

PLANNING AND ZONING

FACT SHEET

Case No. 84-102-FP

Applicant: Tim Herring

Name of Project: Herring Addition.

Location: north side MKT RR east of High School Dr

Acreage: 1.8441

Current Zoning: LI (applying for ~~the~~ partially Hc)

Request: Plat one lot subdivision including 20ft. frontage on High School Dr., 20ft. wide drive back to building site on Railroad.

Notices: Sent _____

Favorable _____

Unfavorable _____

Comments: Board of Adjustments must grant variance for 20 ft. frontage. May eventually need road across 20ft. access strip requiring Herring to dedicate ROW.

P & Z Recommendation: 10/11/84 Table for concept plan.

Council Decision: _____

LAW OFFICES
HUTCHISON PRICE BOYLE & BROOKS

A PROFESSIONAL CORPORATION

RAY HUTCHISON
RAYFORD PRICE
JOHN F. BOYLE, JR.
BEN A. BROOKS
ROBERT D. DRANSFIELD
ALLEN MOON
JAMES D. HOLLAND
BYRON E. COX
KENNETH C. DIPPEL
RICHARD A. YAHR
JAMES J. PANIPINTO
MARTHA A. PEAK
CHRISTINE YOUNGS
ADRIENNE C. LEONARD
SANDRA L. MARHOEFER
RICHARD L. COVINGTON
JOHN M. HILL

211 NORTH ERVAY BUILDING, SUITE 1500
DALLAS, TEXAS 75201
(214) 742-3882

AUSTIN OFFICE:
1108 LAVACA STREET, SUITE 400
AUSTIN, TEXAS 78701
(512) 477-4121

DALLAS TELECOPY NUMBER:
(214) 969-7446

October 23, 1984

Ms. Karen Martin
Administrative Assistant
City of Rockwall
205 W. Rusk Street
Rockwall, Texas 75087

Re: Herring Plat

Dear Karen:

We have reviewed the proposed plat and your letter and would offer the following comments:

1. That the plat shows street frontage, so that what we have is a odd configured lot with 20 feet of street frontage. Note that the plat does not designate the long strip as a private drive but it is merely shown as stated, as an odd configured lot. To put it another way, the long strip is part of the 1.8 acres that is being platted. Therefore, the lot does have street frontage and what the property owner does with the long strip would be up to him as long as whatever use he can put the strip to is done in accordance with the Zoning Ordinance.
2. Obviously, the proposed plat does not meet the 100 feet of site frontage requirement. It appears that the Zoning Board of Adjustments could grant a variance to allow 20 feet of site frontage, although the applicant would have to show that the ordinances of the City of Rockwall as applied work a hardship on him.
3. The Zoning Board of Adjustments case would have to be heard prior to the Planning and Zoning Commission considering the plat, otherwise the Planning and Zoning Commission would be approving an illegal plat. Thus, the first step would be to send the applicant to the Board of Adjustment in order to obtain a variance to allow 20 feet of site frontage on High School Drive.
4. If the City desires to have a dedicated roadway to the site at some point and time, it probably would be advisable to approach the other property owner about dedicating the necessary footage for right of way as well as placing a requirement or condition on the plat that the 20 foot strip will be dedicated as a public roadway at such time as the additional right of way is obtained. This condition would be necessary from the standpoint of keeping the 20 foot strip open for vehicular use.

If there are any other questions, please advise.

Very truly yours,

HUTCHISON PRICE BOYLE & BROOKS



Pete Eckert

PE/cl

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December 13, 1984

Ms. Karen Martin
Administrative Assistant
205 W. Rusk
Rockwall, Texas 75087

Re: Herring and Unruh Plats

Dear Karen:

With respect to the questions posed in your November 19, 1984 letter, please note the following:

Herring Plat

The approximate location of the needed Right-of-Way should be shown on the plat, perhaps by dotted lines. Although the exact location of the proposed roadway cannot be determined at this time, an approximate location would be at least notice to anyone reviewing the plat. In addition, the following language should be included on the plat:

"The Owner hereby agrees to dedicate the necessary easement for Street Right-of-Way purposes, as approximately shown on this plat, to the City of Rockwall at such time when the said easement for Right-of-Way purposes is required by the City of Rockwall."

The Owner will sign right below this declaration and it should be acknowledged by a notary.

Unruh Plat

From review of the attorneys opinion, I do not believe that it would be appropriate for an engineer or surveyor to certify as to the existence or nonexistence of any outstanding easements on the property. In that regard, note Section 24-9(6) of our Subdivision Regulations which states in part in follows:

Page 2


"An instrument of dedication, signed and acknowledged by the Owner or Owners and by all other parties who have a mortgage of lien interest in the property, showing all restrictions, reservations and/or easements, if any, to be imposed and reserved in connection with the addition. . ."

Based upon this section it is my opinion that the Owner should certify that all outstanding easements, if any are shown on the plat and that there are no other easements on the property other than those that are shown. The Owner then would sign below this declaration and it also would be acknowledged.

If there is a dispute between Mr. Unruh and Mr. Cooper as to whether Mr. Cooper has retained an access easement, it would, be between these parties. I do not believe that by approving the plat the dispute shifts to some other forum other than between the two parties involved. However, if Mr. Cooper appears and protests the approval of the plat, I would suggest the City obtain a Waiver of any claim for damages from the proponent of the plat before the plat is favorably considered. If you have any questions on either of these, please do not hesitate to call.

Very truly yours,

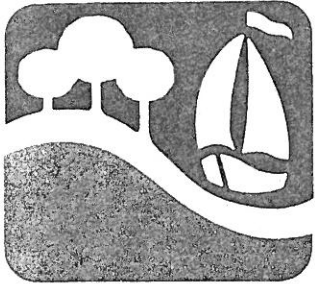
HUTCHISON PRICE BOYLE & BROOKS



Pete Eckert

PE/cl

Encl.



CITY OF ROCKWALL

"THE NEW HORIZON"

MEMORANDUM

January 9, 1985

Jim Herring
805 North Goliad
Rockwall, Texas 75087

Subject: Herring Addition

On January 7, 1985, the City Council approved the Concept Plan, zoning changing and final plat for your property off High School Drive. The road may be gravel. You must place a chain or gate on the drive. The plat should show the proposed roadway on the Concept Plan as a dotted line. In addition, the plat must have wording provided to your engineer assuring us of right-of-way dedication. Two mylars and nine blue line copies of the plat with original signatures must be submitted to this office for filing at the County Clerk's office within 30 days or else the plat will be declared void.


Karen Martin

CC: Harold Evans

HAROLD L. EVANS Consulting Engineer
2331 GUS THOMASSON ROAD P. O. BOX 28355
DALLAS, TEXAS 75228 214-328-8133

T R A N S M I T T A L L E T T E R

TO: Southwestern Bell Telephone
2702 Wesley
Greenville, Texas 75401

PROJECT NAME:
"See Below"

JOB NO.: "See Below"

ATTN: Mr. Gary Gutierrez

DATE: 10-31-84

WE TRANSMIT:

- herewith under separate cover via _____
 in accordance with your request _____

FOR YOUR:

- use review & comment information
 approval distribution to parties
 record other _____

THE FOLLOWING:

- plans contract addendum
 specifications letter forms
 other _____

Houser Addition - Job No. 84241, Herring Addition - Job No. 8442,
Hendricks Addition - Job No. 84261, & Boto Addition -(Lake Ridge
Park) - Job No. 84227

REMARKS:

Please review and mark required easements and return one
marked up print to us.

Thank You.

copies to: City of Rockwall
Attn: Karen Martin

by: Darla Parker

HAROLD L. EVANS Consulting Engineer
2331 GUS THOMASSON ROAD P. O. BOX 28355
DALLAS, TEXAS 75228 214-328-8133

T R A N S M I T T A L L E T T E R

TO: Texas Power & Light Company PROJECT NAME:
Post Office Box 39 "See Below"
Rockwall, Texas 75087
JOB NO.: "See Below"
ATTN: Mr. Brian Hughes DATE: 10-31-84

WE TRANSMIT:

- herewith under separate cover via _____
- in accordance with your request _____

FOR YOUR:

- use review & comment information
- approval distribution to parties
- record other _____

THE FOLLOWING:

- plans contract addendum
- specifications letter forms
- other _____

Houser Addition - Job #84241; Herring Addition - Job #8442;
Hendricks Addition - Job #84261; & Boto Addition -(Lake Ridge
Park) - Job #84227

REMARKS:

Please review and mark required easements and return one
marked up print to us.

Thank You.

copies to: City of Rockwall by: Darla Parker
Attn: Karen Martin

HAROLD L. EVANS Consulting Engineer
2331 GUS THOMASSON ROAD P. O. BOX 28355
DALLAS, TEXAS 75228 214-328-8133

T R A N S M I T T A L L E T T E R

TO: Lone Star Gas Company
206 W. Rusk
Rockwall, Texas 75087

PROJECT NAME:

"See Below"

JOB NO.: "See Below"

ATTN: Ms. Joyce Martin

DATE: 10-31-84

WE TRANSMIT:

- herewith under separate cover via _____
 in accordance with your request _____

FOR YOUR:

- use review & comment information
 approval distribution to parties
 record other _____

THE FOLLOWING:

- plans contract addendum
 specifications letter forms
 other _____

Houser Addition - Job #84241; Herring Addition - Job #8442;

Hendricks Addition - Job #84261; & Boto Addition -(Lake Ridge
Park)- Job #84227

REMARKS:

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marked up print to us.

Thank You.

copies to: City of Rockwall
Attn: Karen Martin

by: Darla Parker

Jim Herring
805 N. Goliad
Rockwall, Tx. 75087

CITY OF ROCKWALL
205 West Rusk Street
ROCKWALL, TEXAS 75087-3793
(214) 722-1111 • Dallas 226-7885

SUBJECT: Herring Addition Plat
DATE: 10/26/84

MESSAGE:
The Planning and Zoning Commission will not reconsider your plat until you submit a Concept Plan to the Staff.
Our Attorneys have said we cannot plat the building area with no street frontage. The Commission would recommend either to plat the lot as shown, plat the building area as a lot and have Herring and Singleton dedicate and pave a City Street along the access strip, plat the building area with dedication and paving of another street, or deny the plat because of its odd shape and its negative impact on the surrounding properties.
We need copies of letters to utility companies informing them of easements.

CC: Harold Evans

Karen Martin

ORIGINATOR-DO NOT WRITE BELOW THIS LINE REPLY TO → SIGNED
REPLY

Karen Martin

DATE SIGNED

SEND PARTS 1 AND 3 INTACT-PART 1 WILL BE RETURNED WITH REPLY

RM-858-3

ORIGINATOR'S COPY

ORIGINATOR DETACH AND FILE FOR FOLLOW UP

TO: Jim Herring
805 N. Goliad
Rockwall, Tx. 75087

FROM: CITY OF ROCKWALL
205 West Rusk Street
ROCKWALL, TEXAS 75087-3793
(214) 722-1111 • Dallas 226-7885

SUBJECT: Concept Plan DATE: 11/19/84

MESSAGE:
This is to remind you that I need your Concept Plan by November 26th for you to take your plat back to the Planning and Zoning Commission on December 13th.

CC: Harold Evans

Karen Martin

ORIGINATOR-DO NOT WRITE BELOW THIS LINE REPLY TO → SIGNED
REPLY

Karen Martin

DATE SIGNED

SEND PARTS 1 AND 3 INTACT-PART 1 WILL BE RETURNED WITH REPLY

RM-858-3

ORIGINATOR'S COPY

ORIGINATOR DETACH AND FILE FOR FOLLOW UP

Mr. Jim Herring
805 N. Goliad
Rockwall, Tx. 75087

CITY OF ROCKWALL
205 West Rusk Street
ROCKWALL, TEXAS 75087-3793
(214) 722-1111 • Dallas 226-7885

SUBJECT Concept Plan DATE 12/3/84

MESSAGE:
- The Planning and Zoning Commission's comments on your Concept Plan are as follows:
1. Heavy Commercial area could be extended toward the east and west along the railroad tracks so long as it does not front on SH-205 or High School Drive
2. Consider rerouting street to provide frontage to Herring lot. The City Staff prefers the street as shown on the originally submitted Concept Plan.
Please submit 8 copies of a revised Concept Plan, listing land owners and land uses by December 5th.

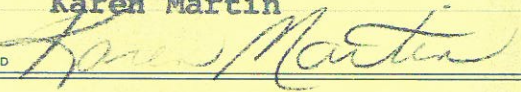
CC: Harold Evans

Karen Martin

ORIGINATOR-DO NOT WRITE BELOW THIS LINE

REPLY TO →

SIGNED



REPLY

DATE

SIGNED

SEND PARTS 1 AND 3 INTACT-PART 1 WILL BE RETURNED WITH REPLY

Ennis RM-858-3

ORIGINATOR'S COPY

ORIGINATOR DETACH AND FILE FOR FOLLOW UP

TO

Jim Herring
805 N. Goliad
Rockwall, Tx. 75087

FROM

CITY OF ROCKWALL
205 West Rusk Street
ROCKWALL, TEXAS 75087-3793
(214) 722-1111 • Dallas 226-7885

SUBJECT Herring Addition Rezoning and Plat

DATE 12/17/84

MESSAGE:
- On December 13, 1984, the Planning and Zoning Commission recommended approval of your change in zoning to Heavy Commercial. The Commission also recommended approval of the plat subject to a variance from the Board of Adjustments with a rock drive and a gate at High School Drive. Both cases will be scheduled before the City Council on January 7, 1985.

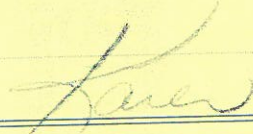
CC: Harold Evans

Karen Martin

ORIGINATOR-DO NOT WRITE BELOW THIS LINE

REPLY TO →

SIGNED



REPLY

DATE

SIGNED

SEND PARTS 1 AND 3 INTACT-PART 1 WILL BE RETURNED WITH REPLY

Ennis RM-858-3

ORIGINATOR'S COPY