

Filing deadline
Aug 25

APPLICATION FOR ZONING CHANGE

Case No. 86-64-2 Filing Fee 101.00 Date 8/18/86
Applicant BD JEFFREY Phone 272-4502
Mailing Address 2809 HONEYSUCKLE GARLAND TX 75041

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.)

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

HC LI

"Ag" Agricultural District Classification
to HEAVY COMMERCIAL District Classification

for the following reasons: (attach separate sheet if necessary)
GENERAL SALES IN SIDE & OUT SIDE; BUILDING MATERIALS & LUMBER SALES; AUCTION SALES OF ALL KINDS IN SIDE AND OUT SIDE; TRUCKS, CARS, HEAVY EQUIPMENT ETC; PAWN SHOP (LOANS & SALES OF ANY THING) SALVAGE SALES AND LIQUIDATIONS SALES; FURNITURE HOME OR OFFICE; REAL ESTATE OFFICE, WHOLESALE TO OTHER BUSINESS; GROCERIES; CLOTHING;
There (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 BD Jeffrey

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)

B L. Jeffrey

36069

365

THE STATE OF TEXAS,
COUNTY OF ROCKWALL

KNOW ALL MEN BY THESE PRESENTS:

Whereas a certain Deed of Trust note
dated May 19th, 1981, executed by Thomas L. Jeffrey, President
payable to the order of The First State Bank
which is fully described in a certain deed of Trust duly recorded in Record of
Deeds of Trust in Book 68 Page 237 of the County of Rockwall Texas.
Said note having been executed as a Deed of Trust Lien
on the following described lot or parcel of land situated in the County of , Texas:

BEING a tract of land situated in the John Lockhart Survey, Abstract No. 134,
Rockwall County, Texas, and also being that tract as conveyed to William
I. Lofland, recorded in Volume 68, Page 237, Deed Records, Rockwall County,
Texas, and being more particularly described as follows;

BEGINNING at a point on the South line of Interstate Highway No. 30, said
point being the Northwest corner of said tract recorded in Volume 68,
Page 237, a 1/2 inch iron stake set for corner;
THENCE, N. 73 deg. 51 min. E., along the South line of Interstate Highway
No. 30, a distance of 178.67 feet to a 1/2 inch iron stake set for corner;
THENCE, S. 0 deg. 42 min. 16 sec. W., leaving the South line of Interstate
Highway No. 30, a distance of 308.19 feet to a 1/2 inch iron stake set for
corner;
THENCE, N. 88 deg. 49 min. 45 sec. W., a distance of 171.00 feet to a 1/2
inch iron stake set for corner;
THENCE, N. 0 deg. 42 min. 16 sec. E., a distance of 255.00 feet to the
PLACE OF BEGINNING and containing 1.105 acres of land, more or less. This
description is based on the land title survey and plat made by Bob O. Brown,
Registered Public Surveyor on March 4, 1980.

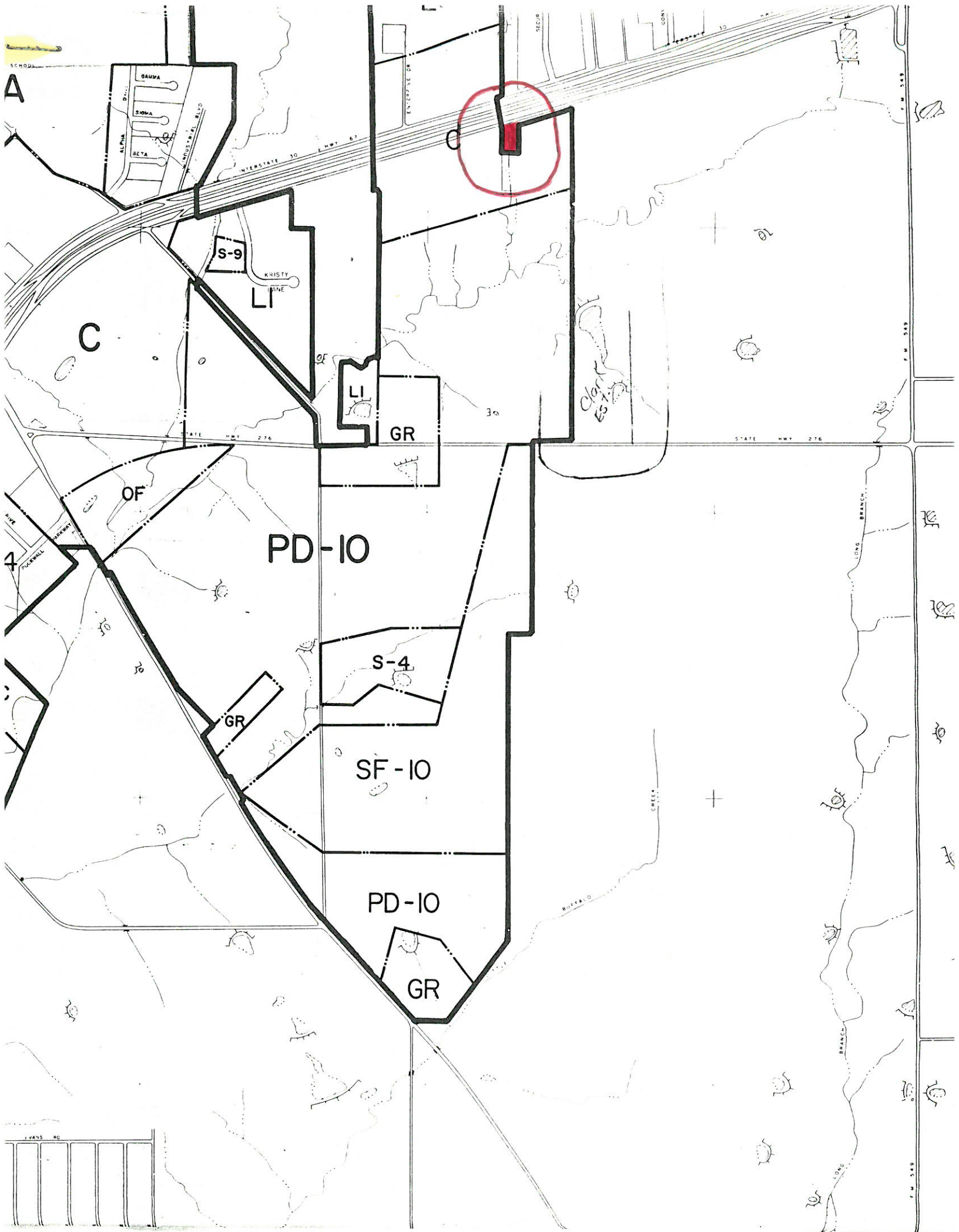
And whereas Thomas L. Jeffrey, President, Dallas Crescent Investments, Inc.
of the County of Dallas, State of
Texas is now the owner of said real estate and now obligated to pay the above described
note and The First State Bank of the County of Rockwall
State of Texas, is the legal and equitable holder of said note and at the request of said
obligor has agreed to extend the time of payment of said note for a period of time
from this date so that the original principal amount of \$60,000 plus all accrued
interest shall be due and payable on or before the 17th of September, 1982, with
interest set at eighteen and one-half percent (18.50%).

Now, therefore, for and in consideration for the extension of the term payment of said note this
day made by the legal holder of said note, I hereby ratify and affirm the extension
of said note, and the lien on the above described real estate.

Witness our hands this 19th day of July A. D. 19 82

Alston R. Colbert
Alston R. Colbert, President
The First State Bank, Rockwall

T. L. Jeffrey
T. L. Jeffrey, President
Dallas Crescent Investments, Inc.



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN FROM "A" AGRICULTURAL CLASSIFICATION TO "C" COMMERCIAL CLASSIFICATION; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows:

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

Section 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to give "C" Commercial District Classification to the tract of land as described in Exhibit "A".

Section 2. That the property described in Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

Section 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

Section 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of ONE THOUSAND DOLLARS (\$1,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 5. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance are declared to be severable.

Section 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

DULY PASSED AND APPROVED this _____ day of

APPROVED:

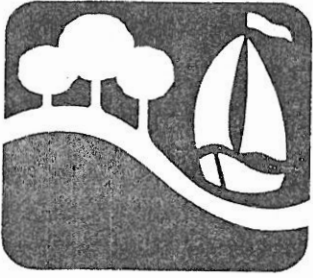
MAYOR

ATTEST:

BY: _____
City Secretary

1st reading _____

2nd reading _____



CITY OF ROCKWALL
"THE NEW HORIZON"

October 20, 1986

Mr. B. D. Jeffrey
2809 Honeysuckle
Garland, Texas 75041

Re: Case No. P&Z 86-64-Z

Dear Mr. Jeffrey:

Your request for a change in zoning from "A" Agricultural to "HC" Heavy Commercial on a tract of land on I-30 has been scheduled to be heard at a public hearing before the Planning and Zoning Commission on Thursday, November 13th at 7:30 P.M. in City Hall.

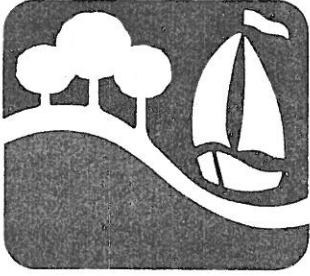
Please feel free to call should you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

November 18, 1986

Mr. B. D. Jeffrey
2809 Honeysuckle
Garland, Texas 75041

Re: Case No. P&Z 86-64-Z

Dear Mr. Jeffrey:

On November 13, 1986, the Rockwall Planning and Zoning Commission recommended denial of your request for a change in zoning from "A" Agricultural to "HC" Heavy Commercial on a tract of land located on I-30.

On December 15, 1986, the City Council will consider approval of your request. A three-quarter vote will be required to approve the request since the Planning and Zoning Commission recommended denial.

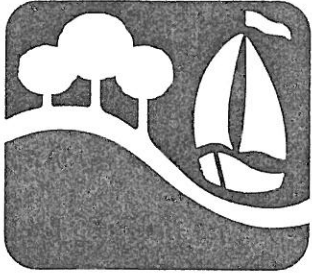
Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Mary Nichols".

Mary Nichols
Administrative Aide

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

December 3, 1986

Mr. B. D. Jeffrey
2809 Honeysuckle
Garland, Texas 75041

Dear Mr. Jeffrey:

Your request for a change in zoning from "A" Agricultural to "HC" Heavy Commercial on a tract of land on I-30 was pulled from the City Council Agenda Monday night per your request.

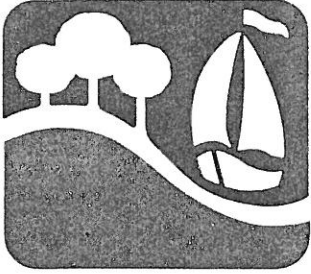
You have been rescheduled to appear before the Council on January 5, 1987. Please call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

January 6, 1987

Mr. B. D. Jeffrey
2809 Honeysuckle
Garland, Texas 75041

Dear Mr. Jeffrey:

On January 5, 1987, the Rockwall City Council approved a zone change from "A" Agricultural to "C" Commercial on your tract of land on I-30. As you are aware, although a "Heavy Commercial" zoning classification allows outside storage, a "Commercial" classification does not. You may, however, retain any legal non-conforming uses that existed at the time of annexation.

Please call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp

Agenda Notes
P&Z - 11/13/86

III. A. Hold Public Hearing and Consider Approval of a Request from B. L. Jefferies for a Change in Zoning from "A" Agricultural to "HC" Heavy Commercial on a Tract of Land Located on South I-30 between High School Road and FM-549

B. L. Jefferies has submitted a request for a zone change from "A" to "HC" Heavy Commercial on his tract of land located on South I-30 where he used to sell and store his fireworks. This tract of land was annexed in December 1985 and Mr. Jefferies has been prohibited from continuing to sell fireworks there. He has indicated that he also operated a real estate business and a salvage business out of this location prior to annexation. There is a question as to the status of any nonconforming rights that might exist on these other uses that will need to be resolved pending the decision on this zoning request. He now wants to open a pawn shop business at this location and utilize his tract for outside storage for that use. In order to add this use, which was not there prior to annexation, the property will need to be zoned to Heavy Commercial.

The Land Use Plan indicates that this area should be Commercial. Our Land Use Plan also indicates the Heavy Commercial uses should be located off of I-30 rather than on I-30 frontage.

Jeffrey

MINUTES OF THE PLANNING AND ZONING COMMISSION
November 13, 1986

Chairman Don Smith called the meeting to order at 7:35 P.M. with the following members present: Bob McCall, Leigh Plagens, Norm Seligman and Hank Crumbley.

The Commission first considered approval of the minutes of October 9, 1986. Plagens made a motion to approve the minutes. McCall seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a request from B. D. Jeffrey for a change in zoning from "A" Agricultural to "HC" Heavy Commercial on a tract of land on South I-30 between High School Road and FM-549.

Assistant City Manager Julie Couch explained the applicant's request to put a pawn shop on his property with outside storage. She also stated that the property's current use included outside storage but was permitted as a nonconforming use as it existed prior to annexation of the property. Couch added that the Land Use Plan indicated Commercial and suggested that Heavy Commercial be located away from the highway. McCall questioned the difference between Commercial and Heavy Commercial classifications. Couch explained that outside storage was permissible in a Heavy Commercial classification.

Smith then opened the public hearing. Buddy Jeffrey, applicant, addressed the Commission and explained that he wanted to put in a pawn shop with outside storage for auction items. Smith questioned the width of frontage. Couch stated that there was 178 feet of frontage and the property was 300 feet deep. Jeffrey told the Commission that the fireworks stand was gone and the property was currently used for real estate and salvage. As there was no one else wishing to speak regarding the item, Smith closed the public hearing.

Smith questioned the number of notices mailed to adjacent property owners. Couch stated that six were mailed and two were returned expressing favor. Smith pointed out that one notice expressed favor for Commercial zoning and that the zoning in question was Heavy Commercial.

Smith pointed out that although Jeffrey's plans for the property may or may not be acceptable to the Commission, if the property was rezoned to Heavy Commercial, any use in that classification could be put on the property. Seligman agreed with Smith and added that the Commission would have to decide if the property was suitable for Heavy Commercial and if it was sold, consider what uses it could be used for. Smith pointed out that if the surrounding properties were Commercial, a zone change would constitute spot zoning. Plagens then made a motion to deny the zone change. Seligman seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a site plan/preliminary plat for Hubbard Car Wash on a .396 acre tract of land located on Washington Street at SH-66.

Agenda Notes
City Council - 12/1/86

III. B. Hold Public Hearing and Consider Approval of a Request from B. D. Jeffrey for a Zone Change from "A" Agricultural to "HC" Heavy Commercial on a Tract of Land on I-30

B. L. Jefferys has submitted a request for a zone change from "A" to "HC" Heavy Commercial on his tract of land located on South I-30 where he used to sell and store his fireworks. This tract of land was annexed in December 1985 and Mr. Jefferys has been prohibited from continuing to sell fireworks there. He has indicated that he also operated a real estate business and a salvage business out of this location prior to annexation. There is a question as to the status of any nonconforming rights that might exist on these other uses that will need to be resolved pending the decision on this zoning request. He now wants to open a pawn shop business at this location and utilize his tract for outside storage for that use. In order to add this use, which was not there prior to annexation, the property will need to be zoned to Heavy Commercial.

The Land Use Plan indicates that this area should be Commercial. Our Land Use Plan also indicates the Heavy Commercial uses should be located off of I-30 rather than on I-30 frontage.

The Planning and Zoning Commission has recommended denial of the request. It would require a 3/4 majority vote of the Council to approve this request.

Agenda Notes

City Council - 1/5/87

III. F. P&Z 86-64-Z - Hold Public Hearing and Consider Approval of a Request from B. D. Jeffrey for a Change in Zoning from "A" Agricultural to "HC" Heavy Commercial on a Tract of Land Located on South I-30 Between High School Road and FM-549

B. D. Jeffrey has submitted a request for a zone change from "A" to "HC" Heavy Commercial on his tract of land located on South I-30 where he used to sell and store his fireworks. This tract of land was annexed in December 1985 and Mr. Jeffrey has been prohibited from continuing to sell fireworks there. He has indicated that he also operated a real estate business and a salvage business out of this location prior to annexation. There is a question as to the status of any nonconforming rights that might exist on these other uses that will need to be resolved pending the decision on this zoning request. He now wants to open a pawn shop business at this location and utilize his tract for outside storage for that use. In order to add this use, which was not there prior to annexation, the property will need to be zoned to Heavy Commercial.

The Land Use Plan indicates that this area should be Commercial. Our Land Use Plan also indicates the Heavy Commercial uses should be located off of I-30 rather than on I-30 frontage.

The Planning and Zoning Commission has recommended denial of the request. It would require a 3/4 majority vote of the Council to approve this request.

control. Lane stated that he had received an award from Rockwall Beautiful. After extensive discussion about a prospective motion, Tuttle suggested that Council continue the public hearing to the next Council meeting. Bullock made a motion to continue the public hearing to January 19th. Hold seconded the motion. The motion was voted on and passed unanimously.

[Council then held a public hearing and considered approval of a request from B. D. Jeffrey for a change in zoning from "A" Agricultural to "HC" Heavy Commercial on a tract of land located on South I-30 between High School Road and FM-549. Buddy Jeffrey addressed Council and explained that his request for a zone change was in order to allow a pawn shop with outside storage. He explained his current non-conforming uses. Dale Lane addressed Council and expressed his support for the zone change. Miller asked Staff where the closest Heavy Commercial zoning was. Couch explained that there was none east of SH-205. Fox made a motion to deny the request. Bullock seconded the motion. Jones asked Staff what hindrances Jeffrey would encounter if the property were zoned Commercial. Couch explained that Jeffrey could retain his existing outside storage as a legal non-conforming use but couldn't incur outside storage as an accessory to the pawn shop under Commercial zoning. City Attorney Pete Eckert explained that Council had the authority to grant a more restrictive zoning classification than requested by the applicant without repeating the notification process. Fox then withdrew his motion. Welborn offered a substitute motion to approve the change in zoning from "A" Agricultural to "C" Commercial. Jones seconded the motion. The motion was voted on and passed unanimously.]

Bill Eisen then gave the City Manager's report which addressed road improvements on FM-740, SH-205 and SH-66 according to the State's Ten Year Plan, the acquisition of a street sweeper and its proposed service, and a drainage agreement with the U. S. Post Office which indicated installation of on site water retention in landscaped areas instead of off site improvements that the Post Office was prohibited from participating in.

Council then considered awarding the bid for janitorial service. Welborn made a motion to award the bid to JaniKing for a period of six months with an option for another six months. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a contract with Rockwall County for animal control services. Tuttle noted that the agreement indicated the City would receive \$4.00 per day for board of animals picked up in the County as reimbursement for employee, fueling and cleaning costs.

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 13th day of November in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of B.D. Jeffrey
for a change in zoning from "A" Agricultural to "HC" Heavy Commercial

on the following described property:

Tract of land on the South side of I-30, West of Rockwall City Limits

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 86-64-Z

Mary A Nichols
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 86-64-Z

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

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

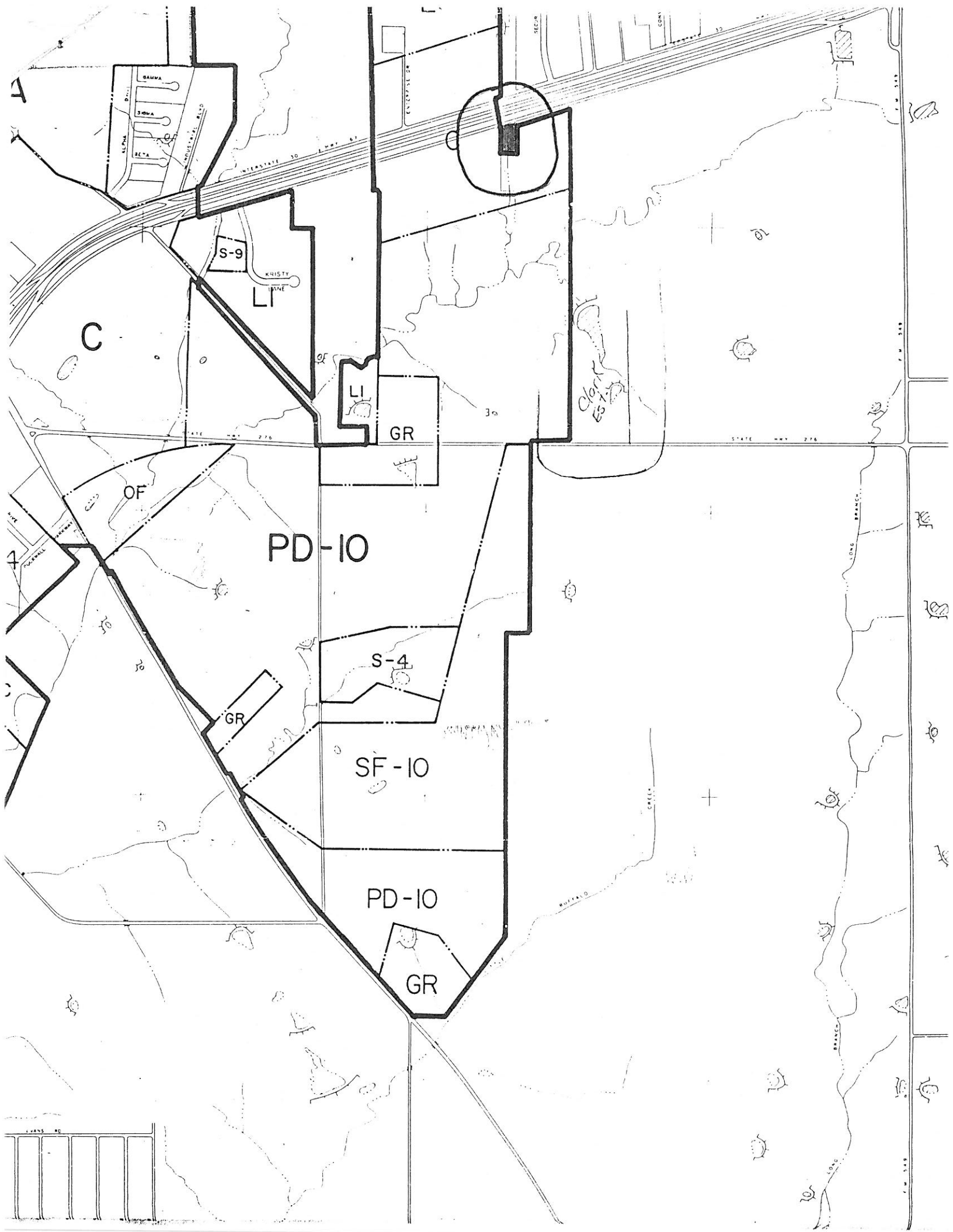
- 1.
- 2.
- 3.

Signature _____

Address _____

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

Thank you,
City of Rockwall



B.D. Jeffery

- Lockhart TR.2 Cambridge Co. Inc.
Webb-Rhodes Assoc.
16660 Dallas Pkwy. #2000
Dal. 75248
- .. TR.3 Great Western Dev. Co.
9494 Southwest Frwy.
Houston. 77036
- .. TR.7 Rockwall Mini Warehouse #1
3430 South Polk
Dal. 75224
- LaFon Norman A. LaFon
Rt. 3, Box 150 A
Farmersville 75031
- .. C.E. Vaughn, TR.
Ladd Prop.
P.O. Box 367
Rockwall
- Rockwall Comm. Park. David H. Parent
3000 E. Parker Rd.
Plano, 75074

BEFORE THE PLANNING AND ZONING COMMISSION
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Mary A Nichols
City of Rockwall, Texas

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Case NO. P&Z 86-64-Z

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

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

- 1.
- 2.
- 3.

Signature Thomas L. L...

Address Rt 3 Box 150A
Farmersville Tx

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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Mary A Nichols
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 86-64-Z

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

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

1. This is logical location for commercial. No objections.
- 2.
- 3.



Signature David H. Hunt

Address 3000 East Parker Rd.
Plano, Texas 75074

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

Thank you,
City of Rockwall

11/24

PUBLIC NOTICE

The City Council of the City of Rockwall will hold a public hearing on December 15, 1986, at 7:30 P.M. in City Hall, 205 West Rusk to consider approval of a request from B. D. Jeffrey for a change in zoning from "A" Agricultural to "HC" Heavy Commercial on a tract of land located on the south side of I-30, West of Rockwall City Limits, further described as follows:

BEING a tract of land situated in the John Lockhart Survey, Abstract No. 134, Rockwall County, Texas, and also being that tract as conveyed to William I. Lofland, recorded in Volume 68, Page 237, Deed Records, Rockwall County, Texas, and being more particularly described as follows;

BEGINNING at a point on the South line of Interstate Highway No. 30, said point being the Northwest corner of said tract recorded in Volume 68, Page 237, a 1/2 inch iron stake set for corner;

THENCE, N. 73 deg. 51 min. E., along the South line of Interstate Highway No. 30, a distance of 178.67 feet to a 1/2 inch iron stake set for corner;

THENCE, S. 0 deg. 42 min. 16 sec. W., leaving the South line of Interstate Highway No. 30, a distance of 308.19 feet to a 1/2 inch iron stake set for corner;

THENCE, N. 88 deg. 49 min. 45 sec. W., a distance of 171.00 feet to a 1/2 inch iron stake set for corner;

THENCE, N. 0 deg. 42 min. 16 sec. E., a distance of 255.00 feet to the PLACE OF BEGINNING and containing 1.105 acres of land, more or less. This description is based on the land title survey and plat made by Bob O. Brown, Registered Public Surveyor on March 4, 1980.

PLANNING AND ZONING ACTION SHEET

Applicant BD Jeffrey Case No. P2 86-64/2

Property Description I30 E of 54205

Case Subject Matter request for change in zoning from "A" Agriculture to "HC" Heavy Commercial

CASE ACTION

Date to P&Z 11/13/86 Approved Disapproved Tabled
X

Conditions _____

Date to City Council Jan 5 X

Conditions approved for "C" commercial

Ordinance no. 87-4 Date _____

ITEMS IN FILE

Zoning Cases

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