

95-67-FP

FILE COPY

Page 1 of 4

City of Rockwall (3/87)

APPLICATION AND FINAL PLAT CHECKLIST

Date December 19, 1995

Name of Proposed Development ROLLING MEADOWS ESTATES

Name of Developer BOB SANDLIN

Address 12900 Preston Road, Suite 1218, Dallas, Texas Phone 214-392-7990

Owner of Record PEGASUS PALACE, INC.

Address 12900 Preston Road, Suite 1218 Phone 214-392-7990

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

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

Total Acreage 83.855

Current Zoning Agricultural

Number of Lots/Units 18

Signed [Signature]

The Final Plat shall generally conform to the Preliminary Plat, as approved by the City Council and shall be drawn to legibly show all data on a satisfactory scale, usually not smaller than one inch equals 100 feet. The Final Plat shall be submitted on a drawing which is 18" x 24".

The following Final Plat Checklist is a summary of the requirements listed under Section VIII of the Rockwall Subdivision Ordinance. Section VIII should be reviewed and followed when preparing a Final Plat. The following checklist is intended only as a reminder and a guide for those requirements.

Information

<u>Provided of</u>	<u>Not</u>
<u>Shown on Plat</u>	<u>Applicable</u>

X

1. Title or name of development, written and graphic scale, north point, date of plat and key map

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  X                        \_\_\_\_\_

2. Location of the development by City, County and State.

Page 2 of 4

  X                        \_\_\_\_\_

3. Location of development tied to a USGS monument, Texas highway monument or other approved benchmark

  X                        \_\_\_\_\_

4. Accurate boundary survey and property description with tract boundary lined indicated by heavy lines

\_\_\_\_\_

5. If no engineering is provided show contours of 5 ft. intervals

  X                        \_\_\_\_\_

6. Accurate plat dimensions with all engineering information necessary to reproduce plat on the ground

\_\_\_\_\_

7. Approved name and right-of-way width of each street, both within an adjacent to the development

\_\_\_\_\_

8. Locations, dimensions and purposes of any easements or other rights-of-way

  X                        \_\_\_\_\_

9. Identification of each lot or site and block by letter and number and building lines

  X                        \_\_\_\_\_

10. Record owners of contiguous parcels of unsubdivided land, names and lot patterns of contiguous subdivisions, approved Concept Plans, reference recorded subdivision plats or adjoining platted land by record name and by deed record volume and page

  X                        \_\_\_\_\_

11. Boundary lines, dimensions and descriptions of open spaces to be dedicated for public use of the inhabitants of the development

  X                        \_\_\_\_\_

12. Certificate of dedication of all streets, alleys, parks and other public uses signed by the owner or owners (see wording)

- |              |       |  |
|--------------|-------|--|
| _____        | _____ | 13. Designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the City of such responsibility, a waiver releasing the City for damages in establishment or alteration of graded (see wording) |
| _____        | _____ | 14. Statement of developer responsibility for storm drainage improvements (see wording)  |
| <u>  X  </u> | _____ | 15. Instrument of dedication or adoption signed by the owner or owners (see wording)   |
| <u>  X  </u> | _____ | 16. Space for signatures attesting approval of the plat (see wording)  |
| <u>  X  </u> | _____ | 17. Seal and signature of the surveyor and/or engineer responsible for surveying the development and/or the preparation of the plat (see wording)  |
| _____        | _____ | 18. Compliance with all special requirements developed in preliminary plat review  |
| _____        | _____ | 19. Statements indicating that no building permits will be issued until all public improvements are accepted by the City (see wording)   |
| <u>  X  </u> | _____ | 20. Submit along with plat a calculation sheet indicating the area of each lot   |
| _____        | _____ | 21. Attach copy of any proposed deed restrictions for proposed subdivision   |

- |              |       |  |
|--------------|-------|--|
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FILE COPY

Page 4 of 4

Taken by: \_\_\_\_\_

File No.: \_\_\_\_\_

Date: \_\_\_\_\_

Fee: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

PUBLIC NOTICE

FILE COPY

The **City of Rockwall Planning and Zoning Commission** will hold a public hearing on **January 9, 1996 at 7:00 p.m.**, at **City Hall, 205 W. Rusk**, in the City Council Chambers and the **Rockwall City Council** will hold a public hearing on **January 15, 1996 at 7:00 p.m.** at **City Hall, 205 W. Rusk**, in the City Council Chambers to consider the following items:

- 95-64-Z/RP** A request from Ashton Custer, LLC for a Replat for Turtle Cove Addition and revised area requirements in PD-2 (Turtle Cove) generally located on the north and south side of Turtle Cove Blvd approximately 800' west of F.M. 740.
- 95-51-Z** A request from Harbor Bay, LP and Albright Properties for a revised Planned Development, revised Development Plan and Preliminary Plat for Planned Development - 15, Signal Ridge Ph. 4 and PD- 22 for the Harbor Bay Addition and generally located south and west of Clarion Drive.
- 95-66-CUP** A request from AT&T for a Conditional Use Permit for a cellular tower and antenna in the Rockwall OT lot WPT of 3 Block M at 106 and 108 Rusk Street currently zoned Central Business District and generally located at southeast corner of Rusk Street and Goliad Street.
- 95-67-FP** A request from Tipton Engineering for a Final Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of F.M. 549 approximately 1,700' north of I-30.
- 95-68-CUP** A request from Adams Engineering on behalf of Wal-mart Inc. for a Conditional Use Permit for less than 90% masonry (as defined by the Zoning Ordinance) on exterior walls for approximately 27 acres on property zoned Commercial known as Wal-Mart Supercenter Addition Lot 2 Block A, currently platted as the Goldencrest Addition, Rockwall Plaza Addition and a portion of the Rockwall High School Addition and generally located on the northeast corner of I-30 and White Hills Drive.
- 95-70-PP/SP** A request from Mike Foster for a Preliminary Plat and Site Plan for a day care center on approximately 2.2 acres of land in the B.F. Boydstun Survey Abstract 14 zoned General Retail and generally located on the west side of North Lakeshore Drive 500' north of S.H. 66.

## Public Notices

### PUBLIC NOTICE

The Rockwall City Council will hold a public hearing on **January 8, 1996 at 7:00 p.m.** at City Hall, 205 W. Rusk, in the City Council Chambers to consider the following items:

Consider an amendment to the Comprehensive Land Use Plan and Thoroughfare Plan. This plan will set the long range vision for the development of the City of Rockwall.

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95-67-FP

## TIPTON ENGINEERING, INC.

ENGINEERING • SURVEYING • PLANNING

4180

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

December 19, 1995

FILE COPY

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

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

Dear Mr. Crolley:

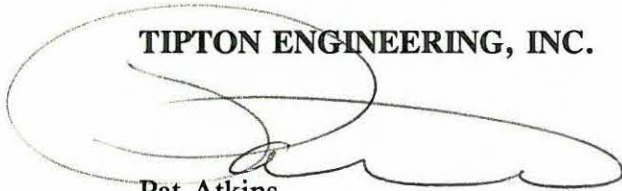
We are attaching the following items for submittal on the above-referenced project.

1. Final Plat Application
2. Twelve (12) folded blueline copies of the Final Plat
3. Filing fee check for \$242.00 was previously sent on November 21, 1995.

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

Sincerely,

**TIPTON ENGINEERING, INC.**

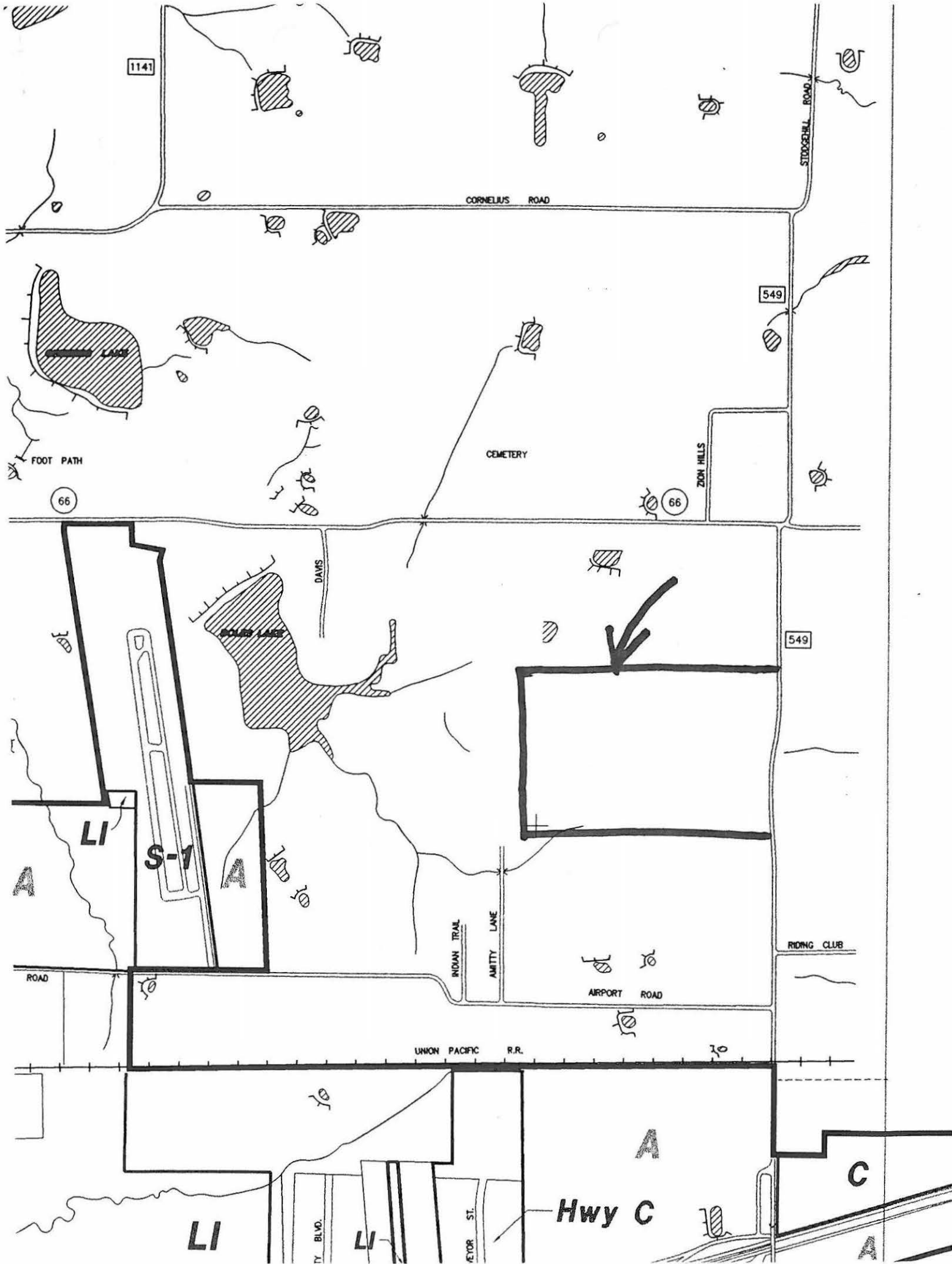


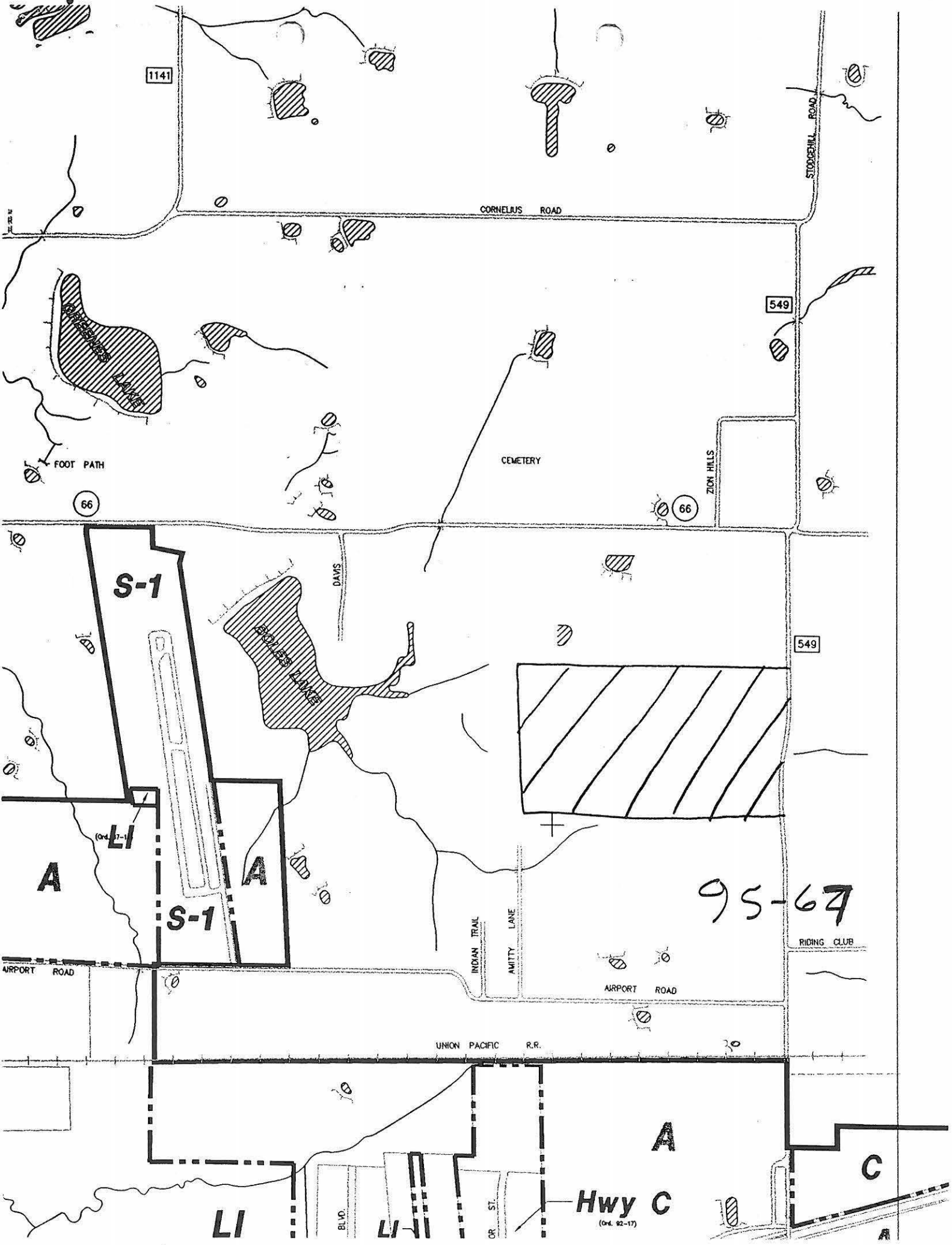
Pat Atkins  
President

PA:bt

Attachments







1141

CORNELIUS ROAD

STODDENHILL ROAD

549

FOOT PATH

66

CEMETERY

66

ZION HILLS

549

S-1

DAVIS

BOULEVARD

(Ord. 17-1)

A

A

S-1

95-67

RIDING CLUB

AIRPORT ROAD

INDIAN TRAIL

AMITY LANE

AIRPORT ROAD

UNION PACIFIC R.R.

A

C

LI

BLVD.

LI

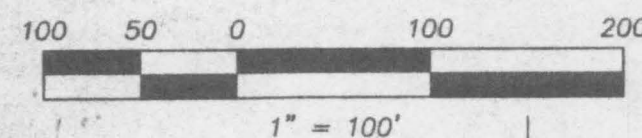
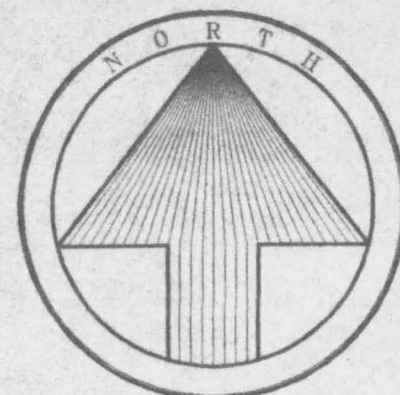
OR ST.

Hwy C

(Ord. 92-17)

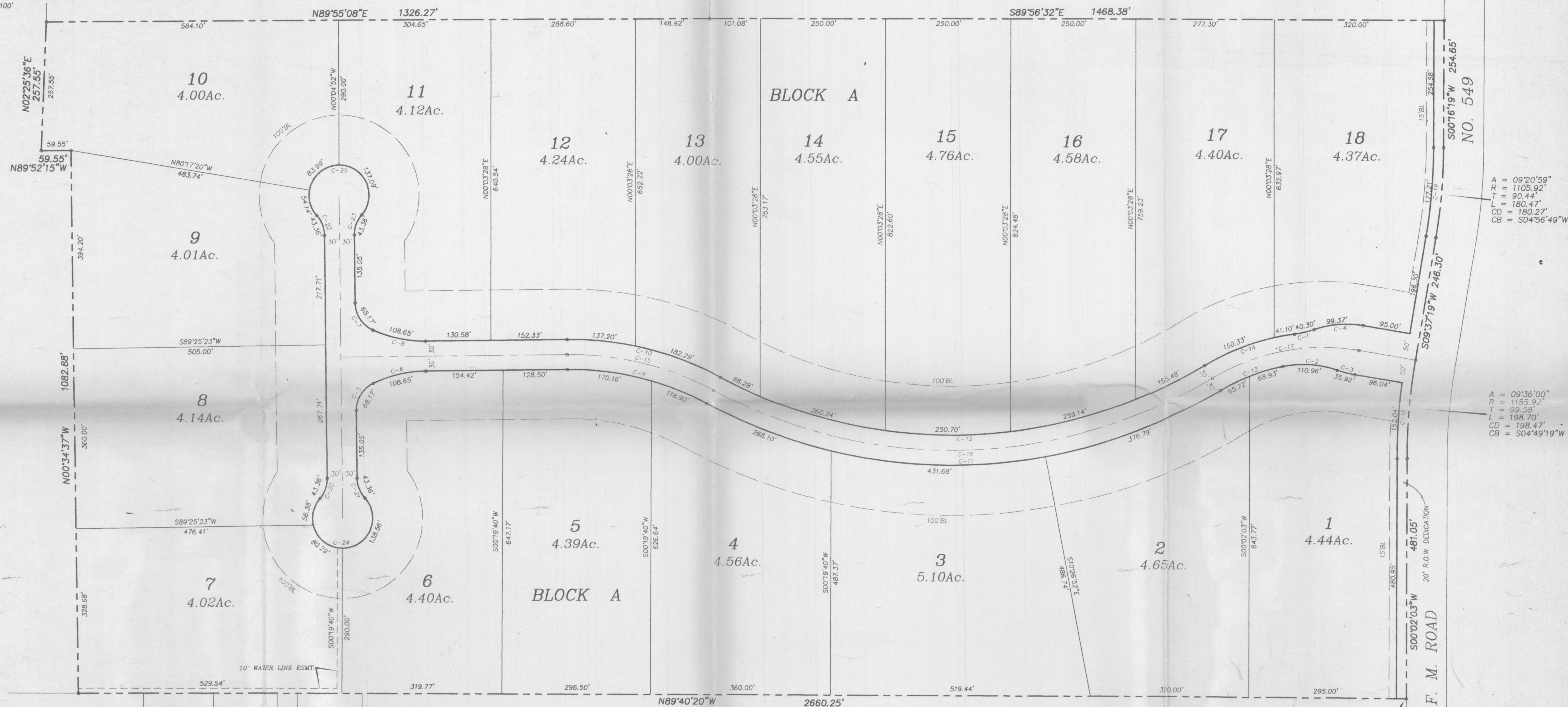
A





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

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



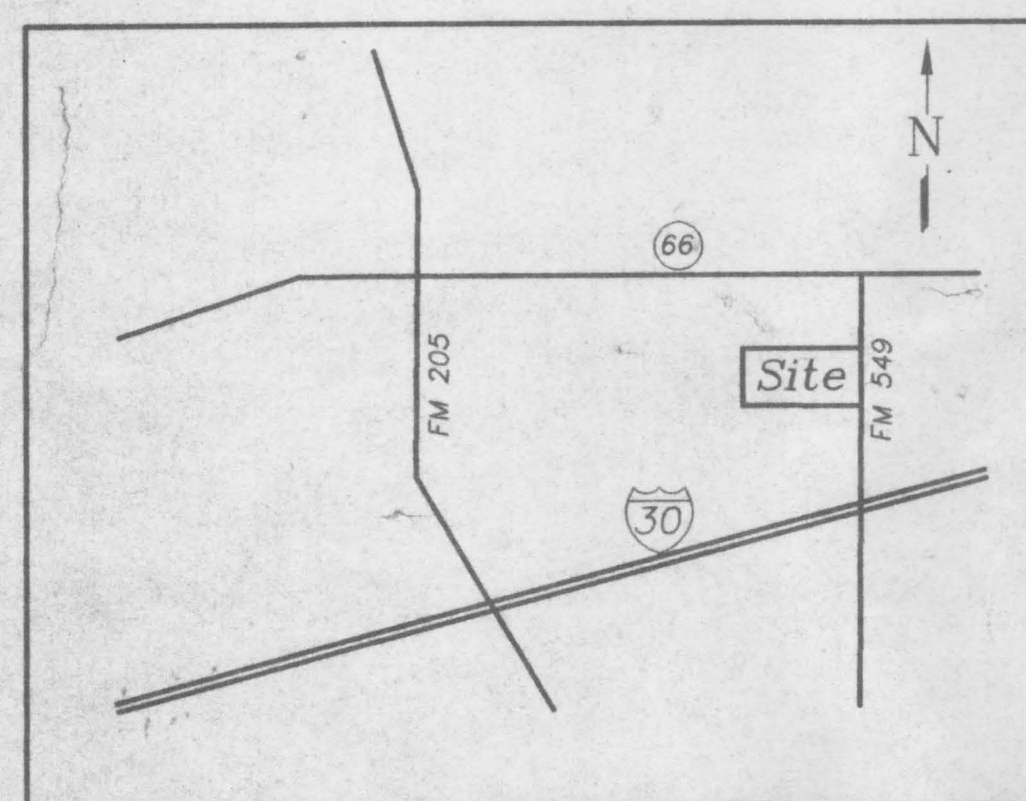
A = 09°20'59"  
R = 1105.92'  
T = 90.44'  
L = 180.47'  
CD = 180.27'  
CB = 504°56'49"W

A = 09°36'00"  
R = 1185.92'  
T = 99.58'  
L = 198.70'  
CD = 198.47'  
CB = 504°49'19"W

57.26 AC.  
ROBERT A. HARTMAN

AIRPORT ACRES

GREENLEE ADD.



LOCATION MAP

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

FINAL PLAT  
**ROLLING MEADOWS ESTATES**

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

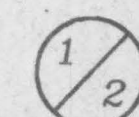
OWNER  
**ROLLING MEADOWS ESTATES JOINT VENTURE**  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230

DEVELOPER  
**ROBERT H. SANDLIN**  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230

ENGINEER/SURVEYOR

**TIPTON ENGINEERING, INC.**

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



95-67-FP



CURVE DATA

CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-1	200.00'	11°32'39"	20.22'	40.30'	40.23'	S76°55'37"W
C-2	200.00'	31°47'18"	56.95'	110.96'	109.54'	S85°58'52"E
C-3	200.00'	101°7'28"	18.01'	35.92'	35.87'	N75°13'57"W
C-4	200.00'	28°28'02"	50.73'	99.37'	98.35'	N85°23'18"E
C-5	60.00'	65°05'56"	38.30'	68.17'	64.56'	N31°58'21"E
C-6	250.00'	24°54'04"	55.20'	108.65'	107.80'	N76°58'21"E
C-7	60.00'	65°05'56"	38.30'	68.17'	64.56'	N33°07'35"W
C-8	250.00'	24°54'04"	55.20'	108.65'	107.80'	N78°07'35"W
C-9	570.00'	29°03'22"	147.71'	289.06'	285.97'	S76°02'56"E
C-10	630.00'	29°03'22"	163.26'	319.48'	316.08'	S76°02'56"E
C-11	1030.00'	59°53'11"	593.31'	1076.55'	1028.23'	S88°32'09"W
C-12	970.00'	59°53'11"	558.75'	1013.84'	968.33'	S88°32'09"W
C-13	395.00'	19°31'55"	67.99'	134.65'	134.00'	N68°21'31"E
C-14	455.00'	24°06'22"	97.15'	191.43'	190.02'	N70°38'45"E
C-15	600.00'	29°03'22"	155.48'	304.27'	301.02'	S76°02'56"E
C-16	1000.00'	59°53'11"	576.03'	1045.20'	995.28'	S88°32'09"W
C-17	425.00'	41°01'45"	159.02'	304.33'	297.88'	N79°06'27"E
C-18	1205.92'	07°13'25"	76.12'	152.04'	151.94'	N03°38'02"E
C-19	1085.92'	09°20'59"	88.80'	177.21'	177.01'	S04°56'49"W
C-20	60.00'	41°24'35"	22.68'	43.36'	42.43'	S20°07'40"W
C-21	60.00'	41°24'35"	22.68'	43.36'	42.43'	N21°16'54"W
C-22	60.00'	41°24'35"	22.68'	43.36'	42.43'	S21°16'54"E
C-23	60.00'	41°24'35"	22.68'	43.36'	42.43'	N20°07'40"E
C-24	60.00'	262°49'09"	68.03'	275.22'	90.00'	S89°25'23"W
C-25	60.00'	262°49'09"	68.03'	275.22'	90.00'	N89°25'23"E

STATE OF TEXAS )  
COUNTY OF ROCKWALL )

OWNERS CERTIFICATE

4180.FLD

WHEREAS, ROLLING MEADOWS ESTATES JOINT VENTURE, is the owner of a tract of land situated in the E.M. ELLIOT SURVEY, ABSTRACT NO. 77, and R.B. IRVINE SURVEY, ABSTRACT NO. 120, Rockwall County, Texas, and being all of the 83.610 acre tract of land described in a Warranty Deed from D. Jan Tyler and wife, Virginia Tyler, recorded in Volume 641, Page 77 of the Real Property Records of Rockwall County, Texas, and being more particularly described as follows;

BEGINNING at a 1/2" iron pin found for corner at the Northeast corner of the above cited tract of land in the West right of way line of F.M. Highway 549, said point also being the Southeast corner of a 44.615 acres tract of land described in a Warranty Deed from Jan Tyler to Michael J. Tyler, dated June 3, 1988, and being recorded in Volume 406, Page 69 of the Real Property Records of Rockwall County, Texas;

THENCE, S 00° 16' 19" W, along the West right of way of line of F.M. Highway 549, a distance of 254.65 feet to a 1/2" iron pin found for corner;

THENCE, in a Southwesterly direction along a curve to the right having a central angle of 09° 21' 00", a radius of 1105.92 feet, a tangent of 90.44 feet, a chord of S 04° 56' 49" W, 180.27 feet along said right of way line an arc distance of 180.47 feet to a 1/2' iron pin found for corner;

THENCE, S 09° 37' 19" W, along said right of way line a distance of 246.30 feet to a 1/2" iron pin found for corner;

THENCE, in a Southwesterly direction along a curve to the left having a central angel of 09° 36' 00", a radius of 1185.92 feet a tangent of 99.58 feet, a chord of S 04° 49' 19" W, 198.47 feet, along said right of way line an arc distance of 198.70 feet to a 1/2" iron pin found at corner;

THENCE, S 00° 02' 03" W, along said right of way line a distance of 481.04 feet to a 3/4" iron pipe found for corner at the southeast corner of said 83.610 acres tract;

THENCE, N 89° 40' 20" W, along the South line of said tract, a distance of 2660.25 feet to a 3/4" iron pipe found for corner at the base of a fence corner post;

THENCE, N 00° 34' 37" W, along a wire fence, a distance of 1082.88 feet to a 1/2" iron rod found for corner;

THENCE, N 89° 52' 15" W, along a wire fence a distance of 59.55 feet to a 1/2" iron rod found for corner at the base of a fence corner post;

THENCE, N 02° 25' 36" E, along a wire fence a distance of 257.55 feet to a 1/2" iron rod found for corner at the base of a fence corner post at the Northwest corner of said 83.610 acres tract;

THENCE, N 89° 55' 08" E, a distance of 1326.27 feet to a 1/2" iron pin found for corner at the Southwest corner of the above cited 44.615 acres tract of land;

THENCE, S 89° 56' 32" E, a distance of 1438.38 feet to the PLACE OF BEGINNING and containing 83.855 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That Rolling Meadows Estates Joint Venture does hereby adopt this plat designating the herein described property as Rolling Meadows Estates, an addition to Rockwall County, Texas and does hereby dedicate to the public use forever, the streets and easements as shown hereon.

ROLLING MEADOWS ESTATES JOINT VENTURE

By: \_\_\_\_\_

THE STATE OF TEXAS )  
COUNTY OF DALLAS )

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Rolling Meadows Estates Joint Venture and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, This \_\_\_\_\_ Day of \_\_\_\_\_, A.D. 1995

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

SURVEYORS CERTIFICATE

I, GREGORY A. MCCALL, Registered Professional Land Surveyor for Tipton Engineering, Inc., do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made \_\_\_\_\_, under my direction and supervision, and further certify that all corners are as shown thereon, and that said plat has been prepared in accordance with the platting rules and regulations of Rockwall County, Texas;

Date: This the \_\_\_\_\_ Day of \_\_\_\_\_, 1995.

TIPTON ENGINEERING, INC.

GREGORY A. McCALL  
Registered Professional Land Surveyor  
No. 4396

THE STATE OF TEXAS )  
COUNTY OF DALLAS )

BEFORE ME, the undersigned authority, on this day personally appeared Gregory A. McCall, whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said TIPTON ENGINEERING, INC., a Texas corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, This \_\_\_\_\_ Day of \_\_\_\_\_, A.D. 1995.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

RECOMMENDED FOR FINAL APPROVAL  
APPROVED

CHAIRMAN, PLANNING &  
ZONING COMMISSION

DATE

I hereby certify that the above and foregoing plat of a Replat of Chandlers Landing Phase 15, an addition to the City of Rockwall, Texas, was approved by the City Council of Rockwall on the \_\_\_\_\_ day of \_\_\_\_\_, 1995.

This approval shall be invalid unless the approval plat for such addition is recorded in the office of the County Clerk of Rockwall County, Texas, within one hundred twenty (120) days from said date of final approval.

Said addition shall be subject to all the requirements of the Platting Ordinance of the City of Rockwall.

Witness By Hand this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

Mayor, City of Rockwall

City Secretary, City of Rockwall

APPROVAL:

County Judge

Dosville Peoples, Commissioner  
Precinct #1

Dale Trout, Commissioner  
Precinct #2

Joe Florey, Commissioner  
Precint #3

Trey Chaney, Commissioner  
Precinct #4

FINAL PLAT  
ROLLING MEADOWS ESTATES

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

OWNER  
ROLLING MEADOWS ESTATES JOINT VENTURE  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230

DEVELOPER  
ROBERT H. SANDLIN  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230

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



DIANE FOLZENLOGAN  
VOL.110, PG. 148

BILLY W. PEOPLES  
VOL.128, PG. 316

ROBERT A. HARTMAN and wife  
BARBARA S. HARTMAN  
Vol. 224, Pg. 551

North West Corner of E.M.  
Elliott Survey Abstract No. 77  
Deed ~ 1343  
Vol. 774, Pg. 122  
1/2" iron pin found, from  
which a fence corner post  
bears N16°46'E a distance  
of 0.53 feet.

1/2" iron pin found, from  
which a fence corner post  
bears S17°36'W a distance  
of 1.31 feet.

1/2" iron pin found  
59.47'  
N89°51'15"W

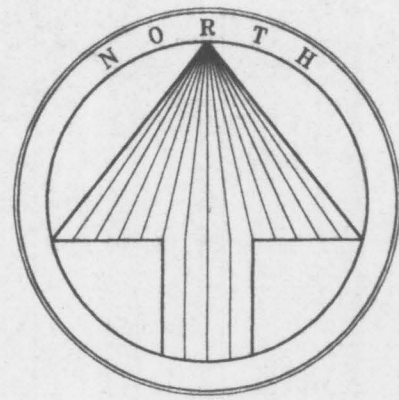
DAVID HARR SURVEY ~ ABSTRACT No. 102  
E.M. ELLIOTT ~ ABSTRACT No. 77

BILLY W. PEOPLES (1 1/2 Ac.)  
VOL.128, PG. 316

CONTROL MONUMENT  
3/4" iron pin found, from  
which a fence corner post  
bears N73°45'E a distance  
of 0.74 feet.

AIRPORT ACRES  
Unrecorded Subdivision

SCALE: 1" = 100'  
BEARINGS BASED ON THE SOUTH  
LINE OF THE SUBJECT TRACT DEED  
Volume 1072, Page 49



CAIN CEMETERY CORPORATION  
VOL.774, PG. 122

MICHAEL J. TYLER and  
MITCHELL J. TYLER  
VOL.406, PG. 69

1/2" iron pin found in rock road,  
from which a fence corner post  
bears N66°57'11"W a distance  
of 60.08 feet.

3/8" iron pin found  
1/2" iron pin found  
E.M. ELLIOTT ~ ABSTRACT No. 120  
R.B. IRVINE ~ ABSTRACT No. 1006  
N20°20'36"E  
234.46'

A = 09°21'04"  
R = 1105.92'  
T = 90.45'  
L = 180.50'  
CD = 180.30'  
CB = S04°57'12"W

A = 09°36'00"  
R = 1185.92'  
T = 99.59'  
L = 198.71'  
CD = 198.47'  
CB = S04°48'32"W

Wooden ROW Markers

CONTROL MONUMENT  
3/4" iron pin found, from  
which a fence corner post  
bears S83°23'W a distance  
of 1.90 feet.

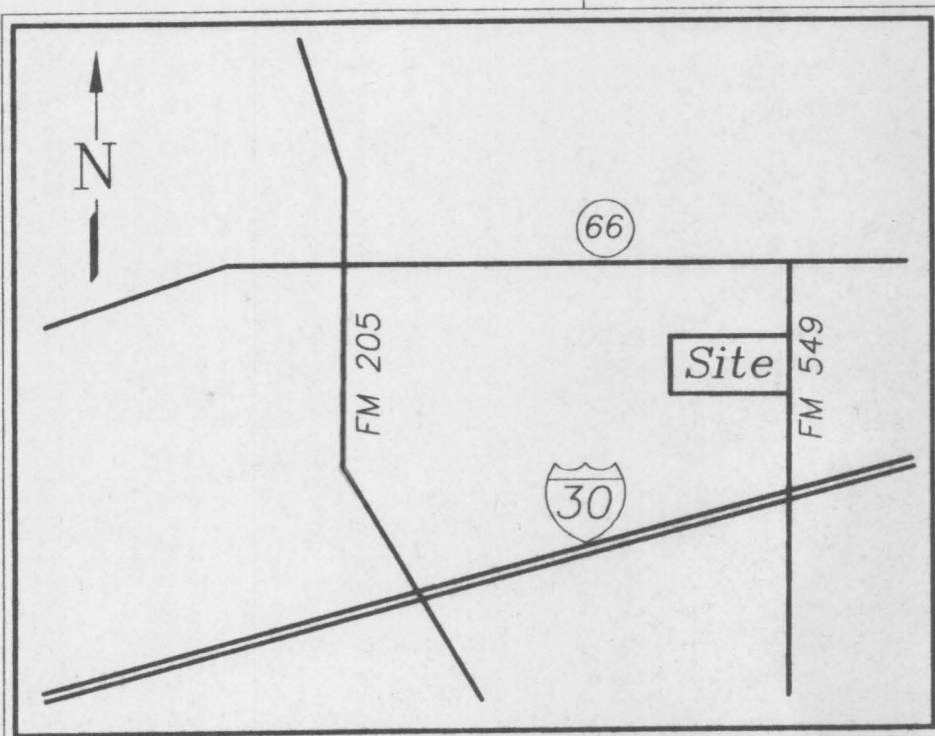
RG STEPHENS, JOSEPH FUNK  
and J.E. OVERALL, Jr.  
VOL. 97, PG. 420

FINAL PLAT  
ROLLING MEADOWS ESTATES

E. M. Elliott Survey, Abstract No. 77  
R. B. Irvine Survey, Abstract No. 120  
ROCKWALL COUNTY, TEXAS  
OWNER  
ROLLING MEADOWS ESTATES JOINT VENTURE  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230 ~ (214) 392-7990  
DEVELOPER  
ROBERT H. SANDLIN  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230 ~ (214) 392-7990  
ENGINEER/SURVEYOR  
TIPTON ENGINEERING, INC.  
6330 Belt Line Rd. ~ Suite C ~ Garland, Texas 75043  
(214) 226-2967

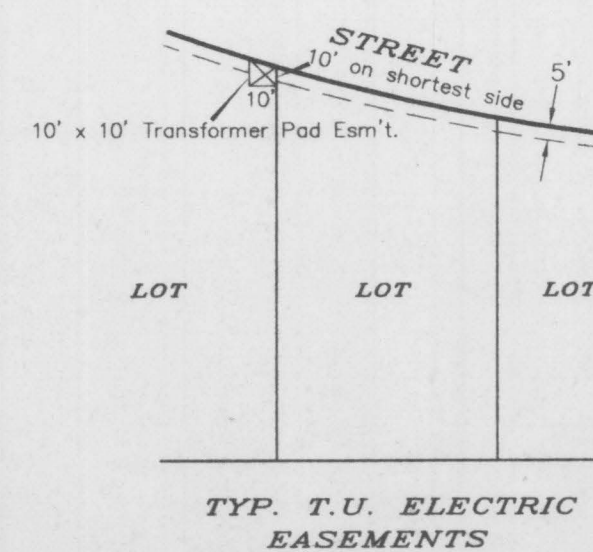
TIPTON ENGINEERING, INC.  
6330 Belt Line Rd. ~ Suite C ~ Garland, Texas 75043  
(214) 226-2967

05/08/96 (db) \ 4180



LOCATION MAP Not to Scale

Streets to be maintained by  
Rolling Meadows Home Owners Association



TYP. T.U. ELECTRIC  
EASEMENTS



C U R V E   D A T A

CURVE	RADIUS	DELTA	TANGENT	LENGTH	CHORD	BEARING
C-1	200.00'	12°11'43"	21.37'	42.57'	42.49'	S83°01'52"W
C-2	200.00'	30°55'25"	55.32'	107.94'	106.64'	S82°20'19"E
C-3	200.00'	13°30'04"	23.67'	47.13'	47.02'	N73°37'39"W
C-4	200.00'	22°41'19"	40.12'	79.20'	78.68'	N88°16'39"E
C-5	25.00'	90°00'00"	25.00'	39.27'	35.36'	N44°25'23"E
C-6	60.00'	262°49'09"	N/A	275.22'	90.00'	N89°25'23"E
C-7	25.00'	90°00'00"	25.00'	39.27'	35.36'	N45°34'37"W
C-8	60.00'	262°49'09"	N/A	275.22'	90.00'	N89°25'23"E
C-9	570.00'	29°03'22"	147.71'	289.06'	285.97'	S78°02'56"E
C-10	630.00'	29°03'22"	163.26'	319.48'	316.08'	S76°02'56"E
C-11	1030.00'	59°53'11"	593.31'	1076.57'	1028.23'	S88°32'09"W
C-12	970.00'	59°53'11"	558.75'	1013.84'	968.33'	S88°32'09"W
C-13	395.00'	23°36'24"	82.54'	162.75'	161.60'	N70°23'46"E
C-14	455.00'	30°32'09"	124.20'	242.49'	239.63'	N73°51'39"E
C-15	600.00'	29°03'22"	155.48'	304.27'	301.02'	S78°02'56"E
C-16	1000.00'	59°53'11"	576.03'	1045.21'	998.28'	S88°32'09"W
C-17	425.00'	41°01'45"	159.02'	304.33'	297.88'	N79°06'27"E
C-18	1205.92'	07°14'17"	76.27'	152.34'	152.24'	N03°37'41"E
C-19	1085.92'	09°21'05"	88.82'	177.24'	177.04'	S04°57'12"W
C-20	60.00'	41°24'35"	22.68'	43.36'	42.43'	S20°07'40"W
C-21	60.00'	41°24'35"	22.68'	43.36'	42.43'	N21°16'54"W
C-22	60.00'	41°24'35"	22.68'	43.36'	42.43'	S21°16'54"E
C-23	60.00'	41°24'35"	22.68'	43.36'	42.43'	N20°07'40"E

OWNERS CERTIFICATE

STATE OF TEXAS        )(

COUNTY OF ROCKWALL    )(

4180A.FLD

WHEREAS, ROLLING MEADOWS ESTATES JOINT VENTURE is the owner of a tract of land (subject tract) situated in the E.M. Elliot Survey, Abstract No. 77, and the R.B. Irvine, Survey, Abstract No. 120, Rockwall County, Texas according to the deed recorded in Volume 1072, Page 49 of the Deed Records of Rockwall County, Texas (DRRCT), the subject tract being more particularly described as follows;

BEGINNING at the Northeast corner of the subject cited tract of land in the West right of way line of F.M. Highway 549, said point also being the Southeast corner of a 44.615 acres tract of land described in a Warranty Deed from Jan Tyler to Michael J. Tyler, dated June 3, 1988, and recorded in Volume 406, Page 69 (DRRCT), a 1/2" iron pin found in a rock road at corner, from which a fence corner post bears N 66° 57' 11" W, a distance of 60.08 feet;

THENCE, In a Southerly direction and along the said F.M. Road No. 549 Westerly line, the following;

S 00° 17' 40" W, a distance of 254.53 feet to a 1/2" iron pin found for corner;

Around a non-tangent curve to the Right having a central angle of 09° 21' 04", a radius of 1105.92 feet and a chord bearing of S 04° 57' 12" W, an arc distance of 180.27 feet to a 1/2" iron pin found at corner;

S 09° 35' 05" W, a distance of 246.26 feet to a 1/2" iron pin found at corner, from which a wood right-of-way marker bears N 54° 11' 34" E, a distance of 111.35 feet;

Around a non-tangent curve to the Left having a central angle of 09° 36' 00", a radius of 1185.92 feet and a chord bearing of S 04° 48' 32" W, an arc distance of 198.71 feet to a 1/2" iron pin found at corner;

S 00° 04' 51" W, passing a wood right of way marker at a distance of 171.86 feet and continuing 308.82 feet to make a total distance of 480.68 feet to the Southeast corner of the subject tract, a 3/4" iron pipe found at corner, from which a fence corner post bears S 83° 23' W, a distance of 1.90 feet;

THENCE, N 89° 40' 20" W, along the South line of said subject tract and the North lines of the following tracts; a tract conveyed to R.G. Stephens, Joseph Funk, and J.E. Overall, Jr. by the deed recorded in Volume 97, Page 420 (DRRCT), along the Greenlee Addition, an addition to the County of Rockwall according to the final plat recorded in Cabinet A, Slide 151 (DRRCT), and along Airport Acres, an unrecorded addition in Rockwall County, a total distance of 2660.34 feet to a 3/4" iron pipe found at the subject tract Southeast corner, from which a fence corner post bears N 73° 45' E, a distance of 0.74 feet;

THENCE, Along the Westerly line of the subject tract and the Easterly line of those tracts of land conveyed to Billy W. Peoples by the deed recorded in Volume 128, Page 316 (DRRCT), the following;

N 00° 33' 59" W, near a wire fence, a distance of 1082.90 feet to a 1/2" iron pin found at corner, from which a fence corner post bears S 17° 36' W, a distance of 1.31 feet;

N 89° 51' 15" W, continuing near a fence, a distance of 59.47 feet to a 1/2" iron pin found at corner;

N 02° 28' 56" E, continuing near a fence, a distance of 257.40 feet to a 1/2" iron pin found at the subject tract Northwest corner, from which a fence corner post bears N 16° 46' E, a distance of 0.53 feet;

THENCE, N 89° 55' 22" E, near a fence and along the North line of the subject tract and the South line of a tract conveyed to Cain Cemetery Corporation by the deed recorded in Volume 774, Page 122 (DRRCT), a distance of 1326.03 feet to the Southeast corner of said Cain Cemetery Corporation tract, a 1/2" iron pin found at corner, from which a fence corner post bears N 24° 48' W, a distance of 0.95 feet;

THENCE, N 89° 55' 56" E, near a fence and along the North line of the subject tract and the South line of the previously mentioned Michael J. Tyler tract, a distance of 1468.50 feet to the PLACE OF BEGINNING with the subject tract containing 3,652,261± square feet or 83.844 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That Rolling Meadows Estates Joint Venture does hereby adopt this plat designating the herein described property as Rolling Meadows Estates, an addition to Rockwall County, Texas and does hereby dedicate to the public use forever, the streets and easements as shown hereon.

ROLLING MEADOWS ESTATES JOINT VENTURE

By: \_\_\_\_\_

THE STATE OF TEXAS        )(

COUNTY OF DALLAS         )(

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Rolling Meadows Estates Joint Venture and that he executed the same as the act of such Joint Venture for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, This \_\_\_\_\_ Day of \_\_\_\_\_ A.D. 1996

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

SURVEYORS CERTIFICATE

I, GREGORY A. MCCALL, Registered Professional Land Surveyor for Tipton Engineering, Inc., do hereby certify that the plat shown hereon accurately represents the results of an on-the-ground survey made 12/7/95, under my direction and supervision, and further certify that all corners are as shown thereon, and that said plat has been prepared in accordance with the platting rules and regulations of Rockwall County, Texas;

Date: This the \_\_\_\_\_ Day of \_\_\_\_\_, 1996.

TIPTON ENGINEERING, INC.

GREGORY A. McCALL  
Registered Professional Land Surveyor  
No. 4396

THE STATE OF TEXAS        )(

COUNTY OF DALLAS         )(

BEFORE ME, the undersigned authority, on this day personally appeared Gregory A. McCall, whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said TIPTON ENGINEERING, INC., a Texas corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND SEAL OF OFFICE, This \_\_\_\_\_ Day of \_\_\_\_\_, A.D. 1996.

NOTARY PUBLIC, IN AND FOR THE STATE OF TEXAS

RECOMMENDED FOR FINAL APPROVAL  
APPROVED

CHAIRMAN, PLANNING & ZONING COMMISSION        DATE \_\_\_\_\_

I hereby certify that the above and foregoing plat of Rolling Meadows Estates, an addition to the City of Rockwall, Texas, was approved by the City Council of Rockwall on the \_\_\_\_\_ day of \_\_\_\_\_, 1996.

This approval shall be invalid unless the approval plat for such addition is recorded in the office of the County Clerk of Rockwall County, Texas, within one hundred twenty (120) days from said date of final approval.

Said addition shall be subject to all the requirements of the Platting Ordinance of the City of Rockwall.

Witness By Hand this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

Mayor, City of Rockwall

City Secretary, City of Rockwall

APPROVAL:

County Judge

Dosville Peoples, Commissioner  
Precinct #1

Dale Trout, Commissioner  
Precinct #2

Joe Florey, Commissioner  
Precinct #3

Trey Chaney, Commissioner  
Precinct #4

F I N A L   P L A T  
**ROLLING MEADOWS ESTATES**  
E. M. Elliott Survey, Abstract No. 77  
R. B. Irvine Survey, Abstract No. 120  
**ROCKWALL COUNTY, TEXAS**

O W N E R  
**ROLLING MEADOWS ESTATES JOINT VENTURE**  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230 ~ (214) 392-7990

D E V E L O P E R  
**ROBERT H. SANDLIN**  
12900 Preston Road ~ Suite 1218 ~ Dallas, Texas 75230 ~ (214) 392-7990



ENGINEER/SURVEYOR  
**TIPTON ENGINEERING, INC.**

6330 Belt Line Rd. ~ Suite C ~ Garland, Texas 75043  
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## MINUTES OF PARKS AND RECREATION BOARD

January 2, 1996

The meeting was called to order by Chairman Maurice Waggoner with the following Board members present: Jack Horn, Joy Bowles, Phil Bishop, Nancy Goellner and Faron Young. Charles Wilson was absent.

The first order of business was the approval of the minutes from November 7, 1995. Bishop made a motion to approve the minutes. Bowles seconded the motion which was voted on and passed unanimously.

The Board heard request by Board member Horn for memorialization of park donations whether by land or cash. This item was brought before the Board on the meeting of November 12, 1995. Horn suggested meeting with area Probate Attorney's offices to discuss providing a brochure to be made available to the public for consideration of memorialization of donations whether by cash or land contributions. A copy of a sample brochure titled "A Gift of Life" by Baylor University Medical Center Foundation was provided to the Board. Horn provided an outline and asked that the Board review and make any adjustments needed and place this item on an next months agenda.

The Board reviewed a Final Plat submitted by Tipton Engineering for Rolling Meadows Estates located in the County (within the City ETJ). Crowley stated that during Preliminary Platting stages the proposal of street installation and placement of bar ditches along street raised concerns. Crowley discussed these issues with the Board and stated that this residential subdivision will be made a private development with privately owned and maintained streets and ditches.

The Board met with Nancy MacBeth, representing developers, on a Replat for Turtle Cove Blvd. Addition with the regard to the revised area requirements in PD-2 generally located on the north and south side of Turtle Cove Blvd. approximately 800' west of FM740. MacBeth stated that Paramount developers have revised a partial retrofit of existing streets. The Board reviewed the maintenance of the takeline with MacBeth. MacBeth stated that no other measurements including erosion control will be taken to maintain the takeline area except for mowing. The Board has shown concern with the recreational facility currently being leased by the City. MacBeth stated that Tom Hagan, Attorney for Paramount, is working on preparing an extenuation to the original contract for the City to continue use of the Turtle Cove Recreational Facility thru 1996 or later. MacBeth stated that this will be a private development with private streets and recreational facility. The Board reviewed the potential trail system with MacBeth and requested that the developer be provided with a copy of this plan for review

There being no further business to come before the Board the meeting was adjourned at 8:45 p.m.

## **City Of Rockwall Planning and Zoning Agenda**

**Agenda Date:** January 9, 1996

**Agenda Item:** **95-67-FP-** A request for a Final Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of F.M. 549 approximately 1,700' north of I-30.

**Applicant:** Tipton Engineering

**Action Needed:** Consider recommending approval of the request.

**Background Information:** The subject property consists of approximately 80 acres and 18 lots outside the city limit line. This property is in the city's extra-territorial jurisdiction(ETJ). Cities are only allowed to enforce subdivision regulations in their ETJ.

A preliminary plat was approved for this site in December. The final plat is in conformance with the preliminary. The applicant has also decided to make this a private development. The proposed streets will be built to county standards. The proposed streets will be concrete with open ditches for drainage. No city or county maintenance will be required in this private development. All street maintenance will be the responsibility of the Homeowners Association.

**Recommendation:** Staff recommends approval of this request.

1. Note be added to the plat stating this is a private development and streets will be maintained by the Homeowners Association.
2. Street name added.

**Agenda Item:** **95-67-FP**



**CITY OF ROCKWALL  
City Council Agenda**

**Agenda Date:** January 15, 1996

**Agenda No.** V.H.

**Agenda Item:** PZ-95-67-FP Consider Approval of a Request from Tipton Engineering for a Final Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of FM-549 approximately 1,700' north of I-30 and Take Any Necessary Action

**Item Generated By:**

**Action Needed:**

**Background Information:**

**Attachments:**

1. Copy of P & Z Information

## **City Of Rockwall City Council Agenda**

**Agenda Date:** January 15, 1996

**Agenda Item:** **95-67-FP-** A request for a Final Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of F.M. 549 approximately 1,700' north of I-30.

**Applicant:** Tipton Engineering

**Action Needed:** Consider recommending approval of the request.

**Background Information:** The subject property consists of approximately 80 acres and 18 lots outside the city limit line. This property is in the city's extra-territorial jurisdiction(ETJ). Cities are only allowed to enforce subdivision regulations in their ETJ.

A preliminary plat was approved for this site in December. The final plat is in conformance with the preliminary. The applicant has also decided to make this a private development. The proposed streets will be built to county standards. The proposed streets will be concrete with open ditches for drainage. No city or county maintenance will be required in this private development. All street maintenance will be the responsibility of the Homeowners Association.

**Recommendation:** Staff recommends approval of this request.

1. Note be added to the plat stating this is a private development and streets will be maintained by the Homeowners Association.
2. Street name added.

**P & Z Recommendation:** Approval with staff conditions.

**Agenda Item:** **95-67-FP**

# MINUTES OF THE ROCKWALL CITY COUNCIL

## JANUARY 15, 1996

### Call to Order

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

### Consent Agenda

A. Approval of Minutes of December 18, 1995.

B. Consider Approval of Revision to City's Sign Ordinance on Second Reading.

Crowley read Caption. White moved approval of the consent agenda. The motion was seconded by Buffington.

ORDINANCE \_\_\_\_\_

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

The motion passed unanimously.

### Appointments/Plats/Plans/Public Hearings

**Appointment with Nancy Glover to Hear Report from the City's Christmas Committee and Take Any Necessary Action.**

Nancy Glover came forward and thanked the Council and Mayor for the opportunity to present Songs of the Season this year and indicated that of the funds allocated to the Christmas Program, only one half of the funds were used. Glover requested approval to begin planning for next year's program, Songs of the Season. Glover also mentioned that she delivered trees donated by the Festival of Trees to areas of need in town and saw opportunity to recruit even more talent for next year. Couch encouraged the group to bring any requests for funding of next year's program to the City in time to include it in the budget process this summer.

50     **Appointment with Representative of Homeplace Properties, Ltd. To Request a Sign Variance and Take Any Necessary Action**

Don Bass of Homplace Properties came forward to request a temporary variance in the maximum sign height of the subdivision sign located at the entrance to Random Oaks at the Shores on SH 205. He indicated that the visibility of the sign was blocked by a brick and stone wall fence surrounding the subdivision. He stated that the fence limited the view of the sign from SH 205. He indicated that the current sign was 10 feet. Bass commented that the height of the wall, and the setback requirement caused the current sign to have only two feet of visibility over the screening wall. He requested a four foot increase which not make the sign totally visible, but would give it enough to attract some awareness of the subdivision. He indicated that he felt that the temporary variance would increase the marketability of the property and would bring in additional investment for the city. Bass indicated that the present sign was 8' by 18' and was only 2' off the ground. He commented that they were trying to lift it up to get about 3/4 of the sign visible. Welborn asked how long he felt that they would need to have the sign in place. Bass stated they would like to have 18 months. Welborn asked if they expected to be sold out by that time. Bass stated that they would at least have an awareness by that time and that 18 months would be an adequate amount of time. Morgan questioned staff about a similar request of about a year ago from D.R. Horton Homes that was granted. Couch indicated it was similar, however they wanted to raise the height of their sign due to terrain and that there was no retaining wall in that case.

Welborn moved approval of the variance for a period not to exceed 18 months, stating that it was permitted by the sign ordinance and was not without precedence. The motion was seconded by Morgan and it passed by a vote of 6 to 1 as follows:

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

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

Pat Friend was unable to attend. Billy Morris, a member of the P & Z Commission, was present and offered to answer any questions which might arise.

85     **PZ-96-5-Z Consider a Request from Tipton Engineering for Approval of Rezoning to change the Allowed Uses and Revised Planned Development Plan for Planned Development -10 to allow Single Family, Commercial, and Patio Home Planned Development Plan for a Portion of Planned Development 10 generally located on the East side of S.H. 205 South of S.H. 276 and Take Any Necessary Action.**

Morgan recused himself from discussion on this item. Bill Crolley reported that Staff and the Planning and Zoning Commission had been working and meeting with this applicant since October. Crolley reported that the case had been before the Planning and Zoning Commission and had been tabled twice by the City Council. He indicated that the first time it was tabled, there



95 had been a worksession with of the City Council to review the request with the applicant and there  
had been numerous meetings since with the applicant. Crolley summarized the history of the  
request. Coleson questioned Crolley regarding the acreage of Tract 1, and asked if it had a total  
of 81.0 acres with 245 lots at a density of 3.2 instead of 3.8 as indicated in the packet. Crolley  
1 indicated that was correct. Hatfield commented that this item had not been handled hastily and  
that from the initial request to now there had been changes in the development. Welborn made  
a motion to approve request as submitted. Welborn commented that there had been great  
cooperation on behalf of the applicant to reduce the density. Welborn mentioned that there was  
a very good amenity package, and that there was potential to make this a quality development.  
Luby indicated his discontent with the 6,000 square feet indicating that he was in favor of a  
105 minimum of 7,000 square feet and would be voting against it. Buffington seconded the motion.  
White indicated that he was still not comfortable with the request, citing the makeup of Tract 1,  
and would be voting against it. Luby requested the City Attorney to research the City's rights  
to determine what could be changed and how likely the City was to be sued if the Council did  
not like the density. Welborn requested a point of order. Mayor Hatfield approved. Welborn  
110 mentioned that there was a motion on the floor which had been seconded and questioned Luby as  
to whether this was in the nature of a discussion of the motion on the floor or instructional to the  
city as to the appropriate procedure as to zoning cases. Luby commented he was unsure.  
Welborn cautioned that the Council could lose the train of thought on this motion and second on  
this case.

115 Hatfield suggested that the Council vote on the motion and then obtain information from the City  
Attorney. Welborn commented that she too had the same misgivings regarding tract one and that  
her motion tabled the item last week. She stated that she felt that what was presented now had  
an average of 7,000 square feet. She commented that by not changing the zoning it gave some  
120 flexibility on cul-d-sacs, and with the inclusion of an anti-monotony clause she was satisfied with  
the proposal now. Hatfield interjected that this motion included all of the Planning and Zoning  
recommendations including the deed restrictions. Hatfield called for the vote, and the motion  
passed 4 to 2 as follows:

125 Ayes: Hatfield, Welborn, Coleson, Buffington  
Nayes: White, Luby

Hatfield excused himself from remainder of meeting due to business company. Hatfield indicated  
Dale Morgan, Mayor Pro Tem would take over. Hatfield asked the City Attorney, Pete Eckert,  
130 to give the Council an opinion regarding the rights of the developer and City in regards to these  
issues. Eckert stated that zoning was a major part of the Council's police powers concerning the  
general health, safety and general welfare of the community. He indicated that normally the  
Council had broad discretionary powers in that area subject to a challenge of the exercise of your  
police powers. He indicated that, if what the Council decided did not further the health, safety,  
1 and general welfare of the city, or it was arbitrary or capricious, it could be challenged. Eckert  
indicated that normally the court would not interfere and substitute its findings for those of the  
Council. Rather it would make other appropriate inquiries as to whether the decision that the  
Council made on its face constituted arbitrary or capricious action which would be based on the  
attendant facts.

140 Eckert provided the Council with some examples of case law on this issue and provided the  
Council with a summary of the process. Hatfield asked what would happen if the City said it  
did not want any more development. Eckert stated that moratoriums where there was a specific  
goal in mind, such as a traffic study that would impact the area in which the moratorium was  
145 issued for short periods of time, had been upheld. He stated however, that a broad moratorium  
with no specific purpose would not be upheld. Buffington questioned if impact studies would fall  
under the definition. Eckert stated they could be. Coleson asked what constituted a short period  
of time. Eckert indicated that normally 30 to 90 days. Welborn mentioned that when the city  
reached it's sewer capacity in 1985, the Council had a temporary moratorium on building permits  
pending a study. Eckert stated that those type of moratoriums had been upheld.

150 White asked about a moratorium in which the city desired to have some time to reexamine the  
PD's, before allowing any additional zoning to go forward. Eckert reviewed the process the City  
would follow, and he indicated during the review process no development plans or plats could be  
approved. White mentioned that he thought the City might want to consider this process because  
155 it seemed as though the City and Council were often stuck between bad zoning on a map and a  
proposal that comes in that is marginally better than what was originally zoned. He stated that  
he was tired of being caught between a rock and a hard place. Coleson asked if we would have  
to identify the areas the Council wanted to review. Eckert commented that the City had brought  
up several PD's in the past for review. Coleson asked if you could place a moratorium on the  
160 whole town, as opposed to just those particular areas. Eckert said that he would not advise  
placing a moratorium on the whole town. He stated that specific areas that had been zoned for  
some time and had no activity would be the prime targets. Luby asked if the Council was open  
to liability if they indicated that they did not want anything less than 7,000 square foot lots.  
Eckert indicated that it had to be based on facts as presented during the hearing process. He  
165 advised against making any broad statements. He stated that however, Texas law did recognize  
the fairly broad discretionary authority of the Council when it came to legitimate exercise of its  
police powers.

Hatfield mentioned that the City of Sunnyvale had recently spent \$1 million in legal expense.  
170 Welborn requested the City Attorney to discuss the relationship of the comprehensive land use  
plan and the zoning powers of the city. Eckert stated that the enabling statute says that "zoning  
must be in accordance with a comprehensive plan". He indicated that it had been long debated as  
to what a comprehensive plan was and that some cases stated that each time an amendatory zoning  
ordinance was passed that it changed your comprehensive plan. Eckert stated that if the basis for  
175 making a decision was that the plan was in effect and the City had gone through the hearing  
process and established the plan, then it had the ability to take the decision the City might make  
on an individual case out of the arbitrary and capricious category. He indicated that most cities  
have concluded that it was better to have a comprehensive plan on file.

180 Welborn asked for clarification regarding the recently adopted land use plan referencing the  
overall development goal of 3 units per acre, and she asked about the mix of residential types,  
or affordable housing. Couch mentioned that the plan addressed a different range of housing  
styles and types in appropriate areas. Welborn asked Eckert what would occur if a request met  
the 3 units per acre and the council did not approve it. She asked if that would be classified as

185 capricious and arbitrary behavior. Eckert indicated that it depended on the circumstances in the  
area. Eckert stated that the fact that the City might be overloading the schools was not an  
argument because they were a separate organization. He mentioned that the monotony issue had  
now come into play and was more prevalent in cities around the country. Coleson stated that the  
1 land use plan was not law, but was a guide. Coleson indicated that the recommended density was  
for 3 homes per acre, and he commented that the City had been running very close to those  
figures.

Hatfield left the meeting: Morgan returned to the Council Chambers.

195 **PZ-95-51-Z Hold Public Hearing and Consider Approval of an Ordinance Granting a  
Request from Harbor Bay, LP and Albright Properties for a Revised Planned  
Development, Revised Development and Preliminary Plat for Planned Development -  
15, Signal Ridge PH. 4 and PD-22 for the Harbor Bay Addition and generally located  
200 south and west of Clarion Drive and Take Any Necessary Action. (1st Reading)**

Morgan asked Couch if this item was tabled until February 5. She indicated that the Council  
needed to take action to continue the public hearing until that time. Morgan opened the Public  
Hearing. Welborn moved that the public hearing be continued at the February 5 meeting. The  
205 motion was seconded by Coleson. The motion passed with one abstention by Luby.

**PZ-95-64-Z/RP Hold Public Hearing and Consider Approval of a Request from Ashton  
Custer, LLC for a Replat of Turtle Cove Addition and Consider Approval of an  
Ordinance Revising the Area Requirements in PD-2 (Turtle Cove) generally located  
210 on the north and south side of Turtle Cove Blvd. Approximately 800' west of FM-740  
and Take Any Necessary Action (1st Reading)**

Crolley reviewed the current zoning and applicant's request stating that the prior plan had been  
for cluster type housing. He stated that the existing development was for homes clustered around  
215 courtyards. He indicated that the applicant was proposing a more traditional center loaded  
development. Crolley stated that it consisted of 52.7 acres and 259 single family lots. Crolley  
indicated that originally there were two requests as part of the application. The request had been  
to amend the planned development and area requirements of the PD and replat 63 lots based on  
proposed zoning. He also stated that originally it had been a private development with private  
220 streets and open space maintained by a homeowners association. He stated that the applicant  
proposed the same concept for development. Crolley advised that the plat was denied by Planning  
and Zoning therefore the only thing to be considered at this time would be a revision to the  
planned development. He gave an overview of the Staff Recommendations.

2. Crolley advised that since the plat and was denied by the Planning and Zoning Commission, a  
3/4 vote would be required for approval. Crolley discussed the area requirements and indicated  
differences between the existing zoning and that proposed by the Applicant. Coleson asked what  
the density was per acre. Crolley indicated that the zoning existing was between 5.2 and 5.8  
single family units. Crolley stated that the plat submitted showed average lot size between 5,500

230 and 6,000 square feet. The first phase of development had the lots larger than 4,500 square feet  
and he indicated that as the development moved south they would use the 4,500 square feet as a  
minimum. Welborn asked why there was an increase on the lot width. Crolley indicated that  
the difference was at the cul-d-sack and elbows . Crolley indicated that the plat that was  
2. submitted had 60 feet lot fronts, but the applicant wanted to keep the minimum smaller to allow  
for flexibility.

Welborn asked for clarification regarding the setbacks. Crolley explained that the house would  
have a 10' setback, and that the zoning requirement was 18 feet to allow driveway back to the  
garage. Welborn clarified this was for front entry garages and that the sideyard setbacks had been  
240 changed from 15' to 10'. Welborn asked if the council acted on the PD tonight that if it would  
still go back to Planning and Zoning. Crolley indicated that the applicant would have to go back  
to Planning and Zoning either way with a plat and/or a revised development plan. Crolley stated  
that the applicant had the option if denied to go back Planning and Zoning Commission and  
propose a plat that met the existing zoning with no changes. Buffington asked to hear from the  
245 applicant. Crolley clarified that the review of the plat was a technical review to be sure that it met  
the zoning and that if it did, he indicated that then technically the Council should approve it.  
Buffington asked if it met that criteria. Crolley indicated that it did not and that it was under the  
proposed zoning not the existing zoning. Morgan requested Mr. Morris and Mr. Ruff of Planning  
and Zoning to step forward to discuss. Mr. Morris indicated that they had been concerned with  
250 lowering the density. He indicated that 50 lots in the middle were picked out and that the north  
part and south parts still remained as presented. Mr. Ruff indicated that he had not voted against  
the request because he felt with surrounding zoning, influence of the lake and the private  
development, that it was different from the typical residential development.

255 Morgan opened the public hearing. Craig Curry with the Nelson Corporation represented the  
applicant on the request and he and his client David Howe came forward. Curry indicated that  
his desire at this time was for feedback from the Council and review of the case to see how to  
proceed. Curry gave a quick history of the case and their presentation to the Planning and Zoning  
Commission. Curry then handed out copies of examples of product that the development  
260 company had done in the past. He further explained that these were brought along to show the  
type of product produced by this developer. He reiterated that they are trying to build some nice  
big units that will fit the marketplace today. However, he indicated that they need some  
flexibility, for example if the interest rates go up, the product would change as will the lot size.

265 Curry gave an overview of the existing plan as provided in the packet. He pointed out the lots  
currently occupied and the community center and mentioned that their attorney and the city had  
been discussing allowing the city to use the community center for another year. Curry stated that  
the only change between the development plan and first phase was the increased lot sizes and  
2. making it more conventional by bringing in more roads in front of actual units and more  
traditional cul-d-sacs. Curry further discussed their request as outlined in the packet. Following  
discussion, Curry concluded his presentation by saying he wanted the council's feedback.

Welborn asked Mr. Curry if all they proposed to plat was one phase, and Curry stated that it was



275 zoning for which they were requesting approval at this time. Welborn asked what the Council  
would see if the zoning was approved. Mr. Curry said that if the zoning was approved the plat  
would be presented to the Council at a later meeting. Welborn asked I there was a phasing  
280 schedule for the rest of this development after the plat was approved. Curry answered that a lot  
would depend on the market. Welborn asked if they planned additional open areas other than those  
shown. Curry indicated that the open space was shown on the plans now. Curry mentioned that  
there was also the possibility of providing another access point to the lake. Welborn encouraged  
Mr. Curry to pursue another access to the lake.

285 Coleson asked what size lots they would be building on. Curry stated that all first phase lots were  
in excess of 5,000 square feet and they ranged up to 10,000 square feet with a predominance of  
5,000 to 6,500 square foot lots. Buffington suggested that Staff and the applicant resolve some  
of the issues and then bring it back to Council. Welborn mentioned she was prepared to support  
the change in zoning tonight. Morgan indicated that they needed to finish the public hearing and  
290 asked for further questions. Morgan asked Mr. Curry about the railroad crossing and if they  
proposed to do anything new. Mr. Curry indicated they had nothing new in mind other than  
enhancing how it looked and complying with the existing zoning requirements. Morgan asked  
for speakers in favor of the proposal. There were none. Morgan asked for speakers against the  
proposal to come forward. Mr. Joe Kulick of the 1311 Shores Circle, came forward. Kulick  
called the Council's attention to the master plan which stated that as long as the appropriate  
295 procedures of due process were observed, the City may initiate zoning to bring property into  
compliance with the adopted comprehensive use plan. Kulick encouraged the Council to take that  
seriously. Morgan called for further speakers. No one else came forward to address the  
Council, and he then closed the public hearing.

300 Coleson asked as a point of law, if the zoning on the 4,500 square feet could be changed by  
Council from 4,500 to 6,500 sq ft. Eckert stated that the proposal was just to change some of  
the area requirements and not what they have, which is 4,500 square feet. He indicated that this  
case would have to be responded to by Council in some manner and that if it was denied, the  
Council would have to start over as to zoning if other changes were to be considered. Crolley  
305 indicated that it would need to be a City initiated request. Coleson confirmed that the city would  
have to be the one to initiate the zoning. Buffington commented that he felt we had an appointed  
committee and staff for this purpose and that Mr. Curry had admitted the problems and was  
willing to solve them. Therefore, he felt that the case needed to be sent back to Planning and  
Zoning. Buffington made a motion to return the case to the Planning and Zoning Commission.  
310 Couch clarified that the motion was to remand the case back to the Planning and Zoning  
Commission. Buffington stated it was and the motion was seconded by White. Welborn clarified  
that they had been before the Planning and Zoning Commission three times and Crolley stated that  
there had been two work sessions and one regular meeting. Welborn asked if there had been  
adequate explanation at these meetings. Crolley stated that he felt the Commission had seen the  
315 plat and lot sizes and that the Commission had indicated that was what they would like to see  
throughout the entire development. Welborn asked Mr. Ruff if he had believed that the reason the  
change in area requirements was denied 6 to 1 was because there was not a commitment for the  
platting configuration and size of lots in the remaining development. He stated that the Planning  
and Zoning Commission would have liked to have seen larger homes and lot sizes and that when

320 the Commission asked the developer if they would be willing to create larger lots sizes 7,000 square feet or above, that they had indicated that it would be difficult to do that. Morgan called for vote and passed unanimously.

Morgan called for a short recess. Mayor Pro Tem Morgan reconvened the meeting.

3

**PZ-95-67-CUP Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Adams Engineering on behalf of Wal-Mart, Inc. For a Conditional Use Permit for less than 90% masonry, (as defined by the Zoning Ordinance) on exterior walls for approximately 27 acres on property zoned Commercial known as Wal-Mart Supercenter Addition Lot 2 Block A, currently platted as the Golden crest Addition, Rockwall Plaza Addition and a portion of the Rockwall High School Addition and generally located on the northeast corner of I-30 and White Hills Drive and Take Any Necessary Action (St.. reading).**

335 Morgan indicated that this item had been withdrawn from the agenda.

**PZ-95-67-FP Consider Approval of a Request from Tipton Engineering for a Final Plat for a residential subdivision named Rolling Meadows Estates located in the County (within the City's Extra-territorial Jurisdiction) generally located on the west side of FM-549 approximately 1,700' north of I-30 and Take Any Necessary Action.**

340

Crolley came forward and briefed the Council on the proposal. He indicated this would be a private development with a homeowners association that would maintain all the streets. He stated it was within the County and would meet all the conditions of the County. He stated that staff recommended approval of the request with the conditions that a note be added to the plat stating that it was a private development and that the streets would be maintained by the homeowner's association. Crolley indicated that staff would also like to have street names and addresses added to the development for the City's use. Luby asked if the applicants were aware there were no fire hydrants or fire protection. Crolley indicated that they were. Coleson asked if a treescape plan went along with this. Crolley indicated that this development was in the ETJ and the only jurisdiction the City had was the subdivision ordinance, of which the treescape plan was not part. Buffington made a motion to approve the plat, and the motion was seconded by Coleson. Welborn verified with staff that the plat was the same as the preliminary plat and asked if there had been a technical review. Morgan called for a vote and the motion passed unanimously.

355

**PZ-95-70-PP/SP Consider Approval of a Request from Mike Forster for a Preliminary Plat and Site Plan for a day care center on approximately 2.2 acres of land in the B. F. Boydston Survey Abstract 14 zoned General Retail and generally located on the west side of North Lakeshore Drive 500' north of SH-66 and Take Any Necessary Action.**

3

Crolley reviewed the request. He indicated that the applicant was proposing the construction of a 10,000 square foot building with a stucco and brick exterior. Crolley stated that the applicant was proposing a woodcrete fence for screening. He explained that this type of fence was poured in concrete and put in by sections. Crolley indicated that a screening fence was required by the



365 zoning ordinance. Crolley mentioned that this was the first time staff had seen this type of fence  
and that he wanted to review the specs to see what that was going to look like. He stated that  
Staff recommended that as part of the engineering review, the specifications for the fence be  
reviewed as well. Crolley stated that Staff recommended approval of request with the following  
375 conditions: 1) that the engineering plans be submitted with the final plat, 2) that the median nose  
be removed and restriped as recommended, and 3) that there be a review of the screening fence  
detail.

Crolley further explained that the median nose would be cutoff where it lined up with the  
northern curb cut as proposed by the applicant. White asked if any thought had been given to the  
375 impact of this facility on N. Lakeshore. Crolley indicated that it had been reviewed by our traffic  
consultant, Tony Trammel; and he had indicated that it did not appear to create a capacity  
problem. Crolley said that the only concern Trammel had was in trying to get the median nose  
cut down to something acceptable. White indicated that it seemed that the traffic for this facility  
would be generated at peak traffic times and that there was already a great deal of concern about  
380 the traffic on Lakeshore coming South from the Shores. And since there was no traffic study in  
our packet, White mentioned that he wanted to be sure that had been addressed. Crolley  
indicated there was no traffic study was performed, but the plans were sent to Mr. Trammel and  
capacity was not raised as an issue. White indicated that he knew that Mr. Trammel would be  
reviewing this road in the near future, and he hoped that he would bear this project in mind.

385 Welborn asked if we knew how many children would be kept at the day care, and she asked if  
there were any calculations done as to the number of autos. Crolley indicated there would be  
about 210 students. Welborn stated that if there were 210 customers at a retail or office complex  
they would be disbursed all during the day, but as White pointed out, this was going to be in and  
390 out at peak school hours. Welborn asked how many cars could stack for the left turn going into  
the north lane on Lakeshore. Crolley indicated that he and Trammel had discussed that and felt  
that two would be able to get in the lane. Crolley indicated that what they were trying to design  
was something that would not require a car to make a U- turn to get into the day care center.  
Welborn asked about the other four or five cars waiting to turn behind them and she asked if there  
395 is a chance for a traffic signal or school crossing signs. Welborn asked if any residents of that  
area appeared at Planning and Zoning and if notices were sent out. Crolley said no, that this was  
allowed by right. He indicated that he did have a couple of residents call when survey flags went  
out. Morgan asked for further questions. Buffington asked Crolley what side the fence would  
be on. Crolley answered that it would follow the alley on the north side of the development and  
400 then along the back of the development. Buffington reiterated that it would not come out to the  
street and create any visibility problems. Crolley clarified it would come out toward the alley  
towards Lakeshore, but only to screen the residential from the commercial. Buffington clarified  
the location of lot.

4. Welborn asked if the chain link fence was vinyl coated, not vinyl slatted. Crolley stated that was  
correct. Welborn asked about height of the fence. Crolley indicated it would be 6', and he stated  
that it was required by the code of ordinances for day care centers. Morgan asked about the  
curb cut for outbound traffic stating that it looked like it could be dangerous. He asked if there  
was a safe egress back to SH-66. Morgan asked if this was brought up and Crolley indicated that

410 they had been working with the applicant. He stated that the applicant wanted two driveways, and staff had been working on something that would be safe from the standpoint of the north versus south traffic and still allow two points of access.

415 The applicant, Mike Foster, 1835 Eastern Hills Drive in Garland, came forward. He introduced Rusty Simpson and indicated that they would be the owners of the day care center. Foster indicated that Simpson had been in the day care business for approximately to 20 years and had two sites, one in Garland and one in Rowlett called Whistle Stop School. He mentioned that originally they planned to follow the same style of a train station, but they felt that this being a lake front community, they decided on a lake front type building with a lighthouse and the name of the center would be Lighthouse School. He reviewed the fence construction and some places where this type of fence had been used. Foster also gave a description of the building proposed.

425 Welborn stated that she was still concerned about the traffic but did not know what the solution might be. Welborn stated that her concern was with vehicles having to cross south bound traffic and merge into northbound traffic. Couch indicated that this location was as far back from the intersection as it could be. She indicated that if Council wanted, Staff could have Trammel review the project and issue a letter before the final plat. Couch stated that she thought the solution they had come to was the best available and that she did not think that eliminating the median altogether was a good option. Welborn agreed with her and asked how far away from the intersection you had to be to have a caution signal or any signal. Couch indicated that this was not enough of a traffic generator to warrant a traffic signal. Morgan indicated that it would look better to him if there was at least one turn lane so that you could safely make a left turn. Couch indicated that median openings in areas where you had driveway intersections were fairly typical in terms of development. Morgan stated that he would like to have the traffic engineer respond to that issue. Welborn moved approval of the site plan with a preliminary plat subject to the completion of a traffic study prior to final plat and site plan approval. The motion was seconded by Coleson. Morgan called for the vote, and it passed unanimously.

440 **PZ-95-71-FP Consider Approval of a Request from John Stagg on behalf of the Shores Country Club for the vacation and abandonment of The Shores Phase III plat and offsite utility easements recorded but never used in the Nathan Butler Survey Abstract 10 generally located on the south side of Champions Drive and the west side of Shores Blvd. And Take Any Necessary action.**

445 Crolley reviewed the request and stated that this application had been previously acted on but was never filed at the County. He commented that action by the Council would reapprove the plat vacation and include the easement abandonment. Staff recommended the abandonment of the easements and the vacation of plat. Luby moved for approval. Buffington seconded the motion, and it passed unanimously.

450 **City Manager's Report**

Couch advised the Council of the status of Horizon Road. She stated that all of the utility work associated with the City had been completed and the City was waiting for Southwestern Bell and



455 TU to complete the relocation of their utilities. Couch indicated that once completed the paving  
portion of the project would begin. Couch stated that it appeared that it would take approximately  
two months to complete, given good weather conditions. Also, Couch brought Council up to date  
on status of long range planning efforts. She indicated that included in this year's budget were  
4 funds to complete a water and sewer long range plan and a park plan. Couch advised that the  
City had received proposals from firms on both and were in the process of reviewing them and  
hoped to bring them to the Council in February. She mentioned that a number of reports were  
included in the packet and she would answer any questions regarding them and she stated that  
Mark Chamberlain would answer any questions regarding the police report. Coleson asked  
465 Chamberlain if there had been any sign of gang activity and if it was getting better or worse.  
Chamberlain indicated that he did not believe that the activity had increased. He indicated that  
the department was training officers to recognize gang activity and intervene. White commented  
that he had for the first time had the occasion to use the police department services over the last  
weekend, and he commended them for their speedy response and excellent services. White asked  
about the store front operation in the Ridge Road Shopping Center. Couch indicated that the  
470 ownership change had made the previous owners reluctant to do anything. She stated that the City  
had met with the new owners and they were eager to move forward. Morgan asked Couch if there  
were any beautification efforts planned for the back of the Kroger Center upon completion of  
Horizon Road. Morgan expressed concern regarding the trash in that area and the fact that it  
would be high visibility when the road was finished. Couch indicated that it had been an ongoing  
475 problem and that the City could follow up in contacting the representatives of the development  
to see if they would be willing to do something.

**PZ-95-65-Z-PP Consider approval of an Ordinance Granting a Request from Rockwall  
Heights Limited for a Change in Zoning from PD-29, SF-10 and Commercial to PD to allow  
480 SF-10, SF-7, Park and a Special Neighborhood Service District and Approval of a  
Preliminary Plat and Take Any Necessary Action (1st Reading)**

Crolley indicated that this case has been approved at the last City Council meeting without an  
ordinance. Crolley stated that he had provided a revised ordinance with appropriate attachments  
and that he would be happy to answer any questions. Welborn discussed the changes included in  
485 the ordinance which she had requested at the last meeting. Welborn asked Crolley if the  
ordinance contained all of the conditions which she had outlined in the motion at the previous  
meeting. Welborn mentioned that when the homeowners association was created in the Shores,  
that it did not apply to a portion of the Shores. Welborn asked what the number on the new PD  
would be. Crolley indicated it would 29. Welborn suggested saying Mandatory PD-29  
490 Homeowners Association. Welborn also mentioned that the other conditions included in the  
motion were that prior to the approval of the final plat that there would be completion of a  
drainage study and environmental impact study. She stated that it was a condition of the motion  
and asked if it should be a part of the zoning. Crolley indicated he did not place it in the PD  
because it was part of the final plat. He indicated that for each phase of any development, they  
4 would be required to submit engineering plans that would include drainage. Welborn clarified  
that the City Engineer would review that. She asked who made the determination on the  
environmental impact. Crolley said that these concerns would be reviewed by engineering.  
Welborn indicated that she had included that concern after discussion with Mr. Pool of the Shores

500 and asked Mr. Pool if he had anything more specific than the drainage in mind. Pool indicated no. Crolley reiterated that this was a review that is done by the City Engineer. Morgan called for other questions. Buffington offered a motion for approval and Welborn seconded. Morgan called for further discussion. Crowley read the ordinance caption:

505 ORDINANCE NO. \_\_\_\_\_

510 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED IN EXHIBIT "A" HEREIN FROM "SF-10", "COMMERCIAL", PLANNED DEVELOPMENT 29" TO PD-29" TO ALLOW THE USES SPECIFICALLY DESCRIBED HEREIN; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

The motion passed unanimously.

520 **Discuss and Consider a Resolution Authorizing and Directing the Execution of a Continuing Disclosure Agreement with the North Texas Municipal Water District and Take Any Necessary Action.**

525 Couch indicated that the North Texas Municipal Water District was now ready to issue the \$1.8 million debt for the Buffalo Creek Treatment Plant Expansion. She stated the City would be required to include some additional language in the contract bonds with North Texas which provided additional disclosure requirements to ensure that financial information was provided to the bondholders. White asked what the rate adjustments would be. Couch indicated they would be somewhere in the range of 5% depending on issue costs. White moved approval of the agreement, the motion was seconded by Buffington. Coleson asked if these were short or long term bonds. Couch indicated they were 20 year bonds. The motion passed unanimously.

530 **Discuss and Consider Instructing the Planning and Zoning Commission to Review the PD Conditions for PD-3 on the Shores and Take Any Necessary Action.**

535 Luby indicated that he wanted Planning and Zoning to review the density of the Shores. He indicated that he wanted them to review the zoning and make suggestions for change so the Council was not in a position to vote on something in the future because it was better than the past zoning. Coleson agreed with Luby and stated that he would like to go further and review other PD zoning within the City also. Welborn asked Couch to summarize what the PD review policy had been and asked her to address whether or not PD-3 had been reviewed in the past. Couch indicated that in 1984 the City adopted an amendment to the zoning ordinance which required periodic review of planned developments. She stated that generally they were to be reviewed every 2 years. She stated that the City had periodically reviewed every PD and the requirement was that the City review all fully or partially undeveloped PD's. Couch stated that this particular PD had been reviewed at least twice. She indicated that typically the process would be to begin the review process with Planning and Zoning and have them develop recommendations for the Council to suggest whether or not a public hearing was needed. If they recommend a

public hearing, the Council initiates the public hearing. Couch indicated that it would be appropriate to remand this to the Planning and Zoning Commission to begin the review process on PD-3. Couch also indicated that if the Council wished to ensure there were no plans or development to come forward prior to the completion of the review, that such instructions would need to be included in the motion.

Welborn asked if there were any other development plans or request for plats or replats on existing PD's. Crolley indicated that he did not believe there were any at this time. Couch indicated that the desire to expand the review to other PD's would need to be placed on the next agenda since it was not posted that the City was considering the review of other PD's. Couch recommended that prior to the next Council meeting that staff would develop a status report on other undeveloped PD's. Welborn asked if the Council was interested in reviewing all PD's and they agreed. White stated that he was definitely interested in moving forward with this process and Buffington concurred.

Couch indicated that the property owner would like to make a few comments. Douglas Smith, 6106 Squire Lane, Alexandria, VA came forward, as a representative of the parent company of the Shores Country Club, Inc. Smith summarized the history of the development. Smith indicated that subsequent to buying the property they had developed two portions of the property. He stated that in 1994 they began to examine the possibility of selling both the development property and the club. Smith indicated that during the Fall 1995 they entered into a contract to sell the development property believing that they were selling the property as currently zoned and the buyer believing this as well. Smith stated they would be closing the sale shortly and that the sale was now on hold because of the review process which had also adversely affected the discussions of the sale of the current golf course. Smith requested that Crolley explain what the current zoning is at the Shores and that if found acceptable that action be taken tonight to affirm the zoning, since time was of the essence regarding the sale. White clarified that the sale was on hold due to the Council's review of the zoning. Smith indicated that was correct because the buyer was unsure if the plan they had developed would be acceptable and they were hesitant to continue with the sale. Luby asked if he was correct that he read in the paper prior to Wednesday that the sale was off. Smith indicated that referred to the sale of the golf course. Buffington indicated to Mr. Smith that he sympathized with him because he understood the money issue involved, but Buffington indicated that he wanted to be more knowledgeable of what was going on and whether action had been taken that he was unaware of. Smith restated their request that the Council simply hear the zoning at this time. He expressed that if it went through the process as usually done it would take 30 to 60 days and would put their discussions in jeopardy.

Buffington asked what the PD was zoned. Crolley indicated it had been reviewed at the staff level and indicated that Planning and Zoning had not seen any of this request. Crolley indicated there was a mixture of zoning that allows for 9,000 square foot lots, 8,400 square foot lots, 7,200 square foot lots and 5,000 square foot lots. Crolley indicated that what they had seen from the applicant was approximately 642 lots but is was not for the entire development. Several other pieces of the development were still zoned Agricultural and were not part of the PD. White stated that this was another reason to review these PD's. Welborn asked if Planning and Zoning

595 had performed a full review in 1993 of the zoning ordinance. Couch indicated she would have  
to do some research to determine if that was done. Welborn stated that she agreed that the  
review needed to be performed, but that it seemed like poor timing. Welborn withdrew and  
Buffington asked about the Agricultural zoning in the Shores. Crolley indicated that it was not  
part of the PD but a part of the ownership of the Shores. Crolley indicated that this area would  
still have to be rezoned for development. Welborn asked Eckert where the Council stood legally  
600 regarding changes in zoning which might make the land less marketable. Eckert indicated that  
the property could change ownership at any time and what was being discussed was land use. He  
indicated that if there was an application for use of the land by a developer and a plat then vesting  
would apply. Luby moved that Planning and Zoning be instructed to review PD-3 of the Shores  
and that staff not accept any development plans until completion of the review process. The  
605 motion was seconded by Coleson. White asked if a time limit should be added for the review  
process and Eckert stated that he felt it would be appropriate to do so. Luby asked what would  
be reasonable and Eckert indicated that 60 days with the ability to extend if necessary. Luby  
amended his motion to include the 60 day time limit. Morgan called for the vote. The motion  
passed unanimously.

610 **Discuss and Consider a Resolution Authorizing the City Manager to Submit an Application  
to the Criminal Justice Division for the Continuation of the Middle/High School D.A.R.E.  
Program and Take Any Necessary Action.**

615 Couch recommended approval of the resolution. White moved for approval, and Buffington  
seconded. The motion passed unanimously.

620 **Discuss and Consider Award of Contract for Engineering Service for 0.5 Million Gallon  
Elevated Tank Rehabilitation and Take Any Necessary Action.**

Couch explained that this was one of the items included in this year's budget. She explained that  
the City was two days away from having the SCADA system operating on the new tower and  
would be able to take the old tower out of service very quickly. Couch reviewed the proposals  
and recommended that the contract be awarded Chiang Patel. Couch indicated that Frank Rasor  
625 was available for questions. White expressed concern regarding the use of lead based primer.  
Couch assured him that they would be testing for that. Luby commented that the City was lucky  
that the old tower held out until the completion of the new tower. Coleson moved to accept the  
recommendation of staff, and the motion was seconded by Buffington. White asked the City  
Attorney if he had reviewed the Limitation of Liability in the contract. Eckert indicated he had  
630 and that those limits were within the limits of the Tort Claims Act, and he indicated that he was  
satisfied. The motion passed unanimously.

**Hold Executive Session Under Section 551.074 of the Texas Government Code**

635 The Council adjourned into executive session at 10:00 p.m. to discuss the semi-annual review of  
the City Manager and City Attorney and an appointment to the Park Board/ sale of surplus right-  
of way. The Council reconvened into regular session at 10:30 p.m. Buffington moved that  
Cathy Mims be appointed to the Park Board. The motion was seconded by White, and it passed



unanimously.

640

## **Adjournment**

Mayor Pro Tem Morgan adjourned the meeting at 10:35 p.m.

645

APPROVED:

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George R. Hatfield, Mayor

ATTEST:

655

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Stacey R. Robbins, City Secretary

660

**City of Rockwall  
Planning And Zoning Commission**

**Agenda Date:** May 28, 1996

**Applicant:** Tipton Engineering

**Agenda Item:** **95-67-FP** - A request from for approval of a final plat containing 18 lots known as Rolling Meadows Estates.

**Action Needed:** Discuss and consider approval of the final plat.

**Background Information:** This plat has been previously approval by the Commission and City Council, but was filed at the County within the 120 days required by our Subdivision Ordinance.

**Recommendation:** Staff recommends approval of this request.

motion passed  
2nd will  
APP under

# **Planning & Zoning Commission Work Session Minutes**

## **May 28, 1996**

### **I. CALL TO ORDER**

The meeting was called to order by Pat Friend at 7:00 p.m with the following members present; Art Ruff, Van Ewing, David Hairston, Will Quinby, and Billy Morris. Ross Ramsay being absent.

### **II. ACTION ITEMS/PUBLIC HEARINGS**

#### **PD-13 Review - Windmill Ridge - Public Hearing**

A City initiated review and possible change to the concept plan, area requirements and allowed uses in Planned Development-13 (PD-13), further described herein. The current concept plan and planned development requirements allow single family residential uses. The review will consider the existing Concept Plan to determine if changes are necessary. This property is part of the J. Smith Survey, Abstract 200, tract 3.

Crolley outlined the PD.

Friend opened the public hearing.

Terry Raulston, 141 Summer Hill addressed the Commission with concerns regarding the amount of traffic currently on Rockwall Parkway and the proposed connection of the street shown on the plat.

Doug Jones, 148 Woodcreek addressed the Commission with concerns regarding traffic on Rockwall Parkway and had questions about future plans for the creek area.

Art Anderson, attorney for the applicant addressed the Commission opposed to any change in the PD requirements in this phase of the development.

Friend closed the public hearing.

Hairston made a motion that no changes be made to PD-13.

Quinby seconded the motion. The motion was voted on and tied. Ewing, Friend, & Morris voted opposed. Ruff, Quinby, & Hairston voted for.

After much discussion Friend made a second motion to recommend the requirement of alleys in PD-13 to the City Council.

Ewing seconded the motion. The motion was voted on and passed 4 to 2. Hairston and Quinby

voted against.

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

Crolley outlined the request.

After much discussion Ewing made a motion to approve a request from Tipton Engineering for approval from of a residential preliminary plat containing 241 lots known as Windmill Ridge Estates with the following conditions;

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

Ruff seconded the motion. The motion was voted on and passed unanimously.

**95-67-FP A request from Tipton Engineering for approval of a final plat containing 18 lots known as Rolling Meadows Estates.**

Crolley outlined the request.

Hairston made a motion to approve the request from Tipton Engineering for approval of a final plat containing 18 lots known as Rolling Meadows Estates.

Quinby seconded the motion. The motion was voted on and passed unanimously

**PD-5 Review - Caruth Lake - Public Hearing**

A City initiated review and possible change to the concept plan, area requirements and allowed uses in Planned Development-5 (PD-5). The current concept plan and Planned Development requirements allow single family residential, multi-family, general retail, office and agricultural uses. The proposed change to the Concept Plan and Development Plan would allow single family residential, zero lot line residential and general retail and establish new area requirements for each use. This property is part of the S. S. Murry Survey, Abstract 146, Tracts 8,14,15,16-1,16,17,18,19,19-2, and the M.B. Jones Abstract 122, tract 2.



Crolley outlined the PD.

Friend opened the public hearing.

Ms. Hittson, 1088 Midnight Pass addressed the Commission asking that they consider postponing the public hearing review for thirty days in order to give the residents time to talk with the purchaser to address concerns of the residents.

Mr. Payne addressed the Commission with concerns regarding the run off and flooding of the Caruth lake area and voiced his concerns with the zero lot line zoning.

Mr. Smith, 1088 Midnight Pass addressed the Commission asking that they consider postponing the public hearing for thirty days in order to have time to met with the developer.

Mr. Rued, 1131 Whispering Glenn addressed the Commission asking that they consider postponing the public hearing for thirty days in order to have time to met with the developer.

Mr. Soldat, 1148 Whispering Glenn addressed the Commission asking that they consider postponing the public hearing for thirty days in order to have time to met with the developer.

Ms. Zatopek, 1059 Midnight Pass addressed the Commission asking that they consider postponing the public hearing for thirty days in order to have time to met with the developer.

Mr. Wakefield, 1115 Whispering Glenn addressed the Commission asking that they consider postponing the public hearing for thirty days in order to have time to met with the developer.

Mr. Porter, 1140 Whispering Glenn addressed the Commission asking that they consider postponing the public hearing for thirty days in order to have time to met with the developer.

Mr. Whittle, Property owner addressed the Commission to answer questions and ask that this be approved without additional delay.

Mr. Prater, Lumbermen's proposed purchaser of a portion of PD-5 addressed the Commission to answer questions regarding the swim club, play grounds, entrance ways, landscaping and the proposed homeowners association. He stated the existing homeowners would be allowed the opportunity to join the homeowners association if they chose to.

Friend closed the public hearing.

Morris made a motion to continue the public hearing until the June 11th meeting.

Ruff seconded the motion. The motion was voted on and resulted in a tie vote. Quinby, Hairston, & Ewing voting against. Ruff, Friend, & Morris voting for.

After much discussion, Hairston made a second motion to accept the proposal with the condition the current owner and proposed purchaser meet with the residents to answer questions and allow everyone in the same HOA.

Ewing seconded the motion. The motion was voted on and passed 5 to 1. Ruff voting against.

Friend called for a 10 minutes recess at 9:35 p.m.

Friend called the meeting to order at 9:47 p.m.

**PD-2 Review - Lakeside Village - Public Hearing**

**A City initiated review and possible change to the concept plan, area requirements and allowed uses in the portion of Planned Development-2 (PD-2) known as "Lakeside Village Phase 5". The current concept plan and planned development requirements for this phase allows for 181 townhouses. The proposed change to the Concept Plan and Development Plan would allow for approximately 115 single family residential units, and establish new area requirements for these lots.**

Crolley outlined the PD.

Friend opened the public hearing

Mr. Peck, 3508 Lakeside addressed the Commission in favor of the request.

Kirby Albright, owner addressed the Commission to answer questions.

Friend closed public hearing.

Quinby made a motion to approve the change to the Concept Plan and Development Plan for PD-2 to allow for approximately 115 single family residential units, and establish new area requirements for these lots with the condition that a secondary entrance is established at lot 8.

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

**96-28-FP     A request for approval of a residential final plat containing 28 lots on 50 acres and known as Willowcrest Estates.**

Crolley outlined the request.

Ruff made a motion to approve the request for approval of a final plat containing 28 residential lots on 50 acres and known as Willowcrest Estates with the following conditions;

1.     A waiver of the street improvement requirements for Wallace Lane and Cullins Road
2.     Approval of the engineering plans.
3.     Note on the plat stating the private street will be maintained by the Homeowners Association.

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

### **III. DISCUSSION ITEMS**

**96-32-CUP** A request for approval of a conditional use permit for Linebacker's restaurant to allow 9 gaming devises.

Crolley outlined the request.

**96-33-SP/LP** A request for approval of a site plan and landscape plan for Taco Bell to be located at Lot 6, Block A, of the Steger Towne Crossing addition.

Crolley outlined the request.

**96-34-CUP** A request for approval of a conditional use permit for Cheryl Thruston for a day care in a residential development located at 213 Windmill Ridge.

Crolley outlined the request.

**96-35-SP/LP** A request for approval of a site plan for Grandy's to be located on the north side of I-30 west of White Hills Drive.

Crolley outlined the request.

**96-37-FP/SP/LP** A request for approval of a final plat, site plan and landscape plan for Steger Towne Crossing Phase I.

Crolley outlined the request

**96-39-RP/SP** A request for approval of a replat and site plan for Kwick Kar Lube & Tune for a auto lube and tune-up facility.

Crolley outlined the request.

**96-40-CUP** A request from Wayne Adams for a front yard fence at 4705 Green briar Lane in the Benton Woods Addition.

Crolley outlined the request.

### **IV. STAFF REPORTS TO COMMISSION**

No reports given at this time.

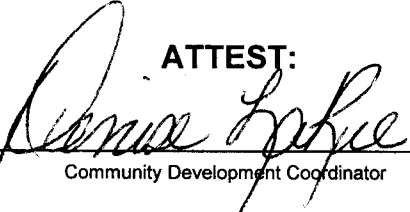
### **V. COMMISSION DIRECTION TO STAFF BASED ON STAFF REPORTS**

No direction given at this time.

**VI. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:05 P.M.

**ATTEST:**

  
\_\_\_\_\_  
Community Development Coordinator

**APPROVED:**

  
\_\_\_\_\_  
Planning & Zoning Commissioner



5                   **MINUTES OF THE ROCKWALL CITY COUNCIL**  
                          **JUNE 3, 1996**

10           **Call to Order**

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

15           **Open Forum**

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

20           **Consent Agenda**

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

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

- 50 f. **PZ-96-19-PP/Z** Consider Approval of an Ordinance Changing the Zoning  
from Agricultural to Commercial for approximately 32 acres for Weber  
and Company for the Steger Towne Crossing Addition on the east side  
55 of FM-740 approximately 1000' south of I-30 and Take Any Necessary  
Action (2nd Reading)
- 60 g. **PZ-96-20-CUP** Consider Approval of an Ordinance for a Conditional Use  
Permit to allow a Bed & Breakfast in a residential zoning district (SF-7)  
located at 406 Star Street for Michael Stafford and Take Any Necessary  
Action (2nd Reading)
- 65 h. **PZ-96-29-SP/Z/CUP** Consider Approval of an Ordinance for a change in  
zoning from Agricultural to Commercial, a Conditional Use Permit to  
allow less than 90% masonry exterior for Fuji Ceramics, and Site Plan for  
property located at 2865 S. SH-205 generally located on the west side of  
SH-205 south of Sids Road and Take Any Necessary Action (2nd  
Reading)

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

ORDINANCE NO. \_\_\_\_

75 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY  
AMENDING ARTICLE II BY ADDING A SECTION 2.22; PROVIDING FOR A  
PURPOSE; PROVIDING FOR APPOINTMENT OF A NEIGHBORHOOD  
80 PRESERVATION OFFICER; PROVIDING FOR THE DESIGNATION OF  
PRESERVATION DISTRICTS; PROVIDING FOR SPECIAL REQUESTS FOR  
NEIGHBORHOOD PRESERVATION; PROVIDING FOR A PENALTY OF FINE NOT  
TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH  
OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A  
85 REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. \_\_\_\_

90 AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE  
COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY THE  
DESIGNATION OF THE SOUTHSIDE RESIDENTIAL NEIGHBORHOOD OVERLAY  
DISTRICT; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A  
PURPOSE; PROVIDING FOR OTHER REQUIREMENTS; PROVIDING FOR AREA  
REQUIREMENTS; PROVIDING THE LOCATION DESCRIBED HEREIN;  
95 PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO  
THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A  
SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING  
FOR AN EFFECTIVE DATE.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL BY AMENDING ARTICLE II BY ADDING A SECTION 2.8; PROVIDING FOR A "SF-8.4" SINGLE FAMILY RESIDENTIAL ZONING DISTRICT; PROVIDING FOR A PURPOSE; PROVIDING FOR PERMITTED USES; PROVIDING FOR CONDITIONAL USES; PROVIDING FOR PROHIBITED USES; PROVIDING FOR AREA REQUIREMENTS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN FROM SINGLE FAMILY - 7 ("SF-7") ZONING CLASSIFICATION TO GENERAL RETAIL ("GR") ZONING CLASSIFICATION; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. \_\_\_\_

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

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR A BED AND BREAKFAST OPERATION IN A SINGLE FAMILY - 7 (SF-7) ZONING DISTRICT ON A TRACT OF LAND DESCRIBED HEREIN; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON TWO "A"



155 TRACTS OF LAND WHICH ARE MORE FULLY DESCRIBED HEREIN FROM "A"  
AGRICULTURAL CLASSIFICATION TO "C" COMMERCIAL ZONING  
CLASSIFICATION; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING  
160 FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND  
DOLLARS (\$2000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY  
CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN  
EFFECTIVE DATE.

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

### **Appointments/Plats/Plan/Public Hearings**

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

White reminded Council that a 3/4 vote was required to change the zoning on this planned development because the property owners had filed a letter of opposition to the rezoning. 465 Morgan commented that he had a moral obligation to stand behind the position which he had taken when the planned development was originally zoned. He stated that he would be voting against the alleys. Morgan moved that the zoning on the planned development remains as originally zoned in 1994 without alleys. The motion was seconded by Buffington. Welborn requested clarification from staff regarding the motion. She asked if 470 the zoning would remain as currently zoned if it did not receive a unanimous vote to require alley service. Crolley indicated that she was correct. The motion passed with the following vote:

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

John Hill, the City's Attorney, indicated that for the purposes of the record the motion needed to be reworded to clarify the intent of the Council. Luby then moved that PD-13 be amended to require alleys. The motion was seconded by Coleson. The motion failed 480 with the following vote:

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

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

490 Crolley reported that this case was filed in conjunction with the PD-13 review. He stated that the applicant wanted to proceed with the development of the tract once the PD review was completed. Crolley indicated that the plat was for the undeveloped property contained in PD-13. He reported that there was an existing concept plan approved for this portion of the PD. Crolley stated that the plat was in conformance with that plan with some minor changes to the layout. He indicated that there was an additional connection to Rockwall 495 Parkway shown that was not shown on the existing concept plan. Crolley stated that the new connection would provide better traffic circulation within the development than the old plan had. He commented that some of the existing residents in the area have expressed concerns about this connection.

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

670 wanted to join the new HOA. Whittle stated that Lumbermen's had committed to providing an entry feature which the HOA would maintain. He also indicated that he would maintain the lots which he owned to City standards.

675 Ken Prater, vice-president of Lumbermen's Investment Corporation, came forward to address the Council. He indicated that they would allow homeowners twelve months from the completion date to decide whether or not they wished to become members of the HOA. Welborn asked if Lumbermen's would consider a two-tier approach to the HOA, one tier which would allow residents to use the amenities and the other which would just allow them to contribute toward the maintenance of the common areas. Prater indicated that this  
680 could possibly be arranged.

Rick Goss, 1086 Whispering Glen, came forward to address the Council. He asked if the vacant lots could be deeded to the City so they could be maintained. Staff indicated that they were the property of Mr. Whittle. Whittle then indicated that he would provide for their  
685 maintenance.

JoAnn Glover, a resident of whose home was located off of Quail Run Road came forward to address the Council. She indicated that the back of the proposed development bordered her lot, and she commented that she did not believe that it was consistent with the surrounding homes located in the area. She indicated that her home sat on a country lane with acreage. She also expressed concern regarding the location of the property in relationship to Phelps Lake and the flood plain. She asked if consideration had been given to the impact the development might have on the environment.  
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695 Suzanne Hittson, 188 Midnight Pass, came forward to address the Council. She voiced concerns regarding the density of the proposed home sites, the lot sizes of the single family zoning, and size of the lots on the east side of Caruth Lake. Also, she asked about the future location of the SH-205 by pass.

700 Whittle responded that 500 lots had been eliminated, that no lots proposed were smaller than any currently there except for the zero lot line homes which were proposed on the location which had previously been zoned for multi-family.

705 Lonnie Gideon came forward to address the Council. He stated that he owned property located on Quail Run Road. He asked about the location of the SH-205 by pass, and he asked if the property values of the homes on this property would be increased if the bypass location was moved off of the property. Crolley indicated that no monetary value was associated with the movement of the alignment. He stated that the alignment was moved because of the flood plain when the thoroughfare plan was updated. Gideon asked if  
710 any economic survey were performed when the by pass location was moved. Crolley indicated that the location was moved because it would be costly for the roadway to be constructed through the flood plain and all of the other reasons a roadway should not be



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

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

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

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

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

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

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

**PD-2-Review Hold Public Hearing and Consider Approval of a Zoning change for PD-2 - A City initiated review and possible change to the concept plan, area requirements and allowed uses in Planned Development -2 (PD-2) also known as "Lakeside Village" and Take Any Necessary Action**  
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Crolley reported that the tract was part of the Lakeside Village development. He stated that as the Council was aware this was a private gated community with privately maintained streets and restricted access. He reported that the original PD was granted in the early 1970's. Crolley indicated that the 19-acre portion of land under review was governed by a prior concept plan and area requirements which allowed for 181 townhouse lots. He reported that the area was designated as single family residential on the future land use plan. Crolley commented that this type of development was consistent with the development pattern in Lakeside Village.  
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Crolley indicated that U.S. Homes had previously applied for a revised development plan for this tract to rezone and allow 5,000 square foot patio homes; however, the request was withdrawn and never voted on by the Commission or Council. Crolley reported that it was staff's understanding that Kirby Albright was the current owner of the property.  
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Crolley stated that this was a private community that included open space and common areas and complied wit the City's current park plan. He indicated that the thoroughfare plan did not affect the development. Crolley reported that the Commission had recommended approval of the change with the condition that an additional entrance be added along the eastern side of the property and that the development be a zero-lot line product. Crolley indicated that the applicant had made the change.  
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Crolley indicated that if accepted the Council's action would tie down the lot size and an ordinance would be drafted and brought forward to the Council for approval at its next meeting. Welborn asked off of what street the entry way would be located. Morgan indicated that it would be Village Drive.  
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White opened the public hearing. Jack Matthews came forward to address the Council. He stated that he was the President of the Lakeside Village Homeowners' Association, and he reported that the association had no objections to the rezoning of this property. Welborn asked how it was communicated with the homeowners. He stated that he had  
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discussed it with the board. He stated that the existing plat for the 181 town homes had been vacated. He stated that previously deed restrictions had been worked out.

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

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

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

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

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

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND ORDINANCE NO. 84-4 OF THE CITY OF ROCKWALL, TEXAS, AS HERETOFORE AMENDED, SO AS TO GRANT A ZONING CHANGE AND AMEND A PRELIMINARY PLAN FOR PD-8, CHANDLERS LANDING, MORE FULLY DESCRIBED HEREINAFTER; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

## **Action/Discussion Items**

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

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

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

ORDINANCE NO. \_\_\_\_\_

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

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

The motion passed unanimously.

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

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

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

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

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

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

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



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

1070 ORDINANCE NO. \_\_\_\_

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

The motion passed unanimously.

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

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

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

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

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

1100 The Council adjourned into executive session at 11:30 p.m. to discuss a.) the appointment  
of a representative to the North Central Texas Council of Governments and a  
representative to the Cultural Arts Commission and b.) the acquisition of right of way for  
FM-740. The Council reconvened into regular session at 11:45 p.m. Morgan moved  
that the City Manager be authorized to acquire easements for FM-740 at a fair market  
value or less. The motion was seconded by Luby, and it passed unanimously. Buffington  
1105 moved the Dale Morgan be reappointed as the voting representative to the North Central  
Texas Council of Governments. The motion was seconded by Luby, and it passed  
unanimously.

## Adjournment

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

APPROVED:

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Todd W. White, Mayor Pro Tem

1120 ATTEST:

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Stacey R. Robbins, City Secretary

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