

CITY HALL

ROCKWALL TEXAS

APPLICATION FOR ZONING CHANGE

Case No. 1-76 Filing Fee _____ Date JAN 19 1976

Applicant C.H. Mooney

Mailing Address 701 Austin Phone No. 722-5802

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED:
(if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

I hereby request that the above described property be changed from its present zoning which is "SF 3" SINGLE FAMILY III District Classification to a "S" SPECIAL USE PERMIT ON TEMPORARY BASIS District Classification

for the following reasons: (Attach separate sheet if necessary.)

1. TO CONFORM TO ZONING REQUIREMENT
- 2.
- 3.

THERE (ARE) DEED RESTRICTIONS PERTAINING TO THE INTENDED USE OF THE PROPERTY.

STATUS OF APPLICANT: Owner Tenant _____ Prospective Purchaser _____

I have attached hereto as Exhibit "A" a Plat showing the property which is the subject of this requested zoning change and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

x Clarence H. Mooney
APPLICANT

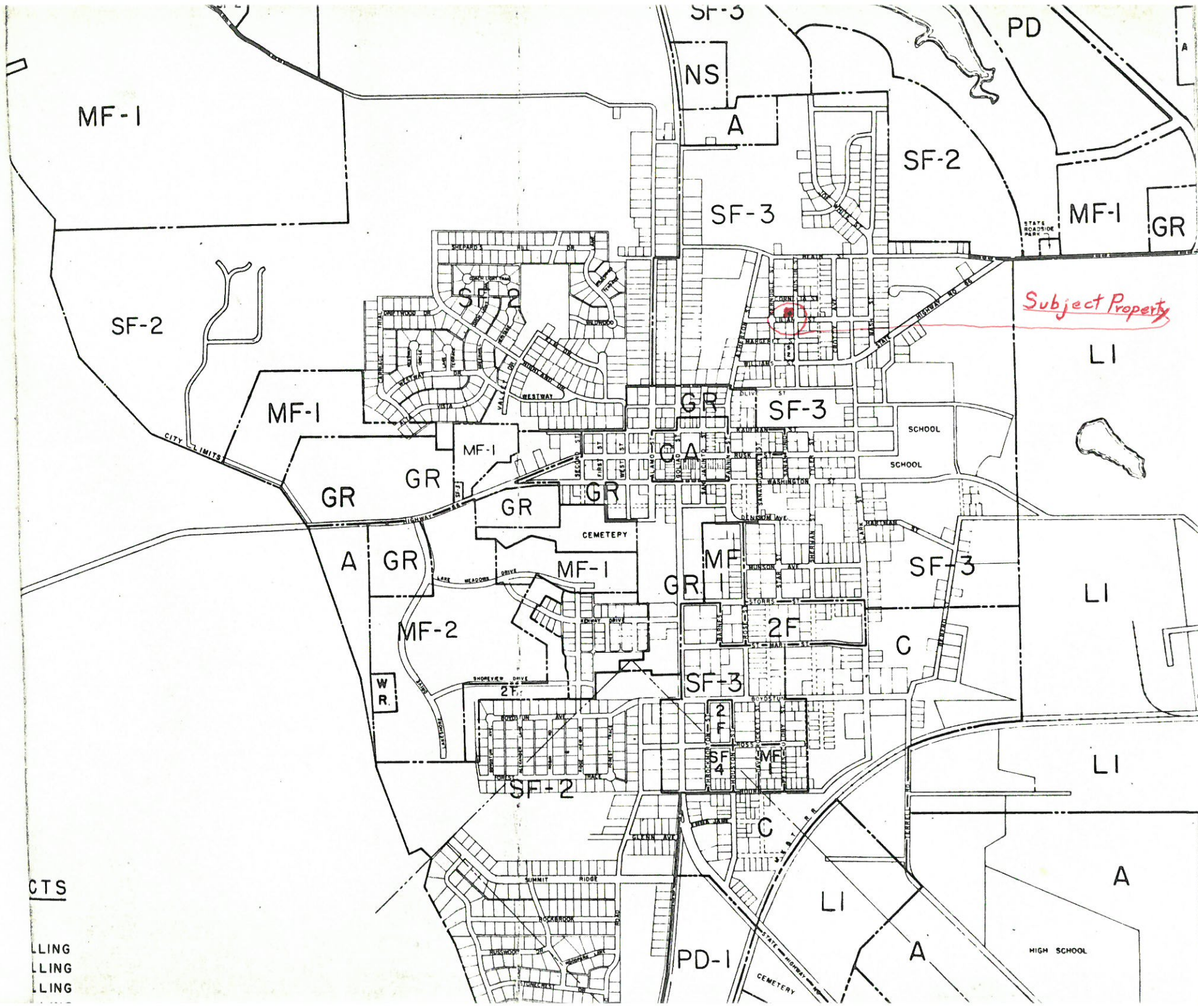
NOTE: The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each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

(The following Certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description, however, the same is not a requirement of the Application.)

CERTIFICATE

I hereby certify that I have checked the legal description of the property described in this Application and the same describes the tract of land shown on the Plat attached hereto as Exhibit "A" and said description is sufficient to allow qualified surveyor to locate and mark off said tract on the ground

Surveyor or Attorney for Applicant
(Mark out one)



Subject Property

CTS

LLING
LLING
LLING

City of Rockwall

102 EAST WASHINGTON
ROCKWALL, TEXAS 75087

MARCH 15, 1976

LEGAL NOTICE

PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE CITY COUNCIL OF THE CITY OF ROCKWALL ON APRIL 5, 1976, AT 7:30 P.M. IN THE CITY HALL TO DETERMINE IF THE PROPERTY DESCRIBED BELOW SHALL BE REZONED FROM SF-3 TO SPECIAL PERMIT, TEMPORARY HOME OCCUPATION. THIS NOTICE IS GIVEN IN COMPLIANCE WITH THE LAWS OF THE STATE OF TEXAS.

Change from SF-3 to Special Permit, Temporary Home Occupation

Farmers and Merchants Addition

S ½ Block 8, Lot C; NW corner Austin and Lillian



John Sellon
City Administrator

CESS PAGE 2

FRIDAY, MARCH 19, 1976

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Farmers and Merchants Addition
S $\frac{1}{2}$ Block 8, Lot C; NW corner
Austin and Lillian.

s/ John Sellon, City Administrator.

(1tc)

Jan 15, 1976

To whom it may concern, I have no reason to object to Mr Clarence (Boats) Mooney operating a take out Hamburger business at 701 Austin St. Rockwall, Texas.

Signed

See Below
Renter

- 1. Jerry w/ partner 603 Austin
- 2. Roy and Dmy Brandon 702 Kennel
- 3. Mr + Mrs. E. M. Statts

Lee Mitchell

Renter

Renter

Renter


- 4 Mr + Mrs Bob Pritchett 502 Cornelia
- 5 Mrs. Yelda Johnson 503 Lillian
- 6 Karen Killmon 505 Lillian
- 7 Mary Seay 602 Austin St.
- 8 Mr + Mrs, Weldon S. Daniel, 504 Lillian

Grace Cochran
1023
Renter
74701

- 9 Eva Harris 606 Kennel
- 10 ~~Mr. + Mrs. James Truett 607 Kennel~~

Renter

- 11 Mr. + Mrs Jimmy Nalls 703 Kennel

- 12. 
- 13. Rockwall
- 14. Poverty
- 15. Liberty

Lillian
Eva Harris
Wm Stuckey
Ed. Dickson
Margaret

Box 122
109 Joe White
E. Case of Westingham &
603 Austin

- 16.
- 17.

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing
at 7:30 o'clock P. M., on the 25th day of
February, 19 75, in the Rockwall City Hall, Rockwall
Texas, on the request of C. H. Mooney
for a change of zoning from "SF-3" Single Family 3
District Classification to "Special Permit" (Restricted Use) Limited Duration
District Classification on the following described property:

Farmers and Merchants Addition
S ½ Block 8, Lot C

NW Corner Austin and Lillian

As an interested property owner, it is important that you attend this hearing
or notify the committee of your feeling in regard to the matter by returning
the below form. In replying, please refer to Case No. 76-1.

City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning & Zoning
Commission, 102 E. Washington, Rockwall, Texas 75087.

Case Number: _____

Reason for Change:

I am in favor of the request for the following reasons: _____

I am opposed to the request for the following reasons: _____

- 1.
- 2.
- 3.

Signature _____

Address _____

Check one item PLEASE and return this Notice to this Office IMMEDIATELY.

Thank You,
CITY OF ROCKWALL, TEXAS

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Commission, 102 E. Washington, Rockwall, Texas 75087.

Case Number: 76-1

Reason for Change:

I am in favor of the request for the following reasons: YES

I am opposed to the request for the following reasons: —

- 1.
- 2.
- 3.

Signature Wesley J. Smith

Address 504 Lillian

Check one item PLEASE and return this Notice to this Office IMMEDIATELY.

Thank You,
CITY OF ROCKWALL, TEXAS

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30 o'clock P. M., on the 25th day of February, 19 75, in the Rockwall City Hall, Rockwall Texas, on the request of C. H. Mooney for a change of zoning from "SF-3" Single Family 3 District Classification to "Special Permit" (Restricted Use) Limited Duration District Classification on the following described property:

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Case Number: 76-1

Reason for Change:

I am in favor of the request for the following reasons: To Continue Business

I am opposed to the request for the following reasons: _____

- 1.
- 2.
- 3.

Signature Roy Brandon

Address Roy Brandon

Check one item PLEASE and return this Notice to this Office IMMEDIATELY.

Thank You,
CITY OF ROCKWALL, TEXAS

102 Bernolli St
Rockwall
Tex, 75087

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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Case Number: _____

Reason for Change:

I am in favor of the request for the following reasons: Because it is no bother to me at all, and is the
~~I am opposed to the request for the following reasons:~~

- best sandwiched in town. It does not
1. bother me as much as the Jack & Jill
2. pre-school and I sure do not
3. have any complaints
against them

Signature Mary Gray

Address _____

Check one item PLEASE and return this Notice to this Office IMMEDIATELY.

Thank You,
CITY OF ROCKWALL, TEXAS

Case No. 1-76
Applicant C. H. Mooney
Mailing Address 701 Austin Phone 722-5802
Rockwall, Texas 75087

ORDER OF PLANNING AND ZONING COMMISSION

WHEREAS, on the 25th day of February, 1976, there came on to be heard zoning Application No. 1-76, on application of C. H. Mooney requesting a change of zoning in regard to the property in said Application, and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall, Texas, found that the requisite notices of this hearing had been given, and

WHEREAS, a full and fair hearing was afforded to all persons appearing and wishing to be heard.

NOW, THEREFORE, THE CITY PLANNING AND ZONING COMMISSION HEREBY RECOMMENDS:

(a) THAT THE ZONING CLASSIFICATION OF THE PROPERTY DESCRIBED IN THE AFOREMENTIONED APPLICATION, WHICH IS PRESENTLY ZONED "SF-3" Single Family 3

DISTRICT CLASSIFICATION,

be changed to "SP-Temporary Home Occupation" - Special Permit, Temporary DISTRICT Classification. Home Occupation

(b) ~~THAT THE APPLICATION FOR ZONING CHANGE BE DENIED.~~

James Bluff
Vice Chairman, Planning and Zoning
Commission, City of Rockwall, Texas

ORDER OF THE CITY COUNCIL, CITY OF ROCKWALL, TEXAS

WHEREAS, on the 5th day of April, 1976, there came on to be heard Zoning Application No. 1-76, on application of C. H. Mooney, requesting a change of zoning in regard to the property described in said application, and

WHEREAS, the City Council of the City of Rockwall, Texas, found that the requisite notices by publication and otherwise, had been given in regard to said Zoning change, and

WHEREAS, a full and fair hearing was afforded to all property owners generally and, to the persons interested and situated in the area, and

WHEREAS, a motion was duly made and seconded that the Council approve the recommendation of the Planning and Zoning Commission, and

WHEREAS, the following vote was taken.

5 vote(s) were cast for approval of the recommendation of the Planning and Zoning Commission.

No vote(s) were cast against approval of the recommendation of the Planning and Zoning Commission, and None abstaining.

NOW, THEREFORE, let the Minutes of the City Council of Rockwall Texas reflect that the request for zoning is hereby

~~DENIED~~

Approved so as to change the Zoning on said Property from "SF-3" Single Family 3

District Classification to

" SP-Temporary " Special Permit (Home Occupation District Classification.
with Sale of a Product)

James Meyer
Mayor

ATTEST

Dale Williams
City Secretary

City of Rockwall

102 EAST WASHINGTON

ROCKWALL, TEXAS 75087

April 6, 1976

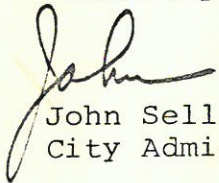
Mr. Bob Baker
Saner, Jack, Sallinger and Nichols
1200 Republic National Bank Building
Dallas, Texas 75201

Bob:

Here's a copy of the approval by the Planning and Zoning Commission and the City Council of a Special Permit - Temporary. This Special Permit - Temporary approves the use of the property described as Farmers and Merchants Addition, S ½ Block 8, Lot C; NW corner Austin and Lillian, more commonly known as 701 Austin, Rockwall, Texas, for the Special Permit purpose of selling hamburgers for off premises consumption only, with the right for this home occupation to be applied for that occupation only, and when said occupation terminates the Special Permit - Temporary will be null and void and the property will revert to the SF-3 classification.

If you have questions on the preparation of this ordinance please call me.

Sincerely yours,



John Sellon
City Administrator

Attachment
JS/mmp

ORDINANCE NO. 76-6

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 FROM "SF-3" SINGLE-FAMILY 3 DWELLING DISTRICT CLASSIFICATION TO "SP" SPECIAL PERMIT-TEMPORARY FOR A HOME OCCUPATION OF SELLING HAMBURGERS FOR OFF-PREMISES CONSUMPTION ONLY, SUBJECT TO SPECIAL CONDITIONS; SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS: BEING LOT C, SOUTH 1/2 OF BLOCK 8 OF THE FARMERS AND MERCHANTS ADDITION TO THE CITY OF ROCKWALL, TEXAS, AND ALSO KNOWN AS 701 AUSTIN STREET, ROCKWALL, TEXAS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to give the following-described property the zoning classification of "SP" Special Permit-Temporary for a home occupation of selling hamburgers for off-premises consumption only, subject to special conditions:

BEING LOT C, South 1/2 of Block 8 of the
Farmers and Merchants Addition to the City
of Rockwall, Texas, and also known as
701 Austin Street, Rockwall, Texas.

SECTION 2. This temporary special permit is granted
subject to the following conditions:

- a. This special permit is granted only for the
purpose of selling hamburgers for off-premises
consumption only.
- b. When this use terminates, this temporary special
permit shall expire and the property shall revert
to "SF-3" Single-Family 3 District Classification.

SECTION 3. That all ordinances of the City of Rockwall
in conflict with the provisions of this ordinance be, and the
same are hereby repealed, and all other ordinances of the City
of Rockwall not in conflict with the provisions of this ordi-
nance shall remain in full force and effect.

SECTION 4. That the above-described tract of land shall
be used only in the manner and for the purposes provided for by
the Comprehensive Zoning Ordinance of the City of Rockwall, as
heretofore amended, and as amended herein, by the granting of
this zoning change.

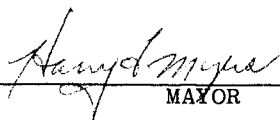
SECTION 5. Any person, firm or corporation violating any
of the provisions of this ordinance shall be subject to the same
penalty as provided for in the Comprehensive Zoning Ordinance of
the City of Rockwall, as heretofore amended, and as amended here-
by, and upon conviction shall be punished by a penalty of fine
not to exceed the sum of Two Hundred Dollars (\$200.00) for each
offense, and each and every day such offense shall continue shall
be deemed to constitute a separate offense.

SECTION 6. Whereas, it appears that the above-described
property requires classification under a Temporary Special Permit
in order to permit its proper development and in order to protect
the public interest and general welfare of the City of Rockwall,
such requirement creates an urgency and an emergency in the
preservation of the public welfare and requires that this ordinance

take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.


DULY PASSED by the City Council of the City of Rockwall, Texas, on the 3rd day of May, 1976.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



ATTORNEY

Judge Wingate
phoned me and
said the Commission
would take no
position - for or
against this young

Mooney Zoning
Pt 2