

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 88-387P Filing Fee 102<sup>00</sup> Date 7-12-88  
Applicant Realvest, Inc. Phone 918-481-1919  
Mailing Address 1323 E. 71st Street, Suite 200, Tulsa, OK. 74136

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED: (if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

**Chandlers Landing Phase 18 Section 2, Lots 9 through 23, Block A**

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

Zero Lot Line District Classification  
to Amend-Section 18-2, P.D. 8 to Att. Area Req. District Classification  
for the following reasons: (attach separate sheet if necessary)

There (Are) deed restrictions pertaining to the intended use of the property.  
(Are Not)

Status of Applicant: Owner X Tenant \_\_\_\_\_ Prospective Purchaser \_\_\_\_\_

I have attached hereto as Exhibit "A" a plat showing the property which is the subject of this requested zoning change and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

Signed Thomas S. Hadden

**NOTE:** The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

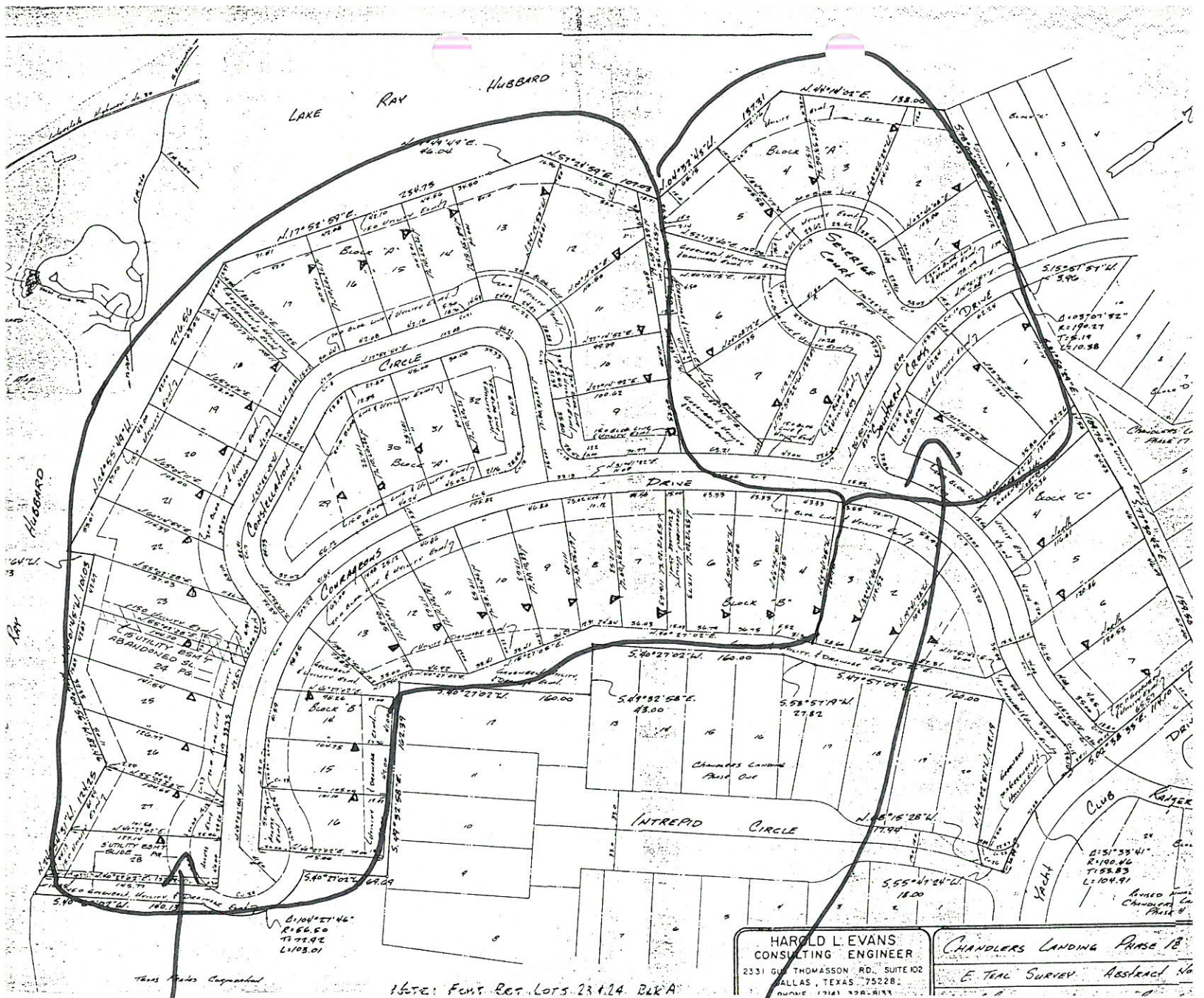
(The following Certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description, however, the same is not a requirement of the Application.)

CERTIFICATE

I hereby certify that I have checked the legal description of the property described in this Application and the same describes the tract of land shown on the Plat attached hereto as Exhibit "A" and said description is sufficient to allow qualified surveyor to locate and mark off said tract on the ground.

\_\_\_\_\_  
Surveyor or Attorney for Applicant  
(Mark out one)





HUBBARD  
RAY

LAKE RAY HUBBARD

These Notes Govern

1652: FURT. REC. LOTS 23 & 24 Bk A

HAROLD L. EVANS  
CONSULTING ENGINEER  
2331 GULF THOMASSON RD., SUITE 102  
DALLAS, TEXAS 75228  
PHONE 121-1228-8173

CHANDLERS LANDING PHASE 1B  
E. T. SURVEY Abstract No. 16

area to be  
Replatted

area previously  
Replatted





CITY OF ROCKWALL

"THE NEW HORIZON"  
Rockwall, Texas 75087-3628

(214) 771-1111

Cash Receipt

Name Fracter Development Date 8-18-88

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

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

Check  16818 Cash  Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
Building Permit	01-3601		Water Tap	02-3311	
Fence Permit	01-3602		10% Fee	02-3311	
Electrical Permit	01-3604		Sewer Tap	02-3314	
Plumbing Permit	01-3607		Water Availability	33-3835	
Mechanical Permit	01-3610		Sewer Availability	34-3836	
Zoning, Planning, Board of Adj.	01-3411	16818	Meter Deposit	02-2201	
Subdivision Plats	01-3412		Portable Meter Deposit	02-2202	
Sign Permits	01-3628		Misc. Income	02-3819	
Health Permits	01-3631		NSF Check	02-1128	
Misc. Permits	01-3625		Meter Rent	02-3406	
Misc. Income	01-3819		Penalties	20-3117	
Sale of Supplies	01-3807		Hanger Rent	20-3406	
Municipal Pool	01-3402		Tie Down Fees	20-3407	
Cemetery Receipts	10-3830		Land Lease	20-3804	
Hotel/Motel Tax	15-3206		Sale of Supplies	20-3807	
Marina Lease	08-3810		Exxon Payment	20-1132	
Street Assessment	25-3828		Fuel Sales	20-3809	
TOTAL OF COLUMN			TOTAL OF COLUMN		

TOTAL DUE

367.00

Received by

Jane

JUL 17 1987

Wayne L. Gardner, President  
Chandlers Landing Development Company  
1717 South Boulder, Suite 201  
Tulsa, OK 74119

Dear Mr. Gardner:

Subject: Chandlers Landing, OILSR No. 0-06428-499-1258

Enclosed is a complaint we have received from Mark D. Connor concerning his lot purchase of Lot 3 in Block F of Phase 16 on August 15, 1986.

Mr. Connor's salesperson, Jan Scott, led him to believe that he owned two lots in the subdivision. However, the complainant later discovered that Mr. Scott never had owned a lot in the subdivision.

Mr. Connor also was led to believe that he was buying his lot at a "pre-developed" price of \$30,000. Mr. Scott allegedly told him that the developer could not "legally" sell the lot at "fully developed" prices until after the lots were completely improved. However, the newly appraised value of his lot as of June, 1987, which reflected its improved status, was also \$30,000, the sales price.

Based upon the salesperson's alleged misrepresentations to him, the complainant is requesting that the developer repurchase his lot. Please inform us of your intended disposition of this matter.

The complainant also was offered a lot in Phase 18 which is unregistered with this office. Any nonexempt sales made by the developer in this phase are in violation of the Interstate Land Sales Full Disclosure Act and voidable at the option of the purchaser. Any further sales or offers to sell in that phase should cease immediately.



You also will need to provide us with a list of all purchasers who entered into transactions with the developer for lots in Phase 18. This list should contain the names, addresses, lot numbers, dates of purchase and amounts paid to date.

Correspondence Code	Originator	Concurrence	Concurrence	Concurrence	Concurrence	Concurrence
	Massouh					
Name	Pam					
Date	7/15/87					



The requested information should be submitted within fifteen days of your receipt of this letter. In reply you should refer to Ms. Paula Massouh who also can be reached at (202) 755-6716.

Sincerely,  
Original signed by  
Roger G. Henderson

Roger G. Henderson  
Land Sales Enforcement Officer  
Interstate Land Sales Registration  
Division

Enclosure

cc:  
Chron  
ILSRD  
Housing  
Mark Connor  
406 W. View Terrace  
Arlington, TX 76013-1609

*Contact Ray Helm for further info.*

HSCLE:MASSOUH:pcm 7-15-87 (Drafted 7-10)

**DEHAY & BLANCHARD**

ATTORNEYS AND COUNSELORS

PLAZA OF THE AMERICAS

2500 SOUTH TOWER, LB 201

DALLAS, TEXAS 75201-2880

(214) 953-1313

TELEX-5101002109

ANSWER BACK-DEHAY DAL UD

TELECOPIER (214) 220-0439

BOBBY D. DYESS

August 5, 1988

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Rockwall Planning and  
Zoning Commission  
205 West Rusk  
Rockwall, TX 75087

Dear Member of the Commission:

The DeHay & Blanchard profit sharing trust objects to the proposed amendment to the preliminary plan for PD-8, Chandler's Landing, to change the land use designation from zero lot line to single family lots on lots 9 through 23, Block A, Phase 18, Section II, of Chandler's Landing.

The pension plan purchased lot 17, Block A in Phase 19 of Chandler's Landing from Texas Frates Company in 1986. The lot was purchased as an investment based upon the representation that it was one of the three remaining lakeview lots in the subdivision. Lots in the same area are now being offered for sale at approximately \$20,000 less than we paid for lot 17.

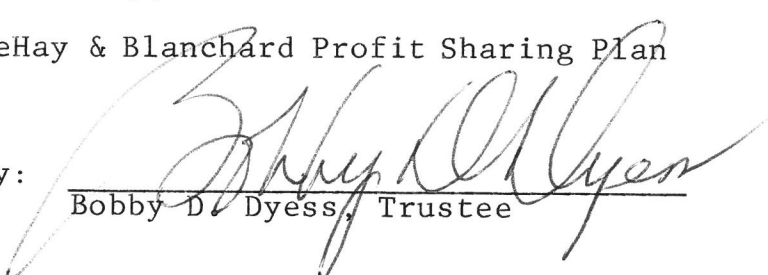
We believe that lot 17 was grossly overpriced and that the attempt by the developer to now provide an additional 24 large lakefront lots is a breach of the developers duty of good faith and fair dealing and will have a devastating effect on the value of lot 17 and other similar existing lots.

We urge the commission to reject the proposed amendment.

Sincerely,

DeHay & Blanchard Profit Sharing Plan

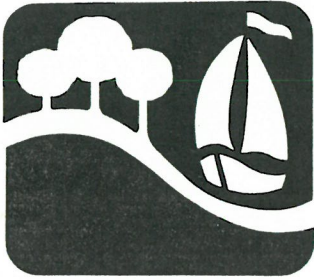
By:

  
Bobby D. Dyess, Trustee

/aew

cc: Realvest, Inc.  
One Commodore Plaza  
Rockwall, TX 75087





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

August 15, 1988

Realvest, Inc.  
1323 East 71st Street  
Suite 200  
Tulsa, Oklahoma 74136

Gentlemen:

On August 11, 1988, the Planning and Zoning Commission held a public hearing and recommended approval of a change in zoning from Zero Lot Line to Single Family on Lots 9 through 23, Block A, Chandlers Landing Phase 18, Section II.

Please note that this item is scheduled for public hearing and consideration by the City Council on September 6, 1988, at 7:00 P.M. in City Hall, 205 West Rusk. However, we have to date not received a filing fee of \$102.00 for this case. We also did not receive a filing fee of \$265.00 for the recently approved replat of a portion of Phase 18, Section II. These fees cover our processing, public notice and advertising costs. If these fees are received by August 30th, the rezoning application will be considered by Council as scheduled.

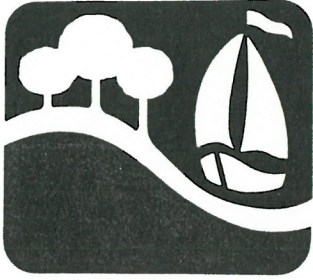
Please call me if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

CC: Thomas Hadden  
MN/mmp



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

August 17, 1988

Realvest, Inc.  
1323 East 71st Street  
Suite 200  
Tulsa, Oklahoma 74136

Gentlemen:

My previous correspondence indicated that the City Council would consider your zone change request on September 6th. Due to an anticipated long agenda on this date, your request will be considered on September 19, 1988, at 7:00 P.M. in City Hall, 205 West Rusk.

Please call me if you have any questions.

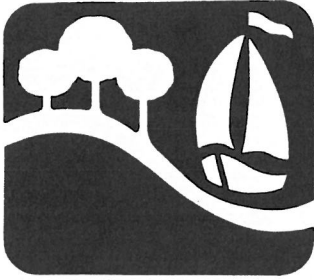
Sincerely,

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

Mary Nichols  
Administrative Assistant

CC: Harold Evans  
Thomas Hadden  
MN/mmp





# CITY OF ROCKWALL

## "THE NEW HORIZON"

September 21, 1988

Realvest, Inc.  
1323 East 71st Street  
Suite 200  
Tulsa, Oklahoma 74136

Gentlemen:

On September 19, 1988, the Rockwall City Council held a public hearing and considered approval of a revision in the preliminary plan for PD-8 to amend the area requirements for Lots 9 through 23, Block A, Phase 18 Chandlers Landing. An ordinance authorizing the change was approved on first reading. An ordinance of this nature must be approved at two meetings of the Council. The second reading is scheduled for October 3rd.

Please note also that this calendar year two sections of Phase 18 have been replatted:

\*Lots 1, 7, and 8, Block A and Lots 1, 2, and 3, Block C Phase 18, Section 2 approved on May 2, 1988

\*Lots 9 - 32, Block A and Lots 4 - 12, 14 - 16, Block B, Phase 18, Section 2 approved on August 1, 1988

A final plat must be filed by this office with the County within 120 days of the approval or the plat becomes void. If executed copies of the second replat mentioned above are not returned by November 8th (100 days) we cannot guarantee timely filing. To date we have not received these copies.

Please note also that the filing deadline for the first replat (Lot 1, 7, and 8, Block A and Lots 1, 2, and 3, Block C, Phase 18) has expired. If this replat is not resubmitted for approval prior to application of a building permit, the original plat will still be valid. Reapproval of this replat will require additional public hearings.

Feel free to call me if you have any questions.

Sincerely,

Mary Nichols  
Administrative Assistant

CC: Texas Frates, Corp.  
Harold Evans & Assoc.

*Inspection*

CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: August 11, 1988      AGENDA NO. III.C.

AGENDA ITEM: Hold Public Hearing and Consider Approval of a Request from RealVest Corporation to amend the Preliminary Plan for PD-8, to Change the Land Use Designation on Lots 9 through 23, Phase 18, Section 2 from Zero Lot Line to Single Family and Consider Approval of Area Requirements

ITEM GENERATED BY: Applicant, RealVest

ACTION NEEDED: Hold Public Hearing and recommend approval or denial of land use change and area requirements

BACKGROUND INFORMATION:

This is the request for a change in land use designation for lots 9-23 of Phase 18 in Chandlers Landing from Zero Lot Line to Single Family. The area requirements are in compliance with other single family requirements within Chandlers. Attached are copies of the current area requirements and the proposed area requirements.

ATTACHMENTS:

1. Location map
2. Plat
3. Current and proposed area requirements

AGENDA ITEM: RealVest Request re: PD-8

ITEM NO: III.C

M:PZ08113C.AGN



Minutes of the Planning and Zoning Commission  
August 11, 1988

Vice Chairman Bill Sinclair called the meeting to order with the following members present: Bob McCall, Leigh Plagens, Robert Wilson and Hank Crumbley.

The Commission first considered approval of the minutes of July 14 and July 25, 1988. Plagens made a motion to approve both sets of minutes with the correction of certain typographical errors. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Eugene and Luanne Franks for a Conditional Use Permit for a single family use on less than ten acres in an Agricultural Zoning Classification on a tract of land located at FM-740 and Shadydale Lane. Assistant City Manager, Julie Couch explained that the applicants wished to build a garage to house a semi-truck. She stated that no building permit could be issued until permanent zoning was established or a CUP was issued. She explained that the applicants didn't wish to rezone to single family because they would not be allowed to park the truck in single family zoning.

Luanne Franks told the Commission that the garage would be located to the rear of lot and was 4 to 6 feet lower than the house on the lot. She stated that the garage would have an automatic door, would be built to match the house with three feet of brick around the sides, and would completely conceal the truck.

Bob McKinney, No. 3 Shadydale, stated the Shadydale Lane would not withstand regular truck traffic and he was opposed to the CUP. George Hatfield, No. 1 Shadydale, stated that he lived directly across from the applicant's lot, he was opposed to allowing the permit, and that the asphalt road wouldn't withstand the weight of the truck. Mrs. Franks stated that the truck weighted 17,500 pounds which was less than the city garbage truck. Anita McKinney voiced her opposition. Sarah Whittle stated that she was unopposed. McCall confirmed with Rob Whittle that Shadydale would eventually tie into Phase III of Foxchase. Don Smith, a resident of Chandler's Landing, stated that with or without the garage a truck could be parked in Agricultural Zoning but that a truck parking there was temporary and a garage was permanent. He was opposed to the CUP. Sue O'Brian, No. 5 Shadydale stated that the lots in the City Limits deserved the protection of City Ordinances.

The Commission discussed turn space at Shadydale and FM-740, the Scenic Overlay District, view of the garage from adjacent lots, the height and landscaping around the garage and the current zoning on the lot. Plagens made a motion to recommend approval of the CUP with the following conditions:

1. The sides visible from adjacent residences would be landscaped with evergreen shrubs

2. No truck maintenance or repair would be conducted outside of the garage
3. No other buildings or outside storage would be allowed related to the truck
4. Garage materials would match the house and include three feet of brick around perimeter

McCall seconded. The motion was voted on and passed 3 to 2 with Wilson and Crumbley voting against the motion.

Council then held a public hearing and considered approval of a request from P.D. Crawford for a change in zoning from "GR" general retail to "SF-7" single family on a tract of land located at Kaufman Street and San Augustine and considered approval of a final plat. Couch explained that the applicant lost non-conforming status when his residence burned down. She stated that prior to issuance of a building permit, the property would have to be zoned for residential and platted. She stated that as this would be a one lot owner occupied subdivision, the applicant was requesting a waiver of street escrow requirements. Bob Brown, B.L.S. and Associates was present to represent the applicant. Jimmy Massey, an adjacent property owner confirmed that the zone change would be one lot only. The public hearing was closed. Plagens made a motion to recommend approval of the zone change, final plat, and waiver request. Crumbley seconded the motion. The motion was voted on and passed unanimously.

Couch then outlined a request from Realvest Corporation to amend the Preliminary Plan for PD-8, to change the land use designation on lots 9 through 23, Phase 18, Section 2, from zero lot line to single family and the proposed area requirements. Sinclair opened the public hearing. Harold Evans explained that these lots had recently been replatted and the zone change would contribute to reducing overall density. Rob Whittle told the Commission that Whittle Development owned lots in Phase 17 and was under a contractual obligation not to expand the lots. The public hearing was closed. McCall made a motion to approve the amendment. Plagens seconded the motion. The motion was voted on and passed unanimously.

Sinclair opened a public hearing on a request from Buddy Haldeman for a change in zoning from "A" Agricultural to "C" Commercial on a tract of land located on SH-205 south of Rockwall Parkway. As there was no one present to address this issue, the public hearing was closed. Crumbley made a motion to table consideration until the worksession pending appearance of applicant representation. Plagens seconded the motion. The motion was voted on and passed unanimously.

Couch outlined an application from First Assembly of God Church for renewal of a Conditional Use Permit for a portable building exceeding the maximum permitted area in an "SF-7" Single Family Classification. Sinclair opened the public hearing. As there was no one present wishing to address the Commission on this issue, the public hearing was closed. Plagens made a motion to table the item until the worksession. McCall seconded the motion. The motion was voted on and passed unanimously.



The Commission then considered approval of a site plan for a Roadrunner Convenience Store and a final plat for the Haldeman Addition on a tract of land located at SH-205 and SH-276. Couch outlined the application. The Commission discussed the application. The Commission discussed the drive locations, the landscaping and the location of the sewer main. Plagens made a motion to approve the site plan and final plat. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for Foxchase Phase 1, a 32 lot subdivision on FM-740. Couch explained certain changes recently made in PD-9. She stated that the final plat conformed with the preliminary plat as it was approved and outlined recommended conditions for approval. Rob Whittle, Whittle Development, was present to address questions. The Commission discussed a possible developer's contract pertaining to future park land. Plagens made a motion to recommend approval of the final plat with the following conditions:

1. Any proposed improvements to the median must be approved by Council
2. Execution of a developer's contract regarding future dedication of park land

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

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

Thomas G. Quinn  
Chairman

Julie Coet

CITY OF ROCKWALL

City Council Agenda

AGENDA DATE: September 19, 1988 AGENDA NO. V.D.

AGENDA ITEM: Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from RealVest Corporation to amend the Preliminary Plan for PD-8, to Change the Land Use Designation on Lots 9 through 23, Phase 18, Section 2 from Zero Lot Line to Single Family and Consider Approval of Area Requirements

ITEM GENERATED BY: Applicant, RealVest

ACTION NEEDED: Hold Public Hearing and consider approval of the ordinance granting the land use change and area requirements

BACKGROUND INFORMATION:

This is the request for a change in land use designation for lots 9-23 of Phase 18 in Chandlers Landing from Zero Lot Line to Single Family. Several months ago this area was replatted to create larger lots for single family development. The area requirements are in compliance with other single family requirements within Chandlers. Attached are copies of the current area requirements and the proposed area requirements.

The Planning and Zoning Commission has recommended approval of the request.

ATTACHMENTS:

1. Location map
2. Plat
3. Current and proposed area requirements



MINUTES OF THE ROCKWALL CITY COUNCIL

September 19, 1988

Mayor Frank Miller called the meeting to order at 7:00 P.M. with the following Councilmembers present: Don Smith, Alma Williams, Frank Miller, Norm Seligman, Pat Luby and John Bullock.

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

- A) the minutes of September 6, 1988
- B) an ordinance abandoning a drainage easement on Rockwall Parkway on second reading
- C) an ordinance abandoning a TU Electric easement in Stonebridge Meadows on second reading
- D) an ordinance authorizing a change in zoning from "A" Agricultural to "C" Commercial on a tract of land located on SH-205 south of Rockwall Parkway on second reading
- E) an ordinance regulating usage of the jogging trail at Harry Meyers Park on second reading
- F) a resolution urging the State to amend the definition of an emergency vehicle regarding emergency signal lights
- G) a resolution urging TML to support strict qualifying requirements for Agricultural exemption to Ad Valorem taxes.

Assistant City Manager Julie Couch read the ordinance captions. Miller pulled Items F and G. Williams made a motion to approve the Consent Agenda except Items F and G. Seligman seconded the motion. The motion was voted on and passed unanimously. Miller made a motion to approve Item F with a minor change in the wording of one sentence. Luby seconded the motion. The motion was voted on and passed unanimously. Miller then suggested minor wording revisions in Item G and made a motion to approve the resolution with these changes. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a request from P.D. Crawford for a change in zoning from "GR" General Retail to "SF-7" Single Family on a tract of land located at Kaufman Street and San Augustine, and considered approval of a final plat for the Crawford Addition. Couch outlined the applicant's request and explained that prior to obtaining a building permit to replace a residence that had burned and lost its non-conforming status the property had to be rezoned and platted. Bob Brown, representing the applicant, stated that Mr. Crawford proposed to move an old parsonage onto the lot to be used as his residence. Smith made a motion to approve the request, an ordinance authorizing the zone change on first

reading, the final plat, and a waiver of street escrow requirements. Luby seconded the motion. The motion was voted on and passed unanimously.

The Council then held a public hearing and considered approval of an ordinance granting a request from First Assembly of God Church for renewal of a Conditional Use Permit for a portable building exceeding the maximum size permitted in an "SF-7" Single Family classification. Couch explained that the CUP had been granted previously by the Council but had expired. She stated that the application was the same as the original application and read the ordinance caption. As there was no one present to address the Council on this issue the public hearing was closed. Seligman made a motion to approve the ordinance. Smith seconded the motion. The Mayor offered an amendment to require a two year time limit. Seligman seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

The Council then held a public hearing and considered approval of a request from Realvest, Inc., for an amendment to the preliminary plan for PD-8, Chandlers Landing to change the land use designation on Lots 9 through 23 in Phase 18, Section 2, from Zero Lot Line to Single Family, and approval of area requirements. Couch explained that the lots had previously been replatted, outlined the proposed area requirements, and read the caption of an ordinance amending the preliminary plan for PD-8. Harold Evans, representing the applicant, addressed the Council's questions regarding the lot sizes and possible tightness of lots. Seligman made a motion to approve the ordinance. Smith seconded the motion. The motion was voted on and passed unanimously.

Miller then opened a public hearing and Council considered amending the Comprehensive Zoning Ordinance to adopt regulations regarding sexually oriented businesses. Couch outlined the regulatory ordinance previously adopted by Council, the recommendation of the Planning and Zoning Commission and the recommendation of the City Attorney to amend the Zoning Ordinance and the Private Club Ordinance to provide regulations for sexually oriented businesses. As there was no one present to address this issue, the public hearing was closed. Williams made a motion to instruct Staff to draft ordinances amending the Comprehensive Zoning Ordinance and Private Club Ordinance regarding sexually oriented businesses. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of an ordinance adopting the 1988-89 Operating Budget. As there was no one present wishing to address the Council on this issue, the public hearing was closed. Couch read the ordinance caption and City Manager Bill Eisen explained some changes that had been made at Council's direction since the Budget Worksession. Seligman made a motion to approve the ordinance. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a resolution making application to the Texas Capital Development Fund on behalf of Celebration Cake Company. Eisen explained that funding for business development and business expansion was available through the Texas Department of Commerce and Jim Head, of Celebration Cake Company, had requested the City to sponsor a loan application. He explained that although the City would technically be the recipient of the loan, a limited role would be

Council then considered approval of an ordinance amending the 1987-88 Budget. Couch read the ordinance caption. Williams 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 setting the 1988-89 tax rate. Couch read the ordinance caption. Smith made a motion to approve the ordinance. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance prescribing the method for setting rates at the Municipal Airport. Eisen explained that this would allow Airport rates to be set and amended by resolution as water and sewer rates were done. Couch read the ordinance caption. Smith made a motion to approve the ordinance. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution amending water and sewer rates. After a brief Council discussion, Seligman made a motion to approve the resolution. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance updating service credit in TMRS and increasing the employee contribution rate. Eisen explained the contents of the ordinance. 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.

Council next considered approval of a resolution fixing a charge for returned checks. Eisen explained the current charge was \$5.00 and the resolution would establish a \$15.00 charge. Bullock questioned the cost of processing an insufficient check. Director of Finance Mike Phemister explained the procedures and stated that \$15.00 was an acceptable amount. Luby made a motion to approve the resolution. Smith seconded the motion. The motion was voted on and passed with all in favor except Bullock who was opposed.

Council discussed a resolution establishing a policy regarding review of newly annexed areas for the purpose of establishing permanent zoning. After discussion regarding the recommendation of the Planning and Zoning Commission, Seligman made a motion to approve the resolution. Williams seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution authorizing establishment of a 9-1-1 Emergency Telephone System and authorizing the levy of a charge to finance the service. Eisen outlined the steps taken to date towards establishing the service and additional procedures to be completed. Smith made a motion to approve the resolution. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered award of bid for materials for a 12" water main extension to the Children's Shelter on Airport Road and a 6" water main replacement on the Alumax property. Director of Community Services Ed



Heath recommended award of the bid to Trans Tex Supply and explained that the two lower bidders had not complied with specifications. The bids were as follows:

Daystar Sales	\$14,121.70
Atlas Utility	\$14,657.04
*Trans Tex Supply	\$15,183.99
Bowles and Eden	\$15,863.42
Texas Meter Service	\$15,959.36

Seligman made a motion to award the bid as recommended. Williams seconded the motion. The motion was voted on and passed unanimously.

Council then considered authorizing the City Manager to execute an agreement with Independent Bank for financing a \$77,261.86 note. Mayor Miller turned the chair over to Councilmember Bullock and abstained from participation in the discussion due to a conflict of interest. Eisen explained that a balloon payment was due September 20th on a two year note in the original amount of \$110,000 used for the purchase of land. He stated that it would be a two year note with a three year amortization period at an interest rate of approximately 10% as determined by our depository agreement. Smith made a motion to authorize execution of the agreement. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution accepting a donation of .2897 acres of land for use as a City park by Dr. Sherman Sparks and authorizing the City Manager to file a warranty deed effective January 20, 1989. Director of Parks and Recreation Rick Crowley outlined the provisions of the deed and location of the land. Williams made a motion to approve the resolution. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered award of bids for paving, drainage, and utility improvements in the Heritage Heights Subdivision. Eisen explained that FMHA approval still had not been received. Smith made a motion to table the award until October 17th or the next convenient meeting upon receipt of approval. Williams seconded the motion. The motion was voted on and passed unanimously.

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

APPROVED:

ATTEST:

\_\_\_\_\_  
Mayor

By: \_\_\_\_\_

ORDINANCE NO. 85-51

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ORDINANCE NO. 84-4 OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A ZONING CHANGE AND AMEND A PRELIMINARY PLAN FOR PD-8, CHANDLERS LANDING, MORE FULLY DESCRIBED HEREIN; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Ordinance 84-4 of the City of Rockwall should be amended as follows:

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

SECTION 1. That the Comprehensive Zoning Ordinance and Ordinance No. 84-4 of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended so as to approve a change in the preliminary plan for "PD-8" Planned Development District No. 8, Chandlers Landing on the property described as Lots 9 through 23, Block A, Section II, Chandlers Landing, Phase 18.

SECTION 2. That Planned Development District No. 8, Chandlers Landing 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 hereby, provided that the granting of Planned Development District No. 8, Chandlers Landing to the above described tract of land is subject to the following special conditions:

- A. Prior to issuance of any building permit in Planned Development District No. 8, Chandlers Landing, a comprehensive development plan shall be filed with the Planning and Zoning Commission, and after hearing, the City Council shall approve a final development plan, which shall be filed and included as Exhibit "A" and made a part of this ordinance for all purposes. Such development plan shall set forth in detail the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the Thoroughfare Plan of the City of Rockwall, sidewalks, utilities, drainage, parking space, height of buildings, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary by the City Council so as to create a reasonable transition to and protection of the adjacent property.
- B. All development of property covered by Planned Development District No.

- B. All development of property covered by Planned Development District No. 8, Chandlers Landing shall be in accordance with the provisions of this ordinance and the finally approved comprehensive development plan and list of approved uses, and no substantial change in the development shall be permitted except after obtaining approval of the changes and amendments to the Comprehensive Zoning Ordinance.
- C. Development of Planned Development No. 8, Chandlers Landing Phase 18 as described herein shall be regulated by the requirements as follows. All area requirements not specifically listed herein shall comply with the requirements set forth in the corresponding standard zoning classification for each use.

Use-Single Family Detached

AREA REQUIREMENTS

CHANDLERS LANDING PHASE 18, SECTION 2

LOTS 9 THROUGH 23, BLOCK A

1. Minimum lot area - 6,500 square feet
2. Maximum number of single family detached dwelling units per lot - 1
3. Minimum square footage per dwelling unit - 1,500 square feet
4. Minimum lot width - 45 feet at building line
5. Minimum lot depth - 100 feet
6. Minimum depth of front setback - 20 feet
7. Minimum depth of rear setback - 15 feet
8. Minimum width of side setback - 5 feet
9. Minimum distance between separate buildings on the same lot or parcel of land - 10 feet
10. Maximum building coverage as a percentage of lot area - 40 percent
11. Maximum height of structures - 30 feet
12. Minimum distance between buildings - 10 feet
13. Minimum garage space - 2 cars
14. Minimum number of parking spaces/unit - 2 spaces

SECTION 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be



punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 4. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation, or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance are declared to be severable.

SECTION 5. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

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

DULY PASSED AND APPROVED this 3rd day of October, 1988.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

By   
\_\_\_\_\_

1st reading 9/19/88  
2nd reading 10/3/88

PLANNING AND ZONING ACTION SHEET

Applicant \_\_\_\_\_ Case No. 88-38-2

Property Description Portion of Pk 18; Chandler's

Case Subject Matter zero lot line to single family

CASE ACTION

Date to P&Z 8/11 ✓ \_\_\_\_\_ \_\_\_\_\_

Conditions \_\_\_\_\_

Date to City Council 9/19 ✓ \_\_\_\_\_ \_\_\_\_\_

Conditions \_\_\_\_\_

Ordinance no. 85-51 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

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