

P4286-51-P

City of Rockwall, Texas

Date: 6-23-86

**APPLICATION AND
PRELIMINARY PLAT CHECKLIST**

Name of Proposed Subdivision NORTHSHORE PLAZA

Name of Subdivider GENE BURKS

Address 603 WOODED TRAIL ROCKWALL, TX. Phone 929-8324

Owner of Record GENE BURKS

Address 603 WOODED TRAIL ROCKWALL TX Phone 929-8324

Name of Land Planner/Surveyor/Engineer HAROLD C. EVANS & ASSOCIATES

Address P.O. BOX 123355 DALLAS, TX. 75228 Phone 328-8133

Total Acreage 3.3 Ac.

Current Zoning RETAIL

No. of Lots/Units 8

Signed [Signature]

The following Preliminary Plat Checklist is a summary of the requirements listed under Section VII of the Rockwall Subdivision Ordinance. Section VI should be reviewed and followed when preparing a Preliminary Plat. The following checklist is intended only as a reminder and a guide for those requirements. Use the space at the left to verify the completeness of the information you are submitting. If an item is not applicable to your plan, indicate by placing a check mark.

INFORMATION

Provided or Not
Shown on Plat Applicable

I. General Information

/ _____

A. Vicinity map

/ _____

B. Subdivision Name

/ _____

C. Name of record owner, subdivider, land planner/engineer

/ _____

D. Date of plat preparation, scale and north point

II. Subject Property

/ _____

A. Subdivision boundary lines

/ _____

B. Identification of each lot and block by number or letter

- C. Dimensions, names and description of all public rights-of-way, improvements, easements, parks and open spaces -- both existing and proposed. Locate and identify existing and/or proposed median openings and left turn channelization
- D. Proposed land uses, and existing and proposed zoning categories
- E. Approximate acreage
- F. Typical lot size; lot layout; smallest lot area; number of lots
- G. Building set-back lines adjacent to street
- H. Topographical information and physical features to include contours at 2' intervals, outlines of wooded areas, drainage areas and 50 and 100 year flood limit lines, if applicable
- I. Location of City limit lines, contiguous or within plat area
- J. Location and sizes of existing utilities
- K. Intended water source and sewage disposal method whether inside city limits or in extraterritorial jurisdiction

III. Surrounding Area

- A. The record owners of contiguous parcels of unsubdivided land; names and lot pattern of contiguous subdivisions; approved concept plans or preliminary plats.
- B. The approximate location, dimension and description of all existing or proposed lots and blocks, public rights-of-way and easements, parks and open spaces. Specifically indicate how the proposed improvements would relate to those in the surrounding area.

Taken by: _____

Date: _____

Receipt: _____

File No. _____

Fee: _____

PLAT REVIEW

Preliminary Plat
 Final Plat

Name of Proposed Subdivision Northshore Plaza
Location of Proposed Subdivision Lakeside Dr. + Hwy 66
Name of Subdivider Gene Burks
Date Submitted 6/2 Date of Review 6/26/86
Total Acreage _____ Number of Lots _____

Review Checklist

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
1. Was the proper application submitted and checked? (attach copy)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Were the proper number of copies submitted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is scale 1" = 100' (Specify scale if different <u>1" = 50'</u>)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Comments			

Planning and Zoning

1. What is the proposed land use?	<u>Retail / office</u>		
2. What is the proposed density?	<u>N/A</u>		
3. What is existing zoning?	<u>CR / SF-10</u>		
4. Is the plan zoned properly? <u>SF can't be developed</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Does the use conform to the Land Use Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is this project subject to the provisions of the Concept Plan Ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Has a Concept Plan been provided and approved?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Does the plan conform to the Master Park Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
9. Does plan conform to the Comprehensive Zoning Ordinance or approved "PD" Ordinance?			
a. Lot size	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Building Line	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Buffering	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Site Plan <i>- needs one</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Has the City Planner reviewed and commented on the plan? (If so, attach copy of review.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Does the plan exhibit good planning in general layout, access, and vehicular and pedestrian circulation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Comments:			

Engineering

1. Streets and Traffic

a. Does the plan conform to the Master Thoroughfare Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Is adequate right-of-way provided for any major thoroughfares or collectors?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Is any additional right-of-way provided for all streets and alleys?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Is any additional right-of-way required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Is there adequate road access to the proposed project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Will escrowing of funds or construction of substandard roads be required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
g. Do proposed streets and alleys align with adjacent right-of-way?	_____	_____	✓
h. Do the streets and alleys conform to City regulations and specifications?	_____	_____	✓
i. Comments			

2. Utilities

a. Does the Plan conform to the Master Utility Plan?	_____	_____	✓
b. Are all lines sized adequately to handle development?			
1. Water	_____	_____	✓
2. Sewer	_____	_____	✓
c. Is additional line size needed to handle future development?			
1. Water	_____	_____	✓
2. Sewer	_____	_____	✓
d. Is there adequate capacity in sewer outfall mains, treatment plants and water transmission lines to handle the proposed development?	✓	_____	_____
e. Are all necessary easements provided?	✓	_____	_____
f. Do all easements have adequate access?	✓	_____	_____
g. Are any offsite easements required?	_____	✓	_____
h. Have all appropriate agencies reviewed and approved plans?			
1. Electric	_____	_____	✓
2. Gas	_____	_____	✓
3. Telephone	_____	_____	✓
i. Does the drainage conform to City regulations and specifications?	_____	_____	✓
j. Do the water and sewer plans conform to City regulations and specifications?	_____	_____	✓

Yes No N/A

k. Comments:

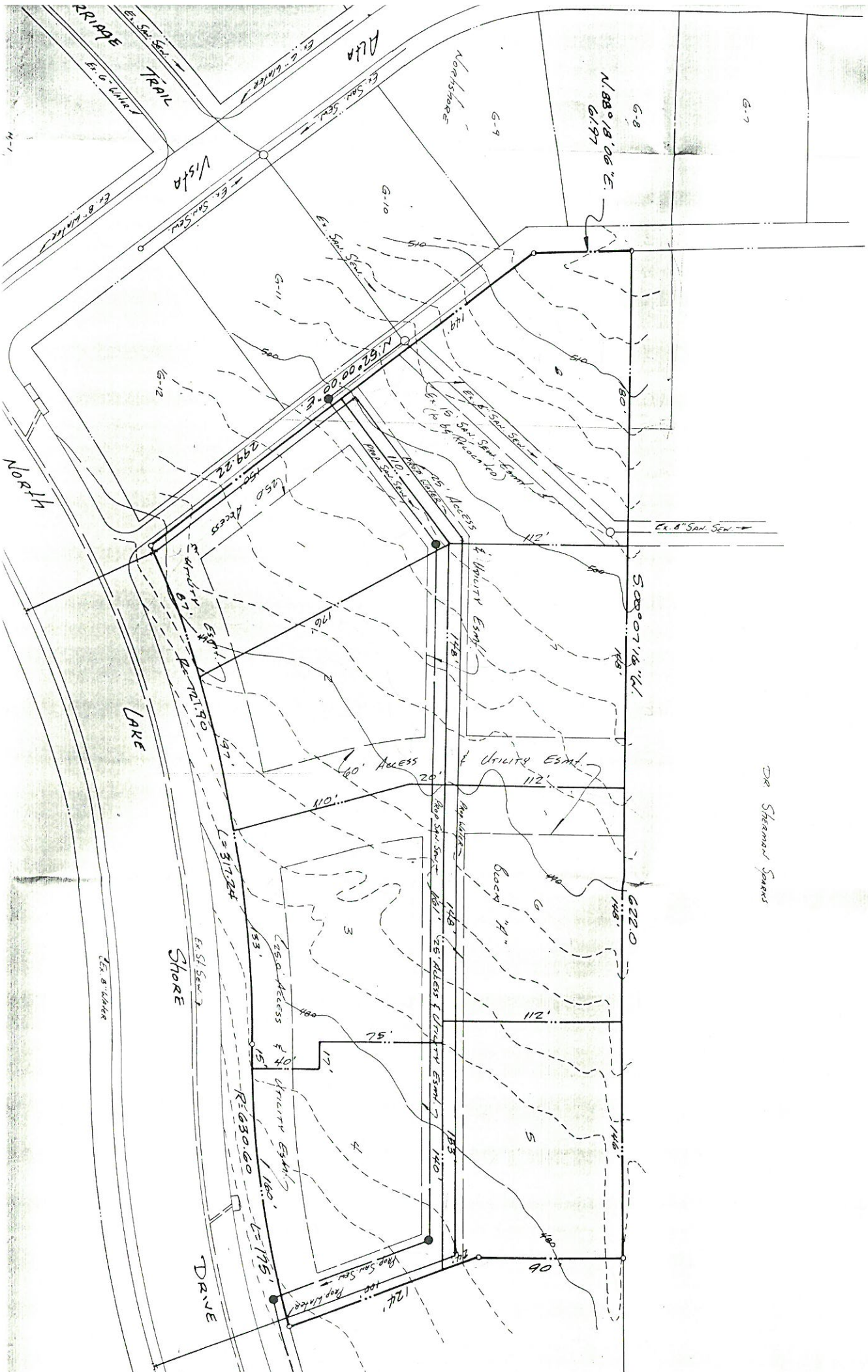
General Requirements

- 1. Has the City Engineer reviewed and approved the plan?
- 2. Does the final plat conform to the City's Flood Plain Regulations?
- 3. Does the final plat conform to the preliminary plat as approved?
- 4. Staff Comments:

_____	_____ ✓	_____
_____	_____	_____ ✓
_____	_____	_____ ✓

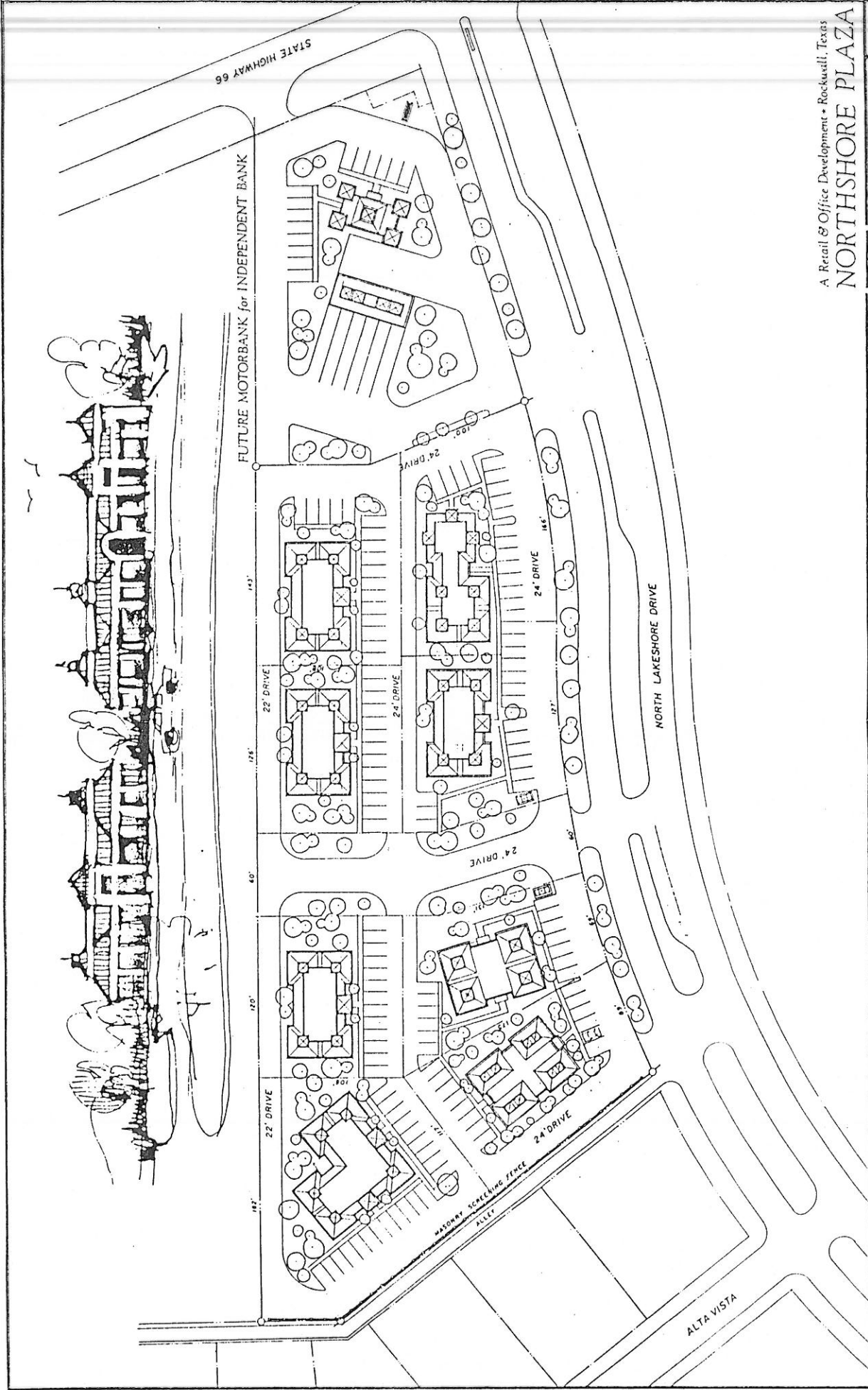
Time Spent on Review

<u>Name</u>	<u>Date</u>	<u>Time Spent (hours)</u>
<u>Julie Cook</u>	<u>6/26/86</u>	<u>30 min</u>
<u>Ed Heath</u>	<u>6/26/86</u>	<u>30 min</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



DR. SHANNON SPANNS



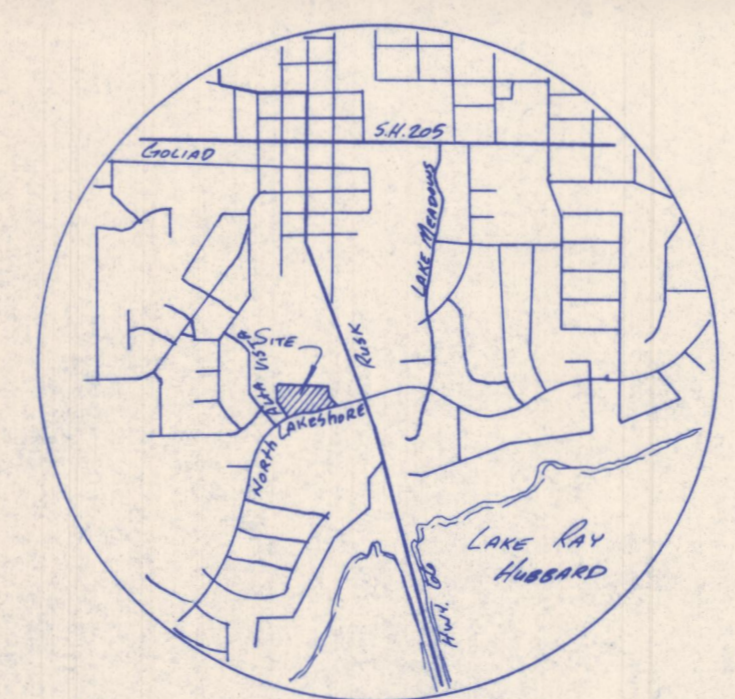
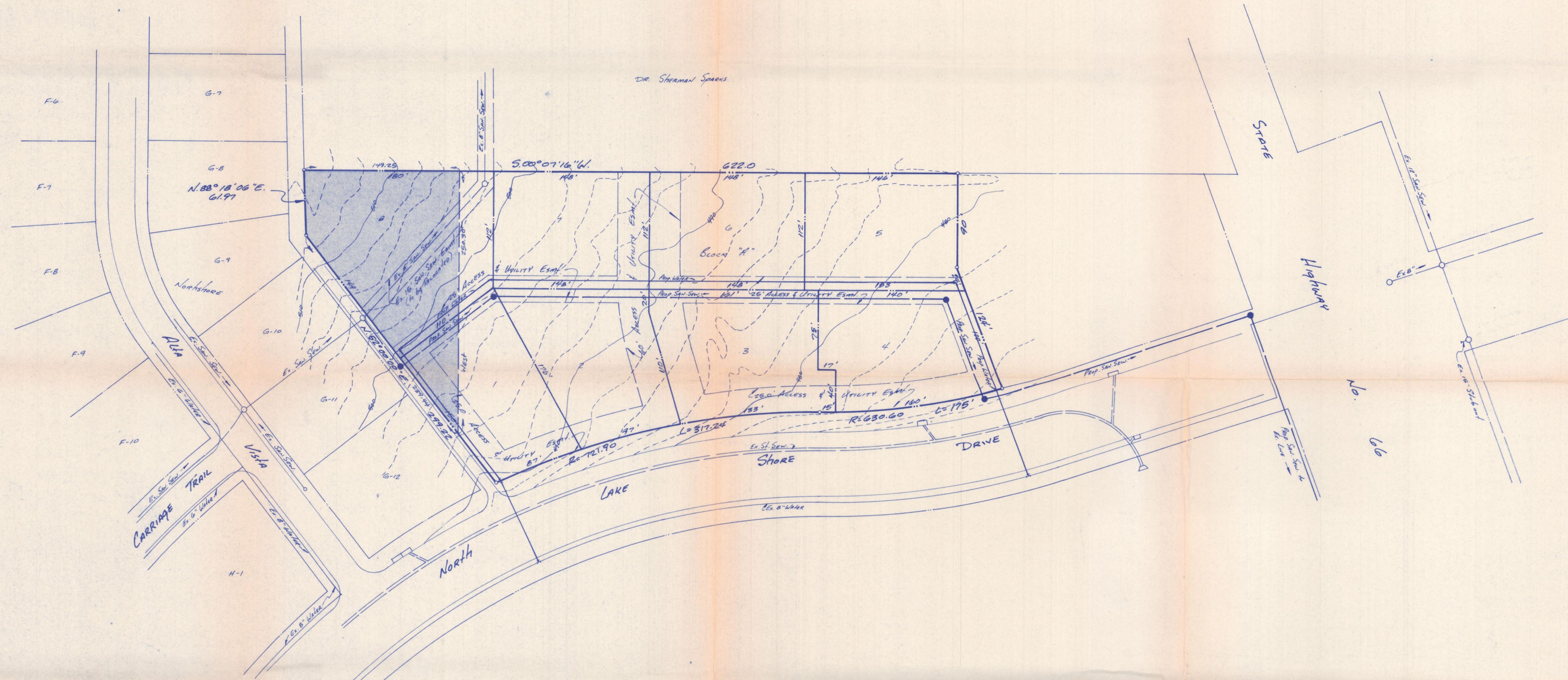
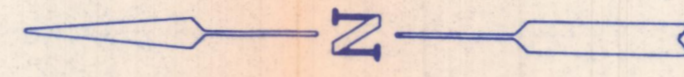


A Retail & Office Development • Rockwall, Texas
NORTHSHORE PLAZA



conceptual SITE PLAN

DAVID R. WALLACE • Design Consultants 3301 century rowlett, texas



86-51-P

"PRELIMINARY PLAN"

HAROLD L. EVANS CONSULTING ENGINEER 2331 GUS THOMASSON RD. SUITE 102 DALLAS, TEXAS 75228 PHONE (214) 328-8133			Northshore Plaza B.F. Boydston Survey Abstract No. 14 City of Rockwall, Rockwall County, Texas Gene Sparks owner 803 HUNDRED TRAIL Rockwall, TX 75087	
SCALE	DATE	JOB NO.		
1"=50'	6-23-86	86106		

DR. SHERMAN SPARKS

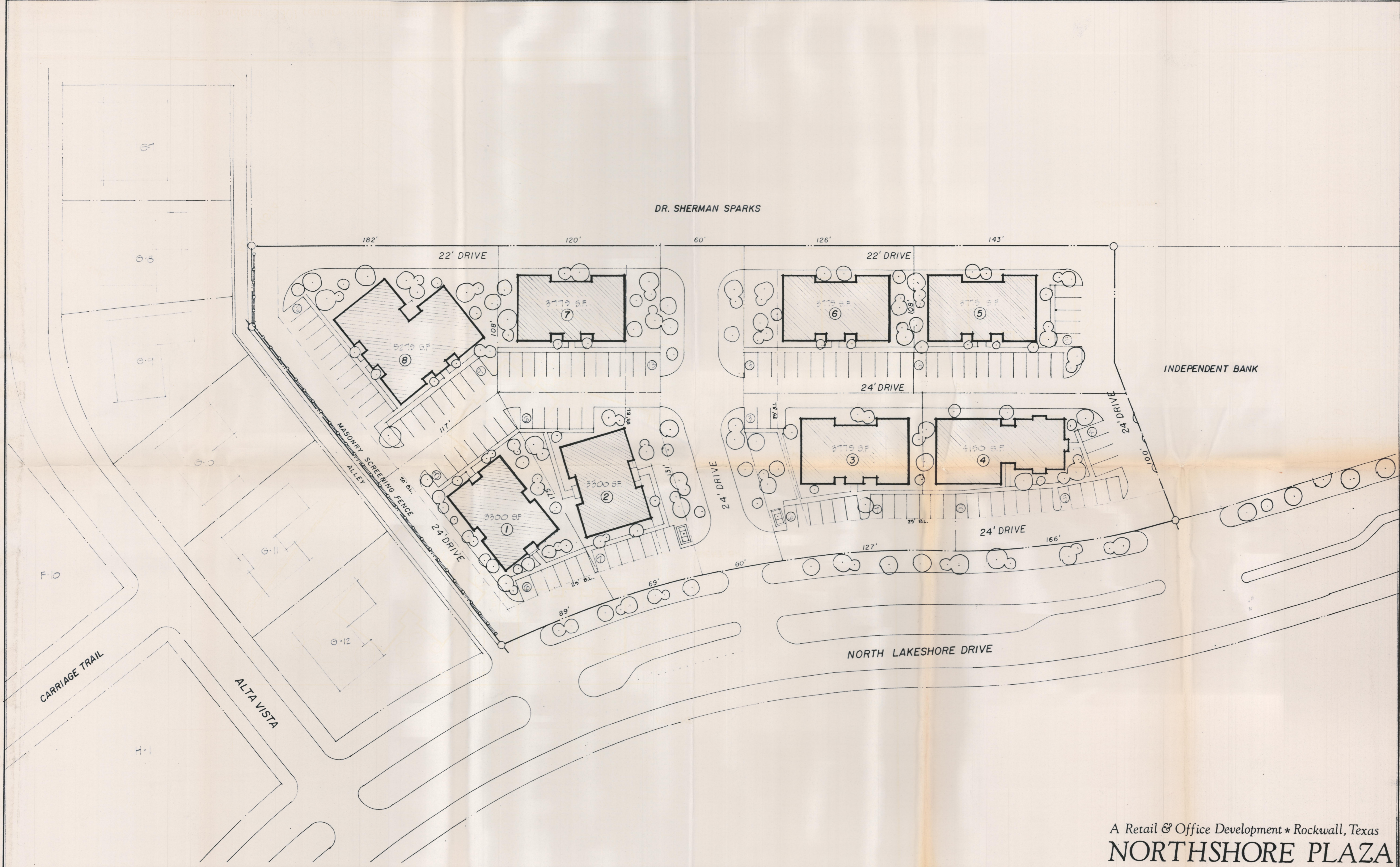
INDEPENDENT BANK

NORTH LAKESHORE DRIVE

ALTA VISTA

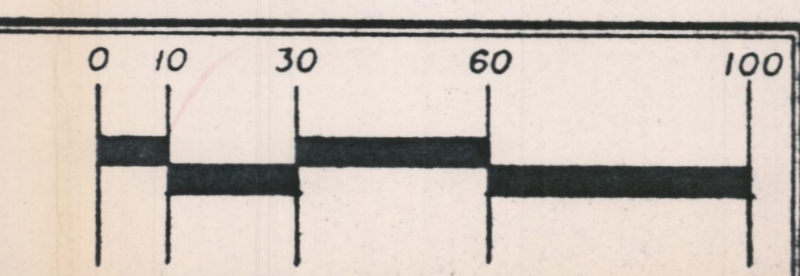
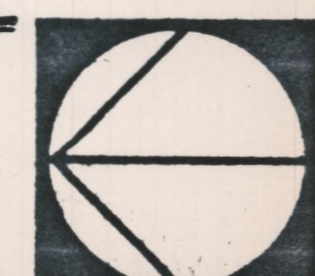
CARRIAGE TRAIL

MASONRY SCREENING FENCE ALLEY



A Retail & Office Development • Rockwall, Texas
NORTHSHORE PLAZA

SITE PLAN







A Retail & Office Development • Rockwall, Texas
NORTHSHORE PLAZA

North Shore Plaza
Architectural Review Board

No building or improvement of any kind shall be erected or placed or the erection thereof begun, or changes made in the exterior design thereof after original construction, on any portion of the Property until the construction plans and specifications and a plan showing the location of the structure or improvements (including without limitation, architecture, site plans, landscaping use of materials, illumination and signs, parking storage and open spaces) have been submitted to and approved in writing (which approval shall not be unreasonably withheld) by the Architectural Review Board (sometimes referred to herein as the "Board") as to compliance with these Restrictive Covenants, quality of material, harmony of external design with existing and/or proposed structures or improvements.

Any and all items submitted to the Board shall be delivered by certified or registered mail, return receipt requested, such that the submitting party receives and maintains appropriate evidence of the Board's receipt of such items. At such times as the plans and specifications meet the approval of the Board, one complete set of plans and specifications will be retained by the Board, and the other complete set of plans will be marked "Approved" and returned to the party submitting same or its designated representative. If found not to be in compliance with these Restrictive Covenants, one set of such plans and specifications shall be returned marked "Disapproved." accompanied by a reasonable written statement of items found not to comply with these Restrictive Covenants. Any material modification or change to the approved set of plans and specifications must again be submitted to the Board for its inspection and approval. If the Board fails to approve or disapprove any plans and specifications within thirty (30) days after the date of submission, then such plans shall be deemed approved.

In the event of fire or other casualty occurring with respect to any initial construction in accordance with plans and specifications theretofore approved, the Board shall not withhold its approval of final plans and specifications for rebuilding if such plans and specifications substantially comply with such original approved plans and specifications. Any additional construction on the Property not previously approved by the Board, or any exterior

changes to the building and other improvements theretofore approved by the Board shall be subject to the approval of the Board as to harmony of exterior design and colors with existing structures on the Property and as to location with respect to topography and finished ground elevation. In this respect, it is recognized that changes in technology or availability of materials may militate against the use of the identical materials used in the initial construction, and the Board will not unreasonably withhold or delay its approval of future construction or exterior alterations so long as they are architecturally harmonious with the other buildings on the Property and utilize materials consistent with the quality of the materials initially approved by the Board.

The initial members of the Architectural Review Board shall be Gene Burks, David Wallace, and Tommie Browne. Vacancies on the Architectural Review Board may be filled from time to time by the remaining board members. The Architectural Review Board and the individual members thereof shall not be liable for any act or omission in performing or purporting to perform the functions delegated herein. The Architectural Review Board may require a preliminary architectural rendering of the proposed improvements, including landscaping, and shall have the option to require, from time to time, working drawings for review by the Architectural Review Board. Notwithstanding the forgoing, and for the purposes of satisfying the requirements herein contained, a final set of plans and specifications shall be submitted to the Architectural Review Board, and it shall be these plans upon which the Architectural Review Board shall base its final decision to approve or disapprove the same. All decisions of the Architectural Review Board shall be final and binding and there shall be no review or revision of any action of the Architectural Review Board, except by procedure for injunctive relief when such action is unreasonable or is not otherwise in accordance with the provisions contained herein. It being understood that aggrieved parties' remedy shall be restricted to injunctive relief and to no other relief. Notwithstanding anything contained herein to the contrary, the provisions of this Article, shall not require the approval of the Board for Interior modifications, changes, or alterations of any buildings heretofore or hereafter situated on the Property.

Construction Standards

Grantor encourages utilization of the concept of maximizing

open and landscaped space with respect to development and construction planning on all portions of the Property. Unless otherwise approved in writing by the Architectural Review Board, the basic exterior finishing materials of all building and improvements on the Property shall appear the same on all building and improvements on the Property shall appear the same on all sides (except, of course, for entrances, windows, etc.) without reduction of quality or economic alteration or the module, facade or materials. In a development of several buildings and between adjacent developments, designs shall be compatible. Sightlines to mechanical equipment, garbage and to service areas shall be attractively screened. The exterior of each building, exclusive of mullions and glass, shall be designed so that the basic finishing materials (such as masonry or wood) are compatible.

Building Setbacks, Height, Use and
Utilities

1. Building Setbacks, Height. No building fence or wall (except as allowed by Review Board) shall be erected closer than thirty (30) feet to North Lake Shore Drive, and closer than sixty (60) feet to the south line of the Property which abuts the right-of-way of Highway 66. Further: (a) no office building shall be located within fifty (50) feet of any street or within thirty (30) feet of any other property line; and (b) no residential structure shall be located within fifteen (15) feet of any property line. no residential structure (except high-rise condominiums) shall exceed three (3) stories in height or thirty-four feet (34') to the center line of the primary roof joint.

2. Use Restrictions. In addition to the specific provisions appearing within this Article and in the first paragraph of Article VI, the Architectural Review Board shall be authorized and empowered to develop and implement additional reasonable requirements and guideline (including those related to height, visual effects, screening and noise) for the Property so as to: (i) set and establish a theme or expression of the quality of the development of and uses within the Property, and (ii) minimize or avoid an adverse impact on the Grantor's interest in the adjacent property. Grantor does not object to a building of dimensions in accordance with the Rockwall Township Building Code provided that

such building or buildings will not have an adverse effect on Grantor's property. Examples of prohibited uses shall include, without limitation, the following: fast-food operations and/or franchises or concessions; uses directly or indirectly related to automobile or truck sales, repairs, parts or service; gasoline, diesel or service stations; motor hotels; and bars, clubs or lounges (excluding however alcoholic beverages served within a bona fide restaurant).

3. Utilities. The Board shall have the right to review and approve (which approval shall not be unreasonable withheld) the method, manner and location of installation of any and all utilities designed to service, or to provide service through, the Property. No overhead utilities shall be installed or situated in or within the North Lake Shore Drive right-of-way without the prior express consent of the Architectural Review Board.

Parking

There shall be maintained on the Property, as to each building constructed thereon, a parking garage (similar in appearance and materials to the building which it adjoins or services) or paved parking areas that are attractively landscaped with trees and plantings and that are sufficient to serve the parking, loading, and unloading needs of the normal business use of such building without using adjacent streets for parking purposes. No use shall be made of any building on the Property which requires, or is reasonably expected to require or attract, parking in excess of the capacity of the parking areas maintained as to that such building. All surface parking areas on or surrounding office building, commercial or non-residential uses sites visible from any major road or adjacent property shall have landscaping between the parking areas and adjacent properties. The term "sufficient," for purposes of the first sentence herein, shall mean that Grantor will not impose any parking ratio greater than that imposed at the time of application to the City of Rockwall, Texas as a condition to the issuance of a building permit (s) for construction on the Property, provided that any and all ratios are calculated with regard to on-site parking and do not include any factor or allowance for off-site parking; Grantor discourages the need for or use of off-site parking.

Prohibited Uses

No part of any building site situated on the Property shall be put to any industrial, manufacturing or unlawful use, or to any use which may constitute a nuisance to the surrounding area, or which is hazardous by reason or excessive danger of fire or explosion, or which may be offensive by reason of odor, fumes dust, smoke, noise, vibration, pollution, including by not limited to any factory, slaughterhouse, tanner, car lot, cannery, barn, stable, cemetery, junk yard, bars, clubs, or restaurants featuring topless, bottomless, or totally nude performers, waiters, waitresses or other personnel, or which provide recorded entertainment featuring nude or seminude persons performing or simulating sexual acts, businesses which show x-rated movies or pornographic movies, businesses which operate as massage parlors, pool halls or amusement parlors, or any oil, natural gas or mining operations whatsoever. Alcoholic beverages shall not be sold on any building site situated on the Property except that: (1) wine, beer, and liquors may be sold in establishments whose primary business is the retail sale of groceries; (2) alcoholic beverages sold for consumption off the premises may be sold in retail package stores; and (3) alcoholic beverages sold for consumption on the premises may be sold in restaurants, clubs, or such other establishment as may be approved by the Architectural Review Board.

No portion of the Property may be used for an autonomous automobile service station except at locations approved in writing by the Architectural Review Board; however, nothing herein shall prohibit operation of an auto repair department which in addition to repairing automobiles, may also sell tires, batteries, and other automobile accessories as a part of a larger retail establishment.

If any improvements situated on all of a portion of the Property are to be used for residential purposes, then the following prohibitions shall apply thereto:

- (a) No structure of a temporary character, trailer, mobile home, travel trailer, basement, tent, shack, garage, barn or other out-building shall be used at any time as a residence. No boat, trailer, mobile home, truck (except pick-up trucks), camper or recreational vehicle shall be parked or stored on

any driveway or uncovered parking area:

(b) No unused or broken down automobile may be stored or worked upon any driveway or uncovered parking area:

(c) No animals, livestock or poultry of any kind shall be raised, bred, or kept except that dogs, cats, or other common household pets may be kept, provided that they are no more than two (2) pets may be kept at each residential dwelling unit or housekeeping unit at the same time; and

(d) The digging of dirt or the removal of any dirt is expressly prohibited except as necessary in conjunction with the landscaping of, or construction on, such property.

Maintenance

The Grantee or subsequent owner(s) and lessee(s) holding under the owner(s) of each and every portion of the Property shall (but only with respect to such Property then owned or leased by it), have the duty and responsibility of: (a) keeping such portion of the Property and landscaping situated thereon in a well maintained, safe clean and attractive condition at all times (including, without limitation, keeping such Property free of unsightly weeds and keeping grass and other ground cover mowed (not less than monthly) or trimmed and (b) complying with all governmental, health, safety and notice requirements affecting such portion of the Property. In no event shall the Property be used for: (i) storage of materials, or equipment except for normal building requirements incident to construction of the improvements thereon, or (ii) the accumulation of garbage, trash, or rubbish. All outdoor storage and rubbish areas shall be hard paved and enclosed with an appropriate wall of masonry or other material approved by the Architectural Review Board. Any mechanical equipment housed on the roof of a building shall be screened from view by use of a parapet wall. All clothes lines, yard equipment, woodpiles or storage piles, if any, shall be kept attractively screened as to conceal them from the view of neighboring tracts, streets or other property. Dead plant materials shall be promptly removed and replaced. Grantor or its assigns shall have the right, but not the obligation, to enter upon any portion of the Property during reasonable business hours

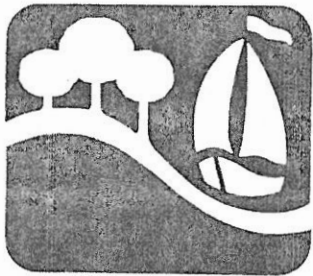
to make inspections to determine whether the owner, or lessee holding under the owner thereof, is complying with these duties and responsibilities, and each such owner and less shall by their acceptance of a deed or lease of such portion of the Property be deemed to have granted to Grantor and its assigns an irrevocable right of ingress and egress to make such inspection. If, in the good faith judgment of Grantor or its assigns, any such owner or lessee is failing to comply with any of these duties or responsibilities, then Grantor or its assigns may, but shall not be obligated to, give such owner or lessee, or both, written notice (by certified or registered mail, return receipt requested) specifying such default and such owner or lessee, or both, shall thereupon have ten (10) days after receipt of such notice to cure such default, or if such default cannot be cured with the application of reasonable diligence within such ten (10) days period, to commence good faith efforts to cure such default and thereupon carry forward the curing of such default to completion with reasonable diligence. If such owner or lessee fails to fulfill such duty or responsibility, then Grantor or its assigns shall have the right, but not the obligation, to cure or attempt to cure such default and such owner or lessee, or both, shall be liable to Grantor or its assigns (as the case may be) for the reasonable cost and expense of curing or attempting to cure such default. If the owner or lessee fails to pay such sum to Grantor or to its assigns within thirty (30) days after written request to do so is sent to such owner or lessee, then the indebtedness thereby represented together with interest thereon at the then highest non-usurious rate allowed by law and the reasonable cost of all collection expense and attorneys' fees, shall be a debt of such owner or lessee (or both) and shall automatically be secured by a lien against such portion of the Property effective as of the date of filing of any affidavit by Grantor setting out such debt. However, any such lien shall be automatically subordinated to the lien of any bank, savings and loan association, trust company, insurance company, university, pension trust or any other lender loaning funds for construction financing (including interim and gap loans) or permanent financing of a portion of the Property and the improvement thereon.

Any building or other structure located on a portion of the

Property which has been destroyed or damaged in whole or in part by fire or otherwise must be either repaired or completely demolished and removed from the Property by the owner thereof within not more than one hundred twenty (120) days from the date of such occurrence. Such repair or demolition and removal shall be commenced with reasonable diligence after any such destruction or damage and shall be pursued with due diligence to completion.

Signs and Illumination

All signs and illumination devices constructed or to be constructed upon any portion of the Property shall be considered an improvement and shall be submitted to the Architectural Review Board.



CITY OF ROCKWALL
"THE NEW HORIZON"

July 14, 1986

Mr. Gene Burks
603 Wooded Trail
Rockwall, Texas 75087

Re: P&Z Case No. 86-51-P

Dear Mr. Burks:

On July 10, 1986, the Rockwall Planning and Zoning Commission recommended approval of your request for a preliminary plat on Northshore Plaza (3.3 acres) located on North Lakeshore, north of SH-66 subject to:

1. Approval of rezoning the portion of Lot 8 from residential to General Retail; and
2. That a site plan be submitted substantially in conformance to the conceptual site plan as presented to the Commission prior to submission of a final plat.

The Rockwall City Council will consider approval of your request on August 4, 1986, beginning at 7:30 P.M. at the City Hall, 205 West Rusk.

If you should have any questions regarding this matter or the meeting schedule, please do not hesitate to call.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer L. Jarrett".

Jennifer Jarrett
Administrative Aide

JJ/mmp

Agenda Notes

P&Z - 7/10/86

IV. B. Consider Approval of a Request from Gene Burks for a Preliminary Plat on Northshore Plaza, a 3.3 Acre Tract of Land Located on North Lakeshore North of SH-66

Gene Burks has submitted a preliminary plat on a three acre tract located on North Lakeshore Drive north of SH-66. The property, with the exception of a portion of Lot 8, is zoned General Retail. He is proposing a garden office retail development similar to Art Kuhlman's development on SH-66. He plans to sell off each lot, but development of each lot will be regulated by a set of deed restrictions as well as our site plan approval which will provide for one development style.

As we discussed at the Work Session, the applicant is going to have to rezone a portion of Lot 8 from Residential to General Retail. He did not have his site plan ready in time for this month's submission, but he does plan to submit it for next month's meeting along with the zone change on the residential. He will have a copy of the site plan for discussion at the meeting and a concept is included in your packet.

The preliminary plat as submitted meets all of our standards. One condition that should be placed on any approval would be that approval is subject to rezoning the portion of Lot 8 that is still residential. Knowing the Commission's concern about approving a preliminary plat without a site plan, you can also tie any preliminary plat approval to a site plan being submitted substantially in conformance to the one attached, prior to submission of a final plat.

A copy of the plat and site plan are attached.

Agenda Notes
City Council - 9/8/86

- III. D. Hold Public Hearing and Consider Approval of a Request from Gene Burks for a Change in Zoning From "SF-10" Single Family to "GR" General Retail on a .5296 Acre Tract of Land Located Off North Lakeshore Drive and Approval of a Site Plan on Approximately 6 Acres

Both sides of North Lakeshore Drive at SH-66 are currently zoned General Retail. The tract on the northwest corner contains 3.3 acres and extends up to the alley behind Alta Vista. Of the 3.3 acres .5296 acre is still zoned "SF-10". The property owner, Gene Burks, has submitted a request for rezoning to "GR" on the .5296 acre tract and site plan/preliminary plat approval on the entire tract. He is proposing an office/retail development in a garden type atmosphere, not a strip type retail development. A copy of the proposed site plan/preliminary plat is attached.

The Planning and Zoning Commission has recommended approval of the rezoning and the site plan and preliminary plat. The site plan approval stipulated that the elevations as submitted be approved except that brick or other approved masonry materials could be used in lieu of the fluted concrete block, that deed restrictions governing maintenance of landscaping and driveways and the design of the development be submitted to the Planning and Zoning Commission when the final plat is submitted, and that the site plan be amended to show screening along the MF tract along the western property line.

The original site plan provided that a six foot brick wall would be built along the alley behind Alta Vista. The Commission also stipulated that the fence should be moved back 5 feet with that 5 feet being dedicated to the City to provide a 20 ft. alley right-of-way. The reason for this move was to ensure adequate maneuvering space for cars backing out of their houses along the alley. After the meeting the applicant reviewed the situation and determined that due to the topography and for aesthetic reasons he would prefer to use a combination berm and planting to achieve the required screen. He asked to appear before the Commission at their Work Session to present this change. By having this change in the site plan at the Work Session, the final proposed project would be submitted to the Council on Monday night when you will also hold a public hearing on the zone change. This will enable any interested property owner in the area to also see the final site plan. A site plan by itself does not require a public hearing and had the revision been submitted at a later date, the surrounding property owners would not have an opportunity to see the revision.

The Planning and Zoning Commission has recommended approval of the revised site plan and have removed the condition that the 5 ft. be dedicated to the City if a berm is used. The berm will be located in that 5 ft. and it should remain in the ownership of the developer, not the City.

Minutes of 9/8/86

Fox made a motion to continue the public hearing as an amendment to Welborn's motion along with tabling the request until next Council meeting on Monday, September 15th. Miller seconded the motion. The motion was voted on and passed unanimously (Welborn was out of the room).

Tuttle then opened a public hearing on a request from Gene Burks for a change in zoning from "SF-10" Single Family to "GR" General Retail on a .5296 acre tract of land located off Lakeshore Drive and approval of a site plan on approximately 6 acres and preliminary plat.

Jean Holt stated she wished to abstain due to a possible conflict of interest. Miller also abstained due to a potential conflict of interest. Holt and Miller left the room.

Van Hall, Consulting Engineer, representing Gene Burks, addressed Council. Hall indicated that the main concern of the adjacent owners was the type of buffer to be used, not the actual zoning. Hall also stated that due to a drastic elevation difference between the owner's properties and the property in question, a berm would be safer than a wall.

There being nobody else wishing to be heard, Tuttle closed the public hearing. Tuttle then suggested a greater buffer zone and discussed what options would make the best view for adjacent property owners. Fox then made a motion to table the request until the next regular Council meeting, at which time the public hearing would be continued, giving the applicant time to produce some other buffer options. The motion was seconded by Bullock. The motion was voted on and passed unanimously.

Tuttle then opened a public hearing on amending the 1985-86 Annual Operating Budget, on the proposed 1986-87 Operating Budget, the proposed 1986-87 Revenue Sharing Budget, and the proposed 1986 tax rate.

Welborn pointed out a typographical error in the Agenda. Pete Eckert, City Attorney, stated that as the public notice in the newspaper was posted correctly, the error would not pose a legal problem.

As there was no one wishing to be heard with regard to the Budget, Tuttle closed the public hearing.

Council then considered setting the 1986 tax rate at .3700 per \$100.00 valuation. Fox made a motion to approve setting the tax rate at .3700 per \$100.00 valuation. Bullock seconded the motion. The motion was voted on and passed unanimously.

PLANNING AND ZONING ACTION SHEET

Applicant Gene Buels Case No. _____
 Property Description _____
 Case Subject Matter Pre. plat

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>7-10-84</u>	✓		
Conditions <u>approved sub to a site plan in conformance w/concept plan of rezoning be submitted prior to final plat</u>			
Date to City Council <u>9/8/86</u>			X
Conditions <u>9/15/86</u>	X		

Ordinance no. _____ Date _____

ITEMS IN FILE

- | <u>Zoning Cases</u> | <u>Plat/Site Plan Cases</u> |
|---|---|
| <input checked="" type="checkbox"/> Application | <input checked="" type="checkbox"/> Application |
| <input checked="" type="checkbox"/> Site Plan | <input checked="" type="checkbox"/> Filing Fee |
| <input checked="" type="checkbox"/> Filing Fee | <input checked="" type="checkbox"/> Plat/Plan |
| <input type="checkbox"/> Notice to Paper | <input checked="" type="checkbox"/> Engineer's Review |
| <input type="checkbox"/> Notice to Residents | <input checked="" type="checkbox"/> Consultant's Review |
| <input type="checkbox"/> List of Residents Notified | <input checked="" type="checkbox"/> Agenda Notes #12 |
| <input type="checkbox"/> Residents' Responses | <input type="checkbox"/> Minutes |
| <input type="checkbox"/> Consultant's Review | <input type="checkbox"/> Correspondence |
| <input checked="" type="checkbox"/> Agenda Notes | <input type="checkbox"/> County File Number |
| <input checked="" type="checkbox"/> Minutes } 86-53 | |
| <input checked="" type="checkbox"/> Ordinance } 86-53 | |
| <input checked="" type="checkbox"/> Correspondence | |