

CITY HALL

ROCKWALL, TEXAS

APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee _____ Date April 2, 1980

Applicant Eloise Cullum

Mailing Address 403 Shoreview Phone No. 714-6371 Business
Rockwall, Texas 714-6965 Home

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.)

The east one half (1/2) of Lots Seven (7) and Eight (8) in Block F of the Sanger Brother Addition to the City of Rockwall as shown on attached Survey Plat prepared November 19

I hereby request that the above described property be changed from its present zoning which is "SF-2" "Single Family Dwelling" District Classification to a "GR" "General Retail" District Classification for the following reasons: (Attach separate sheet if necessary.)

- 1. The expansion of business "Eloise's" located on Lot One, Block F adjacent to above property and owned by me and of Goliad Place.
- 2. Development of adequate parking for Goliad Place Shops located on Lots One and Two of Block F.
- 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.

Eloise Cullum
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.)

City of Rockwall

102 EAST WASHINGTON

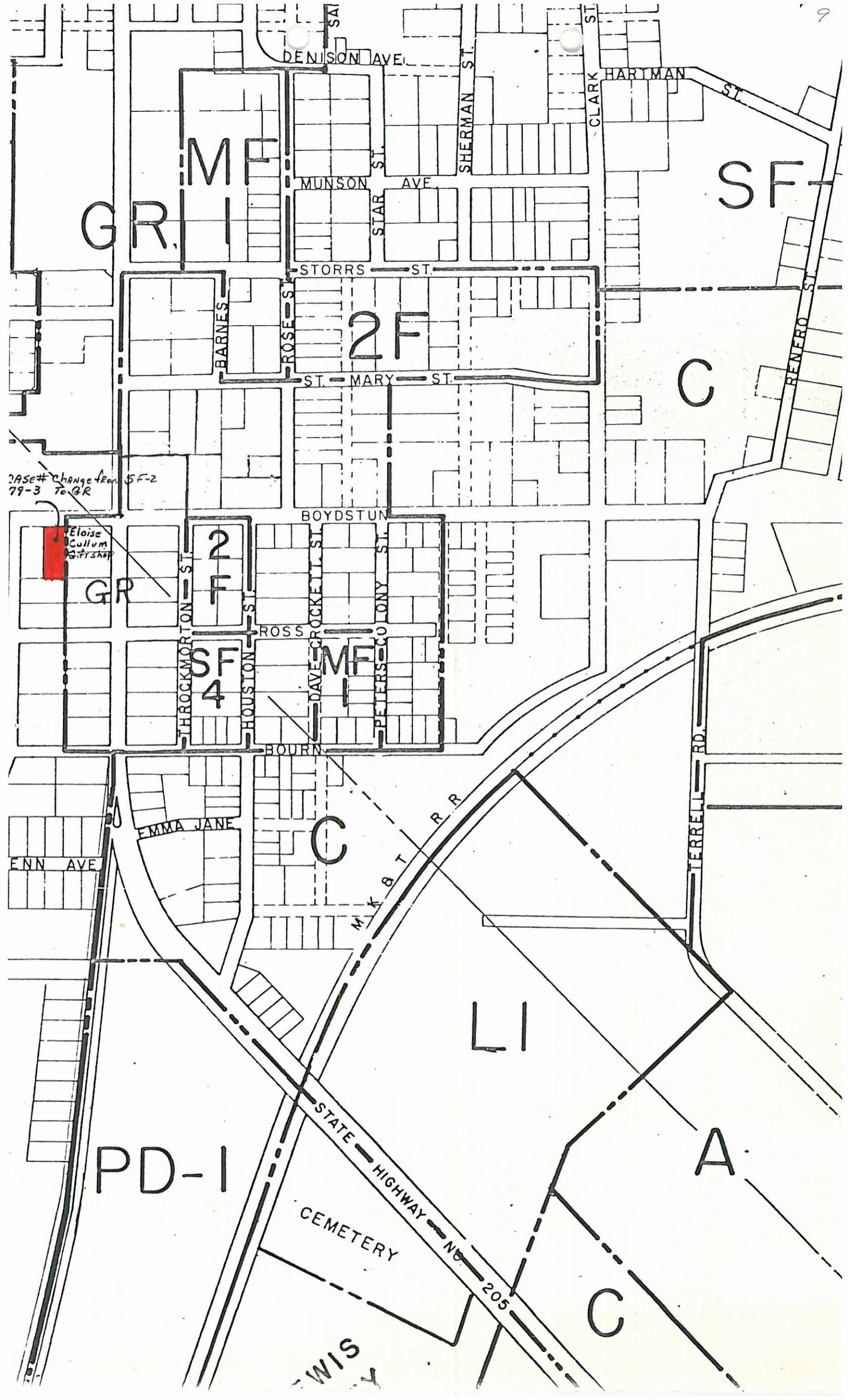
ROCKWALL, TEXAS 75087

Case Number: 79-3
for : Eloise Cullum

Summary of Proposed Zoning Change

This zoning request is being made for the improvement of parking. With the extension to expand Eloise's Gift Shop. This re-zoning will allow the property to be used in the future for retail and personal services.

If the zoning is approved a fence will be required to be built between this property and the property which is zoned residential. The building used to house the expanded retail operation will have to meet all requirements for such retail uses. All parking for the business expansion will have to meet zoning ordinance requirements for parking.



DENISON AVE

HARTMAN ST

ST

GR MF

MUNSON AVE

SHERMAN ST

SF

GR

STAR ST

CLARK ST

STORRS ST

2F

BARNES ST

ROSE ST

RENERO ST

ST. MARY ST

C

CASE# Change from SF-2 79-3 to GR

Eloise Colburn Gift Shop

BOYDSTUN

2F

GR

THROCKMORTON ST

HOUSTON ST

DAVE CROCKETT ST

PETERS COLONY ST

SF 4F

ROSS

MF

BOURN

EMMA JANE

C

ENN AVE

M K & T R R

TERRELL RD.

LI

PD-1

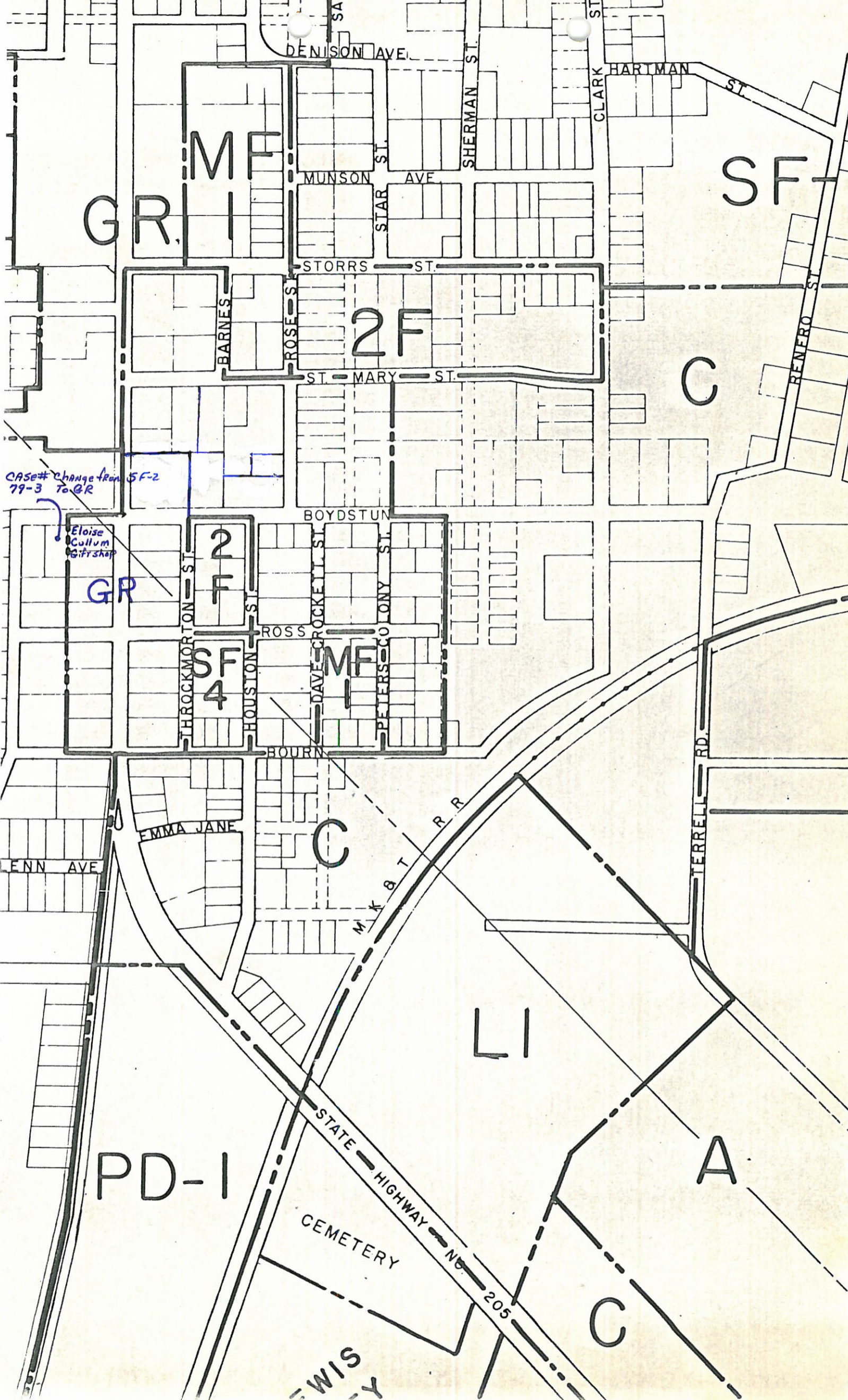
STATE HIGHWAY No. 205

A

CEMETERY

C

WIS



CASE# Change from SF-2
79-3 To GR

Eloise Collum
Giftshop

GR

2F

SF
4

MF

GR

MF

2F

SF

C

C

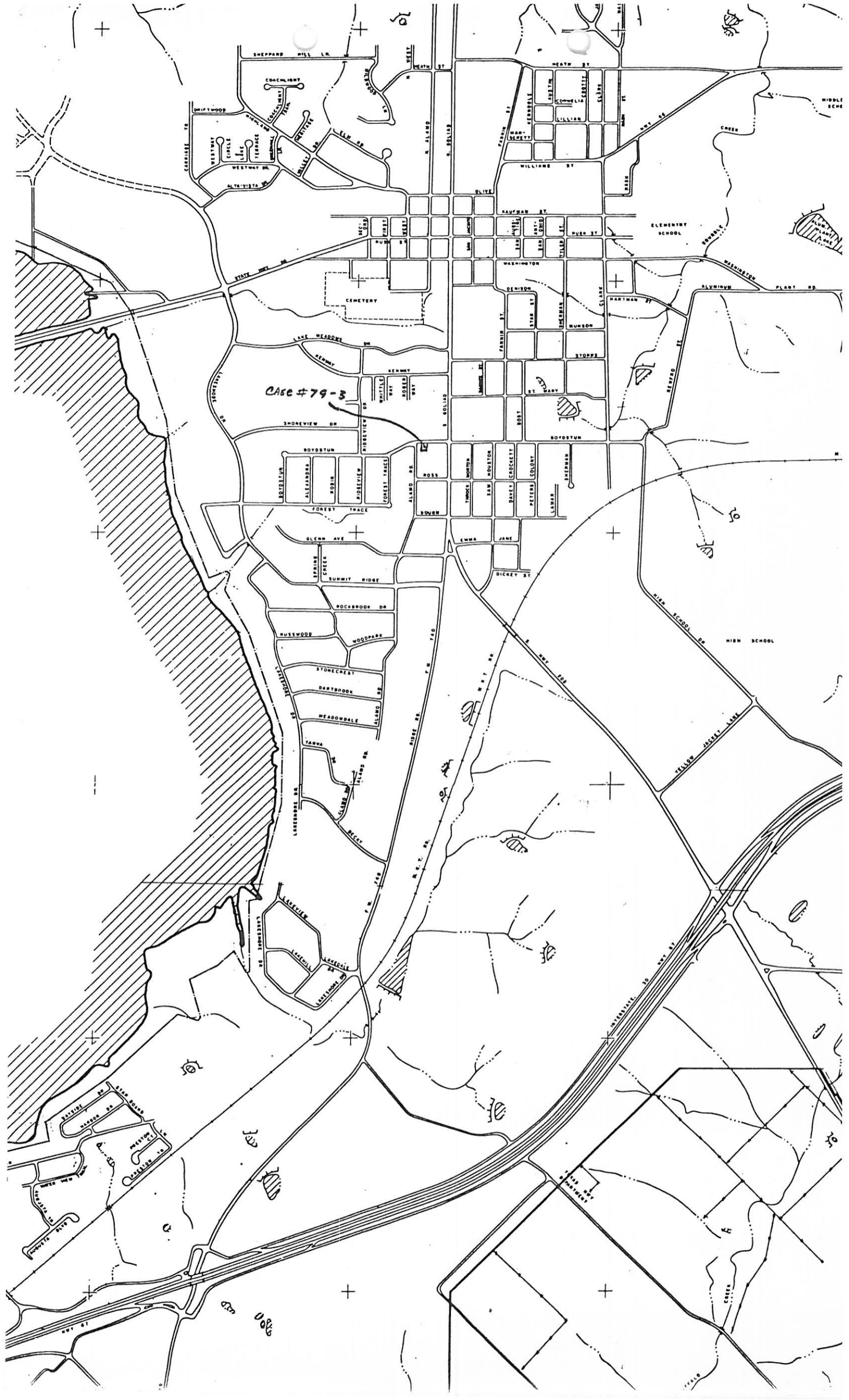
PD-1

L I

A

C

WIS Y



CASE #79-3

50

50

50

50

50

4/26/79

Eloise Gift Shop 702 S Goliad
Property owners 200'

Robert Peck 250 #1

~~Mrs. Bessie Lawson~~ Mrs. Harry Kizer ^{503 Shawnee}

Kenneth Blanton 267 Eye Park Mall, Dallas 75235

Richard Lawson 108 Row

Jed Cain 812 S Goliad

Moser Dev. Co. 405 Jarent Trace

Charles A. Mills 706 Alamo

Baptist Church 610 S Goliad

Robert Cook 764 South Goliad

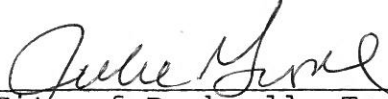
BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at
7:30 o'clock P.M., on the 24th day of April,
1980, in the Rockwall City Hall, Rockwall Texas, on the request of
Eloise Cullum for a change of zoning from
"SF-2" Single Family District Classification,
to "GR" General Retail District Classification,
on the following described property:

The east one half ($\frac{1}{2}$) of lots 7 and 8, Block F of the
Sanger Brothers Addition to the City of Rockwall.

(See Attached Plat)

As an interested property owner, it is important that you attend this
hearing or notify the commission of your feeling in regard to the matter
by returning the form below. In replying, please refer to Case No. 80-3.



City of Rockwall, Texas

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

Case No. 80-3

I am in favor of the request for the reasons listed below. _____

I am opposed to the request for the reasons listed below. _____

1.

2.

3.

Signature _____

Address _____

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,
City of Rockwall

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Julie York
City of Rockwall, Texas

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Zoning Commission, 102 East Washington, Rockwall, Texas 75087

Case No. 80-3

I am in favor of the request for the reasons listed below. _____

I am opposed to the request for the reasons listed below. _____

1. WILL UPGRADE THAT GENERAL AREA

2.

3.

Signature [Signature]

Address 3117 FAULKNER DR
ROWLETT TX

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,
City of Rockwall

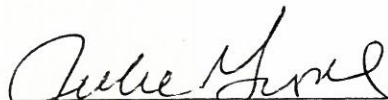
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I am in favor of the request for the reasons listed below. 

I am opposed to the request for the reasons listed below. _____

- 1.
- 2.
- 3.

Signature 
Address _____

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Case No. 80-3

I am in favor of the request for the reasons listed below. Yes

I am opposed to the request for the reasons listed below. _____

- 1.
- 2.
- 3.

Signature Richard Dawson
Address 108 W. Ross

Check one item PLEASE and return the notice to this office IMMEDIATELY.

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Case No. 80-3

I am in favor of the request for the reasons listed below. X

I am opposed to the request for the reasons listed below. _____

1. Add to an already functioning addition to both the
charm and public shopping convenience in Rockwall.
2. also .. would be an important part of a small
shopping complex already proven to draw additional
3. trade into the city from outside areas.

Signature Robert C Cook

Address 709 So. Coliad

Check one item PLEASE and return the notice to this office IMMEDIATELY.

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Julie York
City of Rockwall, Texas

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Case No. 80-3

I am in favor of the request for the reasons listed below. ✓

I am opposed to the request for the reasons listed below. _____

- 1.
- 2.
- 3.

For "GR"

Signature Robert J. Peck
Address Route one - Box 117 AP

Check one item PLEASE and return the notice to this office IMMEDIATELY.

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City of Rockwall, Texas

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Zoning Commission, 102 East Washington, Rockwall, Texas 75087

Case No. 80-3

I am in favor of the request for the reasons listed below.

I am opposed to the request for the reasons listed below.

1. To give Citizens of Rockwall more shopping.

2. To enhance beauty of Goliad Place.

3. To bring people in from other cities to shop,
benefiting the City of Rockwall

Signature Mrs. Harry C. Kizer

Address 503 Shoreview

Check one item PLEASE and return the notice to this office IMMEDIATELY.

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City of Rockwall

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Case No. 80-3

I am in favor of the request for the reasons listed below. _____

I am opposed to the request for the reasons listed below. X

1. See attached letter
- 2.
- 3.

Signature [Signature]
Address High Ridge Estates

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,
City of Rockwall



MOSER • THOMAS • GENTRY Associates
Commercial & Industrial Real Estate

April 18, 1980

Planning and Zoning Commission
City of Rockwall
Rockwall, Texas 75087

Re: Application to change the east one-half of Lot 7 and 8, Block F of the Sanger Brothers addition to the City of Rockwall

Gentlemen:

I am opposed to the request for rezoning the property referenced above for the following reasons:

- 1) PAST COMMITMENT: When we developed the property on the west side of Alamo, we were asked to pay for the entire paving of Alamo, which we did. At that time we clarified with the City Council their position relative to the future of the property along the east side of Alamo. They clarified that it would be single-family residential. We, of course, have deed restricted the west side of Alamo for single-family detached and there are now existing homes in the \$200,000.00 bracket.
- 2) SETS A PRECEDENT FOR THE REAR HALF OF THE BLOCK: The rezoning of the above property impacts the rear half of the entire block forcing another planning commission or council to react to the accusation that if they did not continue the general retail zoning along the block for other property owners, they would be "arbitrary and unfair". Practically speaking, it would not be prudent to use the adjacent property to the west of applicant's land for high-grade single-family residential once applicant's property was zoned general retail.
- 3) UNSIGHTLYNESS: If rezoning were to be accepted along Alamo, it is likely that the result would create an extremely unsightly situation for the residents along Alamo. There is simply nothing much worse than looking into the backend of a retail shopping strip, especially when the rear side is where the garbage is picked up. Also, the loading and unloading would encourage large trucks on the residential street and also create more automobile traffic.
- 4) NEGATIVE ECONOMIC GAIN: The value of the land on both sides of Alamo is presently being used for residential purposes and is of no detriment whatsoever to the present property owners. The value of residential land in the area is substantial on a per square foot basis and has been increasing at a rate much faster than inflation. I would venture to say that the per square foot values for high-grade residential would be greater than that for the rear part or the parking part of a retail establishment.

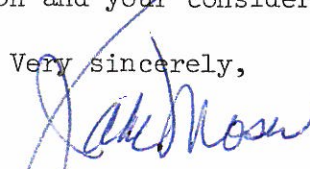


5) UNFAIR TRANSFER OF PARKING PROBLEM TO RESIDENTIAL AREA: It occurs to us that the general parking requirements for general retail have been waived when building permits were issued for the improvements on Goliad and Boydstun and the front side of the block. Poor planning has resulted in a poor parking situation and impacts the economic sales of those stores. The applicant created this problem and I personally object to the effort of the applicant to transfer the dollar cost from their mistake to the value of the land remaining along Alamo.

6) POSSIBLE SOLUTION: If the applicant owned the land along the east side of Alamo, were willing to build an eight foot masonry wall along Alamo with proper set backs, and develop a landscape plan acceptable to the residents to landscape the parkway along Alamo, and the city would guarantee park-like maintenance of the landscaped area, and the applicant would bond the construction of the above items and furthermore, deed restrict the land within the fenced area for parking only; then, I believe the residents along Alamo would be spared the economic devaluation of their property, although the traffic would definitely increase.

Please forgive the lengthiness of the above items, however, this is the third time this issue has come before the Planning Commission in two years and the other residents and myself have spent substantial time protecting the values along Alamo. Thank you for your cooperation and your consideration of the above.

Very sincerely,



W. Jake Moser, Jr.
President
Moser Development Corporation

WJM/jb

Attachment

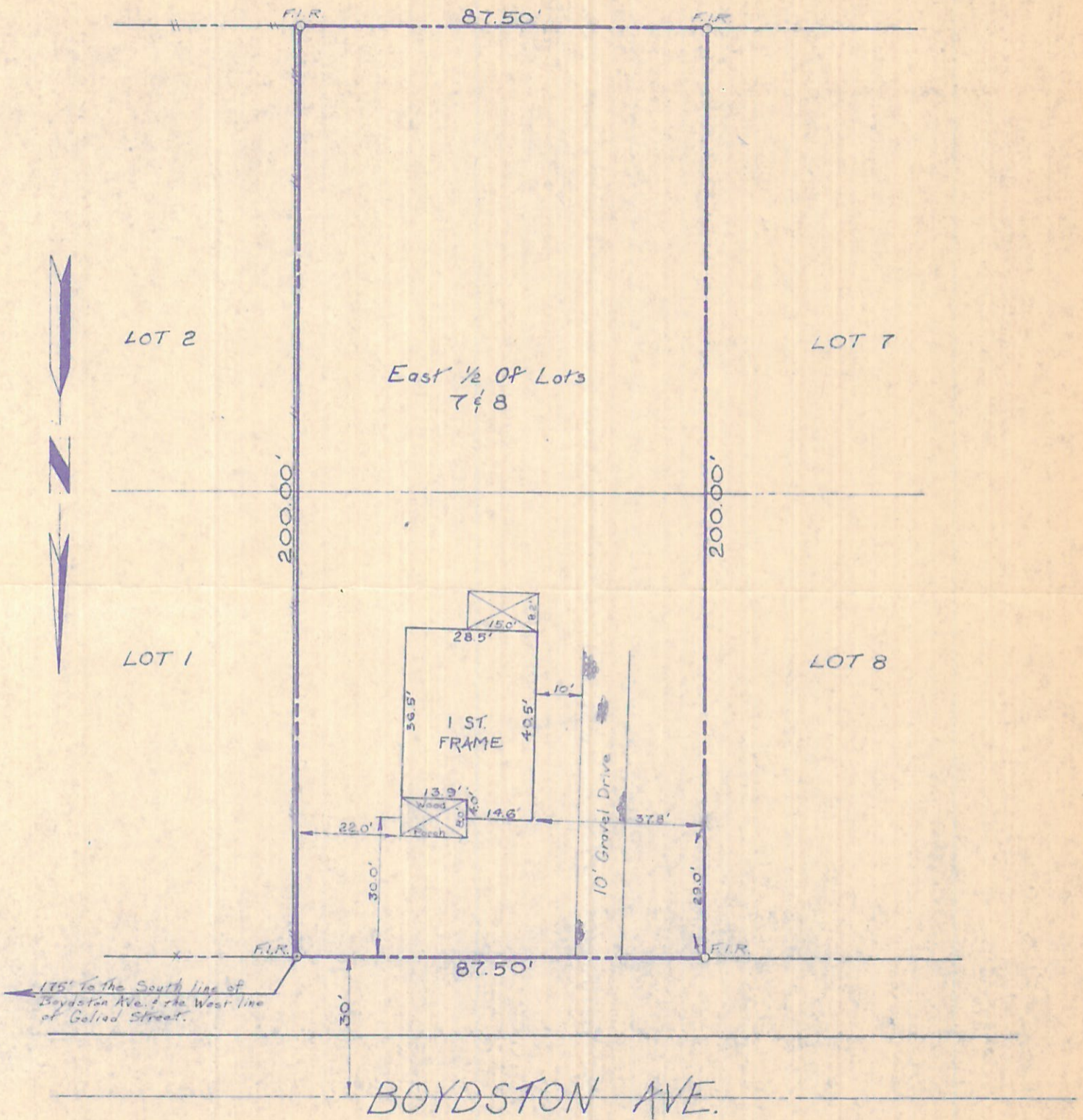
TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at

No. _____, in the city of _____, Texas, described

as follows:

Lot No. East 1/2 of Lots 7 & 8, Block No. _____ City Block No. _____
of Sanger Brothers Addition, an addition to the City of Rockwall
Texas, according to the File plat recorded in Volume Q at page 100 of the Map Records
of Rockwall County, Texas.



The plat hereon is a true, correct, and accurate representation of the property as determined by survey, the lines and dimensions of said property being as indicated by the plat; the size, location, and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, set back from property lines the distances indicated, and that the distance from the nearest intersecting street, or road, is as shown on said plat.

THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT NONE.

Scale 1" = 30'
Date 2-9-78

Licensed Land Surveyor, and/or
Registered Professional Engineer.

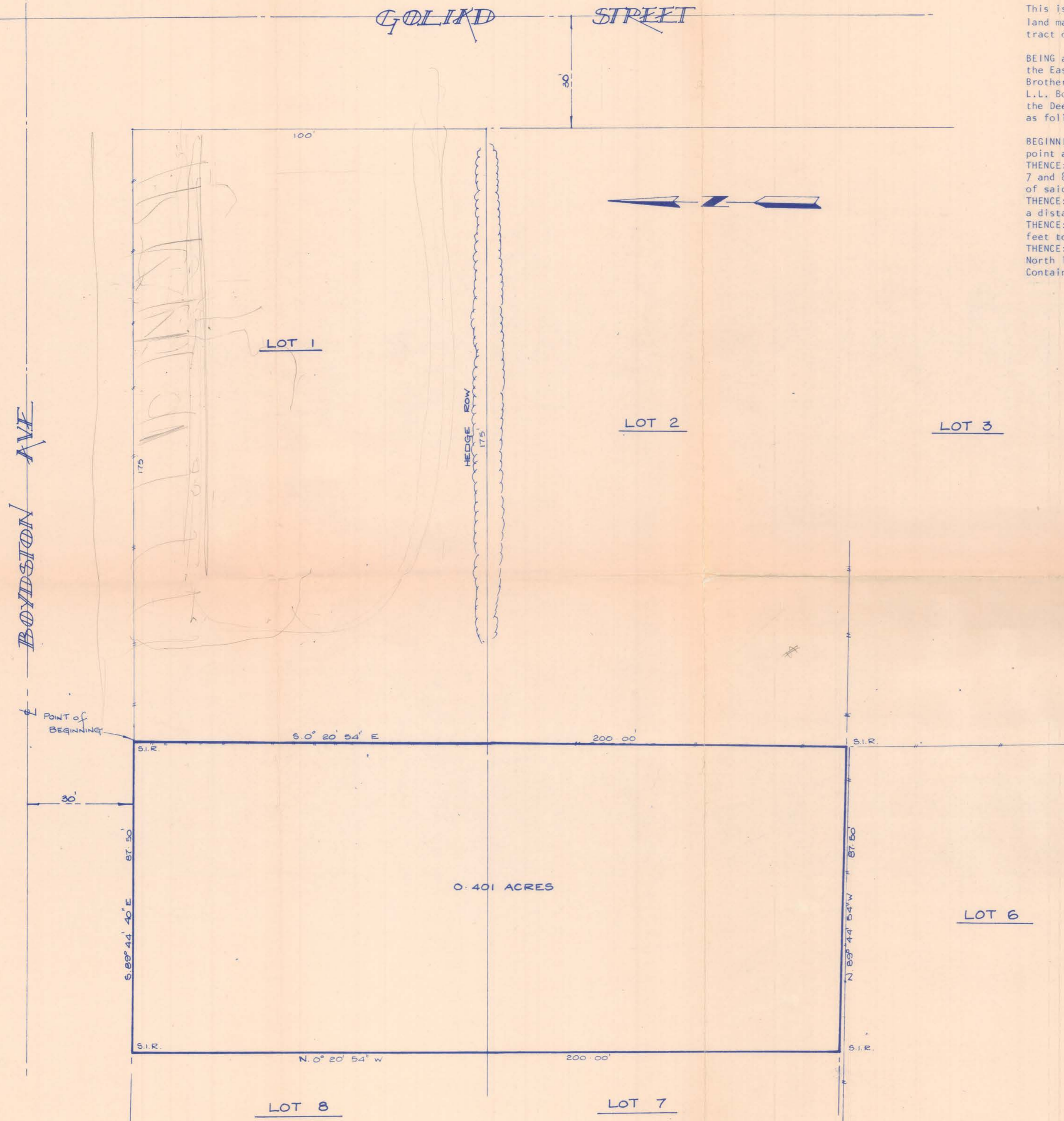


STATE OF TEXAS
COUNTY OF ROCKWALL

This is to certify that this plat was made from an actual and accurate survey of land made on the ground November 11, 1977, and correctly represents the following tract of land.

BEING a lot, tract or parcel of land situated in the City of Rockwall and being the East one-half (1/2) of Lots Seven (7) and Eight (8) in Block F of the Sanger Brother Addition to the City of Rockwall and being the same property conveyed to L.L. Bowman, III and James L. Peters by deed recorded in Volume 106, Page 845 of the Deed Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point for a corner at the Northeast corner of said Lot 8; said point also being on the South line of Boydston Ave.;
THENCE: South 0° 20' 54" East along a fence and with the East line of said Lot 7 and 8 a distance of 200.00 feet to a point for a corner at the Southeast corner of said Lot 7;
THENCE: North 89° 44' 54" West along a fence with the South line of said Lot 7 a distance of 87.50 feet to a point for a corner;
THENCE: North 0° 20' 54" West traversing said Lot 7 and 8 a distance of 200.00 feet to a point for a corner on the South line of Boydston Ave.;
THENCE: South 89° 44' 40" East with the South line of Boydston Ave. and the North line of said Lot 8 a distance of 87.50 feet to the Point of Beginning and Containing 0.401 Acres of Land.



LOT SURVEY

SCALE: 1" = 20'
NOVEMBER 15TH 1977
328-8188 HAROLD L. EVANS, CONSULTING ENGINEER, DALLAS

ACTION RECORD

CASE NAME: Elaine Cullen

CASE NO.: 80-3
(79-3)

Planning and Zoning
Commission

City Council

Date

Approved.

Disapproved

Approved

Disapproved

Preliminary Plat

Final Plat

Zoning

✓

✓

5-31-79
4-24-80

✓

6-2-80

Changes: Must construct a 6' screening fence between retail
and residential

Eloise Cullum
Zoning ----

79-580-3

MINUTES OF THE ROCKWALL CITY COUNCIL

REGULAR MEETING

June 2, 1980

Members present: Mayor Harry Myers, Robert Sparks, Arthur Kuhlman, Thomas Quinn, Roger McCallum and Richard Slaughter. The meeting was called to order at 7:35 P.M.

The Council considered approval of the minutes of May 5, 1980, and May 12, 1980. Arthur Kuhlman made a correction to the minutes of May 5th to the effect that the City park be referred to as the "Municipal Park" rather than the "YMCA Park". There being no further additions or deletions, the minutes were approved as corrected.

The Council then considered a preliminary plat on Northshore, Phase IA, a 95 lot subdivision located on Highway 66. Harold Evans presented the plat for First Texas Savings and Loan and explained the changes that had been made in this revised plat. He explained that a portion of the General Retail zoned property which fronted Highway 66 was proposed to remain General Retail. He also explained that the deed restrictions which had been included in the Council packets were being made a part of this plat. After a brief discussion, Councilman Slaughter made a motion to approve the plat, Councilman Kuhlman seconded the motion, the same was voted on and carried unanimously.

The Council then held a public hearing and considered an ordinance on a request from Eloise Cullum to rezone a .4 acre tract of land located on Roydstun Street from "SF-2" Single Family to "GR" General Retail. Ms. Cullum explained her request to the Council. Dewayne Cain explained his proposed development which was currently before the Planning and Zoning Commission which would act as a buffer between Ms. Cullum's property and the Single Family property along Alamo. After a brief discussion, Councilman Slaughter made a motion to approve the rezoning, Councilman McCallum seconded the motion, the same was voted on and carried unanimously.

The Council then held a public hearing and considered an ordinance on a request from Tommy Singleton to rezone a .8484 acre tract of land located on Lake Meadows Drive and South Goliad from "GR" General Retail to "MF-2" Multi Family. Tommy Singleton presented his request to the Council, explaining that he proposed to use his property for the development of an apartment house for the elderly. After some discussion, Arthur Kuhlman made a motion that the rezoning be approved, Richard Slaughter seconded the motion, the same was voted on and carried, with Richard Slaughter, Arthur Kuhlman, Roger McCallum, and Robert Sparks voting for, and Tom Quinn voting against.

The Council then considered approval of bids on a utility trailer. Mr. Gilbert explained that the City had advertised for bids in the paper and had also sent out bid proposals to four companies and had received only one proposal back. He explained that the proposal was from A-1 Trailer Manufacturing in Duncanville in the amount of \$2,783.00. After a brief discussion, Councilman Sparks made a motion to approve the bid, Councilman Kuhlman seconded the motion, the same was voted on and carried unanimously.

The Council then considered holding an election for two members to the Rockwall County Tax Appraisal District. Mr. Gilbert explained that two of the five members of the Rockwall County Tax Appraisal District had resigned from their positions. One of the members represented the City of Heath and the other represented the County. He explained that the process to fill these vacancies would be for the two governing bodies to nominate persons to fill them, then all the governing bodies in the County of Rockwall would vote on the appointments of the two representatives. He explained that the County nominated someone to fill the vacancy, but the City of Heath has not yet done so. He recommended that this item be tabled until the Special Meeting on June 9th so that the Council could appoint someone to both vacancies. The Council agreed to this.

Mr. Gilbert also explained that the Tax Appraisal District, at their last meeting, had developed two proposals which they were asking all the governing bodies in the County to respond to. First was whether or not the City would consider allowing the Tax Appraisal District to collect the taxes, as well as assess them. Mr. Gilbert explained that at this point the current proposal appeared to be cheaper than our current method of collecting taxes. After a brief discussion, the Council generally agreed that, in concept, they would consider contracting with the District to collect taxes.

The second item the District wished a response on was whether the City wants to consider reappraising property this year. Mr. Gilbert explained that under the State law, all property within the State had to be appraised to market value by the year 1982. He explained that the District was proposing to reappraise this year and spread the cost over a three year period rather than doing it all in one year. The Council generally agreed that they would rather wait until 1982 before entering into another reappraisal.

The Council then considered authorizing the sale of two surplus vehicles. Mr. Gilbert explained that with the arrival of the two new patrol cars, two of the older vehicles in the City's fleet could be eliminated. Mr. Gilbert explained that he would like to sell two vehicles which are in need of substantial repairs through Gaston and Gaston Auctioneers. After a brief discussion, Arthur Kuhlman made a motion to approve the sale of the two surplus vehicles, Councilman Slaughter seconded the motion, the same was voted on and carried unanimously.

The Council then discussed a proposed joint use agreement between the Rockwall Independent School District and the City for street and park facilities at the new elementary school. Arthur Kuhlman explained that he and two other members of the Council met with several members of the School Board in an attempt to resolve the problems that had developed at the school site. He explained that one proposal that had been developed would be to lease the 5 acres of the school site to the City for park purposes, and in exchange the City would install the street from the County Road to the School property. After some discussion, it was suggested by the City Council that Richard Slaughter again meet with several members of the School Board and suggest that the City and the School share the cost of developing the park over and above the cost of installing the street.

The Council then considered extending the contract with American Security for the City's Group Health Insurance Plan. Mr. Gilbert explained

that the health insurance plan for the City expired in June. He stated that we had received proposals from four other insurance companies and their rates could not compete with American Security's, who did not propose an increase over last year's rates. After a brief discussion, Richard Slaughter made a motion to extend the contract with American Security, Arthur Kuhlman seconded the motion, the same was voted on and carried unanimously.

The Council then considered authorizing a renewal contract with Texas Municipal League for Workmen's Compensation Insurance. Mr. Gilbert explained that our contract with Texas Municipal League for Workmen's Compensation Insurance expired in July, and that the Council needed to authorize the Mayor to sign a renewal contract. He explained that through TML the City received much lower rates for Workmen's Compensation than they could obtain through private means. Richard Slaughter made a motion to approve the renewal contract, Arthur Kuhlman seconded the motion, the same was voted on and carried unanimously.

The Council then considered approving a resolution authorizing the application of grant funds to purchase new teletype equipment. Tom Quinn made a motion to approve the resolution, Richard Slaughter seconded the motion, the same was voted on and carried unanimously.

Chief Beaty then presented his monthly Police Report to the Council.

Mr. Gilbert then made his Administrator's report. He explained that he wished to have a work session with a representative from the Cable Television Institute to explain to the Council the services this non-profit organization could offer the Council in reviewing cable television proposals. The Council agreed to hold a work session with someone from the Institute.

Mr. Gilbert also stated that he would like to have a work session with George Human, the Staff Planner with Freese and Nichols, to discuss the Concept Plan. The Council also agreed to hold a work session to discuss this item.

There being no further business to come before the Council, the meeting was adjourned at 10:05 P.M.



Nancy S. Myers
Mayor, City of Rockwall

ATTEST:

Jane Gilbert
City Secretary

ORDINANCE NO. 80-11

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-2" SINGLE FAMILY DISTRICT CLASSIFICATION TO "GR" GENERAL RETAIL DISTRICT CLASSIFICATION, SAID TRACT OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS: THE EAST ONE HALF ($\frac{1}{2}$) OF LOTS SEVEN (7) AND EIGHT (8), BLOCK F OF THE SANGER BROTHERS ADDITION TO THE CITY OF ROCKWALL, TEXAS; PROVIDING FOR CONSTRUCTION OF A SCREENING FENCE; 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 "GR" General Retail District Classification.

The east one half ($\frac{1}{2}$) of Lots seven (7) and eight (8),
Block F of the Sanger Brothers Addition to the City of
Rockwall.

SECTION 2. That a six (6) foot solid screening fence be erected and maintained between the "GR" General Retail Classification District and the adjacent residential district so as to screen the retail use from adjacent residential use.

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 ordinance 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 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, 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 as a "GR" General Retail District Classification 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 2nd day of June, 1980.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY