

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. P-2 89-16 CUP

Date Submitted 4/24/89

Filing Fee \$ 110⁰⁰

Applicant Henry Africa, Inc.

Address 201 I-30 East
Rockwall, Tx 75087

Phone No. 722-1001

Owner _____

Tenant¹ ☒

Prospective Purchaser¹ _____

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto:)²

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

recreational use on the sideline

line The current zoning on this property is Agricultural.
There ^{space} are/are not ^{space} deed restrictions pertaining to the intended use of this property.

I have attached hereto as Exhibit A a plat showing the property which is the subject of this requested Conditional Use Permit and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

Samuel T. Duran, Comptroller

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

²The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

Following description is the beach area West of Henry Africa Restaurant Rockwall, Texas.

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract or parcel of land situated in the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, said tract of land further being that part of the shore line land leased to the City of Rockwall by the City of Dallas that lies between the following described Take Line and the 435.5 Elevation, said Take Line being more particularly described as follows:

BEGINNING: At the point of intersection of the East Take Line of Lake Ray Hubbard with the South Right-of-Way Line of I. H. 30, said point being located S 60° 23' 10" W from the original Take Line Monument X-26-8 and also being the Northwest corner of Rockwall Harbor - Phase One, an Addition to the City of Rockwall filed in Slide C at Page 29, Plat Records, Rockwall County, Texas;

THENCE: S 21° 47' 59" E with said East Take Line a distance of 368.32 feet to the Southwest corner of Lot 4, Block A of Rockwall Harbor - Phase One, said point being located 109.89 feet N 21° 47' 59" W from Take Line Monument No. X-26-7

Prepared by Harold Evans Engineers, April 1989

№ 12023



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

(214) 771-1111

Cash Receipt

Name Henry Apple Date 9-29-0

Mailing Address _____

Job Address _____ Permit No. _____

Check ☐

Cash ☐Other ☐

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
Building Permit	01-3601		Water Tap	02-3311	
Fence Permit	01-3602		10% Fee	02-3311	
Electrical Permit	01-3604		Sewer Tap	02-3314	
Plumbing Permit	01-3607		Water Availability	33-3835	
Mechanical Permit	01-3610		Sewer Availability	34-3836	
Zoning, Planning, Board of Adj.	01-3411	110.00	Meter Deposit	02-2201	
Subdivision Plats	01-3412		Portable Meter Deposit	02-2202	
Sign Permits	01-3628		Misc. Income	02-3819	
Health Permits	01-3631		NSF Check	02-1128	
Misc. Permits	01-3625		Meter Rent	02-3406	
Misc. Income	01-3819		Penalties	20-3117	
Sale of Supplies	01-3807		Hanger Rent	20-3406	
Municipal Pool	01-3402		Tie Down Fees	20-3407	
Cemetery Receipts	10-3830		Land Lease	20-3804	
Hotel/Motel Tax	15-3206		Sale of Supplies	20-3807	
Marina Lease	08-3810		Exxon Payment	20-1132	
Street	25-3828		Fuel Sales	20-3809	
TOTAL OF COLUMN			TOTAL OF COLUMN		

TOTAL DUE

Received by

City of Rockwall

Planning and Zoning Applicant Receipt

Date 4/24/89

Applicant Henry Africa Phone 722-1001

Address _____

Development Henry Africa

The following items have been received on this date by the City of Rockwall Administrative Office:

_____ Site Plan Application

_____ Prel. Plat Application

_____ Final Plat Application

_____ Zone Change Application

_____ Sign Board Application

_____ Board of Adj. Application

_____ Front Yard Fence Application

☒ CUP Application

_____ () sets/site plans - Submission # _____

_____ () sets/prel. plats - Submission # _____

_____ () sets/final plats - Submission # _____

_____ () sets/executed final plats/mylars

_____ () sets/engineer drawings - Submission # _____

☒ Filing fee \$ 110.00

☒ Other legal description

With this application, you are scheduled to appear before the

Planning & Zoning Commission

on May 11, 1989

at 1:30 P.M. at City Hall, 205 W. Rusk, Rockwall, Texas.

Received By: MA

PARKING CALCULATION

DECK AREA - 6489
1 SPACE/100SQFT - 65 SPACES

NOTE: INITIALLY PARKING FOR THE DECK & BEACH AREAS WILL BE PROVIDED ON THE ADJACENT 3 LOTS. IN THE FUTURE AS BUILDINGS ARE CONSTRUCTED ON THESE SITES ADDITIONAL PARKING WILL BE PROVIDED IN A NEW LOT TO BE BUILT UP THE HILL AS SHOWN ON THE SITE PLAN.

DECK NOTES

THE PECK WILL BE BUILT USING
POST & BEAM HEAVY TIMBER CONSTRUCTION.
USE WILL BE SEASONAL ON FAIR WEATHER
DAYS. VOLLEY BALL TOURNAMENTS WILL
BE HELD ON OCCASION W/ SPECTATOR
SEATING AT TABLES AROUND THE COURT.
USE OF THE PECK WILL BE STRICTLY TIED
TO OPERATION OF THE EXISTING RESTAURANT

DECK PLAN

$$Sc: |'' = 20' - 0''$$

BEACH LANDSCAPING

THE LANDSCAPE IMPROVEMENTS TO THE SHORELINE SHALL CONSIST OF WHITE SAND 10" DEEP IN THE AREAS SHOWN AND NATIVE GRASSES AND OTHER PLANTS. THESE AREAS WILL SERVE MAINLY AS VISUAL ENHANCEMENTS. THERE WILL BE SEVERAL EVENTS SCHEDULED IN THIS AREA EACH YEAR.

TOTAL BEACH AREA = 55,000 sf
GREEN BELT AREA = 55,000 sf

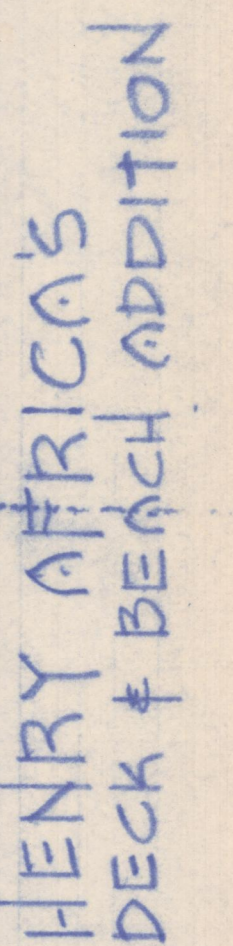
SITE PLAN

scale : $1'' = 100'$ or $0''$

Ramsey
771-1030

Stock area Corp
valley trail & grill pav = 6690 -
55 spaces

Mod type of part
 150 spaces / across -
 back - standard
 this would
 equal 189 spaces
 55,000 sq back
 area



OF 2

ZONING CHANGE/CONDITIONAL USE PERMIT/PLANNED DEVELOPMENT/
PRELIMINARY PLAN/DEVELOPMENT PLAN

ACTION RECORD

Case No: 89-16-CUPLocation: takeline by Henry AFRICA

Application Reviewed..... ✓

File Created ✓

Filing Fee Paid/Receipt in File..... ✓

Issued Receipt for Application..... ✓

Review form prepared/^{initial}partial review completed..... ✓

Circulated Review through:

Staff Review:.....

Assistant City Manager.....

Scheduled for P&Z meeting..... 5/11

Notice Sent:

Newspaper..... 4/25

Surrounding property owners..... 4/28

Sign placed on property.....

Tallied responses to notices

Prepared notes and supporting
information for P&Z.....Notified applicant of results. and of
Council date

after P&Z consideration.

~~If approved:~~

Scheduled for City Council..... 6/5

Notice sent to newspaper.....

Notice sent to property owners.....

Prepared notes and supporting
information for City Council.....

If approved:

Notified applicant of results.....

Prepared ordinance.....

1st reading of ordinance.....

2nd reading of ordinance.....

Caption to newspaper.....

Update office map.....

Notified Inspection Dept. of change.....

Included map in update file.....

Included in CUP list (if applicable).....

→
Permit activated within 6 months.....

→
If not activated, applicant
notified permit is void.....

Included in PD file (if applicable).....

CONTRACT AGREEMENT

STATE OF TEXAS)(

COUNTY OF ROCKWALL)(

Whereas, the City of Rockwall, Texas, leases property known as the Lake Ray Hubbard Take Line Property from the property's owner, the City of Dallas, Texas by contract and agreement between the two cities, and

Whereas, said contract provides that said leased property is leased to the City of Rockwall for recreational purposes and provides that the City of Rockwall may sublease portions of said property subject to the appropriate approvals of the City of Dallas, and

Whereas, Michael Stephenson is an officer, director, and principal shareholder of the Henry Africa Bar and Grill, Inc., a Texas corporation which is located on property owned by Rockwall Harbor Corporation which is adjacent to a portion of the take line property, and

Whereas, Henry Africa Bar and Grill, Inc. proposes to make improvements to the take line property herein described and has requested that said property be designated as a City of Rockwall public park, and

Whereas, Henry Africa Bar and Grill, Inc. proposes to serve as the Park Operator for the City of Rockwall subject to the terms and conditions herein contained, and

Whereas, the City Council has agreed to same as herein contained and as specified in attachments hereto, **NOW, THEREFORE**,

THIS AGREEMENT, made and entered into this the _____ day of _____, 1989, by and between the City of Rockwall, Texas of the County of Rockwall and State of Texas, acting through Frank R. Miller, its duly elected Mayor hereinafter termed "City", and Henry Africa Bar and Grill, Inc., a Texas Corporation, acting through its president, Michael Stephenson and herein referred to as "Park Operator", and Rockwall Harbor Corporation, a Texas corporation, acting through its president, Rob Whittle hereinafter termed "Developer".

WITNESSETH: That for and in consideration of the agreements herein mentioned, to be made and performed by the City, Park Operator, and Developer, and under the conditions expressed herein and in exhibits herein referenced and attached hereto, the parties hereto contract and agree as follows:

SECTION ONE - GENERAL AGREEMENT.

The City and the Park Operator hereby agree and contract that, subject to the terms and conditions herein contained, Henry Africa Bar and Grill, Inc. shall be designated as "Park Operator" for the take line property described in Exhibit "A" which is hereto attached and made a part of this contract agreement; and that Park Operator is hereby authorized to make improvements to said property which are shown on Exhibit "B" (Site Plan) which is hereto attached and made a part of this contract agreement, more fully specified and described in Exhibit "C" (Ordinance 89-__) which is hereto attached and made a part of this contract and agreement. The City, the Developer, and the Park Operator hereby agree that the park operator shall, as herein provided, provide the services and carry out the responsibilities assigned herein to the Park operator, and that the City shall provide the services and carry out the responsibilities assigned herein to the City, and that the Developer shall carry out those responsibilities assigned to the Developer.

All parties hereto agree and acknowledge that all provisions, terms, conditions, standards, specifications, and limitations contained in Exhibit "B" (Site Plan) and Exhibit "C" (Ordinance 89-__) are binding upon the all parties hereto as if they were included herein in their entirety.

All parties hereto agree and acknowledge that the take line property defined in Exhibit "A" has been designated by the City of Rockwall as a public park and that access to same during regular park hours may not be denied to any person who shall desire enjoyment of same in a lawful and/or orderly manner. Nothing in this contract shall be construed to mean that either the Park Operator, the Rockwall Police Department (or other law enforcement agency with jurisdiction therein), or any duly authorized representative of the City of Rockwall may not deny use of the park to any person who shall be engaged in any activity which violates the rules or hours of operation of the park or the laws and ordinances of the City of Rockwall or the laws of the State of Texas.

All parties hereto hereby acknowledge that the possession and/or consumption of alcoholic beverages in the take line is illegal regardless of the source from which said alcoholic beverage was obtained.

All parties hereto agree that no provision of this contract shall take effect until final approval of same is granted by the City of Dallas, a Construction/Alteration Permit is issued in writing by the City of Dallas, and the City of Rockwall has received confirmation of these approvals in writing from the City of Dallas.

All parties hereto acknowledge and agree that upon expiration of the Conditional Use Permit established by Ordinance __-__, the City may require (among such other requirements as it shall deem appropriate at that time) the provision of additional parking spaces to serve the park, and the provision of same may be a condition to issuance of a subsequent Conditional Use Permit for continued operation of the beach by the park operator.

SECTION TWO - RESPONSIBILITIES OF PARK OPERATOR

The Park Operator is responsible for the following:

1. Construction and Improvements of Park - The Park Operator hereby agrees that no construction or improvements in the park shall begin until such time as written approval for same has been granted by the City of Dallas, and the Park Operator shall provide not less than three (3) days notice to the Director of Parks and Recreation Director of the City of Rockwall before beginning any construction or improvements in the park. All construction and improvements in the park shall be done at the Park Operator's own expense (except park signage as herein discussed) and shall be in compliance with the terms of this contract and the attachments hereto as well as all local codes and ordinances of the City of Rockwall. The sand used for the beach area shall be free of all vegetation, roots, and debris and shall not be placed until the park operator has completed excavation and received an inspection from the City of Rockwall. The beach area as shown on the site plan attached as Exhibit "B" shall include excavation of at least twelve (12) inches which shall be filled back a grade matching existing topography. Provided a minimum of twelve (12) inches of sand is placed, variances from existing grade to allow for required leveling shall be acceptable.

The Park Operator hereby agrees that there shall be no activity scheduled, advertised, or held until the construction of the beach as shown in Exhibit "B" has been completed and accepted by the City of Rockwall unless such event shall have the specific approval of the City Council of the City of Rockwall. Park operator hereby agrees that there shall be no lighting of the beach area installed to provide lighting for the park. If, at some future date, the Park Operator desire to add any lighting of the park area, he may request approval for such lighting from the City of Rockwall and the City of Dallas.

The existing vegetation directly adjacent to and in the vicinity of at the approved beach area shall be maintained by the Park Operator and any vegetation (excluding trees) that dies in this area shall be replaced by the Park Operator promptly.

Any improvements or other use in addition to those shown on Exhibit "B" and authorized hereby, must be specifically approved by the City Council of the City of Rockwall and the City of Dallas.

2. Providing Security for the Park - The Park Operator shall provide security for the park to enforce the rules of the park and applicable laws and ordinances as well as the conditions set forth in this contract. At least one uniformed, licensed security officer shall be on duty and stationed on the park property at all times during the hours that the beach park is open to the public. The park operator may employee off-duty Rockwall police officers rather than licenced, uniformed security guards at his own expense if such officers are available. The laws and ordinances for which the park operator shall be responsible to enforce shall include but not be limited to the those laws which prohibit alcoholic beverages in the park area.
3. Maintenance of Park Area - The Park Operator shall be responsible for maintenance of the park area to a level which ensures that the grounds are kept mowed and free from all high weeds and grass. The park shall be kept by the Park Operator in a

condition which is free from debris, litter, and other trash. The Park Operator shall, at his own expense, provide, service, empty and maintain adequate garbage or trash receptacles in the park for use by the public. Beach sand lost to erosion, wind, rain or from other cause shall be promptly replaced by Park Operator at his sole expense.

4. Advance Approval of Advertised Events - The Park Operator shall submit a request for approval of any and all advertised special events which will be sponsored by the Park Operator and/or conducted or held in the park. This request shall be made in writing to the Parks and Recreation Director of the City of Rockwall at least thirty (30) days in advance of the event being held and shall include a complete description of the event proposed. The Park operator agrees to comply with special requirements which the Parks and Recreation Director may require as a condition of approval to ensure that the interests of the citizens of Rockwall are best served which may include but not be limited to the requirement that additional licensed, uniformed security officers be provided at the expense of the Park Operator.

Appeal of any decision by the Parks and Recreation Director relative to the use of the park as described above may be made to the City Council of the City of Rockwall.

The Park Operator hereby acknowledges that the Parks and Recreation Director of the City of Rockwall is not authorized by the City Council of the City of Rockwall under any circumstance to approve any advertised special event which is not submitted at least thirty days in advance for approval consideration. Special events shall include, but not be limited to volleyball tournaments, volleyball exhibitions, guest appearances and performances, beach parties held in the park, and other types of advertised events. Nothing in this contract shall be construed to require the Park Operator to submit a request for approval of a use of the park for unscheduled volleyball play by small groups such as "pick-up" volleyball games or volleyball leagues.

5. Compliance With Adopted Park Hours - The Park Operator agrees to comply with and enforce park hours of operation which shall be set by action of the Parks and Recreation Board. Said park hours shall be set at the sole discretion of the Parks and Recreation Board; however, the Parks and Recreation Board shall provide the Park Operator the opportunity to provide input to them during their deliberation with regard to establishing park hours for this park.
6. Insurance, Hold Harmless, and Indemnity - The Park Operator hereby agrees to provide certificates of liability insurance acceptable to the City Manager covering any activity arising out of the operation of the Park described herein in the amount of \$250,000 per individual, \$500,000 per occurrence, and \$100,000 property damage. Park Operator further agrees to indemnify and hold City harmless for any liability, claim, loss or damage to any person or property direct, or indirect, or consequential arising out of the operation of the park so described herein including, without limitation, any such liability, claim, loss or damage arising out of the negligence, or alleged negligence of the City, its agents and employees.
7. Payments Due to the City of Rockwall - The Park Operator hereby agrees to pay a

total of \$4,654.36 in payments due to the City of Rockwall for the purpose of satisfying previous obligations to the City as itemized in Exhibit "D" before beginning any improvement, construction, or use of the park. Nothing, however, in this contract agreement shall be construed to reduce or negate any other payment due to the City of Rockwall by Park Operator.

SECTION THREE - CITY RESPONSIBILITIES

The City is responsible for the following:

1. The City of Rockwall shall be solely responsible for placement of all park signs that are located in the park. Said signs shall identify the area as a public park and specify rules for use of facilities.
2. The City of Rockwall shall by motion of its Parks and Recreation Board be responsible for establishing the hours during which the park is open to the public. The Board shall provide the Park Operator an opportunity to provide input into their deliberations with regard to the establishment of said hours for the park.
3. The City of Rockwall shall submit a request to the City of Dallas for approval of the improvements and uses which have been approved by the City of Rockwall; however, should the City of Dallas require any additional engineering, planning, or information to facilitate their review of the proposal such shall be provided by the Park Operator at his sole expense.
4. The City hereby agrees to abandon the easements in Exhibit "E" if, at some future date the property described in Exhibit "A" ceases to be used as a park.

SECTION FOUR - RESPONSIBILITIES OF DEVELOPER

The Developer shall be responsible for the following:

1. The developer shall be responsible for the placement of a barrier (approved by the City) to vehicular traffic to ensure that the such traffic may not drive from the Interstate Highway 30 service road right of way or the property located within the area defined (at the time of this contract' execution) as PD-7 into the park area. The design of said barrier shall be approved by the City Manager.
2. Upon completion of building construction in Lots 1-4 of the Harbor, Phase I, the Developer shall allow the City to post signs on his property giving directions to the public park area along the private property. The type and materials of which the signs are made shall be compatible with development in the area.
3. Developer shall assume and accept and perform all duties, obligations, and responsibilities provided herein as obligations of the Park Operator hereunder in the event the Park Operator no longer operates Henry Africa Restaurant and does not file a request for reassignment of this contract to another legal entity as provided in Section Seven below or if the request for reassignment is denied by the City Council.

4. Developer shall provide an easement, subordinated by all lien holders, which easement shall grant public parking for users of the park on parking constructed for The Harbor development prior to beginning construction of the beach as provided herein. Developer shall provide an access easement, subordinated by all lien holders, which shall grant public and maintenance access to the park. Easements for public access as described above shall be located on the property as shown on Exhibit "E" to this contract and agreement.

SECTION FIVE - TERM OF CONTRACT

This contract shall be in effect so long as the Conditional Use Permit established by City of Rockwall Ordinance No. ____ remains in effect and does not expire or is not cancelled by the City of Rockwall. This Contract may be sooner terminated by the City, on ten (10) days' written notice to Park Operator and Developer, in the event that Park Operator or Developer breaches or defaults in the performance of their duties and obligations hereunder and said breach or default is not cured to the reasonable satisfaction of the City prior to expiration of such ten (10) day notice period. In the event of expiration, termination, or cancellation of this contract or said conditional use permit by the City of Rockwall, this contract shall be void and the City may, at its sole option require the Park Operator to promptly remove any or all improvements that he has constructed on the park property.

SECTION SIX - VENUE

Venue for this agreement shall be Rockwall, County, Texas.

SECTION SEVEN - ASSIGNMENT CLAUSE

Neither the Park Operator nor the Developer shall assign or transfer this Contract Agreement or any of the rights hereunder without the prior written consent of the City Council of the City of Rockwall.

AGREED THIS THE _____ DAY OF _____, 1989.

Henry Africa Bar and Grill, Inc.

by: Michael Stephenson, President
date: _____

Rockwall Harbor Corporation

by: Rob Whittle, President
date:_____

The City of Rockwall

by: Frank R. Miller, Mayor
date:_____

Approved as to form:
City of Dallas

by: City Attorney
date:_____

Approved:
City of Dallas

by:
date:_____

MEMORANDUM

June 2, 1989

TO : Bill Eisen, City Manager
FROM : Rick Crowley, Director of Parks and Recreation
SUBJECT : Park Board Recreation Board Action On Request For Use of Take Line
Property As A Beach and Volleyball Area

The Rockwall Parks and Recreation Board discussed the request by Henry Africa Restaurant for use of the take line property adjacent to the restaurant for a beach and volleyball area. The Board voted to recommend approval of the request to the City Council with the following stipulations:

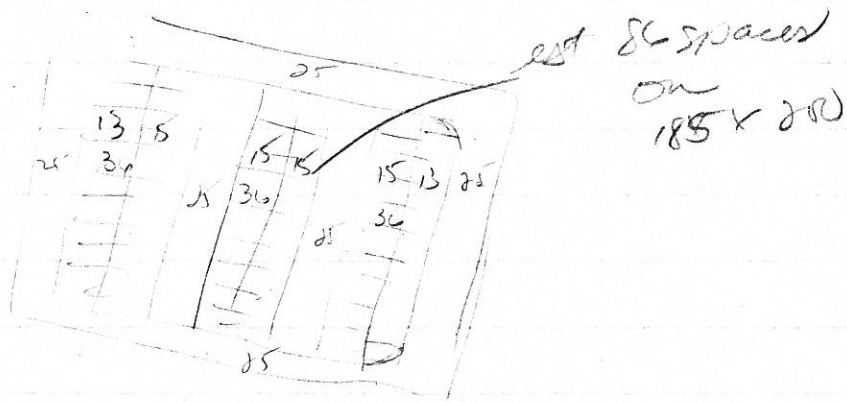
1. That the area to be used by the restaurant be designated as a public park
2. That the City, Henry Africa Restaurant, and Rob Whittle enter into a contract which would address such matters as maintenance, security, and insurance at the site

As you will recall, the current provisions of the Parks and Recreation Master Plan were discussed. The plan currently provides that there should not be a park at this location South of I-30. You will recall that when the plan was formulated, the city's planners proposed a boardwalk along the take line which would have extended from I-30 to Chandler's Landing. This proposal was the target of considerable opposition by area homeowners, and the proposal was ultimately eliminated completely from the plan.

The consensus of the Board, in reviewing the current request, seemed to be that the current proposal did not contain many of the objectionable elements of the plan considered when the plan was adopted. The Board indicated that they would be willing to recommend that the Parks Master Plan be amended and that the merits of the Henry Africa Plan offered recreational opportunities which would warrant such a plan amendment.

1. How will the beach be maintained
2. Bathrooms if dock does not happen
and when will it happen?
3. He will be the concessionaire and will maintain the beach line area. Fresh replenish the sand.

4.



Parking alternatives

allows unused 100 spaces to suffice for parking — this would have to be put in initially? In what fashion evaluate parking demand over — period of time

what will the
accounts consist of?

Maintenance of
beach
Bathrooms
Special events
additional ongoing
activities and
take line

0

Henry Africa

1. Landscaping for deck area
2. Take out walks directly onto bar
3. Parking

Park Plan

Dallas location position

alcohol inside take line

Police issue

event issues

lease issue of terms of lease - 1% of sales

crossin control

Private -

Lift station

elevations

sink or

Parking

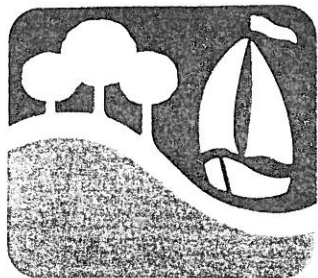
How is he going to hold the sand

split poly + grass

ingate w/ Dallas water







CITY OF ROCKWALL

"THE NEW HORIZON"

May 2, 1989

Mr. Michael Stephenson
Henry Africa, Inc.
201 I-30 East
Rockwall, TX 75087

Dear Mr. Stephenson:

The Planning and Zoning Commission will hold a public hearing on Thursday, May 11, 1989, at 7:30 P.M. in City Hall, 205 West Rusk, and consider approval of your request for a Conditional Use Permit for a recreational use within Agricultural zoning for a section of the City of Dallas takeline located adjacent to Henry Africa. The decision of the Commission will be a recommendation to the City Council who will make a final decision on your request at a public hearing on Monday, June 5, 1989, at 7:00 P.M.

As the applicant, it is important that your interests are represented at both of these meetings. Please feel free to call me if you have any questions.

Sincerely,

Mary Nichols
Administrative Assistant



City Hall • Dallas, Texas 75277 • (214)670-3146

May 9, 1989

Ms Julie Couch
City of Rockwall
205 Rusk
Rockwall TX 75087

RE: P & Z 89-16-CUP, Conditional Use Permit

Dear Ms Couch:

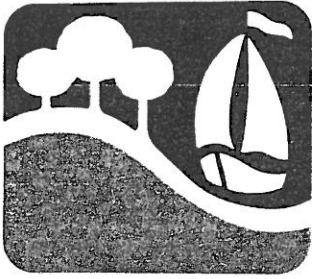
The City of Dallas will not support such a change in the status of the subject tract of land at this time. There are issues that affect this property and adjacent areas that need to be discussed with our staff before further changes occur.

Please contact Ken DelRegno at 670-8049 if you have any questions.

Sincerely,

Randy Goss
Interim Assistant Director
Dallas Water Utilities

c: Fred Byerly, Dallas Parks & Recreation



CITY OF ROCKWALL

"THE NEW HORIZON"

May 15, 1989

Mr. Michael Stephenson
Henry Africa, Inc.
201 E I-30 East
Rockwall, TX 75087

Dear Mr. Stephenson:

The Rockwall Planning and Zoning Commission held a public hearing on Thursday, May 11th and tabled consideration of your request for a Conditional Use Permit for a recreational development in an Agriculturally zoned area. The Commission will make a recommendation on your request on Thursday, May 25th at 7:00 P.M. in City Hall, 205 West Rusk pending the results of a meeting to be scheduled with the City of Dallas regarding your application. The Rockwall City Council will hold a public hearing on Monday, June 5, 1989 at 7:00 P.M.

As you know, the application for the addition of a deck on the south side of Henry Africa has not been submitted. The deck as proposed will require the following Council approvals:

- * a replat of Lot 4, the Harbor Phase One - the lot Henry Africa sits on is built from north to south lot line. The lot would have to be expanded to include the deck
- * an amendment to the Conditional Use Permit issued for a private club - the existing permit does not include the area proposed for the deck
- * approval of a site plan in conjunction with the CUP request

Amendment of the CUP requires a public hearing to be held by both the Planning and Zoning Commission and City Council. The amendment to the private club permit must be adopted by ordinance which requires City Council approval at two separate readings. Below is a list of the items that must be submitted as your application. These must be submitted not later than **May 22nd** in order to be considered by the Planning and Zoning Commission on **June 8th**. The items required to make application are:

- * Signed, Completed Application for Replat and \$35.00 filing fee
- * Nine copies of replat. Upon approval of the replat by the Planning and

Zoning Commission, an additional seven copies will be required for the City Council

- * Signed, Completed Application for CUP Expansion and \$101.00 filing fee
- * Nine copies of the site plan detailing the deck addition. Upon approval of the CUP expansion by the Planning and Zoning Commission, an additional seven copies of the site plan will be required for the City Council
- * a legal description (metes and bounds description) of the area to be replatted into the existing lot and to be added to the area approved for a CUP

To date, **nothing** has been submitted in relationship to the proposed deck. Please contact Julie Couch regarding the scheduled meeting with the City of Dallas. It is important that both you and Rob Whittle are present at this meeting.

Sincerely,

A handwritten signature in cursive script that reads "Mary Nichols".

Mary Nichols
Administrative Assistant



City Hall • Dallas, Texas 75201 • 214/670-3146

May 23, 1989

Ms Julie Couch
City of Rockwall
205 W. Rusk
Rockwall, TX 75087

RE: P & Z 89-16-CUP, Conditional Use Permit (Henry Africa, Inc.)

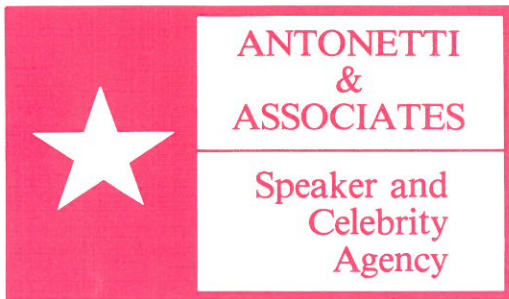
Dear Ms Couch:

We have no objection to the conditional use permit for the subject property. Please keep us informed of any further changes or proposals.

Sincerely,

A handwritten signature in black ink that reads "Randy Goss". The signature is written in a cursive, flowing style.

Randy Goss
Interim Assistant Director



P.O. BOX 140098 DALLAS, TX 75214
3412 LAKESIDE DRIVE, ROCKWALL, TX 75087
(214) 869-0043 & (214) 771-6539
FAX # (214) 771-4639



Mr. Bill Eisen
City Manager
City of Rockwall
205 W. Rusk
Rockwall, Texas 75087

May 30, 1989

Dear Mr. Eisen,

As business owners and new Rockwall residents we are appalled at the treatment being given to the progressive management of Henry Africa's regarding the sandy area adjacent to their restaurant. At their expense, they have provided the DFW Metroplex with the one thing the convention and visitors bureaus have admitted to the outside world we have been missing. A beach!

Recent efforts by Henry Africa's management such as billboards on Interstates 30 and 635 are encouraging folks to come to the lake in Rockwall. Instead of penalizing innovation which helps boost the Rockwall economy and its tax base, the City should expand upon their efforts for the good of the community.

There are many excellent small businesses in Rockwall. The quality of life is unequalled anywhere we can think of. Where else 30 miles from a major metropolitan area, not on the coasts, can one experience the spectacular view of a sunset over the water ... while playing volleyball on the beach. I can think of quite a few local Realtors who would be more than delighted if more out-of-towners fell in love with the Rockwall sunset!

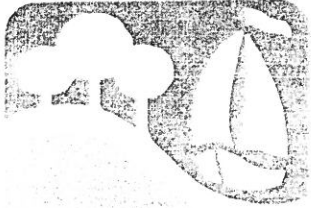
It's not news that the wheels of "procedures and process" can on occasion move slowly. These are the times when exceptions to the rules are in order to meet calendar commitments for the good of the community. You told me yourself that it would most likely be approved, why all the fuss and why not a dispensation?

We sincerely hope the city fathers in our new home will "get real, folks" and wake up and smell the coffee!

Respectfully,

Bob & Leslie Sahlen

Internationally Representing Masters of the Spoken Word



CITY OF ROCKWALL

"THE NEW HORIZON"

June 15, 1989

Mr. Michael Stephenson
Henry Africa, Inc.
201 E I-30
Rockwall, TX 75087

Dear Mr. Stephenson:

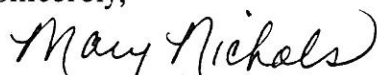
On June 5, 1989, the Rockwall City Council held a public hearing and approved an ordinance on first reading authorizing a Conditional Use Permit for a Recreational Development in Agricultural zoning for a portion of the City of Dallas takeline adjacent to Henry Africa. The ordinance contained the following conditions:

1. The CUP is issued only for the beach area and two volleyball courts as shown on the approved site plan. Any significant changes in the site plan must be approved by the Planning and Zoning Commission and City Council. Such approval may be granted without conducting a public hearing.
2. The CUP is issued for a period of one year from the date of final approval by the City of Dallas. The Planning and Zoning Commission and City Council will at the end of the one year period evaluate the need for more parking and the applicant's compliance with other approval conditions
3. Licensed security guards must be provided during the hours of operation to insure compliance with ban of alcoholic beverages and other rules and ordinances and at least one uniformed security guard must be on the beach at all times
4. If drainage is deemed inadequate , the applicant will be responsible for making the improvements acceptable to the City of Dallas and the City of Rockwall
5. Until development of the unbuilt adjacent lots occurs, fencing acceptable to the City of Rockwall is required to secure the beach and takeline area from vehicle traffic
6. Signage will be provided that specifies hours of operation and prohibits swimming, camping, loitering, lighting fires, and possession of alcohol and which indicates the beach area as a public park

7. Within 45 days from the date of final action on the CUP request for construction of a deck on the adjacent property, permanent restroom facilities will be provided and until such date temporary portalets are allowed at a location to be designated by the City of Rockwall
8. A concession contract for the use of the takeline will be entered into between the City of Rockwall, the applicant, Michael Stephenson, DBA Henry Africa Bar and Grill, Inc. and the owner/developer of PD-7, Whittle Development and the contract shall include all of the provisions included in the ordinance. Financial obligations applicable to Michael Stephenson, Henry Africa and Culpepper Cattle & Catering Co. shall be paid in the amount of \$4654.36 prior to the execution of the contract.
9. The CUP may be withdrawn if the terms of this ordinance and/or the concession contract are not met or upon determination that the operation of the facility has resulted in excessive traffic, disruptive behavior, or property damage
10. The Conditional Use Permit shall not take effect until final approval of the application is granted by the City of Dallas.
11. Special events such as volleyball tournaments, beach parties, or festivals of any kind that will attract an excessive number of people shall require submission of a request to and approval by the Parks and Recreation Director 30 days prior to any event and shall comply with all other ordinances of the City of Rockwall
12. Alcoholic beverages sold at Henry Africa may not be brought onto the premises of the beach as described in this ordinance

An ordinance of the nature must be approved at two separate meetings of the City Council. The second reading of the ordinance authorizing the CUP for the beach is scheduled for June 19th at 7:00 P.M. This is the same meeting in which the Council will consider the expansion of the Henry Africa CUP for a private club, site plan for the deck, and replat of Lot 4, the Harbor. An ordinance authorizing the expansion of the CUP will be considered on first reading. As previously stated, an ordinance of this nature requires approval at two separate meetings of Council. If the ordinance authorizing the expansion of the private club CUP is approved Monday night, the second reading will be scheduled for the first meeting of Council in July. The regular date of the Council meeting is July 3rd. However, since this falls before a holiday, the Council may, this Monday, reschedule the date. Please contact either City Manager Bill Eisen, Assistant City Manager Julie Couch, or myself if you have any questions regarding the scheduling of your applications.

Sincerely,



Mary Nichols
Administrative Assistant

TRANSMITTAL FORM
COUNCIL AND BOARD ACTIONS

Completed by: mmichels

Date: 6/20/89

Type of Request or Action: ☐ Site Plan/Dev. Plan ☐ Zoning Variance
☐ Preliminary Plat ☐ Fence Variance - BOA
☐ Final Plat ☐ Fence Variance - Council
☐ Conditional Use Permit ☐ Sign Variance - BOA
☒ Ordinance No. 89-19 ☐ Sign Variance - Council
☐ Other _____

Summary of Request: _____
CUP for beach

☐ See Attached Drawing

Applicant: Michael Stephenson

Location: City of Dallas Lakeline

Development: Henry Africa

Action Taken: ☐ Approved Date Approved: 6/19/89

☒ Council ☐ Denied Effective Date: TBD

☐ Bd. of Adj. ☒ Approved w/Conditions Expiration Date: _____

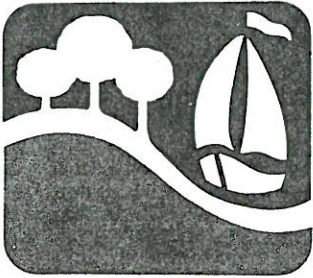
☒ CUP void if not activated in 6 months from date of Dallas approval

☐ Zoning Variance - void if not activated in 90 days

Conditions (list or attach if any): _____

Detailed Conditions in Ordinance
City of Dallas approval pending
Additional conditions in contract
Contract to be provided to inspection
upon execution

Attachments: ☐ Site Plan ☐ Plat
☐ Elevations ☒ Ordinance unexecuted
☐ Location Map ☐ Correspondence



CITY OF ROCKWALL

"THE NEW HORIZON"

December 19, 1989

Mr. Rob Whittle
P. O. Box 369
Rockwall, Texas 75087

Dear Rob:

Per our conversation of December 14, 1989, regarding the parking required for the Harbor, the following is my understanding of the change we have previously agreed upon in regard to the site plan. Lot 1, as approved, allowed for development of 2,500 sq. ft. of retail space and 2,500 sq. ft. of restaurant space. The total parking demand for these uses totalled 38 spaces. You wished to delete 17 spaces approved on the site plan for Lots 2 and 3 in order to provide additional landscaping in front of both buildings. You proposed to reduce the allowed square footage on Lot 1 to 2,100 sq. ft. for restaurant use only, thereby reducing your overall parking demand on Lot 1 by 17 spaces.

It is understood that if the City Council will allow you to utilize offsite parking east of Lot 4 at a later date you will request that the formerly approved square footages be reinstated.

If this adequately states the changes that have been made please execute both copies and return one copy to me. The other copy is for your files.

Acknowledged: 
Whittle Development

Sincerely,



Julie Couch
Assistant City Manager

JC/mmp

TO: Ed Heath, Director of Community Services
FROM: Johnie Davis, Chief Building Inspector
SUBJECT: Michael Stephenson
DATE: June 2, 1989

This is a list of all code violations and citations issued to Michael Stephenson for Culpepper Cattle and Catering Company located at 309 I-30.

- A. Ordinance Number 83-23, Article XI, Section 11.4, C, 1. Moved building on to this property without first obtaining a permit.
1. Notified Michael Stephenson in writing on 12-22-88.
 2. Issued citation #2047 on 1-3-89.
 3. Issued second citation #2049 on 1-19-89.
 4. Court date was set for 2-1-89 and Mr. Stephenson failed to appear.
 5. Mr. Stephenson appeared on both citations 4-12-89 and paid \$100.00 fine and a \$25.00 warrant fee, receipt #29728 on each offense.
 6. Mr. Stephenson submitted a site plan for revisions.
 7. Permit pending approval of site plan and Mr. Stephenson paying his city taxes.
- B. Ordinance Number 83-23, Article XI, Section 11.4, C,2(a). Occupied and used this same building without first obtaining a Certificate of Occupancy.
1. Notified Michael Stephenson in writing on 12-22-88.
 2. Issued citation #2045 on 1-4-89.
 3. Issued second citation #2048 on 1-19-89.
 4. Court date was set for 2-1-89 and Mr. Stephenson failed to appear.
 5. Mr. Stephenson appeared on both citations 4-12-89 and paid \$100.00 fine and a \$25.00 warrant fee on citation #2045 and citation #2048 was plea bargained and dismissed and charged a \$25.00 warrant fee.
 6. The Certificate of Occupancy is pending Mr. Stephenson paying his city taxes and issuance of his building permit.
- C. Ordinance Number 83-23, Article XI, Section 11.4, C,1. Same building was structurally altered without first obtaining a building permit.
1. Notified Michael Stephenson in writing on 12-22-88.
 2. Issued citation #2046 on 1-3-89.
 3. Issued citation #2043 on 1-19-89.
 4. Court date was set for 2-1-89 and Mr. Stephenson failed to appear.
 5. Mr. Stephenson appeared on both citations 4-12-89 and citation #2046 was plea bargained and dismissed. A \$25.00 warrant fee was paid. Citation #2043 was plea bargained and dismissed and a \$25.00 warrant fee was paid.
 6. Permit pending Mr. Stephenson paying his city taxes and his site plan approval.

- D. Ordinance Number 82-9, Chapter 13, Article III, Section 13-43. Large amount of trash and debris allowed to accumulate behind Culpepper Restaurant.
1. Notified Michael Stephenson in writing on 12-22-88.
 2. Issued citation #2566 on 2-3-89.
 3. Court date was set for 3-1-89 and Mr. Stephenson failed to appear.
 4. Mr. Stephenson appeared in court on 4-12-89 and the violation was plea bargained and dismissed.
 5. As of 5-30-89 there has been no attempt to remove the large piles of used lumber behind the restaurant or to comply with alternate temporary solution offered to Mr. Stephenson. Mr. Stephenson was told in April that he could bundle the lumber so it would be easy to move until he obtained approval to build the deck at Henry Africa. He was told that the lumber would have to be graded and approved before it could be used to build the deck because of its condition.
 6. Issued citation #2574 on 5-30-89.
 7. Court date set for 6-14-89.
- E. Ordinance Number 85-56, Section 3.A.1. Operating a food establishment without renewing the Health Permit by January 1, 1989 as required.
1. Notified Michael Stephenson in writing on 1-20-89.
 2. Issued citation #2562 on 2-3-89.
 3. Court date was set for 3-1-89 and Mr. Stephenson failed to appear.
 4. Mr. Stephenson appeared in court on 4-12-89 and was fined \$100.00.
 5. Issued citation #2571 on 5-25-89.
 6. Court date set for 6-14-89.
- F. Ordinance Number 85-2, Section 1-H. Failed to turn in his alcohol beverage report for Culpeppers and Henry Africa.
1. Notified Michael Stephenson in writing on 5-25-89.
 2. He has not complied as of 6-2-89.
- G. Mr. Stephenson placed sand to play volleyball on City of Dallas property between Henry Africa and Lake Ray Hubbard before obtaining approval.
1. Notified Mr. Stephenson not to use this area 5-25-89.

According to Ordinance Number 86-80, Section 15-1 the applicant or owner of the premises for which the license or permit is being applied for must not be in arrears to the City for taxes, water, sewer or garbage fees, or any other fees due the City. Below is a list of fees owed to the City by Michael Stephenson.

A. Taxes:

1. Patrick-Stephenson Subdivision, Block A, Lot 1 part, 3.482 Acres

Year:	Total Due:
-------	------------

87	\$1,530.06
----	------------

88	\$1,220.99
----	------------

2. M.J. Barksdale, Tract 1, Acres 5.1534

88	\$2,078.13
----	------------

3. M.J. Barksdale, Tract 5, Acres 5

86	\$783.85
----	----------

87	\$1,098.56
----	------------

4. J. Lockhart, Tract 9-9, Acres 3.335

86	\$390.15
----	----------

87	\$732.72
----	----------

88	\$672.43
----	----------

5. Culpepper Cattle & Catering Company, Block A, Lot 1

88	\$1,868.45
----	------------

6. Cutter Hill, Phase III, Unit 205, Building A, 0.030 Acres

88	\$313.51
----	----------

7. Henry Africa Subdivision, Block A, Lot 1, 1.202 Acres located adjacent to Culpepper Company.

86	\$858.18
----	----------

87	\$914.66
----	----------

88	\$839.37
----	----------

8. Business Personal Property INV F&F I-30 Service Road

88	\$954.39
----	----------

B. Water Bill

1. The City has a contract with Mr. Stephenson to pay a delinquent balance of \$5,099.19 which he is now currently paying.

C. Lift Station Repair

1. There is an outstanding balance of \$881.52 which was billed to Mr. Stephenson 10-4-88.

D. Removal of Dangerous Building

1. There is an outstanding balance of \$950.00 to remove the building from the M.J. Barksdale Survey, Abstract 11, Tract 11 billed to Mr. Stephenson 8-8-88.

E. Total Owed:




A.	Taxes	\$14,255.45
B.	Water Bill	5,099.19
C.	Lift Station Repair	881.52
D.	Removal of Building	950.00
	TOTAL	\$21,186.16

Michael Stephenson had an appointment with Ray Helm in April and Mr. Helm said he received a phone call cancelling the appointment because Mr. Stephenson was in the hospital. Mr. Helm said Mr. Stephenson was suppose to reschedule the appointment but he has not heard from him.

Mr. Helm said that Mr. Stephenson was behind on a previous agreement and that he was not going to make any other arrangements with him. Mr. Helm said the only arrangement he would accept was full payment.

SF-7	SINGLE-FAMILY DWELLING
2F	TWO-FAMILY DWELLING
MF-15	MULTI-FAMILY DWELLING
C	COMMERCIAL
GR	GENERAL RETAIL
OF	OFFICE
CBD	CENTRAL BUSINESS DISTRICT
NS	NEIGHBORHOOD SERVICE
HC	HEAVY COMMERCIAL
LI	LIGHT INDUSTRIAL
HI	HEAVY INDUSTRIAL
PD	PLANNED DEVELOPMENT
S	SPECIAL USE PERMIT

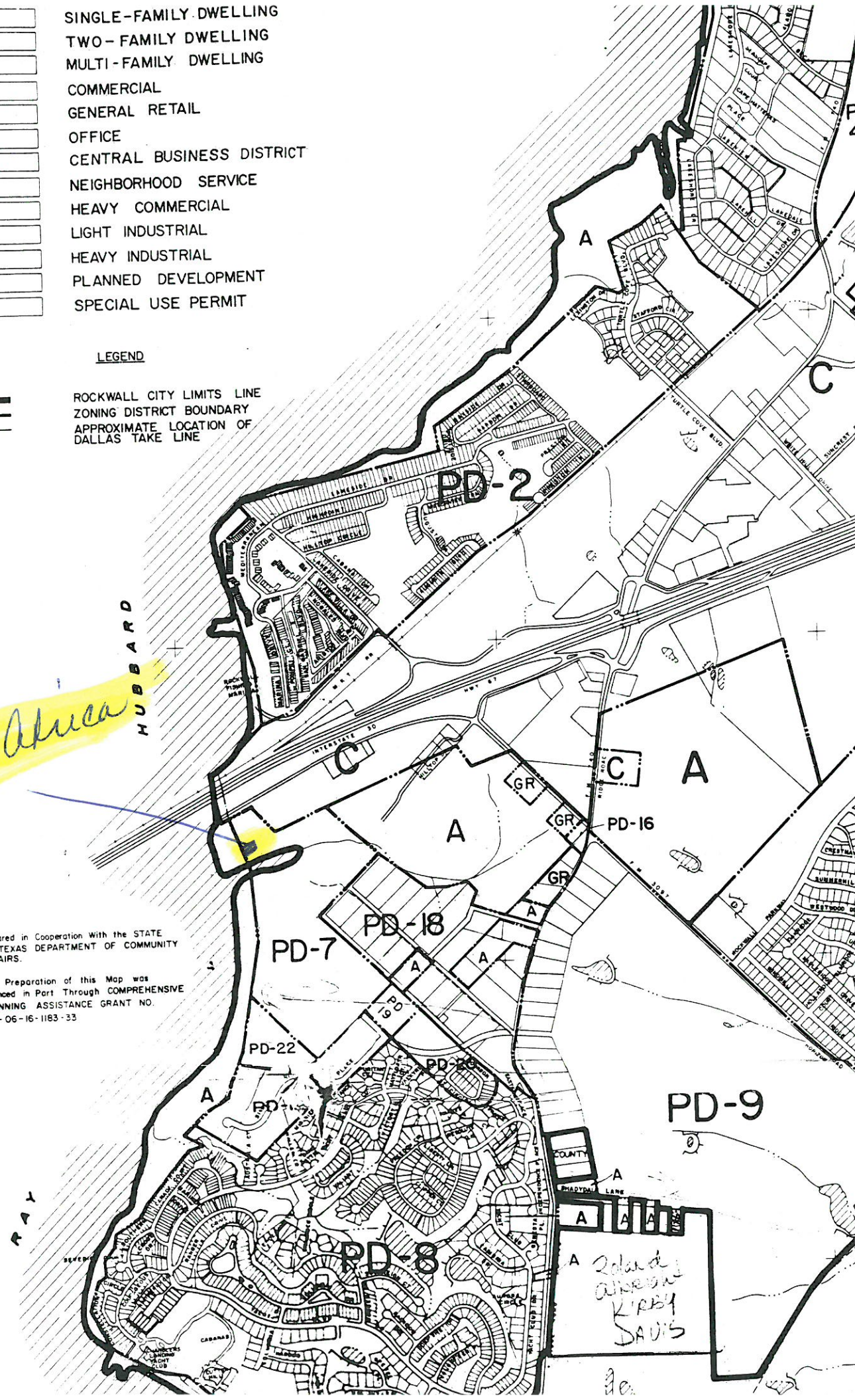
LEGEND

 ROCKWALL CITY LIMITS LINE
 ZONING DISTRICT BOUNDARY
 APPROXIMATE LOCATION OF DALLAS TAKE LINE

Henry Africa

Prepared in Cooperation With the STATE OF TEXAS DEPARTMENT OF COMMUNITY AFFAIRS.

The Preparation of this Map was Financed in Part Through COMPREHENSIVE PLANNING ASSISTANCE GRANT NO. TX - 06-16-1183-33



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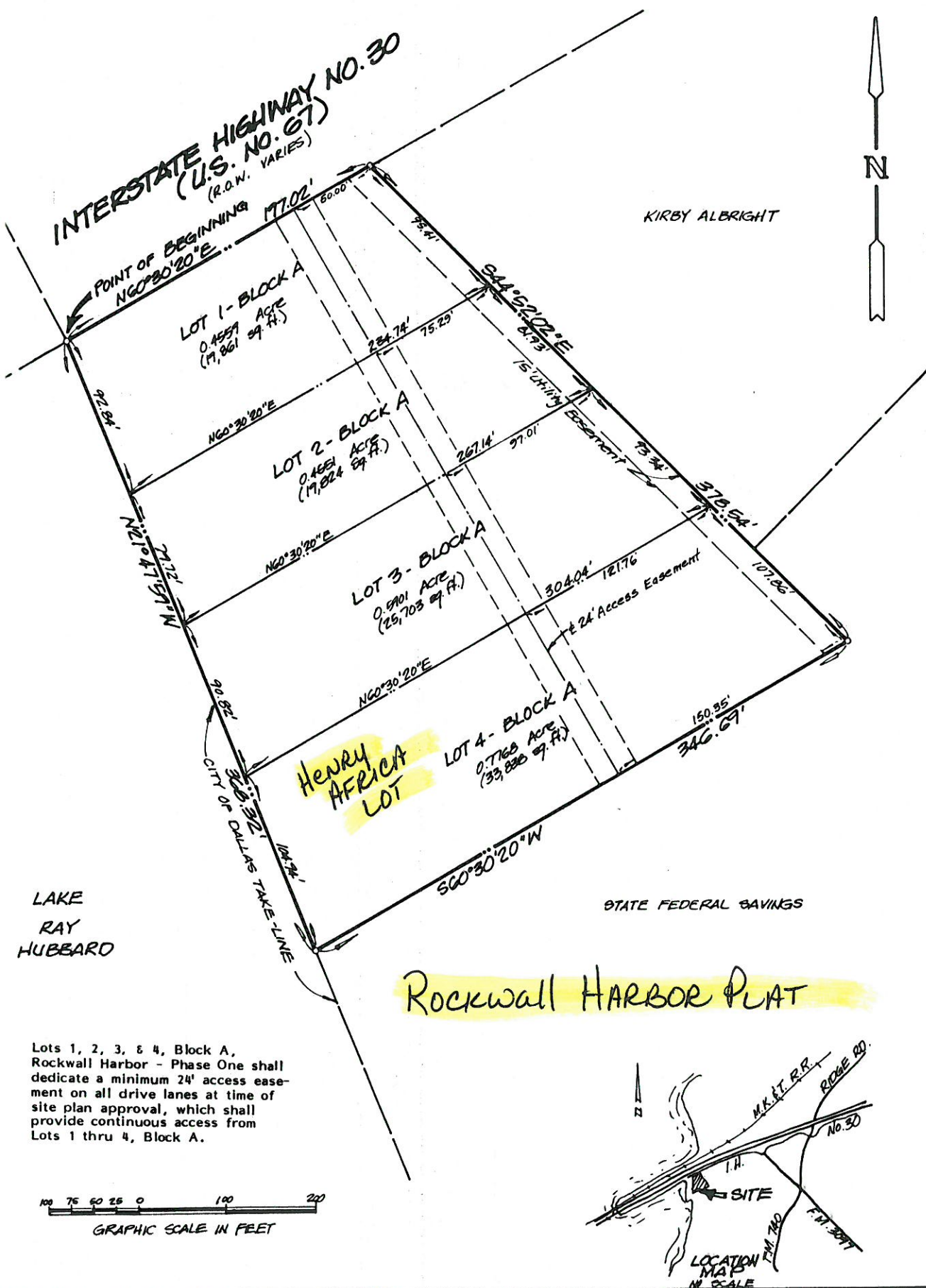
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all County, Texas, and being a part of that tract of land conveyed to A.P. Roffino by deed recorded in Volume 59, Page 100, and being more particularly described as follows:

Beginning at the intersection of the City of Dallas East Take Line for Lake Ray Hubbard with the South line of I.H. 30;
 E: North 60° 30' 20" East a distance of 197.02 feet with said South line to a point for a corner;
 E: South 44° 52' 02" East a distance of 378.54 feet to a point for a corner;
 E: South 60° 30' 20" West a distance of 346.69 feet to a point for a corner on said City of Dallas Take Line;
 E: North 21° 47' 59" West a distance of 368.32 feet with said Take Line to the Point of Beginning and Containing 99,226 Square Feet or 2.2779 Acres of Land.



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CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date:

May 11, 1989

Agenda No: III. D.

Agenda Item:

P&Z 89-16-CUP - Hold Public Hearing and Consider Recommending Approval of a Request From Michael Stephenson for a Conditional Use Permit for a Recreational Development in an Agricultural Zone Located Along the Dallas Take Line South of Interstate 30 and Consider Approval of a Site Plan

Item Generated By:

Applicant, Michael Stephenson

Action Needed:

Hold public hearing and take action on request for CUP and on site plan

Background Information:

We have received a request from Michael Stephenson for a CUP for a proposed recreational development to be located along the Dallas Take Line adjacent to the Henry Africa Restaurant. The proposal consists of the following improvements:

1. Installation of approximately 55,000 sq. ft. of sand along the take line to create a beach. A strip of 30 feet along the shoreline would remain in existing vegetation to reduce erosion and to encourage people to stay on the sand area. In addition there is an existing area of trees that would not be altered with sand. Approximately 55,000 sq. ft. of existing vegetation would remain unchanged.
2. Two sand volleyball courts are proposed to be placed due west of Henry Africa. These courts would be available for use at all times by the public and the applicant plans several events in the area each year. The planned activities would be managed by the applicant, who is the owner of Henry Africa. Other improvements, including a deck area and restroom facilities are also being planned by the applicant on the private property to the south of Henry Africa. The site plan included in your packet identifies these improvements but they have not yet been formally submitted for approval.

There are several issues that have been identified regarding this application and they are discussed below:

1. Public Access

This area is within the Dallas take line and there are several restrictions that will apply because it is on City of Dallas property. The take line area is leased to the City of Rockwall for public park and recreation purposes. If any of the take line is improved it must be open to the public and it must be for park or recreation purposes. Not only will patrons of the commercial development adjacent to the beach utilize this area, but anyone else may as well. There are potential police problems that could occur in this area, especially during hours when the businesses are not open. The applicant would have to enter into a contract with the City and as the Concessionaire he will be responsible for controlling activities on the beach. This does not mean, however, that we can expect there will be no enforcement activities required from the police department.

2. Coordination With City of Dallas

As mentioned above, this proposal is on property owned by the City of Dallas and they must grant approval of the request as well as the City of Rockwall. We do not know what their decision will be but they will not consider the proposal unless Rockwall approves it. The City of Dallas will have concerns about the public access of the property, the volume of activity that may occur on the site, and the potential increase in erosion that might occur with activity on the beach. Because it is on the City of Dallas property and because it will be designated a public park alcoholic consumption will not be allowed. This will also be a concern of Dallas.

(SEE NEXT PAGE)

Attachments:

1. Location Map
2. Site Plan

Agenda Item:

CUP for Beach on Dallas Take Line

Item No: III.D.

AGENDA NOTES
P&Z-89-16-CUP CONT'D

3. Parking

A facility such as this will definitely have a parking demand, but we currently have no experience with beach parking requirements. We have checked with other agencies for comparable parking requirements and no one has standards that exactly equate to this type of use. The National Association of Park Executives recommends 150 spaces for each acre of beach, but this standard assumes a typical beach with swimming, sunbathing and all other usual activities. If this standard were applied the required parking for this area would be 189 spaces. The applicant proposes to utilize the remaining parking that is adjacent to the four lots that have been developed but is not currently used. There is a total of 202 parking spaces planned in this area. The restaurant and the office building currently under construction require approximately 102 spaces. That leaves 100 spaces available until additional buildings are built. That would probably suffice until all four lots are developed. The question then becomes where will people park when all developed parking is utilized. While additional parking could be built on other undeveloped portions of PD-7 that could only be used until permanent development occurred unless Rob Whittle were willing to give up future building space for parking for the beach.

One solution that has been mentioned by the applicant is to provide parking at Culpepper's and provide shuttle service to the beach area. There is a question as to how effective this might be. Additionally, this alternative has not been formally proposed. The only other alternative to parking would be to require that at some point permanent parking be constructed on the take line itself by the applicant. Paved parking is not the ideal usage for the take line area at the main entrance to the City.

4. Restroom Facilities

The current proposal does not provide restroom facilities for the beach area within the take line area. The need for these facilities would be met when and if the proposed deck and bathroom facilities south of Henry Africa is submitted and approved.

5. Beach Maintenance

The applicant plans to install sand one foot deep in the designated areas. There will over time be sand loss due to erosion through wind and rain. No specific physical barriers to help stop the erosion are indicated.

6. Beach Activities and Special Events

The applicant currently envisions only limited use of the beach area directly. It is viewed primarily as landscaped area with some actual activity in the area of the volleyball courts. The problem is that there is no way to prohibit use of the area by people for lake viewing, sunbathing, picnicking, or other activities unless we prohibit such activities and sign the area so that people are aware of what activities are not permitted. Currently the only activities that would not be permitted are camping, loitering, lighting fires, swimming, and consumption of alcoholic beverages.

AGENDA NOTES
P&Z 89-16-CUP

7. That the Concession Contract for use of the takeline be a three party contract between the City, the applicant, and the owner/developer of PD-7, and that the contract contain all of the provisions included in any CUP that may be granted for use of the takeline. The Concession contract should be between the property owner and the City with the tenant A number of the above conditions will require the concurrence and support of both the operator and the landowner to accomplish. It is our understanding that Rob Whittle does wish to be a party to the contract.

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date:

May 25, 1989

Agenda No: II.A.

Agenda Item:

Continue Public Hearing and Consider Approval of a Request from Michael Stephenson for a CUP for a Recreational Development in Agricultural Zoning

Item Generated By:

Applicant

Action Needed:

Continue the public hearing and take any necessary action on the request

Background Information:

The Commission tabled this request at your last meeting in order to allow an opportunity to meet with the City of Dallas to discuss their concerns regarding the request and to provide the applicant some time to review the initial recommendations regarding this request. We have reviewed the recommendations with the applicant and we have also met with the City of Dallas. Dallas has indicated that they are now not opposed to the request going forward, although they have not indicated whether they will ultimately approve the proposal. If the request is approved by the City it will then be forwarded to Dallas for their formal consideration. They were able to gain enough information about the project to indicate that the request could proceed.

We also reviewed the recommendations with the applicant. The biggest area of concern was the question of parking. The applicant was opposed to placing parking on the take line for several reasons. One is that access to the take line without going through private property would be difficult and expensive. Another is that if parking is placed in the take line it will detract from the private property adjacent to the take line. They were also concerned that the parking demand could be considerably less than the 80 spaces that were discussed in the recommendations. As an alternative we would propose that the CUP be issued for a period of one year and that during that year the parking requirements could be evaluated. If the permit is renewed a requirement for additional parking could be made if it is determined that it is necessary. If additional parking is required its location would have to be submitted and approved at that time.

In response to the other conditions included in the original recommendations the following comments were made:

1. Security - the applicant plans to have security in the area. He indicated that he has planned to utilize college students for this purpose.
2. Signage - there were no specific comments regarding the required signage.
3. Parking - addressed above
4. Bathroom facilities - the application for the deck including the bathroom facilities has been submitted. They would like to install the beach as soon as it is approved. The approval of the deck would be several weeks later. The condition could be stated that permanent bathroom facilities will be provided within 45 days of their approval. The applicant would like to be able to utilize portable facilities until the permanent facilities are complete.
5. Retaining wall - the applicant plans to dig out the sand area which would retain the sand just as a retaining wall. The installation of the sand with either a retaining wall or excavation should be a condition of approval.
6. Activities - no specific comment was made by the applicant regarding this recommendation.
7. Three party contract - this was agreed to by all parties.

Attached are copies of the original notes and reductions of the site plan.

Attachments:

1. Original Notes
2. Site Plan

Agenda Item:

CUP - Henry Africa

Item No: II.A.

AGENDA NOTES
P&Z-89-16-CUP CONT'D

This is considered the primary entrance into the City and any improvements that are proposed in this area need to meet high standards both in installation and maintenance. If the Commission wishes to recommend approval of this request our recommendations are as follows:

1. That the applicant be required as a part of the CUP and as a part of the Concession contract with the City to provide adequate on site security to enforce all restrictions applicable to the beach area during the hours the beach area is open. Hours of operation for the beach area should be established by ordinance.
2. The applicant should provide and maintain all required signage to identify the hours and use of the area. Such signage and the materials used to construct such signage should be approved by the City.
3. The applicant may be allowed to utilize the remaining currently unused 100 parking spaces but those spaces must be installed prior to installing the beach area. As the existing parking is utilized the applicant shall install an equal number of spaces within the takeline, up to a maximum of 80 spaces. Prior to installation of the beach the applicant shall submit a detailed parking lot plan for the permanent parking within the takeline. Such parking shall consist of 80 parking spaces utilizing paving materials that allow the growth of grass, and the planting of trees within the parking lot equal to one tree for every ten spaces, and permanent irrigation for the parking lot. The use of the beach shall be monitored over a period of one year and if the parking demand requires an average of fewer spaces than required the total number of permanent required spaces may be reduced by the Planning and Zoning Commission and City Council. If the adjacent commercial property should develop prior to the expiration of a year, the applicant shall install the required parking unless such requirement is reduced by the Planning and Zoning Commission and City Council.

This requirement for 80 spaces is based on the fact that the required parking will reduce the proposed beach area by approximately 1/2.

4. Any approval should be subject to the submission and approval of the bathroom facilities prior to the construction of the beach and construction of the restrooms within 45 days of final approval.
5. The applicant should be required to develop plans to be approved by the City staff for retainage of the sand by installation of small retaining walls, railroad ties or some other approved method to be constructed when the beach is installed. The applicant should also be required to maintain the level of sand in the designated beach area. Additionally, the applicant should be required to maintain the natural areas and ensure that they stay alive or replace any material that should die.
6. The CUP should be issued only for the placement of two volleyball courts and beach area. While we would encourage activities within the takeline, in order to ensure that adequate facilities are provided we would recommend that if the applicant proposes special events such as volleyball tournaments or festivals in this area all such special events should be submitted and approved by the Park and Recreation Director 30 days prior to any event. Any additional facilities must be approved by the Planning and Zoning Commission and City Council as an amendment to the site plan. Such approval may be granted without holding additional hearings.

**CITY OF ROCKWALL
COUNCIL AGENDA**

AGENDA DATE: June 5, 1989

AGENDA NO: V. E.

AGENDA ITEM: P&Z 89-16-CUP - Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Michael Stephenson for a Conditional Use Permit for a Recreational Use in "Ag" Zoning to be Located on a Portion of the City of Dallas Takeline South of I-30(1st reading)

ITEM GENERATED BY: Applicant, Michael Stephenson

ACTION NEEDED: • Hold public hearing and action on proposed ordinance granting request.

BACKGROUND INFORMATION:

We have received a request from Michael Stephenson for a CUP for a proposed recreational development to be located along the Dallas Takeline adjacent to the Henry Africa Restaurant. The proposal consists of the following improvements:

1. Installation of approximately 55,000 sq. ft. of sand along the takeline to create a beach. A strip of 30 ft. along the shoreline would remain in existing vegetation to reduce erosion and to encourage people to stay on the sand area. In addition, there is an existing area of trees that would not be altered with sand. Approximately 55,000 sq. ft. of existing vegetation would remain unchanged.
2. Two sand volleyball courts are proposed to be placed due west of Henry Africa. These courts would be available for use at all times by the public and the applicant plans several events in the area each year. The planned activities would be managed by the applicant, who is the owner of Henry Africa. Other improvements, including a deck area and restroom facilities, are also being planned by the applicant on the private property to the south of Henry Africa. The site plan included in your packet identifies these improvements but they have not yet been formally submitted for approval.

There are several issues that have been identified regarding this application and they are discussed below:

1. Public Access

This area is within the Dallas takeline and there are several restrictions that will apply because it is on City of Dallas property. The takeline area is leased to the City of Rockwall for public park and recreation purposes. If any of the take line is improved it must be open to the public and it must be for park or recreation purposes. Not only will patrons of the commercial development adjacent to the beach utilize this area, but anyone else may as well. There are potential police problems that could occur in this area, especially during hours when the businesses are not open. The applicant would have to enter into a contract with the City and as the Concessionaire he will be responsible for controlling activities on the beach. This does not mean, however, that we can expect there will be no enforcement activities required from the Police Department. The applicant is agreeable to providing private security forces to enforce rules and ordinances.

2. Coordination with City of Dallas

As mentioned above, this proposal is on property owned by the City of Dallas and they must grant approval of the request as well as the City of Rockwall. The Staff and the applicant have met with representatives of the City of Dallas to discuss the concerns that they have regarding the application. The City of Dallas has concerns about the public access of the property, the volume of activity that may occur on the site, and the potential increase in erosion that might occur with activity on the beach. Because it is on the City of Dallas property and because it will be designated a public park, alcoholic beverage consumption will not be allowed. Enforcement of this provision is also of concern to Dallas. Officials from Dallas also insist upon clear signage indicating that this area will be a public park. SEE NEXT PAGE

ATTACHMENTS: 1. Location Map
2. Site Plan

AGENDA ITEM: Henry Africa CUP

ITEM NO: V. E.

3. Parking

The Staff originally considered requiring that additional parking be constructed to meet demand created by this facility. This approach was reconsidered for several reasons: 1) Due to the nature of the site additional area to build parking will be either limited to the takeline or will result in inability to construct facilities on lots already platted. Construction of parking inside the takeline will greatly diminish aesthetics in the area. 2) Parking demand for such a facility is unknown. There is no basis for calculating the number of spaces required for such a unique facility. 3) The Whittle Development Company office building next door is now under construction. This building and its accompanying parking will not be in use during peak beach use times - weekends and evenings.

An alternative is to issue a Conditional Use Permit for a limited time so that parking needs can be determined through usage. If actual operation indicates a need for more parking, it can be added upon CUP renewal.

4. Restroom Facilities

The application for the deck including the restroom facilities has been submitted. They would like to install the beach as soon as it is approved. The approval of the deck would be several weeks later. The condition could be stated that permanent restroom facilities will be provided within 45 days of the approval or denial of the deck request. The applicant would like to be able to utilize portable facilities until the permanent facilities are complete.

5. Beach Maintenance

The applicant plans to install sand one foot deep in the designated areas. He also proposed to hold the sand in place by excavating the area and placing the sand in the "bowl" that will be created. Provision for replacement of sand lost due to wind and rain should be made.

6. Activities and Special Events

The CUP should be issued only for the placement of two volleyball courts and beach area. While we would encourage activities within the takeline, in order to ensure that adequate facilities are provided we would recommend that if the applicant proposes special events such as volleyball tournaments or festivals in this area all such special events should be submitted and approved by the Park and Recreation Director 30 days prior to any event. Any additional facilities must be approved by the Planning and Zoning Commission and City Council as an amendment to the site plan. Such approval maybe granted without holding additional hearings.

7. Concession Contract

A Concession Contract for use of the takeline should be a condition of granting the CUP. This should be a three party contract between the City, the applicant, and the owner/developer of PD-7, and should contain all of the provisions included in any CUP that maybe granted for use of the takeline. The Concession Contract should be between the property owner, the City and the tenant. A number of the above conditions will require the concurrence and support of both the operator and the landowner to accomplish. It is our understanding that Whittle wishes to be a party to the contract.

8. Other Factors

The Council has been notified by copy of the City Manager's letter to Mr. Stephenson that a violation of the Zoning Ordinance and trespass have occurred when the applicant placed sand in the area under consideration and sponsored volleyball games at the location on the weekend of May 20-21. Upon notification of the violation the applicant discontinued the use and did not permit use of the sand over the Memorial Day Weekend. This was accomplished by the applicant's placing a sign on the sand which stated "No Volleyball Today by order of the City of Rockwall".

These events may be related to the likelihood of applicant's conformance to the terms of any agreement outlined in No. 7 above.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission considered the application on May 25th and voted 7-0 to recommend approval with the following conditions:

1. that the CUP would be issued for a period of one year from the date of final approval by the City of Dallas at which time the need for more parking could be addressed as well as the applicant's compliance with other approval conditions

2. licensed security guards must be provided during the hours of operation to insure that the ban on alcoholic beverages and other rules and ordinances are enforced. At least one uniformed security personnel must be on the beach at all times
3. that if drainage becomes inadequate the applicant will be required to make improvements acceptable to the Cities of Rockwall and Dallas
4. until development of the unbuilt adjacent lots, fencing acceptable to the City of Rockwall will be required to secure the beach and takeline area from vehicular traffic
5. signage must be provided that specifies hours of operation and prohibits swimming and possession of alcohol
6. within 45 days from date of final action in the CUP request for construction of a deck on the adjacent property restroom facilities will be provide, and until such date temporary portable restrooms will be allowed at a location to be designated by the City
7. that a concession contract for the use of the takeline be entered into between the City, the applicant, and the owner/developer of PD-7, and that the contract include all of the provisions included in the CUP
8. that the CUP may be withdrawn if the terms of the ordinance and/or contract are not met or in the event that excessive traffic, disruptive behavior or property damage result from operation of the facility
9. that the Conditional Use Permit shall take effect upon final approval of the application by the City of Dallas.

PLANNING AND ZONING ACTION SHEET

Applicant MICHAEL STEPHENSON Case No. 89-16-CUP
Property Description Takehome by HENRY AFRICA
Case Subject Matter CUP FOR REC USE IN Ag ZONING

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>MAY 11</u>	_____	_____	_____
Conditions _____			

Date to City Council <u>JUNE 5</u>	_____	_____	_____
Conditions _____			

Ordinance no. _____ Date _____

ITEMS IN FILE

Zoning Cases

____ Application
____ Site Plan
____ Filing Fee
____ Notice to Paper
____ Notice to Residents
____ List of Residents Notified
____ Residents' Responses
____ Consultant's Review
____ Agenda Notes
____ Minutes
____ Ordinance
____ Correspondence
____ Applicant Receipts

Plat/Site Plan Cases

____ Application
____ Filing Fee
____ Plat/Plan
____ Engineer's Review
____ Consultant's Review
____ Agenda Notes
____ Minutes
____ Correspondence
____ County File Number
____ Applicant Receipts

PUBLIC NOTICE

The Planning and Zoning Commission will hold a public hearing at 7:30 P.M. on the 11th day of May, 1989, in City Hall, 205 W Rusk, Rockwall, TX, at the request of Henry Africa, Inc. for the purpose of receiving public comment and to consider approval of a Conditional Use Permit for a recreational use in an Agricultural zoning category on the property described as being adjacent to Henry Africa, 203 I-30 east and being further described as

STATE OF TEXAS
COUNTY OF ROCKWALL

BEING a tract or parcel of land situated in the M. J. Barksdale Survey, Abstract No. 11, City of Rockwall, Rockwall County, Texas, said tract of land further being that part of the shore line land leased to the City of Rockwall by the City of Dallas that lies between the following described Take Line and the 435.5 Elevation, said Take Line being more particularly described as follows:

BEGINNING: At the point of intersection of the East Take Line of Lake Ray Hubbard with the South Right-of-Way Line of I. H. 30, said point being located S 60° 23' 10" W from the original Take Line Monument X-26-8 and also being the Northwest corner of Rockwall Harbor - Phase One, an Addition to the City of Rockwall filed in Slide C at Page 29, Plat Records, Rockwall County, Texas;

THENCE: S 21° 47' 59" E with said East Take Line a distance of 368.32 feet to the Southwest corner of Lot 4, Block A of Rockwall Harbor - Phase One, said point being located 109.89 feet N 21° 47' 59" W from Take Line Monument No. X-26-7

As an interested property owner, it is important that you attend this hearing or notify the Commission of your feeling in regard to the matter in writing. The decision of the Planning and Zoning Commission will be a recommendation for approval or denial which will be forwarded to the City Council for a final decision. In replying please refer to Case Number P&Z 89-16-CUP.

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, May 11, 1989 at 7:30 P.M. in City Hall, 205 W Rusk, to consider approval of the following:

1. a request from Michael Stephenson for a Conditional Use Permit for a recreational use within an "Agricultural" zoning category to be located along Lake Ray Hubbard south of I-30 adjacent to the Henry Africa Restaurant described as Lot 4, the Harbor Phase One
2. a request from Phillip Williams for a change in zoning from "A" Agricultural to "C" Commercial on approximately 13 acres located south of I-30 off Horizon Road and west of FM-740
3. a request from George J Nabholtz III for a change in zoning from "C" Commercial to "LI" Light Industrial on 16.43 acres located off the south service road of I-30, east of SH-205, and west of High School Road

HENRY AFICA

CITY OF DALLAS
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DALLAS 75201

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