

APPLICATION FOR ZONING CHANGE

Case No. 86-57-1 Filing Fee 101.00 Date 10/1/80  
Applicant KENNETH H. SMITH Phone 214-722-5489  
HAL E. DAVENPORT JR Phone 214-722-5662  
Mailing Address 803 LAKESHORE DR. ROCKWALL, TX 75087

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.) B.F. BOYDSTON SURVEY, ABSTRACT 14, CITY OF ROCKWALL. (0.427 ACRES) VOL. 69 PAGE 263, DEED OF RECORD, ROCKWALL COUNTY.  
SD1 SO GOLIAD ROCKWALL. LOT 155' ALONG STARRS ST. BY 120' ON GOLIAD ST. BY 155' ON SOUTH SIDE BY 120' ON EAST SIDE.

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

SF7 District Classification  
to GENERAL RETAIL District Classification

for the following reasons: (attach separate sheet if necessary)

PROPERTY IS LOCATED AT SD1 SO. GOLIAD FRONTING SO. GOLIAD WITH ACCESS ALSO FROM STARRS ST. THE RECENTLY APPROVED LAND USE PLAN, INDICATES THE MOST APPLICABLE USE FOR THIS PROPERTY SHOULD BE GENERAL RETAIL IN KEEPING WITH OTHER PROPERTIES NOW ZONED GENERAL RETAIL IN THIS AREA.

There (Are) deed restrictions pertaining to the intended use of the property. (Are Not)

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.

Kenneth Smith  
Signed Hal E. Davenport Jr

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.

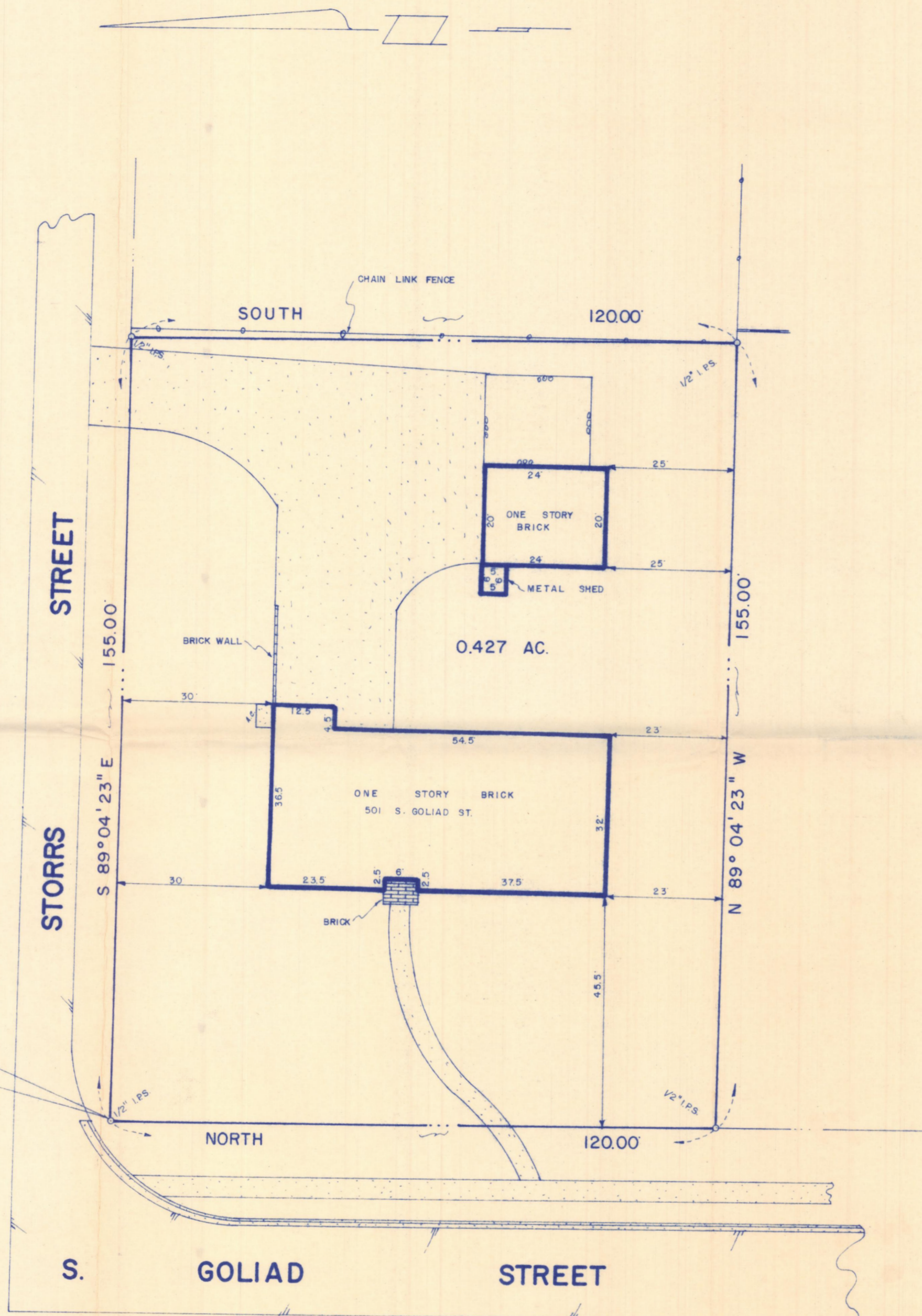
(The following Certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description, however, the same is not a requirement of the Application.)

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)





DESCRIPTION

BEING, a tract of land situated in the B.F. Boydston Survey, Abstract No. 14, City of Rockwall, Rockwall County, Texas, and being that tract as recorded in Volume 69, Page 263, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING, at the point of intersection of the South line of Storrs Street with the East line of S. Goliad Street ( State Highway No. 205 ), a 1/2" iron stake set for corner;

THENCE, S. 89° 04' 23" E., along the South line of Storrs Street, a distance of 155.00 feet to a 1/2" iron stake set for corner;

THENCE, South, leaving Storrs Street, a distance of 120.00 feet to a 1/2" iron stake set for corner;

THENCE, N. 89° 04' 23" W., a distance of 155.00 feet to a 1/2" iron stake set for corner;

THENCE, North, along S. Goliad Street, a distance of 120.00 feet to the PLACE OF BEGINNING and containing 0.427 acres of land. This description is based on the Land Title Survey and Plat made by Kenneth E. Brown, Registered Public Surveyor on December 21, 1984.

CERTIFICATION

I, Kenneth E. Brown, do hereby certify that this survey was made on the ground, under my direction, that this plat correctly represents the facts found at the time of survey and that all corners are marked as shown and there are no visible conflicts or encroachments other than shown and that this service conforms to the current Texas Surveyors Association Standards and Specifications for a category 1-A condition 2 survey. This plat is for the exclusive use of Lake Ray Hubbard Title Co. and wherein the Estate of W.J. Price, grantor, conveyed the subject property to Hal E. Davenport and Kenneth Smith, grantees, and the undersigned surveyor is not responsible to any others.

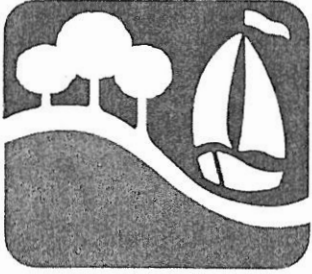
*Kenneth E. Brown*  
 Kenneth E. Brown, Registered Public Surveyor  
 No. 2062



PLACE OF BEGINNING

LG. House - 1963  
 Sm. House - 470'  
 18,600 ft. sq. ft.

NO.	DATE	REVISION	BY
LAND TITLE SURVEY B.F. Boydston Survey, Abstract No. 14 City of Rockwall, Rockwall County, Texas			PROJECT NO. 7429 SCALE 1" = 20' DATE 12-21-84
0.427 acres of land Volume 69, Page 263			DRAWN BY D.B. CHECKED BY Notes D.D.B. DRAWING NO.
<b>BROWN LAND SURVEYORS</b> 304 W. Rusk P. O. Box 65 ROCKWALL, TEXAS 75087 (214) 722-3036 226-7522			
			OF _____ SHTS



**CITY OF ROCKWALL**  
"THE NEW HORIZON"

September 10, 1986

Mr. Kenneth Smith  
503 Westway Drive  
Rockwall, Texas 75087

Dear Mr. Smith:

On September 8th the Rockwall City Council considered your request for a change in zoning from "SF-7" Single Family to "FR" General Retail on a lot located at Storrs and South Goliad.

The Council decided to continue the public hearing until 7:30 P.M., September 15, 1986, at the City Hall, 205 West Rusk, at which time they will consider action on your request. We recommend that you or your representative be present at this meeting.

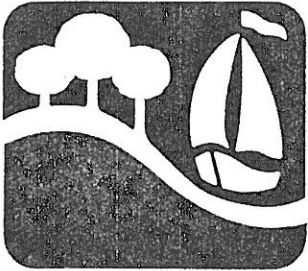
If you have any questions, please don't hesitate to call.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

MN/mmp



CITY OF ROCKWALL  
"THE NEW HORIZON"

September 17, 1986

TO: Kenneth Smith  
FROM: Mary Nichols, Administrative Aide  
RE: Case No. P&Z 86-52-Z

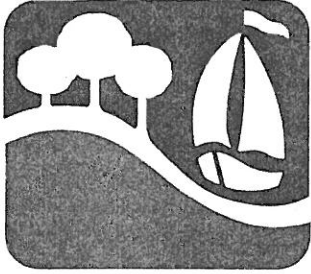
On September 15, 1986, the Rockwall City Council voted to approve your request for a zone change from "SF-7" to "GR" at  
501 South Goliad.

with the following conditions: \_\_\_\_\_

None specified other than meeting zoning requirements  
for General Retail

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

*Mary Nichols*



**CITY OF ROCKWALL**  
"THE NEW HORIZON"

September 10, 1986

Mr. Hal Davenport  
803 Lakeshore Drive  
Rockwall, Texas 75087

Dear Mr. Davenport:

On September 8th the Rockwall City Council considered your request for a change in zoning from "SF-7" Single Family to "GR" General Retail on a lot located at Storrs and South Goliad.

The Council decided to continue the public hearing until 7:30 P.M., September 15, 1986, at the City Hall, 205 West Rusk, at which time they will consider action on your request. We recommend that you or your representative be present at this meeting.

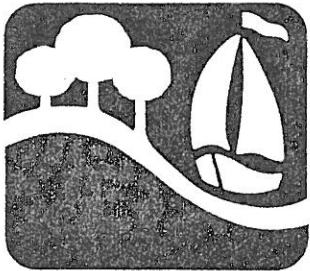
If you have any questions, please don't hesitate to call.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

MN/mmp



# CITY OF ROCKWALL

"THE NEW HORIZON"

September 17, 1986

TO: Hal Davenport  
FROM: Mary Nichols, Administrative Aide  
RE: Case No. P&Z 86-52-Z

On September 15, 1986, the Rockwall City Council voted to approve your request for a zoning change from "SF-7" to "GR" at 501 South Goliad

with the following conditions: \_\_\_\_\_

None specified other than meeting zoning require-  
ments for General Retail.

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

*Mary Nichols*

Agenda Notes

P&Z - 8/19/86

II. Hold Public Hearing and Consider Approval of a Request from Davenport/Smith for a Change in Zoning from "SF-7" Single Family to "GR" General Retail on a Lot Located at Storrs Street and Goliad Street (501 South Goliad)

We have received a request for a change in zoning for the old W. J. Price house located at the south corner of the intersection of SH-205 and Storrs Street. The property is one of four properties at this location along Goliad that are still zoned "SF-7". The applicants are proposing to change the zoning from "SF-7" to General Retail consistent with properties across the street and north of this property. The new Land Use Plan for the City does show a commercial strip all along Goliad on both sides. Copies of the notices we have received to date are attached.



P+2  
86-52-2

Agenda Notes  
City Council - 9/8/86

- III. C. Hold Public Hearing and Consider Approval of a Request from Davenport/Smith for a Change in Zoning from "SF-7" Single Family to "GR" General Retail on a Lot Located at Storrs and South Goliad (501 South Goliad)

We have received a request for a change in zoning for the old W. J. Price house located at the south corner of the intersection of SH-205 and Storrs Street. The property is one of four properties at this location along Goliad that are still zoned "SF-7". The applicants are proposing to change the zoning from "SF-7" to General Retail consistent with properties across the street and north of this property. The new Land Use Plan for the City does show a commercial strip all along Goliad on both sides. Copies of the notices we have received to date are attached.

The Planning and Zoning Commission has recommended approval of this change.

# CC Minutes

September 8, 1986

further discussion, Mayor Tuttle called for a vote. The motion was voted on and passed, 4 to 2. Welborn, Tuttle, Bullock and Miller voted in favor and Holt and Fox voted against.

The Council then heard a report from the Planning and Zoning Commission Chairman, Don Smith. Smith stated that there were four items to be considered for approval by Council which were considered by the Planning and Zoning Commission.

At this time Smith explained and reviewed the four items on the Agenda. He briefly summarized the Commission's actions on each of the items. There was some discussion concerning the Commission's actions.

[Mayor Tuttle opened a public hearing on a request from Davenport/Smith for a change in zoning from "SF-7" Single Family to "GR" General Retail on a lot located at Storrs and Goliad Streets.

Hal Davenport addressed the Council to explain his request. Davenport stated that although he and Kenneth Smith had no specific plans for the property, they would like to zone it General Retail. He indicated that the zoning would be in compliance with the City's Land Use Plan.

Welborn questioned the inadequacy of the sewer line at the property. Davenport stated he would comply with the City's requirements to solve the problem. Julie Couch, Assistant City Manager, then stated that an adequate line will be installed down Storrs Street for another project, and if the zoning were changed to "GR" Davenport would be required to tie on to this line.

Council discussed the adjacent properties and responses received from property owners. Bullock asked Davenport why he was requesting a zone change without a specific project in mind. Davenport stated he was looking towards a long-term project. He added that he had received offers to buy his property if it were zoned "GR".

There being no others wishing to speak, Tuttle closed the public hearing. Council again discussed notifications received by adjacent property owners, there being two returned out of thirteen mailed, both expressing opposition. Tuttle clarified that the two responses were returned by two of five homeowners that lived within 200 feet of the property in question.

After further Council discussion, Welborn made a motion to table the request until the next regular meeting. Holt seconded the motion. The motion was voted on and passed unanimously.

Fox made a motion to continue the public hearing as an amendment to Welborn's motion along with tabling the request until next Council meeting on Monday, September 15th. Miller seconded the motion. The motion was voted on and passed unanimously (Welborn was out of the room).

Tuttle then opened a public hearing on a request from Gene Burks for a change in zoning from "SF-10" Single Family to "GR" General Retail on a .5296 acre tract of land located off Lakeshore Drive and approval of a site plan on approximately 6 acres and preliminary plat.

Jean Holt stated she wished to abstain due to a possible conflict of interest. Miller also abstained due to a potential conflict of interest. Holt and Miller left the room.

Van Hall, Consulting Engineer, representing Gene Burks, addressed Council. Hall indicated that the main concern of the adjacent owners was the type of buffer to be used, not the actual zoning. Hall also stated that due to a drastic elevation difference between the owner's properties and the property in question, a berm would be safer than a wall.

There being nobody else wishing to be heard, Tuttle closed the public hearing. Tuttle then suggested a greater buffer zone and discussed what options would make the best view for adjacent property owners. Fox then made a motion to table the request until the next regular Council meeting, at which time the public hearing would be continued, giving the applicant time to produce some other buffer options. The motion was seconded by Bullock. The motion was voted on and passed unanimously.

Tuttle then opened a public hearing on amending the 1985-86 Annual Operating Budget, on the proposed 1986-87 Operating Budget, the proposed 1986-87 Revenue Sharing Budget, and the proposed 1986 tax rate.

Welborn pointed out a typographical error in the Agenda. Pete Eckert, City Attorney, stated that as the public notice in the newspaper was posted correctly, the error would not pose a legal problem.

As there was no one wishing to be heard with regard to the Budget, Tuttle closed the public hearing.

Council then considered setting the 1986 tax rate at .3700 per \$100.00 valuation. Fox made a motion to approve setting the tax rate at .3700 per \$100.00 valuation. Bullock seconded the motion. The motion was voted on and passed unanimously.

Agenda Notes  
City Council - 9/15/86

III. A. P&Z 86-52-Z - Continue Public Hearing and Consider Approval of a Request from Davenport Smith for a Change in Zoning from "SF-7" Single Family to "GR" General Retail on a Lot at Storrs and South Goliad (501 South Goliad)

As you will recall, the Council continued the public hearing on this item until Monday night in order to give it further study. A copy of last week's Agenda Notes are included.

Davenport/Smith

MINUTES OF THE ROCKWALL CITY COUNCIL  
September 15, 1986

Mayor Leon Tuttle called the meeting to order at 7:30 P.M. with the following Councilmembers present: Nell Welborn, Ken Jones, Jean Holt, John Bullock, Bill Fox and Frank Miller.

Council first considered approval of the minutes of September 8, 1986. Welborn made a motion to approve the minutes. Holt seconded the motion. The motion was voted on and passed unanimously.

[The Mayor reopened a public hearing on a request from Davenport/Smith for a change in zoning from "SF-7" Single Family to "GR" General Retail on a lot at Storrs and South Goliad (501 South Goliad).

Bullock verified with Staff that no additional homeowner responses had been received since the previous meeting. Fox pointed out that two out of five homeowners were opposed. There being no one present who wished to be heard on this matter, Tuttle closed the public hearing. Welborn stated that due to lack of response from adjacent homeowners, she felt that the homeowners realized that General Retail would be the direction property fronting on Goliad was ultimately going and made a motion to approve the request. Dr. Miller seconded the motion. Holt added that homeowners she had spoken with agreed that General Retail was probably the ultimate use of the property in that vicinity. Miller pointed out the invalidity of the two objections received. The motion was voted on and passed unanimously.]

Holt and Miller stated that they would abstain from participating in the next item due to a conflict of interest and both members left the room. Council then continued a public hearing on a request from Gene Burks for a change in zoning from "SF-10" Single Family to "GR" General Retail on a .5296 acre tract of land located off North Lakeshore Drive and approval of a site plan on approximately 6 acres and preliminary plat.

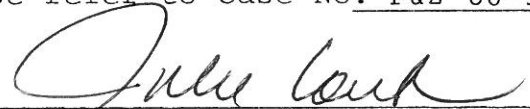
Van Hall, Consulting Engineer for the applicant, addressed previous questions Council had raised regarding the site plan and introduced David Wallace, project designer. Wallace explained the proposed buffer, maintenance plans, and stated that the project was allowing for a ten foot buffer zone. Fox confirmed with Wallace that the proposed berm would start at the property line, two and one half feet from the pavement. Fox then addressed the previous proposition which was to build a brick wall five feet from the pavement. He added that the

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 19th day of August, 1986, in  
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-  
quest of Kenneth Smith and Hal Davenport  
for a change in zoning from "SF-7" Single Family to "GR" General Retail  
on the following described tract:

501 South Goliad Street  
(See attached property description)

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. P&Z 86-52-Z

  
\_\_\_\_\_  
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. P&Z 86-52-Z

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



501 S. Goliad

James Dudney  
Box 685  
Rockwall

Hilltop Joint Venture LTD  
90 Howard C. Zierke  
#200 Two Turtle ~~Gate~~<sup>Creek</sup> Village  
Dallas, Tx. 75219

Nan Smartt  
603 S. Goliad  
Rockwall

(Kenway Hill)  
Rockwall Center J/V  
P.O. Box 64549  
Dallas 75206

Clarence<sup>A</sup> Seabolt  
504 Barnes  
Rockwall

~~Richard Harris  
2604 Ridge Rd.  
Rockwall~~

J. A. Underwood  
506 Barnes  
Rockwall

All American Food Service  
P.O. Box 234  
Rowlett

Richard Jordan  
109 St. Marys  
Rockwall

Henry Zollner  
Rt. 1, Box 113  
Rockwall

George Lyons  
602 S. Goliad  
Rockwall

Rockwall Housing Authority  
100 Lake Meadows  
Rockwall

Harold Chenault  
Rt. 5, Box 80-A  
Rockwall

W. E. Campbell  
90 Equity Tax Group  
Box 461246  
Garland 75046



BEFORE THE PLANNING AND ZONING COMMISSION

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Julie Loup  
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. P&Z 86-52-Z

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

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

1. When W. J. Price built the present dwelling on said property the
2. CITY would not run a sewer line to his lot, we accommodated
3. him. (which was a pleasure at that time). He ran his sewer line  
through our property; this line is not large enough to serve General  
Retail waste.

Please consider - if this line went through your property - would  
you want same zoned?

Signature J. A. Underwood  
Address Mrs J. A. Underwood  
506 Barnes ST

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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Julie Lamb  
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. P&Z 86-52-Z

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

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

1. City Council had 2 choices :
2. (1) Enlarge the Nursing home at its present
3. location, and give Nursing Home residents  
a protected neighborhood.
- (2) Make 500 block S. Goliad into a retail  
or business zoning

The Council chose to enlarge the Nursing  
Home, I should now give the Nursing  
Home residents a neighborhood protected  
from traffic. Wilma Jordan, Richard Jordan

PLANNING AND ZONING ACTION SHEET

Applicant Davenport/Smith Case No. P42 86 52-2  
 Property Description 501 S. Grand  
 Case Subject Matter Repealing from SF-7 to BR

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>Aug 19</u>	✓		
Conditions <u>none</u>			

Date to City Council <u>Sept 8</u>			✓
Conditions <u>Sept 15</u>			

Ordinance no. \_\_\_\_\_ Date \_\_\_\_\_

ITEMS IN FILE

Zoning Cases

- ✓ Application
- ~~N/R~~ Site Plan
- ✓ Filing Fee
- ✓ Notice to Paper
- ✓ Notice to Residents
- ✓ List of Residents Notified
- ✓ Residents' Responses
- ~~N/R~~ Consultant's Review
- ✓ Agenda Notes PR
- ✓ Minutes
- ✓ Ordinance
- ✓ Correspondence

Plat/Site Plan Cases

- \_\_\_\_\_ Application
- \_\_\_\_\_ Filing Fee
- \_\_\_\_\_ Plat/Plan
- \_\_\_\_\_ Engineer's Review
- \_\_\_\_\_ Consultant's Review
- \_\_\_\_\_ Agenda Notes
- \_\_\_\_\_ Minutes
- \_\_\_\_\_ Correspondence
- \_\_\_\_\_ County File Number

*13 notices  
2 opposed*