

- | | | |
|--|--|---|
| <input type="checkbox"/> Preliminary Plat* | <input type="checkbox"/> Site Plan* | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Final Plat* | <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Replat* | <input type="checkbox"/> Overlay District | <input checked="" type="checkbox"/> Treescape Plan |
| <input type="checkbox"/> Vacation of Plat | <input type="checkbox"/> Building Elevations | <input checked="" type="checkbox"/> Zoning / PD Request |

2000-82

\$150 +
\$10/ACRE
\$340

* Engineering for plats must be submitted 2 weeks prior to PZ Deadline date *

Addition Name: QUAIL RUN ADDITION Current Zoning: PD-5
 Proposed Zoning: PD-5 No. Of Acres: 19 No. Of Lots: 5 No. Of Units: _____
 General Location of Property (or) Address: SE CORNER OF INTERSECTION OF SH 205 & QUAIL RUN ROAD
 Proposed Use for Property: GENERAL RETAIL - ZONING CHANGE TO AMEND PD-5
 Owner's Name: ROBERT WHITTLE Applicant's Name: ROBERT WHITTLE
 Company: CARUTH LAKE DEVELOPMENT CORP. Company: CARUTH LAKE DEVELOPMENT CORP.
 Address: P.O. BOX 369 Address: P.O. BOX 369
 City, State, Zip: ROCKWALL, TX 75087 City, State, Zip: ROCKWALL, TX 75087
 Phone: 214 771-5253 Fax #: _____ Phone: _____ Fax #: _____

BEFORE ME, a Notary Public, on this day personally appeared _____
 the undersigned applicant, who stated the information on this application to be true:

"I hereby certify that I am the owner, or duly authorized agent of the owner, for the purposes of this
 application; all information submitted herein is true and correct; and the application fee of \$ 340,
 to cover the cost of this application, has been paid to the City of Rockwall on This 24th day
 of AUGUST, 2000.

 Applicant Signature

SUBSCRIBED AND SWORN TO before me, this _____ day of _____.

 My Commission Expires

 Notary Public in & for the State of Texas

This Application Will Not Be Accepted Without Engineering Submittal On File If Engineering Is
 Required

House Bill 1563, Effective September 1, 1999,

Requires An Original Tax Certificate From Each Taxing Unit Indicating That No Delinquent Ad Valorem Taxes Are
 Owed On The Property To be Attached To The Plat Or Replat.



CITY OF ROCKWALL
COMMUNITY DEVELOPMENT SERVICES
108 East Washington
Rockwall, Texas 75087

CASH RECEIPT

CUSTOMER Robert Whittle
STREET ADDRESS P. O. Box 369
CITY/STATE/ZIP Rockwall, Texas 75087

JOB LOCATION SE corner SH 205/Quail Run Rd.

DATE OF RECEIPT 8/24/00

RECEIPT NUMBER CR-2000-8-2194

<i>TYPE OF TRANSACTION</i>	<i>ACCOUNT</i>	<i>REFERENCE CODE</i>	<i>QUANTITY</i>	<i>UNIT PRICE</i>	<i>TOTAL</i>
40-41-49 Zoning/PD	01-3411	00-82	1	\$340.00	\$340.00

RECEIVED BY: James Williams	PAYMENT METHOD Check	RECEIPT TOTAL \$340.00
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White - Customer Copy

Yellow - Office Copy

Pink - Audit Copy

FROM : DeShazo Tang & Assoc., Inc.

FAX NO. : 214 748 7037

Sep. 15 2000 12:46PM P1



DeShazo, Tang & Associates, Inc.
 Engineers + Planners
 400 South Houston, Suite 330
 Dallas, TX 75202-4899
 214/748-6740 • FAX 214/748-7037
 e-mail: dta@dtatamp.net

WHITTLE
 ZONING
 CASE
 FILE
 2000-82

September 15, 2000

Mr. Bill Crolley
 Director of Community Development
 City of Rockwall
 108 E. Washington Street
 Rockwall, TX 75087

RE: East Side of State Highway 205 at Quail Run (DT&A No. 00223)

Dear Mr. Crolley:

We have reviewed the preliminary site plan for the Gateway America project on S.H. 205 at Quail Run and offer the following comments and questions.

- ◆ The right-of-way shown for Quail Run is adequate to construct the proposed facility. The question is, does the proposed right-of-way line up with the future extension on North Lakeshore Drive on the west side of S.H. 205? How do the connector roadways from Lakeview Summit relate to this alignment? In other words, we need to see S.H. 205 on the drawing and the existing and proposed roadways for the west side of S.H. 205.
- ◆ There will need to be a deceleration lane constructed for northbound S.H. 205 at proposed Quail Run. This will require a minimum of 100 feet of storage and 150 feet of transition. This will move the driveway shown for the corner tract back far enough to be out of the deceleration lane.
- ◆ The parking flow direction needs to be reversed for the Tom Thumb Store. Entering either driveway as shown requires a driver to drive all the way to the store's front and cross to the second available aisle before accessing an aisle that puts them in the correct direction to park.

If you have any questions, please call.

Sincerely,
 DeSHAZO, TANG & ASSOCIATES, INC.

Tom Simerly

Tom Simerly, P.E.
 Vice President

TJS:lsk

Bill Crolley
City of Rockwall
205 W. Rusk
Rockwall, TX 75087

Dear Bill:

We recently purchased the 1 ½ acres of land and buildings owned by Hank Crumbley that is adjacent to our 18 acre retail site at the corner of Quail Run Rd. and Hwy 205.

We believe a unique opportunity exists to develop a retail site for the residents who live in the north part of Rockwall. Currently those residents have very few choices regarding shopping at a new center. They must either go to Interstate 30 or go to the new centers on Hwy 66 in Rowlett.

We would like to amend a few provisions in our PD 5 retail site to make the site more viable.

The Amendments requested are as follows:

SECTION 2.11 B PERMITTED USES:

ITEM 4:

PLANNED SHOPPING CENTER OF LESS THAN 10 ACRES AND NEIGHBORHOOD CONVIENCE CENTERS

We would like to change this to **PLANNED SHOPPING CENTER OF LESS THAN 19 ACRES AND NEIGHBORHOOD CONVIENCE CENTERS.**

This will more accurately describe this site with the addition of the property formerly owned by Hank Crumbley on the corner.

ITEM 6:

RESTAURANTS, INCLUDING ACCESSORY OUTDOOR SEATING, WITHOUT DRIVE-IN FACILITIES.

It seems that these days consumers want drive thru conviences from their bank, restaurant and pharmacy. We would like to be able to accommodate this. Therefore, we request that the provision read:

RESTAURANTS, INCLUDING ACCESSORY OUTDOOR SETTING AND DRIVE-THRU FACILITIES.

ITEM 8:

RETAIL OUTLETS WHERE GASOLINE PRODUCTS ARE SOLD AS AN ACCESSORY USE LIMITED TO TWO DISPENSERS WHICH CAN SERVICE NO MORE THAN FOUR VEHICLES AT ONE TIME.

We are not aware of any gas/convenience uses who would develop a store with this provision. It simply will not work financially. We request that this be changed to **RETAIL OUTLETS WHERE GASOLINE PRODUCTS ARE SOLD AS AN ACCESSORY USE LIMITED TO EIGHT DISPENSERS.**


SECTION 2.11 CONDITIONAL USE REQUIRES USE PERMITS: SEE ARTICLE IV

**ITEM 13:
NEW BUILDINGS WITH OVER 5,000 SQ. FT. OF FLOOR AREA**

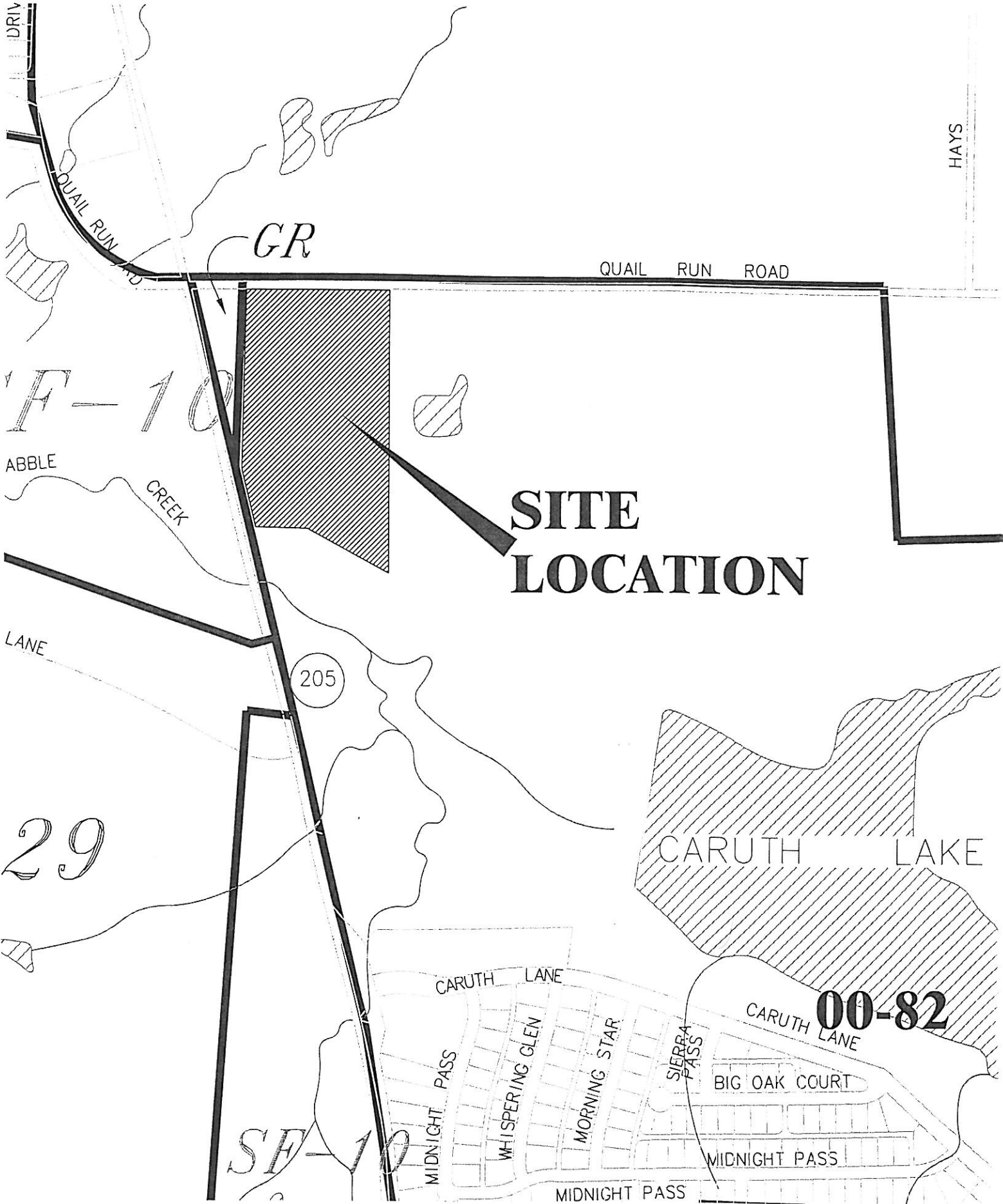
We would like to delete this provision completely. As you can see from the enclosed Concept Plan we are pursuing a supermarket and several other businesses that exceed 5,000 square feet.

Please submit this request to the Rockwall Planning and Zoning and to the Rockwall City Council at the earliest possible date.

Sincerely,



Robert S. Whittle



DRIV

HAYS

QUAIL RUN ROAD

GR

QUAIL RUN ROAD

F-10

ABBLE CREEK

SITE LOCATION

LANE

205

29

CARUTH LAKE

CARUTH LANE

MIDNIGHT PASS

WHISPERING GLEN

MORNING STAR

SIERRA PASS

CARUTH LANE

BIG OAK COURT

MIDNIGHT PASS

MIDNIGHT PASS

SF-10

00-82

200-82-Z/PD

A request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/- 13.75 acres of the PD around the intersection of SH 205 and Quail Run Road.



CITY OF ROCKWALL

"THE NEW HORIZON"

- Public Notice -

The City of Rockwall Planning and Zoning Commission will hold a public hearing on Tuesday, September 12, 2000 at 7:00 p.m., at the Rockwall City Hall (Second Floor), 205 W. Rusk, Rockwall, Texas and the Rockwall City Council will hold a public hearing on Monday, September 18, 2000 at 6:00 p.m. at Rockwall City Hall (Second Floor), 205 W. Rusk, Rockwall, Texas, in Council Chambers to consider the following item(s);

PZ-2000-82

A request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/-13.75 acres of the PD around the intersection of SH 205 and Quail Run Road.

As an interested property owner, you are invited to attend these meetings or make your feelings known in writing by returning the form below. If you want your comments included in the information sent to the Planning and Zoning Commission meeting, please return the *completed* form below by :

Denise LaRue,
Community Development Coordinator

(please return portion of form below the dotted line)

Case number: PZ-2000-82

Please place a check mark on the appropriate line below:

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

___ I am **opposed** to the request for the reasons listed below

YourName _____

Rockwall Property Address: _____

- Please see Location Map of Subject Property on the back of this notice -

YMCA of Dallas
901 Ross Avenue
Dallas, TX 75202
4842-000A-0001-00-0R 21.76 ac

Pulte Homes of Texas LP
1431 Greenway Dr. Ste. 700
Irving, TX 75038
0124-0000-0015-00-0R 0.581 ac

William T. Collins
2001 N. Goliad
Rockwall, TX 75087
0124-0000-007 & 8

Henry M. Crumbley
2000 N. Goliad
Rockwall, TX 75087
0124-0000-0011 0.755 ac.

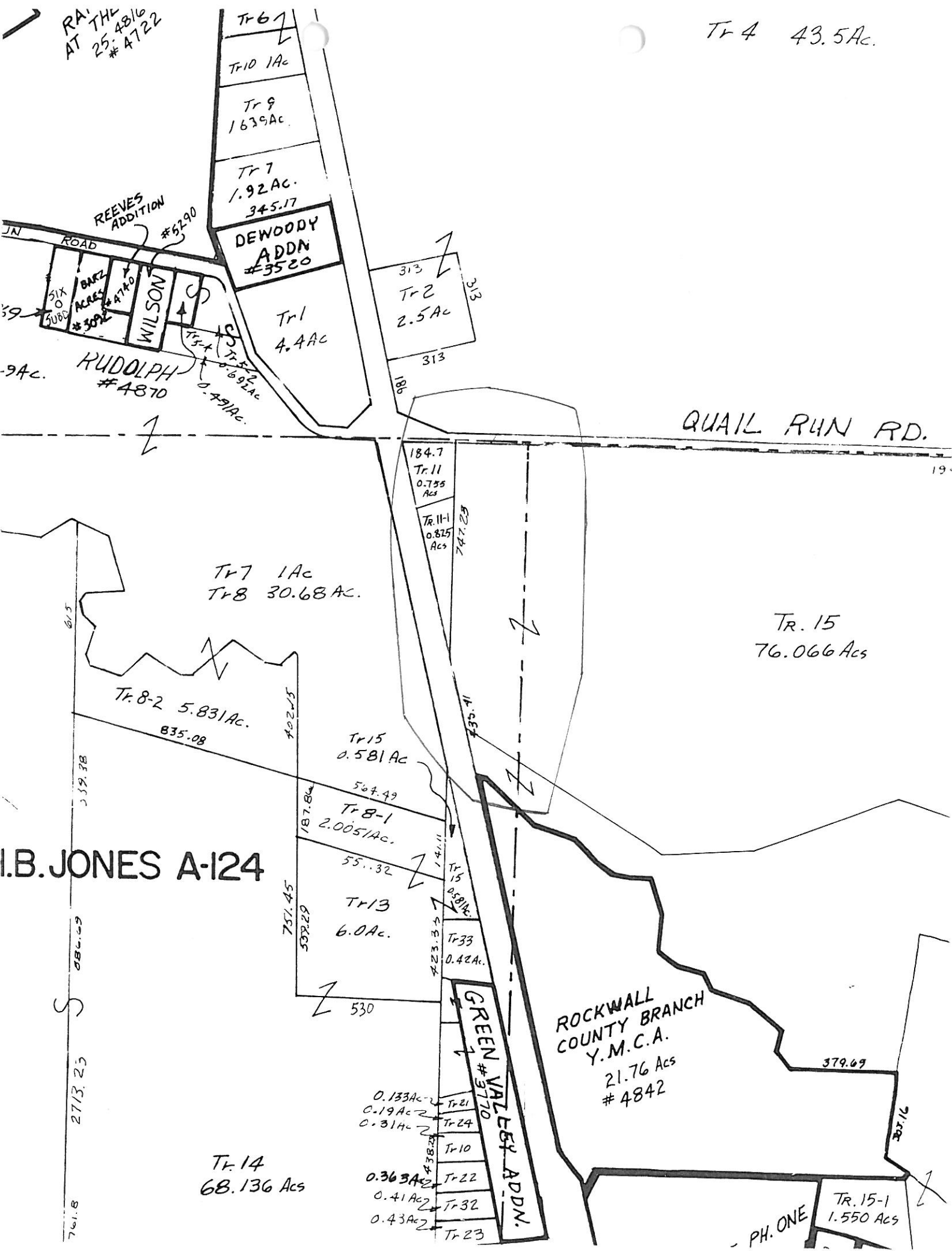
Mariah Bay Development, Inc.
P. O. Box 369
Rockwall, TX 75087
0124-0000-0011-01 0.825 ac.

Caruth Corp
Estate of W W Caruth
5803 Greenville Avenue
Dallas, TX 75206-2997
0131-0000-003 & 4 (161 & 43 ac)

Case no.	Type	Applicant Name	Owner Name	Subdivision / Address	Lots	Acres	Approved	Filed	120	Ord. No.	Description	Appr Fee	Check Name	Ck No.	Fee Retuned	Res/Non	
1994-018-01	PP	Harold Evans	Whittle Development	Quail Run Valley				9/6/94									
1994-018-01	Z	Harold Evans	Whittle Development	Quail Run Valley				9/6/94									
1984-087-01	PP	Coates, Bob	Coates, Bob	Quail Ridge Addition													
2000-071-01	PP	Whittle, Rob	Whittle Development	Quail Run Valley	191	65.3		8/21/00									Res
2000-082-01	Z	Whittle,Robert	Whittle, Robert	Quail Run Valley	5	13.75		10/2/00									Res
2000-082-02	PD	Whittle,Robert	Whittle,Robert	Quail Run Valley	5	13.75		10/2/00		2000-28	add GR to PD-5						Res
2000-109-01	FP	Mariah Bay Corp	Mariah Bay Corp	Quail Run Valley 01	53	25.53		3/19/01	Yes	7/17/01	Residential	250.00	Mariah Bay Dev	2062			Res
2000-110-01	FP	Mariah Bay Corp	Mariah Bay Corp	Quail Run Retail	2	15.61		3/19/01	Yes	7/17/01	Non-residential						Non
2001-007-01	FP	Rob Whittle	Rob Whittle	Quail Run Valley 2	126	40.06		3/19/01		7/17/01	Residential	250.00	D R Horton	33888			Res

Tr 4 43.5Ac.

RA. THE
AT THE
25.4816
#4722



I.B. JONES A-124

ROCKWALL COUNTY BRANCH
Y.M.C.A.
21.76 Ac.
#4842

PH. ONE



COMMERCIAL REAL ESTATE

GATEWAY AMERICA
P . R . O . P . E . R . T . I . E . S

JIM CERVINE

3125 RIDGE ROAD, SUITE B
ROCKWALL, TEXAS 75032

(972) 772-2727
FAX (972) 771-6701

PROJECT DATA

PARCEL 1	= 109,502 sq ft / 2.52 AC ±
" 2	= 47,500 sq ft / 1.09 AC ±
" 3	= 56,040 sq ft / 1.28 AC ±
" 4	= 116,830 sq ft / 2.68 AC ±
" 5	= 269,015 sq ft / 6.17 AC ±
TOTAL LAND AREA = 589,967 sq ft ±	
13.75 AC ±	

SITE PLAN

SEC STATE HWY 205 & QUAIL RUN
ROCKWALL, TEXAS

ORDINANCE NO. 00-28

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE 96-25 AS HERETOFORE AMENDED SO AS TO APPROVE ZONING AND AMEND A PORTION OF THE PRELIMINARY PLAN FOR PD-5 - PLANNED DEVELOPMENT NO. 5 ATTACHING THE AMENDING PRELIMINARY PLAN DESCRIBED AS EXHIBIT A INCLUDING A CHANGE IN ZONING FROM GR, GENERAL RETAIL TO PD-5 - PLANNED DEVELOPMENT NO.5 FOR TRACTS 11 AND 11-1, J.H.B. JONES ABSTRACT NO. 124, CONTAINING 1.58 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the Preliminary Plan for a portion of PD-5 with special conditions, as described in Exhibit "A" including a change in zoning from "GR", General Retail to PD-5, Planned Development No. 5 for Tracts 11 and 11-1, J.H.B. Jones Abstract No. 124, containing 1.58 acres of land; has been submitted by Robert S. Whittle; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of the amended Preliminary Plan for PD-5 with special conditions for the area identified in Exhibit "A" including a change in zoning from GR, General Retail, to PD-5, Planned Development No. 5 for Tracts 11 and 11-1, J.H.B. Jones Abstract

No. 124, containing 1.58 acres of land. That said Preliminary Plans are attached hereto and made a part hereof for all purposes.

Section 2. That the tract of land described in the attached Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this approval of this amended preliminary Plan for a portion of PD-5 shall affect only the property described in the attached Exhibit "A" and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. That development in the area within Exhibit "A" shall be limited to uses and requirements listed in the General Retail district of the Comprehensive Zoning Ordinance and subject to site plan approval by the Planning and Zoning Commission and City Council with the following additional uses:

- (a) Planned shopping center of less than 19 acres and neighborhood convenience centers.
- (b) Restaurants, including accessory outdoor seating, with drive-through facilities.
- (c) Pharmacy, with drive-through facility.
- (d) Retail convenience store limited to six gas pump dispensers subject to strict architectural review by the Planning and Zoning Commission and City Council.

Section 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. If any section paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications

of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 7. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 7th day of October, 2000.

Scott L. Self

APPROVED

Blinda Page

ATTEST



1st Reading 9-18-00

2nd Reading 10-02-00

EXHIBIT "A"

STATE OF TEXAS COUNTY OF ROCKWALL

BEING a tract or parcel of land situated in the S.S. McCurry Survey, Abstract No. 146, Rockwall County, Texas and being a part of that 502.566 acre tract of land described in Deed to Caruth Lake Development Corporation recorded in Volume 694, Page 47, Deed Records, Rockwall County, Texas, and being that 1.58 acre tract of land conveyed to Henry H. Crumbley by Deed recorded in Volume 91, Page 202, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod set at the intersection of the Northeast line of State Hwy. 205, a 100-foot right-of-way, with the center of Quail Run Road, said point being the northwest corner of said Crumbley tract:

THENCE: North 88° 25' 16" East with the center of Quail Run Road, said point being the North line of said Crumbley tract and then the north line of said 502.566 acre tract a distance of 759.40 feet to a ½" iron rod set for corner:

THENCE: North 89° 35' 13" East a distance of 73.91 feet continuing with said lines to a ½" iron rod set for corner:

THENCE: Leaving said line and traversing said 502.566 acre tract as follows:
South 1° 25' 40" East a distance of 1,401.79 feet to a ½" iron rod set for a corner;
North 60° 17' 00" West a distance of 6999.27 feet to a ½" iron rod set for a corner on the previously mentioned line of said State Hwy. 205:

THENCE: North 14° 13' 17" West a distance of 1,185.90 feet with said line to the Point of Beginning and containing **852,904.80 square feet** or **19.58 acres** of land.

Comments
Planning and Zoning Work Session
City Hall, 205 W. Rusk, Rockwall, Texas
August 29, 2000
7:00 P.M.

2000-82-Z/PD

A request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/- 13.75 acres of the PD around the intersection of SH 205 and Quail Run Road.

1. The applicant will need to meet engineering requirements for this property which will include public improvements of drainage, utilities, right-of-way and street construction.
2. The issue of gas pumps needs to be addressed in this PD amendment.

Planning and Zoning Regular Meeting
September 12, 2000

CALL TO ORDER

The meeting was called to order by Chairman, Greg Caffarel at 7:06 p.m. with the following members present; David Thompson, Bob Cotti, Larry Dobbs, Carl Jackson, Kevin Hall, Corky Randolph.

APPROVAL OF THE MINUTES OF THE August 8, 2000 MEETING

Cotti made a motion to approve the minutes of the August 8, 2000 meeting,

Randolph seconded the motion. The motion was voted on and passed 5 to 0. Caffarel and Hall abstained.

PUBLIC HEARING ITEMS

2000-74-RP

A request from David Cutcomb for the replat of two lots (N-43 & N-44) into one, 0.14 acre lot located on Highpoint Drive within the Lakeside Village Phase 4 subdivision.

LaCroix outlined the request stating that this case involves the replat of two residential lots into one development tract. These lots are located along Highpoint Drive within the Lakeside Village subdivision, which is zoned PD-2 and is located north of I-30 and east of Lake Ray Hubbard. LaCroix stated that the only issue that confronted this replat was a question of the front yard setback that the applicant will address with the Board of Adjustment on Thursday, September 21st.

Caffarel opened the public hearing.

David Cutcomb, 3606 Hilltop Circle, applicant addressed the Commission stating that he lives in the home that abuts this property to the rear and that he was building the home on the subject property for his father. He was unaware that he needed to replat, but upon being informed of that situation he complied with those requirements and had the property surveyed again to accommodate the replat.

Cotti asked the applicant whether construction had begun and the applicant stated that he had begun construction.

Caffarel closed the public hearing.

Cotti made a motion to approve the request from David Cutcomb for the replat of two lots (N-43 & N-44) into one, 0.14 acre lot located on Highpoint Drive within the Lakeside Village Phase 4 subdivision with the following staff condition:

1. The 20' front yard setback line be shown on the plat.

Dobbs seconded the motion. The motion was voted on and passed 7 to 0.

2000-77-Fence

A request from Jim Mills with Ashton Woods for a front yard wrought-iron fence on a 0.13 acre "spec- home" lot, zoned PD-2, and located at 642 Turtle Cove Blvd within Turtle Cove - Phase I.

LaCroix outlined the request stating that the applicant has requested approval for a temporary front yard wrought iron fence for a model home in the Turtle Cove Addition. According to the applicant this fence controls the flow of people coming through the model home which will enhance the selling process in the community. The fence also allows the applicant to control theft of decorator items displayed in the model home. The fence will be removed by Ashton Woods Homes after the model home is actually sold and prior to the transfer of title to the actual owner.

Caffarel opened the public hearing.

Jim Mills, 656 Stafford, Rockwall, representative for Ashton Woods Homes and applicant addressed the Commission requesting approval of the request and to answer questions.

Caffarel closed the public hearing.

Dobbs made a motion to approve the request from Jim Mills with Ashton Woods for a front yard wrought-iron fence on a 0.13 acre "spec- home" lot, zoned PD-2, and located at 642 Turtle Cove Blvd within Turtle Cove - Phase I, with the following conditions;

1. A limitation of two years for the CUP (Conditional Use Permit) from the date of City Council approval.
2. A maximum height of forty-two (42) inches.

Jackson seconded the motion. The motion was voted on and passed 7 to 0.

2000-78-RP

A request from John Maxwell Jackson for a residential replat of one lot and one-half of a lot (L68 & L69, respectively) containing 0.124 acres located at 3421 Waterview Trail within Lakeside Village - Phase III.

LaCroix outlined the request stating that the purpose of the replat is to create a larger lot for the construction of a single family residential home. This property is located in the Lakeside Village addition on Waterview Trail north of I-30 and west of FM 740. LaCroix further stated that the only issues with this replat that concerned Staff were the location of the water and sewer utility taps needed to service this lot and the adjacent lot involved in the replat.

Caffarel opened the public hearing.

Caffarel and LaCroix acknowledged that the applicant was not in attendance this evening.

Crolley stated that the \$250 appearance fee would be forfeited given that neither the applicant nor a representative for the applicant was in attendance this evening.

Caffarel asked if there was anyone else that wanted to speak in opposition to the replat. No one responded.

Caffarel closed the public hearing

Caffarel asked the Commission how they wanted to proceed; did they want to table the case given that the applicant was not in attendance or to vote to recommend approval or denial of the request.

Dobbs made a motion to approve the request from John Maxwell Jackson for a residential replat of one lot and one-half of a lot (L68 & L69, respectively) containing 0.124 acres located at 3421 Waterview Trail within Lakeside Village - Phase III with the following Staff conditions:

1. Approval of the engineering plans.
2. Verification of utility lines and/or taps.

Randolph seconded the motion.

Caffarel indicated that he was uncomfortable with setting the precedent of considering requests without the applicant present at the public hearing.

Dobbs indicated that given this case was similar to one that was heard earlier in the evening that he did not have a problem with taking a vote whether to approve or deny the request without the applicant in attendance.

Caffarel stated that there was a motion and a second. The motion was voted on and passed 6 to 1 (with Caffarel casting the dissenting vote).

2000-79-RP-SP-BE-LP-CUP

A request from Pann Sribhen on behalf of CEC Entertainment, Inc. for a commercial replat, site plan (including building elevations), landscape plan, and conditional use permit (for coin-operated machines) on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition.

LaCroix outlined the request stating that it involved the replat of two existing undeveloped lots in the Rockwall Market Center East Addition. The applicant has indicated that Lot 3 is to be developed with a Chuck E. Cheese restaurant. A plan for Lot 4 had not been presented to the planning staff. Access into this site will be from the I-30 frontage road and from Rochell Court. The property is zoned "C", Commercial and the proposed use is compatible with this district. The staff has some concern with the size and configuration of the proposed Lot 4 being a viable commercial lot. The minimum site size for lots adjacent to I-30 is one acre and minimum site frontage is 200 feet. Lot 4 does not meet those

requirements. Furthermore, the plat does not indicate cross access being provided to Lot 4.

Pann Sribhen, PSA Engineering, 17400 Dallas Pkwy., Dallas, Texas, engineer for the Chuck-E-Cheese facility (Lot 3) addressed the Commission with two plans that detailed the plans for development of Lot 4 which indicated cross access to Lot 3 and ingress/egress to Mims Road.

LaCroix outlined the request for the site plan included a proposed 10,578 sq. ft. building which will require 106 parking spaces. There are 113 parking spaces shown. Access into this site will be from the I-30 frontage road and from Rochell Court. The plan indicates a 30' mutual access drive on the western side of the property. A combined fire lane and access easement surrounds the building and a dumpster location is shown at the southwest corner of the site.

Dobbs indicated his concerns regarding the entry into the Lot 4 site from Mims Road was awkward.

Sribhen stated that the 20-foot radius into the fire lane was customary.

LaCroix offered additional points regarding access to the site

Jackson inquired as to the status of the negotiations with TxDOT and the property owners regarding the landscaping that could be accommodated at the intersection of the EB I-30 service road and Mims. Jackson then asked what was being considered at tonight's meeting.

LaCroix stated that Lot 3 was the main focus of consideration tonight.

LaCroix then outlined the request from the applicant pertaining to the Chuck-E-Cheese building elevations by stating that the applicant has submitted elevations of the proposed Chuck E. Cheese building. The building scales to be 21 foot in height to the top of the parapet wall. The exterior wall materials are shown to be an earth tone stucco type with glass and aluminum store fronts and painted awnings. LaCroix stated that there was some discussion at the work session about exterior building materials and that Staff desired that the Chuck-E-Cheese facility match and/or compliment the surrounding structures (i.e. Kohl's and Johnny Carino's) as much as possible.

Turning to the landscape plan, LaCroix outline the submission by stating that negotiations between that applicant and Staff resulted in the applicant agreeing to plant additional trees along the I-30 frontage of Lot 3 in lieu of the full 10-foot landscape buffer required by the Landscape ordinance.

LaCroix then outlined the request for a conditional use permit (CUP) for coin-operated machines as an accessory use to a restaurant by reviewing the conditions listed in the staff report : 1) Approval of the site plan; 2) That the maximum number of coin-operated games and rides be limited to 60; 3) That the commercial amusement use be consider an accessory use to the restaurant and be limited to not more than 40% of the total sales revenue; and 4) That in the event CEC Entertainment ceases to operate this site as a

Chuck E. Cheese Restaurant a review of the conditional use permit shall be initiated by the Planning and Zoning Commission and City Council.

Cotti questioned whether the building elevations and materials meet the requirements set by the City.

LaCroix stated they did.

Dobbs questioned whether the conditional use permit requirements could prohibit coin-operated machines with violent themes and what controls does the City have over these types of matters.

LaCroix stated that the CUP could be and will be reviewed for compliance.

Jackson questioned whether simply the ownership of the facility changing safeguarded the control of the nature of the coin-operated machines. He also stated that he is in favor of additional landscaping along I-30 and that the building should complement the surrounding properties rather than contrast from those properties.

Randolph asked if any alternative elevations/building materials were available.

David Williams, CEC, Inc. architect, stepped forward and addressed the Commission stating that alternatives do exist.

LaCroix reiterated that the conditional use permit requires a review of the CUP if Chuck – E-Cheese ceases to operate at this site.

Dobbs stated that levels of violence or a rating system exists for video games and questioned the amount of control the City/CUP had on these games.

LaCroix and Crolley elaborated on the review process implied by the requirements of the CUP, and Crolley further stated that if the Commission wanted him to consult the City Attorney regarding this matter he would do so.

Richard Houston, officer of CEC, Inc., addressed the Commission stating that he is a long time resident of Rockwall and that he appreciated the Commission's concerns regarding the coin-operated machines. He further stated that all machines will be "G-rated" aimed at providing activities for young children.

Cotti asked if there would be additional landscaping between Chuck-E-Cheese and the elementary school.

David Williams, CEC architect, stated that additional landscaping would be accommodated.

Dobbs asked what the status of the CUP for Chuck-E-Cheese would be if the restaurant closed down.

Crolley stated that the CUP would be rescinded.

Hall stated that a concern he would have with reviewing the CUP every two years, regardless of the ownership of the property changing, is that a different P&Z Commission could rule on an investment that CEC had already made. He went on further to say that he did not have a problem with the proposed building materials.

Caffarel closed the public hearing.

Randolph asked if there had been a great deal of discussion at the worksession regarding the building elevations/materials.

Jackson answered by stating that there had been a great deal of discussion.

Cotti made a motion to approve the request from CEC, Inc. for a commercial-replat on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition with the following staff conditions:

1. Approval of the engineering plans.
2. Cross access be provided for Lot 4.

Jackson seconded the motion.

Caffarel stated to Sribhen that your work is cut out for you on Lot 4

The motion was voted on and passed 7 to 0.

Jackson made a motion to approve the request from CEC, Inc. for site plan on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition with the following conditions:

1. Approval of the engineering plans.
2. Approval of the replat.
3. That all roof mounted equipment shall be screened form all property lines.

Randolph seconded the motion. The motion was voted on and passed 7 to 0.

Hall stated that businesses such as Chuck-E-Cheese invest a great deal in the "look" of their establishments nationwide and that the Commission should use a great deal of discretion not to take to great a stand on the elevations without considering that investment.

Hall made a motion to approve the request from CEC, Inc. for building elevations on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition with the following staff condition:

1. Approval of the site plan.

Cotti amended the motion to include the following additional condition:

2. That the applicant match the color of the proposed building to the existing buildings within the Rockwall Market Center development subject to staff review.

Dobbs seconded the motion. The motion was voted on and passed 4 to 3 (with Caffarel, Jackson, and Randolph casting the dissenting votes)

Randolph inquired as to what could be done with the landscaping along Rochell Court.

Crolley stated that a 36" berm already is proposed.

Randolph made a motion to approve the request from CEC, Inc. for a landscape plan on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition with the following staff conditions:

1. Approval of the site plan.
2. A 10' landscape buffer is required from property lines of the development having street frontage. This would include I-30, Mims Road and Rochelle Court for this site. In lieu of this requirement along the I-30 frontage, we recommend planting trees at one per thirty feet which will increase the total number.

And the additional condition:

1. That additional landscaping be added on the Rochelle Court frontage facing the school in the same manner as the I-30 frontage landscaping condition.

Randolph asked LaCroix if condition #4 could be corrected to be tied directly to the operation of Chuck-E-Cheese.

LaCroix stated that condition #4 would be changed.

Randolph made a motion that to approve the request from CEC, Inc. for a conditional use permit for coin-operated machines as an accessory use to a restaurant on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition with the following conditions:

1. Approval of the site plan.
2. That the maximum number of coin-operated games and rides be limited to 60.
3. That the commercial amusement use be consider an accessory use to the restaurant and be limited to not more than 40% of the total sales revenue.

4. That in the event CEC Entertainment ceases to operate this site as a Chuck E. Cheese Restaurant a review of the conditional use permit shall be initiated by the Planning and Zoning Commission and City Council.

Cotti seconded the motion. The motion was voted on and passed 7 to 0.

PZ-2000-80-CUP

A request from Elizabeth Kayser with FEC Communications for a conditional use permit to locate a 10' x 14' fiber optic hub site on a 1.5 acre, AG-zoned, property at 1918 Sterling Court within the Sterling Farms Addition near the intersection of SH 276 and FM 549.

LaCroix outlined the case indicating that the request for a conditional use permit for a utility holding a franchise agreement with the City of Rockwall pertains to FEC Communication's desire to locate a optic fiber hub site facility on a residential lot in the Sterling Farms Addition, the address is 1918 Sterling Court. This site is located near the southeast corner of the intersection of SH 276 and FM 549. The applicant wishes to construct a 10' x 14' pre-fab concrete building to house the hub site equipment. The applicant is entering into an easement agreement with the owners, Patricia Dismukes and Dana S. Hana. The applicant, FEC Communications is a utility company that will shortly be entering into a franchise agreement with the City of Rockwall.

Caffarel asked what happens to the CUP after FEC secures a franchise agreement with the City.

LaCroix stated whether or not it would be rescinded or simply become null and void remains to be determined.

Caffarel stated his feelings for the need for a CUP in this circumstance and the nature of franchise agreements.

Jackson stated that given recent news of the proliferation of these type of facilities what is the nature of the screening that is required, particularly from arterial streets and roads.

Caffarel opened the public hearing.

Marilyn Kohn, CHR Solutions, P.O. Box 65700, Lubbock, Texas 79646-5700, representative for the applicant stated that shrubbery would be required around the structure and access to FM 549 would also be needed.

Cotti asked if power to the structure comes in from underground.

Kohn stated that power would come in from underground.

Bob Taylor, 403 Lake Terrace, addressed the Commission not knowing whether he was for or against the applicant's request, but, wanted to point out the potential hazards of batteries and generators that could be housed in a facility such as the one proposed by the applicant. He also had a question regarding the 1½ acre site location.

Kohn stated that there would be no generators, but was unsure about the use of batteries.

LaCroix stated that the applicant is proposing to use only a fraction of the 1-½ acres.

Kohn stated that FEC Communications had no plan to expand the use at this site.

Cotti made a motion to “table” the case until the next regularly scheduled public hearing (October 10, 2000) meeting in order to investigate the hazardous materials component of this facility.

Jackson seconded the motion. The motion was voted on and passed 7 to 0.

PZ-2000-82-Z/PD

A request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/-13.75 acres of the PD around the intersection of SH 205 and Quail Run Road.

Lacroix outlined the case stating that applicant is requesting to establish a general retail type development at the intersection of SH 205 and Quail Run Road on the east side of SH 205. A conceptual plan of the development has been submitted indicating a shopping center area that includes a grocery store, retail shops and a pad site for a convenience store. On the north side of Quail Run Road a site for a retail store and an office are shown. The applicant is seeking to amend the PD by allowing the following uses: 1. Planned shopping centers of less than 19 acres and neighborhood convenience centers; 2. Restaurants, including accessory outdoor seating and drive-thru facilities; 3. Retail outlets where gasoline products are sold as an accessory use limited to eight dispensers.

The staff has concerns about gas dispensers as an accessory use to a retail grocery store business primarily because these establishments are generally subleased to independent operators who are less concerned with maintenance and appearance of the site.

Cotti asked if there was only one page as a part of the staff report for this case.

LaCroix stated that there was only one page to staff report.

Jackson asked if the north boundary of PD-5 is the current Quail Run.

LaCroix stated that it was.

Caffarel opened the public hearing

Robert Whittle, Caruth Lake Development Corp., P. O. Box 369, Rockwall, Texas 75087, applicant addressed the Commission and stated that his development could live with the six dispenser maximum as long as this was consistently the standard for the entire City.

Crolley stated that based on discussions that he had with the applicant, there is no proposal to change the general retail zoning requirements. The requirement is: if you want more than two dispensers, then strict architectural controls and requirements are needed.

Whittle stated that he is requesting nothing more than what is available in any other general retail zoning district in the City.

In response, Crolley reiterated his previous point regarding the trade-off between additional dispensers of gasoline and strict architectural controls.

Caffarel closed the public hearing.

Jackson stated that no additional changes to the PD have been addressed and asked if this request addressed any additional changes.

LaCroix stated that the request included additional changes.

Jackson asked if a drive-thru is currently allowed.

Crolley stated that is; through the conditional use process and the applicant would like to accomplish developing a site without needing a CUP for a drive-thru.

Dobbs made a motion to approve the request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/-13.75 acres of the PD around the intersection of SH 205 and Quail Run Road with the following condition:

1. That the site be limited to six gas pump dispensers in conjunction with a convenience store with strict architectural review by Planning and Zoning Commission and City Council.

Caffarel asked if no outside storage could be addressed in this amendment to PD-5's general retail component.

Whittle stated that he would not have a problem if this was consistently enforced throughout the City.

Crolley stated that incidental display ("5' x 5'-rule") currently exists and is enforced.

Thompson seconded the motion. The motion was voted on and passed 7 to 0.

SITE PLANS / PLATS

Caffarel stated that a break would be allowed after the final two items on the agenda under the Site Plans/Plats heading.

2000-72-RP-SP-BE-LP

A request from Sam Ellis for a replat of two lots containing 2.03 acres, a site plan (including building elevations) and a landscape plan for a proposed gymnastics center located on the eastbound I-30 service road (approximately .33 mi. west of FM 549) within the light-industrially zoned DBK Addition.

LaCroix outlined the request stating replat of this industrially-zoned 2.03 acre tract serves to divide the property into two lots (Lot 2 - 0.69 ac. and Lot 3 - 1.34 ac.). Lot 1, directly adjacent to the eastbound I-30 service road, is the location of DBK Industries, Lot 2 is the proposed site of a gymnastics facility and Lot 3 use is currently undetermined. The proposed gymnastics facility will be approximately 11,050 square feet. The replat meets the requirements for a property within an industrially-zoned district. The case had been "tabled" from the last month's development cycle in order to allow the applicant time to work out engineering issues. The site plan for the proposed 11,050 square foot gymnastics facility is on a 0.69 acre property includes 30 parking spaces determined by comparing this site to the existing ASI site on SH 66 and Lakeshore. The site has access off the eastbound I-30 service road and a mutual access easement to Pro Soap Road. The 0.69 acre industrially-zoned property located south of the DBK Industries site on the eastbound I-30 service road is to be developed to accommodate a 11,050 square foot gymnastics center. The plan indicates 26% or 7,900 square feet of the site will be landscaped. The landscaping will include shrubs and grass and will be irrigated with an automatic sprinkler system. The proposed gymnastics center is to be located adjacent to DBK Industries (to the south) along the eastbound I-30 service road (near Pro Soap Road) on a 6.9 acre industrially-zoned property. The applicant indicated that the exterior materials would be smooth finish concrete tilt-wall, which will match the DBK building paint. They also indicate that there will be no roof mounted equipment.

Randolph inquired as to whether the ground-mounted AC equipment needed to be screened.

LaCroix stated that it is not required, however, the applicant has been asked to screen the ground-mounted equipment in this case.

Randolph made a motion to approve request from Sam Ellis for a replat of two lots containing 2.03 acres, a site plan (including building elevations) and a landscape plan for a proposed gymnastics center located on the eastbound I-30 service road (approximately .33 mi. west of FM 549) within the light-industrially zoned DBK Addition., with the following conditions:

1. Approval of the engineering plans.
2. That Pro Soap Road be indicated as private on the plat.
3. That a separate instrument be filed for the fire/access lane along Pro Soap Road, the filing information needs to be shown on the plat.
4. Screening of all roof mounted equipment or ground mounted equipment.

Hall seconded the motion. The motion was voted on and passed 7 to 0.

2000-75-RP

A request from Dr. Richard Ellis for a non-residential replat of a single, 0.96 acre lot (Bl. C, Lot 3A-R) of light-industrially (LI) zoned property located within the Ellis Centre on the northeast corner of the intersection of Sigma Court and Alpha Drive.

LaCroix outlined the case stating that the non-residential replat has been submitted which would essentially replat the remainder of Lot 3, Block C. This replat does not address any necessary easements or fire lanes should development occur. This property will need to be replatted again should a development be initiated. However, this replat meets all requirements for this submittal.

Cotti made a motion to approve the request from Dr. Richard Ellis for a residential replat of a single, 0.96 acre lot (Bl. C, Lot 3A-R) of light-industrially (LI) zoned property located within the Ellis Centre on the northeast corner of the intersection of Sigma Court and Alpha Drive with the following condition:

1. Approval of the engineering plans.

Hall seconded the motion. The motion was voted on and passed 7 to 0.

After a ten minute break the Planning and Zoning Commission reconvened at 9:07p.m.

DISCUSSION ITEMS

Discussion of Case PZ-2000-49-Z

Crolley provided an update of the case involving the request by the Stainback Organization to rezone property at the northeast corner of SH 66 and N. Lakeshore to accommodate a Walmart neighborhood market.

He indicated that Rockwall's City Attorney, City Manager and himself would be meeting with the applicant and/or the applicant's representatives on Wednesday, September 13, 2000 to determine the status of negotiations.

Crolley and other staff present at the meeting will provide an update to the City Council at their regularly scheduled meeting Monday, September 18th.

Cotti thanked the citizens that he met with regarding this matter.

Discussion of a request by Gregory Vines for a residential replat of Lots 3,4,5 & 6, Block B, Chandlers Landing Phase 14.

Staff requests that this item be put on the September 26th Planning and Zoning worksession agenda for action.

Caffarel indicated his reservations with allowing action on an item at the worksession.

The consensus of the Planning and Zoning Commission was that they would consider action on this case at the next worksession.

The Planned Development Review Process

Crolley stated that the letter from Gary DeFrain with Cambridge Companies (owners of the PD-10 property under consideration for review) indicated that he (Mr. DeFrain) would not be able to attend the public meeting scheduled for Thursday, September 21st. Furthermore, the letter stated that until the SH 205 Bypass alignment was finalized, it would be difficult to review PD-10.

Crolley stated that there are two courses of action the Planning and Zoning Commission could take:

1. Review PD-10 at the meeting on the 21st with the other four PDs to be reviewed. Or
2. Schedule a meeting for review of PD-10 during a regularly scheduled meeting of the P&Z Commission.

Caffarel stated that he had reservations with setting a precedent of scheduling special meeting dates to accommodate one applicant or client.

Jackson asked how old PD-10 is.

Crolley stated it was created in approximately 1982.

Caffarel added that it had previously been reviewed in 1996.

Crolley confirmed Caffarel's assertion.

Cotti reminded the Commission that this PD was one of the top 5 prioritized PDs.

Crolley reminded the Commission that there was presently an agreement between the property owner of PD-10 and City that no development will be permitted until both sides agree to the scope of said development.

The Commission agreed to schedule the review of PD-10 for the worksession scheduled for Tuesday, September 26, 2000 at 7:00p.m.

ADJOURNMENT

There being no addition business, the Commission adjourned at 9:30 p.m.

ATTEST:

APPROVED:

Community Development Coordinator

Planning & Zoning Chairman

**AGENDA
ROCKWALL CITY COUNCIL
September 18, 2000**

5. Appointments/Plats/Plans/Public Hearings

- c. 2000-82-Z/PD – Hold a public hearing to consider approval of an **ordinance** for a request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/- 13.75 acres of the PD around the intersection of SH 205 and Quail Run Road, and Take Any Necessary Action. (1st Reading)

Ordinance to be delivered in Friday's Supplemental Packet

**City of Rockwall
City Council**

Agenda Date: 9/18/00

Applicant: Robert Whittle

Agenda Item: PZ-2000-82-1 Zoning

A request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/-13.75 acres of the PD around the intersection of SH 205 and Quail Run Road.

Action Needed:

Hold public hearing and consider the request.

Background Information:

The applicant is requesting to establish a general retail type development at the intersection of SH 205 and Quail Run Road on the east side of SH 205. A conceptual plan of the development has been submitted indicating a shopping center area which includes a grocery store, retail shops and a pad site for a convenience store. On the north side of Quail Run Road a site for a retail store and an office are shown. The applicant is seeking to amend the PD by allowing the following uses:

1. Planned shopping centers of less than 19 acres and neighborhood convenience centers.
2. Restaurants, including accessory outdoor seating and drive-thru facilities.
3. Retail outlets where gasoline products are sold as an accessory use limited to eight dispensers.

The staff has concerns about gas dispensers as an accessory use to a retail grocery store business primarily because these establishments are generally subleased to independent operators who are less concerned with maintenance and appearance of the site.

Staff Recommendation:

Recommends Approval of the request with the following condition(s).

1. That the site be limited to six gas pump dispensers in conjunction with a convenience store with strict architectural review by Planning and Zoning Commission and City Council.

P & Z Recommendation:

The Planning and Zoning Commission recommended approval of this request by a unanimous vote of 7-0.

PZ-2000-82-1

Bill Crolley
City of Rockwall
205 W. Rusk
Rockwall, TX 75087

Dear Bill:

We recently purchased the 1 ½ acres of land and buildings owned by Hank Crumbley that is adjacent to our 18 acre retail site at the corner of Quail Run Rd. and Hwy 205.

We believe a unique opportunity exists to develop a retail site for the residents who live in the north part of Rockwall. Currently those residents have very few choices regarding shopping at a new center. They must either go to Interstate 30 or go to the new centers on Hwy 66 in Rowlett.

We would like to amend a few provisions in our PD 5 retail site to make the site more viable.

The Amendments requested are as follows:

SECTION 2.11 B PERMITTED USES:

ITEM 4:

**PLANNED SHOPPING CENTER OF LESS THAN 10 ACRES AND
NEIGHBORHOOD CONVICIENCE CENTERS**

We would like to change this to **PLANNED SHOPPING CENTER OF LESS THAN 19 ACRES AND NEIGHBORHOOD CONVICIENCE CENTERS.**

This will more accurately describe this site with the addition of the property formerly owned by Hank Crumbley on the corner.

ITEM 6:

**RESTAURANTS, INCLUDING ACCESSORY OUTDOOR SEATING,
WITHOUT DRIVE-IN FACILITIES.**

It seems that these days consumers want drive thru conviences from their bank, restaurant and pharmacy. We would like to be able to accommodate this. Therefore, we request that the provision read:

**RESTAURANTS, INCLUDING ACCESSORY OUTDOOR SETTING
AND DRIVE-THRU FACILITIES.**

ITEM 8:

RETAIL OUTLETS WHERE GASOLINE PRODUCTS ARE SOLD AS AN ACCESSORY USE LIMITED TO TWO DISPENSERS WHICH CAN SERVICE NO MORE THAN FOUR VEHICLES AT ONE TIME.

We are not aware of any gas/convenience uses who would develop a store with this provision. It simply will not work financially. We request that this be changed to RETAIL OUTLETS WHERE GASOLINE PRODUCTS ARE SOLD AS AN ACCESSORY USE LIMITED TO EIGHT DISPENSERS.


SECTION 2.11 CONDITIONAL USE REQUIRES USE PERMITS: SEE ARTICLE IV

ITEM 13:
NEW BUILDINGS WITH OVER 5,000 SQ. FT. OF FLOOR AREA

We would like to delete this provision completely. As you can see from the enclosed Concept Plan we are pursuing a supermarket and several other businesses that exceed 5,000 square feet.

Please submit this request to the Rockwall Planning and Zoning and to the Rockwall City Council at the earliest possible date.

Sincerely,



Robert S. Whittle

5

Minute of the Rockwall City Council
September 18, 2000

10

Mayor Self called the meeting to order at 6:00 p.m. Present were Mayor Self, and Councilmembers Raulston, King, Morris, Buffington, Coleson, and Cecil. Councilmember Raulston gave the invocation and led the pledge of allegiance.

15

Proclamations

Mayor Self presented a proclamation for Constitution Week to Sally Merriman, Daughters of the American Revolution; and a proclamation for the Pumpkin Patch was presented to Toni Himes, Friends of the Library.

20

Hold Public Hearings for Consent Agenda Items

b. 2000-74-RP – Hold a public hearing to consider approval of a request from David Cutcomb for the replat of two lots (N-43 & N-44) into one 0.14 acre lot located on Highpoint Drive within the Lakeside Village Phase 4 subdivision, and Take Any Necessary Action.

25

c. 2000-77 – Fence – Hold a public hearing to consider approval of a request from Jim Mills and Ashton Woods for a front yard wrought-iron fence on a 0.13 acre "spec-home" lot, zoned PD-2, and located at 642 Turtle Cove Blvd within Turtle Cove – Phase 1, and Take Any Necessary Action.

30

d. 2000-78-RP – Hold a public hearing to consider approval of a request from John Maxwell Jackson for a residential replat of one lot and one-half of a lot (L68 & L69, respectively) containing 0.124 acres located at 3421 Waterview Trail within Lakeside Village – Phase III, and Take Any Necessary Action.

Mayor Self opened the public hearing, there being no one to address Council, Mayor Self closed the public hearing. Councilmember Morris made a motion to approve the items, Councilmember Buffington seconded the motion, and Council approved with a 7-0 vote.

35

Consent Agenda

a. Consider approval of the Minutes of the September 5, 2000 City Council Meeting and the corrected Minutes of the August 21, 2000 City Council Meeting, and Take Any Necessary Action.

40

b. 2000-74-RP – Consider approval of a request from David Cutcomb for the replat of two lots (N-43 & N-44) into one 0.14 acre lot located on Highpoint Drive within the Lakeside Village Phase 4 subdivision, and Take Any Necessary Action.

45

c. 2000-77 – Fence – Consider approval of a request from Jim Mills and Ashton Woods for a front yard wrought-iron fence on a 0.13 acre "spec-home" lot, zoned PD-2, and located at 642 Turtle Cove Blvd within Turtle Cove – Phase 1, and Take Any Necessary Action.

50

d. 2000-78-RP – Consider approval of a request from John Maxwell Jackson for a residential replat of one lot and one-half of a lot (L68 & L69, respectively) containing 0.124 acres located at 3421 Waterview Trail within Lakeside Village – Phase III, and Take Any Necessary Action.

55

e. 2000-72-RP-SP-BE-LP – Consider approval of a request from Sam Ellis for a replat of two lots containing 2.03 acres, a site plan (including building elevations) and a landscape plan for a proposed gymnastics center located on the eastbound I-30 service road (approximately .33 miles west of FM 549) within the light industrially zoned DBK Addition, and Take Any Necessary Action.

60

f. 2000-RP – Consider approval of a request from Dr. Richard Ellis for a non-residential replat of a single, 0.96 acre lot (Bl. C, Lot 3A-R) of light-industrially (LI) zoned property located within the Ellis Centre on the northeast corner of the intersection of Sigma Court and Alpha Drive, and Take Any Necessary Action.

g. Consider approval of Change Order No. 3, IH 30 & FM 549, SH 276 Waterline Project, and Take Any Necessary Action.

- 65 h. Consider approval of a resolution approving an interlocal purchasing agreement with Rockwall County, and Take Any Necessary Action.
- i. Consider approval of a resolution establishing rules and regulations regarding the use of Excessive Force during nonviolent civil rights demonstrations, and Take Any Necessary Action.
- 70 j. Consider approval of a resolution designating the Month of October 2000 as Fair Housing month and supporting fair housing activities within the City, and Take Any Necessary Action.
- k. Consider approval of a resolution designating authorized signatories for the Texas Department of Housing and Community Affairs Texas Community Development Program projects, and Take Any Necessary Action.
- 75 l. Consider approval of a resolution officially recognizing the designation of Shores Court, officially adding to the city street map and notifying the publishers of MAPSCO, and take Any Necessary Action.
- 80 m. Consider tabling Case 2000-73-Z – A request from DR Horton for a zoning change from AG to SF-16 for a 38.82 acre property located on FM 552, east of Windy Lane, and known as Cobblestone Estates, and Take Any Necessary Action.

85 Councilmember Morris asked that the Minutes of August 21, 2000 be considered separately, Mayor Self asked that Item E - 2000-72, be considered separately, and Councilmember Coleson asked that Item F. - 2000-75, be considered separately. Councilmember Buffington made a motion to approve the remaining items of the consent agenda as presented by staff. The motion was seconded by Councilmember Coleson and approved with a 7-0 vote of Council.

90 Councilmember Raulston made a motion to approve the August 21, 2000 minutes. Councilmember Coleson seconded the motion and the motion passed with a 6-0-1 vote of Council (Councilmember Morris abstaining)

95 Mayor Self recused himself citing a conflict of interest with Item E. Mayor Pro Tem Cecil resided over the meeting. Councilmember Morris made a motion to approve Item E, Councilmember Buffington seconded the motion, and the motion passed with a 6-0 vote. Mayor Self returned to the meeting.

Councilmember Coleson verified that the request for Item F. 2000-75 was not for rezoning, then made a motion to approve the request. Councilmember Morris seconded the motion and the motion passed with a 7-0 vote of Council.

100 Appointments/Plats/Plans/Public Hearings

Appointment with Tammie Sullivan, Old Town Rockwall Neighborhood Association, to discuss code enforcement concerns, and Take Any Necessary Action.

105 Ms. Sullivan discussed her concerns regarding code enforcement and presented her recommendations to Council. Mayor Self directed staff to work with Ms. Sullivan in developing the ordinances to address the issues. Ms. Sullivan asked that there be input from the fire, police, and building inspection departments.

110 Councilmember Cecil said he had visited the neighborhood and realized that not only were new ordinances needed, but the enforcement of existing ordinances. He said it was his understanding that the City was maintaining a parcel of Lofland Park owned by the School. He suggested that the parcel be donated to the City.

115 Councilmember Coleson said the neighborhood group was a very positive organization and thought having the group work with Staff to write the ordinances was a good way of dealing with the issues.

Councilmember Raulston said he too had visited the neighborhood and was disgusted by some of the things he encountered. He appreciated the neighborhood group for trying to get something done and encouraged them to continue to work with the City.

120

Councilmember Buffington said he had visited with members of the neighborhood as well. He appreciated the concerns of the neighborhood group and realized that minimum standards needed to be

125 maintained. However, he also realized that it would be difficult for some people to meet those standards, and hoped that there would be help and encouragement for those people and that everyone's concerns were taken in to consideration.

130 Councilmember Morris commented that the minimum standards issue had been discussed in the past with no consensus, and hoped that this group could come to an agreement.

Appointment with Sandi Eakin to discuss hunting ordinance, and Take Any Necessary Action.
Appointment with Todd White to discuss hunting ordinance, and Take Any Necessary Action.
135 Sandi Eakin was not in attendance. Mr. Todd White addressed Council in regard to the firearm permit complaint. He reminded Council, that in answer to concerns of the property owners of the annexed area, provisions were made allowing for a firearm discharge permit. He explained that the permit required a minimum acreage of 70 acres with 200-yard hunting boundary limits, that only shotguns were used, and that the permit was for seasonal hunting only. He said they were also governed by the State and the Texas Parks and Wildlife Department.

140 Councilmember Coleson said that the intent of the annexation was to gain control of the roadway, not to infringe upon what was already happening with the property.

145 It was the consensus of the Council that all safety measures were in place and that at the current time, there was no need to revoke the permit

Appointment with Sally Chavarria, Hunt County Committee on Aging, regarding contract renewal, and Take Any Necessary Action.

150 Ms. Chavarria updated Council on the committee's operations and asked that Council approve the FY2001 funding amount of \$24,200. Councilmember Coleson made a motion to approve the funding request. Councilmember King seconded, and the motion passed with a 7-0 vote of Council.

Appointment with Carl Jackson, Chairman Planning and Zoning Commission, to discuss any issues related to cases on the agenda, and Take Any Necessary.

155 Carl Jackson informed Council that a new Chairman and Vice Chairman had been elected for the Planning and Zoning Commission. Greg Caffarel was the new Chairman and Kevin Hall the new Vice-Chairman. He said Mr. Caffarel would be addressing Council on future cases.

2000-79-RP-SP-BE-LP-CUP – Hold a public hearing to consider approval of an ordinance for a request from Pann Sribhen on behalf of CEC Entertainment, Inc. for a commercial replat, site plan (including building elevations), landscape plan, and conditional use permit (for coin-operated machines) on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition, and Take Any Necessary Action. (1st Reading)

165 Bill Crolley, Community Development Director, briefed Council on the request. He said staff and the Planning and Zoning Commission recommended approval with staff conditions. Mayor Self opened the public hearing. The applicant, Richard Houston appeared to answer questions of Council.

Councilmember Cecil requested that partial brick be used on the front elevation. Mr. Houston applicant said he was agreeable to looking into that request.

170 Councilmember Raulston asked about violate video games. Mr. Houston answered that all the games were rated "G".

175 Councilmember Morris asked about the discussion of the commission in regard to the building elevation. Bill Crolley explained that the commission was concerned with compatibility with existing businesses. He explained that staff would be working with the applicant's architect in an effort to blend the new structure with the existing structures.

There being no one else to address Council and no further discussion, Mayor Self closed the public hearing.

180 Councilmember Coleson made a motion to approve the request with staff recommendations. Councilmember Buffington seconded the motion and the ordinance caption was read as follows:

185 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 ALLOWING THE USE OF COIN-OPERATED MACHINES AS AN ACCESSORY TO A GENERAL RESTAURANT TO BE LOCATED ON A TRACT OF LAND FURTHER DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

190 Council approved the request with a vote of 7-0.

200 2000-82-Z/PD – Hold a public hearing to consider approval of an ordinance for a request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/- 13.75 acres of the PD around the intersection of SH 205 and Quail Run Road, and Take Any Necessary Action. (1st Reading)
205 Bill Crolley explained the request to Council. Mayor Self opened the public hearing. Mr. Whittle appeared to answer any questions Council. There been none, and there being no one else to address Council, Mayor Self closed the public hearing. Councilmember Morris made a motion to approve the request as presented, Councilmember King seconded the motion and the ordinance caption was read as follows:

200 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE 96-25 AS HERETOFORE AMENDED SO AS TO APPROVE ZONING AND AMEND A PORTION OF THE PRELIMINARY PLAN FOR PD 5, PLANNED DEVELOPMENT NO. 5 ATTACHING THE AMENDING PRELIMINARY PLAN DESCRIBED AS EXHIBIT A INCLUDING A CHANGE IN ZONING FROM GR GENERAL RETAIL TO PD 5 PLANNED DEVELOPMENT NO. 5 FOR TRACTS 11 AND 11-1, J.H.B. JONES ABSTRACT NO. 124, CONTAINING 1.58 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000) FOR EACH OFFENCE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

205 Council approved the request with a 7-0 vote.

210 City Manager's Report to discuss current City activities, upcoming meetings, future legislative activities, and other related matters.

Julie Couch, City Manager, informed Council that October 23, 2000 had been set as the date for the joint meeting with the City of Rowlett.

215 Action Items

Discuss and Consider approval of an Ordinance Setting Tax Rate for the year 2000 at 36 cents per One Hundred Dollars (\$100.00) Valuation, and Take Any Necessary Action.

Councilmember Raulston made a motion to approve the ordinance keeping the tax rate at 36 cents. Councilmember Morris seconded the motion, and ordinance caption was read as follows:

220 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, LEVYING THE AD VALOREM TAXES FOR THE YEAR 2000 AT A RATE OF \$.36 PER ONE HUNDRED DOLLARS (\$100.00) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY AS OF JANUARY 1, 2000 TO PROVIDE REVENUES FOR THE PAYMENT OF CURRENT EXPENSES AND TO PROVIDE AN INTEREST AND SINKING FUND ON ALL OUTSTANDING DEBTS OF THE CITY; PROVIDING FOR DUE AND DELINQUENT DATES, TOGETHER WITH PENALTIES AND INTEREST; APPROVING THE 2000 TAX ROLL; PROVIDING FOR EXEMPTIONS OF PERSONS OVER SIXTY-FIVE (65) YEARS.

225 Council approved the motion with a 7-0 vote of Council.

Discuss and consider approval of an Ordinance Amending the Budget of the City for the Fiscal Year October 1, 1999 through September 30, 2000, and Take Any Necessary Action.

230 Councilmember Coleson made a motion to approve the amended budget. Councilmember Buffington seconded the motion, and ordinance caption was read as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE BUDGET OF THE CITY FOR THE FISCAL YEAR OCTOBER 1, 1999 THROUGH SEPTEMBER 30, 2000; PROVIDING FOR AN EFFECTIVE DATE.

Council approved the motion passed with a 7-0 vote of Council.

235 Discuss and Consider approval of an Ordinance Adopting the Budget for the City for the Fiscal year October 1, 2000 through September 30, 2001, and Take Any Necessary Action.

Councilmember Raulston made a motion to adopt the 2000-2001 budget. Councilmember Coleson seconded the motion, and the ordinance caption was read as follows;

240 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS APPROVING AND ADOPTING A BUDGET FOR THE CITY FOR THE FISCAL YEAR OCTOBER 1, 2000, THROUGH SEPTEMBER 30, 2001; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YAR SHALL BE MADE IN ACCORDANCE WITH THE SAID BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE.

Council approved the motion with a 7-0 vote of Council.

245 Discuss and Consider downtown parking issues and consider approval of ordinance implementing parking regulations, and Take Any Necessary Action.

250 Rick Crowley, Assistant City Manager, explained that the ordinance was written as an immediate, but interim solution to downtown parking problems. He said a survey of the downtown businesses resulted in a nonconsensus of what was needed. He said additional input and study was going to be needed in order to come to a long-term resolve of the problem.

255 Councilmember Buffington stated that if the City was going to have an ordinance, it needed to be enforceable.

260 Councilmember Cecil agreed with Councilmember Buffington and added that he did not think that businesses should be using public parking for their private interest, and wanted that issue to be considered when discussing long-term solutions. He made a motion to approve the new ordinance (repealing Ordinance 99-26) and that a Council appoint a committee to address the issues. Councilmember Raulston seconded the motion and asked that the motion be amended to include that Council be advised of the committee's findings within a 90 day time frame. Councilmember Cecil accepted the amended motion. The ordinance caption was read as follows;

265 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE 99-26 IN ITS ENTIRETY, REPEALING PORTIONS OF CHAPTER 16, SECTION 4 OF THE CODE OF ORDINANCES, PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500); PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

270 Council approved the motion with a 7-0 vote.

275 Hold worksession with Ron Hobbs regarding City construction projects, and Take Any Necessary Action. Ron Hobbs reviewed the costs of audio/visual communication systems from other city hall projects he had been involved in. He informed Council that the requested modifications to the City Hall had been made, he then discussed options for the community center building.

Councilmember Coleson stated he was wearied of listening to design concepts that were over budget. He questioned why the project had increased by more than 25%. He wanted to know if the buildings could be built for \$6,500,000.

9 Councilmember Cecil wanted to know assured Council could be of the actual construction costs coming in as estimated.

285 Councilmember King wanted to know what methodology was used to arrive at the estimated construction costs.

Councilmember Morris said he could not move forward without having more information to work with. He said a worksession was needed to define the costs and funding methods.

290 Councilmember Buffington said it was important to build what was promised.

Kevin Cain, Huber/Hunt explained the method used to arrive at the estimates. He said it was the goal of Huber/Hunt for the bids to come in within 5% of the estimated costs.

295 Julie Couch, City Manager, reminded Council that at time of the bond issue, there was much discussion over construction costs, and in order to move forward, the original budget numbers were scaled back. She then reviewed the revised budget that had been presented to Council at the September 5, 2000 meeting.

300 Mayor Self said that Council needed to decide if they wanted to move ahead, or start over.

Councilmember Coleson said he wanted to have a worksession to come to a clearer understanding of what could be done.

305 Councilmember Raulston agreed that a worksession was needed and suggested that previous councilmembers who had worked on the program be invited to attend.

It was decided that a worksession would be scheduled for the upcoming week.

- 310 **There being no further discussion on the item, Mayor Self recessed the meeting to** Hold Executive
Session under Sections 551.072 , 551.074, and 551.086 of Texas Government Code to Discuss:
- a. Land Acquisition for City Facilities and FM 740.
 - b. Personnel Issues, including Board and Commission Appointments, City Attorney, and Related Matters
And Evaluation of City Manager
 - 315 c. Litigation – Travel Centers of America
 - d. Potential Litigation – Stainback Organization

No Action was taken as a result of Executive Session and the meeting was adjourned.

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APPROVED:

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Scott Self, Mayor

ATTEST:

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335 Belinda Page, City Secretary

AGENDA
ROCKWALL CITY COUNCIL
October 2, 2000

5. Consent Agenda

- c. 2000-82-Z/PD – Consider approval of an **ordinance** for a request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/- 13.75 acres of the PD around the intersection of SH 205 and Quail Run Road, and Take Any Necessary Action. (2nd Reading)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE 96-25 AS HERETOFORE AMENDED SO AS TO APPROVE ZONING AND AMEND A PORTION OF THE PRELIMINARY PLAN FOR PD-5 - PLANNED DEVELOPMENT NO. 5 ATTACHING THE AMENDING PRELIMINARY PLAN DESCRIBED AS EXHIBIT A INCLUDING A CHANGE IN ZONING FROM GR, GENERAL RETAIL TO PD-5 - PLANNED DEVELOPMENT NO.5 FOR TRACTS 11 AND 11-1, J.H.B. JONES ABSTRACT NO. 124, CONTAINING 1.58 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an amendment to the Preliminary Plan for a portion of PD-5 with special conditions, as described in Exhibit "A" including a change in zoning from "GR", General Retail to PD-5, Planned Development No. 5 for Tracts 11 and 11-1, J.H.B. Jones Abstract No. 124, containing 1.58 acres of land; has been submitted by Robert S. Whittle; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by the approval of the amended Preliminary Plan for PD-5 with special conditions for the area identified in Exhibit "A" including a change in zoning from GR, General Retail, to PD-5, Planned Development No. 5 for Tracts 11 and 11-1, J.H.B. Jones Abstract

No. 124, containing 1.58 acres of land. That said Preliminary Plans are attached hereto and made a part hereof for all purposes.

Section 2. That the tract of land described in the attached Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this approval of this amended preliminary Plan for a portion of PD-5 shall affect only the property described in the attached Exhibit "A" and said property shall be limited to the uses, density, area, setback and other requirements set forth herein.

Section 3. That development in the area within Exhibit "A" shall be limited to uses and requirements listed in the General Retail district of the Comprehensive Zoning Ordinance and subject to site plan approval by the Planning and Zoning Commission and City Council with the following additional uses:

- (a) Planned shopping center of less than 19 acres and neighborhood convenience centers.
- (b) Restaurants, including accessory outdoor seating, with drive-through facilities.
- (c) Pharmacy, with drive-through facility.
- (d) Retail convenience store limited to six gas pump dispensers subject to strict architectural review by the Planning and Zoning Commission and City Council.

Section 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 5. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 6. If any section paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph, or provision of this ordinance or the application of any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications

of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 7. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby repealed to the extent of that conflict.

Section 8. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this ____ day of _____, 2000.

APPROVED

ATTEST

1st Reading _____

2nd Reading _____

**City of Rockwall
City Council**

Agenda Date: 9/18/00

Applicant: Robert Whittle

Agenda Item: PZ-2000-82-1 Zoning

A request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/-13.75 acres of the PD around the intersection of SH 205 and Quail Run Road.

Action Needed:

Hold public hearing and consider the request.

Background Information:

The applicant is requesting to establish a general retail type development at the intersection of SH 205 and Quail Run Road on the east side of SH 205. A conceptual plan of the development has been submitted indicating a shopping center area which includes a grocery store, retail shops and a pad site for a convenience store. On the north side of Quail Run Road a site for a retail store and an office are shown. The applicant is seeking to amend the PD by allowing the following uses:

1. Planned shopping centers of less than 19 acres and neighborhood convenience centers.
2. Restaurants, including accessory outdoor seating and drive-thru facilities.
3. Retail outlets where gasoline products are sold as an accessory use limited to eight dispensers.

The staff has concerns about gas dispensers as an accessory use to a retail grocery store business primarily because these establishments are generally subleased to independent operators who are less concerned with maintenance and appearance of the site.

Staff Recommendation:

Recommends Approval of the request with the following condition(s).

1. That the site be limited to six gas pump dispensers in conjunction with a convenience store with strict architectural review by Planning and Zoning Commission and City Council.

P & Z Recommendation:

The Planning and Zoning Commission recommended approval of this request by a unanimous vote of 7-0.

PZ-2000-82-1

EXHIBIT "A"

STATE OF TEXAS COUNTY OF ROCKWALL

BEING a tract or parcel of land situated in the S.S. McCurry Survey, Abstract No. 146, Rockwall County, Texas and being a part of that 502.566 acre tract of land described in Deed to Caruth Lake Development Corporation recorded in Volume 694, Page 47, Deed Records, Rockwall County, Texas, and being that 1.58 acre tract of land conveyed to Henry H. Crumbley by Deed recorded in Volume 91, Page 202, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a ½" iron rod set at the intersection of the Northeast line of State Hwy. 205, a 100-foot right-of-way, with the center of Quail Run Road, said point being the northwest corner of said Crumbley tract:

THENCE: North 88° 25' 16" East with the center of Quail Run Road, said point being the North line of said Crumbley tract and then the north line of said 502.566 acre tract a distance of 759.40 feet to a ½" iron rod set for corner:

THENCE: North 89° 35' 13" East a distance of 73.91 feet continuing with said lines to a ½" iron rod set for corner:

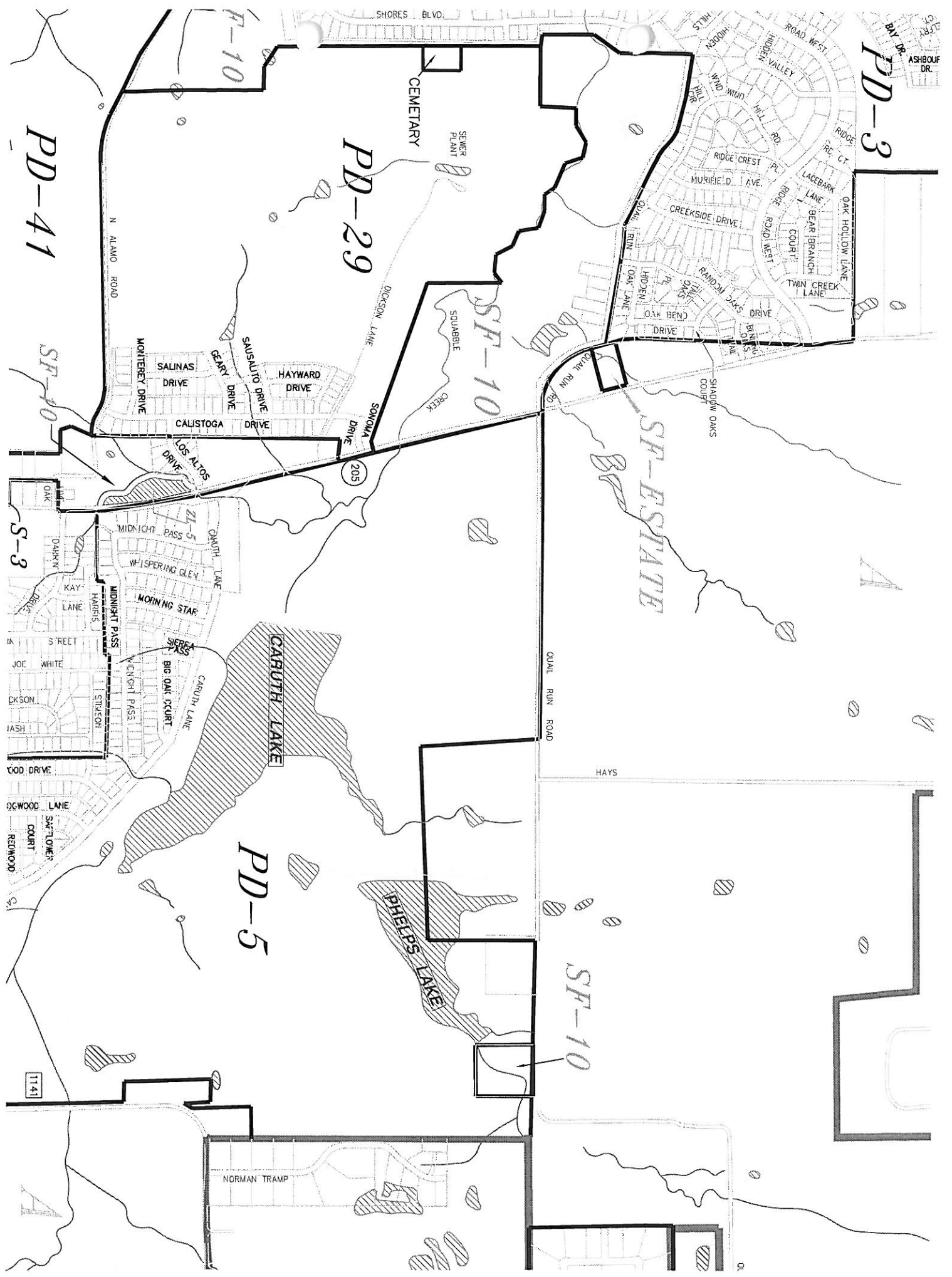
THENCE: Leaving said line and traversing said 502.566 acre tract as follows:
South 1° 25' 40" East a distance of 1,401.79 feet to a ½" iron rod set for a corner;
North 60° 17' 00" West a distance of 6999.27 feet to a ½" iron rod set for a corner on the previously mentioned line of said State Hwy. 205:

THENCE: North 14° 13' 17" West a distance of 1,185.90 feet with said line to the Point of Beginning and containing **852,904.80 square feet** or **19.58 acres** of land.

AGENDA
ROCKWALL CITY COUNCIL
October 2, 2000

5. Consent Agenda

- c. 2000-82-Z/PD – Consider approval of an **ordinance** for a request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/- 13.75 acres of the PD around the intersection of SH 205 and Quail Run Road, and Take Any Necessary Action. (2nd Reading)



MINUTES OF THE
ROCKWALL CITY COUNCIL
October 2, 2000

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Mayor Self called the meeting to order at 6:00 p.m. Present were Mayor Self, Councilmembers Raulston, King, Morris, Buffington, Coleson, and Cecil. Councilmember Morris gave the invocation and led the pledge of allegiance.

Proclamations

Mayor Self read and presented the proclamation for Behind the Badge and for Domestic Violence Awareness Month.

Open Forum

Mayor Self invited public comment, there being none, he moved forward to the Consent Agenda.

Consent Agenda

- a. Consider approval of the Minutes of the September 11, 2000 and September 18, 2000 City Council Meetings, and Take Any Necessary Action.
- b. 2000-79-RP-SP-BE-LP-CUP – Consider approval of an ordinance for a request from Pann Sribhen on behalf of CEC Entertainment, Inc. for a commercial replat, site plan (including building elevations), landscape plan, and conditional use permit (for coin-operated machines) on a 1.54 acre, commercially-zoned site located just west of Mims Road on the eastbound I-30 service road within the Rockwall Market Center East Addition, and Take Any Necessary Action. (2nd Reading)
- c. 2000-82-Z/PD – Consider approval of an ordinance for a request from Robert Whittle to amend the PD-5 zoning ordinance to accommodate a general retail development within the +/- 13.75 acres of the PD around the intersection of SH 205 and Quail Run Road, and Take Any Necessary Action. (2nd Reading)
- d. Consider approval of an ordinance repealing Ordinance 99-26, and amending portions of Chapter 16, Section 4 of the Code of Ordinances concerning Two-Hour Parking, and Take Any Necessary Action. (2nd Reading)
- e. Consider approval of a resolution abandoning a 15-foot alley easement and authorizing Mayor to issue a quitclaim deed to abutting landowners, and Take Any Necessary Action.
- f. Consider approval of Rutledge, Crain & Co. P.C. to perform annual audit, and Take Any Necessary Action.
- g. Consider approval of reinsurance contract for self-insurance workers compensation program administration, and Take Any Necessary Action.

Councilmember King made a correction to the minutes of September 11, 2000. Councilmember Cecil made a correction to the minutes of the September 18, 2000, (line 260). Councilmember Buffington made a motion to approve all items of the consent agenda with staff conditions, with the exclusion of the September 11, 2000 minutes. Councilmember Coleson seconded the motion and the ordinance captions were read as follows:

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AND ORDINANCE 96-25 AS HERETOFORE AMENDED SO AS TO APPROVE ZONING AND AMEND A PORTION OF THE PRELIMINARY PLAN FOR PD 5, PLANNED DEVELOPMENT NO. 5 ATTACHING THE AMENDING PRELIMINARY PLAN DESCRIBED AS EXHIBIT A INCLUDING A CHANGE IN ZONING FROM GR GENERAL RETAIL TO PD 5 PLANNED DEVELOPMENT NO. 5 FOR TRACTS 11 AND 11-1, J.H.B. JONES ABSTRACT NO. 124, CONTAINING 1.58 ACRES OF LAND; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000) FOR EACH OFFENCE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

70 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, REPEALING ORDINANCE 99-26 IN ITS ENTIRETY, REPEALING PORTIONS OF CHAPTER 16, SECTION 4 OF THE CODE OF ORDINANCES, PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500); PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

75 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 ALLOWING THE USE OF COIN-OPERATED MACHINES AS AN ACCESSORY TO A GENERAL RESTAURANT TO BE LOCATED ON A TRACT OF LAND FURTHER DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

Council approved with a 7-0 vote.

80 Councilmember Buffington made a motion to approve the minutes of September 11, 2000 as corrected. Councilmember Raulston seconded the motion and the motion passed with a 5-0-2 vote of Council. (King and Morris abstaining)

85 Appointments/Plats/Plans/Public Hearings

Appointment with Jeff Curtis, Rockwall Chamber of Commerce to give quarterly report, and Take Any Necessary Action.

Jeff Curtis gave a brief report to Council and informed them that the Chamber website had received 1st Place, and that *The Business Ledger* received 2nd place, in the Texas Chamber of Commerce Executives Media Contest.

90 Hold a public hearing regarding proposed TXU Gas rate increase, hear report from C2 Consulting, consider approval of an ordinance fixing rates, and Take Any Necessary Action.

95 Julie Couch, City Manager, reminded Council that several months ago, the City had received notice of a gas rate increase, and Council approved the hiring of a consultant, Connie Cannady, C2 Consultant, to analyze the proposed rate increase. She informed Council that Ms. Cannady was in attendance to review her findings and answer any questions of Council. She also indicated that two representatives of TXU were also in attendance. Mayor Self opened the public hearing.

100 Ms. Cannady explained that in the analysis, there were basically three factors that were considered. They were what the investment of TXU within the city limits of Rockwall, what was a reasonable return regulated by the City, and what were reasonable operating expenses. She said a compromised rate increase was agreed to by TXU; of a first year average increase of 9.5% and a second year increase of 3.5%.

105 Julie Couch informed Council, that if they were in agreement with the compromise rates as submitted by TXU, a ordinance would prepared and presented at the October 16, 2000 City Council meeting.

There being no one else to speak on the matter the public hearing was closed.

110 Councilmember Cecil made a motion to accept the compromise rates as proposed, and to have staff prepare the ordinance. Councilmember Buffington seconded the motion, and Council approved with a 7-0 vote.

115 Hold a Public Hearing to discuss and consider approval of a sign variance for IHOP, and Take Any Necessary Action.

Bill Crolley, Community Development Director, advised Council that the applicant had requested his request be withdrawn, and would be rescheduled to the October 16, 2000 City Council Meeting.

120 2000-83-RP - Hold a public hearing to discuss and consider a request from Gregory S. Vines for a replat of Lots 3, 4, 5 & 6, Block B, Chandlers Landing Phase 14, a single-family development located on the south side of Ranger Drive near the intersection of Endeavor Court.

Bill Crolley briefed Council on the request. Mayor Self opened the public hearing, there being no one other than the applicant to speak, Mayor Self closed the public hearing. Councilmember Buffington made a motion to approve the request with staff and planning and zoning recommendations.

125 Councilmember Raulston seconded the motion and the motion passed with a 7-0 vote of Council.

130 Action Items

Discuss and consider approval of an Ordinance authorizing "Updated Service Credits", providing for increased service annuities for retirees and beneficiaries of deceased retirees of the City; and increasing the rate of deposits to the TMRS, and Take Any Necessary Action.

135 **Councilmember Raulston made a motion to approve the ordinance. Councilmember Morris seconded the motion and the ordinance caption was read as follows:**

140 AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE IN THE EMPLOYMENT OF THE CITY OF ROCKWALL; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; TO INCREASE THE RATE OF DEPOSITS TO THE TEXAS MUNICIPAL RETIREMENT SYSTEM BY THE EMPLOYEES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

Council approved with a 7-0 vote.

145 Discuss and Consider approval of an ordinance designating one-way service roads on Interstate 30, between FM 549 and SH 205, and Take Any Necessary Action.

150 **Julie Couch, City Manager, explained that the designating of the one-way service roads was necessary to proceed with the request to the State to signalize the I30/SH 205 intersection. She indicated that one way designation would not go into effect until the improvements to Townsend Road were complete. She indicated that the delay in implementation would allow the State time to construct the signals and for the property owners along I-30 to make adjustments. Upon Council's approval of the ordinance, TXDOT would be notified so that they could proceed with design and construction of the signals. Councilmember Coleson made a motion to approve the ordinance. Councilmember Morris seconded the motion, and the ordinance captions was read as follows:**

155 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROCKWALL, TEXAS, BY THE ADDITION OF SECTION 16-101 B DESIGNATION OF ONE WAY STREETS; PROVIDING FOR ONE WAY DESIGNATION ON CERTAIN SEGMENTS OF THE INTERSTATE 30 SERVICE ROADS; PROVIDING FOR THE POSTING OF SIGNS; PROVIDING A PENALTY OF FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

160 **Council approved with a 6-1 vote. Councilmember Raulston voted AGAINST, citing concerns with delay in fire protection services.**

There being no further business before Council, Mayor Self recessed the meeting to Hold Executive Session under Sections 551.072 and 551.074 of Texas Government Code to Discuss:

- 165 a. Personnel Issues, including Board and Commission Appointments and Related Matters
b. Litigation – Dildy vs. City of Rockwall

No Action was taken as a result of Executive Session and the meeting was adjourned.

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APPROVED:

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Scott Self, Mayor

ATTEST:

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Belinda Page, City Secretary

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CITY OF ROCKWALL

"THE NEW HORIZON"

Robert Whittle
Caruth Lake Development Corp.
P. O. Box 369
Rockwall, Texas 75087

Tuesday, September 26, 2000

Dear Applicant:

The letter serves to notify you that the planning and zoning case (**Case No: PZ-2000-82**) that you (or the organization that you represent) submitted before the City of Rockwall Planning and Zoning Commission and City Council has received final approval (**September 18, 2000**) with the following conditions:

Staff Condition(s):

1. That the site be limited to six gas pump dispensers in conjunction with a convenience store with strict architectural review by Planning and Zoning Commission and City Council.

The specific requirements of each condition can be determined by reviewing plans previously submitted (i.e. "corrected" plans submitted prior to worksession) or by contacting the Community Development Department at the number listed below.

Please note that if the subject case involved is a *Replat* or a *Final Plat*, the executed plat mylars (three (3) original plats with signatures) must be submitted to the City of Rockwall within 100 days (of the *date-of-approval*) to allow for the necessary signatures to be secured prior to the filing with Rockwall County by (which is the date 120 days after the *date-of-approval*). ***If the "120 day-date" is missed the subject property must be resubmitted for approval.***

Enclosed is the appearance fee check (check no.: 1552). Please contact the City of Rockwall Community Development Coordinator at (972) 771-7745, or at the address listed below, with any questions or concerns regarding this matter.

Sincerely yours,

James S. Williams
Rockwall City Planner

PZ Case File Termination Check List

PZ Case No.: 2000-82

City Council Approved: 9-18-00

P&Z Approved Date: 9-12-00

- | | | |
|--|--|---|
| <input type="checkbox"/> Preliminary Plat* | <input type="checkbox"/> Site Plan* | <input type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Final Plat* | <input type="checkbox"/> Concept Plan | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Replat* | <input type="checkbox"/> Overlay District | <input type="checkbox"/> Treescape Plan |
| <input type="checkbox"/> Vacation of Plat | <input type="checkbox"/> Building Elevations | <input type="checkbox"/> Zoning / PD Request |

- PZ Application
- Cash Receipt
 - Engineering Submittal Form
 - Zoning / CUP Request Letter
- Location Map
- Notified Property Owner List
 - Pictures / Drawings
- Newspaper Public Notice
 - Approved Plat Copy
 - Approved Site Plan Copy
 - Approved Landscape Plan
 - Approved Building Elevations
 - Approved Concept Plan
 - Approved Treescape Plan
- PZ Staff Recommendations
- CC Staff Recommendations
- PZ Minutes
- City Council Meeting
 - ARB Notes
 - Park Board Minutes

- Ordinance 00-28
- Approval / Denial Letter
 - Staff Mark-up blue lines

Date Plat Filed: _____

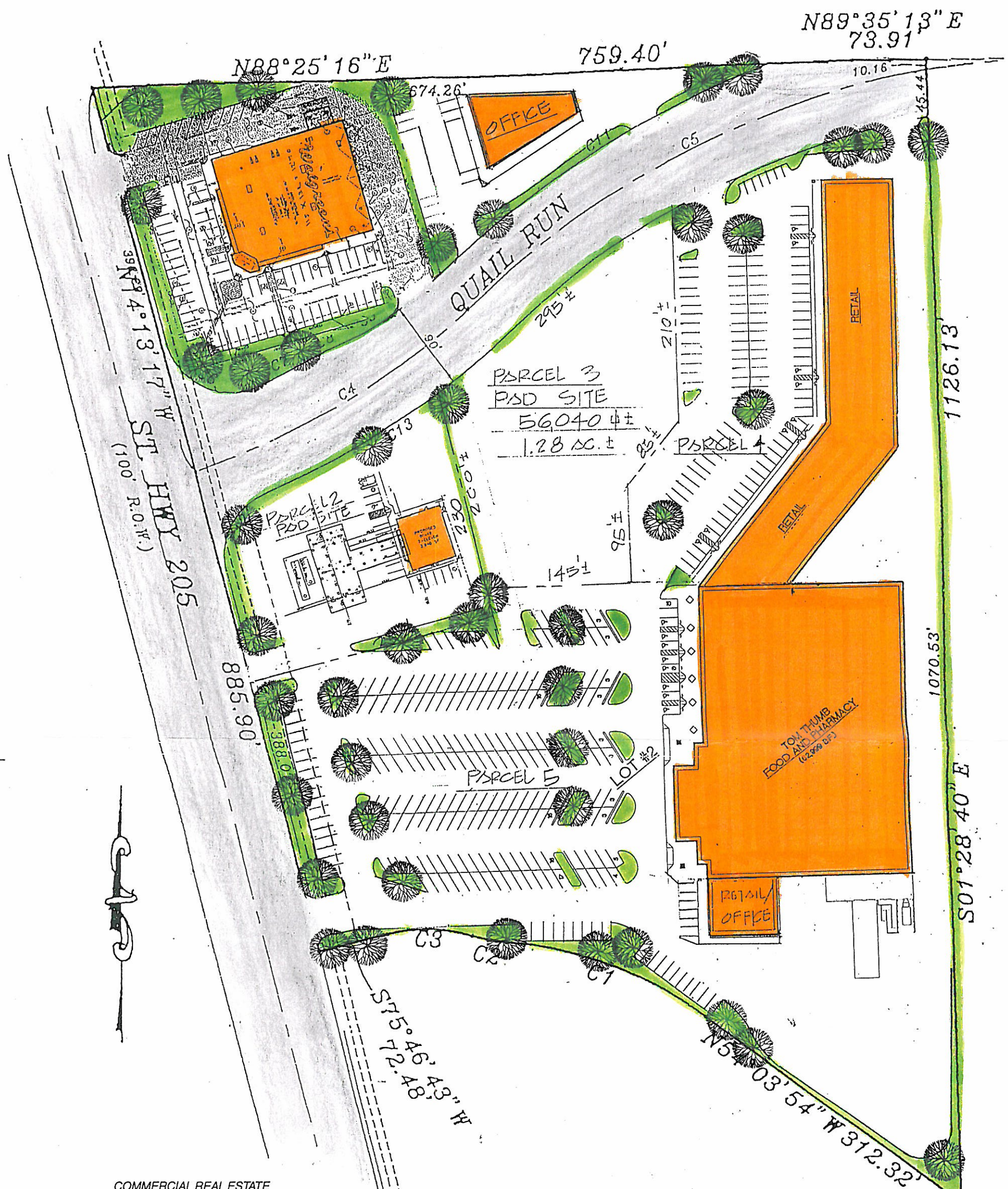
Cabinet No.: _____

Slide No.: _____

Approval to Close File; _____

Closure Date: _____

NOTES: _____



N89°35'13" E
73.91'

N88°25'16" E
759.40'

39°49'4.13" W
ST HWY 205
(100' R.O.W.)

QUAIL RUN

PARCEL 3
PSD SITE
56,040 ±
1.28 AC ±

PARCEL 4

PARCEL 2
PSD SITE

PARCEL 5

TOM THUMB
FOOD AND PHARMACY
(2366 833)



COMMERCIAL REAL ESTATE

GATEWAY AMERICA
P . R . O . P . E . R . T . I . E . S

JIM CERVINE

3125 RIDGE ROAD, SUITE B
ROCKWALL, TEXAS 75032

(972) 772-2727
FAX (972) 771-6701

PROJECT DATA

PARCEL 1	=	109,582 ±	/	2.52 AC ±
PARCEL 2	=	47,500 ±	/	1.09 AC ±
PARCEL 3	=	56,040 ±	/	1.28 AC ±
PARCEL 4	=	116,830 ±	/	2.68 AC ±
PARCEL 5	=	269,015 ±	/	6.17 AC ±
TOTAL LAND AREA		= 589,967 ±		
		13.76 AC ±		

SITE PLAN

SEC STATE HWY 205 & QUAIL RUN
ROCKWALL, TEXAS

00-82

FILE COPY
for P113 AC HEARING