

CITY OF ROCKWALL  
205 West Rusk  
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 92-11-2 Filing Fee \_\_\_\_\_ Date April 24, 1992  
Applicant TMS Manufacturing, Inc. Phone 771-4303  
Mailing Address 2007 Industrial  
Rockwall, Texas 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> aka 1411 South Goliad

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

Commercial 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:<sup>2</sup> Owner \_\_\_\_\_ Tenant XX  
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 Judy Van Hemert, Pres.  
Judy VanHemert, President

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.

April 24, 1992

I hereby acknowledge the application of TMS Manufacturing, Inc. to rezone the property located at 1411 Goliad, Rockwall, Texas from Commercial to Light Industrial.

Thank you for your assistance.

Sincerely,



Judy VanHemert  
President, Location Plus, Inc.

## ZONING CASE/CUP/AMENDMENT TO PD - FILE CHECKLIST

- Application
- Development Plan (Stamped Approved - W/Date)
- Zoning Exhibit( Stamped Approved - W/Date)
- Legal Description
- Copy of Legal Notice (As it appeared in the Paper)
- Receipt
- Notice to Paper
- List of Residents Notified
- Residents Responses
- Location Map
- P & Z Memo/Report
- City Council Memo/Report
- P & Z Minutes
- City Council Minutes

**AGREEMENT**

**CITY OF ROCKWALL, AND  
C-POWER COMPANIES**

**TMS Manufacturing, Inc.**

This agreement, entered into on the \_\_\_\_\_ day of April, 1992, between the City of Rockwall, Texas, hereinafter known as the "City" and ~~C-Power Companies~~, hereinafter known as the "Prospective Buyers", witnesseth that: <sup>TMS Manufacturing, Inc., a subsidiary of</sup>

WHEREAS, an application for a Certificate of Occupancy has been submitted by ~~C-Power Companies~~ <sup>TMS Manufacturing, Inc.</sup> for a manufacturing use to be located at 1411 South Goliad, and

WHEREAS, the zoning on the property is currently Commercial, which does not permit manufacturing and the Prospective Buyers have submitted a request for a change of zoning to Light Industrial, and

WHEREAS, the building does not meet certain requirements of the City's building and fire codes for occupancy as an industrial building, and

WHEREAS, the Prospective Buyers have requested that a Temporary Certificate of Occupancy be issued to them for a period not to exceed 90 days in order to provide the Prospective Buyer time to submit for consideration by the City an application for a zoning change and time to comply with the required building and fire code standards, and

WHEREAS, the Prospective Buyers, and their vendors, grantees, assigns, successors, trustees, and all others holding any interest now or in the future, agree and enter into this agreement which shall operate as a covenant running with the land, and be binding upon the Prospective Buyers and their representatives;

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

A. The City hereby agrees to issue a Temporary Certificate of Occupancy for a manufacturing use to be located at 1411 South Goliad, for a period of 90 days from the ~~effective~~ <sup>execution</sup> date of this agreement, only under the following conditions:

1. Should the zoning change request which has been submitted by the Prospective Buyers for 1411 South Goliad for any reason be denied by the City Council, the Prospective Buyers hereby agree to cease operations and vacate the site within 30 days of the final action by the City Council. The Prospective Buyers also hereby agree and acknowledge that the utilities to the site shall be terminated ~~no later than~~ 30 days after the final action by the City Council.

denying the zoning change request

2. The Prospective Buyers hereby agree to have all required fire exits, including exit lighting and signage, and adequate fire extinguishers installed within 5 days of

date  
execution of this agreement.

3. The Prospective Buyers hereby agree to have the required fire sprinkler system installed in the area of the building to be occupied within 45 days from the execution date of this agreement. The remainder of the required sprinkler system shall be installed within 90 days of the execution of this agreement.
  4. The Prospective Buyers hereby agree to comply with all other requirements of the building and fire codes within 45 days of the execution date of this agreement.
  5. The Prospective Buyers hereby acknowledge that any work completed within the building prior to consideration of the zoning request, as outlined in Section 1, is completed at their own risk and there is no assurance on the part of the City that the necessary zoning for their use will be granted by the City and that the Prospective Buyers understand that the zone change process is completely independent of this agreement.
- B. The Prospective Buyers, their successors, assigns, vendors, grantees, and/or trustees do hereby fully release, indemnify, and hold harmless the City from all claims, suits, judgments, and demands which may accrue as a result of the physical construction by the Prospective Buyers within the facility or the occupancy and use of the building by the prospective Buyers, their employees, contractors, visitors or other persons that may enter the building during the term of this agreement.
- C. The Prospective Tenants hereby agree to comply with the above stated requirements and expressly acknowledge that by entering into this agreement, the Prospective Buyers, their 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.
- D. In the event the Prospective Buyers fail to comply with the provisions of this agreement, any Temporary Certificate of Occupancy issued during the term of this agreement shall be revoked and all uses temporarily authorized shall immediately cease. The Prospective Buyers hereby acknowledge that utility service to the building will be discontinued at the time the Temporary Certificate of Occupancy is revoked and that further occupancy shall constitute a violation of this agreement and of the City Zoning Ordinance.
- B. This agreement shall be a covenant with the land, and be binding upon the Prospective Buyers and their successors, heirs, assigns, grantees, trustees and/or representatives.
- F. Upon the satisfactory completion of the conditions stated in Section A. by the Prospective Buyers and final acceptance by the City of all requirements of this agreement this agreement shall terminate and the City shall execute a release of covenant to the Owner and Tenants, their assigns, successors, grantees, trustees, and/or representatives.
- G. The Prospective Buyers hereby acknowledges that no extension to this agreement will be

considered by the City.


H. The City, and the Prospective Buyers have authorized the following parties to and they do hereby execute this agreement.

City of Rockwall, Texas

  
by Bill Eisen, City Manager

Date: 4/27/92

TMS Manufacturing, Inc.  
~~E. Power Companies~~

  
by

Date: 04/24/92



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

June 5, 1992

Mr. Judy Van Hemert  
President  
TMS Manufacturing, Inc.  
2007 Industrial Road  
Rockwall, Texas 75087

Dear Ms. Van Hemert:

On Monday, June 1, 1992 the Rockwall City Council approved your request for a change in zoning from Commercial to Light Industrial on property located at 1411 S. Goliad.

If you have any questions please don't hesitate to call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie Couch".

Julie Couch  
Assistant City Manager

hcc



**CITY OF ROCKWALL**  
**Planning and Zoning Agenda**

**Agenda Date:** May 14, 1992

**Agenda No:** III. D.

**Agenda Item:** P&Z 92-11-Z - Hold Public Hearing and consider Approval of a Request from TMS Manufacturing, Inc. for a Change in Zoning from "C" Commercial to "LI" Light Industrial on Property Located at 1411 S. Goliad

**Item Generated By:** Applicant, TMS, Inc.

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

**Background Information:**

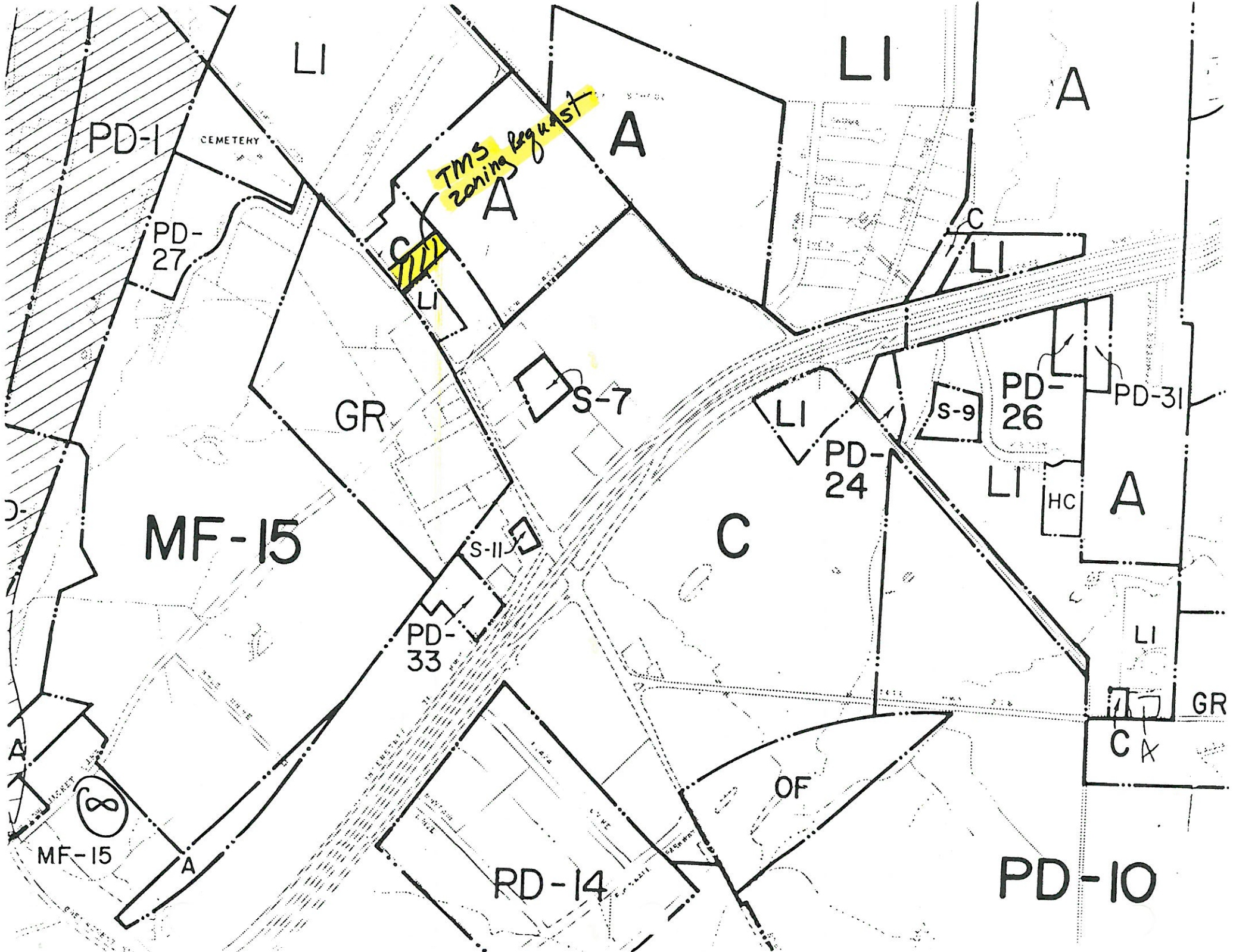
We have received a request from TMS, Inc., which is a part of C-Power, for the rezoning of the tract of land located on SH-205 north of the Houser Concrete plant from Commercial to Light Industrial. This building was originally built as a window plant and was most recently used as the Stamps USA business. This site was approved as a enterprise zone by the City Council for the purpose of approving a tax abatement for the TMS facility to be located there. The owners obtained the property from the RTC and they have only now been able to submit a zoning request for the property. The land use plan shows commercial and industrial in the area and there is already industrial zoning to the south and the north of this site.

**Attachments:**

1. Location Map

**Agenda Item:** Rezoning from C to LI

**Item No:** III. D.



TMS zoning request

CEMETERY

PD-1

PD-27

MF-15

GR

S-7

PD-24

PD-26

PD-31

PD-33

S-11

RD-14

PD-10

MF-15

A

OF

CA

LI

A

HC

LI

S-9

LI

C

A

A

C

LI

LI

LI

A

C

LI

**CITY OF ROCKWALL  
City Council Agenda**

**Agenda Date:** May 18, 1992 **Agenda No:** VI. E.

**Agenda Item:** P&Z 92-11-Z - Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from TMS Manufacturing, Inc. for a Change in Zoning from "C" Commercial to "LI" Light Industrial on Property Located at 1411 S. Goliad (1st Reading)

**Item Generated By:** Applicant, TMS, Inc.

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

**Background Information:**

We have received a request from TMS, Inc., which is a part of C-Power, for the rezoning of the tract of land located on SH-205 north of the Houser Concrete plant from Commercial to Light Industrial. This building was originally built as a window plant and was most recently used as the Stamps USA business. This site was recently approved as a reinvestment zone by the City Council for the purpose of approving a tax abatement for the TMS facility to be located there. The owners obtained the property from the RTC and they have only now been able to submit a zoning request for the property. The land use plan shows commercial and industrial in the area and there is already industrial zoning to the south and the north of this site. We would recommend approval of the request.

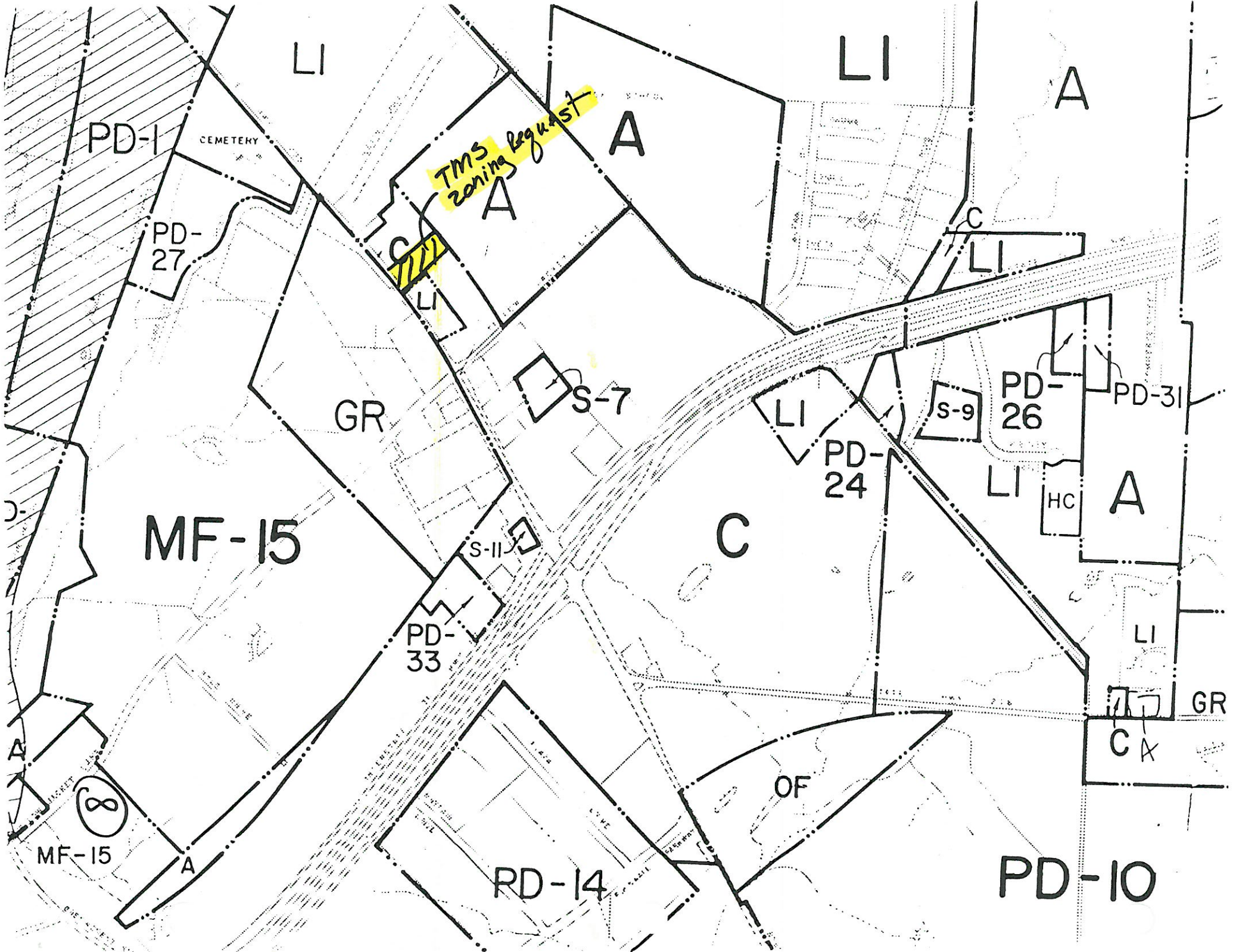
The Commission is considering this item at their meeting on Thursday night. We will forward their recommendation to you on Friday.

**Attachments:**

1. Location Map

**Agenda Item:** Rezoning from C to LI

**Item No:** VI. E.



TMS zoning request

PD-1

CEMETERY

PD-27

A

A

LI

A

C

LI

GR

S-7

LI

S-9

PD-26

PD-31

PD-24

LI

HC

A

MF-15

S-11

C

PD-33

LI

GR

CA

OF

MF-15

A

RD-14

PD-10

**CITY OF ROCKWALL  
City Council Agenda**

**Agenda Date:** May 18, 1992 **Agenda No:** VI. E.

**Agenda Item:** P&Z 92-11-Z - Hold Public Hearing and Consider Approval of an Ordinance Granting a Request from TMS Manufacturing, Inc. for a Change in Zoning from "C" Commercial to "LI" Light Industrial on Property Located at 1411 S. Goliad (1st Reading)

**Item Generated By:** Applicant, TMS, Inc.

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

**Background Information:**

The Commission has recommended approval of the request. A copy of the ordinance is attached.

**Attachments:**

1. Ordinance

**Agenda Item:** Rezoning from C to LI

**Item No:** VI. E.

FAX TRANSMISSION

TODAY'S DATE

4-27

TIME

NO. OF PAGES

1

TO

Julie Couch

FROM

Sue Johnson

LOCATION

LOCATION

X NUMBER

771-7727

FAX NUMBER

TELEPHONE NUMBER

TELEPHONE NUMBER

771-9001

COMMENTS

I think this is the full legal on the Stamps Bldg.

5378  
ALIGN WITH TOP OF DOCUMENT

ALIGN WITH TOP OF DOCUMENT

TRACT NO. ONE:

All that certain lot, tract or parcel of land lying in the County of Rockwall, part of the BJT Lewis Survey and being a part of the J.R. Lofland Homestead tract, now in the name of Mrs. Amanda Rochell, said tract being 60 feet by 305.4 feet in size, containing 0.420 acres, described as follows: BEGINNING at an iron pin the Northeast corner of the Charles E. Atkins 1-1/2 Acre tract, of record in Vol. 56, Page 356, Deed Records of Rockwall County, Texas; THENCE North 46 Deg. 09' East 60 feet to an iron pin for a corner; THENCE North 42 Deg. 09' West 305.4 feet to an iron pin for a corner; THENCE South 46 Deg. 09' West 60 feet to an iron pin in the Northwest corner of the Atkins lot; THENCE South 42 Deg. 09' East 305.4 feet with the Atkins tract Northeast line to the place of beginning, containing 0.420 acres as surveyed by R.E.L. Halford, County Surveyor, on March 1, 1966.

TRACT NO. TWO:

All that certain lot, tract or parcel of land, and being a certain 1-1/2 acres out to the B.J.T. Lewis Survey and out of the J.R. Lofland homestead tract, located about 1 mile Southeast of the town of Rockwall, Rockwall County, Texas; Beginning at West corner of a certain 2 acre tract conveyed by Mrs. Amanda Rochell et al to H.L. Williams, as shown in Volume 56, Page 150 of the Deed Records, Rockwall County, Texas; Thence North 41 Deg. 13' West 64.7 feet along North margin of State Highway 205 to R O W marker; Thence North 91 Deg. 03' East where R O W widens 24.8 feet to a concrete R O W marker; Thence North 42 Deg. 09' West 242.7 feet along North margin of Highway 205 to an iron pin in R O W line; Thence North 46 Deg. 09' East 208.7 feet to an iron pin for a corner; Thence South 42 Deg. 09' East 305.4 feet to an iron pin for a corner; Thence South 46 Deg. 09' West 234.7 feet to the place of beginning, and containing 1-1/2 acres of land surveyed by R.E.L. Halford, County Surveyor, on June 24, 1957;

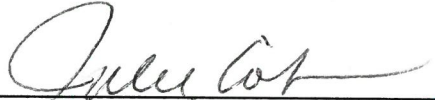


# CITY OF ROCKWALL

"THE NEW HORIZON"

## PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, May 14, 1992 at 7:00 P.M. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on Monday, May 18, 1992 at 7:00 p.m. in City Hall, 205 W. Rusk, Rockwall, Texas to consider approval of a request from TMS Manufacturing, Inc. for a change in zoning from "C" Commercial zoning classification to "LI" Light Industrial zoning classification for property located at 1411 Goliad, Rockwall, Texas and further described on the reverse side of this notice. As an interested property owner, you are invited to attend this meeting or make your feelings known in writing by returning the form below:

  
\_\_\_\_\_  
City Secretary

-----  
Case No. PZ 92-11-Z

I am in favor of the request for the reasons listed below \_\_\_\_\_

I am opposed to the request for the reasons listed below \_\_\_\_\_

- 1.
- 2.
- 3.

Signature \_\_\_\_\_

Address \_\_\_\_\_

TRACT NO. ONE:

All that certain lot, tract or parcel of land lying in the County of Rockwall, part of the BJT Lewis Survey and being a part of the J.R. Lofland Homestead tract, now in the name of Mrs. Amanda Rochell, said tract being 60 feet by 305.4 feet in size, containing 0.420 acres, described as follows: BEGINNING at an iron pin the Northeast corner of the Charles E. Atkins 1-1/2 Acre tract, of record in Vol. 56, Page 356, Deed Records of Rockwall County, Texas; THENCE North 46 Deg. 09' East 60 feet to an iron pin for a corner; THENCE North 42 Deg. 09' West 305.4 feet to an iron pin for a corner; THENCE South 46 Deg. 09' West 60 feet to an iron pin in the Northwest corner of the Atkins lot; THENCE South 42 Deg. 09' East 305.4 feet with the Atkins tract Northeast line to the place of beginning, containing 0.420 acres as surveyed by R.E.L. Halford, County Surveyor, on March 1, 1966.

TRACT NO. TWO:

All that certain lot, tract or parcel of land, and being a certain 1-1/2 acres out to the B.J.T. Lewis Survey and out of the J.R. Lofland homestead tract, located about 1 mile Southeast of the town of Rockwall, Rockwall County, Texas; Beginning at West corner of a certain 2 acre tract conveyed by Mrs. Amanda Rochell et al to H.L. Williams, as shown in Volume 56, Page 150 of the Deed Records, Rockwall County, Texas; Thence North 41 Deg. 13' West 64.7 feet along North margin of State Highway 205 to R O W marker; Thence North 51 Deg. 03' East where R O W widens 24.8 feet to a concrete R O W marker; Thence North 42 Deg. 09' West 242.7 feet along North margin of Highway 205 to an iron pin in R O W line; Thence North 46 Deg. 09' East 208.7 feet to an iron pin for a corner; Thence South 42 Deg. 09' East 305.4 feet to an iron pin for a corner; Thence South 46 Deg. 09' West 234.7 feet to the place of beginning, and containing 1-1/2 acres of land surveyed by R.E.L. Halford, County Surveyor, on June 24, 1957;



## Notices for TMS Manufacturing

Inwood National Bank  
1100 Centennial Blvd.  
Richardson, TX 75081

D. R. Whiteford  
1407 S. Goliad  
Rockwall, Texas 75087

H. L. Williams  
411 Valley Drive  
Rockwall, Texas 75087

Cameron and Cameron  
1101 Ridge Road  
Rockwall, Texas 75087

Folsom Inv. Inc.  
c/o D. Alan Bowlby and Assoc.  
P. O. Box 1067  
Addison, TX 75001

Retail Buildings Inc.  
3000 NE 63rd Street  
Oklahoma City, OK 73121

4

## TMS MANUFACTURING

1. INWOOD NATIONAL BANK  
1100 CENTENNIAL BLVD.  
RICHARDSON, TX 75081
2. D. R. WHITEFORD  
1407 S. GOLIAD  
ROCKWALL
3. H. L. WILLIAMS  
411 VALLEY DR.  
ROCKWALL
4. CAMERON + CAMERON  
1101 RIDGE RD.  
ROCKWALL
5. FOLSOM INV, INC,  
C/O D. ALAN BOWLBY + ASSOC.  
P.O. BOX 1067  
ADDISON, TX 75001
6. RETAIL BUILDINGS INC.  
3000 NE 63<sup>RD</sup> ST  
OKLAHOMA CITY, OK 73121
7. COLORED BURIAL CLUB  
ROCKWALL  
(NO ADDRESS LISTED  
ON TAX ROLL)

RECEIVED  
8-24-93

**PUBLIC NOTICE**

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, September 9, 1993 at 7:00 P.M. and the Rockwall City Council will hold a public hearing on Monday, September 20, 1993 in City Hall, 205 West Rusk, Rockwall, Texas, to consider:

1. To consider a request from Gerald Houser for a change in zoning from "LI" Light Industrial to "HC" Heavy Commercial on a tract of land located on SH 276, east of SH 205 and more particularly described as Lot 1, Block A, Houser Addition.

- 45 **PZ 92-11-Z Hold Public Hearing and Consider Approval of a Request from TMS Manufacturing, Inc. for a Change in Zoning from "C" Commercial to "LI" Light Industrial on Property Located at 1412 Goliad** *M.W. 5/14/92*

- 50 Couch explained the applicant's request. Welborn opened the public hearing. Judy Van Hemert, President of TMS, Inc. addressed the Commission and was available to answer questions. Welborn closed the public hearing. Wilson made a motion to recommend approval of a change in zoning from "C" Commercial to "LI" Light Industrial on property located at 1412 Goliad. Mitchell seconded the motion. The motion was voted on and passed unanimously.



2. A request from TMS Manufacturing, Inc. for a change in zoning from Commercial zoning classification to Light Industrial zoning classification for property located at 1411 Goliad further described as follows:

TRACT NO. ONE:

All that certain lot, tract or parcel of land lying in the County of Rockwall, part of the BJT Lewis Survey and being a part of the J.R. Lofland Homestead tract, now in the name of Mrs. Amanda Rochell, said tract being 60 feet by 305.4 feet in size, containing 0.420 acres, described as follows: Beginning at an iron pin the Northeast corner of the Charles E. Atkins 1-1/2 Acre tract of record in Vol. 56, Page 356, Deed Records of Rockwall County, Texas: THENCE North 46 Deg. 09' East 60 feet to an iron pin for a corner; THENCE North 42 Deg. 09' West 305.4 feet to an iron pin for a corner; THENCE South 45 Deg. 09' West 60 feet to an iron pin in the Northwest corner of the Atkins lot; THENCE South 42 Deg. East 305.4 feet with the Atkins tract Northeast line to the place of beginning, containing 0.420 acres as surveyed by R.E.L. Halford, County Surveyor, on March 1, 1966.

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