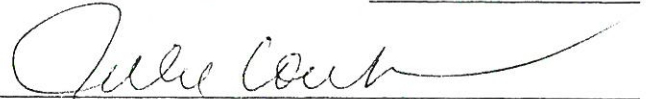
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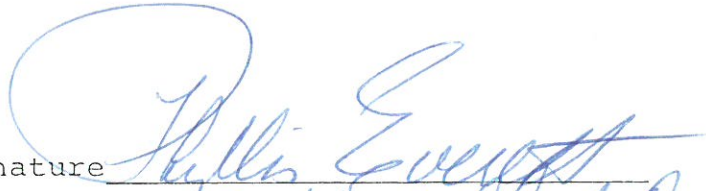
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I am in favor of the request for the reasons listed below.

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

1. Will reduce value of adjoining properties
2. Will
3.

Signature 
Address 440C Yacht Club Dr.

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

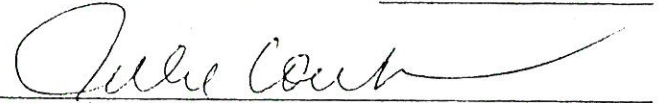
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I am in favor of the request for the reasons listed below.

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

- 1.
- 2.
- 3.

MBank Sherman, N.A., Trustee

Signature Philip McKinzie
Philip McKinzie, Exec. Vice President &
Address P.O. Box 280 Trust Officer
Sherman, Texas 75090

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

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

1. I am a owner of three of the eighteen units in Cutter Hill III. This is our home. We were not advised of moving the water line and of the cost involved. We are planning on selling and do not plan on participating in the cost of the carports. Where will we park
2. if all the areas are covered? We were to receive one parking space per unit when we moved in. We were only provided with two due to limited space. We are planning on
3. possibly dividing up the units, two are on the third floor and one is on the second floor. If we convert the second floor back to an individual unit and sell it, there is not a allotted parking space. In my opinion the blueprints will not work. There is not enough space for larger cars to back out without hitting the cars parked across from them.

Signature 
Address 456-C Yacht Club Drive
Rockwall, Texas 75087

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City of Rockwall

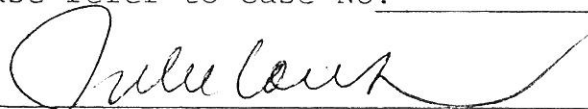
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See attached

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Case NO. P&Z 85-87-Z

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

SCHEDULE A

Owner Policy No.: OP 131491

Amount: \$65,000.00

Date of Policy: June 3, 1983

Policy File No.: TF # 10099

Name of Insured: Michael H. Wallace

The estate or interest in the land insured by this policy is: Fee Simple
(fee simple, leasehold, easement, etc. — identify or describe)

The land referred to in this policy is described as follows:

BEING, part of Lots 9, 10, 11, 12, 13, 19 and all of Lots 20, 21, 22, 23 and 24 of the MILL ADDITION to the City of Rockwall, as recorded in Volume K, Page 243, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING, at a point on the West line of Clark Street, said point being S. 0° 13' 42" a distance of 119.00 feet from the South line of Storrs Street, a 1/2" iron stake set for corner;

THENCE, S. 0° 13' 42" E., along the West line of Clark Street, a distance of 292.75 feet to a point on the North line of St. Mary's Street, a 1/2" iron stake set for corner;

THENCE, N. 89° 52' 50" W., a distance of 162.60 feet to a 1/2" iron stake set for corner;

THENCE, N. 0° 17' 31" E., a distance of 61.93 feet to a 1/2" iron stake set for corner;

THENCE, S. 89° 32' 39" W., a distance of 79.50 feet to a 1/2" iron stake set for corner;

THENCE, N. 0° 17' 31" E., a distance of 200.00 feet to a 1/2" iron stake found for corner;

THENCE, N. 89° 32' 39" E., a distance of 89.61 feet to a 1/2" iron stake found for corner;

THENCE, N. 0° 01' 02" W., a distance of 31.00 feet to a 1/2" iron stake found for corner;

THENCE, S. 89° 46' 22" E., a distance of 150.00 feet to the PLACE OF BEGINNING and containing 1.442 acres of land.

Mike Wallace
512 S. Clark

11-27-85

- 1 Frances Wilkerson, 606 St. Mary
- 2 W.B. Hartman, 604 Clark
- 3 Monnie Rodgers, 402 Coachlight Ln.
- 4 Robert Stark, 602 Storrs
- 5 T.D. Ross c/o Lonnie L. Hobbs, 1224 Maple, Sar. 75040
- 6 Charlie Parrigain, 617 Baydston
- 7 J.E. Davis, 507 Clark
- 8 J.E. Davis Jr. 510 Crotty
- 9 Jo Kay Glass, 301 Meadowdale
- 10 B.W. Brauning, P.O. Box 5
- 11 Dale Downum, 603 St. Mary
- 12 C. J. Hamby, c/o Jimmie Kirby 2140 Airport Rd.
- 13 Robert Taylor, 608 Storrs
- 14 Addie Thomas, 610 Storrs
- 15 Lonnie Dawson, 612 Storrs
- 16 James Moore, 606 Clark

Wallace pg. 2.

11-27-85

- 17 Jimmy Jack Davis, 605 Stovs
- 18 Adelaide E. McDeroy, 607 Stovs
- 19 Joe Spafford, 424 Coachlight Tr.
- 20 E. B. Shaw, 401 S. Clark
- 21 Juanita Bratter, 508 Sherman
- 22 Marlin Stephens, 510 Sherman
- 23 Claudell Minor, 218 Dumble St., Longview 75601
- 24 Jenny Cleghorn, Rt. 1, Box 145-C
- 25 C. W. Wilkerson Jr. 405 Stovs
- 26 Edwin T. Jennings III, 507 Rogue Way
- 27 James Prasifka, 410 S. Clark
- 28 Card Industrial Inc., Box 17555, Dal 75217
- 29 Charles Bicker, 402 S. Clark
- 30 H. D. Williams, 411 Valley Dr.
- 31 Bessie B. Selford, 606 Stovs

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Julie Lewis
City of Rockwall, Texas

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Case NO. P&Z 85-87-Z

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

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

- 1.
- 2.
- 3.

*If was & still is commercial when he bought it
was commercial*

Signature Paul Wilkerson
Frances Wilkerson

Address 606 St Marys

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

Thank you,
City of Rockwall

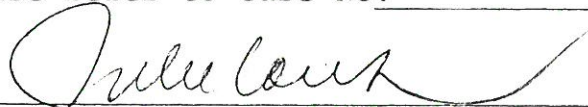
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I am in favor of the request for the reasons listed below. _____

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

1. Noise
2. SMELL of engines RUNNING
3. LATE hours

Signature Jim J. Davis
Address 605 Stars St.

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

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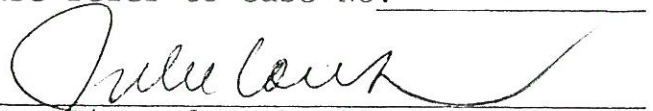
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Case NO. P&Z 85-87-Z

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

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

1. need to keep this area full - Single Family Housing
2. nt want too much traffic in
3. neighbor hood -

Signature G.M.J. Rodgers

Address 402 candlelight trail

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

Thank you,
City of Rockwall

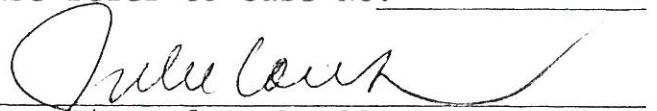
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I am in favor of the request for the reasons listed below. _____

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

1. This is a very noisy (high traffic) residential neighborhood now, more
commercialism would worsen the problem.
- 2.
3. The street (Clark) is in extremely poor condition, with no relief in sight. I
do not want it worse due to HC traffic. I doubt if Clark was repaired
& traffic were to increase, that the City would maintain it.

I noted down the change across the street from
this proposal. Jack up the reasons.

Signature CW & AR Bricker

Keep the downtown area, for people
not HC business.

Address 402 S. Clark St.

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

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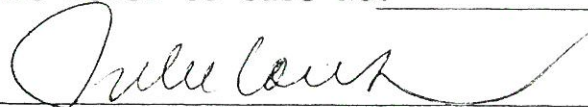
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I am in favor of the request for the reasons listed below. _____

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

1. Noise 6 AM - 6 PM - (7 PM TIME)
2. USE OF PROPERTY NOT CHANGE
3. TRUCK TRAPPING ON CITY STREETS
NOT ZONED FOR IT.

Signature Rock

Address 602 STORRS

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

Thank you,
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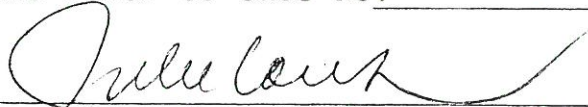
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I am opposed the request for the reasons listed below. _____

1. BEST USE
- 2.
- 3.

Signature BWBrowning
Address 501 S. Clark

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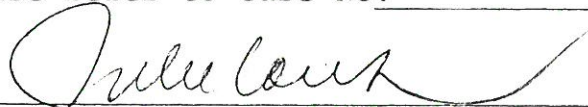
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Thank you,
City of Rockwall

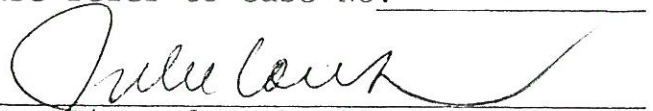
BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30
o'clock P . M. on the 12th day of December, 1985 in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Michael H. Wallace
for a change in zoning from "2-F"-Duplex classification to "HC" Heavy Commercial or "C"
Commercial zoning classification.

on the following described property:

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. P&Z 85-87-Z



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. P&Z 85-87-Z

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

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

1. need to keep this area full - Single Family Housing
2. nt want too much traffic in
3. neighbor hood -

Signature G.M.J. Rodgers

Address 402 candlelight trail

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

Thank you,
City of Rockwall

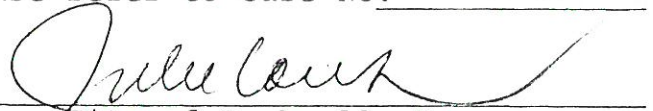
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Case NO. P&Z 85-87-Z

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

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

1. This is a very noisy (high traffic) residential neighborhood now, more
commercialism would worsen the problem.
- 2.
3. The street (Clark) is in extremely poor condition, with no relief in sight. I
do not want it worse due to HC traffic. I doubt if Clark was repaired
& traffic were to increase, that the City would maintain it.

I noted down the change across the street from
this proposal. Jack up the reasons.

Signature CW & AR Bricker

Keep the downtown area, for people
not HC business.

Address 402 S. Clark St.

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

Thank you,
City of Rockwall

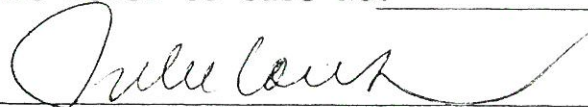
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City of Rockwall, Texas

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Zoning Commission, 205 West Rusk Street, Rockwall, Texas 75087.

Case NO. P&Z 85-87-Z

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

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

1. Noise 6 AM - 6 PM - (7 PM TIME)
2. USE OF PROPERTY NOT CHANGE
3. TRUCK TRAPPING ON CITY STREETS
NOT ZONED FOR IT.

Signature Rock

Address 602 STORRS

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

Thank you,
City of Rockwall

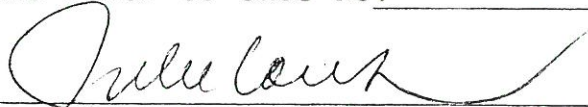
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City of Rockwall, Texas

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. P&Z 85-87-Z

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

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

1. BEST USE

2.

3.

Signature BWBrowning

Address 501 S. Clark

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

Thank you,
City of Rockwall

CITY COUNCIL MEETING MINUTES 3-3-86

*Mike Wallace
85-87*

The meeting was called to order by Mayor Tuttle at approximately 7:30 p.m. Other Councilmembers present were Nell Welborn, Luke Gournay, Bill Fox, Granville Davis, & John Bullock. Ed Eubanks arrived approximately at 7:45 p.m..

As the 1st order of business, Mayor Tuttle presented plaques to Nell Welborn for her dedicated service while serving for the P & Z Committee during 1984-85, and Luke Gournay for his service while serving on the BOA during 1984-85. Both Welborn & Gournay were present to accept their plaques.

The Council next considered approval of the Consent Agenda as listed below:

- A. Minutes dated 1-20-86, 2-3-86 & 2-10-86
- B. A Resolution appointing 2 Deputy Court Clerks
- C. A Final Plat for Northshore, Phase 2-B
- D. A Final Plat for the Lee Rhoades Addition
- E. An Ordinance amending the 2 Hour Parking Ordinance on the Square
- F. An Ordinance disannexing a portion of FM-740
- G. An Ordinance amending the Comprehensive Zoning Ordinance changing the zone from "A" to "LI" classification (Richard Cullins)
- H. An Ordinance amending the Comprehensive Zoning Ordinance changing the zone from "A" to "LI" classification (KHD Construction)
- I. An Ordinance amending the Comprehensive Zoning Ordinance granting a "CUP" for a Private Club (Pastrami's Sandwich Shoppes)
- J. An Ordinance amending the Comprehensive Zoning Ordinance granting a "CUP" for a building with less than 90% masonry materials on exterior walls (Braums Ice Cream Store)
- K. An Ordinance amending the Comprehensive Zoning Ordinance allowing Veterinary Clinics, without outside storage, in the "C" classification with a "CUP"
- L. An Ordinance amending the Comprehensive Zoning Ordinance granting a "CUP" for a Veterinary Clinic, without outside storage, in a "C" classification (Lakeisde Veterinary Clinic)
- M. An Ordinance amending the Comprehensive Zoning Ordinance changing the zone form "LI" to "PD" classification for a Hardware/Construction Materials Business, with outside storage (Ed-Rich Development)

At this time, staff requested that Item F be pulled from the Consent Agenda as the annexation was in fact valid. Also, it was requested that Item "A" be removed from the Consent Agenda for further discussion. Staff then read captions of the above said Ordinances. Welborn made a motion to approve the Consent Agenda, with the exception of Item "A" as presented. Bullock seconded the motion. The same was voted on & passed 6-1 with all in favor & Eubanks abstaining. Item "A" was then discussed with Welborn requesting a change

Mr. Conway on the method of his presentation to the Council.

The Council then discussed the following items:

1. Street escrow requirements of other surrounding cities
2. The study that is currently being completed by the City Manager & Staff

Mayor Tuttle states that they are reviewing this ordinance in order to make it more equitable to everyone. Mr. Conway again approached the Council requesting that the Council to please consider & take action on the Lofland Industrial Park escrow requirements & not on the Escrow Ordinance itself. Mr. Conway also asked the Council if they would consider letting the Final Plat for Lofland Industrial Park be filed with the City, but that it not be a consent to the escrow requirements and would not stop them from receiving the necessary construction permits.

City Manager Eisen then stated to the Council that after review with the City Attorney, they feel that the escrow funds should be met at this time but with the condition that after deliberation if it was decided not to require these funds the funds would be refunded to Mr. Conway & the other 2 owners. Eisen also indicated that these funds would be placed in a separate account and would be identifiable. Bullock made a motion, as outlined above, with Fox seconding. The same was voted on & passed unanimously.

Next the Council heard from Nancy Woodall regarding a request to rescind the Ordinance naming Orr Drive. Mrs. Woodall approached the Council indicating that she was the legal representative for the Hammers. Mrs. Woodall presented exhibits to the Council regarding this case. Mrs. Woodall also pointed out that (1) Mr. Orr is not the adjacent property owner (2) that the property is not a public road (3) that the other property owners were not notified of the naming of Orr Drive (4) that the ordinance naming Orr Drive was in fact being used as evidence for the District Court.

Mayor Tuttle asked Mr. Eckert for legal assistance. Mr. Eckert points out that this is entirely a Council decision and that placing a name on the property should not be a deciding factor in the District Court's decision.

Bullock made a motion to table this request and let the court decide the issue. Gournay seconded the motion. The same was voted on and passed unanimously.

The Planning & Zoning Chairman Report was passed at this meeting as the Chairman was not present.

The Council then opened a public hearing on the Land Use Plan for the City. Dr. Douglas Cargo approached the Council and presented a brief overview of the Land Use Plan.

The following residents of Rockwall approached the Council in regard to this Land Use Plan:

- (1) Mike Wallace
- (2) Mr. Conway
- (3) Mr. Carlou
- (4) Gloria Williams
- (5) William Lofland
- (6) Mr. Wadsworth

The Council discussed at length the concept of the Land Use Plan. Councilmember Fox requested that the minutes show that there are too many pink circles indicated on this Land Use Plan and that they will not be covering greenbelts or parks. The public hearing was closed. Mayor Tuttle asked the City Manager to prepare a summary of all these residents' comments so that the Council could consider them at the next Public Hearing.

Next the Council held a Public Hearing and considered approval of a request from Whittle Development for a change in the Preliminary Plan for "PD-9" Planned Development to include the land uses of (1) General Retail (2) "SF-7" (3) "SF-22.5" (4) "SF-15" and (5) "MF-14" on approximately 288 acres of land located between FM-740 & FM-3097. The Public Hearing was opened. Mr. Rob Whittle, President, approached the Council restating his request and indicating that the MF-14 has been changed to Office/Warehouse. The Public Hearing was closed.

Gournay made a motion to approve this request to include the land uses of (1) General Retail (2) SF-7 (3) SF-22.5 & (4) SF-15. The Office/Warehouse land use will be brought back to Council for consideration after proper advertising. Bullock seconded the motion. The same was voted on & passed unanimously.

Council then held a Public Hearing on the proposed annexation of Lot 4, Block A of the Highland Acres Estates (5 Shadydale Lane). The Public Hearing was opened. Susan Wall approached the Council requesting this annexation into the City. With no others wishing to discuss, the Public Hearing was closed.

Next the Council held a Public Hearing on the proposed annexation of Lot 2, Block A of the Highland Acres Estates (3 Shadydale Lane). The Public Hearing was opened. Ms. McKinney approached the Council also requesting annexation into the City. With no others wishing to discuss, the Public Hearing was closed.

Mayor Tuttle then opened the Public Hearing on the proposed annexation of 20.136 acres of land located at the Northeast corner of the intersection of FM-549 & I-30. The owner of this 20.136 acre tract approached the Council stating that they are partially in the city limits and would like to bring the remainder into the City. With no others wishing to discuss, the Public Hearing was closed.

Next, the Council held a Public Hearing on a dilapidated building located on Lot 3, Block A of the Sanger Addition (709 Peters Colony). The Public hearing was opened. Staff indicated that the owner would not be present as they had tried to notify the owner but was not successful. Staff also indicated that the house located on this property had been in a fire and was now considered to be a dangerous building and under the conditions of City Ordinances the Council has the right to make a motion that the house be either demolished, removed, or repaired within 90 days from consideration of the Council. Welborn made a motion that the owner be notified to either repair, remove, or demolish the building within 90 days of the notice. Bullock seconded the motion. The same was voted on and passed unanimously.

Eisen then presented the City Manager's report to the Council outlining the following items:

1. Insurance
2. New Engineer for the City
3. Buffalo Creek Expansion Plant
4. Water Storage tank
5. Water Storage piping

Next the Council considered approval of a request from Michael Wallace for a change in zoning from "2-F" Duplex to "HC" Heavy Commercial or "C" Commercial on a 1.4412 acre tract of land located on the Northwest corner of Clark Street and St. Mary's street. Mayor Tuttle abstained from this item and left the Chamber. Mayor Pro Tem Welborn presides over this request. Mr. Wallace approached the Council submitting information regarding other property owners' responses to this request. Council then discussed the adjacent property owners. Mr. Stark then approached the Council and presented a petition with names of other property owners in opposition to this request. The Council then discussed a Commercial versus an HC Zoning classification. Bullock made a motion to approve a change in zoning from 2-F to C. Gournay seconded the motion. Mr. Wallace again approached the Council requesting an "HC" classification. The motion was voted on and passed unanimously.

The Council then considered approval of a request from Melvin Cooley to build a front yard fence on Lot 19, Block D of the Windmill Ridge Subdivision, Phase 2-A (201 Mapleridge Dr.). Staff indicated that this was an existing fence and that P&Z has recommended approval. A motion was made by Gournay to approve the request with Eubanks seconding. The same was voted on and passed unanimously.

Mayor Tuttle re-entered the Chambers at this time and presided over the remainder of the meeting.

Next the Council considered approval of an Ordinance designating the takeline property adjacent to a proposed Hotel/Conference Center as a City Park and considered approval of a contract with Albright Properties for development and use of the property. Eisen briefly outlined the request and stated the recommendations of the Park Board. Welborn made a motion that the ordinance designating the takeline property as a City Park and approve the contract as submitted with the following amendments:

- Section 2 - Delete the word "substantially"
- Section 3 - In exchange for the use of the park land, the items as listed on the Park & Recreation Board minutes (Items 1 through 6 be inserted in place of Items 1 & 2.

Gournay seconded the motion. Fox amended the motion so that the improvements within the takeline be adjacent to the property completed prior to Certificate of Occupancy being issued, and that at the end of 5 years if no progress has been made in regard to the Hotel/Conference Center the City may choose to cancel this contract. Welborn seconds the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

Next, the Council considered approval of a contract for the lease of airport ground for hanger facilities at the Municipal Airport. Eisen gave a brief overview of this request. Council discussed briefly with Staff and City Attorney Eckert Section 3, 4, 7, & 8 of the contract. Eisen stated that he had not had an opportunity to discuss this item with Mr. Ray and would like to come back to this item after the break.

The Council then discussed the City's thoroughfare Plan. Fox made a motion to hold a Public Hearing on the City's thoroughfare plan on the 2nd meeting in April. Bullock seconded the motion. The same was voted and passed unanimously.

A short break was taken at this time.

The Council then went back to discuss the contract for hanger facilities at the Municipal Airport. Eisen stated that there will be a change of wording so that when a list of 10 people are on a reserve list waiting for a space and facilities to be built and once they are 90% occupied the City can advertise for bids at that time. Eisen also stated that Mr. Ray has requested that the word "construction" be deleted from the section that stated the City has the right to audit construction and operation cost. Mr. Ray also pointed out to Eisen that the proposal as submitted indicated that it was subject to the financing being obtained. Bullock made a motion to accept the contract with Gournay seconding. The same was voted on and passed unanimously.

Next the Council then discussed the audit report. Eisen stated that representatives of Author Anderson were present at the meeting to give a brief overview of the audit. Mr. Bill Dillion approached the Council briefly outlining the details of the audit. Steve Phillips then approached the Council briefly outlining the Financial aspects of the report Mr. Dillion again approached the Council giving a brief overview of the Management letter.

The Council then considered approval of a contract with North Texas permitting the operation and financing of the Squabble Creek Treatment Plant expansion. Eisen gives brief overview of the contract and recommends that the City enter into this agreement with North Texas. Eubanks made a motion to approve said contract with Bullock seconding. The same was voted on and passed unanimously.

Next the Council considered approval of a waiver to the Sign Ordinance for Carlisle Properties. Eisen indicated at this time that the Sign Committee had met earlier in regard to this request and recommend approval of the Carlisle sign. Mr. Jim Tonic representing Carlisle approached the Council restating his request and presented a diagram of the sign. Bullock made a motion to approve the request with Fox seconding. The same was voted on and passed unanimously.

The Council then discussed the annexation of unincorporated area East of FM-740. Staff indicated that Councilmember Fox had requested this term to be placed on the Agenda. Fox stated that 2 homeowners in this area had requested annexation into the City. Council requested staff to contact persons in this area regarding annexation.

Council then considered approval of a resolution commending the Rockwall Nursing Care Center for Designation by the Texas Department of Health as a "Superior" Facility. Gournay made a motion to approve the request with Fox seconding. The same was voted on and passed unanimously.

Next the Council approval of bid on sale of property at High School Road and Renfro Street. Eisen gave a brief overview of the bids received after advertising and recommended they award the bid of \$12,762.00 to Carol Bryan. Bullock made a motion to approve the bid award to Ms. Bryan with Fox seconding. A brief discussion was held by Council. The motion was voted on and passed 4 to 3 with Eubanks, Davis, and Gournay voting against and all others voting in favor.

The Council then considered approval of awarding the bid on the Siren Warning System and authorize the City Manager to secure lease purchase financing on an Emergency Basis for same. Eisen briefly outlines the request and recommends that the bid be awarded to low bidder Gifford Electric totaling \$50,000.00 with

the financing to be provided by Capital City Leasing with 48 monthly installments in the amount of \$1251.96 at an annual rate of 9 3/4%. Welborn made a motion to approve this request with Bullock seconding. Council and Staff then discussed the location of the sirens. The motion was voted on and passed unanimously.

The Council then considered approval of authorizing the purchase of a replacement Police car and authorizing the City Manager to secure lease purchase financing for same. Eisen briefly outlines the request. A motion was made by Fox to approve the request with Gournay seconding. The same was voted on and passed unanimously.

Next the Council considered approval of a resolution setting a public hearing for a proposed annexation of approximately 16.5 acres on Airport Road. Eisen gave a brief overview of the request. Eubanks made a motion to approve the resolution setting the public hearing for 3-17-86 on the 16.5 acres. Bullock seconded the motion. The same was voted on and passed unanimously.

With no other business coming before the Council for consideration, the meeting adjourned.

ATTESTED BY:

APPROVED BY:

Mayor

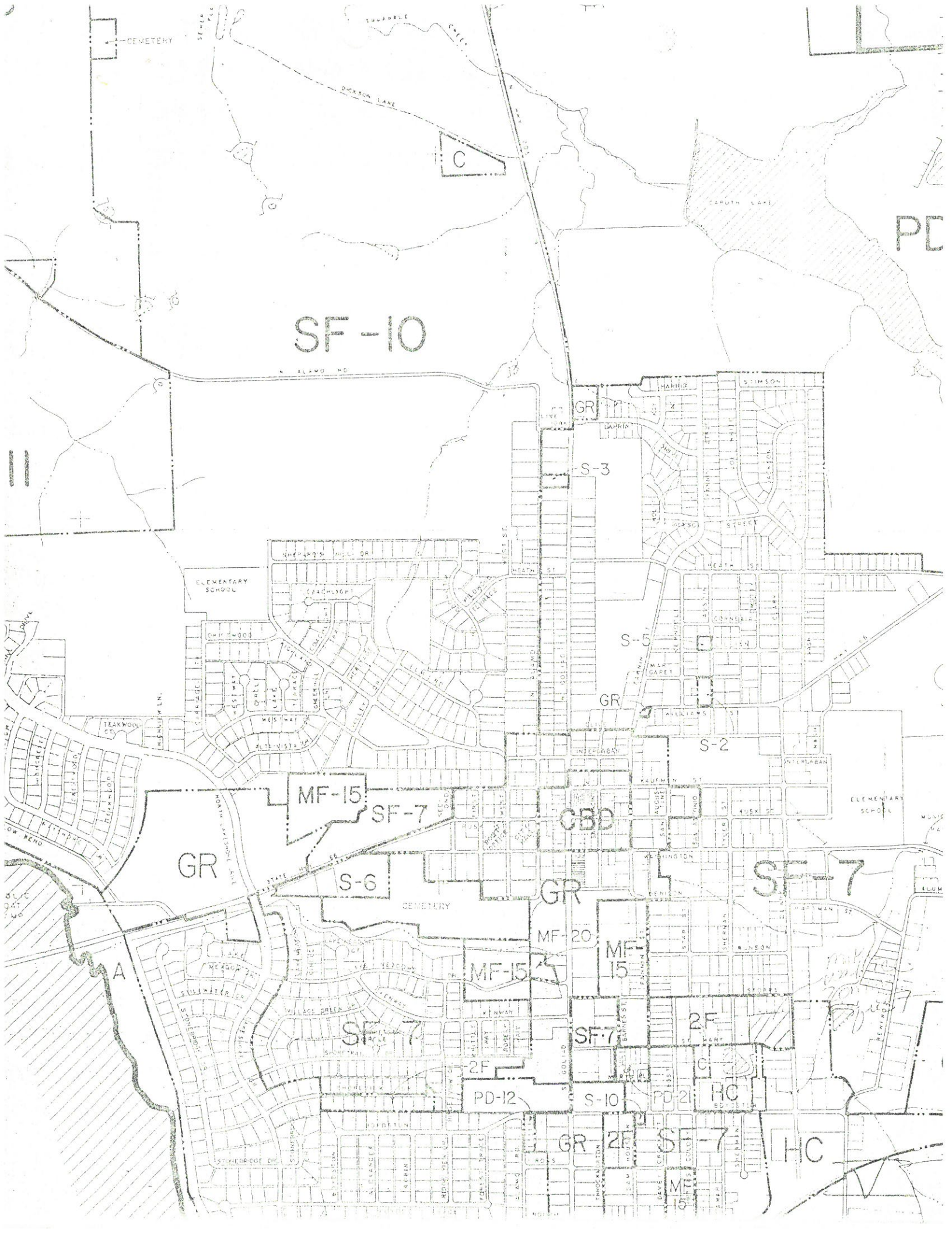
IV. Continue Public Hearing and Consider Approval of a Request from Michael Wallace for a Change in Zoning from "2-F" Duplex to "HC" Heavy Commercial or "C" Commercial on a 1.442 Acre Tract of Land Located on the Northwest Corner of Clark Street and St. Marys Street

At the last meeting the request from Mike Wallace for a change in zoning from Duplex to either Commercial or Heavy Commercial was tabled due to the weather of that evening and the absence of the applicant. We have rescheduled his case for Thursday night. To review his request, he is asking for a change in zoning on his lot at the intersection of Clark Street and St. Marys Street from Duplex, as it is currently zoned, to either Heavy Commercial or Commercial. He would still prefer the Heavy Commercial zoning which would allow him to maintain the uses that he is currently using part of the property for. However, he does not want to completely limit his options if Heavy Commercial is not considered.

As you will recall, he has made application for rezoning of this property from Duplex to Heavy Commercial. The Planning and Zoning Commission recommended approval to the Council. The City Council denied his request. He approached the City Council and requested that they allow him to bring the property back up for reconsideration although a year had not elapsed from his original submission. The City Council agreed to let him bring his case back. Prior to the last meeting we sent out 31 notices. We received five back, three against and two for the proposed change. We did send a courtesy notice out to all residents within 200 ft. prior to this meeting to let them know that it had been tabled and was rescheduled for the 16th.

The primary difference between Heavy Commercial and Commercial is that under Heavy Commercial he could continue to have uses which would utilize outside storage, such as the sand and gravel operation. Commercial will allow him to retain a commercial use of the property, but will require him to restrict uses to those which would not require outside storage.

Attached is a location map showing Mr. Wallace's property and the surrounding zoning.



SF-10

GR

MF-15

SF-7

S-6

GR

MF-20

MF-15

SF-7

2F

PD-12

S-10

PD-2

HC

GR

2F

SF-7

HC

CBD

SF-7

GR

S-3

GR

S-5

S-2

PD

CEMETERY

ELEMENTARY SCHOOL

ELEMENTARY SCHOOL

MUNIC

SCHOOL

Handwritten note:
make note of
20' setback

STATE OF TEXAS
COUNTY OF ROCKWELL

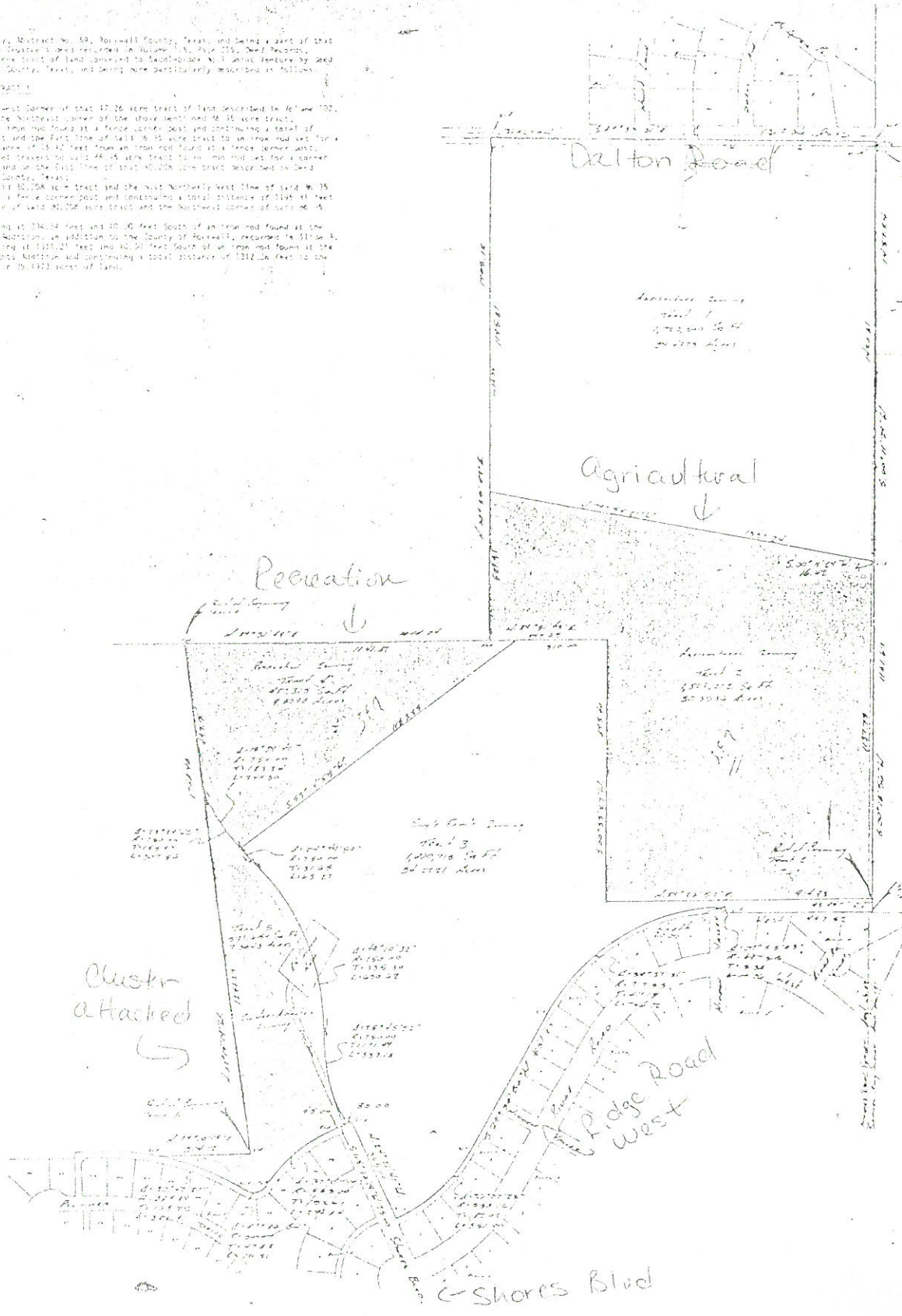
BEING 4 tracts of land situated in the Thomas Dean Survey, Abstract No. 58, Rockwell County, Texas, and being a part of that No. 25 acre tract of land conveyed to Kate of Nashville by Deed recorded in Volume 111, Page 215, Deed Records, Rockwell County, Texas, and being a part of that 120.7 acre tract of land conveyed to Katherine N. J. Davis by deed recorded in Volume 111, Page 101, Deed Records, Rockwell County, Texas, and being more particularly described as follows:

TRACT 1

BEGINNING at an iron rod set in Dalton Road at the Northwest corner of that 17.26 acre tract of land described in Volume 102, Page 400, Deed Records, Rockwell County, Texas, and to the Northeast corner of the above mentioned 17.26 acre tract;
THENCE South 27° 11' 20" West, passing at 21.28 feet an iron rod found at a fence corner post and continuing a total of 1422.51 feet along the West line of said 17.26 acre tract and the East line of said 16.35 acre tract to an iron rod set for a corner said iron rod being North 27° 11' 20" East a distance of 25.42 feet from an iron rod found at a fence corner post;
THENCE North 9° 14' 21" West a distance of 1217.4 feet thence to said 16.35 acre tract to an iron rod set for a corner on the West boundary line of said 16.35 acre tract and on the East line of said 17.26 acre tract described in Deed recorded in Volume 102, Page 101, Deed Records, Rockwell County, Texas;

THENCE North 25° 47' East along the East line of said 16.35 acre tract and the West Northwesterly line of said No. 25 acre tract, passing at 1190.11 feet an iron rod found at a fence corner post and continuing a total distance of 1195.41 feet to an iron rod set in Dalton Road at the Southeast corner of said 16.35 acre tract and the Southwest corner of said 16.35 acre tract;

THENCE South 41° 35' 31" East with Dalton Road, passing at 234.04 feet and 40.40 feet South of an iron rod found at the Southwest corner of lot 1, Block 2, of Heritage Heights Addition, in addition to the County of Rockwell, recorded in Block 4, Page 112, Plat Records, Rockwell County, Texas, and passing at 1120.21 feet and 40.30 feet South of an iron rod found at the Southeast corner of lot 4, Block 4, of said Heritage Heights Addition and continuing a total distance of 1312.26 feet to the Point of Beginning and obtaining 1726.26 square feet of 39.1413 acres of land.



MINUTES OF THE PLANNING AND ZONING COMMISSION

January 16, 1986

The meeting was called to order at approximately 7:30 P.M. by Chairman Tom Quinn. Other members present were Don Smith, Norm Seligman, Teddy Carlaw and Hank Crumbley. J. D. Jacobs and Leigh Plagens were absent from this meeting.

The Commission first considered approval of the Consent Agenda consisting of the following items:

- A. Minutes of November 14 and December 12, 1985.
- B. Final Plat on the Chenault Addition, a one lot subdivision located on North Highway 205, with the same conditions as stated on the original approval.
- C. Final Plat on the Patrick/Stephenson Subdivision, a one lot subdivision located on the South I-30 Service Road West of Church on the Rock.

A motion was made by Don Smith to approve the Consent Agenda as it was presented. The motion was seconded by Hank Crumbley. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Shores 205 Joint Venture for a change in zoning on approximately 17.2 acres from "PD-3" and 30.4 acres from "A" to "SF-7". The Staff explained the case background to the Commission. The public hearing was opened. First to speak was the developer, Mr. Joe Holt, who briefly detailed his proposal to the Commission. The following residents of The Shores approached the Commission and the developer regarding concerns of lot sizes, traffic, tract builders, and recreational area. Mrs. Vernie Miller, Mr. Rick Reavis, Mr. George Lubke. The public hearing was closed. At this time the Commission discussed at length the density, the timing of the project, resident response, and recreational area. Don Smith made a motion to approve the request to rezone the three tracts to "PD-3" with the following conditions:

1. All "SF-7" requirements.
2. That the lot size minimum be 7,200 sq. ft.
3. That the house size minimum be 1,500 sq. ft.
4. That an alternate park site be provided, reviewed and approved with the development plan and preliminary plat on these three tracts of land.

The motion was seconded by Seligman. Carlaw then proposed an amendment to the motion to require the minimum house size to be 1,800 sq. ft. Smith seconded the motion. The amendment was voted on and passed four to one, with Crumbley voting against and all others voting in favor. Carlaw then proposed an amendment to the motion requiring the minimum

lot size to be 8,500 sq. ft. The amendment to the motion died for lack of a second. A vote was then taken on the amended motion and passed, four to one, with Carlaw voting against and all others voting in favor.

The Commission then continued a public hearing and considered approval of a request from Michael Wallace for a change in zoning from "2-F" to "HC" or "C" on a 1.442 acre tract of land located on the northwest corner of Clark Street and St. Marys Street. Mr. Wallace approached the Commission and briefly explained his request. Mr. Bill Harper, an adjacent property owner, then addressed the Commission indicating that he is in favor of either the "HC" or "C" zoning classification that Mr. Wallace was requesting. Mr. Robert Stark then approached the Commission and indicated his opposition to this request. Mr. Claude Wilkerson approached the Commission with regard as to when the zoning was changed to the "2-F" classification. Staff indicated that it was sometime before 1972. Mr. Tommy Hooper, a resident of Rockwall County, approached the Commission, indicating that he was in favor of the zoning change. The public hearing was closed. After considerable discussion by the Commission, Don Smith made a motion to approve the request for "HC" zoning. The motion was voted on and failed, three to two, with Seligman and Smith voting in favor and all others voting against. Crumbley then made a motion to approve the request to "C" zoning with Carlaw seconding the motion. The item was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Layne Western Company for a change in zoning from "LI" to "HC" on a 2.9737 acre tract located in the Bodin Industrial Subdivision on Kristi Lane. Staff explained the details of this request. The public hearing was opened. The following residents approached the Commission in support of this zoning request: Richard Slaughter, Gary Johnson, Tommy Hooper. At this time the public hearing was closed. Smith made a motion to approve this request, with Seligman seconding the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Ed-Rich Development Company for a change in zoning from "LI" to "PD" for a hardware/construction materials business with outside storage on 2.5 acres of land located west of the Bodin Industrial Subdivision, along South High School Road and South I-30 Service Road, and approval of a development plan/preliminary plat. Staff presented the background information on this case. The public hearing was then opened. Mr. Richard Slaughter and Mr. Chuck Hodges approached the Commission, indicating they would answer any questions that the Commission or others might have. With no one wishing to address the issue, the public hearing was closed. The Commission then discussed the item at length, with Don Smith making a motion to approve the request subject to the plan as discussed and submitted to the Planning and Zoning Commission, and showing the boundaries of outside storage on the plan. The motion was seconded by Carlaw, was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from KHD Construction for a change in zoning from "A" to "LI" on 1.78 acres of land located on South I-30 Service Road between FM -549 and High School Road, and approval of a site plan/preliminary plat. Staff briefly explained the case. The public hearing was opened. With no one wishing to comment, the public hearing was closed. After

considerable discussion on the driveways, entrances and landscaping, Seligman made a motion to approve the request with the condition that there will be entrances on both sides to get to the doors, and that the landscaping trees be changed to sawtooth oak trees. Crumbley seconded the motion; the same was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Pastrami's Sandwich Shop for a Conditional Use Permit for a private club as an accessory to a restaurant located in Towne Centre shopping center on FM-740. Staff briefly explained the background information on the case. The public hearing was opened. Tommy Hooper approached the Commission, stating he was in favor of the request. As no one else wished to address the item, the public hearing was closed. After considerable discussion, Smith made a motion to approve the request, with Seligman seconding the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Braums Ice Cream Store for a Conditional Use Permit for a building with less than 90% masonry materials on exterior walls for a store to be located on the South I-30 Service Road, west of Church on the Rock. The public hearing was opened. With no one wishing to address the issue, the public hearing was closed. Seligman made a motion to approve the request as presented, with Crumbley seconding the motion. The motion was voted on and passed unanimously.

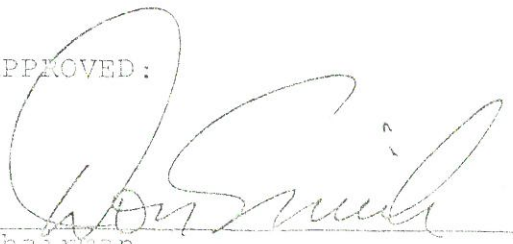
The Commission then held a public hearing and considered approval of a change in the Comprehensive Zoning Ordinance to allow veterinary clinics without outside storage in "C" Classification with a Conditional Use Permit. The public hearing was opened. With no one wishing to discuss the item, the public hearing was closed. The Commission discussed the request and a motion was made by Smith to approve the amendment, with Crumbley seconding the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Lakeside Veterinary Clinic for a Conditional Use Permit for a veterinary clinic without outside storage to be located on the South I-30 Service Road, west of SH-205. Staff gave a brief background on the case. The public hearing was opened. With no one wishing to discuss the case, the public hearing was closed. Dr. Archie Underwood then approached the Commission and indicated he would answer any questions the Commissioners or others might have. The Commission then discussed at length different aspects of the case. Smith made a motion to approve this request, with Crumbley seconding the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a request from Don Cameron for a final plat on Lofland Industrial Park located at SH-205 and High School Road. Staff gave a brief background on the subject case. Seligman made a motion to approve this request as the plat was submitted to the Planning and Zoning Commission and also recommended waiving escrowing of funds for paving of High School Road. The motion was seconded by Smith. The motion was voted on and passed unanimously.

With no other items coming before the Commission, the meeting was adjourned.

APPROVED:

A large, stylized handwritten signature in cursive script, likely belonging to the Chairman, written over a horizontal line.

Chairman

ATTEST:

A handwritten signature in cursive script, likely belonging to the City Secretary, written over a horizontal line.

City Secretary

Agenda Notes

City Council - 2/3/86

III. G. Hold Public Hearing and Consider Approval of a Request from Michael Wallace for a Change in Zoning from "2-F" Duplex to "HC" Heavy Commercial or "C" Commercial on a 1.442 Acre Tract of Land Located on the Northwest Corner of Clark Street and St. Marys Street

To review this request, Mike Wallace is asking for a change in zoning on his lot at the intersection of Clark Street and St. Marys Street from Duplex, as it is currently zoned, to either Heavy Commercial or Commercial. He would still prefer the Heavy Commercial zoning which would allow him to maintain the uses that he is currently using part of the property for. However, he does not want to completely limit his options if Heavy Commercial is not considered. We sent out 31 notices. We received six back, four against and two for the proposed change.

As you will recall, he has once before made application for rezoning of this property from Duplex to Heavy Commercial. The Planning and Zoning Commission recommended approval to the Council. The City Council denied his request. He approached the City Council and requested that you allow him to bring the property back up for reconsideration although a year had not elapsed from his original submission. The City Council agreed to let him bring his case back.

The primary difference between Heavy Commercial and Commercial is that under Heavy Commercial he could continue to have uses which would utilize outside storage, such as the sand and gravel operation. Commercial will allow him to retain a commercial use of the property, but will require him to restrict uses to those which would not require outside storage.

Attached is a location map showing Mr. Wallace's property and the surrounding zoning.

The Planning and Zoning Commission has recommended that the property be rezoned to Commercial.

MINUTES OF THE ROCKWALL CITY COUNCIL

February 3, 1986

The meeting was called to order at approximately 7:35 P.M. by Mayor Leon Tuttle. Other Council members present were Nell Welborn, Ed Eubanks, Granville Davis, John Bullock, Luke Gournay and Bill Fox, who entered the meeting late.

The first item before the Council was to consider approval of the minutes of November 4, 1985, December 3, 1985, and January 6, 1986. Ed Eubanks made a motion to approve the minutes with the following changes:

1. The minutes of November 5, 1985 - delete the words "in excess" from the first paragraph, line 1 of page 2.
2. The minutes of December 3, 1985 - change the word from "type" to "tie" in item No. 1 of the Henry Africa Subdivision item on page 4.

The motion was seconded by Fox and passed unanimously.

Ms. Judith Wade then requested the Council to reconsider the action declaring Orr Drive as a public road. Ms. Wade briefly stated her request. Mr. Leon Wade and Mr. Hammers and his lawyer approached the Council also requesting the Council to rescind the prior action taken. Staff presented recommendations to Council. After considerable discussion, Gournay made a motion to rescind Council's prior action designating Orr Drive as a public road until the District Court made a decision on the case. The motion was seconded by Bullock; the same was voted on and passed unanimously.

Council was then approached by Mr. Jeff Simpson regarding the easement for the Squabble Creek Sewer Interceptor. Mayor Tuttle indicated a Council committee should be formed to review the matter. Ed Eubanks made a motion to select a Council subcommittee to meet and review this item with Mr. Simpson. Davis seconded the motion. The motion was voted on and passed unanimously. Mayor Tuttle indicated he would serve on the Committee and asked for volunteers. Councilmen Fox and Bullock indicated their willingness to serve. Jeff Simpson then requested the following:

1. That a chairman be elected.
2. That a time limit be placed on the item.
3. That the Subcommittee have four members.

Mayor Tuttle indicated that he will act as Chairman of the Subcommittee and that all inquiries regarding same should be directed to him.

At this time Mrs. Carolyn Davis, a representative from Rockwall Beautiful, approached the Council to discuss the litter campaign and to ask Council to pass additional regulations regarding litter. After Mrs. Davis' statement, Council discussed this item at length and requested that City Staff review the litter regulations and take any necessary action for additional regulations. The Staff was also requested to review a contract between the City and State for a \$20.00 reimbursement to the City from the State for each litter citation given on a State highway.

The Rockwall Sesquicentennial Committee plans were withdrawn from the Agenda.

The Council then held a public hearing and considered approval of a request from Shores 205 Joint Venture for a change in zoning from "PD-3"-The Shores Planned Development (approximately 17.2 acres) from "A" Agricultural (approximately 30.4 acres) to "SF-7" Single Family classification for a total of approximately 47.6 acres located north of The Shores, Phase I. The public hearing was opened. Staff detailed the case to Council. Mr. Joe Holt, a representative of Rockwall 205 Joint Venture, approached the Council outlining the request. After considerable discussion, Welborn made a motion to approve the request to change the "A" Agricultural classification consisting of 30.4 acres to the "PD-3" classification, meeting "SF-7" standards with minimum 7,200 sq. ft. lots and minimum 1,500 sq. ft. unit sizes, and contingent on the following conditions:

1. That prior to approval of any additional development plans, a phasing plan for road improvements be submitted and reviewed.
2. That an alternate park location be submitted and approved as designated by the developer.
3. That a zoning application be filed for the "doughnut" property, for a change to "SF" detached, 7,200 sq. ft. minimum lot sizes, and 1,500 sq. ft. minimum house sizes.

Bullock seconded the motion. Mayor Tuttle made an amendment to the motion to include the condition of accepting sufficient property to provide for a buffer on the north side of the lots on Ridge Road West for a minimum house size of 1,800 sq. ft. Welborn seconded the amendment to the motion, the same being voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

Fox made a motion to table the other two pieces of property, with Bullock seconding. The same was voted on and passed unanimously.

Next, the Council held a public hearing and considered approval of a request from Michael Wallace for a change in zoning from "2-F" Duplex to "HC" Heavy Commercial or "C" Commercial classification on a 1.442 acre tract of land located on the northeast corner of Clark Street and St. Marys Street. Mayor Tuttle

abstained from this item and left the room. Welborn, Mayor Pro Tem, presided over this item. The public hearing was opened. Mike Wallace approached the Council outlining his request, stating background information, and answering questions from Councilmembers. Don Smith approached the Council and stated that the Planning and Zoning Commission's recommendation was to change the zoning to "C" Commercial classification. After considerable discussion on different aspects and concerns of the case and a brief statement by Mr. Wallace, the public hearing was closed. Eubanks made a motion to approve the request to change the zoning to "C" Commercial classification with Gournay seconding. The motion was voted on, but did not pass, with a vote of three to three, with Welborn, Bullock and Fox voting against and Eubanks, Gournay, and Davis voting in favor. Since the request was neither denied or approved, Bullock made a motion to reconsider the request, with Gournay seconding. The same was voted on and passed five to one, with Davis voting against, and all others voting in favor. Bullock then made a motion to table the request for thirty days, with Fox seconding. The same was voted on and passed, five to one, with Davis voting against and all others voting in favor. Bullock then amended the motion to direct the Staff to notify the residents. Fox seconded the amendment. Notifying the residents was then discussed by the Council but not voted on. The motion to reconsider the request at the March 3rd City Council meeting was voted on and passed unanimously, six to zero. At this time Mr. Wallace indicated that he will meet with Council and any residents if a meeting is scheduled to answer any questions.

Council then held a public hearing and considered approval of a request from Ed-Rich Development Company for a change in zoning from "LI" Light Industrial to "PD" Planned Development classification for a hardware/construction materials business, with outside storage, on a 2.5 acre tract of land located west of Bodin Industrial Subdivision, along south High School Road and south I-30 Service Road, and approval of a development plan/preliminary plat. The public hearing was opened. Mayor Tuttle entered and presided over the remainder of the meeting. Mr. Richard Slaughter, owner, approached the Council, explaining his request. Staff then made a presentation on the case. Council then discussed items regarding the PD classification, screening, and building type. Mr. Richard Cullins approached the Council, stating his favor to the request. The public hearing was closed. Welborn made a motion to approve the request for the specific use of a hardware/lumber yard as submitted, with the stipulation that the rear area for outside storage be specifically indicated on the site plan. Eubanks seconded the motion. The same was voted on and passed unanimously.

The Council then held a public hearing and considered approval of a request from KHD Construction for a change in zoning from "A" Agricultural to "LI" Light Industrial classification on a 1.7 acre tract of land located on the south I-30 Service Road between FM-549 and High School Road, and approval of a site plan/preliminary plat. The public hearing was opened. Staff briefly outlined the case. The Council discussed the Office classification in this area. Staff stated that the Planning and Zoning

Commission had approved this request with the following stipulations:

1. The poplar trees be replaced by sawtooth oak trees.
2. That an access be provided to the side of the building along the inside.

Council then discussed the access, sewer requirements, and the Land Use Plan. With no one further wishing to discuss the item, the public hearing was closed. Fox made a motion to approve the request with the stipulations as recommended by the Planning and Zoning Commission; Bullock seconded the motion. The same was voted on and passed unanimously.

The Council then held a public hearing and considered approval of a request from Pastrami's Sandwich Shoppes for a "CUP" Conditional Use Permit for a private club as an accessory to a restaurant located in Towne Centre Shopping Center located on FM-740. The public hearing was opened. Mr. Tom Atkins and David Bork approached the Council indicating that they would answer any questions that the Council or others might have. Council then discussed the seating requirements of the dining room. With no others wishing to discuss the item, the public hearing was closed. Gournay made a motion to approve the request with Davis seconding. The same was voted on and passed unanimously.

The Council then held a public hearing and considered approval of a request from Braums Ice Cream Store for a "CUP" Conditional Use Permit for a building with less than 90% masonry materials on exterior walls for a store to be located on the south I-30 Service Road west of Church on the Rock. The public hearing was opened. With no one wishing to discuss the item, the public hearing was closed. Davis made a motion to approve the request, with Bullock seconding. The same was voted on and passed unanimously.

The Council then held a public hearing and considered approval of a change in the Comprehensive Zoning Ordinance to allow veterinary clinics, without outside storage, in the "C" Commercial classification with a "CUP" Conditional Use Permit, and a request from Lakeside Veterinary Clinic for a "CUP" Conditional Use Permit for a veterinary clinic with no outside storage located on the south I-30 Service Road west of SH-205. The public hearing was opened. As Dr. Underwood had requested both of these items to be placed on the Agenda for consideration, he approached the Council, briefly outlining the request. Staff outlined the case. A motion was made by Eubanks to approve the request to amend the Comprehensive Zoning Ordinance. Bullock seconded the motion. The same was voted on and passed unanimously. A motion was made by Eubanks to approve the request from Lakeside Veterinary Clinic for a Conditional Use Permit, with Bullock seconding. The same was voted on and passed unanimously.

The Council then held a public hearing and considered approval of a request from Richard Cullins for a change in zoning from "A" Agricultural to "LI" Light Industrial classification

and approval of a site plan on a 1.025 acre tract of land located on the north I-30 Service Road west of Conveyor Street. The public hearing was opened. Mr. Richard Cullins approached the Council briefly outlining his request. Staff briefly outlined the case and indicated that the Planning and Zoning Commission had recommended approval of this item with the stipulation that Mr. Cullins close his drive on the I-30 Service Road. With no others wishing to discuss the item, the public hearing was closed. Gournay made a motion to approve the request for the change in zoning from "A" Agricultural to "LI" Light Industrial and approval of the site plan. Bullock seconded the motion. Gournay then amended the motion to stipulate that the drive on the I-30 Service Road be closed. The amendment to the motion was voted on and passed unanimously. The Council then discussed the irrigation requirements. An amendment to require the construction of an irrigation system in the landscaped areas and in accordance with City ordinances was made by Mayor Tuttle. The amendment was seconded by Ed Eubanks. The same was voted on and passed unanimously. The motion, as amended, was voted on and passed unanimously.

Next on the Agenda the City Manager's report was given by Bill Eisen. Eisen briefly detailed the report that was presented to the Councilmembers.

The Council then discussed at length items regarding annexations, insurance coverage, monthly financial reports, billboards, flags, possible special Council meetings and the Airport.

The Council then considered the readoption of the Order calling the Regular Municipal Election of April 5, 1986, as prescribed by the Secretary of State. Welborn made a motion to approve the readoption, with Bullock seconding the motion. The same was voted on and passed unanimously.

Next, the Council discussed health cards for food service employees within the City and instructed Staff to draft an ordinance requiring food service employees to attend a short seminar conducted by the City and take a TB test at the same time. Welborn made a motion to approve this request, with Fox seconding. The same was voted on and passed unanimously.

Next, the Council discussed the resignation of Tom Lyons from the Parks and Recreation Board. Council requested that Staff draft a resolution commending Tom Lyons for his service while on the Parks and Recreation Board and to prepare a plaque to be presented to Mr. Lyons at the next meeting. Gournay made a motion to approve the request, with Welborn seconding. The same was voted on and passed unanimously. Mayor Tuttle made a nomination to replace Tom Lyons with Ron Matney, with Fox seconding the motion. The same was voted on and passed unanimously.

The Council then considered approval of Change Order No. 1 on the construction of the 3,000,000 gallon tank totalling \$15,000.00 for the purpose of constructing some additional drainage for seepage around the tank. Gournay made a motion to approve the Change Order; Bullock seconded the motion; the same was voted on and passed unanimously.

The Council then considered approval of an ordinance amending the Comprehensive Zoning Ordinance to provide for periodic review of Planned Developments within the City. Couch read the caption of said ordinance. After discussion, Welborn made a motion to approve the ordinance, with Eubanks seconding. The same was voted on and passed unanimously.

Next, the Council considered approval of an ordinance changing the street named "Surf View" to "Cape Hatteras Place" located in the Estates of Coast Royale, Phase II. Couch read the caption of the ordinance. With little discussion, Bullock made a motion to approve the request, with Welborn seconding. The same was voted on and passed unanimously.

The Council then considered approval of an ordinance amending the Comprehensive Zoning Ordinance changing the "LI" Light Industrial classification to "HC" Heavy Commercial classification on a 2.9737 acre tract of land located in the Bodin Industrial Subdivision. Couch read the caption of the ordinance. After discussion, Eubanks made a motion to approve the ordinance, with Gournay seconding. The same was voted on and passed unanimously.

Next, the Council considered approval of an ordinance amending the Comprehensive Zoning Ordinance changing the "SF-7" Single Family classification to "O" Office classification on a portion of Lot 4, Block B of the Sanger Addition. Couch read the caption of said ordinance. Gournay made a motion to approve the ordinance, with Eubanks seconding. The same was voted on and passed unanimously.

Next, the Council discussed an ordinance reviewing street escrow funds. City Manager Eisen then outlined and detailed several recommendations from the Staff. A motion was made by Gournay to table this discussion until the next Council meeting, with Eubanks seconding. The same was voted on and passed unanimously.

The Council then considered award of the bid for materials and hauling. Staff detailed the bid tabulation, while making a recommendation to award the bid to the low bidder, Jerry Jayroe. A motion was made by Bullock to approve the bid award to Jayroe. Fox seconded the motion; same was voted on and passed, with Davis abstaining and all others voting for.

Next, Council considered awarding the bid for asphalt installation and concrete and material installation. Staff detailed the bid tabulations and recommended the bid be awarded to low bidder, Evans Construction, for the asphalt installation. Staff then detailed the bid tabulation and recommended low bidder Roy Willis for concrete materials and installation, including curb and gutters, sidewalks, alleys and streets. Staff recommended that the headwall item be readvertised. Welborn made a motion to approve the above to the low bidder, with Davis seconding. The same was voted on and passed unanimously.

Council then considered approval of the bid award for the water line construction, sewer line construction, and water and

sewer taps. Staff recommended that the bid be awarded to M & J Excavating. Eubanks made a motion to approve the bid and award to M & J Excavating, with Gournay seconding. The same was voted on and passed unanimously.

With no other items coming before the Council, the meeting was adjourned.

APPROVED:

Mayor

ATTEST:

City Secretary

September 12, 1985

Mr. Eisen
City of Rockwall
205 W. Rusk
Rockwall, TX 75087

Dear Mr. Eisen:

In response to the letter from the City dated August 21, 1985, rendering the opinion of the City Attorney as to the current use of the property, and inviting me to make application for appropriate zoning to correct the current zoning to one consistent with the intended use of the property, please accept this letter as my initial response, as we agreed in our meeting with the City Attorney September 6, 1985, in your office, to show my intent to fill out an application for zoning, pending my receipt of the City Attorney opinion of the topics of discussion held in your office on that date. I shall, within five days after receipt of the "opinion letter", or by September 21, 1985, whichever is the latest, fill out a zoning application in your offices as requested.

Sincerely,

A handwritten signature in cursive script that reads "Michael H. Wallace". The signature is written in dark ink and is positioned above the typed name.

Michael H. Wallace

MHW:sjt

Michael H. Wallace
Route 1 Box 118W
Rockwall, Texas 75087

October 9, 1985

Dear City Coucilmen:

In accordance with Administrative Section 11.2 Subsection C.4b, of the zoning ordiance, I hereby request your consideration to hear a zoning case by Mike Wallace on the "Feed Mill" property at Clark Street and St. Marys Street. I make this request based on the fact that the council received some misinformation when considering the request heard by you in July, 1985. Additionally I have been in contact weekly with the city managers' office as well as the city attorneys' office and now have cause to believe the previously made decision would have been the reverse in light of the weight of this new evidence. Your favorable response would be much appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Michael H. Wallace". The signature is written in dark ink and is positioned below the word "Sincerely,".

Michael H. Wallace

KENNEDY

A N D A S S O C I A T E S

November 14, 1985

Ms. Julie Couch
Assistant City Manager
City of Rockwall, Texas

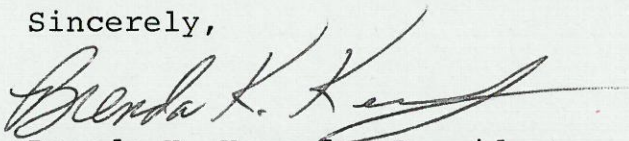
Dear Ms. Couch:

I hereby request that consideration for the approval or recommendation for approval by the Rockwall Planning and Zoning Committee for the construction of sixteen carports at Cutter Hill Phase III be tabled for the November 14, 1985, meeting.

Questions arose at a late date that could not be addressed satisfactorily prior to the time of the meeting of the Planning & Zoning Committee. Once these questions are addressed to the satisfaction of all concerned, then at that time the request for approval will be sought.

Thank you for your consideration.

Sincerely,



Brenda K. Kennedy, President
Cutter Hill Phase III Homeowners Association

BKK/mpr

85-87-2

Juniper

ORDINANCE NO. 86-21

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN FROM "2-F" DUPLEX TO "C" COMMERCIAL DISTRICT CLASSIFICATION; CORRECTING THE OFFICIAL ZONING MAP; 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; AND 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 give Commercial District classification to the tract of land described in Exhibit "A".

Section 2. That the property described in Exhibit "A" 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 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 4. 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 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 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. 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 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.

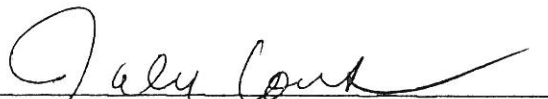
PASSED AND APPROVED this 31st day of March, 1986.

APPROVED:



Mayor

ATTEST:



City Secretary

1st reading 3/17/86

2nd reading 3/31/86

EXHIBIT "A"

BEING, part of Lots 9, 10, 11, 12, 13, 19 and all of Lots 20, 21, 22, 23 and 24 of the MILL ADDITION to the City of Rockwall, as recorded in Volume K, Page 243, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING, at a point on the West line of Clark Street, said point being S. $0^{\circ} 13' 42''$ a distance of 119.00 feet from the South line of Storrs Street, a 1/2" iron stake set for corner;

THENCE, S. $0^{\circ} 13' 42''$ E., along the West line of Clark Street, a distance of 292.75 feet to a point on the North line of St. Mary's Street, a 1/2" iron stake set for corner;

THENCE, N. $89^{\circ} 52' 50''$ W., a distance of 162.60 feet to a 1/2" iron stake set for corner;

THENCE, N. $0^{\circ} 17' 31''$ E., a distance of 61.93 feet to a 1/2" iron stake set for corner;

THENCE, S. $89^{\circ} 32' 39''$ W., a distance of 79.50 feet to a 1/2" iron stake set for corner;

THENCE, N. $0^{\circ} 17' 31''$ E., a distance of 200.00 feet to a 1/2" iron stake found for corner;

THENCE, N. $89^{\circ} 32' 39''$ E., a distance of 89.61 feet to a 1/2" iron stake found for corner;

THENCE, N. $0^{\circ} 01' 02''$ W., a distance of 31.00 feet to a 1/2" iron stake found for corner;

THENCE, S. $89^{\circ} 46' 22''$ E., a distance of 150.00 feet to the PLACE OF BEGINNING and containing 1.442 acres of land.

NOTICE OF HEARING

On December 12, 1985, the Rockwall Planning and Zoning Commission opened a public hearing on a request from Michael Wallace for a change in zoning from "2-F" Duplex to "HC" Heavy Commercial or "C" Commercial on a 1.442 acre tract of land located at the northwest corner of the intersection of St. Marys Street and Clark Street. At that meeting the Planning and Zoning Commission continued the public hearing to January 16, 1986, due to the weather conditions of that evening and the absence of the applicant.

As an interested property owner in the area you are invited to attend the meeting on January 16, 1986, at 7:30 P.M. at 205 West Rusk at which time the public hearing will be continued and action taken on the request.

TO: ROCKWALL CITY COUNCIL

March 1, 1986

By this letter I hereby voice my support in behalf of Mike Wallace in his zoning effort at 512 S. Clark Street in Rockwall, Texas. I understand that the zoning requested would allow the existing use to continue. Outside storage of material has existed since before 1950. I understand that the zoning requested will not permit such industrial uses as: Concrete Batch Plants, Asphalt Plants, Aluminum Plants, etc.

1. Mrs. Earl (Una) Harris 507 CLARK ST ROCKWALL
2. Mrs. B. W. Browning 505 CLARK ST (P.O. BOX 5) ROCKWALL
3. Ronnie Dawson 612 STORRS ST ROCKWALL
4. Bessie Telford 606 STORRS ST ROCKWALL
5. Joe and Adelaide McLeary 607 STORRS ST ROCKWALL
6. Peggy L. Jones 604 STORRS ST ROCKWALL
7. Addie Lou Thomas 610 STORRS ST ROCKWALL
8. Claude Wilkerson 606 ST MARY ROCKWALL
9. Frances Wilkerson 606 ST. MARY ROCKWALL
10. W B Hartman 604 ST MARY ROCKWALL
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THE PEOPLE WHO ARE IMMEDIATELY ADJACENT TO THE KEED MILL PROPERTY LISTED ABOVE ARE: MRS HARRIS, MR BROWNING, MR DAWSON, MRS TELFORD, MRS JONES, MRS THOMAS, MR WILKERSON, & MR HARTMAN.

I SUBMIT TO YOU THAT YOU HAVE "HEARD" THE PUBLIC WHO HAVE A VESTED INTEREST IN THIS CASE & WHO WILL BE MOST AFFECTED BY YOUR DECISION. Respectfully Mike Wallace