

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 88-39-2 Filing Fee _____ Date 7/10/88
Applicant P.D. Crawford Phone 722-3939
Mailing Address 305 Kaufman (East)
Rockwall TX 75087

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

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

GR - General Retail District Classification to
SF-7 - Single Family District Classification for
for the following reasons: (attach separate sheet if necessary)

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 P. D. Crawford

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.

PD-5

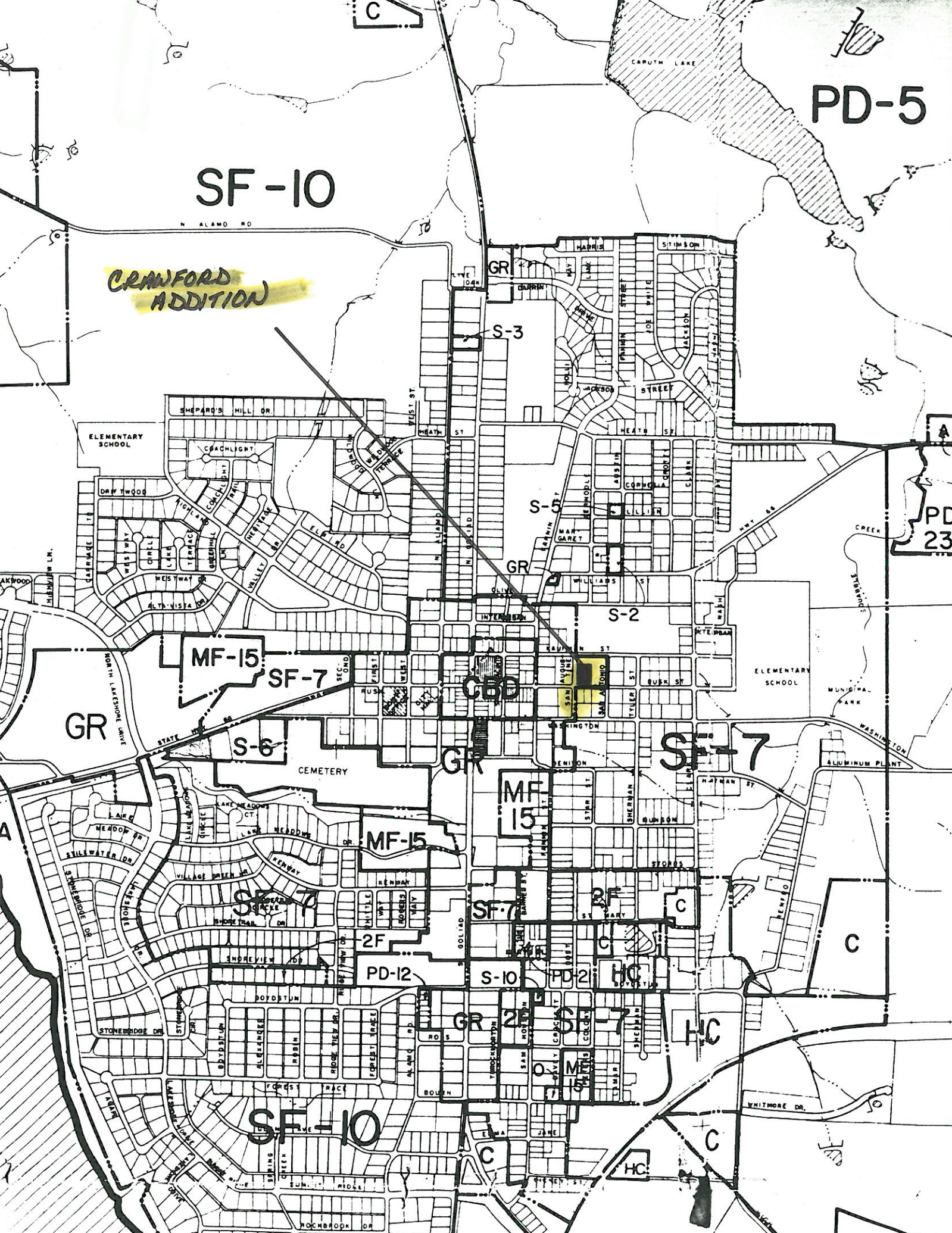
SF-10

CRAWFORD ADDITION

N ALAMO RD

CARUTH LAKE

PD 23



ELEMENTARY SCHOOL

MF-15

SF-7

SF-7

S-6

CEMETERY

GR

MF-15

SF-7

PD-12

S-10

PD-21

HC

SF-10

GR

HC

SF-7

ELEMENTARY SCHOOL

MUNICIPAL PARK

ALUMINUM PLANT

C

WHITMORE DR

HC

C

AKWOOD

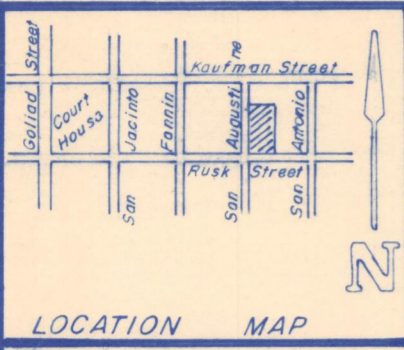
A

A

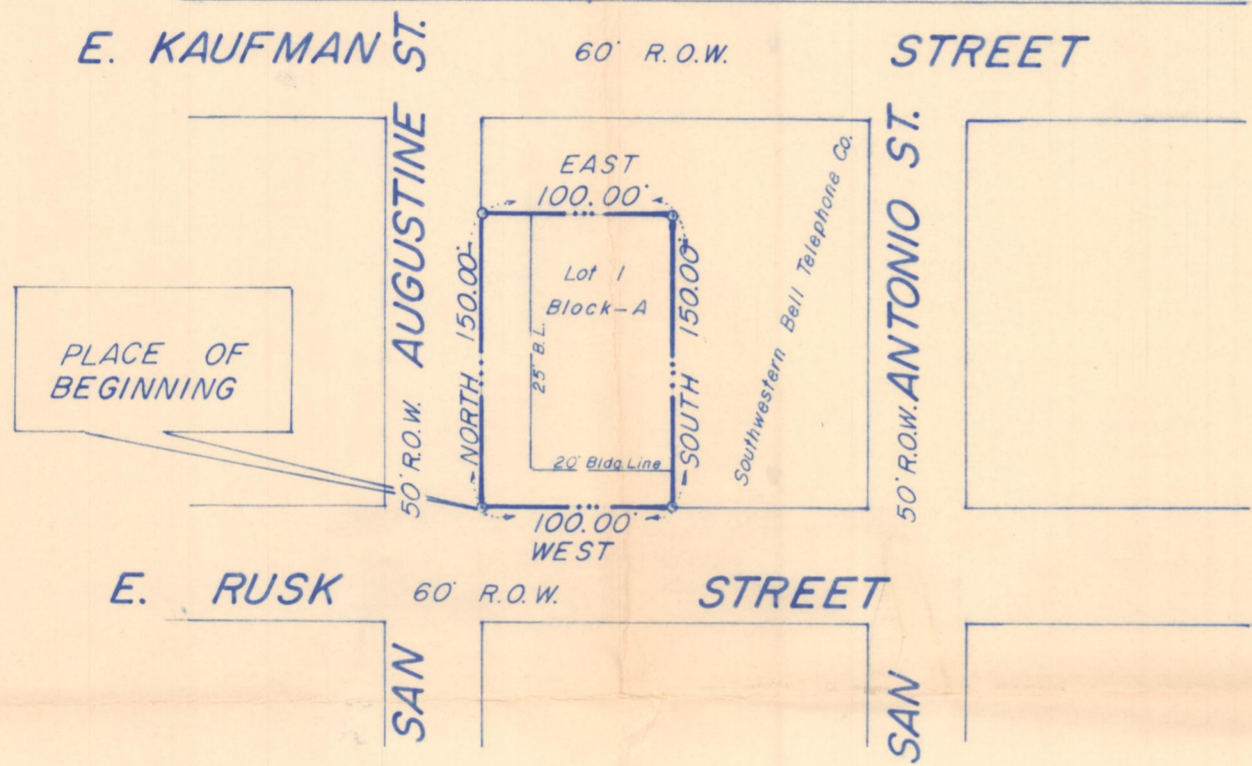
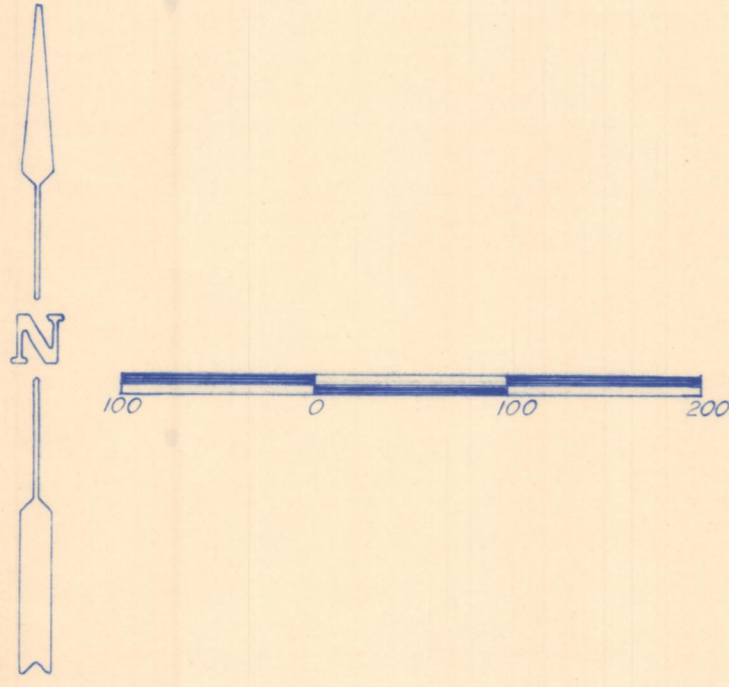
C



PD-5



REPLAT



FINAL PLAT

CRAWFORD ADDITION

CITY OF ROCKWALL

B.F. BOYDSTUN SURVEY ABSTRACT NO. 14
ROCKWALL COUNTY, TEXAS

PAUL D. CRAWFORD (214-722-3939) OWNER
305 E. KAUFMAN STREET ROCKWALL, TEXAS 75087

B.L.S. & ASSOCIATES, INC. (214-771-3036) SURVEYORS
RT. 1 BOX 142 E. SIDS ROAD ROCKWALL, TEXAS 75087

SCALE 1" = 100' JULY 20, 1988

OWNERS CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL
WHEREAS, Paul D. Crawford, being owner of a tract of land in the County of Rockwall, State of Texas, said tract being described as follows;
BEING, a tract of land situated in the B.F. Boydston Survey, Abstract No. 14, City of Rockwall, and being part of the west half of Block-6 of Griffith Addition, unrecorded and also being that tract as conveyed to P.D. Crawford and being more particularly described as follows;
BEGINNING, at the point of intersection of the east line of San Augustine Street with the north line of East Rusk Street, an X in concrete for corner;
THENCE, NORTH, along the east line of San Augustine Street, a distance of 150.00 feet to a 1/2" iron stake for corner;
THENCE, EAST, leaving the said east line of San Augustine Street, a distance of 100.00 feet to a 1/2" iron stake for corner;
THENCE, SOUTH, a distance of 150.00 feet to a point on the north line of East Rusk Street, a 1/2" iron stake for corner;
THENCE, WEST, along the north line of East Rusk Street, a distance of 100.00 feet to the PLACE OF BEGINNING and containing 0.344 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:
That Paul D. Crawford being owner does hereby adopt this plat designating the herein aboved described property as CRAWFORD ADDITION to the City of Rockwall, Rockwall County, Texas, and does hereby dedicate to the public use forever, the streets and alleys shown thereon and do hereby reserve the right-of-way and easement strips shown on this plat for the purpose stated and for the mutual use and accommodation of all utilities desiring to use or using same, any public utility shall have the right to remove all or part of any buildings, fences, trees, shrubs or other growths or improvements which in any way endanger or interfere with construction maintenance or efficiency of their respective systems on any of the right-of-way and easement strips; and any public utility shall have the right of ingress and egress to, from and upon the said right-of-way and easement strips for the purpose of construction, reconstruction, patrolling, maintaining and either adding to or removing all or part of their respective systems without the necessity of at any time procuring the permission of anyone. The City of Rockwall will not be responsible for any claims of any nature resulting from or occasioned by the establishment of any grades of streets in this addition A) It shall be the policy of the City of Rockwall to withhold issuing building permits until all streets, water, sewer and storm drainage systems have been accepted by the City. B) The approval of a plat by the City does not constitute any representation, assurance or guarantee that any building within such plat shall be approved, authorized or permit therefore issued, nor shall such approval constitute any representation, assurance or guarantee by the City of the adequacy and availability of water for personal use and fire protection within such plat.

WITNESS my hand at Rockwall, Texas, this _____ day of _____ A.D. 1988.

By _____
Paul D. Crawford

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

Given under my hand and seal of office this _____ day of _____ A.D. 1988.

Notary Public in and for the State of Texas My Commission Expires _____

SURVEYORS CERTIFICATE

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:
That I, Bob O. Brown, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were placed under my personal supervision.

Bob O. Brown, Registered Public Surveyor No. 1744

STATE OF TEXAS
COUNTY OF ROCKWALL

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

Given under my hand and seal of office this _____ day of _____ A.D. 1988.

Notary Public in and for the State of Texas My Commission Expires _____

RECOMMENDED FOR FINAL APPROVAL _____ APPROVED _____
City Manager Chairman Planning and Zoning Commission

I hereby certify that the aboved foregoing plat of CRAWFORD ADDITION to the City of Rockwall, Texas, was approved by the City Council of the City of Rockwall, Texas, on the _____ day of _____ A.D. 1988.

WITNESS our hand this _____ day of _____ A.D. 1988.

MAYOR CITY SECRETARY

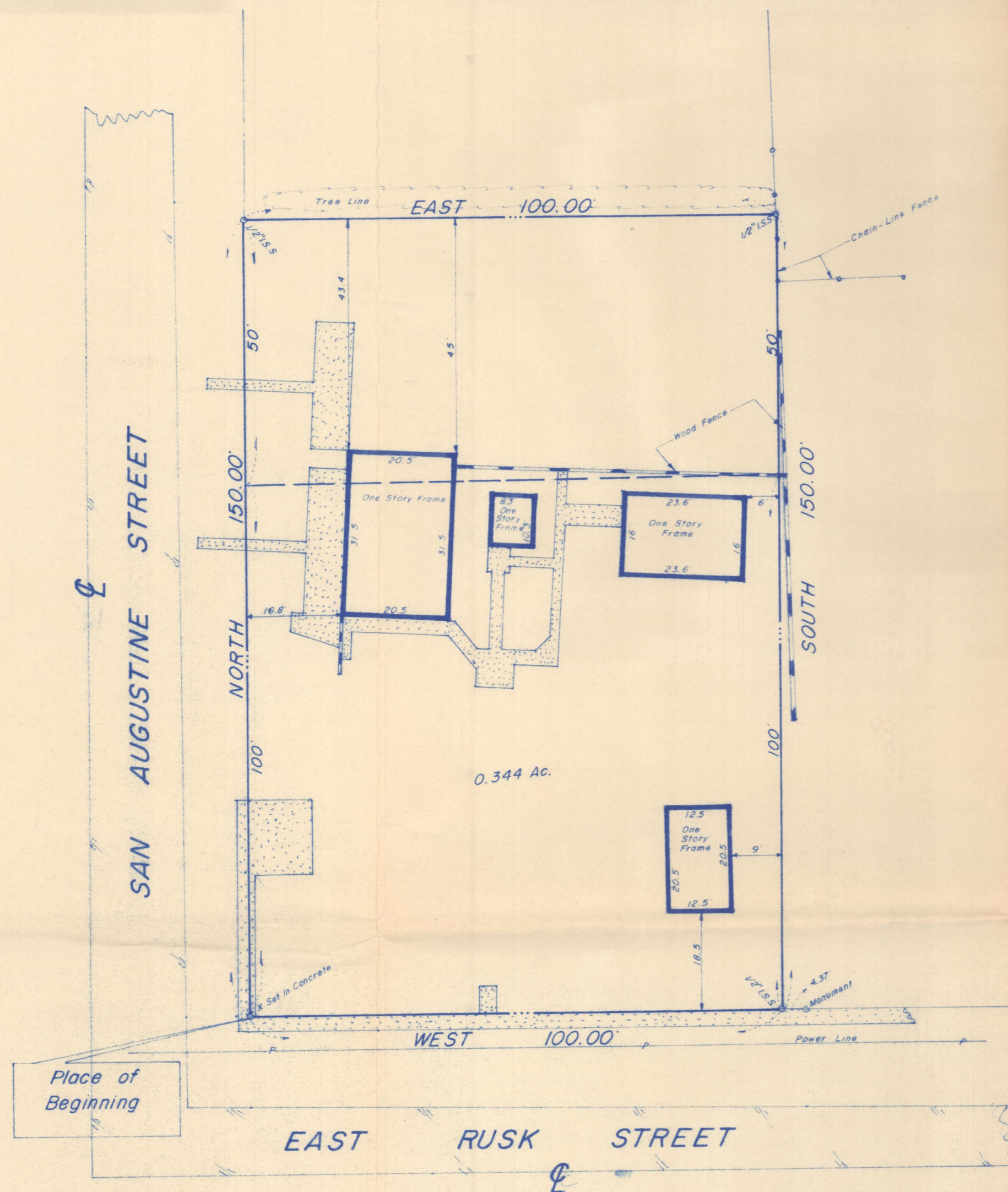
DESCRIPTION
0.344 ACRES

Being, a tract of land situated in the B.F. Boydston Survey, Abstract No. 14, City of Rockwall and being part of the west half of Block-6, of Griffith Addition, unrecorded, and that tract as conveyed to P.D. Crawford and being more particularly described as follows:
 BEGINNING, at the point of intersection of the east line of San Augustine Street with the north line of East Rusk Street, a X in concrete set for corner;
 THENCE, North, along the east line of San Augustine Street, a distance of 150.00 feet to a 1/2" iron stake set for corner;
 THENCE, East, leaving the said east line of San Augustine Street, a distance of 100.00 feet to a 1/2" iron stake set for corner;
 THENCE, South, a distance of 150.00 feet to a point on the north line of East Rusk Street, a 1/2" iron stake set for corner;
 THENCE, West, along the north line of East Rusk Street, a distance of 100.00 feet to the PLACE OF BEGINNING and containing 0.344 acres of land. This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Professional Surveyor on June 28, 1988.

CERTIFICATION

I, Bob O. Brown, Registered Surveyor, do hereby certify that; A) this plat and property description shown hereon are true and correct and prepared from an on the ground survey of the property shown hereon; B) such survey was conducted under my supervision; C) all monuments shown actually exist and the location, size and type of material thereof are shown; D) except as shown hereon, there are no encroachments onto the property or protrusions therefrom, there are no improvements on the property, there are no visible easements or rights-of-way on the property and there are no visible discrepancies, conflicts, shortage in area or boundary line conflicts; E) the size, location and type of improvements, if any, are shown hereon and set back from the property lines the distances indicated; F) the property has access to and from a Public Roadway; G) all applicable easements, furnished to or known to me, have been labeled and shown hereon; H) the boundaries and dimensions shown hereon are true and correct and this service conforms to the current Texas Surveyors Association Standards and Specifications for a Category 1-A condition 2 survey. This plat is for the exclusive use of P.D. Crawford and the undersigned surveyor is not responsible to any others.

Bob O. Brown
 Bob O. Brown R.P.S. # 1744



SHEET TITLE LAND TITLE SURVEY B.F. Boydston Survey, Abstract No. 14 City of Rockwall Rockwall County, Texas 0.344 Acres		PROJECT NO. 88084 SCALE 1"=20' DATE 6-28-88 DRAWN BY B. O. B. CHECKED BY Notes K. E. B. DRAWING NO.
B.L.S. & ASSOCIATES, INC. RT. 1 BOX 142 E. SIDS RD. PO. BOX 65 ROCKWALL, TEXAS 75087 (214) 722-3036 226-7522		OF _____ SHTS

PETITION TO THE CITY OF ROCKWALL

WE , THE UNDERSIGNED NEIGHBORS OF MR. & MRS. P. D. CRAWFORD OF E RUSK ST.
ROCKWALL, TEXAS DO NOT OBJECT TO MR. & MRS. P. D. CRAWFORD MOVING THE
OLD METHODIST CHURCH PARSONAGE TO THEIR LOT ON 401 E. RUSK FOR THEIR HOME.

NAME Jane Marie Head
ADDRESS 305 East Rusk Street

NAME Joyce Jones
ADDRESS 308 E Washington

Case no - 88-392/FP

NAME Cathy Humphrey
ADDRESS 310 E Washington

NAME Duff In Food
ADDRESS Ray Kelley

NAME Myrtle Mitchell
ADDRESS 207 E. Heath

NAME Jane Mounger - Owner
ADDRESS 7065 Fremont St. Dallas, TX.

NAME Bernice Hanby
ADDRESS 402 E. Rusk

NAME Laura Vaughan
ADDRESS 406 East Rusk

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

(8)

PETITION TO THE CITY OF ROCKWALL

WE , THE UNDERSIGNED NEIGHBORS OF MR. & MRS. P. D. CRAWFORD OF E RUSK ST.
ROCKWALL, TEXAS DO NOT OBJECT TO MR. & MRS. P. D. CRAWFORD MOVING THE
OLD METHODIST CHURCH PARSONAGE TO THEIR LOT ON 401 E. RUSK FOR THEIR HOME.

NAME James D. Laughlin Urbancenter
ADDRESS 202 N. FANNIN

case no 88-39-27P

NAME Jamie Klein
ADDRESS 306 E. Rusk

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

PETITION TO THE CITY OF ROCKWALL

WE , THE UNDERSIGNED NEIGHBORS OF MR. & MRS. P. D. CRAWFORD OF E RUSK ST.
ROCKWALL, TEXAS DO NOT OBJECT TO MR. & MRS. P. D. CRAWFORD MOVING THE
OLD METHODIST CHURCH PARSONAGE TO THEIR LOT ON 401 E. RUSK FOR THEIR HOME.

NAME Herman Knight
ADDRESS 403 E. Kaufman st.

NAME Leon masses
ADDRESS 307 S. Kaufman

NAME Jimmy C. Massey
ADDRESS 401 E. Kaufman

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

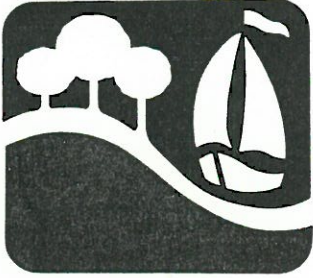
NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____

NAME _____
ADDRESS _____



CITY OF ROCKWALL
"THE NEW HORIZON"

August 15, 1988

Mr. P. D. Crawford
305 Kaufman
Rockwall, Texas 75087

Dear Mr. Crawford:

The Rockwall Planning and Zoning Commission held a public hearing on August 11, 1988, and recommended approval of your request for a change in zoning from "GR" General Retail to "SF-7 Single Family and a final plat for the Crawford Addition at East Rusk and San Augustine.

The Rockwall City Council will hold a public hearing on September 6, 1988, at 7:00 P.M. in City Hall, 205 West Rusk and consider approval of your request.

Please provide three additional copies of the final plat not later than August 30th. Feel free to call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Assistant

CC: B.L.S. & Assoc.
MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

August 17, 1988

Mr. P. D. Crawford
305 Kaufman
Rockwall, Texas 75087

Dear Mr. Crawford:

My previous correspondence indicated that the City Council would consider your zone change and final plat request on September 6th. Due to an anticipated long agenda on this date, your request will be considered on September 19, 1988, at 7:00 P.M. in City Hall, 205 West Rusk.

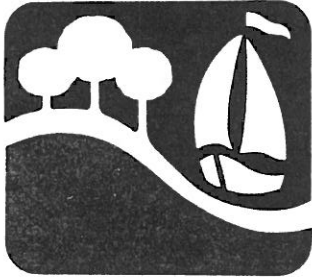
Please call me if you have any questions.

Sincerely,

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

Mary Nichols
Administrative Assistant

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



CITY OF ROCKWALL
"THE NEW HORIZON"

September 21, 1988

Mr. P. D. Crawford
305 East Kaufman
Rockwall, Texas 75087

Dear Mr. Crawford:

On September 19, 1988, the Rockwall City Council held a public hearing and approved a change in zoning from General Retail to "SF-7" Single Family, a waiver of street escrow requirements, and a final plat for the Crawford Addition, a one lot residential subdivision located at East Rusk and San Augustine. An ordinance authorizing the zone change was approved on first reading. Ordinances of this nature must be approved at two separate meetings of Council. The second reading is October 3rd.

Please note also that a final plat must be filed by this office with the County within 120 days of the approval date or the plat becomes void. Please return sixteen executed copies of the plat and two mylars to this office by January 17, 1989. We cannot guarantee timely filing of plats returned after this date.

You may apply for a building permit to move your house onto the lot after the ordinance is approved on second reading and the final plat is filed.

Please call me if you have any questions.

Sincerely,

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

Mary Nichols
Administrative Assistant

CC: B.L.S. & Assoc.
MN/mmp

CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: August 11, 1988 AGENDA NO. III.B.

AGENDA ITEM: Hold Public Hearing and Consider Approval of a Request from P.D. Crawford for a Change in Zoning from "GR" Genmeral Retail to "SF-7" Single Family on a Tract of Land Located at Kaufman Street and San Augustine, and Consider Approval of a Final Plat

ITEM GENERATED BY:

ACTION NEEDED: Hold public hearing and recommend approval or denial of the zoning request and final plat.

BACKGROUND INFORMATION:

We have received a request from Mr. P.D. Crawford for a change in zoning from GR to SF-7 on a lot located at the intersection of san Augustine and Kaufman Streets. A number of months ago Mr. Crawford's house burned down. The property is zoned General Retail and under our current ordinance residential uses are not allowed in commercial areas. Mr. Crawford has purchased the old Methodist parsonage and wishes to move it on this lot to use as a residence. In order to do so, because the nonconforming status on the lot has been lost due to the fire, the property would have to be rezoned to residential. In addition to the rezoning the lot has never been platted and before a building permit can be issued it must be platted. In conjunction with the platting our street escrow requirements would require that funds be secrowed to pay for one half of the estimated cost of improvements to both Kaufman and San Augustine. Mr. Crawford would request a waiver to the escrow requirements on the basis that this is an owner occupied one lot subdivision.

Technically speaking this could be defined as spot zoning because the surrounding zoning is GR. However, because the applicant is going to a more restrictive classification and because the land uses to the south and east are residential we feel there are some mitigating circumstances in this case. A question was raised at the work session about the possibility of amending the zoning ordinance to allow residential uses in GR with a CUP. When the current ordinance was adopted residential uses were purposely left out of commercial districts becuse of the conflicts that can develop when property can be used for both residential and commercial uses. I would not recommend that we recognize residential uses as allowed uses in GR for this reason.

Attached you will find a copy of the plat and the responses of the neighborhood.

ATTACHMENTS:

1. Location Map
2. Plat
3. Responses

AGENDA ITEM: Crawford - GR to SF-7 ITEM NO: III.B

m:PZ08113B.AGN

P.D. Crawford

Minutes of the Planning and Zoning Commission
August 11, 1988

Vice Chairman Bill Sinclair called the meeting to order with the following members present: Bob McCall, Leigh Plagens, Robert Wilson and Hank Crumbley.

The Commission first considered approval of the minutes of July 14 and July 25, 1988. Plagens made a motion to approve both sets of minutes with the correction of certain typographical errors. 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 Eugene and Luanne Franks for a Conditional Use Permit for a single family use on less than ten acres in an Agricultural Zoning Classification on a tract of land located at FM-740 and Shadydale Lane. Assistant City Manager, Julie Couch explained that the applicants wished to build a garage to house a semi-truck. She stated that no building permit could be issued until permanent zoning was established or a CUP was issued. She explained that the applicants didn't wish to rezone to single family because they would not be allowed to park the truck in single family zoning.

Luanne Franks told the Commission that the garage would be located to the rear of lot and was 4 to 6 feet lower than the house on the lot. She stated that the garage would have an automatic door, would be built to match the house with three feet of brick around the sides, and would completely conceal the truck.

Bob McKinney, No. 3 Shadydale, stated the Shadydale Lane would not withstand regular truck traffic and he was opposed to the CUP. George Hatfield, No. 1 Shadydale, stated that he lived directly across from the applicant's lot, he was opposed to allowing the permit, and that the asphalt road wouldn't withstand the weight of the truck. Mrs. Franks stated that the truck weighted 17,500 pounds which was less than the city garbage truck. Anita McKinney voiced her opposition. Sarah Whittle stated that she was unopposed. McCall confirmed with Rob Whittle that Shadydale would eventually tie into Phase III of Foxchase. Don Smith, a resident of Chandler's Landing, stated that with or without the garage a truck could be parked in Agricultural Zoning but that a truck parking there was temporary and a garage was permanent. He was opposed to the CUP. Sue O'Brian, No. 5 Shadydale stated that the lots in the City Limits deserved the protection of City Ordinances.

The Commission discussed turn space at Shadydale and FM-740, the Scenic Overlay District, view of the garage from adjacent lots, the height and landscaping around the garage and the current zoning on the lot. Plagens made a motion to recommend approval of the CUP with the following conditions:

1. The sides visible from adjacent residences would be landscaped with evergreen shrubs

2. No truck maintenance or repair would be conducted outside of the garage
3. No other buildings or outside storage would be allowed related to the truck
4. Garage materials would match the house and include three feet of brick around perimeter

McCall seconded. The motion was voted on and passed 3 to 2 with Wilson and Crumbley voting against the motion.

Council then held a public hearing and considered approval of a request from P.D. Crawford for a change in zoning from "GR" general retail to "SF-7" single family on a tract of land located at Kaufman Street and San Augustine and considered approval of a final plat. Couch explained that the applicant lost non-conforming status when his residence burned down. She stated that prior to issuance of a building permit, the property would have to be zoned for residential and platted. She stated that as this would be a one lot owner occupied subdivision, the applicant was requesting a waiver of street escrow requirements. Bob Brown, B.L.S. and Associates was present to represent the applicant. Jimmy Massey, an adjacent property owner confirmed that the zone change would be one lot only. The public hearing was closed. Plagens made a motion to recommend approval of the zone change, final plat, and waiver request. Crumbley seconded the motion. The motion was voted on and passed unanimously.

Couch then outlined a request from Realvest Corporation to amend the Preliminary Plan for PD-8, to change the land use designation on lots 9 through 23, Phase 18, Section 2, from zero lot line to single family and the proposed area requirements. Sinclair opened the public hearing. Harold Evans explained that these lots had recently been replatted and the zone change would contribute to reducing overall density. Rob Whittle told the Commission that Whittle Development owned lots in Phase 17 and was under a contractual obligation not to expand the lots. The public hearing was closed. McCall made a motion to approve the amendment. Plagens seconded the motion. The motion was voted on and passed unanimously.

Sinclair opened a public hearing on a request from Buddy Haldeman for a change in zoning from "A" Agricultural to "C" Commercial on a tract of land located on SH-205 south of Rockwall Parkway. As there was no one present to address this issue, the public hearing was closed. Crumbley made a motion to table consideration until the worksession pending appearance of applicant representation. Plagens seconded the motion. The motion was voted on and passed unanimously.

Couch outlined an application from First Assembly of God Church for renewal of a Conditional Use Permit for a portable building exceeding the maximum permitted area in an "SF-7" Single Family Classification. Sinclair opened the public hearing. As there was no one present wishing to address the Commission on this issue, the public hearing was closed. Plagens made a motion to table the item until the worksession. McCall seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a site plan for a Roadrunner Convenience Store and a final plat for the Haldeman Addition on a tract of land located at SH-205 and SH-276. Couch outlined the application. The Commission discussed the application. The Commission discussed the drive locations, the landscaping and the location of the sewer main. Plagens made a motion to approve the site plan and final plat. Crumbley seconded the motion. The motion was voted on and passed unanimously.

The Commission then considered approval of a final plat for Foxchase Phase 1, a 32 lot subdivision on FM-740. Couch explained certain changes recently made in PD-9. She stated that the final plat conformed with the preliminary plat as it was approved and outlined recommended conditions for approval. Rob Whittle, Whittle Development, was present to address questions. The Commission discussed a possible developer's contract pertaining to future park land. Plagens made a motion to recommend approval of the final plat with the following conditions:

1. Any proposed improvements to the median must be approved by Council
2. Execution of a developer's contract regarding future dedication of park land

McCall 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.

Thomas G. Quinn
Chairman

Julie Coet

CITY OF ROCKWALL

City Council Agenda

AGENDA DATE: September 19, 1988 AGENDA NO. V.B.

AGENDA ITEM: Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from P.D. Crawford for a Change in Zoning from "GR" General Retail to "SF-7" Single Family on a Tract of Land Located at Kaufman Street and San Augustine, and Consider Approval of a Final Plat

ITEM GENERATED BY: P.D. Crawford, Applicant

ACTION NEEDED: Hold public hearing and approve or deny the ordinance granting the zoning request and final plat.

BACKGROUND INFORMATION:

We have received a request from Mr. P.D. Crawford for a change in zoning from GR to SF-7 on a lot located at the intersection of San Augustine and Kaufman Streets. A number of months ago Mr. Crawford's house burned down. The property is zoned General Retail and under our current ordinance residential uses are not allowed in commercial areas. Mr. Crawford has purchased the old Methodist parsonage and wishes to move it on this lot to use as a residence. In order to do so, because the nonconforming status on the lot has been lost due to the fire, the property would have to be rezoned to residential. In addition to the rezoning the lot has never been platted and before a building permit can be issued it must be platted. In conjunction with the platting our street escrow requirements would require that funds be escrowed to pay for one half of the estimated cost of improvements to both Kaufman and San Augustine. Mr. Crawford would request a waiver to the escrow requirements on the basis that this is an owner occupied one lot subdivision.

Technically speaking this could be defined as spot zoning because the surrounding zoning on three sides is GR. However, because the applicant is going to a more restrictive classification and because the zoning to the south and one block east are residential we feel there are some mitigating circumstances in this case.

Attached you will find a copy of the plat and the responses of the neighborhood.

The Planning and Zoning Commission has recommended approval of the request.

ATTACHMENTS:

1. Location Map
2. Plat
3. Responses
4. Ordinance

Responses Sent 17

Responses Received 7 + Petition

AGENDA ITEM: Crawford - GR to SF-7

ITEM NO: V.B.

Crawford

MINUTES OF THE ROCKWALL CITY COUNCIL

September 19, 1988

Mayor Frank Miller called the meeting to order at 7:00 P.M. with the following Councilmembers present: Don Smith, Alma Williams, Frank Miller, Norm Seligman, Pat Luby and John Bullock.

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

- A) the minutes of September 6, 1988
- B) an ordinance abandoning a drainage easement on Rockwall Parkway on second reading
- C) an ordinance abandoning a TU Electric easement in Stonebridge Meadows on second reading
- D) an ordinance authorizing a change in zoning from "A" Agricultural to "C" Commercial on a tract of land located on SH-205 south of Rockwall Parkway on second reading
- E) an ordinance regulating usage of the jogging trail at Harry Meyers Park on second reading
- F) a resolution urging the State to amend the definition of an emergency vehicle regarding emergency signal lights
- G) a resolution urging TML to support strict qualifying requirements for Agricultural exemption to Ad Valorem taxes.

Assistant City Manager Julie Couch read the ordinance captions. Miller pulled Items F and G. Williams made a motion to approve the Consent Agenda except Items F and G. Seligman seconded the motion. The motion was voted on and passed unanimously. Miller made a motion to approve Item F with a minor change in the wording of one sentence. Luby seconded the motion. The motion was voted on and passed unanimously. Miller then suggested minor wording revisions in Item G and made a motion to approve the resolution with these changes. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a request from P.D. Crawford for a change in zoning from "GR" General Retail to "SF-7" Single Family on a tract of land located at Kaufman Street and San Augustine, and considered approval of a final plat for the Crawford Addition. Couch outlined the applicant's request and explained that prior to obtaining a building permit to replace a residence that had burned and lost its non-conforming status the property had to be rezoned and platted. Bob Brown, representing the applicant, stated that Mr. Crawford proposed to move an old parsonage onto the lot to be used as his residence. Smith made a motion to approve the request, an ordinance authorizing the zone change on first

reading, the final plat, and a waiver of street escrow requirements. Luby seconded the motion. The motion was voted on and passed unanimously.

The Council then held a public hearing and considered approval of an ordinance granting a request from First Assembly of God Church for renewal of a Conditional Use Permit for a portable building exceeding the maximum size permitted in an "SF-7" Single Family classification. Couch explained that the CUP had been granted previously by the Council but had expired. She stated that the application was the same as the original application and read the ordinance caption. As there was no one present to address the Council on this issue the public hearing was closed. Seligman made a motion to approve the ordinance. Smith seconded the motion. The Mayor offered an amendment to require a two year time limit. Seligman seconded the amendment. The amendment was voted on and passed unanimously. The motion as amended was voted on and passed unanimously.

The Council then held a public hearing and considered approval of a request from Realvest, Inc., for an amendment to the preliminary plan for PD-8, Chandlers Landing to change the land use designation on Lots 9 through 23 in Phase 18, Section 2, from Zero Lot Line to Single Family, and approval of area requirements. Couch explained that the lots had previously been replatted, outlined the proposed area requirements, and read the caption of an ordinance amending the preliminary plan for PD-8. Harold Evans, representing the applicant, addressed the Council's questions regarding the lot sizes and possible tightness of lots. Seligman made a motion to approve the ordinance. Smith seconded the motion. The motion was voted on and passed unanimously.

Miller then opened a public hearing and Council considered amending the Comprehensive Zoning Ordinance to adopt regulations regarding sexually oriented businesses. Couch outlined the regulatory ordinance previously adopted by Council, the recommendation of the Planning and Zoning Commission and the recommendation of the City Attorney to amend the Zoning Ordinance and the Private Club Ordinance to provide regulations for sexually oriented businesses. As there was no one present to address this issue, the public hearing was closed. Williams made a motion to instruct Staff to draft ordinances amending the Comprehensive Zoning Ordinance and Private Club Ordinance regarding sexually oriented businesses. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of an ordinance adopting the 1988-89 Operating Budget. As there was no one present wishing to address the Council on this issue, the public hearing was closed. Couch read the ordinance caption and City Manager Bill Eisen explained some changes that had been made at Council's direction since the Budget Worksession. Seligman made a motion to approve the ordinance. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing and considered approval of a resolution making application to the Texas Capital Development Fund on behalf of Celebration Cake Company. Eisen explained that funding for business development and business expansion was available through the Texas Department of Commerce and Jim Head, of Celebration Cake Company, had requested the City to sponsor a loan application. He explained that although the City would technically be the recipient of the loan, a limited role would be

Council then considered approval of an ordinance amending the 1987-88 Budget. Couch read the ordinance caption. Williams made a motion to approve the ordinance. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance setting the 1988-89 tax rate. Couch read the ordinance caption. Smith made a motion to approve the ordinance. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance prescribing the method for setting rates at the Municipal Airport. Eisen explained that this would allow Airport rates to be set and amended by resolution as water and sewer rates were done. Couch read the ordinance caption. Smith made a motion to approve the ordinance. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution amending water and sewer rates. After a brief Council discussion, Seligman made a motion to approve the resolution. Smith seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of an ordinance updating service credit in TMRS and increasing the employee contribution rate. Eisen explained the contents of the ordinance. Couch read the ordinance caption. Smith made a motion to approve the ordinance. Williams seconded the motion. The motion was voted on and passed unanimously.

Council next considered approval of a resolution fixing a charge for returned checks. Eisen explained the current charge was \$5.00 and the resolution would establish a \$15.00 charge. Bullock questioned the cost of processing an insufficient check. Director of Finance Mike Phemister explained the procedures and stated that \$15.00 was an acceptable amount. Luby made a motion to approve the resolution. Smith seconded the motion. The motion was voted on and passed with all in favor except Bullock who was opposed.

Council discussed a resolution establishing a policy regarding review of newly annexed areas for the purpose of establishing permanent zoning. After discussion regarding the recommendation of the Planning and Zoning Commission, Seligman made a motion to approve the resolution. Williams seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution authorizing establishment of a 9-1-1 Emergency Telephone System and authorizing the levy of a charge to finance the service. Eisen outlined the steps taken to date towards establishing the service and additional procedures to be completed. Smith made a motion to approve the resolution. Luby seconded the motion. The motion was voted on and passed unanimously.

Council then considered award of bid for materials for a 12" water main extension to the Children's Shelter on Airport Road and a 6" water main replacement on the Alumax property. Director of Community Services Ed

Heath recommended award of the bid to Trans Tex Supply and explained that the two lower bidders had not complied with specifications. The bids were as follows:

Daystar Sales	\$14,121.70
Atlas Utility	\$14,657.04
*Trans Tex Supply	\$15,183.99
Bowles and Eden	\$15,863.42
Texas Meter Service	\$15,959.36

Seligman made a motion to award the bid as recommended. Williams seconded the motion. The motion was voted on and passed unanimously.

Council then considered authorizing the City Manager to execute an agreement with Independent Bank for financing a \$77,261.86 note. Mayor Miller turned the chair over to Councilmember Bullock and abstained from participation in the discussion due to a conflict of interest. Eisen explained that a balloon payment was due September 20th on a two year note in the original amount of \$110,000 used for the purchase of land. He stated that it would be a two year note with a three year amortization period at an interest rate of approximately 10% as determined by our depository agreement. Smith made a motion to authorize execution of the agreement. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered approval of a resolution accepting a donation of .2897 acres of land for use as a City park by Dr. Sherman Sparks and authorizing the City Manager to file a warranty deed effective January 20, 1989. Director of Parks and Recreation Rick Crowley outlined the provisions of the deed and location of the land. Williams made a motion to approve the resolution. Seligman seconded the motion. The motion was voted on and passed unanimously.

Council then considered award of bids for paving, drainage, and utility improvements in the Heritage Heights Subdivision. Eisen explained that FMHA approval still had not been received. Smith made a motion to table the award until October 17th or the next convenient meeting upon receipt of approval. Williams seconded the motion. The motion was voted on and passed unanimously.

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

APPROVED:

ATTEST:

Mayor

By: _____

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at _____
7:00 o'clock P.M. on the 11th day of August, 1988

in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the
request P.D. Crawford

for a change in zoning from General Retail to "SF-7" Single Family

on the following described property:

a lot located on East Rusk at San Augustine further described
as being a portion of Lot A, Block 6 Griffith 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. 88-39-2/FP

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. 88-39-2/FP

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 _____

Lot A Block 6
Crippith Addition
(Crawford final plat)

Blk 2 Thomas R Conner Paul D. Crawford Blk 6
220 Windy Lane 401 E Rusk

Robert J Sprights SW Bell
602 Williams P.O. Box 655521
Dallas 75265-5521

Blk 1 County Courthouse Ethelyn Jane Cain Blk 7
Rockwall P.O. Box 1400
Catholic Church Rowlett 75088

P.O. Box 19507
Dallas 75219
J. W. Vaughn
406 Rusk

Blk 3 J. E. Stillwell Radio James Blk 10
95 206 N Fannin 502 W Rusk

J R Falls Bruce Whitten Blk 11
204 Fannin 703 Nash

Cary Clarke B.K. Myers
17300 Dallas Pkwy #3170 507 E Rusk
Dallas 75248

Johnny L Johnson
303 W Clark

Morris Buster Bass
303 Elm

Jimmy Massey
401 E Kaufman

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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Mary Nichols
City of Rockwall, Texas

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

Case No. 88-39-2/FP

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

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

1.

2.

3.

Signature Jimmy C. Messy
Address 401 E. Kaufman

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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Mary Nichols
City of Rockwall, Texas

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

Case No. 88-39-2/FP

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

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

1. This lot is to be used to relocate an existing residential structure
and to preserve a long-standing style of architecture dating back
2. to 1925. The Crawfords are to be commended for taking this
action. Please approve their request as Rockwall needs more of
3. this preservation action which demonstrates its historical past.

Signature Kobut. from Heights
Address 602 Williams, Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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City of Rockwall, Texas

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

Case No. 88-39-2/FP

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 Cary Clarke
Address 305 E. Kaufman

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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City of Rockwall, Texas

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Texas 75087.

Case No. 88-39-2/FP

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. They old need a home why not with land
a nice old land mark or house

2.

3.

Signature Ethel Falls

Address 704 N. Fannon

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the
request P.D. Crawford
for a change in zoning from General Retail to "SF-7" Single Family

on the following described property:

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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. 88-39-2/FP

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

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

1. Mr. & Mrs. Crawford have lived in this spot for many, many years before being burned out...both are in bad health....this is just a matter of putting another house right where the old house used to be...they have the money to fix it up and make it look
2. decent in the neighborhood. As I understand it, they want to move the old Methodist parsonage over to their lot... I own most all of the next adjoining block...
I say let 'em do it..
- 3.

Signature Bob Myers
Address Bob Myers
507 E. Rusk St.
Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at _____
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City of Rockwall, Texas

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

Case No. 88-39-2/FP

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.
- 2.
- 3.

Signature Laura Vaughan
Address 466 East Rusk

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at _____

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Mary Nichols
City of Rockwall, Texas

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Case No. 88-39-2/FP

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. Please see the reverse side of
3. this page

Signature AR Cowen

Address 305 E Rusk

I am in favor of Mr Crawford being able to rebuild his house that burned But under an exemption to present zoning.

The zoning of "general retail" now is very misleading because of all the "tacked on" restrictions about "proximity to churches, proximity to residences, etc" which severely restrict the usage of my property — actually not allowing me the "general retail-full use" already. I am opposed to any changes in the zoning which would further restrict the type of business that can be in my location. Previously, there had been no willingness by the city, the zoning Commission, or the other property owners in the area to allow changes or exceptions in zoning restrictions which would have allowed me to sell the property as a residence or place video or other types of businesses in my location because of traffic or volume of patrons etc.

So, if you can allow him to rebuild his property as it was — which surely you can find a way to do, I am in agreement. But, if you must make changes to do that which will further hurt the "business value" of the general retail zoning on my property I am in opposition.

Al Downer
8-9-88

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Al Souner

8-9-88

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO CHANGE THE ZONING ON A TRACT OF LAND WHICH IS MORE FULLY DESCRIBED HEREIN FROM "GR" GENERAL RETAIL CLASSIFICATION TO "SF-7" SINGLE FAMILY CLASSIFICATION; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a change in the classification of a zoning district has been requested by P. D. Crawford for the property more specifically described in Exhibit "A" attached hereto; and

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rockwall, Texas:

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, be and the same is hereby amended by amending the zoning map of the City of Rockwall so as to give "SF-7" Single Family District classification to the tract of land described as being a portion of Lot A, Block 6 Griffith Addition and further described in Exhibit "A".

SECTION 2. That the property described in Exhibit "A" shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City of Rockwall as heretofore amended, as amended herein by granting of this zoning change, and as may be amended in the future.

SECTION 3. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 5. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions for this ordinance shall remain in full force and effect.

SECTION 6. That all ordinance of the City of Rockwall in conflict with the provisions of this be and the same are hereby repealed, and all others ordinances of the City of Rockwall not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

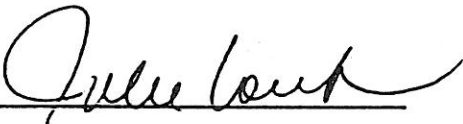
DULY PASSED AND APPROVED this 3rd day of October, 1988.

APPROVED:



Mayor

ATTEST:

By 

1st reading 9/19/88

2nd reading 10/3/88

EXHIBIT "A"

BEING a tract of land situated in the B. f. Boydston Survey, abstract No. 14, City of Rockwall, and being part of the west half of Block 6 of Griffith Addition. Unrecorded and also being that tract as conveyed to P.D. Crawford and being more particularly described as follows:

BEGINNING, at the point of intersection of the east line of San Augustine Street with the north line of East Rusk Street, an X in concrete for corner;

THENCE, North, along the east line of San Augustine Street, a distance of 150.00 feet to a 1/2" iron stake for corner;

THENCE, East, leaving the said east line of San Augustine Street, a distance of 100.00 feet to a 1/2" iron stake for corner;

THENCE, South, a distance of 150.00 feet to a point on the north line of East Rusk street, a 1/2" iron stake for corner;

THENCE, West, along the north line of east Rusk Street, a distance of 100.00 feet to the PLACE OF BEGINNING and containing 0.344 acres of land.

PLANNING AND ZONING ACTION SHEET

Applicant P.D. Crawford Case No. 88-39-2/FP

Property Description _____

Case Subject Matter final plat and zone change
CR to SF-7

CASE ACTION

	<u>Approved</u>	<u>Disapproved</u>	<u>Tabled</u>
Date to P&Z <u>8/11</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Conditions _____			

Date to City Council 9/19

Conditions waiver of street escrow requirements
1st rdg 9/19
2nd rdg 10/3

Ordinance no. 88-44 Date _____

ITEMS IN FILE

Zoning Cases

- Application
- Site Plan
- Filing Fee waved
- Notice to Paper
- Notice to Residents
- List of Residents Notified
- Residents' Responses
- Consultant's Review
- Agenda Notes
- Minutes
- 88-44 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