

gasoline in Scenic Overlay

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.F.

AGENDA ITEM: P&Z 88-24-Z - Hold Public Hearing and Consider 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

ITEM GENERATED BY: Council

ACTION NEEDED: Hold public hearing and consider any changes regarding these uses in the Overlay District

BACKGROUND INFORMATION: As a result of the discussion that developed during the hearing on Mr. Backus' CUP request for the full service station on 740, the Council has initiated a review process on the Overlay District as it relates to facilities that sell gasoline products and car washes. The Council requested the Commission to hold public hearings to determine if those uses should be changed, left as they are, or if they should remain in the District as allowed uses. A number of questions developed during the hearing and a summary of those is as follows:

1. What is the definition of a full service station
2. What constitutes an intersection for the purposes of the CUP
3. Should the site for these type of uses be a minimum of one acre without exception
4. Should full service stations be allowed in the District
5. Should gasoline stations of any type be allowed in the District
6. Should car washes as accessory uses be allowed in the District
7. Should retail outlets that sell gasoline products be allowed in the District

Under the current ordinance service stations and retail outlets that sell gasoline products can only be located at intersections of 4 and 6 lane arterials as indicated on our thoroughfare plan. This limits these uses to the following intersections:

1. 740 and 205
2. 740 and Yellowjacket (assuming this location continues to meet the definition of an intersection)
3. 740 and 3097

The intersection of 740 and I-30, which is not a part of the Overlay District, is available for these uses.

The Planning and Zoning Commission has held public hearings and has recommended that all of these uses be deleted from the Overlay District. We will forward you a copy of their minutes under separate cover. A copy of the current requirements are attached.

ATTACHMENTS:

1. Current requirements under the Overlay District

AGENDA ITEM: Amending Comp. Zon. Ord./Overlay Dist. ITEM NO: VI.F.

gas station - Scenic Overlay

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

CITY OF ROCKWALL
CITY COUNCIL
Agenda

AGENDA DATE: June 20, 1988 AGENDA NO. VI. A.

AGENDA ITEM: P&Z 88-22-FP - Hold Public Hearing and Consider Approval of a Replat of a Portion of the Sanger Addition

ITEM GENERATED BY: Nell Papas

ACTION NEEDED: Hold Public hearing and consider approval of replat and escrow waiver.

BACKGROUND INFORMATION:

We have received a request for a replat of a lot in the Sanger Addition. This lot, which was originally platted as one lot with 100 feet of frontage on two streets and 200 feet of depth, is currently owned by two individuals. This is not uncommon in older subdivisions in the City. There is a house on one side of the lot and the other side is vacant. The owner of the vacant side would like to build a house, but we cannot issue a building permit for more than one main structure on a lot. She is therefore requesting to replat her portion into a separate lot. Both lots will meet our minimum lot requirements when divided. A public hearing is required under State law for a replat in a residential area.

Under our street escrow ordinance the property owner would normally be required to escrow the cost of reconstructing one half of the street adjacent to the lot as a part of the plat approval. The property owner plans to live in the house once constructed and this is a one lot subdivision. The owner has requested a waiver to these escrow requirements as allowed under the ordinance. This property meets the criteria established on previous requests for waivers of this type.

The Planning and Zoning Commission has recommended approval of this replat and the request for a waiver.

ATTACHMENTS:

1. Location Map
2. Replat

AGENDA ITEM: Sanger Addition Replat ITEM NO: VI. A.

CITY OF ROCKWALL

Council Agenda

AGENDA DATE: June 20, 1988 AGENDA NO. VI. B.

AGENDA ITEM: P&Z 88-25-SP - Discuss and Consider Approval of a Site Plan for a Whataburger to be Located on I-30 West of SH-205

ITEM GENERATED BY: John Heiman, Applicant

ACTION NEEDED: Discuss and consider approval of Site Plan

BACKGROUND INFORMATION:

We have received a request for approval of a site plan for a Whataburger to be located on the I-30 service road west of SH-205 in the Walmart Shopping Center. The site is already platted and zoned. The only item left for development is consideration of the site plan. The plan as submitted meets all of our current site plan requirements. The access into the property will be off of two existing drive lanes that are entrances into the shopping center. There will be no additional access off of the service road.

Our comments regarding the plan are as follows:

1. The parking shown on the site totals 19 spaces. The requirement for this site would be 25 spaces. The owner of the property does have a joint access and parking agreement with the owners of the shopping center, which will allow this facility to utilize the existing parking as well. The shopping center has approximately 50 extra spaces over what their required number would be. The Zoning Ordinance authorizes the use of shared parking so long as all uses are provided the necessary parking. They have provided us with a copy of the agreement.
2. The building elevation originally showed a painted wood paneling above the first floor height. In order to comply with our 90% masonry requirement they have indicated that they will utilize stucco rather than the wood paneling.
3. The dumpster location will be enclosed with brick and will have a solid opaque door at the entrance.

The Planning and Zoning Commission approved the site plan with the following conditions:

1. That a grading and drainage plan be submitted and approved by the City Engineer prior to the issuance of a building permit.
2. That the curb shown along the east parking area be expanded to a 2 - 3 foot landscaped area to connect the island at the east entrance into the site to the landscaping around the dumpster location.

- ATTACHMENTS:
1. Location map
 2. Site plan
 3. Shopping center plan
 4. Elevations

AGENDA ITEM: Wataburger site plan

ITEM NO: VI. B.

CITY OF ROCKWALL

Council Agenda

AGENDA DATE: June 20, 1988 AGENDA NO. IX. A

AGENDA ITEM: Discuss and Consider 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 within the Scenic Overlay District

ITEM GENERATED BY: Council

ACTION NEEDED: Discuss item and instruct Staff to prepare amendments if same are indicated.

BACKGROUND INFORMATION:

At your last meeting the Council indicated that you wanted to consider some alternative wording relating to some of the conditions that must be met for automotive uses in the Overlay District. We have prepared some alternative wording that the Council may wish to consider regarding these items.

The following wording would accomplish several things. It further defines some of the items that have generated some confusion in the past. It also further defines the conditions that would have to be met to locate a full service station in the District. This alternative assumes some difference in the minimum standards for full service stations and the other allowed automotive uses. For example, the one acre minimum is maintained for full service stations, not for the other allowed uses. We have also separated out the requirements specific to car washes.

The alternative wording is as follows:

G. Conditions of Conditional Use

7. Gasoline Service Stations and retail outlets where gasoline products are sold as an accessory to a retail use located in the Scenic Overlay District shall meet the following requirements to apply for a Conditional Use Permit:

- a. Gasoline Service Stations are hereby defined to include the following:
 - 1) Self Service Stations that offer no maintenance or repair services to vehicles and
 - 2) Full Service Stations that offer vehicle servicing to include tire repair and replacement, minor tuneup, lubrication services, oil changes, minor brake and shock repair, and State Inspection services. Major repair services shall not be permitted.
- b. The site for such uses must be located at the intersection of two major arterial streets and such development must provide direct site access to both streets. An intersection is defined as the coming together of two streets in some configuration, not necessarily at 90° angles. Major arterial street is defined as either a four lane or six lane divided street as proposed on the adopted Thoroughfare Plan.
- c. There shall be no outside storage on display of any merchandise, inventory or equipment.
- d. A minimum 20 foot landscape buffer strip along all street frontages shall be required.
- e. Full service stations as herein defined shall meet the following standards:
 - 1) Such facilities shall contain no more than 4 service bays. The service bays shall be set back a minimum of 50 feet from the street frontage and the service bay doors shall not directly face any public street.

- 2) The automobile servicing area and waiting/storage area shall be screened from view by an 8 ft. tall masonry fence. Landscaping along the entire length of the outside wall shall be provided.
- 3) Any wrecker or other service vehicle used as a part of the business shall be stored inside the walled area when not in service.
- 4) All vehicles left overnight for service shall be stored either in the service bays or within the walled area.
- 5) The site for such facilities must be a minimum of one acre, unless it is demonstrated that all requirements can be met and there is adequate access, circulation and screening on less than one acre.

8. Car wash, tunnel or rollover design, as an accessory to a gasoline station or retail outlet where gasoline products are sold, limited to one bay per site, shall meet the following requirements to apply for a Conditional Use Permit:

- a. Entrances and exits to the car wash shall not directly face any public stREET.
- b. The car wash shall be set back a minimum of 50 feet from any street frontage.

We will be ready to discuss this wording at the meeting.

ATTACHMENTS: 1. Current requirements

AGENDA ITEM: Overlay District Amendments ITEM NO: IX. A.

gas stations - Scenic Overlay

MINUTES OF THE ROCKWALL CITY COUNCIL MEETING

JUNE 20, 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.

Council considered approval of the Consent Agenda which consisted of:

- a) the minutes of June 6, 1988
- b) an ordinance regulating the rental and display of video cassettes on second reading
- c) an ordinance increasing the number of members on the Park Board on second reading.

Assistant City Manager Julie Couch read the two ordinance captions. Smith made a motion to approve the Consent Agenda. Seligman seconded the motion. The motion was voted on and passed unanimously.

Councilmembers Williams, Smith, Seligman and Welborn each briefly discussed portions of the Annual General Assembly Meeting for the benefit of those Councilmembers who couldn't attend. The Councilmembers discussed a luncheon address by Henry Cisneros, Mayor of San Antonio, suggestions for streamlining Council meetings, training aids, and cutback management during the budget process.

Tom Quinn, Chairman of the Planning and Zoning Commission, discussed items reviewed by the Commission at the last regular meeting and outlined recommendations made by the commission on the Sanger replat, Whataburger site plan, Roadrunner site plan and final plat, and One Stop site plan which were to be considered by Council that evening. Quinn answered questions of Council regarding these items.

Council then held a public hearing and considered approval of a replat of a portion of the Sanger Addition. Couch explained that the owner of the vacant half of a large lot couldn't build on that portion unless it was replatted into two lots since a residence existed already on the other half. She further explained that the applicant intended to live in the house, once built, and was requesting a waiver on the escrow requirements for street improvements. Marilyn Slaughter, representing the applicant Nell Pappas, was present to answer Council questions. After a brief discussion, Welborn made a motion to approve the replat and the waiver request. Williams seconded the motion. The motion was voted on and passed unanimously.

Couch then outlined a site plan for a proposed Whataburger restaurant to be located on the north service road of I-30 west of SH-205. She explained that the Commission had recommended approval subject to submission to the City

Engineer of a grading and drainage plan and she handed out revised site plans indicative of the curbing and landscaping changes suggested by the Commission. John Heiman, the applicant, discussed the elevation design and changes that were made in the site plan to address concerns by the staff and Commission. Miller stated opposition to the A frame design. Council discussed the shared parking agreement with Folsom, the location of the main entry drive, the landscaping, screening of the dumpster, and tighteners of the sight. After a lengthy discussion, Welborn made a motion to approve the site plan with landscaping changes subject to the recommendations of the P&Z as previously stated. Seligman seconded the motion. The motion was voted on and passed 5 to 1 with Miller voting against the motion.

Council then considered approval of a final plat for the Roadrunner Addition and a site plan for a proposed convenience store on the south service road of I-30 at FM-740. She explained that Commission recommended approval of the site plan subject to dedication of a cross access easement for the property to the south, that a grading and drainage plan be submitted and approved prior to issuance of a building permit, and that the gas canopy supports be bricked to match the building. She explained that the final plat should be subject to approval by the Board of Adjustments of a variance to the minimum site size requirements to allow a site less than one acre with frontage on I-30. Michael Craven, representing the Truman Arnold Company, gave a brief history of the company, discussed the inability to acquire additional property to increase the site size, and the number of pumps and islands proposed. Luby stated opposition to the color scheme. Craven explained that the colors had been researched through a focus study, and was standard color scheme for Roadrunner Stores. After Council discussion, Seligman made a motion to approve the site plan subject to recommendations by the Commission and the final plat subject to approval of the aforementioned variance by the Board of Adjustments. Smith seconded the motion. The motion was voted on and passed 5 to 1 with Luby voting against the motion.

Council then considered approval of a site plan for a One Stop convenience store to be located on SH-66 at Lakeshore Drive. Couch outlined the location of the site, the amount of right of way along SH-66, and the landscape screening proposed adjacent to the residential properties. Tony Arterburn, representing Jerry Glenn, presented a rendering of the proposed building. After a brief discussion, Welborn made a motion to approve the site plan subject to the recommendations of the commission which were as follows:

- 1) allowing less than 200 feet drive separation
- 2) requiring a shared access easement to the east
- 3) adding a brick parapet along the entire roof line

- 4) that the gas canopy supports be bricked to match the building
- 5) that lighting be designed for minimal spillage on residential properties
- 6) that a fire hydrant be installed to meet current requirements.
- 7) that a grading and drainage plan be submitted and approved by the City Engineer prior to the issuance of a building permit.

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

Council adjourned into Executive Session at 8:50 P.M. under Article 6252-17 V.A.C.S. to discuss Land Acquisition regarding future office space, Personnel regarding appointments to the Parks & Recreation Board, and Litigation: Rogers vs. the City of Rockwall. Upon reconvening into regular session at 9:40 P.M. Williams made a motion to appoint Carolyn Gehring to the Park Board. Seligman seconded the motion. The motion was voted on and passed unanimously. Luby made a motion to appoint Greg Fox. Smith seconded the motion. The motion was voted on and passed unanimously.

The Council then 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 within the Scenic Overlay district. Couch outlined the proposed changes regarding full service stations that had been drafted based on Council direction. Council discussed whether to retain the one acre minimum site size, whether to allow four or six bays, whether to allow a wrecker to be parked within the walled area, and whether to allow car washes as an accessory to an outlet where gasoline was sold. Williams made a motion to accept the proposed amendments to the ordinance through section G.7.e.3) as shown on the attached appendix, except that 7.e)1 be changed to show no more than 6 bays and that item e) read "... shall meet the following standards in addition to items A through D above." Seligman seconded the motion. The motion was voted on and passed unanimously. Seligman made a motion to require that number 4) read "all vehicles left overnight for service shall be stored in the service bays." Smith seconded the motion. The motion was voted on and failed three to three with Welborn, Smith and Luby voting against the motion. Welborn then made a motion to amend section 5) of 7.e to read "the site for such facility must be a minimum of 40,000 square feet." Williams seconded the motion. The same was voted on and passed unanimously. Williams then made a motion to accept Section 8 as submitted. Seligman seconded the motion. The motion was voted on and passed unanimously.

Couch told Council that the changes would be drafted into ordinance form for first reading at the next meeting.

Council then considered approval of an ordinance setting the date for public hearing on the Heritage Heights Public Improvement District for July 18 on second reading. Couch read the ordinance caption. Welborn made a motion to approve the ordinance. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance declaring the necessity for improvements and assessment of certain streets within the City on second reading. Couch read the ordinance caption. Seligman made a motion to approve the ordinance. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance regulating sexually oriented businesses on first reading. City Manager Bill Eisen explained that the percentage for gross revenues, floor area or inventory had been changed from 20% to 15%. He stated that although Council had approved the ordinance on one reading already, the change had been major enough to place the ordinance back on first reading. Couch read the ordinance caption. Smith made a motion to approve the ordinance. Williams seconded the motion. The motion was voted on and passed unanimously.

As there was no further business to come before the Council for consideration, the meeting adjourned at 10:30 P.M.

ORDINANCE NO. 87-64

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 83-23 OF THE CITY OF ROCKWALL BY AMENDING ARTICLE II BY ADDING A SECTION 2.18 AMENDING ARTICLE III BY AMENDING SECTION 3.1 AND AMENDING ARTICLE IV BY AMENDING SECTION 4.1.G.7.; PROVIDING FOR A SCENIC OVERLAY DISTRICT; PROVIDING FOR CONDITIONS; PROVIDING FOR ALLOWED USES; PROVIDING FOR AREA REQUIREMENTS; PROVIDING FOR AN ARCHITECTURAL REVIEW COMMITTEE; AMENDING THE ZONING MAP SO AS TO THE LOCATION OF THE OVERLAY DISTRICT ALONG FM-740, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in accordance with the guidelines established in the City of Rockwall's Comprehensive Zoning Ordinance the City Council has considered amending the Comprehensive Zoning Ordinance; 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 State law in reference to the adoption of amendments to comprehensive zoning ordinances have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners interested in the zoning regulations to be amended by the City, the governing body of the City of Rockwall is of the opinion that the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative discretion,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

SECTION 1. That the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall as heretofore amended be and the same is hereby amended by amending Article II by adding a new section 2.18, Scenic Overlay District, as set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION 2. That the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall as heretofore amended be and the same is hereby amended by amending Article III, Section 3.1, Site Plans, by adding a new Subsection 3.1F, Architectural Review Committee, as set forth in Exhibit "B" attached hereto and made a part hereof.

SECTION 3. That the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall as heretofore amended be and the same is hereby amended by amending Article IV, Section 4.1, Conditional Use

Permits by amending Subsection 4.1.G.7 and 4.1.G.8 as set forth in Exhibit "C".

SECTION 4. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be, and the same is further hereby amended by amending the Zoning Map of the City of Rockwall so as to establish the Scenic Overlay District along FM-740, as further described on the attached Exhibit "D".

SECTION 5. That the above described tract of land shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, and as amended herein.

SECTION 6. Any person, firm, or corporation violating any of 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 a penalty of fine not to exceed the sum of ONE THOUSAND DOLLARS (\$1,000.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

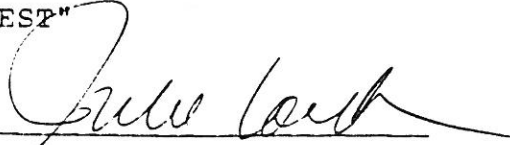
SECTION 8. If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 9. This ordinance shall become effective from and after its passage and the publication of the caption as the law in such cases provides.

DULY PASSED this 5th day of October, 1987.

APPROVED:


Mayor

ATTEST"

By

1st reading 9/21/87
2nd reading 10/5/87

ORDINANCE NO. 87-64
EXHIBIT "A"

SECTION 2.18 (OV) Scenic Overlay District

A. Purpose

1. The Scenic Overlay District is a specialized zoning district overlaid along FM-740 which has been identified in the Comprehensive Land Use Plan as a scenic thoroughfare. The identified scenic aspects of FM-740 include views of the Lake, existing natural topography, and existing natural landscaping. The District has been established to protect scenic or historic qualities through the use of additional development criteria and by requiring uses compatible with both existing uses and with the visual environment. The development requirements for non-residential uses are more restrictive than in other commercial classifications in order to encourage development that will protect and enhance the existing views, topography, landscape and quality of development.
2. This district is designed to be primarily an office and retail/commercial shopping district with an intensity of uses normally found along a major thoroughfare. These uses may, however, be located close to residential areas. The type of allowed uses and the more restrictive development requirements provide protection for residential areas.
3. In order to ensure that the visual impact of development does not detrimentally affect the area in which it is proposed, landscaping plans, building elevations and site plans are required. Architectural compatibility will be reviewed through an Architectural Review Committee.

B. Application and Boundaries

This Overlay District shall apply to all property located within the established boundary along FM-740 as set forth on Exhibit A. Property that has been zoned, platted and site planned at the time of adoption of this ordinance shall be exempted from the provisions of this ordinance unless and until an application for zoning, platting, or site planning is re-submitted on the property.

All property developed within the Overlay District must meet both the terms and requirements of the underlying zoning classification applicable to the property and the provisions set forth in the Overlay District. The most restrictive requirement applicable to the property shall apply.

C. Permitted Uses:

1. Agricultural use of unplatted land in accordance with all other adopted ordinances.
2. Uses allowed in single family classifications including "SF-16", "SF-10", "SF-7", and "PD" for single family uses. Property developed under these classifications within the Overlay District shall meet the area requirements set forth in the underlying single family classification.
3. Any retail businesses, personal services, professional services, business services conducted within a completely enclosed building, except the following: lumberyards or contractor yards, farm equipment or other heavy equipment sales or service, farm products warehousing and storage or stockyards, general warehousing or storage, vehicle or equipment servicing or repair, or other similar uses.
4. Planned shopping centers and neighborhood convenience centers.
5. Office buildings and accessory uses.
6. Restaurants, including accessory outdoor seating.
7. Hotel, motel.
8. Theaters and auditoriums.
9. Paved parking lots necessary to meet the parking requirements as an accessory use to an approved use, not including commercial parking lots.
10. Funeral homes.
11. Fabrication of jewelry for sale on-premises.
12. Telephone, telegraph, television, radio or similar media stations, centers, studios, but not including public microwave, radio, and television towers.
13. Drive through facilities as an accessory to a permitted use.
14. Municipally owned or controlled facilities, utilities, and uses.
15. Temporary sale of Christmas trees with permit and approval of the Building Official.

temporary promotional or "sidewalk" sales lasting no more than 3 days, upon approval of the Building Official.

3. Any owner, builder, or developer of a tract or parcel of land zoned for non-residential uses within this district shall submit, prior to issuance of a building permit for new construction or exterior changes to existing structures, a site plan and building plan for the proposed development to the Planning and Zoning Commission and the City Council for review and approval. The contents of this site and building plan shall comply with the requirements as specified in Article III. In addition to the above, the building elevations and plans shall be subject to architectural review as specified in Article III. Upon approval such development shall comply with approved plans and elevations.

E. Prohibited Uses:

1. Any building erected or land used for other than one or more of the preceding specified uses.
2. Any use of property that does not meet the required minimum lot size; front, side and rear yard dimension; and/or lot width; or exceeds the maximum height, building coverage or density per gross acre as required.
3. The storage, sale, lease, or rental of boats, autos or hauling trailers is prohibited.

Area Requirements:

1. Minimum platted area - 10,000 square feet
Adjacent to Interstate 30 - 1 acre
2. Minimum platted frontage on a public street - 60 feet
Adjacent to Interstate 30 - 200 feet
3. Minimum platted depth - 100 feet
Adjacent to Interstate 30 - 200 feet
4. Minimum depth of front setback - 25 feet from the future right-of-way as shown on the adopted Thoroughfare Plan, or as actually exists, whichever is greater.
5. Minimum width of side setback
 - a. Abutting a side lot line - 20 feet*

*This setback may be decreased by the Planning and Zoning Commission and City Council upon request of

the applicant. The setbacks may be decreased to a minimum of 0 only with a fire retardant wall and only if it is shown that the proposed development will not have an adverse impact on a scenic corridor or adjacent development.

- b. Abutting residentially zoned property - 30 feet plus 1/2 the building height over 36 feet.
 - c. Abutting Interstate 30 or an arterial street - 25 feet from the future width of the right-of-way as shown on the adopted Thoroughfare Plan, or as actually exists, whichever is greater.
 - d. Abutting all other streets - 15 feet from the future width of the right-of-way as shown on the adopted Thoroughfare Plan, or as actually exists, whichever is greater.
 - e. In no case shall more than a 50 foot setback be required.
6. Minimum depth of rear setback
- a. Abutting non-residentially zoned property, with fire retardant wall and alley separating- 0 feet
 - b. Without fire retardant wall or alley - 20 feet
 - c. Abutting Residentially zoned property - 20 feet plus 1/2 the building height over 36 feet.
 - d. In no case shall more than a 50 foot setback be required.
7. Minimum distance between detached buildings on the same lot or parcel of land - 20 feet*

*This distance may be decreased by the Planning and Zoning Commission and City Council upon request of the applicant. The distance may be decreased to a minimum of 0 only with a fire retardant wall and only if it is shown that the proposed development will not have an adverse impact on a scenic corridor.

8. Minimum requirement for construction materials

a. Structures

1. All structural materials for new buildings greater than 5,000 square feet in floor area, or additions of more than 40% of the existing floor area or exceeding 5,000 square feet, shall consist of 100% non-combustible materials.

2. All structural materials for new buildings 5,000 square feet or less in floor area, and any additions to existing buildings 40% or less than the existing floor area and 5,000 square feet or less may consist of combustible materials rated a minimum of one-hour fire resistive on all walls, floors, and ceilings.
 - b. Exterior walls - Each exterior wall shall consist of 90% masonry materials as defined herein excluding overhead metal doors on walls not having street frontage.
9. Maximum building coverage as a percentage of lot area - 60%.
10. Maximum amount of impervious coverage as a percentage of lot area - 90%.
11. Minimum amount of landscaped areas as a percentage of lot area - 10% with 25% of total requirement located in front and alongside buildings along street frontages. Any parking lot with more than 2 rows of spaces shall have a minimum of 2% of the interior area of the parking lot in landscaping. Such landscaping shall be counted toward the total landscaping requirement. A ten (10) foot landscape buffer shall be required adjacent to any arterial street. A minimum number of trees shall be required in the landscape buffer in a number equal to the length of street frontage divided by 30, or as otherwise approved by a 2/3 vote of the City Council. Each tree shall be a minimum of 3" caliper at time of installation and must be of a type which will exceed 30 feet in height at maturity. All required landscaped areas and any required screening or buffering shall be permanently maintained and shall have an irrigation system installed that meets all applicable City codes and which has been approved by the Building Official. A landscaping plan shall be required as a part of the site plan approval process. All required landscaping shall comply with all applicable ordinances and regulations of the City.

The City Council shall have the authority to waive the landscaping requirements of the Overlay District for the alteration or expansion of developments existing at the time of adoption of this ordinance, if the property owner can demonstrate that compliance with such requirements would create a hardship. Should such a waiver be granted, the provisions of the underlying zoning shall be met.

12. Screening - All dumpsters, refuse containers, loading areas, pad mounted utility equipment, and air

conditioning units, including roof mounted units, shall be screened from horizontal view from any public street adjacent to the property. Loading areas, utility equipment and air conditioning units shall be screened utilizing plantings, berms, or walls matching the main structure. Trash or dumpster areas shall be screened on three sides with an enclosure matching the main structure. The access entrance to the enclosure shall not be visible from a public street.

13. Maximum floor area ratio - 4:1
14. Maximum height of structures - 120 feet. Any structure exceeding 36 feet in height shall require a Conditional Use Permit.
15. Utility Service- All Utility service lines shall be underground.
16. Minimum number of paved off-street parking spaces required - See Off-street Parking Article V.
17. Maximum number of entrances and/or exits
 - a. Arterial streets - 1 per each 200 feet of street frontage per site, or as approved by the City Council.
 - b. Collector streets - 1 per each 100 feet of street frontage per site, or as approved by the City Council.
 - c. Local streets - 1 per each 50 feet of street frontage per site, or as approved by the City Council.
18. Lots with non-residential uses that have a side or rear contiguous to or separated only by an alley, easement or street, from any residential district must be separated from such district by a buffer as defined herein, or as approved by the City Council.
19. Cross access easements may be required at time of site plan approval to ensure access to future median breaks and to reduce the number of needed curb cuts.
20. The building code may impose more restrictive area requirements, depending on the size, use and construction of the structures. See Article VIII for further clarification, exceptions and modifications.

SITE PLAN APPROVALS

- F. Architectural Board of Review

1. Created: There is hereby created an Architectural Board of Review which shall serve as an advisory body to the Planning and Zoning Commission. Such Board shall consist of seven (7) members to be appointed by the City Council after recommendation of the Planning and Zoning Commission.

2. Term of Office; Qualifications: The members shall be appointed for a term of two (2) years with staggered terms and shall be removable for cause by the City Council. Their terms of office shall expire on the last day of July or when their successor has been appointed. In the event that a vacancy occurs prior to the expiration of a full term the City Council shall appoint a new member to complete the unexpired term. Any member may be reappointed by the City Council upon completion of a term to which he has been appointed. The membership shall include one (1) registered architect, one residential property owner in the district and one commercial property owner in the district. The remaining membership shall include no more than one representative from any of the following categories: (1) landscape architects; (2) civil engineers; (3) structural engineers; (4) experienced commercial builders in the District; (5) professional land planners and/or (6) building designers who are members in good standing with a recognized professional association. All members must be residents of Rockwall County.

3. Duties: The purpose of the Board is to provide professional recommendations to the Planning and Zoning Commission regarding site plans and building elevations submitted within the (OV) Scenic Overlay District Meetings of the Board shall be called as needed. The Board shall review site plans and building elevations placed before them within the time frame allowed for processing applications prior to submission to the Planning and Zoning Commission. The review shall evaluate compatibility with the surrounding development and compatibility with existing topography, scenic corridors and landscaping, and with the goals and objectives established in the Scenic Overlay District the Land Use Plan and applicable provisions of the Urban Design guidelines. The Board shall make recommendations on design changes based on its professional experience and knowledge. The Planning and Zoning Commission shall consider the Board's recommendations in its deliberation of the proposed development. The Commission may include recommended changes in the proposed building elevations and site

plan based upon the recommendations of the Board in its recommendation to the City Council.

4. Officers: The Board shall elect a Chairman and Vice Chairman at the first meeting in August or at the first meeting thereafter for a term of one (1) year. The Zoning Administrator shall be Secretary of the Board and an ex-officio member.
5. Voting: Each member in attendance shall have a vote on plans submitted to the Board with that vote reported to the Commission. Any member professionally or financially involved in matters pending before the Board shall abstain from any discussion, consideration or vote on that item and shall leave the room during such discussion and consideration.

PLANNING AND ZONING ACTION SHEET

Applicant _____ Case No. 88-24-Z

Property Description _____

Case Subject Matter Amendment to Scenic Overlay Dist to remove car wash & svc stations or better define conditions

CASE ACTION

Approved

Disapproved

Tabled

Date to P&Z 6/12

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