



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION

AGENDA

COMMISSIONERS - REGULAR MEETING

March 19, 2015

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

II. ROLL CALL

III. WORK SESSION

- A. Discuss any item on the Regular Session agenda
- B. Discuss Employment Center district code
- C. Discuss possible senior housing development on New Hope Rd
- D. Discuss the use of overlay districts as a step toward implementing the comprehensive plan
- E. Discuss Items for Future Consideration

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Consider approval of minutes from 02/19/2015 Planning and Zoning Commission meeting

VIII. VISITOR/CITIZENS FORUM

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

IX. REGULAR ITEMS

A. Case # PZ 15-03 Public hearing and consideration of Ordinance approval regarding a request by the City of Kennedale for a zoning change from "C-2" General Commercial district to "OT" Old Town district for approximately 1.15 acres at 400 North Rd, legal description of Jacob Prickett Survey A-1225 Tract 3A.

1. Staff Presentation
2. Public Hearing
3. Staff Response & Summary
4. Action by the Planning & Zoning Commission

X. REPORTS/ANNOUNCEMENTS

XI. ADJOURNMENT

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

CERTIFICATION

I certify that a copy of the March 19, 2015, Planning and Zoning Commission agenda was posted on the City Hall bulletin board next to the main entrance of the City Hall building, 405 Municipal Drive, of the City of Kennedale, Texas, in a place convenient and readily accessible to the general public at all times and said agenda was posted at least 72 hours preceding the schedule time of said meeting, in accordance with Chapter 551 of the Texas Government Code.



Rachel Roberts, Board Secretary



Date: March 19, 2015

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss any item on the Regular Session agenda

II. Originated by:

III. Summary:

Under this agenda item, the Commission may discuss any item(s) on the Regular Session agenda. You may not take any action on the item(s), and no public hearing may be held.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



Date: March 19, 2015

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss Employment Center district code

II. Originated by:

III. Summary:

The City is working with a consultant to update and expand the Employment Center district code. Under this agenda item, the Commission may let Mr. Harvey and Mr. Pirtle know of any issues or concerns it would like to see addressed through the update to the district code. Mr. Harvey and Mr. Pirtle are the Commission's representatives on the advisory committee for updating the Code.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

Date: March 19, 2015

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss possible senior housing development on New Hope Rd

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

City staff have met with a developer interested in building senior housing under the state's tax credit program. He is interested in an approximately 24-acre site located next to Sonora Park (332 S New Hope Rd). If the developer's application is approved by the state, the developer will pursue a rezoning request for the property from R-3 Single family to a planned development district. The City Council recently approved a resolution in support of the developer's application to the state.

As tentatively planned so far, the development would include single-story buildings made up of mostly 1-bedroom units (92 units), with some 2-bedroom units (22 units of 2 bedrooms each). The units would be held by one owner and rented out to residents 55 years of age and older (not individually owned).

Staff would like input from the Commission on standards it would like to see incorporated into the district regulations if the rezoning request moves forward. For example, would you like the regulations to include standards on connectivity and walkability? I assume you would like the current 80% masonry requirement to be retained, but please let me know if this assumption is incorrect. What development issues would you like to see addressed through the planned development district regulations?

Please note that while I would like as much feedback from you as possible, the rezoning is dependent on state approval. If the state does not approve the tax credit application, the rezoning request will not go forward, so a detailed discussion may not be necessary at this time. In addition, if the rezoning request were to go forward, the City Council would also review and approve a separate City-Developer Agreement, which would lay out certain development responsibilities for the developer. These responsibilities typically relate to improvements such as streets, sidewalks, and storm water facilities.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:

1.	Resolution 444	R444.pdf
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**CITY OF KENNEDALE, TEXAS
RESOLUTION NO. 444**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS
REGARDING KENNEDALE SENIORS AT S. NEW HOPE RD FOR SUPPORT,
REVITALIZATION EFFORTS, AND LOCAL POLITICAL SUBDIVISION FUNDING**

WHEREAS, Kennedale Seniors, Ltd has proposed a development for a Senior-only affordable unit complex located on 332 S. New Hope Rd, named Kennedale Seniors, in the city of Kennedale, Tarrant County, Texas;

WHEREAS, Kennedale Seniors, Ltd has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs (TDHCA) for 2015 Competitive 9% Housing Tax Credits for Kennedale Seniors;

WHEREAS, Chapter 380 of the Texas Local Government Code authorizes municipalities to administer programs to establish and provide for the making of loans and grants of public funds for the purpose of promoting state and local economic development and to stimulate business and commercial activity in the municipality;

It is hereby RESOLVED, that the City of Kennedale, acting through its governing body, hereby confirms that it supports the proposed development of Kennedale Seniors located on 332 S New Hope Rd in the City of Kennedale, Tarrant County, Texas and its application to the TDHCA.

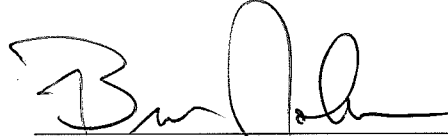
FURTHER RESOLVED, that the city of Kennedale, acting through its governing body, hereby confirms that the proposed Kennedale Seniors development located on 332 S New Hope Rd, Kennedale, Texas most significantly contributes to the concerted revitalization efforts of the City of Kennedale and

FUTHER RESOLVED, that the City of Kennedale, acting through its Governing Body, will through a development agreement provide off-site street and utility line extensions in excess of One Hundred Thirty Nine Thousand (\$139,000) to serve the proposed Kennedale Seniors development located on 332 S. New Hope Road, Kennedale, Texas.

FURTHER RESOLVED, that the funds committed by the City of Kennedale for this project shall not be funds passed through by the Applicant, Developer, Consultant, Related Party, or any entity acting on behalf of the proposed Application;

FUTHER RESOLVED, that for and on behalf of the Governing Body, Mayor Brian Johnson is hereby authorized, empowered, and directed to certify these resolutions to TDHCA. This formal action has been taken to put on record the opinion expressed by the City of Kennedale on 16th day of February, 2015.

PASSED AND APPROVED by the City Council of the City of Kennedale, Texas on the 16th day of February, 2015.



Brian Johnson, Mayor

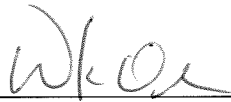
ATTEST:



Leslie Galloway, City Secretary



APPROVED AS TO FORM AND LEGALITY:



Wayne K. Olson, City Attorney

Date: March 19, 2015

Agenda Item No: WORK SESSION - D.

I. Subject:

Discuss the use of overlay districts as a step toward implementing the comprehensive plan

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

As the Commission is aware, we are in the process of selecting a consultant to help the City update the zoning code. The process of updating the code is expected to take at least a year. In the meantime, any new development will take place under the existing zoning code. Our current code, though, does not encourage development that fits the city's long-term vision as described in the comprehensive land use plan.

Would the Commission consider recommending adoption of overlay districts as a stop-gap measure before the zoning code can be updated? These districts would be restricted to areas where form is especially important, such as Neighborhood Villages and Urban Villages. And the additional regulations adopted through the overlay districts could be limited to just a few key form-related regulations, such as requiring parking behind or beside the main buildings or prohibiting blank walls over a certain size. Other requirements you might consider are:

- * prohibiting some of the commercial uses that are permitted in commercial districts but are not compatible with existing nearby residential uses; examples include truck washes, contractor yards, and cabinet shops
- * providing maximum and minimum setbacks
- * requiring bicycle parking
- * requiring sidewalks of at least 5 feet in width, rather than 4 feet
- * setting minimum glazing requirements
- * setting a maximum height or upper floor setback requirement for commercial uses built next to existing residential uses
- * requiring main entries for buildings to have a pedestrian-oriented entrance.

While the overlay district would adopt some of the regulations the Commission has proposed during its work on Neighborhood and Urban Villages, it would not include the full set of regulations discussed before, since the codes for these character districts will be more fully written during the code update process.

At the meeting, please give me your comments on this concept.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



Date: March 19, 2015

Agenda Item No: WORK SESSION - E.

I. Subject:

Discuss Items for Future Consideration

II. Originated by:

III. Summary:

Under this agenda item, the Commission discusses what work session items you would like to see on future agendas.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



Date: March 19, 2015

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from 02/19/2015 Planning and Zoning Commission meeting

II. Originated by:

Katherine Rountree, Permits Clerk

III. Summary:

Minutes approval for 02/19/2015

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	02/19/2015	02.19.2015 Minutes Final.docx
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KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
February 19, 2015
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

Mr. Harvey called the meeting to order at 6:17 P.M.

II. ROLL CALL

Commissioner	Present	Absent
Ernest Harvey	X	
Tom Pirtle	X	
Harry Browne	X	
Stephen Brim		X
<i>Vacant</i>		
Don Rawe	X	
Carolyn Williamson		X
<i>Alternates</i>		
Billy Gilley	X	
<i>vacant</i>		

A quorum was present.

Mr. Gilley was asked to join the commission as a regular member.

Mr. Browne joined the commission at 6:30 P.M.

Staff present: Rachel Roberts (city planner); Katherine Rountree (board secretary)

III. WORK SESSION

A. Update on Status of Plat Application for Hilltop Development

Ms. Roberts discussed the status of the application and said that the developers are currently revising plans.

B. Update on Downtown Village project

Shai Roos, with SJR Planning, presented the community input results to the commission for the survey that was given to high school students and at the town hall meeting for residents. Ms. Roos would like to meet with the commission during a work session to discuss ideas for boundaries and uses for the Downtown Village on March 2, 2015 at 6:00 P.M. The commission agreed to meet at that time.

C. Discuss Any Item on the Regular Session Agenda

The commission did not have time to discuss this item.

D. Discuss Meeting Dates for Planning & Zoning Commission Regular Meetings

The commission did not have time to discuss this item.

E. Discuss Items for Future Consideration

Mr. Harvey said that at the next Planning and Zoning meeting, he would like to revise the signs code and edit what is in place regarding height and allow approval of plans at staff level for the Employment Center Code.

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

The work session reopened at 8:05 P.M.

The work session ended at 8:14 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Mr. Harvey called the meeting to order at 7:11P.M.

VI. ROLL CALL

Commissioner	Present	Absent
Ernest Harvey	X	
Tom Pirtle	X	
Harry Browne	X	
Stephen Brim		x
<i>Vacant</i>		
Don Rawe	X	
Carolyn Williamson		x
<i>Alternates</i>		
Billy Gilley	X	
<i>vacant</i>		

A quorum was present

Mr. Gilley was asked to join the commission as a regular member.

Staff present: Rachel Roberts (city planner); Katherine Rountree (board secretary)

VII. MINUTES APPROVAL

A. Consider approval of minutes from 01.15.2015 Planning and Zoning Commission meeting

Mr. Pirtle motioned to approve. Mr. Browne seconded. The motion passed with three members voting in favor and Mr. Harvey and abstaining. Mr. Rawe abstained because he wasn't at the previous meeting.

VIII. VISITOR/CITIZENS FORUM

No one signed up to speak

IX. REGULAR ITEMS

A. **CASE # PZ 15-01** Public hearing and consideration of Ordinance approval regarding a request by Wal-Mart Stores, Inc. for a zoning change from "C-0" Retail commercial district to "C-1" Restricted commercial district for approximately 1.014 acres at 4850 US 287 Hwy, legal description of Southwest Crossing Addition Block 1R Lot 2.

1. Staff presentation

Ms. Roberts said that when the Wal-Mart property was proposed to for development, Wal-Mart had

indicated to the city that all pad sites would be used for retail use but then sold one pad site to a bank. The City then rezoned this lot to "C-0" Retail commercial to ensure that it would be used for retail. Wal-Mart is now requesting the rezoning to "C-1" Restricted commercial to allow a convenience store with gas sales on the property.

2. Applicant presentation

David Van Leer, with Cochran Engineering, spoke on behalf of Wal-Mart. Wal-Mart wants to develop a convenience store and gas station. Mr. Van Leer stated that this is the only remaining "C-0" Retail commercial zoning that is left. He stated that Wal-Mart is currently working on new plans to develop this specific lot to conform to a "C-1" zoning. Mr. Harvey said that he believes the specific lot in question is too small to suit the use being presented and that the traffic coming through the location would be impacted and congested.

3. Public hearing

No one registered to speak.

4. Applicant response

No one signed up to speak

5. Staff response and summary

Staff recommended approval but added that if this location is rezoned and Wal-Mart decides not to develop it, then any "C-1" Restricted commercial use can go there.

6. Action by the Planning & Zoning Commission

Mr. Browne motioned to deny the zoning change. The motion was seconded by Mr. Pirtle and passed with all in favor to deny except Mr. Harvey, who abstained from voting. The final decision will move to City Council with the commission's recommendation to deny the motion.

X. REPORTS/ANNOUNCEMENTS

Ms. Roberts said she posted a Request for Qualifications online to hire a consultant for the zoning code update.

Ms. Roberts said that the historical society will have a pie eating contest at the Art in the Park Brickworks festival on April 18, 2015 at 2:00 P.M.

XI. ADJOURNMENT

Mr. Pirtle motioned to adjourn. The motion was seconded by Mr. Rawe and passed with all in favor except Mr. Harvey, who abstained from voting.

The meeting adjourned at 8:05 P.M.



Date: March 19, 2015

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

Case # PZ 15-03 Public hearing and consideration of Ordinance approval regarding a request by the City of Kennedale for a zoning change from "C-2" General Commercial district to "OT" Old Town district for approximately 1.15 acres at 400 North Rd, legal description of Jacob Prickett Survey A-1225 Tract 3A.

1. Staff Presentation
2. Public Hearing
3. Staff Response & Summary
4. Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: rezone from "C-2" to "OT"

Location: 400 North Rd (corner of North Rd and 3rd Street in Old Town)

Applicant: city-initiated zoning change

Surrounding uses: surrounding uses are residential, primarily single-family

Background.

This property is located within the Old Town zoning district. At one time, this property and the adjacent and surrounding properties to the west and north were zoned "C-2" General Commercial. In 1995, the owners of the surrounding properties petitioned the City to rezone their properties to "OT" Old Town. The Council granted their request. The owner of the property at the corner of Third St and North Rd, however, did not join that request, and the property retained its C-2 zoning designation.

Lately, Kennedale has been of increasing interest to developers and the business community, and staff have noticed an increase in interest in commercial properties available for heavy commercial and light industrial use. With C-2 zoning, this site is available for heavy commercial uses, and these uses are not suitable for or compatible with the surrounding residential uses. Staff requests the City rezone the property to "OT" to ensure that whatever uses are developed at this site are compatible with the surrounding uses and with the long-term vision for the neighborhood.

Staff Review.

Compliance with the Comprehensive Land Use Plan.

The Future Land Use Plan identifies this area as Downtown Village. According to the comprehensive plan, the Downtown Village:

...preserves and expands the original downtown street grid and block pattern. Uses should include a relatively dense mix of residences and businesses. The village should be easily accessible by

pedestrians from the Towncenter and other nearby areas. This village will serve as a gateway into the center of Kennedale, distinguishing it from neighboring communities.

Sample development types:

- Professional office
- Specialized retail
- Live-work units
- Café/coffee shop
- Small-lot single family theater
- Attached single-family
- Townhome/rowhouse
- Accessory dwelling unit
- Plazas/pocket parks
- Community

The City is working with a consultant to develop regulations and guidelines that will govern site and building design for the Downtown Village area, but until those regulations are developed and adopted, the City should look for ways to ensure that at least the uses (if not their site designs) fit the desired character of the area. While some commercial uses could be compatible with adjacent residential uses--if designed and built to fit the context--the uses permitted in the C-2 district are not suitable without additional regulations in place. A less intensive commercial zoning might be suitable, but because the compatibility of a commercial use next to a residential use depends greatly on how the site and building of the commercial use are designed, and because we have not yet adopted the appropriate site design standards to ensure compatibility, staff are reluctant to recommend a rezoning to C-1 or C-0 districts. A residential use, however, would be compatible with the character of the Downtown Village.

Compliance with the Strategic Plan.

The Strategic Plan does not include goals or action steps that directly relate to this rezoning request.

Compliance with City Council priorities.

The Council's priorities (identified through the balanced scorecard process) do not directly relate to this rezoning request. One priority, "Ensure Public Health & Safety," indirectly relates. A number of the types of business permitted in a C-2 zoning district have the potential to be incompatible with nearby residential uses, which could affect the health or safety of people living nearby. For example, a number of automotive uses are permitted in C-2 districts, as are contractor yards with outside storage. Some of these kinds of businesses do not have a negative impact on the health and safety of the area, depending on operations and other factors. But other businesses may create a nuisance from noise of equipment or other operational elements or could pose a safety hazard. It is impossible to restrict the use of this property to only those C-2 uses that would not pose any nuisance or hazard. For this reason, staff considers the requested rezoning to work toward achieving the Council's priority of ensuring public health and safety.

Staff Recommendation.

The request rezoning is in compliance with the comprehensive land use plan. It also is in line with (or does not obstruct achievement of) the City Council's priorities. Staff recommends approval of the rezoning.

Please note that because the property is currently zoned C-2, then unless and until the property is rezoned, the property owner would be able to apply for a building permit under the requirements (setbacks, etc.) of the C-2 zoning district. In addition, if the property is platted, the permit issued, and a building is constructed

prior to a rezoning, then a C-2 use would be able to occupy the building. If the property were to be rezoned, the occupying use would then become a legal non-conforming use.

Action by the Planning & Zoning Commission.

City code describes the Commission's authority in approving requests for rezoning.

You may:

- * recommend granting the requested zoning change; or
 - * recommend denying the requested zoning change; or
 - * recommend changing the zoning designation on a portion of the property for which zoning is requested; or
 - * recommend initiating a request to consider changing all or a portion of such property to a district other than that requested and of a different character; or
 - * consider and recommend approval of any zoning classification in the adopted zoning ordinance having a lesser intensity and being more restrictive than the zoning designation requested by the applicant.
- (from Sec. 17-429 of the City Code)

Sample Motions.

The motions provided below are examples, and you are not required to use them.

I make a motion to recommend approval of Case PZ 15-03.

I make a motion to recommend denial of Case PZ 15-03.

I make a motion to postpone Case PZ 15-03 until _____ (state date).

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	PZ 15-03 aerial view	PZ 15-03 map (aerial).pdf
2.	PZ 15-03 ordinance	PZ 15-03 ordinance.docx

Case PZ 15-03 Site of Requested Rezoning



ORDINANCE

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

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

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

WHEREAS, the City Council has determined that a zoning change at the above-described property is necessary to protect the public health and general welfare; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 19th day of March 2015 and by the City Council of the City of Kennedale on the 20th day of April 2015 with respect to the zoning changes described herein; and

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

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

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

SECTION 1:

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

as shown and described below:

An approximately 1.15 acre tract in the Jacob Prickett Survey A-1225, more particularly described as Jacob Prickett Survey A-1225 Tract 3A, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "C-2" General Commercial District to "OT" Old Town District.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

PASSED AND APPROVED ON THIS 20th DAY OF APRIL 2015.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney

Exhibit A



Exhibit "A"

Being a 1.017 acre tract of land situated in the Jacob Prickett Survey, Tarrant County, Texas, being a portion of a called 3.26 acre tract of land recorded in Volume 1352, Page 285, Deed Records, Tarrant County, Texas, (DRTCT), being that certain tract of land described in a deed to Casa Santa, L.P., as recorded in Instrument No. D210098531, Official Public Records, Tarrant County, Texas, (OPRTCT), SAVE AND EXCEPT any part or portion in the use or occupancy of any public road or highway, as recorded in Volume 8254, Page 56, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1" spike found for the southeast corner of the herein described tract of land, and being the southwest corner of a tract of land described in a deed to Don Kemp, as recorded in Instrument No. D212136170, (OPRTCT), and being in a non-tangent curve to the right in the northeast line of North Road, (variable width r.o.w.);

THENCE in a northwesterly direction, along and with the northeast line of said North Road and said curve to the right, that has a delta angle of $24^{\circ} 36' 12''$, a radius of 215.92 feet, a chord of $N 77^{\circ} 41' 54'' W$, 92.01 feet, for an arc distance of 92.72 feet to a 1/2" iron rod set for corner of the herein described tract of land;

THENCE $N 54^{\circ} 48' 32'' W$, along and with the southwest line of the herein described tract of land and the northeast line of said North Road, a distance of 26.64 feet to a 1/2" iron rod set for corner of the herein described tract of land;

THENCE $N 38^{\circ} 00' 22'' W$, along and with the southwest line of the herein described tract of land and the northeast line of said North Road, a distance of 63.48 feet to a 1/2" iron rod set for corner of the herein described tract of land, and being the beginning of a non-tangent curve to the right;

THENCE in a northwesterly direction, along and with the northeast line of said North Road and said curve to the right, that has a delta angle of $07^{\circ} 01' 07''$, a radius of 1667.65 feet, a chord of $N 29^{\circ} 42' 44'' W$, 204.16 feet, for an arc distance of 204.29 feet to a 3/4" iron rod found for the northwest corner of the herein described tract of land, and being the southwest corner of a tract of land described in a deed to Raymundo Guerrero, as recorded in Instrument No. D197025012, (OPRTCT);

THENCE $S 87^{\circ} 58' 20'' E$, along and with the north line of the herein described tract of land and the south line of said Guerrero tract, a distance of 252.10 feet to a 3/4" iron rod found for the northeast corner of the herein described tract of land, and being the northwest corner of said Kemp tract;

THENCE SOUTH, (bearing basis), along and with the east line of the herein described tract of land and the west line of said Kemp tract, a distance of 253.37 feet to the POINT OF BEGINNING, and containing 1.017 acres, (44,301 sq. ft.), of land.