

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 91-45- CUP Date Submitted 10-6-91  
Filing Fee \$ 125<sup>00</sup>/100  
Applicant Rockwell Trans. Co.  
Address 1740 HWY 276 Phone No. 722-2811

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>

3500 Sq. FT. Build. Do Transmission Repairs.

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

Automobile Transmission Repairs

line The current zoning on this property is Highway Commercial.  
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.

Michael P. ...

<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**  
**Planning and Zoning Agenda**

**Agenda Date:** November 14, 1991

**Agenda No:** I.

**Agenda Item:** **P&Z 91-45-CUP** - Hold Public Hearing and Consider Recommending Approval of a Request from Michael Press for a Conditional Use Permit for a Automotive Repair Facility to be Located on SH-276

**Item Generated By:** Applicant, Michael Press

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

**Background Information:**

We have had a request for a CUP for a transmission shop to be located on SH-276. It is zoned Hwy C, which allows this use with a CUP. The applicant has indicated that he will only have cars that are scheduled to be worked on stored outside. This should be a condition of the CUP if it is approved. Attached is a location map.

**Attachments:**

1. Location Map

**Agenda Item:** CUP for Automotive Repair on SH-276

**Item No:** I.





**MINUTES OF THE PLANNING AND ZONING COMMISSION**  
November 14, 1991

**CALL TO ORDER**

5 Vice Chairman Jim Greenwalt called the meeting to order with the following Commission members present: Dale Morgan, Robert Wilson, and Carl Mastronardi. Jim Flinchum and Nell Welborn were absent.

10 **MINUTES OF OCTOBER 10, 1991**

The Commission first considered approval of the minutes of October 10, 1991. There being no changes Wilson made a motion to approve the minutes as published. Morgan seconded the motion. The motion carried unanimously.

15 **P&Z 91-46-CUP PUBLIC HEARING AND REQUEST FROM DOUG PATTERSON FOR A CONDITIONAL USE PERMIT FOR A COMMERCIAL AMUSEMENT TO BE LOCATED IN THE RIDGE ROAD SHOPPING CENTER**

20 Couch outlined the application and her recommendations. She indicated that the applicant wanted to open a commercial amusement in the Ridge Road Shopping Center. She indicated that he had requested approval of a 2,000 seat occupancy for this location and that this level of occupancy would not be permitted with the existing amount of parking. She reviewed a list of proposed conditions that the Commission could consider if approval were contemplated. Doug Patterson reviewed his request with the Commission and requested a 2000 seat occupancy for the location instead of the 1140 recommended limit. He stated that he believed the sound from his operation would be self contained in the building. There being no one else to speak the Chairman closed the public hearing.

30 There was considerable discussion regarding the application and the impact it would have on the surrounding property. Wilson made a motion to recommend approval subject to the limitation of 1140 seats, as recommended by Couch, and that any time after four months from Council approval the owner may request review of occupancy limit. Morgan seconded the motion. The motion failed with Greenwalt and Mastronardi opposed and Wilson and Morgan for. Greenwalt then made a motion to recommend denial. The motion failed for lack of second. Mastronardi then made a motion to table action until the next worksession and to direct staff to notify property owners within 200 feet of the entire shopping center. Morgan seconded the motion. The motion was voted on and passed unanimously.

40 **P&Z 91-42-Z PUBLIC HEARING AND REQUEST FOR CHANGE IN ZONING FROM "LI" TO "HC" ON A TRACT OF LAND LOCATED ON KRISTY LANE**

45 The Chairman opened the public hearing. Couch reviewed the request with the Commission, indicating that HC zoning is already present adjacent to this site. The applicant, Mike Spurling, then addressed the Commission regarding the application. There being no one else to address the Commission the public hearing was closed. Mastronardi then made a motion

to recommend approval. Morgan seconded the motion. Wilson confirmed that no notices were returned. The motion was voted on and passed unanimously.

50 **P&Z 91-45-CUP PUBLIC HEARING AND REQUEST FROM MICHAEL PRESS FOR CUP FOR AUTOMOTIVE REPAIR FACILITY TO BE LOCATED ON SH-276**

55 Couch outlined the request and recommended certain conditions for the Commission to consider including no outside storage other than vehicles to be worked on and limiting the use to a transmission repair facility. The Chairman opened the public hearing. Mike Press, 405 E Heath, outlined his request. There being no one else to address the Commission the public hearing was closed. Mastronardi confirmed that cars waiting to be repaired were not considered outside storage. Morgan made a motion to recommend approval with conditions as recommended. Mastronardi seconded the motion. The motion carried unanimously.

60 **P&Z 91-47-FP REPLAT OF CAIN PROPERTIES NO.1 ON SH-205**

65 Couch outlined the request and recommended approval with the conditions that cross access easements between lots as well as dual signature lines be added to the plat. Morgan made a motion to recommend approval of the request with the two conditions. Mastronardi seconded the motion, which carried unanimously.

**P&Z 91-48-PP PRELIMINARY PLAT FOR TWO LOTS ON HEATH STREET**

70 Couch outlined the request explaining that the applicant was requesting a waiver to the escrow requirements. She indicated that the plat conformed to previous conditions established for such waivers. After some discussion Mastronardi made a motion to approve the preliminary plat subject to Board of Adjustment approval of the lot depth and waiving escrow requirements. Wilson seconded the motion, which carried unanimously.

75 There being no further business the meeting was adjourned.

Signed:

80  
85 \_\_\_\_\_  
Chairman, Planning and Zoning Commission

Attest:

90 \_\_\_\_\_  
Deputy City Secretary

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

**Agenda Date:** November 18, 1991

**Agenda No:** V. K.

**Agenda Item:** **P&Z 91-45-CUP** - Hold Public Hearing and Consider Approval of an Ordinance Authorizing a Request from Michael Press for a Conditional Use Permit for a Automotive Repair Facility in a "Hwy C" District to be Located on SH-276

**Item Generated By:** Applicant, Michael Press

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

**Background Information:**

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

1. That the CUP be restricted to a transmission repair facility. Any expansion of the cup would need to be submitted to the Commission and Council for approval.
2. That no outside storage other than vehicles to be serviced be permitted on the site.

A copy of the ordinance is attached.

**Attachments:**

1. Ordinance

**Agenda Item:** CUP for Automotive Repair on SH-276

**Item No:** V. K.



CUP  
Case file

ORDINANCE NO. 91-61

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR FACILITY IN A "HWY C" DISTRICT ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for an automotive repair facility in a "Hwy C" Highway Commercial District on the property described on Exhibit "A", has been requested by Michael Press; 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 ordinance 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, and 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, Texas as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for an automotive repair facility on the property specifically described in Exhibit "A".

SECTION 2. That the Conditional Use Permit is subject to the following special conditions:

1. That the CUP shall be restricted to a transmission repair facility. Any expansion of the CUP must be submitted for approval to the Planning and Zoning Commission and City Council.
2. That there shall be no outside storage other than customer vehicles to be serviced or that have been serviced and are waiting to be picked up.

SECTION 3. That the property described herein shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, as amended hereby with the approval of this Conditional Use Permit, and

as may be amended in the future.

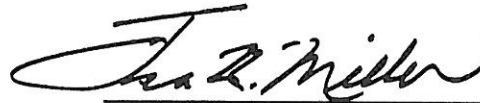
SECTION 4. Any person, firm or corporation violating any of the provisions of this ordinance shall be punished by a penalty of fine not to exceed the sum of TWO THOUSAND DOLLARS (\$2,000) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.

SECTION 5. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same area 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 as the law in such case provides.

DULY PASSED AND APPROVED this 16th day of December, 1991.



APPROVED



ATTEST

1ST READING 12/2/91

2ND READING 12/16/91

**CITY OF ROCKWALL  
City Council Agenda**

**Agenda Date:** November 18, 1991 **Agenda No:** V. K.

**Agenda Item:** **P&Z 91-45-CUP** - Hold Public Hearing and Consider Approval of an Ordinance Authorizing a Request from Michael Press for a Conditional Use Permit for a Automotive Repair Facility in a "Hwy C" District to be Located on SH-276

**Item Generated By:** Applicant, Michael Press

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

**Background Information:**

We have had a request for a CUP for a transmission shop to be located on SH-276. It is zoned Hwy C, which allows this use with a CUP. The applicant has indicated that he will only have cars that are scheduled to be worked on located outside the building. The recommended conditions for the CUP are as follows:

1. That the CUP be restricted to a transmission repair facility. Any expansion of the cup would need to be submitted to the Commission and Council for approval.
2. That no outside storage of business inventory, equipment, or material used in the business be permitted.

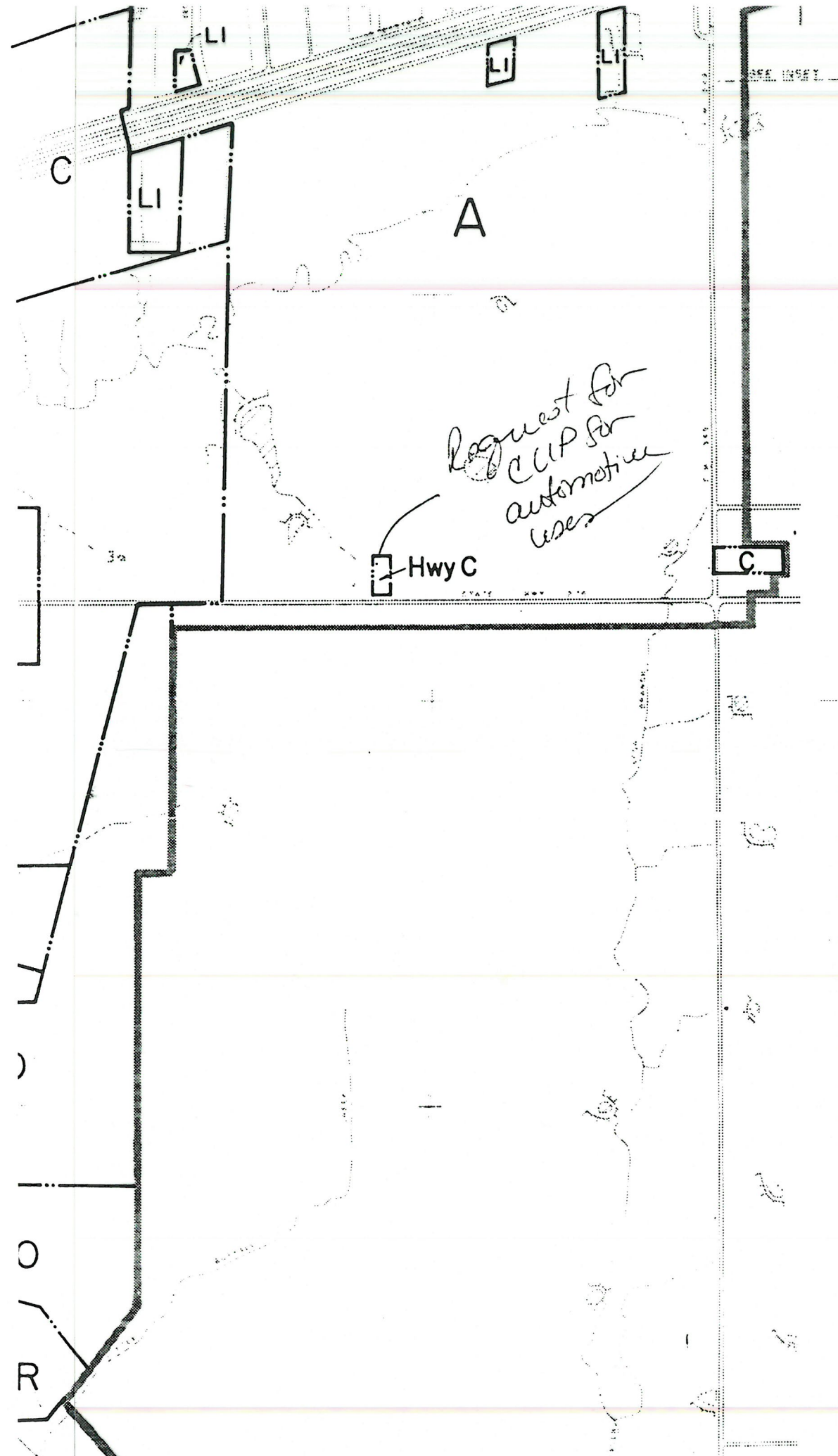
The Planning and Zoning Commission will be considering this item at their meeting on Thursday night. We will forward their recommendation to you on Friday. Attached is a location map.

**Attachments:**

1. Location Map

**Agenda Item:** CUP for Automotive Repair on SH-276

**Item No:** V. K.



Request for  
CUP for  
automotive  
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SEE MAP



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

**Agenda Date:** December 2, 1991

**Agenda No:** V. D.

**Agenda Item:** **P&Z 91-45-CUP** - Continue Public Hearing and Consider Approval of an Ordinance Authorizing a Request from Michael Press for a Conditional Use Permit for a Automotive Repair Facility in a "Hwy C" District to be Located on SH-276

**Item Generated By:** Applicant, Michael Press

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

**Background Information:**

We have had a request for a CUP for a transmission shop to be located on SH-276. It is zoned Hwy C, which allows this use with a CUP. The applicant has indicated that he will only have cars that are scheduled to be worked on located outside the building. The Commission has recommended approval with the following conditions:

1. That the CUP be restricted to a transmission repair facility. Any expansion of the cup would need to be submitted to the Commission and Council for approval.
2. That no outside storage other than vehicles to be serviced be permitted on the site.

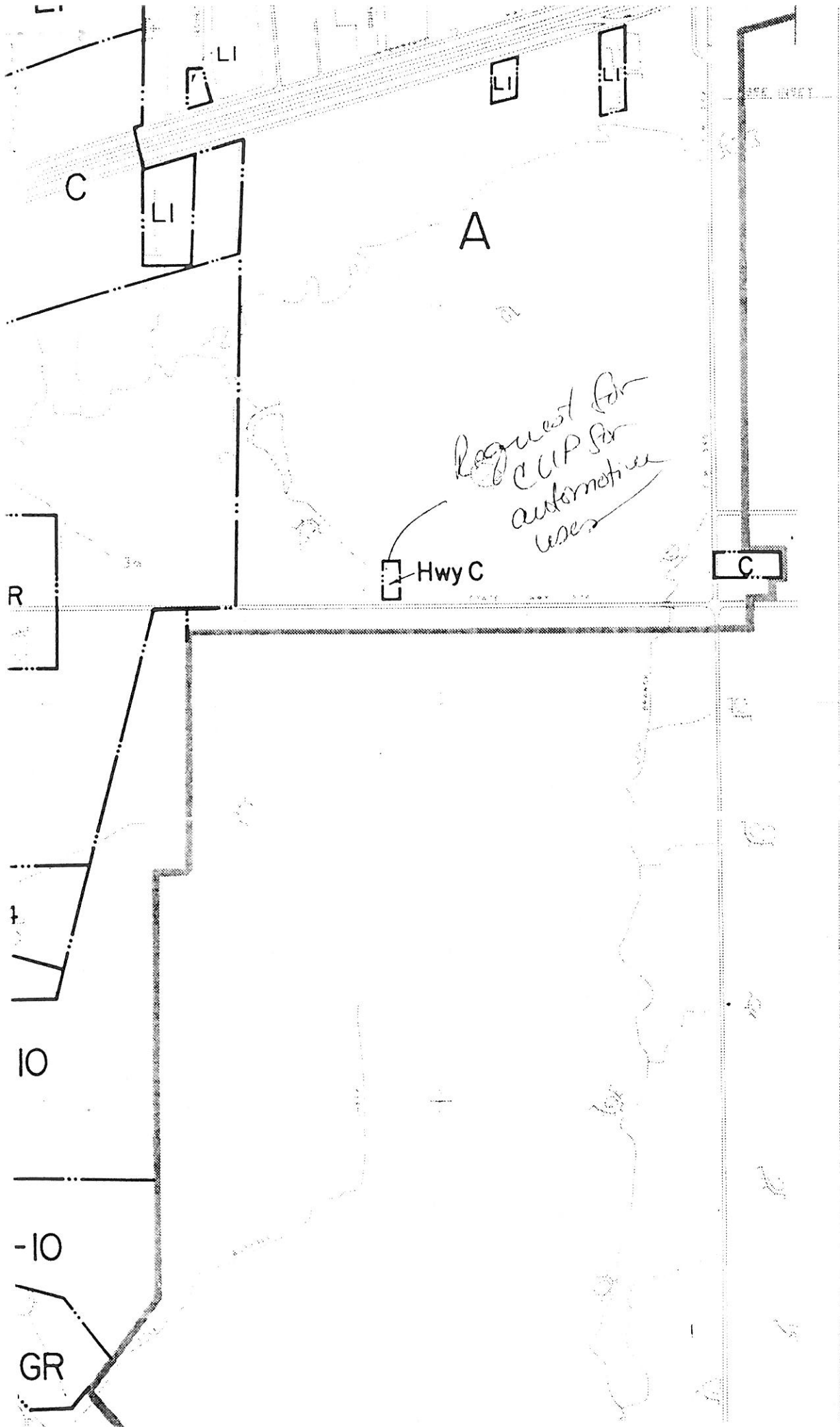
Attached is a location map and a draft ordinance.

**Attachments:**

1. Location Map
2. Ordinance

**Agenda Item:** CUP for Automotive Repair on SH-276

**Item No:** V. D.



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

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR FACILITY IN A "HWY C" DISTRICT ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for an automotive repair facility in a "Hwy C" Highway Commercial District on the property described on Exhibit "A", has been requested by Michael Press; 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 ordinance 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, and 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, Texas as heretofore amended, be and the same is hereby amended so as to grant a Conditional Use Permit for an automotive repair facility on the property specifically described in Exhibit "A".

SECTION 2. That the Conditional Use Permit is subject to the following special conditions:

1. That the CUP shall be restricted to a transmission repair facility. Any expansion of the CUP must be submitted for approval to the Planning and Zoning Commission and City Council.
2. That there shall be no outside storage other than customer vehicles to be serviced.

SECTION 3. That the property described herein shall be used only in the manner and for the purposes authorized by the Comprehensive Zoning Ordinance of the City of Rockwall, as heretofore amended, as amended hereby with the approval of this Conditional Use Permit, and as may be amended in the future.

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) for each offense and each and every day such offense continues shall be deemed to constitute a separate offense.

SECTION 5. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same area 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 as the law in such case provides.

DULY PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
APPROVED

\_\_\_\_\_  
ATTEST

1ST READING \_\_\_\_\_

2ND READING \_\_\_\_\_



CUP  
Case file

ORDINANCE NO. 91-61

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A CONDITIONAL USE PERMIT FOR AN AUTOMOTIVE REPAIR FACILITY IN A "HWY C" DISTRICT ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

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as may be amended in the future.

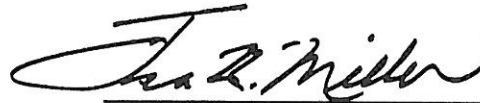
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SECTION 5. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation, or circumstance, nor shall adjudication affect any other section or provision of the Comprehensive Zoning Ordinance of the City of Rockwall, Texas, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect.

SECTION 6. That all ordinances of the City of Rockwall in conflict with the provisions of this be and the same area 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 as the law in such case provides.

DULY PASSED AND APPROVED this 16th day of December, 1991.



APPROVED



ATTEST

1ST READING 12/2/91

2ND READING 12/16/91



# CITY OF ROCKWALL

## "THE NEW HORIZON"

November 4, 1991  
PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, November 14, 1991, at 7:00 P.M. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on Monday, November 18, 1991, at 7:00 P.M. in City Hall to consider approval a request from Michael Press for a Conditional Use Permit for auto service and repair, including transmission service and repair, on a single acre tract of land located on SH-276 West of FM-549 and further described as follows:

BEING a tract of land situated in teh J.M. Allen Survey, Abstract No. 2, Rockwall County, Texas, and being part of a 66.26 acre tract as recorded in Volume 82, Page 876, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the North line of State Highway No. 276, with the East line of said 66.26 acre tract, a 1/2" iron stake found for corner.

THENCE, N. 89° 44' 04" W., along the North line of State Highway No. 276, a distance of 150.00 feet to a 1/2" iron stake set for corner.

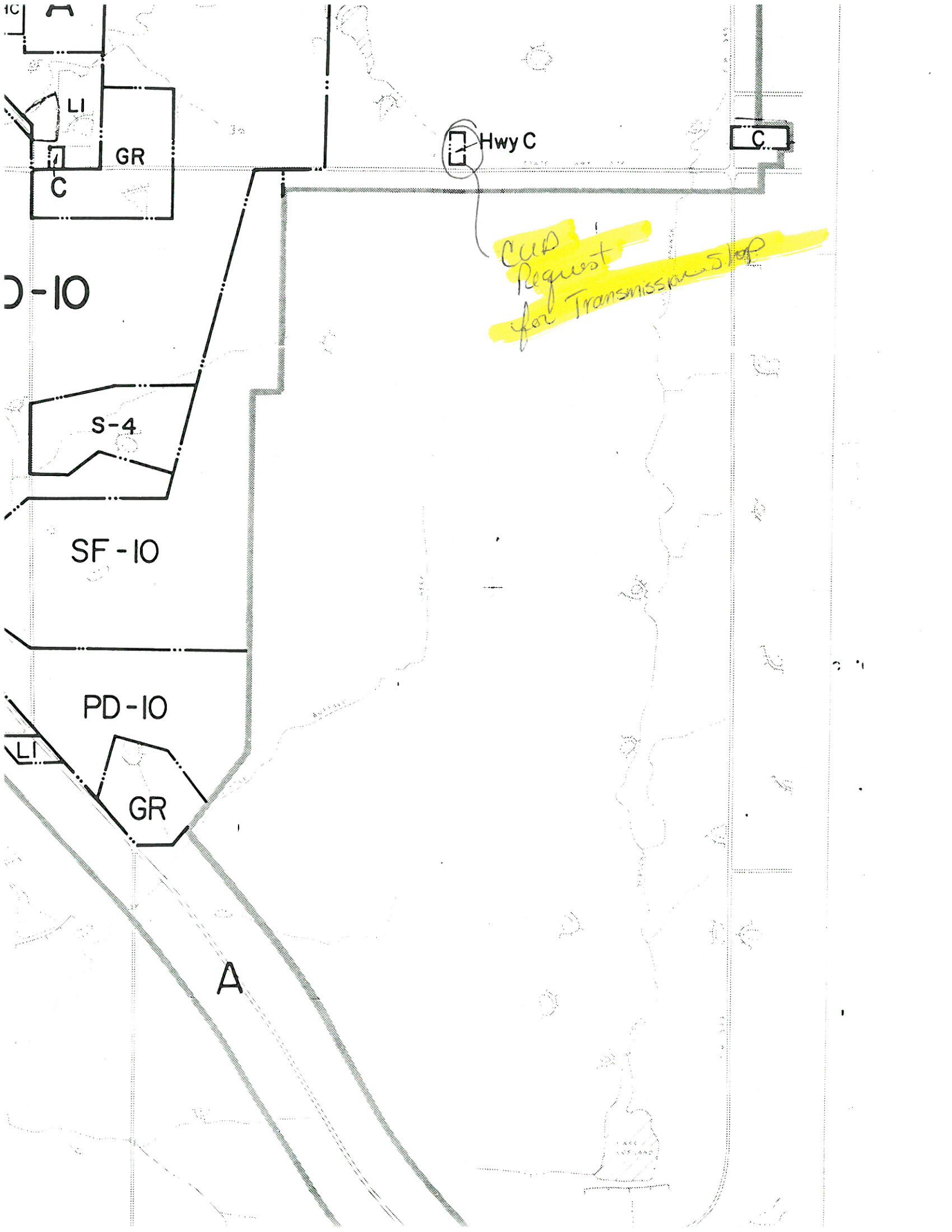
THENCE, N. 0° 28' 53" W., laving the North line of State Highway No. 276, a distance of 290.42 feet to a 1/2" iron stake set for corner.

THENCE, S. 89° 44' 04" E., a distance of 150.00 feet to a 1/2" iron stake set for corner.

THENCE, S. 0° 28' 53" E., a distance of 290.42 feet to the PLACE OF BEGINNING and containing 1.00 acres of land. This description is based on the Land Title Survey and Plat made by Kenneth E. Brown, Registered Public Surveyor on March 7, 1985.

As an interested property owner, you are invited to attend these hearings or notify the Commission and Council of your feeling in regard to the matter by writing to: 205 W. Rusk, Rockwall, Texas, 75087, Attention: City Secretary.





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CUD Request for Transmission S of

LAKE ASHLAND



Michael Press COP

Ab 2 Jr 147

D. L. Faulkner

1785 E F-30

Garland, TX 75043

Ab 1, Jr 2, 1-1, 1

Jenny Clarke Cleghorn

307 Best

Rockwall