

Filing Fee - \$150.00 + \$10.00/acre

CITY OF ROCKWALL
205 West Rust
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. P292442/PP Filing Fee \$ 353.60 Date 10/27/92

Applicant RICK AND TAMARA DIRKSE Phone H 771-4006
W 771-1040

Mailing Address: 809 LAKE MEADOWS CIRCLE
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

See Attachment A

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

Agricultural District Classification to

Planned Development District Classification for the following reasons: (attach separate sheet if necessary)

See Attachment B

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 Rick Dirkse

Note:

1

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.

2

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

STATE OF TEXAS
COUNTY OF ROCKWALL

TRACT I

BEING a tract of land situated in the W.G. DeWeese Survey, Abstract No. 71, Rockwall County, Texas, and being a part of a 47.26 acre tract of land described in deed recorded in Volume 102, Page 800, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at the Southeast corner of said 47.26 acre tract and on the West line of State Highway 205;

THENCE: North 0° 05' 40" West with said West line, passing at 418.70 feet the Southeast corner of that 10 foot wide strip of land dedicated for widening of State Highway 205 by plat of Smith Addition, recorded in Slide B, Page 289, Plat Records, Rockwall County, Texas, and continuing with the East line of said 10 foot strip a total distance of 634.73 feet to an angle point;

THENCE: North 2° 21' 01" West a distance of 87.17 feet continuing with said East line to an iron rod at the Northeast corner of said 10 foot strip and the Point of Beginning;

THENCE: South 89° 49' 44" West, passing at 10.01 feet the Northeast corner of Lot 1, Block A, of said Smith Addition and continuing with the North line of said Lot 1 a total distance of 710.69 feet to an iron rod found for a corner;

THENCE: North 0° 05' 41" East a distance of 201.06 feet along a fence line and with the most Northerly West line of said 47.26 acre tract to an iron rod set for a corner;

THENCE: North 89° 49' 44" East a distance of 712.67 feet to an iron rod set for a corner on the West line of State Highway 205;

THENCE: South 0° 49' 28" West a distance of 190.89 feet with said West line to an iron rod set for a corner at an angle point;

THENCE: South 2° 27' 01" East a distance of 10.21 feet continuing with said West line to the Point of Beginning and Containing 143,037 Square Feet or 3.2837 Acres of Land.

Achment A

Filing fee - \$150.00 + \$10.00/acre

CITY OF ROCKWALL
205 West Rust
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 92-44-Z Filing Fee \$353.60 Date 10/27/92

Applicant NICK & NANCY WOODALL Phone 771-0684

Mailing Address: 107 TEAKWOOD
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.)
SEE ATTACHMENT "A"

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

PLANNED DEVELOPMENT District Classification for the following reasons: (attach separate sheet if necessary)
SEE ATTACHMENT "B"

There ~~(are)~~ (are not) deed restrictions pertaining to the intended use of the property.
2

Status of Applicant 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 Nick Woodall

Note:

1

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2

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

TRACT II

BEING a tract of land situated in the W.G. DeWeese Survey, Abstract No. 71, Rockwall County, Texas, and being a part of a 47.26 acre tract of land described in deed recorded in Volume 102, Page 800, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at the Southeast corner of said 47.26 acre tract and on the West line of State Highway 205;
 THENCE: North 0° 05' 40" West with said West line, passing at 418.70 feet the Southeast corner of that 10 foot wide strip of land dedicated for widening of State Highway 205 by plat of Smith Addition, recorded in Slide B, Page 289, Plat Records, Rockwall County, Texas, and continuing with the East line of said 10 foot strip a total distance of 634.73 feet to an angle point;
 THENCE: North 2° 21' 01" West a distance of 87.17 feet continuing with said East line to an angle point;
 THENCE: North 2° 27' 01" East a distance of 10.21 feet continuing with said West line to an angle point;
 THENCE: North 0° 49' 28" East a distance of 190.89 feet continuing with said West line to an iron rod set at the Point of Beginning;
 THENCE: South 89° 49' 44" West a distance of 712.67 feet to an iron rod set for a corner;
 THENCE: North 0° 05' 41" East a distance of 200.69 feet along a fence line and with the most Northerly West line of said 47.26 acre tract to an iron rod found for a corner;
 THENCE: North 89° 49' 44" East a distance of 712.41 feet to an iron rod found for a corner on the West line of State Highway 205;
 THENCE: South 0° 06' 57" East a distance of 171.56 feet with said West line to an iron rod found for a corner at an angle point;
 THENCE: South 0° 49' 28" West a distance of 29.13 feet continuing with said West line to the Point of Beginning and Containing 143,037 Square Feet or 3.2837 Acres of Land.

037

The plat hereon is a true, correct and accurate representation of the property as determined by survey; the lines and dimensions of said property being as indicated by the plat. There are no encroachments, conflicts, or protrusions, except as shown.

Harold L. Evans, P.E., Registered Public Surveyor No. 2146



Attachment B

BOUNDARY SURVEY

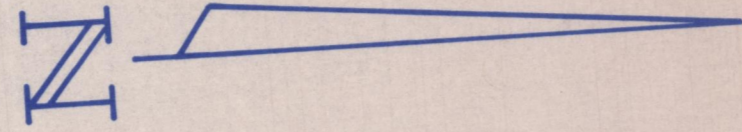
TWO TRACTS OF LAND

W.G. DEWEESE SURVEY - ABSTRACT NO. 71

CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS



HAROLD L. EVANS CONSULTING ENGINEER		
2331 GUS THOMASSON RD. SUITE 102 DALLAS, TEXAS 75228 PHONE (214) 328-8133		
SCALE	DATE	JOB NO.
1"=100'	7-30-87	8520

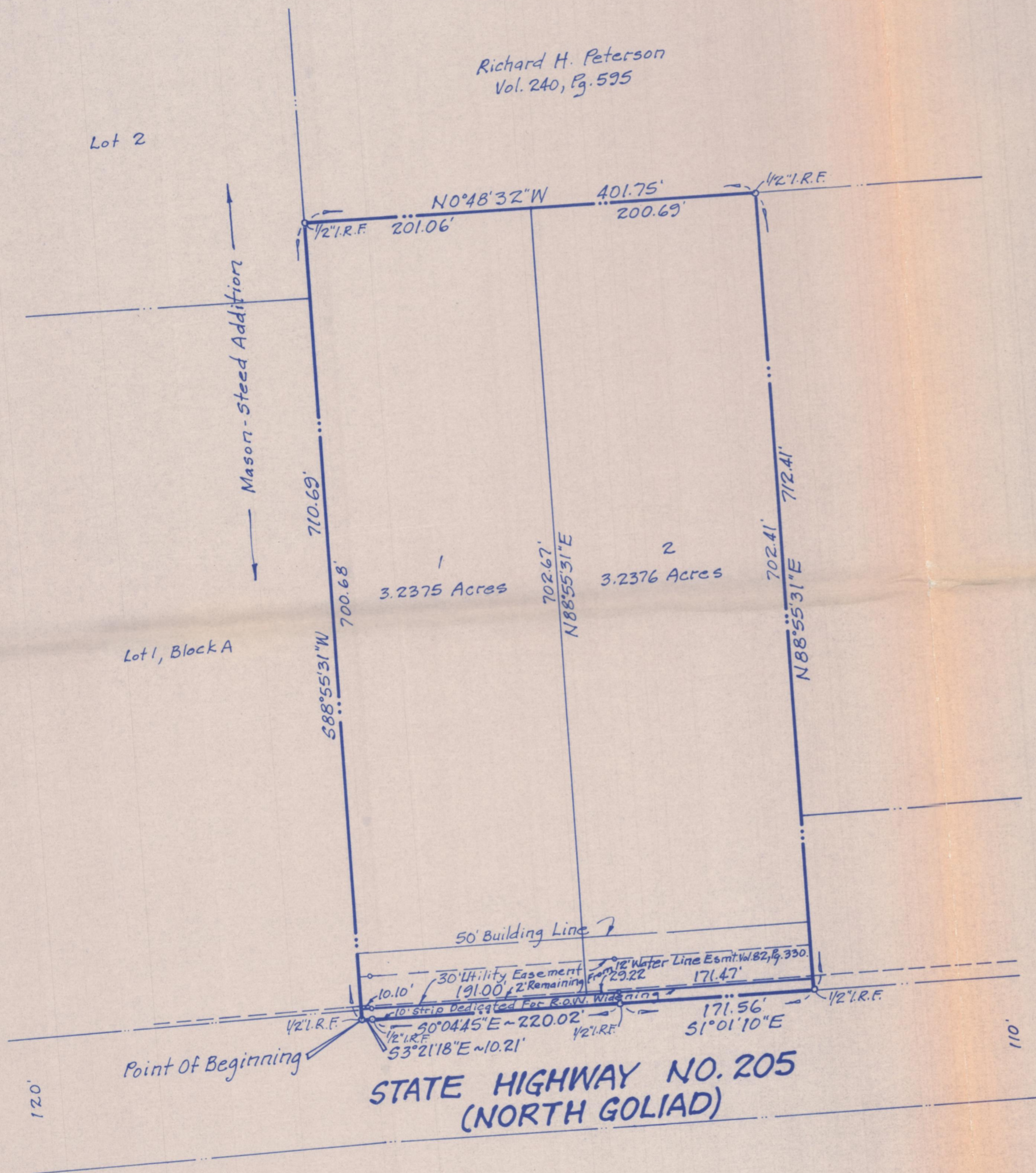


Richard H. Peterson
Vol. 240, Pg. 595

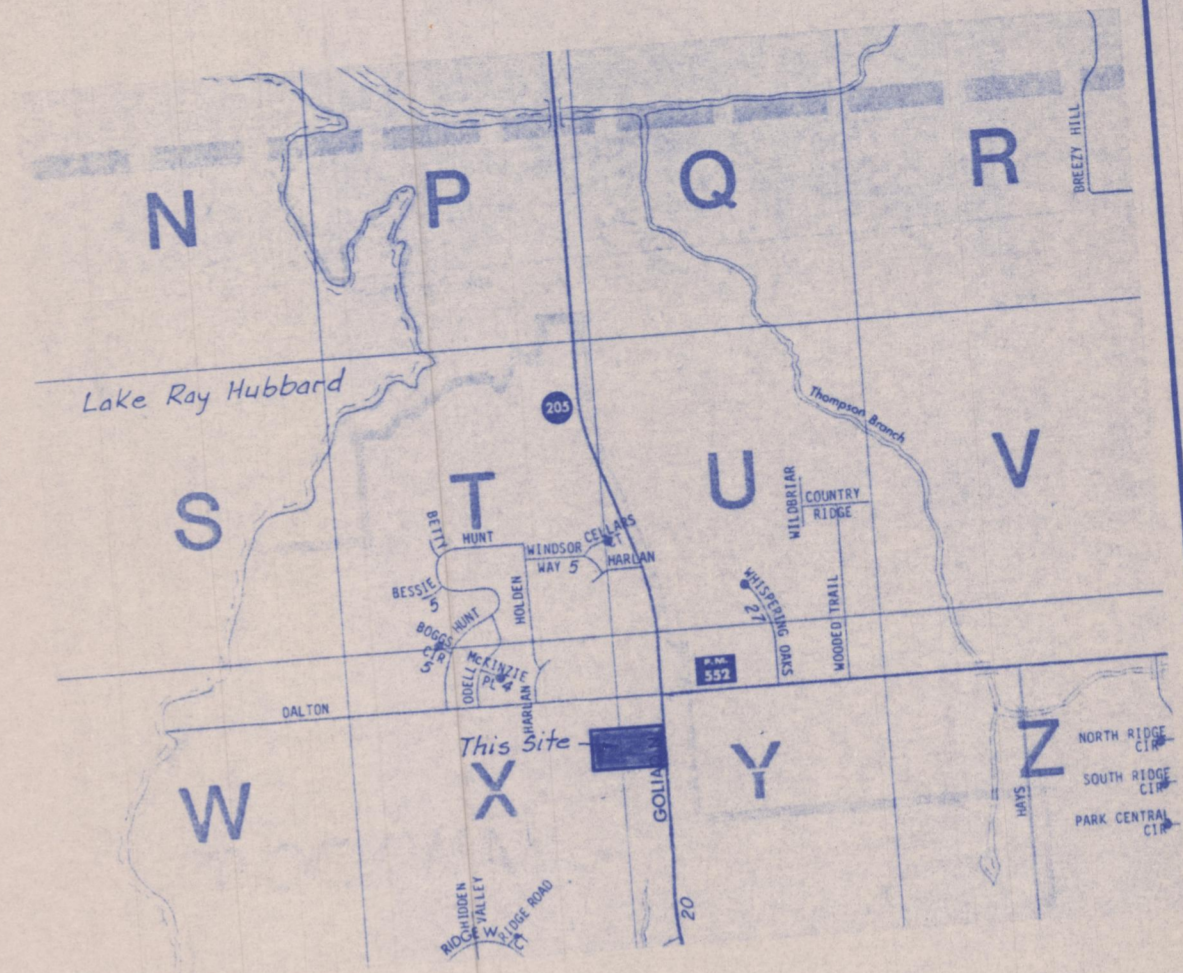
Lot 2

Mason-Steed Addition

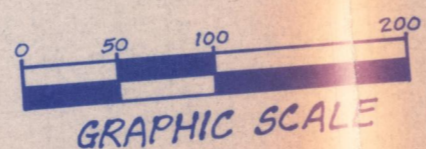
Lot 1, Block A



STATE HIGHWAY NO. 205
(NORTH GOLIAD)



LOCATION MAP
scale: 1"=2,000'



1/2

HAROLD L. EVANS
CONSULTING ENGINEER
2331 GUS THOMASSON RD. SUITE 102
DALLAS, TEXAS 75228
PHONE (214) 328-8133

SCALE	DATE	JOB NO.
1"=100'	10-23-92	92108

DIRKWOOD ESTATES
W.G. DEWEESE SURVEY, ABSTRACT NO. 71
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
Rick Dirkse ~ 207 E.I.H. 30 - owners - Nick Woodall ~ 500 Turtle Cove - Suite 20
Rockwall, Texas 75087 Tel. 771-1040
Rockwall, Texas 75087 Tel. 771-1441

OWNERS CERTIFICATE

STATE OF TEXAS
COUNTY OF ROCKWALL

WHEREAS: Richard P. Dirkse and wife, Tamara Dirkse, and Nick Woodall and wife, Nancy Woodall, are the owners of a tract of land situated in the W. G. Deweese Survey, Abstract No. 71, Rockwall County, Texas, and being those two tracts of land described in Deed to Richard P. Dirkse and wife, Tamara Dirkse, recorded in Volume 337, Page 269, and described in Deed to Nick Woodall and wife, Nancy Woodall, recorded in Volume 346, Page 254, both in the Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the West line of State Highway 205, a variable width right-of-way, at the South-east corner of said Dirkse tract and at the Northeast corner of that 10 foot wide right-of-way dedication as dedicated by Plat of Smith Addition, an addition to the City of Rockwall recorded in Slide B, Page 289, Plat Records, Rockwall County, Texas;

THENCE: South 88° 55' 31" West, passing at 10.01 feet the Northeast corner of Lot 1, Block A of said Addition and continuing a total distance of 710.69 feet with the North line of said Addition to a 1/2" iron rod found at the South-west corner of said Dirkse tract;

THENCE: North 0° 48' 32" West, passing at 201.06 feet the Northwest corner of said Dirkse tract and the Southwest corner of said Woodall tract and continuing a total distance of 401.75 feet to a 1/2" iron rod found at the Northwest corner of said Woodall tract;

THENCE: North 88° 55' 31" East a distance of 712.41 feet to a 1/2" iron rod found at the Northeast corner of said Woodall tract and on the West line of State Highway 205;

THENCE: South 1° 01' 10" East a distance of 171.56 feet with said West line to a 1/2" iron rod found at an angle point;

THENCE: South 0° 04' 45" East, passing at 29.13 feet the Southeast corner of said Woodall tract and the Northeast corner of said Dirkse tract and continuing a total distance of 220.02 feet with said West line to a 1/2" iron rod found at an angle point;

THENCE: South 3° 21' 18" East a distance of 10.21 feet to the Point of Beginning and containing 6.5674 acres of land.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT Richard P. Dirkse and wife Tamara, Nick Woodall and wife Nancy do hereby adopt this plat, designating the hereinabove described property as Dirkwood Estates, an addition to the City of Rockwall, Texas, and hereby dedicates for public use forever the street Right of Way shown hereon, and hereby reserves the easement strips shown on this plat for the purposes stated, and for the mutual use and accommodation of all utilities using or desiring to use the same. Any public utility shall have the right to remove and keep removed 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 system on any of the easement strips shown hereon; any public utility shall have the right of ingress or egress to, from and upon the said easement strips for the purpose of construction, reconstruction, inspecting, patrolling, maintaining, and either adding to or removing all or any part of their respective systems without the necessity of, at any time, procuring the permission of anyone.

WITNESS OUR HANDS this _____ day of _____, 1992.

RICHARD P. DIRKSE _____

NICK WOODALL _____

TAMARA DIRKSE _____

NANCY WOODALL _____

STATE OF TEXAS
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 1992, by Richard P. Dirkse and Tamara Dirkse.

Notary Public _____

STATE OF TEXAS
COUNTY OF _____

This instrument was acknowledged before me on the _____ day of _____, 1992, by Nick Woodall and Nancy Woodall.

Notary Public _____

SURVEYOR'S CERTIFICATE

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT I, Harold L. Evans, 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 properly placed under my personal supervision.

Harold L. Evans, P.E., Registered Professional Land Surveyor No. 2146

STATE OF TEXAS
COUNTY OF DALLAS

This instrument was acknowledged before me on the _____ day of _____, 1992, by Harold L. Evans.

Notary Public _____

APPROVED

Chairman, Planning and Zoning Commission _____

Date _____

I hereby certify that the above and foregoing Plat of Mason-Steed Subdivision was approved by the City Council of the City of Rockwall on the _____ day of _____, 1992.

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 twenty (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.

WITNESS OUR HANDS this _____ day of _____, 1992.

Mayor, City of Rockwall _____

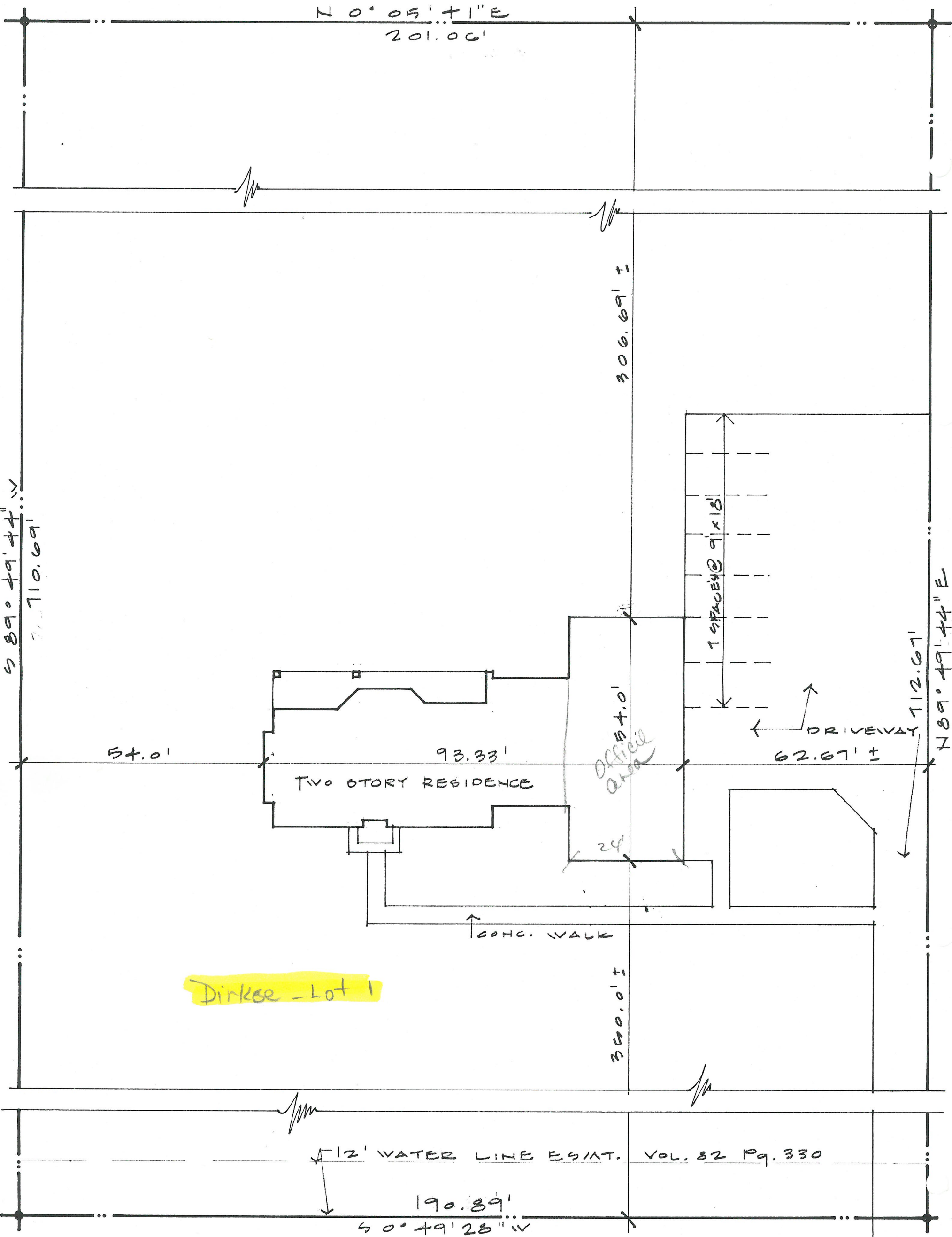
City Secretary, City of Rockwall _____

2
2

HAROLD L. EVANS
CONSULTING ENGINEER
2331 GUS THOMASSON RD. SUITE 102
DALLAS, TEXAS 75228
PHONE (214) 328-8133

SCALE	DATE	JOB NO.
	10-23-92	92108

DIRKWOOD ESTATES
W.G. DEWEESE SURVEY, ABSTRACT NO. 71
CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS
Rick Dirkse - 207 E. IH 30 - Owners - Nick Woodall - 500 Turtle Cove Suite 200
Rockwall, Texas 75087 Tel. 771-1040 Rockwall, Texas 75087 Tel. 771-1441

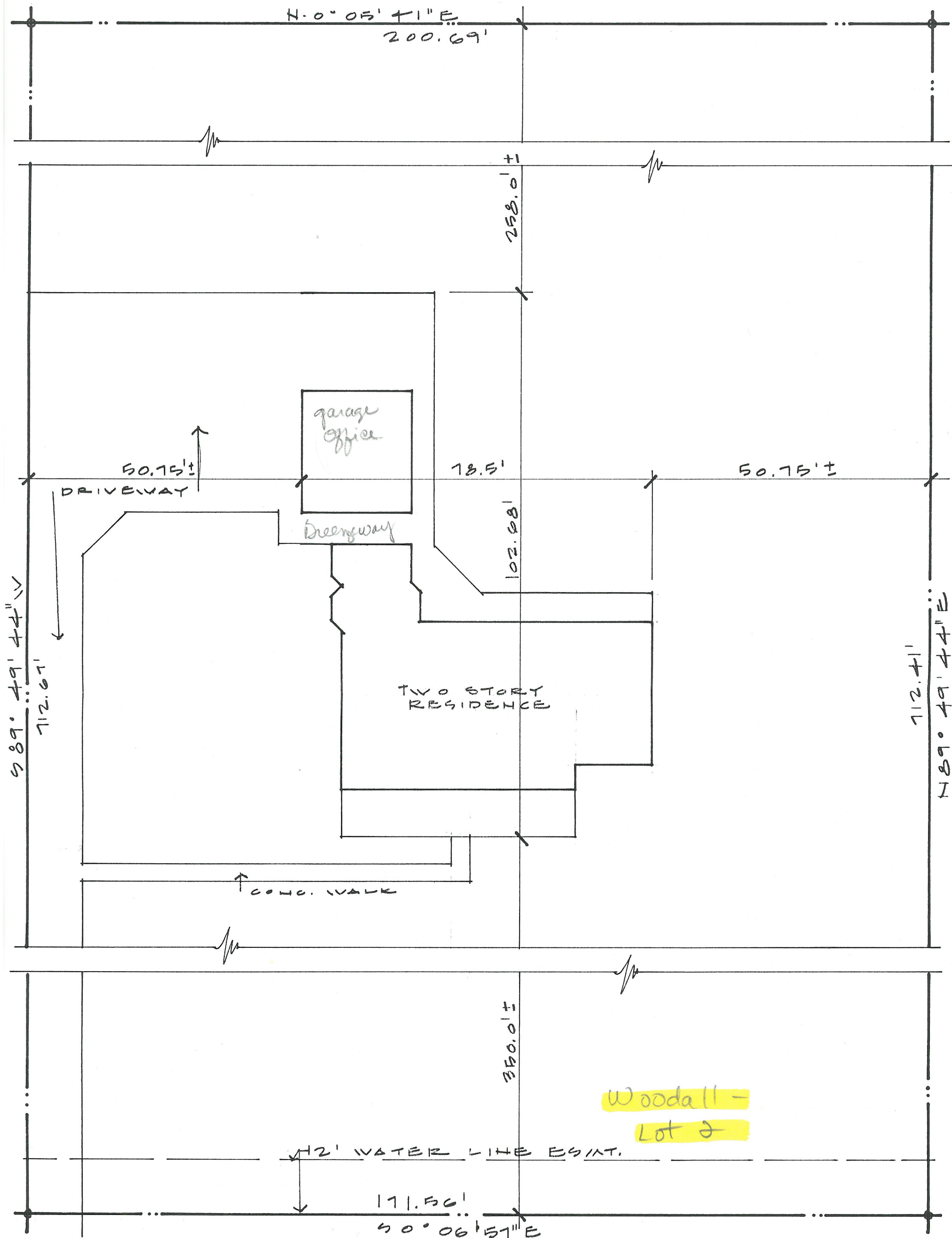


Dirker - Lot 1

STATE HIGHWAY No 205

PLOT PLAN 1" = 20.0'

TRACT I 143,037 SQ. FT. 3.2837 ACRES
 ROCKWALL, TEXAS



STATE HIGHWAY No. 205

PLOT PLAN

1" = 20.0'

TRACT II 143,037 SF.

3.2837 ACRES

ROCKWALL, TEXAS

TRACT I

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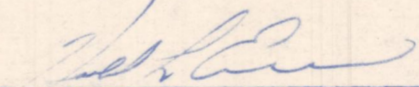
COMMENCING at the Southeast corner of said 47.26 acre tract and on the West line of State Highway 205;
 THENCE: North 0° 05' 40" West with said West line, passing at 418.70 feet the Southeast corner of that 10 foot wide strip of land dedicated for widening of State Highway 205 by plat of Smith Addition, recorded in Slide B, Page 289, Plat Records, Rockwall County, Texas, and continuing with the East line of said 10 foot strip a total distance of 634.73 feet to an angle point;
 THENCE: North 2° 21' 01" West a distance of 87.17 feet continuing with said East line to an iron rod at the Northeast corner of said 10 foot strip and the Point of Beginning;
 THENCE: South 89° 49' 44" West, passing at 10.01 feet the Northeast corner of Lot 1, Block A, of said Smith Addition and continuing with the North line of said Lot 1 a total distance of 710.69 feet to an iron rod found for a corner;
 THENCE: North 0° 05' 41" East a distance of 201.06 feet along a fence line and with the most Northerly West line of said 47.26 acre tract to an iron rod set for a corner;
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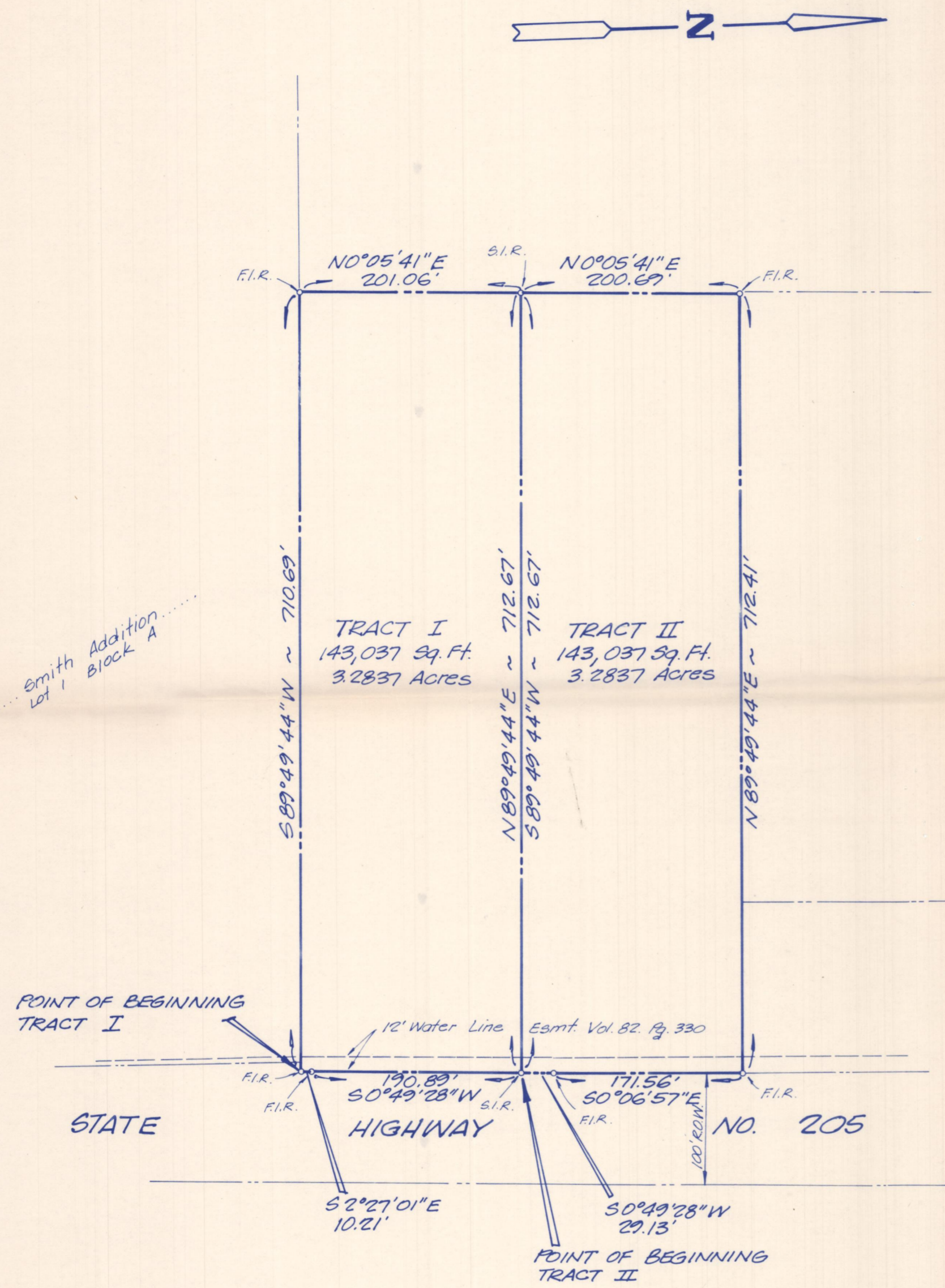
TRACT II

BEING a tract of land situated in the W.G. DeWeese Survey, Abstract No. 71, Rockwall County, Texas, and being a part of a 47.26 acre tract of land described in deed recorded in Volume 102, Page 800, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

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The plat hereon is a true, correct and accurate representation of the property as determined by survey; the lines and dimensions of said property being as indicated by the plat. There are no encroachments, conflicts, or protrusions, except as shown.


 Harold L. Evans, P.E., Registered Public Surveyor No. 2146



HAROLD L. EVANS
 CONSULTING ENGINEER
 2331 GUS THOMASSON RD. SUITE 102
 DALLAS, TEXAS 75228
 PHONE (214) 328-8133

SCALE	DATE	JOB NO.
1"=100'	7-30-87	8520

BOUNDARY SURVEY
 TWO TRACTS OF LAND
 W.G. DEWEESE SURVEY ~ ABSTRACT NO. 71
 CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS

Home 220-4143

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: November ¹²~~10~~, 1992 **Agenda No:** III. B.

Agenda Item: **P&Z 92-44-Z/FP** - Hold Public Hearing to Consider Recommending Approval of a Request from Rick Dirkse and Nick Woodall for a Change in Zoning from "A" Agricultural Zoning Classification to "PD" Planned Development Zoning Classification for Residential, Guest Quarters, and Home Office Uses on a Tract of Land Totaling 6.5 Acres Located West of SH-205 and South of Dalton Road and Approval of a Final Plat

Item Generated By: Owners, Rick Dirkse and Nick Woodall

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

Background Information:

We have received a request from the property owners of the above described tract for a change in zoning from Agricultural to Planned Development on a 6.5 acre tract of land off of SH-205. The site is located just north of the Mason-Steed Addition, which is also being considered for final plat on this agenda. The applicants are planning to build a single family home on each lot. Each lot contains over 3 acres. They have requested PD zoning for two uses in addition to the primary residential use. Both of the owners are professionals with their own businesses and they would like the ability to work out of their homes. Mr. Woodall would also like to receive approval for a future guest quarters on his lot. He would like to have the ability to periodically house friends who are missionaries and need a temporary place to stay for 3-6 months. Only one family at a time would use the guest house. They do not have a floor plan or site plan for the guest quarters. This is something that they would add later, but they wanted to go ahead and include it in their application for zoning.

Attached is a more detailed description from the applicants regarding both the home office use and the guest quarters and a copy of the plat.

Our comments concerning the request are as follows:

Zoning

The uses being requested include single family residential, and home office and guest quarters as accessory uses.

This site is located in an area that will be a transitional area in the future. As you can see from the copy of the attached land use plan section, this area will be close to both the intersection of the 205 Bypass and SH-205 as well as the intersection of SH-205 and FM-552, both of which are planned to be 6 lane divided highways. The area is shown with two commercial circles which indicates that there will be a certain amount of non residential land use in the area. A primary residential use with an accessory home office use could serve as an appropriate transition to the residential uses to the south and west.

SEE ATTACHED NOTES CONT'D

Attachments:

1. Site Plans
2. Plat
3. Zoning Description from applicants

Agenda Item: Rezoning from A to PD and Final Plat **Item No:** III. B.

Additionally, as was discussed at the worksession, this site provides for only two residential lots on a total of more than 6 acres, which should buffer any adjacent residential use next to the site.

There was concern raised at the worksession about establishing a precedent with this type of request. The City Attorney has indicated that findings could be made by the Commission and included in the ordinance if approved by the City Council which would establish the facts that were considered in granting the request. These findings could include the fact that the site is in a transitional area, that the site is in excess of 6 acres, and that the site is located off of a major state highway.

Given the location and the limited use being proposed by the applicants, staff would not oppose the request, however, we would recommend that certain conditions be placed on the uses as follows:

Home Office Use

1. That the home office use be limited to the following professional services: attorney, insurance, financial planning and accounting services, and such uses shall be accessory to the primary residential use, and that any such office use shall only be operated by the resident of the home.
2. That no more than 3 employees, in addition to the home owner, shall be located at either lot.
3. That the home office use be limited to the area of the home site and a maximum of the square footage identified on the lot in order to limit any future office uses in other areas of the lots.
4. That any expansion of the use may be granted only after hearings as specified in the Comprehensive Zoning ordinance.

Single Family Use

1. That the single family use meet the area requirements of SF-16.

Guest Quarters

1. That the guest quarters use is authorized only for lot 2 and is limited to one structure.
2. That a floor plan and site plan must be submitted to the Planning and Zoning Commission for consideration and approval prior to construction of the guest quarters and that the square footage of the guest quarters shall not exceed 1,000 sq. ft. unless otherwise approved by the Commission. The guest quarters shall be located adjacent to or in close proximity to the main structure.
3. That the guest quarters will be not be used for rental purposes.
4. That any expansion of the use may be granted only after hearings as specified in the Comprehensive Zoning ordinance.

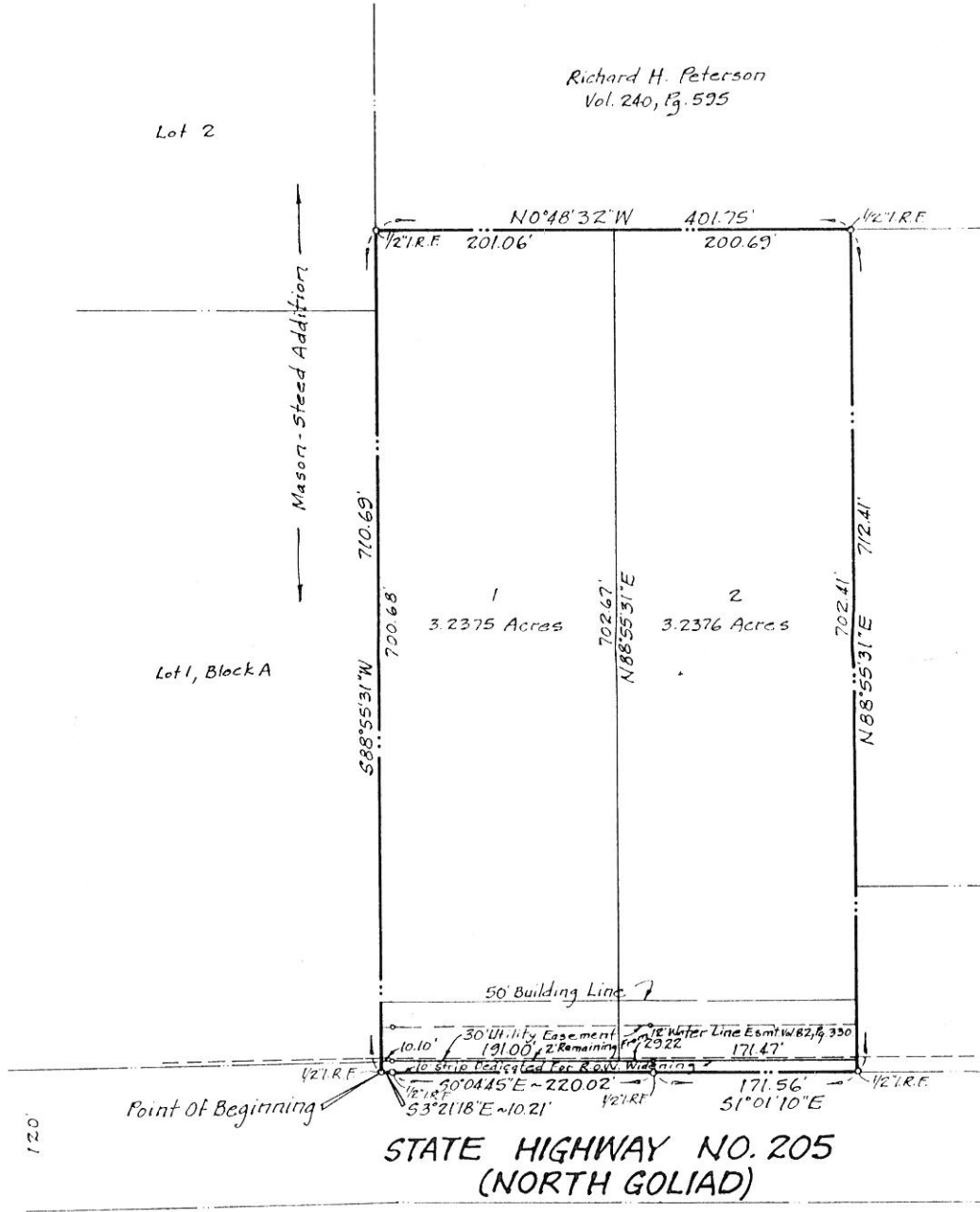


Richard H. Peterson
Vol. 240, Pg. 595

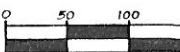
Lot 2

Mason - Steed Addition

Lot 1, Block A



6



Reasons for Requesting Planned Development
District Classification

I currently own a Bookkeeping, Income Tax and Financial Planning Business in Rockwall Texas. I would like the ability to Office out of my home. My business by its nature of low client contact lends itself to a home office. Most of my client contact is from the months of February thru April.

Where would the office be?

The office would use an outside entrance into a reception area. Then there would be a set of stairs leading to the office above the garage. The size of the upstairs would be 52 ft long by 24 ft wide. This would be subdivided to provide office's, restroom's and a work area for myself and a couple of employees.

Where would clients and employees park?

Appropriate parking would be provided in front of the office entrance for clients and employees.

How many employees would there be?

Three

Is there enough room for Three Employees?

The total square footage of the office would be around 1500 square feet.

How will this affect my neighbors?

There currently are three neighbors adjoining my property. I have personally contacted the two of them that would most be affected and they are in favor of this zoning. One neighbor has a 12 acre tract and the other has a 3.2837 acre tract.

Why should you do this?

My property has 200 feet of frontage on Highway 205 past the shores. The total amount of land that I own is 3.25 acres. The office in home will in no way hinder or harm any citizen of Rockwall, Texas. I have very little client contact except for the months of February thru April.

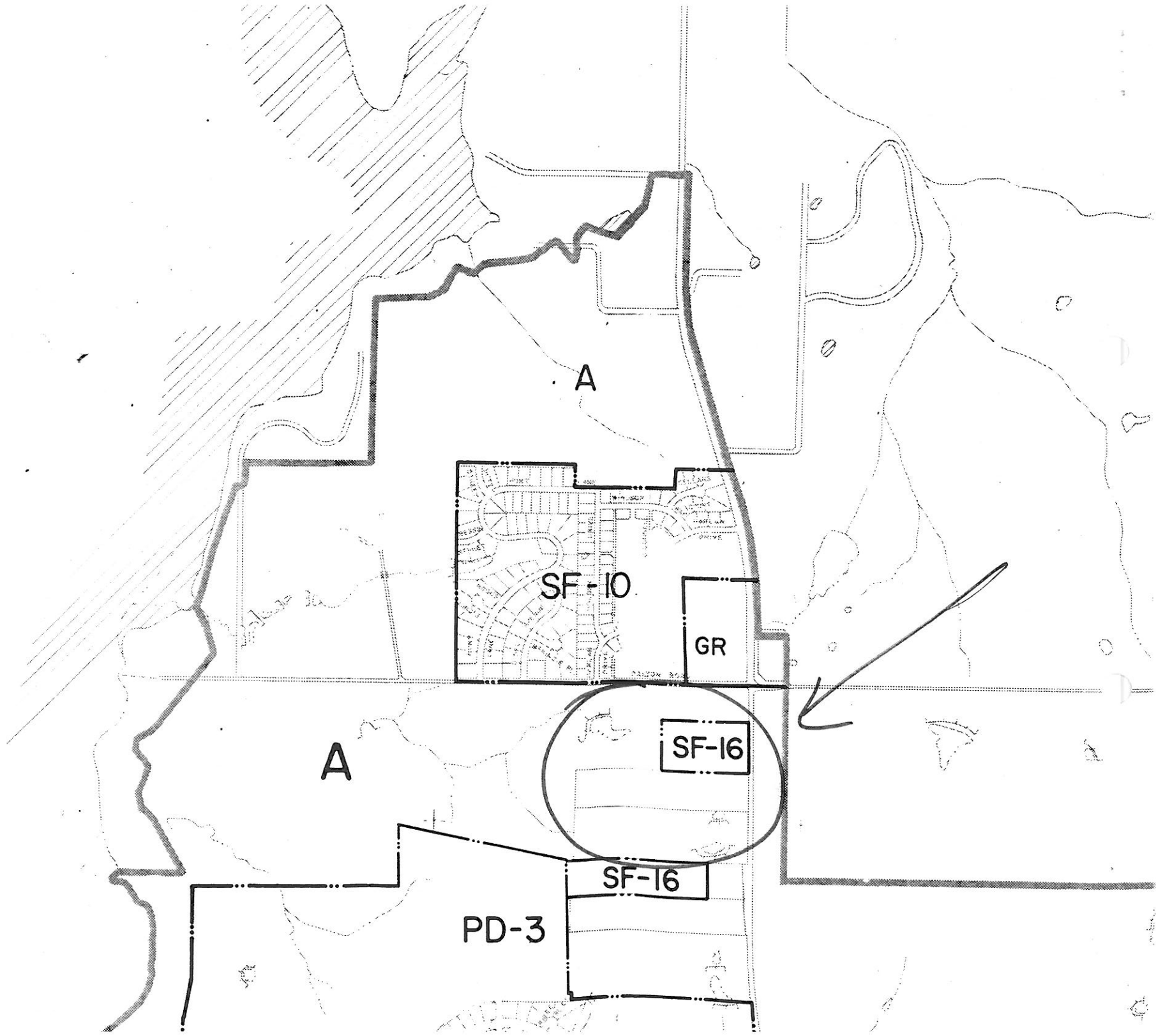
Many people currently office out of their homes, I am trying to take every precaution so as to properly do this for the benefit of myself and the Citizens of Rockwall, Texas.

ATTACHMENT B

Reasons for Requesting Planned Development
District Classification

1. For future planning purposes, Nick would like the flexibility of being able to locate his law practice in his home. On an average, Nick sees currently 3 or 4 people in his office for legal consultation. If Nick were to move his practice to his house, he would only have one or two legal assistants or secretaries. Nick would locate his office on the second story of the home directly above the garage. The garage is a three-car garage. Off-site parking would occur directly behind the garage in a carport that is attached to the house. Please see the house plans for further details. If additional parking is needed, the carport would be expanded to accommodate the needed spaces. There would be no retail sales of any sort allowed at this location. A professional law practice, financial planning practice, and insurance practice would be the only businesses being conducted at this address.

2. Further, Nick and Nancy would like to build a separate structure apart from their main dwelling (but which would look architecturally the same) that would be able to accommodate one family that would be on missionary furlough. Nick and Nancy know several families and friends that are missionaries and who periodically come back to the United States on missionary furlough and have no place to stay for 3 to 6 months. This "missionary house" would accommodate these families during their stay in the United States. It would not be a long-term arrangement and Nick and Nancy would not sell the house or any other parcel of their current tract to anyone else.



A

SF-10

GR

A

SF-16

SF-16

PD-3

CITY OF ROCKWALL
City Council Agenda

Agenda Date: November 16, 1992

Agenda No: V. B.

Agenda Item: **P&Z 92-44-Z/FP** - Hold Public Hearing to Consider Approval of an Ordinance Granting a Request from Rick Dirkse and Nick Woodall for a Change in Zoning from "A" Agricultural Zoning Classification to "PD" Planned Development Zoning Classification for Residential, Guest Quarters, and Home Office Uses on a Tract of Land Totaling 6.5 Acres Located West of SH-205 and South of Dalton Road and Approval of a Final Plat (1st Reading)

Item Generated By: Owners, Rick Dirkse and Nick Woodall

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

Background Information:

The Commission discussed the request in depth and has recommended approval of the zoning request with the following conditions and that the final plat be approved. The vote was 6 to 1 in favor of the request with one opposed. A copy of the draft minutes is enclosed.

Recommendation

That the residential and home office uses be approved with the following conditions and that the quest quarters not be approved:

Home Office Use -

1. That the home office use be limited to the following professional services: attorney, insurance, financial planning and accounting services, and such uses shall be accessory to the primary residential use, and that any such office use shall only be operated by the resident of the home.
2. That no more than 3 employees, in addition to the home owner, shall be located at either lot.
3. That the home office use be limited to the area of the home site and a maximum of the square footage identified on the lot in order to limit any future office uses in other areas of the lots.
4. That any expansion of the use may be granted only after hearings as specified in the Comprehensive Zoning ordinance.

Single Family Use -

1. That the single family use meet the area requirements of SF-16.

Attachments:

1. Draft Ordinance

Agenda Item: Rezoning from A to PD and Final Plat

Item No: V. B.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: November 16, 1992

Agenda No: V. B.

Agenda Item: **P&Z 92-44-Z/FP** - Hold Public Hearing to Consider Approval of an Ordinance Granting a Request from Rick Dirkse and Nick Woodall for a Change in Zoning from "A" Agricultural Zoning Classification to "PD" Planned Development Zoning Classification for Residential, Guest Quarters, and Home Office Uses on a Tract of Land Totaling 6.5 Acres Located West of SH-205 and South of Dalton Road and Approval of a Final Plat (1st Reading)

Item Generated By: Owners, Rick Dirkse and Nick Woodall

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

Background Information:

We have received a request from the property owners of the above described tract for a change in zoning from Agricultural to Planned Development on a 6.5 acre tract of land off of SH-205. The site is located just north of the Mason-Steed Addition, which is also being considered for final plat on this agenda. The applicants are planning to build a single family home on each lot. Each lot contains over 3 acres. They have requested PD zoning for two uses in addition to the primary residential use. Both of the owners are professionals with their own businesses and they would like the ability to work out of their homes. Mr. Woodall would also like to receive approval for a future guest quarters on his lot. He would like to have the ability to periodically house friends who are missionaries and need a temporary place to stay for 3-6 months. Only one family at a time would use the guest house. They do not have a floor plan or site plan for the guest quarters. This is something that they would add later, but they wanted to go ahead and include it in their application for zoning.

Attached is a more detailed description from the applicants regarding both the home office use and the guest quarters and a copy of the plat.

Our comments concerning the request are as follows:

Zoning

The uses being requested include single family residential, and home office and guest quarters as accessory uses.

This site is located in an area that will be a transitional area in the future. As you can see from the copy of the attached land use plan section, this area will be close to both the intersection of the 205 Bypass and SH-205 as well as the intersection of SH-205 and FM-552, both of which are planned to be 6 lane divided highways. The area is shown with two commercial circles which indicates that there will be a certain amount of non residential land use in the area. A primary residential use with an accessory home office use could serve as an appropriate transition to the residential uses to the south and west.

SEE ATTACHED NOTES CONT'D

Attachments:

1. Site Plans
2. Plat
3. Zoning Description from applicants

Agenda Item: Rezoning from A to PD and Final Plat

Item No: V. B.

Additionally, as was discussed at the worksession, this site provides for only two residential lots on a total of more than 6 acres, which should buffer any adjacent residential use next to the site.

There was concern raised at the worksession about establishing a precedent with this type of request. The City Attorney has indicated that findings could be made by the Commission and included in the ordinance if approved by the City Council which would establish the facts that were considered in granting the request. These findings could include the fact that the site is in a transitional area, that the site is in excess of 6 acres, and that the site is located off of a major state highway.

Given the location and the limited use being proposed by the applicants, staff would not oppose the request, however, we would recommend that certain conditions be placed on the uses as follows:

Home Office Use

1. That the home office use be limited to the following professional services: attorney, insurance, financial planning and accounting services, and such uses shall be accessory to the primary residential use, and that any such office use shall only be operated by the resident of the home.
2. That no more than 3 employees, in addition to the home owner, shall be located at either lot.
3. That the home office use be limited to the area of the home site and a maximum of the square footage identified on the lot in order to limit any future office uses in other areas of the lots.
4. That any expansion of the use may be granted only after hearings as specified in the Comprehensive Zoning ordinance.

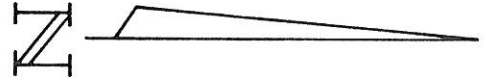
Single Family Use

1. That the single family use meet the area requirements of SF-16.

Guest Quarters

1. That the guest quarters use is authorized only for lot 2 and is limited to one structure.
2. That a floor plan and site plan must be submitted to the Planning and Zoning Commission for consideration and approval prior to construction of the guest quarters and that the square footage of the guest quarters shall not exceed 1,000 sq. ft. unless otherwise approved by the Commission. The guest quarters shall be located adjacent to or in close proximity to the main structure.
3. That the guest quarters will be not be used for rental purposes.
4. That any expansion of the use may be granted only after hearings as specified in the Comprehensive Zoning ordinance.

The Commission will consider this item at their meeting on Thursday and we wil forward their recommendation to you on Friday.

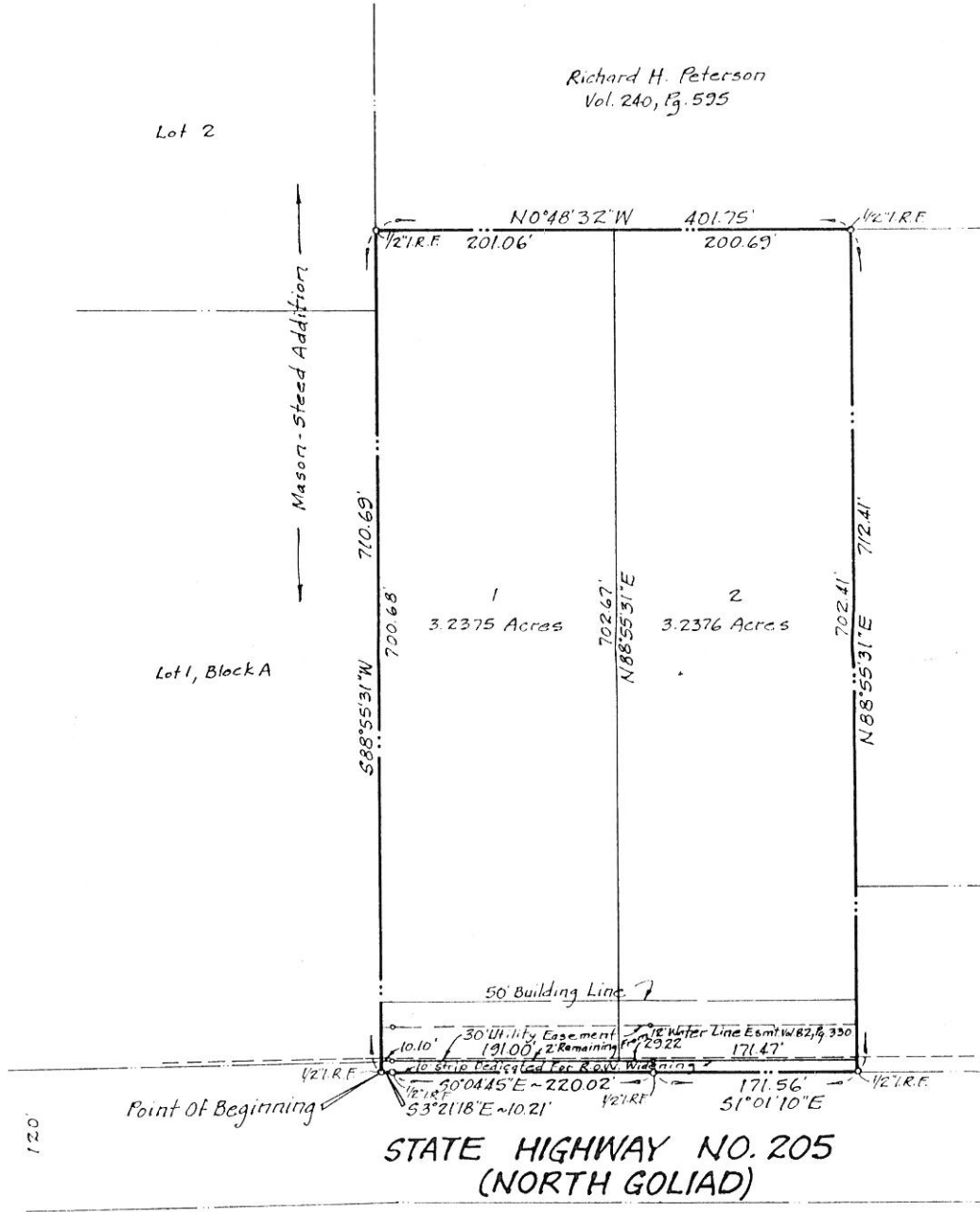


Richard H. Peterson
Vol. 240, Pg. 595

Lot 2

Mason - Steed Addition

Lot 1, Block A



6



Reasons for Requesting Planned Development
District Classification

I currently own a Bookkeeping, Income Tax and Financial Planning Business in Rockwall Texas. I would like the ability to Office out of my home. My business by its nature of low client contact lends itself to a home office. Most of my client contact is from the months of February thru April.

Where would the office be?

The office would use an outside entrance into a reception area. Then there would be a set of stairs leading to the office above the garage. The size of the upstairs would be 52 ft long by 24 ft wide. This would be subdivided to provide office's, restroom's and a work area for myself and a couple of employees.

Where would clients and employees park?

Appropriate parking would be provided in front of the office entrance for clients and employees.

How many employees would there be?

Three

Is there enough room for Three Employees?

The total square footage of the office would be around 1500 square feet.

How will this affect my neighbors?

There currently are three neighbors adjoining my property. I have personally contacted the two of them that would most be affected and they are in favor of this zoning. One neighbor has a 12 acre tract and the other has a 3.2837 acre tract.

Why should you do this?

My property has 200 feet of frontage on Highway 205 past the shores. The total amount of land that I own is 3.25 acres. The office in home will in no way hinder or harm any citizen of Rockwall, Texas. I have very little client contact except for the months of February thru April.

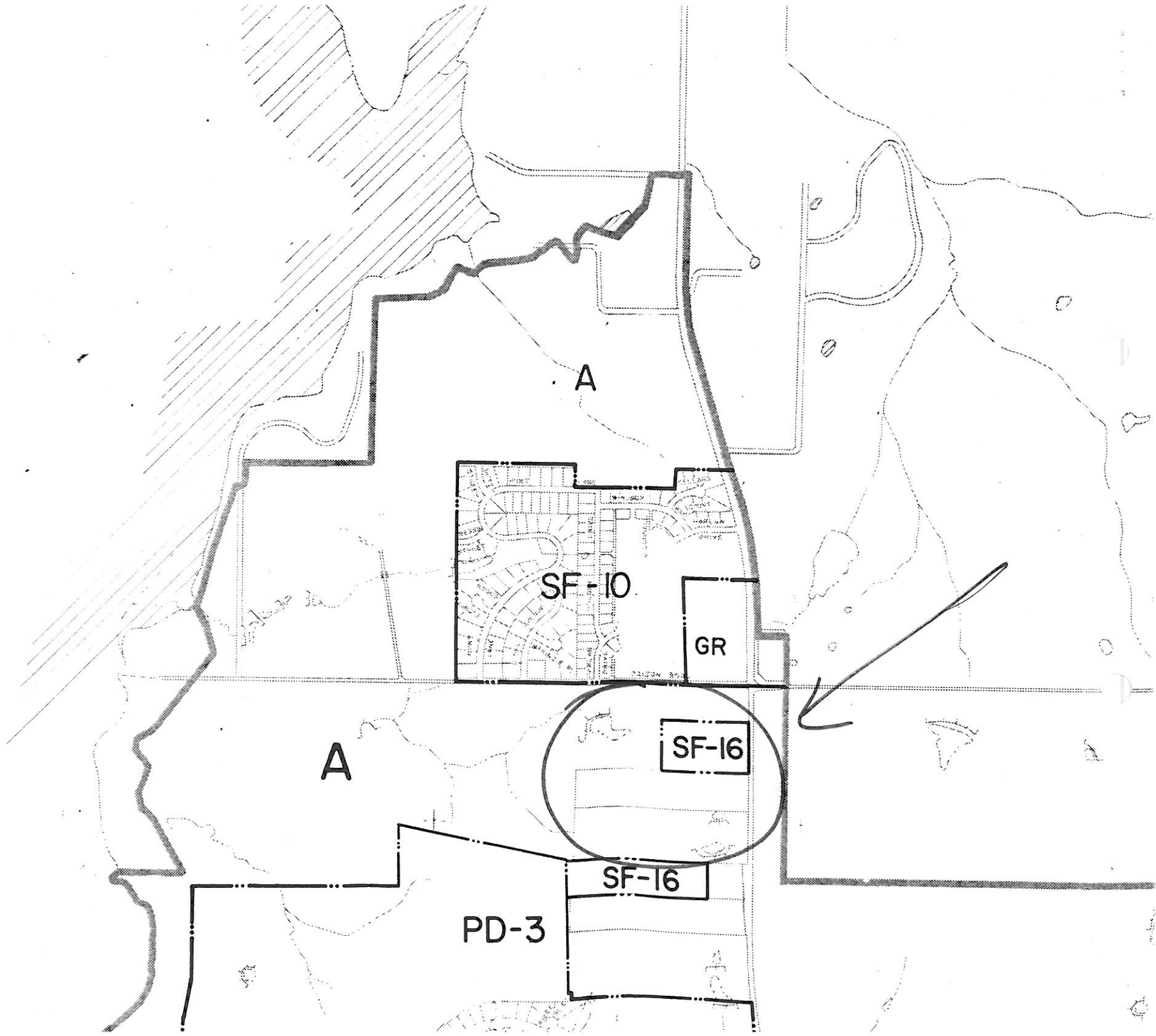
Many people currently office out of their homes, I am trying to take every precaution so as to properly do this for the benefit of myself and the Citizens of Rockwall, Texas.

ATTACHMENT B

Reasons for Requesting Planned Development
District Classification

1. For future planning purposes, Nick would like the flexibility of being able to locate his law practice in his home. On an average, Nick sees currently 3 or 4 people in his office for legal consultation. If Nick were to move his practice to his house, he would only have one or two legal assistants or secretaries. Nick would locate his office on the second story of the home directly above the garage. The garage is a three-car garage. Off-site parking would occur directly behind the garage in a carport that is attached to the house. Please see the house plans for further details. If additional parking is needed, the carport would be expanded to accommodate the needed spaces. There would be no retail sales of any sort allowed at this location. A professional law practice, financial planning practice, and insurance practice would be the only businesses being conducted at this address.

2. Further, Nick and Nancy would like to build a separate structure apart from their main dwelling (but which would look architecturally the same) that would be able to accommodate one family that would be on missionary furlough. Nick and Nancy know several families and friends that are missionaries and who periodically come back to the United States on missionary furlough and have no place to stay for 3 to 6 months. This "missionary house" would accommodate these families during their stay in the United States. It would not be a long-term arrangement and Nick and Nancy would not sell the house or any other parcel of their current tract to anyone else.



A

SF-10

GR

A

SF-16

SF-16

PD-3

ORDINANCE NO. 92-44

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO GRANT A ZONING CHANGE ON A TRACT OF LAND MORE FULLY DESCRIBED HEREIN TO "PD-37" PLANNED DEVELOPMENT NUMBER 37; PROVIDING SPECIAL CONDITIONS; 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 change in zoning to "PD-37" Planned Development 37 on the property described on Exhibit "A" has been requested by Nick Woodall and Rick Dirkse; 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, 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 by amending the Zoning Map of the City of Rockwall so as to grant a zoning change from Agricultural to "PD" Planned Development District No. 37 on the property specifically described in Exhibit "A".

SECTION 2. That Planned Development District Number 37 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 and as amended hereby provided that the granting of Planned Development District No. 37 to the above described tract of land is subject to the following special conditions:

A. The use of the property covered by Planned Development District No. 37 shall be in accordance with the provisions of this ordinance and the list of approved uses. Any redevelopment of or building expansion on the property covered by Planned Development No. 37 shall first be submitted for site plan approval and, and no substantial change in the development shall be permitted, except after obtaining approval of the change of such site plan in the manner required for changes and amendments to the comprehensive Zoning Ordinance.

B. Development of Planned Development District No. 37 shall be regulated by the following requirements:

1. The uses approved are single family residential uses as listed in the SF-16 zoning classification and accessory home office uses, to be permitted as shown on the development plan, as approved and attached herein and made a part hereof, containing no more than 2 lots, as shown.
2. The single family uses shall conform to the area requirements of the SF-16 zoning classification, as currently adopted or as may be amended in the future.
3. The home office use shall comply with the following conditions:
 - a. The home office uses shall be limited to the following professional services: attorney, insurance, financial planning and accounting services.
 - b. Such uses shall be accessory to the primary residential use, and any such office use shall only be operated by the resident of the home.
 - c. No more than 3 employees, in addition to the home owner, shall be located on either lot.
 - d. The home office use shall be limited to the area of the proposed home site as shown and in the dimensions identified on the approved development plan and shall not exceed the square footage identified for each building lot.
4. Any expansion of the uses or changes in the conditions may be granted only after hearings by the Planning and Zoning Commission and City Council as specified in the Comprehensive Zoning ordinance.

SECTION 3. 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.

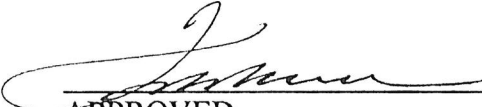
SECTION 4. If any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application 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 5. 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 6. 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 7th day of December, 1992.



APPROVED



ATTEST

1ST READING 11/16/92

2ND READING 12/7/92

STATE OF TEXAS
COUNTY OF ROCKWALL

TRACT I

BEING a tract of land situated in the W.G. DeWeese Survey, Abstract No. 71, Rockwall County Texas, and being a part of a 47.26 acre tract of land described in deed recorded in Volume 102, Page 800, Deed Records, Rockwall County, Texas, and being more particularly described as follows:


COMMENCING at the Southeast corner of said 47.26 acre tract and on the West line of State Highway 205;
THENCE: North 0° 05' 40" West with said West line, passing at 418.70 feet the Southeast corner of that 10 foot wide strip of land dedicated for widening of State Highway 205 by plat of Smith Addition, recorded in Slide B, Page 289, Plat Records, Rockwall County, Texas, and continuing with the East line of said 10 foot strip a total distance of 634.73 feet to an angle point;
THENCE: North 2° 21' 01" West a distance of 87.17 feet continuing with said East line to an iron rod at the Northeast corner of said 10 foot strip and the Point of Beginning;
THENCE: South 89° 49' 44" West, passing at 10.01 feet the Northeast corner of Lot 1, Block A, of said Smith Addition and continuing with the North line of said Lot 1 a total distance of 710.69 feet to an iron rod found for a corner;
THENCE: North 0° 05' 41" East a distance of 201.06 feet along a fence line and with the most Northerly West line of said 47.26 acre tract to an iron rod set for a corner;
THENCE: North 89° 49' 44" East a distance of 712.67 feet to an iron rod set for a corner on the West line of State Highway 205;
THENCE: South 0° 49' 28" West a distance of 190.89 feet with said West line to an iron rod set for a corner at an angle point;
THENCE: South 2° 27' 01" East a distance of 10.21 feet continuing with said West line to the Point of Beginning and Containing 143,037 Square Feet or 3.2837 Acres of Land.

TRACT II

BEING a tract of land situated in the W.G. DeWeese Survey, Abstract No. 71, Rockwall County Texas, and being a part of a 47.26 acre tract of land described in deed recorded in Volume 102, Page 800, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

COMMENCING at the Southeast corner of said 47.26 acre tract and on the West line of State Highway 205;
THENCE: North 0° 05' 40" West with said West line, passing at 418.70 feet the Southeast corner of that 10 foot wide strip of land dedicated for widening of State Highway 205 by plat of Smith Addition, recorded in Slide B, Page 289, Plat Records, Rockwall County, Texas, and continuing with the East line of said 10 foot strip a total distance of 634.73 feet to an angle point;
THENCE: North 2° 21' 01" West a distance of 87.17 feet continuing with said East line to an angle point;
THENCE: North 2° 27' 01" East a distance of 10.21 feet continuing with said West line to an angle point;
THENCE: North 0° 49' 28" East a distance of 190.89 feet continuing with said West line to an iron rod set at the Point of Beginning;
THENCE: South 89° 49' 44" West a distance of 712.67 feet to an iron rod set for a corner;
THENCE: North 0° 05' 41" East a distance of 200.69 feet along a fence line and with the most Northerly West line of said 47.26 acre tract to an iron rod found for a corner;
THENCE: North 89° 49' 44" East a distance of 712.41 feet to an iron rod found for a corner on the West line of State Highway 205;
THENCE: South 0° 06' 57" East a distance of 171.56 feet with said West line to an iron rod found for a corner at an angle point;
THENCE: South 0° 49' 28" West a distance of 29.13 feet continuing with said West line to the Point of Beginning and Containing 143,037 Square Feet or 3.2837 Acres of Land.

The plat hereon is a true, correct and accurate representation of the property as determined by survey; the lines and dimensions of said property being as indicated by the plat. There are no encroachments, conflicts, or protrusions, except as shown.


Harold L. Evans, P.E., Registered Public Surveyor No. 2146



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, November 12, 1992 at 7:00 p.m. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on Monday, November 16, 1992 at 7:00 p.m. to consider approval of a request from Nick Woodall and Rick Dirkse for a change in zoning from "A" Agriculture zoning classification to "PD" Planned Development zoning classification for residential and home office uses on a tract of land totalling 6.5674 acres located west of SH 205 and South of Dalton Road 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:

Hilda Crangle
City Secretary

Case No. PZ 92-44-Z/PP

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 _____

WHEREAS: Richard P. Dirkse and wife, Tamara Dirkse, and Nick Woodall and wife, Nancy Woodall, are the owners of a tract of land situated in the W. G. Deweese Survey, Abstract No. 71, Rockwall County, Texas, and being those two tracts of land described in Deed to Richard P. Dirkse and wife, Tamara Dirkse, recorded in Volume 337, Page 269 and described in Deed to Nick Woodall and wife, Nancy Woodall, recorded in Volume 346, Page 254, both in the Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the West line of State Highway 205, a variable width right-of-way, at the Southeast corner of said Dirkse tract and at the Northeast corner of that 10 foot wide right-of-way dedication as dedicated by Plat of Smith Addition, an addition to the City of Rockwall recorded in Slide B, Page 289, Plat Records, Rockwall County, Texas;

THENCE: South 88° 55' 31" West, passing at 10.01 feet the Northeast corner of Lot 1, Block A of said Addition and continuing a total distance of 710.69 feet with the North line of said Addition to a 1/2" iron rod found at the Southwest corner of said Dirkse tract;

THENCE: North 0° 48' 32" West, passing at 201.06 feet the Northwest corner of said Dirkse tract and the Southwest corner of said Woodall tract and continuing a total distance of 401.75 feet to a 1/2" iron rod found at the Northwest corner of said Woodall tract;

THENCE: North 88° 55' 31" East a distance of 712.41 feet to a 1/2" iron rod found at the Northeast corner of said Woodall tract and on the West line of State Highway 205;

THENCE: South 1° 01' 10" East a distance of 171.56 feet with said West line to a 1/2" iron rod found at an angle point

THENCE: South 0° 04' 45" East, passing at 29.13 feet the Southeast corner of said Woodall tract and the Northeast corner of said Dirkse tract and continuing a total distance of 220.02 feet with said West line to a 1/2" iron rod found at an angle point;

THENCE: South 3° 21' 18" East a distance of 10.21 feet to the Point of Beginning and containing 6.5674 acres of land.

South of Dalton Road

The Shores Country Club Inc.
c/o. Leonard Margolis
5429 LBJ, Suite 890
Dallas, TX 75240-2627

Richard Peterson
803 Dalton Rd.
Rockwall, Texas 75087

W. W. Caruth, Jr.
5803 Greenville Ave.
Dallas, TX 75206-2997

Ms. Laura Chenault
3057 N. Goliad
Rockwall, Texas 75087

Mr. Kerry Mason
5611 Vinewood
Garland, TX 75043

Mr. Joel Steed
5611 Vinewood
Garland, TX 75043