

APPLICATION FOR ZONING CHANGE

Case No. 86-70-CUP Filing Fee ~~86-70~~ \$101.00 Date 11/26/86  
Applicant Joe Flarcy Phone 982-2551  
Mailing Address 305 W. Washington St.

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED: (if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

Attached

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

for a structure with less than District Classification  
to 90% masonry materials District Classification  
for the following reasons: (attach separate sheet if necessary)

So the structure will look the same as other structures that we have just remodeled and painted to improve our property - we have added sidewalk - driveway + patio also for improvement.

There <sup>(Are)</sup> ~~(Are Not)~~ deed restrictions pertaining to the intended use of the property. General Retail

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 Joe Flarcy

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)

All that certain lot, tract or parcel of land, situated in Rockwall County, Texas, a part of the B. F. Boydston Survey, in the town of Rockwall, and being the West one-half ( $w \frac{1}{2}$ ) of Block Numbers Four (4) and Five (5) of the Lowe and Allen Addition to the town of Rockwall as shown and designated on the official Plat of said Addition which is recorded in Volume "K", page 242, Deed Records of Rockwall County, Texas, conveyed to C. H. Carter by B. F. Keahey and wife by Deed dated Aug. 22, 1905, or record in Vol. 10, page 51, Deed Records of Rockwall County, Texas, to which said deed and its record reference is here made for all pertinent purposes. SAVE AND EXCEPT 40 feet off the South end of  $W \frac{1}{2}$  of said Lot 5 above. The South 40 feet off the  $W \frac{1}{2}$  of Lot 5 above mentioned was heretofore conveyed to the City of Rockwall by Mrs. Nannie L. Carter et al by Deed dated Oct. 3, 1934 by Deed of record in Vol. 30, page 571, Deed Records of Rockwall County, Texas.

BOARD OF ADJUSTMENTS  
APPLICATION FOR APPEAL/SPECIAL EXCEPTION/VARIANCE

Case No. BOA- \_\_\_\_\_ Date 11-25-86

Fee Paid \$50.00

Applicant JOE + JOYCE FLOREY

Address 305 West Washington St. Phone 722-8551

Owner of Record SAME

Address SAME Phone SAME

Location of Property 305 W. Washington

Total Acreage 3/4 Acre

Legal Description:

Current Zoning Gen Retail

Current Use \_\_\_\_\_

Request:

Reason:

Signed

Joe Florey









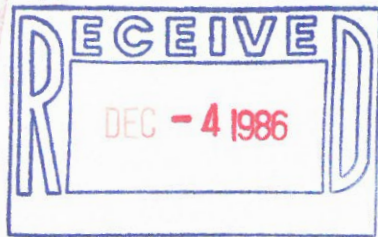
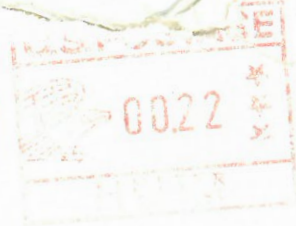


205 West Rusk

CITY OF ROCKWALL

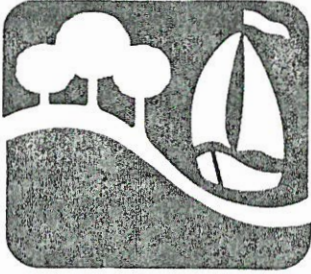
"THE NEW HORIZON"

Rockwall, Texas 75087-3793



David J. Miller  
6114 Aberdeen  
Dallas, Tx. 75230





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

December 12, 1986

Mr. Joe Florey  
305 West Washington  
Rockwall, Texas 75087

Dear Mr. Florey:

On December 11, 1986, the Rockwall Planning and Zoning Commission recommended approval of your request for a Conditional Use Permit for a structure with less than 90% masonry exterior materials.

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.

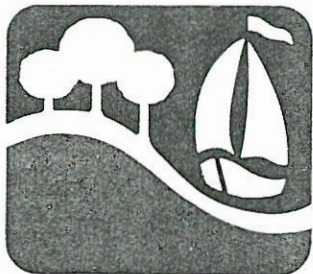
Please call if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

MN/mmp



# CITY OF ROCKWALL

"THE NEW HORIZON"

January 6, 1987

Mr. Joe Florey  
305 West Washington  
Rockwall, Texas 75087

Dear Mr. Florey:

On January 5, 1987, the Rockwall City Council approved your request for a Conditional Use Permit for a structure with less than 90% exterior masonry materials. Council waived the irrigation requirement to permit man-watering as long as you remain an on site resident. Should you cease to occupy the residence or choose to convert it to General Retail uses, sprinkler systems must be installed.

Please feel free to call if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

MN/mmp

- III. B. Hold Public Hearing and consider approval of a request from Joe Florey for a CUP for a structure with less than 90% masonry exterior materials at 305 W. Washington

Joe Florey owns the lot located at 305 W. Washington. It currently has an existing frame house and storage building. The property is zoned General Retail but until now the property has only been used for residential. Mr. Florey now wants to convert the storage building into a business for his hospital and sick room supply business. He will continue to live out of the main structure. He has applied for a Conditional Use Permit for the storage building because it does not meet our 90% masonry requirements. The structure has siding on it to match the siding on the main structure.

Mr. Florey will be required to provide all other requirements in General Retail including parking and landscaping. There is more than enough yard area to meet the landscaping. He will have to irrigate it. A location map is attached. We will have pictures of the site for you on Thursday night.

*Joe Felony*

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.

the

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 <sup>the</sup> 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. D. P&Z 86-70-CUP - Hold Public Hearing and Consider 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

Joe Florey owns the lot located at 305 West Washington. It currently has an existing frame house and storage building. The property is zoned General Retail but until now the property has only been used for residential purposes. Mr. Florey now wants to convert the storage building into a business for his hospital and sick room supply business. He will continue to live out of the main structure. He has applied for a Conditional Use Permit for the storage building because it does not meet our 90% masonry requirements. The structure is constructed of wood siding.

Mr. Florey will be required to provide all other requirements in General Retail, including parking and landscaping. There is more than enough yard area to meet the landscaping. A location map is attached. We will have pictures of the site for you on Monday night.

Under our requirements Mr. Florey would be required to irrigate his required landscaping. Because he is also living on the site and will be there to maintain the yard, he has asked for a waiver to the irrigation requirements.

The Planning and Zoning Commission has recommended approval of the CUP and also recommended the waiver to the irrigation be approved.

Joe Florey

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

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 Joe Florey  
for a Conditional Use Permit for a structure with less than 90%  
masonry exterior materials.

on the following described property:

305 W. Washington

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 86-70-CUP

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 86-70-CUP

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

PD-5

SF-10

PD-23

SF-7

CBD

MF-15

MF-20

MF-15

MF-15

SF-7

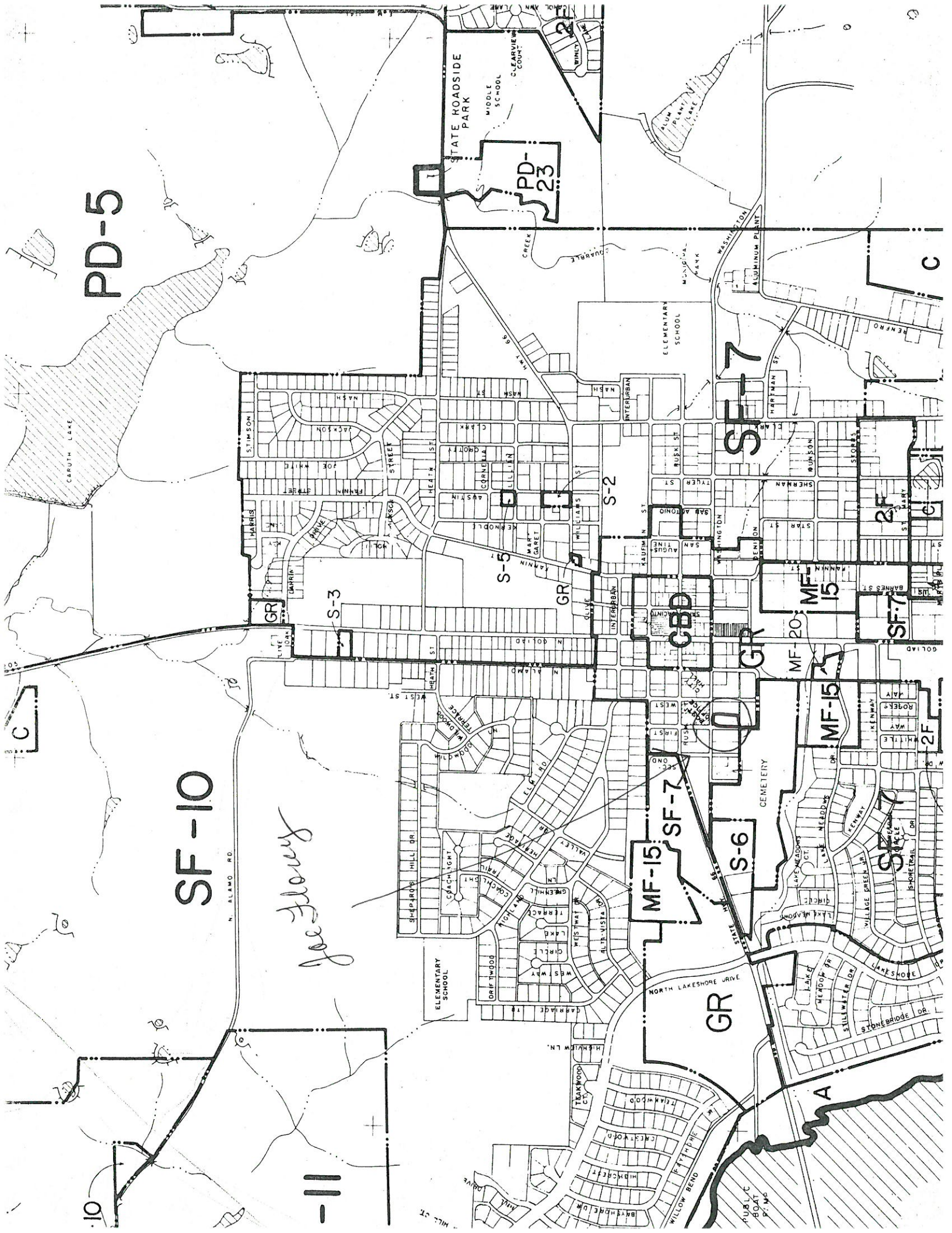
S-6

MF-15

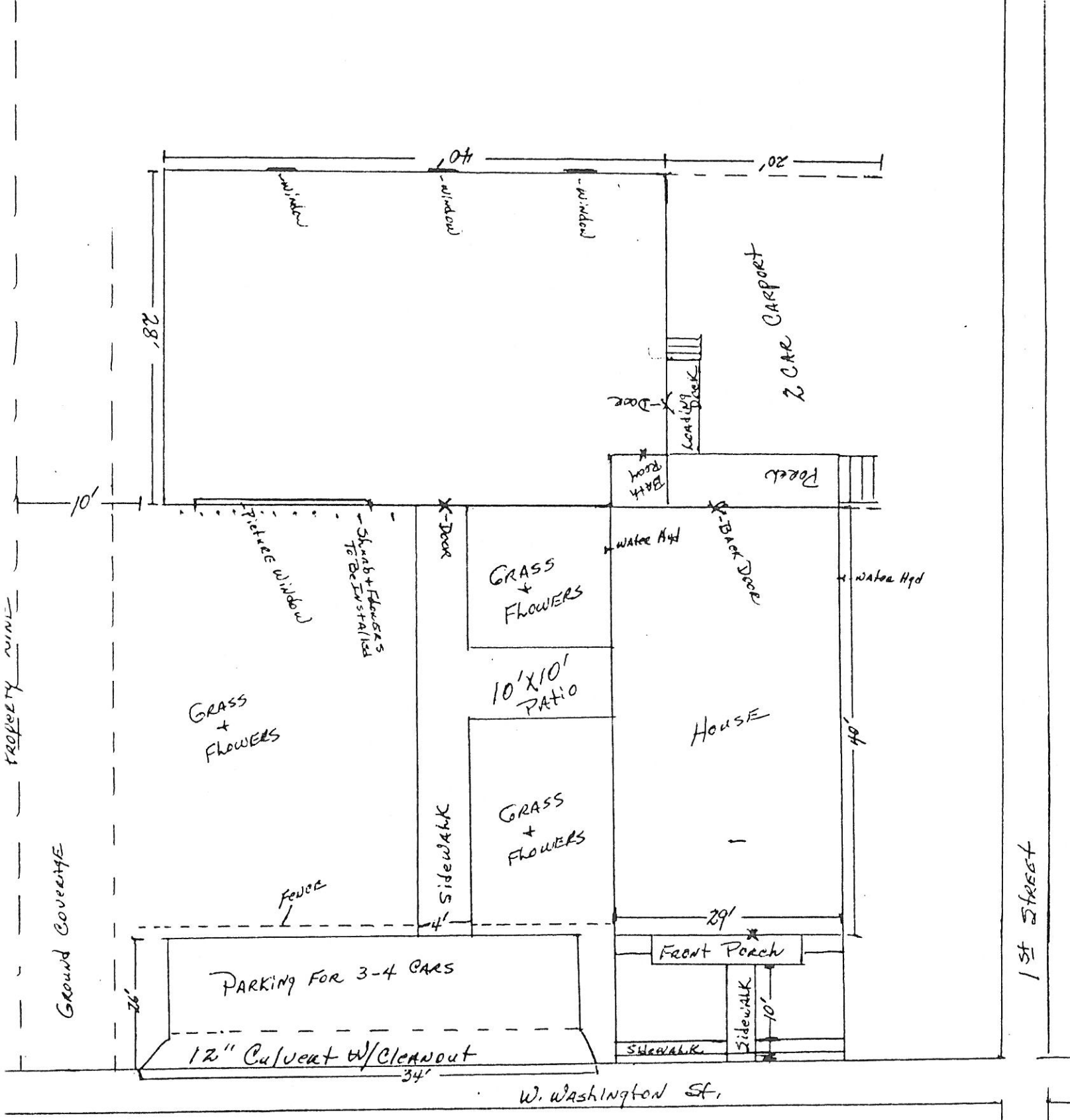
SF-7

*Joe Flourey*

-11-



THIS HOUSE HAS JUST BEEN COMPLETELY REFINISHED INSIDE + TRIMMED OUTSIDE W/ CENTERED HIK + HEAT INSTALLED - New Roof - Insulated Windows -  
 THE BLD. IS WOOD FRAME W/ BIR BOARD + MASCOITE SIDING - Insulated in walls + Ceiling AND WILL BE PAINTED SAME COLOR AS HOUSE + TRIM - INSIDE IS WOOD PANELING W/ SHEET ROCK CEILING W/ CARPET ON FLOOR - FRONT + BACK DOORS ARE STEEL-METAL



Post Office

# Joe Florey CUP

✓ Billy Peoples  
P.O. Box 35

Part 4 + all lots  
Block A

Post Office

all of ABC Block 3

✓ Lorraine Burns  
1605 S Alamo

West 1/2 Block 7

✓ David J. Miller  
6114 Aberdeen  
Dallas 75230

301 W. Washington

✓ J.W. Wright  
40 Robert E. Wright  
2715 Province  
Dallas 75234  
City Cemetery

E 1/2 Block 7

- Block 6

Post Office

Block 3

✓ Maggie Pearl Banks  
Box 254  
Rockwall

Block 8 S 1/2

✓ Ruth Martin  
5514 Richmond  
Dallas TX

Block 8 W 1/2

lot 1, 2, 3, 4, 5, 6, 7, 8 Block P  
OLD

Jack Anderson 1, 6, 7, 8  
201 Washington

H.C. Williams 2, 3, 4, 5  
411 Valley Dr

BEFORE THE PLANNING AND ZONING COMMISSION  
CITY OF ROCKWALL, TEXAS

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As an interested property owner, it is important that you attend this hear-  
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turning the form below. In replying, please refer to Case No. P&Z 86-70-CUP

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 86-70-CUP

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

I am opposed the request for the reasons listed below. \_\_\_\_\_

1. Business areas should be used as such,

2.

3.

Signature Bigger W. Peadar

Address Rockwall,

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

Thank you,  
City of Rockwall



All that certain lot, tract or parcel of land, situated in Rockwall County, Texas, a part of the B. F. Boydston Survey, in the town of Rockwall, and being the West one-half (w  $\frac{1}{2}$ ) of Block Numbers Four (4) and Five (5) of the Lowe and Allen Addition to the town of Rockwall as shown by Deed Records on the official Plat of said Addition which is recorded in Volume "K", page 242, Texas, to which said deed and its record in Vol. 10, page 51, Deed Records of Rockwall County, AND EXCEPT 40 feet off the South end of W  $\frac{1}{4}$  of Lot 5 above mentioned was heretofore conveyed to the City of Rockwall by Mrs. Nannie L. Carter et al by Deed dated Oct. 3, 1934 by Deed of record in Vol. 30, page 571, Deed Records of Rockwall County, Texas.



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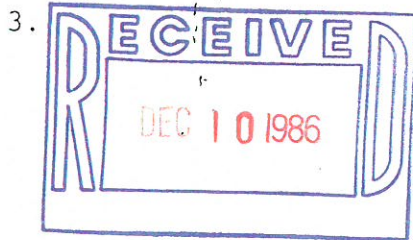
Case NO. P&Z 86-70-CUP

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

I am opposed the request for the reasons listed below. \_\_\_\_\_

1. nice to see that area develope

2.



Signature Ruth Martin

Address 5514 Richmond Ave  
Dallas Tx 75206

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

Thank you,  
City of Rockwall

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 GRANT A CONDITIONAL USE PERMIT FOR A STRUCTURE WITH LESS THAN 90% MASONRY FACADE ON A TRACT OF LAND AT 305 WEST WASHINGTON STREET WHICH IS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; 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 grant a Conditional Use Permit for a structure with less than 90% masonry facade on the following described property:

All that certain lot, tract or parcel of land, situated in Rockwall County, Texas, a part of the B. F. Boydston Survey, in the town of Rockwall, and being the West one-half (w 1/2) of Block Numbers Four (4) and Five (5) of the Lowe and Allen Addition to the town of Rockwall as shown and designated on the official Plat of said Addition which is recorded in Volume "K", page 242, Deed Records of Rockwall County, Texas, conveyed to C. H. Carter by B. F. Keahey and wife by Deed dated Aug. 22, 1095, or record in Vol. 10, page 51, Deed Records of Rockwall County, Texas, to which said deed and its record reference is here made for all pertinent purposes. SAVE AND EXCEPT 40 feet off the South end of W 1/2 of said Lot 5 above. The South 40 feet off the W 1/2 of Lot 5 above mentioned was heretofore conveyed to the City of Rockwall by Mrs. Nannie L. Carter et al by Deed dated October 3, 1934, by Deed of record in Vol. 30, page 571, Deed Records of Rockwall County, Texas.

SECTION 2. That the Conditional Use Permit shall be subject to the following special conditions:

1. There shall be no time limit on the Conditional Use Permit.
2. This permit shall be valid only for an existing accessory retail building.
3. Irrigation requirements are waived until such time when the owner does not live on the property or the property is used entirely for general retail purposes.
4. Property owner is not exempt from watering and maintaining landscaped areas manually until such time when irrigation is installed.

SECTION 3. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance 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 4. That the above described tract of land 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 5. 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 6. If any section, paragraph, or provision of this ordinance or the application of that section, paragraph, or provision to any person, firm, corporation or situation is for any reason judged invalid, the adjudication shall not affect any other section, paragraph or provision to any other person, firm, corporation or situation, nor shall adjudication affect any other section, 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 of this ordinance are declared to be severable.

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 cases provides.

DULY PASSED AND APPROVED this            day of

APPROVED:

ATTEST:

By \_\_\_\_\_

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 I-30 and a request from Joe Flores for a Conditional Use Permit for a structure with less than 90% masonry exterior materials at 305 West Washington Street.

PLANNING AND ZONING ACTION SHEET

Applicant Joe Flouey Case No. P+Z 86-70-COP  
Property Description 305 W Washington  
Case Subject Matter COP for less than 90% exterior  
masonry materials

CASE ACTION

Approved Disapproved Tabled  
Date to P&Z Dec 11 X  
Conditions Drainage requirements waived only as long as  
applicant lines on property. If property ever 100% retail,  
sprinklers must be installed.  
Date to City Council Jan 5 '87 X  
Conditions same as P+Z  
Ordinance no. 87-3 Date \_\_\_\_\_

ITEMS IN FILE

Zoning Cases

- Application
- Site Plan
- Filing Fee
- Notice to Paper
- Notice to Residents
- List of Residents Notified
- Residents' Responses
- N/A 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