

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 87-56-FP/2 Filing Fee \$130.00 Date 8/14/87

Applicant Payne Enterprises dba TOTAL CAR CARE Phone 722-0522

Mailing Address P. O. Box 325  
Rockwall, Tx 75087

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED: (If additional space is needed for description, the description may be put on a separate sheet and attached hereto.)<sup>1</sup>

J CADLE SURVEY AB 65 TR 10 3.000 AC N/S I-30 W OF SH205 and,  
J CADLE SURVEY AB 65 TR 9 0.3296 AC

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

"C" Commercial District Classification to

"PD" Planned Development District Classification for  
for the following reasons: (attach separate sheet if necessary)

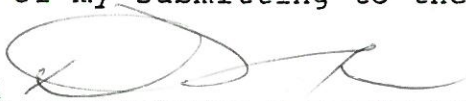
To operate a full-service automobile repair facility for a period of two years, after which the owner plans to build a new car dealership.

There ~~(are)~~ (are not) deed restrictions pertaining to the intended use of the property.

Status of Applicant:<sup>2</sup> Owner \_\_\_\_\_ Tenant XX

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 concerning the importance of my submitting to the City a sufficient legal description.

Signed   
Diane Payne

NOTE:

<sup>1</sup>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.

<sup>2</sup>If the applicant is someone other than the owner, written acknowledgement by the owner of the zoning request must also be submitted. *letter attached*

SITE PLAN APPLICATIONDate 8/21/87

NAME OF PROPOSED DEVELOPMENT \_\_\_\_\_

NAME OF PROPERTY OWNER/DEVELOPER NEWMAN ASSOCIATESADDRESS 2751 S. Garland Ave., Garland 75041 PHONE 214-278-8167NAME OF LAND PLANNER/~~ENGINEER~~ Payne Enterprises dba TOTAL CAR CAREADDRESS 1990 East I-30, P. O. Box 325, Rockwall PHONE 722-0522TOTAL ACREAGE \_\_\_\_\_ CURRENT ZONING Commercial

NUMBER OF LOTS/UNITS \_\_\_\_\_

SIGNED \_\_\_\_\_

Diane Payne

Following is a checklist of items that may be required as a part of the site plan. In addition, other information may be required if it is necessary for an adequate review of a specific development proposal. All information should be provided on a scaled drawing generally not exceeding 18" x 24".

<u>Provided or Shown On Site Plan</u>	<u>Not Applicable</u>	
<u>✓</u>	_____	1. Total lot or site area - if the site is part of a larger tract include a key map showing entire tract and location of site being planned
<u>✓</u>	_____	2. <u>Location, dimensions, and size</u> of all existing and planned structures on the subject property and approximate locations of structures on adjoining property within 100 ft.
<u>✓</u>	_____	3. <u>Location</u> and <u>type</u> of landscaping, lighting, fencing and/or screening of yards and setback areas
<u>✓</u>	_____	4. <u>Calculation</u> of landscaped area provided
<u>✓</u>	_____	5. <u>Location</u> and <u>dimensions</u> of ingress and egress

<u>✓</u>	_____
<u>✓</u>	_____
<u>✓</u>	_____
<u>✓</u>	_____
_____	<u>✓</u>
<u>✓</u>	_____
<u>✓</u>	_____
_____	<u>✓</u>
_____	_____

6. Location, number and dimensions of off-street parking and loading facilities

7. Height of all structures

8. Proposed uses of all structures

9. Location and types of all signs, including lighting and heights

10. Elevation drawings citing proposed exterior finish materials and proposed structural materials

11. Location and screening of trash facilities

12. Location of nearest fire hydrant within 500 ft.

13. Street names on proposed streets

14. The following additional information:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If the site plan is required as a preliminary or development plan under a Planned Development Zoning Classification, the attached applicable items specified for preliminary plans or development plans must be included.

Taken by \_\_\_\_\_

Date \_\_\_\_\_

Fee \_\_\_\_\_

File No. \_\_\_\_\_

PLAT REVIEW

\*  Preliminary Plat

\*  Final Plat

\* Name of Proposed Subdivision NEWMAN CENTER No. 1

\* Location of Proposed Subdivision I30 E OF SH 205

\* Name of Subdivider NEWMAN ASSOCIATES

\* Date Submitted 8/21/87 Date of Review \_\_\_\_\_

\* Total Acreage 3.3 \* No. of Lots 1

Review Checklist

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
* 1. Was the proper application submitted <del>and checklist?</del> (attach copy)			
* 2. Were the proper number of copies submitted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* 3. Is scale 1" = 100' (Specify scale if different) Scale = _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
* 4. Is the subdivision name acceptable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Comments:			

Planning and Zoning

1.	What is the proposed use?	<i>Car Repair</i>		
2.	What is the proposed density?	<u><i>N/A</i></u>		
3.	What is the existing zoning?	<u><i>C</i></u>		
		<u>Yes</u>	<u>No</u>	<u>N/A</u>
4.	Is the plan zoned properly?	<u>          </u>	<u>✓</u>	<u>          </u>
5.	Does the use conform to the Land Use Plan?	<i>are requesty zoning</i>		
		<u>✓</u>	<u>          </u>	<u>          </u>
6.	Is this tract taken out of a larger tract	<u>          </u>	<u>✓</u>	<u>          </u>
7.	Will the development landlock another property?	<u>          </u>	<u>✓</u>	<u>          </u>
8.	Is this project subject to the provisions of the Concept Plan Ordinance?	<u>          </u>	<u>✓</u>	<u>          </u>
9.	Has a Concept Plan been provided and approved	<u>✓</u>	<u>          </u>	<u>          </u>
10.	Does the plan conform to the Master Park Plan?	<u>          </u>	<u>          </u>	<u>✓</u>
11.	Does plan conform to the Comprehensive Zoning Ordinance of approved PD Ordinance?			
	a. Lot Size	<u>✓</u>	<u>          </u>	<u>          </u>
	b. Building Line	<u>✓</u>	<u>          </u>	<u>          </u>
	c. Parking	<u>✓</u>	<u>          </u>	<u>          </u>
	d. Buffering	<u>          </u>	<u>          </u>	<u>✓</u>
	e. Site Plan	<u>✓</u>	<u>          </u>	<u>          </u>
	f. Other	<u>          </u>	<u>          </u>	<u>✓</u>
12.	Has the City Planner reviewed and commented on the plan? (If so, attach copy of Review)	<u>          </u>	<u>✓</u>	<u>          </u>

13. Does the plan exhibit good planning in general layout, access, and vehicular and pedestrian circulation?

    ✓                        

14. Comments:

Yes                  No                  N/A

Engineering

1. Streets and Traffic

a. Does the plan conform to the Master Thoroughfare Plan?

                        ✓    

b. Is adequate right-of-way provided for any major thoroughfares or collectors?

                        ✓    

c. Is any additional right-of-way provided for all streets and alleys?

              ✓              

d. Is any additional right-of-way required?

              ✓              

e. Is there adequate road access to the proposed project?

    ✓                        

f. Will escrowing of funds or construction of sub-standard roads be required?

              ✓              

g. Do proposed streets and alleys align with adjacent right-of-way?

                        ✓    

h. Do the streets and alleys conform to City regulations and specifications?

                        ✓



- \* i. Are the street names acceptable? NA \_\_\_\_\_
- j. Is a traffic analysis needed? \_\_\_\_\_ ✓
- k. Comments: \_\_\_\_\_

2. Utilities

- a. Does the Plan conform to the Master Utility Plan? \_\_\_\_\_
- b. Are all lines sized adequately to handle development?
  - 1. Water \_\_\_\_\_ ✓
  - 2. Sewer \_\_\_\_\_ ✓
- c. Is additional line size needed to handle future development?
  - 1. Water \_\_\_\_\_ ✓
  - 2. Sewer \_\_\_\_\_ ✓
- d. Is there adequate capacity in sewer outfall mains, treatment plants and water transmission lines to handle the proposed development? \_\_\_\_\_
- e. Are all necessary easements provided? \_\_\_\_\_
- f. Do all easements have adequate access? \_\_\_\_\_
- g. Are any off site easements required? \_\_\_\_\_ ✓
- h. Have all appropriate agencies reviewed and approved plans?
  - 1. Electric \_\_\_\_\_ ✓
  - 2. Gas \_\_\_\_\_ ✓
  - 3. Telephone \_\_\_\_\_ ✓
  - 4. Cable \_\_\_\_\_ ✓

- |   |        |       |        |
|---|--------|-------|--------|
| i. Does the drainage conform to City regulations and specifications?            | _____  | _____ | _____✓ |
| j. Do the water and sewer plans conform to City regulations and specifications? | _____  | _____ | _____✓ |
| k. Is there adequate fire protection existing or planned?                       | _____✓ | _____ | _____  |
| l. Comments:  |        |       |        |

General Requirements

- |   |        |       |        |
|---|--------|-------|--------|
| 1. Has the City Engineer reviewed and approved the plan?              | _____  | _____ | _____  |
| 2. Does the final plat conform to the City's Flood Plain Regulations? | _____✓ | _____ | _____  |
| 3. Does the final plat conform to the preliminary plat as approved?   | _____  | _____ | _____✓ |
| 4. Staff Comments:  |        |       |        |

Time Spent on Review

<u>Name</u>	<u>Date</u>	<u>Time Spent (hours)</u>
<u>Julie Cobb</u>	<u>9/7/87</u>	<u>30 min</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

APPLICATION AND FINAL PLAT CHECKLIST

Date 8-20-87

Name of Proposed Development Newman Center No. One

Name of Developer Newman Associates

Address 2751 S. Garland Avenue Garland, Texas Phone 278-8167

Owner of Record same as above

Address \_\_\_\_\_ Phone \_\_\_\_\_

Name of Land Planner/Surveyor/Engineer B.L.S. & Associates

Address Rt. 1 Box 142-E Sids Road, Rockwall, Texas Phone 722-3036

Total Acreage 3.300 acres Current Zoning Commercial

Number of Lots/Units One

Signed Bob O. Brown

The Final Plat shall generally conform to the Preliminary Plat, as approved by the City Council and shall be drawn to legibly show all data on a satisfactory scale, usually not smaller than one inch equals 100 feet. The Final Plat shall be submitted on a drawing which is 18" x 24".

The following Final Plat Checklist is a summary of the requirements listed under Section VIII of the Rockwall Subdivision Ordinance. Section VIII should be reviewed and followed when preparing a Final Plat. The following checklist is intended only as a reminder and a guide for those requirements.

INFORMATION

<u>Provided or</u>	<u>Not</u>
<u>Shown on Plat</u>	<u>Applicable</u>

\_\_\_\_\_

\_\_\_\_\_

1. Title or name of development, written and graphic scale, north point, date of plat and key map

2. Location of the development by City, County and State

3. Location of development tied to a USGS monument, Texas highway monument or other approved benchmark

4. Accurate boundary survey and property description with tract boundary lines indicated by heavy lines

5. If no engineering is provided show contours of 5 ft. intervals

6. Accurate plat dimensions with all engineering information necessary to reproduce plat on the ground

7. Approved name and right-of-way width of each street, both within and adjacent to the development

8. Locations, dimensions and purposes of any easements or other rights-of-way

9. Identification of each lot or site and block by letter and number and building lines

10. Record owners of contiguous parcels of unsubdivided land, names and lot patterns of contiguous subdivisions, approved Concept Plans, reference recorded subdivision plats or adjoining platted land by record name and by deed record volume and page

11. Boundary lines, dimensions and descriptions of open spaces to be dedicated for public use of the inhabitants of the development

12. Certificate of dedication of all streets, alleys, parks and other public uses signed by the owner or owners (see wording)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the City of such responsibility, a waiver releasing the City for damages in establishment or alteration of grades (see wording)

14. Statement of developer responsibility for storm drainage improvements (see wording)

15. Instrument of dedication or adoption signed by the owner or owners (see wording)

16. Space for signatures attesting approval of the plat (see wording)

17. Seal and signature of the surveyor and/or engineer responsible for surveying the development and/or the preparation of the plat (see wording)

18. Compliance with all special requirements developed in preliminary plat review

19. Statements indicating that no building permits will be issued until all public improvements are accepted by the City (see wording)

20. Submit Along with plat a calculation sheet indicating the area of each lot.

21. Attach copy of any proposed deed restrictions for proposed subdivision.

Page 4 of 4

Taken by: \_\_\_\_\_

File No.: \_\_\_\_\_

Date: \_\_\_\_\_

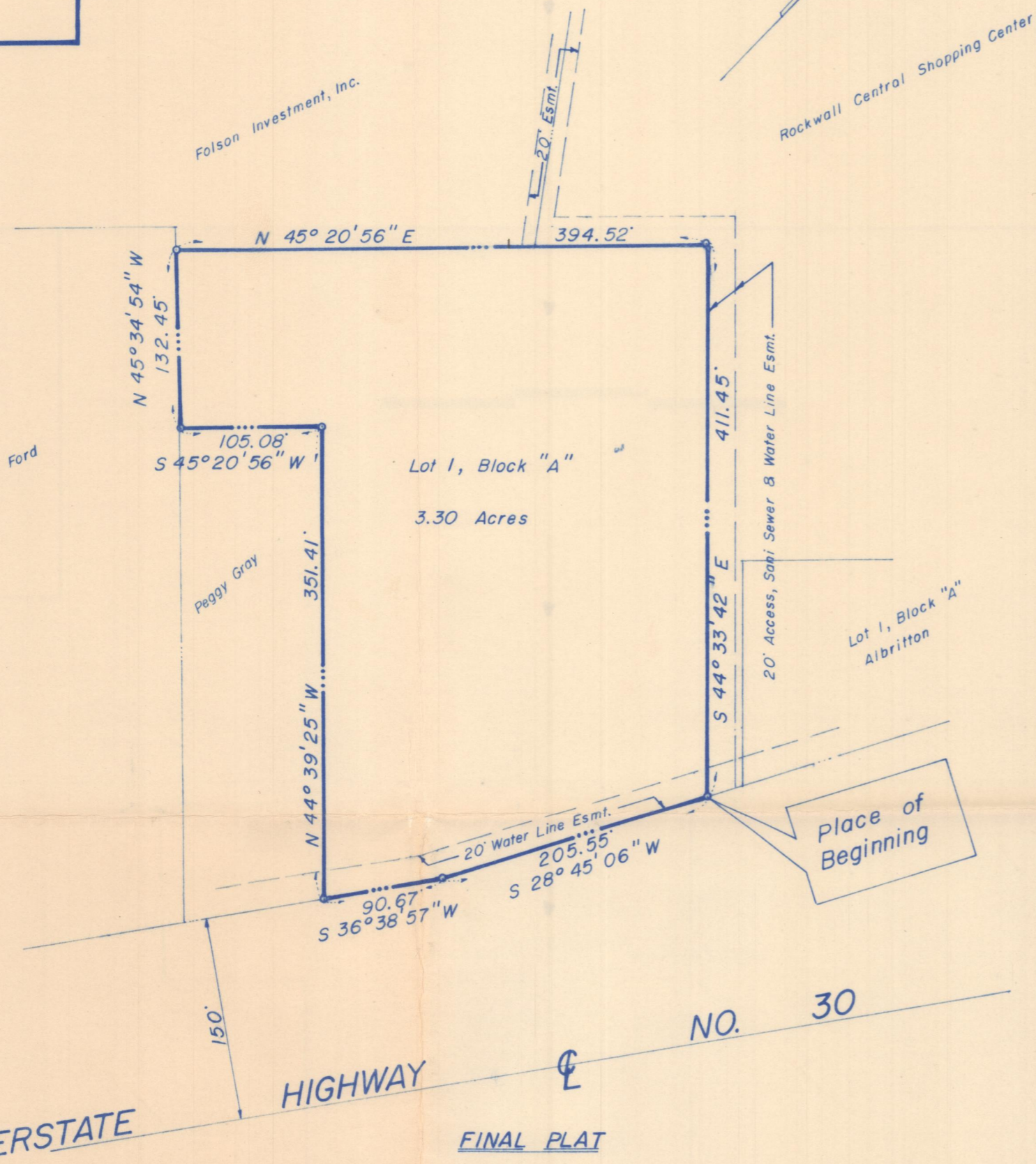
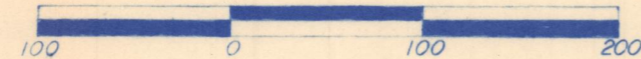
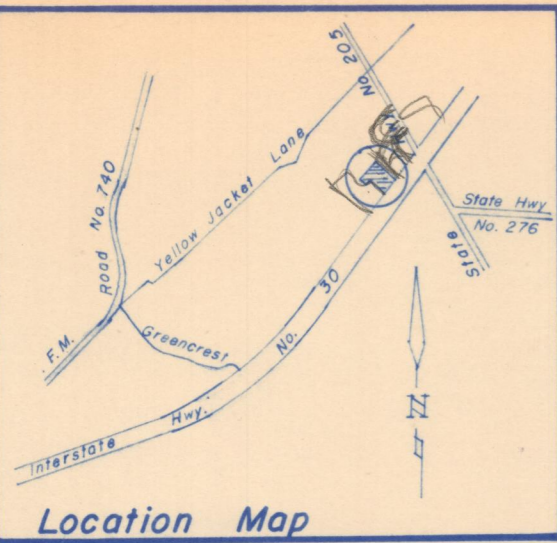
Fee: \_\_\_\_\_

Receipt No.: \_\_\_\_\_









**NEWMAN CENTER NO. ONE**  
 CITY OF ROCKWALL  
 JOSEPH CADLE SURVEY ABSTRACT NO. 65  
 ROCKWALL COUNTY, TEXAS

**NEWMAN ASSOCIATES OWNER**  
 2751 S. GARLAND AVENUE (1-214-278-8167) GARLAND, TEXAS 75041

**B.L.S. & ASSOCIATES, INC. SURVEYORS**  
 RT. 1 BOX 142-E SIDS ROAD (1-214-722-3036) ROCKWALL, TEXAS 75087

SCALE 1"=100' AUGUST 18, 1987

OWNERS CERTIFICATE

STATE OF TEXAS  
 COUNTY OF ROCKWALL

Whereas, Newman Associates, being owners of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

Being, a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being those two tracts as conveyed to D.R. Florence as recorded in Volume 71, page 191 and Volume 64, page 600, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at a point on the Northwesterly line of Interstate Highway No. 30, said point being the south corner of Rockwall Central Shopping Center and the east corner of said tract in Volume 64, page 600, an iron stake for corner;

Thence, S.28°45'06"W., along the northwest line of Interstate Highway No. 30, a distance of 205.55 feet to an iron stake for corner;

Thence, S.36°38'57"W., along the northwest line of Interstate Highway No. 30, a distance of 90.67 feet to an iron stake for corner;

Thence, N.44°39'25"W., leaving said Highway, a distance of 351.41 feet to an iron stake for corner;

Thence, S.45°20'56"W., a distance of 105.08 feet to an iron stake for corner;

Thence, N.45°34'54"W., a distance of 132.45 feet to an iron stake for corner;

Thence, N.45°20'56"E., a distance of 394.52 feet to an iron stake for corner;

Thence, S.44°33'42"E., a distance of 411.45 feet to the PLACE OF BEGINNING and containing 3.300 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That Newman Associates, being owners, does hereby adopt this plat designating the herein aboved described property as Newman Center No. One, to the City of Rockwall, Rockwall County, Texas, and does hereby dedicate to the public use forever, the streets and alleys shown thereon and do hereby reserve the right-of-way and easement strips shown on this plat for the purpose stated and for the mutual use and accommodation of all utilities desiring to use or using same, any public utility shall have the right to remove all or part of any buildings, fences, trees, shrubs or other growths or improvements which in any way endanger or interfere with construction, maintenance or efficiency of their respective systems on any of the right-of-way and easement strips: and any public utility shall have the right of ingress and egress to, from and upon the said right-of-way and easement strips for the purpose of construction, reconstruction, patrolling, maintaining and either adding to or removing all or part of their respective systems without the necessity of at any time procuring the permission of anyone. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of grades of streets in this addition A) It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. B) The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability of water for personal use and fire protection within such plat.

WITNESS our hand at Rockwall, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1987.

Newman Associates

By \_\_\_\_\_  
 J.E. Newman Partner

STATE OF TEXAS

Before me, the undersigned Notary Public, in and for the State of Texas, on this day personally appeared J.E. Newman, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration herein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1987.

Notary Public for the State of Texas  
 My Commission Expires \_\_\_\_\_

SURVEYORS CERTIFICATE

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That I, Bob O. Brown, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision.

Bob O. Brown, Registered Public Surveyor # 1744

STATE OF TEXAS  
 COUNTY OF ROCKWALL

Before me, the undersigned Notary Public, in and for the State of Texas, on this day personally appeared Bob O. Brown, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration herein expressed.

GIVEN under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 1987.

Notary Public for the State of Texas  
 My Commission Expires \_\_\_\_\_

RECOMMENDED FOR FINAL APPROVAL:

APPROVED

City Manager

Chairman Planning and Zoning Commission

I hereby certify that the aboved and foregoing plat of Newman Center No. One, to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall, Texas on the

\_\_\_\_\_ day of \_\_\_\_\_ A.D. 1987.

WITNESS our hand this

\_\_\_\_\_ day of \_\_\_\_\_ A.D. 1987.

Mayor

City Secretary



# TOTAL CAR CARE

1990 East I-30  
P.O. Box 325                      722-0522  
Rockwall, TX 75087



August 18, 1987

TO: The Rockwall City Council  
John Bullock, Nell Wellborn, Frank Miller, Bill Fox,  
Ken Jones, Jean Holt and Pat Luby

and,  
The Planning and Zoning Commission  
Don Smith, Tom Quinn, Hank Crumbley, Norm Seligman,  
Leigh Plagens, Bill Sinclair and Bob McCall

Ladies and Gentlemen:

Along with our application for a temporary zoning change, we submit this letter, to further detail the reasons for our request as well as to demonstrate our customers' feelings on the subject by including letters and notes from them, urging your positive consideration.

We opened our business, which is a full service auto repair facility, in December of 1986. Since then, we have become known in the community for our honesty and the high quality service we offer. Our shop is equipped with the latest "state-of-the-art" electronic diagnostic equipment, not found anywhere else in Rockwall to our knowledge. Our technicians are factory trained and of the highest caliber. Some of the commercial accounts we serve are Dallas Carriers, T P & L, Southwestern Bell, Chandler's Landing, Culpeppers, First State Bank, Rockwall Sheriff's Department, the Royse City Police Department, Independent Bank, the Texas Department of Public Safety (Highway Patrol), as well as several warranty companies who sell extended warranties on vehicles at various car dealerships. We honor those extended warranties so that our customers may take advantage of the coverage they have invested in, while not having to return to the dealership where they purchased their vehicles. Since we opened, we have serviced over twelve hundred vehicles, and are proud of the fact that only one of those customers could not be satisfied. (This was a case in which the customer thought his car should run differently than it was designed to.) At any rate, the gentleman we speak of paid nothing for the service he received. This is what we mean when we advertise "Satisfaction Guaranteed, Period." We concentrate more on our reputation being upheld than being "money-grabbers", which in part explains why our financial position is such that we must move our business to a less expensive location. If we are unable to relocate, we stand a pretty good chance of losing our business. We knew when we opened that the building we're in was more expensive than we could expect to afford in our first year, but at the time, it was the only choice. We now have the opportunity to secure another location with higher traffic exposure, more space and less expensive rent. When we began negotiating for the proposed site, we were assured by the realtor that the zoning was not a problem, consequently we thought nothing more about it, since she is experienced in commercial real estate. After signing a lease and paying the

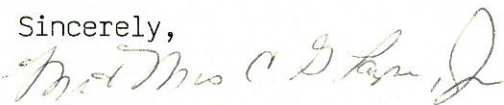
City Council and Planning & Zoning Commission  
August 18, 1987  
Page Two

first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

As you can see from the site plan submitted herewith, we intend to improve the property so that it reflects the image desired by all concerned. As it stands now, it is less than attractive. With a new coat of paint, a little landscaping and a lot of TLC, we think you will be surprised. Of course, it will also have to be re-wired to bring it up to code, and the plumbing is in need of some real creativity, but those are all things we planned to do before we knew it was required, so that is an area that is not a problem. The biggest portion of our clientele is of a high-income bracket, and we work primarily on their Jaguars, Mercedes, Cadillacs, etc., so any concerns about vehicles parked at our facility that would be "unsightly" can be relieved. In addition, we are presently negotiating with Southwestern Bell to become an authorized service and installation facility for cellular telephones, which will enable us to offer yet another aspect of "Total Car Care".

We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,



Clifford & Diane Payne

Customer Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

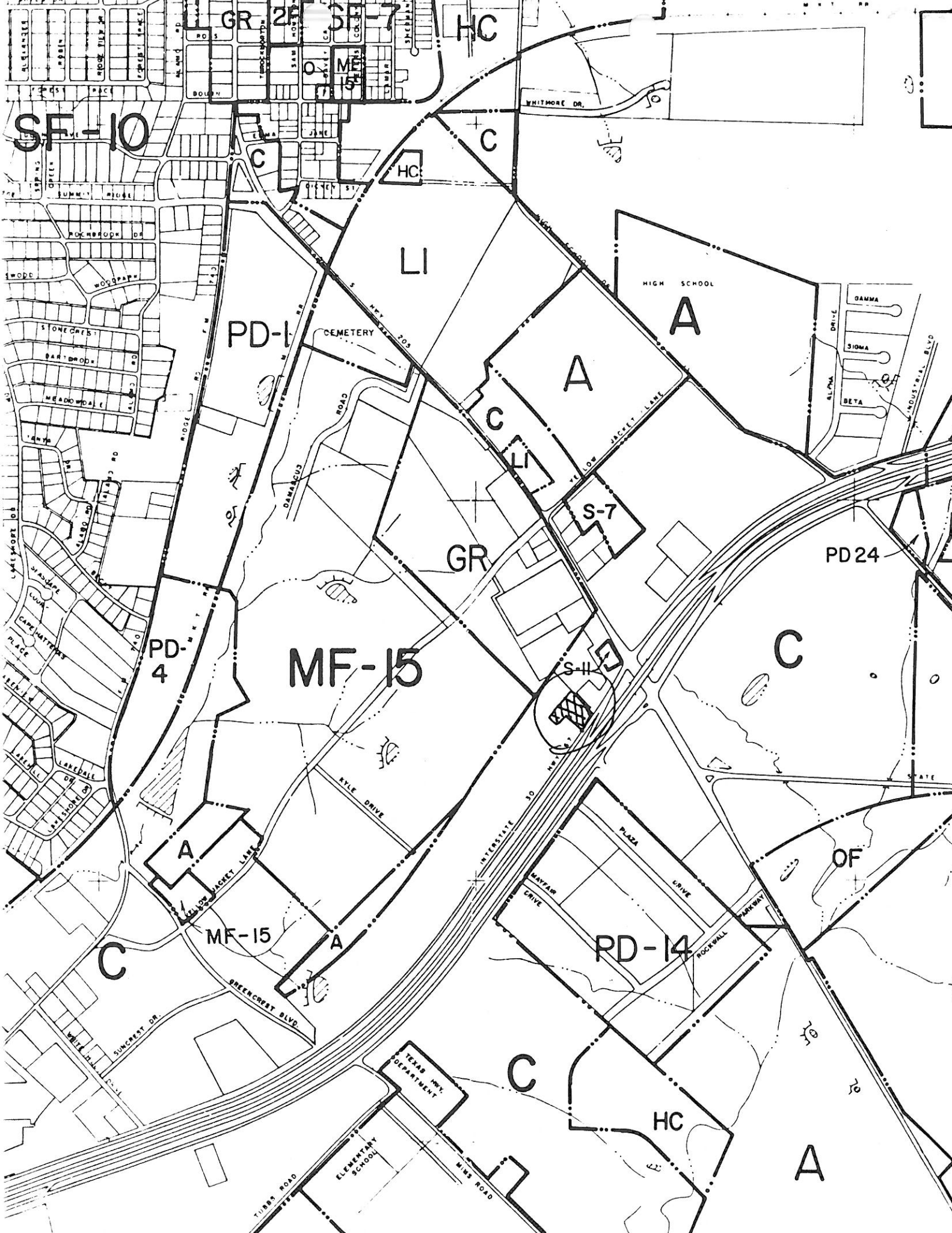
Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*see copies attached*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature



SF-10

GR 2F SF-7 HC

PD-1

LI

A

A

GR

MF-15

PD-24

C

PD-4

S-11

A

MF-15

A

PD-14

OF

C

C

HC

A

TEXAS INV. DEPARTMENT

ELEMENTARY SCHOOL

HIGH SCHOOL

CEMETERY

GREENCREST BLVD

INTERSTATE 20

STYLE DRIVE

PLAZA

MANFAR DRIVE

UPRIVE

ROCKWALL

HARWAY

WIN ROAD

SUNCREST DR

WHITE HILL

DAMMA

SIOWA

BETA

INDUSTRIAL BLVD

STATE

ROCKHURST DR

WOYSPAP

STONE CRIS

MEADOW DALE

LAKEVIEW DR

LAKEVIEW DR

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first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

As you can see from the site plan submitted herewith, we intend to improve the property so that it reflects the image desired by all concerned. As it stands now, it is less than attractive. With a new coat of paint, a little landscaping and a lot of TLC, we think you will be surprised. Of course, it will also have to be re-wired to bring it up to code, and the plumbing is in need of some real creativity, but those are all things we planned to do before we knew it was required, so that is an area that is not a problem. The biggest portion of our clientele is of a high-income bracket, and we work primarily on their Jaguars, Mercedes, Cadillacs, etc., so any concerns about vehicles parked at our facility that would be "unsightly" can be relieved. In addition, we are presently negotiating with Southwestern Bell to become an authorized service and installation facility for cellular telephones, which will enable us to offer yet another aspect of "Total Car Care".

We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name

Address

Phone

*J.O. Pichey*  
*1207 Marilyn Payne Rockwall Tx*  
*(214) 722-2182*

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments:

*This service has been very important to the maintenance of my company vehicles. Consider this request for other businesses.*

*8-19-87*  
Date

*J.O. Pichey*  
Signature

City Council and Planning & Zoning Commission  
August 18, 1987  
Page Two

first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

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We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name Elaine Horton  
Address Rt 2 Box 465 Mills Point, IA  
Phone 214-560-0441

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments: I have known the Paymes for  
several years and can testify to their  
honest service and first class operation.  
Their business should truly be considered  
an asset to your community.

8/19/87  
Date

Elaine Horton  
Signature

first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

As you can see from the site plan submitted herewith, we intend to improve the property so that it reflects the image desired by all concerned. As it stands now, it is less than attractive. With a new coat of paint, a little landscaping and a lot of TLC, we think you will be surprised. Of course, it will also have to be re-wired to bring it up to code, and the plumbing is in need of some real creativity, but those are all things we planned to do before we knew it was required, so that is an area that is not a problem. The biggest portion of our clientele is of a high-income bracket, and we work primarily on their Jaguars, Mercedes, Cadillacs, etc., so any concerns about vehicles parked at our facility that would be "unsightly" can be relieved. In addition, we are presently negotiating with Southwestern Bell to become an authorized service and installation facility for cellular telephones, which will enable us to offer yet another aspect of "Total Car Care".

We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name David & Julie Ramon  
Address 33 Eastview / Bayou City TX 75089  
Phone 722-0679

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date \_\_\_\_\_ Signature Julie Ramon



first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

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We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name Jon Palmer (Rockwall Brake + Muffler)  
Address 1450 1-30 E Rockwall, TX  
Phone 722-1150

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments:

I have known Cliff & Diane for the past year on a business & then personal level and have found them to be very honest and courteous and I believe this move would benefit our community.

8/22/87  
Date

Jon Palmer  
Signature

first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

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We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name James + Mary Taylor  
Address Rt 2, Rockwall  
Phone 927-4726

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8-20-87  
Date

Mary Taylor  
Signature

first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

As you can see from the site plan submitted herewith, we intend to improve the property so that it reflects the image desired by all concerned. As it stands now, it is less than attractive. With a new coat of paint, a little landscaping and a lot of TLC, we think you will be surprised. Of course, it will also have to be re-wired to bring it up to code, and the plumbing is in need of some real creativity, but those are all things we planned to do before we knew it was required, so that is an area that is not a problem. The biggest portion of our clientele is of a high-income bracket, and we work primarily on their Jaguars, Mercedes, Cadillacs, etc., so any concerns about vehicles parked at our facility that would be "unsightly" can be relieved. In addition, we are presently negotiating with Southwestern Bell to become an authorized service and installation facility for cellular telephones, which will enable us to offer yet another aspect of "Total Car Care".

We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name

Address

Phone

*Mary Feak*  
*Rt 132 Wolfe City*  
*214 496-7395*

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments:

*I have done business with Diane + Clifford for years and their honesty + dependability is refreshing every day + time. The way they are "up-front" with their customers can only be an asset to the community.*

Date

Signature

*8/22/87*

*Mary E Feak*

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first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

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We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name Kevin Gaudel  
Address 706 E Interurban  
Phone 722-1273

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8/21/87  
Date

Kevin Gaudel  
Signature

first month's rent, did we find that we had a zoning problem. We were to have been moved by the first of September, which is now next to impossible, and as you can see, are now in a situation where we face the possible loss of our business if we cannot resolve this problem quickly.

As you can see from the site plan submitted herewith, we intend to improve the property so that it reflects the image desired by all concerned. As it stands now, it is less than attractive. With a new coat of paint, a little landscaping and a lot of TLC, we think you will be surprised. Of course, it will also have to be re-wired to bring it up to code, and the plumbing is in need of some real creativity, but those are all things we planned to do before we knew it was required, so that is an area that is not a problem. The biggest portion of our clientele is of a high-income bracket, and we work primarily on their Jaguars, Mercedes, Cadillacs, etc., so any concerns about vehicles parked at our facility that would be "unsightly" can be relieved. In addition, we are presently negotiating with Southwestern Bell to become an authorized service and installation facility for cellular telephones, which will enable us to offer yet another aspect of "Total Car Care".

We appreciate your time in considering our request for this temporary zoning change, and are available at your convenience for any discussion that may be necessary. Thank you, and God Bless.

Sincerely,

Clifford & Diane Payne

Customer Name Don Bennett  
Address RT 2 Box 40 D  
Phone 722-6448

We concur with the above letter, and feel there is a need for this type facility. We urge you to approve the requested zoning change so that Total Car Care can continue to operate.

Comments:

Rockwall needs this company  
Please give them all consideration

8-20-87  
Date

Don Bennett  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: EARLENE + M D SHARB  
Name

RT3, Box 1014 ROCKWALL, TEX  
Address City 75087

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: Cliff + Diane Payne owners of Total Car Care  
Home did work on our motor home.

We were pleased with the work as well  
as the price we payed.

So will you please help them to stay  
in Rockwall.

Thank you kindly  
Earlene and M D Sharb

Aug 29, 1987  
Date

Earlene Sharb  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Thyllis Everett  
Name

216 S. Galiaid Rockwall, Tx. 75087  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I have talked with Mr Cliff Payne today about this request. It is my feeling that since the request is for only 2 years and they will be upgrading the present structure, the Council should consider this request favorably.

Since learning of this company, I have dealt with them on 4 or 5 occasions. They do excellent work and their prices are very fair. As all of you know, this is not always the case with this type business. I think Total Car Care is a valuable asset to our community.

Aug. 28, 1987  
Date

Thyllis Everett  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Mr & Mrs. Bob Gehring  
Name  
3006 Bayside Rockwall, TX 75087  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: \_\_\_\_\_

Diane and Cliff are an  
asset to the Rockwall Com-  
munity. Besides the con-  
venience of being able to  
have our foreign cars re-  
paired in Rockwall to our  
satisfaction, we are al-  
ways assured that they  
will do exactly what they've  
said they would. When  
we have an opportunity to  
support good and honest  
Rockwall businesses, I believe  
we need to do so.

Thanks for your help!

8/29/87  
Date

Carolyn Gehring  
Signature



TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Russell Urquhart  
Name

4 Halford Dr. Rockwall TX 75087  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I have had nothing but a good experience with Total Car Care. In my opinion they are a definite asset to the Rockwall business community.

I found them to be honest and straight forward in all of my dealings with them.

They have proven time & time again that they stand behind their word and work.

I have recommended them to several of my friends.

8/30/87  
Date

Russell Urquhart  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Renee L. Douglas  
Name

6002 Stonewall Greenville, TX 75740  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I have had my car into  
Total Car Care for repairs on several  
occasion and have always received prompt  
and courteous service as well as complete  
satisfaction with the work done. This  
Company is an asset to your city and  
every effort should be made to preserve  
its existence.

8/31/87  
Date

Renee Douglas  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: William McLeod

Name

P.O. Box 2041

Address

Merit Tx. 75072

City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I have been associated as a customer with Total Car Care since its inception. I have always been treated fairly, honestly and with a great deal of respect. I am totally satisfied with its customer service of repairing what is wrong with the vehicle and not trying to gouge me with unnecessary repairs. I use my vehicle in my business and the fair pricing structure of its repairs and the timeliness of getting my vehicle repair saves me both time and money.

6-1-87  
Date

William B McLeod II  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: DALLAS CARRIER CORP. & GARY BOTTOMS  
Name

2325 Hwy 276 Rockwall TX 75087  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I have had repair work performed  
both for me personal and for my company,  
DALLAS CARRIER CORP.  
The work has always been a very high  
standard and at a fair price.  
I feel that this is the high quality  
repair facility we need in Rockwall!

8-31-87  
Date

Gary Bottoms  
Signature

121 Duran Dr  
Royse City, Tex 75089  
August 19, 1987

To Whom It May Concern,

I have just learned that my friends, Cliff & Dianne Payne, are wanting to come before you in the Zoning Commission, to request a change in the current law, so that they can move their business where they are now, to another place by Walmart, which would really give them room to expand. I would dearly love to see them have this change, because we sincerely need to have more people like them in Rockwall. I have had 3 or 4 occasions to do business with Mr & Mrs Payne, and each time, I have come away satisfied with the work that they have done on my truck. Just about a week or 2 ago, I had to have a new engine put in my truck. I was pleased very much with the way the work was handled, and also the way the truck runs now, in comparison as to what it sounded like before. If Rockwall is to grow, we need to get more business in here that show and appreciate the customers the way Dianne & Cliff do. I have gone to his place for a minor problem before, and each time he has fixed whatever was wrong. One time I needed a hose about 10 ft long, for oil to run through. Cliff fixed it for me and when I went to pay him, he wouldn't accept a cent. I truly believe that if Cliff & Dianne can get the change needed, that Rockwall will have one of the best car repair centers around. And I should know, after having work done at D & R Cars Care. I wouldn't and couldn't recommend anyone going to this place, and they are now out of business and I'm out about \$1500-\$2000 for work they said they performed

and never did. Because of ~~it~~ I will never be able to have this car in shape as it should be. If Cliff & Dianne had been around when I needed it fixed about 4 years ago, then my family would have had 2 cars, but we are making do with one at the present. I highly recommend Cliff and Dianne to anyone who has problems with their cars, because this is a fine Christian couple and they stand behind anything they do. Please allow this zoning change, because I feel that in doing so, it will greatly benefit the Rockwall Area.

Thank you for your time in reading this lengthy letter. Hoping to hear that you have granted this couple their request.

Sincerely Yours  
Mrs Mary C. Arthur  
124 Huron Ave  
Rope City, Tx 75089

P.S. Even if this couple don't get their wish for the zoning change, I will continue to bring my car to them, because I know that I'm not going to get rooked. ~~Please~~ Allow this change for the betterment of Rockwall.

P.P.S. To show you how much I liked their business, I have already done about 2200<sup>00</sup> worth of business with them this year. About a week ago I spent 1625<sup>00</sup> and around 500 or 600 with them before. So you can see why I'm well pleased with them, and so is my husband. He's a pretty good judge of character, and he too liked their way of doing business.

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Francine House  
Name  
3117 Lakeside Drive Rockwall, TX 75087  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: Cliff + Diane Payne of total car care have given me the best of mech. + fair treatment. No charge was made when my Air conditioner was not working correctly, any one else would have charged me for work not needed. This has happened 2 times. I did not know how to act when I heard - "We corrected the problem on the current hose + it will hold." They put freon gas in + it is working perfectly. I will continue to use them exclusively! Please approve the zoning change - Rockwall needs these people in business, I certainly endorse them.

8/31/87  
Date

Francine House  
Signature

214-722-1243

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: RICHARD & JOYCE MAUS  
Name

12 HILLSIDE DR ROCKWALL TX  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: Rockwall needs these type of  
people, in business to serve the comm-  
unity. When was the last time you  
found a quality, honest and fair  
mechanic? These folks fit all the  
criteria.

9/1/87  
Date

Richard J. Maus  
Signature



TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: MR. PRASERT SANANIKONE.  
Name

R 2; #20 PRINGLE LN. ROCKWALL.  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I own a 1974 Mercedes Benz and a  
1983 Volvo Station Wagon.

I have been using the services of  
Total Car Care exclusively since its inception.  
The services which I have used in the past  
ranges from a simple oil change to a  
tune-up and repairs/replacements of major  
components.

My reasons for continued patronage  
of Total Car Care are: -

1. Exceptionally high integrity and  
honesty of the owner, Mr. Payne.
2. A high level of competence in the staffs  
- particularly in respect of my two cars.
3. Prompt and courteous services.
4. Very convenient locations.

At this time, I have not come across a repair  
garage which have such fine combinations of

29th Aug. 1987.  
Date

Prasert Sananikone  
Signature

Pto

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: J.K. Benbrook

Name

~~100 Lake Meadow Dr~~ 105 City Rockwall, Tex. 75087  
Address

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments:

I have used Total Car Care several times ,  
and have found their work eminently satis-  
factory, and their charges fair.

I want to add my plea to theirs that they be allowed  
to re-zone.

*J.K. Benbrook*

Date

Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: JAMES L. BURKA  
Name

2506 COUNTRY CLUB PARKWAY  
Address City

RE: TOTAL CAR CARE GARLAND, TX.

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: \_\_\_\_\_

T.C.C. HAS PROVIDED ME  
WITH FRIENDLY, HONEST, AND  
QUALITY SERVICE.

I BELIEVE THAT T.C.C. IS AN  
ASSET TO YOUR COMMUNITY.

9-1-87  
Date

James L. Burka  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: KATHY CLERC

Name

1518 RANALL GARLAND - EMPLOYED - S.W. BELL  
Address City ROCKWALL

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I have been doing business with Total Car Care since they opened, with my personal vehicle as well as the vehicles at work (Southwestern Bell) for our work trucks, we have found them much more dependable & reasonably priced than the service departments at Lakeside Chev. or the Ford dealership in Rockwall.

I believe it would be good for the City of Rockwall to have such a reputable full service repair facility closer to the mainstream of traffic & other businesses!

9-1-87  
Date

Kathy Clerc  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Dave Hawkins  
Name

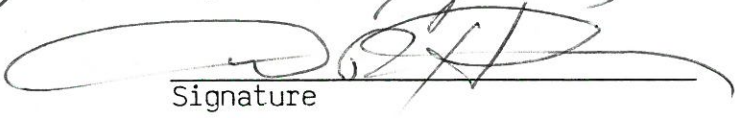
2616 Lakeswood Rowlett  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I have been using Cliff + Diane for over a year for all of my auto repair needs and I have found them to be extremely honest and efficient. Cliff has been able to fix problems that the Dealer never could. Car Service of this quality and reputation is an asset to any town and I personally would be very, very disappointed to risk losing these good folks. I know that their request for a temporary variance will enable them to continue building their reputation and therefore be able to build a facility that we all can be proud of. Thank you for your consideration  
sincerely yours,

9/2/87  
Date

  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: CARL E. ECKMAN  
Name

10 MULLANEY RD GREENVILLE, TX 75401  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: I HAVE USED OTHER CAR REPAIR CENTERS  
IN GREENVILLE, TX, COMMERCE, TX, AND DALLAS, TX,  
THE KIND OF SERVICE I RECEIVED IN TERMS  
OF QUALITY, PROMPTNESS, AND PRICE DO  
NOT COMPARE TO TOTAL CAR CARE. I  
HAVE USED THEM SEVERAL TIMES ALTHOUGH  
THEY ARE LOCATED IN ROCKWALL AND I LIVE  
IN GREENVILLE.

I URGE YOU TO CONSIDER THEIR POSITION  
AND PLEDGE THAT I WILL CONTINUE TO  
PATRONIZE THEM IF THEY CONTINUE IN  
WHICH THEY WANT UNLESS YOU HONOR THEIR  
PETITION.

SINCERELY,

9/7/07  
Date

Carl E. Eckman  
Signature

TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Connie Speck  
Name

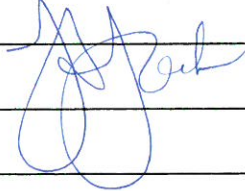
1012 N. Fannin Rockwall  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: They have done good work for us  
at reasonable prices

We fully support their cause.



9-2-87  
Date

Connie Speck  
Signature

TO: THE ROCKWALL PLANNING & ZONING COMMISSION AND THE CITY COUNCIL

FROM: DR. JOSEPH B. MUKASA  
Name

710 FARM MARKET 549  
Address

RE: TOTAL CAR CARE

Reference: Newman Associates C to PD Zoning Request

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: Dear Respected Planning and Zoning Commission  
and The City Council of Rockwall,

allow me to bring to your kind attention  
my personal appreciation of your services  
to our Rockwall community.

May I also mention that I totally  
endorse Total Car Care's application  
for your approval of their zoning  
request. I have experienced Total  
Car Care's honest and fair services.

Last week I drove to California and back  
in my 1977-plymouth which has  
now 240,000 plus miles on the original  
motor and I owe great thanks to  
Total Car Care's service on my old car  
to have made that long trip.

The courtesy and promptness they have  
served me and other fellow customers  
deserves continuation in our community,

And your approval of their request will

give more members of our community access to <sup>Very</sup> satisfactory <sup>Car</sup> service

Respectfully

Date

9<sup>th</sup> Sept - 1987

Signature

J. Mukasa



TO: The Rockwall Planning & Zoning Commission  
And the Rockwall City Council

FROM: Patrick Mahoney (CBN-048)  
Name  
P.O. Box 1056 Greenville, TEXAS  
Address City

RE: TOTAL CAR CARE

I have become familiar with the proposed zoning request change that you are considering for Total Car Care, and submit this letter to endorse the approval of such change. Please give them every possible consideration so that Total Car Care can continue to serve this community.

Comments: Esteemed Council:

The Payne's operate a first-rate automobile repair facility. I have used them for the last year after arriving to live in Texas from North Carolina. I have found Total Car Care to be technically competent, conscientious and courteous as well as a fair trade for my dollar. It is uncommon these days, and re-assuring to turn over my motor vehicles to Total Car Care with the knowledge that I can return once, and pick-up my car to carry myself & family in it without worry about the "promise" in service kept. Total Car Care is a quality public service in a time when promise, trust, and "fair exchange for labor rendered" are words, and not in deeds. I recommend them to you.

3 September, 1987  
Date

Patrick Mahoney  
Signature  
Sr. Quality Engineer  
(214) 457-7522

ZONING CHANGE/CONDITIONAL USE PERMIT/PLANNED DEVELOPMENT/  
PRELIMINARY PLAN/DEVELOPMENT PLAN

ACTION RECORD

Case No: 89-56-FP/2/SP  
Location: Newman Center

- Application Reviewed..... ✓
- File Created ..... ✓
- Filing Fee Paid/Receipt in File..... ✓
- Issued Receipt for Application..... ✓
- Review form prepared/<sup>initial</sup>partial review completed..... ✓
- Circulated Review through:
  - Staff Review:..... \_\_\_\_\_
  - Assistant City Manager..... ✓
  - Scheduled for P&Z meeting..... 9/10
- Notice Sent:
  - Newspaper..... 8/25
  - Surrounding property owners..... 8/26
  - Sign placed on property..... 9/11
  - Tallied responses to notices ..... ✓
  - Prepared notes and supporting information for P&Z..... ✓
  - Notified applicant of results <sup>and of</sup> Council date..... ✓

after Pt 2 consideration.

~~If approved:~~

- Scheduled for City Council..... 9/21
- Notice sent to newspaper..... 9/11
- Notice sent to property owners..... ✓

Prepared notes and supporting information for City Council..... ✓

If approved:

- Notified applicant of results..... ✓
- Prepared ordinance..... \_\_\_\_\_
- 1st reading of ordinance..... 9/21
- 2nd reading of ordinance..... \_\_\_\_\_
- Caption to newspaper..... \_\_\_\_\_

Update office map..... \_\_\_\_\_

Notified Inspection Dept. of change..... \_\_\_\_\_

Included map in update file..... \_\_\_\_\_

Included in CUP list (if applicable)..... \_\_\_\_\_

↪ Permit activated within 6 months..... \_\_\_\_\_

↪ If not activated, applicant notified permit is void..... \_\_\_\_\_

Included in PD file (if applicable)..... \_\_\_\_\_

PRELIMINARY/FINAL PLAT

ACTION RECORD

Project Name: NEWMAN CENTER No. 1

Case No.: P+Z 87-56-FP

Application Reviewed..... ✓

File Created..... ✓

Fee paid/receipt in file..... ✓

Issued receipt for application..... #

Review Form prepared/initial review completed..... ✓

Circulated review through:

Staff Review..... \_\_\_\_\_

Assistant City Manager..... \_\_\_\_\_

Community Services..... \_\_\_\_\_

Engineering..... \_\_\_\_\_

Scheduled for P&Z meeting..... 9/10/87

Prepared notes & supporting documents for P&Z..... \_\_\_\_\_

Notified applicant of results of P&Z meeting and date of Council meeting..... \_\_\_\_\_

If Approved:

Scheduled for City Council..... 9/21/87

Prepared notes and supporting information for council..... \_\_\_\_\_

Notified applicant of results..... \_\_\_\_\_

If final plat approved:

Changes required made to plat.....\_\_\_\_\_

Copies of plat signed by:

Owner.....\_\_\_\_\_

Surveyor.....\_\_\_\_\_

Notary.....\_\_\_\_\_

Approval dates for P&Z & Council on plats.....\_\_\_\_\_

Plats signed by:

P&Z Chairman.....\_\_\_\_\_

Mayor.....\_\_\_\_\_

City Secretary.....\_\_\_\_\_

Mylar filed with County.....\_\_\_\_\_

Slide No. recorded on all others.....\_\_\_\_\_

Listed in Plat Indexes.....\_\_\_\_\_

added ~~to~~ <sup>Plat</sup> to plat map  
Copy files with: \_\_\_\_\_

Permanent Plat File (Mylar).....\_\_\_\_\_

Map update file.....\_\_\_\_\_

RISD (residential).....\_\_\_\_\_

Inspection Department..... <sup>(3 - 1 for Finance and</sup>  
~~1 for Post Office after address assigned)~~ \_\_\_\_\_

Street Department.....\_\_\_\_\_

~~(3 - 1 for Finance after addresses and~~  
~~1 for Post Office after addresses)~~

Water and Sewer Department.....\_\_\_\_\_

Case File.....\_\_\_\_\_

Beta Cable.....\_\_\_\_\_

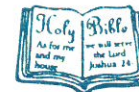
Southwestern Bell.....\_\_\_\_\_

Lone Star Gas.....\_\_\_\_\_

Texas Utilities..... \_\_\_\_\_  
County Tax office..... \_\_\_\_\_  
Property Owner..... \_\_\_\_\_  
Chamber of Commerce..... \_\_\_\_\_  
Appraisal District..... \_\_\_\_\_



CLIFF PAYNE  
DIANE PAYNE



# TOTAL CAR CARE

24-Hour  
Towing

1990 East I-30  
Rockwall, TX 75087  
(214) 722-0522

Mail: P.O. Box 325  
Rockwall, TX 75087  
Night # (214) 722-9315

Receipt

The following items have been received on this date by the City of Rockwall Administrative Office:

- Site Plan Application
- Prel. Plat Application
- Final Plat Application
- Zone Change Application
- Sign Board Application
- Board of Adj. Application
- Front Yard Fence Application
- CUP Application
- ( 9 ) sets/site plans - Submission # 1
- ( ) sets/prel. plats - Submission # \_\_\_\_\_
- ( ) sets/final plats - Submission # \_\_\_\_\_
- ( ) sets/executed final plats/mylars
- ( ) sets/engineer drawings - Submission # \_\_\_\_\_
- Filing fee \$ 130.00
- Other \_\_\_\_\_

*City Council  
Oct 5 unless  
Sept 21 approved  
by Asst City  
Manager*

With this application, you are scheduled to appear before the

Planning & Zoning Commission  
on September 10, 1987,  
at 7:30 P.M. at City Hall, 205 W. Rusk, Rockwall,  
Texas.

Received By: Mary A. Nichols

TAX CERTIFICATE

001922

DORIS H WILLESS  
ROCKWALL COUNTY TAX COLLECTOR  
101 S FANIN  
ROCKWALL, TEXAS 75087

Issued to:

Collecting Taxes for:  
ROCKWALL COUNTY  
ROCKWALL COUNTY TAX COLLECTOR  
101 S FANIN  
ROCKWALL, TEXAS 75087

Property Owner	Property Description
NEWMAN ASSOCIATES 2751 S GARLAND AVE  GARLAND TX  75041	J CADLE SURVEY AB 65 TR 10 3.0 00 AC N/S I-30 W OF SH 205

Property Account Number: R10619

This is to certify that, after a careful check of the tax records of this office, the following taxes, penalties, and interest are due on the described property for the following taxing units(s) up to and including 1986:

Year	Tax Unit	Original Taxes	Penalty/Interest	Attorney Fees	Court Costs	Total
------	----------	----------------	------------------	---------------	-------------	-------

No Outstanding Taxes Due

Total -

[ ](If applicable) The above-described property has/is receiving special valuation based on its use, and additional rollback taxes may become due based on the provisions of the special valuation.

*Peggy Subruss*  
Signature of Authorized Officer  
of Collecting Office

08/20/87  
Date of Tax  
Certificate

Current Taxes Paid: 1040.16



DORIS H WILLESS  
ROCKWALL COUNTY TAX COLLECTOR  
101 S FANIN  
ROCKWALL, TEXAS 75087

Issued to:

Collecting Taxes for:  
ROCKWALL COUNTY  
ROCKWALL COUNTY TAX COLLECTOR  
101 S FANIN  
ROCKWALL, TEXAS 75087

=====

Property Owner	Property Description
NEWMAN ASSOCIATES 2751 S GARLAND AVE  GARLAND TX  75041	J CADLE SURVEY AB 65 TR 9 0.32 96 AC
Property Account Number: R10618	

=====

This is to certify that, after a careful check of the tax records of this office, the following taxes, penalties, and interest are due on the described property for the following taxing units(s) up to and including 1986:

Year	Tax Unit	Original Taxes	Penalty/ Interest	Attorney Fees	Court Costs	Total
No Outstanding Taxes Due						

Total - -----

(If applicable) The above-described property has/is receiving special valuation based on its use, and additional rollback taxes may become due based on the provisions of the special valuation.

*Riggy Secknell*  
Signature of Authorized Officer  
of Collecting Office

08/20/87  
Date of Tax  
Certificate

Current Taxes Paid: 84.03

TAX CERTIFICATE

Certificate # 2434

This certificate issued by the office of Rockwall County Appraisal District  
For the Taxing Entities: ROCKWALL ISD (SRW)  
CITY OF ROCKWALL (CRW)

For the Property Item: R10618  
Account #: 0065-3145-0009-00-0R  
J CADLE SURVEY AB 65 TR 9 Q.3256 AC

Owned by:  
NEWMAN ASSOCIATES  
2751 S GARLAND AVE  
GARLAND, TX 75041

This document is to certify that after a careful check of the tax records  
of this office the following current or delinquent taxes, penalties, and  
interest are due on the property for the taxing entity described above:

Entity	Year	Statement ID	Tax Due	Penalty & Interest
--------	------	--------------	---------	--------------------

No Delinquent Bills Exist for the Property Described Above

SRW Taxes Paid on 1986 Bills: \$281.33

CRW Taxes Paid on 1986 Bills: \$159.36

(If Applicable) The above described property has/is receiving special  
valuation based on its use. Additional rollback taxes which may  
become due based on the provisions of the special valuation are not  
indicated by this document.

This Certificate does not clear abuse of Granted Exemptions under  
Section 25.21 of the Texas Property Tax Code Paragraph 1

  
Signature of Authorized Officer of  
the Collecting Office

8-21-87  
Date of Issue

This Certificate was requested by J MITCHELL



Proposed site  
before improvements.



Present Location



Front view of building from driveway



Present Location



Rear view of building from  
Wal-Mart's south exit



Present Location



Present appearance of shop interior,  
(note overhead doors badly decayed.)  
*Doors are to be replaced*

121 Duran Dr  
Rouse City, Tex 75089  
August 19, 1987

To Whom It May Concern,

I have just learned that my friends, Cliff & Dianne Payne, are wanting to come before you in the Zoning Commission, to request a change in the current law, so that they can move their business where they are now, to another place by Walmart, which would really give them room to expand. I would dearly love to see them have this change, because we sincerely need to have more people like them in Rockwall. I have had 3 or 4 occasions to do business with Mr & Mrs Payne, and each time, I have come away satisfied with the work that they have done on my truck. Just about a week or 2 ago, I had to have a new engine put in my truck. I was pleased very much with the way the work was handled, and also the way the truck runs now, in comparison as to what it sounded like before. If Rockwall is to grow, we need to get more business in here that show and appreciate the customers the way Dianne & Cliff do. I have gone to his place for a minor problem before, and each time he has fixed whatever was wrong. One time I needed a hose about 10 ft long, for oil to run through. Cliff fixed it for me and when I went to pay him, he wouldn't accept a cent. I truly believe that if Cliff & Dianne can get the change needed, that Rockwall will have one of the best car repair centers around. And I should know, after having work done at DFR Cars Care. I wouldn't and couldn't recommend anyone going to this place, and they are now out of business and I'm out about \$1500-\$2000 for work they said they performed

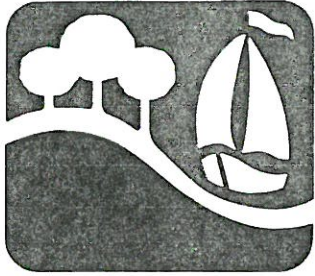
and never did. Because of ~~it~~ I will never be able to have this car in shape as it should be. If Cliff & Dianne had been around when I needed it fixed about 4 years ago, then my family would have had 2 cars, but we are making do with one at the present. I highly recommend Cliff and Dianne to anyone who has problems with their cars, because this is a fine Christian couple and they stand behind anything they do. Please allow this zoning change, because I feel that in doing so, it will greatly benefit the Rockwall Area.

Thank you for your time in reading this lengthy letter. Hoping to hear that you have granted this couple their request.

Sincerely yours  
Mrs Mary C. Arthur  
121 Duran Dr  
Rope City, Tx 75089

P.S. Even if this couple don't get their wish for the zoning change, I will continue to bring my car to them, because I know that I'm not going to get rooked. Please allow this change for the betterment of Rockwall.

P.P.S. To show you how much I liked their business, I have already done about 2200<sup>00</sup> worth of business with them this year. About a week ago I spent 1625<sup>00</sup> and around 500 or 600 with them before. So you can see why I'm well pleased with them, and so is my husband. He's a pretty good judge of character, and he too liked their way of doing business.



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

September 3, 1987

Mrs. Diane Payne  
P. O. Box 325  
Rockwall, Texas 75087

Dear Mrs. Payne:

Your applications for a final plat, site plan, and change in zoning on 3.3 acres located on North I-30 have been scheduled for consideration by the Planning and Zoning Commission at a public hearing on September 10th at 7:30 P.M. and by the Council at a public hearing on September 21st at 7:00 P.M. in City Hall, 205 West Rusk.

Please be sure to provide seven additional copies of the site plan and final plat one week prior to the date of the Council hearing.

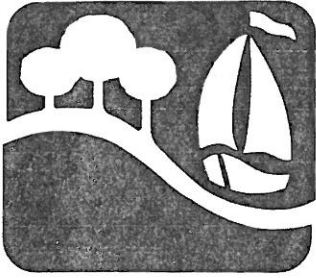
Feel free to call me if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

CC: B.L.S. and Associates  
MN/mmp



# CITY OF ROCKWALL

## "THE NEW HORIZON"

September 11, 1987

Mrs. Diane Payne  
P.O. Box 325  
Rockwall, TX 75087

Dear Mrs. Payne,

On September 10, 1987, the Rockwall Planning and Zoning Commission recommended approval of your request for a temporary change in zoning from "C" commercial to "PD" planned development for auto repair, retail, and office uses on 3.3 acres located on North I-30, West of SH-205 subject to the following conditions:

- (1) the PD zoning will be reviewed by the Planning and Zoning Commission one year from the date approved by Council for compliance with parking, landscaping, and outside storage requirements
- (2) the zoning will revert to Commercial two years from the date of approval or when the property is vacated, changes in name, ownership or organization if said changes take place prior to two years
- (3) no outside storage will be allowed
- (4) all improvements, including landscaping, will be completed within 60 days from the date issued a Certificate of Occupancy
- (5) waiving irrigation requirements
- (6) allowing a gravel drive and gravel parking area

In addition to the change in zoning, the Commission recommended approval of a site plan for Total Car Care and a final plat on Newman Center No. 1.

The Rockwall City Council will hold a public hearing on September 21, 1987, at 7:00 P.M. to consider approval of the change in zoning and will consider approval of the site plan and final plat.



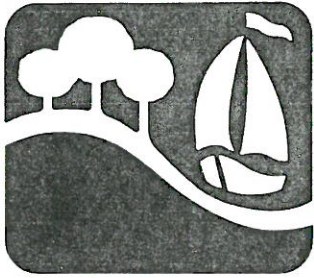
Please contact me, if you have any questions.

Sincerely,

*Mary Nichols*  
Mary Nichols  
Assistant City Secretary

MN/ss

cc James E. Newman  
B.L.S. and Associates



# CITY OF ROCKWALL

## "THE NEW HORIZON"

September 23, 1987

Mrs. Diane Payne  
P. O. Box 325  
Rockwall, Texas 75087

Dear Mrs. Payne:

On September 21st the Rockwall City Council approved a site plan and change in zoning from "C" Commercial to "PD" Planned Development with the following conditions:

1. allowing auto repair, retail, and office uses;
2. prohibiting outside storage and paint and body;
3. prohibiting the addition of buildings or construction of additional buildings;
4. allowing a gravel drive and parking area;
5. waiving irrigation requirements;
6. all improvements including landscaping will be completed within 60 days from the date a Certificate of Occupancy is issued;
7. the zoning will be reviewed in six months by the Planning and Zoning Commission for compliance with parking, landscaping and outside storage requirements;
8. the zoning will be changed to its original zoning, Commercial, two years from the date of approval or when the property is vacated, changes in name, ownership or organization if said changes take place within two years.

The Council also approved a final plat on Newman Center No. 1. An ordinance authorizing the zone change was approved on first reading. A building permit may be issued upon approval of the second reading scheduled for *September 28th at 7:30 P.M.*

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

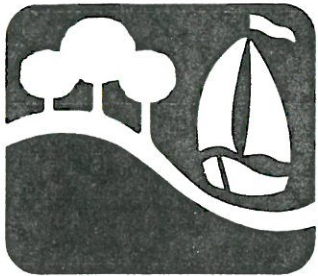
Sincerely,

*Mary Nichols*  
Mary Nichols  
Administrative Aide

205 West Rusk

Rockwall, Texas 75087

(214) 722-1111



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

September 23, 1987

Newman Associates  
2751 South Garland Avenue  
Garland, Texas 75083

Dear Mr. Newman:

On September 21st, the Rockwall City Council approved a final plat on Newman Center No. 1. The plat must be filed with the County within 120 days of the approval date or the approval becomes void. Please submit 16 executed copies of the plat and two mylars not later than December 30, 1987. Plats submitted after that date cannot be guaranteed timely filing.

Please also note that a Certificat of Occupancy cannot be issued until the plats are received.

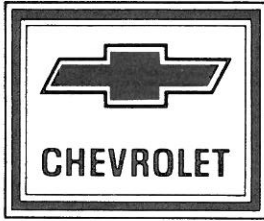
Feel free to call me if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Aide

CC: B.L.S. and Associates  
MN/mmp



# NEWMAN CHEVROLET, INC.

2751 S. Garland Avenue

Phone 278-8167

GARLAND, TEXAS 75041

August 18, 1987

Total Car Care  
1990 E. I-30  
Rockwall, Texas 75087

Dear Mr. & Mrs. Payne:

The purpose of this letter is to authorize you to file for a temporary zoning change on the property you have leased from me on the North side of Interstate 30 and approximately 300 feet West of Highway 205. Further described as a metal building located on a lot approximately 300 feet by 300 feet.

It is understood that this temporary zoning is to be for the length of your lease which will allow your business to comply with the proper Rockwall zoning.

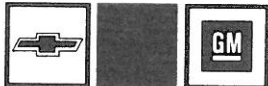
You have my permission to apply for this temporary zoning.

Yours truly,

NEWMAN ASSOCIATES

James E. Newman  
General Partner

JEN/wc



PARTNERSHIP AGREEMENT

Agreement executed by and between the undersigned for purposes of forming a general partnership.

1. Name: The name of the partnership shall be:

PAYNE ENTERPRISES dba TOTAL CAR CARE

2. Address: The original place of business shall be at:

1990 East Interstate 30  
Rockwall, Texas 75087

3. Nature of Business: The partnership shall engage in the business of automotive repair and service, and such other related activities as shall be agreed upon by the partners.

4. Duration: The partnership shall continue until terminated by mutual consent or dissolution by operation of law.

5. Capital: The initial capital and ownership interest shall be allocated as follows:

Partner	Amount	Ownership Interest
Clifford G. Payne, Jr.	$\$37,500.$	50%
Diane Payne	$\$37,500.$	50%

The partners shall contribute in proportionate shares any additional capital they may deem necessary for the operation of the business.

6. Loans by Partners: If any partner shall, with the written consent of the other partner, advance any monies to the partnership in excess of the capital contributed as set forth above, the amount of the monies so advanced shall be considered

as a loan to the partnership and shall bear interest of 6% until repaid.

7. Profit and Losses: The net profits and losses of the partnership shall be apportioned amongst the partners in accordance with their proportionate ownership interest.
  8. Management: The partners shall have equal rights in the management of the partnership business and any subsequent subsidiaries.
  9. Duties: Each partner shall devote his/her full time and best efforts on behalf of the partnership business.
  10. Salaries: The salaries for each partner shall be by agreement with the remaining partner(s).
  11. Books of Account: The partnership shall maintain adequate accounting records on an accrual basis of accounting, and open to inspection by each partner. The fiscal year shall end on November 30 of each year, beginning with November 30, 1987.
  12. Banking: All partnership funds shall be deposited with such banks as may be designated by the partners. Checks and withdrawals shall be issued only for partnership purposes and shall be signed by either partner. No employee of the partnership shall be granted signatory authority, unless an amendment to this clause is agreed upon by both partners.
  13. Authority: No parties shall, without the consent of the
-


other partners:

- a) Borrow money in the firm name for firm purposes or utilize collateral owned by the partnership as security for such loans.
- b) Assign, transfer, pledge, compromise or release any debts or obligations due the partnership, except upon payment in full.
- c) Enter into any contract, obligation or undertaking of the partnership except within the ordinary course of business.
- d) Make, execute and deliver any insolvency proceeding, confession of judgment, deed, guarantee, lease, bond, or contract to sell all or substantially all the property of the partnership.
- e) Pledge, hypothecate or in any manner transfer his interest in the partnership.

14. Termination: This partnership shall be terminated by death or material incapacity of any partner, mutual agreement, or upon request for termination by any one partner. Upon termination by reason of death, incapacity or request, the remaining partner shall have the right to continue the business of the partnership business on his/her own behalf or together with new or additional partners, provided they pay the terminated partner's estate the fair value of his/her partnership interest together with suitable indemnification for all their existing partnership obligations.
-

15. Arbitration: Any dispute or controversy herein shall be settled by arbitration in accordance with the rules of the American Arbitration Association and judgment upon the award rendered may be entered in any court having jurisdiction thereof.

In Witness thereto, the partners have executed this agreement this 1st day of December, 1986.

  
CLIFFORD G. PAYNE, JR.

  
DIANE PAYNE





STATE OF TEXAS  
COUNTY OF DALLAS

SHORT FORM COMMERCIAL LEASE

This lease agreement made and entered into by and between

*NEWMAN ASSOCIATES*

(hereinafter referred to as "Landlord"), and

PAYNE ENTERPRISES dba TOTAL CAR CARE  
(Clifford G. Payne, Jr. & Diane Payne)  
(hereinafter referred to as "Tenant");

WITNESSETH:

Landlord hereby leases to Tenant, and Tenant hereby takes from Landlord the following described premises situated within the County of Dallas, State of Texas:

*n/w corner HWY 205 & I-30  
APPROX. 1 AC.*

together with all the rights, privileges, easements and appurtenances belonging to or in any pertaining to the demised premises for a term of two (2) years beginning the 1st day of September, 1987, and ending the 30th day of September, 1989, to be occupied as tenants and not otherwise, paying therefor the sum of One Thousand Dollars PER MONTH (\$ 1000.00 ) Dollars, payable

upon the conditions and covenants following:

1. Each year during the term of this lease, Landlord shall pay real estate taxes assessed against the demised premises in an amount equal to the total real estate taxes assessed against the demised premises in the base year. Each year during the term of the lease, Tenant shall pay as additional rental, upon receipt of statement from Landlord along with tax statements or verification from proper authority, his pro rata share of any increase in real estate taxes over the base year on the property of which the demised premises form a part. Any increase in real estate taxes for a fractional year shall be prorated. The base year shall be 1987. Tenant shall also pay all charges for utility services to the demised premises.

2. Failure of Tenant to surrender the demised premises at the expiration of the lease constitutes a holding over which shall be construed as a tenancy from month to month at a rental of \$ 1000.00 per month.

3. Rent shall be paid in Dallas County, Texas, monthly in advance as the same shall become due.

4. Tenant has examined and accepts the premises, building, and each appurtenance thereto in their present condition as suitable for the purposes for which the same are leased, and agrees to accept the premises regardless of reasonable deterioration between the date of this lease and the date Tenant begins occupying the premises.

5. Landlord shall maintain in good repair the roof, foundation and exterior walls of the building. Tenant agrees to give Landlord written notice of defects and need for repairs of the roof, foundation or exterior walls. Landlord shall not be liable to Tenant for damage caused by the premises being or becoming out of repair until it has been notified of the necessity of repair by the Tenant and has had reasonable opportunity to repair the same.

6. Tenant shall maintain the premises and equipment, including plate glass, store front and entrances. Tenant shall, at its expense, keep the interior of the building, including the plumbing, closets, pipes, fixtures and air conditioning equipment, if any, in good repair and shall keep water pipes and connections free from ice and other obstructions. Tenant shall take good care of the premises and its fixtures and suffer no waste. If Tenant leases an entire building unit, Tenant shall be responsible for keeping the roof clean and downspouts open.

All alterations, additions and improvements, except trade fixtures and air conditioning and heating equipment installed at expense of Tenant, shall become the property of Landlord and shall remain upon and be surrendered with the premises as a part thereof on the termination of the lease.

No cooling tower, equipment, or structure of any kind shall be placed on the roof of the leased premises by Tenant without prior written permission of Landlord. If such permission is granted, such work or installation shall be done at Tenant's expense and in such a manner that the roof shall not be damaged thereby. If it becomes necessary to remove such cooling tower, equipment or structure, temporarily, so that repairs to the roof can be made, Tenant shall promptly remove and reinstall the cooling tower, equipment or structure at Tenant's expense and repair at Tenant's expense any damage resulting from such removal or reinstallation. Upon termination of this lease, Tenant shall remove or cause to be removed from the roof any such cooling tower, equipment or structure, if directed to do so by Landlord or Landlord's agent. Tenant shall promptly repair at its expense any damage resulting from such removal.

At the termination of this lease, Tenant shall deliver the premises in good order and condition, natural deterioration and damage by fire, or other casualty only excepted. Any damage caused by the installation or removal of Tenant's equipment, trade fixtures, air conditioning and heating equipment, shall be repaired at Tenant's expense prior to the expiration of the lease term.

All alterations, improvements, additions and repairs made by Tenant shall be made in a good and workmanlike manner.

7. Tenant shall comply with all ordinances of the municipal corporation or other governmental authority applicable to such premises because of Tenant's use of the premises. Tenant, at its expense, shall comply with all orders and requirements imposed by such governmental authorities during the term of this lease.

8. Tenant shall not assign this agreement or sublet the premises or any part thereof or make any improvements or alterations in or to the demised premises without the prior written consent of Landlord, which consent shall not be unreasonably withheld. Tenant shall not occupy or allow the premises to be occupied for any business or purpose deemed extra hazardous because of the threat of fire or otherwise. If consent is granted to assign or sublet the premises, Tenant shall remain principal obligor for the fulfillment of each and every condition of this lease. If consent is granted for the making of improvements or alterations to the premises, such improvements and alterations shall not commence until Tenant has furnished to Landlord a certificate of an insurance company showing coverage in an amount satisfactory to Landlord and protecting Landlord from liability for injury to any person and damage to any personal property, on or off the premises, in connection with the making of such improvements or alterations.

9. In the event the demised premises are partially damaged or destroyed or rendered partially unfit for occupancy by fire or tornado or other casualty, Tenant shall give immediate notice to Landlord who may repair the damage and restore the premises to substantially the condition in which they were immediately prior to the occurrence of the casualty. Such repairs shall be made at Landlord's expense. Landlord shall allow Tenant a fair reduction of rent during the time the premises are partially unfit for occupancy. If the premises are totally destroyed or deemed by the Landlord to be rendered wholly unfit for occupancy by fire, tornado or other casualty, or if the Landlord shall decide not to repair or rebuild, this lease shall terminate and the rent shall be paid to the time of such destruction or casualty.

10. If Tenant defaults in the performance of any obligations or covenants herein, Landlord may enforce the performance of this lease in any mode provided by law. This lease may be terminated at Landlord's discretion if such default continues for a period of 10 days after Landlord notifies Tenant of such default and of its intention to declare the lease terminated. Such notice shall be sent by Landlord to Tenant at the demised premises by mail or otherwise. If Tenant has not completely removed or cured default within the 10 day period, this lease shall terminate. Thereafter, Landlord or its agents shall have the right, without further notice or demand, to enter the premises and remove all persons and property therefrom without being deemed guilty of trespass and without waiving any other remedies for arrears of rent or breach of covenant. Landlord or Landlord's agents may resume possession of the premises and relet the same for the remainder of the term at the best rent obtainable for the account of Tenant, who shall make good any deficiency.

~~In addition to the statutory lien, Tenant hereby grants to Landlord a security interest in and to all the goods, wares, chattels, implements, fixtures, furniture, tools and other personal property which are or may be put on the demised premises by Tenant. Tenant shall execute such financing statements as shall be requested by Landlord in order to perfect Landlord's security interest hereunder. If, because of the breach or default by Tenant of any of Tenant's obligations hereunder, it shall become necessary for the Landlord to employ an attorney to enforce or defend any of Landlord's rights or remedies, Tenant shall pay to Landlord any reasonable amount incurred by Landlord as attorney fees.~~

*Handwritten initials and signature*

11. Landlord and its agents shall not be liable to Tenant or to Tenant's employees, patrons, visitors, invitees, or any other persons for any injury to any such persons or for any damage to personal property caused by any act, omission, or neglect of Tenant or Tenant's agents or of any other tenant of the premises of which demised premises are a part. Tenant agrees to indemnify and hold Landlord and its agents harmless from any and all claims for such injury and damage, whether the injury occurs on or off the demised premises.

12. Tenant shall not post or paint any signs at, on or about the premises or paint the exterior walls of the building except with the prior written approval of the Landlord. Landlord shall have the right to remove any sign or signs in order to paint the building or premises or to make any repairs or alterations. SEE #19.

13. If Landlord herein is not the owner of the demised premises, but holds the property by virtue of another lease, then this sublease is and shall remain subject to all terms and conditions of such existing lease of the Landlord so far as they shall be applicable to the demised premises.

14. If Tenant becomes bankrupt or makes a voluntary assignment for the benefit of creditors or if a receiver is appointed for Tenant, Landlord may terminate this lease by giving five (5) days written notice to the Tenant of its intention to do so.

15. If the whole or any substantial part of the demised premises is taken for any public or quasi-public use under any governmental law, ordinance or regulation or by right of eminent domain or should the premises be sold to a condemning authority under threat of condemnation, this lease shall terminate and the rent shall be abated during the unexpired portion of the lease effective from the date of the physical taking of the premises.

16. Landlord agrees to pay the within named Principal REALTOR a commission in cash equal to one (1) month ~~rent~~ rent (-----%) per cent of the total gross rental for negotiating this lease, payable upon occupancy.

If any options are granted to Tenant, Landlord agrees to pay to Principal REALTOR an additional commission on the date such options are exercised by Tenant, even if with changes. Should the term of the primary lease be for a shorter period than five (5) years, Landlord agrees to pay an additional commission on all hold-overs, renewals, new leases or rental agreements made by Landlord with Tenant relative to Tenant's first five year occupancy of the demised premises from this date. The commission due for each renewal will be calculated as if a new lease had been made for such period of time. If the premises are sold to the Tenant during the term of this lease or any renewal or extension thereof, or within 180 days following the expiration date of this lease, or any renewal or extension, Landlord will pay to Principal REALTOR a sales

commission in cash equal to four ( 4 %) per cent of the selling price of said property. All commissions

are payable in Dallas County, Texas.

Rockwall

If this lease is assigned or the premises are sold prior to the termination of the lease, Landlord, its assigns, successors, and heirs shall be jointly and severally liable for all REALTOR'S commissions due or to become due hereunder. Landlord will not transfer, convey or sell the premises without specific written agreement with the purchaser that all commissions due or to become due will be paid to Principal REALTOR when due by purchaser in connection with existing leases on the premises at the time the sale occurs.

If, on account of any breach or default by any party hereto in his or its obligations to Principal REALTOR, it shall become necessary for Principal REALTOR to employ an attorney to enforce or defend any of Principal REALTOR'S rights or remedies hereunder and should Principal REALTOR prevail, such parties agree to pay Principal REALTOR reasonable attorney fees in connection therewith.

17. No waiver by Landlord of any default or breach of any term, covenant, condition, agreement, provision, or stipulation herein contained shall constitute a waiver of any subsequent default or breach of the same or any other term, covenant, condition, agreement, provision or stipulation hereof.

18. This lease constitutes the full and final expression of the agreement between the parties and it may not be amended except by written instrument signed by all the parties.

19. SPECIAL CONDITIONS:

- 1. Tenant will have option to terminate lease after the expiration of one (1) year upon delivering in written form, 60-day prior notice to Landlord.
- 2. Landlord to repair or replace as necessary two (2) overhead doors and one (1) entry door.
- 3. Tenant will install signage as follows:  
 South side: 18" lighted letters  
 East side: 24" blue plexiglass letters  
 North & West: 24" wood letters and phone number

EXECUTED the 10<sup>th</sup> day of August, 1987.

LANDLORD:

ATTEST:

\_\_\_\_\_

X Newman Associates  
By J. E. Neuman  
Title Partner

TENANT:

ATTEST:

\_\_\_\_\_

X Clifford G. Payne, Jr.  
By Clifford G. Payne, Jr.

General Partner

Title

REALTORS:

N/A

Principal REALTOR, Member of the  
GREATER DALLAS BOARD OF REALTORS, INC.

Diane Payne  
By Diane Payne

General Partner

Title

By

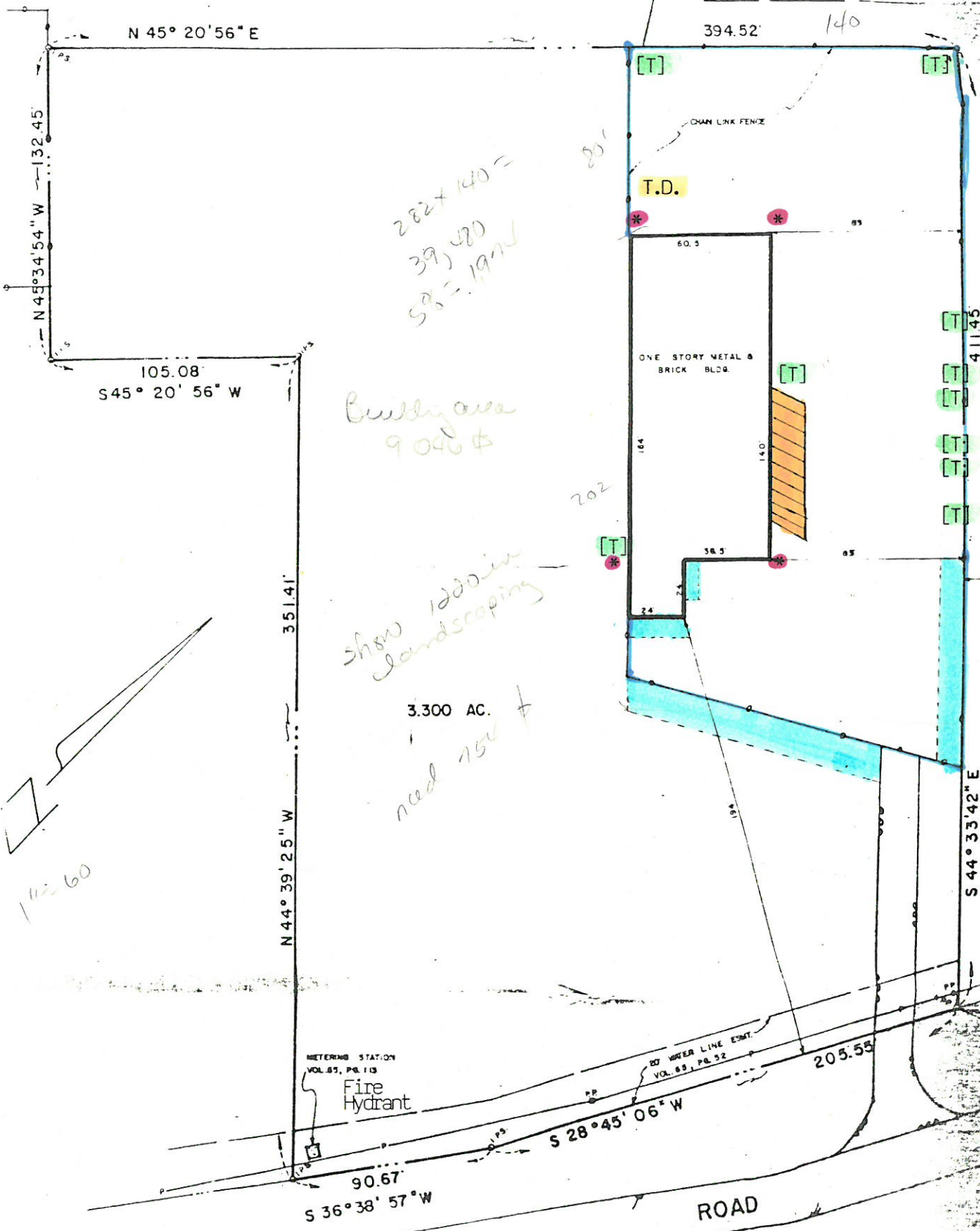
REAL ESTATE UNLIMITED

Cooperating REALTOR\*

Joni Mitchell  
By JONI MITCHELL, BROKER ASSOCIATE

\*NOTE: If this lease agreement is negotiated by Principal REALTOR in cooperation with another REALTOR, Landlord shall be liable for payment of all commissions to Principal REALTOR only, whereupon it shall be protected from any claims from said Cooperating REALTOR.

- \* Existing pole lights
- [T] Existing trees
- [C] Proposed landscaping
- T.D. Trash Dumpster site
- [Hatched] Parking Area
- [Blue Line] Chain Link Fence



*282 x 140 =  
39,480  
50% = 19,740*

*Building area  
9,040 sq ft*

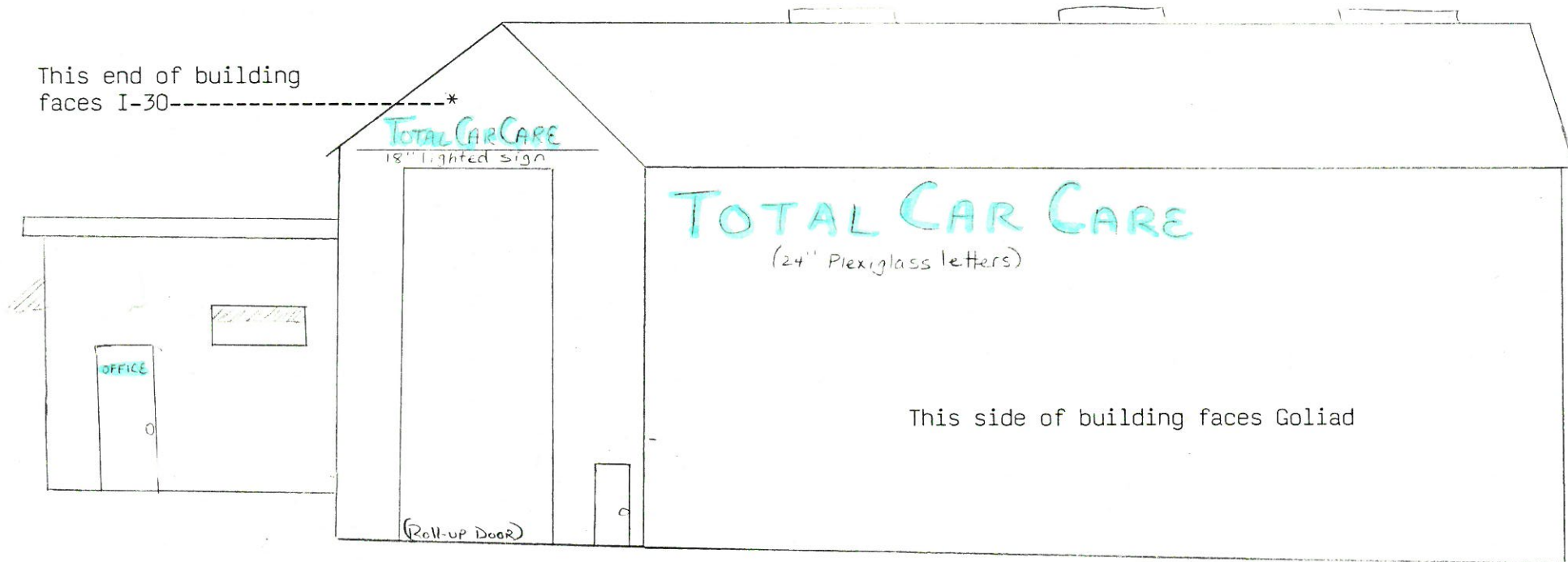
*show 1000 sq ft  
landscaping*

*3,300 AC.  
need 750 sq ft*

*142,600*

I. H. NO. 30

Location unknown  
T.P. & L. Easement Volume  
T.P. & L. Easement Volume  
L.S. Gas Easement Volume



This (very basic) drawing is provided to illustrate the placement of our signs.

Agenda Notes

Planning & Zoning Commission - 9/8/87

IV. C. P&Z 87-56-FP/Z/SP - Hold Public Hearing and Consider Approval of a Request from Diane Payne For a Temporary Change in Zoning from "C" Commercial to "PD" Planned Development and Auto Repair, Retail and Office Uses, and a Site Plan

Consider Approval of a Final Plat on Newman Center No. 1 on 3.3 Acres Located on North I-30

We have received a request to consider approval of a temporary change in zoning from "C" to "PD" for the site located between Andrews Ford and the Walmart Shopping Center entrance on I-30 to be used for auto repair, retail sales of auto parts and office uses.

The Paynes currently have their auto repair facility, Total Car Care, located on I-30 east of SH-205. They had negotiated a lease to relocate their business to the proposed location on September 1st. They had planned to lease this site on a temporary basis until they determine where they would like to permanently locate. The current owner does have plans to utilize the site for a dealership in the future.

They had not checked with the City to see if the proposed site could be occupied for their use. The proposed site does not have the proper zoning and it has never been platted or site planned.

The use proposed by the Paynes would require either "HC" or "LI" zoning. The property is currently zoned "C". As the Commission is aware, the Council has established a policy that "HC" should be located off of I-30, which does not make that classification viable for this site. Additionally, this area is Commercial and Light Industrial zoning would not necessarily be compatible with development in this area. The Paynes and the property owner are aware of these concerns with permanently zoning the property for their use. Because they only want to use the site on a temporary basis, they are requesting that a temporary PD zoning be considered in order to allow them time to find a permanent location. They propose to use the site for 2 years at which time the PD could be reviewed or the zoning reverted back to its current zoning. They propose to store all of the vehicles on the site inside the existing building, so they would not need any outside storage. The existing building is a metal building that has not been used for anything other than miscellaneous storage for the past several years. Because they are proposing a temporary use, they do not want to spend a great deal of money on the existing site. They plan to repaint the existing building, so some landscaping and put in a rock parking lot. They do not want to put in an irrigation system, or a concrete parking lot at this time. We had asked them to prepare a plan showing what is there and what they plan to do. A copy of this

plan is attached. If the Commission and Council wish to consider this request all conditions that would be placed on the PD need to be included in the motion. Some conditions that should be considered, at a minimum, are as follows:

1. That the zoning is temporary and will expire at the end of two years, at which time the zoning would revert to "C".
2. That no outside storage or display shall be utilized on the site.
3. That all proposed improvements be completed.

In addition to zoning the property, it must be platted in order to be issued a building permit. A copy of the plat is attached. It does meet all of our requirements. It is our understanding that the property owner wishes to plat the property, whether the zoning is approved or not, as it will need to be done in order to utilize the property.

Agenda Notes

Planning & Zoning Commission - 9/10/87

- IV. C. P&Z 87-56-FP/Z/SP - Hold Public Hearing and Consider Approval of a Request from Diane Payne for a Temporary Change in Zoning from "C" Commercial to "PD" Planned Development with Auto Repair, Retail and Offices Uses, and a Site Plan

Consider Approval of a Final Plat on Newman Center No. 1 on 3.3 Acres Located on North I-30

In reviewing the site plan for the total car care request there were several items that the applicant needed to address. The landscaping required for the area that is going to be used is 1,974 square feet. They were initially showing only 1,220 square feet. Additionally, they are required to provide 42 parking spaces rather than the 10 they are showing. They have the room and all of the existing area that is fenced is rocked, so they have the space to meet the requirements if the waiver to the parking lot standards is granted. They have revised their plan to show the required amount of parking and landscaping which they will maintain. A copy will be available for review Thursday night.



CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: June 9, 1988

AGENDA NO. IV. A.

AGENDA ITEM: Review of Total Car Care

ITEM GENERATED BY: Staff

ACTION NEEDED: Review performance of PD-28 and determine if public hearings are necessary

BACKGROUND INFORMATION:

When the temporary PD zoning was granted for Total Car Care a condition was placed in the ordinance that the zoning would be reviewed by the Planning and Zoning Commission six months after approval of the ordinance for compliance with the parking, landscaping and outside storage requirements of the site plan and ordinance. The approved plan contained provisions that no outside storage be allowed and the approved plan also indicated certain areas that would be landscaped. Generally the outside storage requirements appear to have been met, however there has recently been some overnight parking. Ms. Payne is aware that this is not allowed and has taken steps to eliminate it. The landscaping indicated on the plan was not specified as to type of plant material, however she did indicate that she would install additional plant materials in the indicated areas. Some plants exist in some of the areas, but not in others. She has indicated that she did plant additional items, but some of them have since died. she does plan to replace them . I would recommend that they be replaced within the next thirty days. Other than these items, they have generally complied with the provisions of the plan. If you determine that the conditions have not been substantially met you could recommend to the Council that hearings be initiated to determine if the zoning should be changed.

We have notified the owner of the business that the PD will be reviewed and they will be here Thursday night to answer any questions.

ATTACHMENTS:

1. Location Map
2. Ordinance governing PD-28
3. Approved site plan

AGENDA ITEM:Total Car Care Review

ITEM NO: IV. A.

MINUTES OF THE PLANNING AND ZONING COMMISSION

June 9, 1988

Interim Chairman Tom Quinn called the meeting to order with the following members of the Commission present; Leigh Plagens, Mike Reid, Robert Wilson, Bill Sinclair, and Hank Crumbley.

The first order of business was to elect a chairperson. Plagens made a motion to appoint Tom Quinn as Chairman. Crumbley seconded the motion. Sinclair moved to close nominations. Crumbley seconded the motion. Both motions were voted on and passed unanimously with Quinn abstaining. The Commission then considered appointment of a vice-chairman. Crumbley nominated Bob McCall. Assistant City Manager Julie Couch pointed out that Mr. McCall would be out of town most of the summer. Sinclair nominated Leigh Plagens who declined the nomination. Plagens nominated Bill Sinclair. Reid seconded the nomination. The motion was voted on and passed with all in favor except Sinclair who abstained from voting.

The Commission then considered approval of the minutes of May 12, 1988. Sinclair made a motion to approve the minutes as submitted. Plagens seconded the motion. The motion was voted on and passed with all in favor except Reid and Wilson who abstained from voting.

The next item on the agenda was to hold a public hearing and consider approval of a request from Michael Stephenson for a Conditional Use Permit for a Private Club for a proposed restaurant to be located with the Harbor, a development located off the south service road of I-30 at Lake Ray Hubbard. The Commission opted to postpone consideration of this item until later in the meeting pending the arrival of the applicant or his representative.

The Commission then held a public hearing and considered approval of a proposed landscape ordinance. Couch outlined in general the provisions of the ordinance which would

- \* eliminate landscape requirements from the zoning ordinance and place them in a regulatory ordinance
- \* provide for submission of a formal landscape plan during the site plan process
- \* require certain buffers between commercial properties and arterial streets
- \* require certain buffers between commercial properties and residential properties
- \* defines acceptable landscaping plants and materials
- \* defines certain prohibited plants and landscaping materials in and around rights of way and easements
- \* required masonry screens to meet City standards
- \* Provided for minimum landscaping and maintenance requirements within

rights of way

- \* raised the current minimum of interior landscaping in parking areas from 2% to 5% and provided for a certain number of trees on lots of 20,000 square feet or more

- \* provided certain screening requirements for trash receptacles

- \* raised the overall minimum landscaping requirement by 5% in each category while providing for certain credits to be given for enhanced landscaping which could reduce the percentage back to the current minimums (except that Commercial properties shall be required to meet a 10 % landscaping requirement regardless of credits).

Quinn opened the public hearing and as there was no one wishing to address the Commission on this issue the public hearing was closed. Sinclair pointed out some technical and typographical corrections and changes that could be made in the ordinance. The Commission discussed some specific changes with regard to screening of off-street loading docks. Discussion centered on whether to require screening for docks in industrial areas which did not face an arterial street. The Commission discussed requirements for off street loading docks in Commercial zoning categories and off street loading docks in Industrial areas which faced or had frontage on an arterial street. Sinclair made a motion to recommend approval of the proposed landscape ordinance with specific changes which he had previously outlined and providing that section VI.B.3 read as follows "The screening must be at least three feet in height utilizing only evergreen planting materials, berms, and masonry walls." Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a replat of a portion of the Sanger Addition. Couch explained that the lot was originally platted as one lot which was 200 feet deep and had 100 feet of frontage on two streets, and was currently owned by two persons. She stated that while there was a house on one side of the lot, the other side was vacant but could not be built on unless replatted as two homes could not be built on one lot. Couch explained that the property owners planned to live in the house once constructed and was therefore also requesting a waiver of the escrow requirements. Marilyn Slaughter, representing the applicant Nell Papas, offered to answer questions. Reid made a motion to approve the replat and the requested waiver of escrow requirements for street improvements. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing a considered approval of a request from Michael Stephenson for a Conditional Use Permit for a private club for a proposed restaurant to be located within the Harbor, a development located off the south service road of I-30 at Lake Ray Hubbard. Quinn opened the public hearing and as there was no one present wishing to address the commission on this issue, the public hearing was closed. Upon discovery that the applicant was not present, Plagens made a motion to postpone action on the item until the next worksession. Crumbley seconded the motion. The motion was voted on and passed unanimously.

[The Commission then discussed PD-28, Total Car Care and reviewed the

Planned Development for compliance with parking, landscaping, and outside storage requirements as specified in the ordinance authorizing the PD. Couch outlined the provisions within the ordinance and explained that although the applicant had installed some landscaping, the shrubs had not survived. Diane Payne stated that although she did leave vehicles outside overnight while waiting to be picked up or repaired, she did not store anything outside. Couch explained that any vehicles parked outside overnight that did not belong to an employee were considered outside storage. Payne suggested making some amendments in her site plan regarding areas of landscaping and amending the listed uses within PD-28 to allow outside storage with a minimum number of allowed vehicles to be stored outside. Couch explained that these changes would require a public hearing to amend the PD ordinance. Plagens made a motion to instruct the applicant to submit the necessary application so that the Commission may consider the amendments requested at a public hearing at the next regular meeting of the Commission. Crumbley seconded the motion. Sinclair offered an amendment to clarify that the amendments to be considered would be a revision in the development plan pertaining to landscaping and listed uses. Plagens seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

The Commission then reviewed a Conditional Use Permit issued for a temporary gun club located on FM-549 between I-30 and SH-276. Couch explained that when the CUP for the gun club was issued, one of the requirements in the ordinance authorizing the permit state that the Commission would review the permit in one year to verify that all conditions had been complied with and that no development had occurred adjacent to the property. Frank Springer, the applicant, explained to the Commission that no changes had been made since the permit had been approved and that it appeared that there were no present plans for development in the proximity.

The Commission then considered approval of a site plan for a proposed Whataburger restaurant to be located on I-30 west of SH-205. Couch explained that the wood paneling shown on the elevations drawings would be stucco to meet the 90% masonry requirements, that the front drive lane would be changed from 20 feet to the required 24 feet in width, that some additional landscaping needed to be provided in the front of the building, and that the applicant proposed to meet the required parking minimums through a shared access agreement with Folsom Properties. John Heiman Jr., Whataburger of Mesquite, addressed the Commission regarding proposed landscaping and parking. After a lengthy discussion regarding landscaping, drive locations, and maneuverability, Sinclair made a motion to approve the site plan subject to submission and approval of a grading and drainage plan by the City Engineer, and providing that the curb shown along the east parking area be expanded to a two to three foot landscaped area to connect the island at the east entrance into the site to the landscaping around the dumpster location. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for the Roadrunner Addition and a site plan for a proposed convenience store to be located at I-30 and FM-740. Couch explained that the Commission might consider requesting landscaping of the right of way with grass, brick treatment of the supports for the gasoline canopy, and requiring a cross access

easement to be dedicated and a grading and drainage plan to be approved prior to issuance of a building permit. She further explained that the plat did not meet the minimum site size requirements for sites with frontage along I-30 but that application had been made for appearance before the Board of Adjustments. She added that approval of the plat should be contingent upon approval of the variance request by the Board of Adjustments. Michael Craven, Truman Arnold Company, showed photographs of other Roadrunner stores and stated that extensive market studies and traffic reviews had been conducted prior to deciding on this location. The Commission discussed with Craven extending the parapet around the entire building, bricking the gasoline canopy support columns, landscaping the right of way, hours of operation proposed and the color scheme. After a lengthy discussion, Plagens made a motion to recommend approval of the final plat subject to approval of a variance to the minimum site size requirements by the Board of Adjustments and approval of the site plan subject to 1) bricking the support columns for the gasoline canopy, 2) dedication of a cross access easement 3) submission and approval of a grading and drainage plan by the City Engineer 4) extension of the parapet around the entire roof line 4) screening of the dumpster. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a site plan for a One Stop convenience store to be located at SH-66 and Lakeshore Drive. Couch outlined the applicant's site plan and explained the necessary amount of right of way for future improvement of SH-66. The Commission discussed the drive separation proposed of 173 feet, proposed landscaping to provide a buffer between the store's lot and the adjacent residential properties. Tom Welch, representing the applicant, stated that he proposed to screen the dumpster, that the lot contained more than the minimum amount of landscaping, that the lighting would be directional to prevent spillage, and that some ligustrums would be planted along the south property line to screen the residences. Sinclair made a motion to recommend approval of the site plan subject to the following conditions: 1) that the lighting be directional for minimal spillage 2) that cross access easements be provided to the east 3) allowing less than 200 feet drive separation 4) that a grading and drainage plan be submitted to and approved by the City Engineer prior to issuance of a building permit 5) that a fire hydrant be installed. Plagens seconded the motion. The motion was voted on and passed with all in favor except Reid who abstained from voting.

As there was no further business to come before the Commission for consideration, the meeting adjourned at 11:30 P.M.

Julie Couch

Thomas E. Plagens  
Chairman

Agenda Notes

City Council - 9/21/87

P&Z 87-56-FP/Z/SP - Hold Public Hearing and Consider Approval of a Request from Diane Payne For a Temporary Change in Zoning from "C" Commercial to "PD" Planned Development and Auto Repair, Retail and Office Uses, and a Site Plan

Consider Approval of a Final Plat on Newman Center No. 1 on 3.3 Acres Located on North I-30

We have received a request to consider approval of a temporary change in zoning from "C" to "PD" for the site located between Andrews Ford and the Walmart Shopping Center entrance on I-30 to be used for auto repair, retail sales of auto parts and office uses.

The Paynes currently have their auto repair facility, Total Car Care, located on I-30 east of SH-205. They had negotiated a lease to relocate their business to the proposed location on September 1st. They had planned to lease this site on a temporary basis until they determine where they would like to permanently locate. The current owner does have plans to utilize the site for a dealership in the future.

They had not checked with the City to see if the proposed site could be occupied for their use. The proposed site does not have the proper zoning and it has never been platted or site planned.

The use proposed by the Paynes would require either "HC" or "LI" zoning. The property is currently zoned "C". The Council has established a policy that "HC" should be located off of I-30, which does not make that classification viable for this site. Additionally, this area is Commercial and Light Industrial zoning would not necessarily be compatible with development in this area. The Paynes and the property owner are aware of these concerns with permanently zoning the property for their use. Because they only want to use the site on a temporary basis, they are requesting that a temporary PD zoning be considered in order to allow them time to find a permanent location. They propose to use the site for 2 years at which time the PD could be reviewed or the zoning reverted back to its current zoning. They propose to store all of the vehicles on the site inside the existing building, so they would not need any outside storage. The existing building is a metal building that has not been used for anything other than miscellaneous storage for the past several years. Because they are proposing a temporary use, they do not want to spend a great deal of money on the existing site. They plan to repaint the existing building, install some landscaping and add to the existing rock parking lot. They do not want to put in an irrigation system, or a concrete parking lot at this time. We had asked them to prepare a plan showing what is there and what they plan to do. A copy of this plan is attached. If the Council wishes to consider this request all conditions that would be placed on the PD need to be included in the motion.

In addition to zoning the property, it must be platted in order to be issued a building permit. A copy of the plat is attached. It does meet all of our requirements. It is our understanding that the property owner wishes to plat the property, whether the zoning is approved or not, as it will need to be done in order to utilize the property.

The Planning & Zoning Commission has recommended that the request for a temporary PD be approved with the following conditions:

1. The PD zoning will be reviewed by the Planning & Zoning Commission one year from the date approved by Council for compliance with parking, landscaping, and outside storage requirements.
2. The zoning will revert to Commercial two years from the date of approval or when the property is vacated, changes in name, ownership or organization if said changes take place prior to expiration of two years.
3. No outside storage will be allowed.
4. All improvements, including landscaping, will be completed within 60 days from the date issued a Certificate of Occupancy.
5. Waiving irrigation requirements.
6. Allowing a gravel drive and gravel parking area.

MINUTES OF THE ROCKWALL CITY COUNCIL  
September 21, 1987

Mayor Frank Miller called the meeting to order at 7:00 P.M. with the following members present: Nell Wellborn, Ken Jones, Jean Holt, John Bullock, Bill Fox and Pat Luby.

The Council first considered approval of the Consent Agenda which consisted of: (a) the minutes of the regular meeting and Special Session September 8, 1987 (b) an ordinance regulating the temporary sale of Christmas Trees on second reading (c) an ordinance amending Ordinance 86-51 pertaining to conformance with screening requirements on second reading (d) an ordinance amending the Comprehensive Zoning Ordinance as it pertains to accessory structures in residential areas on second reading (e) an ordinance amending the Code of Ordinances to regulate parades within the City on second reading (f) an ordinance regulating wrecker operations within the City on second reading (g) an ordinance regulating mass gatherings on second reading (h) a resolution commending Fran Bagley for community involvement, and (i) a resolution commending Barbara Hill for community involvement. Assistant City Manager Julie Couch read the ordinance captions. Welborn pulled the minutes of September 8. Holt pulled items H and I. Bullock made a motion to approve the Consent Agenda minus these items. Jones seconded the motion. The same was voted on and carried unanimously.

Welborn pointed out a verbal correction in the minutes. She made a motion to approve the minutes with the correction. Bullock seconded the motion. The motion was voted on and passed unanimously. Holt requested items H and I be read in their entirety. Couch read both resolutions aloud. Jones made a motion to approve both resolutions. Holt seconded the motion. The motion was voted on and passed unanimously. Miller presented framed resolutions to Ms. Bagley and Ms. Hill and thanked them for their contributions toward a better community.

Don Smith gave the Planning & Zoning Chairman's report in which he discussed items on the agenda which had been considered by the Commission and he outlined the Commission's recommendation on each.

Randy Taggart at 403 E. Boydston addressed the Council to request a 30 day extension regarding enforcement of special restrictions in the revised animal control ordinance pertaining to Pit Bull dogs. He asked Council to consider amending the ordinance to enforce the same requirements for pit bulls on other potentially dangerous dog breeds. Council discussed the insurance requirement, the severity of injuries inflicted by



pit bulls as opposed to other breeds, and the number of identified pit bulls within the City limits. Police Chief Bruce Beaty told Council that within the last six months, the last five dog bite fatalities had been inflicted by pit bulls. He added that 8% of all dog related fatalities were by pit bulls, a breed that represents only 2% of the dog population in the U.S. Frank Faus told Council that pit bulls had gained notoriety through irresponsible owners. He asked Council to regulate vicious dogs as done in Farmers Branch without singling out one breed. Welborn made a motion to postpone implementation of specific requirements for pit bulls until November 1 pending further study of the ordinance regarding the inclusion of other vicious breeds. Jones seconded the motion. Bullock offered an amendment to the motion to include in the study, a review of the Farmers Branch ordinance. Miller seconded the motion. The amendment was voted on and passed unanimously. The motion as amended passed 6 to 1 with Luby voting against the motion.

Virginia Peddie of 106 Joe White told Council that the ordinance was discriminatory. She complained of ill treatment upon receipt of a notice of violation to the ordinance. Welborn stated that Chief Beaty had probably reviewed the circumstances and that conduct of personnel should be discussed in Executive Session. John Peddie expressed displeasure regarding the incident and stated that he didn't think the number of dogs a person owned should be governed by ordinance.

Ray Helm addressed Council to discuss procedures for determining appraisal values, particularly agricultural properties. He outlined guidelines of the State for determining agricultural exemptions, provided a survey of other cities' total appraised values compared to amounts of agricultural exemptions, and discussed the appeal process for persons denied an agricultural exemption. Council discussed with Helm the amount of exemptions in Rockwall, percentages of increased value assigned by the State, and a State requirement that tied an agricultural exemption to the use of the land and not the percentages of income received from the land. Hal Davenport, a member of the Appraisal District Board of Directors, stated that the same concerns expressed by the Council were problems that existed all over the State.

Bob Dransfield then addressed Council to discuss self-insurance. He explained some advantages of self-insurance, discussed re-insurance and pointed out the need for actuarial studies due to a lack of accumulated research on history of claims.

Council then considered approval of an agreement with the Wyatt Company for actuarial services. Welborn made a motion to approve the agreement. Bullock seconded the motion. Council briefly discussed insurance bids that would be advertised in January. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of an ordinance authorizing a change in zoning from "SF-10" Single Family to "GR" General Retail on a portion of a lot located at 106 Ross Avenue. Eloise Cullum told Council that the existing building was being renovated in an attempt to upgrade the area. She stated that she did intend to curb and gutter. Jones made a motion to approve the request and the ordinance on first reading. Holt seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of an ordinance authorizing a conditional use permit for a church site located at SH-205 and Damascus Rd. Couch explained that the church existed when the Zoning Ordinance was adopted requiring a CUP for church facilities in residential areas. The First Methodist Church was now required to obtain a CUP prior to expansion. Richard Slaughter told Council that the church proposed to add a music room, classrooms and a fellowship hall. Couch read the ordinance caption, Bullock made a motion to approve the ordinance. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a temporary change in zoning from "C" Commercial to "PD" Planned Development with auto repair, retail and office uses. Couch explained that the applicant had leased the property thinking auto repair was an allowed use. The only other appropriate zoning category would be heavy commercial. Couch pointed out that the Land Use Plan recommended heavy commercial to be located away from the interstate, and the applicant had therefore requested PD zoning for 2 years, allowing time to relocate. She explained the recommendations of the Planning and Zoning Commission, outlined the site plan and discussed proposed improvements. Diane Payne explained that the location was temporary as she preferred another location and the owner intended to use the property for auto sales in the future. Council discussed prohibiting outside storage, paint and body, and construction of additional buildings. After additional discussion, Fox made a motion to approve the site plan and an ordinance authorizing a change in zoning subject to (1) no outside storage (2) no paint and body (3) no additional construction (4) review of zoning by the Commission in six months for compliance with parking, landscaping, and outside storage requirements, and (5) all the recommendations of the Commission which were to change

the zoning back to Commercial in 2 years or when the company changes in name, ownership or organization if said changes take place prior to two years, requiring all improvements to be completed within 60 days of issuance of a certificate of occupancy, waiving irrigation requirements and allowing a gravel drive. Bullock seconded the motion. The motion was voted on and passed unanimously. Fox then made a motion to approve a final plat for Newman Center No. 1. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a final plat for the Barz Acre, a .917 acre tract of land located at 222 Quail Run Road. Couch outlined circumstances surrounding the issuance of a building permit to build a house on an unplatted lot, explained that the applicant would need to dedicate 25 feet of right-of-way and that the Commission had recommended a waiver of escrow requirements estimated at \$4600. Fox confirmed that when sewer became available the applicant would be required to tie on. Welborn made a motion to approve the final plat requiring dedication of 25 feet of right-of-way and waiving street escrow requirements. Bullock seconded the motion. The motion was voted on and passed unanimously.

James Flinchum, 609 Sunset Hill, addressed Council to discuss a proposed ordinance requiring notification when certain construction takes place in residential areas. Flinchum told Council of an incident where construction in an easement left a deep ditch less than two feet from his residence. He urged Council to require two weeks notice, a contact, a temporary fence and a clear definition of who assumed liability. City Attorney Pete Eckert stated that City requirements regarding direction of screening would result in the City assuming liability. The Council discussed requiring the contractors to return the property to its original condition as opposed to "good maintainable" condition as stated in the proposed ordinance. Director of Public Works Ed Heath pointed out that residents sometimes planted shrubbery, built fences or poured concrete over an easement. Eisen suggested staff review the ordinance and develop another recommendation addressing these items. Holt made a motion to table the ordinance. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then continued a public hearing and considered approval of a change in zoning from "SF-10" Single Family to "PD" Planned Development on 97 acres located North of Alamo. Harold Evans presented a site plan and outlined changes made in the plan based on Council direction indicated at the Worksession. Sanders Thompson asked Council to allow a minimum of 262 lots and a maximum of 275. Council discussed the number of lots

under 8000 square feet, the location of 10,000 square feet and the proposed park land. Eckert reminded Council that by ordinance PD's were reviewed every two years. Couch outlined recommendations of the Commission including (1) a minimum 7000 square foot lot size and 2F-7 area requirements (2) a minimum 1500 square foot dwelling (3) dedication of park land prior to platting (4) completion of a traffic analysis prior to platting (5) determination of the final alignment of North Lakeshore Drive prior to platting and (6) providing a phasing plan prior to development if development is planned in stages. Holt made a motion to approve the zone change including all the previously listed conditions, allowing a minimum of 262 lots with percentages of lot sizes generally as submitted, and providing that 50% of all lots in excess of 262 will be over 8000 square feet. Jones seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance amending the Comprehensive Zoning Ordinance to add a Scenic Overlay District to the list of zoning categories. Couch outlined changes in the ordinance made resulting from direction received in the Worksession. Welborn made a motion to approve the ordinance. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an amendment to the Sign Ordinance to provide special restrictions for signs within the Scenic Overlay District. Couch outlined the requirements in the ordinance and read the ordinance caption. Jones made a motion to approve the ordinance. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of (1) an ordinance setting the 1987 tax rate at .3400 per \$100.00 valuation, levying taxes and continuing the over 65 homestead exemption (2) an ordinance adopting the 1987-1988 operating budget (3) a resolution approving the 1987-88 revenue sharing budget (4) an ordinance approving the amended 1986-87 operating budget and (5) a resolution approving water and sewer rates for 1987-88 fiscal year. Welborn made a motion to approve all five items. Fox seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an agreement with the City of Heath for Animal Control. Eisen explained that Rockwall would provide emergency animal control service to Heath as outlined in the agreement. Council discussed the charges for service and impound fees. Jones made a motion to approve the agreement. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered appointing auditors to conduct the 1986-87 annual audit. Eisen addressed some concerns Council had regarding contracting Arthur Andersen for another year. Director of Finance Michael Phemister stated that a specific time table would be adhered to and the books would be closed making the audit easier to conduct than in previous years. Fox made a motion to appoint Arthur Andersen to conduct the audit. Bullock seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution appointing Michael Phemister to the Rockwall Property Finance Authority Board of Directors. Fox made a motion to approve the resolution. Holt seconded the motion. The motion was voted on and passed unanimously.

Council then adjourned into Executive Session to discuss personnel regarding appointments to the Airport Planning Committee. Upon reconvening into regular session, the following people were appointed: John Bullock, Ken Jones, Lyn Broyles, James Flinchum, Keith Barrett and Bobby Holt. Broyles, Flinchum, and Barrett were appointed pending acceptance of the positions and Holt was appointed pending acceptance and confirmation that the Charter allowed the appointment.

As there were no further items to come before the Council for consideration, the meeting was adjourned at 12:45 A.M.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_

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 10th day of September, 1987,  
in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the  
request \_\_\_\_\_ of Diane Payne  
for a \_\_\_\_\_ change in zoning from "C" Commercial to "PD" Planned Development  
with heavy commercial uses, including paint and body, automobile repair,  
\_\_\_\_\_ accessory retail and office uses for a period of two years on the follow-  
ing described property:

3.3 acres located on North I-30 west of SH-205 further  
described on the attached.

As an interested property owner, it is important that you attend this  
hearing or notify the Commission of your feeling in regard to the matter  
by returning the form below. The decision of the Planning and Zoning  
Commission will be a recommendation for approval or denial which will be  
forwarded to the City Council for a final decision. In replying please  
refer to Case No. P&Z 87-56-FP/SP/Z

Mary A. Nichols  
City of Rockwall, Texas

The following form may be filled out and returned as soon as possible to  
the City Planning and Zoning Commission, 105 West Rusk Street, Rockwall,  
Texas 75087.

Case No. P&Z 87-56-FP/SP/Z

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

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

- 1.
- 2.
- 3.

Signature \_\_\_\_\_

Address \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF ROCKWALL

Whereas, Newman Associates, being owners of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

Being, a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being those two tracts as conveyed to D.R. Florence as recorded in Volume 71, page 191 and Volume 64, page 600, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at a point on the Northwesterly line of Interstate Highway No. 30, said point being the south corner of Rockwall Central Shopping Center and the east corner of said tract in Volume 64, page 600, an iron stake for corner;

Thence, S.28°45'06"W., along the northwest line of Interstate Highway No. 30, a distance of 205.55 feet to an iron stake for corner;

Thence, S.36°38'57"W., along the northwest line of Interstate Highway No. 30, a distance of 90.67 feet to an iron stake for corner;

Thence, N.44°39'25"W., leaving said Highway, a distance of 351.41 feet to an iron stake for corner;

Thence, S.45°20'56"W., a distance of 105.08 feet to an iron stake for corner;

Thence, N.45°34'54"W., a distance of 132.45 feet to an iron stake for corner;

Thence, N.45°20'56"E., a distance of 394.52 feet to an iron stake for corner;

Thence, S.44°33'42"E., a distance of 411.45 feet to the PLACE OF BEGINNING and containing 3.300 acres of land.

Newman Center No 1

8 sent

AB 65 TR 10 Newman Associates  
TR 9 2751 S Garland Ave  
Garland 75041

AB 65 TR 11 Tolson Investments Inc  
c/o Property Tax Analysts  
P.O. Box 36425  
Dallas 75235

AB 65 TR 13 Peggy Cozay  
521 Kathy Dr  
Mesquite 75149

AB 65 TR 11-3 Rockwall Central Shopping Center JV  
~~1448~~ 16475 Dallas Parkway Suite 8  
Dallas 75248

Walmart Properties Inc.  
P.O. Box 116  
Attention Vernon Stone  
Bentonville, AR 72712

John A Albritton  
P.O. Box 822  
Rockwall, TX 75087

Andrews Ford Inc  
P.O. Box 125

Robert W. Andrews  
P.O. Box 125



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 10th day of \_\_\_\_\_ September, 1987,  
in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the  
request \_\_\_\_\_ of Diane Payne  
for a \_\_\_\_\_ change in zoning from "C" Commercial to "PD" Planned Development  
with heavy commercial uses, including paint and body, automobile repair,  
accessory retail and office uses for a period of two years on the follow-  
ing described property:

3.3 acres located on North I-30 west of SH-205 further  
described on the attached.

As an interested property owner, it is important that you attend this  
hearing or notify the Commission of your feeling in regard to the matter  
by returning the form below. The decision of the Planning and Zoning  
Commission will be a recommendation for approval or denial which will be  
forwarded to the City Council for a final decision. In replying please  
refer to Case No. P&Z 87-56-FP/SP/Z

Mary A. Nichols  
City of Rockwall, Texas

The following form may be filled out and returned as soon as possible to  
the City Planning and Zoning Commission, 105 West Rusk Street, Rockwall,  
Texas 75087.

Case No. P&Z 87-56-FP/SP/Z

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

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

1. It is a temporary request
2. Many improvements will be made to the property over its present condition
3. Very little variance from the present zoning to the requested temporary zoning.

Signature Newman Associates  
Address 2751 S. Garland ave  
Garland, Tex 75041  
By J.S. Newman, General Partner

BEFORE THE ROCKWALL CITY COUNCIL  
CITY OF ROCKWALL, TEXAS

The Rockwall City Council will hold a public hearing at 7:00  
o'clock P.M. on the 21st day of September, 1987  
in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at  
the request of Diane Payne  
for a change in zoning from "C" Commercial to "PD" Planned Development with heavy  
commercial uses, including paint and body, automobile repair, accessory retail and  
office uses for a period of two years  
on the following described property:

3.3 acres located on North I-30 west of SH-205 further described on the attached.

As an interested property owner, it is important that you attend this hearing or notify the Council of your feeling in regard to the matter by returning the form below.

In replying please refer to Case No. P&Z 87-56-FP/SP/Z

Mary A Nichols  
City of Rockwall, Texas

The following form may be filled out and returned as soon as possible to the City Council, 205 West Rusk Street, Rockwall, Texas 75087

Case No. P&Z 87-56-FP/SP/Z

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

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

- 1.
- 2.
- 3.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Newman Center No 1

gent

AB 65 TR 10 Newman Associates  
TR 9 2751 S Garland Ave  
Garland 75041

AB 65 TR 11 Tolson Investments Inc  
1/3 Property Tax Analysts  
P.O. Box 36425  
Dallas 75235

AB 65 TR 13 Peggy Cozay  
521 Kathy Dr  
Mesquite 75149

AB 65 TR 13 Rockwall Central Shopping Center JV  
~~1445~~ 16475 Dallas Parkway Suite 8  
Dallas 75248

Walnut Properties Inc.  
P.O. Box 116  
Attention Vernon Stone  
Bentonville, AR 72712

John A Albritton  
P.O. Box 822  
Rockwall, TX 75087

Andrews Ford Inc  
P.O. Box 125

Robert W. Andrews  
P.O. Box 125

BEFORE THE ROCKWALL CITY COUNCIL  
CITY OF ROCKWALL, TEXAS

The Rockwall City Council will hold a public hearing at 7:00  
o'clock P.M. on the 21st day of September, 1987  
in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at  
the request of Diane Payne  
for a change in zoning from "C" Commercial to "PD" Planned Development with heavy  
commercial uses, including paint and body, automobile repair, accessory retail and  
office uses for a period of two years  
on the following described property:

3.3 acres located on North I-30 west of SH-205 further described on the attached.

As an interested property owner, it is important that you attend this hearing or notify the Council of your feeling in regard to the matter by returning the form below.

In replying please refer to Case No. P&Z 87-56-FP/SP/Z

Mary A Nichols  
City of Rockwall, Texas

The following form may be filled out and returned as soon as possible to the City Council, 205 West Rusk Street, Rockwall, Texas 75087

Case No. P&Z 87-56-FP/SP/Z

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

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

1. It is compatible with like and adjoining businesses in area.
2. Requesting only temporary change and only a small variance from present zoning
3. It is a big improvement over the immediate past use.

Signature J.E. Neuman

Address 3625 Glenbrook Ct.  
Garland, Tex. 75041

ORDINANCE NO. 87-61

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 TEMPORARY ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; ORDERING A CHANGE IN THE USE OF SAID PROPERTY FROM COMMERCIAL TO "PD" PLANNED DEVELOPMENT NO. 28; PROVIDING SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) 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:

WHEREAS, the property owner submitted a request for temporary zoning and the requisite publications and notice indicated such request, and

WHEREAS, the City Council finds and determines that the sole basis for temporary zoning is that the proposed use does not fall under a Conditional Use within the existing zoning, and

WHEREAS, the City Council finds that such temporary use is not deleterious to the health safety and welfare of the citizens of Rockwall, and

WHEREAS, the City Council , 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 temporary zoning change from "C" Commercial to "PD" Planned Development District Number 28 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 28 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. 28 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. 28 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. 28 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. 28 shall be regulated by the following requirements:
  - (1) the PD zoning will be reviewed by the Planning and Zoning Commission six months from the date approved by Council for compliance with parking, landscaping, and outside storage requirements
  - (2) the zoning will revert to Commercial two years from the date of approval, or when the property is vacated, changes in name, ownership or organization if said changes take place prior to two years
  - (3) no outside storage will be allowed
  - (4) all improvements, including landscaping, will be completed within 60 days from the date issued a Certificate of Occupancy
  - (5) irrigation requirements shall be waived
  - (6) allowing a gravel drive and gravel parking area
  - (7) allowed uses will include auto repair, retail and office uses as defined in the Comprehensive Zoning Ordinance excluding paint and body work

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 TWO THOUSAND DOLLARS (\$2,000.00) 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.



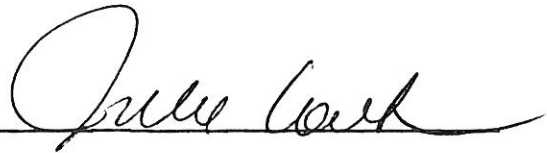
SECTION 6. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED this 28th day of September, 1987.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

By   
\_\_\_\_\_

First reading 9/21/87  
Second Reading 9/28/87

EXHIBIT "A"

STATE OF TEXAS  
COUNTY OF ROCKWALL.

Whereas, Newman Associates, being owners of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows:

Being, a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being those two tracts as conveyed to D.R. Florence as recorded in Volume 71, page 191 and Volume 64, page 600, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at a point on the Northwesterly line of Interstate Highway No. 30, said point being the south corner of Rockwall Central Shopping Center and the east corner of said tract in Volume 64, page 600, an iron stake for corner;

Thence, S.28°45'06"W., along the northwest line of Interstate Highway No. 30, a distance of 205.51 feet to an iron stake for corner;

Thence, S.36°38'57"W., along the northwest line of Interstate Highway No. 30, a distance of 90.67 feet to an iron stake for corner;

Thence, N.44°39'25"W., leaving said Highway, a distance of 351.41 feet to an iron stake for corner;

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Thence, N.45°34'54"W., a distance of 132.45 feet to an iron stake for corner;

Thence, N.45°20'56"E., a distance of 394.52 feet to an iron stake for corner;

Thence, S.44°33'42"E., a distance of 411.45 feet to the PLACE OF BEGINNING and containing 3.300 acres of land,

8 sent  
none returned

PLANNING AND ZONING ACTION SHEET

Applicant NEWMAN ASSOCIATES Case No. 87-56-FP  
Property Description 3.3 acres on I-30 W of SH205  
Case Subject Matter final plat

CASE ACTION

Date to P&Z 9/10 ✓ \_\_\_\_\_ \_\_\_\_\_  
Conditions \_\_\_\_\_

Date to City Council 9/21 ✓ \_\_\_\_\_ \_\_\_\_\_  
Conditions 1st reading - 9/21/87  
2nd - 9/28/87

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
- 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

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on September 10, 1987, at 7:30 P.M. in City Hall, 205 West Rusk, to consider:

1. A request from First United Methodist Church for approval of a Conditional Use Permit for the existing church site on Damascus Road off SH-205
2. A request from Eloise Cullum for a change in zoning from "SF-10" Single Family to "GR" General Retail on a portion of Lot 5, Block F, Sanger Addition, more commonly known as 106 Ross Avenue
3. A request from Newman Associates for a change in zoning from "C" Commercial to "PD" Planned Development on 3.3 acres located on North I-30 east of SH-205 for heavy commercial uses including paint and body, automotive repair, accessory retail, and office uses for a period of two years.

PUBLIC NOTICE

The Rockwall City Council will hold a public hearing on September 21, 1987, at 7:00 P.M. in City Hall, 205 West Rusk, to consider:

1. A request from First United Methodist Church for approval of a Conditional Use Permit for the existing church site on Damascus Road off SH-205 more fully described as Lot 1, Block A, First United Methodist Church Addition
2. A request from Eloise Cullum for a change in zoning from "SF-10" Single Family to "GR" General Retail on a portion of Lot 5, Block F, Sanger Addition, more commonly known as 106 Ross Avenue
3. A request from Newman Associates for a change in zoning from "C" Commercial to "PD" Planned Development on 3.3 acres for heavy commercial uses including automotive repair, accessory retail, and office uses for a period of two years located on North I-30 west of SH-205 further described as:

Being, a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being those two tracts as conveyed to D. R. Florence as recorded in Volume 71, page 191 and Volume 64, page 600, Deed records, Rockwall County, Texas, and being more particularly described as follows:

Beginning, at a point on the Northwesterly line of Interstate Highway No. 30, said point being the south corner of Rockwall Central Shopping Center and the east corner of said tract in Volume 64, page 600, an iron stake for corner;

Thence, S. 28°45'06" W., along the northwest line of Interstate Highway No. 30, a distance of 205.55 feet to an iron stake for corner;

Thence, S. 36°38'57" W., along the northwest line of Interstate Highway No. 30, a distance of 90.67 feet to an iron stake for corner;

Thence, N. 44°39'25" W., leaving said Highway, a distance of 351.41 feet to an iron stake for corner;

Thence, S. 45°20'56"W., a distance of 105.08 feet to an iron stake for corner;

Thence, N. 45°34'54"W., a distance of 132.45 to an iron stake for corner;

Thence, N. 45°20'56"E., a distance of 394.52 feet to an iron stake for corner;

Thence, S. 44°33'42"E., a distance of 411.45 feet to the PLACE OF BEGINNING and containing 3.300 acres of land.