



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
December 19, 2013
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 6:00 PM
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. WORK SESSION

- A. Discuss any item on the Regular Session agenda
- B. Discuss use of form-based codes and concepts for land use standards in implementing the comprehensive land use plan at the Bowman Springs/Dick Price & Kennedale Pkwy intersection
- C. Discuss creation or modification of zoning districts to implement the comprehensive land use plan
- D. Discuss item(s) for future consideration
 - 1. Green / environmental regulations
 - 2. Zoning standards for Old Town

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Review and consider approval of minutes from the November 21, 2013 Planning & Zoning Commission Regular Meeting

VIII. VISITOR/CITIZENS FORUM

At this time, any person with business before the Planning and Zoning Commission not scheduled on the Agenda may speak to the Commission, provided that an official 'Speaker's Request Form' has been completed and submitted to the Commission Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual commissioners or staff. All speakers must limit their comments to the subject matter as listed on the 'Speaker's Request Form.' No formal action can be taken on these items.

IX. REGULAR ITEMS

A. **CASE # PZ 13-09** to receive comments and consider action on a request by Ashton Holdings, Inc. for a replat of approximately 6.3 acres, for property located at 260 Hilltop (access on 3rd St), legal description of Hilltop Addition Block 1 Lots 1-15, to create Lots 1-29.

The applicant has requested a continuance (postponement) for this case.

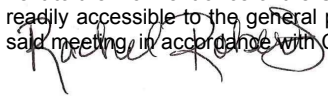
X. REPORTS/ANNOUNCEMENTS

XI. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact Amethyst Cirno, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the December 19, 2013, Planning and Zoning Commission agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Rachel Roberts, Board Secretary



Date: December 19, 2013

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss any item on the Regular Session agenda

II. Originated by:

III. Summary:

During this agenda item, the Commission may discuss any item on the regular session agenda. No action may be taken on this item during the work session, and no comments from the public may be heard or considered until the regular session.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: December 19, 2013

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss use of form-based codes and concepts for land use standards in implementing the comprehensive land use plan at the Bowman Springs/Dick Price & Kennedale Pkwy intersection

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Now that the first phase of the Employment Center Code has been completed, the Commission is in a good position to take another look at the draft code for the Bowman Springs/Kennedale Pkwy urban village. Considering the elements and standards covered by the Employment Center code, does the Commission want to revise any parts of the urban village code?

In last month's staff report, I said I would like to arrange a brainstorming meeting with the Commission to develop the vision for the Bowman Springs/Kennedale Parkway Urban Village. Since the Commission has a light agenda this month, would you be open to beginning discussions during this month's work session? We won't have staff from other departments present, and our consultant won't be at the meeting, but the Commission could begin preliminary discussions at this meeting if desired.

Also in last month's report, I mentioned that it would be helpful if you could give me a list or description of your concerns about our existing zoning codes in relation to how they could affect land use or development in this urban village. With the Thanksgiving holiday and disrupted schedules due to bad weather, you may not have had much time to give this topic a lot of thought. To help get the discussion going, I've attached to this report a first draft of a background document for the Urban Village. It is a very rough draft, and of course, it's not based on comments from the Commission, property owners in the area, or other staff, so you can expect the document to change considerably between now and the final version. But it may help the Commission think about what the code should address and how.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	Draft background document	Bowman Springs Urban Village background report.docx
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Bowman Springs Urban Village

background report (draft)

INTRODUCTION

In 2012, Kennedale updated its comprehensive land use plan. Rather than re-using the existing comprehensive plan, with updates to account for population growth and road improvements, the city decided to go in a different direction. The old plan had not helped Kennedale achieve community goals; the new plan would expand on the 2009 strategic plan and draw from the 2010 Vision North Texas report. Kennedale's updated plan represents a shift in the city's approach to how land use decisions should be made. The plan reflects the city's new vision and goals, and its Future Land Use Plan (FLUP) was updated in order to reflect the desire of the community, to meet the demands of the changing market, and to build a dynamic community. Unfortunately, currently zoning categories do not provide the tools needed to implement the comprehensive plan. The zoning code and subdivision regulations should be revised to allow for plan implementation.

Traditional comprehensive plans focus solely on the use of land. This approach tends to isolate uses, even compatible ones, and gives little regard to the establishment of community character; further, it does not allow the planning principles that are the core of the new comprehensive plan. In contrast, the new Future Land Use Plan—an important component of the comprehensive plan—focuses on the *attributes* of different areas as the driving factors in how land is *developed*, rather than how it is *used*. This area or district approach considers existing uses and conditions as well as environmental factors to shape the appropriate development types and patterns for the future. Through this approach, the FLUP designates character districts for land throughout the city. The land located around the intersection of Kennedale Pkwy and Bowman Springs/Dick Price was designated as an Urban Village.

The FLUP describes the Urban Village as follows.

These villages act as gateways into the “core” of Kennedale. These areas should include a dense mix of residences and businesses in a walkable environment. They are similar to Neighborhood Villages, yet larger and of a higher intensity. While Urban Villages should promote pedestrian circulation and access from nearby neighborhoods and areas, it can be expected that a significant number of visitors will access the urban village by car. A “park once and walk everywhere” approach should be taken during the design phase of urban villages to enable convenient and pleasant walking.

Sample land use types include – but are not limited to – loft apartments/condos, live/work units, multi-tenant office, retail, services, grocery store, restaurant, movie theater, large-scale retail, and plazas/squares.

EXISTING CONDITIONS AND REGULATORY FRAMEWORK

Existing conditions. No official boundaries for the Bowman Springs Urban Village have been set, but it is expected to be approximately 60 acres in size. A large portion of the district has already been developed and will need redevelopment or renovation before the existing buildings or site design will be in keeping with the intent of the comprehensive plan. The land is held by multiple owners. The City of Kennedale owns part of the property within the district, but it is not the majority land holder (Kennedale property is approximately 3.3 acres).

On the western and northern sides of the district, much of the property may be within the floodplain, and a small section appears to be within the floodway, so proposed site design or building regulations will need to account for potential flooding and/or additional layers of regulation from federal or state agencies. In addition, the Village Creek Master Plan incorporates the northern section of the district and may have some influence on how the Urban Village is developed. The proximity of the creeks provides liability from flooding but also provides opportunities to design sites that take advantage of creeks that can serve as aesthetic or recreational amenities.

Kennedale Pkwy was originally built as a state highway in the 1930s and was widened in the early 2000s. Bowman Springs and Dick Price within the Urban Village are new streets, built in 2011 as re-routing of existing roadways. Sidewalks are present and provide some pedestrian access, but they are only 4 feet wide, which is not ideal for a walkable Urban Village. Only limited sidewalk facilities are present along the Parkway in this district. The area has a mix of uses, including industrial/manufacturing, mobile home park, commercial/retail, and single family residential. But although a mix of uses is present within the district, the uses are not walkable; visitors are highly unlikely to “park once and walk everywhere.” Not only does the lack of sidewalks discourage walking, but the buildings and setbacks were clearly designed for automobile traffic only, which is discouraging to anyone who would wish to patronize a business or get to work by bike or on foot. A number of the structures within the district are older, metal buildings used for industrial purposes; some of these buildings have not stood up well over time and are in need of rehabilitation in order to be compatible within an Urban Village. Several of the vacant buildings or sites could also be considered brownfields and may need Phase I environmental studies to ensure they are ready for redevelopment.

Existing regulatory framework. The properties within the Urban Village are zoned Industrial, C-2 Commercial, and R-3 Single Family Residential, as well as Bus. 287 Overlay District. Setback and lot size regulations are shown in the table below.

	R-3	C-2	I
Lot area (square feet)	8,750	5,000	N/A
Minimum lot width (feet) ^(b)	80	50	N/A
Minimum lot depth (feet)	100	100	N/A
Front yard setback (feet)	30	25	25
Rear yard setback (feet), interior lot	25	20	20
Side yard setback (feet), interior lot	10 ^(a)	10	10
Side yard setback (feet), corner lot (street side only)	15	15	15
Maximum height (stories)	2.5	3	3
(feet)	40	45	45
Maximum lot coverage	50%	60%	60%
Masonry requirement ^(c)	80%	80%	N/A
Main building living area (square feet) ^{(d) (e) (f)}	1,250	N/A	N/A
(a) Require minimum 8 ft. with a total of 20 ft. side yard. (b) Whenever any lot is located on a cul-de-sac, the lot width shall not be less than eighty (80) percent of the required lot width at the building line. (c) For the purposes of this requirement, the following materials shall be considered "masonry": glass, natural stone, face brick, face tile, concrete, split face concrete masonry units (haydite block) decorative pattern concrete block masonry unit, masonry veneer, and cement stucco. In determining the percentage of masonry required, the surface of the exterior walls exclusive of the doors and windows shall be measured, up to the eave area or up to a maximum of twelve (12) feet in height, whichever is less. (d) The minimum living area excludes garage, porch, and breezeways. (e) Accessory buildings, in the zoning classifications "R-1", "R-2", "R-3", duplex and old town, are those structures that are subordinate to the main residence, on the same lot. Accessory buildings may not exceed fifteen (15) feet in height and include detached garages, bathhouses, greenhouses, bomb/fallout shelters, and barns. Storage buildings that contain more than one hundred seventy-five (175) square feet of space are included in this category. Accessory buildings shall be located at least five (5) feet from the residence, eight (8) feet from the side lot line and eight (8) feet from the rear yard line, public easement or drainage easement. Accessory buildings shall be of new construction and have exterior walls made of wood, stone, brick, or vinyl siding. (f) The water's edge of swimming pools must be located at least eight (8) feet from the main building, eight (8) feet from the side lot lines, and eight (8) feet from the rear lot line. Swimming pools may not be placed in the required front yard, public utility easements, or drainage easements.			

Current regulations do not provide for a walkable district form suitable for Urban Villages. In addition, the existing zoning districts allow for land uses that are entirely unsuitable for an Urban Village. Building regulations (such as the requirements shown in the table above) set standards for how tall a building may be, its

basic exterior construction materials, and how much of a lot it may take up, as well as a general idea of where the building will sit on a particular lot. But existing regulations do not provide the level of predictability desired by the city. To ensure zoning codes achieve the comprehensive plan's vision and goals for the Urban Villages, the city is considering using form-based codes to replace the Euclidean zoning codes it has in place now for the properties located within areas designated Urban Village.

Located adjacent to the Bowman Springs/Kennedale Pkwy Urban Village on the southwest and eastern sides are small, single-family residential neighborhoods. The Urban Village regulations should be sensitive to existing adjacent development that is expected to remain and should make every effort to ensure the Urban Village is accessible to the residents of these areas by a variety of means (auto, bicycle, and pedestrian transportation). Design requirements for the Urban Village should ensure that potential nuisances such as noise and light do not have a negative impact on adjacent neighborhoods.

Barriers to changing the existing regulations. City staff and the Planning & Zoning Commission have limited experience with adopting form-based codes. Therefore adoption of a form-based code for the Bowman Springs Urban Village may be a slow process as staff and city leaders take time to research what tools are most appropriate for Kennedale. It can also be expected that the city will need to amend the form-based code several times during the first year or two after the code's adoption, as the city learns what works in Kennedale in practice. In addition, owners of property within the district may be resistant to zoning regulatory tools that are unfamiliar to them. They may also resist rezoning from Industrial zoning to a regulatory framework that will not permit industrial uses.

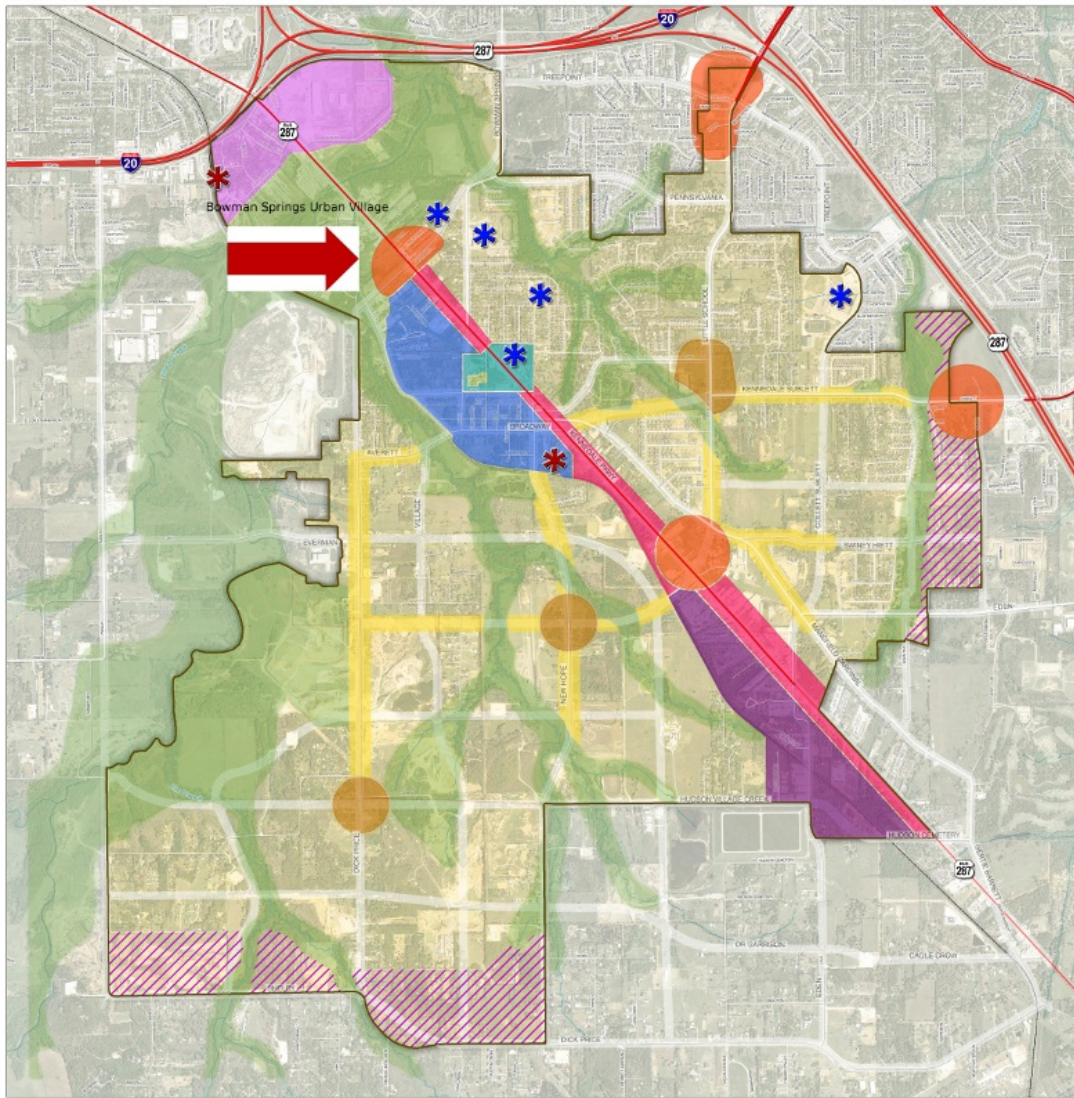
RECOMMENDATIONS

- Adopt a form-based code for the Bowman Springs Urban Village, which will be mandatory for all properties within the district.
 - Establish a clear vision for the district
 - Determine the boundaries of the Urban Village
 - Provide for non-conforming properties; encourage redevelopment but do not create incentives for non-conforming buildings to sit vacant and fall into substandard status
- The city should determine what level of control is needed for the form-based code. It should be a higher level of control than used in the Employment Center District.
- The code will establish regulations to create an appropriate environment for the district, including building form, site design, parking, use, signage, and civic/open space standards, and to ensure the district is accessible by a variety of transportation options. The code should provide predictability for the city in terms of how developments will look and feel.
- The code will establish a clear, easy-to-understand approval process that provides predictability to developers and businesses.

Proposed Regulatory Framework for the Bowman Springs Urban Village

General Boundaries (proposed)	(see map)
Uses (proposed)	Office (incl. medical and dental); retail (no contractor-type sales and service; auto sales permitted with indoor display of vehicles only); restaurant (no drive-thru); residential (single-family detached and attached, small multi-family w/ 30 units maximum); bed and breakfast (no other lodging uses permitted); art gallery/museum; government facilities; park/playground Industrial Industrial and other prohibited uses and non-conforming buildings to remain with triggers for phasing them out based on investment level and market. Compatibility with Residential Uses Hours of operations and noise levels of any nonresidential use must be compatible with residential uses in the Urban Village and adjacent neighborhoods.
Building & Development Standards (proposed)	
Building height	Maximum 8 stories; adjacent to existing residential areas, maximum of 2 stories Buildings located at the corner of Kennedale Pkwy and Bowman Springs/Dick Price shall not exceed 2 stories in height but may have distinctive architectural elements that may rise above a second story.
Building placement	SETBACKS, PRINCIPAL BUILDING (Setback is the distance from the edge of right-of-way) Front Setback 0 ft. min., 5 ft. max. Side Setback, interior lot 0 ft. min., 20 ft. max. Side Setback, corner lot on Kennedale Pkwy [TxDOT min], 30 ft max. Rear Setback 3 ft. min. SETBACKS, OUTBUILDING Front Setback 20 ft. min. + bldg. setback Side Setback, interior lot 3 ft. min., 10 ft. max. Rear Setback 3 ft. min. Require increased setback for non-residential structures located adjacent to existing residential neighborhoods
Building frontage	Require a minimum amount of the primary façade (e.g., 75%) to be built at the front setback line
Block standards	Maximum block perimeter 1440' Maximum block width 480' Maximum block depth 240' Require mid-block passage for pedestrians for long blocks.
Parking placement	Parking should be located behind or to the side of primary structures.

Parking amount	Parking should have minimums and maximum to ensure sites have adequate parking without over parking; parking requirements should include standards for bicycle parking. Shared parking should be permitted with certain conditions.
Public frontage types	(See standards for relevant roadway types in the future thoroughfare plan)
Private frontage types	Porch & fence (residential only); terrace/lightwell; forecourt; stoop; shopfront; gallery; arcade
Transparency	Establish minimum and maximum requirements for amount of glazing; limit large blank walls, require articulation
Materials	Continue current city standard of 80% masonry; allow other masonry materials subject to approval of zoning administrator



KENNEDALE COMPREHENSIVE PLAN UPDATE

FUTURE LAND USE PLAN

CATEGORIES

Town Center	
Downtown Villages	
Urban Village	
Urban Corridor	
Neighborhood Village	
Neighborhood Corridor	
Neighborhoods	
Employment Center	
Light Industrial District	
Park & Open Space	
Conservation Overlay	
Potential Commuter Train or Park & Ride Station	
Schools	

A comprehensive plan shall not
constitute zoning regulations or
establish zoning district boundaries.

March 8, 2012

KENNEDALE
You're Here. Your Home

HALFF

Future Land Use Plan, showing location of Bowman Springs/Kennedale Pkwy Urban Village



Date: December 19, 2013

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss creation or modification of zoning districts to implement the comprehensive land use plan

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

As I continue drafting revisions to our zoning standards, it would help guide my work to know what some of the Commission's concerns are about our current zoning classifications or about potential land development patterns. During the next several work sessions, I would appreciate hearing your concerns and comments on each of the character districts.

To help with the discussion, I am sending you some very rough ideas I have been working on based on the city's vision as described in the comprehensive plan and on research on ideas that have worked in other communities. As the city begins to create new zoning districts or amend current regulations, we should consider making changes to the zoning code in several phases. A phased approach serves two purposes. First, it provides the community time to become accustomed to changes in the zoning code, and it also serves to make the public aware that additional changes will be made later, so they have a greater opportunity to learn about proposed changes and provide input early on. Second, it allows the city to take a step forward with implementing the comprehensive plan so we don't have to wait until all the desired updates to the code have been written before some changes are made.

The ideas included with this staff report (see attached document) would be for the first phase. The ideas do not represent an official opinion from city staff, and we have not received input from the public, other departments, or governing officials on the proposed changes.

If a phased approach is taken, I suggest that the first phase consist of only simple changes, such as establishing new zoning categories for existing suburban-type subdivisions. Because these kinds of zoning districts do not fit the comprehensive plan, we should not permit new developments to follow the zoning standards for these districts, but the existing neighborhoods should be allowed to continue to develop in the manner the residents are already accustomed to and expect. Additional changes may be made to the zoning categories later, if needed, such as permitting smaller rear yard setbacks or adding landscaping requirements related to water conservation.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:

1.	Zoning updates -- ideas	Staff report -- updates to zoning code Dec. 2013.pdf
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Updates to City of Kennedale zoning code -- suggestions for changes

Phase I

Staff recommends the first phase consist of only simple changes, such as establishing zoning for existing suburban-type subdivisions, which are not expected to change. Because these kinds of zoning districts do not fit the comprehensive plan, we should not permit new developments to follow the zoning standards for these districts, but the existing neighborhoods should be allowed to continue to develop in the manner the residents are already accustomed to and expect. Additional changes may be made to the zoning categories later, if needed, such as permitting smaller rear yard setbacks.

New zoning category	Comprehensive Plan character district	Current zoning district	General Characteristics	Comments
N-50 Suburban Residential	Neighborhood	R-1	retain zoning district standards in effect as of adoption of revised zoning code (2012-2013)	may require stricter landscaping standards to address water conservation concerns (depends on whether such standards can apply to existing platted lots); possibility of making some changes at a later time, such as reducing required rear yard setback
N-40 Suburban Residential	Neighborhood	R-2	retain zoning district standards in effect as of adoption of revised zoning code (2012-2013)	may require stricter landscaping standards to address water conservation concerns (depends on whether such standards can apply to existing platted lots); possibility of making some changes at a later time, such as reducing required rear yard setback
N-30 Suburban Residential	Neighborhood	R-3	retain zoning district standards in effect as of adoption of revised zoning code (2012-2013)	may require stricter landscaping standards to address water conservation concerns (depends on whether such standards can apply to existing platted lots); possibility of making some changes at a later time, such as reducing required rear yard setback

Listed below are three concepts for zoning classifications of AG or rural areas. We might explore the idea of creating "designated rural areas" or something similar to identify areas that are intended to remain agricultural or rural.

AG Agricultural	Conservation Overlay	AG	lots 10 acres or larger in agricultural use or proposed to be in ag use; house building materials may include materials characteristic of rural areas, such as Hardie-Plank or cedar (metal buildings not permitted); add restrictions on number of livestock that may be kept	staff need to get an idea from farmers/ranchers how much livestock can be kept on what size property and be sanitary and not cause erosion or pollution/storm water concerns
CY Countryside	Conservation Overlay	AG	lots at least 1 acre in size but less than 10 acres; house building materials may include materials characteristic of rural areas, such as Hardie-Plank or cedar (metal buildings not permitted); add restrictions on amount of livestock that may be kept	for use on properties in agricultural or conservation districts in comp plan or in areas where city intends to maintain agricultural character; not for use for commercial ag operations
RN Rural Neighborhood (Countryside Compatible)	Conservation Overlay/Neighborhood	R-3	lots less than an acre in size but surrounded by or contiguous with properties zoned AG or CY AND not part of a neighborhood designated N-50, N-40, or N-30; house building materials may include materials characteristic of rural areas, such as Hardie-Plank or cedar (metal buildings not permitted); keeping of livestock not permitted; keeping of chickens (max. # to be determined) and bees is permitted	for properties that do not meet the lot size requirements for CY but are clearly rural in character or part of a rural/CY district; <u>for existing lots only -- may not be used for new development in Countryside/Agricultural areas</u>



Date: December 19, 2013

Agenda Item No: WORK SESSION - D.

I. Subject:

Discuss item(s) for future consideration

1. Green / environmental regulations
2. Zoning standards for Old Town

II. Originated by:

III. Summary:

The Commission maintains a list of topics that it would like to address under a future agenda. These items are not intended for discussion at this time, but the Commission may discuss these topics or additional topics in terms of when they will be added as a regular work session agenda item and the scope of the future discussion.

1. Green/Environmental Regulations
2. Zoning standards for Old Town

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: December 19, 2013

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Review and consider approval of minutes from the November 21, 2013 Planning & Zoning Commission Regular Meeting

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The minutes from the November 21, 2013 meeting are attached to this message for your review and consideration for approval.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	11.21.2013 PZ Minutes	11.21.2013 PZ Minutes.doc
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**KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
November 21, 2013
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

I. CALL TO ORDER

Chairman Harvey called the work session to order at 6:05 P.M.

II. ROLL CALL

Ms. Roberts called roll.

Members present: Ernest Harvey, chair; Tom Pirtle, vice-chair (arrived at 6:10 P.M.); Stephen Brim, Michael Herring, Katie McFadden, Don Rawe (arrived at 6:10 P.M.), Mike Walker, Carolyn Williamson (alternate; left at 8:45 P.M. due to illness).

Members absent: none.

Staff present: Rachel Roberts (planning director)

A quorum was present with two members absent at roll call (Tom Pirtle and Don Rawe, who arrived at 6:10 P.M.). Ms. Williamson was asked to serve as a regular member for the work session.

III. WORK SESSION

A. Discuss any item on the Regular Session agenda

Mr. Brim had a question about the right-of-way on the plat in Case PZ 13-11. Ms. Roberts said that staff recommended approval on the condition that corrections to the shown right-of-way are made.

Mr. Harvey asked about Hilltop, Case PZ 13-08. He said he liked the concept and asked if any arrangements should be made for live/work units. Ms. Roberts said PD should at least allow for home occupations. The Commission discussed options for trails and walkability.

B. Discuss use of form-based codes in implementing the comprehensive land use plan at the Bowman Springs/Dick Price & Kennedale Pkwy intersection

Mr. Harvey said he was interested in the supporting documentation from other cities that Ms. Roberts had included with the staff report, and how specifics like a historic main street, and the proposed district's intent to preserve and enhance the area instead of using a general zoning category, rather than keeping it more generalized.

Mr. Brim asked about the number of acres that would be within the urban village, and Ms. Roberts said she could email that information to the new members. Mr. Harvey reminded Ms. Roberts that she had created a map showing the boundary. Ms. Roberts showed the Commission the Village Creek Master Plan, which shows the proposed location of the Urban Village.

C. Discuss creation or modification of zoning districts to implement the comprehensive land use plan

Ms. Roberts asked the Commission to give her their thoughts on this item before the next meeting.

The work session closed at 6:46 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Chairman Harvey called the work session to order at 7:01 P.M.

VI. ROLL CALL

Ms. Roberts called roll. A quorum was present with all Commissioners in attendance at roll call.

VII. MINUTES APPROVAL

A. Review and consider approval of minutes from the October 17, 2013 Planning & Zoning Commission meeting

Mr. Pirtle motioned to accept the minutes as written, seconded by Mr. Rawe. The motion passed with all in favor except Mr. Harvey, who abstained.

VIII. VISITOR/CITIZENS FORUM

No one registered to speak.

IX. REGULAR ITEMS

A. CASE # PZ 13-08 to receive comments and consider action on a request by Ashton Holdings, Inc. for a zoning change for approximately 6.3 acres from "OT" Old Town District to "PD" Planned Development District located at 260 Hilltop (access on 3rd St), legal description of Hilltop Addition Block 1 Lots 1-15.

(1) Staff Presentation

Ms. Roberts gave the staff presentation. She said the request was in compliance with the comprehensive land use plan and city council goals and recommended approval. She said the applicant had also submitted a replat application for consideration but had asked to postpone consideration to the next meeting.

Mr. Pirtle asked about building materials percentages and whether the houses could be all siding. Ms. Roberts said the homes must be made of two types of materials.

Mr. Harvey asked about the ordinance's statement about the number of lots. Ms. Roberts said the ordinance didn't have to specify number of lots, but the Commission could add a maximum to the ordinance. Mr. Harvey asked about street radius requirements for fire protection, and Ms. Roberts said the fire chief had reviewed the site plan and said the radii were fine, but he had asked for a wider turning angle at the intersection of Hilltop and 3rd St.

(2) Applicant Presentation

Adlai Pennington, 1375 Gilman Rd, Kennedale, gave the applicant presentation. He said the replat wasn't brought before the Commission this month because some engineering work needed to be done based on staff comments, and it couldn't be done before the meeting. He handed pictures to the Commission showing houses that were in the character of Old Town and what was proposed. He said the attraction of Hilltop is that it is walkable and listed several destinations that are within walking distance. He said the Commissioners should see a resemblance between the pictures and the chamber of commerce building; he also said a

minimum of two building materials would be used. He said he would answer any questions the Commission may have and would like to defer the rest of the presentation until after the public comments.

Mr. Brim said he didn't see anything about lighting in the ordinance and asked the Commission members if they needed to look at that issue. Mr. Pennington said he intended to use antique-looking, low intensity lights. Mr. Harvey asked Mr. Pennington if he would have any concerns if a lighting requirement was added to the ordinance, and Mr. Pennington said he would not. Mr. Harvey then instructed Ms. Roberts to add it to the ordinance.

Mr. Pirtle asked about the required two-car garage, with only a five foot side setback, he wondered how it would look with the porch. He asked if the garages would be rear or front entry. Mr. Pennington said it would be front entry; the PD would require wood panel garage doors, and the porch breaks up the depth. He said the color and architecture is how to get curb appeal they're trying to achieve. He said this is a cottage infill development. Each home has four parking spaces, two off-street and two garage spaces.

Mr. Pirtle looked at the pictures and said the garage is pushed back so the predominate features are the porch, the front door, and the volume above that. He said he was thinking about what you see first and would like to see the garage five feet back from the entry door or porch.

Ms. McFadden asked if the builder, Summit Homes, would be using the home designs they already have. Mr. Pennington said the houses will be designed for this subdivision. Mr. Harvey asked if Mr. Pennington saw any problem with setting the garage five feet back from the front door. Mr. Pennington said that is complicated. Mr. Pirtle asked about two or three feet and said they don't want it to be flush with the house. Mr. Pennington said the intention is that the rail of the front porch would be at or no further out than the plane of the front garage door, with the front door five feet set back. He said the porch creates the depth at the garage door, and pushing one back relative to the other takes away from the back yard. He said the most efficient is to build homes with the front door five feet recessed from the garage door, and to compensate by using cedar, stained garage doors.

Mr. Harvey showed Mr. Pennington one of his pictures and said that was close to what was desired; when you walk by, you're not seeing garage door after garage door. Mr. Pennington asked the Commission what it would think about a fifteen foot setback for the main structure and a twenty foot setback for the garage. The Commission seemed agreeable to the idea.

(3) Public Hearing

Lana Sather, 421 Corry A Edwards Dr., addressed the Commission against the case. She said two-story houses built on top of the hill will take away privacy. She also said she had concerns about drainage. She said the homes will turn into rental property, will have high turn-over, and will lower property values in the area.

Bob Camp, 560 W 3rd St, addressed the Commission against the zoning change and the replat. He said he couldn't hear anything anyone on the dais said. He said he always thought there would be 15 lots there, and 29 lots is not acceptable. He said this was going to be a dangerous intersection. He also said the previous land owner stated that his title company said the road was never dedicated, and the road was still private property, so the city did not contact them [unclear what he meant]. He also expressed concerns about the water run-off. He handed Mr. Harvey a protest petition for the replat.

Don Kemp, 528 West 3rd, addressed the Commission against the request. He said the development backs up to two sides of his property, and he has tremendous water run-off and had to build a retaining wall to direct water away from his building. He said he'd talked with Mr. Pennington, who said he might be able to clean up part of it. Mr. Kemp showed the Commission a picture and said he tried for eight years to buy the lot next to him to try to clean it up. He said he thought 29 houses was too many. He also said he was concerned about water pressure.

Richard Thomas, 416 W 3rd St, addressed the Commission against the case. He said there had been a drainage problem at the bottom of this hill since the 70s/80s when the duplexes were built.

Tiffany Douglass, 310 North Road, addressed the Commission against the case. She said her main concern was the traffic from the amount of houses. She said her family walks to the park and to the store, and the hill is already an issue. She said drainage is also an issue.

Vinita Thomas, 412 W 3rd St., addressed the Commission against the case. She said when she built her house, she was going to have brick and Hardie-plank but was told she had to do 80% brick. She said her main concern is the water problem, and she's had the drainage problem since the 80s. She said she had been to City Council numerous times and was told they were going to fix it, now she she's been told the city couldn't afford to fix it.

Daniel Regalado, 525 W 3rd St., addressed the Commission against the case. He was worried about the amount of construction trucks going over 3rd Street, and said it's not a paved street, it's nothing but gravel. He said that cars do come over the hill very fast, and there are a lot of children living in the neighborhood.

Octavia Thomas, 416 W 3rd St, addressed the Commission against the case. She said development for the city is good, and a lot of people would not be opposed to a subdivision being built up, but they want to keep their privacy. She said their big lots are what keeps them here, and they still have a country feel. She lives at the top of the hill, and she's been almost hit several times when trying to leave her driveway. With two story houses, people would be able to look into their yards. She also was concerned about where people would put their pets with five foot back yards.

(4) Applicant Response

Adlai Pennington said this is a difficult presentation because he understood what everyone was saying. Drainage, traffic, property values, and Hardie-plank are the issues he heard. He said traffic will increase, yes. Hardie-Plank is necessary for character and marketability of the neighborhood. Drainage will be an issue with 15 houses or 28. The case is a zoning case, and the engineering issues are addressed by staff, consultants, and engineers to prevent adverse effects. He said one detention pond is planned already, and another can be added if needed. He thinks the plans will reduce the amount of water flowing onto Mr. Kemp's property. He said the zoning change does not create an adverse drainage situation. He said these will not be townhomes or duplexes and will be priced between \$160,000 and \$200,000. He said the intent of the comprehensive plan is to provide this kind of home in this kind of setting.

Ms. McFadden asked about the build-out timeline. Mr. Pennington said he expected the first houses won't close until 2015. She asked if he envisioned having a Home Owners' Association to maintain the integrity of the neighborhood. Mr. Pennington said the retention basins require an HOA for maintenance. Mr. Pennington went over the proposed requirements and said Hardie-plank costs the same as brick.

(5) Staff Response and Summary

Ms. Roberts said she was glad residents spoke up about concerns, but she thought some of the concerns were more appropriately addressed through the replat phase. She said the confusion was because both the rezoning and replat cases were advertised for this meeting, and she wanted to restate that the replat case will be held next month. She said the drainage and the increase in number of lots are addressed in the platting stage. At this stage, if zoning is approved, although the ordinance says there could be a maximum of 28 building lots, actually only 15 lots could be built because that's how the property is platted. She said the intent is to create homes that are in keeping with the character of Old Town and that two-story homes are already allowed under current zoning, so while privacy is a concern, it is an existing issue. She also said that developer agreements always require an HOA these days. Ms. Roberts summarized by saying that staff sees this PD as very much in keeping with the comprehensive plan and recommends approval.

(6) Action by the Planning & Zoning Commission

Mr. Brim said it is a good point that it is just 15 lots currently.

Mr. Harvey asked if storm water concerns were addressed in the ordinance for past planned development districts. Ms. Roberts said she couldn't remember, but the Commission could include something. She said if the replat later meets city requirements and the comprehensive plan, the city has to approve it, so if there are standards the Commission wants to make sure the plat meets, they should put it in the PD.

The Commission discussed setbacks for the garage and the main structure or porch, building materials, lighting, storm water run-off, repetition of home elevations, home owners' associations, lot size, and traffic.

Mr. Camp attempted to address the Commission. Mr. Harvey said he could not speak now, but he could speak to commissioners after the meeting. Mr. Harvey also said the Commission was an advisory committee, and it makes advisory comments to the City Council, so if Mr. Camp had concerns about the proceedings and decisions, he would have another opportunity to speak at the Council meeting. He said the Commission gives the public an opportunity to speak and not an opportunity to rebut.

Mr. Pirtle made a motion to approve based on the changes to the ordinance discussed by the Commission:

1. The front plane of the garage must be set back from the front plane of the primary structure, with the garage setback a minimum of 20' from the street right-of-way and the front porch setback a minimum of 15'.
2. Primary structures shall have exterior facades of a minimum of 25% masonry.
3. Street lighting shall be decorative and aesthetically compatible with the character of the district.
4. The developer shall adequately address storm water run-off resulting from developing property within the district. Construction plans submitted to the city shall include detailed drainage plans.
5. Elevations shall not repeat more than once every fifth house.
6. A Home Owners' Association shall be required, and the HOA shall be responsible for maintaining drainage facilities.
7. The developer shall conduct a traffic study.

The motion was seconded by Ms. McFadden and passed with all in favor except Mr. Rawe who was opposed and Mr. Harvey who abstained.

Mr. Harvey thanked everyone for coming to the meeting and said the City Council would hold a public hearing next month and will make the final decision. He said the public would have another opportunity to make their voices heard.

B. CASE # PZ 13-10 to receive comments and consider action on a request by Ashton Holdings, Inc. for a zoning change for approximately 4.3 acres from "AG" Agricultural District to "R-1" Single Family Residential District for property owned by Ricardo Trevino and located at the corner of Swiney Hiatt Rd and Collett Sublett Rd, legal description of Oliver Acres Addition Block 2 Lot 6.

(1) Staff Presentation

Ms. Roberts gave a brief comparison of requirements in Agricultural and R-1 zoning districts. She said the requested rezoning was in compliance with the comprehensive plan and recommended approval.

(2) Applicant Presentation

Mr. Pennington said he would prefer to defer his comments until after the public hearing. He also said he had brought a proposed elevation if anyone was interested in seeing it.

Mr. Harvey asked Mr. Pennington where he thought the development would fall between Falcon Wood and Beacon Hill? Mr. Pennington introduced Mike Mitts, his partner in the project, and said the first house is marketed at \$430,000. Mr. Pennington handed around a sheet showing an illustration of a proposed elevation.

Mr. Harvey asked Ms. Roberts about the land uses behind the subject property, and she said it is single family homes on large lots.

(3) Public Hearing

Hank Barnes, 116 Collett Sublett Road, addressed the Commission. He said he doesn't know if he's for or against the case, he just had some comments. He said he felt like this was just a process, and the rezoning was a foregone conclusion, because since October there have been survey stakes with for sale signs out in front of the property. He said water pressure is a concern to residents at 112, 128, and 129 Collett Sublett in addition to his property. He said he had talked with Mr. Ledbetter about this already. Mr. Barnes said he has 31 pounds of pressure at his house and 40 at the hydrant, but friends of his who live on Pennsylvania have water pressure of about 80 pounds. He said privacy also an issue and asked about the setback requirement. He also said he had heard this development would not have sidewalks. He also said he hoped the city was working with school district. Mr. Walker said that's why he's on the Commission. Mr. Barnes said traffic was a

concern, with Swiney Hiatt becoming a short-cut. Mr. Barnes said he would like to have one stop sign on the corner, because there's a hill there.

Mr. Harvey said there were two cases, 13-10 and 13-11, and asked Mr. Barnes if he was speaking about both cases or just 13-10. Mr. Barnes said he could speak for both. He said the water issue is a big issue, and Mr. Harvey said that's covered during the replat.

Tiffany Schwin, 128 Collett Sublett, addressed the Commission. She said she is Mr. Barnes' daughter and lives on the other side of Mr. Barnes. She said the number of houses concerns her for her parents' sake. She grew up in Kennedale, and loves this city, and feels like sometimes that part of town gets ignored. Mr. Harvey said they want to hear from the residents who have been here for a long time and hearing from them helps the Commission make the right decisions.

(4) Applicant Response

At a request from Mr. Pennington, Ms. Roberts stated the setback requirements for R-1 zoning. Mr. Harvey asked for lot coverage and house size requirements, which Ms. Roberts provided. Mr. Pennington said it is reasonable to think these eight lots will have a minimal impact on water pressure and traffic. He said hopefully water pressure can be addressed, as that was one of the bigger concerns Mr. Barnes had. He said he had no plans to cut trees unnecessarily, but they did clear out the underbrush. He said for these homes, they planned to build the same look that's on Pennsylvania. Each home would be gated by a brick column and wrought iron fence, since they can't gate the subdivision.

He asked about the city's policy on sidewalks, and Ms. Roberts said they're generally required, and whether they're built now or money is put aside is worked out in the developer agreement.

Mr. Walker said the case considered here is not going to significantly affect the school district.

(5) Staff Response and Summary

Ms. Roberts said she would address the water pressure issue under the replat case but mentioned that she had spoken with Larry Ledbetter, and he said that the proposal wouldn't have a negative effect on water pressure. He'd said it might even help because they'd have more homes pulling water through.

(6) Action by the Planning & Zoning Commission

Mr. Brim motioned to approve, seconded by Mr. Pirtle. The motion passed with all in favor except Mr. Harvey, who abstained.

C. CASE # PZ 13-11 to receive comments and consider action on a request by Ashton Holdings, Inc. for a replat of approximately 4.3 acres, for property owned by Ricardo Trevino and located at the corner of Swiney Hiatt Rd and Collett Sublett Rd, legal description of Oliver Acres Addition Block 2 Lot 6, to create Lots 6R1-6R8.

(1) Staff Presentation

Ms. Roberts said the replat complied with comprehensive plan and would conform to city requirements with some corrections. She recommended approval on the condition that changes stated in the staff report are made to the plat drawing before it is considered by City Council. She repeated that she had asked Mr. Ledbetter about water pressure, and that he'd said the additional homes would not have a negative effect on water pressure and may help.

Mr. Harvey asked what could be done about water pressure, and Ms. Roberts said she didn't know that there was much the city could do under rules about rough proportionality. Mr. Brim said the pressure is low, but based on eight houses, he didn't think it would have a big impact. He said he thinks Mr. Ledbetter is correct, it's a system deficiency.

Mr. Walker said they don't have a lot to go on other than Mr. Ledbetter's assessment of it, but if it's wrong, if the city gets eight houses and it has a significant impact, he'd be willing to go to Council to discuss the issue. He said water has been a problem out here for a while.

Mr. Harvey said that as part of the Commission's recommendation, they need to note this to the Council as a concern and note Mr. Ledbetter's assessment.

(2) Applicant Presentation

Mr. Pennington said he agrees with Mr. Barnes in being concerned about water pressure. He said adding eight lots is negligible, but he had a concern about it. He said future development is coming, so this issue isn't going to go away.

In terms of setbacks, he said he wanted the record to reflect the setbacks, and he's never seen a house pushed back on the building lines. He said he thought the houses will be pushed as far forward as they can be.

Mr. Pirtle asked if water pressure would influence Mr. Pennington to go somewhere else for his development. Mr. Pennington said you can't live without water, and his preliminary engineering report is consistent with what Mr. Ledbetter said. But if someone said to him he would be putting half million dollar houses in an area with inadequate water pressure, he wouldn't build there. He said he knows the pressure there is light, but it isn't systemic; it has something to do with the loop. He said he's been told it is a situation that will improve. Mr. Harvey said the city is recognizing that there are issues. Mr. Walker said also there was a small increase in taxes and water rates, so the city is trying to do something.

Mr. Walker asked Mr. Pennington if they were committed to leaving the hardwood trees along the boundary between the subject property and Mr. Barnes' intact, and Mr. Pennington said they are. He said there are trees that are going to end up in the building footprint, and those will probably be removed, but the new homeowners are going to want privacy, too.

Mr. Pennington said the fencing would be a six foot stained, capped wood fence, with steel posts. He said the front fence is going to require restrictions to get the homeowners to put the consistent fencing in.

(3) Public Hearing

Hank Barnes addressed the Commission again. He said he didn't have many additional comments, except to say he's been up to the city before on the water pressure issue. He said this situation is win-win because the next time he goes to the city to complain about water, he'll have eight people in half-million dollar homes also complaining.

(4) Applicant Response

The applicant had no response.

(5) Staff Response and Summary

Ms. Roberts recommended approval on the condition that the changes to the plat drawing listed in the staff report are made.

(6) Action by the Planning & Zoning Commission

Mr. Pirtle made a motion to approve the plat based on the conditions stated in the staff report. Mr. Herring seconded, and the motion passed with all in favor except Mr. Harvey, who abstained.

D. CASE # PZ 13-12 to receive comments and consider approval on a request by Alluvium Development, Inc. to amend the regulations for the Planned Development District for property located at 925 Mansfield Cardinal Rd, legal description of J M Lilly Survey A 980 Tract 2 & A 985 Tract 3, Tarrant County, Texas, to correct a scrivener's error that listed the minimum lot width for "C" type lots

as 85 feet instead of 80 feet.

(1) Staff Presentation

Ms. Roberts said that there had been an error on the original site plan, which should have said the lot width of "C" type lots was 80 feet instead of 85 feet. She recommended approval.

Mr. Pirtle asked how many lots this effected. Ms. Roberts said it would affect 79 lots.

(2) Applicant Presentation

Terry Jobe, Routh St., Dallas, TX gave the applicant presentation. He said they would not be changing the lot layout or the number of lots, just the lot width.

(3) Public Hearing

No one registered to speak.

(4) Applicant Response

No response was given.

(5) Staff Response and Summary

Staff recommended approval.

(6) Action by the Planning & Zoning Commission

Mr. Pirtle made a motion to recommend approval, seconded by Mr. Herring. The motion passed with all in favor except Mr. Harvey, who abstained.

X. REPORTS/ANNOUNCEMENTS

Ms. Roberts said the annual Christmas Tree lighting festival would be held on December 3rd. She said there would also be a fundraiser for Bark in the Park held in the library community center on Nov. 22 and 23. Mr. Walker asked if the Commission's meeting date of January 9th had been confirmed, and Ms. Roberts said it had.

XI. ADJOURNMENT

Mr. Brim motioned to adjourn, seconded by Mr. Pirtle. The motion passed with all in favor except Mr. Harvey, who abstained.

The regular session adjourned at 9:52 P.M.

Ernest Harvey, Chair

Date

ATTEST:

Rachel Roberts, Board Secretary

Date



Date: December 19, 2013

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

CASE # PZ 13-09 to receive comments and consider action on a request by Ashton Holdings, Inc. for a replat of approximately 6.3 acres, for property located at 260 Hilltop (access on 3rd St), legal description of Hilltop Addition Block 1 Lots 1-15, to create Lots 1-29.

The applicant has requested a continuance (postponement) for this case.

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: replat from 15 lots to 29 lots (28 residential, 1 drainage/detention)

Location: Hilltop, accessed from 3rd St.

Applicant: Ashton Holdings, Inc; Adlai Pennington, President

The applicant has requested to postpone consideration of this case (a continuance) until the January 2014 meeting of the Planning & Zoning Commission.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Postpone/Table

VIII. Alternative Actions:

IX. Attachments: