



KENNEDALE
Planning and Zoning Commission
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KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
April 17, 2014
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 regulations for a proposed new zoning district
- B. Discuss any item on the regular session agenda
- C. Discuss future items for consideration by the Planning & Zoning Commission, including the Employment Center district and the Bowman Springs Urban Village

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Consider approval of minutes from the March 20, 2014 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 14-03** to receive comments and consider action on a request by Sidney DaSilva, DBA Equity One Group, for the City of Kennedale to vacate 0.1192 acres of public right-of way located adjacent to property at 1453 J R Hawkins Rd, L C Rayburn's Subdivision Remainder Lot 6, Kennedale, Tarrant County, as shown in a deed of record in Vol. 10782 p. 1561, Tarrant County.

1. Staff presentation
2. Applicant presentation
3. Public hearing
4. Applicant response
5. Staff response and summary
6. Action by the Planning & Zoning Commission

B. **Case # PZ 14-04** to receive comments and consider action on a request by Oscar and Wanda Rountree and Patricia Beatty and Johnny Byrd for a zoning change from "C-2" General commercial district to "PD" Planned development district (residential) for approximately 6 acres located at 6559 Hudson Village Creek Rd and 4079 Kennedale New Hope Rd, Joel Snyder Survey A-1448 1B and 1 C, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 and being a tract of land as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County.

1. Staff presentation
2. Applicant presentation
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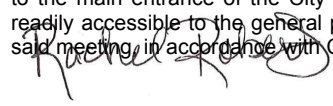
X. REPORTS/ANNOUNCEMENTS

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 April 17, 2014, 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: April 17, 2014

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss regulations for a proposed new zoning district

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Last month, the Commission discussed ideas for regulations for a new zoning district that could be created to implement the comprehensive plan, in particular by allowing development and land uses that fit the description of the Neighborhood Village in the Future Lane Use Plan. Following this staff report is a lengthy draft ordinance for your review.

You will see that the ordinance may need some illustrations and needs some reorganization so that like regulations are grouped together and easy to find. But I can make those changes before the meeting in May if the general content meets your approval.

Also, I am hoping that those of you involved in land use/design professions can assist me with several standards for the ordinance. First of all, are the curb return radii requirements feasible for streets on the interior of developments within a Neighborhood Center district?

Second, you'll see I've added a spacing requirement for non-residential uses proposed next to existing residential uses. In order to provide greater feelings of privacy for existing residential uses, the city could adopt a step-back regulation for commercial uses over a certain height. The Municipal Research and Services Center published an article on this topic, "Protecting Existing Neighborhoods from the Impacts of New Development." The article suggests that 80 feet is a good distance to use as a baseline for protecting privacy. That is, 80 feet is the distance at which one person can recognize another person and see him well enough to perceive his mood and feelings. Therefore, someone looking out an upper story window should have at least 80 feet of separation between the window and a person standing in his back yard next door, below. The MRSC article recommends "striking an 80-foot arc from the center of a yard where activity might occur" and states as an example that "a 37-foot setback would be sufficient for stories above 35 feet if a screen of substantial trees is provided. Without a screen of trees provided, all stories would need to be set back at least 60 feet or more in order to prevent loss of privacy."

What I would like the Commission to provide feedback on is whether adding a standard to the NC code that attempts this kind of regulation is feasible. Would you feel comfortable adding a regulation that upper stories for commercial buildings above a certain height and located next to residential uses are required to be setback 60 feet from the property line? In your experience, as a design/engineering professionals, were your clients balk at such a requirement?

Finally, you'll see that part of the ordinance is an excerpt from our existing Schedule of Uses, with uses to be

permitted in the NC district marked with an “x.” There are no special exception or conditional use permit uses proposed. Would the Commission prefer I add some of the s/e or CUP uses that are allowed in other districts? Also, I’ve highlighted a number of the uses. These uses are already in our Schedule of Uses but are not defined. Most of the uses are self-explanatory and do not necessarily need definitions. But do any of the uses raise concerns for you because there is no definition for them in our zoning code?

After the discussion during the work session, if the Commission is ready to move forward with the ordinance, I'll add it to your regular session agenda for May. Otherwise, I will plan to bring it back to you as another work session agenda item.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:

1.	NC zoning ordinance (1st draft)	NC district ordinance (draft).docx
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ORDINANCE NO _____

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 17 OF THE KENNEDALE CITY CODE (1991), AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING SECTION 17-[NUMBER] [TITLE], SECTION 17-[NUMBER] [TITLE], AND SECTION 17-[NUMBER] [TITLE], BY [PROPOSED CHANGE, E.G., ADDING A USE TO THE SCHEDULE OF USES]; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, in order to promote the public health, safety and general welfare the City Council desires to adopt the proposed amendment to its city code in order to [PROPOSED CHANGE]; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on [DATE], and the City Council of the City of Kennedale, Texas held a public hearing on [DATE], with respect to the amendments described herein; and

Whereas, the City has complied with all requirements of Chapter 211 of the Local Government Code, Section 17-429 of the Zoning Ordinance, and all other laws dealing with notice, publication, and procedural requirements for the approval of amending the Schedule of Uses under Section 17-421 of the Kennedale City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, THAT:

SECTION 1.

The Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended by adding a new zoning district to Section 17-405(a) as follows:

“NC” - Neighborhood Center district

SECTION 2.

The Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended by adding the Neighborhood Center zoning district to Section 17-405 (d), as follows:

DRAFT: subject to change pending review by city attorney and city council

Schedule of Districts (Sec. 17-405)													
	AG	R-1	R-2	R-3	OT	D	MF	MH	NC	C-0	C-1	C-2	I
Lot area (square feet)	1 acre	1/2 acre	15,000	8,750	5,000	8,750	(a)	(b)	(k)	5,000	5,000	5,000	n/a
Min. lot width (feet) ^(d)	80	100	100	80	50	70	75	50/lot	(k)	50	50	50	n/a
Min. lot depth (feet)	125	125	125	100	80	125	125	100/lot	(k)	100	100	100	n/a
Front yard setback (feet)	50	50	40	30	20	30	30	10/lot	(k)	25	25	25	25
Rear yard setback (feet) ^(e)	50	35	35	25	15	20	20	10/lot	(k)	20	20	20	20
Side yard setback (feet), interior lot	15 (g)	15 (g)	15 (g)	10**	5	8	8	4	(k)	10	10	10	10
Side yard setback (feet), corner lot (street side only)	20	20	20	15	5	15	15	10	(k)	15	15	15	15
Maximum height (stories)	2.5	2.5	2.5	2.5	2.5	2.5	2	1.5	(k)	2	2	3	3
Maximum height (feet)	50	50	40	40	35	35	30	22.5	(k)	30	30	45	45
Maximum lot coverage	50%	50%	50%	50%	70%	50%	50%	50%	(k)	60%	60%	60%	60%
Masonry requirement ^(f)	80%	80%	80%	80%	80%	80%	80%	n/a	(k)	80%	80%	80%	n/a
Main building minimum living area (square feet) ^{(h) (i)} ⁽ⁱ⁾	1,500	1,500	1,500	1,250	1,000	1,000 / unit	(c)	320	(k)	n/a	n/a	n/a	n/a

(k) Lot, area, and setback requirements for the Neighborhood Center district shall be regulated by Section 17 –416A of this code.

SECTION 3.

The Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended by adding Section 17-416A:

Section 17-461-A. "NC" Neighborhood Center district.

- (1) *Purpose and intent.* The neighborhood center is a mixed-use district intended to serve the surrounding neighborhoods and community. It includes a dense mix of residences and businesses and should be accessible by foot and bicycle from the surrounding neighborhoods. The neighborhood center should provide a range of housing options to serve residents of varying housing preferences. The intensity of uses within the district should vary according to the context of the area in which it is located.
- (2) *Mix of uses required.* Each district shall have a mix of uses, with an intensity of uses as described in the table below.

TYPE OF USE	MINIMUM REQUIRED PERCENTAGE OF LAND USE PER USE TYPE	MAXIMUM PERCENTAGE OF PERMITTED LAND USE PER USE TYPE ^{1, 2}
Residential	60	75
Multi-family	No minimum	25
Commercial	25	40
Government & Institutional	No minimum	15
¹ It is not required to have a mix of all use types. For example, if 75% of the site is used for Residential, then the other 25% shall be used for Commercial uses, and Government & Institutional uses would not be permitted. ² Utilities located underground shall not be subject to the maximum land use percentage requirement.		

- (3) *Residential uses.* Residential uses shall not be permitted until building permits have been issued for at least one commercial use within the district. A permit for residential use may be issued simultaneously with a permit for a commercial use.
- (4) *Multi-family uses.* Multi-family uses (including structures, associated parking, and other features or facilities provided for the multi-family use) shall not exceed 25% of the land area within a Neighborhood Center.
- Multi-family uses shall not be permitted until the minimum 25% of commercial uses have been constructed, of which 50% of the structures dedicated for commercial uses shall be occupied before multi-family uses shall be permitted.
 - Multi-family uses shall not be permitted until a site / concept plan has been submitted for the entire district. All owners of property within a

Neighborhood Center district shall agree, in writing, to the site / concept plan, with the agreement binding on future owners and the agreement filed with the Tarrant County clerk.

- (5) *Live/work uses.* The residential and the commercial space of a live/work unit must be occupied by the same tenant, but the tenant of the residence may be the owner of the business or an employee of the business. No portion of the live/work unit may be rented or sold separately. Residential use shall be prohibited on the ground floor. Live/work units shall be designed with the commercial use as the primary use. Residential use is prohibited when the commercial use is not occupied.
- (6) *Gas drilling.* New padsites for gas drilling shall not be permitted within the Neighborhood Center district.
- (7) *Building regulations.* Notwithstanding Section 17-405 of the Kennedale city code, the Neighborhood Center district shall be subject to the following regulations. Where not otherwise controlled by this section, buildings within a Neighborhood Center district shall be regulated by other applicable sections of Kennedale city code.

	Neighborhood Center district
Lot area, minimum (square feet)	2,500
Lot area, maximum (square feet)	12,500
Lot width, minimum (feet)	25
Lot width, maximum (feet)	100
Lot depth, minimum (feet)	100
Lot depth, maximum (feet)	150
Block perimeter, maximum (feet)	2,600
Residential front yard setback, minimum (feet)	5 ¹
Residential front yard setback, maximum (feet)	15 ¹
Non-residential front yard setback, minimum (feet), lots fronting on streets interior to the district	0 ¹
Non-residential front yard setback, minimum (feet), lots fronting on streets exterior to the district	5 ¹
Non-residential front yard setback, maximum (feet)	10 ¹
Rear yard setback (feet)	5 ¹
Side yard setback, minimum (feet), interior lot	5 ¹
Side yard setback, maximum (feet), interior lot	20 ¹
Side yard setback, minimum (feet), corner lot (street side only)	Min. required by Public Works Design Manual ¹
Side yard setback, minimum (feet), corner lot (street side only)	30 ¹

Maximum height (stories) (feet)	2 40
Maximum lot coverage Residential Commercial	 70% 80%
Masonry requirement	80%
Minimum size of main building living area, attached or detached single family residential uses (square feet)	1,100
Minimum size of main building living area per unit, multi-family residential uses (square feet)	700
Glazing requirement for non-residential uses (percent per elevation) Minimum Maximum	 10 60
Glazing requirement for residential uses (percent per elevation) Minimum Maximum	 10 n/a
¹ Additional requirements for setbacks: • A thirty (30) foot minimum side and rear setback is required from adjacent properties with existing residential use not located within the Neighborhood Center. • A twenty-five (25) foot setback from the floodplain is required. • For commercial uses with a front setback less than three feet (3'), the building entrance must be setback three feet (3') or designed to allow visitors to the building to enter and exit without interfering with the movement of pedestrians.	

(8) *Site regulations.* Where not otherwise controlled by this section, site design and subdivision design within a Neighborhood Center district shall be regulated by other applicable sections of Kennedale city code.

- a. *Site plan required.* As part of the building permit application(s), any development within the Neighborhood Center shall require a detailed site plan showing:
 - i. The characteristics of the site, changes in those characteristics as may be proposed by the development;
 - ii. How the development will relate to public services and facilities; and
 - iii. What protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property.
- b. *Information required for site plans.* The site plan shall show at least the following items of information.
 - i. Site/adjacent property information. The land area included within the site; the land area of all abutting sites and zoning classification;

- all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned; and the north arrow, date and scale;
- ii. Building layout. The location of each existing and each proposed structure on the site; the general category of use or uses to be contained therein; the number of stories, gross floor area and the location of entrances and exits to buildings; front, side and rear building setback lines; and elevation views or renderings indicating architectural concepts and building materials proposed;
 - iii. A table showing the type of units by size, number of bedrooms, and number and type of all residential dwellings;
 - iv. Traffic circulation and parking. The location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches, as well as their alignment with existing thoroughfares; location and dimensions of sidewalks and/or other pedestrian facilities and their alignment with existing pedestrian facilities and their connections to existing developments/adjacent properties; bicycle paths (if such paths are intended to be provided); off-street parking areas, fire lanes and loading zones;
 - v. Drainage and utilities. Existing and proposed finished grade of the site, shown to contour intervals not exceeding two (2) feet, proposed handling of on-site surface drainage, location of any floodway or flood-prone area as shown on current FIA mapping; existing and proposed water and sanitary sewer layout; and existing and proposed fire hydrants; and
 - vi. Screening, landscaping and recreational facilities. The location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; proposed landscaping plan; location and size of any proposed recreational facilities such as swimming pools, tennis courts and playgrounds.
- c. *Pedestrian access.* All districts must have a site design to facilitate pedestrian access within the district, as well as access by pedestrians from outside the district.
- i. Parking lots and driveways shall provide pedestrian connections to storefronts.
 - ii. Dedicated walkways through parking lots and sidewalks shall be included in the design of access roadways.
- d. *Frontage requirements.* At least seventy percent (70%) of the primary façade of the primary structure must be built no farther from the right-of-way than the maximum setback line. Façade placement may vary up to 12" behind the primary setback and count toward this requirement. [add illustration]

- e. *Location of off-street parking.* No off-street parking is permitted between the primary structure and the street (all parking must be behind or to the side of the primary structure). Off-street parking areas must be screened (see Parking Screens, below). If side parking is used, no more than forty percent (40%) of the frontage of the lot may be used for off-street parking. **[ADD ILLUSTRATION]**
- f. *Parking screens.* Off-street parking located to the side of a structure shall be screened in accordance with the following standards. Off-street parking located to the rear of the primary structure shall be screened as described below if the space provided for the parking facility covers more than 40% of the lot.
- A combination of masonry and vegetation (maximum 50% of screening materials may be masonry) shall be used for screening.
 - Screening shall be a minimum of three feet (3') and a maximum of four feet (4') in height.
 - If requirements for maintaining a sight triangle do not permit a minimum of three feet (3'), screening must be the maximum height allowed by the sight triangle.
 - When masonry is used for screening, no section of masonry screening shall exceed twenty feet (20') in length.
- g. *Amount of parking required.* For each of the use types listed below, the parking requirement listed is the minimum amount required.

Use Type	Minimum Number of Spaces Required
Non-residential -- retail, restaurant, or medical or dental office	1 per 250 square feet of building area
Non-residential -- non-medical office	1 per 300 square feet of building area
Residential	
Single family (attached or detached)	1.5 per unit
Multi family	1.25 per unit
Live/work	1.25 per unit of residential <i>and</i> 1 per 250 square feet of commercial building area

- h. *Shared parking.* Shared parking is permitted if a shared parking agreement has been signed and notarized by all users/parties who intend to share parking. The shared parking plan will be subject to review and approval of the Zoning Administrator, and the parking agreement must be

filed with the Tarrant County Clerk. A reduction of up to twenty-five percent (25%) of the required parking may be permitted. Parking may be shared by different uses on a shared or adjacent site, but the parking facility must be located within six hundred (600) feet of the primary structure for each use. In no case shall the total amount of parking provided for all uses sharing parking be less than ten percent (10%) less than would be required if all uses provided the full amount of parking spaces required. The Zoning Administrator is not required to approve a reduction in the required number of parking spaces.

- i. *Compact car parking.* Up to fifteen percent (15%) of the required parking for commercial uses may be designed and sized for compact vehicles. Compact car parking spaces shall be clustered together and shall not be interspersed with standard size parking spaces. Compact car parking spaces shall be at least eight feet (8) in width and sixteen feet (16') in length.
- j. *Handicapped accessible parking.* The number and size of handicapped parking spaces provided shall comply with the Americans with Disabilities Act, the Texas Accessibility Standards, and any other applicable federal, state, or local regulations.
- k. *On-street parking.* On-street parking shall be provided for all commercial uses on streets interior to the district. Parking may be parallel or angled. The requirement for on-street parking may be waived by the Zoning Administrator if requested by the developer in writing. If the on-street parking requirement is waived, then the frontage zone shall be required to be a minimum of six feet (6') in width, and the sidewalk shall be required to be a minimum of six feet (6') feet in width, with an additional two feet (2') provided to provide a pedestrian clear zone between the sidewalk and the front building façade. On-street parking may be counted toward the minimum parking requirement. If on-street parking is shared by more than one use, the number of spaces counted shall be divided equally among the uses sharing the on-street parking spaces.
- l. *Bicycle parking amount.* Bicycle parking shall be provided at a minimum amount of 5% of the number of spaces provided for car parking.
- m. *Design of bicycle parking spaces.* For each required bicycle parking space, a stationary object shall be provided to which a user can secure a bicycle with at least two points of contact with a 6-foot cable and lock. The stationary object shall be either a freestanding bicycle rack or a wall-mounted bracket. Freestanding bicycle racks shall be inverted "U," post and ring, or some other form of bicycle rack providing at least two points of contact. Grid/fence-type racks and wave/ribbon-type bicycle racks are prohibited. Objects for securing bicycles must be dedicated for that

purpose and may not be primarily for any other purpose (e.g., signage, traffic safety).

- n. *Location of bicycle parking.* The bicycle rack shall be located within 60 feet of the main entrance of the building it serves, and may be located between the street curb and the building, subject to the approval of the Development Services Director. Each bicycle parking area shall be separated from motor vehicle parking and maneuvering areas by a barrier, post, or bollard or by at least five (5) feet of open space.

(9) *Other requirements.*

- a. Non-residential uses located within 35' of an adjacent property zoned for single-family residential use shall be subject to the following additional regulations:
 - i. *Hours of operation.* Hours of operation are restricted to between 7 AM and 9 PM Sunday through Thursday and 7 AM and 10 PM Fridays and Saturdays.
 - ii. *Lighting.*
 - 1. Lighting for each property shall be designed for the context of traffic (automobile, bicycle, or pedestrian) on the surface streets abutting the property.
 - 2. All luminaries used primarily for illuminating off-street parking areas, lighted canopies for commercial uses, and similar lighting needs shall have a maximum height of twenty (20) feet.
 - 3. All luminaries used primarily for walkways, trails, security, decorative effects, lighting equipment or storage areas, fountains, art work, building walls, or similar lighting needs shall have a mounting height no higher than fourteen (14) feet.
 - 4. Light trespass shall be minimized; light levels at the property line should not exceed 2 footcandles (fc). Footcandle means the unit of measure expressing the quantity of light received on a surface. One footcandle is the illuminance produced by a candle on a surface one foot square from a distance of one foot.
 - 5. Fixtures for decorative lighting must be selected, located, aimed, and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way.
 - 6. The operation of searchlights for advertising purposes is prohibited.
 - iii. *Outdoor events or activities.* No outdoor events or activities shall be permitted that create a noise level discernable at the property line between a commercial and residential use.
 - iv. Drive-thru facilities are prohibited.
- b. No use shall exceed 10,000 square feet of floor area.

- c. *Outside storage prohibited.* Outside storage is prohibited for all non-residential and live/work uses.
- d. *Blank walls prohibited.* Blank walls longer than sixty (60) feet are prohibited. For purposes of this section, “blank wall” means any building wall that is a portion of a building wall or façade without a window or door or similar architectural feature and is over four feet in height from ground level and longer than 60 feet, as measured horizontally, without having a window, door, building modulation, or other similar architectural feature meant to lessen the apparent bulk or massing of a structure.
- e. *Building entries.* Every primary structure shall have its primary entrance oriented to the front of the lot on which it is located. Additional entry points may be provided on side or rear facades, but primary entries shall be oriented to the front of the lot.
- f. *Visible Transmittance.* Glazing on ground-floor facades shall have a visible transmittance of 0.6 or higher. Glazing cannot be mirrored or darkly tinted glass that obscures visibility. For this section, “visible transmittance (‘vt’)” means the amount of light transmitted through a window. VT is expressed as a number between 0 and 1; the closer the number is to 1, the higher the potential for daylighting.
- g. *Minimum height of glazing.* Ground floor glazing shall have a maximum sill height of four (4) feet.
- h. *Curb return radii.* Curb return radii at intersections connecting to streets exterior to the district shall adhere to the regulations in the Public Works Design Manual. Curb return radii at intersections interior to the district shall be a minimum of ten feet (10’) and a maximum of fifteen feet (15’) to the face of curb.
- i. *Pedestrian crossings.* Notwithstanding the requirements of Kennedale city code and the Public Works Design Manual, where pedestrian crossing are provided at street intersections interior to the district, the pedestrian crossing distance shall not exceed forty feet (40’). Pedestrian refuges and bulb outs may be used to reduce the pedestrian crossing distance for streets wider than forty feet.
- j. *Channelized right turns.* Channelized right turns are prohibited at intersections interior to the district and at intersections with existing neighborhoods. Channelized right turns are permitted for egress at intersections that connect to streets exterior to the district.
 - i. When channelized rights turns are used, vehicles turning right shall be required to come to a complete stop before turning, and a stop sign must be installed.

- ii. The island used to form the channelized right-turn lane shall be designed to meet requirements of the Americans with Disabilities Act and shall provide curb-ramps or cut-throughs to allow access for disabled pedestrians.
 - iii. Rumble strips shall be placed in the right turn lane to assist visually impaired pedestrians.
 - iv. The angle at which the right-turn lane intersects the cross street shall not exceed 120 degrees.
 - v. The island provided to create the channel shall have a 2:1 length-to-width ratio.
- k. *Sidewalk width.* Sidewalks shall be a minimum of five feet (5') and a maximum of eight feet (8') in width.
- l. *Frontage zones.* A minimum three feet (3') of frontage zone shall be provided. The *frontage zone* is the area between the edge of the raised curb and outside edge of the sidewalk. For residential uses, the frontage zone shall be landscaped. For commercial uses, the frontage zone may be landscaped or may have paving materials (such as concrete, bricks, or pavers) and tree wells with tree grates.
- m. *Screening for trash collection/storage areas.*
- i. Garbage, refuse and trash collection/storage areas shall be screened by a masonry enclosure on three (3) sides. Screening walls shall be a minimum of one (1) foot in height above the materials being stored, and screening walls and fences shall not be greater than eight (8) feet in height. Materials being stored shall not be stored higher than one (1) foot below the screening provided.
 - ii. The fourth side shall be screened by a gate. The gate shall be made of wrought iron or architectural metal.
- n. *Landscaping plants.* Plant materials used for landscaping shall be native or adaptive and suitable for use in North Texas.
- o. *Street trees.* Street trees shall be spaced between fifteen (15) and thirty (30) feet on-center, depending on the species. The minimum vertical clearance for tree branches shall be eight feet (8') above the sidewalk and at least thirteen feet (13') from the top of the curb. If necessary to preserve safe or convenient passage for pedestrians along sidewalks, street trees may be planted in curb extensions between on-street parking bays.

SECTION 4.

The Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended by adding the following definitions to Section 17-431 *Definitions*.

Live/work *means* a use that is provides space for office/retail use on the ground floor and provides residences on the upper floor(s) in the same structure, or to the

side or in back of the office/retail component, provided that there is internal access between the residential and commercial space. The same tenant occupies both the commercial and residential space in a live/work structure. Live/work units are designed for multiple uses and should be designed to include adequate soundproofing and safety measures between residential and non-residential uses. The primary use of a live/work unit is commercial, and live/work units shall not be designed or built with the residential use as the primary use.

[add definition for any other use not defined in city code already]

SECTION 5.

The Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended by adding the “NC” Neighborhood Center zoning district and permitted uses in that district and by adding “Live/work” as a use to the Schedule of Uses in Section 17-421 of the Kennedale city code.

	NC
<i>Residential Uses</i>	
Single-family dwelling	x
Apartment or multi-family building	x
Townhouse	x
Condominium	x
Live/work	x
Child day care home	
Group home	
Group day care home	
Halfway house	
Guest house/servant quarters	x
Accessory building	x
Basketball court (private)	x
Tennis court (private)	x
Swimming pool (private)	x
Home occupation	x
<i>Agriculture/Ranch Uses</i>	
Farm or ranch	
Farmer's market	
Grainery or gin	
Orchard	
Produce stand	x
Rodeo ground, arena (public)	
Stable, private	
Stable, public	
<i>Utility/Solid Waste Uses</i>	
Cable TV lines	X
Electric substations	
Gas regulations/gate station	

Gathering station	
Microwave tower	
Radio & television tower	
Railroad freight terminal	
Railroad yard	
Recycling collection facility	
Refuse transfer station	
Sewer lift station	X
Telephone exchange	X
Utility poles and lines	X
Utility mains and lines	X
Wastewater treatment plant	
Water pump station	X
Water storage tank	X
Water treatment plant	
Water well	S
<i>Government & Institutional Uses</i>	
Athletic field or stadium	
Auditorium or amphitheater	
Basketball courts (public)	
Baseball/softball (public)	
Cemetery or mausoleum	
Church or rectory	X
College or university	
Community center	X
Convalescent center	X
Fire station	X
Government office	X
Hospital	
Library	X
Museum or art gallery	X
Park or playground	X
Police station	X
Post office	X
Prison or penitentiary	
Sanitarium	
School (nursery or kindergarten)	X
School (trade or business)	
School (elementary or middle)	X
School (high school)	X
Soccer fields (public)	
Swimming pool (public)	X
Tennis court (public)	X
<i>Commercial Uses</i>	
Amusement park (outside)	
Animal shelter	
Antique shop	X
Apparel or clothing store	
Appliance repair shop	
Appliance store (retail)	

DRAFT: subject to change pending review by city attorney and city council

Arcade	
Art supply store	X
Athletic or fitness club	X
Auction	
Audio store (retail)	X
Auto inspection station	
Auto paint & body shop	
Auto parts store	
Auto rental	
Auto repair garage	
Auto sales lot	
Bakery (retail)	X
Bank or financial institution	X
Bed & breakfast accommodations	
Barber or beauty shop	X
Bicycle sales and repair	X
Boat sales	
Boat storage	
Book store	X
Bowling alley	
Building materials/lumber yard	
Bus terminal	
Business office	X
Cabinet shop	
Camera store (retail)	X
Car wash	
Carnival or circus	
Carpet store (retail)	
Cemetery monument sales	
Child care center or facility	X
Christmas tree sales	
Computer store (retail/service)	X
Contractor yard (outside storage)	
Convenience store	X
Dental clinic or office	
Department store	
Electrical sales & service	
Electronics store (retail)	X
Employment agency	
Farm implement sales	
Feed store	
Feed store with animal sales	
Firewood sales	
Florist shop	X
Flea market (inside)	
Flea market (outside)	
Fraternity/sorority lodge	
Furrier	
Furniture store (retail)	
Game hall	
Gift or novelty shop	
Golf course	

DRAFT: subject to change pending review by city attorney and city council

Golf course, miniature	
Golf driving range	
Grocery store	X
Gun shooting range (indoor)	
Gunsmith shop	
Hardware store	X
Heating/AC sales & service	
Heavy equipment sales	
Hobby shop	X
Hotel or motel	
Impounded vehicle storage facility	
Insurance sales office	X
Jewelry store	X
Kennel	
Laboratory, medical or dental	
Large retail facility	
Laundry or dry cleaners	X
Lawnmower sales & service	
Leather goods shop (retail)	X
Lithographic shop	
Locksmith shop	
Meat, poultry & fish market	X
Medical clinic or office	X
Mini-warehouse	
Manufactured home sales lot	
Massage establishment	
Mortuary or funeral home	
Motorcycle sales	
Movie theater (drive-in)	
Movie theater (indoor)	
Musical instrument store	X
Newspaper office	
Newsstand	
Nightclub or dance hall	
Office supply store	X
Optical clinic or office	X
Optical dispensary store	X
Paint sales store (retail)	X
Paintball sports, survival games	
Parking lot (commercial, for fee)	
Pawnshop	
Pet grooming shop	
Pet shop	X
Pharmacy or drug store	X
Photography studio	
Picture framing shop	X
Plant nursery	
Plumbing sales and service	
Pool or billiard hall	
Print shop	
Private club (serving alcohol)	
Professional offices	X

Racquetball court	
Real estate or leasing office	X
Recording studio	
Recreational vehicle sales	
Recreational vehicle storage	
Rental store	
Restaurant or cafe (Inside)	X
Restaurant (drive-in)	
Restaurant (kiosk)	X
Secondhand store	
Service station	
Sexually oriented business	
Shoe or boot store	X
Sign shop	
Skating rink	
Snow cone stand	
Sporting goods store	X
Tack store	
Tailor or seamstress shop	X
Tanning salon	
Tattoo shop	
Taxidermist	
Tire sales, repair, & installation	
Title & abstract office	X
Tool & equipment rental	
Trailer sales & rental	
Travel agency	x
Truck rental	
Truck repair	
Truck sales	
Truck wash	
Upholstery shop	
Vehicle storage facility	
Vehicular racing facility	
Veterinary clinic	X
Veterinary hospital	
Video store	
Washateria (self-service)	

Notes to schedule of uses:

(5) Convenience stores with gas sales or auto repair are prohibited.

SECTION x.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION x.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clause, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause, or phrase.

SECTION x.

Any person, firm, or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION x.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION x.

The City Secretary of the City of Kennedale is hereby directed to publish in the official newspaper of the City of Kennedale the caption, penalty clause, publication clause and effective date clause of this ordinance as provided by Section 3.10 of the Charter of the City of Kennedale.

SECTION x.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS DAY OF [DATE].

MAYOR

ATTEST:

CITY SECRETARY

DRAFT: subject to change pending review by city attorney and city council

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY



Date: April 17, 2014

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss any item on the regular session agenda

II. Originated by:

III. Summary:

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: April 17, 2014

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss future items for consideration by the Planning & Zoning Commission, including the Employment Center district and the Bowman Springs Urban Village

II. Originated by:

III. Summary:

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: April 17, 2014

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from the March 20, 2014 regular meeting

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The minutes from the March 20, 2014 meeting are attached to this page 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.	03.20.2014 PZ Minutes	3.20.2014 PZ Minutes.doc
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KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
March 20, 2014
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chairman Harvey called the work session to order at 6:06 P.M.

II. ROLL CALL

Ms. Roberts called roll.

Members present: Ernest Harvey (chair), Tom Pirtle (vice-chair), Stephen Brim, Katie McFadden, Carolyn Williamson (alternate)

Members absent: Don Rawe, Mike Walker

A quorum was present. Ms. Williamson was asked to serve as a regular member for the meeting.

Staff present: Rachel Roberts (planning director)

III. WORK SESSION

A. Discuss any item on the Regular Session agenda

Ms. McFadden asked whether the super majority provision would apply to Case PZ 13-09, and Ms. Roberts said that it would not. Ms. McFadden asked if it could be explained to the public that a simple majority was all that was needed, and Mr. Harvey said he would do so.

Mr. Harvey said he wasn't sure he could vote on the plats with so many conditions that needed to be applied to them. Ms. Roberts said part of the problem is the process of how plats are approved and that she was going to be looking at how other cities handle plats to see if there was a way to get more time to review plats before they go to the Commission.

The Commission briefly discussed Case 14-03. Ms. Roberts said staff were comfortable with giving up 25 feet and with payment of the fair market value assessed by staff.

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

Ms. Roberts said she had forgotten to include the staff report for this item in the packets and gave a copy of the report to the commissioners. Mr. Harvey said he liked where the code was heading. He asked Mr. Pirtle about the typical footprint for a CVS store, and Mr. Pirtle said it was generally what was available, but often was 12,000-15,000 square feet. Mr. Harvey said he thought 7,500-10,000 square feet is a better size for a neighborhood village.

Commission members said having a minimum percentage commercial and residential is good, but the percentage of commercial may be too high. The Commission preferred a minimum of 60% residential, maximum of 40% commercial.

Ms. McFadden asked for clarification on what was considered live/work, and Ms. Roberts and Mr. Harvey said it was based on the primary use of the structure. For a home occupation, the primary use of the structure is residential, whereas in live/work, the primary use of the structure is a business.

The commissioners discussed the proposed front setbacks and whether a 10-foot setback might be better, or if a 0 foot setback would work if the right-of-way and sidewalks were wide enough. Mr. Pirtle asked if there would be enough room for doors swinging open, and Ms. Roberts said she would rephrase that portion of the standards so that the requirement for a clear space is clearer.

Ms. McFadden asked if there would be lighting standards added per use. Ms. Roberts said they could add a requirement if there was a concern about a particular use. Ms. McFadden indicated there should be a requirement about outdoor lighting for athletic facilities or tennis courts. Mr. Harvey asked if some of these concerns could be addressed in more general terms instead of per use, and Ms. Roberts said they could. She said they could also add a spacing requirement for commercial uses next to existing residential uses.

Ms. Roberts said she would bring a draft ordinance to the Commission's next work session.

The work session closed at 7:00 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Chairman Harvey called the regular session to order at 7:00 P.M.

VI. ROLL CALL

Ms. Roberts called roll.

Members present: Ernest Harvey (chair), Tom Pirtle (vice-chair), Stephen Brim, Katie McFadden, Carolyn Williamson (alternate)

Members absent: Don Rawe, Mike Walker

A quorum was present.

Ms. Williamson was asked to serve as a regular member for the meeting.

Staff present: Rachel Roberts (planning director); James Cowey (director of development services); Sandra Johnson (permits clerk). Mr. Cowey and Ms. Johnson left before the close of the regular session.

VII. MINUTES APPROVAL

A. Review and consider for approval minutes from the February 20, 2014 Planning & Zoning Commission Regular Meeting

Mr. Brim motioned to approve the minutes with a correction to the word "drafting" in the first paragraph under agenda item B. The motion was seconded by Ms. Williamson and passed with all in favor except Mr. Harvey, who abstained from voting.

VIII. VISITOR/CITIZENS FORUM

Council member Frank Fernandez addressed the Commission about the veteran's memorial in TownCenter Plaza. He encouraged Commission members and the public to purchase plaques for the memorial.

IX. REGULAR ITEMS

A. CASE # PZ 13-09 to receive comments and consider action on a request by Adlai Pennington for a replat of Hilltop Addn Blk 1 Lots 1-15, approximately 6.3 acres located at 260 Hilltop (access on 3rd St), legal description of Hilltop Addition Block 1 Lots 1-15, Kennedale, Tarrant County, to create Hilltop Addn Blk 1 Lots 1-29. A variance to section 17-303(8) Cul-de-sac length of the Kennedale city code is requested for this replat.

1. Staff Presentation

Ms. Roberts gave an overview of the case. She recommended approval on the condition that changes be made to the plat and engineering drawings as described in the staff report. Mr. Harvey said he was not comfortable with the amount of time for the changes to be made. Ms. Roberts said staff was comfortable with the recommendation, but the Commission members have to be comfortable with their decision.

Mr. Brim said drainage had been a big concern when the Commission had talked about this development before. Ms. Roberts said it still is, and staff is waiting to see the revised drainage plans. She said they are expecting to see the revisions any day now.

2. Applicant Presentation

Adlai Pennington, 1375 Gilman Road, addressed the Commission. He said he had the notes from the city, and that he had agreed in an email to the city that he would stipulate that all of those changes will be done. Some of those changes are just to add some notes on a drawing. The preliminary drainage and the hydrology document had been submitted to the city, and the comments that came back from the engineer said to take another look at it. The details all were there in the full set of drawings submitted. Mr. Pennington said he was prepared to ask for a continuance, but pointed out that that he had submitted a full set of engineering plans. He added that the traffic consultant has already done the study and issued a preliminary report.

Mr. Harvey asked about the comments dealing with storm water and drainage, and said that history has served him well that if you don't call those things out, implementation goes forward, and developers say "this is what the city approved," so that's why he gets concerned in these sort of things.

Ms. Roberts clarified that the city did get a full set of engineering plans from Mr. Pennington, and when she had said staff were still waiting on drainage, she meant that they were waiting on revised drainage plans.

Mr. Pennington said his understanding of the comments from the city's engineers were that the city's engineers were waiting on his engineer to verify the drainage calculations, which his engineer has done.

Mr. Harvey said that goes along with his idea that they need more time and that he didn't have confidence that the changes could be made within the next two weeks.

3. Public Hearing

Lana Sather, 421 Corry A Edwards Dr., addressed the Commission against the replat. She said city commissioners should represent the city, and none of the Commissioners live on her side of the city and they're not there in the morning to see the traffic. She said the roads are in poor shape in this side of town, and she can't see that they can support that many more households in the area without great hardship.

4. Applicant Response

Mr. Pennington said he thought it would be in the best interest of the project and the Commission to ask for a continuance until the next meeting so that the drainage and other issues are signed off on by the city. Mr. Harvey said they would accept the continuance request and thanked Mr. Pennington.

5. Staff Response and Summary

No staff response was needed.

6. Action by the Planning & Zoning Commission

No vote was taken by the Commission on this item, due to the request that the case be continued until the next meeting.

Ms. Roberts said the next meeting would be on April 17th.

B. Case # PZ 14-01 to receive comments and consider action on a request by Bill Bowerman for a zoning change from "R-3" Single family residential district to "AG" Agricultural district for approximately 3.72 acres at 1437 Swiney Hiatt Rd, legal description of C. C. Swiney Subdivision, being a portion of Lots 8, being all of a tract of land described in deed to Charles Blish, recorded in Vol. 8794 p. 2303, D.R.T.C, Kennedale, Tarrant County.

Ms. Roberts said the applicant had asked for a continuance on the rezoning request and that the case would be heard on April 17th. Mr. Harvey asked if new notices would be sent out, and Ms. Roberts said they would.

C. CASE # PZ 14-02 to consider action on a request by Terry Jobe for a Final Plat for approximately 20.5 acres out of an approximately 45 acre parcel located at 925 Mansfield Cardinal Rd, legal description of J M Lilly Survey A 980 Tr 2 and A 985 Tr 3, Kennedale, Tarrant County, to create The Vineyard Phase I Blk 1 Lots 1-12, Blk 2 Lots 1-6, Blk 3 Lots 18-21, Blk 4 Lots 1-23, Blk 5 Lots 1, 7-12, Blk 6 Lots 1-7, Blk 7 Lots 1, 12.

Ms. Roberts presented the case. She said staff recommended approval on the condition that changes be made before goes to Council, and that the case would otherwise be denied if the changes were not made and approved by staff in time. She said the city had received the revised engineering documents the day before but hadn't had time yet to review them.

The applicant, Terry Jobe of Alluvium Development, 3526 Routh St, Dallas, Texas gave a brief presentation. Mr. Harvey asked about the load balancing and capture between the ponds. Mr. Jobe said he'd brought his engineer, Dayton Macatee, 3519 Miles St, Dallas to address those questions. Mr. Macatee said his firm had done an in-depth drainage study for the entire drainage basin that includes all the property up to the north end of the Vineyard property. He distributed summaries of the study to the Commission. Mr. Macatee said their final design matches up with the hydrologic study.

Mr. Harvey asked if they would be able to minimize the erosion on the property owned by Roy Boenig to the north, and Mr. Macatee said yes, their discharges are below erosive velocities.

Mr. Harvey then asked about phasing of the development. Mr. Macatee said they will be building the streets and utilities in phases, but all the grading and all the detention structures, as well as Phase I drainage, will be built as part of Phase I. Mr. Harvey asked about the water on the east side of the Vineyard, and Mr. Macatee said that two of the neighbors want the water to go to them.

Mr. Brim asked if there would be low-flow channels in all the ponds. Mr. Macatee said no, they're going to be wet ponds.

Ms. Roberts showed revised copies of the engineering plans to the Commission members. The Commission and Mr. Macatee discussed the revised plans.

Ms. Roberts said staff recommended approval on the condition that the city approve the revised plans before the plat goes to Council, and otherwise to deny the plat if staff doesn't approve the revised plans.

The Commission briefly reviewed the revised plans. Mr. Harvey asked Mr. Macatee if the home owners' association would be tasked with maintaining the ponds, and Mr. Macatee said yes, it's not for the city to maintain.

Mr. Pirtle made a motion to approve the plat based on the condition that city staff and the engineering consultants have completed all their checks and approvals on the revised plans before the plat is presented to City Council. Ms. McFadden seconded the motion. The motion passed with all in favor except Mr. Harvey, who abstained.

D. Case PZ 14-03 to receive comments and consider action on a request by Sidney DaSilva, DBA Equity One Group, for the City of Kennedale to vacate 0.1192 acres of public right-of way located adjacent to property at 1453 J R Hawkins Rd, L C Rayburn's Subdivision Remainder Lot 6, Kennedale, Tarrant County, as shown in a deed of record in Vol. 10782 p. 1561, Tarrant County.

1. Staff presentation

Ms. Roberts gave the staff presentation. She said the City of Arlington owns the right-of-way, but it's in City of Kennedale city limits. She said the City of Arlington does not object to the requested abandonment, but the designs for Arlington's future improvements to Joplin haven't been done yet, and Kennedale staff are reluctant to abandon all of the requested right-of-way before it can be determined the right-of-way will not be needed. She recommended abandoning a portion of the requested right-of-way, with fair market value to be paid in the amount of 64 cents a square foot.

2. Applicant presentation

Sidney DaSilva, 6500 Greenspring Drive, Arlington, addressed the Commission. He said the right-of-way was dedicated as part of a 1939 road project that was never completed. He and his surveyor have met with the City of Arlington engineers, and the old project calls for a 50 foot wide road, and Arlington is calling for a 70 feet wide road; his surveyor has already included that width in the exhibit. He said he bought .55 of an acre and has been paying taxes on it. He does not intend to pay for it again. As far as he understands, the public should have some recompense, and you can see from the 1939 document that it was paid \$1.00, so that's what he is willing to pay.

Mr. Harvey asked for clarification on whether Mr. DaSilva would want the full amount of right-of-way or the portion of the right-of-way. Mr. DaSilva said he didn't think he would be able to determine that tonight, that first it should be determined what Arlington requires.

3. Public hearing

No one registered to speak.

4. Applicant response

Mr. Harvey asked Mr. DaSilva if he wanted to add anything to his previous statements. Mr. DaSilva said he would ask the Commission to consider letting him repurchase the right-of-way at \$1, since he's already paid taxes on it.

5. Staff response and summary

Ms. Roberts said she still thought that Mr. DaSilva should pay the fair market value of 64 cents per square foot.

6. Action by the Planning & Zoning Commission

Mr. Pirtle said there were several issues with the case—the cost to be paid for the abandoned right-of-way and the City of Arlington's plans for the roadway.

Mr. Harvey said he would like to hear from the city attorney about what would happen if Arlington wanted the right-of-way back later. He said staff should also get clarification from Arlington on what they believe they need, and that city staff and the city manager need to see the road plans and feel comfortable on whether Arlington really doesn't need the right-of-way, and to make sure the city is correct on what it is willing to abandon. He said he would also like to have a letter or an official email saying the Arlington is comfortable with Kennedale abandoning the right-of-way. The Commission also wanted staff to verify the calculation for the fair market value.

Mr. Harvey explained the Commission's options to the applicant, that the can approve, approve with conditions, deny, or table the case.

Mr. Pirtle motion to postpone the case in order to allow staff to gather more information as discussed earlier. Ms. McFadden seconded the motion. Mr. Harvey asked Ms. Roberts to repeat the list of items to be addressed, and Ms. Roberts read through the list. The motion passed with all in favor except Mr. Harvey, who abstained.

X. REPORTS/ANNOUNCEMENTS

Mr. Harvey thanked everyone for participating in the meeting.

Ms. Roberts said Art in the Park would be held April 4-6, and the next bird identification workshop would be on April 12th.

McFadden said that Adrienne Kay has been sending out emails about volunteering for Art in the Park, so be sure to respond. She also said that a fundraiser for Bark in the Park would be held in the community center from 9 AM to 4 PM tomorrow.

Mr. Brim said the proposed adopt-a-spot program is under review by the Council.

XI. ADJOURNMENT

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

Ernest Harvey, Chair

Date

ATTEST:

Rachel Roberts, Secretary

Date



Date: April 17, 2014

Agenda Item No: REGULAR ITEMS - D

I. Subject:

Case PZ 14-03 to receive comments and consider action on a request by Sidney DaSilva, DBA Equity One Group, for the City of Kennedale to vacate 0.1192 acres of public right-of way located adjacent to property at 1453 J R Hawkins Rd, L C Rayburn's Subdivision Remainder Lot 6, Kennedale, Tarrant County, as shown in a deed of record in Vol. 10782 p. 1561, Tarrant County.

- (1) Staff Presentation
- (2) Applicant Presentation
- (3) Public Hearing
- (4) Applicant Response
- (5) Staff Response and Summary
- (6) Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: vacate (abandon) public right-of-way

Location: adjacent to 1453 J R Hawkins (Joplin Rd at J R Hawkins Rd)

Applicant: Sidney DaSilva (owner of adjacent property)

Background.

The Commission originally considered this case during its March 17th meeting. At the meeting, the Commission asked staff to research several factors of the case, as follows.

- 1) Is Arlington sure it will not need any of the right-of-way requested to be abandoned? The Commission asked staff to review Arlington's roadway plans to see if it could be determined that the r-o-w would definitely not be needed.
- 2) Is Arlington's position on the abandonment an official position? The Commission asked staff to get a statement on letterhead or an email from a person of authority stating that the City of Arlington would like Kennedale to process the r-o-w abandonment request.
- 3) What would happen if the r-o-w is abandoned, and Arlington determines later that the r-o-w is needed after all? The Commission asked staff to check with the city attorney.

In addition, the Commission asked staff to verify the amount determined to be fair market value.

Staff Review.

- 1) I checked with one of Arlington's engineers familiar with this case. She said that the plans for the roadway had not been drawn up yet, but the road is included in the city's Thoroughfare Development Plan (TDP). The TDP identifies Joplin Road as a Major Collector, which requires a total right-of-way of 70 feet. The engineer pointed out that thoroughfare plans are subject to change over time, but for now, the City of Arlington only requires a 70-foot r-o-w for this road. Road facilities needed for J R Hawkins are not included in the TDP; that road is classified as a local or residential street and requires a 50 to 60-foot r-o-w.

After examining the location of existing pavement, the amount of right-of-way needed for the future road project, and the location and amount of r-o-w requested to be abandoned, staff has changed its recommendation from last month. The recommendation is now to abandon the portion of r-o-w highlighted in yellow in Exhibit B. But staff also believes the property highlighted in green may be needed for the future road project. Unfortunately, that portion of Mr. DaSilva's property is not currently dedicated as right-of-way.

- 2) I have received a letter from the City of Arlington stating that Arlington would like Kennedale to process the abandonment (see attached letter)
- 3) If the City of Arlington later determines that it needs the right-of-way that had been abandoned, Arlington would have to re-acquire the r-o-w. It could not compel Kennedale to do so on its behalf. If it were a Kennedale road project, however, please note that the City of Kennedale would have to acquire the r-o-w.

I also asked our city attorney about fair market value. During the meeting in March, Mr. DaSilva stated that the County had paid \$1 for the r-o-w, and therefore he was willing to pay that amount for the r-o-w to be abandoned. But in fact, it is common for deeds and similar documents to say "in consideration of one dollar" or "in consideration of ten dollars," etc., when actually more money had been paid. Therefore, the r-o-w document saying "in consideration of \$1" is not evidence that only that amount was paid by the County. It is possible that only \$1 was paid, but we have no record to verify it. In addition, the r-o-w document states:

"in consideration of One Dollar in hand paid, ...and for the further consideration of the logical increase in value of all adjacent property which will naturally ensue as the result of [the road's] construction and the great benefit to be derived by the County at large, and by the parties of the second part individually through the reconstruction, as a first class road, of that portion of the County Highway..."

The property owners therefore were considered to have received more compensation than \$1. But whatever the compensation given in 1939, what matters now is that the r-o-w has value, and state law requires the city to be compensated for that r-o-w. Mr. DaSilva may own the underling fee simple title, but the r-o-w is the predominant interest in the property and has the most value. The city has the right to determine what that value is and can require full payment for it. With that said, the city is also authorized to determine that a particular r-o-w is not useful to the public and can therefore sell it for nominal value. Whether to charge fair market value or a nominal value is up to the city.

Staff Recommendation.

Staff recommends abandoning a portion of the requested right-of-way, as shown with yellow highlighting in the attachment labeled "Exhibit B." Instead of charging Mr. DaSilva the fair market value for the r-o-w, we

request that Mr. DaSilva instead dedicate as right-of-way the property highlighted in green on Exhibit B; essentially, instead of charging the fair market value, the city would swap land/r-o-w with Mr. DaSilva. Under this arrangement, the public is still being compensated for the loss of right-of-way. But please note that we cannot compel Mr. DaSilva to dedicate land as right-of-way in this case. If Mr. DaSilva is unwilling to dedicate the property recommended for right-of-way, staff recommends Mr. DaSilva be charged fair market value for the abandoned portion. In either of these approaches (either through a land/r-o-w swap or payment of fair market value), the public is compensated for its loss of public right-of-way.

Commission Review and Consideration.

The city code outlines the Commission's review process. From Section 17-304(4):

The commission will conduct a public hearing allowing the opportunity for interested parties to express their opinions of the proposed closing or vacation. At the close of the public hearing the commission will make a recommendation to the city council as to the advisability of approving the proposed closing or vacation.

APPROVE AS STAFF RECOMMENDED

I recommend the City of Kennedale grant the requested right-of-way abandonment as recommended by staff; I recommend the applicant be required to pay the City of Kennedale the fair market value for the right-of-way in the amount of [*to be determined*]-cents per square foot of right-of-way to be vacated.

APPROVE AS APPLICANT REQUESTED

I recommend the City of Kennedale grant the request to vacate the right-of-way as requested by the applicant; I further recommend the applicant not be required to pay fair market value for the vacated right-of-way.

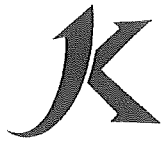
DENY

I recommend the City of Kennedale deny the request to vacate the right-of-way.

Aerial View of Road & Adjacent Properties (PZ 14-03)

Parcel boundary data from the Tarrant Appraisal District
Road data and aerial imagery from North Central Texas Council of Governments





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Application for Vacation or Closure of Street or Right-Of-Way

Applicant Name: SIDNEY R DASILVA, DBA EQUITY ONE GROUP

Applicant Address: 6500 GREENSPRING DR, ARLINGTON, TX 76016

Applicant Phone Number: 682-230-1820

Applicant Email Address (optional): SIDNEYDASILVA@YAHOO.COM

Request:

☒ Vacate right-of-way

☐ Close public street

Subdivision Name: <u>RAYBURN, LC SUBDIVISION</u>	
Affected Block and Lot Numbers: <u>BLOCK LOT 6A</u>	
Length of area proposed to be vacated:	
Width of area proposed to be vacated:	
Area (square feet): <u>3,489 SQ FT</u>	

How did the city originally acquire the r-o-w or easement?

- ☐ Plat Dedication / Donation
☐ City Purchase
☐ Obtained Through Prescription

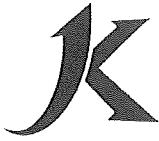
NOTE: THIS R-O-W OR EASEMENT WAS ACQUIRED BY THE COUNTY (TARRANT). SQ

Plat or other recorded instrument must be attached to application.

Existing physical improvements within the right-of-way:

Surface or above grade:

- | | | |
|--|---|--|
| ☒ None | ☐ Telephone | ☐ Curb & gutter |
| ☐ Paving | ☐ Cable | ☐ Structures (describe) |
| ☐ Electric | ☐ Fences / walls | ☐ Other |



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Underground or below grade:

- | | | |
|--------------------------------|------------------------------------|---|
| ☐ None | ☐ Gas | ☐ Storm drainage |
| ☐ Water | ☐ Telephone | ☐ Other (describe) |
| ☐ Sewer | ☐ Electric | ☐ Unknown |

Intended Use of the vacated right-of-way:

TO USE IN ACCORDANCE TO KENNEDALE CITY CODE, ZONING
DISTRICT REGULATION / R-3.

Adjacent property owners:

This petition must include the names, addresses, phone numbers, and signatures of all property owners holding property adjacent to the portion of the street or easement that is proposed to be vacated (list on a separate page if needed).

Property Owner 1:

ARLINGTON LAWN SERVICE, INC

MICHAEL DUGAN

Name (printed)

1441 J.R. HAWKINS RD

Address Kennedale, TX 76060

Legal Description

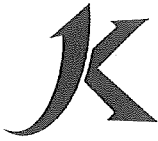
If property owner consents to right-of-way abandonment or street closure, the property owner's signature is required.

Michael Dugan

Signature

1/24/2014

Date



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Property Owner 2:

Sandra Sehermerhorw
Name (printed)

148 S. Joplin
Address

Legal Description

If property owner consents to right-of-way abandonment or street closure, the property owner's signature is required.

[Signature]
Signature

11/23/2014
Date

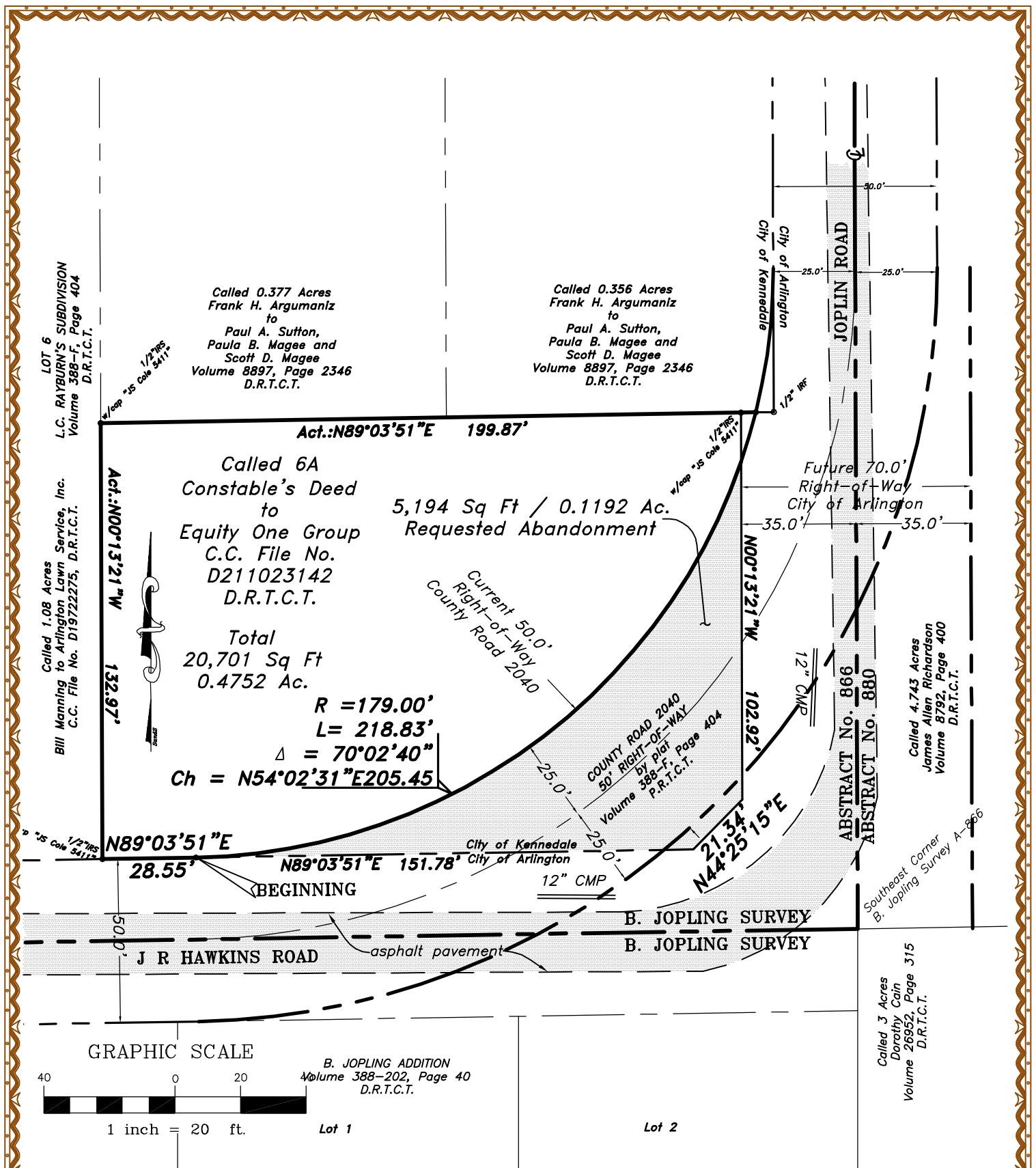
Required additional documentation:

- ☐ a metes and bounds legal description and a graphic exhibit of the portion of the ROW to be abandoned, which must be signed and sealed by a registered professional land surveyor.
- ☐ a standard form of vacation acknowledgment shall be completed and submitted for each utility currently located within the right-of-way or easement.

I, the undersigned, do hereby request the City of Kennedale to vacate right-of-way or close a public street (or a portion thereof) as described above. I will hold the City of Kennedale harmless and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such vacation and abandonment.

[Signature]
Signature of Applicant

02/21/2014
Date



**REQUESTED ABANDONMENT
JOPLIN ROAD AND J R HAWKINS ROAD
REMAINDER LOT 6
L. C. RAYBURNS SUBDIVISION
situated in the
B. JOPLING SURVEY, ABSTRACT No. 866
CITY OF KENNEDALE
TARRANT COUNTY, TEXAS**

SANDS SURVEYING CORPORATION

422 Willow Way,
Highland Village Texas 75077
(817) 355-5253 ph
(817) 510-0432 e-fax
www.SandSSurveyingTX.com



Land Surveying

COPYRIGHT © 2012 SANDS Surveying Corporation
All Rights Reserved.
Texas Firm Registration No. 10014600

SCALE: 1"=40'
DATE: 02/14/2014
W.O.: 127542
DRAWN BY: JSC II
CHECKED BY: SC

REQUESTED ABANDONMENT
JOPLIN ROAD AND J R HAWKINS ROAD
REMAINDER LOT 6
L. C. RAYBURNS SUBDIVISION
situated in the
B. JOPLING SURVEY, ABSTRACT No. 866
CITY OF KENNEDALE
TARRANT COUNTY, TEXAS

BEING a 5,194 square foot or 0.1192 acre parcel of land situated in the B. Jopling Survey, Abstract No. 866, City of Kennedale, Tarrant County, Texas a part of Joplin Road and J. R. Hawkins Road (County Road 2040 50 foot Right-of-Way) a part Lot 6, of the L. C. Rayburns Subdivision according to the Map or Plat thereof recorded in Volume 388-F, Page 404 of the Map or Plat records of Tarrant County, Texas said 5,194 square foot or 0.1192 acre parcel being more particularly described by metes and bounds as follows:

BEGINNING at a point for corner in the South line of said Lot 6, the North line of said County Road and being North 89°03'51" East a distance of 28.55 from ½" capped iron rod found for corner at the Southwest corner of that certain called Lot 6A as described in Constable's Deed to Equity One Group and recorded in County Clerks File No. D211023142 of the Deed records of Tarrant County, Texas said point being at the beginning of a tangent curve to the left;

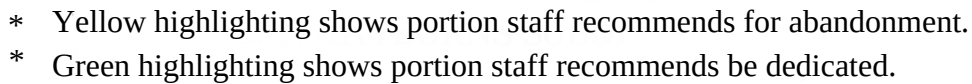
THENCE with said County Road and with said curve to the right having a radius of 179.00 feet, a central angle of 70°02'40", a tangent length of 125.44 feet, the long chord of which bears South 54°02'31" West-205.45 feet for an arc length of 218.83 feet to a point for corner in the future right-of-way line of Joplin Road (70 foot Right-of-Way);

THENCE North 89°03'51" East with said Right-of-Way a distance of 151.78 feet to a point for corner at the North end of a corner clip at the intersection of the West line of said future Right-of-Way with the North line of the Future right-of-way of J R Hawkins Road (50 foot Right-of-Way);

THENCE North 44°25'15" East with said corner clip a distance of 21.34 feet to a point for corner in the North line of said J R Hawkins;

THENCE North 00°13'21" West with said North line a distance of 102.92 feet back to the **POINT OF BEGINNING** and **CONTAINING:** 5,194 square feet or 0.1192 acres of land, more or less.

Exhibit "B"





Date: April 17, 2014

Agenda Item No: IX. REGULAR ITEMS - B

I. Subject:

Case # PZ 14-04 to receive comments and consider action on a request by Oscar and Wanda Rountree and Patricia Beatty and Johnny Byrd for a zoning change from "C-2" General commercial district to "PD" Planned development district (residential) for approximately 6 acres located at 6559 Hudson Village Creek Rd and 4079 Kennedale New Hope Rd, Joel Snyder Survey A-1448 1B and 1 C, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 and being a tract of land as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County.

- (1) Staff Presentation
- (2) Applicant Presentation
- (3) Public Hearing
- (4) Applicant Response
- (5) Staff Response and Summary
- (6) Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: Rezone from "C-2" to PD (for residential use)

Location: New Hope Rd and Hudson Village Creek, near the southern city limits

Applicant: Oscar Rountree, Wanda Rountree, Patricia Beatty, and Johnny Byrd

Background.

The subject properties were annexed by the City of Kennedale in 2003. Before annexation, the Rountree property (Tract 1B) was used for residential purposes and has continued to be used as a residence, with two mobile homes (one for the Rountrees, and one for their daughter and her husband) and several storage buildings. The Beatty property (Tract 1C) is vacant.

Because we asked the property owners of both tracts to apply together, their requests are considered under a single agenda item, but please note that you are considering two separate ordinances under this same agenda item. One is for an ordinance that would control the Rountree property (Snyder PD 1), and the other ordinance would control the Beatty property (Snyder PD 2).

The Rountrees would like to subdivide their property into two lots and build a new single family home on one of the newly created lots. The single family home would be built and occupied by the Rountree's son and his family. Mr. Byrd and Ms. Beatty want to subdivide the Beatty property into three lots and build single family homes. The property owners in both cases are prohibited from building residences on their respective

properties due to the commercial zoning designation. The owners therefore request to rezone the properties for residential use. In addition, the Rountrees would like to build a home in the Victorian style or similar, which would require deviating from the city's masonry requirements. The rezoning request is therefore for a residential Planned Development district.

Land uses on the properties surrounding the subject sites within the Kennedale city limits, as classified by the Tarrant Appraisal District, are residential (single family and mobile home), commercial (race tracks), vacant residential, and ranch land/acreage. Surrounding land is zoned R-1 Single Family Residential (across New Hope Rd) and C-2 General Commercial (adjacent properties). The properties across Hudson Village Creek are not within the city limits.

Application Requirements.

The city code requires applicants for a planned development district of less than five acres in size to submit a concept plan for the proposed district. The applicants for both properties have submitted concept plans, attached to the draft ordinances as exhibits. The concept plan requirements for a PD of this size are not nearly as detailed as for properties five acres or larger, so you will not see some of the level of detail you've seen for other PD developments. Due to the proposed uses and the size of these properties, and combined with the level of control provided through the draft PD ordinances, staff are comfortable with the information provided in the concept plans and consider the concept plans to be in keeping with city code requirements.

Staff Review.

Brief outline of proposed development standards.

The draft ordinances draw from existing regulations for large lot residential districts but also have some different regulations, as is usual for planned development districts.

The proposed ordinances would:

- Have the same minimum lot width and depth requirements as AG districts;
- Require properties in PD-A to have a similar (slightly smaller) minimum lot size as R-2;
- Require properties in PD-B to have the same minimum lot size as AG;
- Require the same minimum livable area for primary structures as AG, R-1, and R-2 zoning districts;
- Have the same building height limit for primary structures as AG and R-1 districts, while allowing for some decorative features such as cupolas to exceed the height maximum;
- Allow the use of Hardie-Plank or equivalent materials (no masonry requirement for PD 1; Hardie-Plank allowed for 20% non-masonry materials in PD 2);
- Allow guest houses (with a size restriction); and
- Allow for circular drive ways to facilitate access onto adjacent roads, since these lots are not large enough to provide driveway access from an interior street system,

Compliance with the comprehensive land use plan.

The comprehensive land use plan identifies this area as Neighborhood, with an overlay for Park and Open Space along the branches of the creek. Neighborhood character districts are intended to be primarily residential in nature, and a rezoning to a residential zoning classification would be in keeping with this character. As you can see from the attached map, the creek does not touch the Beatty property and touches only one corner of the Rountree property, so it is unlikely these properties would be the site of future trails. Staff therefore considers the requested residential rezoning to be in keeping with the Future Land Use Plan.

The only goal in the comprehensive plan that ties directly to this request is "Promote access to housing" under Principle # 2 -- Economic Prosperity. This goal encourages providing housing options for people of varying residential preferences. One of the ideas the Commission has been discussing to meet this goal is to

create a zoning district that would allow for housing styles suitable for a country atmosphere and that would allow the use of Hardie-Plank or similar materials to achieve that housing style. This rezoning request would fit with this idea. Because the Commission has not adopted any official policy in terms of country or rural styles of housing, the Commission is not required to allow this kind of housing, but staff believes the rezoning request – including the housing style requested for the Rountree property – is in compliance with the goals of the comprehensive land use plan.

Compliance with the strategic plan.

The strategic plan's goals do not relate directly to this request. The plan calls for exploring the idea of residential development for properties in this area, but the focus is on property to the west of New Hope Rd.

Compliance with City Council priorities.

The city council priority "Enhance the Business Climate," identified through the balanced scorecard process, relates to this rezoning request, albeit indirectly. Increasing the number of residents, particularly the residents on this side of Kennedale, could help Kennedale businesses, and rezoning property from commercial to residential increases the potential for more residential development (and thus more residents) in this part of Kennedale.

Staff Recommendation.

Because the request is in compliance with the comprehensive plan and with council priorities, and because the request does not conflict with the strategic plan, staff recommends approval of the request for rezoning (both PD ordinances).

Commission Review and Consideration.

The city code outlines the Commission's review process. The Commission must hold a public hearing and shall review the application. You may either give approval of the rezoning request, with or without modifications, or reject it. Your recommendation will be forwarded to the City Council for its consideration at the next regular City Council meeting.

For your reference, sample motions are provided below. The motions are for your reference only, and you are not required to use any of the motions listed.

APPROVE

I find the request to be in compliance with the comprehensive land use plan and recommend approval.

APPROVE WITH CONDITIONS

I find the request to be in compliance with the comprehensive land use plan under certain conditions and recommend approval, subject to the following conditions [*state the conditions*].

DENY (YOU MAY SPECIFY WITH OR WITHOUT PREJUDICE)

[NOTE: If you deny a request for rezoning, you do not have to state why you are recommending denial.]

I recommend denial of the requested rezoning. [if desired, you may state that the denial is with prejudice or without prejudice.]

Site of Rezoning Request (PZ 14-04) showing Stream Centerlines

Parcel boundary data from the Tarrant Appraisal District
Road data from North Central Texas Council of Governments
Stream centerline data from Texas Natural Resources Information System



Tract 1B



Tract 1C



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "C-2" GENERAL COMMERCIAL DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Kennedale Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential, or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, Oscar Rountree and Wanda Rountree, which have a proprietary interest in said property being an approximately two acre tract in the Joel Snyder Survey A-1448, more particularly described as Joel Snyder Survey A-1448 1B, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 Kennedale, Tarrant County, Texas, have filed an application to rezone the property from its present classification of "C-2" General Commercial District to a "PD" Planned Development District; and

WHEREAS, the comprehensive land use plan classifies said property as "Neighborhood," which calls for residential use; and

WHEREAS, the City of Kennedale believes the request as proposed would help achieve the vision set forth in the comprehensive land use plan; and

WHEREAS, the City Council has determined that a planned development zoning district is the most appropriate zoning district to facilitate the development of the property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of April 2014 and by the City Council of the City of Kennedale on the 8th day of May 2014 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication

and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1:

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

An approximately six acre tract in the Joel Snyder Survey, more particularly described as Joel Snyder Survey A-1448 1B, being a portion of a tract as described in a deed to Oscar and Wanda Rountree, Instrument no. D190172874 Kennedale, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "C-2" General Commercial District to Snyder Survey Planned Development District No. – 1 ("Snyder PD 1") for residential use with modified restrictions, as more fully described on the Concept Plan, attached hereto as Exhibit "C" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below. The use of the Property shall further conform to the standards and regulations of the "R-1" Single Family Residential district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1. *Permitted Uses.* The only permitted uses in the Snyder PD 1 shall be:
 - a. *single family detached residential;*
 - b. *park, playground, or open space, including detention or retention facilities;*
 - c. *accessory building* (other than a *guest house*), when such use does not exceed fifteen (15) feet in height, is a subordinate building incidental to that of the main building on the same lot, has a maximum area of 1,200 square feet, and is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step

stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank;

- d. *guest house*, when such use does not exceed fifteen (15) feet in height and is a subordinate building incidental to that of the main building on the same lot, has a maximum living space of fifteen (15) percent of the living space of the primary structure, is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank, and is not used as a rental residence or permanent living facility;
- e. *Home occupation*, subject to the regulations under Section 17-421 and 17-423 of the Kennedale city code and any other applicable City of Kennedale regulation regarding home occupations;
- f. *Orchard*, as defined in Section 17-431 of the Kennedale city code, when such use is not for commercial purposes;
- g. *Any use permitted by right under the category Utility/Solid Waste Uses* in Section 17-421 Schedule of Uses of the Kennedale city code;
- h. *Bed and breakfast* shall be permitted only with a special exception authorized by the board of adjustment.

2. *Density*. The number of lots shall not exceed two (2).

3. *Lot size*. Lot size requirements shall be as follows.

Minimum Lot Area (square feet)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage (percent)
21,000	80	125	60%

4. *Lot coverage* means the percentage of the total area of a lot occupied by the first story or ground floor of all buildings located on the lot.

5. *Minimum livable area*. The minimum livable area for all primary residential structures is 1,500 square feet.

6. *Setbacks*. The PD herein approved shall require the following minimum setbacks:

Lot Type	Front Setback Minimum (ft.)	Rear Setback Minimum (ft.)	Side Setback Minimum – R-o-W Adjacent (ft.)	Side Setback Minimum – Interior (ft.)
Residential	50	35	20	10

7. *Building height.* Primary structures shall not exceed a height of two and one half (2 ½) stories, at a maximum of fifty (50) feet in height. Decorative elements such cupolas and domes not intended for human occupancy, chimneys, and antennas shall not be required to meet the height maximum of fifty feet, provided such elements do not exceed the height limit by ten (10) feet.
8. *Building materials.* The following materials are permitted to be used for structures within the district. Vinyl is prohibited for use on building exteriors.
 - a. Masonry as defined by Kennedale city code;
 - b. Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank;
 - c. 3-coat/3-step stucco.
9. *Architectural style.* All homes shall be consistent with architectural styles such as Victorian/Queen Anne, Craftsman, and Prairie Bungalow. Examples of the permitted architectural styles are shown in Exhibit "D," attached hereto and incorporated herein.
10. *Front porches.* All homes shall have a usable front porch of a minimum size of sixty (60) square feet.
11. *Parking.* Parking spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any single family dwelling constructed within the district. Front entry garages are prohibited, except that a front entry garage shall be permitted provided all of the following requirements are met:
 - a. The garage entry is screened by a porte-cochere; *and*
 - b. The vehicle entryway of the garage is located a minimum of eighty (80) feet from the front property line; *and*
 - c. the vehicle entryway of the garage is set back from the front façade of the primary structure by a minimum of fifteen (15) feet.
 - d. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than twenty-five (25) percent of its entryway.
12. *Frontage onto streets classified as collector streets or larger.* Notwithstanding the requirements of Section 17-303 of the Kennedale city code, lots may have frontage onto or derive access directly from an existing or proposed street considered to be a collector street or larger but only when said public street is accessed from the lot by a circular driveway that allows vehicles to enter the public street facing forward. A *circular driveway* is a private driveway on private property having one or more points of access to one public street and providing an area in the front yard for turning around or

parking a vehicle. A circular driveway shall only be approved under the following conditions:

- a. No circular driveway shall be installed unless the location and spacing of the driveway and drive approaches have been approved, in writing, by the Director of Public Works;
- b. The circular driveway must connect to or provide access to the required off-street parking;
- c. No lot shall have more than two (2) circular driveway connections to the public street;
- d. A circular driveway may not take up more than thirty percent (30%) of the required front yard area. Even if the front yard area is larger than the minimum required, a circular driveway shall not take up more than thirty percent of the required front yard area;
- e. A circular driveway shall be at least ten (10) feet in width and not more than twelve (12) feet in width.

13. *Landscaping.* Landscaping shall be regulated by the Kennedale City Code except as otherwise controlled by this ordinance.

- a. *Lawns.* All lawns shall have permanent ground cover, as described in Kennedale city code. Use of native or adaptive xeriscape landscaping materials is encouraged.
- b. *Plants.* Use of native or adaptive xeriscape plants is encouraged. Landscaping shall be maintained in good condition.
- c. *Street trees.* A minimum of one (1) tree of three (3) inch caliper or greater shall be required for each residential lot, to be planted centered between the sidewalk and the curb and shall be installed at such time as sidewalks are installed. The developer shall be responsible for installation of all street trees and shall ensure tree selection and installation are sufficient to ensure a long tree life. The developer shall be responsible for maintenance and replacement of trees, as needed, for a period of two (2) years after the development's public improvements have been accepted by the city. Use of native or adaptive trees is required.
- d. *Irrigation.* If sprinkler systems are installed, such systems shall be controlled by an automatically controlled timer, unless the use of the property would otherwise prohibit use of a timer. Irrigation systems shall be installed with a rain shut off sensor. The irrigation system shall be designed so that overspray onto structures, streets, sidewalks, windows, walls, and fences is minimized.
 - i. High-efficiency irrigation systems, such as (but not limited to) drip or soaker hose systems, are required for non-turf areas.
 - ii. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.

- iii. The use of rain cisterns is permitted.
 - iv. Cisterns must be located in the rear yard or side yard and must be screened so as not to be seen from the public street. Screening must meet the screening materials regulations of the Kennedale City Code.
 - 1. Cisterns may not exceed ten (10) percent coverage in any required yard.
 - 2. A cistern of less than three (3) feet in diameter may be placed anywhere in the rear yard. A cistern with diameter of three (3) feet or more shall be a minimum of eight (8) feet from any side lot line and eight (8) feet from any rear lot line.
 - 3. A cistern may not be greater than six (6) feet in height.
 - e. *Protection of quality trees.* The Zoning Administrator may approve a deviation from the required front, rear, or side setback of up to ten percent (10%) in order to retain and protect an existing quality tree, as defined in the Chapter 16, Article VI of the Kennedale City Code. Permission to deviate from the required setback must be requested, in writing, by the developer.
14. *Driveways and Access.* All entry and exit points shall conform to the standards of the City of Kennedale public works design manual and the City of Kennedale subdivision design criteria of Chapter 17, Division 10 of the City of Kennedale Code of Ordinances, unless otherwise regulated by this ordinance.
15. *Sidewalks.* Sidewalks are required within the district and are the responsibility of the developer to install. Installation of sidewalks shall be required when a curb and gutter or approved alternative storm water conveyance system is installed, and shall be constructed according to the requirements of the City of Kennedale Code of Ordinances, the City of Kennedale Public Works Design Manual, and any other applicable regulations, where not otherwise controlled by this ordinance. Sidewalks may be constructed of permeable materials and may be designed and constructed using low-impact development standards if approved, in writing, by the Director of Public Works. Review and approval of low-impact infrastructure or public facilities shall follow the process for review and approval of standard infrastructure or public facilities as set forth in the codes, regulations, and design manuals of the City of Kennedale. Low-impact development standards shall not be approved unless the Director of Public Works is satisfied the materials and construction methods used will meet the same standards for safety and durability as used in standard sidewalk construction within the City of Kennedale.
16. *Drainage.* The developer(s) shall adequately address storm water run-off resulting from developing property within the district. If required by the Director of Public Works, construction plans submitted to the city shall include detailed drainage plans. If storm water detention facilities are constructed, the facilities shall be designed to include natural features, such as plants or grasses, so that the detention facility also serves as a neighborhood amenity.

17. *Non-conforming uses.* Non-conforming uses shall be regulated by Section 17-428 of the Kennedale city code where not otherwise controlled by this ordinance.

SECTION 3.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4.

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 5.

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights or remedies of the City of Kennedale Texas are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto that have

accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation both civil and criminal same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 9.

It is hereby declared to be the intention of the City Council that the phrases clauses sentences paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases clauses sentences paragraphs and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS 8TH DAY OF MAY 2014.

APPROVED:

Mayor John Clark

ATTEST:

City Secretary, Amethyst Sloane

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

Exhibit "A"
Legal Description

EXHIBIT "A"

Being a tract of land out of the JOEL SNIDER SURVEY, Abstract No. 1448, in Tarrant County, Texas, said tract being a portion of a tract described in a deed to L. V. Jordon and wife Mary O. Jordon, recorded in Volume 3889, Page 512, Deed Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

BEGINNING at a 60-D nail set in County Road No. 2038, also known as Hudson-Village Creek Road, said nail being West, 1331.56 feet from the Southeast corner of the said Snider Survey and said Jordon tract;

THENCE West, 220.0 feet along said County Road to a 60-D nail found in asphalt;

THENCE N. 00 deg. 14 min. 30 sec. E., 5.96 feet to a "X" cut in a concrete headwall;

THENCE N. 33 deg. 03 min. 45 sec. E., 80.35 feet to a 1/2" rebar rod set;

THENCE N. 14 deg. 47 min. 02 sec. E., 59.39 feet to a 1/2" rebar rod found;

THENCE N. 25 deg. 17 min. 42 sec. E., 365.56 feet to a 1/2" rebar rod set;

THENCE East, 181.19 feet to a 1/2" rebar rod set;

THENCE S. 25 deg. 17 min. 42 sec. W., 281.07 feet to a 1/2" rebar rod set;

THENCE S. 15 deg. 12 min. 30 sec. W., 214.63 feet to the POINT OF BEGINNING and containing 2.00 acres of land, more or less.

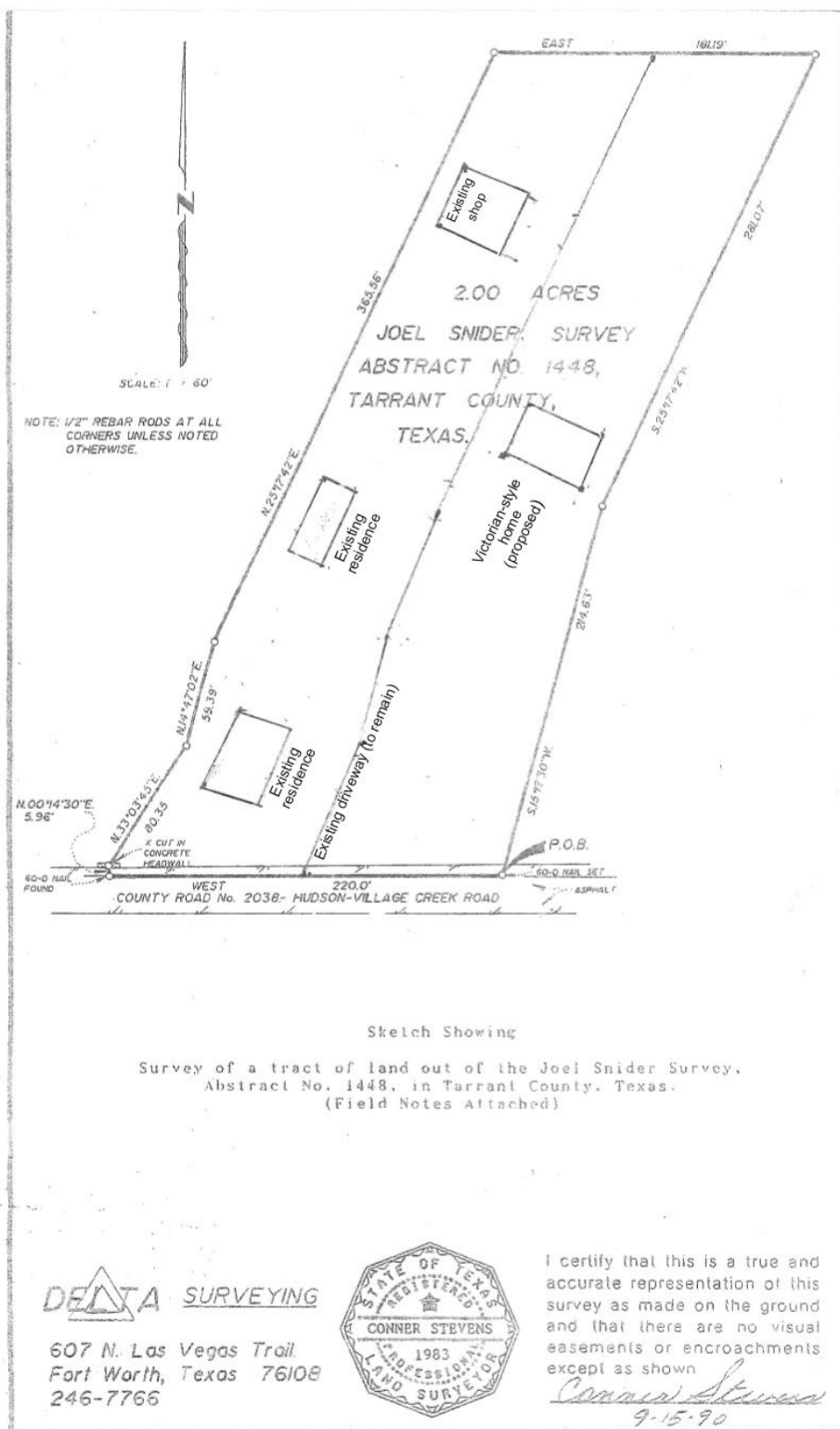
SIGNED FOR IDENTIFICATION:

Mary Olin Jordan
MARY OLIN JORDAN, Individually and as
Independent Executrix of the Estate of
LOIS VERNON JORDAN, deceased

Exhibit "B"
Map/Survey of property



Exhibit "C"
Concept Plan



731-8715

Exhibit "D"
Illustration of Permitted Architectural Styles



Queen Anne / Victorian



Queen Anne / Victorian



images: [river front builders](#); [la times](#)

Craftsman / Bungalow

ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "C-2" GENERAL COMMERCIAL DISTRICT TO "PD" PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Kennedale Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI, of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential, or other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, Patricia Beatty and Johnny Byrd, which have a proprietary interest in said property being an approximately four acre tract in the Joel Snyder Survey A-1448, more particularly described as Joel Snyder Survey A-1448 1C, being a portion of a tract as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County, Texas, have filed an application to rezone the property from its present classification of "C-2" General Commercial District to a "PD" Planned Development District; and

WHEREAS, the comprehensive land use plan classifies said property as "Neighborhood," which calls for residential use; and

WHEREAS, the City of Kennedale believes the request as proposed would help achieve the vision set forth in the comprehensive land use plan; and

WHEREAS, the City Council has determined that a planned development zoning district is the most appropriate zoning district to facilitate the development of the property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of April 2014 and by the City Council of the City of Kennedale on the 8th day of May 2014 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local

Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1:

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

An approximately four acre tract in the Joel Snyder Survey, more particularly described as Joel Snyder Survey A-1448 1C, being a portion of a tract as described in a deed to Patricia Beatty, Instrument no. D198096319, Kennedale, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" and Exhibit "B" attached hereto and incorporated herein, from "C-2" General Commercial District to Snyder Survey Planned Development District No. – 2 (Snyder PD 2) for residential use with modified restrictions, as more fully described on the Concept Plan, attached hereto as Exhibit "C" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below. The use of the Property shall further conform to the standards and regulations of the "R-1" Single Family Residential district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1. *Permitted Uses.* The only permitted uses in the Snyder PD 2 shall be:
 - a. *single family detached residential;*
 - b. *park, playground, or open space, including detention or retention facilities;*
 - c. *accessory building* (other than a *guest house*), when such use does not exceed fifteen (15) feet in height, is a subordinate building incidental to that of the main building on the same lot, has a maximum area of 1,200 square feet, and is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank;
 - d. *guest house*, when such use does not exceed fifteen (15) feet in height and is a subordinate building incidental to that of the main building on the same lot, has a maximum living space of fifteen (15) percent of the living space of the primary structure,

is constructed of masonry (as defined in Kennedale city code), stone, 3-coat/3-step stucco, or Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank, and is not used as a rental residence or permanent living facility;

- e. *Home occupation*, subject to the regulations under Section 17-421 and 17-423 of the Kennedale city code and any other applicable City of Kennedale regulation regarding home occupations;
- f. *Orchard*, as defined in Section 17-431 of the Kennedale city code, when such use is not for commercial purposes;
- g. *Any use permitted by right under the category Utility/Solid Waste Uses* in Section 17-421 Schedule of Uses of the Kennedale city code;
- h. *Bed and breakfast* shall be permitted only with a special exception authorized by the board of adjustment.

2. *Density*. The number of lots shall not exceed a maximum of three (3) lots.

3. *Lot size*. Lot size requirements shall be as follows.

Minimum Lot Area	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Lot Coverage (percent)
1 acre	80	125	60%

4. *Lot coverage* means the percentage of the total area of a lot occupied by the first story or ground floor of all buildings located on the lot.

5. *Minimum livable area*. The minimum livable area for all primary residential structures is 1,500 square feet.

6. *Setbacks*. The PD herein approved shall require the following minimum setbacks:

Lot Type	Front Setback Minimum (ft.) – primary structure	Rear Setback Minimum (ft.)	Side Setback Minimum – R-o-W Adjacent (ft.)	Side Setback Minimum – Interior (ft.)
Residential	40	35	20	15

7. *Building height*. Buildings shall not exceed a height of two and one half (2 ½) stories, at a maximum of fifty (50) feet in height.

8. *Building materials*. All primary structures shall be constructed of a minimum of 80% masonry, as defined in Section 17-405 of the Kennedale city code. The remaining 20% may be of masonry materials or of Hardie-Plank or material equivalent to Hardie-Plank in quality and durability, with city staff to determine whether alternative materials are equivalent to Hardie-Plank, or 3-coat/3-step stucco. Architectural metals or woods may be used for architectural accents. Vinyl is prohibited for use on building exteriors.

9. *Parking.* Parking spaces for at least two (2) motor vehicles shall be provided in an enclosed garage for any single family dwelling constructed within the district. Front entry garages are prohibited, except that a front entry garage shall be permitted provided all of the following requirements are met:
- a. The garage entry is screened by a porte-cochere; *and*
 - b. The vehicle entryway of the garage is located a minimum of eighty (80) feet from the front property line; *and*
 - c. the vehicle entryway of the garage is set back from the front façade of the primary structure by a minimum of fifteen (15) feet.
 - d. Regardless of the orientation of the garage required by this section, any gate or door to a porte-cochere must be of wrought iron construction and must not screen more than twenty-five (25) percent of its entryway.
10. *Frontage onto streets classified as collector streets or larger.* Notwithstanding the requirements of Section 17-303 of the Kennedale city code, lots may have frontage onto or derive access directly from an existing or proposed street considered to be a collector street or larger but only when said street is accessed from the lot by a circular driveway that allows vehicles to enter the street facing forward. A *circular driveway* is a private driveway on private property having one or more points of access to one public street and providing an area in the front yard for turning around or parking a vehicle. A circular driveway shall only be approved under the following conditions:
- a. No circular driveway shall be installed unless the location and spacing of the driveway and drive approaches have been approved, in writing, by the Director of Public Works;
 - b. The circular driveway must connect to or provide access to the required off-street parking;
 - c. No lot shall have more than two (2) circular driveway connections to the public street;
 - d. A circular driveway may not take up more than thirty percent (30%) of the required front yard area. Even if the front yard area is larger than the minimum required, a circular driveway shall not take up more than thirty percent of the required front yard area;
 - e. A circular driveway shall be at least ten (10) feet in width and not more than twelve (12) feet in width.
11. *Landscaping.* Landscaping shall be regulated by the Kennedale City Code except as otherwise controlled by this ordinance.
- a. *Lawns.* All lawns shall have permanent ground cover, as described in Kennedale city code. Use of native or adaptive xeriscape landscaping materials is encouraged.
 - b. *Plants.* Use of native or adaptive xeriscape plants is encouraged. Landscaping shall be maintained in good condition.
 - c. *Street trees.* A minimum of one (1) tree of three (3) inch caliper or greater shall be required for each residential lot, to be planted centered between the sidewalk and the curb. The developer shall be responsible for installation of all street trees and shall ensure tree selection and installation are sufficient to ensure a long tree life. The developer shall be responsible for maintenance and replacement of trees, as needed,

for a period of two (2) years after the development's public improvements have been accepted by the city. Use of native or adaptive trees is required.

- d. *Irrigation.* If sprinkler systems are installed, such systems shall be controlled by an automatically controlled timer, unless the use of the property would otherwise prohibit use of a timer. Irrigation systems shall be installed with a rain shut off sensor. The irrigation system shall be designed so that overspray onto structures, streets, sidewalks, windows, walls, and fences is minimized.
 - i. High-efficiency irrigation systems, such as (but not limited to) drip or soaker hose systems, are required for non-turf areas.
 - ii. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required as close as possible to the point of connection of the water supply to minimize water loss in case of an emergency (such as a main line break) or routine repair.
 - iii. The use of rain cisterns is permitted.
 - iv. Cisterns must be located in the rear yard or side yard and must be screened so as not to be seen from the public street. Screening must meet the screening materials regulations of the Kennedale City Code.
 - 1. Cisterns may not exceed ten (10) percent coverage in any required yard.
 - 2. A cistern of less than three (3) feet in diameter may be placed anywhere in the rear yard. A cistern with diameter of three (3) feet or more shall be a minimum of eight (8) feet from any side lot line and eight (8) feet from any rear lot line.
 - 3. A cistern may not be greater than six (6) feet in height.
- e. *Protection of quality trees.* The Zoning Administrator may approve a deviation from the required front, rear, or side setback of up to ten percent (10%) in order to retain and protect an existing quality tree, as defined in the Chapter 16, Article VI of the Kennedale City Code. Permission to deviate from the required setback must be requested, in writing, by the developer.

12. *Driveways and Access.* All entry and exit points shall conform to the standards of the City of Kennedale public works design manual and the City of Kennedale subdivision design criteria of Chapter 17, Division 10 of the City of Kennedale Code of Ordinances, unless otherwise regulated by this ordinance.

13. *Sidewalks.* Sidewalks are required within the district and are the responsibility of the developer to install. Installation of sidewalks shall be required when a curb and gutter or approved alternative storm water conveyance system is installed, and shall be constructed according to the requirements of the City of Kennedale Code of Ordinances, the City of Kennedale Public Works Design Manual, and any other applicable regulations, where not otherwise controlled by this ordinance. Sidewalks may be constructed of permeable materials and may be designed and constructed using low-impact development standards if approved, in writing, by the Director of Public Works. Review and approval of low-impact infrastructure or public facilities shall follow the process for review and approval of standard infrastructure or public facilities as set forth in the codes, regulations, and design manuals of the City of Kennedale. Low-impact development standards shall not be approved unless the

Director of Public Works is satisfied the materials and construction methods used will meet the same standards for safety and durability as used in standard sidewalk construction within the City of Kennedale.

14. *Drainage.* The developer(s) shall adequately address storm water run-off resulting from developing property within the district. If required by the Director of Public Works, construction plans submitted to the city shall include detailed drainage plans. If storm water detention facilities are constructed, the facilities shall be designed to include natural features, such as plants or grasses, so that the detention facility also serves as a neighborhood amenity.
15. *Non-conforming uses.* Non-conforming uses shall be regulated by Section 17-428 of the Kennedale city code where not otherwise controlled by this ordinance.

SECTION 3.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4.

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 5.

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights or remedies of the City of Kennedale Texas are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation both civil and criminal same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 9.

It is hereby declared to be the intention of the City Council that the phrases clauses sentences paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases clauses sentences paragraphs and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption penalty clause publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

This ordinance shall be in full force and effect from and after its passage and publication as required by law and it is so ordained.

PASSED AND APPROVED ON THIS 8TH DAY OF MAY 2014.

APPROVED:

Mayor John Clark

ATTEST:

City Secretary, Amethyst Sloane

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

Exhibit "A"

Legal Description

Description for a tract of land situated in the Joel Snider Survey, Abstract No. 1448, Tarrant County, Texas, being that same tract of land described in a deed to C. L. Payne and wife, Ute W. Payne recorded in Volume 10072, Page 906, Deed Records, Tarrant County, Texas, being more particularly described by metes and bounds as follows:

Beginning at a p.k. nail found in New Hope Road for the southwest corner of the Payne Tract same being the northwest corner of a tract of land described in a deed to Robert W. Roper and wife, Alicia R. Roper recorded in Volume 12172, Page 1215, Deed Records, Tarrant County, Texas;

Thence 104.44 feet along New Hope Road and the northwest line of the Payne Tract in a curve concave to the southeast whose radius is 1014.13 and chord is N.25°14'46"E., 104.39 feet to a gear spike set in asphalt pavement;

Thence N.25°17'17"E., 590.88 feet along New Hope Road and the northwest line of the Payne Tract to a p.k. nail found for the northwest corner of the Payne Tract in the northwest line of the remainder of a tract of land described in a deed to L.V. Jordan and wife, Mary D. Jordan recorded in Volume 3689, Page 512, Deed Records, Tarrant County, Texas;

Thence S.64°43'17"E., 243.71 feet along the northeast line of the Payne Tract to a 1/2" rebar rod found (Control Monument) for the northeast corner of the Payne Tract;

Thence S.25°17'42"W., at 365.13 feet passing a 1/2" rebar rod found for reference (Control Monument) for the northwest corner of a tract of land described in a deed to Oscar Rountree and wife Wanda Rountree recorded in Volume 10072, Page 888, Deed Records, Tarrant County, Texas, in all 730.77 feet along the southeast line of the Payne Tract to a point for the southeast corner of the Payne Tract same being the northeast corner of said Roper Tract;

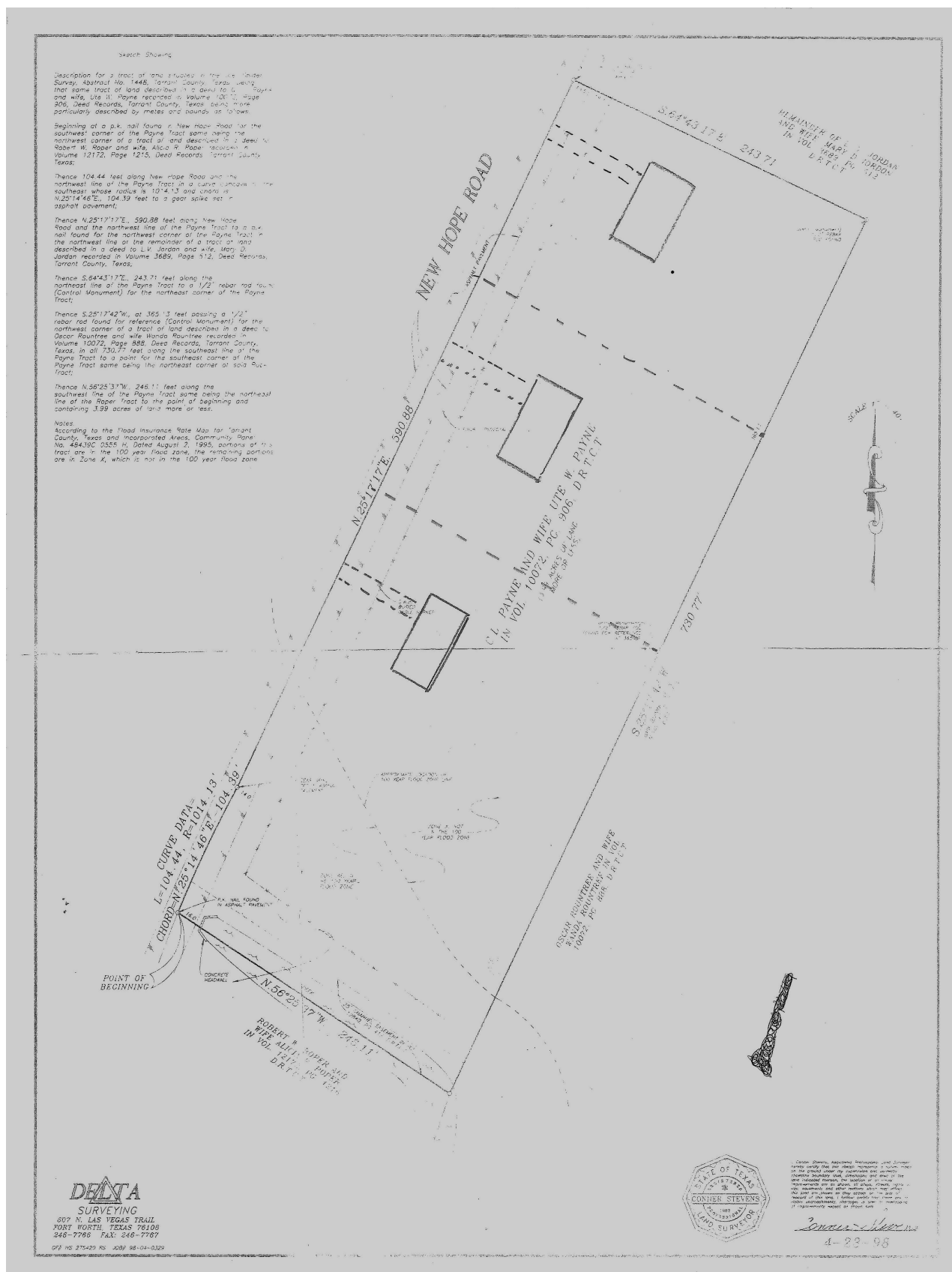
Thence N.56°25'37"W., 246.11 feet along the southwest line of the Payne Tract same being the northeast line of the Roper Tract to the point of beginning and containing 3.99 acres of land more or less.

Notes:

According to the Flood Insurance Rate Map for Tarrant County, Texas and Incorporated Areas, Community Panel No. 48439C 0555 H, Dated August 2, 1995, portions of this tract are in the 100 year flood zone, the remaining portions are in Zone X, which is not in the 100 year flood zone.

Exhibit “B” Survey

Exhibit "C" Concept Plan



CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____
(assigned by city staff)

DATE: 2-21-2014

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification. I, the applicant, request to change the zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of

" C2 " (_____) to that of

" PD " (Planned Development) in its entirety as shown on Exhibit "B"

attached. The property totals some _____ acres.

A statement of why the zoning change should be approved is attached to this application. I understand that I must satisfy the Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.

Legal Description is _____

Present use of the property is Residential

Address of the property is _____

Property Owner's Name: _____

Address: _____



KENNEDALE
Planning Department
www.cityofkennedale.com

Telephone Number:

Applicant's Name:

Address:

Telephone Number:

Oscar L. + Wanda J. Rountree

6559 Hudson Village Creek

Kennedale, Texas, 76060

Wanda Cell 817-313-9504

If applicant is not the owner, an owner's affidavit must be submitted with this application.

I, the applicant, understand that city staff, the Planning & Zoning Commission, or the City Council may request from me a site plan or other supporting documents concerning the nature, extent, and impact of my request for rezoning, in addition to what I supply with my application for a change in zoning.

I further certify that Oscar L. + Wanda J. Rountree is the sole owner(s) of the property described in the legal description and shown in the map attached to this application, as of the date of this application.

Wanda Rountree

Applicant Signature

1-26-14

Date

Oscar Rountree

Applicant Signature

1-26-14

Date

Applicant Signature

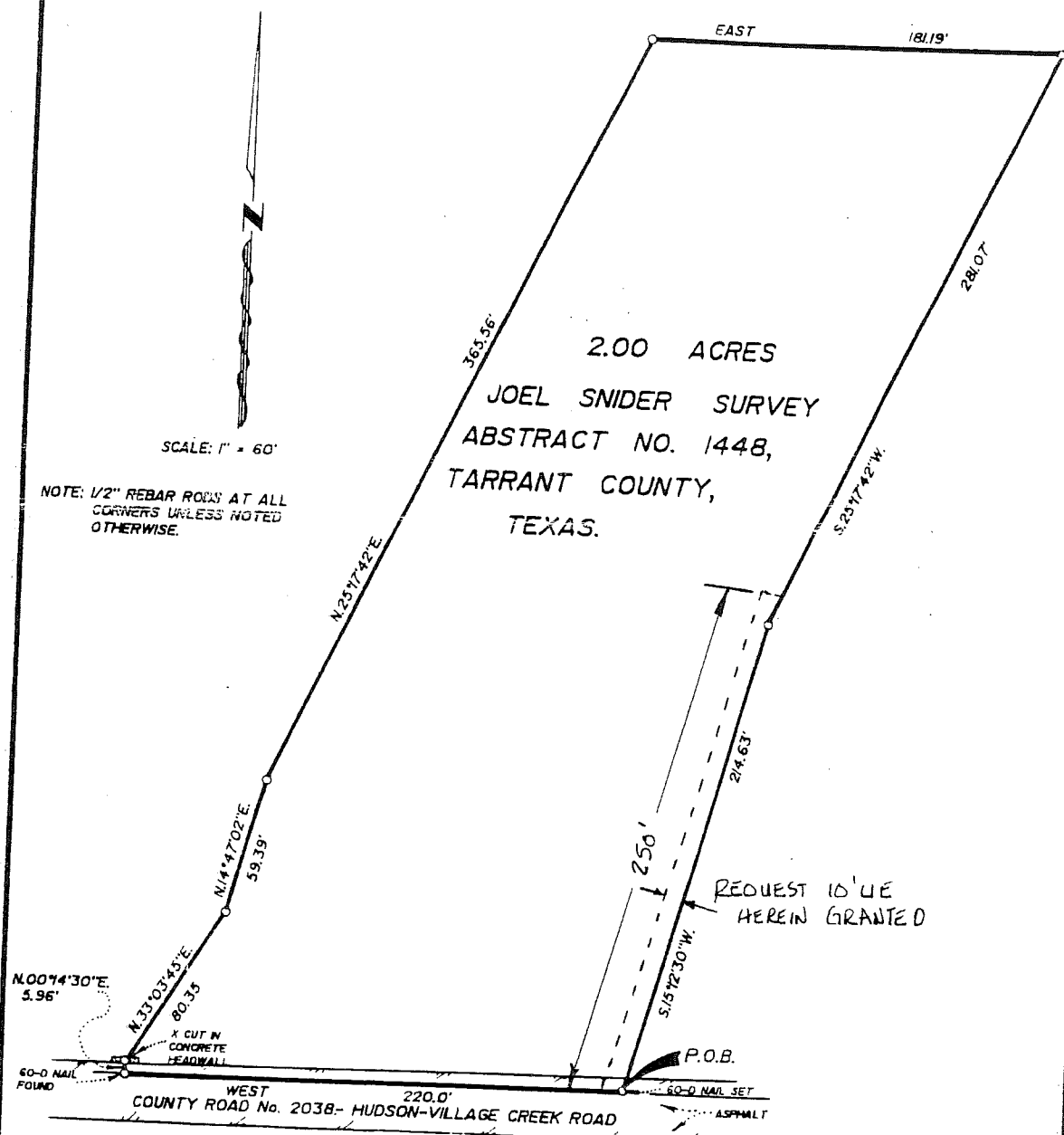
Date

Applicant Signature

Date

Applicant Signature

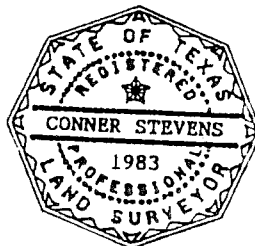
Date



OWNERS
 OSCAR L. ROUNDTREE
 WANDA I. ROUNDTREE
 Vol. 10072 Page 0888

Sketch Showing
 Survey of a tract of land out of the Joel Snider Survey,
 Abstract No. 1448, in Tarrant County, Texas.
 (Field Notes Attached)

DELTA SURVEYING
 607 N. Las Vegas Trail
 Fort Worth, Texas 76108
 246-7766



I certify that this is a true and accurate representation of this survey as made on the ground and that there are no visual easements or encroachments except as shown.
Conner Stevens
 9-15-90

CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____
(assigned by city staff)

DATE: Feb. 21, 2014

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification. I, the applicant, request to change the zoning classification of the property described on Exhibit "A" attached, from its current zoning classification of

" _____ " (_____) to that of

" _____ " (_____) in its entirety as shown on Exhibit "B"

attached. The property totals some _____ acres.

A statement of why the zoning change should be approved is attached to this application. I understand that I must satisfy the Council that either the general welfare of all the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.

Legal Description is ~~Patricia Beatty~~

Present use of the property is VACANT

Address of the property is NEW Hope Rd

Property Owner's Name: Patricia Beatty

Address: 7330 RED Bird Ln

Burleson TX, 76028



KENNEDALE
Planning Department
www.cityofkennedale.com

Telephone Number: 817-229-5025
Applicant's Name: Johnny Byrd c/o Patricia Beatty
Address: 7330 RED Bird Ln
Burleson, TX 76028
Telephone Number: 817-229-5025

If applicant is not the owner, an owner's affidavit must be submitted with this application.

I, the applicant, understand that city staff, the Planning & Zoning Commission, or the City Council may request from me a site plan or other supporting documents concerning the nature, extent, and impact of my request for rezoning, in addition to what I supply with my application for a change in zoning.

I further certify that Patricia Beatty is the sole owner(s) of the property described in the legal description and shown in the map attached to this application, as of the date of this application.

Johnny Byrd
Applicant Signature

Feb. 21. 2014
Date

Applicant Signature

Date

Applicant Signature

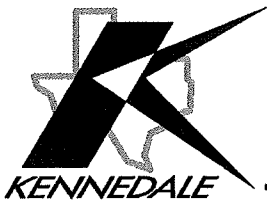
Date

Applicant Signature

Date

Applicant Signature

Date



CITY OF KENNEDALE
PLANNING & ZONING COMMISSION

OWNER AFFIDAVIT

Case #PZ

Property Address:

Legal Description:

Applicant:

Type of P&Z request:

I, Patricia Stonaker Midkiff, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Planning & Zoning Commission to consider granting the above reference request on my behalf and to appear before the Commission.

Owner Signature: Patricia Stonaker Midkiff

Date: 3/4/14

SWORN TO and Subscribed before me by Patricia Stonaker Midkiff

ON THIS 4th DAY OF March, 20 14.

Kristy Leighann Rowland

Notary Public, Tarrant County, Texas

