

Julie Couch

101.00 - Filing Fee ✓

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 91-12- CUP Date Submitted _____

Filing Fee \$ 101.00

Applicant COURTHOUSE FITNESS CENTER

Address 802 E I-30 Rockwall TX Phone No. 771-0123
75087

Owner Tenant¹ _____ Prospective Purchaser _____¹

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

SEE PAGE 2

I hereby request that a Conditional Use Permit be issued for the above described property for: THE PLACEMENT OF TEN VIDEO MACHINES IN CENTER.

line The current zoning on this property is COMMERCIAL. 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.

Juan Hunt

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

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.

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

Certificate No. 743

Date Issued 10-3-84

This is to certify:

That Fitness Center
Commercial Bldg. located at 802 I 30
(description of premises and structure) (street)

Lot 1, Block A in the Rockwall Plaza Addition to the City of Rockwall is authorized to be occupied as Commercial Bldg.; Fitness Center in accordance with the use specified on Application No. 743 and in conformance with the Zoning Ordinance.

Larry Bennett
Building Inspector

8-18-83--1000

BEING a tract of land situated in the E. P. Gaines Chisum Survey, Abstract No. 64, in the City of Rockwall, Rockwall County, Texas, and being a part of that tract of land conveyed to Robert S. Folsom by deed as recorded in Volume 102, Page 327, of the Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the Northeast right-of-way line of White Hills Drive with the Northerly right-of-way line of interstate Highway No. 30; THENCE North 71° 33' 12" East, along said Interstate Highway No. 30 right-of-way a distance of 419.55 feet to the point of curvature of a curve to the left, said curve having a central angle of 6° 57' 46" and a radius of 3665.14 feet; THENCE in a Northeasterly direction along said curve to the left, an arc distance of 445.42 feet to the Point of Beginning of this tract; THENCE: North 29° 57' 50" West a distance of 501.84 feet to an iron rod for a corner, said iron rod also being the beginning of a curve to the left, said curve having a central angle of 2° 32' 03", a radius of 3165.14 feet, a chord bearing of North 64° 02' 40" East, and a chord distance of 139.99 feet;

THENCE: In a Northeasterly direction with a curve to the left, an arc distance of 140.00 feet to an iron rod for a corner;

THENCE: South 45° 01' 38" East a distance of 521.51 feet to an iron rod for a corner in the Northwesterly right-of-way line of Interstate Highway No. 30 and the beginning of a curve to the right, said curve having a central angle of 4° 18' 24" and a radius of 3665.14 feet, a chord bearing of South 62° 26' 13" West, and a chord distance of 275.42 feet;

THENCE: In a Southwesterly direction with a curve to the right, an arc distance of 275.42 feet to the Point of Beginning and containing 2.3863 Acres (103,040 Square Feet)



JK

courthouse
fitness center

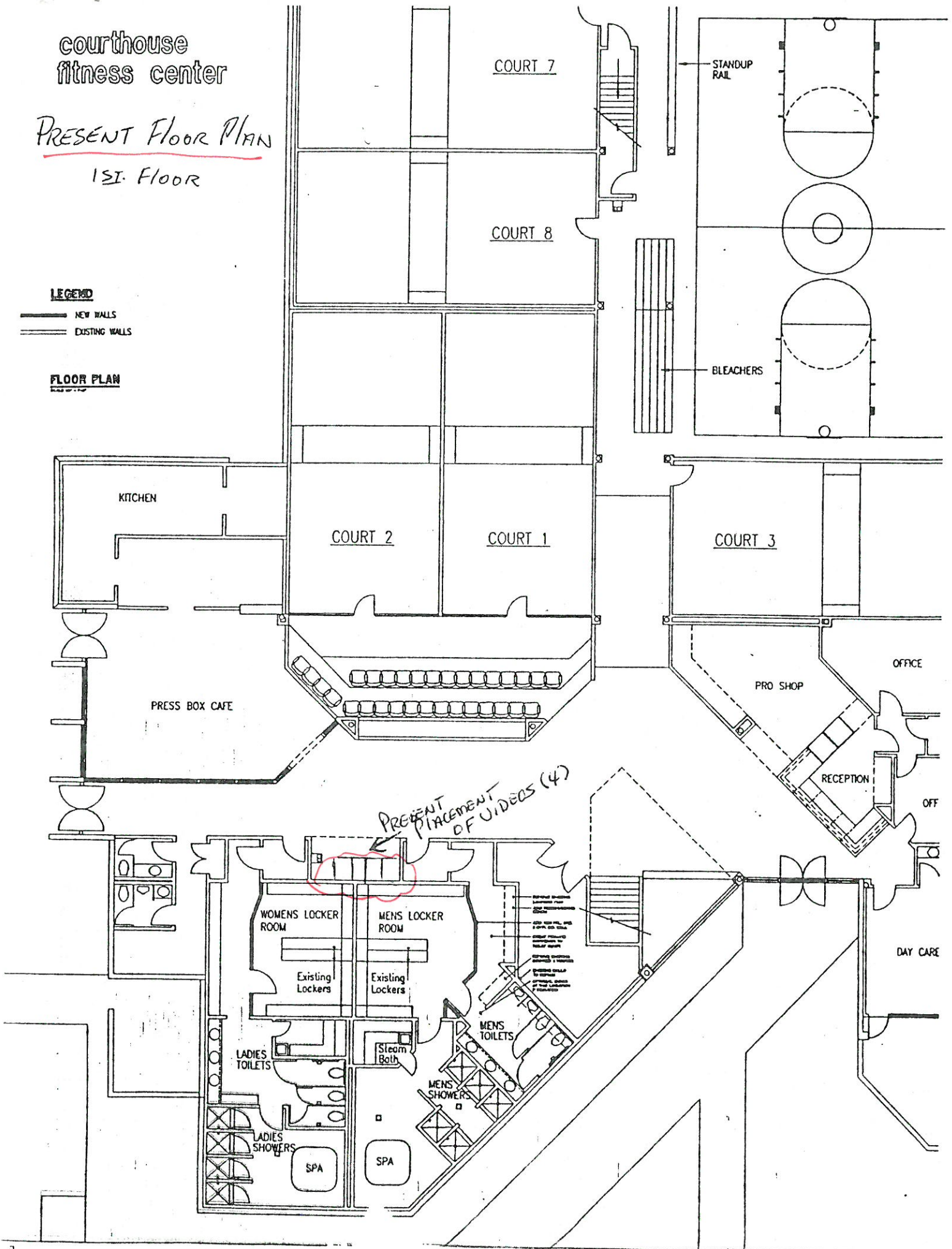
PRESENT FLOOR PLAN

1ST FLOOR

LEGEND

-  NEW WALLS
-  EXISTING WALLS

FLOOR PLAN



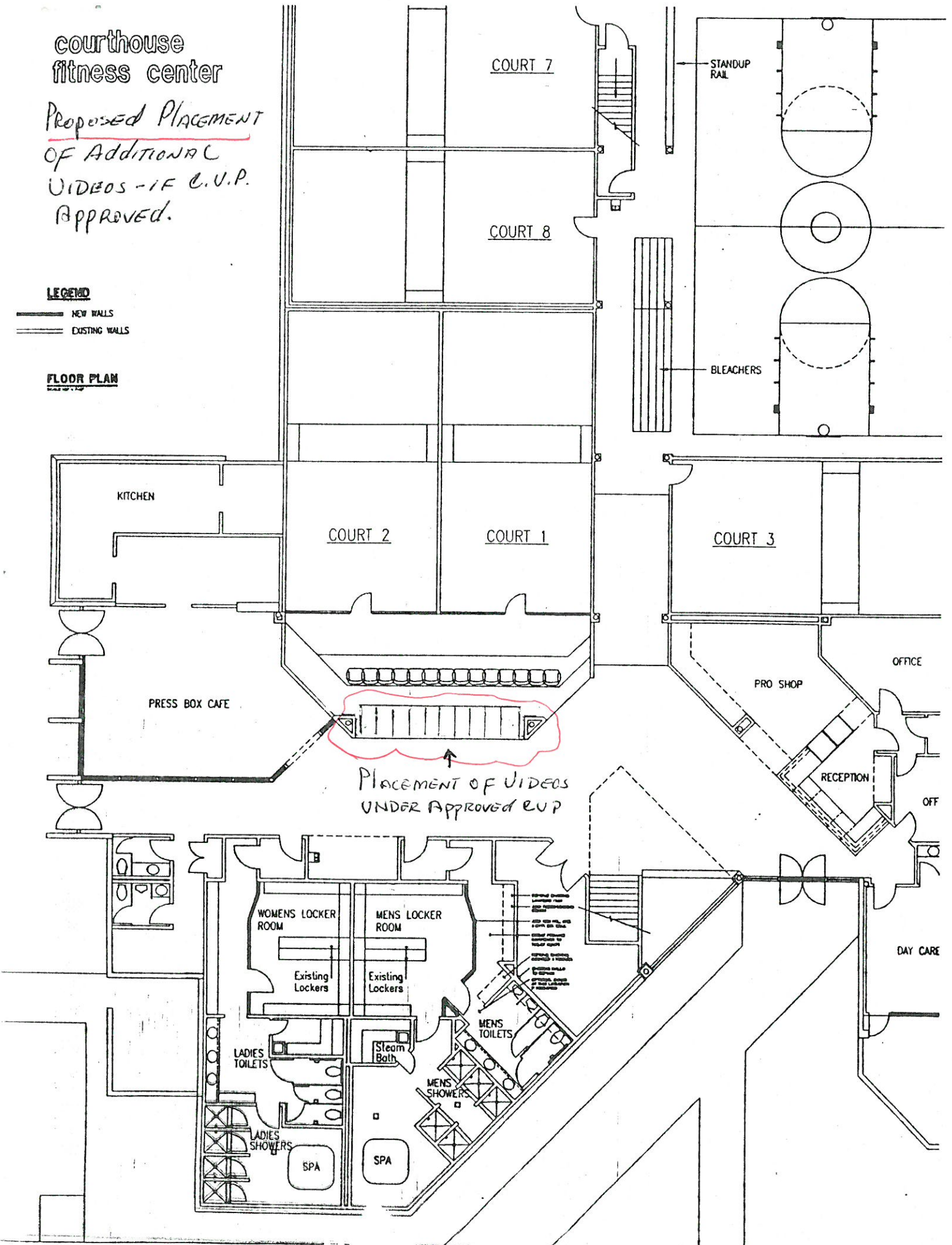
courthouse
fitness center

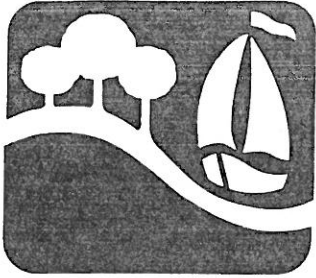
Proposed Placement
OF ADDITIONAL
VIDEOS - IF C.U.P.
APPROVED.

LEGEND

- NEW WALLS
- EXISTING WALLS

FLOOR PLAN





CITY OF ROCKWALL
"THE NEW HORIZON"

April 1, 1991

Mr. Jim Hunt
Courthouse Fitness Center
802 E. I-30
Rockwall, Texas 75087

Dear Mr. Hunt:

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 Commercial Amusement to allow more than four coin operated machines in your facility.

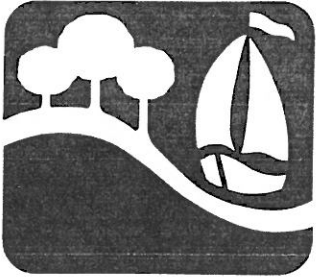
It is important that you or your designated representative be present at both of these meetings. Lack of representation could delay your approval process.

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

Sincerely,

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

Mary Nichols
City Secretary



CITY OF ROCKWALL
"THE NEW HORIZON"

April 25, 1991

Mr. Jim Hunt
Courthouse Fitness Center
802 E. I-30
Rockwall, TX 75087

Dear Mr. Hunt:

Your application for a Conditional Use Permit was not considered at the April 15th meeting of Council. Due to the lack of applicant representation, the public hearing was continued until 7:00 P.M. on May 6, 1991, in the Rockwall City Council Chambers, 205 W. Rusk.

Please make sure that your interests are represented at this meeting to avoid further delays in your application. Feel free to call me if you have any questions.

Sincerely,

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

Mary Nichols
City Secretary

**CITY OF ROCKWALL
Planning and Zoning Agenda**

Agenda Date: April 11, 1991

Agenda No: III. D.

Agenda Item: Hold Public Hearing and consider Recommending Approval of a Conditional Use Permit for a Commercial Amusement at the Courthouse Fitness Center Located on I-30 at Greencrest

Item Generated By: Applicant, Courthouse Fitness Center

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

Background Information:

The Courthouse fitness Center has been operating a Friday Night Live activity for children in addition to the other activities that are occurring on the site. They have for some time had four video machines. They have now added six additional machines and area asking for permission to keep these. Attached you will find a copy of the conditions established for John Bennedetto in his CUP as well as a building plan identifying where the machines are located.

Attachments:

1. Location Map
2. Building Plan
3. Previous Conditions

Agenda Item: CUP Request - Courthouse Fitness Center

Item No: III. D.

LAKE RIDGE
PARK ADDN.

Tr 12
1.3 AC.

Tr 9
16.85 AC.

Tr 16
30.291 AC

93.41
84.06
63.62
82.21
117.46
80.5
46.69
93.75

Tr 9
8.914 AC

Tr 11
1.14 AC

YELLOWJACKET
LANE

Tr 10
25.683 ACS

KYLE DRIVE

Tr 4
22.5 ACS

ROCKWALL
MEMORIAL
HOSPITAL

GOLDENCREST

E.P.G. CHISUM A-64

LAKWOOD
PARK ADDN.

HUDSPETH
ADDN

TR 10
9.65 AC

TR 14
.52 AC

H.P. MAIS
ADDN.

FIRST
UNITED
Presbyterian
Church
ADDN.

ROSS
MORRIS

PANTEX
LTD.
ADDN.

DERRICK
ADDN.

Rockwall
Plazo Addn

ROCKWALL
DOWNE
CENTRE
PH 2

TR 20
1.6 ACS

Tr 20-1
0.9874 AC

Tr 2
11.6034 AC

Tr 17-1
10 AC

Tr 20
5 AC

Tr 13
8.8 AC

J.D.M

I H - 30

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1242.2

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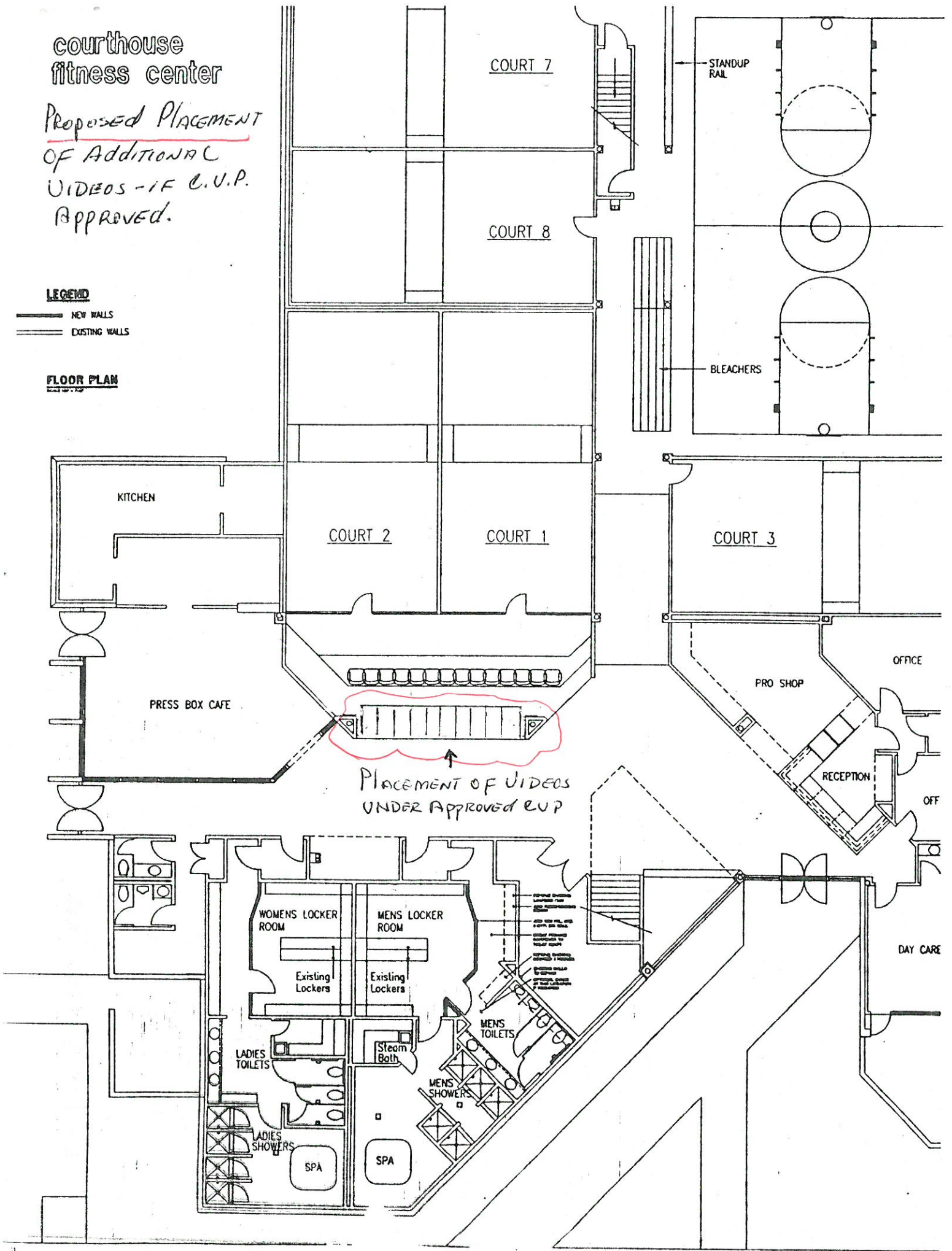
courthouse fitness center

Proposed Placement
OF ADDITIONAL
VIDEOS - IF C.U.P.
APPROVED.

LEGEND

-  NEW WALLS
-  EXISTING WALLS

FLOOR PLAN





courthouse
fitness center

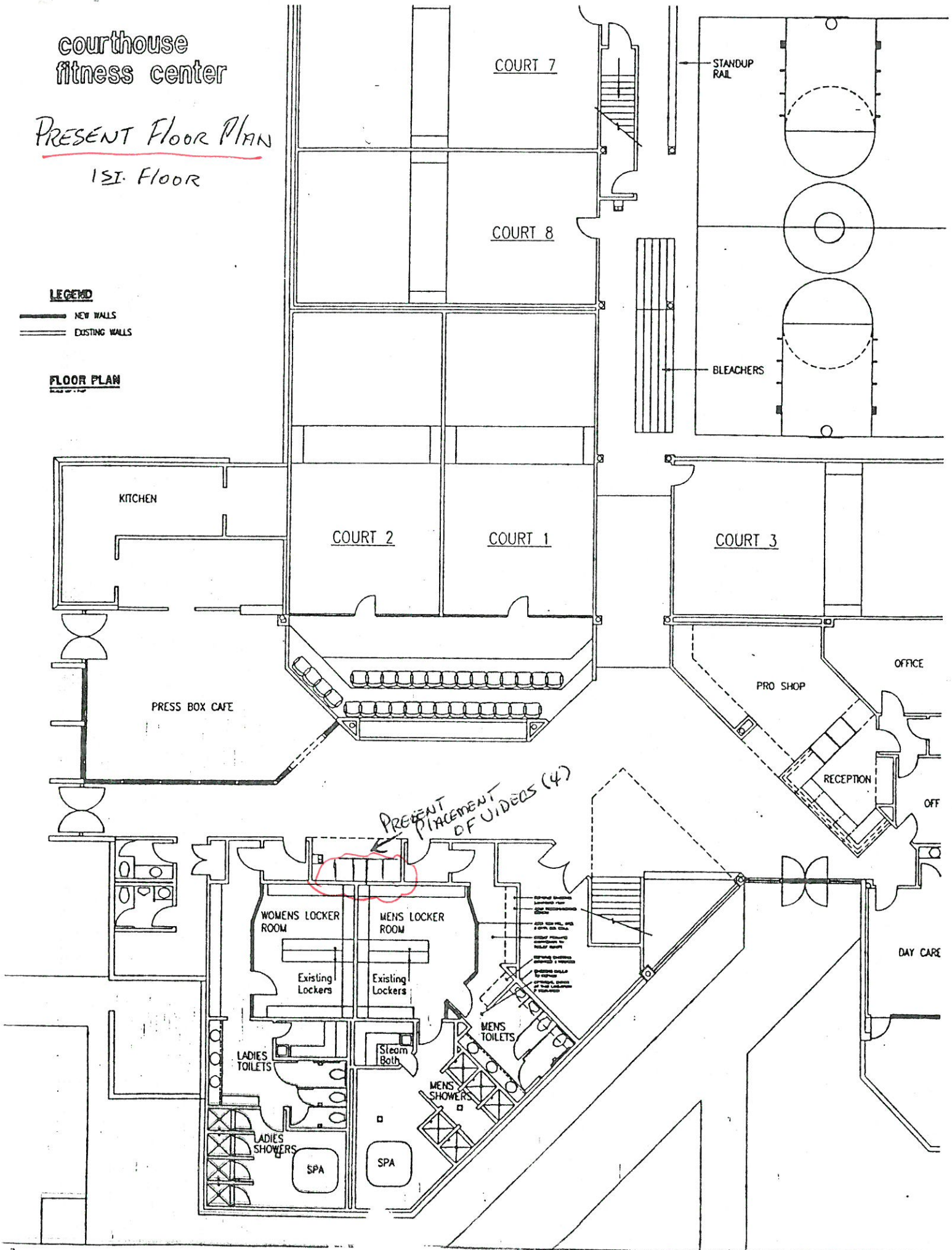
PRESENT FLOOR PLAN

1st Floor

LEGEND

-  NEW WALLS
-  EXISTING WALLS

FLOOR PLAN



CITY OF ROCKWALL
City Council Agenda

Agenda Date: April 15, 1991

Agenda No: V. F.

Agenda Item: Hold Public Hearing and Consider Approval of an Ordinance Authorizing a Conditional Use Permit for a Commercial Amusement to Allow More than Four Coin Operated Machines at the Courthouse Fitness Center on I-30 (1st Reading)

Item Generated By: Applicant, Courthouse Fitness Center

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

Background Information:

The Courthouse Fitness Center has been operating a Friday Night Live activity for children in addition to the other activities that are occurring on the site. They have for some time had four video games. They have now added six additional machines and are asking for permission to keep them. Attached you will find a copy of the conditions established for John Benedetto in his CUP as well as a building plan identifying where the machines are located.

The Commission will consider this request on Thursday. We will forward their recommendations to you on Friday.

Attachments:

1. Location Map
2. Building Plan
3. Previous Conditions

Agenda Item: CUP Request - Courthouse Fitness Center

Item No: V. F.

LAKE RIDGE
PARK ADDN.

Tr 12
1.3 AC.

Tr 9
16.85 AC.

Tr 16
30.291 AC

93.41
84.06
63.62
82.21
117.46
80.5
48.69
93.75

Tr 19
8.914

YELLOWJACKET
LANE

Tr 10
25.683 ACS

KYLE DRIVE

Tr 4
22.5 ACS

ROCKWALL
MEMORIAL
HOSPITAL

GOLDENCREST

E.P.G. CHISUM A-64

IH-30

Tr 13
8.8 AC.
1198.58

J.D.M

HUDSPETH
ADDN

Tr 10
965 AC

Tr 14
.52 AC

LAKEWOOD
PARK ADDN.

LAKE RIDGE

Tr 15
1.08 AC.

FIRST
UNITED
Presbyterian
Church
ADDN.

ROCKWALL
CENTRE
PH 2

Tr 20-1
987.9 AC.

TR 20
115 ACS

ROSS
MORRIS

PANTEX
LTD.
ADDN.

DERRICK
ADDN.

Rockwall
Plaza Addn

WHITE HILLS
ROAD

SUNCREST LN

Tr 2
11.603 AC.

Tr 17-1
10 AC

Tr 20
5 AC.

646.3

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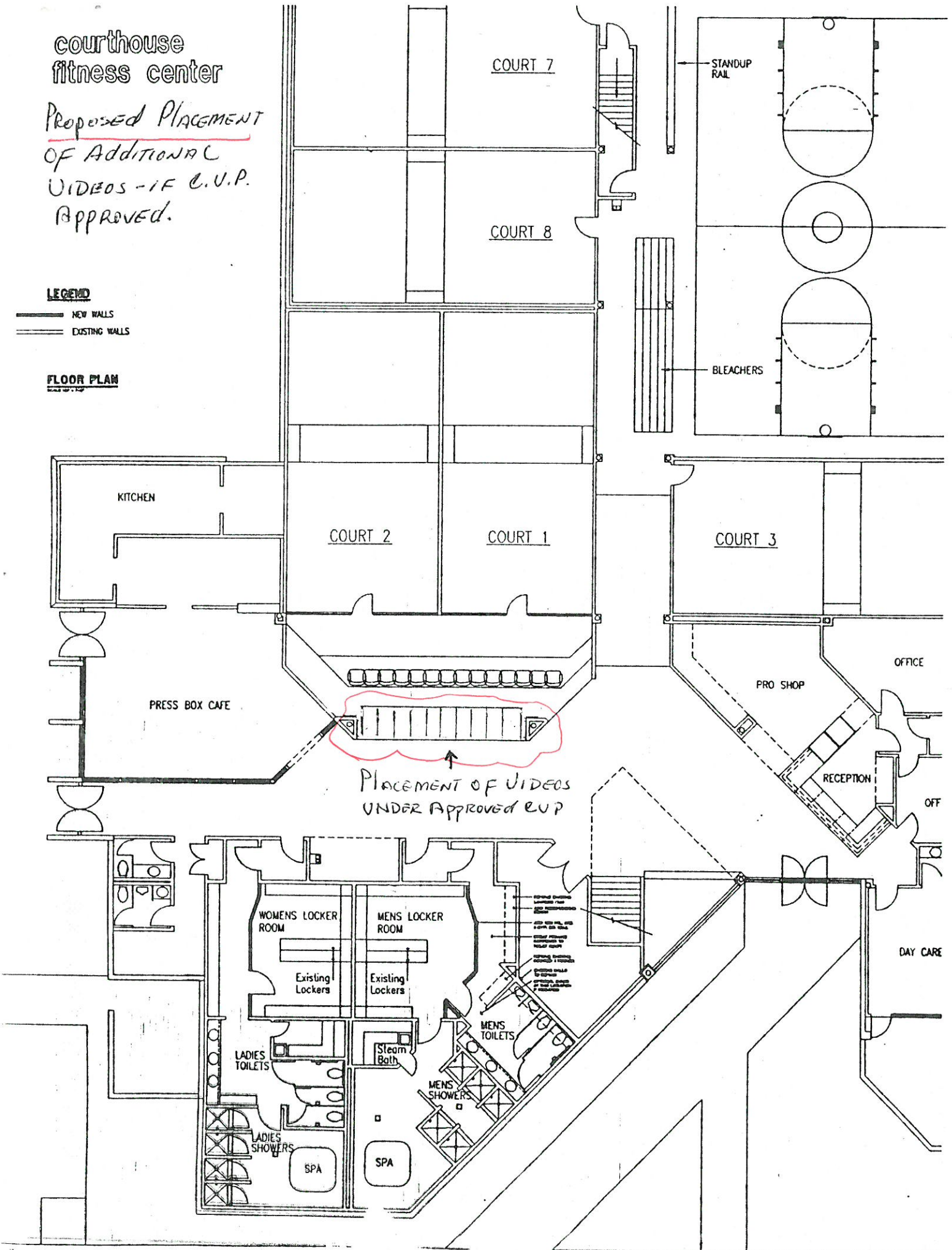
courthouse
fitness center

Proposed Placement
OF ADDITIONAL
VIDEOS - IF C.U.P.
APPROVED.

LEGEND

- NEW WALLS
- EXISTING WALLS

FLOOR PLAN



courthouse
fitness center

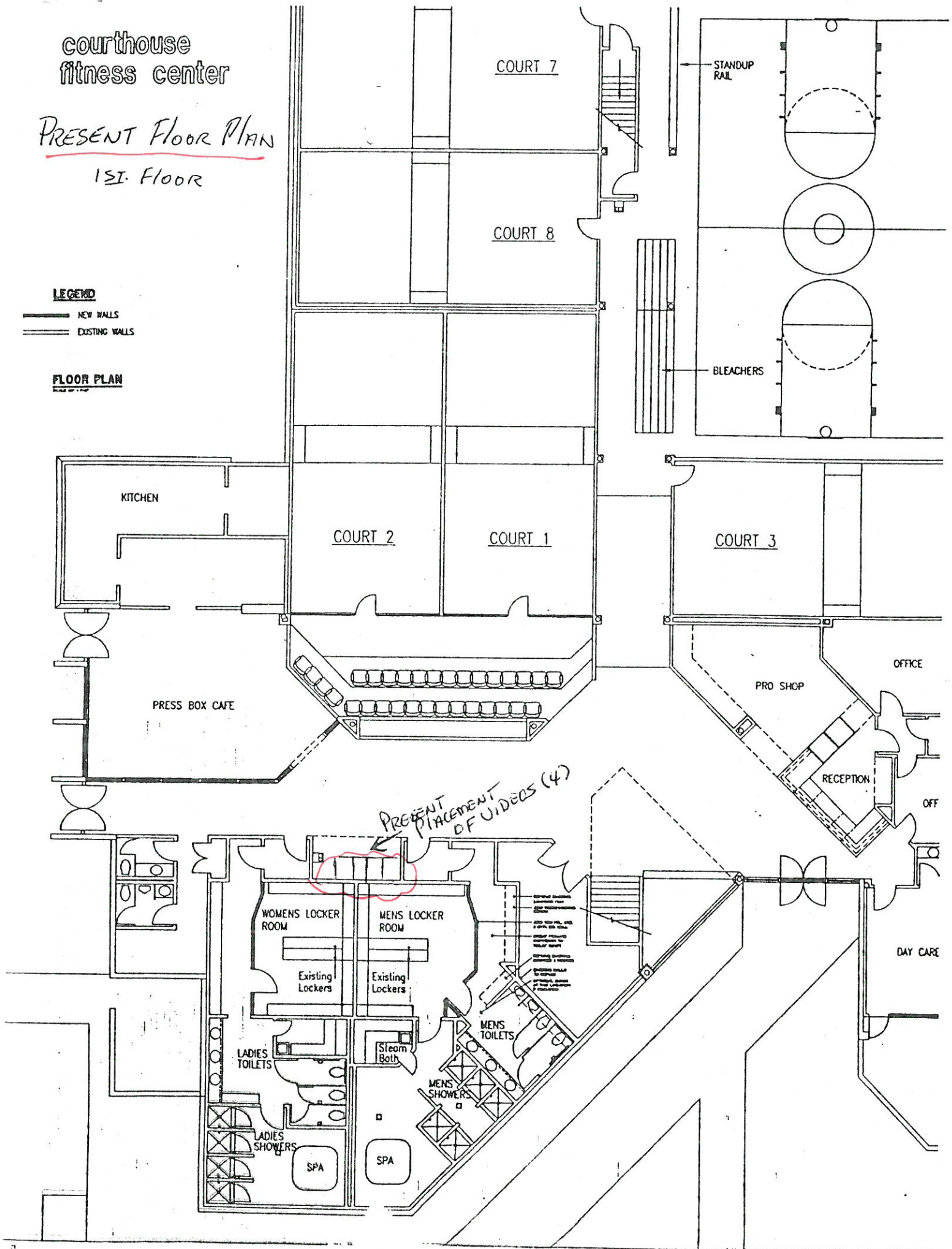
PRESENT FLOOR PLAN

1ST FLOOR

LEGEND

-  NEW WALLS
-  EXISTING WALLS

FLOOR PLAN



91-12

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: May 6, 1991

Agenda No: VI. **A**

Agenda Item: Continue Public Hearing and Consider Approval of an Ordinance Authorizing a Conditional Use Permit for a Commercial Amusement to Allow More than Four Coin Operated Machines at the Courthouse Fitness Center on I-30 (1st Reading)

Item Generated By: Applicant, Courthouse Fitness Center

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

Background Information:

The Courthouse Fitness Center has been operating a Friday Night Live activity for children in addition to the other activities that are occurring on the site. They have for some time had four video games. They have now added six additional machines and are asking for permission to keep them. Attached you will find a building plan identifying where the machines are located and a copy of the proposed ordinance with all of the conditions as recommended by the Commission.

Attachments:

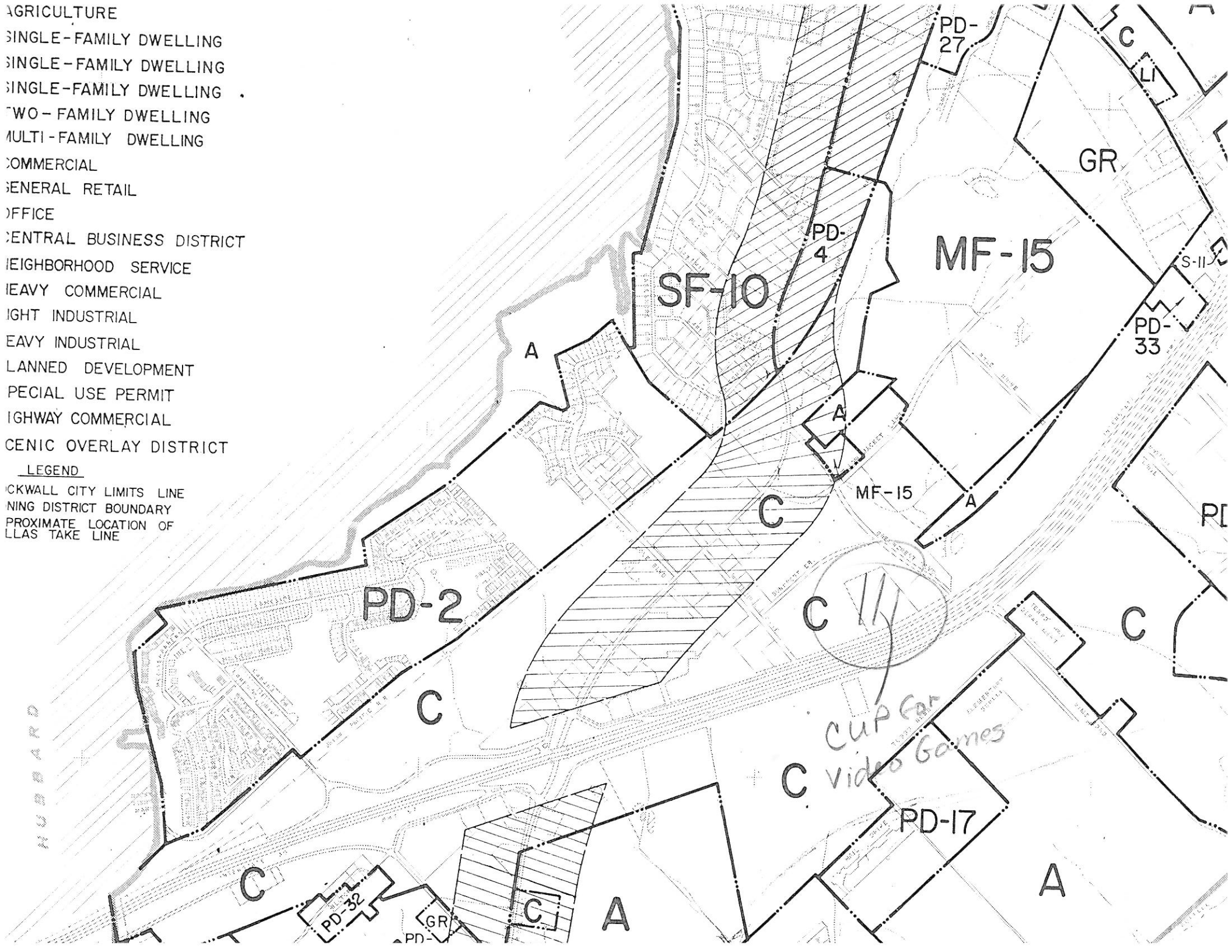
1. Location Map
2. Building Plan
3. Proposed Ordinance

Agenda Item: CUP Request - Courthouse Fitness Center

Item No: VI. **A**

- AGRICULTURE
- SINGLE-FAMILY DWELLING
- SINGLE-FAMILY DWELLING
- SINGLE-FAMILY DWELLING
- TWO-FAMILY DWELLING
- MULTI-FAMILY DWELLING
- COMMERCIAL
- GENERAL RETAIL
- OFFICE
- CENTRAL BUSINESS DISTRICT
- NEIGHBORHOOD SERVICE
- HEAVY COMMERCIAL
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PLANNED DEVELOPMENT
- SPECIAL USE PERMIT
- HIGHWAY COMMERCIAL
- PENIC OVERLAY DISTRICT

LEGEND
 DASHED LINE CITY LIMITS LINE
 SOLID LINE DISTRICT BOUNDARY
 DOTTED LINE PROXIMATE LOCATION OF
 CLASS TAKE LINE





courthouse
fitness center

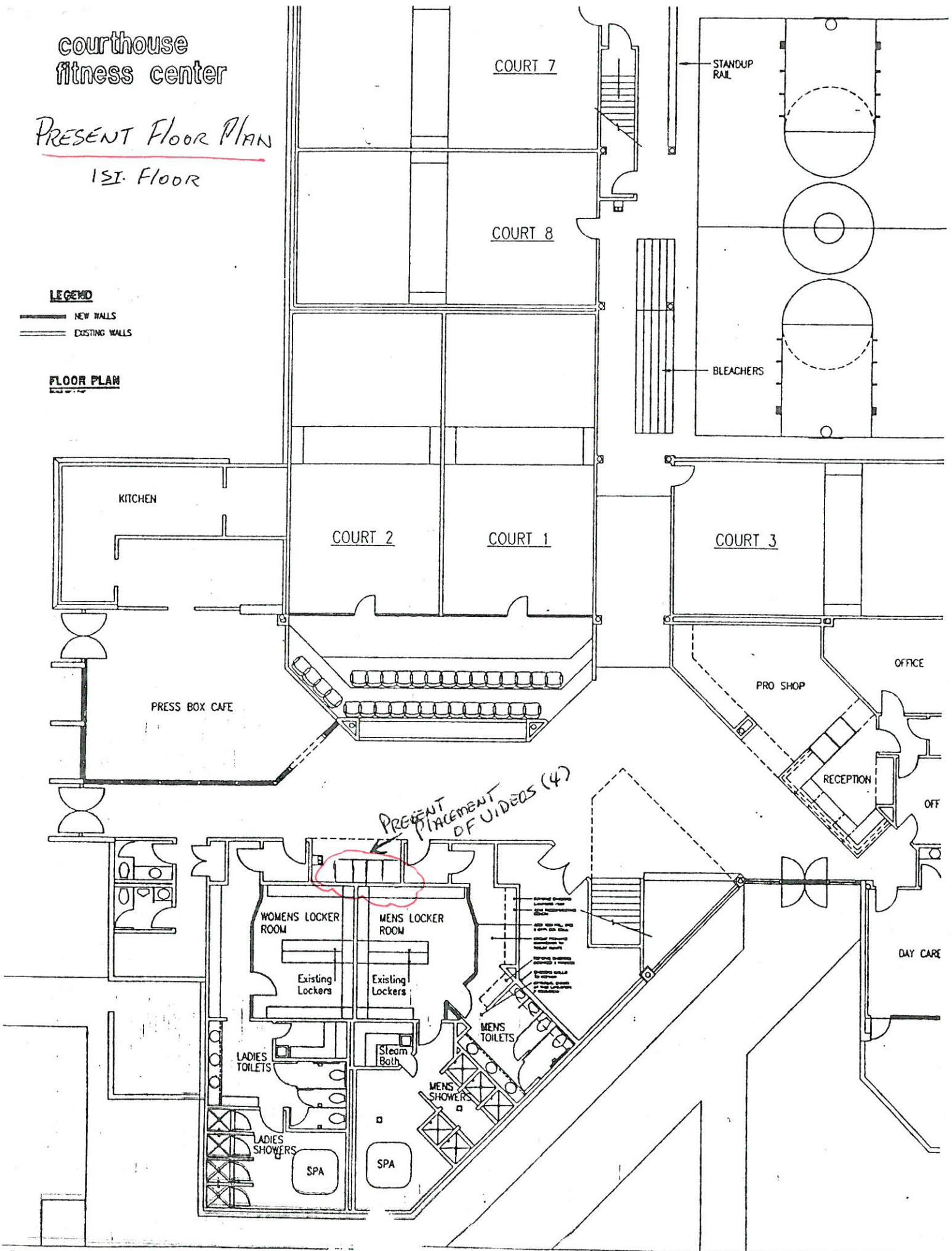
PRESENT FLOOR PLAN

1ST. FLOOR

LEGEND

-  NEW WALLS
-  EXISTING WALLS

FLOOR PLAN



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 COMMERCIAL AMUSEMENT ON LOT 1, BLOCK A, EASTRIDGE CENTER, FURTHER DESCRIBED HEREIN; 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 Commercial Amusement for Commercial Amusement has been requested by John Benedetto for the property described as being Lot 1, Block A, Eastridge 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 commercial amusement on the property described as Lot 1, Block A, Eastridge Center Addition.

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

1. The CUP is approved for a "Kids Night Out" program open to children twelve years of age and under, in which one fee is paid for admission and no additional charges are required for individual activities
2. The CUP is approved for Friday and Saturday evenings only from 7:30 P.M to 11:30 P.M.

3. The CUP is issued for 25 total gaming machines unless otherwise approved as provided herein
4. Any significant expansion or change in the program as it relates to the hours or days of operation, type of program, or conversion to coin operation of approved video games, or the addition of other coin operated machines in addition to those machines approved herein, shall first be submitted for approval by the Commission.
5. Any change in the ownership or management must be approved by the Planning and Zoning Commission
6. Prior to relocation of the program to another location within the shopping center the applicant shall submit such request to the Building Inspector for approval

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 offense 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 of this ordinance are declared to be severable.

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 COMMERCIAL AMUSEMENT ON LOT 1, BLOCK A, EASTRIDGE CENTER, FURTHER DESCRIBED HEREIN; 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 Commercial Amusement for Commercial Amusement has been requested by John Benedetto for the property described as being Lot 1, Block A, Eastridge 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 commercial amusement on the property described as Lot 1, Block A, Eastridge Center Addition.

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

1. The CUP is approved for a "Kids Night Out" program open to children twelve years of age and under, in which one fee is paid for admission and no additional charges are required for individual activities
2. The CUP is approved for Friday and Saturday evenings only from 7:30 P.M to 11:30 P.M.

3. The CUP is issued for 25 total gaming machines unless otherwise approved as provided herein
4. Any significant expansion or change in the program as it relates to the hours or days of operation, type of program, or conversion to coin operation of approved video games, or the addition of other coin operated machines in addition to those machines approved herein, shall first be submitted for approval by the Commission.
5. Any change in the ownership or management must be approved by the Planning and Zoning Commission
6. Prior to relocation of the program to another location within the shopping center the applicant shall submit such request to the Building Inspector for approval

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 offense 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 of this ordinance are declared to be severable.



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 Courthouse Fitness Center for a conditional use Permit for a Commercial Amusement to allow more than four coin operated machines in their facility located at 802 E. I-30, more particularly described as Block A, Rockwall Plaza 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 91-12-CUP Conditional Use Permit Request from Courthouse Fitness Center

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

LAKE RIDGE
PARK ADDN.

TR 9
16.85 AC.
TR 12
1.9 AC.
TR 10
30.29 AC
1493.45

YELLOWJACKET
LANE

KYLE DRIVE

Tr 10
25.683 ACS

ROCKWALL
MEMORIAL
HOSPITAL

Tr 4
22.5 ACS

GOLDENCREST
E.P.G. CHISUM A-64

J.D.M

Tr 13
8.8 AC
1199.86

Rockwall
Plaza Addn

Tr 13
1247.2

Tr 20
646.3
5 AC
497.0

ROCKWALL
CENTRE
PH 2

HUDSPETH
ADDN

TR 10
465 AC

LAKELWOOD
PARK ADDN.

FIRST
UNITED
Presbyterian
Church
ADDN.

MORRIS

PANTER
LTD.
ADDN.

DERRICK
ADDN.

TR 20
5 AC

Tr 2
11.605 AC
Tr 17-1
10 AC
Tr 17-2
333

SE