



KENNEDALE
Board of Adjustment
www.cityofkennedale.com

**NOTE: Pursuant to Section 551.071, Texas Government Code, the Board of Adjustment reserves the right to adjourn into Executive Session at any time during the regular session to seek legal advice from the City Attorney on any item posted on the agenda or regarding matters authorized by Section 551.071.*

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS

AGENDA

REGULAR MEETING

March 4, 2014

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. SWEARING IN OF SPEAKERS

IV. MINUTES APPROVAL

A. Approval of minutes from the November 14, 2013 regular meeting, the January 29, 2014 new member training, and the February 25, 2014 workshop

V. VISITOR/CITIZENS FORUM

At this time, any person with business before the Board of Adjustment not scheduled on the Agenda may speak to the Board, provided that an official 'Speaker's Request Form' has been completed and submitted to the Board Secretary prior to the start of the meeting. All comments must be directed towards the Chair, rather than individual board members 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.

VI. REGULAR ITEMS

A. **Case BOA 14-02** to receive comments and consider action on a request by Ron Sturgeon and Randy Pool, manager at LKQ, for a Special Exception to the City Code Section 17-421 *Schedule of uses and off-street parking requirements*, to allow an auto salvage yard in an "I" Industrial zoning district at 1206 and 1208 E Kennedale Pkwy, more particularly described as Kennedale Business Park Block 1 Lot 1R1 and Greenleaf Addition Block 1 Lot 1.

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Applicant Response
5. Staff Response and Summary
6. Action by the Board of Adjustment

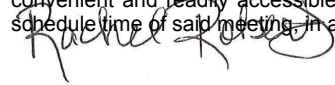
VII. REPORTS/ANNOUNCEMENTS

VIII. 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 Cirimo, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the March 4, 2014, Board of Adjustment & Building Board of Appeals 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: March 4, 2014

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Approval of minutes from the November 14, 2013 regular meeting, the January 29, 2014 new member training, and the February 25, 2014 workshop

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Attached to this message are the minutes from the November 2013 meeting, the January 2014 training, and the February 2014 workshop for your review and consideration for approval.

IV. Recommendation:

Approve

V. Alternative Actions:

VI. Attachments:

1.	11.14.2013 BOA Minutes	11.14.2013 BOA Minutes.doc
2.	01.29.2014 BOA New Member Training Minutes	01.29.2014 BOA Minutes new member training.doc
3.	02.25.2014 BOA Workshop minutes	02.25.2014 BOA Minutes workshop.doc

BOARD OF ADJUSTMENT
MINUTES
REGULAR MEETING
November 14, 2013
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Chairman Adams called the meeting to order at 7:10 P.M.

II. ROLL CALL

Rachel Roberts called roll.

Members present: Rick Adams, Brian Cassady, Pat Vader, Martin Young, and Jeff Nevarez (alternate)

Members absent: Jeff Madrid, Linda Elam (alternate), Lana Sather (alternate), and Richard West (alternate)

With four members, a quorum was present.

Staff present: Rachel Roberts (Planning Director)

III. SWEARING IN OF SPEAKERS

There were no speakers.

IV. MINUTES APPROVAL

A. Review and Consider Approval of Minutes from the June 4, 2013 Board of Adjustment meeting

Mr. Vader made a motion to approve the minutes, seconded by Mr. Cassady. The motion passed with all in favor.

V. VISITOR/CITIZENS FORUM

No one registered to speak.

VI. REGULAR ITEMS

A. Elect chair and vice-chair of the Board of Adjustment/Building Board of Appeals

Mr. Vader made a motion to elect Rick Adams as chair of the Board of Adjustment. Mr. Cassady seconded the motion, and it passed unanimously.

Mr. Cassady motioned to elect Pat Vader as vice-chair, seconded by Mr. Young. The motion passed unanimously.

Mr. Vader made a motion to have the same chair and vice-chair for both boards. Mr. Young seconded the motion, and it passed unanimously.

VII. REPORTS/ANNOUNCEMENTS

Ms. Roberts said the Christmas Tree lighting would be held on December 3rd. Mr. Nevarez said Art in the Park will have a table at the event, and funding is not good this year, so please spread the word.

VIII. ADJOURNMENT

Mr. Cassady motioned to adjourn, seconded by Mr. Vader. The motion passed with all in favor, and the meeting adjourned at 7:15 P.M.

Rick Adams, Chair

Date

ATTEST:

Rachel Roberts, Board Secretary

**BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
MINUTES
NEW MEMBER TRAINING
January 29, 2014
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE
TRAINING SESSION - 6:00 PM**

I. CALL TO ORDER

The training was called to order at 6:01 P.M.

II. ROLL CALL

Members present: Lana Sather, Martin Young, and Jeff Nevarez.

Staff present: Rachel Roberts, planning director.

Others present: Ashley Dierker, attorney at TOASE.

III. BOARD OF ADJUSTMENT TRAINING FOR NEW BOARD MEMBERS

Training was led by Ashley Dierker. Ms. Dierker went over the role and authority of the board of adjustment and responded to questions from board members.

IV. ADJOURNMENT

The training adjourned at 7:29 P.M.

Rick Adams, Chair

Date

ATTEST:

Rachel Roberts, Planning Director

Date

**BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
MINUTES
WORKSHOP
February 25, 2014
CITY HALL CONFERENCE ROOM, 405 MUNICIPAL DRIVE**

I. CALL TO ORDER

The workshop was called to order at 6:03 P.M.

II. ROLL CALL

Rachel Roberts called roll.

Members present: Pat Vader (vice-chair); Brian Cassady, Jeff Madrid, Jeff Nevarez (alternate), Lana Sather (alternate), Martin Young

Members absent: Rick Adams (chair); Richard West (alternate)

Also present were Mayor John Clark and City Councilman Charles Overstreet.

Staff present: Bob Hart (city manager); Rachel Roberts (planning director)

III. WORKSHOP

A. Strategic Discussion of Redevelopment of Kennedale Parkway

Bob Hart described the development activity that had been taking place or was expected to occur soon, including the building of Link Street, the construction of an ambulance sales office where Meadowview had been extended to Kennedale Pkwy, the landscaping installed through the TxDOT Green Ribbon grant program, the sidewalks to be installed through the TIP grant program, the creation of a TIF district in the New Hope Road area, and discussions with Arlington about the zoning near the Tierra Verde overlay district.

Ms. Roberts distributed a map showing locations of properties along Kennedale Parkway with special exceptions set to expire over the next several years. Mr. Hart described how the city had reached a settlement agreement with Don's Scrap Metal for it to close at the end of February 2017, with an additional six months to clean up the property. Mr. Hart said this property would not have been eligible for a renewal of its special exception, since the city had rezoned the property to a zoning district that did not allow a special exception for that use.

Mr. Hart said that council and staff would like to see the other businesses with special exceptions shown on the map be closed within a reasonable time frame, i.e., about five years. The board was told that of course it had discretion in making the decision, but by that time frame, the city expects to have seen some shift in terms of land use in the area. Mr. Hart added that the board would want to be sure not to be arbitrary or capricious in its decisions. He said that five years seemed a sufficient time frame to grant an extension of the special exceptions to avoid being arbitrary and capricious. Mayor Clark emphasized the importance of having a consistent process and time frame for all of the businesses in question.

Mr. Vader asked if the council would like the board to extend the special exceptions. Mayor Clark said yes, but they wanted the board to be fair in its time frame and treat everyone the same way.

Ms. Sather said she would be surprised if some of the business owners didn't put up a fight. Mayor Clark said there may be a fight, but they knew they had a certain time frame when they got their special exceptions. Mr. Nevarez asked what the long-term vision was for this area, and Mr. Hart said it was light manufacturing.

Mr. Vader asked if the board had to extend the special exceptions, and Mayor Clark said it did not because the board operates independently of the council. He and Councilman Overstreet just wanted to let the board know that if it wanted to extend the special exceptions, the council would support them.

IV. ADJOURNMENT

The workshop adjourned at 7:02 P.M.



Date: March 4, 2014

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Case BOA 14-02 to receive comments and consider action on a request by Ron Sturgeon and Randy Pool, manager at LKQ, for a Special Exception to the City Code Section 17-421 *Schedule of uses and off-street parking requirements*, to allow an auto salvage yard in an "I" Industrial zoning district at 1206 and 1208 E Kennedale Pkwy, more particularly described as Kennedale Business Park Block 1 Lot 1R1 and Greenleaf Addition Block 1 Lot 1.

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Applicant Response
5. Staff Response and Summary
6. Action by the Board of Adjustment

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

BACKGROUND & OVERVIEW.

Applicant: Ron Sturgeon (property owner) and Randy Pool (manager of LKQ, the business operating at the site in question)

Location: 1206 and 1208 E Kennedale Pkwy; see map following this report

Zoning district: Industrial

Adjacent/surrounding uses: surrounding uses are primarily industrial , including other salvage yards, Speed Fab-Crete, and an auto body repair shop, as well as some vacant land

The property has been home to salvage operations since at least 1994, when a special exception was granted to Ron Sturgeon to operate a salvage yard for ten years, with conditions (listed below) and subject to annual reviews. It was renewed in 2004 for an additional ten years, also with conditions. To the knowledge of city inspection staff, all conditions have been met by the applicant with the exception of landscaping. And with

the installation of landscaping through a grant program, the landscaping provided is sufficient, with the operations now in compliance with the conditions applied to the granting of previous special exceptions.

Since the special exceptions were granted originally, operations of the salvage yard were assumed by LKQ, a company that operates salvage yards across the country. The property is still owned by Mr. Sturgeon.

Conditions applied to special exception expiring in 2004:

1. Limited to strictly to the storage of automobiles -- no stacking.
2. No egress from the property onto 287 from the location of storage of automobiles.
3. The minimum requirements of the current zoning/287 overlay be met.
4. A buffer zone in front of the fenced area in the front of the property -- landscaping material and/or trees.
5. Adequate space at the front of the lot location for a desired tenant to be evaluated by staff.
6. The time frame to a 10 year time frame with a one year, or annual, review for compliance by staff with recommendations for approval or disapproval. In the event staff gives the recommendation of non-compliance, the applicant will be required to re-apply.
7. An adequate topping material is to be installed on the premises.

Conditions applied to special exception expiring in 2014:

1. All outside storage must continue to be screened from public view.
2. All outside storage must be positioned and/or set back at least 50 feet from the right-of-way.
3. Outside storage cannot be stacked above the screening fence.
4. No advertising can be painted or attached to the screening fence.
5. All salvage and/or parts must continue to be stored on a hard surface.
6. The location must comply with all Business 287 Overlay District requirements, including landscaping, when Business 287 is widened.
7. The covered storage area that extends into the 287 Overlay setback must be removed within three (3) months.
8. All maintenance, repair, installation of parts, storage, repair, and parts must take place behind the screening fence.

STANDARDS FOR GRANTING A SPECIAL EXCEPTION.

No application for a special exception shall be granted by the board of adjustment unless the board finds all of the following required conditions are present. These six standards are listed in Section 17-422 of the Kennedale city code and are addressed in the staff review section, below.

Section 17-422 also authorizes the board to add conditions as part of granting a special exception: "Prior to the granting of any special exception, the board of adjustment may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed

necessary to protect the public health, safety and general welfare of the community and to secure compliance with the standards and requirements specified above. In all cases in which special exceptions are granted, the board of adjustment shall require such evidence and written guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with."

STAFF REVIEW AND RECOMMENDATION.

The property is zoned Industrial, and surrounding uses are generally industrial in nature. The Future Land Use Plan envisions this area will continue to be industrial in use under the character district of "Light Industrial." The comprehensive plan describes the character of the light industrial district as an area designated for the growth and relocation of industrial uses that currently exist in Kennedale. This area could house small, "incubator" type spaces for smaller business, as well as larger industrial complexes. The goal should be a tidier version of Kennedale's existing industrial area that will attract more high-value companies.

The city does not anticipate that the neighborhood will transition to a light industrial district in the immediate future. The Future Land Use Plan is part of the comprehensive land use plan, a document that establishes a long-term vision for the city, and it is expected that the city will need about 10-20 years to fully implement the plan city-wide. With that in mind, a salvage yard that can meet the special exception standards for the area as it is now could be compatible with the city's future plans on a short-term basis. The section below outlines the staff's review of whether the requested use meets the standards for a special exception.

(1) Will the establishment, maintenance or operation of the use be materially detrimental to or endanger the public health, safety, morals or general welfare?

Due to the nature of the materials and processes involved in operating a salvage yard, such uses can be detrimental to the public health, safety, or general welfare, but salvage yards can also be run in a way that does not negatively effect public health, safety, or general welfare. Staff do not believe the yard run by LKQ is posing a threat to general welfare or public health or safety. Most of the uses surrounding it are also industrial in nature and do not have large numbers of employees who could be subject to any negative effects of the salvage yard. Moreover, this particular business appears to be a well-run operation, and staff does not believe public health, safety, or general welfare is in danger.

We have received no complaints about LKQ concerning noise, lighting, air quality, traffic, or other elements of land use that may effect health, safety, or general welfare. In addition, staff has no observed any aspects of the operations at the site that would raise concerns about the operator's ability to meet this standard.

Staff consider the requested use to meet this standard for a special exception.

(2) Will the uses, values and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use for which a special exception is requested?

As noted above, most of the uses already permitted in the neighborhood are industrial in nature and would not be substantially impaired or diminished by the continuation of LKQ's operation. Many commercial and

retail uses are permitted in the Industrial zoning district, but this neighborhood is unlikely to attract such uses at this time, regardless of whether LKQ continues operations. Staff does expect to see a transition to more commercial uses in the future as the comprehensive plan is implemented, but at this time, a salvage yard will not substantially impair or diminish the use or enjoyment of property in the neighborhood for uses already permitted.

Staff consider the requested use to meet this standard for a special exception.

(3) Will the establishment of the use significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

At the present time, this salvage yard will not impede the normal and orderly development and improvement of the surrounding property for other industrial uses already permitted in the district. Kennedale Pkwy is one of the first priorities for implementing the Future Land Use Plan, and commercial uses may be reluctant to open next to or near a salvage yard; however, city staff do not anticipate that this area will attract many commercial uses over the next several years, even if this business were to cease operations. Therefore, a short term renewal of the special exception should impede the normal and orderly development of surrounding property.

Staff consider the requested use to meet this standard for a special exception.

(4) Have adequate utilities, access roads, drainage and other necessary site improvements been (or will be) provided?

Adequate utilities, access roads, drainage, and other necessary site improvements have been provided.

Staff consider the requested use to meet this standard for a special exception.

(5) Have adequate measures been taken or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets?

Staff consider the ingress and egress facilities already provided by the use to meet this standard for a special exception.

(6) Does the use conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located?

The Industrial zoning district does not have a minimum requirement for lot area or building size and has no masonry requirement. The existing structures do not exceed the maximum permitted lot coverage of 60% and do not exceed the height limit of 45 feet. The property has existing structures, and no new buildings are proposed as part of this special exception request. Any new buildings proposed for the site would be required to meet yard requirements for the Industrial zoning district.

City staff have deemed the amount of parking provided for this use to be sufficient.

Staff consider the use to meet this standard for a special exception.

Staff recommendation.

Staff recommends granting a renewal of the special exception. However, a renewal for a period longer than five (5) years could hinder the normal and orderly development of surrounding properties for non-industrial uses already permitted in the district, and for the transition to uses envisioned in the comprehensive plan. Staff therefore recommends granting a renewal of the special exception for a period of five (5) years, with no renewal after that period has ended, and with the following conditions.

1. The operator of the salvage yard shall be required to maintain the landscaping from the front of the building to the curb. If the business were to close for any reason, the property owner shall be required to maintain the landscaping.
2. The operator will submit to the City a copy of its storm water permit from the Texas Commission on Environmental Quality and its storm water plan.
3. Effective March 31, 2019, the operator or the property owner shall begin cleanup of the property in a reasonable manner that will provide for the complete removal of all automobile parts, recycling products, scrap metal, junk, trash, debris, and other waste material, and any storage materials used for storing parts or equipment outdoors, by September 30, 2019. The property shall be left in a neat and presentable condition and not in violation of any City ordinances.

BOARD ACTION ON CASE 14-02.

The board can approve the request, deny the request, or approve it with conditions.

You may also postpone/continue the case until a later date, but you must specify when the case will be continued.

If you approve or deny the request, your motion should state why you are doing so (i.e., it meets all standards for a special exception, it doesn't mean the standard concerning ...).

Sample motions are provided below for your reference; please note that you are not required to use one of the sample motions.

APPROVE

I find that the use meets the standards and requirements for a special exception and make a motion to grant the request .

APPROVE WITH CONDITIONS

I find that the use will meet the standards for a special exception with the addition of conditions to secure compliance with the standards and requirements of Section 17-422 of the city code and make a motion to approve the request for a special exception for a period of , with the following conditions...

DENY

I find that the use does not meet the standards and requirements for receiving a special exception and make a motion to deny the request for a special exception.

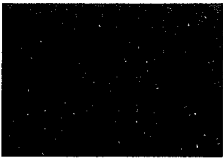
IV. Recommendation:

Approve

V. Alternative Actions:

VI. Attachments:

1.	BOA 14-02 application	BOA 14-02 application.pdf
2.	Map showing location of request, BOA 14-02	BOA 14-02.pdf
3.	BOA 14-02 aerial view	BOA 14-02 aerial view.pdf
4.	BOA 14-02 site photos	BOA 14-02 site photos.pdf



APPLICATION FOR SPECIAL EXCEPTION

Applicant

NAME: Ron Sturgeon, Property and Business Owner; Randy Pool, LKQ Manager	
PHONE: 817-834-3625 x 206	EMAIL OR ALTERNATE PHONE: rons@rdsinvestments.com
MAILING ADDRESS: 5940 Eden Drive	
Haltom City, Texas 76117	

Property Owner

NAME: Same as Applicant	
PHONE:	EMAIL OR ALTERNATE PHONE:
MAILING ADDRESS: (Street)	
(City, State, Zip Code)	

Property for which a Special Exception is requested

ADDRESS: 1206 and 1208 E Kennedale Parkway (formerly E Mansfield Highway)
LEGAL DESCRIPTION: Kennedale Business Park Block 1, Lots 1R1, and Greenleaf Addition Block 1, Lot 1

NOTE: Attach metes and bounds description if property is not platted.

1. Has a previous application or appeal been filed on this property? ☒ Yes ☐ No

1.a. If yes, when was the application or appeal filed? BOA 04-05 and BOA 94-01

2. Identify any requirements of Section 17-422 of the Kennedale city code that cannot be met. Give reason(s) why the requirement(s) cannot be met. Use the back of this form or attach a separate page if additional space is needed.

See attached page

3. If the special exception request is for a land use, is the request for a use not allowed in the zoning district?
X Yes ☐ No

3.a. Is this a remodel of an existing structure? ☐ Yes X No

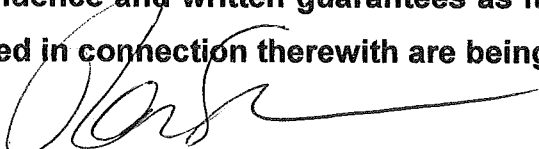
3.b. Is this new construction? ☐ Yes X No

4. If the special exception request is for oil or gas well drilling, how many wells are requested for this location?
Not related to oil or gas drilling

5. **Special exceptions may be granted by the Board of Adjustment only if all of the conditions listed on the Notice to Special Exception Applicant are present.**

On a separate page(s), please describe how your requested use will meet the six conditions stated above.

In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and written guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.


Ron Sturgeon, Property and Business Owner

2.12.14
Date

FOR STAFF USE ONLY	
Indicate any potential injurious effect on the public health, safety, or welfare: <i>none</i>	
Indicate if the uses, values, or enjoyment of other property in the neighborhood would be impaired or diminished by the proposed use: <i>none/no</i>	
Will the proposed use (provide details for each answer, using additional pages if necessary): ☐ Impede normal and orderly development? <i>No</i> ☐ Include adequate utilities, access roads, drainage, and other necessary site improvements? No <i>Yes</i> ☐ Provide ingress and egress so as to minimize traffic congestion in public streets? No <i>Yes</i> ☐ Conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located? <i>Yes</i>	
Comments: <i>See staff report for more information</i>	
Recommendation: ☐ Approval ☐ Denial ☒ Approval with conditions (list) <i>See staff report</i>	
Signature of planner: <i>Rachel B</i> <i>2-27-14</i>	
Signature of director of development services:	

**City of Kennedale
Special Exception Hearing Before Board of Adjustment
March 4, 2014**

Subject property: 1206 and 1208 E Kennedale Parkway (formerly E Mansfield Highway)

Request:

This request includes two parcels addressed as above. The parcels have been granted two 10-year special use / exceptions for use as an auto salvage yard (1994 and 2004). Property owner is requesting another 10-year special exception to allow the continued use.

The 1208 Kennedale property has frontage on the street and contains structures in which offices, sales and enclosed warehouse / shop exists. The 1206 Kennedale property adjoins the 1208 property on the north and is only used as outside storage.

The subject parcels have been managed over the past 20 years in compliance with the established special exception conditions set by the City of Kennedale. Those being:

1. All outside storage must continue to be screened from public view.
2. All outside storage must be positioned and/or setback at least 50 feet from the right-of-way.
3. Outside storage cannot be stacked above screening fence.
4. No advertising can be painted or attached to screening fence.
5. All salvage and/or parts must continue to be stored on a hard surface.
6. The location must comply with all Business 287 Overlay requirements, including landscaping, when Business 287 is widened.
7. The covered storage area that extends into the 287 Overlay setback must be removed within three (3) months (of the date the special exception was granted).
8. All maintenance, repair, installation of parts, storage, repair and parts must take place behind screened fence.

Should any of the conditions not be in full compliance, the owner stands ready to make the necessary corrections upon notification.

Special Exception Conditions (City Code Section 17-422)

The property owner / applicant believes all six conditions required to grant a special exception are fulfilled for this application. Those being:

1. That the establishment, maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals, or general welfare.

The use is a pre-existing use and has continued to act in an orderly operation by special exception for over 20 years. Applicant is not aware of any complaints in these areas, nor have there been any problems with city inspections of the facility.

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use.

The subject property is centered in a large area zoned for industrial uses. The adjoining properties continue to be used as industrial types. Recent review of Tarrant Appraisal District's values shows little to no change in values of subject property and/or adjoining properties over the past 5 years.

3. That the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The area is fully developed in industrial type uses. Similar uses adjoin on the south and a live music / restaurant adjoins the property on the north. The western end of the property adjoins a railroad track with industrial zoned property beyond the tracks. The property owner continues to make improvements to the site to insure a clean and efficient operation is conducted. Over the past 20 years well over \$1 million dollars have been invested in improvements to the site including extension of fire hydrant extension on the property.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

As noted above water line extension has been installed to provide fire protection via fire hydrant. Improvements over the years have provided a fire turnaround inside the yard and continue to be maintained.

5. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Access to Kennedale Parkway is limited to the 1208 property and no direct access to the boulevard is made from the 1206 property. No changes in ingress or egress are planned.

6. That the use shall conform to all applicable area, yard, height, lot coverage, building size, and exterior requirements and parking space regulations of the district in which it is located.

The northern 1206 have been a part of Kennedale for a number of years. The 1208 tract was annexed in the mid-1990's. All improvements have been permitted and it is believed that all area, yard, height, lot coverage, building size and

exterior requirements and parking space regulations are in compliance or was grand fathered at the time of annexation.

The property owner request another 10-year special exception is granted.

Respectively submitted,

A handwritten signature in black ink, appearing to read "Ron Sturgeon", with a long horizontal flourish extending to the right.

Ron Sturgeon

EXHIBIT 1

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, THE TARRANT COMMISSION, in the sale, under a deed of John A. Lee, B.C. CLARK-SURVEY, Abstract No. 218, situated in the County of Tarrant, Texas, and being more particularly described as follows:

BEING 40 acres of land, more or less, which have been surveyed, along the south line of the said section 31, from the southeast corner of the said section 31, to the southeast corner of the said section 31, and the remaining northerly right-of-way line of U.S. Highway No. 287.

THUS, the said section 31 contains 40 acres of land, along the said south line of the said section 31, 1149.20 feet to an acre and for exact:

THUS, the said section 31 contains 40 acres of land, along the said south line of the said section 31, 1149.20 feet to an acre and for exact:

THUS, the said section 31 contains 40 acres of land, along the said south line of the said section 31, 1149.20 feet to an acre and for exact:

THUS, the said section 31 contains 40 acres of land, along the said south line of the said section 31, 1149.20 feet to an acre and for exact:

CHECKED
BY BRENDON
Vol 288-200
PS 2
JUL 17 1986
TARRANT COUNTY CLERK
TARRANT COUNTY, TEXAS

AND, WHEREFORE, SHOW ALL MEN BY THESE PRESENTS:

THAT, THE ROBBINS COMPANIES, acting by and through its duly authorized agent Donald P. Robbins, Jr., do hereby certify that the foregoing plat is a true and correct copy of the original plat on file in the office of the County Clerk of Tarrant County, Texas, and that the same is dedicated to the public's use as the site of the proposed new business park.

WITNESS MY HAND at Fort Worth, Tarrant County, Texas, this the 10th day of July, 1986.

THE ROBBINS COMPANIES
DONALD P. ROBBINS, JR.

STATE OF TEXAS
COUNTY OF TARRANT

WHEREAS, the undersigned authority, as duly and personally appeared Donald P. Robbins, Jr., who being sworn to as to the truth of the foregoing statements, and acknowledged to me as the County Clerk of Tarrant County, Texas, the foregoing statements, and the same are hereby acknowledged.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 10th day of July, 1986.



OWNER AND DEVELOPER:

THE ROBBINS COMPANIES

Donald P. Robbins, Jr.
P.O. Box 178007
Fort Worth, Texas 76117

PROVISIONS CONTAINED IN ANY INSTRUMENT WHICH RESTRICT THE SALE, REVENUE, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR ARE INVALID UNDER FEDERAL LAW AND ARE UNENFORCEABLE.

ANY PROVISION WHICH RESTRICTS THE SALE, REVENUE, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW.

ED: July 10, 1986

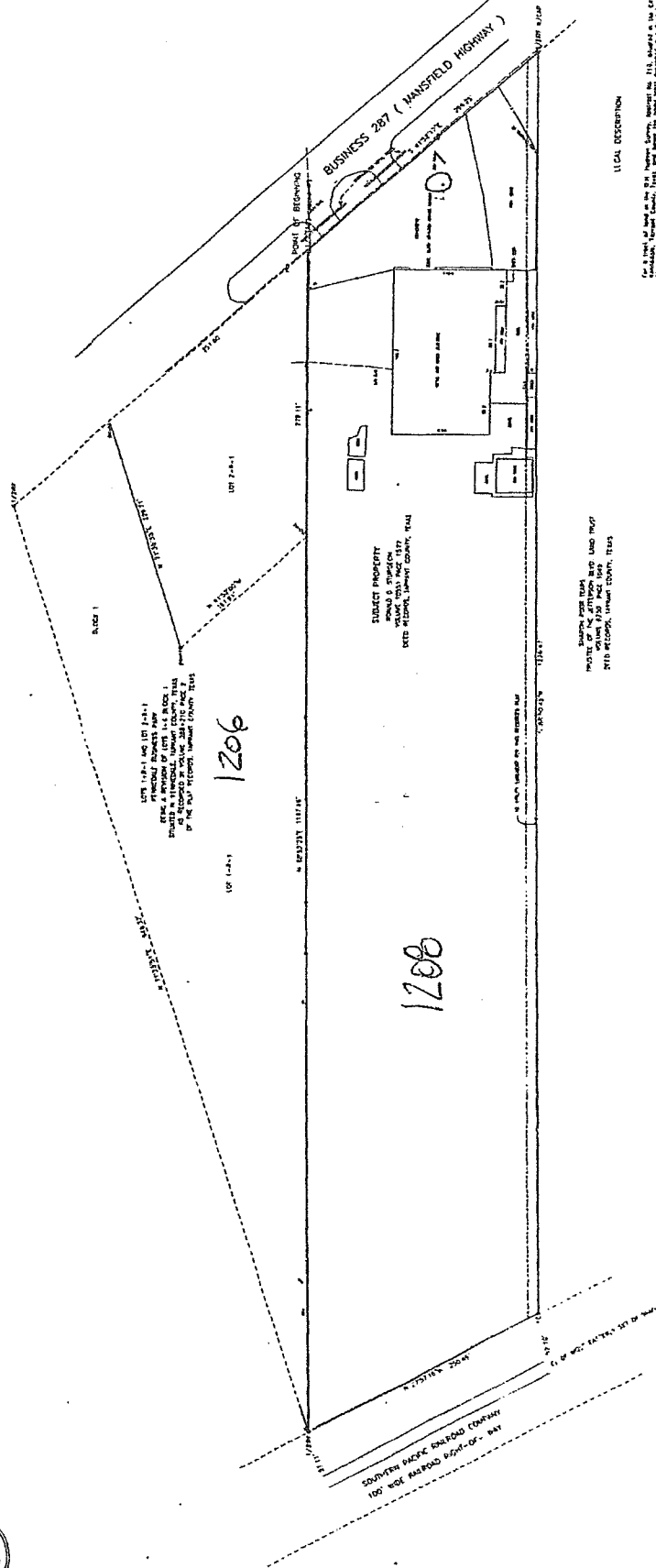
COUNCIL
ALE, TEXAS



City of Kennedale
P.O. Box 200
Kennedale, Texas 76049

EXHIBIT 2

TRACT I



LEGAL DESCRIPTION

For a full and complete description of the land herein surveyed, reference is made to the plat of the same, which is on file in the office of the County Clerk of the County of Hamilton, New York, and to the plat of the same, which is on file in the office of the County Clerk of the County of Hamilton, New York, and to the plat of the same, which is on file in the office of the County Clerk of the County of Hamilton, New York.

ALAN WARD SURVEYING CO.
220 EAST 70TH ST.
NEW YORK, N.Y. 10021
TELEPHONE: 462-1234
FAX: 462-1234



I, ALAN WARD, a duly licensed Professional Engineer, do hereby certify that the foregoing is a true and correct copy of the original survey, and that the same is in accordance with the requirements of the State of New York.

ALAN WARD
Professional Engineer

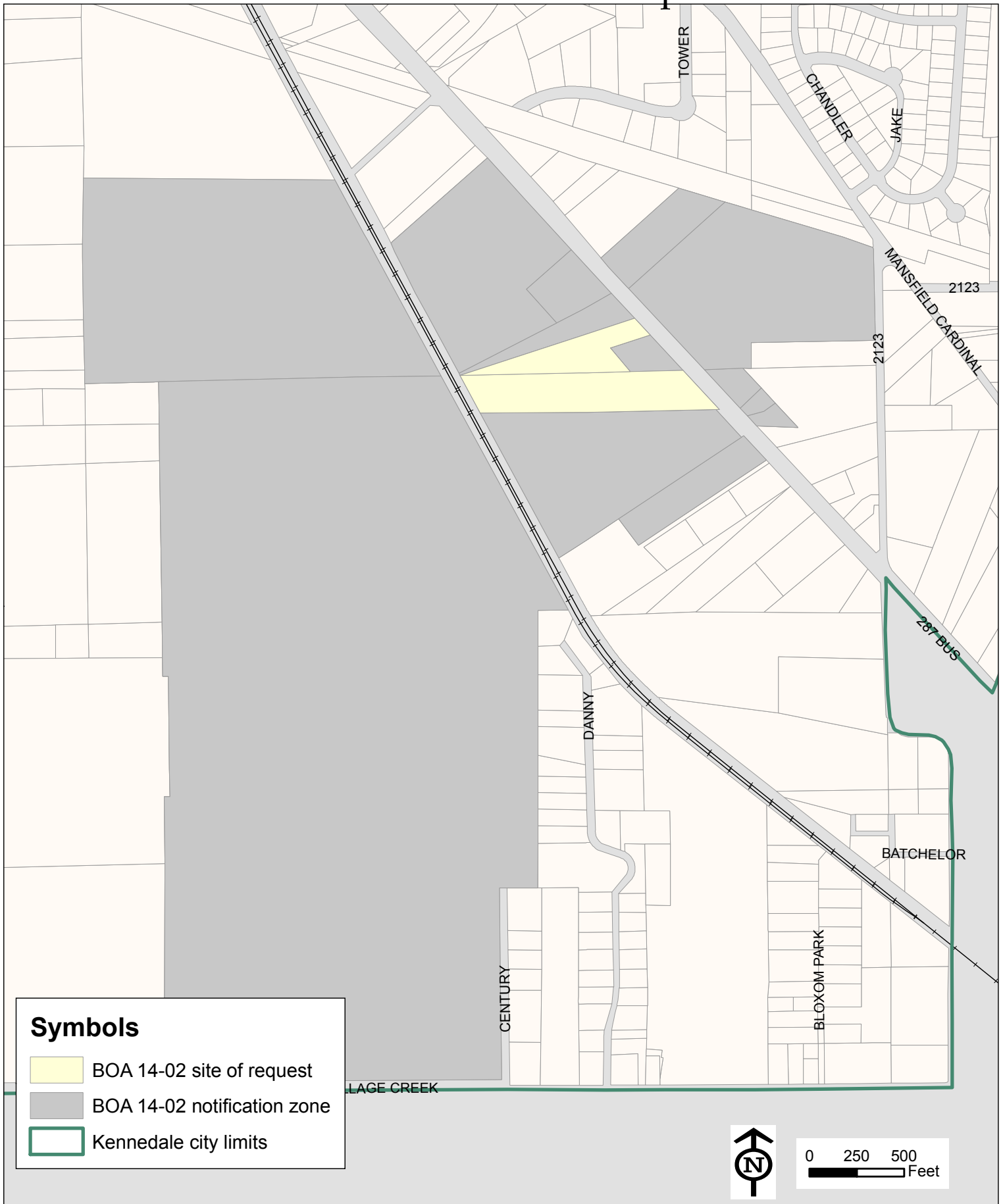
A 5.084 ACRE TRACT OF LAND IN THE W.H. HUDSON SURVEY ABSTRACT No. 716

LOCATED IN THE CITY OF YONKERS, HAMAMT COUNTY, NEW YORK
AND BEING THE SAME TRACT DESCRIBED IN A DEED OF RECORD
AS RECORDED IN VOLUME 1051 PAGE 577
OF THE DEED RECORDS, HAMAMT COUNTY, NEW YORK

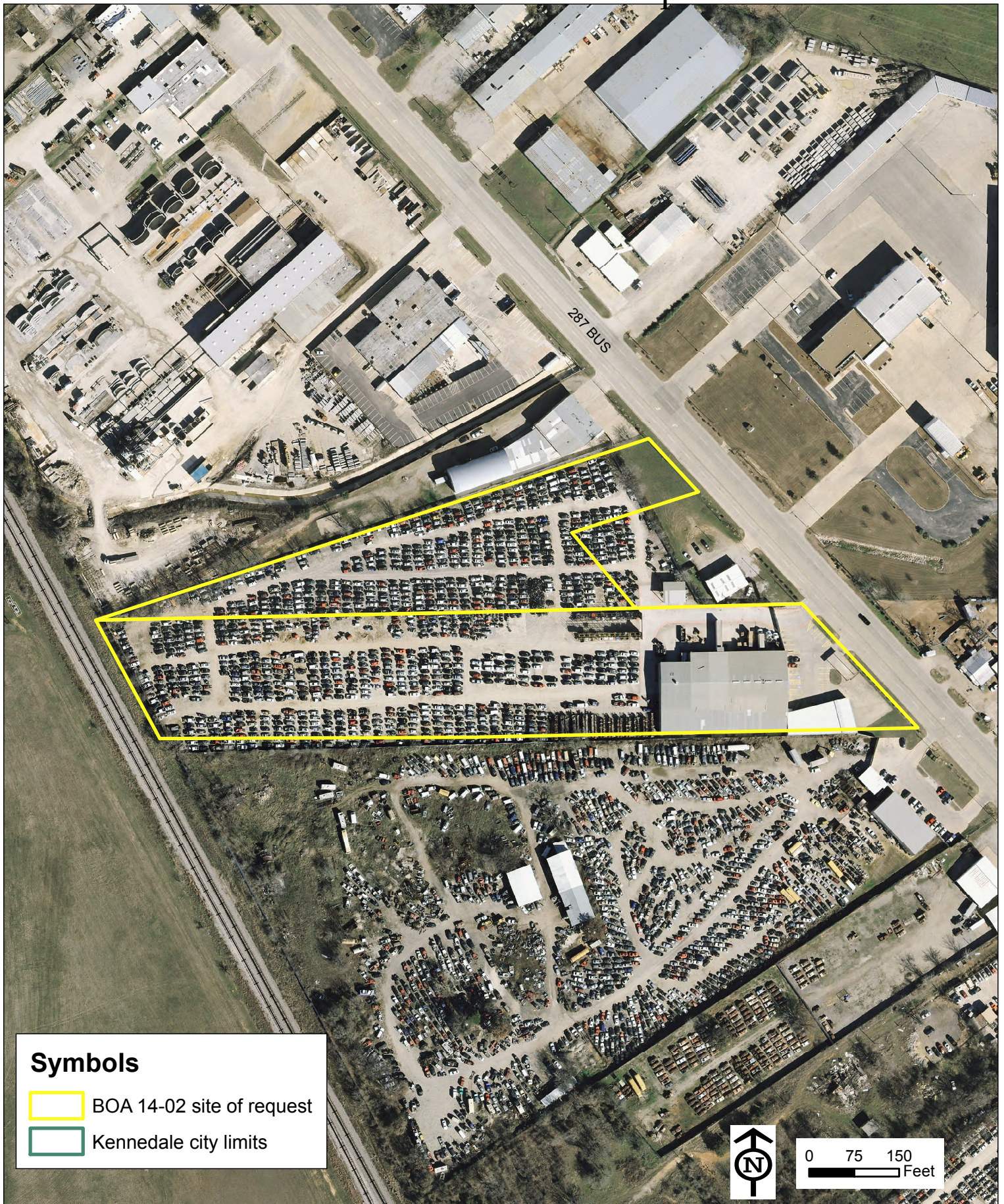
BOUNDARY SURVEY

BEING THE SAME TRACT DESCRIBED IN A DEED OF RECORD
AS RECORDED IN VOLUME 1051 PAGE 577
OF THE DEED RECORDS, HAMAMT COUNTY, NEW YORK

BOA 14-02: site of request



BOA 14-02: site of request





1208 F Kennedie PKW



01/08/2014

1266-1268 E Kemmerle Blvd