

27
94-56-PP

APPLICATION AND PRELIMINARY PLAT CHECKLIST

Date 9-26-94

Name of Proposed Subdivision Fox CHASE - PHASE 4

Name of Subdivider Fox CHASE Development Corp

Address P O Bx 369 Rockwall Phone 971-5253

Owner of Record Whittle Development Inc

Address PO Bx 369 Rockwall, TX Phone 971 5253

Name of Land Planner/Surveyor/Engineer Harold Evans

Address Dallas TX Phone 328 8133

Total Acreage 14.7 Current Zoning SF10

No. of Lots/Units 39

Signed [Signature]

The Following Preliminary Plat Checklist is a summary of the requirements listed under Section VII of the Rockwall Subdivision Ordinance. Section VII should be reviewed and followed when preparing a Preliminary Plat. The following checklist is intended only as a reminder and a guide for those requirements. Use the space at the left to verify the completeness of the information you are submitting. If an item is not applicable to your plan, indicate by placing a check mark.

<u>Provided or Shown</u>	<u>Not</u>	
<u>On Plat</u>	<u>Applicable</u>	
<u>✓</u>	<u>_____</u>	A. Vicinity map
<u>✓</u>	<u>_____</u>	B. Subdivision Name
<u>✓</u>	<u>_____</u>	C. Name of record owner, subdivider, land planner/engineer
<u>✓</u>	<u>_____</u>	D. Date of plat preparation, scale and north point

II. Subject Property

- | | | | |
|----------|-----------|----|---|
| <u>✓</u> | _____ | A. | Subdivision boundary lines |
| <u>✓</u> | _____ | B. | Identification of each lot and block by number or letter |
| <u>✓</u> | _____ | C. | Dimensions, names and description of all public rights-of-ways, improvements, easements, parks and open spaces, both existing and proposed. Locate and identify existing and/or proposed median openings and left turn channelization |
| _____ | _____ | D. | Proposed land uses, and existing and proposed zoning categories |
| <u>✓</u> | _____ | E. | Approximate acreage |
| _____ | _____ | F. | Typical lot size; lot layout; smallest lot area; number of lots |
| <u>✓</u> | _____ | G. | Building set-back lines adjacent to street |
| <u>✓</u> | _____ | H. | Topographical information and physical features to include contours at 2' intervals, outlines of wooded areas, drainage areas and 50 and 100 year flood limit lines, if applicable |
| _____ | <u>NA</u> | I. | Location of City Limit lines, contiguous or within plat area |
| <u>✓</u> | _____ | J. | Location and sizes of existing utilities |
| <u>✓</u> | _____ | K. | Intended water source and sewage disposal method whether inside City limits or in extraterritorial jurisdiction |

III. Surrounding Area

✓ _____

A. The record owners of contiguous parcels of un subdivided land; names and lot pattern of contiguous subdivisions; approved concept plans or preliminary plat

✓ _____

B. The approximate location, dimension and description of all existing or proposed lots and blocks, public rights-of-way and easements, parks and open spaces. Specifically indicate how the proposed improvements would relate to those in the surrounding area.

Taken by _____

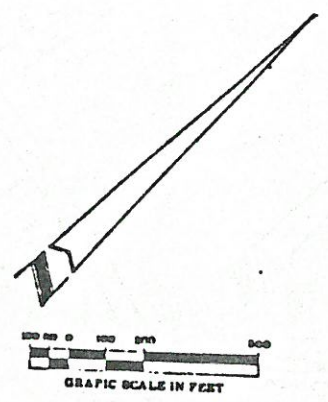
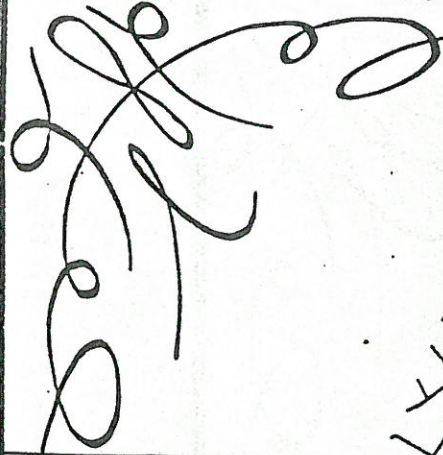
File No. 9A-27-PP

Date 9/26/94

Fee \$ 270.00

Receipt No. 032625

FOXCHASE



PHASE 1-3
EXISTING AND/OR
UNDER DEVELOPMENT

PHASE 4

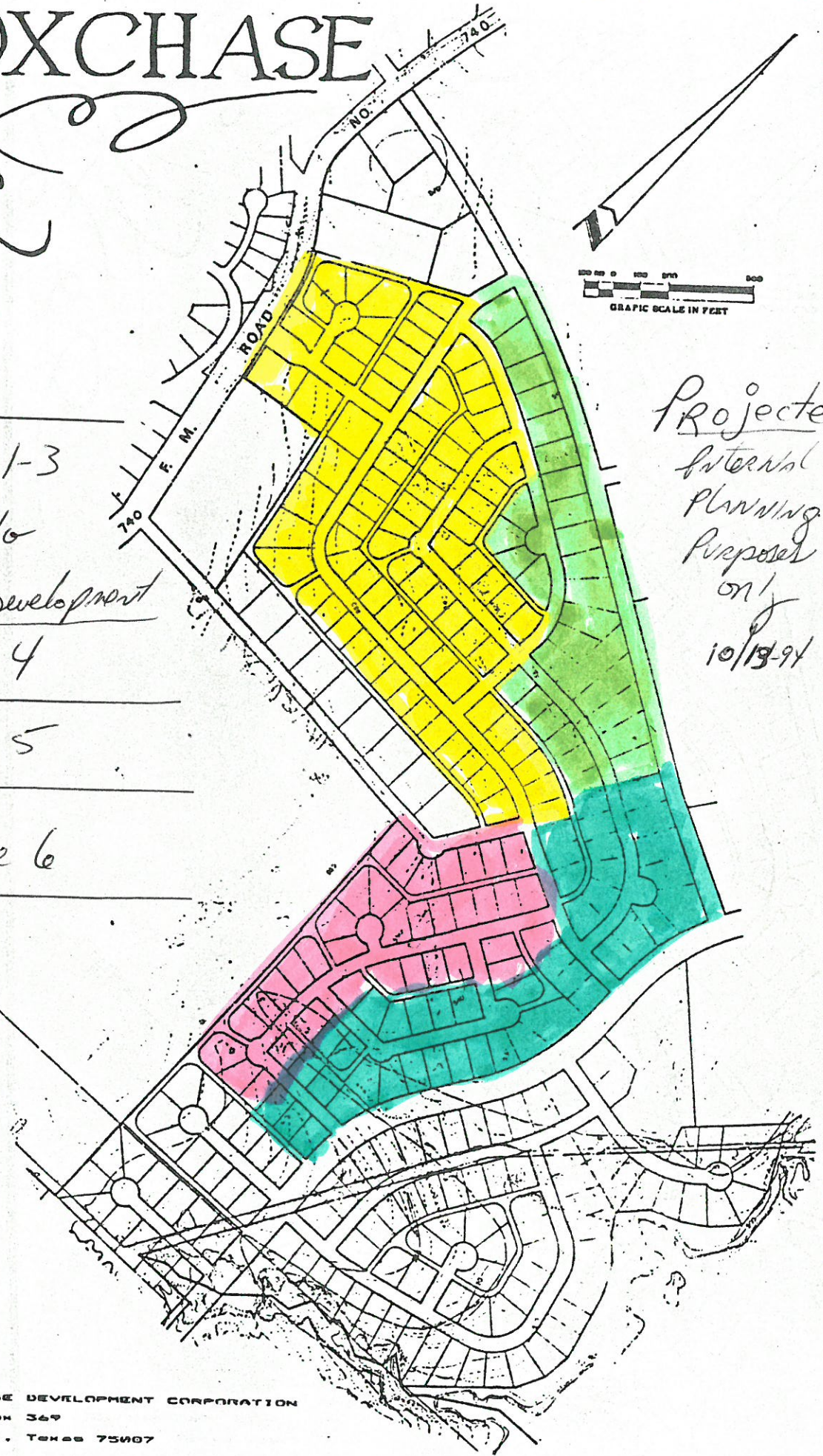
PHASE 5

PHASE 6

Projected
Internal
Planning
Purpose
only
10/13/94

City of Rockwall
City of Heath

FOX CHASE DEVELOPMENT CORPORATION
P. O. BOX 369
ROCKWALL, TEXAS 75087



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 Meeting Minutes
October 13, 1994

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6

I. CALL TO ORDER

9

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.

12

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

21

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.

24

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

Mr.Friend closed the public hearing.

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.

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.

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.

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

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.

Mr.Friend opened the public hearing.

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

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.

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

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.

Label the common area as Lot 4

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.

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.

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

Mr.Douphrate outlined the request recommending approval.

3 Mr.Friend opened the public hearing.

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

6 Mr.Friend closed the public hearing.

9 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.

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

15 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.

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

21 Mr.Friend opened the public hearing.

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

24 Mr.Friend closed the public hearing.

27 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;

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

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

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

36 IV. SITE PLANS/PLATS

39 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.

42 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.

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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.

24

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.

9

ATTEST:

APPROVED:

12

Community Development Coordinator

Planning & Zoning Commission Chairman

15

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: October 17, 1994

Agenda No. V.G.

Agenda Item: **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

Item Generated By: Applicant, Rob Whittle

Action Needed:

Background Information:

Attachments:

1. Copy of P&Z Agenda Information
2. Copy of Preliminary Plat

Agenda Item: P&Z 94-27-PP: Fox Chase

Item No. V.G.

Planning and Zoning Agenda

Agenda Date: October 13, 1994

Agenda Item: 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.

Applicant: Whittle Development Inc.

Action Needed: Discuss and Consider approval of a preliminary Plat

Background Information: The applicant plans to develop a total of 14.7 acres within PD-9. The minimum lot size is 10,000 square feet with 39 residential lots being proposed. This phase is a continuation of the Fox Chase concept plan. The Park Board has reviewed this proposed phase of Fox Chase and has recommended the applicant provide a 1 acre temporary recreation site to be used by the City until the permanent site adjacent to the lake is dedicated in the future. The location of the site is to be determined by the Park Board and the applicant.

Recommendations: Staff recommends approval of the preliminary plat provided the following conditions are met;

1. The applicant is to submit a phasing plan for the entirety of the Fox Chase Development.
2. The applicant's engineer is to revise the utility layout indicating the segment of the existing sanitary sewer main to be abandoned.
3. 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.

PZ-93-27-PP



MEMORANDUM

TO: Dub Douphrate, P.E.
FROM: Dan C. Boutwell, AICP
SUBJECT: P&Z 93-27-RP (Foxchase)
DATE: October 5, 1994

The applicant is requesting approval of a 14.7 acre tract of land to be used for residential use. The preliminary plat proposes 39 total residential lots at a comparable zoning district of SF7. The preliminary is in agreement with an approved PD. We offer the following comments:

1. The applicant will need to relocate the existing sanitary sewer running diagonally across the subdivision.
2. This development is another installment of several that have occurred and are planned to occur from this PD. Therefore, it is suggested that the applicant provide the Planning and Zoning Commission with a tentative detail of the phasing of this PD.
3. Although not a part of the platting process, the Commission may want to consider amending this PD to reflect the phasing planned by the applicant for the remainder of the undeveloped property.

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

APPLICATION AND PRELIMINARY PLAT CHECKLIST

Date 9-26-94

Name of Proposed Subdivision Fox CHASE - PHASE 4

Name of Subdivider Fox CHASE Development Corp

Address PO BX 369 Rockwall Phone 771-5253

Owner of Record White Development Inc

Address PO BX 369 Rockwall, TX Phone 771 5253

Name of Land Planner/Surveyor/Engineer Harold Evans

Address Dallas TX Phone 328 8133

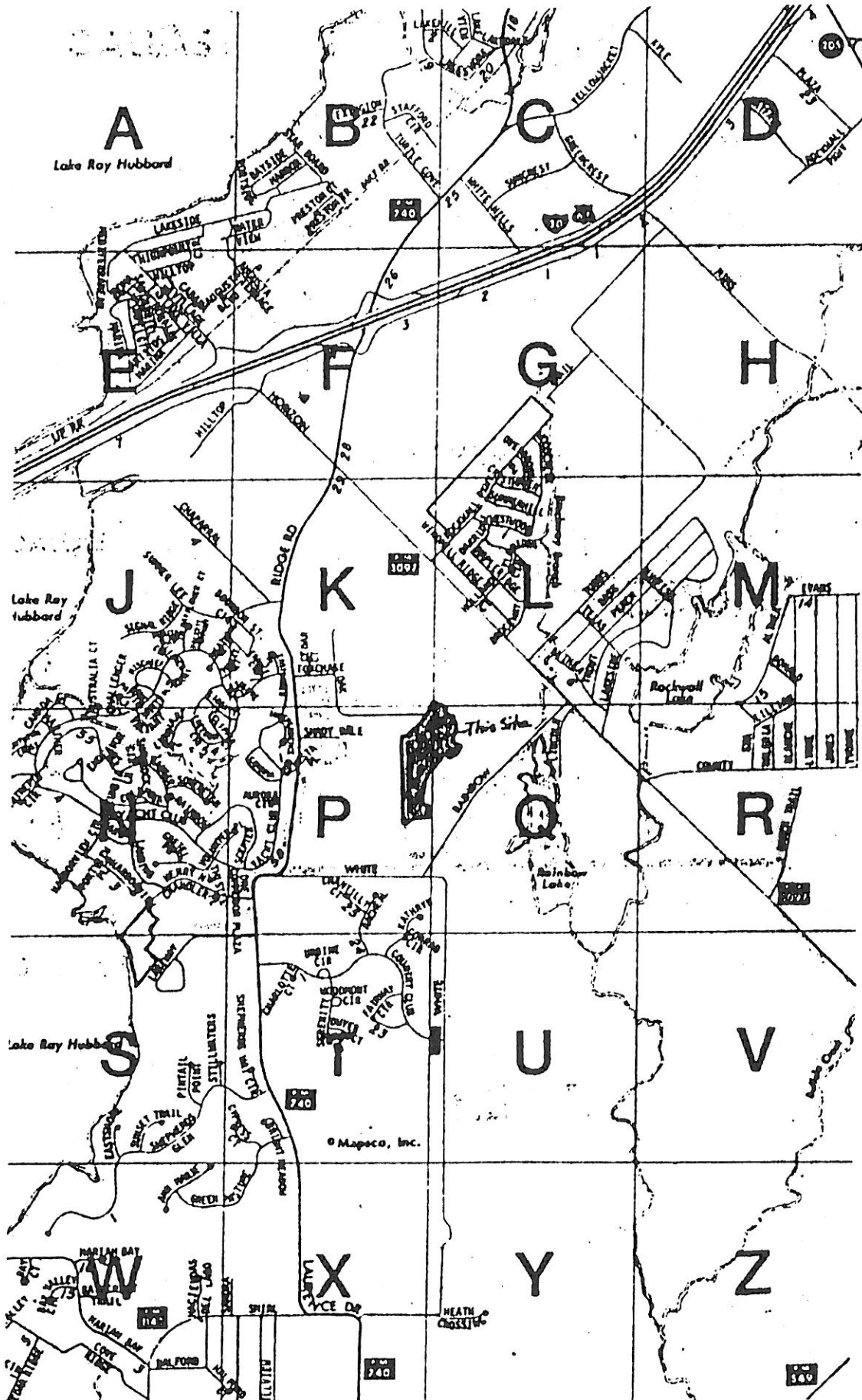
Total Acreage 14.7 Current Zoning SF10

No. of Lots/Units 39

Signed [Signature]

The Following Preliminary Plat Checklist is a summary of the requirements listed under Section VII of the Rockwall Subdivision Ordinance. Section VII should be reviewed and followed when preparing a Preliminary Plat. The following checklist is intended only as a reminder and a guide for those requirements. Use the space at the left to verify the completeness of the information you are submitting. If an item is not applicable to your plan, indicate by placing a check mark.

Table with 2 columns: Provided or Shown On Plat, Not Applicable. Rows A-D: Vicinity map, Subdivision Name, Name of record owner, subdivision, land planner/engineer, Date of plat preparation, scale and north point.



LOCATION MAP

Scale: 1" = 2,000'

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

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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.

Appointments/Plats/Plan/Public Hearing

45

Appointment with Planning and Zoning Commission Chairman

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

50 **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)**

55 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
60 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.

65 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.

70 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
75 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
80 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
85 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

Action (1st reading)

95 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
100 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
105 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,
110 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
115 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
120 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
125 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.

130 **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
140 a conditional use permit for the operation of a private club. She stated that the Planning and
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
145 LBJ Freeway came forward. Mr. Clemco indicated that he was available to answer any
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.
165 Williams opened the public hearing. George Brockman and Patsy Brockman of 309 Star,
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

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.

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.

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.

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

267 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
water tower and determine the color of the undercoat of the tank. Frank Razor with Chaing
350 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:

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Mayor

ATTEST:

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City Secretary

94-27-PP
Fox Chase

MINUTES OF THE ROCKWALL CITY COUNCIL NOVEMBER 7, 1994

5

Call to Order

10 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 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 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.

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

30 Greg Herring, 604 Stonebridge Circle, came forward. Mr. Herring thanked the Council for 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
- 40 b) PZ-94-22-CUP Consider Approval of 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 (2nd reading)

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.

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ORDINANCE NO. 94-37

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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

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ORDINANCE NO. 94-38

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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.

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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:

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

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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)

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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.

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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.

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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.

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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.

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

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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.

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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.

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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

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

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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

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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 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 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 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**

305 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 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

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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.

Adjournment

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The meeting adjourned at 10:05 p.m.

APPROVED:

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Mayor

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ATTEST:

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City Secretary

ORDINANCE NO. 95-17

Fox Chase

94-278

PD-9

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ORDINANCE NO. 86-55 OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO CHANGE THE AREA REQUIREMENTS IN PLANNED DEVELOPMENT 9, SHOWN AS PART OF EXHIBIT "C"; ; PROVIDING 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 REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Exhibit "C" of Ordinance 86-55 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 and Exhibit "C" of Ordinance No. 86-55 of the City of Rockwall, Texas, as heretofore amended, be and the same are hereby amended so as to approve an amendment to the area requirements of PD-9 Exhibit "C" as follows:

8. Minimum requirements for construction materials
 - a. All structural materials for new buildings greater than 5,000 square feet in floor area, or additions of more than 40% of the existing floor area or exceeding 5,000 square feet, shall consist of 100% non-combustible materials.
 - b. All structural materials for new buildings 5,000 square feet or less in floor area, and any additions to existing buildings 40% or less than the existing floor area and 5,000 square feet or less may consist of combustible materials rated a minimum of one-hour fire resistive on all walls, floors and ceilings.

- c. Exterior walls - Each exterior wall shall consist of 90% masonry materials as defined in the comprehensive zoning ordinance.

Section 2. That Planned Development District No. 9, 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 and as amended hereby, provided that the granting of these changes to Planned Development District No. 9 and are subject to the following special conditions:

- A. All development of property covered by Planned Development District No. 9, shall be in accordance with the provisions of this ordinance and the finally approved site plan and list of approved uses, and no substantial change in the development shall be permitted except after obtaining approval of the changes and amendments to the Comprehensive Zoning Ordinance.

Section 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.


Section 4. 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 No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance are declared to be severable.

Section 5. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 5th day of June,
1995.

APPROVED:



Mayor

George R. Hatfield

ATTEST:

By: 
Stacey Robbins, City Secretary

1st reading 5/15/95
2nd reading 6/5/95