



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
October 20, 2016
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

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

A. Consider approval of minutes from the September 15, 2016 regular meeting

VIII. VISITOR/CITIZENS FORUM

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

IX. REGULAR ITEMS

A. **CASE # PZ 16-12** Public hearing and consider approval of Ordinance No. 609 regarding a request by Joe Boston, Jr for SOS Renovations, LLC for a zoning change from "AG" Agricultural to "R-3" Single-family residential for approximately 1.5 acres in the W E Haltom Survey A-731 and described in a deed recorded as D213282537 in the Tarrant County deed records and located at 1115 Border Ln.

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

B. **CASE # PZ 16-13** Public hearing and consideration of Ordinance approval regarding a request by John K. Dancer for change in zoning from R-3 (single family residential) to C-2 (general commercial) for .688 acres at 700 Mansfield Cardinal Rd, legal description of CA Boaz subdivision of JB Renfro, block 13, lots 4-7, Kennedale, Tarrant County, Texas.

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

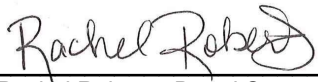
X. REPORTS/ANNOUNCEMENTS

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 October 20, 2016, 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: October 20, 2016

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss any item on the regular session agenda

II. Originated by:

III. Summary:

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: October 20, 2016

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from the September 15, 2016 regular meeting

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The minutes from the September 15th meeting are attached to this message for your review.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	09.15.2016 PZ Minutes	09.15.2016 PZ Minutes.doc
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KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
September 15, 2016
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chairman Harvey called the work session to order at 6:15 P.M.

II. ROLL CALL

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

A quorum was present. Staff present: Rachel Roberts, community development director.

III. WORK SESSION

A. Discuss any item on the regular session agenda

The Commission discussed PZ 16-03, including drainage and whether dirt work was already underway. Ms. Roberts said the engineers have reviewed the drainage several times and had approved the drainage plans.

Regarding PZ 16-12, Mr. Harvey asked if there was a house there, and Ms. Roberts said there was. Mr. Harvey asked if rezoning would affect the house, and Ms. Roberts said it would not, but if the owner platted the property, he'd have to make a legal R-3 lot for that house if the rezoning were approved. Mr. Pirtle asked what the difference was between R-1 and R-3, and Mr. Brim said it was density, that R-3 is a smaller lot. Ms. Roberts said that additional right-of-way would be required, since the existing road doesn't meet code.

Mr. Harvey said it makes a nice buffer between Shady Creek East and the school, growing in intensity from R-1 to R-3. Mr. Brim added that the Arlington subdivision just to the north looks to be about R-3 in density.

The work session closed at 6:49 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

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

VI. ROLL CALL

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

A quorum was present. Staff present: Rachel Roberts, community development director.

VII. MINUTES APPROVAL

A. Consider approval of minutes from the August 18, 2016 Planning & Zoning Commission meeting

Mr. Pirtle motioned to approve the minutes as written. The motion was seconded by Ms. Williamson and approved with three members in favor and Mr. Brim abstaining.

VIII. VISITOR/CITIZENS FORUM

No one registered to speak.

IX. REGULAR ITEMS

A. **CASE # PZ 16-03** Public hearing to receive public comments and consider approval of a request by Hickman Consulting Engineers for MKP Associates, Inc. for a replat of approximately 5.005 acres at 1209 Swiney Hiatt Rd, being a replat of C C Swiney's Subdivision Lot 1, Kennedale, Tarrant County, to create Falcon Crest Estates Block 1 Lots 1-7.

1. Staff presentation

Ms. Roberts described the surrounding land uses and zoning and said the requested plat conformed to the comprehensive land use plan and met all city requirements for plats. She recommended approval.

Mr. Harvey asked if the fire department had looked at the plans, and Ms. Roberts said yes, the fire chief reviews all plats.

2. Applicant presentation

Adlai Pennington said he was there to answer any questions the board might have.

Mr. Harvey asked about the drainage easement. Mr. Pennington said the property owner to the east wants all the water he can get, so they have a letter from him accepting all the water outfall from the detention pond. The pond is designed to accommodate all the water from the area. The water is collected in a basin in the road and then is directed to the detention pond. Mr. Pirtle asked if there was an agreement on the neighbor taking the water, and Mr. Pennington said yes, that was one of the requirements of staff and the engineers.

3. Public Hearing

Dennis Faulker, 1217 Swiney Hiatt, said he is the property owner Mr. Pennington spoke of and said they want the water from the roads to go to their tank. He said with the fill dirt and the elevation of the homes, they're concerned about how much water they'll be getting.

Mr. Harvey said he's not an engineer, so he can't really say, but he thinks the natural topography goes toward him. Mr. Harvey said he could just ask that that be addressed.

Mr. Faulker said he'd lived there 50 years, and he's not against development, but they're just concerned about the water.

Ken Brae said he owns a single-story fourplex in the area, and Mr. Harvey said we haven't gotten to that case yet [Case PZ 16-11].

Daniel Russell, 1181 Swiney Hiatt, wanted to know how water that will come out of the lots will be routed when it comes out of his yard into the street. He also asked if there would be a brick retaining wall on the west side of the property and if there would be a brick wall all the way around it the development. Mr. Harvey said as the Commission doesn't have all those responses, because they're not looking at the subdivision plans, that they're only looking at the lots to be platted. He said he would ask Mr. Pennington to provide a response if he has one available.

Mr. Harvey closed the public hearing.

4. Applicant response

Mr. Pennington said he wanted to reiterate Ms. Roberts' comment earlier that if the plat meets all the requirements of state law, the Commission has to approve it. In response to comments from the hearing, he said historically the drainage area map is pretty large and the development would be capturing at the road a lot of the water that would have sheet flowed onto Mr. Faulkner's property. He said the yards are half acre lots with large setbacks, so it's going to have a negligible amount of runoff. He added that the road is lower than the elevation of the fence line, and they'll bring the water from the east and to the north onto their property. He also said they weren't building a wall.

5. Staff response and summary

Ms. Roberts said that in terms of drainage, the city's engineers had reviewed the plan extensively and are comfortable with the approved plans. Regarding the subdivision wall, she said that would be worked out through a city-developer agreement approved by Council, but a subdivision wall doesn't typically go all the way around a subdivision. She said that on the west side, city staff preferred the line of trees be saved. She said that staff recommends approval.

6. Action by the Planning and Zoning Commission

Mr. Pirtle made a motion to approve the plat, seconded by Mr. Brim. The motion passed unanimously.

B. CASE # PZ 16-11 Public Hearing to receive public comments and consider approval of a request by Ashton Holdings for a replat of approximately 0.988 acres at 408 3rd St, being a replat of Soto Addition Block 1 Lot 1R, Kennedale, Tarrant County, to create Soto Addition Lot 1R-1 and 1R-2.

1. Staff presentation

Ms. Roberts described the surrounding land uses and zoning and said the requested plat conformed to the comprehensive land use plan and met all city requirements for plats. She said there were drainage problems in the area, but they did not originate at this property, and staff did not expect building on these lots to increase the problem. She said drainage on site would have to be addressed as part of permitting for new homes and added that the city's storm water staff are actively working on solutions to the drainage problem in the area. She recommended approval.

2. Applicant presentation

Adlai Pennington, 1375 Gilman Rd, Fort Worth [in Kennedale], addressed the Commission. He said he believes the plat meets all the requirements of the comprehensive plan and city requirements, and he respectfully requested approval.

Mr. Harvey asked what the applicant was planning to do there. Mr. Pennington said the property is near Hilltop, and the builder has purchased the property and plans to build on it to show an example of what will be built in Hilltop.

3. Public Hearing

Kenneth Brae, P. O. Box 1715, Aledo, Texas addressed the Commission. He said he owns property at 409 and 415 3rd, and with heavy rains, the front driveway is covered with water. He said that although there is a drainage easement along the side of 409 and the property in back going to 4th St, the city allowed a house to be built on part of that drainage easement. He said he's spoken with the city manager and city staff, and he was assured five or six years that it was on the city's agenda, but every year it doesn't happen.

Mr. Harvey said one advantage is that building there will slow some of the water down. He said that as staff said, that is a problem being addressed, but this would benefit Mr. Brae to some extent, because there'll be a structure there to slow down some of that water. He added that he could only say from the staff presentation that it is a priority for the city to address the issue.

Vinita Thomas, 412 W 3rd St, addressed the Commission about drainage. She presented pictures to the Commission showing the lot in question, showing flooding on the property proposed to be platted. She said if they're going to build a house, they're first going to have to fix the drainage.

Mary Salinas, 401 and 405 Corry A. Edwards, spoke against the replat. She asked what the lot sizes would be after the replat, and Mr. Harvey gave her the lot dimensions. Ms. Salinas said the lot floods and water from that lot comes into their backyards. She was concerned if the lots were built up, the water that now comes off the road onto that lot will remain on their properties and cause more flooding. She said when the fourplex was built, it stopped the natural progression of water to the creek, and she hoped that's going to be taken care of. Mr. Harvey said that this is just a replat, and it's not part of the building process; it's just saying to subdivide the property into two lots. He said what happens after that is an application to build. He added that he could take note of concerns and share that with city staff and the city manager.

Mr. Harvey said he appreciated them coming out to speak and to please come back to the Council meeting Monday night to make sure they're heard. He added that in this replat, they're not changing existing conditions, so if there is an existing problem, they're not going to change that; all they can do is pass along the concerns.

Lana Sather, 421 and 423 Corry A. Edwards, spoke against the replat with contingencies. She said they did ask that Hilltop not be rezoned, and that her properties don't have drainage issues, but they don't want them. She said they don't know that it's going to be single family homes. She also asked the staff to please make the developer abide by the construction times for Hilltop, because that is not happening.

Mr. Harvey closed the public hearing.

4. Applicant response

Mr. Pennington said the lots would be picking up water that would have sheet flowed south, which was all part of a lengthy analysis done for the Hilltop development. He said the Hilltop property has been lowered, so he feels confident that in no way would Hilltop be increasing the flow, and in fact the studies show it will be reducing flow to this property. He said the problem source is downstream of this property. He said that because it meets all of the requirements, he respectfully asked that the plat be approved. He added that they will comply with all requirements when permits are applied for.

Ms. Salinas asked if there was no guarantee that it's going to be single family homes. Mr. Pennington said the zoning is for single family. Ms. Sather asked Ms. Roberts to confirm that. Ms. Roberts said that actually duplex is allowed, but the lots proposed were for single family use, and if duplex were wanted, the replat would be different.

5. Staff response and summary

Ms. Roberts said that she is concerned about the construction hours at the Hilltop development not being followed, although that is outside of the replat case, and staff will be talking with the contractor about it. She also said she would let the city's storm water coordinator know specifically which property owners were concerned so he could get in touch with them about plans for the area.

6. Action by the Planning and Zoning Commission

Ms. Williamson said that having heard the discussion and replies and the recommendations of staff, she made a motion that the plat be accepted as presented. The motion was seconded by Mr. Pirtle, and the motion passed unanimously.

C. CASE # PZ 16-12 Public hearing and consider approval of Ordinance No. 609 regarding a request by Joe Boston, Jr for SOS Renovations, LLC for a zoning change from "AG" Agricultural to "R-3" Single-family residential for approximately 1.5 acres in the W E Haltom Survey A-731 and described in a deed recorded as D213282537 in the Tarrant County deed records and located at 1115 Border Ln.

1. Staff presentation

Ms. Roberts described the surrounding land uses and zoning. She said staff considers the requested rezoning to be in compliance with the comprehensive land use plan. She said the recommendations of the strategic plan do not relate to the requested rezoning, and in terms of City Council priorities, only one of the Council's priorities as measured through the balance scorecard relates to this request, which is enhancing the business climate; increasing the number of residents who can use Kennedale businesses was identified as one way to enhance the business climate, and the R-3 zoning district allows for more residences. She said the current zoning is no longer appropriate. The area is primarily suburban in character, and agricultural operations permitted under current zoning would not be suitable.

Ms. Roberts recommended approval

2. Applicant presentation

Joseph Boston, Jr., 1115 Border Lane, Kennedale, addressed the Commission. He said he bought the property in October 2013. The house is on a half acre, and the remaining acre is vacant, surrounded to the front and both sides by single family residential. He said he has no plans to use the property for agricultural purposes and requested approval.

Mr. Harvey asked Mr. Boston what he thought his next steps would be. Mr. Boston said the property would be platted. Mr. Harvey asked how many homes Mr. Boston was planning, and Mr. Boston said the goal would be to fit as many as possible, and the road might be an issue, but if he has the opportunity, it might be three.

Mr. Brim said that with the school on the east property line, there would need to be some screening. Mr. Boston said there would be minimum six foot privacy fence. He said at the existing home, a fence surrounds the whole yard for that reason, otherwise you have students walking through. Mr. Harvey asked if he would remove the existing home, and Mr. Boston said it would stay.

3. Public Hearing

Azam Shaikh, 800 Shady Bend Drive, addressed the Commission. He said there was a retaining wall along his back yard, and if he's not mistaken, the city has a plan to expand the road before he puts in the property. He said his neighbor has a retaining wall with a big hole with water going through it. He said his biggest concern is having an R-3 district next to an R-1 district. He asked if we are talking about condominiums or duplexes? He added the drainage and road expansion are other concerns.

Mr. Harvey said this was similar to the first two cases in that this is not a stage where they can address drainage, and they can only document his concerns. He said the road would have to be a proper road

with the right width, and that's what the applicant indicated, he would have to work that out with staff, as the existing road would not be adequate.

Mr. Harvey said in response to the comment about R-1 next to R-3, they look for transitions of density. He said right now, the R-1 district is backed up to a school, which is a high intensity use, and you would want an R-3 use, which would buffer the R-1 area from the practice facility at the high school. He said they look at it as having a nice transition in density to a high intensity use.

Mike Muzyka, 1129 Border Lane, spoke against the rezoning. He was concerned with the comment about the R-1 and R-3 districts. He said R-3 opens the door for other things, and R-1 is what is consistent for what is being built in that area, half acre lots or above, and that all the existing older homes are over half acres. He says the houses will not be able to face the street, as there is a 50-foot public easement.

4. Applicant response

Mr. Boston said he understood the concerns and that he believes he's going to be improving the area. He said he'll have to explore the road width and setbacks. He added that he hopes the Commission will approve the rezoning.

Mr. Harvey asked what if it were rezoned to R-2? Mr. Boston said he hadn't thought about that.

5. Staff response and summary

Ms. Roberts said R-3 districts only allow for single family residential, not condominiums. She also said the Commission has the authority to recommend approval of a less intense residential zoning district.

Mr. Pirtle asked if the Commission had the option to table the case to get more information. Ms. Roberts said if it's not a plat, the Commission does have that option. Mr. Harvey said he would like more information about the road. Ms. Roberts said she had found a plat that showed a 12-foot public right-of-way, but not the 50 feet Mr. Muzyka had mentioned.

Mr. Brim asked in terms of the entitlement process, if Mr. Boston owned the property outright, and Mr. Boston said he did. Mr. Brim said sometimes when you buy property, it's contingent on getting zoning, but in this case it doesn't apply because Mr. Boston already owns it. Mr. Pirtle added that it would impact Mr. Boston's property if the road is wider than expected, that it changes what can be done on the property.

6. Action by the Planning and Zoning Commission

Mr. Harvey said the Commission would like to consider a little further with additional information. He said they're encouraged about the development but would like more information.

Mr. Pirtle made a motion continue this case in one month at the next meeting. Ms. Williamson seconded the motion, and the motion passed with all in favor.

X. REPORTS/ANNOUNCEMENTS

Ms. Roberts told the Commission about Keep Kennedale Beautiful's upcoming annual clean-up event on October 22 from 9 to 11 AM in TownCenter. The library will host Trunk or Treat & Pumpkin-Palooza also on October 22 at 5 PM in TownCenter. She said the police department will be holding the prescription drug take-back event that day, as well, and the Kennedale Historical Society will be having a member event that evening.

XI. ADJOURNMENT

Mr. Pirtle motion to adjourn, seconded by Ms. Williamson and Mr. Brim at the same time. The motion passed with all in favor, and the meeting adjourned at 8:17 P.M.

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: October 20, 2016

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # PZ 16-12 Public hearing and consideration of Ordinance approval regarding a request by Joe Boston, Jr for SOS Renovations, LLC for a zoning change from "AG" Agricultural to "R-3" Single-family residential for approximately 1.5 acres in the W E Haltom Survey A-731 and described in a deed recorded as D213282537 in the Tarrant County deed records and located at 1115 Border Ln.

II. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Rezone
Applicant	Joe Boston for SOS Renovations
Location	Border Lane, behind Shady Creek East neighborhood (see map)
Surrounding Uses	Single family residential; educational
Surrounding Zonings	R-1 single family residential to the east and west; Agricultural to the north, and R-3 and R-2 single family residential to the south
Future Land Use Plan Designation	Neighborhood
Staff Recommendation	Approve

UPDATED STAFF REPORT (CASE CONTINUED FROM SEPTEMBER)

When the Commission considered this case last month, the Commission heard from a neighboring property owner about the possibility of a 50-foot easement that could affect development on the property and might have bearing on whether the R-3 zoning designation was practical. Staff has searched our records for information about this easement, and the only 50-foot easement we could find a record of is a sanitary control easement surrounding the city's water well on the adjacent property (see attached document). This easement does not appear to extend onto the property requested for rezoning; this will need to be verified by the property owner's surveyor, however, prior to platting.

Although the presence of easements could restrict lot placement or infrastructure placement, and could in turn affect how many lots could be created, it should not affect zoning, since no lot lines are drawn during rezoning and site design is not done at this stage. Zoning establishes the minimum lot size permitted but does not prohibit lots from exceeding the minimum, if needed, in order to avoid

easements or other site restrictions.

Another concern raised during the public hearing last month was allowing an R-3 zoning district next to the Shady Creek East neighborhood, which is an R-1 zoning district. Kennedale has an example already of how R-3 and R-1 neighborhoods can be compatible. Falcon Wood Estates has an R-3 neighborhood next to it, the Beacon Hill neighborhood. Falcon Wood's property values and neighborhood character have not been negatively affected by the R-3 neighborhood. In addition, Shady Creek East already has lot sizes similar to R-3 zoning in the Arlington neighborhood bordering Shady Creek East to the north, and Shady Creek East remains a highly valued neighborhood.

Staff's recommendation is still to approve the rezoning. The staff report from last month is shown below for your reference.

CURRENT STATUS OF PROPERTY

The property is approximately 1.5 acres in size and has one house; the property is owned by the applicant.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING ZONING CLASSIFICATIONS

All of the zoning districts surrounding this property are for single family residential use: R-1, R-2, and R-3 single family residential, as well as Agricultural.

SURROUNDING LAND USES

The majority of properties surrounding this one are single-family residential in use. The exception is the east side, which is the high school property.

STAFF REVIEW

COMPREHENSIVE LAND USE PLAN

The Future Land Use Plan shows this area as part of a Neighborhood character district.

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, which conforms to the comprehensive land use plan. The property is surrounded by existing residential development, so it can't feasibly connect to an existing community or civic use, and providing such a space would be difficult in a site this size.

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

COMPLIANCE WITH OTHER CITY PLANS AND POLICIES

STRATEGIC PLAN

The recommendations of the strategic plan do not relate to the requested rezoning.

CITY COUNCIL PRIORITIES MEASURED THROUGH THE BALANCED SCORECARD

Only one of the Council's priorities as measured through the balance scorecard relates to this request, which is enhancing the business climate relates to this rezoning request. Increasing the number of residents who can use Kennedale businesses was identified as one way to enhance the business climate, and the R-3 zoning district allows for more residences – and therefore more people – than the Agricultural zoning district does.

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. In this case, the current zoning is no longer appropriate. The area is primarily suburban in character, and agricultural operations permitted under current zoning would not be suitable.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the rezoning.

ACTION BY THE PLANNING & ZONING COMMISSION

Approval: Based on the information presented, I find that the request conforms to the comprehensive land use plan and meets city requirements for rezoning. I make a motion to recommend approval of Case PZ 16-12.

Approval with Conditions: Based on the information presented, I find that the request conforms to the comprehensive land use plan and meets city requirements for rezoning, except for [list exception]. I make a motion to recommend approval the Case PZ 16-12 with the following conditions [list conditions].

Deny: Based on the information presented, I find that the proposed use does not conform to the comprehensive land use plan [or does not meet requirements for rezoning, state which one] and make a motion to deny Case PZ 16-12.



SOS Renovations LLC
P.O. Box 591
Mansfield Tx 76063
Phone 817-477-3222
Fax 817-200-7565
SOSRenovationsLLC@gmail.com

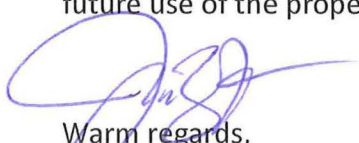
8/12/2016

Dear City of Kennedale – Planning and Zoning,

I am requesting a zoning change for the property located at 1115 Border Lane, Kennedale Tx. 76060 from (AG) agricultural to (R3) single family residential. I am the sole owner of this 1.5 acre property and 1 acre of the property currently sits vacant.

The current zoning for the property is (AG) agricultural. This is primarily due to the original land owner receiving that designation many years ago. Obviously, since that time the majority of lots and land that reside next to that location were sold and rezoned residential.

Currently, (AG) agricultural zoning does not comply with the property or any resident near that location. Frankly, it will never be used for that purpose. The future use of the property will be for single family residential usage.



Warm regards,
Joseph W. Boston Jr for SOS Renovations LLC



PETITION FOR CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____
(assigned by city staff)

DATE: 8-12-16

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

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

" (AG) " (Agricultural) to that of

" (R3) " (Single Family Residential) in its entirety as shown on Exhibit "B"

attached. The property totals some 1.5 acres.

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

Legal Description is HALTOM, WE Survey, Abstract: 731 TRACT: 1C01

Present use of the property is Vacant land

Address of the property is 1115 BORDER LN, Kennedale TX 76060

Property Owner's Name: JOSEPH Boston JR For SOS Renovations LLC

Address: 13 CALLAWAY CT
MANSFIELD TX 76063

Telephone Number: [REDACTED]

Applicant's Name:

JOSEPH BOSTON JR for SOS Renovations LLC

Address:

13 CALLOWAY CT

MANVEL TX 76063

Telephone Number:

[REDACTED]

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

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

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

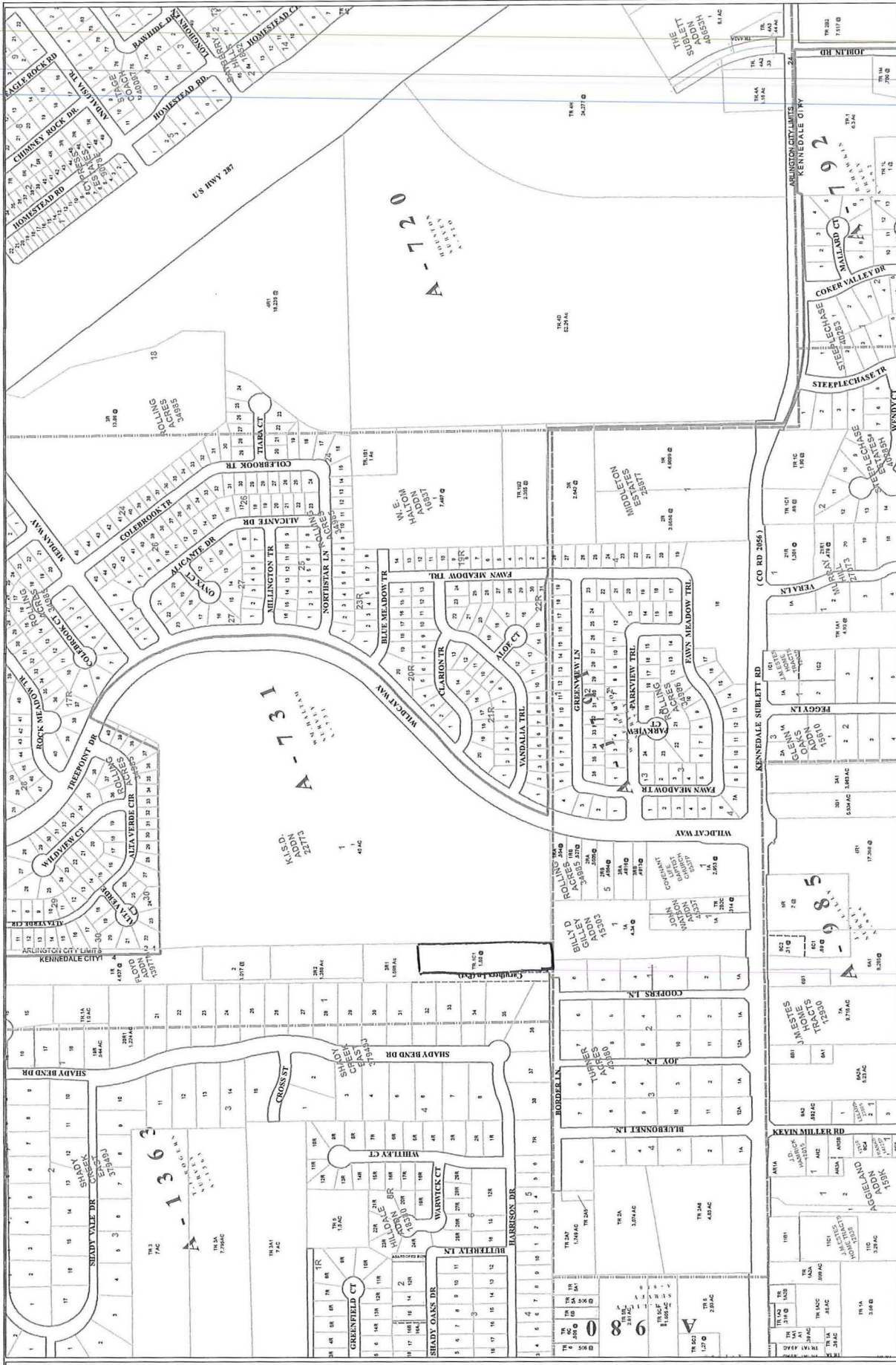
Joseph W. Boston Jr for SOS Renovations LLC
Applicant Signature

8-12-16

Date

Items to be submitted with this application:

- ☐ Owner affidavit (if applicant is not the property owner)
- ☐ Application fee
- ☐ Statement of why the zone change should be approved
- ☐ Map showing the property requested to be rezoned
- ☐ Legal description (metes and bounds) for the property to be rezoned.
 - If you do not have a current survey with a metes and bounds description, you may submit the most recent deed for the property if it includes a metes and bounds description.



2090-356

Legend

Deeds_Boundary

RECORDBOUNDARYTYPE

- Parcel Line
- Parcel Split Line
- Private Road
- ROW
- Unknown
- HistoricLot
- School
- City
- Abstracts
- County
- Water_District

Map created on:
4/19/2016

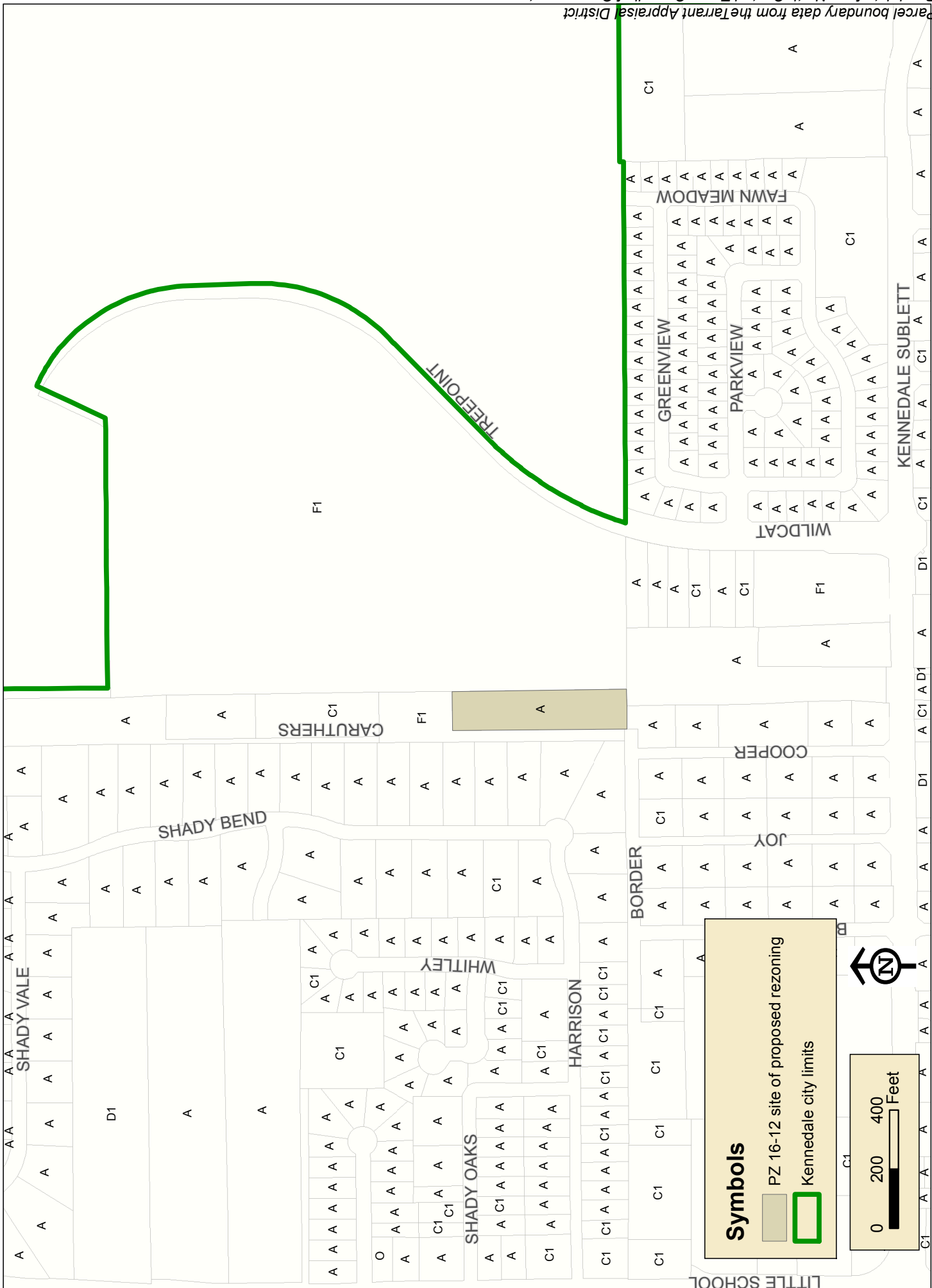
1 inch = 400 feet

* map location

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. The user assumes all liability for the use of this product. The user represents only the approximate relative location of property boundaries.

Parcel boundary data from the Tarrant Appraisal District

PZ 16-12: land uses surrounding site of proposed rezoning



Note: state use codes are listed on the reverse side of this map.

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

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

ORDINANCE 609

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 OF THE CITY OF KENNEDALE FROM "AG" AGRICULTURAL DISTRICT TO "R-3" SINGLE FAMILY RESIDENTIAL 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, SOS Renovations, having a proprietary interest in the property described below, has requested a zoning change as described below; AND

WHEREAS, the City Council has determined that the current Agricultural zoning designation is no longer suitable for said property, given the character of surrounding development; and

WHEREAS, a public hearing was duly held by September 2016 and by the City Council of the City of Kennedale on the 19th day of September 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 1.5-acre tract in the W. E. Haltom Survey, Tarrant County, Texas, being that same property conveyed by Warranty Deed from Donna Kay Geter to SOS Renovations LLC, instrument number D213282537 ("the Property"), more particularly described on Exhibit "A" attached hereto and incorporated herein, from "AG" Agricultural zoning district to "R-3" Single family residential district.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

PASSED AND APPROVED ON THIS 19TH DAY OF SEPTEMBER, 2016.

Mayor, Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

Exhibit "A"

Legal Description

Metes and Bounds Description Attached as Exhibit A to Warranty Deed Filed in Tarrant County, Texas, D206017824

ATTACHMENT A

TRACT I

Being all that certain lot, tract or parcel of land located in the W.E. HALTOM SURVEY ABSTRACT 731, Tarrant County, Texas and being the same land described in Deed to Thurman R. Henry and wife, Barbara Henry, recorded in Volume 4051, Page 444, Deed Records, Tarrant County, Texas and being more particularly described as follows:

Thence North 89 deg. 57 min. 17 sec. West, along the said common line of the W.E. Haltom Survey, Abstract 731 and the W.E. Haltom Survey, Abstract 1791, a distance of the 114.69 feet to a ½ inch diameter iron rod set at the most Southernly Southeast corner of a tract of land described in Deed to Jerry J. Floyd and Wife, Penny L. Floyd, recorded in Volume 13154, Page 409, Deed Records, Tarrant County, Texas;

THENCE North, a distance of 568.80 feet to a 3/8 inch diameter iron rod found at the "ell" corner of said Floyd tract;

THENCE South 89 deg. 57 min. 17 sec. East, a distance of 114.69 feet to a ½ inch diameter rod with plastic cap stamped "Landes & Assoc." at the most Northerly Southeast corner of said Floyd tract, said point being in the West line of said Lot 1, Block 1, K.I.S.D. Addition;

THENCE South (basis of bearing derived from aforementioned Deed to Henry), along the West line of said Lot 1, Block 1, KISD, Addition, a distance of 568.80 feet to the PLACE of BEGINNING and containing 1.500 acres of land.

TRACT II

Easement estate from Merle M. Caruthers and wife, Dorothy A. Caruthers to Thurman R. Henry and wife, Barbara Henry in deed recorded in Volume 4051, Page 447, Deed Records, Tarrant County, Texas, described as follows:

BEGINNING at a point 171.7 feet E. and 2640 feet S. of the NW corner of said Haltom Survey, thence East 50 feet;

THENCE N 568.17 feet to a point for corner;

THENCE West 50 feet to a pin for corner;

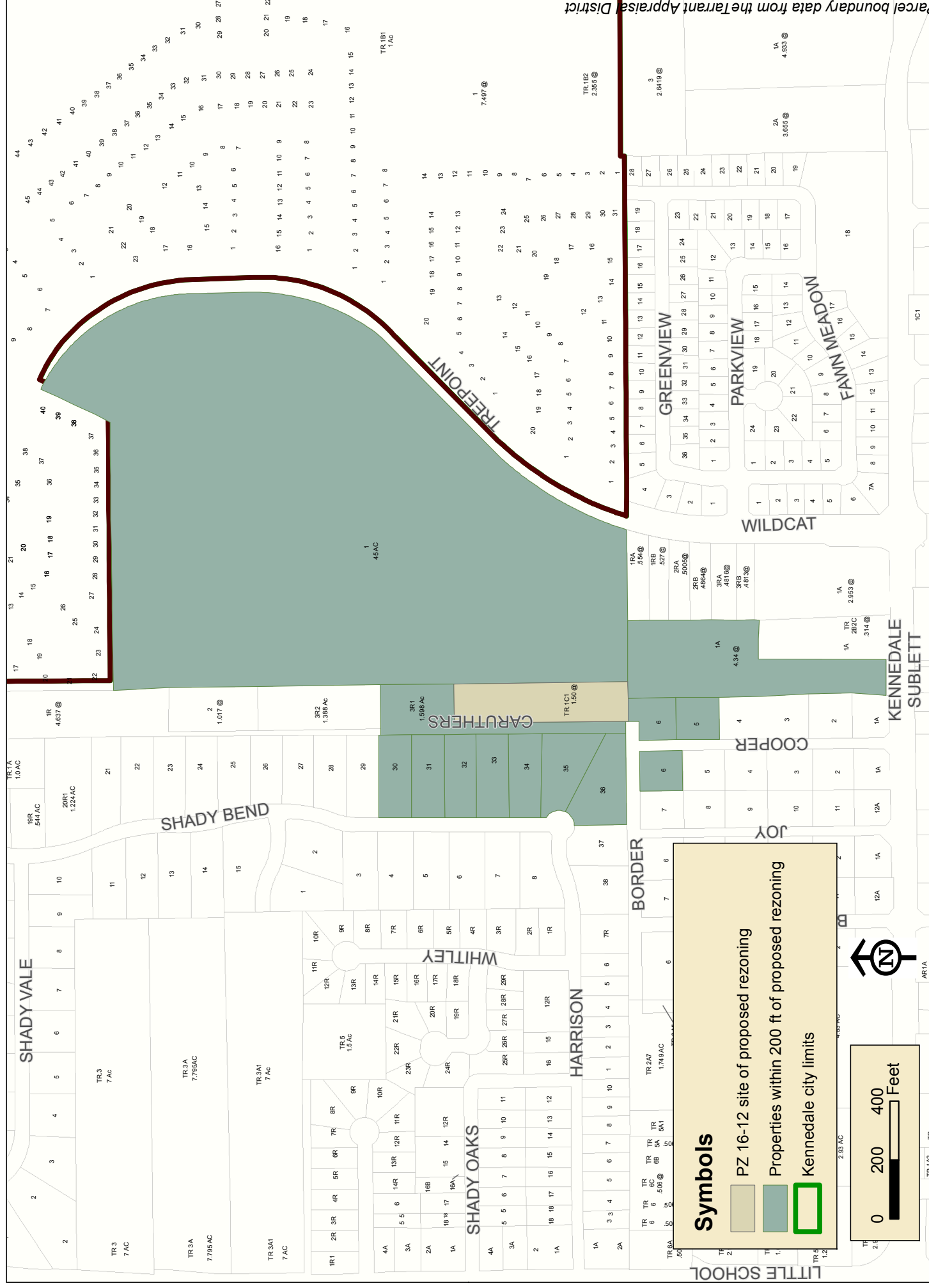
THENCE South 568.17 feet to the Point of Beginning

A.P.N. 04469569

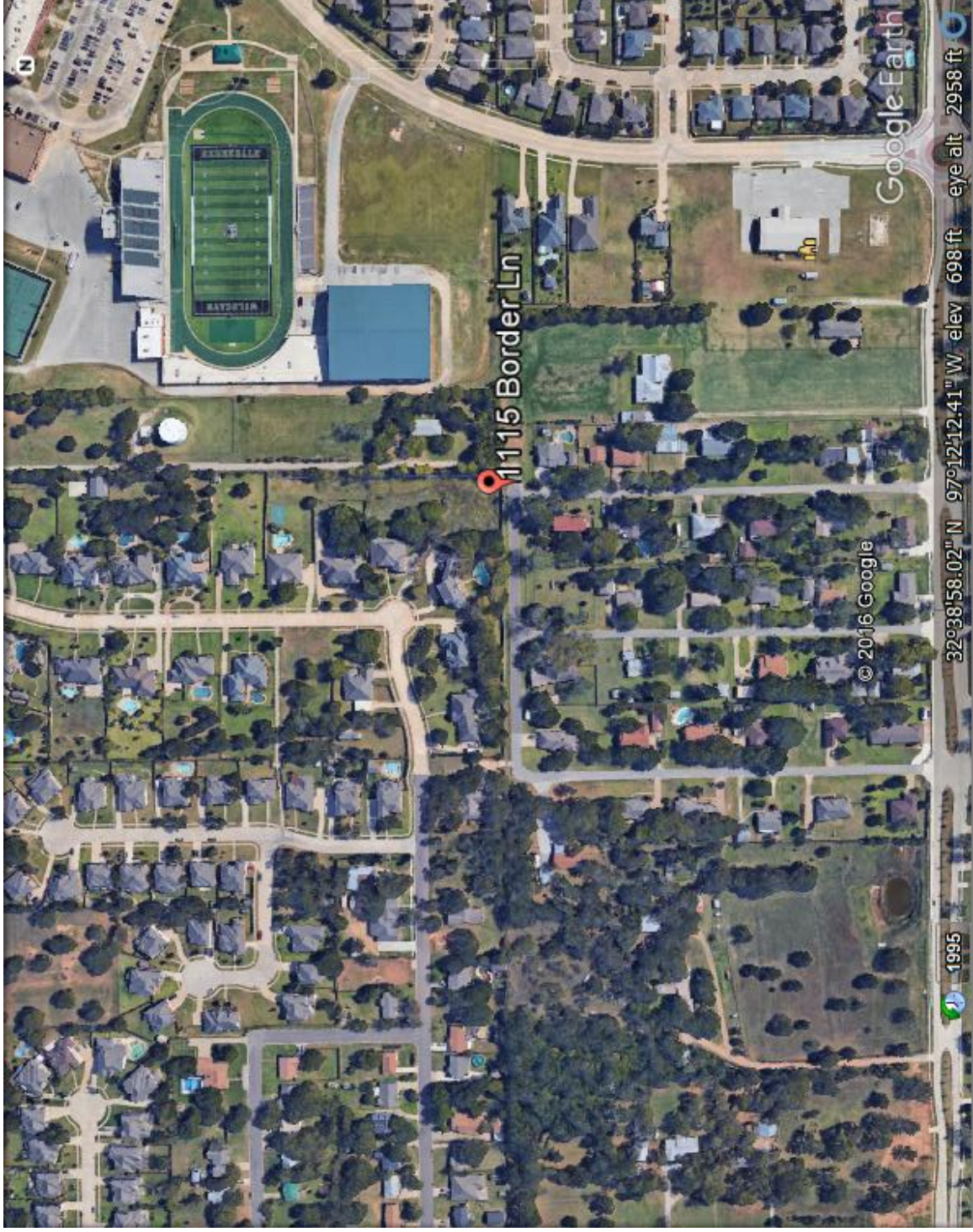
Properties within 200 feet of proposed rezoning

Owner_Name_Last	Owner_Name_First	Owner_Addr	Owner_City	Owner_Zip	Owner_Zip4
Sos Renovations Llc		1115 Border Ln	Kennedale, TX	76060	5834
Wright	Terry	620 Cooper Ln	Kennedale, TX	76060	5812
Beckham	John D, attention: Terry C Beckman TR	616 Cooper Ln	Kennedale, TX	76060	5812
Kennedale ISD		Po Box 467	Kennedale, TX	76060	467
City of Kennedale		405 Municipal Dr	Kennedale, TX	76060	2249
West	Irma L	621 Cooper Ln	Kennedale, TX	76060	5813
Johannsen	Kandy D	3608 Le Mans Ct	Arlington, TX	76016	2937
O'Reilly	Walther & Katherine	810 Shady Bend Dr	Kennedale, TX	76060	
Brown	Catherine	808 Shady Bend Dr	Kennedale, TX	76060	5478
Bostad	Patti J	806 Shady Bend Dr	Kennedale, TX	76060	5478
Penny	William & Shirley	804 Shady Bend Dr	Kennedale, TX	76060	5478
Mcgaughey	Deborah	802 Shady Bend Dr	Kennedale, TX	76060	5478
Shaikh	Azam	800 Shady Bend Dr	Kennedale, TX	76060	5478
Gilley	Billy	1115 Kennedale Sublett Rd	Kennedale, TX	76060	5821

PZ 16-12: site of proposed rezoning



Parcel boundary data from the Tarrant Appraisal District



11115 Border Ln

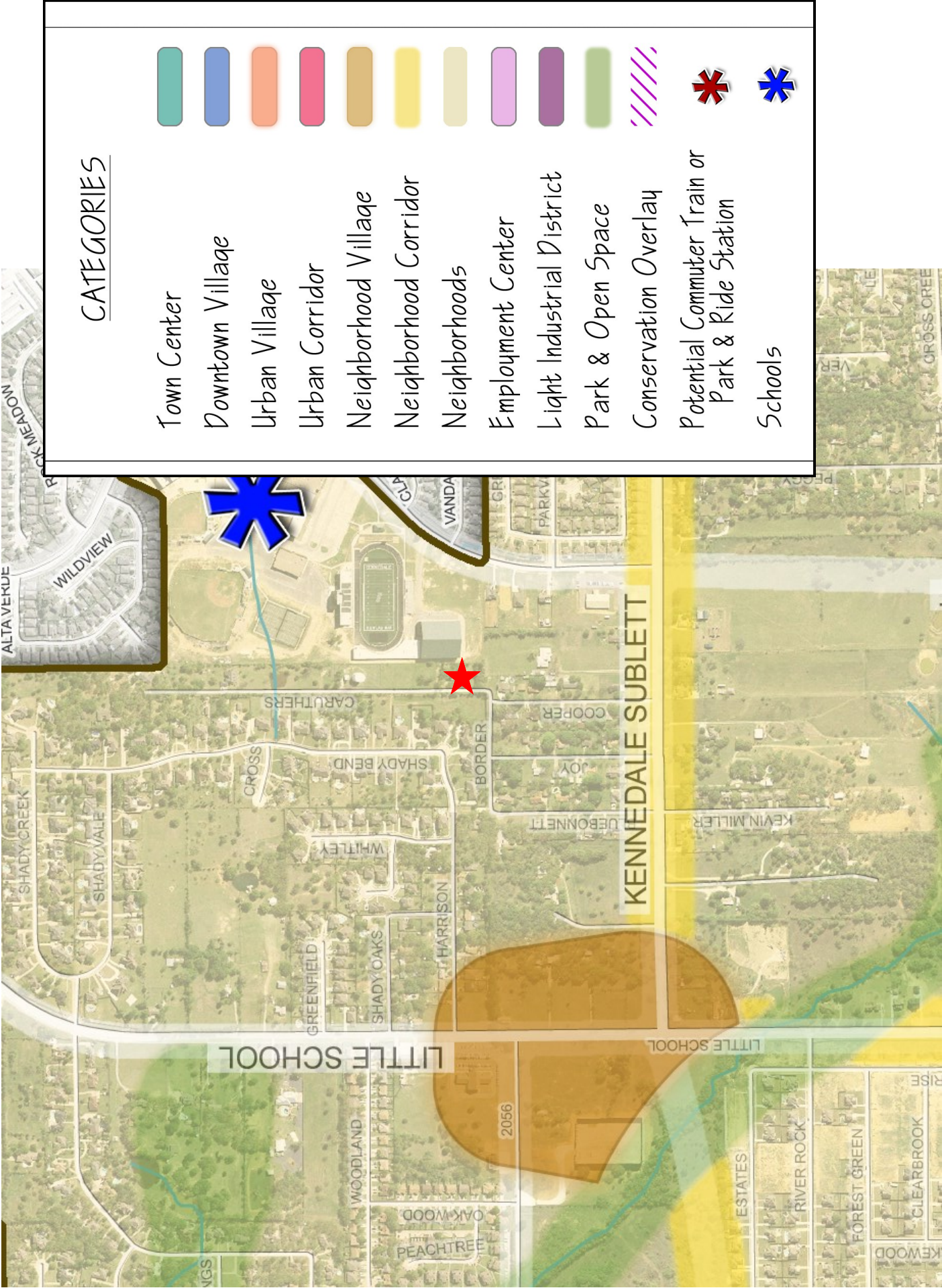
© 2016 Google

Google Earth

32°38'58.02" N 97°12'12.41" W elev 698 ft eye alt 2958 ft

1995

PZ 16-12: Future Land Use Map



3
THE STATE OF TEXAS
COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

That Jerry J. Floyd and Penny L. Floyd are the owners of Lot 3, Block 1, Floyd Addition in the W.E. Haltom Survey, Abstract 731 in Tarrant County, Texas, as shown on the plat, recorded in Cabinet A, Slide 4844 of the Deed Records of Tarrant County, Texas, do hereby declare such property bound by the hereinafter set out restrictions and covenants and agree that said purchasers and subsequent owners of said lots or parts thereof shall comply with same. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for two years from the date that these covenants are recorded, after which time said covenants shall be automatically extended until the use of this water well as a source of water for a public water system ceases.

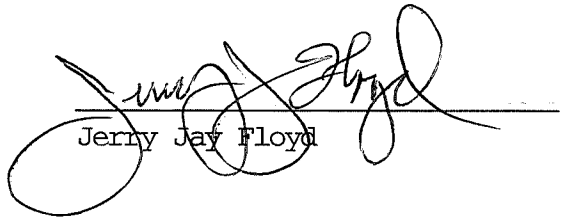
Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

Invalidation of any one of these covenants by judgement or court order shall not in any way affect any of the other provisions which shall remain in full force and effect.

Such restrictions are as follows, to wit:

1. Sanitation control upon all of that area of land included within a 150 foot radius of a proposed deep water well as shown on Exhibit "A" of this easement and specifically prohibiting the construction and/or operation of underground petrochemical storage tanks, stock pens, feed lots, dump grounds, privies, cesspools, septic tank drainfields, drilling of improperly constructed water wells of any depth and all other construction or operation that could create an insanitary condition within, upon or across the above described tract of land;
2. Tile or concrete sanitary sewers, sewer appurtenances, septic tanks and storm sewers are specifically prohibited within a 50 foot radius of the deep water well described and located above.
3. This sanitation control permits the construction of homes or buildings upon same, provided, however, that all underground petrochemical storage tanks, stock pens, feed lots, privies, tile or concrete sanitation sewers, cesspools, septic tanks, storm sewers, septic tank drainfields, drilling of improperly constructed wells of any depth and other construction and/or operations that could create an insanitary condition within, upon or across same are specifically prohibited within the designated distances.
4. Normal farming and ranching operations are permitted except that livestock shall not be allowed within 50 feet of the proposed well.

5. IN WITNESS WHEREOF the said owners have executed this instrument this 5 day of April, 1999.


Jerry Jay Floyd

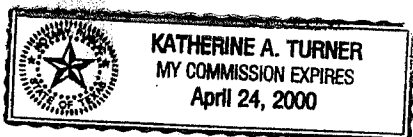

Penny Rigby Floyd

THE STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared JERRY JAY FLOYD + PENNY RIGBY FLOYD, known to me to be the person(s) whose name(s) are subscribed to the foregoing instrument and acknowledged to me that the (he/she) executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 5 day of April, 1999.



Katherine A. Turner
Notary Public in and for TARRANT County, Texas

Recorded at _____ Courthouse, _____, Texas on _____

AFTER RECORDING RETURN TO:

CITY SECRETARY'S OFFICE
CITY OF KENNEDALE
P.O. BOX 268
KENNEDEALE, TEXAS 76060-0268

EXHIBIT A

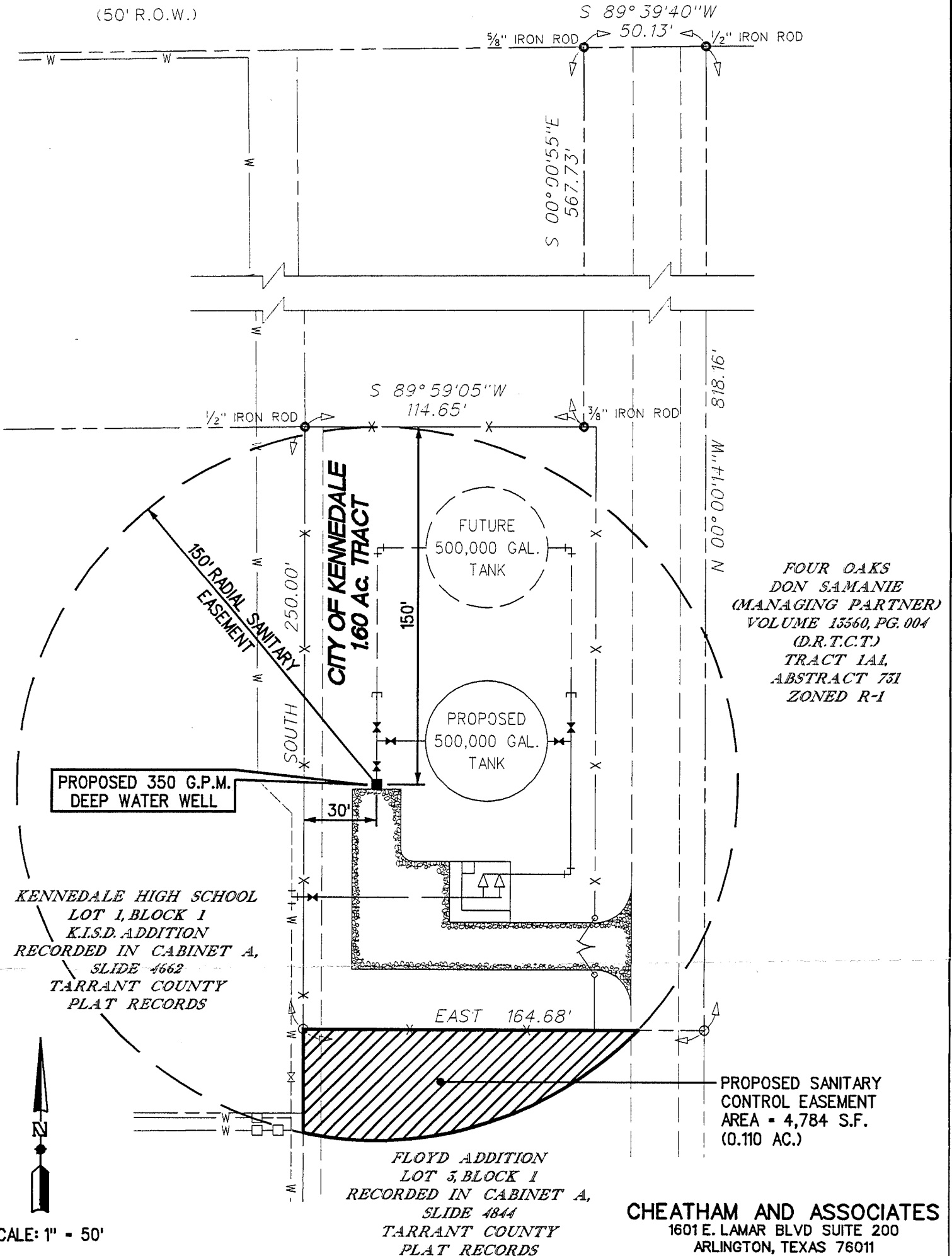
SANITARY CONTROL EASEMENT PUBLIC WATER WELL

CITY OF KENNEDALE, TRINITY WELL No. 4
BORDER STREET SITE

MARCH 30, 1999
PROJECT No. 015-503

BORDER LANE

(50' R.O.W.)



D199103805
CITY OF KENNEDALE
CITY SECRETARY'S OFFICE
P O BOX 268
KENNEDEALE TX 76060

-W A R N I N G-T H I S I S P A R T O F T H E O F F I C I A L R E C O R D--D O N O T D E S T R O Y

I N D E X E D -- T A R R A N T C O U N T Y T E X A S
S U Z A N N E H E N D E R S O N -- C O U N T Y C L E R K
O F F I C I A L R E C E I P T

T O : C I T Y O F K E N N E D A L E

RECEIPT NO	REGISTER	RECD-BY	PRINTED DATE	TIME
199231293	DR96	A I	04/26/1999	09:29

	INSTRUMENT	FEECD	INDEXED	TIME	
1	D199103805	WD	19990426	09:29	CK 34651*

T O T A L : D O C U M E N T S : 01 F E E S : 13.00

B Y: _____

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

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: October 20, 2016

Agenda Item No: REGULAR ITEMS (B)

I. SUBJECT

CASE # PZ 16-13 Public hearing and consideration of Ordinance approval regarding a request by John K. Dancer for change in zoning from R-3 (single family residential) to C-2 (general commercial) for .688 acres at 700 Mansfield Cardinal Rd, legal description of CA Boaz subdivision of JB Renfro, block 13, lots 4-7, Kennedale, Tarrant County, Texas

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Rezone from R-3 to C-2
Applicant	John Dancer (on behalf of property buyer)
Location	Address location is Mansfield Cardinal; actual lot location is Meadowview Dr, between Kennedale Pkwy and Mansfield Cardinal Rd
Surrounding Uses	Primarily single family residential and commercial
Surrounding Zoning	C-2 general commercial, R-2 & R-3 single family residential
Future Land Use Plan Designation	Urban Corridor and Neighborhood
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

The property is vacant and has never been developed. The maps included with this report show one single property, but the property is actually made up of seven lots platted in 1960, all of which are oriented toward Meadowview Dr. Only lots 4-7 (shown in the attached plat drawing) are requested for rezoning. The three lots closest to Mansfield Cardinal are proposed to remain as R-3 single family residential.

SURROUNDING PROPERTIES & NEIGHBORHOOD

SURROUNDING PROPERTIES AND NEIGHBORHOOD

The surrounding land uses are primarily residential and commercial. Please note that although the attached map shows that the Tarrant Appraisal District classifies several of the other properties on Meadowview / Kennedale Pkwy as single family residential, these classifications are not entirely accurate. Of the two properties shown as 705 E Kennedale Pkwy (adjacent to 700 Mansfield Cardinal), one is vacant and the other is a commercial building. The property shown as 713 E Kennedale Pkwy is in commercial use, and the property shown as 709 E Kennedale Pkwy is vacant.

STAFF REVIEW

COMPREHENSIVE LAND USE PLAN

The property is located in an area divided between Urban Corridor and Neighborhood.

As mentioned above, the property at 700 Mansfield Cardinal consists of seven (7) lots under single ownership, only four (4) of which are requested for rezoning. Lots 1 through 3 are clearly within the area designated as Neighborhood; these lots are not requested for rezoning. Lots 4 through 7, however, are on the edge of the boundary between Urban Corridor and Neighborhood and could be interpreted either way.

The comprehensive plan describes the Urban Corridor district as follows.

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.

RELATED GOALS FROM THE COMPREHENSIVE LAND USE PLAN

The comprehensive plan goal's related to this rezoning request fall under principle # 2, Economic Prosperity. These goals are: "Promote Access to Jobs" and "Create a Stable and Equitable Tax Base" (by expanding the commercial tax base and decreasing reliance on residential property taxes).

SUMMARY

City staff considers the rezoning in compliance with the comprehensive land use plan.

COMPLIANCE WITH CITY GOALS AND RELATED PLANS

STRATEGIC PLAN

The strategic plan has one related goal: "...assist existing businesses to expand."

CITY COUNCIL ENDS STATEMENTS AND GOALS

The goals measured through the balanced scorecard process include one relevant goal, "Balance the Tax Burden."

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. In this case, there

are residential areas located close to this property, and if the property is zoned for commercial purposes, there is a potential for an adverse impact on nearby residential uses. The comprehensive plan, however, nevertheless calls for residential and commercial uses to be located in close proximity in this area, with the understanding that the city's regulations will limit adverse impacts and ensure compatibility. The recently-adopted UDC has increased restrictions and regulations for businesses in terms of landscaping, lighting, and buffering from adjacent residential areas. With these in mind, staff considers a rezoning to commercial use appropriate at this location.

STAFF RECOMMENDATION

Based on the above analysis, staff recommends approval of the rezoning.

ACTION BY THE PLANNING & ZONING COMMISSION

Approval: Based on the information presented, I find that the request meets city requirements and is in compliance with the comprehensive land use plan and make a motion to approve the request for rezoning.

Approval with Conditions: Based on the information presented, I find that the request meets city requirements and is in compliance with the comprehensive land use plan and make a motion to approve the request for rezoning with the following conditions [list conditions].

Deny: Based on the information presented, I find that the proposed use does not meet [list standards or requirements not met] and make a motion to deny the request.

PETITION FOR CHANGE OF ZONING CLASSIFICATION

ZONING CASE # PZ 16-13
(assigned by city staff)

DATE: 9/19/16

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

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

" R-3 " (Single Family Residential) to that of

" C-2 " (General Commercial) in its entirety as shown on Exhibit "B"

attached. The property totals some .688 acres.

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

Legal Description is Block 13
Lots 4-7 Boaz, CA Subdivision of JB Renfro

Present use of the property is Residential

Address of the property is 700 Mansfield Cardinal Rd. Eng See Eng

Property Owner's Name: Arvel Dunaway et ux Teresa selling to 721 Kennedale Realty LLC

Address: 612 Mansfield Cardinal Rd / 721 E Kennedale
Kennedale TX 76060 / Kennedale TX 76060

Telephone Number: 817-561-2434 817-478-6422

Applicant's Name: John K Dancer
Address: 2001 Dancer Dr. Arlington TX 76013
Telephone Number: 817-992-5385

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

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

☒ I further certify that Acvel Donawany et ux Teresa is the sole owner(s) of the property described in the legal description and shown in the map attached to this application, as of the date of this application.

John K Dancer
Applicant Signature

9/19/16
Date

Items to be submitted with this application:

- ☒ Owner affidavit (if applicant is not the property owner)
- ☒ Application fee
- ☒ Statement of why the zone change should be approved
- ☒ Map showing the property requested to be rezoned
- ☒ Legal description (metes and bounds) for the property to be rezoned.
 - If you do not have a current survey with a metes and bounds description, you may submit the most recent deed for the property if it includes a metes and bounds description.



Meeting All Your
Real Estate Needs
From Start to Finish

City of Kennedale
Zoning Change Request
700 Mansfield Cardinal/Meadowview
Block 13, Lots 4-7 Boaz, CA Subdivision of JB Renfro

The above zoning request is from R-3 SFR to C-2 General commercial. The total property under contract consists of lots 1-7 block 13 Boaz. Lots 4-7 abut the existing property and C-2 zoning of PU Tech Industries existing distribution facilities which was zoned to C-2 within the last 3 years.

The request and subsequent re-plating to combine the existing property to lots 4-7 to allow for the expansion of PU Techs Existing Warehouse to accommodate the growth of the business since building the existing facility in Kennedale. The expansion will be designed to tie in and match the existing facility to the South.

The rezoned portion is approximately 30,000 sf or .688 of an acre. The remainder 3 lots to East will be left R-3 Residential to stay with the City future-master plan to keep Residential along Mansfield Cardinal. Also to accommodate the owner of PU Techs plans to build His and family homes on those lots to live close to his business.

The property is currently owned by Arvel Dunaway etux Teresa, and is under contract to 721 Kennedale Realty LLC, the owners of PU Tech, Distribution. Re-platting will commence upon zoning approval if so agreed.

Utilities are to the existing and proposed sites.

We feel that the proposal works well with the overall plan discussed with staff, and accommodates the expansion of growing business in Kennedale.

Sincerely,

A handwritten signature in black ink that reads "John K Dancer". The signature is written in a cursive style with a large, stylized "J" and "D".

John K. Dancer

Broker, Authorized Representative for Owner
Arvel Dunaway.



CITY OF KENNEDALE PLANNING & ZONING COMMISSION

OWNER AFFIDAVIT

Case #PZ _____

Property Address: 700 Mansfield Cardinal
Kennedale TX 76060

Legal Description: Block 13 Lots 4-7, Boaz, CA Subdivision of JB
Reintro

Applicant: John K. Dancer

Type of P&Z request: ☒ Rezoning ☐ Conditional Use Permit ☐ Final Plat ☐ Replat

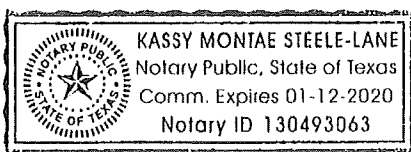
I, Arvel Dunaway, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Planning & Zoning Commission to consider granting the above reference request on my behalf and to appear before the Commission.

Owner Signature: Arvel Dunaway

Date: 15 SEPT 16

SWORN TO and Subscribed before me by Arvel Dunaway

ON THIS 15th DAY OF September, 2016.

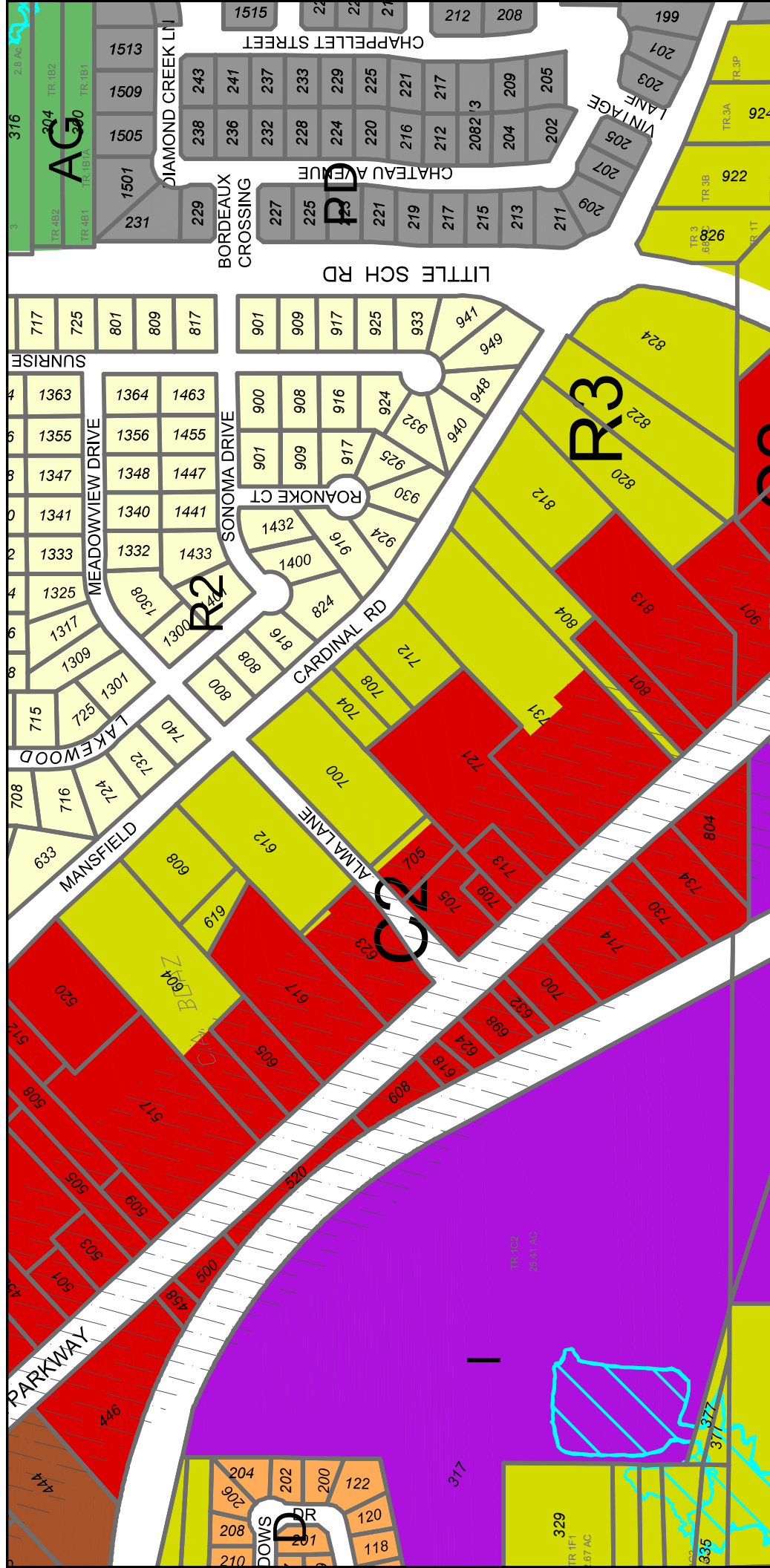


Kassy Montae Steele-Lane
Notary Public, Tarrant County, Texas

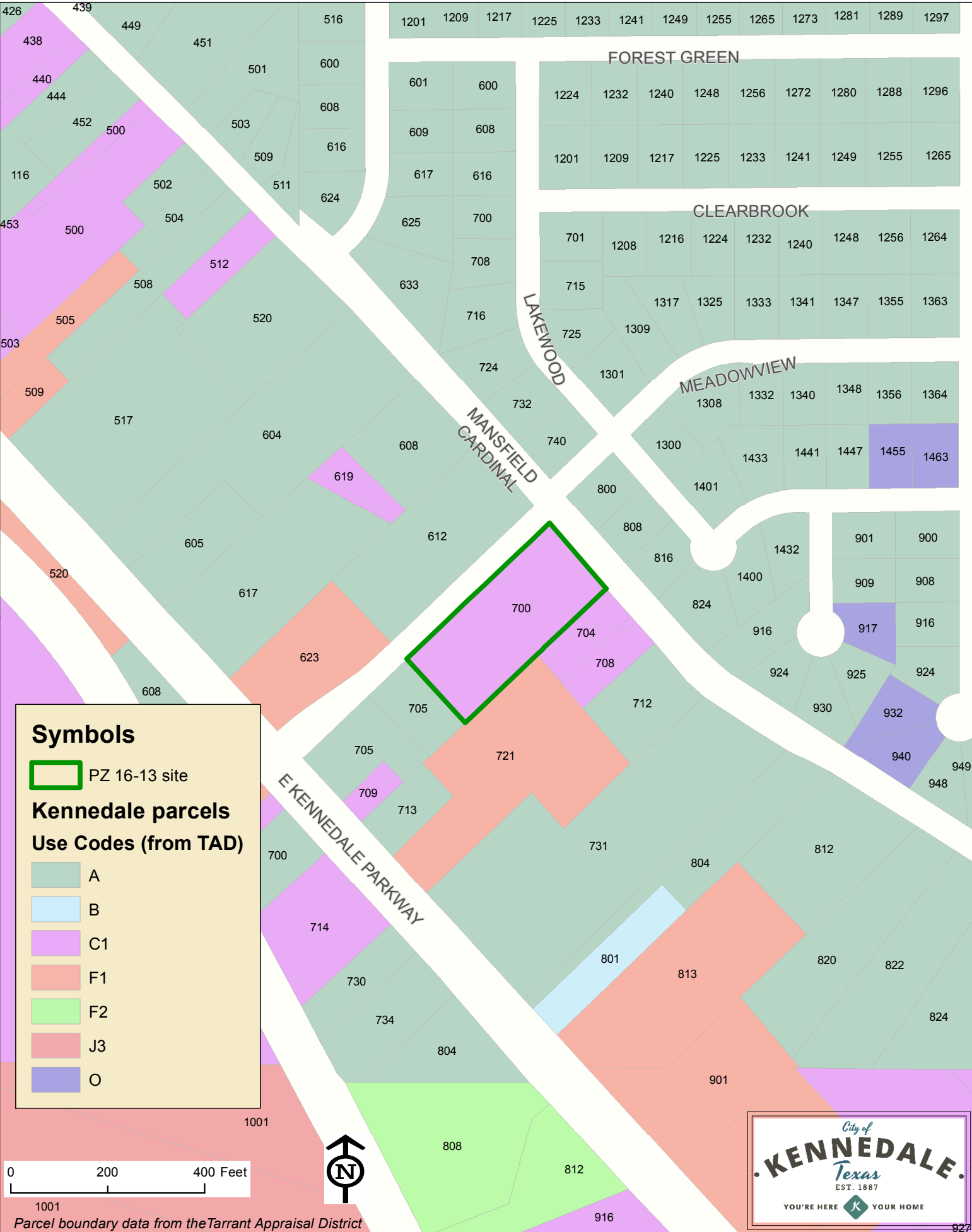
PZ 16-13: site of rezoning request



PZ 16-13: surrounding zoning districts



PZ 16-13: land uses surrounding site of rezoning request



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

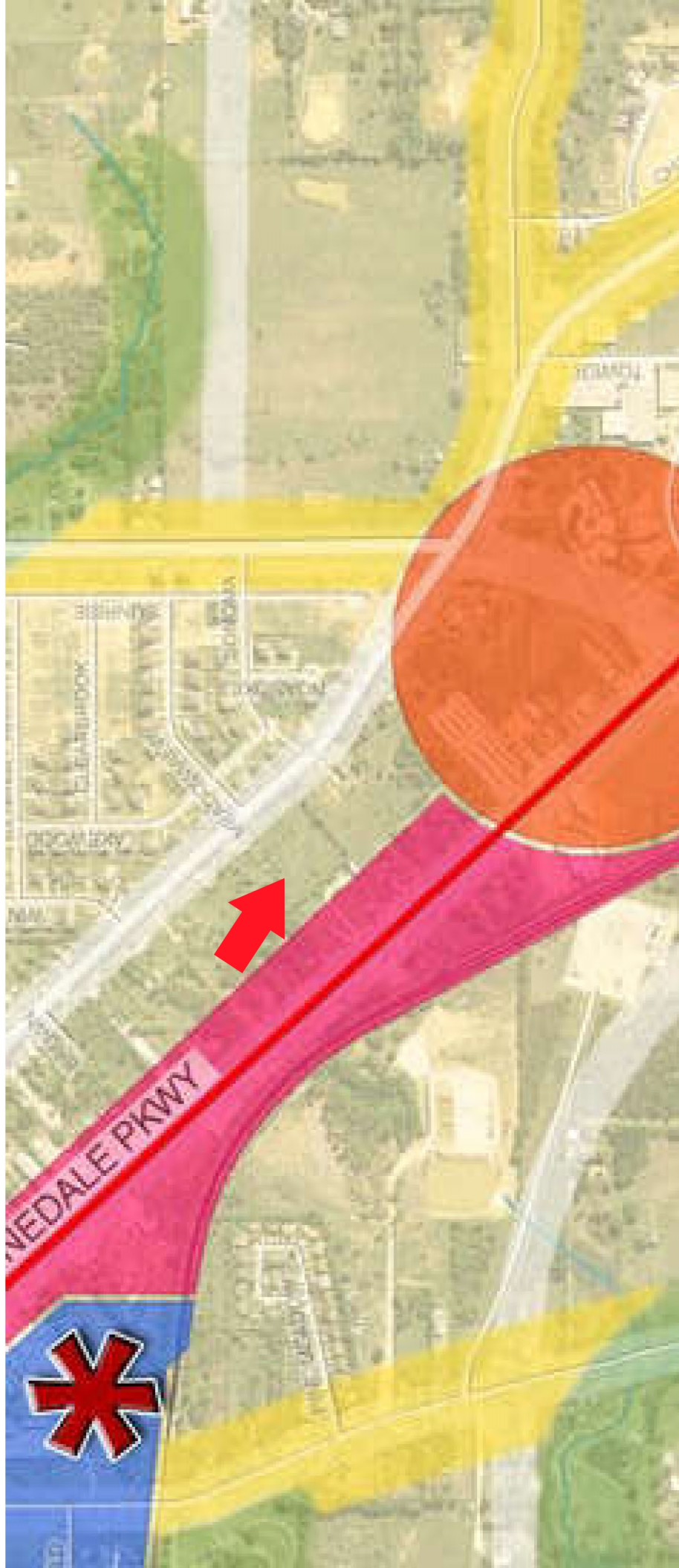
J UTILITIES	
J1	Water Systems
J2	Gas Companies
J3	Electric Companies
J4	Telephone Companies
J5	Railroads
J6	Pipelines
J7	Cable Companies
J8	Other

L COMMERCIAL/INDUSTRIAL	
L1	Commercial BPP
L2	Industrial BPP

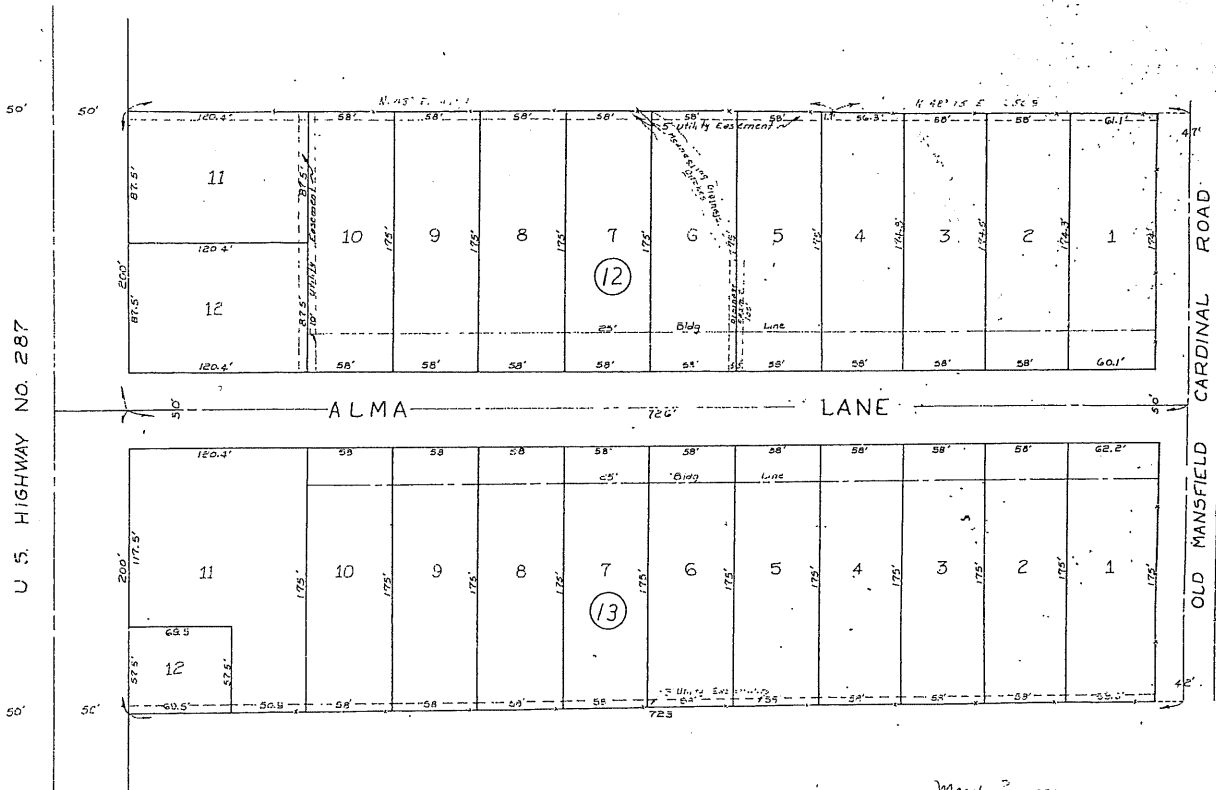
M MOBILE HOMES	
M2	Private Aircraft
M3	Mobile Home
M4	Other Tangible PP

O RESIDENTIAL INVENTORY	
O1	Vacant
O2	Improved

PZ 16-13: Future Land Use Plan (excerpt)



PLAT SHOWING
SUBDIVISION OF BLKS. 12 & 13
BOAZ'S SUBDIVISION
OUT OF THE
J. B. RENFRO SURVEY
KENNEDEALE, TEXAS



CLAUD W. ESTES ENGINEERING CO.
2820 E. LANCASTER
FORT WORTH, TEXAS
Surveyed under my supervision, March, 1960

State Licensed Civil Engineer, Reg. No. 2459
State Licensed Professional Surveyor, Reg. No. 579

APPROVED March 1960

BY *[Signature]*
J. B. RENFRO, JR., CHAIRMAN
BY *[Signature]*
SECRETARY KENNEDEALE, TEXAS

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT TO "C-2" GENERAL COMMERCIAL 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, John Dancer, representing PU Tech Industries, has filed an application to rezone the property from its present classification of "R-3" Single Family Residential District to a "C-2" General Commercial District; said property being an approximately .93 acre tract in the J B Renfro Survey, more particularly described as Lots 4-7, Block 13, C A Boaz's Subdivision out of the J B Renfro Survey, Kennedale, Tarrant County, Texas; and

WHEREAS, the City Council has determined that the rezoning conforms to the city's 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 20th day of October 2016 and by the City Council of the City of Kennedale on the 21st day of November 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 .93 acre tract more particularly described as Lots 4-7, Block 13, C A Boaz's Subdivision out of the J B Renfro Survey, Kennedale, Tarrant County, Texas ("the Property"), being a portion of the property described as Tract II in Tarrant County Clerk's Office instrument number D206178932, shown as Exhibit "A" attached hereto and incorporated herein, from "R-3" Single Family Residential District to "C-2" General Commercial 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 NOVEMBER 2016.

APPROVED:

Mayor, Brian Johnson

ATTEST:

City Secretary, Leslie Galloway

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney, Wayne K. Olson

EXHIBIT “A”

22260 Electronically Recorded

Official Public Records

Tarrant County Texas

2006 Jun 14 10:11 AM

Fee: \$ 52.00

D206178932

Submitter: ACS INC

Suzanne Henderson

CLOSER'S CERTIFICATION
Suzanne Henderson

CORRECTION RE-FILEING ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF Tarrant

BY EXECUTION HEREOF THE UNDERSIGNED HEREBY
ACKNOWLEDGES AND STATES THAT THE ATTACHED DOCUMENT IS BEING
REFILED IN CORRECTION OF, BUT NOT IN LIEU OF THAT CERTAIN
Warranty Deed, FILED FOR RECORD IN THE OFFICE OF
THE COUNTY CLERK OF Tarrant COUNTY, TEXAS ON July 27, 2005
IN VOLUME/CABINET PAGE , OR UNDER CLERK'S
FILE NO. 0205217808 REAL PROPERTY RECORDS, DENTON
COUNTY, TEXAS, AND IS BEING REFILED FOR THE SOLE PURPOSE OF:

Correcting legal from Block 12
to Block 12 + 13

ALL OTHER TERMS, PROVISIONS AND CONDITIONS OF THE ORIGINAL
DOCUMENT REMAIN UNCHANGED.

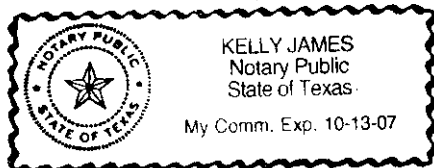
[Signature]
ESCROW OFFICER/CLOSER
COMMONWEALTH LAND TITLE CO.

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF Dallas

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 1st
DAY OF June, 2006 BY Melissa Baylson
FOR THE PURPOSES AND IN THE CAPACITY AS HEREIN STATED.



[Signature]
NOTARY PUBLIC, STATE OF TEXAS

AFFIDAVIT

THIS CERTIFIED COPY OF 00 Warranty Deed
IS BEING RECORDED BECAUSE THE ORIGINAL
Warranty Deed CANNOT BE LOCATED.

[Signature]

THE STATE OF TEXAS

COUNTY OF Dallas

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 7th
DAY OF June, 2006.

[Signature]
NOTARY PUBLIC, STATE OF TEXAS

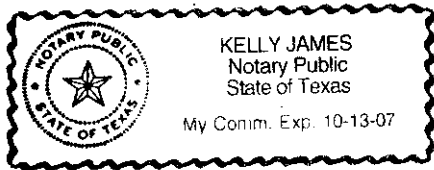


Exhibit A**TRACT I:**

BEING Lot 1R, Block 12, of Boaz's Subdivision, an Addition to the City of Kennedale, TARRANT County, Texas, according to the map or plat thereof recorded in Volume 388-144, Page 90, of the Plat Records of TARRANT County, Texas, and being a portion of that tract of land described in deed to Ed E. Harden as recorded in Volume 6992, Page 2043, Deed Records, TARRANT County, Texas;

BEGINNING at a found 3/4 inch iron rod (a controlling monument) at the North corner of Lot 1R on the Southwest line of Old Mansfield-Cardinal Road (variable width right-of-way), said iron rod being the East corner of a tract of land described in deed to Jack J. Robinson as recorded in Volume 9449, Page 2384, of said Deed Records;

THENCE South 41 degrees 31 minutes 22 seconds East, a distance of 173.99 feet to a set 1/2 inch iron rod at the East corner of said Lot 1R and on the Southwest line of said Old Mansfield-Cardinal Road and being on the Northwest line of Alma Lane (50-foot undeveloped right-of-way) from which a found 5/8 inch iron rod bears South 81 degrees 34 minutes 44 seconds East, 1.05 feet;

THENCE South 48 degrees 00 minutes 00 seconds West, a distance of 175.76 feet along the Northeast line of said Alma Lane to a set 1/2 inch iron rod at the South corner of said Lot 1R and being the East corner of Lot 4, of aforesaid Block 12, Boaz's Subdivision (Vol. 388-23, Pg. 29);

THENCE North 41 degrees 34 minutes 06 seconds West, a distance of 174.76 feet along the common line of said Lot 1R and Lot 4 to a set 1/2 inch iron rod at the West corner of said Lot 1R and the North corner of said Lot 4 and being on the Southeast line of aforesaid Robinson tract;

THENCE North 48 degrees 15 minutes 00 seconds East, a distance of 175.00 feet along the common line of said Robinson tract and said Lot 1R to the POINT OF BEGINNING and containing 30,660 square feet or 0.704 of one acre of land, more or less.

TRACT II:

BEING Lots 1-7, Block 13, of Boaz's Subdivision, an Addition to the City of Kennedale, TARRANT County, Texas, according to the map or plat thereof recorded in Volume 388-23, Page 29, of the Plat Records of TARRANT County, Texas, and being a portion of that tract of land described in deed to Ed A. Harden as recorded in Volume 6992, Page 2043, Deed Records, TARRANT County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a found 5/8 inch iron rod (a controlling monument) on the Southwest line of Old Mansfield-Cardinal Road (variable width right-of-way), said iron rod being the East corner of Lot 1, Block 13, and being the North corner of Lot 14-R-1, Boaz's Subdivision, an addition to the City of Kennedale, TARRANT County, Texas, according to the plat thereof recorded in Cabinet B, Hanger 2764, Plat Records, TARRANT County, Texas, same being that tract of land described in deed to Boyd Builders, Inc., a Texas corporation, as recorded in Doc. No. D204198661, of said Deed Records;

THENCE South 48 degrees 00 minutes 00 seconds West, passing the West corner of said Lot 14-R-1 and the North corner of a tract of land described in deed as Lot 14-R-4 to Maxine A. Tyson as recorded in Volume 14714, Page 274, of said Deed Records, and continuing a total distance of 407.59 feet to a found 1/2 inch iron rod (a controlling monument) at the South corner of Lot 7, of said Block 12 on the Northwest line of said Lot 14-R-4 and being the East corner of a tract of land described as Lot 8, Block 13 to Dale K. Davidson as recorded in Volume 12117, Page 1965, of said Deed Records;

THENCE North 41 degrees 34 minutes 06 seconds West, a distance of 175.00 feet along the common

line of said Davidson tract and said Lot 7 to a set 1/2 inch iron rod at the North corner of said Lot 8 and being on the Southeast line of Alma Lane (50 foot undeveloped right-of-way), and being the West corner of said Lot 7;

THENCE North 48 degrees 00 minutes 00 seconds East, along the Southeast line of said Alma Lane a distance of 407.73 feet to a set 1/2 inch iron rod at the North corner of aforesaid Lot 1 on the Southwest line of aforesaid Old Mansfield-Cardinal Road from which a found iron pipe bears North 54 degrees 53 minutes 51 seconds East, 2.61 feet;

THENCE South 41 degrees 31 minutes 22 seconds East, a distance of 175.01 feet along the Southwest line of said Old Mansfield-Cardinal Road to the POINT OF BEGINNING and containing 71,340 square feet or 1.637 acres of land, more or less.

TRACT III:

BEING Lots 4-7, Block 12, of Boaz's Subdivision, and Addition to the City of Kennedale, TARRANT County, Texas, according to the map or plat thereof recorded in Volume 388-23, Page 29, of the Plat Records of TARRANT County, Texas, and being a portion of that certain tract of land described in deed to Ed E. Harden as recorded in Volume 6992, Page 2043, Deed Records, TARRANT County, Texas, and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod (a controlling monument) at the West corner of said Lot 7 and the North corner of a tract of land described in deed as Lot 8A to Gloria Price as recorded in Volume 15755, Page 542, Deed Records, TARRANT County, Texas, and being on the Southeast line of a tract of land described in deed to Amber Bigham as recorded in Volume 17315, Page 317, of said Deed Records;

THENCE North 48 degrees 00 minutes 00 seconds East, a distance of 175.69 feet to a set 1/2 inch iron rod at the East corner of said Bigham tract and being the South corner of a tract of land described in deed to Bettie L. Smith and Bettie Jo Smith as recorded in Volume 1952, Page 416, of said Deed Records and being on the Northwest line of Lot 4, of said Block 12;

THENCE North 48 degrees 15 minutes 00 seconds East, a distance of 56.31 feet to a set 1/2 inch iron rod at the North corner of said Lot 4 and the West corner of Lot 1R, Boaz's Subdivision, an addition to the City of Kennedale, TARRANT County, TEXAS, according to the plat thereof recorded in Volume 388-144, Page 90, Plat Records, TARRANT County, Texas, and being on the Southeast line of a tract of land described in deed to Jack J. Robinson as recorded in Volume 9449, Page 2384, of said Deed Records;

THENCE South 41 degrees 34 minutes 06 seconds East, along the Northeast line of said Lot 4 and the Southwest line of said Lot 1R, a distance of 174.76 feet to a set 1/2 inch iron rod at the South corner of said Lot 1R and the East corner of said Lot 4 and being on the Northwest line of Alma Lane (50 foot undeveloped right-of-way);

THENCE South 48 degrees 00 minutes 00 seconds West, a distance of 232.01 feet along the Northwest line of said Alma Lane to a set 1/2 inch iron rod at the South corner of aforesaid Lot 7, being the East corner of a tract of land described in deed as Lot 8B to Robert Edward Baker and wife Edna Lewis Baker as recorded in Volume 6523, Page 553, of said Deed Records, from which a found 1/2 inch iron rod bears North 00 degrees 49 minutes 30 seconds West, 0.75 feet;

THENCE North 41 degrees 34 minutes 06 seconds West, a distance of 175.00 feet to the POINT OF BEGINNING and containing 40,594 square feet or 0.932 of one acre of land, more or less.

Electronically Recorded

Tarrant County Texas

2005 Jul 27 01:54 PM

Fee: \$ 22.00

Submitter: ACS INC

D205217808

GF#2226000665

Official Public Records

*Suzanne Henderson***SPECIAL WARRANTY DEED****WITH VENDOR'S LIEN**

"NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NAURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER."

THE STATE OF TEXAS)

COUNTY OF TARRANT)

The undersigned, PLAINS CAPITAL WEALTH MANAGEMENT, A TRUST COMPANY, AS TRUST^{PT}EE OF THE ED E. HARDEN TRUST, CREATED UNDER THE WILL OF ED E. HARDIN (herein called "Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by ARVEL D. DUNAWAY, JR AND TERESA DUNAWAY (herein called "Grantee"), the receipt of which is hereby acknowledged and confessed, and the further consideration of the execution and delivery by Grantee of Grantee's one certain promissory note (herein called the "Note"), described as follows:

being in the principal sum of One Hundred Nine Thousand One Hundred Thirty Seven and No/100 Dollars (\$109,137.00); dated even date herewith, payable to the order of First American Home Lenders, terms as provided in said Note.

the payment of the Note being secured by the Vendor's Lien herein retained, and being additionally secured by a deed of trust of even date herewith from Grantee to Dennis Schwartz, Trustee, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto Grantee whose mailing address is 612 Mansfield/Cardinal Rd., Kennedale, Texas 76060, all of the real property located in Tarrant County, Texas described as follows (herein called the "Property"):

SEE ATTACHED EXHIBIT 'A'



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS
SUZANNE HENDERSON COUNTY CLERK

GF#2226000665

subject, however, to the exceptions to title shown on Exhibit "B" attached hereto (the "Permitted Exceptions"), to HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee and Grantee's heirs, personal representatives and assigns forever; and Grantor does hereby bind Grantor and Grantor's successors and assigns to WARRANT AND FOREVER DEFEND, subject to the Permitted Exceptions, all and singular the title to the Property unto Grantee and Grantee's heirs, personal representatives and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, BY, THROUGH OR UNDER GRANTOR, BUT NOT OTHERWISE, subject however, to the Permitted Encumbrances.

It is expressly agreed that the Vendor's Lien, as well as the superior title in and to the above described Property, is retained against the Property and improvements thereon until the Note and all interest thereon is fully paid according to the face, tenor and effect thereof, when this Deed shall become absolute.

DATED to be effective this 19 day of JULY, 2005.

PLAINSCAPITAL WEALTH MANAGEMENT, A
TRUST COMPANY P8

Pat Fletcher
BY: Vice President

STATE OF TEXAS)
COUNTY OF LUBBOCK)

This instrument was acknowledged before me on the 19 day of July, 2005, by Pat Fletcher, in her capacity as Vice President of PlainsCapital Wealth Management, a Trust Company.



Shanna Jo Smith
Notary Public, State of Texas
My Commission Expires 12/31/2008

Special Warranty Deed with Vendor's Lien - Page 2



TRUE AND CORRECT COPY OF
ORIGINAL RECORD FILED IN
TARRANT COUNTY, TEXAS
SUZANNE HENDERSON, COUNTY CLERK

G. F. No. 2226000665

Exhibit A**TRACT I:**

BEING Lot 1R, Block 12, of Boaz's Subdivision, an Addition to the City of Kennedale, TARRANT County, Texas, according to the map or plat thereof recorded in Volume 388-144, Page 90, of the Plat Records of TARRANT County, Texas, and being a portion of that tract of land described in deed to Ed E. Harden as recorded in Volume 6992, Page 2043, Deed Records, TARRANT County, Texas;

BEGINNING at a found 3/4 inch iron rod (a controlling monument) at the North corner of Lot 1R on the Southwest line of Old Mansfield-Cardinal Road (variable width right-of-way), said iron rod being the East corner of a tract of land described in deed to Jack J. Robinson as recorded in Volume 9449, Page 2384, of said Deed Records;

THENCE South 41 degrees 31 minutes 22 seconds East, a distance of 173.99 feet to a set 1/2 inch iron rod at the East corner of said Lot 1R and on the Southwest line of said Old Mansfield-Cardinal Road and being on the Northwest line of Alma Lane (50 foot undeveloped right-of-way) from which a found 1 5/8 inch iron rod bears South 81 degrees 34 minutes 44 seconds East, 1.05 feet;

THENCE South 48 degrees 00 minutes 00 seconds West, a distance of 175.76 feet along the Northeast line of said Alma Lane to a set 1/2 inch iron rod at the South corner of said Lot 1R and being the East corner of Lot 4, of aforesaid Block 12, Boaz's Subdivision (Vol. 388-23, Pg. 29);

THENCE North 41 degrees 34 minutes 06 seconds West, a distance of 174.76 feet along the common line of said Lot 1R and Lot 4 to a set 1/2 inch iron rod at the West corner of said Lot 1R and the North corner of said Lot 4 and being on the Southeast line of aforesaid Robinson tract;

THENCE North 48 degrees 15 minutes 00 seconds East, a distance of 175.00 feet along the common line of said Robinson tract and said Lot 1R to the POINT OF BEGINNING and containing 30,660 square feet or 0.704 of one acre of land, more or less.

TRACT II:

BEING Lots 4-7, Block 12, of Boaz's Subdivision, and Addition to the City of Kennedale, TARRANT County, Texas, according to the map or plat thereof recorded in Volume 388-23, Page 29, of the Plat Records of TARRANT County, Texas, and being a portion of that certain tract of land described in deed to Ed E. Harden as recorded in Volume 6992, Page 2043, Deed Records, TARRANT County, Texas, and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod (a controlling monument) at the West corner of said Lot 7 and the North corner of a tract of land described in deed as Lot 8A to Gloria Price as recorded in Volume 15755, Page 542, Deed Records, TARRANT County, Texas, and being on the Southeast line of a tract of land described in deed to Amber Bigham as recorded in Volume 17315, Page 317, of said Deed Records;

THENCE North 48 degrees 00 minutes 00 seconds East, a distance of 175.69 feet to a set 1/2 inch iron rod at the East corner of said Bigham tract and being the South corner of a tract of land described in deed to Bettie L. Smith and Bettie Jo Smith as recorded in Volume 1952, Page 416, of said Deed Records and being on the Northwest line of Lot 4, of said Block 12;

THENCE North 48 degrees 15 minutes 00 seconds East, a distance of 56.31 feet to a set 1/2 inch iron rod at the North corner of said Lot 4 and the West corner of Lot 1R, Boaz's Subdivision, an addition to the City of Kennedale, TARRANT County, TEXAS, according to the plat thereof recorded in Volume 388-144, Page 90, Plat Records, TARRANT County, Texas, and being on the Southeast line of a tract of land described in deed to Jack J. Robinson as recorded in Volume 9449, Page 2384, of said Deed Records;



THENCE South 41 degrees 34 minutes 06 seconds East, along the Northeast line of said Lot 11 and the Southwest line of said Lot 1R, a distance of 174.76 feet to a set 1/2 inch iron rod at the South corner of said Lot 1R and the East corner of said Lot 4 and being on the Northwest line of Alma Lane (50 foot undeveloped right-of-way);

THENCE South 48 degrees 00 minutes 00 seconds West, a distance of 232.01 feet along the Northwest line of said Alma Lane to a set 1/2 inch iron rod at the South corner of aforesaid Lot 7 being the East corner of a tract of land described in deed as Lot 8B to Robert Edward Baker and wife Edna Lewis Baker as recorded in Volume 6523, Page 553, of said Deed Records, from which a found 1/2 inch iron rod bears North 00 degrees 49 minutes 30 seconds West, 0.75 feet;

THENCE North 41 degrees 34 minutes 06 seconds West, a distance of 175.00 feet to the POINT OF BEGINNING and containing 40,594 square feet or 0.932 of one acre of land, more or less.



GF#2226000665

Exhibit "B"

Exceptions to Warranty of Title

1. All restrictive covenants ^{and other matters} appearing of record. *pg*
 2. Visible and apparent easements on or across the property.
 3. Other liens or encumbrances: None
-

Grantee's Mailing Address:
612 Mansfield/Cardinal Rd.
Kennedale, TX 76060

After recording return to:

Commonwealth Land Title Company
1221 N. IH 35E
Carrollton, TX 75006



Unofficial Document



A CERTIFIED COPY

ATTEST:

SUZANNE HENDERSON, County Clerk
Tarrant County, Texas

BY: Suzanne Henderson







Margaret Stoval

732 Lakewood Dr
Kennedale, TX 76060

David Easley

740 Lakewood Dr.
Kennedale, TX 76060

John Babb

824 Lakewood Dr
Kennedale, TX 76060

Salvador Mariscal

816 Lakewood Dr.
Kennedale, TX 76060

Larisa Beyle

808 Lakewood Dr.
Kennedale, TX 76060

Johnny Shackelford

800 Lakewood Dr.
Kennedale, TX 7606

Steve Radakovich

PO BOX 384
Kennedale, TX 76060

Kennedale MHP LLC

716 E Kennedale Pkwy
Kennedale, TX 76060

Jason Biles

712 Mansfield Cardinal Rd.
Kennedale, TX 76060

Boyd Builders Inc.

Street Address

Arlington, TX 76016

Arvel D Dunaway

612 Mansfield Cardinal Rd.
Kennedale, TX 76060

Dale K Davidson

2601 Forest Ridge Ct.
Arlington, TX 76016

Martin Becerra Esparza

713 E Kennedale Pkwy
Kennedale, TX 76060

Carolyn Headrick

2012 Handley Dr
Fort Worth, 76112

4C's L&G LP

1032 Kennedale Sublett Rd
Kennedale, TX 76060