

CITY HALL

ROCKWALL TEXAS

APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee _____ Date February 4, 1987

Applicant Tomlinson-Westerfield Joint Venture No. 8

Mailing Address 3960 Broadway Suite 220 Garland, Texas 75043 Phone No. 864-0234

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.)

(see separate sheets attached)

I hereby request that the above described property be changed from its present zoning which is " A " Agriculture District Classification to a " C & H.C. " commercial and Heavy Commercial District Classification for the following reasons: (Attach separate sheet if necessary.)

- 1. Future Planning and Development
2. To Conform to Existing use in Area
3.

THERE (ARE NOT) DEED RESTRICTIONS PERTAINING TO THE INTENDED USE OF THE PROPERTY.

STATUS OF APPLICANT: Owner x 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.

Edward D. Tomlinson II, Trustee
APPLICANT

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

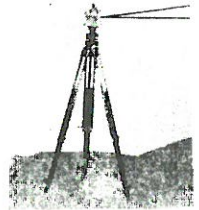
Bob D. Brown
Surveyor for Applicant
(Mark out one)



B. L. S. & ASSOCIATES, INC.

RT. 1 • BOX 142-E • SIDS ROAD • ROCKWALL, TEXAS 75087
ROCKWALL 722-3036 • DALLAS 226-7522

Surveying & Engineering Services



DESCRIPTION

19.705 ACRES COMMERCIAL ZONING

Being, a tract of land situated in the W.H.Barnes Survey, Abstract No.26, City of Rockwall, Rockwall County, Texas, and also being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed of Trust Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at the point of intersection of the South line of Mims Road, with the Southwest line of State Highway No. 205, a point for corner;

Thence, N.89°04'39"W., along the South line of Mims Road, a distance of 605.06 feet to a point for corner;

Thence, N.28°44'15"W., leaving the said South line of Mims Road, a distance of 1857.56 feet to a point for corner;

Thence, N.61°16'07"E., a distance of 416.96 feet to a point on the Southwest line of State Highway No. 205, a point for corner;

Thence, along the Southwest line of State Highway No. 205, the following;

S.28°44'15"E., a distance of 284.26 feet to a point for corner;

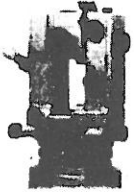
S.61°15'45"W., a distance of 10.00 feet to a point for corner;

S.28°44'15"E., a distance of 300.00 feet to a point for corner;

N.61°15'45"E., a distance of 10.00 feet to a point for corner;

S.28°44'15"E., a distance of 446.55 feet to the beginning of a curve to the left having a central angle of 11°02'22", and a radius of 5881.03 feet, a point for corner;

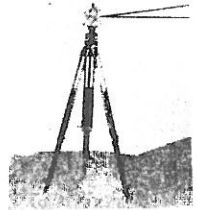
Around said curve a distance of 1133.11 feet to the end of said curve, to the PLACE OF BEGINNING, and containing 19.705 acres of land.



B. L. S. & ASSOCIATES, INC.

RT. 1 • BOX 142-E • SIDS ROAD • ROCKWALL, TEXAS 75087
ROCKWALL 722-3036 • DALLAS 226-7522

Surveying & Engineering Services



DESCRIPTION

56.980 ACRES HEAVY COMMERCIAL ZONING

Being, a tract of land situated in the W.H.Barnes Survey, Abstract No.26, City of Rockwall, Rockwall County, Texas, and also being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed of Trust Records, Rockwall County, Texas, and being more particularly described as follows;

Beginning, at a point on the South line of Mims Road, said point being $N.89^{\circ}04'39''W.$, a distance of 605.06 feet from the point of intersection of the South line of Mims Road, with the Southwest line of State Highway No. 205, a point for corner;

Thence, $N.89^{\circ}04'39''W.$, along the South line of Mims Road, a distance of 751.33 feet to a point for corner;

Thence, $N.87^{\circ}30'23''W.$, continuing along the South line of Mims Road, a distance of 1292.29 feet to a point for corner;

Thence, $N.40^{\circ}59'17''W.$, along the center of Mims Road, a distance of 600.30 feet to a point for corner;

Thence, $N.46^{\circ}23'21''E.$, leaving the said center of Mims Road, a distance of 1609.80 feet to a point for corner;

Thence, $N.43^{\circ}53'57''W.$, a distance of 351.34 feet to a point on the Southeast line of Sids Road, a point for corner;

Thence, $N.46^{\circ}22'25''E.$, along the Southeast line of Sids Road, a distance of 60.00 feet to a point for corner;

Thence, $S.43^{\circ}53'57''E.$, leaving the said Southeast line of Sids Road, a distance of 351.05 feet to a point for corner;

Thence, $N.59^{\circ}20'23''E.$, a distance of 270.18 feet to a point for corner;

Thence, $S.29^{\circ}08'35''E.$, a distance of 208.87 feet to a point for corner;

Thence, $S.28^{\circ}44'15''E.$, a distance of 1857.56 feet to the PLACE OF BEGINNING, and containing 56.980 acres of land.

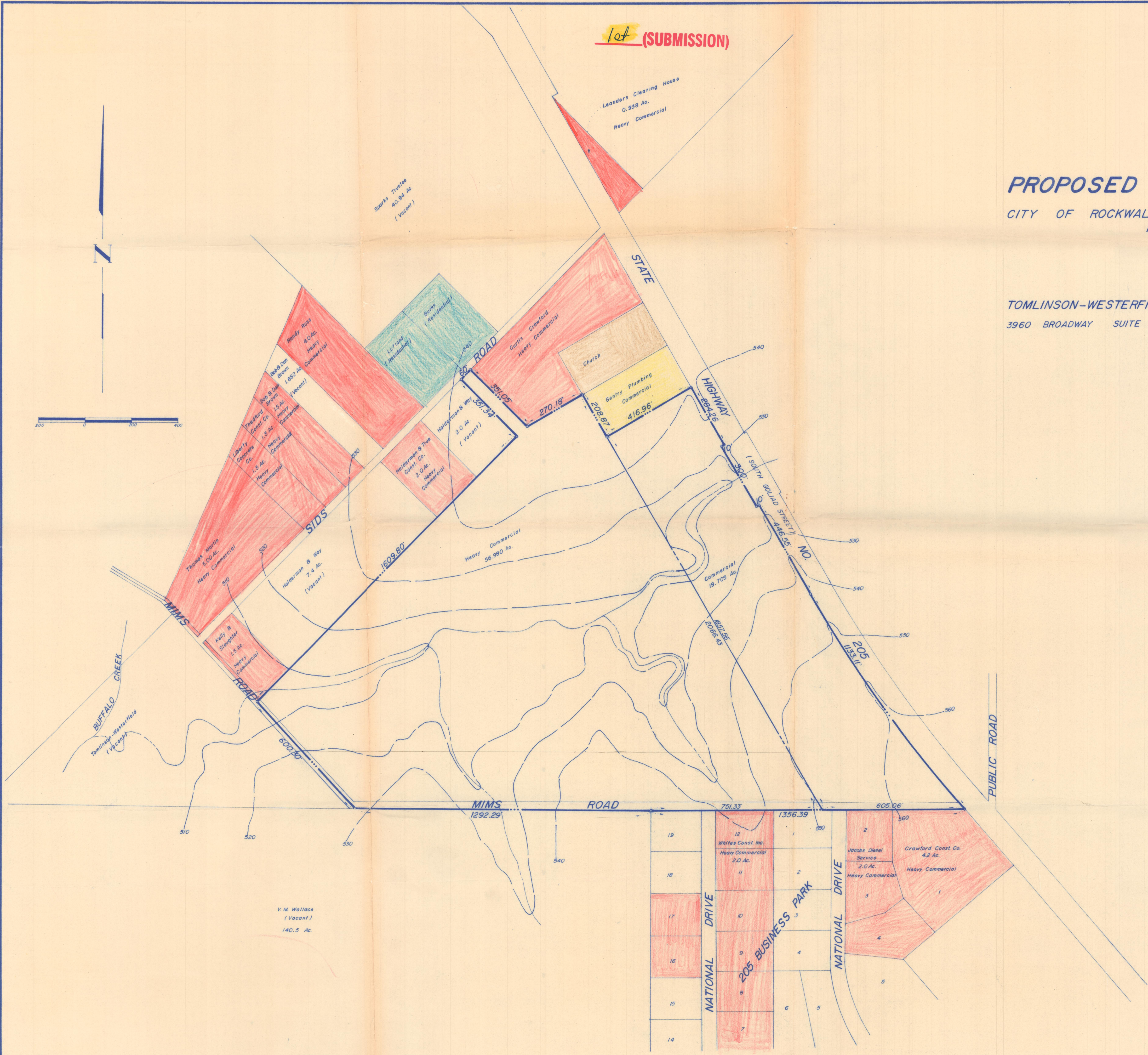
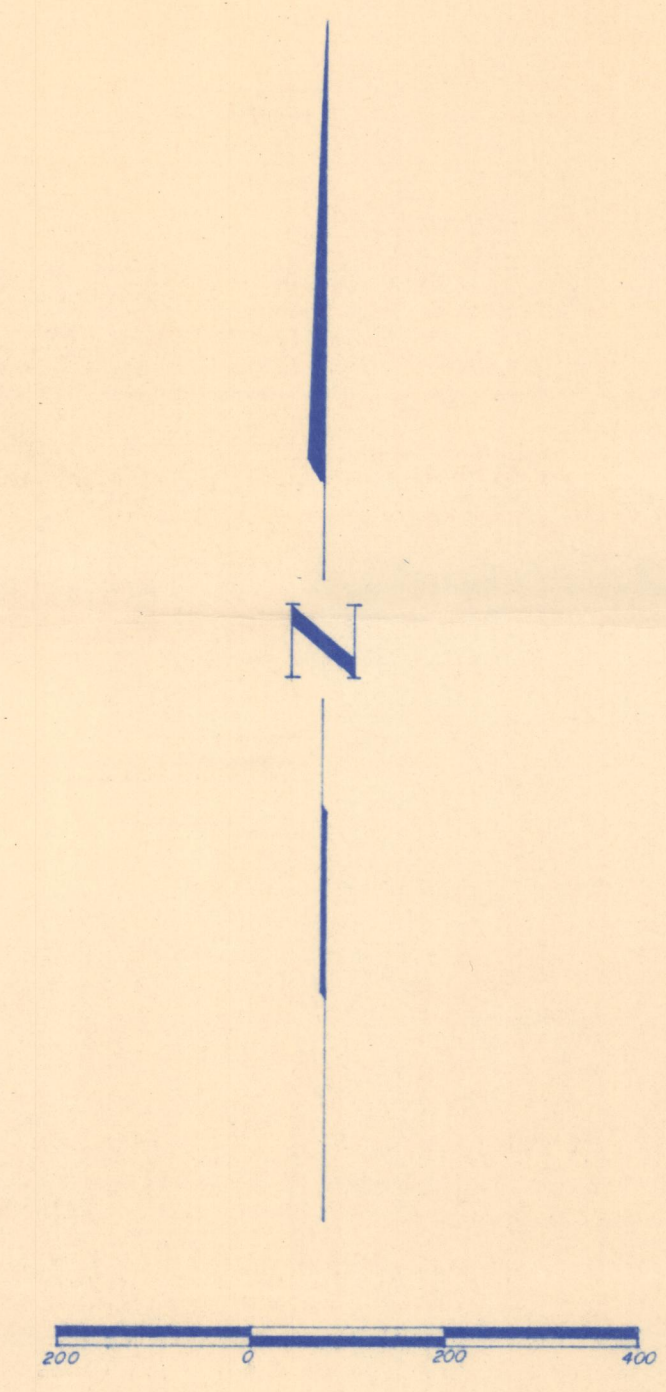
1st (SUBMISSION)

PROPOSED ZONING PLAT
CITY OF ROCKWALL,
ROCKWALL COUNTY, TEXAS

OWNERS
TOMLINSON-WESTERFIELD
3960 BROADWAY SUITE 220
JOINT VENTURE NO. 8
GARLAND, TEXAS 75043

PHONE - 1-214-864-0234

76.685 ACRES



SHEET TITLE	PROJECT NO.
PROJECT	DATE
	DRAWN BY
	CHECKED BY
	DRAWING NO.
B.L.S. & ASSOCIATES, INC.	
RT. 1 BOX 142 E. SIDS RD. P.O. BOX 65	
ROCKWALL, TEXAS 75087	
(214) 722-3036 226-7522	
	OF _____ SHTS

PLANNING 40-21 64837

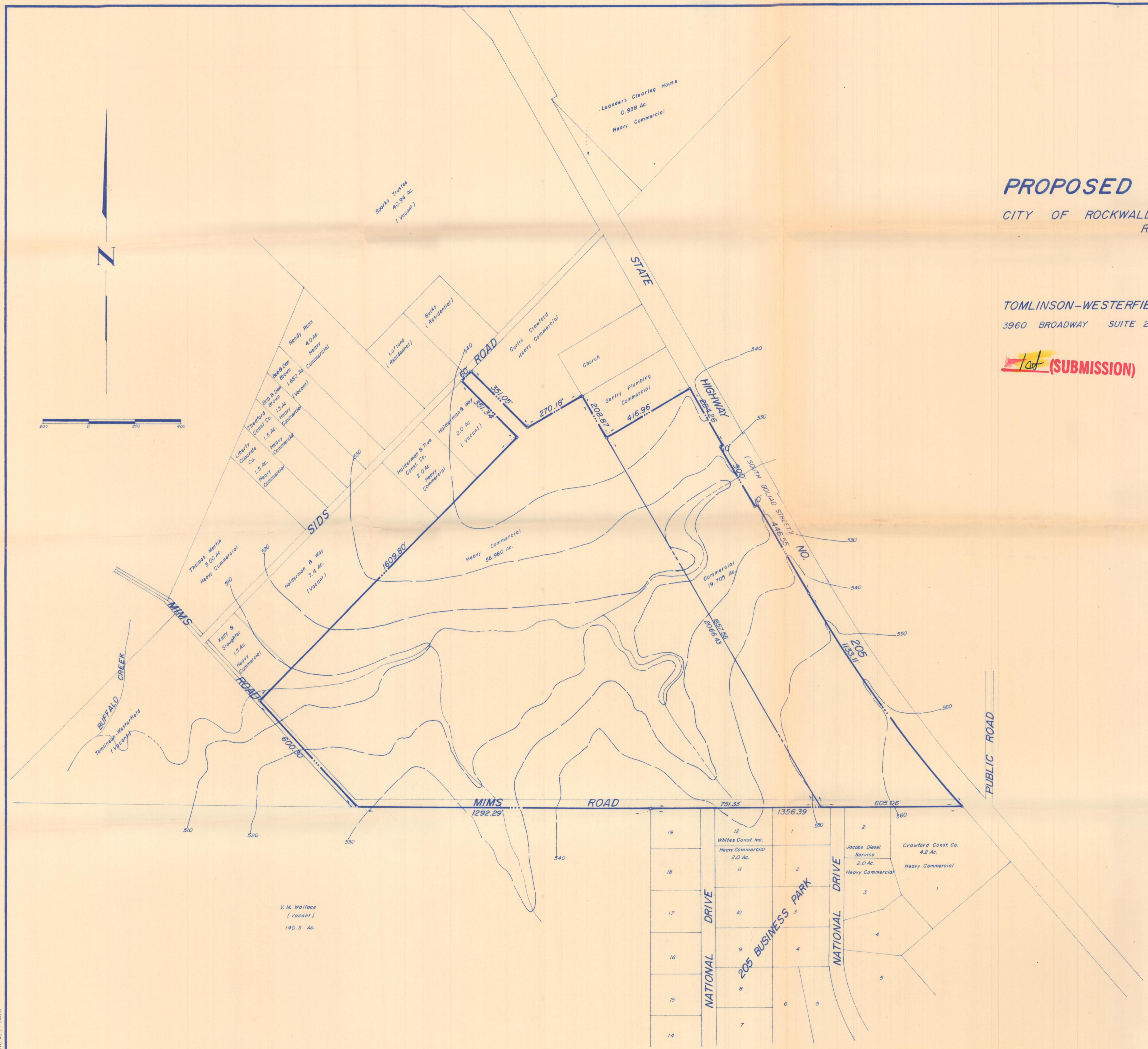
PROPOSED ZONING PLAT
 CITY OF ROCKWALL,
 ROCKWALL COUNTY, TEXAS

OWNERS
 TOMLINSON-WESTERFIELD
 3960 BROADWAY SUITE 220
 JOINT VENTURE NO. 8
 GARLAND, TEXAS 75043

PHONE - 1-214-864-0234

Lot (SUBMISSION)

76.685 ACRES



PROJECT NO.	87010
SCALE	
DATE	
DRAWN BY	
CHECKED BY	
DRAWING NO.	
B.L.S. & ASSOCIATES, INC.	
RT. 1 BOX 142 E. SIDS RD. P.O. BOX 65	
ROCKWALL, TEXAS 75087	
(214) 722-3036 226-7522	
OF	SHTS

PROPOSED ZONING PLAT
 CITY OF ROCKWALL,
 ROCKWALL COUNTY, TEXAS

OWNERS
 TOMLINSON-WESTERFIELD
 3960 BROADWAY SUITE 220
 JOINT VENTURE NO. 8
 GARLAND, TEXAS 75043

PHONE - 1-214-864-0234

76.685 ACRES



Ltd (SUBMISSION)

PROPERTY TITLE	PROJECT NO. 87010
PROJECT	SCALE
	DATE
	DRAWN BY
	CHECKED BY
	DRAWING NO.
B.L.S. & ASSOCIATES, INC.	
RT. 1 BOX 142 E. SIDS RD. P.O. BOX 65 ROCKWALL, TEXAS 75087 (214) 722-3036 226-7522	
	OF _____ SHTS

BRUNING 48-21 64837

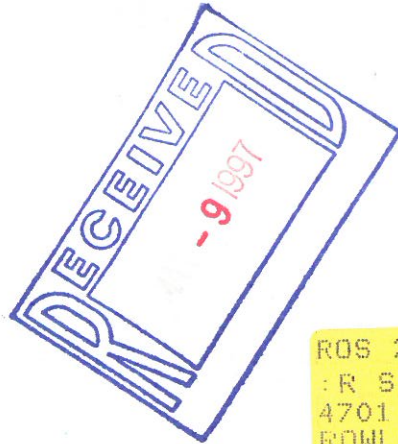


205 West Rusk

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793



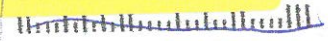
Randy Ross
4222 Rose Hill Rd.
Suite 12
Garland, TX 75043

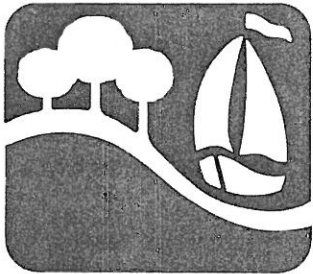
ROS 22 830408B1 03/04/87
R S ROSS CONCRETE
4701 ROWLETT RD 100
ROWLETT TX 75088-5086

Moved, new address
 No address
 Moved, not at home
 Attempted-Not at home

RETURN TO SENDER
 REASON SUFFERED
 Unclassified
 Address
 Incomplete
 No recipient
 No such address
 Do not stamp in this envelope

MAR-2'97
 0022





CITY OF ROCKWALL
"THE NEW HORIZON"

March 16, 1987

Tomlinson-Westerfield Joint Venture
3960 Broadway, Suite 220
Garland, Texas 75043

Dear Sirs:

On March 12, 1987, the Rockwall Planning and Zoning Commission recommended approval of your request for a change in zoning from "A" to "C" on 19.705 acres and "A" to "HC" on the majority of a 56.980 acre tract with a 250 ft. depth of "C" Commercial zoning along the frontage of Mims Road.

The Rockwall City Council will hold a public hearing and consider approval of your request on April 6, 1987, at 7:00 P.M. in City Hall, 205 West Rusk.

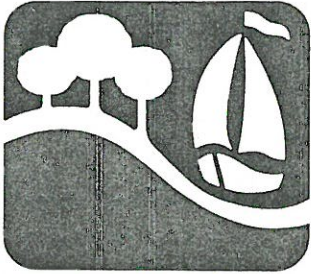
Please call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

CC: Bob Brown
MN/nmp



CITY OF ROCKWALL
"THE NEW HORIZON"

April 9, 1987

Tomlinson-Westerfield, Joint Venture
3960 Broadway, Suite 220
Garland, Texas 75043

Gentlemen:

On April 6, 1987, the Rockwall City Council approved a change in zoning from "A" Agricultural to "HC" Heavy Commercial on 44.706 acres and "A" Agricultural to "C" Commercial on 31.979 acres; both tracts located east of SH-205, north of Mims Road and south of properties along Sids Road. These properties will be zoned according to the revised plat submitted indicating a 400 ft. depth of Commercial zoning along SH-205 and a 250 ft. depth of Commercial zoning along Mims Road.

Please feel free to call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Aide

CC: Bob Brown
MN/mmp

Agenda Notes
P&Z - 3/12/87

III. A. P&Z 87-6-Z - Hold Public Hearing and Consider Approval of a Request from Westerfield/Tomlinson for a Change in zoning from "A" Agricultural to "C" Commercial on 19.705 Acres and "HC" Heavy Commercial on 56.980 Acres, Bot Tracts Located at SH-205 South Off Sids Road and East on Mims Road

We have received a request for a change in zoning on a 76.685 acre tract of land located on SH-205 south of I-30. This tract is included in the acreage that was annexed by the City in May of 1986. They are requesting Commercial zoning on 19.705 acres along SH-205 and Heavy Commercial zoning on 56.980 acres on the balance of the property. The property abuts SH-205 on the east, Mims Road on the south and west, and the rear of several tracts that front on Sids Road. The current zoning on the property is Agricultural.

The major question that this request creates is its impact on the Land Use Plan. The Plan currently calls for Single Family to be located generally south of Buffalo Creek, with some Single Family north of Buffalo Creek. Our Park Plan calls for one of the three proposed regional park facilities to be located in this general area around Buffalo Creek. With a tract this size, if the Commission and Council approve the change, consideration should also be given to amending the Land Use Plan to reflect this change.

There is some merit to considering this request. Other than one currently undeveloped and inaccessible tract just north of Buffalo Creek, there is no available vacant Heavy Commercial zoning in the City. There is currently no place for businesses that require Heavy Commercial zoning to locate in town.

While there is considerable Commercial shown on the Land Use Plan, it is primarily located along I-30, or located in one of the Commercial circles located at major intersections. Neither of these locations is appropriate for Heavy Commercial. The Land Use Plan states that Heavy Commercial should not be located along the I-30 corridor. It should be located near major roads for good access and circulation, however. Additionally, although this should not be the sole criteria for changing the Plan, there is considerable existing Heavy Commercial development that has already occurred in this area while it was still in the County.

The impact of amending the Land Use Plan on the park facility should be nominal. The Park Plan calls for this facility to ultimately contain 10 lighted ballfields and these types of facilities often operate better in non-residential areas due to the lights and noise. The actual location of the proposed park is north of this location on Buffalo Creek.

If the Commission and Council consider this change, we would also recommend that you consider a depth of Commercial zoning along Mims Road rather than having Heavy Commercial fronting on Mims. Mims Road will one day be a four lane divided thoroughfare tying back to FM-3097 and its frontage should be protected. A depth of 250 feet would allow the future dedication of 45' for right-of-way and still leave a Commercial depth of 200 to 205 feet.

Attached you will find a zoning map showing where the current zoning is located, where the current land uses are located, and what the current Land Use Plan proposes overlayed in color. We have also attached a copy of the Land Use Plan for this area and shown how the Land Use Plan might be amended should this change be approved.

MINUTES OF THE PLANNING AND ZONING COMMISSION

March 12, 1987

Chairman Don Smith called the meeting to order at 7:30 P.M. with the following members present: Bob McCall, Norm Seligman, Bill Sinclair, Hank Crumbley and Tom Quinn.

The Commission considered approval of the Consent Agenda which consisted of the minutes of February 12, 1987, and a vacation of and replat for the Goldencrest Subdivision. McCall made a motion to approve the Consent Agenda. Seligman seconded the motion. The motion was voted on and passed unanimously.

Smith then opened a public hearing on a request from Westerfield/Tomlinson for a change in zoning from "A" Agricultural to "C" Commercial on 19.705 acres and "HC" Heavy Commercial on 56.980 acres, both located at SH-205 south off Sids Road and East of Mims Road. Assistant City Manager Julie Couch explained the location of the property and how it related to the Land Use Plan. Couch added that if the request were approved, Staff recommended a 200 ft. depth of Commercial zoning along Mims Road and that the Land Use Plan be amended to reflect the area as Heavy Commercial and Commercial instead of Single Family.

Bob Brown, representing the applicants, explained that the 400 foot depth of Commercial along SH-205 was to be consistent with existing development and that a large depth of Commercial on Mims Road would minimize useable Heavy Commercial property. Bill Lofland, representing Evelyn Lofland, pointed out how Mims Road related to the Thoroughfare Plan and requested a 400 foot deep buffer of Commercial zoning along the frontage of Mims. As there was no one else wishing to address this matter, the public hearing was closed.

Couch noted that of 19 public notices mailed, three were returned in favor and one, Evelyn Lofland's, in favor with a Commercial depth along Mims. After discussion, Seligman made a motion to approve the zone change including a 250 ft. depth of Commercial zoning along Mims and to recommend to the City Council revising the Land Use Plan to reflect Commercial use in that area. Sinclair 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 Harold Chenault for a change in zoning from "A" Agricultural to "SF-16" Single Family and a preliminary plat on approximately 14 acres, generally located on SH-205 south of Dalton Road. Couch explained that the request consisted of the rezoning, a preliminary plat and a request for a waiver of street escrow requirements. She added that one of the three lots didn't have street frontage which would require a variance from the minimum lot frontage requirements of the Zoning Ordinance and would be

considered by the Board of Adjustments on March 19th. She also stated that the three lots must meet the requirements of the Park Land Dedication Ordinance.

Harold Chenault addressed the Commission and explained his request. He said that the property would not be salable with street escrow attached to it. As there was no one else wishing to address the Commission with regard to this matter, the public hearing was closed. Smith stated that this house was being sold and escrow would not necessarily cause financial hardship on an individual but on the sale of a piece of property.

Smith told the Commission that no precedent had been set with regard to escrow waivers. Seligman made a motion to approve the preliminary plat and the change in zoning subject to approval by the Board of Adjustments for a variance to the minimum lot frontage requirement and recognizing escrow for compliance with the Park Land Dedication Ordinance in the amount of \$473.02. Sinclair seconded the motion. The motion was voted on and passed, 5 to 1, with Crumbley voting against the motion.

The Commission then held a public hearing and considered approval of a request from Joanne Sidlinger for a change in zoning from "A" Agricultural to "LI" Light Industrial on a .988 acre tract of land located off Airport Road adjacent to the Rockwall Municipal Airport. Couch explained the applicant's request, the location of the property and that "LI" zoning was in conformance with the Comprehensive Land Use Plan. Robert Hager, Attorney representing the applicant, explained that the existing building on the property was being used for storage for an off-premise business but that the use had since ceased. He added that the property needed permanent zoning before the application could get a Certificate of Occupancy for a future use. As there was no one else wishing to address the Commission with regard to this matter, the public hearing was closed. McCall confirmed with Staff that the property would still need to be platted. Sinclair made a motion to approve the zone change. 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 Frank Springer for a Conditional Use Permit for a temporary gun club and target range on a tract of land located on FM-549 between I-30 and SH-276. Couch explained the applicant's request and recommended that if the Planning and Zoning Commission chose to approve the CUP, that it be temporary and allowing adjacent developments to trigger review of the permit. James Needleman addressed the Commission and explained that the new proposed building would be portable and that the gun club would be strictly skeet shooting. As there was no one else wishing to address the Commission on this matter, the public hearing was closed. The Commission discussed the request and the time limit for the permit. Crumbley made a motion to approve the Conditional Use Permit for one year. Seligman offered a substitute motion to approve the CUP for one year, to review the CUP at any point in time

when adjacent or nearby property develops, and to issue a building permit without requiring the property to be platted as the usage was temporary. Sinclair seconded the motion. The motion was voted on and passed unanimously.

Next the Commission held a public hearing and considered approval of a request from Mike Rogers for a Conditional Use Permit for an accessory structure over the maximum height requirement in an "SF-10" classification, and a vacation of and replat for the Carroll Estates. Couch explained that the structure was seven feet over the maximum height and that the building would cut into the hillside, providing minimal visibility from Ridge Road.

Wayne Rogers told the Commission that the height was needed to enclose a car carrier and show cars. He added that it would be 38 feet from the alley and utilizing roll-up doors. Chip Gehle of 1316 South Alamo said that a residential area was not a safe location for such storage, that the building would add noise and deteriorate the neighborhood. Smith confirmed the size, 42 ft. by 60 ft. with Mr. Rogers. He added that the issue at hand was height, not whether or not he could construct the building. Lorraine Burns pointed out that property owners who were present were confused with regard to the proposed height. Rogers stated that with a CUP the structure would be 22 ft. high. J. D. Shriber, 204 Becky Lane, said that the height would be detrimental to the neighborhood. Inez Shriber stated that the permit would defeat the purpose of the high development standards in Rockwall. The Commission discussed the appearance of the building, usage of the structure, and a possible periodic review of the permit. Smith then closed the public hearing. Seligman made a motion to approve the vacation and replat prior to further discussion regarding the permit. Quinn seconded the motion. The motion was voted on and passed unanimously.

The Commission then discussed the appearance of the building and concerns of the residents present who were nearest to the proposed building. Smith pointed out that the Commission hadn't seen all sides of the building. Mike Rogers offered some additional drawings and assured the Commission that the structure would be used solely for storage. Sinclair made a motion to deny the CUP request for the height restrictions. Seligman seconded the motion. The motion was voted on and passed 4 to 2, with McCall and Crumbley voting against the motion.

The Commission then held a public hearing and considered approval of a request from Burgy/Miller, Inc. for a change in zoning from "GR" General Retail to "SF-10" Single Family and approval of a preliminary plat. Couch explained the application, the location of the tract, and that the preliminary plat was in compliance with the Land Use Plan. She stated that they were asking for a waiver to alley requirements for homes that backed up to the lake and that they were subject to escrow of \$2,709.45 to comply with the Mandatory Park Land Dedication Ordinance.

Harold Evans, Consulting Engineer for the applicants, explained the locations of General Retail in the area and the need for additional Single Family. Nora Myers, 1100 Teakwood, expressed support for additional residential although she had hoped for a community park at this location. Suzanne Ingram, 1101 Bayshore, expressed her favor for the change to Single Family. As there was no one else wishing to address the Commission on this matter, the public hearing was closed. Seligman made a motion to approve the change in zoning and preliminary plat recognizing a requirement of \$2,709.45 in escrow to comply with the Mandatory Park Land Dedication Ordinance. Quinn seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered changing the zoning or modifying the preliminary plan for PD-19 located west of FM-740 on Summer Lea Drive. Couch explained that the property was undeveloped and zoned for "MF-15". Bryan Marcus, Nelson Corporation, stated that the new ownership only recently became aware of the PD review and requested tabling the PD review until the new owner, Robert Greenberg, had the opportunity to submit a plan. Clark Beard confirmed with Planning and Zoning Commission that "MF-15" was the only use allowed. As there was no one further wishing to speak on the matter, Smith closed the public hearing. Seligman made a motion to table the review of PD-19 until May 14th. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered changing the zoning or modifying the preliminary plan for PD-20 located west of FM-740 on Summer Lea Drive. Couch explained that only six acres remained undeveloped in the PD and the rest of the property was being developed as Orleans on the Lake. Richard Harris, developer of Orleans on the Lake, asked the Commission to make no changes with regard to this area. Smith stated that Orleans was platted and not the concern at present, but the remainder of the PD was subject to review. Clark Beard, owner of the six acres in question, explained that he had misunderstood the object of the review and requested action be deferred as on PD-19. Sinclair made a motion to table review of PD-20 until May 14th. Crumbley seconded the motion. The motion was voted on and passed unanimously.

Next, the Commission considered approval of a site plan for a Quick Lube located on Ridge Road. Couch explained revisions to the plan that had been done at Staff or Planning and Zoning Commission's recommendation and briefly reviewed the plan. Sh added that FM-740 in this area was indicated as a scenic route in the Land Use Plan. John Fulgham, Car Wash Equipment Company, outlined the appearance of the building, the materials, the landscaping, and expressed his willingness to comply with recommendations of the Commission. Quinn pointed out that although a Quick Lube was an allowed use in this area, and even though the plan was well-done, this was an inappropriate business for an area designated as a scenic route. He recommended that the City pursue the possibility of establishing overlay zoning requirements for scenic routes. The Commission

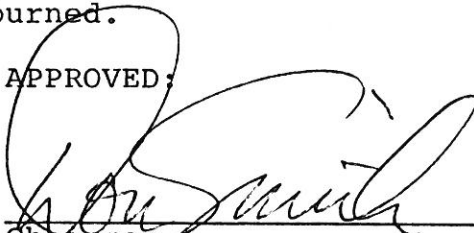
discussed this point with the applicants and encouraged some design improvements. Quinn made a motion to approve the site plan with the stipulation that an improved design be submitted to the City Council and recognizing that this use was inappropriate, although allowed. He further recommended that Council consider initiating a study of possible overlay requirements for scenic routes. Crumbley seconded the motion. The motion was voted on and passed 5 to 1, with McCall voting against the motion.

The Commission then considered approval of a site plan/preliminary plat for the Rockwall County Jail site located on High School Road. Couch explained the location of the site, the existing gravel drive and the proposed drive. She added that the County was requesting a waiver to irrigation requirements, to be allowed a temporary gravel drive and to be given a waiver of escrow for substandard paving until next budget year. Chuck Hodges was available to answer questions. Seligman made a motion to approve the site plan/preliminary plat allowing a gravel drive, waiving irrigation requirements, waiving escrow for street improvements, and temporarily waiving escrow for storm sewer, curb and gutter, and sidewalk. Quinn offered a substitute motion to include a time limit of not more than one budget year to the temporary waiver of escrow. Sinclair seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for Rockwall Towne Centre Phase III located on the north service road of I-30. Couch explained that the only concern regarding the plat was the need for an access easement along the front of the property and the 20 ft. setback needed to meet the required 25 feet. Pat Donovan, Dunning Development, explained that both the requirements could be met and that the same brick would be used on all the businesses locating in the Centre. Seligman made a motion to approve the plat contingent to provision of an access easement through the lots and the required 25 foot setback being met. Crumbley seconded the motion. The motion was voted on and passed unanimously.

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

APPROVED:


Chairman

ATTEST:



Agenda Notes

City Council - 4/6/87

V. C. P&Z 87-6-Z Hold Public Hearing and Consider a Request from Westerfield/Tomlinson for a Change in Zoning from "A" Agricultural to "C" Commercial on 31.979 Acres and "HC" Heavy Commercial on 44.706 Acres, Both Tracts Located at SH-205 South Off Sids Road and East on Mims Road

Westerfield/Tomlinson Joint Venture has requested a change in zoning on a tract of land located on SH-205 south of I-30. This tract is included in the acreage that was annexed by the City in May of 1986 and is currently zoned Agricultural. They have recently resubmitted the plan to include a 250 ft. depth of Commercial zoning along Mims Road as was recommended by the Planning and Zoning Commission. This will allow the future dedication of 45 feet for right-of-way and still leave a Commercial depth of 200 to 205 feet.

The major question that this request creates is its impact on the Land Use Plan. The Plan currently calls for Single Family to be located generally south of Buffalo Creek, with some Single Family north of Buffalo Creek. Our Park Plan calls for one of the three proposed regional park facilities to be located in this general area around Buffalo Creek. With a tract this size, if the Commission and Council approve the change, consideration should also be given to amending the Land Use Plan to reflect this change.

There is some merit to considering this request. Other than one currently undeveloped and inaccessible tract just north of Buffalo Creek, there is no available vacant Heavy Commercial zoning in the City. There is currently no place for businesses that require Heavy Commercial zoning to locate in town.

While there is considerable Commercial shown on the Land Use Plan, it is primarily located along I-30, or located in one of the Commercial circles located at major intersections. Neither of these locations is appropriate for Heavy Commercial. The Land Use Plan states that Heavy Commercial should not be located along the I-30 corridor. It should be located near major roads for good access and circulation, however. Additionally, although this should not be the sole criteria for changing the Plan, there is considerable existing Heavy Commercial development that has already occurred in this area while it was still in the County.

The impact of amending the Land Use Plan on the park facility should be nominal. The Park Plan calls for this facility to ultimately contain 10 lighted ballfields and these types of facilities often operate better in non-residential areas due to the lights and noise. The actual location of the proposed park is north of this location on Buffalo Creek.

Attached you will find a zoning map showing where the current zoning is located and where the current land uses are located.

The Planning and Zoning Commission recommended approval of the zone change with a 250 ft. depth of Commercial zoning along Mims Road and further recommended Council consider amending the Land Use Plan to reflect Commercial/Heavy Commercial in this area.

explained that the minutes would be revised for consideration at the next meeting. Miller told Council that he had wished to vote on Item E separately. Holt made a motion to approve the ordinance. Bullock seconded the motion. The motion was voted on and passed five to 1, with Miller voting against the motion.

At this time Don Smith gave the Planning and Zoning Commission Chairman's Report. Smith outlined items on the Agenda that the Commission had considered and explained the recommendation on each.

Mr. Frank Barber then addressed Council to express his discontent with being denied de-annexation from the City Limits. Miller reminded Barber that Council had heard his request and taken action accordingly. Barber asked that if signs were going to be controlled because of City incorporation, high weeds and grass be maintained as well. Miller told Barber that now that Council and Staff were aware a problem existed, it would be closely monitored.

[Council then held a public hearing and considered approval of a request from Westerfield-Tomlinson for a change in zoning from "A" Agricultural to "C" Commercial on 31.979 acres and "A" Agricultural to "HC" Heavy Commercial on 44.706 acres, both tracts located at SH-205 south off Sids Road and east of Mims Road. Eisen outlined the request, the location of the property and how the proposed zone change conflicted with the Land Use Plan. Bob Brown, B.L.S. and Associates, told Council that adjacent properties within the vicinity of this tract already had Heavy Commercial use. Miller confirmed that a larger percentage of the property was flood plain. Eisen explained that the park location for this district was undetermined and that the Park Land Dedication Ordinance only applied to residential developments. Bullock stated favor for amending the Land Use Plan to indicate Heavy Commercial in this area. Holt made a motion to approve the change in zoning as submitted. Bullock seconded the motion. Miller confirmed that 250 ft. of Commercial depth would be functional along Mims Road after future right-of-way dedication. The motion was voted on and passed unanimously.]

Council then held a public hearing and considered approval of a request from Harold Chenault for a change in zoning from "A" Agricultural to "SF-16" Single Family on approximately 14 acres, generally located on SH-205 south of Dalton, and a preliminary plat. Eisen told Council that two items connected with the request were escrow for street improvements for the two lots with frontage on SH-205 and escrow of funds for compliance with the Park Land Dedication Ordinance. Harold Chenault told the

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30
o'clock P. M. on the 12th day of March, 1987 in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Tomlinson-Westerfield Joint Venture
for a change in zoning from "A" to "C" Commercial on 19.705 acres and
"A" Agricultural to "HC" Heavy Commercial on 56.980 acres

on the following described property:

located at SH-205 south off Sids Road and east of Mims Road.

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 87-6-Z

Mary 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 87-6-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.

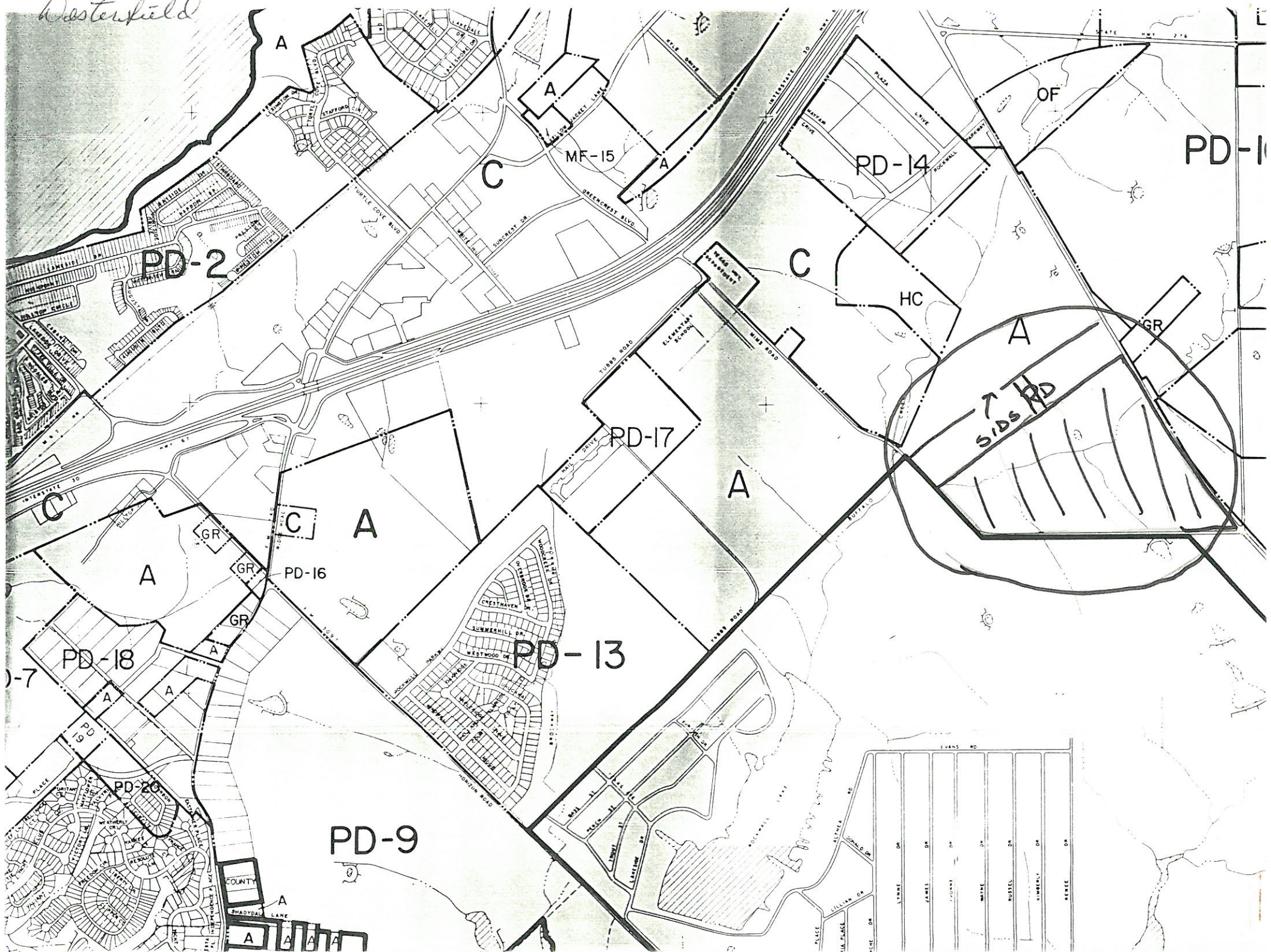
Signature _____

Address _____

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

Thank you,
City of Rockwall

Westerfield

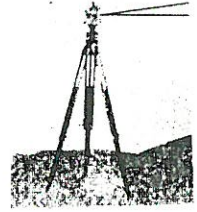


Westerfield

B. L. S. & ASSOCIATES, INC.

RT. 1 • BOX 142-E • SIDS ROAD • ROCKWALL, TEXAS 75087
ROCKWALL 722-3036 • DALLAS 226-7522

Surveying & Engineering Services



DESCRIPTION

56.980 ACRES HEAVY COMMERCIAL ZONING

Being, a tract of land situated in the W.H.Barnes Survey, Abstract No.26, City of Rockwall, Rockwall County, Texas, and also being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed of Trust Records, Rockwall County, Texas, and being more particularly described as follows;

Beginning, at a point on the South line of Mims Road, said point being $N.89^{\circ}04'39''W.$, a distance of 605.06 feet from the point of intersection of the South line of Mims Road, with the Southwest line of State Highway No. 205, a point for corner;

Thence, $N.89^{\circ}04'39''W.$, along the South line of Mims Road, a distance of 751.33 feet to a point for corner;

Thence, $N.87^{\circ}30'23''W.$, continuing along the South line of Mims Road, a distance of 1292.29 feet to a point for corner;

Thence, $N.40^{\circ}59'17''W.$, along the center of Mims Road, a distance of 600.30 feet to a point for corner;

Thence, $N.46^{\circ}23'21''E.$, leaving the said center of Mims Road, a distance of 1609.80 feet to a point for corner;

Thence, $N.43^{\circ}53'57''W.$, a distance of 351.34 feet to a point on the Southeast line of Sids Road, a point for corner;

Thence, $N.46^{\circ}22'25''E.$, along the Southeast line of Sids Road, a distance of 60.00 feet to a point for corner;

Thence, $S.43^{\circ}53'57''E.$, leaving the said Southeast line of Sids Road, a distance of 351.05 feet to a point for corner;

Thence, $N.59^{\circ}20'23''E.$, a distance of 270.18 feet to a point for corner;

Thence, $S.29^{\circ}08'35''E.$, a distance of 208.87 feet to a point for corner;

Thence, $S.28^{\circ}44'15''E.$, a distance of 1857.56 feet to the PLACE OF BEGINNING, and containing 56.980 acres of land.

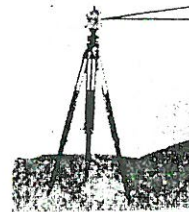
1st Submission

Westerfield

B. L. S. & ASSOCIATES, INC.

RT. 1 • BOX 142-E • SIDS ROAD • ROCKWALL, TEXAS 75087
ROCKWALL 722-3036 • DALLAS 226-7522

Surveying & Engineering Services



DESCRIPTION

19.705 ACRES COMMERCIAL ZONING

Being, a tract of land situated in the W.H.Barnes Survey, Abstract No.26, City of Rockwall, Rockwall County, Texas, and also being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed of Trust Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at the point of intersection of the South line of Mims Road, with the Southwest line of State Highway No. 205, a point for corner;

Thence, N.89°04'39"W., along the South line of Mims Road, a distance of 605.06 feet to a point for corner;

Thence, N.28°44'15"W., leaving the said South line of Mims Road, a distance of 1857.56 feet to a point for corner;

Thence, N.61°16'07"E., a distance of 416.96 feet to a point on the Southwest line of State Highway No. 205, a point for corner;

Thence, along the Southwest line of State Highway No. 205, the following;

S.28°44'15"E., a distance of 284.26 feet to a point for corner;

S.61°15'45"W., a distance of 10.00 feet to a point for corner;

S.28°44'15"E., a distance of 300.00 feet to a point for corner;

N.61°15'45"E., a distance of 10.00 feet to a point for corner;

S.28°44'15"E., a distance of 446.55 feet to the beginning of a curve to the left having a central angle of 11°02'22", and a radius of 5881.03 feet, a point for corner;

Around said curve a distance of 1133.11 feet to the end of said curve, to the PLACE OF BEGINNING, and containing 19.705 acres of land.

1st submission

Tomlinson - Westerfield

Randy Ross
4222 Rose Hill Rd.
Ste. 12
Garland, 75043

Seel Thedford
Rt. 23, Box 15
Tyler, 75703

Eagle Ready Mix Concrete
Rt. 1, Box 142 G
Rockwall

Bob Brown
B.L.S. P.O. Box 65
Rockwall

Robert G. Lottland
Rt. 1, Box 142-A
Rockwall

Glen Burks
Rt. 1, Box 142-B
Rockwall

Rockwall Investment Group JV
103 N. First
Rockwall

Lenders Clearinghouse Inc.
2914 Starboard Dr.
Rockwall

Tomlinson-Westerfield

Cambridge Co.
Scheid Assoc.
11666 Dallas Parkway # 2000
Dallas 75248

Ladd Properties LTD
% Curtis Crawford
P.O. Box 367
Rockwall

First United Pentecostal Church
Box 776
Rockwall

William L. Gentry
Rt. 1, Box 141
Rockwall

Kip Estep
P.O. Box 2
Rockwall

W.H. Way & Buddy Haldeman
P.O. Box 761
Rockwall

Edrich Development
G.L. Kelley & R.E. Slaughter, Jr.
202 E. Rusk
Rockwall

Tomlinson-Westfield

Buddy R. Haldeman

SH 205 - 7-30

Rockwall

V. Wallace & E. Lottland

90 E. Lottland

105 E. Kaufman

Rockwall

J.D. Jacobs, Jr.

710 Peters Colony

Rockwall

White Construction

16 Southridge Circle

Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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o'clock P. M. on the 12th day of March, 1987 in
the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the re-
quest of Tomlinson-Westerfield Joint Venture
for a change in zoning from "A" to "C" Commercial on 19.705 acres and
"A" Agricultural to "HC" Heavy Commercial on 56.980 acres
on the following described property:

located at SH-205 south off Sids Road and east of Mims Road.

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 87-6-Z

Mary 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 87-6-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 Philip R. Roberts Gen Mgr.
Address _____

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

Thank you,
City of Rockwall

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

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Case NO. P&Z 87-6-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 Joe Thompson

Address Box 30 Box 15 Tyler Texas
75703

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

Thank you,
City of Rockwall

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

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Zoning Commission, 205 West Rusk Street, Rockwall, Texas 75087.

Case NO. P&Z 87-6-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 Bob O'Brien
Address P.O. Box 65 Rockwall 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 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 87-6-Z

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

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

1. Opposed to "HC" on Mims Road
2. See attached letter
- 3.

Signature Eugene Lyland

Address 105 E. Kantman -
Rockwall, TX

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

Thank you,
City of Rockwall

105 E. Kaufman
Rockwall, TX 75087
March 9, 1987

City Planning and Zoning Commission
City of Rockwall
205 West Rusk
Rockwall, TX 75087

Gentlemen:

In reply to your notice on Case No. P&Z 87-6-Z concerning the possible change in zoning from "A" to "C" and "HC" on the land across Mims Road from 140 acres jointly owned by my brother V. M. Wallace, and me, I would like to tell you how we both feel about the considered change.

We are in agreement that land in that particular area seems to be going commercial. Since this particular tract of ours was bought in 1900 by our grandfather and has never had any use other than agricultural, the change in character of the land around us has not been of our doing. We are, however, concerned about protecting the value of our land.

We both would like to make this suggestion to you. Since Mims Road is planned as a major road in the over-all Thoroughfare Plan, we feel that it is only fair that a 400-ft. buffer on Mims Road be zoned "Commercial" as is planned for the land frontage on Highway #205. We feel that this would provide better protection for our land and would be in the best interests of the future growth of the city.

Very truly yours,
Evelyn Wallace Lofland
Evelyn Wallace Lofland

ORDINANCE NO. 87-19

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 TRACTS OF LAND WHICH ARE MORE FULLY DESCRIBED HEREIN FROM "A" AGRICULTURAL CLASSIFICATION TO "C" COMMERCIAL CLASSIFICATION ON A TRACT CONTAINING 31.979 ACRES AND FROM "A" AGRICULTURAL CLASSIFICATION TO "HC" HEAVY COMMERCIAL CLASSIFICATION ON A TRACT CONTAINING 44.706 ACRES; 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

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 7. If any section or provision of this ordinance of 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 8. 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 9. 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.

City of Rockwall so as to give "C" Commercial District classification to the tract of land 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 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 "HC" Heavy Commercial District classification to the tract of land described in Exhibit "B".

SECTION 4. That the property described in Exhibit "B" 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. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 6. 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

DULY PASSED AND APPROVED this 4th day
of May, 1987 .

APPROVED:

John R. Miller

Mayor

ATTEST:

By *Julie Coit*

1st reading 4/20/87
2nd reading 5/4/87



B. L. S. & ASSOCIATES, INC.

RT. 1 • BOX 142-E • SIDS ROAD • ROCKWALL, TEXAS 75087
ROCKWALL 722-3036 • DALLAS 226-7522

Surveying & Engineering Services

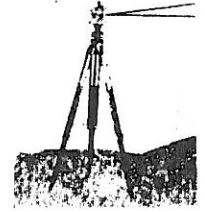


EXHIBIT "A"

DESCRIPTION 31.979 ACRES COMMERCIAL ZONING March 23, 1987

Being, a tract of land situated in the W.H.Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, and also being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed of Trust Records, and being more particularly described as follows;

Beginning at the point of intersection of the South line of Mims Road, with the Southwest line of State Highway No. 205, a point for corner.

Thence, N.89°04'39"W., along the South line of Mims Road, a distance of 1356.39 feet to a point for corner.

Thence, N.87°30'23"W., continuing along the South line of Mims Road, a distance of 1292.29 feet to a point for corner.

Thence, N.40°59'17"W., along the center of Mims Road, a distance of 341.29 feet to a point for corner.

Thence, S.88°05'E., a distance of 2127.64 feet to a point for corner.

Thence, N.28°44'15"W., a distance of 1566.99 feet to a point for corner.

Thence, N.61°16'07"E., a distance of 416.96 feet to a point on the Southwest line of State Highway No. 205, a point for corner.

Thence, along the Southwest line of State Highway No. 205, the following;

S.28°44'15"E., a distance of 284.26 feet to a point for corner.

S.61°15'45"W., a distance of 10.00 feet to a point for corner.

S.28°44'15"E., a distance of 300.00 feet to a point for corner.

N.61°15'45"E., a distance of 10.00 feet to a point for corner.

S.28°44'15"E., a distance of 446.55 feet to the beginning of a curve to the left having a central angle of 11°02'22", and a radius of 5881.03 feet, a point for corner.

Around said curve, a distance of 1133.11 feet to the end of said curve, to the Place of Beginning, and containing 31.979 acres of land.



B. L. S. & ASSOCIATES, INC.

RT. 1 • BOX 142-E • SIDS ROAD • ROCKWALL, TEXAS 75087
ROCKWALL 722-3036 • DALLAS 226-7522

Surveying & Engineering Services

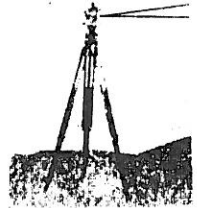


EXHIBIT "B"

DESCRIPTION

44.706 Ac. HEAVEY COMMERCIAL ZONING
March 23, 1987

Being, a tract of land situated in the W.H.Barnes Survey, Abstract No. 26, City of Rockwall, Rockwall County, Texas, and also being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed of Trust Records, and being more particularly described as follows;

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Thence, N.40°59'17"W., along the center of Mims Road, a distance of 259.01 feet to a point for corner.

Thence, N.46°23'21"E., leaving the said center of Mims Road, a distance of 1609.80 feet to a point for corner.

Thence, N.43°53'57"W., a distance of 351.34 feet to a point on the Southeast line of Sids Road, a point for corner.

Thence, N.46°22'25"E., along the Southeast line of Sids Road, a distance of 60.00 feet to a point for corner.

Thence, S.43°53'57"E., leaving the said Southeast line of Sids Road, a distance of 351.05 feet to a point for corner.

Thence, N.59°20'23"E., a distance of 270.18 feet to a point for corner.

Thence, S.29°08'35"E., a distance of 208.87 feet to a point for corner.

Thence, S.28°44'15"E., a distance of 1566.99 feet to a point for corner.

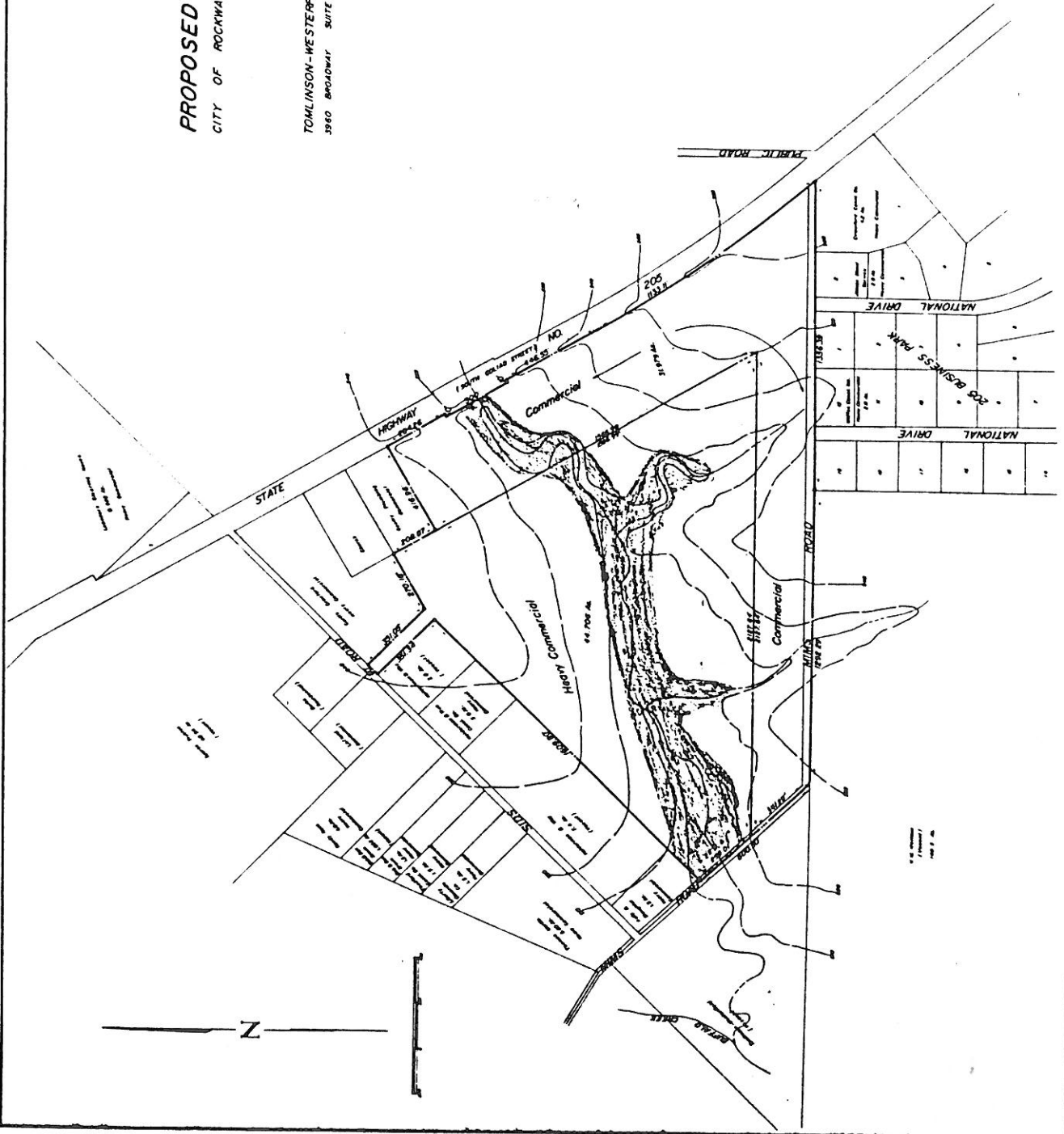
Thence, N.88°05'W., a distance of 2127.64 feet to the Place of Beginning, and containing 44.706 Acres of land.

PROPOSED ZONING PLAT
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

OWNERS
 TOMLINSON-WESTERFIELD
 3980 BROADWAY SUITE 220
 JOINT VENTURE NO. 8
 GARLAND, TEXAS 75043

PHONE - 1-214-864-0234
 76.665 ACRES

B.L.S. & ASSOCIATES, INC.
 711 BOYD AVE. E. SUITE 400, ROCKWALL, TEXAS 75087
 (214) 752-2800



PLANNING AND ZONING ACTION SHEET

Applicant Westerfield-Tomlinson Case No. 87-6-2

Property Description SH205/Mims Bids

Case Subject Matter Zone Changes
"A" to "C" and "A" to "HC"

CASE ACTION

Date to P&Z March 12 X Disapproved Tabled
Conditions 250' of Commercial along Mims Rd

Date to City Council April 6 X Disapproved Tabled
Conditions _____

Ordinance no. 87-19 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
- Applicant Receipts

Plat/Site Plan Cases

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