

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee _____ Date 4-13-88
Applicant Whittle Development, Inc. Phone 471-5238
Mailing Address PO Box 369
Rockwall TX 75087

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.)¹

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

SF 12.5 District Classification to
SF 10 District Classification for
for the following reasons: (attach separate sheet if necessary)

There (are) (are not) deed restrictions pertaining to the intended use of the property.

Status of Applicant:² 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 concerning the importance of my submitting to the City a sufficient legal description.

Signed [Signature]

NOTE:

¹The 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.

²If the applicant is someone other than the owner, written acknowledgement by the owner of the zoning request must also be submitted.

ZONING CHANGE/CONDITIONAL USE PERMIT/PLANNED DEVELOPMENT/
PRELIMINARY PLAN/DEVELOPMENT PLAN

ACTION RECORD

Case No: 88-17-2

Location: PD-9

- Application Reviewed..... ✓
- File Created ✓
- Filing Fee Paid/Receipt in File..... ✓
- Issued Receipt for Application.....
- Review form prepared/^{initial}partial review completed..... ✓
- Circulated Review through:
 - Staff Review:.....
 - Assistant City Manager..... ✓
 - Scheduled for P&Z meeting..... 4/14
- Notice Sent:
 - Newspaper..... ✓
 - Surrounding property owners..... ✓
 - Sign placed on property..... ✓
 - Tallied responses to notices - 0 -
 - Prepared notes and supporting information for P&Z.....
 - Notified applicant of results ^{and of}
Council date

after Pt 2 consideration.

~~If approved:~~

Scheduled for City Council..... 5/2

Notice sent to newspaper..... ✓

Notice sent to property owners..... ✓

Prepared notes and supporting information for City Council..... _____

If approved:

Notified applicant of results..... _____

Prepared ordinance..... _____

1st reading of ordinance..... _____

2nd reading of ordinance..... _____

Caption to newspaper..... _____

Update office map..... _____

Notified Inspection Dept. of change..... _____

Included map in update file..... _____

Included in CUP list (if applicable)..... _____

↪ Permit activated within 6 months..... _____

↪ If not activated, applicant notified permit is void..... _____

Included in PD file (if applicable)..... _____

PARK

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract of land situated in Rockwall County, Texas, part of the E. Teal Survey, Abstract No. 207, being part of Tract 5 and 7, as recorded in Volume 184, Page 490, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a concrete highway right-of-way marker found for the Easterly Southeast corner of the intersection of Farm to Market Road 740 and F.M. 3097, same being the most Northerly corner of the herein described tract;

THENCE: Along the Southwesterly line of Farm to Market Road 3097 as follows:

South $45^{\circ} 35' 20''$ East a distance of 2225.71 feet to a concrete highway monument;

South $44^{\circ} 03' 08''$ East a distance of 900.21 feet to a concrete highway monument;

South $45^{\circ} 31' 22''$ East a distance of 802.41 feet to a point for a corner;

THENCE: Leaving said Southwesterly line as follows:

South $10^{\circ} 28' 38''$ West a distance of 662.77 feet to a point for a corner; and

South $44^{\circ} 24' 40''$ West a distance of 334.49 feet to the Point of Beginning;

THENCE: South $44^{\circ} 24' 40''$ West a distance of 47.00 feet to a point for a corner;

THENCE: South $20^{\circ} 02' 12''$ East a distance of 126.71 feet to the point of curvature of a circular curve to the right having a central angle of $32^{\circ} 17' 34''$, a radius of 375.00 feet, and a chord that bears South $84^{\circ} 30' 18''$ West a distance of 208.57 feet;

THENCE: Along said curve an arc distance of 211.36 feet to a point for a corner;

THENCE: North $79^{\circ} 20' 55''$ West a distance of 264.95 feet to the point of curvature of a circular curve to the left having a central angle of $6^{\circ} 24' 51''$, a radius of 955.00 feet, and a chord that bears North $4^{\circ} 37' 05''$ East a distance of 106.85 feet;

THENCE: Along said curve an arc distance of 106.91 feet to a point for a corner;

THENCE: North $1^{\circ} 24' 40''$ East a distance of 214.65 feet to the point of curvature of a circular curve to the right having a central angle of $15^{\circ} 00' 00''$, a radius of 800.00 feet, and a chord that bears North $8^{\circ} 54' 40''$ East a distance of 208.84 feet;

THENCE: Along said curve an arc distance of 209.44 feet to a point for a corner;

THENCE: South $45^{\circ} 31' 22''$ East a distance of 576.34 feet to the Point of Beginning and Containing 164,371 Square Feet or 3.7734 Acres of Land.

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract of land situated in Rockwall County, Texas, part of the E. Teal Survey, Abstract No. 207, being part of Tract 5 as recorded in Volume 184, Page 490, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a point on the Easterly line of F.M. 740 at the most Northerly Southwest corner of said Tract 5;

THENCE: North $8^{\circ} 22' 20''$ West a distance of 314.80 feet along said Easterly line to the beginning of a circular curve to the left;

THENCE: Along said curve having a central angle of $19^{\circ} 01' 57''$, a radius of 613.99 feet, a tangent length of 102.93 feet, for an arc length of 203.95 feet;

THENCE: North $62^{\circ} 35' 43''$ East a distance of 300.00 feet to the Point of Beginning;

THENCE: North $62^{\circ} 35' 43''$ East a distance of 299.60 feet to a point for a corner;

THENCE: South $27^{\circ} 24' 17''$ East a distance of 247.17 feet to a point for a corner;

THENCE: South $62^{\circ} 35' 43''$ West a distance of 299.60 feet to a point for a corner;

THENCE: North $27^{\circ} 24' 17''$ West a distance of 247.17 feet to the Point of Beginning and Containing 1.700 Acres of Land.

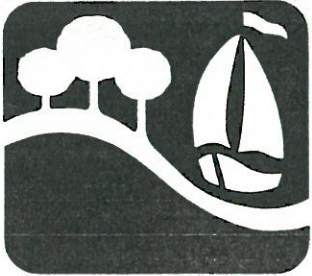
STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract of land situated in Rockwall County, Texas, part of the E. Teal Survey, Abstract No. 207, being part of Tract 5 as recorded in Volume 184, Page 490, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a point on the Easterly line of F.M. 740 at the most Northerly Southwest corner of said Tract 5;

THENCE: North $64^{\circ} 02' 17''$ East a distance of 980.86 feet to the Point of Beginning;
THENCE: South $56^{\circ} 25' 03''$ East a distance of 1282.12 feet to a point for a corner;
THENCE: North $85^{\circ} 31' 09''$ West a distance of 977.98 feet to a point for a corner;
THENCE: North $8^{\circ} 22' 20''$ West a distance of 639.60 feet to the Point of Beginning
and Containing 7.000 Acres of Land.

Harold L. Evans & Associates
March 29, 1988



CITY OF ROCKWALL
"THE NEW HORIZON"

April 7, 1988

Mr. Rob Whittle
Whittle Development Co.
2804 Ridge Road
Rockwall, Texas 75087

Dear Mr. Whittle:

The Planning and Zoning Commission will hold a public hearing and consider amending the preliminary plan for PD-9 to revise the amenities and change the zoning from "SF-12.5" to "SF-10" on a 1.7 acre parcel. To date, we have not received your application or filing fee in the amount of \$116⁰⁰.

The hearing will be held in City Hall, 205 West Rusk at 7:30 P.M. Please call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Assistant

CC: Harold Evans
MN/rmp



CITY OF ROCKWALL
"THE NEW HORIZON"

April 27, 1988

Mr. Rob Whittle
2804 Ridge Road
Rockwall, Texas 75087

Dear Mr. Whittle:

On April 14, 1988, the Rockwall Planning and Zoning Commission held a public hearing and recommended approval of an amendment to PD-9 to revise the amenities and change the zoning from "SF-12.5" to "SF-10" on a 1.7 acre tract of land off FM-740.

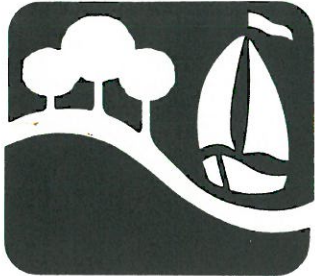
The Rockwall City Council will hold a public hearing and consider your request on May 2, 1988, at 7:00 P.M. in City Hall, 205 West Rusk. Please call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Assistant

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

May 3, 1988

Mr. Rob Whittle
2804 Ridge Road
Rockwall, TX 75087

Dear Mr. Whittle;

On May 2, 1988, the Rockwall City Council held a public hearing and approved an amendment to PD-9 to revise the amenities and change the zoning from "SF-12.5" to "SF-10" on a 1.7 acre tract of land off FM-740.

A zone change, once approved, must be authorized by ordinance and read at two separate meetings of the Council. An ordinance amending PD-9 will be read at meetings of the Council on May 16th and June 6th. Only after approved at both readings will the zone change become effective.

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

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: April 14, 1988

AGENDA NO. III.B.

AGENDA ITEM:

P&Z 88-17 Z - Hold Public Hearing and Consider Approval of a Request from Rob Whittle for an Amendment to PD-9 to Revise the Amenities and Change the Land Use from "SF-12.5" to "SF-10" on a 1.7 Acre Tract of Land Located Off FM-740

ITEM GENERATED BY:

Applicant, Rob Whittle

ACTION NEEDED:

Hold public hearing and approve or deny request with any conditions.

BACKGROUND INFORMATION:

As was required in approval of the preliminary plat on Fox Chase, Whittle Development has submitted a request to amend the Preliminary Plan for PD-9 to change the 12,500 sq. ft. lot designation on the 1.7 acre parcel located in the boundaries of Phase One of Fox Chase to minimum 10,000 sq. ft. lots, just as the rest of Phase One, and to relocate and adjust the size of the park area. The original amenity area was proposed to be 7 acres and was located just south of the area designated as Phase One. They propose to relocate the park, which will be dedicated to the City, further south and the size will be reduced from 7 acres to 3.8 acres. This size meets our requirements for a neighborhood park and it is located in an area that contains a small pond. It is anticipated that the park would be dedicated when that area is platted. A copy of the concept plan showing the two areas to be changed and the relocated park are attached.

ATTACHMENTS:

1. Location Map
2. Concept Plan

AGENDA ITEM: Amendment to PD-9 re Amenities

ITEM NO: III.B.

MINUTES OF THE PLANNING AND ZONING COMMISSION

April 14, 1988

Vice Chairman Norm Seligman called the meeting to order with the following members present: Bob McCall, Hank Crumbley, and Leigh Plagens. The Commission first considered approval of the minutes of March 10, 1988. Crumbley made a motion to approve the minutes as submitted. McCall seconded the motion. The motion was voted on and passed with all in favor except Plagens who abstained.

Assistant City Manager Julie Couch then outlined a request from Chandlers Landing Development Corporation for a replat of five lots located within Phase 18 of Chandlers Landing. She explained that the applicant proposed to make two smaller lots into one large lot and to do some minor adjustments to the existing lot lines. Seligman opened the public hearing. Karen Mahoney, owner of Lot 3, stated that she was unopposed to the request. The public hearing was closed. McCall made a motion to recommend approval of the replat. Plagens seconded the motion. The motion was voted on and passed unanimously. At this time, 7:40 P.M., Tom Quinn joined the meeting.

The Commission then held a public hearing and considered approval of a request from Whittle Development for an amendment to PD-9 which currently contained designation for "SF-12.5" in an area that had been preliminary platted for "SF-10" in Fox Chase Phase One. Couch explained that the developer proposed to relocate the park which would be dedicated to the City, and that the size would be reduced from 7 acres to 3.8 acres. Rob Whittle addressed the Commission and explained that the lots were intended to be "SF-10" and that the designation of "SF-12.5" was a mistake made by the developer. Crumbley stated concern regarding the slope of the new park. Whittle stated that the park would have a slight roll but not a drastic slope. Plagens made a motion to approve the amendments to the preliminary plan for "PD-9". McCall seconded the motion. The motion was voted on and passed unanimously.

Couch then explained the changes made in the private club and commercial amusements ordinances. She stated that Council had asked the Planning and Zoning Commission to review the definition of a commercial amusement to specify exactly when a business with gaming devices is classified as a commercial amusement and to review the requirement that no commercial amusements may be located within 300 feet of residentially zoned property. She told the Commission that the Council had discussed a business with more than four gaming devices or more than one pool table as being a commercial amusement. She stated, however, that a draft ordinance had not been completed at this time. Seligman opened the public hearing and as there was no one wishing to address the Commission on this issue, the hearing was closed. McCall made a motion to table discussion on the item until the Planning and Zoning Commission Worksession. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a request from Billie Ladd for a Conditional Use Permit for a bowling center that would include retail, restaurant/private club, day care, and arcade uses, and a development plan for a bowling center to be located at Plaza Drive and Rockwall Parkway. Couch explained the application, the location of the site and some minor changes that had been made on the site plan including more detailed landscaping, curbs to prevent cars overhanging adjacent property, and better defined parking. She added that the applicant was also aware that additional street lighting would be necessary. Billie Ladd addressed the Commission and showed

photographs of a facility in DeSoto owned by the same persons who would own the future bowling center. She showed the Commission how she anticipated the traffic to flow from I-30 and SH-205 to her property. Quinn made a motion to recommend approval of the CUP and development plan submitted this date subject to the submission of a grading plan, completion of utility improvements, street lighting to be installed prior to issuance of a Certificate of Occupancy, and meeting the new standards for issuance of a private club permit which are as follows:

- 1) The CUP must include the request for the gaming devices
- 2) The gaming devices must be in a totally enclosed room and the entrance to the room must be at least 50 feet from any service bar for alcoholic beverages
- 3) The wall separating the room from the rest of the facility must be glass at least 4 feet from the floor to the top of the ceiling and it may not be obstructed by curtains, machines, etc., which would obstruct the view into the room
- 4) The room must be signed that no food or beverage of any kind may be consumed in the room.

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

Couch then outlined a request from Whittle Development for a Conditional Use Permit for a bowling center to include retail, restaurant/private club, nursery, commercial amusement including pool tables, arcade games, miniature golf, and bowling and approval of a site plan and preliminary plat for a bowling center to be located on FM-3097. At this time, 8:00 P.M., Bill Sinclair joined the meeting. Couch explained that the applicant would make some changes to his floor plan to conform with the current requirements pertaining to private clubs which consisted of putting a glass front as the separating wall for both the pool table area and the video area, placing all video games within the enclosed room, and closing off an outside door from the lounge area. She added that the site plan needed cross access easements, needed to reflect a rear drive lane of 24 feet, needed another location for the trash dumpster, and additional landscaping in the parking lot. She pointed out that the plat did reflect the 7-1/2 feet of necessary right-of-way dedication and that the construction of a 12 inch water main would begin with this development.

Rob Whittle addressed the Commission and agreed to all conditions stated. Quinn made a motion to approve the CUP, site plan and preliminary plat subject to the following conditions: 1) submission of revised drawings to be reviewed by the Commission at the April Worksession, 2) recognizing that the 12 inch water line must be constructed, 3) modification of the site plan per the recommendations of the City Staff, 4) modification of the floor plan as requested and 5) meeting the same standards for a Conditional Use Permit as required for a private club. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for Buffalo Creek Phase II. Couch explained that the plat met all the necessary requirements except that it did not reflect the adjusted amount of right-of-way dedication necessary as this was being worked on by the developer's engineer and the City's traffic planner. Couch outlined the recommendation of John Reglin regarding improvements. For this site, Reglin recommended a modified turn lane, which could be done by the developer if not by the

State. Couch explained that as the PD developed, Reglin had recommended a traffic analysis on each development. Whittle stated that he understood that a C.O. would not be issued until the road improvement was done. McCall made a motion to approve the final plat subject to review by the Commission at the Worksession, dedication of the necessary amount of right-of-way, and provision of the cross access easement to the north. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for the Harbor, Phase I. Couch explained that cross access easements needed to be provided at all three drives but the developer was concerned about tying down the location of the drives prior to having a business committed to the site. She explained that there was some language necessary on the plat to require future access easements. The Commission discussed the drive locations, and the developer's application to the Board of adjustments for a variance to the 200 foot log frontage requirement. Sinclair made a motion to approve the final plat subject to the addition of necessary language regarding future cross access easements, correction of the typographical error indicating a 20 foot drive to 24 feet, and approval of the variance by the Board of Adjustments. Crumbley 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:

Thomas E Quinn
Chairman

ATTEST:

By Julie Law

PD-9 amendment

MINUTES OF THE ROCKWALL CITY COUNCIL

April 4, 1988

Mayor Frank Miller called the meeting to order at 7:00 P. M. with the following Councilmembers present: Nell Welborn, Ken Jones, John Bullock, Bill Fox and Pat Luby. The Mayor conducted the invocation and led the Pledge of Allegiance.

The Council first considered approval of the Consent Agenda which consisted of A) approval of the minutes of March 1, 14, and 21, 1988; B) an ordinance authorizing a change in zoning from "PD-5" Planned Development to "SF"-10 Single Family on a 5 acre tract of land located on Quail Run Road on second reading; C) an ordinance authorizing a Conditional Use Permit for a commercial amusement to allow an indoor golf center at Industrial and I-30 on second reading; D) an ordinance adopting the 1987 National Electrical Code on first reading; and E) a resolution thanking Jean Holt for her contributions to the community. City Manager Bill Eisen read the ordinance captions. Welborn requested that Item E be pulled from the Consent Agenda. She then made a motion to approve the Consent Agenda with the exception of Item E. Jones seconded the motion. The motion was voted on and passed unanimously.

Welborn requested that the Resolution be read aloud by the City Secretary and that the phrase "honorary citizen of Rockwall" be changed to "honored and distinguished citizen of Rockwall". After the reading of the resolution, Jones made a motion to approve the resolution. Luby seconded the motion. The motion was voted on and passed unanimously.

Norm Seligman, Vice Chairman of the Planning and Zoning Commission, discussed the items on the Council Agenda which the Planning and Zoning Commission had reviewed and outlined their recommendations on each. Welborn questioned the basis for the recommendation for a forest green roof and medium beige tone brick for the proposed garden center. Seligman explained that the materials were a mutual decision between the Planning and Zoning Commission and the applicant.

Council then held a public hearing and considered approval of a request from Chandlers Landing Development Corp. for a change in zoning from "A" Agricultural to "PD-8" Planned Development for use as a residential community center and administrative offices and approval of a site plan for the 1.2 acre tract of land located on FM-740. Couch explained that based on the Planning and Zoning Commission recommendations the applicant had submitted a revised site plan. Art Anderson, representing Chandlers Landing Development Corp. addressed the Council and explained that the amenities package submitted in 1985 to the City Council had shown the Rutledge House as a community building. He stated that it was not adopted at that time officially, as it was not zoned or annexed into the City. He pointed out revisions on the site plan which included additional landscaping on the island facing FM-740, the addition of three parking places in the existing parking, addition of a stairwell off of Independence Place for pedestrian traffic, and screening which faced 740 and was extended on one side for the existing residences. He stated that he could not accept the recommendations of the Planning and Zoning Commission regarding the addition of five parking spaces

in the rear off Independence, the addition of outdoor restrooms, and the requirement for screening all the way around the lot. He requested that Council approve the site plan as submitted or deny the request. Luby stated that although there was a grade problem, he preferred that FM-740 be closed off and the existing parking be accessed from Independence Place. Fox stated opposition to incorporating the property into PD-8 unless it was inside a secure area of Chandlers Landing.

Norm Brennecke, President of the Chandlers Landing Homeowners Association, stated that he was disappointed that the site plan was not like the Yacht Club pool and that he supported the recommendations made by the Planning and Zoning Commission. Council discussed restroom accessibility, interior access, the potential for parking on the cul de sac, and the feasibility of providing a drive from Independence Place to the existing parking. Anderson pointed out that the community center was not proposed as a primary facility and that he anticipated minimal traffic. Fox made a motion to approve the change in zoning and the site plan subject to the following conditions: 1) that direct entry would be provided to the restroom facilities; 2) that access to Ridge Road be closed off, bermed, and landscaped; 3) that an access drive be provided from Independence Place to the existing parking; and 4) meeting the conditions of the Planning and Zoning Commission which are as follows: that the uses match the letter dated March 3, 1988, which states that the building would be used for swimming amenities, would contain a big toy for the children, would contain administrative offices for the overall project management of Chandlers Landing, and would be used for small social functions for community members. The Commission further recommended that the facility would not be used as a sales office, that a security fence be built on all sides and rear of the property made of material stronger than a cedar fence of a height of at least 6 ft., that a minimum of 5 parking spaces be provided in the rear of the property, and that landscaped screening be provided on the island between the entrances off of 740. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a request from Wayne Rogers for a change in zoning from "C" Commercial to "HC" Heavy Commercial on a .508 acre lot located at 1011 South Goliad. Wayne Rogers addressed Council and explained that he proposed to put a body shop in the existing building at that location and the only appropriate zoning category he could apply for was Heavy Commercial. Council discussed the indication of the Land Use Plan in this area which was for Commercial, the zoning on adjacent properties which was Commercial on the sides and SF-7 to the rear, and the possibility of amending the Zoning Ordinance to allow a body shop as a conditional use in Commercial zoning. Welborn made a motion to deny the change in zoning. Fox seconded the motion. The motion was voted on and passed unanimously.

Welborn then made a motion to initiate public hearings and direct the Planning and Zoning Commission to consider amending the Comprehensive Zoning Ordinance to allow a paint and body shop as a conditional use in Commercial zoning. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a request from David and Vicki Adams for a change in zoning from "SF-7" Single Family

to "GR" General Retail at 307 North Fannin. Couch explained that the applicants had previously requested that the property be zoned from General Retail to SF-7. They were now requesting that the zoning be reverted back to General Retail. Vicki Adams addressed the Council and explained that she had purchased the house to use it as a rent house, but that the adjacent retail property and the state of repair of some neighboring properties made it undesirable as a rent house. Bullock made a motion to approve the change in zoning. 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 Whittle Development for an amendment to PD-9 to include a garden center as a listed use in the General Retail area, consideration of a Conditional Use Permit for a proposed garden center to be located at FM-740 south of Summer Lea Drive, a site plan and a preliminary plat. Rob Whittle, Whittle Development, addressed Council and explained his proposed facility had been modeled after Calloway's on Galloway in Mesquite. He pointed out that a garden center was a good buffer between the proposed retail and the proposed single family residential properties. Council discussed the consensus reached between the developer and the Commission regarding the color of brick and the roof, recommendations of the Architectural Board of Review, setback, the proposed screening, and the additional right-of-way necessary to straighten the curve on FM-740. Whittle pointed out that with cross access easements between the lots, these lots would eventually have an outlet onto Summer Lea Drive. Welborn made a motion to approve the request for an amendment to PD-9, the Conditional Use Permit, the site plan, and the preliminary plat subject to the conditions as recommended by the Planning and Zoning Commission which are as follows: 1. that the preliminary plat be subject to: a) a provision of access easements for cross access to the north; b) additional right-of-way dedication at the final plat stage to provide room for realignment of FM-740, and 2. that the site plan be subject to the following conditions: a) the building is a permanent structure; b) screening is masonry, not wood; c) front and sides are all brick; d) entrance not to exceed 30 ft. in width; e) brick to be medium beige tone; f) forest green standing seam roof; g) dumpster screen to be of the same materials as the main structure; h) any vehicle left on the site will be located behind the building in the area designated as concrete products sales area; i) cross access drive needs to be shown on the site plan; k) that the fence be a 6 ft. concrete flat formed wall with a brick cap and 2 foot brick pilasters every 30 feet from face of building to rear property line. Jones seconded the motion. Fox offered an amendment to require the recommendation of the Traffic Planner regarding traffic control on FM-740. Miller seconded the amendment. The amendment was voted on and passed unanimously. Miller offered another amendment to provide a covenant prohibiting outside storage in Phase II. Bullock seconded the amendment. The amendment was voted on and passed unanimously. Welborn offered a third amendment to require the recommendations of the Traffic Planner on the entire Concept Plan for PD-9. Bullock seconded the motion. The amendment was voted on and passed unanimously. The motion was amended was voted on and passed unanimously.

Council then held a public hearing and considered approval of a request from Whittle Development for a Conditional Use Permit for a private club as an accessory to a restaurant, for a site plan and preliminary plat for a proposed restaurant to be located on I-30 at Lake Ray Hubbard. Couch

outlined the submitted site plan and preliminary plat and the proposed recommendations on each. Rob Whittle explained that these four lots represented the first phase of the Harbor Development. Council discussed the parking, the landscaping, the condition of the south service road of I-30, the necessity for access easements, and the necessity for utility improvements. Couch explained that the applicant had agreed to contractually agree to escrow for the 12 inch water line to be extended from Chandlers Landing. Council discussed the condition of the south service road of Interstate 30 and Couch explained that the Traffic Engineer had looked at the problem and who had stated that the State recognized the need for improvements and proposed beginning street improvements within two months. Jones made a motion to approve the Conditional Use Permit, the site plan, preliminary plat subject to the addition of trees to the landscaping. Bullock seconded the motion. Welborn offered an amendment to the motion to also require that approval be subject to the recommendations of the Planning and Zoning Commission, subject to a contractual agreement for extension of the 12 inch water line and the provision of cross access easements. The Planning and Zoning Commission conditions were as follows: 1) that cross access easements be provided on the plat; 2) that trash location is subject to approval by the contractor and the City; 3) that the internal circulation recommendations be met; and 4) that the applicant be allowed to utilize temporary gravel turnarounds on the drives ending on Lot 4 for a period of six months. Jones seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

Council then held a public hearing and considered action on two dangerous buildings located at 1755 I-30. Couch explained that notice had been made to the property owner that four buildings were in need of repair. Two had been removed and two remained. Aline McElroy, owner of the two buildings, cited several attempts she had made to remove the buildings and problems that had occurred. After a lengthy discussion, Bullock made a motion to allow the property owner 120 days to remove, demolish, or repair the two buildings and if not done within that 120 days, the City then had the authority to remove the buildings. Welborn seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a final plat for the Promise Land Addition. Couch stated that the plat as submitted met all City requirements. Fox made a motion to approve the final plat. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution authorizing execution of an agreement regarding a multi-agency task force. Eisen briefly outlined the agreement. Bullock made a motion to approve the resolution. Jones seconded the motion. The motion was voted on and passed unanimously. Welborn was not in the room for this vote.

Council then discussed calling a public hearing regarding possible designation of one-way service roads for certain sections of I-30 service roads. Council discussed a meeting that had taken place with the State Highway Department, preparation of a press release, and sending notices to the property owners on I-30. After a lengthy discussion, Welborn made a motion to instruct Staff to initiate public hearings and to send written notice to property owners on the north service road from FM-740 to SH-205 and on the

MINUTES OF THE ROCKWALL CITY COUNCIL
MAY 2, 1988

Mayor Pro Tem Bill Fox called the meeting to order with the following Councilmembers present: Nell Welborn, John Bullock,, Pat Luby, and Ken Jones. John Bullock conducted the invocation and led the Pledge of Allegiance.

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

- 1) an ordinance authorizing a change in zoning from "A" Agricultural to "PD-8" Planned Development on a 1.2 acre tract of land located on FM-740 on second reading
- 2) an ordinance authorizing a change in zoning from "SF-7" Single Family to "GR" General Retail on a lot located at 307 North Fannin on second reading
- 3) an ordinance amending "PD-9" to include a garden center as a listed use in the General Retail area on second reading
- 4) an ordinance authorizing a Conditional Use Permit for a proposed garden center to be located on FM-740 on second reading
- 5) an ordinance designating portions of I-30 frontage roads one on second reading

Assistant City Manager Julie Couch read the ordinance captions. Welborn made a motion to approve the Consent Agenda. Bullock 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 discussed items on the Council Agenda that the Commission had made recommendations on including the two applications for Conditional Use Permits for bowling centers, the replat within Phase 18 of Chandlers Landing, the final plat for the Harbor Phase I and the final plat for Buffalo Creek Phase II. Welborn questioned the effects of the amendment to the Master Park Plan. Smith explained that the relocation of the amenities area did not affect the overall plan.

The Council then held a public hearing and considered approval of an ordinance authorizing a Conditional Use Permit for a bowling center that would include retail, restaurant/private club, day care, and arcade uses, and a development plan for a bowling center to be located at Plaza Drive and Rockwall Parkway. Couch explained the applicants request and the recommendations of the Planning and Zoning Commission which were:

- 1) that prior to start of construction a grading and utility plan would be submitted and approved by the City Engineer
- 2) that prior to the issuance of a C.O. on the building the required street lighting for the area would be installed.

Couch explained that the applicant had met all the current requirements

regarding private clubs and arcades. Billie Ladd addressed the Council and offered to answer questions. As there was no one else wishing to address the Council on this issue the public hearing was closed. Couch read the ordinance caption. Jones made a motion to approve the ordinance authorizing the CUP subject to the conditions recommended by the Planning and Zoning Commission. Bullock 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 bowling center to include retail; restaurant/private club; nursery; commercial amusements including pool tables, arcade games and bowling; a site plan; and preliminary plat for a bowling center to be located on FM-3097. Couch explained the applicant's request and the recommendations of the Planning and Zoning Commission which were as follows:

- 1) allowing the drives to be less than the required 200 feet apart for a total drive separation of 160 feet.
- 2) reflecting cross access easements on both sides of the property when the final plat is submitted for approval.

Couch explained that the applicant had met the current requirements pertaining to private clubs and arcade areas. Rob Whittle, the applicant, addressed the Council and offered to answer questions. As there was no one else wishing to address this issue the public hearing was closed. Jones made a motion to approve the ordinance authorizing the CUP, the site plan and preliminary plat subject to the conditions recommended by the Commission. Bullock seconded the motion. Fox questioned the recommendations of the traffic planner. Couch explained that the traffic planner had recommended that as development occurs within PD-9, the traffic needs be reviewed on a case by case basis. Welborn confirmed with staff that the proposed center was the required number of feet away from the church across FM-3097. Jones then amended his motion to include the recommendations of the traffic planner. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a replat of five lots located within Phase 18 , Section II, Chandlers Landing. Couch explained that the developer was combining two lots to make one larger lot and was making some minor lot line adjustments to correct the road alignment. As there was no one wishing to address the Council on this issue the public hearing was closed. Luby made a motion to approve the replat. Welborn seconded the motion. The motion was voted on and passed unanimously.

The Council then held a public hearing and considered approval of an amendment to PD-9 to revise the amenities and change the land use from "SF-12.5" to "SF-10" on a 1.7 acre tract of land located off FM-740. Couch explained that when the preliminary plat for Foxchase was submitted, a conflict was discovered in an area designated "SF-12.5" which was being platted for "SF-10". She further explained that the Park Plan called for a three to five acre park in this area and that the applicant proposed a 3.5 acre park to

be dedicated to the City. Fox questioned the reduction in the park area from the original plan. Rob Whittle, Whittle Development, explained that when the concept plan was developed, a 7 acre park was proposed as it was unknown at the time what requirements would be necessary. Welborn made a motion to approve the amendment. Luby seconded the motion. The motion was voted on and passed unanimously.

Bill Eisen then gave the City Manager's report in which he discussed the Southwestern Bell Franchise fee, a newly created safety committee, a recent supreme court ruling on municipal bonds which could result in raising borrowing costs up to 35% for cities, the recent financial report and a recent meeting with Southwestern Bell regarding a regional 911 phone system.

Council then considered approval of a final plat for Buffalo Creek Phase II. Couch explained that the traffic planner had recommended that a short turn lane be provided prior to the issuance of a C.O. She stated that it was possible that the State would make this improvement based on the location of a substandard curve. She recommended that Council also consider conditions that would require the right of way to be reviewed by John Reglin prior to its being filed of record at the County Clerk's Office and that cross access easements be provided for property to the north. Welborn made a motion to approve the final plat with the conditions as outlined and that a turn lane be constructed prior to issuance of a C.O. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a final plat for The Harbor-Phase I. Couch explained that the property had been granted a variance by the Board of Adjustments to the lot width along I-30 because it was approximately 2.6 feet short of the required 200 feet, that there was wording on the plat to provide for additional access easements to be dedicated at the time the adjacent site plans were approved, and that the Highway Department had indicated that they would remove the barricade on the service road and upgrade the surface to provide adequate access into the site. Bullock made a motion to approve the final plat. Jones seconded the motion. The motion was voted on and passed unanimously.

City Manager Bill Eisen then outlined a proposed contract with the City of Heath for the Sale of Water. He stated that the agreement was to sell up to 250,00 gallons of water per day to the City of Heath who will use the water to serve up to 213 lots in the Buffalo Creek Addition. Luby confirmed that price escalator clauses were provided for in the contract. Bullock confirmed that the water was to be used for domestic use only. Welborn made a motion to approve the contract. Luby seconded the motion. The motion was voted on and passed unanimously.

Eisen then outlined the responses received from property owners on Nash Street regarding replacement of the sidewalk on the west side. He explained that the majority of the property owners were in favor of constructing the sidewalk five feet from back of the curb, that none of the trees would be removed and that the cost of these improvements would be \$10,053. He recommended Council approve a change order with Angel Concrete in this amount. Bullock made a motion to approve the change. Luby seconded the

ORDINANCE NO. 88-20

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AS HERETOFORE AMENDED AND ORDINANCE 86-55 TO AMEND THE PRELIMINARY PLAN FOR "PD-9" PLANNED DEVELOPMENT DISTRICT NO.9; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a change in the preliminary plan for "PD-9" has been requested by Whittle Development to change the land use from "SF-12.5" TO "SF-10" on the property described in Exhibit "A" and relocate the amenities from the property described in Exhibit "B" to the property described in Exhibit "D" attached hereto; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended by amending Exhibit "B" of Ordinance 86-55 as follows:

- a. Changing the zoning designation from "SF-12.5" to "SF-10" on the 1.7 acre tract of land as shown on Exhibit "B" and further described in Exhibit "A"
- b. Removing the 7 acre amenities area as shown on Exhibit "B", and
- c. Locating a 3.5 acre public park as shown on the revised concept plan attached hereto as Exhibit "C" and as further described on Exhibit "D"

Section 2. That the above described tracts of land shall be used on in the manner and for the purpose authorized by the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended and as amended hereby, by relocating the amenities area and changing the zoning designation from "SF-12.5" to "SF-10" on the tract of land described in Exhibit "A".

Section 3. Any person, firm, or corporation violating the provisions of this ordinance shall be subject to the same penalty as provided for in the

Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended and as amended hereby, and upon conviction shall be punished by fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance shall remain in full force and effect.

Section 5. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed,, and all other ordinances of the City of Rockwall no in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

DULY PASSED AND APPROVED THIS 6th DAY OF June, 1988

APPROVED;

Mayor

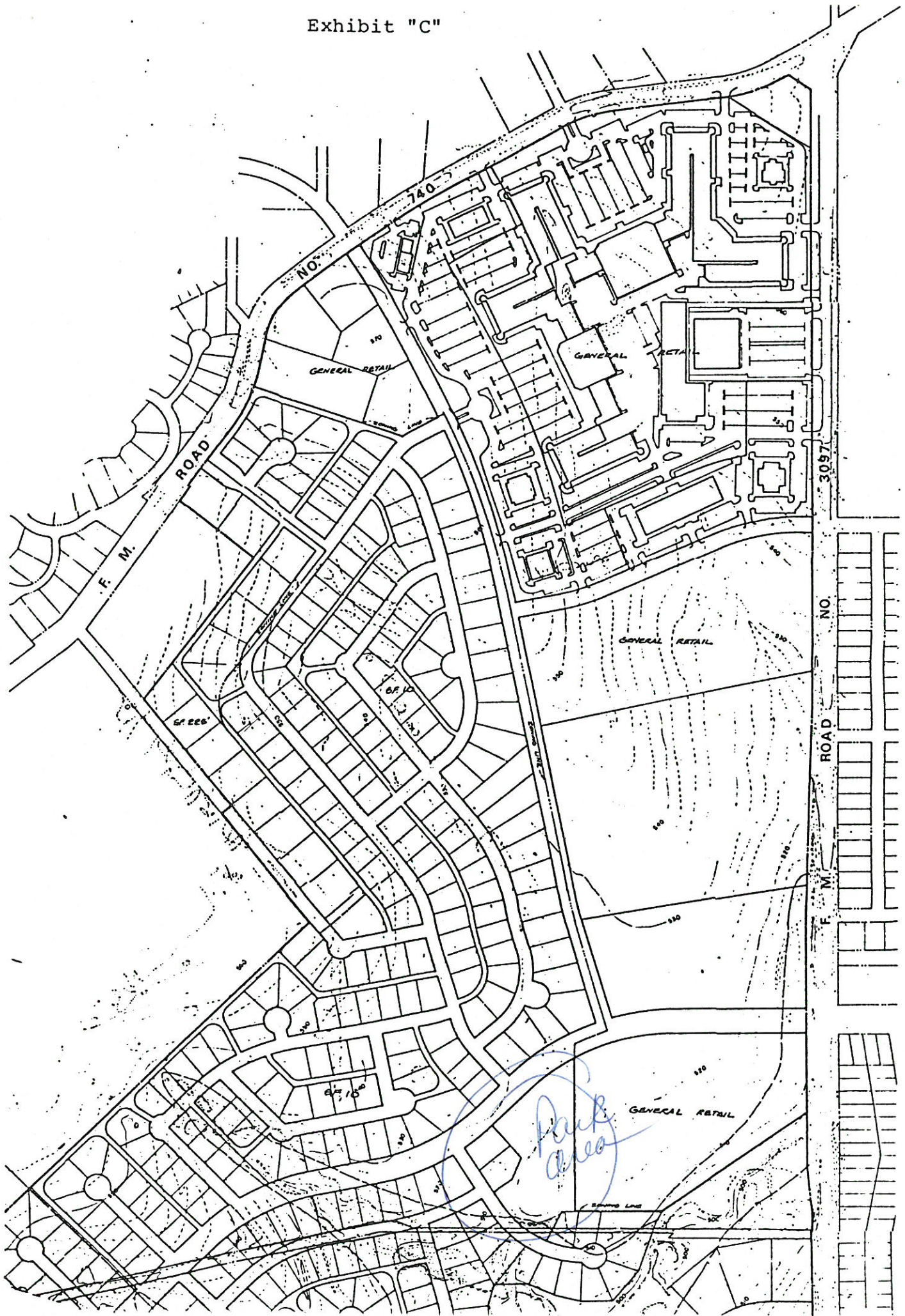
ATTEST;

By _____

1st reading 5/16/88

2nd reading 6/6/88

Exhibit "C"



PARK

STATE OF TEXAS
COUNTY OF ROCKWALL

EXHIBIT "D"

BEING a tract of land situated in Rockwall County, Texas, part of the E. Teal Survey, Abstract No. 207, being part of Tract 5 and 7, as recorded in Volume 184, Page 490, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a concrete highway right-of-way marker found for the Easterly Southeast corner of the intersection of Farm to Market Road 740 and F.M. 3097, same being the most Northerly corner of the herein described tract;

THENCE: Along the Southwesterly line of Farm to Market Road 3097 as follows:

South 45° 35' 20" East a distance of 2225.71 feet to a concrete highway monument;

South 44° 03' 08" East a distance of 900.21 feet to a concrete highway monument;

South 45° 31' 22" East a distance of 802.41 feet to a point for a corner;

THENCE: Leaving said Southwesterly line as follows:

South 10° 28' 38" West a distance of 662.77 feet to a point for a corner; and

South 44° 24' 40" West a distance of 334.49 feet to the Point of Beginning;

THENCE: South 44° 24' 40" West a distance of 47.00 feet to a point for a corner;

THENCE: South 20° 02' 12" East a distance of 126.71 feet to the point of curvature of a circular curve to the right having a central angle of 32° 17' 34", a radius of 375.00 feet, and a chord that bears South 84° 30' 18" West a distance of 208.57 feet;

THENCE: Along said curve an arc distance of 211.36 feet to a point for a corner;

THENCE: North 79° 20' 55" West a distance of 264.95 feet to the point of curvature of a circular curve to the left having a central angle of 6° 24' 51", a radius of 955.00 feet, and a chord that bears North 4° 37' 05" East a distance of 106.85 feet;

THENCE: Along said curve an arc distance of 106.91 feet to a point for a corner;

THENCE: North 1° 24' 40" East a distance of 214.65 feet to the point of curvature of a circular curve to the right having a central angle of 15° 00' 00", a radius of 800.00 feet, and a chord that bears North 8° 54' 40" East a distance of 208.84 feet;

THENCE: Along said curve an arc distance of 209.44 feet to a point for a corner;

THENCE: South 45° 31' 22" East a distance of 576.34 feet to the Point of Beginning and Containing 164,371 Square Feet or 3.7734 Acres of Land.

area to be designated as park

BEFO. THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30
o'clock P.M. on the 14th day of April, 1988

in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the
request of Rob Whittle, Whittle Development

for an amendment to PD-9 to change the land use designation from "SF-12.5"
to "SF-10" on a 1.7 acre tract and to revise the proposed amenities
and park facilities by relocating and redesignating the proposed park.

on the following described property:

Planned Developemnt No. 9 located southeast of FM-740 at
FM-3097 further described on the following attachments:

- EXHIBIT A - area designated "SF-12.5" to be amended to "SF-10"
- EXHIBIT B - area to be designated as park area
- EXHIBIT C - park area as currently designated to be amended
to "SF-10"

As an interested property owner, it is important that you attend this
hearing or notify the Commission of your feeling in regard to the matter
by returning the form below. The decision of the Planning and Zoning
Commission will be a recommendation for approval or denial which will be
forwarded to the City Council for a final decision. In replying please
refer to Case No. P&Z 88-17-Z

Mary A. Nichols
City of Rockwall, Texas

The following form may be filled out and returned as soon as possible to
the City Planning and Zoning Commission, 205 West Rusk Street, Rockwall,
Texas 75087.

Case No. P&Z 88-17-Z

I am in favor of the request for the reasons listed below. _____

I am opposed to the request for the reasons listed below. _____

- 1.
- 2.
- 3.

Signature _____

Address _____

BEFORE THE ROCKWALL CITY COUNCIL
CITY OF ROCKWALL, TEXAS

The Rockwall City Council will hold a public hearing at 7:30
o'clock P.M. on the 2nd day of May, 1988

in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at
the request of Rob Whittle, Whittle Development

for an amendment to PD-9 to change the land use designation from "SF-12.5"
to "SF-10" on a 1.7 acre tract and to revise the proposed amenities and
park facilities by relocating and redesignating the proposed park.

on the following described property:

Planned Developemtn No. 9 located southeast of FM-740 at FM-3097 further
described on the following attachments:

EXHIBIT B - area to be designated as park area

EXHIBIT A - area designated "SF-12.5" to be amended to "SF-10"

EXHIBIT C - park area as currently designated to be changed to "SF-10"

As an interested property owner, it is important that you attend this
hearing or notify the Council of your feeling in regard to the matter by
returning the form below.

In replying please refer to Case No. P&Z 88-17-Z

Mary A. Nichols
City of Rockwall, Texas

The following form may be filled out and returned as soon as possible to
the City Council, 205 West Rusk Street, Rockwall, Texas 75087

Case No. P&Z 88-17-Z

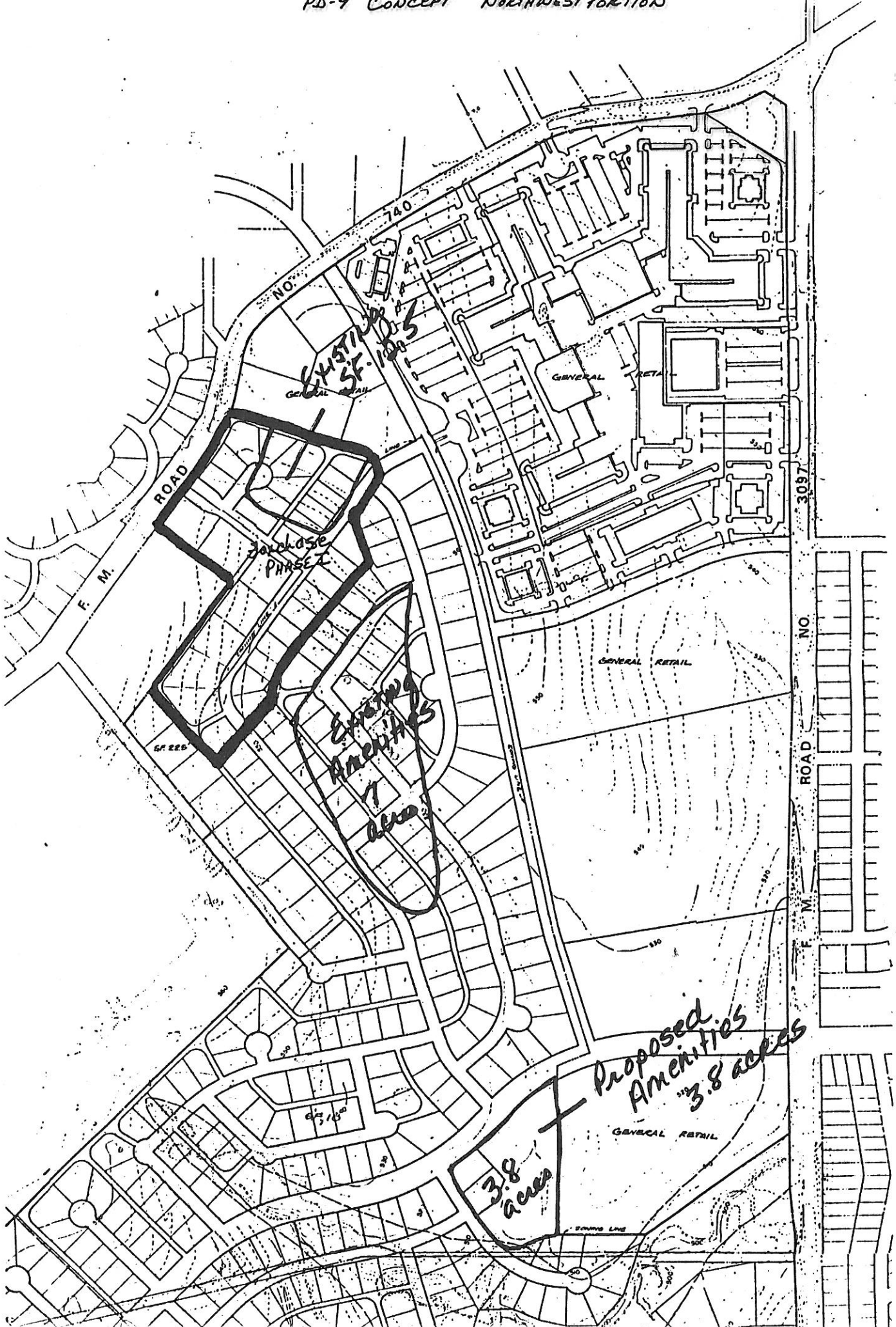
I am in favor of the request for the reasons listed below. _____

I am opposed to the request for the reasons listed below. _____

- 1.
- 2.
- 3.

Signature _____

Address _____



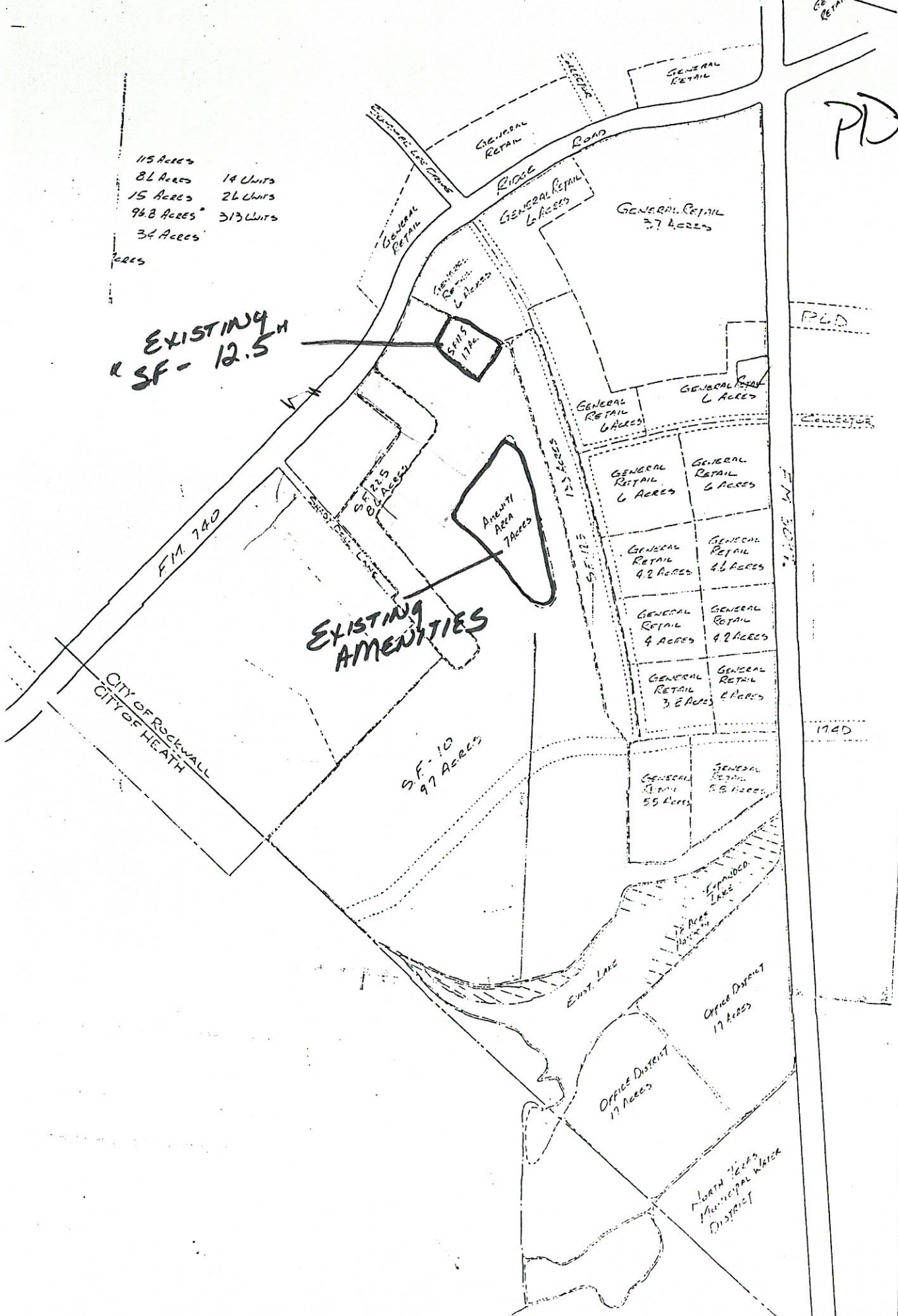
115 Acres
 81 Units
 15 Acres 26 Units
 94.8 Acres 213 Units
 34 Acres
 Acres

EXISTING 4th
 SF = 12.5

EXISTING AMENITIES

SF = 10
97 Acres

AMENITY
 AREA
 7 Acres



PD 9

PLANNING AND ZONING ACTION SHEET

Applicant Rob Whittle Case No. 88-17-2
 Property Description PD-9
 Case Subject Matter revise amenities, change "SF-12.5"
to "SF-10"

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>4/14</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conditions _____			

Date to City Council <u>5/2</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conditions _____			

Ordinance no. _____ Date _____

ITEMS IN FILE

Zoning Cases

- Application
- Site Plan
- Filing Fee
- Notice to Paper
- Notice to Residents
- List of Residents Notified
- NA 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

7

PUBLIC NOTICE

The Planning and Zoning Commission will hold a public hearing on April 14, 1988, at 7:30 P.M. in City Hall, 205 West Rusk, to consider approval of an amendment to the preliminary plan for PD-9 to change the land use designation from "SF-12.5" a minimum of 12,500 square foot lots to "SF-10" with a minimum of 10,000 square foot lots on a 1.7 acre tract and to revise the proposed amenities and park facilities by relocating and redesignating the proposed park within PD-9.

PUBLIC NOTICE

The Rockwall City Council will hold a public hearing on May 2, 1988, at 7:00 P.M. in City Hall, 205 West Rusk, to consider approval of an amendment to the preliminary plan for PD-9 to change the land use designation from "SF-12.5" a minimum of 12,500 square foot lots to "SF-10" with a minimum of 10,000 square foot lots on a 1.7 acre tract and to revise the proposed amenities and park facilities by relocating and redesignating the proposed park within PD-9.