

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 90-31-2 Filing Fee \$101.00 Date 9/24/90  
Applicant MAURICE WAGGONER Phone 722-6338  
Mailing Address 905 High School Dr.  
Rockwall, Tex 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>

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

PD-1 District Classification to

PD-1 with a garden center use 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:<sup>2</sup> 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 Maurice Waggoner

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.

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 90-31-2/ CUP

Date Submitted 9/24/90

Filing Fee \$ \_\_\_\_\_

Applicant Maurice Waggoner

Address 905 High School Dr. Phone No. 722-6338  
Rockwall, Texas. 75087

Owner \_\_\_\_\_ Tenant<sup>1</sup> \_\_\_\_\_ Prospective Purchaser \_\_\_\_\_<sup>1</sup>

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto:)<sup>2</sup>

*for a garden center use*

I hereby request that a Conditional Use Permit be issued for the above described property for:

*line* The current zoning on this property is \_\_\_\_\_.  
There <sup>space</sup> are/are not <sup>space</sup> deed restrictions pertaining to the intended use of this property.

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

Maurice Waggoner

<sup>1</sup>If the applicant is someone other than the owner, written acknowledgement by the owner of the request must also be submitted.

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



**CITY OF ROCKWALL**  
**"THE NEW HORIZON"**  
 Rockwall, Texas 75087-3628

(214) 771-1111

Cash Receipt

Name Waggoner's Greenery Date \_\_\_\_\_

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

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

Check

Cash

Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code
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	06-3835
Mechanical Permit	01-3610		Sewer Availability	07-3836
Municipal Pool	01-3402		Meter Deposit	02-2201
Zoning, Planning, B.O.A.	01-3411	101.00	Portable Meter Deposit	02-2202
Subdivision Plats	01-3412		Misc. Income	02-3819
Sign Permits	01-3628		NSF Check	02-1128
Health Permits	01-3631		Meter Rent	02-3406
Misc. Permits	01-3625		Penalties	20-3117
Misc. Income	01-3819		Hanger Rent	20-3406
Sale of Supplies	01-3807		Tie Down Fees	20-3407
Marina Lease	08-3810		Land Lease	20-3804
Cemetery Receipts	10-3830		Sale of Supplies	20-3807
PID	13-3828		Airport Cred. Cd.	20-1132
Street	14-3828		Fuel Sales	20-3809
Hotel/Motel Tax	15-3206			
<b>TOTAL OF COLUMN</b>			<b>TOTAL OF COLUMN</b>	

**TOTAL DUE** 101.00

Received By





*THE  
CAMERON  
COMPANY*

CAMERON BUILDING • 1101 RIDGE ROAD • ROCKWALL, TEXAS 75087-4295  
ROCKWALL / METRO PHONE: 771-3878

September 7, 1990

City of Rockwall  
205 West Rusk  
Rockwall, Tx 75087

Rockwall City Council.

Maurice Waggoner has our permission to secure the necessary permit from the City of Rockwall to allow the use of the premises outlined in red on the attached drawing as a garden center.

Sincerely,



Don R. Cameron



PROFESSIONALS IN INVESTMENT PROPERTIES

To: Rockwall City Council

I request permission to occupy the site at Ridge Road Center prior to second reading of the ordinance, if the application is approved by the council. I understand that if the ordinance is not approved that I would have to vacate the premises.

My reasons for needing to occupy these premises as soon as possible are:

1. I have a time factor with the cold weather.
2. We need to vacate present facilities as soon as possible.
3. Present facilities, we feel are in an unsafe condition to the public.
4. We need to take advantage of our new location for fall season.
5. Due to our normal buying of large trees we would like to have them delivered to new location so they would not have to be handled twice.

Thank you for your consideration and co-operation in this matter.

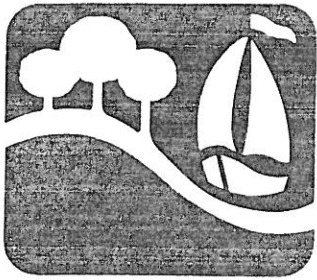
Respectfully,

Maurice Waggoner



Waggoner's Greenery

905 High School Drive Rockwall, Texas 75087 (214) 722-6338



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

October 4, 1990

Mr. Maurice Waggoner  
Waggoner's Greenery  
905 High School Drive  
Rockwall, TX 75087

Dear Maurice:

In regard to your zoning request for the Ridge Road Shopping Center the Planning and Zoning Commission would like to have a typical elevation with identification of specific building materials for the covered storage areas. This doesn't need to be elaborately detailed, but they would like a drawing of generally how they would look and what materials would be used. They would also like to include dimensions on the covered storage areas shown on the site plan.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Julie Couch hcc".

Julie Couch  
Assistant City Manager

hcc



To: Rockwall P+Z Commission

Materials to be used in shade areas at site on Ridge Road Center other than plants

Shade storage outside would be for packaged peat moss, mulch, sand, potting soil, top soil, decorative rock + bark, clay containers and ornamental landscape objects.

Inside showroom space would contain, garden tools, fertilizers, insecticides, herbicides, seeds, pots + baskets, and decorative objects pertaining to home garden use.

Outside shade areas + storage areas are to be build with an arbo look, build of lattice work + shade cloth.

Thank you for your consideration in this matter.

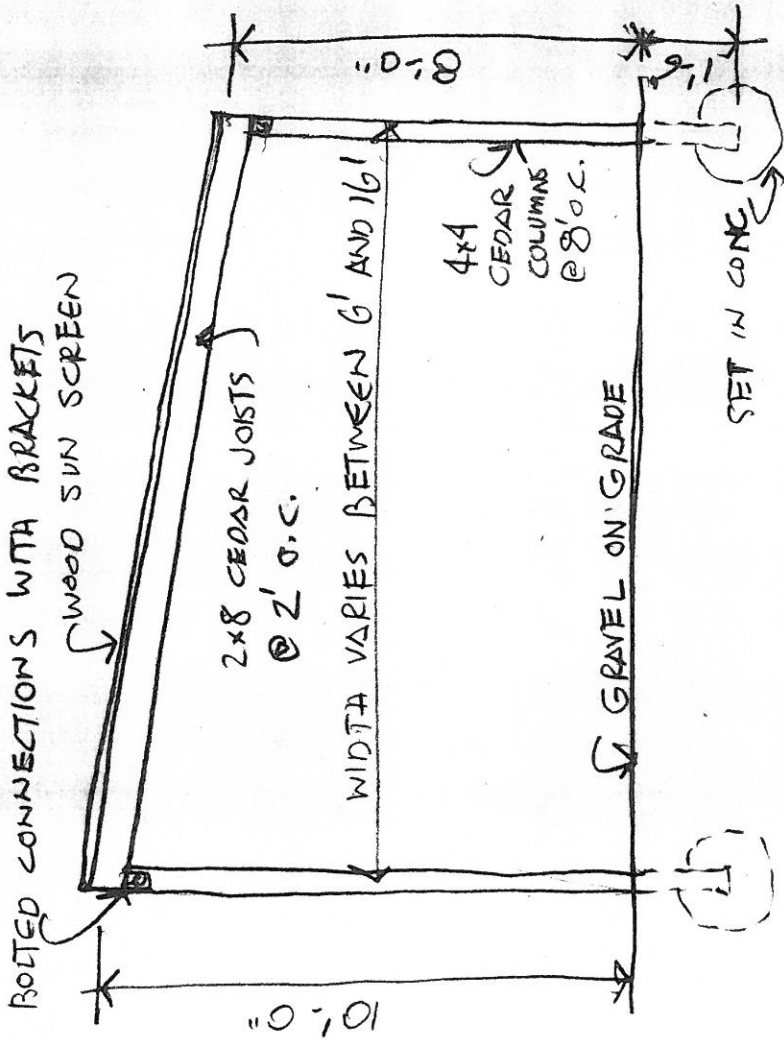
Respectfully

Maurice Wagoner



Waggoner's Greenery

905 High School Drive Rockwall, Texas 75087 (214) 722-6338

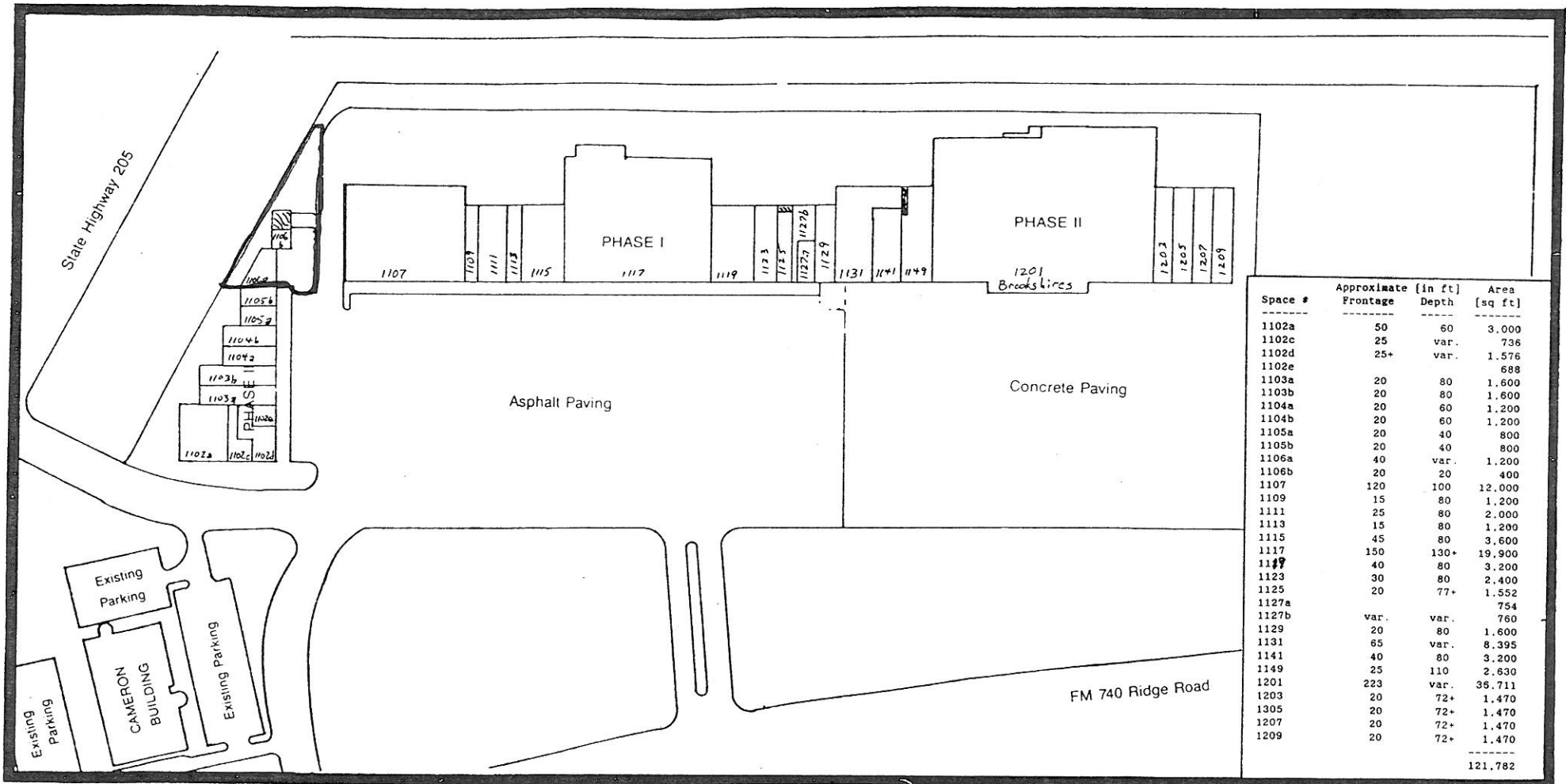


SECTION THROUGH PLANT SCREEN

SEE SITE PLAN FOR LOCATIONS

WAGGONERS GREENERY

PROPOSED SCREENS @ RIDGE RD CENTRI.  
8 OCT 90



Space #	Approximate Frontage [in ft]	Depth [in ft]	Area [sq ft]
1102a	50	60	3,000
1102c	25	var.	736
1102d	25+	var.	1,576
1102e			688
1103a	20	80	1,600
1103b	20	80	1,600
1104a	20	60	1,200
1104b	20	60	1,200
1105a	20	40	800
1105b	20	40	800
1106a	40	var.	1,200
1106b	20	20	400
1107	120	100	12,000
1109	15	80	1,200
1111	25	80	2,000
1113	15	80	1,200
1115	45	80	3,600
1117	150	130+	19,900
1119	40	80	3,200
1123	30	80	2,400
1125	20	77+	1,552
1127a			754
1127b	var.	var.	760
1129	20	80	1,600
1131	65	var.	8,395
1141	40	80	3,200
1149	25	110	2,630
1201	223	var.	36,711
1203	20	72+	1,470
1205	20	72+	1,470
1207	20	72+	1,470
1209	20	72+	1,470
			-----
			121,782

EDGE OF PAVEMENT

Covered Plant and pot storage

Open Plant Storage

Plant Storage

Open Plant Storage

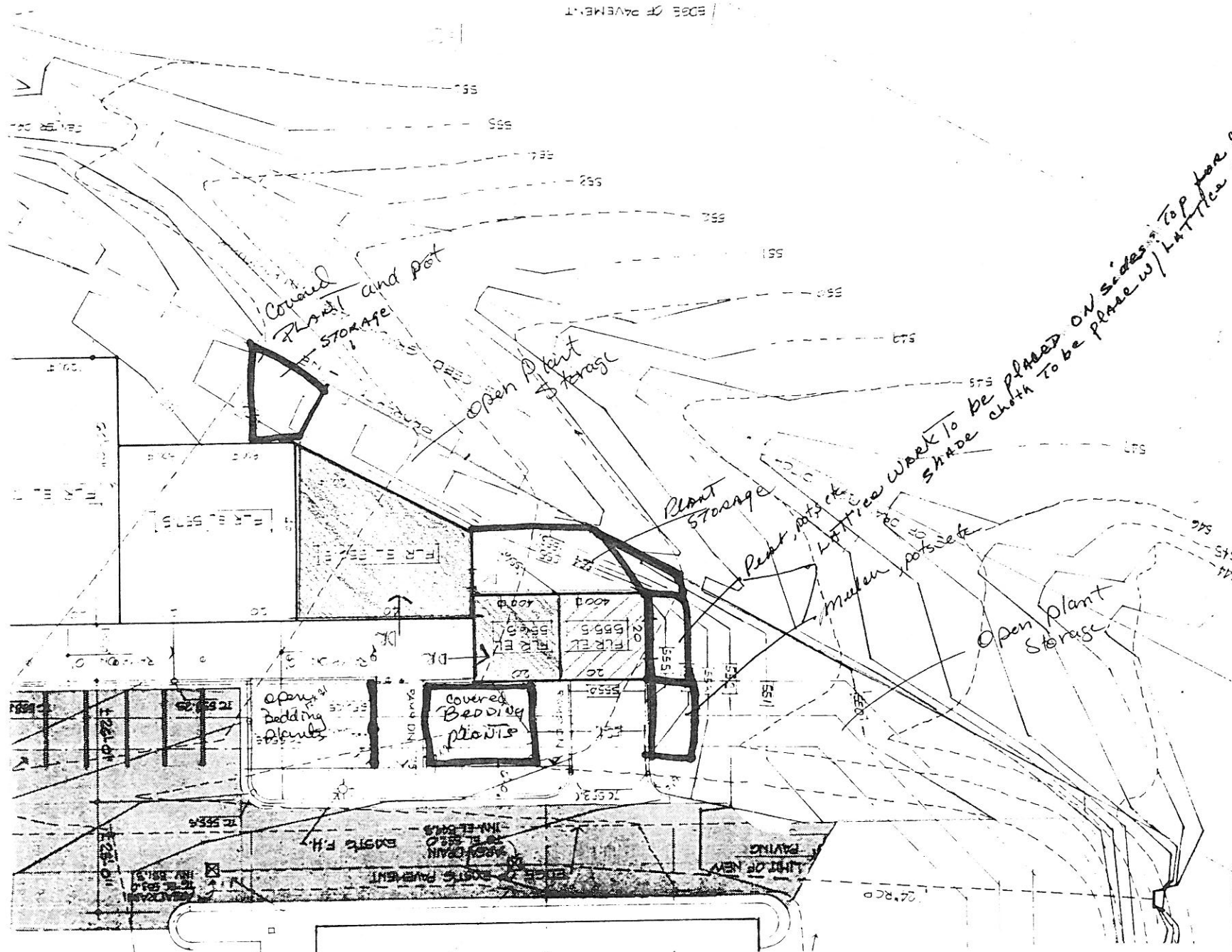
Open Bedding Plants

Covered Bedding plants

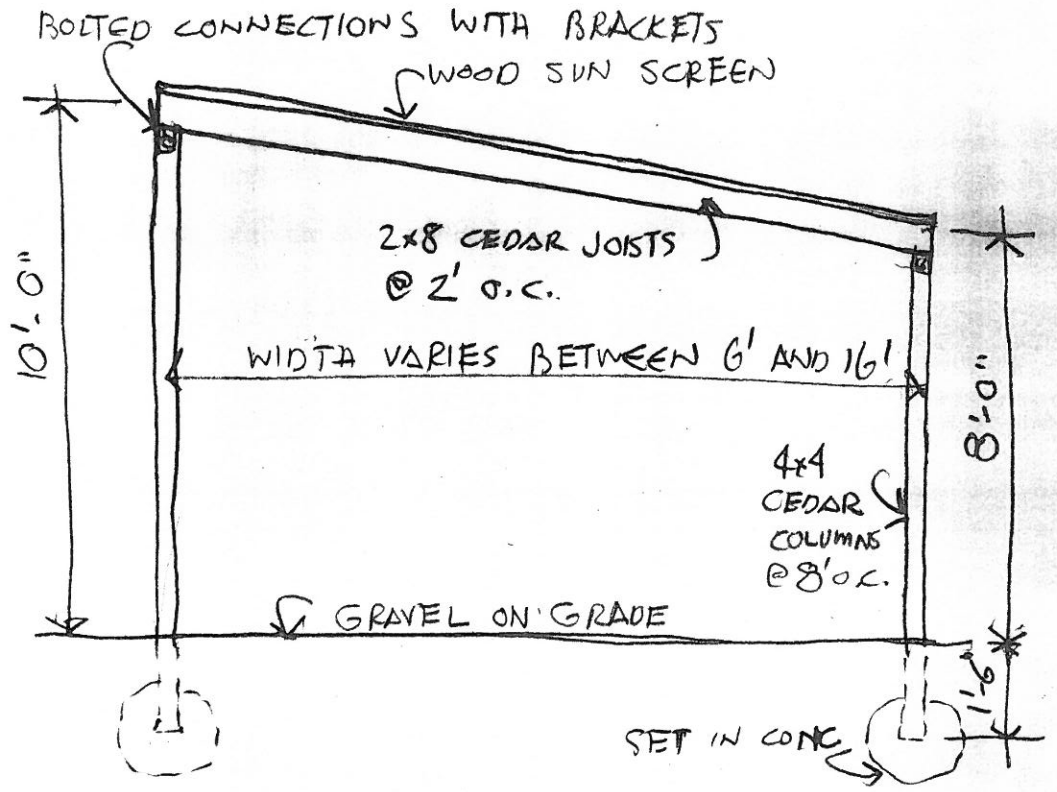
Pest, pots etc

Mulch, pots etc

Work to be placed on sides of top for season  
shade cloth to be placed on top  
to be placed on top  
lattice on top







SECTION THROUGH PLANT SCREEN

SEE SITE PLAN FOR LOCATIONS

WAGGONERS GREENERY

PROPOSED SCREENS @ RIDGE RD CENTER  
V. 1/1/90

**CITY OF ROCKWALL  
Planning and Zoning Agenda**

**Agenda Date:** October 11, 1990 **Agenda No:** III. B.

**Agenda Item:** P&Z 90-31-Z/CUP - Hold Public Hearing and Consider Approval of a Request from Maurice Waggoner for a Change in Land Use Designation Within PD-1 to Allow a Garden Center, and a CUP for a Garden Center in Ridge Road Shopping Center

**Item Generated By:** Applicant, Maurice Waggoner

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

**Background Information:**

We have received a request to consider two actions within Ridge Road Shopping Center. One is to allow a garden center use within the PD. Currently such a use is not allowed. The second action is to consider a CUP for a garden center under the Overlay District where such a use is authorized. A site plan is attached which identifies where on the site the center would be located and identifies where outside storage areas would be located as well as what would be stored outside. All clay materials and landscape materials other than plants would be screened by a wood lattice structure with landscape cloth over it. The site plan identifies what materials will be stored where. A typical drawing of the screening structure is also attached. The conditions that we would recommend with this request are as follows:

1. That the use be limited to the location identified on the site plan.
2. That the site plan and elevations be approved in the application.
3. That the owner be required to maintain the outside storage areas in a neat and orderly manner free from debris and that the screening areas be maintained at all times.

**Attachments:**

1. Location map
2. Site plan
3. Elevations

**Agenda Item:** CUP Garden Center

**Item No:** III. B.

CITY OF ROCKWALL  
City Council Agenda

**Agenda Date:** October 15, 1990 **Agenda No:** V. C.

**Agenda Item:** P&Z 90-31-Z/CUP - Hold Public Hearing and Consider Approval of a Ordinance Authorizing a Request from Maurice Waggoner for a Change in Land Use Designation Within PD-1 to Allow a Garden Center, and Approval of an Ordinance Authorizing a CUP for a Garden Center in Ridge Road Shopping Center, and Approval of a Temporary Certificate of Occupancy

**Item Generated By:** Applicant, Maurice Waggoner

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

**Background Information:**

The Planning and Zoning Commission has recommended approval of the both the requests with the following conditions:

1. That the use be limited to the location identified on the site plan.
2. That the site plan and elevations be approved in the application.
3. That the owner be required to maintain the outside storage areas in a neat and orderly manner free from debris and that the screening areas be maintained at all times.

The Commission requested that the applicant better identify on the site plan by dimension where the building areas would be located. A copy of the site plan and ordinances are attached.

As indicated in the earlier notes the applicant, Maurice Waggoner, would like to begin necessary work to occupy the facility prior to second reading of the ordinance, if the request is approved. He is under pressure to vacate the building he is currently in and he needs to be able to order trees as soon as possible for the spring season. As with other similar requests the Council has considered, he understands that if the ordinance is not approved on second reading that he will not be able to occupy the building. Rather than a certificate of occupancy, the applicant would need to be able to obtain a conditional remodeling permit so that he can begin his building finishout. Attached is a copy of the proposed agreement.

**Attachments:**

1. Ordinances
2. Agreement

**AGREEMENT**  
**CITY OF ROCKWALL**  
**AND**  
**MAURICE WAGGONER**

This agreement, entered into on the \_\_\_\_\_ day of \_\_\_\_\_ 1990, between the City of Rockwall, Texas, hereinafter known as the "City", and Maurice Waggoner, hereinafter known as the "Tenant", witnesseth that:

WHEREAS, an application for a remodeling permit has been submitted by Maurice Waggoner for a building space located on Lot 1, Block A, Eastridge Center for a garden center use, and

WHEREAS, a remodeling permit may not be issued for this use until the ordinances authorizing such use are finally approved by the City Council, and

WHEREAS, the Tenant has requested that a conditional remodeling permit be issued to him for a period not to exceed 22 days in order to provide the Tenant time to begin work within the building prior to occupancy and authority to begin storing certain plant materials within the approved area, and

WHEREAS, the Tenant, his vendors, grantees, assigns, successors, trustees and all others holding any interest now or in the future, agree and enter into this agreement which shall be binding upon the Tenant and his representatives;

NOW, THEREFORE, the City and Tenant in consideration of the mutual covenants and agreements contained herein do mutually agree as follows:

- A. The City hereby agrees to issue a conditional remodeling permit to Maurice Waggoner for a period not to exceed 22 days from the effective date of this agreement, and authorizes the tenant to begin construction in the building, and to store approved materials on the site only under the following condition:
  1. That if the ordinances authorizing the garden center use for this property is approved by the City Council.
  - B. The Tenant hereby agrees to comply with the above stated requirements and expressly acknowledges that by entering into this agreement, the Tenant, its successors, assigns, vendors, grantees, and/or trustees shall never construe this agreement as waiving any of the requirements of the Zoning Ordinance, or any other requirements of the City.



- C. In the event the Tenant fails to comply with the provisions of this agreement, the conditional remodeling permit issued during the term of this agreement shall be revoked and all uses temporarily authorized shall immediately vacate said property.
- D. Upon the satisfactory completion of the conditions stated in Section A by the Tenant and final acceptance by the City of all requirements of this agreement, this agreement shall terminate and the City will execute a release of covenant to the Tenant, its assigns, successors, grantees, trustees, and/or representatives.
- E. The Tenant hereby acknowledges that no extension to this agreement will be considered by the City.

City of Rockwall, Texas

\_\_\_\_\_  
Bill Eisen, City Manager

\_\_\_\_\_  
Maurice Waggoner

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF ROCKWALL**  
**City Council Agenda**

**Agenda No: V. E**

**Agenda Date:** October 15, 1990

**Agenda Item:** P&Z 90-31-Z/CUP - Hold Public Hearing and Consider Approval of a Ordinance Authorizing a Request from Maurice Waggoner for a Change in Land Use Designation Within PD-1 to Allow a Garden Center, and Approval of an Ordinance Authorizing a CUP for a Garden Center in Ridge Road Shopping Center, and Approval of a Temporary Certificate of Occupancy

**Item Generated By:** Applicant, Maurice Waggoner

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

**Background Information:**

We have received a request to consider two actions within Ridge Road Shopping Center. One is to allow a garden center use within the PD. Currently such a use is not allowed. The second action is to consider a CUP for a garden center under the Overlay District where such a use is authorized. A site plan is attached which identifies where on the site the center would be located and identifies where outside storage areas would be located as well as what would be stored outside. All clay materials and landscape materials other than plants would be screened by a wood lattice structure with landscape cloth over it. The site plan identifies what materials will be stored where. A typical drawing of the screening structure is also attached. the conditions that we would recommend with this request are as follows:

1. That the use be limited to the location identified on the site plan.
2. That the site plan and elevations be approved in the application.
3. That the owner be required to maintain the outside storage areas in a neat and orderly manner free from debris and that the screening areas be maintained at all times.

The Planning and Zoning Commission will be considering this item at their meeting on Thursday. We will forward their recommendation to you on Friday.

The applicant, Maurice Waggoner, would like to occupy the facility prior to second reading of the ordinance, if the request is approved. He is under pressure to vacate the building he is currently in and he needs to be able to order trees as soon as possible for the spring season. As with other similar requests the Council has considered, he understands that if the ordinance is not approved on second reading that he will need to vacate the building.

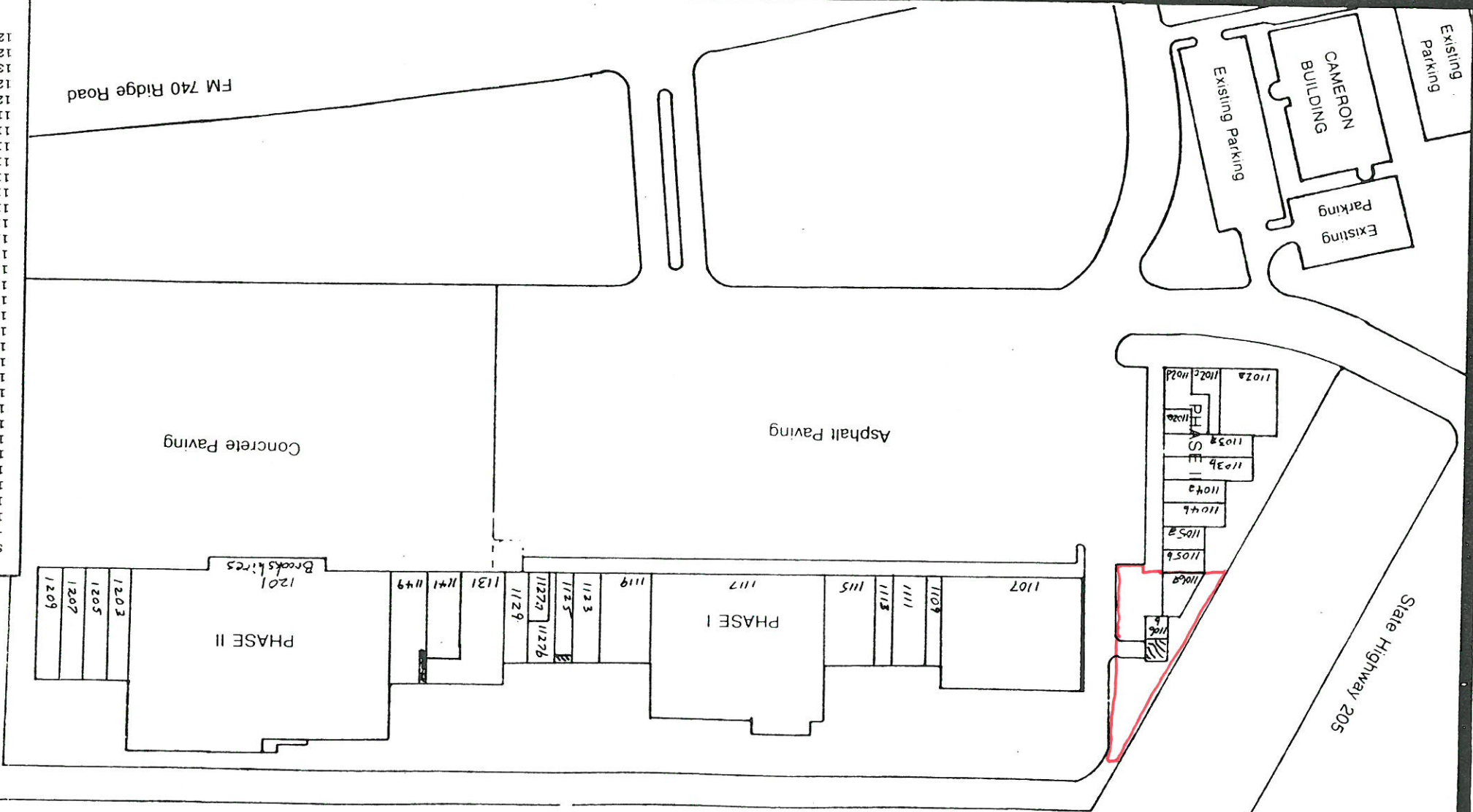
We will include a copy of the ordinances and the agreement for a temporary CO on Friday, pending the review by the Commission.

**Attachments:**

1. Location map
2. Site plan
3. Elevations
4. Ordinance Amending the PD

**Agenda Item:** CUP Garden Center

**Item No: V. E**



Space #	Approximate Frontage [in ft]	Approximate Depth [sq ft]	Area [sq ft]
1102a	50	60	3,000
1102c	var.	25	736
1102d	var.	25+	1,576
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1104a	20	80	1,600
1104b	20	60	1,200
1105a	20	40	800
1105b	20	40	800
1106a	40	var.	1,200
1106b	20	400	8,000
1107	120	100	12,000
1109	15	80	1,200
1111	25	80	2,000
1113	15	80	1,200
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1117	150	130+	19,900
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1149	25	110	2,630
1201	223	var.	36,711
1203	20	72+	1,470
1305	20	72+	1,470
1207	20	72+	1,470
1209	20	72+	1,470
-----			121,782

FM 740 Ridge Road

Concrete Paving

Asphalt Paving

State Highway 205

CAMERON BUILDING

Existing Parking

Existing Parking

Existing Parking

PHASE II  
1201  
1203  
1205  
1207  
1209

PHASE I  
1107  
1117  
1119  
1123  
1125  
1127a  
1127b  
1129  
1131  
1141  
1149

PHASE III  
1102a  
1102c  
1102d  
1103a  
1103b  
1104a  
1104b  
1104c  
1104d  
1104e  
1105a  
1105b  
1106a  
1106b

**CITY OF ROCKWALL**  
**City Council Agenda**

**Agenda Date:** October 15, 1990

**Agenda No:** V. E.

**Agenda Item:** P&Z 90-31-Z/CUP - Hold Public Hearing and Consider Approval of a Ordinance Authorizing a Request from Maurice Waggoner for a Change in Land Use Designation Within PD-1 to Allow a Garden Center, and Approval of an Ordinance Authorizing a CUP for a Garden Center in Ridge Road Shopping Center, and Approval of a Conditional Remodeling Permit

**Item Generated By:** Applicant, Maurice Waggoner

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

**Background Information:**

The Planning and Zoning Commission has recommended approval of the both the requests with the following conditions:

1. That the use be limited to the location identified on the site plan.
2. That the site plan and elevations be approved in the application.
3. That the owner be required to maintain the outside storage areas in a neat and orderly manner free from debris and that the screening areas be maintained at all times.

The Commission asked that we determine if the permit can be tied to the specific applicant. We will be checking with our attorney on Monday and will let you know Monday night if that can be included in the ordinance. The Commission requested that the applicant better identify on the site plan by dimension where the building areas would be located. The applicant will submit those dimensions on Monday and we will provide them to you Monday night. A copy of the ordinances are attached.

As indicated in the earlier notes the applicant, Maurice Waggoner, would like to begin necessary work to occupy the facility prior to second reading of the ordinance, if the request is approved. He is under pressure to vacate the building he is currently in and he needs to be able to order trees as soon as possible for the spring season. As with other similar requests the Council has considered, he understands that if the ordinance is not approved on second reading that he will not be able to occupy the building. Rather than a certificate of occupancy, the applicant would need to be able to obtain a conditional remodeling permit so that he can begin his building finishout. Attached is a copy of the proposed agreement.

**Attachments:**

1. Ordinances
2. Agreement