

SITE PLAN APPLICATION

Date May 18, 1988

NAME OF PROPOSED DEVELOPMENT WHATABURGER RESTAURANT

NAME OF PROPERTY OWNER/DEVELOPER JOHN ALBRITTON

ADDRESS 8344 East R. L. Thornton, Dallas 75228 PHONE (214) 321-6403

NAME OF LAND PLANNER/ENGINEER RICHARD ESPINOZA

ADDRESS 4600 Parkdale, Corpus Christi 78411 PHONE (512) 851-0650

TOTAL ACREAGE 18,750 / 20,349 CURRENT ZONING CR.

NUMBER OF LOTS/UNITS 1

SIGNED [Signature]  
JOHN L. HEIMAN, JR.  
(214) 270-3400  
WHATABURGER & MESQUITE

Following is a checklist of items that may be required as a part of the site plan. In addition, other information may be required if it is necessary for an adequate review of a specific development proposal. All information should be provided on a scaled drawing generally not exceeding 18" x 24".

<u>Provided or Shown</u>	<u>Not</u>	
<u>On Site Plan</u>	<u>Applicable</u>	
<u>✓</u>	<u>_____</u>	1. Total lot or site area - if the site is part of a larger tract include a key map showing entire tract and location of site being planned
<u>✓</u>	<u>_____</u>	2. <u>Location, dimensions, and size</u> of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 100 ft.
<u>✓</u>	<u>_____</u>	3. <u>Location</u> and <u>type</u> of landscaping, lighting, fencing and/or screening of yards and setback areas
<u>✓</u>	<u>_____</u>	4. <u>Calculation</u> of landscaped area provided
<u>✓</u>	<u>_____</u>	5. <u>Location</u> and <u>dimensions</u> of ingress and egress

Taken by \_\_\_\_\_

File No. \_\_\_\_\_

Date \_\_\_\_\_

Fee \_\_\_\_\_

✓ _____	_____
✓ _____	_____
✓ _____	_____
✓ _____	_____
✓ _____	_____
✓ _____	_____
✓ _____	_____
✓ _____	_____

6. Location, number and dimensions of off-street parking and loading facilities

7. Height of all structures

8. Proposed uses of all structures

9. Location and types of all signs, including lighting and heights

10. Elevation drawings citing proposed exterior finish materials and proposed structural materials

11. Location and screening of trash facilities

12. Location of nearest fire hydrant within 500 ft.

13. Street names on proposed streets

14. The following additional information:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If the site plan is required as a preliminary or development plan under a Planned Development Zoning Classification, the attached applicable items specified for preliminary plans or development plans must be included.

SITE PLAN REVIEW

- \* Date Submitted \_\_\_\_\_
- \* Scheduled for P&Z \_\_\_\_\_
- \* Scheduled for Council \_\_\_\_\_
- \* Applicant/Owner \_\_\_\_\_
- \* Name of Proposed Development \_\_\_\_\_
- \* Location \_\_\_\_\_ \* Legal Description \_\_\_\_\_
- \* Total Acreage \_\_\_\_\_ \* No. Lots/Units \_\_\_\_\_
- \* Current Zoning \_\_\_\_\_
- Special Restrictions \_\_\_\_\_
- \* Surrounding Zoning \_\_\_\_\_

<u>Planning</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
1. Is the site zoned properly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the use conform to the Land Use Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is this project in compliance with the provisions of a Concept Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
* 4. Is the property platted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* 5. Is plat filed of record at Courthouse? File No. _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* 6. If not, is this site plan serving as a preliminary plat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Does the plan conform to the Comprehensive Zoning Ordinance or PD Ordinance on the following:			
a. Are setbacks correct?			
front	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
side	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
rear	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Are buildings on same lot adequately separated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



- |    |   |       |       |       |
|----|---|-------|-------|-------|
| c. | Is the lot the proper size?   | _____ | _____ | ✓     |
| d. | Does the lot have proper dimensions?  | _____ | _____ | ✓     |
| e. | Are exterior materials correct?<br><i>appears to have wood exterior</i>       | _____ | ✓     | _____ |
| f. | Are structural materials correct?   | ✓     | _____ | _____ |
| g. | Is coverage correct?  | ✓     | _____ | _____ |
| h. | Is adequate area in landscaping shown?  | ✓     | _____ | _____ |
| i. | Is it irrigated?  | ✓     | _____ | _____ |
| j. | Is landscaping in parking lot required?                                       | _____ | ✓     | _____ |
| k. | Are types of landscaping indicated?   | _____ | ✓     | _____ |
| l. | Is floor area ratio correct?<br><i>no - no def of any kind</i>                | ✓     | _____ | _____ |
| m. | Is building height correct?   | ✓     | _____ | _____ |
| n. | Are correct number of parking spaces provided?<br><i>has access agreement</i> | _____ | ✓     | _____ |
| o. | Are driving lanes adequate in width?<br><i>not front lane</i>                 | _____ | ✓     | _____ |
| p. | Are parking spaces dimensioned properly                                       | ✓     | _____ | _____ |
| q. | Does the parking lot meet City specifications                                 | ✓     | _____ | _____ |
| r. | Is a fire lane provided?  | ✓     | _____ | _____ |
| s. | Is it adequate in width?<br><i>not in front</i>                               | ✓     | ✓     | _____ |
| t. | Are drive entrances properly spaced?  | ✓     | _____ | _____ |
| u. | Are drive entrances properly dimensioned?                                     | ✓     | _____ | _____ |
|    | ....Do drive entrances line up with planned median breaks?                    | _____ | _____ | ✓     |
| v. | Is lighting provided and correctly directed?                                  | _____ | _____ | ✓     |
| w. | Are sidewalks required?   | _____ | ✓     | _____ |
| x. | Are sidewalks provided?   | _____ | ✓     | _____ |
| y. | Is a screen or buffer required?   | _____ | ✓     | _____ |
|    | ....Is it sized properly?   | _____ | _____ | _____ |
|    | ....Is it designed properly?  | _____ | _____ | _____ |
|    | ....Is it of correct materials?   | _____ | _____ | _____ |

- \* 7. Does the site plan contain all required information from the application checklist?
- 8. Is there adequate access and circulation?
- 9. Is trash service located and screened?
- \* 10. Are street names acceptable? *how is it screened*
- 11. Was the plan reviewed by a consultant? (If so, attach copy of review.)
- 12. Does the plan conform to the Master Park Plan?
- 13. Are there any existing land features to be maintained? (ie, topography, trees, ponds, etc.)

Comments:

Building Codes

- 1. Do buildings meet fire codes?
- 2. Do signs conform to Sign Ordinance?

Comments:

Engineering

- 1. Does plan conform to Thoroughfare Plan?
- 2. Do points of access align with adjacent ROW?
- 3. Are the points of access properly spaced?
- 4. Are street improvements required?
- 5. Will escrowing of funds or construction of substandard roads be required?
- 6. Does plan conform with Flood Plain Regulations?
- 7. Is adequate fire protection present?
- 8. Are all utilities adequate? *need to check*
- 9. Are adequate drainage facilities present? *need to check*
- 10. Is there a facilities agreement on this site? *need to check*

- 11. Are existing roads adequate for additional traffic to be generated?
- 12. Is the site part of a larger tract? Does the plan adversely impact development of remaining land?
- 13. Are access easements necessary?
- 14. Are street and drive radii adequate?
- 15. Have all required conditions been met?
- 16. Is there a pro rata agreement on this site?
- 17. Have all charges been paid?

Time Spent on Review

<u>Name</u>	<u>Date</u>	<u>Time Spent (hours)</u>
<i>John Cook</i>		<i>1/2 hr.</i>



**CITY OF ROCKWALL**  
 "THE NEW HORIZON"  
 Rockwall, Texas 75087-3628

No. 8773

205 West Rusk

(214) 722-1111  
 Metro 226-7885

**Cash Receipt**

Name Whataburger of Mesquite Date 6-10-88

Mailing Address \_\_\_\_\_

Job Address \_\_\_\_\_ Permit No. \_\_\_\_\_

Check  Cash  Other

General Fund Revenue 01			W & S Fund Revenue 02		
DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
General Sales Tax	00-00-3201		RCH	00-00-3211	
Beverage Tax	00-00-3204		Blackland	00-00-3214	
Building Permit	00-00-3601		Water Tap	00-00-3311	
Fence Permit	00-00-3602		10% Fee	00-00-3311	
Electrical Permit	00-00-3604		Sewer Tap	00-00-3314	
Plumbing Permit	00-00-3607		Reconnect Fees	00-00-3318	
Mechanical Permit	00-00-3610		Water Availability	33-00-3835	
Zoning, Planning, Board of Adj.	00-00-3616		Sewer Availability	34-00-3836	
Subdivision Plats	00-00-3619	8500	Meter Deposit	00-00-2201	
Sign Permits	00-00-3628		Portable Meter Deposit	00-00-2202	
Health Permits	00-00-3631		Misc. Income	00-00-3819	
Garage Sales	00-00-3625		Extra Trash	00-00-1129	
Misc. Permits	00-00-3625		Check Charge	00-00-3819	
Misc. License	00-00-3613		NSF Check	00-00-1128	
Misc. Income	00-00-3819				
Sale of Supplies	00-00-3807				

**TOTAL GENERAL**

**TOTAL WATER**

**TOTAL DUE**

8500

Received by

*[Signature]*



**City of Rockwall  
Planning and Zoning Applicant Receipt**

Date 5/18/88  
Applicant HEIMAN Phone 270-3400  
Address WHATABURGER - MESQUITE  
Development WHATABURGER - SH205

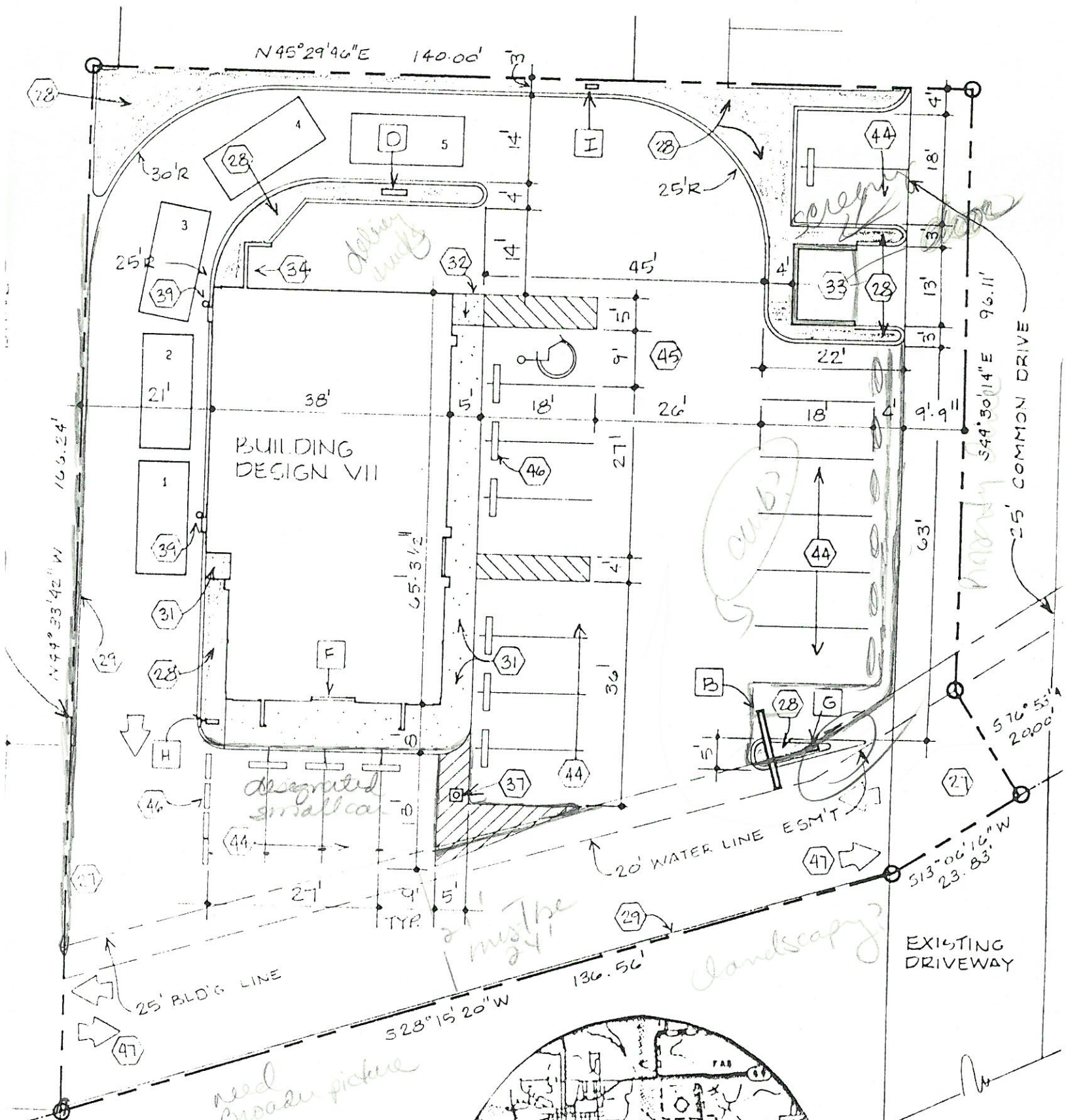
The following items have been received on this date by the City of Rockwall Administrative Office:

- Site Plan Application
- Prel. Plat Application
- Final Plat Application
- Zone Change Application
- Sign Board Application
- Board of Adj. Application
- Front Yard Fence Application
- CUP Application
- ( 12 ) sets/site plans - Submission # 1
- (    ) sets/prel. plats - Submission # \_\_\_\_\_
- (    ) sets/final plats - Submission # \_\_\_\_\_
- (    ) sets/executed final plats/mylars
- (    ) sets/engineer drawings - Submission # \_\_\_\_\_
- Filing fee \$ 85.00
- Other elevation - front drawings

*If there are no  
charges or  
delays  
June 20, 1988  
City Council  
7:00 P.M.*

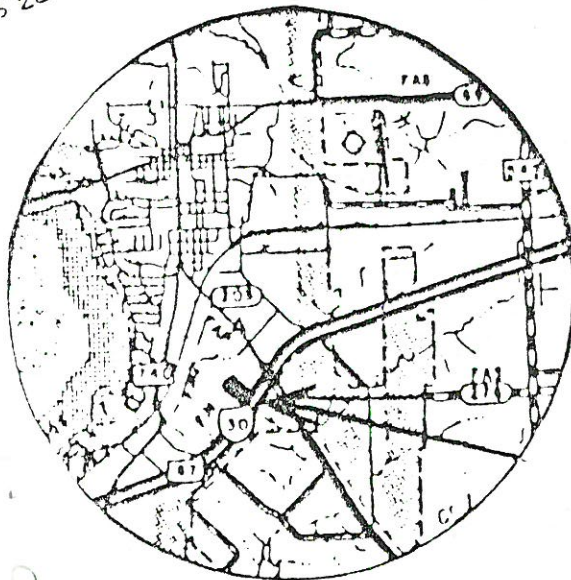
With this application, you are scheduled to appear before the  
June 9, 1988  
on Planning & Zoning,  
at 7:30 P.M. at City Hall, 205 W. Rusk, Rockwall,  
Texas.

Received By: Mary Nichols



# SITE PLAN

SCALE: 1" = 20'



## SITE DATA

TOTAL LOT SQ. FT.	=	20,349	⊠
PARKS	=	21	
CAR STACK	=	5	
LANDSCAPE	=	1,084	⊠

*need broader picture*

*dimension drive lane!*

*joint access  
Stucco*

*landscaping?*

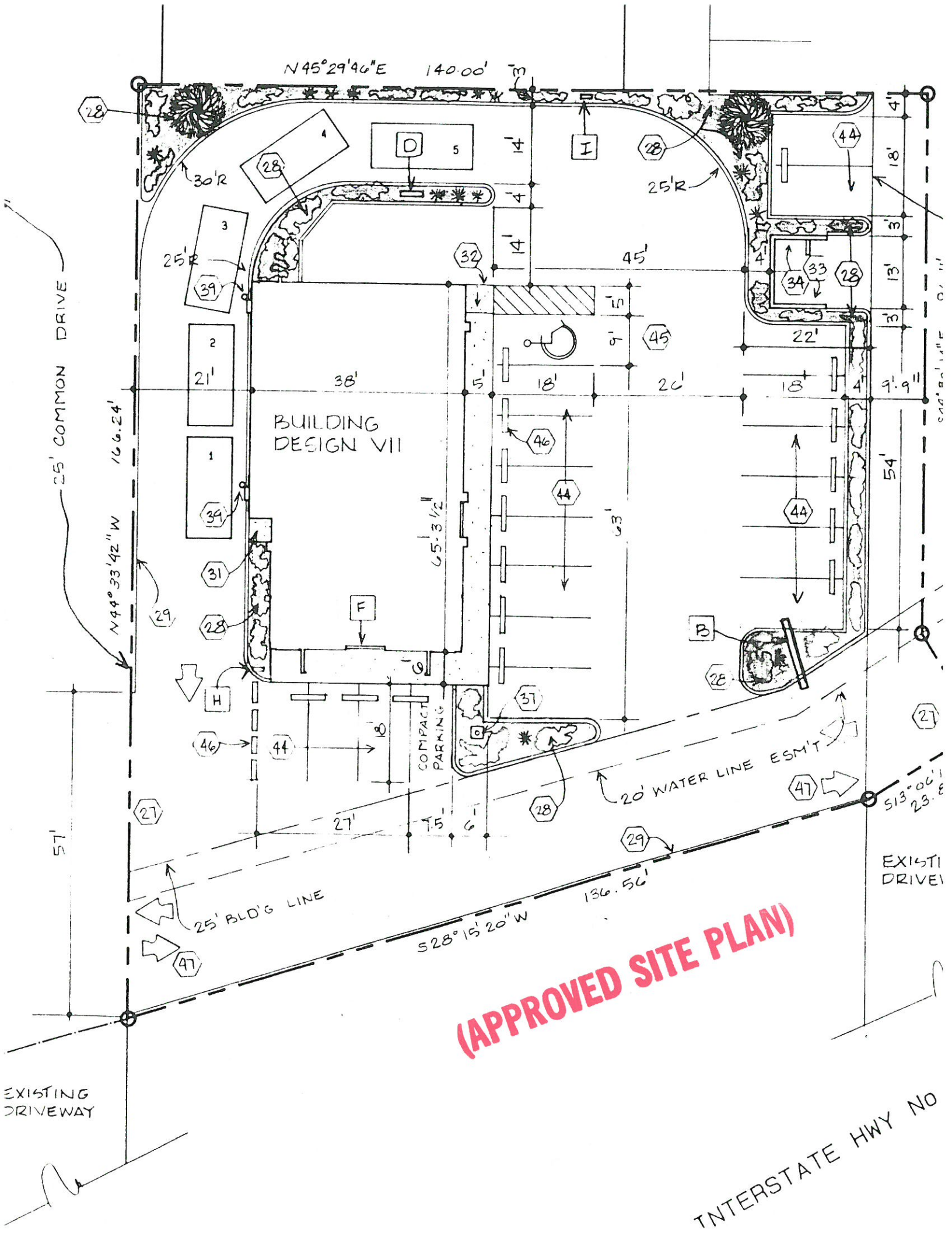
*need 25 spaces  
21*

*20*

*20*







N45°29'46"E 140.00'

25' COMMON DRIVE

N44°33'42"W 166.24'

BUILDING DESIGN VII

COMPACT PARKING

20' WATER LINE ESM'T

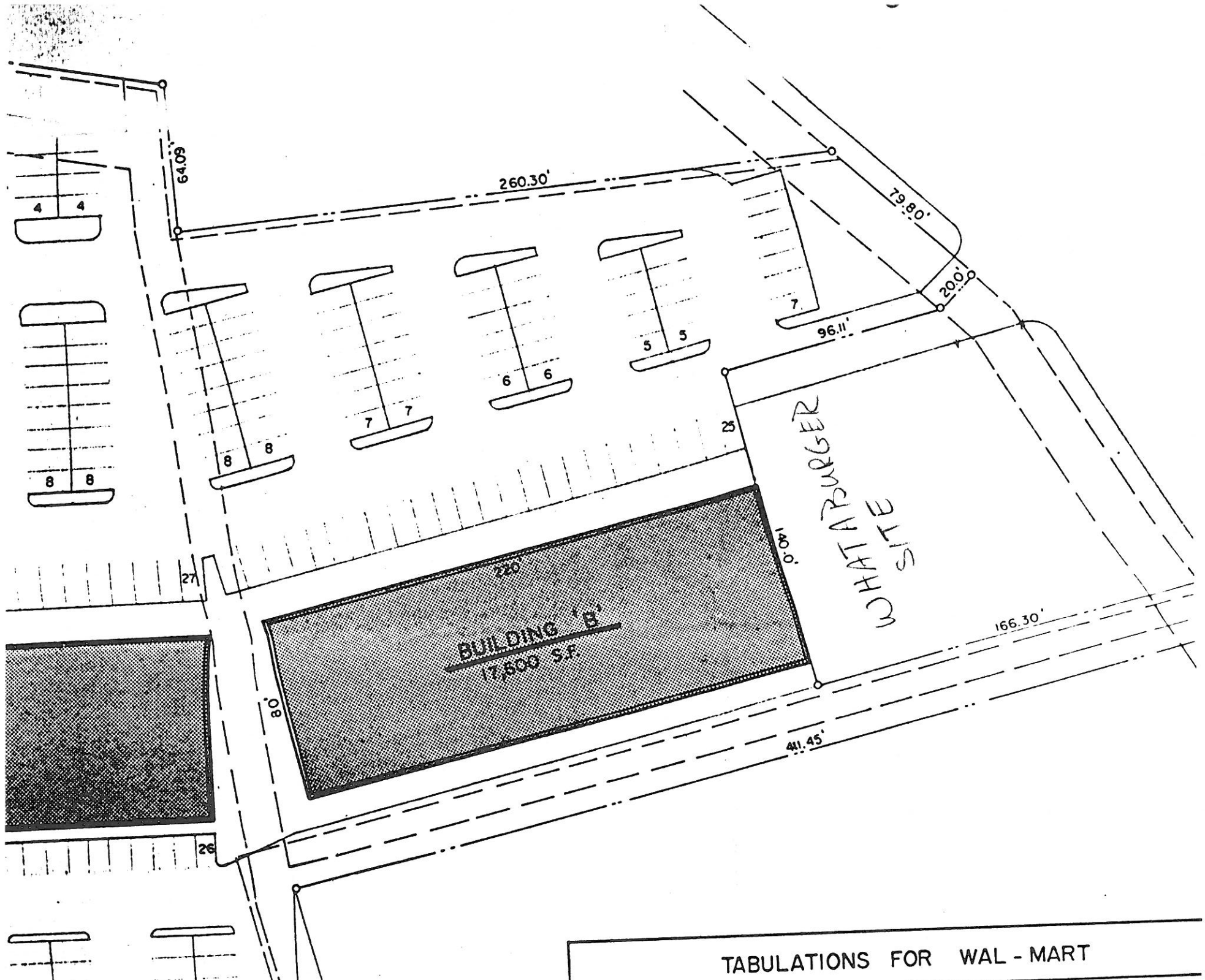
25' BLD'G LINE

S28°15'20"W 136.56'

**(APPROVED SITE PLAN)**

EXISTING DRIVEWAY

INTERSTATE HWY NO

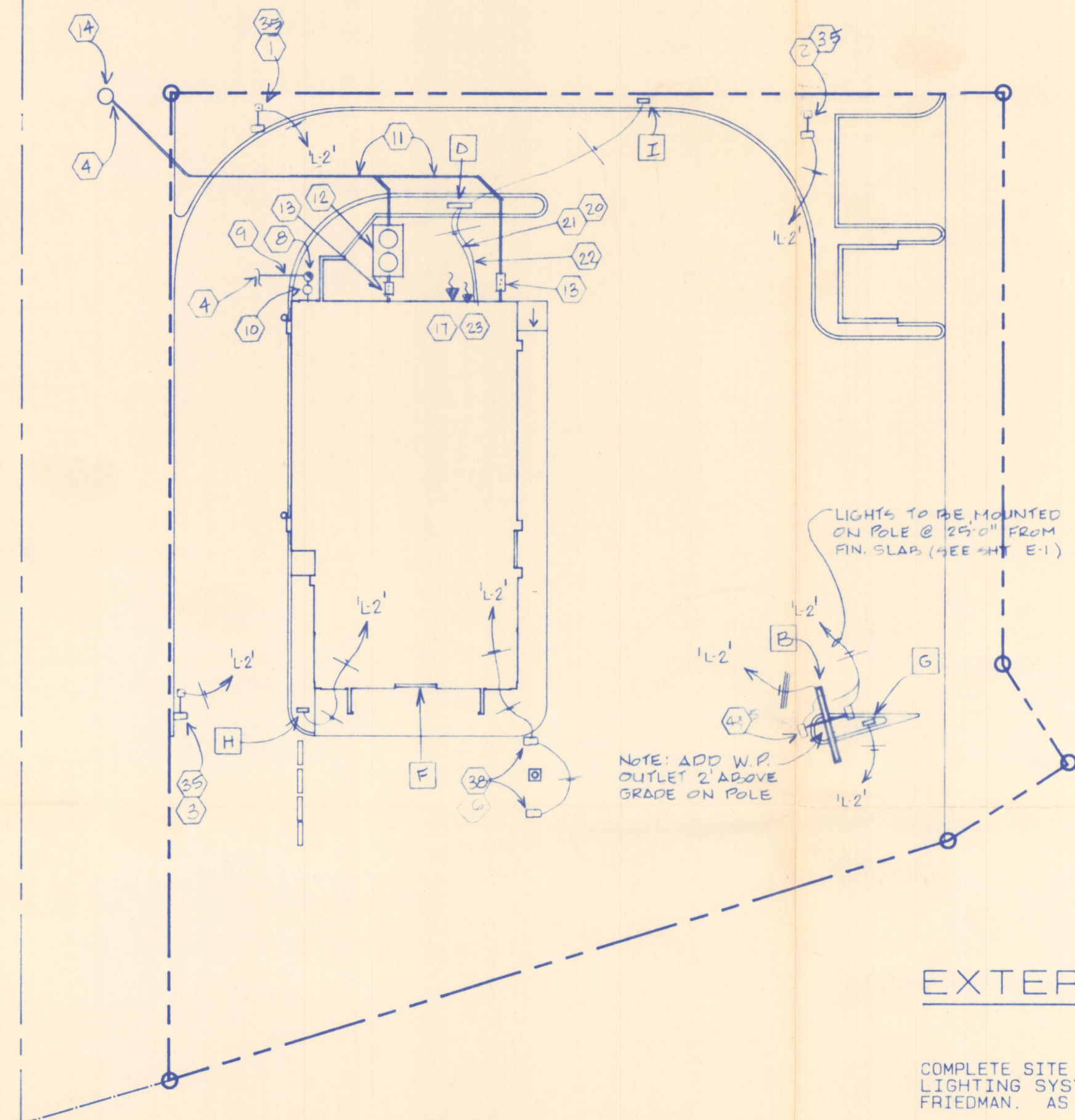


TABULATIONS FOR WAL - MART



### SITE REFERENCE NOTES

- 1. EXISTING WATER LINE
- 2. EXISTING SANITARY SEWER
- 3. EXISTING O.H. ELEC. & TELE. LINES
- 4. CONTR. TO CONNECT TO EXIST. UTILITIES
- 5. EXISTING STORM SEWER LINES
- 6. EXISTING WATER METER
- 7. REPLACE OR RESTORE CURBING TO MATCH EXIST. CURBING AS REQUIRED
- 8. WATER METER
- 9. 1-1/4" WATER SERVICE LINE
- 10. MAIN WATER SHUT-OFF IN C.I. BOX W/COVER
- 11. 4" SANITARY SEWER LINE
- 12. GREASE TRAP
- 13. 2-WAY CLEANOUT
- 14. EXISTING STM. SWR. & SAN. SWR MANHOLE
- 15. EXISTING STM. SWR. INLETS
- 16. EXIST. GAS SERVICE LINE
- 17. ELEC. ENTRANCE 120/240 3 PHASE
- 18. ELEC. ENTRANCE 120/208 3 PHASE
- 19. ELECTRICAL TRANSFORMER
- 20. 3/4" C. 120 V. ELECTRIC SERVICE TO MENU BD.
- 21. 3/4" CABLE ELECTRIC SERVICE FOR VEHICLE DETECTOR
- 22. 3/4" CONDUIT W/ PULL WIRE FOR AUDIO
- 23. TELEPHONE SERVICE LINE
- 24. R.C. PIPE
- 25. SAMPLING WELL
- 26. CONCRETE PAVING
- 27. NEW PAVING TO BE COMPATIBLE WITH EXIST. GRADES
- 28. LANDSCAPED AREA WITH 6" CURB
- 29. 6" CONCRETE CURB
- 30. 2'-0" CONCRETE CURB
- 31. SIDEWALK
- 32. HANDICAP RAMP
- 33. DUMPSTER ENCLOSURE
- 34. GREASE TANK ENCLOSURE
- 35. AREA LIGHTS W/ POLE & BASE 400 W. LUMINAIRE
- 36. AREA LIGHTS W/ POLE & BASE 250 W. LUMINAIRE
- 37. FLAG POLE
- 38. GROUND MTD. FLAG POLE LIGHT
- 39. GUARD POST AT DRIVE THRU WINDOW
- 40. WOODEN FENCE
- 41. 30' PARKING STALL
- 42. 45' PARKING STALL
- 43. 60' PARKING STALL
- 44. 90' PARKING STALL
- 45. HANDICAP PARKING STALL
- 46. PRECAST CONC. CAR BARRIER-YELLOW
- 47. DIRECTIONAL ARROWS



### UTILITY PLAN

SCALE: 1" = 20'

### EXTERIOR LIGHTING

COMPLETE SITE LIGHTING PACKAGE PROVIDED BY "SLS" SECURITY LIGHTING SYSTEMS. 1-800-544-4848 CONTACT MR. STEVE FRIEDMAN. AS FOLLOWS:

#### POLES

3 POLES TOTAL, SQUARE, DARK BRONZE  
MODEL # SSP-18-DB-SGL

#### LUMINAIRES

5 SINGLE MOUNT  
MODEL # 1-WL-400-HPS-DB-MT-120  
LIGHTS 1 THRU 3 MOUNTED ON LIGHT POLE  
LIGHTS 4 AND 5 MOUNTED ON SIGN POLE

#### BASES

3 TAPERED STEEL BASES, DARK BRONZE, COMPLETE, FINISHED, USED AS FORMS, INCLUDES TEMPLATES AND ANCHOR BOLTS.

JPL "ICON" #ICM-5-N-120 (2 REQ'D)  
LIGHT 6 GROUND MOUNTED

### STANDARD SIGNAGE

□	A	17' X 15' 8' X 12'	D/F PYLON WITH D/F * 24 HRS SERVICE *
■	B	13'-6" X 12' 7' X 10'	D/F PYLON WITH D/F * 24 HRS SERVICE *
□	C	7'-6" X 6'-8" 4' X 5'-6"	D/F PYLON WITH D/F * 24 HRS SERVICE *
■	D	5'-2 3/8" X 4'-2 1/8"	OUTDOOR MENU BOARD
□	E	5'-8" X 5'	WALL SIGN
■	F	4'-7" X 5'	SINGLE FACE "FLYING W" LOGO
■	G	2' X 1'-4"	ENTER SIGN
■	H	2' X 1'-4"	EXIT SIGN
■	I	2' X 1'-4"	DRIVE-THRU SIGN (4' HIGH)
□	J	SPECIAL	D/F PYLON WITH "24 HRS/DRIVE-THRU/ BREAKFAST", NOT TO EXCEED 25' HIGH AND 72 SQ. FT. PER SIDE.

### GENERAL NOTES

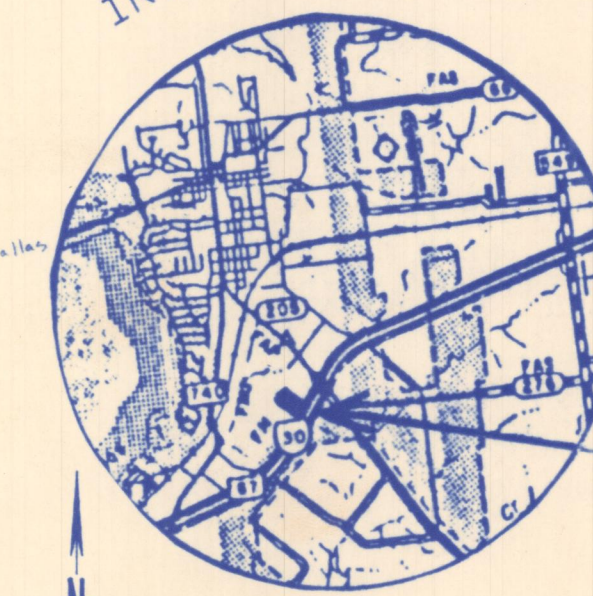
1. REMOVE EXISTING ASPHALT, CONCRETE PADS, APRONS, BUILDINGS, OR ANY OTHER ITEMS NECESSARY TO CONSTRUCT NEW BUILDING.
2. ALL PARKING STRIPES, DRIVE-THRU STRIPING AND ARROWS, SHALL BE PAINTED YELLOW AND SHALL BE 4" WIDE.
3. FLAGPOLE SHALL BE FROM UNITED FLAG AND BANNER, GARRISON-TYPE POLE, ALUMINUM WITH HARDWARE 30' HIGH.
4. SIGNAGE SHOWN ON THIS PLAN IS PROPOSED ONLY AND IS TO BE VERIFIED BY A SIGNAGE SURVEY.
5. ELECTRICAL CONTRACTOR SHALL VERIFY ALL POWER AND TELEPHONE REQUIREMENTS AND EQUIPMENT PRIOR TO ANY INSTALLATIONS.
6. ELECTRICAL CONTRACTOR TO VERIFY TYPE SERVICE, U.S. OR OVERHEAD.
7. SIGNAGE TO BE INSTALLED BY SIGNAGE CONTRACTOR VERIFY EXACT LOCATIONS, LOADS AND WIRING REQUIREMENTS PRIOR TO ANY INSTALLATIONS.
8. ELECTRICAL CONTRACTOR SHALL PROVIDE ALL CONDUIT, WIRING AND CONNECTIONS FOR SIGNAGE AND PARKING LOTS LIGHTS.
9. PLUMBING CONTRACTOR SHALL VERIFY SANITARY SEWER AND WATER LOCATIONS, DEPTH AND REGULATIONS AS PER CITY CODE PRIOR TO ANY INSTALLATIONS.
10. GENERAL CONTRACTOR SHALL VERIFY WITH SOUND CONTRACTOR ANY OTHER REQUIREMENTS NOT SHOWN ON THIS PLAN.
11. ALL EXTERIOR SIGNAGE (EXCEPT WHERE NOTED OTHERWISE) AND PARKING LOT LIGHTING SHALL BE CONTROLLED BY AN EMS SYSTEM SEE ELEC. DRAWINGS FOR MORE INFORMATION.

### SITE PLAN

SCALE: 1" = 20'

### SITE DATA

TOTAL LOT SQ. FT. = 20,349 □  
PARKS = 20  
CAR STACK = 5  
LANDSCAPE = 1,114 □



VICINITY MAP  
N.T.S.

**REVISED PLANS**

### LEGAL DESCRIPTION

BEING A TRACT OF LAND IN THE JOSEPH CADLE SURVEY, ABSTRACT NO. 65, ROCKWALL COUNTY, TEXAS, AND BEING A PART OF THE SAME 22.48 AC. TRACT OF LAND CONVEYED TO MAX SCHEIDT, TRUSTEE, AND RECORDED IN VOL. 86, PAGE 441, DEED RECORDS, ROCKWALL COUNTY, TEXAS.

REVISION

**WHATABURGER**  
-CONSTRUCTION DIVISION-  
4600 PARKDALE DR.  
CORPUS CHRISTI, TEXAS  
512.881.0860 / 737.784.1

**WHATABURGER**  
BUILDING DESIGN  
VII

**SITE & UTILITY PLAN**  
HWY. 30 & HWY. 205  
ROCKWALL, TEXAS  
FR. WHATABURGER OF MESQUITE, INC.

# 496  
UNIT No. 05-02-88  
DATE: 1'-20'  
SCALE: MEH  
DR. BY:  
CHKD. BY:  
APP'D BY: 040000  
APP'D BY:

SHEET  
**SP-1**  
JUN 07 1988

THIS DRAWING IS THE PROPERTY OF WHATABURGER, INC. CORPUS CHRISTI, TEXAS AND MAY NOT BE USED OR BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF WHATABURGER, INC.



19683

EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND

320

THIS AGREEMENT made this 8<sup>th</sup> day of February, 1979, between FOLSOM INVESTMENTS, INC., herein called "Folsom" and JOHN A. ALBRITTON, herein called "Albritton".

A. RECITALS

1. PARCEL II OWNERSHIP. Folsom is the owner of Parcel II as shown on the plan attached hereto as Exhibit "A" hereof.
2. PARCEL III OWNERSHIP. Albritton is the owner of Parcel III as shown on the plan attached hereto as Exhibit "A" hereof.

B. AGREEMENT

In consideration that the following encumbrances shall be binding upon the parties hereto and shall attach to and run with Parcels II and III, and shall be for the benefit of and shall be limitations upon all future owners of Parcels II and III, and that all easements herein set forth shall be appurtenant to the dominant estates, and in consideration of the promises, covenants, conditions, restrictions, easements and encumbrances contained herein, Folsom and Albritton do hereby agree as follows:

C. TERMS

1. BUILDING/Common AREAS. DEFINITION:

- a. "Building Areas" as used herein shall mean that portion of Parcel II so depicted on Exhibit "A" and that portion of Parcel III so depicted on Exhibit "A" including the future building areas designated as "Future" on Exhibit "A".
- b. Common Areas, as used herein, shall mean all of Parcels II and III except the building areas therein.

2. COMMON AREAS USE.

- a. Grant of Easements: Folsom and Albritton each hereby grant to the other a perpetual, non-exclusive easement for vehicular and pedestrian access, ingress and egress over and across the Common Areas of their respective tracts, and to and from State Highway No. 205 subject to the other terms and conditions hereof.
- b. Use: Subject to existing easements of record, the Common Areas shall be used for roadways, walkways, ingress and egress, parking of motor vehicles, loading and unloading of commercial and other vehicles, for driveway purposes, for landscaping, and for the comfort and convenience of customers, invitees, contractors and employees of all businesses and occupants of the buildings constructed on the Building Areas defined above.
- c. Limitations on use: All of the uses permitted within the Common Areas shall be used with reason and judgment so as not to interfere with the primary purpose of the Common Areas which is to provide for parking for the customers, invitees, employees and contractors of those businesses conducted within the building areas and for the servicing and supplying of such businesses. Persons using the Common Areas in accordance with this agreement shall not be charged any fee for such use.

IN WITNESS WHEREOF, the parties hereto have executed this agreement.

ATTEST:

Eunice Becton

FOLSOM INVESTMENTS, INC.

By James A. Bennett  
Its Executive Vice President

ATTEST:

\_\_\_\_\_

JOHN A. ALBRITTON

John Albritton

THE STATE OF TEXAS )  
COUNTY OF DALLAS )

321

BEFORE ME, the undersigned authority, on this day personally appeared RAYMOND A. GRESSETT, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 8<sup>th</sup> day of February, A.D., 1979.

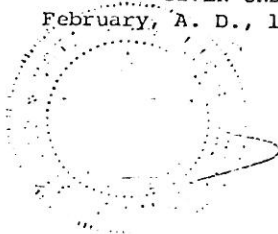


Wilma Z. Pilgr  
Notary Public in and for  
Dallas County, Texas

THE STATE OF TEXAS )  
COUNTY OF DALLAS )

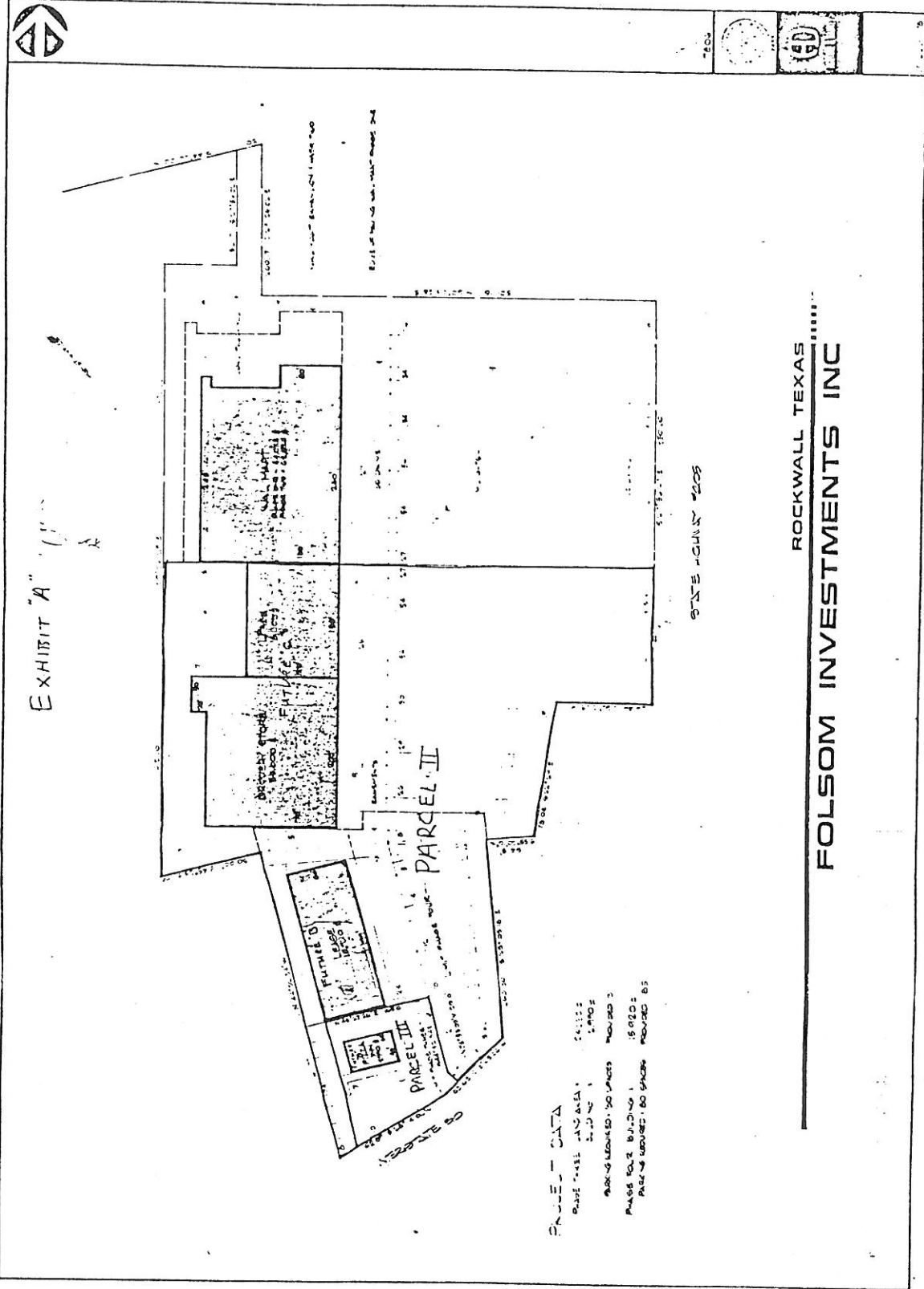
BEFORE ME, the undersigned authority, on this day personally appeared JOHN A. ALBRITTON known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 9<sup>th</sup> day of February, A. D., 1979.



William R. Fox  
Notary Public in and for  
Dallas County, Texas

FILED FOR RECORD 8/107  
 RECORDED 8/107  
 JUNE WIMPEE, CLERK OF THE COUNTY COURT, ROCKWALL COUNTY, TEXAS  
 DAY OF 1979 @ 3:00 P.M.  
 DEPUTY *Foley Stewart*



ROCKWALL TEXAS  
**FOLSOM INVESTMENTS INC**

327



*Albritton and Albritton*  
ATTORNEYS AND COUNSELORS AT LAW

JOHN A. ALBRITTON  
GAYLE M. ALBRITTON  
JEFFREY L. ROSENFELD

8344 EAST R.L THORNTON, SUITE 310  
DALLAS, TEXAS 75228  
321-6403

April 28, 1988

Ms. Mary Nichols  
City of Rockwall  
205 W. Rusk Street  
Rockwall, TX 75087

Dear Ms. Nichols:

RE: ALBRITTON ADDITION  
INTERSTATE 30

This is to advise that I, John A. Albritton, am the owner of the aforementioned property and that I have a lease agreement with Whataburger of Mesquite to build and occupy a building on those premises.

Yours very truly,

  
John A. Albritton

JAA/pm

cc: Mr. John Heiman, Jr.  
Whataburger of Mesquite, Inc.  
3200 Town East Blvd.  
Mesquite, TX 75150



**CITY OF ROCKWALL**  
"THE NEW HORIZON"

June 14, 1988

Mr. John L. Heiman  
Whataburger of Mesquite, Inc.  
3200 Town East Boulevard  
Mesquite, Texas 75150

Dear Mr. Hieman:

On June 9, 1988, the Rockwall Planning and Zoning Commission recommended approval of a site plan for a proposed Whataburger restaurant to be located on the north service road of I-30 west of SH-205 subject to:

1. submission and approval of a grading and drainage plan by the City Engineer
2. expansion of curb on east parking lot area to 2 - 3 feet of landscaped area to connect the island at the east entrance into the site to the landscaping around the dumpster location.

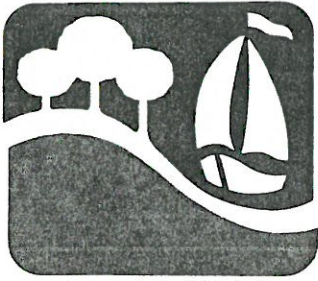
The Rockwall City Council will consider approval of the site plan on June 20, 1988, at 7:00 P.M. in City Hall, 205 West Rusk. Please feel free to call me if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Assistant

CC: Richard Espinoza  
MN/mmp



**CITY OF ROCKWALL**  
"THE NEW HORIZON"

June 21, 1988

Mr. John L. Heiman  
Whataburger of Mesquite, Inc.  
3200 Town East Boulevard  
Mesquite, Texas 75150

Dear Mr. Heiman:

On June 20, 1988, the Rockwall City Council approved a site plan for a proposed Whataburger restaurant to be located on the north service road of I-30 west of SH-205 subject to submission and approval of a grading and drainage plan by the City Engineer.

Please call me if you have any questions.

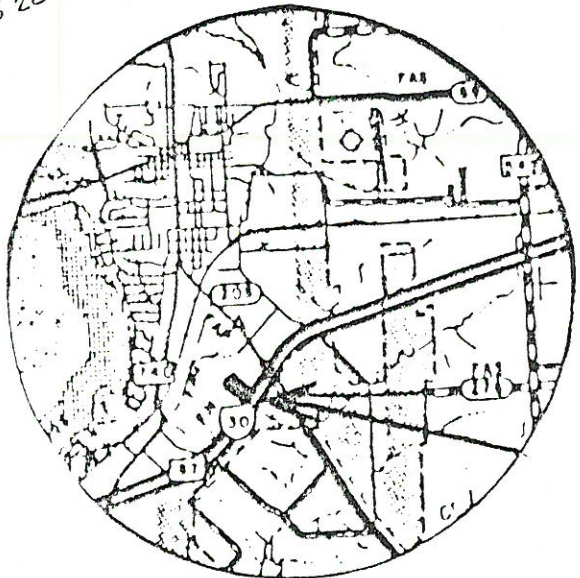
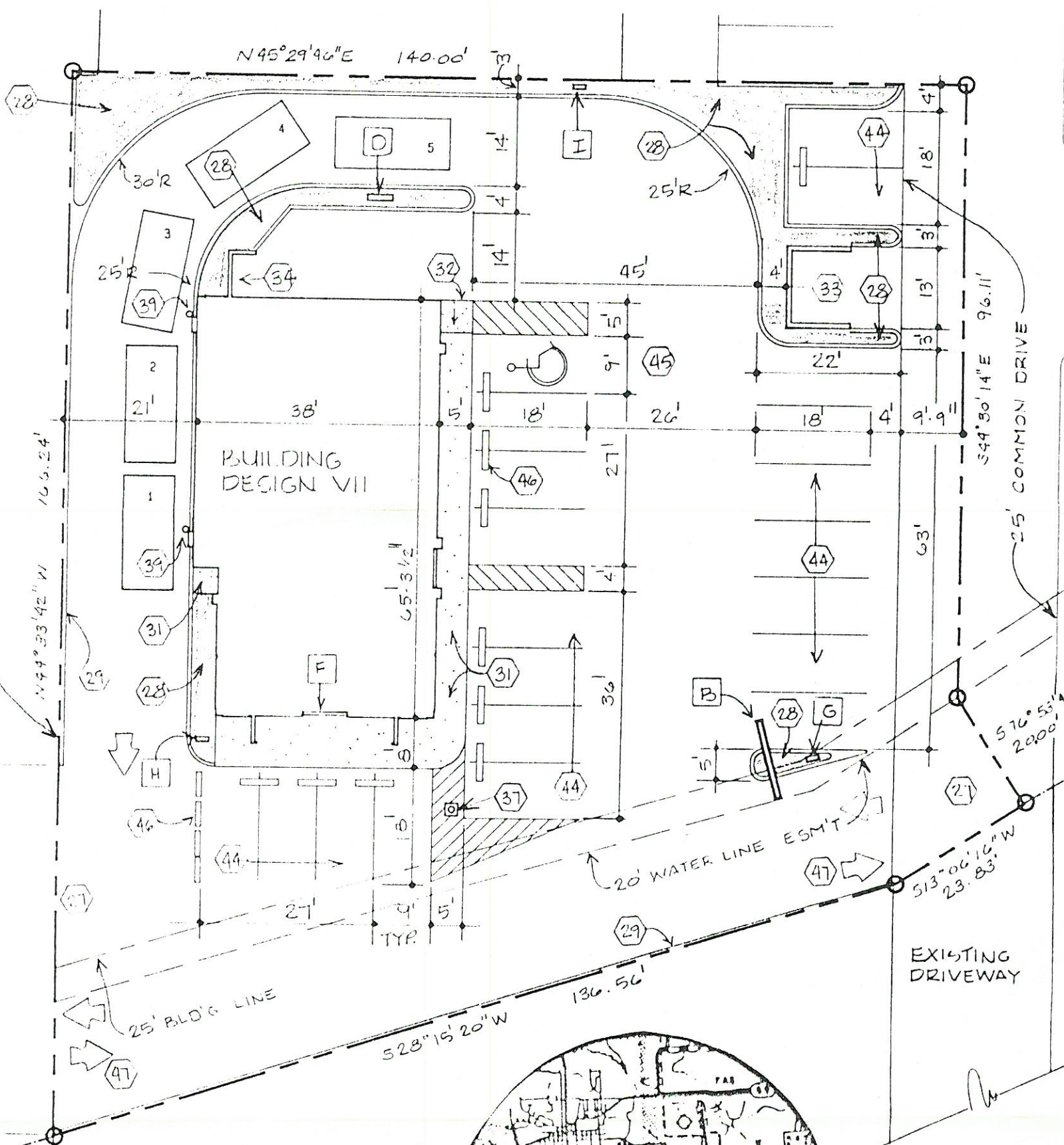
Sincerely,

A handwritten signature in cursive script that reads "Mary Nichols".

Mary Nichols  
Administrative Assistant

CC: Richard Espinoza  
Larry Bennett  
MN/mmp





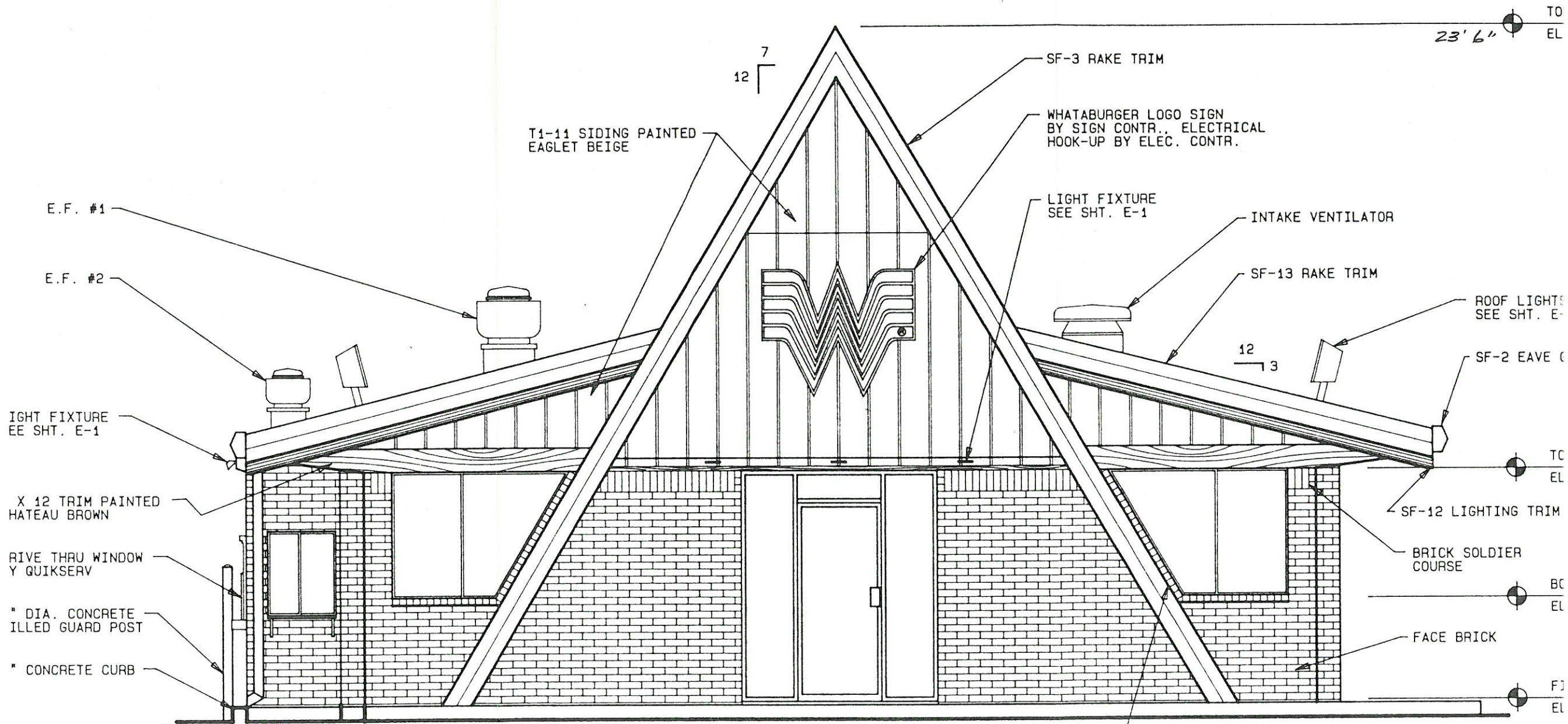
# SITE PLAN

SCALE: 1" = 20'

## SITE DATA

TOTAL LOT SQ.FT.	=	20,349	⊠
PARKS	=	21	
CAR STACK	=	5	
LANDSCAPE	=	1,084	⊠

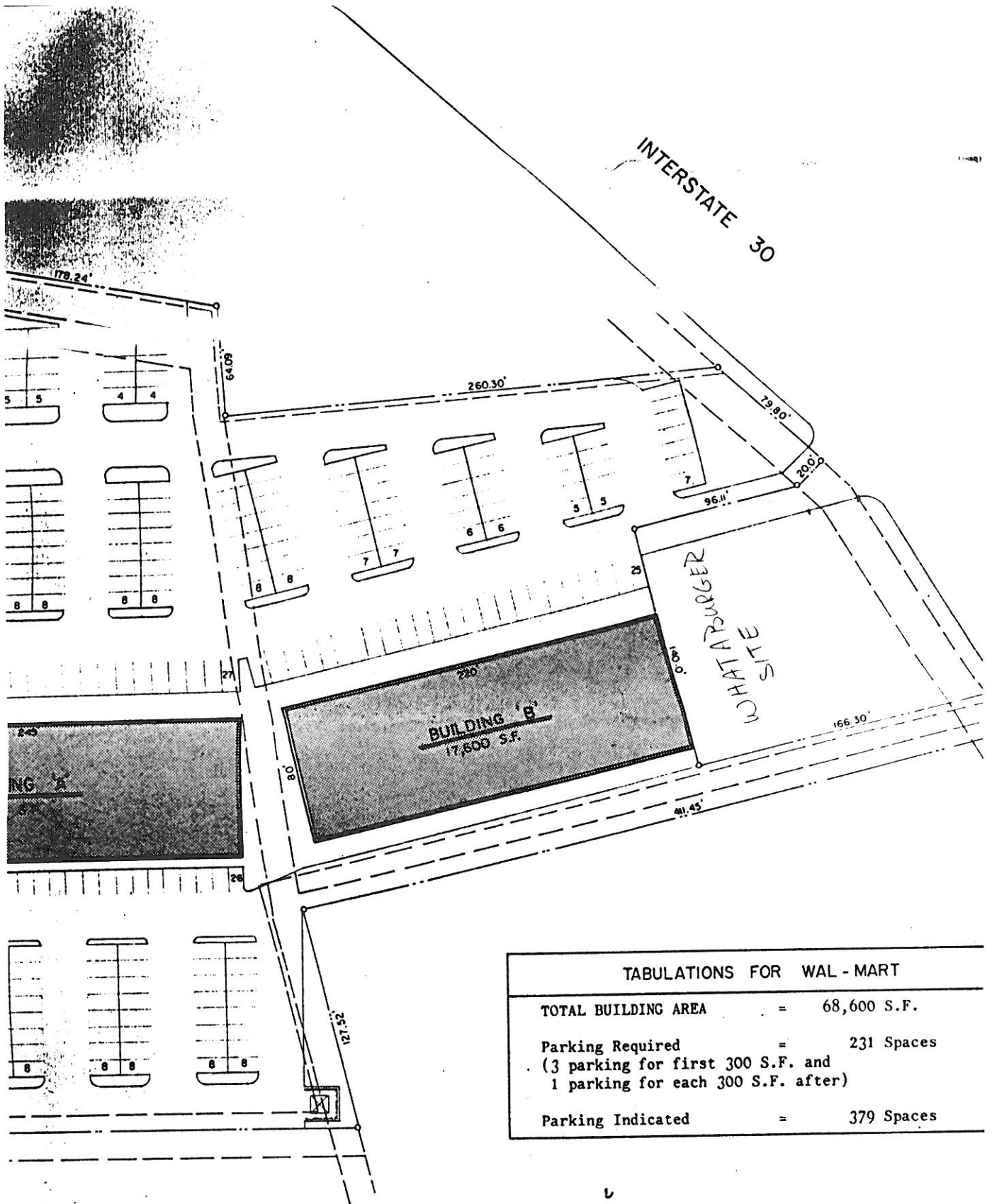




**1** FRONT ELEVATION  
 SCALE: 1/4" = 1' 0"







TABULATIONS FOR WAL - MART		
TOTAL BUILDING AREA	=	68,600 S.F.
Parking Required	=	231 Spaces
(3 parking for first 300 S.F. and 1 parking for each 300 S.F. after)		
Parking Indicated	=	379 Spaces

TABULATIONS		
LAND AREA	=	214,909 S.F. = 4.9336 ACRES
TOTAL BUILDING AREA	=	37,200 S.F.
BUILDING / LAND RATIO	=	17.3 %
PARKING REQUIRED (3 PARKING FOR FIRST 300 S.F. & 1 PARKING FOR EACH 300 SF. AFTER)	=	126 SPACES
PARKING INDICATED	=	283 SPACES



CITY OF ROCKWALL  
PLANNING AND ZONING COMMISSION  
Agenda

AGENDA DATE: June 9, 1988                      AGENDA NO. V. A.

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: Whataburger

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 205 in the Walmart Shopping Center. The site is already platted and zoned. The only item left for development to consideration of the site plan. A copy of the plan is included in your packet. The plan as submitted needed several corrections in order to comply with our requirements. They are outlined below:

1. The building elevation shows painted wood paneling above the first floor height. Our ordinances require that each building face be 90% masonry. They have indicated that they will utilize stucco in this area , which would comply.
2. They need to provide additional landscaping in front of the building. They have indicated that they will utilize the current striped area and one parking space for landscaping.
3. The front drive lane needs to be 24 feet. They will move everything back an additional 4 feet.
4. The parking along the east property line currently shows that it is open to the drive lane. I have requested that they close this off to regulate the access into the development. They have agreed to do this.

In addition to the above changes we have the following comments:

1. The parking shown with the one space removed is 20. The required parking for this site is 25 spaces. They have a joint use agreement with the shopping center to utilize both the drives and the parking that exists. The shopping center has more than the required parking spaces so we have no problem with this. We would want a copy of the agreement submitted prior to the issuance of a building permit.
2. A grading and drainage plan should be submitted prior to issuance of a building permit.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Shopping Center Plan

AGENDA ITEM: Whataburger Site Plan

ITEM NO: V. A.



MINUTES OF THE PLANNING AND ZONING COMMISSION

June 9, 1988

Interim Chairman Tom Quinn called the meeting to order with the following members of the Commission present; Leigh Plagens, Mike Reid, Robert Wilson, Bill Sinclair, and Hank Crumbley.

The first order of business was to elect a chairperson. Plagens made a motion to appoint Tom Quinn as Chairman. Crumbley seconded the motion. Sinclair moved to close nominations. Crumbley seconded the motion. Both motions were voted on and passed unanimously with Quinn abstaining. The Commission then considered appointment of a vice-chairman. Crumbley nominated Bob McCall. Assistant City Manager Julie Couch pointed out that Mr. McCall would be out of town most of the summer. Sinclair nominated Leigh Plagens who declined the nomination. Plagens nominated Bill Sinclair. Reid seconded the nomination. The motion was voted on and passed with all in favor except Sinclair who abstained from voting.

The Commission then considered approval of the minutes of May 12, 1988. Sinclair made a motion to approve the minutes as submitted. Plagens seconded the motion. The motion was voted on and passed with all in favor except Reid and Wilson who abstained from voting.

The next item on the agenda was to hold a public hearing and consider approval of a request from Michael Stephenson for a Conditional Use Permit for a Private Club for a proposed restaurant to be located with the Harbor, a development located off the south service road of I-30 at Lake Ray Hubbard. The Commission opted to postpone consideration of this item until later in the meeting pending the arrival of the applicant or his representative.

The Commission then held a public hearing and considered approval of a proposed landscape ordinance. Couch outlined in general the provisions of the ordinance which would

- \* eliminate landscape requirements from the zoning ordinance and place them in a regulatory ordinance
- \* provide for submission of a formal landscape plan during the site plan process
- \* require certain buffers between commercial properties and arterial streets
- \* require certain buffers between commercial properties and residential properties
- \* defines acceptable landscaping plants and materials
- \* defines certain prohibited plants and landscaping materials in and around rights of way and easements
- \* required masonry screens to meet City standards
- \* Provided for minimum landscaping and maintenance requirements within

rights of way

- \* raised the current minimum of interior landscaping in parking areas from 2% to 5% and provided for a certain number of trees on lots of 20,000 square feet or more
- \* provided certain screening requirements for trash receptacles
- \* raised the overall minimum landscaping requirement by 5% in each category while providing for certain credits to be given for enhanced landscaping which could reduce the percentage back to the current minimums (except that Commercial properties shall be required to meet a 10 % landscaping requirement regardless of credits).

Quinn opened the public hearing and as there was no one wishing to address the Commission on this issue the public hearing was closed. Sinclair pointed out some technical and typographical corrections and changes that could be made in the ordinance. The Commission discussed some specific changes with regard to screening of off-street loading docks. Discussion centered on whether to require screening for docks in industrial areas which did not face an arterial street. The Commission discussed requirements for off street loading docks in Commercial zoning categories and off street loading docks in Industrial areas which faced or had frontage on an arterial street. Sinclair made a motion to recommend approval of the proposed landscape ordinance with specific changes which he had previously outlined and providing that section VI.B.3 read as follows "The screening must be at least three feet in height utilizing only evergreen planting materials, berms, and masonry walls." Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a replat of a portion of the Sanger Addition. Couch explained that the lot was originally platted as one lot which was 200 feet deep and had 100 feet of frontage on two streets, and was currently owned by two persons. She stated that while there was a house on one side of the lot, the other side was vacant but could not be built on unless replatted as two homes could not be built on one lot. Couch explained that the property owners planned to live in the house once constructed and was therefore also requesting a waiver of the escrow requirements. Marilyn Slaughter, representing the applicant Nell Papas, offered to answer questions. Reid made a motion to approve the replat and the requested waiver of escrow requirements for street improvements. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing a considered approval of a request from Michael Stephenson for a Conditional Use Permit for a private club for a proposed restaurant to be located within the Harbor, a development located off the south service road of I-30 at Lake Ray Hubbard. Quinn opened the public hearing and as there was no one present wishing to address the commission on this issue, the public hearing was closed. Upon discovery that the applicant was not present, Plagens made a motion to postpone action on the item until the next worksession. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then discussed PD-28, Total Car Care and reviewed the



Planned Development for compliance with parking, landscaping, and outside storage requirements as specified in the ordinance authorizing the PD. Couch outlined the provisions within the ordinance and explained that although the applicant had installed some landscaping, the shrubs had not survived. Diane Payne stated that although she did leave vehicles outside overnight while waiting to be picked up or repaired, she did not store anything outside. Couch explained that any vehicles parked outside overnight that did not belong to an employee were considered outside storage. Payne suggested making some amendments in her site plan regarding areas of landscaping and amending the listed uses within PD-28 to allow outside storage with a minimum number of allowed vehicles to be stored outside. Couch explained that these changes would require a public hearing to amend the PD ordinance. Plagens made a motion to instruct the applicant to submit the necessary application so that the Commission may consider the amendments requested at a public hearing at the next regular meeting of the Commission. Crumbley seconded the motion. Sinclair offered an amendment to clarify that the amendments to be considered would be a revision in the development plan pertaining to landscaping and listed uses. Plagens seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

The Commission then reviewed a Conditional Use Permit issued for a temporary gun club located on FM-549 between I-30 and SH-276. Couch explained that when the CUP for the gun club was issued, one of the requirements in the ordinance authorizing the permit state that the Commission would review the permit in one year to verify that all conditions had been complied with and that no development had occurred adjacent to the property. Frank Springer, the applicant, explained to the Commission that no changes had been made since the permit had been approved and that it appeared that there were no present plans for development in the proximity.

The Commission then considered approval of a site plan for a proposed Whataburger restaurant to be located on I-30 west of SH-205. Couch explained that the wood paneling shown on the elevations drawings would be stucco to meet the 90% masonry requirements, that the front drive lane would be changed from 20 feet to the required 24 feet in width, that some additional landscaping needed to be provided in the front of the building, and that the applicant proposed to meet the required parking minimums through a shared access agreement with Folsom Properties. John Heiman Jr., Whataburger of Mesquite, addressed the Commission regarding proposed landscaping and parking. After a lengthy discussion regarding landscaping, drive locations, and maneuverability, Sinclair made a motion to approve the site plan subject to submission and approval of a grading and drainage plan by the City Engineer, and providing that the curb shown along the east parking area be expanded to a two to three foot landscaped area to connect the island at the east entrance into the site to the landscaping around the dumpster location. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for the Roadrunner Addition and a site plan for a proposed convenience store to be located at I-30 and FM-740. Couch explained that the Commission might consider requesting landscaping of the right of way with grass, brick treatment of the supports for the gasoline canopy, and requiring a cross access



easement to be dedicated and a grading and drainage plan to be approved prior to issuance of a building permit. She further explained that the plat did not meet the minimum site size requirements for sites with frontage along I-30 but that application had been made for appearance before the Board of Adjustments. She added that approval of the plat should be contingent upon approval of the variance request by the Board of Adjustments. Michael Craven, Truman Arnold Company, showed photographs of other Roadrunner stores and stated that extensive market studies and traffic reviews had been conducted prior to deciding on this location. The Commission discussed with Craven extending the parapet around the entire building, bricking the gasoline canopy support columns, landscaping the right of way, hours of operation proposed and the color scheme. After a lengthy discussion, Plagens made a motion to recommend approval of the final plat subject to approval of a variance to the minimum site size requirements by the Board of Adjustments and approval of the site plan subject to 1) bricking the support columns for the gasoline canopy, 2) dedication of a cross access easement 3) submission and approval of a grading and drainage plan by the City Engineer 4) extension of the parapet around the entire roof line 4) screening of the dumpster. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a site plan for a One Stop convenience store to be located at SH-66 and Lakeshore Drive. Couch outlined the applicant's site plan and explained the necessary amount of right of way for future improvement of SH-66. The Commission discussed the drive separation proposed of 173 feet, proposed landscaping to provide a buffer between the store's lot and the adjacent residential properties. Tom Welch, representing the applicant, stated that he proposed to screen the dumpster, that the lot contained more than the minimum amount of landscaping, that the lighting would be directional to prevent spillage, and that some ligustrums would be planted along the south property line to screen the residences. Sinclair made a motion to recommend approval of the site plan subject to the following conditions: 1) that the lighting be directional for minimal spillage 2) that cross access easements be provided to the east 3) allowing less than 200 feet drive separation 4) that a grading and drainage plan be submitted to and approved by the City Engineer prior to issuance of a building permit 5) that a fire hydrant be installed. Plagens seconded the motion. The motion was voted on and passed with all in favor except Reid who abstained from voting.

As there was no further business to come before the Commission for consideration, the meeting adjourned at 11:30 P.M.

Julie Couch

Thomas E. Reim  
Chairman

*Whataburger*

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.

PLANNING AND ZONING ACTION SHEET

Applicant John Heiman Case No. 88-25-SP  
Property Description Albritton Addition  
Case Subject Matter site plan

CASE ACTION

Approved Disapproved Tabled  
Date to P&Z June 6  
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



WHATABURGER®

JOHN L. HEIMAN, JR.

PRESIDENT

WHATABURGER OF MESQUITE, INC.  
3200 TOWN EAST BOULEVARD  
MESQUITE, TX 75150  
PHONE: 214-270-3400