

CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: April 14, 1988

AGENDA NO. III.C.

AGENDA ITEM:

P&Z 88-18-Z - Hold Public Hearing and Consider Amending the Comprehensive Zoning Ordinance to amend the Requirements Pertaining to Commercial Amusements

ITEM GENERATED BY: Council

ACTION NEEDED:

Hold public hearing and approve or deny amendment to Comprehensive Zoning Ordinance.

BACKGROUND INFORMATION:

The City Council has completed its review of the private club and the public amusements ordinances and has made a number of changes to those ordinances. We have expanded the ability to place gaming machines in Private Clubs under the Private Club ordinance and the Public Amusements ordinance has been rewritten to address only licensing and permitting of coin operated machine establishments and pool halls. It no longer contains regulations dealing with land uses; that now lies strictly with the zoning ordinance and the private club ordinance.

In addition to these changes, the Council has instructed the Planning and Zoning Commission to initiate hearings to consider amending the Zoning Ordinance regarding requirements applicable to commercial amusements. Our current requirements dictate that commercial amusements are allowed in commercial zoning districts only with a conditional use permit, but there is no definition as to when an establishment that contains several activities becomes a commercial amusement. For example, we have no definite point when an establishment that has both video games and restaurant services becomes a commercial amusement. This has created some problems in the past in interpreting the ordinance. We would recommend that the ordinance be amended to state that establishments that contain coin operated machines or pool tables become classified as commercial amusements when there are more than 4 coin operated machines or when there is more than one pool table. This would allow an establishment to have up to 4 machines and/or one pool table without applying for a CUP. We will have the draft of the changes at the meeting.

The Council also requested the Commission to review the current requirement that proposed commercial amusements must be at least 300 feet from any residentially zoned property as a minimum requirement. There are some locations in town that have shopping centers, for example, that are within 300 feet of residentially zoned property that would not be able to make application for such a use, even if the proposed use would not be detrimental to the neighborhood. The Council wanted to consider deleting this requirement and weigh location on a case by case basis.

Since we are considering some changes to the definition and requirements for commercial amusements we might also want to consider several other housecleaning. The current definition of commercial amusement initially indicates an operation that charges admission. Further in the definition uses such as pool halls, arcades, and bowling alleys are included but the first sentence can be misleading. We have included some changes to clarify what is considered a commercial amusement. In addition, the wording in zoning classification is not clear as to whether or not the requirements apply to all such uses including temporary type uses such as the circus that was located at the Ridge Road Shopping Center. We have not required these uses to obtain a CUP for just a weekend of operation. We would also propose to amend this wording to further clarify what is included.

ATTACHMENTS:

1. Current Requirements

AGENDA ITEM:

ITEM NO: III.C

Commercial Amusements

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

Commercial Amusements

MINUTES OF THE PLANNING AND ZONING COMMISSION

May 12, 1988

The Commission met at 7:30 P.M. with the following members present: Hank Crumbley, Bob McCall, Leigh Plagens, Tom Quinn and Bill Sinclair. The first order of business was election of a temporary chairperson pending Council's appointment of two members to the Commission to fill positions left vacant by Don Smith and Norm Seligman. Plagens made a motion to appoint Tom Quinn as temporary chairman. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of the minutes of April 14, 1988. Crumbley made a motion to approve the minutes as submitted. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing to consider amending the Comprehensive Zoning Ordinance to allow paint and body shops as a Conditional Use in "C" Commercial zoning category. Assistant City Manager Julie Couch explained that the Commission had initiated hearings to consider the amendment after an application for Heavy Commercial zoning was denied on SH-205. She explained that originally the applicant had hoped to lease the property as a paint and body shop but he had since leased it for another use. The Commission discussed adding the use with some specific requirements including 1) screening of outside storage with an opaque, masonry screen, 2) limiting the area of outside storage to a specific amount, and 3) putting a time limit on the amount of time vehicles could be stored outside. Plagens made a motion to recommend that paint and body shops not be included as a Conditional Use in the Commercial zoning category. Sinclair seconded the motion. The motion as voted on and passed 3 to 2, with Crumbley and McCall voting against the motion.

The Commission then held a public hearing and considered amending the Comprehensive Zoning Ordinance as it pertains to gasoline service stations and retail outlets where gasoline products are sold as an accessory to a retail use, and car washes as an accessory to a gasoline service station as Conditional Uses within the Scenic Overlay District. Couch explained that Council had directed hearings to be held to determine if certain uses should be changed or if they should remain in the District.

Perry Bodin, Jim Whitworth, and Wayne Backus each addressed the Commission to voice their objections to removing any uses that would make the Scenic Overlay District more restrictive than as currently existed. Rob Whittle told the Commission that he had lost a potential tenant due to the excessive requirements recommended by the Architectural Review Board. He stated that although he supported the goals of the District, he was opposed to making it more restrictive. The Commission discussed the existing allowed uses within the District, the conditions under which a full service station may apply for a Conditional Use Permit, goals of the District and whether to recommend amending the District to remove any of the current provisions. Plagens made a motion to recommend amending the District to delete Sections C 1 and C 2 from Conditional Uses to remove the gasoline service stations, retail outlets where gasoline products are sold as an accessory to a retail use,

and car washes as an accessory to a gasoline station. Crumbley seconded the motion. After additional discussion, the motion was voted on and passed 5 to 1 with all in favor except Crumbley who voted against the motion.

The Commission then considered approval of a final plat for Buffalo Creek Shopping Center. Couch explained that the plat met all requirements as submitted, provided for cross access easements and provided dedication of 7-1/2 feet of right-of-way for future widening of FM-3097. Plagens made a motion to approve the plat. McCall seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered amending the Comprehensive Zoning Ordinance as it pertains to Commercial Amusements. Couch outlined some proposed changes that would define when an establishment became a Commercial Amusement, better defines a Commercial Amusement, and allowed application to be made for a Conditional Use Permit for a Commercial Amusement for property within 300 feet of residentially zoned property which is currently not allowed. Sinclair made a motion to approve the proposed changes as submitted. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then discussed a proposed landscape ordinance. The members agreed that a public hearing should be held and directed Staff to make the necessary advertisements for the next regular meeting.

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

APPROVED:

Thomas E. Quinn
Chairman

ATTEST:

By Julie Couch

CITY OF ROCKWALL

City Council Agenda

AGENDA DATE: June 6, 1988

AGENDA NO. VI. D.

AGENDA ITEM: Hold Public Hearing and Consider Amending the Comprehensive Zoning Ordinance as it Pertains to Commercial Amusements

ITEM GENERATED BY: Council

ACTION NEEDED:

Hold Public Hearing and approve or deny amendment to Comprehensive Zoning Ordinance as proposed or with any changes included in the motion.

BACKGROUND INFORMATION:

As you are aware, the Council recently completed its review of the private club and the public amusements ordinances and you made a number of changes to those ordinances. We have expanded the ability to place gaming machines in Private Clubs under the Private Club ordinance and the Public Amusements ordinance has been rewritten to address only licensing and permitting of coin operated machine establishments and pool halls. It no longer contains regulations dealing with land uses; that now lies strictly with the zoning ordinance and the private club ordinance.

In addition to these changes, the Council had instructed the Planning and Zoning Commission to initiate hearings to consider amending the Zoning Ordinance regarding requirements applicable to commercial amusements. Our current requirements dictate that commercial amusements are allowed in commercial zoning districts only with a conditional use permit, but there is no definition as to when an establishment that contains several activities becomes a commercial amusement. For example, we have no definite point when an establishment that has both video games and restaurant services becomes a commercial amusement. This has created some problems in the past in interpreting the ordinance. We would recommend that the ordinance be amended to state that establishments that contain coin operated machines or pool tables become classified as commercial amusements when there are more than 4 coin operated machines or when there is more than one pool table. This would allow an establishment to have up to 4 machines and/or one pool table without applying for a CUP. All current facilities will meet these requirements with the exception of the Truck Stop and the Sub Shop on 205. The Council has indicated that you would want to grandfather those uses. These uses would be grandfathered if the ordinance is changed unless a requirement was placed in the ordinance that all existing uses must comply.

The Council also requested the Commission to review the current requirement that proposed commercial amusements must be at least 300 feet from any residentially zoned property as a minimum requirement. There are some locations in town that have shopping centers, for example, that are within 300 feet of residentially zoned property that would not be able to make application for such a use, even if the proposed use would not be detrimental to the neighborhood. The Council wanted to consider deleting this requirement and weigh location on a case by case basis.

Since we are considering some changes to the definition and requirements for commercial amusements we would also like to consider several other housecleaning items. The current definition of commercial amusement initially indicates an operation that charges admission. Further in the definition uses such as pool halls, arcades, and bowling alleys are included but the first sentence can be misleading. We have included some changes to clarify what is considered a commercial amusement. In addition, the wording regarding commercial amusements in the zoning classifications is not clear as to whether or not the requirements apply to all such uses including temporary type uses such as the circus that periodically locates at the Ridge Road Shopping Center. We have not required these uses to obtain a CUP for just a weekend or two of operation. We would also propose to amend this wording to further clarify what is included.

The proposed wording changes as recommended by the Planning and Zoning Commission are attached. We will be ready to discuss them at the meeting.

ATTACHMENTS:

1. Current Requirements
2. Proposed Requirements

AGENDA ITEM: Commercial Amusements Ord.

ITEM NO.: VI.D.

PROPOSED CHANGES TO THE COMPREHENSIVE ZONING ORDINANCE
FOR COMMERCIAL AMUSEMENTS

" ___ " - Indicates New Wording

[] - Indicates Wording to be Deleted

PROPOSED CHANGES TO THE "AG", "GR", "C", "HC", "LI", AND "HI" ZONING CLASSIFICATIONS:

1. Agricultural-
 4. Outdoor commercial recreation and amusements, excluding drive-in theaters, but including golf courses, target ranges and skeet shoots, picnic groves, amusement parks, circus or carnival grounds, commercial amusement or recreational developments or tents, and other similar uses. "Temporary outdoor uses not exceeding 14 days meeting all other requirements of the City may be permitted by the Building Official."
2. General Retail, Commercial, Heavy Commercial, Light Industrial, Heavy Industrial-
 - (). "Commercial amusements, as defined herein, including" amusement parks, circus or carnival grounds, [commercial amusement or] recreation developments, or tents "for other amusements" [or other temporary structures used for meetings] in accordance with all other applicable ordinances, and more than 300 feet from residentially zoned land, "unless such setback is reduced or waived by the Planning and Zoning Commission and City Council."Temporary uses not exceeding 14 days meeting all other requirements of the City may be permitted by the Building Official".

CHANGES TO THE DEFINITION OF COMMERCIAL AMUSEMENT:

32. Commercial Amusement: Any enterprise whose main purpose is to provide the general public with [a variety of] amusing or entertaining activities, where tickets "may be" [are] sold or fees "may be" collected at the gates of the various rides, contests, games, exhibits, or other similar activities within the confines of the area or structure by such activities. Commercial amusements include zoos, exhibitions, expositions, athletic contests, rodeos, tent shows, ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, travelling shows, bowling alleys, pool parlors, video arcades and similar enterprises but does not include theatres and auditoriums.

"Establishments that contain more than four(4) coin operated machines as defined by City Ordinances and/or more than one(1) pool table are hereby defined to be commercial amusements and shall meet the requirements for such uses as set forth in this ordinance."

24. Temporary indoor and outdoor fund raising events sponsored by nonprofit organizations with permit and approval of the Building Official.
25. Outdoor carnivals not exceeding 2 weeks sponsored by and on the same site as a permanent business with permit and approval of the Building Official.
26. Temporary on site construction offices limited to the period of construction and approved by the Building Official.
27. Temporary concrete batching plant limited to the period of construction upon approval of location and operation by the Building Official.

C. Conditional Uses: (Require Use Permits, See Article IV).

1. A mobile home on an unsubdivided tract of five acres or more or used as a temporary construction office meeting the conditions of Article IV.
2. New car dealership.
3. Nursery, greenhouse, or garden center.
4. Microwave, radio and television towers.
5. Facilities for railroads or those utilities holding a franchise under the City of Rockwall not allowed as permitted use.
6. Semi-public uses as defined heren.
7. Amusement parks, circus or carnival grounds, commercial amusement or recreation developments, in accordance with all other applicable ordinances, and located more than 300 feet from any residentially zoned land.
8. Private club as an accessory to a general restaurant.
9. New buildings with over 5,000 square feet, or additions of over 40% of existing floor area or over 5,000 square feet with combustible structural construction materials.
10. Buildings with exterior walls with less than 90% masonry materials excluding overhead doors on walls without street frontage.
11. Any structure over 60 feet in height.

D. Required Conditions:

1. All business establishments other than those selling a service shall be retail or wholesale service establish-

Definitions 14.1

27. Certificate of Occupancy: A certificate issued by the Zoning Administrator or his authorized representative stating that the proposed use of the land and/or building conforms to the requirements of this ordinance.
28. City: The City of Rockwall, Texas.
29. Clinic: An institution, public or private, or a station for the examination and treatment of outpatients by a group of doctors, dentists, opticians, ophthalmologists, orthopedists, or other similar professional physicians.
30. Cluster Development: A method of development of land that permits variation in lot sizes without an increase in overall density of population or development. The use of permanent, open space may be one method used to offset the increased density of smaller residential lots.
31. Cold Storage Plant: A commercial establishment where foods are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. There is no slaughtering of animals on the premises.
32. Commercial Amusement: Any enterprise whose main purpose is to provide the general public with a variety of amusing or entertaining activities, where tickets are sold or fees collected at the gates of the various rides, contests, games, exhibits, or other similar activities within the confines of the area or structure by such activities. Commercial amusements include zoos, exhibitions, expositions, athletic contests, rodeos, tent shows, ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, travelling shows, bowling alleys, pool parlors, video arcades and similar enterprises but does not include theatres and auditoriums.
33. Commission: The Planning and Zoning Commission of the City of Rockwall, Texas.
34. Comprehensive Plan: The Comprehensive Plan of the City of Rockwall and includes any unit or a part of such unit separately adopted and any amendment to such plan or parts thereof.
35. Conditional Use: A use which may be suitable in certain locations in a zoning district if developed and operated under specific conditions and/or for a limited period of time.
Conditional Use Permit: A non-transferable permit issued by the governing body, allowing a specified conditional use in a district at a specific location and under certain conditions and/or for a limited period of time.
36. Condominium: A multifamily dwelling unit, within which designated dwelling units are conveyed fee simple title, with an

Commercial Amusements

MINUTES OF THE ROCKWALL CITY COUNCIL

June 6, 1988

Mayor Frank Miller called the meeting to order at 7:00 P.M. with the following Councilmembers present; Nell Welborn, Don Smith, Alma Williams, Norm Seligman, and Pat Luby. Mayor Miller gave the invocation and led the pledge of allegiance.

David Medanich, First Southwest Company, explained that bids for the sale of \$1,900,000 City of Rockwall Combination Tax and Revenue Certificates of Obligation had been advertised and that seven timely bids had been received. He explained that as financial advisors for the City, First Southwest Company was required to obtain Council permission to submit competitive bids. Welborn made a motion to give Council's consent for First Southwest Company to submit a bid. Smith seconded the motion. Miller confirmed with the City Attorney that this posed no legal conflicts. The motion was voted on and passed unanimously.

Director of Finance Michael Phemister opened the seven bids and Medanich read aloud the following bidders and effective interest rates:

M Bank Capitol Markets	7.821336
Bear Stearns & Company, Inc.	7.845411
Dean, Witter, Reynolds, Inc.	7.8458981
First Republic Bank	7.882564
Prudential Bache Securities, Inc.	7.9117
Underwood Neuhaus & Company	7.8402924
First Southwest Company	7.772058

Medanich and Phemister adjourned to check the bids for accuracy.

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

- a) the minutes of May 16 and May 23,, 1988
- b) an ordinance amending "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 located off FM-740 on second reading
- c) date changes for Council's first meetings regularly scheduled for the months of July and September to July 5th and September 6th.
- d) an ordinance declaring the necessity for improvements and assessment on certain streets within the City on first reading.

Assistant City Manager Julie Couch read the ordinance captions. Seligman requested that item D be pulled from the Consent Agenda. Welborn made a motion to approve the Consent Agenda with the exception of Item D. Smith seconded the motion. The motion was voted on and passed unanimously. Seligman questioned the estimated cost of proposed improvements for these four streets compared to the actual cost of improvements in Phase I of the Capital Improvements Program. He further questioned the proposed amount of assessments against residential property owners. City Manager Bill Eisen

explained that although bids for construction were currently being taken, based on original estimates and changes made in the original proposal by the Council, Staff estimated \$750,000 to \$800,000 for the cost of the improvements. Regarding recovery of costs, Eisen explained that the Council had previously adopted a policy to assess for one half the cost of actual improvements for commercial property and to assess for curb and gutter only on residential property. Seligman made a motion to approve the ordinance. Luby seconded the motion. The motion was voted on and passed unanimously.

As the Planning and Zoning Commission Chairman was not present to give the Chairman's Report, the Council discussed whether or not to take action on the Planning and Zoning items on the evening's Agenda. Smith suggested that since public hearings had been advertised and notices had been mailed regarding these hearings that Council go ahead and hold the hearings and possibly postpone action until a later date.

Council then held a public hearing and considered approval of a request from Don Cameron for a variance to setback requirements of the Sign Ordinance at 1101 Ridge Road. Peggy Jackson of Jackson Signs showed photographs of the sign, explaining that the developer proposed to erect a 2 X 6 foot sign 8 feet off the ground on a single pole to be placed in between the legs of the existing sign. She stated that this was requested for a period of one year in order to give the developers time to lease the entire shopping center. She stated that as proposed there was no obstruction of view for traffic. Luby pointed out that this center contained minimum signage for a center of great size. Williams made a motion to approve the variance for a period of one year or until the property was fully leased, whichever was sooner. 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 Julia Richey to extend a variance to the front and side setback requirements of the Sign Ordinance to allow a sign on the front and side property line on the 700 block of South Goliad. Mrs. Richey addressed the Council and explained that upon requesting the variance she did not intend to rent the building longer than what was required in her lease. She stated that while she was looking for a more accessible location to her business, here lease did not expire until September and she therefore needed an extension of the variance for another six months. Luby made a motion to approve the variance for six months or until she vacated the building, whichever came sooner. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered amending the Comprehensive Zoning Ordinance as it pertains to commercial amusements. Miller opened the public hearing, and as there was no one present wishing to address the Council on this issue, the public hearing was closed. Council discussed the changes as proposed and whether or not to take action on the item. Welborn pointed out that the changes proposed cleaned up the existing requirements, better defined a commercial amusement, and allowed each commercial amusement to be reviewed on a case by case basis. Seligman made a motion to approve the proposed changes with the wording changes as recommended by the Planning and Zoning Commission and as stated in the

Agenda Notes. Welborn seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered amending the Comprehensive Zoning Ordinance to allow paint and body shops as a conditional use in the "C" Commercial category of the Zoning Ordinance. Couch explained that recently an application for a change in zoning from "C" Commercial to "HC" Heavy Commercial had been made and denied on a tract of land located on SH-205 for the purpose of a paint and body shop. She explained that the Planning and Zoning Commission had recommended denial of the zone change, but had recommended that hearings be initiated to consider placing paint and body shops in the Commercial District as a conditional use, thus allowing the Commission and Council to consider such shops on a case by case basis. She explained that during the time from initiation of the hearing to the time the hearing was held, the property which had been denied a zone change had since been leased for a use that was legal under the Commercial category. Couch explained that the Commission had considered amending the Zoning Ordinance with some specific requirements for a paint and body shop that was issued a Conditional Use Permit. She stated, however, that lacking any testimony supporting the change, the Commission had recommended that the ordinance not be changed to allow paint and body shops as a conditional use. Council discussed whether there was a need for a mechanism for consideration of paint and body shops in Commercial categories on a case by case basis. Seligman made a motion to make no changes in the Zoning Ordinance with regard to this issue. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered amending the Comprehensive Zoning Ordinance as it pertains to gasoline service stations and retail outlets where gasoline products are sold as an accessory to a retail use and car washes as an accessory to a gasoline service station as conditional uses within the Scenic Overlay District. Couch explained that the Planning and Zoning Commission had recommended that full service gasoline stations, retail outlets where gasoline was sold as an accessory and car washes as an accessory to a gas station all be deleted from the Scenic Overlay District, either as permitted or as conditional uses. Rob Whittle of Whittle Development stated opposition to the recommendation of the Commission and pointed out that their recommendation would prohibit all gasoline sales within the Overlay District. He stated that if the District had been placed prior to construction of the 7-11 and the Mr. M., these businesses would not be allowed to be located on FM-740. Perry Bodin told the Council that the Commission and Council should at least have the opportunity to review plans for outlets that would have gasoline sales on a case by case basis instead of total prohibition of the gasoline sales within the Scenic Overlay District. Tom Briscoe, the Mobil Oil Distributor for Rockwall County, stated that the Council shouldn't ban additional gasoline outlets on FM-740, as two of the three affected intersections already had businesses with gasoline sales located somewhere in the intersection. He stated that this would not allow for competition, would cause higher prices, and reduce the opportunities for additional jobs. J. O. Richey addressed the Council and stated that while he did agree that FM-740 should be more prohibitive and more restrictive than SH-205, he was opposed for prohibiting additional outlets where gasoline was sold. As there was no one else wishing to address the Council on this issue, the public hearing was closed. Council discussed at length whether to allow

gasoline sales as an accessory to a retail use, gasoline service stations, and car washes as an accessory to a gasoline station. Welborn made a motion to table action until the June 20th meeting of Council. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a revised development plan for the Harbor, Phase I located on the south side of I-30 on Lake Ray Hubbard. Couch explained that the original development plan for the Harbor was planned for four lots with restaurants proposed on three lots and office use on one. She explained that lease negotiations had been finalized on the fourth lot and that the tenant requested a revision from two story to one story. She stated that a one story restaurant would increase the area needed for floor space on the lot, and to accommodate this change the parking along the front of the building had to be removed. She stated that in order to compensate for the reduced parking the applicant proposed to change the land use on the second lot from restaurant to retail which reduced the necessary parking requirements. She stated that another change had reduced the number of entrances on I-30 from three to two which had improved circulation within the project. Rob Whittle addressed the Council and outlined his proposal. Welborn made a motion to approve the change in the development plan subject to the conditions of the Planning and Zoning Commission which were 1) that the grass areas that remain undeveloped on Lots 1, 2, and 3 be maintained as grass areas and 2) that prior to issuance of a Certificate of Occupancy on the first building the landscaping proposed at the entrance off of I-30 be installed. Williams seconded the motion. Miller offered an amendment to re-allocate some landscaping in the interior of the parking area to increase the landscaping at the entrance. Williams seconded the motion. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

The Council then considered approval of a Facilities Agreement with Whittle Development for the construction of Harbor Phase I. Couch explained that the Agreement provided for the developer to escrow his pro rata share of the cost of installation of a 12 inch water main along the service road of I-30. It would include all the conditions for approval of the site plan and the final plat, funds for escrow for construction of the sewer line, and would allow for the issuance of a building permit prior to completion of the line. After a lengthy discussion with the developer and with Staff, Smith made a motion to approve Facilities Agreement with the clarifications as provided to Council that evening. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance providing for issuance of City of Rockwall, Texas, Combination Tax and Revenue Certificates of Obligation, Series 1988 in the Aggregate Amount of \$1,900,000 and Enacting Other Provisions Related Thereto on second reading. David Medanich of First Southwest Company and Director of Finance Michael Phemister both addressed the Council and explained that upon tabulation of the bids they all did appear accurate and the low bid was received from First Southwest Company for 7.772058%. Welborn made a motion to award the bid to First Southwest Company. Williams seconded the motion. The motion was voted on and passed unanimously. Couch then read the caption of the ordinance. Welborn made a motion to approve the ordinance with the addition of the accurate percentage

PLANNING AND ZONING ACTION SHEET

Applicant _____ Case No. 88-18-2

Property Description _____

Case Subject Matter review commercial amusements
requirements of Comprehensive zoning Ord

CASE ACTION

Date to P&Z 4/14 Approved Disapproved Tabled ✓

Conditions _____

Date to City Council _____

Conditions _____

Ordinance no. _____ Date _____

ITEMS IN FILE

Zoning Cases

- Application
- Site Plan
- Filing Fee
- Notice to Paper
- Notice to Residents
- List of Residents Notified
- Residents' Responses
- Consultant's Review
- Agenda Notes
- Minutes
- Ordinance
- Correspondence
- Applicant Receipts

Plat/Site Plan Cases

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

PUBLIC HEARING

The Rockwall P & Z Commission will hold a public hearing on April 14, 1988 at 7:30 PM in City Hall, 205 W. Rusk to consider the following:

1. An amendment to the Comprehensive Zoning Ordinance to amend the requirements and regulations regarding commercial amusements as defined in the Comprehensive Zoning Ordinance and as specified in the "GR", "C", "HC", "LI", and "HI" zoning categories.
2. A request from Frates Corporation for a replat of Lots 1, 2, and 3, Block C and Lots 1, 7, and 8 of Block A, Phase 18 of Chandler's Landing.