



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
June 15, 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. Discuss tiny house concept
- C. Discuss regulations related to the use of shipping containers
- D. Discuss concept of planned development district for infill parcels
- E. Discuss tree preservation regulations

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Consider approval of minutes from 05.18.2017 Planning and Zoning Commission Meeting.

VIII. VISITOR/CITIZENS FORUM

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

IX. REGULAR ITEMS

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 June 15, 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

Date: June 15, 2017

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: June 15, 2017

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss tiny house concept

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

At this time, the Commission will hear a brief presentation from Maria and John Thibodeau, who are interested in pursuing a tiny house development project in Kennedale. The Thibodeaus have recently attended an information event on the tiny house concept and would like to share the information they learned with the Planning & Zoning Commission in order to get additional input before they prepare a rezoning or other development application.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:

Date: June 15, 2017

Agenda Item No: WORK SESSION ITEMS (C)

I. SUBJECT

Discuss regulations related to the use of shipping containers

II. SUMMARY

Background.

- Although outdoor storage for commercial uses is regulated, Kennedale has no regulations specifically regulating shipping containers. Current city staff had been told when they were hired that shipping containers were not allowed; however, after searching the development codes for relevant regulations, staff determined there were no regulations specific to shipping containers. [Note: other regulations could apply to shipping containers, such as limits on height of materials and equipment stored outdoors, but there is nothing specific to shipping containers.]
- Many cities allow shipping containers to be used, either on a temporary or permanent basis, and these containers can be particularly useful for preventing theft of supplies and equipment during construction.
- During last month's discussion on this topic, the Planning & Zoning Commission determined that different regulatory approaches might be needed, depending on the end use of the container. For example, if it is used to store equipment outside, then outside storage regulations would need to be used. If it is to be used as an office or accessory building, then accessory building regulations would apply.

HOW OTHER CITIES REGULATE THEM

Other cities tend to have different regulations based on whether the containers are considered permanent or temporary. Some allow them to be used on a permanent basis with a permit or other controls. It is common to prohibit shipping containers from being used for human occupation unless the container is greatly modified to meet typical building standards for humans (for example, having multiple points of ingress/egress, building properly insulated, having a permanent foundation, etc.).

STAFF COMMENTS

Based on comments from the Commission last month, staff proposes considering the following set of amendments to the Unified Development Code as a starting point for this month's discussion. Using the Commission member's comments this month, staff will then prepare an ordinance for official consideration by the Commission, if the Commission is ready to take that step.

Based on the city's long-term plans, typical development policies, and how these containers are currently being used, staff recommends the following regulations. A restatement of the recommendations from last month's report is shown below, followed by examples of how the UDC might reflect those recommendations.

Recommendations from last month

- Continue to allow shipping containers to be used on a temporary basis for construction sites that have an active building permit (typically used for storing materials and equipment during construction). Staff would add a question to the building permit application asking whether the general contractor intended to use a shipping container and notifying builders that the container must be removed before a final inspection will be made. A height of 9.5 feet could be permitted for these containers.
- Allow shipping containers to be used on a permanent basis as part of any land use that allows outdoor storage, such as: "General Offices & Services – Construction and Building Services, outdoor storage," which is permitted in C-2 and Industrial zoning districts; and "Outdoor storage, commercial and industrial," which is permitted with a special exception in Industrial zoning districts. Containers would then be subject to the regulations affecting those land uses, which include height, screening, and location regulations.
- In addition, the city should consider establishing the following additional regulations for permanent shipping containers.
 - Include the square footage of the shipping container(s) in the calculation of impervious square footage for any buildings, and the total impervious square footage including the shipping container(s) should not exceed the amount permitted for the relevant zoning district. For example, the C-2 zoning district has a maximum impervious square footage of 60%. In this case, any buildings on the site plus the shipping containers could not exceed 60% of the lot. **NOTE: the UDC's outdoor storage regulations already set a maximum lot coverage amount for outdoor storage, and staff recommends following that same requirement for shipping containers used for outdoor storage. For containers used as accessory buildings, the lot coverage regulation for structures could apply.**
 - AND/ OR Set a maximum number allowed per acre – this number should be not so stringent as to prohibit the amount of containers needed for a use but enough to prevent overcrowding and excessive lot coverage with containers.

- Require a permit per shipping container so that the city can track how many are being used and ensure the users are following the outdoor storage regulations.
 - Prohibit the use of these containers within the Commercial Corridor Overlay district (this is an area within 300 feet of the centerline of Kennedale Pkwy as well as the frontage road for I-20/820).
- Prohibit water, waste water, or electrical connections to the shipping containers. This will help prevent the containers being used for human occupancy. **NOTE: staff now recommends setting this requirement for containers used for storage but not for containers used for accessory buildings (see suggested regulations below).**

RECOMMENDED CHANGES TO THE UNIFIED DEVELOPMENT CODE

Recommended changes to the UDC are shown in **red type** and are underlined. Plain type indicates existing regulations.

Section 11.25 Outdoor Storage, Commercial and Industrial (Accessory or Principal)

A. Coverage. Outdoor storage shall not cover more than 33 percent of a lot if considered an accessory use.

B. Type of Materials. Storage shall be limited to goods and materials customarily stored outside and resistant to damage and deterioration from exposure to the elements.

C. Location. Outdoor storage shall not be located in any required setback area; shall not obstruct or eliminate any required parking or loading space, required lighting, sidewalk, pathway, building exit, access drive, or fire lane; or occupy any street right-of-way.

D. Height. Storage of stacked materials shall not exceed the height of the screening fence or eight (8) feet, whichever is less. Individual items of greater height may be stored, but may not exceed one-half the height of the principal building. Shipping containers may exceed the height of the screening fence but shall not exceed eight and one-half (8.5) feet in height. [NOTE: while 8.5 is a common height for shipping containers, the Commission may want to consider allowing the container height of 9.5 feet, which is also common.]

E. Screening. All outdoor storage shall be screened by a permanently maintained solid fence at least six (6) feet in height along any side facing a front or exterior side property line, any side facing a rear or interior side property line which is adjacent to a district which does not allow outdoor storage as a permitted use, or any other side generally open to public view. Fencing for this purpose shall be designed according to Section 13.9.

F. Surface. Storage areas shall be surfaced as follows:

1. Storage of goods and materials shall be conducted only on a paved surface or an approved all-weather surface of crushed rock which is maintained in a dust-free condition.
2. The storage of vehicles, trailers, and equipment which are normally intended to be mobile, whether self-propelled or towed, shall be conducted only on an approved asphalt or concrete surface which is provided in accordance with the requirements for parking areas.

G. Site Plan. The storage/display shall be designated and approved on the site plan for the use.

H. Compliance. Any building or use in existence before the effective date of this article shall be required to comply with the outside/outdoor storage regulations when the land use or ownership changes.

I. Shipping Containers. In addition to the requirements listed above, use of shipping containers is permitted as stated below.

1. Shipping containers may be used on a temporary basis to store supplies and equipment for construction sites with an active building permit. All shipping containers shall be removed before a final inspection will be authorized, and no occupancy of a shipping container is permitted.

2. Where outdoor storage is permitted in commercial or industrial zoning districts, shipping containers may be used on a permanent basis as stated below.

a. Such containers are only permitted as part of permitted land uses that include outdoor storage, such as General Offices & Services – Construction and Building Services.

b. Shipping containers must comply with the requirements of this section, including screening and location requirements.

c. The area of any shipping container used shall be included in the maximum allowed outdoor storage of 33 percent of the lot, as described in sub-section A.

d. A permit shall be required for each shipping container to be used on a permanent basis. For the purposes of this requirement, "permanent" shall mean any shipping container that is not used for a construction project with an active building permit issued for the site where the shipping container will be located and that shall remain on site for more than six (6) months.

e. Shipping containers are prohibited within the Commercial Corridor Overlay district.

f. No water, waste water, gas, or electrical connection shall be permitted for shipping containers used for storage.

g. Storage of flammable or hazardous materials shall be in accordance with fire codes.

Section 11.2 Accessory Buildings

C. Non-Residential Uses and Districts. The size of accessory buildings is subject to the spatial requirements for accessory buildings for the applicable zoning.

1. Shipping containers used as accessory buildings.

Shipping containers may be used as accessory buildings provided the containers meet all spatial requirements for structures within the zoning district, including height limits and minimum masonry requirements.

- (a) A shipping container shall meet all building and fire codes for the accessory use before occupancy shall be permitted.
- (b) Shipping containers are not permitted as primary structures.
- (c) Shipping containers used to store flammable and/or hazardous materials shall be properly ventilated, and the materials stored in the structure must be properly identified on the container.
- (d) Shipping containers permitted within the city shall have a maximum height of nine and a half (9.5) feet unless otherwise stated in this Code and a maximum length of fifty-three (53) feet.

Section 32.2 General Definitions

Shipping container. A standardized, all-steel, reusable vessel originally intended for the intermodal shipment of goods, freight, or commodities and designed to be loaded onto a ship or rail car.

STAFF REPORT TO THE PLANNING & ZONING COMMISSION

Date: June 15, 2017

Agenda Item No: WORK SESSION ITEMS (D)

I. SUBJECT

Discuss concept of planned development district for infill parcels

II. SUMMARY

BACKGROUND

This report is provides information to assist the Planning & Zoning Commission in continuing the discussion on establishing regulations for infill development. These regulations would apply only to those properties that are hard to develop due to their shape, size, or other features specific to the property itself. **The Commission did not have time to discuss this work session agenda item, so the staff report from last month has been included again in the Commission's agenda packet and is shown below.** In addition, at the back of this staff report is an example of how infill district regulations could be added to existing planned development regulations.

The Commission visited this concept in 2009, but as more pressing issues rose to the forefront of discussions, including updating the comprehensive land use plan, the topic was put aside and never revisited. At that time, the Commission had considered the idea of a planned development district, and staff had recommended limiting these districts to properties of 10 acres or smaller. Staff still recommends a limit to the size of a parcel that can be used for infill development.

STAFF REVIEW

Typically, a developer will propose standards for a planned development district. However, the city can require that certain elements be included in any proposed district. Staff recommends considering the following issues and recommendations.

Master plan – The applicant for an infill planned development district should be required to submit a master plan for the property that includes all lot layouts and dimensions, roadways, preliminary storm water layout (not detailed engineering; just enough to show that the developer has reserved space for any required detention facilities). The master plan should include a statement with supporting information describing how the proposed development will minimize the impact of increased densities or smaller lot sizes. For example, the develop may propose adding buffers, landscape features, or other features to ensure privacy and compatibility.

Size – The districts should be limited to those properties less than ten acres in size but larger than one

acre. Properties of one acre or smaller usually can simply be subdivided into a few lots.

Location – The properties included within an infill district should be bounded on one or more sides by a property that has already been developed, limiting the possibility of a developer combining multiple parcels to create a lot that easier to use.

Use restrictions – The properties should be limited to residential use, possibly single family detached and single family attached; the Commission could also consider permitting multi-family use, but in that case, for properties adjacent to a single-family residential zoning district, staff recommends restricting the development so that each dwelling unit appears as and is designed as a single-family attached use [e.g., townhomes built on individual platted lots might be permitted, but a developer could use to rent the townhomes instead of selling them]. In this way, the density permitted would be more compatible with the adjacent single-family districts.

Building restrictions – The buildings should be limited to the same height as other single family residential zoning districts (30 feet for R-3 districts, 40 feet for R-2 districts, and 50 feet for R-1 districts).

Lot coverage regulations may need to be less restrictive than in single-family zoning districts, but staff recommends requiring a minimum amount of contiguous, accessible open space dedicated in each development to make up for the lack of open space per lot. In addition, the city might want to allow for lot area averaging in these districts. This would establish a minimum lot size for the district but would allow some lots to smaller than that size (within limits) as long as other lots were larger, so that the average lot size meets the minimum lot size for the district.

In general, setbacks may need to be less restrictive (smaller) than in non-infill districts; however, staff would recommend maintaining a distance of at least 20 feet from adjacent single-family residential zoning districts.

Other design elements – The Commission may want to consider requiring some or all of the following elements.

- Landscaped common areas;
- landscaped and irrigated street medians;
- garages placed behind the front building façade (or prohibit front-entry garages for lots that are deep enough to accommodate rear entry);
- establishment of a Homeowners Association;
- stained concrete driveways or other durable, decorative driveway features;
- decorative wood garage doors;
- decorative street lights;
- decorative mail boxes;
- stamped or decorative concrete street features;
- Use of appropriately scaled water or architectural features exceeding those otherwise required including but not limited to:
 - fountains or other decorative water features;
 - landscaped retention ponds with ornamental fence enclosure;
 - waterways with landscaped banks;
 - neighborhood pools or club houses;
 - gazebo or neighborhood pavilion;

-- statues or other public art features.

The city might consider allowing private streets as long as they have public access at all times (public access easement would be required and no gates would be permitted). This would allow a developer to propose somewhat narrower street widths than is usually permitted.

STAFF RECOMMENDATION

Staff proposes to prepare a draft ordinance for discussion at an upcoming work session, based on input received from the Commission. At that point, staff recommends placing a discussion of the ordinance on several work session agendas in order to allow the public more time to notice this item on Planning & Zoning Commission agendas and provide comments to staff (which could then be forwarded to the Commission).

Example of how infill planned development district regulations might fit into the UDC

Section 9.1 Purpose

B. Purpose. The PD rezoning process is provided as a design option to allow for one (1) or more of the following:

1. Encourage innovation in land development in terms of variety, design, layout, and type of structures constructed;
2. Promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use, and utilities;
3. Encourage the adaptive re-use of significant or historic buildings;
4. Provide the opportunity to mix compatible uses or residential types;
5. Preserve and protect significant natural features, open space, and cultural/historic resources;
6. Ensure that new development is consistent with the character of the community;
7. Promote efficient provision of public services and utilities;
8. Minimize adverse traffic impacts and accommodate safe and efficient pedestrian access and circulation;
9. Encourage development of convenient recreational facilities; and
10. Encourage the use and improvement of land where site conditions make development under conventional zoning difficult or less desirable.
11. Provide the opportunity for the full and effective development of infill parcels that may be difficult to develop under existing zoning district regulations due to their shape, size, topography, or other similar factors inherent to the property itself, but with requirements and

restrictions intended to ensure appropriate and compatible use and development of the infill parcels.

Section 9.2 Qualifying Conditions

The following criteria shall apply to all PDs:

B. Minimum Acreage. The gross area of a tract of land to be developed in a Planned Development District shall be a minimum of five (5) acres. For infill planned development districts, the gross area shall be greater than one (1) acre but less than ten (10) acres.

C. Recognizable Benefit. The applicant shall demonstrate that the PD provides at least four (4) of the following site design elements, which could not be attained through a project designed under conventional zoning:

1. Mixed-use development with residential and non-residential uses, or a variety of housing types;
2. Pedestrian/transit-oriented design with buildings oriented to the sidewalk and parking to the side or rear of the site;
3. High quality architectural design beyond the site plan requirements of this article;
4. Extensive landscaping beyond the site plan requirements of this article;
5. Preservation, enhancement, or restoration of natural resources (trees, slopes, wetland areas, views, etc.);
6. Preservation or restoration of significant or historic resources;
7. Provision of open space or public plazas or features;
8. Efficient consolidation of poorly dimensioned parcels or property with difficult site conditions (e.g. topography, shape etc.);
9. Effective transition between higher and lower density uses, and/or between nonresidential and residential uses; or allowing incompatible adjacent land uses to be developed in a manner that is not possible using a conventional approach;
10. Shared vehicular and pedestrian access between properties or uses;
11. Mitigation to offset impacts on public facilities (such as street improvements); or
12. Significant use of sustainable building and site design features such as: water use reduction, water efficient landscaping, innovative wastewater technologies, low impact stormwater management, optimize energy performance, on-site renewable energy, passive solar heating, reuse/recycled/renewable materials, indoor air quality, or other elements identified as sustainable by established groups such as the US Green Building Council (LEED) or ANSI National Green Building Standards.

13. In addition, infill planned development districts shall also provide each of the following elements:

- a. minimum masonry requirement at least 10% higher than the base zoning district when

- the base zoning district does not already require 100% masonry on all facades;
- b. establishment of a Home Owners' Association for residential infill districts;
- c. where lot areas are less than the required area of the base district, the developer shall dedicate by plat an area of contiguous open space, which shall be available and accessible to all property owners or residents within the development by means of a street, sidewalk, or drive. The open space must be usable and not occupied by streets, drives, parking areas, or above-ground utility structures. The open space shall be at least 5,000 square feet in size.

D. Compatibility with Adjacent Uses. The proposed location of uses or structures that are of a significantly different scale or character than the abutting residential districts, such as access drives, parking areas, waste receptacles, swimming pools, tennis courts, and facilities of a similar nature, shall not be located near the perimeter of the PD or so as to negatively impact the residential use of adjacent lands. For infill planned development districts, building height shall not exceed that permitted in the abutting properties that are already developed.

[NOTE FOR THE COMMISSION: as you'll see in the proposed definitions section (below), in order for a property to be considered an infill parcel, at least two of the abutting properties must already be developed.]

Section 27.2 Zoning Requirements

B. Dimensional Requirements. The area, height and placement requirements for each portion of the PD shall be based upon a stated zoning district, as provided in Article 2. The PD concept plan narrative shall state the area, height, and placement requirements for each portion of the PD, based upon the appropriate zoning district and the residential density determined.

1. Residential developments shall meet the area, height, and placement requirements of the residential districts, depending upon the type and character of the development.
2. Non-residential developments shall meet the area, height, and placement requirements of the commercial and industrial districts.
3. Each use in a mixed-use development (containing both residential and commercial development) shall meet the height, area, and placement requirements of the zoning district that corresponds to each element of the proposed development.
4. Deviations from the minimums set forth above shall be included in a Table of Modifications.

C. Variations from Minimum Requirements. District regulations applicable to a land use in a PD may be altered from those of the district(s) in effect immediately prior to the PD rezoning, which shall be limited to,

modification from the lot area and width, building setbacks, height, lot coverage, minimum floor area, landscaping, lighting, signs and parking. The applicant for a PD shall identify, in writing, all intended variations from the prior zoning being proposed. Variations may be approved during the Concept Plan review by the City Council after the Planning and Zoning Commission recommendation. These adjustments may be permitted only if they will result in a higher quality of development or better integration of the proposed use(s) with surrounding uses. The variations shall also satisfy one (1) or more of the following criteria:

1. Preserves the best natural features of the site;
2. Creates, maintains, or improves habitat for wildlife;
3. Creates, improves, or maintains open space for the residents;
4. Enhances the views into the site as well as the view from dwellings to be built on site; and
5. Results in a better development, consistent with the purposes of PD expressed in Section 9.1 and the recommendations of the City of Kennedale Comprehensive Plan

D. Modifications. To encourage flexibility and creativity consistent with the intent of the PD, the City Council, after recommendation from the Planning and Zoning Commission, may permit modifications from the density, area, height, and placement requirements for the stated district(s).

1. Any regulatory modification shall be approved through a finding by the City Council, after recommendation by the Planning and Zoning Commission, that the modification results in a higher quality of development than would be possible using conventional zoning standards **or that the modification allows for development of an infill parcel in a manner meeting the requirements of Article 9 and Article 27.**
2. All deviations from dimensional requirements shall be listed in a Table of Modifications. Unless modifications are specifically requested and approved by the City Council, the site plan shall comply with the appropriate requirements of the identified zoning districts.
3. **For residential infill planned development districts, modifications allowing lots smaller than 5,000 square feet shall not be permitted.**

Section 32.2 General Definitions

Infill parcel. An undeveloped or underdeveloped property that is larger than one (1) acre in size but smaller than ten (10) acres and that is abutted on at least two sides by properties that have already been developed.

Infill planned development district. A planned development district located on an infill parcel.

Date: June 15, 2017

Agenda Item No: WORK SESSION ITEMS (E)

I. SUBJECT

Discuss tree preservation regulations

II. SUMMARY

BACKGROUND & OVERVIEW

Several months ago, the Planning & Zoning Commission approved changes to the tree preservation regulations in the Unified Development Code. Since then, the Commission has continued its discussion on whether the tree preservation regulations are adequate and, if not, how to address that problem without creating an undue burden on new development. One option the Commission considered exploring was to no longer exempt trees within a proposed building pad. Another option was to exempt the building pads but not exempt parking areas. Below, please find examples of how those changes might be added to the Unified Development Code. The examples from other cities that were given to the Commission in April are also included below.

STAFF REVIEW

Tree protection in other cities

City of Arlington

Exempts trees in a dedicated right-of-way, utility easement, or drainage easement for non-residential development. It was not clear whether trees for residential developments were also exempted, but at a quick glance, it appears they are not.

City of Benbrook

Exempts trees located within the right-of-way and the adjacent utility easements, as well as trees located within drainage facilities (easements and detention ponds) as defined on a plat of record

City of Keller

Exempts all trees within street rights-of-way, utility easements, or drainage easements as shown on an approved final plat/construction plans. The city and developer must have a development agreement, and an overall tree protection plan has to be approved by the Public Works Department in order for the trees to be exempt.

City of Mansfield

Exempts trees within rights-of-way, utility or drainage easements, and areas designated as cut/fill on

the master construction plan for both residential and non-residential development. In addition, for nonresidential development, trees within fire lanes, parking areas, and building pads as shown on an approved construction plan are also exempt.

City of North Richland Hills

Exempts trees located within street rights-of-way, utility easements, or drainage easements as shown on a preliminary plat approved by the Planning and Zoning Commission.

City of Southlake

Exempts trees located in building pads, required parking areas, driveways, fire lanes, streets, and required utility and drainage infrastructure, but requires first getting approval of a tree conservation plan. Does not exempt utility easements.

STAFF COMMENTS

Based on the overview of other cities' regulations, it appears Kennedale would not be outside the norm for this region by no longer exempting building pads from the tree preservation regulations. In addition, parking exemptions are used in some cities but not for all cities in the region. Both of these options may be feasible to Kennedale as long as the approach to tree preservation is reasonable and fair. If the Commission is looking to balance the need to preserve trees with the need to be fair to new development, the Commission might consider setting a regulation that does not exempt building pads for commercial development but only requires a percentage of the removed trees to be replaced (for example, require developer to replace 50% of the trees removed).

In addition, please note that while many of our surrounding cities are located within prairie ecosystems, which are generally not heavily treed, Kennedale is located within the Eastern Cross Timbers, which typically more heavily forested than our neighboring prairies, and it may make more sense for a city in this ecosystem to have greater tree protection regulations—again, as long as our regulations also support the city's long-term development plans and goals.

KENNEDALE'S EXISTING TREE PRESERVATION REGULATIONS/EXEMPTIONS (EMPHASIS ADDED)

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.

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.

EXAMPLE OF AMENDMENT TO TREE PRESERVATION REGULATIONS

Below is an example of how an amendment to the tree preservation regulations might read. Deletions are marked through, and additions are underlined.

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 ~~required~~ fire lanes, ~~and~~ 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.

Note: for residential development, trees within a building pad are not automatically exempt, so staff has not proposed any changes to that portion of the tree preservation regulations.

NEXT STEPS BY THE PLANNING & ZONING COMMISSION

If the Commission is ready to move forward with an ordinance at this time, staff will prepare an ordinance for public hearing and consideration by the Commission later this summer. We will also notify City Council of the pending ordinance consideration so that the Council members will be prepared.



STAFF REPORT TO THE BOARD OF DIRECTORS

Date: June 15, 2017

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Consider approval of minutes from 05.18.2017 Planning and Zoning Commission Meeting.

II. Originated by:

Alicia Santos, Permit Clerk

III. Summary:

The minutes that are attached are for your consideration.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	05.18.2017 PZ Minutes	05.18.2017 PZ MINUTES.doc
----	-----------------------	---------------------------



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
May 18, 2017
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

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

I. CALL TO ORDER

Chairman Harvey called the work session to order at 6:02 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

A quorum was present. Horace Young was asked to serve as a regular member. Stephen Brim arrived approximately sixteen minutes after the start of the work session.

Staff present: Rachel Roberts, Development Director, and Alicia Santos, Board Secretary.

III. WORK SESSION

A. Discuss any item on the regular session agenda

Ms. Williamson advised the Commission that the minutes should be corrected to say minutes instead of agenda.

B. Discuss tiny house concept

Ms. Roberts advised the Commission Ms. Thibodeau was out of town and was flying on standby and missed her flight, so she would not be able to attend tonight's meeting.

C. Discuss regulations for solar energy equipment as an accessory use

The Commission discussed their concerns regarding solar energy equipment. Some of their concerns were how to protect the trees from property owners having to get rid of/cut down trees. They also had concerns about having proper training for the firefighters to be able to maneuver around the panels and about whether the panels have some sort of wind tolerance. Commissioners also mentioned placement on the roofs. Ms. Roberts advised the commission that fire personnel do have some training on getting around the panels. She also advised the city would require a permit, and the panels would have to be engineered.

D. Discuss concept of planned development district for infill properties

The commission did not have time to discuss this agenda item.

E. Discuss regulations for shipping containers

Ms. Roberts gave a brief overview from last session, regarding allowing shipping containers in the city. Ms. Roberts advised the Commission there are no specific rules/regulations in the codes. Ms. Roberts advised there are some shipping containers already within the city and recommend they be allowed with inspections and regulations. The Commission discussed whether to allow some containers to have electricity and be occupied. The Commission also discussed having an applicant advise if the container is for storage or business use.

Mr. Harvey closed the work session at 7:02 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Chairman Harvey called the regular session to order at 7:05 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. Horace Young continued to serve as a regular member.

Staff present: Rachel Roberts, Development Director and Alicia Santos, Board Secretary.

VII. MINUTES APPROVAL

A. Review and consider approval of minutes from the February 2017 Planning & Zoning Commission extra work session.

Mr. Harvey called for the vote. Ms. Williamson made a motion to approve, seconded by Mr. Pirtle. The motion passed with all in favor and none opposed, with Mr. Harvey abstaining.

B. Consider approval of minutes from the April 2017 Planning & Zoning Commission meeting

Mr. Harvey called for the vote. Ms. Williamson made a motion to approve, seconded by Mr. Pirtle. The motion passed with all in favor and none opposed, with Mr. Harvey & Mr. Brim abstaining.

VIII. VISITOR/CITIZENS FORUM

No one registered to speak.

IX. REGULAR ITEMS

There were not regular items before the Commission.

X. REPORTS/ANNOUNCEMENTS

Ms. Roberts announced that Kid Fish and Bark in the Park would be held on Saturday, May 20.

XI. ADJOURNMENT

Mr. Pirtle made a motion to adjourn, second by Mr. Young, and the motion was passed with all in favor. The regular session adjourned at 7:07 P.M.

.