

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. P4788-33-CUP CUP

Date Submitted 6/27/88

Filing Fee \$ 101⁰⁰

Applicant J. E. TIBBETTS

Address 703 KERNODLE ST
ROCKWALL, TX 75087

Phone No. 214-722-0363

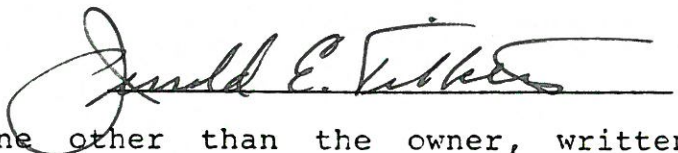
Owner Tenant¹ Prospective Purchaser ¹

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto:)²

I hereby request that a Conditional Use Permit be issued for the above described property for:

line The current zoning on this property is S-5.
There ^{space} are/are not ^{space} deed restrictions pertaining to the intended use of this property.

I have attached hereto as Exhibit A a plat showing the property which is the subject of this requested Conditional Use Permit and have read the following note concerning the importance of my submitting to the City a sufficient legal description.



¹If the applicant is someone other than the owner, written acknowledgement by the owner of the request must also be submitted.

²The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. 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.



CITY OF ROCKWALL

"THE NEW HORIZON"
Rockwall, Texas 75087-3628

No 9005

(214) 771-1111

Cash Receipt

Name Elaine Subell Date 7-1-88

Mailing Address _____

Job Address _____ Permit No. _____

Check Cash Other

4339

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
Building Permit	01-3601		Water Tap	02-3311	
Fence Permit	01-3602		10% Fee	02-3311	
Electrical Permit	01-3604		Sewer Tap	02-3314	
Plumbing Permit	01-3607		Water Availability	33-3835	
Mechanical Permit	01-3610		Sewer Availability	34-3836	
Zoning, Planning, Board of Adj.	01-3411	101.00	Meter Deposit	02-2201	
Subdivision Plats	01-3412		Portable Meter Deposit	02-2202	
Sign Permits	01-3628		Misc. Income	02-3819	
Health Permits	01-3631		NSF Check	02-1128	
Misc. Permits	01-3625		Meter Rent	02-3406	
Misc. Income	01-3819		Penalties	20-3117	
Sale of Supplies	01-3807		Hanger Rent	20-3406	
Municipal Pool	01-3402		Tie Down Fees	20-3407	
Cemetery Receipts	10-3830		Land Lease	20-3804	
Hotel/Motel Tax	15-3206		Sale of Supplies	20-3807	
Marina Lease	08-3810		Exxon Payment	20-1132	
Street Assessment	25-3828		Fuel Sales	20-3809	
TOTAL OF COLUMN			TOTAL OF COLUMN		

TOTAL DUE

101.00

Received by _____

City of Rockwall Planning and Zoning Applicant Receipt

Date 6/27/88

Applicant Elaine Subbott Phone _____

Address _____

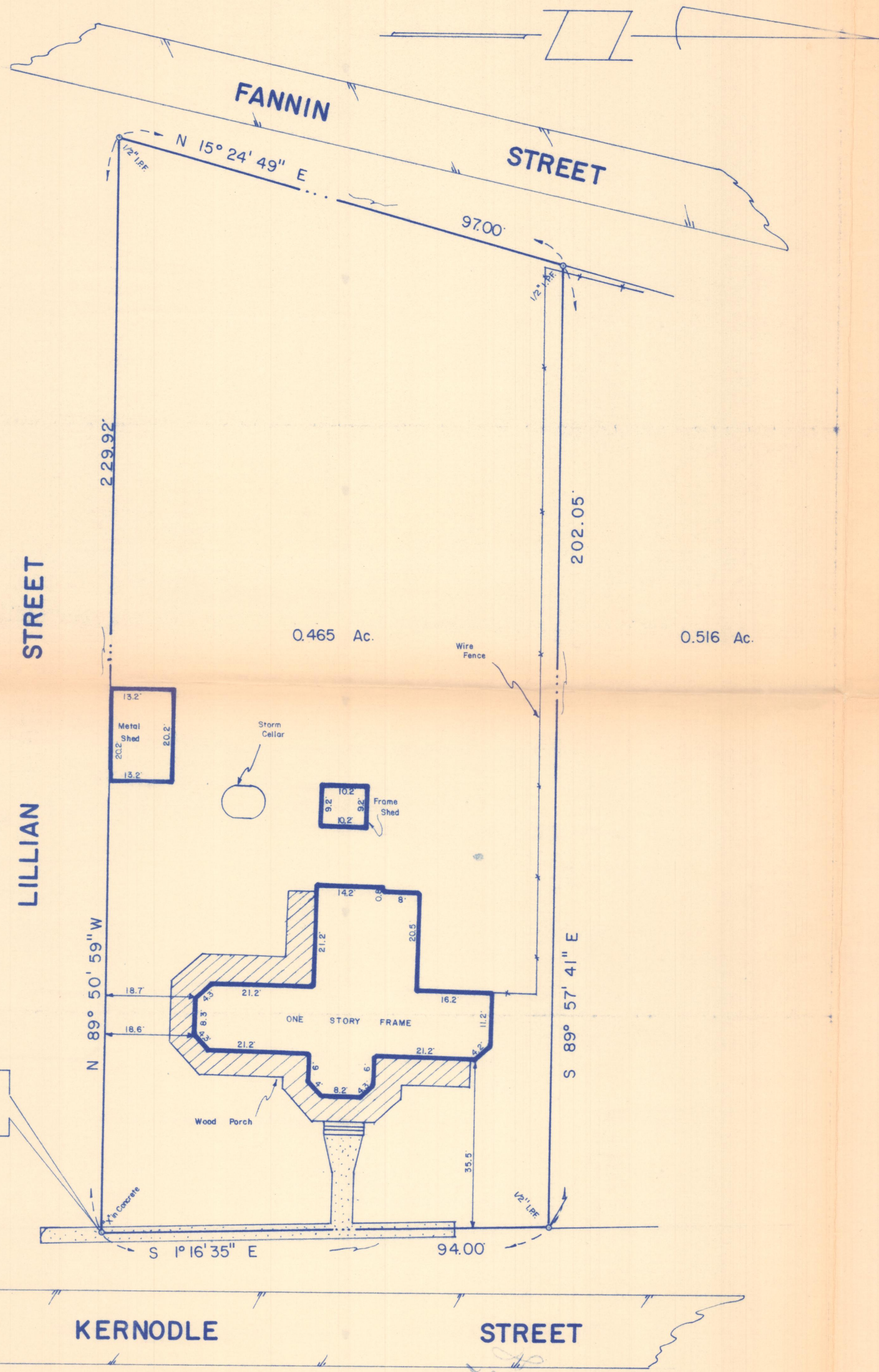
Development 703 Kennedle

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 \$ 102.00
- _____ Other _____

With this application, you are scheduled to appear before the
Planning & Zoning Commission
on July 14, 1988,
at 7:30 P.M. at City Hall, 205 W. Rusk, Rockwall,
Texas.

Received By: Mary Nichols



DESCRIPTION

BEING, a tract of land situated in the B.F. Boydston Survey, Abstract No. 14, and also being part of Block 4, of the Farmers and Merchants National Bank Addition to the City of Rockwall, recorded in Volume R, Page 313, Deed Records, Rockwall County, Texas, and being more particularly described as follows;

BEGINNING, at the point of Intersection of the North Line of Lillian Street with the West Line of Kernodle Street a X set in concrete for corner;

THENCE, N. 89° 50' 59" W., along the North Line of Lillian Street, a distance of 229.92 feet to a point on the East Line of Fannin Street, a 1/2" iron stake found for corner;

THENCE, N. 15° 24' 49" E., along the East Line of Fannin Street, a distance of 97.00 feet to a 1/2" iron stake found for corner;

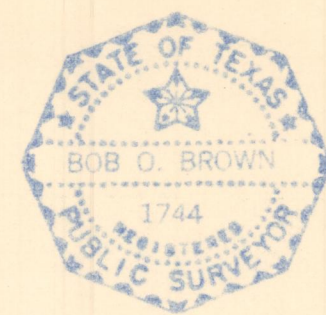
THENCE, S. 89° 57' 41" E., leaving the said East Line of Fannin Street, a distance of 202.05 feet to a point on the West Line of Kernodle Street, a 1/2" iron stake found for corner;

THENCE, S. 1° 16' 35" E., along the West Line of Kernodle Street, a distance of 94.00 feet to the PLACE OF BEGINNING, and containing 0.465 Acres of land. This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Public Surveyor on September 13, 1983.

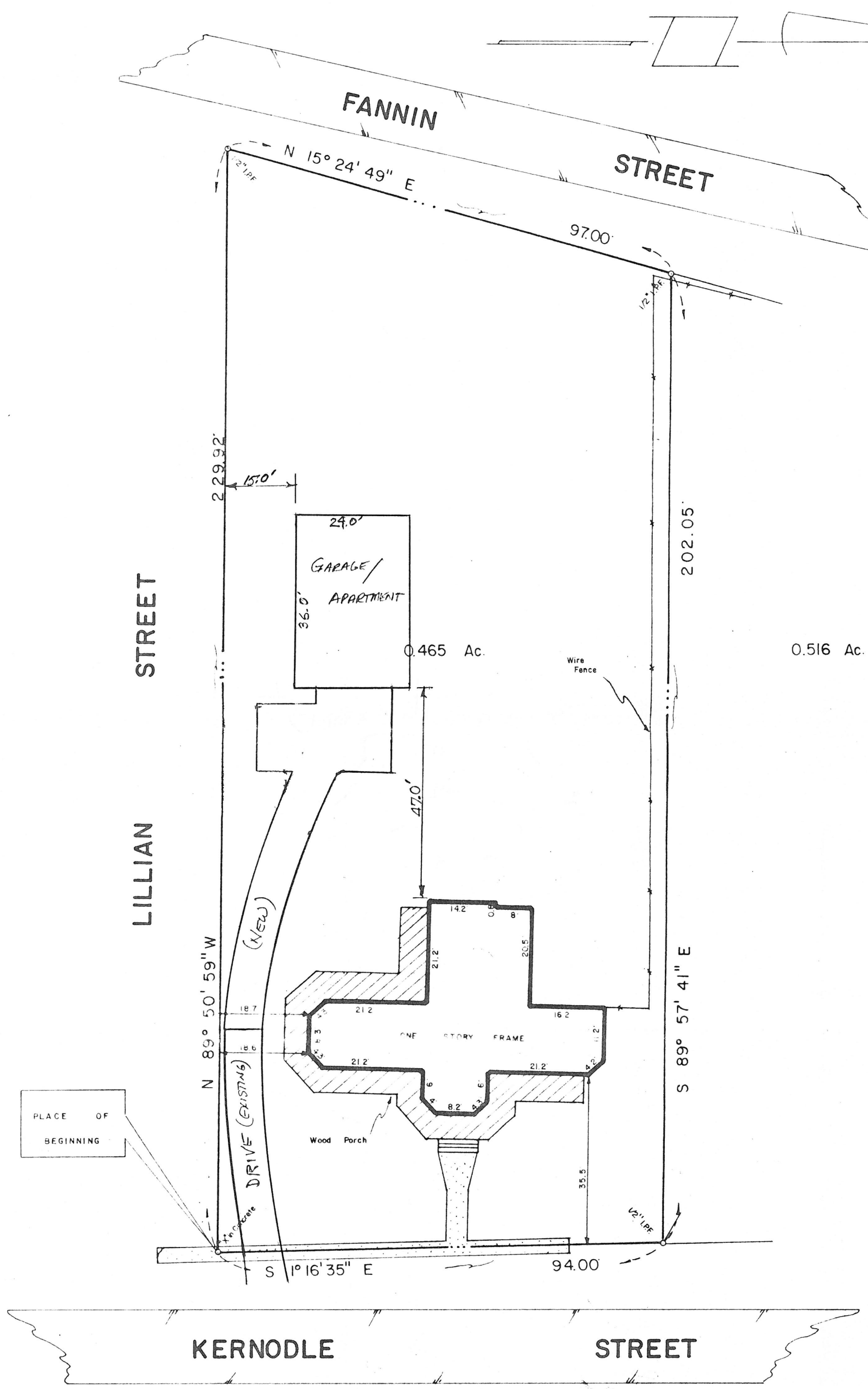
CERTIFICATION

I, Bob O. Brown, do hereby certify that this survey was made on the ground, under my direction, that this plat correctly represents the facts found at the time of survey and that all corners are marked as shown and there are no visible conflicts or encroachments other than shown and that this service conforms to the current Texas Surveyors Association Standards and Specifications for a category I-A condition II survey. This plat is for the exclusive use of Rockwall County Abstract & Title Co., wherein Dewayne & Sue Ellen Compton, grantors conveyed the subject property to Michael and Sharilyn Pittman, grantees and the undersigned surveyor is not responsible to any others.

Bob O. Brown
 Bob O. Brown Registered Public Surveyor No 1744



NO.	DATE	REVISION	BY
SHEET TITLE		PROJECT NO.	
Land Title Survey		Lot Survey	
Part of Lot 4		SCALE	
Farmers and Merchants National Bank Addition		1"=20'	
		DATE	
		9-13-83	
DRAWN BY		FORWARDED BY	
D.B.		notes	
DRAWING NO.			
BROWN LAND SURVEYORS			
304 W. Rusk P. O. Box 65			
ROCKWALL, TEXAS 75087			
(214) 722-3036 226-7522			
		OF SHTS	



FANNIN STREET

STREET

LILLIAN STREET

STREET

KERNODLE STREET

STREET

N 15° 24' 49" E

229.92'

15.0'

24.0'
GARAGE/
APARTMENT
36.0'

0.465 Ac.

97.00'

202.05'

0.516 Ac.

N 89° 50' 59" W

DRIVE (EXISTING)
(NEW)

ONE STORY FRAME
Wood Porch

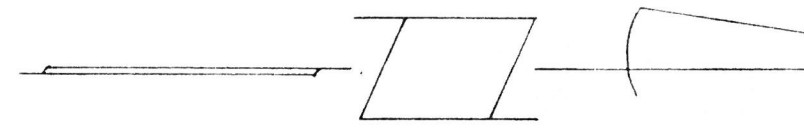
S 89° 57' 41" E

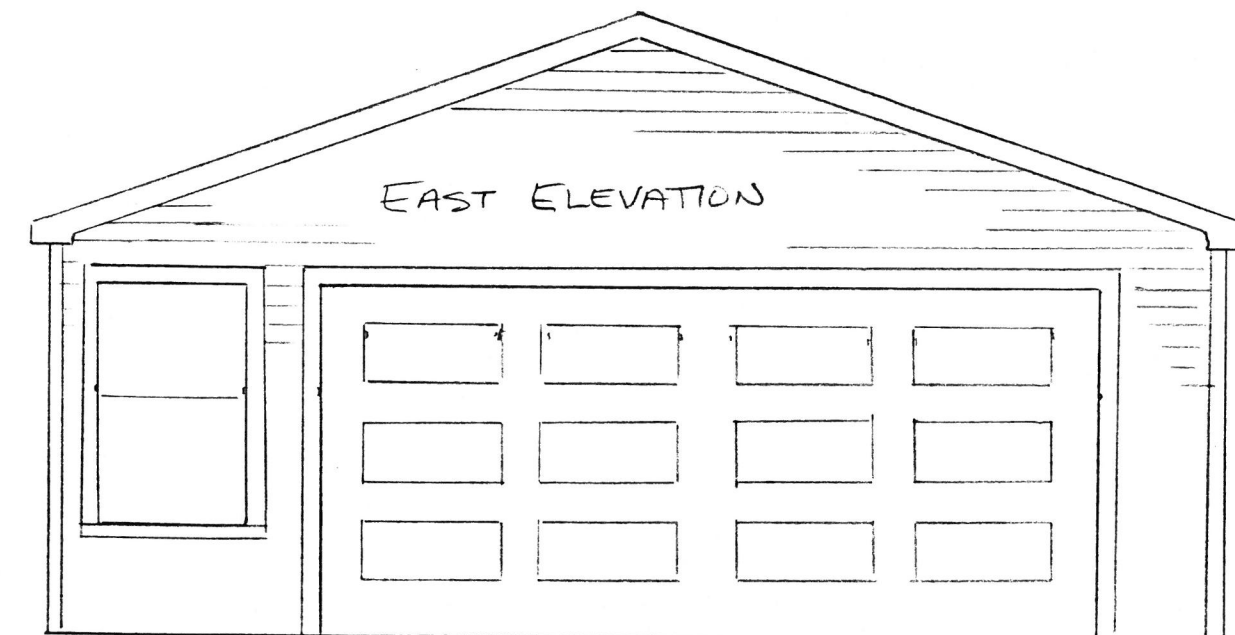
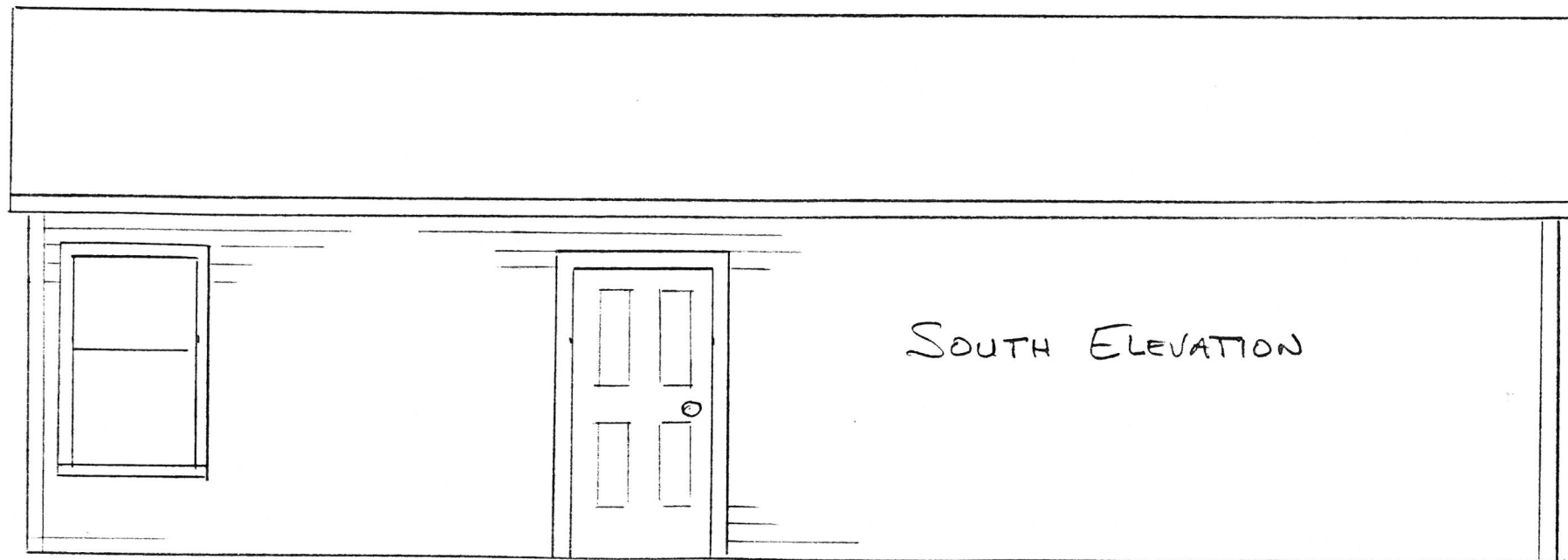
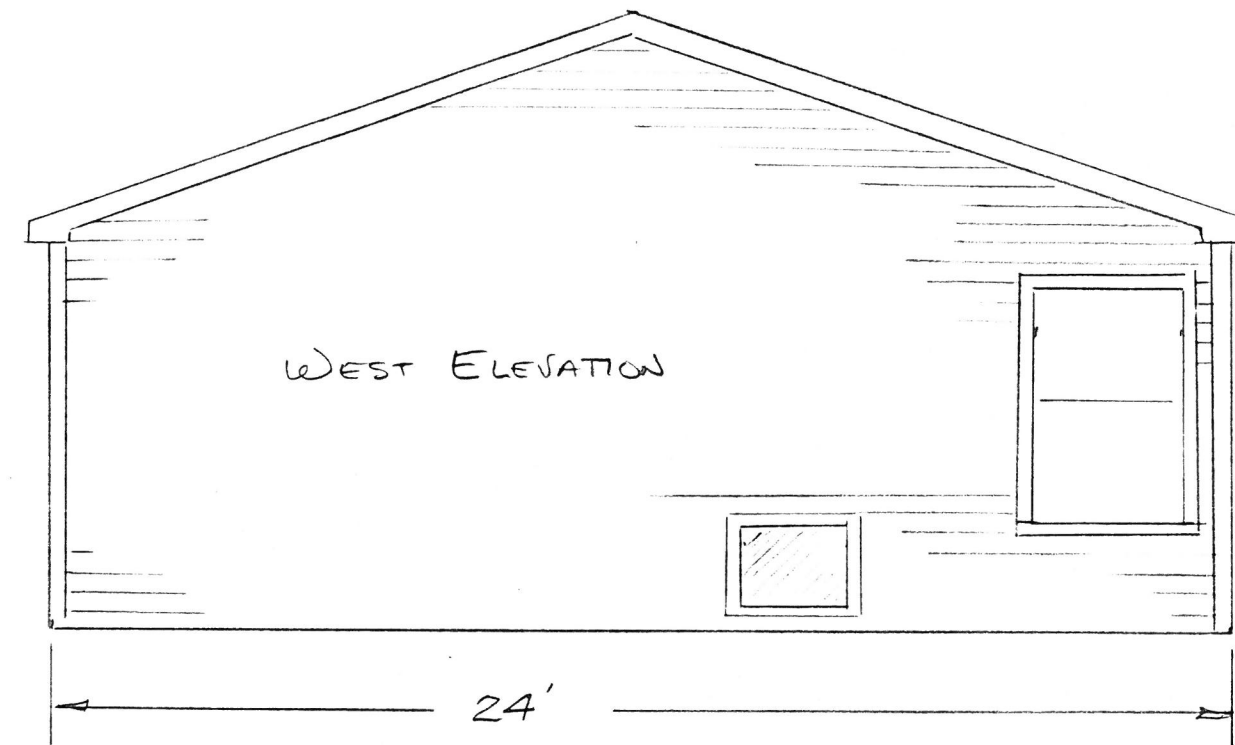
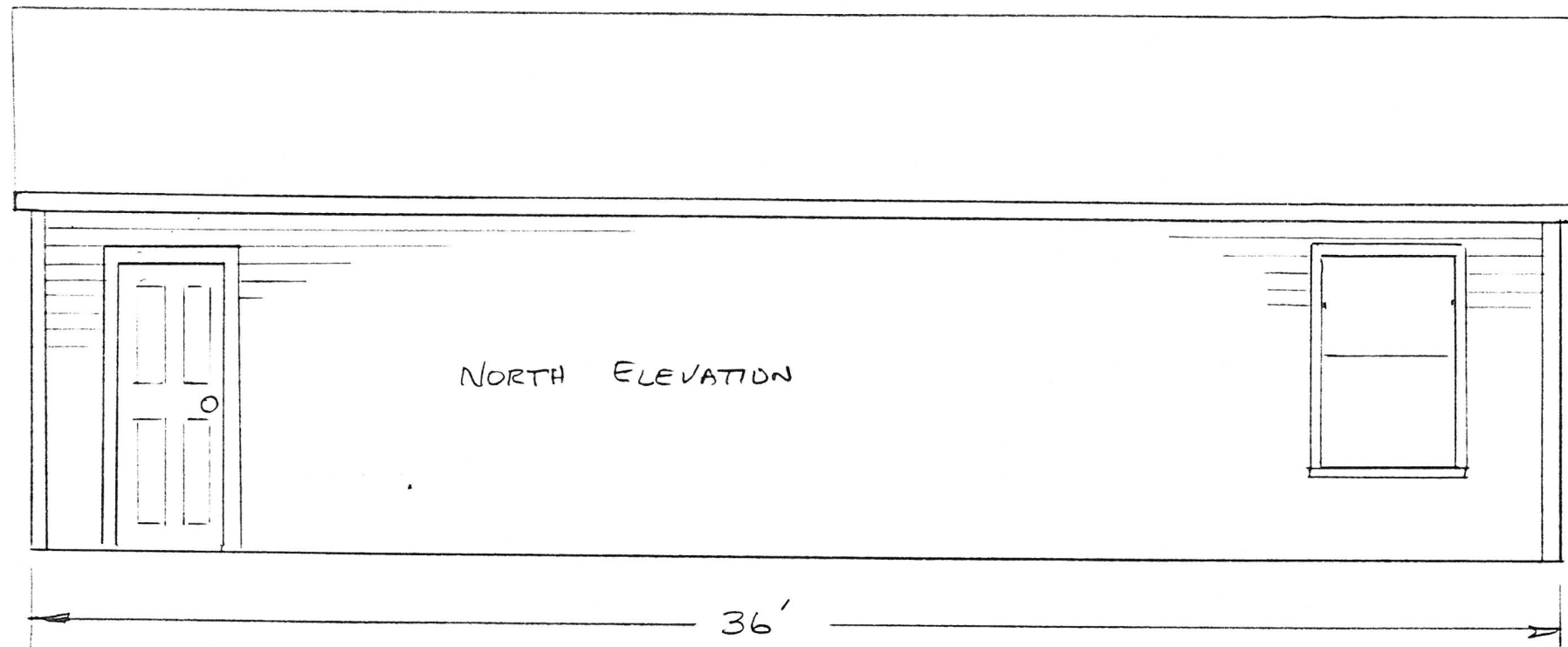
PLACE OF BEGINNING

S 1° 16' 35" E

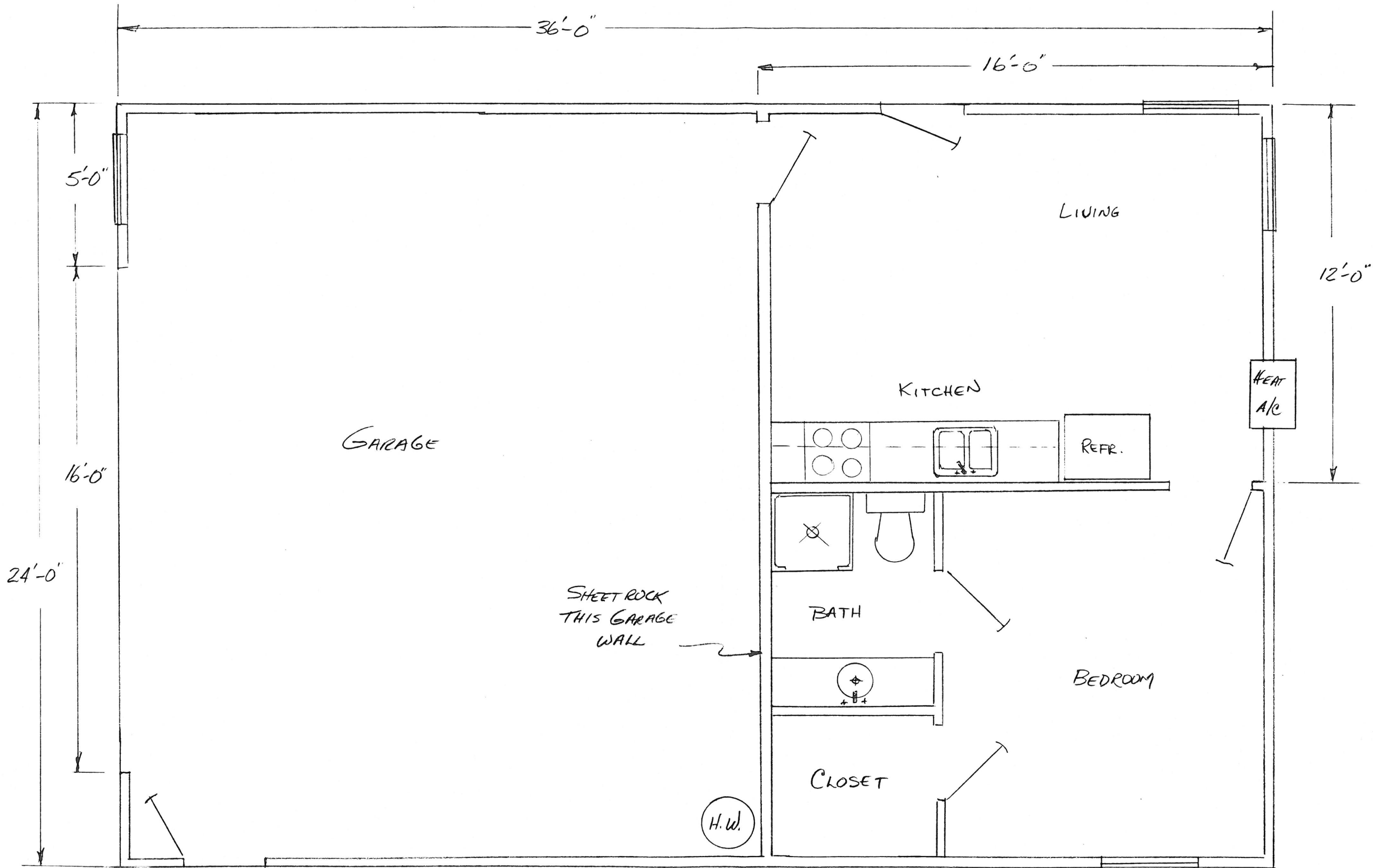
94.00'

1/2" L.P.F.

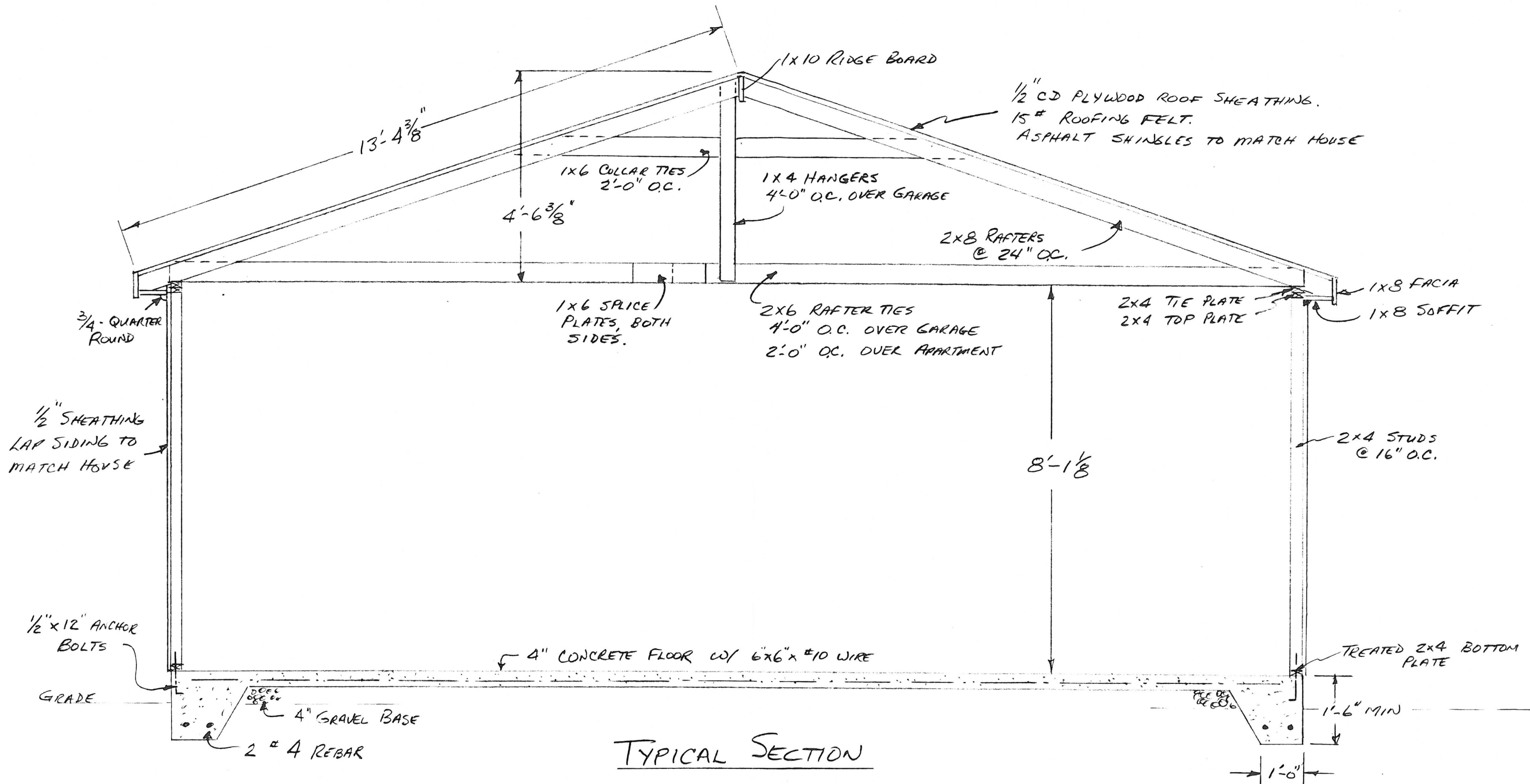




SCALE 1" = 4' GARAGE/APARTMENT
6/25/88 703 KERNDLE ST
ROCKWALL, TX



SCALE 1" = 3'
 6/10/88
 GARAGE/APARTMENT
 703 KERNODLE ST
 ROCKWALL, TX.



TYPICAL SECTION

<p>SCALE: 1/2" = 1'</p> <p>6/5/88</p>	<p>GARAGE/APARTMENT</p> <p>703 KERNOLE ST.</p> <p>ROCKWALL, TX.</p>
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GENERAL SPECIFICATIONS

1. WALL FRAMING: 2x4-16" O.C. DOUBLE AT CORNERS, DOORS, WINDOWS, AND TOP PLATE.
2. RAFTERS: 2x8-24" OC
3. RAFTER TIES: 2x6-48" OC. OVER GARAGE.
" " : 2x6-24" O.C. OVER APARTMENT.
4. ROOF SHEATHING: 1/2" CD PLYWOOD.
5. WALL SHEATHING: 1/2" INSULATING BOARD.
6. FLOORING: VINYL TILE & CARPET.
7. INTERIOR FINISH: 1/2" SHEETROCK
8. EXTERIOR SIDING: LAP SIDING
9. WINDOWS: DOUBLE INSULATED.
10. ELECTRICAL: 100A. SERVICE

MATERIAL LIST

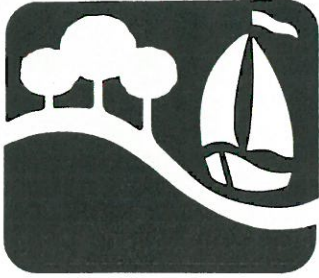
QUANTITY	SIZE	DESCRIPTION
3	2x4x14'	WALL PLATE, TREATED
6	2x4x12'	" " "
3	2x4x10'	" " "
120	2x4x92 ^{5/8} "	STUDS
4	2x4x16'	WALL PLATES
5	2x4x14'	" "
6	2x4x12'	" "
2	2x4x10'	" "
3	2x4x8'	" "
2	2x12x18'	GARAGE DOOR HEADER
2	2x4x16'	HEADER BLOCKING
3	2x6x12'	HEADER
1	2x4x8'	"
2	2x4x14'	CRIPPLES
2	2x4x18'	"
1	2x6x18'	GARAGE DOOR CASING.
1	2x6x16'	" " "
6	1x4x14'	DIAGONAL CORNER BRACE
13	2x6x14'	RAFTER TIE
13	2x6x10'	" "
3	1x6x12'	SPLICE PLATE
38	2x8x14'	RAFTERS
3	1x10x14'	RIDGE BOARD
3	1x4x10'	HANGERS
17	1x6x8'	COLLAR TIES
24	2x4x10'	GABLE STUDS
2	2x4x16'	GABLE BLOCKING
32	4x8x1/2"	CD PLYWOOD SHEATHING
52 L.F.	2x2	SOFFIT NAILER
4	1x6x14'	RAKE FACIA
16	1x8x14'	FACIA & SOFFIT
3 ROLLS	15#	ROOFING FELT
10 SQS.	135#	ASPHALT SHINGLES
1	16/0x7/0	SECTIONAL GARAGE DOOR
3	2/8x6/8x1 ^{3/8}	EXTERIOR DOORS
120 L.F.		BRICK MOLD CASING
120 L.F.		DOOR STOP
10	1x4x18'	CORNER BOARDS, WINDOW, DOOR TRIM
1280 S.F.		LAP SIDING

MATERIAL LIST, CONT'D

QUANTITY	SIZE	DESCRIPTION
36 PCS	1/2"x4'x8'	SHEETROCK
30 lbs.		16d COMMON NAILS COATED
15 lbs.		8d " " "
8 lbs.		6d " " "
15 lbs		8d GALV. SIDING NAILS
35 lbs		1 1/4" GALV. ROOFING NAILS
10 lbs		SHEETROCK NAILS
5 lbs		8d FINISH NAILS
27 Pcs.	1/2"x4'x8'	INSULATING SHEATHING
15 lbs		1 1/2" GALV. SHEATHING NAILS
3	3'x5'	WINDOWS
3	2/8x6/8	INTERIOR DOORS

6/25/88

GARAGE / APARTMENT
703 KERNODLE ST
ROCKWALL, TX



CITY OF ROCKWALL
"THE NEW HORIZON"

July 5, 1988

Ms. Elaine Tibbetts
703 Kernodle
Rockwall, Texas 75087

Dear Ms. Tibbetts:

Your application and filing fee have been received for your request for a Conditional Use Permit for a guest house at 703 Kernodle. The Planning and Zoning Commission will hold a public hearing and consider your request on July 14th at 7:30 P.M. in City Hall, 205 West Rusk.

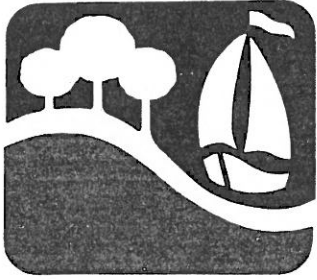
As the applicant, it is important that you are represented at this meeting. Please feel free to call me if you have any questions.

Sincerely,

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

Mary Nichols
Administrative Assistant

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

July 26, 1988

Ms. Elaine Tibbetts
703 Kernodle
Rockwall, Texas 75087

Dear Ms. Tibbits:

On July 14, 1988, the Rockwall City Council held a public hearing and recommended approval of a Conditional Use Permit for guest house subject to the following conditions:

1. that a deed restriction be filed stating that the guest house will never be sold separately from the main lot and will never be rented;
2. that the City staff will review the permit annually.

The Rockwall City Council will hold a public hearing and consider approval of the Conditional Use Permit on Monday, August 1, 1988 at 7:00 P.M. in the City Hall, 205 W. Rusk. As the applicant, it is important that you are represented ta this meeting.

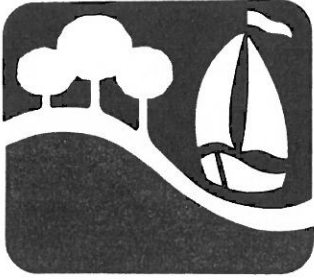
Please call if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Asst. City Secretary

MN/gl



CITY OF ROCKWALL
"THE NEW HORIZON"

August 11, 1988

Ms. Elaine Tibbetts
703 Kernodle
Rockwall, Texas 75087

Dear Ms. Tibbetts:

On August 1, 1988, the Rockwall City Council held a public hearing and approved a Conditional Use Permit for a guest house at 703 Kernodle subject to the following conditions:

1. that a deed restriction be filed stating that the guest house will never be sold separately from the main lot and will never be rented
2. that the City Staff will review the permit annually.

The Council also approved an ordinance on first reading authorizing the Conditional Use Permit. An ordinance of this nature requires approval at two separate meetings of the Council. The second reading is scheduled for August 15, 1988, at 7:00 P.M. in City Hall.

Please note that if the Conditional Use Permit is not used within six months of the date of the second reading, the permit will become void.

Feel free to call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Assistant

MN/mmp

D-3

SF-10

D-II

GR

DUAL RUN ROAD

C

PD-5

SF-10

S-3

*cup
Request
for
qualifiers*

PD 23

GR

MF-15

SF-7

CBD

S-2

SF-7

S-6

GR

MF-5

A

SF-7

2F

SF-7

2F

C

C

PD-12

S-10

PD-21

HC

LI

GR

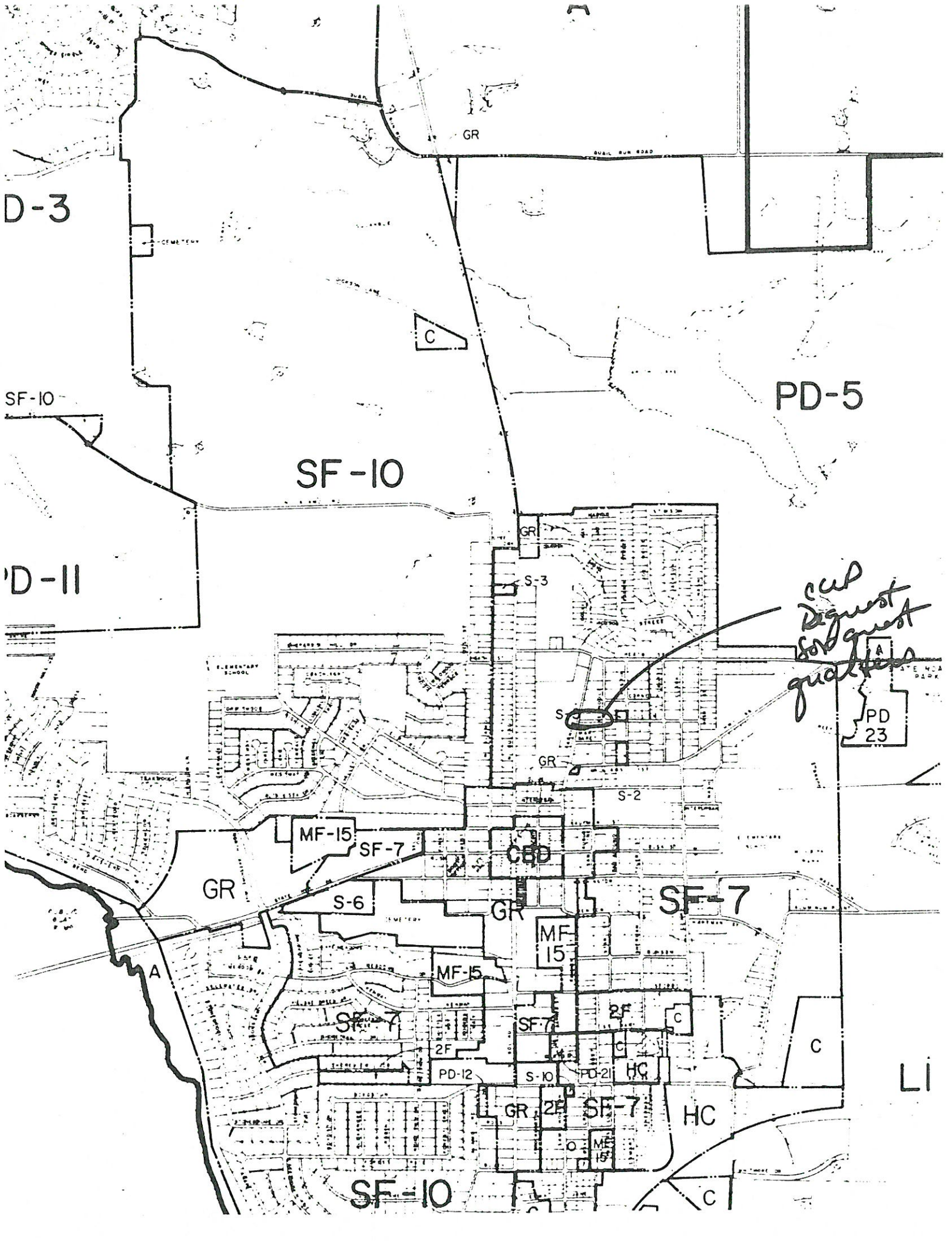
2F

SF-7

HC

SF-10

C



CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: July 14, 1988 AGENDA NO. III.C.

AGENDA ITEM: P&Z 88-33-CUP - Hold Public Hearing and Consider Approval of a Request from Elaine Tibbetts for a Conditional Use Permit for a Guest House as an Accessory to a Residence at 703 Kernodle

ITEM GENERATED BY: Applicant- Elaine Tibbits

ACTION NEEDED: Hold Public Hearing and consider approval of the CUP with any conditions included in the motion.

BACKGROUND INFORMATION:

We have received a request for a CUP for a guest house in conjunction with a detached garage. The homeowners at 703 Kernodle propose to construct a detached garage with guest quarters attached to the garage. The applicants are proposing to have their mother live there. The structure as proposed meets all of our material requirements and setback requirements. Our only concern would be to ensure that the quarters are never sold separately from the main lot and that it will never be rented. Some possible conditions to help ensure this are as follows:

1. Require that a deed restriction be filed that will run with the land stating that the above condition be met.
2. The zoning ordinance already provides for a staff review of compliance with the terms of the CUP, which will allow the staff to review who is occupying the facility. This provision could be reiterated in the ordinance.

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Elevations
4. Materials list
5. Floor Plan

AGENDA ITEM: CUP at 703 Kernodle ITEM NO: III. C.

MINUTES OF THE PLANNING AND ZONING COMMISSION

July 14, 1988

Chairman Tom Quinn called the meeting to order with the following members present; Bob McCall, Leigh Plagens, and Hank Crumbley. The Commission first considered approval of the minutes of June 9, 1988. Plagens made a motion to approve the minutes as submitted. Crumbley seconded the motion. The motion was voted on and passed unanimously.

Quinn opened a public hearing and the Commission considered approval of a replat of a portion of the Ridgell Addition. Assistant City Manager Julie Couch explained that the current owner of Lots 1 and 2 of the Ridgell Addition has a residence that is in the middle of these two lots. He wished to combine the two lots into one lot and eliminate the lot that went through the center of his house. At this time Mike Reid joined the meeting. Couch explained that an additional five feet of right of way had been requested along the Sherman Street side and that the plat reflected the dedication. She further stated that the applicant was requesting a waiver of the requirement that 1/2 of the estimated cost of the improvements to Boydston and Sherman Streets be escrowed as this would be a one lot owner occupied subdivision. Harold Evans addressed the Commission on behalf of the applicant. McCall made a motion to approve the replat including the recommendation that the waiver request be approved. 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 Phase 18, Section II, Chandlers Landing. At this time Bill Sinclair joined the meeting. Couch explained that the applicant proposed to make the unsold lots in the area larger and was therefore wanting to combine smaller lots. She explained that the average lot would increase in size from 4,000 feet to 7,500 square feet. She pointed out that the Commission would be receiving an application at their next meeting to redesignate the lots along the lake as Single Family as opposed to the present zero lot line. Harold Evans, engineer representing the applicant, explained the proposed changes in the lots. Bob McCloy, a property owner, question a greenbelt area near his lot. Evans explained that the greenbelt would not be affected by the changes. Rob Whittle stated for the record that FraCorp wouldn't contractually agree to allow expansion in Phase 17. As there was no one else wishing to address the commission on this issue, the public hearing was closed. Plagens made a motion to approve the replat. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission the held a public hearing and considered approval of a request from Rockwall harbor Corporation for a Conditional Use Permit for a building over 5000 square feet with less than 100% non-combustible materials for proposed restaurant to be located on Lot 4, the Harbor Phase I. Couch explained that the applicants wanted to use wood frame construction and also wanted some exposed beams in the interior of the building. She pointed out that in similar applications, a condition was added that the structure be sprinklered and that non-combustible materials be used in the kitchen area. Rob Whittle, Rockwall Harbor Corporation, stated that the underground plumbing had already been completed for a sprinkler system, that they proposed an open beam look on the interior, a wood structure, stucco and tile roof, and a concrete block wall common with the future adjacent building. As

there was no one else wishing to address the Commission on this issue, the public hearing was closed. McCall made a motion to approve the Conditional Use Permit with the condition that the structure be sprinklered and that non-combustible materials be used in the kitchen area. Reid seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Elaine Tibbetts for a Conditional Use Permit for a guest house as an accessory to a residence at 703 Kernodle. Couch explained that the applicant proposed to build a guest house for a relative and that staff's only concern was to provide that this portion of the lot was never sold separately or rented separately from the main residence. This was a violation of the Zoning Ordinance in residential zoning. Mrs. Tibbetts addressed the commission and outlined her building and improvement plans. She stated agreement to filing a deed restriction that would address staff's concerns. Sinclair made a motion to recommend approval of the request for a CUP providing that 1) a deed restriction be filed stating that the guest house may not be sold separately or rented separately from the main house and 2) that an annual review be conducted by staff to verify the terms of the ordinance granting the variance are being met. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then held a public hearing and considered approval of a request from Gary Bodin for a conditional Use Permit for a truck wash at 2020 Kristy Lane. Couch explained that the applicant met drainage requirements but that the site plan desired some parking adjustments. She told the Commission that access from the adjacent lot was proposed to provide adequate turn space for semi-trucks and that an access easement should be provided. Gary Bodin outlined his proposed plans for improvement of the site but stated that he had already been utilizing the property as a truck wash for the last three years. The Commission discussed the existing miniwarehouses and how this affected the applicant's overall parking requirements, the location of the proposed parking, the lack of striping, possibly prohibiting waiting customers from parking on the street and blocking access to other business on Kristy, and tying the permit to the applicant and not the land. Jim Whitworth, representing the applicant, stated that a verbal access agreement had been made with the adjacent property owner but that a written easement could be obtained. After much discussion, Crumbley made a motion to recommend approval of the permit subject to the following conditions; 1) that parking would be moved closer to the exit drive and striped 2) that the Commission would review the CUP for compliance in one year 3) that an access easement with the adjacent property owner would be filed of record and 4) that the permit would be valid only as long as the applicant was the business operator. McCall seconded the motion. The motion was voted on and passed 5 to 1 with the Chair voting against the motion.

Quinn then opened a public hearing regarding an amendment to the Comprehensive Zoning Ordinance as it pertains to sexually oriented business. As there was no one wishing to address the Commission on this issue the hearing was closed. Couch explained that the City Attorney was in the process of reviewing the proposed amendment and that staff would be prepared to present it to the Commission at the worksession. The Commission discussed the existing definition of a sexually oriented business and the recommendation that the City Attorney was reviewing. Sinclair made a motion to table action

on the item until the July 25th Worksession. Reid seconded the motion. The motion was voted on and passed unanimously.

Couch then outlined a site plan and preliminary plat application for a Roadrunner convenience store to be located on SH-205 at SH-276. Couch explained that due to the odd configuration of the lot the applicant feels the site will not work if they must meet the 20 foot rear setback, and have applied for a variance to the Board of Adjustments to be considered August 4, 1988. She explained that the applicant agreed to meet with the adjacent property owner to determine if joint access for both properties could be located further east of the intersection. In addition, the applicants had agreed to provide some additional trees although the new landscape ordinance was not in effect.

Greg Arnold with Truman Arnold and Associates addressed the Commission and agreed to meet the conditions suggested. Sinclair made a motion to recommend approval of the preliminary plat and to table consideration of the site plan pending revisions to the landscaping and the joint access drive. Reid seconded the motion. The motion was voted on and passed unanimously.

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

APPROVED:

Thomas E. Quinn
Chairman

ATTEST:

Jillie Couch

CITY OF ROCKWALL

City Council Agenda

AGENDA DATE: August 1, 1988 AGENDA NO. VII.D.

AGENDA ITEM: P&Z 88-33-CUP - Hold Public Hearing and Consider Approval of an Ordinance Authorizing a Request from Elaine Tibbits for a Conditional Use Permit for a Guest House as an Accessory to a Residence at 703 Kernodle (1st Reading)

ITEM GENERATED BY: Applicant- Elaine Tibbits

ACTION NEEDED: Hold Public Hearing and consider approval of the CUP with any conditions included in the motion.

BACKGROUND INFORMATION:

We have received a request for a CUP for a guest house in conjunction with a detached garage. The homeowners at 703 Kernodle propose to construct a detached garage with guest quarters attached to the garage. The applicants are proposing to have their mother live there. The structure as proposed meets all of our material requirements and setback requirements. Our only concern would be to ensure that the quarters are never sold separately from the main lot and that it will never be rented. We recommended that the following condition be included in the ordinance to help ensure this:

1. Require that a deed restriction be filed that will run with the land stating that the above condition be met. This will put any future purchaser on notice that this condition must be met. The actual wording would be approved by our attorney.

The Planning and Zoning Commission has recommended approval of the request with the above stated condition. We have drafted an ordinance containing the necessary conditions.

Notices Sent:

Notices Received:

ATTACHMENTS:

1. Location Map
2. Site Plan
3. Elevations
4. Materials list
5. Floor Plan
6. Draft Ordinance

AGENDA ITEM: CUP- Guest House, Kernodle ITEM NO: VII.D.

MINUTES OF THE ROCKWALL CITY COUNCIL

August 1, 1988

Mayor Frank Miller called the meeting to order with the following Councilmembers present: John Bullock, Nell Welborn, Pat Luby, Don Smith, Alma Williams, and Norm Seligman. Smith conducted the invocation and led the Pledge of Allegiance. City Secretary Julie Couch then read aloud resolutions expressing appreciation for service of former Councilmembers Bill Fox and Ken Jones. Seligman made a motion to approve the resolutions. Welborn seconded the motion. The motion was voted on and passed unanimously. Mayor Miller then explained although Mr. Fox was unable to attend the meeting, he would be presented with a copy of the resolution and a plaque expressing appreciation at a later date. The Mayor then presented a copy of the resolution and a plaque to former Councilmember Jones. Jones expressed great confidence in the current City Council and stated that it had been a pleasure to serve on the Council.

Council then considered approval of the Consent Agenda which consisted of:

- a) the minutes of July 18, 1988
- b) an ordinance authorizing a Conditional Use Permit for a building over 5,000 square feet and less than 100% non-combustible materials for a proposed restaurant to be located on Lot 4, the Harbor, on first reading
- c) an ordinance amending Ordinance 87-9 pertaining to the use of flexible metal bends on second reading
- d) an ordinance abandoning a portion of a utility easement at 317 Shepherds Hill on second reading.

Couch read the ordinance captions. Williams pulled Item B. Miller pulled the Minutes and Item C. Smith made a motion to approve Item D. Welborn seconded the motion. The motion was voted on and passed unanimously. Williams stated that one of the conditions in the ordinance authorizing the Conditional Use Permit for non-combustible materials needed to clarify that an interior sprinkler system would be installed with adequate water pressure to provide complete fire control throughout the building. Luby refrained from participating in this item and left the room due to a conflict of interest. After additional discussion, Smith made a motion to approve the ordinance on first reading with the changes as specified by Councilmember Williams. Williams seconded the motion. The motion was voted on and passed unanimously.

Miller stated with regard to Item A, the minutes, the staff had recommended these be postponed for consideration at the next regular meeting. He then stated there was a citizen present who wished to speak on Item C, the ordinance regulating the use of mechanical duct materials in residential construction. Tom Bolin addressed the City Council and stated that he was a five year resident of Rockwall and that he supported the

homebuilders freedom of choice to use any air system which was engineered according to Code. Council discussed the recommendations of the Mechanical Board. Seligman made a motion to approve the ordinance on second reading. Smith seconded the motion. The motion was voted on and passed unanimously.

Tom Quinn then addressed the Council and gave the Planning and Zoning Commission Chairman's report in which he addressed the items on the Council Agenda which the Commission had considered at their last regular meeting. He outlined the Commission's recommendations with regard to a proposed revision to the preliminary plan for PD-21, a replat of a portion of the Ridgell Addition, a Conditional Use Permit request for a guest house, a Conditional Use Permit Request for a truck wash, a replat of a portion of Phase 18, Chandlers Landing, and a preliminary plat for a convenience store at SH-205 and SH-276. He further outlined some proposed amendments to the Zoning Ordinance with regard to sexually oriented businesses and explained that this item would come before Council at a later date.

Council then held a public hearing and considered a request from Holley Development for a revision to the preliminary plan for PD-21 to amend the height requirements for certain lots within the Planned Development. Miller asked the Council if there were any further questions or clarifications regarding this case of staff prior to opening the public hearing. There being none, the public hearing was opened and Doris McKee, 108 St. Mary's Street, addressed the Council. She stated that she had built her home in 1949 and had lived in it since. She explained that upon approval of the original Planned Development Ordinance the adjacent homeowners left satisfied that a compromise had been reached and she left with the understanding that no two story homes would be built directly in front of her home. She stated that two story homes meant larger families and more children with no place to play. She advised Council not to change the existing ordinance. Richard Jordan, 109 St. Mary's, stated that he concurred with Mrs. McKee and was opposed to allowing more than the original four two story homes that were approved. Jesse McDaniel, 603 South Fannin, stated that the lots were too small for homes larger than the ones currently approved. Alta Sellers, 222 St. Mary's, stated that at present the children in the neighborhood played in the street and played in her yard. She stated that the lots were too small for two story homes and too small for the additional children that the additional story would attract. Joe Smartt, 603 South Goliad, gave a brief history of these properties and urged the Council to continue to enforce the existing ordinance. Danny Holley, the current builder for St. Mary's, stated that he had bought five lots with the intent to build on them. He explained that the current construction was generating value in the area and that he himself owned a home on St. Mary's. Holley explained that the copy of the Planned Development Ordinance he obtained did not contain the height restrictions in the body of the ordinance. He further explained that he had redrawn the proposed two story homes so that they were only one and one half feet higher than the single story homes already on the street. He explained that he had also redrawn the back of the homes so that it appeared to be a single story home from the rear, particularly the lot facing Mrs. McKee's house. Council discussed the changes that had been made in the elevations of the buildings and questioned the audience as to their opinion of the revised plan. Nan Smartt addressed the Council and explained that she was still opposed to the plan. Doris McKee stated that she disapproved of the revision even though the elevations had been changed. Smith pointed out that the redrawing did not address the

limitation to the number of rooms within the house. After a lengthy discussion, Smith made a motion to deny the request. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a replat of the Ridgell Addition. Couch explained that the applicant wished to combine two lots that he owns into one lot, thus eliminating a lot line that ran through the center of his residence. She stated the applicant was also requesting a waiver of the escrow requirements which would require him to escrow one half of the estimated cost of the improvements to Boydston and Sherman Streets because they are both considered substandard. She stated that this would be a one lot, owner occupied subdivision. She further explained that he was dedicating an additional five feet of right-of-way along the Sherman side in order to provide 50 ft. of right-of-way. Harold Evans, the engineer, was present to address Council's questions. Welborn made a motion to approve the replat and the waiver request. Seligman seconded the motion. Miller confirmed that Mr. Gamez, the applicant, had been assessed for improvements along Boydston street. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of an ordinance authorizing a request from Elaine Tibbetts for a Conditional Use Permit for a guest house as an accessory to a residence at 703 Kernodle. Couch explained that the homeowner at 703 Kernodle proposed to construct a detached garage with guest quarters attached to the garage to house an elderly relative. The structure as proposed met all the material requirements and setback requirements and the Planning and Zoning Commission had recommended that the Council require that a deed restriction be filed that would run with the land stating that quarters could never be sold separately from the main lot and that it would never be rented separately from the main lot. Terry Tibbetts addressed the Council and explained that his original plan had been to divide his lot into two lots, but that he could not meet the necessary requirements in order to do that. Couch read the ordinance caption. Welborn made a motion to approve the request and the ordinance on first reading with the conditions as outlined by the Assistant City Manager. Williams 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 truck wash at 2020 Kristy Lane. Couch explained that the applicant proposed to operate on an existing site which is currently occupied with miniwarehouses. She stated he did not propose to construct any additional physical structures, but to do the washing on the existing drive. She outlined the conditions in the ordinance, including a condition that required filing of an access easement from the adjacent property owner with the County and a condition that the CUP be reviewed by the Planning and Zoning Commission in one year. Gary Bodin addressed the Council and explained his request. Jim Whitworth addressed the Council and stated that the applicant intended to abide by the Code, that the miniwarehouse would not be rented, and that as there is already much traffic on Kristy Lane, the additional truck traffic would not damage the road. Council discussed the landscaping, the adequacy of the sand traps, adequacy of turn-around space for the trucks, and the availability of additional property if the business expanded. Seligman made a motion to approve the request and

the ordinance on first reading with an addition of an eighth condition within the ordinance which would specify that the existing buildings would not be used for rental or public storage for the duration of the Conditional Use Permit. Williams seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a replat of a portion of Phase 18, Section 2 Chandlers Landing. Couch explained that the applicant proposed to make the unsold lots in this area larger and was therefore wanting to combine lots. She explained the original plat of the lots averaged 4,000 square feet, and the replat of these lots would average 7,500 square feet. She stated that the replatted lots still met the area requirements for Phase 18 which was designated for Zero Lot Line. She added, however, that they had submitted a request to redesignate the larger lots along the lake as single family. After a brief discussion, Smith made a motion to approve the replat. Welborn seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a preliminary plat for a proposed convenience store to be located at SH-205 and SH-276. Couch explained that the plat as submitted met all requirements and that the right-of-way on both SH-205 and SH-276 had been found to be adequate in both locations. She explained that while Council was not considering approval of a site plan at this time, approval of the preliminary plat should be subject to approval by the Board of Adjustments of a variance to the rear setback requirements of the Zoning Ordinance which had been submitted in conjunction with the site plan. After a brief discussion, Smith made a motion to approve the preliminary plat subject to approval of the variance by the Board of Adjustments. Welborn seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance levying assessment for paving and utility improvements within the Heritage Heights Public Improvements District on first reading. Welborn made a motion to approve the ordinance. Smith seconded the motion. The motion was voted on and passed unanimously. Eisen explained that as this area was formerly a part of the Mt. Zion Water Supply Corporation system, improvements could not begin until a release was obtained from the Farmer's Home Administration. He suggested Council consider tabling the award of bid of the contract for paving, drainage and utility improvements until FMHA approval was received. Smith made a motion to table consideration of the award of the contracts. Williams seconded the motion. The motion was voted on and passed unanimously.

Bill Eisen then gave the City Manager's report in which he discussed the upcoming budget workshop and the planning taking place for a future pump station to accommodate a waterline extension planned by the North Texas Municipal Water District.

Council then discussed the Enhancement Study for Phase II of the Capital Improvements Program and considered approval of an ordinance setting a date for public hearings pertaining to the assessments on second reading. Mark Hipes, of Marlin Blake and Associates, outlined the method of analysis used during the appraisal process of Phase II of the Capital Improvements Program. He explained that enhancement was found equal to or greater than the amount

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 14th day of July, 1988
in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the
request Elaine Tibbetts
for a Conditional Use Permit to allow construction of a guest house in
the rear yard of the residence
on the following described property:

703 Kernodle, also described as being a portion of
Block 4, Farmer's and Merchants Addition

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 88-33-CUP

Manuel 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, 205 West Rusk Street, Rockwall, Texas 75087.

Case No. P&Z 88-33-CUP

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

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

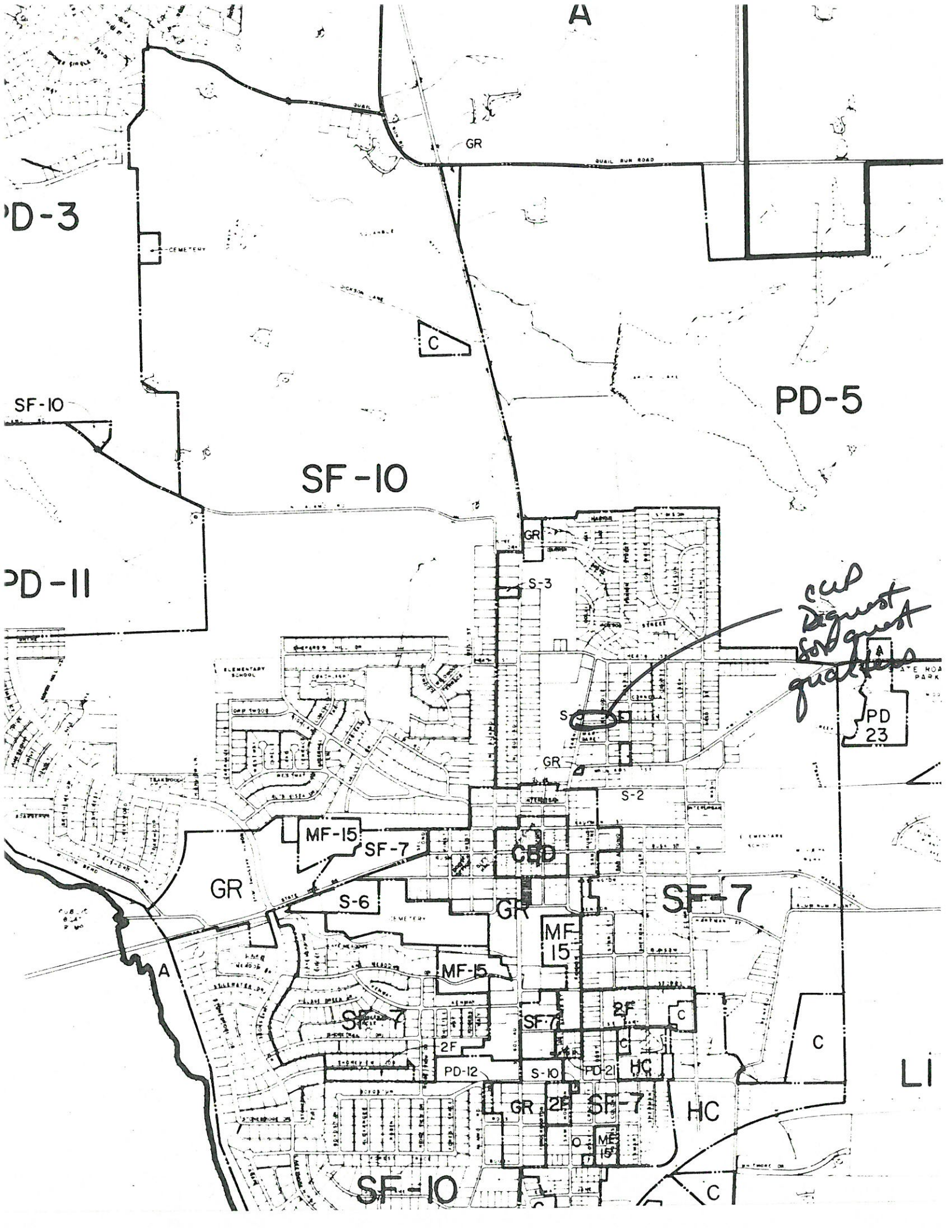
1.

2.

3.

Signature _____

Address _____





205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

Eva W Harris
606 Kennodle
Rockwall Tx
75087



205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

Howard Gilbert Skeltz
704 Kennodle
Rockwall 75087



205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

Bobby J Bruner
P.O. Box 101
Rockwall 75087



205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

Beulah Moneey
701 Austin
Rockwall 75087



205 West Rusk

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

Ted Carell
301 Margaret
Rockwall



205 West Rusk

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

John H Wallace
Rt 1 Box 135-a
Rockwall



205 West Rusk

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

Raymond Jacobs
607 Kennodle
Rockwall



205 West Rusk

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

Jana J Letland
603 Austin
Rockwall
75087



205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

*Blackhawk Enterprises
205 Sovereign Court*



205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

*Arnald Chenault
803 Kennode*



205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

*Jerald Tibbetts
703 Kennode
Rockwall 75087*



205 West Rush

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

*Henry B Zimmerman
705 Kennode*



205 West Rush

CITY OF ROCKWALL
"THE NEW HORIZON"
Rockwall, Texas 75087-3793

Federal Housing Authority
P.O. Box 2905
St. Worth TX

76113-2905



205 West Rush

CITY OF ROCKWALL
"THE NEW HORIZON"
Rockwall, Texas 75087-3793

Mattie Lucille Reeder
201 Oline St



205 West Rush

CITY OF ROCKWALL
"THE NEW HORIZON"
Rockwall, Texas 75087-3793

William E Stucky
P.O. Box 221
Rockwall



205 West Rush

CITY OF ROCKWALL
"THE NEW HORIZON"
Rockwall, Texas 75087-3793

Lewis R Gray
Rt 1 Box 313
Greenville TX
75041



205 West Rusk

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

*Eldon Keagy
803 Austin*



205 West Rusk

CITY OF ROCKWALL

"THE NEW HORIZON"

Rockwall, Texas 75087-3793

*Frank Seelivy
801 Austin*

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 14th day of July, 1988

in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the
request Elaine Tibbetts

for a Conditional Use Permit to allow construction of a guest house in
the rear yard of the residence

on the following described property:

703 Kernodle, also described as being a portion of
Block 4, Farmer's and Merchants Addition

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
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refer to Case No. P&Z 88-33-CUP

Man Nichols
City of Rockwall, Texas

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the City Planning and Zoning Commission, 205 West Rusk Street, Rockwall,
Texas 75087.

Case No. P&Z 88-33-CUP

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

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

1. The Tibbetts have restored Mrs. Irene Weddington's old home
doing most of the renovation themselves. The guest house
is needed for Jerry's mother who has a fractured
2. hip which can't be repaired until fall. They need
the extra space for his mother who is 79 and in a
3. wheel chair.

The Tibbetts take pride in their home and are
very good neighbors
and citizens.

Signature Eva Harris

Address 606 Kernodle

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City of Rockwall, Texas

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Texas 75087.

Case No. P&Z 88-33-CUP

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 Christina Mooney Hall
Address 701 Austin St
Rockwall, Texas

BEFORE THE PLANNING AND ZONING COMMISSION
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Mary 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, 205 West Rusk Street, Rockwall, Texas 75087.

Case No. P&Z 88-33-CUP

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

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

1. IT is not a detriment to the neighborhood.
2. IT is for a good cause & need.
3. IT would increase the value of the home & thereby those around it.

Signature Tom Blount

Address 301 Margaret

BEFORE THE PLANNING AND ZONING COMMISSION
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Mary 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, 205 West Rusk Street, Rockwall, Texas 75087.

Case No. P&Z 88-33-CUP

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 Mrs B Bruner

Address 702 KERNODIE

BEFORE THE PLANNING AND ZONING COMMISSION
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May 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, 205 West Rusk Street, Rockwall, Texas 75087.

Case No. P&Z 88-33-CUP

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

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

1. Will not down grade neighborhood

2.

3.

Signature W. S. Steuker

Address 404 Kernodle St
Rockwall, Tex. 75087

PLANNING AND ZONING ACTION SHEET

Applicant Elaine Subbetts Case No. _____

Property Description 703 Kernodle

Case Subject Matter CVP for guest house

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>July 14</u>	<u>✓</u>	_____	_____
Conditions _____			

Date to City Council <u>Aug 1</u>	_____	_____	_____
Conditions _____			

Ordinance no. 88-38 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