

CITY HALL
ROCKWALL TEXAS

APPLICATION FOR ZONING CHANGE

Case No. 76-4 Filing Fee \$50.00 + Cost Date June 29, 1976

Applicant Epic, Inc.

Mailing Address 1401 Colony Dr., Irving, Tex. Phone No. 214-254-6563

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.) Being a tract of land in the J. Smith Survey, Abt.#200 as recorded in the Deed Records of Rockwall County, Rockwall, Tex. Said tract containing 150 acres more or less with frontage of 2,487 ft. on the SE side of FM-3097 approximately 1,160 ft. SE of the intersection of 3097 and FM-740; which tract is 2,487 ft. on its SW boundary, 2,644.1 ft. on its SE boundary line, 2,487 ft. on the NE boundary line; and 2,609.01 ft. on the NW boundary line.

I hereby request that the above described property be changed from its present zoning

which is "A" "Agricultural" District Classification
to a "SF-4" "Single Family 4" District Classification

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

- 1. The owner desires to develop this tract in accordance with the City zoning classification SF-4 and in accordance with the City Subdivision Standards.
- 2.
- 3.

THERE ~~(ARE)~~ (ARE NOT) DEED RESTRICTIONS PERTAINING TO THE INTENDED USE OF THE PROPERTY.

STATUS OF APPLICANT: Owner X 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.



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)

PASSED AND APPROVED ON THE 3rd DAY OF January, 1973

David M. ...
MAYOR, CITY OF ROCKWALL

David Williams
CITY SECRETARY



MINUTES OF THE JOINT MEETING OF
THE ROCKWALL CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION

July 19, 1976

The joint meeting of the Planning and Zoning Commission and the Rockwall City Council was called to order at 7:50 P.M. by Chairman Kenneth Glasscock. Commission members Wayne Rogers, Kenneth Smith, Harry Knight, and Chairman Glasscock were present, with members Richard Pickens and Jim Blanton absent. City Councilmen Garvin Tate, Glenn Burks, Randolph Gheen, Leland Miller, A. H. Kuhlman and Mayor Harry F. Myers were also present.

The order for the meeting was for the Planning and Zoning Commission to review the details of the Epic zoning case and conclude their portion of the joint meeting with a recommendation to the City Council on the disposition of this case. The City Council would then meet in session, consider the testimony that they had heard and the recommendation of the Planning and Zoning Commission, and make their decision.

The City Administrator briefed the joint meeting on the details of the request for SF-4 zoning which is included with the request for the annexation of 110 of the 150 acres that are included in the area for which zoning is requested. The representatives of the owners made their request for annexation subject to the approval of the request for zoning.

Mr. Pittman, President of Epic, Inc., was then invited to make his presentation on the development of the property. He discussed the preliminary planning that has been done and included the facts that there will be considerable front end money necessary to bring water to the development, and more importantly, the question of how they will meet the sewer requirements. He recognized the sewer problem as the most difficult one facing the development.

The meeting was then open to questions from members of the Commission. Mr. Smith asked about the size houses they planned to develop. Mr. Pittman replied eleven to fourteen hundred square feet. Mr. Smith then asked what the developers expected from the City. Mr. Pittman replied that they would expect to tie on to the City water system at their own expense. They ask that the present taxes be maintained on the property until development began, and they would expect the need for assistance from the City, though not financial, in the solution of the sewer problem.

Chairman Glasscock asked what kind of time frame they are working with. Mr. Pittman said they would hope to have the first phase of the development ready by the Spring of 1977, but it would depend upon the solution to the sewer problem. Mr. Knight asked if there would be certain restrictions,

.Steger property to the west, all of which is in the City Limits. To the east is Rockwall Estates which, of course, is outside the City Limits.

Harry Knight moved the Planning and Zoning Commission recommend that the determination of annexation and zoning as requested be passed on to the City Council as required for the final decision.

Wayne Rogers seconded the motion.

Vote for: Unanimous.

Chairman Glasscock adjourned the Planning and Zoning portion of the joint meeting at 8:13 P.M.

Mayor Myers then called the City Council portion of the meeting to order at 8:15 P.M. He opened the meeting by stating that he did not feel it was necessary to repeat the details of Mr. Pittman's opening statement to the Planning and Zoning Commission, and that the Council should proceed with the questioning portion of the meeting.

Councilman Gheen asked Mr. Pittman if they are developers. Mr. Pittman said Epic, Inc., is a real estate developer and has several developments in the Metroplex area that range from putting in the subdivision improvements to actually having builders construct homes on the property. Councilman Miller asked if the City had any control over the types of restrictions that could be placed on the development. The City Administrator replied that only those restrictions that are contained in the Zoning Ordinance are enforceable by the City. Restrictions exceeding these requirements are not covered in the Zoning Ordinance and cannot be controlled by the City.

Councilman Burks brought up the question of the possible program for developing sewer. Mayor Myers advised the Council he had instructed Freese and Nichols to review the possibility of a smaller type of plant that would begin to service a limited area in this south area of town. This request was based on the fact that there appeared no chance for Federal funds on our grant request and it therefore becomes necessary for the City to see what possible alternatives can be developed for providing at least some sewer facilities.

Councilman Gheen asked what type of zoning was being requested on property adjoining Epic property. The City Administrator stated that the Peoples family are requesting Light Industrial Zoning.

Councilman Burks asked if there is enough water to meet all of our obligations as well as to service this development. Mayor Myers replied that the design for our system will permit expansion as necessary to meet all of the commitments that we have to the developers who put up the money for the 16" line and meet expansion requirements as necessary.

contained approximately eight acres for open space in the flood plain area, but that they recognized the need for the additional open spaces for park purposes and would include it in their final plan.

Councilman Gheen asked if it would be possible to make annexation subject to the solution of the sewer problem. Mayor Myers discussed the fact that the reason for the annexation request was as a means of assuring the financial feasibility of the project; that annexation cannot be subject to any conditions. The Mayor felt that the new approach to a sewer system in the south area, though the facility would be much smaller than planned, would help solve the problem.

Councilman Tate moved that the ordinance be prepared for approval of the zoning request.

Councilman Burks seconded the motion.

Vote for: Unanimous.

Kenneth Glasscock

ATTEST:

John Bellon

ORDINANCE NO. 76-12

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 "A" AGRICULTURAL DISTRICT CLASSIFICATION TO "SF-4" SINGLE-FAMILY DWELLING DISTRICT CLASSIFICATION; SAID TRACT BEING MORE FULLY DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND IN THE JAMES SMITH SURVEY, ABSTRACT NO. 200, ROCKWALL COUNTY, TEXAS, AND BEING IN THE SAME TRACT OF LAND CONVEYED TO FORNEY LAND DEVELOPMENT CORPORATION BY DEED AND RECORDED IN VOL. 70, PG. 461, DEED RECORDS OF ROCKWALL COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON ROD FOR A CORNER ON THE NORTHEAST LINE OF F.M. ROAD NO. 3097; THENCE N. $44^{\circ} 52' 59''$ E., 20.0 FEET FROM THE SOUTHEAST CORNER OF THE JAMES SMITH SURVEY, SAID POINT OF BEGINNING ALSO BEING IN THE CENTER OF A COUNTY ROAD; THENCE, N. $45^{\circ} 5' 20''$ W. WITH THE NORTHEAST LINE OF F. M. ROAD NO. 3097, 2487.0 FEET TO AN IRON ROD FOR A CORNER ON THE SOUTHEAST LINE OF A 73.9-ACRE TRACT OF LAND CONVEYED TO EMILY SUE WHITEHEAD AND O. L. STEGER, JR., BY DEED AND RECORDED IN VOL. 87, PG. 148, DEED RECORDS OF ROCKWALL COUNTY, TEXAS; THENCE, N. $44^{\circ} 54' 44''$ E. WITH A FENCE LINE AND THE SOUTHEAST LINE OF SAID 73.9-ACRE TRACT 2609.01 FEET TO AN IRON ROD FOR A CORNER ON THE SOUTHWEST LINE OF A TRACT OF LAND CONVEYED TO J. L. PEOPLES BY DEED RECORDED IN VOL. 43, PG. 136, DEED RECORDS OF ROCKWALL COUNTY, TEXAS; THENCE, S. $45^{\circ} 53' 52''$ E. WITH A FENCE LINE AND SAID SOUTHWEST LINE OF THE PEOPLES TRACT 2487.0 FEET TO AN IRON ROD IN THE CENTERLINE OF COUNTY ROAD FOR A CORNER; THENCE, S. $44^{\circ} 52' 59''$ W. WITH THE CENTER OF SAID COUNTY ROAD 2644.1 FEET TO A POINT FOR A CORNER, THE POINT OF BEGINNING CONTAINING 149.97 ACRES OF LAND, MORE OR LESS; 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 "SF-4" Single-Family Dwelling District Classification:

BEING a tract of land in the James Smith Survey, Abstract No. 200, Rockwall County, Texas, and being in the same tract of land conveyed to Forney Land Development Corporation by Deed and recorded in Vol. 70, Pg. 461, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at an iron rod for a corner on the Northeast line of F.M. Road No. 3097, THENCE N. 44° 52' 59" E., 20.0 feet from the Southeast corner of the James Smith Survey, said POINT OF BEGINNING also being in the center of a county road;

THENCE, N. 45° 5' 20" W., with the Northeast line of F.M. Road No. 3097, 2487.0 feet to an iron rod for a corner on the Southeast line of a 73.9-acre tract of land conveyed to Emily Sue Whitehead and O. L. Steger, Jr., by Deed and recorded in Vol. 87, Pg. 148, Deed Records of Rockwall County, Texas;

THENCE, N. 44° 54' 44" E. with a fence line and the Southeast line of said 73.9-acre tract 2609.01 feet to an iron rod for a corner on the Southwest line of a tract of land conveyed to J. L. Peoples by Deed, recorded in Vol. 43, Pg. 136, Deed Records of Rockwall County, Texas;

THENCE, S. 45° 53' 52" E. with a fence line and said Southwest line of the Peoples Tract 2487.0 feet to an iron rod in the centerline of county road for a corner;

THENCE, S. 44° 52' 59" W. with the center of said county road 2644.1 feet to a point for a corner, the POINT OF BEGINNING containing 149.97 acres of land, more or less.

SECTION 2. 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 ordinance shall remain in full force and effect.

SECTION 3. 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 4. 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 hereby, 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 5. Whereas, it appears that the above-described property requires classification as a Single-Family Dwelling District 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 ordinances, as the law in such cases provides.

DULY PASSED by the City Council of the City of Rockwall, Texas, on the 2 day of AUGUST, 1976.

APPROVED:

Harry Myers
MAYOR

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY

ATTEST:

Dawn Williams
CITY SECRETARY

EPIC, INC ZONING CHANGE

1976