

SITE PLAN APPLICATION

Date: 10/27/86

NAME OF PROPOSED DEVELOPMENT HUBBARD CAR WASH

NAME OF PROPERTY OWNER/DEVELOPER DAVID COOK / MIKE BELT

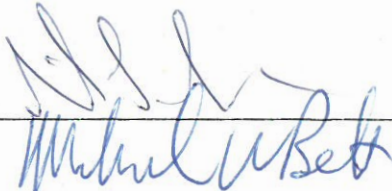
ADDRESS P.O. Box 98 Rockwall PHONE 722-5353

NAME OF LAND PLANNER/ENGINEER ARCHIMATIERY

ADDRESS 2500 E I-30 Rockwall PHONE 722-0044

TOTAL ACREAGE 17,250 SQ. FT. CURRENT ZONING S-6

NUMBER OF LOTS/UNITS 1

Signed 

Following is a checklist of items that may be required as a part of the site plan. In addition, other information may be required if it is necessary for an adequate review of a specific development proposal.

<u>Provided or Shown on Site Plan</u>	<u>Not Applicable</u>	
_____	_____	1. Location of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 100 ft.
_____	_____	2. Landscaping, lighting, fencing and/or screening of yards and set-back areas
_____	_____	3. Design and location of ingress and egress
_____	_____	4. Off-street parking and loading facilities
_____	_____	5. Height of all structures
_____	_____	6. Proposed Uses
_____	_____	7. Location and types of all signs, including lighting and heights
_____	_____	8. Elevation drawings citing proposed exterior finish materials

Provided or Shown
on Site Plan

Not
Applicable

9. Street names on proposed streets

10. The following additional information:

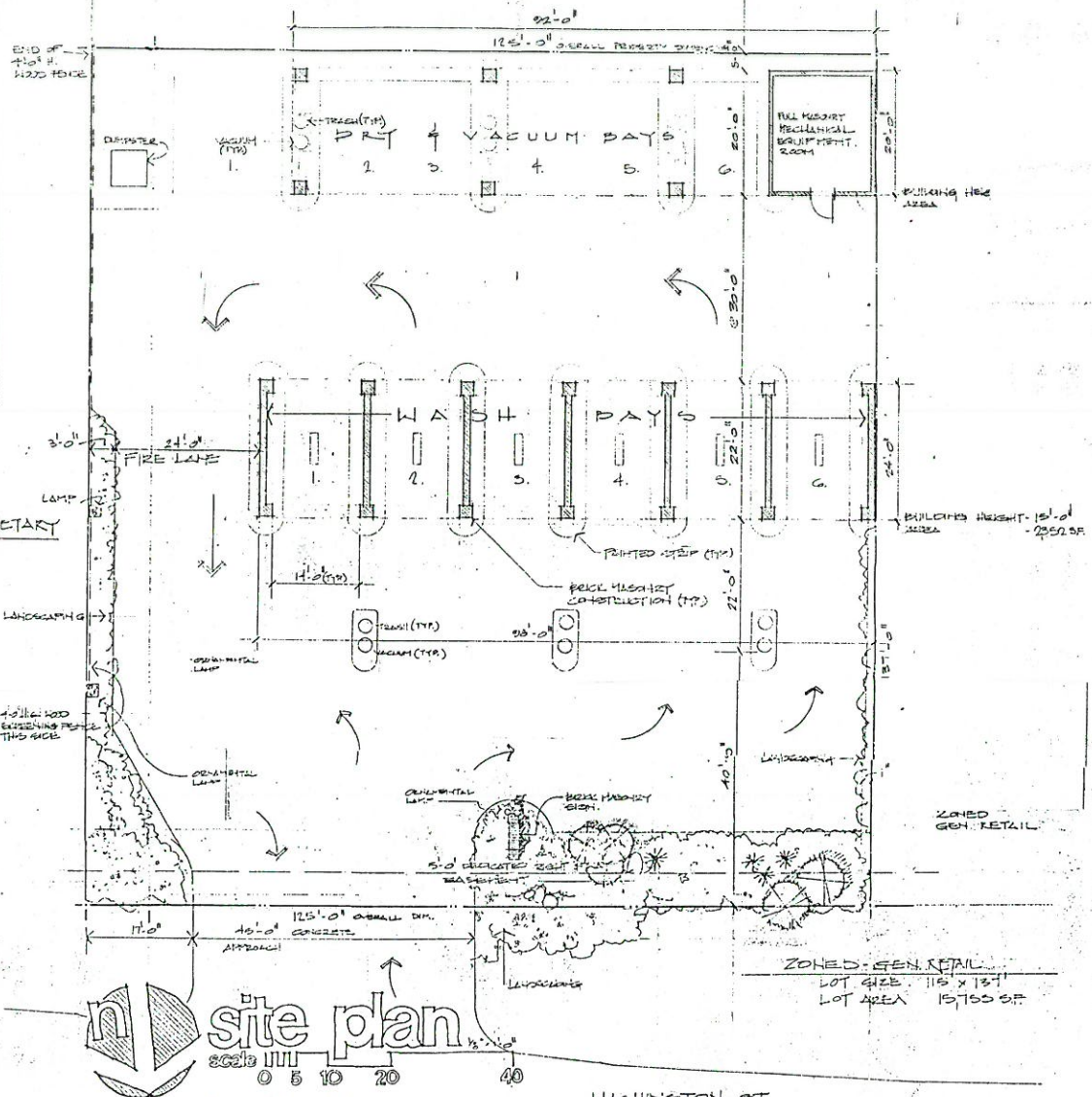
If the site plan is required as a preliminary or development plan under a Planned Development Zoning Classification, the attached applicable items specified for preliminary plans or development plans must be included.


Taken by: _____

File No. _____

Date: _____

Fee: _____




site plan
 scale 1/4" = 10'-0"
 0 5 10 20 40

ARCHIMATRIX, INC.
 CLAS. B. HODGES, A.I.A.
 BOX 204 ROCKWALL, TEXAS 75087
 214-922-0044

WASHINGTON ST.



SITE PLAN REVIEW

Date Submitted 10/27/86

Scheduled for P&Z 11/13/86

Scheduled for Council 12/1/86

Applicant/Owner Mike Belt/David Cook

Name of Proposed Development Hubbard Car Wash

Location Washington @ SH-66

Total Acreage 17,250 sq. feet Number Lots/Units 1

Current Zoning general retail

Special Restrictions SUP for an auto laundry
issued 1977

Surrounding Zoning cemetery

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Planning</u>			
1. Is the site zoned properly?	_____	_____	_____
2. Does the use conform to the Land Use Plan	_____	_____	_____
3. Is this project in compliance with the provisions of a Concept Plan?	_____	_____	_____
4. Is the property platted?	_____	_____	_____
5. If not, is this site plan serving as a preliminary plat?	_____	_____	_____
6. Does the plan conform to the Comprehensive Zoning Ordinance or PD Ordinance			
a. Lot size	_____	_____	_____
b. Building line	_____	_____	_____
c. Buffering	_____	_____	_____
d. Landscaping	_____	_____	_____
e. Parking	_____	_____	_____
f. Lighting	_____	_____	_____
g. Building height	_____	_____	_____
h. Building Materials	_____	_____	_____

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
7. Does the site plan contain all required information from the application checklist?	_____	_____	_____
8. Is there adequate access and circulation?	_____	_____	_____
9. Are street names acceptable?	_____	_____	_____
10. Was the plan reviewed by a consultant? (If so, attach copy of review.)	_____	_____	_____
11. Does the plan conform to the Master Park Plan?	_____	_____	_____

Comments:

Building Codes

1. Do buildings meet setback requirements?	_____	_____	_____
2. Do buildings meet fire codes?	_____	_____	_____
3. Do signs conform to Sign Ordinance?	_____	_____	_____

Comments:

Engineering

1. Does plan conform to Thoroughfare Plan?	_____	_____	_____
2. Do points of access align with adjacent ROW?	_____	_____	_____
3. Are the points of access properly spaced?	_____	_____	_____
4. Does plan conform with Flood Plain Regulations?	_____	_____	_____
5. Will escrowing of funds or construction of substandard roads be required?	_____	_____	_____

Time Spent on Review

<u>Name</u>	<u>Date</u>	<u>Time Spent (hours)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

City of Rockwall, Texas

Date: 10/27/86

APPLICATION AND
PRELIMINARY PLAT CHECKLIST

Name of Proposed Subdivision HUBBARD Car wash

Name of Subdivider _____

Address _____ Phone _____

Owner of Record DAVID COOK / MIKE BELT

Address P.O. Box 98 ROCKWALL Phone 722-5353

Name of Land Planner/Surveyor/Engineer ARCHIMETRY

Address 2500 E. I-30 ROCKWALL Phone 722-0044

Total Acreage 17,250 SQ. FT. Current Zoning S-6

No. of Lots/Units 1 Signed Michael U. Belt

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

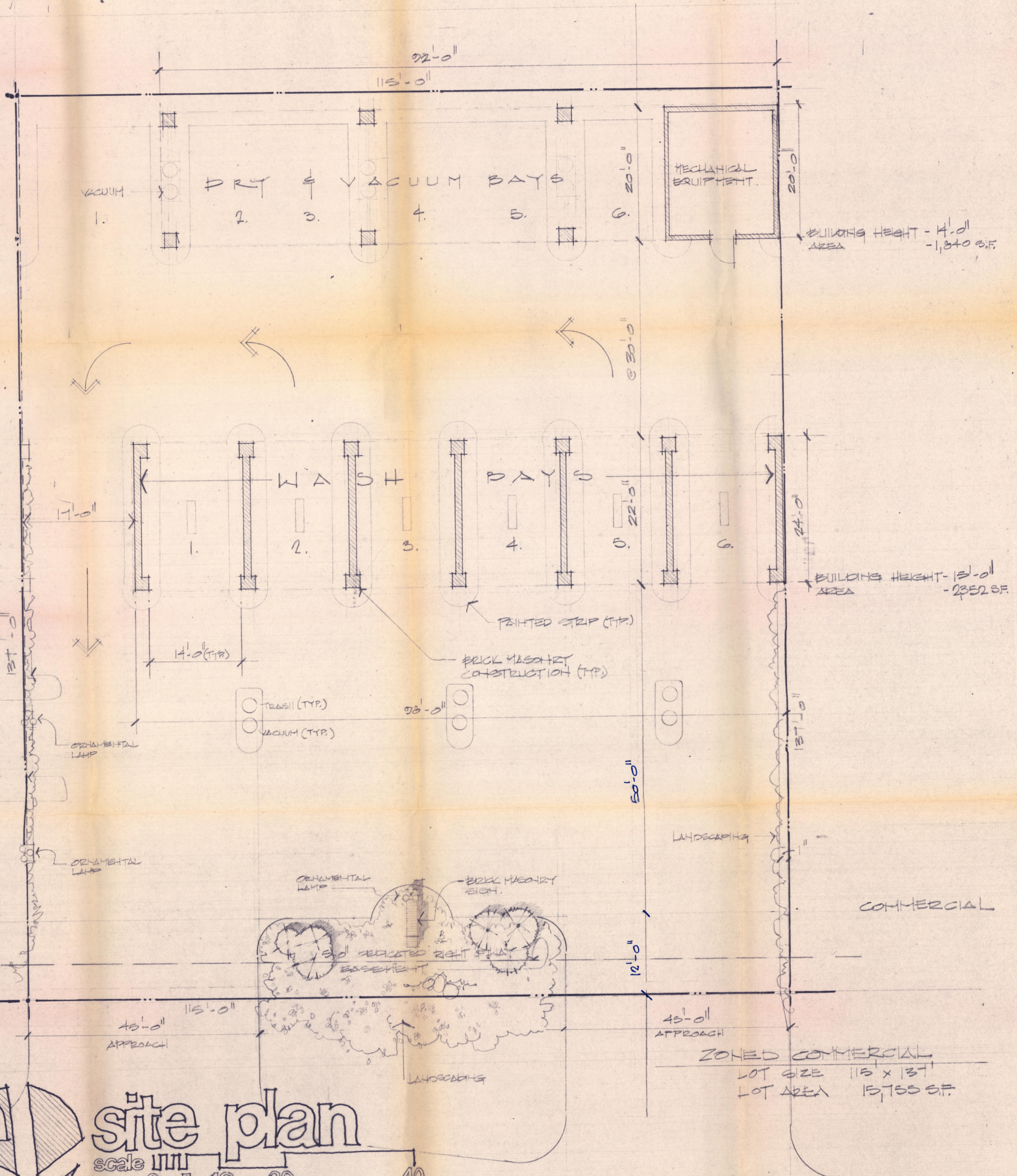
I. General Information

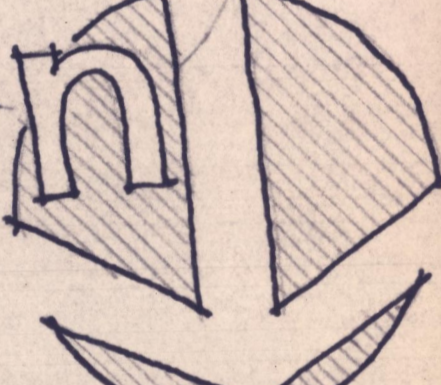
- A. Vicinity map
- B. Subdivision Name

- C. Name of record owner, subdivider, land planner/engineer
- D. Date of plat preparation, scale and north point

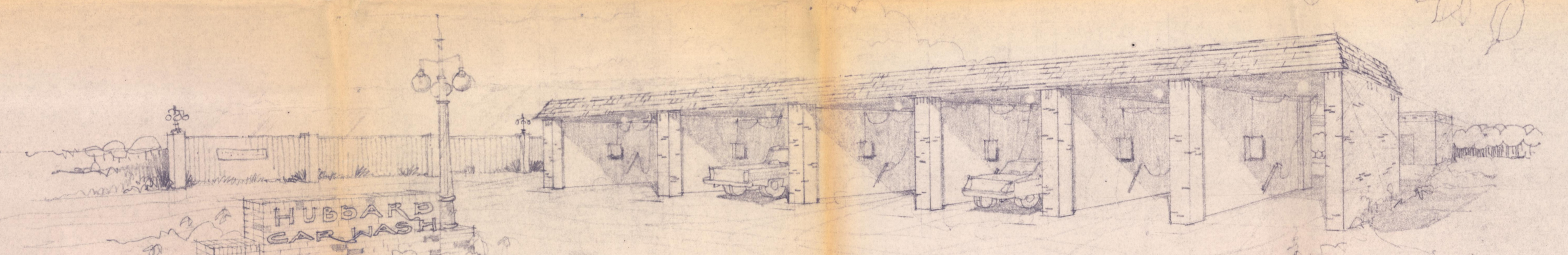
II. Subject Property

- A. Subdivision boundary lines
- B. Identification of each lot and block by number or letter




site plan
 scale 1" = 10'
 0 5 10 20 40

ARCHIMATRIX, INC.
 CLAS. E. HODGES A.T.A.
 BOX 394 ROCKWALL TEXAS 75087
 214 - 722 - 0044

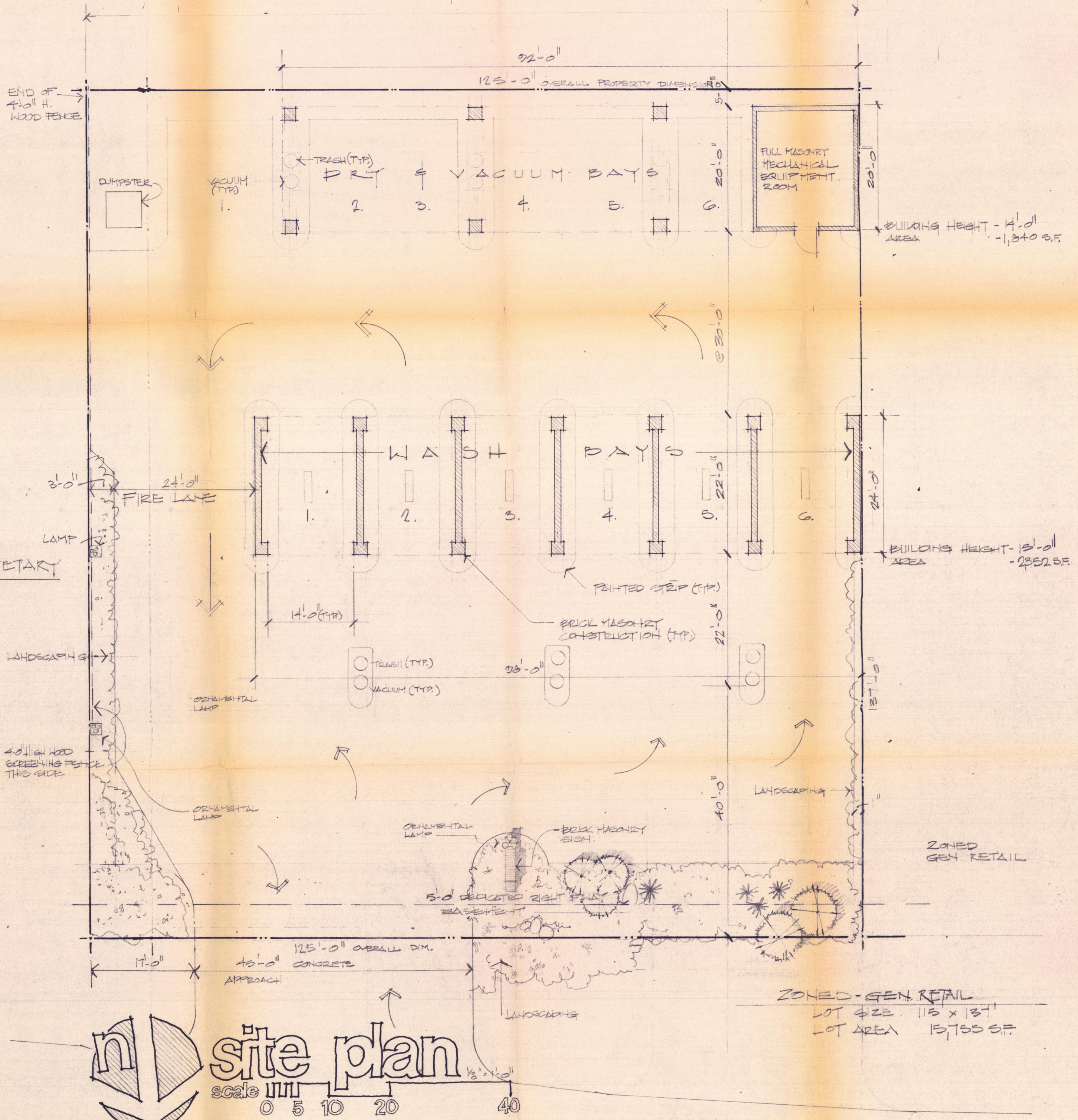


front elevation

28 OCT. 1986

lot (SUBMISSION)

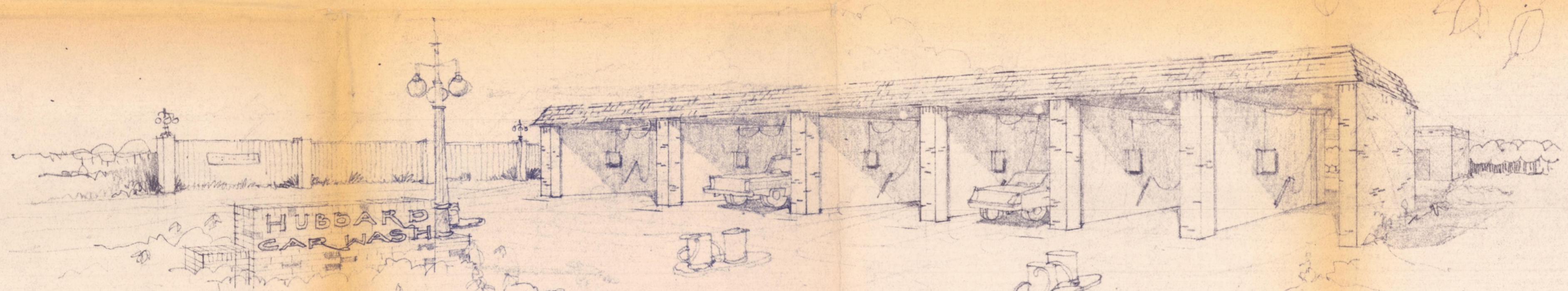
file copy



site plan
 scale 1/8" = 1'-0"
 0 5 10 20 40

ARCHIMATRIX, INC.
 CLAS. E. HODGES, A.I.A.
 BOX 394 ROCKWALL, TEXAS 75087
 214 - 722 - 0044

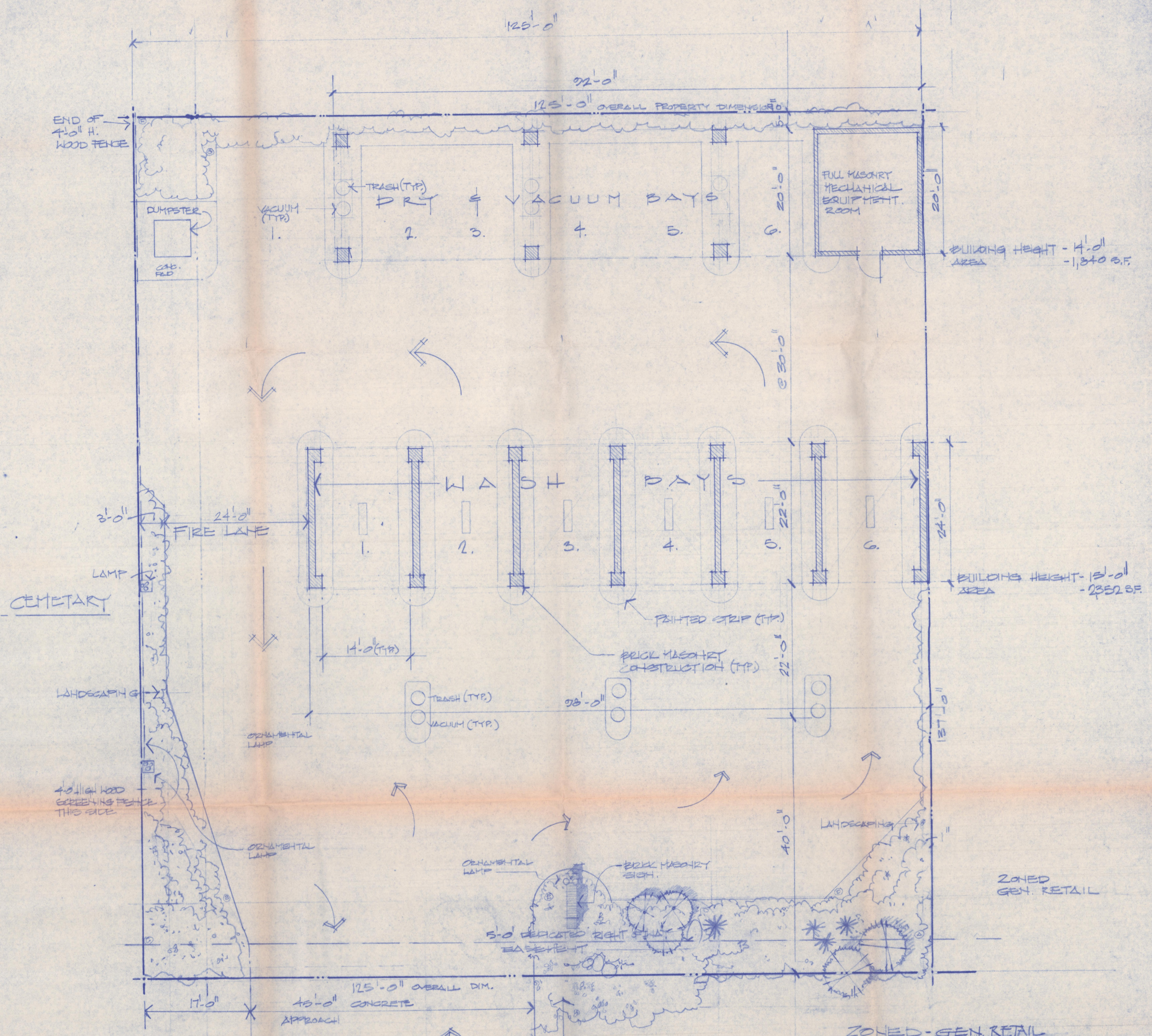
WASHINGTON ST.



front elevation

2nd (SUBMISSION)

file copy

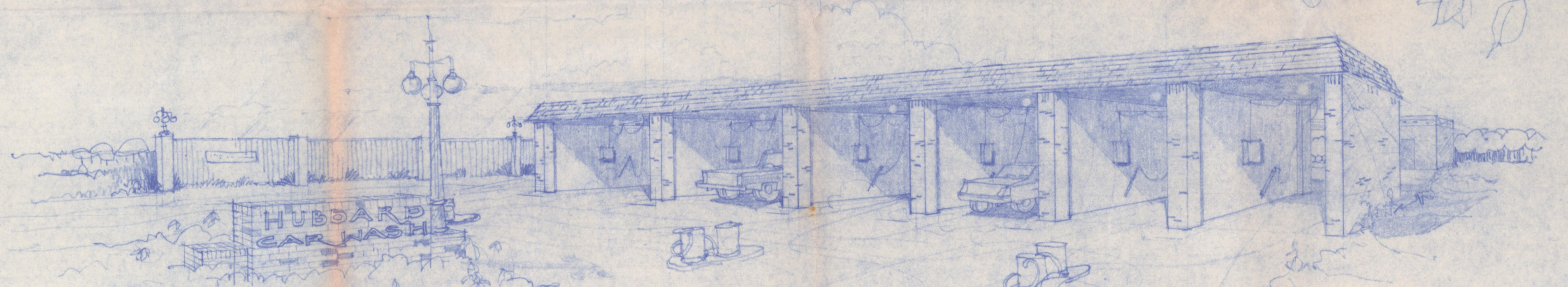


site plan
 scale 1/8" = 1'-0"
 0 5 10 20 40

ARCHIMATRIX, INC.
 CLIVE E. HODGES, A.I.A.
 BOX 394 ROCKWALL, TEXAS 75087
 214-122-0044

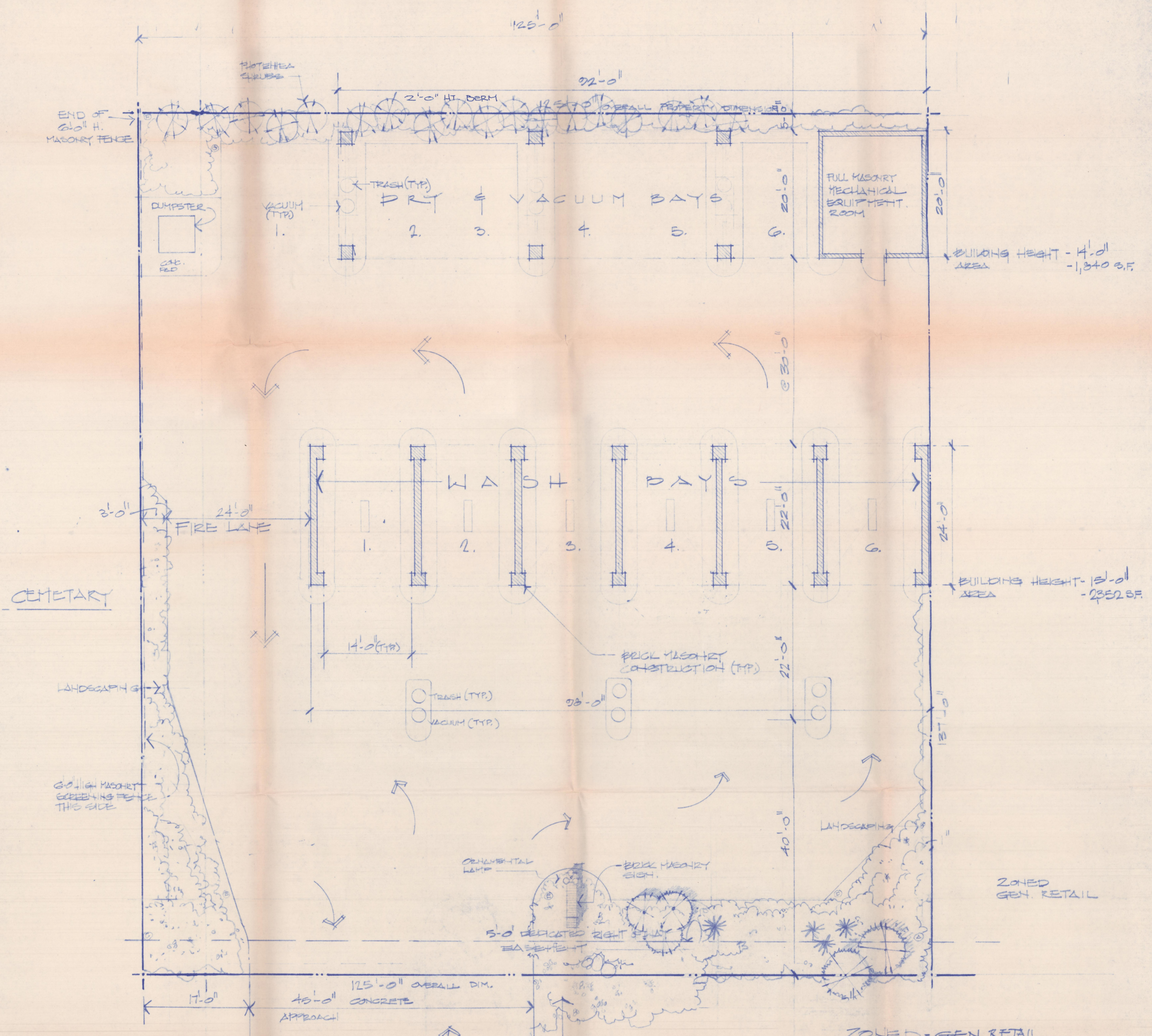
ZONED - GEN. RETAIL
 LOT SIZE 115 x 137'
 LOT AREA 15,755 S.F.

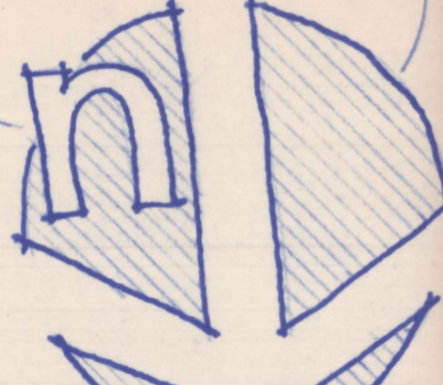
WASHINGTON ST.



front elevation

3rd (SUBMISSION)



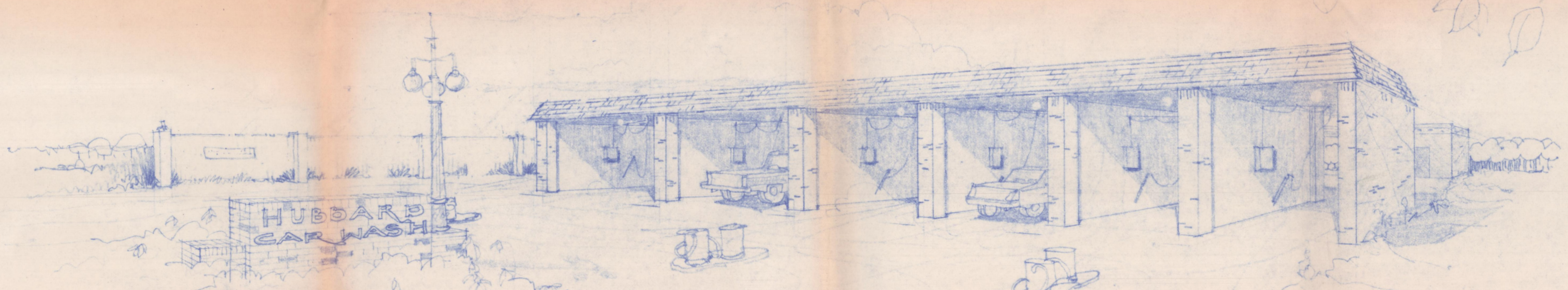

site plan
 scale 1/8" = 1'-0"
 0 5 10 20 40

ARCHIMATRIX, INC.
 CLAS. E. HODGES A.I.A.
 BOX 204 ROCKWALL TEXAS 75087
 214-122-0044

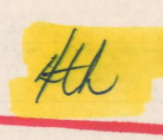
ZONED - GEN. RETAIL
 LOT SIZE 15 x 137'
 LOT AREA 15,165 SF.

revised: 12/12/06

WASHINGTON ST.



**front
 elevation**


(SUBMISSION)

TRANSMITTAL LETTER

AIA DOCUMENT G810

PROJECT: *Hubbard Car Wash
Rockwall Texas*
(name, address)

ARCHITECT'S PROJECT NO: *Hubbard Car Wash*

DATE: *11 November 1980*

TO: ** Julie Couch
City of Rockwall*

If enclosures are not as noted, please inform us immediately.

If checked below, please:
() Acknowledge receipt of enclosures.
() Return enclosures to us.

ATTN: *L*

WE TRANSMIT: herewith () under separate cover via _____
() in accordance with your request _____

FOR YOUR:
() approval distribution to parties () information
 review & comment () record
 use () _____

THE FOLLOWING:
() Drawings () Shop Drawing Prints () Samples
() Specifications () Shop Drawing Reproducibles () Product Literature
() Change Order () _____

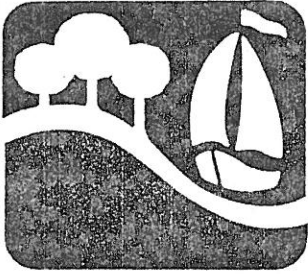
COPIES	DATE	REV. NO.	DESCRIPTION	ACTION CODE
<i>3</i>			<i>revised preliminary site plan</i>	

ACTION CODE A. Action indicated on item transmitted
B. No action required
C. For signature and return to this office
D. For signature and forwarding as noted below under REMARKS
E. See REMARKS below

REMARKS _____

COPIES TO: _____ (with enclosures)

BY: *Thanks! Julie*



CITY OF ROCKWALL
"THE NEW HORIZON"

November 18, 1986

TO: Mike Belt
FROM: Mary Nichols, Administrative Aide
RE: P&Z Case No. 86-65-SP/PP

On November 18, 1986 the Rockwall Planning and Zoning Commission recommended approval of your request for a site plan/preliminary plat for Hubbard Car Wash at Washington Street and SH-66

The Rockwall City Council will (~~hold a public hearing and consider approval~~) (consider approval) of your request on December 1, 1986, beginning at 7:30 P.M. at the City Hall, 205 West Rusk. If you have any questions regarding this matter or the meeting schedule, please do not hesitate to call.

Mary Nichols

PRELIMINARY SITE PLAN

Project: Hubbard Car Wash
Highway 66, Rockwall, Texas
Owner: David Cook
Mike Belt
Existing Zoning: Commercial

Item 1. Variance requested. Requesting two (2) 45'-0" wide approaches if possible.

Item 2. Front Yard Landscaping.

	15,755 s.f.	Total Lot Area
x	5%	Landscape Requirement
	787 s.f.	
x	20%	Front Yard Requirement
	157 s.f.	
	460 s.f.	Shown on Plan

TRANSMITTAL LETTER

AIA DOCUMENT G810

PROJECT: (name, address) *Hubbard Car Wash*

ARCHITECT'S PROJECT NO:

DATE: *December 1, 1986*

TO: *Julie Couch*
City of Rockwall

If enclosures are not as noted, please inform us immediately.

If checked below, please:

ATTN:

- Acknowledge receipt of enclosures.
- Return enclosures to us.

WE TRANSMIT:
 herewith under separate cover via _____
 in accordance with your request _____

FOR YOUR:
 approval distribution to parties information
 review & comment record
 use _____

THE FOLLOWING:
 Drawings Shop Drawing Prints Samples
 Specifications Shop Drawing Reproducibles Product Literature
 Change Order _____

COPIES	DATE	REV. NO.	DESCRIPTION	ACTION CODE
<i>9</i>	<i>12-1-86</i>		<i>Elevation, Site Plan</i>	

ACTION CODE A. Action indicated on item transmitted
 B. No action required
 C. For signature and return to this office
 D. For signature and forwarding as noted below under REMARKS
 E. See REMARKS below

REMARKS _____

COPIES TO: _____ (with enclosures)

 BY: *Susan Dunlop*

archimatrix inc.
c h a s . e . h o d g e s a . i . a .

December 1, 1986

City of Rockwall
205 W. Rusk
Rockwall, Texas 75087

Re: Landscape Area Calculations for
Hubbard Car Wash

Attn: Julie Couch

17,125 s.f. Lot Area
1,712.5 s.f. - 10% of Lot Area
342.5 s.f. - 20% of 1,712.5 s.f. Landscape
Required for Front Yard

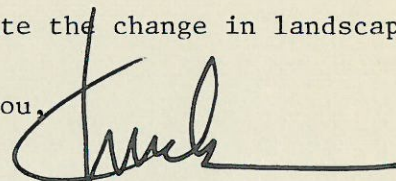
<u>Front Yard Area</u>	<u>Rear Yard</u>
A. $6 \times 63 = 378$ s.f.	F. $5 \times 125 = 625$ s.f.
B. $\frac{12 \times 40}{2} = 240$ s.f.	G. $13 \times 8 = 104$ s.f.
C. $69 \times 4 = 276$ s.f.	<hr/> TOTAL REAR YARD 729 s.f.
D. $\frac{15.5 \times 15.5}{2} = 120$ s.f.	
E. $3.1415 \times 7^2 = 77$ s.f.	
<hr/> TOTAL FRONT YARD 1,091 s.f.	

Rear Yard
TOTAL LANDSCAPE - 1,820 Total Landscape Provided
1,712.5 Total Landscape Required

I hope this information helps.

I have modified the drawing to accomodate the change in landscape area.

Thank you,



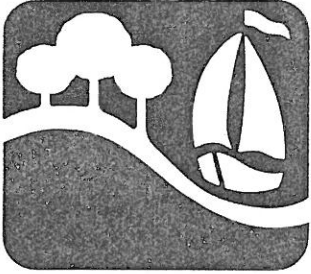
Chas. E. Hodges A.I.A.

CEH/sld

a.c. 214-722-0044

2233 ridge road, suite 201

rockwall, texas 75087



CITY OF ROCKWALL
"THE NEW HORIZON"

December 3, 1986

Mr. Michael Belt
1st State Bank
P. O. Box 98
Rockwall, Texas 75087

Dear Mr. Belt:

On December 1, 1986, the City Council of the City of Rockwall tabled your request for approval of a site plan/preliminary plat for Hubbard Car Wash on Washington at SH-66.

Your request has been tentatively rescheduled to be heard on December 15th pending submission of proposed revisions in conformance with Council direction. Please notify me if you need me to move the date.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp

December 9, 1986

Mary Nichols
City of Rockwall
205 W. Rusk
Rockwall, Tx 75087

Dear Ms. Nichols:

Please find attached revisions to be made to the site plan/
preliminary plat for Hubbard Car Wash on Washington at SH 66.

Should you need any additional information, please feel free
to give me a call.

Sincerely,



Michael W. Belt

MWB/csl

Screening: Along the east property line, build a 6 foot high, 130 foot long masonry wall. Landscape both sides of this wall. A type of Jasmine will be used as ground cover with an ivy type plant used on the wall (a plant that would bloom in the spring or summer and would be green all year). The landscaping of the east side would be on city property.

Along the south property line, build a 2 foot high berm landscaped with photinias.

Landscaping: As stated in the letter from Archimatrix, dated December 1, 1986, we currently have set aside approximately 100 square feet more area than required by the city for landscaping. This is before the above landscaping occurs.

Vacuum Noise: All of the vacuum cleaners will be of an upgraded nature with regard to the motors. The new vacuums will have a motor that runs 90% quieter than normal car wash vacuums. All vacuums will be insulated.

Drainage: The current slope of the property (east property line down to the west property line) does not cause any drainage problems into the ditch along the cemetery property. The current surface drainage runs into the ditch along the front of the property and west. With the improvements to the property as we have requested, the drainage will not be greatly effected. There will still not be any drainage into the ditch along the cemetery property. The surface drainage that will result from the improvement will run into the front drainage ditch and to the west. Any water resulting from the use of the car wash itself will go down the city sewer system. We are currently in the process of having an engineer review the drainage.

Hutchison Price Boyle & Brooks

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

3900 FIRST CITY CENTER
DALLAS, TEXAS 75201-4622
(214) 754-8600

AUSTIN OFFICE:
2100 ONE AMERICAN CENTER
AUSTIN, TEXAS 78701-3272
(512) 477-4121
DALLAS TELECOPY NUMBER:
(214) 754-0840

Pete Eckert
(214) 754-8614

M E M O R A N D U M

TO: Mayor
Members of the City Council
City Manager, Bill Eisen
Assistant City Manager, Julie Couch

FROM: City Attorney PE

DATE: December 12, 1986

RE: SUP - Car Wash

The Council has raised a question regarding the SUP for a car wash as a tract of land located next to the Cemetery. The tract is undeveloped but a preliminary plat/site plan for development is currently before the Council. Certain questions here been raised by the Council. Strong concern to maintain the integrity of the cemetery was shown at the last meeting. The discussion centered around noise - i.e. car stereos, vacuum cleaners, etc. interfering with the tranquil setting normally associated with a cemetery.

The SUP was granted in 1977 and continued with the adoption of the 1983 Comprehensive Zoning Ordinance. No time limit was placed on the SUP. Since that time, the cemetery has been expanded by some 337 lots so that the usable land for the cemetery is much closer to the subject tract than before. Said another way, the land actually being used for gravesites is closer to the car wash tract than before. This is an important factor in considering the adverse affect the car wash may have on the cemetery.

In Thompson v. City of Palestine 510 SW2 579, the Texas Supreme Court held that where a small area is singled out for different treatment from that accorded to similar surrounding land, there must be a showing of justifiable changed conditions to uphold the zoning ordinance.

Here, the concern is eliminating the SUP, not changing the underlying retail zoning, which appears to be in conformance with the Comprehensive plan. Clearly, a car wash is primarily an outside use where noise could be a factor-from vehicles to use of the car wash itself. It could also be argued that the gravesites located in close proximity to the car wash would be rendered less desirable.

At this point, we cannot say with certainty the public hearings to rezone the tract by eliminating the SUP will bring forth the conditions to justify such rezoning. This will be deduced from the evidence presented. However, at this point in the proceedings, it is our opinion that the Council may refuse the preliminary plat/site plan and instruct the P & Z to initiate hearings to remove the SUP from the tract.

PE/ej

Agenda Notes

P&Z - 11/13/86

- IV. A. Consider Approval of a Site Plan/Preliminary Plat for Hubbard Car Wash on .396 Acre Tract of Land Located on Washington Street

We have received an application for a site plan/preliminary plat for a car wash to be located on Washington Street just off of SH-66, adjacent to the Cemetery. At the Work Session I indicated a number of problems that existed on the original plan. They have revised the plan and have added more land to the proposed purchase in order to meet our requirements. They now have only one entrance, in conformance with our standards. They have a 24 foot fire lane and they have the appropriate amount of landscaping. They are proposing a 4-foot screening fence the entire length of the property adjacent to the cemetery. This is not a requirement, but an improvement that they want to put in. We are still verifying the amount of right-of-way on Washington. It may be necessary at final plat for some dedication. We will have that information on Thursday. A copy of the plan is attached.

MINUTES OF THE PLANNING AND ZONING COMMISSION
November 13, 1986

Chairman Don Smith called the meeting to order at 7:35 P.M. with the following members present: Bob McCall, Leigh Plagens, Norm Seligman and Hank Crumbley.

The Commission first considered approval of the minutes of October 9, 1986. Plagens made a motion to approve the minutes. McCall seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a request from B. D. Jeffrey for a change in zoning from "A" Agricultural to "HC" Heavy Commercial on a tract of land on South I-30 between High School Road and FM-549.

Assistant City Manager Julie Couch explained the applicant's request to put a pawn shop on his property with outside storage. She also stated that the property's current use included outside storage but was permitted as a nonconforming use as it existed prior to annexation of the property. Couch added that the Land Use Plan indicated Commercial and suggested that Heavy Commercial be located away from the highway. McCall questioned the difference between Commercial and Heavy Commercial classifications. Couch explained that outside storage was permissible in a Heavy Commercial classification.

Smith then opened the public hearing. Buddy Jeffrey, applicant, addressed the Commission and explained that he wanted to put in a pawn shop with outside storage for auction items. Smith questioned the width of frontage. Couch stated that there was 178 feet of frontage and the property was 300 feet deep. Jeffrey told the Commission that the fireworks stand was gone and the property was currently used for real estate and salvage. As there was no one else wishing to speak regarding the item, Smith closed the public hearing.

Smith questioned the number of notices mailed to adjacent property owners. Couch stated that six were mailed and two were returned expressing favor. Smith pointed out that one notice expressed favor for Commercial zoning and that the zoning in question was Heavy Commercial.

Smith pointed out that although Jeffrey's plans for the property may or may not be acceptable to the Commission, if the property was rezoned to Heavy Commercial, any use in that classification could be put on the property. Seligman agreed with Smith and added that the Commission would have to decide if the property was suitable for Heavy Commercial and if it was sold, consider what uses it could be used for. Smith pointed out that if the surrounding properties were Commercial, a zone change would constitute spot zoning. Plagens then made a motion to deny the zone change. Seligman seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a site plan/preliminary plat for Hubbard Car Wash on a .396 acre tract of land located on Washington Street at SH-66.

Couch explained the applicant's request and added that the site plan met all City requirements with the exception of some additional landscaping that would be necessary.

Mike Belt then addressed the Commission and explained that he did propose to landscape the additional five feet of right-of-way eventually to be dedicated to the City as well as erect a five foot screening fence adjacent to the Cemetery. Belt then offered the Commission photographs to demonstrate generally the proposed trash receptacles.

Plagens confirmed with Belt that maintenance and cleaning would be provided for. The Commission then discussed ground cover and trees, the two foot drainage ditch, potential vandalism and aesthetic improvements.

Seligman made a motion to approve the site plan subject to the applicant erecting a five foot screening fence adjacent to the Cemetery and landscaping the additional five foot right-of-way. Plagens seconded the motion. The motion was voted on and passed unanimously.]

The Commission then reviewed Planned Development No. 1 on FM-740 and partially on SH-205. Couch made a brief presentation of the PD, its current development including Independent Bank and Ridge Road Shopping Center, its permitted uses and the uses as they compared with the Land Use Plan.

Don Cameron, representing ownership of two thirds of the property within the PD, addressed the Commission and explained that he had no immediate plans for future development of his family's property.

Dewayne Cain, representing Ted Cain, explained that his family owned the southern portion of the PD and that although there were no immediate plans for multifamily development, he wanted to see the current uses remain within the PD. He added that the railroad track would make an effective buffer between multifamily and commercial uses.

Seligman confirmed with Staff that there was not a specific area or amount of land designated for multifamily within the PD. Smith confirmed with Staff that the Land Use Plan indicated Commercial along FM-740.

Cain stated that although he understood opposition to excessive multifamily developments, he felt like some average income housing was necessary to attract industry.

Cameron then told the Commission that his family was in the process of purchasing property near the Methodist Church along Damascus Road. He added that the Camerons were considering a multifamily development for higher income senior citizens with professional ground maintenance and that such a development could lead to similar ones.

Plagens made a motion to leave PD-1 as zoned. Crumbley seconded the motion. Seligman reminded the Commission that the Land Use Plan indicated Commercial uses. Smith expressed concern over the lack of a prescribed limit to the amount of multifamily within the PD. Couch told the Commission that within a PD, the Commission had the flexibility to add stipulations at the platting stage that wouldn't normally be required

Agenda Notes

City Council - 12/1/86

V.A. P&Z 86-65-SP/PP - Discuss and Consider Approval of a Request from Michael Belt for a Site Plan/Preliminary Plat for Hubbard Car Wash at Washington and SH-66

We have received an application for a site plan/preliminary plat for a car wash to be located on Washington Street just off of SH-66, adjacent to the Cemetery. They have a 24 foot fire lane and they have the appropriate amount of landscaping. They are proposing a 5-foot screening fence the entire length of the property adjacent to the Cemetery. This is not a requirement, but an improvement that they want to put in.

The plan as shown on the attached drawing meets all of our requirements except for landscaping. They need to provide some additional landscaping due to the dedication of some of the frontage. The Planning and Zoning Commission has recommended approval of this plan with the condition that the additional landscaping be provided. We will have a revised drawing Monday night showing where they intend to locate the remaining landscaping.

offenders. Council then discussed whether or not to designate the day after Christmas as a holiday. Tuttle suggested that Council decide on a policy early next year, but to vote on the item on the December 15th agenda.

Council then considered approval of a request from Michael Belt for a site plan/preliminary plat for Hubbard Car Wash at Washington and SH-66. David Cook, co-applicant, offered to answer Council's questions.

Tuttle asked Cook to transfer some landscaping from the back portion of the lot to the cemetery side of the proposed screening fence. Fox expressed concern about potential traffic congestion on Washington. Welborn questioned the site plan for office buildings that was approved previously for the site. Cook stated that the project had suffered lack of funding. Council discussed landscaping and fence location. Jones pointed out that noise generated from the Car Wash could interfere with funeral services.

Cook offered Council photographs representing the possible appearance of the Car Wash and stated that not many businesses would want to be located adjacent to a cemetery. Council discussed at length the Specific Use Permit that allowed the Car Wash in a General Retail zoning classification, the lack of a time limit, and what buffering arrangements would best serve the Car Wash and the Cemetery.

Welborn made a motion to table the item pending an agreement regarding buffering and landscaping. Bullock seconded the motion.

Fox asked if Council had the authority to deny the Site Plan. City Attorney, Pete Eckert explained that a denial must be based on non-compliance. The motion was voted on and passed unanimously.

Council then considered approval of a request from Frates Corporation for a Final Plat for Chandlers Landing, Phase 15. Van Hall, Consulting Engineer, addressed Council and explained that the plat had previously been denied due to an error that had since been corrected. He added that the Jacksons were pursuing legal proceedings and that Frates was attempting to make restitution.

Fox questioned the City's position with regard to the potential lawsuit. Eckert explained that Frates Corporation was soon to be served a Restraining Order restricting development pending a court decision on December 11. Eckert told Council that a decision on the plat would be necessary by December 17, thus allowing Council to table a decision until the December 15th meeting at which time court results would be known. Fox made a motion to table action until December 15. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered initiating Public Hearings on PD10 to bring it into compliance with the Comprehensive Land Use Plan. Assistant City Manager Julie Couch explained that the Planning and Zoning Commission recommended the Public Hearings as a result of their second review of Planned Developments. Welborn made a motion to initiate Public Hearings on PD10. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance amending Section 2.5 - 2 of the Code of Ordinances regulating vehicular use of access ways into the Rockwall Municipal Airport on second reading. Eckert suggested that Council delay action until after the Executive Session as related litigation would be addressed.

Council then discussed and considered approving projects for 1986-1987 Capitol Improvements Program. Tuttle turned the chair over to Mayor Pro-Tem Welborn and left the room due to a conflict of interest. City Manager Eisen outlined proposed improvements and proposed that the City Engineer handle any necessary engineering

Agenda Notes

City Council - 12/15/86

III. B. Discuss and Consider Approval of a Request from Michael Belt for a Site Plan/Preliminary Plat for Hubbard Car Wash at Washington and SH-66

At your last meeting Council voted to table a decision pending submission of more suitable buffering between the car wash and Cemetery. The applicant has since submitted revisions according to his perception of Council's desire. He has indicated a two foot berm along the back side and a six foot masonry screen with landscaping on each side separating the car wash from the Cemetery. He has also proposed to purchase upgraded vacuums that would reduce the amount of noise generated by about 90%. Attached is the applicant's letter addressing screening, landscaping, noise and drainage.

The City Attorney has been investigating the possibility of rezoning the property to eliminate the Specific Use Permit that was issued in 1977 to allow the auto laundry. Attached is a Memo outlining the City Attorney's recommendations.

*Hubbard
Car Wash*

MINUTES OF THE CITY COUNCIL
December 15, 1986

Mayor Leon Tuttle called the meeting to order at 7:30 P.M. with the following members present: Nell Welborn, Ken Jones, Jean Holt, Frank Miller, and Bill Fox.

City Manager Bill Eisen introduced to Council Mike Phemister, the newly hired Finance Director. He stated that Phemister had been Finance Director in Forest Hills as well as Acting City Manager, and he expected Phemister to have a positive effect on the Finance Department.

Council first considered approval of the Consent Agenda which consisted of:

- a) the minutes of July 7, July 21, and December 1, 1986,
- b) a final plat for the Pannell Subdivision on FM-549 between I-30 and SH-276,
- c) a final plat for Harbor Landing, Phase I located in Chandlers Landing,
- d) a replat for the McLean/Moore Addition within the W. D. Austin Addition on Heath Street.

Fox confirmed with Staff that none of the plats had changed since their original approvals. Welborn made a motion to approve the Consent Agenda as presented. Holt seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a request from Frates Corporation for a final plat for Chandlers Landing, Phase 15. Eisen explained that he had spoken to Tim Fults, an attorney representing Mr. and Mrs. Jackson who had previously addressed Council with concerns regarding the plat. Eisen added that Fults had stated that an agreement had been reached and both Frates and the Jacksons were satisfied. Fox confirmed with the City Attorney that the City was not under any restraining order and could legally act on the item. Welborn made a motion to approve the final plat. Jones seconded the motion. The motion was voted on and passed 5 to 1 with Fox voting against the motion.

Council next considered approval of a request from Michael Belt for a site plan/preliminary plat for Hubbard Car Wash at Washington and SH-66. David Cook, co-applicant, addressed Council to outline the request and explained proposed improvements based on Council's concerns expressed at the previous meeting. Cook explained that a six foot masonry fence on the east property line with landscaping on both sides would provide a buffer to the cemetery, a two foot berm landscaped

with photinias would be put along the south property line, and that upgraded vacuums would be insulated, thus running 90% quieter than average car wash vacuums.

Belt showed Council the site plan for the car wash and Cook distributed flyers explaining the proposed improved vacuums. Jones asked Cook to post signs prohibiting loud music and provide an attendant to help enforce the prohibition. Belt explained an attendant would be present four to six hours a day and he agreed to post the signs. Council discussed with Staff whether or not an ordinance restricting loud music by the cemetery would be effective. City Attorney Pete Eckert suggested that posted signs be made a contingency to approval of the final plat.

Fox made a motion to deny the final plat and instruct the Planning and Zoning Commission to re-examine all specific use permits over twelve months old. Miller seconded the motion.

Tuttle confirmed with Belt that the purchase contract for the property was subject to approval of the site plan. He urged Council to keep in mind that the applicants had invested funds knowing that a car wash was permitted. Miller stated that a car wash would not be in the long-term best interest of the area. Fox stated that a car wash was not appropriate for the property with regard to the Land Use Plan and Thoroughfare Plan.

Welborn confirmed with Staff that the property was zoned General Retail. Couch read from the Zoning Ordinance the list of permitted uses in a General Retail classification that would be allowed adjacent to the Cemetery.

Welborn confirmed with the City Attorney that the City could grant a landscape easement between the wall and the drive to the Cemetery. Eckert stated that an easement could be granted with maintenance requirements. Belt agreed to the suggestion. After considerable discussion regarding landscaping and the proximity to the Cemetery, the motion was voted on and passed 4 to 2 with Welborn and Tuttle voting against the motion.]

Council then considered approving the transfer of ownership of Storer Cable TV, Inc., the City's cable franchise. Eisen explained that Council could require sales price information and that while Beta was reluctant to provide it, he did have a letter that satisfied him that the purchase price did not exceed book value of the system and did not include franchise costs or going concern costs that could be incorporated in rates and incurred by customers. He noted that as of January 1987 local governments would have no control over cable television rates and Beta had, therefore, been asked to restrict rates to the averages of Storer rates in Addison, Carrollton, and Rowlett.

PLANNING AND ZONING ACTION SHEET

Applicant Michael Belt Case No. P4286-65-SP/PP
 Property Description Hubbard Car Wash
 Case Subject Matter site plan & preliminary plat

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>11/13/86</u>	<u>X</u>		
Conditions <u>landscape 5 ft ROW, 5 foot fence adjacent to cemetery side</u>			

Date to City Council <u>12/1</u>			<u>X</u>
Conditions <u>12/15</u>		<u>X</u>	
<u>initiating review of SOP-6 to consider removing permit</u>			

Ordinance no. _____ Date _____

ITEMS IN FILE

Zoning Cases

- 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