

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 85-78- CUP Date Submitted 9/18/85
Filing Fee \$ 55.⁰⁰
Applicant Ernest Wilson
Address ~~812 Dave Crockett~~ Phone Number 722-3288
2349 Cedar Crest Blvd Dallas 75203
Phone Number 371-1276
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):

812 Davey Crockett

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

The current zoning on this property is Residential. 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 Ernest Wilson

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

APPLICATION FOR ZONING CHANGE

Case No. 85-78-2 Filing Fee 55.⁰⁰ Date 9/19/85
Applicant Sam Buffington for Lodge Phone _____
Mailing Address 803 Lamar St.

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.)

1012 Davey Crockett

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

Residential District Classification
to ~~Conditional Retail~~ "Office" District Classification
for the following reasons: (attach separate sheet if necessary)

For the purpose of having a black Funeral Home Business in the community and if business folds we would like for the property to be once again Residential.

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.

Signed Hubert L. Reece

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)

PLANNING AND ZONING ACTION SHEET

Applicant: Herbert Reece / Ernest Wilson Case No. 85-78-2/cup
 Property Description Solid Rock Lodge 812 Davey Crockett
 Case Subject Matter Zoning from SF-7 to O w/cup
for funeral home

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z: <u>October 10, 1985</u> <u>November 14, 1985</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Conditions: <u>P&Z wanted agreement from church on use of parking + bldg +</u> <u>review of est for upgrade.</u>			

Date to City Council Jan 6, 1986

Conditions: _____

Ordinance No. _____ Date: _____

ITEMS IN FILE

Zoning Cases

Plat/Site Plan Cases

- Application
- Site Plan
- Filing Fee
- Notice to Paper
- Notice to Residents
- List of Residents Notified
- Residents' Responses
- Consultant's Review

- Application
- Filing Fee
- Plat/Plan
- Engineer's Review
- Consultant's Review

1. use church parking lot - 35-40 cars
2. use overflow parking on site
3. wants to cut culvert & build ditch crossing on site
4. funeral home on bottom level
massive lodge on 2nd floor
5. 925 square feet
6. use the church chapel for services
7. would need 3 parking spaces
8. no second service in bldg.
9. Wants to use gravel for the parking lot

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 10th day of October, 1985 in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Earnest Wilson and Herbert Reece
for a change in zoning from "SF-7" Single Family to "O" Office with
a Conditional Use Permit for a funeral home

on the following described property:

See attached (812 Davy Crockett)

As an interested property owner, it is important that you attend this hear-
ing or notify the Commission of your feeling in regard to the matter by re-
turning the form below. In replying, please refer to Case No. 85-78



City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and
Zoning Commission, 205 West Rusk Street, Rockwall, Texas 75087.

Case NO. 85-78

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

I am opposed 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

Being the W. 50' x 100' of Lot 4, in Block J of Sanger Brothers Addition, an addition to the town of Rockwall, according to the map or deed records of Rockwall County, Texas, and being described as follows:

BEGINNING at the N. E. Corner of said Lot 4; THENCE 100' in a southerly direction along the E. line of Lot 4 100' more or less to the S. E. corner of said Lot 4; THENCE in a Westerly direction 50' along the S. line of Lot 4 to a point for corner; THENCE in a Northerly direction and parallel with the E. line of lot 4 100' more or less to a point for corner in the N. line of Lot 4; THENCE in an Easterly direction along line of Lot 4 50' more or less to the N. E. corner thereof being the point of beginning.

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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on the following described property:

See attached (812 Davy Crockett)

As an interested property owner, it is important that you attend this hear-
ing or notify the Commission of your feeling in regard to the matter by re-
turning the form below. In replying, please refer to Case No. 85-78

Julie Cook
City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and
Zoning Commission, 205 West Rusk Street, Rockwall, Texas 75087.

Case NO. 85-78

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

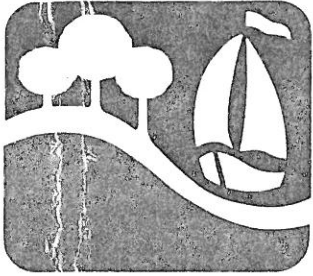
I am opposed the request for the reasons listed below.

1. that if the Bussing can make A go of it to Have
2. it change to it, But for some Reasoning it dooisc not
3. make it should go back to present zoning

Signature John Buffin 9/85
Address 509 BOVIN AVE

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

Thank you,
City of Rockwall



CITY OF ROCKWALL
"THE NEW HORIZON"

October 11, 1985

Sam Buffington
803 Lamar Street
Rockwall, Texas 75087

Dear Mr. Buffington:

On October 10, 1985, the Planning and Zoning Commission tabled action on your request for rezoning from "SF-7" Single Family to "O" Office with a Conditional Use Permit for a funeral home until November 14, 1985, at 7:30 P.M. at City Hall. The Planning and Zoning Commission indicated they wanted to know if the Church is willing to allow the use of the Church and the parking lot for services. A letter from the Church indicating their willingness would answer this question.

We would also like to schedule a time when Mr. Hildreth, the City's Building Official, could go through the building and re-view its condition. Please contact Mr. Hildreth and he would be happy to set up a time to do this.

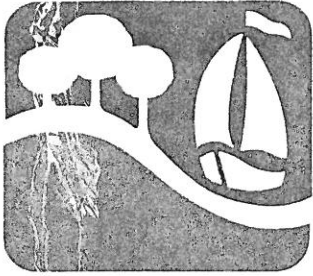
If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Julie Couch".

Julie Couch
Assistant City Manager

JC/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

October 11, 1985

Mr. Earnest Wilson
2349 Cedar Crest Boulevard
Dallas, Texas 75203

Dear Mr. Wilson:

On October 10, 1985, the Planning and Zoning Commission tabled action on your request for rezoning from "SF-7" Single Family to "C" Office with a Conditional Use Permit for a funeral home until November 14, 1985, at 7:30 P.M. at City Hall. The Planning and Zoning Commission indicated they wanted to know if the Church is willing to allow the use of the Church and the parking lot for services. A letter from the Church indicating their willingness would answer this question.

We would also like to schedule a time when Mr. Hildreth, the City's Building Official, could go through the building and review its condition. Please contact Mr. Hildreth and he would be happy to set up a time to do this.

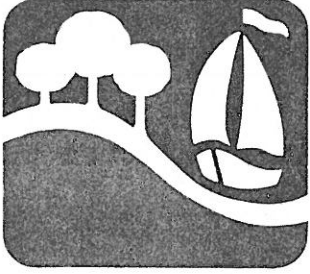
If you have any questions, please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Couch".

Julie Couch
Assistant City Manager

JC/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

January 27, 1986

Mr. Sam Buffington,
803 Lamar Street
Rockwall, Texas 75087

Re: P&Z Case No. 85-78-Z/CUP
Sanger Addition (Portion of Lot 6, Block B)

Dear Mr. Buffington:

Please be advised that on January 6, 1986, the Rockwall City Council approved your request for a change in zoning from "SF-7" single family to "O" Office with a Conditional Use Permit for a funeral home regarding the above referenced property with the following conditions:

1. That no services will be conducted in the building.
2. That the building will be brought up to City Code.
3. That the applicant will not be granted a waiver on the parking standards.
4. That there will be a 12 month reviewing time limit, renewing annually.
5. That the money for the culvert be paid up front and not in monthly installments.

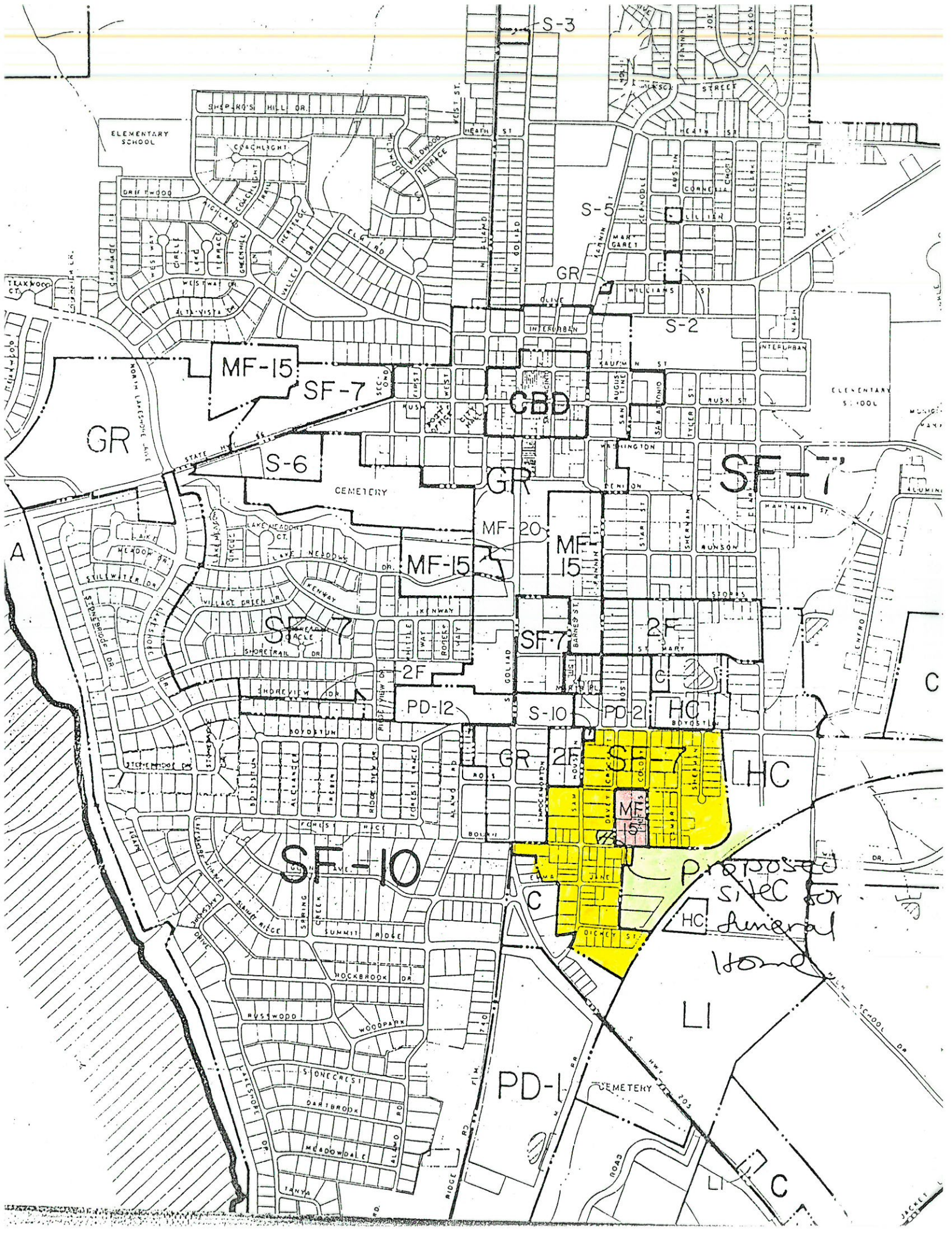
If you should have any questions regarding this case, please do not hesitate to call.

Cordially,

A handwritten signature in cursive script that reads "Jennifer Jarrett".

Jennifer Jarrett
Administrative Aide

JJ/mmp



S-3

ELEMENTARY SCHOOL

SHEPHERD'S HILL DR
COACHLIGHT
DRIFTWOOD
WESWAY
GIRLIE
LEED
TIPRACE
GREENMILL
WESWAY DR
ALTA-VISTA DR
VALLEY
MILL
ELK RD
WILLOW TERRACE
WEST ST

S-5

STREET
HEATH ST
CORCORAN
CORNELL
CLARK
MAY GARET
WILLIAMS ST
SAUNTON ST
RUSH ST
INTERURBAN

MF-15

SF-7

CBD

S-2

GR

S-6

CEMETERY

GR

SF-7

ELEMENTARY SCHOOL

A

LAKE MEADOWS
MEADOWS CT
LAKE MEADOWS
VILLAGE GREEN DR
KENWAY
SHORETRAIL DR
SHOREVIEW DR
BOYDTON
ALEXANDER
MORNING
ROSE HILL DR
FOREST HILLS
ALLEN RD
BOLTON

MF-15

MF-20

MF-15

SF-7

PD-12

SF-7

S-10

PD-2

HC

C

SF-10

GR

SF-7

HC

MF-15

Proposed site for HC: funeral home

HC

LI

PD-1

CEMETERY

LI

JACKSON

Possible Conditions of Approval for Conditional Use Permit

applicant Request 1. allow use of church parking and building for all services and viewing

applicant Request 2. Waiver for parking lot standards on 4 required spaces

3. Possible time limit

4. Possible time table for improvements

5. Tie to use only of 1st floor

The estimated cost to bring the building up to code for a funeral home is \$12,000.

VIII. Consider Approval of a Change in Zoning from "SF-7" Single Family Classification to "O" Office Classification with a Conditional Use Permit for a Funeral Home.

Action Needed: Approve or deny zone change request with conditional use permit for funeral home and any conditions.

As you will recall at the last meeting, the Planning and Zoning Commission tabled a decision on this request until such time we could get a letter from the Church indicating their willingness to allow the funeral home to utilize their Church structure and parking for services. In addition, Mr. Wilson was going to get with our Inspection Department and go through the building to determine in more detail what improvements would need to be made to the structure in order to bring it up to code. I have received an indication that the Church has agreed to this change, but at this point do not have a letter and Mr. Wilson is aware that he must have this letter at the meeting Thursday night before the Commission can consider it. He has also gone through the structure with our building official and the estimate based on reviewing of the structure is anywhere from \$15,000 to \$17,000, which is somewhat in line with our preliminary estimate of \$18,000 to bring the building into compliance with the Code. Again, should the Commission approve the zone change with the conditional use permit, any use that is allowed in an Office Classification would be permitted to go into this facility. Conditions could be placed on the use as funeral home, but not on other uses that are permitted within the Office Classification.

In addition, Mr. Wilson has asked for a Waiver on the parking lot standards for the spaces he would be required to put in for the business portion of this structure. He has indicated he has to be able to put in a culvert to provide access to the rear of the property and then put in a gravel parking lot as apposed to concrete or asphalt for the spaces that would be required.

MINUTES OF THE PLANNING AND ZONING COMMISSION

October 10, 1985

Members present were J. D. Jacobs, Don Smith, Teddy Carlaw, Norm Seligman and Hank Crumbley. Members not present were Chairman Tom Quinn and Harry Knight. The meeting was called to order at 7:40 P.M. The Commission first considered approval of the minutes of September 12, 1985. There being no additions or deletions, Hank Crumbley moved approval as published. J. D. Jacobs seconded the motion. The same was voted on and carried unanimously.

The Commission then held a public hearing and considered approval of a request from Reece and Wilson for a change in zoning from "SF-7" Single Family to "O" Office with a Conditional Use Permit for a funeral home for a portion of Lot 6, Block B Sanger Addition at the northwest corner of Bourn Avenue and Davy Crockett. Vice Chairman Don Smith opened the public hearing and asked for comments. Sam Buffington explained to the Commission that the Solid Rock Lodge was interested in leasing the bottom floor of the Lodge Building to Mr. Wilson for a funeral home. He indicated they didn't want to put anything else in the building except for a funeral home. Mrs. Couch reviewed the request, explaining that the applicants were asking to have the property rezoned from "SF-7" Single Family to "O" Office with a Conditional Use Permit for a funeral home. She pointed out that should the funeral home not survive, any other office use could then be located in the building with the underlying zoning of "O" Office. She also indicated that this zoning could not be tied to only the use of a funeral home; that if it were zoned to Office, any office use would be legal. The Chairman asked for comments from the audience. A number of people present indicated that they were in favor of the funeral home. Mrs. Gloria Williams addressed the Commission, indicating that she also was in favor of a funeral home in this location so long as it did not create other zone changes in other areas of the neighborhood. The Vice Chairman then closed the public hearing.

Norm Seligman asked the applicant if he had a proposed timetable for completion of the improvements of the building in order to utilize it. Mr. Wilson indicated that within 45 to 60 days he planned to have the building upgraded for use. Mr. Wilson was also asked if he intended to use the New Caldonia Baptist Church for both services and visitation. He indicated that visitation would occur in the Lodge Building and that the Church itself would only be used for services. Mr. Buffington was asked if the Church agreed to allow the use of the Church for services. He indicated that, although they had not specifically been asked, he felt like they would not have a problem with it. After some additional discussion, Norm Seligman made a motion to table action on this item until the next regular meeting in order to definitely hear from the New Caldonia Baptist Church as to their willingness to allow the use of the Church for services. Hank Crumbley seconded the motion. Mr. Buffington also asked if a member of the City Staff could walk through the building to develop a reasonable estimate of costs necessary to bring the building up to Code. The motion was then voted on and carried unanimously.

The Commission then held a public hearing and considered approval of a request from the Frates Corporation for a change in land use designation from townhouse to zero lot line for a portion of Phase 16 Chandlers Landing PD-8 and approval of area requirements. Mrs. Couch explained to the Commission that Chandlers Landing was requesting to change the land use designation for certain lots in Phase 16 in Chandlers Landing from single family attached townhouse units to zero lot line single family detached units. She indicated that the total number of lots would be reduced from 37 to 34. She also reviewed the proposed area requirements as submitted. The Chairman opened the public hearing and called for comments. Two people in the audience asked for clarification regarding the proposed changes. There being no further comments, the Vice Chairman closed the public hearing. After a brief discussion, Norm Seligman made a motion to approve the change in land use designation and approval of area requirements submitted in addition to all of the unlisted area requirements as stated in the Zero Lot Line Zoning District Classification of the Comprehensive Zoning Ordinance. J. D. Jacobs seconded the motion. The same was voted on and carried unanimously.

The Commission then held a public hearing and considered approval of an amendment to the Comprehensive Zoning Ordinance regulating exterior building materials for accessory structures in "SF-16", "SF-10", "SF-7", Zero Lot Line 5, and "2-F" Zoning Classifications. The Vice Chairman opened the public hearing. Mrs. Couch explained that the Planning and Zoning Commission was considering the Zoning Ordinance to establish exterior building material requirements for accessory structures in single family, zero lot line and duplex districts. She explained that the current ordinance had no such provisions regarding exterior building materials. Mrs. Couch reviewed some proposed wording for amendment to the ordinance, explaining that the proposed revisions provided for requiring that accessory buildings have the same kinds of exterior covering materials as the main structures on the lot, but that the wording would not require that the covering be in the same proportion. She also indicated that these changes would only affect detached accessory buildings in these districts, not the main structures. There being no one present to comment, the Vice Chairman closed the public hearing. After some discussion, Norm Seligman made a motion to recommend the following changes to the Zoning Ordinance:

1. That permitted uses in the "SF-16", "SF-10", "SF-7", ZLL-5, and 2-F Districts be amended to revise storage building requirements to read "Accessory buildings each not to exceed 250 sq. ft. in area nor 15 ft. in height provided the exterior covering contains only the same materials as the main structure and is an accessory to a residential use on the same lot.

One portable storage building per lot is not to exceed 120 sq. ft. in area nor 10 ft. in height and is an accessory to a residential use on the same lot."

Conditional uses in the same district would be amended to read "Accessory buildings to include detached garages

in excess of 250 sq. ft. or 15 ft. in height or if the structure does not contain the same materials as the main building, or portable storage buildings in excess of 120 sq. ft. or 10 ft. in height as an accessory to a residential use on the same lot." The definition of portable buildings would be amended to read that they may or may not have foundation.

Norm Seligman then stated an amendment to his motion that the ordinance would also be amended to provide that accessory buildings shall only be constructed on a lot provided a building permit has been issued for construction of the main structure. Hank Crumbley seconded the motion. The same was voted on and carried unanimously.

The Commission then continued the public hearing and considered approval of a modification to the preliminary plan of The Shores, PD-3 for a private club. Mrs. Couch indicated that The Shores has recently been bought by some new owners and, although no one was present at the meeting, she indicated that they might want to table the public hearing and action on this item until the next regular meeting in order to provide the new owners time to review the situation. Hank Crumbley made a motion that the public hearing be continued until the next regular meeting on November 14th at 7:30 P.M. Norm Seligman seconded the motion. The same was voted on and carried unanimously.

The Commission then considered approval of revisions to the site plan for Lakewood Office Park located on FM-740 north of White Hills Drive. Mrs. Couch explained that the applicant wished to add an additional 3,000 sq. ft. building to the site and that it met all the City's standards with the addition. After a brief presentation by Rick Burgy, the applicant, Norm Seligman made a motion to approve the site plan as submitted. Teddy Carlaw seconded the motion. The same was voted on and carried unanimously.

The Commission then considered approval of the landscape plan and final plat for Rockwall Memorial Hospital located on Yellowjacket Lane. Terry Andris, with the Rockwall Memorial Hospital, explained to the Commission that they had submitted their landscape plan as requested and their final plat. The Vice Chairman indicated that the Planning and Zoning Commission had been pleased with the details submitted on the landscape plan. Teddy Carlaw indicated she would like to see a variety of trees provided, not just one form of tree. The landscape architect for the project indicated that they would try to work in as many varieties as possible once they were completely sure as to what existing trees would be able to stay on the site. Norm Seligman pointed out that the revised site plan needed to reflect the removal of the parking lot entrance along Yellowjacket Lane that had been disapproved at the preliminary plan. After a brief discussion, Norm Seligman made a motion that the landscape plan and final plat be approved as submitted with the stipulation that they look at the kind of trees they might want to plant when they begin construction of the landscaping and with the stipulation that the site plan be corrected. Teddy Carlaw seconded the motion. The same was voted on and carried unanimously.

There being no further business, the Planning and Zoning Commission adjourned at 9:30 P.M.

APPROVED:

Chairman

ATTEST:

City Secretary

MINUTES OF THE PLANNING AND ZONING COMMISSION

November 14, 1985

The meeting was called to order at 8:15 P.M. Members present were Chairman Tom Quinn, Norm Seligman, Teddy Carlaw, and Hank Crumbley. Members absent were Don Smith, J. D. Jacobs and Harry Knight.

The Commission first considered approval of the minutes of October 10, 1985. There being no additions or deletions, Hank Crumbley moved approval of the minutes as published. Teddy Carlaw seconded the motion. The same was voted on and carried unanimously.

The Commission then held a public hearing and considered approval of a request from Rockwall South Joint Venture for a change in the preliminary plan for Chandlers Landing PD-8 for a change in land use designation for a portion of the tract commonly known as 1-A from "SF-10" and "SF-7" designation to Cluster Home designation, approval of a development plan, and area requirements. The Chairman asked for an overview of the proposed request from Staff. Mrs. Couch reviewed the request and stated that the applicant had requested the Commission to consider tabling consideration and continuing the public hearing until the next regular meeting. The Chairman indicated that the Commission would consider the request, but asked if there were residents present in the audience who wished to speak on the request. A number of people indicated that they did wish to do so. Due to the interest and the fact that the residents did attend the meeting, Chairman Quinn indicated that the Commission would hear the people who were present. He asked the developers if they wished to make any comments about the project. The developers' representative indicated that they did not come prepared to the meeting and were not ready to make a presentation due to the fact that they did wish to have some additional time to meet with the homeowners and explain their request. Chairman Quinn then opened a public hearing. A number of residents in the area spoke against the proposed change in land use designation to Cluster Home. After completion of the statements from the residents of Chandlers, Chairman Quinn outlined the alternatives before the Commission, which included continuing the public hearing and tabling any consideration of the request until the next regular meeting as had been requested by the developer, or go ahead and close the public hearing and take action on the request. Members of the Commission expressed their opinion on whether or not the public hearing should be continued or whether there should be a vote on the request. Crumbley indicated he felt that the case should be continued due to the absence of a number of members of the Planning and Zoning Commission. Mr. Crumbley made a motion to continue the public hearing to the next regular meeting of the Planning and Zoning Commission. The motion died for lack of a second. Chairman Quinn indicated that he would not pursue continuing the public hearing if there was no support on the Planning and Zoning Commission to do so. He therefore closed the public hearing and called for comments from members of the Commission. Norm Seligman said he felt the zoning in this area should stay as it is. Teddy Carlaw indicated that after reviewing the proposal, she did not feel that Cluster Homes was the appropriate land use for this land. Chairman Quinn indicated that while the land use may or may not be appropriate in this location, he was not categorically opposed densities higher than "SF-7". He also indicated that recent approvals of densities higher than "SF-7" had generally involved developments with individual lots for each unit,

although the densities might be somewhat higher than "SF-7" standards. After some additional brief discussion, Norm Seligman made a motion to deny the request. Hank Crumbley seconded the motion. The same was voted on and carried unanimously.

The Commission then considered approval of a preliminary plat/development plan for a 21 single family lot subdivision in Chandlers Landing. After a brief discussion, Norm Seligman moved approval of the preliminary plat as submitted. Teddy Carlaw seconded the motion. The same was voted on and carried unanimously.

The Commission then held a public hearing and considered approval of a request from the Cutter Hill Homeowners' Association, Phase III, for a change in the development plan for Cutter Hill to provide for carports over existing parking for Phase III. Prior to opening the public hearing, Chairman Tom Quinn indicated that he also had a request from the applicant to continue the public hearing and table any consideration of this item until the next regular meeting so that the applicant can review his request with the homeowners in Cutter Hill. The Chairman indicated that the options of the Planning and Zoning Commission again were to consider the request of the applicant to continue the public hearing or to go ahead and hold the public hearing and vote on the matter. The Chairman asked if there were any parties present who wished to speak on the request. Several people were present who indicated they wished to speak. Chairman Quinn then opened the public hearing and several residents of Cutter Hill spoke in opposition to the request. The applicant for the request did not make a presentation. Upon hearing the statements of the surrounding residents and calling for further comments, the Chairman pointed out again the two alternatives the Planning and Zoning Commission had before them, one to consider continuing the public hearing at the request of the applicant, or to close the public hearing and vote on the request. Teddy Carlaw made a motion to continue the public hearing to the next regular meeting of the Commission. Norm Seligman seconded the motion. There was some discussion among the Planning and Zoning members. Additional comments were made by some of the audience concerning the request. The vot was tied, with Teddy Carlaw and Hank Crumbley voting for the motion, and Norm Seligman and Tom Quinn voting against the motion. After some additional discussion and a review of the request by Staff, the Chairman indicated that the public hearing was closed and then called for discussion among the members of the Planning and Zoning Commission. Norm Seligman made a motion to deny the request. Hank Crumbley seconded the motion. The same was voted on and carried unanimously.

The Commission then continued the public hearing and considered approval of a request from The Shores PD-3 for a change in the preliminary plan for a private club meeting the City's regulations for private clubs. The Chairman called for comments regarding the request. There being none, he closed the public hearing. Norm Seligman made a motion to approve the change in the preliminary plan. Hank Crumbley seconded the motion. The same was voted on and carried unanimously.

The Commission then held a public hearing and considered a request from Michael Stephenson from Agricultural zoning to "C" Commercial zoning with a Conditional Use Permit for a driving range and accessory uses on a 13.5 acre tract of land located behind Culpeppers Restaurant

on South I-30. Staff presented an overview of the request and a representative for the applicant presented the request for the driving range. After some discussion among the members of the Planning and Zoning Commission, and there being no one else present to comment on the request, the public hearing was closed. The Commission then considered action on the request. Hank Crumbley made a motion to deny the request. Norm Seligman seconded the motion. The same was voted on and carried unanimously.

The Commission then considered approval of a change in zoning from "SF-7" single family classification to "O" Office classification with a Conditional Use Permit for a funeral home. Staff presented an overview of the request, indicating that the public hearing had been held and closed last meeting. After some discussion concerning the request, Norm Seligman made a motion to approve the request for a change in zoning from "SF-7" to "O" with a Conditional Use Permit for a funeral home with the conditions that the funeral home would conduct its services elsewhere; that the required parking spaces could be constructed with gravel, thereby waiving the City's paving requirements for required parking; and that the structure shall be brought up to City code. Hank Crumbley seconded the motion. The same was voted on and carried unanimously.

The Commission then held a public hearing and considered approval of an amendment to the Comprehensive Zoning Ordinance to provide for period review of Planned Developments. After several comments from a member of the audience regarding Planned Developments, there being no further comments, the public hearing was closed. Staff then reviewed several areas that would need to be addressed by such an ordinance. After some additional discussion, Teddy Carlaw made a motion that the consideration of the item be tabled until the next regular meeting, at which time Staff would submit a draft ordinance. Norm Seligman seconded the motion, the same was voted on and carried unanimously.

The Commission then considered approval of a preliminary plat on Buffalo Creek Industrial Park, a 146 acre subdivision on SH-276 and FM-549. Staff presented an overview of the proposed subdivision, indicating that it did meet all of the minimum requirements of City ordinances. Mrs. Couch also indicated that escrowing of monies for improvements to FM-549 and SH-276 would be required as part of approval on this subdivision based on the City's escrowing ordinance. Staff explained that the subdivision is currently in the City's ETJ, but that prior to submission for final plat approval it would be annexed into the City. Staff also indicated that both water and sewer improvements would have to be extended from existing facilities in order to serve the property. After some additional discussion, Norm Seligman moved approval of the preliminary plat as submitted, Teddy Carlaw seconded the motion, the same was voted on and carried unanimously.

The Commission then considered approval of a final plat on Henry Africa Subdivision, a 1.2 acre tract of land located on South I-30 Service Road. Mrs. Couch indicated that the plat did meet all of the City's requirements and that the engineering had been approved by the City's engineers. She also indicated that approval of the final plat should be based on the same conditions as the preliminary plat. After a brief discussion, Norm Seligman made a motion to approve the final plat subject to the following conditions:

1. That the existing metal fence be replaced with a cross-tie fence.
2. That the plan meet the City's landscape requirements.
3. That an 8 inch water main be constructed to serve Henry Africa and Culpeppers Restaurants.
4. That City sewer service be provided for both Henry Africa and Culpeppers restaurants.
5. That all associated parking lots and driveways be paved.

Hank Crumbley seconded the motion. The motion was voted on and carried unanimously.

The Commission then considered approval of a vacation and replat of Phase 16, Chandlers Landing. Staff explained that approval of this replat brought Phase 16 into compliance with the revised land use as approved at the last meeting and approved a realignment of streets in another portion of Phase 16. It was explained that the plat met all of the requirements of the Subdivision Ordinance and was in conformance with the land use change approved at the last meeting. There being no further discussion, Norm Seligman made a motion to approve the vacation and replat of Phase 16, Chandlers Landing. Teddy Carlaw seconded the motion, the same was voted on and carried unanimously.

The Commission then considered approval of a final plat on Lofland Industrial Park, a 14.4 acre tract of land between SH-205 and High School Road. Staff presented the final plat on Lofland Industrial Park to the Commission. It was indicated that the final plat as submitted did not conform to the preliminary plat as approved in that the two front lots proposed on the preliminary plat along SH-205 and a secondary street coming off of the main road through the development were not included on the final plat. Based on the fact that the plat did not conform to the preliminary plat as approved, Norm Seligman made a motion to deny the plat, Hank Crumbley seconded the motion. The same was voted on and carried unanimously.

There being no further business to come before the Commission, the meeting was adjourned at 10:50 P.M.

APPROVED:

Chairman

ATTEST:

City Secretary

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF Rockwall

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Trustees of the Cedar Grove Christian Church, Richard Matton, Ed Young, Joshua Matton known to me to be the persons whose name are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.



GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6 day of August

A. D. 19 62

James Wallace
Notary Public in and for Rockwall County, Texas

WIFE'S SEPARATE ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____

A. D. 19 _____

(L. S.)

Notary Public in and for _____ County, Texas

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared _____ and _____, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said _____, wife of the said _____, having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said _____, declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____

A. D. 19 _____

(L. S.)

Notary Public in and for _____ County, Texas

THE STATE OF TEXAS,
COUNTY OF

I HEREBY CERTIFY that the foregoing instrument of writing with its certificate of authentication, was filed for record in my office on the _____ day of _____, A. D. 19 _____ at _____ o'clock _____ M., and was duly recorded by me on the _____ day of _____, A. D. 19 _____.

In Vol _____ of the Minutes of said County. _____
WITNESS MY HAND and the Seal of the County of said County, at my office in _____

STATE OF TEXAS
COUNTY OF ROCKWALL

Before me, the undersigned authority, a Notary Public in and for said County and State on this day personally appeared

Lula Mae Mitchell,

well known to me and who after being duly sworn, disposes and says:

That I am the Clerk of the Cedar Grove Christian Church, and at a regular meeting of the membership of said church, the following resolution was presented, voted upon and passed by the said membership:

That R. S. Motor, E. M. Young, Joshua Motor,

are the Trustees of the Cedar Grove Christian Church, and that said trustees be and are hereby authorized to execute a correction Deed to Solid Rock Lodge No. 149 Masonic Lodge, Order of Eastern Star Mt. Rose Chapter and the Heroinis of Jehrico Court No. 100 for the purpose of removing the cloud on the title of land previously sold by our church to the trustees of the New Caladonia Baptist Church

Lula Mae Mitchell,
Church Clerk

August SUBSCRIBED AND SWORN to before me this 6th day of 1962.

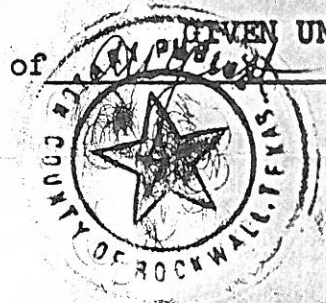


Joullace
Notary Public, Rockwall County, Texas

THE STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the under signed, a Notary Public in and for said County and State, on this day personally appeared Lula Mae Mitchell, Church Clerk known to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 6th day of August A.D. 1962



Joullace
Notary Public in and for Rockwall County, Texas