



**KENNEDALE**  
Planning and Zoning Commission  
[www.cityofkennedale.com](http://www.cityofkennedale.com)

**KENNEDALE PLANNING & ZONING COMMISSION**  
**AGENDA**  
**COMMISSIONERS - REGULAR MEETING**  
**January 19, 2017**  
**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. Presentation from OM Housing on possible project in Kennedale
- C. Discuss items for future consideration, including regulations for food trucks

**IV. REGULAR SESSION**

**V. CALL TO ORDER**

**VI. ROLL CALL**

**VII. MINUTES APPROVAL**

- A. Consider approval of minutes from the December 15, 2016 regular meeting of the Planning & Zoning Commission

**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.*

- A. Presentation and discussion with governmental delegation from Cambodia

**IX. REGULAR ITEMS**

A. Case # PZ 17-01 to hold a public hearing and consider approval of Ordinance 620 regarding a zoning change from "C-1" Restricted commercial district and "R-3" Single family residential district to "EC-2" Employment District Office and Service district for an approximately 2.54 acre tract located at 5400-5424 High Ridge Rd and 5401-5417 Kennedale St, legal description of Lot 1R, Block 5, Oak Crest, Kennedale, Tarrant County, Texas.

B. Case # PZ 17-02 to hold a public hearing and consider approval of Ordinance 621 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605, to amend Article 5 Village Districts Section 5.3 Form and Character to add building materials standards; to amend Article 20 Natural Resource Management Sections 20.4.B and 20.4.C to amend tree protection requirements; and to amend Article 13 Landscaping, Screening, and Lighting Section 13.6.C.3 Privacy Fence to amend regulations on buffering.

## **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 January 19, 2017, 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

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**Date:** January 19, 2017

**Agenda Item No:** WORK SESSION - A.

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**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 members may discuss any item on the regular session agenda. No public hearing may be held, and no action may be taken on any item.

**IV. Notification:**

**V. Fiscal Impact Summary:**

**VI. Legal Impact:**

**VII. Recommendation:**

None

**VIII. Alternative Actions:**

**IX. Attachments:**



**Date:** January 19, 2017

**Agenda Item No:** WORK SESSION - B.

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**I. Subject:**

Presentation from OM Housing on possible project in Kennedale

**II. Originated by:**

**III. Summary:**

OM Housing is interested in developing a site in Kennedale (near TownCenter and the Downtown Village character district) as a mixed-use development that would involve apartments, commercial (office and retail), and possibly townhomes. They were interested in developing the site last year, but at that time, the city did not have in place any standards for mixed-used districts. Now that the city has adopted standards for mixed-used districts through the Unified Development Code, the developers have a better idea of what the city would like to see built at this site. Representatives from OM Housing will present their development concepts to the Commission in order to get input from you on their ideas.

**IV. Notification:**

**V. Fiscal Impact Summary:**

**VI. Legal Impact:**

**VII. Recommendation:**

**VIII. Alternative Actions:**

**IX. Attachments:**



## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** January 19, 2017

**Agenda Item No:** WORK SESSION - C.

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**I. Subject:**

Discuss items for future consideration, including regulations for food trucks

**II. Originated by:**

Rachel Roberts, City Planner

**III. Summary:**

Under this agenda item, the Commission may discuss items it would like to consider under future agendas. No action may be taken on these items at this time, and no public hearing may be held.

One item on which staff would like input from the Commission is food trucks and similar mobile food vendors. We field inquiries several times a year from vendors interested in operating food trucks or other temporary food establishments (such as mobile snow cone stands or barbecue stands). At this time, food trucks are only allowed at special civic events, such as Art in the Park and the food truck events hosted by the Youth Advisory Council. But with the growing popularity of food trucks, many cities have adopted regulations allowing these mobile establishments. Staff would like guidance from the Commission on whether you would consider adopting similar regulations. If so, we will see what regulations are working in other cities and will bring some regulations back to you.

**IV. Notification:**

**V. Fiscal Impact Summary:**

**VI. Legal Impact:**

**VII. Recommendation:**

**VIII. Alternative Actions:**

**IX. Attachments:**



## STAFF REPORT TO THE BOARD OF DIRECTORS

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**Date:** January 19, 2017

**Agenda Item No:** MINUTES APPROVAL - A.

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**I. Subject:**

Consider approval of minutes from the December 15, 2016 regular meeting of the Planning & Zoning Commission

**II. Originated by:**

Rachel Roberts, City Planner

**III. Summary:**

The minutes from last month's meeting are attached to this message for your consideration.

**IV. Notification:**

**V. Fiscal Impact Summary:**

**VI. Legal Impact:**

**VII. Recommendation:**

Approve

**VIII. Alternative Actions:**

**IX. Attachments:**

|    |                       |                                   |
|----|-----------------------|-----------------------------------|
| 1. | 12.15.2016 PZ Minutes | 12.15.2016 PZ Minutes (draft).pdf |
|----|-----------------------|-----------------------------------|

**KENNEDALE PLANNING & ZONING COMMISSION**  
**MINUTES**  
**COMMISSIONERS REGULAR MEETING**  
**December 15, 2016**  
**CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE**

**I. CALL TO ORDER**

Thomas Pirtle called the meeting to order at 6:03 P.M.

**II. ROLL CALL**

| PLACE | COMMISSIONER              | PRESENT | ABSENT |
|-------|---------------------------|---------|--------|
| 1     | Carolyn Williamson        | x       |        |
| 2     | Chris Pugh                |         | x      |
| 3     | Stephen Brim              |         | x      |
| 4     | Thomas Pirtle, Vice-chair | x       |        |
| 5     | Harry Browne              | x       |        |
| 6     | Ernest Harvey, Chair      |         | x      |
| 7     | Patrick Filson            | x       |        |
| 8     | Horace Young, Alternate   | x       |        |
| 9     | Greg Adams, Alternate     | x       |        |

Mr. Pirtle served as chairman in Mr. Harvey's absence. Mr. Brown joined the group at 6:32 P.M.

Horace Young and Greg Adams served as regular members. A quorum was present.

Staff Present: Rachel Roberts (Community Development Director); Dale Gwak (Board Secretary)

**III. WORK SESSION**

**A. Discuss any item on the regular session agenda.**

The Commission discussed the proposed amendments to the Unified Development Code under Case PZ 16-16. Ms. Roberts said there would likely be additional changes requested later. Ms. Roberts gave a brief overview of the proposed changes. She said the Employment Center master plan specifically allowed for a hotel to be developed in the area in the future, and that it was always the intent to allow a hotel there, but somehow it was omitted from the UDC as a permitted use.

Mr. Pirtle asked the reasons for the changes. Ms. Roberts said that the changes reflect inadvertent omissions and errors. The Commission discussed at length the proposed changes about notifying registered community groups. Ms. Roberts said that the UDC says that registered groups would be notified just like property owners receiving notices if within 200 feet of a proposed change, but Kennedale does not actually maintain a registry of community groups. Staff recommended

removing this section from the UDC because it gives the impression that the city has a way for community groups to register when in fact we do not.

Mr. Adams asked how much work it would be to create a system to register community groups. He also suggested that even though that registry does not exist, that section should not be removed because it can give the mistaken impression that the city government is becoming less transparent, because someone who didn't know the city doesn't maintain a registry might think the city is just eliminating one way of communicating with the public.

Regarding other proposed changes, Ms. Roberts also said that there is a section where a final inspection for a subdivision is said to be conducted by the building inspector, but these inspections are done by the Public Works department, and so the proposed change is to have the language in the UDC reflect actual practice. And returning to the discussion of the Employment Center changes, Ms. Roberts mentioned that the City is trying to make sure the residents of the Oak Crest neighborhood do not feel they are being forced out by redevelopment.

Mr. Adams asked if some of the changes would be brought to the City Council on Monday. Ms. Roberts said that it would. Mr. Adams asked if the changes to the UDC could be tabled. Ms. Roberts said that it could be recommended to be tabled for now, and sections of the UDC could be changed individually or tabled individually.

The Commission returned to the discussion regarding the section on registering community groups. They discussed the benefits and disadvantages of keeping this section in the UDC. Ms. Roberts said that if the decision is to keep that part of the UDC, then a system to register "community groups" would have to be established.

Mr. Adams suggested that this decision should be tabled because there are many things to consider, especially in terms of the public's impression on whether the government is being transparent or not. He suggested that it is important that no one feels that the public is being left in the dark. Mr. Browne noted that there are other ways to stay informed. Ms. Williamson asked how the public is notified about cases that happen in the city. Ms. Roberts said that a letter is sent to owners of property within 200 feet of the geographic location in question, and a notice is published in the newspaper, as well as the board agenda being posted on the city's website.

Mr. Pirtle closed the work session at 6:58 P.M.

**B. Discuss items from the future Planning & Zoning Commission agendas.**

The Commission did not have time to discuss this item.

**IV. REGULAR SESSION**

**V. CALL TO ORDER**

Mr. Pirtle called the regular session to order at 7:03 P.M.

**VI. ROLL CALL**

| PLACE | COMMISSIONER              | PRESENT | ABSENT |
|-------|---------------------------|---------|--------|
| 1     | Carolyn Williamson        | x       |        |
| 2     | Chris Pugh                |         | x      |
| 3     | Stephen Brim              |         | x      |
| 4     | Thomas Pirtle, Vice-chair | x       |        |
| 5     | Harry Browne              | x       |        |
| 6     | Ernest Harvey, Chair      |         | x      |
| 7     | Patrick Filson            | x       |        |
| 8     | Horace Young, Alternate   | x       |        |
| 9     | Greg Adams, Alternate     | x       |        |

A quorum was present.

Staff Present: Rachel Roberts (Community Development Director); Dale Gwak (Board Secretary)

## VII. MINUTES APPROVAL

### A. Consider Approval of minutes from the Nov 17, 2016 Planning and Zoning Commission meeting.

Ms. Williamson made a motion to approve the minutes, seconded by Mr. Young. The motion passed with all in favor.

## VIII. VISITOR/CITIZENS FORUM

No one registered to speak.

## IX. REGULAR ITEMS

- A. Case # PZ 16-16** to hold a public hearing and consider approval of Ordinance 619 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605, to amend the schedule of uses in Article 7, Employment Center Districts, to allow hotel / motel as a permitted use in the Employment District Office and Service (EC-2) district and the following uses with a conditional use permit in Employment Center Commercial (EC-1) and Employment District Office and Service (EC-2) districts: Restaurant with drive-through; Wind energy turbine; Solar energy equipment; General office and services; bank/financial services with drive-through; General offices and services- with a drive-through; Vehicle repair, minor; Vehicle sales and rental: automobiles, light trucks, boats, and to amend Article 22 Review Procedure and Requirements by eliminating Section 22.9.C.2.b., and to amend Article 26 Subdivision Review, Section 26.13 Construction Plans and Installation of Improvements.

Ms. Roberts said the City had recently adopted regulations for the Employment Center and Old Town zoning districts, and there were some uses that permitted in those districts that were left out of the UDC unintentionally. She also described the proposed changes to the section of UDC requiring the city to notify registered community groups and the section regarding subdivision final inspections.

No one registered to speak at the public hearing.

Ms. Roberts recommended approval and said staff could make whatever changes the Commission recommended in terms of the registry. Mr. Pirtle said he liked the idea of transparency and

encouraged a recommendation allowing the staff to research how long it would take to establish a way to maintain a community group registry.

Mr. Adams made a motion to recommend approval of Case PZ 16-16 with the condition that staff research section 3 of the ordinance [notifying registered community groups] and remove section 3 from the ordinance in the meantime. The motion was seconded by Mr. Young, and with no further discussion, the motion passed with Mr. Pirtle, Mr. Adams, Ms. Williams, and Mr. Young in favor and Mr. Filson and Mr. Browne opposed.

#### **X. REPORTS/ANNOUNCEMENTS**

Ms. Roberts told the Commission about the upcoming open house for Kennedale Family Dentistry. She also said City Hall would be closed on the 23<sup>rd</sup> and 26<sup>th</sup>, and the library would be closed on the 23<sup>rd</sup> and 24<sup>th</sup>.

Mr. Pirtle said he'd been working on a building project in Kennedale and that the Unified Development Code regulations help improve the city. He said we're doing great things for the city, and what we do actually works.

Mr. Filson asked if they could get a copy of the Council minutes on the Commission's rezoning case from the previous month, and Ms. Roberts said yes.

#### **XI. ADJOURNMENT**

Mr. Pirtle motion to adjourn, seconded by Ms. Williamson. The motion passed unanimously, and with no further business to discuss, the meeting was adjourned at 7:23 P.M.

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Ernest Harvey, Chair

Attest:

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Rachel Roberts, Community Development  
Director

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Date



## **STAFF REPORT TO THE BOARD OF DIRECTORS**

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**Date:** January 19, 2017

**Agenda Item No:** VISITOR/CITIZENS FORUM - A.

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**I. Subject:**

Presentation and discussion with governmental delegation from Cambodia

**II. Originated by:**

**III. Summary:**

The City of Kennedale will be hosting a delegation of government officials from Cambodia during the week of January 16th. The delegation, which includes a provincial governor, will be attending the Planning & Zoning Commission, and will give a report to the Commission concerning government in Cambodia.

**IV. Notification:**

**V. Fiscal Impact Summary:**

**VI. Legal Impact:**

**VII. Recommendation:**

**VIII. Alternative Actions:**

**IX. Attachments:**

## STAFF REPORT TO THE PLANNING & ZONING COMMISSION

**Date:** January 19, 2017

**Agenda Item No:** REGULAR ITEMS (A)

### I. SUBJECT

**CASE # PZ 17-01** to hold a public hearing and consider approval of Ordinance 620 regarding a zoning change from "C-1" Restricted commercial district and "R-3" Single family residential district to "EC-2" Employment District Office and Service district for an approximately 2.54 acre tract located at 5400-5424 High Ridge Rd and 5401-5417 Kennedale St, legal description of Lot 1R, Block 5, Oak Crest, Kennedale, Tarrant County, Texas.

### II. SUMMARY

| BACKGROUND AND OVERVIEW                 |                                                                                               |
|-----------------------------------------|-----------------------------------------------------------------------------------------------|
| <b>Request</b>                          | Rezone from C-1 and R-3 to EC-2                                                               |
| <b>Applicant</b>                        | City of Kennedale                                                                             |
| <b>Location</b>                         | Oak Crest neighborhood; bounded by I-20 access road, High Ridge Rd, Kennedale St, and Link St |
| <b>Surrounding Uses</b>                 | Residential (single family and mobile home); vacant land; commercial; industrial              |
| <b>Surrounding Zoning</b>               | C-1, R-3, PD (commercial); EC; I (see map)                                                    |
| <b>Future Land Use Plan Designation</b> | Employment Center                                                                             |
| <b>Staff Recommendation</b>             | Approve                                                                                       |

### CURRENT STATUS OF PROPERTY

The property is vacant. It is owned by the Kennedale Economic Development Corporation and was recently cleared and replatted into one lot to help with redevelopment efforts.

### SURROUNDING PROPERTIES & NEIGHBORHOOD

#### SURROUNDING PROPERTIES AND NEIGHBORHOOD

The property is adjacent to the I-20 frontage road to the north and by commercial uses to the west and east. Residential uses abut the property to the south and southwest (single family residential and mobile home). Zoning classifications on surrounding property are Employment Center, C-1 restricted commercial (which permits mainly retail and office uses), the planned development district for QuikTrip,

and single family residential (R-3). To the south but not adjacent to the site are several industrial uses (auto salvage).

## STAFF REVIEW

### COMPREHENSIVE LAND USE PLAN

This property is shown as Employment Center in the Future Land Use Plan.

The Employment Center district is designed for major office development for corporate headquarters or multiple smaller offices. The comprehensive plan notes that ideally a mix of land uses—including office and retail—would occupy this site, with an emphasis on employment.

The comprehensive plan's Principal # 2 – Economic Prosperity is related to this rezoning. This principal includes goals to create job opportunities in Kennedale that help stabilize the local tax base and allow residents to work close to home. The Employment Center zoning district was intended to provide a location for such opportunities.

### SUMMARY

The rezoning request conforms to the comprehensive land use plan.

### COMPLIANCE WITH CITY GOALS AND RELATED PLANS

#### STRATEGIC PLAN

**REDEVELOPMENT OF OAK CREST.** Although no specific steps were recommended, one section of the strategic plan section is focused on business development, and that section recommends giving high priority to the improvement and development of the Oak Crest area. The requested rezoning would allow for the kind of redevelopment desired by the city.

#### CITY COUNCIL ENDS STATEMENTS AND GOALS

**S2 - BE A SUSTAINABLE AND ATTRACTIVE CITY.** Goal S2 of the balanced scorecard goals relates to this request. The EC district regulations require a higher standard of development than the city's other commercial zoning district, which means that redevelopment occurring under the EC regulations should be more attractive than would be developed under Kennedale's straight commercial zoning districts. For example, properties within the EC-2 district are required to have 90% masonry, whereas C-0, C-1, and C-2 districts only require 80% masonry. In addition, the district has blank wall limitations and controls drive-through access.

## STAFF RECOMMENDATION

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

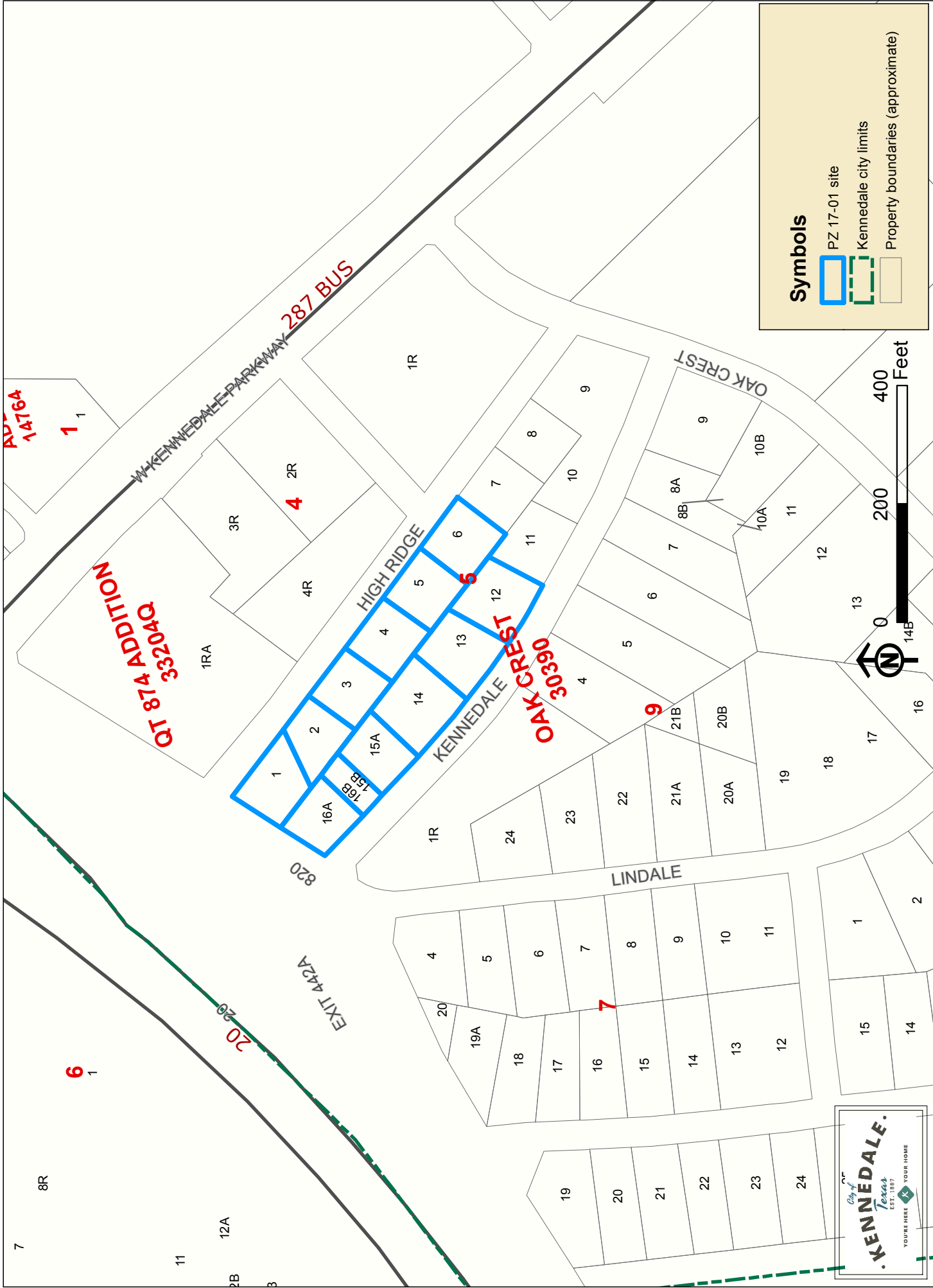
## **ACTION BY THE PLANNING & ZONING COMMISSION**

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 Case PZ 17-01.

Approval with Conditions: Based on the information presented, I find that [state findings] and make a motion to approve Case PZ 17-01 with the following conditions [list conditions].

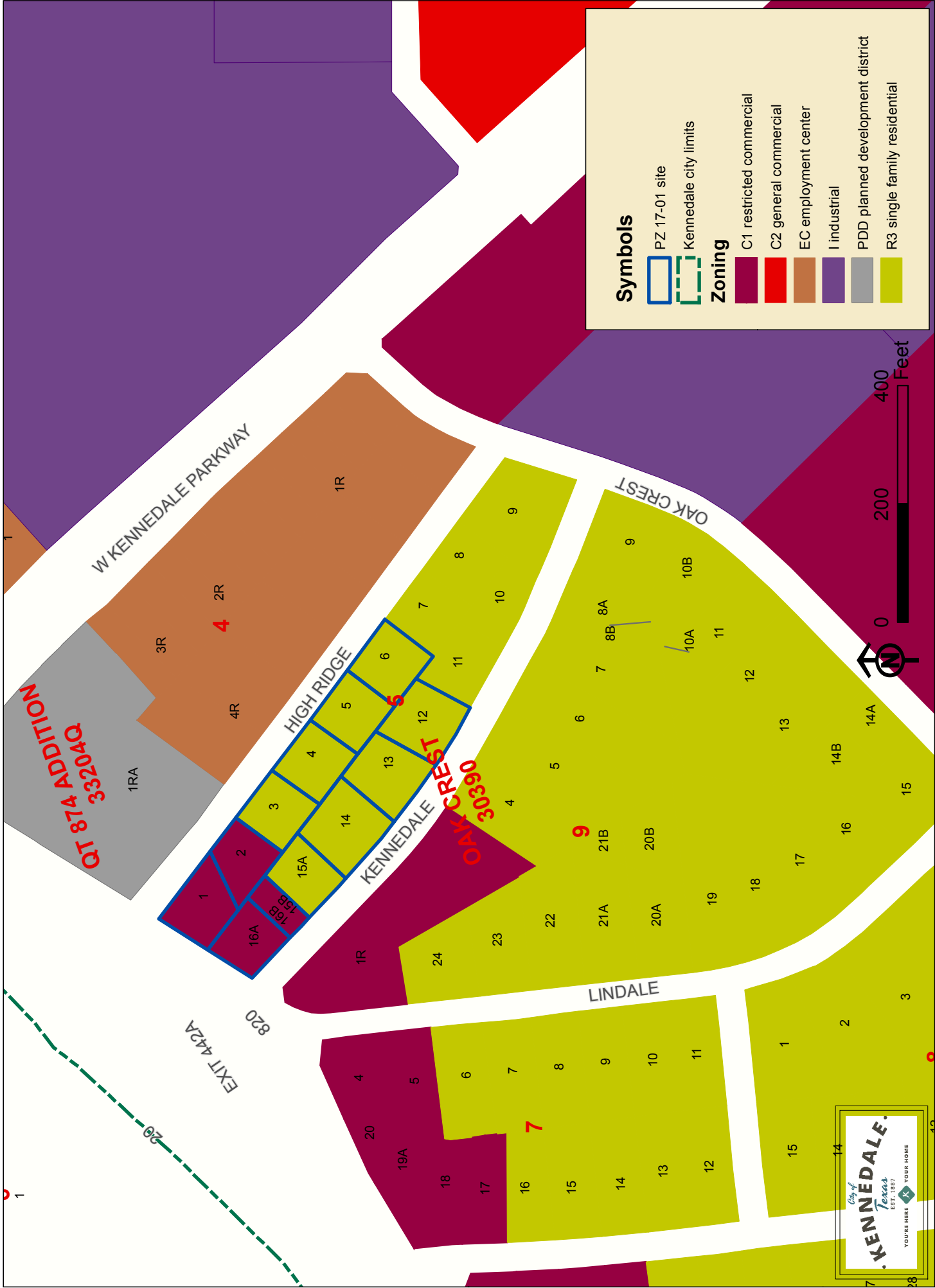
Deny: Based on the information presented, I find that the request does not meet [list standards or requirements not met] and make a motion to deny Case PZ 17-01.

Site of rezoning request (PZ 17-01)



Boundaries shown are for illustration purposes only and may not be accurate. Property data are from TAD; road data are from NCTCOG.

Zoning surrounding rezoning request (PZ 17-01)



Boundaries shown are for illustration purposes only and may not be accurate. Property data are from TAD; road data are from NCTCOG.

**Symbols**

- PZ 17-01 site
- Kennedale city limits

**Land Uses (TAD assessment)**

- A -- residential (single family)
- C1 -- vacant residential lot
- C2 -- vacant commercial lot
- F1 -- commercial
- F2 -- industrial
- M1 -- mobile home

**Map Labels:**

- W KENNEDALE PARKWAY
- HIGH RIDGE
- OAK CREST
- LINDALE
- 820
- EXT 442A
- QT 874 ADDITION
- OAK CREST 30390

**Map Features:**

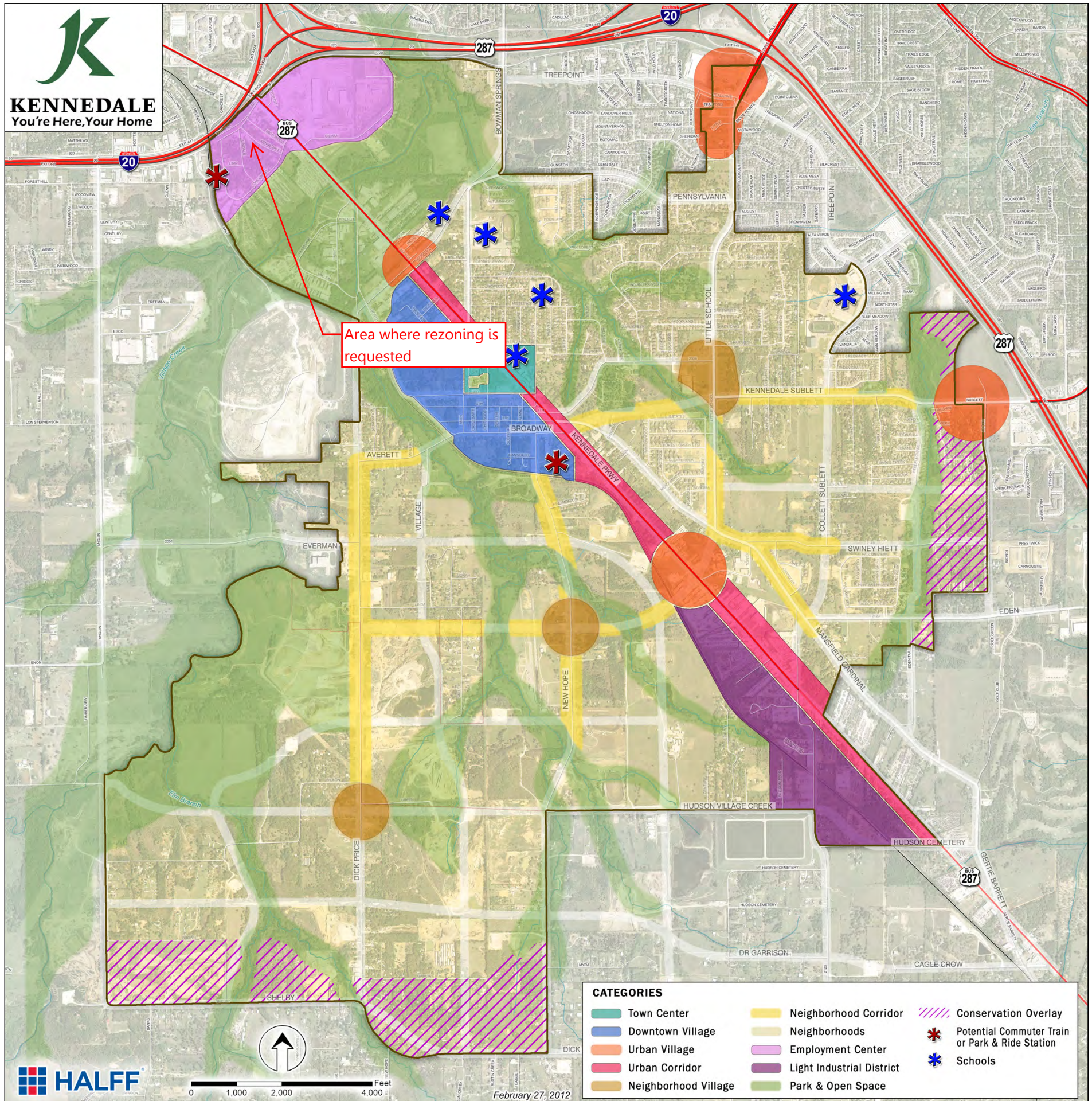
- North Arrow
- Scale Bar (0, 200, 400 Feet)
- Lot Numbers (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25)
- Lot Letters (e.g., 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A)

**Map Title:**

**KENNEDALE, Texas**  
EST. 1967  
YOU'RE HERE YOUR HOME



**KENNEDALE**  
You're Here, Your Home



**ORDINANCE N O . 6 2 0**

**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 AND "C-1" RESTRICTED COMMERCIAL DISTRICT TO "EC-2" EMPLOYMENT DISTRICT OFFICE AND SERVICE 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 property described below is within an area designated as Employment Center in the Future Land Use Plan within the comprehensive land use plan; and

**WHEREAS**, the City Council has determined that the "EC" Employment Center zoning district is the most suitable zoning district for the property described below, in accordance with the comprehensive land use plan and with the Employment Center Master Plan; and

**WHEREAS**, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 19<sup>th</sup> day of January 2017 and by the City Council of the City of Kennedale on the 23<sup>rd</sup> day of January 2017 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 2.54 acre tract in the David Strickland Survey A-1376, more particularly described as Lot 1R, Block 5, Oak Crest, Tarrant County, Texas ("the Property"), as more particularly described on Exhibit "A" attached hereto and incorporated herein, "R-3" *Single family residential district* and "C-1" *Restricted commercial district* to "EC-2" *Employment District Office and Service 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, 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 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 23<sup>RD</sup> DAY OF JANUARY 2017.**

APPROVED:

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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  
PROPOSED LOT 1R, BLOCK 5, OAK CREST  
CITY OF KENNEDALE, TARRANT COUNTY, TEXAS

BEING A TRACT OF LAND SITUATED IN THE DAVID STRICKLAND SURVEY, ABSTRACT NO. 1376, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS, AND BEING ALL OF LOTS 1, 2, 3, 4, 5, 13, 14, 15, AND 16 AND A PORTION OF LOTS 6 AND 12 ALL IN BLOCK 5 OF OAK CREST, AS RECORDED IN VOLUME 388-C, PAGE 81 IN THE PLAT RECORDS OF TARRANT COUNTY, TEXAS AND AS CONVEYED TO KENNEDALE ECONOMIC DEVELOPMENT CORPORATION BY INSTRUMENTS RECORDED IN COUNTY CLERK'S INSTRUMENT NUMBERS: D216142741, D216142742, D213146389, D214022831, D216215916, D215215412, D216085929, D214147258, AND D214174286 ALL IN THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 5/8-INCH IRON ROD FOUND WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" FOR THE NORTHERN CORNER OF SAID LOT 1 AND BEING AT THE INTERSECTION OF THE SOUTHWEST RIGHT-OF-WAY LINE OF HIGH RIDGE ROAD (A 50-FOOT RIGHT-OF-WAY) AND THE SOUTHEAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 20 (A VARIABLE WIDTH RIGHT-OF-WAY);

**THENCE** SOUTH 49°13'33" EAST, ALONG THE COMMON NORTHEAST LINE OF SAID LOT 1 AND SAID SOUTHWEST RIGHT-OF-WAY LINE, AT A DISTANCE OF 109.62 FEET PASSING A 1-INCH IRON PIPE FOUND FOR THE COMMON EASTERN CORNER OF SAID LOT 1 AND THE NORTHERN CORNER OF SAID LOT 2 AND CONTINUING IN ALL A TOTAL DISTANCE OF 168.26 FEET TO A 5/8-INCH IRON ROD FOUND WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" FOR AN ANGLE POINT IN SAID COMMON LINE;

**THENCE** SOUTH 53°05'30" EAST, CONTINUING ALONG THE COMMON NORTHEAST LINE OF LOTS 2, 3, 4, 5, 6 AND SAID SOUTHWEST RIGHT-OF-WAY LINE, AT A DISTANCE OF 46.30 FEET PASSING A 1-INCH IRON PIPE FOUND FOR THE COMMON EASTERN CORNER OF SAID LOT 2 AND THE NORTHERN CORNER OF SAID LOT 3 AND CONTINUING IN ALL A TOTAL DISTANCE OF 377.69 FEET TO A 5/8-INCH IRON ROD SET WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" IN THE FUTURE NORTHWEST LINE OF LINK STREET (A PROPOSED 50-FOOT RIGHT-OF-WAY);

**THENCE** SOUTH 47°26'09" WEST, ALONG SAID FUTURE NORTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 50.10 FEET TO A 5/8-INCH IRON ROD SET WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" FOR A POINT OF CURVATURE OF A CURVE TO THE LEFT IN SAID NORTHWEST RIGHT-OF-WAY LINE;

**THENCE** WITH THE ARC OF SAID CURVE TO THE LEFT AND CONTINUING ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 165.16 FEET TO A 5/8-INCH IRON ROD SET WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" IN THE COMMON SOUTHWEST LINE OF SAID LOT 12 AND THE NORTHEAST RIGHT-OF-WAY LINE OF KENNEDALE STREET (A 50-FOOT RIGHT-OF-WAY), SAID CURVE TO THE LEFT HAVING A DELTA ANGLE OF 18°01'44", A RADIUS OF 524.88 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 38°27'07" WEST, 164.48 FEET;

**THENCE** NORTH 61°27'26" WEST, ALONG SAID COMMON SOUTHWEST LINE OF LOT 12 AND SAID NORTHEAST RIGHT-OF-WAY LINE, A DISTANCE OF 19.87 FEET TO A 5/8-INCH IRON ROD SET WITH BLUE

PLASTIC CAP STAMPED "SHIELD ENGINEERING" FOR A POINT OF CURVATURE OF A CURVE TO THE RIGHT IN SAID COMMON LINE;

**THENCE** WITH THE ARC OF SAID CURVE TO THE RIGHT AND ALONG THE COMMON SOUTHWEST LINE OF SAID LOT 12, 13, 14 AND CONTINUING ALONG SAID NORTHEAST RIGHT-OF-WAY LINE, AT AN ARC DISTANCE OF 28.40 FEET PASSING A 1-INCH IRON PIPE FOUND FOR THE COMMON WEST CORNER OF SAID LOT 12 AND THE SOUTH CORNER OF SAID LOT 13, AND AT A CUMULATIVE ARC DISTANCE OF 148.20 FEET PASSING A 5/8-INCH IRON ROD FOUND WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" FOR THE COMMON WESTERN CORNER OF SAID LOT 13 AND THE SOUTHERN CORNER OF SAID LOT 14, FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 75°05'55" EAST, A DISTANCE OF 4.18 FEET AND CONTINUING IN ALL, A TOTAL ARC DISTANCE OF 192.10 FEET TO A 5/8-INCH IRON ROD SET WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING", SAID CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 15°17'49", A RADIUS OF 719.53 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 54°11'54" WEST, 191.53 FEET;

**THENCE** NORTH 46°00'47" WEST, ALONG THE COMMON SOUTHWEST LINE OF SAID LOT 14, 15, 16 AND SAID NORTHEAST RIGHT-OF-WAY LINE, AT A DISTANCE OF 76.12 FEET PASSING A 1-INCH IRON PIPE FOUND FOR THE COMMON WESTERN CORNER OF SAID LOT 14 AND THE SOUTHERN CORNER OF LOT 15, AT A DISTANCE OF 166.46 FEET PASSING A 5/8-INCH IRON ROD FOUND WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" FOR THE COMMON WESTERN CORNER OF SAID TRACT DESCRIBED IN INSTRUMENT NO. D214147258 AND THE SOUTHERN CORNER OF SAID TRACT DESCRIBED IN INSTRUMENT NO. D214174286, AT A DISTANCE OF 187.18 FEET PASSING A 1-INCH IRON PIPE FOUND FOR THE COMMON WESTERN CORNER OF SAID LOT 15 AND THE SOUTHERN CORNER OF SAID LOT 16, AT A DISTANCE OF 213.79 FEET PASSING A 5/8-INCH IRON ROD FOUND WITH BLUE PLASTIC CAP STAMPED "SHIELD ENGINEERING" FOR THE COMMON WESTERN CORNER OF SAID TRACT DESCRIBED IN INSTRUMENT NO. D214174286 AND THE SOUTHERN CORNER OF SAID TRACT DESCRIBED IN INSTRUMENT NO. D216142742 AND CONTINUING IN ALL, A TOTAL DISTANCE OF 308.49 FEET TO A 5/8-INCH IRON ROD FOUND FOR THE WESTERN CORNER OF SAID LOT 16 AND BEING AT THE INTERSECTION OF SAID NORTHEAST RIGHT-OF-WAY LINE WITH THE AFOREMENTIONED SOUTHEAST RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 20;

**THENCE** NORTH 32°34'13" EAST, ALONG THE COMMON NORTHWEST LINE OF SAID LOT 16, LOT 1 AND SAID SOUTHERLY RIGHT-OF-WAY LINE, AT A DISTANCE OF 87.12 FEET PASSING A 5/8-INCH IRON ROD FOUND FOR THE COMMON NORTHERN CORNER OF SAID LOT 16 AND THE WESTERN CORNER OF SAID LOT 1, AND CONTINUING IN ALL, A TOTAL DISTANCE OF 194.15 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 110,791 SQUARE FEET OR 2.543 ACRES OF LAND, MORE OR LESS.

## STAFF REPORT TO THE PLANNING & ZONING COMMISSION

**Date:** January 19, 2017

**Agenda Item No:** REGULAR ITEMS (B)

### I. SUBJECT

**CASE # PZ 17-02** to hold a public hearing and consider approval of Ordinance 621 regarding an amendment to the Unified Development Code, as adopted by Ordinance 605, to amend Article 5 Village Districts Section 5.3 Form and Character to add building materials standards; to amend Article 20 Natural Resource Management Sections 20.4.B and 20.4.C to amend tree protection requirements; and to amend Article 13 Landscaping, Screening, and Lighting Section 13.6.C.3 Privacy Fence to amend regulations on buffering.

### II. SUMMARY

#### BACKGROUND AND OVERVIEW

|                             |                   |
|-----------------------------|-------------------|
| <b>Request</b>              | Amend UDC         |
| <b>Applicant</b>            | City of Kennedale |
| <b>Staff Recommendation</b> | Approve           |

#### BACKGROUND & OVERVIEW

As city staff have been working with the new Unified Development Code (UDC), we have discovered some errors and some sections that are not as clear as they should be in order to have an easy-to-use document. Staff may bring additional changes to the Planning & Zoning Commission and the City Council as needed. We expect that after this year, any remaining errors of this kind will have been identified already, and the number of amendments needed will decrease.

#### STAFF REVIEW

#### Description of recommended changes

##### *Village District standards*

The Village District regulations in the Unified Development Code do not include building materials standards. We confirmed with LSL Planning that they had not intended to leave these standards out of the UDC, and they were left out in error. The proposed ordinance would add the missing building materials standards to the UDC. The standards are based on work done by the Planning & Zoning Commission on development regulations for Village districts prior to the code update undertaken by

LSL Planning.

### ***Tree Protection***

The city's existing tree protection requirements were incorporated into the UDC as written (adopted in 2004). Since adoption of the UDC, we have had an opportunity to take a closer look at these requirements while reviewing development plans in the past few months. It has become clear that our tree protection requirements are conflicting and also do not allow the city to accomplish the goals desired through tree protection regulations.

Conflicting regulations: The current code says that grading of a site is permitted to begin after a preliminary plat has been approved. However, site grading almost always involves removing some trees, and tree removal isn't permitted for grading until after a final plat has been approved. In these cases (which applies to most site development), grading cannot actually be permitted after preliminary plat approval.

Allowing clear cutting: One of the main goals of the tree protection regulations is to prevent clear-cutting and to encourage trees to be saved during development as much as possible. However, our regulations allow trees to be removed without any penalties (no tree replacement or fees-in-lieu are required) if the trees are within an area labeled as cut or fill on an approved grading plan. But usually the entire site under development will require at least some grading, which ends up allowing a site to be clear-cut after all; this is the opposite of what the regulations were intended to achieve.

The attached ordinance would remove the conflicting requirements and be more effective at preventing clear-cutting.

### ***Fencing between incompatible districts***

Prior to adopting the UDC, city regulations required a screening fence to be installed whenever development occurred next to a property zoned for a less intensive use. For example, if a property zoned C-1 were to be developed and was adjacent to a property zoned R-3, then the developer of the C-1 zoned property would be required to install a screening fence along the property line with the R-3 zoning. The UDC requires that instead, buffering and landscaping should be used. Staff agreed with LSL Planning's recommendation to require buffering and landscaping, as these techniques can sometimes be more effective at minimizing impacts on neighboring properties. However, we unfortunately did not realize that the fence requirement was proposed to be eliminated through the UDC. Staff recommends adding a requirement that a fence must be used when a property zoned "C-2" General commercial or "I" Industrial is located next to an agricultural or residential zoning district.

## **STAFF RECOMMENDATION**

Staff recommends approval.

## **ACTION BY THE PLANNING & ZONING COMMISSION**

Approval: Based on the information presented, I find that the request meets city requirements for

amending the UDC and make a motion to approve Ordinance 621.

Approval with Conditions: Based on the information presented, I find that the request meets city requirements for amending the UDC and make a motion to approve Ordinance 621.

Deny: Based on the information presented, I find that the request does not meet city requirements and make a motion to deny the request.

## **ORDINANCE NO. 621**

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING ARTICLE 20, NATURAL RESOURCES MANAGEMENT, SECTION 20.4 NEW DEVELOPMENTS; BY AMENDING ARTICLE 13 LANDSCAPING, SCREENING, AND LIGHTING, SECTION 13.6 BUFFERING; AND BY AMENDING ARTICLE 5 VILLAGE DISTRICTS, SECTION 5.3 FORM AND CHARACTER; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, the City Council has adopted a Unified Development Code that regulates 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 that otherwise regulates the development and use of properties within the city limits of the City of Kennedale; and

**WHEREAS**, in order to promote the public health, safety and general welfare the City Council desires to amend the Unified Development Code as provided in this ordinance; and

**WHEREAS**, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on January 19, 2017, and the City Council of the City of Kennedale, Texas held a public hearing on January 23, 2017, with respect to the amendments described herein; and

**WHEREAS**, the City has complied with all requirements of Chapter 211 of the Local Government Code, Section 22 of the Unified Development Code, and all other laws dealing with notice, publication, and procedural requirements for amending the Unified Development Code.

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

## **SECTION 1.**

Sub-section 13.6.C.3 “Privacy Fence” of Article 13, “Landscaping, Screening, and Lighting” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

C. Privacy Fence. A privacy fence may be used to supplement landscaping. For the linear footage a privacy fence is used, the minimum landscaping requirement shall be reduced by 75 percent. Minimum buffer width must be maintained. For development within an “I” Industrial zoning district or within a “C-2” general commercial zoning district adjacent to a Type 1 zoning district (as shown in Table 13.6), a privacy fence is required, and the minimum landscaping requirement shall be reduced by 50 percent. To qualify for the reduction, privacy fences must meet the following requirements:

- a. Six (6) foot minimum height.
- b. Placed at least five (5) feet from the property line.
- c. Gaps between pickets must be no greater than one-half (½) of an inch.

## **SECTION 2.**

Section 5.3.E.1 “Building Form Standards” of Article 5, “Village District,” of the Unified Development Code of the City of Kennedale, Texas, as amended, is amended to add sub-section d, to read as follows:

d. Materials. A minimum of 80 percent masonry material is required on facades all facades, with masonry defined as brick, stone, cast stone, or stucco (3-step). Masonry materials not specifically listed above, such as cementitious fiber, granite, or glass block, may be used if permitted in writing by the director of development or designee and will be reviewed by the City according to quality, durability, and whether it fits the character of the district.

## **SECTION 3.**

Section 20.4.B “Residential Developments” of Article 20, “Natural Resources Management” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

B. Residential Developments. All areas within street rights-of-way, utility or drainage easements as shown on a preliminary plat approved by the Planning & Zoning Commission shall be exempt from the tree protection and replacement requirements specified herein. The developer may request the Administrator to allow trees within potential building pad areas to be included in the exemption described herein. All other area shall be

subject to these requirements. If trees are removed from exempt areas based on an approved preliminary plat, and a revised preliminary plat or a final plat is later approved such that the trees original exempt would no longer be exempt if still in place, such trees shall be replaced in accordance with Section 20.8.

#### **SECTION 4.**

Section 20.4.C “Nonresidential Developments” of Article 20, “Natural Resources Management” of the Unified Development Code of the City of Kennedale, Texas, as amended, is hereby amended to read as follows:

C. Nonresidential Development. All areas within street rights-of-way and utility or drainage easements as shown on a preliminary plat approved by the Planning & Zoning Commission, plus fire lanes, parking areas to meet minimum parking requirements, and building pad as shown on an approved site plan, shall be exempt from the tree protection and replacement requirements specified herein. Any parking areas in excess of the minimum parking requirements shall not be exempt from the tree protection and replacement requirements. In addition, trees exempted from the protection and replacement requirements due to being located in an exempt area shown on an approved preliminary plat shall be replaced in accordance with Section 20.8 if they are removed and the areas shown as exempt on the preliminary plat are no longer exempt as shown on a revised preliminary plat or a final plat.

#### **SECTION 5.**

This Ordinance shall be cumulative of all provisions of ordinances and of the Unified Development Code of the City of Kennedale, Texas (2016), except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

#### **SECTION 6.**

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

## **SECTION 7.**

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

## **SECTION 8.**

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

## **SECTION 9.**

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

## **SECTION 10.**

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

**PASSED AND APPROVED ON THIS 23<sup>RD</sup> DAY OF JANUARY, 2017.**

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MAYOR, BRIAN JOHNSON

ATTEST:

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CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

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CITY ATTORNEY