

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

BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS

AGENDA

REGULAR MEETING

May 6, 2014

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. SWEARING IN OF SPEAKERS

IV. MINUTES APPROVAL

A. Review and consider approval of minutes from the March 4, 2014 regular meeting

V. VISITOR/CITIZENS FORUM

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

VI. REGULAR ITEMS

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

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

B. **Case # BOA 14-03** to hold a public hearing and consider a request by Jose Jaime for a Special Exception to the City Code Section 17-421 *Schedule of uses and off-street parking requirements*, to allow an auto salvage yard in an "I" Industrial zoning district at 6940 E Kennedale Pkwy, more particularly described as W H Hudson Addn Block Lot 1.

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

C. **Case # BOA 14-04** to hold a public hearing and consider a request by Jerry Coyel for a Special Exception to the City Code Section 17-421 *Schedule of uses and off-street parking requirements*, to allow an auto salvage yard in an "I" Industrial zoning district at 7001, 7003 & 7015 E Kennedale Pkwy, more particularly described as Wade H Hudson Survey A 716 Tr 3B03, 3B3, 3B3A, 3B04, & 3B05A.

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

D. **Case # BOA 14-05** to hold a public hearing and consider a request by Bowerman Oil & Gas for a Special Exception to the City Code Section 17-421 *Schedule of uses and off-street parking requirements*, to allow for farm/ranch use (livestock) in "R-3" Single Family Residential at 1437 Swiney Hiatt Rd, legal description of C. C. Swiney Subdivision, being a portion of Lot 8, being all of a tract of land described in deed to Charles Blish, recorded in Vol. 8794 p. 2303, D.R.T.C

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

VII. REPORTS/ANNOUNCEMENTS

VIII. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the May 6, 2014, Board of Adjustment & Building Board of Appeals agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Rachel Roberts, Board Secretary



Date: May 6, 2014

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Review and consider approval of minutes from the March 4, 2014 regular meeting

II. Originated by:

III. Summary:

Minutes from the March 4th meeting are attached to this message for your review.

IV. Recommendation:

V. Alternative Actions:

VI. Attachments:

1.	03.04.2014 BOA minutes	03.04.2014 BOA minutes.doc
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BOARD OF ADJUSTMENT & BUILDING BOARD OF APPEALS
MINUTES
REGULAR MEETING
March 4, 2014
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chairman Adams called the meeting to order at 7:00 P.M.

II. ROLL CALL

Rachel Roberts called roll.

Present?	Commissioner
x	Rick Adams
x	Brian Cassady
x	Jeff Madrid
x	Pat Vader
Absent	Martin Young
	<i>Alternates</i>
Absent	Jeff Nevarez
Absent	Lana Sather
Absent	Richard West

A quorum was present.

Staff present: Rachel Roberts, planning director

III. SWEARING IN OF SPEAKERS

No one had registered to speak at the public hearing, so no one was sworn in at this time.

IV. MINUTES APPROVAL

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

Mr. Madrid motioned to approve the minutes, seconded by Mr. Vader. The motion passed with all in favor.

V. VISITOR/CITIZENS FORUM

No one registered to speak.

VI. REGULAR ITEMS

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

Ms. Roberts said the applicants had requested a continuance until the board's May 2014 meeting.

Mr. Vader said he would like to hear from the applicant why they were requesting a continuance. Ms. Roberts swore in Mr. Bob Riley, who addressed the board on behalf of the applicants.

Mr. Riley said that to better prepare a response to the staff report, they would need at least one more month, and part of their team would be out of town in April, so they were requesting the postponement until May.

Mr. Vader asked if the applicants were looking for a longer period of time than recommended in the staff report. Mr. Riley said that is something they would like the board to consider.

Mr. Vader asked why the landscaping was never done. Ms. Roberts said this wasn't the only property not in compliance with that problem.

Mr. Adams asked Ms. Roberts if, to her knowledge, the other requirements had been met. Ms. Roberts said yes.

Mr. Vader motioned to accept the request for a continuance. Mr. Madrid seconded the motion. The motion passed unanimously.

VII. REPORTS/ANNOUNCEMENTS

Ms. Roberts said that Art in the Park would be held April 4th - 6th.

VIII. ADJOURNMENT

Mr. Madrid motioned to adjourn, seconded by Mr. Cassidy. The motion passed unanimously.

The meeting adjourned at 7:11 P.M.

Date: May 6, 2014

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

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

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

BACKGROUND & OVERVIEW.

Applicant: Ron Sturgeon (property owner)

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

Zoning district: Industrial and Business 287 Overlay

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

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

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

STANDARDS FOR GRANTING A SPECIAL EXCEPTION.

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

Section 17-422 also authorizes the board to add conditions as part of granting a special exception and to require such evidence and written guarantees as the board may deem necessary as proof that the conditions stipulated in connection with the exception are being and will be complied with.

STAFF REVIEW AND RECOMMENDATION.

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

The City does not anticipate that the neighborhood will transition to a light industrial district in the immediate future (that is, within the next three to five years). The Future Land Use Plan is part of the comprehensive land use plan, a document that establishes a long-term vision for Kennedale. To fully implement the plan across the entire city is expected to take about 10-20 years. For this reason, a salvage yard that can meet the special exception standards for the area as it is now could be compatible with Kennedale’s future plans on a short-term basis. However, since implementing the plan along Kennedale Parkway is a high priority, a salvage yard on Kennedale Parkway may not meet the special exception standards on a long-term basis. The section below outlines the staff's review of whether the requested use meets the standards for a special exception.

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

Due to the nature of the materials and processes involved in operating a salvage yard, such uses can be detrimental to the public health, safety, or general welfare, but salvage yards can be also be run in a way that does not negatively affect public health, safety, or general welfare. Staff does not believe the yard run by LKQ is posing a threat to general welfare or public health or safety at this time. Most of the uses surrounding it are also industrial in nature and do not have large numbers of employees who could be subject to potential negative effects of the salvage yard. Moreover, LKQ appears to be a well-run operation and has a national reputation, and staff does not believe public health, safety, and general welfare of the employees on site or at surrounding businesses are in danger at this time (there are no residential subdivisions in the immediate vicinity).

We have received no complaints about LKQ concerning noise, lighting, air quality, traffic, or other elements of land use that may affect health, safety, or general welfare. In addition, staff has not observed any aspects of the operations at the site that would raise concerns about the operator's ability to meet this standard.

Staff considers the requested use to meet this standard for a special exception at this time.

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

A number of the uses already permitted in the neighborhood are industrial in nature and would not be substantially impaired or diminished by the continuation of LKQ's operation. Many commercial and retail uses are permitted in the Industrial zoning district, and such uses may be reluctant to be located near a salvage yard. But with that said, this neighborhood is unlikely to attract many such uses at this time or within the next few years, regardless of whether LKQ continues operations. Staff does expect to see a transition to more commercial or light industrial uses as the comprehensive plan is implemented, but for now, a salvage yard will not substantially impair or diminish the use or enjoyment of property in the neighborhood for uses already permitted.

Staff considers the requested use to meet this standard for a special exception at this time.

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

At the present time, this salvage yard will not impede the normal and orderly development and improvement of the surrounding property for other industrial uses already permitted in the district, for reasons noted under standard (2). Kennedale Pkwy is one of the first priorities for implementing the Future Land Use Plan, and less intensive uses may be reluctant to open next to or near a salvage yard, and in fact, the City's economic development staff has found that the presence of salvage yards in Kennedale have been a deterrent for some businesses they have approached. However, staff does not anticipate that this area will attract many lighter uses over the next several years, even if this business were to cease operations. Therefore, a short-term renewal of the special exception is not expected to impede the normal and orderly development of surrounding property.

Staff considers the requested use to meet this standard for a special exception at this time.

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

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

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

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

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

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

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

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

Staff recommendation.

The operations on site meet the standards for a special exception at this time. In addition, staff considers LKQ to meet a high standard for this kind of business. It serves as a good example for similar businesses in Kennedale of how a salvage yard should be operated. Staff recommends granting a renewal of the special exception with an expiration date and no option for renewal. Because the City expects the vision set out in the comprehensive plan to be implemented in this area over the five - ten years, staff recommends the special exception expiration date be set for a similar time frame, with a minimum of five years. LKQ serves as a good example for how this kind of business can lessen its impact on surrounding properties, so the board may want to consider renewing the special exception for longer than five years. Staff would consider a renewal for this property for a period longer than five years to still meet the standards for a special exception. However, please note that a renewal for a period longer than expected to implement the comprehensive plan in this area could hinder the normal and orderly development of surrounding properties for non-heavy industrial uses already permitted in the district, and for the transition to uses envisioned in the comprehensive plan. Staff therefore recommends granting a renewal of the special exception for a period of time that will not interfere with achieving the City's long-term vision, with no renewal after that period has ended, and with the following conditions.

1. The operator of the salvage yard shall be required to maintain the landscaping from the front of the building to the curb. If the business were to close for any reason, the property owner shall be required to maintain the landscaping.
2. Effective the first day after the special exception expires, the operator or the property owner shall begin cleanup of the property in a reasonable manner that will provide for the complete removal of all automobile parts, recycling products, scrap metal, junk, trash, debris, and other waste material, and any storage materials used for storing parts or equipment outdoors, with the cleanup to be completed within six months after the special exception expires. The property shall be left in a neat and presentable condition and not in violation of any City ordinances.

BOARD ACTION ON CASE 14-02.

- The board can approve the request, deny the request, or approve it with conditions.
- You may also postpone/continue the case until a later date, but you must specify when the case will be continued.

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

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

APPROVE WITHOUT CONDITIONS

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

APPROVE WITH CONDITIONS

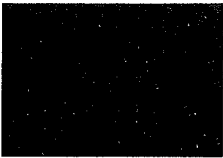
I find that the use will meet the standards for a special exception with the addition of conditions to secure compliance with the standards and requirements of Section 17-422 of the city code and make a motion to approve the request for a special exception for a period of [specify time frame], with the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

DENY

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

IV. Recommendation:

Approve with conditions



APPLICATION FOR SPECIAL EXCEPTION

Applicant

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

Property Owner

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

Property for which a Special Exception is requested

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

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

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

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

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

See attached page

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

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

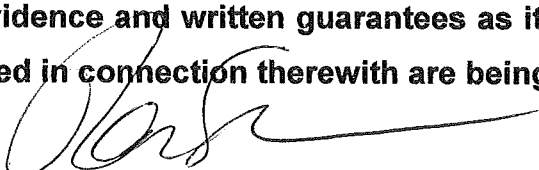
3.b. Is this new construction? ☐ Yes X No

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

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

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

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


Ron Sturgeon, Property and Business Owner

2.12.14
Date

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

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

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

Request:

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

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

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

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

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

Special Exception Conditions (City Code Section 17-422)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectively submitted,

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

Ron Sturgeon

STATE OF TEXAS
COUNTY OF TARRANT

WARNING: THE FOLLOWING CONTAINS: To the east corner of a block of land in the U.C. CANAL SURVEY, Abstract No. 518, situated in the City of Honolulu, Territory of Hawaii, and being more particularly described as follows:

located at the town and which bears westerly, along the south line of the old Canada Survey, 374.33 feet from the northeast corner of the said Union Survey, would intersect the said line of the said Union Survey at a point lying in the westerly right-of-way line of U.S. Highway No. 20.

ANNOUNCEMENT, South on Tuesday 10 minutes of evening hours, along the road south side
of the Colosseum Survey, 1150-1160 feet to an open field for exercise!

RENOUCH, March 71 degrees 36 minutes 45 seconds East, 52°.00 East to 4 P.M. and 11
not in concrete as earlier part for cipher!

South 41 degrees 52 minutes 00 seconds East, along the said existing westerly right-of-way line of U.S. Highway No. 247, 375.00 feet to the POINT OF BEGINNING.

The parcel of land herein described contains 164,323.5 square feet or 3.7769 acres of land, more or less.

BY BRENDAN

100

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STRESSING ASHILL AND FROM THE POWER, CONCENTRATING, AND

THAT, THE ROLLING COMPANIES, acting by and through its duly authorized agent David P. Seidler, Jr., does hereby assert that certain designated lots hereinabove described property as LOTS 1-2-3-4-5-6-7-8-9-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-103

WITNESS MY HAND at Fort Worth, Tarrant County, Texas, this 1st day of January, 1906.

SAINTS AND THE

STATE OF TEXAS
COUNTY OF TARRANT

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DEPARTMENT OF THE ARMY

THE ROBBINS COMPANY

Dr. P. B. Brown, Jr.,
O. B. Brown & Company

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

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

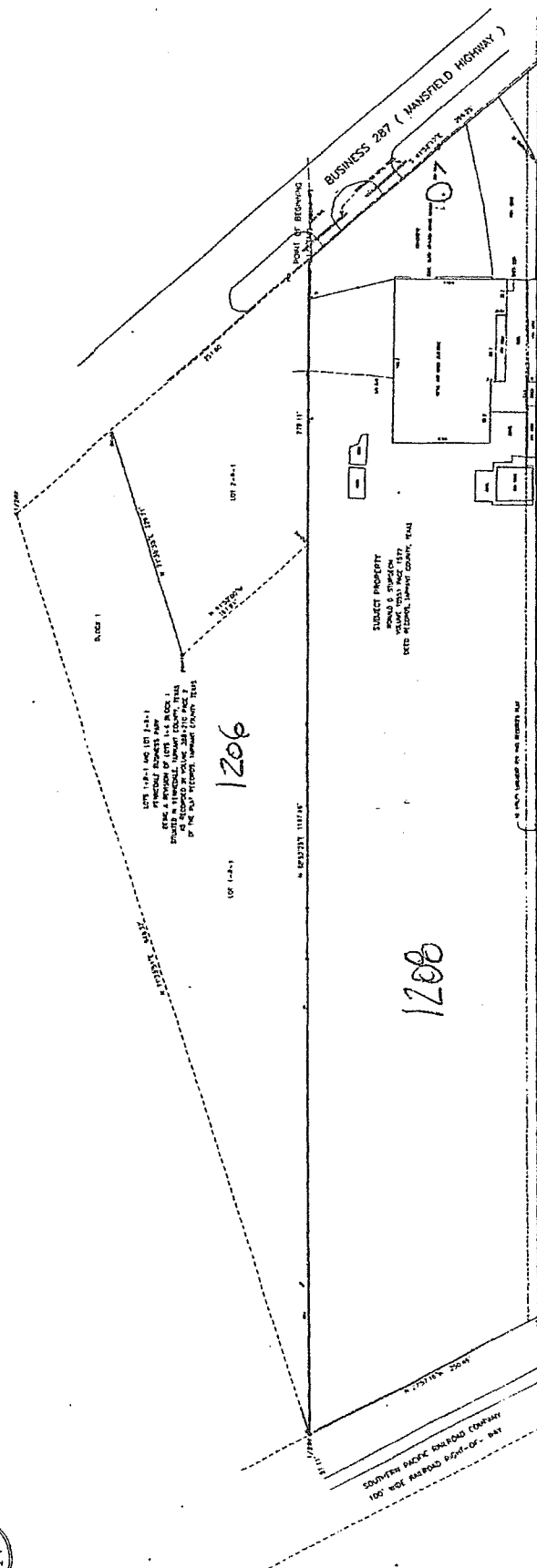
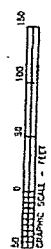
City of Knoxville
Ordinance
Chapter 348

ED: July 10, 1986

COUNCIL
ALE, TEXAS

Calculus Q. 10

TRACT I



SHAWNEE POWER PLANT
MINISTER OF THE ATTORNEY GEN. LINDA THOMPSON
VOLUME 1750 PAGE 1545
WED 05/03/2000 14:00:00. 1750

CLINICAL DESCRIPTION

[illegible]

WIFE AND SON, I RECEIVED INFORMATION THE DAY AFTER MY RELEASE TO THE ARMY, THAT MY WIFE HAD BEEN KILLED BY A JAPANESE AIRCRAFT ON APRIL 27, 1945.

ALAN HARD SURVEYING CO.
P.O. BOX 7078 OFF. 817-2340287
FT. WORTH, TX 76112 FAX 817-2348443
EMAIL: AHSURV@GTE.net

Willa Adams Grant

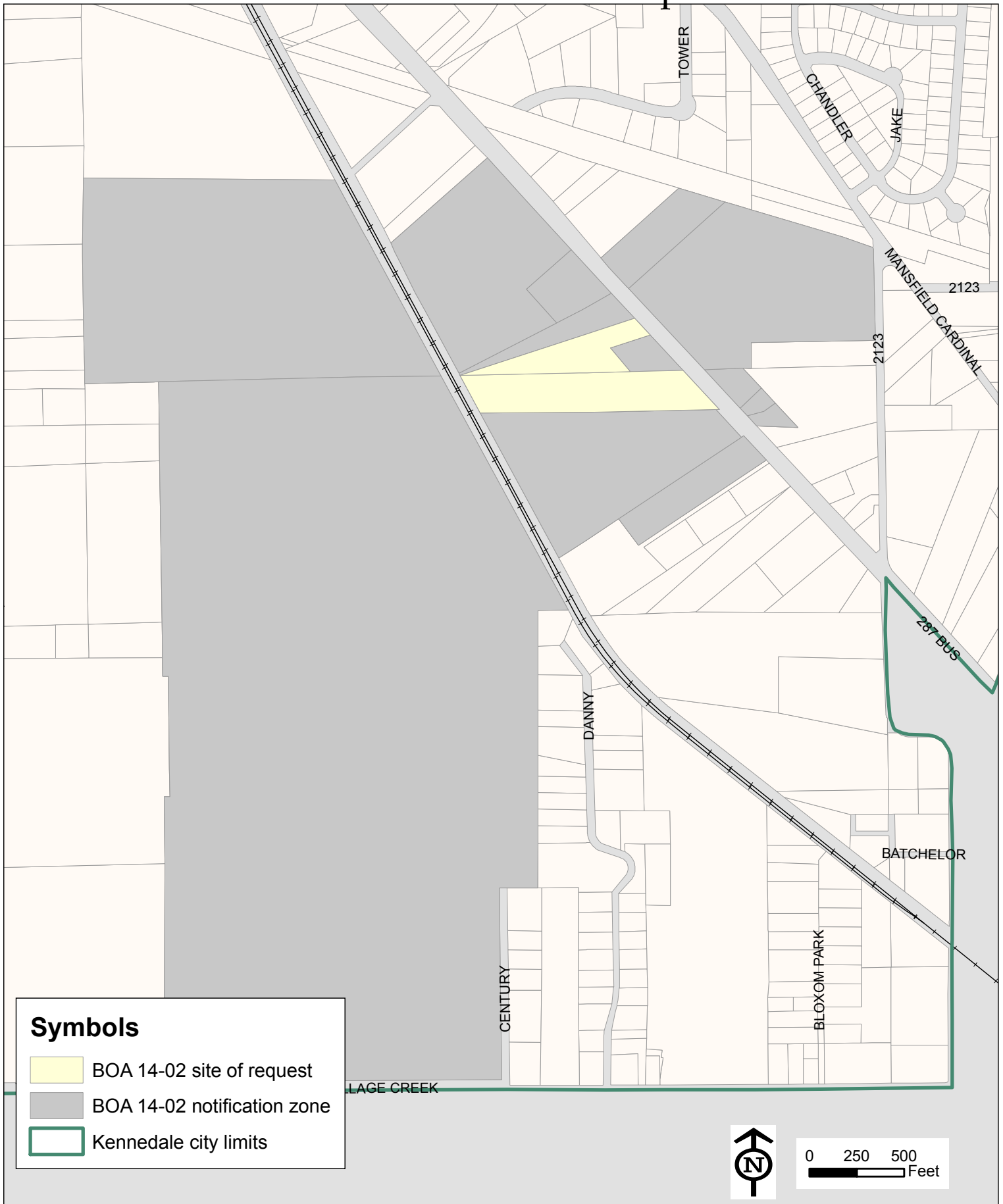
A 6.084 ACRE TRACT OF LAND IN THE W.H. HUDSON SURVEY ABSTRACT No. 716

DECEASED IN THE CITY OF MINNEAPOLIS, TARRANT COUNTY, TEXAS
AND BEING THE SAME TOGETHER DESCRIBED IN A DEED OF RECORD
AS RECORDED IN VOLUME 10551 PAGE 577
OF THE DEED RECORDS, TARRANT COUNTY, TEXAS

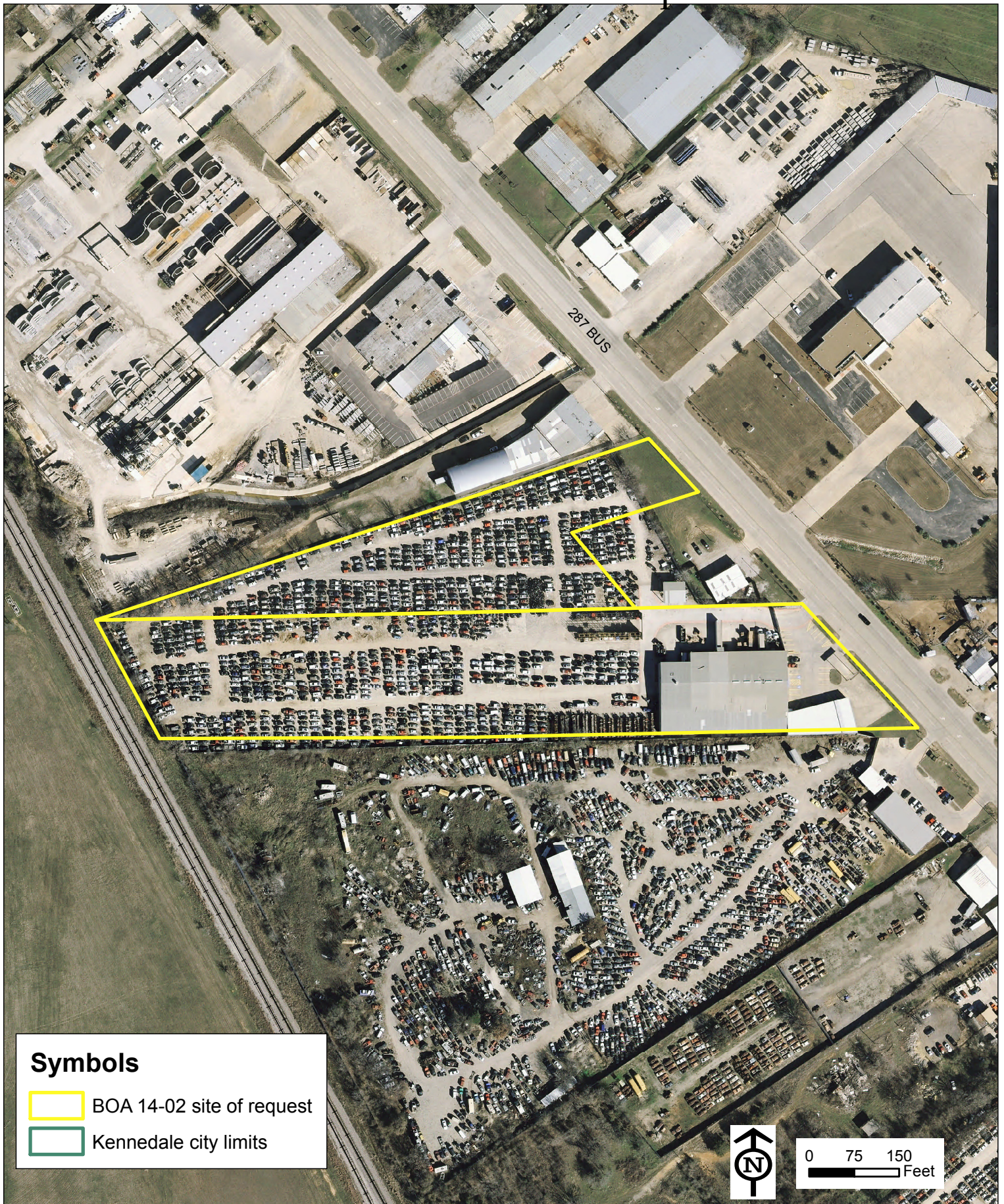
ADMINISTRATIVE

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BOA 14-02: site of request



BOA 14-02: site of request





1208 F Kennedys PKW



01/08/2014

1266-1268 E Kemmerle Blvd

Special exception conditions, 1206 and 1208 E Kennedale Pkwy

Conditions applied to special exception expiring in 2004:

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

Conditions applied to special exception expiring in 2014:

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

Date: May 6, 2014

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Case # BOA 14-03 to hold a public hearing and consider a request by Jose Jaime for a Special Exception to the City Code Section 17-421 Schedule of uses and off-street parking requirements, to allow an auto salvage yard in an "I" Industrial zoning district at 6940 E Kennedale Pkwy, more particularly described as W H Hudson Addn Block Lot 1.

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

BACKGROUND & OVERVIEW.

Applicant: Jose Jaime (AB's 1 Auto Parts)

Location: 6940 E Kennedale Pkwy

Zoning district: Industrial and Business 287 Overlay

Adjacent/surrounding uses: salvage and other auto-oriented uses (adjacent and across the street); feed store (across the street); rail line (behind the site)

The property has been home to salvage operations since before 2002, when a special exception was granted to Jose Jaime and Martin Marquez to operate a salvage yard for two years, with conditions (listed on an attached page) and subject to annual reviews. It was renewed in 2004 for an additional ten years, also with conditions. To the knowledge of City inspection staff, most of the conditions have been met. However, the following conditions appears not to have been met:

A hard surface parking topping material must be used for parking and on the appropriate acreage for storage of vehicles.

STANDARDS FOR GRANTING A SPECIAL EXCEPTION.

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

Section 17-422 also authorizes the board to add conditions as part of granting a special exception and to require such evidence and written guarantees as the board may deem necessary as proof that the conditions stipulated in connection with the special exception are being and will be complied with.

STAFF REVIEW AND RECOMMENDATION.

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

The City does not anticipate that the neighborhood will transition to a light industrial district in the immediate future (that is, within the next three to five years). The Future Land Use Plan is part of the comprehensive land use plan, which establishes a long-term vision for the city. To fully implement the plan across the entire city is expected to take about 10-20 years. For this reason, a salvage yard that can meet the special exception standards for the area as it is now could be compatible with Kennedale’s future plans on a short-term basis. However, since implementing the plan along Kennedale Parkway is a high priority, a salvage yard on Kennedale Parkway may not meet the special exception standards on a long-term basis. The section below outlines the staff’s review of whether the requested use meets the standards for a special exception.

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

Due to the nature of the materials and processes involved in operating a salvage yard, such uses can be detrimental to the public health, safety, or general welfare. Whether a salvage yard is detrimental depends on its location, surrounding uses, and how the business is operated. Most of the uses surrounding AB’s are also industrial and do not have large numbers of employees who could be subject to potential negative effects of the salvage yard. In addition, current staff has received no complaints about AB’s concerning noise, lighting, air quality, traffic, or other elements of land use that may affect health, safety, or general welfare. However, from a review of aerial photography, we have seen that AB’s has been storing vehicles on grass or non-paved surfaces, rather than on a hard surface parking material as required through the business’s previous special exception. Parking on non-paved surfaces is a concern from a storm water pollution perspective, in addition to being a violation of the conditions of the previous special exception.

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

A number of the uses already permitted in the neighborhood are industrial and would not be substantially impaired or diminished by the continuation of this operation. However, many commercial and retail uses are permitted in the Industrial zoning district, and such uses may be reluctant to be located near a salvage yard. With that said, this neighborhood is unlikely to attract such uses at this time or over the next few years, regardless of whether AB's continues its operations. Staff expects to see a transition to more commercial or light industrial uses as the comprehensive plan is implemented, but for now, a salvage yard will not substantially impair or diminish the use or enjoyment of property in the neighborhood for uses already permitted.

Staff considers the requested use to meet this standard for a special exception at this time.

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

At the present time, this business will not impede the normal and orderly development and improvement of the surrounding property for other industrial uses already permitted in the district. Kennedale Pkwy is one of the first priorities for implementing the Future Land Use Plan, and less intensive uses may be reluctant to open next to or near a salvage yard. However, as stated above, staff does not expect this area to attract many such uses over the next few years, even if this business were to cease operations. Therefore, a short term renewal of the special exception should not impede the normal and orderly development of surrounding property.

Staff considers the use to meet this standard for a special exception at this time.

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

Adequate utilities, access roads, and drainage have been provided. However, the required parking for vehicle storage has not been provided. In addition, staff has not been able to verify that the use meets the TCEQ's storm water requirements. Businesses that have a storm water permit from TCEQ are supposed to submit a copy of their permit and their storm water prevention plan to City staff, but staff has not received a copy of the permit or of the plan.

Staff will consider the use to meet this standard for a special exception once the City has received a copy of the business's storm water permit and plan.

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

Adequate measures have been taken to provide ingress or egress so as to minimize traffic congestion in the public streets.

Staff considers the use to meet this standard for a special exception at this time.

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

The Industrial zoning district does not have a minimum requirement for lot area or building size and has no masonry requirement. Adequate parking for customers has been provided. In addition, AB's has built the new structure required as a condition of receiving a previous special exception. The requirements for the Industrial zoning district have been met, but as noted above, the parking requirement for vehicle storage has not been met. Staff therefore does not consider the use to meet this standard for a special exception at this time.

Staff recommendation.

The applicant has made a sincere effort to meet most of the conditions of previous special exceptions, including building a new structure. Staff therefore recommends granting a renewal of the special exception. However, staff recommends granting the exception for a period of one year only, on the condition that the parking for vehicle storage on a hard surface material be provided as originally required. If the applicant provides the required hard surface for parking, and the other conditions continue to be met at the end of the one-year period, staff recommends the applicant be eligible for a renewal of an additional four years, with no renewals after that four-year period has ended. After that time, the continued operation of the salvage yard could hinder the normal and orderly development of surrounding properties for non-heavy industrial uses already permitted in the district and for the transition to uses envisioned in the comprehensive plan. Staff further recommends the special exception be granted only with the additional following conditions.

1. The property owner shall be required to maintain the landscaping from the front of the building to the curb, as required by city code.
2. The operator will submit to the City a copy of its storm water permit from the Texas Commission on Environmental Quality and its storm water plan.
3. The special exception shall expire on May 31, 2015.
4. When the special exception expires, the applicant may apply for a renewal of the special exception for up to four additional years, provided all vehicles have been stored on hard surface parking as previously required. If the additional renewal is granted, then effective June 1, 2019, the operator or the property owner shall begin cleanup of the property in a reasonable manner that will provide for the complete removal of all automobile parts, recycling products, scrap metal, junk, trash, debris, and other waste material, and any storage materials used for storing parts or equipment outdoors, by November 30, 2019. The property shall be left in a neat and presentable condition and not in violation of any City ordinances. If the additional renewal is not granted, then the operator or property owner shall begin cleanup effective June 1, 2015, to be completed by November 30, 2015.

BOARD ACTION ON CASE 14-03.

- The board can approve the request, deny the request, or approve it with conditions.
- You may also postpone/continue the case until a later date, but you must specify when the case will be continued.
- Whether you approve or deny the request, your motion should state why you are doing so (i.e., it meets all standards for a special exception, it doesn't meet the standard concerning ...).

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

APPROVE

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

APPROVE WITH CONDITIONS

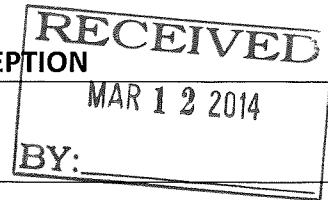
I find that the use will meet the standards for a special exception with the addition of conditions to secure compliance with the standards and requirements of Section 17-422 of the city cod, and I make a motion to approve the request for a special exception for a period of [state time period], with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

DENY

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



APPLICATION FOR SPECIAL EXCEPTION



Applicant

NAME: Jose Jaime	
PHONE: 817-478-9261	EMAIL OR ALTERNATE PHONE: 817-714-6012
MAILING ADDRESS: (Street) 6940 E Kennedale Pkwy	
(City, State, Zip Code) Kennedale TX 76060	

Property Owner

NAME: Jose Jaime and Martin Marquez	
PHONE: 817-478-9261	EMAIL OR ALTERNATE PHONE: 817-714-6012
MAILING ADDRESS: (Street) 6940 E Kennedale Pkwy	
(City, State, Zip Code) Kennedale TX 76060	

Property for which a Special Exception is requested

ADDRESS: 6940 E Kennedale Pkwy
LEGAL DESCRIPTION:

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

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

1.a. If yes, when was the application or appeal filed? 2001

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

3. If the special exception request is for a land use, is the request for a use not allowed in the zoning district?

☒ Yes

☐ No

3.a. Is this a remodel of an existing structure? ☐ Yes

☐ No

3.b. Is this new construction?

☐ Yes

☐ No

4. If the special exception request is for oil or gas well drilling, how many wells are requested for this location?

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

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

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

March 12, 2014

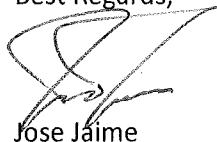
City of Kennedale

Board of Adjustment

RE: Special Exception Application

1. Proper measures have been taken to ensure the handling of vehicle fluids and other hazardous materials are stored and disposed of properly along with regular testing of rain water to ensure public health and safety.
2. Uses of other property in the neighborhood are in no way impaired or diminished by this establishment or operation of use.
3. The landscaped and regularly maintained store front lends itself to orderly development and improvement of surrounding properties.
4. Strategically placed drains and water run-offs have been added to prevent large puddles from forming.
5. Well designed and laid out parking lot with clearly marked spaces, fire lanes, and handicap accessible locations along with two driveways ensure ease of access in and out of the property to minimize traffic congestion.
6. Proper uniform fencing ensures the salvage inventory is not visible from the street, the building has a brick fascia, and appropriate parking lot size and design are all within regulation.

Best Regards,



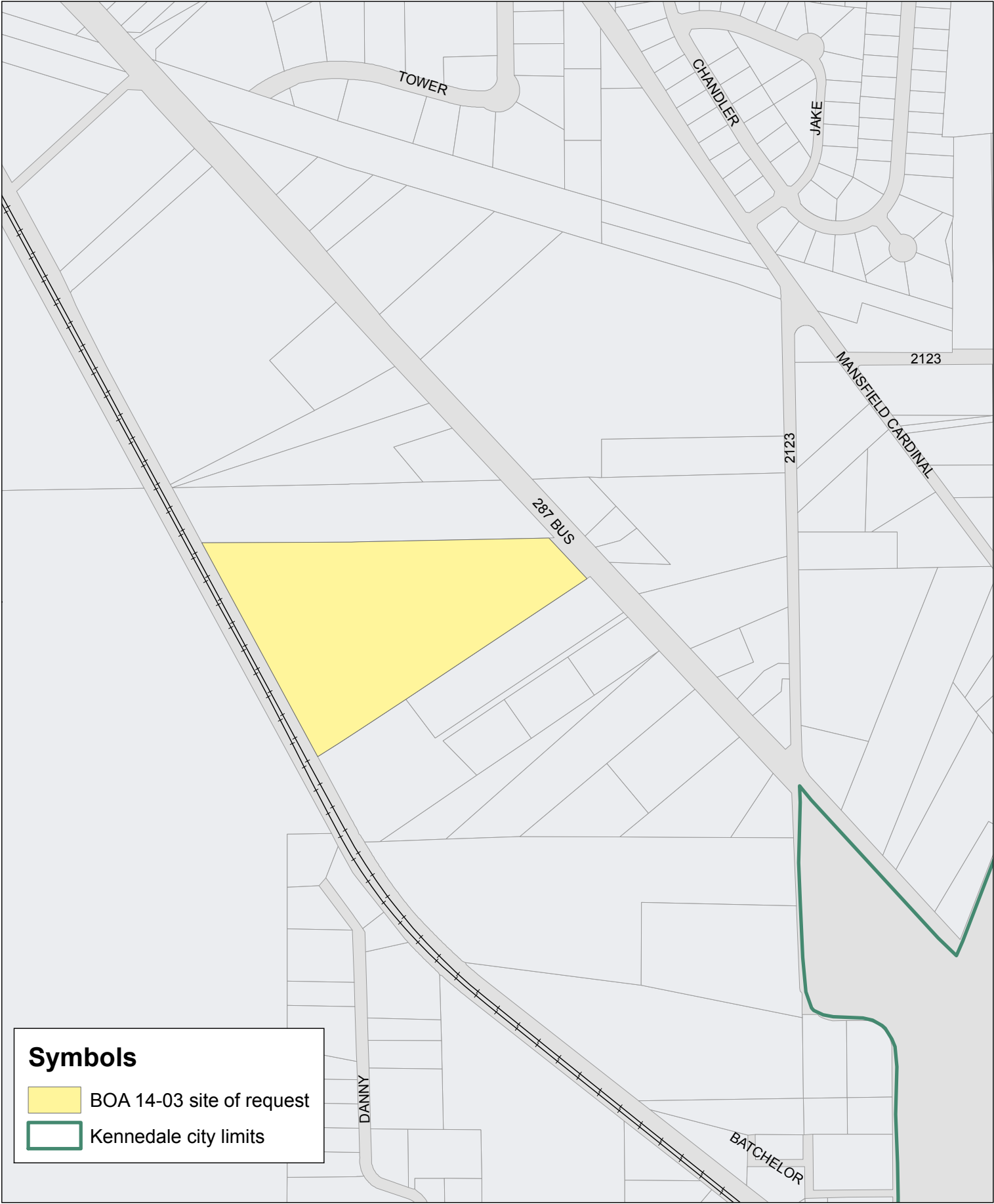
Jose Jaime

6940 E Kennedale PKWY

Kennedale TX 76060

(817) 478-9261

Map showing location of request, BOA 14-03



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



0 200 400 Feet

Map showing location of request, BOA 14-03



Symbols

-  BOA 14-03 site of request
-  Kennedale city limits

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



0 200 400
Feet

Special exception conditions for 6940 E Kennedale Pkwy, Tract 3 of the Wade H. Hudson Survey, Abstract 716

Conditions applied to special exception expiring in 2004:

1. All city codes, Business 287 overlay ordinances, and Texas Transportation Code must be met.
2. A 50' setback with proper screening is to be installed.
3. All screening must be uniform in vertical length and width compliant with current code, including being kept in good repair, solid in nature, and painting in earth tone excluding rust color.
4. Parking area must be hard surface with no parking in the right-of-way.
5. All outside storage must be screened from the public view as well as the neighbors' view.
6. No vehicles, scrap, or other outside storage shall be stacked or placed above the screening wall or fence so that it becomes visible by the public or neighboring property owners.
7. A hard surface parking topping material must be used for parking and on the appropriate acreage for storage of vehicles.
8. When widening of Business 287 is complete, landscaping requirements of the overlay must be met.
9. Current building must be demolished and building permit for new structure be approved and construction of the new facility commenced within three months of the approval of the special exception.

Conditions applied to special exception expiring in 2014:

1. All City Codes, Business 287 Overlay Ordinances, and Texas Transportation Code must be met.
2. A 50' setback with proper screening is to be installed.
3. All screening must be uniform in vertical length and width compliant with current code including be kept in good repair, solid in nature, painting in earth tone excluding rust color.
4. Parking area must be hard surface with no parking in right-of-way.
5. All outside storage must be screened from public view as well as that of neighbors view.
6. No vehicles, scrap, or other outside storage shall be stacked or placed above screening wall or fence so that it becomes visible by public or neighboring property owners.
7. A hard surface parking topping material must be used for parking and on the appropriate acreage for storage of vehicles.
8. When widening of Business 287 is complete, landscaping requirements of the overlay must be met. Current building must be demolished and building permit for new structure be approved and construction of the new facility commenced within three months of the approval of the special exception.



04/29/2014









Date: May 6, 2014

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

Case # BOA 14-04 to hold a public hearing and consider a request by Jerry Coyel for a Special Exception to the City Code Section 17-421 *Schedule of uses and off-street parking requirements*, to allow an auto salvage yard in an "I" Industrial zoning district at 7001, 7003 & 7015 E Kennedale Pkwy, more particularly described as Wade H Hudson Survey A 716 Tracts 3B03, 3B3, 3B3A, 3B04, & 3B05A.

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

BACKGROUND & OVERVIEW.

Applicant: Jerry Coyel (Apache Foreign Auto Salvage)

Location: 7001 East Kennedale Pkwy

Zoning district: Industrial, Business 287 Overlay

Adjacent/surrounding uses: feed store (adjacent); auto salvage (across Kennedale Pkwy); restaurant (nearby); sheet metal fabrication (behind); Tarrant County maintenance yard (nearby); single family residential (across Eden Rd)

The property has been home to salvage operations since before 2002, when a special exception was granted to the applicant to operate a salvage yard for two years, with conditions (listed on an attached page). The special exception was renewed in 2004 for an additional ten years, also with conditions. To the knowledge of City inspection staff, all of the conditions of previous special exceptions were met.

STANDARDS FOR GRANTING A SPECIAL EXCEPTION.

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

Section 17-422 also authorizes the board to add conditions as part of granting a special exception and to require such evidence and written guarantees as the board may deem necessary as proof that the conditions stipulated in connection with the special exception are being and will be complied with.

STAFF REVIEW AND RECOMMENDATION.

The property is zoned Industrial, and surrounding uses are generally industrial in nature. The Future Land Use Plan envisions this area as an Urban Corridor. The goal for such areas is to establish a more commercial type of land use, with associated commercial-type site and building designs. The intent of the urban corridor district is to ensure that new developments (or additions to existing development) are designed to be more pedestrian-friendly and attractive, while still being accessible and attractive for visitors who come to the area by car. Sample use types include office and restaurant.

The City does not anticipate that the neighborhood will begin transitioning to commercial uses before the next two to three years. The Future Land Use Plan is part of the comprehensive land use plan, which establishes a long-term vision for the city. To fully implement the plan across the entire city is expected to take about 10-20 years. For this reason, a salvage yard that can meet the special exception standards for the area as it is now could be compatible with Kennedale's future plans on a short-term basis. However, since implementing the plan along Kennedale Parkway is a high priority, a salvage yard on Kennedale Parkway may not meet the special exception standards on a long-term basis. The section below outlines the staff's review of whether the requested use meets the standards for a special exception.

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

Due to the nature of the materials and processes involved in operating a salvage yard, such uses can be detrimental to the public health, safety, or general welfare. Whether a salvage yard is detrimental depends on its location, surrounding uses, and how the business is operated. Most of the uses surrounding Apache are also industrial (although there is one restaurant and a handful of residences nearby) and do not have large numbers of employees who would be subject to potential negative effects of the salvage yard. In addition, current staff has received no complaints about Apache concerning noise, lighting, air quality, traffic, or other similar elements of land use that may affect health, safety, or general welfare, and Mr. Coyel (owner of the business) has the property checked by an environmental company periodically.

Staff considers the use to meet this standard for a special exception at this time.

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

A number of the uses already permitted in the neighborhood are industrial and would not be substantially impaired or diminished by the continuation of this operation. However, many commercial and retail uses are also permitted in the Industrial zoning district, and such uses may be reluctant to be located near a salvage yard. With that said, this neighborhood is unlikely to begin attracting such uses at this time, regardless of whether Apache continues its operations. Staff expects to see a transition to more commercial uses as the comprehensive plan is implemented, but for now, a salvage yard will not substantially impair or diminish the use or enjoyment of property in the neighborhood for uses already permitted.

Staff considers the use to meet this standard for a special exception at this time.

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

At the present time, this business is not expected to impede the normal and orderly development and improvement of the surrounding property for other industrial uses already permitted in the district. However, while the use may not impede normal and orderly development within the next several years, if the business does not operate at a high enough standard, the appearance of that use could impede development as envisioned in the Future Land Use Plan. Kennedale Pkwy is one of the first priorities for implementing the Future Land Use Plan, and commercial businesses may be reluctant to open next to or near a salvage yard. However, as stated above, staff does not anticipate that this area to attract many commercial uses over the next few years, even if Apache were to cease operations. Therefore, a short term renewal of the special exception should not impede the normal and orderly development of surrounding property for now.

Staff considers the use to meet this standard for a special exception at this time.

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

Adequate utilities, access roads, drainage, and other necessary site improvements have been provided as far as city regulations are concerned. However, staff has not been able to verify that the use meets the TCEQ's storm water requirements. Businesses that have a storm water permit from TCEQ are supposed to submit a copy of their permit and their storm water prevention plan to City staff, but staff has not received a copy of the permit or of the plan.

Staff will consider the use to meet this standard for a special exception once the City has received a copy of Apache's storm water permit and plan.

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

Adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

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

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

The Industrial zoning district does not have a minimum requirement for lot area or building size and has no masonry requirement. The parking lot is paved, as is required, but the parking lot is no longer striped, and the paving is in poor condition. Proper striping makes it easier for visitors to park safely and easily, and it also allows staff to verify that the correct number of spaces have been provided. The parking lot appears to have adequate space for parking, but at this time, we can't verify that enough spaces have actually been provided and that the spaces are the minimum size required by city regulations (for example, how much of the parking lot is part of a fire lane or a vehicle travel lane, and how much is dedicated for parking?). While striping of parking is a small factor, it is important to have the lot adequately striped, or to have the spaces marked off some other way, so that visitors know where they can safely park. It is also important that the parking lot be maintained in proper condition.

Staff will consider this standard to be met once the parking lot has been striped (or the spaces have been marked off in some other way approved by staff) and staff has verified the spaces provided meet the minimum number and size requirements, and once the surface material has been patched or otherwise repaired.

Staff recommendation.

Staff recommends granting a renewal of the special exception, since the applicant has made an effort to meet the conditions of previous special exceptions granted, such as paving the customer parking area and installing screening. Staff recommends setting an expiration date in the range of three to five years, without an option to renew after five years. After that time, the continued operation of the salvage yard is expected to hinder the normal and orderly development of surrounding properties for commercial uses already permitted in the district, and for the transition to the uses and character envisioned in the comprehensive plan. Staff further recommends the special exception be granted only with the additional following conditions.

1. The property owner shall be required to maintain the landscaping from the front of the building to the curb, as required by city code for all properties.
2. The operator will submit to the City a copy of its storm water permit from the Texas Commission on Environmental Quality and its storm water plan.
3. The special exception shall expire no later than May 31, 2019.
4. Effective June 1, 2019, the operator (or the property owner, if the operator has changed) shall begin cleanup of the property in a reasonable manner that will provide for the complete removal of all automobile parts, recycling products, scrap metal, junk, trash, debris, and other waste material, and any storage materials used for storing parts or equipment outdoors, by November 30, 2019. The property shall be left in a neat and presentable condition and not in violation of any City ordinances.

BOARD ACTION ON CASE 14-03.

- The board can approve the request, deny the request, or approve it with conditions.
- You may also postpone/continue the case until a later date, but you must specify when the case will be continued.
- If you approve or deny the request, your motion should state why you are doing so (i.e., it meets all standards for a special exception, it doesn't meet the standard concerning ...).

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

APPROVE

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

APPROVE WITH CONDITIONS

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

DENY

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

Applicant

NAME: JAMES COYNE - APACHE FOREIGN AUTO SALES	
PHONE: 580 212 2294	EMAIL OR ALTERNATE PHONE: LHA11@APACHEAUTO.COM
MAILING ADDRESS: 7001 EAST KENNEDALE PKY 76060 (Street) 1001 WEST KENNEDALE PKY	
(City, State, Zip Code) FORT WORTH TEXAS 76140	

Property Owner

NAME: JAMES COYNE	
PHONE: 580 212 2294	EMAIL OR ALTERNATE PHONE:
MAILING ADDRESS: 1001 WEST KENNEDALE PKY (Street)	
(City, State, Zip Code) FORT WORTH TEXAS 76140	

Property for which a Special Exception is requested

ADDRESS: 7001 EAST KENNEDALE PKY
LEGAL DESCRIPTION:

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

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

1.a. If yes, when was the application or appeal filed?

WE HAVE BLACKSHARK ENVIRONMENTAL CHECKED OUR
SITE OVER A QUARTER. ALL CONCRETE YARD

SCREENING FINE NO POLLUTANTS

EVERYTHING IS CONTAINED ON PROPERTY.

EVERYTHING PROVIDED

LARGE PARKING LOT AND NO STACKING.

TO MY KNOWLEDGE MEETS ALL REQUIREMENTS

Three tracts of land located in Tarrant County, Texas more specifically described as follows:

Tract 1.

Being approximately five (5) acres of land out of the Wade H. Hudson Survey, Patent 370, Abstract 716, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the Northeast corner of said Wade H. Hudson Survey;

THENCE West 703.4 feet to corner;

THENCE south 40 degrees East 414 feet to iron pin for corner;

THENCE South 88 degrees West 206 feet to iron pin for corner in State Highway No. 287;

THENCE South 41 degrees 30 minutes East 162 feet to stake for corner in State Highway No. 287;

THENCE North 77 degrees 34 minutes East 550.4 feet to stake in fence line;

THENCE North along a fence line 312.7 feet to the POINT OF BEGINNING, containing in all approximately five (5) acres of land.

Tract 2:

Being a tract of land out of the W.H. Hudson Survey, Abstract 716, Tarrant County, Texas and described by metes and bounds as follows:

BEGINNING at a point in the center line of a County Road, 316.0 feet South of the Northeast corner of said Hudson Survey;

THENCE South 77 degrees 34 minutes West at 21.0 feet an iron pin, continuing a distance of 553.0 feet in all to an iron pin for corner in the Easterly R.O.W. line of State Highway No. 287;

THENCE south 41 degrees 30 minutes East along said R.O.W. 256.2 feet to an existing iron pin for corner;

THENCE North 68 degrees 04 minutes East passing an iron pin at a distance of 376.0 feet continuing a distance of 397.0 feet in all to a point for corner in the centerline of a County Road;

THENCE North 0 degrees 42 minutes East along center line of said road, 162.7 feet to the place of BEGINNING and containing 2.10 acres of land, approximately;

SAVE AND EXCEPT any part or portion thereof in the use or occupancy of any public road or highway.

Tract 3:

Being a tract of land out of the Wade H. Hudson Survey, Abstract 716 in Tarrant County, Texas and described by metes and bounds as follows:

BEGINNING at an iron pin for corner, being 5.0 feet (1.8 varas in the most recent deed) West, 480.6 feet (173.0 varas in the most recent deed) South, and 188.2 feet South 67 degrees 40 minutes West from the Northeast corner of the Wade H. Hudson Survey;

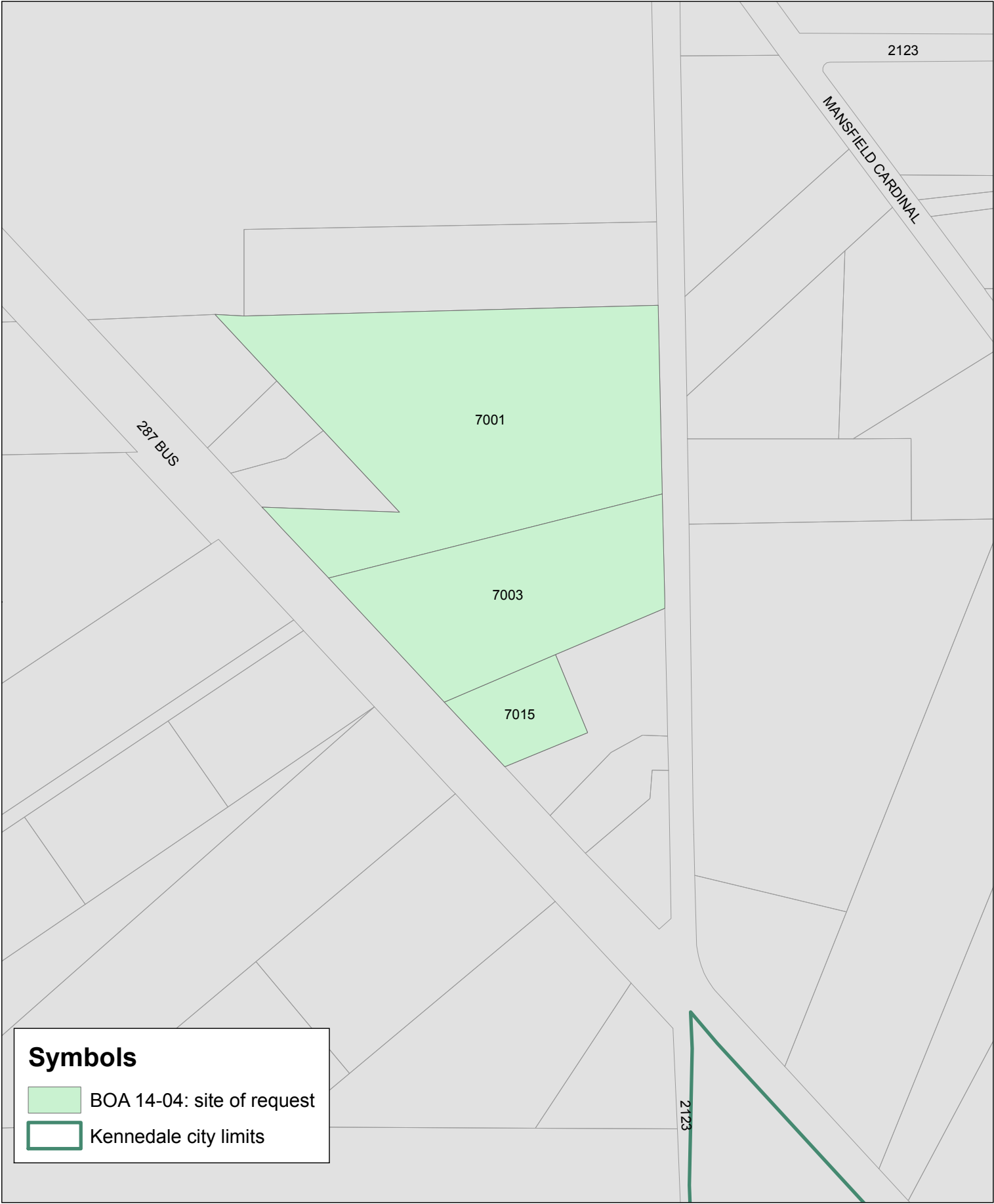
THENCE south 22 degrees 20 minutes East 134.3 feet to an iron pin for corner;

THENCE South 67 degrees 40 minutes West 140.0 feet to an iron pin for corner in the Northeast right of way of State Highway No. 287;

THENCE North 41 degrees 33 minutes West along the Northeast line of said highway 142.2 feet to an iron pin for corner;

THENCE North 67 degrees 40 minutes East 186.8 to the POINT OF BEGINNING.

Map Showing Location of Request, BOA 14-04

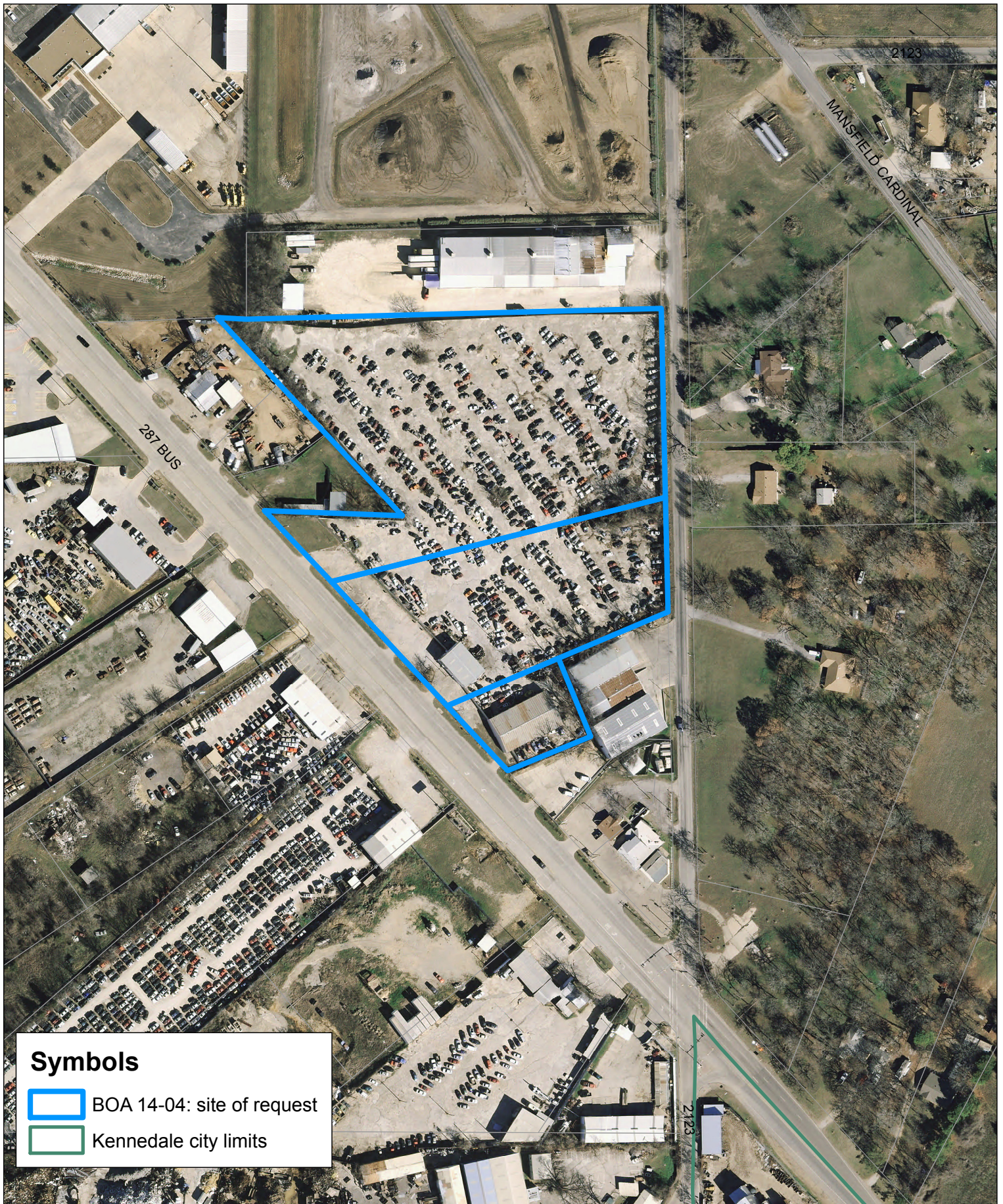


Parcel boundary data from the Tarrant Appraisal District
Road data from North Central Texas Council of Governments



0 80 160 Feet

Aerial View of Site, BOA 14-04



Symbols

-  BOA 14-04: site of request
-  Kennedale city limits

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



0 80 160 Feet



04/29/2014





04/29/2014







Special Exception Conditions, Apache Auto Salvage, 7001 E Kennedale Pkwy

Conditions applied to special exception expiring in 2004:

1. All aspects of the Kennedale City Code and Highway 287 Overlay Ordinances, and Texas Transportation code must be met.
2. A 50' setback with proper screening is to be installed.
3. All screening must be uniform in vertical length and width compliant with current code including being kept in good repair, solid in nature, painting in earth tone excluding rust color.
4. Parking area must be hard surface with no parking in right-of-way.
5. All outside storage must be screened from public view as well as that of neighbors' view.
6. No vehicles, scrap, or other outside storage shall be staked or placed above screening wall or fence so that it becomes visible by public or neighboring property owners.
7. A hard surface parking topping material must be used for parking and on the appropriate acreage for storage of vehicles.
8. When widening of Business 287 is complete, landscaping requirements of the overlay must be met.

Conditions applied to special exception expiring in 2014:

1. Landscaping setback must be complied with once highway is complete.
2. Renew for 10 years from April 2004 and will expire in April 2014.

Date: May 6, 2014

Agenda Item No: REGULAR ITEMS - D.

I. Subject:

Case # BOA 14-05 to hold a public hearing and consider a request by Bowerman Oil & Gas for a Special Exception to the City Code Section 17-421 *Schedule of uses and off-street parking requirements*, to allow for farm/ranch use (livestock) in "R-3" Single Family Residential at 1437 Swiney Hiatt Rd, legal description of C. C. Swiney Subdivision, being a portion of Lot 8, being all of a tract of land described in deed to Charles Blish, recorded in Vol. 8794 p. 2303, D.R.T.C

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

BACKGROUND

Applicant: Bill Bowerman (Bowerman Oil & Gas)

Request: special exception to allow farm/ranch use (keeping of livestock) in R-3 zoning district

Location: Swiney Hiatt Rd, near the intersection with Joplin Rd at the western city limits

Zoning: R-3 Single Family Residential

Surrounding uses: Agricultural (behind the site); single family residential (adjacent and across the street); vacant lots/tracts

Bill Bowerman/Bowerman Oil & Gas purchased this property in 2013. Prior to Mr. Bowerman's purchase, the property was used for a single family residence. Mr. Bowerman also owns approximately 45 acres of land located immediately behind the site, and that parcel is zoned Agricultural. Mr. Bowerman has a residence on the agricultural property, and he keeps some livestock. Mr. Bowerman would like to keep a small number of livestock on this property, as well.

Mr. Bowerman had previously applied for a rezoning for the site from R-3 to Agricultural but then asked for a

continuance, followed by a withdrawal of the request. Prior to the request being withdrawn, the rezoning case was placed on a Planning & Zoning Commission agenda. Although the case was not considered by the Commission due to the request for a continuance, notification letters about the case had been sent to affected property owners, and three property owners filed public hearing forms against the request for rezoning. Those forms are attached to this report for your reference. In addition, staff received one phone call from a neighbor who was against granting the request.

STANDARDS FOR GRANTING A SPECIAL EXCEPTION.

No application for a special exception shall be granted by the board of adjustment unless the board finds all of the required conditions are present. These six standards are listed in Section 17-422 of the Kennedale city code and are addressed in the staff review section, below. Section 17-422 also authorizes the board to add conditions as part of granting a special exception and to require such evidence and written guarantees as the board may deem necessary as proof that the conditions stipulated in connection with the special exception are being and will be complied with.

STAFF REVIEW AND RECOMMENDATION.

The Future Land Use Plan envisions this area as Neighborhood and Conservation Overlay. The Neighborhood character district is intended to be primarily residential. The Conservation Overlay character district is intended to preserve the rural and cultural landscape of Kennedale and serve as a buffer between Kennedale and adjacent communities, in order to help Kennedale retain a geographic identity distinct from surrounding areas. Development types that would fit the character of the Conservation Overlay include conservation subdivisions (residential development in which houses are clustered together in order to preserve large areas of open space within the neighborhood), agriculture, and open space. Farming and ranching uses, therefore, could fit with long-term plans for this area. Whether such uses are appropriate for a particular site, however, is determined by evaluating how the use would or would not meet the standards for a special exception. Staff's review of the proposed use and the special exception standards are provided below.

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

Keeping a limited number of cattle on this property should not be materially detrimental to or endanger the public health, safety, or morals. However, due to the objections raised by several of the neighbors concerning the keeping of livestock here, the board must carefully consider the effect on general welfare. Staff believes keeping one animal on the property, and restricting the animal to around two acres on the back part of the property (see attached exhibit) would address this issue. Staff would recommend against permitting more than one animal to be kept on this property, however. The more animals are permitted, the greater the potential for noise and odors to affect the neighbors, as well as the greater the potential for soil erosion and for creating a dust problem.

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

The land uses in the area on properties not owned by Mr. Bowerman are primarily residential. The area has a rural character, however. Keeping one animal, and restricting its access to the back part of the property

(close to the adjacent agricultural lot), should not impair the use and enjoyment of other property in the neighborhood for uses already permitted. Keeping several animals, on the other hand, and allowing them free access across the entire property would allow the livestock to get too close to neighboring properties, potentially causing a noise or odor problem.

Staff would consider this use to meet this standard for a special exception if a condition were applied limiting the number of animals that could be kept to one (1) and limiting where on the property it may be kept.

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

The neighborhood has a rural character, and anyone looking to develop or improve property in the area would be aware of the character of the area and should also be aware that livestock are kept on Mr. Bowerman's adjacent lot. The keeping of one additional animal on the site in question would be unlikely to impede the normal and orderly development of surrounding properties. Staff would recommend against permitting more than one animal to be kept, however. Keeping one animal could be seen as contributing to the area's rural character. Keeping several animals on a property this size, however, could give the impression that the area is or could be used for larger-scale agricultural operations not in keeping with the character of or long-term plans for the area, and would be more likely to lead to the negative effects of keeping cattle that some of the neighbors have expressed concern about.

Staff would consider this use to meet this standard for a special exception if a condition were applied limiting the number of animals that could be kept to one (1) and limiting where on the property it may be kept.

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

Adequate utilities, drainage, and roads have been provided. However, staff recommends an additional site improvement to prohibit access by livestock to the front of the property (see attached illustration) if the special exception is granted. At this time, fencing to restrict access is not in place, and this site improvement should be provided.

Staff will consider the use to meet this standard for a special exception once adequate fencing has been installed.

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

Staff considers the applicant to meet this standard for a special exception.

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

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

Staff recommendation.

The board must balance several competing factors as part of its decision. On the one hand, the neighborhood surrounding the property is already rural in character, and moreover, the comprehensive land

use plan encourages the City to make land use decisions that help retain this character. Agricultural uses are clearly part of a rural character. On the other hand, while the area may be rural in character, the uses in the area are primarily residential, and several of the residents have expressed concern about the negative effects from having livestock kept so closely to their homes.

Staff would consider the keeping of one animal -- for example, one bull or one cow -- to meet the standards for a special exception, provided the appropriate conditions are applied. Staff therefore recommends approval of the special exception with the following conditions.

1. Only one livestock animal (one cow, or one bull, or one horse) may be kept on the property at a time.
2. The property must be fenced so that the animal is kept to the back part of the property, as shown on the attached illustration.
3. Fencing for the property shall be maintained in good repair.
4. The property shall not be used for commercial agricultural purposes.
5. The property owner shall maintain the property in good condition to prevent erosion and to prevent loss of grass cover, so as to prevent dust problems or and to prevent an increase in storm water pollution.
6. The property owner shall clear animal waste from the property, as needed, to prohibit an increase in storm water pollution.
7. If city inspection or code compliance staff determines that any of the above conditions have been violated, the special exception shall be placed on the next agenda of the board of adjustment, and the board shall be authorized to revoke the special exception if it determines any of the conditions have been violated.

BOARD ACTION ON CASE 14-05

The board can approve the request, deny the request, or approve it with conditions. You may also postpone/continue the case until a later date, but you must specify when the case will be continued.

If you approve or deny the request, your motion should state why you are doing so (i.e., it meets all standards for a special exception, or it doesn't meet the standard concerning ...). Sample motions are provided below for your reference; please note that you are not required to use one of the sample motions.

APPROVE

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

APPROVE WITH CONDITIONS

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

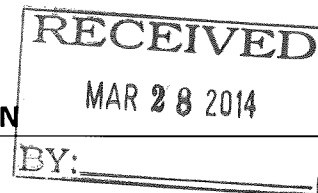
DENY

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

BoA | 4-05



APPLICATION FOR SPECIAL EXCEPTION



Applicant

NAME: BILL BOWERMAN, PRESIDENT – BOWERMAN OIL & GAS, INC.	
PHONE: (817) 478-8200	EMAIL OR ALTERNATE PHONE: CHRISTYL@BHBOWERMAN.COM
MAILING ADDRESS: P.O. BOX 171199	
ARLINGTON, TX 76003	

Property Owner

NAME: BOWERMAN OIL & GAS, INC.	
PHONE: (817) 478-8200	EMAIL OR ALTERNATE PHONE: CHRISTYL@BHBOWERMAN.COM
MAILING ADDRESS: P.O. BOX 171199	
ARLINGTON, TX 76003	

Property for which a Special Exception is requested

ADDRESS: 1437 SWINEY HIETT ROAD, KENNEDALE, TX 76060
LEGAL DESCRIPTION: LOTS 8 – 8, SWINEY SUBDIVISION, VOLUME 1776, PAGE 33, TARRANT COUNTY, TEXAS

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

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

1.a. If yes, when was the application or appeal filed?

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

3. If the special exception request is for a land use, is the request for a use not allowed in the zoning district?

☐ Yes

☒ No

3.a. Is this a remodel of an existing structure? ☐ Yes

☒ No

3.b. Is this new construction?

☐ Yes

☒ No

4. If the special exception request is for oil or gas well drilling, how many wells are requested for this location?

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

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


Signature of applicant

3/25/14
Date

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

BOWERMAN OIL & GAS, INC.

P.O. BOX 171199 * ARLINGTON, TX 76003 * (817) 478-8200

March 25, 2014

City of Kennedale
Board of Adjustments
405 Municipal Drive
Kennedale, TX 76060

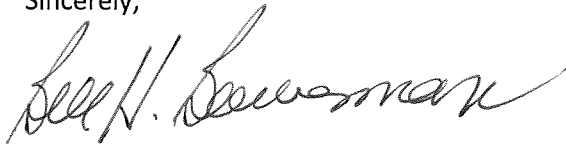
Re: Special Exception Application
1437 Swiney Hiatt Rd

To Whom It May Concern:

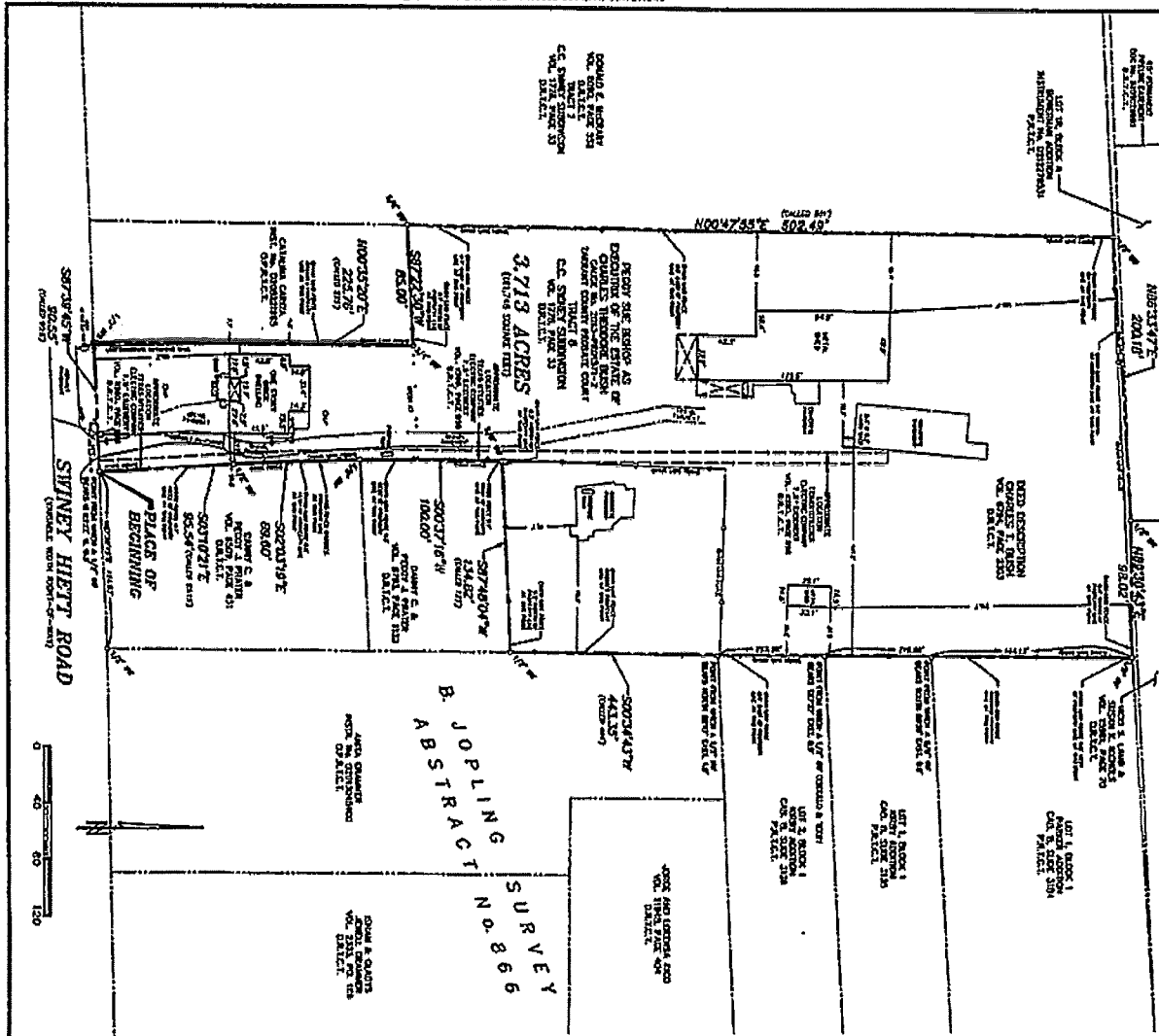
Bowerman Oil & Gas wishes to file a Special Exception Application to keep livestock on the property located at 1437 Swiney Hiatt Road. Our intentions are to keep no more than 4 cattle on the property for breeding purposes. The property is contiguous with the 47 acres we own which is zoned agricultural.

Based on the guidelines required to grant a Special Exception using the property for farming/ranching would not be materially detrimental to or endanger the public health, safety, morals or general welfare. Surrounding properties would not be substantially impaired or diminished by the establishment, maintenance or operation as the properties surrounding us have livestock as well. It will not impede the normal and orderly development to surrounding property. In fact we have already demolished a home on the property that was deemed not livable by the city inspector and several structures on the property that were in poor repair. All adequate utilities, access roads, drainage and other site improvements are already established. Using this property for farming/ranching will not create any traffic congestion and conforms to all regulations of the district in which it is located.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill H. Bowerman", written in a cursive style.

Bill H. Bowerman
President/Owner

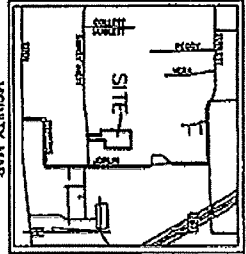


4
B. JOPLING
ABSTRACT
SURVEY
No. 866

[illegible]

**ALTADACSA
LAND TITLE SURVEY**

**VILKULI KAL
N.T.S.**

[illegible][illegible]

WIA PREPARED BY:
WIER & ASSOCIATES, INC.
ENGINEERS SURVEYORS LAND PLANNERS
701 MIDLAND BLVD., SUITE 300 ALBUQUERQUE, NEW MEXICO 87102 (505) 462-1700
Telex 7100 Albuquerque N.M. F-3771 www.wierassociates.com
Circle Seven of Land Surveying Exposition No. 6220222

BOUNDARY SURVEY
3.713 ACRES OF LAND
LOCATED IN THE B. JOPLING SURVEY, ABSTRACT No. 866
CITY OF KENNEDALE, TARRANT COUNTY, TEXAS

*** FIELD NOTES ***

BEING A TRACT OF LAND LOCATED IN THE B. JOPLING SURVEY, ABSTRACT No. 866, TARRANT COUNTY, TEXAS, BEING A PORTION OF TRACT 8, C.C. SWINEY'S SUBDIVISION, AN ADDITION TO THE CITY OF KENNEDALE, TARRANT COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 1776, PAGE 33, DEED RECORDS, TARRANT COUNTY TEXAS (D.R.T.C.T.) BEING ALL OF A TRACT OF LAND DESCRIBED IN A DEED TO CHARLES T. BLISH RECORDED IN VOLUME 8794, PAGE 2303, D.R.T.C.T., AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH RIGHT-OF-WAY LINE OF SWINEY HIETT ROAD (A VARIABLE WIDTH RIGHT-OF-WAY), FROM WHICH A 1/2" IRON ROD FOUND BEARS NORTH 03°32' WEST, 0.3 FEET, SAID POINT BEING THE SOUTHEAST CORNER OF SAID CHARLES T. BLISH TRACT, AND THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO DANNY C. AND PEGGY J. PRATER RECORDED IN VOLUME 6509, PAGE 431, D.R.T.C.T.;

THENCE SOUTH 87°39'45" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID SWINEY HIETT ROAD AND THE SOUTH LINE OF SAID TRACT 8, A DISTANCE OF 90.55 FEET TO A 1/2" IRON ROD SET WITH A CAP STAMPED "WIER & ASSOC INC" BEING THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO CATALINA GARCIA RECORDED IN INSTRUMENT No. D208221965, OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS (O.P.R.T.C.T.);

THENCE NORTH 00°35'20" EAST, DEPARTING THE NORTH RIGHT-OF-WAY LINE OF SAID SWINEY HIETT ROAD, ALONG THE EAST LINE OF SAID CATALINA GARCIA TRACT, A DISTANCE OF 225.76 FEET TO A 3/4" IRON ROD FOUND BEING THE NORTHEAST CORNER OF SAID CATALINA GARCIA TRACT;

THENCE SOUTH 87°22'30" WEST, ALONG THE NORTH LINE OF SAID CATALINA GARCIA TRACT, A DISTANCE OF 85.00 FEET TO A 5/8" IRON ROD FOUND IN THE COMMON WEST LINE OF SAID TRACT 8, AND THE EAST LINE OF TRACT 7 OF SAID C.C. SWINEY'S SUBDIVISION, SAID IRON ROD BEING THE NORTHWEST CORNER OF SAID CATALINA GARCIA TRACT AND THE MOST WESTERLY SOUTHWEST CORNER OF SAID CHARLES T. BLISH TRACT;

THENCE NORTH 00°47'55" EAST, ALONG THE COMMON WEST LINE OF SAID TRACT 8 AND THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 502.49 FEET TO A 1/2" IRON ROD FOUND IN THE SOUTH LINE OF LOT 1R, BLOCK A, BOWERMAN ADDITION, AN ADDITION TO THE CITY OF KENNEDALE, TARRANT COUNTY TEXAS, ACCORDING TO THE PLAT RECORDED IN INSTRUMENT No. D212279531, PLAT RECORDS, SAID IRON ROD BEING THE NORTHWEST CORNER OF SAID TRACT 8 AND SAID CHARLES T. BLISH TRACT, AND BEING THE NORTHEAST CORNER OF SAID TRACT 7;

THENCE NORTH 86°33'47" EAST, ALONG THE SOUTH LINE OF SAID LOT 1R A DISTANCE OF 200.18 FEET TO A 1/2" IRON ROD FOUND BEING AN ELL CORNER IN THE SOUTH LINE OF SAID LOT 1R AND THE SOUTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO VICKI S. LAMB AND SUSAN K. NICHOLS RECORDED IN VOLUME 15961, PAGE 70, D.R.T.C.T.;

THENCE NORTH 89°30'43" EAST, A DISTANCE OF 98.02 FEET TO A 5/8" IRON ROD FOUND BEING THE NORTHEAST CORNER OF SAID TRACT 8, AND SAID CHARLES T. BLISH TRACT, AND BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 2 PARKER ADDITION, AN ADDITION TO THE CITY OF KENNEDALE, TARRANT COUNTY TEXAS, AS SHOWN ON THE PLAT RECORDED IN CABINET B, SLIDE 3184, P.R.T.C.T.;

THENCE SOUTH 00°34'43" WEST, ALONG THE EAST LINE OF SAID TRACT 8 AND SAID CHARLES T. BLISH TRACT, AT A DISTANCE OF 144.13 PASSING A POINT FROM WHICH A 5/8" IRON ROD FOUND BEARS SOUTH 88°56' EAST, 0.9 FEET, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, PARKER ADDITION, AND THE NORTHWEST CORNER OF LOT 1, BLOCK 1 KIRBY ADDITION, AN ADDITION TO THE CITY OF KENNEDALE, AS SHOWN ON THE PLAT RECORDED IN CABINET B, SLIDE 3136, P.R.T.C.T., AT A DISTANCE OF 219.86 FEET PASSING A POINT FROM WHICH A 1/2" IRON ROD FOUND WITH A CAP STAMPED "DISCIULLO & TERRY" BEARS SOUTH 87°27' EAST, 0.9 FEET, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 1, BLOCK 1, AND THE NORTHWEST CORNER OF LOT 2, BLOCK 1 OF SAID KIRBY ADDITION, AT A DISTANCE OF 295.58 FEET PASSING A POINT FROM WHICH A 1/2" IRON ROD FOUND BEARS SOUTH 89°47' EAST, 1.0 FEET, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 2, AND THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO ANITA GRAMMER, RECORDED IN INSTRUMENT No. 2013048400, O.P.R.T.C.T., IN ALL A TOTAL DISTANCE OF 443.35 FEET TO A 1/2" IRON ROD FOUND IN THE WEST LINE OF SAID ANITA GRAMMER TRACT, THE MOST EASTERLY SOUTHEAST CORNER OF SAID CHARLES T. BLISH TRACT AND BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN A DEED TO DANNY C. AND PEGGY J. PRATER RECORDED IN VOLUME 6793, PAGE 1139, D.R.T.C.T.;

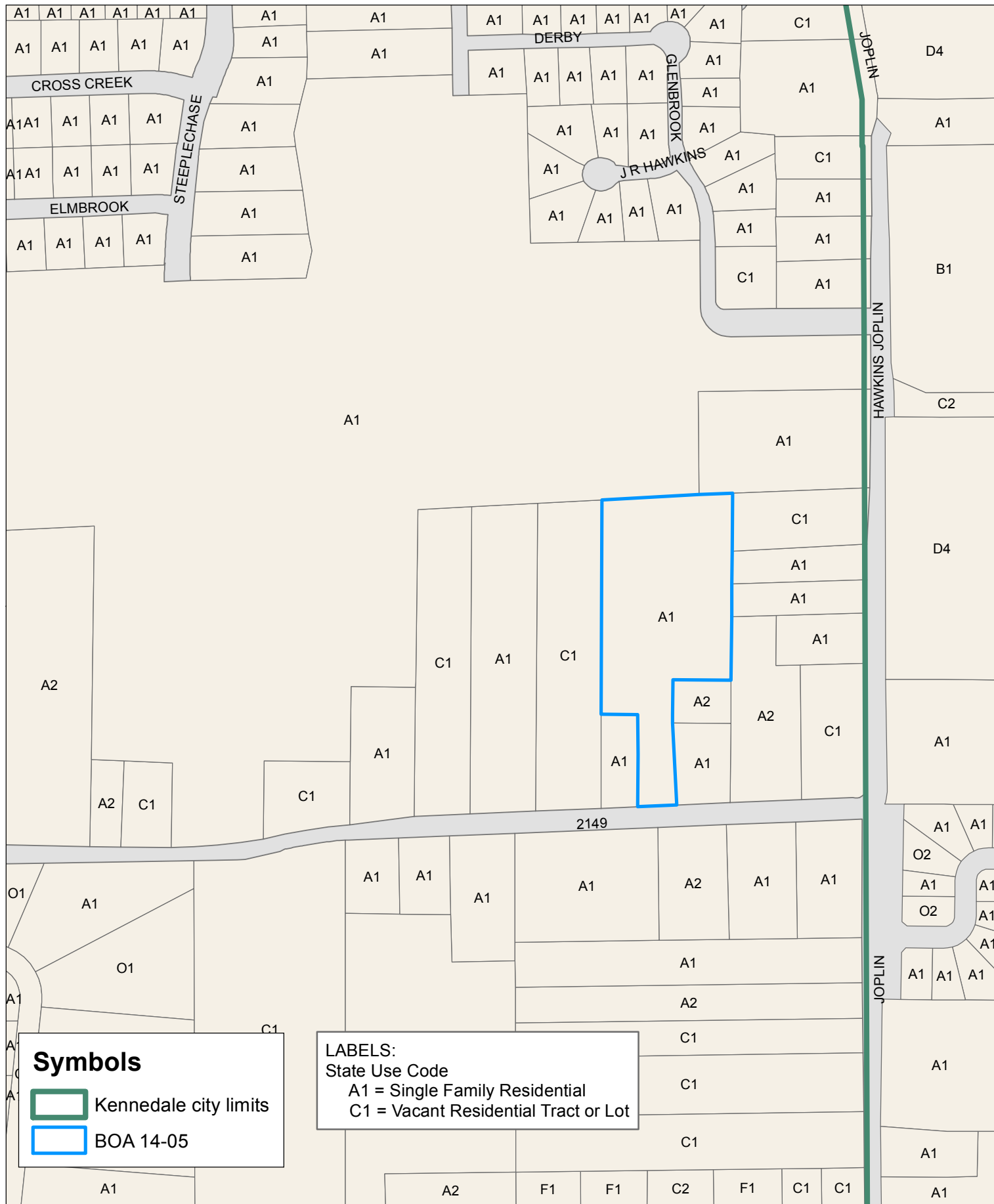
THENCE SOUTH 87°48'04" WEST, ALONG THE NORTH LINE OF SAID DANNY C. AND PEGGY J. PRATER TRACT AND THE EAST LINE OF SAID CHARLES T. BLISH TRACT, A DISTANCE OF 134.82 FEET TO A 5/8" IRON ROD FOUND BEING THE NORTHWEST CORNER OF SAID DANNY C. AND PEGGY J. PRATER TRACT AND AN ELL CORNER IN THE EAST LINE OF SAID CHARLES T. BLISH TRACT;

THENCE ALONG THE COMMON EAST LINE OF SAID CHARLES T. BLISH TRACT AND THE WEST LINES OF SAID DANNY C. AND PEGGY J. PRATER TRACTS AS FOLLOWS:

SOUTH 00°37'16" WEST, A DISTANCE OF 100.00 FEET TO A 3/8" IRON ROD FOUND BEING THE SOUTHWEST CORNER OF SAID DANNY C. AND PEGGY J. PRATER TRACT RECORDED IN VOLUME 6793, PAGE 1139, D.R.T.C.T., AND THE NORTHWEST CORNER OF SAID DANNY C. AND PEGGY J. PRATER TRACT RECORDED IN VOLUME 6509, PAGE 431, D.R.T.C.T.;

SOUTH 02°03'19" EAST, A DISTANCE OF 89.60 FEET TO A 1/2" IRON ROD FOUND;

SOUTH 03°10'21" EAST, A DISTANCE OF 95.54 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.713 ACRES (161,748 SQUARE FEET) OF LAND, MORE OR LESS.



Symbols

- Kennedale city limits
- BOA 14-05

LABELS:

State Use Code

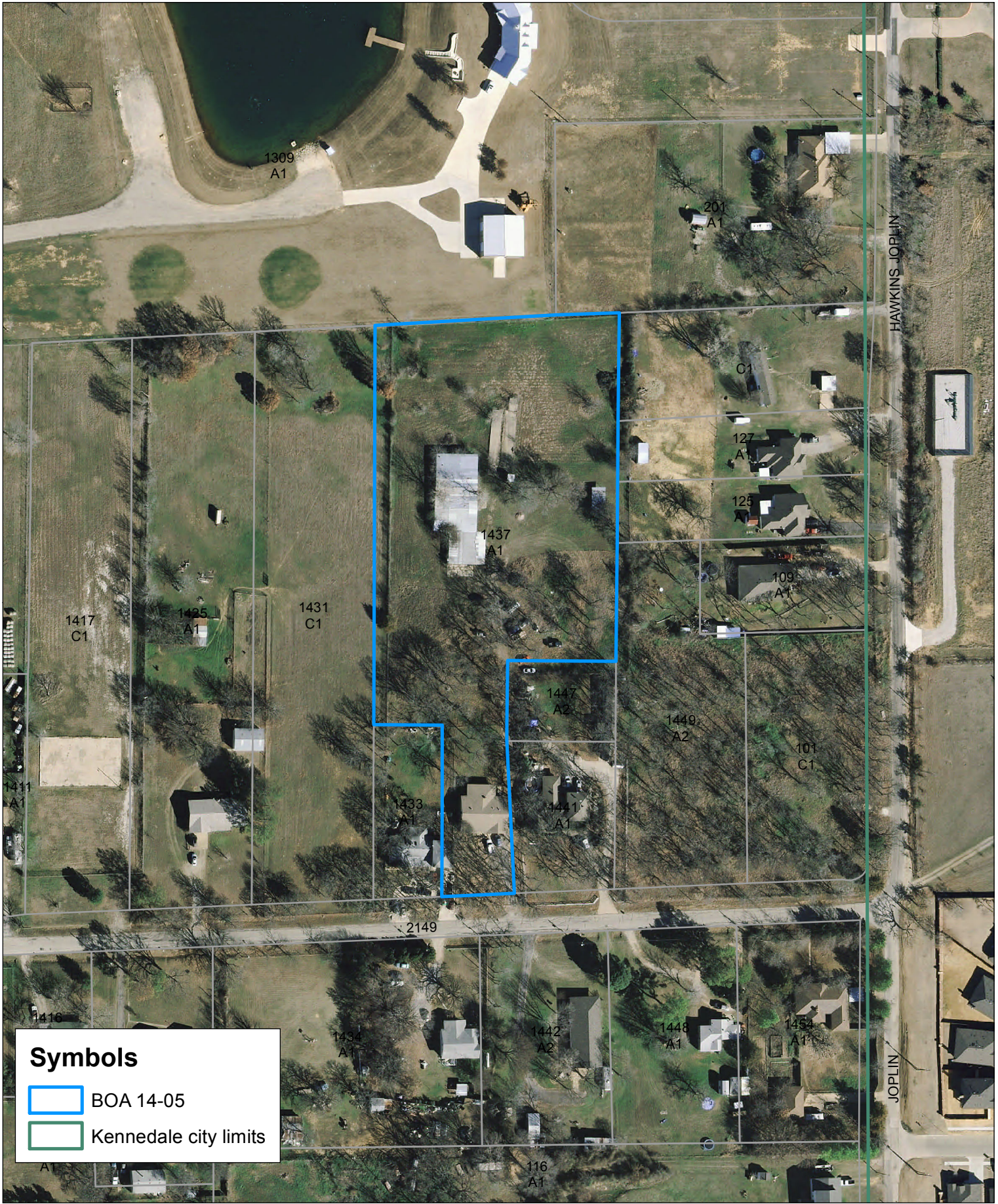
A1 = Single Family Residential

C1 = Vacant Residential Tract or Lot

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



0 150 300
Feet



Symbols

 BOA 14-05

 Kennedale city limits

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



0 75 150
Feet



This form must be submitted to the Secretary BEFORE the meeting begins

PUBLIC HEARING - Request to Speak

Today's Date: 3-30-2014 ☐ City Council ☐ Building Board of Appeals
☒ Planning & Zoning Comm. ☐ Board of Adjustment

PUBLIC HEARING FOR AGENDA ITEM # 1X-B PZ # 14-01

NAME Catalina C. Garcia PHONE: 972-948-3236

ADDRESS: 1433 Swiney Hill

EMAIL: _____

I AM REPRESENTING: ☒ MYSELF ☐ THE FOLLOWING PERSONS/FIRMS/CORPORATIONS/GROUPS: _____

☒ I WOULD LIKE TO ADDRESS THE GOVERNING BODY ORALLY

☐ FOR ☒ AGAINST COMMENTS: the Breating stables
are directly behind my home. The wind
Flows from north to South @ to 40 mi
hr pushing the smell bug flies and net
directly into my home into my home thru air con

☐ I DO NOT WISH TO SPEAK, BUT WISH TO REGISTER THE FOLLOWING WRITTEN OPINION

☐ FOR ☐ AGAINST COMMENTS: _____
duct and vents. I believed the stinch will
the Saleability of my home this my Reason
for voting against P.C. No 14-01

SIGNATURE: Catalina C. Garcia



KENNEDALE

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PUBLIC HEARING - Request to Speak

Today's Date:

3-30-2014

☐ City Council

☒ Planning & Zoning Comm.

☐ Building Board of Appeals

☐ Board of Adjustment

PUBLIC HEARING FOR AGENDA ITEM #

1X-B

PZ #14-01

NAME:

Laura Lawson

PHONE:

817-563-9312

ADDRESS:

1448 Swiney Hiatt Rd

EMAIL:

lolanew410@yahoo.com

I AM REPRESENTING: ☒ MYSELF

☐ THE FOLLOWING PERSONS/FIRMS/CORPORATIONS/GROUPS:

☐ I WOULD LIKE TO ADDRESS THE GOVERNING BODY ORALLY

☐ FOR

☐ AGAINST

COMMENTS:

☒ I DO NOT WISH TO SPEAK, BUT WISH TO REGISTER THE FOLLOWING WRITTEN OPINION

☐ FOR

☒ AGAINST

COMMENTS:

I do not want the
smell of cattle and the flies that come
with it. I have 3 children who play
outside and do not want a cattle farm
in our neighborhood.

SIGNATURE:

Laura Lawson



KENNEDALE

This form must be submitted to the Secretary BEFORE the meeting begins

PUBLIC HEARING - Request to Speak

Today's Date: 3-30-2014 ☐ City Council ☐ Building Board of Appeals
☒ Planning & Zoning Comm. ☐ Board of Adjustment

PUBLIC HEARING FOR AGENDA ITEM # 1X-B PZ # 14-01

NAME: Jorge Rico PHONE: _____
ADDRESS: 109 W Joplin RD Kennedale TX 76060
EMAIL: _____
I AM REPRESENTING: ☐ MYSELF ☐ THE FOLLOWING PERSONS/FIRMS/CORPORATIONS/GROUPS:

☐ I WOULD LIKE TO ADDRESS THE GOVERNING BODY ORALLY

☐ FOR ☐ AGAINST COMMENTS: _____

☒ I DO NOT WISH TO SPEAK, BUT WISH TO REGISTER THE FOLLOWING WRITTEN OPINION

☐ FOR ☒ AGAINST COMMENTS: This is a residential area
the and new neighborhood are opening it would
affect the neighborhood existing & the ones to come,
to have cattle being brought to the area. The smell
& flies would be intolerable

SIGNATURE: Jorge Rico 682-465-7942





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

