

## RECOMMENDED REQUIREMENTS FOR ACCESSORY STRUCTURES

### Current Requirement

Portable buildings not exceeding 15 feet in height nor exceeding 125 square feet, as an accessory to a residential use on the same lot.

Accessory buildings not to exceed 15 feet in height, as an accessory to a residential use on the same lot provided the exterior covering contains materials found on the main structure.

Buildings exceeding these requirements must apply for a Conditional Use Permit.

The total floor area of accessory buildings on one lot shall not exceed 30% of the allowable first floor area of the main building on the lot, except that this requirement shall not limit the accessory building floor area to less than 500 square feet.

### Recommended Change

One detached garage not exceeding 15 feet in height nor exceeding 900 sq. ft. as an accessory to a residential use on the same lot, provided the exterior covering contains the same materials, excluding glass, as found on the main structure and generally in the same proportion.

No more than 2 accessory buildings not exceeding 15 feet in height nor exceeding 225 sq. ft. each, as an accessory to a residential use on the same lot, provided the exterior covering contains only materials found on the main structure. Green houses are exempt from the materials requirements of this section.

Buildings exceeding these requirements would have to apply for a Conditional Use Permit.

Maintain section on total floor area of accessory structures.

MINUTES OF THE PLANNING AND ZONING COMMISSION  
June 11, 1987

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

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

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

improvements including bricking the front, bricking 1/3 up on sides, adding a canopy and a security fence. Smith confirmed that parking met requirements and requested an earth tone baked enamel be painted over the blue. The Commission discussed permitted uses in light industrial, the joint drive and the non conforming status of the metal building. Seligman made a motion to approve the change in zoning and the site plan waiving the 200 ft. drive separation requirement and waiving the 10 ft. drive setback requirement on the west property line subject to this becoming a future joint drive and requiring an access easement. Sinclair seconded the motion. Seligman restated his motion to include a minimum 127 foot separation between drives. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a site plan/preliminary plat for Hubbard Car Wash located on Washington at SH-66. Couch reviewed the background of the application and the permit under which the car wash was permitted. She outlined improvements made on the site plan at Council's request including a six foot masonry screen, photinias along the rear and additional landscaping. Mike Belt addressed the Commission and explained that the masonry wall would be at least 20 feet off the front property line to allow visibility for traffic exiting the cemetery. He added that insulated vacuums would reduce noise by 90 percent and that the equipment room would be on the opposite side from the cemetery. David Cook, co-applicant, added that the manufacturer of the vacuums had stated that the noise wouldn't carry more than 20 feet. Cook and Belt explained the bricked in trash and vacuum areas, the roof materials, the color of brick and the landscaping which was 10% more than required. The Commission discussed the height of stalls, florescent lighting and the berm in the rear. Seligman made a motion to approve the site plan/preliminary plat as presented with bricked in trash and vacuum areas, insulated vacuums, the masonry screen to begin 20 feet off the front property line and no waiver of escrow requirements. Plagens seconded the motion. The motion was voted on and passed unanimously.

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

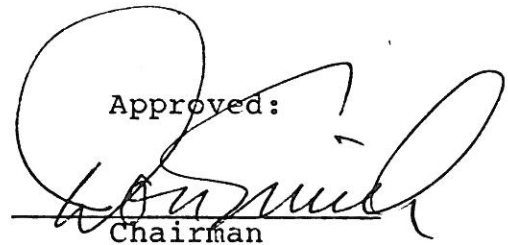


The Commission then reviewed the proposed scenic overlay district, discussed changes in text and discussed the public hearing scheduled for the Planning and Zoning Commission on June 25th. Couch pointed out Council's recommended changes and Smith asked the staff to make copies of the district available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

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


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

Approved:



Chairman

Attest:



Secretary



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



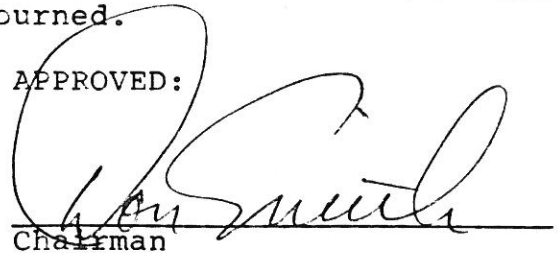
that if the 55 ft. high antenna were returned to its original location, it would be painted to match the Cameron Building. As there was no one else wishing to address this matter, the public hearing was closed. Sinclair made a motion to recommend approval of the Conditional Use Permit. Crumbley seconded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

MINUTES OF THE PLANNING AND ZONING COMMISSION  
August 13, 1987

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

The Commission first considered approval of the minutes of July 9, 1987. Seligman made a motion to approve the minutes as submitted. Quinn seconded the motion. The motion was voted on and passed with all in favor except Plagens who abstained.

Smith opened a public hearing and the Commission considered approval of an amendment to the Comprehensive Zoning Ordinance to amend the current requirements for accessory structures in residential areas. Couch outlined the requirements that the Commission had discussed recommending at the last meeting. The alternative would allow one detached garage not exceeding 15 feet in height and 900 square feet as an accessory to a residence on the same lot. The exterior covering would be required to contain the same materials, excluding glass, as found on the main structure and generally in the same proportion. Two accessory buildings would be allowed not exceeding 15 feet in height and 225 square feet. Accessory buildings, excluding greenhouses, would contain only materials found on the main structure. Couch added that the current requirements regarding the sum total floor area of accessory structures would remain. Seligman confirmed that portable buildings were not considered accessory buildings. Couch explained that cabanas, greenhouses and storage sheds were examples of accessory structures. At this time Bill Sinclair joined the meeting. Quinn confirmed that the Planning and Zoning Commission intended the revision to allow one detached garage and two accessory buildings. Couch pointed out that the Commission had originally discussed allowing three accessory buildings and had reduced this to two. Seligman made a motion to recommend amending the requirements for accessory structures as outlined by Couch and as written in Alternative Four presented in the packet. Plagens 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 two lots located within Phase I of The Shores. Couch explained that the applicant proposed to replat two lots which met "SF-10" requirements into one large lot. Andy Speck told the Commission that by removing the center lot line, he could build towards the center of the lot and save a great many large trees while enlarging the lot. Seligman made a motion to recommend approval of the replat. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a request from Bill Lofland for a final plat on Park Place No. 1, a one lot subdivision located on Ridge Road. Couch explained that the surveyor representing the applicant had planned to attend but was taken ill.



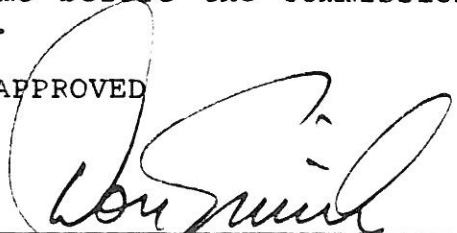
He had asked for the Commission to consider the item even though the applicant was out of town. She explained that the plat met all requirements as submitted and that although an appraisal was yet to be done on the lot, the applicant agreed to escrow for parkland dedication. Staff estimated the amount between \$200 and \$300. Smith confirmed that no right-of-way dedication was necessary on Ridge Road. Seligman made a motion to recommend approval of the plat subject to the applicant escrowing for parkland dedication estimated between \$200 and \$300. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a request from Randy Sanders for a site plan for building expansion at Tejanos located on Whitehills Drive. Couch pointed out the location of the expansion and explained that although the existing landscaping was not irrigated, Sanders did propose to irrigate the newly landscaped areas. She explained that he planned to concrete both new and old parking areas as well as screen the dumpster. She explained that the applicant had agreed to add two planter islands, two feet in width to help break up the parking. Walker Rowe, the builder, explained that the proposed drive off the I-30 service road was not possible at this time due to cost imposed by the State. The Commission discussed the amount of additional seating, the location of the dumpster and the practicality of the two foot wide islands. Plagens stated preference for the 20' x 30' corner to be landscaped with trees as opposed to the islands. Sinclair questioned the irrigation of existing landscaping. Sanders explained that he had a contract for landscaping and that the property was well maintained. Quinn made a motion to recommend approval of the site plan as submitted with irrigated landscaping containing trees in the northwest corner, removal of the islands, and retaining the proposed drive off the service road to be allowed but not required for future construction. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a revised development plan for a proposed park area located within Chandlers Landing. Couch explained that the north corner of the park area had been shifted to allow rear entry access to a lot north of the park. Peter Oetking stated that he had asked for rear entry access when he bought the lot. He explained that rear entry was more attractive, reduced traffic and would provide a retaining wall protecting the playground area. After discussion, Seligman made a motion to recommend approval. McCall seconded the motion. The motion was voted on and passed unanimously.

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 September 8, 1987

AGENDA NO. IV.G

AGENDA ITEM Hold Public Hearing and Consider Approval of an Amendment to the Comprehensive Zoning Ordinance as it Pertains to Accessory Structures in Residential Areas (1st reading)

ITEM GENERATED BY Council

ACTION NEEDED Hold public hearing and consider approval of an ordinance with any changes included

BACKGROUND INFORMATION

The Council requested the Planning and Zoning Commission to review our current requirements regarding accessory structures in residential areas. The Commission has considered several alternatives in our current requirements and they have recommended several changes. Attached you will find an outline of both our current requirements and the recommendation from the Planning and Zoning Commission. We will send you a copy of the proposed ordinance approving this change under separate cover.

ATTACHMENTS Recommendation from the Planning and Zoning Commission

City Council  
September 8, 1987

Supplemental Agenda Notes

Re: IV. G. - Hold Public Hearing and Consider Approval of an Amendment to the Comprehensive Zoning Ordinance as it Pertains to Accessory Structures in Residential Areas (1st reading)

Enclosed is the actual ordinance that would adopt the recommendations of the Planning and Zoning Commission regarding accessory buildings in residential areas.

To review the recommendation, the proposed changes will separately identify and establish specific regulations for detached garages, requiring that they not exceed more than 900 square feet and that the same materials used on the main structure, excluding glass, and generally in the same proportion are used on the garage.

The changes also limit the number of other accessory buildings to 2 and limits their size to 225 square feet. The current materials requirement would remain on these smaller buildings excluding greenhouses.

Any building not meeting these requirements would require a Conditional Use Permit. The current total coverage requirement for accessory structures which is a maximum of 30% of lot coverage would remain in place.

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 proceed 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

PLANNING AND ZONING ACTION SHEET

Applicant City initiated Case No. 87-54-2

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

Case Subject Matter size and materials review of  
accessory structures in residential areas

CASE ACTION

July 9, 1987 - discussion      Approved      Disapproved      Tabled  
Date to P&Z 8/13      ✓      \_\_\_\_\_      \_\_\_\_\_  
Conditions \_\_\_\_\_

Date to City Council 9/8      ✓

Conditions 9/8 - 1st Reading  
9/21 - 2nd Reading

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

ITEMS IN FILE

Zoning Cases

- Application
- Site Plan
- Filing Fee
- \_\_\_\_ Notice to Paper
- \_\_\_\_ Notice to Residents
- List of Residents Notified
- Residents' Responses
- Consultant's Review
- Agenda Notes
- Minutes
- 87-54 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