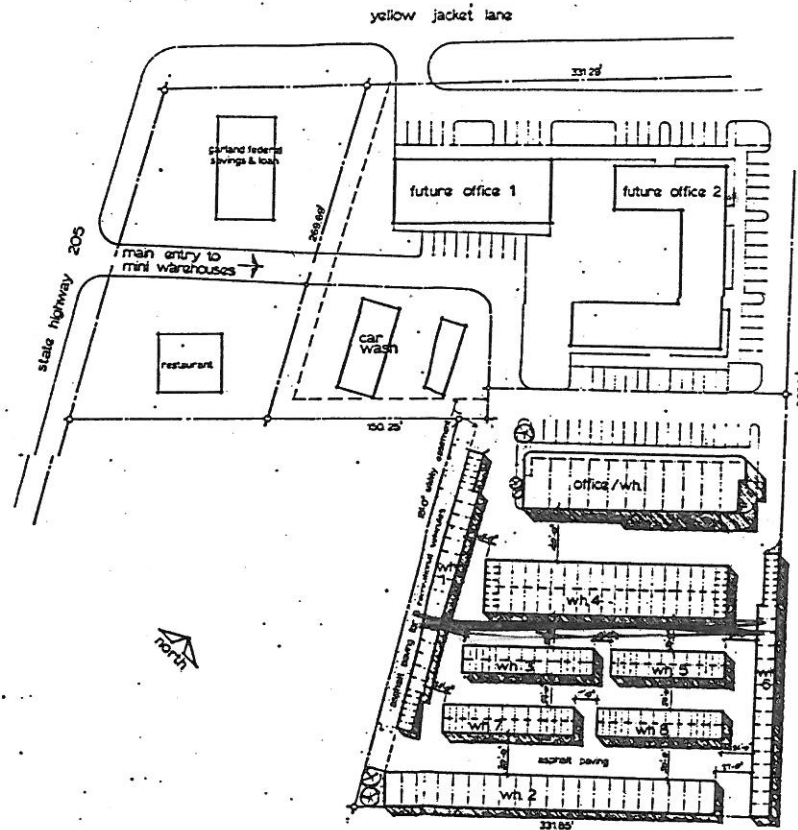


mini-warehouse tabulations

| a. | warehouse   | size          |                 |                 |                 |                 |
|----|-------------|---------------|-----------------|-----------------|-----------------|-----------------|
|    |             | 5x10<br>50 sf | 10x10<br>100 sf | 10x15<br>150 sf | 10x20<br>200 sf | 12x25<br>300 sf |
|    | warehouse 1 | 12            | 16              |                 |                 | 22              |
|    | warehouse 2 |               |                 |                 |                 |                 |
|    | warehouse 3 | 20            | 10              |                 |                 |                 |
|    | warehouse 4 | 16            |                 |                 | 34              |                 |
|    | warehouse 5 | 16            | 10              |                 |                 |                 |
|    | warehouse 6 | 8             |                 | 16              |                 |                 |
|    | warehouse 7 | 20            | 10              |                 |                 |                 |
|    | warehouse 8 | 20            | 10              |                 |                 |                 |
|    | total       | 112           | 40              | 32              | 34              | 22              |

area tabulations

|          |                    |                                 |
|----------|--------------------|---------------------------------|
| phase I  | office / warehouse | 750 sq ft. of office/apt.       |
|          |                    | <u>6000 sq ft. of office/wh</u> |
|          |                    | 6750 sq ft. total (net.)        |
|          | warehouse 1        | 3000 sq ft. (net.)              |
|          | warehouse 2        | 6600 sq ft. (net.)              |
|          | warehouse 3        | 2000 sq ft. (net.)              |
|          | warehouse 4        | 7800 sq ft. (net.)              |
|          | warehouse 5        | 1800 sq ft. (net.)              |
|          | warehouse 6        | 2800 sq ft. (net.)              |
|          | warehouse 7        | 2000 sq ft. (net.)              |
|          | warehouse 8        | <u>2000 sq ft. (net.)</u>       |
|          | total              | 27800 sq ft. mini-wh.           |
| phase II | office 1           | 6000 sq ft. (net.)              |
|          | office 2           | <u>9800 sq ft. (net.)</u>       |
|          |                    | 15800 sq ft. total (net.)       |



master site plan 2-4-d

*Checked by the Planner - the no. for office  
 1100 sq ft. of office space  
 12-6-78  
 James S. [Signature]*

SOP-7

Owen Lee Mitchell

|              |  |                 |  |
|--------------|--|-----------------|--|
| JJ JONES     | JERRYLENE JONES<br>5418 VAGAS<br>ROWLETT 75088                         | AB 255<br>TR 22 | JAMES BROWN<br>301 E INTERSTATE 30<br>ROCKWALL,  |
| AB 65 TR 7   | JAMES R DUDNEY<br>Box 685<br>ROCKWALL 75087                            | TR 8            | CAMERON + CAMERON<br>1101 RIDGE ROAD<br>ROCKWALL |
| TR 6         | GARLAND FEDERAL SAVINGS & LOAN<br>P.O. BOX 461507<br>GARLAND, TX 75046 |                 |  |
| TR 19        | ROCKWALL VET CLINIC<br>C/O JOE LOFTIS<br>Box 724<br>ROCKWALL           |                 |  |
| TR 23        | ROBERT HARPER<br>P.O. DRAWER 1568<br>SHERMAN 75090                     |                 |  |
| TR 14        | LAKE SIDE CHEVROLET<br>P.O. Box B<br>ROCKWALL                          |                 |  |
| TR 22        | JONES D STROBLE<br>1 PIN TAIL POINT<br>ROCKWALL                        |                 |  |
| HARRISON SIB | HORST PILARE<br>401 E MAIN<br>DUNEY TX 76374                           |                 |  |

EXHIBIT "A"

SUP-7

A TRACT OF LAND DESCRIBED MORE FULLY AS FOLLOWS:

BEING A TRACT OF LAND SITUATED IN THE JOSEPH CABLE SURVEY, ABSTRACT NO. 65, CITY AND COUNTY OF ROCKWALL, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF THE ROCKWALL BUSINESS PARK ADDITION, AN ADDITION TO THE CITY OF ROCKWALL, TEXAS, AS RECORDED IN VOLUME 5, PAGE 35 OF THE PLAT RECORDS OF ROCKWALL COUNTY, TEXAS:

THENCE S 45° 43' 02" W, A DISTANCE OF 331.85 FEET TO A POINT FOR CORNER:

THENCE N 30° 38' 59" W, A DISTANCE OF 307.30 FEET TO A POINT FOR CORNER:

THENCE N 45° 25' 32" E, A DISTANCE OF 22.00 FEET TO A POINT FOR CORNER;

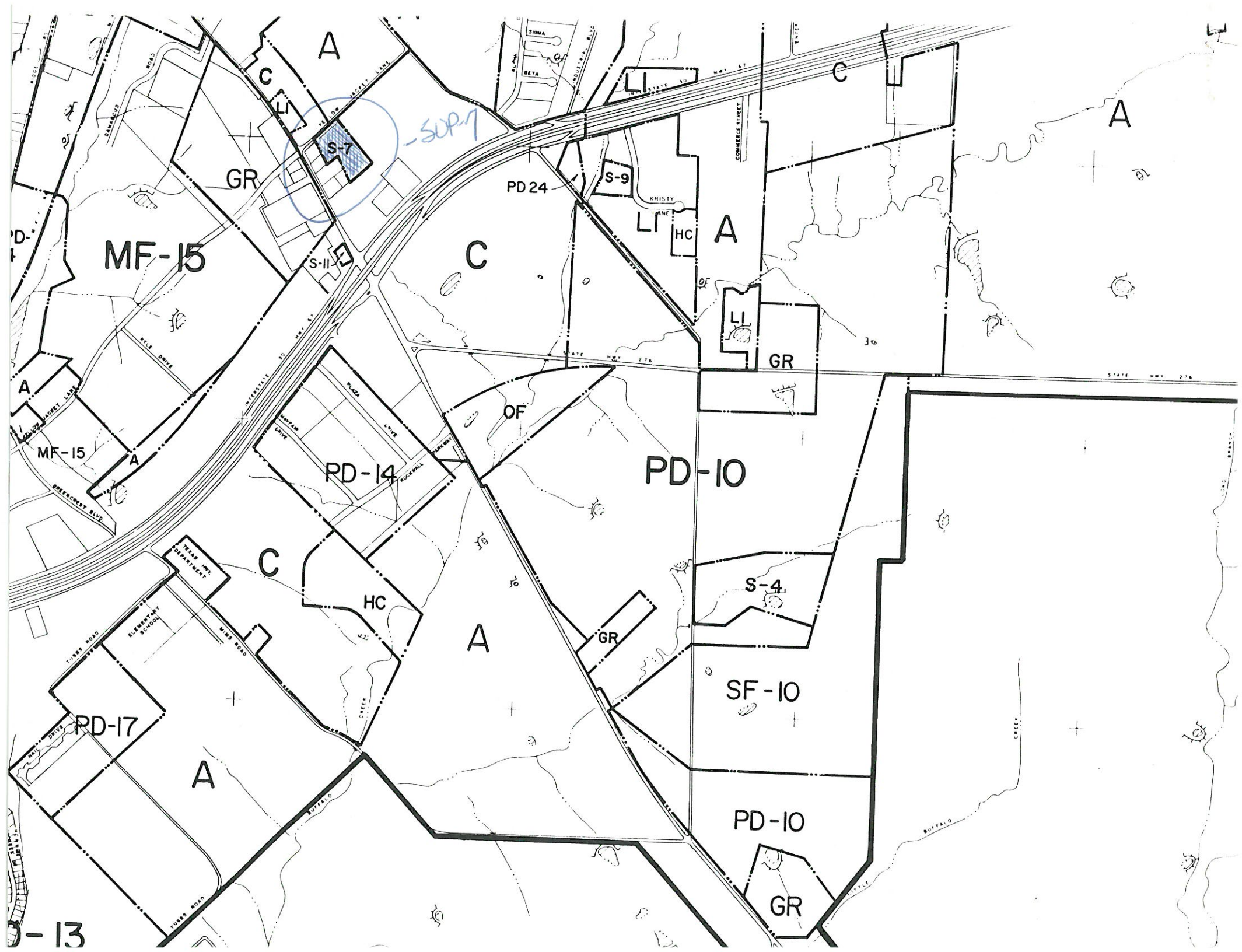
THENCE N 44° 42' 40", A DISTANCE OF 23.50 FEET TO A POINT FOR CORNER;

THENCE 45° 43' 02" E, A DISTANCE OF 235.19 FEET TO A POINT FOR CORNER:

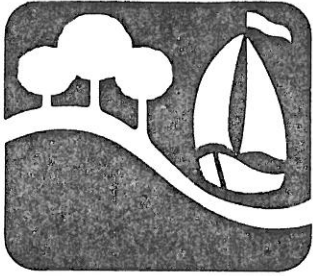
THENCE, S 44° 42' 40" E, A DISTANCE OF 322.26 FEET TO THE POINT OF BEGINNING, AND CONTAINING 93,510 SQUARE FEET OR 2.1467 ACRES OF LAND

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# CITY OF ROCKWALL

## "THE NEW HORIZON"

6 May, 1987

Lee Mitchell  
811 Yellowjacket Lane  
Rockwall, Texas 75087

Dear Property Owner:

The City of Rockwall has recently undertaken a review of all Specific Use Permits that are currently not in use. Included in this review is SUP-7 granted on your property located on Yellowjacket Lane for mini-warehouses. The purpose of the review is to evaluate the land uses reflected in the Specific Use Permits as they relate to our current Land Use Plan and to determine the potential for the utilization of the land uses established in the Permit.

The review process will begin with a meeting between you as property owner and the Planning and Zoning Commission at which time the Commission will review the status of the Specific Use Permit. Input from the property owner concerning any development plans or schedules will be welcomed by the Commission. Upon completion of the review the Planning and Zoning Commission may make a recommendation to the City Council to initiate hearings on the Specific Use Permit to either modify, change or eliminate the permit.

This first meeting with the Commission is scheduled for Thursday, May 14th at 7:00 P.M. at City Hall, 205 West Rusk. Your attendance at this meeting is strongly encouraged.

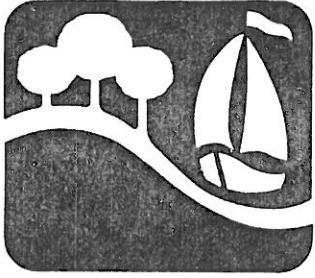
If you have any questions concerning this process please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Couch", with a long, sweeping underline.

Julie Couch  
Assistant City Manager

JC/mmp



**CITY OF ROCKWALL**  
**"THE NEW HORIZON"**

21 May, 1987

Mr. Lee Mitchell  
1402 Ridge Road  
Rockwall, Texas 75087

Dear Mr. Mitchell:

On May 18, 1987, the Rockwall City Council voted to initiate public hearings regarding Specific Use Permit No. 7 issued for miniwarehouses on your property on Yellowjacket Lane. The public hearing process is to determine whether or not land uses reflected in the permit as it relates to our Land Use Plan should be amended, modified, or removed.

The first public hearing will be held by the Planning and Zoning Commission on June 11th at 7:30 P.M. in City Hall, 205 West Rusk. Your attendance is encouraged.

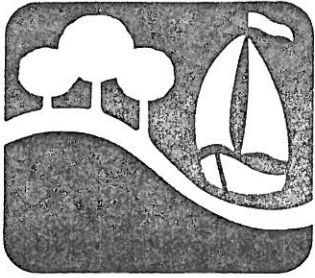
Please note that as a result of this hearing the Commission will make a recommendation to the City Council who will then hold a second public hearing to determine what, if any, action is necessary. Feel free to call me if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

MN/mmp



# CITY OF ROCKWALL

## "THE NEW HORIZON"

June 17, 1987

Mr. Lee Mitchell  
811 Yellowjacket  
Rockwall, TX 75087

Dear Mr. Mitchell,

On June 11, the Rockwall Planning and Zoning Commission held a public hearing and recommended continuance of SUP-7, a specific Use Permit issued for miniwarehouses at SH-205 and Yellowjacket subject to the following conditions:

1. the permit is continued only on the undeveloped portions of the land as currently issued.
2. continued only for three (3) years at which time reviewed again by the Commission
3. a site plan will be submitted at the time of development

The Rockwall City Council will hold a public hearing on July 6th at 7:00 P.M., in City Hall, 205 West Rusk to consider action on the permit.

Please feel free to call me, if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary Nichols".

Mary Nichols  
Assistant City Secretary

MN/ss

cc:Lee Mitchell



Agenda Notes

City Council - 5/18/87

- V. G. Discuss and Consider Calling Public Hearings to Review  
SUP- 7

This is the last SUP that needs to be considered for review. This SUP for miniwarehouses was granted in 1978 for the site where Mitchells Hardware building is located. The original plan was to construct offices where the current building is located and a car wash and miniwarehouses behind that area. Nothing has been built in the area where the warehouses were planned to go. Attached is a location map and copy of the original site plan approved with the ordinance. Miniwarehouses are not currently allowed in the Commercial classification either as a permitted or a conditional use.

The Planning and Zoning Commission has recommended that this SUP be remanded back to them for public hearings to determine if the SUP should be amended, modified or removed.

MINUTES OF ROCKWALL CITY COUNCIL  
May 18, 1987

Mayor Frank Miller called the meeting to order with the following members present: Nell Welborn, Jean Holt, John Bullock, Bill Fox, Pat Luby and Ken Jones.

The Council first considered approval of the Consent Agenda which consisted of : a) the minutes of May 4, 1987; b) an ordinance amending the Comprehensive Zoning Ordinance to revise the preliminary plan for PD-5 on second reading; c) an ordinance authorizing a change in zoning from "MF-15" to "PD" Planned Development on a tract of land located on Damascus Road south of SH-205 on first reading; d) an ordinance authorizing a change in zoning from "MF-15" to "SF-10" Single Family on a tract of land located north of SH-66 and east of North Lakeshore Drive on first reading; e) an ordinance authorizing a change in zoning form "A" to "LI" Light Industrial on a tract of land located adjacent to Lofland Industrial Park on first reading; and f) an ordinance establishing Reinvestment Zone No. 1 on second reading. Assistant City Manager Julie Couch read the ordinance captions. Welborn made a motion to approve the Consent Agenda. Jones seconded the motion. The motion was voted on and passed unanimously.

Ron Clower, Attorney for James Brown, addressed the Council to voice his client's opposition to the approval of an ordinance prohibiting the sale, use or possession of fireworks within 5,000 feet of the City Limits. He stated that the statute under which the City could pass this ordinance referred to prohibition of nuisances where health, safety, or general welfare was affected. He requested Council to review the ordinance and amend the ordinance to provide restriction only if a particular sale location becomes a nuisance. Clower added that although he had campaigned against fireworks sales at the State Legislature, the State had chosen to permit the sale and therefore sales should be allowed outside City Limits. Welborn stated that fireworks did affect safety, health and general welfare and that the City could not regulate only certain areas. Clower suggested that sales be allowed on a permit basis, giving the opportunity to judge safe or unsafe locations.

Council then considered approval of an ordinance prohibiting the sale, use, or possession of fireworks within 5,000 feet of the Rockwall City Limits. Couch read the ordinance caption. Fox made a motion to approve the ordinance on second reading. Luby seconded the motion. The motion was voted on and passed unanimously.

At this time property owners and a representative of the applicant addressed Council regarding the approval of a Conditional Use Permit for an accessory structure over the maximum height restrictions in an "SF-10" classification.

Miller summarized the series of events that had been prompted by the application. He explained that although the Planning and Zoning Commission had recommended denial of the permit, Council had overridden the recommendation by voting to approve with three quarters (6 votes) of the Council. He stated that a permit was issued and construction begun prior to the tabling of the ordinance authorizing the permit on second reading. By second reading Council had received an indication of the opposition of the adjacent property owners although none had spoken in opposition at the hearing conducted by Council.

Bill Wolf, attorney representing Mike Rogers, addressed the Council and explained that Rogers had been totally unprepared at the Planning and Zoning hearing. Wolf stated that Rogers was better prepared for the council meeting and was able to satisfactorily address Council's concerns. The Council had approved the request, a building permit was issued, and Rogers began preliminary construction on the building after expending \$20,000 on materials. Wolf stated that although the first reading was passed unanimously, second reading was tabled and Rogers was advised to delay construction until the second reading. He added that later the next day a green tag was issued and construction resumed.

Miller suggested that Wolf save the remainder of his presentation until all the objections had been voiced, whereby he may be able to satisfy some concerns. Welborn suggested that the Mayor rotate the speakers by alternating one in favor of the permit and one opposed. Couch provided a transparency depicting the location of the building in relation to adjacent properties and their street addresses.

Chip Gehle, 1613 South Alamo, spoke in opposition to the permit explaining that the structure was out of character with a residential neighborhood and would generate additional traffic. Wayne Rogers addressed the Council and stated that all City requirements had been met, a building permit had been issued, that \$40,000 had been expended and that Mike Rogers was not at fault. Luke Campbell, 1609 South Alamo, stated that the structure was a warehouse and had no place in a residential neighborhood. H. C. Northcutt, an area builder, told Council that the City should stand behind the permit it issued and that although Rogers could build a building 15 ft. high and meet height restrictions, the structure would be unattractive. Lorraine Burns, 1605 South Alamo, presented pictures of the building under construction. She told Council that she had attended the Planning and Zoning Commission hearing as did many property owners in opposition and that until the Zoning Ordinance was amended an accessory building was limited to 225 square feet. Burns pointed out that the proposed structure was 2,520 square feet and over ten times the original allowed size. She stated that the 16 feet overhead doors were larger than the 12 foot restriction in industrial areas and urged Council to rigidly enforce zoning regulations in single family



classifications. Clayvon Carroll argued that a building in compliance would have a tar flat top far more unsightly than the presently planned roof, that the building would not decrease property values, and that 95% of homes being built had inadequate storage space. Randy Simmons, 1611 South Alamo, stated he had moved to Rockwall because of the beautiful, well-manicured homes. He told Council that although he had originally approved of the building, he hadn't realized the magnitude until it was under construction. He said the structure would decrease property value and urged Council to minimize damage already done by denying the second reading. Bernice Peoples, 1308 Ridge Road, stated that the building had been begun because it was allowed and that she knew the structure would be used for nothing more than storage if that was what Rogers had said it would be used for. Ken Dickson, 205 Meadowdale, stated that the building was not atune to the neighborhood but that he hoped a compromise could be reached on an issue that was dividing the neighborhood. Frank Smith stated that as an ex-member of Council, he felt the City was obligated to allow the permit issued as it was issued to begin and complete construction. Ines Schreiber, 204 Becky Lane, stated her opposition and explained that many property owners were present who didn't wish to speak but needed to make their feelings known. She urged Council to stand behind the high quality and readdress the regulations that governed the size of accessory buildings. Miller asked Wolf if he would like to address concerns raised so far. Wolf offered to show building plans and Miller suggested he save those for the rebuttal at the end.

John Petty, 106 Joe White Street, stated that a permit was basically a contract and the City was obligated to let Rogers fulfill the intent of the permit as issued. Olivia Barstow, 1510 South Alamo, stated that she had not understood the size of the building when Rogers showed her the plans. She said she did not want the building in the neighborhood. John Weddle, 1601 South Alamo, told Council that Rogers had informed him in the beginning that if there was much opposition he wouldn't apply for a permit, but that the building was now too far into construction to revoke the permit. Wayne Rogers confirmed that Council had seen a letter of approval from Lee Mitchell. Miller told the audience that Council had received copies of letters both opposed to and in favor of the request. He then polled the other residents present who did not wish to address Council but whose opinion was germane to Council's decision. The following residents stated opposition to the Building: Donna Walter -1608 South Alamo, Martha Sue Keegan - 207 Meadowdale, Charles Pannell - 1425 South Alamo, Phyllis Heron - 203 Meadowdale, and Paul Botsacos - 104 Becky Lane. Wolf then concluded his presentation by saying that however Council chose to revise the issuance of permits and accessory buildings standards should apply to only those structures not presently under construction and that revocation of this permit could result in litigation. Lorraine Burns concluded her statements

as representative of residents in opposition by saying that property owners were unaware of Council's hearing of the case and they were, therefore, not represented at the meeting. She added that the opposition present clearly called for denial of the ordinance. Don Smith, Chairman of the Planning and Zoning Commission, then addressed Council and assured the members that the Commission's recommendation had resulted from careful review and consideration of all parties affected. He stated that many times different jurisdictions don't connect, that no permit guarantees absolute freedom, and that if an error was made Council was within its right to correct it.

Welborn questioned the revision of the Zoning Ordinance that allowed a building this size. Couch explained that originally the ordinance did not address garages although it did restrict portable and storage buildings. The modification included one title "accessory" building for all three types. Council discussed the requirements for accessory buildings regarding the detached garage, on what basis Council approved the permit originally, and whether the structure could affect property values as stated by one resident. Fox pointed out the Council's obligation to preserve the quality of life in Rockwall. Luby urged Council to look for an ethical solution. Miller stated that the issue at hand was whether the building would have a flat roof at 15 feet or a gabled roof at 22 feet. Holt reiterated for the sake of the audience understanding that under the current ordinance, Council was addressing only the height, not the size or overall square footage.

After extensive discussion, Council considered approval of an ordinance authorizing a Conditional Use Permit for a structure over the maximum height restrictions in an "SF-10" classification to be located in the Carroll Estates on second reading. Couch read the ordinance caption. Jones made a motion to recess. The motion died for lack of a second. Welborn made a motion to disapprove the second reading. Fox seconded the motion. Eisen explained that the applicant could not reapply within one year. Welborn then amended her motion to deny the permit without prejudice. Fox seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

After a brief recess, Council reconvened and Don Smith gave the Planning and Zoning Chairman's report. He told Council that he would stress at each meeting that the Commission's action was only a recommendation. He then explained the recommendation made with regard to a revised site plan for a Quick Lube and said he would be available to answer questions on any other items as they were considered by Council.

Council then held a public hearing and considered approval of an ordinance amending PD-9 to revise the preliminary plan to include the manufacturing of wiring harnesses as an allowed use and amend the square footage requirements for buildings and

landscaping in Office/Warehouse. Couch explained that the applicant was requesting a 30,000 square foot maximum building size to allow for larger industries or smaller ones which needed to expand. She explained that although the current plat submitted for Buffalo Creek Office Park showed 12.9% landscaping, the applicant was requesting the 20% requirement to be reduced to 5% as currently required in Light Industrial zoning. Miller stated that the 20% was necessary to beautify loading areas and the Light Industrial area in general. Welborn pointed out that the intent of the landscaping requirement had been to give the area a campus atmosphere. Council discussed the requirement with regard to the Buffalo Creek final plat, whether to address landscaping on a case by case basis within PD-9, and whether or not to decrease the percentage for the PD as a whole. Don Smith told Council that although the Buffalo Creek plat only had 12.9%, the main concentration was in the front. Council discussed the potential for back to back parking lots, a possible buffering or screening requirement between business parks, and the request for an increased maximum building size. Couch read the ordinance caption. Welborn made a motion to approve the ordinance amend PD-9 to increase the maximum building size in Office/Warehouse to 30,000 square feet, to include manufacturing of wiring harnesses as an allowed use in Office/Warehouse, retaining a 20% landscaping requirement with the exception of the tract platted as Buffalo Creek Office Park, allowing a minimum of 12.9% landscaping on that tract, and requiring parkways adjacent to the tract to be landscaped. Fox seconded the motion. The motion was voted on and passed unanimously.

The Council then discussed and considered approval of a development plan and final plat for Buffalo Creek Office Park. Couch explained that the final plat and development plan as submitted met all the City requirements with the exception of a few technical corrections. She explained that the 10 ft. easement to the rear needed to be changed to 15 ft., that the 5 ft. dedication of right-of-way shown on FM-3097 needed to be increased by an addition 5 ft. to provide for a future 6-lane roadway, and that the plat needed to reflect that Rainbow Lake Road tied into Lincoln Drive rather than running alongside of it. Harold Evans, Consulting Engineer, presented a larger rendering of the plat and explained that the applicant could meet all of Staff's recommendations. Welborn made a motion to approve the final plat and development plan for Buffalo Creek Office Park with the stipulations as recommended by Staff. Holt seconded the motion. The motion was voted on and passed unanimously.

The Council then considered approval of a final plat for Northshore Phase IV, a 45 lot subdivision located on North Lakeshore Drive north of SH-66. Couch explained that the plat as submitted met all the City's requirements and that the only recommendation was that the street name "Highpoint Circle" be



changed as there was a Highpoint located in Lakeside Village. Miller confirmed that there was adequate right-of-way for future road expansion of SH-66. Holt made a motion to approve the final plat with the stipulation that the street name "Highpoint Circle" be changed. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a preliminary plat for Randy's Place, an 8.0156 acre lot located off SH-205 south of Dalton Road. Couch outlined the applicant's request and explained that although a public street did not serve the lot, the Board of Adjustments had granted a variance from the minimum lot frontage requirements and access would be provided through the lot facing SH-205. Welborn made a motion to approve the preliminary plat with the stipulation that the plat indicate that the City does not guarantee access along the private drive access easement. Bullock seconded the motion. The motion was voted on and passed unanimously.

The Council then considered approval of a final plat for the Rockwall County Jail located on High School Road. Couch suggested that the Council consider this item in conjunction with a revised contract with the County regarding the Rockwall County Jail which was an item to be considered later in the Agenda. Council discussed the waivers that they had previously granted at the preliminary platting stage of the County Jail and whether or not they could insure compliance with the stipulation that escrow for street improvements be provided in the 1988 budget. Welborn suggested that the City withhold issuance of a Certificate of Occupancy until the funds were received. City Attorney Pete Eckert pointed out that although it was a good solution, if the contract was not signed it would not be enforceable. After further discussion, Welborn made a motion to approve the agreement with the revision that a Certificate of Occupancy would not be issued prior to the escrowing of funds for street improvements in the 1988 budget. Miller asked Eisen to clarify the wording with regard to the statement in the contract that stated that escrow would be provided for the amount of the property being developed for the jail. Eisen explained that that phrase referred to the total square footage of the tract of property and that could be clarified in the agreement. The motion was voted on and passed unanimously.

Council then considered approval of the final plat. Jones then made a motion to approve final plat for the County Jail with the waivers as recommended by the Planning and Zoning Commission and stipulated in the contract. Bullock seconded the motion. Fox confirmed that the sealcoat drives were addressed in the contract. The motion was voted on and passed unanimously.

Council next considered approval of a replat of portions of Ellis Centre Phase I and Phase II located on High School Road.

Couch outlined the applicant's request and explained that the moving of the building line was in order to allow expansion of the building already on one portion of the property. David Ellis explained that moving the plat line would allow room to double the building size on one lot. Fox made a motion to approve the replat. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a revised site plan for a Quick Lube to be located on Ridge Road. Couch explained that the applicants proposed to have two drives rather than one drive in order to retain a large tree located in the middle of the original driveway. She stated that what they were proposing would not meet the minimum separation requirement between drives which was 200 ft. as the entire lot was only 100 ft. wide. She explained the drives would be a 20 ft. entrance separated by 30 ft. and a 20 ft. exit drive. She explained that the Planning and Zoning Commission had recommended these drives be one way drives signed with low rise signs indicating entrance and exit only, and that, if technically possible and approved by the State, a culvert would be installed all the way between both drives and that this area would be landscaped and curbed. Welborn made a motion to approve the revised site plan with the stipulations recommended by the Planning and Zoning Commission, including that if technically possible the culvert would be installed as recommended, landscaped and curbed. Luby seconded the motion. The motion was voted on and passed unanimously.

The Council then considered calling public hearings to review SUP-7, a Specific Use Permit issued for miniwarehouses on Yellowjacket at SH-205. Couch explained that the SUP had been issued in 1978 for the site where Mitchell's hardware building was currently located. She explained that nothing had been built in the area where the miniwarehouses were planned to go and that the current Zoning Ordinance did not allow miniwarehouses, either as a permitted or a conditional use in a Commercial classification. She added that as this area did have an underlying Commercial zoning, the Planning and Zoning Commission had recommended initiating public hearings. Fox made a motion to initiate public hearings remanding the SUP back to the Planning and Zoning Commission. Welborn seconded the motion. The motion was voted on and passed unanimously.

Council then discussed and considered approval of an ordinance amending the Comprehensive Zoning Ordinance to modify SUP-6, a Specific Use Permit issued for a car wash at Washington and SH-66 on second reading. David Cook addressed the Council and outlined a history of the site plan for Hubbard Car Wash which had prompted the review of Specific Use Permits. He explained that his application was in progress prior to the initiation of the review of this permit that the Planning and Zoning Commission had recommended approval of the original site plan for Hubbard Car Wash and that the City

Council had overturned their recommendation because of the car wash's proximity to the cemetery and not due to noncompliance. He outlined the review process that had taken place on SUP-6 including the Planning and Zoning Commission's recommendations that the permit be removed from the entire tract of property with the exception of that area that had been previously site planned as Hubbard Car Wash. He added that Council had also approved by majority the continuance of the permit on that same section as recommended by the Planning and Zoning Commission. Gerald Burgamy addressed the City Council and explained that he and Bill Way were co-owners of the property and that the new lots in the cemetery had been put in after the City had approved the Specific Use Permit for a car wash. He stated that the lots were put in knowing that the adjacent property was zoned for a car wash. Cook added that the City probably had had intentions of developing that tract even so far back as when the permit was issued. Burgamy explained also that he had requested the property be zoned for a car wash to provide a buffer for the cemetery. He added that he had been able to find no other suitable business that wanted to be located adjacent to a cemetery. Council discussed the original site plan, the basis for denial, and the development of the cemetery since the original issuance of the permit. Holt pointed out that although the Cemetery Association did state opposition, there were at least three members of the Association she had spoken to who were unopposed. Couch read the ordinance caption. Bullock made a motion to approve the second reading of the ordinance. Jones seconded the motion. Fox pointed out that although there may be a few members of the Cemetery Association who were unopposed to the car wash, the majority voted against it. The motion was voted on and passed 4 to 3, with Miller, Luby and Fox voting against the motion.

At this point John Bullock left the meeting and Council discussed the annual budget Retreat. Eisen stated that preliminary planning had revealed that August 7th and 8th, a Friday and Saturday, appeared to be the convenient dates for the Retreat. Welborn suggested the Holiday Inn in Greenville as a possible location for the Retreat. Miller stated through previous experience he had found that the Radison Suites in Arlington were economical, would not add costly travel expenses, and would be far enough away from Rockwall to be productive. Luby stated his preference for a hotel that was local as well. Fox stated that Shreveport was only a three hours drive. Jones stated favor for Shreveport as well. Eisen said that based on Council's direction Staff would comprise some preliminary information on these areas.

Council then discussed the status of the Animal Control contract with Rockwall County. Eisen explained that the County had cancelled the Animal Control Contract with the City of Rockwall and that an Animal Control Officer had resigned. He stated that funds from the contract were intended to provide an additional vehicle and an additional employee. He explained

that it would now not be necessary to refill the position that had recently been vacated and that the City would have eventually had to purchase another vehicle as the other vehicle had become unreliable. Fox pointed out that the City had reduced the amount for storage of animals picked up in the County. Eisen added that the County had paid a portion of their Animal Control bill but had not as yet paid the balance of the bill.

Council then discussed and considered approval of an emergency ordinance requiring businesses operating in Lake Ray Hubbard out of areas leased by the City of Rockwall to obtain a permit for such operation. Couch read the ordinance caption. Fox made a motion to approve the ordinance. Holt seconded the motion. Fox asked if any further controls were necessary to regulate businesses out of areas leased by the City. Pete Eckert outlined the intent of the ordinance and the City's ability to enforce it. The motion was voted on and passed unanimously.

Jones then made a motion to table the Executive Session and any consideration to the appointments to the Board of Adjustments and for the Mayor Pro Tem. Holt seconded the motion. The motion was voted on and passed unanimously.

As there were no further items to come before the City Council for consideration, the meeting was adjourned.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_



CITY OF ROCKWALL  
Council Agenda

AGENDA DATE: July 6, 1987

AGENDA NO. IV-E

AGENDA ITEM: P&Z 87-38 - Hold Public Hearing and Consider Amending, Modifying or Removing SUP-7, a Specific Use Permit Issued for Miniwarehouses at Yellowjacket Lane and SH-205

ITEM GENERATED BY: Council

ACTION NEEDED: Hold public hearing; removal, modification, or no changes made to SUP-7. If the Council determines that the permit should be modified, conditions to be applied to the permit should be included in the motion.

BACKGROUND INFORMATION: This is the last SUP that needs to be considered for review. This SUP for miniwarehouses was granted in 1978 for the site where Mitchells Hardware building is located. The original plan was to construct offices where the current building is located and a car wash and miniwarehouses behind that area. Nothing has been built in the area where the warehouses were planned to go. Under our current ordinances miniwarehouses are not a permitted or a conditional use under Commercial.

The property owners appeared before the Commission to request that the use be allowed to remain. They both indicated they have long-term plans to construct miniwarehouses at this location. One of the property owners currently owns the Fina Station which already has miniwarehouses behind it. Lee Mitchell owns the remaining portion and has indicated that he also plans to build miniwarehouses in the future.

The Planning and Zoning Commission has recommended that the SUP-7 remain in place but be modified to apply only to the undeveloped area, that the permit be reviewed again in three years, and that a site plan must be submitted at time of development.

ATTACHMENTS:

1. Location Map
2. Copy of currently approved site plan

AGENDA ITEM: SUP

ITEM NO. IV-E

MINUTES OF THE ROCKWALL CITY COUNCIL  
July 6, 1987

Mayor Frank Miller called the meeting to order with the following members present: Jean Holt, Ken Jones, John Bullock and Pat Luby.

Council first considered approval of the Consent Agenda which consisted of A) the minutes of June 15, 1987; B) an ordinance declaring the necessity of street improvements and providing for assessment for the improvements on second reading; C) an ordinance amending Ordinance 85-2 prescribing conditions for the issuance of private club permits on second reading; D) an ordinance revising the preliminary plan for PD-19 to amend the area requirements and permitted uses on first reading; E) an ordinance revising the preliminary plan for PD-20 to amend the area requirements and permitted uses on first reading; and F) an ordinance requiring businesses operating in Lake Ray Hubbard out of areas leased by the City of Rockwall to obtain a permit for such operation on first reading. Assistant City Manager Julie Couch read the ordinance captions. Holt requested Item A be pulled from the Consent Agenda. Jones made a motion to approve the Consent Agenda with the exception of Item A. Bullock seconded the motion. The motion was voted on and passed unanimously.

Holt asked Staff to point out revisions that had been made in the corrected set of minutes that the Council had received. City Manager Bill Eisen pointed out these changes. Holt then made a motion to approve the Minutes of June 15, 1987. Luby seconded the motion. The motion was voted on and passed unanimously.

Kambiz Rafraf addressed the Council and presented the members with a copy of a Statement of Peace written by the Universal House of Justice. Mr. Rafraf explained that the Baha'i faith teaches the unity of mankind, encouraged the unity of religions, equality of races and harmony of religion and science. Mr. Rafraf gave a brief background of the Baha'i Faith and urged the Council to work toward world peace.

Don Smith then gave the Planning and Zoning Commission Chairman's report. Smith outlined three items on the Agenda on which the Commission had made recommendations: 1) the Scenic Overlay District, 2) the review of SUP-7, a Specific Use Permit issued for miniwarehouses, and 3) a zone change request from Scott Bowman for a change in zoning from "C" Commercial to "LI" Industrial. He explained the Commission's recommendations on each item and by what criteria these recommendations

had been reached. Miller asked if outside storage would be allowed with regard to the zone change request. Couch explained that as the applicant was requesting Light Industrial zoning, outside storage would not be allowed.

Council then held a public hearing and considered approval of an amendment to the Comprehensive Zoning Ordinance to add a Scenic Overlay District to the list of zoning categories to apply to development along FM-740 from Goliad to the south City Limits for a depth of 500 feet on each side and including all of Planned Development No. 4 and all of Planned Development No. 1. Couch explained that Council had received a summary of the major requirements of the District and a summary of the changes the proposed District would have on the property currently proposed for inclusion in the District.

Richard Harris addressed the Council and explained that his office located at 2604 Ridge Road did not have adequate lot area to meet the required setbacks and 10 ft. landscaping buffer required in the District. He explained that although he would have nonconforming status, any major renovations would force him to comply with the requirements of the District which included setback requirements which were impossible for him to meet without removing his parking. Wayne Baccus addressed the Council and explained that although he did not currently own property, he intended to site plan a car wash which was not allowed in the District without a Conditional Use Permit. He explained that the building he planned contained more than adequate landscaping, and as he proposed to locate it at FM-740 and Yellowjacket Lane, the building would fall within the Overlay District requirements. Haywood Eason urged Council to spend more time considering the potential effects of the District on the District's property owners. He stated opposition to a 500 ft. depth and stated that it was unfair to penalize a few existing and future property owners for a District that would benefit the entire City. He further stated that he could support a 200 ft. depth for the District, but reminded Council that the height and setback requirements would reduce the buildable area of a property owner's land. Tom Briscoe, a representative of Mobil Oil Distributors for Rockwall County, stated that Mr. Baccus proposed to build a gas station with an automatic car wash as an accessory. He told Council that without the car wash, which was not allowed in the District, Mr. Baccus would not be able to compete with the Gulf Station at FM-740 and I-30. Cecil Unruh, 1722 Ridge Road, stated opposition to the height limitations, setback requirements and landscaping requirements which, he said, would all reduce the buildable area of a lot, thus affecting property value. He asked Council to define the architectural review board procedures so as not to



lengthen or impede the overall review process. He suggested that the City participate in the overall cost of additional landscaping and suggested to Council that they remove the word "historical" from the District as it could cause future problems for property owners. Bill Lofland objected to the District in general, but more particularly to residential properties being included under the requirements of the District and being subject to architectural review. He pointed out various styles of homes in the City of Rockwall and stated that the City should not legislate the design of an individual's home. He told Council that if FM-740 was a scenic route, then SH-66, I-30, and Lakeshore Drive, which all have lake views, should fall under the same requirements. He added that he was ready to begin construction of a home on FM-740 and that the moratorium was preventing him from beginning. As there was no one else wishing to address the Council with regard to this matter, the public hearing was closed.

Miller pointed out that although the District had been worked on extensively, there were many areas still to be addressed. Bullock suggested that Council hold a workshop before taking any further action with regard to the District. Council discussed extending the moratorium on FM-740 and whether or not the moratorium should apply to residential properties. Jones made a motion to set a time and date for a workshop and to adopt the resolution extending the moratorium for 30 days. Luby seconded the motion. Holt and Bullock both stated opposition to inclusion of residential properties within the moratorium. Luby withdrew his second and Jones then withdrew his motion. Holt then made a motion to approve the resolution extending the moratorium for 30 days, excluding its application to residential properties. Bullock seconded the motion. Miller asked Council to consider the moratorium for 45 days as he would be absent at the next Council District meeting and would like to be instrumental in the District. Holt amended her motion to extend the moratorium for 45 days. Bullock seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

Council then took a brief recess. Upon reconvening Miller stated with regard to the moratorium on FM-740 that it might be prudent to not exclude all residential development from the moratorium, but single family residential only. Holt then offered a motion to approve the resolution extending the moratorium for 45 days, excluding its application to single family residential property. Luby seconded the motion. The motion was voted on and passed unanimously. (Councilman Jones was not in the Council Chambers for this vote.) Council briefly



discussed an appropriate date on which to hold the workshop. It was decided that the workshop would be held July 27th at 7:00 P.M.. It would include Councilmembers, Planning and Zoning Commission, and Staff, and could be extended to the 28th if one evening proved to be inadequate time for review.

Council then held a public hearing and considered approval of a request from Cecil Unruh for a variance to the setback requirements of the Sign Ordinance to allow a sign on an existing stone column located on Lakeshore Drive. Councilman Jones was not present as he was abstaining due to a conflict of interest. Couch explained that the columns had previously been granted a variance by the Board of Adjustments as they did not meet the Zoning Ordinance's setback requirements for structures. She stated that the applicant now proposed to add lettering to one column, constituting a sign that also did not meet the setback requirements of the Sign Ordinance. Cecil Unruh explained that he proposed to add 4 inch letters to the column for subdivision identification. Holt pointed out that the two notices received in opposition to the variance were opposed to the existing column and were not valid objections to the addition of 4 inch letters. Luby pointed out that Lakeshore was a continuous drive, not a separate or private entry to an individual subdivision. Holt pointed out that that was the same situation with Lake Ridge Park and Stonebridge Meadows. After further discussion, Bullock made a motion to approve the variance. Holt seconded the motion. The motion was voted on and passed unanimously, with Jones abstaining.

At this time Jones rejoined the meeting.

Council held a public hearing to consider amending, modifying or removing SUP-7, a Specific Use Permit issued for miniwarehouses at Yellowjacket Lane and SH-205. Couch explained that this SUP had been issued in 1978 for the site where Mitchell's Hardware Building is located. She pointed out that nothing had been built in the area where the warehouses were planned to go, and that under current ordinances miniwarehouses were not a permitted or a conditional use in Commercial zoning. Bob Harper, one of the two property owners on this tract, explained that the Planning and Zoning Commission had recommended a three year extension of the permit. He clarified the location of the tract and pointed out that the site plan as currently approved was not accurate. He stated that as he and Mr. Mitchell were both in a landlocked situation, miniwarehouses were the only appropriate use. Council discussed the general location of both ownerships, the depth of development from Yellowjacket Lane, and access available by both owners. The public hearing was closed. Bullock made a motion to continue the Specific Use

Permit. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered an ordinance approving a request from Scott Bowman for a zone change from "C" Commercial to "LI" Light Industrial on a portion of the Lafon Addition located on I-30 and considered approval of a site plan. Couch stated that the existing blue metal building at this location had nonconforming status and could be occupied as is. She pointed out exterior improvements that Mr. Bowman proposed to make, including a brick veneer in the front and around the front one third of the sides of the building. She explained that he proposed a brick entrance canopy to dress up the front and that his proposed metal fabrication and sales and operations were too intensive uses for Commercial, which was the basis for his application for Light Industrial zoning. She pointed out that the drives were 127 ft. apart, not meeting the 200 ft. drive separation requirement, and that the applicants were requesting a waiver of this requirement. She added that the drive along the west property line would need to be 10 ft. off the property line unless granted a waiver. The applicant had proposed the drive location to provide for a future joint drive between this tract and the adjacent tract. Miller questioned the adequacy of landscaping. Couch pointed out that as both Light Industrial and Commercial zoning required 5% landscaping, the applicant would meet this. Miller confirmed that there would be no outside storage. Scott Bowman addressed the Council and offered to answer any questions. Miller confirmed that a sprinkler system would be required. As there was no one else wishing to address the public hearing, the public hearing was closed. Couch read the ordinance caption. Jones then made a motion to approve the zone change and the ordinance authorizing the zone change on the 5.7 acre tract and to approve the site plan with all of Planning and Zoning Commission's recommended conditions and including the requirement for an access easement on the west property line. Luby seconded the motion. The motion was voted on and passed unanimously.

Bill Eisen then gave the City Manager's report, addressing the turn lane on FM-740 south of Goliad, the resignation of the Airport Manager, an upcoming Agenda item with regard to a request to amend the ordinance regulating antennas within the City, the budget report which would be provided to Council the second meeting of each month, and a newsletter published by First Southwest Company in which Rockwall was mentioned by the City's financial advisor.

Council then considered approval to an amendment to the Fence Ordinance authorizing Council to grant variances

to certain requirements regarding front yard fences on first reading. Eisen explained that Council had granted a permit for a front yard fence at 1608 Amesbury, but that the fence exceeded the 36 in. maximum height for a front yard fence. He stated that this ordinance would authorize Council to vary height requirements and other requirements regarding front yard fences. Couch read the ordinance caption. Bullock made a motion to approve the ordinance. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered award of bid for painting the elevated storage tank. The bids were as follows:

Apex Tank & Bridge, Inc.  
Bellevue, Texas  
Bid: \$28,950  
Number Working Days: 45

Blue Ribbon Painting Co.  
Houston, Texas  
Bid: \$34,000  
Number Working Days: 60

Water Tank Service Co.  
Red Oak, Texas  
Bid: \$36,745  
Number Working Days: 45

Corrosion Eliminator, Inc.  
Mineral Wells, Texas  
Bid: \$46,740  
Number Working Days: 60

Don Owen Painting  
Seagoville, Texas  
Bid: \$49,458  
Number Working Days: 40

Eisen stated that Staff recommended the low bid be awarded to Apex Tank and Bridge, Inc. in the amount of \$28,950 to be completed in 45 working days. City Engineer W. L. Douphrate stated that maintenance bond was provided for a two-year time period. Mayor Miller questioned the necessity of funding this project in light of the recent budget situation. Eisen explained that due to rusting and corrosion improvements were necessary at this time. Holt then made a motion to award the bid to Apex. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then discussed and considered approval of an ordinance amending the Code of Ordinances regarding animal control on first reading. Eisen outlined some amendments

to the existing animal control requirements including registration requirements, impound fees, prohibition of wild or vicious animals, protection from the sale of novelty animals, limiting the number of pets at a certain location, prescribing waste disposal, and prescribing special requirements for pit bulls. He pointed out that the ordinance that Council had a copy of prescribed a 3 1/2 ft. fence for pit bulls, and he recommended that be changed to a 6 ft. fence. Council discussed various provisions of the revised ordinance - provisions for registration tags, holding animals for five days after notification prior to destruction, and a time frame for registration. Eisen confirmed that Council desired the following amendments: 1) a September 1st effective date for registration; 2) providing that all impounded animals not redeemed within 5 days shall be destroyed in a humane manner; 3) from the same section removing the phrase "or sold by the Animal Control Officer"; and 4) requiring a 6 ft. fence for confinement of pit bulls instead of a 3 1/2 ft. fence. Couch read the ordinance caption. Holt made a motion to approve the ordinance with the changes as outlined by the City Manager. Bullock seconded the motion. The motion was voted on and passed unanimously.

Bill Eisen then briefed the Council on the current year's General Fund Budget, explaining that actual revenues would fall about \$45,000 short of budgeted amounts, but that savings resulting from cutbacks in personnel by not filling vacant positions and cutbacks in certain operating expenses would result in expenditures being about \$76,000 less than budgeted. He explained that this would produce a cushion of about \$31,000, providing an additional measure of protection if revenues have been over estimated or expenditures under estimated. Council briefly discussed the budget status and a report received from the Chamber of Commerce with regard to the expenditure of funds received from Hotel/Motel tax.

Council then considered approval of a resolution establishing certain regulations for the investment of idle City funds. Eisen explained the resolution and pointed out that it would allow the Finance Director to invest in investments permitted by State law. Bullock made a motion to approve the resolution. Luby seconded the motion. The motion was voted on and passed unanimously.

The Council then adjourned into Executive Session under Article 6252-17 V.A.C.S. to discuss land acquisition. Upon reconvening, as there was no action to be taken resulting from the Executive Session, Jones made a motion to adjourn. Bullock seconded the motion. The motion was voted on, passed unanimously, and the meeting was adjourned.



APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

By \_\_\_\_\_

By \_\_\_\_\_

Agenda Notes  
P&Z - 5/14/87

V. A. Review and Discuss SUP-7 Issued for Miniwarehouses  
Located on Yellowjacket Lane

This is the last SUP that needs to be considered for review. This SUP for miniwarehouses was granted in 1978 for the site where Mitchells Hardware building is located. The original plan was to construct offices where the current building is located and a car wash and miniwarehouses behind that area. Nothing has been built in the area where the warehouses were planned to go. We have contacted the current owner of the property, Lee Mitchell, but have not heard from him. Attached is a location map and copy of the original site plan approved with the ordinance. Miniwarehouses are not currently allowed in the Commercial classification either as a permitted or a conditional use.

MINUTES OF THE PLANNING AND ZONING COMMISSION  
May 14, 1987

Chairman Don Smith called the meeting to order with the following members present: Bob McCall, Leigh Plagens, Norm Seligman, Bill Sinclair, and Hank Crumbley.

The Commission first considered approval of the minutes of April 9 and April 30, 1987. Sinclair suggested that in the April 9th minutes the third paragraph specify which items and which applicants were postponed until later in the meeting. Seligman made a motion to approve the minutes of April 9th with the amendment as recommended. Sinclair seconded the motion. The motion was voted on and passed unanimously. Seligman then made a motion to approve the minutes of April 30th. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then continued a public hearing on PD-19 located on Summer Lea Drive. Assistant City Manager Julie Couch explained the location of the tract and the changes in densities of adjacent properties. She explained that the four acre tract was designated for multifamily although densities of area properties had been substantially downgraded. She added that the applicant had submitted a proposal that would designate the property as something between Zero Lot Line and Townhouse. She added that the applicant was not present at this time although he had intended to appear. Seligman made a motion to delay consideration of this item until the end of the public hearing section of the Agenda. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then continued a public hearing on PD-20 located on Summer Lea Drive and considered amending the zoning or modifying the preliminary plan for PD-20. Couch pointed out the location of the tract. She explained that the applicants had expressed a preference to leave the property designated as "MF-15" Multifamily at 15 units per acre, although in the current Zoning Ordinance "MF-15" is 14 units per acre. Kirby Albright addressed the Commission and explained that he was one of several joint property owners who owned this tract of land. He stated that although he preferred to leave the property designated as "MF-15" at 15 units per acre, he hoped that the Commission would not recommend downgrading the density to be less than 7 units per acre which was the same as Orleans on the Lake. He explained that the eleven acres that made up PD-20 had originally been owned by himself until six of those acres were sold and developed into Orleans on the Lake by Richard Harris. McCall suggested reducing the PD to 14 units per acre which is the current standard in "MF-15" zoning classification. Seligman pointed out that although 14 units per acre would be downgrading the density, adjacent properties had been reduced to Single Family and Zero Lot Line. He recommended reducing the density to 7 units per acre to match Orleans on the Lake. Couch pointed out that the two items necessary in amending the PD were designating the land use and establishing area requirements. She



explained that if no area requirements were established, when the developer was ready to develop the property a public hearing process would be necessary to revise the preliminary plan. After further discussion, Seligman made a motion to amend the designated land use from "MF-15" to seven units to the acre. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Terry Adams for a Conditional Use Permit for a structure with less than 90% exterior masonry materials. Couch explained the applicant's request and that now aggregate tilt wall would be used throughout the building instead of stone veneer. Terry Adams explained that his proposal to use metal doors instead of plexiglass would discourage break-ins while allowing some visibility from a small window strip. He explained that the metal band on the roof would give it a classier appearance and that the tilt wall around the structure would be an integral color and of a pebble texture. He added that he was still waiting to obtain easements from WalMart. After further discussion, Sinclair made a motion to approve the Conditional Use Permit allowing metal doors in the rear and the metal band on the roof. Seligman seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered amending PD-9 to revise the preliminary plan to include the manufacturing of wiring harnesses as an allowed use and reduce square footage requirements for buildings in Office/Warehouse. Couch outlined the boundaries of PD-9 and explained the location of the Office/Warehouse District in the PD-9. She pointed out that light assembly was an allowed use, but that the developer wanted to be sure that manufacturing of wiring harnesses was an allowed use. She explained that the current landscaping requirement in Office/Warehouse was 20% although the City requirements were only 5% in a Light Industrial zoning classification. Although the proposed development plan for Precision Cable indicated 12.9% landscaping, the developer wished to reduce the landscaping requirement to 5% to bring it in line with the Light Industrial requirements. Prior to opening the public hearing Smith pointed out that the objections that had been received by property owners addressed the land use which had already been established. He read aloud the objections that had been received and pointed out that each one of these addressed land use. Rob Whittle, Whittle Development, pointed out that this section had at one time been proposed for Multifamily, that being the purpose for the 20% landscaping requirement. He stated that although he was requesting a 5% requirement, his deed restrictions could require up to 15%. He stated he was also requesting a new maximum building size of 30,000 square feet to provide the latitude for businesses to increase in size and number of employees. The Commission discussed landscaping, the dedicated right-of-way, possible landscaping strip in the back of the lot by the parking, and the ability for the proposed roads to bear heavy traffic. Richard Lopez addressed the Commission and explained that his property was directly across the street from the Office/Warehouse district and that he was concerned with chemicals,



stripers, and cleaners being passed through the water system and pollutants that could inhibit plant growth accumulate through the water supply. He urged the Commission not to allow businesses that would emit contaminants. The Commission then discussed whether or not the proposed business would contribute to pollutants, whether light assembly would emit pollutants or not, and whether or not the waste materials would be disposed of through the water system of handled on site. Couch explained that as this was light assembly, there were no chemicals to be disposed of to her knowledge. After further discussion, Seligman made a motion to amend the preliminary plan for PD-9 to allow the manufacturing of wiring harnesses, increase the maximum building size to 30,000 square feet, to reduce the required landscaping to 5%, and to require the landscaping of parkways and dedicated rights-of-way. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then discussed PD-19 as the applicant was present and prepared to answer questions. Richard Waldorsky presented a rendering of a proposed subdivision, explaining that by using a cul-de-sac he had attempted to capture a view of the lake from all of the lots, and that lots on the east side would have front entry and lots on the west would have rear entry. He outlined the proposed area requirements and allowed uses. Smith stated that one of the uses for private, unlighted tennis courts was not feasible as the lots were too small. Couch explained that Staff had reviewed the proposed land uses and area requirements and that if these are approved, the development plan can be submitted and acted on without further public hearing. Sinclair suggested that the Commission require a two car garage as a minimum one car garage in Townhouse was not necessarily adequate. Smith recommended removing a temporary concrete batching plant as an allowed use as it was not necessary in a small development. After further discussion, Seligman made a motion to adopt the proposed land uses and area requirements as submitted with the exception of the private unlighted tennis courts, the temporary concrete batching plant, changing the requirement of an accessory building to meet current requirements, and requiring a minimum two car garage. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then discussed and considered approval of a development and final plat for Buffalo Creek Office Park. Couch pointed out that Staff had requested a few technical changes, including the 10 ft. easement at the rear being changed to 15 ft., the 5 ft. dedication for right-of-way along FM-3097 being increased by an addition 5 ft., and reflecting that Rainbow Lake Road ties into Lincoln Drive rather than running alongside it. Harold Evans, Consulting Engineer, pointed out on the plat where Rainbow Lake Road would tie into Lincoln Drive. The Commission then discussed the existing gravel road which would eventually be phased out. Seligman made a motion to approve the final plat and development plan with the recommended changes by Staff. Plagens seconded the motion. The motion was voted on and passed unanimously.

The next item on the Agenda was a final plat for the T.L.A. Subdivision located on Yellowjacket Lane. As the applicant indicated that easements had not as yet been received from WalMart, the Planning and Zoning Commission did not consider the item. Receipt of the easements was a contingency placed on the approval of the preliminary plat.

The Commission then discussed and considered approval of a final plat for Northshore Phase IV, a 45 lot subdivision located on North Lakeshore Drive north of SH-66. Couch stated that the final plat as submitted met all the City's current requirements and that one street, Highpoint, needed to be renamed as there was already a street by that name in Lakeside Village. Sinclair made a motion to approve the final plat with the revision of the street name. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a preliminary plat for Randy's Place, an 8.0156 acre lot located off SH-205 south of Dalton Road. Harold Evans presented a rendering of the preliminary plat and explained that basically it was a creation of a building site. He added that although the lot did not have frontage on SH-205, a variance had been granted by the Board of Adjustments. Seligman made a motion to approve the preliminary plat as submitted. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for the Rockwall County Jail located on High School Road. Couch pointed out that the plat as submitted met all of the City's requirements and that Council had previously approved certain waivers for the jail site as recommended by the Commission, including a temporary waiver to the drive standards and a waiver for the escrow for paving along High School Road. Council also approved a temporary waiver to the escrow of funds for curb and gutter, sidewalk and storm drainage until the 1988 budget year. Seligman made a motion to approve the final plat, restating that escrow of funds for curb and gutter, sidewalk, and storm drainage would be provided in the 1988 budget year. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a replat of portions of Ellis Centre Phase I and Phase II located off High School Road. Couch pointed out that this application was basically to move a lot line and an easement to allow space in order to increase the building size on one of the lots. David Ellis of Ellis Companies addressed the Commission and explained that the property owner wanted to expand his business and expand his number of employees and that he could not do this with the lot line where it was currently located. Smith pointed out that where Phase I ended and Phase II began had been the developer's decision to begin with. Ellis stated that the easement could be relocated by moving it approximately 41 ft. north of its present location. Sinclair made a motion to

approve the replat. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then discussed and considered approval of a revised site plan for the Quick Lube to be located on Ridge Road. Couch pointed out that the application was in an effort to save a large tree that was located in the middle of the driveway as it was currently site planned. She stated that the applicant's proposal was to allow two drives, a 20 ft. entry and a 25 ft. exit separated by 30 ft., and making these drives one way. She explained that the Commission could limit the drives to 15 ft. each to insure they would be utilized as one way drives. She also stated that in order to prevent the 30 ft. separation from becoming additional parking the Commission could require the applicant to install a culvert, landscaping it to prevent the area from becoming one large driveway should the tree die. After further discussion, Sinclair made a motion to approve the revised site plan for the Quick Lube with the condition that if technically possible and approved by the State, a culvert would be installed all the way between both drives and that this area be landscaped and curbed. McCall seconded the motion. The Commission then briefly discussed whether or not to require limiting the drives to 15 ft. in width. The motion was voted on and passed, with all voting in favor except Seligman, who voted against the motion.

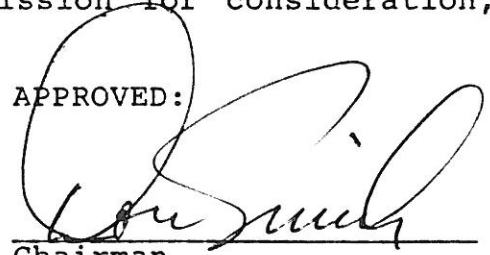
The Commission then reviewed and discussed SUP-7, a Specific Use Permit issued for miniwarehouses located on Yellowjacket Lane. Couch explained that the permit had been issued in 1978 for the site where Mitchell's Hardware building is located. She stated that although the original plan was to construct offices where the current building is located, nothing has been built in the area where the miniwarehouses were planned to go. Jim Mitchell, the property owner, addressed the Commission and explained that although he didn't have any immediate plans, he would like to retain the option to put in the miniwarehouses as he did still hope to develop a carwash. He stated that the property was in a landlocked situation surrounded on three sides in and no other use would be appropriate. Plagens pointed out that there was no provision in today's Zoning Ordinance for granting a Conditional Use Permit for miniwarehouses in a Commercial zoning classification. She stated that SUP-7 did necessitate public hearings. Plagens then made a motion to remand the SUP to City Council and recommended initiation of public hearings. Seligman seconded the motion. The motion was voted on and passed unanimously.

The next item on the Agenda, a possible overlay zoning district along certain areas of FM-740, was not reviewed. Couch stated that this item would be on the Work Session for discussion. She stated that if the Commission so chose, she could put it on the Agenda as an action item. The Commission voiced no objections to this.

Council stated that the applicants for Harbor Landing, Phase II had asked that the final plat be considered as an action item at the Work Session as well. The Commission did not favor this idea.

Smith also suggested that at the next meeting the Commission meet at 6:30 at the Work Session in order to do site tours. As there were no further items to come before the Commission for consideration, the meeting was adjourned.

APPROVED:



Chairman

ATTEST:

By \_\_\_\_\_



Agenda Notes

P&Z - 6/11/87

III. Public Hearings

A. P&Z 87-38-Z - Hold Public Hearing and Consider Amending, Modifying or Removing SUP-7 Issued for Miniwarehouses at Yellowjacket and SH-205

This is the public hearing review for SUP-7. This permit was granted in 1977 for miniwarehouses which have never been built. The property owner has indicated that although they have no plans to do anything at this time, they would like to retain this use for possible development in the future.

A location map and copy of the site plan is attached.

MINUTES OF THE PLANNING AND ZONING COMMISSION  
June 11, 1987

Chairman Don Smith called the meeting to order with the following members present: Leigh Plagens, Norm Seligman, Bill Sinclair and Hank Crumbley. The Commission first considered approval of the minutes of May 14th and May 28th. Sinclair pointed out a correction in the May 28th minutes. Seligman made a motion to approve both minutes with the name correction in the minutes of May 28th. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered amending, modifying or removing SUP-7, a specific use permit issued for miniwarehouses at SH-205 and Yellowjacket Lane. Assistant City Manager, Julie Couch explained the location of the property, the original approved site plan, and the development since the permit was approved. Bob Harper addressed the Commission and explained that he owned one section of the property and that Lee Mitchell owned the other portion. He stated that the economy had prevented expansion of the miniwarehouses and that the only access was from SH-205. He added that he bought the property three years ago as a result of a foreclosure. Lee Mitchell addressed the Commission and explained that miniwarehouses were the only choice in a landlocked situation. He also stated that a concrete drain had been and was slowly being filled with dirt to allow settlement for eventual development. Smith pointed out that the property would revert to the underlying commercial zoning if the permit were removed and that under the current zoning ordinance there wasn't a mechanism for allowing miniwarehouses in commercial zoning. The Commission discussed the apparent landlock situation, the two sources of access controlled by two separate owners and the necessity for the property to be platted prior to expansion. Seligman made a motion to limit the permit to undeveloped areas, to limit the permit to three years at which time it will be reviewed again by P&Z, and requiring a site plan at the time of development. Crumbley seconded the motion. Seligman clarified that the motion was to review the permit in three years, not automatically remove it. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Scott Bowman for a change in zoning from "C" Commercial to "LI" Light Industrial on a 5.7 acre tract of land located on I-30 west of FM-549 and approval of a site plan. Couch outlined the applicants request, proposed uses and planned improvements on the existing metal building. She added that the drives as proposed were only 127 feet apart and that the applicants were requesting a waiver to the 200 foot separation requirement. She also stated that the applicant proposed a future joint drive on the west side with the adjacent property. The drive as proposed would not, therefore meet the required 10 foot setback. Chuck Hodges, representing the applicant, explained additional

improvements including bricking the front, bricking 1/3 up on sides, adding a canopy and a security fence. Smith confirmed that parking met requirements and requested an earth tone baked enamel be painted over the blue. The Commission discussed permitted uses in light industrial, the joint drive and the non conforming status of the metal building. Seligman made a motion to approve the change in zoning and the site plan waiving the 200 ft. drive separation requirement and waiving the 10 ft. drive setback requirement on the west property line subject to this becoming a future joint drive and requiring an access easement. Sinclair seconded the motion. Seligman restated his motion to include a minimum 127 foot separation between drives. Sinclair 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 located on Washington at SH-66. Couch reviewed the background of the application and the permit under which the car wash was permitted. She outlined improvements made on the site plan at Council's request including a six foot masonry screen, photinias along the rear and additional landscaping. Mike Belt addressed the Commission and explained that the masonry wall would be at least 20 feet off the front property line to allow visibility for traffic exiting the cemetery. He added that insulated vacuums would reduce noise by 90 percent and that the equipment room would be on the opposite side from the cemetery. David Cook, co-applicant, added that the manufacturer of the vacuums had stated that the noise wouldn't carry more than 20 feet. Cook and Belt explained the bricked in trash and vacuum areas, the roof materials, the color of brick and the landscaping which was 10% more than required. The Commission discussed the height of stalls, florescent lighting and the berm in the rear. Seligman made a motion to approve the site plan/preliminary plat as presented with bricked in trash and vacuum areas, insulated vacuums, the masonry screen to begin 20 feet off the front property line and no waiver of escrow requirements. Plagens seconded the motion. The motion was voted on and passed unanimously.

Couch told the Commission that the next item, a site plan within the Bodin Industrial Addition had been withdrawn. The Commission then considered approval of a final plat for Harbor Landing Phase II. Couch stated that all necessary topographical information necessary had been received and that all changes had been made that were required on the preliminary plat. Smith explained that the additional document addressed heights as prescribed by an ordinance governing tract 1A in Chandlers Landing. Couch explained that staff had worked on the graph in conjunction with property owners to establish guidelines for future development. Van Hall, consulting engineer, stated that all requirements and recommendations by Council and P&Z had been met. Sinclair then made a motion to approve the final plat having reviewed the additional data supplied with regard to heights. Crumbley seconded the motion. The motion was voted on and passed unanimously.



The Commission then reviewed the proposed scenic overlay district, discussed changes in text and discussed the public hearing scheduled for the Planning and Zoning Commission on June 25th. Couch pointed out Council's recommended changes and Smith asked the staff to make copies of the district available at the hearing.

The Commission then discussed a revision to the Comprehensive Zoning Ordinance as it pertained to accessory buildings in residential areas. Couch explained some suggestions of Council which included tying down the accessory structure to the size of the main structure, putting one maximum size on portable and/or storage buildings and another maximum size on detached garages, placing a maximum size on all accessory buildings with a Conditional Use Permit provision for applicants who propose a structure in excess of the maximum size. The Commission discussed these options and also the possibility of limiting materials in accessory structures to the same percentage of materials in the main structure. Couch pointed out that with such a requirement greenhouses and certain other buildings wouldn't be allowed at all.

As there was no further business to come before the Commission, the meeting was adjourned.

Approved:

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Chairman

Attest:

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Secretary



MINUTES OF THE PLANNING AND ZONING COMMISSION  
June 11, 1987

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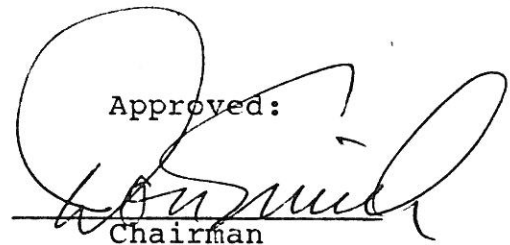
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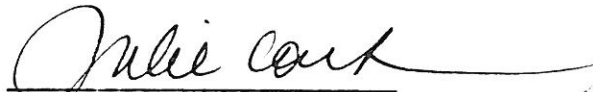
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Approved:  
  
Chairman

Attest:

  
Secretary



ORDINANCE NO. 87-43

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED, SO AS TO AMEND ORDINANCE 78-10, AMENDING A SPECIFIC USE PERMIT FOR MINIWAREHOUSES IN A "C" COMMERCIAL DISTRICT CLASSIFICATION ON A TRACT OF LAND DESCRIBED MORE FULLY HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING 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, Texas, as heretofore amended, be and the same is hereby amended by amending Ordinance No. 78-10, authorizing a Specific Use Permit for miniwarehouses in a "C" Commercial District classification on a tract of land described on Exhibit "A", by amending Section 1 to hereafter read as follows:

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, 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 Specific Use Permit for miniwarehouses in a "C" Commercial District Classification on a tract of land described on Exhibit "A", attached hereto and made a part hereof, subject to the following conditions:

A. The permit shall apply only to the area described in Exhibit "A".

B. The permit shall continue for a period of three years from the date of approval. If at the end of the three year time period, development has not occurred on the



site, the permit shall be reviewed by the Planning and Zoning Commission and City Council.

C. Prior to development of the site, a site plan shall be submitted for approval by the Planning and Zoning Commission and City Council.

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 by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, and as amended herein by the 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 subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, and as amended hereby, 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 4. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 6. 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 by the City Council of the City of Rockwall, Texas on the *3rd* day of *August* 1987 .

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_

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

EXHIBIT "A"

Being a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City and County of Rockwall, Texas, and being more particularly described as follows:

BEGINNING at the most easterly corner of the Rockwall Business Park Addition, an Addition to the City of Rockwall, Texas, as recorded in Volume 5, Page 35 of the Plat Records of Rockwall County, Texas;

THENCE S 45° 43' 02" W, a distance of 331.85 feet to a point for corner;

THENCE N 30° 38' 59" W, a distance of 307.30 feet to a point for corner;

THENCE N 45° 25' 32" E, a distance of 22.00 feet to a point for corner;

THENCE N 44° 42' 40" W, a distance of 23.50 feet to a point for corner;

THENCE N 45° 43' 02" E, a distance of 235.19 feet to a point for corner;

THENCE S 44° 42' 40" E, a distance of 322.26 feet to the point of BEGINNING, and CONTAINING 93,510 square feet or 2.1467 acres of land.

PUBLIC NOTICE

The Planning and Zoning Commission will hold a public hearing at 7:30 P.M. on June 11, 1987, in the Rockwall City Hall, 205 West Rusk, Rockwall, Texas, to consider amending, modifying, or removing Specific Use Permit Number 7, located on Yellowjacket Lane and SH-205 issued for miniwarehouses as further described in Exhibit "A".

As an interested property owner, you may wish to attend this meeting or notify the Commission in writing of your feeling in regard to this matter.

PUBLIC NOTICE

The Rockwall City Council will hold a public hearing at 7:00 P.M. on July 6, 1987, in the Rockwall City Hall, 205 West Rusk, Rockwall, Texas, to consider amending, modifying, or removing Specific Use Permit No. 7, located on Yellowjacket Lane and SH-205 issued for miniwarehouses as further described in Exhibit "A".

As an interested property owner, you may wish to attend this meeting or notify the Council in writing of your feeling in regard to this matter.



PLANNING AND ZONING ACTION SHEET

Applicant \_\_\_\_\_ Case No. 87-38-2  
 Property Description SH-205 / yellow jacket  
 Case Subject Matter Modify / Amend / Renewe SDP 7  
issued for mini warehouses

CASE ACTION

|  | <u>Approved</u> | <u>Disapproved</u> | <u>Tabled</u> |
|--|-----------------|--------------------|---------------|
| Date to P&Z <u>June 11</u>   | <u>X</u>        |                    |               |
| Conditions <u>continue SDP, review in 3 yrs, continue</u><br><u>only on undeveloped portion, submit site</u><br><u>plan at time of development</u> |                 |                    |               |
| Date to City Council <u>July 6</u>   | <u>X</u>        |                    |               |
| Conditions _____   |                 |                    |               |
| Ordinance no. _____  |                 |                    | Date _____    |

ITEMS IN FILE

| <u>Zoning Cases</u>  | <u>Plat/Site Plan Cases</u>                  |
|--|--|
| <input type="checkbox"/> Application                           | <input type="checkbox"/> Application         |
| <input checked="" type="checkbox"/> Site Plan                  | <input type="checkbox"/> Filing Fee          |
| <input type="checkbox"/> Filing Fee                            | <input type="checkbox"/> Plat/Plan           |
| <input checked="" type="checkbox"/> Notice to Paper            | <input type="checkbox"/> Engineer's Review   |
| <input checked="" type="checkbox"/> Notice to Residents        | <input type="checkbox"/> Consultant's Review |
| <input checked="" type="checkbox"/> List of Residents Notified | <input type="checkbox"/> Agenda Notes        |
| <input checked="" 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                    | <input type="checkbox"/> Applicant Receipts  |
| <u>87-43</u> <input type="checkbox"/> Ordinance                |  |
| <input checked="" type="checkbox"/> Correspondence             |  |
| <input type="checkbox"/> Applicant Receipts                    |  |