



PLANNING AND ZONING CASE CHECKLIST

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

P&Z CASE # 22027-07 P&Z DATE 05/10/22 CC DATE 05/16/22 APPROVED/DENIED

ARCHITECTURAL REVIEW BOARD DATE _____ HPAB DATE _____ PARK BOARD DATE _____

ZONING APPLICATION
<input type="checkbox"/> SPECIFIC USE PERMIT
<input type="checkbox"/> ZONING CHANGE
<input type="checkbox"/> PD CONCEPT PLAN
<input type="checkbox"/> PD DEVELOPMENT PLAN

SITE PLAN APPLICATION
<input type="checkbox"/> SITE PLAN
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN
<input type="checkbox"/> PHOTOMETRIC PLAN
<input type="checkbox"/> BUILDING ELEVATIONS
<input type="checkbox"/> MATERIAL SAMPLES
<input type="checkbox"/> COLOR RENDERING

PLATTING APPLICATION
<input type="checkbox"/> MASTER PLAT
<input type="checkbox"/> PRELIMINARY PLAT
<input type="checkbox"/> FINAL PLAT
<input type="checkbox"/> REPLAT
<input type="checkbox"/> ADMINISTRATIVE/MINOR PLAT
<input type="checkbox"/> VACATION PLAT
<input type="checkbox"/> LANDSCAPE PLAN
<input type="checkbox"/> TREESCAPE PLAN

<input type="checkbox"/> COPY OF ORDINANCE (ORD.# _____)
<input checked="" type="checkbox"/> APPLICATIONS
<input checked="" type="checkbox"/> RECEIPT
<input checked="" type="checkbox"/> LOCATION MAP
<input checked="" type="checkbox"/> HOA MAP
<input checked="" type="checkbox"/> PON MAP
<input type="checkbox"/> FLU MAP
<input type="checkbox"/> NEWSPAPER PUBLIC NOTICE
<input type="checkbox"/> 500-FT. BUFFER PUBLIC NOTICE
<input type="checkbox"/> PROJECT REVIEW
<input type="checkbox"/> STAFF REPORT
<input type="checkbox"/> CORRESPONDENCE
<input type="checkbox"/> COPY-ALL PLANS REQUIRED
<input type="checkbox"/> COPY-MARK-UPS
<input type="checkbox"/> CITY COUNCIL MINUTES-LASERFICHE
<input type="checkbox"/> MINUTES-LASERFICHE
<input type="checkbox"/> PLAT FILED DATE _____
<input type="checkbox"/> CABINET # _____
<input type="checkbox"/> SLIDE # _____
NOTES: _____

ZONING MAP UPDATED _____



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2} **227.06**
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **227 National dr.**

SUBDIVISION _____

LOT _____

BLOCK _____

GENERAL LOCATION **205/mims Industrial**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **warehouse/office**

CURRENT USE **F1**

PROPOSED ZONING _____

PROPOSED USE **same plus storage/parking/strorage**

ACREAGE **1.8040**

LOTS [CURRENT] **same**

LOTS [PROPOSED] **same**

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER **Kim Lemmond**

APPLICANT **same**

CONTACT PERSON **Kim Lemmond**

CONTACT PERSON _____

ADDRESS **227 National dr.**

ADDRESS _____

CITY, STATE & ZIP **Rockwall TX 75032**

CITY, STATE & ZIP _____

PHONE **972.880.2828**

PHONE _____

E-MAIL **kimlemmond@me.com**

E-MAIL _____

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Kim Lemmond [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 227.06 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14th DAY OF April, 2022 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

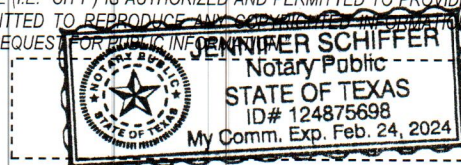
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14th DAY OF April, 2022

OWNER'S SIGNATURE

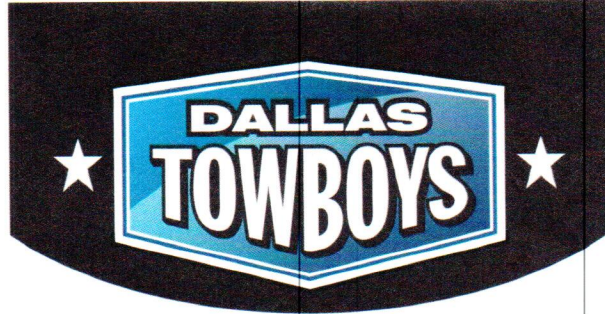
Kim Lemmond

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

[Signature]



MY COMMISSION EXPIRES **02-24-2024**



April 8, 2022

Attn Planning and Zoning – Rockwall Texas

My name is Kim Pittman Lemmond, owner of 227 National Drive Rockwall Texas 75032. I currently own the property 227 and 291 National Dr. since around 2006. We have conducted the Dallas Towboys business at 291 and 227 since we purchased both properties. The property at 227 and 291 has been storing vehicles and have had a SUP permit for a storage facility since we submitted to city around the 2006 – 2008-time frame. I was under the impression we were legal for storing at 227. While contacting the city to update my current CO with a new company name, I found out that the SUP was for 291. I am now requesting for the SUP be for 227 as well.

Thank you

Kim Pittman Lemmond

Pittman Logistics LLC dba Dallas Towboys Sales and Service

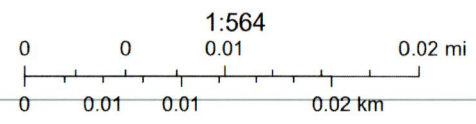
291

Rockwall CAD Web Map



4/8/2022, 6:48:31 PM

- Streets
- Parcel



Rockwall CAD Web Map

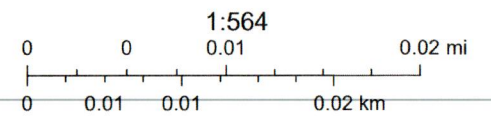


4/8/2022, 3:32:43 PM

227 National

— Streets

Parcel

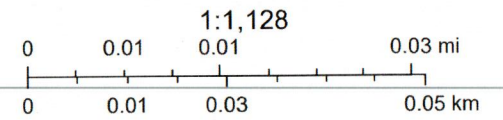


Rockwall CAD Web Map



4/8/2022, 3:29:21 PM

- Streets
- Parcel



Rockwall County Appraisal District, Harris Govern -- www.harrisgovern.com

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO.

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2} **227.06**
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **227 National dr.**

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION **205/mims Industrial**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **warehouse/office**

CURRENT USE **F1**

PROPOSED ZONING

PROPOSED USE **same plus storage/parking/strorage**

ACREAGE **1.8040**

LOTS [CURRENT] **same**

LOTS [PROPOSED] **same**

- SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER **Kim Lemmond**

APPLICANT **same**

CONTACT PERSON **Kim Lemmond**

CONTACT PERSON

ADDRESS **227 National dr.**

ADDRESS

CITY, STATE & ZIP **Rockwall TX 75032**

CITY, STATE & ZIP

PHONE **972.880.2828**

PHONE

E-MAIL **kimlemmond@me.com**

E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Kim Lemmond [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 227.06 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 11th DAY OF April, 2022 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

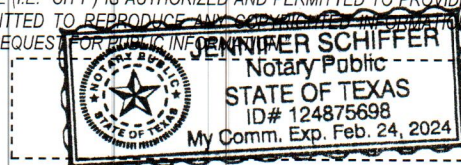
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 11th DAY OF April, 2022

OWNER'S SIGNATURE

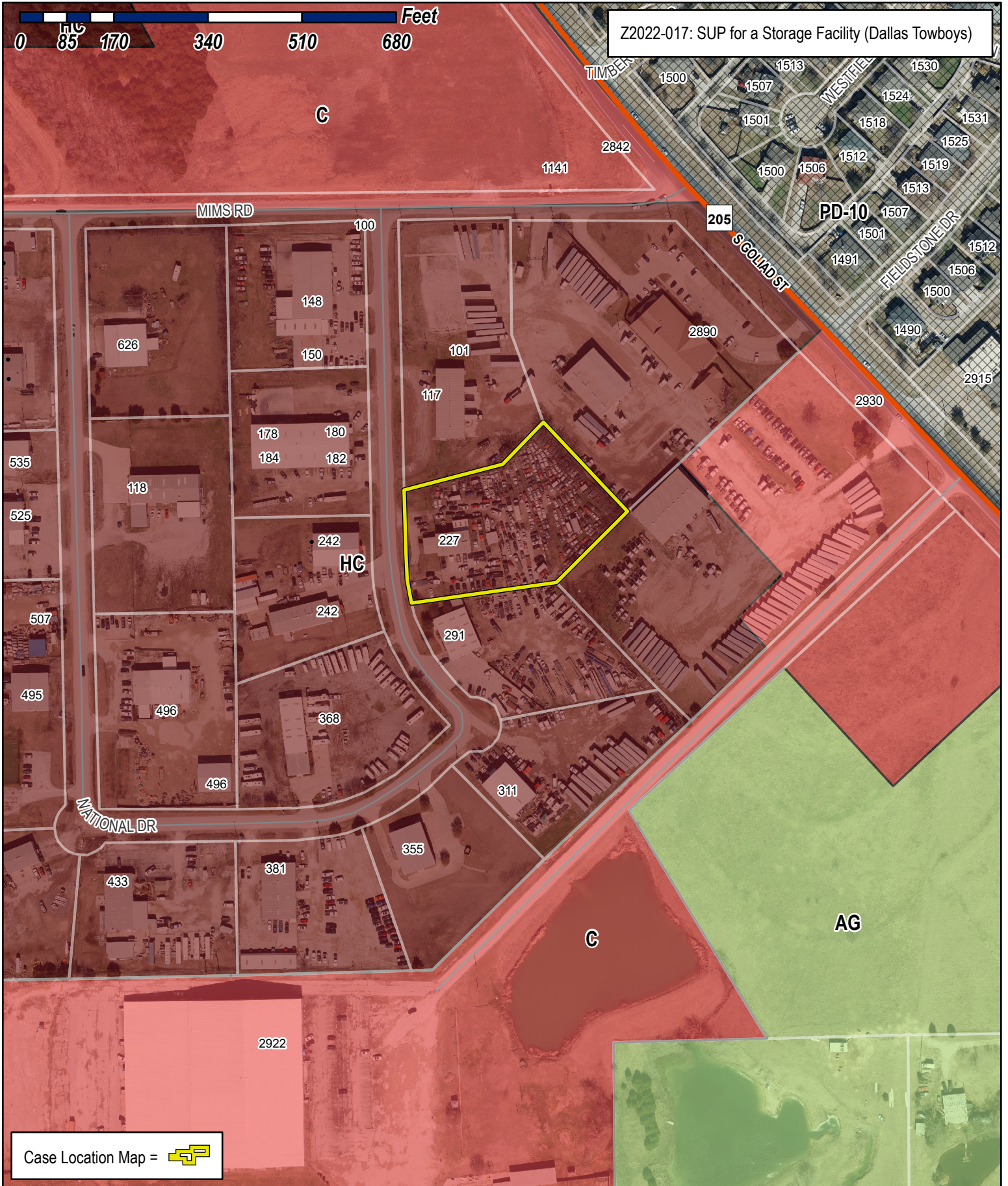
Kim Lemmond

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS


[Signature]



MY COMMISSION EXPIRES **02-24-2024**



Z2022-017: SUP for a Storage Facility (Dallas Cowboys)

Case Location Map = 



City of Rockwall

Planning & Zoning Department
 385 S. Goliad Street
 Rockwall, Texas 75032
 (P): (972) 771-7745
 (W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

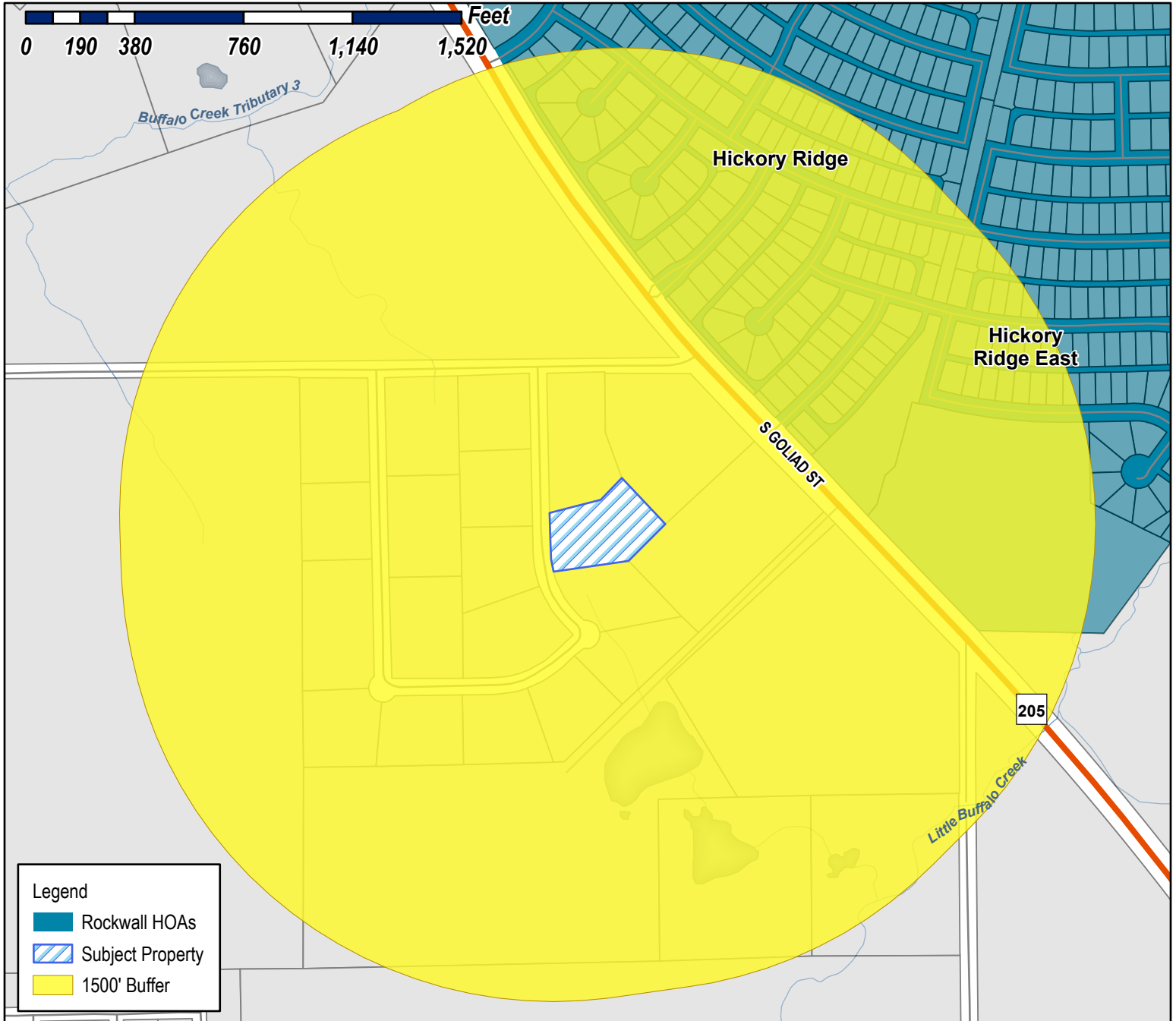




City of Rockwall

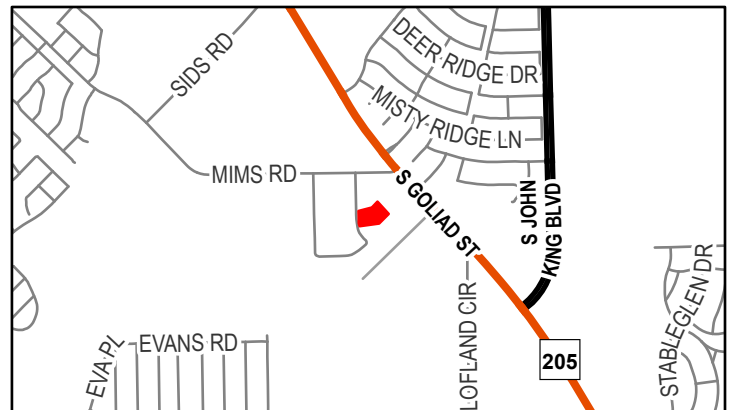
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745

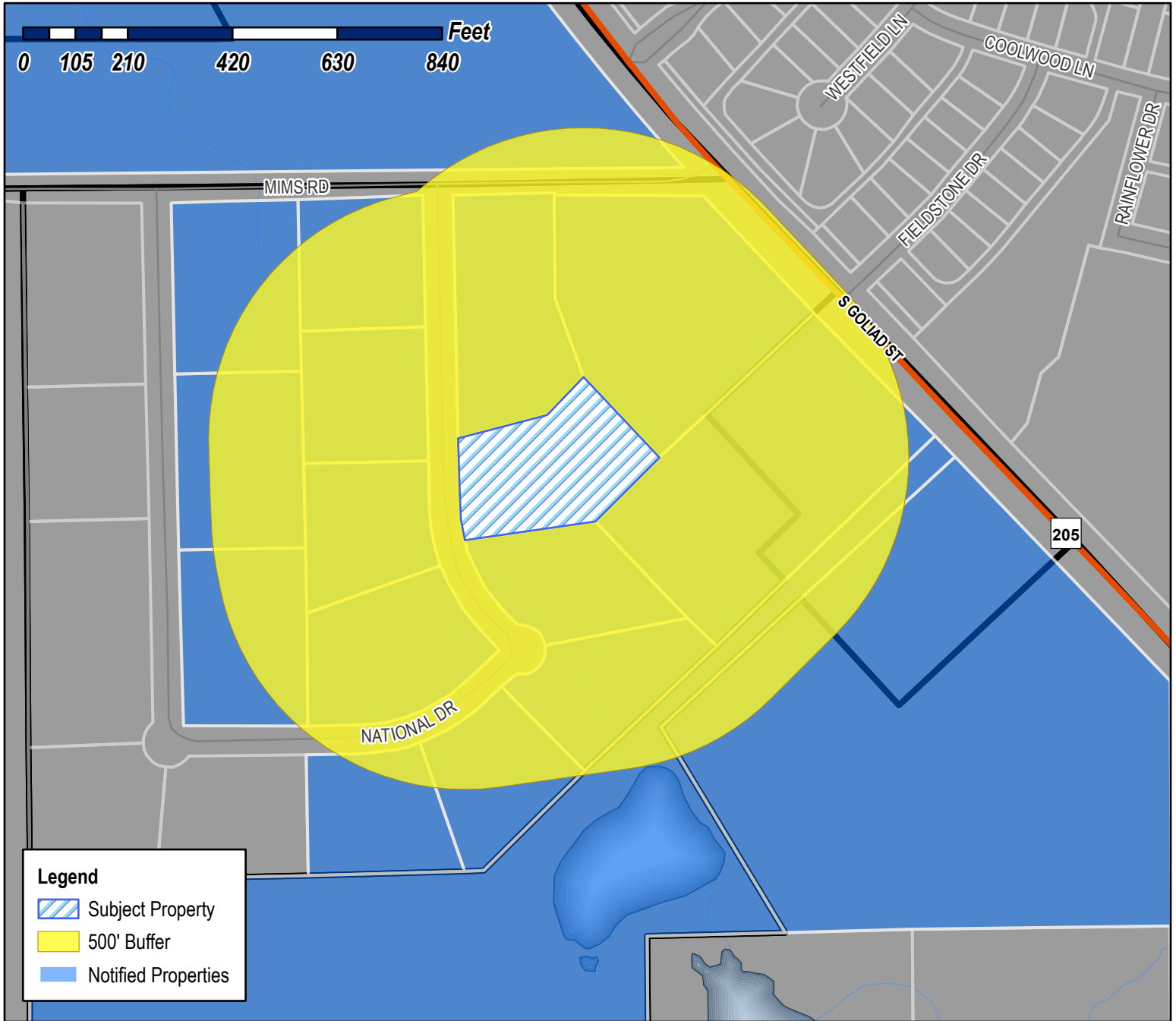







City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

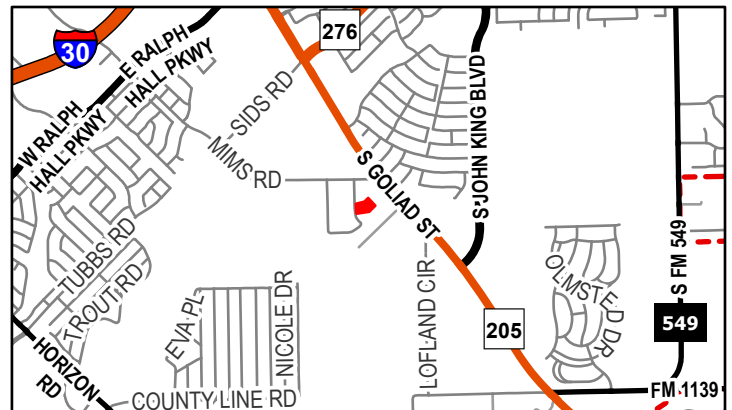


Legend

-  Subject Property
-  500' Buffer
-  Notified Properties

Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Cowboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745



MCSWAIN BILLY
100 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
101 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
10349 S STATE HIGHWAY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
1123 SIGNAL RIDGE PL
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
118 NATIONAL DR
ROCKWALL, TX 75032

MCSWAIN BILLY
148 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
1600 US HIGHWAY 80
MESQUITE, TX 75032

MILLER FAMILY INVESTMENT LP
17430 CAMPBELL RD STE 230
DALLAS, TX 75252

ASBURY MICHAEL & LEAANN
182 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLY
227 NATIONAL DR
ROCKWALL, TX 75032

SEYMORE TIM & RAY SEYMORE
242 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
2890 S GOLIAD
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
291 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
2922 S HWY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
311 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
3400 EDGEFIELD CT
GREENSBORO, NC 27408

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
355 NATIONAL DR
ROCKWALL, TX 75032

D & A REAL ESTATE PARTNERS LTD
368 NATIONAL DR
ROCKWALL, TX 75032

GROUP 1 REALTY INC
381 NATIONAL DR
ROCKWALL, TX 75032

BIG BUCK PROPERTIES LLC
496 NATIONAL DR
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
519 E INTERSTATE 30 #511
ROCKWALL, TX 75087

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
6 BRIGHT MEADOWS ROAD
HEATH, TX 75032

JACOBS DAVID RAY
626 NATIONAL DR
ROCKWALL, TX 75032

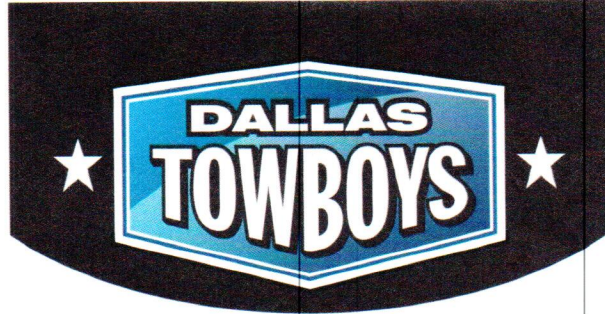
GROUP 1 REALTY INC
800 GESSNER SUITE 500
HOUSTON, TX 77024

ASBURY MICHAEL & LEAANN
PO BOX 1012
ROCKWALL, TX 75087

BIG BUCK PROPERTIES LLC
PO BOX 2107
ROCKWALL, TX 75087

RAYBURN COUNTRY ELECTRIC CORP INC
PO BOX 37
ROCKWALL, TX 75093

D & A REAL ESTATE PARTNERS LTD
PO BOX 850
ROCKWALL, TX 75087



April 8, 2022

Attn Planning and Zoning – Rockwall Texas

My name is Kim Pittman Lemmond, owner of 227 National Drive Rockwall Texas 75032. I currently own the property 227 and 291 National Dr. since around 2006. We have conducted the Dallas Towboys business at 291 and 227 since we purchased both properties. The property at 227 and 291 has been storing vehicles and have had a SUP permit for a storage facility since we submitted to city around the 2006 – 2008-time frame. I was under the impression we were legal for storing at 227. While contacting the city to update my current CO with a new company name, I found out that the SUP was for 291. I am now requesting for the SUP be for 227 as well.

Thank you

Kim Pittman Lemmond

Pittman Logistics LLC dba Dallas Towboys Sales and Service

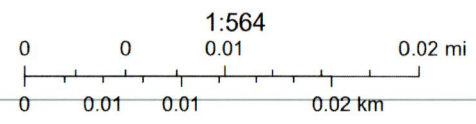
291

Rockwall CAD Web Map



4/8/2022, 6:48:31 PM

- Streets
- Parcel



Rockwall CAD Web Map

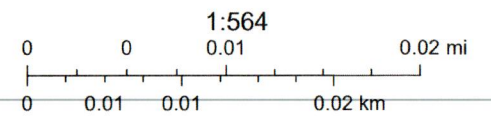


4/8/2022, 3:32:43 PM

227 National

— Streets

Parcel

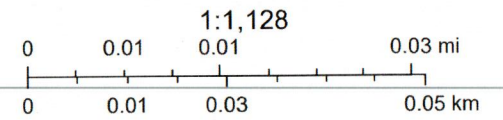


Rockwall CAD Web Map



4/8/2022, 3:29:21 PM

- Streets
- Parcel



PROJECT COMMENTS



CITY OF ROCKWALL
385 S. GOLIAD STREET
ROCKWALL, TEXAS 75087
PHONE: (972) 771-7700

DATE: 4/22/2022

PROJECT NUMBER: Z2022-017
PROJECT NAME: SUP for Dallas Towboys Vehicle Storage
SITE ADDRESS/LOCATIONS: 205 Mims Road

CASE MANAGER: Henry Lee
CASE MANAGER PHONE: 972.772.6434
CASE MANAGER EMAIL: hlee@rockwall.com

CASE CAPTION: Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
	Henry Lee	04/22/2022	Needs Review

04/22/2022: Please address the following comments (M= Mandatory Comments; I = Informational Comments)

- I.1 This request is for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive.
- I.2 For questions or comments concerning this case please contact Henry Lee in the Planning Department at (972) 772-6434 or email hlee@rockwall.com.
- M.3 For reference, include the case number (Z2022-017) in the lower right-hand corner of all pages on future submittals.
- I.4 The subject property currently has a Certificate of Occupancy (CO) for an office building. Based on aerial images the subject property is being operated as a Towing and Impound Yard and is considered to not be in compliance with the approved CO. If approved, the requested Specific Use Permit (SUP) would be considered to be a change of land use on the subject property.
- M.5 According to Subsection 02.02, Change of Use, of Article 06, Parking and Loading, of the Unified Development Code (UDC), "(w)henever any building, improvement, or use of land is proposed to be changed to a new use, the provision of off-street parking and loading shall be required for the new use in accordance with this Article." Based on this the proposed change of land use will require the provision of seven (7) parking spaces. This will need to be shown on a site plan. This has been added as a condition of this Specific Use Permit (SUP) ordinance.
- M.6 According to Subsection 08, Landscape and Fence Standards, of the Unified Development Code (UDC), "(t)he landscape and screening provisions of this Article shall apply to: ... (t)he expansion of a non-residential building or structure that increases the existing floor area by 30% or that adds 2,000 SF of impervious coverage." Based on the required parking being an increase of more than 30% of the existing paved area, the site will need to be made to conform to the landscaping standards. This means that one (1) canopy tree and one (1) accent tree per 50-linear feet will need to be provided on the site. This has been added as a condition of this Specific Use Permit (SUP) ordinance.
- I.7 According to Subsection 02.01(H), Auto and Marine-Related Land Uses Conditions, of Article 13, Definitions, of the Unified Development Code (UDC), an Towing and Impound Yard is defined as "(a)ny lot that two (2) or more motor vehicles of any kind of for the purpose of holding such vehicles in reserve or incapable of being operated due to condition or lack of license have been placed for the purpose of obtaining parts for recycling or resale."
- I.8 According to Subsection 02.03(H), Towing and Impound Yard, of Article 04, Permissible Uses, of the Unified Development Code (UDC), states that "(a) towing and impound yard must comply with all requirements, including definitions and permitting procedures for wrecking and towing services, that are specified in Article VI, Wrecker and Towing Services, of Chapter 12, Businesses and Sales, of the Municipal Code of Ordinances..."
- M.9 Please provide a concept plan or site layout showing the storage areas for the vehicles and all required parking and landscaping. This will be incorporated into the Specific Use Permit ordinance.
- I.10 Based on the applicant's submittal staff has included the following Operational Conditions in the attached Specific Use Permit (SUP) ordinance:

- (1) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
- (2) All impounded vehicles shall be stored behind a solid screening fence (including the gates) that conforms to the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) on the Subject Property. In addition, all impounded vehicles shall be stored behind the front façade of the building.
- (3) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC).
- (4) The storage or impoundment of in operable vehicles on the subject property shall be prohibited.
- (5) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

M.11 Please review the attached Draft Ordinance prior to the April 26, 2022 Planning and Zoning Commission Work Session meeting, and provide staff with your markups by no later than May 3, 2022.

I.12 Staff has identified the aforementioned items necessary to continue the submittal process. Please make these revisions and corrections, and provide any additional information that is requested. Revisions for this case will be due on May 3, 2022; however, it is encouraged for applicants to submit revisions as soon as possible to give staff ample time to review the case prior to the May 10, 2022 Planning and Zoning Commission Public Hearing Meeting. The Planning and Zoning Commission Work Session Meeting for this case will be held on April 26, 2022.

I.13 The projected City Council meeting dates for this case will be May 16, 2022 (1st Reading) and June 6, 2022 (2nd Reading).

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
ENGINEERING	Sarah Johnston	04/21/2022	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
BUILDING	Rusty McDowell	04/19/2022	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
FIRE	Ariana Kistner	04/22/2022	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
GIS	Lance Singleton	04/19/2022	Approved

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
POLICE	Henry Lee	04/22/2022	N/A

No Comments

DEPARTMENT	REVIEWER	DATE OF REVIEW	STATUS OF PROJECT
PARKS	Travis Sales	04/18/2022	Approved

No Comments



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO. _____

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING: _____

CITY ENGINEER: _____

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2} **227.06**
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **227 National dr.**

SUBDIVISION _____

LOT _____

BLOCK _____

GENERAL LOCATION **205/mims Industrial**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **warehouse/office**

CURRENT USE **F1**

PROPOSED ZONING _____

PROPOSED USE **same plus storage/parking/strorage**

ACREAGE **1.8040**

LOTS [CURRENT] **same**

LOTS [PROPOSED] **same**

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER **Kim Lemmond**

APPLICANT **same**

CONTACT PERSON **Kim Lemmond**

CONTACT PERSON _____

ADDRESS **227 National dr.**

ADDRESS _____

CITY, STATE & ZIP **Rockwall TX 75032**

CITY, STATE & ZIP _____

PHONE **972.880.2828**

PHONE _____

E-MAIL **kimlemmond@me.com**

E-MAIL _____

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Kim Lemmond [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 227.06 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 11th DAY OF April, 2022 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

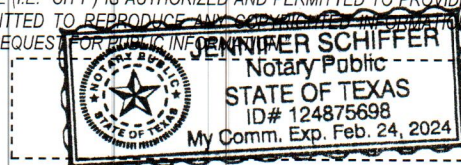
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 11th DAY OF April, 2022

OWNER'S SIGNATURE

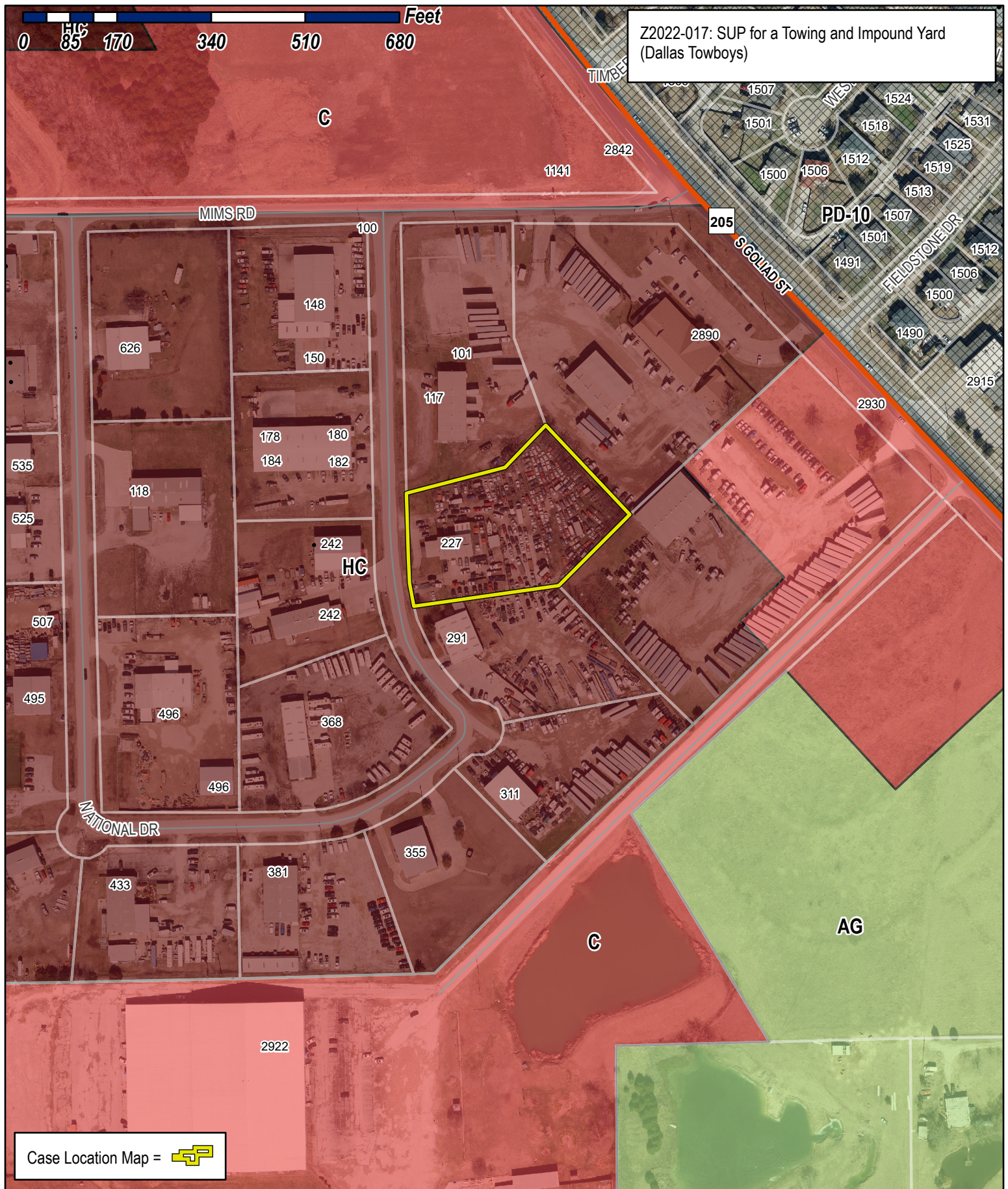
Kim Lemmond

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS


[Signature]



MY COMMISSION EXPIRES **02-24-2024**



Z2022-017: SUP for a Towing and Impound Yard
(Dallas Towboys)

Case Location Map = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

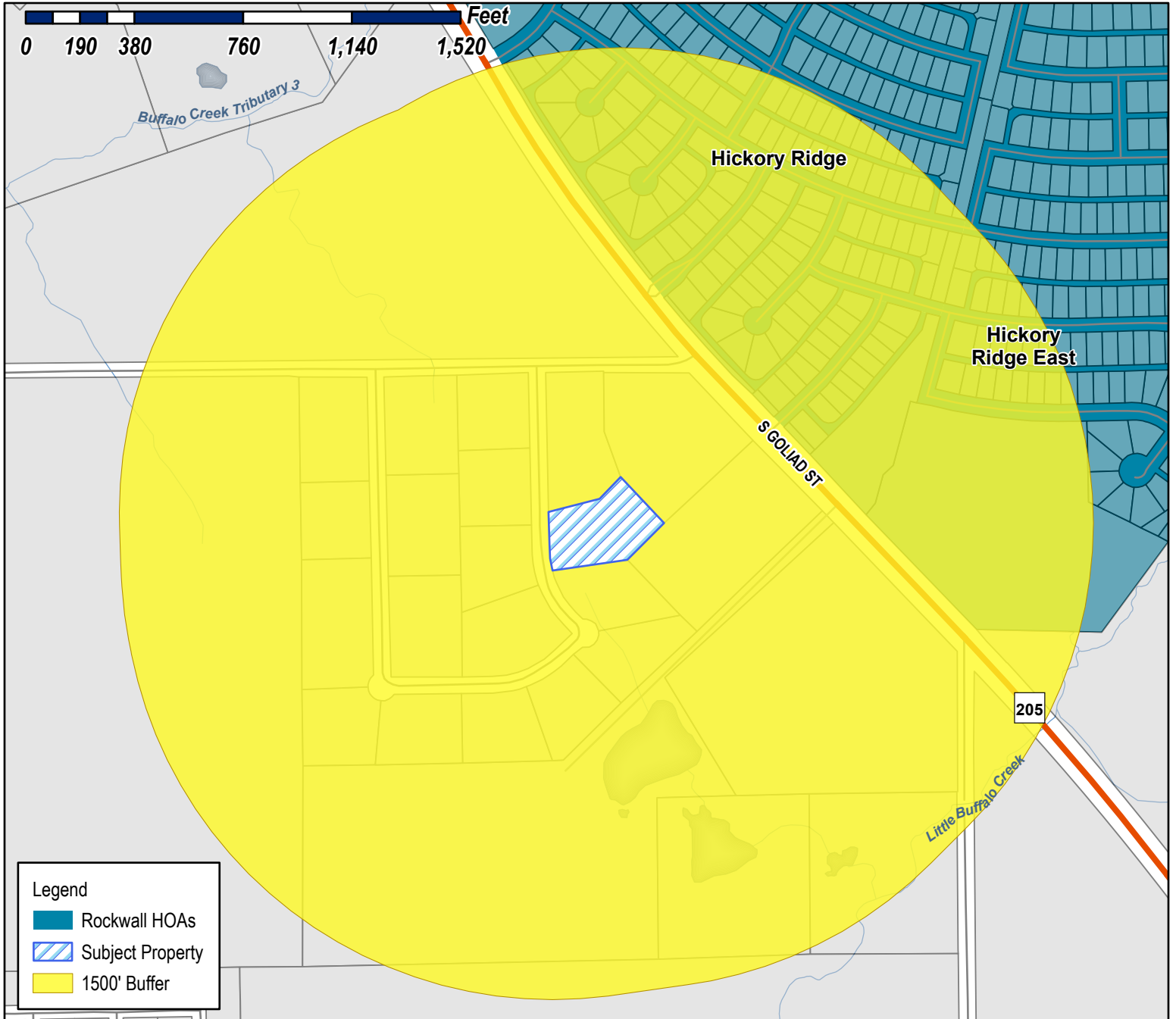




City of Rockwall

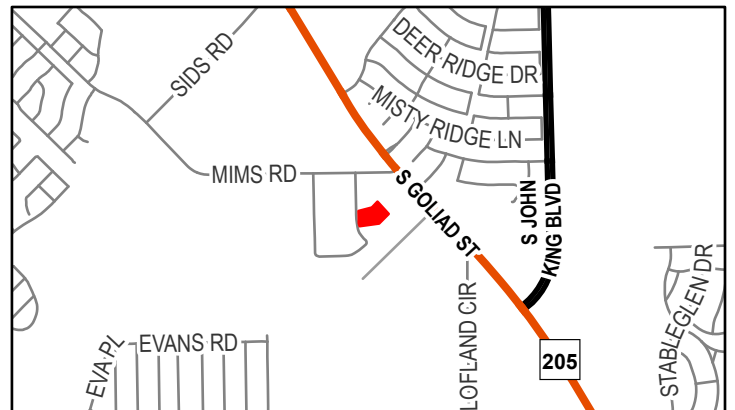
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745

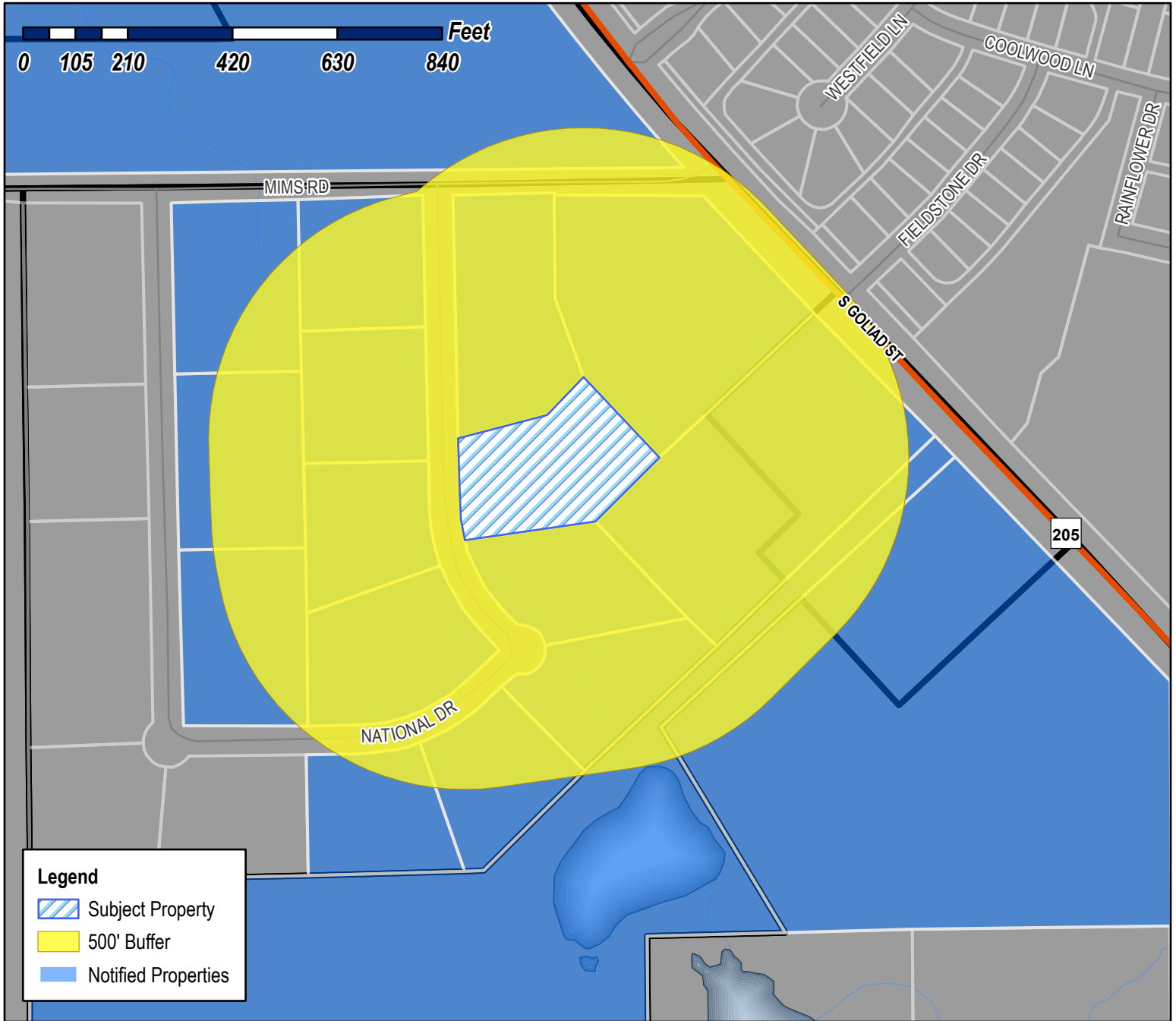




City of Rockwall

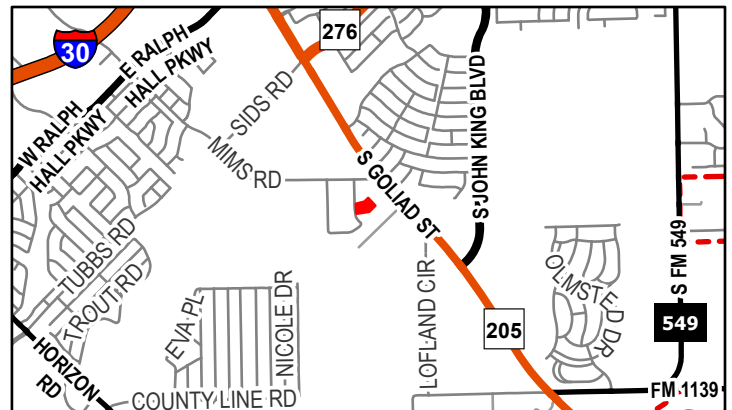
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745



MCSWAIN BILLY
100 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
101 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
10349 S STATE HIGHWAY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
1123 SIGNAL RIDGE PL
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
118 NATIONAL DR
ROCKWALL, TX 75032

MCSWAIN BILLY
148 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
1600 US HIGHWAY 80
MESQUITE, TX 75032

MILLER FAMILY INVESTMENT LP
17430 CAMPBELL RD STE 230
DALLAS, TX 75252

ASBURY MICHAEL & LEAANN
182 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLY
227 NATIONAL DR
ROCKWALL, TX 75032

SEYMORE TIM & RAY SEYMORE
242 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
2890 S GOLIAD
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
291 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
2922 S HWY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
311 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
3400 EDGEFIELD CT
GREENSBORO, NC 27408

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
355 NATIONAL DR
ROCKWALL, TX 75032

D & A REAL ESTATE PARTNERS LTD
368 NATIONAL DR
ROCKWALL, TX 75032

GROUP 1 REALTY INC
381 NATIONAL DR
ROCKWALL, TX 75032

BIG BUCK PROPERTIES LLC
496 NATIONAL DR
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
519 E INTERSTATE 30 #511
ROCKWALL, TX 75087

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
6 BRIGHT MEADOWS ROAD
HEATH, TX 75032

JACOBS DAVID RAY
626 NATIONAL DR
ROCKWALL, TX 75032

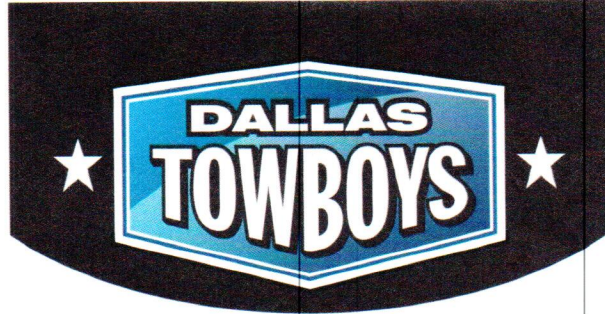
GROUP 1 REALTY INC
800 GESSNER SUITE 500
HOUSTON, TX 77024

ASBURY MICHAEL & LEAANN
PO BOX 1012
ROCKWALL, TX 75087

BIG BUCK PROPERTIES LLC
PO BOX 2107
ROCKWALL, TX 75087

RAYBURN COUNTRY ELECTRIC CORP INC
PO BOX 37
ROCKWALL, TX 75093

D & A REAL ESTATE PARTNERS LTD
PO BOX 850
ROCKWALL, TX 75087



April 8, 2022

Attn Planning and Zoning – Rockwall Texas

My name is Kim Pittman Lemmond, owner of 227 National Drive Rockwall Texas 75032. I currently own the property 227 and 291 National Dr. since around 2006. We have conducted the Dallas Towboys business at 291 and 227 since we purchased both properties. The property at 227 and 291 has been storing vehicles and have had a SUP permit for a storage facility since we submitted to city around the 2006 – 2008-time frame. I was under the impression we were legal for storing at 227. While contacting the city to update my current CO with a new company name, I found out that the SUP was for 291. I am now requesting for the SUP be for 227 as well.

Thank you

Kim Pittman Lemmond

Pittman Logistics LLC dba Dallas Towboys Sales and Service

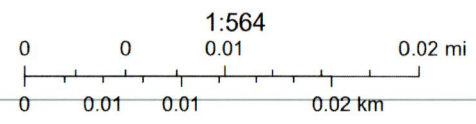
291

Rockwall CAD Web Map



4/8/2022, 6:48:31 PM

- Streets
- Parcel



Rockwall CAD Web Map

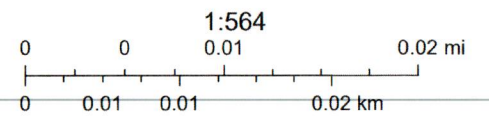


4/8/2022, 3:32:43 PM

227 National

— Streets

Parcel

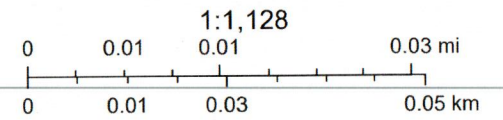


Rockwall CAD Web Map



4/8/2022, 3:29:21 PM

- Streets
- Parcel



Rockwall County Appraisal District, Harris Govern -- www.harrisgovern.com

This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



City of Rockwall
The New Horizon

\$75.00 Payable to the City of Rockwall upon notice of approved C.O.

Building Inspections Dept: (972) 771-7709
Inspection Request: (972) 771-7760
Fire Department: (972) 771-7770
Health Inspector: (214) 202-1202

Application for Certificate of Occupancy

Date: 10-6-16

C.O. No: C02016-0112

This Application must be completed in full, signed and dated prior to being processed.

Name of Business: Dallas Towboys Telephone: 214-221-8697

Address of Business: 227 National dr.

Business Owner Name: Kim Lemmond Telephone: _____

Email: kim@dallastowboys.com Cell: 972-880-2878

Business Owner's Address: 10349 S. State Hwy 205 Rockwall TX 75087
Street /PO Box City State Zip

Property Owner Name: Kim Lemmond Telephone: _____

Property Owner's Address: Same
Street /PO Box City State Zip

Proposed use: Personal office Total Square Footage: approx. 1300
(Restaurant, Retail, Office, Warehouse, Etc.) Office Square Footage: _____

Previous use: Rental Retail Area Square Footage: _____

Will your business have a trash dumpster? no Storage or Warehouse Square Footage: _____

Any proposed manufacturing to be conducted? Yes No If yes, explain: _____

Are there adjoining businesses? Yes No If yes, what type: _____

Is the building equipped with an automatic sprinkler system? Yes No

Any storage of materials? Yes No If yes, what type: _____

Will there be any outside storage or display? Yes No If yes, explain: _____

of employees: 1 Projected opening date: _____

Restaurants: Will alcohol be served? Yes No
If yes, you must provide us with a copy of your TABC license before a C.O. will be issued.

Circle all applicable: New Tenant in Existing Building
Expanding Lease Space
Same Business Name, New Owner
Same Owner, New Business Name
Shell Building (No Occupancy)
New Interior

Printed name: Kim Lemmond
Signature: Kim Lemmond Date: 10/6/16

Signing this application does not authorize occupancy of the space and/or structure. It is unlawful to use, occupy, or permit the use or occupancy of a building until a C.O. is issued.

Lee, Henry

From: Widmer, Jeffrey
Sent: Friday, May 4, 2018 4:09 PM
To: Pallares, Gabe
Subject: C.O. needed

Here's the code reference.

Specific violation: Failure to allow occupancy of your building without obtaining the required certificate of occupancy as required by the City's Code of Ordinance #16-32 Section 10-116, and specifically the city's adopted 2015 International Building Code,

SECTION 111 CERTIFICATE OF OCCUPANCY which states:

[A] 111.1 Use and occupancy.

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *TOWING AND IMPOUND YARD* ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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, the City has received a request from Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) to allow for a *Towing and Impound Yard* on a 1.804-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and being more specifically depicted and described in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] 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 Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *Towing and Impound Yard* as stipulated by Subsection 01.02, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*, and Subsection 04.06, *Heavy Commercial (HC) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and Article VI, *Wrecker and Towing Services*,

of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Towing and Impound Yard* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
- (2) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the *Subject Property*. In addition, all impounded vehicles shall be stored behind the front façade of the building.
- (3) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
- (4) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
- (5) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. 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 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. 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, 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 8. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF JUNE, 2022.**

Kevin Fowler, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

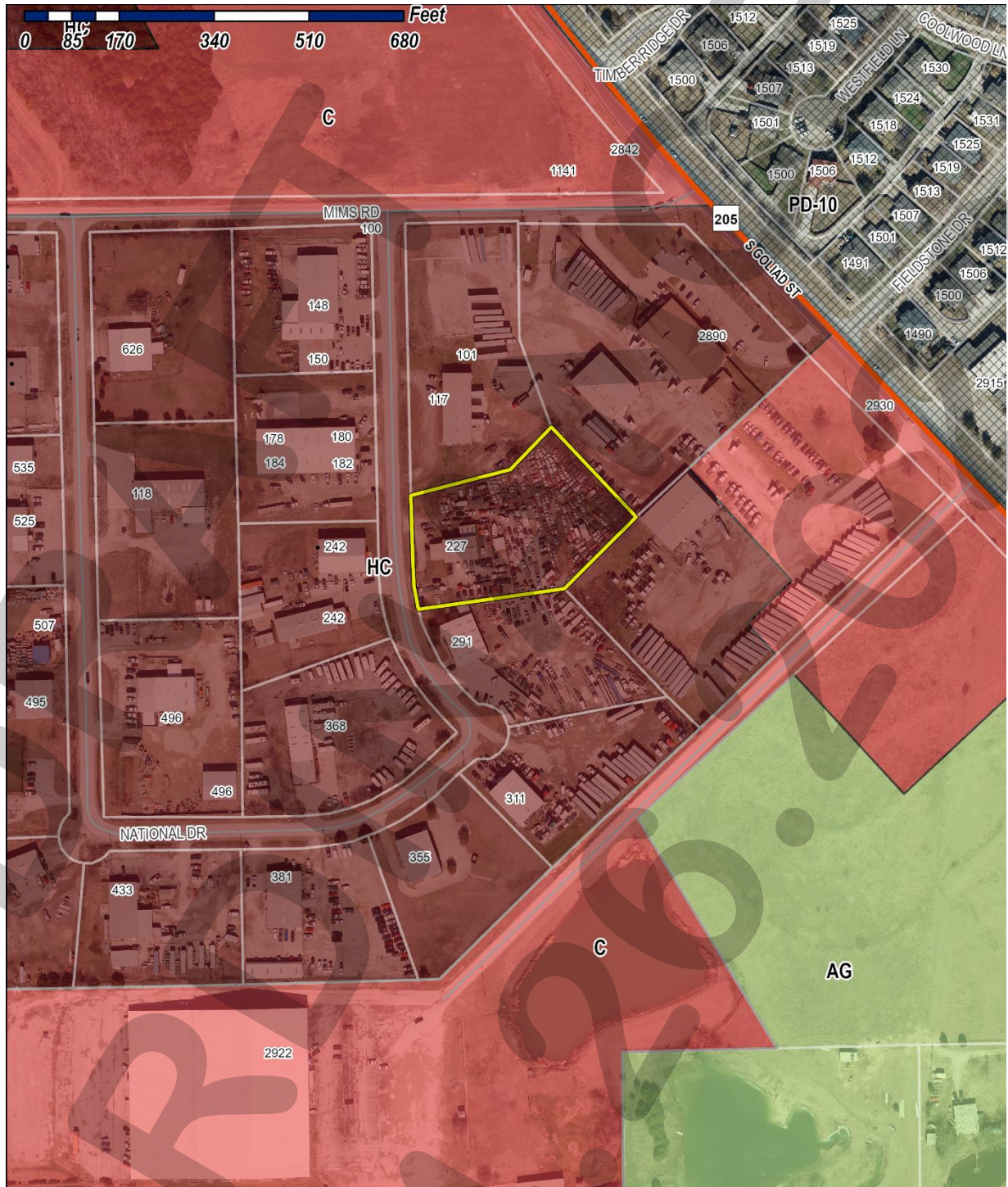
1st Reading: May 16, 2022

2nd Reading: June 6, 2022

**Exhibit 'A':
Zoning Exhibit**

Address: 227 National Drive

Legal Description: Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128





CITY OF ROCKWALL

PLANNING AND ZONING COMMISSION CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Planning and Zoning Commission
DATE: May 10, 2022
APPLICANT: Kim Lemmond, *Dallas Towboys*
CASE NUMBER: Z2022-017; *Specific Use Permit for a Towing and Impound Yard at 227 National Drive*

SUMMARY

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a *Towing and Impound Yard* on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

BACKGROUND

According to the Rockwall County Appraisal District (RCAD) on the subject property is a 3,672 SF building that was constructed in 1985. The subject property was annexed by the City of Rockwall on August 30, 1999 [Case No. A1999-001] by Ordinance No. 99-33. On June 3, 2002, the City Council approved to rezone [Case No. PZ2002-036-01] the subject property from Agricultural (AG) District to Heavy Commercial (HC) District. On August 18, 2010 the subject property was issued a Commercial Building Permit [BLD2010-1077] to allow the construction of a R-panel and chain link fence. In 2016 the subject property was issued a Certificate of Occupancy [CO2016-0112] for a *Personal Office*.

Staff is obligated to note that in March 2022, the applicant came to speak to staff about acquiring a new Certificate of Occupancy (CO) for 227 National Drive for an *Office*. Upon reviewing aerials and the previously approved CO, which was for a *Personal Office*, it appeared that they were conducting their *Towing and Impound Yard* (i.e. *Dallas Towboys*) business on 227 National Drive. A *Towing and Impound Yard* requires a Specific Use Permit (SUP), which 291 National Drive (i.e. 227 & 291 National Drive are adjacent properties that the applicant both owns) has a SUP for this use. That being said the applicant confirmed with staff that 227 National Drive was also being used for the *Towing and Impound Yard*, which violated their CO. Staff informed the applicant that Code Enforcement would visit the property to ensure the *Towing and Impound Yard* did not operate on 227 National Drive until a SUP was approved.

PURPOSE

The applicant – *Kim Lemmond of Dallas Towboys*-- is requesting the approval of a Specific Use Permit (SUP) for a *Towing and Impound Yard* (i.e. *Dallas Towboys*) to operate on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 227 National Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are two (2) developed parcels of land (i.e. 117 National Drive and 2890 S. Goliad Street) zoned Heavy Commercial (HC) District. Beyond this is Mims Road, which is identified as a M4U (i.e. major collector, four [4] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 58.72-acre tract of land zoned for Commercial (C) District and Heavy Commercial (HC) District. Beyond this is S. Goliad Street, which is identified as a P6D (i.e. principal arterial, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property are three (3) developed parcels of land (i.e. 291, 311, & 355 National Drive) zoned Heavy Commercial (HC) District. Beyond this is Rise Drive, which is identified as a private roadway. Beyond this is a 23.27-acre tract of land developed with a 106,764 SF building zoned Commercial (C) District.

East: Directly east of the subject property are two (2) developed tracts of land (i.e. 2890 & 2930 S. Goliad Street) zoned Commercial (C) District and Heavy Commercial (HC) District. Beyond this is S. Goliad Street, which is identified as a P6D (i.e. principal arterial, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is Fire Station 4 (i.e. 2915 S. Goliad Street) and Ouida Springer Elementary (i.e. 3025 S. Goliad Street) zoned Planned Development District 10 (PD-10) for Public land uses.

West: Directly west of the subject property is National Drive, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are four (4) developed tracts of land (i.e. 118, 178, 180, 182, 184, 242, 368, & 496 National Drive) zoned Heavy Commercial (HC) District. Beyond this is National Drive, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) developed tracts of land (i.e. 471, 495, 504, & 525 National Drive) zoned Heavy Commercial (HC) District.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and concept plan requesting a *Towing and Impound Yard* at 227 National Drive. The concept plan delineates that the storage of vehicles will take place at the rear of the property and will be screened by existing r-panel metal fencing. The concept plan also depicts the addition of seven (7) parking spaces on an improved surface (i.e. concrete) along the southern property line in front of the front façade of the existing building. Lastly the concept plan shows four (4) canopy trees and four (4) accent trees along National Drive. Ingress and egress for towed vehicles will either be through the existing gates on 227 National Drive or across 291 National Drive, which is the property that holds the original Certificate of Occupancy (CO) for the *Towing and Impound Yard* for Dallas Towboys.

CONFORMANCE WITH THE CITY'S CODES

According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), the *Towing and Impound Yard* land use requires a Specific Use Permit (SUP) in a Heavy Commercial (HC) District. The purpose of requiring a Specific Use Permit (SUP) for this land use in a Heavy Commercial (HC) District is tied to the fact that this land use is considered to be highly insensitive and may not be appropriate on all properties zoned Heavy Commercial (HC) District. According to the Unified Development Code (UDC), "(t)he Heavy Commercial (HC) District is commercial in nature, but has some aspects that are similar to industrial land uses. The zoning district allows noise, traffic, litter, late night hours, outside storage of materials and equipment, and other influences that could be harmful if directly adjacent to residential areas..." Based on the nature of the *Towing and Impound Yard* land use and its extensive outside storage of vehicles and late hours of operation, this land use was identified as needing discretionary oversight from the Planning and Zoning Commission and City Council. More simply stated, this land use may not be appropriate on all properties zoned Heavy Commercial (HC) District. In addition, Article 04, *Permissible Use Charts*, of the Unified Development Code (UDC) also requires that *Towing and Impound Yards* meet the all requirements that are specified in Article VI, *Wrecker and Towing Services*, of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances.

In this case the applicant's proposed concept plan appears to meet the requirements described in the Unified Development Code (UDC) and the requirements outlined in the Municipal Code of Ordinance. The majority of the requirements outlined in the Municipal Code of Ordinances for the applicant's proposed land use is related to operations and not site design. With this being said, the applicant will be required to meet all the operation requirements within the Municipal Code of Ordinances, and it shall be the responsibility of the Neighborhood Services Department to ensure continued compliance.

STAFF ANALYSIS

The applicant is requesting a *Towing and Impound Yard* land use, which had been operating on the subject property since approximately March 2015 without a valid Certificate of Occupancy (CO). The subject property is zoned Heavy Commercial

(HC) District and has industrial adjacencies. As mentioned in the *Background* of this memo, the applicant also owns 291 National Drive, which has a valid Certificate of Occupancy (CO) and an approved Specific Use Permit (SUP) [S-029] for *Towing and Impound Yard*. Staff should also note that many of the adjacent properties are also considered legally non-conforming or “(a) use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.” (Article 13, *Definitions*, of the Unified Development Code). All that being said, the applicant’s request for a *Towing and Impound Yard* does not appear to be inconsistent with the adjacent land uses along National Drive.

Should the Planning and Zoning Commission choose to recommend approval of the applicant’s request staff has included conditions of approval described below and outlined within the *Draft Ordinance* contained in your packet. A Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On April 25, 2022, staff mailed 28 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Hickory Ridge and Hickory Ridge East Homeowners Associations (HOAs), which are the only HOA’s or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any returned notices in regard to the applicant’s request.

CONDITIONS OF APPROVAL

If the Planning and Zoning Commission chooses to recommend approval of the applicant’s request for a Specific Use Permit (SUP) for a *Towing and Impound Yard* then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and which are detailed as follows:
 - (a) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit ‘B’ of the Specific Use Permit (SUP) ordinance.
 - (b) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
 - (c) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the Subject Property. In addition, all impounded vehicles shall be stored behind the front façade of the building.
 - (d) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
 - (e) The landscaping on the subject property shall be updated to meet the City’s minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
 - (f) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
 - (g) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City’s standards shall be provided.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO.

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2} **227.06**
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **227 National dr.**

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION **205/mims Industrial**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **warehouse/office**

CURRENT USE **F1**

PROPOSED ZONING

PROPOSED USE **same plus storage/parking/strorage**

ACREAGE **1.8040**

LOTS [CURRENT] **same**

LOTS [PROPOSED] **same**

SITE PLANS AND PLATS: BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER **Kim Lemmond**

APPLICANT **same**

CONTACT PERSON **Kim Lemmond**

CONTACT PERSON

ADDRESS **227 National dr.**

ADDRESS

CITY, STATE & ZIP **Rockwall TX 75032**

CITY, STATE & ZIP

PHONE **972.880.2828**

PHONE

E-MAIL **kimlemmond@me.com**

E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Kim Lemmond [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

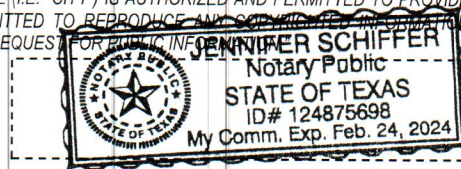
"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 227.06 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 11th DAY OF April, 2022 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 11th DAY OF April, 2022

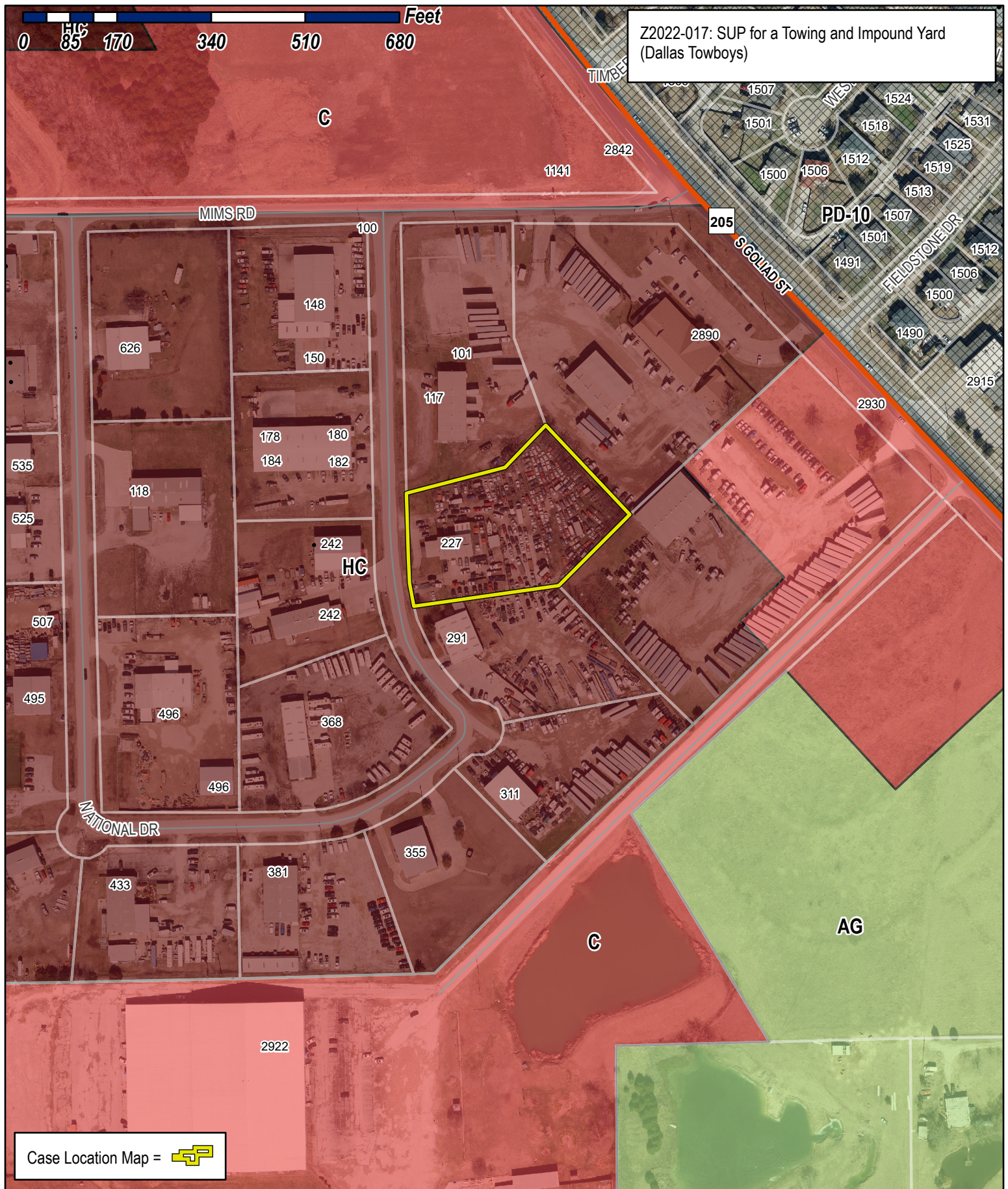
OWNER'S SIGNATURE

Kim Lemmond


NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



MY COMMISSION EXPIRES **02-24-2024**



Z2022-017: SUP for a Towing and Impound Yard
(Dallas Towboys)

Case Location Map = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

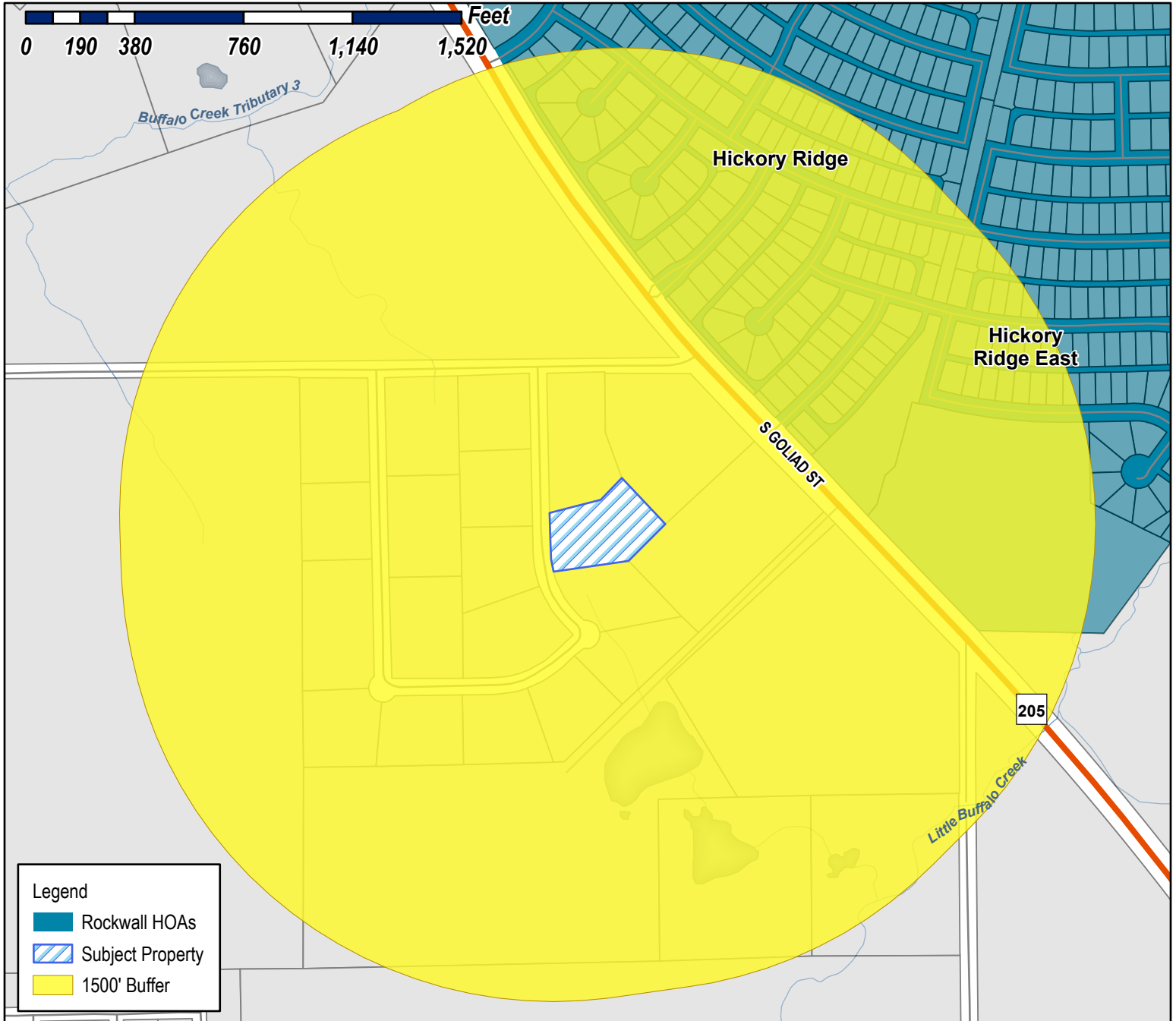




City of Rockwall

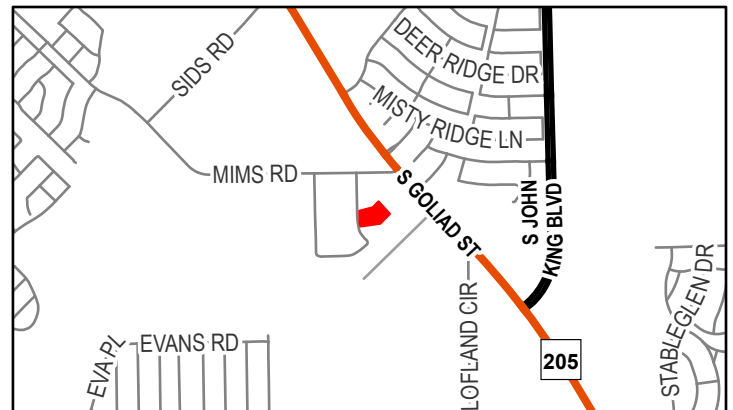
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Gamez, Angelica
Sent: Tuesday, April 26, 2022 8:38 AM
Cc: Miller, Ryan; Lee, Henry; Ross, Bethany
Subject: Neighborhood Notification Program [Z2022-017]
Attachments: Public Notice (04.20.2022).pdf; HOA Map (04.14.2022).pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on April 22, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:

<https://sites.google.com/site/rockwallplanning/development/development-cases>.

Z2022-017 SUP for a Towing and Impound Yard

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a *Specific Use Permit (SUP)* for a *Towing and Impound Yard* on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

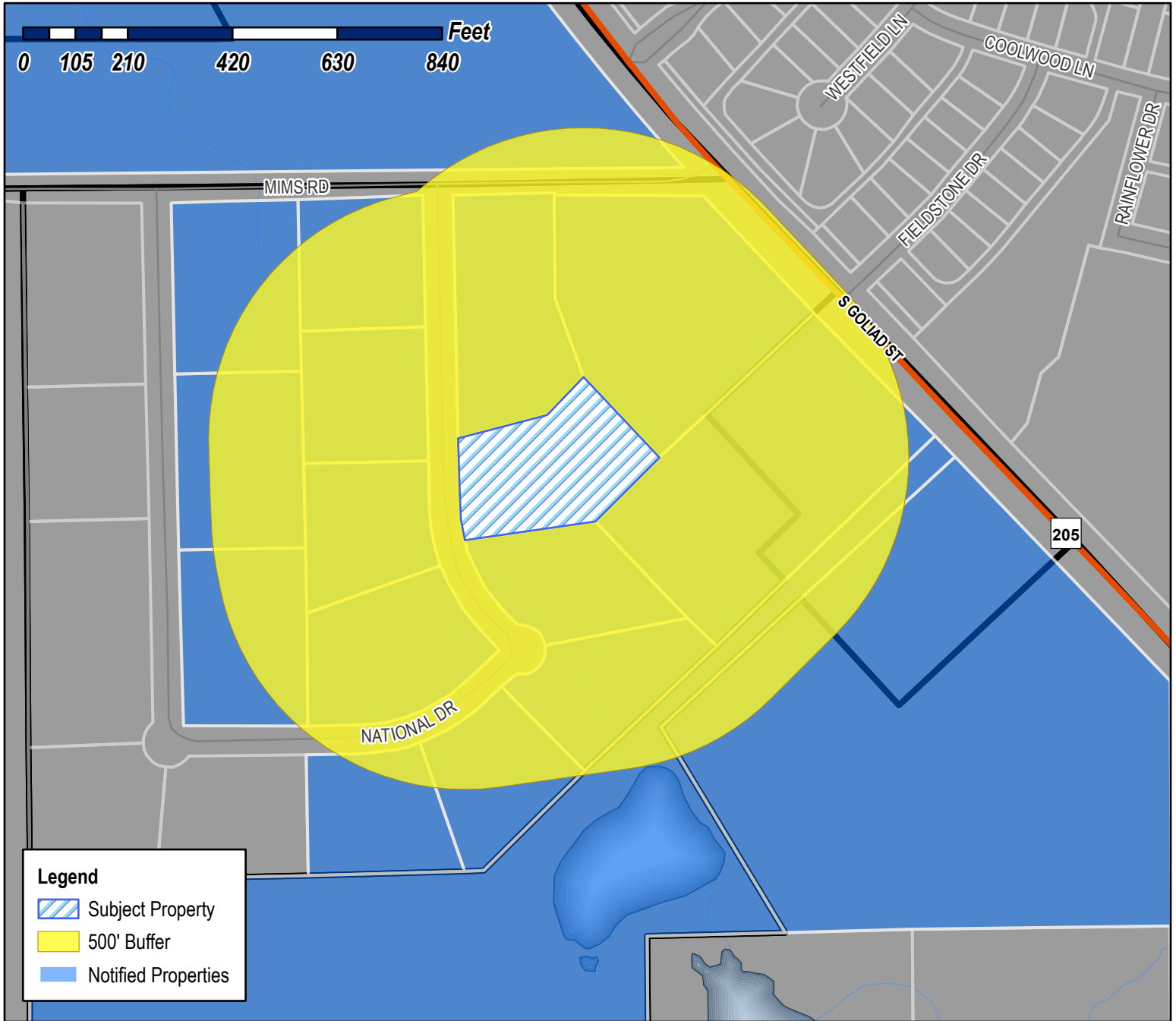
This email was scanned by Bitdefender






City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

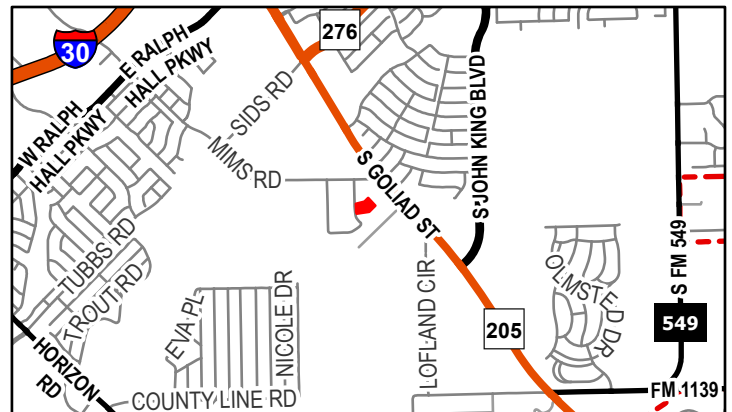


Legend

-  Subject Property
-  500' Buffer
-  Notified Properties

Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745



MCSWAIN BILLY
100 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
101 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
10349 S STATE HIGHWAY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
1123 SIGNAL RIDGE PL
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
118 NATIONAL DR
ROCKWALL, TX 75032

MCSWAIN BILLY
148 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
1600 US HIGHWAY 80
MESQUITE, TX 75032

MILLER FAMILY INVESTMENT LP
17430 CAMPBELL RD STE 230
DALLAS, TX 75252

ASBURY MICHAEL & LEAANN
182 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLY
227 NATIONAL DR
ROCKWALL, TX 75032

SEYMORE TIM & RAY SEYMORE
242 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
2890 S GOLIAD
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
291 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
2922 S HWY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
311 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
3400 EDGEFIELD CT
GREENSBORO, NC 27408

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
355 NATIONAL DR
ROCKWALL, TX 75032

D & A REAL ESTATE PARTNERS LTD
368 NATIONAL DR
ROCKWALL, TX 75032

GROUP 1 REALTY INC
381 NATIONAL DR
ROCKWALL, TX 75032

BIG BUCK PROPERTIES LLC
496 NATIONAL DR
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
519 E INTERSTATE 30 #511
ROCKWALL, TX 75087

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
6 BRIGHT MEADOWS ROAD
HEATH, TX 75032

JACOBS DAVID RAY
626 NATIONAL DR
ROCKWALL, TX 75032

GROUP 1 REALTY INC
800 GESSNER SUITE 500
HOUSTON, TX 77024

ASBURY MICHAEL & LEAANN
PO BOX 1012
ROCKWALL, TX 75087

BIG BUCK PROPERTIES LLC
PO BOX 2107
ROCKWALL, TX 75087

RAYBURN COUNTRY ELECTRIC CORP INC
PO BOX 37
ROCKWALL, TX 75093

D & A REAL ESTATE PARTNERS LTD
PO BOX 850
ROCKWALL, TX 75087

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2022-017: SUP for a Towing and Impound Yard

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, May 16, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

Case No. Z2022-017: SUP for a Towing and Impound Yard

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2022-017: SUP for a Towing and Impound Yard

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Cowboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, May 16, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2022-017: SUP for a Towing and Impound Yard

Please place a check mark on the appropriate line below:

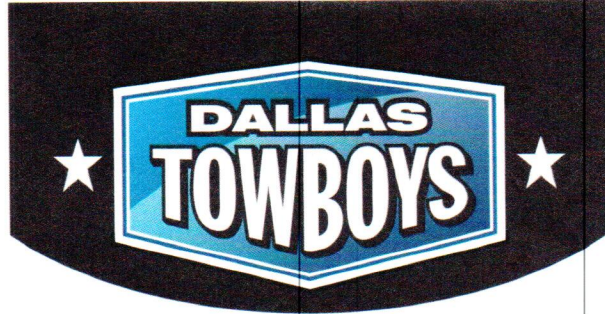
- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

THEY ARE ALREADY IN THE AREA - NO PROBLEMS IF THEY WANT TO EXPAND.

Name: Roy F. GADDIS TRUSTEE
Address: 355 NATIONAL DR. ROCKWALL, TX 75032

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



April 8, 2022

Attn Planning and Zoning – Rockwall Texas

My name is Kim Pittman Lemmond, owner of 227 National Drive Rockwall Texas 75032. I currently own the property 227 and 291 National Dr. since around 2006. We have conducted the Dallas Towboys business at 291 and 227 since we purchased both properties. The property at 227 and 291 has been storing vehicles and have had a SUP permit for a storage facility since we submitted to city around the 2006 – 2008-time frame. I was under the impression we were legal for storing at 227. While contacting the city to update my current CO with a new company name, I found out that the SUP was for 291. I am now requesting for the SUP be for 227 as well.

Thank you

Kim Pittman Lemmond

Pittman Logistics LLC dba Dallas Towboys Sales and Service

National Dr

30971

KEY

- Canopy Tree 
- Accent Tree 
- Parking 19'x9' 

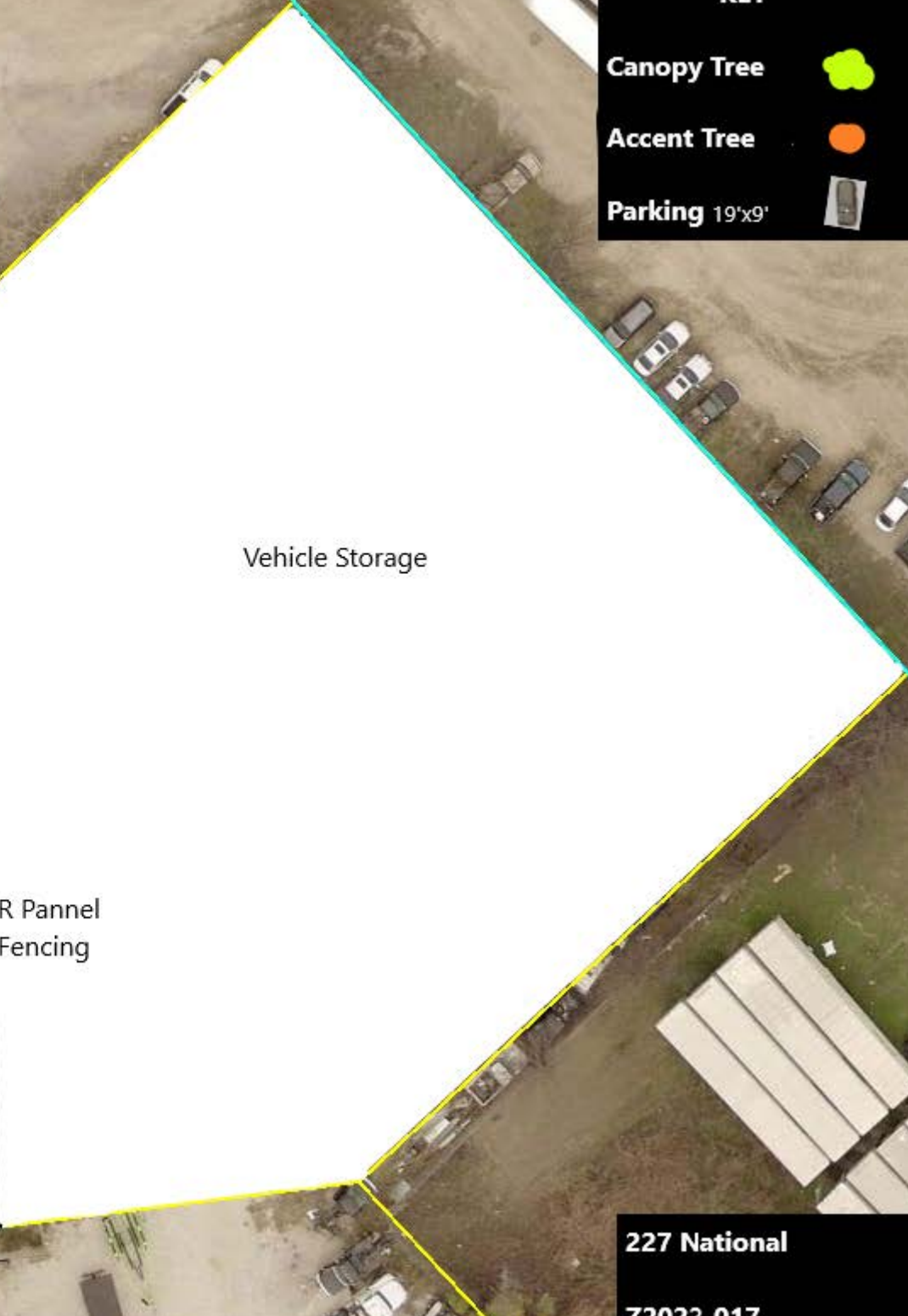
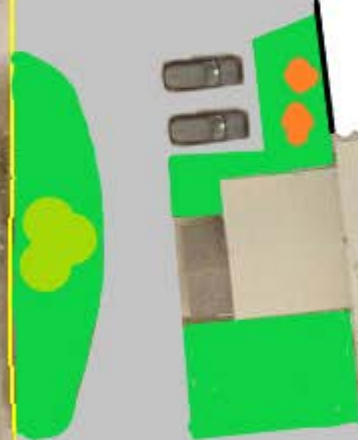
Vehicle Storage

R Pannel
Fencing

Wrecker Parking

227 National

Z2022-017



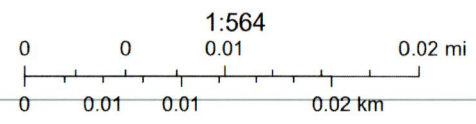
291

Rockwall CAD Web Map



4/8/2022, 6:48:31 PM

- Streets
- Parcel



Rockwall CAD Web Map

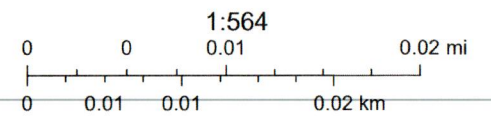


4/8/2022, 3:32:43 PM

227 National

— Streets

Parcel

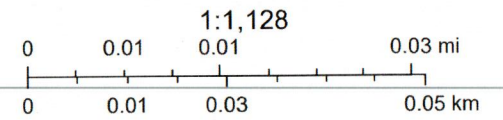


Rockwall CAD Web Map



4/8/2022, 3:29:21 PM

- Streets
- Parcel





City of Rockwall
The New Horizon

\$75.00 Payable to the City of Rockwall upon notice of approved C.O.

Building Inspections Dept: (972) 771-7709
Inspection Request: (972) 771-7760
Fire Department: (972) 771-7770
Health Inspector: (214) 202-1202

Application for Certificate of Occupancy

Date: 10-6-16

C.O. No: C02016-0112

This Application must be completed in full, signed and dated prior to being processed.

Name of Business: Dallas Towboys Telephone: 214-221-8697

Address of Business: 227 National dr.

Business Owner Name: Kim Lemmond Telephone: _____

Email: kima@dallastowboys.com Cell: 972-880-2878

Business Owner's Address: 10349 S. State Hwy 205 Rockwall TX 75087
Street /PO Box City State Zip

Property Owner Name: Kim Lemmond Telephone: _____

Property Owner's Address: Same
Street /PO Box City State Zip

Proposed use: Personal office Total Square Footage: approx. 1300
(Restaurant, Retail, Office, Warehouse, Etc.) Office Square Footage: _____

Previous use: Rental Retail Area Square Footage: _____

Will your business have a trash dumpster? no Storage or Warehouse Square Footage: _____

Any proposed manufacturing to be conducted? Yes No If yes, explain: _____

Are there adjoining businesses? Yes No If yes, what type: _____

Is the building equipped with an automatic sprinkler system? Yes No

Any storage of materials? Yes No If yes, what type: _____

Will there be any outside storage or display? Yes No If yes, explain: _____

of employees: 1 Projected opening date: _____

Restaurants: Will alcohol be served? Yes No
If yes, you must provide us with a copy of your TABC license before a C.O. will be issued.

Circle all applicable: New Tenant in Existing Building
Expanding Lease Space
Same Business Name, New Owner
Same Owner, New Business Name
Shell Building (No Occupancy)
New Interior

Printed name: Kim Lemmond

Signature: Kim Lemmond Date: 10/6/16

Signing this application does not authorize occupancy of the space and/or structure. It is unlawful to use, occupy, or permit the use or occupancy of a building until a C.O. is issued.

Lee, Henry

From: Widmer, Jeffrey
Sent: Friday, May 4, 2018 4:09 PM
To: Pallares, Gabe
Subject: C.O. needed

Here's the code reference.

Specific violation: Failure to allow occupancy of your building without obtaining the required certificate of occupancy as required by the City's Code of Ordinance #16-32 Section 10-116, and specifically the city's adopted 2015 International Building Code,

SECTION 111 CERTIFICATE OF OCCUPANCY which states:

[A] 111.1 Use and occupancy.

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *TOWING AND IMPOUND YARD* ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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, the City has received a request from Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) to allow for a *Towing and Impound Yard* on a 1.804-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and being more specifically depicted and described in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] 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 Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *Towing and Impound Yard* as stipulated by Subsection 01.02, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*, and Subsection 04.06, *Heavy Commercial (HC) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and Article VI, *Wrecker and Towing Services*,

of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Towing and Impound Yard* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit 'B' of this ordinance.
- (2) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
- (3) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the *Subject Property*. In addition, all impounded vehicles shall be stored behind the front façade of the building.
- (4) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
- (5) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
- (6) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
- (7) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. 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 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. 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, 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 8. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF JUNE, 2022.**

Kevin Fowler, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 16, 2022

2nd Reading: June 6, 2022

Exhibit 'A'
Location Map

Address: 227 National Drive

Legal Description: Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128

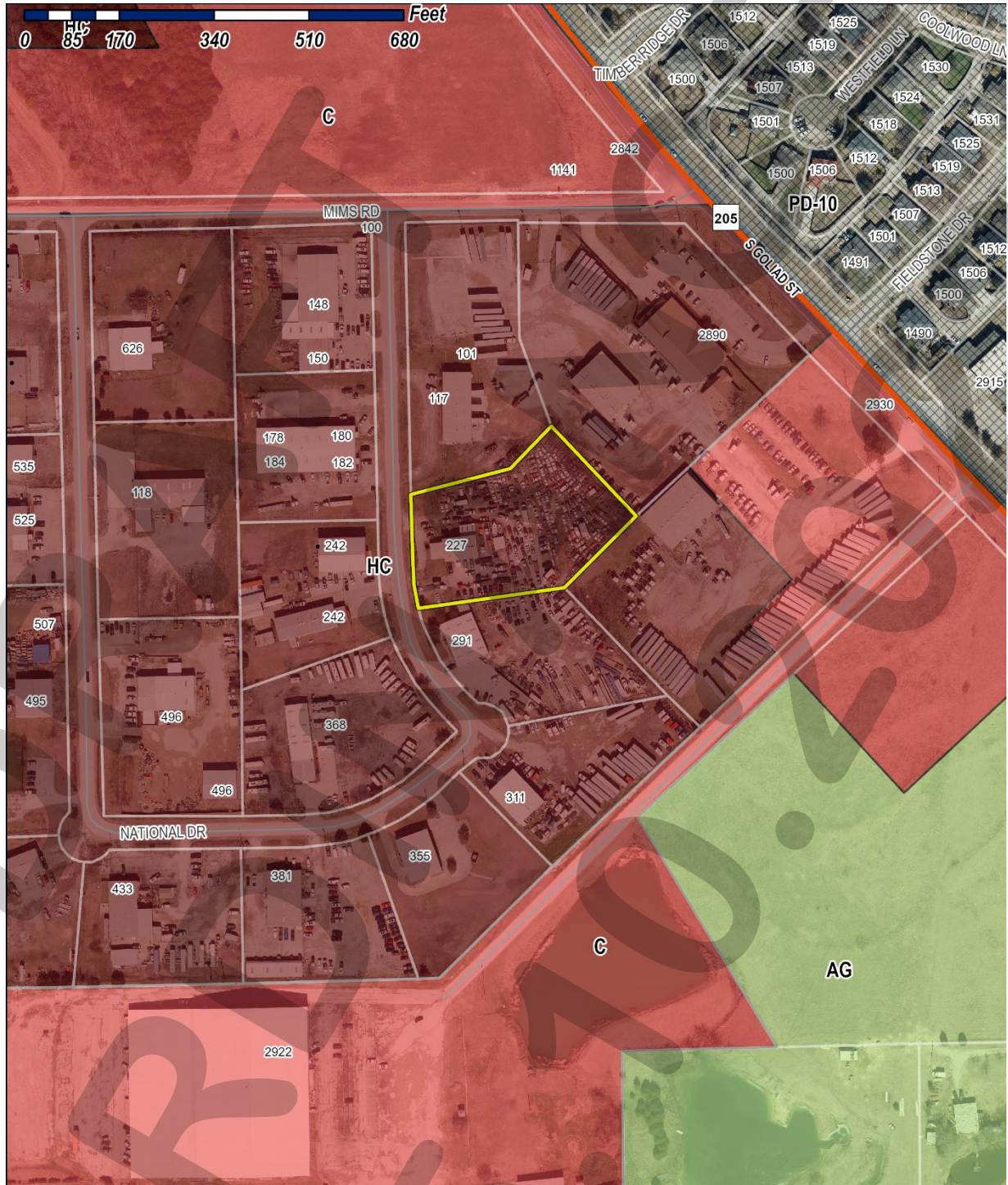


Exhibit 'B'
Concept Plan





CITY OF ROCKWALL

CITY COUNCIL CASE MEMO

PLANNING AND ZONING DEPARTMENT

385 S. GOLIAD STREET • ROCKWALL, TX 75087

PHONE: (972) 771-7745 • EMAIL: PLANNING@ROCKWALL.COM

TO: Mayor and City Council
DATE: May 16, 2022
APPLICANT: Kim Lemmond, *Dallas Towboys*
CASE NUMBER: Z2022-017; *Specific Use Permit for a Towing and Impound Yard at 227 National Drive*

SUMMARY

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a *Towing and Impound Yard* on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

BACKGROUND

According to the Rockwall County Appraisal District (RCAD) on the subject property is a 3,672 SF building that was constructed in 1985. The subject property was annexed by the City of Rockwall on August 30, 1999 [Case No. A1999-001] by Ordinance No. 99-33. On June 3, 2002, the City Council approved to rezone [Case No. PZ2002-036-01] the subject property from Agricultural (AG) District to Heavy Commercial (HC) District. On August 18, 2010 the subject property was issued a Commercial Building Permit [BLD2010-1077] to allow the construction of a R-panel and chain link fence. In 2016 the subject property was issued a Certificate of Occupancy [CO2016-0112] for a *Personal Office*.

Staff is obligated to note that in March 2022, the applicant came to speak to staff about acquiring a new Certificate of Occupancy (CO) for 227 National Drive for an *Office*. Upon reviewing aerials and the previously approved CO, which was for a *Personal Office*, it appeared that they were conducting their *Towing and Impound Yard* (i.e. *Dallas Towboys*) business on 227 National Drive. A *Towing and Impound Yard* requires a Specific Use Permit (SUP), which 291 National Drive (i.e. 227 & 291 National Drive are adjacent properties that the applicant both owns) has a SUP for this use. That being said the applicant confirmed with staff that 227 National Drive was also being used for the *Towing and Impound Yard*, which violated their CO. Staff informed the applicant that Code Enforcement would visit the property to ensure the *Towing and Impound Yard* did not operate on 227 National Drive until a SUP was approved.

PURPOSE

The applicant – *Kim Lemmond of Dallas Towboys*-- is requesting the approval of a Specific Use Permit (SUP) for a *Towing and Impound Yard* (i.e. *Dallas Towboys*) to operate on the subject property.

ADJACENT LAND USES AND ACCESS

The subject property is addressed as 227 National Drive. The land uses adjacent to the subject property are as follows:

North: Directly north of the subject property are two (2) developed parcels of land (i.e. 117 National Drive and 2890 S. Goliad Street) zoned Heavy Commercial (HC) District. Beyond this is Mims Road, which is identified as a M4U (i.e. major collector, four [4] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is a vacant 58.72-acre tract of land zoned for Commercial (C) District and Heavy Commercial (HC) District. Beyond this is S. Goliad Street, which is identified as a P6D (i.e. principal arterial, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan.

South: Directly south of the subject property are three (3) developed parcels of land (i.e. 291, 311, & 355 National Drive) zoned Heavy Commercial (HC) District. Beyond this is Rise Drive, which is identified as a private roadway. Beyond this is a 23.27-acre tract of land developed with a 106,764 SF building zoned Commercial (C) District.

East: Directly east of the subject property are two (2) developed tracts of land (i.e. 2890 & 2930 S. Goliad Street) zoned Commercial (C) District and Heavy Commercial (HC) District. Beyond this is S. Goliad Street, which is identified as a P6D (i.e. principal arterial, six [6] lane, divided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this is Fire Station 4 (i.e. 2915 S. Goliad Street) and Ouida Springer Elementary (i.e. 3025 S. Goliad Street) zoned Planned Development District 10 (PD-10) for Public land uses.

West: Directly west of the subject property is National Drive, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are four (4) developed tracts of land (i.e. 118, 178, 180, 182, 184, 242, 368, & 496 National Drive) zoned Heavy Commercial (HC) District. Beyond this is National Drive, which is identified as a R2 (i.e. residential, two [2] lane, undivided roadway) on the Master Thoroughfare Plan contained in the OURHometown Vision 2040 Comprehensive Plan. Beyond this are two (2) developed tracts of land (i.e. 471, 495, 504, & 525 National Drive) zoned Heavy Commercial (HC) District.

CHARACTERISTICS OF THE REQUEST

The applicant has submitted an application and concept plan requesting a *Towing and Impound Yard* at 227 National Drive. The concept plan delineates that the storage of vehicles will take place at the rear of the property and will be screened by existing r-panel metal fencing. The concept plan also depicts the addition of seven (7) parking spaces on an improved surface (i.e. concrete) along the southern property line in front of the front façade of the existing building. Lastly the concept plan shows four (4) canopy trees and four (4) accent trees along National Drive. Ingress and egress for towed vehicles will either be through the existing gates on 227 National Drive or across 291 National Drive, which is the property that holds the original Certificate of Occupancy (CO) for the *Towing and Impound Yard* for Dallas Towboys.

CONFORMANCE WITH THE CITY'S CODES

According to the *Permissible Use Charts* contained in Article 04, *Permissible Uses*, of the Unified Development Code (UDC), the *Towing and Impound Yard* land use requires a Specific Use Permit (SUP) in a Heavy Commercial (HC) District. The purpose of requiring a Specific Use Permit (SUP) for this land use in a Heavy Commercial (HC) District is tied to the fact that this land use is considered to be highly insensitive and may not be appropriate on all properties zoned Heavy Commercial (HC) District. According to the Unified Development Code (UDC), "(t)he Heavy Commercial (HC) District is commercial in nature, but has some aspects that are similar to industrial land uses. The zoning district allows noise, traffic, litter, late night hours, outside storage of materials and equipment, and other influences that could be harmful if directly adjacent to residential areas..." Based on the nature of the *Towing and Impound Yard* land use and its extensive outside storage of vehicles and late hours of operation, this land use was identified as needing discretionary oversight from the Planning and Zoning Commission and City Council. More simply stated, this land use may not be appropriate on all properties zoned Heavy Commercial (HC) District. In addition, Article 04, *Permissible Use Charts*, of the Unified Development Code (UDC) also requires that *Towing and Impound Yards* meet the all requirements that are specified in Article VI, *Wrecker and Towing Services*, of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances.

In this case the applicant's proposed concept plan appears to meet the requirements described in the Unified Development Code (UDC) and the requirements outlined in the Municipal Code of Ordinance. The majority of the requirements outlined in the Municipal Code of Ordinances for the applicant's proposed land use is related to operations and not site design. With this being said, the applicant will be required to meet all the operation requirements within the Municipal Code of Ordinances, and it shall be the responsibility of the Neighborhood Services Department to ensure continued compliance.

STAFF ANALYSIS

The applicant is requesting a *Towing and Impound Yard* land use, which had been operating on the subject property since approximately March 2015 without a valid Certificate of Occupancy (CO). The subject property is zoned Heavy Commercial

(HC) District and has industrial adjacencies. As mentioned in the *Background* of this memo, the applicant also owns 291 National Drive, which has a valid Certificate of Occupancy (CO) and an approved Specific Use Permit (SUP) [S-029] for *Towing and Impound Yard*. Staff should also note that many of the adjacent properties are also considered legally non-conforming or “(a) use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated.” (Article 13, *Definitions*, of the Unified Development Code). All that being said, the applicant’s request for a *Towing and Impound Yard* does not appear to be inconsistent with the adjacent land uses along National Drive.

Should the Planning and Zoning Commission choose to recommend approval of the applicant’s request staff has included conditions of approval described below and outlined within the *Draft Ordinance* contained in your packet. A Specific Use Permit (SUP) request is a discretionary decision for the City Council pending a recommendation from the Planning and Zoning Commission.

NOTIFICATIONS

On April 25, 2022, staff mailed 28 notices to property owners and occupants within 500-feet of the subject property. Staff also sent a notice to the Hickory Ridge and Hickory Ridge East Homeowners Associations (HOAs), which are the only HOA’s or Neighborhood Organizations within 1,500-feet of the subject property participating in the Neighborhood Notification Program. Additionally, staff posted a sign on the subject property, and advertised the public hearings in the Rockwall Herald Banner as required by the Unified Development Code (UDC). At the time this report was drafted, staff had not received any returned notices in regard to the applicant’s request.

CONDITIONS OF APPROVAL

If the City Council chooses to approve the applicant’s request for a Specific Use Permit (SUP) for a *Towing and Impound Yard* then staff would propose the following conditions of approval:

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the SUP ordinance and which are detailed as follows:
 - (a) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit ‘B’ of the Specific Use Permit (SUP) ordinance.
 - (b) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
 - (c) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the Subject Property. In addition, all impounded vehicles shall be stored behind the front façade of the building.
 - (d) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
 - (e) The landscaping on the subject property shall be updated to meet the City’s minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
 - (f) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
 - (g) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City’s standards shall be provided.
- (2) Any construction resulting from the approval of this Specific Use Permit (SUP) shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

PLANNING AND ZONING COMMISSION

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0, with Commissioner Womble absent.



DEVELOPMENT APPLICATION

City of Rockwall
Planning and Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087

STAFF USE ONLY

PLANNING & ZONING CASE NO.

NOTE: THE APPLICATION IS NOT CONSIDERED ACCEPTED BY THE CITY UNTIL THE PLANNING DIRECTOR AND CITY ENGINEER HAVE SIGNED BELOW.

DIRECTOR OF PLANNING:

CITY ENGINEER:

PLEASE CHECK THE APPROPRIATE BOX BELOW TO INDICATE THE TYPE OF DEVELOPMENT REQUEST [SELECT ONLY ONE BOX]:

PLATTING APPLICATION FEES:

- MASTER PLAT (\$100.00 + \$15.00 ACRE) ¹
- PRELIMINARY PLAT (\$200.00 + \$15.00 ACRE) ¹
- FINAL PLAT (\$300.00 + \$20.00 ACRE) ¹
- REPLAT (\$300.00 + \$20.00 ACRE) ¹
- AMENDING OR MINOR PLAT (\$150.00)
- PLAT REINSTATEMENT REQUEST (\$100.00)

SITE PLAN APPLICATION FEES:

- SITE PLAN (\$250.00 + \$20.00 ACRE) ¹
- AMENDED SITE PLAN/ELEVATIONS/LANDSCAPING PLAN (\$100.00)

ZONING APPLICATION FEES:

- ZONING CHANGE (\$200.00 + \$15.00 ACRE) ¹
- SPECIFIC USE PERMIT (\$200.00 + \$15.00 ACRE) ^{1&2} **227.06**
- PD DEVELOPMENT PLANS (\$200.00 + \$15.00 ACRE) ¹

OTHER APPLICATION FEES:

- TREE REMOVAL (\$75.00)
- VARIANCE REQUEST/SPECIAL EXCEPTIONS (\$100.00) ²

NOTES:

¹: IN DETERMINING THE FEE, PLEASE USE THE EXACT ACREAGE WHEN MULTIPLYING BY THE PER ACRE AMOUNT. FOR REQUESTS ON LESS THAN ONE ACRE, ROUND UP TO ONE (1) ACRE.
²: A \$1,000.00 FEE WILL BE ADDED TO THE APPLICATION FEE FOR ANY REQUEST THAT INVOLVES CONSTRUCTION WITHOUT OR NOT IN COMPLIANCE TO AN APPROVED BUILDING PERMIT.

PROPERTY INFORMATION [PLEASE PRINT]

ADDRESS **227 National dr.**

SUBDIVISION

LOT

BLOCK

GENERAL LOCATION **205/mims Industrial**

ZONING, SITE PLAN AND PLATTING INFORMATION [PLEASE PRINT]

CURRENT ZONING **warehouse/office**

CURRENT USE **F1**

PROPOSED ZONING

PROPOSED USE **same plus storage/parking/strorage**

ACREAGE **1.8040**

LOTS [CURRENT] **same**

LOTS [PROPOSED] **same**

- SITE PLANS AND PLATS:** BY CHECKING THIS BOX YOU ACKNOWLEDGE THAT DUE TO THE PASSAGE OF HB3167 THE CITY NO LONGER HAS FLEXIBILITY WITH REGARD TO ITS APPROVAL PROCESS, AND FAILURE TO ADDRESS ANY OF STAFF'S COMMENTS BY THE DATE PROVIDED ON THE DEVELOPMENT CALENDAR WILL RESULT IN THE DENIAL OF YOUR CASE.

OWNER/APPLICANT/AGENT INFORMATION [PLEASE PRINT/CHECK THE PRIMARY CONTACT/ORIGINAL SIGNATURES ARE REQUIRED]

OWNER **Kim Lemmond**

APPLICANT **same**

CONTACT PERSON **Kim Lemmond**

CONTACT PERSON

ADDRESS **227 National dr.**

ADDRESS

CITY, STATE & ZIP **Rockwall TX 75032**

CITY, STATE & ZIP

PHONE **972.880.2828**

PHONE

E-MAIL **kimlemmond@me.com**

E-MAIL

NOTARY VERIFICATION [REQUIRED]

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED Kim Lemmond [OWNER] THE UNDERSIGNED, WHO STATED THE INFORMATION ON THIS APPLICATION TO BE TRUE AND CERTIFIED THE FOLLOWING:

"I HEREBY CERTIFY THAT I AM THE OWNER FOR THE PURPOSE OF THIS APPLICATION; ALL INFORMATION SUBMITTED HEREIN IS TRUE AND CORRECT; AND THE APPLICATION FEE OF \$ 227.06 TO COVER THE COST OF THIS APPLICATION, HAS BEEN PAID TO THE CITY OF ROCKWALL ON THIS THE 14th DAY OF April, 2022 BY SIGNING THIS APPLICATION, I AGREE THAT THE CITY OF ROCKWALL (I.E. "CITY") IS AUTHORIZED AND PERMITTED TO PROVIDE INFORMATION CONTAINED WITHIN THIS APPLICATION TO THE PUBLIC. THE CITY IS ALSO AUTHORIZED AND PERMITTED TO REPRODUCE ANY INFORMATION SUBMITTED IN CONJUNCTION WITH THIS APPLICATION, IF SUCH REPRODUCTION IS ASSOCIATED OR IN RESPONSE TO A REQUEST FOR PUBLIC INFORMATION."

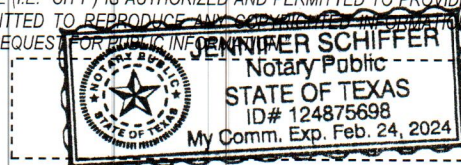
GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 14th DAY OF April, 2022

OWNER'S SIGNATURE

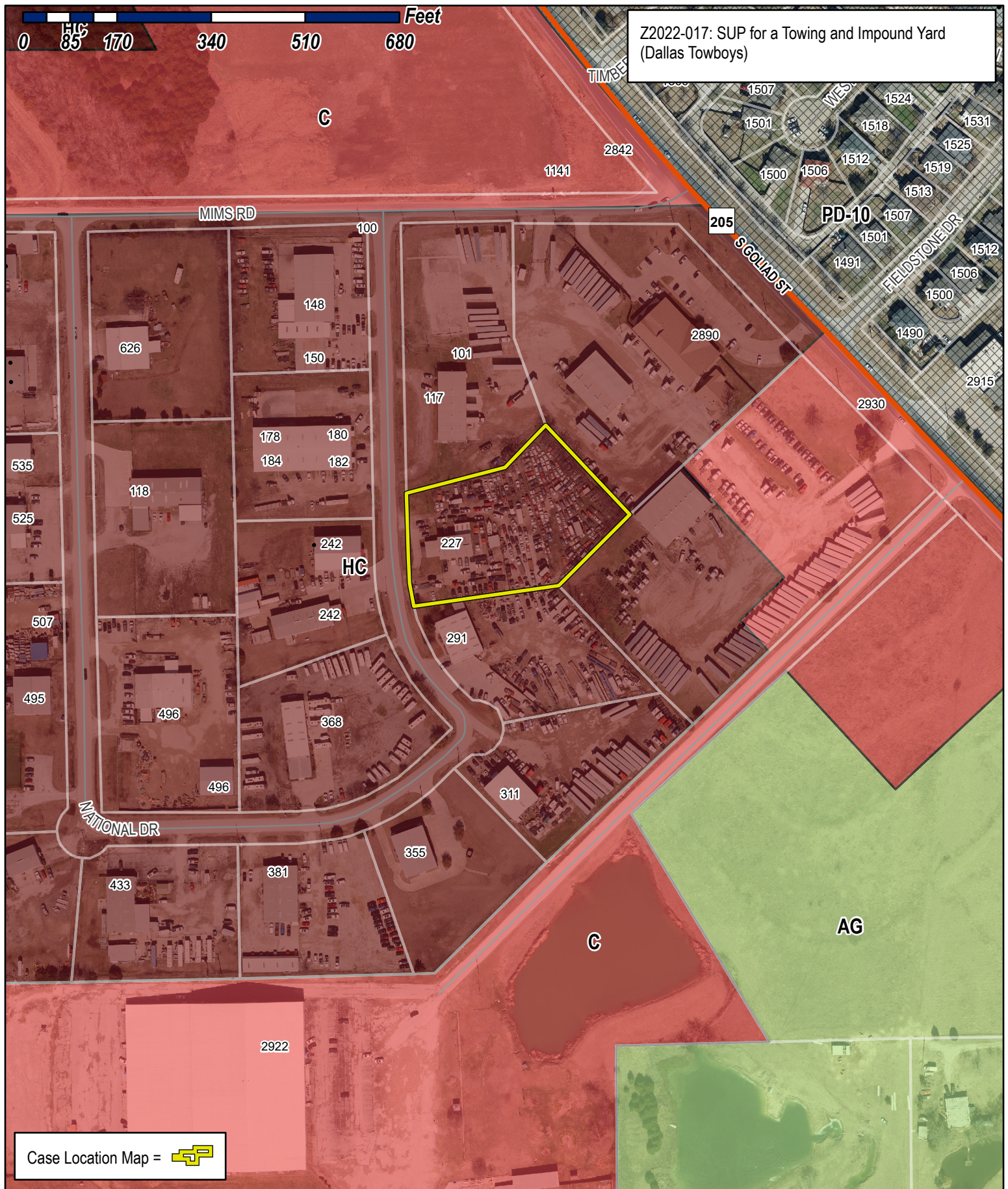
Kim Lemmond

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS


[Signature]



MY COMMISSION EXPIRES **02-24-2024**



Z2022-017: SUP for a Towing and Impound Yard
(Dallas Towboys)

Case Location Map = 



City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75032
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

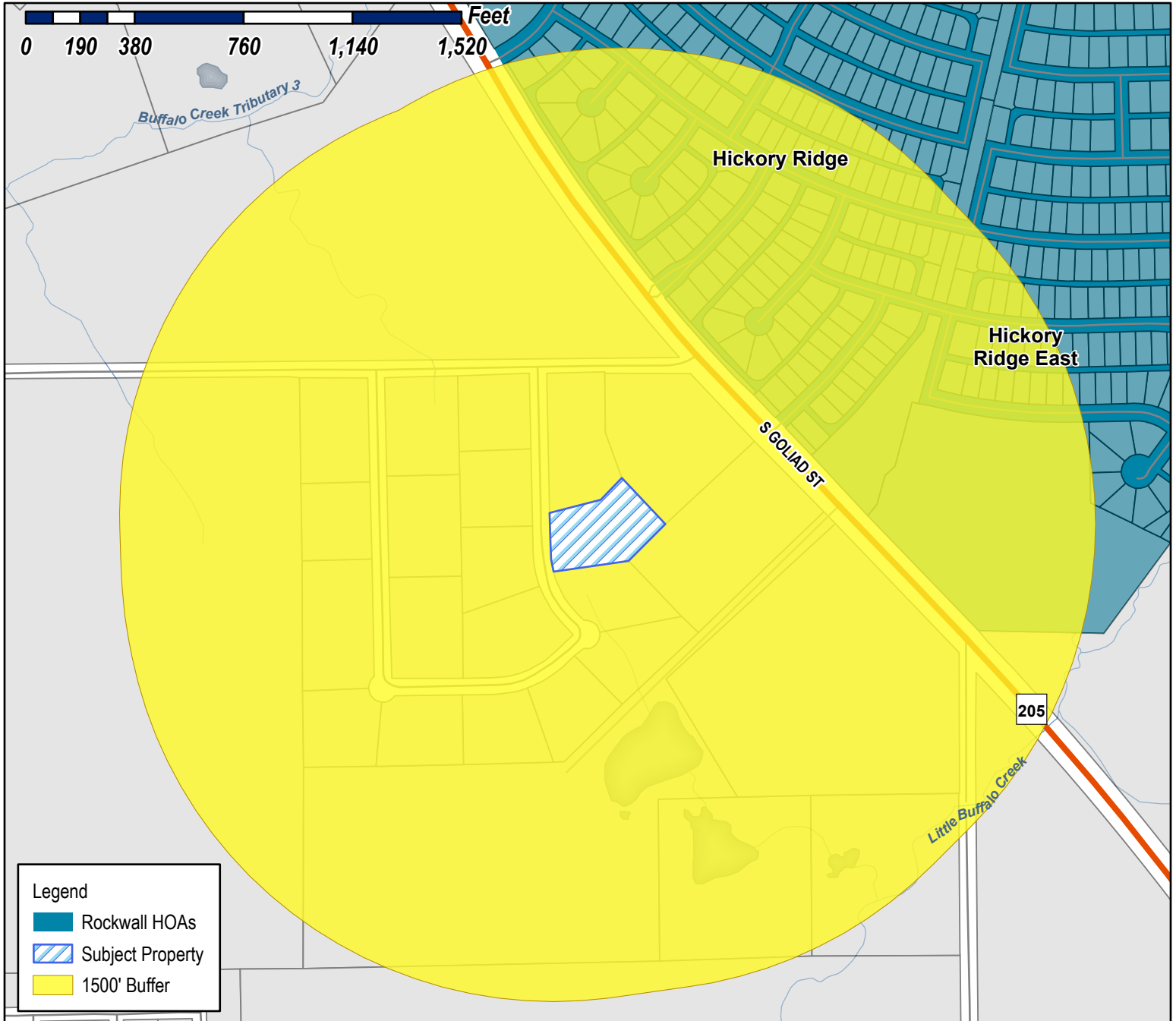




City of Rockwall

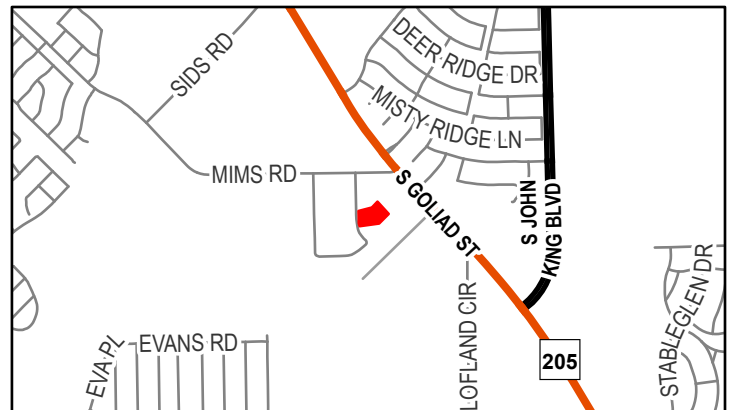
Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.



Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745



Lee, Henry

From: Gamez, Angelica
Sent: Tuesday, April 26, 2022 8:38 AM
Cc: Miller, Ryan; Lee, Henry; Ross, Bethany
Subject: Neighborhood Notification Program [Z2022-017]
Attachments: Public Notice (04.20.2022).pdf; HOA Map (04.14.2022).pdf

HOA/Neighborhood Association Representative:

Per your participation in the *Neighborhood Notification Program*, you are receiving this notice to inform your organization that a zoning case has been filed with the City of Rockwall that is located within 1,500-feet of the boundaries of your neighborhood. As the contact listed for your organization, you are encouraged to share this information with the residents of your subdivision. Please find the attached map detailing the property requesting to be rezoned in relation to your subdivision boundaries. Additionally, below is the summary of the zoning case that will be published in the Rockwall Herald Banner on April 22, 2022. The Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. Both hearings will take place at 6:00 PM at City Hall, 385 S. Goliad, Rockwall, TX 75087.

All interested parties are encouraged to submit public comments via email to Planning@rockwall.com at least 30 minutes in advance of the meeting. Please include your name, address, and the case number your comments are referring to. These comments will be read into the record during each of the public hearings. Additional information on all current development cases can be found on the City's website:

<https://sites.google.com/site/rockwallplanning/development/development-cases>.

Z2022-017 SUP for a Towing and Impound Yard

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a *Specific Use Permit (SUP)* for a *Towing and Impound Yard* on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

Thank you,

Angelica Gamez

Planning & Zoning Coordinator

City of Rockwall

972.771.7745 Office

972.772.6438 Direct

<http://www.rockwall.com/planning/>

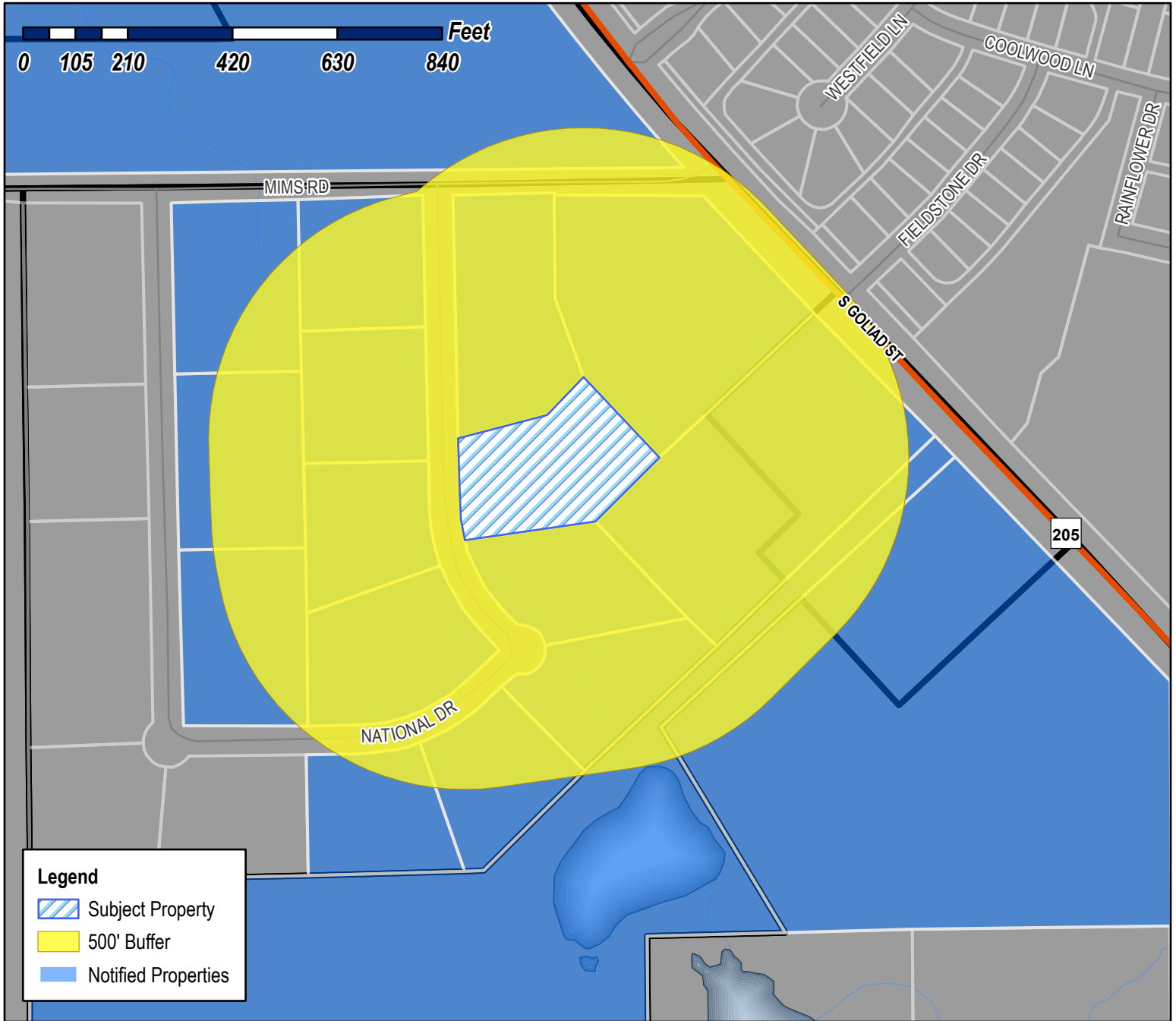
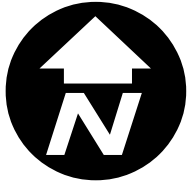
This email was scanned by Bitdefender






City of Rockwall

Planning & Zoning Department
385 S. Goliad Street
Rockwall, Texas 75087
(P): (972) 771-7745
(W): www.rockwall.com

The City of Rockwall GIS maps are continually under development and therefore subject to change without notice. While we endeavor to provide timely and accurate information, we make no guarantees. The City of Rockwall makes no warranty, express or implied, including warranties of merchantability and fitness for a particular purpose. Use of the information is the sole responsibility of the user.

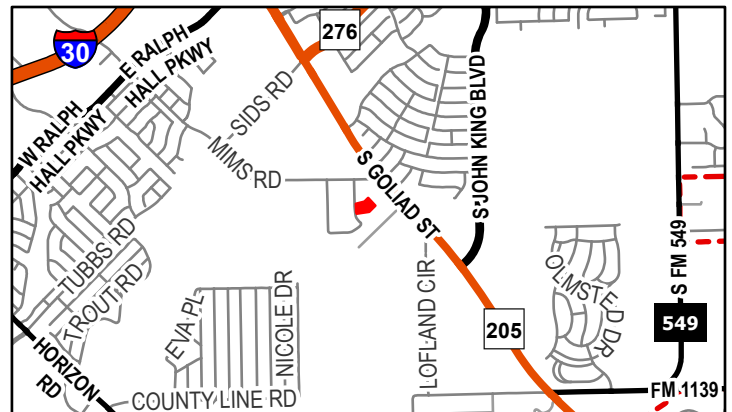


Legend

-  Subject Property
-  500' Buffer
-  Notified Properties

Case Number: Z2022-017
Case Name: SUP for a Towing and Impound Yard (Dallas Towboys)
Case Type: Zoning
Zoning: Heavy Commercial (HC) District
Case Address: 227 National Drive

Date Saved: 4/12/2022
 For Questions on this Case Call (972) 771-7745



MCSWAIN BILLY
100 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
101 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
10349 S STATE HIGHWAY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
1123 SIGNAL RIDGE PL
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
118 NATIONAL DR
ROCKWALL, TX 75032

MCSWAIN BILLY
148 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
1600 US HIGHWAY 80
MESQUITE, TX 75032

MILLER FAMILY INVESTMENT LP
17430 CAMPBELL RD STE 230
DALLAS, TX 75252

ASBURY MICHAEL & LEAANN
182 NATIONAL DR
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLY
227 NATIONAL DR
ROCKWALL, TX 75032

SEYMORE TIM & RAY SEYMORE
242 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
2890 S GOLIAD
ROCKWALL, TX 75032

LEMMOND BRENTON & KIMBERLEY
291 NATIONAL DR
ROCKWALL, TX 75032

LAYZA LUIS &
RUBEN LUNA & JUDITH BARCELO & MINDY H
ZAMORA
2922 S HWY 205
ROCKWALL, TX 75032

NABORS CHERYL ELAINE
311 NATIONAL DR
ROCKWALL, TX 75032

EPES TRANSPORT SYSTEM LLC
3400 EDGEFIELD CT
GREENSBORO, NC 27408

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
355 NATIONAL DR
ROCKWALL, TX 75032

D & A REAL ESTATE PARTNERS LTD
368 NATIONAL DR
ROCKWALL, TX 75032

GROUP 1 REALTY INC
381 NATIONAL DR
ROCKWALL, TX 75032

BIG BUCK PROPERTIES LLC
496 NATIONAL DR
ROCKWALL, TX 75032

SCOTTFREE INVESTMENTS LP
519 E INTERSTATE 30 #511
ROCKWALL, TX 75087

GADDIS ROY F FAMILY TRUST
ROY F GADDIS TRUSTEE
6 BRIGHT MEADOWS ROAD
HEATH, TX 75032

JACOBS DAVID RAY
626 NATIONAL DR
ROCKWALL, TX 75032

GROUP 1 REALTY INC
800 GESSNER SUITE 500
HOUSTON, TX 77024

ASBURY MICHAEL & LEAANN
PO BOX 1012
ROCKWALL, TX 75087

BIG BUCK PROPERTIES LLC
PO BOX 2107
ROCKWALL, TX 75087

RAYBURN COUNTRY ELECTRIC CORP INC
PO BOX 37
ROCKWALL, TX 75093

D & A REAL ESTATE PARTNERS LTD
PO BOX 850
ROCKWALL, TX 75087

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2022-017: SUP for a Towing and Impound Yard

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, May 16, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2022-017: SUP for a Towing and Impound Yard

Please place a check mark on the appropriate line below:

- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

Name:

Address:

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE

PUBLIC NOTICE



CITY OF ROCKWALL
PLANNING AND ZONING DEPARTMENT
PHONE: (972) 771-7745
EMAIL: PLANNING@ROCKWALL.COM

Property Owner and/or Resident of the City of Rockwall:

You are hereby notified that the City of Rockwall Planning and Zoning Commission and City Council will consider the following application:

Case No. Z2022-017: SUP for a Towing and Impound Yard

Hold a public hearing to discuss and consider a request by Kim Lemmond of Dallas Cowboys for the approval of a Specific Use Permit (SUP) for a Towing and Impound Yard on a 1.8040-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and take any action necessary.

For the purpose of considering the effects of such a request, the Planning and Zoning Commission will hold a public hearing on Tuesday, May 10, 2022 at 6:00 PM, and the City Council will hold a public hearing on Monday, May 16, 2022 at 6:00 PM. These hearings will be held in the City Council Chambers at City Hall, 385 S. Goliad Street.

As an interested property owner, you are invited to attend these meetings. If you prefer to express your thoughts in writing please return the form to:

Henry Lee
Rockwall Planning and Zoning Dept.
385 S. Goliad Street
Rockwall, TX 75087

You may also email your comments to the Planning Department at planning@rockwall.com. If you choose to email the Planning Department please include your name and address for identification purposes.

Your comments must be received by Monday, May 16, 2022 at 4:00 PM to ensure they are included in the information provided to the City Council.

Sincerely,

Ryan Miller, AICP
Director of Planning & Zoning



MORE INFORMATION ON THIS CASE CAN BE FOUND AT: <https://sites.google.com/site/rockwallplanning/development/development-cases>

PLEASE RETURN THE BELOW FORM

Case No. Z2022-017: SUP for a Towing and Impound Yard

Please place a check mark on the appropriate line below:

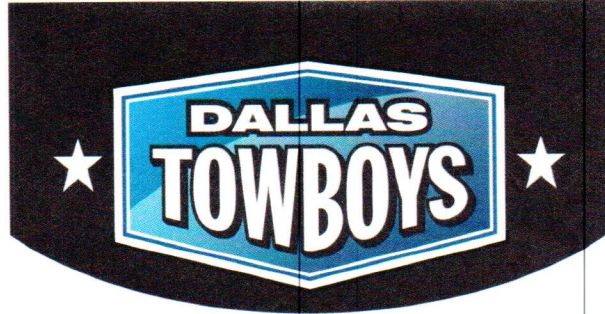
- I am in favor of the request for the reasons listed below.
- I am opposed to the request for the reasons listed below.

THEY ARE ALREADY IN THE AREA - NO PROBLEMS IF THEY WANT TO EXPAND.

Name: Roy F. GADDIS TRUSTEE
Address: 355 NATIONAL DR. ROCKWALL, TX 75032

Tex. Loc. Gov. Code, Sec. 211.006 (d) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

PLEASE SEE LOCATION MAP OF SUBJECT PROPERTY ON THE BACK OF THIS NOTICE



April 8, 2022

Attn Planning and Zoning – Rockwall Texas

My name is Kim Pittman Lemmond, owner of 227 National Drive Rockwall Texas 75032. I currently own the property 227 and 291 National Dr. since around 2006. We have conducted the Dallas Towboys business at 291 and 227 since we purchased both properties. The property at 227 and 291 has been storing vehicles and have had a SUP permit for a storage facility since we submitted to city around the 2006 – 2008-time frame. I was under the impression we were legal for storing at 227. While contacting the city to update my current CO with a new company name, I found out that the SUP was for 291. I am now requesting for the SUP be for 227 as well.

Thank you

Kim Pittman Lemmond

Pittman Logistics LLC dba Dallas Towboys Sales and Service

National Dr

30971

KEY

- Canopy Tree 
- Accent Tree 
- Parking 19'x9' 

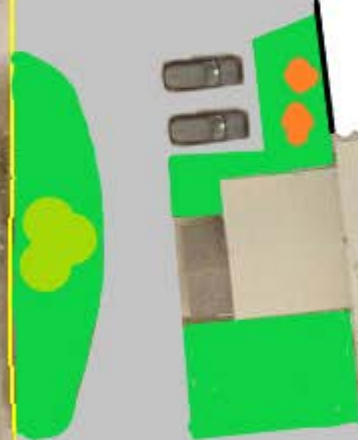
Vehicle Storage

R Pannel
Fencing

Wrecker Parking

227 National

Z2022-017



291

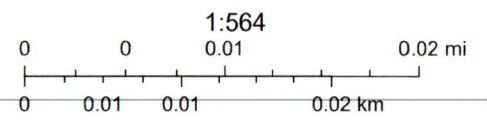
Rockwall CAD Web Map



4/8/2022, 6:48:31 PM

— Streets

Parcel



Rockwall CAD Web Map

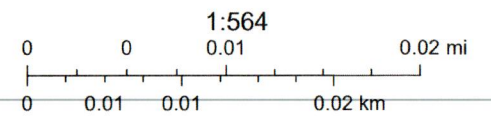


4/8/2022, 3:32:43 PM

227 National

— Streets

Parcel

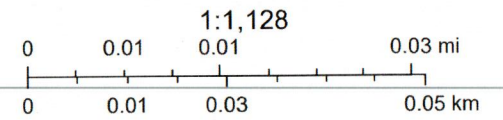


Rockwall CAD Web Map



4/8/2022, 3:29:21 PM

- Streets
- Parcel





City of Rockwall
The New Horizon

\$75.00 Payable to the City of Rockwall upon notice of approved C.O.

Building Inspections Dept: (972) 771-7709
Inspection Request: (972) 771-7760
Fire Department: (972) 771-7770
Health Inspector: (214) 202-1202

Application for Certificate of Occupancy

Date: 10-6-16

C.O. No: C02016-0112

This Application must be completed in full, signed and dated prior to being processed.

Name of Business: Dallas Towboys Telephone: 214-221-8697

Address of Business: 227 National dr.

Business Owner Name: Kim Lemmond Telephone: _____

Email: kima@dallastowboys.com Cell: 972-880-2878

Business Owner's Address: 10349 S. State Hwy 205 Rockwall TX 75087
Street /PO Box City State Zip

Property Owner Name: Kim Lemmond Telephone: _____

Property Owner's Address: Same
Street /PO Box City State Zip

Proposed use: Personal office Total Square Footage: approx. 1300
(Restaurant, Retail, Office, Warehouse, Etc.) Office Square Footage: _____

Previous use: Rental Retail Area Square Footage: _____

Storage or Warehouse Square Footage: _____

Will your business have a trash dumpster? no Kitchen Square Footage: _____

Other Square Footage: _____

Any proposed manufacturing to be conducted? Yes No If yes, explain: _____

Are there adjoining businesses? Yes No If yes, what type: _____

Is the building equipped with an automatic sprinkler system? Yes No

Any storage of materials? Yes No If yes, what type: _____

Will there be any outside storage or display? Yes No If yes, explain: _____

of employees: 1 Projected opening date: _____

Restaurants: Will alcohol be served? Yes No
If yes, you must provide us with a copy of your TABC license before a C.O. will be issued.

Circle all applicable: New Tenant in Existing Building
Expanding Lease Space
Same Business Name, New Owner
Same Owner, New Business Name
Shell Building (No Occupancy)
New Interior

Printed name: Kim Lemmond
Signature: Kim Lemmond Date: 10/6/16

Signing this application does not authorize occupancy of the space and/or structure. It is unlawful to use, occupy, or permit the use or occupancy of a building until a C.O. is issued.

Lee, Henry

From: Widmer, Jeffrey
Sent: Friday, May 4, 2018 4:09 PM
To: Pallares, Gabe
Subject: C.O. needed

Here's the code reference.

Specific violation: Failure to allow occupancy of your building without obtaining the required certificate of occupancy as required by the City's Code of Ordinance #16-32 Section 10-116, and specifically the city's adopted 2015 International Building Code,

SECTION 111 CERTIFICATE OF OCCUPANCY which states:

[A] 111.1 Use and occupancy.

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

CITY OF ROCKWALL

ORDINANCE NO. 22-XX

SPECIFIC USE PERMIT NO. S-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [ORDINANCE NO. 20-02] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *TOWING AND IMPOUND YARD* ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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, the City has received a request from Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) to allow for a *Towing and Impound Yard* on a 1.804-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and being more specifically depicted and described in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [Ordinance No. 20-02] 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 Unified Development Code (UDC) [Ordinance No. 20-02] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *Towing and Impound Yard* as stipulated by Subsection 01.02, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [Ordinance No. 20-02] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*, and Subsection 04.06, *Heavy Commercial (HC) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [Ordinance No. 20-02] and Article VI, *Wrecker and Towing Services*,

of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Towing and Impound Yard* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit 'B' of this ordinance.
- (2) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
- (3) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the *Subject Property*. In addition, all impounded vehicles shall be stored behind the front façade of the building.
- (4) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
- (5) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
- (6) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
- (7) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.

SECTION 5. 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 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. 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, 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 8. That this ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, THIS THE 6TH DAY OF JUNE, 2022.

Kevin Fowler, *Mayor*

ATTEST:

Kristy Teague, *City Secretary*

APPROVED AS TO FORM:

Frank J. Garza, *City Attorney*

1st Reading: May 16, 2022

2nd Reading: June 6, 2022

Exhibit 'A'
Location Map

Address: 227 National Drive

Legal Description: Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128

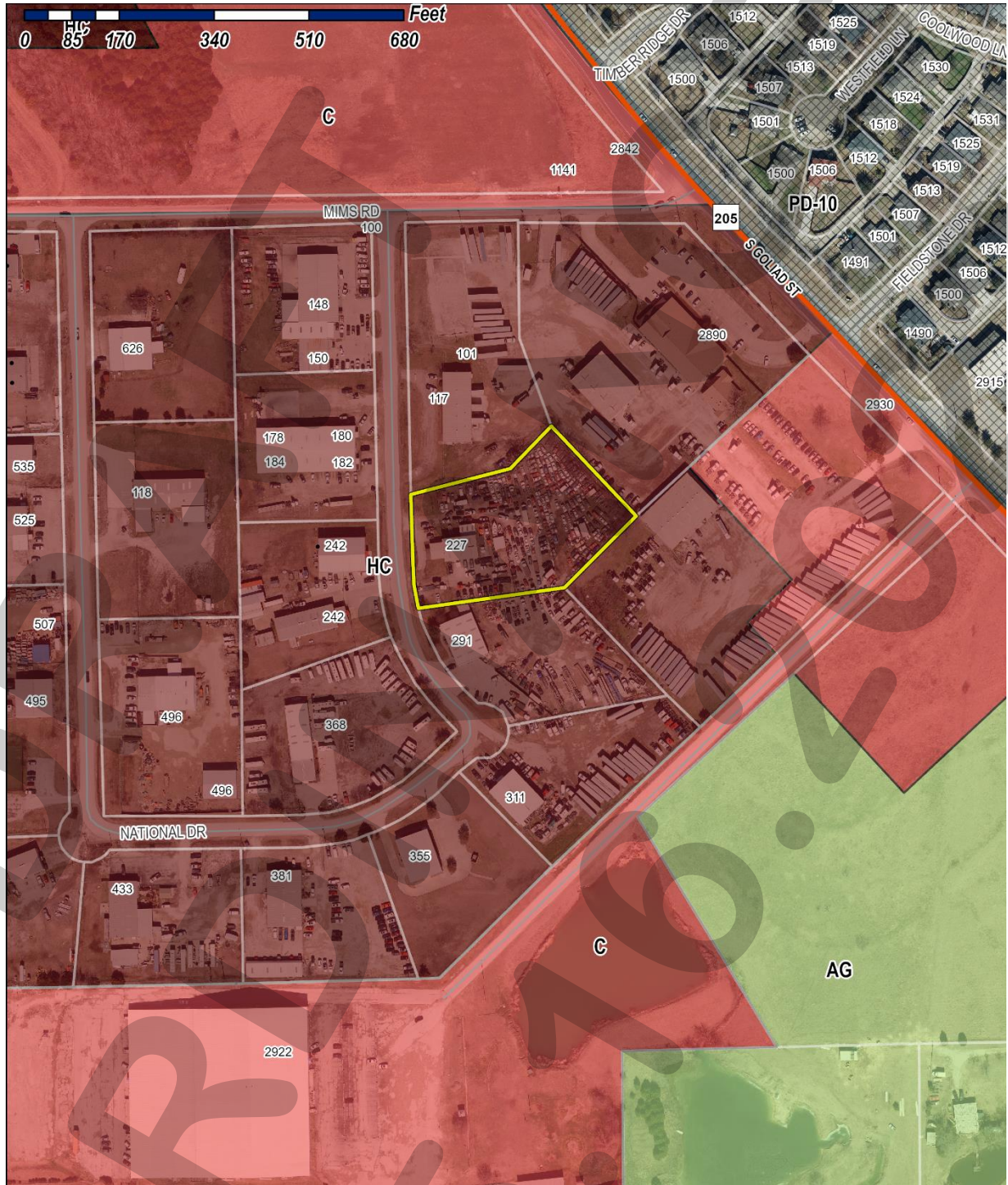


Exhibit 'B'
Concept Plan



Lee, Henry

From: Kim Lemmond <kimlemmond@me.com>
Sent: Friday, May 6, 2022 10:33 AM
To: Lee, Henry
Subject: Fwd: new site map

Here ya go

Sent from my iPhone
Kim Lemmond

Begin forwarded message:

From: Daniel Lewis <dlewis@mclendon-chisholm.com>
Date: May 6, 2022 at 10:26:54 AM CDT
To: kimlemmond@me.com
Subject: new site map

Lee, Henry

From: Kim Lemmond <kimlemmond@me.com>
Sent: Friday, May 6, 2022 10:33 AM
To: Lee, Henry
Subject: Fwd: new site map

Here ya go

Sent from my iPhone
Kim Lemmond

Begin forwarded message:

From: Daniel Lewis <dlewis@mclendon-chisholm.com>
Date: May 6, 2022 at 10:26:54 AM CDT
To: kimlemmond@me.com
Subject: new site map



This email was scanned by Bitdefender

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



June 16, 2022

TO: Kim Lemmond
Dallas Tow Boys
227 National Drive
Rockwall, TX 75032

FROM: Henry Lee
City of Rockwall Planning and Zoning Department
385 S. Goliad Street
Rockwall, TX 75087

SUBJECT: Z2022-017; SUP for Dallas Tow Boys

Kim Lemmond:

This letter serves to notify you that the above referenced case (*i.e. Zoning*) that you submitted for consideration by the City of Rockwall was approved by the City Council on June 6, 2022. The following is a record of all recommendations, voting records and conditions of approval:

Staff Recommendations

- (1) The applicant shall be responsible for maintaining compliance with the operational conditions contained in the Specific Use Permit (SUP) ordinance and which are detailed as follows:
 - (a) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit ' B' of this ordinance.
 - (b) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on- site storage.
 - (c) All impounded vehicles shall be stored behind a solid screening fence (including the gates) that conforms to the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC) on the Subject Property. In addition, all impounded vehicles shall be stored behind the front façade of the building.
 - (d) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
 - (e) The landscaping on the subject property shall be updated to meet the City' s minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50 -linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, Landscape and Fence Standards, of the Unified Development Code (UDC).
 - (f) The storage or impoundment of in -operable vehicles on the subject property shall be prohibited.
 - (g) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City' s standards shall be provided.
- (2) Any construction resulting from the approval of this Site Plan shall conform to the requirements set forth by the Unified Development Code (UDC), the International Building Code (IBC), the Rockwall Municipal Code of Ordinances, city adopted engineering and fire codes and with all other applicable regulatory requirements administered and/or enforced by the state and federal government.

Planning and Zoning Commission

On May 10, 2022, the Planning and Zoning Commission approved a motion to recommend approval of the SUP by a vote of 6-0, with Commissioner Womble absent.

City Council

On June 6, 2022, the City Council approved a motion to approve the SUP with a vote of 6-0, with council member Macalik absent.

Included with this letter is a copy of *Ordinance No. 22-30, S-278*, which is the regulating ordinance adopted with the City Council's approval of this case. Should you have any questions or concerns regarding your zoning case, please feel free to contact me a (972) 771-7745.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry Lee".

Henry Lee, *Planner*
City of Rockwall Planning and Zoning Department

CITY OF ROCKWALL

ORDINANCE NO. 22-30

SPECIFIC USE PERMIT NO. S-278

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC) [*ORDINANCE NO. 20-02*] OF THE CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS, AS PREVIOUSLY AMENDED, SO AS TO GRANT A SPECIFIC USE PERMIT (SUP) TO ALLOW A *TOWING AND IMPOUND YARD* ON A 1.804-ACRE TRACT OF LAND IDENTIFIED AS TRACT 2-8 OF THE J. R. JOHNSON SURVEY, ABSTRACT NO. 128, CITY OF ROCKWALL, ROCKWALL COUNTY, TEXAS; AND MORE SPECIFICALLY DEPICTED AND DESCRIBED IN *EXHIBIT 'A'* AND *EXHIBIT 'B'* OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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, the City has received a request from Kim Lemmond of Dallas Towboys for the approval of a Specific Use Permit (SUP) to allow for a *Towing and Impound Yard* on a 1.804-acre tract of land identified as Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128, City of Rockwall, Rockwall County, Texas, zoned Heavy Commercial (HC) District, addressed as 227 National Drive, and being more specifically depicted and described in *Exhibit 'A'* and *Exhibit 'B'* of this ordinance, which herein after shall be referred to as the *Subject Property* and incorporated by reference herein; and

WHEREAS, the Planning and Zoning Commission of the City of Rockwall and the governing body of the City of Rockwall, in compliance with the laws of the State of Texas and the ordinances of the City of Rockwall, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally, and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Unified Development Code (UDC) [*Ordinance No. 20-02*] 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 Unified Development Code (UDC) [*Ordinance No. 20-02*] of the City of Rockwall, as heretofore amended, be and the same is hereby amended so as to grant a Specific Use Permit (SUP) allowing a *Towing and Impound Yard* as stipulated by Subsection 01.02, *Land Use Schedule*, of Article 04, *Permissible Uses*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] on the *Subject Property*; and,

SECTION 2. That the Specific Use Permit (SUP) shall be subject to the requirements set forth in Subsection 02.03, *Conditional Land Use Standards*, of Article 04, *Permissible Uses*, and Subsection 04.01, *General Commercial District Standards*, and Subsection 04.06, *Heavy Commercial (HC) District*, of Article 05, *District Development Standards*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*] and Article VI, *Wrecker and Towing Services*,

of Chapter 12, *Businesses and Sales*, of the Municipal Code of Ordinances -- as heretofore amended and as may be amended in the future --, and with the following conditions:

2.1. OPERATIONAL CONDITIONS

The following conditions pertain to the operation of a *Towing and Impound Yard* on the *Subject Property* and conformance to these conditions are required for continued operations:

- (1) The development of the Subject Property shall generally conform to the Concept Plan as depicted in Exhibit 'B' of this ordinance.
- (2) All impounded vehicles shall be limited to a maximum of seventy-five (75) days of on-site storage.
- (3) All impounded vehicles shall be stored behind a solid screening fence (*including the gates*) that conforms to the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC) on the *Subject Property*. In addition, all impounded vehicles shall be stored behind the front façade of the building.
- (4) The storage of boats, trailers, and tires shall be prohibited. Only towed vehicles may be stored on the subject property.
- (5) The landscaping on the subject property shall be updated to meet the City's minimum standards. Specifically, one (1) canopy and one (1) accent tree per 50-linear feet of frontage shall be installed and maintained in accordance with the requirements of Article 08, *Landscape and Fence Standards*, of the Unified Development Code (UDC).
- (6) The storage or impoundment of in-operable vehicles on the subject property shall be prohibited.
- (7) A concrete parking lot with a capacity for seven (7) vehicles and conforming to the City's standards shall be provided.

2.2. COMPLIANCE

Approval of this ordinance in accordance with Subsection 02.02, *Specific Use Permits (SUP)*, of Article 11, *Development Applications and Review Procedures*, of the Unified Development Code (UDC) will require compliance to the following:

- (1) Upon obtaining a *Certificate of Occupancy (CO)*, should the business owner operating under the guidelines of this ordinance fail to meet the minimum operational requirements set forth herein and outlined in the Unified Development Code (UDC), the City may (*after proper notice*) initiate proceedings to revoke the Specific Use Permit (SUP) in accordance with Subsection 02.02(F), *Revocation*, of Article 11, *Development Applications and Revision Procedures*, of the Unified Development Code (UDC) [*Ordinance No. 20-02*].

SECTION 4. That the official zoning map of the City be corrected to reflect the changes in zoning described herein.


SECTION 5. 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 6. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a penalty of fine not to exceed the sum of *TWO THOUSAND DOLLARS (\$2,000.00)* for each offence and each and every day such offense shall continue shall be deemed to constitute a separate offense.

SECTION 7. 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, 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 8. That this ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS,
THIS THE 6TH DAY OF JUNE, 2022.**



Kevin Fowler, Mayor


ATTEST:



Kristy Teague, City Secretary



APPROVED AS TO FORM:



Frank J. Garza, City Attorney

1st Reading: May 16, 2022

2nd Reading: June 6, 2022

Exhibit 'A'
Location Map

Address: 227 National Drive

Legal Description: Tract 2-8 of the J. R. Johnson Survey, Abstract No. 128

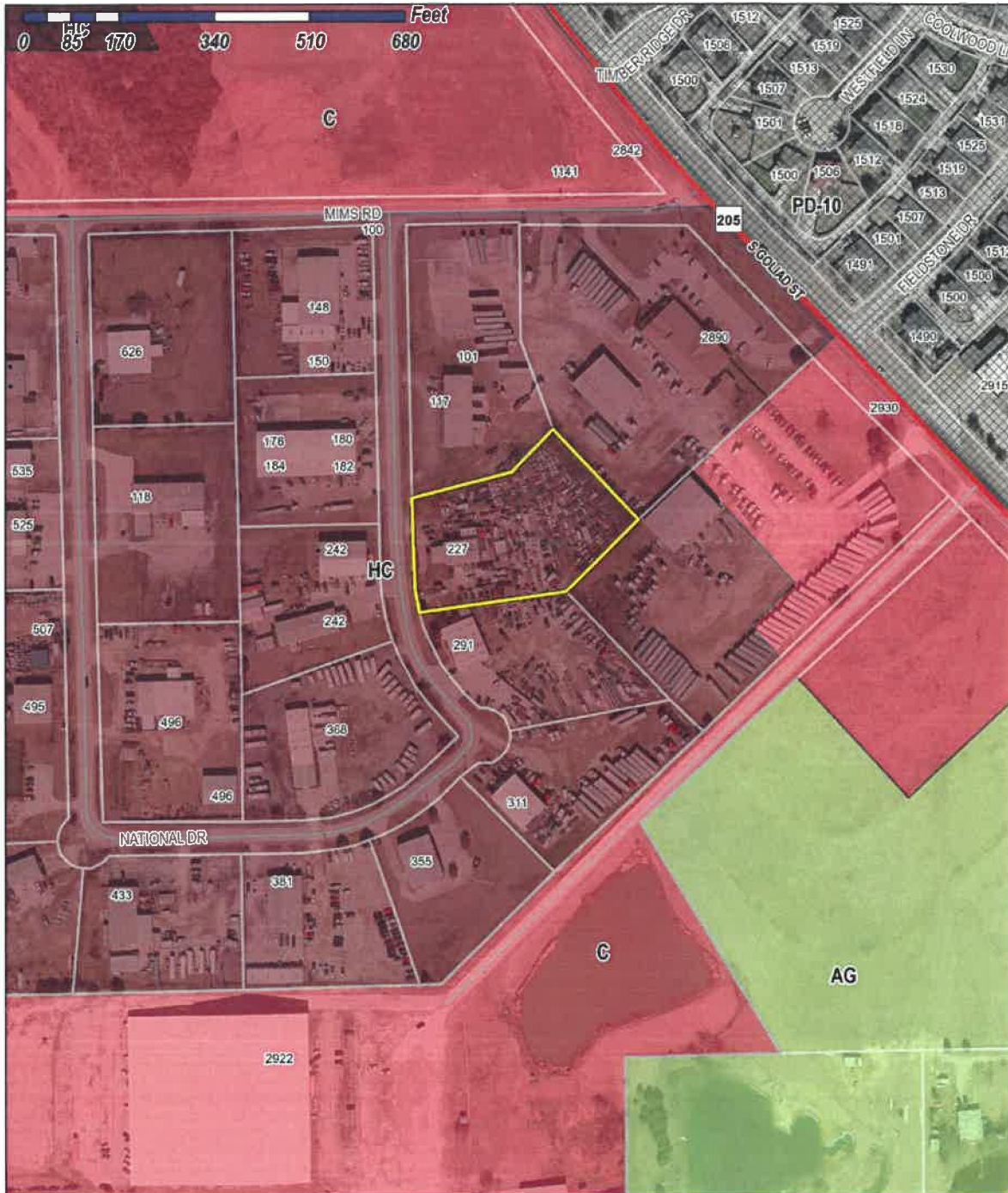


Exhibit 'B'
Concept Plan

