

95-62-PP

APPLICATION AND PRELIMINARY PLAT CHECKLIST

Date November 21, 1995

Name of Proposed Subdivision ROLLING MEADOWS ESTATES

Name of Subdivider N/A

Address Phone

Owner of Record PEGASUS PALACE, INC.

Address 12900 Preston Road, Dallas, Texas 75230 Phone 214-392-7990

Name of Land Planner/Surveyor/Engineer TIPTON ENGINEERING, INC.

Address 6330 Belt Line Road, Suite C Garland, Texas 75043 Phone 214-226-2967

Total Acreage 83.855 Current Zoning Agricultural

No. of Lots/Units 18

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) and list of requirements (A. Vicinity map, B. Subdivision Name, C. Name of record owner, subdivider, land planner/engineer, D. Date of plat preparation, scale and north point)

II. Subject Property

- | | | | |
|--------------|--------------|----|---|
| <u> X </u> | _____ | A. | Subdivision boundary lines |
| <u> X </u> | _____ | B. | Identification of each lot and block by number or letter |
| <u> X </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> X </u> | _____ | E. | Approximate acreage |
| _____ | _____ | F. | Typical lot size; lot layout; smallest lot area; number of lots |
| <u> X </u> | _____ | G. | Building set-back lines adjacent to street |
| <u> X </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> X </u> | I. | Location of City Limit lines, contiguous or within plat area |
| <u> X </u> | _____ | J. | Location and sizes of existing utilities |
| <u> X </u> | _____ | K. | Intended water source and sewage disposal method whether inside City limits or in extraterritorial jurisdiction |

III. Surrounding Area

 X _____

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

 X _____

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. _____

Date _____

Fee _____

Receipt No. _____



TIPTON ENGINEERING, INC.

ENGINEERING • SURVEYING • PLANNING

4180

6330 Belt Line Road • Suite C • Garland, Texas 75043 • (214) 226-2967 • FAX 226-1946

November 21, 1995

Mr. Bill Crolley
CITY OF ROCKWALL
205 W. Rusk
Rockwall, Texas 75087

Re: **ROLLING MEADOWS ESTATES**
ROCKWALL, TEXAS

Dear Mr. Crolley:

We are attaching the following items for submittal on the above-referenced project.

1. Preliminary Plat Application
2. Twelve (12) folded blueline copies of the Preliminary Plat
3. Filing fee check in the amount of \$165.00.

If you need any additional information or if you have any questions, do not hesitate to contact our office.

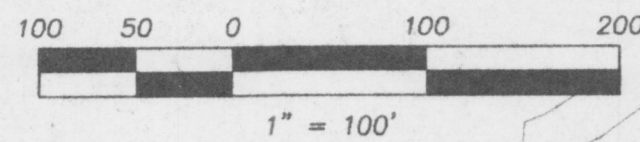
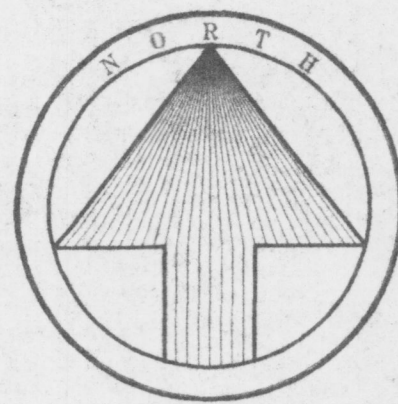
Sincerely,

TIPTON ENGINEERING, INC.


Pat Atkins
President

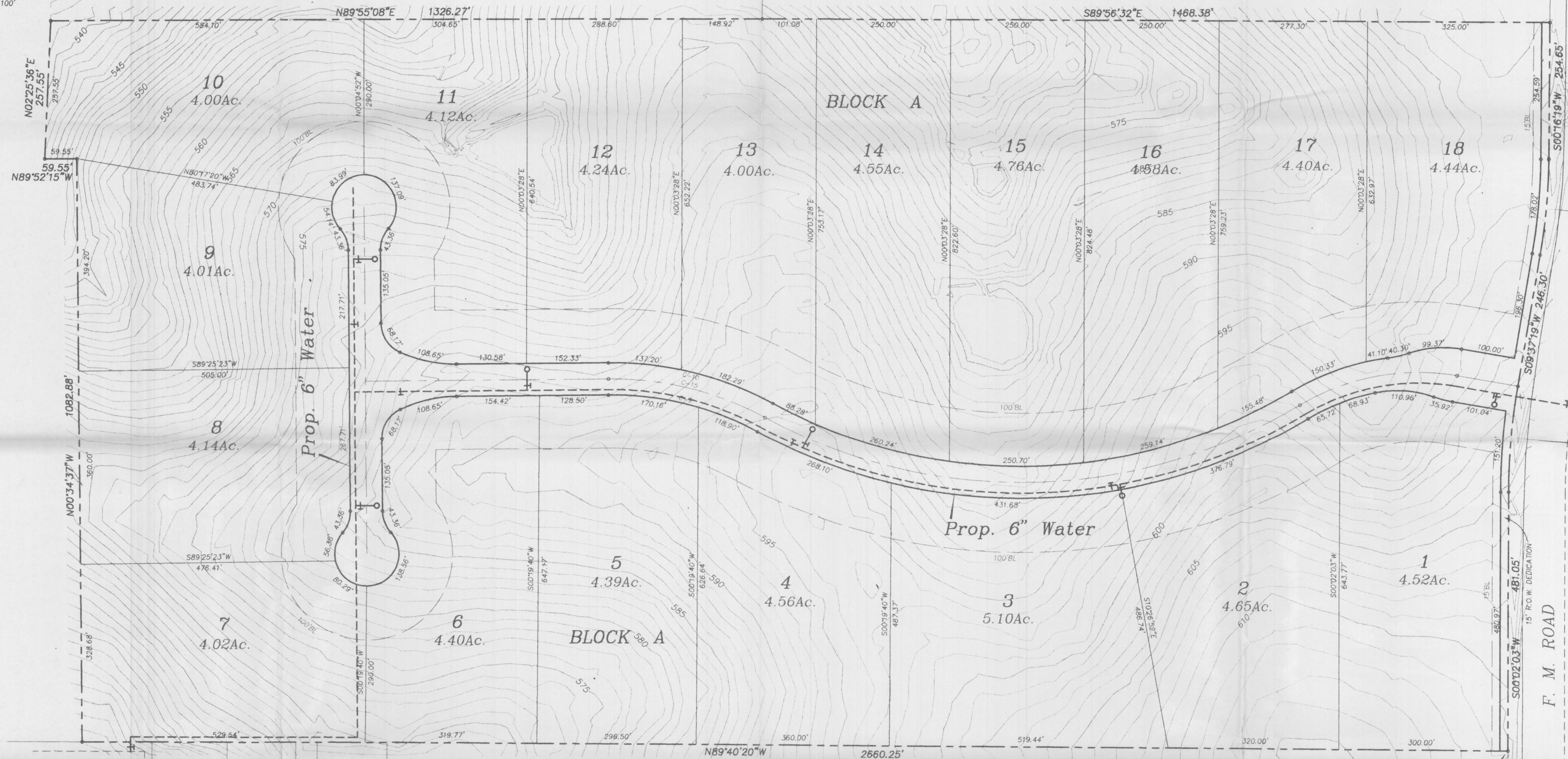
PA:bt

Attachments



40.536 AC.
CAIN CEMETERY
VOL. 774, PG. 122

34.355 AC.
M. TYLER
VOL. 406, PG. 69



NO. 549

A = 09°20'59"
R = 1105.92'
T = 90.44'
L = 180.47'
CD = 180.27'
CB = S04°56'49"W

A = 09°36'00"
R = 1185.92'
T = 99.58'
L = 198.70'
CD = 198.47'
CB = S04°49'19"W

Existing 4" Water Line
Blackland Water Supply

57.26 AC.
ROBERT A. HARTMAN

43.857 AC.
JOSEPH FUNK
VOL. 97, PG. 420

AIRPORT ACRES

GREENLEE ADD.

Place of Beginning

95-62-PP

PRELIMINARY PLAT

ROLLING MEADOWS ESTATES

E. M. Elliott Survey, Abstract No. 77
R. B. Irvine Survey, Abstract No. 120
ROCKWALL COUNTY, TEXAS

OWNER
PEGASUS PALACE, INC.

12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230

DEVELOPER

BOB SANDLIN

12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230

ENGINEER/SURVEYOR

TIPTON ENGINEERING, INC.

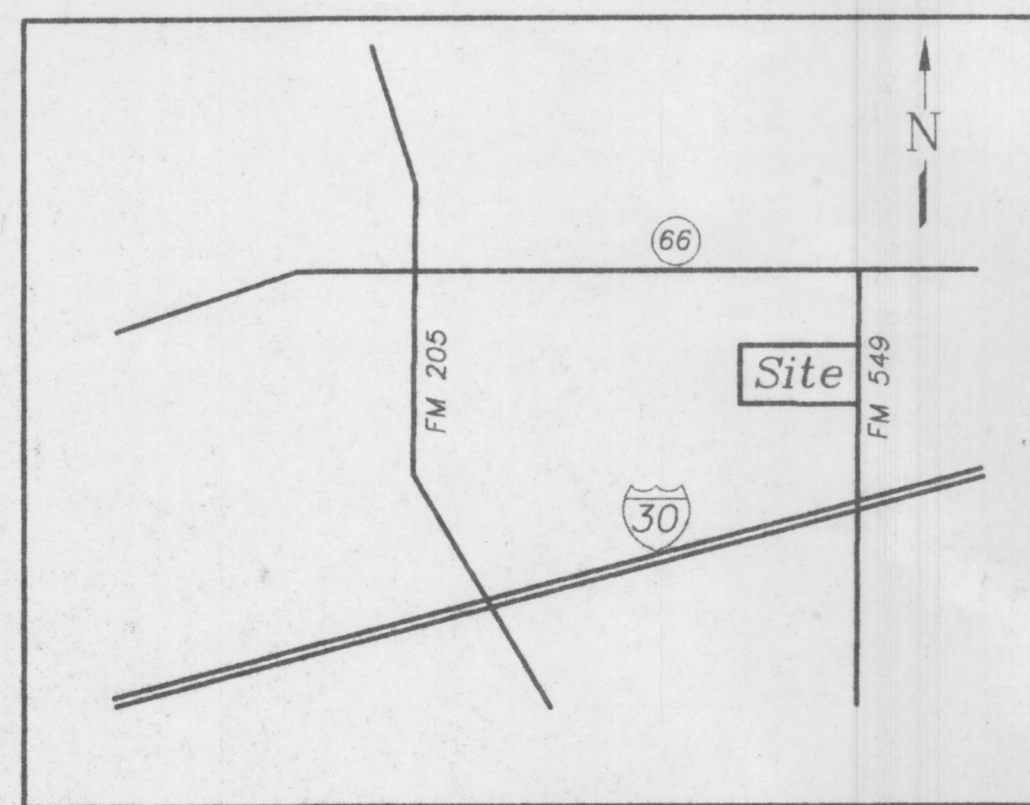


6330 Belt Line Rd. ~ Suite C ~ Garland, Texas 75043

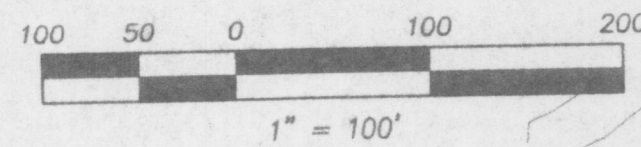
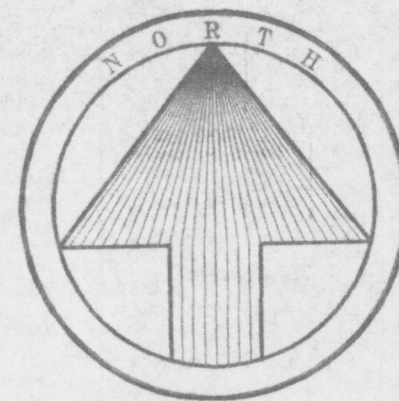


11/20/95 PLAT 4180P

File Copy



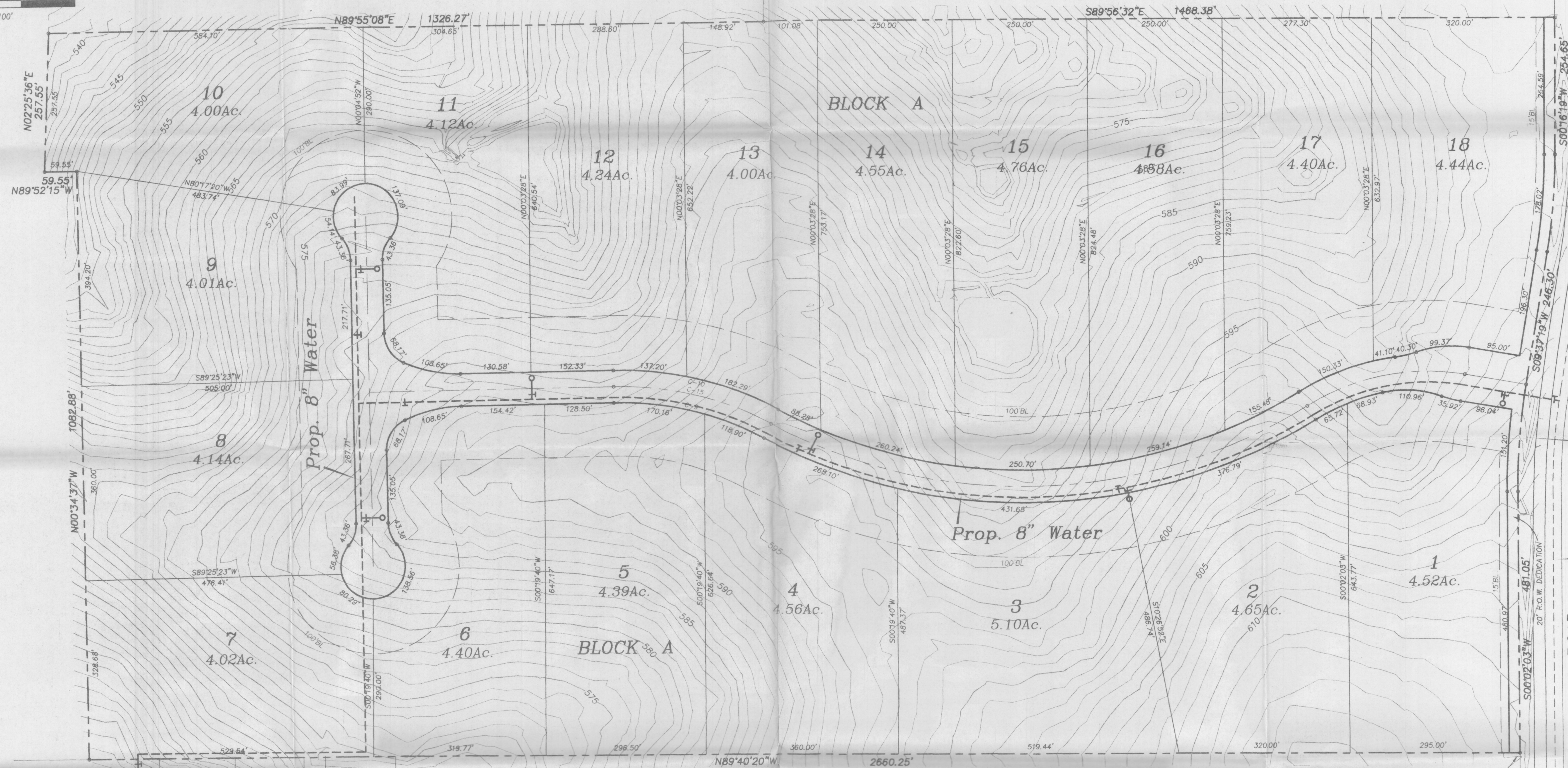
LOCATION MAP



40.536 AC.
CAIN CEMETERY
VOL. 774, PG. 122

34.355 AC.
M. TYLER
VOL. 406, PG. 69

57.26 AC.
ROBERT A. HARTMAN



A = 09°20'59"
R = 1105.92'
T = 90.44'
L = 180.47'
CD = 180.27'
CB = S04°56'49"W

A = 09°36'00"
R = 1185.92'
T = 99.58'
L = 198.70'
CD = 198.47'
CB = S04°49'19"W

Existing 4" Water Line
Blackland Water Supply

F. M. ROAD

Place of Beginning
95-62 FILE COPY

PRELIMINARY PLAT
ROLLING MEADOWS ESTATES

E. M. Elliott Survey, Abstract No. 77
R. B. Irvine Survey, Abstract No. 120
ROCKWALL COUNTY, TEXAS

OWNER
PEGASUS PALACE, INC.

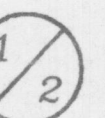
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DEVELOPOR
BOB SANDLIN

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ENGINEER/SURVEYOR

TIPTON ENGINEERING, INC.
6330 Belt Line Rd. ~ Suite C ~ Garland, Texas 75043



12/08/95 PLAT 4180P

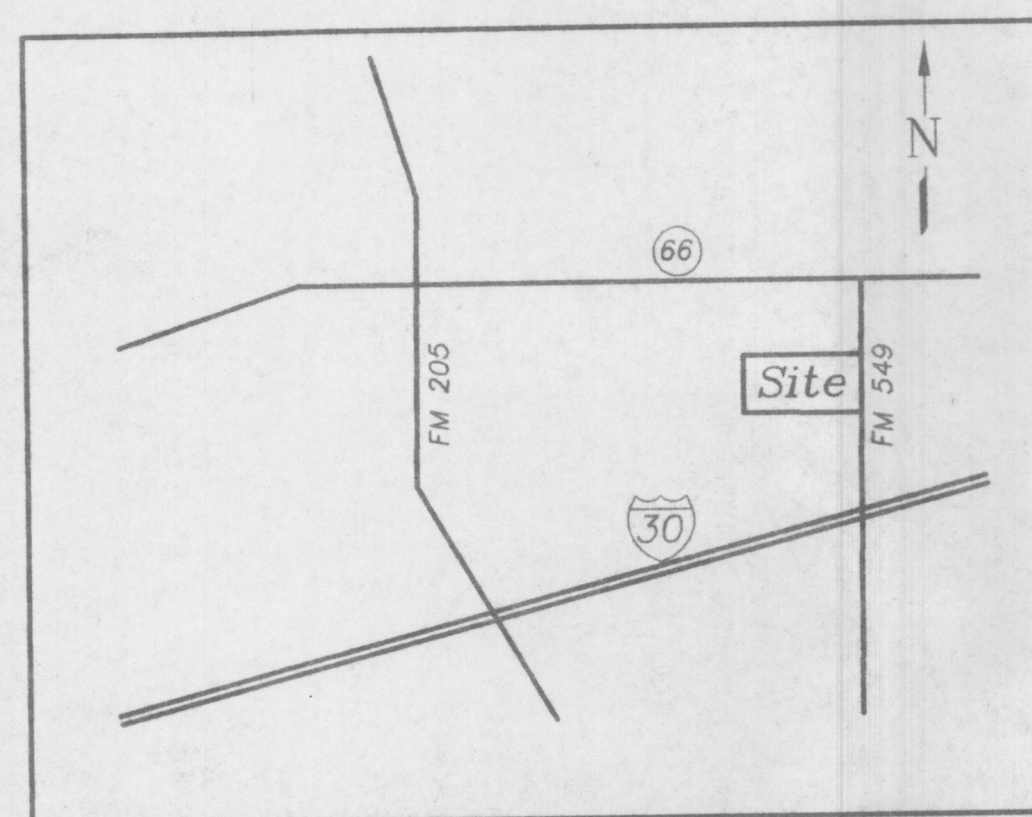
43.857 AC.
JOSEPH FUNK
VOL. 97, PG. 420

NOTE:

ROADWAY / PAVING / STORM & BAR DITCHES
TO BE MAINTAINED BY THE ROLLING MEADOWS
ESTATES HOME OWNERS ASSOCIATION.

AIRPORT ACRES

GREENLEE ADD.



LOCATION MAP

**City Of Rockwall
Planning and Zoning Agenda**

Agenda Date: December 12, 1995

Agenda Item: **95-62-PP-** A request for a Preliminary Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of F.M. 549 approximately 1,700' north of I-30.

Applicant: Tipton Engineering

Action Needed: Consider recommending approval of the request.

Background Information: The subject property consists of approximately 80 acres outside the city limit line. This property is in the city's extra-territorial jurisdiction (ETJ). Cities are only allowed to enforce subdivision regulations in their ETJ. As discussed at the work session the Throufare Plan shows two roadways crossing this property. Based on this development density and surrounding conditions staff believes this the east/west road is unnecessary and the north/south road should be shifted to the west. Staff will provide an aerial at the meeting to better illustrate this change.

The applicant has also decided to make this a private development. The proposed streets will be built to county standard. The proposed streets will be concrete with open ditches for drainage. No city or county maintenance will be required in this private development. All street maintenance will be the responsibility of the homeowners association.

Recommendation: Staff recommends approval of this request.

Agenda Item: **95-62-Z**

**Planning and Zoning Public Hearing
December 12, 1995
Turtle Cove Rec. Center**

CALL TO ORDER

The meeting was called to order at 7:00 P.M. by Pat Friend with the following members present; Art Ruff, Ross Ramsay, Van Ewing, David Hairston, and Bill Morris. Will Quimby was absent. The meeting being held at Turtle Cove Recreation Center, 700 Turtle Cove Blvd.

APPROVAL OF MINUTES FROM THE NOVEMBER 14, 1995 MEETING.

Mr. Ruff made a motion to approve the minutes from the November 14, 1995 meeting.

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

PUBLIC HEARINGS

95-53-Z/PP A request for a revised Planned Development, revised Development Plan and preliminary Plat for Planned Development -2, Lakeside Village generally located on the west side of Marina Drive south of Village Drive.

95-64-Z/RP A request for a Replat for Turtle Cove Addition and revised area requirements in PD-2 (Turtle Cove) generally located on the north and south side of Turtle Cove Blvd. Approximately 800' west of FM-740.

95-51-Z/PP A request for a revised Planned Development, revised Development Plan and Preliminary Plat for Planned Development-15, Signal Ridge Phase 4 and PD-22 for the Harbor Bay Addition and amend the allowed uses to include Patio Homes and Condominiums and generally located west of Clarion Drive and north and west of Signal Ridge Drive.

At the request of the applicants, Mr. Ross made a motion to table these cases until the January 9, 1996 meeting.

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

95-60-CUP A request for a Conditional Use Permit for a new car sales, new car leasing and associated sales and service related businesses located on Lot 1, Block A of the Tribbey Addition generally located on the south side of I-30 approximately 500' east of FM-740.

Mr. Ewing left the meeting stating a conflict of interest.

Mr. Crolley outlined the request.

Mr. Friend opened the Public Hearing.

Harold Evans, engineer addressed the Commission requesting approval.

Randall Noe, Applicant addressed the Commission requesting approval.

Mrs. Boardman, 1330 Shores Blvd. Addressed the Commission requesting more information on the landscaping requirements.

Tom Manskey, President of the Rockwall Chamber of Commerce addressed the Commission requesting approval.

Mr. Friend closed the Public Hearing.

After much discussion, Mr. Morris made a motion to deny the request for a Conditional Use Permit for a new car sales, new car leasing and associated sales and service related businesses located on Lot 1, Block A of the Tribbey Addition generally located on the south side of I-30 approximately 500' east of FM-740.

Mr. Ruff seconded the motion. The motion was voted on and passed 3 to 2. The request was denied.

Mr. Ewing returned to the meeting.

95-61-Z A request for a Zoning change from Highway Commercial to Light Industrial for approximately .99 acres located on the north side of SH-276 approximately 2500' west of FM-549.

Mr. Crolley outlined the request.

Mr. Friend opened the Public Hearing.

Harold Chenault, applicant addressed the Commission requesting approval.

Mr. Friend closed the Public Hearing.

Mr. Morris made a motion to approve a request for a Zoning change from Highway Commercial to Light Industrial for approximately .99 acres located on the north side of SH-276 approximately 2500' west of FM-549.

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

95-65-Z/PP A request for a Preliminary Plat and change in Zoning from PD-29, SF-10 and Commercial to PD to allow SF-10, SF-7, Park and a Special neighborhood services district.

Mr. Crolley outlined the request.

Mr. Friend opened the Public Hearing.

Bill Anderson, Dowedy, Anderson and Associates addressed the Commission requesting approval.

Mr. Scott Pool, president of the Shores Homeowners Association addressed the Commission requesting that this case be tabled to a later date in order to give them time to find out more details of the subdivision.

Ms. Greene, 1345 Shores Blvd. addressed the Commission requesting more information.

John Vance, 1215 N Goliad addressed the Commission to ask questions.

J.T Price, 1203 N Goliad addressed the Commission to ask questions.

Marvin Dennis, 1209 N Goliad addressed the Commission to ask questions.

Ms. Turow addressed the Commission to ask questions.

Ms. Boardman, 1330 Shores Blvd. Addressed the Commission with traffic concerns on Lakeshore Drive.

Mr. Friend closed the Public Hearing.

After much discussion, Mr. Ewing made a motion to approve the request for a Preliminary Plat and change in Zoning from PD-29, SF-10 and Commercial to PD to allow SF-10, SF-7, Park and a Special neighborhood services district with amendments to exhibit B and to include no gaps in Lakeshore Drive as the phases are developed

Mr. Hairston seconded the motion. The motion was voted on and passed 4 to 2. Mr. Ruff and Mr. Morris voted against.

PLATS

95-62-PP A request for a Preliminary Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of FM-549 approximately 1,700' north of I-30.

Mr. Crolley outlined the request.

Mr. Ruff made a motion to approve the request for a Preliminary Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of FM-549 approximately 1,700' north of I-30 with the condition that the Land Use Plan be updated to show the change.

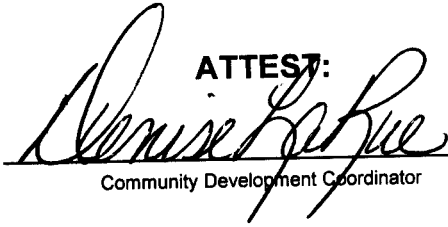
Mr. Morris seconded the motion. The motion was voted on and passed 6 to 0.

ADJOURNED

12-12-95

There being no further business the meeting was adjourned at 10:10 P.M.

ATTEST:



Community Development Coordinator

APPROVED:



Planning & Zoning Commission Chairman

FILE COPY

CITY OF ROCKWALL
City Council Agenda

Agenda Date: December 18, 1995

Agenda No. V. G.

Agenda Item: **PZ-95-62-PP** Consider a Request from Tipton Engineering for Approval of a Preliminary Plat for a Residential Subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of FM-549 approximately 1,700' north of I-30 and Take Any Necessary Action.

Item Generated By:

Action Needed:

Background Information:

**City Of Rockwall
City Council Agenda**

Agenda Date: December 18, 1995

Agenda Item: **95-62-PP-** A request for a Preliminary Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of F.M. 549 approximately 1,700' north of I-30.

Applicant: Tipton Engineering

Action Needed: Consider recommending approval of the request.

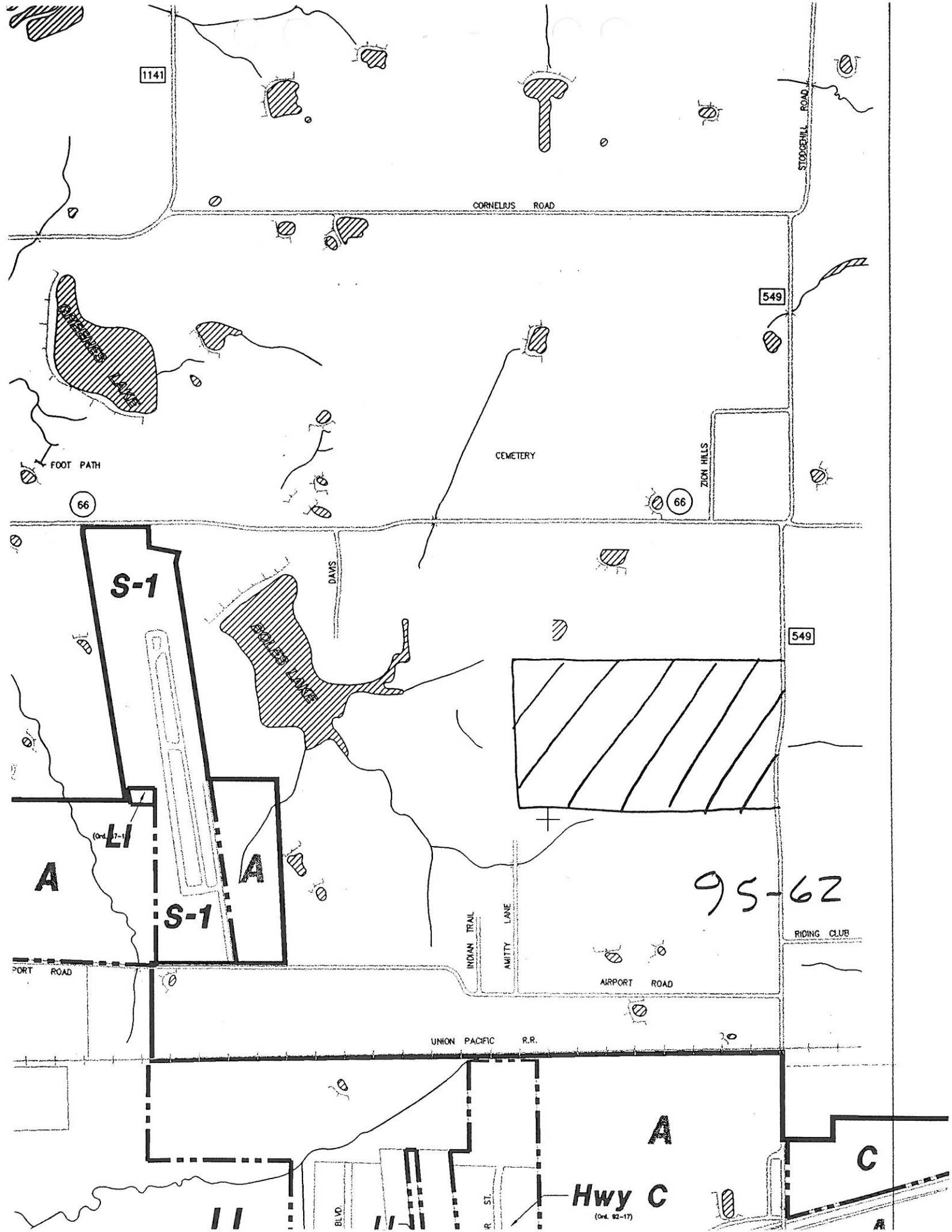
Background Information: The subject property consists of approximately 80 acres outside the city limit line. This property is in the city's extra-territorial jurisdiction(ETJ). Cities are only allowed to enforce subdivision regulations in their ETJ. As discussed at the work session the Thoroughfare Plan shows two roadways crossing this property. Based on this development density and surrounding conditions staff believes this the east/west road is unnecessary and the north/south road should be shifted to the west. Staff will provide an aerial at the meeting to better illustrate this change.

The applicant has also decided to make this a private-development. The proposed streets will built to county standard. The proposed streets will be concrete with open ditches for drainage. No city or county maintenance will be required in this private development. All street maintenance will be the responsibility of the homeowners association.

Staff Recommendation: Staff recommends approval of this request with the condition that a note be added to the plat that this is a private development..

P & Z Recommendation: The Commission recommends approval with the recommendation that the Thoroughfare Plan map be revised showing the thoroughfare moved to the west.

Agenda Item: **95-62-Z**



1141

CORNELIUS ROAD

STODGEMILL ROAD

549

FOOT PATH

66

CEMETERY

ZION HILLS

66

S-1

DAVIS

549

BOLEB LAKE

Hatched rectangular area

A

(Ord. 17-1)

S-1

A

95-62

RIDING CLUB

PORT ROAD

INDIAN TRAIL

AMITY LANE

AIRPORT ROAD

UNION PACIFIC R.R.

A

C

Hwy C

(Ord. 02-17)

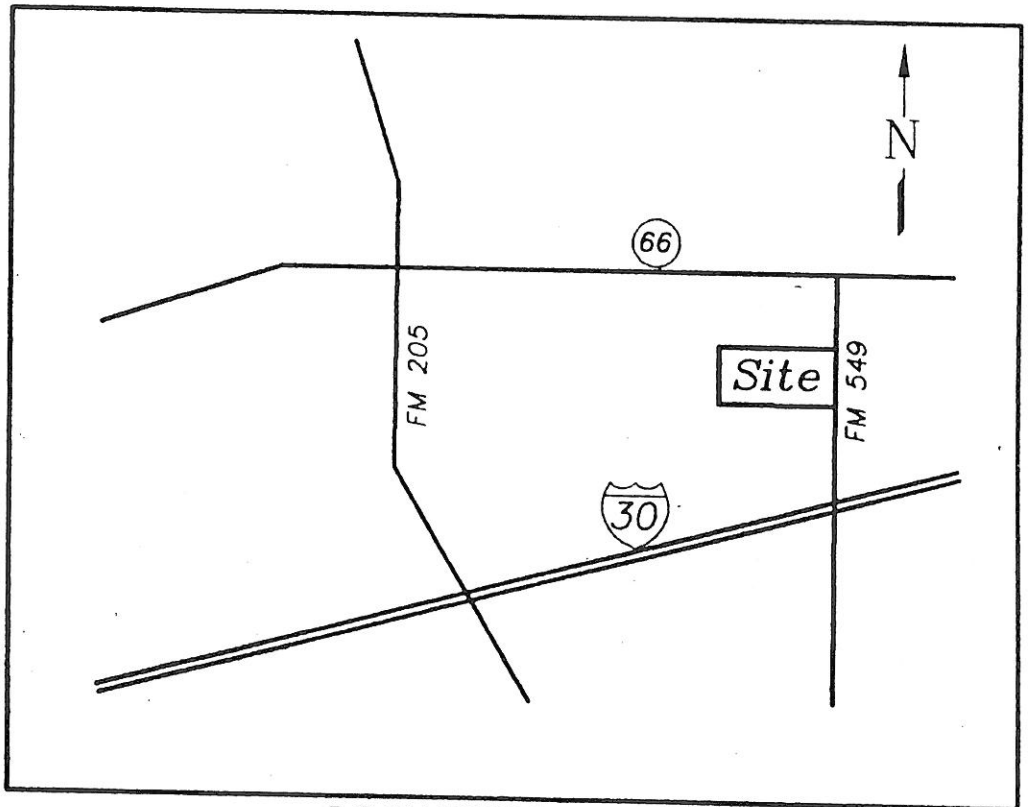
BLVD.

R. ST.

A

95-62-PP

AIRPORT ACRES



LOCATION MAP

MINUTES OF THE ROCKWALL CITY COUNCIL DECEMBER 18, 1995

Call to Order

Mayor Hatfield called the meeting to order at 7:00 p.m. Members present included Sam Buffington, Ron Coleson, Pat Luby, Dale Morgan, Todd White and Nell Welborn. The pledge of allegiance and invocation were led by Sam Buffington.

Consent Agenda

- A. Approval of Minutes of November 18, 1995, November 27, 1995 and December 4, 1995
- B. PZ-95-52-CUP Approval of an Ordinance for a Conditional Use Permit for a Detached Garage Exceeding the Size Requirements in the SF-7 Zoning District Located at 306 N. Clark and Take Any Necessary Action (2nd Reading)

Welborn moved approval of the consent agenda. The motion was seconded by Buffington, and the caption was read by Couch

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A DETACHED GARAGE EXCEEDING THE ALLOWED SIZE REQUIREMENTS 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 (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously.

Appointments/Plats/Plans/Public Hearings

Appointment with Representatives of Continental PET to Consider Approval of a Tax Abatement Agreement and Take Any Necessary Action

Couch reviewed the history of Continental PET's request for a tax abatement. She stated that the City had been working with Continental PET for approximately a year regarding their request. Couch stated that in 1989, when the facility originally located in Rockwall the company was

granted a five-year abatement. Couch indicated that abatement expired in December 1994. Couch reported that they had originally submitted a request for an extension of the existing abatement agreement. At that time, the Council indicated that they did not want to extend the existing agreement but would give consideration to an abatement for the new improvements installed at the facility. Couch stated that since that time staff had been working with representatives of the company along with the subcommittee appointed by the City Council. Couch reported that a proposed abatement agreement had been developed for Council consideration. Couch indicated that representatives of Continental PET were present to make a presentation.

60 Rick Croiter came forward and introduced those representing Continental PET. He introduced
Harold Curtis and Jerry Wylie. Croiter stated that Continental PET had come before the Council
initially because during their 1995 budgeting process the company realized that property taxes
in Rockwall exceeded the property taxes of the company's other plants. Croiter stated this
65 adversely affected Continental PET in two ways. He stated that the Rockwall plant was expensive
to operate in comparison with others in the same type of business. Also, he stated that
Continental PET's other plants competed with the Rockwall plant for operations. Croiter stated
that the injection molding operation at the plant could be placed at almost any plant. Croiter
commented that the placement of the equipment was dependent on the economics of the
70 operations.

Croiter briefly summarized the draft abatement agreement and stated that the abatement was for
less than the original request of the company. He stated that the proposed agreement before the
Council would provide a five-year partial tax abatement beginning in 1996 and would only cover
the most recent additions to the plant. Croiter indicated that there would be no abatement for the
75 original investment or for the \$6.9 million invested in 1994. Croiter stated that this year
Continental PET would pay \$101,912 in taxes to the City. He indicated that to the combined
taxing districts the company would pay \$487,517.

Croiter indicated that the abatement, if adopted, would apply only to the 1995 investment, which
80 amounted to approximately \$12.3 million. Croiter indicated that the abatement would begin at
70% of the assessed valuation. The abatement in the second year would be 70%, in the third year
60%, and in the fourth and fifth years 50%. Additionally, the abatement would require
Continental PET to maintain a certain level of operations within Rockwall. Croiter stated that if
these levels were not maintained the taxes previously abated would have to be repaid.

85 Croiter commented that the abatement would encourage Continental PET to continue to invest in
Rockwall and that it went along with the City's economic development program in demonstrating
to other industries that Rockwall had a good atmosphere for companies. Mayor Hatfield stated
that Continental PET had met all of the qualifications for an abatement, and he commented that
he was happy to have Continental PET in Rockwall. Following discussion, Luby commented that
Continental PET contributed to the community. Buffington commented that he wanted companies
to come to Rockwall, but he expressed some concerns about the proposed abatement. Coleson
moved approval of the tax abatement for Continental PET for a five-year period in the amounts
of 70%, 70%, 60%, 50% and 50% respectively. Morgan commented that he would be voting
95 against the abatement. The motion was seconded by Pat Luby. Welborn stated that Section 5

contained wording which she would like revised. She requested that the wording be changed to read "may be subject to the some level of abatement only if approved by the City Council." Welborn stated that she did not want to tie future City Councils to the same levels of abatements contained in this agreement. Welborn stated that each abatement should stand on its own merit. Welborn proposed this as an amendment to the motion. The amendment was accepted by Coleson and Luby.

Morgan commented that when the subcommittee met with Continental PET one issue raised was the high cost of utilities within Rockwall. Morgan asked that the electric company be contacted regarding these costs. The motion failed with the following vote:

Ayes: Coleson, Hatfield, Luby, Welborn, White
Nays: Buffington, Morgan

Hatfield stated that the motion required six affirmative votes for passage. Couch commented that the City's abatement policy required, if the abatement was to be more than 60%, the affirmative votes of six members. Couch reported that take action, the Council would have to reduce the abatement on the first and second years would have to be reduced to 60% or less. Following discussion, Welborn moved that the table of estimated taxes to be abated be revised to read "60% for years one and two" with the remainder of the table staying the same and with the previously stated revisions to Section 5 of the abatement agreement. The motion was seconded by Luby. Welborn asked if there was any indication on the position of the school board. Following discussion, the motion passed with the following vote:

Ayes: Buffington, Coleson, Hatfield, Luby, Welborn, White
Nays: Morgan

Appointment with Love's Country Store to Consider Request to Amend the Sign Ordinance Regarding Variances and Take Any Necessary Action

Couch introduced Bob Friese, Real Estate Director, for Love's Country Stores. Mr. Friese stated that the company was looking at property on the corner of I-30 and FM-549. He stated that the company during their research had discovered that the City's sign ordinance was somewhat restrictive as to interstate type operations. He commented that the company had a sign design which they found necessary to operate a viable business on the interstate. Friese stated that Rockwall's current sign ordinance would restrict them from being able to develop on the corner.

Friese stated that Love's typical signage was approximately 700 square feet with a minimum height of between 80 and 90 feet. Friese stated that this had been scaled back in the drawing presented to the Council. He indicated that signage was critical for completion of the project. He stated that the sign needed to be visible from about .3 miles from the exit or the traffic would pass by. He reported that Love's logo and name were an important factor because name recognition allowed travelers to come to a location familiar to them and had good pricing. Friese listed the reasons for requesting an amendment to the sign ordinance. These reasons included:

1. The need to have visibility from .3 miles before approaching an exit ramp,
2. The restricted visibility, caused by the flatness of the roadway and the bridge location along I-30, and
3. The need to identify the business and exit safely because of the increased speed limit.

5
Frieese stated that he hoped the City would consider an amendment to the ordinance to allow them to come to Rockwall. Morgan asked staff if they were familiar with the dimensions of the 76 Truck Stop sign. Couch indicated that she was not but stated that it was a non-conforming sign and had been there for many years. Morgan asked how close the sign was to the city limits. Couch responded that the City's ETJ extended about 1,800 feet east of that intersection.

150
Following discussion, Morgan moved approval of the request to consider an amendment to the sign ordinance and directed staff to draft an amendment which would allow Love's to seek a variance. Mayor Hatfield commented that perhaps the amendment should include language which would restrict variances to certain boundaries located with the I-30 corridor. Couch stated that the amendment could applications to sites only along the interstate and could also limit them to the intersections of major arterials with the interstate. Following discussion, the motion was seconded by Luby. Following discussion, the motion passed unanimously.

160 **Appointment with Planning and Zoning Commission Chairman**

Pat Friend, Chairman of the Planning and Zoning Commission, came forward to address the Council. He stated that the Commission had four items to present to the Council and that he was available to answer any questions.

170 **PZ-95-60-CUP Hold Public Hearing and Consider Approval of a Request from RN Special, Inc. For a Conditional Use Permit for New Car Sales, New Car Leasing and Associated Sales and Service Related Businesses located on Lot 1, Block A of the Tribbey Addition generally located on the South side of I-30 approximately 500' east of FM-740 and Take Any Necessary Action**

175 Crolley stated that the subject property was zoned Commercial. He reported that the request was for a new car dealership that would include new car sales, new car leasing and all sales and service businesses related to full service dealerships. Crolley commented that the applicant was trying to secure a car dealer franchise for the location, but at this time a franchise was not in place. Crolley indicated that the applicant proposed to lease new cars, sell used cars, provide a full service paint, body and detail shop and parts at this location until a new car franchise could be secured. Crolley reported that the differences between this application and the previous request were the new car sales and the full paint and body shop.

185 Crolley stated that there was an existing vacant metal building on the site that was originally built as a car dealership and that this building was nonconforming. He reported that the zoning ordinance allowed improvements up to 10% of the replacement value of a nonconforming building to be made in any twelve month period. Crolley indicated that the applicant estimated the

replacement value of the building at \$300,000.

190 Based on the square footage, Crolley reported that twenty-two parking spaces were required for this use. Crolley commented that the applicant anticipated that approximately forty cars would be placed on the lot for sale or lease. Crolley stated that the applicant intended to bring in a self-contained paint booth for the paint and body shop operation. Crolley indicated that the applicant had provided a letter outlining the improvements planned for the proposed operation.

Crolley stated that staff recommended approval of the request with the following conditions:

- 195
1. Improvements be made to the parking lot and appropriate stripping be made.
 2. The CUP be issued for new car sales and leasing as the primary use and all other uses be accessory uses to the new car sales and leasing.
 3. No outside body or paint work would be allowed at this location.
 - 200 4. Appropriate building and fire codes be met in the existing building.

Crolley reported that the Planning and Zoning Commission recommended denial of this request by a vote of three to two. He stated that since the recommendation from the Commission was for denial, six members of the Council would have to vote for approval of the request to pass it.

205 Morgan requested clarification of the information included in the packet regarding a proposed motel development. Crolley stated that the applicant or agent was the best person to ask about this issue. Crolley commented that the City had not been contacted by any motel developers regarding this site.

210 Hatfield requested Tom Manskey to address Morgan's questions. Tom Manskey with the Rockwall Chamber of Commerce came forward to address the Council. He stated that the Chamber had been contacted by a motel developer who had been aggressively looking in Rockwall for a site. Manskey stated that the information submitted to the Council included a prototype of the motel. Manskey indicated that the developer was interested in the back 1.23 acres of the proposed RN Special, Inc. development. Manskey stated that it was not his intention to present this information in an attempt to persuade the Council to approve the request just to get the motel development to happen. He stated that he just wanted the Council to consider the information. Manskey stated that he understood that the owner, Walter Tribbey, was not interested in parceling the land. Manskey stated that the applicant had shown an interest in selling off a portion of the back acreage for the motel development.

225 Manskey commented he believed that the developer had spoken with the representatives of the proposed power center about ingress/regress with the power center and FM-740. Manskey indicated that the developer of the power center had indicated that he would be interested in working out the details regarding this development.

230 White asked if the value of the paint booth would count toward the 10% per year improvement. Crolley indicated that he was not sure how that would be viewed and that it might require some interpretation to determine whether or not the paint booth was part of the building. Couch stated

that it was really a piece of installed equipment as opposed to actual improvements to the building. Couch commented that it would probably be viewed as equipment because it could be moved somewhere else.

235 Hatfield opened the public hearing. Harold Evans, 2331 Gus Thomasson Road, came forward
as a representative of RN Special, Inc. Mr. Evans reviewed the history of the request. Mr.
Evans stated that the first time the case went before the Planning and Zoning Commission they
voted to approve the request unanimously. Mr. Evans stated that the second time the case when
before the Commission they voted to deny the request with a vote of three to two. Mr. Evans
240 commented that the Commissioners brought up several issues following the public hearing that
were not addressed during the public hearing. He stated that he would like to address some of
the concerns. Mr. Evans commented that one of the issues regarded the size of the property. He
indicated that Mr. Noe had been a successful businessman in Terrell for a number of years and
if Mr. Noe was successful in obtaining the required use for the property he would spend
245 approximately \$1 million to purchase the property, refurbish the building, put in concrete parking
and add landscaping. Mr. Evans stated that he felt that no astute businessman would spend that
amount of money without being sure the size of the property would meet his requirements. Mr.
Evans reported that Mr. Noe had looked at every available site that would meet his need for
exposure. Mr. Evans stated that this was the only piece of property he had considered in
250 Rockwall.

Mr. Evans addressed the concerns raised by the Council and the Commission regarding the
aesthetics of the property. Mr. Evans stated that the landscaping requirements for the site were
outlined by city ordinance. He commented that if anyone was allowed to use the property they
255 would be held to the same landscaping requirements. He stated that the site plan showed 17,673
square feet of landscaped area that would be sprinkled and planted to meet the City's
requirements. He indicated that the plan also included seven large trees. Mr. Evans commented
that there was a sketch in the packet of the proposed remodel of the existing building. He stated
that it was Mr. Noe's intention to place a new fascia and facade on the building to update its
260 appearance. He stated that the building would be power washed and painted sandstone white.

Mr. Evans stated that the parking spaces required were shown on the site plan. He stated that
there was also a parking area to display twenty-eight cars. Mr. Evans indicated that fourteen of
the cars would face the interstate immediately adjacent to I-30. Mr. Evans commented that
265 Chili's, next door to the property, had approximately twenty-one parking spaces facing the
interstate. Mr. Evans stated that no matter who occupied the building cars would face the
interstate.

Mr. Evans referred to Tom Manskey's discussion of the motel site. Mr. Evans stated that he had
270 been asked to provide a rough sketch on how the site might appear on a plan and that it was
available for the Council to view if desired. Welborn asked at whose request the drawing was
prepared. Mr. Evans responded that Van Ewing had requested the drawing.

Mr. Evans stated that another concern voiced at the Planning and Zoning regarded the paint
275 operation and any odors that might occur from that use. Mr. Evans introduced Tommy Mercer,

with Downdraft Systems. Mr. Mercer came forward to address the Council. He stated that he had been asked to educate the Council regarding the operations of the paint spray booth. Mr. Mercer stated that in order to have a paint and body shop the operation must be governed by requirements of the Texas Natural Resource Conservation Commission, the Environmental Protection Agency, and the Texas Air Quality Control Board. He stated that the equipment which Mr. Noe was looking at met all of the standards required by these agencies. Mr. Mercer reviewed the components of the system and outlined the safety and air standards and filters provided on the equipment.

Coleson requested clarification from Mr. Mercer regarding the trapping of solid. Mr. Mercer responded that when anyone applied paint to a car there were two components to the process. He stated that there were solids and VOC's. He reviewed that process for the Council and explained that requirements of the TNRCC and he stated that the equipment Mr. Noe was considering exceeded those requirements. Welborn requested information regarding the height of the stack. Mr. Mercer responded that the TNRCC specifies that the stack had to be 1.2 times the height of the nearest building within 200 feet.

Mr. Walter Tribbey came forward to address the Council. He stated that he was the owner of the property which was the subject of Randall Noe's application. Mr. Tribbey stated that the Council was provided with additional information because the request denied by the Commission. Mr. Tribbey stated that originally the Planning and Zoning Commission had approved the request so the applicant had not believed that it would be necessary to provide the additional details to the Commission. He commented that they had asked him to come to tonight's meeting to provide additional information. Also, Mr. Tribbey stated that at the Planning and Zoning Commission meeting, as he understood, questions were raised after the meeting was adjourned and the applicant had no opportunity to respond.

He stated that he had sent a letter to the members of the Council, and he then summarized the history of the property. Mr. Tribbey stated that he had not previously attended any of the meetings at which this case was presented. Mr. Tribbey commented that he believed he had a good feel for the various comments and objections raised about the property and the application. Mr. Tribbey stated that since the property had been on the market numerous inquiries had been received from different types of businesses and among those were a couple of restaurant chains. The comments received from those chains indicated that they could not make the site work to meet their needs. They were particularly concerned with the service road access. Mr. Tribbey stated that the community must finally come to the conclusion that this site would never be a part of a restaurant row and that the property would not meet the site requirements of the restaurant industry. He commented that he had heard several indicate that they wanted to see something pretty at the entrance to the City of Rockwall. Mr. Tribbey stated that he never envisioned his property as the gateway to the City of Rockwall, but after hearing some of the comments, he stated he was inclined to think that the property was the gateway to the city. Mr. Tribbey then reviewed some of the other buildings in the area. He stated that he felt the Council should decide what the criteria were going to be and how restrictive that criteria were going to be. He stated that he did not consider his property to be the gateway to the City of Rockwall.

Mr. Tribbey stated that another comment he had heard was that the City would like to have Randall Noe in Rockwall but not at that location. Mr. Tribbey commented that his property was the only available building in the City of Rockwall and probably the adjoining metropolitan area that was built for an automobile dealership. Mr. Tribbey stated that he knew that Mr. Noe had
325 made an effort to look at other sites in the City and he believed that this site was the only site on which it would be economically feasible for him to operate his proposed business.

Mr. Tribbey stated that he understood that the City on November 7, 1995, had held a sales tax election. Mr. Tribbey stated that this was probably the first opportunity for the Council to demonstrate to the voters of Rockwall that the City Council meant business and business meant
330 new industry, new jobs, payroll, and additional economic development for the area. He commented that Mr. Noe's proposed business would bring to the City a \$1 million payroll with approximately thirty-six jobs, would make a substantial increase in the ad valorem tax base on the property and would bring in substantial tax revenues into the City of Rockwall. Mr. Tribbey
335 stated that he believed that this was a good example of economic development. He stated that if the application was approved, Mr. Noe was considering the prospects of the development of a motel on the back portion of the property. Mr. Tribbey stated that the motel operation alone would bring a lot of tax dollars to the City of Rockwall. Mr. Tribbey commented that he felt the Council was standing at the crossroads of the future development of the City. He stated that the
340 Council's decision on the application would send messages to two groups of people, to the voters of the community and to the other businesses that might be interested in locating in Rockwall. Mr. Tribbey requested the Council's approval of the request.

Lowell Moore came forward to address the Council. He commented that he had been the chairman of the Rockwall Appraisal Review Board for the past two years and had certified the tax
345 rolls for Rockwall County. He reported that last year \$115 million were added to the tax roll in Rockwall County. He stated that \$54 million of that amount was in new construction. He stated that \$1 million of assessed value could represent half of a salary for a teacher for one year, new computers for police cars in Rockwall, or half of salary for a new jailer. Moore stated that
350 Chili's had not yet been placed on the tax roll; however, he believed that it would add approximately \$750,000 in valuation to the tax roll. He stated that the \$1 million the Noe property would contribute toward the tax roll did not include personal property. He stated that he had met with Ray Helms of the Rockwall Appraisal District to estimate what the additional taxes might be on the inventory of cars at the dealership. He stated that the low estimate was
355 approximately \$5,000 to \$6,000 a year in taxes. He stated that these would be real dollars that would impact real people. He commented that if the project was put off the City might face a loss in revenue.

Joe Culick came forward to address the Council. He stated that he wanted to call attention to the fact that there were people like himself who chose Rockwall because of certain concepts as
360 outlined in the comprehensive use plan. He stated that he had shopped for cars and that he had been to Terrell, and he did not consider Mr. Noe's facility there to be pretty or beautiful. He stated that Rockwall must be careful if it planned to live up to the goals adopted which reflected the desires of the citizens of Rockwall. He stated that it was difficult to say no to a business at
365 this point of time but that it did not mean that the City must rush into projects. Mr. Culick stated

that if the city really believed in the goals adopted it should be careful and deliberate. He commented that the City should not rush into projects and that it should plan carefully. He stated that he believed that there were other issues which should be reviewed that would impact this development and other proposed developments in the area and a plan should be carefully developed which would encourage all of the developments and ultimately impact all of the property taxes in the community. He urged the Council to carefully consider the project.

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Scott Self came forward to address the Council. Mr. Self stated that he was in favor of the development and requested the Council's approval. He commented that when he brought his business to Rockwall in 1983 it was located on Industrial Boulevard which had gravel roads and there was no sewer. Self stated that his business was now located on I-30 and he employed approximately 25 employees. He commented that like Randall Noe he did not ask for an abatement. He stated that the City Council at that time zoned the property light industrial and he was very appreciative of the support received. Mr. Self stated that Mr. Noe had come before the Council with a very reasonable plan and would be paying taxes to the City.

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Wayne Watson came forward to address the Council. He stated that the people he had dealt with a Randall Noe's location in Terrell had all been nice and courteous. Mr. Watson asked the Council to vote favorably on the request.

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Mayor Hatfield closed the public hearing. Hatfield commented that he wished the information provided by Mr. Tribbey had been available earlier during this process. Morgan stated that previously when he voted against the request his chief concern related to the size of the facility. Morgan stated that he would vote to support the request. Coleson commented that he would support the request. Buffington moved approval of the request from Randall Noe for a Conditional Use Permit with staff's recommendations. The motion was seconded by Morgan. White commented that he would be voting against the request and that the Council's action regarding this property would set the tone for the future development of that area in the coming years. White stated the information provided by the Chamber of Commerce and Mr. Noe and his representatives was enlightening. White stated that the motel concept made him question the viability of the property as a new car dealership even more. White commented that the environment today led him to believe that 2.42 acres would not support a car dealership. He stated that he did not believe the car manufacturer would believe the property was large enough to support the business. Buffington stated that he believed that primary concern should be the tax dollars the business could generate. Mayor Hatfield voiced support of the request. Welborn requested clarification about what the citizens of Rockwall could expect to see at the location if the new car dealership did not materialize. Crolley stated that if it opened tomorrow without any new car franchise in place, Mr. Noe stated that it would be a new car leasing operation that would have used car sales along with the other accessory uses. Welborn commented that she did not believe the request had changed significantly. She stated that the only objection she had ever had regarding the request was the location, and she could not vote in favor of the request. Following discussion, Mayor Hatfield called for the vote. The motion failed with the following vote:

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Ayes: Buffington, Coleson, Hatfield, Luby, and Morgan
Nays: Welborn and White.

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Couch commented that the Commission's denial of the request required the Council to have an affirmative vote of six of the seven Councilmembers.

415 **PZ-95-61-Z Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Harold Chenault for a Zoning Change from Highway Commercial to Light Industrial for approximately .99 acres located on the north side of Sh-276 approximately 2500' west of FM-549 and Take Any Necessary Action**

420 Hatfield opened the public hearing. Harold Chenault, 803 Kernodle, came forward to address the Council. He requested approval of a re-zoning request to change the zoning from Highway Commercial to Light Industrial. Mr. Chenault stated that the property was zoned by the previous owner and had been zoned prior to the surrounding property. Mr. Chenault stated that he wanted to bring it into compliance with the surrounding zoning which was Light Industrial. He requested approval. Hatfield closed the public hearing. Buffington moved approval of the ordinance granting a zoning change. The motion was seconded by Coleson, and the caption was read by Couch.

430 ORDINANCE NO. _____

435 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED IN EXHIBIT "A" HEREIN FROM "HWY. C" HIGHWAY COMMERCIAL CLASSIFICATION TO "LI" LIGHT INDUSTRIAL ZONING CLASSIFICATION; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

440 The motion passed unanimously. Mayor Hatfield recessed the meeting for a short break at 8:45 p.m. The Mayor reconvened the meeting at 9:00 p.m.

445 **PZ-95-65-Z/PP Hold Public Hearing and Consider Approval of a Request from Rockwall Heights, Limited for a change in Zoning from PD-29, SF-10 and Commercial to PD to allow SF-10, SF-7, Park and a Special Neighborhood Service District and Approval of a Preliminary Plat and Take Any Necessary Action**

450 Mayor Hatfield indicated that no action would be taken on this item until the first meeting in January to allow additional time for review by the Council. Mayor Hatfield opened the public hearing. James Dowdy came forward to address the Council. He indicated that the owners, Mike Fennegan and Preston Skaggs, were present to answer any questions. He stated that the project consisted of 229 acres located north of North Alamo Road between SH-205 and the Shores Development. Dowdy provided the Council with a drawing detailing the zoning on the surrounding tracts of land, and he summarized the percentage makeup of lot sizes within each

development.

460 He reported that the proposal for the Rockwall Heights development proposed a makeup of 50%
10,000 square foot lots, 30% 8,000 square foot lots, and 20% 7,000 square foot lots. He
commented that the distribution of lot size was less dense than the other surrounding tracts. He
stated that the development included three existing tracts which contained different zoning
classifications. He indicated that the east and west tracts were SF-10 and the middle tract was
465 zoned PD-29 which allowed for a mixture of lot sizes ranging from 7,000 square feet to 10,000
square feet with all of the lots having a minimum of 1,500 square foot houses. He stated that the
PD also allowed for a maximum of 275 lots. He reported that the two tracts to the east and the
west had preliminary plats and concept plans approved. He stated that under the current zoning
627 lots were allowed. He stated that the existing concept plans included 22 acres of park land
470 in these tracts, and he commented that the developers were planning to increase the acreage to
33.5 acres when the new plat was approved. He stated the proposed development included 610
lots.

Mr. Dowdy stated that tract three was being proposed as a restricted professional building district
475 and the uses would include zoning for a school, church, medical facilities, a day care center, and
other professional developments. He stated that the combination of the original three tracts
would provide for a neighborhood concept. He commented that they believed the development
of the tract would enhance the City's ability to build a bridge across Squabble Creek and tie into
Quail Run in the future. He commented on the distribution and placement of lots within the
480 proposed development. He requested Council approval of the zoning change and preliminary plat.

Scott Poole, 1300 Shores Boulevard, came forward to address the Council as a representative of
the Shores Homeowners' Association. He thanked the Council for delaying action on this case.
He stated that proposed PD was vague in some respects and that many of the intents expressed
485 had not been captured in the PD. He voiced concern that these intents would not pass with the
land. Poole commented that he was unaware of any environmental impact studies performed for
this development. He voiced concern about the runoff that the development might create from
Squabble Creek. He also stated he was concerned about the impact the development would have
on traffic and schools. Mr. Poole asked if there would be an opportunity for additional citizen
490 input. Hatfield responded that the public hearing would be continued at the first meeting in
January and at that time additional comments could be made. Mr. Poole stated that he was not
opposed to the development. However, he stated that he was pro-city and that he felt the City
should carefully consider all of the ramifications of the development.

495 Martha Towell, 1340 Meandering Way, came forward to address the Council. She commented
that she was concerned that the southwest corner of the property would be developed first.
Following the development of the southwest corner, they planned to develop the southeast corner
of SH-205. She voiced concern that the two areas not be connected by a roadway. Ms. Towell
stated that the southwest section in order to reach SH-205 would have to travel through the Shores
500 until the two parts of the development were connected. She was concerned that the only access
to the development would be either SH-205 which was already congested or Lakeshore which was
not fully developed along one portion.

505 Joe Culick, a resident of the Shores, came forward to address the Council. He stated that he
hoped that the potential developer would work with the homeowners' association to remedy some
of the shortcomings of the development. He stated that he wanted Rockwall to grow in a
deliberate and controlled manner that would be representative of the goals developed contained
in the comprehensive land use plan. He commented that he did not want Rockwall to contain high
density developments because of the pressure placed on the infrastructure in this area of town.
510 Mr. Culick stated that his major concern involved the roadways, and that the City needed to make
decisions that would control traffic.

He commented that the PD-3 zoning concerned him, and he felt that some changes needed to be
made. He stated that many of the streets were too narrow. He stated that problems exist today,
and that just because PD-29 exists today, it did not mean that the future development should
515 continue in the same manner as it was originally approved. He stated that the future development
and growth of the city and commented should be deliberate and controlled. Mr. Culick stated
statistics provided to him showed that the city currently had one thousand available lots and that
less than 200 new homes permits were issued per year. He stated that this was a five-year
absorption rate from the plats currently available. He commented that the school system was
520 struggling to make accommodations for these demographics. He felt that the City should deny
the rezoning of PD-29 because no new developments were needed in the City. He summarized
that steps he felt the City should take to control growth and to provide quality developments.

Culick asked the City not rely inherited zoning. He stated that he would encourage the blocking
525 on the northern section of the proposed development because the Shores would like to be totally
isolated from the development. Mr. Culick asked if the public would be able to participate in the
subcommittee meeting. Couch stated that the subcommittee could call a public meeting for
citizens to express their opinions or the subcommittee could invite the representatives from the
citizens' group to provide input to the staff that would be provided to the Council and
530 subcommittee. Welborn stated that one of the advantages of having a subcommittee was that it
could be convened quickly and to schedule a public meeting would be harder to schedule.
Welborn stated that if that approach was taken that she suggested that Council worksession be
scheduled on the issue where everyone could come and participate. Culick stated that he wanted
to take steps to control the growth.

535 Morgan moved to continue the public hearing until the next regular council meeting in January.
The motion was seconded by Buffington, and it passed unanimously. Hatfield appointed a
subcommittee to review the request. Pat Luby, Dale Morgan, and Todd White were appointed
to the committee.

540 **PZ-95-62-PP Consider a Request from Tipton Engineering for Approval of a Preliminary
Plat for a Residential Subdivision named Rolling Meadows Estates located in the County
(within the City's Extra territorial Jurisdiction) generally located on the west side of Fm-549
approximately 1,700' north of I-30 and Take Any Necessary Action**

545 Crolley reported that the subject property consists of approximately 80 acres outside the city limit
line. He stated that the property was in the City's extra territorial jurisdiction and that cities were

only allowed to enforce subdivision regulations in their ETJ. He commented that the thoroughfare plan showed two roadways crossing the property. He stated that based on the development density and surrounding conditions staff believed that the east/west road was unnecessary and the north/south road should be shifted to the west.

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Crolley stated that the applicant had decided to make this a private development which meant that the streets would be privately maintained by the homeowners' association which would be created. He stated that the proposed streets would be built to county standard and would be concrete with open ditches for drainage. He reported that no city or county maintenance would be required for this private development. Crolley stated that staff recommended approval of the request with the condition that a note be added to the plat that this was a private development. The Planning and Zoning Commission recommended approval of the request and recommended that the thoroughfare plan be revised to show the thoroughfare moved to the west. Bill Crolley provided a summary for the Council regarding what this would involve.

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Following discussion, Pat Atkins came forward to present the request for The Pegasus Group. He stated that it was an unincorporated area. He commented that the intent was to develop the 80 acres into 18 lots with 4 acre tracts. He stated that the establishment of the surrounding fencing would be constructed by the builders. He stated that the roadway issue had arisen during the platting process. Hatfield requested that for the record that it be noted that this property was directly underneath both the right and left downwind approaches of the airport. Mr. Atkins, the developer's representative, stated that the developer was aware of that fact. Welborn asked if the roadways met the requirements to accommodate the City's fire trucks. Morgan requested clarification regarding the note added to the plat. Crolley responded that they just wanted to make it clear that there was no dedication of the roadways. Following discussion, White moved approval of the preliminary plat subject to the staff and Commission recommendations. The motion was seconded by Coleson, and it passed unanimously.

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City Manager's Report

Couch informed that Council that the speed limits would be increasing on several roadways in the Rockwall area.

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White requested information about the status of the Metro Feed sign. Couch indicated that contact had been made with Mr. Tribbey and that it had been decided that action would be taken dependent upon the case which had been presented to the Council earlier in the meeting.

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Couch stated that included with the agenda materials was a draft of the brochure for the land use plan. She asked the Council to review the plan and requested that they let her know within the next few days if they had comments or changes. Morgan requested information regarding the collection of zoning fees. Couch indicated that the figures indicated were correct and that there had been several large applications within the last few months. White requested information about fire inspection fees. Couch stated that staff was currently reviewing these, and she indicated that a recommendation would be presented to the Council within the next few meetings. Buffington requested information regarding the take line study. Couch indicated that the issue was placed

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on the agenda for discussion. Morgan requested that steps be taken to revise the thoroughfare plan.

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Action/Discussion Items

Discuss and Consider Approval of a Lease Agreement with the Rockwall Miniature Airplane Flying Association for Lease of a Portion of the Rockwall Landfill and Take Any Necessary Action

600

Buffington moved approval of the lease agreement with the Rockwall Miniature Airplane Flying Association. The motion was seconded by White, and it passed unanimously.

Discuss and Consider Approval of a Resolution Prohibiting the Possession of Concealed Handguns in City Facilities and on City Property and Take Any Necessary Action

605

Hatfield voiced concerns about the provisions of the resolution which prohibited the possession of concealed weapons on parking lots. He requested that the resolution be changed to prohibit the carrying of handguns inside certain facilities. He stated that he did not want the City to be in violation of the intent of the law, and that the proposed resolution might be challenged. Morgan commented that he agreed. Couch commented that the policy could be amended and brought back to the Council for action. White asked the City Attorney to update the Council on the status of other cities' actions regarding a policy. Eckert stated that it had been an issue and other cities' actions had been varied. Eckert stated that the local government code allowed cities to regulate the possession of concealed handguns for those who do not have permits. Eckert reviewed the provisions of the local government code. Eckert stated that the controversy arose in Section 32 of the new law which was added to allow public or private employers to regulate their own premises as to whether or not persons who had obtained permits could bring concealed handguns into a facility. Eckert stated that the Attorney General had issued one opinion on the statute which indicated that if Section 32 of the act was used that violations of that section would fall under the criminal trespass provisions of the Texas Penal Code.

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Discuss and Consider Approval of a Resolution Authorizing the Submission of a Grant Application to the Criminal Justice Division for the Formation of a Joint Drug Interdiction Task Force by the Cities of Rockwall and Greenville, Texas and Rockwall County Sheriff's Department and Take Any Necessary Action

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Couch reported that it was time to renew the request for a grant application for the drug task force. She commented that a memorandum was included with the agenda materials which outlined some of the changes the State had contemplated regarding the focus of the task forces. Couch stated that she believed that the task force was currently operating at the best levels the City had seen in the last several years.

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White commented that the higher profile and the public role were a good idea. He stated that he believed that this added a lot of benefits to the task force and city. White moved approval of the resolution for the submission of a grant application to the Criminal Justice Division for the

formation of a joint drug interdiction task force. The motion was seconded by Welborn, and it passed unanimously.

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Hear Report from City Manager and Consider Response to the City of Dallas Regarding Take Line and Take Any Necessary Action

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Couch reported that at the last meeting of the Coalition representatives present, along with the City of Dallas, agreed that the approach of the next meeting would be for the various cities adjacent to the take line to develop the types of conditions they would be willing to consider in a change of the status of the take line. Couch indicated that the developed parameters would be taken back to the Coalition for discussion. Couch commented that one of the concerns she had in attempting to design parameters was the uncertainty of Dallas' position. Couch stated that she believed that the Coalition's intent was to provide a starting point. Couch indicated that the meeting schedule for the Coalition in December had been canceled and that it would probably be January before a meeting was scheduled. Couch stated that the memorandum was not meant to be the position of the City Council at this point in time and that it was simply a range of parameters for discussion purposes.

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Welborn requested clarification regarding that statement that Rockwall would not assume responsibility for any current encroachment issues. Couch responded that if there was erosion the City did not want to become involved in any disputes that Dallas might have with adjacent property owners. Couch stated that in Lakeside Village some houses built adjacent to the take line actually encroached the private property line, and the City would not want to get into any dispute resolution regarding any of these properties. Welborn requested information regarding what was meant by establishing a reasonable manner in which utility easements would be granted to Rockwall. Crowley reported that from time to time the City of Rockwall and other area cities would need to obtain sewer and water easements within the take line. Crowley stated that reasonable rules and procedures should be established to facilitate these easements and to ensure that the rules were clear if there were changes in Dallas' policies. In response to a question asked by Welborn, Couch commented that the City would propose an amendment to the existing agreement with Dallas without additional compensation and the City of Rockwall would take the responsibility for the management of the shoreline and the City would make decisions regarding boat docks or building along the shoreline. Any revenues generated as a result would accrue to the City of Rockwall.

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Buffington requested clarification regarding the utility easements. Crowley responded that there were utilities located within the take line and that it was an area used for utilities. Crowley stated that in the past sewer lines had been moved and that it was one reason why erosion control was important to the City of Rockwall. Following discussion, the Council agreed with the submission of the document to the Coalition.

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Discuss and Consider Authorizing the City Manager to Enter into a Contract with the Cornerstone Group for Consulting Services and Take Any Necessary Action

Couch outlined the proposal from the Cornerstone Group to accomplish the tasks that were

685 discussed at the worksession regarding economic development in order to establish the
corporation, create its bylaws, create the organization of the board, and create the organizational
policies of that board. Luby moved that the City Manager be authorized to enter into a contract
with the Cornerstone Group for consulting services at a cost not to exceed \$10,000. The motion
was seconded by Coleson. Welborn voiced concern regarding the wording of the contract
690 regarding the committal of up to five working days with the City Council. Couch commented
that she had spoken with Bill Shelton regarding this provision and that this time did not include
the background work or preparation. She also indicated that the level of work would be
monitored and in all likelihood it would not cost the maximum amount to complete. She stated
that the five days would involve either working with her, the subcommittee or the Council
directly. The motion passed unanimously.

695 **Discuss and Consider Rescheduling the First Meeting in January 1996 and Take Any
Necessary Action**

Couch commented that staff proposed to move the meeting to January 8, 1996 which was the
second week in January. White stated that he would not be available of the eighth. Buffington
700 moved that the first meeting in January be moved to the eighth of January. The motion was
seconded by Welborn, and it passed with the following vote:

Ayes: Buffington, Coleson, Hatfield, Luby, Morgan, Welborn
Nays: White

705 **Hold Executive Session under Section 551.072 of the Texas Government Code**

The Council adjourned into executive session at 10:30 p.m. to discuss the sale of surplus right-of
way. The Council reconvened into regular session at 11:10 p.m. White made a motion that the
710 City Manager be authorized to execute a quit claim deed for the sale of Suncrest Drive to Wal-
Mart for the appraised amount with the stipulation that should the building not be constructed,
provisions for a reversion clause be included in the deed. Morgan seconded the motion which
passed unanimously.

715 **Adjournment**

Mayor Hatfield adjourned the meeting at 11:15 p.m.

720

APPROVED:

725

George R. Hatfield, Mayor

ATTEST:

730

Stacey R. Robbins, City Secretary