

CITY OF ROCKWALL
205 West Rust
Rockwall, Texas

APPLICATION FOR ZONING CHANGE

Case No. 93-28-2 Filing Fee \$ 200.00 Date 6/22/93

Applicant Cona Gaston Phone 771-1887

Mailing Address: 703 Robin Rd.
Rockwell, 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

C. Copy

I hereby request that the above described property be changed from its present zoning which is Agricultural District Classification to Heavy Commercial District Classification for the following reasons: (attach separate sheet if necessary)

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

Status of Applicant 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 Cona Gaston

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.

Attach letter describing
the uses that you want
to enclose (6/87)

CITY OF ROCKWALL
205 West Rusk
Rockwall, Texas

APPLICATION FOR CONDITIONAL USE PERMIT

Case No. 93-28- CUP Date Submitted 6/22/93
 Filing Fee \$ 200.00
 Applicant Cona Guston
 Address 703 Lakin Rd. Phone No. 771-1887
Rockwall, TX 75087
 Owner Tenant Prospective Purchaser

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

@-copy.

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

Outside Storage of large inventory items

The current zoning on this property is Agricultural (repealed to Hwy C).
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.

Cona Guston

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.

and such hours shall be included in any approval.

- d) If the use ceases operation the permit shall be void.
- e) The owner and/or operator of an establishment granted a permit under this section shall ensure compliance with the conditions of approval and the terms of all other applicable ordinances.

12) Outside display of large inventory items in the HwyC Classification may be permitted in the required setback for outside storage meeting the following requirements: (Ord. 90-10)

- a) The area to be used for storage shall not exceed 50% of the total lot area within 100 feet of any adjacent street.
- b) All such storage areas must be permanently paved to City standards.
- c) All such storage areas must be screened along all road frontages with a solid evergreen landscape screen a minimum of three feet in height.
- d) All such storage areas may be lighted with directed exterior lighting that does not glare onto any adjacent roadways.

H. Prior to the passage of this Ordinance, the City Council had established various Specific Use Permits which are to be continued in full force and effect until such time of expiration as may be set forth in each such ordinance granting the Specific Use Permit. The ordinances, or applicable parts of ordinances listed in the Appendix, are carried forth in full force and effect as Specific Use Permits and are the conditions and regulations which apply to the respective Specific Use Permits indicated on the Zoning Map at the date of passage of this ordinance.

90-47
wholesale
used in
CBD
mining

Nº 028373



CITY OF ROCKWALL
 "THE NEW HORIZON"
 Rockwall, Texas 75087-3628

(214) 771-7700

Cash Receipt

Name Oana Gaston Newell Date 6-22-93

Mailing Address _____

Job Address _____ Permit No. _____

Check

Cash

Other

DESCRIPTION	Acct. Code	Amount	DESCRIPTION	Acct. Code	Amount
Building Permit	01-3601		Water Tap	02-3311	
Fence Permit	01-3602		10% Fee	02-3311	
Electrical Permit	01-3604		Sewer Tap	02-3314	
Plumbing Permit	01-3607		Water Availability	06-3835	
Mechanical Permit	01-3610		Sewer Availability	07-3836	
Municipal Pool	01-3402		Meter Deposit	02-2201	
Zoning, Planning, B.O.A.	01-3411	200.00	Portable Meter Deposit	02-2311	
Subdivision Plats	01-3412		Misc. Income	02-3819	
Sign Permits	01-3628		NSF Check	02-1128	
Health Permits	01-3631		Meter Rent	02-3406	
Misc. Permits	01-3625		Marina Lease	08-3810	
Misc. Income	01-3819		Cemetery Receipts	10-3830	
Sale of Supplies	01-3807		PID	13-3828	
Recreation Fees	01-3401		Street	14-3828	
			Assessment-Ph#2	14-3830	
			Hotel/Motel Tax	15-3206	
TOTAL OF COLUMN			TOTAL OF COLUMN		

TOTAL DUE

200.00

Received by

[Signature]

6-21-93.

To City of Rockwell
I Own Aston would
like to apply for
Heavy Commercial zoning
& keep my present
zoning for Auction
Use & Sales, to have
Auctions (Vehicle & Misc)
to also be able to
have a Trade Show
Use

711-1515
an drow

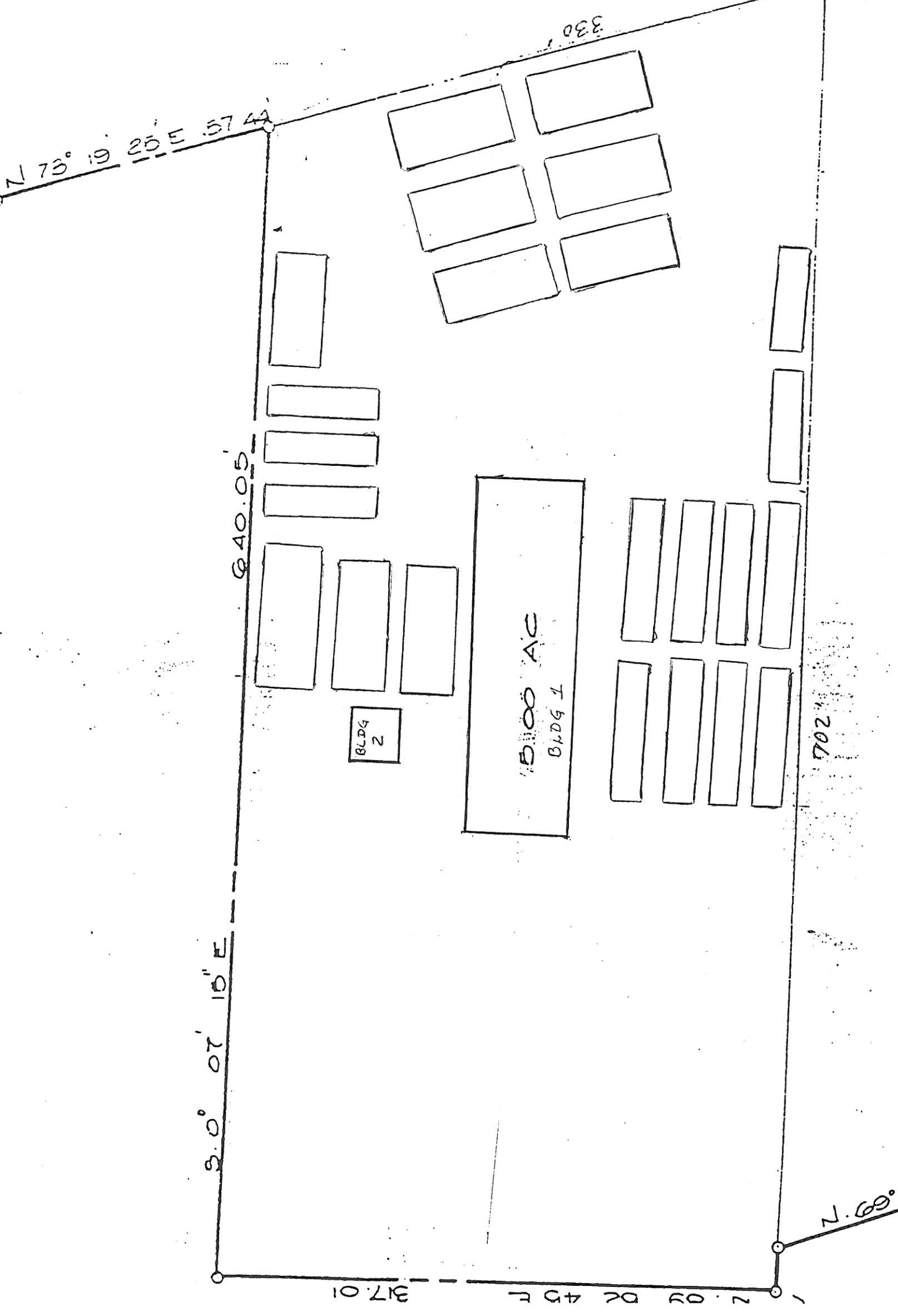
711 1887
COWA

Own Aston
703 Robin Rd.
Rockwell, TX
75087

Michael Jackson
(817) 498-8900

INTERSTATE

POINT of BEGINNING



640.05

BLDG 2

15100 AC
BLDG 1

702

S 0° 07' 10" E

317.01

N 69°

330

N 73° 19' 25" E 57.44'

ATTACHMENT

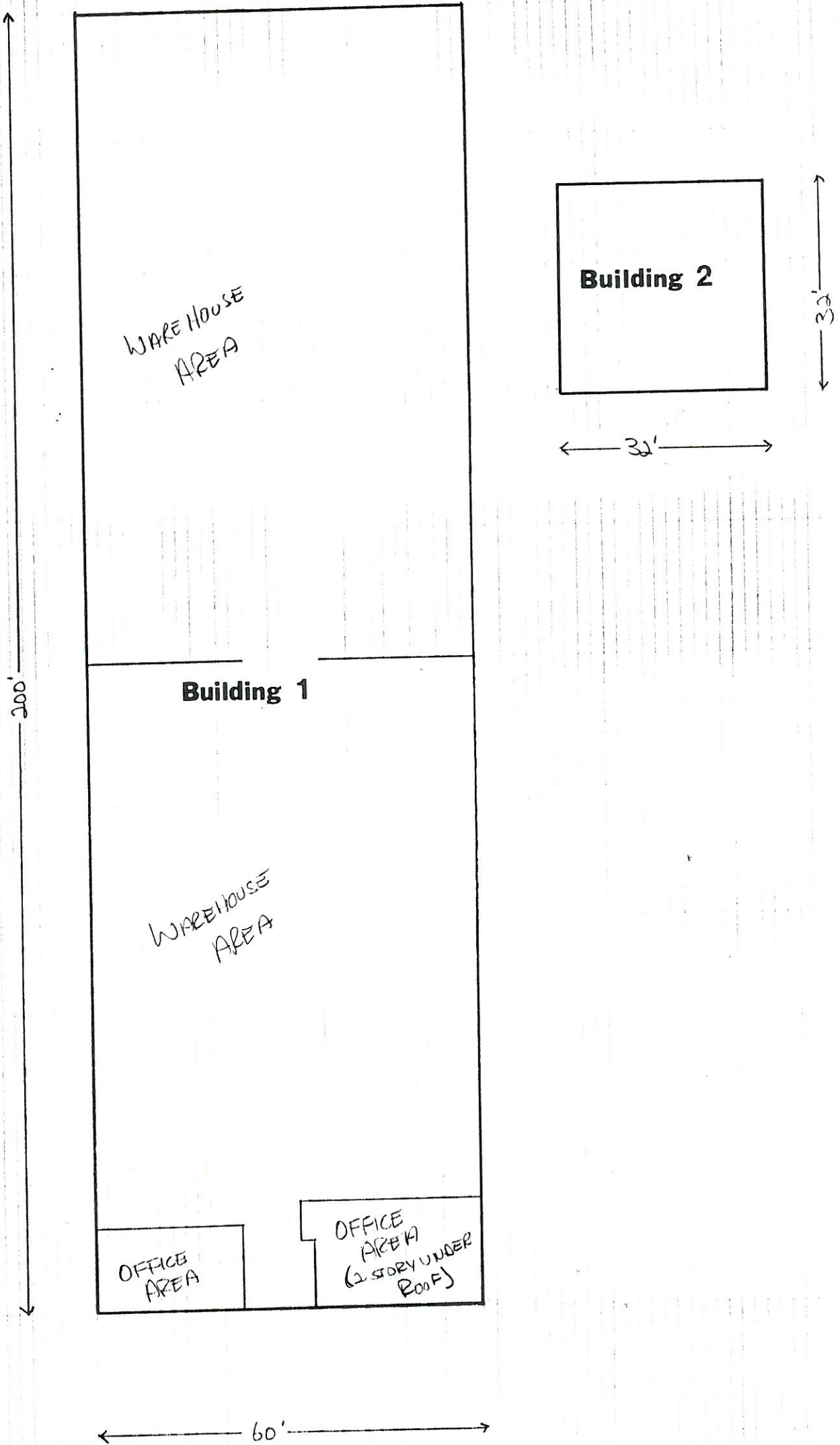


EXHIBIT "A"

All that certain lot, tract or parcel of land situated in the N. M. BALLARD SURVEY, Abstract No. 24, and the A. HANNA SURVEY, Abstract No. 99, Rockwall County, Texas, and being a part of a 48.033 acre tract of land conveyed from Eva E. Tadlock, a widow, and C. W. Tadlock to Max Scheid, Trustee, by deed recorded in Volume 103, Page 791, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod on the South line of Interstate Highway 30 and on the North line of said 48.033 acre tract, said iron rod bears North, 73° 19' 25" East, a distance of 157.44 feet from the intersection of the South line of said Highway and the West line of said 48.033 acre tract;

THENCE: North 73° 19' 25" East, with said line of Highway a distance of 304.88 feet to a concrete highway marker for a corner;

THENCE: North 80° 16' 15" East, continuing along said line of highway a distance of 25.12 feet to an iron rod found at the Northwest corner of a 5.000 acre tract of land described in a deed recorded in Volume 131, Page 405, Deed Records of Rockwall County, Texas;

THENCE: South 00° 07' 15" East, traversing said 48.033 acre tract and with the West line of said 5.000 acre tract passing at 646.51 feet an iron rod at the Southwest corner of said 5.000 acre tract a total distance of 731.12 feet to an iron rod for a corner;

THENCE: South 89° 52' 45" West, a distance of 317.01 feet to an iron rod for a corner;

THENCE: North 0° 07' 15" West, a distance of 640.05 feet to the Point of Beginning and Containing 5.000 acres of land.

INTERSTATE HIGHWAY 30.

N 73° 19' 28" E 157.44'

640.05'

S 0° 07' 15" E

N 89° 52' 45" E 37.01'

N 0° 07' 15" W 24.70'

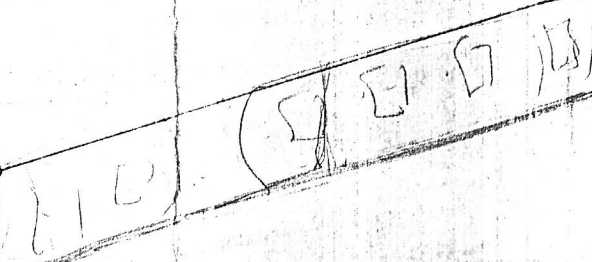
N 69° 27' 59" E 342.69'

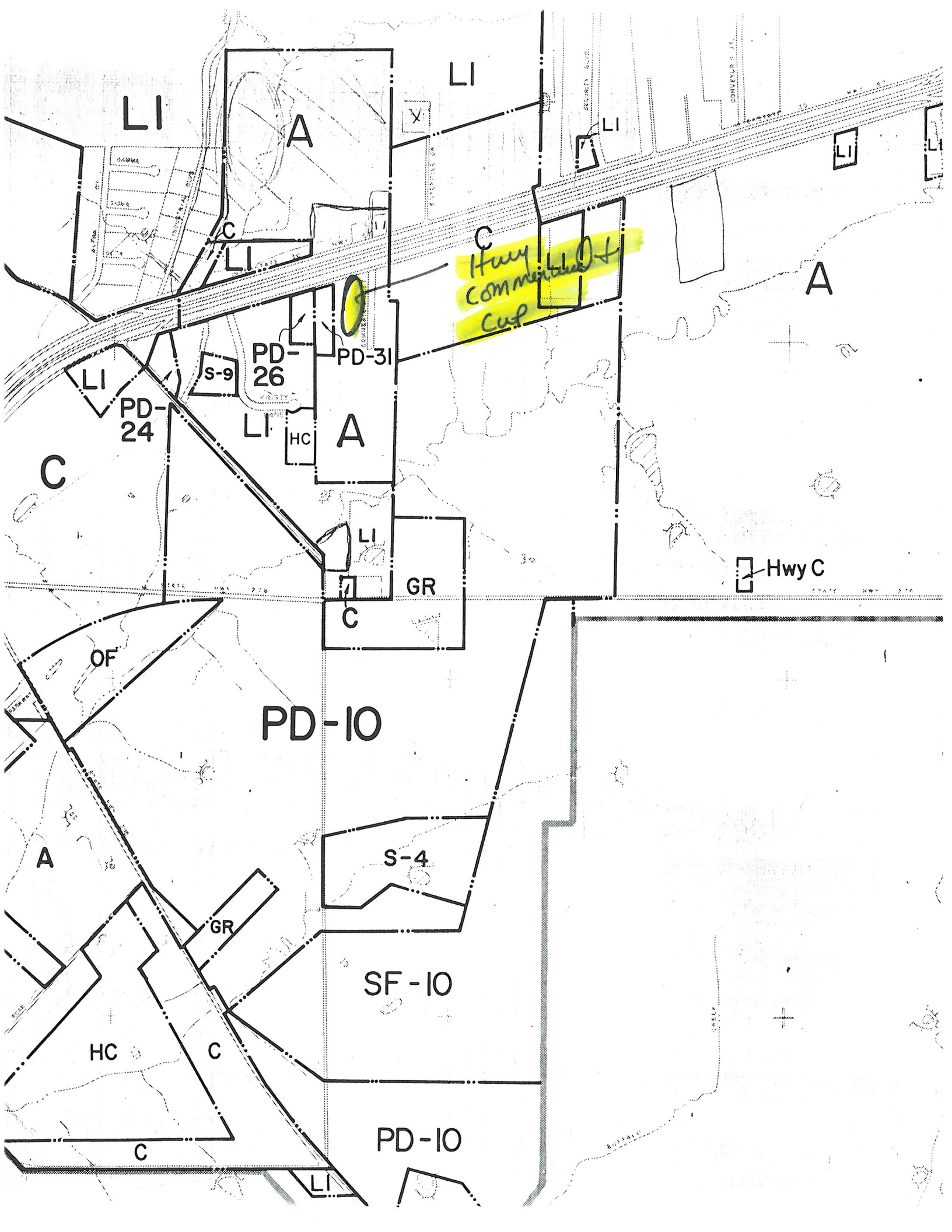
5.00 AC.

CHURCH of CHRIST

5.00

1525.90'





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.

95

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.

100

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

105

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

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

110

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.

115

Adjournment

The meeting adjourned at 9:50 p.m.

120

APPROVED:

Pat Friend

125

ATTEST:

D. G. Ruff

130

CITY OF ROCKWALL
City Council Agenda

Agenda Date: July 19, 1993

Agenda No: V. F.

Agenda Item: PZ-93-28-Z - Hold a Public Hearing to Consider Approval of an Ordinance Granting a Change in Zoning from "A" Agricultural 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 East I-30 (1st Reading)

Item Generated By: Applicant, Oona Gaston

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

Background Information:

This site is located on I-30 east of SH-205 and was annexed by the City in 1986. It was annexed with an auction use in existence. This use currently has existing nonconforming status. The owner of the property has submitted a request for a CUP to approve the existing auction use and to add a mobile home sales facility as a conditional use. She has a prospective tenant who wishes to relocate to this site from Sunnyvale. Attached are the minimum conditions that apply under HwyC for display of large items. They do not plan to alter the lighting that is on the site. The owner has indicated a willingness to install the plants along the front as required. Both uses have indicated the ability to comply with the requirement that no more than 50% of the front 100 feet of depth be used for outside display.

The paving of the parking and storage area to City standards is the one item that would be more difficult to accomplish. The total site is 5 acres and it is currently occupied with two buildings and the remainder of the site is graveled. The most visible portion of the property is the area located in front of the building, which is 200 feet from the front property line. It is estimated that if 50% of the front 100 feet were to be paved with asphalt the cost would be in the neighborhood of \$22,000. The applicant has requested a waiver to that requirement. The Commission and Council have the ability to grant waivers to the parking lot standards.

If approved the Commission has recommended that the following requirements be established for the mobile home sales operation;

1. that all used structures 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 decorative fencing or other decorative material.
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 Council.

Attachments:

1. Ordinance to be sent under separate cover

Agenda Item: Ord. Granting Change in Zoning from A to HWY C

Item No.: V. F.



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 Oona Gaston Newell for a change in zoning from "A" Agricultural Zoning Classification to "HWY C" Highway Commercial Zoning Classification and consideration of a conditional use permit to permit outside storage of large inventory items including mobile home sales and an auction facility on a tract of land located at 1790 E. I-30, 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 93-28-Z/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 _____

All that certain lot, tract or parcel of land situated in the N. M. BALLARD SURVEY, Abstract No. 24, and the A. HANNA SURVEY, Abstract No. 99, Rockwall County, Texas, and being a part of a 48.033 acre tract of land conveyed from Eva E. Tadlock, a widow, and C. W. Tadlock to Max Scheid, Trustee, by deed recorded in Volume 103, Page 791, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

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THENCE: South $89^{\circ} 52' 45''$ West, a distance of 317.01 feet to an iron rod for a corner;

THENCE: North $0^{\circ} 07' 15''$ West, a distance of 640.05 feet to the Point of Beginning and Containing 5.000 acres of land.

Oona Gaston Newell

1. ROCKWALL CHURCH OF CHRIST
P.O. BOX 653
2. AMERICAN FEDERAL BANK
14860 LANDMARK BLVD. #200
DALLAS, TX. 75248
3. MYRE COMPANIES
P.O. BOX 721
4. LANE CONCRETE CONTRACTORS
1510 I-30
5. MAJESTIC REAL ESTATE INC.
3940 GLENWICK LN.
DALLAS, TX. 75205-1238

on a tract of land located at 1790 East I-30 and further described below:

All that certain lot, tract or parcel of land situated in the N. M. BALLARD SURVEY, Abstract No. 24, and the A. HANNA SURVEY, Abstract No. 99, Rockwall County, Texas, and being a part of a 48.033 acre tract of land conveyed from Eva E. Tadlock, a widow, and C. W. Tadlock to Max Scheid, Trustee, by deed recorded in Volume 103, Page 791, Deed Records, Rockwall County, Texas, and being more particularly described as follows:

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All interested persons are encouraged to attend.

4: a request from Oona Gaston Newell to consider approval of a change in zoning from "A" Agricultural Zoning Classification to "HWY C" Highway Commercial Zoning Classification, and a conditional use permit for outside storage of large inventory items including mobile home sales and an auction facility