

## David Hawkins

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**Subject:** FW: 1801 Rufe Snow Project  
**Attachments:** IMG\_2153.JPG; File.PDF; IMG\_2046.JPG

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**From:** Frank Roszell  
**Sent:** Thursday, May 11, 2017 11:02 PM  
**To:** David Hawkins  
**Subject:** Fw: 1801 Rufe Snow Project

Please distribute to zoning Board Members as i am sure they want to know if I contacted the residents at the zoning meeting

----- Forwarded Message -----

**From:** Frank Roszell  
**To:** David Theobold  
**Sent:** Thursday, May 11, 2017 10:13 PM  
**Subject:** Re: 1801 Rufe Snow Project

Thank you for your quick response and I think I can clear up a lot of misunderstanding very quickly. I put messages out for Tom Diver at 701 because I could not read his email address clearly and Jamie Gore at 702 did not leave me an email address. So as you are HOA President, could you possibly forward this information to them.

I bought the land on a knee-jerk reaction to help a friend. I thought I'd just put up for sale and eventually get rid of it. I have listed it on the MLS because I'm a real estate broker. There's been no response. So I decided to see if I can figure out some way to make this a useful piece of land and development.

When I first purchased the land, I noted there was a 40 foot easement. I thought that was excessive. The code only requires a 30 foot setback to build. So I wanted to have the gas company give me the 10 foot usage for more building and parking spots as I paid for the land. If I continue to own the land that I paid for, I will simply have to pay taxes and mow that 40 foot strip which is approximately 650 feet long forever!!!! There is no possible use for the .73 acres of the land I paid for and will be taxed. I even tried to give the city the .73 acres so they could deal with the gas company. They would not take it!

I went to the city - see the **attached email series**. The city initiated the question about the masonry fence. I did not ask them to do that but I'm glad they did because I could've made a costly mistake, started construction and ended up tearing things down.

I can send you the gas companies ironclad policy on easements and a copy of the easement itself all clearly stating and cannot be overridden by the city. That information is in the packet that I submitted to the zoning board so I'm not forwarding to you as the email clearly represents the position of the gas company.

In my investigation with the city, they pointed out the 6,000 sq. ft. limitation on the building but they also told me I could put more than one building as long as I kept each building under 6000 ft. So I hired a very expensive architect and he drew up a concept plan for two buildings. The only requirement was the two buildings had to be separated by 20 feet. Having a 20 foot space between the buildings made no sense to me as it was simply an encumbrance and added difficulty to construction. It is true I can save \$45,000 or more because I would not be required to sprinkle those two buildings if each was under 6000 sq ft. But for better fire protection, continuity of construction and appearance, the design for the one building structure would look a lot better and would in fact serve as a noise barrier to my neighbors. The structure of the building would be very good sound protection to the residents because it will be foam insulated, 70 foot wide, double walls and you would never get that type of sound insulation from a brick fence. The road noise will be reduced considerable below what it is know!

Originally, when they laid out everything in 1997 that lot showed a 9600 sq. ft. building footprint. In 2001, somehow PD got approved with the design for a single 6000 sq. ft. building. Some architects normally scribble trees and make drawings to make the property look good on paper. This way they get approval from the city. In this case, they did a disservice to you all as residents as a masonry fence behind the properties and landscaping can not take place but they drew those amenities into the PD anyway. This is how you got your conception. They did not check with the gas company to see if there would be a problem with that design.

No to the fence. Not my fault. I'm not requesting a change to the current NS zoning, however, everything south and west of the lot is zoned retail. I simply want to develop the property the best I can that is permitted within the zoning currently in existence.

This is a pure speculation on my part and I may back out. My question is do I want to borrow \$1,000,000 on a pure gamble. Based on my background in real estate, if I develop properly, space could be leased to some nice businesses as listed in the neighborhood services zoning. I have no one on the hook to lease the property or any units. My wife will locate on the property as a CPA and be an on-site manager. The theory is if I start building they may come and they may not. I also noted on another piece of vacant property on North Tarrant Parkway someone's going to build a Dentist office and retail strip center so that will be competition. You should have been notified by them. I just have to consider all these things. At this point I have a very general concept of what the building could look like. But it's not finalized. But see the **attached picture** which will give you a **very very** general indication. The roof will be the same composite shingles with the same type pitch as your houses.

At this stage, we have to submit a concept plan which is only the footprint of the building. If the variances are approved, next step will be to do a complete plan showing elevations and so forth. The City will be making sure with their inspection team that I stay within city code and within constraints of the neighborhood services zoning which identifies what type of roof etc.

Using the building wall on the back as a substitute fence, I asked for a variance to make it a solid wall which would be about 10 foot high with only emergency exit doors. Those

doors would have lights come on only if there is motion sensor detection. Therefore, no lighting will come from the back of the building unless there is movement. The solid wall will add privacy to the residents. No one will be looking out a window into the backyard fence of the residents. All the building structures will cover about 90% of the residents fence line. This is pretty good sound protection compared to what they have know.

I was required to do a traffic survey based upon the neighborhood services zoning worst-case scenario. That study is called a trip data generation. The engineer has a model that shows the approximate traffic pattern for each type of business within the neighborhood services zoning. He calculates the in and out of the daily traffic pattern. The study that was done falls within acceptable traffic patterns for that type of building and size with that type of zoning. Had it been excessive, there would be additional studies and configurations required to reduce traffic. As I said, it's worst-case scenario. Traffic will be considerably less than that report shows.

As far as the gas company deviating for anything, I have checked with a lawyer, have checked with the title company and I checked with the City Staff. There is no reason for the gas company to be cooperative in any manner, for any reason.

Why I want such a large building is simply to reduce cost of construction per square foot and make it a more desirable location with flexibility. Within my experience, I can wall the inside of the building in such a configuration to adopt virtually every potential tenant that is listed in the neighborhood services zoning.

Ask yourself why hasn't someone built a single 6000 sq. ft. building on that property since 1997? The reasons are simple - who wants to build a small building and take care of that much land when you can't do anything with it other than mow it, etc. Plus, the cost to build a small building goes up dramatically per square foot. So as a businessman, I have to have a return on investment. I feel comfortable the design I have in mind will make me a good neighbor, providing reasonable services to the neighborhood and be an asset in appearance.

Landscaping will be done by a professional landscape architect and identified in the complete plan. All must conform to city code. If there are protected trees on the property which I don't think there are, the city has a mitigation program to handle. Currently, I walk to that tree scrub area Mr. Butcher referred to and it is nothing but a place for varmints, bad people and bad things.

I also walked the neighbors' back fences. One person has a completely new fence. All the rest of the fencing is worn out, damaged and needs to be replaced. Yes, if I owned the old fence, I would dearly love for someone to come in and give me a new fence at no charge. I certainly know how they can be upset to find out that what had laid out in that PD cannot be done.

I have no prospects so I cannot tell you what businesses will fill the spaces. They will have to be businesses that fit the zoning. My building will not look like the day care

center, but closer to what is directly across the street to the west that houses professionals.

I hope I have answered all concerns. If not, let me know. Let me know if there is any zoning meeting dates in the next 4 weeks you cannot attend. Since you are the HOA President, I am sure you can represent anyone not present. Anyone who wants a 6000 sq. ft. building, i will sell them the land. I will not build it.

Thank you

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**From:** David Theobold

**To:** Frank Roszell

**Sent:** Thursday, May 11, 2017 7:07 AM

**Subject:** Re: 1801 Rufe Snow Project

Frank, I do not butt up to your property but I am across the street. I am also the president on the HOA board. I do care what goes in that open field. I prefer the smaller building of 6000 sq ft. I was confused with what you want to put in a 12000 sq ft building.

An office, a retail store and maybe a restaurant I heard. Is this true?

I feel with the huge daycare already there another large building would cause to much traffic.

I am also concerned with you not being able to put up a brick wall to lower the noise and truly separate our properties.

I would like to see where a wall could be built by the gas company.

Thanks.

On Wed, May 10, 2017 at 3:07 PM Frank Roszell wrote:

Thank you for coming to the zoning meeting. There seem to be a little confusion in the proceedings. This is the first time I have been before the zoning board on a case of mine.

The mailing that I was referring to was a certified letter to the property owners that butt up against my property. I identified six properties. Your property appears to be one that does not directly butt up against my property. Mr. Butcher acknowledged he had received his letter because he sent me an email response. I was depend upon the city to notify the rest of the parties within a 200 foot and 300 foot radius. I presume they did so. I assume you got a city letter?

Could you respond to this email to make sure that you do get it and list those concerns you have with the project. I will ask each person who attended the meeting the same thing. Once I've accumulated those concerns and do some research I will forward my findings. If a meeting would necessitate to better communication we can set that up. I live in Keller so that is no problem. If I do a project, which is rare, it is always for my personal ownership. I do not hire out to others. Since I live in Keller, I am certainly not going to build something of an inferior quality or appearance that friends in Keller could criticize me over

.

Please respond as quickly as possible and if there's any conflict in a scheduling problem to attend the zoning meetings let me know those dates are not available. You can check the dates on city website to see what dates the zoning board meets.

I would like to let the city know when to schedule a hearing within the next couple weeks. Thank you in advance for your cooperation.

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Dave Theobald  
Fleet Remarketing  
303-434-0171



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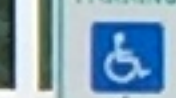
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From: "Campos, Anibal" <Anibal.Campos@atmosenergy.com<mailto:Anibal.Campos@atmosenergy.com>>  
Date: August 7, 2014 11:33:19 AM CDT  
To: David Hawkins <dhawkins@cityofkeller.com<mailto:dhawkins@cityofkeller.com>>  
Subject: Re: Dann from Keller

David,

This also becomes an issue. We do not like anything inside or especially running parallel within our easement. We have to look at it from a maintenance prospective when excavating. Such walls will become obstacles that we would have to endure if and when we excavate our facility. I do apologize for this, but we are trying our hardest to keep our Right-Of-Ways clear. Thank you.

Atmos Energy  
Anibal (Omar) Campos  
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anibal.campos@atmosenergy.com<mailto:anibal.campos@atmosenergy.com>

Sent from my iPhone

On Aug 7, 2014, at 10:49 AM, "David Hawkins" <dhawkins@cityofkeller.com<mailto:dhawkins@cityofkeller.com>> wrote:

Anibal,

I believe this question will be asked later on so I thought I would go ahead and ask. Can a 6' or 8' solid masonry screening wall be installed along the east property line parallel with this easement? It would have to be within this property and most likely be encroaching this easement.

Thanks for your time.

Sent from my iPhone

On Aug 7, 2014, at 9:38 AM, "Campos, Anibal" <Anibal.Campos@atmosenergy.com<mailto:Anibal.Campos@atmosenergy.com>> wrote:

Dann,

I reviewed the request from Mr. Frank Roszell and Atmos Energy has two pipelines within this easement and we will not want to reduce any of the dedicated easement within this area. We are working diligently to not allow anyone to build on top of our easement, this includes monuments, driveway approaches, parking lots, buildings, vegetation, etc., for such in case of emergencies or maintenance work that may need to be performed. Reducing such easement will limit Atmos Energy's entry to maintain the integrity of these pipelines especially in emergency cases. I hope that the customer will understand, but if you have any further questions please feel free to contact me. Thank you.

[Home]<<http://myatmosphere.atmosenergy.com/>>  
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From: Dann Weesner [mailto:dweesner@cityofkeller.com]  
Sent: Wednesday, August 06, 2014 6:13 AM  
To: Campos, Anibal  
Cc: Oquendo, Jesus S; Clark, Tommy A; gr@tsu1.com<mailto:gr@tsu1.com>; David Hawkins; Daniel Turner; Keith Fisher; Chad Bartee; Dennis Fritz; Dann Weesner  
Subject: Dann from Keller