

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 87-45-7 Filing Fee \$197.00 Date 6-22-87

Applicant L. Sanders Thompson, III Phone 922-8700

Mailing Address 750 NORTH ST. PAUL, SUITE 400, LB 20 DALLAS, TX 75201

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

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

SF 10 District Classification

to PD to SF 7 standards with District Classification

for the following reasons: (attach separate sheet if necessary)

SF-10 minimum house size

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

Status of Applicant: *Owner Tenant _____ Prospective Purchaser _____

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

*** OWNER REPRESENTATIVE**

Signed L. Sanders Thompson

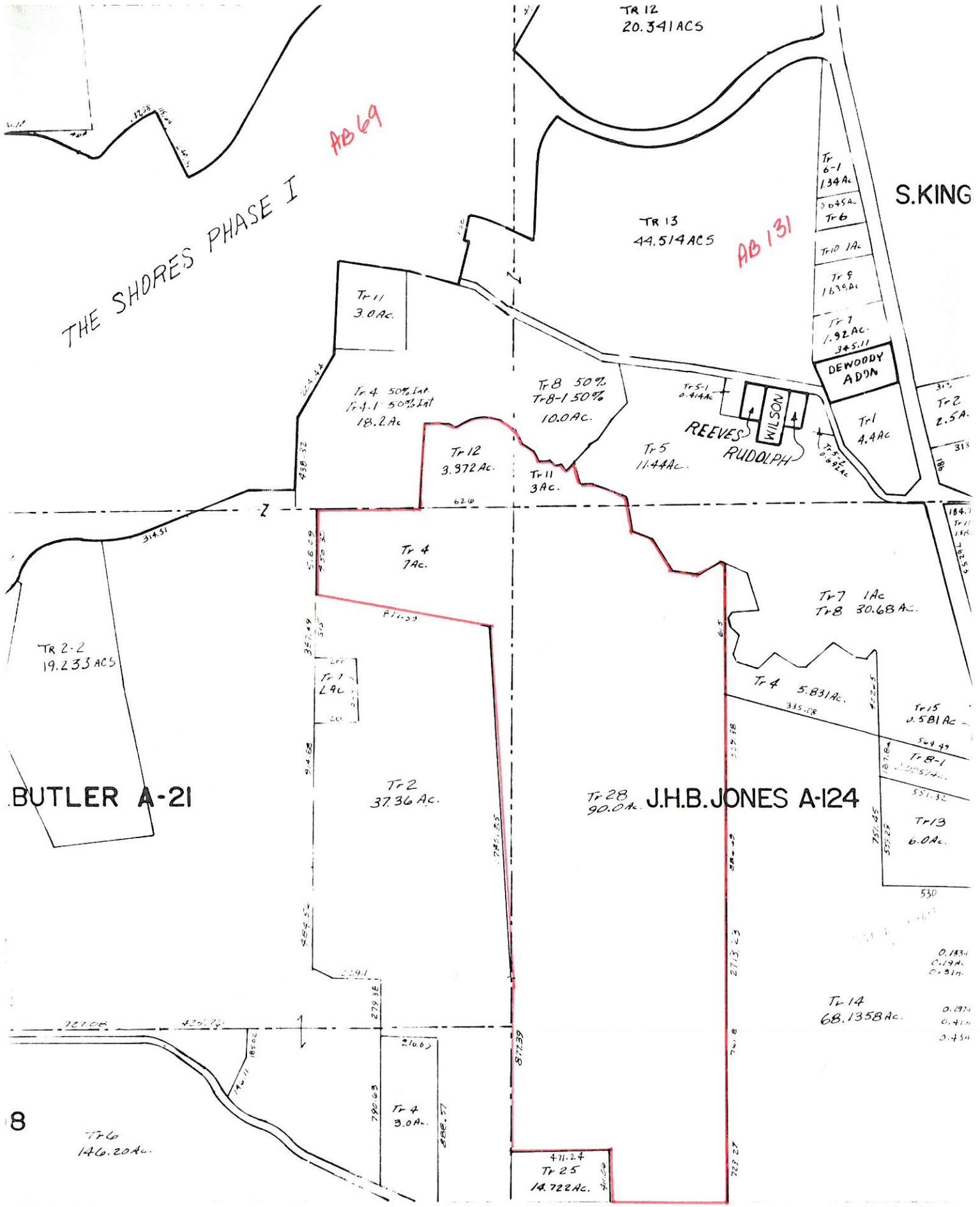
NOTE: The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each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

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

CERTIFICATE

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

Surveyor or Attorney for Applicant
(Mark out one)



THE SHORES PHASE I

AB 69

AB 131

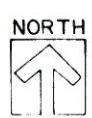
S.KING

BUTLER A-21

J.H.B. JONES A-124

8

2-3



ROCKWALL COUNTY AP

EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land situated in the J.H.B. Jones Survey, Abstract No. 124, the Nathan Butler Survey, Abstract No. 21, the Thomas Dean Survey, Abstract No. 69, and the Samuel King Survey, Abstract No. 131, Rockwall County, Texas, and being that tract of land referred to as Tract 2 in Deed of Trust from L.S. Thompson to J. Percival, et al, recorded in Volume 24, Page 117, Deed of Trust Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set in the center of a County Road and at the Southeast corner of said Tract 2, said iron rod bears South 0° 03' 22" East a distance of 25.23 feet from an iron rod found at the Southwest corner of that tract of land designated as Tract A and conveyed to Bob Coats from Capital BancShares, by Warranty Deed executed April 18, 1984;

THENCE: South 88° 30' 50" West a distance of 571.54 feet along the center of said County Road to an iron rod set for the most Southerly Southwest corner of said Tract 2;

THENCE: North 2° 12' 05" West a distance of 411.06 feet along a fence line to a fence corner post for a corner;

THENCE: South 89° 59' 39" West a distance of 469.61 feet along a fence line to a fence corner post for a corner;

THENCE: North 2° 02' 08" West a distance of 877.39 feet along a fence line to an iron rod set for a corner;

THENCE: North 3° 05' 11" West a distance of 1760.85 feet continuing generally along said fence line to an iron rod set for a corner near a fence corner;

THENCE: North 80° 08' 31" West a distance of 873.40 feet along a fence line to an iron rod found for a corner at the most Northerly Southwest corner of said Tract 2;

THENCE: North 1° 33' 32" West a distance of 449.41 feet to an iron rod found for a corner at a fence corner and at the most Westerly Northwest corner of said Tract 2;

THENCE: North 89° 54' 16" East a distance of 529.12 feet along a fence line to an iron rod set for a corner near a fence corner post;

THENCE: North 4° 11' 25" East a distance of 391.83 feet along a fence line to the center of Squabble Creek;

THENCE: Along the meanders of Squabble Creek as follows:

South 86° 34' 02" East a distance of 185.60 feet;

North 57° 04' 58" East a distance of 142.00 feet;

South 78° 59' 02" East a distance of 114.00 feet;

South 17° 41' 02" East a distance of 160.00 feet;

South 65° 59' 02" East a distance of 231.00 feet;

South 35° 12' 02" East a distance of 95.50 feet;

South 89° 59' 02" East a distance of 130.00 feet;

South 69° 14' 02" East a distance of 175.00 feet;

South 09° 52' 02" East a distance of 171.00 feet;

South 69° 50' 02" East a distance of 107.50 feet;

South 34° 37' 02" East a distance of 188.00 feet;

South 82° 23' 02" East a distance of 136.00 feet;

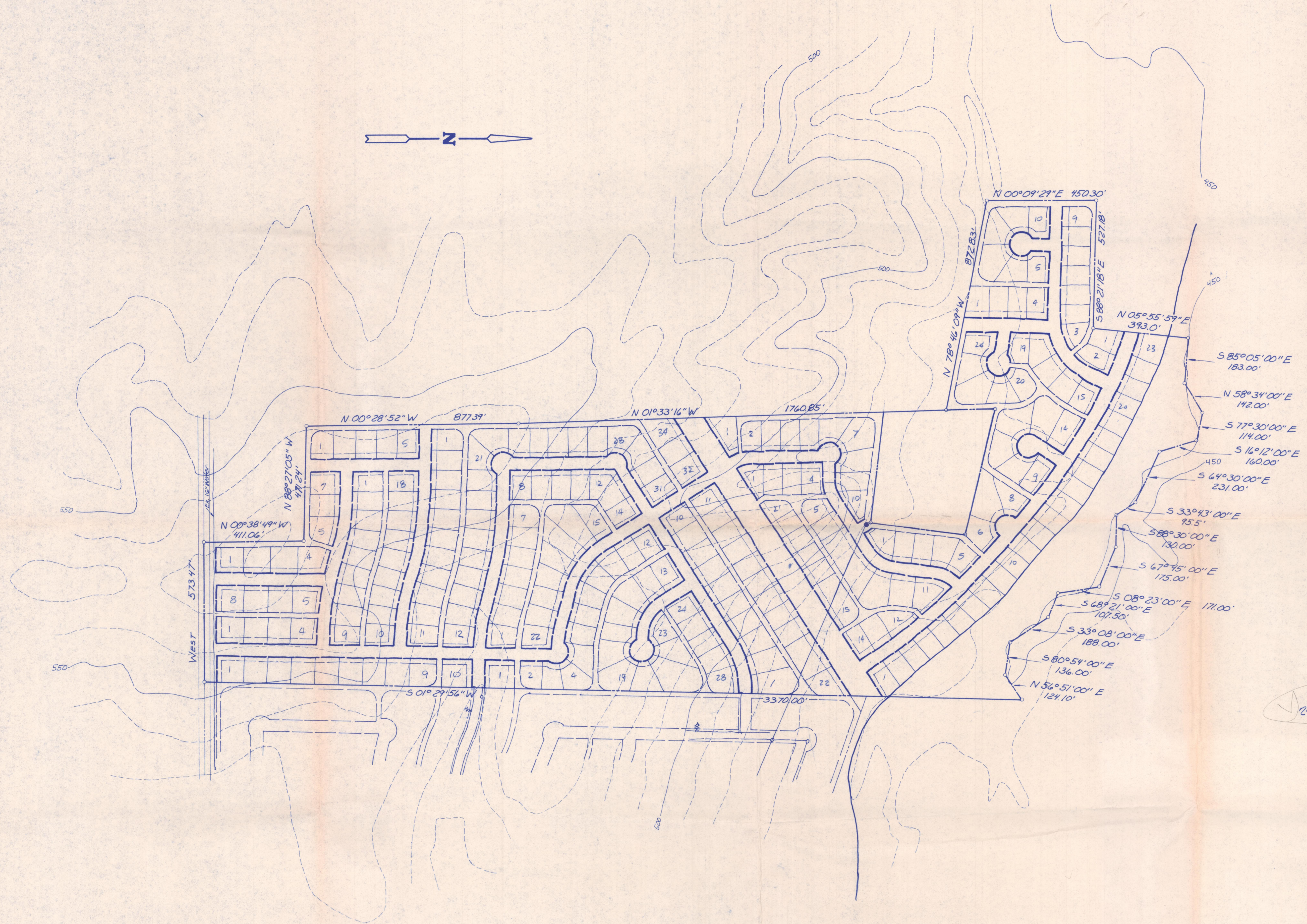
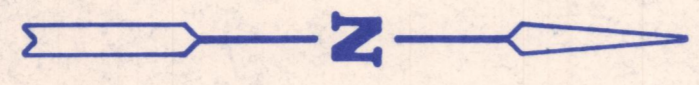
North 55° 54' 16" East a distance of 123.29 feet to the Northeast corner of said Tract 2;

THENCE: South 0° 21' 49" West, passing at 24.5 feet an axle found in a fence, and passing at 633.67 feet the Northwest corner of the previously mentioned Tract A conveyed to Bob Coats and continuing a total distance of 973.05 feet along a fence line to an iron rod found for a corner;

THENCE: South 0° 25' 57" East a distance of 886.69 feet along a fence line to an iron rod found for a corner;

THENCE: South 0° 09' 36" West a distance of 761.80 feet along said fence line to an iron rod for a corner;

THENCE: South 0° 03' 22" East a distance of 748.50 feet along said fence line to the Point of Beginning and Containing 103.212 Acres of Land, including 29.570 Acres of Land contained within easements for a sanitary sewage treatment plant site and related facilities, roads, and 100-Year flood plain.

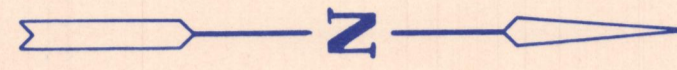


251 LOTS SF-10

HAROLD L. EVANS
CONSULTING ENGINEER
2331 GUS THOMASSON RD. SUITE 102
DALLAS, TEXAS 75228
PHONE (214) 328-8133

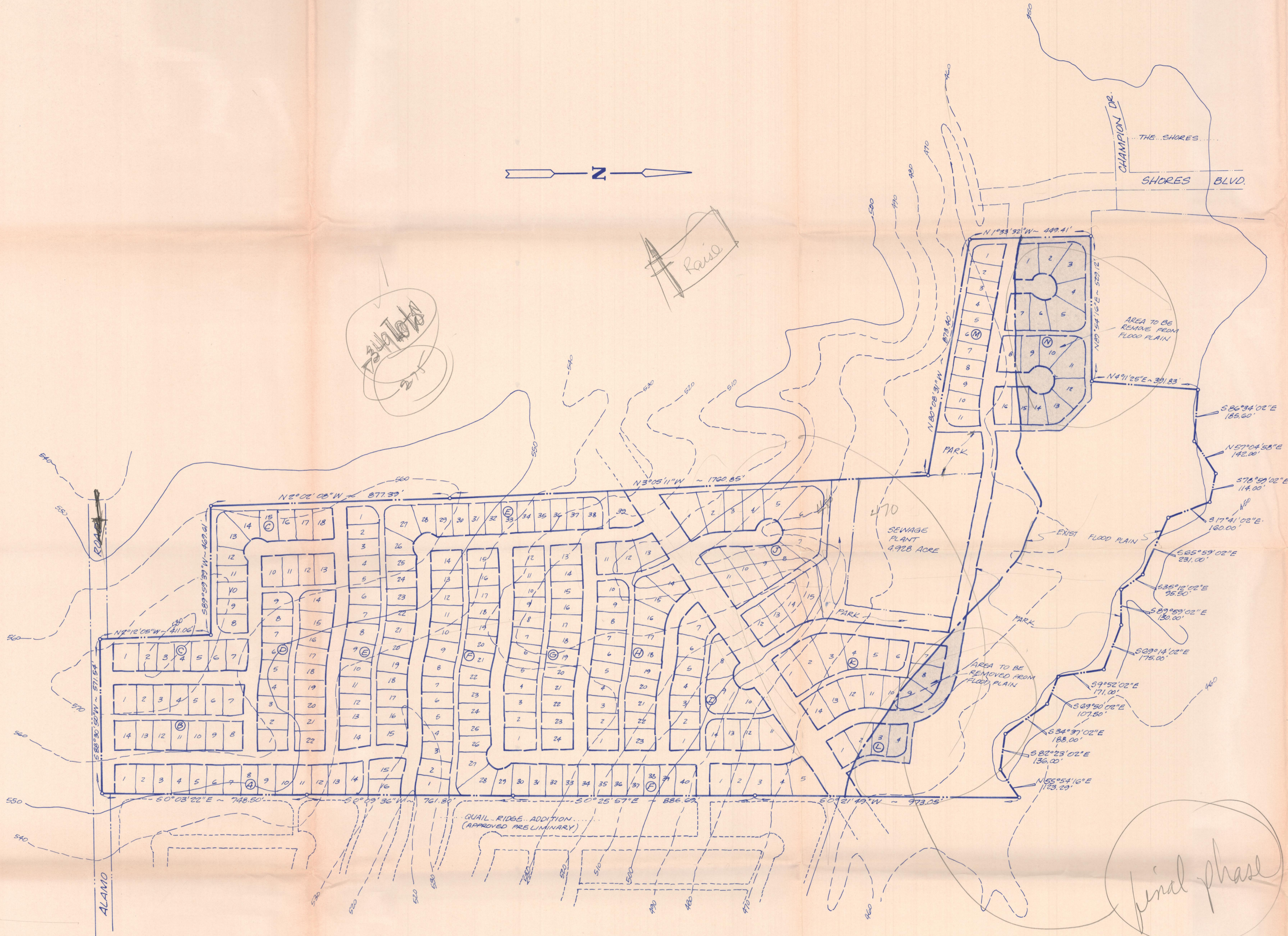
SCALE	DATE	JOB NO.
1"=200'	8-1-84	84179

PRELIMINARY PLAT
L. SANDERS THOMPSON III
CITY OF ROCKWALL
ROCKWALL COUNTY, TEXAS



Handwritten note: *Raise*

Handwritten note: *275*



TOTAL LAND AREA 103.212 ACRES
 PARK OR FLOOD PLAIN - 21.900 ACRES
 NET 81.312 ACRES
 TOTAL LOTS 275
 LOTS PER ACRE 3.38

Handwritten note: *final phase*

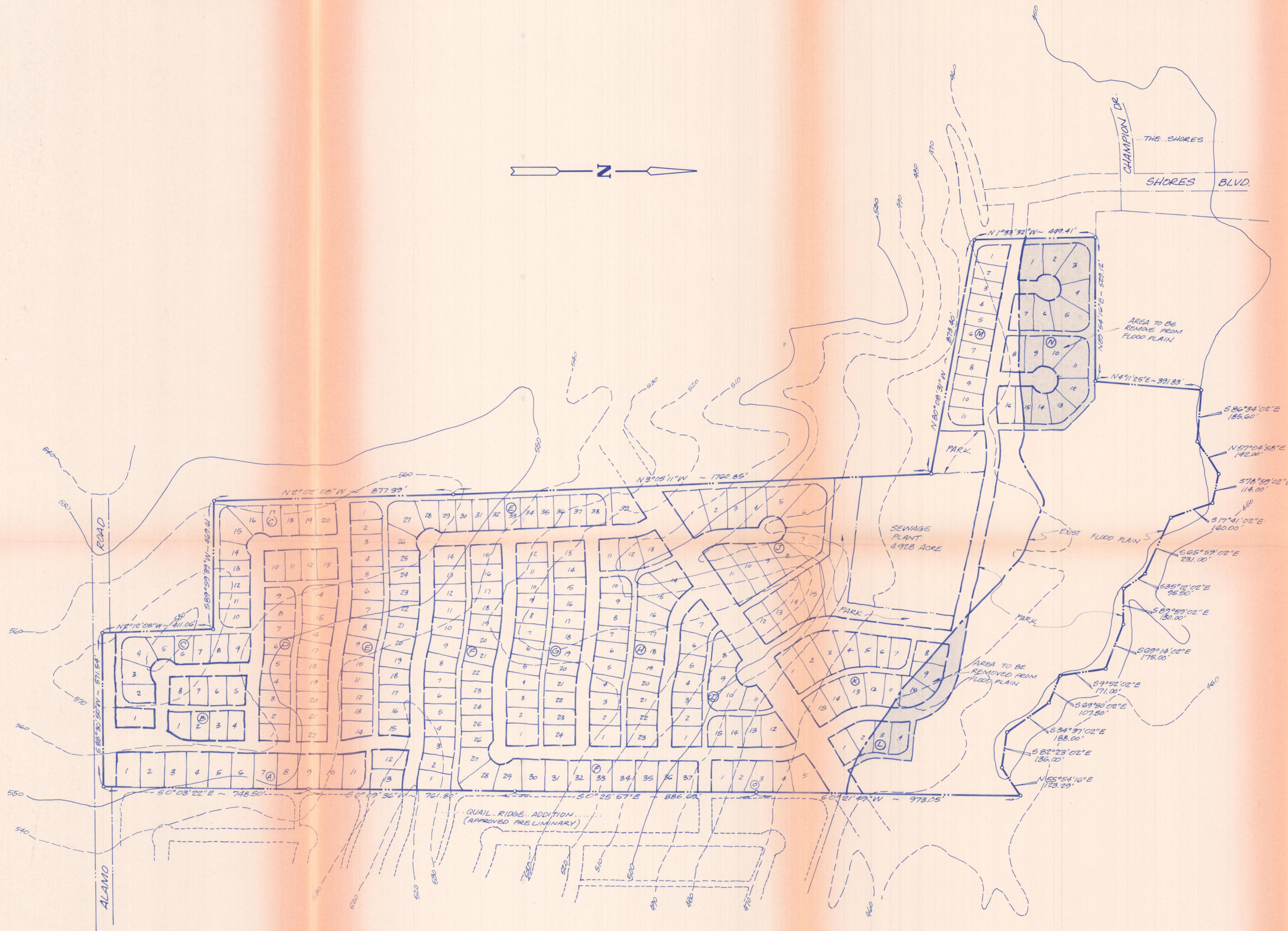
Impact on Density
 Define Discretion
 Alignment of Street
 PHASING
 Parks

Handwritten note: *1500*

Handwritten note: *B.M.*

lot (SUBMISSION)

REVISION DESCRIPTION				DATE	SCALE	DESIGN	DRAWN	HAROLD L. EVANS & ASSOCIATES Consulting Engineers P. O. Box 28355 2331 Gus Thomasson Road, Suite 102 Dallas, Texas 75228 (214) 328-8133	SITE PLAN 103.212 ACRES TRACT FOR L. SANDERS THOMPSON CITY OF ROOKWALL, ROCKWALL COUNTY, TEXAS	SHEET NO. 1 / 1 JOB NO. 84179
				6-24-87	1" = 200'	FN	FN			

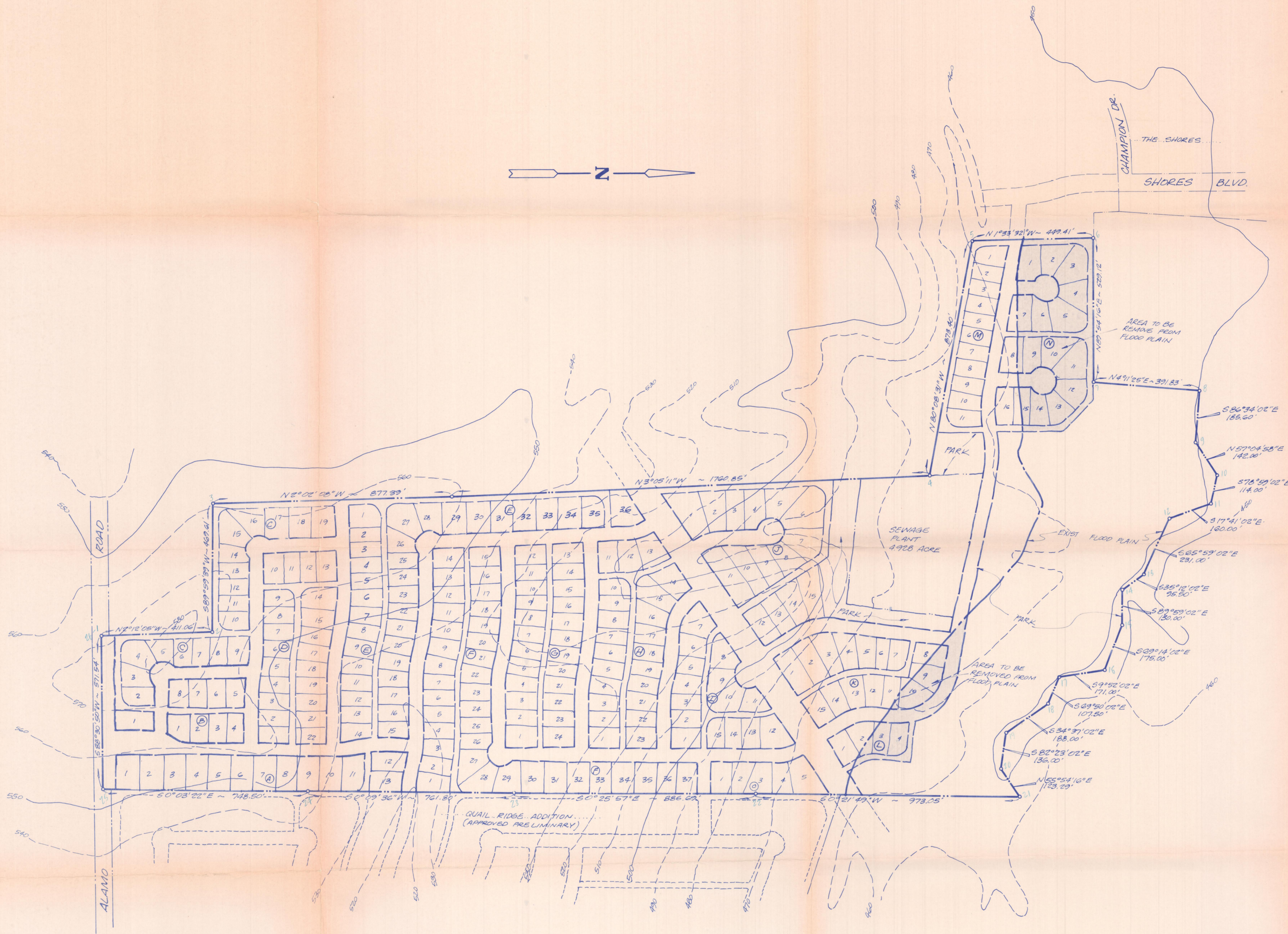


TOTAL LAND AREA 103.21 ACRES
 PARK OR FLOOD PLAIN LESS 26.80 ACRES
 NET 76.41 ACRES
 TOTAL LOTS 267
 LOTS PER ACRE 3.49

NOTE: LOT COUNT REQUEST
 IS 267 MIN. 275 MAX.

Incl (SUBMISSION)

REVISION DESCRIPTION		DATE	SCALE	DESIGN	DRAWN	SITE PLAN 103.212 ACRES TRACT FOR L. SANDERS THOMPSON CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS	SHEET NO. 1 / 1 JOB NO. 84179
REVISED BLK'S A,B,C,F,I,K		9-18-87	1"=200'	FN	FN		
HAROLD L. EVANS & ASSOCIATES Consulting Engineers P. O. Box 28355 2331 Gus Thomasson Road, Suite 102 Dallas, Texas 75228 (214) 328-8133							



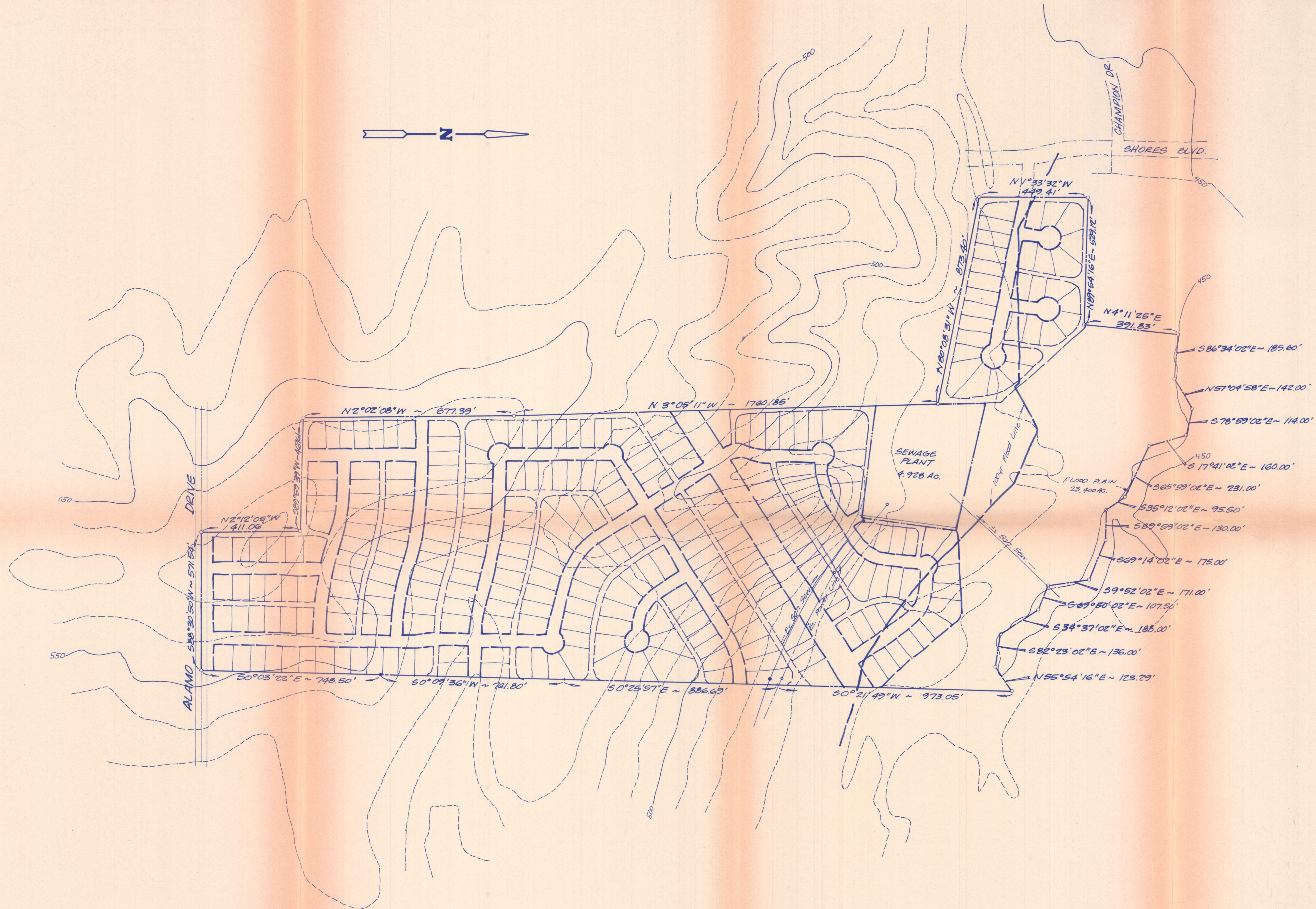
TOTAL LAND AREA 103.21 ACRES
 PARK OR FLOOD PLAIN LESS 26.80 ACRES
 NET 76.41 ACRES
 TOTAL LOTS 262
 LOTS PER ACRE 3.43

NOTE: LOT COUNT REQUEST
 IS 262 MIN. 275 MAX.

3rd (SUBMISSION)

APPROVED SITE PLAN

HAROLD L. EVANS & ASSOCIATES Consulting Engineers P. O. Box 28355 2331 Gus Thomasson Road, Suite 102 Dallas, Texas 75228 (214) 328-8133				SITE PLAN 103.212 ACRES TRACT FOR L. SANDERS THOMPSON CITY OF ROOKWALL, ROCKWALL COUNTY, TEXAS		SHEET NO. 1 / 1
REVISION DESCRIPTION REVISED BLK'S A,B,C,F,I & K		DATE 6-24-87	SCALE 1" = 200'	DESIGN PN	DRAWN PN	JOB NO. 84179



Bill Maehr

Sanders Thompson

HAROLD L. EVANS CONSULTING ENGINEER 2331 GUS THOMASSON RD. SUITE 102 DALLAS, TEXAS 75228 PHONE (214) 328-8133			LAND STUDY 103.212 ACRE TRACT FOR L. SANDERS THOMPSON III CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS	
SCALE	DATE	JOB NO.		
1" = 200'	6-19-87	84179		

EXHIBIT A

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- North $57^{\circ} 04' 58''$ East a distance of 142.00 feet;
- South $78^{\circ} 59' 02''$ East a distance of 114.00 feet;
- South $17^{\circ} 41' 02''$ East a distance of 160.00 feet;
- South $65^{\circ} 59' 02''$ East a distance of 231.00 feet;
- South $35^{\circ} 12' 02''$ East a distance of 95.50 feet;
- South $89^{\circ} 59' 02''$ East a distance of 130.00 feet;
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- South $09^{\circ} 52' 02''$ East a distance of 171.00 feet;
- South $69^{\circ} 50' 02''$ East a distance of 107.50 feet;
- South $34^{\circ} 37' 02''$ East a distance of 188.00 feet;
- South $82^{\circ} 23' 02''$ East a distance of 136.00 feet;
- North $55^{\circ} 54' 16''$ East a distance of 123.29 feet to the Northeast corner of said Tract 2;

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THENCE: South $0^{\circ} 03' 22''$ East a distance of 748.50 feet along said fence line to the Point of Beginning and Containing 103.212 Acres of Land, including 29.570 Acres of Land contained within easements for a sanitary sewage treatment plant site and related facilities, roads, and 100-Year flood plain.

MEMORANDUM
July 31, 1987

We have received a request from Sanders Thompson for a zone change from "SF-10" to "PD" for single family meeting the "SF-7" area requirements but within a 1,500 sq. ft. minimum house size and approval of a preliminary plan on 103 acres north of Alamo Road, between SH-205 and The Shores. The tract is bounded on the north by Squabble Creek and Alamo Road to the south. The property on both sides of the tract are undeveloped and are zoned "SF-10". The Squabble Creek sewage treatment plant is also located in the north portion of this tract.

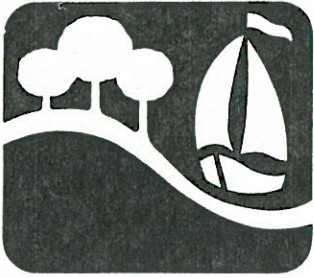
The primary issue with this application is whether or not you wish to change the minimum lot size in this area from 10,000 sq. ft. to 7,000 sq. ft. Because the property is bounded by two undeveloped tracts, it is not unlikely that we will receive other requests to down-size some lots. "SF-7" zoning is the zoning that exists in Harris Heights. The Land Use Plan shows single family in this area but it does not attempt to differentiate between zoning classifications. They are asking for PD zoning in order to keep the minimum house size at 1,500 sq. ft. which is the minimum in "SF-10".

If the Council wishes to approve this request there are several items that should be included in a PD ordinance including the following:

1. The dedication of the park area including the flood plain shown on the preliminary plan should be finalized prior to approval of a plat in the PD.
2. Prior to a plat approval a detailed alignment study should be completed on the location of Lakeshore Drive.
3. Prior to a plat approval a traffic analysis should be completed to determine the level of access necessary to serve the development.
4. Prior to a plat approval a phasing plan should be submitted on the entire development, if completion is planned in phases.

Attached is a location map of the site, and a copy of their preliminary plan which shows their basic concept.

The Planning and Zoning Commission has recommended approval with all of the above conditions and also including a condition that no more than 275 units may be built on the site.



CITY OF ROCKWALL
"THE NEW HORIZON"

June 23, 1987

Mr. L. Sanders Thompson
750 North St. Paul
Suite 400, LB 20
Dallas, TX 75201

Dear Mr. Thompson,

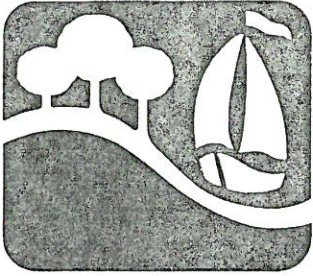
Your application and filing fee have been received for your request for a change in zoning from "SF-10" to "PD" Planned Development with SF-7 area requirements and a 10,000 square foot minimum lot size. Your request is scheduled to be considered by the Planning and Zoning Commission at a public hearing on July 9th at 7:30 P.M. in City Hall, 205 West Rusk.

Please call me if you have any questions.

Sincerely,

Mary Nichols
Assistant City Secretary

MN/ss



CITY OF ROCKWALL

"THE NEW HORIZON"

July 14, 1987

Mr. L. Sanders Thompson
750 North St. Paul
Suite 400 LB 20
Dallas, Texas 75201

Dear Mr. Thompson:

On July 9, 1987, the Planning and Zoning Commisison recommended approval of a change in zoning from "SF-10" to "PD" Planned Development meeting "SF-7" area requirements on 98 acres located north of North Alamo Road subject to the following conditions:

- 1) a maximum of 275 units
- 2) prior to platting, dedication of area surrounding the sewer treatment plant and flood plain indicated as park area
- 3) prior to platting, a determination regarding the final alignment of North Lakeshore Drive
- 4) prior to platting, submittal of a phasing plan.

The City Council will hold a public hearing and consider approval of the change in zoning on August 3rd at 7:00 P.M. in City Hall, 205 West Rusk. Please provide seven (7) additional copies of the development plan reviewed by the Planning and Zoning Commission no later than Friday, July 31st for Council review.

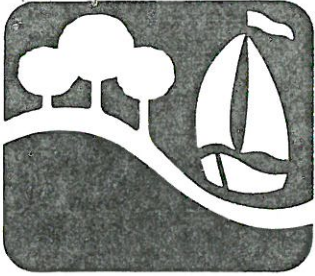
Please call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

CC: Harold Evans
MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

August 5, 1987

Mr. Sanders Thompson
750 North Saint Paul
Suite 400, LB 20
Dallas, Texas 75201

Dear Mr. Thompson:

On August 3, 1987, the Rockwall City Council tabled consideration of your request for a change in zoning from "SF-10" to "PD" on 97 acres located north of Alamo. The public hearing will be continued on August 17, 1987, at 7:00 P.M. in City Hall, 205 West Rusk.

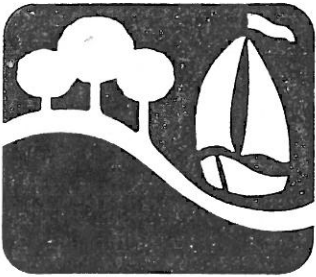
Please call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

CC: Harold Evans
MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

August 19, 1987

Mr. Sanders Thompson
750 North Saint Paul
Suite 400, LB 20
Dallas, Texas 75201

Dear Mr. Thompson:

As you requested, the Rockwall City Council has scheduled a Work Session to review your request for a change in zoning on 97 acres located north of Alamo. This meeting has been scheduled for Monday, August 24th at 7:00 P.M. in City Hall, 205 West Rusk.

Please call me if you have any questions.

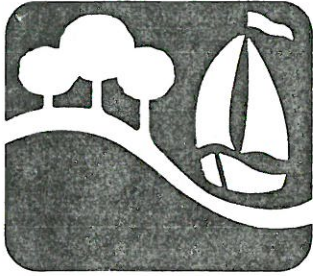
Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp

cc/Harold Evans



CITY OF ROCKWALL
"THE NEW HORIZON"

September 11, 1987

Mr. Sanders Thompson
750 North St. Paul
Suite 400, LB 20
Dallas, TX 75201

Dear Mr. Thompson,

Per your request, the City Council scheduled a Work Session to review your proposed zone change from "SF-10" to "PD," on approximately 97 acres located North of Alamo. This meeting is scheduled for Monday, September 14 at 7:00 P.M. in City Hall.

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

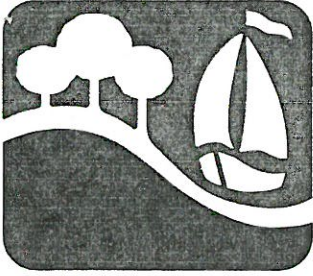
Sincerely,

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

Mary Nichols
Assistant City Secretary

MN/ss

cc Harold Evans
P.O. Box 28355
Dallas, TX 75238



CITY OF ROCKWALL

"THE NEW HORIZON"

September 25, 1987

Mr. Sanders Thompson
750 N. Saint Paul
Suite 400, LB20
Dallas, TX 75201

Dear Mr. Thompson,

On September 21, 1987, the Rockwall City Council approved a change in zoning from "SF-10" Single Family to "PD" Planned Development on approximately 98 acres located north of Alamo with the following conditions:

1. a 1500 sq. ft. minimum dwelling size
2. meeting "SF-7" zoning area requirements
3. a minimum of 262 lots with the number and percentage of lots over 10,000 square feet as shown on the site plan
4. a maximum of 275 lots
5. 50% of any number of lots over 262, will be over 8,000 square feet
6. prior to platting, dedication of area surrounding the sewer treatment plant and flood plain indicated as park area
7. prior to platting, determination regarding the final alignment of North Lakeshore Drive
8. prior to platting, submittal of the phasing plan if development is planned in phases

An ordinance authorizing the zone change will be read at two separate meetings of the Council on October 5th and October 19th. The zoning will be finalized upon approval of the ordinance on second reading.

Please call me if you have any questions.

Sincerely,

Mary Nichols
Assistant City Secretary

cc: Harold Evans
205 West Rusk

Rockwall, Texas 75087

(214) 722-1111

MINUTES OF THE PLANNING AND ZONING COMMISSION
July 9, 1987

Vice Chairman Norm Seligman called the meeting to order with the following members present: Bill Sinclair, Hank Crumbley, and Tom Quinn.

The Commission first considered approval of the minutes of June 11 and 25, 1987. Crumbley made a motion to approve the minutes. Sinclair seconded the motion. The motion was voted on and passed unanimously.

Seligman then opened a public hearing and the Commission considered approval of a revision in the preliminary plan for PD-8, Chandlers Landing to amend the zoning from "TH" Townhouse to "ZL" Zero Lot Line on four lots located in Phase 17. Assistant City Manger Julie Couch explained that the Frates Company proposed to change the current Townhouse designation on these four lots to Zero Lot Line designation generally meeting the same criteria as Phase 18 which is adjacent to this area with the exception that the lots would be 5,000 sq. ft. as opposed to 4,000 sq. ft. W. P. Whitmore addressed the Commission and explained that although he was not opposed to the request, he was concerned with about the maximum height allowed. Couch explained that the ordinance as written prescribed a 30 ft. maximum height. Larry Walker, representing the applicant, explained the request pointing out that the zero lot line would be located on the northern lot lines to provide at least ten feet between each building and the southern lot line. Marvin Patsy addressed the Commission and explained that he owned property on Lot 5 adjacent to these lots and that he was concerned about inadequate drainage that caused standing water at the end of his lot. Mrs. Patsy confirmed that the standing water existed for some time and caused mosquitoes, fleas and even snakes to swarm in this area. Harold Evans, Consulting Engineer, stated that although he had been unaware of the problem, he would have someone investigate it. As there was no one else wishing to address the Commission with regard to this matter, the public hearing was closed. Quinn then made a motion to recommend approving the revision in the preliminary plan for PD-8 to amend the zoning from Townhouse to Zero Lot Line on Lots 1 through 4 located in Phase 17. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a replat of four lots located in Phase 17, Chandlers Landing. After discussion with regard to lot size, Sinclair made a motion to approve the replat with the zero lot line being located on the opposite side from that which was indicated on the plat. Crumbley 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 L. Sanders Thompson for a change in zoning from "SF-10" Single Family to "PD" Planned Development

meeting "SF-7" area requirements and including a minimum 1,500 sq. ft. dwelling size. Couch explained the location of the property, the applicant's request, and pointed out several items that needed to be included in the PD ordinance if the Commission recommended approval of the request. She pointed out that 23 acres of flood plain were planned for parkland dedication and that as the property was bounded by two undeveloped tracts, it was not likely that the City would receive other requests for downgrading lot sizes within the area. Harold Evans explained that the two items considered when developing the concept plan were 1) the sewage treatment plant and 2) the amount of flood plain on this tract. He explained that by reducing the lot size to 7,000 sq. ft. he had reduced the number of lots from 347 lots at 10,000 sq. ft. to 275 lots at 7,000 sq. ft. Sanders Thompson pointed out that with "SF-7" lot sizes he had been able to provide more greenbelt around the sewage treatment plant and more flood plain. He explained that in an "SF-10" lot size he could build up lots within the flood plain, thus enabling him to create more lots. He stated that he was unable to do this with "SF-7" lots as smaller lots could not absorb the cost, and that "SF-7" lots would be more easily sold than "SF-10" lots due to the proximity of the sewer treatment plant. The Commission discussed the proximity of the treatment plant, whether or not adequate buffering would be provided, the need for some "SF-7" housing in Rockwall, and limiting the development to a maximum of 275 lots. The public hearing was closed. After further discussion, Quinn made a motion to recommend approval of the change in zoning and the preliminary plan subject to the following conditions:

- 1) The PD would meet "SF-7" area requirements and permitted uses.
- 2) It would retain a minimum 1,500 sq. ft. dwelling size.
- 3) It would contain a maximum of 275 units.
- 4) The dedication of park area including the flood plain shown on the preliminary plan should be finalized prior to approval of a plat in the PD.
- 5) Prior to plat approval the a detailed alignment study on the location of Lakeshore Drive would be completed.
- 6) Prior to plat approval a phasing plan would be submitted on the entire development if completion is planned in phases.
- 7) A traffic analysis to determine the level of access necessary to serve the development would be completed prior to plat approval.
- 8) Requiring the area north of the sewer treatment plant to be the last section developed.

Crumbley seconded the motion. Harold Evans pointed out that if adjacent property off Lakeshore Drive was the first property in the

area to begin developing, Thompson may wish to develop the north section of his property first. Seligman pointed out that while it may be better to start developing from the south at Alamo, the applicant should not necessarily be required to develop the north section by the treatment plant last. After further discussion, Quinn offered an amendment to his motion to delete the requirement prescribing the north section was to be developed last. Sinclair seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from John Crow for a Conditional Use Permit for a private club to be located at the Gridiron Restaurant in Rockwall Village Shopping Centre. Couch pointed out recent changes that had been made in the ordinance prescribing conditions for issuance of private clubs and further explained that under the revised ordinance Mr. Crow's restaurant would meet all requirements. Michael Crouch, of Carlisle Development, explained that the floor plan the Commission received was basically two separate restaurants, sharing the same restroom and kitchen facilities. He explained that the Gridiron was the restaurant they were requesting the permit for, while the other restaurant, Checkers, was geared more toward young people and quick meals for customers possibly coming from the movie theater. John Crow explained that in his many years in the restaurant business he had never received a complaint connected with alcohol, nor had he ever had to remove a customer as a result of too much alcohol consumption. As there was no one else wishing to address the Commission with regard to this matter, the public hearing was closed. Quinn then made a motion to recommend approval of the Conditional Use Permit as it met all requirements for a private club. Crumbley 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 TU Electric for a Conditional Use Permit for a structure exceeding 36 ft. in height to allow a radio antenna. Couch explained that the applicant's proposal was to return the antenna to its original location at 1101 Ridge Road adjacent to the Cameron Building located within the Ridge Road Shopping Center. She explained that the property was located within a PD with a designation of General Retail zoning and that the maximum height in General Retail was 60 ft., although anything over 36 ft. required a Conditional Use Permit. Gary Johnson, of TP&L, explained that prior to the opening of the new service area on Kristy Lane the antenna had been located adjacent to the Cameron Building. He explained that until recently Rockwall had been a sub-office of Terrell, but a merge with Garland was eliminating the need for a Rockwall Service Center as Rockwall would be utilizing the Garland facilities and merging with the Garland workforce as well. He explained that while this would improve service, the Rockwall radio antenna would need to be moved closer towards Garland, signals would be inadequate from Kristy Lane. He proposed

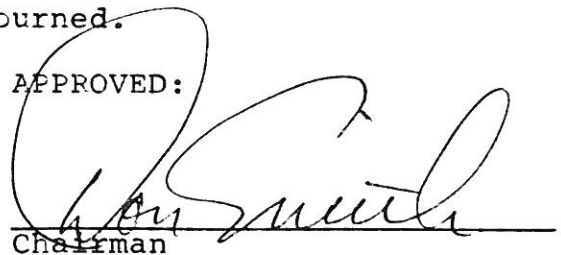
that if the 55 ft. high antenna were returned to its original location, it would be painted to match the Cameron Building. As there was no one else wishing to address this matter, the public hearing was closed. Sinclair made a motion to recommend approval of the Conditional Use Permit. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a site plan for Aircraft Ducting located within the Bodin Industrial Park on I-30. Couch explained that the original site plan did not have adequate parking, but that the applicant had since revised the plan to provide additional parking and had widened the drive off I-30. The Commission discussed the location of easements, the location of existing power, and confirmed that the extension to the rear would still meet landscaping requirements. After further discussion, Crumbley made a motion to approve the site plan as submitted. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then discussed requirements for accessory buildings in residential areas. Couch reviewed with the Commission the current requirements as outlined in the Zoning Ordinance and four possible alternatives for amending the Zoning Ordinance. The alternative most extensively discussed allowed one detached garage not exceeding 15 ft. in height or 900 sq. ft. as an accessory to a residential use and containing the same materials, not necessarily glass, as found on the main structure. It provided for not more than three accessory buildings not exceeding 15 ft. in height or 225 sq. ft. each as an accessory to a residential use on the same lot. It provided the exterior covering contains only the materials found on the main structure. It provided for greenhouses not exceeding 15 ft. in height nor exceeding 300 sq. ft. as an accessory to residential use and it retained the section of the Zoning Ordinance pertaining to total floor area of accessory structures. After extensive discussion, the Commission decided to present this alternative to the City Council however allowing only two accessory buildings instead of three as stated in the alternative, and exempting greenhouses from the materials requirements. Greenhouses would also be considered one of the two allowed accessory buildings and would meet the same requirements for accessory buildings.

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

APPROVED:



Chairman

ATTEST:

By: _____

CITY OF ROCKWALL
Council Agenda

AGENDA DATE August 3, 1987

AGENDA NO. IV-C

AGENDA ITEM P&Z 87-45-Z - Hold Public Hearing and Consider Approval of a Change in Zoning from "SF-10" Single Family to "PD" Planned Development Meeting "SF-7" Area Requirements with a Minimum 1,500 Square Foot Dwelling Size, and Approval of a Preliminary Plan

ITEM GENERATED BY Applicant Sanders Thompson

ACTION NEEDED Hold public hearing, approval or denial of request for rezoning with any changes and preliminary plan. Denial of the request for rezoning would be with prejudice unless specifically stated otherwise in the motion.

BACKGROUND INFORMATION See attached Memorandum

ATTACHMENTS

1. agenda notes
2. location map
3. preliminary plan
4. responses

AGENDA ITEM Rezoning from "SF-10" to "PD"

ITEM NO. IV-C

MINUTES OF THE ROCKWALL CITY COUNCIL
August 3, 1987

The meeting came to order at 7:25 P.M. with the following members present: John Bullock, Jean Holt, Pat Luby and Ken Jones. Council first considered the appointment of a temporary chairman in the absence of the Mayor and Mayor pro tem. Jones made a motion to appoint John Bullock. Holt seconded the motion. The motion was voted on and passed with all in favor except Bullock, who abstained.

Bullock announced that due to the number of people present for one item, Council would first discuss and consider approval of an ordinance amending Ordinance 86-51, the City's regulations regarding antennas and satellite dishes. Assistant City Manager Julie Couch explained the ordinance and read the caption. She outlined changes that had been made in the ordinance including 1) additional setback requirements, 2) removal of the words "from view" as they pertained to screening, 3) size of roof mounted and ground mounted antennas, 4) clarification of the appeal process, and 5) excluding existing antennas/dishes in place upon adoption of the ordinance.

Hope Hart, 113 Summit Ridge, outlined statements she had made at the previous meeting of Council pertaining to the great community services provided by ham radio operators and emergency situations where hams had been the only means of communication. She added that since the last meeting she had found the names of 11,900 ham operators in North Texas and 35 ham operators in Rockwall. Jim Haney, American Radio Relay League representative for Texas and Oklahoma, stated that although the amended ordinance was preferable to the original ordinance, he would like the additional setback requirements to begin at 36 foot antennas. After Council discussion, Holt made a motion to approve the ordinance minus Section 6 to be discussed at a later date. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of the Consent Agenda which consisted of A) an ordinance amending the Code of Ordinances regarding Animal Control on second reading and B) an ordinance amending SUP-7 located at SH-205 and Yellowjacket Lane on second reading. Couch read the ordinance captions. Holt made a motion to approve the Consent Agenda. Luby seconded the motion. The motion was voted on and passed unanimously.

Don Smith then gave the Planning and Zoning Commission Chairman's report in which he addressed recommendations made by the Commission on the amended preliminary plan for PD-8, a replat within Phase 17 of Chandlers Landing, the zone change request for "PD" planned development designation, a Conditional Use Permit request for a private club and a Conditional Use Permit request for a structure (antenna) over 36 feet in height.

Bullock then opened a public hearing on a request for a revision to the preliminary plan for PD-8, Chandlers Landing, to amend the zoning designation from "TH" Townhouse to "ZL" Sero Lot Line on four lots located in Phase 17. Couch explained that the applicant proposed to make four townhouse lots into three larger zero lot lines. Harold Evans was present to answer questions. Couch read the caption of an ordinance amending the preliminary plan. Luby made a motion to approve the zone change and first reading of the ordinance. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a request from Sanders Thompson for a change in zoning from "SF-10" Single Family to "PD" Planned Development meeting "SF-7" area requirements with a minimum 1,500 square foot dwelling size and a preliminary plan. Couch explained that the basic concept was shown in the preliminary plan and gave Harris Heights as an example of "SF-7" sized lots with larger dwellings. Luby asked why the density was being increased. Don Smith pointed out that although the size of lots would be reduced, so would the actual number of lots. He explained that this was possible partly due to the location of the sewage treatment plant and partly because "SF-7" lots couldn't absorb the cost of building up flood plain as well as an "SF-10" lot, thus resulting in fewer lots. Holt questioned the major access to the subdivision. Couch explained that ultimately Alamo would become a four lane divided and the extension of North Lakeshore Drive would serve the subdivision as well. She pointed out that a phasing plan, access study and alignment study had all been recommendations by the Planning and Zoning Commission.

Harold Evans pointed out several problems with the tract including the sewage treatment plant and the amount of flood plain. He reminded Council that while the plan now contained 275 lots, the original plan for "SF-10" lots contained a greater number. Smith pointed out that the Planning and Zoning Commission minutes contained a statement regarding a capacity for 347 "SF-10" lots.

Sanders Thompson addressed Council and explained that a large amount of park land would be dedicated providing

residential recreation areas. He stated that the lots would be designed with rear entry garages which would attract more desirable homes and prevent tract style homes. He added that although 1,500 square feet would be the minimum dwelling size, there would be some built much larger. Thompson pointed out that "SF-10" was not zoning he had requested but was zoning that had been assigned. Jones stated a preference for larger lots. Harold Evans pointed out that the Planning and Zoning Commission had recommended tying down the maximum number of lots. After further discussion, Jones made a motion to continue the public hearing at the next regular meeting allowing consideration by a greater number of Councilmembers. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing on a request for a Conditional Use Permit for a private club to be located within the Rockwall Village Shopping Center. City Attorney Pete Eckert suggested that Council continue the public hearing due to lack of applicant representation. Holt made a motion to continue the public hearing at the next meeting. Luby seconded the motion. The motion was voted on and passed unanimously.

Council next held a public hearing and considered approval of a request from TU Electric for a Conditional Use Permit for a structure exceeding 36 feet in height for a radio antenna, approval for an antenna exceeding 15 feet in height, and approval of an ordinance on first reading authorizing the Conditional Use Permit. Couch explained that the antenna had been at the location in the past and that the applicants were basically asking to relocate the antenna in its original location at 1101 Ridge Road. Gary Johnson of TP&L explained that the service department would be moving to Garland resulting from a merger. He stated that while he anticipated much service improvement, the antenna had to be located closer to the Garland service center for effective communication. Couch read the ordinance caption. Jones made a motion to approve the ordinance and request as submitted. Holt seconded the motion. The motion was voted on and passed unanimously.

Bill Eisen then gave the City Manager's Report in which he addressed results of the second legislative Special Session, a change in the Airport's hours of operation, cable TV service expansion, and the budget meeting scheduled for Friday and Saturday, August 7th and 8th.

Council then considered approval of an ordinance authorizing the collection of a special expense for processing costs on first reading. Eisen explained that the ordinance would authorize a \$10.00 fee as permitted by

State law for processing of defensive driving applicants, and a \$25.00 warrant fee. Couch read the ordinance caption. Holt made a motion to approve the ordinance. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution authorizing the Mayor to execute a Consent Agreement with Lakeside National Bank authorizing a security interest in the Chandlers Landing Marina facilities. Eisen explained that the City's concession agreement required that the City approve any assignment of interest in the lease. The marina was planning to refinance the loan on the marina and had submitted a request for approval of the agreement. Luby confirmed that default would not affect the City's tax ability. Eisen explained that even if Chandlers Marina went bankrupt, Lakeside National Bank would pay the City. Jones made a motion to approve the resolution. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a change order to the contract with Triple H Construction for utility construction. Eisen explained that installation of additional storm drainage boxes was needed under Hartman and Clark Streets to avoid flooding. He explained that bond funds were available for the additional work. Holt asked why the work had not been previously considered Eisen explained that some of the improvements had been planned out of the General Fund but it was no longer practical to proceed in that manner. Jones made a motion to approve the change order. Luby seconded the motion. The motion was voted on and passed unanimously.

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

APPROVED:

ATTEST:

By _____

CITY OF ROCKWALL
Council Agenda

AGENDA DATE August 17, 1987

AGENDA NO. IV. C

AGENDA ITEM P&Z 87-45-Z - Continue Public Hearing and Consider Approval of a Request from Sanders Thompson for a Change in Zoning from "SF-10" Single Family to "PD" Planned Development Meeting "SF-7" Area Requirements with Minimum 1,500 Square Foot Dwelling Size, and Approval of a Preliminary Plan

ITEM GENERATED BY Applicant - Sanders Thompson

ACTION NEEDED Continue public hearing and approve, deny or continue any action on the request. Denial of the request, unless specified without prejudice, would preclude the applicant from making any similar request for one year.

BACKGROUND INFORMATION

At the last meeting, the Council continued the public hearing on this request due to only 4 members being present. Attached are the notes from your last meeting. It is our understanding that Mr. Thompson is planning to ask the Council to continue this item for two additional weeks. His engineer is not going to be in town and he would like to have him present when the Council again addresses this item. Mr. Thompson should be present at the meeting to present his request for a continuance.

ATTACHMENTS

1. Agenda Notes
2. preliminary plan
3. location map

MINUTES OF THE ROCKWALL CITY COUNCIL
August 17, 1987

Mayor Frank Miller called the meeting to order at 7:00 P.M. with the following members present: Nell Welborn, Jean Holt, John Bullock, Bill Fox and Pat Luby.

Council first considered approval of the Consent Agenda which consisted of A) the minutes of July 20, July 27, July 28 and August 3, 1987, B) an ordinance authorizing a revision in the preliminary plan for PD-8, Chandlers Landing to amend the zoning designation on four lots located within Phase 17 on second reading, C) an ordinance authorizing a Conditional Use Permit for a structure over 36 feet in height to be located at 1101 Ridge Road on second reading, D) an ordinance amending ordinance 86-51 regarding antennas and satellite dishes on second reading, E) an ordinance authorizing the collection of a special expense for processing costs on second reading, F) an ordinance establishing a fee associated with driving records on first reading, and G) an ordinance amending the maximum penalty for violators of City ordinances on first reading. Assistant City Manager Julie Couch read the ordinance captions. Welborn asked Item D to be pulled. Fox pulled Item C. Holt made a motion to approve the Consent Agenda with the exception of Items C and D. Welborn seconded the motion. The motion was voted on and passed unanimously.

Regarding Item C, Fox stated approval of an ordinance authorizing an antenna in excess of 50 feet was in conflict with the purpose of the proposed Scenic Overlay District. Welborn asked if the antenna was larger than necessary for effective communication. Gary Johnson of TP&L explained that the antenna had originally been located at the Cameron Building but had been moved upon completion of the service center on Kristy Lane. He explained that the service center was merging with Garland and the antenna needed to be moved towards that City. He stated that although he didn't know if 55 feet was necessary, it was cost effective and would be painted to match the building. Miller asked Johnson if the item were tabled, would he return with another proposal. Johnson agreed to consider a roof mount antenna but stated that it may still exceed the height requirements. At this time, 7:15 P.M., Ken Jones joined the meeting. Fox made a motion to table consideration of the second reading pending another proposal to be submitted by Gary Johnson. Welborn seconded the motion. The motion was voted on and passed unanimously.

Regarding Item D, Welborn confirmed that permits were required and applicants were made aware of other

applicable requirements at the time of application. She made reference to a letter written by Mrs. Hart and asked for explanation of the wording in the ordinance in an effort to address Mrs. Hart's concerns. City Attorney Pete Eckert explained that the ordinance was worded to coincide with the requirements and procedures already established in the Comprehensive Zoning Ordinance. He stated that another option would be to redefine "structure" in the Zoning Ordinance to not include antennas or to raise the maximum height without a Conditional Use Permit in residential areas. Fox confirmed that screening requirements hadn't been removed. Miller explained that only the clause pertaining to the retroactivity of the screening requirements had been removed. Fox pointed out that the ordinance did not contain a maximum height with a permit. Eckert explained that Council could limit height individually upon each permit application. As there was no further discussion, Welborn made a motion to approve the ordinance on second reading. Jones seconded the motion. The motion was voted on and passed 6 to 1 with all in favor except for Bill Fox, who voted against it.

Couch explained that neither the Planning and Zoning Commission Chairman or Vice Chairman were able to be present to give the Chairman's report. Miller suggested that as Council had copies of the Planning and Zoning Commission minutes that they read the section of the minutes that pertained to each item as these items came up on the Council Agenda.

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 along FM-740 from SH-205 to the City Limits for a depth of 500 feet on each side and including all of PD Nos. 1 and 4. Couch briefly outlined the District as it was currently drafted, addressing permitted uses, setbacks, landscaping, certain screening requirements, height requirements with and without a Conditional Use Permit, provisions for cross access easements, and the architectural review committee. Miller told the audience present that the Planning and Zoning Commission and Council both had reviewed piece by piece the Overlay District and had reviewed detailed notes on each person's concerns who had spoken at either the Planning and Zoning Commission hearing or Council hearing. Fox added that in every case where there was a reasonable problem mentioned or a large number of people sharing the same complaint, Council had attempted to provide a mechanism for compromise which was, in some cases, a provision for a Conditional Use Permit.

Wayne Baccus addressed the Council and explained that he wanted to put in a Mobil Station at FM-740 and Yellowjacket Lane, but under the current provisions of the Overlay District a full service auto repair station would not be allowed. He stated that there was a need for a full service center in Rockwall and that in his 35 years of business he had received several awards with regard to service and appearance of his station. Fox suggested that a full service station be allowed as a conditional use in the District with a minimum square footage requirement. Welborn suggested adding wording that restricted repair areas from fronting Ridge Road. Miller told Council that if they did not wish to approve the entire District one option would be to table the ordinance completely or to approve the ordinance minus the items that were unresolved. Eckert suggested tabling the entire ordinance instead of portions of it and reminded Council that the moratorium on zoning requests and plats would expire, recommending that it be extended another 30 days if the ordinance was tabled. Walker Rowe, a builder in Rockwall, addressed Council and urged them not to restrict any uses that were allowed in a Commercial zoning classification. He stated that as the district was zoned Commercial, those uses should be allowed and that Council could regulate architectural design to protect the District as opposed to limiting types of businesses. James Johnson of Garland explained that he owned a small piece within the District and was concerned about additional setback requirements that could apply to narrow and deep lots, making some lots unuseable. Couch read the section of the District pertaining to setbacks and by which conditions setback requirements could be brought down to zero. Cecil Unruh addressed the Council, commending the ordinance and urging Council to leave the permitted uses as currently drafted. He supported the promotion of upscale usage, but asked Council to reconsider the maximum height of 36 feet allowed without a Conditional Use Permit. He pointed out that some of the nicest, most appropriate buildings on Ridge Road were the largest. Miller explained that with a Conditional Use Permit the height could go as high as 120 feet. Unruh requested that Council leave the ordinance as currently drafted, but change the maximum height allowed to 60 feet without a Conditional Use Permit. At this point Miller outlined items so far addressed. As there was no one else present wishing to speak, the public hearing was closed.

Luby stated he would support the removal of an exclusion of auto service and repair. Jones recommended prohibition of satellite dishes in front and side yards along FM-740, a date deadline for removal of Christmas trees after temporary sales along Ridge Road, and another 75 foot front setback in addition to the current 25 foot requirement which pertained only to car washes. Welborn

stated favor for an auto repair that was not visible from FM-740 and the allowance of tunnel car washes only. Council discussed the penalty for zoning violations and whether or not Council was prepared to make amendments to the ordinance and approve it on first reading at this meeting. After further discussion, Welborn made a motion to table consideration of the first reading, allowing Staff time to review the particular wording, to consider the ordinance on first reading at the next regularly scheduled Council meeting and to extend the moratorium for 30 days or until the final reading of the ordinance. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council took a brief recess and then continued a public hearing on a request from Sanders Thompson for a change in zoning from "SF-10" Single Family to "PD" Planned Development meeting "SF-7" area requirements with a minimum 1,500 square foot dwelling size. Harold Evans, the consulting engineer, addressed the Council and requested Council table the item and consider a Work Session with the applicant to review the Council's concerns about the zone change request. Miller stated that Evans was basically asking for the opportunity to review and attempt to resolve specific objections. Fox stated opposition to meeting in a Work Session with the applicants, opposition to reducing the lot sizes, and a preference for considering the item in the regular meeting. Evans stated that although the request was to meet with Council in Work Session, he was prepared to make a presentation. Welborn pointed out that Work Sessions were public meetings and that a Work Session could be scheduled at a time when Council could review the unresolved items with regard to the Overlay District as well. Holt made a motion to continue the public hearing to September 8th and to discuss the item in a Work Session the following Monday night along with any other discussion items that might be added. Bullock seconded the motion. After further discussion regarding the motion, the motion was voted on and passed five to two, with Fox and Luby voting against the motion.

Council then continued the public hearing and considered approval of an ordinance authorizing a Conditional Use Permit for a private club to be located at the Gridiron, a proposed restaurant within the Rockwall Village Shopping Center. The applicant, John Crow, addressed the Council and explained that his restaurant would contain approximately 5,200 square feet with the capability of seating 200 people, and that he would like to operate a private club as an accessory to his restaurant. Couch read the ordinance caption. Fox made a motion to approve the ordinance and the granting of a

Conditional Use Permit. Luby seconded the motion. The motion was voted on and passed unanimously.

Couch explained that the next item, public hearing regarding the replat of two lots located within Phase I of The Shores had been withdrawn by the applicant and there was, therefore, no need for consideration of the item.

Council then considered approval of a request from Bill Lofland for a final plat for Park Place No. 1, a one lot subdivision located on Ridge Road. Couch outlined the applicant's request and the location of the property. Jones made a motion to approve final plat subject to the recommended conditions of the Planning and Zoning Commission which required escrowing for parkland dedication in an amount estimated between \$200 and \$300. Bullock seconded the motion. Welborn questioned if the subdivision requirements with regard to escrowing for curb and gutter were applicable to this plat. Couch explained that the State Legislature had passed a law which no longer allowed for escrow for street improvements on State roadways. Council briefly discussed the State's policy with regard to street improvements in residential areas. Miller pointed out that although it was Council's preference that right-of-way be obtained from the east side of Ridge Road as opposed to residential properties on the west side, he did want the applicant to be made aware that although the City chose not to require the right-of-way, the State could still at a future date require a provision for right-of-way. As there was no further discussion, the motion was voted on and passed unanimously.

Council then considered approval of a request from Randy Sanders for a site plan for a proposed expansion at Tejanos on White Hills Drive. Couch outlined the applicant's request and explained that existing and future parking that would be paved, only the additional landscaping would be irrigated, and that the Planning and Zoning Commission had recommended that the future proposed entrance to I-30 be included in the approval. Welborn questioned whether the 20' x 30' section of landscaping in the northwest corner qualified as interior landscaping. Couch pointed out that the applicant did originally propose two foot landscaping islands in the interior of the parking area, but that the Planning and Zoning Commission had preferred the northwest section to be landscaped instead. Miller stated that he did not wish to encourage other parking lots to ignore the 2% interior requirement. Walker Rowe, the builder for Tejanos expansion, explained that the Commission had been concerned that the islands would be unseen after cars were parked on either side. After further discussion, Bullock made a motion to approve the site plan with all of the

conditions suggested by the Planning and Zoning Commission, including trees to be placed in the newly landscaped area, irrigation of the area, and approving proposed future entrance to I-30. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a revised development plan for PD-8, Chandlers Landing for a proposed park area. Couch explained that the applicant's request was to shift the park area about 20 feet to accommodate a rear entry drive that had been approved by the Homeowner's Association in 1982. She explained that the Planning and Zoning Commission had recommended a 2 foot retaining wall along the length of the drive to prevent vehicles from entering the park area. Peter Oetking, the applicant, explained that when the park's plan was drawn a provision for a rear entry drive to his lot had been overlooked and that the section he was proposing for rear entry access was too steep for park use. Council discussed the length of the drive and a proposal for landscaping along the 2 foot retaining wall. After further discussion, Jones made a motion to approve the revised development plan for the park area, requiring the 2 foot retaining wall to be landscaped and to run along the entire length of the drive. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered setting the date for a hearing on a request for a permit to operate a business between the shoreline and takeline of Lake Ray Hubbard. City Manager Bill Eisen explained that Council had recently adopted an ordinance which required that a permit be approved before a business could be operated within the takeline in an area leased by the City of Rockwall. He explained that while the ordinance did not set out a specific procedure for considering such requests, the City Attorney had recommended that Council hold a hearing on the request in order to give all parties interested an opportunity to provide any testimony. He suggested scheduling the hearing on the next regular meeting, which was September 8th. Welborn made a motion to set a hearing on September 8th to consider the request and to determine the notification requirements. Holt seconded the motion. Luby stated that the application didn't deserve a hearing as two years previously a petition had been submitted with 94 residents opposing the operation of the business and only two supporting it. He stated that the loading and unloading of passengers had resulted in damage to property and that residents had already made known their feelings with regard to this matter and shouldn't have to do so again. Fox stated that Council had in the past supported the majority opinion of the residents and should continue to do so. He presented a copy of a

petition signed by 144 property owners, as well as copies of police reports citing situations of loud music and situations where additional police were called to assist the guards in unruly situations. He stated that if Mr. Hughes furnished a petition signed by the majority of homeowners stating favor for his request, Council could at that time approve a permit, but that a hearing was not necessary on an item that had been previously addressed. Miller mentioned that Council may be obligated to consider the request since the ordinance was passed after previous action had been taken on the item. He questioned the prescribed procedures for processing such a permit. Eisen explained that as this was the first application since the adoption of the ordinance, no specific procedure had been outlined, but that he and the City Attorney had recommended a hearing as one option since it would provide the City the opportunity to request more details regarding his application. Welborn stated that Council should not deny someone the right to apply for a permit based on prior information. Fox stated that as public hearings were not required by law, the applicant should be required to make his presentation and provide documentation that the neighboring homeowners were unopposed to his business operation. He stated that when the winds were in excess of 25 miles per hour the boat was unable to launch and resulted in passengers having parties on the boat and creating disturbances on the shoreline. Bullock stated that although he was not advocating approval or denial, he agreed that the applicant deserved a hearing. Holt stated that although she had not heard the presentation nor had she formed an opinion on whether or not to issue the permit, she did know that many loud parties took place at the Yacht Club in Chandlers Landing, both indoors and out. Welborn pointed out that the issue was not whether or not to grant the permit, but by what process to hear the request. After further discussion, Welborn restated her motion to set September 8th as the date for the hearing on the request by Ernie Hughes and to determine notification requirements. Miller pointed out that notification requirements needed to be determined prior to the hearing. Eisen suggested that Staff follow the current guidelines for notifying zoning cases, and in the case of Chandlers Landing everyone within the Planned Development would be notified. Fox stated opposition to spending funds on notification when the item could be put on as an appointment. Welborn clarified her motion to state that property owners within the Planned Development would be notified of the public hearing pending. The motion was voted on and passed five to one, with Fox voting against the motion and Luby abstaining. Miller asked Staff to produce a written policy outlining notification procedures for processing of permit applications of this nature. Eisen stated that if it was Council's intention to treat these permit applications as

were zoning cases, Staff could provide an outline of notification procedures for zoning cases.

Council then discussed the proposed 1987-88 Annual Budget and a proposal to increase taxes and the date for a public hearing. Eisen outlined some adjustments that had been made in the General Fund resulting from the two day Budget Work Session. He outlined requested reductions which included a \$25,000 decrease in revenue resulting from sales and beverage taxes and a \$41,000 reduction in expenditures. Some added expenditures in the General Fund Budget included a study regarding self-insurance programs, the reinstatement of the Square project, the addition of a Police Officer, and a \$20,000 addition in street materials totaling \$82,000 in additional expenditures. He stated that the longevity pay that had been allocated in Water and Sewer Fund, Sanitation Fund, and the Airport Fund had been removed from those funds and the sum set aside in the Water and Sewer Fund for longevity pay had been used to increase the transfer to the General Fund. The sum total of the reductions in revenue and expenditures and the additional expenditures would result in taking from the General Fund Reserves a total of \$27,333.

Regarding the Fire Department, Eisen explained that the Budget for the Fire Department had not yet been reviewed by Staff at the time of the Work Session. Staff had since reviewed the Budget consisting of \$59,000 for the Fire Department, a slight increase over the previously estimated \$56,000. Eisen explained that the Equipment Fund as submitted consisted of 1) a new grass truck, 2) a burn house used to simulate house fires and utilized by the Fire Department as a training tool which would cost about \$25,000, and 3) miscellaneous equipment totaling approximately \$13,000. He explained that representatives of the Fire Department had expressed concern about funds received from the County for fire calls which had been increased two years ago. The Fire Department had asked that the City's portion of the funds be put in the Fire Equipment Fund as opposed to the General Operating Budget. Eisen explained that about \$1,500 had been budgeted for the next year. Additionally, the Fire Department had asked that the \$13,000 allocated for miscellaneous equipment be taken from the General Operating Fund. Eisen explained that if this was Council's desire, one of three options was possible: 1) increasing revenues, 2) reducing expenditures, or 3) taking these funds out of the General Operating Fund Reserves. He stated a preference for taking funds out of Reserves only for major one-of-a-kind projects such as the reinstatement of the Square Project. As this fund had not previously been reviewed by Council, Miller asked Council to review the Fire Equipment Fund as if they were in a Work Session. At this time Eisen summarized the proposed

Fire Equipment Fund, funds reserved for training that consisted of donations, and proposed expenditures.

Mark Poindexter, Assistant Chief of the Fire Department, addressed the Council to make the following requests: 1) that the \$30,000 budgeted to be transferred in from the General Operating Fund be left as is; 2) that the \$13,940 budgeted for miscellaneous fire equipment, including bunker gear and hoses, be expended from either the General Fund or another fund; 3) that the City's share of funds received from County fire calls be put into the Fire Equipment Fund instead of the General Fund. Miller questioned the amount of funds received for County fire calls. Poindexter explained that of every \$75 per call, \$50 went to the Fire Department and \$25 went into the General Fund. He added that this was a total of \$3,275. Holt questioned the use of the burn building for training. Poindexter explained that in the past Firemen had been going to A&M for training and would continue to do so once a year. A burn building was available for lease from the City of Garland, although this training was only available during week days at which time the firemen held primary jobs. Welborn stated that based on a tight budget it might be necessary to take the \$13,940 out of the Fire Equipment Fund in order to provide the other items such as the burn house. Poindexter stated that it was the Fire Department's goal to keep \$100,000 in the Fire Equipment Fund at all times to be available for large, more permanent purchases such as trucks and large equipment. Council discussed the proposed burn house, previous items budgeted from the Fire Equipment Fund which were never purchased, allocating to the Fire Equipment Fund the amount of funds received during the last two years for County fire calls, and whether to take these funds from the General Operating Reserves. Eisen explained that when the cost of fire calls was raised he had interpreted that the funds received by the City for County fire calls was to offset the cost of fire services which could include fuel and other items taken out of the General Fund. He explained that Poindexter had understood that these funds were to go directly into the Fire Equipment Fund. After further discussion, Welborn made a motion to transfer \$13,940 from the General Revenue Fund to the Fire Equipment Fund, to transfer \$3,275 from the General Fund to the Fire Equipment Fund, to direct the Staff put the City's share of County fire call funds into the Fire Equipment Fund. The motion failed for lack of a second. Fox then made a motion to transfer the \$13,940 from the General Fund Reserves into the Fire Equipment Fund; additionally, to transfer \$6,550 from the General Fund Reserves into the Fire Equipment Fund which would equal the amount of funds received by the City for County fire calls in the last two years; and to amend the 1987-88 Budget to direct the City's portion of County fire calls

into the Fire Equipment Fund. Bullock seconded the motion. The motion was voted on and passed unanimously.

Eisen suggested September 8th as the date for the public hearing to propose an increase in the effective tax rate. Welborn confirmed that an additional patrolman would not increase the cost of uniforms in the Police Department. After further discussion, Welborn made a motion to set the date for the public hearing on September 8th. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then discussed the screening requirements pertaining to satellite dishes. Eisen explained that Council had recently adopted an ordinance amending the height requirements for radio transmitters and satellite dishes and had at that time asked to have the retroactivity of screening requirements addressed separately. Eisen explained that only the screening requirements had not been grandfathered and that all other requirements with regard to location, etc., were grandfathered. Council discussed the permit process, notification process prior to issuance of a citation, and the amount of fine. Fox stated preference for leaving the ordinance as is, retaining the retroactive screening requirements. Jones made a motion to require all satellite dishes to be screened by at least a 6 ft. fence except those dishes installed prior to the adoption of the regulatory ordinance. Holt seconded the motion. The motion was voted on and passed four to three, with Bullock, Fox and Luby voting against the motion.

Council then discussed raising the minimum square footage requirements in "SF-7" and "SF-10" Single Family zoning classifications and discussed the establishment of minimum square footage requirements in Multifamily and Planned Development zoning classifications. Fox stated opposition to small dwelling sizes as they required the same amount of street improvements and Police protection as did larger homes while providing fewer tax dollars. Fox recommended Council consider amending the minimum dwelling size in an "SF-7" district to 1,500 square feet and amending the "SF-10" minimum dwelling size to 1,800 square feet. He further recommended that Council consider addressing every category, including Multifamily and Planned Development. Council discussed holding a Work Session with the Planning and Zoning Commission to review the minimum dwelling sizes in every zoning category. Welborn made a motion to schedule a joint Work Session with the Planning and Zoning Commission on either the second or fourth Monday for the purpose of reviewing the minimum dwelling sizes. Jones seconded the motion. The motion was voted on and passed unanimously.

The Council then considered approval of an ordinance adopting an amended fine schedule on first reading. Couch explained that the State Legislature had recently passed a law that required all speeding fines collected on State highways over \$2.00 per mile be remitted to the State. She explained that this would create more paper work than the current personnel could handle to continue to collect the current fines and keep track of what had to go to the State. She added that the amended ordinance would change the speeding fines to \$2.00 per mile over the speed limit plus the State court costs. Police Chief Bruce Beaty distributed copies of the current fine schedule for comparison with the new schedule. Miller stated concern about reducing fines to avoid additional paper work. He stated that a reduction in fines would not work well as a deterrent. Eisen explained that the penalty on one's insurance as a result of a ticket was stiffer than the cost of the fine. He explained that in some cases insurance could increase as much as \$100 per year for a period of three years. After further discussion, Couch read the ordinance caption. Jones made a motion to approve the ordinance on first reading. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then adjourned into Executive Session under Article 6252-17 V.A.C.S. to discuss personnel pertaining to the Airport Advisory Board. Upon reconvening into regular session, as there was no action necessary as a result of the Executive Session, Jones made a motion to adjourn. Holt seconded the motion. The motion was voted on and passed unanimously. As there was no further business to come before the Council, the meeting was adjourned at 11:55 P.M.

APPROVED:

ATTEST:

By _____

MINUTES OF THE ROCKWALL CITY COUNCIL
August 24, 1987

Mayor Frank Miller called the meeting to order at 7:10 P.M. with the following members present: Nell Welborn, Jean Holt, John Bullock, Pat Luby, Bill Fox, and Ken Jones.

Miller explained that the first item, a discussion regarding a request for a change in zoning from Sanders Thompson, could be pulled. He explained that the applicant had had a death in the family and was unable to attend. Council discussed whether or not to hold a discussion on the item in the absence of the applicant. Welborn pointed out that while the Scenic Overlay District was the primary reason for Council's presence, discussion on the Sanders Thompson request could be delayed. She suggested that Council table discussion on the item until the joint Work Session with the Planning and Zoning Commission with regard to amending the minimum dwelling sizes in single family residential districts. After a discussion with regard to availability of Councilmembers, Council set the date for the joint meeting with the Planning and Zoning Commission for September 14th at 7:00 P.M.

City Manager Bill Eisen briefly reviewed comments made by individuals at the August 17th Council hearing where the Overlay District had been considered. With regard to Wayne Baccus' concern about exclusion of a full service gasoline station in the District, Eisen reviewed some alternatives that had been submitted by Staff. Alternative I would be to leave the current wording in the District as is, which would clearly exclude all forms of automobile servicing from the Overlay District. Alternative II would maintain gasoline stations in the Overlay District with a Conditional Use Permit to allow automobile servicing as an accessory. In this case automobile servicing could be defined as minor servicing of vehicles including tire repair, tire change, wheel balancing, wheel alignment, fluid change, lubrication, and miscellaneous minor tune ups. Eisen added that the City Attorney had recommended if this alternative were allowed, less intensive uses such as tire sales where tire work was done and lube centers would have to be allowed as well. Eisen explained that Alternative III would allow automobile servicing with a Conditional Use Permit only if certain basic criteria were met. City Attorney Pete Eckert suggested that Council consider either Alternative I or a combination of Alternatives II and III. He reminded Council that if automobile servicing were allowed, lube centers, tire centers, and less intense uses would have to be allowed as well. He told Council that

even if minor servicing were defined, it would be difficult to enforce. Council discussed the location of a auto servicing area at a major arterial intersection, limiting storage areas, increasing landscaping requirements, and imposing certain screening requirements.

Council then reviewed Alternative III as submitted by Staff and discussed the following proposed criteria for issuance of Conditional Use Permits:

1. That the site be located at the intersection of two major arterials as defined in the City's Thoroughfare Plan. Council indicated that a major arterial needed to be defined in this item as a four-lane or six-lane divided roadway, as shown on the Thoroughfare Plan.
2. That the service bays for such a facility would not be visible from any public street. Council discussed changing the wording in this item to reflect that the service bay doors would not face any public street.
3. Automobile servicing areas would be screened from view by a masonry fence, landscape berm, or combination thereof, a minimum of six feet in height. Council discussion resulted in including auto storage and waiting areas as well as automobile servicing areas requiring an eight foot masonry fence, removing the provision for landscaped berm, and requiring landscaping along the exterior length of the wall.
4. Service bays be set back from any street frontage a minimum of fifty feet.
5. Prohibiting the outside storage of any merchandise, inventory or equipment. Council amended this to include outside storage or displays of merchandise, inventory or equipment.
6. Limiting the number of service bays. Council amended this item to read that bays may have the capacity of retaining a total of six vehicles at one time in addition to a car wash.
7. That Council set a minimum lot size. Council set a minimum of one acre.

Council added one other item which would require any business where sale of gasoline or automobile servicing was done to provide a twenty foot buffer of landscaping along each street that it fronted.

Jones then asked Staff to draft an ordinance regulating Christmas Tree sales that would provide for

removal of trees from sale lots within a specified time period. Miller suggested the ordinance prescribe a deposit refundable only upon removal of the trees.

Council then discussed the regulation of signs within the Overlay District. Holt reminded Council that many signs within the District would be existing and therefore grandfathered. Welborn asked if there were not some incentive for urging nonconforming signs to conform. Eisen pointed out that while business owners may wish to conform, existing signs were expensive to manufacture and to install. Council discussed whether to control the color of signs, an adequate size for signs, and types of signs to be allowed within the Overlay District. Miller made a motion to instruct Staff to amend the Sign Ordinance to reflect that only monument signs no larger than sixty square feet and wall signs as currently required would be allowed within the Overlay District unless otherwise approved by the City Council upon submission of a sign plan. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered setting September 8th as the date for the first regular City Council meeting in September. Fox made a motion to set the date for September 8th. Holt seconded the motion. The motion was voted on and passed unanimously.

Council then adjourned into Executive Session under Article 6252-17 V.A.C.S. to discuss personnel pertaining to the Airport Advisory Board and the evaluation of the City Manager. At approximately 10:30 P.M. Jones left the Executive Session. Upon reconvening into regular session, Holt made a motion to increase the City Manager's salary by \$1,500 per year and to increase his car allowance to \$350 per month. Bullock seconded the motion. The motion was voted on and passed unanimously.

As there was no further business to come before Council for consideration, the meeting was adjourned at 11:10 P.M.

APPROVED:

Mayor

ATTEST:

By _____

CITY OF ROCKWALL
Council Agenda

AGENDA DATE September 8, 1987

AGENDA NO. IV. F

AGENDA ITEM P&Z 87-45-Z - Continue Public Hearing on a Request from Sanders Thompson for a Change in Zoning from "SF-10" Single Family to "PD" Planned Development on 97 Acres Located North of Alamo and Consider Approval of a Preliminary Plan

ITEM GENERATED BY Applicant Sanders Thompson

ACTION NEEDED Continuation of public hearing to September 21st,

BACKGROUND INFORMATION

Council agreed at the last Work Session to hear a presentation by Mr. Thompson at the joint Work Session with the Planning and Zoning Commission on September 14th. This was due to Mr. Thompson's inability to be present last Monday due to a death in the family. If this is still Council's desire, you may wish to continue the public hearing until September 21st, your next scheduled meeting after the Work Session.

ATTACHMENTS

AGENDA ITEM Sanders Thompson Zone Change

ITEM NO. IV.F

MINUTES OF THE ROCKWALL CITY COUNCIL
September 8, 1987

Mayor Frank Miller called the meeting to order at 7:15 P.M. with the following members present: Nell Welborn, Ken Jones, Jean Holt, John Bullock, Bill Fox, and Pat Luby.

The Council first considered approval of the Consent Agenda which consisted of: (a) the minutes of August 17 and 24, 1987 (b) an ordinance establishing a fee associated with driving records on second reading (c) an ordinance amending the maximum penalty for violators of City ordinances on second readings (d) an ordinance authorizing a Conditional Use Permit for Private Clubs within the Rockwall Village Shopping Center on second reading (e) an ordinance adopting an amended fine schedule on second reading (f) an ordinance regulating the temporary sale of Christmas trees within the City on first reading (g) an ordinance amending Ordinance 8651 pertaining to conformance with screening requirements of satellite dishes on first reading. Assistant City Manager Julie Couch read the ordinance captions. Mayor Miller asked item E to be pulled from the Consent Agenda. Welborn made a motion to approve the Consent Agenda with the exception of Item E, Fox seconded the motion, motion was voted on and passed unanimously. Miller confirmed that the maximum fine of \$500.00 approved in Item C would be applicable to Item E also. Welborn then made a motion to approve Item E indicating a \$500.00 maximum fine instead of \$200.00. Fox seconded the motion, the motion was voted on and passed unanimously.

Don Smith, Chairman of the Planning and Zoning Commission addressed the Council and offered to delay his Chairman's Report until the next three items had been heard, due to the large number of persons present for these items.

Council then held a public hearing and considered approval of a request from Ernie Hughes for a permit to operate a business, The Texas Queen, between the shoreline and takeline of Lake Ray Hubbard in an area leased by the City of Rockwall. Miller outlined the process by which the hearing would be conducted. Chris Fredrickson addressed the Council on behalf of the Texas Queen Corporation and the applicant, Ernie Hughes. Fredrickson explained that the Texas Queen was a dinner boat which catered to both the general public and private parties. He stated that the ordinance requiring a permit to operate between the shoreline and takeline, restricted him from not just Chandlers Landing Marina, but loading and unloading anywhere along the shoreline in Rockwall. He stated that The Texas Queen Corporation was cognizant of the noise and

traffic problems and had attempted in the last two years to resolve some of the problems. Fredrickson stated that it was only necessary to load and unload at Chandlers Landing Marina when winds were in excess of 25 miles per hour. This amounted to twelve to fifteen times a year. He agreed to make any necessary concessions as the permit were granted. He then stated a willingness to look at any other suitable location. The Council discussed with Fredrickson the number of complaints received for disturbances on the Texas Queen as well as at the Chandlers Landing Yacht Club. The Council discussed a more suitable location, parking required for the Texas Queen, maximum capacity of the dinner boat, revenues received by the City of Dallas and the Texas Queen's policy with regard to alcohol. Miller then opened a public hearing. Don Smith, President of the Chandlers Landing Homeowners Association addressed the Council and explained that homeowners had shown their opposition to the request by the number of notices that had been returned by the 220 names submitted on a petition, and by appearing at this hearing. Holt asked if the homeowners would be opposed to the boat going up and down the shoreline if it were docking elsewhere. Smith stated that it was his understanding that another location for the boat to dock was under discussion, but that a permanent location would require a significant amount of capital investments. Gary Carlyle of the Rockwall Review, stated that the Texas Queen was synonymous with Rockwall and until a better location was found the Chandlers Marina was the only place for the boat to dock in high wind situations. He stated that denying the permit would be doing the community a disservice and that it would take time to find a location that could accommodate the boat. Peter Oetking addressed the Council and voiced his opposition. Diane Luby told the Council that the feelings of the residents in Chandlers Landing had not changed in the last two years, and that the number of signatures on the submitted petition must have a bearing on the Council's decision. Mrs. Oetking stated that the number of times the boat docked had no bearing on its undesirability. She asked Council to deny the request with prejudice so that it could not be requested every year. Ron Mastronardi stated that the applicants would not respect Council's opinion and that the Texas Queen's policy of emptying containers prior to leaving the boat was not a solution as it urged consumption. Maxey Grace Martin stated that in climate weather not only required the boat to dock, but required the residents to stay inside and listen to the music and noise coming from the boat. Virginia McConnell, stated that she had lived in Rockwall for ten years and was opposed to loading and unloading at the marina even once. Fredrickson concluded his statements by saying that denial would adversely affect Rockwall as well as his business. There was no one else wishing to address the Council, the public hearing was closed. Holt made a motion to deny the permit application. Fox seconded

the motion. He then asked staff how soon the applicant could re-apply. Eisen explained that no specific time period for re-application was adopted by ordinance. Fox then offered an amendment to the motion to include a period of not less than three years prior to re-application. Luby seconded the motion. Welborn pointed out that since Councilmembers were elected for two year terms, a three time limit would be binding on a subsequent Council. After further discussion, the amendment was voted on and passed five to two with Welborn and Jones voting against the motion. The motion as amended was voted on and passed unanimously.

After a brief recess, Don Smith gave the P&Z Chairman's Report in which he addressed the proposed amendment to the Comprehensive Zoning Ordinance pertaining to accessory structures in residential areas. He briefly explained how the Commission had arrived at its recommendations regarding size, quantity of building and materials.

Council then considered a request from Jean Speights for a temporary waiver to the off street parking requirements of the Zoning Ordinance at 303 E. Rusk. Couch explained that Mrs. Speights had leased out the lower portion of what used to be the Annex Building of the First United Methodist Church. Couch explained that there was no existing off street parking and that the applicant was proposing to utilize some of the vacant area north of the Annex building that had access off Kaufman for their required parking. Couch explained that they didn't wish to pave it until they were sure the leasers would remain. She stated that the applicants were asking for a waiver of the requirements for a period of one year to allow them seven months to see if the tenants would remain an additional five months to construct parking. Mrs. Speights addressed the Council and explained that there would be monogramming, packaging of cakes, shipping and a small retail business located within the building. She explained that there would be minimal loading and unloading and that the nature of the businesses at present did not require a large amount of parking area. Fox confirmed that in seven months when the construction was begun, it would meet City standards. Couch pointed out that Mrs. Speights had been advised that at any pointed time if there were any warehousing done, she must relocate. After further discussion, Welborn made a motion to approve the request for a period not to exceed twelve months. Jones seconded the motion, the motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a request from Sharon Arundel for a variance from the front setback requirements of the sign ordinance

to allow a sign on the front property line at Maggie's, 703 South Goliad. Couch explained that in order to meet the front and side setback requirements, Mrs. Arundel's sign would be very close to the building and she was therefore asking for a variance. Fox made a motion to approve the variance. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council continued 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 along FM-740 from SH-205 to the south City limits for depth of five hundred feet on each side and including all of plain development numbers one and four. Haywood Eason addressed the Council and explained that he believed that a depth along I-30 should be excluded from the scenic overlay district. He pointed out also that the proposed amendments to the Sign Ordinance would not allow future businesses within the district along I-30, to be competitive with businesses who had existing signs. Council discussed at great lengths whether to include the section of I-30 within the overlay district and if it were excluded, what depth on the Interstate should be excluded. Wayne Backus addressed the Council and stated concerns regarding the one acre requirement for a service station and the cutback for the number of bays. Miller pointed out that the ordinance as drafted stated that the bays in addition to a car wash would be capable of servicing not more than six vehicles at one time. There was no one else wishing to address the Council, the public hearing was closed. Welborn made a motion to continue discussion regarding the overlay district at the scheduled work session on September 14th. Jones seconded the motion. The motion was voted on and passed unanimously.

Eisen explained that prior to scheduling a request from Sanders Thompson for changing zoning on the work session, Council had continued the public hearing to the September 8th meeting. He explained that if Council still wished to discuss the zone change request with Mr. Thompson at the work session on the 14th, the public hearing would need to be continued until September 21st. Jones made a motion to continue the public hearing. Bullock seconded the motion. The motion was voted on and passed unanimously.

Couch then outlined recommendations of the Planning and Zoning Commission with regard to amending the Zoning Ordinance, as it pertained to its accessory structures in residential areas. She outlined both the current requirements and the recommended changes which would allow one detached garage not exceeding fifteen feet in height or nine hundred square feet and containing the same materials in generally the same proportion as found on the main

structure. The recommended change would allow not more than two accessory buildings not exceeding fifteen feet in height or two hundred twenty-five square feet provided the exterior covering contained only materials found on the main structure and excluding greenhouses from the materials requirement. Buildings exceeding these requirements would have to apply for a Conditional Use Permit and the current requirements regarding accessory structures only covering thirty per cent of the calculated thirty-five percent total building coverage would remain. Don Smith pointed out that the recommended changes would limit the size of any one building by providing maximum square footage requirements as well as maintaining the thirty percent rule. Council discussed the number of allowed buildings under the recommended change, the Conditional Use Permit process for a guest house and whether to remove portable buildings as an allowed accessory structure. Couch read the ordinance caption, Fox made a motion to approve the ordinance as submitted, Welborn seconded the motion. Jones offered an amendment to the motion to remove portable buildings as an allowed use and to add hundred and twenty-five feet that would have been allowed for a portable building divided among the other two allowed accessory structures. He seconded the motion after further discussion with regard to increasing the allowed building size, Jones withdrew his motion. After further discussion, the motion was voted on and passed unanimously.

Miller opened a public hearing on the proposed operating and revenue sharing budgets. Eisen explained some changes that had been made in the Operating Budget at Council's request and addressed a memo that had been given to him by the Finance Director pertaining to an average water rate based on Winter consumption. He stated that the rates would be yearly, would be recalculated every March and reinstituted each April. There was no one else wishing to address the Council, the public hearing was closed.

Eisen then outlined some cost analysis for street improvements, water system improvements, sanitary sewer system, and a drainage system for Heritage Heights. Eisen stated that the City could be preceed with improvements to Phase 1 only of Heritage Heights, including repair of streets in the amount of \$40,000 water system improvements on site in the amount of \$72,950, in sanitary sewer system in the amount of \$74,250. He stated that water and sewer improvements could be recovered on a per lot basis and that street work was of a maintenance nature and had not in the past been accessed back to adjoining property owners. He explained that at a interest rate of 7.5 percent, for a period of six years average monthly payment per lot would be \$110.65. Mike Nabors, a resident of Heritage Heights, stated that a \$110 a month was high, but that he would distribute whatever information necessary to help the

MINUTES OF THE ROCKWALL CITY COUNCIL
Worksession
September 14, 1987

Mayor Frank Miller called the meeting to order at 9:00 P.M., with the following members present: John Bullock, Ken Jones, Jean Holt, Nell Welborn, Pat Luby and Bill Fox.

Discussion was held regarding a request from Sanders Thompson for a change in zoning from "SF-10" single family to "PD" planned development with "SF-7" area requirements and a 1500 square foot minimum dwelling size located on approximately 97 acres south of Quail Run Road, west of SH-205 and north of Alamo. Harold Evans presented a site plan and explained some disadvantages that the property contained which he had attempted to overcome. Council discussed buffering adjacent "SF-10" property by putting 10,000 square foot lots on the east and west borders of the tract. Thompson explained that the property would not be developed for some time. Council offered suggestions for improving the plan including reducing the number of 7,000 square foot lots, increasing the amount of 10,000 square foot lots and bordering the tract with larger lots.

Council then discussed the Scenic Overlay District on FM-740 as it pertained to I-30. Assistant City Manager, Julie Couch, outlined some options addressing the FM-740/I-30 intersection and concerns stated at the last meeting. One problem was the signage requirements within the district along the freeway and the other concern was whether properties along the freeway should be included in the district. After considerable discussion, it was agreed that a depth of 200 feet on each side of I-30 would be removed from the district, which would also remove the more restrictive signage requirements.

Council then discussed a proposed Homestead Tax Exemption. City Manager Bill Eisen, explained that the Council must adopt the exemption prior to May 1st in the year in which it becomes effective. Council discussed beginning procedures after adoption of the budget for having a Homestead Exemption in place for the 1988-89 year.

Council adjourned into Executive Session at 11:00 P.M., to discuss land acquisition regarding the East Side Pump Station. As there was no action necessary resulting from the Executive Session, the meeting was adjourned at 12:15 A.M.

APPROVED:

Mayor

ATTEST:

By _____

CITY OF ROCKWALL
Council Agenda

AGENDA DATE September 21, 1987 AGENDA ITEM IV. J

AGENDA ITEM Continue Public Hearing and Consider Approval of
a Request from Sanders Thompson for a Change in
Zoning from "SF-10" to "PD" on 97 Acres Located
North of Alamo

ITEM GENERATED BY Applicant

BACKGROUND INFORMATION

At your Work Session, Council reviewed this request and offered suggestions for improving the plan and protecting adjacent "SF-10" property. The applicant is in the process of revising the plan to better meet Council's desires. Since no specific date was mentioned at the last meeting when this item was continued, it must fall on this Agenda. The applicant is making the changes, but they will not be ready until Friday. We will send them to you under separate cover.

MINUTES OF THE ROCKWALL CITY COUNCIL
September 21, 1987

Mayor Frank Miller called the meeting to order at 7:00 P.M. with the following members present: Nell Wellborn, Ken Jones, Jean Holt, John Bullock, Bill Fox and Pat Luby.

The Council first considered approval of the Consent Agenda which consisted of: (a) the minutes of the regular meeting and Special Session September 8, 1987 (b) an ordinance regulating the temporary sale of Christmas Trees on second reading (c) an ordinance amending Ordinance 86-51 pertaining to conformance with screening requirements on second reading (d) an ordinance amending the Comprehensive Zoning Ordinance as it pertains to accessory structures in residential areas on second reading (e) an ordinance amending the Code of Ordinances to regulate parades within the City on second reading (f) an ordinance regulating wrecker operations within the City on second reading (g) an ordinance regulating mass gatherings on second reading (h) a resolution commending Fran Bagley for community involvement, and (i) a resolution commending Barbara Hill for community involvement. Assistant City Manager Julie Couch read the ordinance captions. Welborn pulled the minutes of September 8. Holt pulled items H and I. Bullock made a motion to approve the Consent Agenda minus these items. Jones seconded the motion. The same was voted on and carried unanimously.

Welborn pointed out a verbal correction in the minutes. She made a motion to approve the minutes with the correction. Bullock seconded the motion. The motion was voted on and passed unanimously. Holt requested items H and I be read in their entirety. Couch read both resolutions aloud. Jones made a motion to approve both resolutions. Holt seconded the motion. The motion was voted on and passed unanimously. Miller presented framed resolutions to Ms. Bagley and Ms. Hill and thanked them for their contributions toward a better community.

Don Smith gave the Planning & Zoning Chairman's report in which he discussed items on the agenda which had been considered by the Commission and he outlined the Commission's recommendation on each.

Randy Taggart at 403 E. Boydston addressed the Council to request a 30 day extension regarding enforcement of special restrictions in the revised animal control ordinance pertaining to Pit Bull dogs. He asked Council to consider amending the ordinance to enforce the same requirements for pit bulls on other potentially dangerous dog breeds. Council discussed the insurance requirement, the severity of injuries inflicted by

pit bulls as opposed to other breeds, and the number of identified pit bulls within the City limits. Police Chief Bruce Beaty told Council that within the last six months, the last five dog bite fatalities had been inflicted by pit bulls. He added that 8% of all dog related fatalities were by pit bulls, a breed that represents only 2% of the dog population in the U.S. Frank Faus told Council that pit bulls had gained notoriety through irresponsible owners. He asked Council to regulate vicious dogs as done in Farmers Branch without singling out one breed. Welborn made a motion to postpone implementation of specific requirements for pit bulls until November 1 pending further study of the ordinance regarding the inclusion of other vicious breeds. Jones seconded the motion. Bullock offered an amendment to the motion to include in the study, a review of the Farmers Branch ordinance. Miller seconded the motion. The amendment was voted on and passed unanimously. The motion as amended passed 6 to 1 with Luby voting against the motion.

Virginia Peddie of 106 Joe White told Council that the ordinance was discriminatory. She complained of ill treatment upon receipt of a notice of violation to the ordinance. Welborn stated that Chief Beaty had probably reviewed the circumstances and that conduct of personnel should be discussed in Executive Session. John Peddie expressed displeasure regarding the incident and stated that he didn't think the number of dogs a person owned should be governed by ordinance.

Ray Helm addressed Council to discuss procedures for determining appraisal values, particularly agricultural properties. He outlined guidelines of the State for determining agricultural exemptions, provided a survey of other cities' total appraised values compared to amounts of agricultural exemptions, and discussed the appeal process for persons denied an agricultural exemption. Council discussed with Helm the amount of exemptions in Rockwall, percentages of increased value assigned by the State, and a State requirement that tied an agricultural exemption to the use of the land and not the percentages of income received from the land. Hal Davenport, a member of the Appraisal District Board of Directors, stated that the same concerns expressed by the Council were problems that existed all over the State.

Bob Dransfield then addressed Council to discuss self-insurance. He explained some advantages of self-insurance, discussed re-insurance and pointed out the need for actuarial studies due to a lack of accumulated research on history of claims.

Council then considered approval of an agreement with the Wyatt Company for actuarial services. Welborn made a motion to approve the agreement. Bullock seconded the motion. Council briefly discussed insurance bids that would be advertised in January. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of an ordinance authorizing a change in zoning from "SF-10" Single Family to "GR" General Retail on a portion of a lot located at 106 Ross Avenue. Eloise Cullum told Council that the existing building was being renovated in an attempt to upgrade the area. She stated that she did intend to curb and gutter. Jones made a motion to approve the request and the ordinance on first reading. Holt seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of an ordinance authorizing a conditional use permit for a church site located at SH-205 and Damascus Rd. Couch explained that the church existed when the Zoning Ordinance was adopted requiring a CUP for church facilities in residential areas. The First Methodist Church was now required to obtain a CUP prior to expansion. Richard Slaughter told Council that the church proposed to add a music room, classrooms and a fellowship hall. Couch read the ordinance caption, Bullock made a motion to approve the ordinance. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a temporary change in zoning from "C" Commercial to "PD" Planned Development with auto repair, retail and office uses. Couch explained that the applicant had leased the property thinking auto repair was an allowed use. The only other appropriate zoning category would be heavy commercial. Couch pointed out that the Land Use Plan recommended heavy commercial to be located away from the interstate, and the applicant had therefore requested PD zoning for 2 years, allowing time to relocate. She explained the recommendations of the Planning and Zoning Commission, outlined the site plan and discussed proposed improvements. Diane Payne explained that the location was temporary as she preferred another location and the owner intended to use the property for auto sales in the future. Council discussed prohibiting outside storage, paint and body, and construction of additional buildings. After additional discussion, Fox made a motion to approve the site plan and an ordinance authorizing a change in zoning subject to (1) no outside storage (2) no paint and body (3) no additional construction (4) review of zoning by the Commission in six months for compliance with parking, landscaping, and outside storage requirements, and (5) all the recommendations of the Commission which were to change

the zoning back to Commercial in 2 years or when the company changes in name, ownership or organization if said changes take place prior to two years, requiring all improvements to be completed within 60 days of issuance of a certificate of occupancy, waiving irrigation requirements and allowing a gravel drive. Bullock seconded the motion. The motion was voted on and passed unanimously. Fox then made a motion to approve a final plat for Newman Center No. 1. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a final plat for the Barz Acre, a .917 acre tract of land located at 222 Quail Run Road. Couch outlined circumstances surrounding the issuance of a building permit to build a house on an unplatted lot, explained that the applicant would need to dedicate 25 feet of right-of-way and that the Commission had recommended a waiver of escrow requirements estimated at \$4600. Fox confirmed that when sewer became available the applicant would be required to tie on. Welborn made a motion to approve the final plat requiring dedication of 25 feet of right-of-way and waiving street escrow requirements. Bullock seconded the motion. The motion was voted on and passed unanimously.

James Flinchum, 609 Sunset Hill, addressed Council to discuss a proposed ordinance requiring notification when certain construction takes place in residential areas. Flinchum told Council of an incident where construction in an easement left a deep ditch less than two feet from his residence. He urged Council to require two weeks notice, a contact, a temporary fence and a clear definition of who assumed liability. City Attorney Pete Eckert stated that City requirements regarding direction of screening would result in the City assuming liability. The Council discussed requiring the contractors to return the property to its original condition as opposed to "good maintainable" condition as stated in the proposed ordinance. Director of Public Works Ed Heath pointed out that residents sometimes planted shrubbery, built fences or poured concrete over an easement. Eisen suggested staff review the ordinance and develop another recommendation addressing these items. Holt made a motion to table the ordinance. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then continued a public hearing and considered approval of a change in zoning from "SF-10" Single Family to "PD" Planned Development on 97 acres located North of Alamo. Harold Evans presented a site plan and outlined changes made in the plan based on Council direction indicated at the Worksession. Sanders Thompson asked Council to allow a minimum of 262 lots and a maximum of 275. Council discussed the number of lots

under 8000 square feet, the location of 10,000 square feet and the proposed park land. Eckert reminded Council that by ordinance PD's were reviewed every two years. Couch outlined recommendations of the Commission including (1) a minimum 7000 square foot lot size and 2F-7 area requirements (2) a minimum 1500 square foot dwelling (3) dedication of park land prior to platting (4) completion of a traffic analysis prior to platting (5) determination of the final alignment of North Lakeshore Drive prior to platting and (6) providing a phasing plan prior to development if development is planned in stages. Holt made a motion to approve the zone change including all the previously listed conditions, allowing a minimum of 262 lots with percentages of lot sizes generally as submitted, and providing that 50% of all lots in excess of 262 will be over 8000 square feet. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance amending the Comprehensive Zoning Ordinance to add a Scenic Overlay District to the list of zoning categories. Couch outlined changes in the ordinance made resulting from direction received in the Worksession. Welborn made a motion to approve the ordinance. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an amendment to the Sign Ordinance to provide special restrictions for signs within the Scenic Overlay District. Couch outlined the requirements in the ordinance and read the ordinance caption. Jones made a motion to approve the ordinance. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of (1) an ordinance setting the 1987 tax rate at .3400 per \$100.00 valuation, levying taxes and continuing the over 65 homestead exemption (2) an ordinance adopting the 1987-1988 operating budget (3) a resolution approving the 1987-88 revenue sharing budget (4) an ordinance approving the amended 1986-87 operating budget and (5) a resolution approving water and sewer rates for 1987-88 fiscal year. Welborn made a motion to approve all five items. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an agreement with the City of Heath for Animal Control. Eisen explained that Rockwall would provide emergency animal control service to Heath as outlined in the agreement. Council discussed the charges for service and impound fees. Jones made a motion to approve the agreement. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered appointing auditors to conduct the 1986-87 annual audit. Eisen addressed some concerns Council had regarding contracting Arthur Andersen for another year. Director of Finance Michael Phemister stated that a specific time table would be adhered to and the books would be closed making the audit easier to conduct than in previous years. Fox made a motion to appoint Arthur Andersen to conduct the audit. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution appointing Michael Phemister to the Rockwall Property Finance Authority Board of Directors. Fox made a motion to approve the resolution. Holt seconded the motion. The motion was voted on and passed unanimously.

Council then adjourned into Executive Session to discuss personnel regarding appointments to the Airport Planning Committee. Upon reconvening into regular session, the following people were appointed: John Bullock, Ken Jones, Lyn Broyles, James Flinchum, Keith Barrett and Bobby Holt. Broyles, Flinchum, and Barrett were appointed pending acceptance of the positions and Holt was appointed pending acceptance and confirmation that the Charter allowed the appointment.

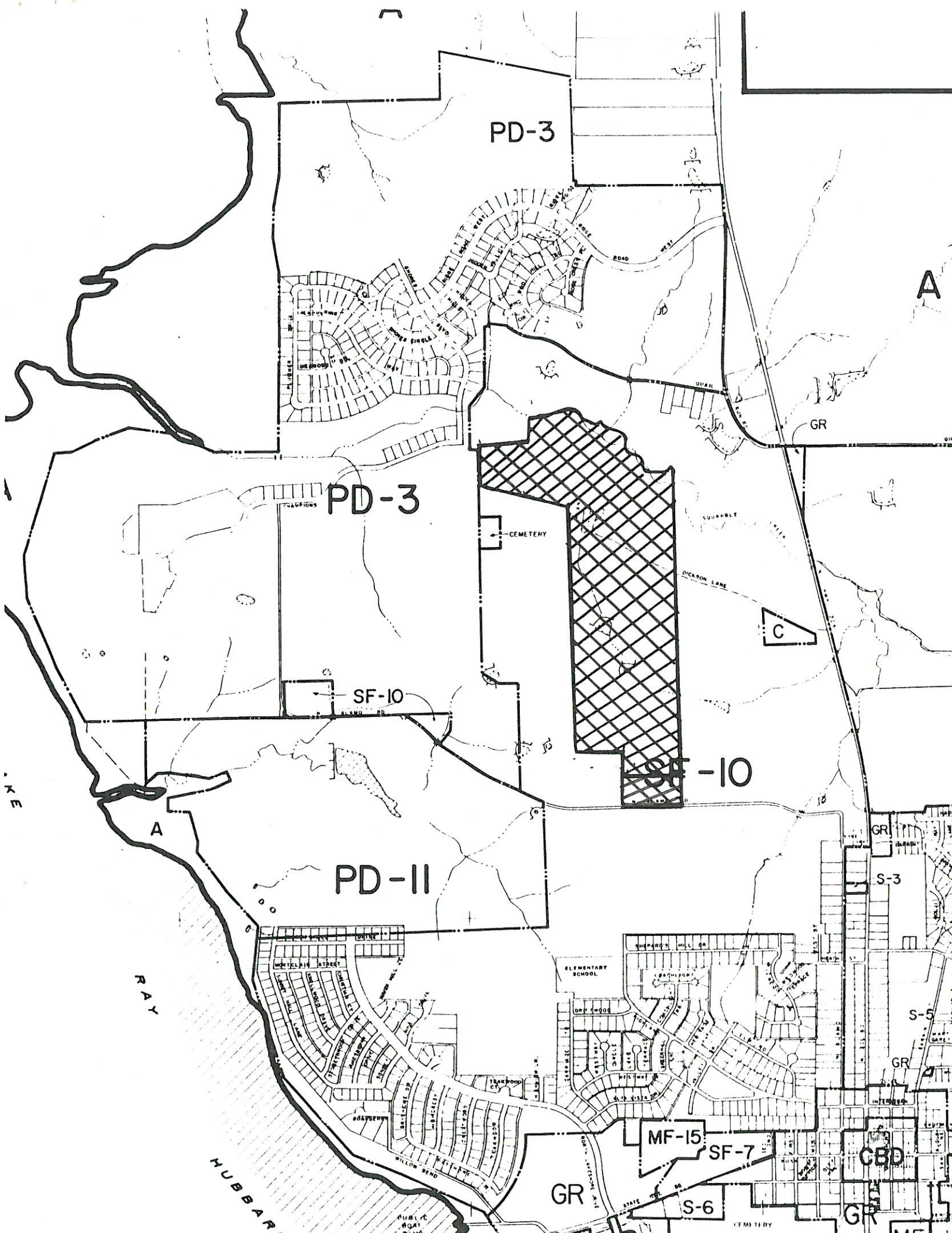
As there were no further items to come before the Council for consideration, the meeting was adjourned at 12:45 A.M.

APPROVED:

Mayor

ATTEST:

By _____



PD-3

PD-3

PD-11

SF-10

SF-10

MF-15

SF-7

S-6

S-3

S-5

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GR

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C

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CEMETERY

ELEMENTARY SCHOOL

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EXHIBIT A

LEGAL DESCRIPTION

BEING a tract of land situated in the J.H.B. Jones Survey, Abstract No. 124, the Nathan Butler Survey, Abstract No. 21, the Thomas Dean Survey, Abstract No. 69, and the Samuel King Survey, Abstract No. 131, Rockwall County, Texas, and being that tract of land referred to as Tract 2 in Deed of Trust from L.S. Thompson to J. Percival, et al, recorded in Volume 24, Page 117, Deed of Trust Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set in the center of a County Road and at the Southeast corner of said Tract 2, said iron rod bears South 0° 03' 22" East a distance of 25.23 feet from an iron rod found at the Southwest corner of that tract of land designated as Tract A and conveyed to Bob Coats from Capital BancShares, by Warranty Deed executed April 18, 1984;

THENCE: South 88° 30' 50" West a distance of 571.54 feet along the center of said County Road to an iron rod set for the most Southerly Southwest corner of said Tract 2;

THENCE: North 2° 12' 05" West a distance of 411.06 feet along a fence line to a fence corner post for a corner;

THENCE: South 89° 59' 39" West a distance of 469.61 feet along a fence line to a fence corner post for a corner;

THENCE: North 2° 02' 08" West a distance of 877.39 feet along a fence line to an iron rod set for a corner;

THENCE: North 3° 05' 11" West a distance of 1760.85 feet continuing generally along said fence line to an iron rod set for a corner near a fence corner;

THENCE: North 80° 08' 31" West a distance of 873.40 feet along a fence line to an iron rod found for a corner at the most Northerly Southwest corner of said Tract 2;

THENCE: North 1° 33' 32" West a distance of 449.41 feet to an iron rod found for a corner at a fence corner and at the most Westerly Northwest corner of said Tract 2;

THENCE: North 89° 54' 16" East a distance of 529.12 feet along a fence line to an iron rod set for a corner near a fence corner post;

THENCE: North 4° 11' 25" East a distance of 391.83 feet along a fence line to the center of Squabble Creek;

THENCE: Along the meanders of Squabble Creek as follows:

- South 86° 34' 02" East a distance of 185.60 feet;
- North 57° 04' 58" East a distance of 142.00 feet;
- South 78° 59' 02" East a distance of 114.00 feet;
- South 17° 41' 02" East a distance of 160.00 feet;
- South 65° 59' 02" East a distance of 231.00 feet;
- South 35° 12' 02" East a distance of 95.50 feet;
- South 89° 59' 02" East a distance of 130.00 feet;
- South 69° 14' 02" East a distance of 175.00 feet;
- South 09° 52' 02" East a distance of 171.00 feet;
- South 69° 50' 02" East a distance of 107.50 feet;
- South 34° 37' 02" East a distance of 188.00 feet;
- South 82° 23' 02" East a distance of 136.00 feet;
- North 55° 54' 16" East a distance of 123.29 feet to the Northeast corner of said Tract 2;

THENCE: South 0° 21' 49" West, passing at 24.5 feet an axle found in a fence, and passing at 633.67 feet the Northwest corner of the previously mentioned Tract A conveyed to Bob Coats and continuing a total distance of 973.05 feet along a fence line to an iron rod found for a corner;

THENCE: South 0° 25' 57" East a distance of 886.69 feet along a fence line to an iron rod found for a corner;

THENCE: South 0° 09' 36" West a distance of 761.80 feet along said fence line to an iron rod for a corner;

THENCE: South 0° 03' 22" East a distance of 748.50 feet along said fence line to the Point of Beginning and Containing 103.212 Acres of Land, including 29.570 Acres of Land contained within easements for a sanitary sewage treatment plant site and related facilities, roads, and 100-Year flood plain.

L. Sanders ~~Hanson~~ Thompson
97 acres N of Alamo Rd

Just Texas Savings Assoc
Arthur D Little
8080 Park Lane Suite 11
Dallas 75231

Skyline Savings Assoc
P.O. Box 270765
Dallas 75227

Edward & Cary III
3911 Coillen
Dallas 75205-3116

Shirley McCaskill Appleby
4322 Marie
Corpus Christi, TX 78411

Stephen Chamberlee
P.O. Box 50667
Dallas 75250

Wm T Collins
2001 N Cooliad
Rockwall

James E Collins
c/o Mrs Eloise Canup
P.O. Box 251
Rockwall

Shores Development Corp
1675 Plummer
Rockwall

Ronald L Hansenberg
1300 Champion
Rockwall

PLANNING AND ZONING ACTION SHEET

PLANNING AND ZONING ACTION SHEET

Applicant L. Sanders Thompson Case No. 87-45-2

Property Description 29 acres north of Alamo; W of Central

Case Subject Matter zone change request SF-10 to PD

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>July 9</u>	<u>X</u>		
Conditions <u>conditions as recommended in agenda notes</u>			

Date to City Council <u>Aug 3</u>			<u>X</u>
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Conditions <u>Aug 17 - public hearing continued</u>			<u>X</u>
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<u>Sept 14 - Worksession</u>	<u>Aug 24 Worksession</u>		
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<u>Sept 21 - approved</u>	<u>Sept 8 - public hearing continued</u>		
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Ordinance no. _____	Date _____
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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
- Applicant Receipts

Plat/Site Plan Cases

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

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on July 9, 1987, at 7:30 P.M. in City Hall, 205 West Rusk to consider:

1. Revising the preliminary plan for PD-8, Chandlers Landing to amend the zoning from "TH" Townhouse to "ZL" Zero Lot Line on four lots, lots 1 through 4, Block C, Phase 17, Chandlers Landing
2. A request from John Crow for a Conditional Use Permit to allow a private club at the Gridiron Restaurant to be located in the Rockwall Village Shopping Centre off FM-740 south of I-30.
3. A request from TP&L for a Conditional Use Permit to allow a radio antenna on the 1100 block of Ridge Road located in the Ridge Road Shopping Center south of Goliad.
4. A request for a change in zoning from "SF-10" to "PD" Planned Development with uses and area requirements to generally meet "SF-7" requirements as currently adopted in the Comprehensive Zoning Ordinance and a minimum lot size of 10,000 square feet on a 29.570 acre tract of land located north of Alamo, west of Goliad and south of Squabble Creek.

PUBLIC NOTICE

The Rockwall City Council will hold a public hearing on August 3, 1987, at 7:00 P.M. in City Hall, 205 West Rusk to consider approval of:

1. A replat of a portion of Phase 17, Chandlers Landing to replat lots 1-4, Block C of Phase 17 into three larger lots
2. A revision in the preliminary plan for PD-8, Chandlers Landing to amend the zoning from "TH" Townhouse to "ZL" Zero Lot Line on four lots, Lots 1 through 4, Block, Phase 17, Chandlers Landing
3. A request from John Crow for a Conditional Use Permit to allow a private club at the Gridiron Restaurant to be located within the Rockwall Village Shopping Centre on FM-740 south of I-30, further described as being a portion of Lot 3, Block A, Carlisle Plaza Addition
4. A request from TP&L for a Conditional Use Permit for a structure over 36 feet in height to allow a radio antenna at 1101 Ridge Road located within the Ridge Road Shopping Center south of Goliad, further described as being a portion of Lot 1, Block A, Eastridge Center Addition
5. A request from L. Sanders Thompson for a change in zoning from "SF-10" Single Family to "PD" Planned Development with uses and area requirements to generally meet "SF-7" requirements and containing a minimum 1,500 square foot dwelling size on a tract of land consisting of approximately 103 acres located north of North Alamo Road, west of Goliad, south of Squabble Creek and further described as follows: