

CITY HALL

ROCKWALL, TEXAS

APPLICATION FOR ZONING CHANGE

Case No. _____ Filing Fee \$50.00 Date April 9, 1980

Applicant Tommy A. Singleton, Trustee, R.V., a Joint Venture

210 Casa Linda Plaza Suite 53

Mailing Address Dallas, Texas 75218 Phone No. 1-214-324-3871

LEGAL DESCRIPTION OF PROPERTY SOUGHT TO BE REZONED:
(if additional space is needed for description, the description may be put on a separate sheet and attached hereto.)

EXHIBIT "A" to Application--Plat
EXHIBIT "B" to Application--Legal Description

I hereby request that the above described property be changed from its present zoning which is " GR " General Retail District Classification to a " MF-2 " High-Rise Apartment District Classification for the following reasons: (Attach separate sheet if necessary.)

EXHIBIT "C" to Application--Information and Reasons

- 1.
2.
3.

THERE (ARE) (ARE NOT) DEED RESTRICTIONS PERTAINING TO THE INTENDED USE OF THE PROPERTY.

STATUS OF APPLICANT: Owner X Tenant Prospective Purchaser

I have attached hereto as Exhibit "A" a Plat showing the property which is the subject of this requested zoning change and have read the following note concerning the importance of my submitting to the City a sufficient legal description.

Tommy A. Singleton, Trustee
R.V., a Joint Venture

[Signature]
APPLICANT

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

(The following Certificate may be used by the applicant to give notice to the City of the sufficiency of the legal description, however, the same is not a requirement of the Application.)

CERTIFICATE

I hereby certify that I have checked the legal description of the property described in this Application and the same describes the tract of land shown on the Plat attached hereto as Exhibit "A" and said description is sufficient to allow qualified surveyor to locate and mark off said tract on the ground.

Surveyor or Attorney for Applicant
(Mark out one.)

The reason for Mr. Singleton's request for rezoning of his property. IS THAT THE ZONING CLASSIFICATION OF THIS PROPERTY IS PRESENTLY GENERAL RETAIL WHICH WOULD ALLOW MULTI FAMILY USE WITH THE RESTRICTION IN HEIGHT OF 2 1/2 STORIES. MR SINGLETON HAS PLANS TO BUILD A 4 STORY BUILDING AT THIS LOCATION. TO BUILD THIS TYPE OF BUILDING YOU WOULD HAVE TO BE IN A MULTI-FAMILY TWO CLASSIFICATION AREA WHICH HAS A MAXIMUM HEIGHT OF 20 STORIES ALLOWED. THIS IS THE ONLY CHANGE MR. SINGLETON WILL BE REQUESTING FROM PLANNING AND ZONING COMMISSION. HOWEVER HE WILL BE REQUESTING ADDITIONAL CHANGES FROM THE BOARD OF ADJUSTMENTS AT A LATTER DATE. THESE CHANGES WILL BE IN THE AREAS OF SIDE YARD REQUIREMENTS AND PARKING REQUIREMENTS.

Location map

Area to be rezoned



Lakemeadow Dr

KENWAY

DENISON AVE

MUNSON AVE

STORRS ST

ST. MARY ST

BOYDSTUN

ROSS

BOURN

ENN AVE

EMMA JANE

STATE HIGHWAY NO 205

CEMETERY

WIS Y

GR

MF

2F

SF-3

2F

SF-4

MF

C

PD-1

LI

A

C

SF

C



EXHIBIT "B"

LEGAL DESCRIPTION 0.8484 Acres

BEING a tract of land out of the 6.9598 acre Roca-Villa Ltd., a Corporation, tract of land, said tract being situated in the B. F. Boydston Survey, Abstract No. 14, in the City of Rockwall and also being a part of the J. W. Reese tract as recorded in Volume 43, Page 148 of the Deed Records of Rockwall County, Texas and being more particularly described as follows: BEGINNING at a point for a corner in the W.R.O.W. line of Goliad Street (State Highway No. 205), said point being N 10° 17' 49" W a distance of 169.26 ft. from the NE corner of the Ridgeview Addition to the City of Rockwall and said point also being the beginning of a circular curve to the right having a central angle of 27° 53' 23", a radius of 146.54 ft. and a tangent of 36.39 ft.; THENCE along said circular curve to the right a distance of 71.33 ft. to the point of reverse curvature of a circular curve to the left having a central angle of 30°, a radius of 188.54 ft. and a tangent of 50.52 ft.; THENCE Along said circular curve to the left a distance of 98.72 ft. to the point of tangency; THENCE S 89° 58' 31" W a distance of 89.06 ft. to a point for a corner; THENCE N a distance of 173.49 ft. to a point for a corner; THENCE S 87° 25' 01" E a distance of 175.0 ft. to an iron rod for a corner; THENCE S a distance of 100.0 ft. to an iron rod for a corner; THENCE E a distance of 60.0 ft. to an iron rod for a corner in the W. R.O.W. line of Goliad Street; THENCE S 5° 06' 32" E along the W R.O.W. line of Goliad St. a distance of 39.62 ft. to an iron rod for a corner; THENCE S 10° 17' 49" E continuing along the W R.O.W. line of Goliad St. a distance of 71.99 ft. to the Point of Beginning and containing 0.8484 acres (36,956 sq. ft.) of land.

Seughton Property on 205

Jed Cain
812 S. Goliad, Rockwall

Richard Harris
PO Box 279, Rockwall

Billy H. Peoples
PO Box 35, Rockwall

Henry Spencer Est
106 E Rusk, Rockwall

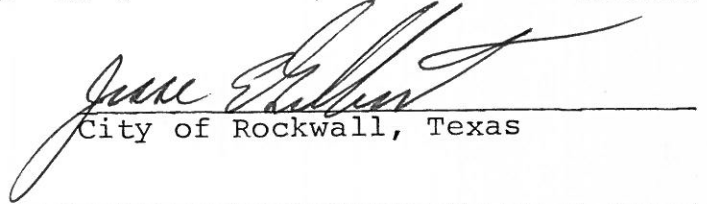
W J. Price
501 S. Goliad, Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at
7:30 o'clock P.M., on the 24th day of April,
1980, in the Rockwall City Hall, Rockwall Texas, on the request of
Tommy Singleton for a change of zoning from
"GR" General Retail District Classification,
to "MF-2" Multi Family District Classification,
on the following described property:

See Attached

As an interested property owner, it is important that you attend this hearing or notify the commission of your feeling in regard to the matter by returning the form below. In replying, please refer to Case No. 80-2.



City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and Zoning Commission, 102 East Washington, Rockwall, Texas 75087

Case No. 80-2

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

I am opposed to the request for the reasons listed below. _____

1.

2.

3.

Signature _____

Address _____

Check one item PLEASE and return the notice to this office IMMEDIATELY.

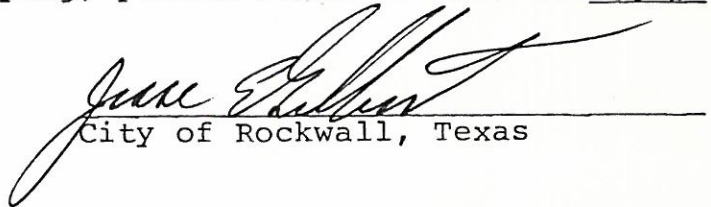
Thank you,
City of Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30 o'clock P.M., on the 24th day of April, 1980, in the Rockwall City Hall, Rockwall Texas, on the request of Tommy Singleton for a change of zoning from "GR" General Retail District Classification, to "MF-2" Multi Family District Classification, on the following described property:

See Attached

As an interested property owner, it is important that you attend this hearing or notify the commission of your feeling in regard to the matter by returning the form below. In replying, please refer to Case No. 80-2.


City of Rockwall, Texas


The following form may be filled out and mailed to the City Planning and Zoning Commission, 102 East Washington, Rockwall, Texas 75087

Case No. 80-2

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

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

- 1.
- 2.
- 3.

Signature 
Address _____

Check one item PLEASE and return the notice to this office IMMEDIATELY.

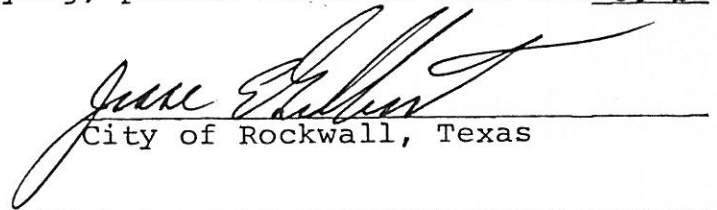
Thank you,
City of Rockwall

BEFORE THE PLANNING AND ZONING COMMISSION
CITY OF ROCKWALL, TEXAS

The Planning and Zoning Commission will hold a public hearing at 7:30 o'clock P.M., on the 24th day of April, 1980, in the Rockwall City Hall, Rockwall Texas, on the request of Tommy Singleton for a change of zoning from "GR" General Retail District Classification, to "MF-2" Multi Family District Classification, on the following described property:

See Attached

As an interested property owner, it is important that you attend this hearing or notify the commission of your feeling in regard to the matter by returning the form below. In replying, please refer to Case No. 80-2.


City of Rockwall, Texas

The following form may be filled out and mailed to the City Planning and Zoning Commission, 102 East Washington, Rockwall, Texas 75087

Case No. 80-2

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

I am opposed to the request for the reasons listed below. Opposed

1. We have very little CR Property Available, especially in this area that I think we should keep the zoning
2. AS IS in the particular area,
- 3.

Signature Belle W. Peoples
Address Box 35 Rockwall,

Check one item PLEASE and return the notice to this office IMMEDIATELY.

Thank you,
City of Rockwall

40 Unit Housing Units for The Elderly

Site Area = 36,959 sqft / .8485

Site Survey done July 17th, 1979

Survey by Robert E. Acree

	Unit Spec		Single Phase
36	One bedroom 602#	ELECTRICAL 230V	= 68 Amps per unit
<u>4</u>	Two bedroom 896#	230V	= 89 Amps per unit
40	First Floor	230V	= 242 Amps per unit
	Upper Three Floors	230V	= 353 Amps per unit

A/C ^{independent unit for each apartment}
~~heat pump~~

STRUCTURAL

Living Area 40 pst
Corridor and Elevator 80 pst
Wind Load 20 pst
Roof 20 pst

Foundation

Slab with pier to Grey shale & Limestone
20' R.P.P.R.

Drain surface & storm sewer

Bldg Sprinkler - will be required
spray head 1/2" dia 165° F operation
discharge not less than 28 gpm 25 psi
pressure at heads

- (1) All living unit will be required to have smoke detectors
- (2) smoke proof closure in EXIT

Zoning
Req

Housing Authority Job

Lot Min Area	28,800 sqft	36,959 sqft	
min Lot Width	70'	235'	
min Lot depth	120'	173'	
MAX Building Coverage	40 (14,783.60) sqft	9750 sqft	
min Front Yard	25'	70'	
min Side Yard	9-602 4 1-2	12.5'	← SHORT
min Rear yard	9274 coverage	8775 sqft	
off street Park	1 1/2 (60) space per unit	34	← SHORT
Height	MF 1 3 stories MAX MF 2 3-20 stories MAX GR- 2 1/2 stories MAX	4 stories ?	WRONG

Sub division

water / sewer do not have sufficient information of review on plans

A/C &
File dampers

Plumbing
ABS

EXHIBIT "C"

Information and Reasons

1. High-Rise Elderly Apartment Use: Convenient shopping, post office, medical care facilities and within walking distance of the main business district, which are all required by HUD.
2. Other Property Considered: Available property that was considered for this project did not meet HUD minimum requirements such as shopping, zoning, medical facilities and surrounding criteria for a project such as this.
3. Property Utilization:
 - (A) Subject property is in a low area, and is next to a creek that has good size trees that screen off the view coming from the north. The visibility, egress and ingress and appearance would be uninviting for General Retail use.
 - (B) If subject property is used for general retail effectively, an ingress and egress street opening onto South Goliad would be necessary, this would create a traffic hazard being so close to Lake Meadows Drive. Also North bound traffic on South Goliad is blind approximately 250 feet from the intersection of South Goliad and Lake Meadows Drive.
 - (C) This site will add esthetic value to the area, if used as proposed, from a landscape and property maintenance viewpoint.
 - (D) There is disproportionate amount of commercial and General Retail property in relation to Multi-Family in the City of Rockwall.
4. High Rise Building Data: We realize that there is a concern for fire safety from the Fire Department in Rockwall, however, the building has many unique built-in safety factors which restrict fire hazards to a very minimum:
 - a. Fire Proof built-up roof.
 - b. Walls-exterior walls-concrete block and brick, interior bearing walls concrete block and interior partition walls metal studs, with sheetrock and fire sheetrock on partitions that are between units and corridors.
 - c. Structural System - all floors and roof, pre-cast concrete channel systems.
 - d. Automatic sprinkler system in all public spaces and public corridors.
 - e. Exits - centrally located elevator and enclosed fire escapes on East and West ends of building.
 - f. Fire resistant carpet and shades.
 - g. Fire Doors - all stairwells and mechanical area (Type "B" label UL Approved).
 - h. Fire Alarm System (includes heat and smoke detectors).
 - i. Emergency Generator System (in the event of power failure, the system will cut in for emergency lighting in halls and elevator.

SANER, JACK, SALLINGER & NICHOLS

ALFRED SALLINGER
H. LOUIS NICHOLS
B. ROBERT BAKER
LAWRENCE W. JACKSON
TIM KIRK
ROBERT L. DILLARD III
ROBERT D. HEMPHILL

ATTORNEYS AND COUNSELORS AT LAW
1200 REPUBLIC NATIONAL BANK BUILDING
DALLAS, TEXAS 75201

R. E. L. SANER (1871-1938)
JNO. C. SANER (1874-1948)

(214) 742-5484

April 4, 1980

W. H. JACK
ROBERT L. DILLARD, JR.
OF COUNSEL

Mr. Jess Gilbert
City Administrator
City of Rockwall
102 East Washington
Rockwall, Texas 75087

Re: Property located at Northwest
Corner of South Goliad and Lake
Meadows Drive

Dear Jess:

In response to the letter of Tommy A. Singleton concerning this property, you have asked our opinion with regard to the authority of the Board of Adjustment of the City of Rockwall to grant a height variance from the two and a half story maximum allowed in a General Retail District to four stories.

We have reviewed the situation and the Zoning Ordinance and it is our opinion that the Board of Adjustment does have general jurisdiction to grant height variances. However, the granting of such variance depends upon whether it is necessary to secure the appropriate development of a parcel of land which differs from other parcels in the District by being of such restricted area, slope, or shape that it cannot be appropriately developed without such modification. See Section 16-200 of the Zoning Ordinance.

To the extent that this Section is in conflict with the State Statute, Article 1011g, the Statute must control. It provides that upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done, will be granted. The key phrase in this is "unnecessary hardship" and the cases are clear that this means a property hardship, and not a financial or other personal hardship.

Exhibit "A"

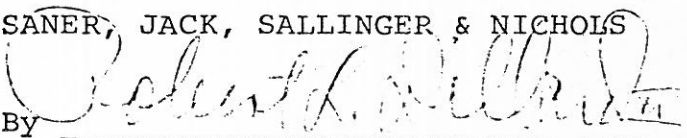
Mr. Jess Gilbert
April 4, 1980
Page Two

It is further my opinion that it would be very difficult for the owner of this particular property to show an unnecessary property hardship simply to increase the size of the building. This is especially so since the Zoning Ordinance provides for this type building in an MF-2 District. The obvious appropriate remedy is for him to apply for a zoning change for this property to MF-2. Please let me know if there are any other questions on this subject.

Very truly yours,

SANER, JACK, SALLINGER & NICHOLS

BY


Robert L. Dillard, III

RLD:cd

Offices of W. M. Snodgrass and Tommy A. Singleton

210 Casa Linda Plaza, Suite 53
Dallas, Texas 75218

214/324-3871
324-3872

April 9, 1980

Planning and Zoning Board
City of Rockwall
102 East Wahington
Rockwall, Tex. 75087

Re: Property located at the N. W. Corner of South Goliad and Lake Meadows
Drive, Rockwall, Texas (See attached plat marked Exhibit "A")

Gentlemen:

We respectfully request a hearing before your Board in regard to our property as described above. The property is presently zoned GR, which is a higher zoning than our request for MF-2 High Rise Apartment use.

The proposed complex has been designed, engineered, and located to insure the ultimate in appearance, livability, maintenance, fire safety and convenience.

Enclosed please note the opinion letter of Saner, Jack, Sallinger and Nichols, Attorneys, marked Exhibit "A", stating the appropriate remedy to the change previously submitted to the Rockwall Board of Equalization.

Thank you for your cooperation in this matter, I remain

Sincerely yours,



Tommy A. Singleton, Trustee
R.V., a Joint Venture

Encl.
Exhibit "A" Attorneys opinion letter
Application for rezoning

TAS/jm

FREESE AND NICHOLS, INC.
CONSULTING ENGINEERS
FORT WORTH AUSTIN

SIMON W. FREESE, P.E.
JAMES R. NICHOLS, P.E.
ROBERT L. NICHOLS, P.E.
LEE B. FREESE, P.E.
ROBERT S. GOOCH, P.E.
JOE PAUL JONES, P.E.
ROBERT A. THOMPSON III, P.E.

JOE B. MAPES, P.E.
OCIE C. ALLEN, P.E.
W. ERNEST CLEMENT, P.E.
ELVIN C. COPELAND, P.E.
JOHN H. COOK, P.E.
T. ANTHONY REID, P.E.
GARY N. REEVES, P.E.

GEORGE HUMAN, P.E.
MANAGER - AUSTIN

April 22, 1980

Ms. Julie Grove
Administrative Assistant
City of Rockwall
102 E. Washington
Rockwall, Texas 75087

Re: Zoning Application
Tommy Singleton
April 9, 1980

Dear Julie:

Per your request, we have reviewed the zoning change request from "GR" to "MF-2" for the purpose of constructing a four story apartment building for the elderly.

Based on the information we have, we recommend the requested zoning be approved. There are several supporting reasons for this recommendation as follows:

1. The proposal is in conformance with Rockwall's housing goals as listed in its Growth Management Plan.
2. Rockwall has too much land zoned commercial.
3. The proposed use would tend to break up the strip commercial possible under the present zoning along Goliad.
4. The access to this site is poor for commercial and better suited for the proposed use due to the site's topography.
5. Proper use of the topography can reduce the effective height of the building for fire fighting purposes and line of site interference.
6. The HUD fire safety requirements should certainly mitigate the concerns over the hazards of this type of housing.
7. The housing will help support the existing commercial and other commercially zoned property in the area.
8. The proposed location should have a positive impact on adjacent land values.

9. Housing of this type is needed in every community. The more centrally it can be located, the better it meets the needs of its residents.
10. The requested zoning is appropriate for the proposed use.

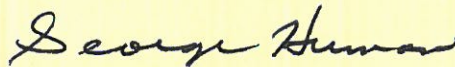
The negative impacts of the proposed use are minimal:

The impact of the height of the proposed building on the adjacent two story apartments to the west -- The highrise development's side and rear yard setback requirements, however, dictate a greater than normal setback due to the proposed building height. This should provide adequate separation.

Please let me know if you have any questions concerning review of this case.

Sincerely,

FREESE AND NICHOLS, INC.



George Human, P.E.

GH/cc

ACTION RECORD

CASE NAME:

Tommy Singleton

CASE NO.:

80-2

Planning and Zoning
Commission

City Council

Date

Approved.

Disapproved

Approved

Disapproved

Preliminary Plat

Final Plat

Zoning

✓

4-24-80

✓

6-2-80

Changes:

Needs a Board of Adjustment for variances to
parking etc.