

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 91-37-2 Filing Fee \$106.00 Date 8-26-91
Applicant Faulkner Investments Ashley's Laminates Phone 771-3779
Mailing Address 1413 E. I-30 #5 1580 Fm 549
Garland TX. 75043 Rockwall TX. 75087

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

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

Agricultural District Classification to
Light Industrial 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 X
Prospective Purchaser _____

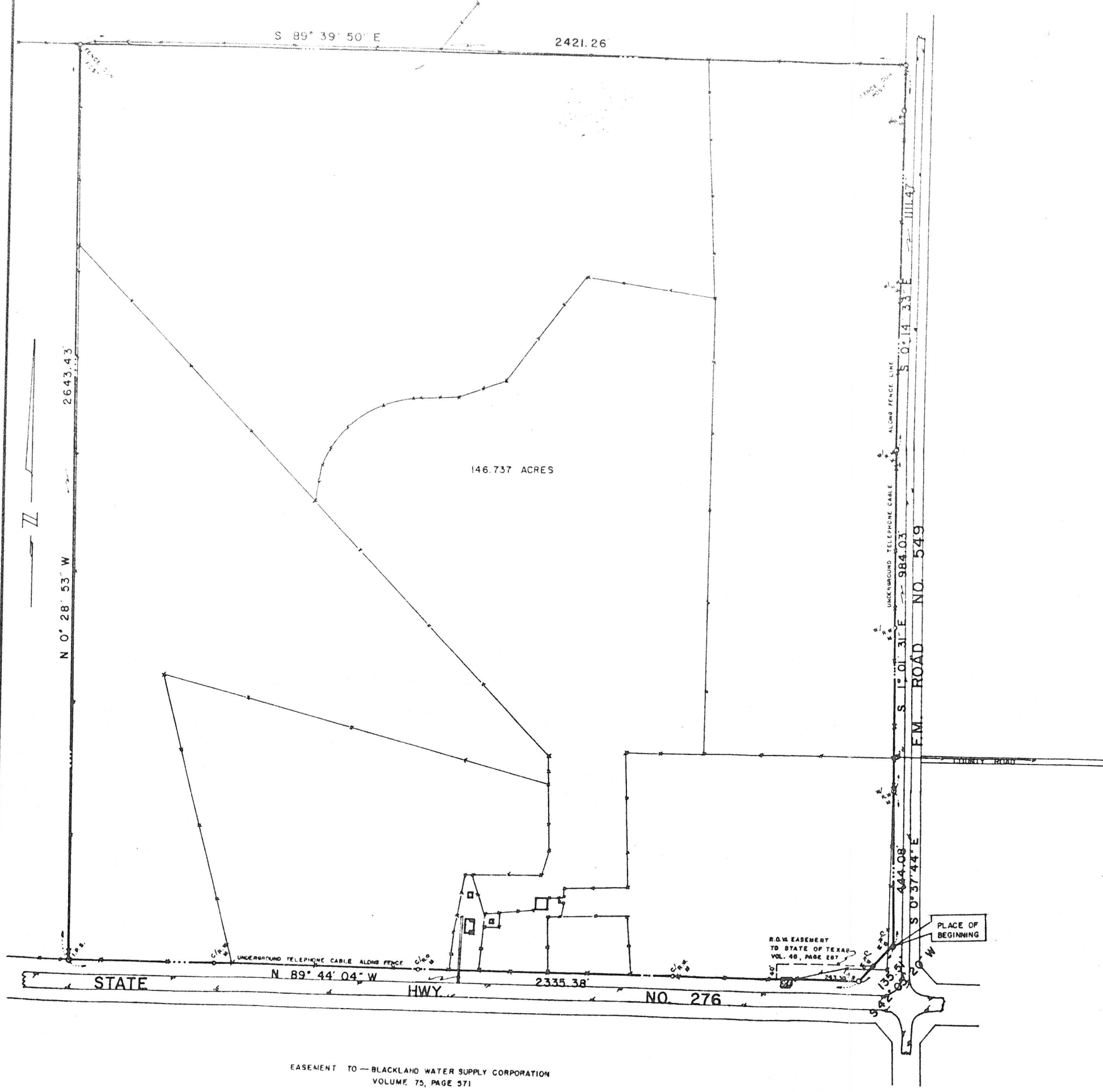
I have attached hereto as Exhibit "A" a plat showing the property which is the subject of this requested zoning change and have read the following concerning the importance of my submitting to the City a sufficient legal description.

Signed [Signature]

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.



DESCRIPTION

BEING a tract of land situated in the James M. Allen Survey, Abstract No. 2 and the William H. Baird Survey, Abstract No. 25, Rockwall County, Texas and being that tract as recorded in Volume 84, Page 980, Deed of Trust, and also being part of a 151.32 acre tract as conveyed to B.A. Klutts, recorded in Volume 85, Page 91, Deed Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at the point of intersection of the West line of F.M. Road No. 549 with the Northwest line of State Highway No. 276, a concrete monument found for corner;

THENCE, along the Northwest and North line of State Highway No. 276 the following:

S. 42° 05' 20" W. a distance of 135.51 feet to a 1/2" iron stake set for corner;

N. 89° 44' 04" W. a distance of 2335.38 feet to a 1/2" iron stake set for corner;

THENCE, N. 0° 28' 53" W. leaving the said North line of State Highway No. 276, a distance of 2643.43 feet to a fence corner post for corner;

THENCE, S. 89° 39' 50" E. a distance of 2421.26 feet to a point on the West line of F.M. Road 549, a fence corner post for corner;

THENCE, along the West line of F.M. Road No. 549 the following:

S. 0° 14' 33" E. a distance of 1111.47 feet to a wood right-of-way marker found for corner;

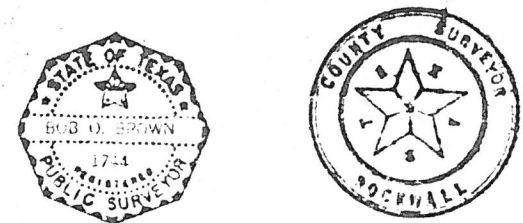
S. 1° 01' 31" E. a distance of 984.03 feet to a wood right-of-way marker found for corner;

S. 0° 37' 44" E. a distance of 444.08 feet to the PLACE OF BEGINNING and containing 146.737 acres of land. This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Public Surveyor on Jan. 1, 1983

CERTIFICATION

I, Bob O. Brown, do hereby certify that this survey was made on the ground, under my direction, that this plat correctly represents the facts found at the time of survey and that all corners are marked as shown and there are no visible conflicts or encroachments other than shown and that this service conforms to the current Texas Surveyors Association Standards and Specifications for a category 1-A condition 3 survey. This plat is for the exclusive use wherein B.A. Klutts, grantor, conveyed the subject property to Danny Faulkner, grantee and the undersigned surveyor is not responsible to any others.

Bob O. Brown
 Bob O. Brown Registered Public Surveyor No. 1744



NO.	DATE	REVISION	BY
LAND TITLE SURVEY James M. Allen Sur. Abst. No. 2 William H. Baird Sur. Abst. No. 25 Rockwall County, Texas Volume 84, Page 980 Deed of Trust			PROJECT NO. 6973 SCALE 1"=200' DATE 1/13/83 DRAWN BY M. B. CHECKED BY notes K. B.
BROWN LAND SURVEYORS 304 W. Rusk P. O. Box 65 ROCKWALL, TEXAS 75087 (214) 722-3038 228-7522			

EASEMENT TO — BLACKLAND WATER SUPPLY CORPORATION
 VOLUME 75, PAGE 571
 LOCATION UNKNOWN

ZONING CHANGE/CONDITIONAL USE PERMIT/PLANNED DEVELOPMENT/
PRELIMINARY PLAN/DEVELOPMENT PLAN

ACTION RECORD

Case No: 91-32

Location: FM-549

Application Reviewed.....

File Created

Filing Fee Paid/Receipt in File.....

Issued Receipt for Application..... ✓

Review form prepared/^{initial}partial review completed.....

Circulated Review through:

Staff Review:.....

Assistant City Manager.....

Scheduled for P&Z meeting..... 9/12

Notice Sent:

Newspaper..... 8/27

Surrounding property owners..... 8/30

Sign placed on property..... 9/2

Tallied responses to notices

Prepared notes and supporting
information for P&Z.....

Notified applicant of results ^{and of}
Council date.....

after P+2 consideration.
~~If approved:~~

Scheduled for City Council..... 9/16

Notice sent to newspaper..... 8/27

Notice sent to property owners..... 8/30

Prepared notes and supporting information for City Council..... _____

If approved:

Notified applicant of results..... _____

Prepared ordinance..... _____

 1st reading of ordinance..... _____

 2nd reading of ordinance..... _____

 Caption to newspaper..... _____

Update office map..... _____

Notified Inspection Dept. of change..... _____

Included map in update file..... _____

Included in CUP list (if applicable)..... _____

→ Permit activated within 6 months..... _____

→ If not activated, applicant notified permit is void..... _____

Included in PD file (if applicable)..... _____

INDUSTRIAL ZONING REVIEW CHECKLIST

Applicant _____

Current Zoning _____ Land Use Plan Indicates _____

Proposed Zoning _____

Location _____

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

I. Planning and Engineering

	<u>Yes</u>	<u>No</u>
A. Does the site have inadequate transportation access for the types of activities proposed? (Auto, truck, rail, air, including major routes?)	_____	_____
B. Is the site located with inadequate access to major arterials?	_____	_____
C. Will the traffic generated from the proposed development be routed through residential neighborhoods or light commercial areas that would be adversely impacted by such traffic?	_____	_____
D. Will the traffic generated from the proposed development utilize residential sized streets?	_____	_____
E. Are the public facilities and services inadequate to support such development?	_____	_____
. extra width and strengthened streets for truck traffic		
. oversized utilities		
. extra fire protection (water capacity also)		
. sufficient drainage for high percentage of impervious cover.		

- F. If public facilities are inadequate, is the site outside an active area and not adjacent to existing facilities and services that can be adequately extended? _____
- G. Are there any pollution or environmental hazards, or other objectionable hazards affecting the proposed use? _____
- H. Is the site too small to plan as a unified, fully integrated industrial district that is capable of accommodating buffer zones, accessory land uses, parking, truck loading, and other amenities necessary for industrial development? _____
- I. Is the site too small to allow adequate open space, landscaping and buffering from adjacent land uses and the encroachment of residential or commercial land uses? _____
- J. Will the proposed activities disturb adjacent residential or light commercial areas or depreciate surrounding property with noise, pollution, traffic, or other objectionable influences? _____
- K. Is the proposed industrial use incompatible with existing adjacent land uses? _____
- L. Is proposed zoning change in conflict with Master Plan and the Master Plan Update _____
- M. Does the proposed zoning significantly alter the percentage balance between land use districts? _____
- N. Has there been a lack of significant change since the Master Plan Update was adopted that would favor approval of the request though not in conformance with the existing Master Plan? (Substantial zoning changes dictate modification of the Master Plan.) _____

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

II. EXISTING ZONING PATTERN (NEIGHBORHOOD)

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

- B. What is the predominant zoning in the area?_____

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

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

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

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

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

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

If "yes", what are they?_____

Comments:_____



NET COMMERCIAL LEASE AGREEMENT

STATE OF TEXAS
COUNTY OF ROCKWALL

THIS LEASE AGREEMENT made and entered into by and between

Faulkner Investments

hereinafter referred to as "Landlord," and

Ashley's Custom Laminates

hereinafter referred to as "Tenant";

WITNESSETH:

Landlord hereby leases to Tenant, and Tenant hereby takes from Landlord the following described premises (hereinafter referred to as the "demised premises") situated within the County of Rockwall State of Texas:

One (1) metal building approximately 3968 sq. ft. and one (1) acre of land upon which the building is situated. Said One acre of land is located in the northeast corner of a 146.737 acre tract situated in the James M. Allen Survey, Abstract No. 2 and the William H. Baird Survey, Abstract No. 25 and being that tract as recorded in Volume 84, Page 980, Deed of Trust and also recorded in Volume 65, Page 91, Deed Records of Rockwall County.

together with all rights, privileges, easements and appurtenances belonging to or in any way pertaining to the demised premises and together with the building and other improvements now situated or to be erected upon the demised premises.

TO HAVE AND TO HOLD the same for a term of Three (3) years

beginning on August 15, 1991, upon the following

terms, conditions and covenants:

1. RENT: Tenant agrees to pay the Principal REALTOR named herein, without offset or deduction, for the account of Landlord rent for the demised premises at the rate of Four Hundred & 00/100 Dollars (\$ 400.00) per month in advance. One such monthly installment shall be due and payable on or before

the beginning date of this lease, and a like monthly installment shall be due and payable on or before the first day of each succeeding calendar month during the term hereof; provided that, in the event the term hereof shall commence or end during a calendar month, the rent for any fractional calendar month following the commencement or preceding the end of the term of this lease shall be pro rated by days. (If percentage rent is to be payable to Landlord, refer to Exhibit A attached to this lease. In such case Exhibit A shall be incorporated into and become a part of this lease when physically attached hereto.) See special conditions for Rent Schedule - and Improvements attached as "Exhibit A"

Tenant has deposited with Landlord, upon delivery of this lease,

Dollars (\$ -0-) to be applied as follows:

- (a) \$ -0- for rent for
(b) \$ -0- as a security deposit. Such security deposit shall be held by Landlord without interest as security for the performance by

4. a request from Ricky Smith for a Conditional Use Permit for a satellite receiver in excess of fifteen feet in height in a residential area to be located at 2122 Turtle Cove more particularly described as Lot 9, Block C, Turtle Cove.
5. a request from Faulkner Investments Ashley's Laminates for a change in zoning from "A" Agricultural to "LI" Light Industrial on a one acre tract of land located at FM-549 and SH-276 further described as follows:

EXHIBIT "A"

BEING a tract of land situated in the James M. Allen Survey, Abstract No. 2 and the William H. Baird Survey, Abstract No. 25, Rockwall County, Texas and being that tract as recorded in Volume 894, Page 980, Deed of Trust, and also being part of a 151.32 acre tract as conveyed to B.A.Klutts, recorded in Volume 65, Page 91, Deed Records of Rockwall County, Texas and being a portion of the following described tract:

BEGINNING at the point of intersection of the West line of F.M. Road No. 549 with the Northwest line of State Highway No. 276, a concrete monument found for corner;

THENCE along the Northwest and North line of State Highway No. 276 the following:

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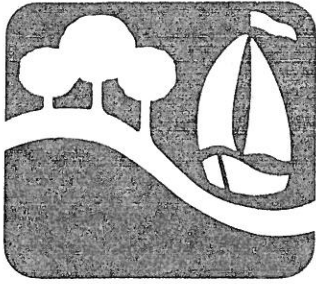
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THENCE South 89 degrees 39'50" E. a distance of 2421.26 feet to a point on the West line of F.M. Road 549 the following;

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South 1 degrees 01'31" E. a distance of 984.03 feet to a wood right of way marker found for corner;

South 0 degrees 37'44" E. a distance of 444.08 feet to the PLACE OF BEGINNING and containing 146.737 acres of land. This description is based on the Land Title Survey and Plat made by Bob O. Brown, Registered Public Surveyor, on Jan 1, 1983.



CITY OF ROCKWALL
"THE NEW HORIZON"

August 27, 1991

Mr. D.L. Faulkner
Faulkner Investments Ashley's Laminates
1413 E I-30 #5
Garland, TX 75043

Dear Mr. Faulkner:

Your application for a change in zoning has been received by this office. However, we have not, to date, received your filing fee in the amount of \$101.00. This must be received prior to processing your request.

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, September 12, 1991 at 7:30 P.M. in City Hall and the Rockwall City Council will hold a public hearing on Monday, September 16, 1991 at 7:00 P.M. to consider approval of your request. As the applicant, you or your representative must attend both of these meetings. Lack of applicant representation could delay your approval process.

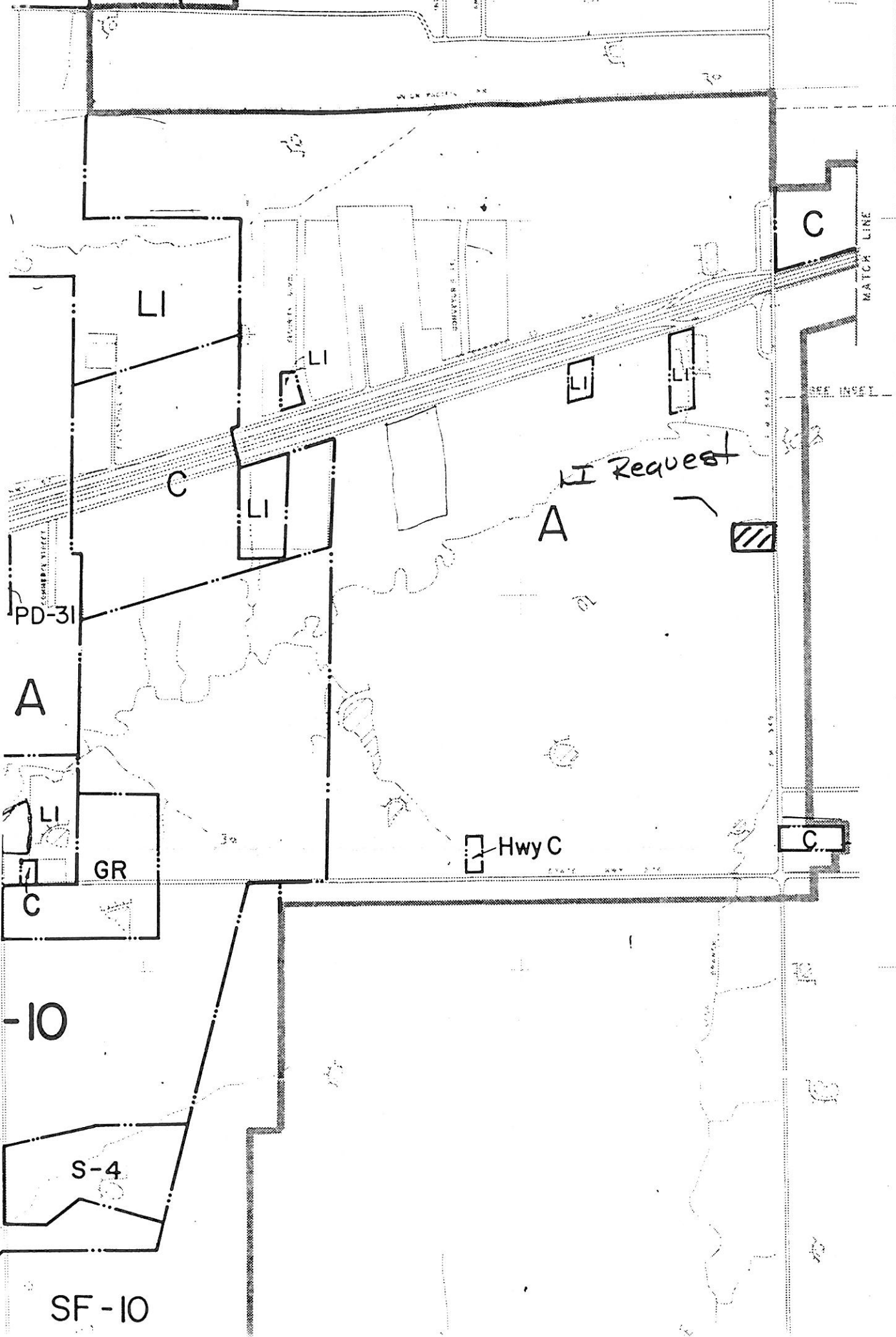
A change in zoning must be adopted by ordinance at two separate meetings of the City Council. The second reading of the ordinance is scheduled for October 7, 1991. The change in zoning will not be effective until the ordinance has been approved on second reading.

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

Sincerely,

A handwritten signature in cursive script that reads "Mary Nichols". The signature is written in dark ink and is positioned above the typed name.

Mary Nichols
City Secretary



PD-31

A

LI

GR

C

-10

S-4

SF-10

Hwy C

LI Request

C

MATCH LINE

SEE INSET

C

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: September 12, 1991

Agenda No: IV. G.

Agenda Item: P&Z 91-32-Z - Hold Public Hearing and Consider Recommending Approval of a Request from Faulkner Investments for a Change in Zoning from "A" to "LI" on a One Acre Tract of Land Located on FM-549 North of SH-276

Item Generated By: Applicants, Faulkner Investments

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

Background Information:

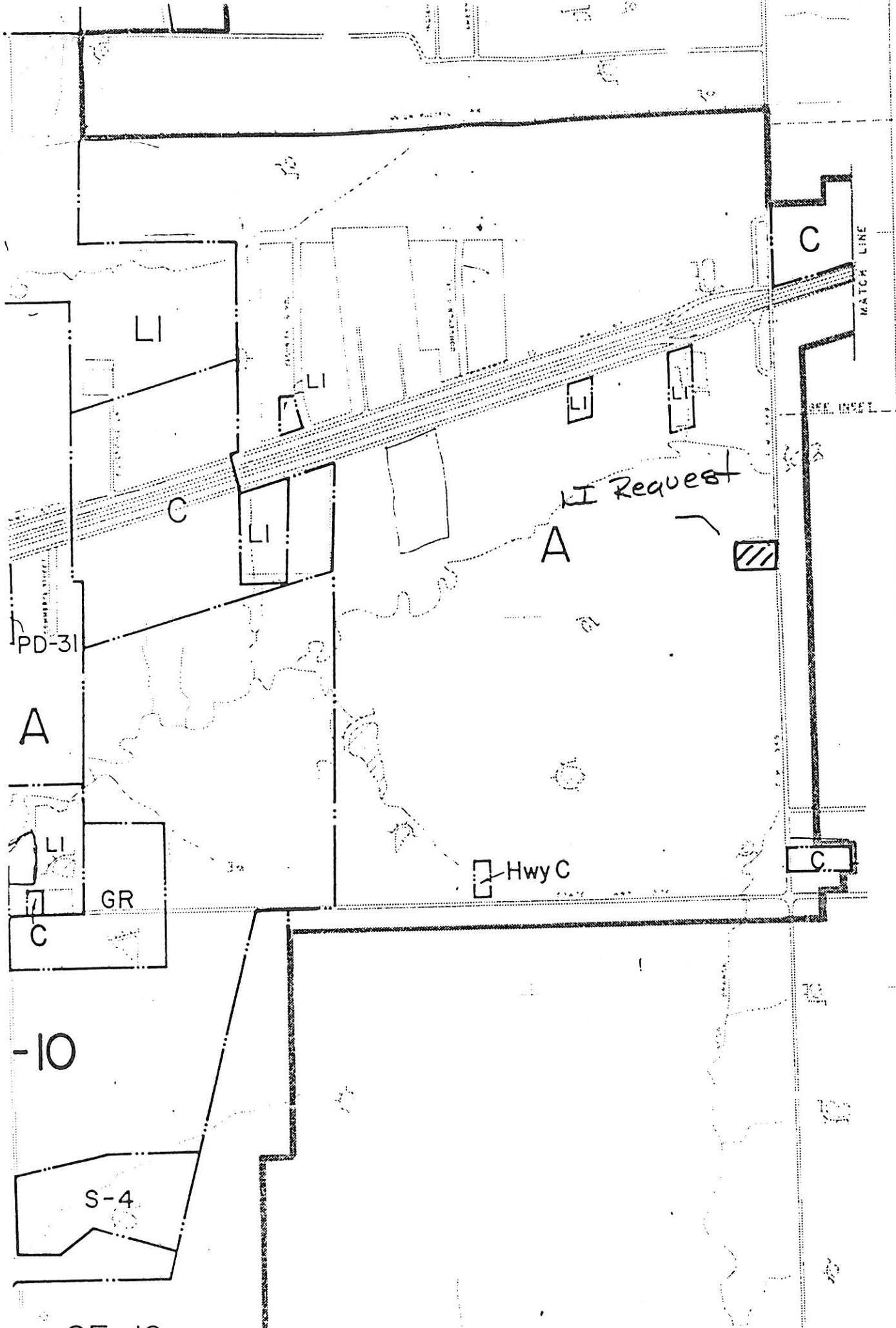
This site was annexed by the City in 1986. The site had a contractor's yard in place at the time of annexation. The contractor has moved out and the owner leased the site to a table manufacturer. This use requires LI zoning and the site is still zoned Ag. The land use plan recommends industrial for this area. The site is not platted and the building is a metal building which will require future action. The applicants however, do not intend to build another building or change the existing one.

Attachments:

1. Location Map

Agenda Item: Rezoning from Ag to LI

Item No: IV. G.



LI

LI

LI

LI

LI

A

LI Request

PD-31

A

LI

GR

Hwy C

C

C

MATCH LINE

SEE INSET

-10

S-4

AGENDA
ROCKWALL PLANNING AND ZONING COMMISSION
City Hall
September 26, 1991
7:00 P.M.

I. ACTION ITEMS

- A. P&Z 91-32-Z Continue Public Hearing and Consider Recommending Approval of a Request from Faulkner Investments for a Change in Zoning from "A" Agricultural to "LI" Light Industrial on a One Acre Tract of Land Located on FM-549 North of SH-276
- B. P&Z 91-40-FP Discuss and Consider Approval of Request from Michael Stephenson for a Replat of the Henry Africa Addition on I-30

II. WORKSESSION ITEMS

- A. P&Z 91-36-Z Amendment to Zoning Ordinance to Allow Boat Sales in "C"
- B. P&Z 91-37-SP/PP/CUP Site Plan/Prel.Plat/Cup for Car Wash on Yellowjacket
- C. P&Z 91-38-CUP CUP for Residential in CBD
- D. P&Z 91-39-CUP CUP for Guest Quarters & Oversized Building in Chandlers
- E. P&Z 91-35-Z J.O. Richey Request for "C" Zoning on Goliad
- F. P&Z 91-41-SP/CUP Revised Site Plan and CUP Expansion at Henry Africa
- G. P&Z 91-42-CUP CUP Application for Boat Sales in "C"

III. REVIEW ITEMS

- A. Discuss Bulding Materials in Industrial Areas
- B. Discuss Review of PD-8, Chandlers Landing
- C. Discuss Review of PD-2, Lakeside Village and Turtle Cove

IV. ADJOURNMENT

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: September 16, 1991

Agenda No: V. J.

Agenda Item: P&Z 91-32-Z - Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Faulkner Investments for a Change in Zoning from "A" to "LI" on a One Acre Tract of Land Located on FM-549 North of SH-276 (1st Reading)

Item Generated By: Applicants, Faulkner Investments

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

Background Information:

This item was continued by the Commission due to the absence of the applicant. The Council will not consider action on this item on Monday night.

Attachments:

Agenda Item: Rezoning from Ag to LI

Item No: V. J.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: September 16, 1991

Agenda No: V. J.

Agenda Item: P&Z 91-32-Z - Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Faulkner Investments for a Change in Zoning from "A" to "LI" on a One Acre Tract of Land Located on FM-549 North of SH-276 (1st Reading)

Item Generated By: Applicants, Faulkner Investments

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

Background Information:

This site was annexed by the City in 1986. The site had a contractor's yard in place at the time of annexation. The contractor has moved out and the owner leased the site to a table manufacturer. This use requires LI zoning and the site is still zoned Ag. The land use plan recommends industrial for this area. The site is not platted and the building is a metal building which will require future action. The applicants however, do not intend to build another building or change the existing one.

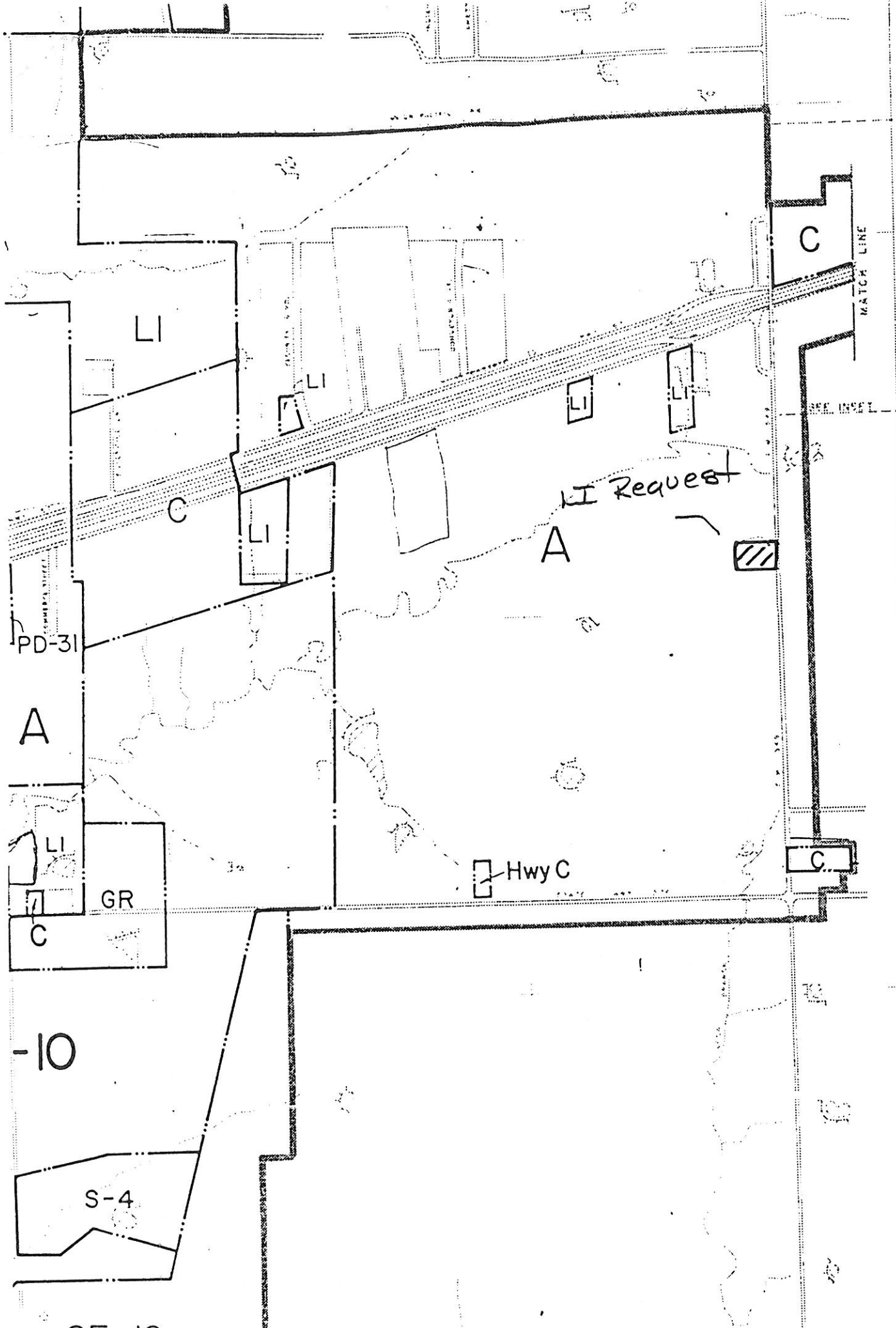
The Commission will consider this item at their meeting on Thursday. We will forward their recommendation and the ordinance to you on Friday.

Attachments:

1. Location Map

Agenda Item: Rezoning from Ag to LI

Item No: V. J.



PD-31

A

LI
GR

C

-10

S-4

Hwy C

LI Request
A

C
MATCH LINE

SEE INSET

C

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: October 7, 1991

Agenda No: V. C.

Agenda Item: P&Z 91-32-Z - Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from Faulkner Investments for a Change in Zoning from "A" to "LI" on a One Acre Tract of Land Located on FM-549 North of SH-276 (1st Reading)

Item Generated By: Applicants, Faulkner Investments

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

Background Information:

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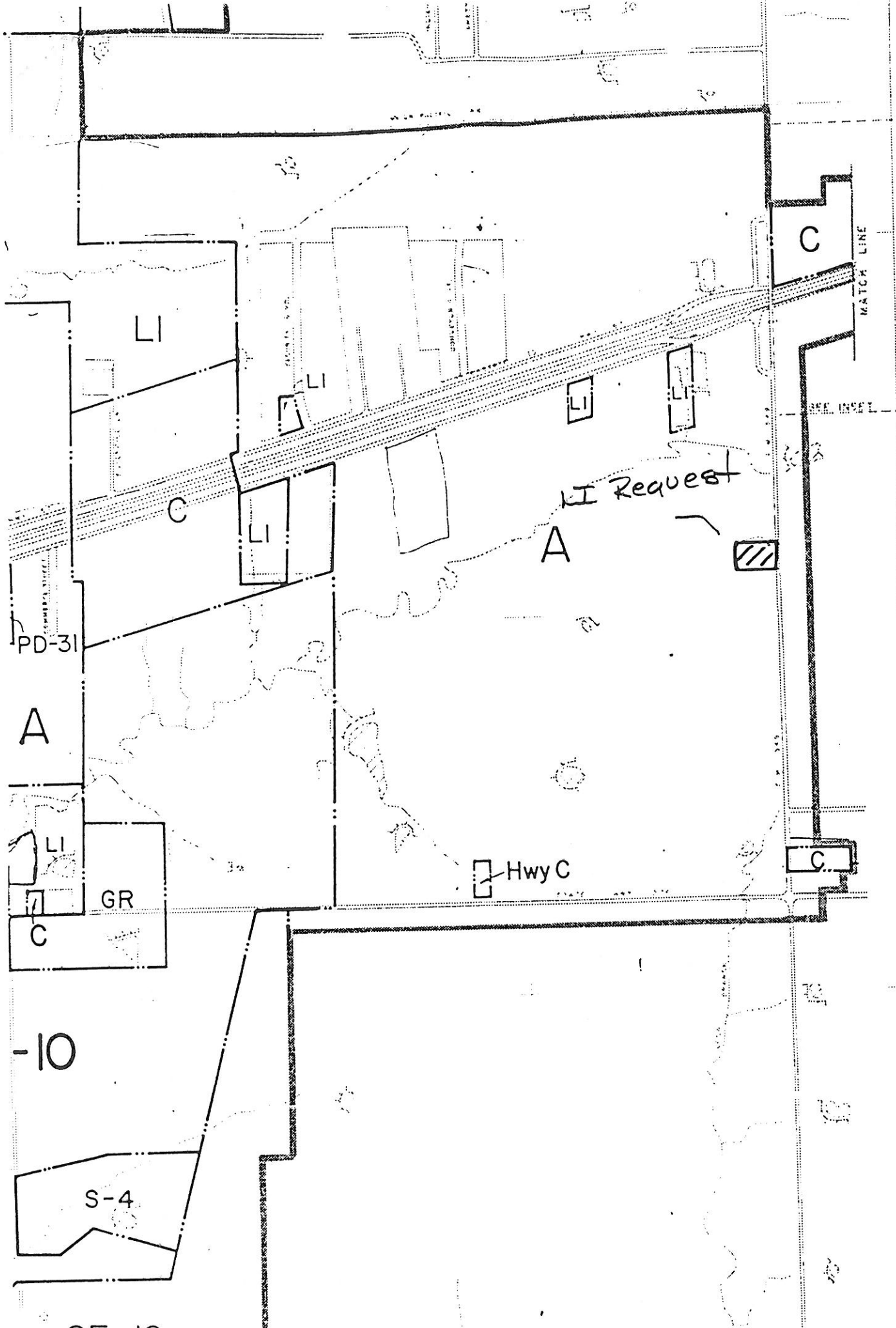
The Planning and Zoning Commission has recommended approval of the request.

Attachments:

1. Location Map
2. Ordinance

Agenda Item: Rezoning from Ag to LI

Item No: V. C.



LI

LI

LI

LI

LI

A

C

C

PD-31

A

LI

GR

C

Hwy C

C

-10

S-4

LI Request

MATCH LINE

SEE INSET



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, September 12, 1991 at 7:30 P.M. in City Hall, and the Rockwall City Council will hold a public hearing on Monday, September 16, 1991, at 7:00 P.M. in City Hall, to consider approval of a request from Faulkner Investments Ashley's Laminates for a change in zoning from "A" Agricultural to "LI" Light Industrial on a one acre tract of land located at FM-549 and SH-276 further described as follows:

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As an interested property owner, you may wish to attend these hearings or notify the Commission and Council of your feelings in writing to: City Secretary, 205 W. Rusk, Rockwall, TX 75087.

A to LI OR FM-549

Leckhart BTR 11

Ab 125 TR 2, 2-2

F. D. Hill

1516 FM 549

Ab 2 TR 2

D. L. Faulkner

1785 E I-30

Carland TX 75043

Ab 2 TR 7

Frank Springer

2315 Springer Lane

Rockwall

ROCKWALL
COMMERCIAL
PARK Ph.1
#4835

75-1
1Ac-

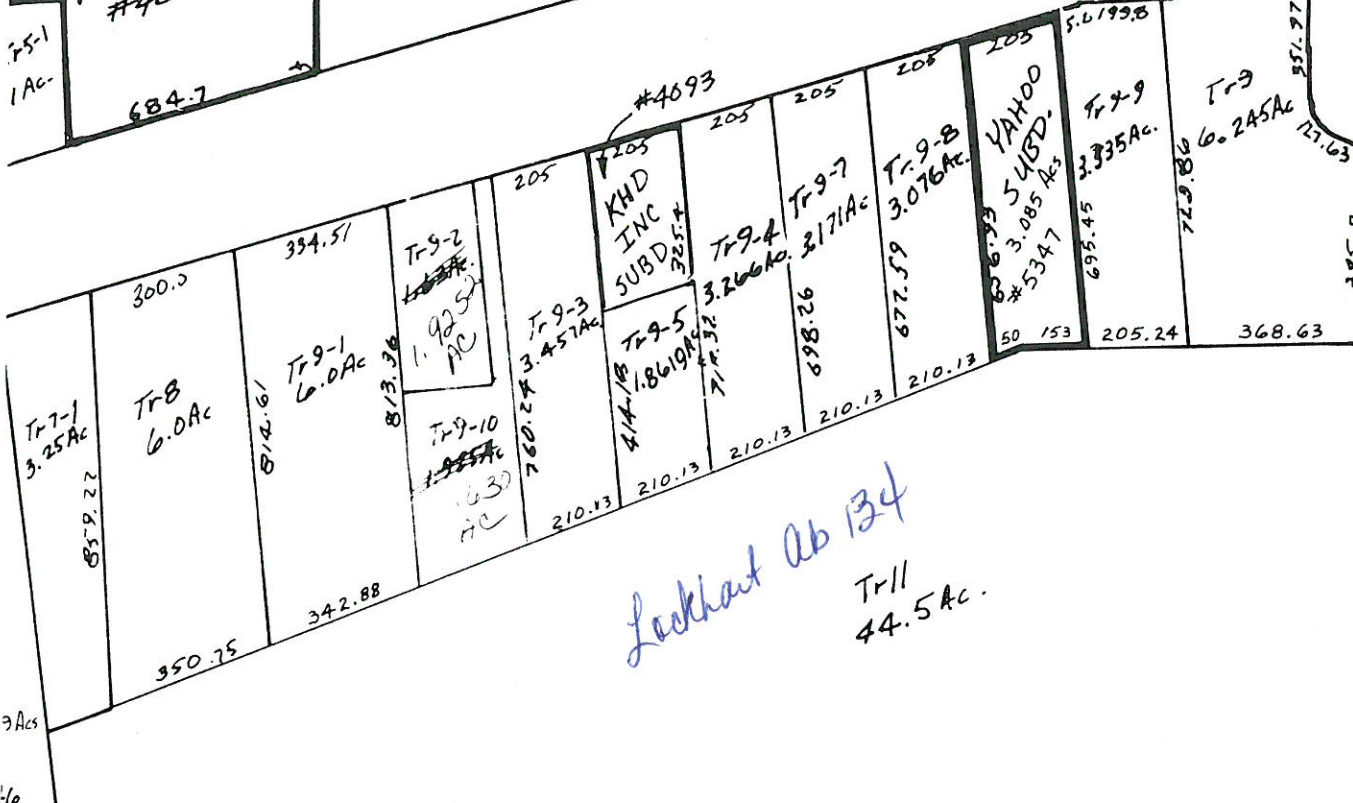
684.7

1505.2

383.5

297.76

494.7



LEN A-2

1.25Ac.
0.0Ac.

Tr 2
147.51Ac

TR
15-2
1.55 AC

Tr 2-10
0.93Ac

TR 7
52.6 ac

Ab 136

Ab 135

Tr 2 1ac
Tr 2-1
44.03