



KENNEDALE
Planning and Zoning Commission
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KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
December 17, 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 items for future consideration

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Consider approval of minutes from November 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- A. PZ 15-10 -- ITEM WITHDRAWN BY THE APPLICANT

B. **CASE # PZ 15-13** Public hearing and consideration of Ordinance approval regarding a request by Kennedale Economic Development Corporation for a zoning change from "AG" Agricultural to "PD" Planned Development zoning district for single family residential use for that approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas. The property is mostly located east of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746. Addresses include 1201, 1305, & 1307 Bowman Springs Rd.

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

C. **CASE # PZ 15-15** Consider approval of a preliminary plat for Lots 1-5 Block 1 Village Creek Business Park requested by Harrell Mitchell & Brad Hardy for 7205 Hudson Village Creek Rd, more particularly described as an approximately 24.58-acre tract in the Wade H. Hudson Survey A-716, Tarrant County, Texas, conveyed from Mike & Audrey Wagner to Harrell Mitchell as recorded in instrument number D215177714, deed records, Tarrant County.

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

D. **CASE # PZ 15-16** Public hearing and consideration of Ordinance approval regarding a city-initiated rezoning from "C-2" General Commercial District to "AG" Agricultural District on a 29.43 acre lot located at 3925 Kennedale New Hope Rd., legal description of Joel Snider Survey A1448 Tr 1A.

1. Staff presentation
2. Public hearing
3. Staff response and 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 December 17, 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



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 17, 2015

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss any item on the regular session agenda

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Under this agenda item, the Commission may discuss any item on the regular session agenda. No action may be taken on any item, and no public comments may be heard.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 17, 2015

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss items for future consideration

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Under this agenda item, the Commission may discuss items it would like to have placed on future work session agenda. No action may be taken on these items.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 17, 2015

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from November 19, 2015 Planning and Zoning Commission meeting

II. Originated by:

Katherine Rountree, Permits Clerk

III. Summary:

Consider approval of minutes from November 19, 2015 Planning and Zoning Commission meeting.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	11.19.2015 PZ Minutes	11.19.2015 PZ Minutes (final).docx
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**KENNEDALE PLANNING & ZONING COMMISSION
MINUTES**

COMMISSIONERS - REGULAR MEETING

November 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 6:14 P.M.

II. ROLL CALL

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

There was a quorum.

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

Mr. Brim joined the commission at 6:26 P.M.

Mr. Browne joined the commission at 6:37 P.M.

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

III. WORK SESSION

A. Discuss any item on the regular session agenda

Ms. Roberts said that Mr. Glockzin submitted revisions for the plat proposed in case PZ 15-12. The commission discussed the revisions.

Ms. Roberts said the developers for PZ 15-13 had to revise their layout of the lots in the housing development and that they had to add a few more lots to weigh out the cost of moving an electrical line. The commission discussed the ordinance.

B. Discuss items for future consideration

The commission did not have time to discuss this item.

C. Discuss joint work session with City Council

The commission did not have time to discuss this item.

The work session closed at 7:02 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Mr. Harvey called the meeting to order at 7:02 P.M.

VI. ROLL CALL

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

There was a quorum.

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 the October 15, 2015 Planning and Zoning Commission meeting.

Mr. Pirtle motioned to approve the minutes. The motion was seconded by Ms. Williamson and passed with all in favor except Mr. Harvey, who abstained from voting.

VIII. VISITOR/CITIZENS FORUM

No one signed up to speak.

IX. REGULAR ITEMS

A. CASE # PZ 15-12 Consider approval of a preliminary plat requested by Emanuel Glockzin for 332-370 S. New Hope Rd, more particularly described as an approximately 23-acre tract in the C. B. Teague Survey A 15-06 and Robert C. Richey Survey A-1358, Tarrant County, Texas, conveyed from C D Fincher Estate to Emanuel Glockzin as recorded in instrument number D215220118.

1. Staff presentation

Ms. Roberts said this property is located south of Sonora Park and is primarily residential in nature and that it complies with the comprehensive plan. She said engineers are currently working on water and sewer studies for this location. The commission discussed the proposed case.

2. Applicant presentation

Brad Lehman, 3973 W. Vickery Blvd. Fort Worth, TX 76107, represented Emanuel Glockzin. He said that his engineers have reviewed and applied all modifications requested by staff. He said that his company has received easements from the electric company. He addressed the commission's questions and concerns.

Mickey Thomas, 3973 W. Vickery Blvd. Fort Worth, TX 76107, said that an assessment was done for the pond and it was determined they could keep it or backfill it. He said there will be some filtration plans included in the construction plans submitted to the city.

3. Staff summary and response

Staff recommended approval with conditions.

4. Action by the Planning & Zoning Commission

Mr. Pirtle motioned to approve with the following conditions:

1. The approximately 208 feet of property adjoining the Kite property should be labeled with the correct length/dimension.
2. The applicant must provide an easement document showing easement(s) across Oncor property.
3. The applicant must finish the required water study and final engineering plans will need to be in accordance with the study.
4. Final engineering plans must be in accordance with the City's forthcoming sewer study for this area.
5. The applicant must obtain conditional approval from the City to reduce or move the City of Kennedale temporary construction easement along the existing 20 ft. sanitary sewer easement.
6. Clarify the location and size of the New Hope entry through Sonora Park.
7. The final plat plan will include what will be done with the existing pond.
8. The preliminary plat should include a note that additional right-of-way dedication may be required as part of the final plat.
9. The correct zoning classification should be shown on the two properties that still show incorrect information.
10. The owner's name should match the deed records for the property.
11. The setback lines should be shown on the plat drawing.

The motion was seconded by Ms. Williamson and passed with all in favor except Mr. Gilley and Mr. Harvey, who abstained from voting.

B. CASE # PZ 15-13 Public hearing and consideration of Ordinance approval regarding a request by Kennedale Economic Development Corporation for a zoning change from "AG" Agricultural to "PD" Planned Development zoning district for single family residential use for that approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas. The property is mostly located west of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746. Addresses include 1201, 1305, & 1307 Bowman Springs Rd.

1. Staff presentation

Ms. Roberts said that half of the property is located in the floodplain which will not be rezoned. She said the developers previously came to the commission in a work session to talk about the proposed development. She said that the portion of the land that is in the floodplain will be open space and that the development will comply with the city wanting more walkable and residential neighborhoods. Ms. Roberts addressed the commissions' questions and concerns.

2. Applicant presentation

Rian McGuire, 916 Bryant Ave. Fort Worth, TX, and Ryan Hill, 1600 West 7th St. Suite 200, Fort Worth, TX, showed a presentation to the commission. They went over the change in the layout of the lots and pointed out the landscaping, fencing and architectural design.

3. Public Hearing

Bill Sykora, 1313 Bowman Springs Rd, said that he does not want the proposed development in his area. He is against the rezoning.

4. Applicant response

Mr. McGuire addressed the comments made by the commission on revisions.

5. Staff response and summary

Ms. Roberts said that City Council has mentioned they would like to see smaller lots for water conservation purposes. She said she has nothing else to add to her previous staff presentation.

6. Action by the Planning & Zoning Commission

Mr. Pirtle motioned to postpone the case until December 17, 2015. The motion was seconded by Mr. Browne and passed with all in favor except Mr. Harvey, who abstained from voting.

X. REPORTS/ANNOUNCEMENTS

City Hall will be closed Thanksgiving Day and the day after.

The Christmas Tree Lighting and Toy Drive will be on December 1, 2015 starting at 5:30 PM.

The Impact Fee Committee meeting will be in March of 2016.

The joint meeting with City Council to discuss the zoning code update will be on January 18, 2016.

XI. ADJOURNMENT

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

The meeting adjourned at 9:11 P.M.

STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 17, 2015

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

CASE # PZ 15-13 Public hearing and consideration of Ordinance approval regarding a request by Kennedale Economic Development Corporation for a zoning change from "AG" Agricultural to "PD" Planned Development zoning district for single family residential use for that approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas. The property is mostly located east of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746. Addresses include 1201, 1305, & 1307 Bowman Springs Rd.

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: Rezone from "AG" to "PD" for single-family residential use

Applicant: Kennedale Economic Development Corporation, in partnership with CHC Development

Location: Bowman Springs Rd near Winding Creek subdivision and Southwest Nature Preserve (see map)

Surrounding land uses: single family residential; park/open space; floodplain; golf driving range

Staff recommendation: approve

Background and overview.

The Commission considered this agenda item last month and postponed consideration until the December agenda. Text from the previous staff report is shown below.

At the November meeting, the Commission introduced a number of changes it would like to see made to the planned development regulations set forth in the ordinance rezoning the property, should the rezoning be approved. Those items have been added to the ordinance (attached). CHC Development has proposed a few alterations to the changes proposed by the Commission, which are also included in the ordinance for your consideration.

There are three versions of the ordinance included with this report, as follows.

- (1) Original version considered by the Commission in November, but with revised concept plan and number of lots.
- (2) Revised version of PD regulations with mark-ups (not full ordinance). The red text includes comments from Mr. Harvey. The blue text shows alterations suggested by CHC. The purple text shows suggestions from city staff.

(3) Revised version of ordinance without mark-ups, reformatted to match standard Kennedale ordinance formatting.

Public input

The property owner to the north, Bill Sykora, has submitted a list of questions and concerns about this rezoning request. Staff has provided answers to some of the questions, but we are submitting his questions and the staff response to the Commission for your consideration.

This property is located near the Kennedale city limits along Bowman Springs and is part of a larger tract that includes approximately seven acres of floodplain. Across Bowman Springs to the east are the Southwest Nature Preserve and Pennsylvania and Winding Creek (roads leading into the Winding Creek and Oak Hill Park subdivisions). To the north are two additional single family properties, also zoned Agricultural. To the south and west are a golf driving range and the approximately 7 acres of floodplain property mentioned above, which will eventually become part of the city's Village Creek parks system.

The Kennedale Economic Development Corporation is in the process of purchasing the property; the KEDC wants only the floodplain portion, but the floodplain and non-floodplain parcels were being sold together. The KEDC has met with several developers to search for one that would be interested in buying the non-floodplain portion and that could develop the property in a way that maintains Kennedale goals and standards for development. The KEDC is proposing to work with CHC Development; because the property is to be purchased by KEDC, KEDC is the applicant, but the proposed development standards were submitted by CHC.

Representatives from CHC Development have met with the Commission in previous work sessions to discuss this proposal. Comments from the Commission at that time included requests to make more effort to tie into existing and planned green space and parks and to ensure the subdivision's open spaces would be managed by a home owners' association. The ordinance the Commission is considering has added provisions to address those concerns.

Staff Review.

Compliance with the comprehensive land use plan.

The Future Land Use Plan shows this area as Neighborhood and as Open Space, with the portions in the floodplain to be open space and the portions outside the floodplain to be used for residential purposes. The comprehensive plan states that the Neighborhood character district should be primarily residential in nature.

Neighborhoods should have defined boundaries, a clear center, and be easily accessible to day-to-day goods and services...The center of a neighborhood should be a civic, public, or community use in which people can come together—such as a park, school, or neighborhood amenity center.

The proposed rezoning would provide for single family residential development that connects to existing and planned/future parks and open space, which complies with the comprehensive plan.

Compliance with the strategic plan.

The strategic plan's recommendations do not relate to this property, the neighborhood, or the rezoning request.

Compliance with City Council priorities.

The Council priority "Enhance the Business Climate" relates to this rezoning request in that bringing in

more residential development allows for more residents to support local businesses.

Additional Factors to Consider.

When considering rezoning requests, the City may also consider the appropriateness of current zoning and whether a rezoning would have an adverse impact on surrounding properties. The current zoning, AG, is not an appropriate use this close to the floodplain, as runoff from agricultural use is likely to have a negative effect on nearby Village Creek. Environmental factors aside, the City is moving toward lots sizes smaller than those called for in Agricultural zoning districts as both a water conservation measure and an effort to make neighborhoods more pedestrian-friendly, and therefore Agricultural zoning is no longer the most suitable zoning district for this property.

Surrounding properties are primarily single family residential and open space, which would not be affected by the addition of another single family neighborhood.

Staff Recommendation.

The requested rezoning complies with the comprehensive land use plan as well as city goals and priorities, and it will not have an adverse effect on surrounding properties. Staff recommends approval.

Action by the Planning & Zoning Commission.

The Commission may approve, approve with conditions, deny, or deny without prejudice the request for rezoning. You may also postpone the case; if you postpone consideration, you must state when the case will be considered again.

IV. Notification:

Notices were sent to owners of property within 200 ft, and notice was published in the *Fort Worth Star-Telegram*.

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

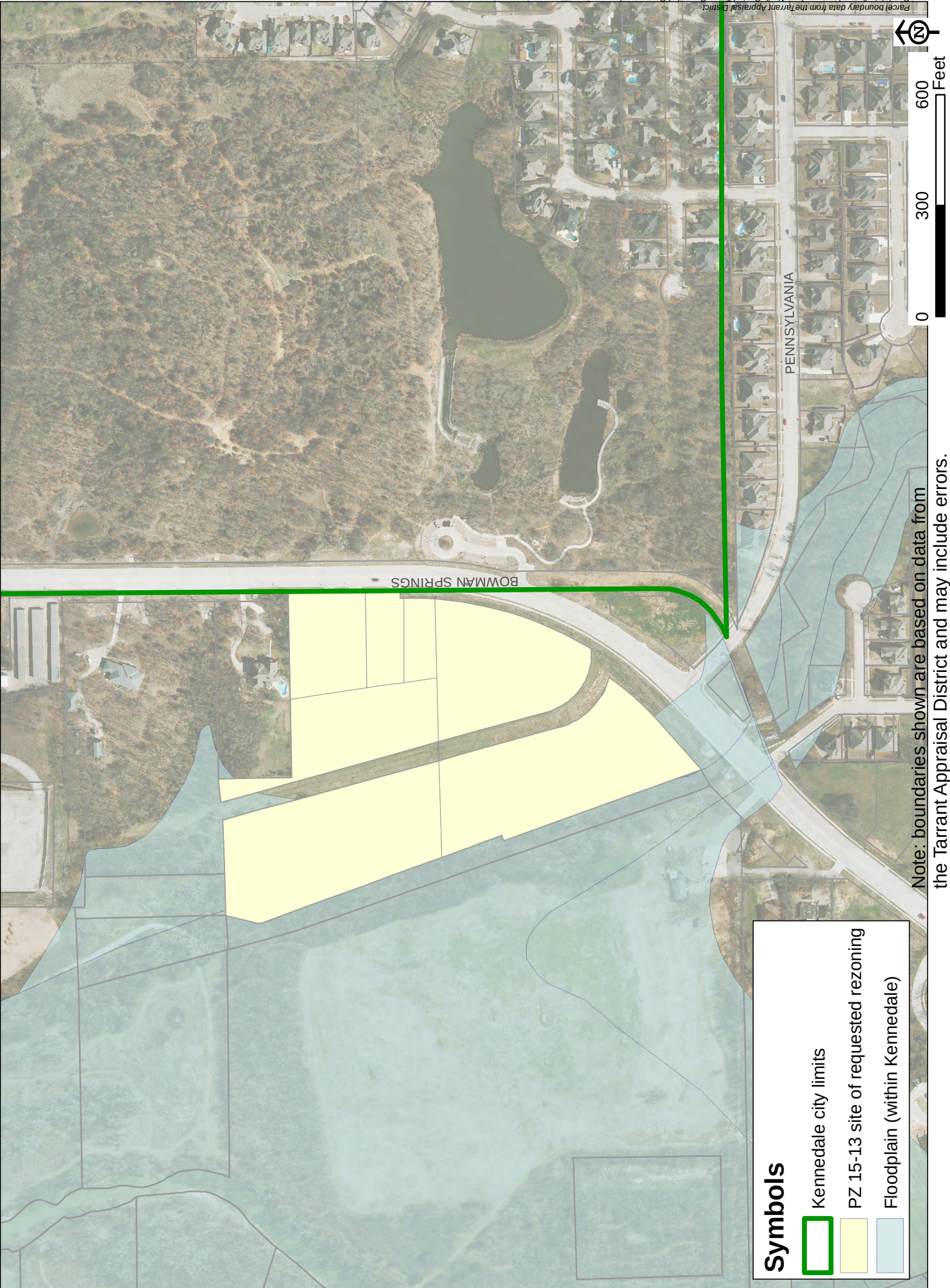
Approve

VIII. Alternative Actions:

IX. Attachments:

1.	PZ 15-13 map of site	PZ 15-13 map -- compressed.pdf
2.	PZ 15-13 future land use plan	PZ 15-13 Future Land Use Plan.pdf
3.	PZ 15-13 revised ordinance (clean copy)	PZ 15-13 ordinance 12-9-15 - clean copy.pdf
4.	PZ 15-13 PD regulations mark-up copy	PZ 15-13 ordinance 12-9-15 - mark-up copy.pdf
5.	PZ 15-13 ordinance (original)	PZ 15-13 ordinance PD revised.pdf
6.	Questions from neighbor B. Sykora	Sykora questions.pdf

PZ 15-13: Map showing approximate site of rezoning request



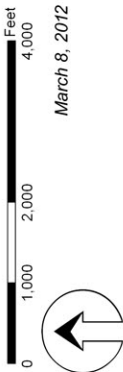
KENNEDALE COMPREHENSIVE PLAN UPDATE

FUTURE LAND USE PLAN

CATEGORIES

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

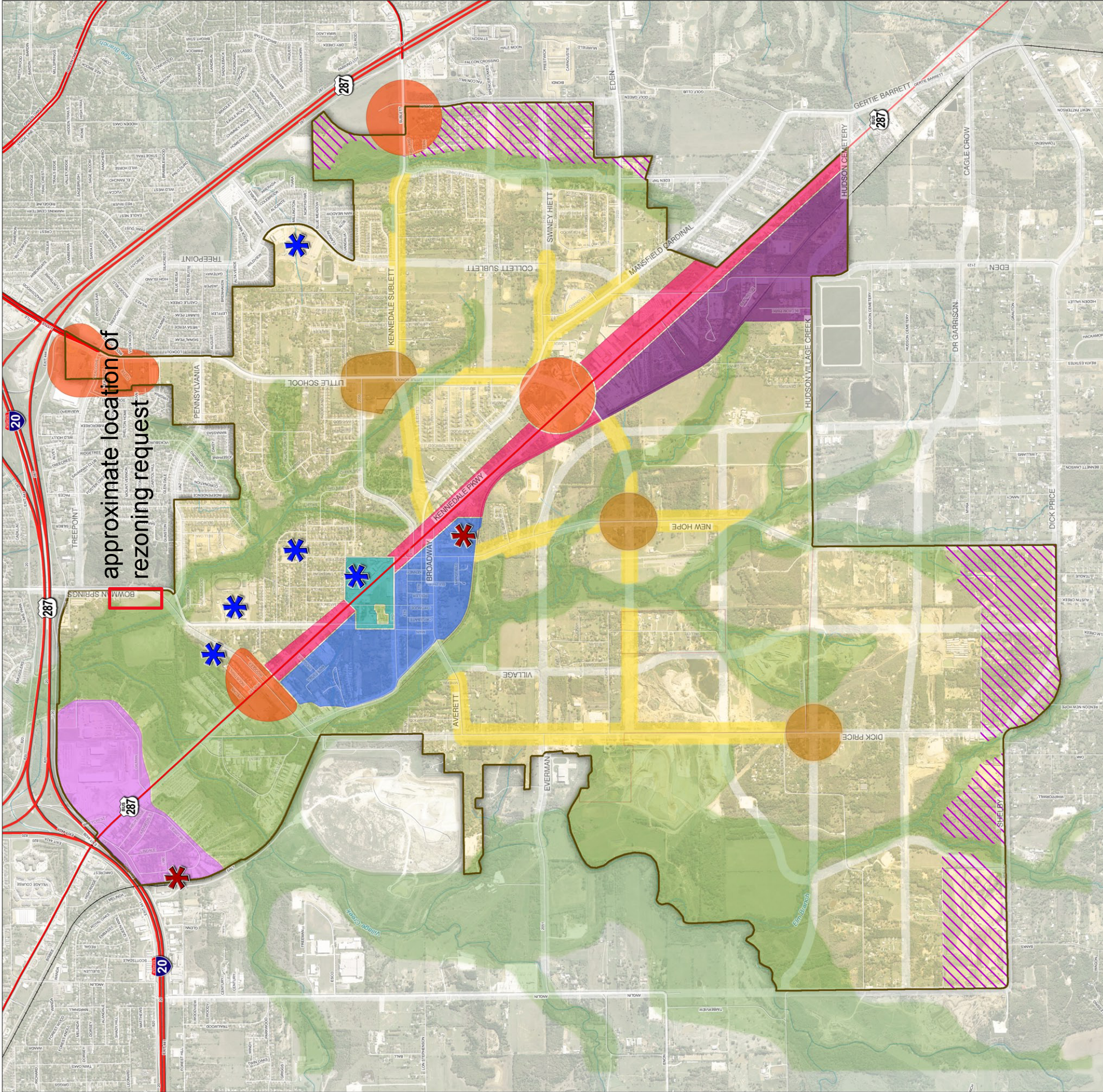
A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries.



KENNEDALE
You're Here, Your Home



approximate location of
rezoning request



ORDINANCE NO. ____

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

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

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

WHEREAS, the City of Kennedale desires to promote the redevelopment of certain property located near the Village Creek floodplain that would be appropriate for and complementary to its location adjacent to a future park system, when such development is consistent with the comprehensive land use plan; and

WHEREAS, Kennedale Economic Development Corporation, which has a proprietary interest in said property being an approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas, such property being mostly located west of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746, wishes to encourage development of this property in keeping with the goals and vision of the City of Kennedale in order to promote economic growth of the city; and

WHEREAS, CHC Development wishes to pursue redevelopment of said property in keeping with the Kennedale Economic Development Corporation's vision and goals; and

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

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

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of December 2015 and by the City Council of the City of Kennedale on the 18th day of January 2016 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 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas, such property being mostly located west of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746 ("the property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "AG" Agricultural to "PD" Planned Development District ("Swiney Estates PD") for single family residential use with modified restrictions, as more fully described on the Concept Plan, attached hereto as Exhibit "C" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth in the Concept Plan, attached hereto as Exhibit "C", and the Concept Plan is hereby approved. The use of the Property shall further conform to the standards and regulations of the "R2" Single Family Residential zoning district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and the document attached as Exhibit "C", and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1) *Property location and size.*

Kennedale Residential is established on property located west of Bowman Springs Rd. and approximately 0.31 miles south of Interstate 20 with access off of Bowman Springs Rd. This Planned Development is comprised of five (5) tracts of land consisting of approximately 8.2 gross acres, more particularly described on Exhibit 'A' and shown on the Exhibit 'C' Development Plan, which is attached hereto for all purposes.

2) *Purpose*

To create a Planned Development for thirty-five (35) single family residential lots. The minimum gross density and a net density are as shown on the Development Plan. An enhanced entry will be provided at the connection point to Bowman Springs Rd.

3) *Development plan.*

The proposed Development Plan as shown on Exhibit 'C' will be in complete accordance with the provisions of the approved Planned Development and shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

4) *Community Architectural Controls.*

A) An Architectural Control Committee will govern the architectural attributes within this Planned Development.

B) Architectural attributes for this residential development will consist of the following:

- 1) The front entry to a house will be well -defined and kept proportional to the house. The front entry will be designed so as not to distract from the rest of the house.
- 2) Only specialty windows such as box windows or circular windows may be flush mounted to the exterior face of the house, all other windows are to be inset to create relief on the elevations.
- 3) Facades will avoid large expanses of uninterrupted single exterior materials and must be broken up by changes in plane through architectural attenuation, accented with the effects of window placement, window trim, or material type and color changes.
- 4) Shutters, if provided, will be sized and shaped to match the associated openings.
- 5) Gutters, if provided, will be exposed or painted copper, galvanized steel, or aluminum if exposed to the street.
- 6) All asphalt roof shingles will be laminated architectural shingles with a three dimensional appearance and warranted for at least thirty (30) years.

a) *Roof Materials.*

- i. All roofs must be constructed with 3 tab/3 dimensional shingles and must have ACC approval.
 - ii. Roof Colors must be submitted for ACC approval.
- 7) A minimum roof pitch of 6:12 (inches of rise per inches of run) from side to side will apply to the predominant roof with the exception of a tile or slate roof that may have a minimum roof pitch of 5: 12 from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof has at least a 6:12 pitch. Porch roofs shall have a minimum 4: 12 pitch. See variation below.
 - 8) In order to encourage variety on a continuous block, the exterior facades for houses will vary within every 6 houses. Once a house is constructed the same combination of brick, stone, masonry-like materials, and paint will not be used within four (4) houses on either side of that house.

- 9) Exterior facades will be 100% masonry on the front, a minimum of 80% masonry on the sides, and a minimum of 50% masonry on the rear with the exception that all houses adjacent to Bowman Springs Road shall have all exterior facades to be a minimum of 80% masonry on the rear. Masonry includes brick, stone, and stucco. The exception to this are walls over the roof such as bay or dormer windows, chimneys, or Fireplaces.
- 10) *Chimneys.*
 - a) All chimneys must meet Industry Safety Guidelines.
 - b) Chimneys on an exterior wall shall be constructed completely to the ground so as not to appear cantilevered from the building.
 - c) Chimneys located on exterior wall must be 100% masonry.
 - d) Chimney color to match base or accent material of the house or compliment color of roof.
 - e) No wood trim shall be allowed on the chimney.
- 11) All garages will be decorative wood, carriage style, or decorative color metal doors. Design between garage and home shall use same or complementary colors and materials.
- 12) All exposed wood accents and wooden garage doors will be double stained and sealed or painted with two (2) coats for protection and regularly maintained as enforced by the HOA.
- 13) Decorative street lighting will be utilized and will conform to Oncor and City of Kennedale standards and include the following if approved by and available from Oncor: low profiling lighting; or induction lights (LED), scotopic lumens allowing street lights with lower wattages and lower photopic lumens.
- 14) Any home with a covered front porch shall have a minimum depth of five (5) feet and shall be at least fifty (50) square feet in total size to allow this space to be usable. A covered porch may encroach into area designated as front yard or side yard not greater than five feet (5') to help improve the architecture of the home and the character of the street.
- 15) The landscape design along Bowman Springs Road will utilize enhanced brick or masonry screen walls, wrought iron, and architectural features at the entrance to the subdivision.
- 16) All common open space, landscaping in open space areas, private roads, and masonry screen walls will have a mandatory Home Owners Association (HOA) to maintain those improvements.
- 17) All lots with rear yards or side yards facing Bowman Springs Rd. shall use wrought iron fencing or masonry walls that conform to the City of Kennedale standards and will be installed by the developer and maintained by Homeowners' Association (HOA)
- 18) All lots with rear yards or side yards facing the Village Creek open space shall have six-foot (6') high wrought iron fencing that conforms to the City of Kennedale standards and be installed by the builder as their primary option. The homeowner may be given a choice of wrought iron or cedar fencing that conforms to this PD, and the City of Kennedale standards. The fence is to be installed by the builder, and if a cedar privacy fence is chosen as the fencing

option, the builder will contribute \$500 to the Village Creek Parks fund at the time the building permit is issued.

- 19) The side yards and rear yards of all residential lots that are not facing public right-of-way or Village Creek open space shall have a six-foot (6') high cedar fence to be installed by the builder and maintained by homeowner.

20) *Utility, Service and Mechanical Equipment*

- a) All equipment related to utilities intended to serve one Lot shall be installed by the Owner of the Lot and shall be located underground if possible.
- b) All services to the Lot, including pre-wiring for cable television, must be installed underground if available.
- c) Ground-mounted mechanical equipment, such as HVAC units, shall be screened from view and grouped together away from street and public view. Private, surface-mounted mechanical equipment, air conditioners, condensers, compressors, pool equipment, switches, etc. should be placed behind the side yard fence of a Lot.

21) All cedar fencing will comply with the following requirements:

- a) Use all cedar wood, 1" x 6" cedar planks, minimum 2" x 4" cedar horizontal stringers, and 2" x 4" baseboards.
- b) Treated on both sides with cedar tinted preservative or equal quality stain, double stained.
- c) Fence planks or panels must be at least five-eighths of one inch (5/8") in thickness. Fence planks or panels must have a gap between the ground and the wood to prevent rotting and decay.
- d) All vertical posts, stringer brackets, all other hardware to construct wooden fencing and gates will be galvanized steel.
- e) All vertical post shall be set at a maximum distance of eight feet (8') apart. All posts shall be set at a minimum depth of twenty-four inches (24") deep incased in concrete and capped.
- f) All materials will be securely fastened (i.e. vertical boards to horizontal stringers, stringers to vertical posts) and be free from rot, rust, vandalism, and other sources of decay.
- g) Cedar fencing shall include a baseboard that is located within 6" from the bottom of the fence.

5) *General conditions.*

A) *Landscaping and Open Space.*

- 1) The City's Landscaping ordinance will supersede where this ordinance is silent. This ordinance will supersede to resolve any conflicts.
- 2) There will be a minimum of two 3" caliper trees per residential lot located in the front yard and installed by the homebuilder. All tree locations and types will conform to the City of Kennedale ordinances.
- 3) There will be a minimum of 6 three-gallon (3 gal) shrubs per residential lot located in the front yard. All shrub locations and types will conform to the City of Kennedale ordinances.
- 4) There will be a minimum of one three-inch (3") caliper trees or two five-gallon (5 gal) shrubs in backyards for lots with the rear of the property adjacent to a

thoroughfare, park, park land or open space.

- 5) All lawns and landscaping will be irrigated.
- 6) Landscaping will be provided for by the developer at the entry from Bowman Springs Road.
 - a) Landscaping will be irrigated
 - b) Plants will be conducive to the Southwest Nature Preserve and Village Creek green belt, as to blend the entry and the community into the natural surroundings.
- 7) Landscaping from the right-of-way along Bowman Springs Road to the subdivision screening wall will installed by the developer and maintained by the Homeowners' Association (HOA). The following plant types shall be included in the landscaping along the Bowman Springs Rd right-of-way.
 - a) Irrigated climbing vines.
 - b) 4- Five-gallon (5 gal) shrubs
 - c) 7- three-inch (3") caliper trees
- 8) *Right-Of-Way.* Street right-of-way will be equal to 50' in width.
- 9) *Lot Area and Setbacks.* Lot areas and setbacks will be as shown on the Exhibit 'C' Development Plan.
- 10) *Minimum Floor Area per dwelling unit.* All lots will have a minimum of 1,800 square feet of dwelling space.
- 11) *Perimeter Walls/Screening.* The perimeter walls adjacent to Bowman Springs Road will be a minimum of 6' in height and constructed of 100% masonry or wrought iron.

B) Sidewalk Requirements.

- 1) A Sidewalk will be required along all public Right-of-Way throughout the development on a minimum of one side of the road. Proposed sidewalks along residential lots are to be constructed by the home builder at the time of home construction each residential lot. All residential lots will have a sidewalk at the front of the lot.
 - 2) Sidewalks shall be a minimum of five (5) feet in width.
- C) Access to the public park will be provided within the development.
- 1) Comply to accessibility standards
 - 2) A gate with lock will be provided at the access point to the subdivision

6) *Homeowners' Association.*

- A) A mandatory homeowners association (HOA) will be responsible for the maintenance of the common landscape areas and exterior retaining walls within the development that are built by the Developer (any landscaping and retaining walls built by the homebuilder will be maintained by that property owner).
- B) The homeowners association will have rules and regulations to ensure the proper maintenance of home exteriors and common areas.
- C) The homeowners association will include an architectural control committee (the "ACC") to review and approve all proposed home plans prior to construction.
- D) Developer will maintain control of the HOA and the ACC until 100% of the lots have been sold and at least 70% of the building permits have been issued.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

It is hereby declared to be the intention of the City Council that the phrases clauses sentences paragraphs and sections of this ordinance are severable and if any phrase clause sentence paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases clauses sentences paragraphs and sections of

this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase clause sentence paragraph or section.

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, the penalty clause, the publication clause, and the effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

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

PASSED AND APPROVED ON THIS 18th DAY OF JANUARY 2016.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth in the Concept Plan, attached hereto as Exhibit "C", and the Concept Plan is hereby approved. The use of the Property shall further conform to the standards and regulations of the "R2" Single Family Residential zoning district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and the document attached as Exhibit "C", and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirements to the extent of a conflict:

1) *Property location and size.*

Kennedale Residential is established on property located west of Bowman Springs Rd. and approximately 0.31 miles south of Interstate 20 with access off of Bowman Springs Rd. This Planned Development is comprised of five (5) tracts of land consisting of approximately 8.2 gross acres, more particularly described on Exhibit 'A' and shown on the Exhibit 'C' Development Plan, which is attached hereto for all purposes.

2) *Purpose*

To create a Planned Development for thirty-five (35) single family residential lots. The minimum gross density and a net density are as shown on the Development Plan. An enhanced entry will be provided at the connection point to Bowman Springs Rd.

3) *Development plan.*

The proposed Development Plan as shown on Exhibit 'C' will be in complete accordance with the provisions of the approved Planned Development and shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

4) *Community Architectural Controls.*

A) An Architectural Control Committee will govern the architectural attributes within this Planned Development.

B) Architectural attributes for this residential development will consist of the following:

- a. The front entry to a house will be well -defined and kept proportional to the house. The front entry will be designed so as not to distract from the rest of the house.
- b. Only specialty windows such as box windows or circular windows may be flush mounted to the exterior face of the house, all other windows are to be inset to create relief on the elevations.
- c. Facades will avoid large expanses of uninterrupted single exterior materials and must be broken up by changes in plane through architectural attenuation, accented with the effects of window placement, window trim, or material type and color changes.
- d. Shutters, if provided, will be sized and shaped to match the associated

openings.

- e. Gutters, if provided, will be exposed or painted copper, galvanized steel, or aluminum ~~or painted~~ if exposed to the street.

- f. All asphalt roof shingles will be laminated architectural shingles with a three dimensional appearance and warranted for at least thirty (30) years.

• Roof Materials

- All roofs must be constructed with 3 tab/3 dimensional shingles and must have ACC approval

~~f.*~~ Roof Colors must be submitted for ACC approval

- g. A minimum roof pitch of 6:12 (inches of rise per inches of run) from side to side will apply to the predominant roof with the exception of a tile or slate roof that may have a minimum roof pitch of 5: 12 from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof has at least a 6:12 pitch. Porch roofs shall have a minimum 4: 12 pitch. See variation below.

- h. In order to encourage variety on a continuous block, the exterior facades for houses will vary within every 6 houses. Once a house is constructed the same combination of brick, stone, masonry-like materials, and paint will not be used within four (4) houses on either side of that house.

- i. Exterior facades will be 100% masonry on the front, a minimum of 80% masonry on the sides, and a minimum of 50% masonry on the rear with the exception that all houses adjacent to Bowman Springs Road shall have all exterior facades to be 400a minimum of 80% masonry on the rear. Masonry includes brick, stone, and stucco. The exception to this are walls over the roof such as bay or dormer windows, chimneys, or Fireplaces.

- j. All chimneys must meet Industry Safety Guidelines.

- Chimneys on an exterior wall shall be constructed completely to the ground so as not to appear cantilevered from the building.

- Chimneys located on exterior wall must be 100% masonry.

- Chimney color to match base or accent material of the house or compliment color of roof.

~~h.*~~ No wood trim shall be allowed on the chimney.

- ~~i-k.*~~ All garages will be decorative wood, carriage style, or decorative color metal doors. Design between garage and home shall use same or complementary colors and materials.

- ~~j-l.*~~ All exposed wood accents and wooden garage doors will be double stained and sealed or painted; with two (2)-coats (2) for protection and regularly maintained as enforced by the HOA.

- m. Decorative street lighting will be utilized and will conform to Oncor and Town City of Kennedale standards and include the following if approved by and available from Oncor:

- Low profiling lighting

- ~~k-e.*~~ Induction lights (LED), scotopic lumens allowing street lights with lower wattages and lower photopic lumens.-

- ~~l-n.*~~ Any home with a covered front porch shall have a minimum depth of five (5)

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feet and shall be at least fifty (50) square feet in total size to allow this space to be usable. A covered porch may encroach into area designated as front yard or side yard not greater than five (5') to help improve the architecture of the home and the character of the street.

~~m-o.~~ The landscape design along Bowman Springs Road will utilize enhanced brick or masonry screen walls, wrought iron, and architectural features at the entrance to the subdivision.

~~m-p.~~ All common open space, landscaping in open space areas, private roads, and masonry screen walls will have a mandatory Home-Owners' Association (HOA) to maintain those improvements.

g. All lots with rear yards or side yards facing public right-of-way Bowman Springs Rd. shall use wrought iron fencing or masonry walls that conform to the Town-City of Kennedale standards and will be installed by the builder developer and maintained by Home-owners' Association (HOA).

~~o-r.~~ All lots with rear yards or side yards facing the Village Creek open space shall have six-foot (6') high wrought iron fencing that conforms to the Town-City of Kennedale standards and be installed by the builder as their primary option. The homeowner may be given a choice of wrought iron or cedar fencing that conforms to this PD, see section below and the Town-City of Kennedale standards. The fence is to and be installed by the builder, and if a cedar privacy fence is chosen as the fencing option, the builder will contribute the difference in cost of material and construction of cedar fencing vs. wrought iron \$500 to the Village Creek Parks fund at the time the building permit is issued.

s. The side yards and rear yards of all residential lots that are not facing public right-of-way or Village Creek open space shall have a 6' high cedar wood privacy fence to be installed by the builder and maintained by homeowner.

t. Utility, Service and Mechanical Equipment

- All equipment related to utilities intended to serve one Lot shall be installed by the Owner of the Lot and shall be located underground if possible.
- All services to the Lot, including pre-wiring for cable television, must be installed underground if available.

—Ground-mounted mechanical equipment, such as HVAC units, shall be screened from view and grouped together away from street and public view. In the event cable boxes are installed, such boxes must be screened from view and grouped together away from street and public view.

~~p-r.~~ Private, surface-mounted mechanical equipment, transformers, air conditioners, condensers, compressors, pool equipment, switches, etc. should be placed behind the side yard fence of a Lot.

~~q-u.~~ All cedar wood privacy fencing will comply with the following requirements:

- Use all cedar boards, wood, 1" x 6" cedar planks, minimum 2" x 4" cedar horizontal stringers, 2" x 6" toppers, 1" x 6" topper trim boards, and 2" x 4" baseboards.
- Treated on both sides with cedar tinted preservative or equal quality stain, double stained.
- Fence planks or panels must be at least five-eighths of one inch (5/8")

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in thickness. Fence planks or panels must have a gap between the ground and the wood to prevent rotting and decay.

- iv. All vertical posts ~~(18 gauge)~~, stringer brackets, all other hardware to construct wooden fencing and gates will be galvanized steel.
- ~~iv-v.~~ All vertical post shall be set at a maximum distance of eight feet (8') apart. All posts shall be set at a minimum depth of ~~thirty-two~~twenty-four inches (24~~32~~) deep incased in concrete and caped.
- vi. All materials will be securely fastened (i.e. vertical boards to horizontal stringers, stringers to vertical posts) and be free from rot, rust, vandalism, and other sources of decay.
- ~~v-vii.~~ Cedar fencing shall be topped, trimmed, and include a baseboard that is located within 6" from the bottom of the fence.

5) General conditions.

A) Landscaping and Open Space.

- a. The City's Landscaping ordinance will supersede where this ~~PD~~ordinance is silent. This ordinance will supersede to resolve any conflicts.
- b. There will be a minimum of two 3" caliper trees per residential lot located in the front yard and installed by the homebuilder. All tree locations and types will conform to the ~~Town~~City of Kennedale ordinances.
- c. There will be a minimum of 46 three-gallon (3 gal) shrubs per residential lot located in the front yard. All shrub locations and types will conform to the ~~Town~~City of Kennedale ordinances.
- ~~a-d.~~ There will be a minimum of one three-inch (3") caliper trees or two five-gallon (5 gal) shrubs in backyards for a-lots with the rear of the property adjacent to a thoroughfare, park, park land or open space.
- ~~b-e.~~ All lawns and landscaping will be irrigated.
- f. Landscaping will be provided for by the developer at the entry ~~off~~ ~~off~~from Bowman Springs Road.
- Landscaping will be irrigated
- ~~e-*~~ Plants will be conductive to the Southwest Nature Preserve and Village Creek green belt, as to blend the entry and the community into the natural surroundings.
- g. Landscaping from the right-of-way along Bowman Springs Road to the subdivision screening wall will installed by the developer and maintained by the ~~Home-o~~Owners' Association (HOA). The following plant types shall be included in the landscaping along the Bowman Springs Rd right-of-way.
- Irrigated climbing vines.
- 4- Five-gallon (5 gal) shrubs
- 7- three-inch (3") caliper trees
- ~~d-h.~~ Right-Of-Way. Street right-of-way will be equal to 50' in width.
- ~~e-i.~~ Lot Area and Setbacks. Lot areas and setbacks will be as shown on the Exhibit 'C' Development Plan.
- ~~f-j.~~ Minimum Floor Area per dwelling unit. All lots will have a minimum of 1,800 square feet of dwelling space.
- k. Perimeter Walls/Screening. The perimeter walls adjacent to Bowman Springs

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Road will be a minimum of 6' in height and constructed of 100% masonry or wrought iron.

B) *Sidewalk Requirements.*

a. A Sidewalk will be required along all public Right-of-Way throughout the development on a minimum of one side of the road. Proposed sidewalks along residential lots are to be constructed by the home builder at the time of home construction each residential lot. All residential lots will have a sidewalk at the front of the lot.

~~a-b.~~ Sidewalks shall be a minimum of five (5) feet in width.

C) Access to the public park will be provided within the development.

a. Comply to accessibility standards

b. A gate with lock will be provided at the access point to the subdivision

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6) *Homeowners' Association.*

- A) A mandatory homeowners' association (HOA) will be responsible for the maintenance of the common landscape areas and exterior retaining walls within the development that are built by the Developer (any landscaping and retaining walls built by the homebuilder will be maintained by that property owner).
- B) The homeowners association will have rules and regulations to ensure the proper maintenance of home exteriors and common areas.
- C) The homeowners association will include an architectural control committee (the "ACC") to review and approve all proposed home plans prior to construction.
- D) Developer will maintain control of the HOA and the ACC until 100% of the lots have been sold and at least 70% of the building permits have been issued.

ORDINANCE NO. ____

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

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

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

WHEREAS, the City of Kennedale desires to promote the redevelopment of certain property located near the Village Creek floodplain that would be appropriate for and complementary to its location adjacent to a future park system, when such development is consistent with the comprehensive land use plan; and

WHEREAS, Kennedale Economic Development Corporation, which has a proprietary interest in said property being an approximately 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas, such property being mostly located west of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746, wishes to encourage development of this property in keeping with the goals and vision of the City of Kennedale in order to promote economic growth of the city; and

WHEREAS, CHC Development wishes to pursue redevelopment of said property in keeping with the Kennedale Economic Development Corporation's vision and goals; and

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

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

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 19th day of November 2015 and by the City Council of the City of Kennedale on the 14th day of December 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 8-acre portion outside the floodplain of an approximately 15.6 acre tract, belonging to Ethel Swiney and located in the David Strickland Survey A-1376, Tarrant County, Texas, such property being mostly located west of the former Williamson Drive as shown on the plat abandonment recorded in Tarrant County Clerk's instrument number D214210746 ("the property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, from "AG" Agricultural to "PD" Planned Development District ("Swiney Estates PD") for single family residential use with modified restrictions, as more fully described on the Concept Plan, attached hereto as Exhibit "C" and incorporated herein.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth in the Concept Plan, attached hereto as Exhibit "C", and the Concept Plan is hereby approved. The use of the Property shall further conform to the standards and regulations of the "R2" Single Family Residential zoning district and to Chapter 17, Division 10 Subdivision Design Criteria of the City of Kennedale City Code, to the extent not modified in this Ordinance and the document attached as Exhibit "C", and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, where not otherwise controlled by the regulations set forth below. The Property shall conform to the following supplemental standards and regulations,

which shall supersede any other requirements to the extent of a conflict:

1) *PROPERTY LOCATION AND SIZE.*

Swiney Estates Planned Development District is established on property located west of Bowman Springs Rd. and approximately 0.31 miles south of Interstate 20 with access off of Bowman Springs Rd. This Planned Development is comprised of five (5) tracts of land consisting of approximately 8.2 gross acres, more particularly described on Exhibit 'A' and shown on the Exhibit 'C' Development Plan, which is attached hereto for all purposes.

2) *PURPOSE.*

To create a Planned Development for thirty-five (35) single family residential lots. The minimum gross density and a net density are as shown on the Development Plan. An enhanced entry will be provided at the connection point to Bowman Springs Rd.

3) *DEVELOPMENT PLAN.*

The proposed Development Plan as shown on Exhibit 'C' will be in complete accordance with the provisions of the approved Planned Development and shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

4) *COMMUNITY ARCHITECTURAL CONTROLS.*

A) An Architectural Control Committee will govern the architectural attributes within this Planned Development.

B) Architectural attributes for this residential development will consist of the following:

- a. The front entry to a house will be well -defined and kept proportional to the house. The front entry will be designed so as not to distract from the rest of the house.
- b. Only specialty windows such as box windows or circular windows may be flush mounted to the exterior face of the house, all other windows are to be inset to create relief on the elevations.
- c. Facades will avoid large expanses of uninterrupted single exterior materials and must be broken up by changes in plane, window placement, window trim, or color changes.
- d. Shutters, if provided, will be sized and shaped to match the associated openings.
- e. Gutters, if provided, will be copper, galvanized steel, aluminum or painted if exposed to the street.
- f. All asphalt roof shingles will be laminated architectural shingles with a three dimensional appearance and warranted for at least thirty (30) years.

- g. A minimum roof pitch of 6:12 (inches of rise per inches of run) from side to side will apply to the predominant roof except a tile or slate roof may have a minimum roof pitch of 5: 12 from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof has at least a 6:12 pitch. Porch roofs shall have a minimum 4: 12 pitch.
- h. In order to encourage variety on a continuous block, the exterior facades for houses will vary within every 6 houses. Once a house is constructed the same combination of brick, stone, masonry-like materials, and paint will not be used within four (4) houses on either side of that house.
- i. Exterior facades will be 100% masonry on the front, a minimum of 80% masonry on the sides, and a minimum of 50% masonry on the rear. Masonry includes brick, stone, and stucco. The exception to this is walls over the roof, such as bay or dormer windows, chimneys, or fireplaces.
- j. All garages will be decorative wood, carriage style, or decorative color metal doors. Design between garage and home shall use same or complementary colors and materials.
- k. All exposed wood accents and wooden garage doors will be stained and sealed or painted for protection and regularly maintained as enforced by the HOA.
- l. Decorative street lighting will be utilized and will conform to City of Kennedale standards.
- m. Any home with a covered front porch shall have a minimum depth of five (5) feet and shall be at least fifty (50) square feet in total size to allow this space to be usable.
- n. The landscape design along Bowman Springs Road will utilize enhanced brick or masonry screen walls, wrought iron, and architectural features at the entrance to the subdivision.
- o. All common open space, landscaping, private roads, and screen walls will have a mandatory Home Owners Association (HOA) to maintain those improvements.
- p. All lots with rear yards or side yards facing public right-of-way shall use wrought iron fencing or masonry walls that conform to the Town of Kennedale standards and will be installed by the builder.
- q. The side yards and rear yards of all residential lots that are not facing public right-of-way shall have a six-foot (6') high wood privacy fence to be installed by the builder.
- r. All wood privacy fencing will comply with the following requirements:
 - i. Use all cedar boards

- ii. Treated on both sides with cedar tinted preservative or equal quality stain.
- iii. Fence planks or panels must be at least five-eighths of one inch (5/8") in thickness. Fence planks or panels must have a gap between the ground and the wood to prevent rotting and decay.
- iv. All vertical posts will be galvanized steel.
- v. All materials will be securely fastened (i.e. vertical boards to horizontal stringers, stringers to vertical posts) and be free from rot, rust, vandalism, and other sources of decay.

5) *GENERAL CONDITIONS.*

A) Landscaping and Open Space:

- a. There will be a minimum of two three-inch (3') caliper trees per residential lot located in the front yard. All tree locations and types will conform to the Town of Kennedale ordinances.
- b. There will be a minimum of ten (10) three (3) gallon shrubs located in the front yard.
- c. All lawns and landscaping will be irrigated.
- d. Landscaping will be provided for by the developer at the entry off of Bowman Springs Road.
- e. Minimum number of trees to be planted are as follows:
 - i. 2 – 3" caliper trees per residential lot X 28 lots = 56 trees (by home builder).
 - ii. 7 – 3" caliper trees planted within open space areas (by developer).

B) Right-Of-Way:

- a. Street right-of-way will be equal to 50' in width.

C) Lot Area and Setbacks:

- a. Lot areas and setbacks will be as shown on the Exhibit 'C' Development Plan.

D) Minimum Floor Area per dwelling unit:

- a. All lots will have a minimum of 1,800 square feet of dwelling space.

E) Perimeter Walls/Screening:

- a. The perimeter walls adjacent to Bowman Springs Road will be a minimum of six feet (6') in height and constructed of one hundred percent (100%) masonry or wrought iron.

F) Sidewalk Requirements

- a. A Sidewalk will be required along all public Right-of-Way throughout the development on a minimum of one side of the road. Proposed sidewalks along residential lots are to be constructed by the home builder at the time of home construction each residential lot. All residential lots will have a sidewalk at the front of the lot.

- b. Sidewalks shall be a minimum of five (5) feet in width.
- G) Access to the public park will be provided within the development.

6) *HOMEOWNERS ASSOCIATION*

- A) A mandatory homeowners association will be responsible for the maintenance of the common landscape areas and exterior retaining walls within the development that are built by the Developer (any landscaping and retaining walls built by the homebuilder will be maintained by that property owner).
- B) The homeowners association will have rules and regulations to ensure the proper maintenance of home exteriors and common areas.
- C) The homeowners association will include an architectural control committee (the "ACC") to review and approve all proposed home plans prior to construction.
- D) Developer will maintain control of the HOA and the ACC until one hundred percent (100%) of the lots have been sold and at least seventy percent (70%) of the building permits have been issued.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all

Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, the penalty clause, the publication clause, and the effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

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

PASSED AND APPROVED ON THIS 14th DAY OF DECEMBER 2015.

APPROVED:

Brian Johnson, Mayor

ATTEST:

Leslie Galloway, City Secretary

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

Wayne K. Olson, City Attorney

Exhibit A

METES & BOUNDS DESCRIPTION (EAST PART – OUTSIDE FLOODPLAIN)

Being a tract of land situated in the D. Strickland Survey, Abstract No. 1376 in the City of Kennedale, Tarrant County, Texas, said tract of land being a portion of that certain "Tract 2" as described to Leon Swiney and wife, Ethel M. Swiney as recorded in Volume 11497, Page 1305 and 1309, Deed Records of Tarrant County, Texas (DRTCT), said tract of land also being a portion of Block 1, Swiney Estates Addition, an addition to the City of Kennedale as recorded in Volume 388-10, Page 93, Plat Records of Tarrant County, Texas (PRTCT), said tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8-inch iron rod found for the southwest corner of Lot 4-R, Block 1, Swiney Estates, an addition to the City of Kennedale as recorded in Cabinet B, Slide 2572, PRTCT;

THENCE North 88 degrees 13 minutes 57 seconds East, a distance of 230.61 feet to an angle point in the south line of said Lot 4-R;

THENCE South 08 degrees 14 minutes 03 seconds East, a distance of 0.60 feet to an angle point in the south line of said Lot 4-R;

THENCE North 88 degrees 19 minutes 51 seconds East, at a distance of 245.95 feet passing a 1/2-inch iron rod found for the southeast corner of said Lot 4-R and continuing a total distance of 265.96 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" on the westerly right-of-way line of Bowman Springs Road (a variable width right-of-way), said iron rod also being the northeast corner of Lot 6 in the aforementioned Block 1;

THENCE South 00 degrees 33 minutes 12 seconds East, with the common easterly line of said Block 1 and said westerly right-of-way line, a distance of 307.31 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" at the northeast corner of "Parcel No. 2" as described to the City of Kennedale by instrument recorded in Instrument Number D211140987 DRTCT;

THENCE South 89 degrees 26 minutes 53 seconds West, with the northerly line of said Parcel No. 2, a distance of 15.41 feet to a 5/8-inch iron rod found for the northwest corner of said Parcel No. 2;

THENCE South 00 degrees 33 minutes 07 seconds East, with the westerly line of said Parcel No. 2, a distance of 18.19 feet to a 5/8-inch iron rod found for the point of curvature of a curve to the right in the westerly line of said Parcel No. 2;

THENCE with the arc of said curve to the right, at a distance of 75.59 feet passing a 5/8-inch iron rod being the common southwest corner of "Parcel No. 2" and the northwest corner of "Parcel No. 3 Pt 1" as described to the City of Kennedale by instrument recorded in Instrument Number D211140987 DRTCT, and continuing in all a total arc distance of 517.74 feet, said curve to the right having a central angle of 31°33'27", a radius of 940.00 feet, and a chord bearing and distance of South 15°13'37" West, 511.22 feet to a 5/8-inch iron rod found stamped "Gorrrondona & Assoc" for the southwest corner

of "Parcel No. 3 Pt 1" at the intersection of westerly right-of-way line of Bowman Springs Road (a variable width right-of-way) and the northerly right-of-way line of Williamson Drive (a 50-foot right-of-way);

THENCE South 56 degrees 16 minutes 14 seconds West, crossing the right-of-way of Williamson Drive, a distance of 76.43 feet to the intersection of said westerly right-of-way line of Bowman Springs Road (a variable width right-of-way) and the southerly right-of-way line of said Williamson Drive (a 50-foot right-of-way), said point being the point of curvature of a non-tangent curve to the right and also being the northernmost northwest corner of "Parcel No. 3 Pt 2" as described to the City of Kennedale by instrument recorded in Instrument Number D211140987 DRTCT;

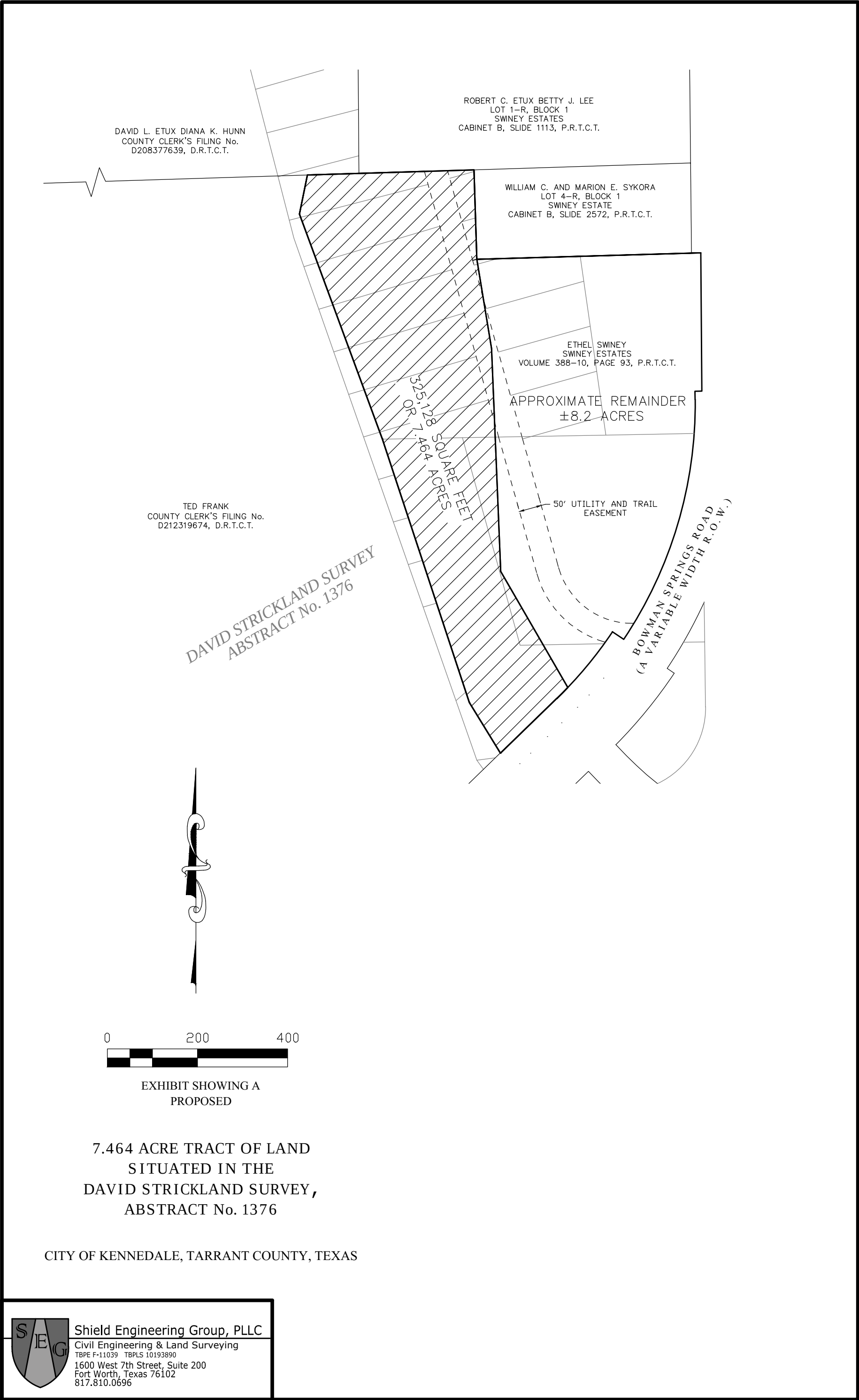
THENCE with the arc of said non-tangent curve to the right and said westerly right-of-way line and the northwesterly line of said "Parcel No. 3 Pt 2", a distance of 132.89 feet, said curve to the right having a central angle of $8^{\circ}22'01"$, a radius of 910.00 feet, and a chord bearing and distance of South $39^{\circ}32'44"$ West, 132.77 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering";

THENCE North 30 degrees 02 minutes 09 seconds West, departing said right-of-way line and along the general vicinity of contour elevation 570, a distance of 297.12 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" for an angle point in the westerly line of the tract described herein;

THENCE North 02 degrees 22 minutes 03 seconds West, continuing along the general vicinity of contour elevation 570, a distance of 494.52 feet to a 5/8-inch iron rod set with plastic cap stamped "Shield Engineering" for an angle point in the westerly line of the tract described herein;

THENCE North 09 degrees 21 minutes 19 seconds West, continuing along the general vicinity of contour elevation 570, a distance of 200.79 feet to the POINT OF BEGINNING and CONTAINING 357,724 square feet or 8.212 acres of land area, more or less.

Exhibit B



WILLIAM C. AND MARION E. SYKORA
LOT 4-R, BLOCK 1
SWINEY ESTATE
CABINET B, SLIDE 2572, P.R.T.C.T.

PROPOSED MASONRY
SCREENING WALL

LEGEND

PROPOSED OPEN SPACE



PROPOSED SCREENING WALL



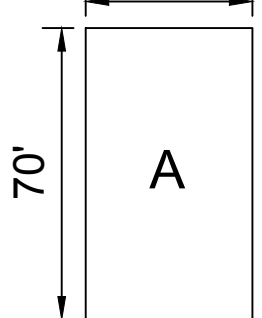
WROUGHT IRON FENCE



PAD DIMENSIONS

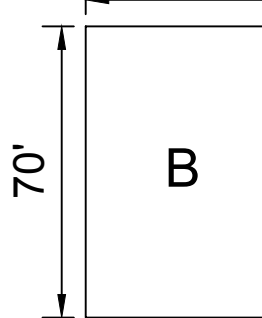
N.T.S.

40'



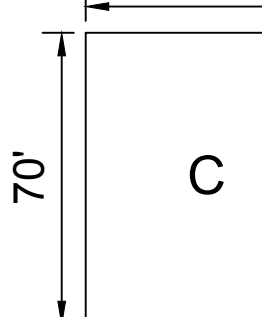
25
LOTS

50'

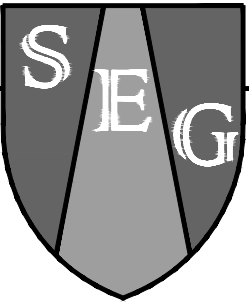
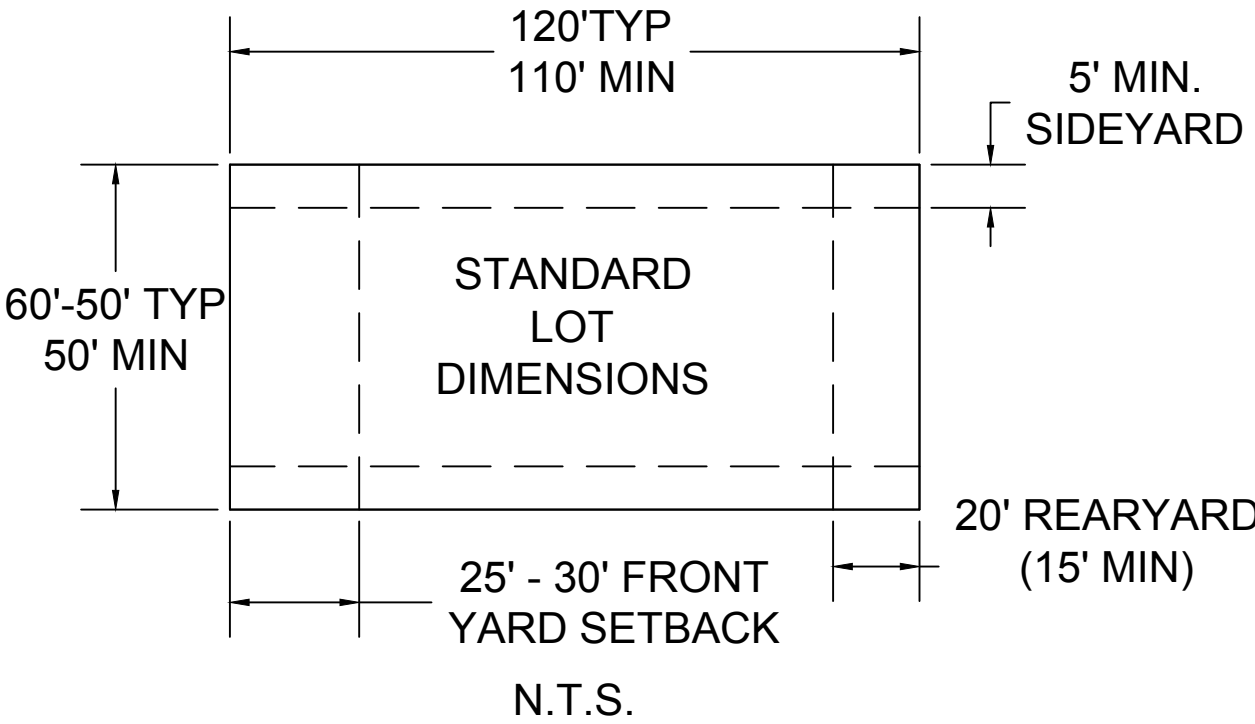
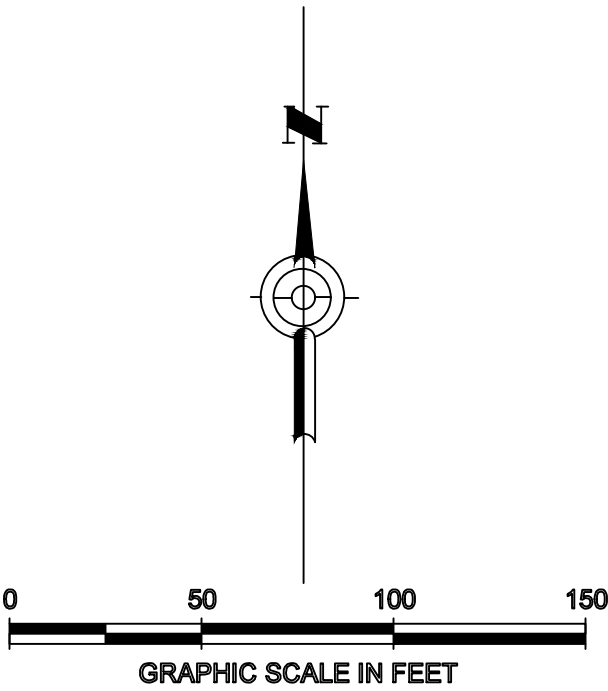


9 LOTS

60'



1 LOTS



Shield Engineering Group, PLLC
Civil Engineering & Land Surveying
TBPE F-11039 TBPLS 10193890
1600 West 7th Street, Suite 200
Fort Worth, Texas 76102
817.810.0696

TOWN OF KENNEDALE, TEXAS

CHC DEVELOPMENT
FEASIBILITY LAYOUT

SWINEY TRACT
8.1 ACRES, 35 LOTS

SCALE:

DATE:

November 18, 2015

SHEET

1 OF 1

Questions Concerning Proposed Development of Swiney Tract

Utility easement – There is a 6.5'x200' utility easement on the Sykora property located to the north of the proposed development. It is not clear if the same easement extends to the new development property. Currently phone lines extend on the side of the property to be developed. How is this to be resolved?

I looked at the original Swiney Estates plat, and on this property line, I don't believe there is a utility easement. The City usually requires a 7.5' easement be dedicated along the side property lines of any lot to be platted. Any necessary easements will be required to be dedicated as part of the platting process.

If a phone line is located along the side property line, the phone company most likely has an easement that was dedicated sometime after the property was originally platted. This easement would remain in place when the property is platted again unless the phone company requested something different.

Topography – The proposed plat is not clear on how the land will be graded for residential lots. Currently the land is a continual slope to the west. If the lots are to be graded to a horizontal level, how would the lots be adapted to the slope of adjacent properties? Would retaining walls have to be built?

The grading plan will be submitted and reviewed by the city during the platting stage. If slope/topography is great enough that retaining walls are needed, then retaining walls will be required.

Trees - Currently there are trees on both sides of the property lines with limbs overhanging the adjoining property. What is the proposal to address this?

For trees on the Swiney property, the City has a tree removal permit requirement that the developer will have to adhere to. Any trees to be removed must be indicated on a plan to be reviewed by the City, with certain trees required to be replaced (or fee paid in lieu of replacement). For the trees are on your property, the developer of the Swiney

property would not be permitted to cut down the trees, but they would be permitted to trim back the portion that overhangs the Swiney property.

Fencing – According to the proposed fencing restrictions, a six foot wooden fence is to be constructed on anything other than public right of way. Is existing fencing to be removed and whose responsibility is this?

If you have an existing fence on your property line installed by you, this would remain in place unless a different arrangement was worked between you and the new property owner. If the fence was installed by the Swineys, this would be permitted to be replaced by the developer or home builder.

Houses – Nothing is mentioned in architectural controls concerning two story structures. Due to the small lot sizes the privacy of all neighbors would be infringed. It would be strongly recommended to limit structures to one story with the exception of agreement by all adjoining neighbors.

With the growing popularity of small lot developments, many builders these days have experience creating designs that allow for plenty of privacy, even with two-story homes. But I will pass this comment and your other comments/questions along to the Planning & Zoning Commission so the members will know of your concern.



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 17, 2015

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

CASE # PZ 15-15 Consider approval of a preliminary plat for Lots 1-5 Block 1 Village Creek Business Park requested by Harrell Mitchell & Brad Hardy for 7205 Hudson Village Creek Rd, more particularly described as an approximately 24.58-acre tract in the Wade H. Hudson Survey A-716, Tarrant County, Texas, conveyed from Mike & Audrey Wagner to Harrell Mitchell as recorded in instrument number D215177714, deed records, Tarrant County.

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: preliminary plat for five (5) lots

Location: Hudson Village Creek Rd, between Bloxom Park Rd and Danny Dr

Zoning: C-2 General commercial

Requested by: Harrell Mitchell (owner/developer) and Brad Hardy

Staff Review and Recommendation.

City staff and our engineers reviewed the preliminary plat for compliance with the comprehensive plan and with city standards and regulations.

Comprehensive Land Use Plan

The Future Land Use Plan categorizes this area as Neighborhood. However, when this property was rezoned from Manufacture Home to "C-2" General Commercial in April 2015, part of the basis for that decision was that the property just to the east is industrial (both in current use and designation in the future land use plan), and it was unlikely that a residential use would be suitable or feasible next to industrial uses. The City Council therefore approved a C-2 commercial zoning for this property, which would allow the property to serve as a buffer between the residential uses to the west and the industrial uses to the east.

Staff considers the plat to be in compliance with the comprehensive land use plan.

City standards and regulations.

Staff reviewed the preliminary plat and asked the applicant to make several changes (see attached

documents).

Staff recommendation.

Revisions based on staff comments will be received next week. Staff therefore will not have a recommendation until the date of the meeting. One of the city's engineers will be at the meeting to answer any questions the Commission members may have about the plan set.

Action by the Planning & Zoning Commission.

Preliminary plats do not require a public hearing and are not considered by the City Council. After the Commission has reviewed the preliminary plat, the applicant will be advised of any required changes and/or additions. Upon satisfactory completion of any requirements imposed by the Commission, the applicant may proceed with the submittal of a final plat.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

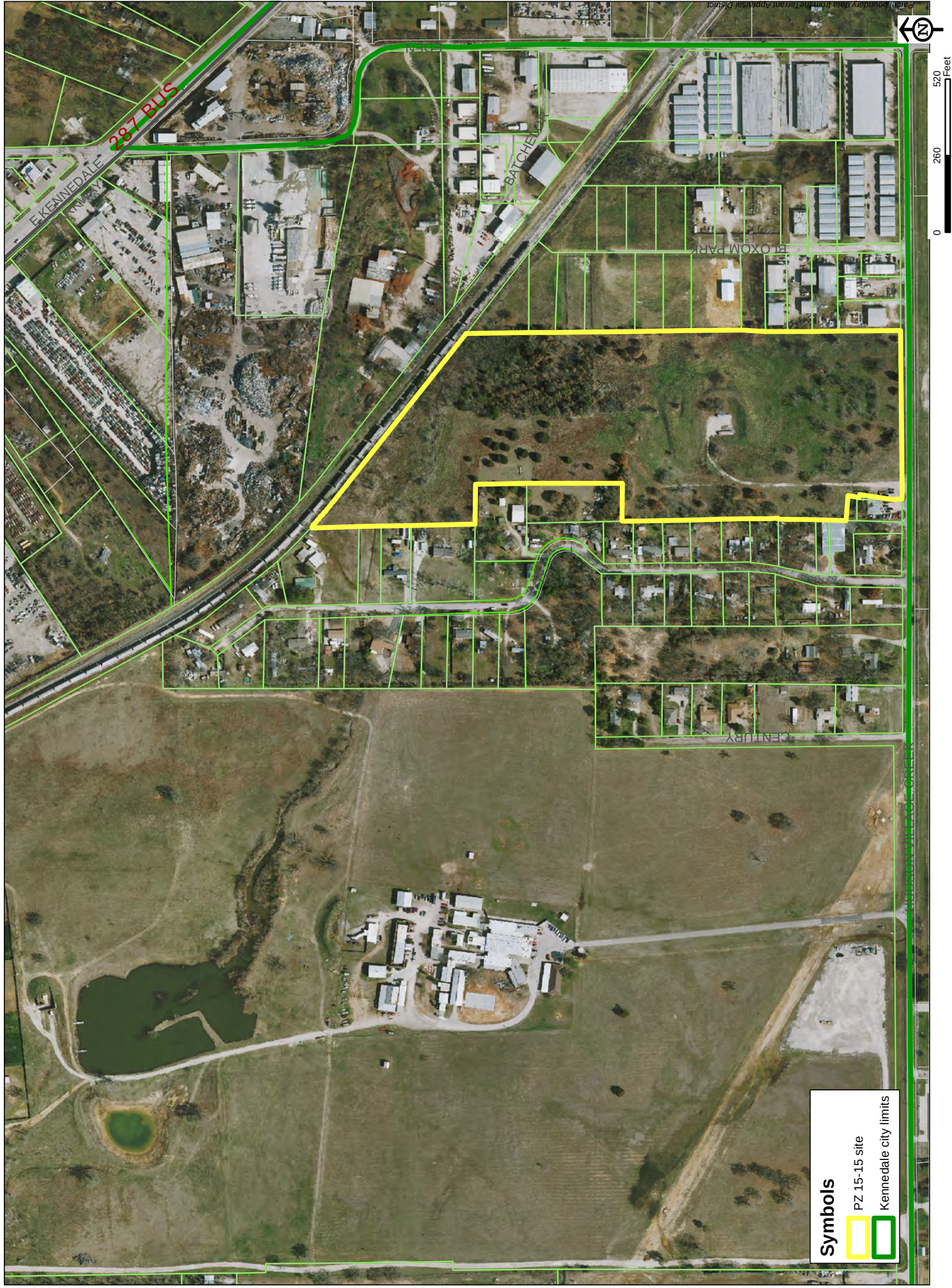
VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	PZ 15-15 map showing site	PZ 15-15 site (reduced size).pdf
2.	PZ 15-15 preliminary plat drawing	15119-1_preliminary_plat_113015pm1.pdf
3.	PZ 15-15 engineering comments	20151208 Village Creek Business Park Civil Comments - letter.pdf
4.	PZ 15-15 staff review comments	staff comments on Village Creek Bus Pk plat drwg.pdf
5.	PZ 15-15 preliminary plan set	Prelim Eng Plans-Revised (reduced size).pdf

PZ 15-15 site



LEGEND

- Survey control point
- Water meter
- Water valve
- Sprinkler head
- Telephone cable riser
- Manhole, Telephone
- Found monument (labeled as to type)
- 1/2" dia. steel reinforcing bar set
- 5/8" dia. steel reinforcing bar set
- Concrete monument found
- Electric meter
- Fire hydrant
- Power pole, Tele. pole
- Sign or marker
- Guy wire anchor
- Manhole, Sanitary sewer

CURVE	RADIUS	LENGTH	L	CHORD
C1	200.00'	82.55'	N 12°14'24" E	81.96'
C2	200.00'	84.00'	N 12°01'55" E	83.38'

LINE	BEARING	DISTANCE
L1	N 00°38'08" W	27.90'
L2	N 07°58'43" E	113.67'
L3	N 86°19'02" W	10.11'
L4	N 05°44'46" E	36.35'
L5	N 85°46'54" W	92.55'
L6	S 89°35'03" E	163.13'
L7	S 89°35'03" E	269.89'

"OAKRIDGE MOELL HOME ESTATES" (an unrecorded subdivision)

OWNER/DEVELOPER:
Harrell Mitchell
7070 Hudson Cemetery Road
Mansfield, Texas 76063
Tel: 817-563-6561

PLANNER:
Brad Hardy
18716 Amador Avenue
Dallas, Texas 75252
Tel: 817-475-1141

SURVEYOR:
McIlroy Engineering
504 W Baylor St.
Weatherford, Texas 76086
Tel: 817-594-6464

ENGINEER:
Gary Burton Engineering, Inc.
6320 Southwest Blvd., Ste. 102
Fort Worth, Texas 76109
Tel: 817-595-9067

THE PLANNING AND ZONING COMMISSION OF THE CITY OF KENNEDALE, TEXAS VOTED AFFIRMATIVELY ON THIS DAY OF _____, 2015, TO APPROVE THIS PRELIMINARY PLAT.

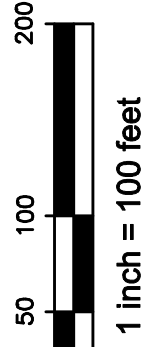
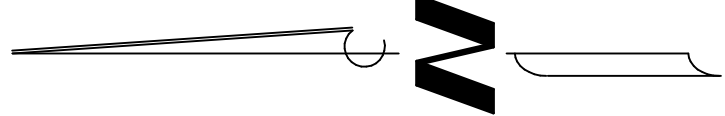
CHAIRMAN, PLANNING AND ZONING COMMISSION

ATTEST: SECRETARY, PLANNING AND ZONING COMMISSION

Proposed Zoning: C-2 (General Commercial District)
25' Front yard setback
20' Rear yard setback
10' Side yard setback
10' Side yard setback on interior lots



VICINITY MAP (N.T.S.)



NOTES:

- Bearings are based on the Texas State Plane Coordinate System, North Central Zone (NAD83), as determined by static G.P.S. performed on November 20, 2014 (McIlroy Engineering Project No. 14144) and post-processing with data from CORS "TXKE".
- Coordinates and distances shown have been converted to surface, unless specifically indicated otherwise.
- Locations of underground utilities shown are approximate. Some underground utilities other than those shown may exist. The owner or contractor must contact Texas811 to have utilities located before beginning any construction. Some of the pipeline information (diameter and type) was obtained from the Texas Railroad Commission's GIS map. Location shown is generally as evidenced by signs, markers and test stations.
- According to FEMA Flood Insurance Rate Map Panels No. 48439C0340K and 48439C0455K (Effective Dates September 25, 2009), this property is not located in the 100-year flood zone.
- According to the City of Kennedale Zoning Map (dated Jan. 2014), both this property and the adjoining property to the west are zoned "Manufactured Home District". The property adjoining this tract on the east is zoned "General Commercial District".
- This tract is to be a 7.5' wide utility easement along the interior side of the perimeter of the subdivision perimeter.
- Existing electrical lines and poles shown on this property, except for lines and poles near the perimeter, are to be removed or relocated.

SURVEYOR'S CERTIFICATION:

THAT I, CHARLES ROBERT MCILROY, A REGISTERED PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION ON THE GROUND.

CHARLES ROBERT MCILROY, R.P.L.S. # 5196

DATE

TEL: 817-594-6464

PRELIMINARY PLAT
VILLAGE CREEK BUSINESS PARK
An Addition to the City of Kennedale
24.58 Acres

Situated in the Wade H. Hudson Survey, Abstract No. 716,
City of Kennedale, Tarrant County, Texas
November 30, 2015

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document. FOR CITY REVIEW ONLY.
Charles R. McIlroy, R.P.L.S. # 5196

Prepared By:

November 30, 2015

Date:

MCILROY ENGINEERING

504 W. Baylor St.
Weatherford, Texas 76086
TEL: (817) 594-6464
E-MAIL: c_r_mcilroy@att.net
TX SURVEYING FIRM # 1010480 TX ENGINEERING FIRM # F-7877



December 8, 2015

Ms. Rachel Roberts
City of Kennedale
405 Municipal Drive
Kennedale, Texas 76060

RE: Village Creek Business Park Preliminary Plat - Civil Plan Review – 1st Submittal

Dear Ms. Roberts:

We have reviewed the Preliminary Plat and Preliminary Utility Plans submitted 11/30/15 for the Village Creek Business Park development. The following is a list of our comments and observations regarding the Preliminary Plat and Plans:

Preliminary Plat

1. Does the 10' Electric easement just end short of the property boundary at the north end of the project? Please verify.
2. All proposed easements with City utilities need to be called out as utility specific easements. i.e. Water Easement, Sewer Easement, Sewer and Drainage Easement, etc.
3. If offsite easements are required, it will be the responsibility of the developer to obtain the easements prior to City acceptance of final plat.
4. The Cul-de-Sac radius needs to be 58'.
5. Show Right-of-Way (ROW) width of Hudson Village Creek Road. A ROW dedication will be required with this plat. Existing ROW + ROW dedication must be 75'.

Preliminary Water, Sanitary Sewer & Storm Sewer-N, Drawing 1

1. The detention pond must be placed outside of the utility easements.
2. Why is there a proposed offsite sanitary sewer easement? Please verify this is needed.

Preliminary Water, Sanitary Sewer & Storm Sewer-S, Drawing 2

1. If offsite water is proposed, then the recorded easement needs to be submitted with the engineering plans.
2. If the proposed water line is to tie into the existing water line in Bloxom Park Road, then the proposed water line will need to be constructed prior to the paving of Bloxom Park Road.
3. Show existing waterline in Hudson Village Creek Road.
4. Show proposed waterline tying into the existing waterline in Hudson Village Creek Road.

Conceptual Drainage Plan, Drawing 3

1. From a review of the calculations, it appears the proposed pond may be undersized which could be a result of the methodology utilized. Please utilize the detention methodology provided in the Kennedale Design Manual.
2. The Bloxom Park Detention pond was not sized to detain for Village Creek Business Park Drainage Shed O-1 drainage. The increased runoff from O-1 will need to be detained on site.



Shield Engineering Group, PLLC

1600 W. 7th St., Suite 200, Fort Worth, TX 76102 • office (817) 810-0696 • fax (844) 273-2180
Email: info@segpllc.com • www.shieldengineeringgroup.com



General Comments

1. A tree survey will be required for the development.
2. Sidewalk will need to be constructed along Hudson Village Creek or Escrow will needed to be provided in lieu of sidewalk.

Please feel free to contact me with any questions or comments at 817.810.0696.

Sincerely,

A handwritten signature in red ink, appearing to read 'Mike Bennett'.

Mike Bennett, P.E.
Shield Engineering Group, PLLC



Shield Engineering Group, PLLC

1600 W. 7th St., Suite 200, Fort Worth, TX 76102 • office (817) 810-0696 • fax (844) 273-2180
Email: info@segpllc.com • www.shieldengineeringgroup.com

Harrell Mitchell
c/o Brad Hardy
18716 Amador Avenue
Dallas, TX 75252

Staff Review of Village Creek Business Park preliminary plat

Dear Mr. Mitchell and Mr. Hardy,

City staff have reviewed the plat drawing for Village Creek Business Park preliminary plat and request the following changes or additions. These changes should be made prior to the Planning & Zoning Commission consideration of the plat on December 17.

- 1) In checking the Tarrant County Clerk's Office online records, there appears to be a Village Creek Business Park Addition in Bedford. Please verify that Village Creek Business Park Addition is not an existing subdivision name.
- 2) Please change the "proposed zoning" of C-2 to "current zoning" or "existing zoning," as the property to be platted is currently zoned C-2 general commercial.
- 3) Please change the adjoining classification on the property to the east to "I" Industrial. This adjoining property was rezoned to Industrial in April 2015.
- 4) Please show the lot areas in square feet.
- 5) Please add an owner's dedication to the plat drawing (with space/text for notary signature and stamp).
- 6) Please add a metes and bounds description to the plat drawing or on a separate page that can be submitted when we file the plat with Tarrant County. You submitted a metes and bounds description on the application, which will be fine for our processing of the plat, but we also need it in a format separate from the application that can be filed with the County Clerk's office.
- 7) Please note that easements and right-of-way are verified by the Public Works department, and that department's staff may request changes to the plat drawing, as well.
- 8) Please note that dedication of right-of-way along Hudson Village Creek Rd may be required. After our engineers and Public Works staff have completed their review, we will have more details about what would be required.

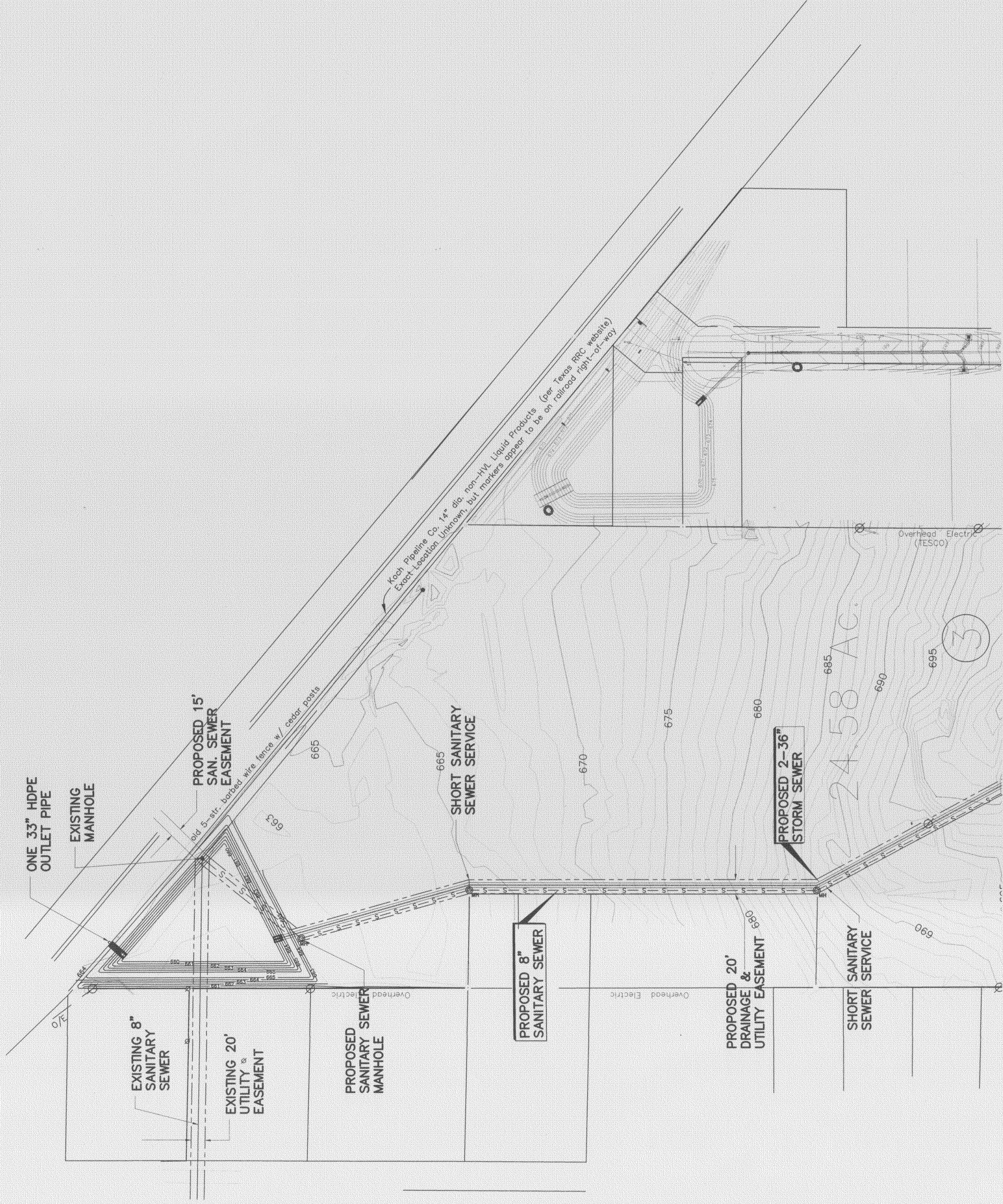
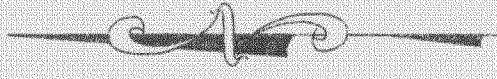
We will need revised copies of the plat drawing by the end of the business day on Thursday, December 10 so they can be distributed to members of the Commission on the 11th. These changes will be in addition to any changes required for the preliminary plans. We are sending these changes to you now separate from the comments on the plan set so that you will have as much time as possible to revise the plats before the 10th.

If you have any questions or comments about the requested changes, please let me know.

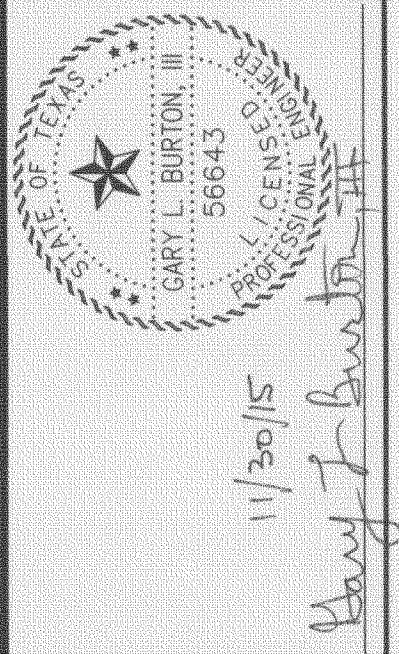
Sincerely,



Rachel Roberts
Community Development Director



GARY BURTON ENGINEERING, INC.
CONSULTING - PLANNING - PERMITTING - DESIGN - MANAGEMENT (F-2812)
HOME OFFICE: 14531 HWY. 155 S TYLER, TEXAS 75703 PH. (903) 561-6984 FAX (903) 561-6757
BR. OFFICE: 6320 SOUTHWEST BLVD, STE 102 - FORT WORTH, TEXAS 76086 PH. (817) 599-9067

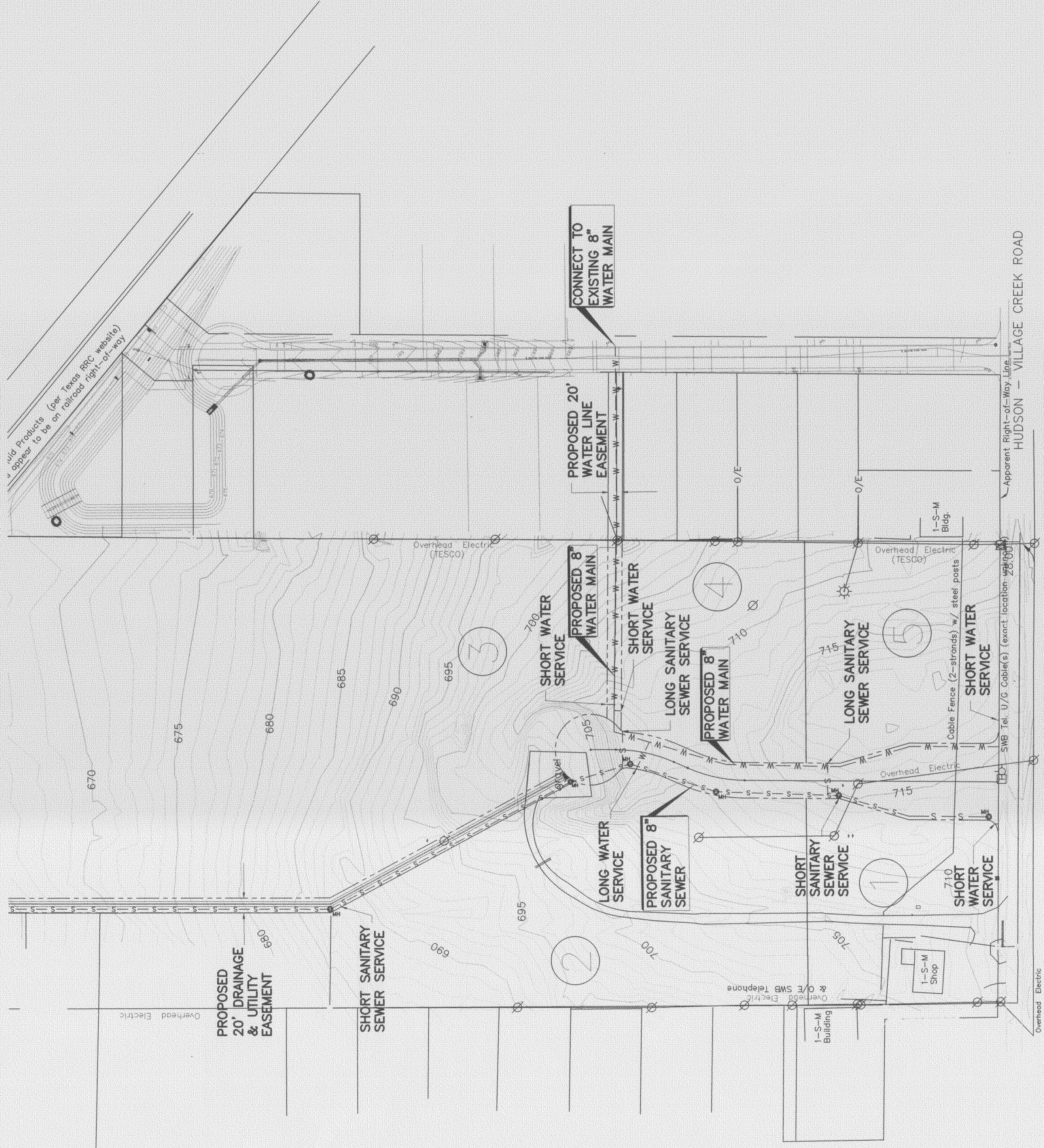


VILLAGE CREEK BUSINESS PARK
PRELIMINARY ENGINEERING PLANS
LAYOUT 1

REVISIONS	DATE	BY
BAR IS ONE INCH IN LENGTH ON ORIGINAL DWG. CHECK SCALE AND ADJUST ACCORDINGLY.		
ONE INCH		

**PRELIMINARY WATER,
SANITARY SEWER &
STORM SEWER-N**

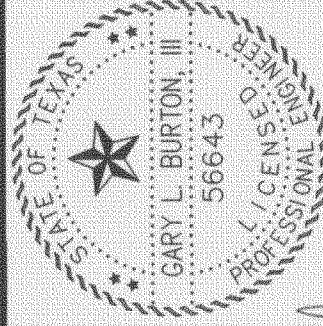
PROJECT MGR. Gary L. Burton, III P.E.		PROJECT TECH SR	
JOB NO. 048150101		CHECKED BY GLB	
DWG. NO.		REVIEWED BY GLB	
		1	



100 50 0 100

SCALE: 1" = 100'

GARY BURTON ENGINEERING, INC.
CONSULTING - PLANNING - PERMITTING - DESIGN - MANAGEMENT (F-2812)
HOME OFFICE: 14531 HWY. 155 S TYLER, TEXAS 75703 PH. (903) 561-6984 FAX (903) 561-6757
BR. OFFICE: 6320 SOUTHWEST BLVD. STE 102 - FORT WORTH, TEXAS 76086 H.F. (817) 599-9067



VILLAGE CREEK BUSINESS PARK
PRELIMINARY ENGINEERING PLANS
LAYOUT 2

REVISIONS	DATE	BY

BAR IS ONE INCH IN LENGTH ON ORIGINAL DWG.
CHECK SCALE AND ADJUST ACCORDINGLY.

ONE INCH

PRELIMINARY WATER,
SANITARY SEWER &
STORM SEWER-S

PROJECT MGR. Gary L. Burton, III P.E.		JOB NO. 048150101	DWG. NO. 2
PROJECT TECH	SR	CHECKED BY GLB	REVIEWED BY GLB



CONCEPTUAL DRAINAGE PLAN	PROJECT MGR Gary L. Burton, III P.E.	PROJECT TECH SR	JOB NO. 048150101
	CHECKED BY GLB	REVIEWED BY GLB	DWG. NO. 3
	REVISIONS	DATE	BY
	BAR IS ONE INCH IN LENGTH ON ORIGINAL DWG. CHECK SCALE AND ADJUST ACCORDINGLY. ONE INCH		

Drainage Area Calculations (2, 10, 25, and 100-Year Design Frequency) - EXISTING CONDITIONS

Area Designation	Area (acres)	Runoff Coeff C	CA (acres)	Tc	I2	Runoff Q2 (cfs)	I10	Runoff Q10 (cfs)	I25	Runoff Q25 (cfs)	I100	Runoff Q100 (cfs)
1	20.18	0.30	6.05	10.00	4.71	28.53	6.52	39.44	7.55	45.71	9.24	55.97
Total	20.18		6.05			28.53		39.44		56.63		55.97

Drainage Area Calculations (2, 10, 25, and 100-Year Design Frequency) - PROPOSED DETENTION CONDITIONS

Area Designation	Area (acres)	Runoff Coeff C	CA (acres)	Tc	I2	Runoff Q2 (cfs)	I10	Runoff Q10 (cfs)	I25	Runoff Q25 (cfs)	I100	Runoff Q100 (cfs)
1	20.18	0.85	17.15	10.00	4.71	80.84	6.52	111.76	7.55	129.52	9.24	158.58
Total	20.18		17.15			80.84		111.76		129.52		158.58

DETENTION POND VOLUME CALCULATIONS

Peak Runoff												
Return Period "Yr"	Drainage Area (Acres)	Rainfall Intensity [=(b/(Tc+q))^a]						Q Peak (cfs)	Q Allowable (cfs)			
		b	d	e	Tc	I (in/hr)						
2	20.18	51.393	9	0.81144	10	4.71	80.84	28.53				
10	20.18	77.130	12	0.7995	10	6.52	111.76	39.44				
25	20.18	90.982	13	0.7938	10	7.55	129.52	56.63				
100	20.18	110.202	14	0.7798	10	9.24	158.58	55.97				

RETENTION VOLUME PROVIDED:

Reference: CRC Standard Mathematical Tables 24th edition, p. 14

Frustum of a Pyramid

$$V = ((1/3) h * [B_1 + B_2 + \text{Square Root} (B_1 * B_2)])$$

Where:

h = altitude = 4.00 ft

B_1 = area of lower base = 20,262.00 ft²

B_2 = area of upper base = 28,844.00 ft²

VOL = ((1/3) h * [B₁ + B₂ + Square Root (B₁*B₂)]

= ((1/3) * 4.00 [20,262 + 28,844 + SQRT(584,437,128)])

NET VOL = 97,708.18 CU. FT.

REQUIRED = 88,510 CU. FT.

RETENTION BASIN OUTLET PIPE CAPACITY:

Q = VA

= A * 1.49 / n * R^{2/3} * S^{1/2}

FOR 35" RCP: A = 5.937 SQ. FT.

n = 0.013

R = A / P = π D² / 4 = D / 4 = 0.688

S = 0.5 / 50 = 0.0100

V = 1.49 / 0.013 * (0.688)^{2/3} * (0.01)^{1/2} = 8.93 fps

Q = 8.93 * 5.937 = 53.03 cfs

LIMIT = 55.97 cfs

OK

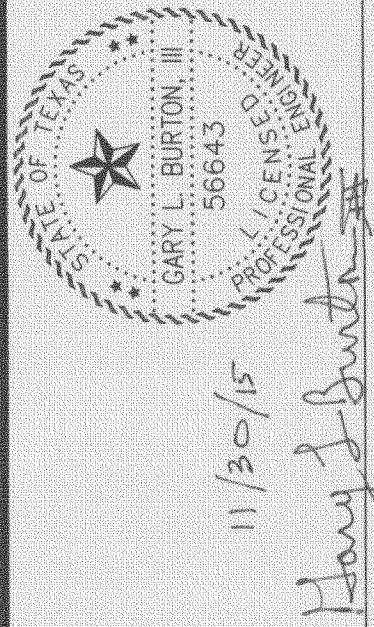
NOTE: SITE WILL BE GRADED TO
CONTAIN ALL RUNOFF FROM
DRAINAGE AREA 1 ONSITE.

GARY BURTON ENGINEERING, INC.

CONSULTING - PLANNING - PERMITTING - DESIGN - MANAGEMENT (F-2812)

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11/30/15

Gary L. Burton

VILLAGE CREEK BUSINESS PARK

PRELIMINARY ENGINEERING PLANS

LAYOUT 3



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: December 17, 2015

Agenda Item No: REGULAR ITEMS - D.

I. Subject:

CASE # PZ 15-16 Public hearing and consideration of Ordinance approval regarding a city-initiated rezoning from "C-2" General Commercial District to "AG" Agricultural District on a 29.43 acre lot located at 3925 Kennedale New Hope Rd., legal description of Joel Snider Survey A1448 Tr 1A.

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

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Request: Rezone from "C-2" to "AG"

Applicant: city-initiated

Location: Kennedale New Hope Rd near the city limits at Hudson Village Creek Rd

Surrounding land uses: primarily single family residential and vacant acreage; also commercial and industrial (see attached map with state use codes)

Future Land Use Plan classification: primarily Neighborhood, some Neighborhood Corridor on periphery at Kennedale New Hope Rd

Staff recommendation: approve

Background and overview.

This property is the site of the closed Cowtown Speedway. The race track closed in November 2012 after failing an inspection by Oncor, which was prompted by Oncor's changing the electrical meters onsite to smart meters. Repairs sufficient to pass inspections were not made, and the track was therefore not allowed to reopen. It has been closed since that time. In addition, there were some issues with silt run-off from the site identified through a city inspection in October 2012. The run-off issue did not prompt the closing of the track, but please note that these issues would have had to be resolved before the track could have reopened if the necessary electrical improvements had been made. In addition, TCEQ staff also visited the site, and concerns reported by TCEQ (if any) would also have to be resolved.

Since the track's closing, city staff have been in discussion with the property owner and her family about the possibility of rezoning the property, and the family has explored the possibility of requesting a rezoning to the "AG" agricultural zoning district. Staff indicated in those discussions that staff would support a rezoning to AG, but the property owners have not chosen to pursue that option.

In its November regular meeting, City Council directed staff to initiate rezoning of this property from its current zoning to "AG" Agricultural.

Analysis.

Compliance with the comprehensive land use plan.

The Future Land Use Plan classifies the bulk of this property as Neighborhood, with the frontage along Kennedale New Hope Rd as Neighborhood Corridor. Descriptions of the Neighborhood and Neighborhood Corridor character districts are attached to this report.

Neighborhood

Neighborhoods are intended to be primarily residential. The AG zoning district is considered a large-lot single family residential zoning district under Kennedale's schedule of uses (Sec. 17-421). Although none of the city's single family zoning districts exactly fit the comprehensive land use plan, until the code update is completed next year, the city must work within the zoning districts available. Under that condition, the AG zoning district fits the Neighborhood classification under the comprehensive land use plan.

Neighborhood Corridor

It is not expected that all of the areas identified as "Neighborhood Corridor" in the Future Land Use Plan will develop into commercial uses, as the city could not support that much commercial development. Rather, these areas indicate where commercial develop should be targeted, if commercial uses were to be developed to support surrounding residential uses.

As most of this property is under the Neighborhood character district, rezoning in compliance with that character is the most suitable approach. Thus, zoning this property as a residential use is in compliance with the comprehensive land use plan.

Compliance with the Strategic Plan.

The Strategic Plan describes this area as being difficult for commercial and industrial uses due to limited access (access on New Hope Rd is not ideal for commercial or industrial development). The plan therefore recommends that the future land use plan consider this area for residential development.

Compliance with City Council priorities.

Rezoning to agricultural zoning does not address City Council priorities, except that it does allow for residential development, which would bring more residents to support local businesses (enhances the business climate).

Additional Factors to Consider.

When considering rezoning requests, the City may also consider the appropriateness of current zoning and whether a rezoning would have an adverse impact on surrounding properties. The current zoning, "C-2" is not suitable for this area. Due to poor roadway access and lack of conformity to the future land use plan, commercial zoning is not appropriate. Rezoning to AG or residential use will not have an adverse impact on surrounding properties, many of which are either in residential or vacant/acreage use.

Staff Recommendation.

Commercial zoning is not in compliance with the future land use plan. Residential ("AG") zoning is in compliance with the comprehensive plan and would not have an adverse impact on surrounding properties.

Staff recommends approval.

Action by the Planning & Zoning Commission.

The Commission may approve, approve with conditions, deny, or deny without prejudice the request for rezoning. You may also postpone the case; if you postpone consideration, you must state when the case will be considered again.

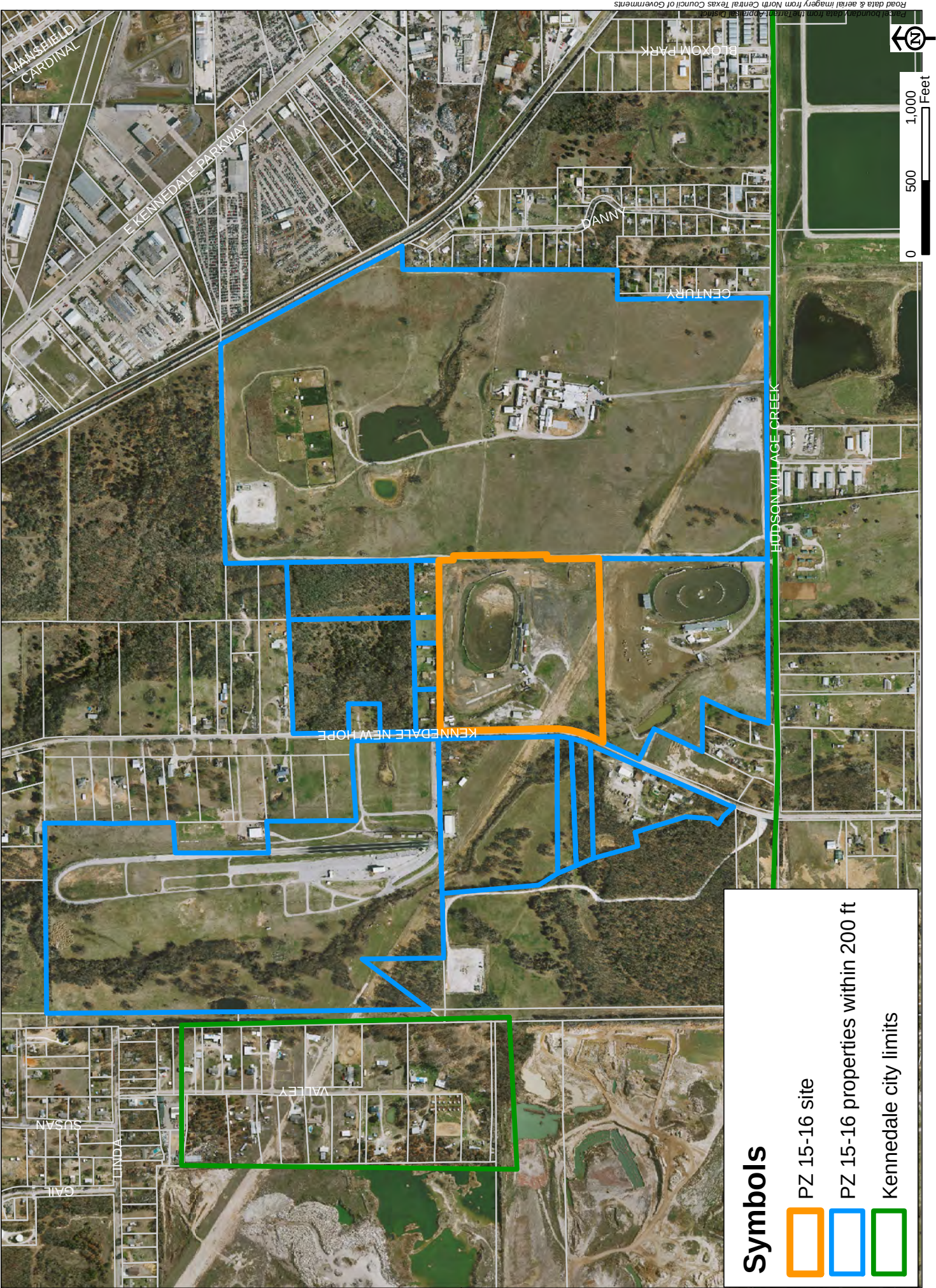
IV. Notification:**V. Fiscal Impact Summary:****VI. Legal Impact:****VII. Recommendation:**

Approve

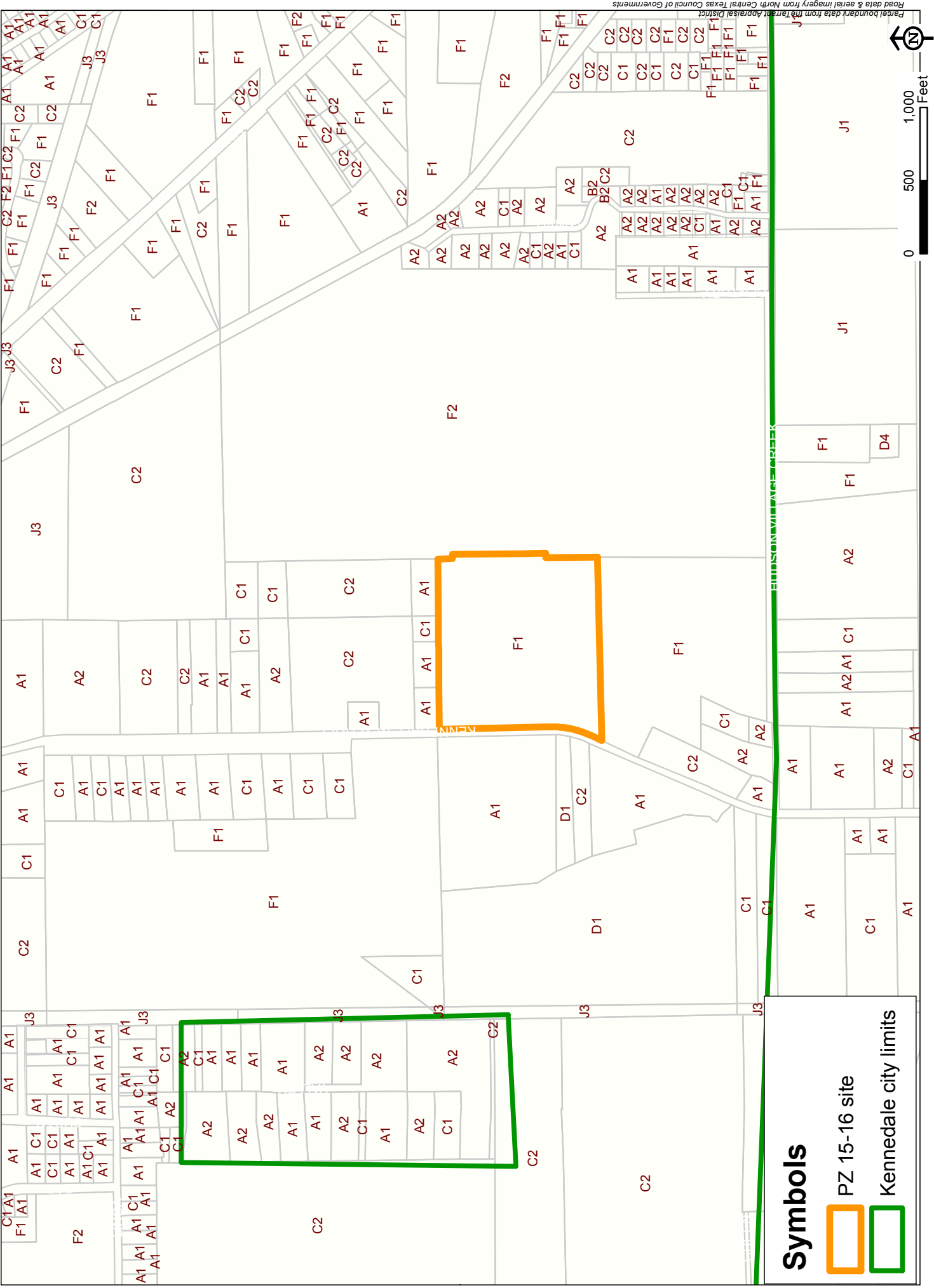
VIII. Alternative Actions:**IX. Attachments:**

1.	PZ 15-16 map of site with aerial view	PZ 15-16 map of site (reduced size).pdf
2.	PZ 15-16 map showing surrounding land uses	PZ 15-16 surrounding land uses.pdf
3.	Future Land Use Plan	PZ 15-16 FLUP excerpt.pdf
4.	Neighborhood description	Neighborhood Character District (excerpt from comprehensive plan).pdf
5.	Neighborhood Corridor description	Urban & Neighborhood Corridor character districts.pdf
6.	PZ 15-16 zoning map	PZ 15-16 zoning map.pdf
7.	PZ 15-16 ordinance	PZ 15-16 ordinance & exhibit.pdf

PZ 15-16: site of proposed rezoning



PZ 15-16: surrounding land uses



Symbols

-  PZ 15-16 site
-  Kennedy city limits

Road data & aerial imagery from Metrolink Appraisal District
Parcel boundary data from Metrolink Appraisal District

STATE USE CODES

A RESIDENTIAL	
A1	Single-Family
A2	Mobile Homes
A3	Condominiums
A4	Townhomes
A5	Planned Unit Development (PUD)
A9	Interim use

B RESIDENTIAL	
B1	Multi-Family
B2	Duplex
B3	Triplex
B4	Quadraplex

C VACANT PLATTED LOTS/TRACTS	
C1	Residential
C2	Commercial
C3	Rural
C6	Vacant Exempt (Right-of-Way)

D ACREAGE	
D1	Ranch Land
D2	Timberland
D3	Farmland
D4	Undeveloped

E FARM/RANCH	
E1	House + Limited Acres
E2	Mobile Home + Limited Acres
E3	Other Improvements

F COMMERCIAL/INDUSTRIAL	
F1	Commercial
F2	Industrial
F3	Billboards

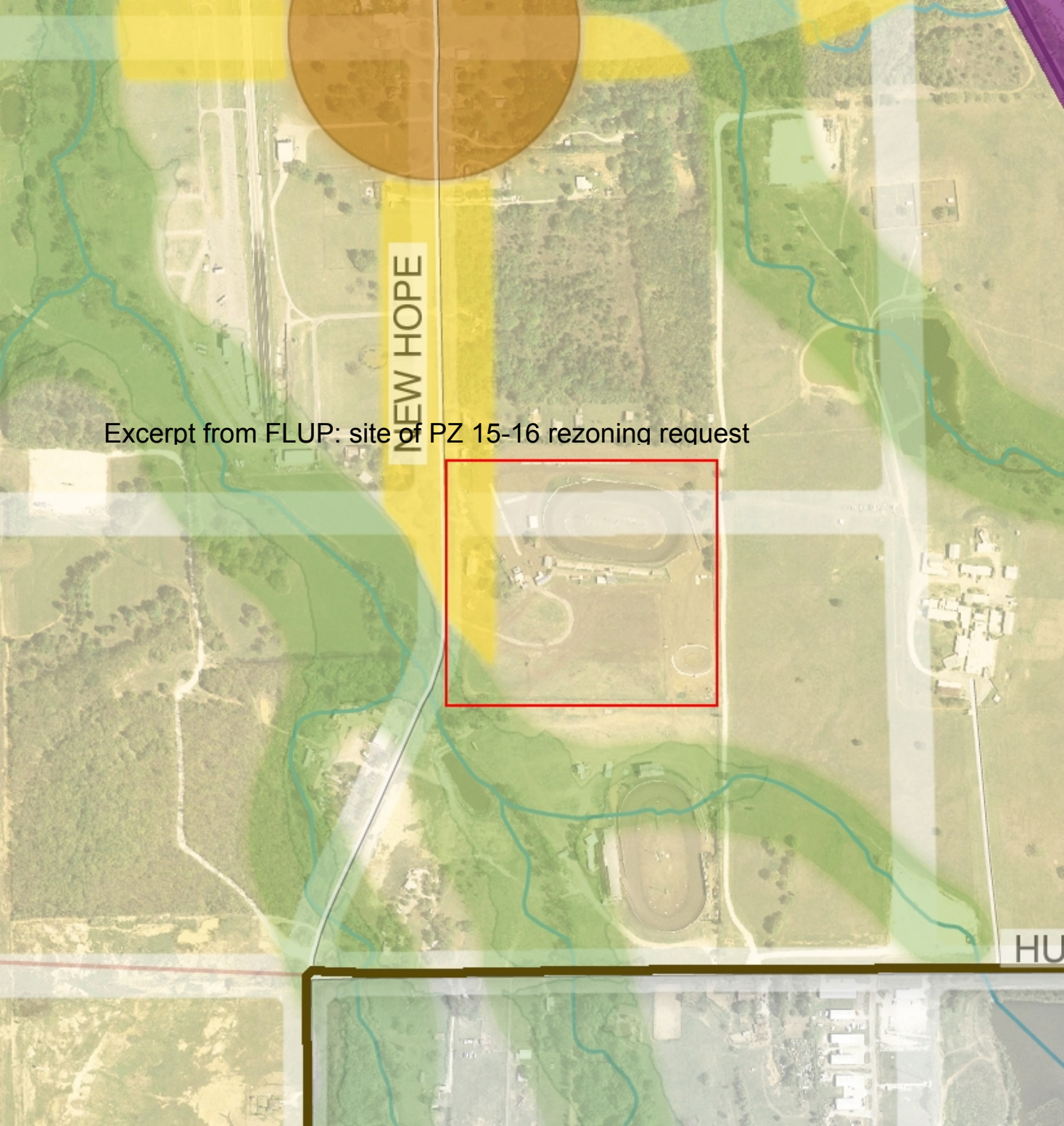
G OIL/GAS/MINERAL RESERVES	
G1	Oil/Gas/Mineral Reserves

J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

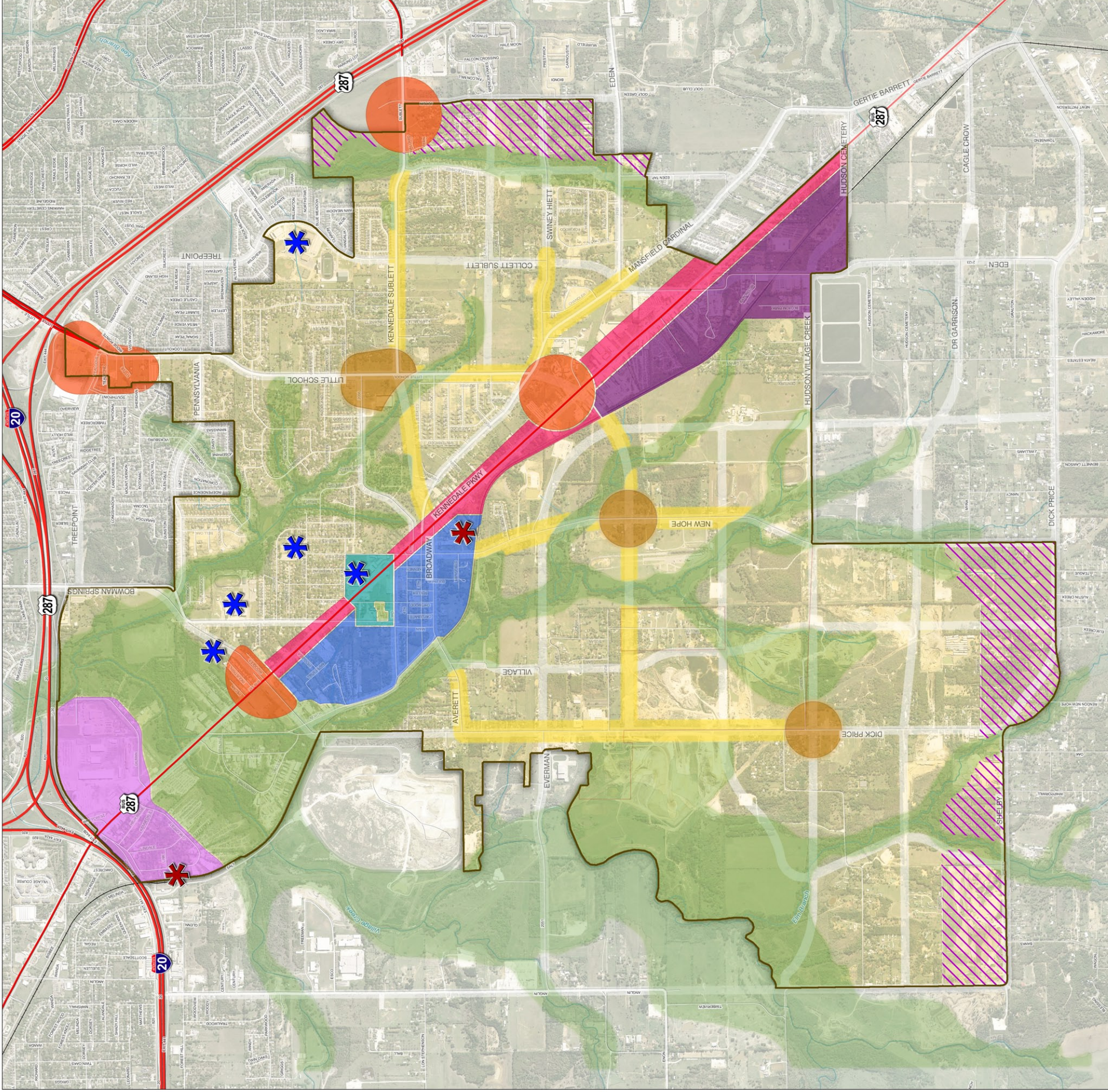
An aerial photograph of a rural area in New Hope, Tennessee. The map features a winding road on the left, a large green field in the center, and a cluster of buildings on the right. A red rectangular box highlights a specific area in the center-right, containing a large oval-shaped structure, possibly a racetrack or sports field, and several smaller buildings. The text "NEW HOPE" is written vertically in the center. The text "Excerpt from FLUP: site of PZ 15-16 rezoning request" is overlaid on the left side. The text "HU" is partially visible at the bottom right.

NEW HOPE

Excerpt from FLUP: site of PZ 15-16 rezoning request

HU

HALFF





Hingham, Massachusetts



The Woodlands, Texas



Montgomery Farm, Allen, Texas

Neighborhood Village

These villages serve the surrounding neighborhood and community. They are smaller and less intense than Urban Villages. Uses should include a dense mix of residences and businesses. Neighborhood Villages should be very easily accessible by foot from the surrounding neighborhoods. Intensity of each Neighborhood Village will vary based on the surrounding context.

Sample Development Types:

- Townhome/Rowhouse
- Context-sensitive small-scale multifamily
- Neighborhood-serving retail and services
- Restaurant
- Café/coffee shop
- Community theater

Neighborhoods

This district is primarily residential in nature. Neighborhoods should have defined boundaries, a clear center, and be easily accessible to day-to-day goods and services, such as those provided at Neighborhood Villages. The center of a neighborhood should be a civic, public, or community use in which people can come together—such as a park, school, or neighborhood amenity center.

Sample Development Types:

- Single family
- Attached single-family
- Townhome/Rowhouse
- Accessory dwelling unit
- Cluster development
- Context-sensitive small-scale multifamily
- Clearly marked centers that include public gathering space, school, small park, or other civic use

Conservation Overlay

This area is intended to preserve the rural and cultural landscape of Kennedale and serve as a buffer between adjacent communities. This will provide a greenbelt gateway into Kennedale and help the city retain a geographic identity distinct from surrounding areas.

Sample Development Types:

- Conservation subdivision
- Agriculture
- Open space preservation



Shops at Legacy, Frisco, Texas



Boulder, Colorado



Capitol Hill, Washington, DC

Corridors

The goal for corridor districts is to emphasize the direct relationship between the built environment and the roadway corridor and to shape that environment in a comprehensive way. This is achieved by creating a development pattern along roadways that emphasizes a continuous edge along the street that is walkable and that enriches the character and image of the roadway. Architectural standards and frontage regulations will help pull buildings closer to the street and create a character along the corridor that makes it attractive by car as well as by foot.

Urban Corridor

The areas along Kennedale Parkway fall within the urban corridor district. This corridor typology assumes a higher intensity of activity in terms of traffic and commerce than other corridor types. Given the existing character and regional positioning of the corridor, it can be expected that it will remain auto-oriented, and development patterns will reflect that reality. Still, development patterns should encourage pedestrian safety and should make provisions as necessary for walking and biking along the corridor. Parkway and Multiway Parkway are the typical roadway types for this corridor (see Chapter 6).

Sample Development Types:

- Restaurant
- Professional office
- Retail
- Service

Neighborhood Corridor

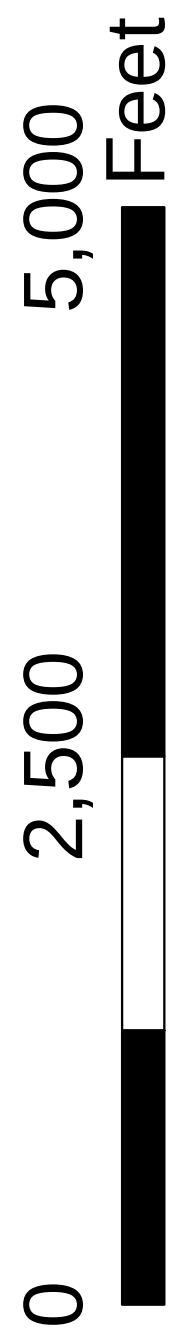
Neighborhood corridors assume a lower level of density and intensity than urban corridors, but still identify an area where residents can come together to shop, eat, socialize, and relax in a walkable environment; thereby experiencing increased quality of life. Boulevard and Avenue are the typical roadway types for these corridors (see Chapter 6).

Sample Development Types:

- | | |
|-----------------------|---|
| • Restaurant | • Corner Store |
| • Professional office | • Café/coffee shop |
| • Retail | • Townhouse/Rowhouse |
| • Service | • Context-sensitive small-scale multifamily |

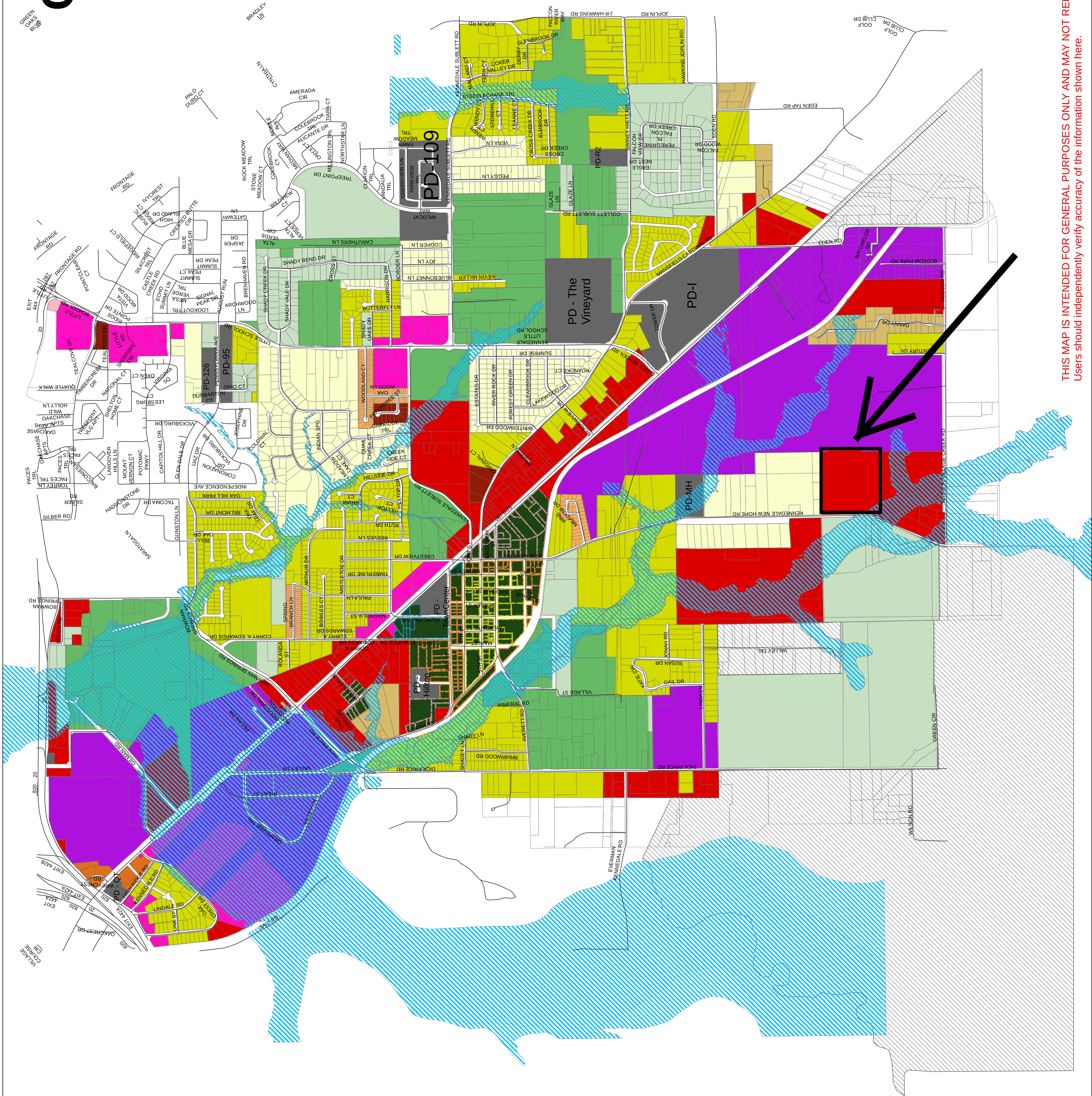
GREEN
04/23
RMM

City of Kennedale Zoning Map June 2015

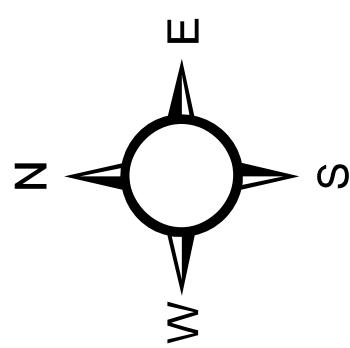


Legend

- Public roads
- Floodplain
- ETJ
- Agricultural (AG)
- Restricted Commercial (C1)
- General Commercial (C2)
- Retail Commercial (C0)
- Two-family Residential (D)
- Employment Center (EC)
- Industrial (I)
- Multifamily (MF)
- Manufactured Home (MH)
- Old Town sub-district 1 (OT SD-1)
- Old Town sub-district 2 (OT SD-2)
- Old Town sub-district 3 (OT SD-3)
- Old Town sub-district 4 (OT SD-4)
- R1 - Single Family Residential
- R2 - Single Family Residential
- R3 - Single Family Residential
- PD-109
- PD-126
- PD-14-12
- PD-95
- PD-HILLTOP
- PD-S1
- PD-S2
- PD-THE_VINEYARD
- PDD
- PDI
- PDMH
- PDR2
- PDR3



KENNEDALE
You're Here, Your Home



THIS MAP IS INTENDED FOR GENERAL PURPOSES ONLY AND MAY NOT REFLECT THE MOST CURRENT ZONING.
Users should independently verify accuracy of the information shown here.

ORDINANCE NO. _____

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 ZONING DISTRICT TO "AG" AGRICULTURAL ZONING 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 of Kennedale adopted a comprehensive land use plan that designates certain parts of the city as Neighborhood character district, and these areas are intended to be primarily residential in nature; and

WHEREAS, the property described below is within an area designated as Neighborhood in the Future Land Use Plan in the comprehensive land use plan; and

WHEREAS, the City Council has determined that a residential zoning district is the most appropriate zoning district to facilitate the development of the properties described below in accordance with the comprehensive land use plan; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 17th day of December 2015 and by the City Council of the City of Kennedale on the 21st day of January 2016 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 29.43 acre tract in the Joel Snider Survey Survey A-1448 described in a Warrant Deed from Helen Jean Cash to Billy Joe Swiney et ux Johnie Ruth Swiney as recorded in Volume 8025, Page 1494, Deed Records, Tarrant County, Texas ("the Property"), as shown on Exhibit "A" attached hereto and incorporated herein, from "C-2" General Commercial Zoning District to "AG" Agricultural Zoning 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 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, the penalty clause, the publication clause, and the effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 11.

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

PASSED AND APPROVED ON THIS 21st DAY OF JANUARY 2016.

APPROVED:

Mayor Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

Exhibit A metes and bounds description and map

NOTICE

Prepared by the State Bar of Texas for use by Lawyers only. Reviewed 1-1-76.
To select the proper form, fill in blank spaces, strike out form provisions or
insert special terms constitutes the practice of law. No "standard form" can
meet all requirements.

WARRANTY DEED (LONG FORM)

THE STATE OF TEXAS
COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That I, HELEN JEAN CASH (formerly HELEN JEAN LEACHMAN)

of the County of Tarrant and State of Texas for and in
consideration of the sum of TEN AND NO/100 (\$10.00)-----

DOLLARS

and other valuable consideration to the undersigned paid by the grantee herein named, the receipt of which
is hereby acknowledged, and the conveyance to me by Warranty Deed of even date herewith the
following described property situated in Hill County, Texas :

All that certain tract or parcel of land situated in Hill County, Texas,
and being 3/4 of Lot 25 of the subdivision of the F.M. Weatherred Leaque
and Labor Survey, Patent No. 1901, Vol. 6, Abstract no. 931:
BEGINNING 672 vrs S. 30 E. and 860 vrs N. 60 E. from the N.W. corner of
said Weatherred survey being the S. E. corner of Lot No. 23;
THENCE S. 30 E. 336 vrs to a stake in the West line of said lot No. 25,
the N. W. corner of John Green's 20 acre tract;
THENCE N. 60 E. 336 vrs to the N.E. corner of said Green tract;
THENCE S. 30 E. 336 vrs to Green's S. E. corner in S. line of Lot 25;
THENCE N. 60 E. 336 vrs to the S. E. corner of Lot 25;
THENCE N. 30 W. 672 vrs to the S.E. corner of Lot No. 22;
THENCE S. 60 W. 672 vrs to the beginning, containing 60 acres of land,
more or less.

And being the same and identical property described in a Deed from Lillian
Lucille Mundy et al to B. J. Christian et ux, dated August 2, 1966 and
recorded in Volume 468, page 240 of the Hill County Deed Records
SAVE AND EXCEPT, HOWEVER, all that certain tract described in a Right-of-Way
Deed in favor of the State of Texas from W. A. Rountree et ux, dated January 13,
1956 and recorded in Volume 401, page 595 of the Hill County Deed Records.

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto

BILLY JOE SWINEY et ux JOHNIE RUTH SWINEY
545 Barbara, Burleson, Texas 76028

of the County of Johnson and State of Texas, all of
the following described real property in Tarrant County, Texas, to-wit:

A tract of land out of the JOEL SNIDER SURVEY, Abstract No. 1448,
in Tarrant County, Texas, described by metes and bounds as follows:
BEGINNING at an iron post, said post being the Northeast corner of said
Joel Snider Survey;
THENCE South 00° 04' East along the East line of said Snider Survey, 1107.23
feet to an iron pin for corner;
THENCE North 89° 10' West, 1237.64 feet to an iron pin for corner in the
Easterly line of County Road #2025;

THENCE along the Easterly line of said County Road, North 25° 23' East 54.36 feet to an iron pin, 306.15 feet along a curve to the left having a radius of 694.05 feet to an iron pin and North 763.63 feet to an iron pin for corner in the East line of County Road #2025 and the North line of said Joel Snider Survey;

THENCE South 89° 01' East along the North line of said Snider Survey, 1146.40 feet to the point of beginning and containing 29.43 acres of land, more or less.

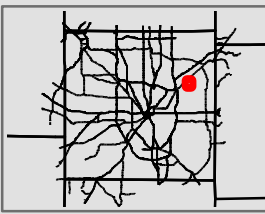


Legend
Deeds_Boundary
RECORDBOUNDARYTYPE
Parcel Line
Parcel Split Line
Private Road
ROW
Unknown
HistoricLot
School
City
Abstracts
County
Water_District

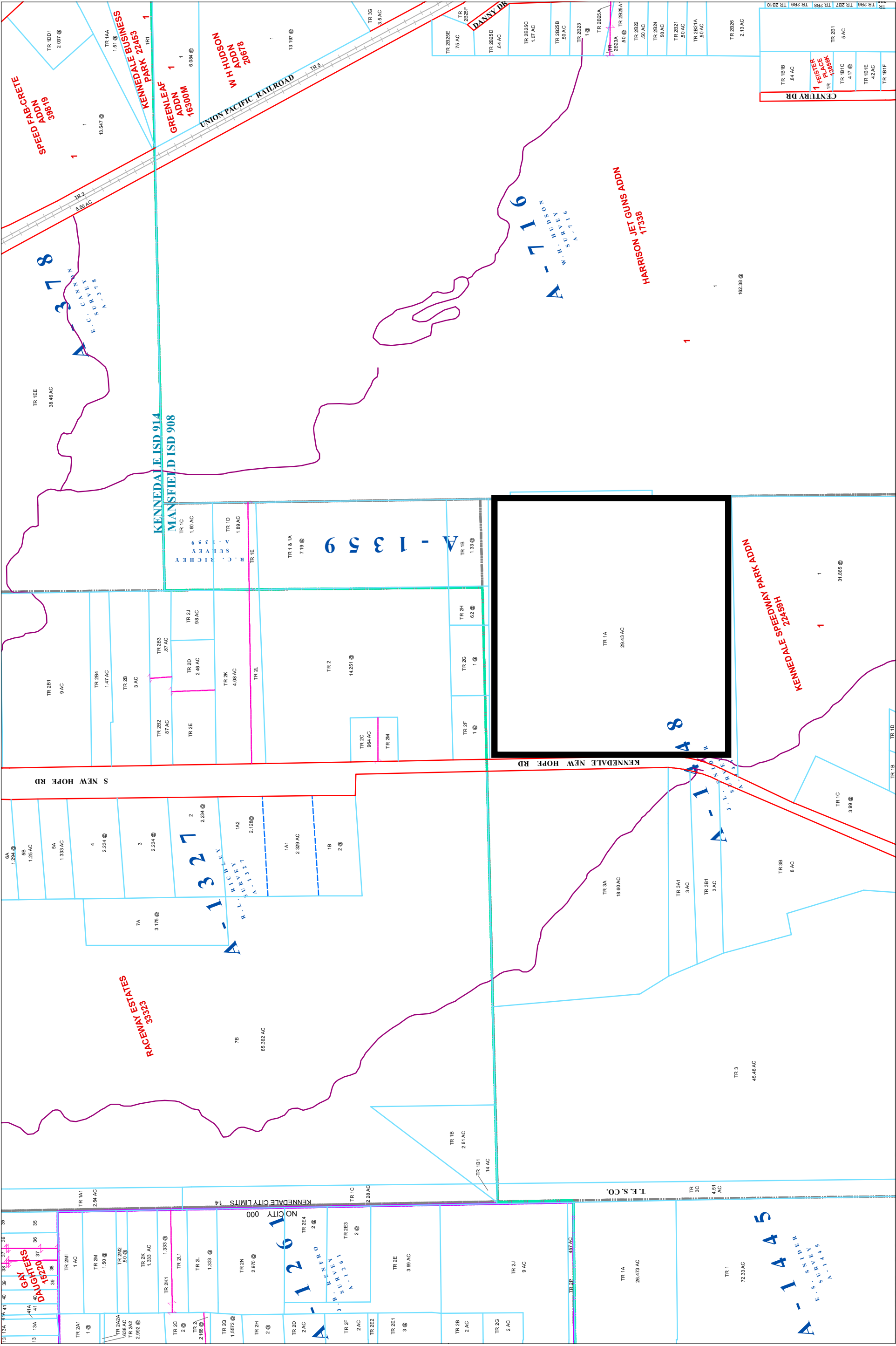


Map created on:
6/3/2014

1 inch = 400 feet



*** map location**



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.