

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 1986-67-2 Filing Fee \$104.00 Date 11-19-86
Applicant Dale Lane Phone 722-9381
Mailing Address 1520 East Interstate 30

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

Agricultural District Classification
to Plan Development District Classification

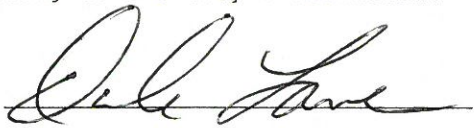
for the following reasons: (attach separate sheet if necessary)

For light industrial with some heavy commercial use and paint & body, auto sales and existing outside storage & *contractors yard*

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

Status of Applicant: Owner XX 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 

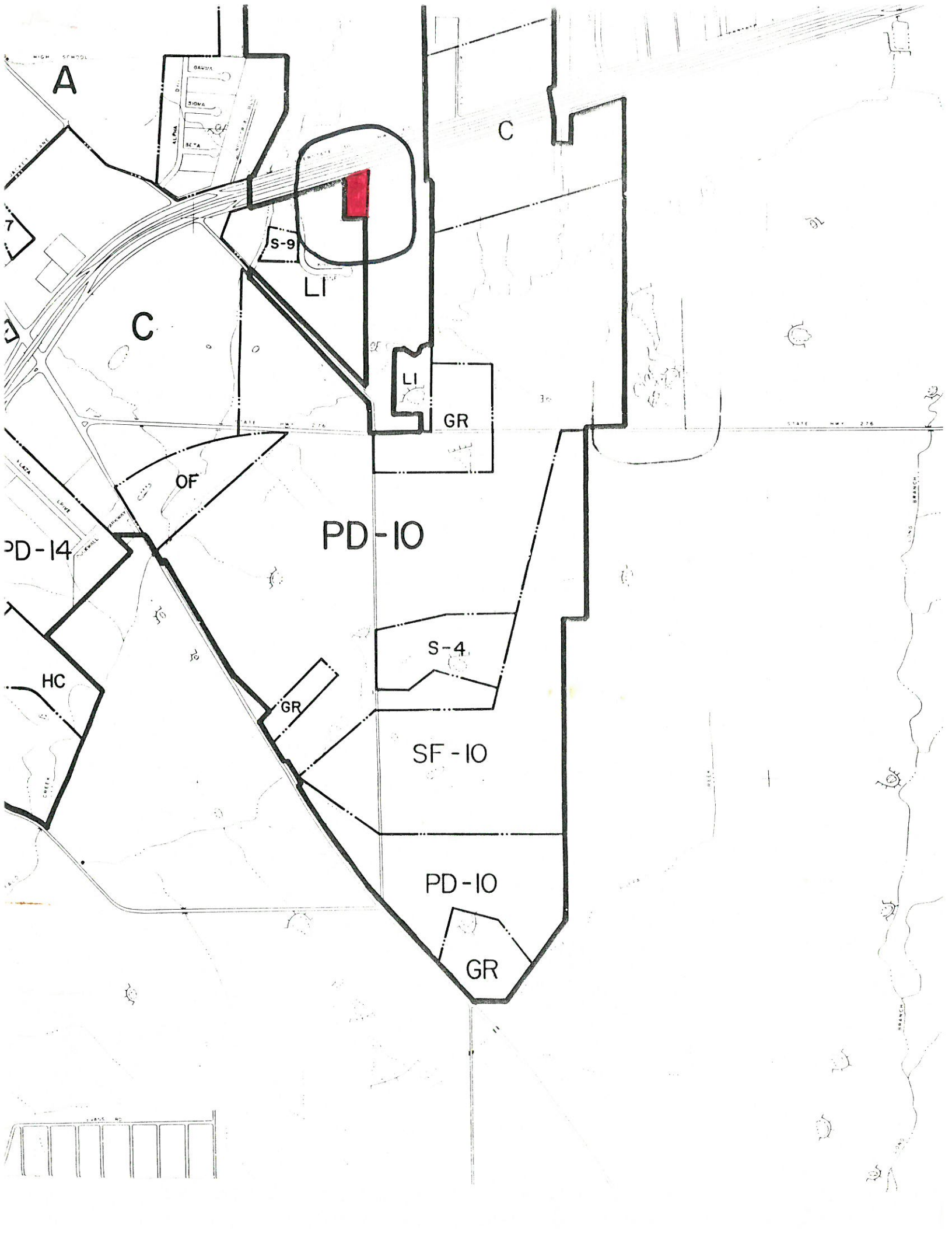
NOTE: The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each 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)



Being a tract or parcel of land situated in the N. M. Ballard Survey, Abstract No. 24, Rockwall County, Texas, and being part of a 58.25 acre tract conveyed by W. H. Lofland and wife, Nora, to C. F. Rhoades and wife, Battice, on February 18, 1915, recorded in Vol. 15, Pg. 305, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod for a corner at the intersection of the E. line of said 58.25 acre tract with the S. right-of-way line of Interstate Highway No. 30;

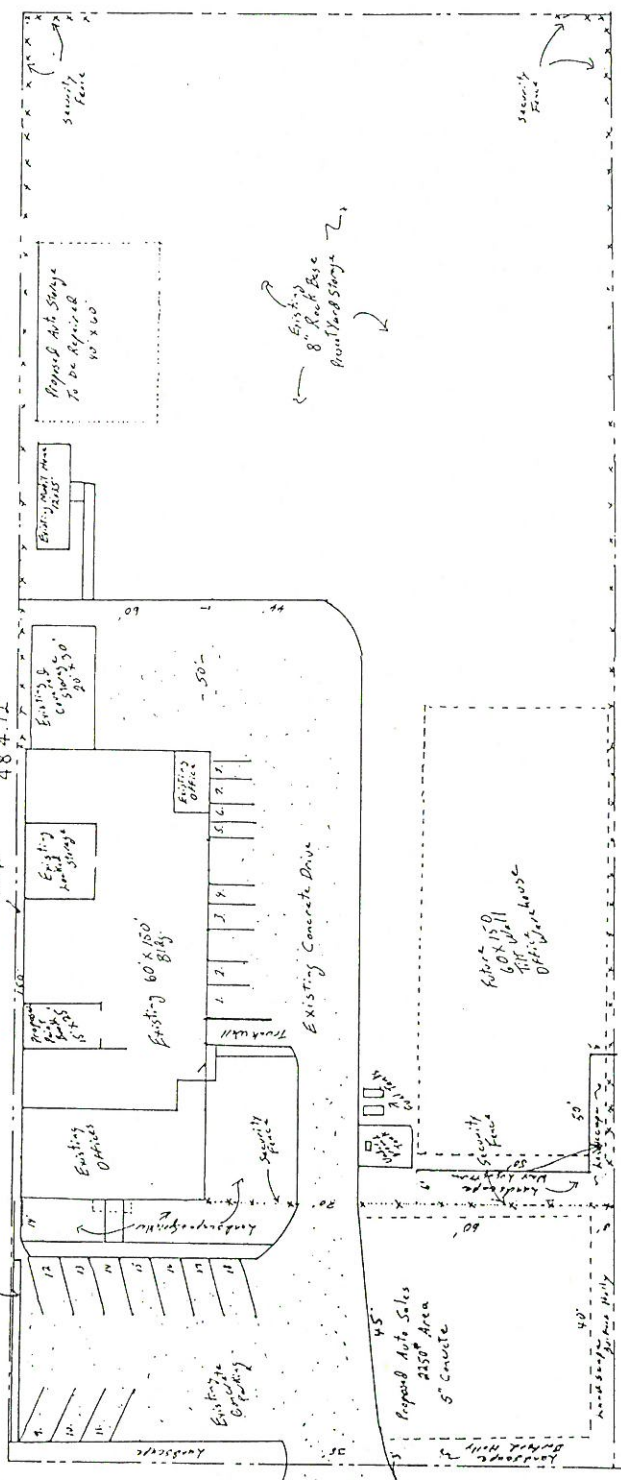
THENCE S. 0 deg. 06' 26" W. with the said E. line and a fence a distance of 484.12 ft. to a point for a corner;

THENCE N. 89 deg. 53' 34" W. a distance of 191.42 ft. to a point for a corner;

THENCE N. 0 deg. 06' 26" E. a distance of 426.15 ft. to a point for a corner on the S. right-of-way line of Interstate Highway No. 30;

THENCE N. 73 deg. 15' 32" E. with said right-of-way line and a fence a distance of 200.00 ft. to the Point of Beginning and Containing 2.00 acres of land; as surveyed by Harold L. Evans Consulting Engineer, Dallas, 2/20/79.

191.42'



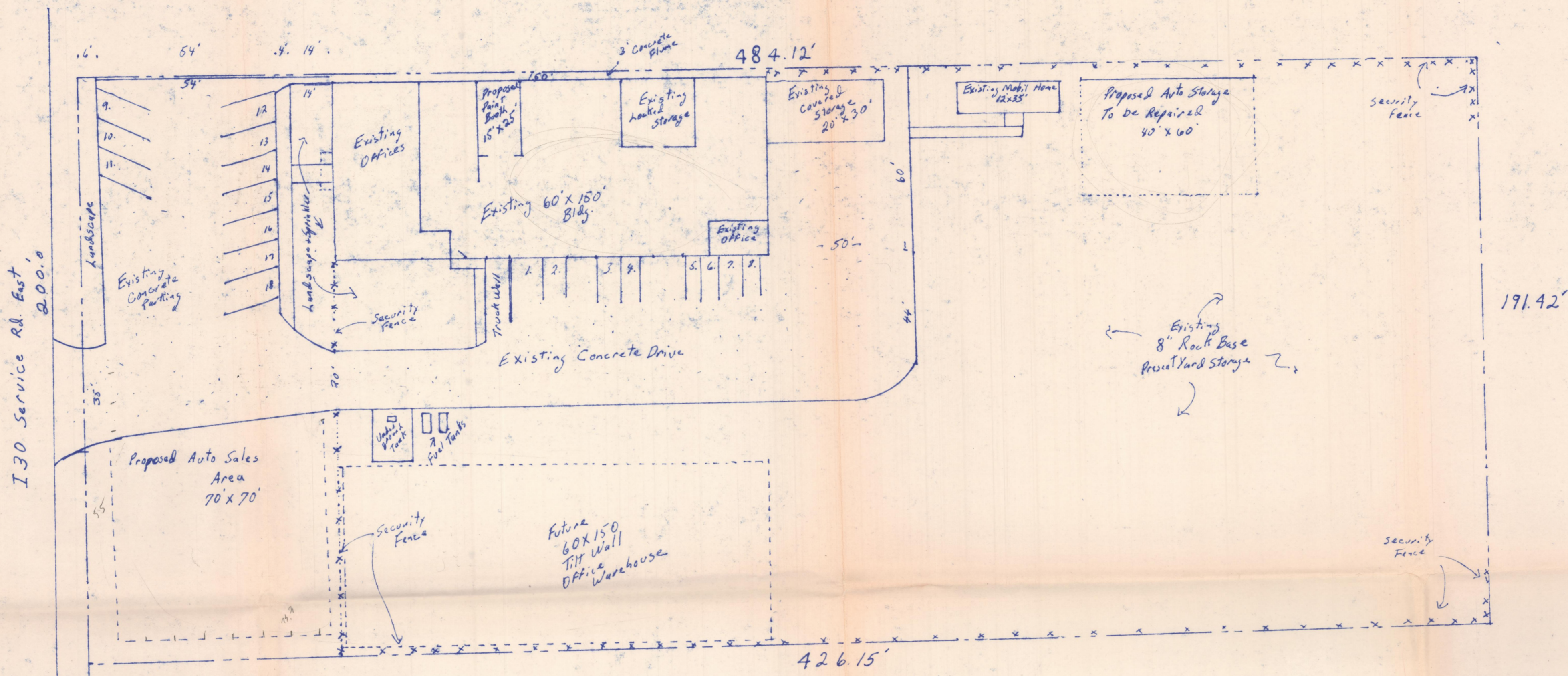
1520 E. INT. 30

OFFICE 1800 \$ Ft.
 WAREHOUSE 7200 \$ Ft.
 Property 2 Acre.
 Bldg 9000 \$ Ft.
 Concrete Paving 14,000 \$ Ft.
 Landscaping 4600 \$ Ft.
 Parking Required 14
 Trucking Paved 18
 Lease Area 3500 \$ Ft.
 1800 \$ Ft. OFFICE: 100 = 8
 7200 \$ Ft. Warehouse: 1000 = 8

Being a tract or parcel of land situated in the N. M. Ballard Survey, Abstract No. 20, Rockwall County, Texas, and being part of a 58.25 acre tract conveyed by deed to the undersigned and his wife, Nora, to C. F. Rhoades and wife, Battice, on February 18, 1915, recorded in Vol. 15, Pg. 303, Deed Records of Rockwall County, Texas, and being more particularly described as follows: BEING AN IRON ROD FOR A CORNER AT THE INTERSECTION OF THE E. LINE OF TRACT NO. 20, 35 acre tract with the S. right-of-way line of INTERSTATE HIGHWAY NO. 28, 06' 28" W. with the said E. line and a fence a distance of 484.12 ft. to a point for a corner; a distance of 191.42 ft. to a point for the corner; 0 deg. 06' 28" E. a distance of 426.15 ft. to a point for a corner; 0 deg. 06' 28" E. a distance of 426.15 ft. to a point for a corner.

I30 Service Rd. Est 2000

Done here



1520 E. INT. 30

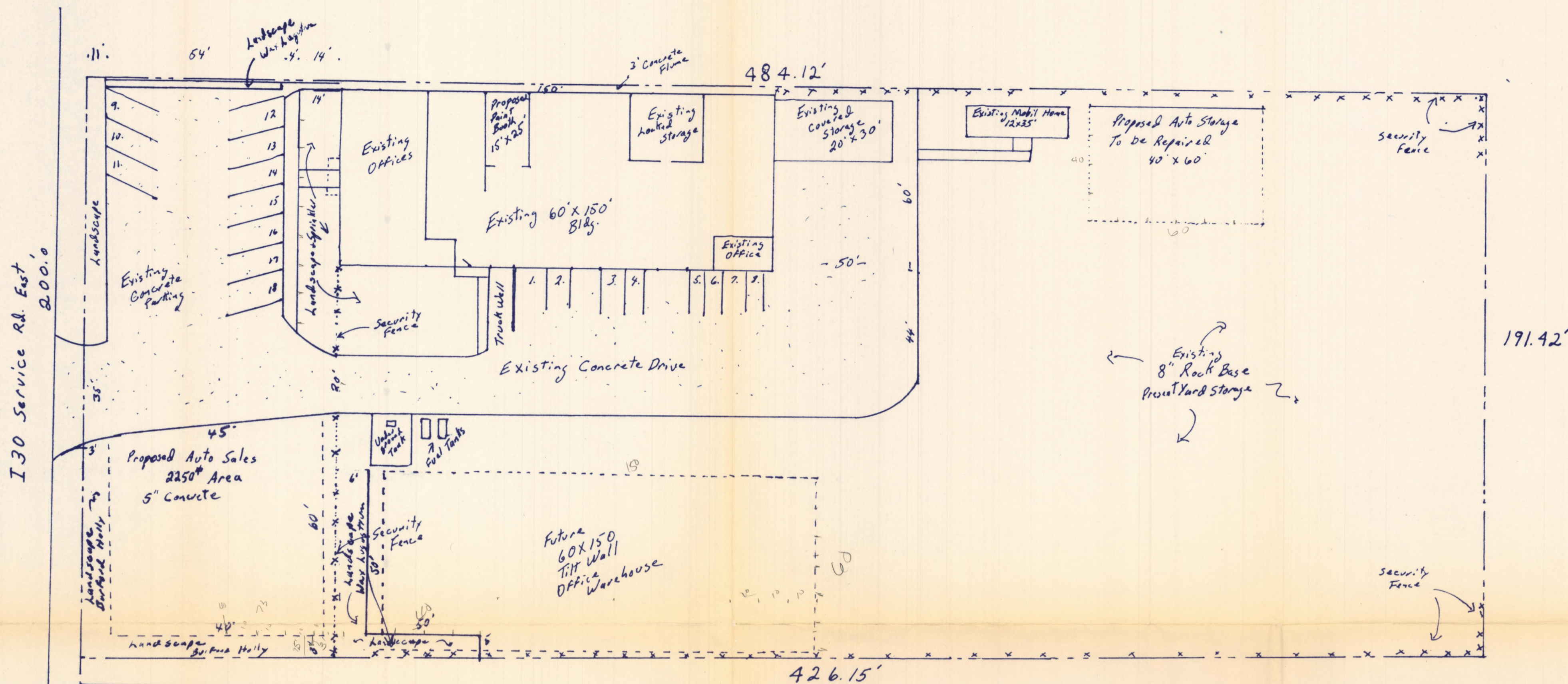
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 THENCE N. 89 deg. 53' 34" W. a distance of 191.42 ft. to a point for a corner;
 THENCE N. 0 deg. 06' 26" E. a distance of 426.15 ft. to a point for a corner on the S. right-of-way line of Interstate Highway No. 30;
 THENCE N. 73 deg. 15' 32" E. with said right-of-way line and a fence a distance of 200.00 ft. to the Point of Beginning and Containing 2.00 acres of land; as surveyed by Harold L. Evans Consulting Engineer, Dallas, 2/20/79.

OFFICE 1800 sq. Ft.
 WAREHOUSE 7200 sq. Ft.
 Property 2 Acres
 Bldg 9000 sq. Ft.
 Concrete Paving 16,000 sq. Ft.
 Landscape Area 3000 sq. Ft.
 Parking required 14
 Parking provided 18
 Lease Area 3500 sq. Ft.
 1800 sq. Ft. Office ÷ 300 = 6
 7200 sq. Ft. Warehouse ÷ 1000 = 8

LANE CONCRETE, INC.
 1520 E. Int. 30
 Lease Improvements
 For
LAKWAY BODY WORKS
 Rockwall, Texas

needs 4350 lbs of landscaping
 needs 14 parking spaces chad
 18

Scale 3/8" = 10'



I 30 Service Rd. East, 200.0

1520 E. INT. 30

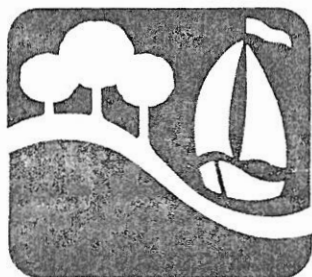
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OFFICE 1800 sq. Ft.
 WAREHOUSE 7200 sq. Ft.
 Property 2 Acres
 Bldg 9000 sq. Ft.
 Concrete Paving 16,000 sq. Ft.
 Landscape Area 4662 sq. Ft.
 Parking Required 14
 Parking Provided 18
 Lease Area 3500 sq. Ft.
 1800 sq. Ft. Office ÷ 300 = 6
 7200 sq. Ft. Warehouse ÷ 1000 = 8

LANE CONCRETE, INC.
 1520 E. Int. 30
 Lease Improvements
 For
 LAKEWAY BODY WORKS
 Rockwall, Texas

Scale 3/8" = 10'

2nd Submission



CITY OF ROCKWALL

"THE NEW HORIZON"

November 25, 1986

Mr. Dale Lane
1520 Interstate 30
Rockwall, Texas 75087

Dear Mr. Lane:

Your application and filing fee have been received for your request for a change in zoning from "A" Agricultural to "PD" Planned Development with heavy commercial uses.

Your request has been scheduled to be heard at a public hearing before the Planning and Zoning Commission on December 11th at 7:30 P.M. in City Hall, 205 West Rusk.

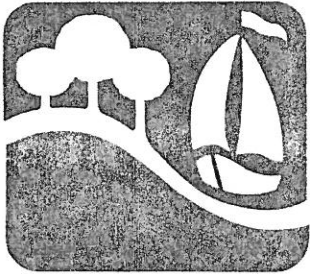
Please call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

December 12, 1986

Mr. Dale Lane
Lane Concrete
1520 East I-30
Rockwall, Texas 75087

Dear Mr. Lane:

On December 11, 1986, the Rockwall Planning and Zoning Commission recommended denial of your request for a change in zoning from "A" Agricultural to "PD" Planned Development with light industrial and some heavy commercial uses, paint and body, auto sales, existing outside storage and contracting yard.

The Rockwall City Council will hold a public hearing and consider approval of your request on January 5, 1987, at 7:30 P.M. in City Hall, 205 West Rusk.

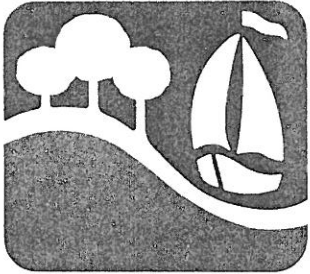
Please notify me if you choose not to go before Council. Feel free to call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

January 6, 1987

Mr. Dale Lane
1520 East I-30
Rockwall, Texas 75087

Dear Mr. Lane:

On January 5, 1987, the Rockwall City Council heard your request for a change in zoning from "A" Agricultural to "PD" Planned Development with light industrial and some heavy commercial uses, paint and body, auto sales, existing outside storage and contracting yard. Council voted to postpone action and continue the public hearing on January 19, 1987, at 7:30 P.M. in City Hall, 205 West Rusk.

Please feel free to call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp

Lane

CONCRETE INC.

1520 EAST INTERSTATE 30 • ROCKWALL, TEXAS 75087 • METRO 214/226-2510, 214/722-9381

January 19, 1987

City Council
City of Rockwall

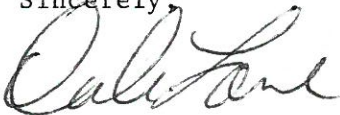
RE: Change in Zoning from "A" Agricultural to "P.D." Planned Development

Proposal of Limits and Restrictions:

1. Dealer's License Minimum of five (5) cars on display and we will consent to this as our Maximum of cars for sale.
2. Sufficient landscape planting to screen contractor's yard.
3. All damaged customer's autos waiting for repair will be enclosed in a screened fence area.
4. No used parts will be sold from damaged autos.
5. Planned Development give the Council the ability to specify uses and limit changes should ownership of property change.

Thank you for your consideration in the above referenced matter.

Sincerely,



Dale Lane
Lane Concrete, Inc.
President

Attachment

CONCRETE SPECIALISTS

STATE DEPARTMENT OF HIGHWAYS
AND PUBLIC TRANSPORTATION
DIVISION OF MOTOR VEHICLES
1932 NORTH I-35
CARROLLTON, TEXAS 75006
(214) 446-1313

REQUIREMENTS

THERE ARE FOUR BASIC REQUIREMENTS TO ISSUE A DEALER'S LICENSE. THEY ARE:

- (A) SIGN
- (B) OFFICE
- (C) DISPLAY AREA
- (D) SURETY BOND

- (A) The sign must be of permanent nature, permanently mounted. The sign must be at least six (6) feet off the ground from the bottom of the sign, high enough to be seen over parked vehicles and other obstructions and must be clearly visible from the street that bears the dealership address. Lettering on the sign must be at least six (6) inches high and must depict what the license has been issued for such as, Auto Sales, Used Cars, etc.
- (B) The office area must be located at the lot. It cannot be located in the owner's home unless the office is permanently sealed off from the living quarters. The office must include the customary office furnishings i.e., desk, chair and filing cabinet. The office must have a telephone listed on directory assistance in the dealership name. Effective September 1, 1985, all dealers must be the owner of the property where the dealership is located, or be able to show a lease for the duration of one (1) year. A copy of the lease is required.
- (C) The display area must be adjacent to the office and must be large enough to contain at least five (5) vehicles. The display area must be clearly separate from all other parking. If the dealership is in conjunction with another business, the display area must be chained off or substantially barricaded to separate cars in the display area from customer parking.
- (D) Effective January 1, 1984, everyone licensed as a used car dealer in the state of Texas shall first have posted a surety bond in the amount of Twenty-Five Thousand Dollars (\$25,000). The original bond form, revised September 1985, must accompany the application for General Distinguishing Number.

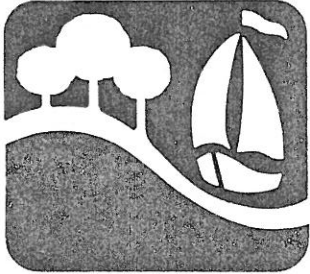
THE FEE FOR GENERAL DISTINGUISHING NUMBER IS TWO HUNDRED AND FIFTY DOLLARS (\$250.00). THIS COVERS A PERIOD FROM APRIL 1st THROUGH MARCH 31st OF THE FOLLOWING YEAR. THE FEE IS NOT PRORATED. FROM JANUARY 1st THROUGH MARCH 31st EVERY YEAR, THE FEE IS THREE HUNDRED AND FIFTY DOLLARS (\$350.00). THIS COVERS THE FEE FOR RENEWAL AND THE LICENSE IS ISSUED FOR ONE YEAR AND THREE MONTHS. THE FEE IS PAYABLE IN CHECK, MONEY ORDER, OR CASH.

VERY IMPORTANT: If the Dealership is located in the City Limits of Dallas, zoning must be approved by the City of Dallas Inspection division.

IN MAKING APPLICATION, THE DEALER MUST SUBMIT THREE (3) PICTURES CLEARLY SHOWING THE SIGN IN PLACE, THE INSIDE OF THE OFFICE AND THE DISPLAY AREA.

UPON RECEIPT OF YOUR APPLICATION, AN INVESTIGATOR WILL INSPECT YOUR PREMISES AND YOU WILL BE NOTIFIED WHEN YOUR GENERAL DISTINGUISHING NUMBER IS TO BE PICKED UP FROM OUR OFFICE.

IF YOU HAVE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CALL OUR DEALER SECTION AT (214) 446-1313.



CITY OF ROCKWALL

"THE NEW HORIZON"

January 20, 1987

Mr. Dale Lane
Lane Concrete, Inc.
1520 East Interstate 30
Rockwall, Texas 75087

Dear Mr. Lane:

On January 19, 1987, the Rockwall City Council approved your request for a change in zoning from "A" to "PD" with light industrial and some heavy commercial uses, paint and body, auto sales, existing outside storage and contracting yard at 1520 East Interstate 30 subject to the following conditions:

1. No more than five cars will be on display for sale.
2. No used parts will be sold from damaged vehicles.
3. Parking will be changed to 90 degree head-in parking
4. The 20 ft. wide drive will be widened to 24 ft. at the time the future office warehouse is constructed.
5. A 5 ft. masonry screen to be lined with ligustrums will separate the 40 ft. by 60 ft. auto sale area and contractor's yard/proposed office-warehouse.
6. Area of storage for autos to be repaired not to exceed 40 ft. by 60 ft.
7. Damaged autos awaiting repair to be enclosed in an 8 ft. opaque fence.

Please feel free to call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

MN/mmp

- III. A. Hold Public Hearing and consider approval of a request from Dale Lane for a change in zoning from "A" Agricultural to "PD" Planned Development for Light Industrial with limited heavy commercial uses including used car sales outside storage, paint and body shop and contractors yard on a tract of land located on I-30.

We have received a request from Dale Lane for a change in zoning on his tract of land located East of the Bodin Industrial Park on I-30. This area was annexed by the City in December 1985. The existing use is a contractor's yard and office building. This use is a legal non conforming use. Mr. Lane has a tenant who wants to lease part of his building to initially occupy some of the existing warehouse area and to ultimately occupy several areas within the property. The tenant buys wrecked automobiles such as Jaguars, BMW's and other types of expensive cars and repairs them. He ultimately wants to be able to sell them on the site and to put in a full paint and body shop.

This expansion does require that the property be properly zoned before these uses can occur. Mr. Lane is aware that there is considerable concern in locating any additional Heavy Commercial uses along I-30 has therefore submitted a request for Planned Development much as Richard Slaughter did on his proposed lumber yard. In order to put these uses in, it would require rezoning to either Heavy Commercial or Planned Development.

A copy of the proposed site plan is attached. The proposed layout currently meets our parking, access and paving requirements. They propose to locate the vehicle storage at the back of the property. If the proposal is approved, consideration should be given to requiring that the area be specifically fenced and possibly screened in order to insure exactly where the auto storage would be located.

There was some concern about how the proposed car sales area in the front would be developed. The site plan requires an additional 1356 square feet of landscaping and that will be provided in that area. The applicant does propose some improvements that are shown on the revised site plan.

Dale Lane

MINUTES OF THE PLANNING AND ZONING COMMISSION
December 11, 1986

Chairman Don Smith called the meeting to order with the following members present: Norm Seligman, Hank Crumbley and Tom Quinn.

The Commission first considered approval of the Consent Agenda which consisted of:

- a) a final plat for the Pannell Subdivision on FM-549 between I-30 and SH-276
- b) a final plat for Harbor Landing, Phase I, in Chandlers Landing
- c) a replat for the McLean/Moore Addition within the W. D. Austin Addition on Heath Street
- d) the minutes of October 30 and November 13, 1986.

Quinn made a motion to approve the Consent Agenda. Seligman seconded the motion. The motion was voted on and passed unanimously.

* [The Commission then held a public hearing and considered approval of a request from Dale Lane for a change in zoning from "A" Agricultural to "PD" Planned Development with light industrial and some heavy commercial uses, paint and body, auto sales, existing outside storage and contracting yard at 1520 East I-30.

Assistant City Manager Julie Couch outlined the applicant's request, location of the property and non-conforming uses that existed at the time of annexation. She added that the site plan as submitted met all parking and landscaping requirements. Quinn confirmed with Staff that the Land Use Plan recommended Light Industrial in this area.

Dale Lane addressed the Commission and explained his intentions for landscaping, the location of a proposed screening fence and the areas to be paved with concrete. Lane added that outside storage would not be visible from the Interstate and that he didn't anticipate more than five or six cars under repair at a time. Smith stated that the site plan didn't appear to be to scale. Lane explained that the dimensions were correct and that any inaccuracy in the drawing was a result of additional landscaping. Lane told the Commission that car sales was an existing use and that vehicles for sale were show cars.

As there was no one else wishing to address the Commission, the public hearing was closed. Seligman noted that the PD uses would be restricted and the property could not become a used car lot. Quinn stated that the PD would be generally heavy commercial uses, the zoning would not be in conformance with the Land Use Plan.

Commission discussed the existing uses versus restricted proposed uses that couldn't be permitted without a permanent zoning classification. They discussed the security fence, landscaping and adequacy of parking. Lane told the Commission that prior to annexation he had been commended by Rockwall Beautiful for the appearance of his property.

Seligman made a motion to approve the zone change as submitted contingent to landscaping as suggested by the applicant. The motion died for lack of a second. Crumbley made a motion to table action pending a Work Session with the applicant. The motion died for lack of second. Smith stated that approval of the zone change constituted simultaneous approval of the Master Plan which was inadequate. Quinn made a motion to deny the request due to the lack of detail on the plan submitted. Crumbley seconded the motion. Bill Sinclair joined the meeting at this time. The motion was voted on and passed unanimously, with Sinclair abstaining.]

The Commission then held a public hearing and considered approval of a request from Joe Florey for a Conditional Use Permit for a structure with less than 90% exterior masonry materials at 305 West Washington. Couch explained that the property was zoned General Retail and while the applicant could continue to reside on the property prior to converting his accessory building to retail uses he would need a Conditional Use Permit as he did not meet the 90% exterior masonry requirement.

Joe Florey addressed the Commission and explained that he delivered hospital equipment and supplies and that as his calls were at all times during day or night, he wanted to keep the equipment at his residence. He briefed the Commission on location of the accessory building, size of the structure, and existing and proposed ground cover. Florey asked to be relieved of the sprinkler requirement as he lived on site. He added that his property was recently remodeled, well groomed, painted, and well-tended.

As there was no one else wishing to address the Commission, the public hearing was closed. Seligman made a motion to approve the Conditional Use Permit with a variance to the irrigation requirement with the condition that if the property were ever converted completely to General Retail or was not owner-occupied, irrigation requirements would have to be met. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered rezoning/revision of preliminary plan on PD-5, located on SH-205 and Quail Run Road.

Couch explained to the audience the review process, the purpose of the review and factors taken into consideration during the process. Couch outlined the existing permitted uses as well as new plan submitted by the applicant.

He

Dennis Schwartz representing ownership for the property addressed the Commission and requested a Work Session on the new proposed plan. The Commission discussed whether to continue the public hearing after the Work Session or take public comments, close the public hearing and take action after the Work Session.

P. T. Payne, Jr., addressed the Commission and stated that if the property developed according to the existing plan, his property along FM-1141 would be flooded. Smith asked if any other members of the audience wanted to speak or preferred to speak at the continuation of the public hearing. As there was no one else wishing to speak, Seligman made a motion to hold a Work Session on January 29, 1987. Quinn seconded the motion. The motion was voted on and passed unanimously.

The Commission then reviewed and discussed PD-18 on FM-740. Couch briefly explained the location and development status of the property.

Glenn Sams addressed the Commission to explain the future development of the property and that he wanted the uses within the PD to remain. Quinn pointed out that General Retail south of Summer Lea Drive was not in conformance with the Land Use Plan. Van Hall stated that utilities had been installed to service the area. Smith expressed concern for potential housing adjacent to a retail tract. Couch explained that Orleans on the Lake would back up to the tract and the buffering was in mind when the residential area was designed. She added that no construction had ~~been~~ begun on Chandlers Landing Phase 19 which also backed up to the retail tract.

Crumbly made a motion to leave PD-18 as it currently existed. Seligman seconded the motion. The motion was voted on and passed unanimously.

The Commission then reviewed PD-8, Chandlers Landing. Van Hall showed the Commission the original plan for PD-8 and compared it with the present plan including past revisions. The Commission discussed the development of the PD and the reduction of density since the original approved plan. Sams noted that there was disagreement between himself and the City Staff as to whether or not the south side of a greenbelt on top of the hill retained its zoning while being designated temporary greenbelt.

Quinn stated that Neighborhood Service would be preferable to Commercial. Smith stated that a public hearing would confuse the situation. Couch pointed out that Frates was not ready to develop the greenbelt. Seligman made a motion to leave PD-8 as it currently existed. Crumbly seconded the motion. The motion was voted on and passed unanimously.

The Commission then reviewed PD-19 located on Summer Lea Drive. Couch explained that the PD was located northeast of the entrance to Signal Ridge and site planned for 15 units per acre. Couch noted that surrounding properties had substantially downgraded

densities since PD-19 was zoned. Quinn made a motion to initiate public hearings to bring PD-19 into conformance with the surrounding properties. Crumbley seconded the motion. The motion was voted on and passed unanimously.

Next, the Commission reviewed PD-20, Orleans on the Lake. Couch explained that the lower portion of PD-20 was partially developed and was lower in density than the upper portion as the density had been downgraded. Orleans on the Lake was in compliance with the Land Use Plan. Couch added that the remaining five acres were zoned for condominiums at 15 units per acre.

Smith confirmed that the entire PD could be reviewed with the idea that the undeveloped portion be brought into compliance with the Land Use Plan. Quinn made a motion to initiate public hearings to review the land use of undeveloped portions of PD-20 and bring them into compliance with the Land Use Plan. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then reviewed PD-21 located on Fannin and St. Marys Street. Couch explained PD-21 was a zero lot line development that is developed with the exception of a few lots that had not been built on. Seligman made a motion to leave PD-21 as it currently existed. Crumbley seconded the motion. The motion was voted on and passed unanimously.

Couch told the Commission that Kirby Albright, property owner of PD-22, was unable to attend and had requested action on PD-22 to be delayed until the next regularly scheduled meeting.

The Commission then reviewed PD-24 on I-30 and High School Road. Couch explained that PD-24 was a lumber yard owned by Richard Slaughter which was currently for sale of lease. Seligman noted that a new owner would have to go through the zoning process to make changes in the PD uses. Seligman then made a motion to leave the PD as it currently existed. Quinn seconded the motion. The motion was voted on and passed unanimously.

The Commission then reviewed PD-3, The Shores, on SH-205. Couch explained the location of the PD, the permitted land uses and downgrading on density by the developer. She added there were some zero lot line that was indicated as multifamily on the Land Use Plan.

Joe Holt addressed the Commission and presented a revised plan that greatly reduced density in the overall development. Holt stated that although the revised plan was his goal, the depressed real estate market hindered development. He added that initiating public hearings would cause irreparable damage to future plans.

The Commission discussed the revised plan with Holt and the time frame for beginning development. Quinn made a motion to leave the PD as zoned. Seligman seconded the motion. The motion was voted on and passed unanimously.

Couch then updated the Commission on the status of the PD review process and ^{the} scheduled dates for public hearings.

As there was no further business to come before the Commission for consideration, the meeting was adjourned.

APPROVED:

Chairman

ATTEST:

By: _____

Agenda Notes

City Council - 1/5/87

III. E. P&Z 86-67-Z - Hold Public Hearing and Consider Approval of a Request from Dale Lane for a Change in Zoning from "A" Agricultural to "PD" Planned Development with Light Industrial and Some Heavy Commercial Uses, Paint and Body, Auto Sales, Existing Outside Storage and Contracting Yard at 1520 East I-30

We have a request from Dale Lane for a change in zoning on his tract of land located east of the Bodin Industrial Park on I-30. This area was annexed by the City in December 1985. The existing use is a contractor's yard and office building. This use is a legal non-conforming use. Mr. Lane has a tenant who wants to lease part of his building to initially occupy some of the existing warehouse area and to ultimately occupy several areas within the property. The tenant buys wrecked automobiles such as Jaguars, BMW's and other types of expensive cars and repairs them. He ultimately wants to be able to sell them on the site and to put in a full paint and body shop.

This expansion does require that the property be properly zoned before the uses can occur. Mr. Lane is aware that there is considerable concern in locating any additional Heavy Commercial uses along I-30 and has therefore submitted a request for Planned Development much as Richard Slaughter did on his proposed lumber yard. In order to put these uses in, it would require rezoning to either Heavy Commercial or Planned Development.

A copy of the proposed site plan is attached. The proposed layout currently meets our parking, access and paving requirements. They propose to locate the vehicle storage at the back of the property. If the proposal is approved, consideration should be given to requiring that the area be specifically fenced and possibly screened in order to insure exactly where the auto storage would be located.

The Planning and Zoning Commission had expressed some concerns about the detail shown on the site plan and about some of the existing conditions. The Commission has recommended denial of the request. It will require a 3/4 majority vote of the Council to approve the request.

Alma Williams then gave an accounting report for the Sesquicentennial Committee. Williams provided a copy of the financial report to Council and outlined City activities that had taken place as well as activities by other organizations prompted by City participation. Welborn suggested that Council consider a resolution commending the Sesquicentennial Committee for its efforts in planning and projects in 1986.

Council then held a public hearing and considered approval of a request from Joe Florey for a Conditional Use Permit for a structure with less than 90% exterior masonry materials at 305 West Washington. Florey explained his request and asked Council to waive irrigation requirements so long as he lived in the residence. He added that only his accessory building would be used for General Retail. Couch explained that the Conditional Use Permit could specify that sprinklers be installed if the property was ever used for 100% General Retail purposes. Bullock made a motion to approve the request and the waiver of irrigation requirements subject to the requirement being met if the property connects to 100% nonresidential with no one residing at the site. Fox seconded the motion. The motion was voted on and passed unanimously.,

Council then held a public hearing and considered approval of a request from Dale Lane for a change in zoning from "A" Agricultural to "PD" Planned Development with light industrial and some heavy commercial uses, paint and body, auto sales, existing outside storage and contracting yard at 1520 East I-30. Lane addressed Council and answered some concerns Planning and Zoning had noted. Lane stated that parking requirements had been met as the parking was a legal non-conforming use and that he had exceeded the landscaping requirements. Lane added that although his drawing was not professional, it was accurate. Lane told Council that he couldn't get a building permit for a proposed paint booth without a permanent zoning classification.

Miller confirmed with Staff that the Land Use Plan indicated Light Industrial and that Lane's current business, basically a contracting yard, fell into a Heavy Commercial classification. Assistant City Manager Julie Couch noted that in a Planned Development Lane could only maintain uses as indicated on the approved preliminary plan. Fox stated that as this area was an entrance to Rockwall, it should be consistent with the Land Use Plan. Bullock confirmed with Lane that no more than five cars would be for sale at a time. Council discussed at length the applicant's non-conforming uses, proposed uses and how the uses compared with the Land Use Plan. Welborn pointed out that a PD zoning would allow Council to exercise

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.

Agenda Notes

City Council - 1/19/87

- IV. B. P&Z 86-73-SP - Continue Public Hearing and Consider Approval of a Request from Dale Lane for a Change in Zoning from "A" to "PD" with Light Industrial and Some Heavy Commercial Uses, Paint and Body, Auto Sales, Existing Outside Storage and Contracting Yard at 1520 East I-30

The Council continued the public hearing on Dale Lane's zoning request to Monday night. To review his request, he has submitted an application for a change in zoning from Agricultural to "PD" for Light Industrial uses and limited Heavy Commercial uses including used car lot, outside storage, contractor's yard, and paint and body shop.

The existing use which is a contractor's yard with accessory outside storage is a legal nonconforming use. The reason that Mr. Lane is having to apply for zoning is for the proposed additional uses of a paint booth and the proposed used car sales in front, located on currently unimproved land. If Mr. Lane wanted to put in a body shop only and do the work in the existing building and store the vehicles in his existing outside storage at the rear he could do this without rezoning the property. If he only wanted to put in a paint booth and not the outside auto sales area he could be zoned Light Industrial. If he were zoned Light Industrial his existing contractor's yard would remain a legal nonconforming use and he could use the property for any legal industrial use. He could not put in the auto sales if he is zoned Light Industrial.

The Commission, in their denial of the request, had some problems with the existing parking in front and the driveway into the back of the property. The existing parking could not be built in its current configuration under our ordinances. Under our requirements the parking would need to be 90° parking rather than angle parking and the width of the parking area would have to be increased. The drive into the back, under our current standards, would need to be 24 feet wide rather than its current 20 feet. They also had some concerns about the dimensions shown on the used car lot area. Mr. Lane had added some proposed dimensions for his improvements in this area, but they do not appear to be drawn to scale.

If the Council were to zone the property PD you can establish exactly where any particular use can be placed on the property, exactly what uses can be placed on the property, and specific conditions can be placed on any use such as additional landscaping, a maximum number of used cars, or requiring screening of outside storage areas, etc., that cannot be placed on straight zoning.

serve on the school site committee. Holt seconded the motion. The motion was voted on and passed unanimously.

At this time, Ken Jones joined the meeting.

Council then continued a public hearing and considered approval of a request from Dale Lane for a change in zoning from "A" to "PD" with light industrial and some heavy commercial uses, paint and body, auto sales, existing outside storage and contracting yard at 1520 East I-30. At this time Dale Lane addressed Council and explained a written proposal he had submitted to Council. Lane agreed to maintain a maximum of five cars on display for sale, to provide landscaping to screen the contractor's yard, to enclose damaged vehicles awaiting repair with a screened fence, and not to sell parts from damaged vehicles. Lane reminded Council that a "PD" classification would give Council ultimate control over future development of his property even in the unlikely event of an ownership change.

Council discussed the screening of damaged vehicles, screening between the auto sale area and contractor's yard, and the adequacy of existing parking with regard to current and future uses. Fox expressed concern about outside storage of wrecked vehicles. Lane explained that six foot opaque fence would adequately screen damaged cars. Miller suggested additional parking in the rear to meet requirements, an eight foot screen enclosing wrecked cars and sawed off fencing behind the proposed shrubbery separating the auto sales area from the contractor's yard. Couch reminded Council that any requirements placed on the zoning approval would be incurred by future owners unless otherwise approved by Council.

Welborn made a motion to approve the request as shown on the site plan subject to the following conditions: 1) no more than five vehicles will be exhibited for sale at any given time; 2) no used parts may be sold from wrecked vehicles; 3) existing parking in front will be changed to 90 degree head-in parking and additional required parking will be provided; 4) the existing 20 foot wide service drive will be expanded to 24 feet at the time the future office warehouse is constructed; 5) five foot masonry panels to be lined with lugustrums in front will separate the 40 foot by 60 foot auto sales area and contractor's yard/proposed office warehouse; 6) the area of storage for autos to be repaired will not exceed 40 feet by 60 feet as indicated on the site plan and this area shall be enclosed in an 8 foot opaque fence. Bullock seconded the motion. The motion was voted on and passed unanimously.]

Council then considered approval of a site plan for a proposed Kentucky Fried Chicken restaurant at SH-205 and I-30. Couch explained the location of the site and that, as submitted, the site plan met all City requirements. Fox

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 11th day of December in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Dale Lane
for a zone change from "A" Agricultural to "PD" Planned Development for
light industrial with some heavy commercial use and paint and body, auto
sales, existing outside storage and contracting yard on the following
described property:

1520 East Interstate 30 - legal description
attached

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 86-67-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 86-67-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

Being a tract or parcel of land situated in the N. M. Ballard Survey, Abstract No. 24, Rockwall County, Texas, and being part of a 58.25 acre tract conveyed by W. H. Lofland and wife, Nora, to C. F. Rhoades and wife, Battice, on February 18, 1915, recorded in Vol. 15, Pg. 305, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

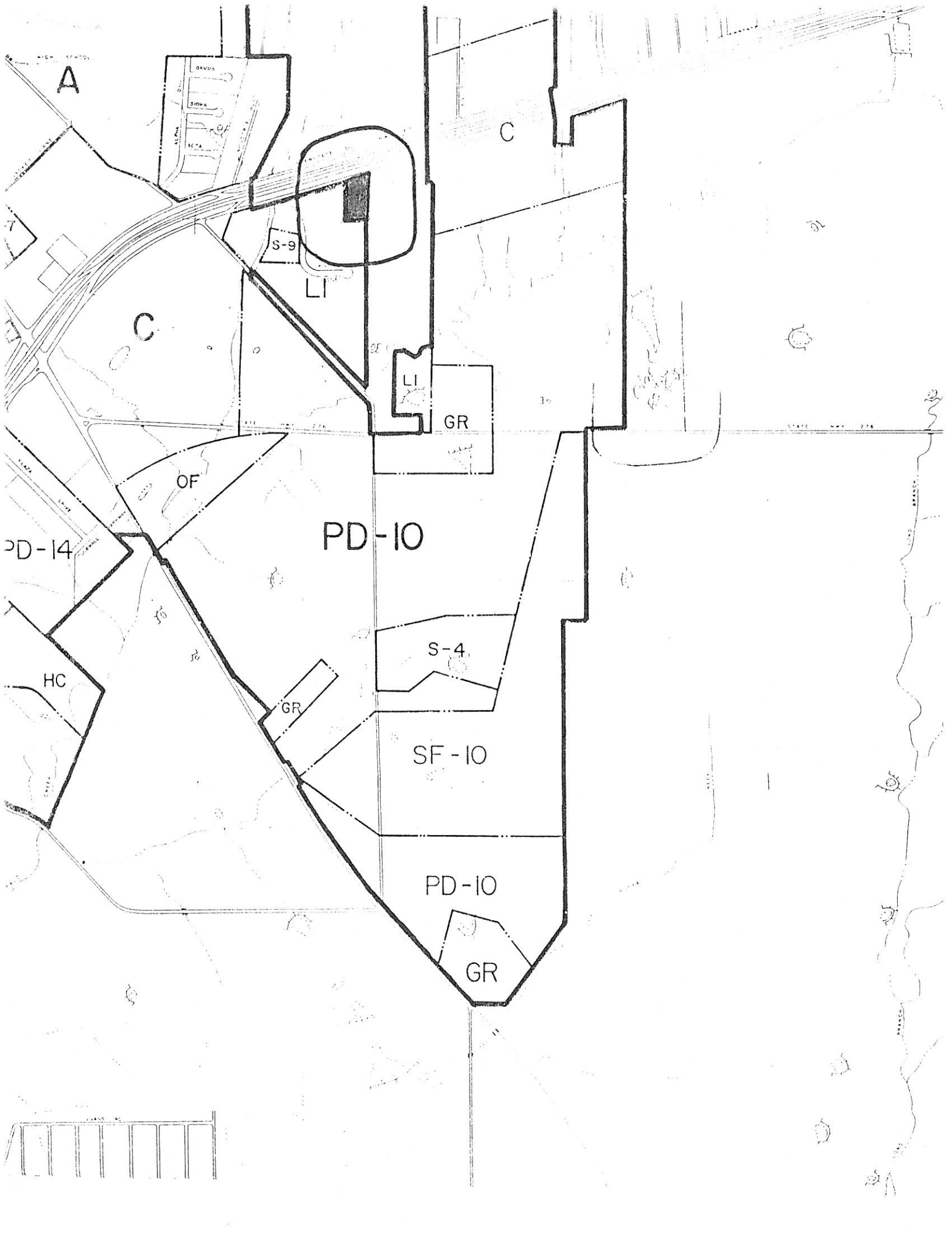
BEGINNING at an iron rod for a corner at the intersection of the E. line of said 58.25 acre tract with the S. right-of-way line of Interstate Highway No. 30;

THENCE S. 0 deg. 06' 26" W. with the said E. line and a fence a distance of 484.12 ft. to a point for a corner;

THENCE N. 89 deg. 53' 34" W. a distance of 191.42 ft. to a point for a corner;

THENCE N. 0 deg. 06' 26" E. a distance of 426.15 ft. to a point for a corner on the S. right-of-way line of Interstate Highway No. 30;

THENCE N. 73 deg. 15' 32" E. with said right-of-way line and a fence a distance of 200.00 ft. to the Point of Beginning and Containing 2.00 acres of land; as surveyed by Harold L. Evans Consulting Engineer, Dallas, 2/20/79.



A

C

C

S-9

LI

LI

GR

OF

PD-10

D-14

S-4

HC

GR

SF-10

PD-10

GR



Lane Concrete

- AB 24 TR44 Dan Ron Inc.
1100 Ridge Rd. West
Rockwall
E. A. Enterprises
2831 Killa Dr.
Garland 75401
- " 4.2 Gaston & Gaston Auctioneers
9000a Gaston
703 Robin
Rockwall
Cecil Self
P.O. Box 18125
Dallas 75218
- " TR4 William Way & Buddy Haldeman
Rt. 4, Box 105 A
Rockwall
- Bedin 1450 James A. Bentley
2377 Longhorn
Dallas 75228
- " 2015 Forrest B. Davis, SR.
2015 Kristy Ln.
Rockwall
- " 2045 Rockwall Auto Parts
301 Greenhill
Rockwall
- " 2025 Rockwall Retreading Co.
P.O. Box 806
Rockwall
- ~~" Lot 1~~
- " Lot 1 First Bank of Rowlett
To Toni Smith
P.O. Box 82
Rowlett, 75088

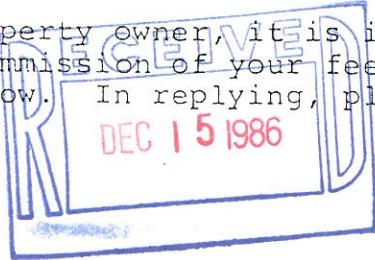
BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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o'clock P. M. on the 11th day of December in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Dale Lane

for a zone change from "A" Agricultural to "PD" Planned Development for
light industrial with some heavy commercial use and paint and body, auto
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turning the form below. In replying, please refer to Case No. P&Z 86-67-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 86-67-Z

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

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

- 1.
- 2.
- 3.

Signature Cecil E Self
Address 3612 Hilltop Cir Rockwall Tex
75087

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

The Planning and Zoning Commission will hold a public hearing at 7:30
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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 86-67-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.

Buddy Saldaña
Signature _____

Address _____

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

Thank you,
City of Rockwall

Dale Lane

27-5

ORDINANCE NO. 87-5

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL, AS HERETOFORE AMENDED, SO AS TO GRANT A ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM LIGHT INDUSTRIAL TO "PD" PLANNED DEVELOPMENT NO. 26; PROVIDING SPECIAL CONDITIONS; 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, and 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, Texas, as heretofore amended, be and the same is hereby amended by amending the Zoning Map of the City of Rockwall so as to grant a zoning change from Light Industrial to "PD" Planned Development District Number 26 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 26 shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended and as amended hereby, provided that the granting of Planned Development District No. 26 to the above described tract of land is subject to the following special conditions:

- A. Prior to the issuance of any building permit in Planned Development District No. 26 a comprehensive development plan shall be filed with the Planning and Zoning Commission, and after appropriate recommendation by the Commission, and after hearing, the City Council shall approve a final development plan, which shall be filed and included as Exhibit "B" and made a part of this ordinance for all purposes. Such development plan shall set forth in detail the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the Thoroughfare Plan of the City of Rockwall, sidewalks, utilities, drainage, parking space, height of buildings, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary by the City Council so as to create a reasonable transition to and protection of the adjacent property.
- B. All development of property covered by Planned Development District No. 26 shall be in accordance with the provisions of this ordinance and the finally approved comprehensive site plan and list of approved uses, and no substantial change in the development shall be permitted, except after obtaining approval of the change of such site plan in the manner required for changes and amendments to the Comprehensive Zoning Ordinance.
- C. Development of Planned Development District No. 26 shall be regulated by the following requirements:
 1. Allowed Uses: Land uses allowed as permitted uses in the "LI" Light Industrial zoning classification
 - Contractor's yard
 - Auto sales as indicated on the approved development plan

Paint and body shop as indicated on the approved development plan

Accessory outside storage for contractor's yard and paint and body shop as indicated on the approved development plan

2. No more than five autos shall be on display for sale in the designated sales area at any time.
3. No used parts shall be sold from damaged vehicles.
4. Existing parking located in front of the building shall be converted to 90 angle parking and the relocated required parking spaces shall be provided.
5. The existing 20 ft. wide service drive shall be widened to 24 ft. at the time the future office/warehouse is constructed.
6. A 5 ft. masonry screen to be lined with lugustrums shall be placed to separate the 40 ft. by 60 ft. auto sales area and contractor's yard/proposed office/warehouse.
7. The designated area for storage of autos for repair as shown on the development plan shall not exceed 40 ft. by 60 ft. and it shall be totally enclosed in an 8 ft. opaque fence.

SECTION 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction 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 4. If any section, subsection, sentence, phrase, paragraph, provision of this ordinance or the application of that section, subsection, sentence, phrase, paragraph, or provision to any person, firm, corporation, situation, circumstance is for any reason judged invalid, the adjudication shall not affect any other section, sentence, phrase, word, paragraph or provision of this

ordinance or the application of any other section, subsection, sentence, phrase, paragraph or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section, subsection, sentence, phrase, paragraph, or provision of the Comprehensive Zoning Ordinance No. 83-23 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 5. 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 6. 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 cases provides.

DULY PASSED AND APPROVED this day of

APPROVED:

ATTEST:

By _____

EXHIBIT "A"

Being a tract or parcel of land situated in the N. M. Ballard Survey, Abstract No. 24, Rockwall County, Texas, and being part of a 58.25 acre tract conveyed by W. H. Lofland and wife, Nora, to C. F. Rhoades and wife, Battice, on February 18, 1915, recorded in Vol. 15, Pg. 305, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod for a corner at the intersection of the E. line of said 58.25 acre tract with the S. right-of-way line of Interstate Highway No. 30;

THENCE S. 0 deg. 06' 26" W. with the said E. line and a fence a distance of 484.12 ft. to a point for a corner;

THENCE N. 89 deg. 53' 34" W. a distance of 191.42 ft. to a point for a corner;

THENCE N. 0 deg. 06' 26" E. a distance of 426.15 ft. to a point for a corner on the S. right-of-way line of Interstate Highway No. 30;

THENCE N. 73 deg. 15' 32" E. with said right-of-way line and a fence a distance of 200.00 ft. to the Point of Beginning and Containing 2.00 acres of land; as surveyed by Harold L. Evans Consulting Engineer, Dallas, 2/20/79.

11/24

PUBLIC NOTICE

The Planning and Zoning Commission of the City of Rockwall will hold a public hearing on December 11, 1986, at 7:30 P.M. in the City Hall, 205 West Rusk, to consider approval of a request from Dale Lane for a change in zoning from "A" Agricultural to "PD" Planned Development with heavy commercial uses at 1520 Interstate 30.

PLANNING AND ZONING ACTION SHEET

Applicant Dale Lane Case No. P+Z 86-67-2

Property Description Lane Concrete

Case Subject Matter Zone change from "A" agricultural to "PD" planned development with heavy commercial uses

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>December 11, 1986</u>	_____	_____ <u>X</u>	_____
Conditions _____			

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to City Council <u>Jan 5</u> <u>Jan 19</u>	_____ <u>X</u>	_____	_____ <u>X</u>
Conditions _____			

Ordinance no. _____ 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