

\$1,35.00

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. P2-93-27 CUP

Date Submitted 6/15/93

Filing Fee \$ 135.00

Applicant Robert H. Chambers

Address 609 Kentwood
Rockwall, Texas 75087

Phone No. 214-771-6908

Owner XX 1
Tenant 1

Prospective Purchaser 1

Legal description of property for which Conditional Use Permit is requested (if additional space is needed, the description may be typed legibly on a separate sheet and attached hereto) 2

See attached

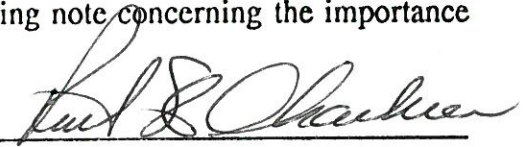
I hereby request that a Conditional Use Permit be issued for the above described property for:

Caretaker's residence

The current zoning on this property is light industrial.

There are/are not deed restrictions pertaining to the intended use of this property.

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



1
If the applicant is someone other than the owner, written acknowledgement by the owner of the request must also be submitted.

2

The legal description is used to publish the notice of the required hearing and in the preparation of the final ordinance granting the Conditional Use Permit. The description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground. Each applicant should protect himself by having a surveyor or his attorney approve his legal description. Failure to do so by the applicant may result in delay in passage of the final ordinance or the ordinance being declared invalid at some later date because of an insufficient legal description.

LEGAL DESCRIPTION

1651 AIRPORT ROAD

TRACT I:

BEING a tract of land in the N. Butler Survey, Abstract No. 20, Rockwall County, Texas, and being a part of a 14.01 acre tract of record in Volume 52, Page 64, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of the said 14.01 acre tract, an iron rod for corner in the margin of a gravel road;

THENCE South with the West margin of said road and the East line of said 14.01 acre tract, 246.2 feet to an iron rod for corner;

THENCE North 88 degrees 15 minutes West, 175.0 feet to an iron rod for corner;

THENCE North 146.2 feet to an iron rod on the North line of said 14.01 acre tract in a fence line and hedge row;

THENCE South 88 degrees 15 minutes East with the North line of said 14.01 acre tract and fence line and hedge row, 175.0 feet to the PLACE OF BEGINNING and containing 0.988 acres of land, more or less.

TRACT II:

BEING property located at :Rockwall Airport in Rockwall County, Texas, and being out of the N. Butler Survey, Abstract No. 20 and being a part of a 14.01 acre tract as described in Volume 52 at Page 64 of the Deed Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at the Southeast corner of a 0.988 acre tract of land as conveyed to Bruce Sidlinger and Wife, Joanne Sidlinger, as filed in Volume 142 at Page 85 of the Deed Records of Rockwall County, Texas, said beginning point being located South 246.2 feet from the Northeast corner of said 14.01 acre tract of land;

THENCE South with the east line of said 14.01 acre tract 35 feet to an iron stake set for corner;

THENCE North 88 degrees 15 minutes West parallel to said 0.988 acre tract and continuing for a total distance of 308.19 feet to an iron stake for corner;

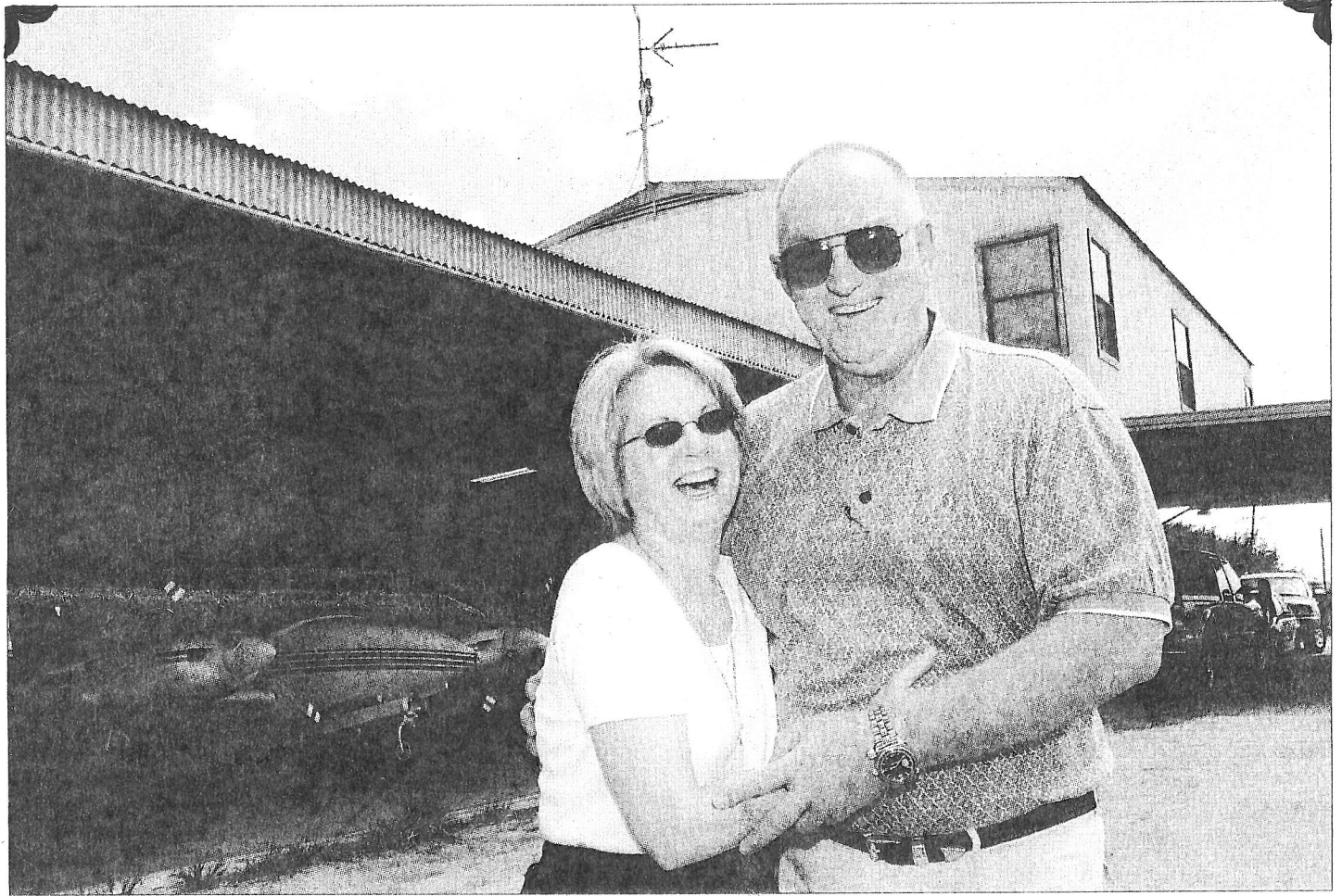
THENCE North parallel to the West line of said 0.988 acre tract 281.20 feet to an iron stake set in old fence line and on the North line of said 14.01 acre tract;

THENCE South 88 degrees 15 minutes East generally with fence and the North line of said 14.01 acre tract 133.19 feet to an iron stake located for corner and being the Northwest corner of said 0.988 acre tract;

THENCE South with the West line of said 0.988 acre tract 246.20 feet to an iron stake located for corner at the Southwest corner of said 0.988 acre tract;

THENCE South 88 degrees 15 minutes East with the South line of said 0.988 acre tract 175 feet to the PLACE OF BEGINNING and containing 1.00 acre of land, more or less.

Taking off on the market



SUMMAR SMITH-ZAK/Staff Photographer

Susan and Bob Chambers are selling their home at Rockwall's municipal airport after nearly 10 years there. The hangar sits on 5 acres, includes 5,000-square-foot living quarters and has enough room for seven planes.

After winging it in a hangar home, couple flew the coop

By JEFF MOSIER
Staff Writer

Bob and Susan Chambers' home in Rockwall has all the amenities one would expect of a plush suburban dwelling. Huge bedrooms. A kitchen stocked with high-end appliances.

It also has one surprising feature — a garage the size of a hotel ballroom, filled with airplanes.

"It's not your typical abode," Mrs. Chambers said with a straight face.

She and her husband, an airplane salesman who's been an aviation fanatic since he was an adolescent, carved a home out of their 11,413-square-foot airplane hangar at Rockwall's municipal airport in the mid-1990s.

After moving to East Texas last year, they are giving up their mammoth dwelling at the edge of the runway.

Barry Buchanan, a real estate

agent who has just started trying to sell the hangar home, said it's the most unusual residential property he's ever put on the market.

"This is definitely the top," he said, even beating out a gingerbread-style house owned by a German caterer in Heath.

During a yearlong listing with another agent, the aviator's dream home and accompanying 5 acres drew no takers.

See AFTER Page 7M

ROCKWALL

Budget doesn't have tax rate increase

City manager trims \$112,000 after council sought spending review

By JUDY EVANS
Staff Writer

Rockwall City Manager Julie Couch has found a way to avoid a property tax rate increase, but not without some cuts in street repairs, street sweeping and mowing.

Her spending plan, tightened at the City Council's request, would hold the tax rate at 36 cents per \$100 of assessed value in the fiscal year that will start Oct. 1. Previously, she had proposed raising the rate by half a cent.

The council will meet at City Hall at 6 p.m. Monday to review the revised budget.

Mrs. Couch had warned that avoiding a tax rate increase would be difficult because of a projected decrease in sales tax revenue. Pop-

ulation, and demand for services, are growing, she said.

Mrs. Couch, who cut \$112,100 from her original plan, said she was comfortable with the new budget.

"I would have preferred not to make the cuts, but we can still provide the same level of service to our citizens," she said.

One change Mrs. Couch proposed is to reduce spending on street repair supplies by \$15,000. As a result, she said, fewer street

repairs could be made in the coming year.

Also, the city would continue to clean streets with an old sweeper instead of having the job done on a contract basis. And right of way would be mowed about four times a year instead of six.

Her proposal to use \$58,100 from the city's reserve fund would leave the city two days short of having 5½ months of operating

See BUDGET Page 7M

School supply donations build stock of enthusiasm



JUDY EVANS

At 4 p.m. Tuesday, more than 125 people — kids, parents and grandparents — were lined up outside the Utley Freshman Center cafeteria in Rockwall for Back to School Fair 2003. By the time the doors opened at 5 p.m., the crowd had swelled to more than 250.

And for more than three hours, the low-income families kept coming, so many that the scheduled closing time of 7 p.m. was pushed to 8:30 p.m., said Margo Nielsen, whose Helping Hands agency sponsored the event for the second year to make the start of school a little easier for low-income families.

In all, said Mrs. Nielsen, Helping Hands' executive director, about 500 children came for such free attractions as school supplies, vouchers for new shoes and haircuts.

As the youths waited outside, their eyes glowed like those of kids anticipating Christmas.

Mildred C her grandchi grader, her b grader, and Cline, a four Dorris Jones Shannon

See CHI

Bookworms should find a few good reads at the Rowlett Public Library Advisory Board's book sale from 10 a.m. to 2 p.m. Saturday. Admission is free; books will be priced starting at \$1 at the library, 3900 Main St. Call 972-412-6161.

Dine and ride

The Trinity Trail Preservation Association and Cowboys for Christ invite the community to a trail ride and campfire dinner at 6:30 p.m. Saturday (moonlight ride at 8 p.m.). Dinner is \$4. A health certificate with negative Coggins test is required for horses. If you don't have a horse, come to the campfire party for food and music at East Fork Park, Skyview at Eubanks, Wylie. Registration required; call 972-727-2817.

Calling all girls

Chandlers Landing Yacht and Tennis Club will present summer camp for girls (ages 5 to 13) from 9 a.m. to 5 p.m. Monday through Friday. Activities include swimming, crafts, games, songs, dance, etiquette lessons, art projects, "Beauty Shop Day" and "Jewelry Day." Cost is \$175 (\$150 for members) at 501 Yacht Club Drive. Call 972-771-2051.

NOW YOU KNOW ...

About bringing home a chamber tradition

Can it be a Rockwall County tradition if it's held in Garland? That used to be an issue for the Rockwall County Chamber of Commerce's annual fall benefit auction and party. But this year, the opening of the large, air-conditioned Rockwall Indoor Sports Expo has made it possible for the event to come home. The Sept. 27 soiree will include dinner, entertainment and auctions. Chamber members plan to decorate the site with a 20-foot-wide cowboy hat, oversized boots, hay and split-rail fencing to fit the "Jeans & Gems" theme. Tickets are \$50. To become a sponsor, call the chamber at 972-771-5733 or Cheryl Austin at 972-771-7700.

COMMUNITY FACTS

CLASS SIZE

These were the average numbers of students in classes at Rockwall High School during 2001-02:

Social studies	26
Mathematics	24
Science	24
English/language arts	22
Foreign languages	21

SOURCE: Texas Education Agency

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After winging it in hangar home, couple flew the coop

Continued from Page 1M

"It's either in your blood or it isn't," Mr. Chambers said about the passion for flying.

Mr. Buchanan said it shouldn't be that hard of a sell at \$339,500. Because the building is zoned light industrial, the hangar part could continue to be used for airplane parking, or the buyer could turn it into a warehouse or a manufacturing plant. The buyers could live in the Chambers' old living quarters, rent out the home or use it to house visiting clients, he said.

But Rockwall city officials said that they were not familiar with the history of the Chambers property but that people are typically not permitted to live on land zoned for business.

Robert LaCroix, the city's community development director, said

future owners might be allowed to live on the property because the Chamberses have been there several years. But the future owner's plans for the property would determine how it could be used, Mr. LaCroix said.

A flighty idea?

When the couple bought the hangar in 1988, it was nothing like it is now, they said. It was all open space with practically no insulation and windows everywhere, ensuring that it stayed hot in the summer and cold in the winter.

The Chamberses didn't consider living there at first. They owned a 3-acre spread in McLendon-Chisholm and were happy with their home in the country.

But as their three children grew up, the specter of college tuition — a lot of it — was looming.

Mr. Chambers said he suggested the unorthodox move to his wife as a way to save money.

He said they had to decide whether to keep the McLendon-Chisholm house "or put the kids through college."

Mrs. Chambers, who isn't nearly as much of an airplane buff, said she was stunned by the suggestion.

"Live in a corrugated metal building?" she remembers thinking. "I had never thought of that."

What persuaded her to do it was that she could design the inside of their new home. Mrs. Chambers had previously worked for an interior design firm.

So she started measuring their corner of the hangar and creating a new two-story home from scratch. There's about 5,000 square feet of living space, including Mr. Chambers' office.

The children lived upstairs while the parents stayed on the bottom floor.

Blayne Chambers, the couple's only son, said his friends at school were a little baffled by his digs.

"They never knew anyone who lived in a metal building," he said.

Unlike the bare concrete just outside their door, the living area was outfitted with all the comforts of home. The family had a commercial-quality gas stove, a shower that could double as a steam room and a snooker table.

Lofty perks

The Chamberses quickly discovered that their odd home had advantages. They installed a hot tub in the hangar and often sat in it during rainstorms while listening to the raindrops hit the metal roof.

"It was a mesmerizing sound,"

Mrs. Chambers said.

Best of all, Mr. Chambers said, he could be close to his beloved airplanes night and day. He became attracted to planes as a boy, when he would occasionally fly a small plane to the grocery store during stays at his family's summer home in northern Ontario, Canada. He got his pilot's license the same day he earned his driver's license.

Because he's such a fanatic about flying, everyone incorrectly assumes that Mr. Chambers named his oldest daughter — Piper — after the brand of airplane. Mr. Chambers said he simply knew another girl with that name and liked it.

The Chamberses found out that having a huge home and an even bigger garage meant they were just like the friend with a pickup truck on moving day.

Their church built sets in the

hangar. Friends have stored everything from trailers to air-conditioning units with them. And once, the upstairs was filled with about 50 college boys on a fraternity outing.

Mrs. Chambers vividly remembers her daughter's reaction to the boys packing the top floor: "Phew! It smells like a gymnasium."

After their children left home, the Chamberses decided they didn't need as much space and moved permanently to their vacation home at Holly Lake Ranch, near Hawkins, Texas.

Mrs. Chambers said it's unlikely that they will try to duplicate their hangar home in East Texas.

"I really like the rolling hills and trees, and that's not really conducive for an airport," she said.

E-mail jmosier@dallasnews.com or call 972-771-5191, ext. 106.

Budget won't have tax rate increase

Continued from Page 1M

money put aside. Expenses paid from reserves would include computer needs for the Police Department, a cleanup project at the city Service Center, new furniture for various departments and digital equipment for council chambers.

Council member Billy Morris said Mrs. Couch had done well.

"When you give her a charge, she usually does pretty good," he said. "I'm not concerned about any of the cuts unless she has concerns. I don't see any big problems, but if she has problems with it, we'll discuss that Monday. I trust her. She's more aware of the day-to-day operations of the city than any council member."

Other council members reached for comment Thursday said they had just received the information and hadn't had time to review the proposed cuts.

The budget of about \$14 million includes proposals to increase spending by more than 9 percent with revenues that increase more than 7 percent.

Council members hope to avoid a tax rate increase this year because they expect to have to approve an increase of about a penny per \$100 of property value next year when the city issues bonds approved by voters last year to pay for major projects.

E-mail jevans@dallasnews.com or call 972-771-5191, ext. 108.

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\$32,588*

MSRP	\$40,690
REBATE	3,000
*ADDL REBATE IF FMCC FINANCED	\$1,000
RLM DISC	\$4,102

THE GOVERNMENT'S HIGHEST DRIVER AND FRONT PASSENGER SAFETY RATING.

LEGAL DESCRIPTION

1651 AIRPORT ROAD

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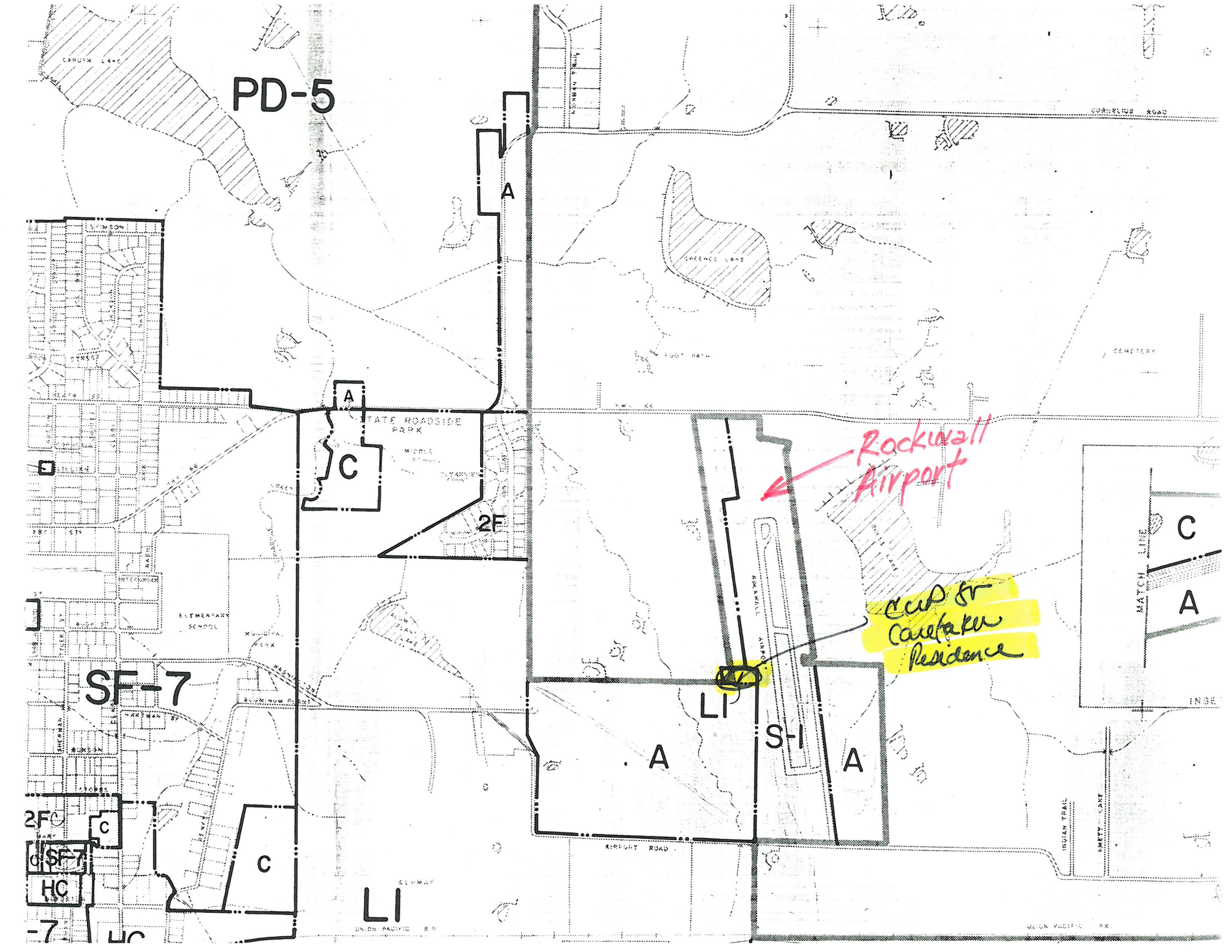
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cup or
Caretaker
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PLANNING AND ZONING COMMISSION MINUTES
July 8, 1993

5 **Call to Order**

Jim Greenwalt called the meeting to order with the following members present: Art Ruff, Van Ewing, and Pat Friend. Robert Wilson arrived at 7:30 p.m. Terry Raulston was absent.

10 Art Ruff made a motion to approve the minutes. The minutes were voted on and passed with Greenwalt abstaining.

15 **A. PZ 93-18-Z - Continue Public Hearing and Consider Recommending Approval of a Request from John Sparks for a Change in Zoning from "A" Agricultural Zoning Classification to "LI" Light Industrial Zoning Classification on a Tract of Land located on Barnstormer Lane off of Airport Road**

Greenwalt opened public hearing. Mr. Sparks did not appear before the Council.

20 **B. PZ-93-22-ORD - Hold Public Hearing and Consider Recommending an amendment to the Commercial Zoning Classification Regarding Auto Repair as an Accessory to a Permitted Retail Use and to the Definitions Section of the Comprehensive Zoning Ordinance**

Greenwalt opened the public hearing. Couch outlined the recommended amendment

25 Bill Davis, a resident of Rockwall County at 604 Whitehills, commented on item C. as to whether B had an impact on C. Greenwalt indicated that C could not happen without B.

30 Jim Hendricks, 1602 Ridge Road, addressed the Commission and noted that there is a need for further definition in the ordinance.

After some discussion, Friend motioned to recommend amendment changes. Motion seconded by Mitchell. The motion passed with four voting for and Greenwalt against.

35 **C. PZ 93-24-CUP - Hold Public Hearing and Consider Recommending Approval of a Conditional Use Permit for a Minor Auto Repair Facility in a Commercial Zoning Classification on a Tract of Land Located on White Hills Drive**

Couch outlined the applicant's request. Greenwalt opened public hearing.

40 Richard Wincorn, a property owner on White Hills, expressed his support of the request.

Jim Hendricks, 1602 Ridge Road, expressed his support of the conditional use permit.

45 Bill Davis, adjacent property owner, expressed his opposition.

Bill Massay, who leases from Mr. Davis for operation of day care center and lives in Chandler's Landing, spoke against the proposed conditional use permit citing concerns about noise level, reduced enrollment and short distance from proposed building to day care center.

50 Walt Taylor, 109 Crestwood, indicated that the playground could generate as much noise as the proposed facility.

55 David McClanahan, a tenant in the Safeco Building, 750 IH-30 Ste 100, expressed his concerns about upkeep of the property and increased traffic.

Stacy Hammacker, 1845 Hidden Hills, employed by Mr. McClanahan, CPA, expressed safety concerns about the proposed building.

60 Mr. Jackson addressed concerns about storage of waste.

Mr. Davis expressed concerns about lowered property values.

65 After some discussion, Ewing motioned to recommend approval of the request. Seconded by Wilson. The motion passed with five voting for and Friend voting against.

D. PZ-93-29-CUP - Hold Public Hearing to Consider Recommending Approval of an Amendment to a Conditional Use Permit for a Veterinary Clinic Use in the Rockwall Village Shopping Center to Permit Accessory Boarding

70 This request was withdrawn.

E. PZ-93-28-Z - Hold Public Hearing to Consider Recommending a Change in Zoning from "A" Agricultural Zoning Classification to "HWY C" Highway Commercial Zoning Classification and Recommending Approval of a Conditional Use Permit for Outside Display of Large Inventory Items on Property Located at 1790 East I-30

75 Couch outlined the conditions of the permit.

80 Greenwalt opened the public hearing. Ms. Gaston, 703 Robin Road. Ms. Gaston's realtor spoke about needing to get the broadest usage of the facility.

85 After some discussion, Mitchell made a motion to recommend approval and to add the granting of a temporary waiver to parking lot standards subject to review in 3 years specific to the two stated uses and including 3' hedges. Ruff seconded motion. The motion passed unanimously.

F. PZ-93-27-CUP - Hold Public Hearing to Consider Recommending Approval of a Conditional Use Permit for a Caretaker's Residence in "LI" Light Industrial Zoning

Classification on a Property Located at 1651 Airport Road

Couch displayed an overhead that indicated the location of the facility.

Friend made motion to approve request. Mitchell seconded the motion. The motion passed unanimously.

G. PZ-93-12-ORD - Hold Public Hearing to Consider Recommending an Amendment to the "PD" Planned Development Zoning Classification Regarding Mobile and Modular Homes

Greenwalt opened public hearing. With no comments the public hearing was closed.

Friend made a motion to approve request. Ruff seconded the motion. The motion passed unanimously.

H. PZ-93-13-ORD - Hold Public Hearing to Consider Recommending an Amendment to the "LI" Light Industrial Zoning Classification Regarding Plating and Finishing Operations

Couch recommended approval. Greenwalt opened public hearing. No comments were made.

Mitchell made a motion to approve request. Wilson seconded motion. Passed unanimously.

Because Mr. Sparks did not show, Couch recommended that public hearing will be deferred to next council meeting. If applicant does not show, request will be dropped. Greenwalt made a motion to approve. Ruff seconded motion.

Adjournment

The meeting adjourned at 9:50 p.m.

APPROVED:

Pat Friend

ATTEST:

D. G. Spive

**CITY OF ROCKWALL
City Council Agenda**

Agenda Date: July 19, 1993

Agenda No: V. G.

Agenda Item: PZ-93-27-CUP - Hold a Public Hearing to Consider Approval of an Ordinance Granting a Conditional Use Permit for a Caretaker's Residence in "LI" Light Industrial Zoning Classification on a Property Located at 1651 Airport Road (1st Reading)

Item Generated By: Applicant, Bob Chambers

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

Background Information:

The owner of the building at 1651 Barnstormer Lane would like to include a caretakers residence inside the existing building at this location. The building is used for the storage of a perishible drink mix and the owner wants to have a person on site to monitor the material. We have no problem with the application. The Commission has recommended approval of the application.

Attachments:

1. Ordinance to be sent under separate cover

Agenda Item: Ord. re: CUP for Caretaker's Residence in LI Zoning

Item No.: V. G.

ORDINANCE 93-25

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO APPROVE A CONDITIONAL USE PERMIT FOR CARETAKERS QUARTERS IN A LIGHT INDUSTRIAL ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for a caretakers quarters in a Light Industrial zoning classification has been requested by Robert Chambers for the property described in Exhibit "A", attached hereto; 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 previously given the requisite notices by publication and otherwise, and have previously 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, 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, as heretofore amended, be and the same is hereby amended by granting a Conditional Use Permit for a caretakers quarters in a Light Industrial zoning classification to be located within the existing building on a tract of land described in Exhibit "A", attached hereto and made a part hereof.

SECTION 2. 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 (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. 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 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

SECTION 5. 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.

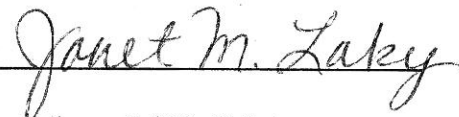
DULY PASSED AND APPROVED this 2nd day of August, 1993.

APPROVED:



Mayor

ATTEST:

BY 

1st reading 7/19/93

2nd reading 8/2/93

**MINUTES OF THE ROCKWALL CITY COUNCIL
JULY 19, 1993**

5 **Call to Order**

Mayor Alma Williams called the meeting to order with the following Council Members present: Dale Morgan, Jack Pappa, Todd White, Bruce Oppermann, George Hatfield, and Nell Welborn.

10 **Consent Agenda**

- a) Minutes of July 6, 1993
- b) Consider Approval of an Ordinance Establishing an Assessment Process for Yellowjacket Lane (2nd Reading)

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AN ORDINANCE DECLARING THE NECESSITY FOR ORDERING THE IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF ROCKWALL, TEXAS; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK; ACKNOWLEDGING THAT BIDS HAVE BEEN RECEIVED AND CONTRACTS AWARDED AND THAT ESTIMATES HAVE BEEN PREPARED; INVOKING THE PROCEDURE PROVIDED BY CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS; DETERMINING THAT THE COSTS OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF ROCKWALL, TEXAS; PROVIDING A METHOD OF REIMBURSING THE CITY OF ROCKWALL FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF SUCH COST AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENT; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COST; DIRECTING THE CITY SECRETARY TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF ROCKWALL COUNTY, TEXAS, AND PROVIDING AN EFFECTIVE DATE.

- c) Consider Approval of an Ordinance Amending the Franchise Agreement with Texas Utilities (2nd Reading)

35
40
AN ORDINANCE AMENDING THE EXISTING FRANCHISE BETWEEN THE CITY AND TEXAS UTILITIES ELECTRIC COMPANY TO PROVIDE FOR A DIFFERENT CONSIDERATION; PROVIDING FOR ACCEPTANCE BY TEXAS UTILITIES ELECTRIC COMPANY; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING AN EFFECTIVE DATE.

- d) Consider Approval of an Ordinance Establishing a Rate Reimbursement Fund (2nd Reading)

45
AN ORDINANCE ESTABLISHING A FUND FOR THE DEPOSIT, INVESTMENT AND USE

OF THE DECEMBER, 1993, TEXAS UTILITIES ELECTRIC COMPANY FRANCHISE FEE
ONE TIME ADJUSTMENT; PROVIDING FOR THE USE OF PRINCIPAL AND INTEREST
EARNINGS OF THE RESERVE FUND; AND PROVIDING AN EFFECTIVE DATE.

50

- e) Consider Amending the Code of Ordinances Regarding Animal Control and Take Any Necessary Action (2nd Reading)

55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS
AMENDING CHAPTER 5 OF THE ROCKWALL CODE OF ORDINANCES, "ANIMALS,"
SECTION 5-1. "DEFINITIONS," REVISING THE DEFINITION OF WILD ANIMAL;
PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED
DOLLARS (\$500.00); PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A
REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

60

- f) Consider Approval of an Ordinance Creating and Establishing the Rockwall Fire Department (2nd Reading)

65

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL CREATING
AND ESTABLISHING THE ROCKWALL FIRE DEPARTMENT; PROVIDING A FINE NOT
TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING A
SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

70

Couch read the captions. Pappa pulled item b). Welborn made a motion to approve the consent agenda with the exception of item b). Morgan seconded the motion. The motion was voted on and passed unanimously. Welborn made a motion to approve item b). Morgan seconded the motion. The motion passed with Pappa and Oppermann voting against.

75

Appointment with Rockwall Chamber of Commerce Regarding Quarterly Report and Take Any Necessary Action

Tom Manskey, President of the Rockwall Chamber of Commerce was not present. This report will be rescheduled to the next Council meeting. Welborn requested that the Chamber's written report be submitted to the City Council before the next meeting.

80

Appointment with Alan Anderson to Consider Approval of a Sign Plan for Lot 1, Block A, Loretta Anderson Addition and Take Any Necessary Action

85

Alan Anderson, the applicant, addressed the Council regarding a sign plan for an antique store to allow an additional free standing general business sign. After discussion, White made a motion to approve the sign plan for Lot 1, Block A, Loretta Anderson Addition. Pappa seconded the motion. The motion was voted on and passed with Welborn voting against.

90

Appointment with Planning and Zoning Commission Chairman

Jim Greenwalt, Chairman of the Planning and Zoning Commission, addressed the Council and was available to answer any questions.

95 **PZ 93-22-ORD - Hold a Public Hearing to Consider Approval of an Ordinance Amending the Commercial Zoning Classification of the Comprehensive Zoning Ordinance Regarding Auto Repair as an Accessory to a Permitted Retail Use and to the Definitions Section of the Comprehensive Zoning Ordinance (1st Reading)**

100 Couch outlined the ordinance. Williams opened the public hearing. Bill Davis, Rt. 1, SH 205 in Chisholm addressed the Council and expressed his concern regarding the ordinance's language of vehicle storage and requested a better definition of "vehicles." Couch explained that the ordinance specifies automobiles, not equipment. As no one else wished to address the Council, Williams closed the public hearing. Welborn made a motion to approve the ordinance. Hatfield seconded the motion. Couch read the caption. The motion was voted on and passed
105 unanimously.

110 **PZ 93-24-CUP - Hold a Public Hearing to Consider Approval of an Ordinance Approving a Conditional Use Permit for Minor Auto Repair in a Commercial Zoning Classification on a Tract of Land Located on White Hills Drive (1st Reading)**

Couch explained the applicant's request. Williams opened the public hearing. Richard Wincorn, current owner of the property in question addressed the Council and spoke in favor of Mr. Jackson and his request. James Hendricks, the applicant's architect, 102 E. Rusk, addressed the Council and spoke in favor of Mr. Jackson and his request. James Jackson, the applicant,
115 addressed the Council and indicated that he and his family had purchased a home at 508 Carriage Trail and would be relocating to Rockwall from Arizona. He indicated that he would like to become a part of the business community, and noted that he had favorable references from his business neighbors in Arizona.

120 Bill Davis, Rt 1 SH 205 ChisHolm addressed the Council and spoke against the request citing incompatibility with adjacent uses and safety concerns. He noted that he also spoke on behalf of Mr. Cusik, an additional adjacent property owner. He also reported that Mr. Mitchell Davis wanted to go on record of being against the request. David McClanahan, CPA, 750 I-30, noted that he offices in the Safeco Building and spoke against the request. Mr. Steve Speed of the
125 Petite Elite Daycare Center addressed the Council and spoke against the request due to noise and safety of children. Stacy Hamaker, 1845 Hidden Hills, addressed the Council and indicated that she works in the Safeco Building and has children that attend the Petite Elite Daycare center and expressed her concern of noise and traffic. Kevin Bucher, a family therapist in private practice with Dr. McKeon, addressed the Council and expressed his opposition to the request. Sharon
130 Hillgartner, 505 Bessie, addressed the Council as a former daycare owner, and noted that there are two day cares on a busy street. She indicated that she did not have problems with children sleeping even though her day care was located on Goliad. As there was no one else wishing to address the Council, Williams closed the public hearing. Oppermann made a motion to approve the ordinance approving a conditional use permit for minor auto repair in a Commercial zoning classification on a tract of land located on White Hills Drive with the conditions as
135 recommended by the Planning and Zoning Commission. Hatfield seconded the motion. Couch read the caption. After much discussion, the motion was voted on and passed with Welborn

voting against.

140 **PZ 93-28-Z - Hold a Public Hearing to Consider Approval of an Ordinance Granting a
Change in Zoning from "A" Agriculture Zoning Classification to "HWY C" Highway
Commercial Zoning Classification (1st Reading) and Approval of an Ordinance Granting
a Conditional Use Permit for Outside Display of Large Inventory Items on Property Located
at 1790 E. I-30 (1st Reading)**

145 Couch outlined the applicant's request for a change in zoning and Conditional Use Permit for
outside display of large inventory items for an auction facility and a mobile home sales facility.
She noted that the Planning and Zoning Commission had approved the request with the following
150 conditions: 1) that all used structures under the mobile home sales use be stored in the rear of
the property behind a line parallel with the rear of the building, 2) that the property within 100
feet of the front property line to be used as display area be designated on the site with the use
of decorate fencing or other decorative material, and 3) that the waiver to the parking lot
standards be waived for a period of three years at which time it would be reviewed by the
Commission and the Council. Williams opened the public hearing. Oona Gaston and her realtor
155 Billy Peoples addressed the Council and requested that their request be approved. As there was
no one else wishing to address the Council, Williams closed the public hearing. Welborn made
a motion to approve an ordinance granting a change in zoning from "A" Agriculture zoning
classification to "HWY C" Highway Commercial zoning classification and approval of an
ordinance granting a conditional use permit for outside display of large inventory items on
160 property located at 1790 E. I-30 subject to the Planning and Zoning Commission's conditions
stated above and further moved that the approval of the decorative fencing be at the discretion
of the City Manager and not the P&Z Commission and the City Council. Morgan seconded the
motion. Couch read both captions. The motion was voted on and passed unanimously.

165 **PZ 93-27-CUP - Hold a Public Hearing to Consider Approval of an Ordinance Granting a
Conditional Use Permit for a Caretaker's Residence in "LI" Light Industrial Zoning
Classification on Property Located at 1651 Airport Road (1st Reading)**

170 Couch outlined the applicant's request. Williams opened the public hearing. As there was no
one wishing to address the Council other than the applicant, Bob Chambers, who clarified his
proposed use, Williams closed the public hearing. White made a motion to approve an ordinance
granting a conditional use permit for a caretaker's residence in "LI" Light Industrial zoning
classification on property located at 1651 Airport Road. Oppermann seconded the motion.
175 Couch read the caption. The motion was voted on and passed unanimously.

**PZ-93-12-ORD - Hold a Public Hearing to Consider Approval of an Ordinance Amending
the "PD" Planned Development Zoning Classification of the Comprehensive Zoning
Ordinance Regarding Mobile and Modular Homes (1st Reading)**

180 Couch outlined the ordinance to be amended, indicating that this amendment was recommended
by the Planning and Zoning Commission. Williams opened the public hearing. As there was

no one wishing to address the Council, Williams closed the public hearing. Welborn made a motion to approve an ordinance amending the "PD" Planned Development zoning classification of the Comprehensive Zoning Ordinance regarding mobile and modular homes. White seconded the motion. Couch read the caption. The motion was voted on and passed unanimously.

PZ-93-13-ORD - Hold a Public Hearing to Consider Approval of an Ordinance Amending the "LI" Light Industrial Zoning Classification of the Comprehensive Zoning Ordinance Regarding Plating and Finishing Operations (1st Reading)

Couch outlined the ordinance to be amended, indicating that the amendment was recommended by the Planning and Zoning Commission. Williams opened the public hearing. As there was no one wishing to address the Council, Williams closed the public hearing. Welborn made a motion to approve an ordinance amending the Light Industrial zoning classification of the Comprehensive Zoning Ordinance regarding plating and finishing operations. White seconded the motion. Couch read the caption. The motion was voted on and passed unanimously.

City Manager's Report

Couch highlighted her manager's report and discussed the 1993 summer street maintenance program, the status of the improvements to Yellowjacket Lane and gave an update on the Lakeshore/Summit Ridge Task Force.

Discuss and Consider Rate Increase Regarding Collection Rates for Laidlaw Waste Systems Inc. and Take Any Necessary Action

Couch highlighted the proposed request for an increase in collection rates. Dan Phillips, General Manager for Laidlaw Waste Systems, Inc., addressed the Council and discussed Laidlaw's request for a rate increase in the amount of 3% effective August 1, 1993. After some discussion, Hatfield made a motion to approve a rate increase for garbage collection rates to Laidlaw Waste Systems, Inc. Welborn seconded the motion. The motion was voted on and passed with White voting against.

Discuss and Consider Landfill Closure and Take Any Necessary Action

Couch outlined the bid recommendation for closure of the landfill. Hatfield made a motion to award a bid to H. F. Construction Co. in the amount of \$25,830.00 for landfill closure, and to approve a contract with Freeman-Millican for inspection services not to exceed \$4,900.00. Oppermann seconded the motion. The motion was voted on and passed unanimously.

Discuss and Consider Approval of an Ordinance Amending Chapter 5 of the Rockwall Code of Ordinances by Amending the Animal Control Regulations

Couch highlighted the proposed changes to the animal control ordinance in order to conform to

state law, and to regulate animal abuse. After some discussion, Hatfield made a motion to table action regarding amendment of the Animal Control Ordinance. White seconded the motion. The motion was voted on and passed unanimously.

230 **Discuss Current Water Leak Policy and Take Any Necessary Action**

Couch explained that the Council requested that staff review other cities' policies regarding water leaks. After some discussion, Welborn made a motion to make no change in the resolution which establishes the liability of the consumer for water usage. Oppermann seconded the motion. The motion was voted on and passed with White voting against.

235

Hold Executive Session Under Article 6252-17 V.A.C.S.

The City Council convened into executive session at 10:00 p.m. to discuss a) personnel regarding appointments to city boards and commissions, and b) litigation regarding Wayne Whitman vs. The City of Rockwall.

240

Take Any Necessary Action as a Result of the Executive Session

The City Council reconvened into regular session at 10:45 p.m. No action was taken.

245

Adjournment

The City Council adjourned at 10:45 p.m.

250

APPROVED:

255



ATTEST:

260



ORDINANCE 93-25

AN ORDINANCE OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ROCKWALL AS HERETOFORE AMENDED SO AS TO APPROVE A CONDITIONAL USE PERMIT FOR CARETAKERS QUARTERS IN A LIGHT INDUSTRIAL ZONING CLASSIFICATION ON THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Conditional Use Permit for a caretakers quarters in a Light Industrial zoning classification has been requested by Robert Chambers for the property described in Exhibit "A", attached hereto; 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 previously given the requisite notices by publication and otherwise, and have previously 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, 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, as heretofore amended, be and the same is hereby amended by granting a Conditional Use Permit for a caretakers quarters in a Light Industrial zoning classification to be located within the existing building on a tract of land described in Exhibit "A", attached hereto and made a part hereof.

SECTION 2. 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 (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 3. 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 4. That all ordinances of the City of Rockwall in conflict with the provisions of this ordinance be and the same are hereby repealed to the extent of that conflict.

SECTION 5. 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.

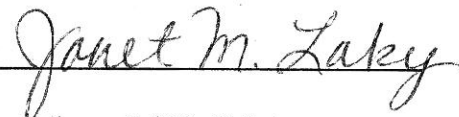
DULY PASSED AND APPROVED this 2nd day of August, 1993.

APPROVED:



Mayor

ATTEST:

BY 

1st reading 7/19/93

2nd reading 8/2/93



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on July 8, 1993 at 7:00 p.m. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on July 19, 1993 at 7:00 p.m. in City Hall, 205 W. Rusk to consider approval of a request from Robert H. Chambers to consider approval of a conditional use permit in "LI" Light Industrial Zoning Classification to allow a caretaker's residence on a tract of land located at 1651 Airport 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 93-27-CUP

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 _____

LEGAL DESCRIPTION

1651 AIRPORT ROAD

TRACT I:

BEING a tract of land in the N. Butler Survey, Abstract No. 20, Rockwall County, Texas, and being a part of a 14.01 acre tract of record in Volume 52, Page 64, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of the said 14.01 acre tract, an iron rod for corner in the margin of a gravel road;

THENCE South with the West margin of said road and the East line of said 14.01 acre tract, 246.2 feet to an iron rod for corner;

THENCE North 88 degrees 15 minutes West, 175.0 feet to an iron rod for corner;

THENCE North 146.2 feet to an iron rod on the North line of said 14.01 acre tract in a fence line and hedge row;

THENCE South 88 degrees 15 minutes East with the North line of said 14.01 acre tract and fence line and hedge row, 175.0 feet to the PLACE OF BEGINNING and containing 0.988 acres of land, more or less.

TRACT II:

BEING property located at :Rockwall Airport in Rockwall County, Texas, and being out of the N. Butler Survey, Abstract No. 20 and being a part of a 14.01 acre tract as described in Volume 52 at Page 64 of the Deed Records of Rockwall County, Texas and being more particularly described as follows:

BEGINNING at the Southeast corner of a 0.988 acre tract of land as conveyed to Bruce Sidlinger and Wife, Joanne Sidlinger, as filed in Volume 142 at Page 85 of the Deed Records of Rockwall County, Texas, said beginning point being located South 246.2 feet from the Northeast corner of said 14.01 acre tract of land;

THENCE South with the east line of said 14.01 acre tract 35 feet to an iron stake set for corner;

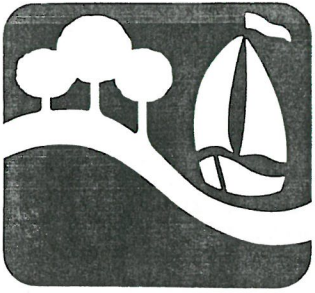
THENCE North 88 degrees 15 minutes West parallel to said 0.988 acre tract and continuing for a total distance of 308.19 feet to an iron stake for corner;

THENCE North parallel to the West line of said 0.988 acre tract 281.20 feet to an iron stake set in old fence line and on the North line of said 14.01 acre tract;

THENCE South 88 degrees 15 minutes East generally with fence and the North line of said 14.01 acre tract 133.19 feet to an iron stake located for corner and being the Northwest corner of said 0.988 acre tract;

THENCE South with the West line of said 0.988 acre tract 246.20 feet to an iron stake located for corner at the Southwest corner of said 0.988 acre tract;

THENCE South 88 degrees 15 minutes East with the South line of said 0.988 acre tract 175 feet to the PLACE OF BEGINNING and containing 1.00 acre of land, more or less.



CITY OF ROCKWALL

"THE NEW HORIZON"

PUBLIC NOTICE

The Rockwall Planning and Zoning Commission will hold a public hearing on July 8, 1993 at 7:00 p.m. in City Hall, 205 W. Rusk, and the Rockwall City Council will hold a public hearing on July 19, 1993 at 7:00 p.m. in City Hall, 205 W. Rusk to consider approval of a request from Robert H. Chambers to consider approval of a conditional use permit in "LI" Light Industrial Zoning Classification to allow a caretaker's residence on a tract of land located at 1651 Airport 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 93-27-CUP

I am in favor of the request for the reasons listed below _____

I am opposed to the request for the reasons listed below X

1. This could begin a move to re-zone area, I do not want
2. change.
- 3.

I would consent if presented some assure from Council that no permanent changes will be considered due to this conditional use permit

Signature CW Bucken

Address Columbia Extrusion

ROBERT CHAMBERS

1. JOANNE SIDLINDER
2810 COUNTRY CLUB RD.
GARLAND, TX 75043
2. ROCKWALL PROPERTY INC.
1200 E. WASHINGTON
3. BETHEL DIAL
C/O MRS. MYRON DIAL
209 DIAL LN.
ROCKWALL
4. JOSEPH FUNK
11226 INDIAN TRAIL
DALLAS, TX. 75229

2. a request from Robert H. Chambers to consider approval of a conditional use permit in "LI" Light Industrial Zoning Classification to allow a caretaker's residence on a tract of land located at 1651 Airport Road and further described below:

TRACT I:

BEING a tract of land in the N. Butler Survey, Abstract No. 20, Rockwall County, Texas, and being a part of a 14.01 acre tract of record in Volume 52, Page 64, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at the Northeast corner of the said 14.01 acre tract, an iron rod for corner in the margin of a gravel road;

THENCE South with the West margin of said road and the East line of said 14.01 acre tract, 246.2 feet to an iron rod for corner;

THENCE North 88 degrees 15 minutes West, 175.0 feet to an iron rod for corner;

THENCE North 146.2 feet to an iron rod on the North line of said 14.01 acre tract in a fence line and hedge row;

THENCE South 88 degrees 15 minutes East with the North line of said 14.01 acre tract and fence line and hedge row, 175.0 feet to the PLACE OF BEGINNING and containing 0.988 acres of land, more or less.

TRACT II

BEING property located at Rockwall Airport in Rockwall County, Texas, and being out of the N. Butler Survey, Abstract No. 20 and being a part of a 14.01 acre tract as described in Volume 52 at Page 64 of the Deed Records of Rockwall County, Texas and

being more particularly described as follows:

BEGINNING at the Southeast corner of a 0.988 acre tract of land as conveyed to Bruce Sidlinger and Wife, Joanne Sidlinger, as filed in Volume 142 at Page 85 of the Deed Records of Rockwall County, Texas, said beginning point being located South 246.2 feet from the Northeast corner of said 14.01 acre tract of land;

THENCE South with the east line of said 14.01 acre tract 35 feet to an iron stake set for corner;

THENCE North 88 degrees 15 minutes West parallel to said 0.988 acre tract and continuing for a total distance of 308.19 feet to an iron stake for corner;

THENCE North parallel to the West line of said 0.988 acre tract 281.20 feet to an iron stake set in old fence line and on the North line of said 14.01 acre tract;

THENCE South 88 degrees 15 minutes East generally with fence and the North line of said 14.01 acre tract 133.19 feet to an iron stake located for corner and being the Northwest corner of said 0.988 acre tract;

THENCE South with the West line of said 0.988 acre tract 246.20 feet to an iron stake located for corner at the Southwest corner of said 0.988 acre tract;

THENCE South 88 degrees 15 minutes East with the South line of said 0.988 acre tract 175 feet to the PLACE OF BEGINNING and containing 1.00 acre of land, more or less.