

AGENDA

ROCKWALL PLANNING AND ZONING COMMISSION WORKSESSION April 28, 1988 7:00 P.M.

- I. Call to Order
- II. Review Items
 - A. P&Z 88-15-FP - Final Plat for Buffalo Creek Phase II
 - B. P&Z 88-16-FP - Final Plat for Harbor Phase II
 - C. P&Z 88-5-SP/PP/CUP - Site Plan for Whittle Bowling Center
- III. Worksession Items
 - A. P&Z 88-20-SP/CUP - Site Plan for One Stop and CUP for Car Wash
 - B. P&Z 88-21-FP - Final Plat for Buffalo Creek Shopping Center-Bowling Center
 - C. P&Z 88-19-CUP - CUP for Truck Wash in Bodin Industrial Park
 - ~~D.~~ Discuss and Review PD-28, Total Car Care
 - ~~E.~~ Discuss and Review a CUP Issued for a Gun Club
 - ~~F.~~ P&Z 88-18-Z - Amendment to Zoning Ordinance Re: Commercial Amusements
 - ~~G.~~ P&Z 83-23-Z - Amendment to Zoning Ordinance Re: Paint and Body in Commercial
 - ~~H.~~ P&Z 88-24-Z - Amendment to Zoning Ordinance Re: Car Wash and Service Station Uses in Scenic Overlay District
 - ~~I.~~ Discuss Proposed Landscape Ordinance
- IV. Adjournment

*paint & body shop - 1. sawing outside storage
2. opaque w/ masonry fence
3. limit space to 800 sq ft
+ what about time
limit on outside storage
of vehicles*

Body Shops in C

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

Council Agenda

AGENDA DATE: June 6, 1988 AGENDA NO. VI. E.

AGENDA ITEM: P&Z 88-23-Z - Hold Public Hearing and Consider Amending the Comprehensive Zoning Ordinance to Allow Paint and Body Shops as a Conditional Use in "C" Commercial Zoning Category

ITEM GENERATED BY: Planning and Zoning Commission

ACTION NEEDED: Hold public hearing and approve or deny change in Zoning Ordinance. The Planning and Zoning Commission recommended denial and therefore a 3/4 majority vote of the Council would be required to override.

BACKGROUND INFORMATION:

Wayne Rogers had recently made application for a change in zoning from "C" to "HC" on a tract of land located at SH-205 and Sam Houston Street where the Hughes Plumbing business used to be. He had wanted to place a paint and body shop in that facility. The Planning and Zoning Commission had recommended denial of the zone change but did recommend that changes be initiated to consider placing paint and body shops in "C" Commercial as a conditional use. This would have allowed Mr. Rogers the ability to apply for a Conditional Use Permit for that location. The Council accepted the recommendation of the Planning and Zoning Commission and requested that hearings be initiated.

During the time from initiation of the hearing to the time the hearing was held before the Commission Mr. Rogers leased the building for a tire center which is legal under "C". The Commission, lacking any testimony supporting the change, has recommended that the ordinance not be amended to place paint and body shops in "C" as a conditional use.

ATTACHMENTS:

AGENDA ITEM: CUP for Paint & Body Shop in ITEM NO: VI. E.

body shop in C

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, her 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 in place 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