



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION

AGENDA

COMMISSIONERS - REGULAR MEETING

January 19, 2012

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. Update on Comprehensive Land Use Plan
- B. Oil and Gas Ordinance
- C. Update on Storm Water Regulations
- D. Discuss any item on the Regular Session agenda, if needed
- E. Discuss Items for Future Consideration

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Minutes from the November 10, 2011 meeting

VIII. VISITOR/CITIZENS FORUM

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

IX. REGULAR ITEMS

A. CASE PZ 11-11 to hold a public hearing and consider action on a request to amend the QuikTrip Planned Development District, approximately 2.6 acres located at 1301, 1209, 1207 W Kennedale Pkwy, 5405 High Ridge Rd, 6605 SE Loop 820, and an unaddressed property on SE Loop 820, Kennedale, Tarrant County, Texas, more particularly described as Oak Crest Addition, Block 4, Lots 1A, 2A, 3A, 4, 5A, 6, and 7, a part of Lot 27, Lot 28A (the Well Lot), and Lot 28, Tarrant County, Texas, by amending regulations governing signs, parking, the approved concept plan, and the approved site plan, and amending the district boundaries. The rezoning is requested by QuikTrip.

- A. Staff Presentation
- B. Applicant Presentation
- C. Public Hearing
- D. Applicant Response
- E. Staff Response and Summary
- F. Action by the Planning & Zoning Commission

B. CASE PZ 11-12 to hold a public hearing and consider action on a request for a change in zoning from "R3" Single Family Residential to "PD" Planned Development District for approximately 16 acres located at 5306 Kennedale Sublett, 3190 Joplin Rd, and 3196 Hawkins Joplin Rd, 3 unaddressed parcels on Kennedale Sublett Rd, and 1 unaddressed parcel on Hawkins Joplin Rd, Kennedale, Tarrant County, Texas, more particularly described as James R Hawkins Survey A-792 Tr 1, 1E, 1F, 1G, 1H, 1J, 1K, 1L, & 1M. The rezoning is requested by Vera Coker, Carolyn Williamson, Judith Coker Helms, Donald Coker, Martin & Maria Guevara, and James McDuff.

- A. Staff Presentation
- B. Applicant Presentation
- C. Public Hearing
- D. Applicant Response
- E. Staff Response and Summary
- F. Action by the Planning & Zoning Commission

C. CASE PZ 12-01 to hold a public hearing and consider action on an ordinance amending the comprehensive zoning ordinance of the City of Kennedale, as amended, by amending section 17-420 of the city code, regulations governing overlay districts; and by amending section 17-424, regulations governing loading docks; providing that the ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; and providing an effective date.

- A. Staff Presentation
- B. Public Hearing
- C. Staff Response and Summary

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 Amethyst Cirimo, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the January 19, 2012, 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.

A handwritten signature in black ink that reads "Amethyst G. Cirno". The script is cursive and fluid.

Amethyst G. Cirno, City Secretary



Date: January 19, 2012

Agenda Item No: WORK SESSION - A.

I. Subject:

Update on Comprehensive Land Use Plan

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

A public input meeting on the comprehensive plan update was held on December 12th at 6:00 PM in the Kennedale community center. Comments tended to focus on individual parcels, rather than on the plan as a whole. The consultants took notes on the comments and will consider them when drafting the report.

We will hold another advisory committee meeting on January 18th at which the consultants plan to present a draft report. The draft plan will go to the Planning & Zoning Commission for review in February.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

None

VIII. Alternative Actions:

IX. Attachments:



Date: January 19, 2012

Agenda Item No: WORK SESSION - B.

I. Subject:

Oil and Gas Ordinance

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Staff has been researching this agenda item as time permits. We told the Commission we would have recommendations to you this month, but so far we only have a few suggestions to make.

(1) Research Grand Prairie's leak detection program. The consultant who helped Grand Prairie develop this program says it has already been effective in getting operators to recognize and correct for potential problems for air emissions. However, because we already charge operators an air monitoring fee, we would like to find out more about the cost burden to operators for the leak detection program. If we implement a similar program here, I would be interested in finding a way that achieves our quality of life goals without creating an undue burden on operators.

(2) Revise city checklists and reporting forms. I've been looking at the forms and information requirements in a few other cities, and we can improve some of our tools for collecting information from operators. This would not create additional regulations but could make for better control of operations. I will begin revising our forms and checklists in the coming months. If changing any of our information collection methods requires an ordinance change, we will bring recommendations to the Commission.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: January 19, 2012

Agenda Item No: WORK SESSION - C.

I. Subject:

Update on Storm Water Regulations

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Storm water regulations have been on the Planning & Zoning Commission's list of items for future consideration for some time. At the November regular meeting, staff said the city had adopted storm water regulations that may address the Commission's concerns. The regulations are intended to prevent the discharge of pollutants or other harmful materials into surface water or groundwater in Kennedale. A copy of the city's storm water ordinance, Ordinance No. 431, was attached to the staff report for this agenda item last month . The regulations prohibit discharge into the storm sewer system anything that isn't storm water, with some exceptions, such as runoff from landscape irrigation, agricultural storm water, and residential car washing. The regulations specifically prohibit substances such as antifreeze, motor oil, grease trap waste, or industrial waste from being discharged into the storm sewer system.

In addition to Ordinance No. 431, the city also adopted Ordinance No. 447 establishing a storm water utility system. The system allows the city to assess storm water fees to property owners and also outlines how storm water fees may be spent by the city. It also allows for a reduction in storm water fees when property owners follow Best Management Practices for storm water, thereby reducing runoff or pollutant loads.

Finally, public works staff and planning staff have been reviewing the North Central Texas Council of Government's Integrated Storm Water Management program (iSWM) and are considering recommending the city adopt the iSWM program. ISWM has been adopted by several North Texas cities and encourages the use of best practices such as low-impact development in order to reduce flooding

and reduce pollutant loads in our waterways.

The ISWM program manages water quality through site design and review, off-site pollution controls, downstream assessment (such as streambank protection and flood mitigation), and establishing construction criteria that decrease runoff volume and pollution.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: January 19, 2012

Agenda Item No: WORK SESSION - D.

I. Subject:

Discuss any item on the Regular Session agenda, if needed

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

This item has been added to the agenda to allow the Commission an opportunity to discuss any regular session item during the work session.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: January 19, 2012

Agenda Item No: WORK SESSION - E.

I. Subject:

Discuss Items for Future Consideration

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The items below will be considered by the Commission on a future agenda. The Commission may discuss these topics or additional topics in terms of when they will be added as a regular work session agenda item and the scope of the future discussion.

- a. Green / Environmental Regulations
- b. Salvage Yard Ordinance

Staff has done some preliminary work on item (a), and we will bring notes and research to the Commission when this becomes a work session item.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: January 19, 2012

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Minutes from the November 10, 2011 meeting

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The minutes from the November 10, 2011 meeting are included with this packet for your review and consideration for approval.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	P&Z minutes 11-10-11	Minutes 11102011 P&Z.doc
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MINUTES
PLANNING & ZONING COMMISSION
NOVEMBER 10, 2011
KENNEDALE MUNICIPAL BUILDING – 405 MUNICIPAL DR.
COUNCIL CHAMBERS
WORK SESSION – 6:00 P.M.
REGULAR MEETING – 7:00 P.M.

CALL TO ORDER

Mr. Harvey called the meeting to order at 6:10 P.M.

ROLL CALL

Ms. Roberts called roll.

Members present: Ernest Harvey (Chair); Lori Bryan, Ray Cowan, Thomas Pirtle (arrived at 6:21 PM); Adrienne Kay (alternate).

Members absent: Charles Overstreet (Vice-Chair); Billy Simpson.

Staff present: James Cowey (Director of Development Services); Rachel Roberts (Planner).

I. WORK SESSION

A. Comprehensive Land Use Plan Update

Ms. Roberts said the next meeting of the comprehensive plan advisory committee would be held on November 14th and that because they've added extra advisory committee meetings to the original schedule, the plan is now due to come before the Commission in January or February.

B. Oil and Gas Ordinance

Mr. Harvey said his research agreed with what Ms. Roberts had said at the last meeting, that most cities don't limit the number of wells per padsite and instead try to have more control over the padsites themselves. He added that the city needs to require companies to give us a longer-term view, maybe a 5- to 10-year plan if they have multiple wells on a padsite.

C. Overlay District Regulations

Ms. Roberts had sent to Commission members a draft ordinance amending the city's overlay district regulations per earlier work session discussions. Ms. Roberts said she would put this item on next month's regular agenda, if that met with Commission approval. After some discussion, the Commission asked her to remove the word "opaque" from the illustration and to correct the loading dock setback to 75 feet (the illustration in the draft ordinance mistakenly showed 50 feet).

D. Discuss Items for Future Consideration

a. Alcohol Ordinance

Because neither staff nor the Commission had additional concerns about the alcohol ordinance, this item is to be removed from the next agenda.

b. Green / Environmental Regulations

The Commission discussed items to be researched for this agenda item, including wind turbines, solar panels, and new technologies. Ms. Roberts said there are model ordinances that may help.

c. Storm Water Ordinances and Creek Ordinances

Staff told the Commission they believe this item was addressed by storm water ordinances the city council had recently adopted and by the North Central Texas Council of Government's Integrated Storm Water Management program (iSWM), which the city was in the process of reviewing and considering adopting.



**MINUTES
PLANNING & ZONING COMMISSION
NOVEMBER 10, 2011
KENNEDEALE MUNICIPAL BUILDING – 405 MUNICIPAL DR.
COUNCIL CHAMBERS
WORK SESSION – 6:00 P.M.
REGULAR MEETING – 7:00 P.M.**

d. Salvage Yard Ordinance

Mr. Harvey said the Commission wanted to revisit this issue, and he thinks the Commission's concern was about screening.

The Commission agreed to hold a work session on Thursday, December 1st at 6:00 PM to discuss the zoning at the intersection of Bowman Springs/Dick Price and Kennedale Parkway.

The Work Session closed at 7:02 P.M.

REGULAR MEETING, 7:00 P.M.

CALL TO ORDER

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

ROLL CALL

Ms. Roberts called roll.

II. VISITORS/CITIZENS FORUM

No one registered to speak.

III. MINUTES

Approval of minutes from the October 20, 2011 Planning & Zoning Commission meeting

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

IV. ANNOUNCEMENTS

A. Staff reports on city projects

Ms. Roberts reminded the Commission about the Christmas tree lighting. She also said that a Kennedale Historical Society had recently been started, and the next meeting would be held at Burger Box at 6:00 PM on January 23rd. Mr. Cowey discussed the road projects, TownCenter, and the Section House. He added that Fellowship Academy had poured the foundation for the new building.

B. Other announcements from staff or Planning & Zoning Commission members

There were no other announcements.

V. ADJOURN REGULAR MEETING

Mr. Pirtle motioned to adjourn the meeting, seconded by Ms. Bryan. The motion passed with all in favor.



Date: January 19, 2012

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

CASE PZ 11-11 to hold a public hearing and consider action on a request to amend the QuikTrip Planned Development District, approximately 2.6 acres located at 1301, 1209, 1207 W Kennedale Pkwy, 5405 High Ridge Rd, 6605 SE Loop 820, and an unaddressed property on SE Loop 820, Kennedale, Tarrant County, Texas, more particularly described as Oak Crest Addition, Block 4, Lots 1A, 2A, 3A, 4, 5A, 6, and 7, a part of Lot 27, Lot 28A (the Well Lot), and Lot 28, Tarrant County, Texas, by amending regulations governing signs, parking, the approved concept plan, and the approved site plan, and amending the district boundaries. The rezoning is requested by QuikTrip.

- A. Staff Presentation
- B. Applicant Presentation
- C. Public Hearing
- D. Applicant Response
- E. Staff Response and Summary
- F. Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

After we sent the staff report for this item to you in December, QuikTrip asked make some modifications to their request for changes to the QuikTrip Planned Development District. The modified changes are listed below.

Revised copies of the sign plans are attached to this report. The other illustrations and plans sent to you last month have not been changed.

Previous proposal:

- Pole sign with monument sign serving as the base of the sign.

Current proposal:

- Pole sign without monument sign base (as depicted in the illustration sent to you last month).
- Additional monument sign, to be installed on I-20-facing side of property, sign face not to exceed 150

square feet and sign height not to exceed 10 feet

The original staff report and a revised copy of the ordinance with the proposed changes are included with this report.

Summary of Proposed Changes (revised):

Pole sign (proposed changes based on visual testing in the field)

- Change from **120 square feet** per face to **360 square feet** per face
- Change from **50 feet** in height to **75 feet** in height

Monument sign

- Change original planned monument sign from **15 feet** in height to **25 feet** in height
- Add a maximum size of **135 square feet** (the original PD ordinance did not set a maximum size for the monument sign)
- Add second monument sign, with face size to be a maximum of **150 square feet** and height to be a maximum of **10 feet**

Landscaping

- Correct typographical error by changing “plans” to “plants.”

Parking

- Change standard requiring **reinforced concrete** to requiring **concrete**. During the meeting, QuikTrip staff will be able to provide details about what is proposed, but they discussed this with staff, and we are comfortable with the methods they use to ensure their paving is long-lasting.

Site plan and Concept plan

- Change the site plan and concept plan to attached exhibits.

Staff Recommendation and Summary.

(see staff report from last month for full report)

This site sits at the bottom of a hill, and the exit for Kennedale Parkway is quite far back from the street, so sign visibility is a problem. Because of the visibility issues for this site, staff supports QuikTrip's request for a larger sign.

We discussed the parking paving with QuikTrip staff, and we are satisfied that the method they propose to use will meet city goals for parking quality and longevity. We are also pleased to be one of the sites for QT's new prototype store. In addition to being in line with the city's vision for this area, QuikTrip stores typically provide better options for fresh food than regular convenience stores, and from a public health perspective, this is an important service to provide to the Oak Crest neighborhood.

Staff recommends approving the requested changes.

IV. Notification:

We sent notices to owners of real property within 200 ft of the site.

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	QT revised sign--monument	874 - MV14-E4PGQ.pdf
2.	QT Revised sign -- pole	874 - HR-17LP.pdf



QuikTrip.

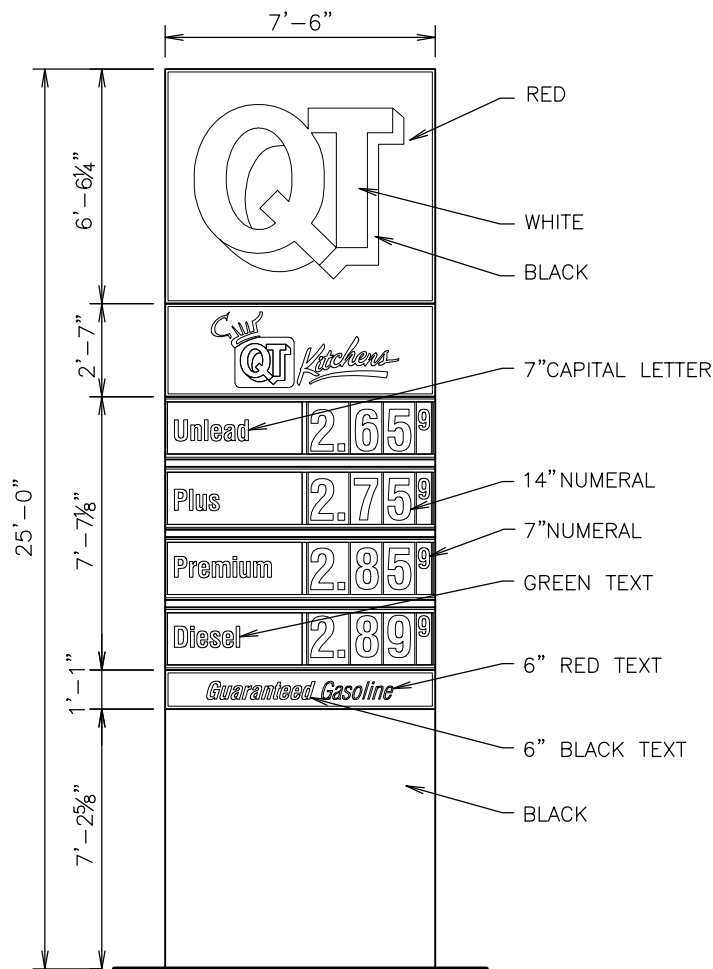
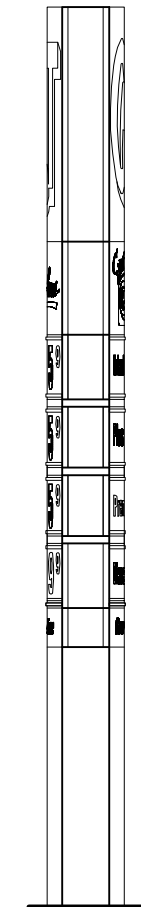
4705 S. 129th E. Ave. - Tulsa, OK 74134-7088
P.O. Box 3475 Tulsa, OK 74101-3475
918.438.1700



**Vertical
Monument Sign
MV14-E4PGQ**

8/11/11

2'-11 1/16"
5" 5"
1'-3 1/16"



SQUARE FOOTAGE

61

114

134

TYPEFACE

INSIDE CAN

ENTIRE SIGN

SPECIFICATIONS:

LOGO

Flat Solar grade, Clear Lexan Face, .177 thickness, painted on 2nd surface to match 3M Cardinal Red Translucent #3632-53 with Akzo Nobel, no embossment.

Pricer

Flat Solar grade, Clear Lexan Face, .177 thickness, painted on 2nd surface, Akzo Noble Black, Scrolling Price Numerals, White Helvetica Condensed font, Unlead Product Panels, White text area, painted 2nd surface Akzo Noble Opaque Black, Auto Diesel Product Panels, White text area, painted 2nd surface to match PMS 7481C Translucent Green, Akzo Noble.

LOGO Cabinet/Pricer Cabinet/Base

Aluminum Construction, Internally illuminated with GE Tetra PowerStrip DS65/GE PS24 Power Supplies. LOGO Cabinet painted Akzo Noble, QT Red SIGN9141 Low Gloss. Pricer Cabinet painted Akzo Noble Black Low Gloss. Accent Trim section painted 1st surface Akzo Noble Silver-Low Gloss. Base - Aluminum Construction, painted Akzo Noble Black Low Gloss.

SCALE:

3/16" = 1'-0"

SERIAL NUMBER:

MV14-E4PGQ

STORE NUMBER:

874



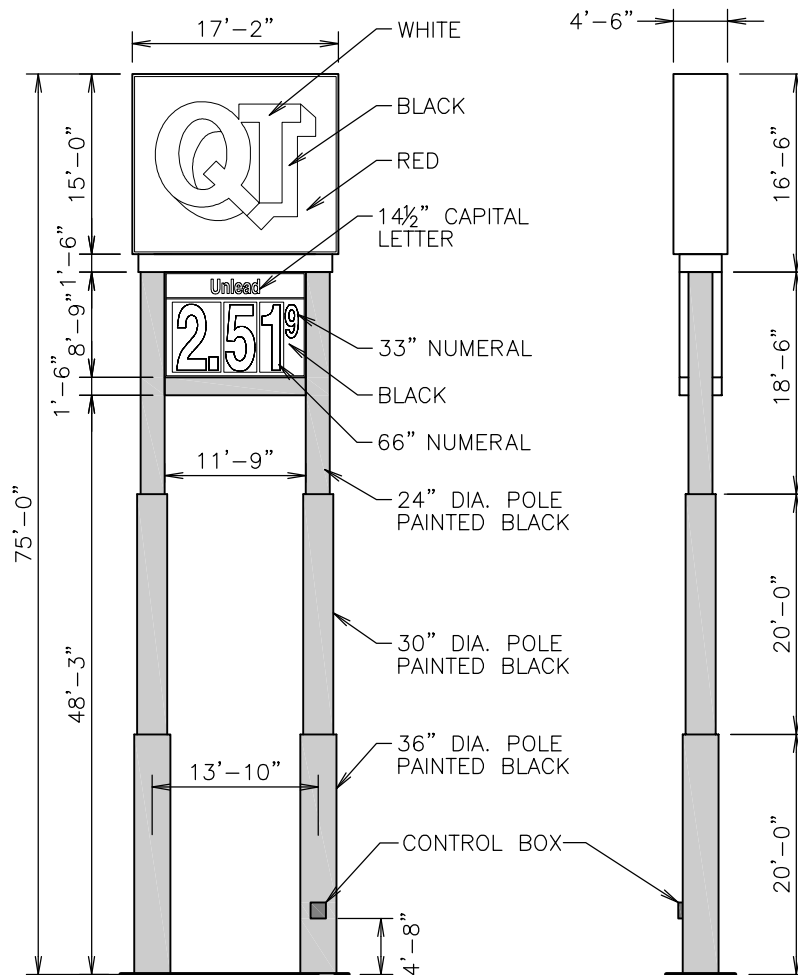
QuikTrip.

4700 S. 129th E. Ave. - Tulsa, OK 74134-7008
P.O. Box 3475 Tulsa, OK 74101-3475
P-800-347-5700



High Rise Pole Sign HR-17LP

10.19.11



SPECIFICATIONS:

LOGO

3M Translucent Vinyl Face, 3M Cardinal Red Translucent #3632-53, surface applied graphics.

Pricer

Flat Solar grade, Clear Lexan Face, .177 thickness, painted on 2nd surface, Akzo Noble Black, Scrolling Price Numerals, White Helvetica Condensed font, Unlead Product Panels, White text area, painted 2nd surface Akzo Nobel Opaque Black, Auto Diesel Product Panels, White text area, painted 2nd surface to match PMS 7481C Translucent Green, Akzo Noble.

LOGO Cabinet/Pricer Cabinet/Base

Aluminum Construction, Internally illuminated with AI30 LED Lamp Fixture BXC9002, AI30 Power Supplies BXC9003. LOGO Cabinet painted Akzo Noble, QT Red SIGN9141 Low Gloss. Pricer Cabinet painted Akzo Noble Black Low Gloss. Accent Trim section painted 1st surface Akzo Noble Silver-Low Gloss.

SQUARE FOOTAGE

TYPEFACE	202
INSIDE CAN	344
ENTIRE SIGN	360

SCALE:

1/16" = 1'-0"

SERIAL NUMBER:

HR-17LP

STORE NUMBER:

874



Date: January 19, 2012

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

CASE PZ 11-12 to hold a public hearing and consider action on a request for a change in zoning from "R3" Single Family Residential to "PD" Planned Development District for approximately 16 acres located at 5306 Kennedale Sublett, 3190 Joplin Rd, and 3196 Hawkins Joplin Rd, 3 unaddressed parcels on Kennedale Sublett Rd, and 1 unaddressed parcel on Hawkins Joplin Rd, Kennedale, Tarrant County, Texas, more particularly described as James R Hawkins Survey A-792 Tr 1, 1E, 1F, 1G, 1H, 1J, 1K, 1L, & 1M. The rezoning is requested by Vera Coker, Carolyn Williamson, Judith Coker Helms, Donald Coker, Martin & Maria Guevara, and James McDuff.

- A. Staff Presentation
- B. Applicant Presentation
- C. Public Hearing
- D. Applicant Response
- E. Staff Response and Summary
- F. Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

Background/Overview.

The property in question is located at the entrance to Kennedale on Sublett Rd (see attached map). Immediately to the east are a vacant property and commercial property in the Arlington city limits. Adjacent to the west is the Steeplechase residential subdivision.

The applicants would like the property in question to be rezoned to allow commercial land uses, but they understand that some of the land uses permitted in the commercial zoning categories may not be palatable to nearby residents and may not be compatible with the city's long-term plans for this area. They are therefore requesting a Planned Development zoning district for commercial uses so that they can remove some items from the list of permitted uses. A site plan is included with the application for your review.

Application requirements.

The requirements for PD applications are shown on an attached page; requirements include a site plan. In addition to reviewing a site plan, the City must also review and consider an ordinance adopting the PD district in order for a PD district to be used. The ordinance should outline the land uses, development standards, and any other applicable requirements as deemed necessary or desirable. The PD ordinance may be adopted simultaneously with the approval of the site plan or following the approval of the site plan. We have submitted with this report a draft PD ordinance for your review and consideration. The ordinance refers to the site plan for many of the development standards that would control the PD.

Compliance with Comprehensive Plan.

As the Commission is aware, rezoning should only be granted, in general, when the rezoning is in compliance with the comprehensive plan. This is required by state law. The state allows some exceptions to this requirement, such as when the comprehensive plan is no longer valid. The city can also consider the effect on surrounding properties and the reasonableness or suitability of current zoning. The current Future Land Use Plan/comprehensive plan shows this area as low density residential. The revised comprehensive plan (currently being drafted) shows this area as Neighborhood, with part of the property designated as Urban Village (see attached illustration and category descriptions). Please note that the revised plan has not yet been adopted and therefore can't be used as a basis for making zoning decisions. Information on the revised plan is included to advise the Commission about what might be approved soon.

Review and Recommendation.

Application review

(1) Proposed Uses.

The permitted uses would be those allowed in C-O and C-1 zoning districts, with some exceptions (see attached ordinance for exceptions).

(2) Development requirements.

The applicants' development standards are in the attached site plan and are referenced in the proposed ordinance.

(3) Concept plan.

The applicants' concept plan is composed of the attached site plan and elevations. The requirements for site plans are listed on a separate page included with this report. The original site plan submitted did not include all the information required. The revised site plan was submitted the morning packets were printed, and staff did not have time to review it thoroughly. We believe it includes most of the required information, but we will not have comments on the site plan until your meeting next week. **For your reference, the following information was missing from the original site plan but should be on the revised site plan.**

Site/adjacent property information.

- The land area of all abutting sites and zoning classification was not included in the site plan.
- The site plan requires that all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites be shown.

Building layout.

- Only one proposed building is shown; other proposed structures were not included in the site plan. If additional structures are to be permitted, the ordinance should specify setbacks (as well as traffic lane size, parking, etc).
- For each existing and each proposed structure on the site, the number of stories, gross floor area and the location of entrances and exits to buildings; front, side and rear building setback lines.

Traffic circulation and parking.

- Location of interior drives are shown but dimensions and proposed construction information are not included. From the site plan, it appears that the Future Commercial Development will be one large facility with no additional parking or traffic lanes.
- Location and dimension of sidewalks not shown.
- Fire lanes not shown.
- Loading zones not shown.
- Dimensions of drive approaches not shown.

Drainage and utilities.

- No drainage or utility plans were included with the application.

Screening, landscaping and recreational facilities.

- Height of proposed walls or fences was not included.
- Height and type of proposed berms or living screens; site plan says “canopy trees” and “landscape buffer” but does not specify what type

Comprehensive Plan compliance review

In August, the Commission considered a rezoning request from a property owner who wanted to rezone his property from residential to commercial. As you may recall, that property was adjacent to residential on each side but was located across from land in commercial use. Because it could be argued that the current comprehensive plan was no longer valid, the Commission decided to table that rezoning request until after the adoption of the new comprehensive plan.

Both the current comprehensive plan and the revised plan as drafted so far include a residential component for this property. The request to rezone to a PD that is entirely in commercial use may not be in compliance with either the current comprehensive plan or the revised plan scheduled to be considered by the city council in March. If the PD included a residential component, then it could be argued that the requested rezoning could be in compliance with the current plan, if the current plan is still valid. It might also be in compliance with the revised plan, but we don't yet know what the final comprehensive plan will show for this area.

Commission Review and Consideration.

The city code outlines the Commission's review process:

Upon submission of the application for a "PD" district or development in a "PD" district and after proper notice has been given to all affected parties and public hearings have been held, the planning and zoning commission and the city council shall review the application and may either give approval, with or without modifications, or reject it. In approving the application, the city council may impose conditions and these conditions shall be complied with before a certificate of occupancy is issued for the use of land or any structure which is part of the "PD" district.

The Commission has several options with this case.

- (1) Approve the request to rezone but add a condition that the Planned Development District include a residential component to be in compliance with the current comprehensive plan.
- (2) Table the case until after the comprehensive plan has been adopted. This option would be in keeping with the decision made by the Commission on a similar case you heard recently, as described above.
- (3) Approve the rezoning as requested.
- (4) If the site plan is missing required information, table the case until the applicants have submitted all missing information and staff has confirmed the application is complete.
- (5) Deny the request.

Because we have not had adequate time to review the site plan at this time we do not recommend outright approval. At this time, staff recommends option (2) or, if needed, option (4).

IV. Notification:

Notifications were sent to owners of real property with 200' of subject property. We received one phone call in response asking about the plans.

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

None

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

1.	PD Application Requirements	PZ 11-12 exhibit, application requirements.RTF
2.	PZ site plan requirements	PZ 11-12 exhibit, site plan requirements.RTF
3.	PZ 11-12 application	pz 11-12 application.pdf
4.	PZ 11-12 map	PZ 11-12.pdf
5.	PZ 11-12 elevations	PZ 11-12 elevations.PDF
6.	PZ 11-12 site plan	PZ 11-12 site plan revised.pdf
7.	PZ 11-12 ordinance	ordinance PZ 11-12.doc

PD APPLICATION REQUIREMENTS

Sec. 17-418. - "PD" planned development district.

(d) *Application for "PD" district.* Application for a "PD" district or development in a "PD" district shall be made in the same manner as an application for any amendment to this zoning ordinance and shall include the following additional information:

(1) *Proposed uses.* An application for a "PD" district or development in a "PD" district shall specify and describe the category or type of use or the combination of uses proposed. The permitted uses under "PD" district zoning shall be specified in each "PD" district ordinance and shall be limited to only these uses. If such ordinance specifies permitted uses by reference to a conventional zoning district, the permitted uses shall mean those uses permitted in the referenced district.

(2) *Development requirements.* An application for a "PD" district or development in a "PD" district shall include a list of proposed development standards which may be incorporated into the "PD" district ordinance. Development standards shall include, but not be limited to: density; lot size; setbacks; building sizes; height and exterior requirements; lot coverage; parking ratios; screening; landscaping; and any other requirements the council may deem appropriate.

Whenever a property is classified as a "PD" district in combination with any other zoning district, the standards set forth in the specific zoning district will be used as a guideline for the planned development. Modifications of standards may be considered if the modification substantially meets the intent of this article and improves the overall development design or if a unique project design is proposed which cannot readily be accommodated through other zoning districts, provided, that pecuniary reasons shall not be the sole reason for modifying standards.

(3) *Concept plan required.* An application for a "PD" district or development in a "PD" district shall include a conceptual plan showing a preliminary layout of the proposed uses, access, buildings, parking, open space and the relationship to existing natural features and adjacent properties and uses. Ten (10) copies of the concept plan shall be required to be submitted to the city at the time of application.

Upon submission of the application for a "PD" district or development in a "PD" district and after proper notice has been given to all affected parties and public hearings have been held, the planning and zoning commission and the city council shall review the application and may either give approval, with or without modifications, or reject it. In approving the application, the city council may impose conditions and these conditions shall be complied with before a certificate of occupancy is issued for the use of land or any structure which is part of the "PD" district.

SITE PLAN REQUIREMENTS FOR PLANNED DEVELOPMENT DISTRICTS

Sec. 17-418. - "PD" planned development district.

(e) *Site plan.*

(1) *Approval required.* In establishing a "PD" district, a comprehensive site plan of the development is required if the development exceeds five (5) acres in size. Such site plan shall be approved and filed as part of the "PD" ordinance...

(2) *Compliance with approval of concept plan and "PD" ordinance.* The site plan must comply with all provisions of the "PD" ordinance specifying development standards and substantially reflect the precepts and layout set forth in the concept plan. If, in the judgment of the planning and zoning commission or the city council, a site plan does not comply with the provisions of the "PD" ordinance and/or the concept plan, the planning and zoning commission or the city council may reject such site plan, in which case a new site plan may be resubmitted or an application must be resubmitted to amend the "PD" ordinance. If a "PD" ordinance does not specify development standards or has not incorporated a concept plan, the site plan approval must specify such standards. Development requirements on such site plan may be revised under the same review, notice and approval procedures as applied to the original approval of the site plan.

(3) *Site plan information.*

a. Every application for approval of a site plan under the terms of this section shall contain sufficient information delineating:

1. The characteristics of the site, changes in those characteristics as may be proposed by the development;
2. How the development will relate to public services and facilities; and
3. What protection features are included to insure that the development will be compatible with existing and allowable development on adjacent property.

b. The site plan shall show at least the following items of information:

1. Site/adjacent property information. The land area included within the site; the land area of all abutting sites and zoning classification; all public and private rights-of-way and easements bounding and intersecting the site and the abutting sites which are proposed to be continued, created, relocated and/or abandoned; and the north arrow, date and scale;
2. Building layout. The location of each existing and each proposed structure on the site; the general category of use or uses to be contained therein; the number of stories, gross floor area and the location of entrances and exits to buildings; front, side and rear building setback lines; and elevation views or renderings indicating architectural concepts and building materials proposed;

A table showing the type of units by size, number of bedrooms, and number and type of all residential dwellings will also be required;

3. Traffic circulation and parking. The location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches, as well as their alignment with

existing thoroughfares; location and dimensions of sidewalks, off-street parking areas, fire lanes and loading zones;

4. Drainage and utilities. Existing and proposed finished grade of the site, shown to contour intervals not exceeding two (2) feet, proposed handling of on-site surface drainage, location of any floodway or flood-prone area as shown on current FIA mapping; existing and proposed water and sanitary sewer layout; and existing and proposed fire hydrants; and

5. Screening, landscaping and recreational facilities. The location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berms or living screens; proposed landscaping plan; location and size of any proposed recreational facilities such as swimming pools, tennis courts and playgrounds.

(Ord. No. 40, 9-9-93; Ord. No. 108, § 2, 10-10-96; Ord. No. 169, § 4, 1-18-99)

PETITION FOR
CHANGE OF ZONING CLASSIFICATION

ZONING CASE # _____

DATE: _____

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to approve the following request for a change of zoning classification.

To change the zoning classification of the property described on Exhibit "A" attached, from it's current zoning classification of "R3" (Residential) to that of "PD" (Restricted Commercial) in it's entirety as shown on Exhibit "B" attached. The property totals some 15.9 +/- acres. FOR C-1 & C-0 USES with restrictions

Legal Description is Hawkins, James R Survey, A-792 (TR1, TR15), TR1M, TR1L, TR1G, TR1H, TR1K, TR1F, TR1E with homesites

Present use of the property is Single Family Residential

Address of the property is Various: 5306 Sublett Rd. Kennedale, Tx

Property Owner's Name: Vera Coker, Carolyn Williamson, Judith Coker Helms, Donald Coker

Address: Martin & Maria Guevara and James McDuff

Telephone Number: 5306 Kennedale Sublett Road - Coker Family addresses plus 3190 Joplin Road, plus 3196 Hawkins Joplin Rd. Kennedale 817-576-7618 Ms. Carolyn Coker Williamson

Applicant's Name: Vera Coker and her agent Peyco Southwest Realty Inc. - Jim Maibach

Address: 1703 North Peyco Drive Arlington Tx 76001

jmaibach@peycosouthwest.com

Telephone Number: 817-467-6803 -- 817-467-6633

THIS IS TO CERTIFY THAT x Vera Murray Coker IS THE SOLE OWNER(S) OF THE PROPERTY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B", ON THE DATE OF THIS APPLICATION.

x Vera Coker
Owner Signature - Vera Coker

Owner Signature - Carolyn Williamson

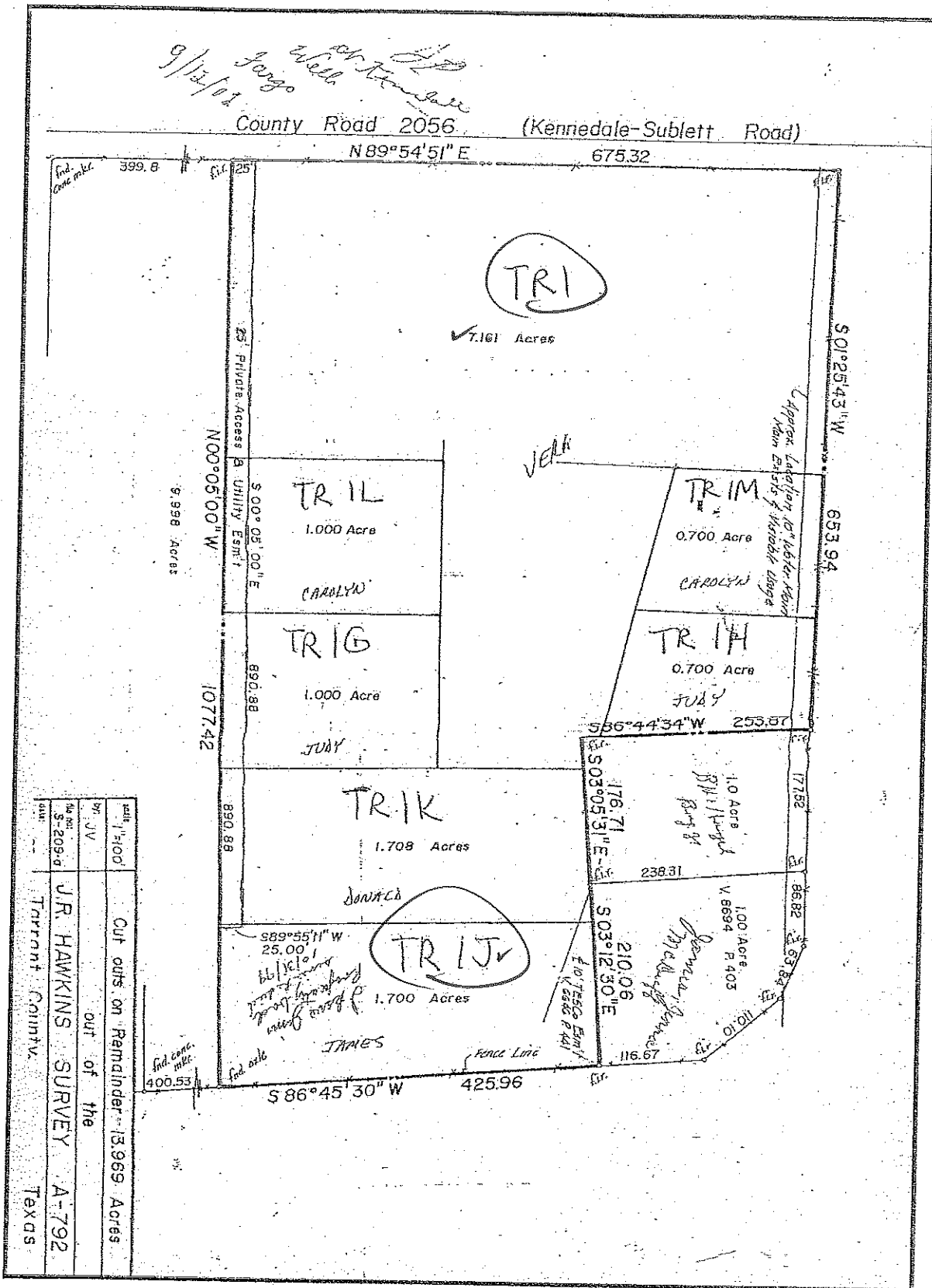
Owner - Judith Coker Helms

Owner - Donald Coker

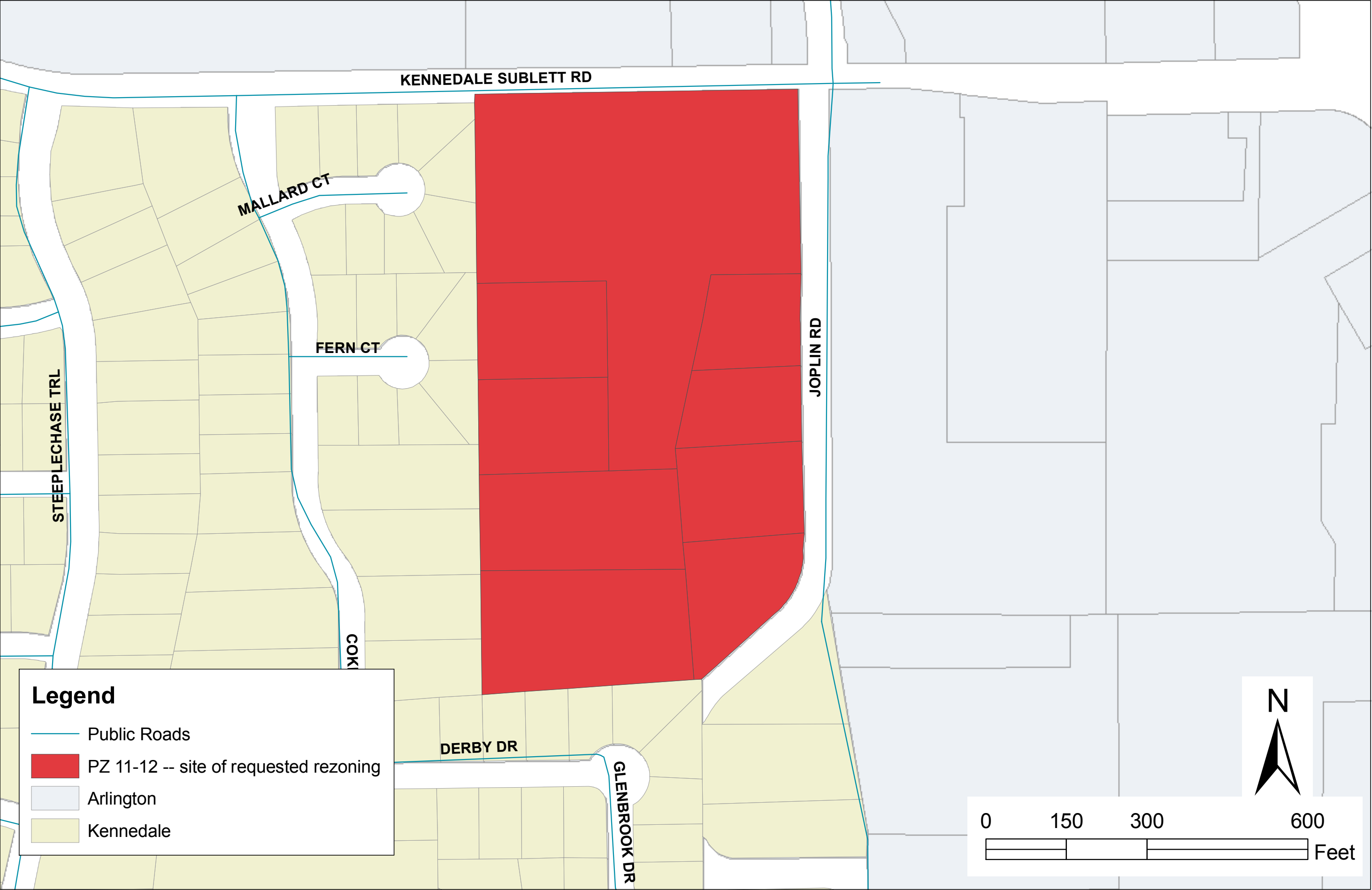
Owner - Martin & Maria Guevara

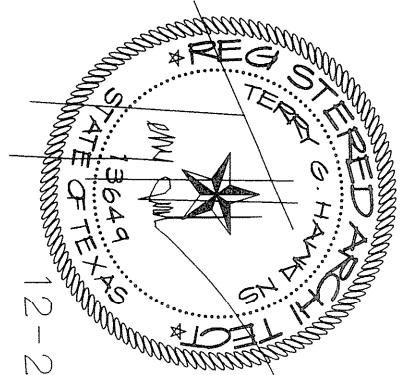
Owner - James McDuff

Survey



Case PZ 11-12: Request for Rezoning





111850

COKER
PD

SUBLETT RD.
LOT LOT BLOCK BLOCK
SUBDIVISION
KENNEDDALE, TEXAS
TARRANT

DATE: 12-23-11 PD

SHEET Title:

BUILDING
& FENCE
ELEVATIONS



311 N. WALNUT CREEK DR. WAREFIELD, TEXAS 76086
817.471.1329 (PH) 817.471.1329 (FAX)

ARCHITECTS

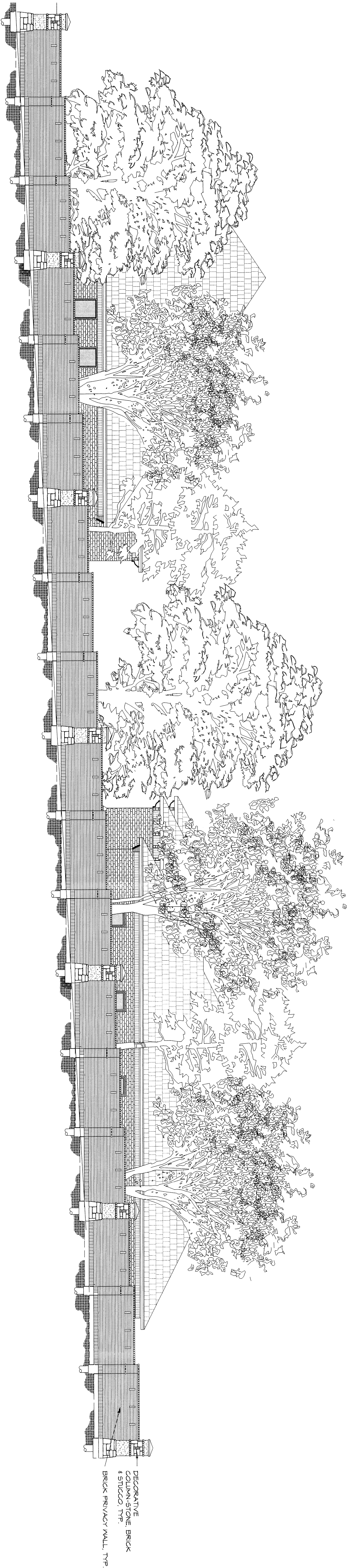
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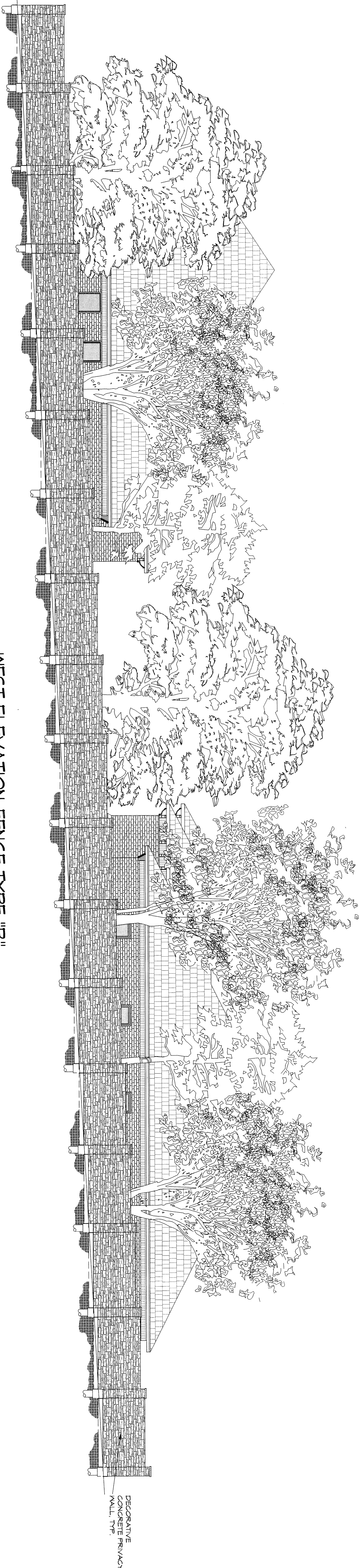
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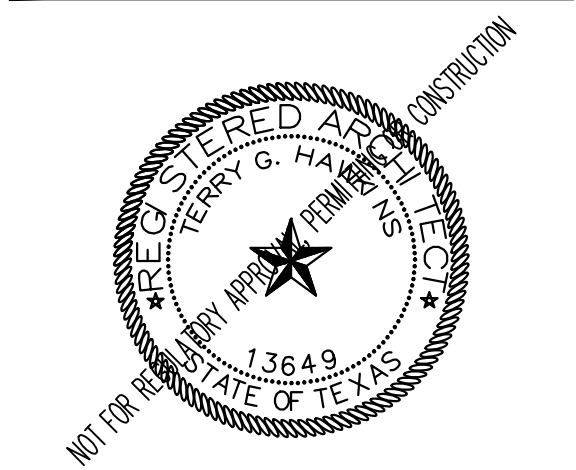
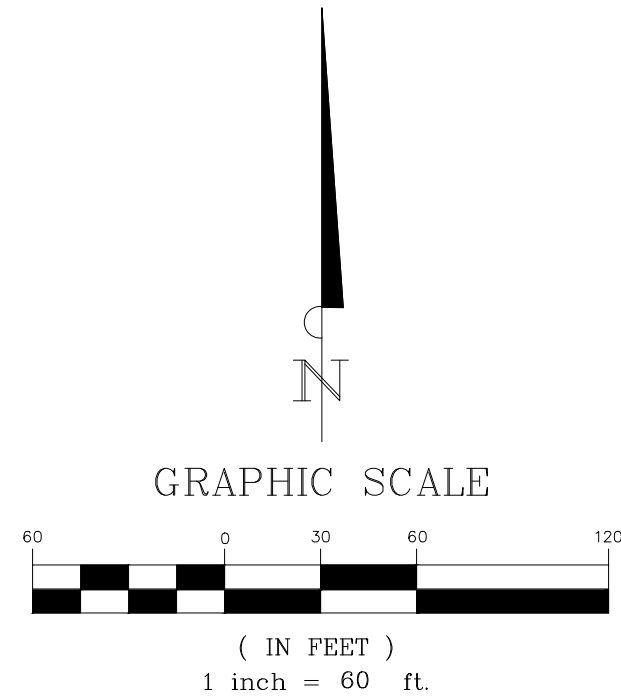
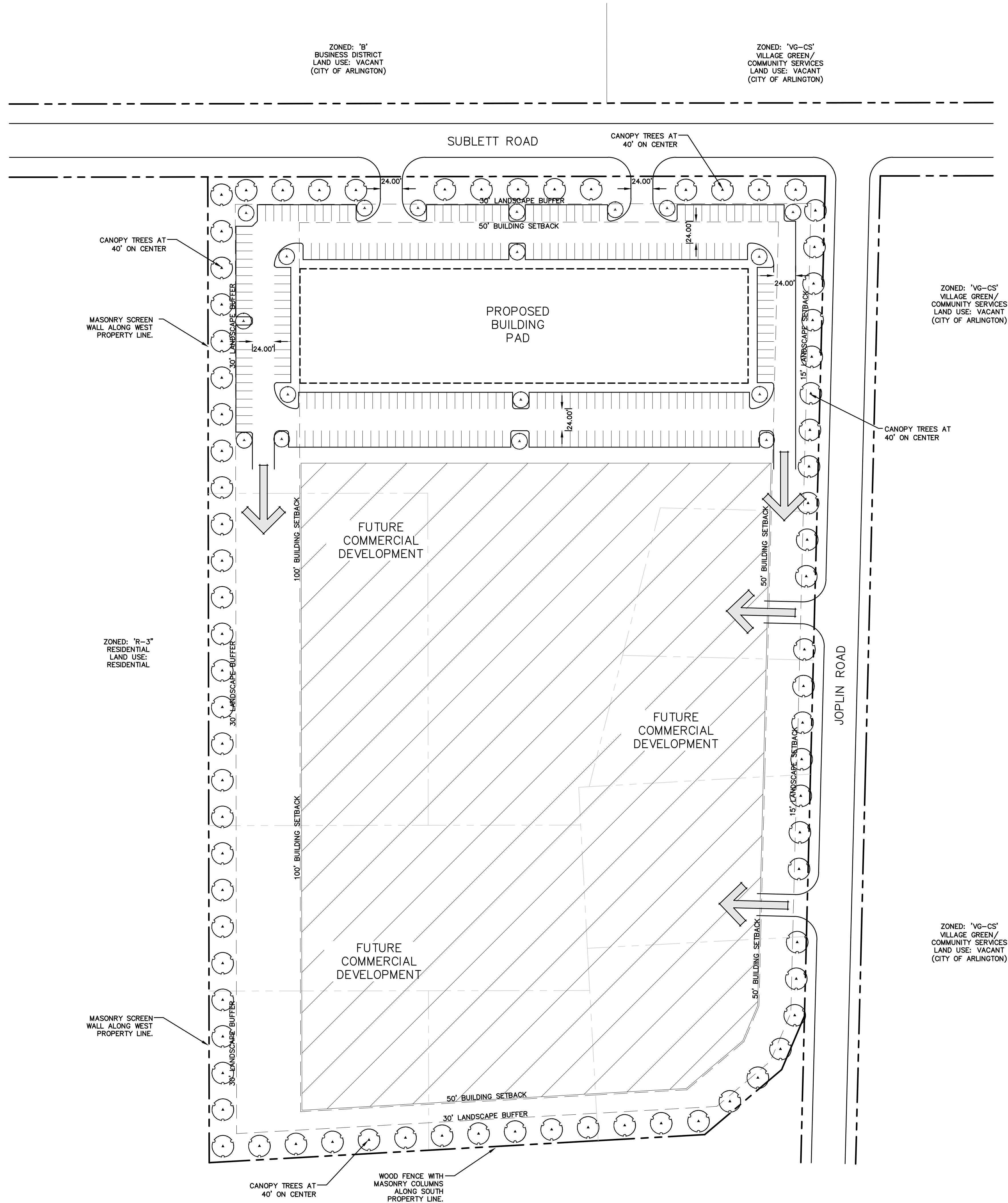
NORTH ELEVATION



WEST ELEVATION-FENCE TYPE "A"



WEST ELEVATION-FENCE TYPE "B"



111850

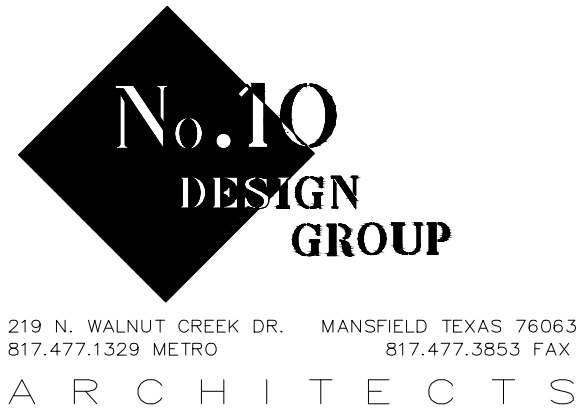
PLANNED DEVELOPMENT SITE PLAN

DATE: 12-23-11

SITE DEVELOPMENT STANDARDS:

BUILDING SETBACKS:	PERIMETER LANDSCAPING:
NORTH: 50' SOUTH: 100' EAST: 100' WEST: 50'	ALL LANDSCAPE SETBACKS SHALL BE PLANTED WITH CANOPY TREES AT A RATE OF 1 TREE PER 40 LINEAR FEET.
LANDSCAPE SETBACKS:	SCREEN WALLS / FENCES:
NORTH: 30' SOUTH: 15' EAST: 30' WEST: 30'	NORTH: NONE SOUTH: 6 FOOT WOOD FENCE WITH MASONRY COLUMNS EAST: NONE WEST: 6 FOOT MASONRY SCREEN WALL
PLANNING NOTES:	
1. PARKING AND LOADING SHALL BE CALCULATED PER THE CITY OF KENNEDALE ZONING ORDINANCE. 2. ALL PARKING AND DRIVES SHALL BE SCREENED FROM VIEW OF A PUBLIC R.O.W. WITH ONE OR A COMBINATION OF THE FOLLOWING: - EVERGREEN SHRUBS WITH A MATURE HIEGHT OF 30" - MASONRY SCREEN WALL WITH A MAXIMUM HIEGHT OF 30" - UNDULATING EARTHERN LANDSCAPE BERM WITH A MAXIMUM SLOPE OF 4:1 AND MAXIMUM HEIGHT OF 30" ABOVE SURROUNDING GRADE. 3. THE INTERIOR OF THE DEVELOPMENT SHALL BE LANDSCAPED PER THE CITY OF KENNEDALE ZONING ORDINANCE.	
SITE DEVELOPMENT NOTES:	
1. ALL PARKING SPACES SHALL BE A MINIMUM OF 9'X18' 2. ALL DRIVE AISLES AND FIRE LANES SHALL BE A MINIMUM OF 24 FEET IN WIDTH 3. ALL FIRE LANE RADII SHALL MEET CITY OF KENNEDALE REQUIREMENTS 4. ALL FIRE HYDRANT SPACING AND BUILDING COVERAGE PROVISIONS SHALL MEET CITY OF KENNEDALE REQUIREMENTS. 5. ALL LANDSCAPE AREAS TO BE IRRIGATED WITH AN AUTOMATED IRRIGATION SYSTEM. 6. ALL SIGNAGE SHALL MEET CITY OF KENNEDALE REQUIREMENTS 7. SIDEWALKS AND ADA ROUTES SHALL BE PROVIDED PER CITY OF KENNEDALE AND TEXAS DEPARTMENT OF LICENSING AND REGULATION REQUIREMENTS.	

SHEET Title:



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SHEET No.: SP-1

**CITY OF KENNEDALE
ORDINANCE NO. ____**

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KENNEDALE; BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF KENNEDALE, BEING APPROXIMATELY 16 ACRES ENCOMPASSING JAMES R HAWKINS SURVEY A-792 TR 1, 1E, 1F, 1G, 1H, 1J, 1K, 1L, & 1M; FROM “R-3” SINGLE FAMILY DISTRICT TO A PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING A PENALTY CLAUSE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas 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;

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, a change in the zoning classification of the property listed below was requested by a person or entity having a proprietary interest in said property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on January 19, 2012 and by the City Council of the City of Kennedale on February 9, 2012, with respect to the zoning change 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 of Kennedale, Texas does hereby deem it advisable and in the public interest to amend Ordinance No. 40, as amended, as described herein.

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

SECTION 1.

Ordinance No. 40, as amended, is hereby amended so that the permitted uses in the hereinafter described area shall be altered, changed and amended as shown and described below:

Approximately 16 acres, being described as James R Hawkins Survey A-792 Tr 1, 1E, 1F, 1G, 1H, 1J, 1K, 1L, & 1M, Tarrant County, Texas, on the illustration attached hereto as Exhibit "A" and incorporated herein for all purposes of this ordinance, is hereby rezoned from "R-3" Single Family Zoning District to Planned Development Zoning District.

SECTION 2.

Permitted uses shall be those permitted by right in the C-0 and C-1 Commercial Zoning Districts on the date this ordinance is adopted, with the exception of the following uses, which are not permitted:

Bus terminal
Electrical sales & service
Fraternity/sorority lodge
Heating A/C sales & service
Plumbing sales & service
Sign shop
Washateria (self-service)

SECTION 3.

All public and private rights-of-way and easements, as well as the location, dimensions, and construction of all streets, private drives, alleys, parking areas and drive approaches, as well as their alignment with existing thoroughfares shall conform to the approved site plan, attached to this ordinance as "Exhibit A". The location and dimensions of sidewalks, off-street parking areas, fire lanes and loading zones shall also conform to Exhibit A.

SECTION 4.

The location of each structure on the site; the general category of use or uses to be contained therein; the number of stories, gross floor area and the location of entrances and exits to buildings; front, side and rear building setback lines; and the architectural concepts and building materials shall conform to the approved site plan, attached to this ordinance as "Exhibit A."

SECTION 5.

The finished grade of the site, shown to contour intervals not exceeding two (2) feet, the handling of on-site surface drainage, location of any floodway or flood-prone area as shown on current FIA mapping; the water and sanitary sewer layout; and the fire hydrants shall conform to the approved site plan, Exhibit A.

SECTION 6.

The location, height and building materials for any proposed or required walls or fences; height, location and type of any berms or living screens; and landscaping plan shall conform to the approved site plan, Exhibit A.

SECTION 7.

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 allowed and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 8.

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

SECTION 9.

The use of the property 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 10.

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 11.

This Ordinance shall be cumulative of Ordinance No. 40, as amended, and all other 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 12.

All rights or remedies of the City of Kennedale, Texas are expressly saved as to any and all violations of Ordinance No. 40 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 13.

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 14.

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED this **9th** day of **February 2012**.

Mayor, Bryan Lankhorst

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney



Date: January 19, 2012

Agenda Item No: REGULAR ITEMS - C.

I. Subject:

CASE PZ 12-01 to hold a public hearing and consider action on an ordinance amending the comprehensive zoning ordinance of the City of Kennedale, as amended, by amending section 17-420 of the city code, regulations governing overlay districts; and by amending section 17-424, regulations governing loading docks; providing that the ordinance shall be cumulative of all ordinances; providing a penalty clause; providing a savings clause; providing a severability clause; and providing an effective date.

- A. Staff Presentation
- B. Public Hearing
- C. Staff Response and Summary

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The Commission has been working on this item for several months. If approved, the ordinance will remove duplication in the zoning code by removing requirements in the overlay district that are also listed elsewhere in the zoning code. Instead of being listed twice, the duplicate regulations will be published in one section, and relevant sections of the overlay district will then refer to those sections.

The ordinance will also make regulations clearer when there are similar standards in both the overlay district and elsewhere in the zoning code, where one section is a bit stricter than the other. Since the overlay district standards were adopted, other parts of the zoning code have been amended to have very similar standards, but in some cases the newer regulations are more restrictive. In general, the proposed ordinance would make the stricter provisions prevail in each case.

IV. Notification:

Notification was published in the Fort Worth Star-Telegram. The notification will be published again before this agenda item is considered by the city council.

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	PZ 12-01 proposed ordinance	Proposed Changes overlay district.doc
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**CITY OF KENNEDALE
ORDINANCE NO. ____**

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF KENNEDALE; BY AMENDING SECTION 17-420 OF THE CITY CODE, REGULATIONS GOVERNING OVERLAY DISTRICTS; AND BY AMENDING SECTION 17-424, REGULATIONS GOVERNING LOADING DOCKS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale, Texas 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;

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, amendments to the sections of the city code described above are necessary in order to eliminate redundancy and facilitate ease of use; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on January 19, 2011 and by the City Council of the City of Kennedale on February 9, 2012, with respect to the zoning change described herein; and

WHEREAS, the City of Kennedale, Texas does hereby deem it advisable and in the public interest to amend Ordinance No. 40, as amended, as described herein.

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

SECTION 1.

Sec. 17-420(f) of the Kennedale City Code, as amended, is hereby amended to read as follows:

(f) *Parking regulations.*

(1) For each permissible use in an overlay district, all off-street parking shall be regulated in accordance with the regulations of section 17-424 of this article.

(2) Any building or use not in an overlay district before the effective date of this article shall be required to comply with the parking regulations of this subsection by September 9, 2000. All other uses shall be required to comply immediately with this subsection.

SECTION 2.

Sec. 17-420(h) of the Kennedale City Code, as amended, is hereby amended to read as follows:

(h) *Outside storage regulations.*

(1) All outside storage, when permitted by the regulations of both the underlying zoning district and the overlay district, shall be regulated in accordance with Section 4-226 of the city code.

(2) Any building or use not in an overlay district before the effective date of this article shall be required to comply with the outside storage by the earlier of the following dates:

- a. March 9, 2002; or
- b. When the land use or ownership changes.

SECTION 3.

Sec. 17-420(i) of the Kennedale City Code, as amended, is hereby amended to read as follows:

(i) *Screening regulations.*

(1) Screening shall be in accordance with the underlying zoning district and with Section 17-425 of the city code, except for salvage yards. When a conflict occurs between the underlying zoning district and Section 17-425, the stricter regulations shall prevail.

(2) Special screening regulations for salvage yards are described in subsection (m) (Special conditions for salvage yards) hereof.

(3) Any building or use not in an overlay district before the effective date of Ordinance No. 187 shall be required to comply with the screening regulations by the earlier of the following dates:

- a. March 9, 2003; or
- b. When the land use or ownership changes.

SECTION 4.

Sec. 17-420(l) of the Kennedale City Code, as amended, is hereby amended to read as follows:

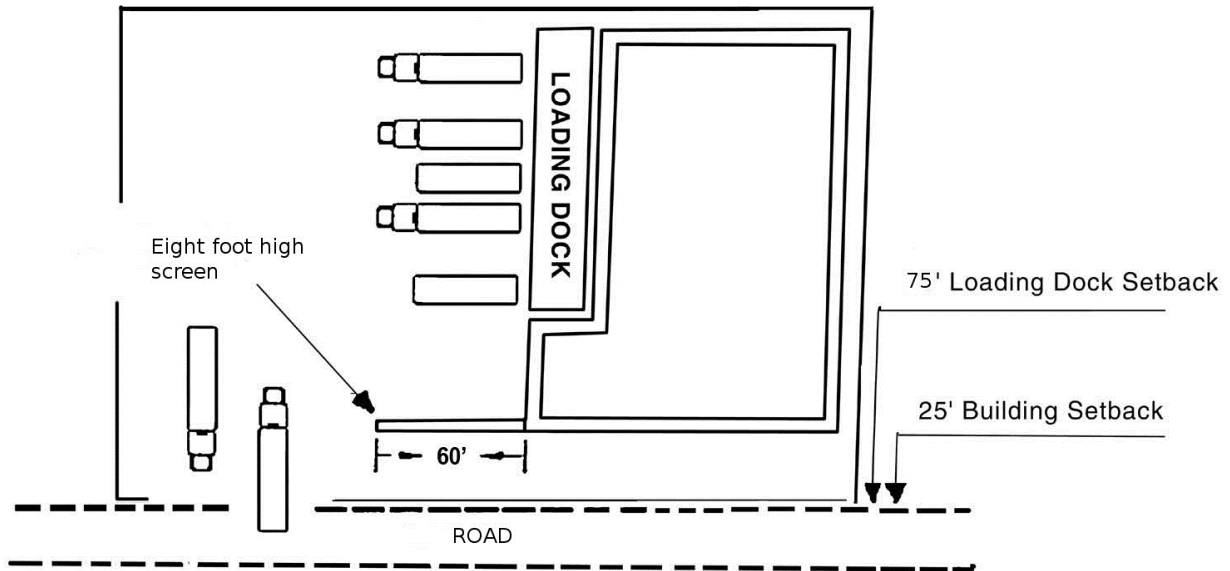
(l) *Loading dock regulations for new construction.* The following applies to new construction:

(1) For each permissible use in an overlay district, all off-street parking shall be regulated in accordance with the regulations of section 17-424 of this article.

SECTION 5.

Sec. 17-424(g)(2) of the Kennedale City Code, as amended, is hereby amended as follows:

The following diagram provides an illustration of these regulations as applied to the loading dock permitted on a side wall:



SECTION 6.

This Ordinance shall be cumulative of Ordinance No. 40, as amended, and all other Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 7.

All rights or remedies of the City of Kennedale, Texas are expressly saved as to any and all violations of Ordinance No. 40 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.

[PUBLICATION STATEMENT IF REQUIRED]

SECTION 10.

This ordinance shall be in full force and effect from and after its passage and it is so ordained.

PASSED AND APPROVED this 9th day of **February 2012**.

Mayor, Bryan Lankhorst

ATTEST:

City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney