

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. P42 88-37-2 Filing Fee 0 Date _____

Applicant Danny Holley Phone 442-7515

Mailing Address 7210 Hwy 78, Suite D
Sachse TX 75098

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.)¹

lots 2, 3, 1, Block 1, St. Mary's Place Addition.

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

PD-21 District Classification to

PD-21 with revisions to the District Classification for for the following reasons: (attach separate sheet if necessary)
maximum height requirements to allow 2 story structures on the above described lots

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

Status of Applicant:² Owner Tenant _____

Prospective Purchaser _____

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

Signed Danny Holley

NOTE:

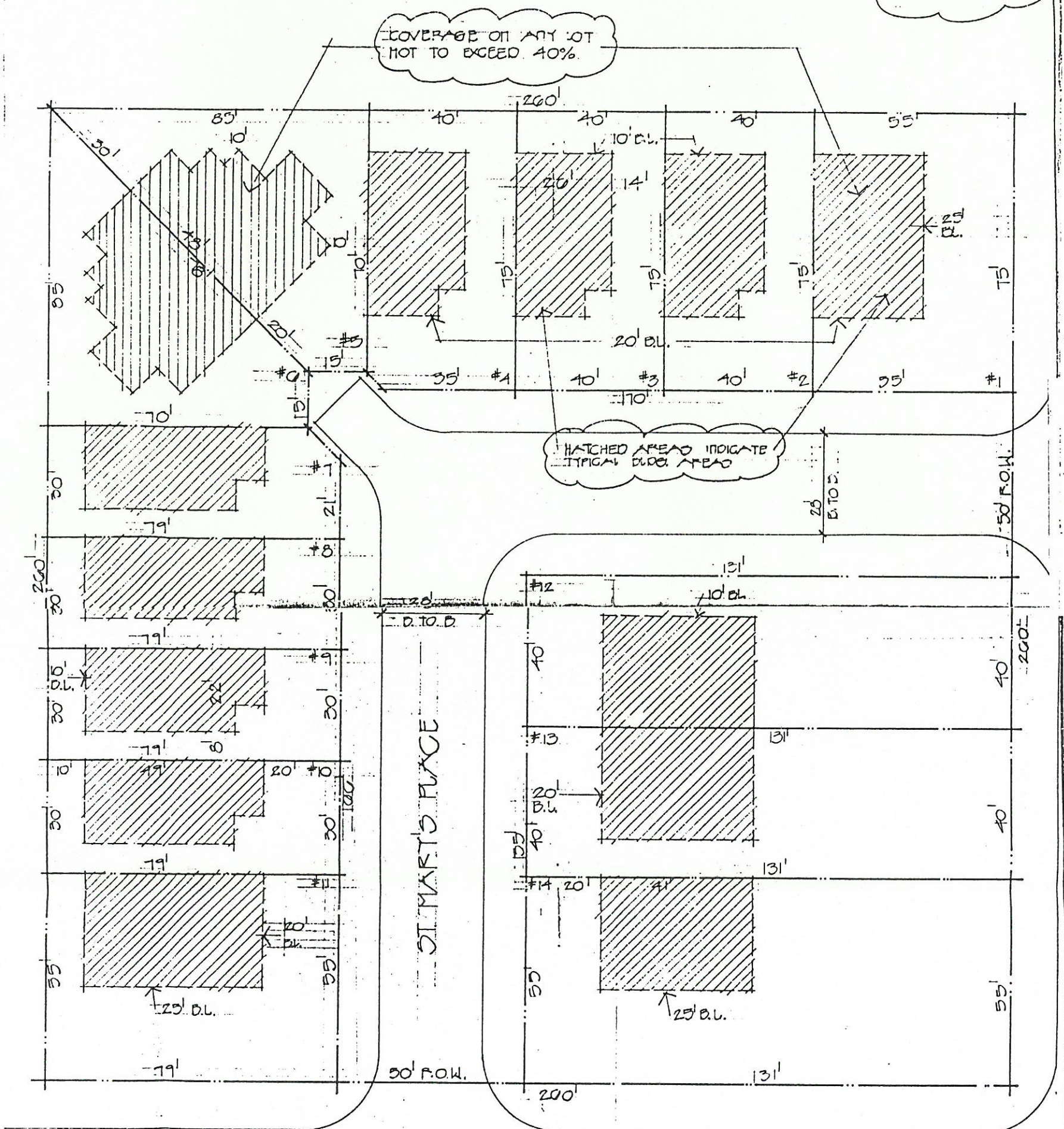
¹The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant 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.

²If the applicant is someone other than the owner, written acknowledgement by the owner of the zoning request must also be submitted.

0' H. WD. FENCE C
NEST PROPERTY
LINE TYPICAL

COVERAGE ON ANY LOT
NOT TO EXCEED 40%

HATCHED AREA INDICATE
TYPICAL CURB AREA



ST. MARTIN'S ST.

PATTON DR.

PD 21

PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

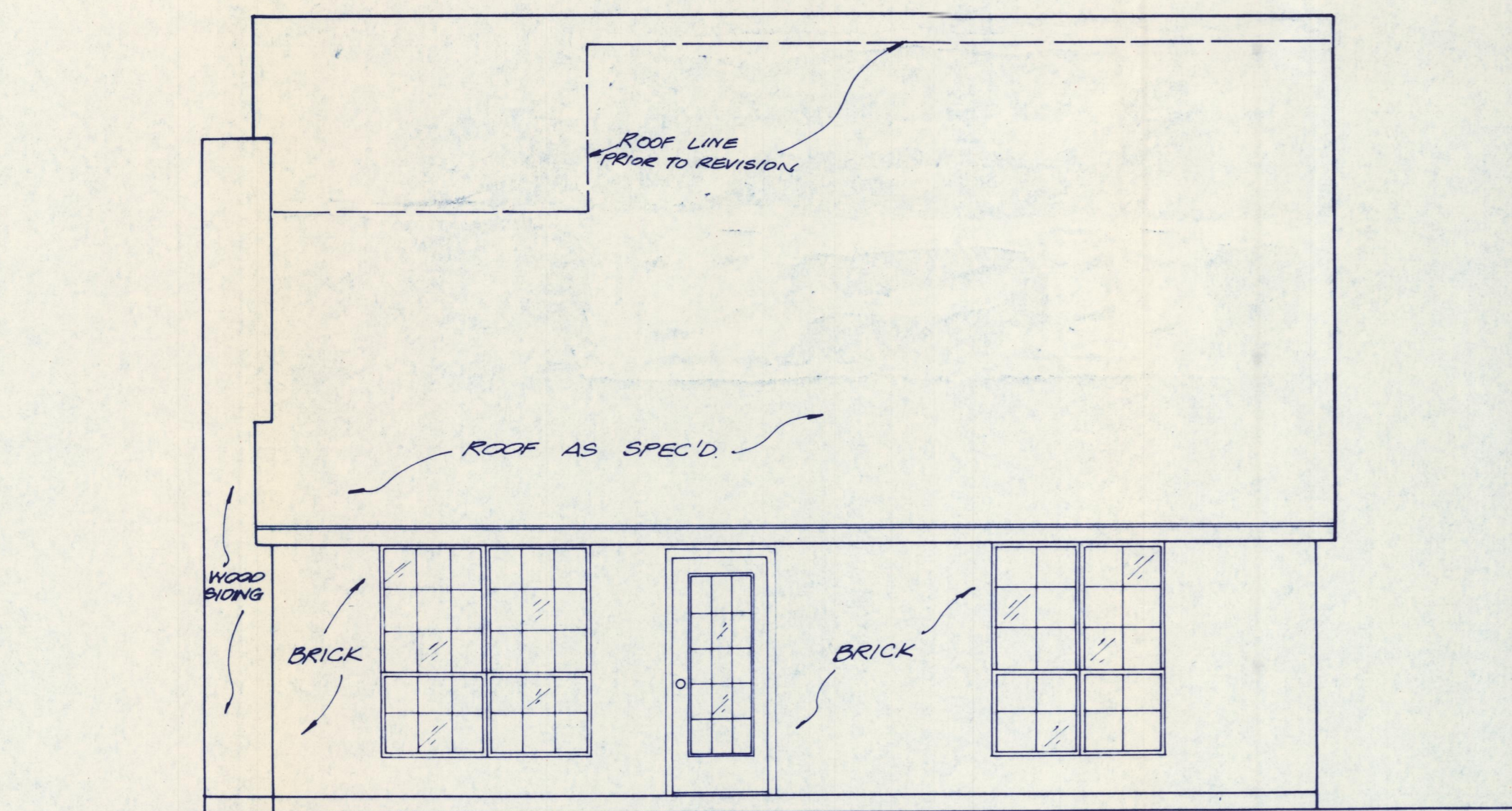
LOTS #1-15 (PROPOSED)
ROCKWALL, TEXAS

DESIGN DATA

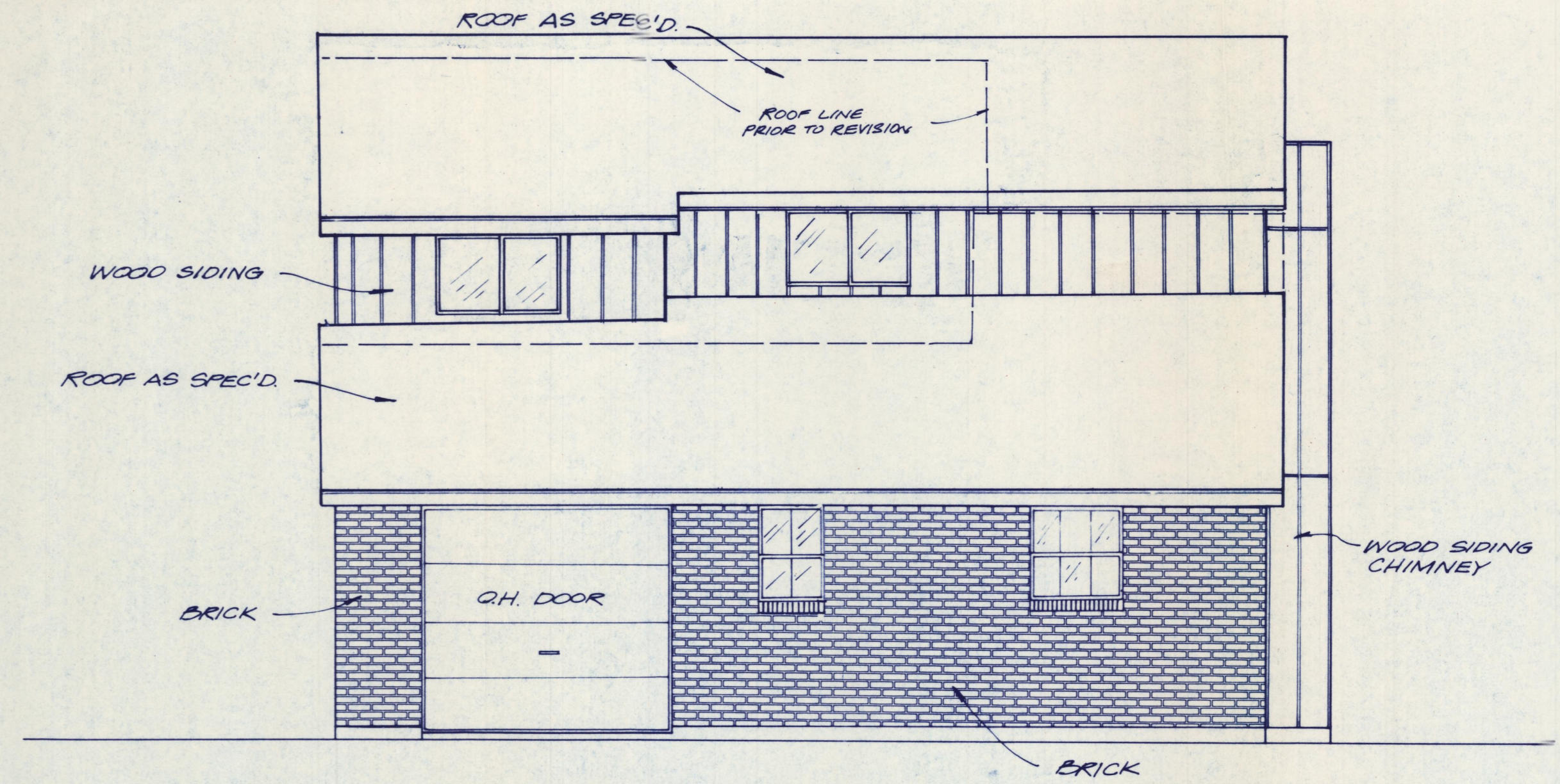
LAND AREA 1.55 ACRES
MAX. COVERAGE/LOT 40%
LOTS #1 THRU 6 & 11 THRU 14 SINGLE STORY
LOTS #7 THRU 10 TWO STORY
1/2 PARKING SPACES PER UNIT FOR GARAGE

*Final
Approved
Site Plan*

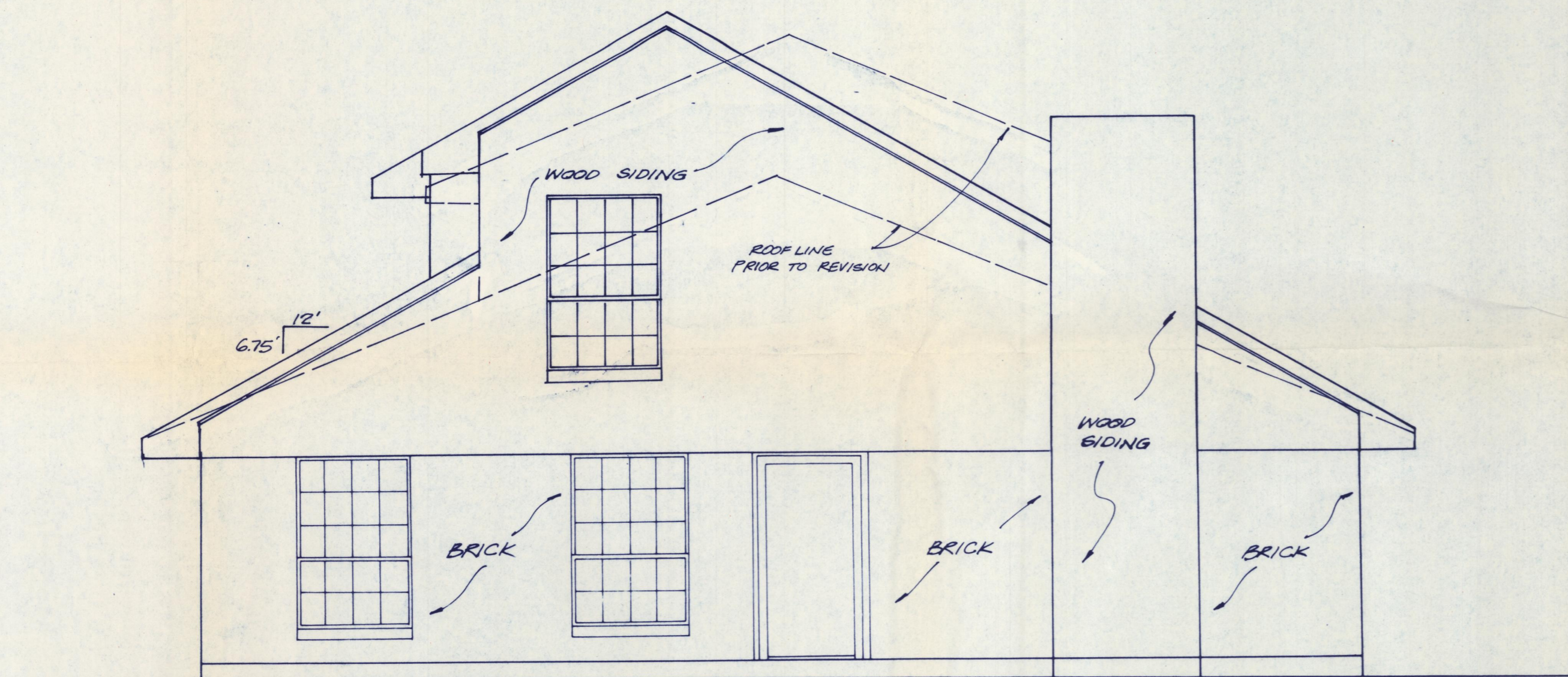
DALLAS DE
fred wyynn
100010 MILLER at L.B.



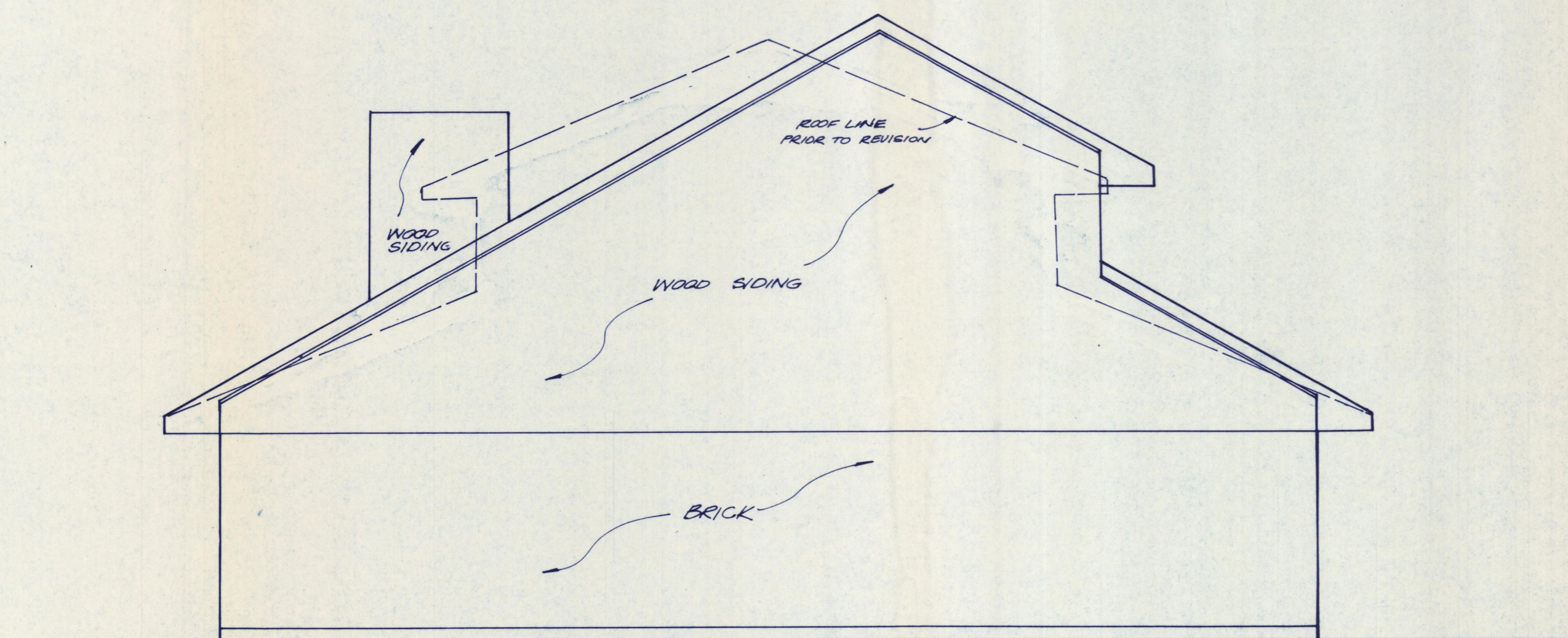
REAR ELEVATION
SCALE: 1/4" = 1'-0"



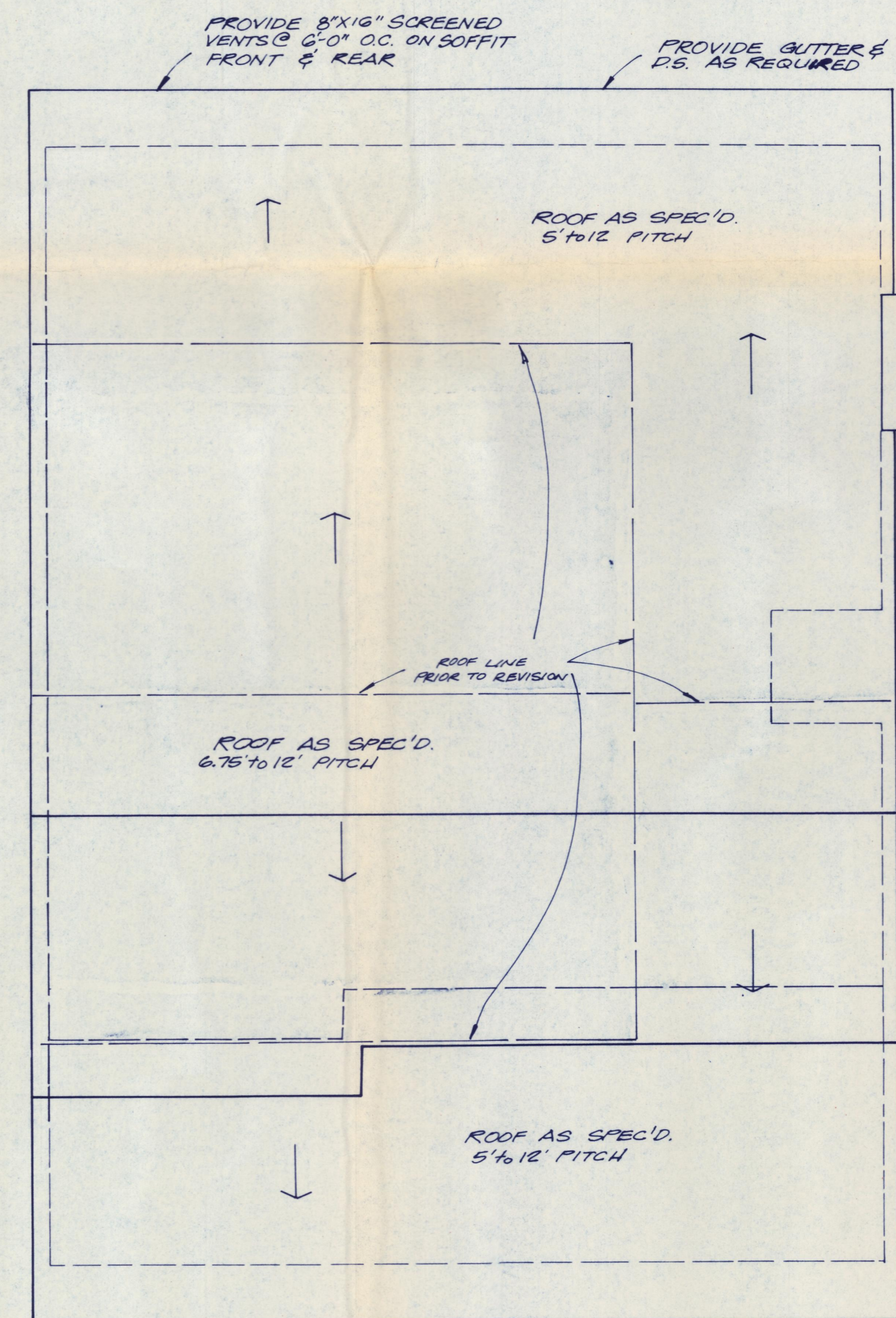
FRONT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



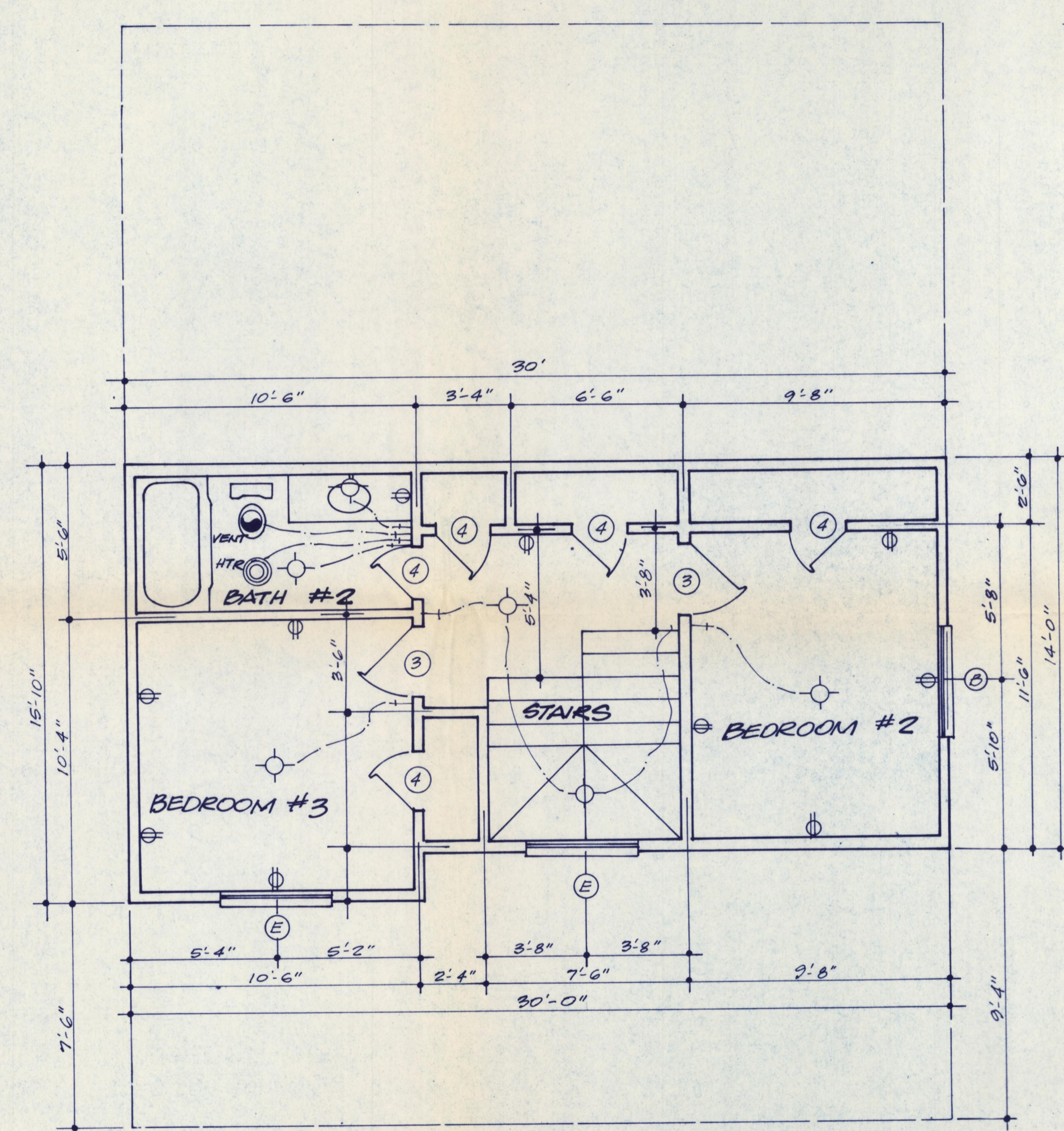
ROOF PLAN
SCALE: 1/4" = 1'-0"

1/2

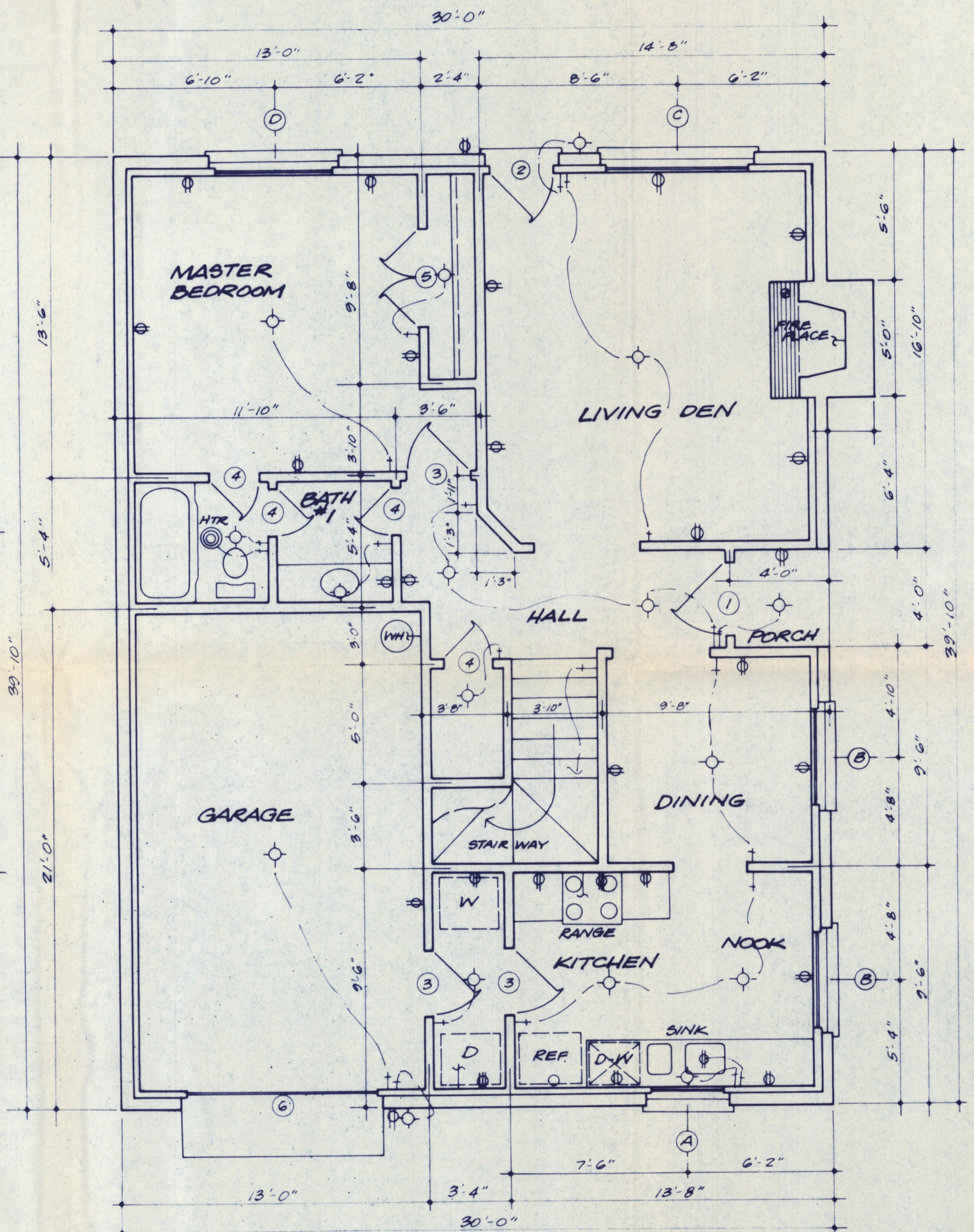
ELEVATION & ROOF PLAN			
HOLLEY DEVELOPMENT PLAN			
NELSON CONTRACTING			
Drawn By	Date	Plan No.	Job No.
N.C.	3-1-88 REV. 7-18-88	1307	8810

DOOR SCHEDULE			
SYM.	TYPE	SIZE	DESCRIPTION
1	SOLID CORE TYPE I	3'-0" X 6'-8" X 1 3/4"	STOCK EXTERIOR
2	FRENCH 16 LITE	2'-8" X 6'-8" X 1 3/4"	STOCK EXTERIOR
3	FLUSH HOLLOW CORE	2'-8" X 6'-8" X 1 3/8"	STOCK INTERIOR
4	"	2'-0" X 6'-8" X 1 3/8"	"
5	"	2'-2'-0" X 6'-8" X 1 3/8"	2XP 81-BWING'S UNIT
6	GARAGE	8'-0" X 7'-0"	STOCK OVERHEAD UNIT

WINDOW SCHEDULE			
SYM.	TYPE	SIZE	DESCRIPTION
A	SINGLE 3030	3'-0" X 3'-0"	ALUM. SINGLE HUNG
B	" 4060	4'-0" X 6'-0"	" " "
C	TWIN 3060	3'-0" X 6'-0"	" " "
D	TWIN 2660	2'-6" X 6'-0"	" " "
E	SINGLE 4030	4'-0" X 3'-0"	" HORIZ. SLID'G.

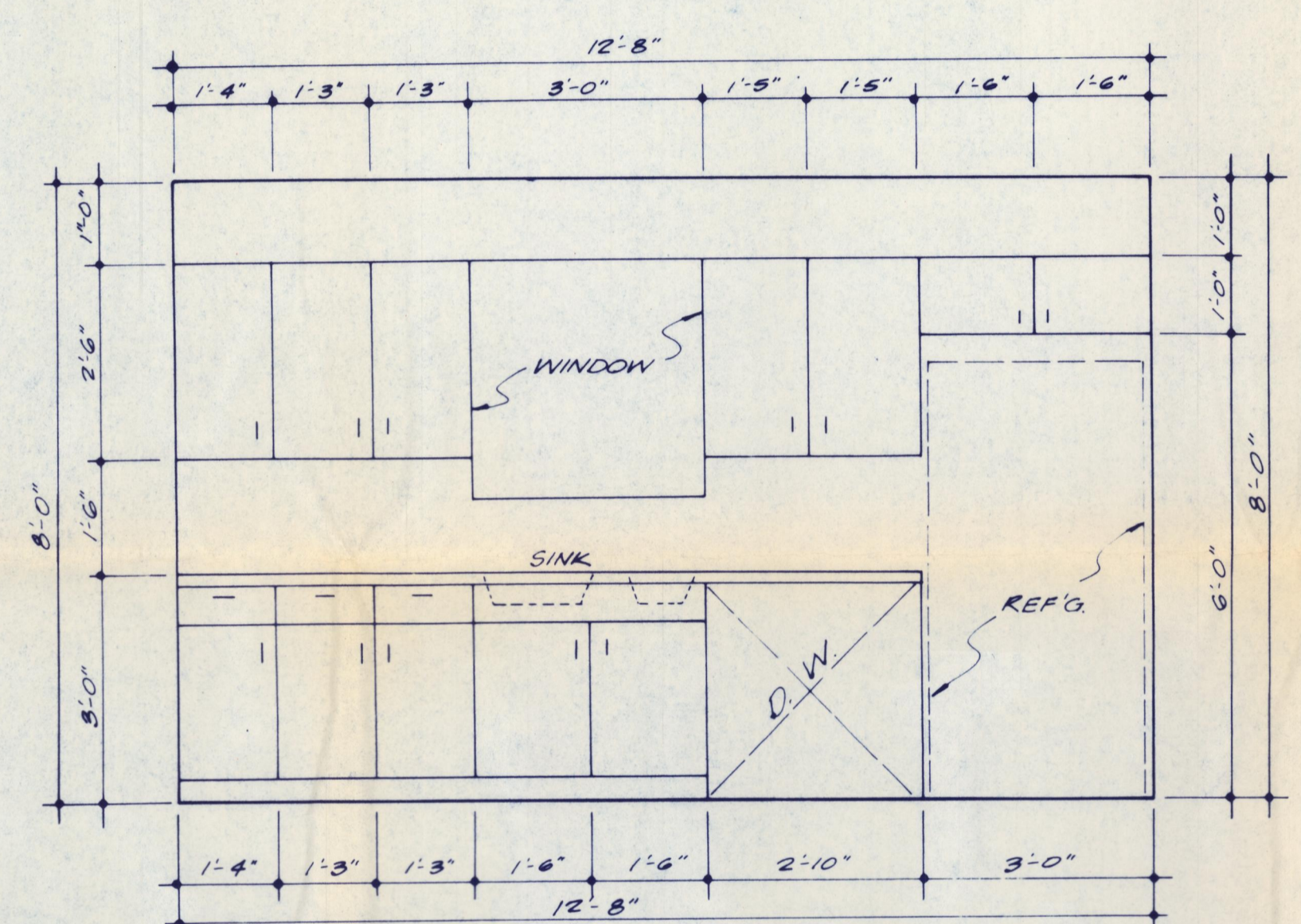


SECOND FLOOR
SCALE: 1/4" = 1'-0"

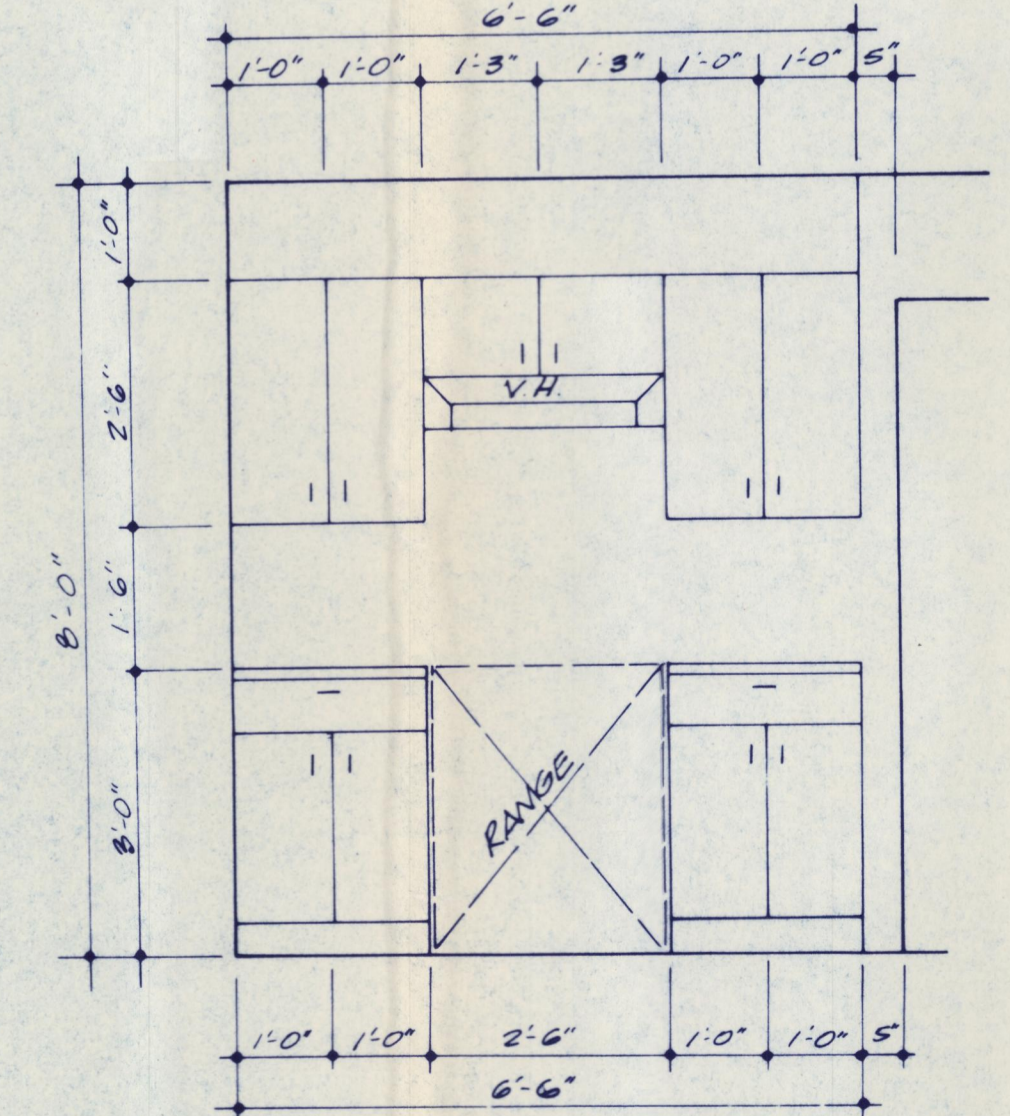


FIRST FLOOR
SCALE: 1/4" = 1'-0"

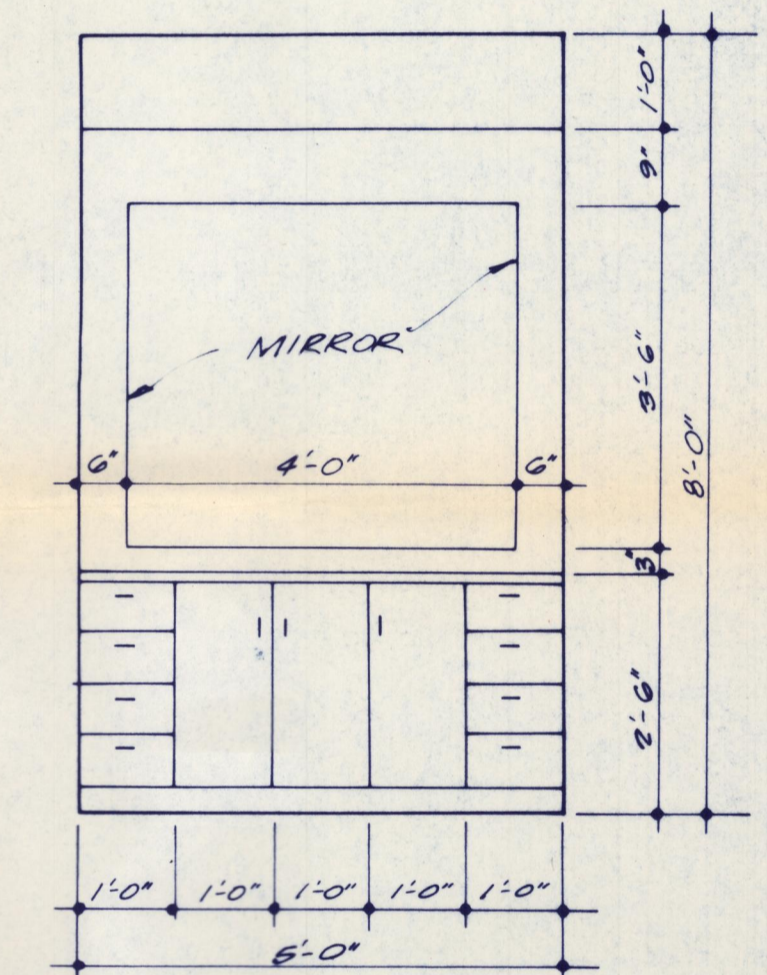
AREAS	
LIVING	1307 Sq. Ft.
GARAGE	251 Sq. Ft.
PORCH	16 Sq. Ft.
PATIO	



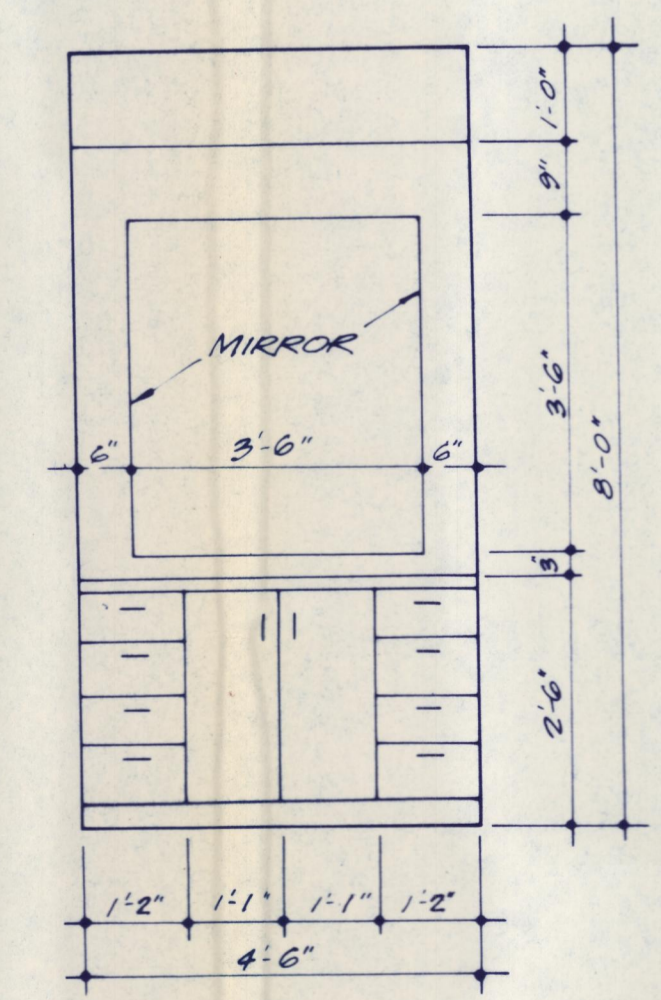
KITCHEN
SCALE: 1/2" = 1'-0"



KITCHEN
SCALE: 1/2" = 1'-0"



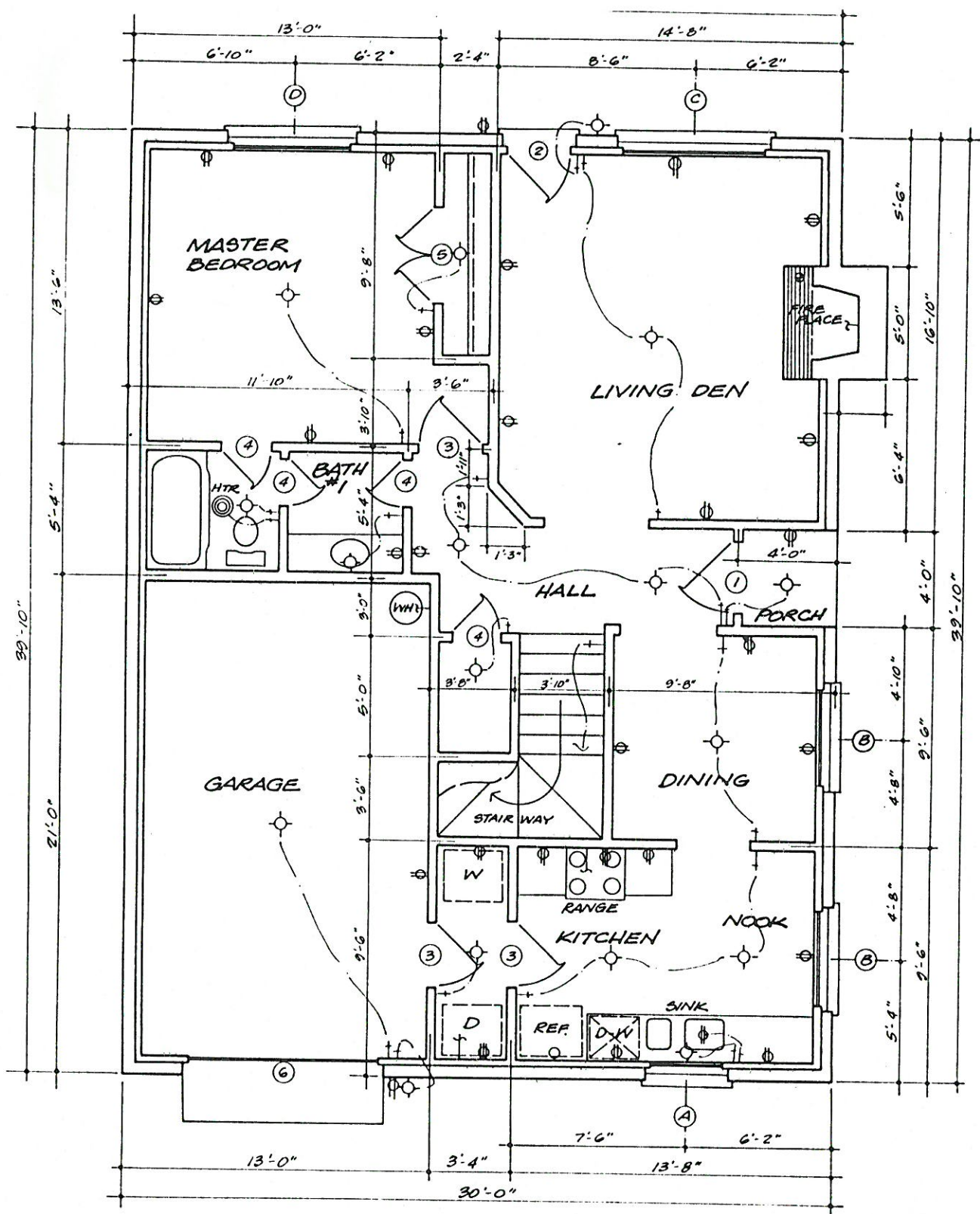
BATH #1
SCALE: 1/2" = 1'-0"



BATH #2
SCALE: 1/2" = 1'-0"

FLOOR PLAN & CAB'T PLAN			
HOLLEY DEVELOPMENT PLAN			
NELSON CONTRACTING			
Drawn By	Date	Plan No.	Job No.
N.C.	9-1-88	1307	8810
REV: 7-12-88			

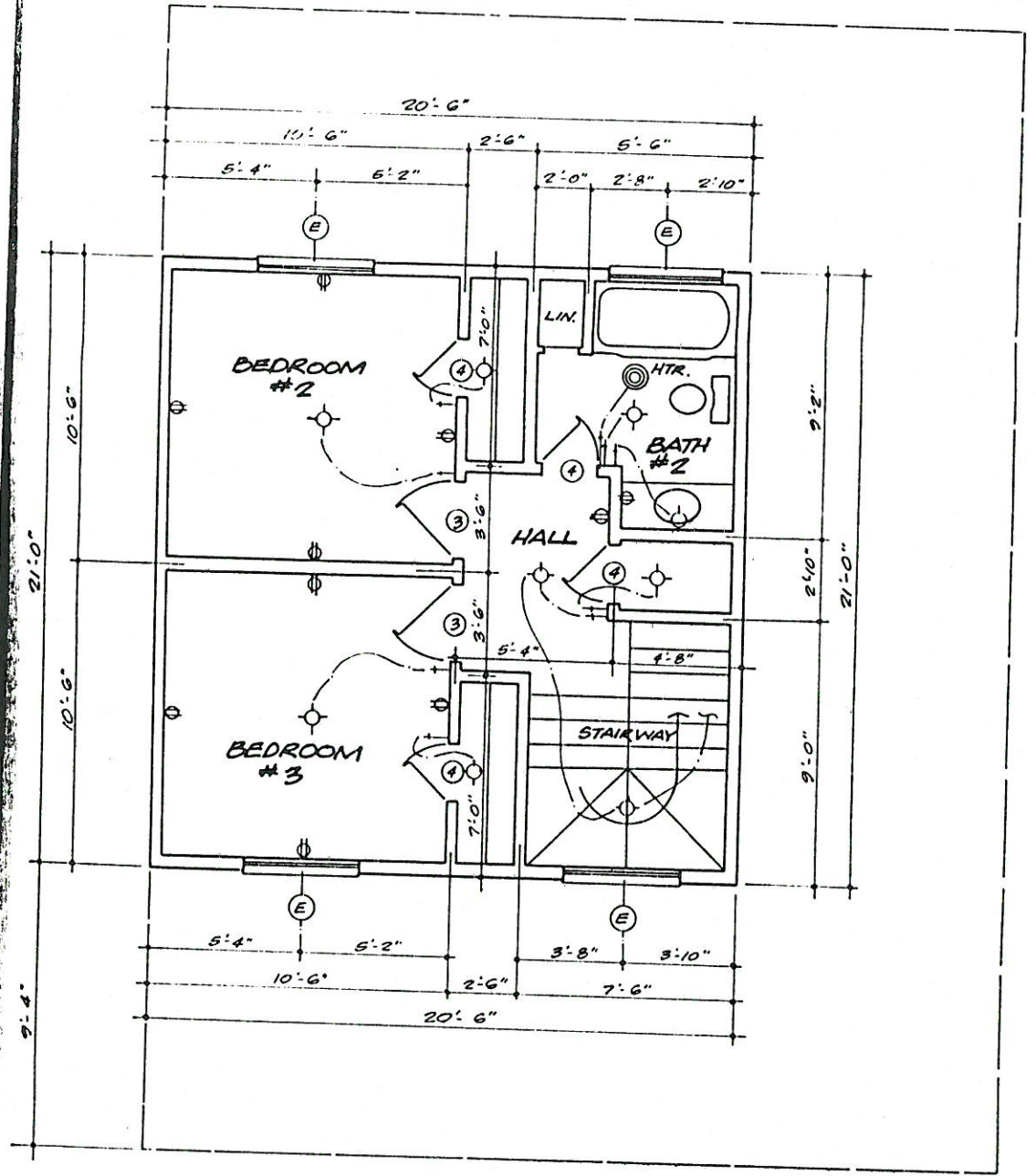
2/2



FIRST FLOOR
 SCALE: 1/4" = 1'-0"

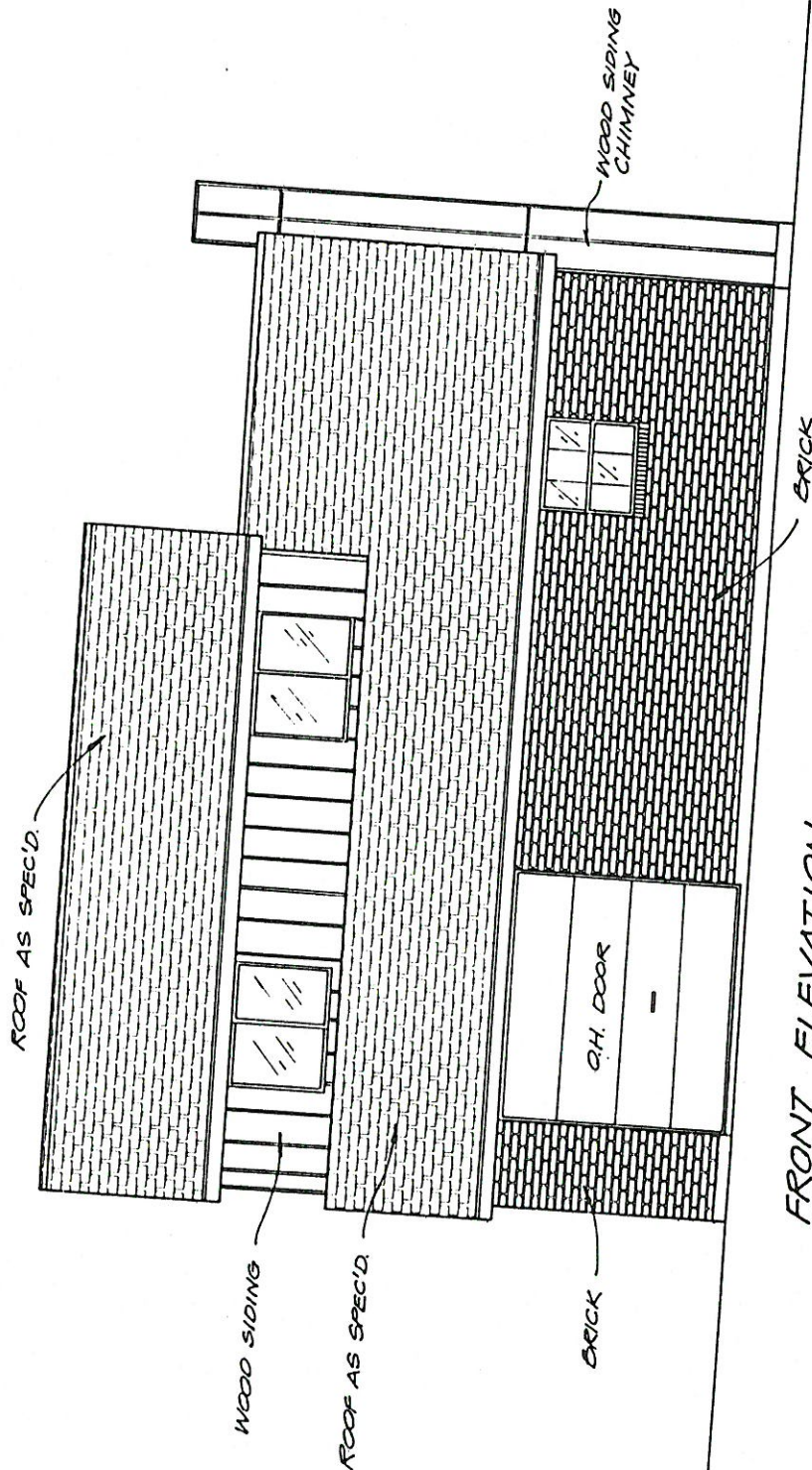
AREAS	
LIVING	1290 Sq. Ft.
GARAGE	251 Sq. Ft.
PORCH	16 Sq. Ft.
PATIO	

Original



SECOND FLOOR
 SCALE: 1/4" = 1'-0"

Original



ROOF AS SPEC'D.

WOOD SIDING

ROOF AS SPEC'D.

BRICK

G.H. DOOR

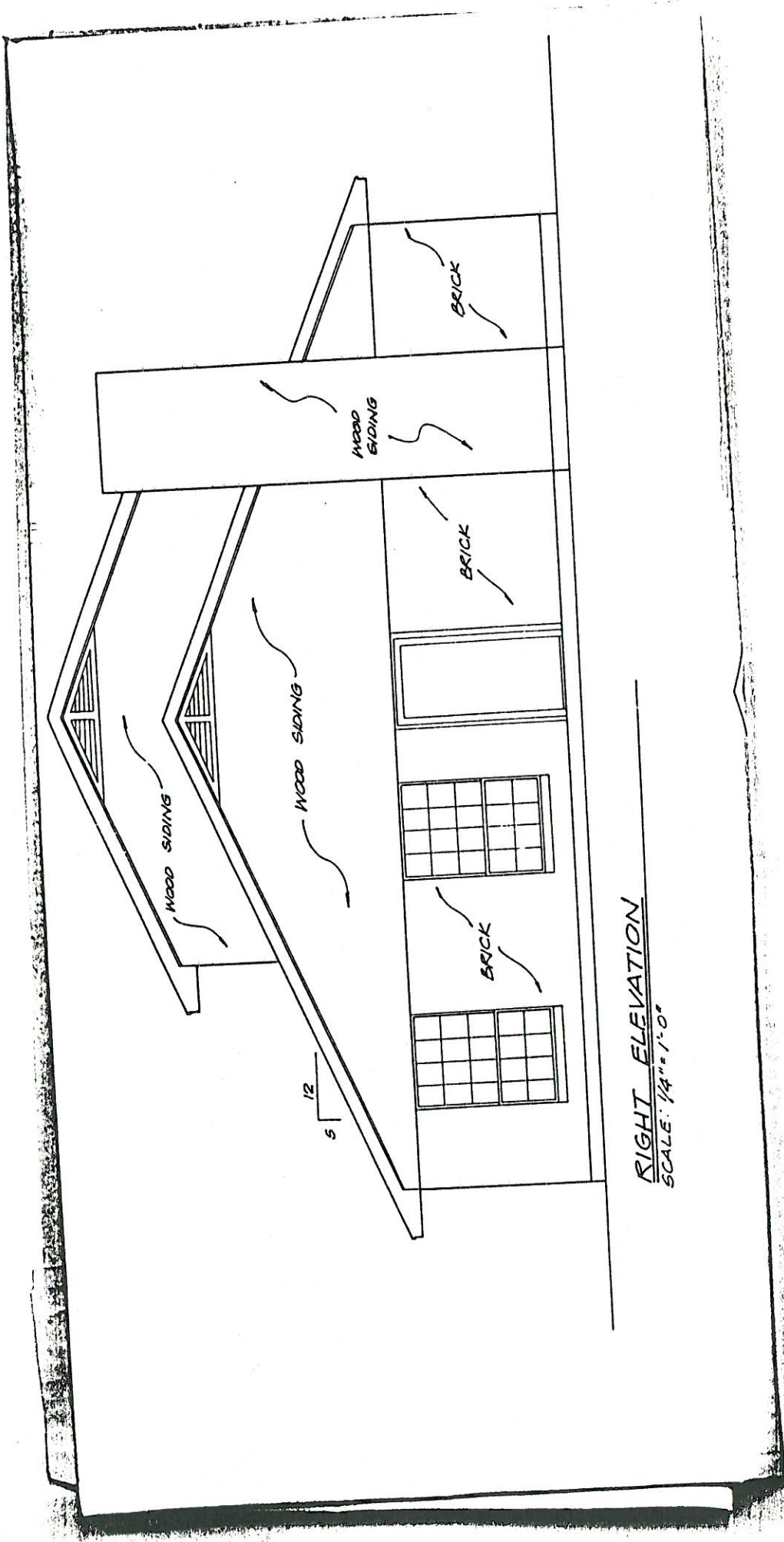
WOOD SIDING CHIMNEY

BRICK

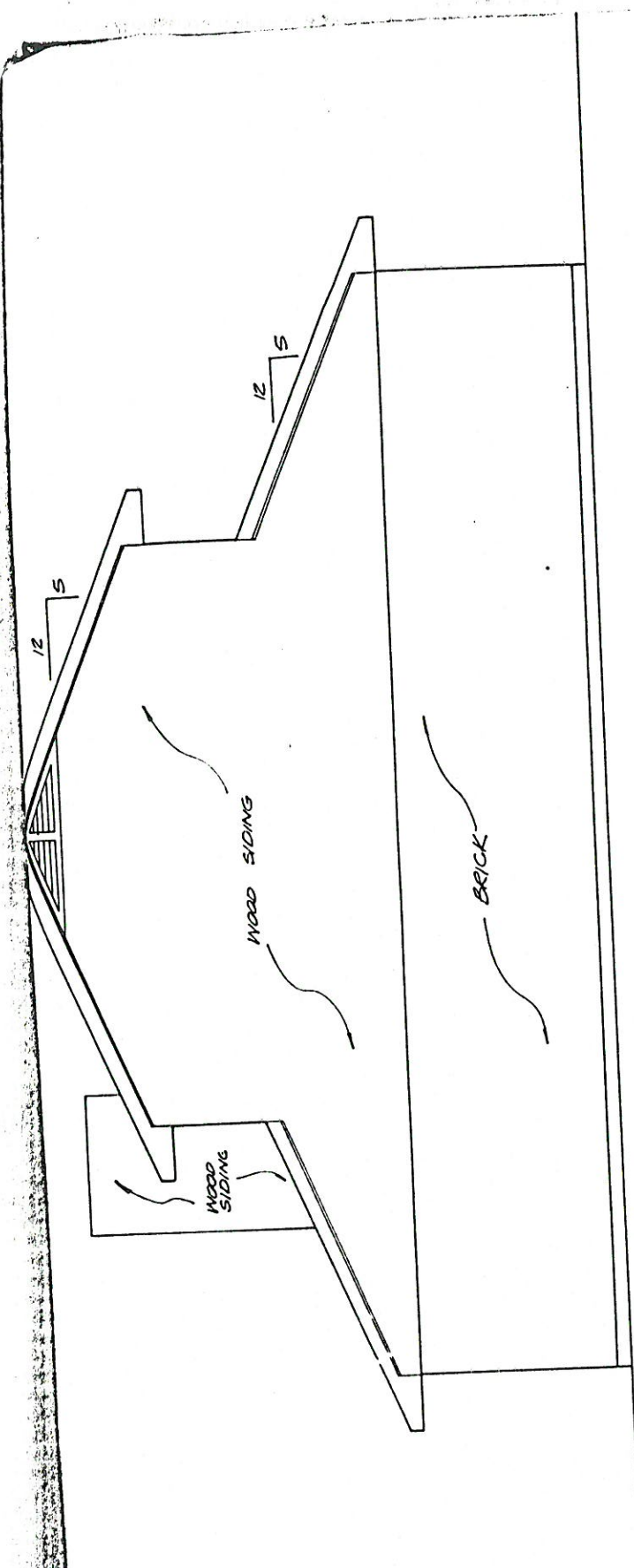
FRONT ELEVATION

SCALE: 1/4" = 1'-0"

Original



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

St Mary's Place

Lots 1-3 BK1	First State Bank/Wylie P.O. Box 160 Wylie, Tx 75098	Cayton Crawford 611 S Fannin	Alexander Lot 1
Lot 4, 7, 8, 9	First Caroland Savings Assoc P.O. Box 469005 Caroland 75046-9005	Jeresa Scoville + Cerace McClain P.O. Box 772	Lot 2 1/2
Lot 5 BK1	Judith E Evans 210 St Mary's Place	James Wesley Batch Rt 6 Box 87A Paris 75460	Lot 3
Lot 6 BK1	Lydia Pennington 212 St. Mary's Place	Bessie Dawson 605 S Fannin	Lot 4
Lot 10 BK1	Curtis Co Inheritance 220 St Mary's Place	Lois Juanita McDaniel 603 Fannin	Lot 5
Lot 11 BK 1	Alta Sellers 222 St Mary's Place	Dorothy Peoples 601 S Fannin	Lot 6
Lot 12 BK2	Halley Development Inc 7210 Hwy 78 Sachse, Tx 75098	Central Fire Station % City of Rockwall	
Lot 3 BK 2	Van T + Gladys Hataway 223 St Mary's Place	W.E. Campbell % Equity Tax Group P.O. Box 1400	Lakland 4 W E Campbell Addn
Baydston 117a	Harry Kenneth Smith 503 Westway	Federal Housing Auth P.O. Box 2905 Ft Worth 76113-2905	4+5 5+6
Baydston 79	J.A. Underwood 506 Barnes		

Leland 4+5 5+6	Jeanette McCrea P.O. Box 2096 Denton 76202	United States Postal Services P.O. Box 667160 Dallas 75266-7160
Rt 7	J C Lay 517 South Fannin	Mr + Mrs Richard Jordan 109 St Mary's
Rt 7	J.O. Seabourne 406 N Houston Reyse City 75089	
Boydston 80A	Nan + Joe Smactt 603 S Coliad	
80B	Blackhawk Enterprises 205 Sovereign Court	
80C	Dois McKee P.O. Box 81	
80D	Carl Brooks 607 S Coliad	
Nancy D 1	Joe Frasier Rt 4, Box 656	
Lot 2	Randal L Jaggar 403 Boydston	
Lot 3	Dennis B Tanner P.O. Box 273	

July 20, 1988

Member of the Rockwall Planning and Zoning Commission:

I, Louis McKee of 108 St. Marie's regret deeply that I am unable to attend the meeting Monday, July 25, due to a previous commitment. I am submitting this letter expressing my sentiments concerning the St. Marie's project and requesting that you be considerate of the wishes of not only myself, but for all of the property owners who will be affected by the building of two story structures adjacent to my house. You are well aware that many houses went into the making of what we thought were the final decisions of this project, and that no two story structures be built only on the south side of this property, which is adjacent to the U. S. Post office. After many hours of frustration, we were assured by the City Council that this restriction would be placed on this property.

Now I can't imagine that an employee authorized by the city to issue building permits, would do so, without checking

to see what these restrictions were, if
this be the case. I can't understand
why the builder would purchase lots
to build on an unfinished project
and not ask if there were any
restrictions on these lots; therefore
I feel that the results of this, should
not be at my inconvenience and the
invasion of my, or my neighbors
privacy.

Please note that fire places are
to be built on each structure and I
assure you, that the neighborhood
experiences enough smoke from the
chimneys already and I would
certainly receive the full benefit of
most of the smoke from these three
houses, due to the proximity of
the proposed buildings.

We, the property owners are asking
you to please not grant permission
to the builder to erect any two story
structures, as I personally feel that
this would be a precedent for anyone
else, who might do the same. Please
consider too, that we are permanent
residents and that the construction
of these houses are for sale or lease
and for profit only!

2
Why pass ordinances or restrictions
on anything if you are not going
to enforce them.

With all due respect and with
regrets, that this mistake was
made, please do not let it be
at our expense.

Respectfully,
David McKee

July 22, 1988

Rockwall City Council:

Several years ago, when the "Couple" developing St. Mary's Place obtained permission from City Council to put as many units as possible in St. Mary's Place, against the wishes of P+3 and against the wishes of the neighbors, the neighbors expressed their belief that zero lot lines do not allow sufficient playground for children. The developers assured us, and the City Council, that St. Mary's Place would be built for adults, and yards would not be needed.

Now, the children living in St. Mary's Place are having to play in driveways and in the streets, and throw rocks at houses and at the Nursing Home for excitement. These children need yards to play in!

If the current builder is allowed to build 2-story, 3-bedroom units, more families with children will be moving in, with even less play area.

Please do not change the restrictions on the development at St. Mary's Place. There are plenty of larger lots in Rockwall where lovely homes for families with children can be built.

We suggest you drive through St. Mary's Place late some evening. Please drive slowly - children at play!

Richard + Wilma Jordan
109 St. Mary's St.
771-5880

July 22, 1988

Rockwall Planning & Zoning Com.

Several years ago, when the "couple" developing St. Mary's Place obtained permission from City Council to put as many units as possible in St. Mary's Place, against the wishes of the neighbors, and against the wishes of P+Z, the neighbors expressed their belief that zero lot lines do not allow sufficient playground for children. The developers assured us, and the Council, that this would be built for adults, and yards would not be needed.

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Please do not change the restrictions on the development at St. Mary's Place. There are plenty of larger lots in Rockwall where lovely homes for families with children can be built.

We suggest you drive through St. Mary's Place late some evening. Please drive slowly - children at play!

Richard + Wilma Jordan
109 St. Mary's St.
771-5880

To: The Becknall Planning and Zoning Commission.

I am very much against letting the builder construct two-story houses on the lots for the following reasons:

1. PD-21 states that these three houses would be one-story houses.

2. At least one buyer bought her house in St Mary's Place after she was assured that there would not be any more two-story houses built in the development.

3. The larger houses will attract larger families thus over-crowding the area more. The only place for children to play is in the street.

4. There are a number of home-owners in this area that were here when this PD was passed by the City Council and they plan to live here in the future. The developer of St Mary's Place has long ago made her profit and has left Becknall.

5. Mrs Doris Melde built her home just west of St. Mary's place in 1949 and has one of the best kept homes in Beckwith. These two-story monstrosities will certainly ruin the look of her home as well as lowering the value of it.

There are many other reasons why this ^{main} PD should not be changed but the objection to a change is "can the home-owner depend on the City to enforce its ordinances or will it let any outside builder come in and change it so he can make a larger profit?"

please consider the home-owner.

Sincerely,

Nan & Joe Smartt

To The Rockwall Planning & Zoning Commission

As a property owner near St Mary's Place
(which none of the property owners wanted)
Our requests were not considered, but since
the Planned Development, was put down
in black and white, you want to change
it to accommodate some one, to make
money, and move on.

The property owners near by, still do not
want two story houses on St Mary's Place.

Thank You -

Mr & Mrs J. A. Underwood
506 Barnes St
Rockwall Texas 75087

CITY OF ROCKWALL

205 West Rusk

Rockwall, Texas 75087

FAX NUMBER (214) 722-3983

TO: Paul Richard
National Casualty Co.
Scottsdale, Ariz. 85261

FROM: Julie Couch
City of Rockwall TX
75087

DATE: 8/16/88

NUMBER OF PAGES (Including Cover Page): 28

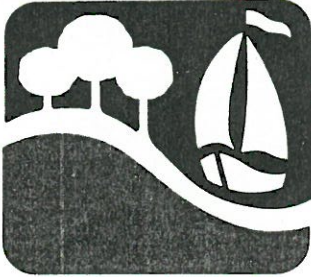
MESSAGE (If Any): Paul - I have sent the entire
packet by Fax and I have also mailed the
packet in case the Fax transmission is not clear.
I will contact you tomorrow to be sure
you received everything.

IF YOU DID NOT RECEIVE ALL THE PAGES, PLEASE CONTACT: (214) 722-1111

ASK FOR: Julie Couch

THANK YOU.

602 483 -~~6572~~
6752



CITY OF ROCKWALL
"THE NEW HORIZON"

August 16, 1988

Paul Richard
National Casualty Co.
P. O. Box C-4120
Scottsdale, Arizona 85261

Re: Claim from Holley Development Corporation to City of Rockwall Policy No. 000748

Dear Mr. Richard:

As we discussed over the phone on Monday, August 15th, the City of Rockwall has received a claim for losses in connection with three building permits that were issued by the City. The following is a brief summary of what has transpired to date regarding this case.

On June 24th the City's Chief Building Inspector issued three permits for the construction of three single family structures located at 202, 204, and 206 St. Mary's Place. The plans submitted for the structures clearly showed that they were to be two story structures. These lots are located within a tract of land which is zoned Planned Development 21. Under Planned Development zoning, construction requirements including building setbacks and height restrictions can vary from those in standard zoning classifications. In this particular PD the lots in question were restricted to one story construction under the zoning ordinance governing development within this site. This particular PD was extremely controversial when it was approved in 1983.

On July 11th it was brought to my attention by a resident adjacent to these lots that two story units were being constructed. In discussing the situation with the Building Inspector, he indicated that he had failed to follow procedures and check the zoning restrictions on the property prior to issuing the permits. The builder, Danny Holley of Holley Development, was notified of the problem on July 12th and a stop order was issued. Mr. Holley had acquired the lots on a foreclosure and he had received what he assumed was a complete copy of the PD Ordinance on this site from the bank. His copy did not contain the height restrictions and he was apparently unaware of that requirement. He did not directly contact the City to get a copy of this ordinance or to verify building restrictions. When the stop order was issued the rough plumbing and slabs had been completed on all three lots and the framing was complete to the second floor on two of the units.

Over the next several days discussions were held with the builder to review ways that the situation could be resolved. The only administrative solution available was for the

builder to submit a request for a change in the PD zoning ordinance to allow two story structures on these lots. Mr. Holley did submit this request and met with several of the adjacent property owners to determine if a compromise could be developed which would allow two story construction. Mr. Holley had his plans redrawn and was agreeable to some changes to the existing structures to accommodate some of the concerns of the neighbors.

His request was heard by the Planning and Zoning Commission on July 25th. Notwithstanding Mr. Holley's proposed revisions, the neighborhood was strongly opposed to changing the ordinance and the Commission voted to deny his request. On or about July 26th we notified Sue Burkhart of the pending case and indicated that a negative recommendation would be going on to the City Council.

The case was heard by the City Council on August 1st. The surrounding property owners were again present at the meeting and were strongly opposed to the request. The City Council voted to deny the request.

On August 8th Mr. Holley contacted us regarding further action. He indicated that, while he had sustained losses due to the work stoppage including materials and labor, he was interested in settling with the City rather than pursuing the matter in court. Since the denial of his request he has again met with his architect and, although it was not his first choice, has been able to develop a design that would accommodate a one story structure. On August 12th Mr. Holley submitted a breakdown of his costs in the project and a drawing of his revised floor plan. He has indicated that his losses on all three lots have totaled \$17,185.70.

Given the facts of the case and the time that has already been lost on this matter, we are very interested in expediting a response to Mr. Holley. I have enclosed the following supplemental information for your files:

1. Copy of Planned Development 21 ordinance and site plan (The lots in question are identified)
2. Copy of stop orders
3. Reduced copy of the original floor plans showing the two stories and elevation
4. Copy of request from Mr. Holley for a change in the PD
5. Reduced copy of first revision to floor plan and elevation
6. Copy of Mr. Holley's expenses and reduced copy of second revision to floor plan and elevation.

Paul Richard
August 16, 1988
Page 3

If you need any additional information please don't hesitate to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Couch".

Julie Couch
Assistant City Manager

Enclosures
CC: Sue Burkhart
JC/mmp

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 "PD" PLANNED DEVELOPMENT DISTRICT NUMBER 21 ON THE FOLLOWING DESCRIBED TRACT: BEING A TRACT OF LAND IN THE B. F. BOYDSTUN SURVEY, A-14, AND BEING THE SAME LAND DESCRIBED IN WARRANTY DEED FROM CONNIE SPONG BROWN AND HUSBAND, M. H. BROWN TO MRS. FRANK SPELCE, DATED SEPTEMBER 16, 1970, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST RIGHT-OF-WAY LINE INTERSECTION OF FANNIN STREET AND ST. MARY'S STREET AT AN IRON ROD; THENCE: SOUTH, WITH THE WEST RIGHT-OF-WAY LINE OF FANNIN STREET, 271.13 FEET TO AN IRON ROD FOR A CORNER; THENCE: NORTH $89^{\circ} 47' 17''$ WEST, WITH A FENCE LINE, 260 FEET TO AN IRON ROD FOR A CORNER; THENCE: NORTH 264.32 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF ST. MARY'S STREET, TO AN IRON ROD FOR A CORNER; THENCE: NORTH $28^{\circ} 42' 43''$ EAST, WITH THE SOUTH LINE OF ST. MARY'S STREET 260.07 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.598 ACRES OF LAND MORE OR LESS; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area, and in the vicinity thereof, and the governing body in the exercise of its legislative discretion, has concluded that the Comprehensive Zoning Ordinance of the City of Rockwall should be amended as follows, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, as heretofore amended, be and the same is hereby, amended by amending the Zoning Map of the City of Rockwall so as to grant "PD" Planned Development District Number 21 on the following described property:

BEING a tract of land in the B. F. Boydston Survey, A-14, and being the same land described in Warranty Deed from Connie Spong Brown and

husband, M. H. Brown to Mrs. Frank Spelce, dated September 16, 1970, more particularly described as follows:

BEGINNING at the Southwest right-of-way line intersection of Fannin Street and St. Mary's Street at an iron rod;

THENCE: South, with the West right-of-way line of Fannin Street, 271.13 feet to an iron rod for a corner;

THENCE: North $89^{\circ} 47' 17''$ West, with a fence line, 260 feet to an iron rod for a corner;

THENCE: North 264.32 feet to the South right-of-way line of St. Mary's Street, to an iron rod for a corner;

THENCE: North $88^{\circ} 42' 43''$ East, with the South line of St. Mary's Street 260.07 feet to the place of beginning and containing 1.598 acres of land more or less.

SECTION 2. That all ordinance of the City of Rockwall in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That Planned Development District Number 21 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. 21 to the above described tract of land is subject to the following special restrictions:

A. Prior to the issuance of any building permit in Planned Development District No. 21, a comprehensive site plan of the development 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 site plan, which shall be filed and included as Exhibit "A" and made a part of this ordinance for all purposes. Such comprehensive site 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. This tract of land is approved for the development of zero lot line single family dwelling units not to exceed a density of nine (9) units per acre.

C. No building or other permits shall be issued by an officer, agent or employee of the City of Rockwall for development of the above described tract in "PD-21" unless and until a final comprehensive site plan and list of proposed uses shall have been finally approved by the City Council of the City of Rockwall and attached to and made a part of this ordinance as Exhibit "A".


D. All development of property covered by Planned Development District No. 21 shall be in accordance with the provision 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.

SECTION 4. Any person firm, or corporation violating any of the provisions of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, and as amended hereby, and upon conviction shall be punished by a penalty of fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense, and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 5. This ordinance shall be come effective from and after its passage and the publication of the caption as the law in such cases provides.


DULY PASSED by the City Council of the City of Rockwall, Texas, on the 7th day of March, 1983.

APPROVED:



Mayor

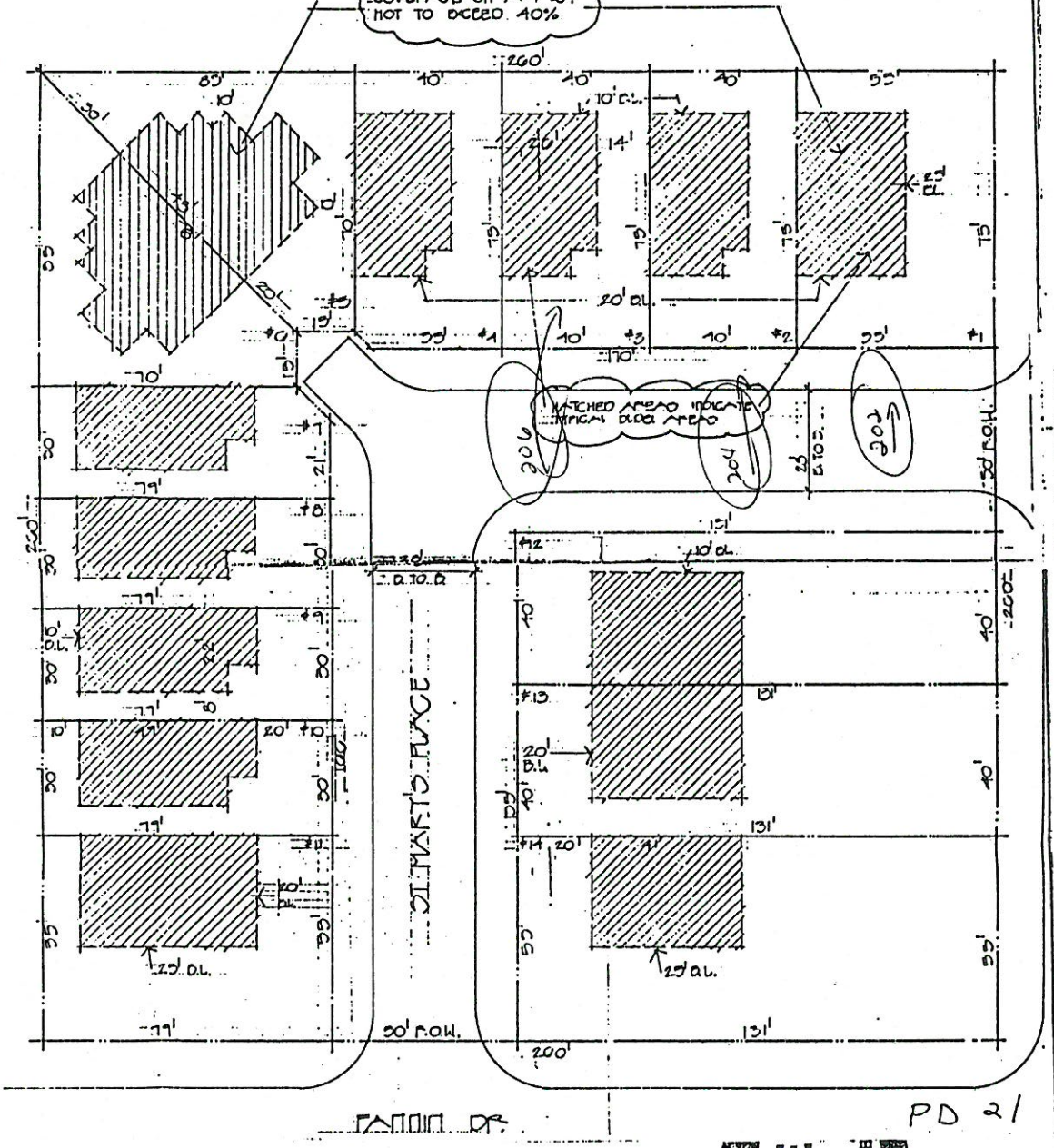
ATTEST:



City Secretary

0' H. NO. FENCE, C
NEST PROPERTY
LINE TYPICAL

COVERAGE ON ANY LOT
NOT TO EXCEED 40%



PROPOSED SITE PLAN

SCALE: 1" = 20'-0"
 LOTS #1-10 (PROPOSED)
 ROCKWALL, TEXAS

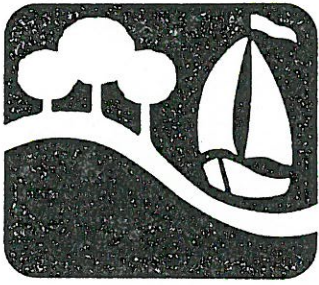
DESIGN DATA

LOT AREA 1.55 ACRES
 MAX COVERAGE/LOT 40%
 LOTS #1 THRU 6 & 11 THRU 14 - ONE STORY
 LOTS #7 THRU 10 TWO STORY
 2 1/2 DRIVEWAYS PER LOT

*Final
Approved
Site Plan*

ID DALLAS DE
 fred wynn
 10010 MILLER at L.B.

PD 21



CITY OF ROCKWALL
"THE NEW HORIZON"

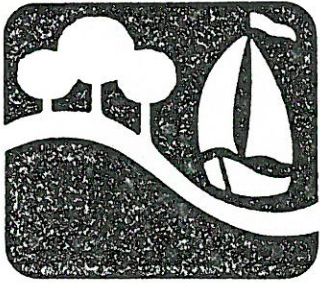
202 ST. MARY'S PLACE

STOP WORK ORDER

ALL PERSONS ARE HEREBY ORDERED TO CEASE WITH THE CONSTRUCTION OF THIS BUILDING DUE TO THE VIOLATION OF PD-21 PROVISIONS UNTIL IT HAS BEEN APPROVED BY THE CITY OF ROCKWALL.

DATE: JULY 12, 1988


BY: ED HEATH
DIRECTOR OF
COMMUNITY SERVICES




CITY OF ROCKWALL
"THE NEW HORIZON"

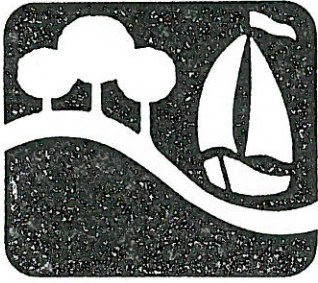
204 ST. MARY'S PLACE

STOP WORK ORDER

ALL PERSONS ARE HEREBY ORDERED TO CEASE WITH THE CONSTRUCTION
OF THIS BUILDING DUE TO THE VIOLATION OF PD-21 PROVISIONS UNTIL
IT HAS BEEN APPROVED BY THE CITY OF ROCKWALL.

DATE: JULY 12, 1988

BY: 
ED HEATH
DIRECTOR OF
COMMUNITY SERVICES



CITY OF ROCKWALL
"THE NEW HORIZON"

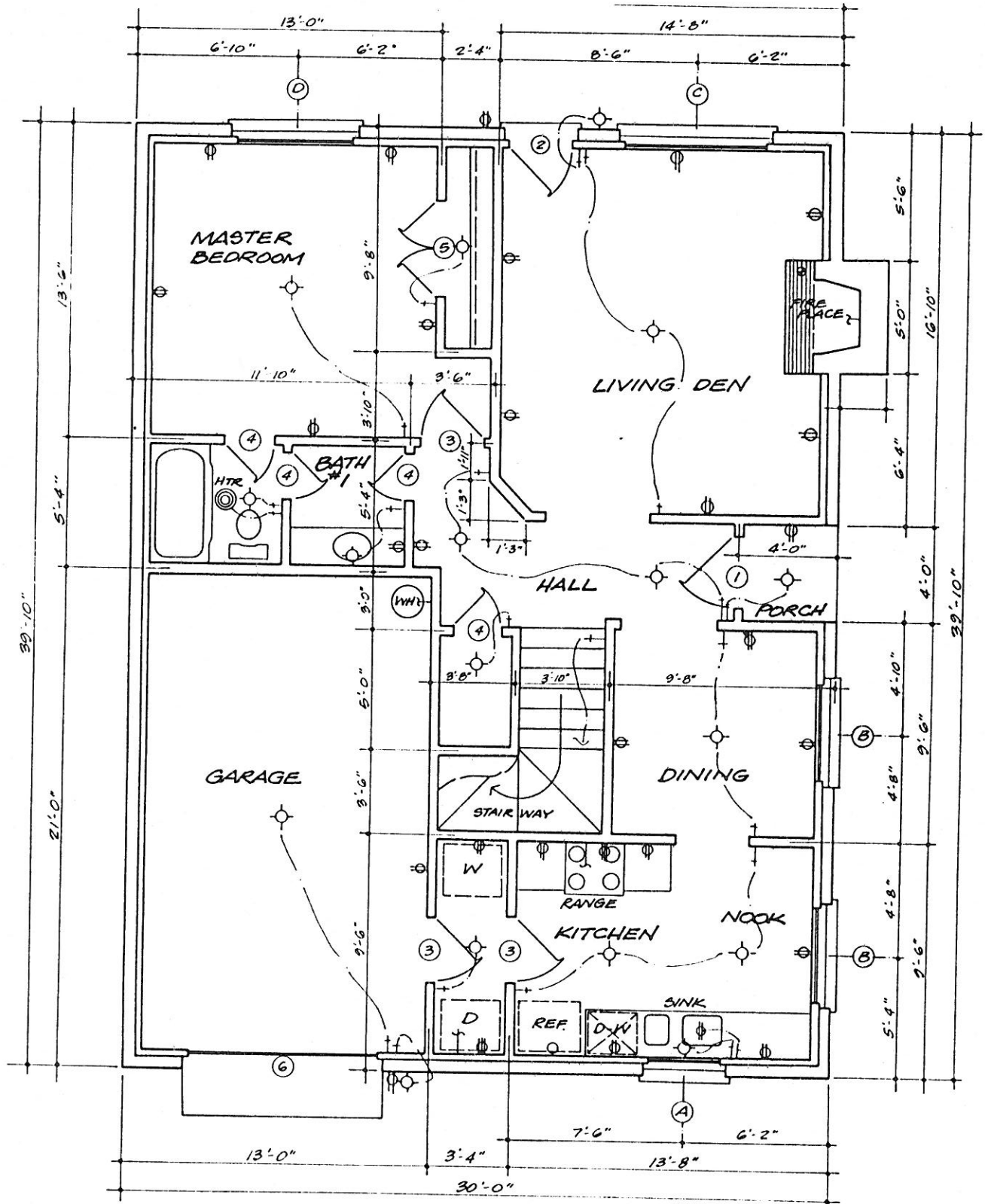
206 ST MARY'S PLACE

STOP WORK ORDER

ALL PERSONS ARE HEREBY ORDERED TO CEASE WITH THE CONSTRUCTION OF THIS BUILDING DUE TO THE VIOLATION OF PD-21 PROVISIONS UNTIL IT HAS BEEN APPROVED BY THE CITY OF ROCKWALL.

DATE: JULY 12, 1988

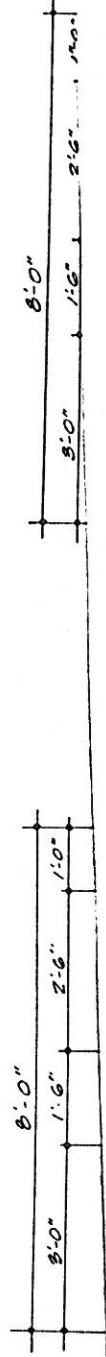
BY: *Ed Heath*
ED HEATH
DIRECTOR OF
COMMUNITY SERVICES

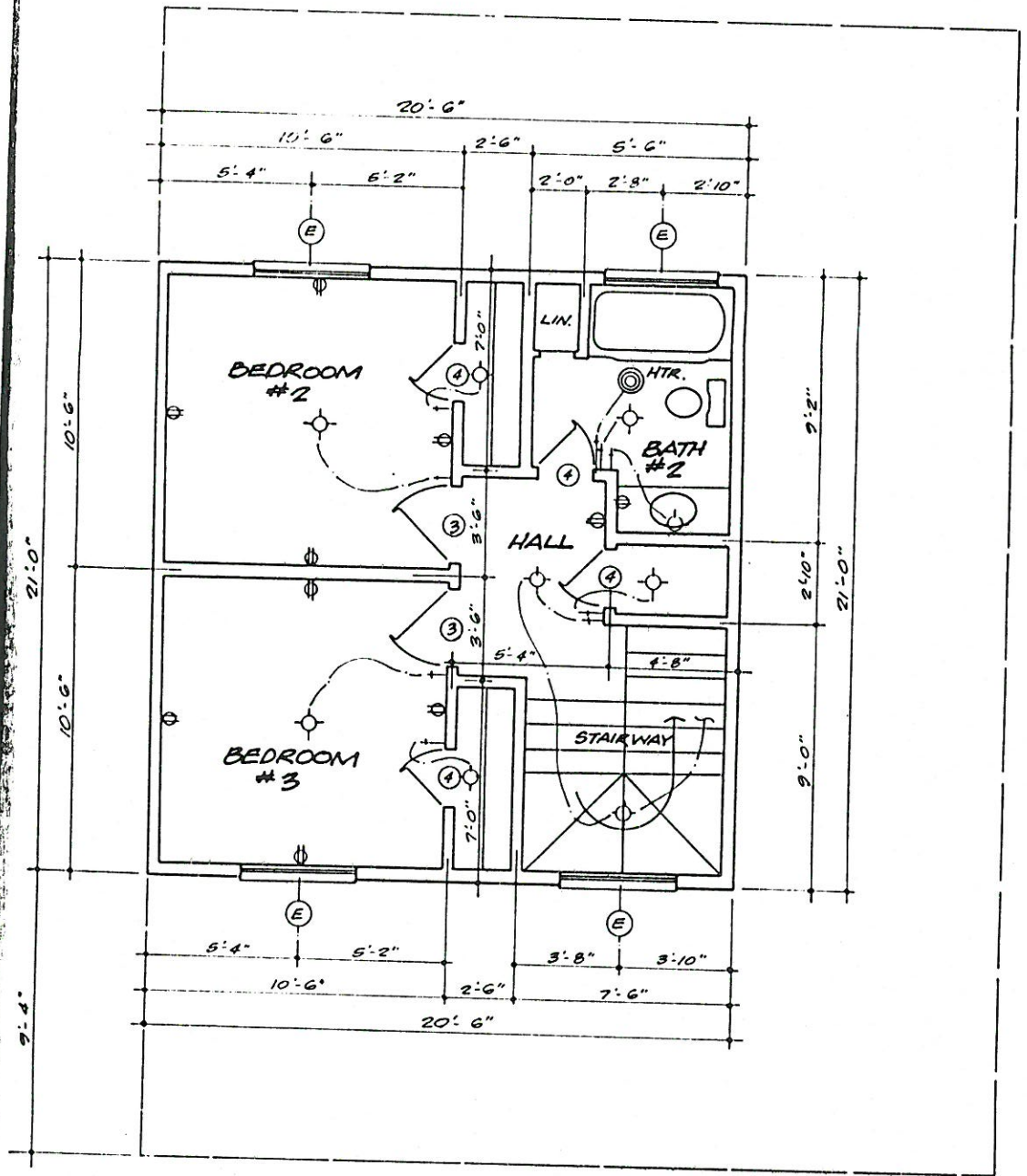


FIRST FLOOR
 SCALE: 1/4" = 1'-0"

AREAS	
LIVING	1290 Sq. Ft.
GARAGE	251 Sq. Ft.
PORCH	16 Sq. Ft.
PATIO	

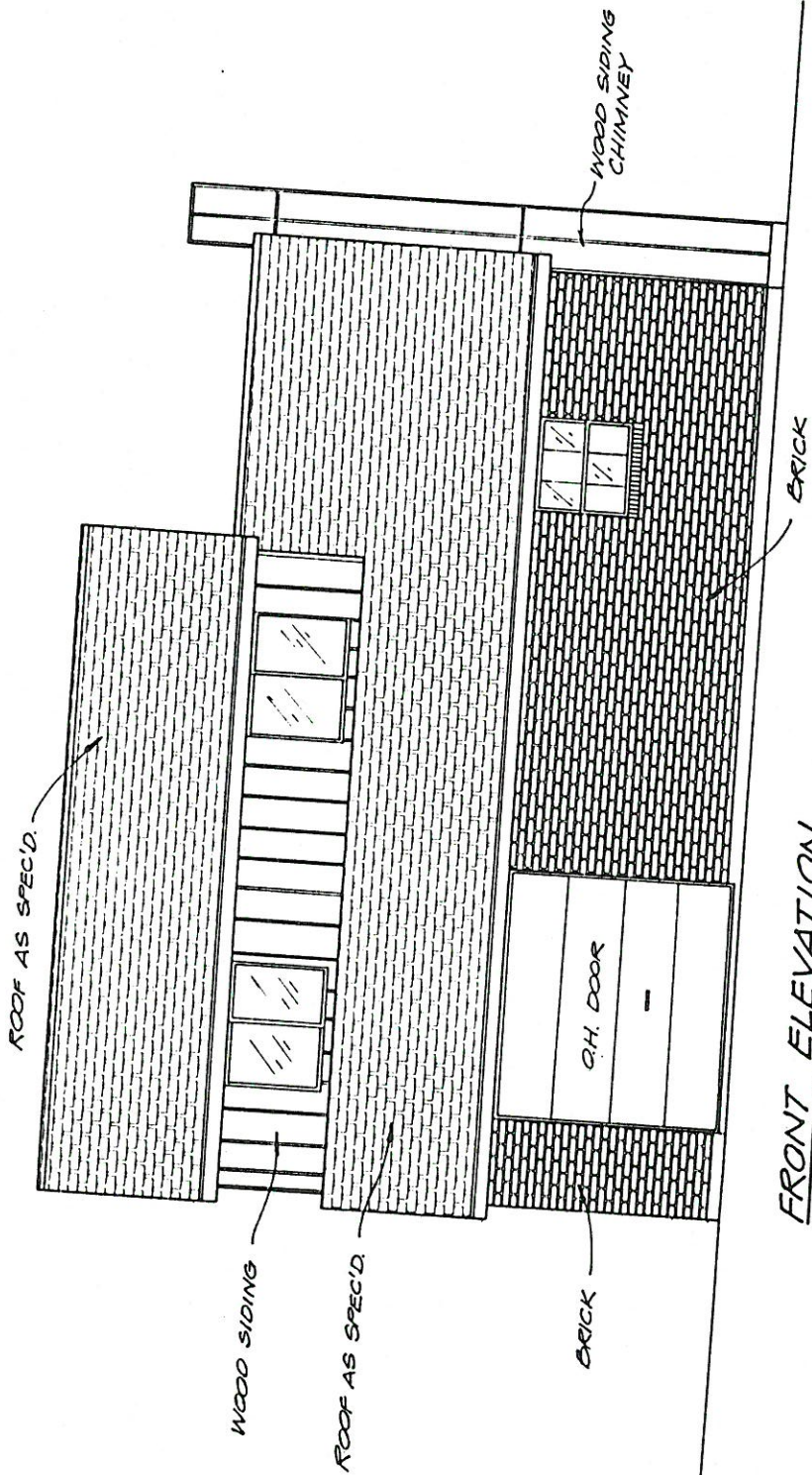
Original





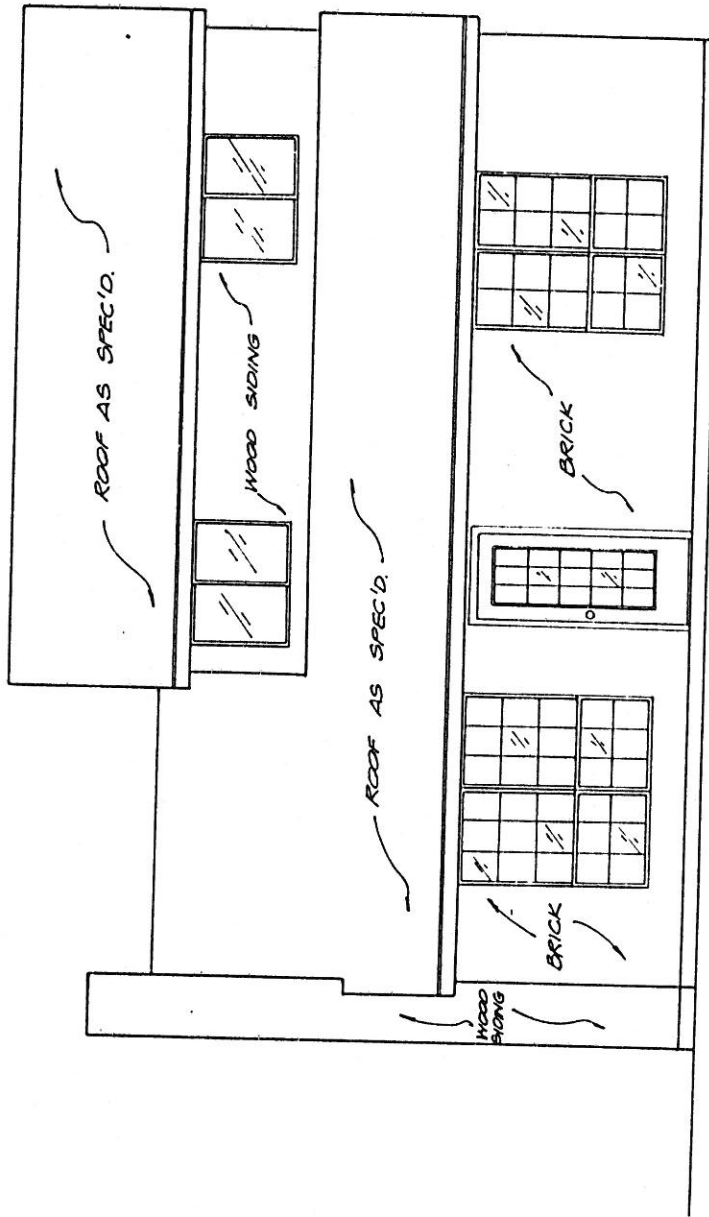
SECOND FLOOR
 SCALE: 1/4" = 1'-0"

Original



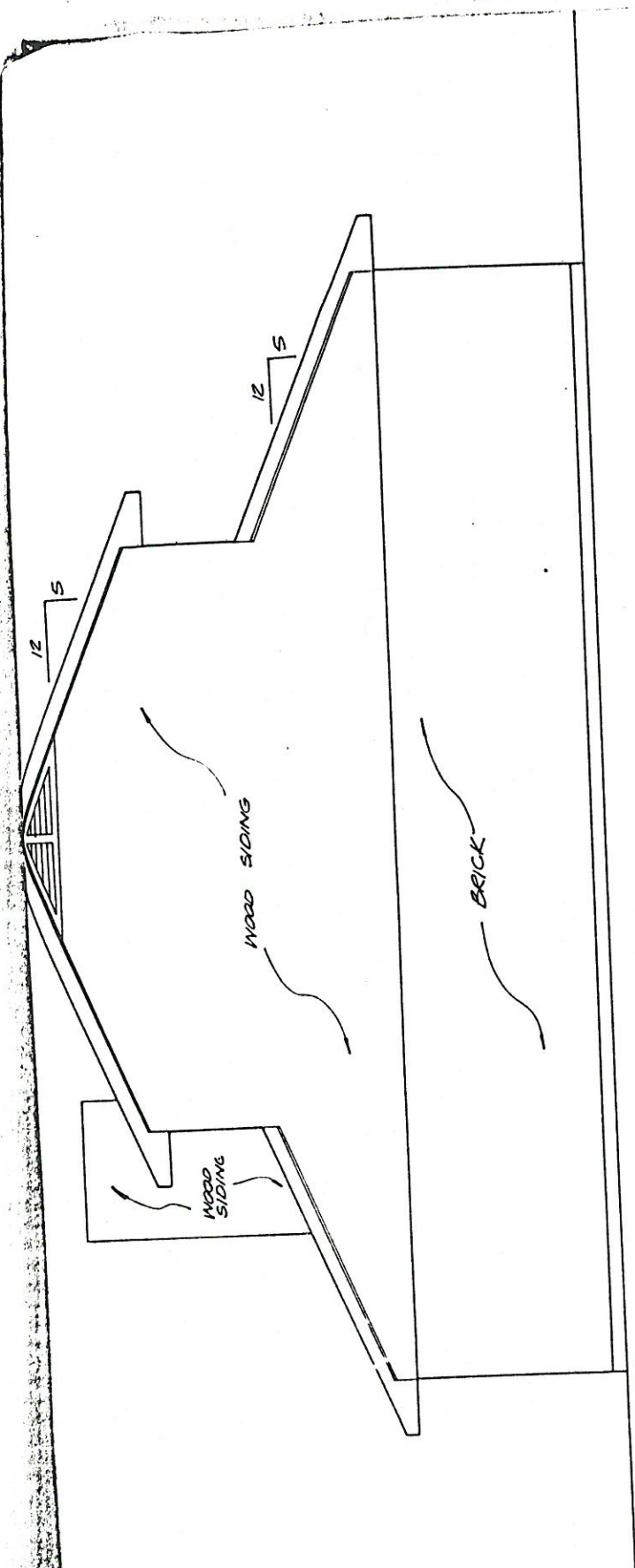
FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Original



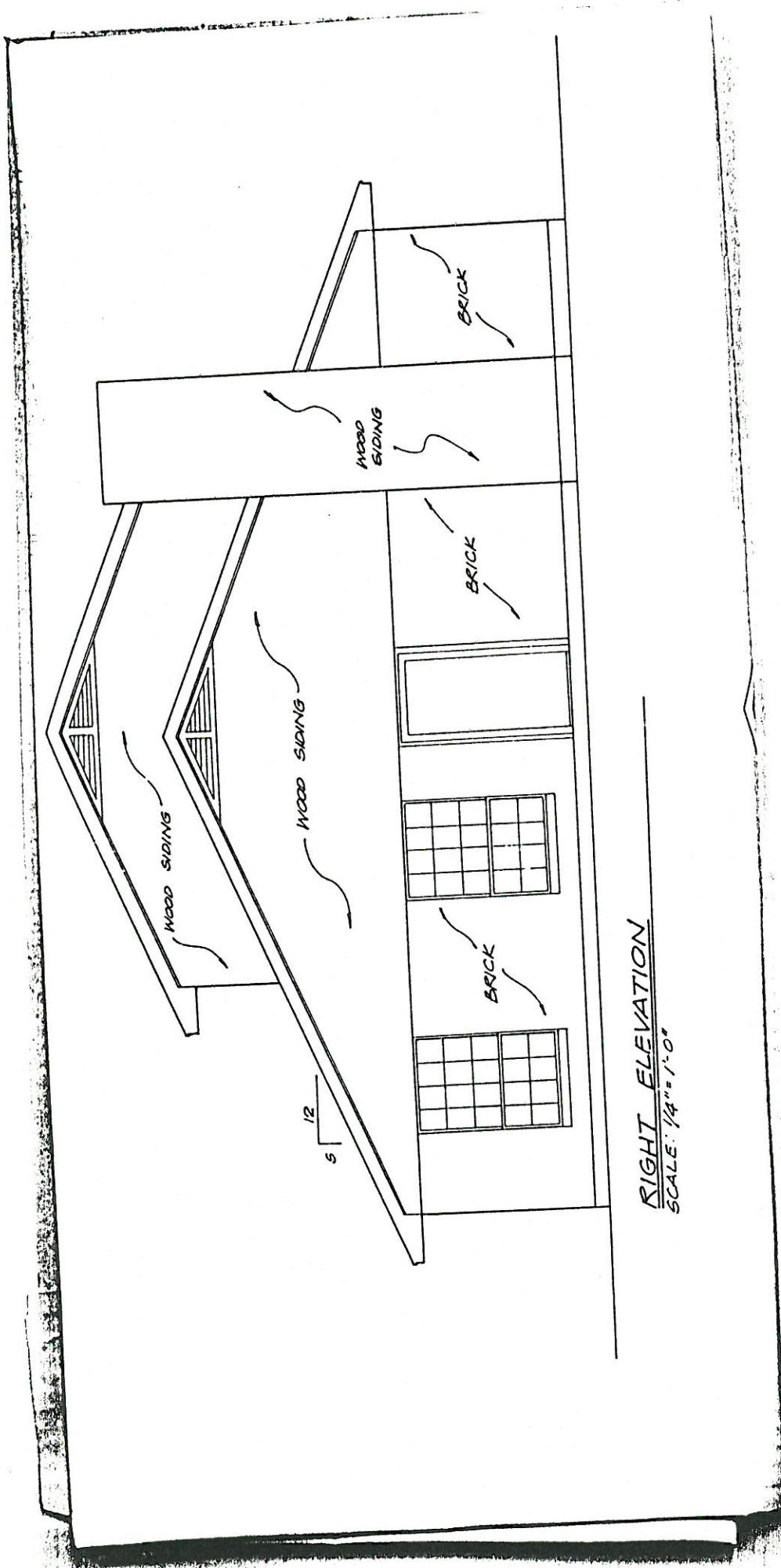
REAR ELEVATION
SCALE: 1/4" = 1'-0"

Original



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

nal



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

Original

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. P42 88-37-2 Filing Fee 0 Date _____
Applicant Danny Holley Phone 442-7515
Mailing Address 7210 Hwy 78, Suite D
Sachse TX 75098

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.)¹

lots 2, 3, 1, Block 1, St. Mary's Place Addition.

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

PD-21 District Classification to

PD-21 with revisions to the District Classification for for the following reasons: (attach separate sheet if necessary)
maximum height requirements to allow 2 story structures on the above described lots

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

Status of Applicant:² Owner Tenant _____

Prospective Purchaser _____

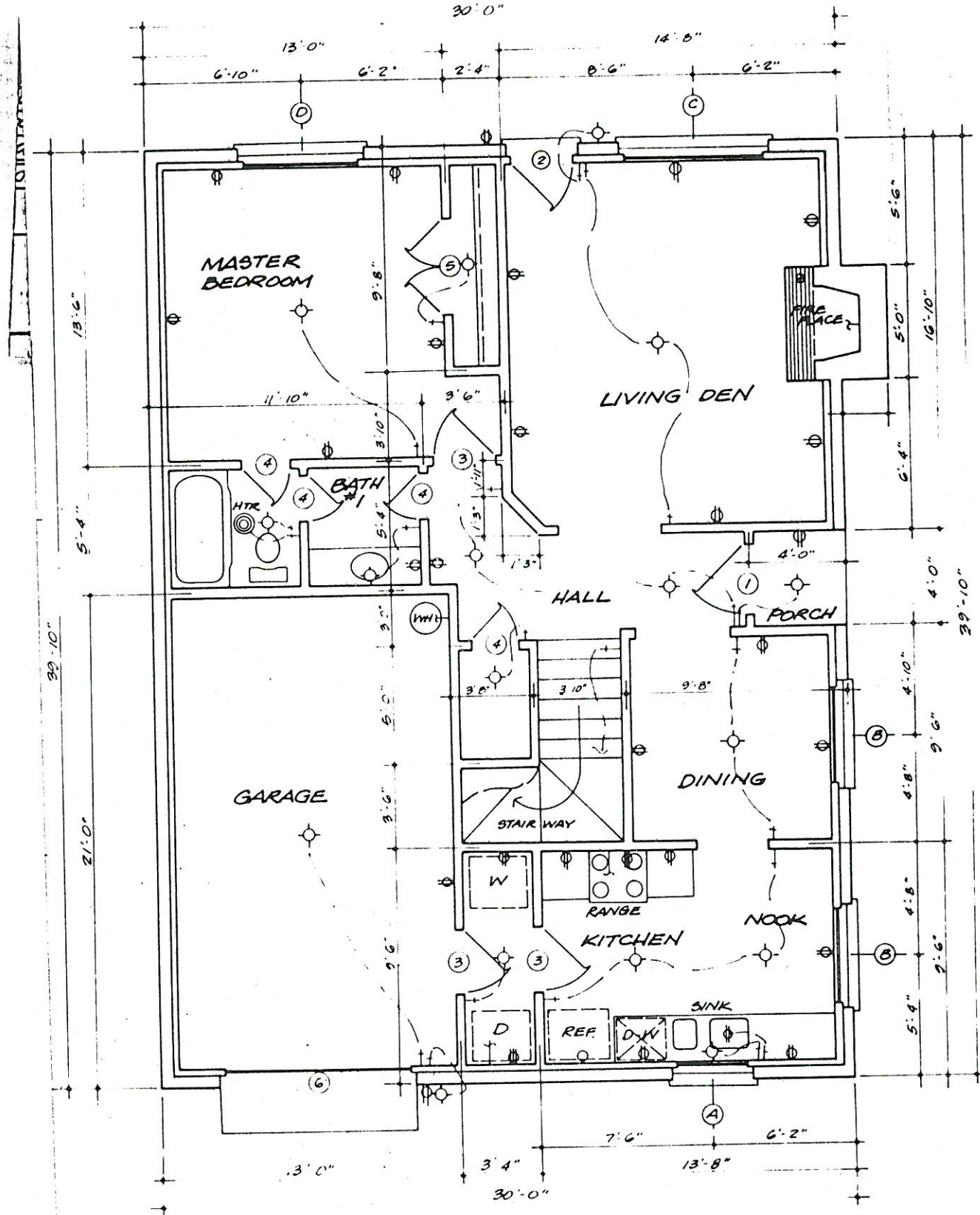
I have attached hereto as Exhibit "A" a plat showing the property which is the subject of this requested zoning change and have read the following concerning the importance of my submitting to the City a sufficient legal description.

Signed Danny Holley

NOTE:

¹The 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.

²If the applicant is someone other than the owner, written acknowledgement by the owner of the zoning request must also be submitted.

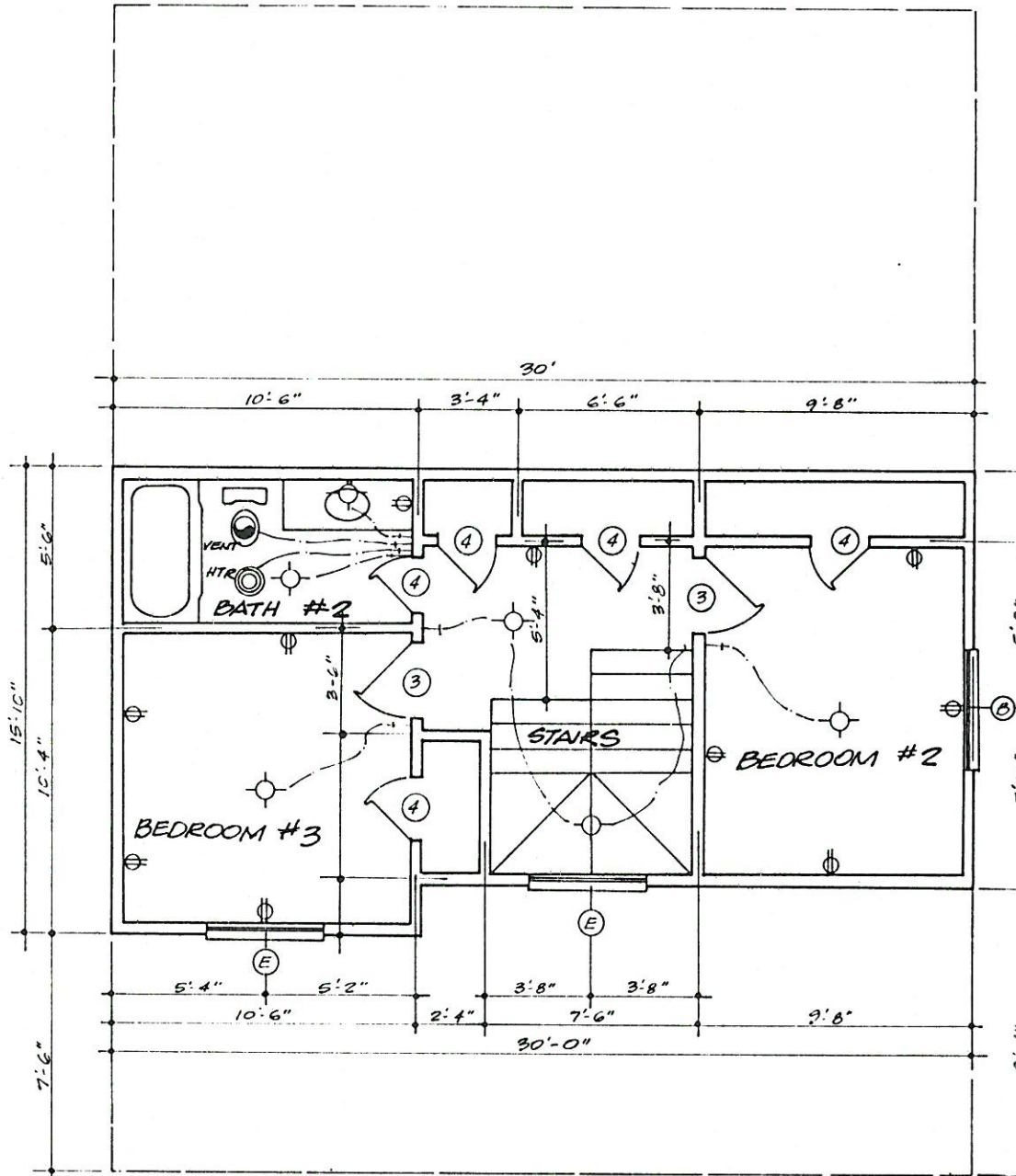


FIRST FLOOR

SCALE: 1/4" = 1'-0"

1st Revision

AREAS	
LIVING	1307 Sq. Ft.
GARAGE	251 Sq. Ft.
PORCH	16 Sq. Ft.

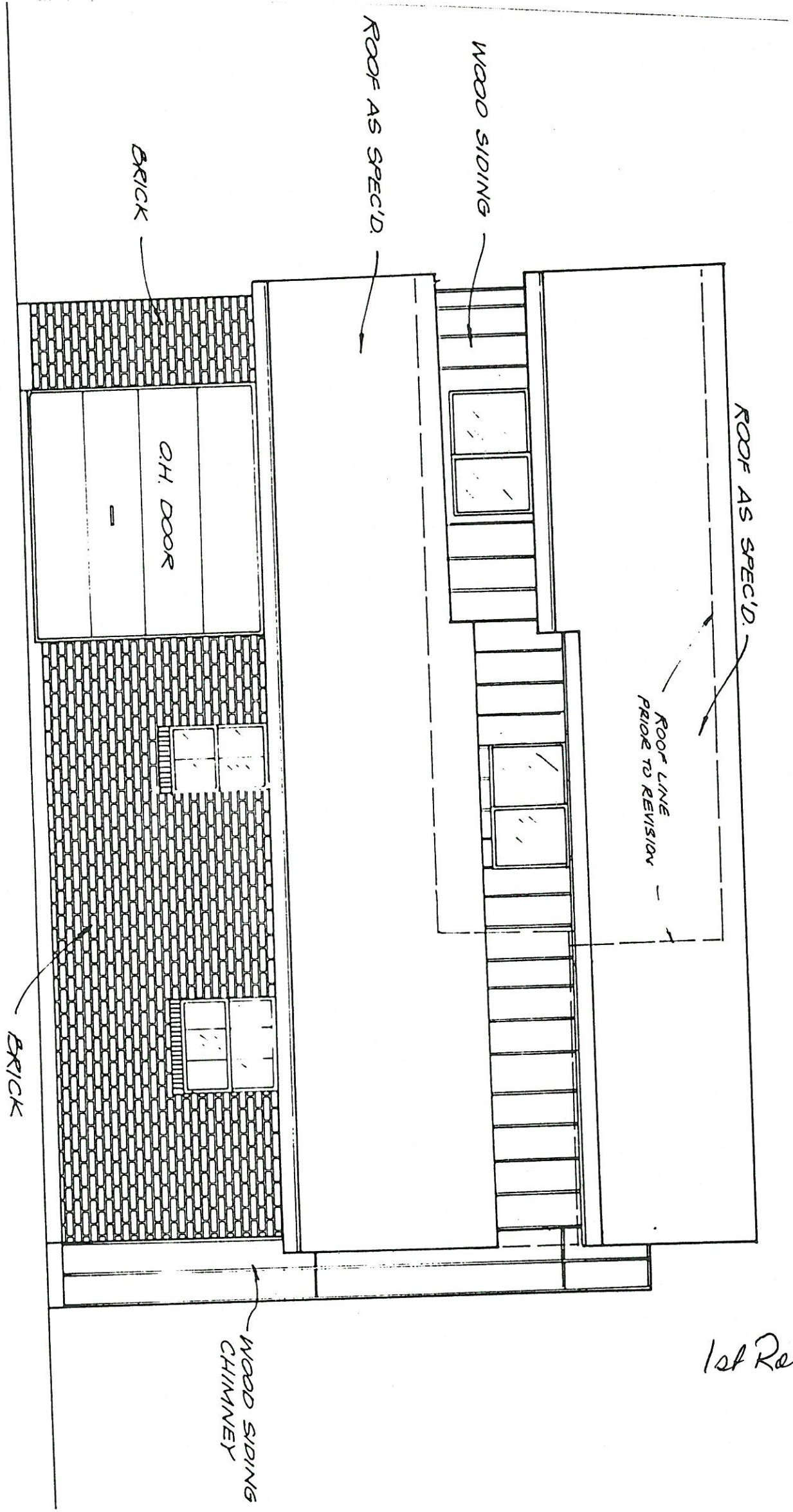


SECOND FLOOR

SCALE: 1/4" = 1'-0"

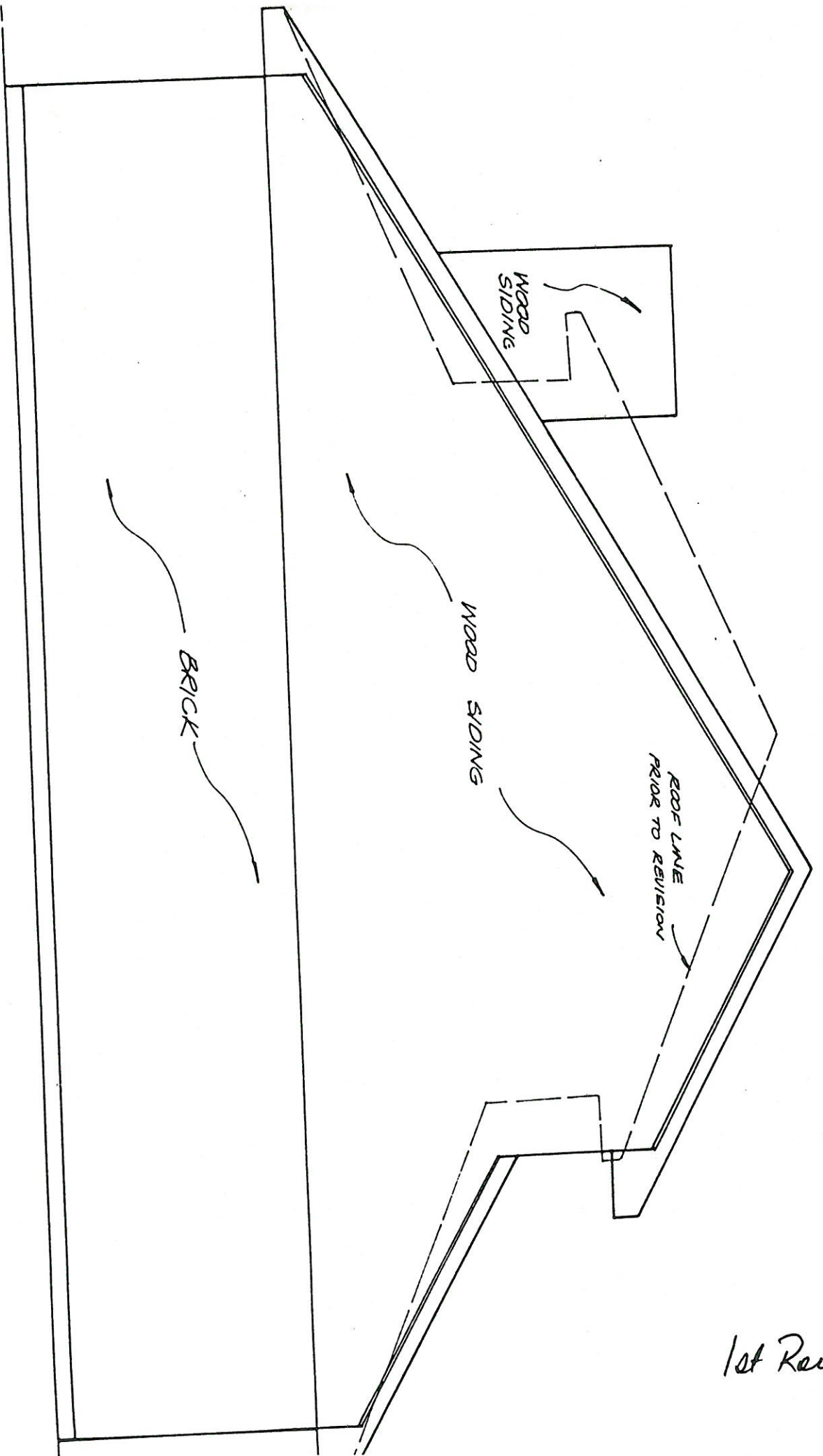
1st Revision

1st Revision



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

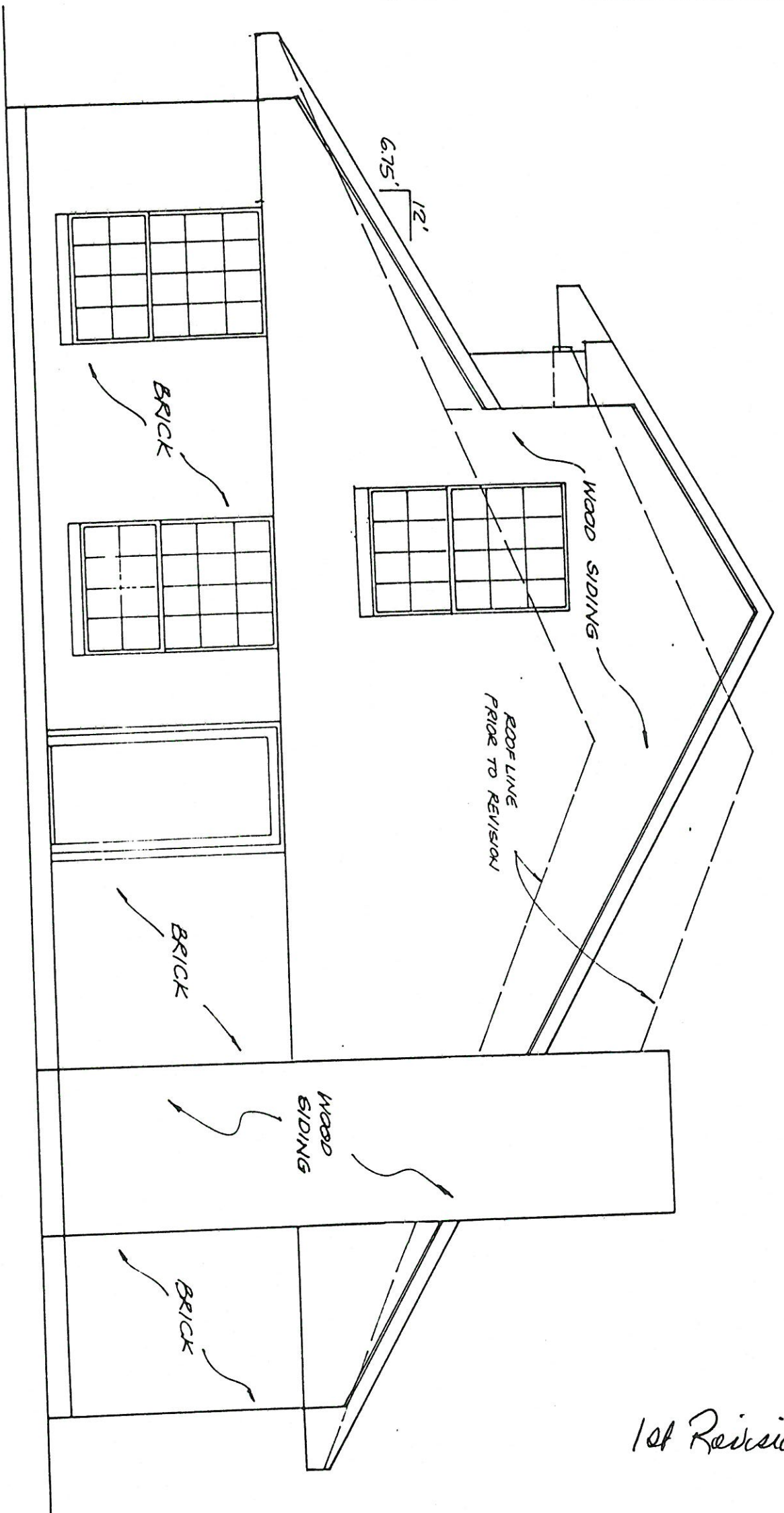


LEFT ELEVATION

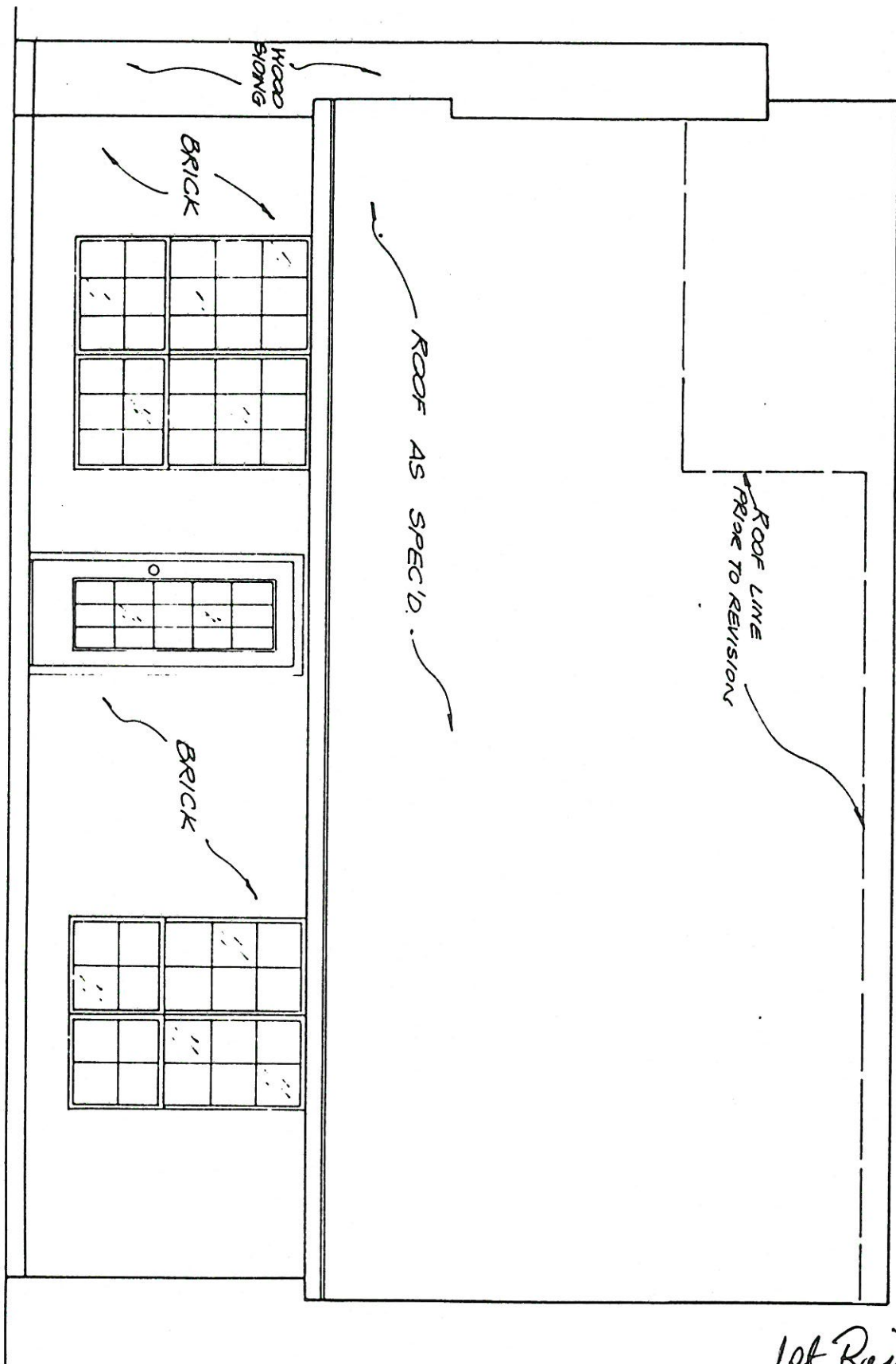
SCALE: 1/4" = 1'-0"

1st Revision

RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



1st Revision



REAR ELEVATION

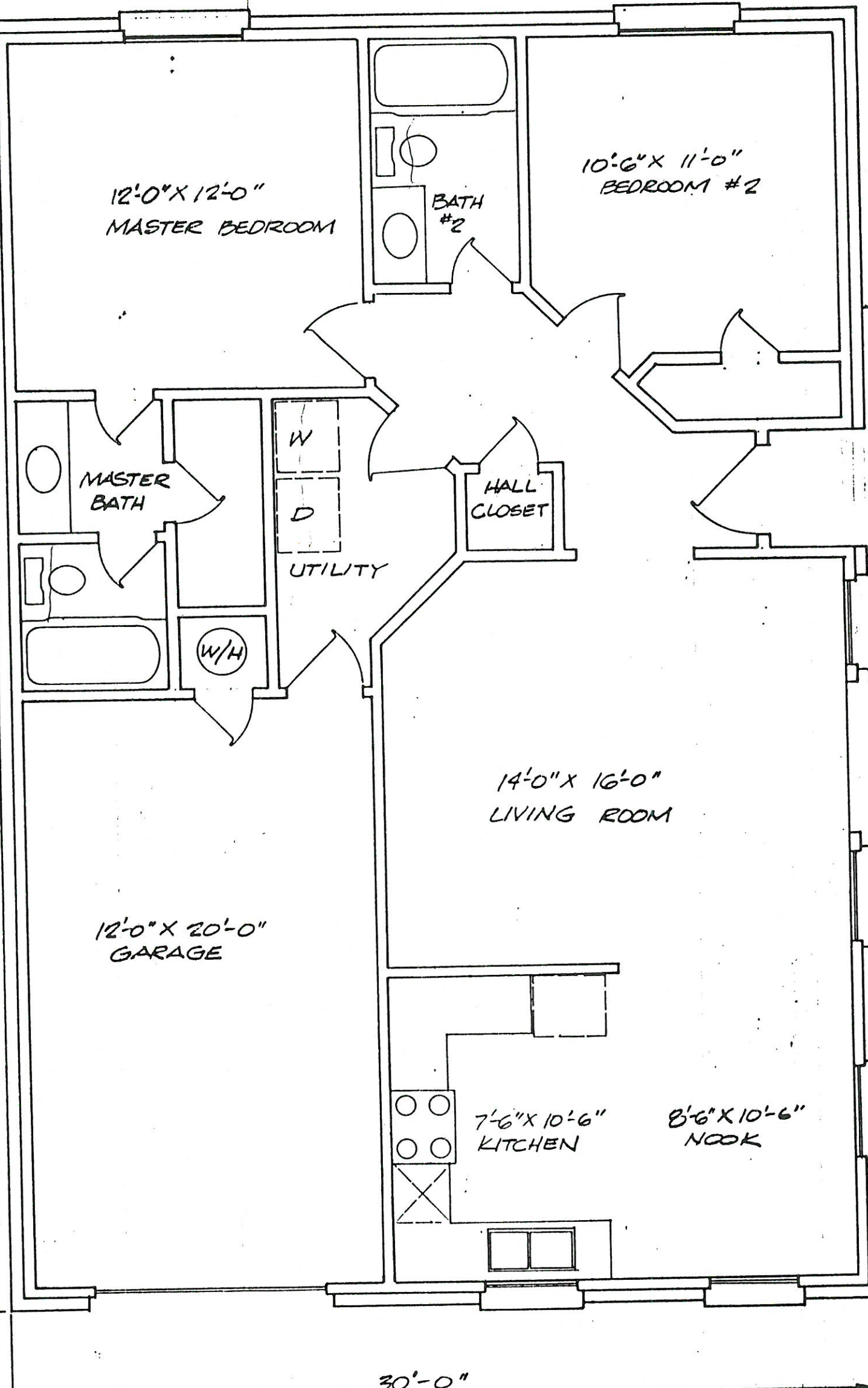
SCALE: 1/4" = 1'-0"

1st Revision

St. Mary's Place
Rebuild Expenses

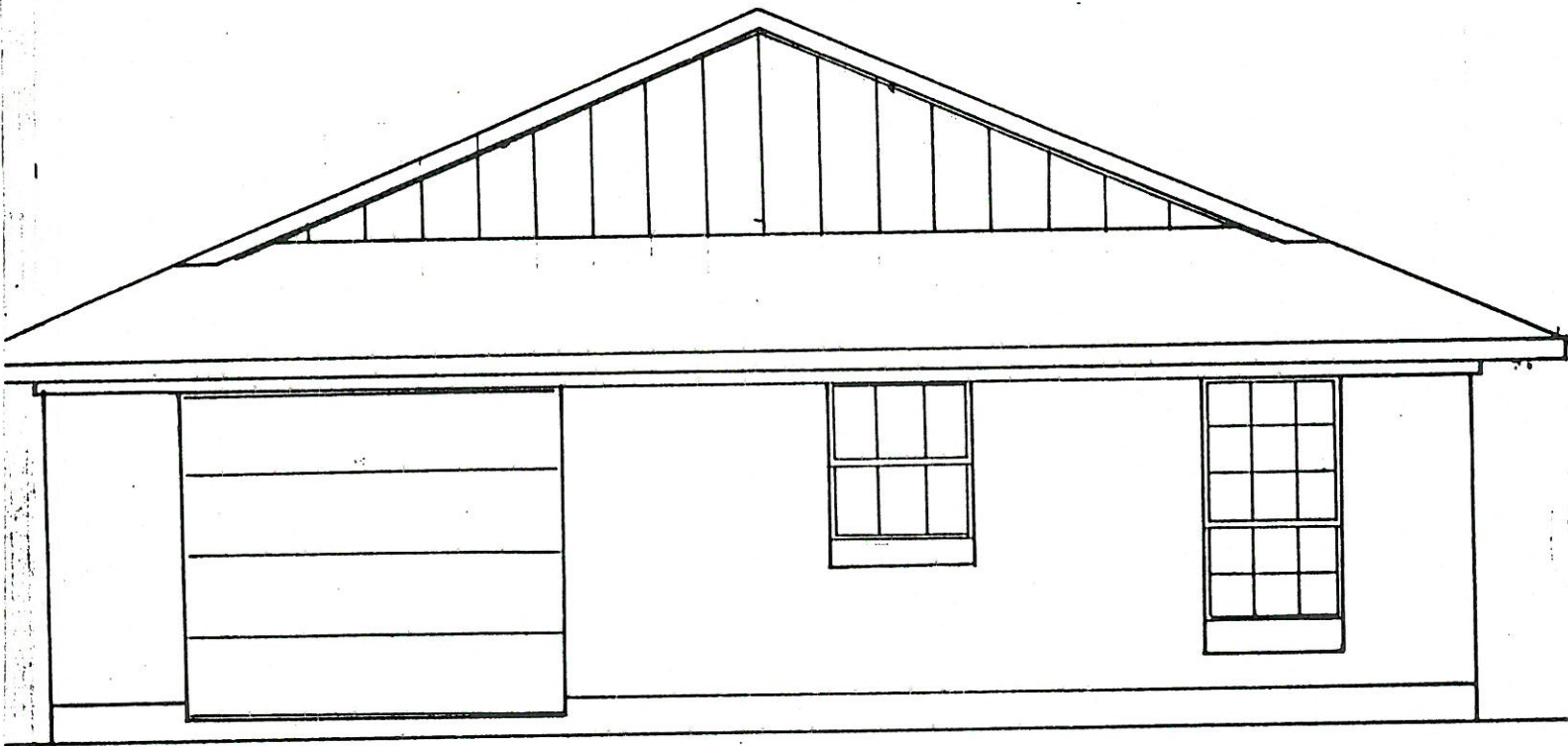
Concrete:		<u>\$ 3,000.00</u>
Includes adding 4'8" to each slab, fireplace pad.		
Plumbing:		<u>\$ 3,300.00</u>
Drains, washer and dryer must be moved. Bathrooms must be rearranged. Includes cutting out and repouring approximately 50 square feet of concrete.		
Framing:		<u>\$ 4,200.00</u>
The \$2,200.00 in labor costs for existing framing (with exception of part of the exterior walls) will be lost. It will require approximately \$ 2,000.00 to tear out the interior walls, second floor frame, decking, stairs and joist.		
Lumber Lost:		<u>\$ 3,185.70</u>
	150 studs @ \$ 1.41	211.50
	45 2 x 4 16'	21.60
	8 4 x 8 7/16 wafer @ \$ 4.99	39.92
	40 2 x 10 16'	405.33
	40 2 x 10 14'	345.33
	16 4 x 8 3/4 T&G	207.84
	10 Liquid Nails	13.50
	6 2 x 12 16'	47.90
	4 2 x 12 14'	27.94
	1 roll poly 32/100	48.99
	1 roll poly	27.79
		<u>\$ 1,482.72</u>
	Tax	<u>\$ 111.13</u>
	Lot 1	<u>\$ 1,592.85</u>
	Lot 2	<u>\$ 1,592.85</u>
		<u>\$ 3,185.70</u>
Plan Redraw		<u>\$ 500.00</u>
1 Month of Interest	(approximately)	<u>\$ 1,000.00</u>
Attorney's Fees		<u>\$ 2,000.00</u>
TOTAL		<u>\$ 17,185.70</u>

44' 6"

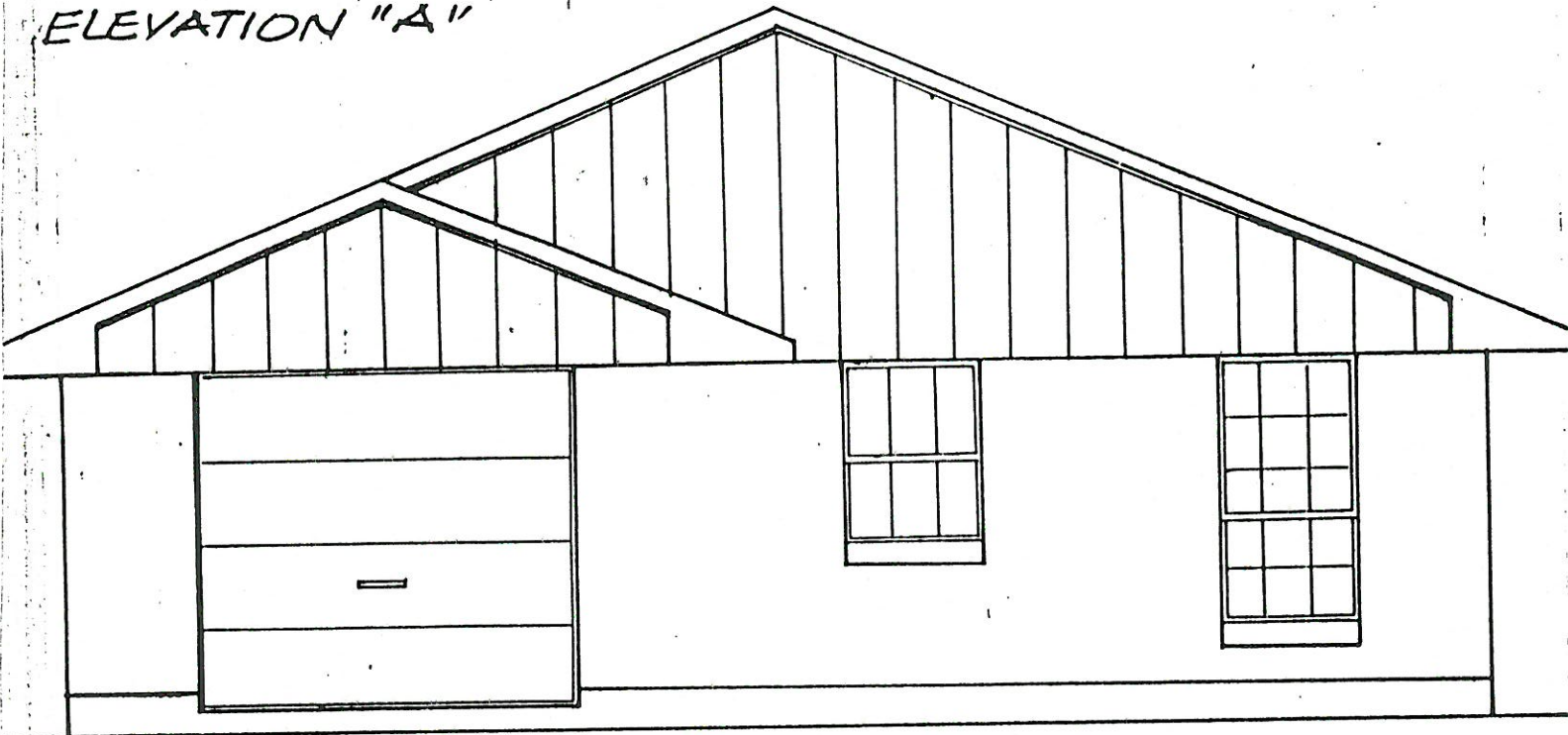


PLAN VIEW
SCALE 1/4" = 1'-0"

Second
Revision

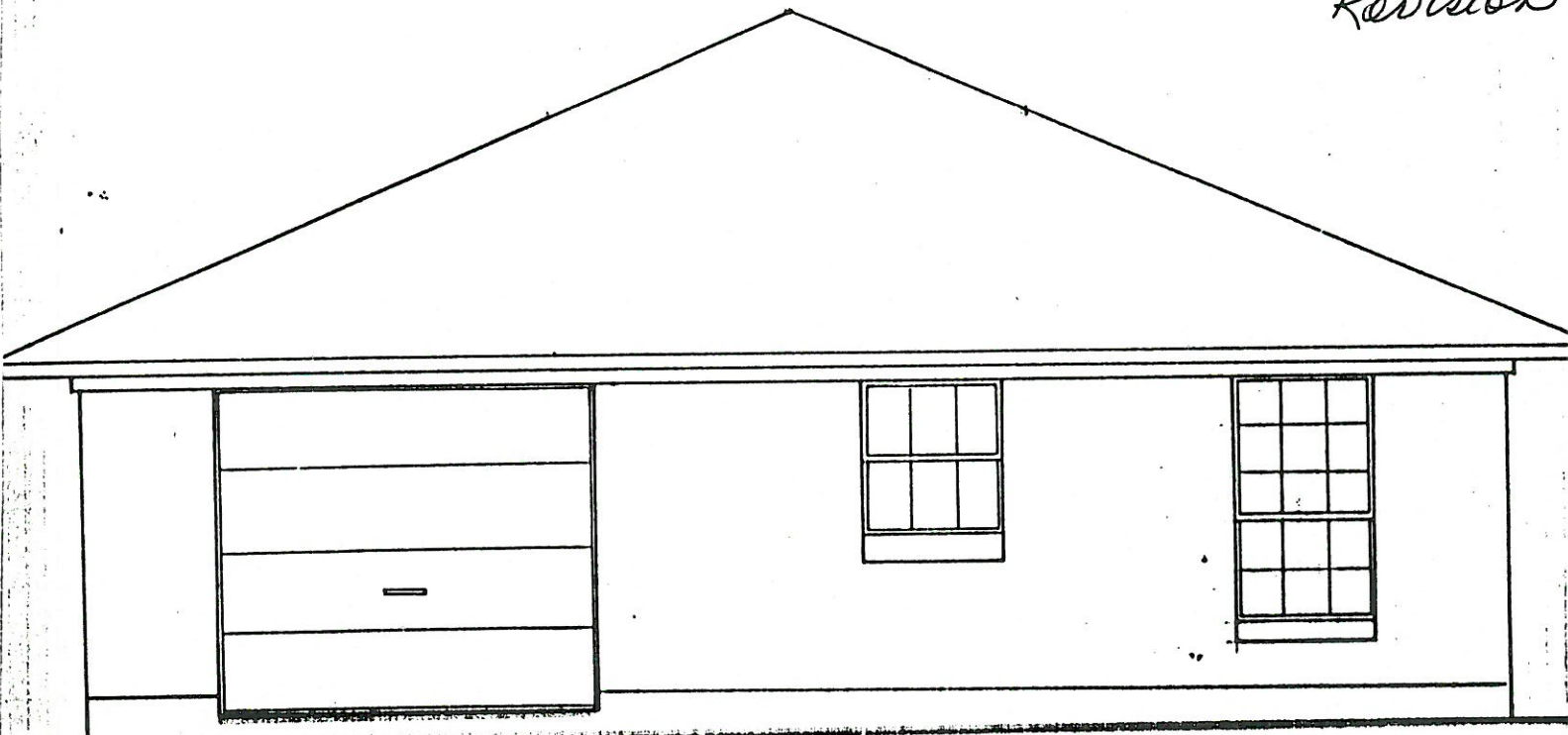


ELEVATION "A"

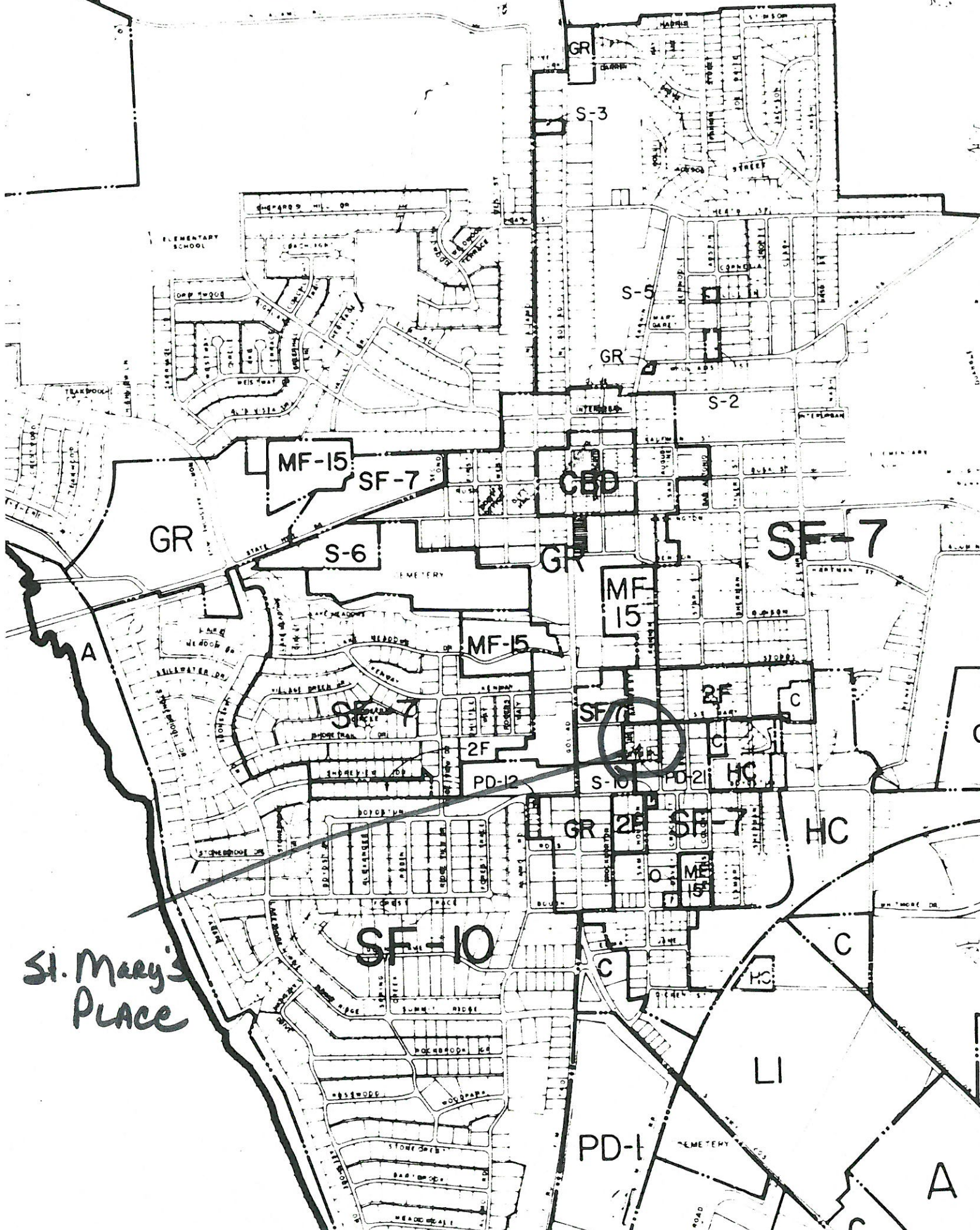


ELEVATION "B"

*Second
Revision*



SF-10

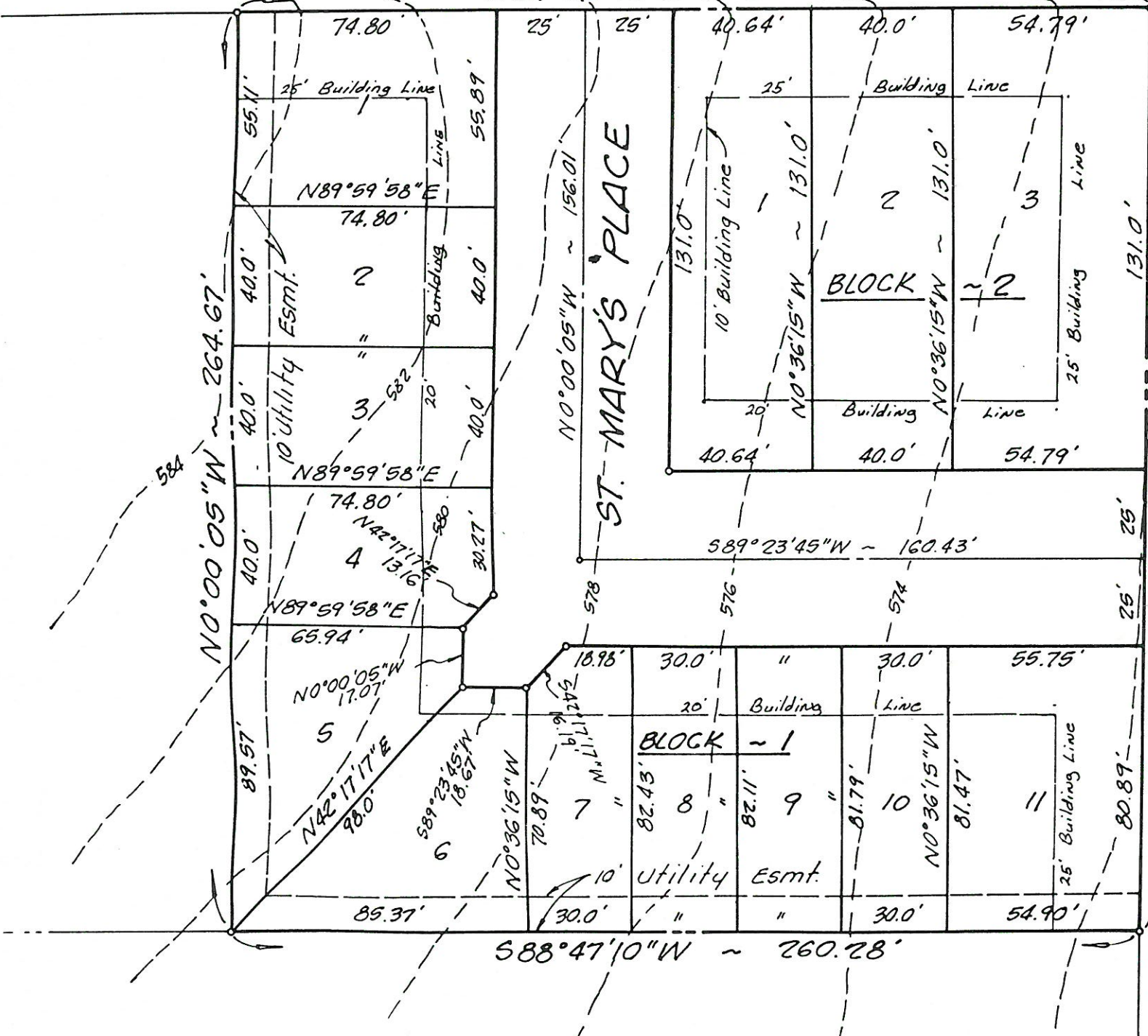


St. Mary's Place

ST. MARY'S

STREET

N89°23'45"E ~ 260.24'



FANNIN STREET

FANNIN STREET

MINUTES OF THE PLANNING AND ZONING COMMISSION

March 10, 1983

The Chairman called the meeting to order at 7:00 o'clock P.M. Members present were Chairman Wayne Rogers, members Wayne Miles, Dr. Luke Gournay and Wes Barton.

The Chairman called for approval of the minutes of February 2, 1983, and February 10, 1983. The motion was made to approve the minutes by Dr. Gournay, seconded by Mr. Miles, and the vote for was unanimous.

The Chairman introduced the first item, a final plat on the Peoples Addition, a two lot subdivision located on County Road south of I-30. Mr. Danbolt appeared before the Commission representing the Rockwall Housing Authority and presented the details of the plat to the Commission. Mr. Ed Heath informed the Planning and Zoning Commission that the City's engineers had not approved the project and that any approval should be made subject to engineering approval. Mr. Heath also pointed out that until the rest of the County Road was paved it would not be advisable to pave the section in front of the proposed Housing Authority development. He stated that this could be handled by escrowing an amount estimated based on our City Engineer's estimate of cost. Wayne Miles moved approval of the plat. The motion was seconded by Wes Barton and the vote for was unanimous.

Kent McKinney arrived at this point.

The Chairman introduced the next item, a final plat on Tanglewood Condominiums. The developer, Mr. Richard Harris and his engineer, Harold Evans, presented the plat to the Planning and Zoning Commission. Mr. Heath informed the Commission that the subdivision had not been approved by the City's engineers and that any approval should be made subject to engineering.

Jack Horn arrived at this point.

Mr. Horn requested that the City take action to contact the developer regarding changing the name from "Country Lane" since there is a similarly named street just south of the development in Heath. Mr. Horn stated that he was concerned that in an emergency situation that this could cause confusion and delay that might result in the death or serious injury of some party. Following a brief discussion of the development, Mr. Barton moved approval subject to engineering, the motion was seconded by Mr. Miles, and the vote for was unanimous.

The Chairman introduced the final plat on the Melton/Frasier Addition, a two lot subdivision located on Davy Crockett Street. Following a brief discussion, Dr. Gournay moved approval. The motion was seconded by Mr. Miles, and the vote for was unanimous.

The Chairman introduced the final plat on the M. C. Passmore Addition, a one lot subdivision located on South Alamo. Following a brief discussion, Mr. Miles moved approval, Dr. Gournay seconded the motion, the vote for was unanimous.

The Chairman introduced the next item, a preliminary plat on the Dale Lane Addition, a one lot subdivision located immediately south of the I-30 access road and east of White Hills Drive. Following a discussion of the plat, Dr. Gournay moved approval, Mr. Horn seconded the motion, the vote for was unanimous.

The Chairman opened the public hearing to consider approval of a site plan for "PD-21" Planned Development, a 1.598 acre tract of land located at the southwest corner of Fannin and St. Mary's Streets for the construction of zero lot line single family dwelling units.

Joyce Walters and Anthony Roffino, the developers, appeared before the Commission to present the site plan for St. Mary's Place.

Mr. Joe Smartt appeared before the Planning and Zoning Commission to present the arguments for the neighborhood residents in opposition to the development. Their objections were based on the impact the development would have on the traffic in the area, property values, and the existing utility system. Mr. Smartt's presentation was followed by the appearance of a series of residents of the area objecting to the impact that the development would have on the neighborhood.

Dr. Gournay commented that he did not think when the Council reduced the number of lots from 17 to 14 that they meant for a parking lot to be substituted for the reduced number of dwelling units. A question was raised regarding the legality of approving lots of a smaller size than permitted under any of the standard zoning districts. Following a lengthy discussion, Dr. Gournay made a motion to table the site plan until clarification could be obtained regarding the legality of approving lots of a smaller dimension than those set out in any of the standard zoning districts. The motion was seconded by Jack Horn and the vote for was unanimous.

The Chairman opened the public hearing on a temporary site plan and the addition of an office use for "PD-1" Planned Development, a 12.5 acre tract of land located on the east side of FM-740 south of Ridge Road Shopping Center. Mr. Dewayne Cain, the owner of the property, appeared before the Commission and stated that he wished to withdraw his request for a temporary site plan since the location of the donut shop did not meet with the approval of the neighborhood. Martin Parks appeared before the Commission and stated that he had a petition that he would not present if the site plan was withdrawn. Wayne Miles made a motion approving withdrawal of the site plan and the request to locate the Donut Hole on the property. The motion was seconded by Dr. Gournay and the vote for was unanimous.

Following a brief discussion, Mr. Horn moved approval of the addition of office uses as an approved use in the "PD-1", the motion was seconded by Mr. Miles, and the vote for was unanimous.

The Chairman called the public hearing on the next item of business, a request from Edward Graner, James Dudney and Ross Stroble for a change in zoning from "A" Agricultural to "C" Commercial on three tracts of land containing 3.513 acres, 10.05 acres, and 15.557 acres, for a total of 29.12 acres. Said tracts of land are located at the southwest intersection of High School Drive and Yellowjacket Lane, running from Yellowjacket Lane to I-30 access road. Following a brief presentation by

Mr. James Dudney and Mr. Dale Morgan, Kent McKinney moved approval of the proposed zoning change. The motion was seconded by Mr. Miles and the vote for was unanimous.

Ed Heath appeared before the Planning and Zoning Commission with information on permitting lot sizes smaller than standard zoning districts in Planned Developments. The Chairman called for a motion to remove the site plan for "PD-21" from the table. Jack Horn made a motion to remove the site plan for "PD-21" from the table. The motion was seconded by Wayne Miles. Voting for the motion were Jack Horn, Wayne Miles; voting against the motion were Dr. Gournay and Wes Barton. Kent McKinney abstained. The Chairman broke the tie by voting for the motion.

Mr. Heath reported that he had checked with Julie Couch, Assistant to City Administrator, regarding the interpretation that had been used in the past on the authority granted to the Council and Planning and Zoning Commission under the "PD" section of the Comprehensive Zoning Ordinance. He related that the Planned Development District was an amendment to the Zoning Ordinance and this had been interpreted as giving the Planning and Zoning Commission and Council the authority to deviate from criteria set out in the other zoning districts. The Council has used this interpretation in zoning in Chandlers Landing, The Shores and Lakeside Village. Mr. Heath reported that this interpretation has been verified recently as being legal with the City's Attorney. Following a lengthy discussion of the subject, Mr. Horn made a motion recommending approval of the site plan, subject to the site plan being redrawn to eliminate the parking lot and either incorporate the area in the other lots or put the area into a green belt with a plan for its maintenance. The motion was seconded by Wayne Miles. Voting for the motion were Jack Horn, Wes Barton, and Wayne Miles; voting against the motion was Dr. Luke Gournay, with Kent McKinney abstaining.

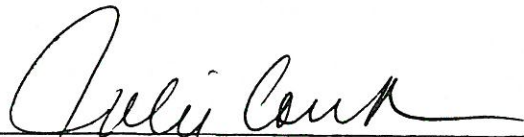
The Chairman introduced the plat for St. Mary's Place. Jack Horn made a motion that the plat be approved subject to the plat's being redrawn to redistribute Lot 4, Block 2 among the other lots or make provisions for a green belt and for permanent maintenance of the greenbelt. The motion was seconded by Wes Barton. Voting for the motion were Jack Horn, Wes Barton and Wayne Miles. Abstaining were Dr. Gournay and Kent McKinney.

There being no further business, the Chairman declared the meeting adjourned.

APPROVED:


Chairman

ATTEST:


City Secretary

CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: July 25, 1988

AGENDA NO. II. A.

AGENDA ITEM: Hold Public Hearing and Consider 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

ITEM GENERATED BY: Applicant - Holley Development

ACTION NEEDED: Hold Public Hearing and recommend approval or denial of the request with any conditions included in the motion

BACKGROUND INFORMATION:

In 1983 the St. Mary's Addition was approved as PD-21. The addition is located at the intersection of Fannin and St. Marys Street. It contains 14 lots which were approved as Zero Lot Line lots. The average lots are 40' by 75' and contain 3,000 - 3,500 sq.ft. The original approval of the PD was strongly opposed by the neighborhood. One condition that was placed on the PD to address one of the concerns of the neighbors was that certain lots would be restricted to one story structures. The PD remained undeveloped for some time after the PD was approved. At this point the development is built out with the exception of three lots along the west property line. Under the provisions of the PD the three lots under this application were restricted to one story structures.

At the end of June the Inspection Department received permit requests for these three lots. All three structures were shown as two story structures. The Inspector failed to check the provisions of PD-21 and the permits were issued. The mistake was discovered when the property owners in the area questioned the two story structures that were being built. A stop order was issued and the builder notified of the problem.

The builder, who acquired the lots on a foreclosure, was unaware of the restriction. He has framed two of the structures to the second story and poured the foundation for the third structure. After reviewing the situation with the builder, his only recourse under our ordinances, other than tear down what is there and build one story structures, was to request an amendment to the PD to allow two story structures on these lots. The builder considers this his only option because he does not feel he can construct a viable one story unit on these size lots. His current floor plan has covered all of the lot that can be used in accordance with all setbacks and that provides a total first floor area of approximately 1150 sq.ft. The garage uses approximately 250 sq. ft. which leaves a total useable floor area of 900 sq. ft. The second floor has a total of approximately 430 sq. ft. which results in total living area of approximately 1,330 sq. ft. If he is limited to one story the buildings would realistically be able to accommodate only one bedroom. With two stories he is able to build three bedrooms. The corner lot, which is a little larger, could accommodate a one story structure with 200 more sq. ft. than the interior lots, which would allow a total first floor area of 1,100 sq. ft.

Understanding that there was a great deal of concern on the part of the neighbors at the time of original approval, the builder has revised his plans to attempt to address the concerns that he is aware of. To address the concern of rear windows on the second floor and the concern of additional height of a two story structure he proposes to shift the second floor to the front of the building and to lower the height 1 1/2 feet to a total of approximately 22.5 feet. This would be about 1 1/2 feet taller than the one story structure that exists adjacent to these lots. The maximum height for structures in zero lot line developments is 30 feet. By shifting the second floor to the front he has moved the windows to the front and side rather than the rear. The rear elevation would appear as just the roof line, similar in appearance to the existing one story structure. In response to other concerns he will reconstruct the existing fence between his property and the adjacent lot belonging to Doris McKee, and remove some trees that have died on his property.

We have attached copies of the original site plan, the proposed elevations and the proposed floor plans. The builder has provided these plans to Mrs. McKee for her review and he has been meeting with her and some of the other neighbors in the area.

ATTACHMENTS:

1. Site Plan, Location Map, Building Elevations, Floor Plans
2. Neighborhood Responses

AGENDA ITEM: PD-21 Revision

ITEM NO: II. A.

MINUTES OF THE PLANNING AND ZONING COMMISSION

July 25, 1988

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

Assistant City Manager outlined a request from Holley Development for a Revision to the Preliminary Plan for PD-21, St. Mary's Place, to amend the height requirements for certain lots within the Planned Development. She explained that in 1983 when the PD was approved, certain lots were approved for single story structures in an effort to satisfy concerns of adjacent property owners. A building permit had been issued in error for two story structures. Upon discovery of the error, a stop order was issued and the builder submitted a request to revise the plan to allow two story structures.

Quinn opened the public hearing and Danny Holley, Holley Development, addressed the commission and explained that he had been in contact with several property owners and had made some revisions in the building plans to satisfy their concerns. He had removed rear windows on the second floor by shifting the second floor to the front of the building and changed the elevation to appear as just a roof line in the rear similar to the existing one story structures although about one and one half feet taller. He also agreed to reconstruct a screening fence which abutted Mrs. Doris McKee's property and remove dead trees.

Bill Watkins addressed the Commission representing Mrs. Doris McKee. He stated that Mrs. McKee was opposed to changing the plan regardless of the origination of the error that resulted in issuance of the permit. Richard Jordan stated that the lots were not large enough to allow two story homes. He stated that two stories meant three bedrooms and children who had no place to play except in the street and in the other neighbors' yards. Alta Sellers told the Commission that she was the first to buy a house in St. Mary's and since only four lots could be built as two story, she believed most of the homes would be small homes that couldn't accommodate children. She further stated that she had constant problems with the children who did live in the neighborhood. Joe Smarrt told the Commission that originally the developer had requested 24 and then 18 units. He stated that the adjacent property owners were opposed to the zone change but were satisfied when a compromise was reached that would allow fourteen units: ten single story and four double story. He stated that an amendment to the plan would be a violation of a compromise reached by a previous Commission and Council with the property owners. Jessie McDaniel stated opposition to amending the plan to accommodate larger homes and children that the neighborhood already didn't provide play areas for. Nan Smarrt told the Commission that Ms. Maggie Underwood, who was not able to attend, had asked her to express her opposition to changing the plan. The Commission also had a letter from Ms. Underwood. As there were no further persons wishing to address the Commission on this issue, the public hearing was closed.

The Commission discussed the testimony of the developer and the property owners in the area. Sinclair questioned the need for double story residences in the area. Couch stated that the size of the lots would only accommodate a one bedroom residence if single story. Plagens stated opposition to changing the plan when five years previously, the property

opposition to changing the plan when five years previously, the property owners were satisfied that their concerns had been protected. Sinclair stated that he had been opposed to spot zoning when the PD was approved. Quinn stated that an amendment to the plan would pose no benefit the Citizens of Rockwall and would betray the confidence of the adjacent property owners. Plagens made a motion to recommend to the City Council denial of the developer's request for an amendment. Sinclair seconded the motion. The motion was voted and passed unanimously.]

The Commission then discussed a recommendation on an amendment to the Comprehensive Zoning Ordinance regarding Sexually Oriented Business. Couch explained that it was the attorney's opinion that the City could not restrict these types of uses in one zoning classification if the standard counterpart was allowed in another zoning classification. For example; a sexually oriented bookstore could not be prohibited in general retail if a standard bookstore was allowed. Therefore, the staff recommendation was that all zoning classifications be amended to require that any use meeting the definitions of provisions of Section 27 of the Rockwall Code of Ordinances must be granted a CUP in order to operate. The Conditions of the Conditional Use Permit could be as follows:

- a. Any CUP granted would be issued only to the current owner and/or operator of the proposed establishment. Any change of ownership or operation would require that the permit be reapplied for following the procedure set forth in this section.
- b. All signage for the proposed use must be approved as a part of the CUP request.
- c. The hours of operation must be submitted and approved as part of the CUP request.
- d. If the use cease operation the CUP shall be void
- e. The CUP must at all times meet the conditions of approval and the terms of all other applicable ordinances.

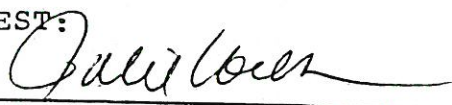
Couch added a further recommendation that the private club ordinance be amended to state that any proposed private club meeting the terms and definitions of Section 27 must apply for such use as a part of the CUP request for a private club and that it must meet the requirements of Section 4 of the Comprehensive Zoning Ordinance and all other applicable ordinances.

The Commission questioned the City Attorney regarding the restrictiveness of the ordinance, the City's inability to group all sexually oriented businesses in one zoning district, and the license process provided for in the already approved regulatory ordinance. Sinclair made a motion to recommend approval of the proposed amendments as submitted. Plagens seconded the motion. The motion was voted on and passed unanimously.

The Commission then adjourned into a worksession to review planning and zoning cases submitted for consideration by the Commission on August 11th. As there was no further business to come before the Commission for consideration, the meeting adjourned at 8:45 P.M.

ATTEST:

By



APPROVED:


Chairman

MINUTES OF THE ROCKWALL CITY COUNCIL

April 4, 1983

Members of the City Council present were Mayor Leon Tuttle, Councilmen Ken Dickson, Bob Lackland, and Richard Slaughter. Councilmen Art Kuhlman and Bob Sparks were not present. Members of the Planning and Zoning Commission present were Chairman Wayne Rogers, members Wayne Miles, Wes Barton, Luke Gournay and Jack Horn. Members Duane Gracy and Kent McKinney were not present. The meeting was called to order at 7:12 P.M. The Council first considered approval of the minutes of March 1, 10, and 21, 1983. There being no additions or deletions, Councilman Dickson moved approval as published, Councilman Slaughter seconded the motion, the same was voted on and carried unanimously.

The Council then canvassed the results of the April 2nd Municipal Elections. Councilman Sparks arrived at the meeting at 7:15 P.M. There being no questions concerning the results of the election, Councilman Slaughter made a motion that an order be approved declaring the results of the election as follows:

Votes for Mayor

<u>Candidate</u>	<u>Votes Received</u>
Ray Sumrow	361
Bob Lackland	297
Leon Tuttle	688

Votes for Councilman

J. D. Jacobs, Jr.	376
Russell Phelps	789
Ken Dickson	814
Crystal R. Pannell	269
Virginia (Jinksie) Patton	249
B. A. Klutts	2
Tom Quinn	2
James H. Allen	1

and declaring Leon Tuttle as Mayor, and Russell Phelps and Ken Dickson as City Councilmen. Councilman Dickson seconded the motion, the same was voted on and carried unanimously.

The Council then considered approval of the Consent Agenda as follows:

A. Approval of an ordinance zoning a 6.89 acre tract of land from "MF-2" Multifamily to "PD" Planned Development

B. Approval of an ordinance amending Ordinance 82-14 to include a 20 acre tract of land from "MF-2" Multifamily to "PD-15" Planned Development

C. Approval of a resolution approving release of surplus right-of-way on SH-205.

There being no discussion, Councilman Slaughter moved approval of the Consent Agenda, Councilman Sparks seconded the motion, the same was voted on and carried unanimously.

The Council then held a joint public hearing with the Planning and Zoning Commission to hear comments concerning the adoption of a new Comprehensive Zoning Ordinance for the City of Rockwall. Mayor Tuttle opened the public hearing and reviewed some of the major changes that are proposed in the new document. The Mayor then called for comments from the audience. After several questions were asked, there being no further comments, Mayor Tuttle called for a motion to continue the public hearing until 7:30 o'clock P.M. May 2nd in the District Courtroom of the Rockwall County Courthouse. Councilman Slaughter made a motion to that effect, Councilman Dickson seconded the motion, the same was voted on and carried unanimously. At that point the Planning and Zoning Commission adjourned. Councilman Kuhlman arrived at 7:30 P.M.

The Council then held a public hearing and considered approval of a site plan for "PD-21" Planned Development, a 1.598 acre tract of land located at the southwest corner of Fannin and St. Marys Streets for the construction of zero lot line single family dwelling units. Joyce Walters and Anthony Roffino presented their plan to the City Council, explaining that they wished to leave the 15th lot as a proposed parking lot. A number of residents, including Doris McKee, Joe Smartt, and Wilma Jordan, spoke against the proposal, stating that they did not wish to have a parking lot at that location. There being no further comments, the Mayor closed the public hearing and the Council discussed the proposed layout and the recommendation made by the Planning and Zoning Commission, which was to put the 15th lot either in permanent green belt with an approved maintenance agreement on it or incorporate it into the lot areas. After considerable discussion, Councilman Slaughter made a motion to approve the Planning and Zoning Commission's recommendation to have the property remain as either green belt or to incorporate it into the other lots and require two spaces of off street parking per unit. Councilman Sparks seconded the motion. A question was raised as to who would maintain the green belt area. After some discussion, a vote was called and Councilman Dickson, Kuhlman, Lackland and Slaughter voted against, Councilman Sparks voted for, and the motion failed. Councilman Dickson then made a motion to approve the site plan subject to incorporating the entire land area into 14 lots and subject to the Council having review of the elevations. Councilman Slaughter seconded the motion, the same was voted on and carried unanimously.

The Council then held a public hearing and considered approval of a request from Edward Graner, James Dudley and Ross Stroble for a change in zoning from "A" Agricultural to "C" Commercial on three tracts of land containing 3.513 acres, 10.05 acres and 15.557 acres of land for a total of 29.12 acres located at the southwest intersection of High School Drive and Yellowjacket Lane.

CITY OF ROCKWALL

City Council Agenda

AGENDA DATE: August 1, 1988

AGENDA NO. VII.B.

AGENDA ITEM: Hold Public Hearing and Consider 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

ITEM GENERATED BY: Applicant - Holley Development

ACTION NEEDED: Hold Public Hearing and approve or deny the request with any conditions included in the motion. Approval will require a 3/4 majority vote of the Council.

BACKGROUND INFORMATION:

In 1983 the St. Mary's Addition was approved as PD-21. The addition is located at the intersection of Fannin and St. Marys Street. It contains 14 lots which were approved as Zero Lot Line lots. The average lots are 40' by 75' and contain 3,000 - 3,500 sq.ft. The original approval of the PD was strongly opposed by the neighborhood. One condition that was placed on the PD to address one of the concerns of the neighbors was that certain lots would be restricted to one story structures. The PD remained undeveloped for some time after the PD was approved. At this point the development is built out with the exception of three lots along the west property line. Under the provisions of the PD the three lots under this application were restricted to one story structures.

At the end of June the Inspection Department received permit requests for these three lots. All three structures were shown as two story structures. The Inspector failed to check the provisions of PD-21 and the permits were issued. The mistake was discovered when the property owners in the area questioned the two story structures that were being built. A stop order was issued and the builder notified of the problem.

The builder, who acquired the lots on a foreclosure, was unaware of the restriction. He has framed two of the structures to the second story and poured the foundation for the third structure. After reviewing the situation with the builder, his only recourse under our ordinances, other than tear down what is there and build one story structures, was to request an amendment to the PD to allow two story structures on these lots. The builder considers this his only option because he does not feel he can construct a viable one story unit on these size lots. His current floor plan has covered all of the lot that can be used in accordance with all setbacks and that provides a total first floor area of approximately 1150 sq.ft. The garage uses approximately 250 sq. ft. which leaves a total useable floor area of 900 sq. ft. The second floor has a total of approximately 430 sq. ft. which results in total living area of approximately 1,330 sq. ft. If he is limited to one story the buildings would realistically be able to accommodate only one bedroom. With two stories he is able to build three bedrooms. The corner lot, which is a little larger, could accommodate a one story structure with 200 more sq. ft. than the interior lots, which would allow a total first floor area of 1,100 sq. ft.

Understanding that there was a great deal of concern on the part of the neighbors at the time of original approval, the builder has revised his plans to attempt to address the concerns that he is aware of. To address the concern of rear windows on the second floor and the concern of additional height of a two story structure he proposes to shift the second floor to the front of the building and to lower the height 1 1/2 feet to a total of approximately 22.5 feet. This would be about 1 1/2 feet taller than the one story structure that exists adjacent to these lots. The maximum height for structures in zero lot line developments is 30 feet. By shifting the second floor to the front he has moved the windows to the front and side rather than the rear. The rear elevation would appear as just the roof line, similar in appearance to the existing one story structure. In response to other concerns he will reconstruct the existing fence between his property and the adjacent lot belonging to Doris McKee, and remove some trees that have died on his property.

We have attached copies of the original site plan, the proposed elevations and the proposed floor plans. The builder has provided these plans to Mrs. McKee for her review and he has been meeting with her and some of the other neighbors in the area. The Planning and Zoning Commission has recommended denial of the request.

ATTACHMENTS:

1. Site Plan, Location Map, Building Elevations, Floor Plans
2. Neighborhood Responses

AGENDA ITEM: PD-21 Revision

ITEM NO: VII.B.

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 Boydstun 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 Boydstun 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 Manger. 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

PLANNING AND ZONING ACTION SHEET

Applicant Halley Dev Case No. 88-37-2

Property Description PB-21

Case Subject Matter revision to prel. plan

CASE ACTION

Date to P&Z 7/25 Approved _____ Disapproved X Tabled _____

Conditions _____

Date to City Council 8/1 Approved _____ Disapproved X Tabled _____

Conditions _____

Ordinance no. _____ Date _____

ITEMS IN FILE

Zoning Cases

- ___ Application
- ___ Site Plan
- ___ Filing Fee
- ___ Notice to Paper
- ___ Notice to Residents
- ___ List of Residents Notified
- ___ Residents' Responses
- ___ Consultant's Review
- ___ Agenda Notes
- ___ Minutes
- ___ Ordinance
- ___ Correspondence
- ___ Applicant Receipts

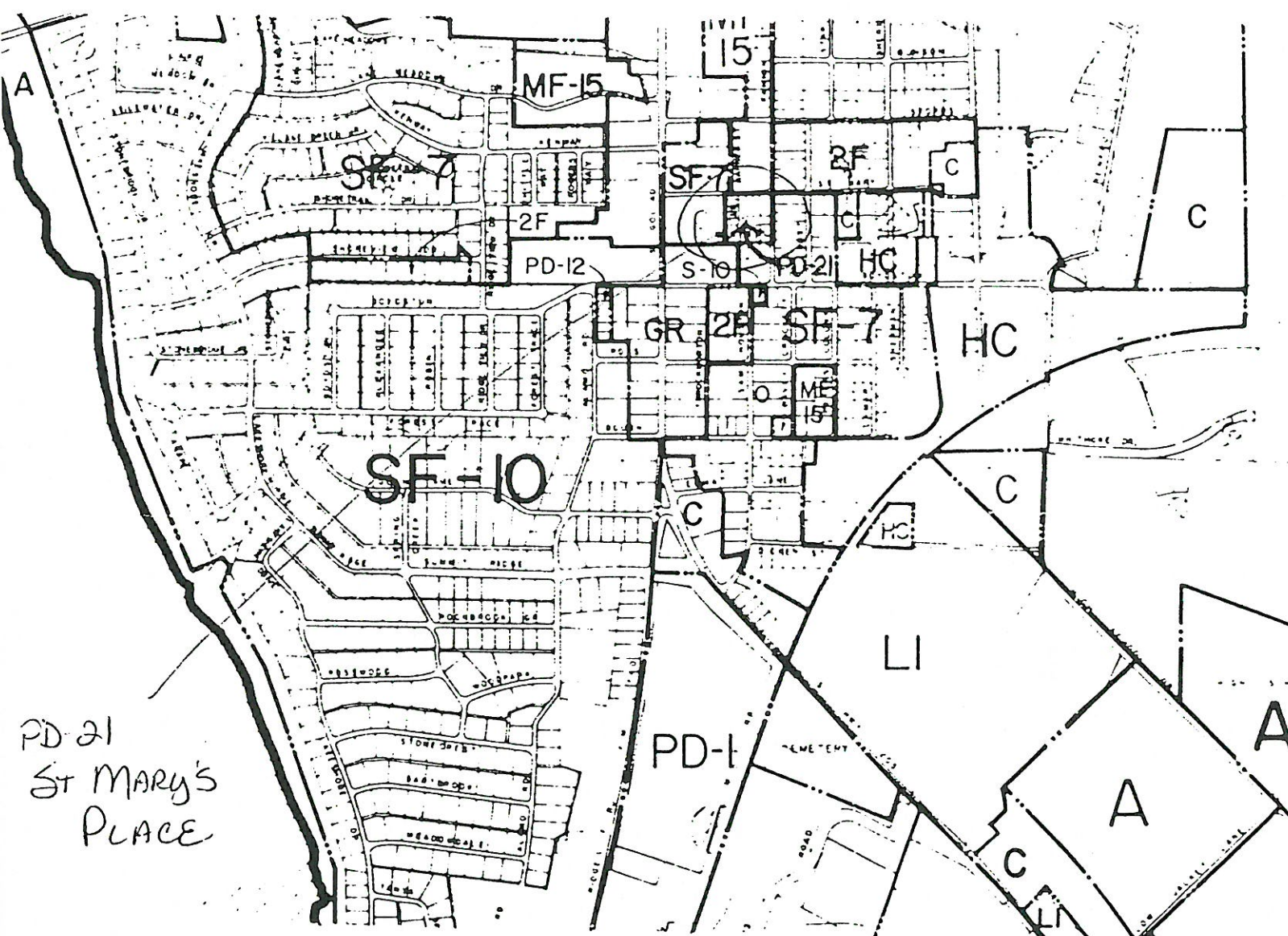
Plat/Site Plan Cases

- ___ 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 July 25, 1988 at 7:00 P.M. and the City Council will hold a public hearing on August 1, 1988 at 7:00 P.M. in the City Hall, 205 W. Rusk St., Rockwall, Texas, to consider a request from Danny Holley to amend the Preliminary Plan for Planned Development 21 as it relates to the maximum height requirements within PD-21. PD-21 is further described as the St Mary's Place Addition to the city filed in slide B page 40 of the Rockwall County Deed Records.

As an interested property owner, it is important that you attend this hearing or notify the Commission and Council in writing of your feeling in regard to the matter. The decision of the commission will be a recommendation which will be forwarded to the City Council for a final decision.

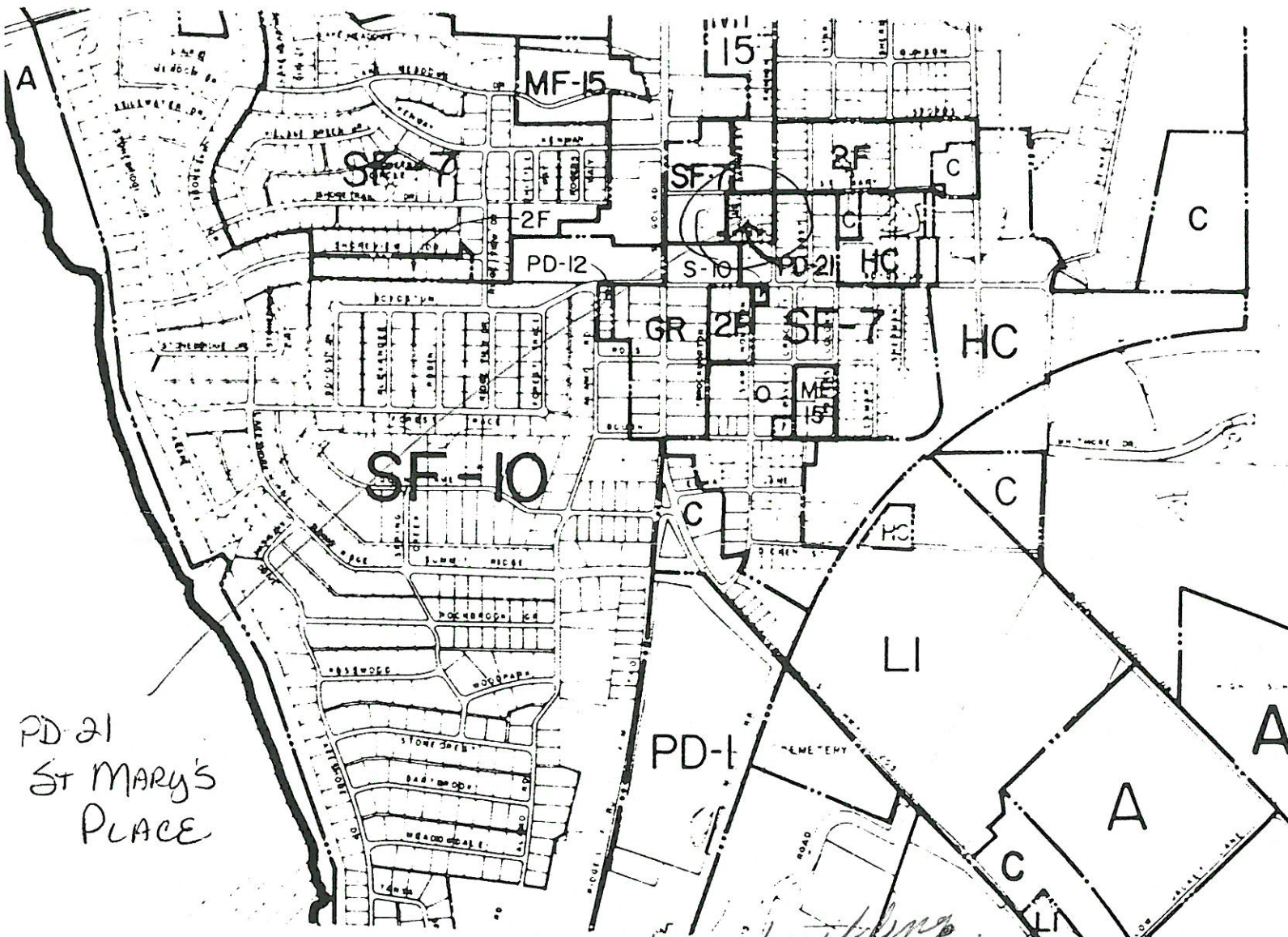


Alta Sellers
222 St Mary's Place

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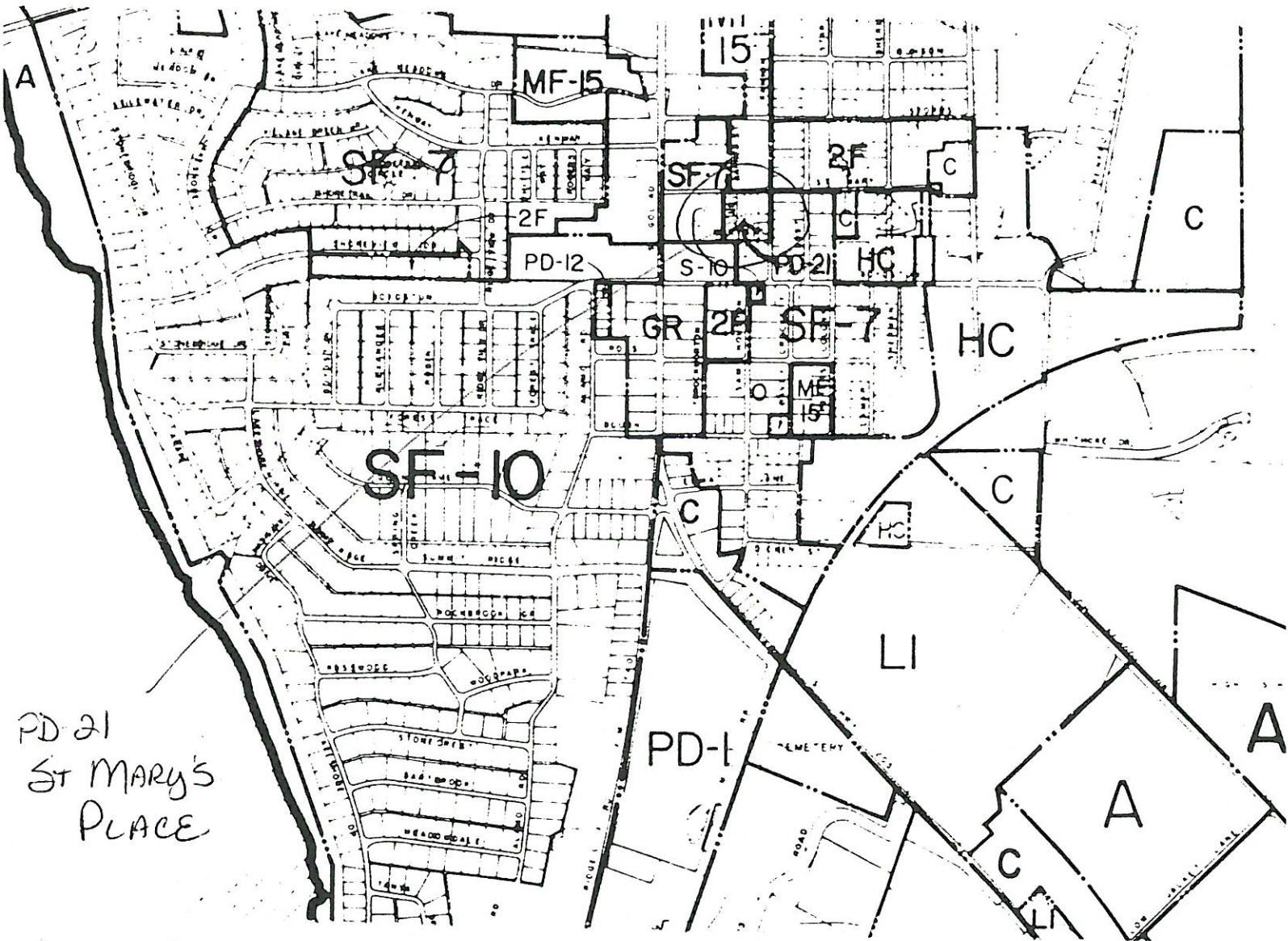
PD-21
ST MARY'S
PLACE

I am against the two story building.
When I bought my place, I understood that
there would not be any more two story buildings put up here

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I Am Against the two story buildings at St. Mary's Place that are in the process of being built - Dorothy & People