

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 1989-38-2 Filing Fee \$131.00 Date 10-16-89
Applicant WAYNE E. BACKUS Phone 214-222-4352
Mailing Address 600 McDONALD RD.
FORNEY TEX 75126

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.)

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

ARIG. District Classification to
COMM. District Classification for
for the following reasons: (attach separate sheet if necessary)

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

Status of Applicant:² Owner Tenant _____
Prospective Purchaser _____

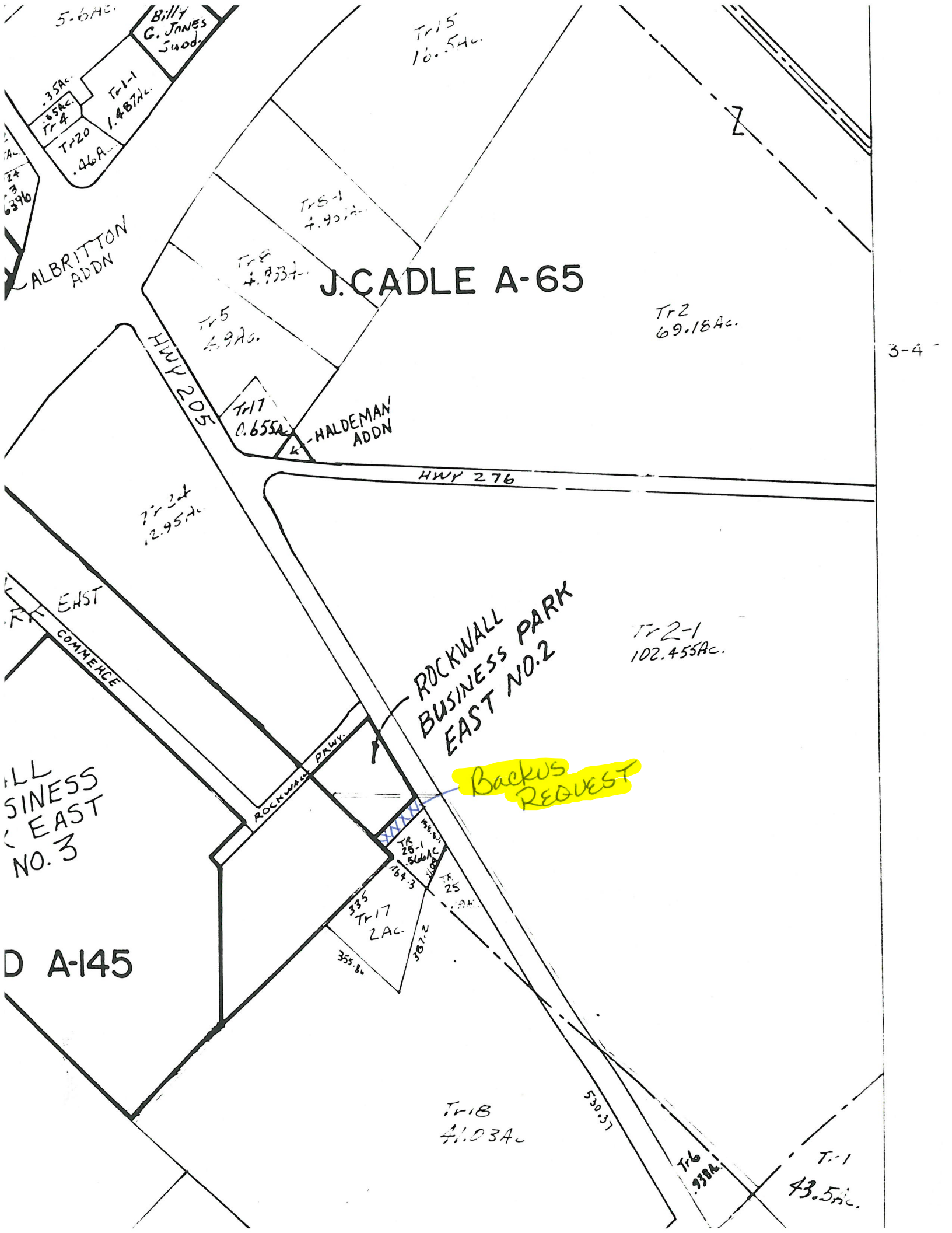
I have attached hereto as Exhibit "A" a plat showing the property which is the subject of this requested zoning change and have read the following concerning the importance of my submitting to the City a sufficient legal description.

Signed Wayne Backus

NOTE:

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

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



5.6Ac.

Billy G. Jones Suod.

Tr 15
16.5Ac.

.35Ac.
Tr 4
Tr 20
1.487Ac.
.46Ac.

Tr 8-1
4.92Ac.

Tr 8
4.933Ac.

J. CADLE A-65

Tr 2
69.18Ac.

3-4

ALBRITTON
ADDN

HWY 205

Tr 5
4.9Ac.

Tr 17
0.655Ac.

HALDEMAN
ADDN

HWY 276

Tr 24
2.95Ac.

COMMERCIAL
EAST

ROCKWALL
BUSINESS PARK
EAST NO. 2

Tr 2-1
102.455Ac.

ALL
BUSINESS
EAST
NO. 3

Backus
REQUEST

ROCKWALL
PRWY.

Tr 25-1
164.3
164.3

Tr 17
2Ac.

Tr 25
164.3

D A-145

Tr 18
41.03Ac.

530.37

Tr 6
998Ac.

Tr 1
43.5Ac.

APPLICATION AND FINAL PLAT CHECKLIST

Date 10-23-89

Name of Proposed Development Roadside Addition

Name of Developer Wayne E. Backus

Address 600 McDonal Road/Forney, Texas 75126 Phone 214-222-4352

Owner of Record same as above

Address _____ Phone _____

Name of Land Planner/Surveyor/Engineer B.L.S. & Associates, Inc.

Address 965 Sids Road Rockwall, Texas 75087 Phone 214-771-3036

Total Acreage 0.760 acres Current Zoning agricultural & commercial

Number of Lots/Units 1 (one)

Signed *Wayne Backus*

The Final Plat shall generally conform to the Preliminary Plat, as approved by the City Council and shall be drawn to legibly show all data on a satisfactory scale, usually not smaller than one inch equals 100 feet. The Final Plat shall be submitted on a drawing which is 18" x 24".

The following Final Plat Checklist is a summary of the requirements listed under Section VIII of the Rockwall Subdivision Ordinance. Section VIII should be reviewed and followed when preparing a Final Plat. The following checklist is intended only as a reminder and a guide for those requirements.

INFORMATION

<u>Provided or Shown on Plat</u>	<u>Not Applicable</u>	
<u>✓</u>	_____	1. Title or name of development, written and graphic scale, north point, date of plat and key map
<u>✓</u>	_____	2. Location of the development by City, County and State

- | | | |
|----------------|-------|---|
| ✓
_____ | _____ | 3. Location of development tied to a USGS monument, Texas highway monument or other approved benchmark |
| ✓
_____ | _____ | 4. Accurate boundary survey and property description with tract boundary lines indicated by heavy lines |
| _____
_____ | _____ | 5. If no engineering is provided show contours of 5 ft. intervals |
| ✓
_____ | _____ | 6. Accurate plat dimensions with all engineering information necessary to reproduce plat on the ground |
| ✓
_____ | _____ | 7. Approved name and right-of-way width of each street, both within and adjacent to the development |
| ✓
_____ | _____ | 8. Locations, dimensions and purposes of any easements or other rights-of-way |
| ✓
_____ | _____ | 9. Identification of each lot or site and block by letter and number and building lines |
| ✓
_____ | _____ | 10. Record owners of contiguous parcels of unsubdivided land, names and lot patterns of contiguous subdivisions, approved Concept Plans, reference recorded subdivision plats or adjoining platted land by record name and by deed record volume and page |
| ✓
_____ | _____ | 11. Boundary lines, dimensions and descriptions of open spaces to be dedicated for public use of the inhabitants of the development |
| ✓
_____ | _____ | 12. Certificate of dedication of all streets, alleys, parks and other public uses signed by the owner or owners (see wording) |

_____	_____ ✓
_____ ✓	_____ ✓
_____ ✓	_____
_____ ✓	_____
_____	_____
_____ ✓	_____
_____ ✓	_____
_____ ✓	_____
_____ ✓	_____

13. Designation of the entity responsible for the operation and maintenance of any commonly held property and a waiver releasing the City of such responsibility, a waiver releasing the City for damages in establishment or alteration of grades (see wording)

14. Statement of developer responsibility for storm drainage improvements (see wording)

15. Instrument of dedication or adoption signed by the owner or owners (see wording)

16. Space for signatures attesting approval of the plat (see wording)

17. Seal and signature of the surveyor and/or engineer responsible for surveying the development and/or the preparation of the plat (see wording)

18. Compliance with all special requirements developed in preliminary plat review

19. Statements indicating that no building permits will be issued until all public improvements are accepted by the City (see wording)

20. Submit Along with plat a calculation sheet indicating the area of each lot.

21. Attach copy of any proposed deed restrictions for proposed subdivision.

Page 4 of 4

Taken by: _____

File No.: _____

Date: _____

Fee: _____

Receipt No.: _____

APPLICATION AND PRELIMINARY PLAT CHECKLIST

Date 10-23-89

NAME OF PROPOSED SUBDIVISION Roadside Addition

NAME OF SUBDIVIDER Wayne E. Backus

ADDRESS 600 McDonald Road/ Forney, Texas 75126 Phone 214-222-4352

OWNER OF RECORD same as above

ADDRESS PHONE

NAME OF LAND PLANNER/SURVEYOR/ENGINEER B.L.S. & Associates, Inc.

ADDRESS 965 Sids Road rockwall, Texas 75087 PHONE 214-771-3036

TOTAL ACREAGE 0.760 CURRENT ZONING agricultural & commercial

NO. OF LOTS/UNITS 1 (one)

SIGNED Wayne Backus

The Following Preliminary Plat Checklist is a summary of the requirements listed under Section VII of the Rockwall Subdivision Ordinance. Section VII should be reviewed and followed when preparing a Preliminary Plat. The following checklist is intended only as a reminder and a guide for those requirements. Use the space at the left to verify the completeness of the information you are submitting. If an item is not applicable to your plan, indicate by placing a check mark.

Provided or Shown Not On Plat Applicable

I. General Information

- A. Vicinity map
B. Subdivision Name
C. Name of record owner, subdivider, land planner/engineer
D. Date of plat preparation, scale and north point

II. Subject Property

- | | | |
|----------|----------|--|
| <u>✓</u> | _____ | A. Subdivision boundary lines |
| <u>✓</u> | _____ | B. Identification of each lot and block by number or letter |
| <u>✓</u> | _____ | C. Dimensions, names and description of all public rights-of-ways, improvements, easements, parks and open spaces, both existing and proposed. Locate and identify existing and/or proposed median openings and left turn channelization |
| _____ | _____ | D. Proposed land uses, and existing and proposed zoning categories |
| <u>✓</u> | _____ | E. Approximate acreage |
| <u>✓</u> | _____ | F. Typical lot size; lot layout; smallest lot area; number of lots |
| _____ | <u>✓</u> | G. Building set-back lines adjacent to street |
| _____ | <u>✓</u> | H. Topographical information and physical features to include contours at 2' intervals, outlines of wooded areas, drainage areas and 50 and 100 year flood limit lines, if applicable |
| _____ | <u>✓</u> | I. Location of City Limit lines, contiguous or within plat area |
| _____ | <u>✓</u> | J. Location and sizes of existing utilities |
| _____ | <u>✓</u> | K. Intended water source and sewage disposal method whether inside City Limits or in extraterritorial jurisdiction |

III. Surrounding Area

✓ _____

A. The record owners of contiguous parcels of unsubdivided land; names and lot pattern of contiguous subdivisions; approved concept plans or preliminary plat

✓ _____

B. The approximate location, dimension and description of all existing or proposed lots and blocks, public rights-of-way and easements, parks and open spaces. Specifically indicate how the proposed improvements would relate to those in the surrounding area.

Taken by _____

File No. _____

Date _____

Fee _____

Receipt No. _____

Nº 14075



CITY OF ROCKWALL
 "THE NEW HORIZON"
 Rockwall, Texas 75087-3628
 (214) 771-1111

Cash Receipt

Name Wayne Backus Date 10-23-89
 Mailing Address Mobil Service
 Job Address _____ Permit No. _____

Check 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	131.00	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	25-3828		Fuel Sales	20-3809	
TOTAL OF COLUMN			TOTAL OF COLUMN		

TOTAL DUE

131.00

Received by

Lisa

City of Rockwall Planning and Zoning Applicant Receipt

Date 10/23/89

Applicant Wayne Backus Phone _____

Address _____

Development Roadside Addition

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 # 1
- () sets/final plats - Submission # _____
- () sets/executed final plats/mylars
- () sets/engineer drawings - Submission # _____
- Filing fee \$ 1300
- Other _____

With this application, you are scheduled to appear before the

Planning & Zoning

on November 9, 1989,

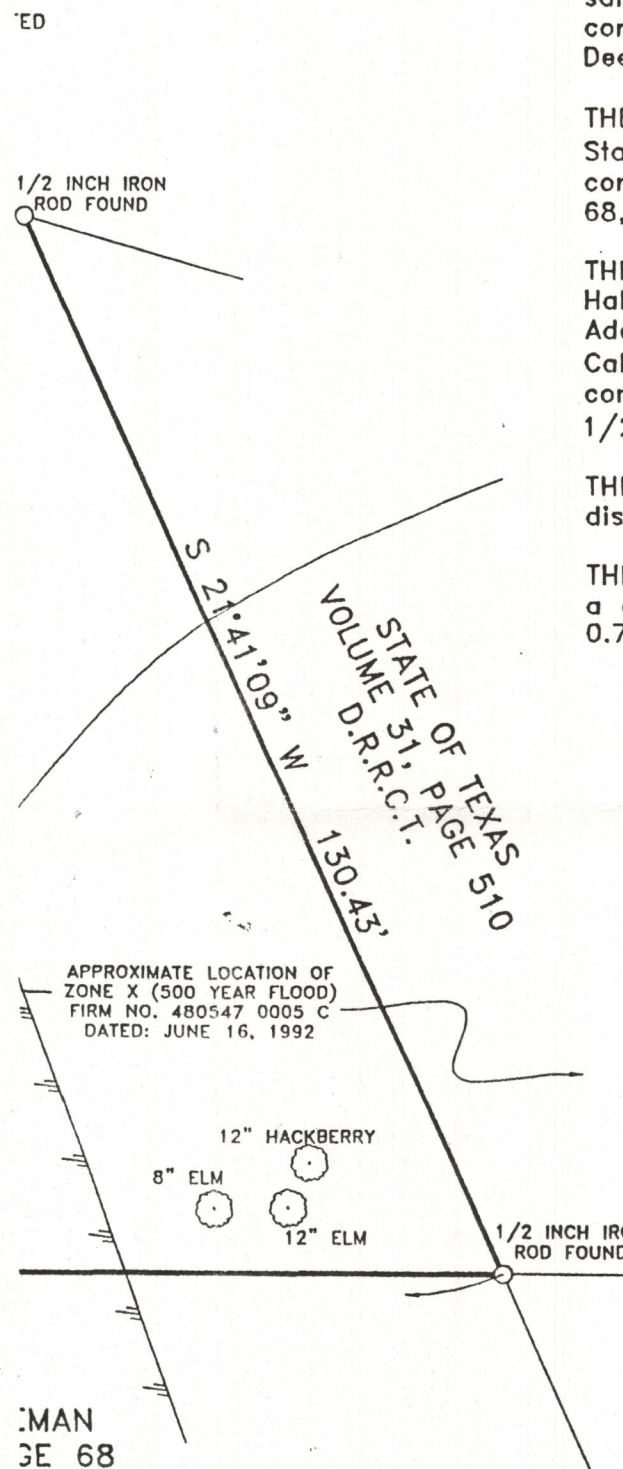
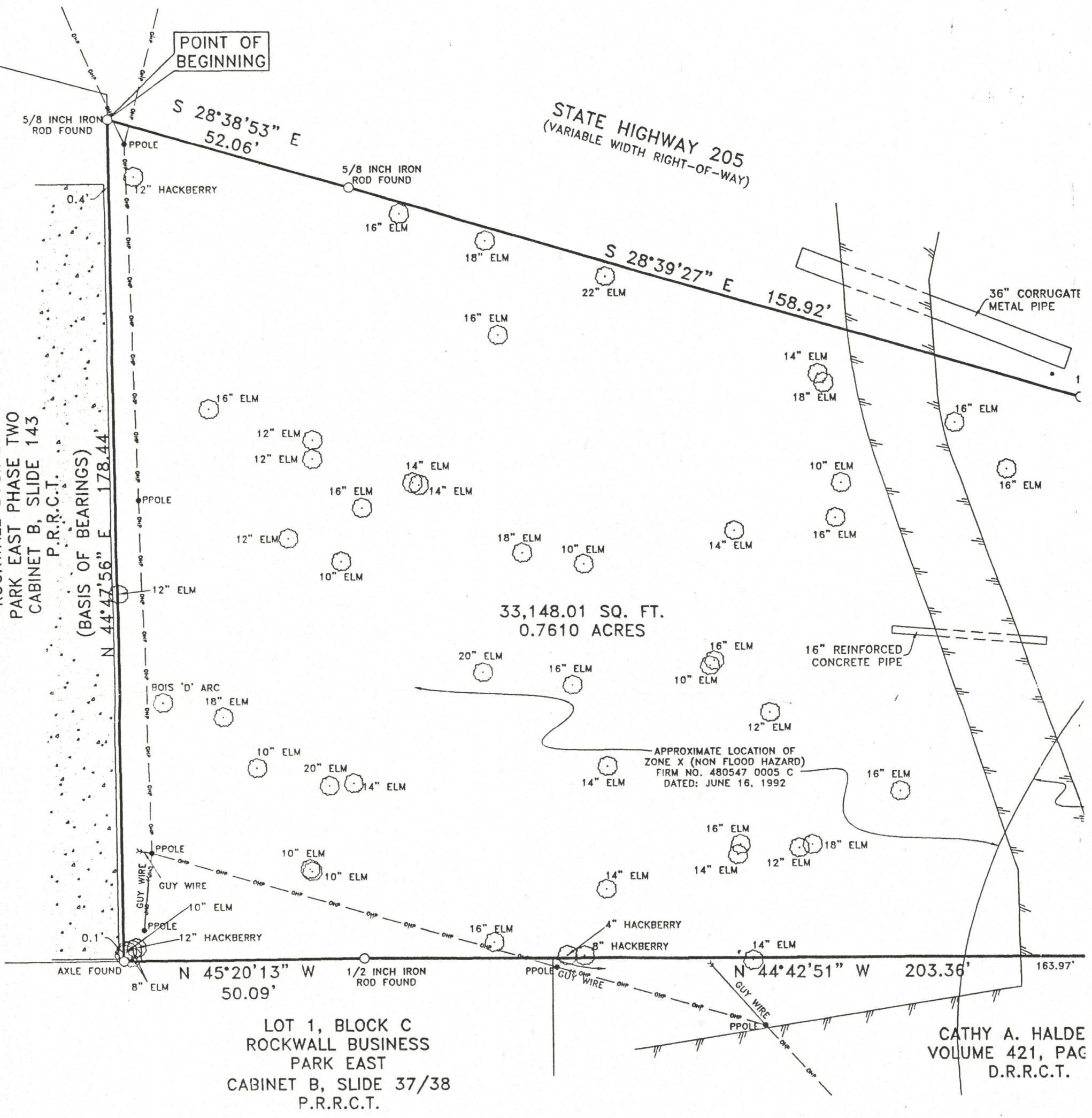
at 1:30 P.M. at City Hall, 205 W. Rusk, Rockwall,

Texas.

Received By: [Signature]

53 TREES ON 0.7610 ACRES

NAME OF PLAT
ROADSIDE EDITION



PROPERTY DESCRIPTION

BEING a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being the same tracts of land conveyed to Wayne Backus by deeds recorded in Volume 498, Page 656 and Volume 498, Page 50, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found in the Southwest right-of-way line of State Highway 205 (variable width right-of-way) and being in the East line of Lot 1, Block B of Rockwall Business Park East Phase Two, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet B, Slide 143, Plat Records, Rockwall County, Texas;

THENCE South 28 degrees 38 minutes 53 seconds East, along the Southwest right-of-way line of said State Highway 205, a distance of 52.06 feet to a 5/8 inch iron rod found for corner;

THENCE South 28 degrees 39 minutes 27 seconds East, along the Southwest right-of-way line of said State Highway 205, a distance of 158.92 feet to a 1/2 inch iron rod found at the Northwest corner of a tract of land conveyed to State of Texas by deed recorded in Volume 31, Page 510, Deed Records, Rockwall County, Texas;

THENCE South 21 degrees 41 minutes 09 seconds West, along the Southwest property line of said State of Texas tract, a distance of 130.43 feet to a 1/2 inch iron rod found at the Northeast corner of a tract of land conveyed to Cathy A. Haldeman by deed recorded in Volume 421, Page 68, Deed Records, Rockwall County, Texas;

THENCE North 44 degrees 42 minutes 51 seconds West, along the North property line of said Haldeman tract, passing the Northeast corner of Lot 1, Block C of Rockwall Business Park East, an Addition to the City of Rockwall, Rockwall County, Texas, according to the plat thereof recorded in Cabinet B, Slide 37/38, Plat Records, Rockwall County, Texas, at a distance of 163.97 feet and continuing along the North line of said Lot 1, Block C, for a total distance of 203.36 feet to a 1/2 inch iron rod found for corner;

THENCE North 45 degrees 20 minutes 13 seconds West, along the North line of said Lot 1, a distance of 50.09 feet to an axle found at the Southeast corner of said Lot 1, Block B;

THENCE North 44 degrees 47 minutes 56 seconds East, along the East line of said Lot 1, Block B, a distance of 178.44 feet to the POINT OF BEGINNING and containing 33,148.01 square feet or 0.7610 acres of land.

SURVEYOR'S CERTIFICATE

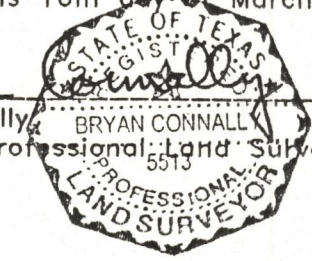
This survey is made relying on information provided by American Title Company of Rockwall in connection with the transaction described in GF# 214432-L. The undersigned Registered Professional Land Surveyor (Bryan Connally) hereby certifies to Wayne Backus and American Title Company of Rockwall that, (a) this plat of survey and the property description set forth hereon were prepared from an actual on-the-ground survey of the real property located on State Highway 205 as described in Volume 498, Page 656 and Volume 498, Page 50, and shown hereon; (b) such survey was conducted by the Surveyor, or under his direction; (c) all monuments shown hereon actually existed on the date of the survey, and the location, size and type of material thereof are correctly shown; (d) except as shown hereon there are no observable protrusions on to the Property or observable protrusions there from, there are no observable discrepancies, conflicts, shortages in area or boundary line conflicts; (e) the size, location and type of improvements, are shown hereon, and all are located within the boundaries of the Property and setback from the Property lines the distances indicated; (f) the distance from the nearest intersection street or road is as shown; (g) the Property has apparent access to and from a public roadway; (h) recorded easements listed hereon have been labeled and platted hereon; (i) the boundaries, dimensions and other details shown hereon are shown to the appropriate accuracy standards of the State of Texas; (j) the Property is not located in a 100 Year Flood Plain or in an identified "Flood Prone Area" as defined by the U. S. Department of Housing and Urban Development (Flood Insurance Rate Map No. 480547 0005 C) pursuant to the Flood Disaster Protection Act of 1973.

The surveyor expressly understands and agrees that Wayne Backus and American Title Company of Rockwall are entitled to rely on this survey as having been performed to the appropriate standards of the current (1999 Edition) Texas Society of Professional Surveyors Standards and Specifications for a Texas Land Title Survey as set forth by the Texas Board of Professional Land Surveying.

Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned.

EXECUTED this 10th day of March, 2004.

Bryan Connally
Bryan Connally
Registered Professional Land Surveyor No. 5513



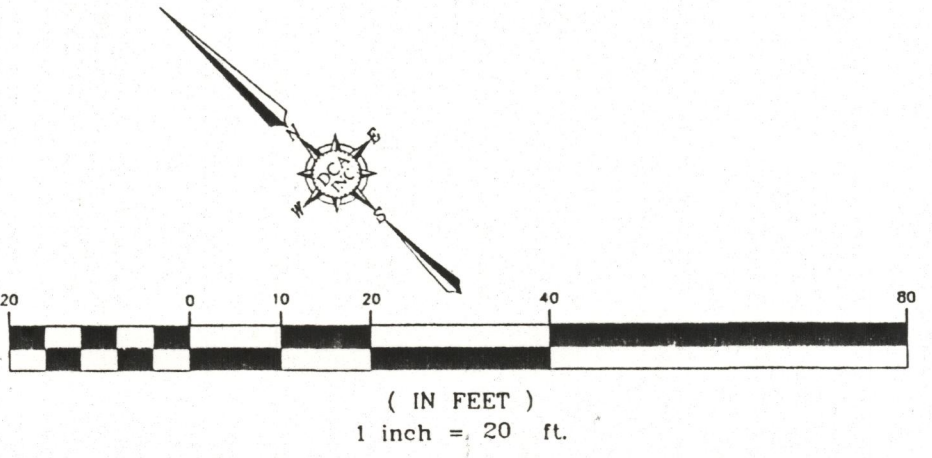
ACCEPTED BY: _____ SIGNATURE _____ DATE _____ SIGNATURE _____ DATE _____

E SOUTHEAST LINE OF LOT 1, IS PARK EAST PHASE TWO, AN ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, OF RECORDED IN CABINET B, ROCKWALL COUNTY, TEXAS.

GENERAL NOTES:

- 1) BEARINGS ARE BASED ON THE BLOCK B OF ROCKWALL BUSINESS ADDITION TO THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN CABINET B, SLIDE 143, PLAT RECORDS, ROCKWALL COUNTY, TEXAS (N44°47'56"E).

NOTE: According to the F.I.R.M. in Map No. 480547 00 and DOES NOT lie within the 100 year flood zone. However



REVISIONS		LEGEND	
DATE	BY	Symbol	Description
		○	1/2" IRON ROD FOUND
		⊗	5/8" IRON ROD SET
		○	1" IRON PIPE FOUND
		⊠	FENCE POST CORNER
		⊠	"X" FOUND IN CONCRETE
		▲	UNDERGROUND ELECTRIC
		△	OVERHEAD ELECTRIC
		▨	ASPHALT PAVING
		▩	GRAVEL/ROCK ROAD OR DRIVE
		○	POWER POLE
		■	BRICK COLUMN
		□	A/C - AIR CONDITIONING
		—	COVERED P
		—	OES - OES
		—	ONP - ONP
		—	OVER

105 C (this property does lie in Zone X or a portion does lie in the 500 year flood zone as shown.

DOUG CONNALLY & ASSOC., INC.
9754 SKILLMAN STREET
DALLAS, TEXAS 75243
PHONE:(214) 349-9485
FAX:(214) 349-2216
www.doasurveying.com

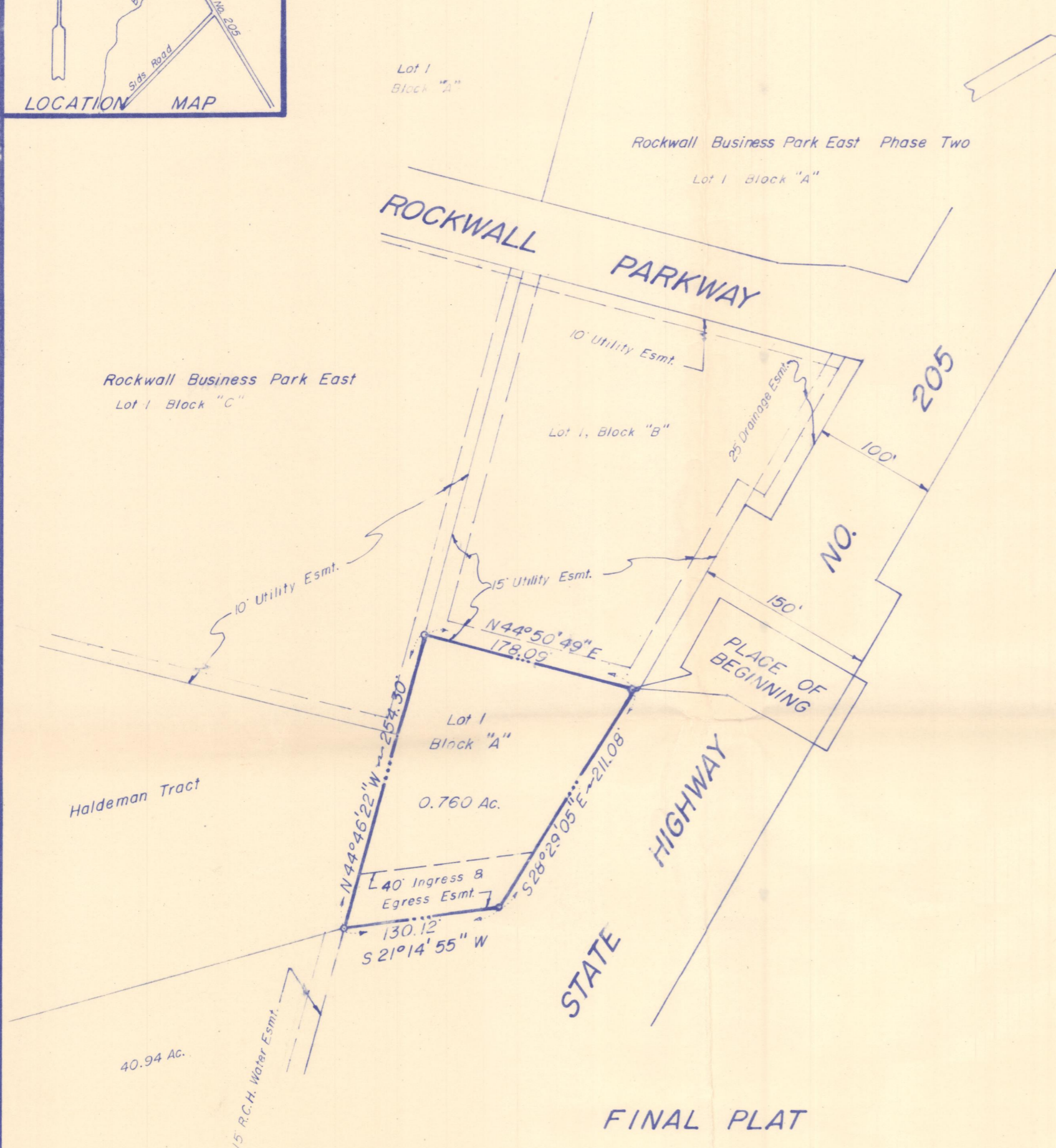
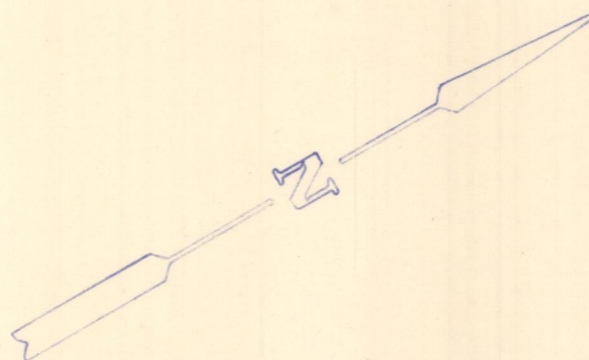
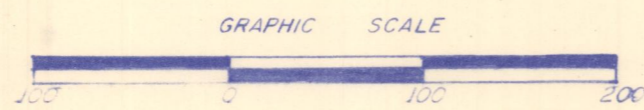
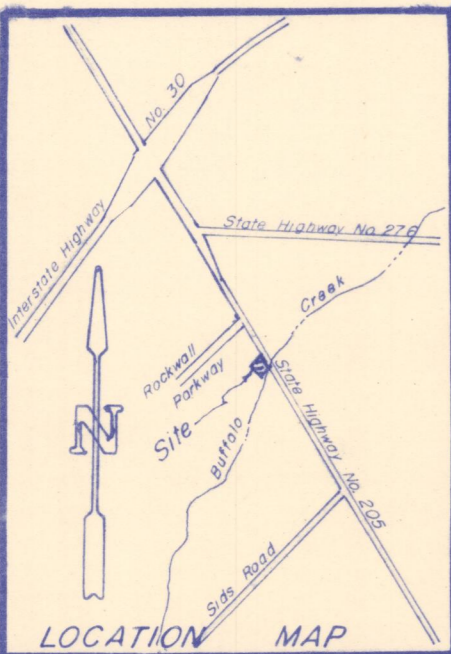
SCALE	DATE	JOB NO.	G.F. NO.	DRAWN
1"=20'	03-09-04	0400481-1	214432-L	SCOTT

0.7610 ACRES

JOSEPH CADLE SURVEY, ABSTRACT NO. 65

CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

STATE HIGHWAY NO. 205



FINAL PLAT

ROADSIDE ADDITION

CITY OF ROCKWALL

**JOSEPH CADLE SURVEY, ABSTRACT NO. 65
ROCKWALL COUNTY, TEXAS**

**WAYNE E. BACKUS
600 McDONALD ROAD (214-222-4352)**

OWNER

FORNEY, TEXAS 75126

**B.L.S. & ASSOCIATES, INC.
965 SIDS ROAD (214-771-3036)**

SURVEYORS

ROCKWALL, TEXAS 75087

SCALE 1" = 100'

OCTOBER 18, 1989

OWNERS CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS, Wayne E. Backus, being owner of a tract of land situated in the City of Rockwall, County of Rockwall, State of Texas, said tract being more particularly described as follows:
BEING, a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being part of that tract as conveyed to the State of Texas, as recorded in Volume 31, Page 510, Deed Records, Rockwall County, Texas, and being more particularly described as follows:
BEGINNING at a point on the Southeast line of Lot 1, Block "B" of Rockwall Business Park, said point being S.44°50'49"W., a distance of 5.11 feet from the Southeast corner of Lot 1, Block "B", an iron stake for corner;
THENCE, S.28°29'05"E., along the now established Westerly right-of-way line of State Highway No. 205, a distance of 211.08 feet to an iron stake for corner;
THENCE, S.21°14'55"W., a distance of 130.12 feet to an iron stake for corner;
THENCE, N.44°46'22"W., a distance of 254.30 feet to an iron stake for corner;
THENCE, N.44°50'49"E., a distance of 178.09 feet to the PLACE OF BEGINNING and containing 0.760 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

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

WITNESS my hand at Rockwall, Texas, this _____ day of _____ A.D. 1989.

BY _____
Wayne E. Backus Owner

STATE OF TEXAS

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

Given under my hand and seal of office this _____ day of _____ A.D. 1989.

My Commission Expires _____

Notary Public in and for the State of Texas

SURVEYORS CERTIFICATE

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That I, Bob O. Brown, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were placed under my personal supervision.

Bob O. Brown, Registered Public Surveyor # 1744

STATE OF TEXAS

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

Given under my hand and seal of office this _____ day of _____ A.D. 1989.

My Commission Expires _____

Notary Public in and for the State of Texas

RECOMMENDED FOR FINAL APPROVAL

APPROVED

City Manager

Chairman Planning and Zoning Commission

I hereby certify that the above foregoing plat of Roadside Addition, to the City of Rockwall, Texas was approved by the City Council of the City of Rockwall, Texas, on the _____ day of _____ A.D. 1989.

This approval shall be invalid unless the approved plat for such addition is recorded in the Office of the County Clerk of Rockwall County, Texas within one hundred (120) days from said date of final approval.

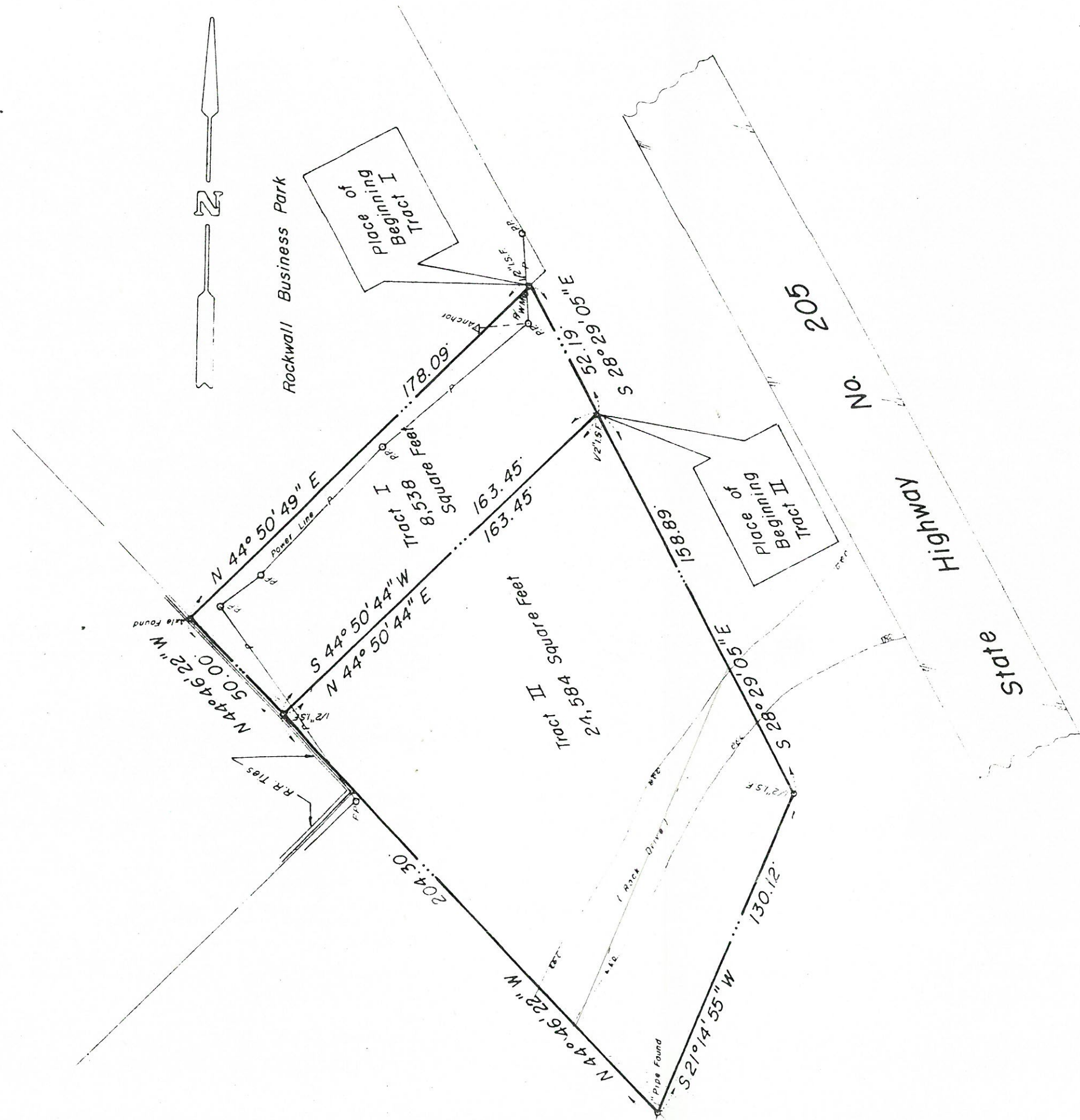
Said addition shall be subject to all the requirements of the Platting Ordinance of the City of Rockwall, Texas.

WITNESS OUR HANDS THIS _____ day of _____ A.D. 1989.

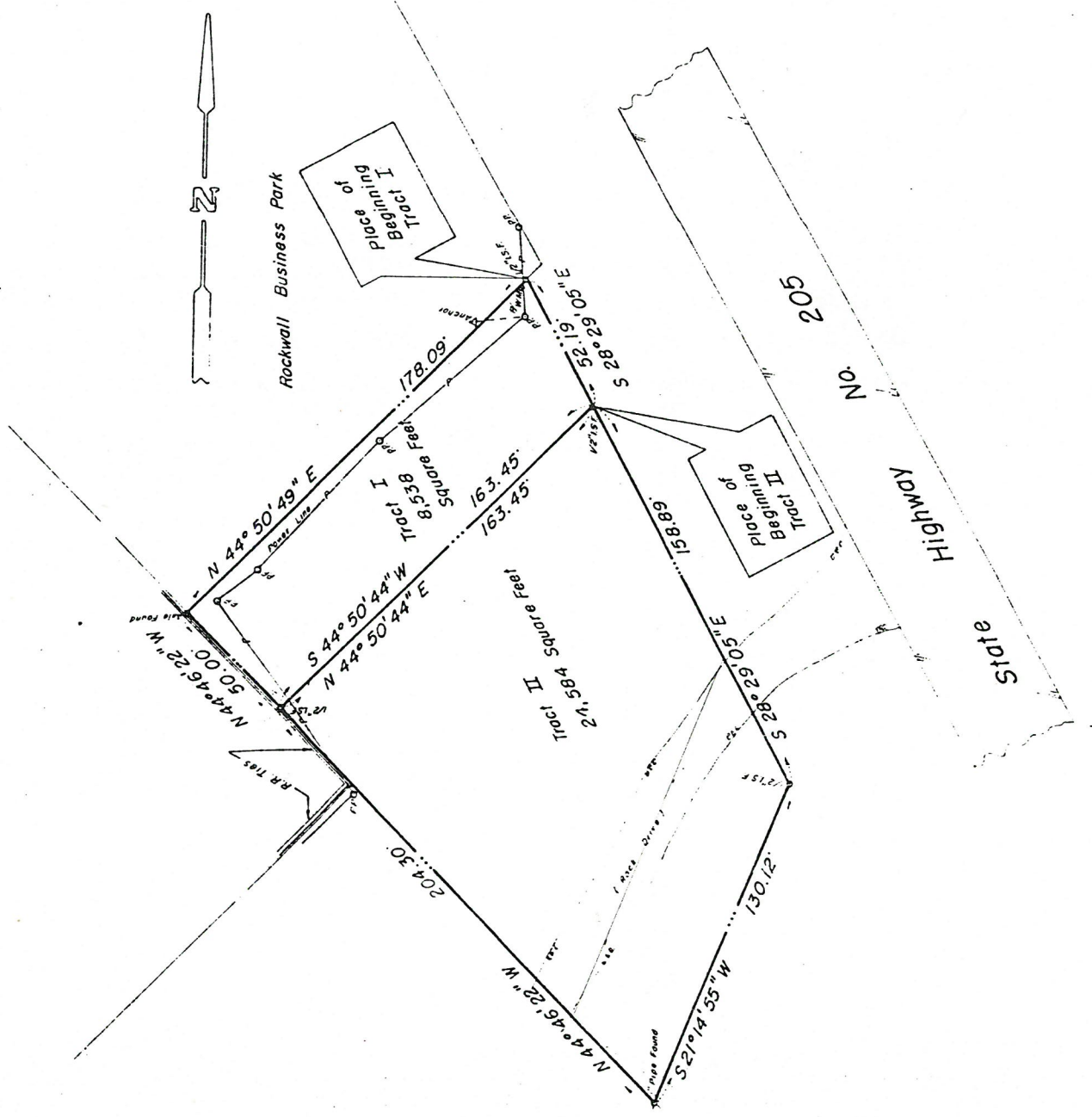
Mayor, City of Rockwall, Texas

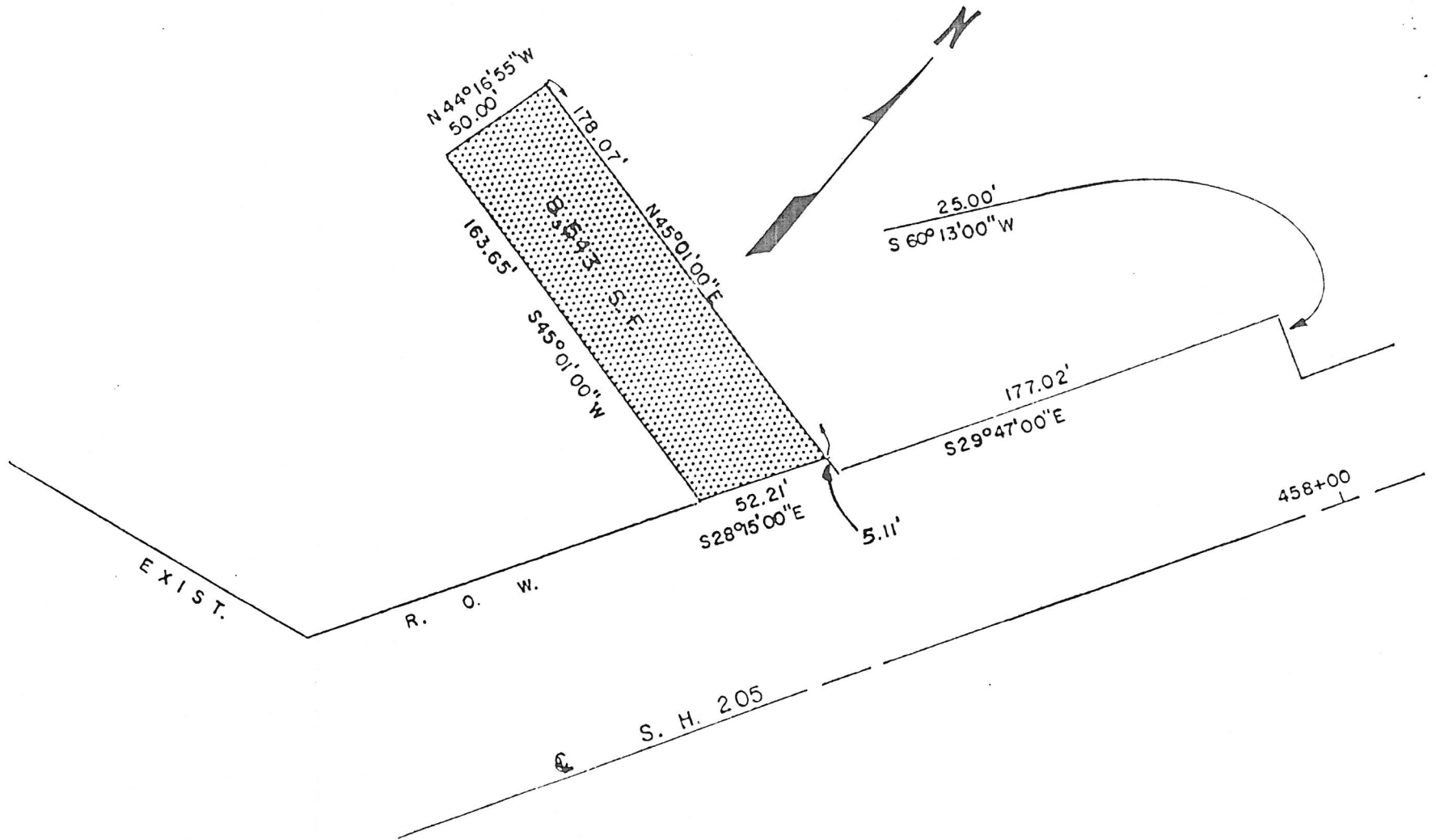
City Secretary, City of Rockwall, Texas

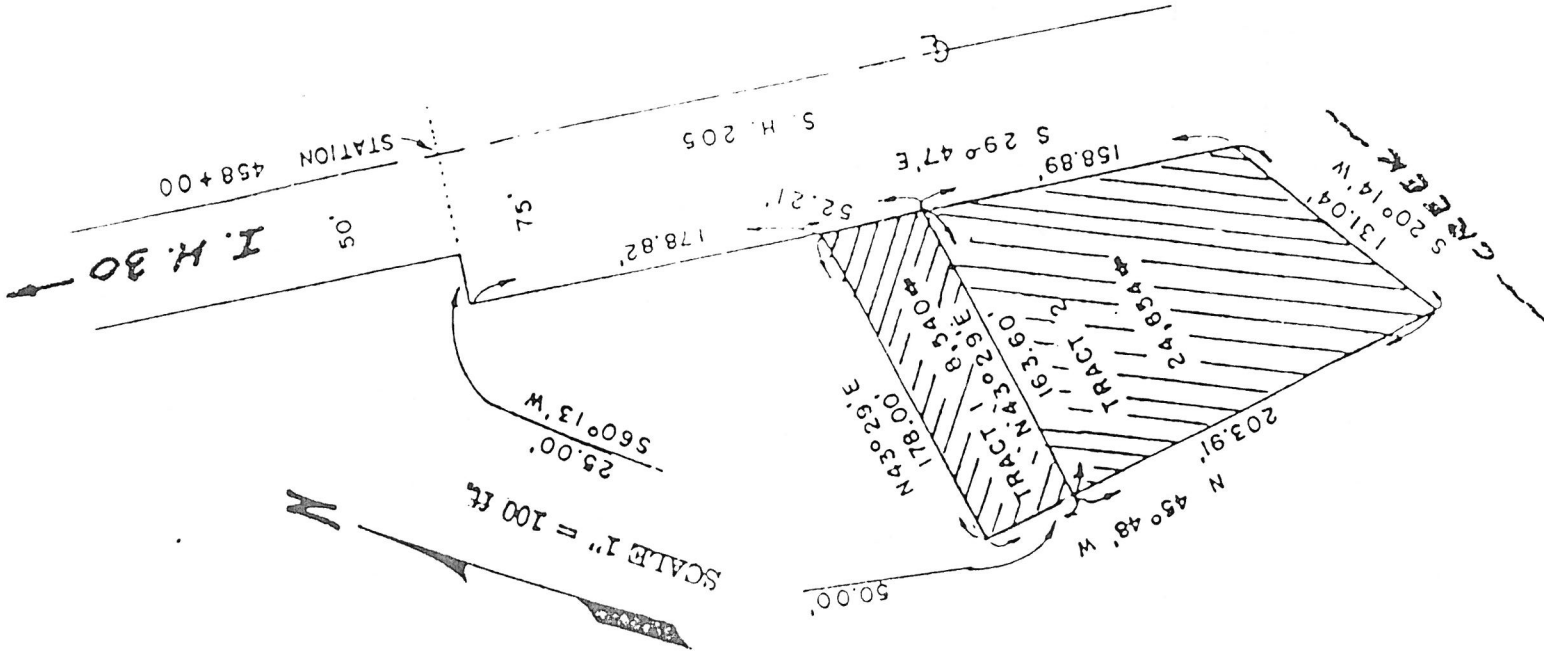
1 LOT SUBDIVISION



1 Lot Sub Division







T R A V E R S E P R O G R A M

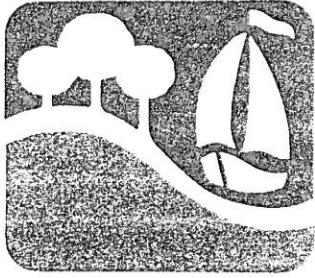
TRAVERSE: ROADSIDE

NBR/POINTS
5

PERIMETER
773.5900

AREA
33,122.527

FROM: POINT	TO: POINT/SS	BEARING	DISTANCE	NORTHING	EASTING	ELEVATION
	1			0.0000	0.0000	0.0000
1	2	28.2905 SE	211.0800	-185.5276	100.6692	0.0000
2	3	21.1455 SW	130.1200	-306.8016	53.5117	0.0000
3	4	44.4622 NW	254.3000	-126.2726	-125.5910	0.0000
4	5	44.5049 NE	178.0900	-0.0080	0.0008	0.0000



CITY OF ROCKWALL
"THE NEW HORIZON"

October 18, 1989

Mr. Wayne Backus
600 McDonald Road
Forney, TX 75126

Dear Mr. Backus:

Your application for a change in zoning from Agricultural to Commercial on a tract of land located on SH-205 has been scheduled for public hearing and consideration by the Planning and Zoning Commission on Thursday, November 9th at 7:30 P.M. in City Hall, 205 W. Rusk. The City Council will hold a public hearing and consider your request on Monday, December 4th at 7:00 P.M. in City Hall.

As we discussed, if your preliminary plat is submitted by Monday, October 23rd, it will be considered in conjunction with the zone change request. Your filing fees are as follows:

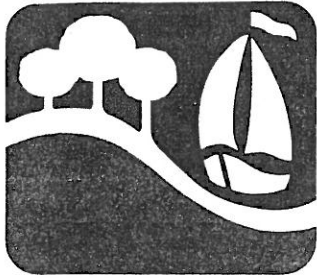
Zone Change Request	\$101.00
Prel. Plat	<u>30.00</u>
	\$131.00

Please feel free to call me if you have any questions.

Sincerely,

Mary Nichols

Mary Nichols
Administrative Assistant



CITY OF ROCKWALL
"THE NEW HORIZON"

November 13, 1989

Mr. Wayne E. Backus
600 McDonald Road
Forney, TX 75126

Dear Mr. Backus:

On November 9, 1989, the Rockwall Planning and Zoning Commission held a public hearing and recommended approval of a change in zoning from "A" Agricultural to "C" Commercial on a tract of land located on SH-205 south of Rockwall Parkway and recommended approval of a preliminary plat. The Rockwall City Council will hold a public hearing on Monday, December 4, 1989, at 7:00 P.M. to consider approval of your requests.

As we have discussed a change in zoning requires approval by ordinance at two separate meetings of Council. If the ordinance is approved on first reading on December 4th, the second reading will be scheduled for December 18th. Upon approval of the preliminary plat, you will be able to submit your application for final plat approval which is basically the same process as the preliminary plat.

Please contact Julie Couch at 771-1111 if you have any questions as I will be unavailable for the next couple of weeks.

Sincerely,

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

Mary Nichols
Administrative Assistant

**CITY OF ROCKWALL
Planning and Zoning Agenda**

Agenda Date: November 9, 1989

Agenda No: III.B.

Agenda Item: P&Z 89-38-Z/PP - Hold Public Hearing and Consider Approval of a Request from Wayne Backus for a Change in Zoning from Agricultural to Commercial on a Tract of Land Located on SH-205 South of Rockwall Parkway and Consider Approval of a Preliminary Plat

Item Generated By: Applicant, Wayne Backus

Action Needed: Hold public hearing and consider recommending approval or denial of the zoning request and final plat

Background Information:

We have received a request from the property owner of a tract of land located south of the Hacienda Car Wash on SH-205 for a change in zoning from Agricultural to Commercial. This parcel was one of two tracts which was a state roadside park that was sold by the state some time ago. The larger of the two tracts was zoned Commercial approximately a year ago. The owner would also like to begin the platting process. A copy of the preliminary plat is included in your packet. The zoning is in conformance with the land use plan and with the surrounding zoning and land uses. The plat conforms to our minimum requirements. As you can see the plat has an access easement along the south side of the property line. This easement provides access to the property to the rear of this site. There is adequate ROW along 205 in this location so no additional ROW will be needed.

Attachments:

1. Location Map
2. Plat
2. Boundary Survey

Agenda Item: Rezoning From Ag to Commercial

Item No: III. B.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: December 4, 1989

Agenda No: V.F.

Agenda Item: P&Z 89-38-Z/PP - Hold Public Hearing and Consider Approval of an Ordinance Authorizing a Request from Wayne Backus for a Change in Zoning from Agricultural to Commercial on a Tract of Land Located on SH-205 South of Rockwall Parkway and Consider Approval of a Preliminary Plat (1st Reading)

Item Generated By: Applicant, Wayne Backus

Action Needed: Hold public hearing and consider approval or denial of the ordinance granting the zoning request and approval or denial of the preliminary plat

Background Information:

We have received a request from the property owner of a tract of land located south of the Hacienda Car Wash on SH-205 for a change in zoning from Agricultural to Commercial. This parcel was one of two tracts which was a state roadside park that was sold by the state some time ago. The larger of the two tracts was zoned Commercial approximately a year ago. The owner would also like to begin the platting process. A copy of the preliminary plat is included in your packet. The zoning is in conformance with the land use plan and with the surrounding zoning and land uses. The plat conforms to our minimum requirements. As you can see the plat has an access easement along the south side of the property line. This easement provides access to the property to the rear of this site. There is adequate ROW along 205 in this location so no additional ROW will be needed.

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

Notices Sent 5

Notices Returned 0

Attachments:

1. Location Map
2. Plat
3. Boundary Survey
4. Ordinance

Agenda Item: Rezoning From Ag to Commercial

Item No: V. F.

MINUTES OF THE ROCKWALL CITY COUNCIL
December 4, 1989

5 Mayor Frank Miller called the meeting to order with the following councilmembers present: Nell Welborn, Gary Martin, Alma Williams, David Elkins, Norm Seligman, and Pat Luby. Seligman led the pledge of allegiance and the invocation.

10 Council first considered approval of the consent agenda which consisted of the following items:

- 10 a) the minutes of November 20, 1989
- 15 b) an ordinance establishing Reinvestment Zone No.2 on second reading
- 15 c) an ordinance issuing \$200,000 in contractual obligations on second reading

20 Assistant City Manager Julie Couch read the ordinance captions. Williams pulled the minutes from the consent agenda. Welborn made a motion to approve the consent agenda except item a. Williams seconded the motion. The motion was voted on and passed unanimously. Williams made a motion to approve the minutes with a correction. Seligman seconded the motion. The motion was voted on and passed unanimously.

5 Gary Martin, addressed Council on behalf of the Economic Development Task Force and introduced committee members Jim Flinchum, Phillip Hail, Pat Luby, Carl Mastronardi, Scott Self, Buford Waldrop, and Bill Eisen who each discussed a portion of the written report previously provided to Council.

30 Dennis McGlothin addressed the Council on behalf of the Rockwall Private School and requested approval of a helicopter landing in which Santa Claus would arrive at the school. He answered questions of Council regarding safety and location of the landing. Welborn made a motion to approve the request. Luby seconded the motion. Elkins stated concern regarding safety and objected to landings other than at a designated heliport or airport. After brief Council discussion on these points, the motion was voted on and passed with Miller and Elkins voting against the motion.

40 Director of Parks and Recreation Rick Crowley then addressed Council regarding a recommendation by the Parks and Recreation Board that the city council request Rockwall County to participate in the lighting of ballfields. Council discussed the recommendation for a future budget year and instructed the city manager to contact the appropriate officials and report back regarding their willingness to participate.

45 City Manager Bill Eisen briefly discussed an agreement with Continental PET Technologies, Inc. for tax abatement. Eisen explained that the contract was the final step in approval of the tax abatement application by Continental PET and outlined the provisions of the contract. Mayor Miller opened a public hearing regarding the application and as there was no one present wishing to address this issue the public hearing was closed. Seligman made a motion to approve the contract. Welborn seconded the motion. The

50 motion was voted on and passed unanimously.

55 The Mayor then opened a public hearing on a request from Dr B.J. Hersh for a variance to the side yard setback requirements of the sign ordinance at 304 West Rusk. Dr. Hersh explained his request and stated that the sign would be at least 200 feet from the nearest structure. As there was no one else present wishing to address this issue the public hearing was closed. Welborn made a motion to approve the request. Williams seconded the motion. The motion was voted on and passed unanimously.

60 Couch discussed the items on the agenda considered by the Planning and Zoning Commission and their recommendations on each. She then outlined some proposed amendments to the landscape ordinance. Welborn made a motion to delay review of the landscape ordinance for one year. Elkins seconded the motion. The motion was voted on and passed unanimously.

65 The Mayor then opened a public hearing on a request from Wayne Backus for a change in zoning from agricultural to Commercial on a tract of land located on SH-205 south of Rockwall Parkway. Backus explained that he proposed to combine two lots previously used as a state roadside park into one lot for future development. As there was no one else present wishing to address this issue the public hearing was closed. Seligman made a motion to approve the ordinance authorizing the change in zoning and approve the preliminary plat for the Roadside Addition. Couch read the ordinance caption. Williams seconded the motion. The motion was voted on and passed unanimously.

75 Council then held a public hearing and considered an ordinance amending PD-16 located at FM-740 and Horizon Road to delete the approved development plan. Couch explained that the existing plan no longer met right of way, landscaping and access requirements. As there was no one present wishing to address the issue, the public hearing was closed. Welborn made a motion to approve the ordinance on first reading. Seligman seconded the motion. Couch read the ordinance caption. The motion was voted on and passed unanimously.

80 The Mayor then opened a public hearing on an amendment to the zoning of PD-24 located on High School Road to light industrial. Couch explained that the property had originally been zoned for a lumberyard/hardware facility but was acquired by the City for future use as a water storage yard and a pump station. She added that the surrounding zoning was Light Industrial. There was no one present to address this issue and the public hearing was closed. Seligman made a motion to approve the ordinance on first reading. Williams seconded the motion. Couch read the ordinance caption. The motion was voted on and passed unanimously.

90 Council then held a public hearing and Couch outlined a proposed amendment to the Comprehensive Zoning Ordinance regarding the establishment of time periods on approved site plans and landscape plans and an amendment to the landscaping regulations regarding time periods for approval of landscaping plans. As there was no one present wishing to address this issue the public hearing was closed. Elkins confirmed with staff that the ordinances were retroactive. Welborn made a motion to approve the two ordinances

on first reading. Elkins seconded the motion. Couch read the ordinance captions. The motion was voted on and passed unanimously.

10 Bill Eisen then gave the City Manager's report in which he discussed the quarterly financial report, a garbage rate adjustment, and status of discussions with the Highway Department regarding a possible delay in improvements at FM-740 and I-30. He explained discussions taking place regarding the possible cancellation of contracts with the City of Heath, RCH Water Supply Corporation, and Blackland Water Supply Corporation for 105 wholesale of water as Heath might be able to purchase directly from NTMWD, and outlined a future request from the Law Enforcement Support Committee to amend the powers of the Crime Stoppers Board of Directors regarding the administration of a scholarship.

110 Eisen recommended no action on a contract with the Texas Department of Commerce and one with Continental PET Technologies related to a grant for infrastructure improvements as these contracts were still under review. Welborn made a motion to table the contracts until the next regular meeting. Elkins seconded the motion. The motion was voted on and passed unanimously.

115 Eisen explained an ordinance which overrode a constitutional amendment which exempted certain tangible personal property from taxation. He explained that the ordinance could be later rescinded once the city had a better understanding of how much value was being taxed. Welborn made a motion to approve the ordinance to override the 120 Freeport exemption. Martin questioned the vote on the Freeport amendment in Rockwall. Eisen offered to have that information available by the second reading. Elkins seconded the motion. After much discussion, the motion was voted on and passed with all in favor except Martin who voted against the motion.

125 Director of Parks and Recreation Rick Crowley then discussed the recommendation of the Park Board regarding the purchase of 20 acres of land adjacent to Harry Myers Park from Columbia Extrusions for park expansion purposes. Crowley explained that the Park Board had recommended not acquiring the property because rough topography limited its usability. After much Council discussion, Welborn made a motion to not acquire 130 the tract but to instruct staff to explore leasing a portion of the property owned by Columbia. Luby seconded the motion. The motion was voted on and passed unanimously.

135 Council then considered the award of a bid for a computer aided drafting system. The Mayor read aloud the staff recommendation for the second low bidder. City Engineer William Douphrate explained purpose and benefits of the system. Seligman made a motion to award the bid to Automation Image, Inc. for \$31,660. Welborn seconded the motion. The motion was voted on and passed unanimously.

140 Eisen then outlined the provisions of a contract with Lone Star Gas pertaining to a gas piping extension related to the Continental PET project. Welborn made a motion to approve the contract. Elkins seconded the motion. The motion was voted on and passed unanimously.

145 Eisen then explained a contract with Precision Cable Manufacturing for the purchase
of excess fill dirt from the Industrial Boulevard extension. Martin made a motion to
approve the contract. Williams seconded the motion. The motion was voted on and passed
unanimously.

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


APPROVED

155 
ATTEST

ORDINANCE NO. 89-44

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 "A" AGRICULTURAL 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 Wayne Backus 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 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 for 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 be and the same are hereby repealed to the extent of that conflict

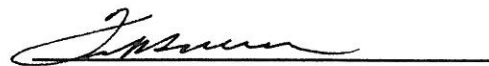
SECTION 7. That this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such case provides.

DULY PASSED AND APPROVED this 18th day of December, 1989.

APPROVED:

ATTEST:

By



Mayor

1st reading 12/4/89
2nd reading 12/18/89

EXHIBIT "A"

BEING a tract of land situated in the Joseph Cadle Survey, Abstract No. 65, City of Rockwall, Rockwall County, Texas, and being part of that tract as conveyed to the State of Texas as recorded in Volume 31, Page 510, Deed Records, Rockwall County, Texas, and being more particularly described as follows;

BEGINNING at a point on the South line of Rockwall Business Park, said point being S.44°50'49"W., a distance of 5.11 feet from the Southeast corner of Lot 1, Block-B of Rockwall Business Park, a ½" iron stake found for corner;

THENCE, S.28°29'05"E., along the Now Established West Right-Of-Way Line of State Highway No. 205, a distance of 52.19 feet to a ½" iron stake found for corner;

THENCE, S.44°50'44"W., leaving State Highway No. 205, a distance of 163.45 feet to a ½" iron stake found for corner;

THENCE, No.44°46'22"W., a distance of 50.00 feet to an axle found for corner;

THENCE, N.44°50'49"E., a distance of 178.09 feet to the PLACE OF BEGINNING and containing 8,538 square feet, more or less.

TRACT I

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 Wayne Backus for a change in zoning from "A" Agricultural to "C" Commercial on a 8538 square foot tract of land located on SH-205 south of Rockwall Business Park East also known as the old roadside park 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.

DESCRIPTION
TRACT-1

BEING a tract of land situated in the Joseph Caddle Survey, Abstract No. 63, City of Rockwall, Rockwall County, Texas, and being part of that tract as conveyed to the State of Texas as recorded in Volume 41, Page 510, Deed Records, Rockwall County, Texas, and being more particularly described as follows;

BEGINNING at a point on the South line of Rockwall Business Park, said point being S.44 50'49"W., a distance of 5.11 feet from the Southeast corner of Lot 1, Block-B of Rockwall Business Park, a 2" iron stake found for corner;

THENCE, S.28 29'05"E., along the Now Established West Right-Of-Way Line Of State Highway No. 205, a distance of 52.19 feet to a 1/2" iron stake found for corner;

THENCE, S.44 50'44"W., leaving State Highway No. 205, a distance of 163.45 feet to a 1/2" iron stake found for corner;

THENCE, N.44 46'27"W., a distance of 50.00 feet to an axle found for corner;

THENCE, N.44 50'49"E., a distance of 178.09 feet to the PLACE OF BEGINNING and containing 8,538 square feet.

Wayne Baskus) Cadle TX 25-1

Ab 65 T225 State of Texas
.69 acres P.O. Box 3067
Dallas TX 75221

Ab 65,25-1 Haldeman, Inc.
P.O. Box 761

Ab 65 2-1 Cambridge Companies
102.455 ac 17440 Dallas Hwy
Suite 103
Dallas TX 75287

Ab 145, 18 Rockwall Investment Group JV
4.03 ac 103 N First
Rockwall

RBP East Dallas East
18 #2 P.O. Box 1207
Rockwall

RBP East Dallas East
1C P.O. Box 1207
Rockwall

PUBLIC NOTICE

The Rockwall City Council will hold a public hearing on Monday, December 4, 1989, at 7:00 P.M. in Rockwall City Hall, 205 West Rusk, to consider the following:

1. A request from Wayne Backus for a change in zoning from "A" Agricultural to "C" Commercial on a tract of land located on SH-205 south of Rockwall Parkway
2. A change in zoning from PD-24 Planned Development to "LI" Light Industrial on a tract of land located on the south service road of I-30 and High School Road
3. An amendment to PD-16 Planned Development NO. 16 located at Horizon Road and FM-740 to delete the approved development plan

This notice is being sent to property owners in the vicinity of one or more of the areas above. As an interested property owner you may wish to attend this meeting or make your opinion known in writing to the City Council prior to these hearings.