

STATE & S HIGHWAY GOLIAD NO ST 205

YELLOW JACKET LANE

PLACE OF BEGINNING

N 45° 08' 44" E 341.29

GARLAND FEDERAL SAVINGS & LOAN

2.254 AC. GROSS
0.121 AC. ESMT
2.133 AC. NET

GRANDMAS FRIED CHICKEN

PART OF LOT 1 BLOCK 1

VETERINARY CLINIC

ROCKWALL BUSINESS PARK LOT 1 BLOCK 1

2.023 AC

269.66'

N 30° 30' 19" W

S 45° 25' 32" W

407.42'

263.15'
20' ACCESS & GROSS ESMT
0.121 AC
263.35'

10' SANI SEWER ESMT

32' ACCESS ESMT

15' SANI SEWER ESMT

METAL FENCE



I.P.F.

FIELD NOTES

BEING a tract of land situated in the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas and further being part of Lot 1, Block 1 of Rockwall Business Park to the City of Rockwall as recorded in Volume 5, Pages 35 and 36 and Slide A, Pages 283 and 284, Map and Plat Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at a point on the Southeast line of Yellow Jacket Lane, said point being the West corner of Lot 1, Block 1, an iron stake found for corner;

THENCE, N. 45 deg. 08 min. 44 sec E., along the said Southeast line of Yellow Jacket Lane, a distance of 341.29 feet to an iron stake found for corner;

THENCE, S. 44 deg. 42 min. 40 sec. E., leaving the said Southeast line of Yellow Jacket Lane and along the Northeast line of Lot 1, Block 1, a distance of 263.35 feet to an iron stake set for corner;

THENCE, S. 45 deg. 25 min. 32 sec. W., a distance of 407.42 feet to an iron stake found for corner;

THENCE, ~~N. 30 deg. 30 min. 10 sec. W.~~, along the Southwest line of Lot 1, Block 1, a distance of 269.66 feet to the PLACE OF BEGINNING and containing 2.254 acres of land, of which 0.121 acres lies within 20 foot ingress and egress easement leaving a net of 2.133 acres of land.

20 FOOT INGRESS AND EGRESS EASEMENT

BEING a tract of land situated in the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and further being part of Lot 1, Block 1 of Rockwall Business Park to the City of Rockwall as recorded in Volume 5, Pages 35 and 36 and Slide A, Pages 283 and 284, Map and Plat Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Southeast line of Yellow Jacket Lane, said point being the North corner of Lot 1, Block 1 of Rockwall Business Park, an iron stake found for corner;

THENCE, S. 44 deg. 42 min. 40 sec. E., leaving the said Southeast line of Yellow Jacket Lane and along the Northeast line of Lot 1, Block 1, a distance of 263.35 feet to an iron stake set for corner;

THENCE, S. 45 deg. 25 min. 32 sec. W., a distance of 20.00 feet to an iron stake set for corner;

THENCE, N. 44 deg. 42 min. 40 sec. W., a distance of 263.15 feet to a point on the Southeast line of Yellow Jacket Lane, an iron stake set for corner;

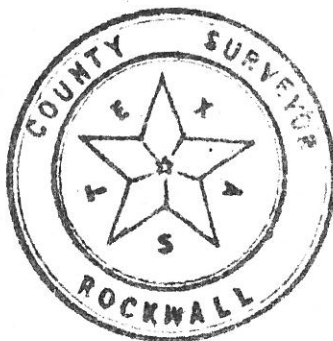
THENCE, N. 45 deg. 08 min. 44 sec. E., along the said Southeast line of Yellow Jacket Lane, a distance of 20.00 feet to the PLACE OF BEGINNING and containing 0.121 acres of land.

CERTIFICATION

I, Bob O. Brown, do hereby certify that the plat shown hereon represents the results of an on the ground survey made under my direction and that all corners are marked as shown and there are no visible conflicts or encroachments other than shown.

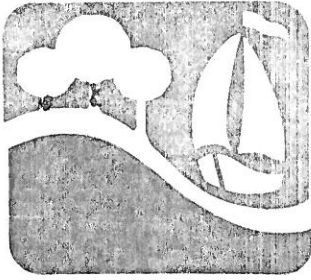


Bob O. Brown
Registered Public Surveyor



SURVEY PLAT					
PART OF LOT 1 ~ BLOCK 1					
ROCKWALL BUSINESS PARK					
BOB O. BROWN ~ LAND SURVEYOR					
402 S. GOLIAD ~ ROCKWALL TEX.					
DESIGN	DRAWN	DATE	SCALE	NOTES	JOB NO.
B.L.S.	B.B.	9-1-78	1"=60'	K.B.	627

5 OF
UNING
ESMY



CITY OF ROCKWALL
"THE NEW HORIZON"

June 7, 1989

Owen Lee Mitchell
c/o Mitchell's Hardware
811 Yellowjacket Lane
Rockwall, Texas 75087

Dear Mr. Mitchell:

On June 6, 1989, there were four (4) U-Haul Trailers and ten (10) U-Haul Trucks located on the property of 811 Yellowjacket Lane. This is in violation of Ordinance Number 83-23, Article II, Section 2.12,D(2), which reads, "All business operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed (except for off street parking and loading, and incidental display of retail items for sale) excluding retail outlets where gasoline products are sold and drive in businesses." The outside storage of the U-Haul Trucks are not allowed.

Please remove the U-Haul Trucks within ten (10) days of receipt of this letter to prevent any citations being issued.

Thank you.

Sincerely,

A handwritten signature in dark ink, appearing to read "Johnie R. Davis".

Johnie R. Davis
Chief Building Inspector

JD/cls

4-4-

STATEMENT OF POSITION

Mr. P. V. George has been cited for being in variance with City Ordinance Number 83-23, Article II Section 2.12D(2) which reads, "All business operations including storage shall be conducted within a completely enclosed building unless specifically authorized for the use as listed (except for off street parking and loading, and incidental display of retail items for sale)----"

Both Mr. George and the City agree that the business operation of leasing and renting U-HAUL light trucks and trailers is performed in a completely enclosed building.

Both Mr. George and the City agree that the light trucks and trailers are properly parked off street and on a cement surface.

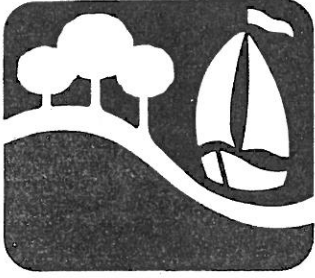
Both Mr. George and the City agree that a limited number of trailers can be parked on the premises. (E)

Mr. George and the City are not in agreement regarding Incidental use. BLACKS LAW DICTIONARY, 5th Edition which is incorporated in Texas Law as the legal definitions of usage in law, states:

"Incidental use. IN ZONING, use of premises which is dependent on or affiliated with the principal use of such premises."

Mr. George and the City are not in agreement on the definition of "Storage". BLACKS LAW DICTIONARY DEFINITION IS " STORE. To keep merchandise for safe custody, to be delivered in the same condition as when received, WHERE THE SAFE-KEEPING IS THE PRINCIPLE OBJECT OF DEPOSIT, AND NOT THE CONSUMPTION OR SALE".

The City agrees that that light trucks may legally be parked on the premises. However they contend that trucks owned by "U-HAUL" and used in moving may not be parked there, even though any particular unit does not stay on the premises more than 3 days as a general rule.



CITY OF ROCKWALL
"THE NEW HORIZON"

November 13, 1989

Mr. Lee Mitchell
Mitchell's True Value
811 Yellowjacket Lane
Rockwall, TX 75087

Dear Mr. Mitchell:

On November 9, the Planning and Zoning Commission held a public hearing and recommended denial of your request for a change in zoning from Commercial to Heavy Commercial on a portion of Lot 1, Block 1, Rockwall Business Park. Upon recommendation of denial by the Commission, a favorable vote of three fourths of the City Council is required to approve the application. If you wish to pursue your application, the City Council will hold a public hearing on Monday, December 4th to consider approval of your request. A zone change of this nature requires adoption by ordinance at two separate meetings of Council. If approved on first reading on December 4th, the second reading will be scheduled for December 18th.

We will assume that you intend to continue your application unless we are notified otherwise. If you wish to withdraw your application or have questions in general, please contact Julie Couch at 771-1111.

Sincerely,

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

Mary Nichols
Administrative Assistant

O. L. Mitchell and Company
Consultants
1310 Ridge Road
~~1310 Ridge Road~~
ROCKWALL, TEXAS 75087

LEE MITCHELL
SENIOR OFFICER

November 20, 1989

Ms Julie Couch
City of Rockwall
Rockwall, Texas 75087

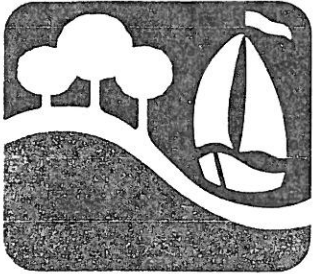
I have just received Mary Nichols letter of November 13 which was incorrectly addressed to 811 Yellow Jacket Lane instead of 1310 Ridge Road.

Mr. P.V.George, who initiated the action, has indicated that futher action regarding a zoning change is not warranted since the Planning and Zoning Commission has indicated they will study the problem.

I realize that both of us are caught in the middle of a dispute that involves the legal interpretation of incidental use. It appears that the city's attorney does not concur with stand taken by my attorney, Mr. George's attorney and the U-Haul attorneys. Hopefully, the dispute can be resolved without legal involvement.

Sincerely,


Lee Mitchell



CITY OF ROCKWALL
"THE NEW HORIZON"

November 28, 1989

Lee Mitchell
1310 Ridge Road
Rockwall, Texas 75087

Dear Mr. Mitchell:

Per your letter of November 20th, we will delay any additional action by the City on the request for rezoning of your property at 811 Yellowjacket Lane until the Planning and Zoning Commission completes their study regarding possible amendment of the Commercial classification to allow the use of truck and trailer renting and leasing. If at the conclusion of the study by the Commission you wish to continue with the zoning case, we can place you on the next available Council Agenda.

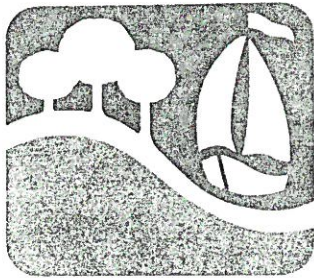
Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Couch", with a long horizontal flourish extending to the right.

Julie Couch
Assistant City Manager

CC: Mary Nichols
JC/mmp



CITY OF ROCKWALL

"THE NEW HORIZON"

January 19, 1990

Mr. Lee Mitchell
1310 Ridge Road
Rockwall, Texas 75087

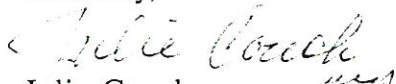
Dear Mr. Mitchell:

On November 28 we notified you that we would delay any additional consideration of your request for Heavy Commercial Zoning for your property located at 811 Yellowjacket Lane until the Planning and Zoning Commission and City Council completed their review of possible changes in the zoning ordinance to permit the storage, renting and leasing of trucks and trailers in Commercial. The City Council has concluded their review and has decided not to pursue any changes in the Commercial Classification in regard to this use.

The alternatives at this time are for the tenant to cease his leasing and onsite storage of the trucks and trailers, or for you to continue the request for Heavy Commercial Zoning. Please let me know by January 29, 1990 if you wish to pursue the zoning request. The case would be considered by the City Council on February 19, 1990. If you do not wish to continue the zoning case the current leasing and storage operation must cease by 1-31-90.

If you have any questions concerning this matter, please don't hesitate to contact me.

Sincerely,


Julie Couch
Assistant City Manager

cc: Ed Heath
Mary Nichols
Mr. George

O. L. Mitchell and Company
Consultants

ROCKWALL, TEXAS 75087

LEE MITCHELL
SENIOR OFFICER

January 22, 1990

Ms. Julie Couch
Assistant City Manager
City of Rockwall

RE: Change in Zoning at 811 Yellow Jacket Lane

My tenant, Mr. P.V.George, at 811 Yellow Jacket Lane has ask me to request another hearing regarding the recommendations of the P & Z which were rejected by the City Council. Neither he or myself was aware that the case was to be presented and were not present.

If you are unable to do this then it is the wish of my tenant that the City Council consider the request of changing the zoning at 811 Yellow Jacket Lane to Heavy Commercial.

Sincerely,


Lee Mitchell

cc: Mr. P.V.George.

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF ROCKWALL
CITY HALL
JUNE 21, 1990
7:00 P.M.

- I. Call to order
- II. Discuss and consider approval of the Minutes of April 19, 1990 Meeting.
- III. Action Items/Public Hearing
 - A. BOA 90-6-I A request from Indtex Financial, dba Mitchell's True Value, for an interpretation of the outside storage and off street parking requirements of the Comprehensive Zoning Ordinance for a commercially zoned property, Lot 1, Block A, Rockwall Business Park Addition.
 - B. BOA 90-7-V A request from Paul Davis for a variance from the parking and setback requirements of the Comprehensive Zoning Ordinance for Lots 4, 5 and 6 of Block N, of the Original Town Addition.
- IV. Adjournment

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: November 9, 1989

Agenda No: III. A.

Agenda Item: P&Z 89-37-Z - Hold Public Hearing and Consider Approval of a Request From Lee Mitchell for a Change in Zoning from Commercial to Heavy Commercial on a Tract of Land Located on SH-205, Mitchell's True Value Hardware

Item Generated By: Applicant, Property Owner

Action Needed: Hold public hearing and take any necessary action.

Background Information:

We have received a request from the tenant of the True Value Hardware store, with concurrence from the property owner, Lee Mitchell, to rezone his property from Commercial to Heavy Commercial. The reason for the request is to permit the current operator of the hardware store to lease U-Haul trucks and trailers from that location. He has been conducting this operation for some time and has already received one citation for violating the zoning ordinance. We have agreed to not issue another citation while he has this application pending. He has indicated that he needs to generate additional income to stay in operation.

The site occupied by the hardware building is part of a larger tract currently zoned Commercial that was granted a SUP under the previous zoning ordinance for miniwarehouses. The SUP was revised several years ago to only allow the miniwarehouse use on the tract behind the building that is currently undeveloped. This application is to only rezone the portion of the property that is occupied by the existing building and approximately 20 feet behind that building.

The issue is whether Heavy Commercial is appropriate on all or part of this tract. The site currently has approximately 100 parking spaces and we estimate that, depending on the square footages of the individual lease spaces, the ultimate parking demand if all of the spaces were leased would be approximately 120-140. Because the site could not fully conform to the current requirements for parking they cannot legally use the offstreet parking for storage of the trucks and trailers without jeopardizing their ability to lease the remaining spaces. Even if the zoning were granted they would need to provide us with exact square footages and uses to determine if any of the existing parking could be used. It is likely that some of the unleased spaces could not be granted Certificates of Occupancy if the spaces are used for storage.

It would be possible to zone only the rear twenty feet of this tract, which is currently unimproved, to Heavy Commercial and leave the property that is currently improved as Commercial. This would allow the tenant to continue to lease from the hardware business and store the trucks and trailers at the back of the building. Our standards would not require that the storage area be paved. Under Commercial zoning they would be allowed to display no more than 5 hauling trailers if the offstreet parking requirements are met. The truck storage would also be adjacent to the area that is already approved for miniwarehouse use, which is a Heavy Commercial use. While this is not a standard approach and not one that should generally be used, it would address this particular situation if the Commission determines that this use would be appropriate.

Attachments:

1. Location Map
2. Property Plat with undeveloped area identified
3. Original site plan approved for miniwarehouses

Agenda Item: C to HC Yellowjacket Lane

Item No: III. A.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: February,19, 1990

Agenda No: V.d.

Agenda Item: P&Z 89-37-Z - Hold Public Hearing and Consider Approval of an Ordinance Authorizing a Change in Zoning from "C" Commercial to "HC" Heavy Commercial on a Portion of Rockwall Business Park,Mitchell's True Value at Yellowjacket and SH-205 (1st Reading)

Item Generated By: Applicant, Property Owner

Action Needed: Hold public hearing and take any necessary action.

Background Information:

We have received a request from the tenant of the True Value Hardware store, with concurrence from the property owner, Lee Mitchell, to rezone his property from Commercial to Heavy Commercial. The reason for the request is to permit the current operator of the hardware store to lease U-Haul trucks and trailers from that location. He has been conducting this operation for some time and has already received one citation for violating the zoning ordinance. We have agreed to not issue another citation while he has this application pending. He has indicated that he needs to generate additional income to stay in operation.

The site occupied by the hardware building is part of a larger tract currently zoned Commercial that was granted a SUP under the previous zoning ordinance for miniwarehouses. The SUP was revised several years ago to only allow the miniwarehouse use on the tract behind the building that is currently undeveloped. This application is to only rezone the portion of the property that is occupied by the existing building and approximately 20 feet behind that building.

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The Commission has recommended denial of this request. Approval by the Council will require a 3/4 majority vote.

Attachments:

1. Location Map
2. Property Plat with undeveloped area identified
3. Original site plan approved for miniwarehouses

Agenda Item: C to HC Yellowjacket Lane

Item No: V. d.

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 COMMERCIAL CLASSIFICATION TO HEAVY 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 Lee Mitchell 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 Heavy Commercial District classification to the tract of land 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 of this ordinance shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

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 _____

FIELD NOTES

BEING a tract of land situated in the J. Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas and further being part of Lot 1, Block 1 of Rockwall Business Park to the City of Rockwall as recorded in Volume 5, Pages 35 and 36 and Slide A, Pages 283 and 284, Map and Plat Records of Rockwall County, Texas and being more particularly described as follows:

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THENCE, S. 44 deg. 42 min. 40 sec. E., leaving the said Southeast line of Yellow Jacket Lane and along the North-east line of Lot 1, Block 1, a distance of 263.35 feet to an iron stake set for corner;

THENCE, S. 45 deg. 25 min. 32 sec. W., a distance of 407.42 feet to an iron stake found for corner;

~~THENCE, S. 45 deg. 25 min. 32 sec. W., along the Southeast~~
west line of Lot 1, Block 1, a distance of 269.66 feet to the PLACE OF BEGINNING and contained 2.254 acres of land, of which 1.121 acres lies within 20 foot ingress and egress easement leaving a net of 1.133 acres of land.

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, November 9, 1989, at 7:30 P.M. in City Hall, 205 W Rusk, to consider recommending approval of a request from Lee Mitchell for a change in zoning from "C" Commercial to "HC" Heavy Commercial on a 2.133 acre tract of land located on Yellowjacket Ln at SH-205 also known as the a portion of Rockwall Business Park, Lot 1, Block 1 and further described on the attachment. As an interested property owner, you are invited to attend this hearing or notify the Commission in writing of your feeling in regard to this matter.

PUBLIC NOTICE

The Rockwall City Council will hold a public hearing on Monday, February 19, 1990, at 7:00 P.M. in City Hall, 205 W Rusk, to consider recommending approval of a request from Lee Mitchell for a change in zoning from "C" Commercial to "HC" Heavy Commercial on a 2.133 acre tract of land located on Yellowjacket Lane at SH-205 also known as a portion of Rockwall Business Park, Lot 1, Block 1 and further described on the attachment. As an interested property owner you are invited to attend this hearing or notify the Council in writing of your feeling in regard to this matter.

PUBLIC NOTICE

The City of Rockwall Board of Adjustments will hold a public hearing on Thursday, June 21, 1990, at 7:00 p.m. at City Hall, 205 W. Rusk Street, to consider approval of the following:

- (1) BOA 90-6-I A request from Indtex Financial dba Mitchell's True Value for an interpretation of the outside storage and off street parking requirements of the Comprehensive Zoning Ordinance for a commercially zoned property, Lot 1 Block A, Rockwall Business Park Addition.
- (2) BOA 90-7-V A request from Paul Davis for a variance from the parking and setback requirements of the Comprehensive Zoning Ordinance for Lots 4, 5, & 6 of Block N, of the Original Town Addition.