

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 91-37- CUP Date Submitted 9-23-91

Filing Fee \$ 110.00

Applicant Frank H. Blanchard

Address 190 Classen Dr.

Phone No. (214) 341-4939

Dallas, Texas, 75218

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

0.751Ac. Out of The B.J.T Lewis Survey, Abst. 225, & Survey of Feb. 7, 1972

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

The Construction of A Self Service Car Wash

line The current zoning on this property is Commercial. There ^{space} are/are ^{space} not 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.

Frank H. Blanchard

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

Bruce L. Cameron

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.

STATE OF TEXAS

COUNTY OF ROCKWALL

BEING a tract of land situated in the B.J.T. Lewis Survey, Abstract No. 255, Rockwall County, Texas, and being a part of that 50.46 acre tract of land conveyed to Bill R. Cameron and Raymond B. Cameron by Deed recorded in Volume 101, Page 837, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Northwest line of Yellowjacket Lane at the South corner of said 50.46 acre tract;

THENCE: North $29^{\circ} 06' 46''$ West a distance of 182.92 feet with the Southwest line of said tract to a point for a corner;

THENCE: North $46^{\circ} 06' 30''$ East a distance of 60.00 feet to a point for a corner;

THENCE: South $43^{\circ} 53' 30''$ East a distance of 176.87 feet to a point for a corner on the Northwest line of Yellowjacket Lane;

THENCE: South $46^{\circ} 06' 30''$ West a distance of 206.66 feet with said Northwest line to the Point of Beginning and containing 32,425 square feet or 0.7444 acres of land.

SITE PLAN APPLICATION

Date 9-20-91

NAME OF PROPOSED DEVELOPMENT Self Service Car Wash

NAME OF PROPERTY OWNER/DEVELOPER Frank H. Blanchard

ADDRESS 190 Classen Dr., Dallas, Texas PHONE (214) 341-4939

NAME OF LAND PLANNER/ENGINEER Harold L. Evans & Associates

ADDRESS 2331 Gus Thomasson Rd. PHONE (214) 328-8133

TOTAL ACREAGE 0.751 ac. CURRENT ZONING Commercial

NUMBER OF LOTS/UNITS _____

SIGNED F.H. Blanchard

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>

- | | | |
|-------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | _____ | 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 |
| _____ | _____ | 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. |
| _____ | _____ | 3. <u>Location</u> and <u>type</u> of landscaping, lighting, fencing and/or screening of yards and setback areas |
| _____ | _____ | 4. <u>Calculation</u> of landscaped area provided |
| _____ | _____ | 5. <u>Location</u> and <u>dimensions</u> of ingress and egress |

- 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.

Taken by _____

Date 9/20/91

Fee \$ 110.00

File No. 91-37-PP/SP/CUP

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

Date 9/23/91
Applicant Branchaid Phone _____
Address 190 Gilman Dr Dallas
Development _____

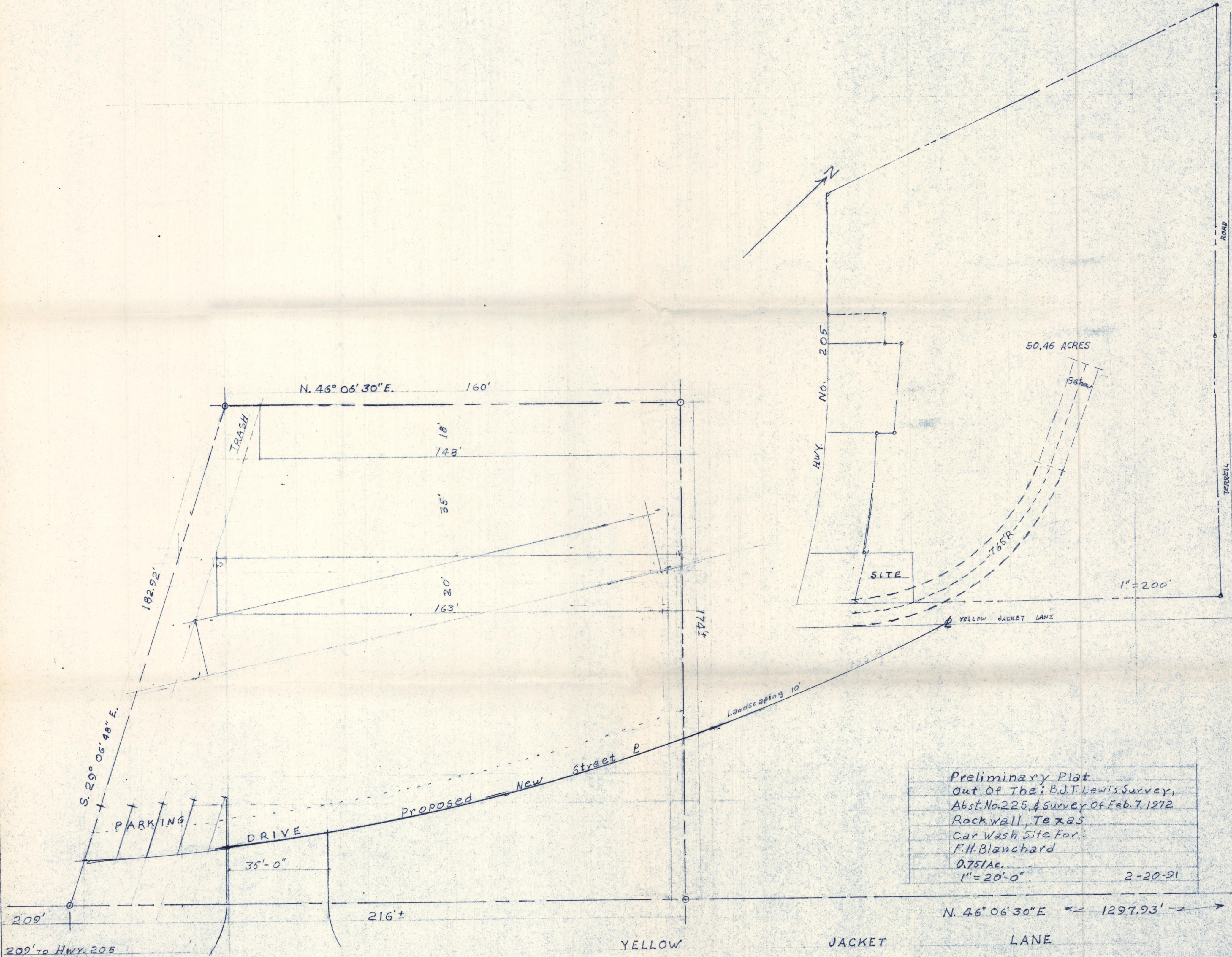
The following items have been received on this date by the City of Rockwall Administrative Office:

- Site Plan Application P&Z 10/10 7:00pm
- Prel. Plat Application Council 10/21 7:00pm
- Final Plat Application
- Zone Change Application
- Sign Board Application
- Board of Adj. Application
- Front Yard Fence Application
- CUP Application
- () sets/site plans - Submission # _____
- () sets/prel. plats - Submission # _____
- () sets/final plats - Submission # _____
- () sets/executed final plats/mylars
- () sets/engineer drawings - Submission # _____
- Filing fee \$ 110.00
- Other _____

SH-205/yulley

With this application, you are scheduled to appear before the listed above
on _____, _____
at _____ P.M. at City Hall, 205 W. Rusk, Rockwall,
Texas.

Received By: Mary Nichols



Preliminary Plat
 Out Of The: B.J.T. Lewis Survey,
 Abst. No. 225, & Survey Of Feb. 7, 1972
 Rockwall, Texas
 Car Wash Site For:
 F.H. Blanchard
 0.751 Ac.
 1" = 20'-0"

2-20-91

209' 216'± N. 46° 06' 30" E. 1297.93' →
 209' to Hwy. 205 YELLOW JACKET LANE



SPECIFIC FILING REQUIREMENTS

Zone Change¹

 Conditional Use Permit^{1,2}
 PD Preliminary Plan¹

 Board of Adjustments³

Items to be Filed

1. Signed completed application and filing fee (property owner must sign application or submit letter of authorization)
2. Legal description of property
3. 1 copy of plat plan or boundary survey to scale
4. 9 copies of site plan, as outlined below, if required (check with Staff to determine if necessary)
5. An official Tax Certificate

¹ Note: If the City Council approves the zoning or permit, an ordinance will be prepared granting the change. This ordinance must be approved at 2 readings. The change is not legally effective until passage of the ordinance and publication of the caption in the newspaper.

² Note: If a Conditional Use Permit is granted but not used within six (6) months from the date it is granted, the permit is automatically cancelled and the zoning shall revert to the original zoning.

³ Note: Unless specifically authorized by the Board of Adjustments, a variance or special exception granted by the Board shall authorize the issuance of a building permit or Certificate of Occupancy within 90 days. If a building permit or CO is not applied for within 90 days from the date of approval, the special exception or variance is withdrawn and all rights terminated.

_____ Executed Final Plat

(to be filed only after final plat is approved by City)

Items to be Filed

1. 16 sets of executed blue line copies (18" x 24") of final plat, rolled
2. 2 sets of executed mylar copies of final plat (18" x 24")
(Additional mylars may be submitted if engineer wishes a signed copy)
3. Approved final plats must be filed of record by the City within 120 days of approval or the plat will be void. In order to insure that your plat is properly filed of record, it must be submitted to the City within 100 days of approval.

10/9/91

Cost Estimate Yellowjacket
Road Paving Improvement

1. 8" THK 3500 PSI Reinforced Concrete
Paving ~ 216 L.F. x 24' Wide = 5184 sq.
576 Sq. Yds. @ \$26.50 sq. yd.
\$15,264.00

2. 6" Lime Stabilized Subgrade
624 Sq. Yds. @ 4.00 sq. yd.
\$ 2496.00

3. Hydrated Lime ~ 10 tons @ \$90.00 ton
\$ 900.00

4. 4' Wide Concrete Sidewalk
864 sq. feet @ \$3.50 sq. feet
\$ 3024.00

5. Unclassified Street Excavation
650 Cu. Yds. @ 7.50 c.y.
\$ 4875.00

Total for Paving = \$26,559.00

Storm Sewer Improvements

6. 24" ϕ RCP Storm Sewer Pipe
216 Lin. Ft. @ 37.50 L.F. =
\$8100.00

7. 21" ϕ RCP Laterals for Inlets
50 Lin. Ft. @ \$32.50 L.F. =
\$ 1625.00

8. 10' Recessed Inlets ~ 2 each @ 2500.00 ea.
\$5000.00

9. Pipe to Pipe Connections ~ 2 each @ 400.00 ea.

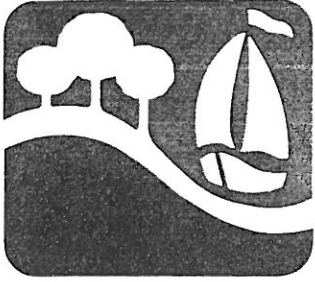
check

9. \$800.00

10. Pipe to Structure Connections " 2 each
@ 350.00 each = \$700.00

Total for Storm Sewer

\$16,225.00



CITY OF ROCKWALL

"THE NEW HORIZON"

October 14, 1991

Mr. Frank Blanchard
190 Classen Drive
Dallas, TX 75218

Dear Mr. Blanchard:

On October 10, 1991 the Rockwall Planning and Zoning commission voted to recommend approval of your request for a preliminary plat, site plan and Conditional Use Permit for your proposed car wash on Yellowjacket Lane with the following conditions:

1. That the escrow fee for road improvements applicable to this tract not be waived, but that if an acceptable and legal payment schedule could be developed that the City Council could consider such a schedule.
2. That the car wash shall be built with brick walls and columns and roof color as shown on the pictures of your existing facility.
3. That an access easement or fire wall be used in conjunction with the covered vacuum area to the rear of the site.

You are scheduled to present your requests to the City Council on Monday, October 21, at 7:00 p.m. Prior to that time I will review the possibilities of a payout on the escrow requirement as well as conduct a more detailed review of the estimated construction costs. Please let me know prior to October 18 what you plan to do at the rear of the property. I also need your revised site plan addressing the landscaping area.

As you know, if the City Council approves the plans and zoning your next step would be to final plat the property. This does have to be prepared by a registered surveyor. I would also like to point out that on the final plat I will want to see cross access easements provided at either side of the property to provide for future access into and out of the property from the adjacent parcels.

Please give me a call if you have any questions.

Sincerely,

Julie Couch
Assistant City Manager

MEMORANDUM
November 1, 1991

TO: Bill Eisen, City Manager
FROM: Julie Couch, Assistant City Manager
RE: Preliminary Plat Request from Frank Blanchard

At the last City Council meeting Mr. Blanchard's preliminary plat was tabled in order for us to develop alternatives to the dedication and escrow requirements of the subdivision regulations for this site, which is a part of a larger tract owned by the Cameron family. Prior to our last meeting Mr. Blanchard and I had worked out a procedure to allow him to dedicate the right of way for the realignment of Yellowjacket and to pay out the required escrow over a period of time, with a portion of the escrow being paid up front. At the meeting the owners of the property expressed their concern about the realignment of Yellowjacket and requested that they or the applicant not be required to dedicate any right of way or provide any escrow on Yellowjacket until such time as the road is actually to be constructed.

I have discussed this request with the City Attorney and if the Council wishes to, a facilities agreement could be entered into that would provide that the right of way and the escrow would be provided at the time the road is to be constructed upon notification by the City. The amount that should be due at that time would be the calculated prorata cost of the road improvement applicable to that property at the time of construction. That cost is currently estimated to be \$26,560. In order to ensure that the property to be dedicated in the future is not developed with improvements some stipulation needs to be placed in the agreement and on the plat that would prevent any development in that area. A statement to the effect that the area is reserved for future right of way or open space might address that issue.

There are several concerns that have been raised about following such a procedure. The first is the future ability of the City to obtain the right of way or escrow, when needed. If the owner at that time does not comply with the provisions of the agreement the City's only recourse would be to sue the owner. The right of way could be obtained through condemnation but it would cost the City the fair market value of the land at that time. Another concern is that of precedence. If this landowner is permitted to not dedicate right of way or provide the required escrow at the time of platting, other developers will submit similar requests. The long term implications of future cost to the City could be significant.

We have discussed the impact of the street escrow ordinance on development in general on several occasions. Over the last several years there have been several proposed users of land that have decided not to pursue their plans primarily due to the street escrow requirements. Most of these have been small users not large developers who can absorb such costs and still develop. With the passage of the impact fee legislation a number of cities in Texas have adopted impact

fees to provide for the improvement or construction of roadways, rather than use perimeter street escrow requirements. Using this type of approach would spread the cost of such road improvements to all properties that would benefit from their improvement, not just to those that front on the roadway. If the perimeter escrow requirements are eliminated in favor of an impact fee for roadways the costs to develop other properties not located on the substandard road would increase. We would also only be able to include the costs of those roadways that are planned to be constructed within the 10 year planning period as applicable to impact fees. There would be costs associated with the development of such fees and they would have to be developed in accordance with the state procedures for adopting impact fees. If the Council would like to pursue the development of a roadway impact fee I can develop an estimate of the cost to develop such a fee.

CITY OF ROCKWALL

205 WEST RUSK

ROCKWALL, TEXAS 75087

PHONE NUMBER: 214/771-7700

FAX NUMBER: 214/771-7727

DATE:

11/1/91

NUMBER OF PAGES (INCLUDING COVER PAGE)

3

TO:

NAME:

Pete Eckert

COMPANY:

FAX NUMBER:

FROM:

Julie Couch

CITY OF ROCKWALL

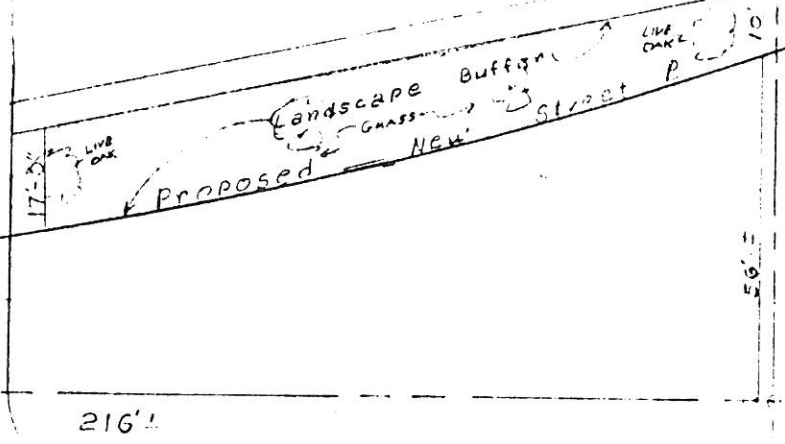
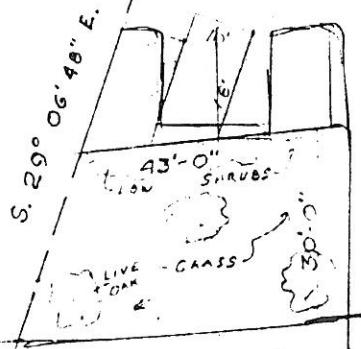
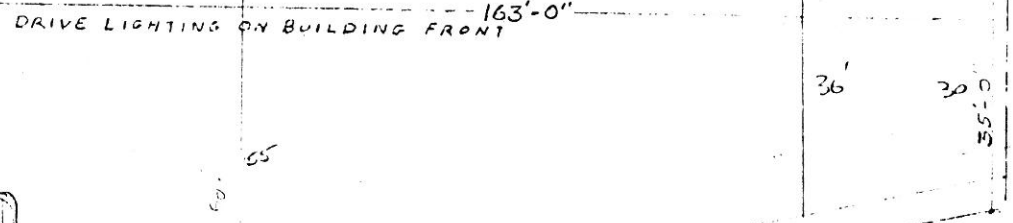
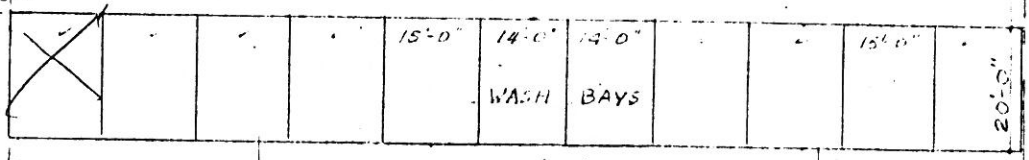
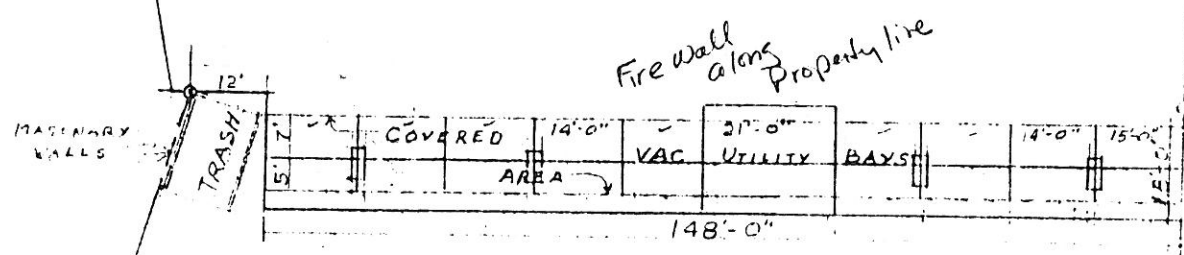
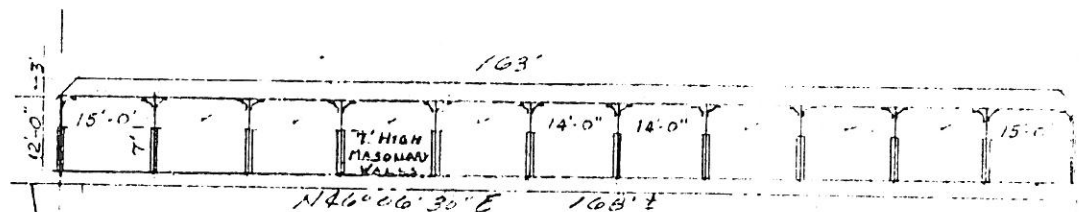
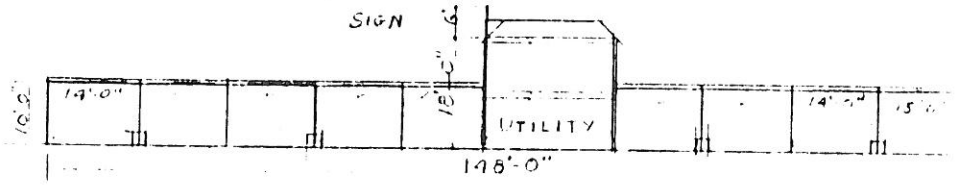
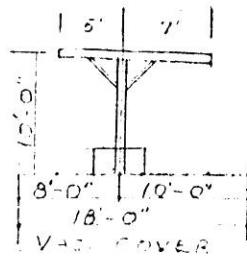
MESSAGE (IF ANY):

Here is a copy of the site plan and
location map on the Blanchard request.
Give me a call after you have had an
opportunity to look at it.

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CONTACT FAX OPERATOR:

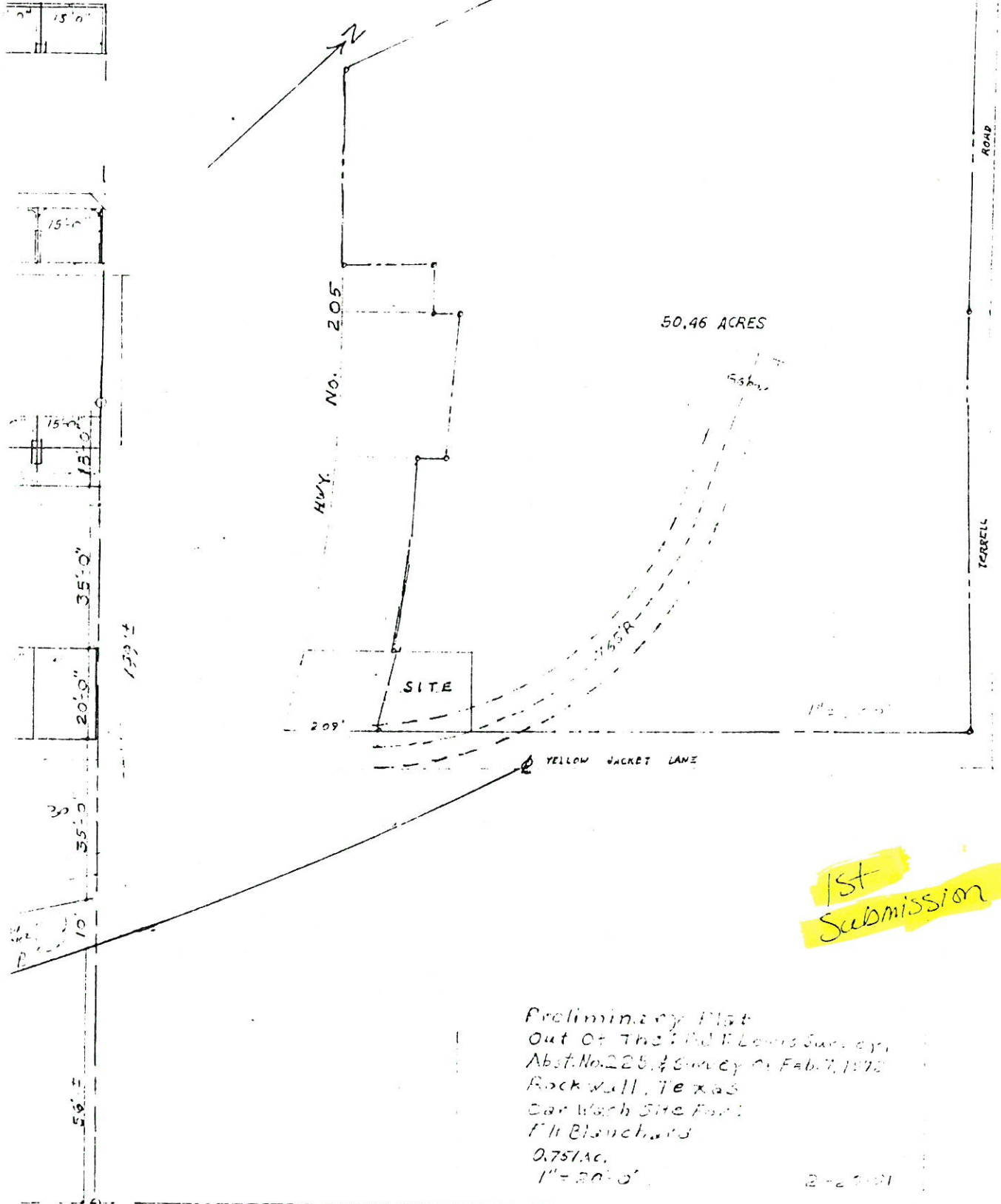
NAME:

THANK YOU.



to Hwy. 205

YELLOW



1st Submission

Preliminary Plat
 Out of The Field E. Lewis Survey,
 Abst. No. 225, & Survey of Feb. 7, 1892
 Rockwall, Texas
 Car Wash Site Part
 F. H. Blanchard
 0.751 Ac.
 1" = 20'-0"

2-23-91

N. 46° 06' 30" E 1297.93' ->

YELLOW JACKET LANE

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: October 10, 1991

Agenda No: III. C.

Agenda Item: P&Z 91-37-SP/PP/CUP - Hold Public Hearing and Consider Recommending Approval of a Request from Frank Blanchard for a Conditional Use Permit for a Car Wash, Site Plan, and Preliminary Plat on SH-205 at Yellowjacket

Item Generated By: Applicant, Frank Blanchard

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

Background Information:

We have received a request for several actions on the site located behind the R-TEX Auto Parts building off of SH-205. The applicant is interested in constructing a car wash in this location. Our comments regarding the application is as follows:

Preliminary Plat

The site is located directly in the path of the future relocation of Yellowjacket as it moves north to go north of the High School property. The site plan makes provision for this dedication of ROW. At its deepest point it is approximately 65 feet of additional ROW over what is already there. The actual alignment of this ROW is critical because the placement is very tight and we would recommend that the applicant be required to work with the City to determine exact ROW location in conjunction with the final plat.

The applicant is aware of the requirement of escrowing 24 feet of paving along the length of frontage on Yellowjacket as well. He is requesting a waiver to this requirement because of the cost of the escrow in relation to the size of property that he is developing. It is anticipated that a representative of Cameron development will also be heard to request the waiver. We will have the estimated amount of the cost on Thursday. In the past the Council has granted waivers to single lot residential development. Waivers for nonresidential property has also been granted in the past when the City had recently repaved the road and did not anticipate reconstructing the road in the near future, such as High School Road. Don Cameron was required to escrow for curb, gutter, and sidewalk on High School but not for the street itself. The City has recently overlaid this section of Yellowjacket.

Site Plan

The site plan reflects the additional right of way for Yellowjacket. The plan meets our landscaping requirements. I am in the process of discussing the layout with the applicant and will further discuss this on Thursday.

CUP

Our zoning ordinance requires that a car wash apply for a CUP in a commercial district. The car wash as proposed will be constructed of brick, including the interior partitions. The applicant will have pictures of his current facilities on Thursday night.

Attachments:

1. Location Map
2. Site Plan
3. Thoroughfare plan section

Agenda Item: CUP for Car Wash

Item No: III. C.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: October 21, 1991

Agenda No: VI. E.

Agenda Item: P&Z 91-37-SP/PP - Consider Approval of a Request from Frank Blanchard for a Site Plan for a Car Wash, and Preliminary Plat on SH-205 at Yellowjacket

Item Generated By: Applicant, Frank Blanchard

Action Needed: Consider request and take any necessary action.

Background Information:

We have received a request for several actions on the site located behind the R-TEX Auto Parts building off of SH-205. The applicant is interested in constructing a car wash in this location. Our comments regarding the application are as follows:

Preliminary Plat

The site is located directly in the path of the future relocation of Yellowjacket as it moves north to go north of the High School property. The site plan makes provision for this dedication of ROW. At its deepest point it is approximately 65 feet of additional ROW over what is already there. The actual alignment of this ROW is critical because the placement is very tight and we would recommend that the applicant be required to work with the City to determine exact ROW location in conjunction with the final plat.

The applicant is aware of the requirement of escrowing 24 feet of paving along the length of frontage on Yellowjacket as well. The estimated cost of escrow will be \$26,560.00 for paving, curb and gutter, and sidewalk. He is requesting an alternative to the full escrow at time of development because of the cost of the escrow in relation to the size of property that he is developing. A copy of a letter from Mr. Blanchard outlining his request is attached. In the past the Council has granted waivers to single lot residential development. Waivers for nonresidential property have also been granted in the past when the City had recently reconstructed the road and did not anticipate reconstructing the road in the near future, such as High School Road, or when it was included in an industrial incentive package such as Precision Cable, who was granted a waiver to escrow on High School Road south of I-30. Two property owners on High School north of I-30 were required to escrow for curb, gutter, and sidewalk but not for the street itself because we had reconstructed that portion of the road.

Mr. Blanchard is requesting a pay out for half of his escrow requirement over a 10 year time period, with half being paid at time of construction. Such a payout would be possible with a facilities agreement. We would propose that an interest be tied to the amount of escrow and that the amount be amortized over the 10 year time period. In order to better ensure that the City would continue to be paid we would recommend that a condition be included in the agreement that the water service could be discontinued if payment is not maintained. He has expressed some concern about this provision, but we could include certain appeal procedures that should protect the owner. We would also include a provision that if the road is constructed sooner than the ten year time period the balance would be paid at that time. A lien would also be placed on the property that would be collected if the property is sold. This is the first time such an approach has been requested in the implementation of the escrow requirements. It is likely that similar requests might be submitted on future cases. If the Council agrees to consider such an arrangement we would draft a facilities agreement for consideration with the final plat on this site.

SEE ATTACHED NOTES CONT'D.

Attachments:

1. Location Map
2. Site Plan
3. Thoroughfare plan section
4. Pictures

Agenda Item: Site Plan and Preliminary Plat for Car Wash

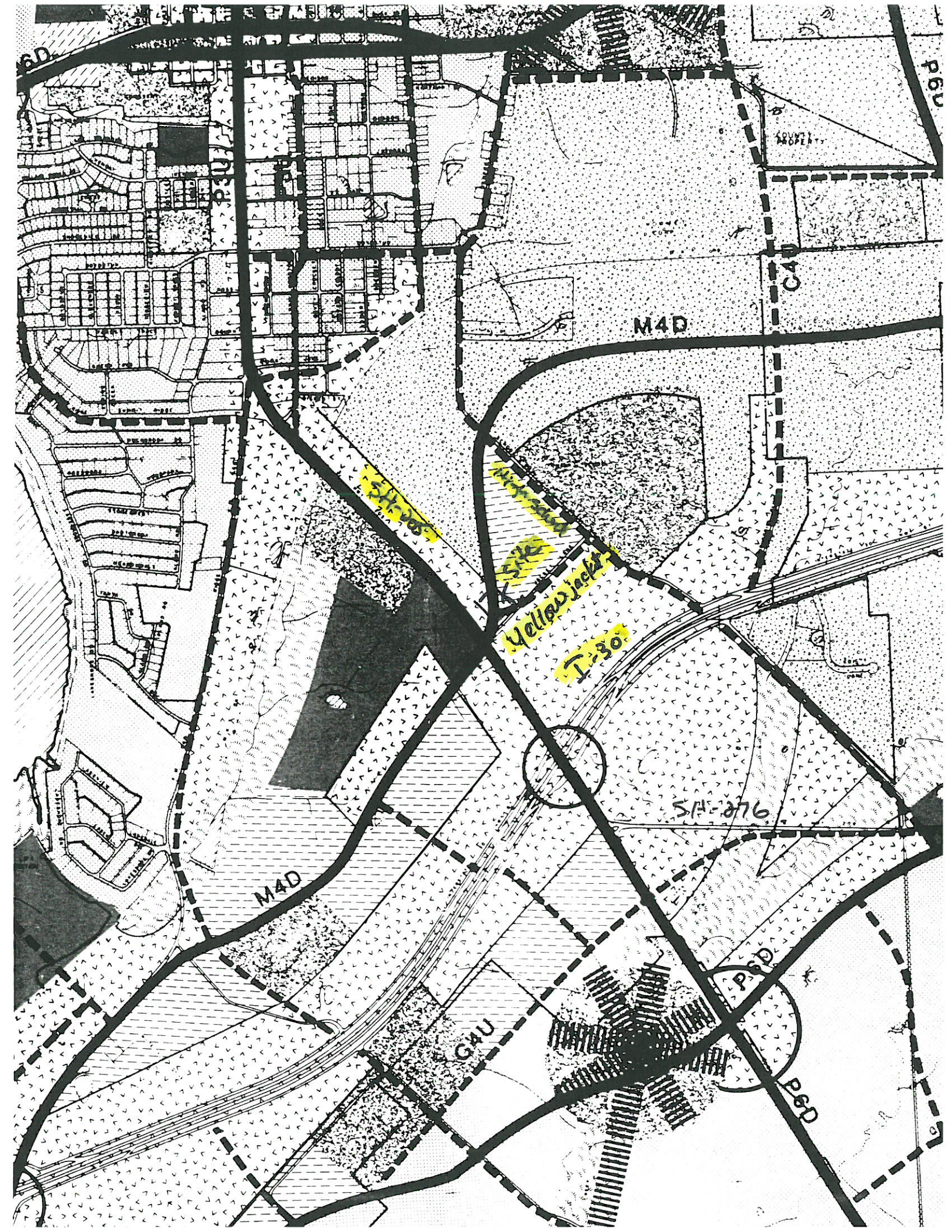
Item No: VI. E.

Site Plan

The site plan reflects the additional right of way for Yellowjacket. The plan will meet our landscaping requirements with some additions. He will make those additions prior to Monday night. The car wash as proposed will be constructed of brick, including the interior partitions and the columns. The applicant has indicated that it would like like an existing facility he owns in Garland. Attached you will find copies of pictures of this existing facility.

The Commission has recommended approval of the request with the following conditions:

- a. That the required escrow amount not be waived, but that a payment plan should be considered, if one can be developed.
- b. That the car wash facility shall be built to look like the existing facility with brick on all walls and columns and the dark brown roof color.
- c. That the covered vacuum area to the rear of the property shall be buffered by a rear access easement or constructed with a fire wall along the rear.



P6D

P6D

COUNTY PROPERTY

P6D

C4D

M4D

Yellow Jack

Yellow Jack

Yellow Jack

T-30

S14-076

M4D

G4U

P6D

P6D

