

CITY OF ROCKWALL  
102 East Washington  
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. P&Z 84-34 - CUP

Date Submitted 2/14/84

Filing Fee 150.00

Applicant Christine Mooney Hall

Address \_\_\_\_\_

Phone \_\_\_\_\_

Owner \_\_\_\_\_

Tenant \_\_\_\_\_

Prospective Purchaser \_\_\_\_\_

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto):

I hereby request that a Conditional Use Permit be issued for the above described property for:

The current zoning on this property is \_\_\_\_\_.  
There are/are not deed restrictions pertaining to the intended use of this property.

I have attached hereto as Exhibit A a plat showing the property which is the subject of this requested Conditional Use Permit and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

Signed Christine Mooney Hall

Note: The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. 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  
OFFICIAL RECEIPT

DATE 2/14/04  
NAME Bootsburgers  
ADDRESS \_\_\_\_\_

Cash     Check     Other

GARBAGE		
LAND FILL PERMIT		
GARAGE SALES		
SOLICITORS PERMIT		
RENT		
MISCELLANEOUS WATER SALES		
<u>Permit Use Permit</u>		<u>50.00</u>

Received By \_\_\_\_\_

2353

FORM G 1

CONDITIONAL USE PERMIT  
FACT SHEET

Case No.: 84-34-CUP

Applicant: Christine Mooney Hall

Location of Property: 701 Austin Street

Current Zoning: "SF-7" with a Specific Use Permit to Sell Hamburgers  
~~for Off-Premise Consumption~~

Surrounding Zoning: "SF-7"

Proposed Use: Sale of hamburgers for both on-premise and off-premise  
consumption

Reason for Request: \_\_\_\_\_

Notices: Sent: 24

Favorable: 3

Unfavorable: 7

Additional Information:

See Attached Note

Staff Comments: Staff position has always been that this is a retail use in a residential area creating truck traffic, litter, and parking problems. She would not be able to provide sufficient parking on the lot.

Planning and Zoning Commission Recommendations:

3/8/84 - Deny.

City Council Decision:

4/2/84 - Deny

In 1976 Boots Mooney was granted a Specific Use Permit for his house located at 701 Austin, which is in the middle of a residential subdivision. This Specific Use Permit granted Mr. Mooney the right to sell hamburgers at this location for off-premises consumption only. Under the permit, if the operation were to cease for a period of six months, the permit would be revoked.

Since Mr. Mooney's death, Mrs. Mooney has continued with the business, and she has placed several picnic tables along the driveway. Gradually, over a period of time, people have begun to eat at this location as well as purchase the hamburgers. As this is in violation of the ordinance, there have been complaints from the surrounding property owners. Mrs. Mooney has submitted a request to revise her "SUP" to allow the consumption on premises.

She applied in 1981 and the Planning and Zoning Commission recommended limiting the operation to 24 seats, allowing the hours of operation from 11:00 A.M. to 2:00 P.M., Monday through Saturday and 5:00 P.M. to 7:00 P.M. on Tuesday, Thursday and Friday, and restricting truck deliveries to daylight hours. The Council denied the request. She applied in 1982 and the Planning and Zoning Commission denied her request. She planned an appeal to Council, but withdrew it. She is now applying again.



3/29/84

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 8th day of March, 1984, in  
District Courtroom, Rockwall County Courthouse

Rockwall, Texas, on the request of Christine Mooney Hall  
for a change in a specific use permit from the sale of hamburgers for off  
premises consumption to the sale of hamburgers for both on and  
off premise consumption

on the following described property:

Lot C and south 1/2 Lot B, Block 8  
Farmers and Merchants Addition  
(701 Austin St.)

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. 84-34-CUP

*[Signature]*  
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. 84-34-CUP

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

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

1. I CAN see No HARM For Eating HUNCH there
2. She does keep the place CLEAN
3. \_\_\_\_\_

Signature *Juanita Kimbrell*  
Address *Rockwall Texas*

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

Thank you,  
City of Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION  
CITY OF ROCKWALL, TEXAS

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o'clock        P.M. , on the        8th day of        March , 1984, in  
       District Courtroom, Rockwall County Courthouse  
        
Rockwall, Texas, on the request of        G. M. Houser, Inc.  
for a        change in zoning from "A" Agricultural to "LI" Light Industrial  
       with a Conditional Use Permit for a concrete plant  
      

on the following described property:

SH-276 east of Old Terrell Road  
(See attached page)

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. 84-40-Z

        
*Julie Couch*  
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. 84-40-Z

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. *This is ideal industrial area.*
- 2.
- 3.

Signature        *W.H.H.*  
Address        *RT 4 Box 105A Rockwall*

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

Thank you,  
City of Rockwall

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Alvin Hunter  
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. 84-34-CUP

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

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

1. the congestion of traffic on Austin and Lillian Streets
2. the big trucks <sup>(delivery)</sup> and extra traffic that have torn up the streets
3. the litter in which the school kids will bring in. as they did before

X Signature Mrs. Alvin Hunter

X Address 506 Austin St.

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

Thank you,  
City of Rockwall

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*Albie D. McCall*  
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. 84-34-CUP

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

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

1. Because they make good hamburgers
2. Because I see no harm in having the stand
3.

Signature *Albie D. McCall*

Address *503 Lillian*

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

Thank you,  
City of Rockwall



CITY OF ROCKWALL, TEXAS

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on the following described property:

Lot C and south 1/2 Lot B, Block 8 Farmers and Merchants Addition (701 Austin St.)

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. 84-34-C

[Signature] 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. 84-34-CUP

CASE NO - 84-34-CUP

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

I am opposed to the request for the reasons listed below. [checked]

- 1. I dont want my neighborhood turned into the Sonic Drive In
2. I moved here in this addition in Nov of 83 for the main reason of the tranquility of the location.
3. Unhealthy enough just selling them in a residential area

Signature DeLoach A. Smith
Address 806 Kernode, Rockwall 75087

4) She should have the whole mess in a different location completely away from where people live

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

Thank you, City of Rockwall

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[Signature]  
City of Rockwall, Texas

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Case No. 84-34-CUP

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

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

1. brings to much traffic into the neighborhood.
2. not suitable for residential area to have parking problems of large business.
3. Why is this temporary business allowed to bring zoning changes up so regularly?

Signature Howard Schulz

Address 704 Kernodke

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

Thank you,  
City of Rockwall

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[Signature]  
City of Rockwall, Texas

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Case No. 84-34-CUP

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

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

1. Too much traffic in area at one time of day
2. Too many heavy trucks coming into area tearing our street up.
3. This is a residential area not commercial

Signature Bill & Barbara Stuckey

Address 604 Kernodle

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

Thank you,  
City of Rockwall

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*[Signature]*  
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. 84-CUP

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

- 1. Too much heavy traffic, congestion and noise. XXX
- 2. No park area. Road is worn out on my side.
- 3. If Chris wishes to enlarge business she should find area with more parking space. Custom are not from this neighborhood.

Signature Eva Harris  
Address 606 Peroville

Check one  ASE and return the notice to this office IMMEDIATELY

BEFORE THE PLANNING AND ZONING COMMISSION  
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*John Covert*  
City of Rockwall, Texas

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Zoning Commission, 102 East Washington, Rockwall, Texas 75087.

Case No. 84-34-CUP

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

I am opposed to the request for the reasons listed below. To much Parking

- 1.
- 2.
- 3.

Signature *Bob Lancaster* X

Address 607 Kennedel St X

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

Thank you,

BEFORE THE PLANNING AND ZONING COMMISSION

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\_\_\_\_\_  
City of Rockwall, Texas

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Case No. 84-34-CUP

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

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

1. *I am building my home in the neighborhood and*
2. *we feel that off premise consumption is the*
3. *best situation for a residential area.*

Signature Carolyn Zimmerman

Address 705 Kernodle

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

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City of Rockwall

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\_\_\_\_\_  
City of Rockwall, Texas

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Case No. 84-34-CUP

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

# Mooney

- ✓ 1. Juanita Kimbrell - Rt 1, Box 142 A, RKW.
2. George Hanlon - 602 Kernodle, RKW
3. W<sup>m</sup> Stuckey - Box 122, RKW.
- ~~4. John Wallace, Jr - RT 1, Box 135 A, RKW out~~
5. Eva HARRIS - 606 Kernodle, RKW.
6. E. E. Lancaster - 1211 OAKS, Compton, CALIF. 90221
7. Dewayne Compton - Box 578, Heath, Tx 75087 (this address is correct)
- ~~8. Grace Cochran - 1023 N. 3rd, Durant, OKLA 74701 out~~
- ✓ 9. Gregory Evans - 803 Kernodle, RKW.
10. Ethel Deweese - 802 Kernodle, RKW.
11. Bob Bruner - Box 101, RKW.
- 12. Frank Sedivy - 801 Austin, RKW.
13. Howard Schulz - 704 Kernodle, RKW
- ~~14. James Sartain - 501 Cornelia, RKW. out~~
- ✓ 15. Jack Frazier - 503 Cornelia, RKW.
- 16. Buford Hale - 505 Cornelia, RKW.
- ~~17. Lee Mitchell - Rt 5, Box 14, RKW. out~~
- ~~18. Robert Kloss - 2803 Wilton, DALLAS, Tx 75211 out~~
- ✓ 19. Weldon Daniels - 504 Lillian, RKW.
- ✓ 20. Mary Seay - 602 Austin, RKW.
21. Barron Guldardo, Box 38, Fate, Tx 75032
22. Ruffy M<sup>c</sup>Call, 503 Lillian
23. Eddie Barnett, 501 Lillian
24. George Barnett, 502 Cornelia
25. Hector Torres, 504 Cornelia
26. Michael Gray, 506 Cornelia
27. Roger M<sup>c</sup>Callum, 102 E. Rust
28. Frank Zimmerman, 9010 Magvires Bridge Ln, Dallas 75231



BEFORE THE PLANNING AND ZONING COMMISSION  
CITY OF ROCKWALL, TEXAS

*Karen*

The Planning and Zoning Commission will hold a public hearing at 7:30  
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*[Signature]*  
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. 84-34-CUP

~~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. *SEE ATTACHED SHEET*
- 3.

Signature *[Signature]*  
Address 509 CROTTY ST. AT LILLIAN

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

Thank you,  
City of Rockwall

March 6, 1984

To the P&Z Board  
Gentlemen,

Since I have lost my form I'll take this means to say we are in favor of Bootsburger's seating its customers,

1. This business was seating people long before an ordinance was set by the city or before any of the complainants moved into our neighborhood. Everyone else holds on to the Grandfather Clause. I feel that Christine Christine is being discriminated against by not allowing her the same Clause.
2. I live as near as anyone and there has never been one bit of trash thrown on our property. It is kept very orderly and clean. The people who are complaining live over two hundred feet from the burger stand and there is no way they could be bothered by this business.

3. The town of Rockwall need this little unique spot,

we have just spent thousands of dollars for that old fashion Country Charm around the Court House. Bootsburger has that without any cost to the tax payers!

In the winter it is closed in with beautiful plants and a wood burning stove. It has a very unique Country flare. In summer it is open air much like the sidewalk Cafes of Paris that is so famous.

People who work inside need this place to take them away from those four walls. Construct construction men who really get dirty feel comfortable coming to and eating in this Country atmosphere!

I hope each of you will come and see for yourselves.

Sincerely

Dorothy Daniel

Lot C + South 1/2 Lot 1  
Block 9 Farmers + Merch  
(701 Austin)

# Mooney

1. Juanita Kimbrell - Rt 1, Box 142 A, RKW.
2. George HANLON - 602 Kernodle, RKW
3. ✓ W<sup>m</sup> Stuckey - Box 122, RKW.
4. JOHN WALLACE, JR - Rt 1, Box 135 A, RKW.
5. Eva HARRIS - 606 Kernodle, RKW.
6. E. E. Lancaster - 1211 OAKS, Compton, CALIF. 90221
7. <sup>Milice Zimmerman</sup> ~~Dewayne Compton~~ - Box 578, Heath, Tx 75087 (this address is correct) —
8. Grace Cothran - 1023 N. 3<sup>rd</sup>, Durant, OKLA 74701
9. ~~J. T. Frammatt~~ - 803 Kernodle, RKW. - Billy Don Powell
10. Ethel Deweese - 802 Kernodle, RKW.
11. Bob Bruner - Box 101, RKW.
12. Frank Sedivy - 801 Austin, RKW.
13. Howard Schulz - 704 Kernodle, RKW.
14. ~~James Sartain - 501 Cornelia, RKW.~~ Roger McCallum - 102 E Rusk
15. Jack Frazier - 503 Cornelia, RKW.
16. Buford Hale - 505 Cornelia, RKW.
17. Lee Mitchell - Rt 3, Box 14, RKW.
18. Robert Kloss - 2803 Wilton, DALLAS, Tx 75211
19. Weldon Daniels - 504 Lillian, RKW.
20. Mary Seay - 602 Austin, RKW.
21. George Burnett - 502 Cornelia
22. BARRON GILDARDO - 505 Lillian
23. Duffy McCall - 503 Lillian.
24. Hector Torres 504 Cornelia  
Zimmerman

Lot C part of B Block C of Farmers + Merchants

Notices mailed  
12/30/82

Notices mailed  
to above  
11/23/82

Notices mailed to addressees  
listed above 8/31/81  
my

Notices mailed  
9/28/81

We are opposed to the request in case No. 84-34-CUP for the reasons listed below:

1. The increased traffic through this residential neighborhood increases the chance of injury to our children.
2. The lack of off-street parking at times blocks Lillian St. and would impede passage of an emergency vehicle. This could block access to the fire hydrant at Lillian and Kernoodle, which serves all homes approximately two blocks east.
3. The large delivery trucks are tearing up our streets and are noisy for a residential neighborhood. The increased traffic is a disturbance to this neighborhood.