

²The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

red in cooperation with the STATE
TEXAS DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT
IRS

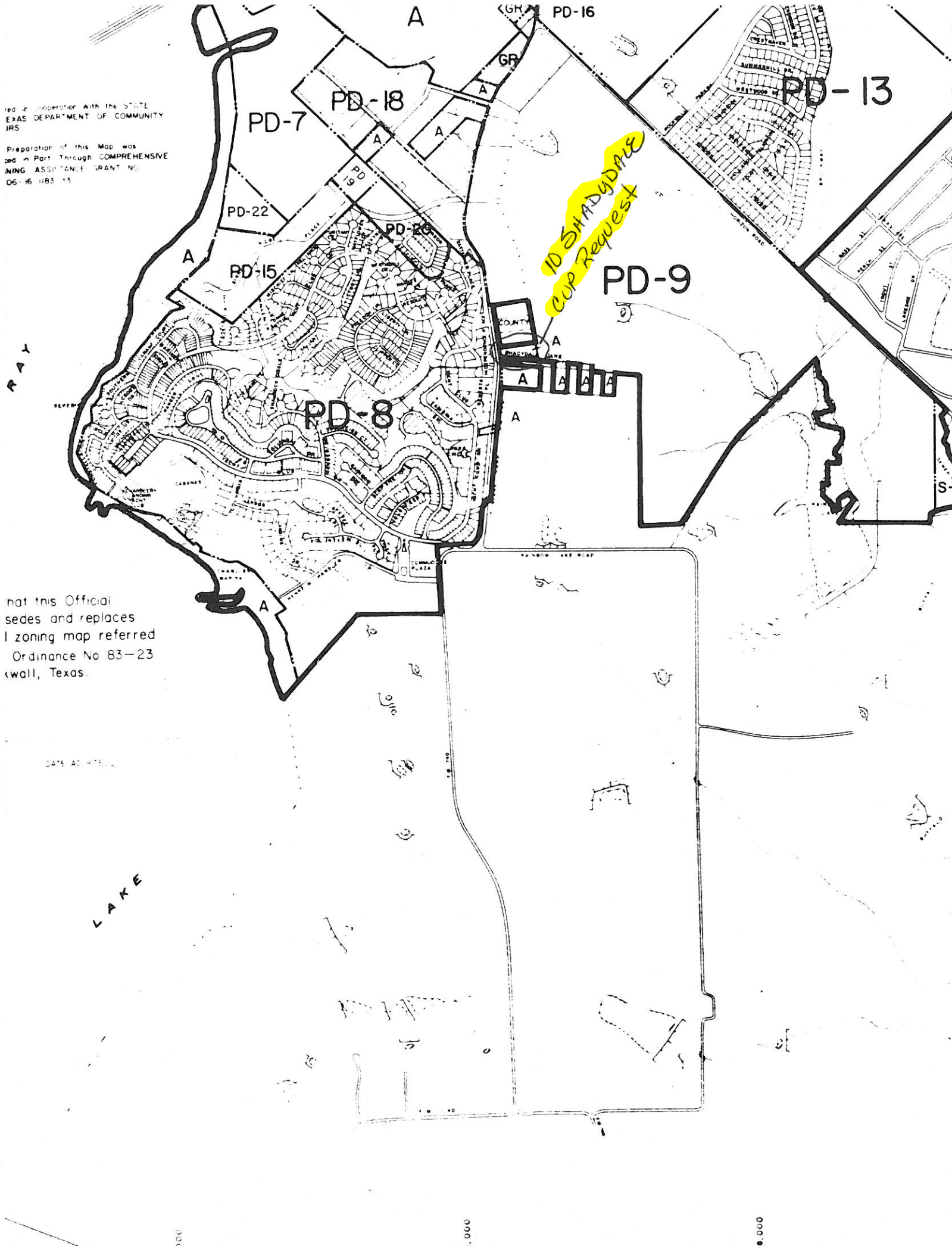
Preparation of this Map was
aid in Part Through COMPREHENSIVE
PLANNING ASSISTANCE GRANT NO.
06-16-1183-13

That this Official
Zoning Ordinance replaces
the zoning map referred
to in Ordinance No 83-23
of the City of Dallas,
Dallas, Texas.

RAY

LAKE

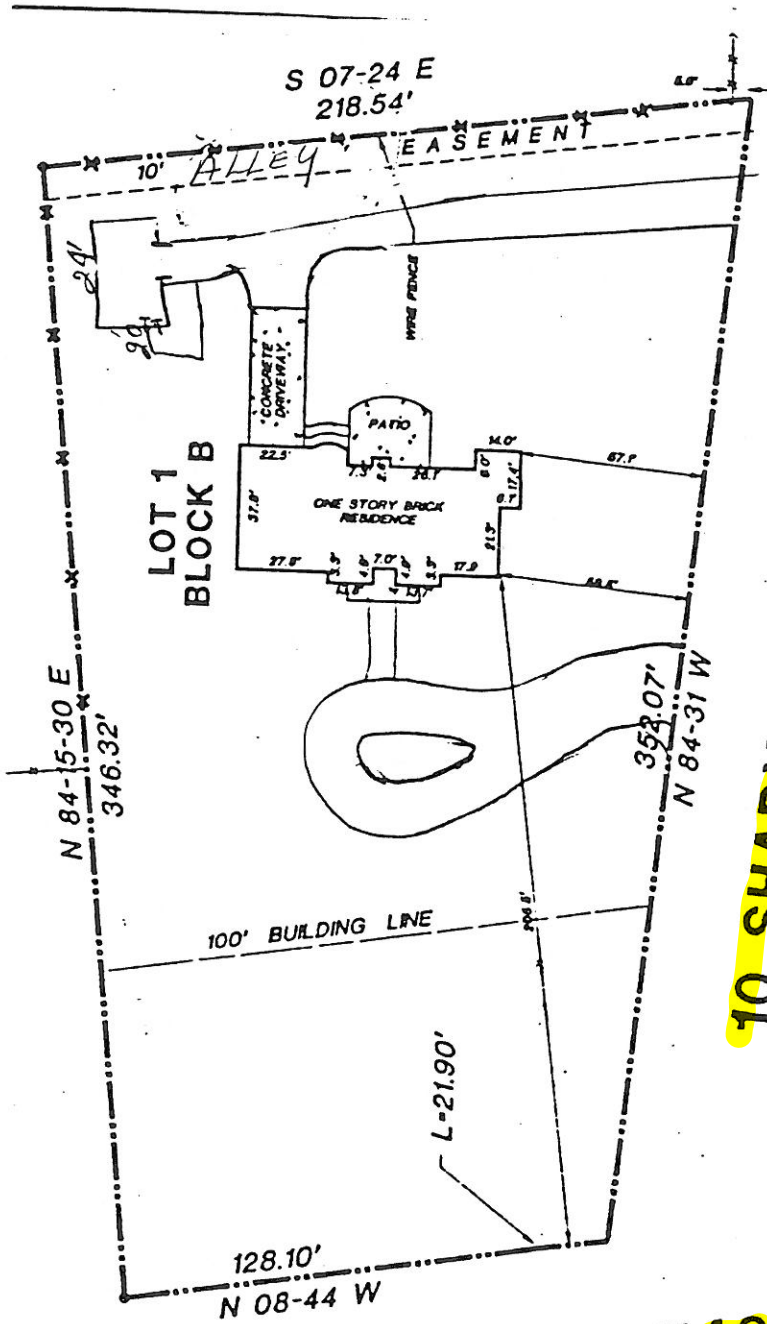
10 SHADYDALE
CUP Request



0.000

15,000

318,000



10 SHADYDALE LANE

F.M. ROAD NO. 740



CITY OF ROCKWALL

"THE NEW HORIZON"
Rockwall, Texas 75087-3628

No 9315

(214) 771-1111

Cash Receipt

Name Eugene Frankes Date 7-22-88

Mailing Address _____

Job Address _____ Permit No. _____

Check 1026 cash Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
Building Permit	01-3601		Water Tap	02-3311	
Fence Permit	01-3602		10% Fee	02-3311	
Electrical Permit	01-3604		Sewer Tap	02-3314	
Plumbing Permit	01-3607		Water Availability	33-3835	
Mechanical Permit	01-3610		Sewer Availability	34-3836	
Zoning, Planning, Board of Adj.	01-3411	<u>102.00</u>	Meter Deposit	02-2201	
Subdivision Plats	01-3412		Portable Meter Deposit	02-2202	
Sign Permits	01-3628		Misc. Income	02-3819	
Health Permits	01-3631		NSF Check	02-1128	
Misc. Permits	01-3625		Meter Rent	02-3406	
Misc. Income	01-3819		Penalties	20-3117	
Sale of Supplies	01-3807		Hanger Rent	20-3406	
Municipal Pool	01-3402		Tie Down Fees	20-3407	
Cemetery Receipts	10-3830		Land Lease	20-3804	
Hotel/Motel Tax	15-3206		Sale of Supplies	20-3807	
Marina Lease	08-3810		Exxon Payment	20-1132	
Street Assessment	25-3828		Fuel Sales	20-3809	
TOTAL OF COLUMN			TOTAL OF COLUMN		

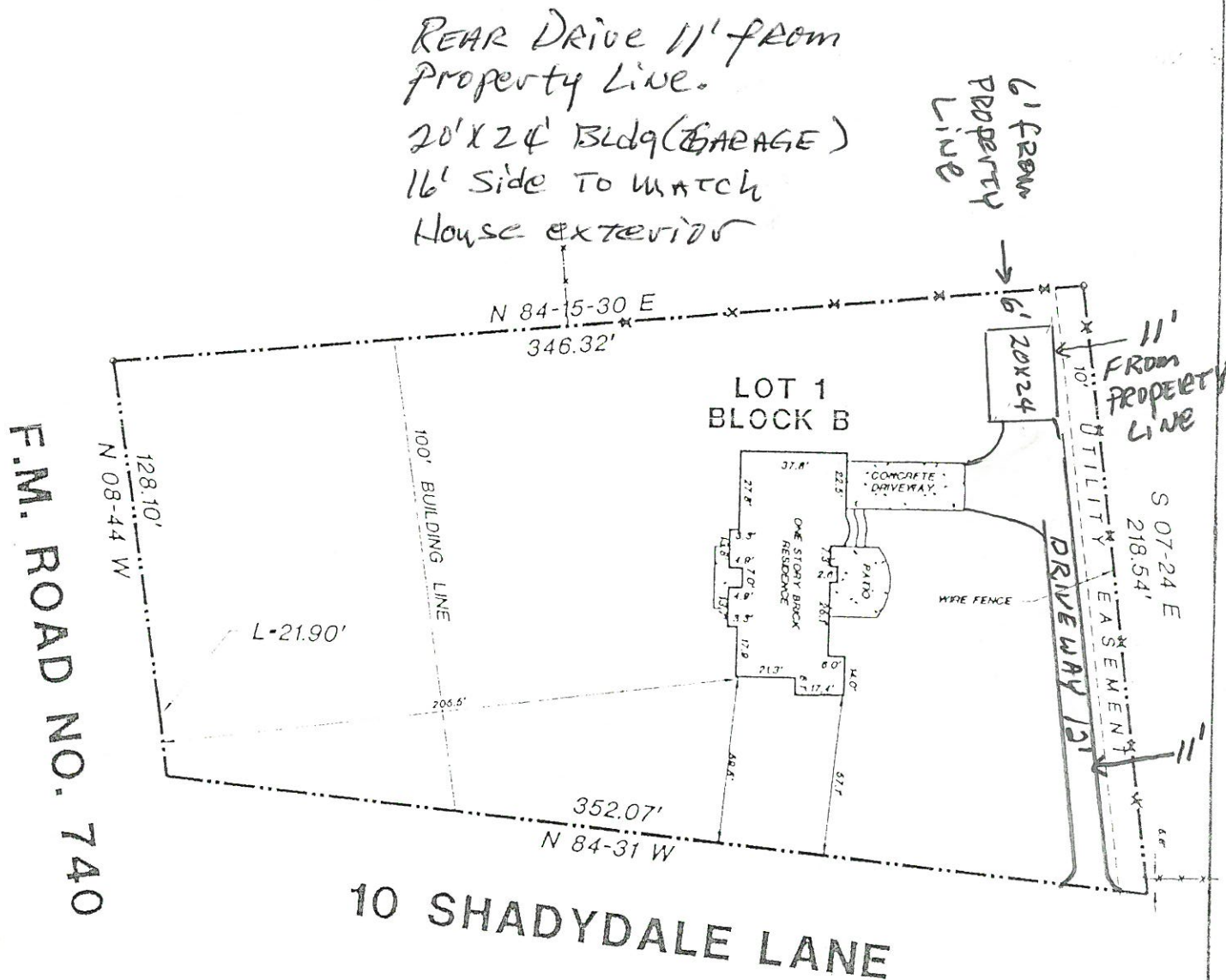
TOTAL DUE 102.00 Received by [Signature]

PROPERTY DESCRIPTION

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:
 This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at 10 Shadydale Lane in the City of Rockwall, Texas, described as follows:
 Lot 1, Block B of HIGHLAND ACRES, in Rockwall County, according to the Map thereof recorded in Slide A, Page 91, Map Records, Rockwall County, Texas.

NOTE: (1) According to the Flood Insurance Rate Map dated July 16, 1980, Community No. 480547B, this property is NOT in a Flood Hazard Area.

(2) To the best of my knowledge, the following easements do NOT affect this property: Water line easement to RCH Water Supply Corp. recorded in Volume 64, Page 236; Easement and Right of way to Texas Power and Light Company recorded in Volume 68, Page 627, both of the Deed Records, Rockwall County, Texas.



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I do hereby certify that this map is true and correct as surveyed on the ground and there are no visible easements or encroachments other than those shown. Only those easements shown on the plat or designated by the title company are shown on the survey.

- LEGEND
- o Fence Corner
 - o Steel Rod Found
 - o Steel Rod Set
 - x — x — Chain Link Fence
 - — — — — Wood Fence
 - — — — — Property Line



Thomas W. Vogt
THOMAS W. VOGT, P.E.
 REGISTERED PUBLIC SURVEYOR, NO. 1928
 REGISTERED PROFESSIONAL ENGINEER, NO. 45622

P.O. BOX 210274
 BEDFORD, TEXAS 76021-7274

PHONE
 268-0554

FIELD WORK BY: T. D. J. C. REVISIONS
 DRAWN BY: T. D. J. 1/1
 CHECKED BY: T. D. J. 1/1

PROPERTY DESCRIPTION

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

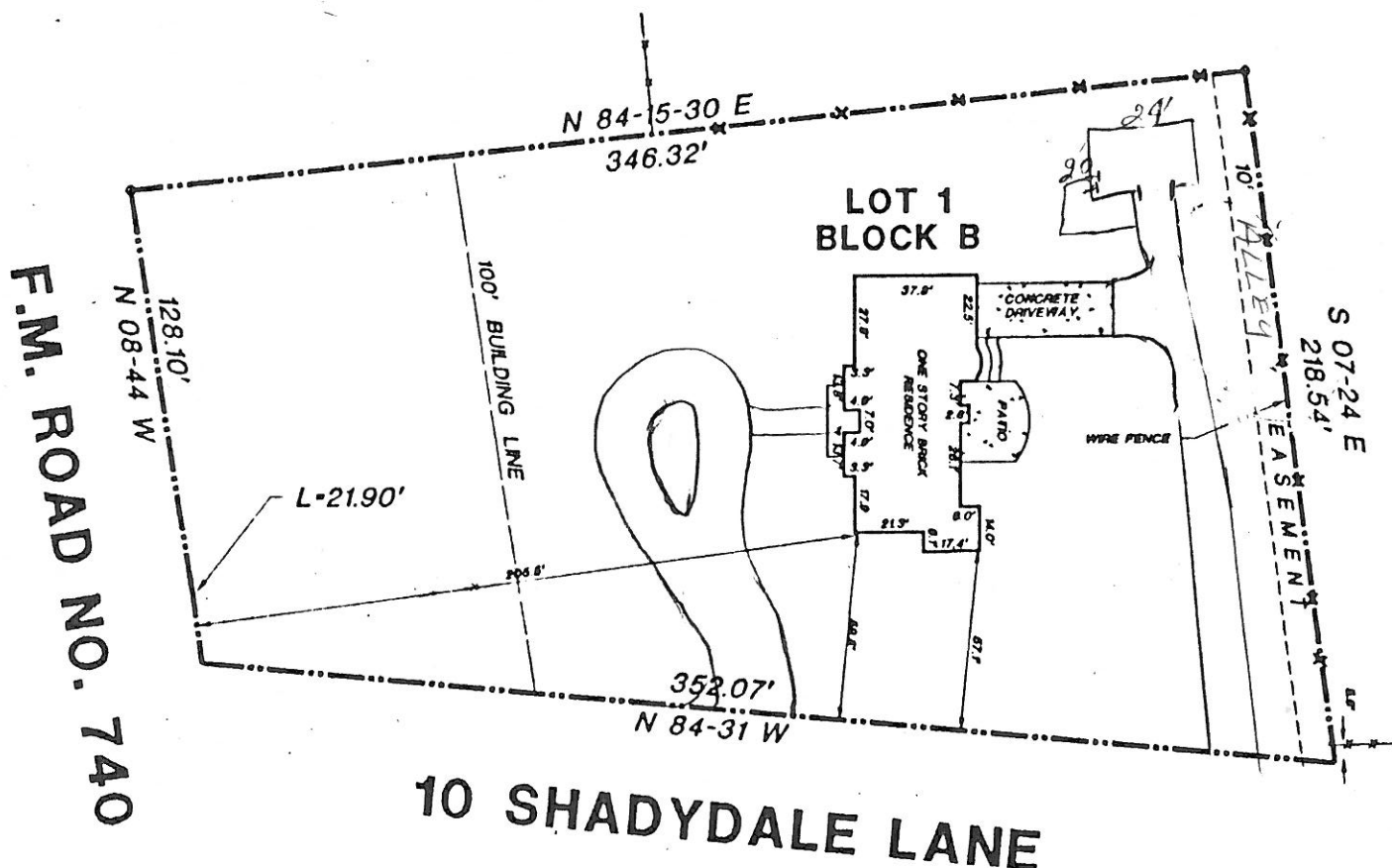
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Building is to be constructed with 2 x 4 walls; 2 x 8 Ceiling joist. Exterior Material will be Masonite Siding with red brick (to match existing residence) 3' around sides, and front. Will have a passage door, with sidewalk to driveway; a 14' overhead door with automatic garage door opener; and a composition roof with air exhaust vents in roof, and two windows on side that will face Ridge road, and two windows on side facing vacant land.

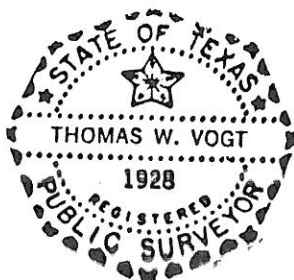
Rear drive has been poured, it is 12 foot wide, 5" thick, and has 3/8" rebar on 18" centers to accomodate extra weight. Building pad has been poured.



Date 05-10-1988
 G.F. No. 96313
 Survey No. : 8801198
 Scale: 1 inch = 60 feet
 Purchased By:

I do hereby certify that this map is true and correct as surveyed on the ground and there are no visible easements or encroachments other than those shown. Only those easements shown on the plat or designated by the title company are shown on the survey.

- LEGEND
- o Fence Corner
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 - Steel Rod Set
 - x-x- Chain Link Fence
 - - - - - Wood Fence
 - - - - - Property Line

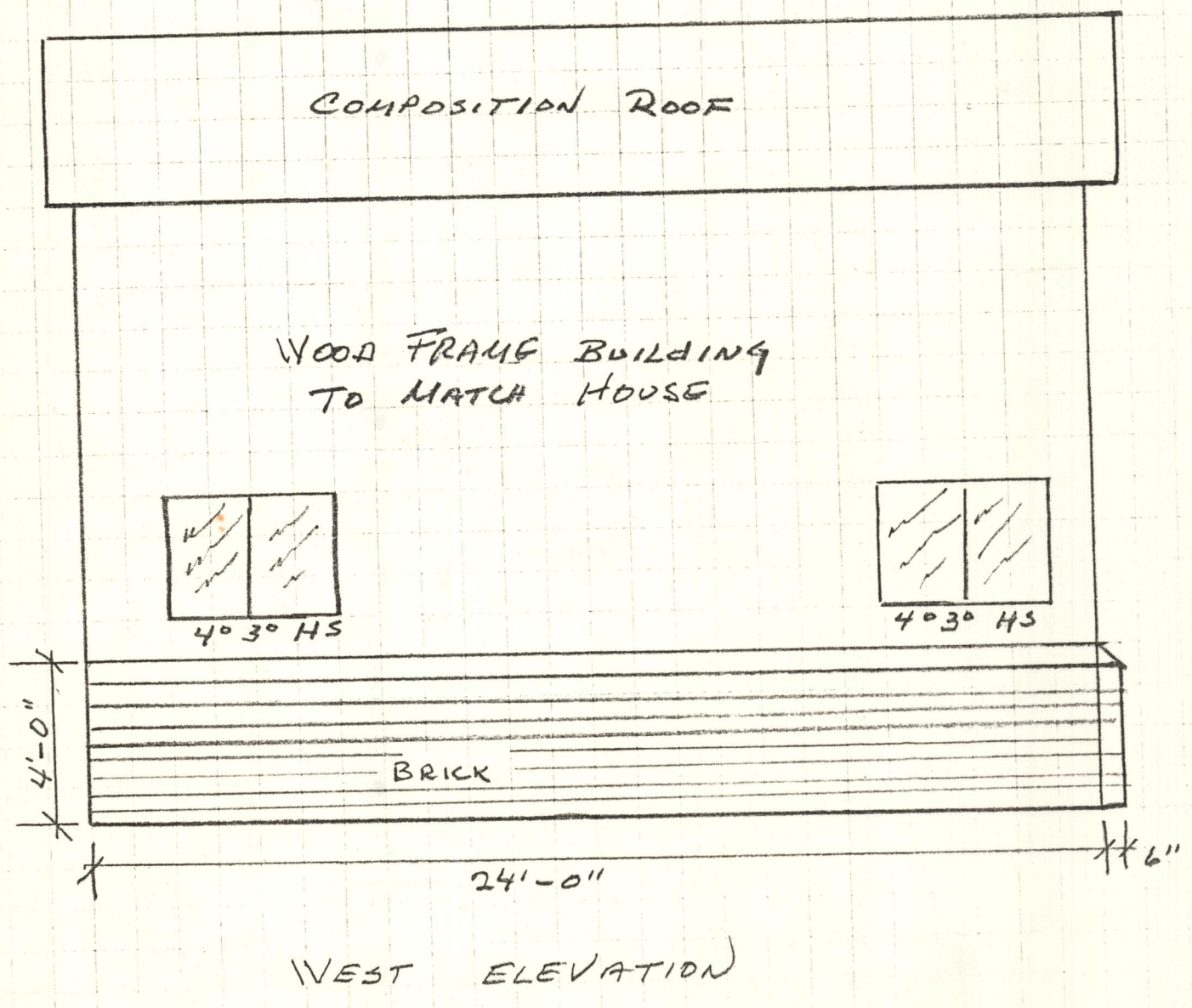
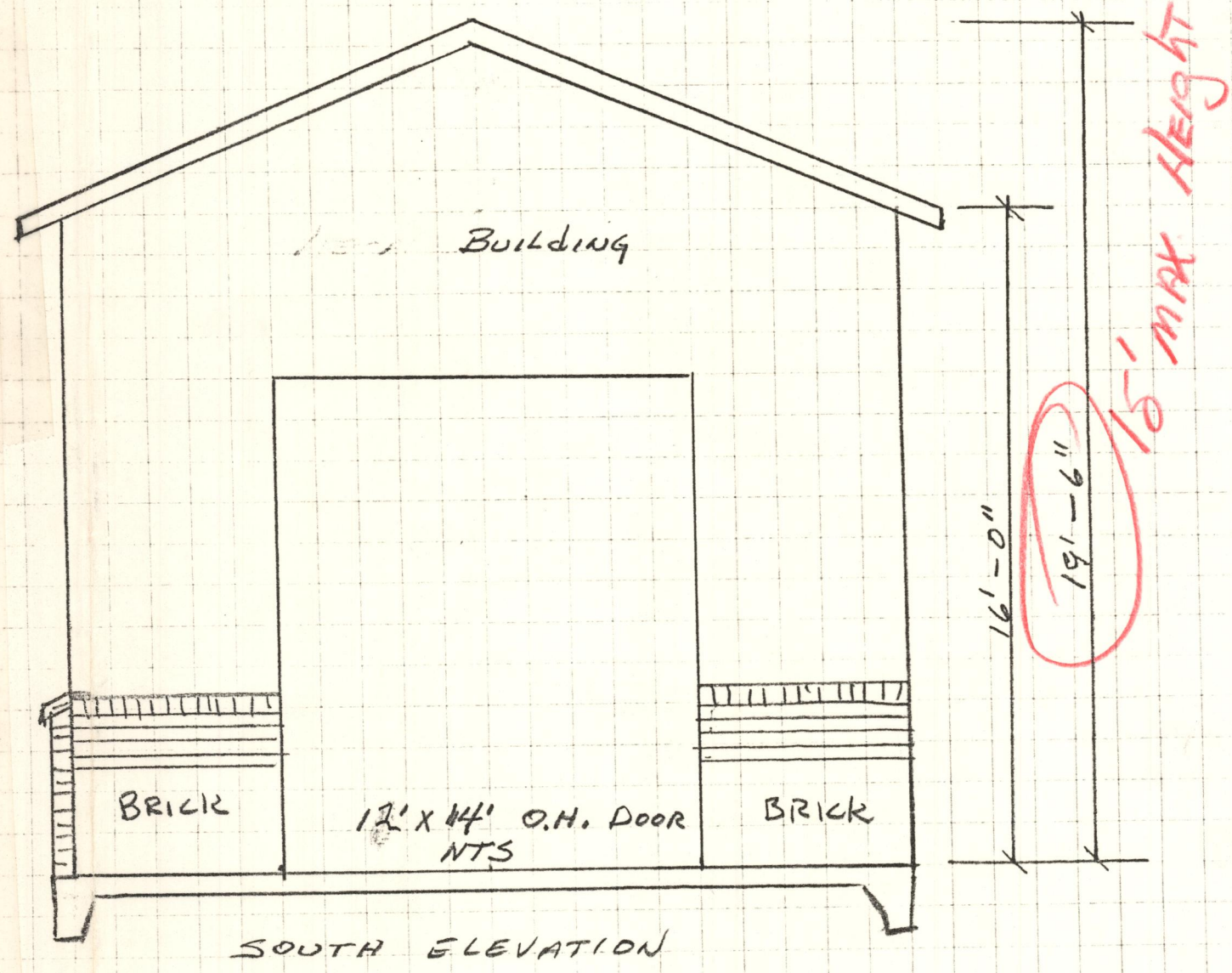
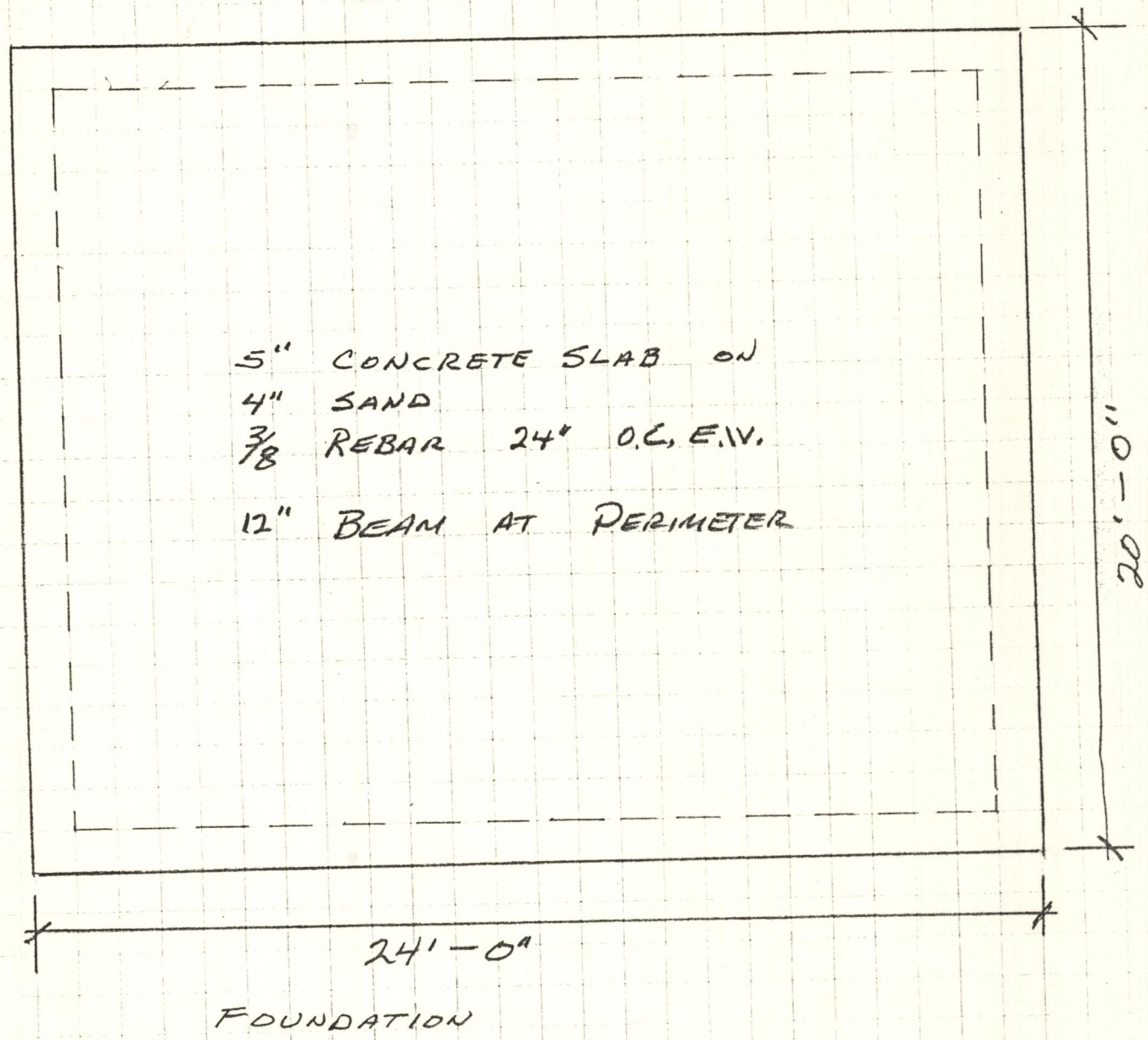


Thomas W. Vogt
THOMAS W. VOGT, P.E.
 REGISTERED PUBLIC SURVEYOR, NO. 1928
 REGISTERED PROFESSIONAL ENGINEER, NO. 45822

P.O. BOX 210274
 BEDFORD, TEXAS 76021-7274

PHONE 268-0554

FIELD WORK BY: *T. W. Vogt* REVISIONS
 DRAWN BY: *T. W. Vogt* / /
 CHECKED BY: *T. W. Vogt* / /





CITY OF ROCKWALL

205 West Rusk Street
Rockwall, Texas 75087

APPLICATION FOR CONSTRUCTION PERMIT

DATE 7/5/08		APPLICANT: Please enter all data necessary for a complete description of the project. Approval includes only those items specified on this application. Please print legibly. Contractors must be named.					
ADDRESS OF PROJECT #10 SHADY DALE LN.				DESCRIPTION OF PROJECT		Commercial	
OWNER OF PROPERTY GENE FRANKS				Single Family Dwelling		Condominium	
LOT				Duplex		Apartment	
BLOCK				Townhouse		Other <i>Storage Bldg.</i>	
SUBDIVISION				NAME OF CONTRACTOR FREEMAN Remodeling		ADDRESS P.O. Box 53	
						PHONE 722-0984	
# UNITS 1	# STORIES 1	HEIGHT	DIMENSIONS 20'x20'	LOT FRONTAGE	LOT DEPTH	ZONING	
FRONT BUILDING LINE X		SIDE BUILDING LINE X 6'		REAR BUILDING LINE X 8' 11"		PAVEMENT LENGTH	
# OFF-STREET PARKING N/A		DISTANCE BETWEEN STRUCTURES X 60'					
# BATHS	LIVING AREA	GARAGE SQ. FT. 4007	TOTAL LIV. AREA X 20x20	TYPE OF OCCUPANCY R-3			
ESTIMATED COST OF CONSTRUCTION \$10,000 ⁰⁰							

NOTE: PERMITS ISSUED HEREUNDER ARE FOR THE EXCLUSIVE USE OF THE ABOVE NAMED CONTRACTOR OR OWNER.

I have carefully read the completed application and know the same is true and correct and hereby agree that if a permit is issued all provisions of the city ordinances and state laws will be complied with, whether herein specified or not. I agree to comply with all property restrictions. I am the owner of the above property or his duly authorized agent. Permission is hereby granted to enter premises and make all inspections.

Application for CERTIFICATE OF OCCUPANCY is hereby made coincident with application for Building Permit to use the premises and building as follows:

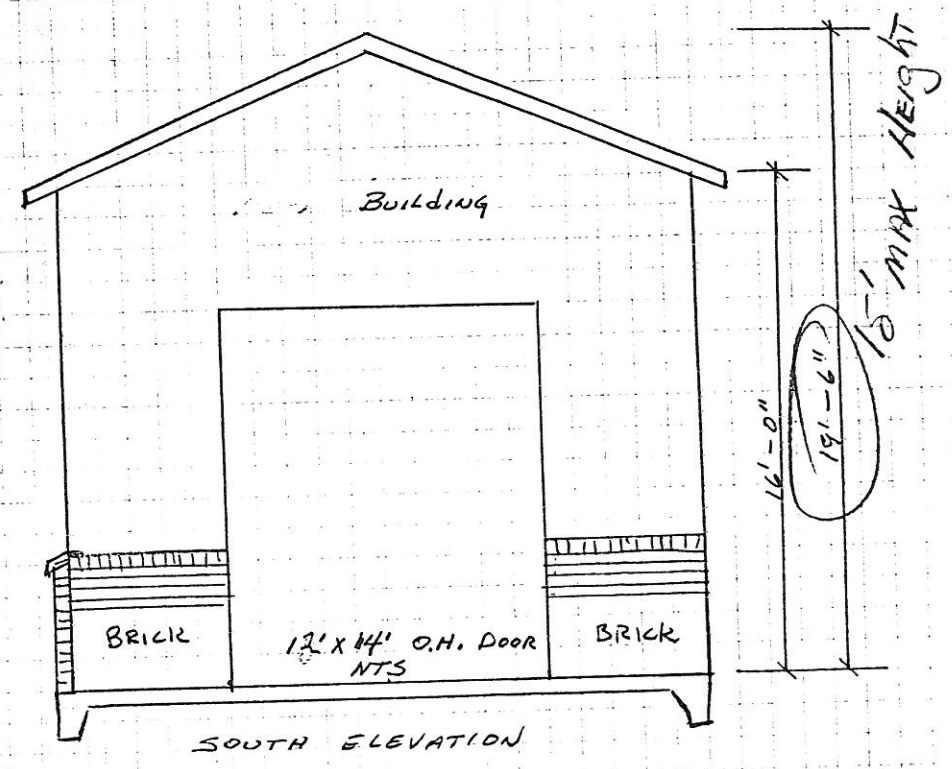
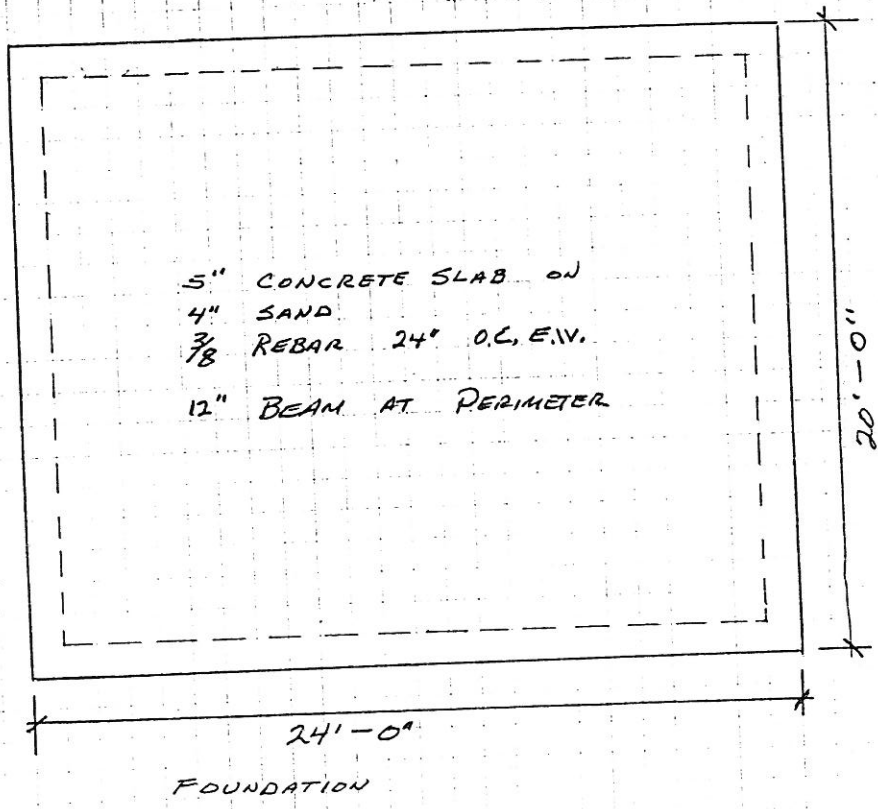
I understand that a Certificate of Occupancy will be issued by the City Building Inspector only when the building and premises comply with City Ordinances and the laws of the State of Texas.

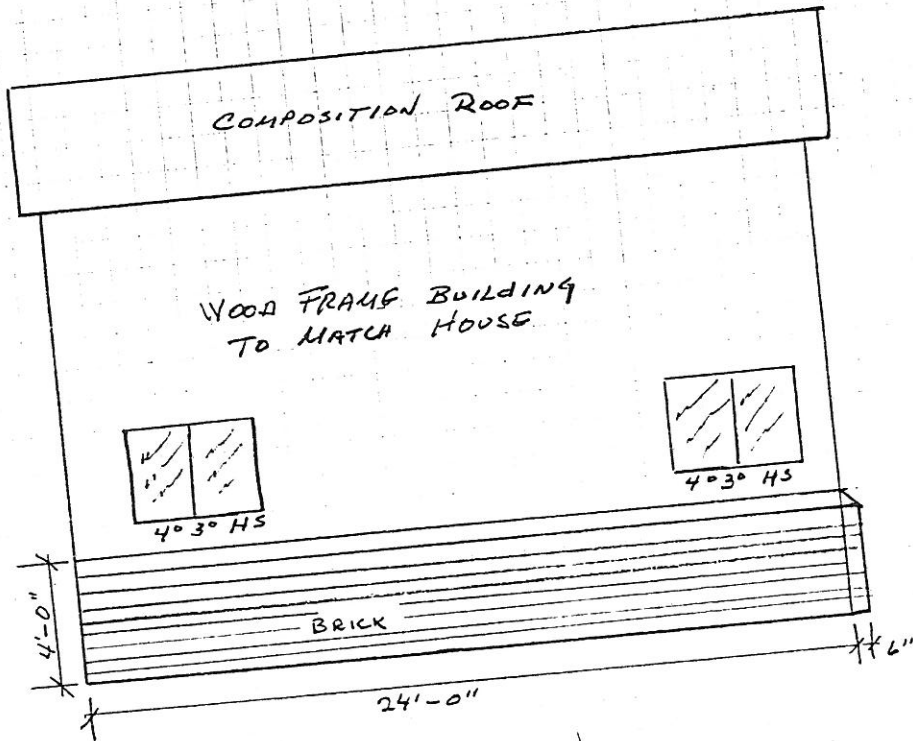
Owner _____

Authorized Representative *[Signature]*

CONSTRUCTION TYPE I-N	
WATER COST \$ \emptyset	SITE PLAN Yes No
SEWER COST \$ \emptyset	
BUILDING PERMIT COST \$	ZONING Yes No
TOTAL DUE \$	
APPROVED	

Note: Height cannot exceed 15' on Bldg. JB





WEST ELEVATION



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

=====

For the Property Item: R17156
Account #: 3880-000B-0001-00-0R
HIGHLAND ACRES LOT 1 BLK B

Owned by:
RIDGE ENTERPRISES INC
4214 BUENA VISTA
DALLAS, TX 75219

=====

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


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

No Delinquent Bills Exist for the Property Described Above

SRW Taxes Paid on 1987 Bills: \$622.25
CRW Taxes Paid on 1987 Bills: \$316.53

(If Applicable) The above described property has/is receiving special
valuation based on its use. Additional rollback taxes which may
become due based on the provisions of the special valuation are no
indicated by this document.

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


Signature of Authorized Officer of
the Collecting Office

5.2.88

Date of Issue

This Certificate was requested by TEXAS TITLE

TAX CERTIFICATE

DORIS H. WILLESS
ROCKWALL CO TAX COLLECTOR
101 SOUTH FANNIN STREET
ROCKWALL, TEXAS 75087

RECEIVED MAY - 4 1988

Issued to:

TEXAS TITLE
201 BEDFORD RD
BEDFORD

Collecting Taxes for:

ROCKWALL COUNTY
ROCKWALL CO TAX COLLECTOR
101 SOUTH FANNIN STREET
ROCKWALL, TEXAS 75087

Property Owner
RIDGE ENTERPRISES INC
4214 BUENA VISTA
DALLAS TX
75219

Property Description
HIGHLAND ACRES LOT 1 BLK B

Property Account Number: R17156

GF 96313 BRC

This is to certify that, after a careful check of the tax records of this office, the following taxes, penalties, and interest are due on the described property for the following taxing units(s) up to and including 1987:

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

Total -

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

Beth Watkins
Signature of Authorized Officer
of Collecting Office

05/02/88
Date of Tax
Certificate

Current Taxes Paid: RKW COUNTY 187.45

Freeman Remodeling

117 Lakeside
Rockwall, Texas 75087
722-0984

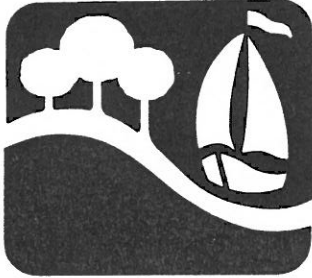
WORK TO BE DONE AT #10 SHADYDALE

1. FRONT & REAR DRIVEWAY.
2. 20' X 24' GARAGE.
3. TOP OUT PLBG. & FIXTURES.
4. TOP OUT ELECT. FIXTURES.
5. CHANGE SERVICE LINE & BREAKER PANEL.
6. PAINT EXTERIOR OF HOUSE.

Larry: 7-1-88

Dale Freeman brought this by. He said we need to add \$10,000. to the permit. He will come in Tuesday & take care of that.

Needs to fill out application for permit



CITY OF ROCKWALL
"THE NEW HORIZON"

August 16, 1988

Eugene and Luanne Franks
6214 Alta Oaks
Garland, Texas 75087

Dear Mr. and Mrs. Franks:

On August 11, 1988, the Planning and Zoning Commission held a public hearing and recommended approval of your request for a Conditional Use Permit for a single family dwelling and accessory uses on less than ten acres in agricultural zoning.

The Rockwall City Council will hold a public hearing and consider approval of your request on September 6, 1988, at 7:00 P.M. in City Hall, 205 West Rusk. Please note that if written protest is received by owners of 20% of the property within 200 feet of #10 Shadydale, approval of your request will require a three fourths (3/4) vote of Council.

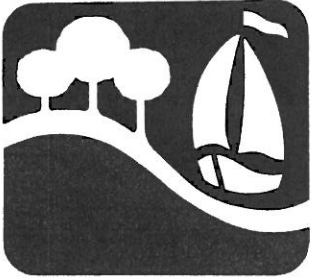
Please call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative assistant

MN/mmp



CITY OF ROCKWALL
"THE NEW HORIZON"

September 21, 1988

Eugene and Luanne Franks
6214 Alta Oaks
Garland, Texas 75087

Dear Mr. and Mrs. Franks:

On September 6, 1988, the Rockwall City Council held a public hearing and considered your request for a Conditional Use Permit for a single family dwelling and accessory uses on less than ten acres in Agricultural zoning. Your request was respectfully denied.

Please call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Assistant

MN/mmp

in cooperation with the STATE
TEXAS DEPARTMENT OF COMMUNITY
PLANNING

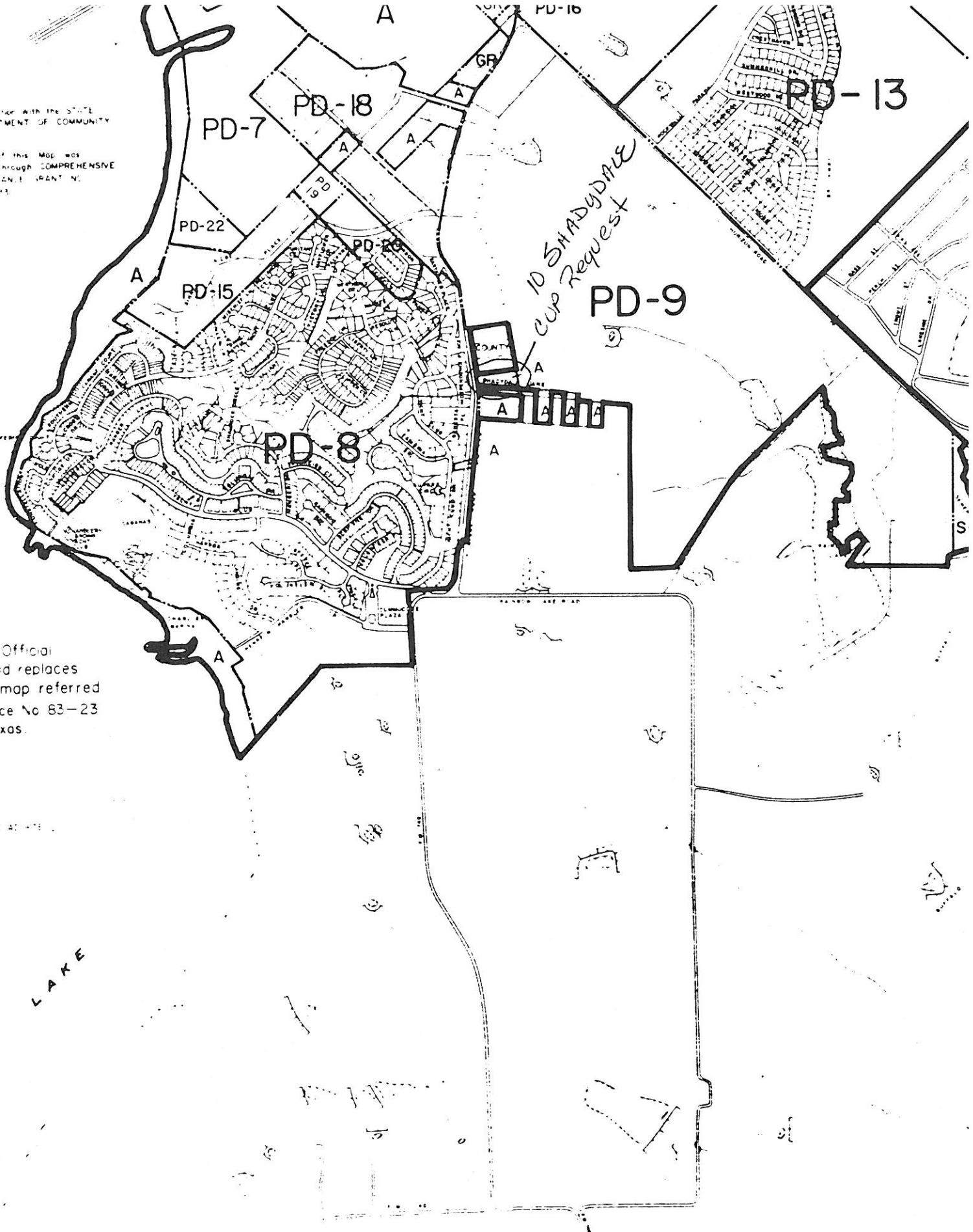
Preparation of this Map was
aid in Part Through COMPREHENSIVE
PLANNING ASSISTANCE GRANT NO.
06-16-183-13

This Official
Zoning Map replaces
the zoning map referred
to in Ordinance No 83-23
of the City of Dallas,
Texas.

RAY

LAKE

10 SHADYDALE
CUP Request

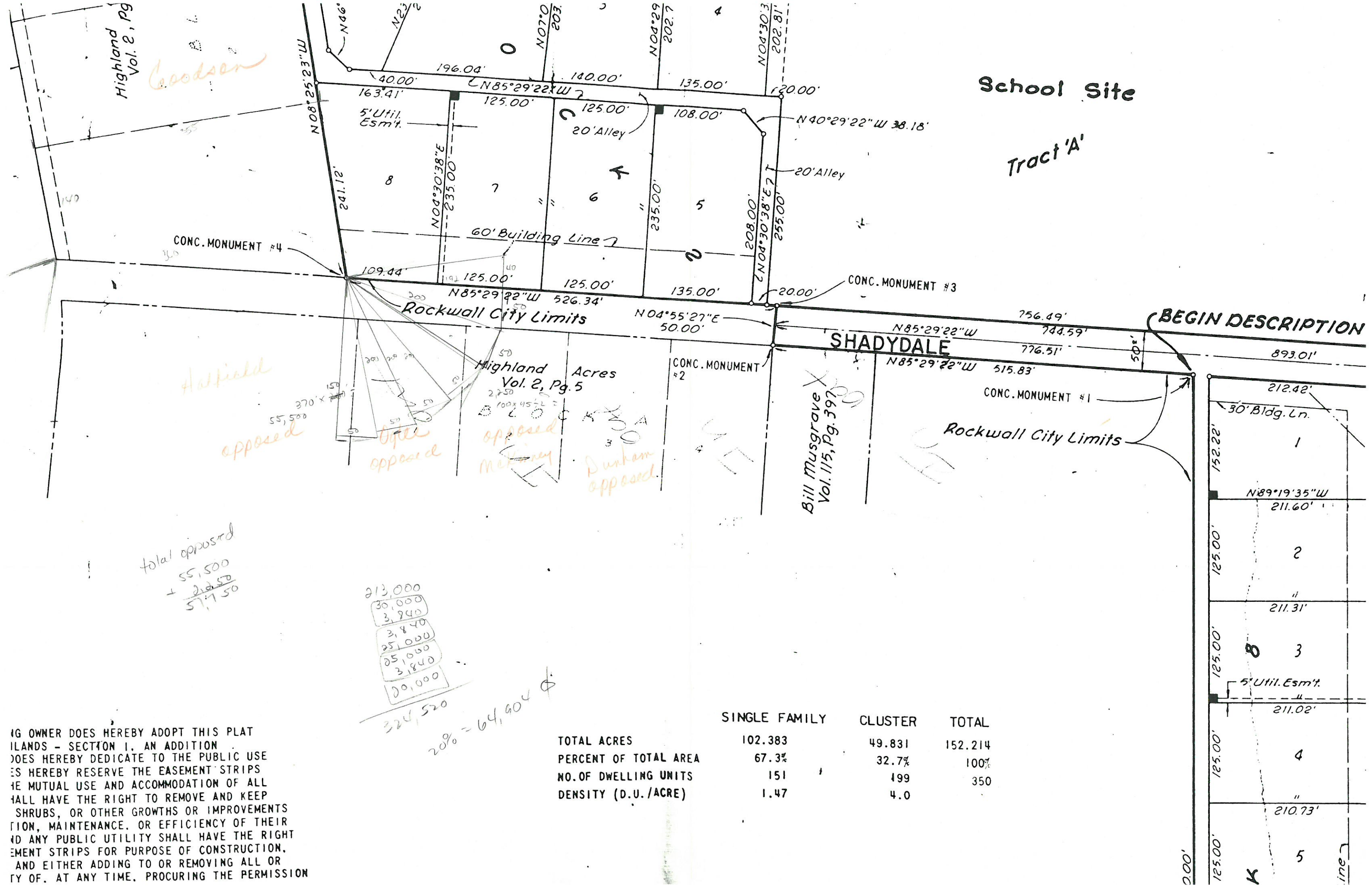


15,000

316,000

School Site

Tract 'A'



total opposed
55,500
+ 2,250
57,750

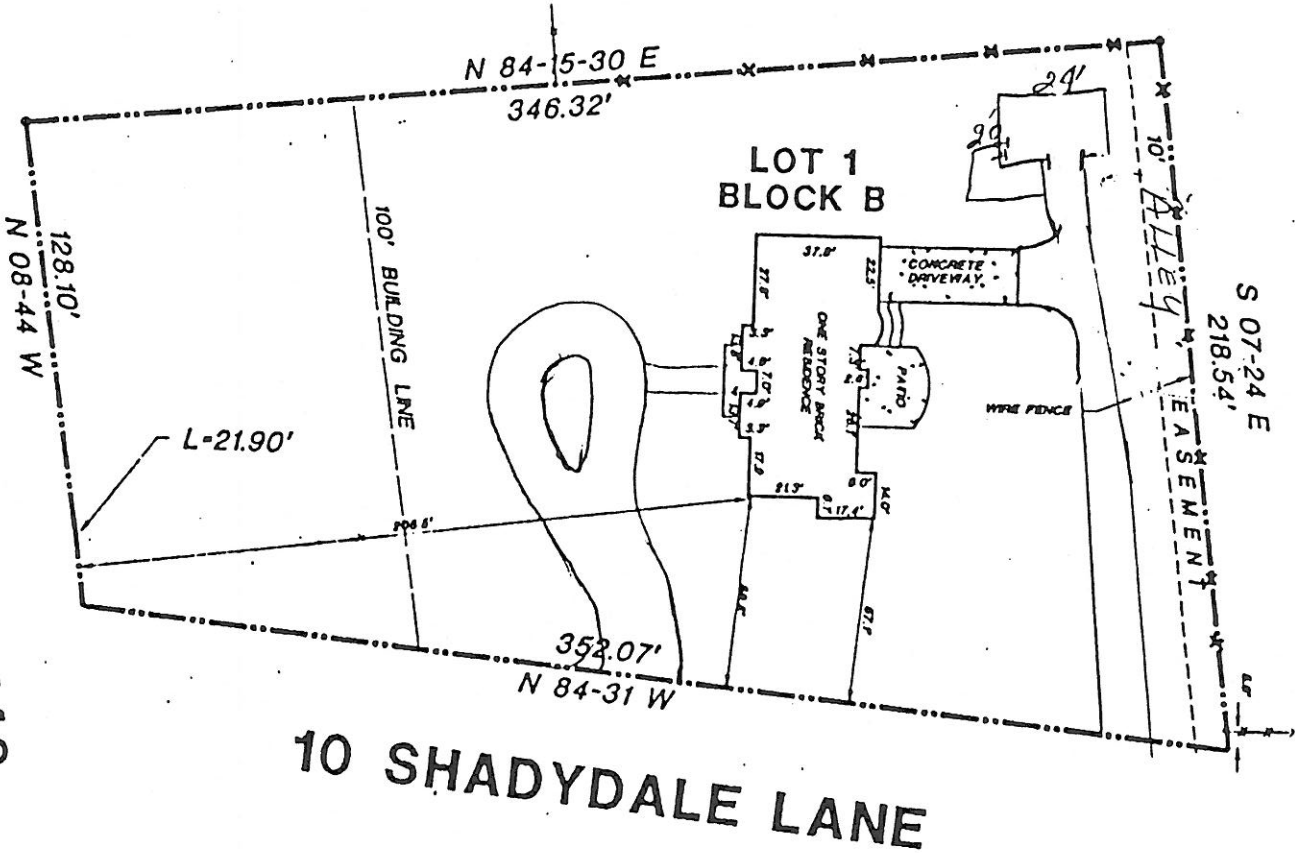
213,000
30,000
3,840
3,840
25,000
25,000
3,840
20,000

324,520
20% = 64,904

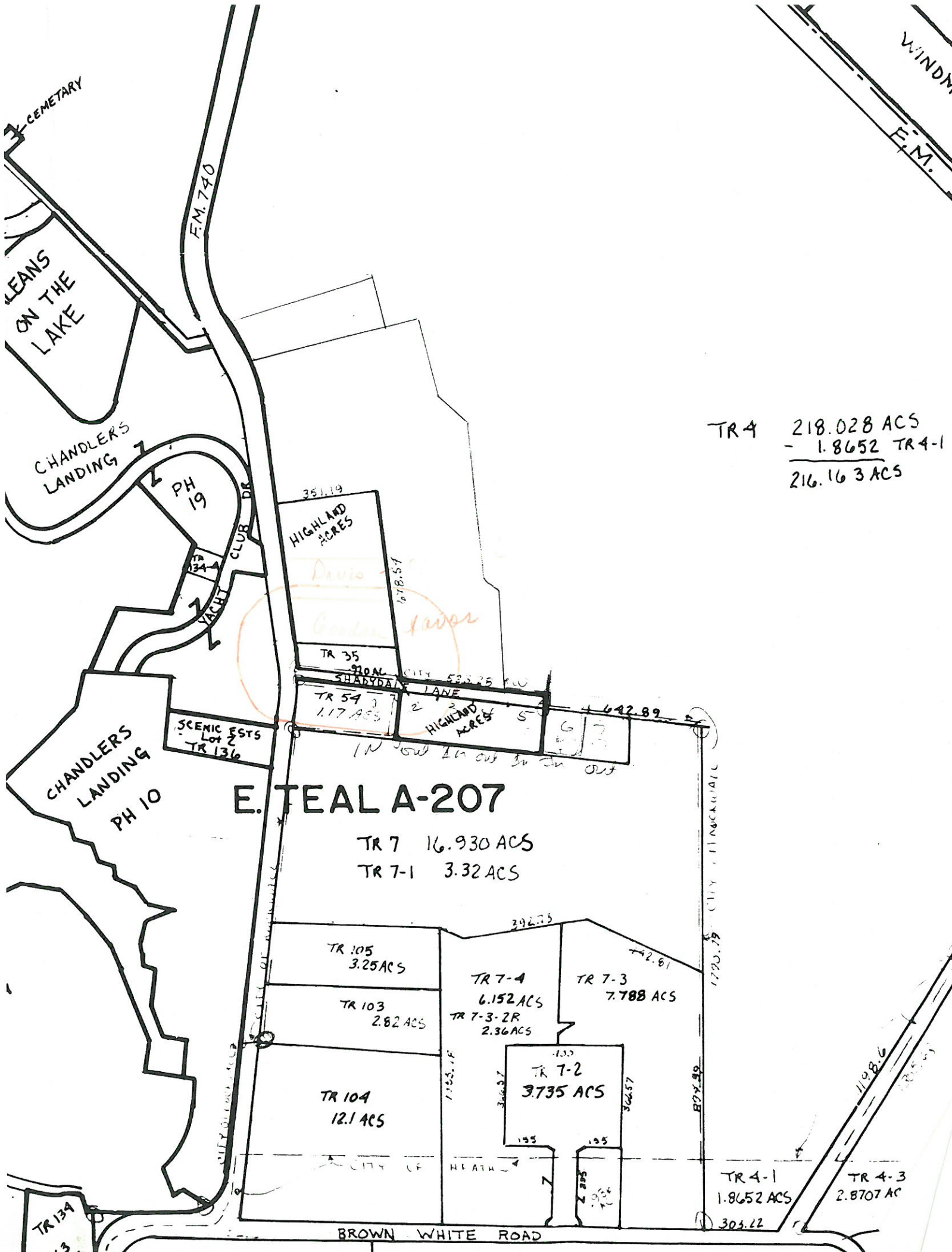
	SINGLE FAMILY	CLUSTER	TOTAL
TOTAL ACRES	102.383	49.831	152.214
PERCENT OF TOTAL AREA	67.3%	32.7%	100%
NO. OF DWELLING UNITS	151	199	350
DENSITY (D.U./ACRE)	1.47	4.0	

THE PLAT OWNER DOES HEREBY ADOPT THIS PLAT OF LOTS AND ISLANDS - SECTION I. AN ADDITION TO THE PUBLIC USE DOES HEREBY DEDICATE TO THE PUBLIC USE AND DOES HEREBY RESERVE THE EASEMENT STRIPS FOR THE MUTUAL USE AND ACCOMMODATION OF ALL ADJACENT OWNERS. ALL SHALL HAVE THE RIGHT TO REMOVE AND KEEP TREES, SHRUBS, OR OTHER GROWTHS OR IMPROVEMENTS EXISTING ON THE PLAT FOR THE PROTECTION, MAINTENANCE, OR EFFICIENCY OF THEIR PLAT. AND ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO USE THE EASEMENT STRIPS FOR PURPOSE OF CONSTRUCTION. AND EITHER ADDING TO OR REMOVING ALL OR PART OF THE PLAT AT ANY TIME. PROCURING THE PERMISSION

F.M. ROAD NO. 740



10 SHADYDALE LANE



TR 4 218.028 ACS
 - 1.8652 TR 4-1

 216.163 ACS

E. TEAL A-207

TR 7 16.930 ACS
 TR 7-1 3.32 ACS

TR 105
3.25 ACS

TR 103
2.82 ACS

TR 104
12.1 ACS

TR 7-4
6.152 ACS
 TR 7-3-2R
2.36 ACS

TR 7-2
3.735 ACS

TR 7-3
7.788 ACS

TR 4-1
1.8652 ACS

TR 4-3
2.8707 ACS

BROWN WHITE ROAD

CEMETARY

CLEANS ON THE LAKE

CHANDLER'S LANDING

PH 19

HIGHLAND ACRES

TR 35

TR 59
1.17 ACS

HIGHLAND ACRES

CHANDLER'S LANDING
PH 10

SCENIC ESTS
Lot 2
TR 136

WINDMILL
E.M.

CITY OF INDIANAPOLIS

CITY OF HEATH

CITY OF ROCKWALL

Planning and Zoning Agenda

AGENDA DATE: August 11, 1988

AGENDA NO. III.A.

AGENDA ITEM: Hold Public Hearing and Consider Recommending Approval of a Request form 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

ITEM GENERATED BY: Applicant - Eugene and Luane Franks

ACTION NEEDED: Hold public hearing and consider approval of the request, including any conditions in the motion

BACKGROUND INFORMATION:

We have received a request for approval of a CUP for a single family use on less than 10 acres in an Agricultural zoning classification. The Franks have purchased the existing house on the north side of Shadydale Lane which fronts on FM-740. The lot they own is 1 1/2 acres. That tract, as all tracts that are annexed into the City, was annexed as Agricultural zoning. Because there was an existing use on the property when it was annexed there has been no reason to amend the zoning until now. Residential uses on less than 10 acres in Agricultural are only allowed with a CUP. Because the current use is on less than 10 acres it is a legal non-conforming use. The use can continue as it is without any changes in the zoning, but no additional building permits can be issued without bringing the use into conformance with the zoning ordinance. The use would be appropriate in Agricultural with a CUP or in any single family zoning classification.

The applicant wishes to construct a detached garage for the purpose of storing several vehicles, including a large truck tractor. The garage will be located behind the main house as shown on the attached drawing. The dimensions of the garage will be 20 ft. x 24 ft. for a total of 480 sq.ft. in area. The building is proposed to be 16 ft. in height. The dimensions, with the exception of the height, meet all of the requirements for accessory structures in residential areas. The maximum height without a CUP in residential districts is 15 feet. It is my understanding that they plan to use wood as the exterior material for the garage. Because the property is zoned Agricultural there are no restrictions on the size of vehicles that may be parked on the property. The regulatory ordinance that regulates the parking of oversized vehicles does not limit the size allowed in an Agricultural district, only in residential zoning classifications.

Another aspect of this case the Commission needs to be aware of is in regard to the actions that occurred prior to the filing of the case. The property owners' contractor had submitted plans for the garage and was apparently told by the former building inspector that, other than the height of the proposed structure, the garage met the city's

requirements. A permit was not issued but the contractor has indicated that the inspector told him he could go ahead with the foundation. The contractor has poured the drive and the foundation for the building. While the inspector had no authority to tell the contractor to start without a permit, the contractor should have known not to do any work before a permit was issued. This point may be raised at the meeting.

The neighbors along Shadydale are apparently very opposed to the request, not because they want to build a garage but because a large truck tractor will be parked on the property. Again, they already have the right to park the truck there. They are asking for approval of the CUP in order to build a garage in which to store the vehicle. In light of the concern of the neighbors, if the Commission does approve this request, following are some conditions that could apply to any approval:

1. Limit the permit to the current applicants. Should the property be transferred the permit would be void and the Commission would then hold public hearings to determine the appropriate permanent zoning for the property.
2. A time limit could be placed on the permit with the stipulation that the Commission would hold hearings to consider rezoning the property to a permanent zoning classification at the end of the time period.
3. Limit the permit to the site plan as submitted. Any additional buildings would have to be approved by the Commission.
4. The materials used on the garage should be indicated in the CUP.
5. Because the neighbors to the rear of the house are the only people who will see the garage and the drive a requirement for a planting screen along the rear property line could be considered.
6. With the concern about the truck the following requirements regarding the storage of vehicles exceeding the maximum size requirements allowed in residential zoning districts could be included in the CUP:
 - a. A requirement could be placed on the permit that any vehicle exceeding the maximum size requirements must be parked in the garage when it is on the lot.
 - b. A requirement could be placed in the CUP that there would be no repair of vehicles exceeding the maximum size requirements on the site.

ATTACHMENTS

1. Location Map
2. Site Plan
3. Responss

AGENDA ITEM: CUP for Franks

ITEM NO: III.A

M:PZ08113A.AGN

Franks

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 6, 1988

AGENDA NO. V. C.

AGENDA ITEM: Hold Public Hearing and Consider 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

ITEM GENERATED BY: Applicant - Eugene and Luane Franks

ACTION NEEDED: Hold public hearing and consider approval of the request, including any conditions in the motion

BACKGROUND INFORMATION:

We have received a request for approval of a CUP for a single family use on less than 10 acres in an Agricultural zoning classification. The Franks have purchased the existing house on the north side of Shadydale Lane which fronts on FM-740. The lot they own is 1 1/2 acres. That tract, as all tracts that are annexed into the City, was annexed as Agricultural zoning. Residential uses on less than 10 acres in Agricultural are only allowed with a CUP. Because the current use is on less than 10 acres it is a legal non-conforming use. The use can continue as it is without any changes in the zoning, but no additional building permits can be issued without bringing the use into conformance with the zoning ordinance. The use would be appropriate in Agricultural with a CUP or in any single family zoning classification.

The applicant wishes to construct a detached garage for the purpose of storing several vehicles, including a large truck tractor. The garage will be located behind the main house as shown on the attached drawing. The dimensions of the garage will be 20 ft. x 24 ft. for a total of 480 sq.ft. in area. The building is proposed to be 16 ft. in height. The dimensions, with the exception of the height, meet all of the requirements for accessory structures in residential areas. The maximum height without a CUP in residential districts is 15 feet. It is my understanding that they plan to use wood and brick as the exterior material for the garage. Because the property is zoned Agricultural there are no restrictions on the size of vehicles that may be parked on the property. The regulatory ordinance that regulates the parking of oversized vehicles does not limit the size allowed in an Agricultural district, only in residential zoning classifications.

Another aspect of this case the Council needs to be aware of is in regard to the actions that occurred prior to the filing of the case. The property owners' contractor had submitted plans for the garage and was apparently told by the former building inspector that, other than the height of the proposed structure, the garage met the city's requirements. A permit was not issued but the contractor has indicated that the inspector told him he could go ahead with the foundation. The contractor has poured the drive and the foundation for the building. While the inspector had no authority to tell the contractor to start without a permit, the contractor should have known not to do any work before a permit was issued. This point may be raised at the meeting.

The neighbors along Shadydale are apparently very opposed to the request, not because they want to build a garage but because a large truck tractor will be parked on the property. Again, with the current zoning they have the right to park the truck there. They are asking for approval of the CUP in order to build a garage in which to store the vehicle. In light of the concern of the neighbors, we recommended a number of conditions to the Commission that could apply to any approval. Those conditions are as follows:

1. Limit the permit to the current applicants. Should the property be transferred the permit would be void and the Commission would then hold public hearings to determine the appropriate permanent zoning for the property.

(SEE NEXT PAGE)

ATTACHMENTS

1. Location Map
2. Site Plan
3. Responses
4. Elevation of proposed garage

AGENDA ITEM: CUP for Franks

ITEM NO.: V.C.

2. A time limit could be placed on the permit with the stipulation that the Commission would hold hearings to consider rezoning the property to a permanent zoning classification at the end of the time period.
3. Limit the permit to the site plan as submitted. Any additional buildings would have to be approved by the Commission.
4. The materials used on the garage should be indicated in the CUP.
5. Because the neighbors to the rear of the house are the only people who will see the garage and the drive a requirement for a planting screen along the rear property line could be considered.
6. With the concern about the truck the following requirements regarding the storage of vehicles exceeding the maximum size requirements allowed in residential zoning districts could be included in the CUP:
 - a. A requirement could be placed on the permit that any vehicle exceeding the maximum size requirements must be parked in the garage when it is on the lot.
 - b. A requirement could be placed in the CUP that there would be no repair of vehicles exceeding the maximum size requirements on the site.
 - c. A requirement could be placed in the CUP that no more than one oversized vehicle would be parked or stored on the lot at any time.

The Commission approved the request with the following conditions:

1. That all sides visible to adjacent residents must be screened with evergreen shrubs.
2. That no repairs on any oversized truck would be allowed outside of the garage.
3. That no other buildings or outside storage would be allowed related to the oversized truck.
4. That the exterior materials used on the garage will match the main structure and include three feet of brick around the base of the building.

Franks

MINUTES OF THE ROCKWALL CITY COUNCIL

September 6, 1988

Council met at 6:00 P.M. and adjourned into Executive Session under Article 6252-17 V.A.C.S. to discuss personnel matters pertaining to the evaluation of the City Manager. Council reconvened into regular session at 7:25 P.M. with the following Councilmembers present: Nell Welborn, Don Smith, Alma Williams, John Bullock, Norm Seligman and Pat Luby.

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

- (a) The minutes of August 5, August 6, and August 15, 1988
- (b) An ordinance amending the duties and responsibilities of the Park and Recreation Board on second reading
- (c) An ordinance abandoning an easement in Ellis Centre on second reading
- (d) An ordinance abandoning a drainage easement on Rockwall Parkway on first reading
- (e) An ordinance abandoning a TU easement in Stonebridge Meadows on first reading
- (f) Changing the date for review of PD-3 to November, 1988

Assistant City Manager, Julie Couch read the ordinance captions. Smith made a motion to approve the Consent Agenda. Seligman seconded the motion. The motion was voted on and passed unanimously.

Tom Quinn, Chairman of the Planning and Zoning Commission, addressed the Council and outlined the Commission's recommendations on each item P&Z considered; a CUP request from Eugene and Luanne Franks, and a zone change request from Buddy Haldeman.

Miller opened a public hearing and Council 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. Couch explained that the Franks' property was given Agricultural Zoning upon annexation. She stated that the Franks wished to build a garage to house a semi-truck but that a building permit couldn't be issued without bringing the residential non-conforming use into conformance with the zoning ordinance or with a CUP for residential and accessory uses on less than ten acres. She told Council that the proposed building was sixteen feet in height and 480 square feet in area.

Robert O'Brian of #5 Shadydale submitted a petition to Council signed by some of the neighboring property owners. He outlined the contents of the petition and the following reasons for opposition to the request; a potential

decrease in area property values, the garage was inappropriate for a residential neighborhood, an oversized garage could encourage other neighbors to make the same request, noise potential, an already substandard road would suffer truck damage, that the garage would be detrimental to scenic view, and that the garage would be permanent while the parking of the truck was temporary.

Luanne Franks addressed the Council and outlined the circumstances under which the problem was discovered. She explained the height, area, materials, and landscaping proposed for the garage. She pointed out that in Agricultural zoning the parking of the truck was allowed and only the garage required a CUP. She stated no repairs would take place outside of the garage and offered to pay a portion of the cost to improve Shadydale Lane.

Bob McKinney of #3 Shadydale stated opposition to the request and expressed concern for the future development of the neighborhood. As there was no one else present wishing to address Council on this issue, the public hearing was closed. Council discussed the neighbor's concerns, the applicant's parking alternatives, the intent of the Zoning Ordinance, the appearance of the proposed garage from FM-740 and Shadydale Lane, and the non-conforming status of the CUP if the property were rezoned to single family. Smith made a motion to deny the CUP request. Williams seconded the motion. The motion was voted on and passed unanimously.

Council then held a public hearing pertaining to the proposed assessments for Phase II of the Capital Improvements Program. City Attorney, Pete Eckert outlined the procedures that would govern the conduct of the hearing and administered the oath to witnesses and potential speakers. He first questioned City Secretary Julie Couch to confirm that all legal requirements had been met regarding notification and publication. Eckert then questioned City Engineer, William Douphrate who outlined the engineering aspects of the project, the necessary street and utility improvements on each street, and the estimated cost of these improvements which were as follows:

St. Mary's	\$ 95,000
West	30,000
Alamo	529,400
Kaufman	120,000

Douphrate addressed Council's questions regarding the estimated completion schedule which was approximately one year, the electrical utilities which would continue to be overhead as opposed to underground, and the varying widths of the streets once improved.

Nathan Cade, 925 N. Goliad, questioned the need for a 29 foot width on Alamo and stated that this would cause removal of too many trees. Douphrate stated that 37 feet was adopted in the Thoroughfare Plan for Alamo from Washington to Interurban and that the City staff and utility companies would save as many trees as possible. Eckert advised that the City Manager would respond further to this question during his testimony. Mattox Williams, 905 N. Goliad, questioned provisions for severe grade differences in the existing and future streets. Douphrate explained that certain areas could require a retaining wall if sloping the yard was not sufficient.

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at _____
7:30 o'clock P.M. on the 11th day of August, 1988

in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the
request Eugene and Luane Franks

for a Conditional Use Permit for a single family dwelling and accessory
uses on less than 10 acres in agricultural zoning for the purpose of
constructing a garage for the storage of a semi-truck on a tract of
land located at #10 Shadydale, further described:

Lot 1, Block B, Highland Acres Addition

As an interested property owner, it is important that you attend this hearing or notify the Commission of your feeling in regard to the matter by returning the form below. The decision of the Planning and Zoning Commission will be a recommendation for approval or denial which will be forwarded to the City Council for a final decision. In replying please refer to Case No. P&Z 88-40-CUP

Mary A. Nichols

City of Rockwall, Texas

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

Case No. P&Z 88-40-CUP

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

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

1.

2.

3.

Signature _____

Address _____

IN COOPERATION WITH THE STATE
TEXAS DEPARTMENT OF COMMUNITY
AFFAIRS

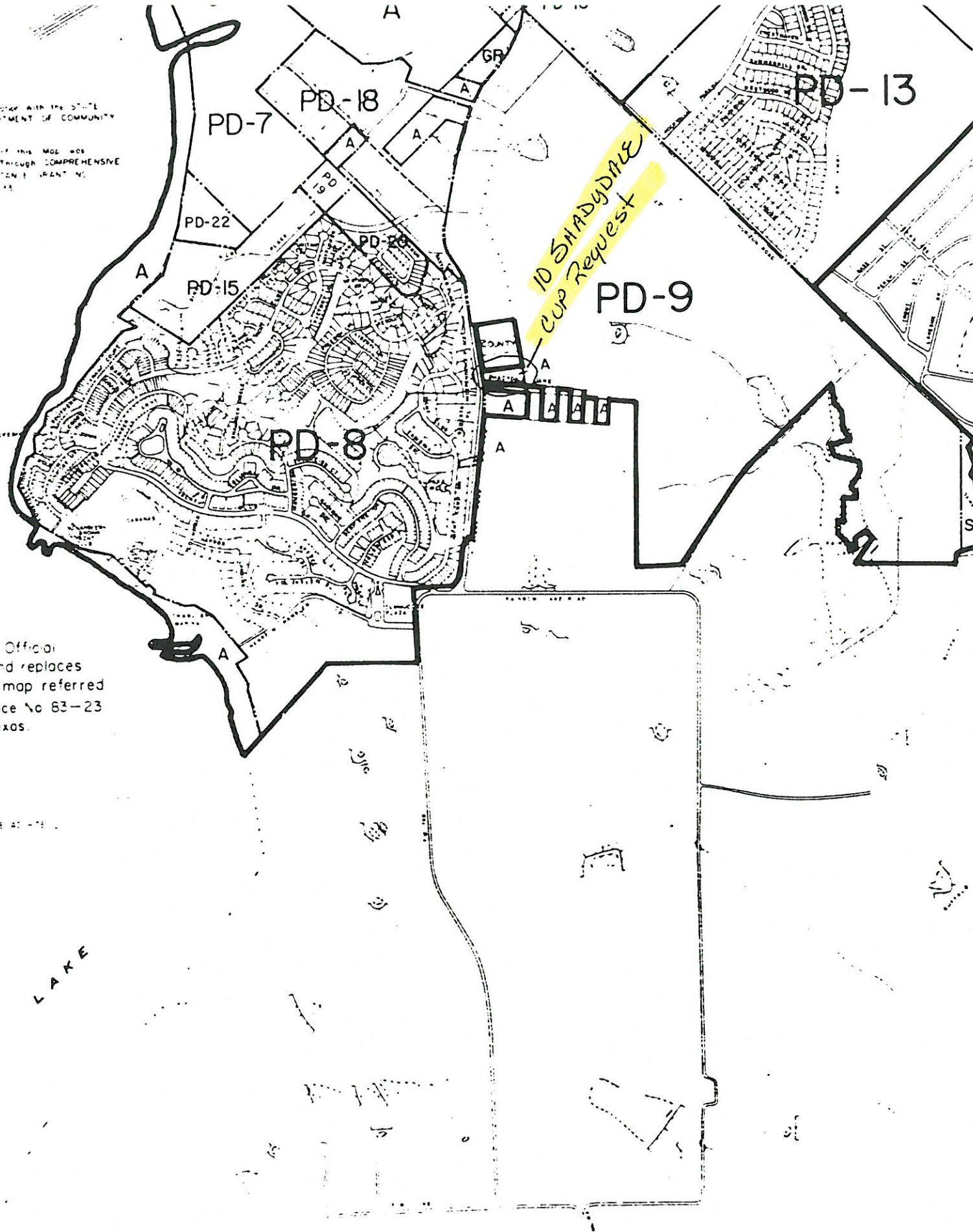
PREPARED BY THIS MAP WAS
ADOPTED AS PART THROUGH COMPREHENSIVE
ZONING ASSISTANCE GRANT NO.
06-16-183-13

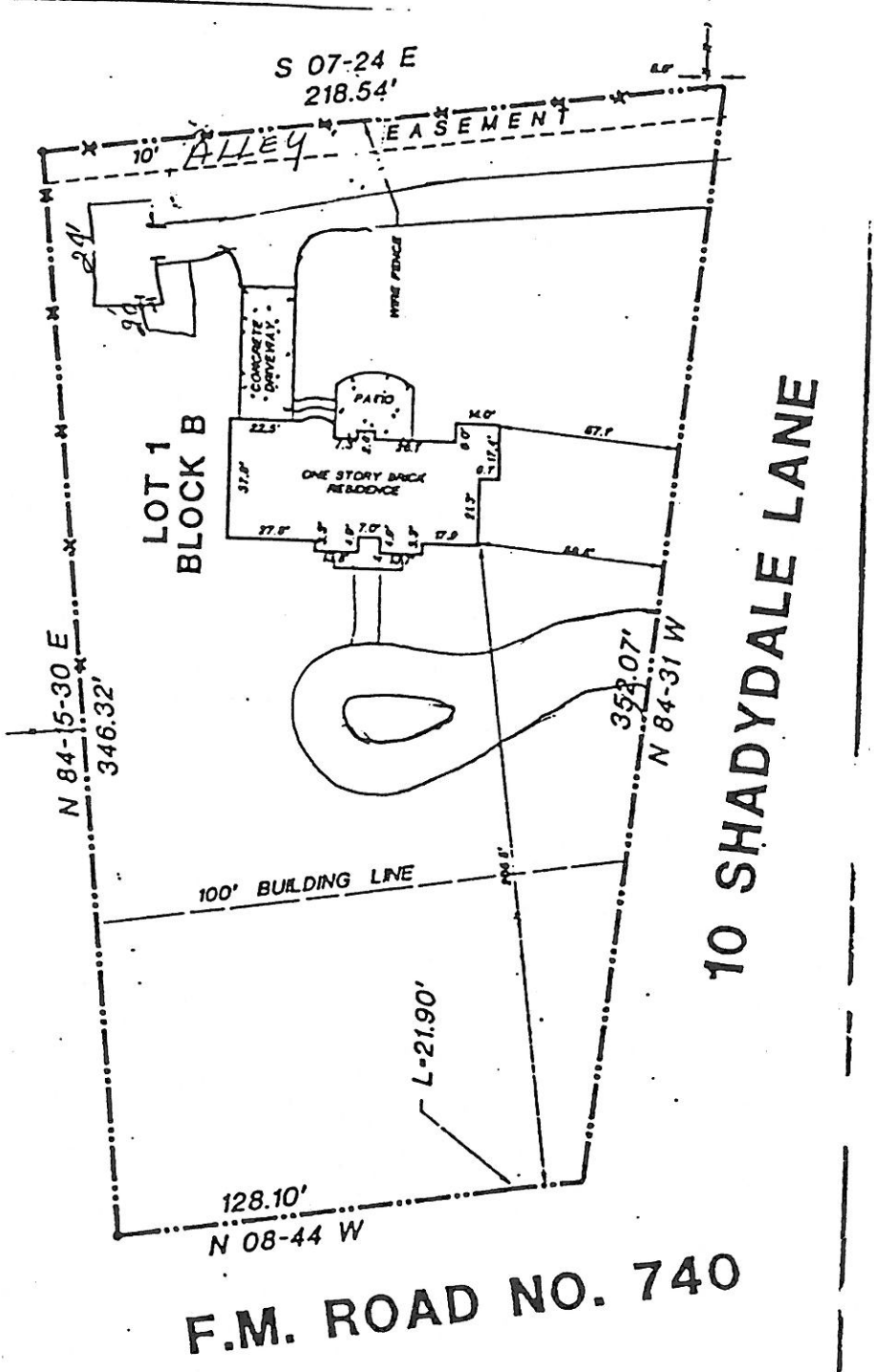
RAY

This Official
Zoning Map replaces
the zoning map referred
to in Ordinance No 83-23
of the City of Wall, Texas.

DATE: 01-15-11

LAKE





F.M. ROAD NO. 740

#10 Shadydale Lane

- 207 TR54 Ridge Enterprises Hatfield
Rt 4 #1 Shadydale #1 Shadydale
- TR. 35 Charles S Davis
Rt 4 Box 113-AD
- TR 7,7-1 Kirby Albright
9330 LBJ Freeway #775
Dallas TX 75243
- TR 4 Whittle Development
2804 Ridge Road
- TR 19 Chandler's Landing Development Co.
1717 S Boulder #201
Tulsa, OK 74119-4817
- 10 C Merka Plummer
1 E Providence
Yeadon, Pa 19051
- 11C Susie V Paschall
#1 E Providence
Yeadon, Pa 19050
- Ab 207 TR54 Charter Savings & Loan
5155 Silyan Parkway #500
Corpus Christi 78411

Highland Acres

4A ~~Murray W Wall~~ See O'Brien
Rt 4 Box 113C

5A Don L Blankenship
#6 Shadydale

6A Steve W Hempel Jr
#7 Shadydale

1B Ridge Enterprises
Rt 4 #1 Shadydale

2B James Goodson
Rt 4 Box 113C

3B Dave Davis
Rt 4 Box 113J

4B James Spigley Spigley
Rt 4 Box 113N

1A Calvin Ogden
Rt 4 #1 Shadydale

2A Rebt A McKinney
Rt 4 #3 Shadydale

3A Arthur A Dunham
Rt 4 #4 Shadydale

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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request Eugene and Luane Franks

for a Conditional Use Permit for a single family dwelling and accessory
uses on less than 10 acres in agricultural zoning for the purpose of
constructing a garage for the storage of a semi-truck on a tract of
land located at #10 Shadydale, further described?

Lot 1, Block B, Highland Acres Addition

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Mary A. Nichols
City of Rockwall, Texas

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

Case No. P&Z 88-40-CUP

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

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

1. *I feel that this type of storage on the corner would
possibly lower property values.*
- 2.
- 3.

Signature *Blow Blankenship*
Address *#6 Shadydale, Rockwall, Tex.*

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CITY OF ROCKWALL, TEXAS

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Mary A. Nichols

City of Rockwall, Texas

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Case No. P&Z 88-40-CUP

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

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

1. The TRUCK will cause Further destruction of our street causing the turn in to Shadydale to be more hazardous than already.
3. A Lowering of property values cause by parking semi truck in ~~the~~ neighborhood.

Signature Calvin O'Lee

Address 2 Shadydale
Rockwall
771 3433

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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Maura Nichols
City of Rockwall, Texas

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

Case No. P&Z 88-40-CUP

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

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

- 1. We are opposed to any heavy equipment stored or parked in a residential neighborhood.*
- 2. Approving homeowners request will open the door for further storage of other heavy equipment - trailers, tractors, etc.*
- 3. More damage to road surface of Shadydale Lane which is already a disgrace.*

Signature *Pattie Deenham*

Address *Pattie Deenham*

#4 Shadydale Lane

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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Mary A. Nichols
City of Rockwall, Texas

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Texas 75087.

Case No. P&Z 88-40-CUP

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) • will introduce an unsightly business environment into a residential area of fine and expensive homes.
- (2) • will be an intrusive invasion into our life styles and our scenic environment.
- (3) • will create a hazardous condition for young pre-school children.
- (4) • will create a devaluating effect on our property.
- (5) • Shadydale Lane currently has a substandard road surface. Frequent use by a 20,000 lb. semi-truck will create a more rapid deterioration leading to possible costly road repair assessments to the residents.
- (6) • The sight, size and sounds of a semi-truck would be disruptive to the peace and quiet we now enjoy in the neighborhood.

Signature Mrs. & Mrs. Robert O'Brien

Address 5 Shadydale Lane
Rockwall, Tx 75087

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CITY OF ROCKWALL, TEXAS

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Mary A. Nichols
City of Rockwall, Texas

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Case No. P&Z 88-40-CUP

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

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

- 1. When you look West on Shady Dale*
- 2. you will see that tall building*
- 3. The street is not design to handle a truck like that.*

Signature *Steve W. Kempel*
Address *7 Shady Dale Ln*
Rockwall, Tex

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

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Mary A. Nichols
City of Rockwall, Texas

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Case No. P&Z 88-40-CUP

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

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

1. I don't ~~think~~ think building a large ^{PAVANE} store _{is} ^{store} _{is} ^{store}
2. is going to improve the neighborhood
3. The above land should not be zoned

House on it for several years

Signature Charles S. Davis

Address Box 113 A.P.

RT 4
Rockwall TX 75087

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

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Case No. P&Z 88-40-CUP

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

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

1.

2.

3.

Orna Mrs J.H. Dora
Signature
Rt 4, Box 1136
Rockwall
Address