

CITY HALL
ROCKWALL TEXAS
APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee _____ Date April 12, 1977

Applicant Ted Cain

Mailing Address 812 S. Goliad, Rockwall, Tx. Phone No. 722-5404

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.)

See Attachment

I hereby request that the above described property be changed from its present zoning which is "Retail" District Classification to a "Commercial" District Classification for the following reasons: (Attach separate sheet if necessary.)

1. To sell used cars and trucks.

2.

3.

THERE ^(ARE) (ARE NOT) 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.

Ted Cain
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)



No. _____

DATE April 12 1977

RECEIVED FROM Ted Cain

DOLLARS \$ 50.00

FOR Application for zoning changes

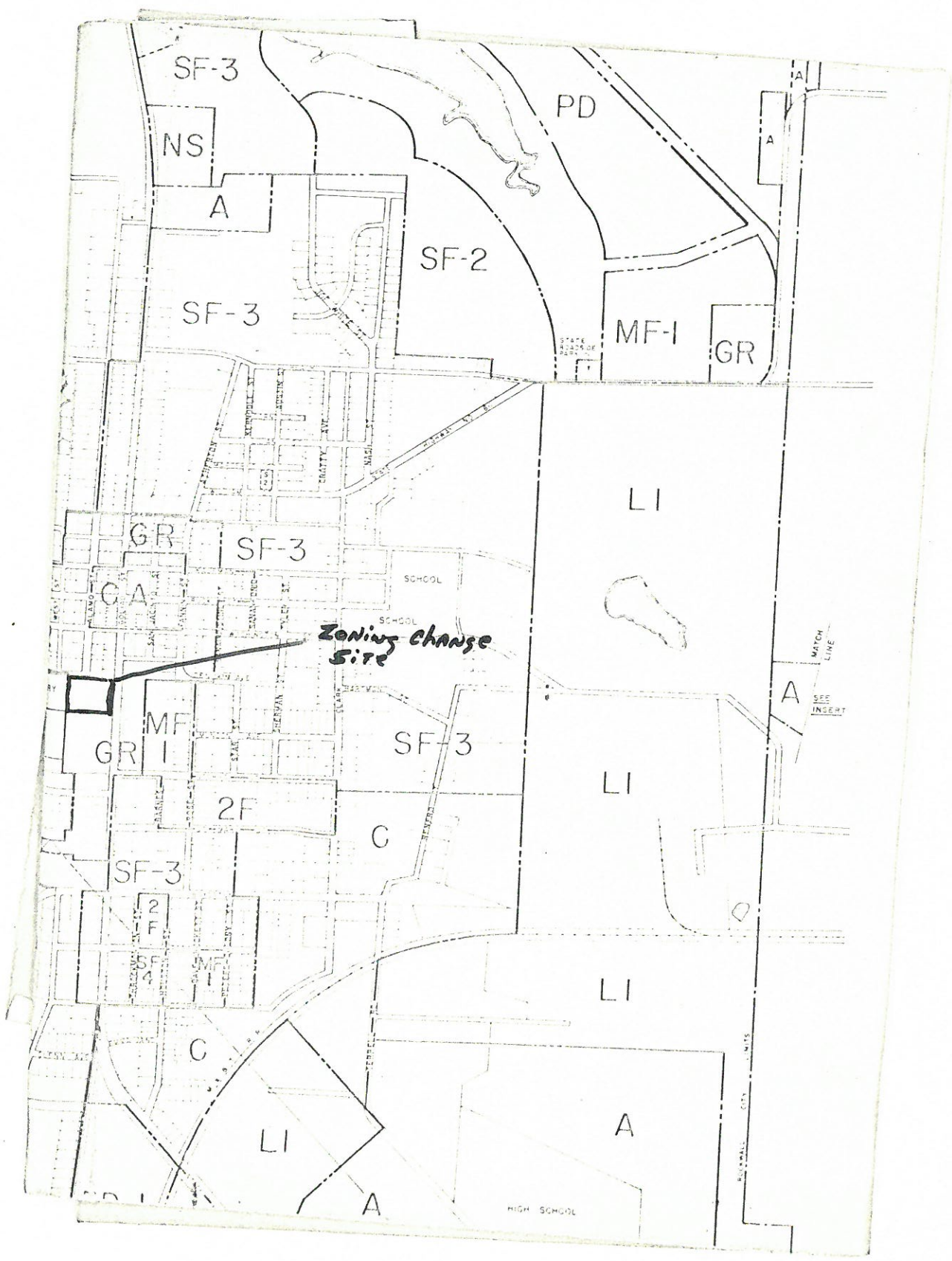
Amount of Account		Paid Cash	
Amount Paid	<u>\$ 268</u>	Check	<input checked="" type="checkbox"/>
Balance Due		Money Ord.	

Thank You

BY D. D. Tyson

Zoning Change 77-5
For Ted Cain

Zoning from General Retail to Commercial



have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

.....Ted Cain.....

of the County of Rockwall State of Texas all that certain

tract or parcel of land, situated in Rockwall County, Texas, out of the B. F. Boydston Survey, and in the City of Rockwall, and being a part of the 60 acres tract of land conveyed to H. W. Chandler by J. D. Boydston and wife by deed dated November 7th, 1905, of record in Vol. 7, page 397, Rockwall County Deed Records, described in metes and bounds as follows:

BEGINNING at the South East corner of a 49 $\frac{2}{3}$ acres tract of land conveyed to Bedford Hal Hartman by The Veteran's Land Board of the State of Texas by deed dated January 31, 1955, of record in Vol. 51, page 136, Rockwall County Deed Records, which said beginning point is on the West margin of Goliad Street, same also being the West Margin of State Highway number 205 as now established; THENCE NORTH 457 feet along West margin of Goliad Street and Highway number 205 to the North East corner of said original 49 $\frac{2}{3}$ acres tract, as now established; THENCE WEST with the North boundary line of said original 49 $\frac{2}{3}$ acres tract 286 feet to stake for corner;

THENCE SOUTH with West line of Cemetery Tract 337 feet to stake for corner;
THENCE WEST with Cemetery South line 594.6 feet to stake for corner;
THENCE SOUTH 100 feet, more or less, to South boundary line of said original 49 $\frac{2}{3}$ acres tract of land;
THENCE EAST with S. B. line of original 49 $\frac{2}{3}$ acres tract of land, same being the N. B. line of James W. Reese, Jr. tract of land, 860 feet to the place of beginning, containing Four (4) acres of land, more or less.

The tract of land herein conveyed is all of the remaining portion of original 49 $\frac{2}{3}$ acres tract owned by us after our conveyance of 46.07 acres to The City of Rockwall, as shown by Vol. 51, page 140, Rockwall County Deed Records.

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said

.....Ted Cain.....

of the County of Rockwall State of Texas all that certain tract or parcel of land, situated in Rockwall County, Texas, out of the B. F. Boydston Survey, and in the City of Rockwall, and being a part of the 60 acres tract of land conveyed to H. W. Chandler by J. D. Boydston and wife by deed dated November 7th, 1905, of record in Vol.7, page 397, Rockwall County Deed Records, described in metes and bounds as follows:

BEGINNING At the South East corner of a 49 2/3 acres tract of land conveyed to Bedford Hal Hartman by The Veteran's Land Board of the State of Texas by deed dated January 31, 1955, of record in Vol. 51, page 136, Rockwall County Deed Records, which said beginning point is on the West margin of Goliad Street, same also being the West Margin of State Highway number 205 as now established;

THENCE NORTH 457 feet along West margin of Goliad Street and Highway number 205 to the North East corner of said original 49 2/3 acres tract, as now established;

THENCE WEST with the North boundary line of said original 49 2/3 acres tract 286 feet to stake for corner;

THENCE SOUTH with West line of Cemetery Tract 337 feet to stake for corner;

THENCE WEST with Cemetery South line 594.6 feet to stake for corner;

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City of Rockwall

102 EAST WASHINGTON

ROCKWALL, TEXAS 75087

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE CITY COUNCIL OF THE CITY OF ROCKWALL ON JULY 11, 1977, AT 7:30 P.M., IN THE CITY HALL, TO DETERMINE IF THE PROPERTY DESCRIBED BELOW SHALL BE REZONED. THIS NOTICE IS GIVEN IN COMPLIANCE WITH THE LAWS OF THE STATE OF TEXAS.

Change from Retail to Commercial zoning.

(Field Notes Attached)

John Sellon
City Administrator

4/19/77

Red Cross Funding Change
(Property next to Texas Sta.)

1. H L Williams Orig Inv. Blk P - Lot 2,3,4,5
411 Valley Dr.
2. Jack Andersson ✓ ✓ Lot 1,6,7,8
201 W. Washington ✓ Blk AB Lot 1,2
3. Dwight Bookout ✓ Blk Q - Lot 2,3,5^{pt.}
203 Summit Ridge
4. Billy Peoples ✓ ✓ Lot - 8-9-10
Box 35 ✓ Z Lot - 1-2
5. Euron Corp. ✓ Blk Q - Lots 1,6,7
P.O. Box 53 Houston 77001
6. Richard Harris 129 - Boydston
2604 Ridge Rd. .13 a/c
7. Beech Villa Ltd. 129 Boydston
PO Box 714 - Lewisville 75067 5.14 a/c
8. Singleton & Snodgrass 129 Boydston
(all sports Inv)
210 - Casa Linda Plaza - Suite # 53 1.48 a/c
Dallas 75218
9. Trammel Crow 128 Boydston
1011 Stemmons Fwy. 29.08 a/c
Dallas 75207
10. J. P. & L. 129 Boydston
Fidelity Union Tower Bldg. .85 a/c
Dallas 75201


(over) Letters
Mailed
4/20/77

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 28th day of
April, 1977, in the Rockwall City Hall, Rockwall
Texas, on the request of Ted Cain
for a change of zoning from "Retail"
District Classification to "Commercial"
District Classification on the following described property:

See Attached Field Notes

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. 77-5.



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: 77-5

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

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 28th day of April, 1977, in the Rockwall City Hall, Rockwall Texas, on the request of Ted Cain for a change of zoning from "Retail" District Classification to "Commercial" District Classification on the following described property:

See Attached Field Notes

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. 77-5.

Ed Harts
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: 77-5

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 Jack P. Anderson
Address 201 W. Washington Rockwall, Texas

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

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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. 77-5.


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: 77-5

Reason for Change:

I am in favor of the request for the following reasons: Much Broader use of Property

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

- 1.
- 2.
- 3.

Signature Billy D. Peoples
Address Box 35

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

Thank You,
CITY OF ROCKWALL, TEXAS

City of Rockwall

102 EAST WASHINGTON

ROCKWALL, TEXAS 75087

May 2, 1977

Mr. Ted Cain
812 South Goliad
Rockwall, Texas 75087

Dear Mr. Cain:

This letter is to advise you that your request for a change in zoning was reviewed by the Planning and Zoning Commission at their regular meeting on April 28th, and their recommendation to the City Council was that this request for zoning change be denied.

State Statute provides that even though the Planning and Zoning Commission denies the zoning request it may be presented to the City Council. If you wish your request for a change in zoning be presented to the City Council at their regular June 6th meeting we must have your request in writing by May 9th. If we do not receive the request by May 9th it will have to be delayed until the July meeting of the City Council. If you do not wish to take your case on to the City Council, you are entitled to a \$25.00 refund of the initial \$50.00 charge for your zoning case. In order to make this refund we must have a written letter by the 31st of May advising us that you do not wish to have your case taken to the City Council, and requesting the refund of \$25.00. The City retains \$25.00 of your funds to cover the cost of the preparation of the zoning case for the Planning and Zoning Commission. The letter is absolutely necessary for cases of auditing all of our finances and the reasons for refunding \$25.00 of this request for zoning change charge.

If you have questions or wish to discuss going to the City Council with your request, please contact me here at City Hall.

Sincerely yours,

John Sellon
City Administrator

CC: Ed Heath
JS/mmp

City of Rockwall

102 EAST WASHINGTON

ROCKWALL, TEXAS 75087

May 2, 1977

*Req. required to
go to City Council
Verbal received
5/11/77*

Mr. Ted Cain
812 South Goliad
Rockwall, Texas 75087

Dear Mr. Cain:

This letter is to advise you that your request for a change in zoning was reviewed by the Planning and Zoning Commission at their regular meeting on April 28th, and their recommendation to the City Council was that this request for zoning change be denied.

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If you have questions or wish to discuss going to the City Council with your request, please contact me here at City Hall.

Sincerely yours,

John Sellon
John Sellon
City Administrator

CC: Ed Heath ✓
JS/mmp

City of Rockwall

102 EAST WASHINGTON

ROCKWALL, TEXAS 75087

May 18, 1977


Mr. Ted Cain
812 South Goliad
Rockwall, Texas 75087

Dear Mr. Cain:

Ed Heath, Rockwall's Chief Building Inspector, advised me verbally on May 11th that your requested change of zoning for your property on Goliad adjoining the Texaco Station to be submitted to the City Council for approval. This request for a change in zoning will be submitted to the Council at their regular July meeting which will probably be on the 5th or 11th. The reason we do not know the date is because the Council will determine this at their June 6th meeting. Normally it would be the first Monday, but that is the Fourth of July and will be an official holiday.

We will advise you of the date and time after the Council has determined the date of the regular July meeting.

Sincerely yours,


John Sellon
City Administrator

JS/mmp

Memo

6/16/77
DATE _____
TO Ted Cain _____
FROM John Sellon _____

Ted:

This is the Public Hearing Notice which will appear in next week's Rockwall Success for the C Zoning on South Goliad, recommended denied by the Planning and Zoning Commission.

Dallas 226-1531
Rockwall 722-6728

R&W Printing Co.

105 S. FANNIN • ROCKWALL, TEXAS

REGULAR MEETING OF THE CITY COUNCIL HELD

July 11, 1977

The Rockwall City Council met in its regular session on June 6, 1977, in the Council Chambers of the City Hall. Mayor Harry F. Myers called the meeting to order at 7:40 P.M. Councilmen Roger McCallum, Garvin Tate, Leland Miller, Jim Bryant and Arthur Kuhlman were present.

Mayor Myers then called for the first zoning case which was Ted Cain's request for a change from General Retail zoning to Commercial zoning on the property at South Goliad which adjoins the Texaco Station on the south. The Planning and Zoning Commission had recommended that this request be denied. Ted Cain made his presentation and this request was discussed by the City Council. Ted Cain's main reason for reconsideration of this request was because he had not been notified of the meeting before the Planning and Zoning meeting. This was confirmed by the City Administrator as an oversight on their part. It was strongly recommended by the Council that recommendations by Planning and Zoning be very carefully considered before they be overruled. It was moved by Councilman Bryant that the request be denied as recommended by Planning and Zoning, but that this be denied without prejudice. The motion was seconded by Councilman McCallum and the affirmative vote was unanimous with the exception of Councilman Tate, who abstained. Mayor Myers then requested that the City Administrator be sure to explain to the Planning and Zoning Commission the reason for this motion was because it was felt Mr. Cain should have the opportunity to present his case before the Planning and Zoning Commission if he so desired.

Stonebridge, Phase III, final plat was presented. The letter from Freese and Nichols reported that all subdivision conditions had been properly met. The City Administrator then advised the Council that the Planning and Zoning Commission recommended approval, subject to connecting the water line at the east edge of the subdivision to the City water line in Ridgeview Street. It was further recommended by Planning and Zoning that the method of paying for this would be for the City to pay for the actual installation of the line out of the money set aside for such additional water improvements and the developer would pay for the retopping of the asphalt street. It was moved by Councilman Tate that this final plat be approved subject to the looping of the water line. Councilman Kuhlman seconded the motion and the vote for was unanimous.

The next case was the Burgamy Addition final plat. Gerald Burgamy presented this plat, which is at the intersection of SH-205 and FM-740. The reason for platting this property was to construct an office building. There were no particular problems involved that required an details and it was moved by Councilman Kuhlman to approve the plat, seconded by Councilman McCallum, and the vote for was unanimous.

Stonebridge Meadows then requested an exception to the sign ordinance which would permit them to construct an attractive sign in the median strip at the entrance to Stonebridge. This sign would be constructed south of the bridge and would have a stone base that would be built from the same stone that the bridge is constructed of and would be a sign that would meet all of the requirements of the Sign Ordinance. The exception would be the location in the median strip rather than private property. The City Council reviewed the renderings of this sign and felt that if all other conditions were met that it would be an attractive addition and could be converted to a permanent entrance sign after the development had been completed. The City Council was favorably impressed with the plan as presented. Councilman Tate moved that the exception in the Sign Ordinance as to location of an advertising sign be made and that the sign be located south of the bridge in the median strip of Lake Shore Drive. The motion was seconded by Councilman Miller, and the vote for was unanimous.

The City Administrator then presented the letter from North Central Sanitation Company requesting an increase of 75¢ per customer in the garbage rate billing. The garbage collection contract runs for a period of three years which expires in November of 1977. This contract provided that each year the rate may be renegotiated. There has been no increase in the rate since this contract was executed. The City Administrator recommended to the City Council that there had not been time to analyze all of the costs involved with the City's operation of the landfill, and since last year showed a deficit, it seemed that it would be best to hold any consideration of this request in abeyance until such analysis could be completed and determination made as to whether or not any increase should also include an increase in the City's income from garbage collections. Mayor Myers stated that this request would be taken under advisement and be reconsidered as soon as a detailed analysis of the garbage collection and landfill operation could be completed.

The City Administrator then presented a Resolution and deed submitted by Texas Power and Light Company for the purchase of the City property on Denison Street which lies between the two tracts that TP&L owns. This offer for the purchase was \$1,000. It was moved by Councilman Kuhlman that the offer be accepted for TP&L to purchase this property for \$1,000, and that the Resolution be approved and he included in his motion the authorization for the Mayor to execute the deed to TP&L. Councilman McCallum seconded the motion, and the vote for was unanimous.

The City Administrator then presented a revised Electrical Ordinance. The reason for this revision was to provide that the only people that could obtain electrical permits were those who had been properly licensed, both as individual Master Electricians and the companies that are licensed to business with such Master Electricians as a permanent member of their staff or as a principal of the company. It was moved by Councilman Kuhlman that this Electrical Ordinance be approved.

Councilman Miller seconded the motion, and the vote for was unanimous.

The City Administrator then presented an ordinance officially adopting the new City map as determining the City Limit lines of the City of Rockwall. It was moved by Councilman Miller that this ordinance be adopted, seconded by Councilman Kuhlman, and the vote for was unanimous.

A resolution was then presented which provided for the appointment of a new City Administrator, Jesse, E. Gilbert, Jr., to be effective on July 18, 1977. John Sellon would resign this position of City Administrator but be retained as City Secretary, Tax Assessor-Collector, and Director of Finance. It was moved by Councilman McCallum that this Resolution be adopted appointing a new City Administrator. The motion was seconded by Councilman Miller and the vote for was unanimous.

The City Administrator then presented the information from Consulting Engineers Freese and Nichols on the cost of constructing new electrical controls for the high service pump station at the North Texas Municipal Water District reservoir. The cost of this construction would be approximately \$13,000. The present system has caused considerable trouble this summer and has practically put the City out of water three times in the last month. There have been a number of problems with the existing system and the engineer's recommendation is that it would be a waste of money to attempt to patch or improve the present system. The City Administrator stated there were three sources of funds to choose from for making these repairs. One would be the operating budget; another would be the special fund established for water improvements; and the third would be Revenue Sharing Funds. It was moved by Councilman Tate that the new electrical controls for the high service pumps be installed and that the money be allocated from Revenue Sharing. The motion was seconded by Councilman Miller and the vote for was unanimous.

The City Administrator reported that he was waiting for RCH to sign the contract for the purchase of their water lines within the City Limits and this would be contingent upon the Farm and Home Administration approving this purchase. This information had not yet been received. It was also necessary to complete a review of all of the easements that RCH has and a conveyance of these easements to the City of Rockwall prepared by the City Attorney so that both the execution of the contract and the conveyance of the easements would be simultaneous.

The City Administrator submitted a letter from George Lyons concerning the pending discontinuance at the end of 1977 of his emergency ambulance service within the City of Rockwall and the County of Rockwall. This had been addressed to the County Commissioners and Mayor Myers expressed the fact that it should be of concern and the Councilmen must give thought to what the next steps would be to provide such emergency ambulance service.

The City Administrator reported that work is continuing on the

details of the Capital improvement program with the major items now being the details of the financial information necessary from the financial advisor and the details of recommendations for increases in water and sewer service and additional operating costs for next year which are dependent upon the City Administrator's projections.

The City Administrator explained the emergency water service problem resulting from the break in the North Texas Municipal Line that comes across Lake Ray Hubbard. This line will not be repaired, as had been planned, and there were two houses in the north part of town on old Alamo Road which were being serviced from this line. The only immediate recommendation the City Administrator could make was to extend a temporary line to these houses that would cost somewhere in the neighborhood of \$2,000. The City Council requested a more thorough review of the responsibility for servicing these houses, agreements that might have been entered into with the North Texas Municipal Water District for such service, and what responsibility the City would have to supply them with potable water.

Mayor Myers then read a letter to Mr. Springer requesting a meeting with the Soil Conservation Service District in order to determine what may be done to permanently alleviate the problem that had been created earlier this spring by the stoppage and flooding of the Soil Conservation Dam that creates Caruth Lake.

Mayor Myers then read the letter from the Fire Pension Commissioner Mr. Hood, stating that Mr. Stanley's request of an appeal of the local Pension Board to refuse paying him additional funds beyond his medical expenses had been refused.

Mayor Myers then read a letter from Secretary of State White requesting that the Council consider setting up a special fund drive of private monies, municipal funds cannot be used, to have a gift from the City of Rockwall for the christening of the USS Texas. Mayor Myers appointed Captain Osborne to head such a civic committee.

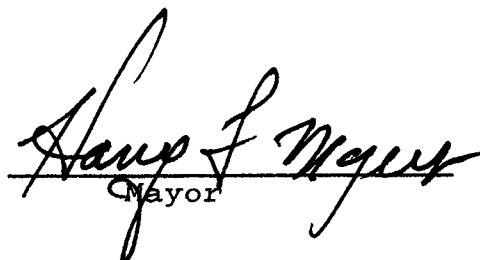
The meeting adjourned at 10:20 P.M.



ATTEST:



City Secretary



Mayor

Rejected will be resubmitted

~~off~~ 2/10/77 (Covered)