

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 88-55-2 Filing Fee \$110.00 Date 11/21/88

Applicant Mike McCormick & Diane Payne Phone 771-0522

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

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

Newman Center

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

Planned Development District Classification to

Commercial (Original zoning) District Classification for  
for the following reasons: (attach separate sheet if necessary)

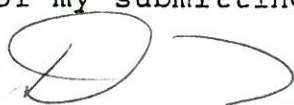
PD scheduled to expire October, 1988. Relocating present business (Total Car Care) and opening retail furniture/carpet/wallcovering outlet at this location.

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

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

Prospective Purchaser \_\_\_\_\_

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

Signed   
Diane Payne

NOTE:

<sup>1</sup>The legal description is used to publish notice of the required hearing and in the preparation of the final ordinance granting the zoning change. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

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

November 21, 1988

The Rockwall Planning & Zoning Commission  
and The Rockwall City Council  
205 W. Rusk  
Rockwall, Texas 75087

RE: Zoning Change, Newman Center

Ladies and Gentlemen:

We are requesting at this time that the current PD Zoning be removed from the property known as Newman Center, now occupied by Total Car Care. This will cause the Zoning to revert back to Commercial. This action was originally scheduled to have taken place in October, 1989, so basically what we are asking is that you take the scheduled action early.

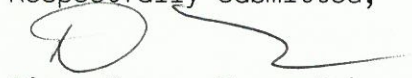
The new business that will occupy the property in question will be a retail outlet for high-quality home/office furnishings, floor and wall coverings, and accessories. This use conforms to Commercial Zoning.

In a conversation earlier this month with Julie Couch, she suggested that we would probably want to take another look at the landscaping and parking lot. We have obtained a proposal from a local landscaping company and have attached a copy of their preliminary drawing to this application. We believe that this plan will comply with the new landscaping ordinance enacted by the City of Rockwall in July of this year.

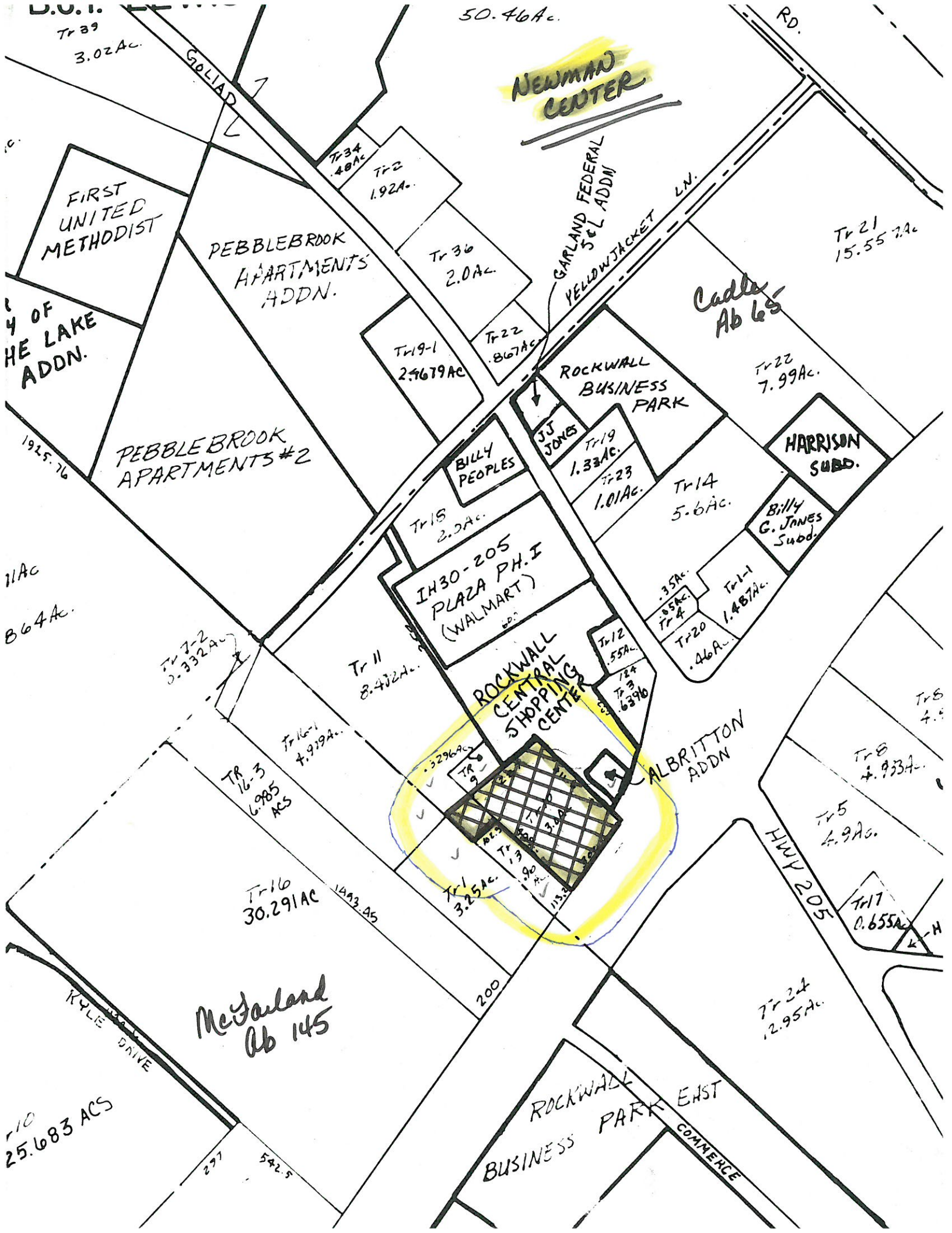
Regarding the parking lot, our plans for improvements are contingent upon our ability to negotiate a long-term lease for the property. This negotiation period is scheduled to take place in the fall of 1989.

We appreciate your courtesy and will be present at all scheduled public hearings to address any questions or discussion.

Respectfully submitted,



Diane Payne, Payne Enterprises  
Mike McCormick, McCormick Industries





CITY OF ROCKWALL

10571

"THE NEW HORIZON"  
Rockwall, Texas 75087-3628

(214) 771-1111

Cash Receipt

*Payne Enterprises* Date *11-21-88*

Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Job Address \_\_\_\_\_ Permit No. \_\_\_\_\_

Check  Cash  Other

*376*

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	<i>110.00</i>	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	
<b>TOTAL OF COLUMN</b>			<b>TOTAL OF COLUMN</b>		

TOTAL DUE *110.00* Received by *Allen*

**City of Rockwall  
Planning and Zoning Applicant Receipt**

Date 11/21/88

Applicant Diane Payne Phone \_\_\_\_\_

Address \_\_\_\_\_

Development Newman Center

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

- \_\_\_\_\_ Site Plan Application
- \_\_\_\_\_ Prel. Plat Application
- \_\_\_\_\_ Final Plat Application
- Zone Change Application
- \_\_\_\_\_ Sign Board Application
- \_\_\_\_\_ Board of Adj. Application
- \_\_\_\_\_ Front Yard Fence Application
- \_\_\_\_\_ CUP Application
- \_\_\_\_\_ ( ) sets/site plans - Submission # \_\_\_\_\_
- \_\_\_\_\_ ( ) sets/prel. plats - Submission # \_\_\_\_\_
- \_\_\_\_\_ ( ) sets/final plats - Submission # \_\_\_\_\_
- \_\_\_\_\_ ( ) sets/executed final plats/mylars
- \_\_\_\_\_ ( ) sets/engineer drawings - Submission # \_\_\_\_\_
- Filing fee \$ 110.00
- \_\_\_\_\_ Other \_\_\_\_\_

*Council Dec 19  
7:00 P.M.*

With this application, you are scheduled to appear before the  
P+Z  
on Dec 8, 1988,  
at 7:30 P.M. at City Hall, 205 W. Rusk, Rockwall,  
Texas.

Received By: Mary Nichols

COMMERCIAL ZONING REVIEW CHECKLIST

\* Applicant Diane Payne

\* Current Zoning PD Land Use Plan Indicates \_\_\_\_\_

\* Proposed Zoning C

\* Location Newman Center, Lot 1 Block A

There are only two reasons why zoning should be changed. Either the original zoning was applied in error or conditions have changed to warrant a change in land use in the area. Any changes must be in accordance with the Comprehensive Plan.

I. Planning and Engineering

	<u>Yes</u>	<u>No</u>
A. Is the proposed zoning (development) strip development?	_____	_____
1. Is the parcel(s) too shallow? (200 foot depth minimum)	_____	_____
2. Is the parcel(s) owned in small pieces by different owners?	_____	_____
3. Is there a potential for an excess of curb cuts?	_____	_____
C. Is the proposed commercial use incompatible with existing adjacent land uses, or existing commercial uses in the area?	_____	_____
D. Will the proposed activities disturb adjacent residential areas, or depreciate surrounding property with noise, pollution, traffic or other factors?	_____	_____
E. Does the proposed rezoning or development disrupt the orderly development of adjacent neighborhoods?	_____	_____
F. Is the buffering inadequate and/or is the parcel too small to allow for adequate open space, landscaping and buffering?	_____	_____

- G. Is the parcel too small for the proposed use with inadequate parking and/or truck loading areas? \_\_\_\_\_
- H. Does the proposed development force commercial traffic through residential neighborhoods or onto residential sized streets? \_\_\_\_\_
- I. Does the proposed development mix traffic generated from retail activity with wholesale trucking operations? \_\_\_\_\_
- J. Is the overall transportation system adequate to handle the additional traffic? \_\_\_\_\_
- K. Are the public facilities and services inadequate to support such development i.e., sewer, water, drainage, electricity, fire protection? \_\_\_\_\_
  - 1. If public facilities are not adequate, is the parcel outside an active growth area and not adjacent to existing facilities and services? \_\_\_\_\_
- L. Are there any pollution or environmental hazards and other objectionable hazards affecting the proposed use? \_\_\_\_\_
- M. Does the proposed rezoning significantly alter the desired percentage of land uses? \_\_\_\_\_
- N. Is the proposed zoning change in conflict with the Master Plan? \_\_\_\_\_
- O. Has there been a lack of significant change since the Master Plan Update was adopted that would favor approval of the request though not in conformance with the existing Master Plan? (Substantial zoning changes dictate modification of the Master Plan.) \_\_\_\_\_



- P. Could the request be considered premature? (Are other things required to happen before the use recommended becomes viable?)

\_\_\_\_\_

II. Existing Zoning Pattern (Neighborhood)

- A. What is the existing zoning adjacent to site?

\_\_\_\_\_

- 1. What is the predominant zoning in the area?

\_\_\_\_\_

- 2. Is the area developed the same as it is zoned?

\_\_\_\_\_

- B. Is the requested zoning incompatible with the existing zoning pattern?

\_\_\_\_\_

- C. Will the requested change alter a logical transition between zoning types?

\_\_\_\_\_

- D. Will the proposed use change the stability of the zoning pattern?

\_\_\_\_\_

- E. Could this property be effectively utilized without the zoning being changed?

\_\_\_\_\_

- F. Is there another, less intense zoning classification that permits the proposed use?

\_\_\_\_\_

- G. Are there any "peculiarities" of the proposed new use that are likely to affect neighboring properties? i.e., unusual or long hours, heavy "come and go" traffic, lights, trash?

\_\_\_\_\_

If "yes", what are they? \_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**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 "PD-28" PLANNED DEVELOPMENT CLASSIFICATION TO "C" COMMERCIAL 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 Diane Payne for the property more specifically described as Lot 1, Block A, Newman Center; 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 Commercial District classification to the tract of land described as Lot 1, Block A, Newman Center.

SECTION 2. That the property described as Lot 1, Block A, Newman Center 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 \_\_\_\_\_ day of \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

By \_\_\_\_\_

1st reading \_\_\_\_\_

2nd reading \_\_\_\_\_

November 21, 1988

The Rockwall Planning & Zoning Commission  
and The Rockwall City Council  
205 W. Rusk  
Rockwall, Texas 75087

RE: Zoning Change, Newman Center

Ladies and Gentlemen:

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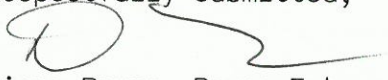
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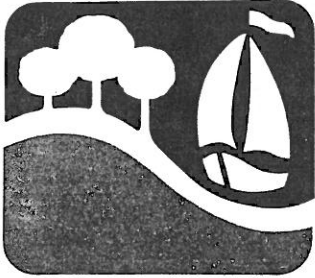
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We appreciate your courtesy and will be present at all scheduled public hearings to address any questions or discussion.

Respectfully submitted,

  
Diane Payne, Payne Enterprises  
Mike McCormick, McCormick Industries



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

December 1, 1988

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

Dear Mr. McCormick and Mrs. Payne:

We have received your application and filing fee of \$110.00 for your request for a change in zoning from "PD" Planned Development to "C" Commercial on the property described as Lot 1, Block A, Newman Center. In order to process your request we will need a letter from the property owner acknowledging his desire to change the zoning on his property.

Originally your case was scheduled to be considered by the Planning and Zoning Commission on Thursday, December 8th. This meeting has been postponed until December 15th. The Commission will consider your request on Thursday, December 15th at 7:30 P. M. in City Hall, 205 West Rusk.

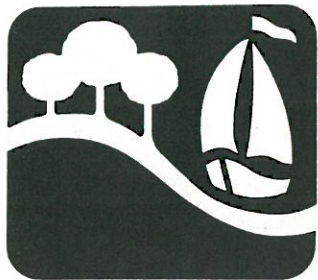
As the applicant, it is important that you are represented at this meeting. Please call me if you have any questions.

Sincerely,

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

Mary Nichols  
Administrative Assistant

MN/mmp



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

December 27, 1988

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

Dear Mrs. Payne and Mr. McCormick:

At your request your zone change application has been rescheduled for consideration by the City Council at a public hearing on January 16, 1989, at 7:00 P.M. in City Hall, 205 West Rusk. Please call me if you have any questions.

Sincerely,

*Mary Nichols*

Mary Nichols  
Administrative Assistant

MN/mmp

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 15th day of December, 1988

in the Rockwall City Hall, 205 West Rusk Street, Rockwall, Texas, at the  
request of Payne Enterprises and McCormick Industries

for a change in zoning from "PD" Planned Development to "C" Commercial

on the following described property:

A 3.3 acre tract of land located on the north service road of I-30  
west of SH-205 further described as Lot 1, Block A, Newman Center

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 88-55-Z

May Nichols  
City of Rockwall, Texas

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

Case No. P&Z 88-55-Z

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

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

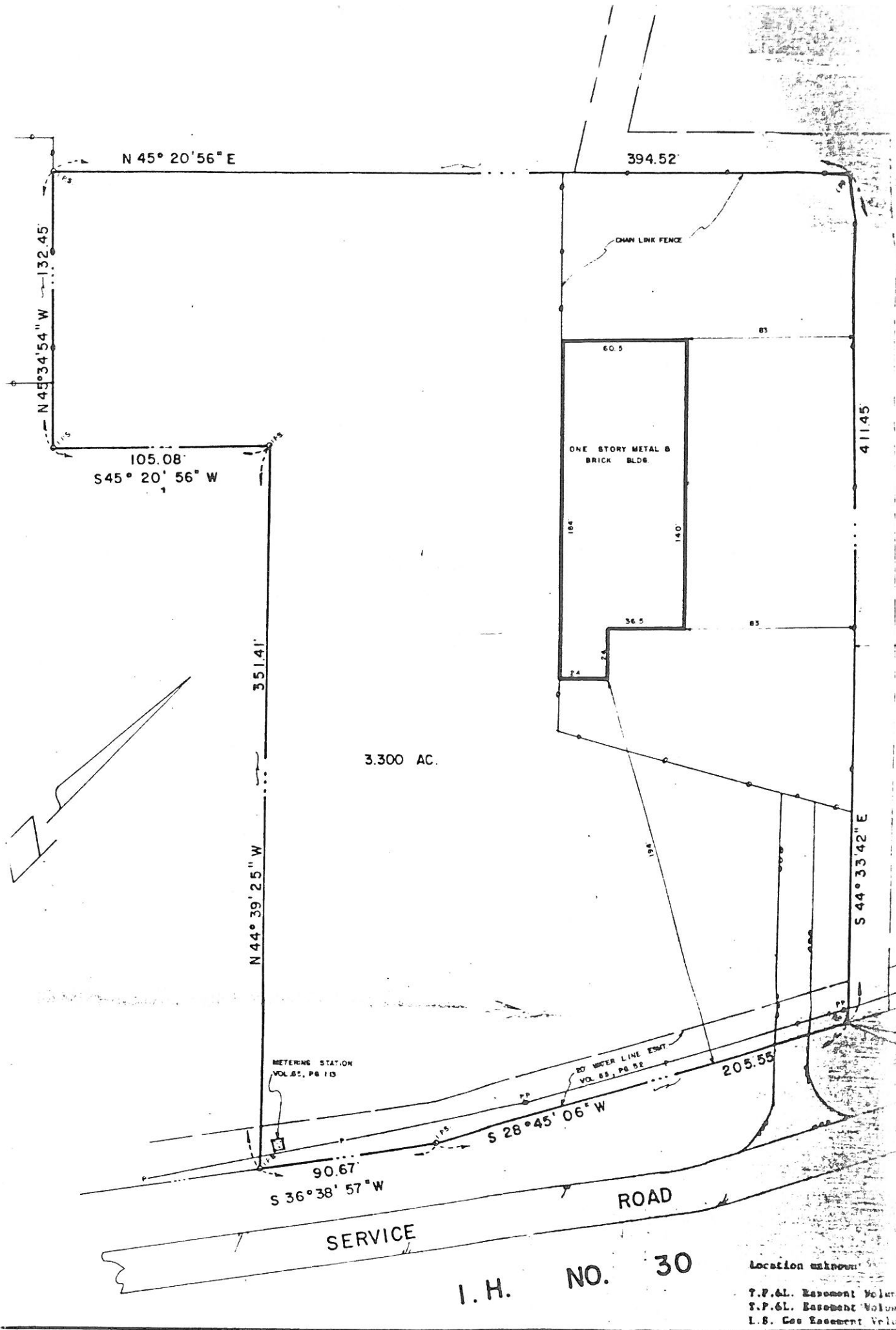
1.

2.

3.

Signature \_\_\_\_\_

Address \_\_\_\_\_





Newman Center  
Lot 1, Block A

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

TR 13 Peggy Gray  
521 Kathy  
Mesquite 75149

TR 1 Andrews Feed Inc  
P.O. Box 125

Albritton John A Albritton  
P.O. Box 822

TR 16-1 Robert W Andrews  
Box 125  
Rockwall

TR 11 Robert C Lillard  
Rt 1 Box 142-A

Walmart Properties  
P.O. Box 116  
Attn: Vernon Stone  
Bentonville, AR 72712

Rockwall Central Shopping Center JV  
16475 Dallas Parkway Suite 800  
Dallas 75248

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 15th day of December, 1988  
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request of Payne Enterprises and McCormick Industries  
for a change in zoning from "PD" Planned Development to "C" Commercial

on the following described property:

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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 88-55-Z

May Nichols  
City of Rockwall, Texas

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

Case No. P&Z 88-55-Z

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

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

- 1.
- 2.
- 3.

Signature J. E. Newman  
Address 3625 Glenbrook Ct  
Garland, Tex 75041

PLANNING AND ZONING ACTION SHEET

Applicant Diane Payne Case No. \_\_\_\_\_

Property Description Newman Center

Case Subject Matter PD to C

CASE ACTION

Date to P&Z 12/15 Approved Disapproved Tabled

Conditions \_\_\_\_\_

Date to City Council 12/19 \_\_\_\_\_

Conditions \_\_\_\_\_

Ordinance no. \_\_\_\_\_ Date \_\_\_\_\_

ITEMS IN FILE

Zoning Cases

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

Plat/Site Plan Cases

- \_\_\_ Application
- \_\_\_ Filing Fee
- \_\_\_ Plat/Plan
- \_\_\_ Engineer's Review
- \_\_\_ Consultant's Review
- \_\_\_ Agenda Notes
- \_\_\_ Minutes
- \_\_\_ Correspondence
- \_\_\_ County File Number
- \_\_\_ Applicant Receipts

88-55-Z "PD TO C"  
NEWMAN CTR.  
ADDITION

*Change  
in Center*

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(

(  
(

✓  
J

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