

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 94-14- CUP

Date Submitted 6/27/94

Filing Fee \$ 125<sup>00</sup>

Applicant CICI'S PIZZA

Address 1103 RIDGE RD.  
ROCKWALL, TX 75087

Phone No. (214) 771-0489 OFFICE  
771-4400 RESTAURANT

Owner \_\_\_\_\_ Tenant <sup>1</sup>

Prospective Purchaser <sup>1</sup> \_\_\_\_\_

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

EASTRIDGE CENTER (SEE ATTACHED)

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

CICI'S PIZZA VIDEO ARCADE GAMES

The current zoning on this property is PD-1.  
There are are 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.

Judy Rogers

1

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

M.K. & T. RAILROAD

E. HIGHWAY NO. 205

STORAGE

ELECTRICAL

NORTH

Demised Premises being approximately 3,864 square feet (Suite 1103)

RIDGE ROAD

PYLON

F.M. NO. 740

RIDGE ROAD SHOPPING CENTER

1107-1209 RIDGE ROAD  
ROCKWALL, TEXAS 75087

DEMISED PREMISES

EXHIBIT "A"

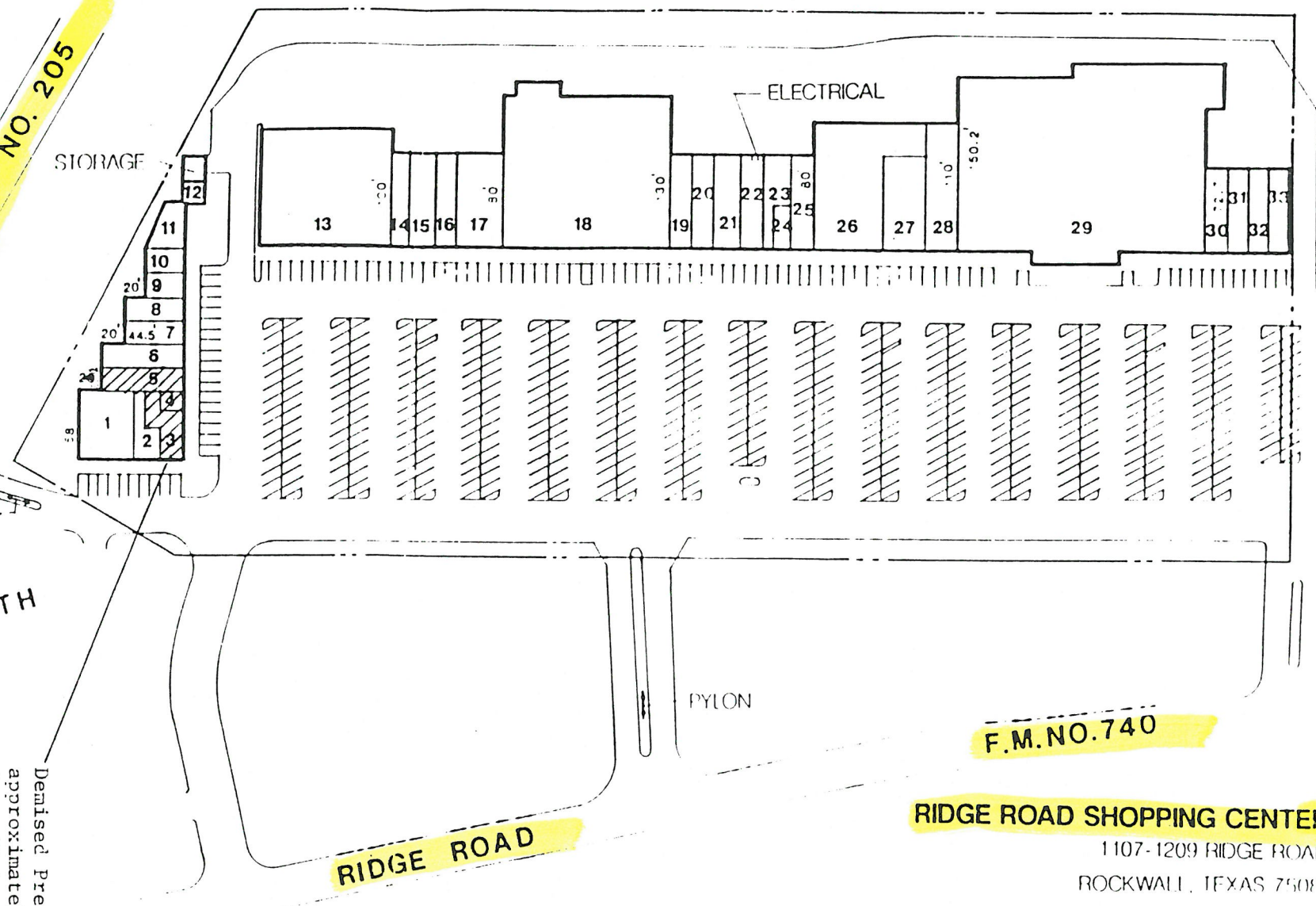


EXHIBIT "B"

LEGAL DESCRIPTION

STATE OF TEXAS  
COUNTY OF ROCKWALL

BEING 4 tracts or parcels of land situated in the Daniel Atkins Survey, Abstract No. 1, and the B.J.T. Lewis Survey, Abstract No. 225, Rockwall County, Texas, and being a part of that 20.75 acre tract of land described in deed recorded in Volume 78, Page 322, Deed Records, Rockwall County, Texas, and further being a part of Eastridge Center, an addition to the City of Rockwall, recorded in Slide A, Page 263, Plat Records, Rockwall County, Texas, and being more particularly described as follows:

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BEGINNING at an iron rod at the Northeast corner of Eastridge Center at the intersection of the Southwest line of State Hwy. 205 with the Westerly line of the M.K. & T. Railroad;  
THENCE: South 18° 43' 00" West a distance of 510.00 feet with the Westerly line of said Railroad to an iron rod set for a corner;  
THENCE: North 71° 17' 00" West a distance of 472.18 feet leaving said Westerly line to an iron rod set for a corner;  
THENCE: North 18° 43' 00" East a distance of 544.10 feet to an iron rod set for a corner;  
THENCE: South 71° 17' 00" East a distance of 410.11 feet to an iron rod set for a corner on the Southwest line of State Hwy. 205;  
THENCE: South 42° 30' 00" East a distance of 70.82 feet with said Southwest line to the Point of Beginning and Containing 255,857 Square Feet or 5.8737 Acres of Land.

Phase II  
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THENCE: North 18° 43' 00" East a distance of 433.00 feet to an iron rod set for a corner;  
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THENCE: South 42° 30' 00" East a distance of 376.27 feet with said Southwest line to the Point of Beginning and Containing 38,520 Square Feet or 0.8843 Acres of Land.



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

(214) 771-7700

Cash Receipt

Name Ci Cis Pizza Date 6/1

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

Job Address 1103 Ridge Rd Permit No. \_\_\_\_\_

Check  1364 Cash  Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code
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	<u>125 -</u>	Portable Meter Deposit	02-2311
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		Marina Lease	08-3810
Misc. Income	01-3819		Cemetery Receipts	10-3830
Sale of Supplies	01-3807		PID	13-3828
Recreation Fees	01-3401		Street	14-3828
			Assessment-Ph#2	14-3830
			Hotel/Motel Tax	15-3206

**TOTAL OF COLUMN**

125 -

**TOTAL OF COLUMN**

**TOTAL DUE**

125 -

Received by



**MEMORANDUM**

**TO:** Dub Douphrate, P.E.  
**FROM:** Dan C. Boutwell, AICP  
**SUBJECT:** P&Z 93-14-CUP (CiCi Pizza)  
**DATE:** July 12, 1994

The applicant is requesting permission to allow video arcade machines as a commercial amusement. The applicant currently has three (3) machines at the restaurant. Their desire is to add a total of up to ten machines. The zoning ordinance requires that any applicant requesting more than three (3) machines must be designated as a commercial amusement use and requires a Conditional Use Permit. The applicant is currently located in an existing mixed use shopping center. They do not propose any new construction that would increase the square footage of the building. They do not propose to create any new entrances or exits to the current structure. In addition, they do not request any revisions to existing signage. They will be leasing additional space to facilitate the new commercial amusement use.

It is our opinion that this use is an appropriate use, secondary to the primary use, and would be in agreement with the City Code upon approval by the City.

If you have any comments or questions please do not hesitate to contact me.

ORDINANCE 94-23

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 IN A PLANNED DEVELOPMENT ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED AS A PORTION OF LOT 1, BLOCK A, EASTRIDGE CENTER ADDITION; 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 an video arcade has been requested by CiCi's Pizza for the property described as being a portion of Lot 1, Block A, Eastridge Center Addition and described further on the approved site plan attached hereto as Exhibit "A"; 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 for a video arcade on the property described on Exhibit "B", attached hereto and made a part hereof, and further described on the approved site plan attached hereto and made a part hereof as Exhibit "A".

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

1. The permit is approved for up to fifteen (15) machines.
2. Any noise making machine shall be located in a room separate from the dining room.
3. The permit shall be reviewed by the Planning and Zoning Commission for compliance with all requirements within one year from date of final approval.

4. No smoking in the separate room.

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 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 2nd day of August, 1994.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

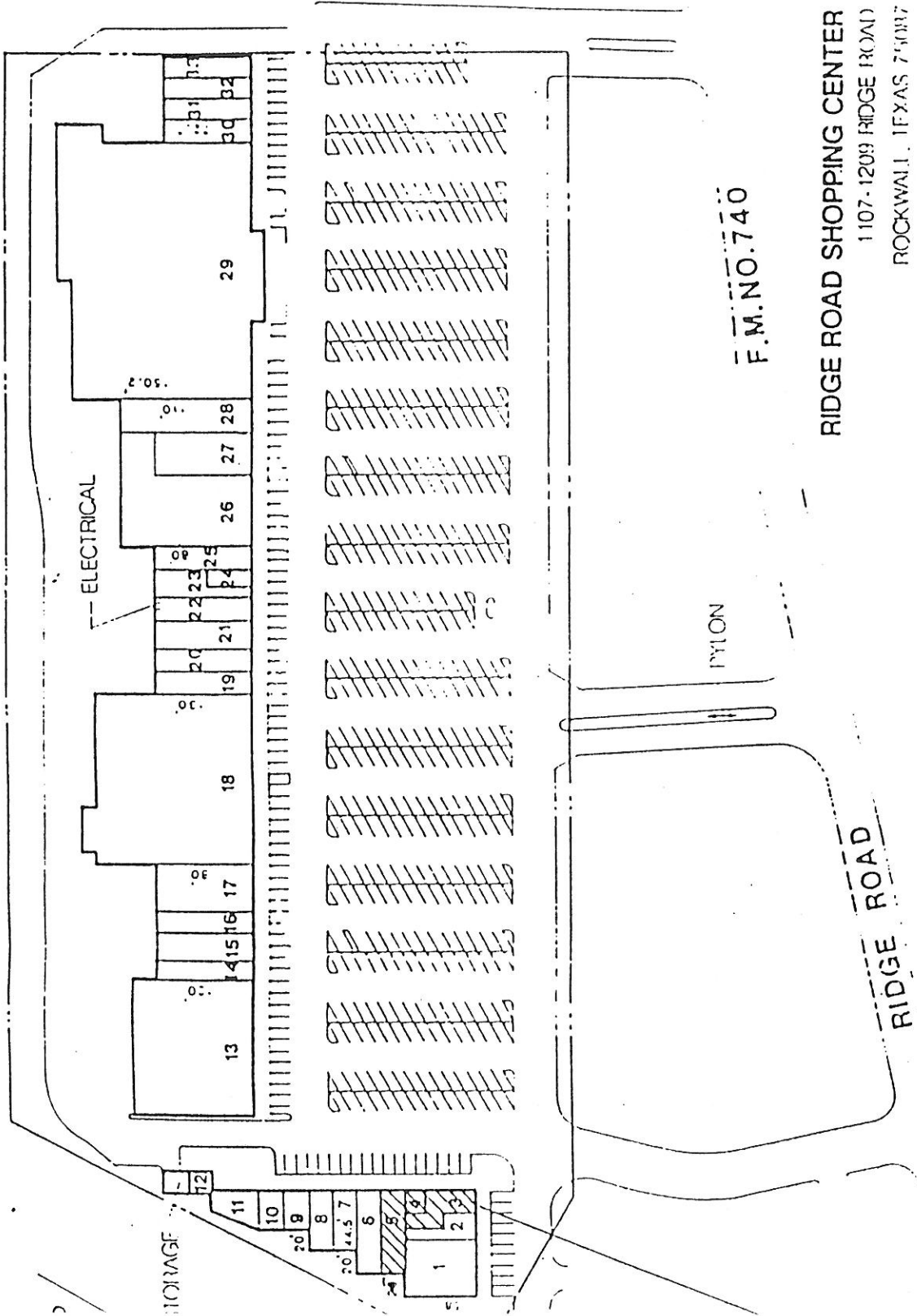
  
\_\_\_\_\_  
City Secretary

1st reading 07-18-94  
2nd reading 08-01-94

EXHIBIT "A"

DEMISED PREMISES

M.K. & T. RAILROAD



F.M. NO. 740

RIDGE ROAD SHOPPING CENTER  
1107-1209 RIDGE ROAD  
ROCKWALL, TEXAS 75087



EXHIBIT "B"

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**City of Rockwall  
Planning and Zoning Agenda**

**Agenda Date:**

July 14, 1994

**Agenda Item:**

<sup>94</sup>  
P&Z 93-14-CUP Hold Public Hearing and Consider Recommending Approval of a Request for a Conditional Use Permit request from CiCi's Pizza to Allow Video Arcade Machines as a Commercial Amusement Use at Property Located at 1103 Ridge Road.

**Item Presented By:**

Applicant, CiCi's Pizza

**Action Needed:**

Discuss and Consider Recommendations for Approval and Take any Necessary Action

**Background Information:**

The applicant is applying for a conditional use permit for commercial amusement use which if granted would allow him to operate up to a maximum of 10 machines. Currently the applicant operates four (4) video arcade machines and plans to add six (6) more machines if the request is granted. Additional comments are provided on this attached memorandum prepared by Mr. Dan Boutwell.

**Recommendation:**

Staff recommends approval of the request.

**Attachments:**

**MEMORANDUM**

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**FROM:** Dan C. Boutwell, AICP  
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94-K-CUP

(6/87)

Page 1 of 2

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205 West Rusk  
Rockwall, Texas

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Case No. \_\_\_\_\_ CUP

Date Submitted \_\_\_\_\_

Filing Fee \$ 125<sup>00</sup>

Applicant cici's PIZZA

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771-4400 RESTAURANT

ROCKWALL, TX 75087

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Tenant

Prospective Purchaser \_\_\_\_\_

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

CICI'S PIZZA VIDEO ARCADE GAMES

The current zoning on this property is PD-1

There are are 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.

Judy Rogers

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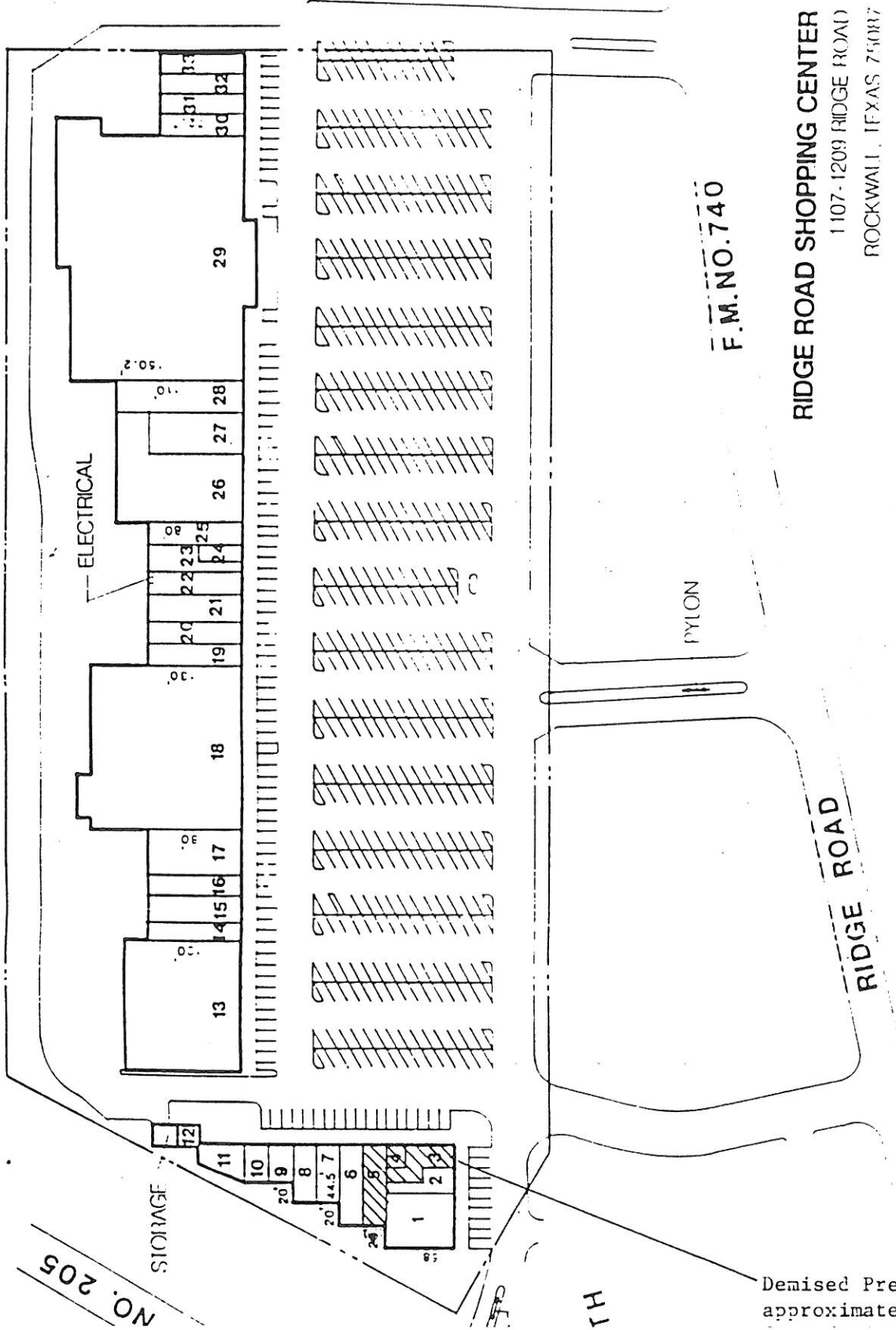
Stephanie French  
STEPHANIE FRENCH

TRANSWESTERN PROPERTY CO.  
AS INDEPENDENT CONTRACTOR FOR  
NEW ENGLAND MUTUAL LIFE INSURANCE CO.

EXHIBIT "A"

DEMISED PREMISES

M.K. & T. RAILROAD



NO. 205

F.M. NO. 740

RIDGE ROAD SHOPPING CENTER  
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Demised Premises being approximately 3,864 square

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94-14

PLANNING AND ZONING COMMISSION MINUTES  
JULY 14, 1994

5

I. CALL TO ORDER

The meeting was called to order by Jim Greenwalt at 7:00 p.m with the following members present; Pat Friend, Terry Raulston, Ginger Baugh, Art Ruff, Ross Ramsay, and Van Ewing.

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II. PUBLIC HEARINGS/ZONING CASES

15

**PZ-94-14-CUP** HOLD PUBLIC HEARING AND CONSIDER RECOMMENDING APPROVAL OF A REQUEST FOR A CONDITIONAL USE PERMIT REQUEST FROM CI CI'S PIZZA TO ALLOW VIDEO ARCADE MACHINES AS A COMMERCIAL AMUSEMENT USE AT PROPERTY LOCATED AT 1103 RIDGE ROAD.

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Mr. Douphrate outlined the request, recommending approval of the Conditional Use Permit.

After much discussion, Mr.Ramsay made a motion to approve the request from CiCi's Pizza to allow video arcade machines as a commercial amusement use with the condition the noise making video machines are kept in a separate room and the conditional use permit will be reviewed in 1 year for property located at 1103 Ridge Road.

Mr.Raulston seconded the motion, the motion was voted on and passed 6 to 1 with Mr.Greenwalt against.

30

**PZ-93-52-FP** HOLD PUBLIC HEARING AND CONSIDER RECOMMENDING APPROVAL OF A REQUEST FROM LENMAR DEVELOPMENT CO. FOR A VACATION OF A PORTION OF LAKE RIDGE ESTATES AND DISCUSS AND CONSIDER APPROVAL OF A FINAL PLAT FOR LAGO VISTA ADDITION, A 40 ACRE SUBDIVISION LOCATED WEST OF FM-740.

35

Mr. Douphrate outlined the request, recommending approval of a request from LENMAR Development Company for a vacation of a portion of Lake Ridge Estates and approval of a Final Plat for Lago Vista Addition, a 40 acre subdivision located west of FM-740.

40

After much discussion Van Ewing made a motion to approve the request from LENMAR Development Company for a vacation of a portion of Lake Ridge Estates and a Final Plat for

7/14/94

Lago Vista Addition, a 40 acre subdivision located west of FM-740 with the following conditions; A. The developer enter into a facilities agreement outlining the pro-rata funds required to upgrade the Signal Ridge Lift Station and requirements to screen the proposed alley from Lots 12 & 13 of Lake Ridge Estates. B. The Developer provide to staff an executed Right-of-Way from the owner of the PD-19 tract prior to submission of the plat to Council or Lots 3 thru 16 , being Block A be included into the second phase of the development. C. The Developer's Engineer revise the engineering plans according to the comments outlined by the City Engineer.

Mr. Ruff seconded the motion. The motion was voted on and passed unanimously.

#### IV REVIEW OF SELECTED PD's

##### REVIEW PLANNED DEVELOPMENT NUMBER 14 AND CONSIDER NECESSARY ACTION

After much discussion Mr.Ramsay made a motion to make no changes to PD-14. Mr.Ewing seconded the motion. The motion was voted on and passed unanimously.

##### REVIEW PLANNED DEVELOPMENT NUMBER 15 AND CONSIDER NECESSARY ACTION

After much discussion Mr.Ewing made a motion to make no changes to PD-15. Mr.Raulston seconded the motion. The motion was voted on and passed unanimously.

##### REVIEW PLANNED DEVELOPMENT NUMBER 16 AND CONSIDER NECESSARY ACTION

After much discussion Mr.Ewing made a motion to make no change to PD-16. Mrs. Baugh seconded the motion. The motion was voted on and passed unanimously.

##### REVIEW PLANNED DEVELOPMENT NUMBER 17 AND CONSIDER NECESSARY ACTION

After much discussion, Mr.Greenwalt made a motion to make no changes to PD-17. Mr. Ruff seconded the motion, the motion was voted on and passed unanimously.

##### REVIEW PLANNED DEVELOPMENT NUMBER 29 AND CONSIDER NECESSARY ACTION

After much discussion, Mr. Friend made a motion to make no changes to PD-29. Mr.Ruff seconded the motion, the motion was voted on and passed unanimously.

##### REVIEW PLANNED DEVELOPMENT NUMBER 32 AND CONSIDER NECESSARY ACTION

After much discussion, Mr.Ramsay made a motion to make no changes to PD-32. Mr.Ruff

7/14/94



seconded the motion, the motion was voted on and passed 5 to 2 with Mr. Raulston and Mr. Greenwalt against.

**V. ADJOURNMENT**

There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Community Development Coordinator

\_\_\_\_\_  
Planning & Zoning Commission Chairman

7/14/94