

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. _____ CUP Date Submitted 9-20-94

Filing Fee \$ _____

Applicant O.L. Steger, Jr., Limited Partnership
c/o Dan Beard of Dan Beard, Inc.

Address 5121 McKinney Ave. Phone No. 214-722-3334
Dallas, Texas 75202

Owner xx Tenant 1 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 Attached

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

Use of Wood Structure instead of Steel Structure, per Ordinance.

The current zoning on this property is "C" for Commercial

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.

O.L. Steger, III
O.L. Steger, ~~III~~ III
O.L. III

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

94-24-CUP

BRINKER INTERNATIONAL

214 770 9310

GREGORY C. KLIMKO 10-92

JAMIE K. KLIMKO
EXPENSE ACCOUNT

310 SAGE LN. PH. 817-355-9401
EULESS, TEXAS 76039

1096

SEPT 21 19 94

32-75/1110

Pay to the
order of

CITY OF ROCKWALL

\$ 125⁰⁰/_{xx}

ONE HUNDRED TWENTY FIVE AND ^{Ns}/100 Dollars

Comerica Bank-Texas
Dallas, Texas 75223

Memo

CUP-CHILI'S

JK

⑆⑆⑆⑆000753⑆ 1096⑆⑆7263045366⑆⑆



6820 LBJ Freeway
Dallas, Texas 75240
214 980 9917

September 20, 1994

Mr. Dub Douphrate
City of Rockwall
Dept. of Community Development
205 W. Rusk
Rockwall, TX 75087

RE: Conditional Use Permit for Use of Wood Structure
Chili's at Rockwall, Texas at the corner of
IH-30 Access Road and F.M. 740

Dear Dub:

We are requesting a Conditional Use Permit granting permission to deviate from the ordinance requiring a steel structural system for buildings over 6,000 square foot. We propose to build our restaurant with a wood structural system. The building code allows this type of construction.

A fire suppression system will be installed in the kitchen hoods. This is standard for all restaurants. Any fire that might start will most likely happen in the kitchen areas. This system should extinguish those fires.

Please call me at 214/770-9310 if your understanding in this matter is different from ours.

Sincerely,

Greg C. Klimko, AIA
Property Development Manager

94-24-CUP



6820 LBJ Freeway
Dallas, Texas 75240
214 980 9917

September 20, 1994

Mr. Dub Douphrate
City of Rockwall
Dept. of Community Development
205 W. Rusk
Rockwall, TX 75087

RE: Conditional Use Permit for the Sale of Alcoholic Beverages.
Chili's Grill & Bar, Rockwall, Texas at the corner of IH-30
Access Road and F.M. 740

Dear Dub:

We are requesting a Conditional Use Permit granting the right to sell alcoholic beverages at our proposed Chili's Grill & Bar located at the corner of IH-30 Access Road and F.M. 740. Chili's Grill & Bar is a full service restaurant, including liquor, focused on serving high-quality, good value food in a casual, exciting atmosphere.

We operate on approximately an 85-15 liquor mix which means that 85% of our sales are derived from food and non-alcoholic items, and 15% of sales are attributable to the sale of alcoholic beverages. There is no live music or dancing.

We have developed an extensive alcohol awareness program for our employees. We have regional trainers, as well as a training manual to educate all liquor handlers on the proper procedures concerning the serving of alcoholic beverages.

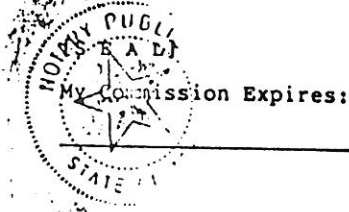
We believe a Chili's Grill & Bar at this location would be a great asset to the City of Rockwall. Thank you for your consideration and for the opportunity to acquaint you with Chili's..

Sincerely,

Greg C. Klimko, AIA
Property Development Manager

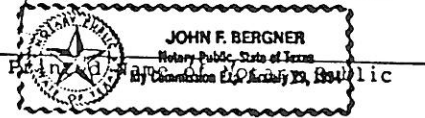
STATE OF TEXAS S
COUNTY OF ROCKWALL S

This instrument was ACKNOWLEDGED before me, on the 17th day of June, 1991, by O. L. Steger, III, as Independent Administrator of the Estate of O. L. Steger, Jr., Deceased.



John F. Bergner

Notary Public, State of Texas



When recorded, return to:

~~John F. Bergner, Esq.~~ Ms. Kelly Webb
Winstead Sechrest & Minick P.C.
5400 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270

375-D910614B-00
061791DC1
PROB/S7016-62800

EXHIBIT "A"

BEING, a tract of land situated in the James Smith Survey, Abstract No. 200, City of Rockwall, Rockwall County, Texas, and also being part of a 73.9 acre tract as conveyed to Emily Sue Whitehead and O.L Steger, Jr., recorded in Volume 87, Page 148, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the southerly line of Interstate Highway No. 30, said point being the North corner of said 73.9 acre tract recorded in Volume 87, Page 148, an iron pipe found for corner;

THENCE South 44°06'41" East, leaving the said southerly line of Interstate Highway 30, a distance of 775.78 feet to a 1/2 inch iron stake found for corner;

THENCE South 44°09'00" East, a distance of 1360.13 feet to a 1/2 inch iron stake found for corner;

THENCE South 46°00'08" West, a distance of 1740.93 feet to a point on the northeast line of F.M. Road No. 3097, a 1/2 inch iron stake found for corner;

THENCE along the northeast line of F.M. Road No. 3097, the following:

North 43°52'33" West, a distance of 1177.91 feet to a R.O.W. marker for corner;

North 15°54'15" West, a distance of 178.36 feet to a point on the east line of F.M. Road No. 740 (Ridge Road), a R.O.W. marker found for corner;

THENCE along the East line of F.M. No. 740 (Ridge Road), the following:

North 08°10'58" East, a distance of 748.47 feet to a 1/2 inch iron stake set for corner;

North 09°02'52" East, a distance of 396.96 feet to a R.O.W. marker found for corner;

North 23°30'00" East, a distance of 35.49 feet to a 1/2 inch iron stake set for corner;

THENCE South 77°22'38" East, leaving the said East line of F.M. Road No. 740 (Ridge Road), a distance of 212.43 feet to a 1/2 inch iron stake set for corner;

THENCE North 22°16'29" East, a distance of 212.43 feet to a 1/2 inch iron stake set for corner;

THENCE North 78°36'09" West, a distance of 83.41 feet to a point on the southerly line of Interstate Highway No. 30, a R.O.W. marker found for corner;

THENCE along the southerly line of Interstate Highway No. 30, the following:

North 27°42'21" East, a distance of 366.59 feet to a 1/2 inch iron stake set for corner;

North 47°24'20" East, a distance of 96.00 feet to the PLACE OF BEGINNING and containing 72.243 acres of land.

This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Public Surveyor on October 4, 1989.

SAVE AND EXCEPT that certain 3.524 acre tract of land, more particularly described as follows:

BEING a 3.524 acre tract of land situated in the James Smith Survey, Abstract No. 200, City of Rockwall, Rockwall County, Texas, and being part of a 73.9 acre tract described in deed to Emily Sue Whitehead and O.L. Steger, Jr., recorded in Volume 87, Page 148, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at a concrete R.O.W. monument found at the intersection of the easterly line of F.M. 740 (Ridge Road, 90 foot R.O.W.) and the corner clip from the easterly line of F.M. 3097 (100 foot R.O.W.);

THENCE North 08°10'58" East, with the easterly line of said F.M. 740, 220.00 feet to a 1/2 inch iron rod set at the POINT OF BEGINNING;

THENCE North 08°10'58" East, continuing with said easterly line a distance of 263.00 feet to a 1/2 inch iron rod, set;

THENCE South 81°49'02" East, a distance of 343.00 feet to a 1/2 inch iron rod, set;

THENCE South 08°10'58" West, a distance of 46.00 feet to a 1/2 inch iron rod, set;

THENCE South 81°49'02" East, a distance of 160.00 feet to a 1/2 inch iron rod, set;

THENCE North 08°10'58" East, a distance of 20.00 feet to a 1/2 inch iron rod, set;

THENCE South 81°49'02" East, a distance of 147.00 feet to a 1/2 inch iron rod, set;

THENCE South 08°10'58" West, a distance of 227.00 feet to a 1/2 inch iron rod, set;

THENCE North 81°49'02" West, a distance of 147.00 feet to a 1/2 inch iron rod, set;

THENCE North 08°10'58" East, a distance of 20.00 feet to a 1/2 inch iron rod, set;

THENCE North 81°49'02" West, a distance of 160.00 feet to a 1/2 inch iron rod, set;

THENCE South 08°10'58" West, a distance of 30.00 feet to a 1/2 inch iron rod, set;

THENCE North 81°49'02" West, a distance of 343.00 feet to the POINT OF BEGINNING and containing 3.524 acres (153,498 S.F.) of land, more or less.

FILED FOR RECORD 20th DAY OF June, A.D., 1991 at 3:27 P.M.
RECORDED 24th DAY OF June, A.D., 1991
PAULETTE BURKS, COUNTY CLERK, ROCKWALL COUNTY, TEXAS.
BY: O.L. Steger, DEPUTY

EXHIBIT B

X

STATE OF TEXAS
COUNTY OF ROCKWALL

FIELDNOTE DESCRIPTION OF

A 1.433 ACRE TRACT OF LAND OUT OF AND PART OF THE JAMES SMITH SURVEY NO. 200, SITUATED IN THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 72.243 ACRE TRACT CONVEYED TO 740/3097 LIMITED PARTNERSHIP BY DEEDS OF RECORD IN VOLUME 620, PAGE 69; VOLUME 620, PAGE 73; VOLUME 620, PAGE 77; VOLUME 620, PAGE 81; AND VOLUME 620, PAGE 85 OF THE ROCKWALL COUNTY DEED RECORDS; SAID 1.433 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 1 1/4 INCH IRON PIPE FOUND IN THE EASTERLY LINE OF INTERSTATE HIGHWAY NO. 30, FOR THE NORTHERNMOST CORNER OF THE REMAINDER OF SAID 72.243 ACRES, SAME BEING THE NORTHWESTERLY CORNER OF LOT 1 BLOCK A TRIBBEY ADDITION, A SUBDIVISION OF RECORD IN CABINET C, PAGE 117 OF THE ROCKWALL COUNTY DEED RECORDS, FOR THE NORTHERNMOST CORNER HEREOF;

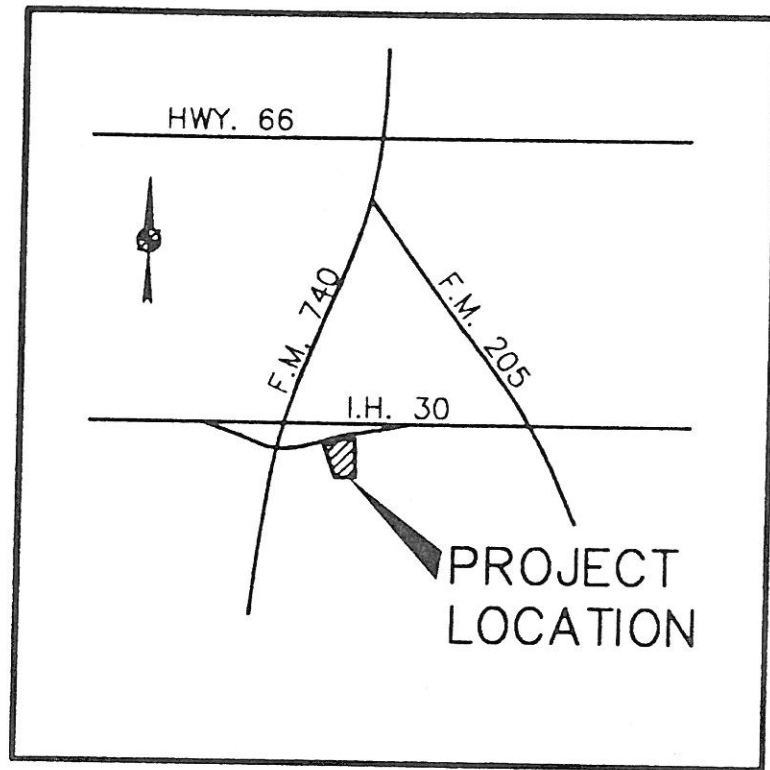
THENCE, S44°06'41"E, ALONG THE NORTHEASTERLY LINE OF THE REMAINDER OF SAID 72.243 ACRES, SAME BEING THE SOUTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 306.03 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE EASTERNMOST CORNER HEREOF, AND FROM WHICH A 1/2 INCH IRON ROD FOUND FOR AN ANGLE POINT IN THE SOUTHWESTERLY LINE OF SAID LOT 1 BEARS S44°06'41"E, A DISTANCE OF 469.79 FEET;

THENCE, LEAVING THE SOUTHWESTERLY LINE OF SAID LOT 1, OVER AND ACROSS THE REMAINDER OF SAID 72.243 ACRES, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) S45°53'19"W, A DISTANCE OF 163.10 FEET TO A 1/2 INCH IRON ROD SET FOR THE SOUTHERNMOST CORNER HEREOF;
- 2) N62°13'44"W, A DISTANCE OF 275.21 FEET TO A 1/2 INCH IRON ROD SET IN THE EASTERLY LINE OF INTERSTATE HIGHWAY NO. 30, SAME BEING THE NORTHWESTERLY LINE OF THE REMAINDER OF SAID 72.243 ACRES, FOR THE WESTERNMOST CORNER HEREOF;

THENCE, ALONG THE EASTERLY LINE OF INTERSTATE HIGHWAY NO. 30, SAME BEING THE NORTHWESTERLY LINE OF THE REMAINDER OF SAID 72.243 ACRES, THE FOLLOWING TWO (2) COURSES AND DISTANCES:

- 1) N26°53'01"E, A DISTANCE OF 156.75 FEET TO A CONCRETE MONUMENT FOUND FOR AN ANGLE POINT;
- 2) N49°38'03"E, A DISTANCE OF 100.68 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1.433 ACRES OF LAND, MORE OR LESS WITHIN THESE METES AND BOUNDS.



VICINITY MAP
N.T.S.

BEING 1.433 ACRES OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT 200, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 72.243 ACRE TRACT CONVEYED TO 740/3097 LIMITED PARTNERSHIP BY DEEDS OF RECORD IN VOLUME 620, PAGE 69, VOLUME 620, PAGE 73, VOLUME 620, PAGE 77, VOLUME 620, PAGE 81, AND VOLUME 620, PAGE 85 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS; SAID 1.433 ACRE TRACT OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 1/4 inch iron pipe found for the North corner of the remainder of said 72.243 acre tract and the West corner of a Lot 1, Block A, Tribbey Addition, a subdivision of record in Cabinet C, Page 117 of the Deed Records of Rockwall County, Texas, also being in the south right-of-way line of U.S. Highway No. 30.

THENCE South 44° 06' 41" East, a distance of 306.03' with the Northeast line of the remainder of said 72.243 acre tract and the West line of said Lot 1, to a 1/2 inch iron rod set for corner;

THENCE South 45° 53' 19" West, over and across the remainder of said 72.243 acres, a distance of 163.10 feet to a 1/2 inch iron rod set for a corner;

THENCE North 62° 13' 44" West, continuing over and across the remainder of said 72.243 acres, a distance of 275.21 feet to a 1/2 inch iron rod set for a corner in the most northerly, northwest line of the remainder of said 72.243 acre tract and the south right-of-way line of said U.S. Highway No. 30;

THENCE with the westerly line of said 72.243 acres, same being the easterly line of said Interstate Highway No. 30, North 26°53'01" East, a distance of 156.75 feet to a concrete right-of-way monument found for a corner and North 49°38'03" East, a distance of 100.68 feet to the POINT OF BEGINNING, containing an area of 1.433 acres (62,434 sq. ft.) of land, more or less, within these metes and bounds.

94-24-CUP

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, October 13, 1994 at 7:00 p.m and the Rockwall City Council will hold public hearing on Monday, October 17, 1994 at 7:00 p.m in City Hall, 205 W.Rusk, Rockwall, Texas to consider the following;

94-24-PP/CUP To consider approval of a request from Brinker International for a Conditional Use Permit for a structure not meeting structural materials requirements and a Conditional Use Permit for the sale of alcoholic beverages as a private club as an accessory to a general restaurant for a 1.433 acre tract of land located at the I-30 access road and east of Hwy 740.

BEING 1.433 ACRES OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT 200, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 72.243 ACRE TRACT CONVEYED TO 740/3097 LIMITED PARTNERSHIP BY DEEDS OF RECORD IN VOLUME 620, PAGE 69, VOLUME 620, PAGE 73, VOLUME 620, PAGE 77, VOLUME 620, PAGE 81, AND VOLUME 620, PAGE 85 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS; SAID 1.433 ACRE TRACT OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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THENCE South 44° 06' 41" East, a distance of 306.03' with the Northeast line of the remainder of said 72.243 acre tract and the West line of said Lot 1, to a 1/2 inch iron rod set for corner;

THENCE South 45° 53' 19" West, over and across the remainder of said 72.243 acres, a distance of 163.10 feet to a 1/2 inch iron rod set for a corner;

THENCE North 62° 13' 44" West, continuing over and across the remainder of said 72.243 acres, a distance of 275.21 feet to a 1/2 inch iron rod set for a corner in the most northerly, northwest line of the remainder of said 72.243 acre tract and the south right-of-way line of said U.S. Highway No. 30;

THENCE with the westerly line of said 72.243 acres, same being the easterly line of said Interstate Highway No. 30, North 26°53'01" East, a distance of 156.75 feet to a concrete right-of-way monument found for a corner and North 49°38'03" East, a distance of 100.68 feet to the POINT OF BEGINNING, containing an area of 1.433 acres (62,434 sq. ft.) of land, more or less, within these metes and bounds.

Public Notices

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, October 13, 1994 at 7:00 p.m. and the Rockwall City Council will hold public hearing on Monday, October 17, 1994 at 7:00 p.m. in City Hall, 205 W. Rusk, Rockwall, Texas to consider the following:

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THENCE with the westerly line of said 72.243 acres, same being the easterly line of said Interstate Highway No. 30, North 26 degrees 53' 01" East, a distance of 156.75 feet to a concrete right-of-way monument found for a corner and North 49 degrees 38' 03" East, a distance of 100.68 feet to the POINT OF BEGINNING, containing an area of 1.433 acres (62,434 sq. ft.) of land, more or less, within these metes and bounds.

*Bunker Center
Chellis*

OWNER NAME AND ADDRESS PROPERTY DESCRIPTION EXEMPTIO

PID: R22980 (28477) ST MARYS PLACE, BLOCK 1, LOT 10,
5061-0001-0010-00-OR 220 ST MARY'S PLACE
INNERARITY CURTIS G
220 ST MARY'S PLACE
ROCKWALL, TX 75087
SITUS: 220 ST MARYS PL
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1

PID: R22981 (20417) ST MARY'S PLACE LOT 11 BLK 1 220 ST DA \$ 30,
5061-0001-0011-00-OR MARYS PL TOT \$ 30,
SELLERS ALTA
222 ST MARYS PL
ROCKWALL, TX 75087
SITUS: 222 ST MARYS PL
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1

PID: R22982 (52414) ST MARYS PLACE, BLOCK 2, LOT 1
5061-0002-0001-00-OR
BRAUN MILTON M & LANA J
219 SAINT MARY PL
ROCKWALL, TX 75087
SITUS: 219 ST MARYS PLACE
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1
00280 - FLEET MORTGAGE CORP, #

PID: R22983 (52414) ST MARYS PLACE, BLOCK 2, LOT 2
5061-0002-0002-00-OR
BRAUN MILTON M & LANA J
219 SAINT MARY PL
ROCKWALL, TX 75087
SITUS: 221 ST MARYS PLACE
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1
00280 - FLEET MORTGAGE CORP, #

PID: R22984 (30223) ST MARY'S PLACE LOT 3 BLK 2 OA \$ 30,
5061-0002-0003-00-OR TOT \$ 30,
HATAWAY VAN T & GLADYS
223 ST MARY'S PLACE
ROCKWALL, TX 75087
SITUS: 223 ST MARYS PL
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1

PID: R22985 (20419) STEGAR SUBD #1, ACRES 1.000
5065-0000-0000-00-OR
LAKEBIDE NATIONAL BANK
ATTN: LYN MCCREARY
P O BOX 9
ROCKWALL, TX 75087
SITUS: 2805 RIDGE RD
ENTS: GRW, SRW, CRW
LAND SPTB: F1, IMP. SPTB: F1

PID: R33605 (51940) STEGAR RETAIL ADDITION, BLOCK 1,
5066-0001-0002-00-OR LOT 2
FOOD LION INC
P O BOX 1330
SALISBURY, NC 28145-1330
SITUS: 2855 RIDGE RD
ENTS: GRW, SRW, CRW
LAND SPTB: F1, IMP. SPTB: F1

AGENT: MARVIN F POER AND CO
P.O. BOX 502206
DALLAS, TX 75380

NAME AND ADDRESS

PROPERTY DESCRIPTION

EXEMPTION

PID: R33353 (50881)
5171-0000-0002-00-OR
BROWNING II GEORGE C
534 YACHT CLUB DR
ROCKWALL, TX 75087

THE CABANAS-REPLAT, LOT 2
SITUS: 531 YACHT CLUB DR
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1
T8464 - FLEET FUNDING CORP. #

PID: R33354 (50277)
5171-0000-0003-00-OR
HOECKER LAWRENCE E & SUE S
213 GLENN
ROCKWALL, TX 75087

THE CABANAS-REPLAT, LOT 3
SITUS: 536 YACHT CLUB DR
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1

PID: R33355 (53155)
5171-0000-0004-00-OR
SAFIR BORIS AND ALLA
4529 SOUTHGATE
PLANO, TX 75024

THE CABANAS-REPLAT, LOT 4
SITUS: 538 YACHT CLUB DR
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1
T2780 - IMCO REALTY SERVICES IN, #

PID: R33357 (50892)
5171-0000-0005-00-OR
ONDRUS ROBERT S
542 YACHT CLUB DR
ROCKWALL, TX 75087

THE CABANAS-REPLAT, LOT 5
SITUS: 542 YACHT CLUB DR
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1
T6969 - STM MORTGAGE, #

PID: R33356 (50844)
5171-0000-0006-00-OR
TURPIN RONALD E & MARY F
540 YACHT CLUB DR
ROCKWALL, TX 75087

THE CABANAS-REPLAT, LOT 6
SITUS: 540 YACHT CLUB DR
ENTS: GRW, SRW, CRW
LAND SPTB: A1, IMP. SPTB: A1
00560 - TEMPLE-INLAND MORTGAGE, #

PID: R33606 (49783)
5184-000A-0001-00-OR
TRIBBEY WALTER J JR
RT 2 BOX 30
CHOUTEAU, OK 74337

TRIBBEY ADDITION, BLOCK A, LOT 1
SITUS: INTERSTATE 30
ENTS: GRW, SRW, CRW
LAND SPTB: F1, IMP. SPTB: F1

PID: R27347 (51742)
5187-0000-0000-00-OR
D C T INVESTMENTS INC
3701 SADDLEHEAD
PLANO, TX 75075

TURTLE COVE, GREENBELT AREA
ENTS: GRW, SRW, CRW
LAND SPTB: C1

AGENT: MIAW DANIEL CPA
610 OLD CAMPBELL RD STE 108-B
RICHARDSON, TX



CITY OF ROCKWALL
"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, October 13, 1994 at 7:00 p.m. in City Hall, 205 West Rusk, Rockwall, Texas and the City Council will hold Public Hearings on Monday, October 17, 1994 at 7:00 P.M. in City Hall, 205 West Rusk, Rockwall, Texas to consider approval of a request from Brinker International for a Conditional Use Permit for a structure not meeting structural materials requirements and for the sale of alcoholic beverages as a private club as an accessory to a general restaurant for 1.433 acre tract of land located at the I-30 access road and east of Hwy 740. (see attachment)

As an interested property owner, you are invited to attend this meeting or make your feelings known in writing by returning the form below by October 7, 1994:



Denise LaRue, Community Development Coordinator

Case No. PZ-94-24-PP/CUP

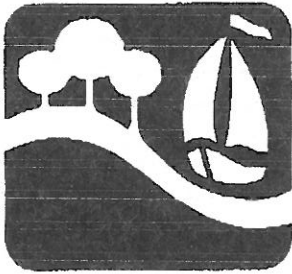
I am in favor of the request for the reasons listed below _____

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

- 1.
- 2.
- 3.

Signature _____

Address _____



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, October 13, 1994 at 7:00 p.m. in City Hall, 205 West Rusk, Rockwall, Texas and the City Council will hold Public Hearings on Monday, October 17, 1994 at 7:00 P.M. in City Hall, 205 West Rusk, Rockwall, Texas to consider approval of a request from Brinker International for a Conditional Use Permit for a structure not meeting structural materials requirements and for the sale of alcoholic beverages as a private club as an accessory to a general restaurant for 1.433 acre tract of land located at the I-30 access road and east of Hwy 740. (see attachment)

As an interested property owner, you are invited to attend this meeting or make your feelings known in writing by returning the form below by October 7, 1994:

Denise LaRue
Denise LaRue, Community Development Coordinator

Case No. PZ-94-24-PP/CUP

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

X Yes X

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

- 1.
- 2.
- 3.

Walter J. Tribbey
Signature Walter J. Tribbey
Address 122. Box 30 Chouteau Ok 74331

AGENDA
Planning And Zoning Regular Meeting
October 13,1994
7:00 P.M.

I. **CALL TO ORDER**

II. **APPROVAL OF MINUTES FROM THE SEPTEMBER 8TH AND 29TH MEETINGS**

III. **PUBLIC HEARINGS**

94-22-CUP Hold Public Hearing and Consider Recommending Approval of a request from Oona Gaston for an amendment to the Conditional Use Permit to allow outside display, sales and service of recreational vehicles on a 5 acre tract of land located at 1530 I-30.

94-21-PP/Z Hold Public Hearing and Consider Recommending Approval of a Request from Neal Jones for an amendment to PD-8 Single Family to PD-8 Townhouse and Replat/Final Plat for the Sanctuary At Chandlers Landing.

94-24-PP/CUP **Hold Public Hearing and Consider Recommending Approval of a request from Brinker International for a Site Plan, Preliminary Plat, and Conditional Use Permit for a 1.433 acre located at east I-30 service road and east of FM-740.**

94-25-RP Hold Public Hearing and Consider Recommending Approval of a request from Robert Stark for a Replat of 6 lots located at Tyler and Denison Street.

IV. **SITE PLAN/PLATS**

94-23-FP/SP A request from American National Bank for a Final Plat being Lot 1, Block 1 of the Steger Retail Addition located on the northeast corner of FM-3097 and FM-740

94-27-PP A request from Rob Whittle for a Preliminary Plat for Fox Chase Phase IV located in the Fox Chase addition.

Planning and Zoning Agenda

Agenda Date: October 13, 1994

Agenda Item: PZ-94-24-PP/CUP Hold Public Hearing and Consider Recommending Approval of Conditional Use Permits for the sale of alcoholic beverages and the construction of a building greater than 5,000 square feet with combustible materials, Discuss and consider recommendations to approve a preliminary plat and site plan on a 1.433 acre of land located near the intersection of FM-740 and the I-30 east bound service road.

Applicant: Brinker International

Action Needed: Hold Public hearing, discuss and consider recommendation to approve two Conditional Use Permits, a site plan, and preliminary Plat.

Background Information: Brinker International plans to construct a Chili's restaurant at the intersection of FM-740 and the east bound service road of I-30. With this application Brinker International is requesting two conditional use permits. The first CUP request is to allow the restaurant to sale alcoholic beverages. The second CUP is to allow Brinker International to construct the restaurant with combustible materials since the restaurant is greater than 5,000 square feet in area. The applicant has provided adequate set backs, parking spaces, and shared access on both sides of the property. The applicant is requesting to landscape 5 feet of frontage along the right-of-way. The remaining 5 feet of landscaping along the frontage will be outside of the 1.433 acre tract and into FM-740 right-of-way totalling 10 feet to meet the City's requirements.

The structure totals 6,000 square feet in area. The area used for the sale of alcoholic beverages (1,500 square feet) will be separated from the eating area (4,500 square feet) and will be considered a secondary use. The building exceeds 5,000 square feet and therefore is required to obtain a conditional use permit to construct the building with combustible materials.

Recommendations: Staff recommends approval of the two CUP's, the site plan, and the preliminary plat.

MEMORANDUM

TO: Dub Douphrate, P.E.
FROM: Dan C. Boutwell, AICP
SUBJECT: P&Z 93-24-PP/SP/CUP (Brinker)
DATE: October 5, 1994

The applicant is requesting approval of a Preliminary Plat of a 1.433 acre parcel of land. The applicant also requests approval of a Site Plan for a structure to be used as a restaurant. In addition, the applicant request approval of a Conditional Use Permit for alcohol sales and to permit construction of a building greater than 5,000 sq.ft. with combustible material. Adjacent land uses will not be adversely impacted by these actions.

Site Plan

1. The site plan has indicated appropriate set-backs, height limitations, and parking spaces. In addition, this site plan has utilized shared access to the site with adjacent commercial uses.
2. The site plan indicates landscaping treatment to the site well in excess of the requirements of City ordinances. In addition, the changes in the frontage road caused by recent construction will provide a greater expanse of right-of-way parkway in the front of the structure. For that reason, the applicant is requesting to landscape only 5 feet adjacent to the front street right-of-way, normally 10 feet is required. The applicant has agreed to landscape 5 feet into the right-of-way, which would effectively provide the normally required total of 10 feet.
3. We would request that the applicant provide information regarding the distance from this site to adjacent commercial structures.

CUP

1. The applicant has a proposed a structure of 6,000 sq.ft. The applicant should provide sufficient assurances that the ingress and egress of the facility is adequate; and interior construction is appropriate to provide for the safety of the public occupying the facility.



2. The applicant proposes to provide a separated area to be used for alcoholic sales. In addition the primary purpose of the use is for the serving of food. Alcoholic sales of beverages is secondary to the primary use.

Preliminary Plat

1. The Preliminary Plat submitted by the applicant satisfies the requirements and regulations for the subdivision of property.

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

Planning and Zoning Meeting Minutes
October 13, 1994

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I. CALL TO ORDER

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

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II. APPROVAL OF MINUTES FROM THE SEPTEMBER 8th AND 29th MEETINGS

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Mr.Ewing made a motion to approve the minutes from the September 8th meeting with one correction. Mr.Raulston seconded the motion. The motion was voted on and passed 5 to 0. Mr.Friend abstained.

18

Mr. Ruff made a motion to approve the minutes from the September 29,1994 meeting. Mr.Raulston seconded the motion. The motion was voted on and passed unanimously.

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III. PUBLIC HEARING

27

94-22-CUP Hold Public Hearing and Consider Recommending Approval of a request from Oona Gaston for an amendment to the Conditional Use Permit to allow outside display, sales and service of recreational vehicles on a 5 acre tract of land located at 1530 I-30.

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Mr.Douphrate outlined the request and recommended approval with several conditions.

33

Mr.Friend opened the public hearing.

36

Oona Gaston, applicant asked that the commission approve the request.

39

After much discussion, Mr.Ruff made a motion to approve the request with the following conditions;

42

The uses in the current CUP ordinance be replaced with the new use which will be the outdoors display, sales, service and storage of recreational vehicles.

3 The CUP will expire at the same date as the paving variance stipulation that the applicant may petition the Planning and Zoning at the conclusion of the time period for an extension.

6 The stored recreational vehicles for paid storage are to be located at the rear of the property and placed behind a line parallel to the rear building wall.

All other stipulations of the original CUP shall apply.

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

12 94-21-PP/Z Hold Public Hearing and Consider Recommending Approval of a Request from Neal Jones for an amendment to PD-8 Single Family to PD-8 Townhouse and Replat/Final Plat for the Sanctuary At Chandlers Landing.

15 Mr.Friend opened the public hearing.

18 Neal Jones, applicant addressed the Commission requesting approval of the amendment.

21 Cynthia Sea, 5516 Canada Court addressed the Commission stating she was opposed to the request.

Mr.Friend closed the public hearing.

Mr.Douphrate outlined the request recommending approval of the request.

27 After much discussion Mr.Ewing made a motion to approve the request with the following conditions;

30 The applicant is to show the 100 year flood plain delineation on the plat. The finished floor elevation of the triplex is to be a minimum of 2 feet above the 100 year base flood elevation.

33 Label the common area as Lot 4

36 Lot 4 is to be dedicated to Chandlers Landing and the Homeowners Association.

Mr. Ramsay seconded the motion. The motion was voted on and passed 5 to 1.

39 94-24-PP/CUP Hold Public Hearing and Consider Recommending Approval of a request from Brinker International for a Site Plan, Preliminary Plat, and Conditional Use Permit for a 1.433 acre located at east I-30 service road and east of FM-740.

42 Mr. Ewing removed himself from the public hearing stating conflict of interest.

Mr. Douphrate outlined the request recommending approval.

Mr. Friend opened the public hearing.

Gerg Clemco, applicant addressed the Commission asking for approval of the request.

Mr. Friend closed the public hearing.

After much discussion Mr. Ruff made a motion to approve the request from Brinker International for a Site Plan, Preliminary Plat, and Conditional Use Permit for a 1.433 acre located at east I-30 service road and east of FM-740.

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

94-25-RP Hold Public Hearing and Consider Recommending Approval of a request from Robert Stark for a Replat of 6 lots located at Tyler and Denison Street.

Mr. Douphrate outlined the request recommending approval of the request.

Mr. Friend opened the public hearing.

Robert Stark, applicant addressed the Commission asking for approval of the request.

Mr. Friend closed the public hearing.

After much discussion Mr. Ramsay made a motion to approve the request from Robert Stark for a Replat of 6 lots located at Tyler and Denison Street with the following conditions;

The applicant is to provide a 20' building setback along Star and Tyler street.

The applicant is to show the boundary of the existing 1.18 acre replat adjacent to the proposed .901 acre tract of land.

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

IV. SITE PLANS/PLATS

PZ-94-23-FP/SP Discuss and consider recommending approval of a request from American National Bank for a site plan and final plat of lot 1, block 1 of the Steger Retail addition.

Mr. Douphrate outlined the request recommending approval with several conditions.

Mr.Chris Cronin, applicant addressed the Commission asking for approval of the request.

3 Mr.Ewing made a motion to approve the request from American National Bank for a site plan and final plat of lot 1, block 1 of the Steger Retail addition with the following conditions;

6 The misspellings in the legal description are to corrected.

The applicant is to screen the transformer, air conditioning units, and the trash dumpster.

9 The trash dumpster is to be relocated to the rear of the property.

12 The applicant is to submit a landscaping plan for review and approval.

Approval of the final plat is contingent upon final engineering review and approval.

15 Placement of a sidewalk along FM-3097 and FM-740.

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

21 93-27-PP Discuss and Consider recommendations for approval of a request from Whittle Development for a preliminary Plat for Fox Chase Phase IV located east of FM-740 and north of Shadydale Lane.

4 Mr.Douphrate outlined the request and recommended approval of the

27 Mr.Whittle addressed the Commission asking for approval of the request.

30 Mr.Raulston made a motion to approve the request from Whittle Development for a preliminary Plat for Fox Chase Phase IV located east of FM-740 and north of Shadydale Lane with the following conditions;

33 The applicant is to submit a phasing plan for the entirety of the Fox Chase Development.

36 The applicant's engineer is to revise the utility layout indicating the segment of the existing sanitary sewer main to be abandoned.

39 The applicant is to provide a 1 acre temporary park recreation area to be used by the City until the permanent park site is dedicated to the City. The site location will be determined by the Park Board and applicant.

42 The applicant will be required to provide a left turn lane on FM-740 into the Fox Chase Development.

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

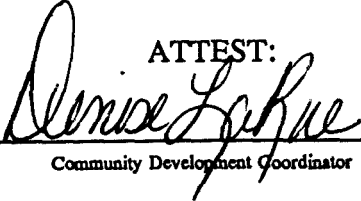
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V. ADJOURNMENT

6 There being no further business, the meeting was adjourned at 9:15 p.m.

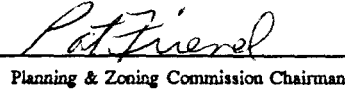
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ATTEST:



Community Development Coordinator

APPROVED:



Planning & Zoning Commission Chairman

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10/13/94

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**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: October 17, 1994

Agenda No. V.D.

Agenda Item: **PZ 94-24-PP/CUP** Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Brinker International for a Conditional Use Permit and Approving a Request for Site Plan and Preliminary Plat for a 1.433 Acre Located at East I-30 Service Road and East of FM-740 and Take Any Necessary Action (1st reading)

Item Generated By: Applicant, Brinker International

Action Needed:

Background Information:

Attachments:

1. Copy of P&Z Agenda Information
2. Copy of Ordinance

Agenda Item: P&Z 94-24-PP/CUP: Brinker International

Item No. V.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 STRUCTURE NOT MEETING THE STRUCTURAL BUILDING MATERIALS REQUIREMENTS AND APPROVE A PRIVATE CLUB IN A COMMERCIAL ZONING CLASSIFICATION ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for a structure not meeting the structural building materials requirements and for a private club on the property described on the attached Exhibit "A" has been requested by Brinker International; 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 ordinance 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 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, Texas as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a structure not meeting the structural building materials requirements and approving a private club on a tract of land described on Exhibit "A", attached herein and made a part hereof.

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

- a. That the CUP is granted for the development as shown on the attached Exhibit "A" and any significant amendments to the site plan must be submitted to the Planning and Zoning Commission.

SECTION 3. That the property described herein 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, as amended hereby with the approval of this Conditional Use Permit, and as may be amended in the future.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.

SECTION 5. 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 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 shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same area hereby repealed to the extent of that conflict.

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 as the law in such case provides.

DULY PASSED AND APPROVED this _____ day of _____.

APPROVED

ATTEST

1ST READING _____

2ND READING _____

EXHIBIT A

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS BRINKER, INTERNATIONAL, BEING THE OWNER OF A TRACT OF LAND IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, SAID TRACT BEING DESCRIBED AS FOLLOWS:

BEING 1.433 ACRES OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT 200, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 72.243 ACRE TRACT CONVEYED TO 740/3097 LIMITED PARTNERSHIP BY DEEDS OF RECORD IN VOLUME 620, PAGE 69, VOLUME 620, PAGE 73, VOLUME 620, PAGE 77, VOLUME 620, PAGE 81, AND VOLUME 620, PAGE 85 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS; SAID 1.433 ACRE TRACT OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 1/4 inch iron pipe found for the North corner of the remainder of said 72.243 acre tract and the West corner of a Lot 1, Block A, Tribbey Addition, a subdivision of record in Cabinet C, Page 117 of the Deed Records of Rockwall County, Texas, also being in the south right-of-way line of U.S. Highway No. 30.

THENCE South 44° 06' 41" East, a distance of 306.03' with the Northeast line of the remainder of said 72.243 acre tract and the West line of said Lot 1, to a 1/2 inch iron rod set for corner;

THENCE South 45° 53' 19" West, over and across the remainder of said 72.243 acres, a distance of 163.10 feet to a 1/2 inch iron rod set for a corner;

THENCE North 62° 13' 44" West, continuing over and across the remainder of said 72.243 acres, a distance of 275.21 feet to a 1/2 inch iron rod set for a corner in the most northerly, northwest line of the remainder of said 72.243 acre tract and the south right-of-way line of said U.S. Highway No. 30;

THENCE with the westerly line of said 72.243 acres, some being the easterly line of said Interstate Highway No. 30, North 26°53'01" East, a distance of 156.75 feet to a concrete right-of-way monument found for a corner and North 49°38'03" East, a distance of 100.68 feet to the POINT OF BEGINNING, containing an area of 1.433 acres (62,434 sq. ft.) of land, more or less, within these metes and bounds.

MINUTES OF THE ROCKWALL CITY COUNCIL OCTOBER 17, 1994

5

Call to Order

10 Mayor Alma Williams called the meeting to order at 7:03 p.m. with the following Council Members present: Dale Morgan, Pat Luby, Todd White, Bob Wilson, and Nell Welborn. George Hatfield was absent. Invocation and Pledge of Allegiance was lead by Nell Welborn.

Consent Agenda

15

a) Approval of Minutes of October 3, 1994

20 b) PZ-94-16-PP/Z Consider Approval of Ordinance Granting a Request for Homeplace for an Amendment to "PD-3" changing the Land Use from "MF" and "C" to "SF-10" and SF-7.8" and a Zoning Change from "A" to "PD-3" SF10/SF7.8 for Random Oaks at the Shore (2nd reading)

ORDINANCE NO. 94-35

25

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ORDINANCES NO. 80-33 AND 89-4 OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A CHANGE IN LAND USE DESIGNATION FROM AGRICULTURAL, MULTIFAMILY AND GENERAL RETAIL TO SINGLE FAMILY DETACHED LAND USE DESIGNATION AND AMEND THE PRELIMINARY PLAN FOR A PORTION OF PD-3, MORE FULLY DESCRIBED HEREINAFTER; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR AREA REQUIREMENTS, PROVIDING FOR A DEVELOPMENT PLAN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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White motioned for approval of the consent agenda with corrections to the minutes. Pat Luby seconded. Caption was read by Julie Couch. The motion passed unanimously.

40

Appointments/Plats/Plan/Public Hearing

Appointment with Planning and Zoning Commission Chairman

45

Pat Friend, Chairman of the Planning and Zoning Commission came forward and stated that he was available for questions as needed.

PZ 94-22-CUP Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Oona Gaston for an Amendment to the Conditional Use Permit to allow Outside Display, Sales and Service of Recreational Vehicles on a 5 acre tract of land located at 1530 I-30 and Take Any Necessary Action (1st reading)

Couch reviewed the request by Oona Gaston and outlined the history of the zoning on the property. Couch stated that Ms. Gaston now has another potential user of the property who would like to place a recreational vehicle sales, service and storage facility on the property. The Planning and Zoning Commission has recommended approval of the request with a several conditions. Included in the previously approved CUP was a temporary waiver to the parking lot standards to continue the gravel parking, which is exists on the site today, for a period of three years. The Commission recommended that the change be approved with the stipulation that the two remaining years on that waiver be continued and that the two existing uses that were granted previously, which included a mobile home sales facility and an auction facility, be deleted from the conditional use permit.

Williams opened the public hearing. Oona Gaston, 703 Robin Road, applicant came forward and presented tenants, Russell and Pat Frederick and Will, Ray and Greg Boots. She requested the Council to consider reinstating the two existing uses to allow more flexibility for the use of the property. Also, she requested to continue the three year extension since the use of the property has not yet been activated. Williams closed the public hearing.

Pat Friend commented on the Planning and Zoning Commissions recommendations. White requested clarification on the existing uses and whether or not it was the Planning and Zoning's recommendations to replace the conditional uses rather than to add additional uses. Mr. Friend commented that the Commission was concerned about continuing to roll over the three year extension. Ms. Gaston stated that she would like to continue the previous uses in addition to the new use. White requested information of Ms. Gaston's tenants regarding their intentions for the use of the property. White moved for approval of the request for the CUP with the following conditions: 1) that the uses outlined in the current conditional use ordinance are to be replaced with a new use which will be the outdoors display, sales, and storage of Recreational Vehicles, 2) that the conditional use permit including the waiver to the lot standards is to be limited to 3 years with the stipulation that the applicant may petition the Planning and Zoning Commission at the conclusion of the time period for an extension and 3) that the stored recreational vehicles are to be located at the rear of the property and placed behind a line parallel to the rear building wall. Seconded by Bob Wilson. Williams called for further discussion. Couch read caption. The motion passed unanimously.

PZ 94-21-PP/Z Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Neal Jones for an Amendment from PD-8 Single Family to PD-8 Townhouse and Replat/Final Plat for the Sanctuary at Chandlers Landing and Take Any Necessary

90 **Action (1st reading)**

Luby excused himself from the council chamber due to a potential conflict of interest on the next item of action. Couch reviewed the request from Mr. Jones was for a lot located in Phase XVII of Chandlers Landing. Currently, the lot is designated for single family use for zero lot line. Couch stated that the property owner submitted an application to replat it into three townhouse lots. The lots themselves would be located towards the end of the lot along the lake front with the balance of the lot to be dedicated as greenbelt to Chandlers. The property owner proposes to construct a twenty foot fire lane which would provide access from the existing street to those lots. She stated that three property owners within 200 feet of the property had expressed opposition. Couch also indicated that a total of 54 property owners within the PD had registered their opposition, and twenty-six property owners registered in favor of the application.

Williams opened the public hearing. Applicant, Neal Jones, 5574 Canada Court, owner and developer came forward. Mr. Jones outlined his request and commented on a error in the public notice which referred to the property as the "Sanitary" instead of the "Sanctuary". Mr. Jones also commented on the graphical depiction of the area included with the notice and stated that the area circled appeared to be a much larger area than what was really involved. He stated that he believed people might have gathered that the development was going to be a large development of townhomes instead of just three. Ann and Hays Hettinger, 5576 Canada Court, came forward and stated their support. Bob Wilson requested that the notices be mailed again to the residents of the planned development to allow for the correction of the public documents. Pat Friend commented that only one person was present at the Planning and Zoning Commission meeting. Also, Mr. Friend commented that the Chandlers Landing homeowner's association had responded with their approval. There was considerable discussion among Councilmembers regarding the responses received and the level of understanding of the notice by the respondents. Williams closed the public hearing. Welborn requested clarifications regarding the greenbelt and tree line area separating the development from Signal Ridge. Pat Friend provided clarification. Morgan moved that the request be denied. White seconded the motion. Welborn requested information regarding the other homes on Canada Drive and whether or not they are all single family. Welborn stated that the area is not predominately single family. Williams commented that if there is some question the City can re-issue a very clear statement explaining what the request is and ask the areas residents to respond again. After concerns were raised regarding the understanding of the project by area residents and the responses received, Morgan withdrew his motion. Welborn made a motion that the request from Neal Jones be tabled and requested staff to send corrected notices with specific information and to schedule a public hearing for the second council meeting in November. White seconded the motion. The motion passed unanimously.

PZ 94-24-PP/Z Hold Public Hearing and Consider Approval of a Request from Brinker International for a Conditional Use Permit and Approval of Site Plan and Preliminary Plat for a 1.433 acre located at east I-30 service road and east of FM-740 and Take Any Necessary Action (1st reading)

135 Mr. Luby returned to the meeting. Couch commented that a preliminary plat and site plan had
been submitted and these items had been reviewed by the Planning and Zoning Commission.
Also, Couch stated that a public hearing is required to approve a conditional use permit for a
structure that does not meet the structural requirements as forth in the zoning ordinance and also
a conditional use permit for the operation of a private club. She stated that the Planning and
140 Zoning Commission had recommended approval of the requests. Clarification was requested on
signage and sprinkler requirements. Couch commented that they are not required to sprinkle the
building under the building code. Couch stated that Brinker International does not propose to
sprinkle the structure but does plan to construct an area separation wall to divide the structure.
Williams opened the public hearing. Greg Clemco, representative of Brinker International, 6820
LBJ Freeway came forward. Mr. Clemco indicated that he was available to answer any
145 questions. Williams requested information regarding Brinker International's timeframe. Mr.
Clemco stated that construction is planned to begin in January 1995 and that the facility should
be completed by the summer. Welborn requested information regarding the type of lighting to
be used for the parking lot. Mr. Clemco indicated that it would be a light standard that provides
downlit lighting and would be shielded from the other properties as indicated on the siting and
150 location plan. Williams closed the public hearing. Morgan moved that the request of the
applicant be approved with the conditions as set forth by the Planning and Zoning Commission
recommendations. Pat Luby seconded the motion. Couch read caption. The motion passed
unanimously.

155 **PZ 94-25-RP Hold Public Hearing and Consider Approval of a Request from Robert Stark
for a Replat of 6 lots located at Tyler and Denison Street and Take Any Necessary Action
(1st reading)**

160 Couch commented that Mr. Stark was requesting a replat from six lots into four lots. Couch
indicated that these lots were located in the older section of town and that the lots met all of the
City's requirements. The Planning and Zoning Commission recommended that the applicant
provide a 20 foot building setback along Star and Tyler street and that the applicant show the
boundary of the existing 1.18 acre replat adjacent to the proposed .901 acre tract of land.
Williams opened the public hearing. George Brockman and Patsy Brockman of 309 Star,
165 owners of the land adjacent to the property, came forward. The Brockmans requested
information pertaining to the size of the lots and the size of the dwellings. The applicant,
Robert Stark, 205 Darkbrook came forward. Mr. Stark indicated that the size of the houses
would be comparable to new housing and new type brick construction measuring between 1,300
and 1,400 square feet. Mr. Stark stated housing of this size was more than equivalent for the
170 neighborhood with the exception of the house located on the corner. Stark commented that the
property had been surveyed and is correct. Welborn requested clarification regarding the size
of the lots. Couch commented that the lots are zoned SF-7 and that the minimum required house
size is 1,100 square feet. Luby requested information regarding the lot sizes of the surrounding
area. Couch indicated that these lots are larger than what was originally platted. Williams
175 closed the public hearing. White moved that the request be approved subject to the conditions
recommended by the Planning and Zoning Commission. Morgan seconded. The motion passed
unanimously.

PZ 94-23-FP/SP Discuss and Consider a Request from American National Bank for a Site Plan/Final Plat being Lot 1, Block 1 of the Steger Retail Addition located on the northeast corner of FM-3097 and FM-740 and Take Any Necessary Action

Couch commented that the property is located at the intersection FM-3097 and FM-740. Couch stated that the site plan was reviewed by Architectural Review Commission as well as the Planning and Zoning Commission. Couch stated that the entire area was preliminary platted a number of years ago when Food Lion was constructed and the final plat complies with the preliminary plat as it was originally approved. The Planning and Zoning Commission has recommended approval of the final plat and the site plan. Welborn requested clarification regarding the recommendations of the Planning and Zoning Commission. Chris Cronin, 2255 Ridge Road, representative of American National Bank came forward to answer questions. Welborn requested additional information regarding the reduction in the setback from 20 feet to 10 feet. Couch stated that the setback was included in the site plan and that the wall must be a fire wall. Pat Friend commented on a additional recommendation, which was to construct a sidewalk to accommodate through traffic from the residential neighborhood over to the movie theater and the shopping center. Welborn made a motion that the Council approval the site plan and final plat subject to the following conditions that 1) the misspellings in the legal description are corrected, 2) the applicant is to screen the transformer, air conditioning units, and the trash dumpster, 3) the trash dumpster is to be relocated to the rear of the property, 4) the applicant is to submit a landscaping plan for review and approval, 5) the approval of the plat is contingent upon final engineering review and approval, 6) construction of sidewalks be completed along FM-3097 and FM-740, and 7) the side setback on the north side be reduced to ten feet. Seconded by Bob Wilson. The motion passed unanimously.

PZ 94-27-PP Discuss and Consider Request from Rob Whittle for a Preliminary Plat for Fox Chase Phase IV located in the Fox Chase Addition and Take Any Necessary Action

Couch stated that the development was a continuation of Fox Chase and that two additional phase had been approved over the course of the last several months. She indicated that the proposed phase is consistent with the original approved concept plan by the developer. The Planning and Zoning Commission recommended that a phasing plan for the entirety of the Fox Chase development be submitted in conjunction with the final plat, the applicant's engineer revise the utility layout indicating the segment of the existing sanitary sewer main to be abandoned, and the applicant is to provide one acre for a temporary park recreation area to be used by the City until the permanent park site is dedicated to the City. Additionally it was recommended that a left turn lane be constructed on FM-740 into the Fox Chase development in conjunction with this application. The applicant was not present. Welborn moved that action be tabled to the next meeting. White seconded. Action was tabled by unanimous vote.

City Manager's Report

225 Couch provided the Council with an update on the citizens survey and stated that over 500 responses have been received and entered into the computer. Couch indicated that the resulting report on the survey should be available at the second meeting in November. Couch reported that a number of applications had been received by citizens expressing their desire to serve on the committee responsible for the next phase of the project, which includes the goals and strategies portion of the development plan.

230 Couch briefed the Council on the status of the grant application for the trail program. She commented that information had been received from the council of governments which indicated that the project had not been ranked very highly. Since that time, the City has heard that the highway commission made not view it that way. Couch commented that the City still has hopes that the project will prove to be successful. Couch mentioned that several monthly reports were included in the packet as well as a memorandum from Rick Crowley outlining the orientation and goal setting process that the Parks and Recreation Board was currently going through.

235 Couch commented on the economic development process and stated that the information received through the focus groups had been very good. She indicated that the facilitators had been pleased with the response they had received. Couch stated that the next phase would be to compile the information and forward it to the Economic Development Planning Commission for their review and action. The results of the process will include the completion of a vision statement, assembled as a result of the dialogue that has been received through the focus groups and the summit meeting itself. After completion of a vision statement by the Economic Development Planning Commission, the statement will be brought to the Council for consideration.

245 Couch commented on the status of the Lake Ray Hubbard take line study and the joint efforts of the cities adjacent to the lake. Couch stated that the first meeting would be Thursday evening, October 20, 1994.

250 **Action/Discussion Items**

Hear Report on Status of Rockwall Housing Finance Corporation and the Financing of the Meadows Project and Take Any Necessary Action

255 Couch commented that the FDIC would be conducting foreclosure on November 8. She stated that notice had been received that the FDIC would like to have final closure by November 15. Couch indicated that the financing documents and the regulatory agreement had all been dispersed to all relevant parties for review. She indicated that responses from the banks as well as the corporation that will own the property had been submitted to the City's representatives and they were in the process of finalizing those documents. Couch indicated that the public hearing has been scheduled for November 1, and at that time it is anticipated that they will act on issuance of the notes. She stated that once the corporation has taken action, the item would be placed on the Council agenda on November 7. Margo Nielson, 1655 Shores Blvd, came forward with a report. She indicated that HUD had approved the administrative plan for the

265 Section 8 certificates which the public housing authority submitted three months ago, and that
the regulatory agreement had been approved by HUD's lawyer. Nielson stated that work was
completed on the budget and the fair housing plan. She stated that approval from HUD for
rehab cost is pending and that the rental rates should be completed by the end of the week.
270 Nielson indicated that part of the delay occurred because FDIC did not meet their foreclosure
date in October. Nielson indicated that the banks have met with the City's bond counsel, and
she stated she expected to close by November 15.

**Discuss and Consider a Resolution Providing for the Use of an Interlocal Purchasing
Agreement to Purchase Police Pursuit Vehicles and Take Any Necessary Action**

275 Couch indicated that for the past several years an interlocal agreement has been used to purchase
police vehicles to improve the costs of those vehicles and she recommended approval of the
resolution. White moved for approval a resolution providing for the use of an interlocal
purchasing agreement to purchase police vehicles. Luby seconded. Passed unanimously.

280 **Discuss and Consider Review of Options for SH 205 and Take Any Necessary Action**

Couch updated the Council. She stated that at the Council's last meeting it had been indicated
that the State had requested some additional information in regards to the 5-4-5 alternative; they
285 had asked for some more analysis to be done for a section of the downtown area. Couch stated
that the City had provided for some additional turning movement data to the council of
governments. She indicated that the council of governments had run the models with the
information. Additionally, COG was requested to run another model of the inner loop concept
with some turning movement restrictions and that COG has run that alternative as well. Couch
290 commented that all of the information for the modeling had been submitted to TxDOT, and they
were now in the process of reviewing it. Couch indicated that she would be meeting with Mr.
Blain on Friday, October 22. She stated that at that time, TxDOT would have had an
opportunity to review the information and would be able to give the City their findings on these
preliminary alternatives. Couch stated that in regards to the inner loop concept that the numbers
295 did not increase the usage of the inner loop alternative. Couch stated that it removed some
traffic from Goliad itself until you reached to Boydston but it increased the side street traffic.
There was discussion among the Council regarding holding a public hearing on the alternatives
being considered for SH-205. Couch commented that the state would be reviewing this
alternative in conjunction with the previous alternative which did not have any turning movement
300 restrictions. White moved that the Council call a public hearing on Monday, October 24, 1994
at 8:00 p.m. regarding SH 205 issues. Morgan seconded the motion. The motion passed
unanimously.

305 **Discuss and Consider an Ordinance Calling a Bond Election to be Held within the City,
Making Provisions for the Conduct of the Election and Other Provisions Relating thereto
and Take Any Necessary Action**

Couch commented on the ordinance calling a bond election for December 3, 1994. She stated

310 that the ordinance was very similar to the previous ordinance which was prepared for this item
with the exception that amounts for Proposition 1, FM-740, had been amended. The original
amount for Proposition 1 was \$4,100,000. Based on the fact that the State has provided an
additional \$1,000,000 for construction of FM 740, Couch stated that the amount of Proposition
1 was decreased to \$3,100,000. Couch indicated that there was one addition to the ordinance.
315 She indicated that Martha Sue Keegan was appointed as the alternate election judge and that her
name would need to be included in the ordinance. Welborn moved approval of the ordinance
calling the bond election. Morgan seconded. Couch read caption. The motion passed
unanimously.

320 **Discuss and Consider Addendum to Paving Assessment Transfer of Lien Releasing Collin
Equities from Liability and Take Any Necessary Action**

Couch indicated that several months ago the Council had approved a transfer of assessment lien
on Yellow Jacket Lane from Collin Equities to Pulte Homes, Inc. She stated that after additional
consideration, Collin Equities had requested an addendum to the transfer that clarifies the fact
325 that with the transfer of the lien Collin Equities is no longer responsible for the lien. White
moved approval the Addendum to the Lien with Collin Equities. Welborn seconded. Motion
passed unanimously.

330 **Discuss and Consider Fees for Turtle Cove Recreation Center and Take Any Necessary
Action**

Rick Crowley commented on the request and stated that Mike Neighbors, a representative of
Young Life, had requested that the fees for Turtle Cove be waived. Crowley stated that the
Park Board met on one occasion with Mr. Neighbors and other representatives of Young Life.
335 The Park Board requested some additional information, and then met a second time regarding
the request. Crowley indicated that at the conclusion of Park Board's meeting, they
recommended that the rate for non-profit rentals of Turtle Cove be lowered from \$15 per hour
to \$10 per hour. White requested clarification regarding how a non-profit organization is defined
by the City. Crowley commented that in the past if a group identifies itself as non-profit, the
340 City has accepted their word unless there is an apparent reason not to accept it. Crowley
indicated that in these cases the City requests a certificate of incorporation. White moved
approval of the recommendation of the Park and Recreation Board to lower the hourly charge
for non-profit groups from \$15 per hour to \$10 per hour for the use of Turtle Cove Recreation
Center. Morgan seconded. The motion passed unanimously.

345 **Discuss and Consider Options for Painting the Water Tower and Take Any Necessary
Action**

Couch commented that the Council needed to decide whether or not to paint the pedestal of the
350 water tower and determine the color of the undercoat of the tank. Frank Razor with Chaing
Patel and Chris Lamong with Landmark Structures were present to answer questions. Mr. Razor
requested the Council to make a decision regarding the options for the pedestal of the tower.

5 After discussion, the Council indicated their preference would be to sandblast the column and
paint the tank bowl an aerial white. Additionally, the Council discussed options for lighting
the tower during the holiday season. The Council discussed lighting the top of the tower with
lights that would give the appearance of a Christmas tree. Welborn made a motion that the City
not apply a paint coating to the base of the tower but rather have it sandblasted and that the color
aerial white be chosen for the bowl of the water tower and that the \$1000 lighting allotment be
used for a telescoping pole and green strands of lights to be anchored in a Christmas tree shape.
360 White seconded. The motion passed unanimously.

Hold Executive Session Under Section 551.071 and 551.074 of the Texas Government Code

365 The Council convened into executive session at 9:15 p.m. to discuss litigation regarding
employee termination.

The Council reconvened into regular session at 9:45 p.m. Mayor Williams announced that no
action would be taken on as a result of executive session.


370 **Adjournment**

The meeting adjourned at 9:50 p.m.

375 APPROVED:

380 
Mayor

ATTEST:

385 
City Secretary

MINUTES OF THE ROCKWALL CITY COUNCIL NOVEMBER 7, 1994

5

Call to Order

Mayor Alma Williams called the meeting to order at 7:00 p.m. with the following Council Members present: George Hatfield, Dale Morgan, Pat Luby, Todd White, Bob Wilson, and
10 Nell Welborn. Invocation and Pledge of Allegiance was lead by Dale Morgan.

Open Forum

15 Ross Ramsey, 713 Forest Trace, came forward. Mr. Ramsey voiced his concern regarding the recent news stories regarding the area roadways and the effect these stories will have on the upcoming bond election. Mr. Ramsey commented on the recent meeting of County officials and Mr. David Cain. Mr. Ramsey stated that he would like to see the North Central Texas Council
20 of Governments and the County involved in road planning, but not at the expenses of passing the badly needed widening of FM-740. Mr. Ramsey commented on the decision to widen SH-205 to six lanes and stated that he believed that it would beautify the City.

Gloria Williams, 304 Emma Jane Street, came forward. Ms. Williams commented and thanked
25 the Council for being sensitive to the Southside community and not running a thoroughfare through the area.

Greg Herring, 604 Stonebridge Circle, came forward. Mr. Herring thanked the Council for
30 making a positive decision to go forward and solve the problems regarding traffic in Rockwall. He also stated that he found it a little disconcerting to see that there are certain constituencies that would just not let the project go forward and who are going to continue to have meetings of people in the community that we really don't know much about. He stated that he felt it was time to take a positive stance to give support to the bond election for FM-740.

35 Consent Agenda

- a) Approval of Minutes of October 17, 1994 and October 12, 1994
- b) PZ-94-22-CUP Consider Approval of Ordinance Granting a Request from Oona
40 Gaston for an Amendment to the Conditional Use Permit to allow Outside Display, Sales and Service of Recreational Vehicles on a 5 acre tract of land located at 1530 I-30 (2nd reading)

4.5
c) PZ-94-24-PP/Z Consider Approval of an Ordinance Granting a Request from Brinker International for a Conditional Use Permit (2nd reading)

Hatfield requested that the minutes be pulled from the consent agenda for a separate vote. Welborn made a motion for approval of the remaining items on the consent agenda. The motion was seconded by White. Captions were read by Julie Couch.

50
ORDINANCE NO. 94-37

55
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 OUTSIDE DISPLAY OF LARGE INVENTORY ITEMS IN A HIGHWAY COMMERCIAL ZONING CLASSIFICATION ON A TRACT OF LAND 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

60
ORDINANCE NO. 94-38

65
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 STRUCTURE NOT MEETING THE STRUCTURAL BUILDING MATERIALS REQUIREMENTS AND APPROVE A PRIVATE CLUB IN A COMMERCIAL ZONING CLASSIFICATION ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

75
The motion passed unanimously. Hatfield stated that he would abstain from voting on the minutes due to his absence. Luby made a motion for approval of the minutes. Motion was seconded by White. The motion passed with the following votes cast:

- Ayes: Luby, Morgan, Welborn, White, Williams, Wilson
- Abstention: Hatfield

80
Appointments/Plats/Plan/Public Hearing

85
PZ 94-21-PP/Z Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Neal Jones for an Amendment from PD-8 Single Family to PD-8 Townhouse and Replat/Final Plat for the Sanctuary at Chandlers Landing and Take Any Necessary Action (1st reading)

90
Pat Luby excused himself from discussion and the vote due to a potential conflict of interest. Couch reviewed the request. She indicated that in accordance with Council directive from the previous meeting staff had renotified the property owners within PD-8 in regard to the change. She indicated that the total number opposed were twenty-seven and the total number for the change was twenty-eight. Welborn requested information regarding the notification process.

Couch stated that they were sent to everyone within the PD.

Williams opened the public hearing. Neal Jones, applicant, came forward. Mr. Jones stated that he was requesting a change in zoning from a PD-8 single family to a PD-8 townhouse. Mr. Jones commented that when he was designing the project which would be a transition from the condominiums to the single family. Mr. Jones commented on the concerns which had previously been raised. Mr. Jones addressed the concern that some had raised about the devaluation of surrounding property. Mr. Jones stated that ninety percent of phase 17 within Chandlers Landing is townhomes. Mr. Jones also addressed the concern that the townhomes would create a greater density within the planned development and stated that the surrounding area, referencing, Signal Ridge was high density. Additionally, Mr. Jones addressed concerns that had arisen about his development blocking the surrounding property owners' views. Mr. Jones provided overheads and to demonstrate that no views would be blocked. Mr. Jones also commented on concerns about saving the trees in the area and Mr. Jones showed the Council how he proposed to save the trees. Mr. Jones commented on his plans to access the property and how he would provide this access to Chandlers for other property owners to access their homes for repairs. Mr. Jones commented that the structure which he intended to build would cost approximately \$90 to \$100 per square foot. Mr. Jones also commented on the concerns regarding traffic and stated that he did not believe that three townhomes could effect the traffic, especially when in the future a whole new development of homes will be added at Chandlers. Mr. Jones also discussed an alternative to provide access to the property which could save several trees. Mr. Jones commented that whether he develops the property or not he has the right to access his property.

Jimmy Seay, 5516 Canada Court, came forward. Mr. Seay stated that he was opposed to the zoning change. Mr. Seay stated that his house is right next to a townhome and stated that he felt it would hurt the property values and lead to more congestion in the area. Mr. Seay also commented on the statement regarding the roads and greenbelt being turned over to the homeowners association. Mr. Seay stated that this would just add more for Chandlers to upkeep. Mr. Seay commented that by giving up part of the land the owner would not have to pay additional taxes. Mr. Seay stated that he did not believe that the zoning change would be fair to people in the neighborhood who thought that the homes would be single family. Mr. Seay said that the owners of the lot knew prior to purchasing it that it was zoned single family.

Marliyn Caldwell came forward. Ms. Caldwell stated that she was not in agreement with the proposed roadway because it reduces the privacy in the area. Ms. Caldwell stated that it was a City easement and she did not know whether or not it had been approved by the City and Chandlers Landing. Ms. Caldwell stated she did not like the placement of the proposed roadway because it would create more traffic.

Hays Hettinger, 5576 Canada Court, came forward. Mr. Hettinger spoke of his support of the development and stated that he felt it was a good transition in the area. Mr. Hettinger stated that he felt the concept would enhance the area and that the appearance of the structure was pleasing. Mr. Hettinger stated he felt that the development would not cause additional traffic problems.

Mr. Hettinger also commented on the difficulty of developing the lot. Mr. Hettinger stated that he felt that the development would be compatible with the area.

140 Kelly Colbert came forward. Ms. Colbert voiced her opposition of the placement of the road because she has small children and is concerned for their safety.

145 Tracy Connolly, 331 Valiant, came forward. Ms. Connolly stated her opposition of the rezoning and because she has small children, and she felt that the development would cause additional traffic. Ms. Connolly stated she did not feel it was fair to change the zoning of the surrounding area when the people who bought there believed that they would be living in a single family area.

150 David Black, 5533 Canada Court, came forward. Mr. Black voiced his concerns and opposition to the development. Mr. Black commented that the roadway would appear more like an alley than a street and that the people who bought the lot knew it was single family when they bought it. Mr. Black stated he would like it to stay single family.

155 Betty Martin, 5552 Canada Court, came forward. Ms. Martin stated her opposition of the rezoning.

160 Jack Boyce, 1234 Signal Ridge, came forward. Mr. Boyce voiced his opposition to the rezoning. Mr. Boyce stated that Signal Ridge would be impacted more by the zoning change than Chandlers Landing. He stated that the roadway would allow free access to back of his property and others in Signal Ridge. Mr. Boyce also expressed concern for the creek and trees that would be impacted by the roadway.

165 Cynthia Seay, 5516 Canada Court, came forward. Ms. Seay commented that when they built their home that they selected their lot because it was single family and was located just off of the lake. Ms. Seay stated that Mr. Neal's property would effect the view of the lake from her home. Ms. Seay expressed concern that if the area is dedicated as a greenbelt it will allow more people to access the area and would invade her privacy and hurt her property.

170 Mike Karensseige, 1205 Signal Ridge, came forward. He stated that he had sent a letter of opposition to the Mayor and the City Manager. He commented that the homeowners and residents were concerned. He stated that no meeting has been held by the developer to address issues which would adversely effect area residents. He commented that no one had addressed the issue of the creek which would be effected by the roadway. He also commented that 50 to

175 100 trees would be effected and that no tree survey had been performed.

Pam Patton, 1506 Signal Ridge, came forward. Ms. Patton, the president of homeowner's association of Signal Ridge, voiced her opposition to the project.

180 David Groark, 5572 Canada Court, came forward. Mr. Groark stated that when he bought in Chandlers Landing that he was told he would have access to the property and he currently does

not. Mr. Groark stated that Phase 17 was originally zoned townhomes and was then changed to single family. Mr. Groark voiced his concern that area residents are treating the take-line property as their own, but they do not own it. Mr Groark voiced his support of Mr. Jones' development.

Jennifer Jones, 5574 Canada Court, voiced her opinions regarding support for the project. Ms. Jones stated that she could not see where there would be any congestion. Ms. Jones stated that a great deal of consideration had been given to the environment. Ms. Jones stated that the developer is trying to work with everyone to deal with the issues. Ms. Jones also indicated that more trees would be planted. She stated that she hoped that everyone could come to an agreement.

Shirley Granstaff, 5603 Cambria Dr, came forward. Ms. Granstaff stated that several years ago the homeowners' association in Chandler's Landing voted to change the townhouse zoning to single family in Phase 17. She voiced her concerns and opposition to the proposed re-zoning.

Mr. Jones came forward to re-address some of the issues which had been raised. Mr. Jones commented that he did not believe that the units would create additional traffic. Mr Jones also addressed the issues of the creek and access, and his desire to work with everyone to resolve the issues.

Williams closed the public hearing. Bob Wilson requested further clarification regarding the roadway and greenbelt. Mr Jones responded that the greenbelt would be dedicated to Chandlers as well as the driveway and would be maintained by Chandlers. If the property was single family it would be maintained by the property owner. Welborn requested information concerning the width of the drive. Couch stated that for multiple lots it would need to be twenty feet wide. If it were a single family home, the roadway would not have any requirement placed on it. Welborn requested information on the number of single family lots in the area. Couch indicated that there were seven to eight single family homes within the area.

Todd White requested information on the possibilities of placing two single family homes on the lot if it remains zoned single family. Mr. White asked if the lot could be replated. Mr. Jones responded that he did not know if it would meet the minimum square footage requirements.

White moved for approval of the re-zoning request. Welborn seconded the motion with an amendment that with the final plat a tree survey be provided and a site plan with the location of the building and driveways be clearly defined. Mr. Hatfield stated his opposition of the request. The motion did not pass with a tie vote as follows:

Ayes:	Welborn, White and Williams
Nays:	Hatfield, Morgan and Wilson

PZ 94-27-PP Discuss and Consider Request from Rob Whittle for a Preliminary Plat for

Fox Chase Phase IV located in the Fox Chase Addition and Take Any Necessary Action

230 Couch reviewed the request for a preliminary plat in Fox Chase Phase IV. Couch stated that the plat is in conformance with the preliminary concept plan that was approved for Fox Chase several years ago. Couch reviewed the conditions set forth by the planning and zoning commission. The conditions required include: 1.) the applicant must submit a phasing plan for the remainder of the development in conjunction with the final plat; 2.) the applicant's engineer must revise the utility layout in regards to the sanitary sewer line that would be abandoned; 3.) 235 the developer must provide a temporary recreation park site, 4.) and the developer will construct of a left hand turn lane on FM-740 in conjunction with the development. Wilson made a motion to approve the request for a preliminary plat for Fox Chase Phase IV with the conditions recommended by the Planning and Zoning Commission and to provide a left hand turn lane. Morgan seconded. Motion passed unanimously.

240 **Action/Discussion Items**

245 **Discuss and Consider Adoption of a Resolution Approving Issuance by the Rockwall Housing Finance Corporation of a Certain \$950,000 Rockwall Housing Finance Corporation MultiFamily Housing Revenue Note (The Meadows Project) Series 1994 and Take Any Necessary Action**

250 Couch reported on progress of the project. Couch reported that the financing documents have been completed and closing date has been set for November 14. Couch reported that the FDIC had requested closing to take place prior to November 15, 1994. Hatfield requested clarification that the City of Rockwall's credit rating will not be effected in the event of a default. Couch confirmed that the City's credit rating would not be affected. White asked if the Attorney General's office had reviewed the documents. Council indicated that the City had received a preliminary approval letter, but the Attorney General will need to review the City's resolution 255 approving the transaction. Welborn made a motion to approve the resolution approving issuance by the Rockwall Housing Finance Corporation of a Certain \$950,000 Rockwall Housing Finance Corporation Multifamily Housing Revenue Note (The Meadows Project) Series 1994. Motion was seconded by George Hatfield. The motion passed unanimously.

260 **Discuss and Consider a Resolution Establishing the Rates to Charge for Refuse Collection Services and Take Any Necessary Action**

265 Couch reported that the City had received a request from Laidlaw for a rate increase. She indicated that the majority of the increase was a result of an increase that Laidlaw had experienced from the City of Garland who had raised their tipping fees to \$19.00 per ton. Richard Davis, the representative from Laidlaw, came forward and commented on the request. Mr. Davis stated that they were looking for other outlets available disposable sources. Mr. Davis stated that the last requested increase was in July 1993. Dale Morgan requested clarification regarding future rate increases and future practices and coming legislation. There

270 was general discussion on possible future restrictions on what can be placed in landfills,
available capacity in area landfills, recycling volumes in the City and yard waste programs.
Hatfield made a motion to approve a resolution approving the rate request. The motion was
seconded by Welborn, and it passed unanimously.

275 **Discuss and Consider Approval of Architectural Contract and Take Any Necessary Action**

Couch reviewed the recommended contract and services needed by the City for future
architectural services for changes to City Hall, the animal shelter and the City's service center.
Couch stated that Dale Morgan had suggested that the present fire escape at City Hall be
280 redesigned and used as office space. She indicated that the most practical use of that area is for
records storage which will open up additional office space. Additionally, Couch commented on
the City's need to further look at plans for the animal shelter. Couch also raised the issue of
looking at the service center plan, after the bond election. Welborn made a motion for approval
of the architectural contract for the City Hall and the animal shelter. The motion was seconded
285 by Bob Wilson and was passed unanimously.

**Discuss and Consider Need for Comprehensive Review of Measures Taken by City to
Comply with the Americans With Disabilities Act and Take Any Necessary Action**

290 Morgan reported that at the Texas Municipal League conference he had attended a seminar
regarding The American with Disabilities Act. As a result, he stated that he felt it would be
good to review the compliance of the City because of the oversight responsibilities of the
Council. Couch commented on the progress of the City in response to Morgan's request.
Couch indicated that the City had completed the majority of the requirements identified for
295 compliance with the ADA and plans to have all issues addressed by January 1995. Couch also
reported that all personnel issues had been addressed except for the City's job descriptions,
currently being reviewed by Stacey Robbins. Morgan requested clarification of information
regarding door closure requirements. Crowley responded to the question and stated he would
be happy to discuss the requirements further with Morgan.

300 **Discuss and Consider Implementing New Policies and Procedures to be Used in Connection
with Land Use Regulation Practices and Take Any Necessary Action**

Morgan commented on the need for the City to address issues regarding land use policies and
procedures which are the result of recent Supreme Court cases. Hatfield commented on the
305 City's current practices and the need to review these practices. Pete Eckert, City Attorney,
commented briefly on the recent cases and measures the City could take to address the issues
that had been raised. Eckert commented that the documentation of future developments and
actions of the City may need to be revised.

310 **Hold Executive Session Under Section 551.071 and 551.074 of the Texas Government Code**

The Council convened into executive session at 9:30 p.m. to discuss personnel regarding

15 appointments to the Park Board and potential litigation regarding employee termination.

The Council reconvened into regular session at 10:00 p.m. Mayor Williams announced that no action would be taken on as a result of executive session.

20 **Adjournment**

The meeting adjourned at 10:05 p.m.

25 APPROVED:


30 Alma K. Williams
Mayor

30 ATTEST:


35 Sheryl R. Pelt
City Secretary

ORDINANCE NO. 94-38

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 STRUCTURE NOT MEETING THE STRUCTURAL BUILDING MATERIALS REQUIREMENTS AND APPROVE A PRIVATE CLUB IN A COMMERCIAL ZONING CLASSIFICATION ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for a structure not meeting the structural building materials requirements and for a private club on the property described on the attached Exhibit "A" has been requested by Brinker International; 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 ordinance 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 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, Texas as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for a structure not meeting the structural building materials requirements and approving a private club on a tract of land described on Exhibit "A", attached herein and made a part hereof.

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

- a. That the CUP is granted for the development as shown on the attached Exhibit "A" and any significant amendments to the site plan must be submitted to the Planning and Zoning Commission.

SECTION 3. That the property described herein 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, as amended hereby with the approval of this Conditional Use Permit, and as may be amended in the future.

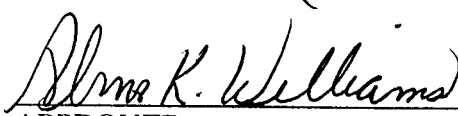
SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.


SECTION 5. 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 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 shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same area hereby repealed to the extent of that conflict.

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 as the law in such case provides.

DULY PASSED AND APPROVED this 7th day of November, 1994.


APPROVED
Mayor, City of Rockwall


ATTEST
City Secretary

1ST READING 10-17-94

2ND READING 11-7-94

EXHIBIT A

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS BRINKER, INTERNATIONAL, BEING THE OWNER OF A TRACT OF LAND IN THE COUNTY OF ROCKWALL, STATE OF TEXAS, SAID TRACT BEING DESCRIBED AS FOLLOWS:

BEING 1.433 ACRES OF LAND SITUATED IN THE JAMES SMITH SURVEY, ABSTRACT 200, ROCKWALL COUNTY, TEXAS, AND BEING A PORTION OF THE REMAINDER OF THAT CERTAIN 72.243 ACRE TRACT CONVEYED TO 740/3097 LIMITED PARTNERSHIP BY DEEDS OF RECORD IN VOLUME 620, PAGE 69, VOLUME 620, PAGE 73, VOLUME 620, PAGE 77, VOLUME 620, PAGE 81, AND VOLUME 620, PAGE 85 OF THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS; SAID 1.433 ACRE TRACT OF LAND TO BE MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1 1/4 inch iron pipe found for the North corner of the remainder of said 72.243 acre tract and the West corner of a Lot 1, Block A, Tribbey Addition, a subdivision of record in Cabinet C, Page 117 of the Deed Records of Rockwall County, Texas, also being in the south right-of-way line of U.S. Highway No. 30.

THENCE South 44° 06' 41" East, a distance of 306.03' with the Northeast line of the remainder of said 72.243 acre tract and the West line of said Lot 1, to a 1/2 inch iron rod set for corner;

THENCE South 45° 53' 19" West, over and across the remainder of said 72.243 acres, a distance of 163.10 feet to a 1/2 inch iron rod set for a corner;

THENCE North 62° 13' 44" West, continuing over and across the remainder of said 72.243 acres, a distance of 275.21 feet to a 1/2 inch iron rod set for a corner in the most northerly, northwest line of the remainder of said 72.243 acre tract and the south right-of-way line of said U.S. Highway No. 30;

THENCE with the westerly line of said 72.243 acres, same being the easterly line of said Interstate Highway No. 30, North 26°53'01" East, a distance of 156.75 feet to a concrete right-of-way monument found for a corner and North 49°38'03" East, a distance of 100.68 feet to the POINT OF BEGINNING, containing an area of 1.433 acres (62,434 sq. ft.) of land, more or less, within these metes and bounds.

94-24-SP/PP/CUP

CHILI'S

I-30 & HWY 740

94-24-PP/CUP CHILI'S

Susan Weaver
770-2333
214.991-0011

Lerg

770-9310

Site Plan
Arit Drawings

 Smead.

No. DBE129

HASTINGS, MN

