

APPLICATION AND PRELIMINARY PLAT CHECKLIST

Date May 22, 1996

Name of Proposed Subdivision WINDMILL RIDGE ESTATES

Name of Subdivider SHEPHERD PLACE HOMES, INC.

Address No.5 Northridge Lane, Rockwall, Texas 75087 Phone 214-475-1100

Owner of Record SHEPHERD PLACE HOMES, INC.

Address No. 5 Northridge Lane, Rockwall, Texas Phone 214-475-1100

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 65.79 Current Zoning PD Single Family

No. of Lots/Units 241

Signed Pat Atkins - Tipton Engineering, Inc. Applicant

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) and Not (Applicable). Rows include: 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
<u>X</u>	_____	D.	Proposed land uses, and existing and proposed zoning categories
<u>X</u>	_____	E.	Approximate acreage
<u>X</u>	_____	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>N/A</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 unsubdivided 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

4066

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

May 22, 1996

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

Re: WINDMILL RIDGE ESTATES
ROCKWALL, TEXAS

Dear Mr. Crolley:

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

1. Preliminary Plat Application
2. Filing fee check in the amount of \$1,280.00
3. Twenty (20) 24" X 36" folded copies of the Preliminary Plat

If you need 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

96-36

MINUTES OF THE ROCKWALL CITY COUNCIL JUNE 3, 1996

Call to Order

Mayor Pro Tem Todd White called the meeting to order at 7:03 p.m. Councilmembers in attendance included: Sam Buffington, Ron Coleson, Pat Luby, Dale Morgan, and Nell Welborn. Mayor George Hatfield was not in attendance. The invocation and pledge of allegiance were led by Todd White.

Open Forum

Mayor Pro Tem White opened the public forum. With no one coming forward to address the Council, Mayor Pro Tem White closed the public forum.

Consent Agenda

- a. **Approval of a Bid for a Trailer Mounted Sewer Jet Cleaner**
- b. **PZ-96-23-Z Consider Approval of an Ordinance Amending the Comprehensive Zoning Ordinance Article II, creating and establishing Section 2.22 Neighborhood Preservation District and establishing a purpose, the appointment of a Neighborhood Preservation Officer, the designation of Neighborhood Preservation Districts and consideration of special requests for Neighborhood Preservation and Take Any Necessary Action (2nd Reading)**
- c. **PZ-96-30-Z Consider Approval of an Ordinance Creating a Southside Residential Neighborhood Zoning Overlay District for the area known as the Southside generally located on the south side of Boydstun Avenue, east of Goliad/SH-205, north of the M.K.T. Railroad and west of Clark Street and Take Any Necessary Action (2nd Reading)**
- d. **PZ-96-24-Z Consider Approval of an Ordinance Amending the Comprehensive Zoning Ordinance No. 83-23 Article II, creating Section 2.21 8.4 Single Family Residential Zoning District, establishing a purpose, permitted uses, conditional uses, prohibited uses and area requirements and Take Any Necessary Action (2nd Reading)**
- e. **PZ-96-18-SP/Z Consider Approval of an Ordinance for a Change in Zoning from Residential to General Retail and a Request for a Site Plan for .19 acres of land located at 607 south Goliad generally located on the**

east side of Goliad 300' north of Boydston and Take Any Necessary Action (2nd Reading)

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f. **PZ-96-19-PP/Z Consider Approval of an Ordinance Changing the Zoning from Agricultural to Commercial for approximately 32 acres for Weber and Company for the Steger Towne Crossing Addition on the east side of FM-740 approximately 1000' south of I-30 and Take Any Necessary Action (2nd Reading)**

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g. **PZ-96-20-CUP Consider Approval of an Ordinance for a Conditional Use Permit to allow a Bed & Breakfast in a residential zoning district (SF-7) located at 406 Star Street for Michael Stafford and Take Any Necessary Action (2nd Reading)**

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h. **PZ-96-29-SP/Z/CUP Consider Approval of an Ordinance for a change in zoning from Agricultural to Commercial, a Conditional Use Permit to allow less than 90% masonry exterior for Fuji Ceramics, and Site Plan for property located at 2865 S. SH-205 generally located on the west side of SH-205 south of Sids Road and Take Any Necessary Action (2nd Reading)**

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Buffington requested that item a. be pulled from the consent agenda for separate action. He then moved approval of the remaining items on the consent agenda. The motion was seconded by Luby, and Robbins read the captions.

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ORDINANCE NO. ____

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AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY AMENDING ARTICLE II BY ADDING A SECTION 2.22; PROVIDING FOR A PURPOSE; PROVIDING FOR APPOINTMENT OF A NEIGHBORHOOD PRESERVATION OFFICER; PROVIDING FOR THE DESIGNATION OF PRESERVATION DISTRICTS; PROVIDING FOR SPECIAL REQUESTS FOR NEIGHBORHOOD PRESERVATION; 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.

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ORDINANCE NO. ____

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AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY THE DESIGNATION OF THE SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY DISTRICT; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PURPOSE; PROVIDING FOR OTHER REQUIREMENTS; PROVIDING FOR AREA REQUIREMENTS; PROVIDING THE LOCATION DESCRIBED HEREIN; 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.

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ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY AMENDING ARTICLE II BY ADDING A SECTION 2.8; PROVIDING FOR A "SF-8.4" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR A PURPOSE; PROVIDING FOR PERMITTED USES; PROVIDING FOR CONDITIONAL USES; PROVIDING FOR PROHIBITED USES; PROVIDING FOR AREA REQUIREMENTS; 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.

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 CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN FROM SINGLE FAMILY - 7 ("SF-7") ZONING CLASSIFICATION TO GENERAL RETAIL ("GR") 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.

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 CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN FROM "A" AGRICULTURAL CLASSIFICATION TO "C" COMMERCIAL 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.

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 BED AND BREAKFAST OPERATION IN A SINGLE FAMILY - 7 (SF-7) ZONING DISTRICT 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.

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 CHANGE THE ZONING ON TWO "A"

155 TRACTS OF LAND WHICH ARE MORE FULLY DESCRIBED HEREIN FROM "A"
AGRICULTURAL CLASSIFICATION TO "C" COMMERCIAL ZONING
CLASSIFICATION; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING
160 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.

The motion passed unanimously. Buffington requested clarification regarding the purchase of the sewer jet cleaner. Couch responded that staff's recommendation was that it be awarded to the low bidder meeting the bid specifications. Following discussion, Buffington moved that the bid be awarded to the low bidder, Sewer Equipment Co., in the amount of \$23,087. The motion was seconded by Morgan, and it passed unanimously.

Appointments/Plats/Plan/Public Hearings

Appointment with Representative of the Cultural Arts Commission to Review Questionnaire for Cultural Needs within the City, Consider the Adoption of Funding Guidelines for Hotel/Motel Fund Requests, and Designate Types of Organization Eligible to Receive Hotel/Motel Funding and Take Any Necessary Action

Linda Burns, Chairman of the Cultural Arts Commission, came forward to address the Council. She summarized the Council's charge to the Commission and recognized the Commission's members. Burns commented that the Commission wanted to provide quality cultural arts' opportunities to the citizens of Rockwall. Burns reported that the Commission had drafted proposed guidelines for the administration of the City's hotel/motel funds. She also stated that the Commission had prepared a needs assessment which they proposed to distribute to the City's cultural arts groups to obtain additional information from these groups. Following discussion, Welborn moved that the report of the Commission be accepted and that no action be taken. Welborn suggested that a workshop be scheduled jointly with the Council and the Commission to review the proposed guidelines before their adoption. The motion was seconded by Luby, and it passed unanimously. A worksession was scheduled for June 10, 1996 at 6:30 p.m. to consider the proposed guidelines.

Appointment with Ray Turco to Receive Report on the Results of the Parks and Recreation Master Plan Survey and with Dennis Sims of J.T. Dunkin and Associates to Receive Status Report Regarding the Updating of the Master Parks and Recreation Plan and Take Any Necessary Action

Dennis Smith with J. T. Dunkin and Associates came forward. He provided the Council with a brief status report regarding the progress of the study. He indicated that the City would be scheduling a public hearing in the near future to receive public input. Following his presentation, Ray Turco came forward to address the Council. Turco presented to Council with the findings of the telephone survey which had been conducted as part of the Parks and Recreation Master Plan update. The report he presented summarized the

200 community's opinions about the current park and recreation facilities within the City. The
report also contained information regarding the needs of the City for additional facilities.
He detailed the results in regards to families with both older and younger children. Turco
also provided information from those surveyed regarding their position on the funding of
205 facilities improvements. Following Turco's presentation, the Council indicated that they
might have additional questions at a future time. No action was taken on this item.

Appointment with Planning and Zoning Commission Chairman

210 Pat Friend, Chairman of the Planning and Zoning Commission came forward to address the
Council. He indicated that there were nine items before the Council for their consideration,
and he stated that he was available to answer any questions.

215 Coleson requested information regarding Planned Development 5 pertaining to the potential
sale of a portion of the PD to a new developer. He asked how Phase I was being
represented during the negotiations to ensure that they were included in the master
homeowners' development. Crolley responded that the residents of Phase I would be
offered an opportunity to join the homeowner's associations. Crolley indicated that there
would not be much change in the size of lots within the development.

220 PD-13-Review Hold Public Hearing and Consider Approval of a Zoning Change for PD- 13 - A City initiated review and possible change to the concept plan, area requirements and allowed uses in Planned Development-13 (PD-13) also known as "Windmill Ridge" and Take Any Necessary Action

225 Crolley reported that the original PD was granted in 1981 and included the existing Windmill
Ridge north of the creek which has been developed to a large extent. He indicated that the
PD had been revised several times since the original zoning. Crolley commented that in
December 1994 an application for a revision to the PD changed the undeveloped area south
of the creek from duplex to the current single family uses. Crolley reported that the current
230 concept plan was similar in lot size to the plan approved recently by the Commission and the
City Council for the adjacent planned development (PD-17). Crolley reviewed the property's
compliance with the park plan, the thoroughfare plan, and the land use plan. He indicated
that currently this development did not provide alley service as recommended in the new
residential policies.

235 Crolley stated that the City Council had recommended holding public hearings on this
development. He reported that in conjunction with the PD review the applicant had
submitted a preliminary plat for consideration. Crolley indicated that the applicant would like
to proceed with the development of this tract once the PD review was complete. Crolley
240 reported that the Commission was informed of the discussion of the Council at the last
meeting regarding the possibility of requiring alleys as part of the review. Crolley reported

that the Planning and Zoning Commission had recommended that alley entries be required as part of the PD for the undeveloped tract of land.

245 Crolley stated that the applicant's attorney had presented the City with a letter expressing the applicant's opposition to any change in the zoning of the property. Crolley indicated that the filing of the opposition letter would therefore require a three-fourths majority vote of the Council to rezone the property.

250 Mayor Pro Tem White opened the public hearing. Pat Atkins, the developers' representative, came forward to address the Council. He stated that the property had been rezoned in December 1994. He summarized the applicants' position, and he indicated that the applicant wanted the property to remain the same. He stated that the presentation at that time which was support by the Council was the adjacent issue of Windmill Ridge which contained 6,600 square foot lots with no alley service. He stated that the rationale back when the property was zoned in 1982 was that it was zoned for duplexes in the area which was closer to Tubbs Road and Happy Country Homes. Atkins stated that at that time it was felt that 6,600 square foot lots were a compatible land use. He stated that the Commission and Council had agreed with that zoning which was implemented and changed. Atkins stated that unfortunately were subjected to the planned development review when Council made a recommendation that any planned development approved prior to the approval of the comprehensive plan be reviewed and brought back to the Council through a public hearing process. Atkins stated that they were opposing any changes. He indicated that the process which was currently taking place had already been accomplished during the December 1994 change in zoning. The applicant was not in favor of alley service or alley entries. Atkins stated that 6,600 square foot lots were a compatible land use.

Atkins reported that they had initiated the process of preliminary platting on the property, but indicated that they had gotten caught again in the moratorium on any changes or platting process based on the review of the zoning application initiated by the City. Atkins stated that the Commission had made a recommendation to require alleys by a vote of four to three to require alleys. Atkins stated that they were in opposition to that recommendation, and he indicated that a letter had been forwarded to the City identifying that opposition. Atkins stated that he could go through all the rationale, and he indicated that if the zoning had been in place for ten to twelve years it would be an issue to discuss but the zoning was recent and had been reviewed in great detail in December 1994. Atkins stated that they did not believe that there was justification for any change in zoning. He requested that Council not initiate any changes in the zoning. He stated that he would be available to answer any questions.

280 Morgan reviewed the applicants points regarding the developmental impact of a change in the current zoning. He asked what the loss of lots would be in the development. Atkins indicated that to require alley service would cause a loss of approximately twenty to twenty-five lots and an additional \$200,000 in development costs. Atkins indicated that it was a market issue that currently existed without alley service. Atkins commented that the zoning to the east of the development was recently zoned as similar lot sizes. He stated that the

area adjacent to the development did not require alleys. Atkins indicated that the developers were comfortable with the development. Morgan asked what the impact might be per lot. Atkins indicated that the economic impact per lot might be \$20,000 per lot.

290 Luby indicated that he did not take issue with the lot sizes or the size of the lots adjacent to them. Luby indicated that the Council, the Planning and Zoning Commission, and the citizens of Rockwall had indicated their desire for alley service. Luby indicated that he had spoken with homeowners in Windmill Ridge who even desired alleys. Luby commented that the Council had decided to issue a moratorium on planned developments. Luby indicated
295 that the development without alley service did not conform to the wishes of the citizens.

Welborn asked the City Attorney if the costs of the development or the monetary gain or loss or profit margin was a matter with which a regulatory board should be concerned. John Hill, the City's attorney indicated that state law did not address the economic impact on the
300 landowner. Hill reported that common law did not provide for any vested rights in zoning. He commented that the court cases in the past at least have addressed the question of the extent to which the property owner had expended funds or expended money in the development of property. Hill stated that a person must go a long way under the common
305 law to reach the point of becoming vested in respect to zoning. He reported that there was a permit processing law, enacted by the legislature in 1987 and amended a couple of times, which gives the landowners more rights in respect to the question of vesting. Hill stated that the statute does not contain language regarding expenditure of funds.

Buffington asked if the economics was a zoning issue. Hill indicated that it was not a zoning
310 issue. Atkins stated that the point which he was trying to make was that in December 1994 discussion was held regarding this zoning at which time the duplex zoning was eliminated. He stated that they provided for consistency of land use and the type of development which was non alley served. Atkins indicated that this was not a new issue before the Council, and he stated that the only discussion which they seemed to be having in regards to PD-5 was
315 whether it was alley served or non alley served. Atkins indicated that there was an economic impact. Atkins indicated that to add alley service to this development would not be consistent with the adjacent property. Atkins stated that if the development was approved by Council in December 1994 that it should still be a good development today.

320 Atkins stated that they were trying to work with Council. He stated that the developers understood the desires of the area and the community in providing housing which ranged from \$90,000 to \$130,000 and a product type ranging from 1,400 square feet to 2,200 square feet. The builder and developer were taking the initiative to try to continue the development with the marketing problems of nearby property.

325 Coleson asked Atkins the number of lots being discussed. Atkins indicated that it was 241 lots. Coleson asked what the associated impact per home might be. Atkins stated that a true cost could not be estimated.

330 Terry Raulston came forward to address the Council. He expressed his concerns, and after further consideration, he stated that alleys would be more beneficial to the development. Raulston asked who on the Council was looking after the citizens of Rockwall or the developers. He requested that the Council support Rockwall. After reviewing the proposal, Raulston supported the need for alley service.

335 Jeff Young, 153 Cresthaven located in Windmill Ridge, came forward to address the Council. Young commented that he had not been notified of the public hearing. He stated that he believed that he was in the dark. Young discussed the areas located behind the homes in Windmill Ridge, and he indicated that he believed they were unsafe. Young stated that
340 currently the neighborhood was considered a cul-de-sac neighborhood with everyone entering on Rockwall Parkway. Young expressed concerns that Rockwall Parkway would become a thoroughfare. Welborn asked Mr. Young to see his flyer. Welborn commented that the paper was the public notice which had been distributed by the Planning Department. Welborn stated that the notice was mailed from the tax rolls. Couch stated that the only
345 information which the City had regarding who lived where was through the tax rolls. Welborn asked if that roll was dated January 1995 or January 1994. Couch indicated that it was the 1995 tax roll. Young stated that a petition had been passed around in the neighborhood gathering signatures in opposition to Rockwall Parkway becoming a thoroughfare. Welborn indicated that as she understood the request of the next item it was a request to connect the
350 street planned to Rockwall Parkway.

Crolley stated that prior to the update of the Comprehensive Land Use Plan Rockwall Parkway was set to go through to Mims Road. He indicated that it was built as a collector. Welborn indicated that the roadway would strictly serve that neighborhood for people who
355 want in and out of the neighborhood. Young commented that they were concerned about crime. Young requested that the City look at ways to control the traffic within the area.

Buffington asked if Young had spoken with anyone in the police department regarding the homeowners' traffic concerns. Young indicated that they had not. Buffington suggested that
360 they contact them and indicated to Young that the City had established traffic control policies and ways to provide for traffic control devices within a neighborhood which required the neighborhood's participation in the costs of such devices.

John Abeita, 126 Overlook, came forward to address the Council. He commented that he
365 was one of the few homes which had access to the back easement of the property which resembled an alley. He indicated that his neighbors did not have access and were unable to care for the easement, which he referred to as an alleyway. Abeita stated that this area needed to be cleaned. He voiced concerns about the trash and drainage of the area. Welborn requested clarification from Abeita regarding the area. Following discussion,
370 Welborn indicated that the area was really a drainage easement. Crolley indicated that in the existing phase of Windmill Ridge there were a couple of drainage easements behind the homes that contain a concrete flume. Couch indicated that the homeowner's owned the easements and were responsible for caring for them.

375 Roger Ship, 234 Rockwall Parkway, came forward to address the Council. He stated that he had an alley behind his home. He stated that he was in favor of alley service. Ship commented on the traffic within the area. He commented that he had a child who had been hit on that road because of the speeding traffic. Ship indicated that he had spoken with the Police department regarding the traffic. He indicated that he was not in favor of opening Rockwall Parkway all the way thorough.

380 Debbie Dabbs, 164 Westwood Drive, came forward to address the Council. She expressed concern regarding Rockwall Parkway. She indicated that she had contacted the Police department and requested the installation of speed bumps or stop signs to slow the traffic down. White indicated that the Council had recently adopted traffic policies for the City that deal with issues like speed bumps. White encouraged citizens to reserve their comments regarding Rockwall Parkway for the next agenda item. He indicated that this item was to receive comments regarding PD-13 and whether or not alleys should be required.

390 Mike Jamshidi, 141 Cresthaven, came forward to address the Council. He voiced concern regarding the traffic and crime in the Windmill Ridge area. He stated that he was concerned about the safety of his children.

395 Joseph Null, 127 Overbrook, came forward to address the Council. He indicated that on his street there were eight houses. He stated that he had an alley behind his home and indicated that he was in favor of the construction of alleys for the future phases of the project. He asked about the easements which averaged eight to ten feet wide and the difference between those easements and alleys in regards to land. He commented that he did not understand how alley service would cause a loss of lots. Null asked if it was really the land being lost or the money being lost.

400 With no one else coming forward to address the Council, White closed the public hearing. Welborn requested clarification from staff or the Planning and Zoning Chairman regarding the Commission's recommendation to require alleys. Crolley commented that the vote of the Commission had been four (4) to two (2) to require alleys. Welborn indicated that the next item on the agenda was a request for a preliminary plat for the same property which was recommended for approval with certain conditions which did not contain a recommendation for alleys. Welborn questioned why the preliminary plat was being recommended without alleys. Crolley stated that when the Council voted to review PD-5 and initiated public hearings the applicant had already come in to file the preliminary plat. At that time he was told that there was a moratorium on the property which would not allow him to file for a preliminary plat at that time. Crolley indicated that since the PD-5 was going thorough the hearing process that it would be appropriate to have the preliminary plat heard at the same time since the only issue that had come up was whether or not alleys would be required.

415 Crolley stated that the Charter requires that a plat be approved by both the Planning and Zoning Commission and the City Council. Crolley indicated that the applicant was told that if it went forward and was approved by the Planning and Zoning Commission the alleys

420 would be a zoning matter and that if the alleys were required by the City Council that the applicant would be required to go back before the Planning and Zoning Commission with a new preliminary plat which showed the alleyways. Crolley stated that if the Council chooses to require alleys the current preliminary plat would not meet the zoning requirements and would need to go back to the Planning and Zoning Commission for consideration.

425 Welborn stated that her confusion came from having the varying positions on these cases. Crolley stated that the way it was presented to the Planning and Zoning Commission was that the first item on the agenda was the PD review and if the Council decided that alleys would be required then the plat would have to go back to the Planning and Zoning Commission for consideration with the alley added. Buffington asked if the moratorium would not have been in place if the preliminary plat had been in compliance with the zoning. 430 Crolley indicated he was correct. Crolley stated that the original zoning of the property was passed in December 1994 and that zoning did not require alley service.

435 Crolley stated that because it was a planned development with vacant land it was included in the PD review. Crolley indicated that the December 1994 zoning did not require alleys. White stated that the reason this review was that the City had just developed residential policies and one of the policies was to require developments to be alley served. White commented that he believed this was a good example of a situation which should require alleys. He indicated that people in that area had already expressed dissatisfaction regarding the lack of alleys. White stated that nothing could be done to remedy the fact that the current homes were not alley served; but he indicated that he was in favor of 440 ensuring that the future homes in the area were provided with alley service.

445 Following Council discussion, Buffington commented that he was concerned about the traffic in the area. Buffington indicated that he was not in favor of requiring alleys because of the costs it would add to the homes, and he stated that he wanted to have some affordable housing in Rockwall. Luby indicated that to have alleys would increase the resale value of the homes in the area. Luby commented that he was an advocate for alleys.

450 Welborn stated that the zoning ordinance did not provide for alleyways during the early 1980's when the property was originally zoned. Welborn stated when looking at the map there was approximately one-half of Windmill Ridge still to be developed. She commented that next to Windmill Ridge was PD-17, and she indicated that the Council had required alleys and curvilinear streets in that development. Welborn indicated that she understood the problem with Tubbs Road; however, she stated that situation might occur when there 455 was development next to a street included on the thoroughfare plan. Welborn stated that she saw an opportunity to have a little better planned community, and she commented that sidewalks would be developed in that area. Welborn indicated that she would not be in favor of reducing the size of the lots. She stated that lot sizes should be large enough so

460 that children did not have to play in the streets. Welborn indicated that she was leaning toward the Planning and Zoning Commissions recommendation to require alleys.

White reminded Council that a 3/4 vote was required to change the zoning on this planned development because the property owners had filed a letter of opposition to the rezoning. Morgan commented that he had a moral obligation to stand behind the position which he had taken when the planned development was originally zoned. He stated that he would be voting against the alleys. Morgan moved that the zoning on the planned development remains as originally zoned in 1994 without alleys. The motion was seconded by Buffington. Welborn requested clarification from staff regarding the motion. She asked if the zoning would remain as currently zoned if it did not receive a unanimous vote to require alley service. Crolley indicated that she was correct. The motion passed with the following vote:

475 Ayes: Buffington and Morgan
 Nays: Coleson, Luby Welborn and White

John Hill, the City's Attorney, indicated that for the purposes of the record the motion needed to be reworded to clarify the intent of the Council. Luby then moved that PD-13 be amended to require alleys. The motion was seconded by Coleson. The motion failed with the following vote:

480 Ayes: Coleson, Luby, Welborn, White
 Nays: Buffington and Morgan

485 **PZ-96-36-PP Consider Approval of a Request from Tipton Engineering of a Residential Preliminary Plat Containing Lots known as Windmill Ridge Estates and Take Any Necessary Action**

490 Crolley reported that this case was filed in conjunction with the PD-13 review. He stated that the applicant wanted to proceed with the development of the tract once the PD review was completed. Crolley indicated that the plat was for the undeveloped property contained in PD-13. He reported that there was an existing concept plan approved for this portion of the PD. Crolley stated that the plat was in conformance with that plan with some minor changes to the layout. He indicated that there was an additional connection to Rockwall Parkway shown that was not shown on the existing concept plan. Crolley stated that the new connection would provide better traffic circulation within the development than the old plan had. He commented that some of the existing residents in the area have expressed concerns about this connection.

500 Crolley indicated that when he first met with the applicant the road connected to Rockwall Parkway was one straight road which went down the eastern side. One of the changes made during the discussions with staff was the redesign of the street to make sure that

505 there was no cut through traffic. He indicated that the applicant had redesigned the plat to reflect the change. Crolley reported that staff believed that the connection provided better traffic circulation and distribution and better access to the neighborhood for emergency vehicles. Crolley indicated that taking into consideration the 241 lots being proposed the connection to Rockwall Parkway would provide the citizens within the neighborhood a choice about how to get into and out of the area. Crolley indicated that the distribution of the traffic was a good planning practice.

510 Crolley reported that staff recommended approval of the preliminary plat request with the following conditions:

- 515 1. Alignment and right of way for Tubbs Road be finalized before the final plat was submitted.
2. Review by the Park Board for the park dedication and proposed linear park along Tubbs Road.
3. Screening wall detail be submitted to the City Engineer for review and approval.
- 520 4. Determination of the lots backing up to the creek regarding maintenance and drainage.
5. New connection to Rockwall Parkway may require dedication of easements from existing lots.
6. Submittal of engineering plans with the final plat.
- 525 7. Calculation sheet to ensure minimum 6,600 square foot lots and average 7,000 square feet.

530 Crolley indicated that the Planning and Zoning Commission had recommended approval of the preliminary plat with staff conditions. Buffington asked if a traffic impact study was being done for this area. Crolley indicated that no traffic study was being performed. Buffington indicated that he was concerned about the traffic in the area. Morgan requested information regarding the procedures a neighborhood would follow to have road humps placed in the area. Crolley indicated that two policies might be applied to the situations. Morgan asked if the request must be submitted by the neighborhood. Crolley indicated
535 that was correct. Couch commented that the road hump policy contained rigorous standards, and she indicated that the traffic on Rockwall Parkway would have to be very heavy to warrant the installations of road humps. Couch indicated that she would be surprised if the traffic on Rockwall Parkway met those standards.

540 Luby commented that he believed the City should begin that study. Following discussion, Welborn moved approval of the preliminary plat with staff recommendations. The motion was seconded by Morgan. White commented that he would allow a representative of the homeowners' to address the Council regarding this issue, but he requested them to be brief with their comments. Terry Raulston, 141 Summerhill, came forward to address the
545 Council. He presented the Council with a petition containing the signatures of residents

residing within Windmill Ridge Estates who were opposed to the connection of Rockwall Parkway. He commented that the neighborhood did not want Rockwall Parkway to become a thoroughfare. Raulston asked those opposing the connection to stand. Several people stood in opposition. Following Raulston's comments and discussion with the Council, Crolley indicated that staff's position was that the connection be made to allow for better circulation which was a technical recommendation.

550

White asked if the original concept plan had not shown the connection. Crolley indicated that it had not shown the proposed connection. Discussion was held regarding the surrounding future roadways. Michael Taylor, 150 Summer Hill, came forward to address the Council. He stated that speed bumps were not the answers; but he asked the Council not to allow the connection of Rockwall Parkway. Welborn stated that since the Council was considering the plat in regards to the original concept plan. She indicated that she wanted to discuss the connection to Rockwall Parkway. Welborn commented that she did not believe it would serve as a cut through. Couch indicated that indirectly the future developments would have access.

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White proposed that since there was earlier discussion regarding an obligation to adhere to the original concept plan he stated that he would be in favor honoring that plan. Following discussion, Morgan asked if the traffic engineer had reviewed the traffic flow related to this plan. Crolley indicated that he had not. Crolley indicated that PD-17 when platted would contain a connection between that development and Rockwall Parkway.

565

Welborn indicated that she wished to amend her motion. She amended the motion for approval of the preliminary plat subject to the original concept plan which did not provide for the connection of Rockwall Parkway. The motion was seconded by Coleson. Morgan requested Crolley to summarize the impact of not providing for the connection. Following additional discussion Welborn asked for clarification from the applicant's representative regarding the original reasoning for the proposed connection. Atkins requested additional time to have a traffic study performed. Welborn asked if Atkins was requesting that action be deferred. Welborn indicated that she wanted to be fair to both sides. Atkins stated that they would provide a study for staff's review. White called for the vote. Welborn indicated that she would like additional information or if the Council wanted to vote she would be voting against her own motion. The motion passed with the following vote:

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

The preliminary plat was approved without the connection. White recessed the meeting for a short break at 9:20 p.m. White reconvened the meeting at 9:30 p.m.

585

PD-5-Review Hold Public Hearing and Consider Approval of a Zoning Change for PD-5 - A City Initiated Review and Possible change to the Concept Plan, Area Requirements and Allowed Uses in Planned Development-5 (PD-5) also known as "Caruth Lake" and Take Any Necessary Action

Crolley reported that the original PD had been granted in the early 1970's. He indicated that it had been revised several times since the original zoning was granted. In 1987, Crolley stated that an overall revision was approved. In 1994, he indicated that tracts 18 and 17 were revised from GR and MF to SF-7 and an agreement was made between the City and the developer to dedicate the area south of Caruth Lake to the City. Crolley indicated that a zoning summary and a concept plan had been included with the agenda materials.

Crolley stated that there was a preliminary plat approved for the area on the south side of Caruth Lane. He indicated that D.R. Horton was building homes on this portion of the PD. The remaining vacant land in the PD Crolley commented was currently governed by the existing concept plan and zoning summary. He stated that the current owner had a portion of the PD for sale and the concept plans had been revised and were included for Council's review.

Crolley reported that the current facilities' agreement provided for the dedication of park land and a portion of the lake. He stated that the agreement complied with the current park plan. Crolley indicated that the City was currently updating the existing park plan. He also reported that the City's thoroughfare plan had recently been revised. He commented that previously all of the proposed SH-205 bypass routes had crossed the planned development. Crolley reported that the revised bypass route only crossed the eastern portion of the planned development. He indicated that the future land use and comprehensive plan designated this area as single family residential and open space for the drainage area.

Crolley reported that the City Council had recommended holding public hearings on this tract. He stated that the land along Quail Run Road and SH-205 had been reconfigured. Crolley indicated that the retail tract had been enlarged from 11.8 acres to 18 acres. Also, he commented that the remaining area along Quail Run Road was proposed as 8,400 square foot lots. Crolley stated that staff and the Planning and Zoning Commission recommended acceptance of the proposal from the property owner with the condition that the existing homeowners in Caruth Lake be incorporated into the homeowners' association in the proposed development. Crolley reported that if the proposal was accepted it would establish the land uses and lot sizes for the remaining undeveloped portion of PD-5. He stated that because of the limited time allowed during the PD review there were development details such as screening, entry features and the alignment of SH-205

630 bypass that would need to be addressed before platting occurred in the PD. Crolley stated
that these items could be addressed with concept plans prior to the platting of any property
in the PD.

635 Following staff's presentation, White opened the public hearing. B.G. Payne Jr. came
forward to address the Council. He indicated that he resided across from the development.
He voiced concern for the development because of the drainage problems and the location
of a portion of it within the flood plain. Also, he commented that the drainage could
potentially cause problems regarding the location of SH-205. He indicated that he was not
supportive of the future development of PD-5.

640 Bill Soldas, 1130 Whispering Glen, came forward to address the Council. He summarized
the events which had taken place and the information the current homeowner's had
learned. He indicated that the homeowners were concerned about the maintenance of the
common area and whose responsibility it would be to maintain those areas. He stated that
645 concerns had been voiced at the Planning and Zoning Commission meeting and at the
meeting prior to the Commission meeting. Soldas indicated that the homeowners had
requested additional time to review the proposed development, and he expressed
dissatisfaction regarding not being involved in the process earlier. He indicated that at the
Commission meeting the vote had been three to three. He stated that the citizens'
650 concerns were not being met. He indicated that members of the community had met three
times to discuss the proposed development and he discussed a number of their concerns
which included a request for additional time to review the proposed development. Welborn
asked if the homeowners had seen the previous plan

655 Morgan requested Soldas to summarize those concerns. Soldas indicated they included
the location and relocation of a high pressure gas line, the maintenance of the easements
where the gas-line was located, the maintenance of the entrance way, common areas, and
green belt areas. Soldas asked how much the new developers would be required to
maintain. Also, he expressed concern about the vagueness of the proposed homeowners'
660 association, the entrance sign, traffic, and screening between areas.

Following Soldat's comments, Luby asked the current owner, Rob Whittle, if these issues
could be addressed in writing within the ordinance if the zoning was approved. After
Council discussion, Whittle came forward and discussed the concept of the proposed
homeowners association being proposed by Lumbermen's. He also addressed the issues
665 of the entrance way, inclusion in an HOA, maintenance of green belts, and the
undeveloped lots which he owned. Whittle stated that the lots would contain deed
restrictions which would allow an HOA to be formed by the current homeowners which
could be merged with the new HOA if desired. Also, he reported that Lumbermen's had
agreed to allow up to six months for current homeowners to determine whether or not they

constructed in the flood plain. Giddeon asked if a survey had been made. Crolley indicated that it had not. Giddeon then asked how many more lots would be created if the
715 bypass was not located on the property. Crolley responded that it was not certain that the
bypass would not run through this property. He stated that it was not going through the
location it was previously shown as; however, it may still go through the property. Giddeon
asked how much the relocation of the bypass would increase the value of the property.
720 Couch responded that no information had been researched in determining where the
roadway would go. She indicated that the determination of the roadway location was
based on physical features, and she stated that these features caused the roadway to shift.

Couch indicated that the alignment had to be moved out of the flood plain of the two lakes.
Giddeon asked if the City could provide him with that information. Couch stated that
725 information on the economic impact was not available. Welborn asked Giddeon if the
proposed by pass went through his property. He asked for a monetary value of the
property. Staff responded that they did not have a value.

Jerry Weber, 551 East Quail Run came forward. He stated that he agreed with having
730 larger lots adjacent to the larger lots. He asked if there were plans for a flood plain study.
Crolley responded that this would take place as the engineering plans for the development
were reviewed.

White closed the public hearing. Morgan moved approval of the change in zoning. The
735 motion was seconded by Buffington with an amendment. Couch clarified the motion. She
stated that the recommendation of the Commission was for approval subject to a condition
that a homeowners' association mechanism be provided by the developer and additionally
the concerns of the entry features and maintenance of common areas be addressed as a
740 part of the ordinance. Morgan accepted the recommendations of the Commission. A
question was raised regarding the vacant lots. Couch indicated that those lots were owned
by Mr. Whittle and the City had no authority to change the status of those lots as they exist
today. She stated that Whittle was responsible for maintaining the lots. Discussion was
held regarding the vacant lots.

745 Welborn requested that Tract 7 containing 2.5 acres proposed as zero lot lines be changed
to either a continuation of 7,000 square foot lots or 8,400 square foot lots. She stated that
she did not see the logic in having those lots as zero lot line lots. Crolley indicated that it
was a small piece of land which probably would end up as a road. Welborn indicated that
the tract was across the collector street from Tract 5 which contained 8,400 square foot
750 lots. She commented that she felt it was a more logical extension of tract five. Welborn
stated that if they followed the residential policies lot sizes did not go from zero lot line to
8,400 square feet. Whittle asked if 7,000 square foot lots would be more appropriate
given the collector denoted on the thoroughfare plan. Welborn stated that she did not see
anything other than 8,400 square foot lots in that area. Whittle stated that he would be

755 happy to make that change. Welborn then asked Whittle about the vacant lots. Whittle indicated that he would be willing to bring them up to standards.

760 Welborn offered an amendment to the motion which would change Tract 7 to 8,400 square foot lots and bring the vacant lots up to standard. Morgan and Buffington accepted Welborn's amendment with the consent of Whittle. Robbins restated the motion, and the motion passed unanimously.

765 **PD-2-Review Hold Public Hearing and Consider Approval of a Zoning change for PD-2 - A City initiated review and possible change to the concept plan, area requirements and allowed uses in Planned Development -2 (PD-2) also known as "Lakeside Village" and Take Any Necessary Action**

770 Crolley reported that the tract was part of the Lakeside Village development. He stated that as the Council was aware this was a private gated community with privately maintained streets and restricted access. He reported that the original PD was granted in the early 1970's. Crolley indicated that the 19-acre portion of land under review was governed by a prior concept plan and area requirements which allowed for 181 townhouse lots. He reported that the area was designated as single family residential on the future land use plan. Crolley commented that this type of development was consistent with the development pattern in Lakeside Village.

780 Crolley indicated that U.S. Homes had previously applied for a revised development plan for this tract to rezone and allow 5,000 square foot patio homes; however, the request was withdrawn and never voted on by the Commission or Council. Crolley reported that it was staff's understanding that Kirby Albright was the current owner of the property.

785 Crolley stated that this was a private community that included open space and common areas and complied with the City's current park plan. He indicated that the thoroughfare plan did not affect the development. Crolley reported that the Commission had recommended approval of the change with the condition that an additional entrance be added along the eastern side of the property and that the development be a zero-lot line product. Crolley indicated that the applicant had made the change.

790 Crolley indicated that if accepted the Council's action would tie down the lot size and an ordinance would be drafted and brought forward to the Council for approval at its next meeting. Welborn asked off of what street the entry way would be located. Morgan indicated that it would be Village Drive.

795 White opened the public hearing. Jack Matthews came forward to address the Council. He stated that he was the President of the Lakeside Village Homeowners' Association, and he reported that the association had no objections to the rezoning of this property. Welborn asked how it was communicated with the homeowners. He stated that he had

discussed it with the board. He stated that the existing plat for the 181 town homes had been vacated. He stated that previously deed restrictions had been worked out.

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Morgan indicated that he believed the development was consistent with the land use plan. Kirby Albright, 1215 Benton Wood Drive, came forward to address the Council. He stated that the property had been downgraded from 181 lots to 113 lots. He requested the Council's approval of the change in zoning. White closed the public hearing.

805

Welborn moved approval of the zoning change for PD-2 subject to the Planning and Zoning Commission recommendations as shown on the plan submitted. The motion was seconded by Buffington, and it passed unanimously.

810

PD-96-25-RP/Z Hold Public Hearing and Consider Approval of an Ordinance Amending the Area Requirements and Request for Residential Replat from Citadel Homes, Inc. for lots 106, Block F, Chandlers Landing Phase 17 and Take Any Necessary Action

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Crolley reported that the subject property was previously re platted into three lots. During the re platting, the applicant discovered these lots were zoned for zero lot line development. Crolley indicated that the applicant wanted to center load the lots instead of placing houses on the lot line. He stated that other lots in phase 17 had been changed to the proposed area requirements attached. Crolley reported that staff and the Planning and Zoning Commission recommended approval of the request with the condition that the zero-lot line designation be removed from the plat.

820

White opened the public hearing. The applicant, Larry Button, came forward to address the Council. He requested approval of the change in the area requirements. White closed the public hearing. Luby moved approval of the change in area requirements. The motion was seconded by Coleson, and the caption was read by Robbins.

825

ORDINANCE NO. ____

830

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ORDINANCE NO. 84-4 OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A ZONING CHANGE AND AMEND A PRELIMINARY PLAN FOR PD-8, CHANDLERS LANDING, MORE FULLY DESCRIBED HEREINAFTER; 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

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The motion passed unanimously. White recessed the meeting for a short break. White reconvened the meeting.

PZ-95-51-Z/PP Continue Public Hearing and Consider Approval of Request from Harbor Bay, LP and Albright Properties for a Revised Planned Development, Revised Development Plan and Preliminary Plat for Planned Development - 15 and amend the Allowed Uses to Include Patio Homes (Zero Lot Line) in PD-15, Signal Ridge Ph. 4 and Revised Development Plan for PD-22 for the Harbor Bay Addition Generally located south and west of Clarion Drive and Take Any Necessary Action

Luby recused himself from discussion and action on this item citing a potential conflict of interest. White continued the public hearing. Crolley reported that the case was tabled at the last meeting to allow the applicant time to resolve some issues with the Signal Ridge homeowners. Crolley indicated that it was his understanding that the issues still had not been resolved. He commented that this case had been continued on several occasions and that staff had been working with the applicant to try to bring this case to closure.

Crolley stated that the case was originally submitted in October 1995. Since that time there have been continuous delays and changes that have not allowed the case to be finalized. Crolley commented that it was his opinion that it was time to bring the case to closure for the benefit of all parties involved. Crolley stated that staff recommended that the case be continued until all issues were resolved and then brought back for consideration, or that the case be denied without prejudice so the applicant could reapply once the issues were resolved. He stated that if the City Council would like to continue the case staff would consult with the City Attorney regarding another continuation.

Crolley indicated that one item discussed since the Council's last meeting regarding this case was a proposed alley along the northern tier of lots along the existing Signal Ridge development. Crolley commented that he had explained to the applicant that what was required for the addition of the alley was that the plat be sent back to the Planning and Zoning Commission for their review of the alley. Crolley indicated that additional time was needed to resolve issue between Signal Ridge and the applicant. Welborn asked if the Council was likely to hear anything that would allow the Council to take action on this item. Crolley indicated that they would not. Welborn suggested that the case be continued. Couch stated that the case could be continued with a conditional denial without prejudice to a date certain. She stated that if the applicant brought forward an application between now and that date everyone would be renotified and the Council would be able to hear it. Couch stated that if they submitted nothing prior to that date then the Council would not see or hear it again until it had gone back through the Planning and Zoning Process as a new application. Welborn asked if that would be acceptable to the applicant. Welborn moved that the public hearing be continued until the first meeting in September 1996 and that if the applicant does not submit a revised plan prior to that date that this case be considered effectively denied without prejudice. The motion was seconded by Buffington. Couch suggested that rather than continuing the hearing that the hearing be closed and give the applicant until September 1 to bring a revised application forward to the Council. Couch indicated that everyone would be renotified when submitted, and if the application

was not submitted prior to September 1 then it would be denied without prejudice. White closed the public hearing. Welborn amended her motion to move that the applicant be given until September 1 to bring a revised application forward to the Council, and she indicated that if the application was not submitted prior to September 1 then it would be denied without prejudice. The amended motion was seconded by Buffington, and it passed unanimously with Luby not voting because he had recused himself from action. Luby returned to the meeting.

PZ-95-67-FP Consider Approval of a Request from Tipton Engineering of a Final Plat Containing 18 lots known as Rolling Meadows Estates and Take Any Necessary Action

Crolley reported that the plat had been previously approved by the Commission and City Council, but was not filed at the County within the 120 days required by the subdivision ordinance. Crolley stated that staff and the Planning and Zoning Commission recommended approval. Welborn moved approval of the Final Plat. The motion was seconded by Coleson, and it passed unanimously.

PZ-96-31-PP Consider Approval of a Request for a Preliminary Plat for a Residential Development containing 8 lots and 27 acres known as Lakeview North Estates generally located on the east side of SH-205 4,000 feet north of FM-552 and located in the City's extra territorial jurisdiction and Take Any Necessary Action

Crolley stated that this case was continued at the last meeting to allow staff to bring back some alignment drawings for the Council to consider. He reported that a memo had been included with staff's report regarding the City Engineer's recommendation on the road material proposed for the development. Crolley indicated that the development consisted of 8 lots on 27 acres and was private. He stated no city maintenance would be required on the streets. He indicated that the applicant was proposing an alternative paving material of crushed granite. Crolley reported that the City's current standards called for concrete curb and gutter, and the county requires concrete with open drainage.

Crolley indicated that staff and the Planning and Zoning Commission recommended approval of the requests with the following conditions:

1. Engineering plans be submitted with the final plat
2. Bypass alignment be finalized as a separate issue.
3. Streets be concrete meeting City or County concrete standards.

Crolley then discussed the SH-205 alignment. He indicated that Tony Trammel had prepared a technical memo which was included with the agenda materials. Crolley commented that Trammel had come up with some alternative ways to make the SH-205 connection. Crolley showed the Council the alternatives which were proposed. He

930 explained the effects the various alternatives had on the affected property. Crolley indicated that staff was requesting Council direction regarding the City's position in proceeding with the next step which Crolley indicated would be a more detailed study which would help finalize a route. Morgan asked if the current alignment was unworkable. Crolley indicated that it was because it passed through a number of homes. Welborn
935 requested clarification regarding the alignment which was included in the thoroughfare plan. She asked why the plan had not included a more realistic alignment. Crolley commented that the process had been that the line was identified on the map where the road would generally be, and then to go through the more detailed study as development occurred to tie down the exact location. Crolley indicated that the original line, if shifted
940 a little each way, could miss some homes. Welborn commented that the alignment needed to be pinned down so the City could prevent future development in a corridor that the City might use. Welborn moved that staff be directed to send the appropriate notices and further define the SH-205 corridor. John Heeling, asked to be recognized. He stated that he resided at 507 E. Quail Run Road which was exactly underneath the alignments. He
945 stated that once lines were drawn on a map that there would be ownership to those lines and it makes it difficult to look at other options. He asked that staff be instructed to look for existing roadways which might accomplish the same thing because it would reduce a lot a worry. The motion was seconded by Buffington, and it passed unanimously.

950 Coleson then moved approval of the plat with the conditions of staff conditions. The motion was seconded by Welborn with an amendment to permit the crushed granite but that before the streets could be accepted by the City for City maintenance they must be brought up to City standards. Following discussion, Welborn withdrew her second of the motion and her amendment. The motion died for lack of a second. Morgan moved
955 approval of the plat with the granite streets and language on the plat which would require the street to be brought up to City standards if ever City maintenance was required. The motion was seconded by Luby, and it passed unanimously.

960 **PZ-96-28-FP Consider Approval of a Final Residential Replat Containing 28 Lots on 50 Acres Referred to as Willowcrest Estates and Take Any Necessary Action**

Crolley reported that the plat was in conformance with the preliminary plat that was previously approved. He indicated that the subject property was located in the extra territorial jurisdiction. He commented that the lots were 1.5 acres or larger for the
965 development. Crolley indicated that it was a private development and that the street which served the site would be private and not dedicated to the City. He stated that they would be maintained by the homeowners' association.

970 Crolley reported that the development was dedicating the right of way for Wallace Lane, W. Cullins and FM-549 as part of this plat. He indicated that the subdivision ordinance required that if a development was adjacent to a substandard road, the developer must build ½ of the road or escrow ½ of the cost of the road. Crolley reported that the applicant

975 would like the requirement waived. He stated that the engineering plans for the development showed no improvements to the existing Wallace Lane or W. Cullins for those lots that would be accessed off of these roads. Crolley stated that no lots took access off of FM-549. He commented that since the streets were not currently maintained by the City and the timing on these roads being taken into the City limits was uncertain, the Council might want to consider waiving the requirement. Staff recommended approval of the replat with the following conditions:

- 980
1. Approval of the engineering plans
 2. A note on the plat stating that the private street would be maintained by the homeowners' association.

985 Crolley reported that the Planning and Zoning Commission had recommended approval of the plat with staff conditions and recommended the waiver of the substandard street improvements requirements. Following discussion, Buffington moved approval of the replat with the staff conditions and the Planning and Zoning Commission recommendation that waives the requirement to improve the substandard streets. The motion was
990 seconded by Luby, and it passed unanimously.

Action/Discussion Items

995 **Discuss and Consider Approval of a Resolution Consenting to the Assignment of the Cable Franchise from Mission Cable to Fanch-One, Co. And Take Any Necessary Action**

1000 **Discuss and Consider Approval of an Ordinance Granting Fanch-One, Co. The City of Rockwall's Cable TV Franchise and Take Any Necessary Action**

Couch summarized the agenda items and requested their approval. Welborn moved approval of the resolution consenting to the assignment of the cable franchise from Mission Cable to Fanch-One, Co. and that the ordinance be approved granting Fanch-One, Co. the City of Rockwall's Cable TV franchise. The motion was seconded by Buffington.
1005 Following discussion, Robbins read the caption.

ORDINANCE NO. _____

1010 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, GRANTING TO TW FANCH-ONE CO., ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PRIVILEGE, AND FRANCHISE FOR THE TERM OF FIVE YEARS, SUBJECT TO EXTENSION, TO ERECT, MAINTAIN, AND OPERATE A COMMUNITY ANTENNA TELEVISION SYSTEM IN THE CITY OF ROCKWALL, TEXAS; TO ERECT, MAINTAIN, AND OPERATE ITS POLES, TOWERS, ANCHORS, WIRES, CABLES, ELECTRONIC CONDUCTORS, CONDUITS, MANHOLES, AND OTHER STRUCTURES AND APPURTENANCES IN, OVER, UNDER, ALONG, AND ACROSS THE PRESENT AND FUTURE PUBLIC STREETS, HIGHWAYS, ALLEYS, BRIDGES,
1015

1020 EASEMENTS, AND OTHER PUBLIC WAYS AND PLACES IN THE CITY;
PRESCRIBING COMPENSATION FOR THE RIGHTS, PRIVILEGES, AND
FRANCHISE CONFERRED HEREUNDER; PRESCRIBING THE CONDITIONS
GOVERNING THE OPERATION OF THE BUSINESS INSOFAR AS IT AFFECTS
1025 THE USE OF PUBLIC PROPERTY FOR THE PURPOSE OF SUCH BUSINESS;
INSTALLATION, UPGRADE, MAINTENANCE, AND OPERATION OF SAID
SYSTEM AND BUSINESS; CONTAINING OTHER PROVISIONS RELATING TO
THE SUBJECT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

The motion passed unanimously.

1030 **Discuss and Consider Initiating Public Hearings Regarding the Rezoning and/or
Amending of PD-7, PD-9, PD-10, PD-11 and PD-41 and Take Any Necessary Action**

1035 Crolley commented that at a special meeting of the Planning and Zoning Commission held
on May 30, the Commission reviewed the remaining PD's to finalize the review process.
Crolley summarized the uses of each PD and Planning and Zoning Commission's
recommendations. He stated that none of the PD, except PD-10, were recommended by
the Planning and Zoning Commission for review at this time. Discussion was held
1040 regarding the review of PD-10 and the alignment of SH-276. Welborn moved that the
moratorium on PD-10 be extended for a period of 90 days and that Planning and Zoning
Initiate the review as soon as staff becomes aware that the traffic study was complete.
Luby seconded the motion which passed five to one with Morgan voting against. Welborn
moved that no action be taken on the PD-7, PD-9, PD-11 and PD-41. The motion was
seconded by Buffington, and it passed unanimously.

1045 **Discuss and Consider Approval of the Appointment of an Auditing Firm to Conduct
Annual Audit and Take Any Necessary Action**

1050 **Discuss and Consider Authorizing the Wyatt Company to Perform an Actuarial
Analysis of the Worker's Compensation Fund and Take Any Necessary Action**

1055 White requested that action be taken on the next two items together. Couch reported that
both firms had performed work for the City. She stated that the auditing firm had
performed the City's audit for the last three years, and she indicated that the Wyatt
Company had done all of the City's actuarial analysis. She recommended that these firms
be approved to perform the work requested. Coleson moved approval of the City
Manager's recommendations regarding the appointment an auditing firm and actuarial
analysis. The motion was seconded by Morgan, and it passed unanimously.

1060 **Discuss and consider Approval of an Amendment to Chapter 5 - Animals, Section
5-25 of the Rockwall Code of Ordinances and Take Any Necessary Action**

Couch summarized the intent of the ordinance and indicated that it would shorten the time

1065 period before animals could be considered dangerous. Welborn asked if the ordinance had anything to do with the time frame in which animals could be destroyed. Couch indicated that it would not. Luby moved approval of the ordinance. The motion was seconded by Buffington, and the caption was read by Robbins.

1070 ORDINANCE NO. ____

1075 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING CHAPTER 5 - ANIMALS OF THE CODE OF ORDINANCES BY AMENDING SECTION 5-25 HEREIN PROVIDED; PROVIDING FOR A PENALTY OF FINE NOT EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously.

1080 **Discuss and consider the Need and Feasibility for the Establishment of a “Rockwall Care-Watch Group” and Take Any Necessary Action**

Morgan suggested that due to the lateness of the hour that this item be moved to the next meeting for discussion.

1085 **Hold Worksession to Discuss Options for Expansion of City Hall Facilities and Take Any Necessary Action**

1090 Couch indicated that discussions needed to be started prior to the beginning of the CIP discussions this summer. Welborn commented that she had requested a worksession to discuss the cultural arts’ guidelines. She asked if there was anything else which might require a workshop session. Couch indicated that the compensation study would be complete within the next several weeks. White asked if Monday, June 10 would be appropriate to hold a worksession regarding the cultural arts’ guidelines and City Hall Expansion.

1095 **Hold Executive Session under Section 551.072 and 551.074 of the Texas Government Code**

1100 The Council adjourned into executive session at 11:30 p.m. to discuss a.) the appointment of a representative to the North Central Texas Council of Governments and a representative to the Cultural Arts Commission and b.) the acquisition of right of way for FM-740. The Council reconvened into regular session at 11:45 p.m. Morgan moved that the City Manager be authorized to acquire easements for FM-740 at a fair market value or less. The motion was seconded by Luby, and it passed unanimously. Buffington moved the Dale Morgan be reappointed as the voting representative to the North Central Texas Council of Governments. The motion was seconded by Luby, and it passed unanimously.

1105

Adjournment

1110 Mayor Pro Tem White adjourned the meeting at 11:50 p.m.

APPROVED:

1115

Todd W. White, Mayor Pro Tem

1120 ATTEST:

1125

Stacey R. Robbins, City Secretary

1130

1135

MEMORANDUM

*File
Windmill
Ridge

TO: Bill Crolley, City Planner

FROM: Rick Crowley, Director of Public Services

RE: **Park Board Recommendation - Preliminary Plat, Windmill Ridge**

The Park and Recreation Board has reviewed the preliminary plat for Windmill Ridge Estates. The Board took action to forward the recommendation that the plat be approved with the following stipulations related to the parks;

1. That an 8 foot concrete trail be constructed on the west side of Tubbs Road to extend the full length of the subdivision.
2. That an 8 foot concrete trail through the 7.5 acre park dedicated with this plat from the trail (*described above*) on Tubbs Road to the existing Windmill Ridge Park.
3. That the minimum amount of land required for playground/play field be provided by the developer within the 7.5 acres to be dedicated on property which is flat and not subject to flooding.
4. That the drainage area (*to which existing and future houses back up to the north of the 7.5 acre tract to be dedicated as a park*) dedicated to the City as drainage right-of-way with an overlaying pedestrian easement.
5. That the 7.5 acres of park land be dedicated to the City in a mowable condition.

I have told the developers representative that these recommendations will be provided to the planning department, so they will probably be consulting with you for them.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: June 3, 1996

Agenda No. VI.E.

Agenda Item: PZ-96-36-PP Consider Approval of a Request from Tipton Engineering of a Residential Preliminary Plat Containing 241 lots known as Windmill Ridge Estates and Take Any Necessary Action

Item Generated By:

Action Needed:

Background Information:

Attachments:

**City of Rockwall
City Council**

Agenda Date: June 3, 1996

Applicant: Tipton Engineering

Agenda Item: **96-36-PP-** A request from Tipton Engineering for approval from of a residential preliminary plat containing 241 lots known as Windmill Ridge Estates.

Action Needed: Discuss and consider approval of the preliminary plat.

Background Information: This is in conjunction with the PD-13 review. The applicant would like to proceed with the development of this tract once the PD review is complete. This plat is for the undeveloped property in PD-13. As City Council is aware the discussion regarding the review at the last meeting revolved around the possibility of requiring alleys as part of this review.

There is an existing concept plan approved for this portion of the PD. This plat is in conformance with that plan with some minor changes to the layout. There is an additional connection to Rockwall Pkwy. that was not shown on the existing concept plan. This new connection will give additional circulation to this development and provides better traffic circulation than the previous plan. There was some concern regarding this connection raised by some of the existing residents in the area. Staff believes this connection provides better traffic circulation, and traffic distribution and better access to the neighborhood for emergency vehicles.

Recommendation: Staff recommends approval of the preliminary plat request with the following conditions:

1. Alignment and right of way for Tubbs Road be finalized before the final plat is submitted.
2. Review by the Park Board for the park dedication and proposed linear park along Tubbs Road.
3. Screening wall detail be submitted to the City Engineer for review and approval.

4. Determination of the lots backing to the creek regarding maintenance and drainage.
5. New connection to Rockwall Pkwy. may require easement from existing lots.
6. Submittal of engineering plans with the final plat.
7. Calculation sheet to ensure minimum 6,600 s.f. lots and average 7,000 s.f

P&Z Recommendation: The Commission recommends approval with staff conditions.

**City of Rockwall
Planning And Zoning Commission**

Agenda Date: May 28, 1996

Applicant: Tipton Engineering

Agenda Item: **96-36-PP-** A request from Tipton Engineering for approval from of a residential preliminary plat containing 241 lots known as Windmill Ridge Estates.

Action Needed: Discuss and consider approval of the preliminary plat.

Background Information: This is in conjunction with the PD-13 review. The applicant would like to proceed with the development of this tract once the PD review is complete. This plat is for the undeveloped property in PD-13. As Commission is aware the discussion regarding the review at the last meeting revolved around the possibility of requiring alleys as part of this review.

There is an existing concept plan approved for this portion of the PD. This plat is in conformance with that plan with some minor changes to the layout. There is an additional connection to Rockwall Pkwy. that was not shown on the existing plan. This new connection will give additional circulation to this development and provides better traffic circulation than the previous plan.

Recommendation: Staff recommends approval of the preliminary plat request with the following conditions:

1. Alignment and right of way for Tubbs Road be finalized before the final plat is submitted.
2. Review by the Park Board for the park dedication and proposed linear park along Tubbs Road.
3. Screening wall detail be submitted to the City Engineer for review and approval.
4. Determination of the lots backing to the creek regarding maintenance and drainage.

5. New connection to Rockwall Pkwy. may require easement from existing lots.
6. Submittal of engineering plans with the final plat.
7. Calculation sheet to ensure minimum 6,600 s.f. lots and average 7,000 s.f

MOTION
2nd JAN APP
ART
w/STAFF REC.
CUDAH.



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

(214) 771-7700

Cash Receipt

Name Shepherd Place Homes Date 5

Mailing Address Windmill Ridge

Job Address Windmill Ridge Permit No. _____

Check 788 Cash Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code
Building Permit	01-3601		Water Tap	02-3311
Fence Permit	01-3602		10% Fee	02-3311
Electrical Permit	01-3604		Sewer Tap	02-3314
Plumbing Permit	01-3607		Water Availability	06-3835
Mechanical Permit	01-3610		Sewer Availability	07-3836
Municipal Pool	01-3402		Meter Deposit	02-2201
Zoning, Planning, B.O.A.	01-3411		Portable Meter Deposit	02-2311
Subdivision Plats	01-3412	<u>1,280 -</u>	Misc. Income	02-3819
Sign Permits	01-3628		NSF Check	02-1128
Health Permits	01-3631		Meter Rent	02-3406
Misc. Permits	01-3625		Marina Lease	08-3810
Misc. Income	01-3819		Cemetery Receipts	10-3830
Sale of Supplies	01-3807		PID	13-3828
Recreation Fees	01-3401		Street	14-3828
			Assessment-Ph#2	14-3830
			Hotel/Motel Tax	15-3206
TOTAL OF COLUMN			TOTAL OF COLUMN	

TOTAL DUE 1,280 - Received by [Signature]



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

(214) 771-7700

Cash Receipt

Name Shepherd Place Homes Date 5

Mailing Address _____

Job Address Windmill Ridge Permit No. _____

Check 788 Cash Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code
Building Permit	01-3601		Water Tap	02-3311
Fence Permit	01-3602		10% Fee	02-3311
Electrical Permit	01-3604		Sewer Tap	02-3314
Plumbing Permit	01-3607		Water Availability	06-3835
Mechanical Permit	01-3610		Sewer Availability	07-3836
Municipal Pool	01-3402		Meter Deposit	02-2201
Zoning, Planning, B.O.A.	01-3411		Portable Meter Deposit	02-2311
Subdivision Plats	01-3412	<u>1,280 -</u>	Misc. Income	02-3819
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Health Permits	01-3631		Meter Rent	02-3406
Misc. Permits	01-3625		Marina Lease	08-3810
Misc. Income	01-3819		Cemetery Receipts	10-3830
Sale of Supplies	01-3807		PID	13-3828
Recreation Fees	01-3401		Street	14-3828
			Assessment-Ph#2	14-3830
			Hotel/Motel Tax	15-3206
TOTAL OF COLUMN			TOTAL OF COLUMN	

TOTAL DUE 1,280 - Received by [Signature]

Minutes of the Rockwall City Council

July 21, 1997

Call to Order and Invocation and Pledge of Allegiance - George Hatfield

10 The Rockwall City Council met in regular session in the Council Chambers of the Rockwall City Hall at 6:00 p.m. on July 21, 1997. Mayor Hatfield called the meeting to order at 6:00 p.m. The following councilmembers were present: George Hatfield, Sam Buffington, Ron Coleson, Pat Luby, Dale Morgan, Nell Welborn and Todd White.

15 Mayor Hatfield led the invocation and pledge.

Proclamations and Resolutions

20 Officer Carl Alsabrook and Sergeant Terry Garrett came forward to accept a proclamation from the Mayor for "National Night Out" . Garrett asked Chief Watkins to come forward and announced that the City of Rockwall/Rockwall Police Department had been designated 1997 Outstanding Crime Prevention Agency by the Texas Crime Prevention Association. The officers presented the plaque to Chief Bill Watkins.

Consent Agenda

25 **Consider Approval of Minutes of June 30, 1997 and July 7, 1997 and Take Any Necessary Action.**

30 **Consider Approval of Ordinance for Annexation of Group 1 Properties and Take Any Necessary Action. (2nd Reading).**

Consider Approval of a Bid for a Concrete Saw and Take Any Necessary Action.

35 **Consider Approval of a Bid for a Uniform Contract and Take Any Necessary Action.**

Consider Approval of Request for Authorization to Perform Routine Cleaning of Water Tank Facilities and Take Any Necessary Action.

40 White reported corrections to the minutes. Buffington moved for approval of the Consent Agenda with the corrections to the minutes as noted. Coleson seconded the motion and Kindred read the ordinance caption.

ORDINANCE NO. 97-14

45 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS AND THE ANNEXATION OF CERTAIN TERRITORY CONSISTING OF 1,178 ACRES OF LAND, WHICH SAID TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR AN
50 EFFECTIVE DATE.

The consent agenda was approved by a unanimous vote.

Appointments/Plats/Plan/Public Hearings

55

Appointment with B.T. Payne, Jr. to discuss de-annexation of his property and Take Any Necessary Action.

60

Hatfield indicated that Mr. Payne had spoken to the Council at the last meeting during open forum and that the Council was aware of his concerns. He stated that the Council did not desire to de-annex Mr. Payne's property as requested. Mr. Payne came forward and expressed his dissatisfaction with the lack of city services provided him during the time he has been in the city limits. He indicated that he was not receiving city water or sewer. Hatfield asked if Mr. Payne's main concern was the police protection. Payne indicated that was only one of the concerns. Hatfield asked Payne to take specific issues to the City Staff and that the staff would be happy to work with him, but that his property would not be de-annexed.

65

Appointment with Planning and Zoning Chairman.

70

Bill Crolley indicated that a memo was included in the packet from Tony Tramel, Traffic Consultant, which reported his findings on the following cases, PZ-97-40-CP, PZ-97-41-FP/SP/TP, PZ-97-42-PP, and PZ-97-44-PP/Z.

75

PZ- 97-44-PP/Z Hold Public Hearing and Consider Approval of an Ordinance granting a Request from John Weber for a change in zoning from agriculture to commercial for 1 lot consisting of approximately 26 acres known as the Steger Towne Crossing Phase 2 Development and generally located north of FM-3097 east of FM-740 and Approval of a preliminary plat and Take Any Necessary Action. (1st Reading)

80

Crolley outlined the request as a change from agricultural to commercial. Crolley indicated the Comprehensive Land Use Plan designated this area for commercial development. Crolley reported the concept plan was available for discussion but was not to be approved at this meeting. Crolley covered the issues of outdoor storage, screening, and screening of roof mounted units as well as the appearance of the garden center, all of which will be reviewed with the site plan.

85

Staff recommended approval with the following conditions:

90

1. Approval of engineering with the final plat.
2. Agreements entered into with property owners and City to address offsite drainage and roadway improvements.
3. Drainage easements for detention pond area.
4. Traffic Improvements as recommended by Tony Tramel be made in conjunction with the Lowe's development.
5. Fire lane and cross access be determined with final plat.

95

Crolley further outlined the existing drainage conditions of the Rockway branch and indicated staff was preparing a developers agreement to allow for improvements necessary to solve the problems and that this developer would be required to enter into such an agreement. Crolley

100 reported on the requirements for the detention pond. He outlined the turn and acceleration lanes recommended by Tony Tramel.

105 Crolley indicated that the treeline was located in the Ralph Hall Parkway right of way and that there should not be a substantial number of trees removed for this development. He stated a treescape plan would be required.

110 Welborn commented on the suggestion of Tramel that Westwood and the driveway be aligned for future signalization and indicated she would concur with the recommendation. Crolley indicated that issue would be discussed at the site plan approval. Crolley said it would be secondary point of access to the center and that it might not be signalized. Welborn expressed the desire to plan for the future by having the streets aligned so that the signalization could be done when the need occurred.

115 Welborn indicated that she would also like the developer to consider whether or not it would be cost effective to give a few more feet right of way and build the entire street without affecting the tree line. Crolley indicated that could be looked at when the site plan was presented to Council and that the actual location and size of the trees would be identified.

120 Welborn indicated the zoning ordinance required screening by the more intense use and asked if it would be discussed at the site plan. Crolley indicated that staff was working with the developer on the use of a berm or landscaping which would act as a screen, or possibly a wall and planting.

125 Buffington expressed concern over the drainage in the area and indicated that property owners down the road were concerned. Buffington asked if the developer had agreed to help with the drainage problem and how it would be dealt with.

Hatfield opened the public hearing.

130 John Weber, applicant, 1450 Quorum Dr., Dallas, Texas, came forward and indicated that he had been working with staff to address the issues and believed that the identified issues could all be worked out with a Facilities Agreement and the escrow of funds.

135 Terry York, 219 Autumn Court, came forward and expressed opposition to the change in zoning. She indicated that children played in the area surrounding it and cut across that lot frequently. She expressed concern over the increased traffic and the dangers during development of the area, as well as increased noise as a result of the development.

140 Hatfield indicated that those issues would be addressed during development and approval of the site plan. York asked if her neighbors would have an opportunity to speak to Council regarding this at a later time. Crolley indicated that this meeting was the only public hearing, but that anyone could put their comments in writing and those comments would be addressed with the site plan. Hatfield closed the public hearing.

145 Welborn clarified the vote on the request at the Planning and Zoning level. Crolley indicated that

there was a vote of 3 in favor and 1 abstention. Welborn moved for approval of the ordinance granting the change in zoning from Agriculture to Commercial. White seconded the motion and Kindred read the caption.

150 Ord. No. _____

155 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
160 ZONING ON A TRACT OF LAND WHICH IS MORE FULLY
DESCRIBED HEREIN FROM "A" AGRICULTURAL
CLASSIFICATION TO "C" COMMERCIAL ZONING
MAP; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

165 The ordinance was passed by a unanimous vote.

White moved approval of the preliminary plat. Welborn seconded the motion. The vote to approve the preliminary plat was unanimous.

170 **PZ-97-43-RP Hold Public Hearing and Consider a Request from Tim and Nancy Ramsey for a replat of 1 lot into 2 lots which is currently zoned SF-10 and consist of approximately .5 acre known as Lot 2, Block A of the B.F. Boydston Survey, Abstract 14 and generally located south of Heath Street west of Goliad and Take Any Necessary Action.**

175 Crolley outlined the request and indicated that notices had been sent out. Crolley stated that the request had been approved by the Board of Adjustment for the lot depth and rear setback. Crolley indicated staff recommended approval of the request with the condition that the front building line be shown on the plat. Morgan asked if the area was predominantly SF-7. Crolley indicated SF-7 and SF-10.

180 Hatfield opened the public hearing. Tim Ramsey, 4614 Scenic, Rowlett, Tx. came forward and stated that the proposed 0' setback would put the line parallel with the natural tree line and that he would like the tree line to remain as a natural boundary.

185 Hatfield closed the public hearing.

190 Welborn commented on the Board of Adjustments actions prior to Council on the request. Crolley indicated that in this case it was more expedient for the Board to review it first, so that the Planning and Zoning and Council would not be taking action on a plat which had not yet been given a variance. Welborn moved to approve the replat. Coleson seconded the motion and the request passed by a unanimous vote.

195 **PZ-97-36-RP Hold Public Hearing and Consider a request from Neal Jones for a replat of 2 single family residential lots into 1 lot currently zoned PD-8 and known as Lots 11 and 12, Block B of Chandlers Landing Phase 4 and Take Any Necessary Action.**

Crolley outlined the request for a replat to combine two lots into one for a larger house. Crolley

indicated that this phase of Chandler's Landing was designated zero lot line. He stated the plat met the zoning and platting requirements of PD-8 and the subdivision ordinance. Crolley reported staff recommended approval with the following conditions:

1. Lot grading and drainage plan be approved by the engineering department.
2. Developer or builder locate the existing water and sewer service prior to construction.
3. Designate zero lot line side on plat.

Hatfield opened the public hearing. Neal Jones, applicant came forward and indicated the larger lot was desired for the residence and that the left side would remain the zero lot side. Luby indicated his preference for decreased density.

Hatfield closed the public hearing. Luby moved for approval of the replat. White seconded the motion and the request for a replat passed by a unanimous vote.

PZ-97-37-CUP Hold Public Hearing and Consider Approval of an Ordinance granting a request from Geri Karwowski for a conditional use permit to allow in home child care at her residence currently zoned PD-13 located at 109 Windmill Ridge in the Windmill Ridge Addition and Take Any Necessary Action. (1st Reading)

Crolley indicate that a CUP was required if more than 6 children were kept in the home, in this area and that the applicant desired to keep 10 children. Crolley stated that in the past, staff had not recommended approval if there was substantial neighborhood opposition. He indicated that two notices had come back against this request but that no one spoke against it at the Planning and Zoning Commission. Crolley indicated staff recommended approval with the following conditions:

1. A maximum number of 10 kids allowed.
2. Review in 1 year.

Buffington reviewed the Council's action on this type of request in the recent past and expressed desire to be consistent. Crolley indicated that within the last 2 ½ years, there had been 2 requests with one approved and one being denied after strong opposition was expressed by the neighbors.

White asked what the distance was from the prior request which was recently denied. Crolley indicated this location was 3 to 4 streets over and within another part of the subdivision. White asked how many notices were sent out. Crolley indicated there were 28 notices sent out.

Coleson clarified that 6 children could be kept without a CUP and asked what provisions had been made in the home for fire protection. Crolley indicated that the State and the City's Fire Marshall would make inspections and that the home would have to meet all the requirements of the State for day care facilities. He stated it would be considered a home day care and that the state had alarm and smoke detector requirements in force. Coleson clarified that the state requirements do not apply if six or less children are kept. Crolley indicated that was correct and stated the City requirements followed the state requirements with the cut off at six children.

245 Couch indicated that it was difficult to regulate homes with six children or less, because those are
not registered with the State. Luby indicated that the reason for denial of the previous request was
the large amount of opposition by the neighbors. He stated that he desired the homes with less
children be supervised by the State. Morgan agreed with the 6 child limit and stated that was
250 appropriate for a residential area, with the opinion that more than that should be in a commercial
area.

Hatfield opened the public hearing. Geri Karwowski, 109 Windmill Ridge, applicant, came
forward. She indicated she was in the process of getting licensed with the State. She stated the
255 Fire Marshal had already done his inspection of the home and that she desired to keep 10 kids
because of the need for the income. She stated her husband was returning to school. She
indicated they were looking for a commercial facility, but there was not one available at this time.

Welborn asked the applicant how many children she had. Karwowski indicated two. Hatfield
closed the public hearing.

260 Welborn indicated that the primary purpose of residential is to maintain the residential atmosphere.
She stated that often people don't return the letters because they don't want to be negative about
their neighbors. She indicated that in this case 66% of the responses returned were opposed,
and she moved for denial of the request.

265 Hatfield asked what the opposition percentage was on the one recently approved. Crolley
indicated that there was only one against, and that person withdrew their opposition at the
Planning and Zoning level. Crolley indicated that the applicant on the previously approved case
was no longer keeping children in the home.

270 Morgan seconded the motion made by Welborn to deny the request.

White asked what the nature of the complaints were on the case approved. Crolley indicated there
were no complaints after approval of the request, but before the approval the concern was for the
275 noise and damage to the neighbors fence or yard.

White stated that based on the review in one year, and the approval of the Planning and Zoning
request, he felt it should be approved. He indicated that the lack of response could be seen as
consent. Hatfield indicated concordance with White's comments. Hatfield called for a vote on the
280 motion to deny the request. The motion failed by the following vote:

AYES: Welborn, Morgan
NAYS: Luby, Hatfield, Buffington, White
285 ABSTENTIONS: Coleson.

White moved for approval of the request with review in one year as recommended by staff. Luby
seconded the motion. Kindred read the caption:

290 Ord. 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 DAY CARE CENTER ON A TRACT OF LAND DESCRIBED HEREIN;
PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF

295 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.

300 The motion to approve the CUP passed by the following vote:

AYES: Luby, Hatfield, Buffington, White
NAYS: Welborn, Morgan
ABSTENTIONS: Coleson.

305

PZ-97-40-CP Hold Public Hearing and Consider Approval of a request from William Campbell for a revised concept plan for PD-18 to allow an assisted Living / long term care facility for a tract of land currently zoned PD-18 consisting of approximately 5 acres known as Edward Teal Survey, Abstract No. 207 and generally located north of Summer Lee Drive and west of FM-740 and Take Any Necessary Action.

310 Crolley outlined the request and the traffic engineer's review. Crolley stated that the main access would be on FM-740 with a secondary access point proposed on Summer Lee Drive. He indicated that Tramel had recommended a left turn lane be installed on FM-740 at the entrance. Crolley indicated that Summer Lee Drive would be extended across FM-740 and ultimately signalized at this location. He stated that a substantial number of neighbors came to the Planning and Zoning meeting to gain information, and that some spoke against the request. Crolley stated that the applicant agreed to work with Staff and the homeowner's on the elevations and final site plan.

320 Crolley indicated that staff was proposing 22' drives instead of 12 foot to allow more emergency access behind the building and that on the residential side staff was recommending the line of trees be added to provide screening between the residential area. He reported that Staff recommended approval with the following conditions:

1. Additional review with the site plan to ensure ample parking.
2. Left turn lane as recommended by Tony Tramel.
3. A 6' masonry wall and tree plantings along the residential development.
- 330 4. Review and approval of elevations and landscaping plan with site plan.
5. Meet the exterior materials requirements of the MF-15 zoning district (75% masonry excluding stucco).
6. Maximum height of 36'
7. Minimum 35' setback from residential zoned property.

335

Regarding recommendation of Staff on parking, Crolley indicated that it had been reviewed and compared with parking numbers for nursing homes, which would match the long term care area, as well as a review of the number of employees, and needed spaces for cars belonging to the residents of the assisting living area. Crolley indicated that staff felt the proposed parking was comparable and that the Architectural Review Board was comfortable with the numbers. Crolley reported that Planning and Zoning recommended approval with the staff conditions.

340

Morgan asked if this would be considered an institutional use and would conform to office and retail zoning. Crolley indicated that was correct under the nursing home and that there was no specific designation for assisted living as yet. Coleson asked what the difference was between this type of facility from a density standpoint and a group of condominiums. Crolley indicated that there is a comparison on density, but not on the amount of traffic generated, the way the facilities are used, or the way the properties were maintained. Coleson asked about the square footage of each unit. Crolley indicated that facility would consist of individual rooms, not units. Crolley indicated there would one and two story buildings. Welborn indicated that it needed to be noted that the 75% masonry would be required for each wall.

Hatfield opened public hearing.

Todd Miller, 6700 Heritage Parkway came forward on behalf of the applicant. He indicated the applicant was in agreement with Staff recommendations and urged support of the project. Miller indicated it would be a very upscale project. Welborn asked what the monthly fees would be for the assisted living area. Miller indicated that fees standard in the area are \$1500 to \$2000 on projects of lesser value. He indicated the pricing was not firm, but it was anticipated to be at \$2,000 or up per month. Welborn asked how many Medicaid beds would be in the project. Miller indicated none at this point. Morgan asked if Sec. 232 financing would be involved. Miller indicated it would not.

Ray Jenks, Operation Manager for Medic Rescue, came forward. He indicated he had daily interaction with the applicants other nursing centers in Rockwall and Rowlett. He stated the applicant demonstrated a history of improving care for senior citizens. Jenks indicated the need for a facility of this nature and recommended approval.

Sam Chenault, 2270 Ridge Lake Lane, came forward and urged council to consider and pass the request. He stated that the current zoning allowed for retail and office and that he believed this use would be the least intrusive to the residential area behind. He indicated the applicant had ordered a tree survey at the onset .

Richard Slaughter, owner Rockwall Drug, came forward and indicated he had provided services to the applicant's facilities for 17 years and indicated support of the request based on the history of excellent services and increased quality of care for the elderly in Rockwall by the applicant.

Ken Teel, CEO of Lakepointe Medical Center, came forward and expressed his involvement with the applicant for 10 years through their two facilities close to Lakepointe. He also indicated that this type of facility would enhance the real estate values of the community, and provided a clean, stable, commercial tax base.

Mike McCallum, President of Community Bank, came forward and indicated that the bank owned the three acre track south of the proposed area and that they would be in support of the project.

Tom Manskey, Rockwall Chamber of Commerce, came forward and indicated the Chamber had passed a resolution for the project. He indicated support of the addition of payroll and jobs to the community and history of the applicant as a good neighbor.

Hatfield closed the public hearing.

390

Hatfield indicated the need for this type of facility and good usage of the location. Welborn indicated the area is zoned general retail, which allows office and general retail. She indicated that this usage appears to be at least as good as if office and general retail were allowed, as well as having less traffic and noise than other usages. She stated that for the residential area, this would be more favorable than a higher traffic generator. Welborn moved to approve the request for the revised site plan subject to staff conditions. Morgan seconded the motion. Luby indicated that he felt this would be a good use for the property. Buffington indicated support, and stated the community needed the service and the jobs.

395

400

Welborn commented that she wanted the motion to include the revised location of the two driveways. Morgan seconded the amended motion. The request passed by a unanimous vote.

Hatfield recessed the meeting for a break at 7:30 p.m. The meeting reconvened at 7:40 p.m.

405

PZ- 97-34-SP-LP Consider approval of a request for a site plan and landscape for a tract of land zoned Commercial consisting of 2 lots and containing approximately 3 acres of land known as Steger Towne Crossing generally located east of FM-740 south of Steger Towne Drive and Take Any Necessary Action.

410

Crolley outlined the request indicating that when the Architectural Review Board looked at the case, they wanted to make sure that the rear of the buildings did not look like a typical rear of a building. He stated that the rear of both buildings were revised to include a line of trees and shrubs and wrought iron fencing. Crolley stated that the Bank had reviewed the plans for the rear of building which would face them and were pleased with it. He indicated there were no designated users for the space at this time, but that the buildings would be leased out. Crolley indicated that Staff had asked the applicant to update the trees and make provisions for the change in elevation. Crolley stated the applicant had wanted the access point removed, but that the bank wanted to keep it, so the plan would be revised to keep the existing drive into the bank. Crolley reported that Staff recommended approval with the following conditions:

415

420

1. Approval of the engineering plans.
2. Final Plat approval for lots 1A , Block B
3. Lighting cut sheet and lighting design provided.
4. Light poles max height 20'
5. Access with the bank be finalized

425

Crolley indicated Planning and Zoning recommended approval by a vote of 4 to 0. Hatfield asked for clarification on where the access from FM 740 would be. Coleson asked if the trash containers would be screened. Crolley indicated there would a 6' 'masonry fence and trees. Welborn confirmed that the parapet wall was on all four sides and that the HVAC equipment would be concealed. Morgan moved for approval of the request for the site plan, and landscape plan . Welborn seconded the motion, subject to staff conditions. The request passed by a unanimous vote.

430

435 **PZ-97-38-PP Consider Approval of a request from Clyde Sifford for a preliminary plat for 52 single family residential lots currently zoned PD-2 and consisting of approximately 12 acres in the E.P. Gaines Chisum Survey, Abstract No. 64 known as Turtle Cove Phase 2 and generally located west of the Union Pacific Railroad North of Stafford Drive and Take Any Necessary Action.**

440 Crolley reviewed the request and indicated that as part of the final plat there would be a review of traffic generation by Tony Tramel to determine if a left turn lane on FM 740 or other improvements were necessary with this phase of development. Crolley stated that staff recommended approval with the following conditions:

- 445
1. Approval of engineering plans.
 2. No fences allowed into the easement along the rail road R.O.W. in lots 32-37
 3. Review possible turn lane on FM-740 with final plat.

450 Crolley indicated the Planning and Zoning commission recommended approval with the staff conditions. Coleson addressed drainage problems and asked if it had been looked at. Crolley indicated that it would be reviewed at the final plat through the engineering plans. White expressed concern over the traffic to be generated and stated he would like Tramel to take his concerns very seriously while doing the study, and look at extending the turn lane down to White Hills Drive. Crolley indicated that with the final plat some traffic counts could be done.

460 Welborn indicated she had the same concern and made a formal request that Tramel include the intersection of White Hills Drive and FM-740 as part of the study, to consider signalization, or a turn lane. She requested those results of the study be presented at the final plat. Couch indicated the State regulated installation of traffic signals on FM 740 and that the state would not install traffic signals until the traffic warrants were hit. She stated that when Walmart was built, a study showed it wasn't warranted, but that the State would do another analysis and see if it was warranted now.

465 Luby indicated he had requested a study on White Hill Drive, because of difficulty in turning from White Hills Drive or from Barbara Hensley Realtors onto FM-740. Hatfield acknowledged the applicant was present.

470 Welborn moved for approval of a preliminary plat, and in regard to the treescape plan, she indicated she would prefer that few trees be disturbed. Buffington seconded the motion. The preliminary plat and treescape plan passed by the following vote:

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

475 **PZ- 97-39-PP Consider Approval of a request from Kirby Albright for a preliminary plat of 6 single family residential lots currently zoned PD-40 and consisting of approximately 3 acres known as Benton Court in the E.Teal Survey, Abstract 207 and generally located east of FM-740 south of Benton Woods Drive and Take Any Necessary Action.**

480 Crolley outlined the request stating that the area required a minimum lot size of 10,000 square feet

and a minimum dwelling size of 2,500 square feet. He indicated the applicant had originally planned to leave the property open, but now desired to develop it. Crolley stated that Staff recommended approval with the following conditions:

1. Approval of the treescape plan with final plat.
2. Review and make decision on private street with final plat.

The Planning and Zoning Commission recommended approval with staff conditions at a vote of 4 to 0. Crolley indicated that the private street condition had been decided against by the applicant.

Coleson moved for approval of the request and White seconded the motion. The request for a preliminary plat passed by a unanimous vote.

PZ-97-41-FP/SP/TP Consider Approval of A request from Harold Evans for a final plat, and site plan for a gymnastics studio on 1 lot currently zoned general retail and consisting of approximately 1 acre known as Lot 1, Block A of the B.F. Boydstun Survey, Abstract No. 14 and generally located on the west side of North Lakeshore Drive and the south side of SH-66 and Take Any Necessary Action.

Crolley outlined the request indicating the proposed building would be of tiltwall construction and 10,750 square feet. He stated the building design was not compatible with the residential construction, but the site was in conformance with the zoning. He indicated staff recommended additional trees be added to the residential side to buffer the existing units. He indicated it would be in addition to the required 6' masonry screening fence.

Crolley indicated that Tramel's report and recommendation was for a median cut of 10' providing a turn lane into the site. Crolley indicated that there had been some discussion as to access off Hwy. 66, and that based on Tramel's recommendation it would be difficult to get out on Hwy. 66 so that the access should be off of Lakeshore Drive. Crolley indicated that parking was reviewed and was adequate. He stated that uses were reviewed with the applicant and there would not be any tournaments at this site.

Crolley reported that staff recommended approval with the following conditions:

1. Approval of the engineering plans
2. Letter from T.U. Electric allowing parking and planting in easement
3. 6' masonry screening fence and line of 3" caliper trees along the residential property
4. Appropriate median modifications to Lakeshore Drive to facilitate the proposed driveway (10' of the north median nose be removed)
5. 24' fire lane added to plat
6. Parapet wall extended to screen roof area

Planning and Zoning recommended approval with a vote of 4 to 0.

Hatfield asked how far apart the trees would be planted. Crolley indicated it would be looked at through the landscaping plan, and would depend on the type of tree. Welborn asked if the

530 median cut would take out the first Bradford pear tree and what kind of lighting was proposed. She indicated she would like to see a lighting plan. Welborn asked about hours of operation. The applicant indicated approximately 9:00 a.m. to 8:00 p.m.

535 Welborn indicated that it did not appear to conform to the zoning minimum requirements for the district. Further conversation took place as to the classifications of the zoning ordinance and the standard minimum requirements. It was determined that the building did conform with the minimum requirements for construction materials under a general retail district. Welborn stated she was not in favor of this type of structure so close to residential and that only three corners were general retail with residential close to the other corner. White indicated that the usage was 540 a good purpose as opposed to a fast food restaurant or convenience store or gas station. White moved for approval of the request with staff conditions. Buffington seconded the motion, with the addition of a lighting study. The motion to approve the final plat and site plan passed by the following vote.

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

PZ-97-42-PP Consider Approval of a request from Winkelmann & Associates for a preliminary plat for 4 lots currently zoned commercial and containing approximately 35 550 acres and generally located on the south side of I-30 east of FM-740 and Take* Any Necessary Action.

Mayor Hatfield skipped this item temporarily and moved on to case PZ-97-45-PP.

555 **PZ-97-45-PP Consider Approval of a Request from Harold Evans for a preliminary plat of 2 lots currently zoned light industrial consisting of approximately 1 acre known as A. Hanna Survey, Abstract No.99 and generally located east of Townsend Drive south of Whitmore Drive and Take Any Necessary Action.**

560 Crolley outlined the request as two lots for office development. He stated one lot was 22,563 feet and one lot was 19,707 square feet. He stated the applicant was unsure of the specific office use for the property, but that based on the lot size, the parking, landscaping and set back requirements, it would be limited to small office use. He indicated the lot met the requirements for the LI zoning district. He also indicated a treescape plan would be reviewed with the site 565 plan and final plat.

Crolley indicated staff recommended approval with the following conditions:

1. Approval of the treescape plan with final plat.
 2. Escrow for sub-standard street
 3. Show front 25' setback line from future R.O.W. of Townsend Drive.
- 570

Buffington moved for approval of the preliminary plat. Coleson seconded the with the proviso that special attention be given to the treescape plan since there are a large number of trees in 575 that area. Welborn concurred with Coleson regarding the saving of trees. The motion to approve the preliminary plat was approved unanimously.

580 **PZ-97-42-PP Consider Approval of a request from Winkelmann & Associates for a preliminary plat for 4 lots currently zoned commercial and containing approximately 35 acres and generally located on the south side of I-30 east of FM-740 and Take* Any Necessary Action.**

585 Council returned to this case for action. Crolley outlined the request as a concept plan and preliminary plat. He stated the plat was in conformance and that it consisted of 4 lots with the first site to be developed to be Home Depot. He indicated that included in the review were outdoor storage, screening, screening of roof mounted units, the garden center and parking. Crolley indicated that these would also be reviewed on the site plan and that as part of this development Tubbs Road would be connected to the I-30 service road.

590 Crolley outlined the applicants parking reduction request. Substantial discussion took place as to the parking requirements and needs. Crolley indicated that Tramel stated that the studies done by Home Depot for reduction in parking were valid. Crolley pointed out where additional parking could be obtained if Home Depot moved from the site. Hatfield questioned what the City ratio was for parking. Crolley indicated it was 1 to 200, and that Home Depot was asking for 1-214. Crolley detailed the detention pond. Welborn clarified that the parapets would be on all four sides. She also asked about the screening of the truck well, on the I-30 side. Crolley reviewed the proposed changes to help screen the area. Crolley also indicated that the garden center would have brick column and wrought iron, not just fence. He indicated staff recommended approval of the request with the following conditions:

- 600
1. Approval of the engineering plans with final plat.
 2. Agreements entered into with the property owners and City to address offsite drainage and roadway improvements.
 3. Drainage easements for the detention pond areas.
 - 605 4. Future Tubbs Road connection to Ralph Hall Parkway considered with Lot 1, Block 2.
 5. Fire lane and cross access determined with final plat.

610 Planning and Zoning Commission recommended approval with staff conditions by a vote of 4 to 0.

Morgan moved for approval of the request with staff recommendations. Coleson seconded the motion and the request was approved by a unanimous vote.

615 **Hold Public Hearing to discuss adoption of Park Plan and Take Any Necessary Action.**

Mayor Hatfield skipped this item temporarily and moved on to the Abatement Policy so that Councilmember Welborn could vote on the item before having to leave the meeting.

620 **Discuss and Consider Approval of a Resolution Amending the Abatement Policy Related to Annexation Group 1 and Take Any Necessary Action.**

Couch outlined the abatement policy amendment proposed in the Resolution to address the newly annexed property. She stated abatements would be at the discretion of the Council, and

625 applied only to the improvements to the property and only to the property owner at the time the
application was approved. Couch outlined the requirements for application and indicated that
specific time guidelines would be developed as to when applications would be submitted,
reinvestment zones would be developed as required under State law and brought forward at an
630 upcoming meeting. Couch outlined the request of Bruce Jones, developer of Oaks of Buffalo Way,
at a prior meeting regarding abatement of developed lots within his subdivision. She indicated that
if the Council decided to award the abatement, it would apply only to lots that were duly platted
and filed with the County Clerk.

White indicated he was against abatement in the newly annexed areas, because he felt it would
635 be difficult to justify the abatement to those citizens already in the City. Coleson moved for
approval of the resolution. Luby seconded. The vote on the resolution was as follows:

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

640 White confirmed that the vote required a three fourths vote to pass. Couch indicated that was the
case and the resolution therefore failed.

Councilmember Welborn had to leave the meeting at 8:45.

645 **Discuss and Consider Response to Survey Related to the Emma Jane/Davey
Crockett Street Project and Take Any Necessary Action.**

Hatfield moved to this item next because of the large number of people who had been waiting in
650 the audience to see what action would be taken.

Hatfield indicated the response was overwhelmingly in favor on the survey sent out to property
owners. Coleson moved for approval to proceed with the Emma Jane/Davey Crockett Street
project. White seconded and the motion passed by the following vote:

655 AYES: Buffington, Coleson, Hatfield, Luby, Morgan, White,
ABSENT: Welborn

Hatfield recessed the meeting for a break at 8:55 p.m. The meeting reconvened at 9:10 p.m.

660 **City Manager's Report**

Couch reminded Council of the work session scheduled for July 28th to discuss the drainage study
on Squabble Creek and the Five Year financial forecast. Couch updated the Council on FM-740
665 progress, indicated that the construction should be complete at the end of September. Morgan
commended staff on the Code Enforcement Report. Morgan expressed concerns over traffic on
the service road below Horizon going to Culpeppers. He indicated he would like to see a
mandatory stop . He also requested a left hand turn only lane off of FM 740 at Horizon going
eastbound.

670 **Hold Public Hearing to discuss adoption of Park Plan and Take Any Necessary Action.**

Hatfield returned to this item and opened the public hearing. With no one coming forward, Hatfield closed the public hearing. White moved for approval of the Park Plan and the motion was seconded by . The vote to approve the park plan passed by the following vote:

AYES: Buffington, Coleson, Hatfield, Luby, Morgan, White
ABSENT: Welborn

Discussion/Action

Discuss and Consider Approval of an Ordinance for Park Land Dedication and Take Any Necessary Action (1st Reading).

White moved for approval of the ordinance for park land dedication. Luby seconded the motion. Kindred read the caption:

Ord. No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING T ARTICLE II PARK LAND DEDICATION OF THE SUBDIVISION REGULATIONS OF THE CODE OF ORDINANCES AS SET FORTH HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The ordinance passed by the following vote:

AYES: Buffington, Coleson, Hatfield, Luby, Morgan, White
ABSENT: Welborn

Discuss and Consider Approval of an Ordinance Revising the Comprehensive Sign Ordinance and Take Any Necessary Action . (1st Reading)

Crolley outlined the request as an amendment to allow Council to approve variance requests for directory signs located within 200' of I-30. Crolley indicated this was based on a request from John Weber for his directory sign for Lowes. White moved for approval. Coleson seconded the motion and Kindred read the caption:

Ord. No. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, AMENDING ORDINANCE 84-61, THE SIGN ORDINANCE OF THE CITY, AUTHORIZING CERTAIN VARIANCE REQUESTS FOR SIGN SIZE, ESTABLISHING CONDITIONS, PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND (\$2,000.00) FOR EACH DAY A VIOLATION EXISTS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

The ordinance passed by the following vote:

AYES: Buffington, Coleson, Hatfield, Luby, Morgan, White
ABSENT: Welborn

Discuss and Consider Purchase of a Speed Monitoring Trailer and Approval of an Interlocal Agreement with the City of Rowlett and Take Any Necessary Action.

730 Couch indicated that this speed trailer would notify motorists how fast they were going. She stated that it would also allow information to be kept regarding the number of cars and speed on particular streets. She indicated it would be another tool to control speeds in residential areas and that Staff was proposing Council authorize Couch to enter into an Interlocal Agreement with the City of Rowlett for the purchase of the trailer. Hatfield clarified that the trailer would be unattended.

735 Coleson moved to enter into the Interlocal Agreement for purchase of the trailer. Buffington seconded the motion. The motion passed by the following vote.

AYES: Buffington, Coleson, Hatfield, Luby, Morgan, White
ABSENT: Welborn

740 **Hold Executive Session under Section 551.074 of the Texas Government Code to Discuss:**

- A. Personnel regarding the following:**
 - 1. Appointment of Boards, Commissions, and Committee Members.**

745 Hatfield indicated that the consensus of Council was to postpone the executive session until Councilmember Welborn could be present.

Take Any Necessary Action as a Result of Executive Session

750 **Adjournment**

With no action being taken as a result of Executive Session, Hatfield adjourned the meeting at 9:15 p.m.

755