

Braums

55.00

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. P&Z 85-103-CUP Date Submitted Dec 23, 85  
Filing Fee 55.00  
Applicant Braum Ice Cream  
Address PO Box 982 Phone 287-9160  
Owner  Tenant \_\_\_\_\_ Prospective Purchaser \_\_\_\_\_

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

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

*use manufacturer masonry products*

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

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

Signed Bill Zylar

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

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

CERTIFICATE

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

\_\_\_\_\_  
Surveyor or Attorney for Applicant  
(Mark out one)

LEGAL DESCRIPTION

Being a tract of land situated in the James Smith Survey, Abstract No. 200, Rockwall County, Texas, and being a part of tract one as recorded in volume 172, Page 277, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning at a point on the south line of Interstate Highway No. 30, said point being northeast corner of said tract, an iron stake for corner;

Thence, S. 11° 14' 20" E., leaving the south line of Interstate Highway No. 30, a distance of 210.00 feet to an iron stake for corner;

Thence S. 71° 25' W. a distance of 160.00 feet to an iron stake for corner;

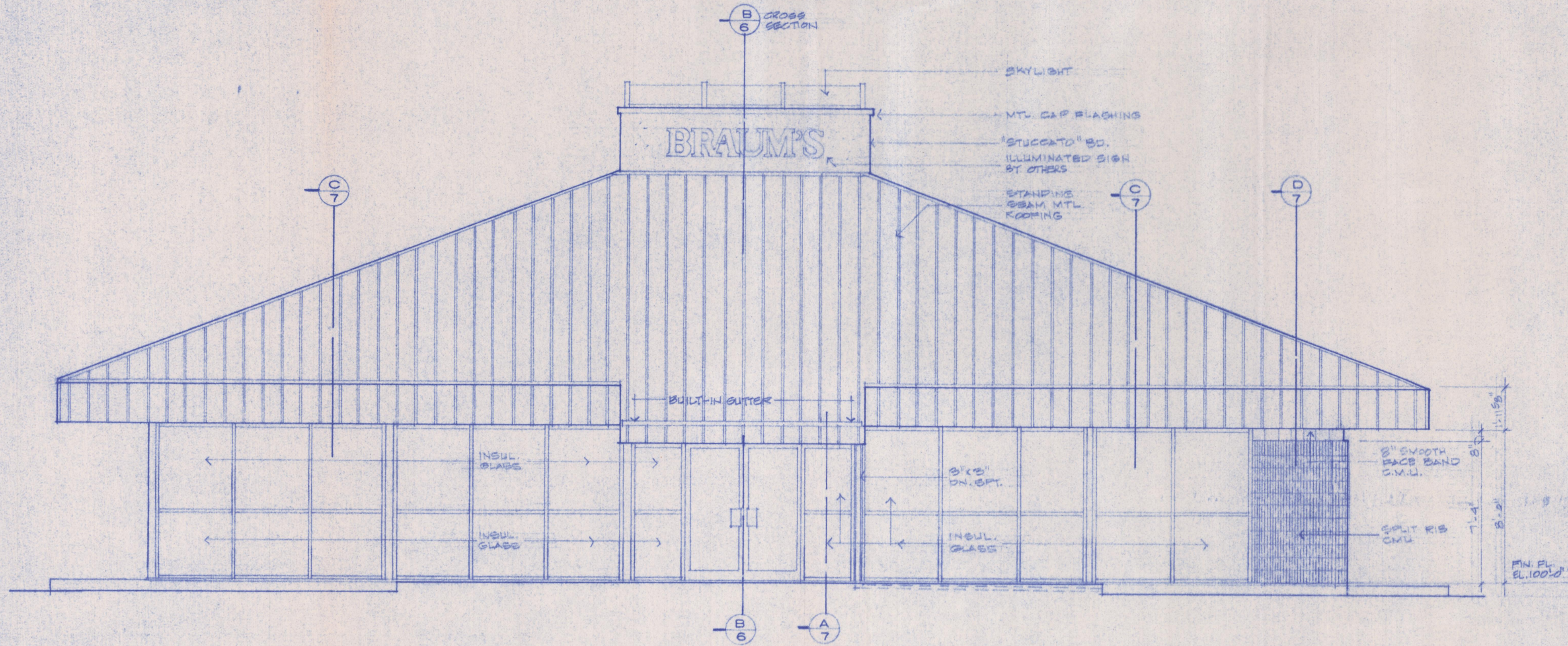
Thence N. 11° 14' 20" W. a distance of 210.00 feet to an iron stake for corner;

Thence, N. 71° 25' E. a distance of 160.00 feet to the place of beginning and containing 0.765 acres of land.

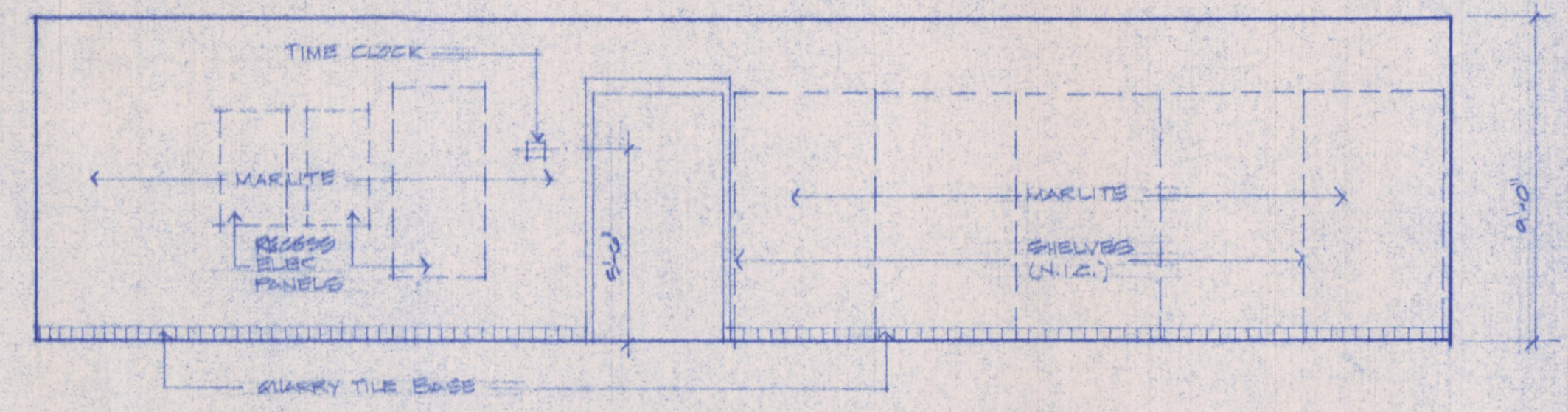




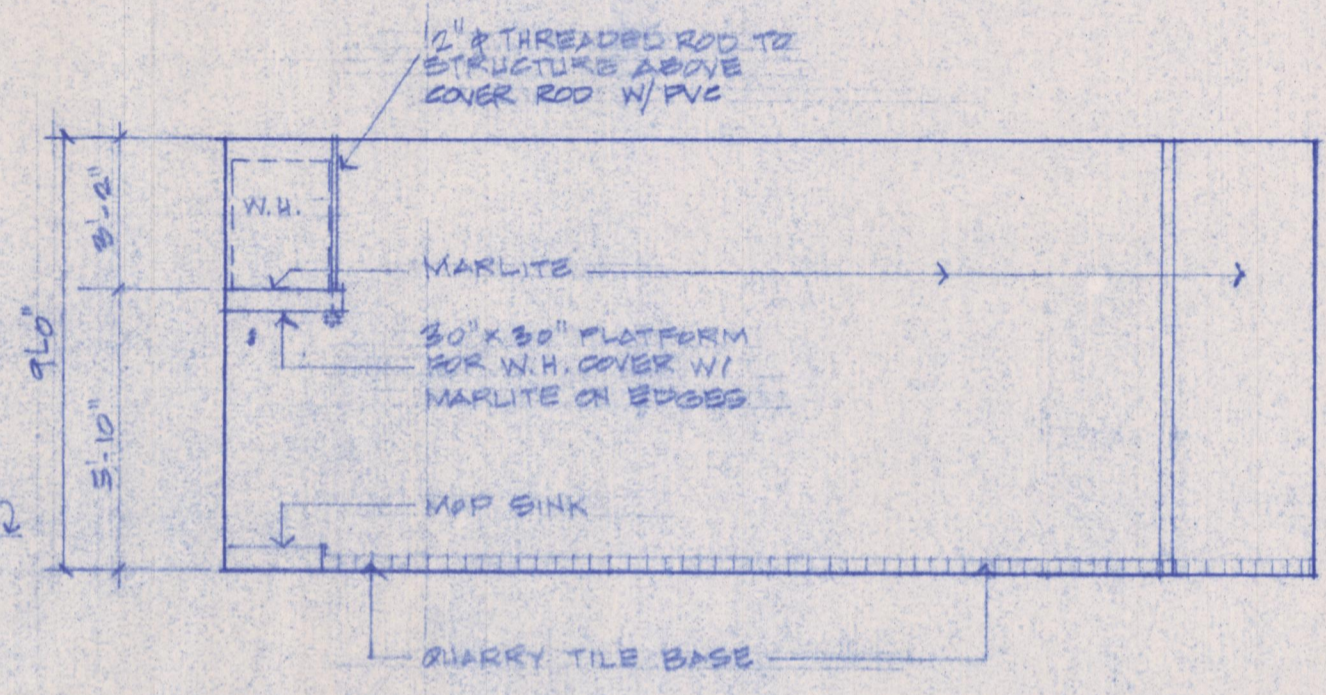




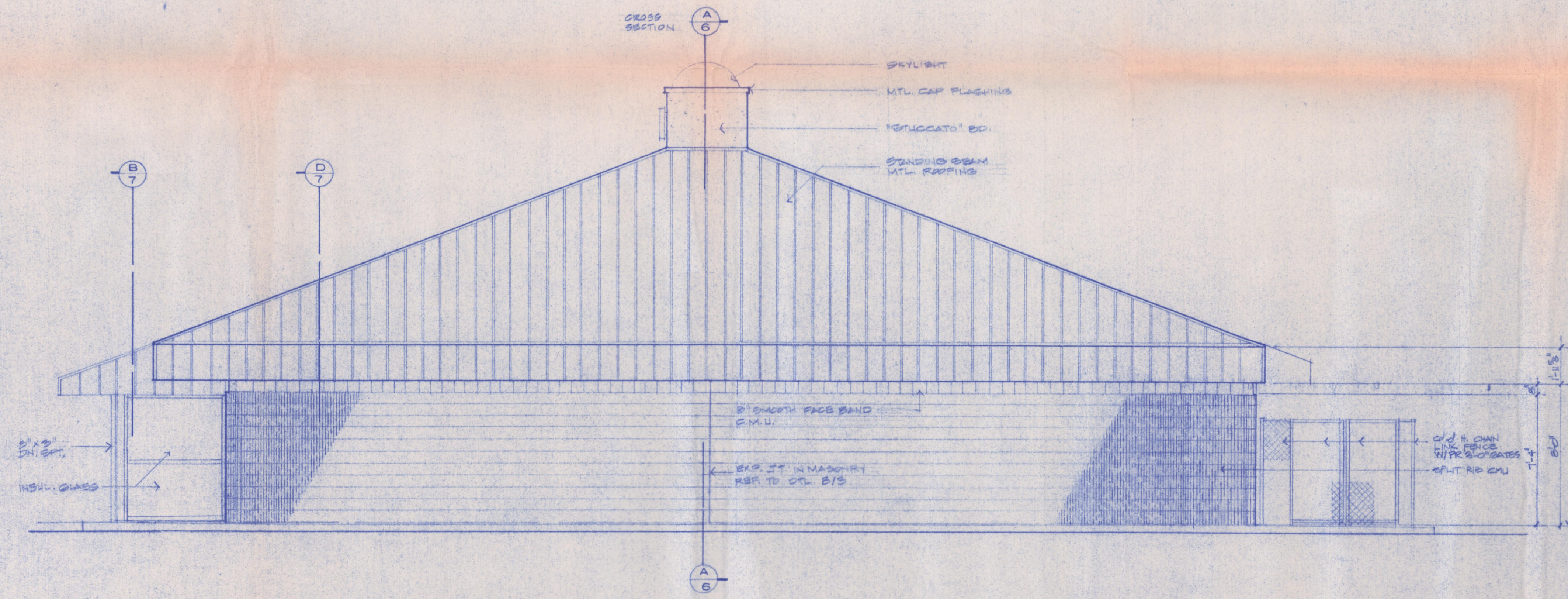
**A FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



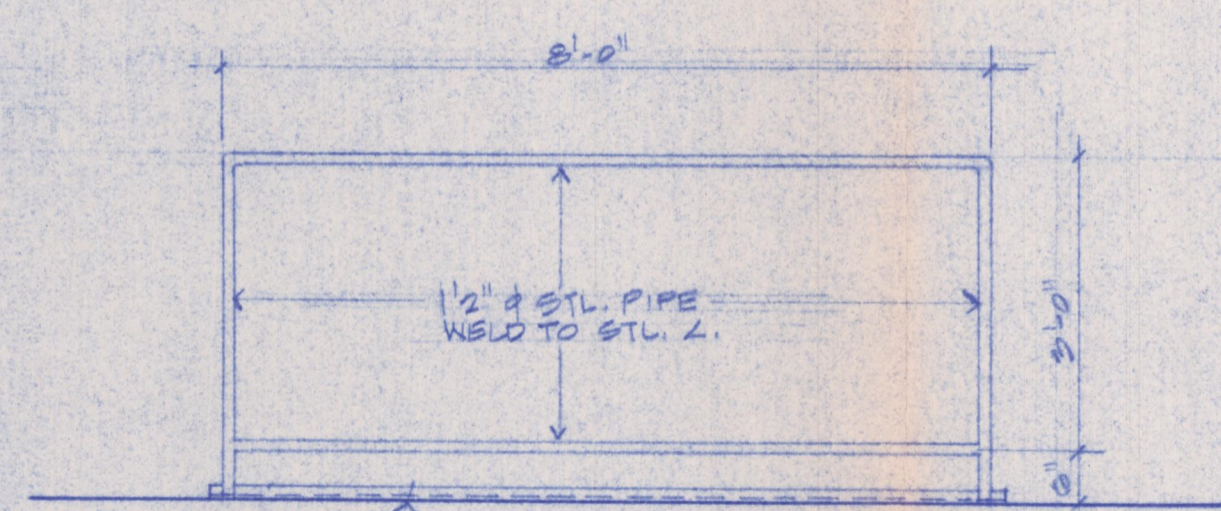
**C INTERIOR ELEVATION**  
SCALE: 1/4" = 1'-0"



**D INTERIOR ELEVATION**  
SCALE: 1/4" = 1'-0"



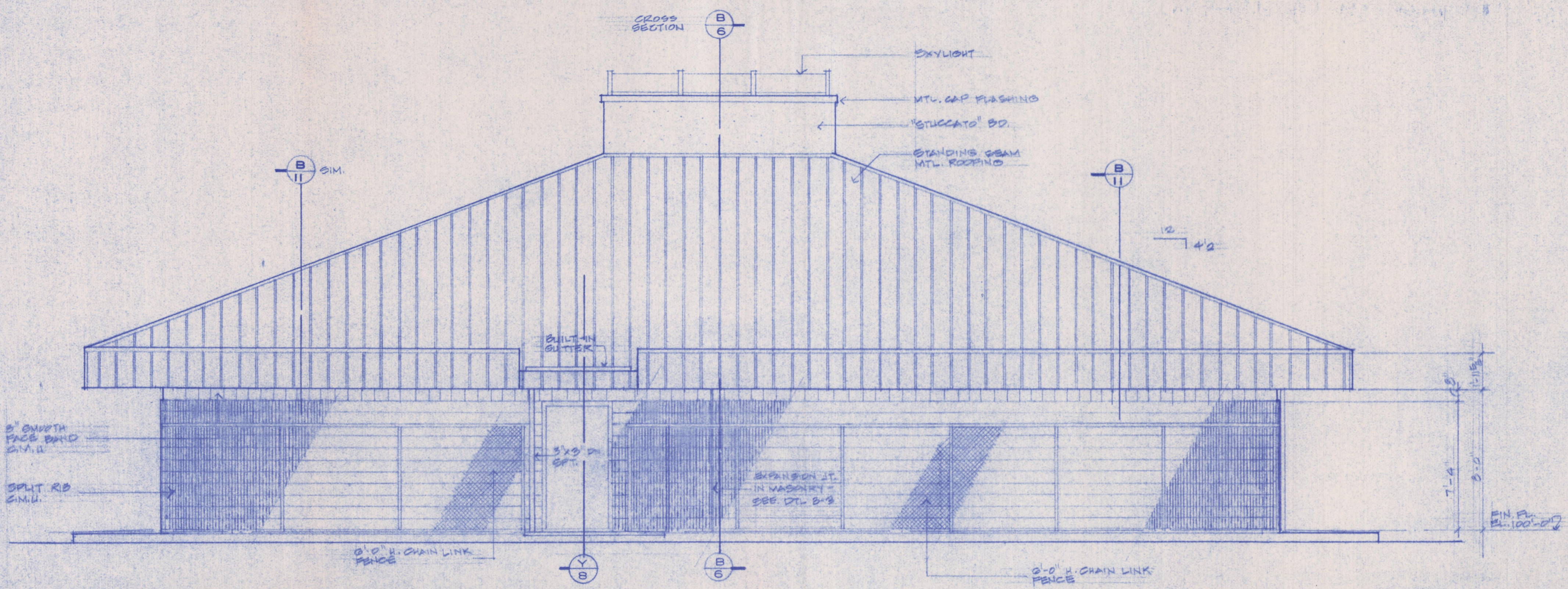
**B RIGHT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



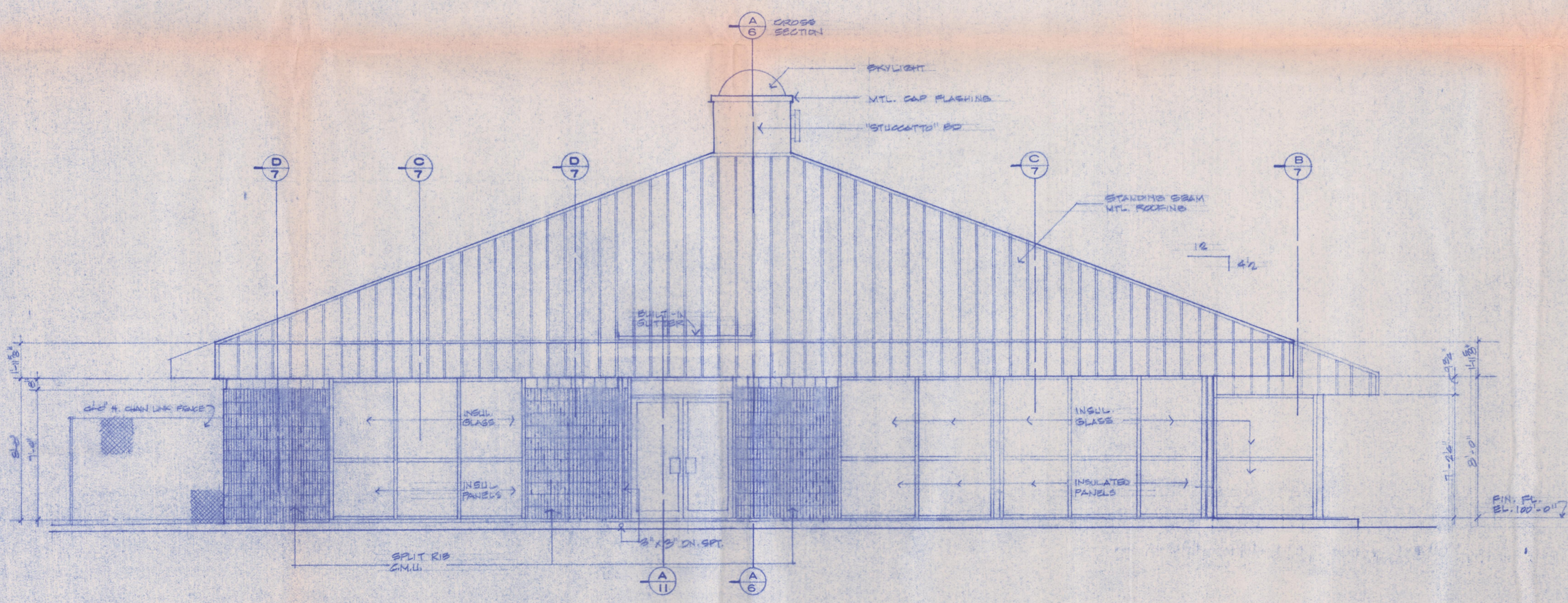
**E STL. PIPE RAIL DETAIL**  
SCALE: 1/2" = 1'-0"



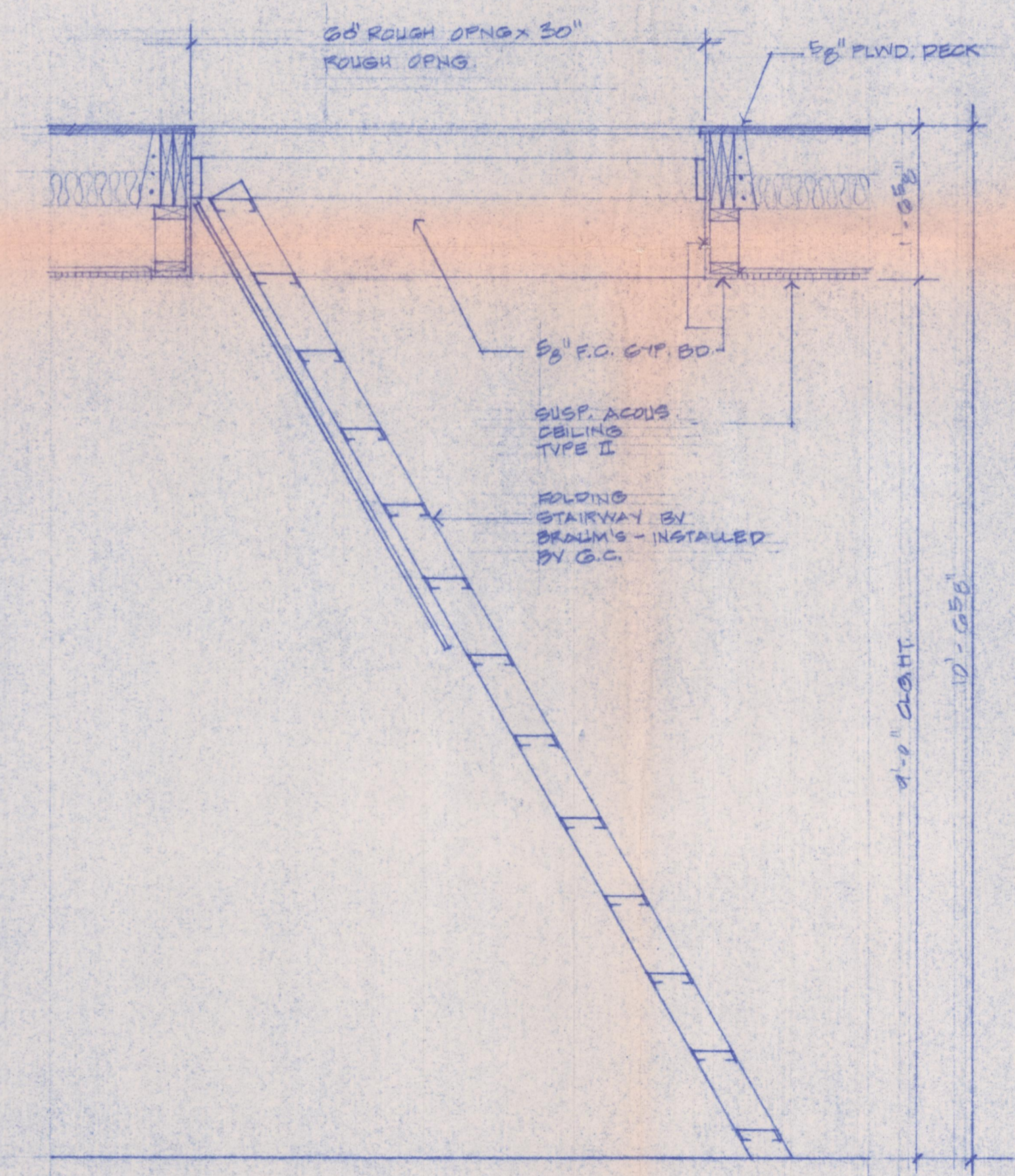
JOB NO.	5501	545
DRAWN BY	L.W.	
CHECKED BY	D.W.	
APPROVED BY		
REV		
REV		



**A**  
**5** **REAR ELEVATION**  
 SCALE: 1/4" = 1'-0"



**B**  
**5** **LEFT SIDE ELEVATION**  
 SCALE: 1/4" = 1'-0"



**C**  
**5** **STAIR SECTION**  
 SCALE: 3/4" = 1'-0"

**MODEL "D" BUILDING**  
 BRAUM'S ICE CREAM STORES, INC.



JOB NO.	B501 E-F5
DRAWN BY	L.W.
CHECKED BY	P.W.
APPROVED BY	
REV.	
REV.	





Agenda Notes

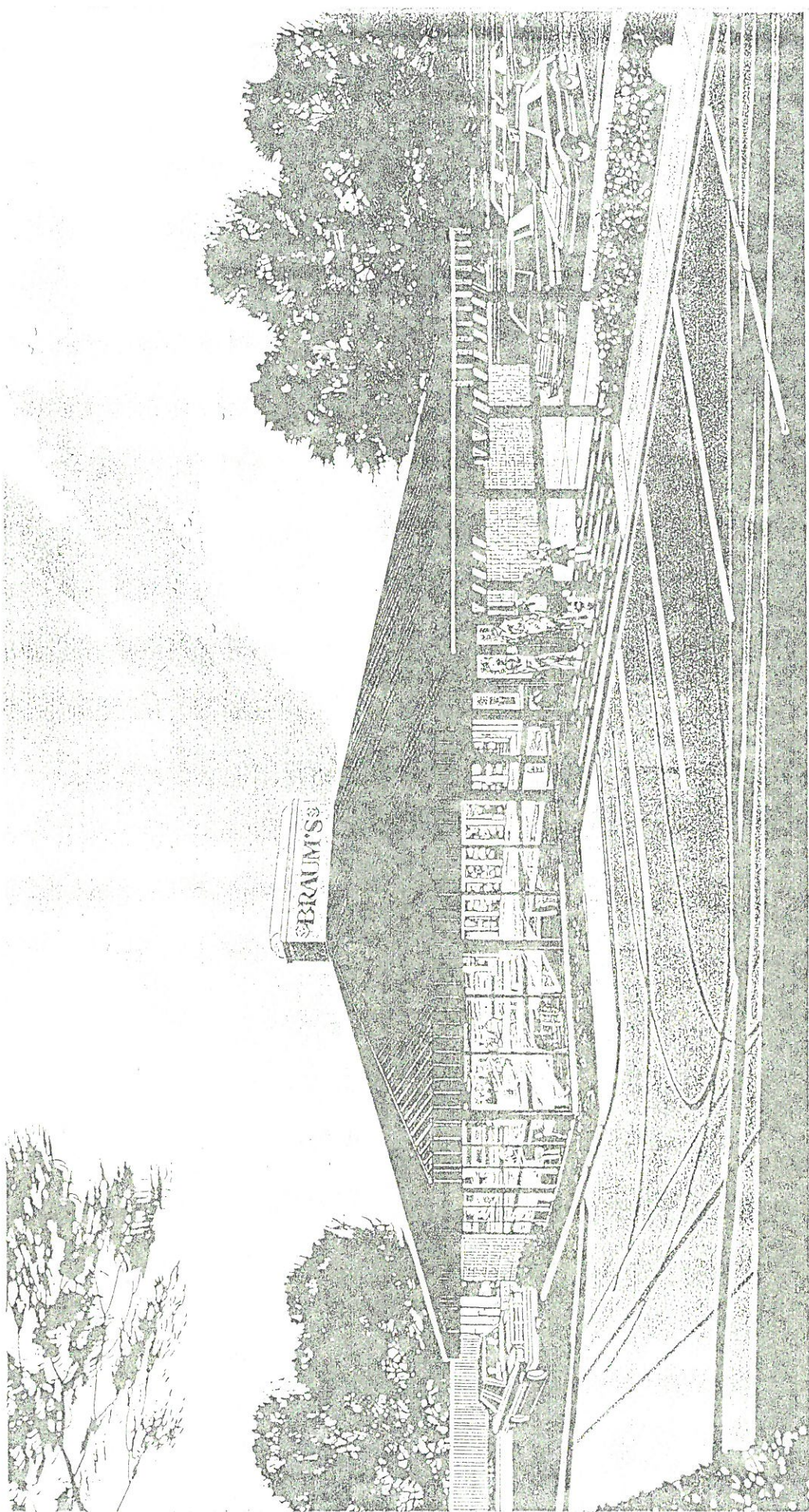
City Council - 2/3/86

III.

- K. Hold Public Hearing and Consider Approval of a Request from Braum's 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

As you are aware, the proposed exterior material for the new Braum's facility is a fluted concrete block. Our ordinance specifically does not include concrete block as meeting the terms of the masonry requirement. In order to utilize this material, Braum's has submitted a request for a Conditional Use Permit. Attached is a copy of the rendering of the building showing how it will appear.

The Planning and Zoning Commission has recommended that the Conditional Use Permit be approved as requested with no time limit.



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

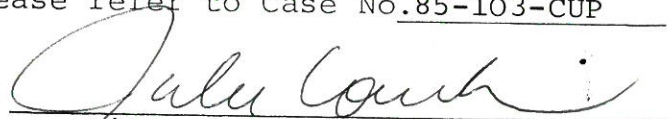
BEFORE THE PLANNING AND ZONING COMMISSION  
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30  
o'clock P . M. on the 16th day of January, 1986, in  
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-  
quest of Braum's Ice Cream Store

for a "CUP" Conditional Use Permit for a building with less than 90% masonry  
materials on exterior walls. Applicant wishes to use a masonry block material  
not recognized under City Ordinances.  
on the following described property:

See attached field notes

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. 85-103-CUP

  
City of Rockwall, Texas

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

Case NO. 85-103-CUP

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

I am opposed the request for the reasons listed below. \_\_\_\_\_

- 1.
- 2.
- 3.

Signature \_\_\_\_\_

Address \_\_\_\_\_

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

Thank you,  
City of Rockwall

LEGAL DESCRIPTION

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Thence, S. 11° 14' 20" E., leaving the south line of Interstate Highway No. 30, a distance of 210.00 feet to an iron stake for corner;

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# 3

LOCATION MAP

INTERSTATE HIGHWAY NO. 30

N 68° 45' 58" E - 129.85  
N 71° 25' E - 261.63

Walter S. Tribbey  
Rt. 21 Box 148  
Chouteau, Ok  
74337  
BURLY FENCE

M. Stephenson  
John Patrick

160'  
braums  
210'

PLACE OF BEGINNING

COTR

LOT 1, BLOCK A  
4.247 AC

773.71

439.66

S 11° 14' 20" E

388.65

N 28° 30' 01" W

S 12° 42' 47" W

O L STEGER

CHURCH ON THE ROCK

Emily Sue Whitehead  
% O L Steger Jr.  
304 Highland Dr.  
Rockwall, Tx.

FINAL PLAT

PATRICK - STEPHENSON

CITY OF ROCKWALL

SUBDIVISION

JAMES SMITH

C.U.P. for Braums

Emily Sue Whitehead  
P.O.L. Steger Jr.  
304 Highland  
Rodevall

J. Smith AB200  
TR. 11 53.540 Ac.

Walter S. Hibbey  
Rt. 2, Box 148  
Chautauq, Ok. 74337

J. Smith AB200 TR10  
3.623 Ac. I-30 & Ridge Rd.

Michael Stephenson  
To Mitchell Bookkeeping Ser.  
1215. Westwood  
Irving, Tx.

J. Smith AB200  
TR. 9 4.247 Ac  
I-30

Address

Church on the Rock  
PO Box 880

BEFORE THE PLANNING AND ZONING COMMISSION  
CITY OF ROCKWALL, TEXAS

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*Judy Lamb*  
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. 85-103-CUP

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

I am opposed the request for the reasons listed below. \_\_\_\_\_

1. Braum's will be an asset to the area.
2. Nation wide their facilities look well.
3. A Braum Store would be in keeping with development at that location.

Signature *Walter D. Tribbey*

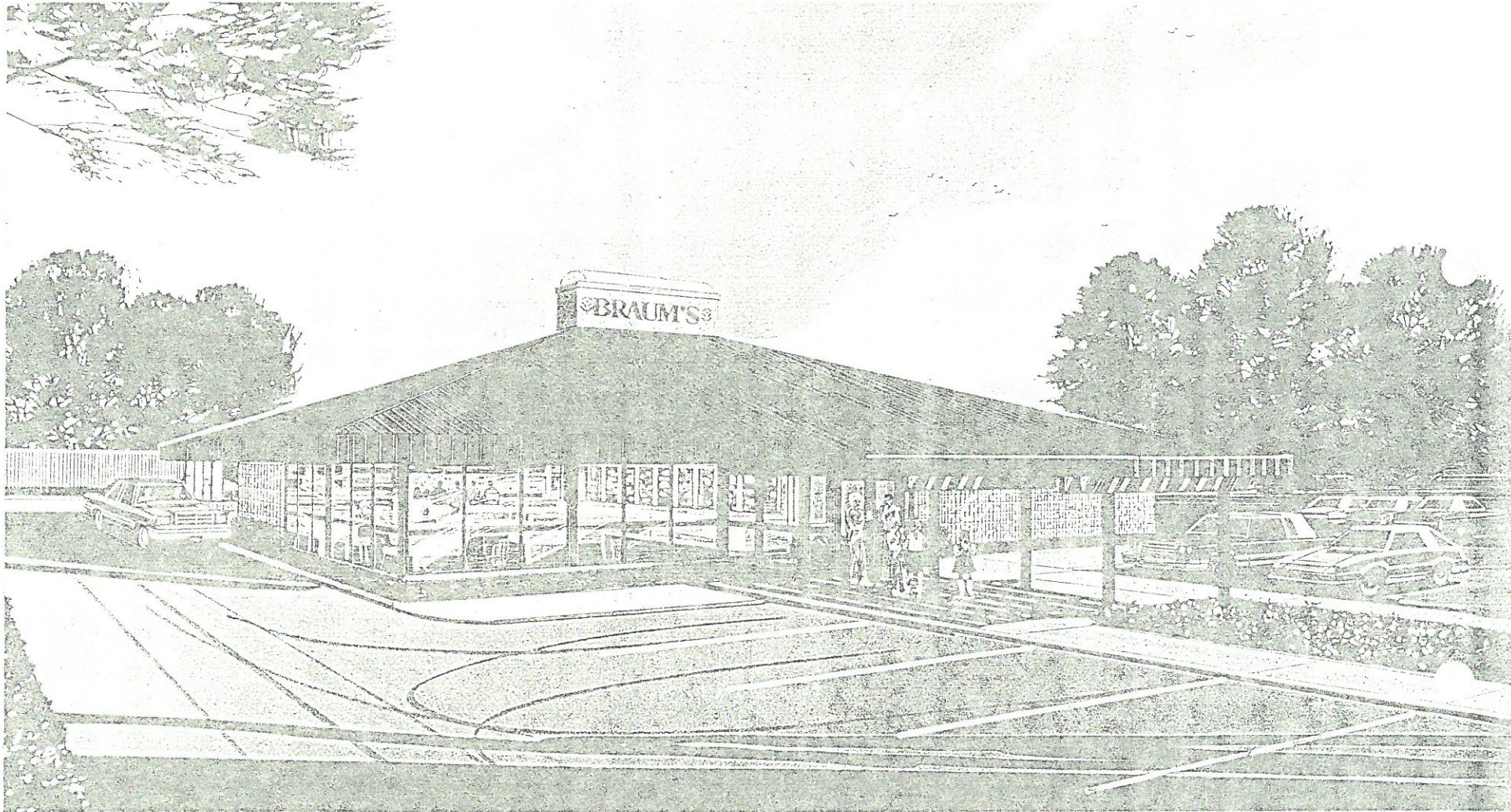
Address *Chautauq, CW 74227*

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

Thank you,  
City of Rockwall

- IX. Hold Public Hearing and Consider Approval of a Request from Braum's 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

As you are aware, the proposed exterior material for the new Braum's facility is a fluted concrete block. Our ordinance specifically does not include concrete block as meeting the terms of the masonry requirement. In order to utilize this material, Braum's has submitted a request for a Conditional Use Permit. Attached is a copy of the rendering of the building showing how it will appear.





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

ORDINANCE NO. \_\_\_\_\_

*Braun*  
*85-103*

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A STRUCTURE WITH LESS THAN 90% MASONRY FACADE ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

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

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to grant a Conditional Use Permit for a structure with less than 90% masonry facade on the following described property:

Being a tract of land situated in the James Smith Survey, Abstract No. 200, Rockwall County, Texas, and being a part of tract one as recorded in Volume 172, Page 277,

Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning at a point on the south line of Interstate Highway No. 30, said point being northeast corner of said tract, an iron stake for corner;

Thence, S. 11° 14' 20" E., leaving the south line of Interstate Highway No. 30, a distance of 210.00 feet to an iron stake for corner;

Thence, S. 71° 25' W. a distance of 160.00 feet to an iron stake for corner;

Thence N. 11° 14' 20" W. a distance of 210.00 feet to an iron stake for corner;

Thence, N. 71° 25' E. a distance of 160.00 feet to the place of beginning and containing 0.765 acres of land.

Section 2. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 3. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

Section 4. 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 5. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any

reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 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.

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

1st reading \_\_\_\_\_

2nd reading \_\_\_\_\_

PLANNING AND ZONING ACTION SHEET

Applicant Braum's Ice Cream Store Case No. 85-103-C4P

Property Description \_\_\_\_\_

Case Subject Matter Cup to allow the use of manufactured masonry products

CASE ACTION

Date to P&Z 1-16-85 Approved Disapproved Tabled

Conditions \_\_\_\_\_

Date to City Council \_\_\_\_\_

Conditions \_\_\_\_\_

Ordinance no. \_\_\_\_\_ Date \_\_\_\_\_

ITEMS IN FILE

Zoning Cases

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

Plat/Site Plan Cases

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