

April P+Z
April 15 CC

100.00
filing fee
(6/87)

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 91-8- CUP

Date Submitted 2/28/91

Filing Fee \$ 100.00

Applicant Bill Blundell

Address 3507 La Prada
Mesquite, TX 75150

Phone No. 214-681-0927

Owner _____ Tenant¹ _____ Prospective Purchaser¹ _____

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto:)²

I hereby request that a Conditional Use Permit be issued for the above described property for:

line The current zoning on this property is _____.
There ^{space} are/are not ^{space} deed restrictions pertaining to the intended use of this property.

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

¹If the applicant is someone other than the owner, written acknowledgement by the owner of the request must also be submitted.

Richard E. Slaughter Jr. Plh #23133
Bill Blundell

²The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. 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.



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

No 019640

(214) 771-1111

Cash Receipt

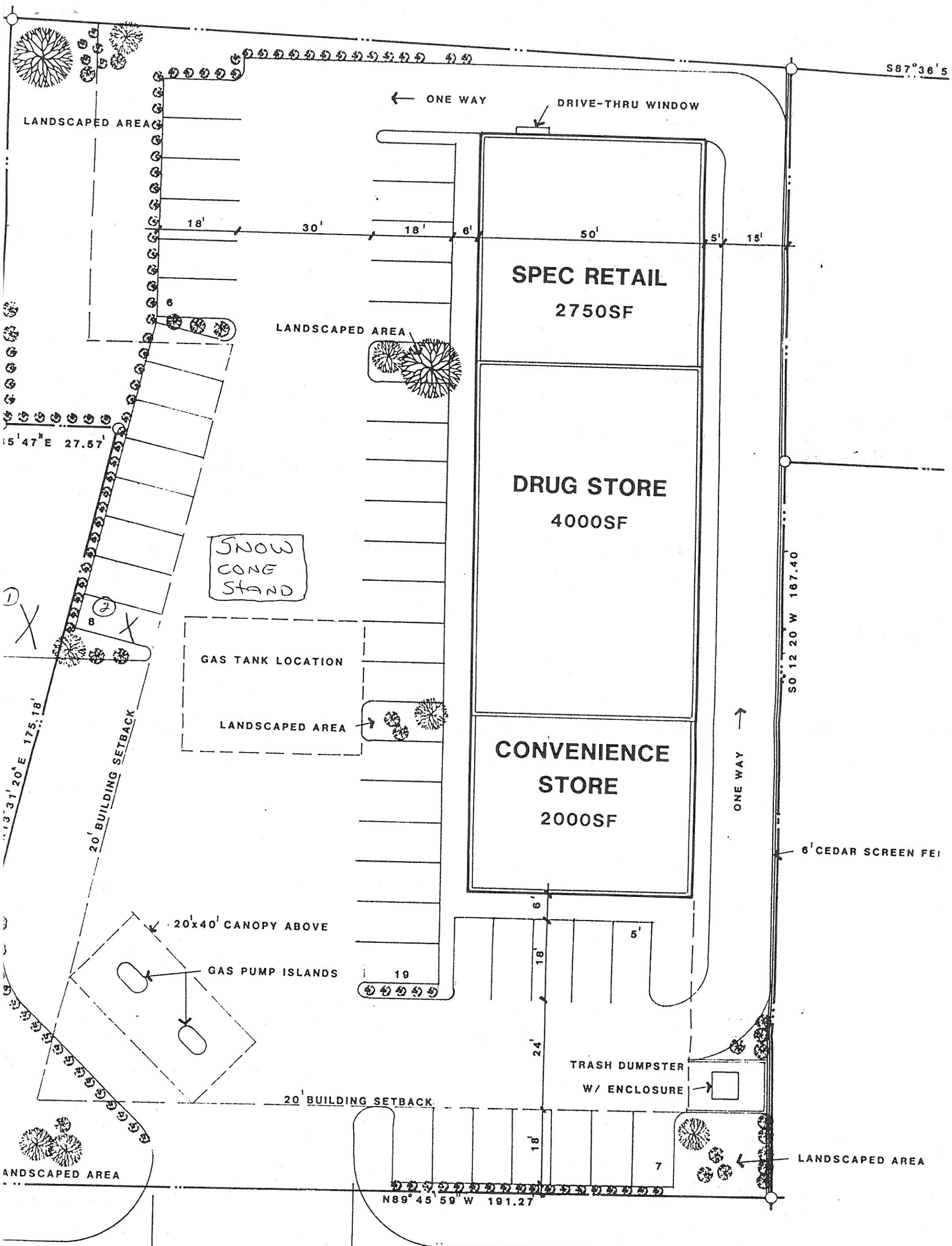
Name Bill Blumley Date 2-28-91
 Mailing Address 3507 LA PRADA Dr. Mesquite TX 75150
 Job Address _____ Permit No. _____

Check 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	06-3835	
Mechanical Permit	01-3610		Sewer Availability	07-3836	
Municipal Pool	01-3402		Meter Deposit	02-2201	
Zoning, Planning, B.O.A.	01-3411	100.00	Portable Meter Deposit	02-2202	
Subdivision Plats	01-3412		Misc. Income	02-3819	
Sign Permits	01-3628		NSF Check	02-1128	
Health Permits	01-3631		Meter Rent	02-3406	
Misc. Permits	01-3625		Penalties	20-3117	
Misc. Income	01-3819		Hanger Rent	20-3406	
Sale of Supplies	01-3807		Tie Down Fees	20-3407	
Marina Lease	08-3810		Land Lease	20-3804	
Cemetery Receipts	10-3830		Sale of Supplies	20-3807	
PID	13-3828		Airport Cred. Cd.	20-1132	
Street	14-3828		Fuel Sales	20-3809	
Hotel/Motel Tax	15-3206				
TOTAL OF COLUMN			TOTAL OF COLUMN		

TOTAL DUE 100.00

Received By [Signature]



LOCATION #1 ON GRASS AREA 3' FT FROM CURB
 LOCATION #2 IN 1st PARKING SPACE

STORRS STREET

Size of Building
 11 FT
 SNOW CONE STAND ↓ 5' FT



* EITHER LOCATION pending approval

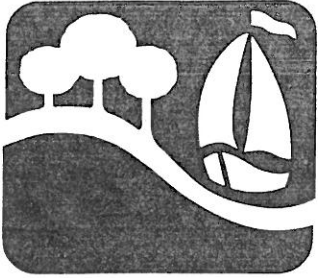
Mike Reid, Bill Simlar, Jim Shunwall,
Carl Mastonardi

look at the use of buttons

Carl moves approval & conditions as
~~pros~~ preserved in notes
Mike Reid 2nd all for

how will they get power to resist.

check the density on Carrum
Gardens .



CITY OF ROCKWALL
"THE NEW HORIZON"

April 1, 1991

Mr. Bill Blundell
3507 La Prada
Mesquite, TX 75150

Dear Mr. Blundell:

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, April 11, 1991, at 7:30 P.M. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on Monday, April 15, 1991, at 7:00 P.M. in City Hall, 205 W. Rusk, to consider approval of your request for a conditional Use Permit for a structure with less than 90 percent exterior masonry facade to allow a temporary sno-cone stand to be located on SH-205 at Lake Meadows Drive within Rockwall Retail Strip Center.

It is important that you or your designated representative be present at both of these meetings. Lack of representation could delay your approval process.

Please feel free to call me if you have any questions.

Sincerely,

Mary Nichols
City Secretary

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: April 11, 1991

Agenda No: III. E.

Agenda Item: Hold Public Hearing and Consider Recommending Approval of a Conditional Use Permit for a Structure with Less than 90% Exterior Masonry Facade for a Sno Cone Stand on SH-205

Item Generated By: Applicant, Bill Blundell

Action Needed: Hold public hearing and take any necessary action.

Background Information:

We have received a request for the location of a sno cone stand to be placed on the retail center property on Goliad at Lake Meadows. We periodically get requests for this type of temporary use, which require a CUP because they are not masonry structures. We have not had anyone follow through with a CUP request because of the length of time for processing such a request. This applicant is related to the owner of the shopping center, Richard Slaughter, and he would like to be able to bring the stand back to this location each year. The stand is made of fiberglass and it is a self-contained unit that will not need to be connected to the water system. He does want to have power to the building that would come from the free standing sign. He could have underground service from the sign to the location of the building. The applicant would like to locate the structure in one of the parking spaces or in the landscaped area in front of the parking. Technically, there is one additional parking space existing and this structure would require this space. He would therefore need to put the structure in the front.

If this location is approved it is likely that we will have other similar requests. If the request is considered for approval our comments are as follows:

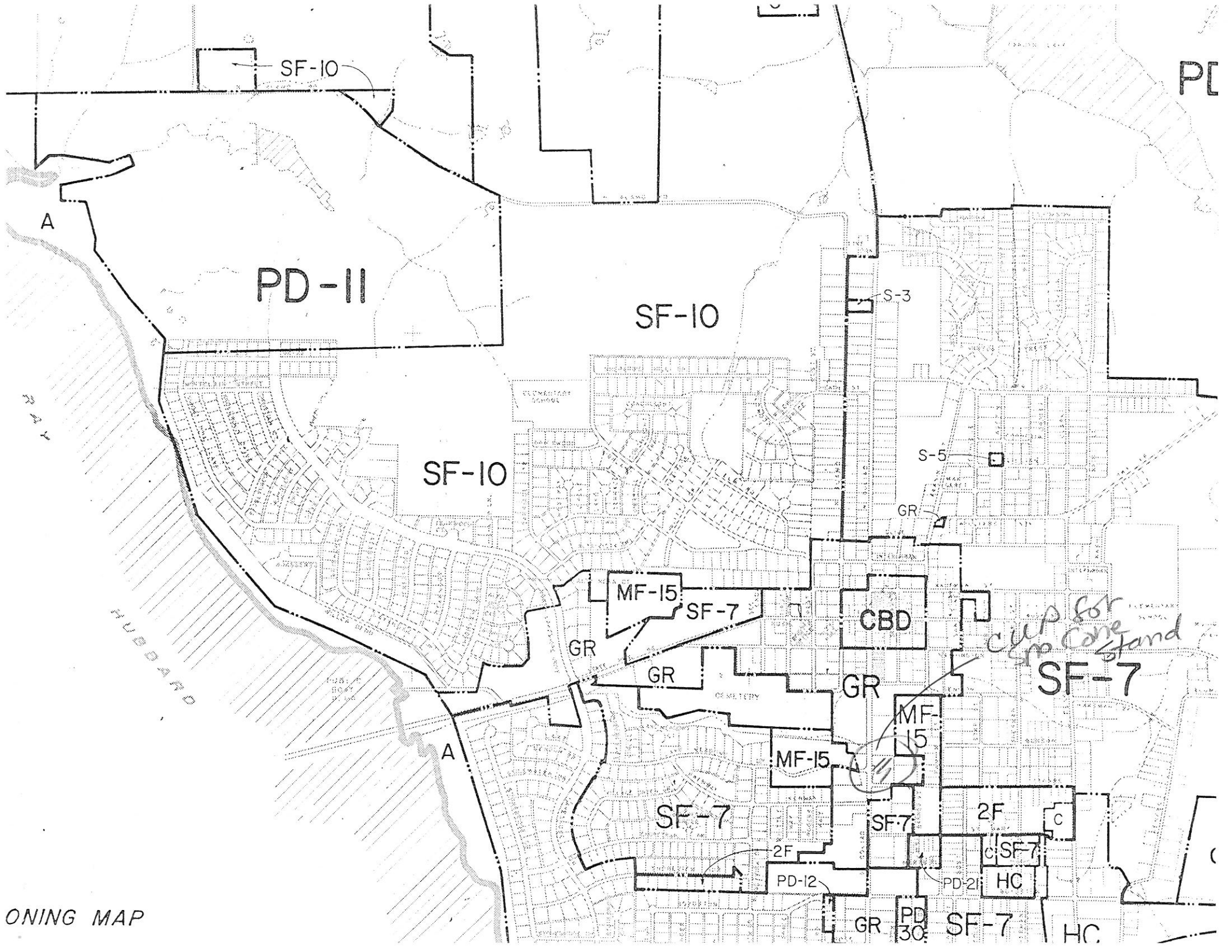
1. If the request is approved the pole that would be set for the power should be required to be removed when the building is moved. Power for the building should be underground from the light pole to the temporary pole.
2. The building should be required to be removed from the property when closed for the season. *Richard Slaughter*
3. *all weather provided* A pad should be poured for the building.
4. Any change in structure should be subject to approval by the Commission.
5. No additional free standing signage should be permitted for the use.
6. The building should meet all health codes of the City.

Attachments:

1. Location Map
2. Site Location

Agenda Item: CUP for Sno Cone

Item No: III. E.



SF-10

PD-II

SF-10

SF-10

S-3

S-5

GR

MF-15

SF-7

CBD

GR

GR

GR

clip for ... stand

SF-7

MF-15

MF-15

SF-7

SF-7

2F

C

PD-12

PD-21

C

SF-7

HC

GR

PD-30

SF-7

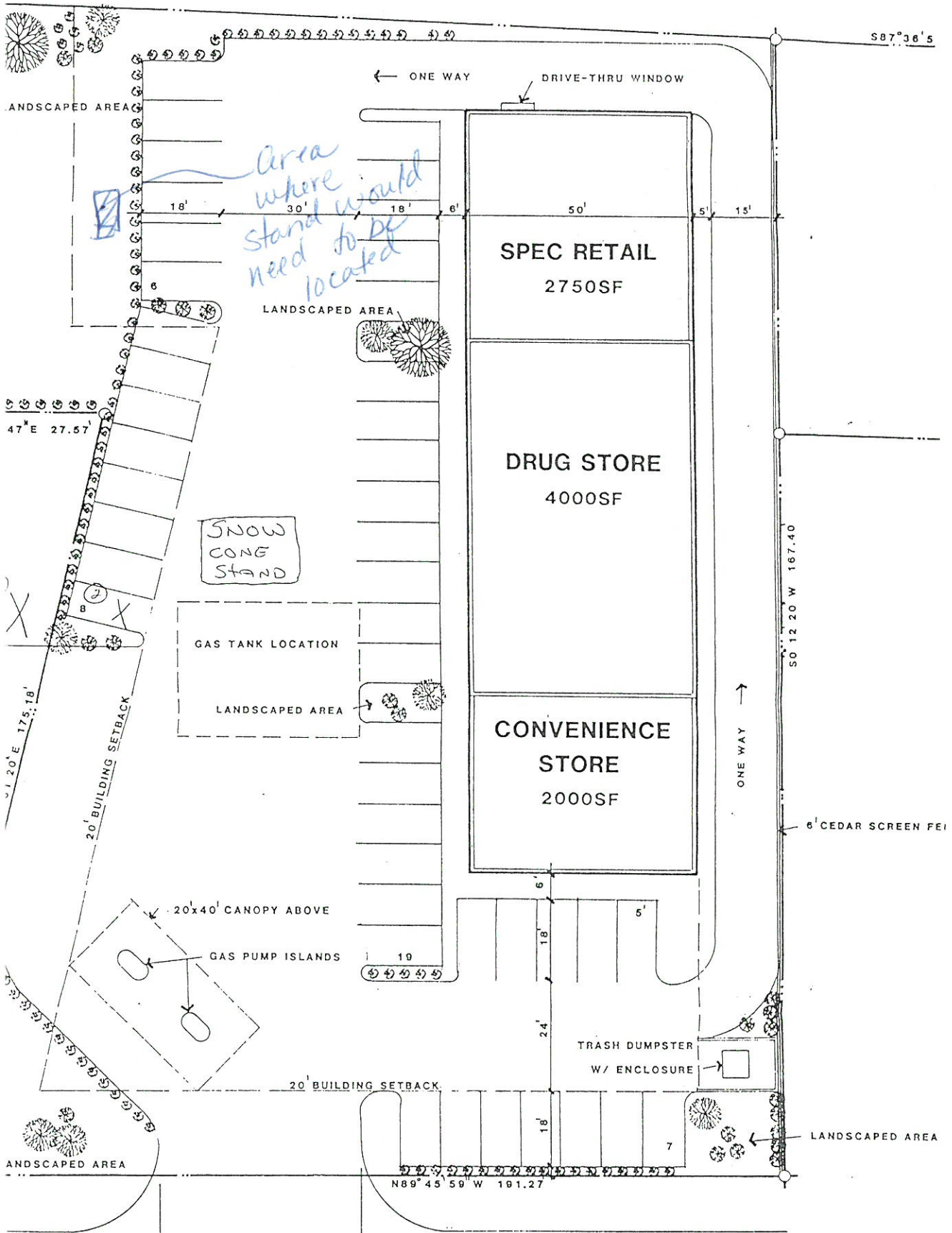
HC

HUBBARD

A

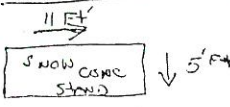
A

ONING MAP



Area where stand would need to be located

Size of Building



LOCATION #1 ON GRASS AREA 3' FT FROM CURB
 LOCATION #2 IN 7th parking space
STORRS STREET

N * EITHER LOCATION PENDING APPROVAL

CITY OF ROCKWALL
City Council Agenda

Agenda Date: April 15, 1991

Agenda No: V. G.

Agenda Item: Hold Public Hearing and Consider Approval of an Ordinance Authorizing a Conditional Use Permit for a Structure with Less than 90% Exterior Masonry Facade for a Sno Cone Stand on SH-205 (1st Reading) and Consider Initiating and Amendment to the Food Service Ordinance

Item Generated By: Applicant, Bill Blundell

Action Needed: Hold public hearing and take any necessary action on the CUP request and also consider instructing staff to prepare an amendment to the food service ordinance.

Background Information:

We have received a request for the location of a sno cone stand to be placed on the retail center property on Goliad at Lake Meadows. The staff periodically gets inquiries for this type of temporary use, which require a CUP because they are not masonry structures. We have not had anyone follow through with a CUP request because of the length of time for processing such a request. This applicant is related to the owner of the shopping center, Richard Slaughter, and he would like to be able to bring the stand back to this location each year. The stand is made of fiberglass and it is a self contained unit that will not need to be connected to the water system. He does want to have power to the building that would come from the free standing sign. He could have underground service from the sign to the location of the building. The applicant would like to locate the structure in one of the parking spaces or in the landscaped area in front of the parking. Technically, There is one additional parking space existing and this structure would require this space. He would therefore need to put the structure in the front.

The Council needs to be aware that if this location is approved we will likely get additional requests. If the request is considered for approval our comments are as follows:

1. If the request is approved the pole that would be set for the power should be required to be removed when the building is moved. Power for the building should be underground from the light pole to the temporary pole.
2. The building should be required to be removed from the property when closed for the season.
3. A pad should be poured for the building.
4. Any change in structure should be subject to approval by the Commission.
5. No additional free standing signage should be permitted for the use.
6. The building should meet all health codes of the City.

The Planning and Zoning Commission will consider this request at their meeting on Thursday night. We will forward their comments to you on Friday.

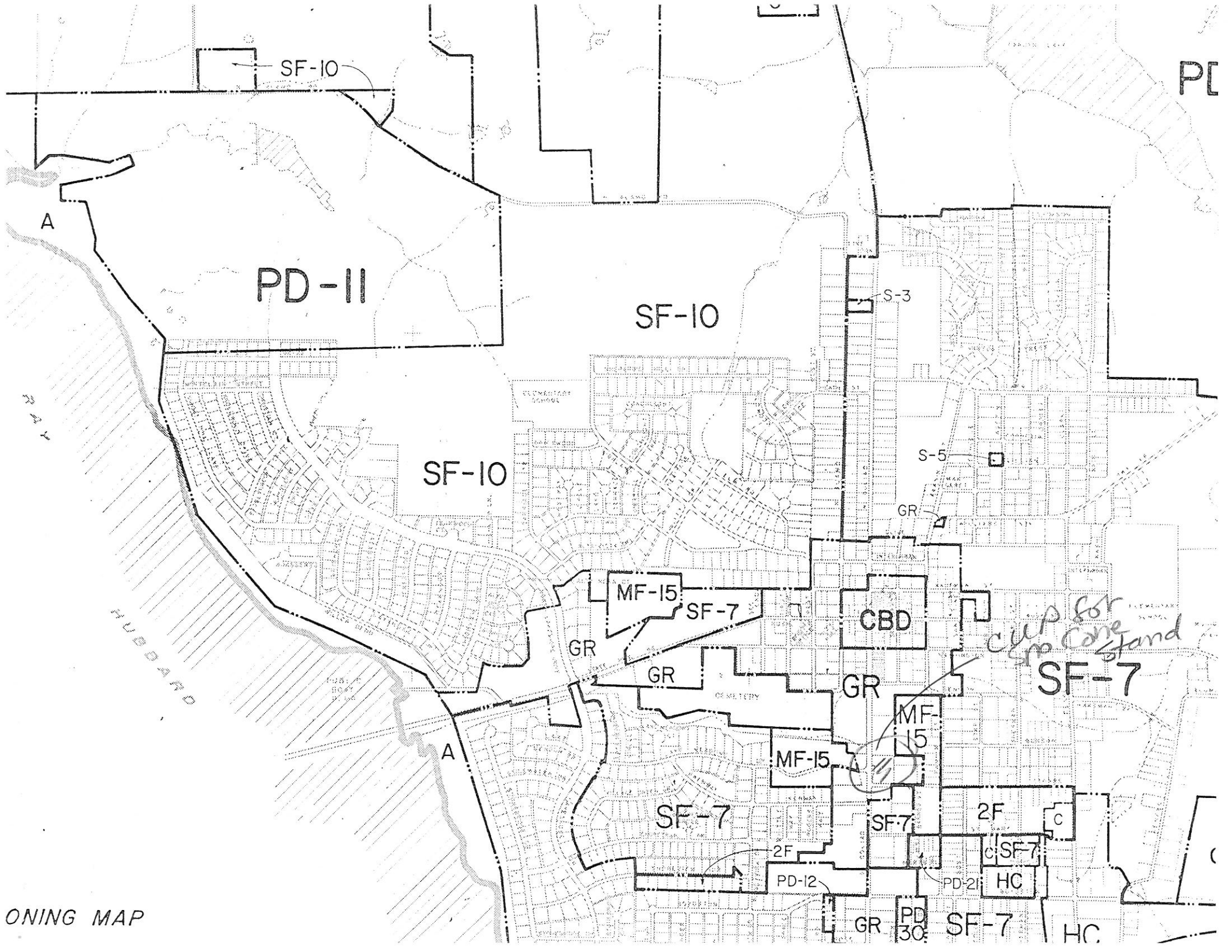
In conjunction with this request the Council will need to consider amending our food service ordinance. We are in the process of drafting a new section that will outline the specific requirements for temporary uses such as Lakefest. Our current ordinance would not authorize this temporary use unless it is also addressed in the amendment. If the Council approves the CUP request it would be appropriate to instruct staff to also include this type of temporary use in the food service ordinance amendment, which would be brought back to you at your next meeting.

Attachments:

1. Location Map
2. Site Location

Agenda Item: CUP for Sno Cone

Item No: V. G.



SF-10

PL

A

PD-II

SF-10

S-3

SF-10

S-5

GR

HUBBARD

MF-15

SF-7

CBD

clip for ... stand

GR

GR

GR

SF-7

A

MF-15

MF-15

SF-7

SF-7

2F

C

PD-12

PD-21

C SF-7

HC

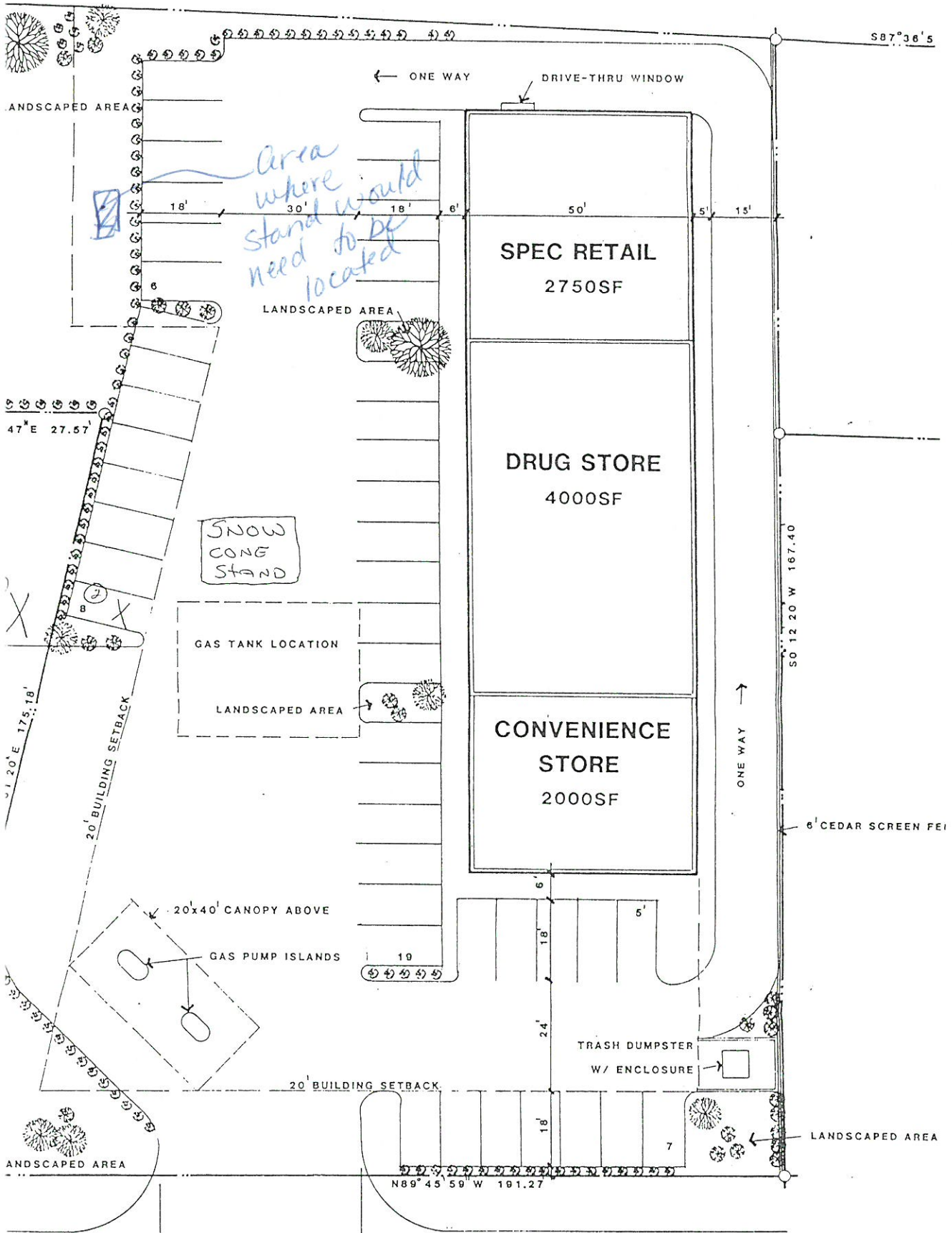
GR

PD-30

SF-7

HC

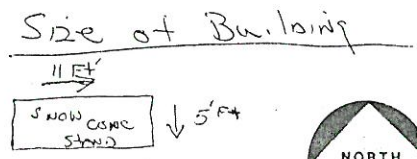
ONING MAP



LOCATION #1 ON GRASS AREA 3' FT FROM CURB
 LOCATION #2 IN #1 PARKING SPACE

STORRS STREET

N * EITHER LOCATION PENDING APPROVAL



91-8

CITY OF ROCKWALL
City Council Agenda

Agenda Date: May 6, 1991

Agenda No: VII. D.

Agenda Item: Consider Approval of an Ordinance Authorizing a Conditional Use Permit for a Structure with Less than 90% Exterior Masonry Facade for a Sno Cone Stand on SH-205 (2nd Reading)

Item Generated By: Applicant, Bill Blundell

Action Needed: Consider approval of the ordinance.

Background Information:

This ordinance was approved on first reading at the last meeting. It is scheduled for second reading Monday night. If the Council approves the food service amendments proposed in the previous agenda item one condition of this ordinance would need to be amended. The ordinance currently permits the applicant to remain open indefinitely. In reviewing the food service ordinance we determined that a use not meeting all of the food service requirements should be limited in operation. This ordinance should conform to the food service requirements.

Attachments:

1. Ordinance

Agenda Item: CUP for Sno Cone

Item No: VII D.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A STRUCTURE WITH LESS THAN 90 PERCENT EXTERIOR MASONRY FACADE ON THE PROPERTY DESCRIBED HEREIN; PROVIDING FOR 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; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, A Conditional Use Permit for a structure with less than 90 percent exterior masonry facade has been requested by Billy Blundell for the property described as Lot 1, Block A, Rockwall Retail Strip Center Addition; 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 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, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance 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 of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a structure with less than 90 percent exterior masonry facade on the property described as Lot 1, Block A, Rockwall Retail Strip Center Addition.

Section 2. That the Conditional Use Permit shall be subject to the following conditions:

1. The permit is limited to one building to be located on the lot as shown on the site plan attached hereto as Exhibit "A"
- 2) that the pole to be set for the power must be removed when the building is moved and that power must be underground from the

light pole to the temporary pole

- 3) that the building must be removed when closed for a period of two weeks or more and the ground restored with grass and plantings
- 4) that an all weather pad must be provided for the building
- 5) that any change in the structure must be approved by the Commission
- 6) no additional free standing signage is permitted
- 7) that the building must meet all health codes of the City
- 8) that the building will be maintained at all times
- 9) that the CUP be reviewed by the Planning and Zoning Commission at the conclusion of the current season and prior to opening of the second season.

Section 3. That the above described tract of land shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this Conditional Use Permit and as may be amended in the future.

Section 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 5. 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 offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, 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 for this ordinance are declared to be severable.

Section 7. 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 the 6th day of May, 1991.

ATTEST

APPROVED

1st Reading 4/15/91
2nd Reading 5/6/91



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

April 1, 1991

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, April 11, 1991, at 7:30 P.M. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on Monday, April 15, 1991, at 7:00 P.M. in City Hall to consider approval of a request from Bill Blundell for a conditional use Permit for a retail structure with less than 90 percent exterior masonry facade to allow a temporary sno-cone stand to be located on SH-205 at Lake Meadows Drive, more particularly described as Lot 1, Block A, Rockwall Retail Strip Center Addition.

As an interested property owner, you are encouraged to attend these hearings or make your feelings known to the Commission and Council with regard to this matter by returning the form below to: City Secretary, 205 W. Rusk, Rockwall, TX 75087.

P&Z 91-09-CUP Conditional Use Permit For Temporary Sno-Cone Stand

I am in favor of the request for the reasons listed below _____

I am opposed to the request for the reasons listed below _____

- 1.
- 2.
- 3.

PRINTED NAME

ADDRESS

IN A-14

AMC THOMAS SUBD 3557

123

30'

TR 64 72 TR 70

A B C D

H G F E

I J COURT HOUSE K

O N M L

Q R S T U

Z Y X W V

GRIFFAITH'S ADDN 5780

ROCKWALL SCHOOL ADDN #1 4841

COURT HOUSE

OT 4820 M

120

98C

98D

42 120 43 41

TR 60-1 2.65 ACS

73

PITTMAN 3630

47 48

RICHARD HARRIS # 3934

CAVIN PROPERTIES 3200

82

DAWSON 3500

49 50 51

3000 DANNY BARKER ADDN. 105

118 49

EPSTEIN'S 3600

MUNSON

54 53 55 DODSON HARDIN SHIELDS 3540

TR 21 1.28 AC TR 22 1.05 AC

HARRIS # 3857 LAKE NEALSON

77 70

78 79

W.E. CAMPBELL 3205

LOFLAND 4325

BISHOP 3110

MILL

4.640 AC - .657 3.983 AC RICHARD HARRIS # SUBD 3252

80

ST. MARYS PLACE 5041

E.D. ALEXANDER 3330

ST MARYS ESTS 3065 72

ADDN 4420

1.753 AC BLUE SKY 3113

ROCKWALL POST OFFICE MAIN OFFICE 4824

CENTRAL FIRE STATION 3257

505 MANCY D.

113 ELB SUBD 3575

BILLY PEOPLES #3 4522 61 71

68 67

2.37 AC

AMACHY

SANGER

J.W. LAY

N.M. BALLARD A-48

RIDGELL 110

66 69 65

1.42 AC

A-255

BROTHERS

ADDN

DAVE

TR 24 1.75 AC

TR 25 5 AC

TR 52 1.5 AC

TR 35 1.69 AC .681 AC

TR 14 1.16 ACS

TR 24 1.75 AC

FIRE SECURITY