

CITY OF ROCKWALL
205 West Rust
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 93-20-2 Filing Fee \$ 115.00 Date 4/27/93

Applicant RICHARD E SLAUGHTER, JR Phone 214-771-4251

Mailing Address: 407 D SOUTH GOLIAD
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.)

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

A District Classification to
PD District Classification for the following reasons: (attach separate sheet if necessary)

WITH ALL RESTRICTIONS OF THE HEAVY COMMERCIAL CLASSIFICATION PLUS MASONRY AND CAST STONE FABRICATION.

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 Richard E Slaughter Jr.

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.

EXHIBIT A

(Premises)

BEING a tract of land situated in the W.H. Barnes Survey, Abstract No. 26, Rockwall County, Texas, and being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

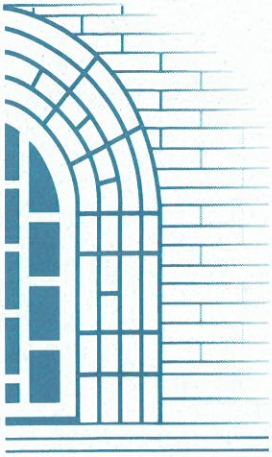
BEGINNING at a point on the Southeast line of Side Road, said point being S. 45 deg. 14 min. 31 sec. W., a distance of 806.45 feet, S. 45 deg. 26 min. 41 sec. W., a distance of 1475.76 feet from the North corner of said 109.582 acre tract, a ½" iron stake set for corner.

THENCE, S. 44 deg. 50 min. 01 sec. E., leaving the said Southeast line of Side Road, a distance of 351.09 feet to a ½" iron stake set for corner.

THENCE, S. 45 deg. 27 min. 17 sec. W., a distance of 194.04 feet to a point in the center of Lofland Road, a ½" iron stake set for corner.

THENCE N. 42 deg. 14 min. 52 sec. W., along the center of Lofland Road, a distance of 351.34 feet to a ½" iron stake set for corner.

THENCE, N. 45 deg. 26 min. 41 sec. E., along the Southeast line of Side Road, a distance of 178.19 feet of the PLACE OF BEGINNING and containing 1.50 acres of land.



CAST
STONE
PRODUCTS
INC.

APRIL 12, 1993

CITY OF ROCKWALL
BUILDING INSPECTION

RE: 900 SID'S ROAD
ROCKWALL, TEXAS

CAST STONE MANUFACTURING PROCEDURE

MAIN ELEMENTS: MASONRY SAND
PORTLAND CEMENT

PROCESS: DRY BLEND WITH ELECTRIC MORTAR MIXER.
PLACE IN MOLD
COMPACT MIXTURE WITH PNEUMATIC SAND RAMMER

NUMBER OF EMPLOYEES: NINE

TOXIC CHEMICALS: NONE

TOXIC WASTE: NONE

COMPLETED PRODUCT: IMITATION LIMESTONE

USES: EXTERIOR & INTERIOR ARCHITECTURAL ENHANCEMENT
IN CONJUNCTION WITH BRICK OR STUCCO

CAST STONE MANUFACTURED INSIDE
TRANSFERED OUT DOORS TO WATER CURE UNTIL SHIPMENT

407 D South Goliad
Rockwall, TX
75087

(214) 771-4251
(800) 772-6770
(214) 771-2161 Fax

April 13, 1993

Julie Couch
Assistant City Manager
City of Rockwall
205 W. Rusk
Rockwall, Texas

Dear Ms. Couch:

I would like to request a temporary C.O. for my building at 900 Sids Road. Cast Stone Products has leased the building and we would like to pursue permanent zoning while they continue to operate their business.

Thank you for your consideration in this matter.

Sincerely,



Richard E. Slaughter, Jr.
President

RES/db

MEMORANDUM
April 14, 1993

TO: Bill Eisen, City Manager

FROM: Julie Couch, Assistant City Manager

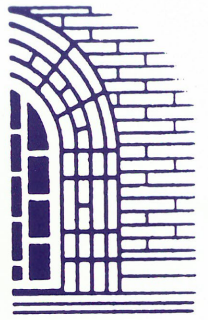
RE: Request from Richard Slaughter for Approval of an Agreement Authorizing a Temporary Certificate of Occupancy for 900 Sids Road

We have received a request this week from Richard Slaughter for approval of a temporary Certificate of Occupancy for a building that he owns on Sids Road. This property was annexed into the City in 1986. All property is annexed with a zoning classification of Agricultural and permanent zoning is established either by the City or the property owner initiating a zoning change. This tract had an existing use at the time of annexation, which is grandfathered in. The original use was a truck repair facility and since the annexation this type of use has been continuous. A grandfathered use may continue without zoning approval.

Mr. Slaughter has now leased the property to a new user, Cast Stone Products, Inc. This use is not the same type of use as the grandfathered use and may not occupy the building unless and until the property is approved for this use. Cast Stone Products fabricates interior and exterior architectural elements such as fireplace mantels, window casements, and porch columns. They currently provide products to several of the local builders as well as builders in the Dallas area. The owners of the business live in Rockwall and want to move their business here as well. Mr. Slaughter was not aware that the zoning on the property would not permit this use. He has indicated that he understood from the City that the zoning on the property was Heavy Commercial. This use is a fabrication use and would not be permitted in Heavy Commercial. The owners have already spent considerable money moving to this location. While the Council cannot approve a use permanently that does not comply with the zoning on the property, the Council could authorize a temporary Certificate of Occupancy until the zoning process is completed. Attached is an agreement that would permit the occupancy for a period of 90 days. This would permit the owner to submit a zoning request and go through the hearing process. The agreement clearly states that the zone change process is completely independent of this agreement and that if zoning for this use is not granted the business would have to move out of this location.

Attached is a copy of a letter from Mr. Slaughter requesting that the Council consider this agreement, and a letter from the business briefly describing their process.

**BRICK SUPPLIED BY:
METRO BRICK CO. (214) 991-4488**



**CAST STONE
PRODUCTS, INC.**

**INTERIOR & EXTERIOR
ARCHITECTURAL ELEMENTS**

(214) 272-7975

GARLAND, TEXAS 75040









ARTHUR L. SARRIS
COMMUNITY
CENTER

CITY OF ROCKWALL
Planning and Zoning Agenda

Agenda Date: May 13, 1993

Agenda No: III. D.

Agenda Item: P&Z 93-20-Z - Hold Public Hearing to Consider Recommending Approval of a Request from Richard Slaughter for a Change in Zoning from "A" Agricultural Zoning Classification to "PD" Planned Development Zoning Classification for a tract of land Located at 900 Sids Road

Item Generated By: Applicant, Richard Slaughter

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

Background Information:

We have received a request from Richard Slaughter for a change in zoning on a tract of land which was annexed by the City in 1986. It is currently zoned Agricultural and was annexed with an existing nonconforming use, a truck and trailer repair operation. It has been used for uses similar to this since annexation. Mr. Slaughter was under the impression that the property was zoned Heavy Commercial and that this zoning classification would permit a cast stone fabrication use. He has leased the property to such a use and when the Certificate of Occupancy was applied for the use they learned that a fabrication use would require Light Industrial zoning.

The use in question is a light fabrication use that fabricates architectural features such as fireplace mantels, architectural columns, window casings, and other architectural elements. The process uses a dry compression method of fabrication. While this use may be viewed as less intensive than the previous truck and trailer repair use the rezoning of the site to Light Industrial would not be advisable in this location. The land use plan proposes low density residential across Mims Road and we have in fact approved a plat for residential uses in this area. Light Industrial zoning is not recommended for sites that are in close proximity to residential uses.

The applicant has requested PD zoning permitting the uses under Heavy Commercial and the one additional use of a cast stone fabrication use. The property to the south and the east is zoned Heavy Commercial.

Attachments:

1. Location Map

Agenda Item: Rezoning from A to PD

Item No: III. E.

CITY OF ROCKWALL
City Council Agenda

Agenda Date: May 17, 1993

Agenda No: V. I.

Agenda Item: P&Z 93-20-Z - Hold Public Hearing to Consider Approval of an Ordinance Granting a Request from Richard Slaughter for a Change in Zoning from "A" Agricultural Zoning Classification to "PD" Planned Development Zoning Classification for a tract of land Located at 900 Sids Road

Item Generated By: Applicant, Richard Slaughter

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

Background Information:

We have received a request from Richard Slaughter for a change in zoning on a tract of land which was annexed by the City in 1986. It is currently zoned Agricultural and was annexed with an existing nonconforming use, a truck and trailer repair operation. It has been used for uses similar to this since annexation. Mr. Slaughter was under the impression that the property was zoned Heavy Commercial and that this zoning classification would permit a cast stone fabrication use. He has leased the property to such a use and when the Certificate of Occupancy was applied for the use they learned that a fabrication use would require Light Industrial zoning.

The use in question is a light fabrication use that fabricates architectural features such as fireplace mantels, architectural columns, window casings, and other architectural elements. The process uses a dry compression method of fabrication. While this use may be viewed as less intensive than the previous truck and trailer repair use the rezoning of the site to Light Industrial would not be advisable in this location. The land use plan proposes low density residential across Mims Road and we have in fact approved a plat for residential uses in this area. Light Industrial zoning is not recommended for sites that are in close proximity to residential uses.

The applicant has requested PD zoning permitting the uses under Heavy Commercial and the one additional use of a cast stone fabrication use. The property to the south and the east is zoned Heavy Commercial.

The Commission will consider this item at their meeting on Thursday.

Attachments:

1. Location Map

Agenda Item: Rezoning from A to PD

Item No: V. I.

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: June 7, 1993

Agenda No: IV. D.

Agenda Item: PZ-93-20-Z - Consider Approval of an Ordinance Granting Approval of a Request from Richard Slaughter for a Change in Zoning from "A" Agriculture Zoning Classification to "PD" Planned Development Zoning Classification for a tract of land located at 900 Sids Road (2nd Reading)

Item Generated By:

Action Needed:

Background Information:

Attachments:

1. Ordinance

Agenda Item: Ord. re: Zone Change from "A" to "PD" - Richard Slaughter

Item No: IV. D.

AGREEMENT

CITY OF ROCKWALL, RICHARD SLAUGHTER, AND CAST STONE PRODUCTS, INC.

This agreement, entered into on the _____ day of April, 1993, between the City of Rockwall, Texas, hereinafter known as the "City", Richard Slaughter hereinafter known as the "Property Owner", and Cast Stone Products, Inc., hereinafter known as the "Prospective Buyers", witnesseth that:

WHEREAS, an application for a Certificate of Occupancy has been submitted by Cast Stone Products, Inc. for a cast stone fabrication use to be located at 900 Sids Road, and

WHEREAS, the zoning on the property is currently Agricultural, which does not permit the proposed use, and

WHEREAS, the Property Owner, and 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 Property Owner time to submit for consideration by the City an application for a zoning change, and

WHEREAS, the Property Owner and 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 Property Owner, the Prospective Buyers and their representatives;

NOW, THEREFORE, the City, the Property Owner, 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 cast stone fabrication use to be located at 900 Sids Road, for a period of 90 days from the effective date of this agreement, only under the following conditions:
 1. The Property Owner shall submit an application for a zoning change for 900 Sids Road for consideration by the Planning and Zoning Commission and the City Council no later than April 26, 1993.
 2. Should the zoning change request to be submitted by the Property Owner for 900 Sids Road 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 denying the zoning change request. The Property Owner and 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.

3. The Property Owner and 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 Property Owner and the Prospective Buyers understand that the zone change process is completely independent of this agreement.
- B. The Property Owner and 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 Property Owner or 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 Property Owner and the Prospective Buyers hereby agree to comply with the above stated requirements and expressly acknowledge that by entering into this agreement, the Property Owner and 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 Property Owner or 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 Property Owner and 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.
 - E. This agreement shall be a covenant with the land, and be binding upon the Property Owner, 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 Property Owner and 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 Property Owner, Prospective Buyers, their assigns, successors, grantees, trustees, and/or representatives.
 - G. The Property Owner and the Prospective Buyers hereby acknowledge that no extension to this agreement will be considered by the City.
 - H. The City, the Property Owner and the Prospective Buyers have authorized the following parties to and they do hereby execute this agreement.

City of Rockwall, Texas

Attest:

by Bill Eisen, City Manager

Date: _____

Date: _____

Property Owner

Attest:

Richard Slaughter

Date: _____

Date: _____

Cast Stone Products, Inc.

Attest:

by

Date: _____

Date: _____



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on Thursday, May 13, 1993 at 7:00 p.m. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on Monday, May 17, 1993 at 7:00 p.m. in City Hall, 205 W. Rusk to consider approval of a request from Richard Slaughter for a change in zoning from "A" Agriculture Zoning Classification to "PD" Planned Development Zoning Classification for heavy commercial uses, and masonry and cast stone fabrication uses, located at 900 Sids 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 93-20-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 _____

BEING a tract of land situated in the W.H. Barnes Survey, Abstract No. 26, Rockwall County, Texas, and being part of a 109.582 acre tract as recorded in Volume 45, Page 558, Deed Records of Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Southeast line of Side Road, said point being S. 45 deg. 14 min. 31 sec. W., a distance of 806.45 feet, S. 45 deg. 26 min. 41 sec. W., a distance of 1475.76 feet from the North corner of said 109.582 acre tract, a ½" iron stake set for corner.

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RICHARD SLAUGHTER

P + Z

1. EDWARD TOMLINSON III
3605 BROADWAY BLVD.
GARLAND, TX 75043

2. FDIC/REC/IND. BANK-ROCKWALL NA
C/O N. GEESLIN - LEGAL DEPT.
P.O. BOX 809049
DALLAS, TX, 75380

3. DALLAS CONSTRUCTION CO., INC.
5518 DYER ST. #11
DALLAS, TX, 75206