



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION

AGENDA

COMMISSIONERS - REGULAR MEETING

April 19, 2018

CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

WORK SESSION - 6:00 PM

REGULAR SESSION - 7:00 PM

I. CALL TO ORDER

Mr. Hughes called the work session to order at 6:03 PM

II. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Lary Adkins	X	
2	VACANT		
3	Sheldon Gerron	X	
4	John Hivale		X
5	Kayla Hughes		X
6	Daniel Medina		X
7	Chris Pugh	X	
8	VACANT		
9	Jadey James	X	

A quorum was present. Mr. John Hivale was not present for the roll call but arrived at 6:15 pm.

Staff present: Jay Narayana, Development Director – Interim, Alicia Santos, Board Secretary, George Campbell, City Manager

III. WORK SESSION

A. Presentation providing an overview of the real estate development process and role of municipal planning and zoning authority (staff, boards and commissions, and City Council)

- Ms. Narayana – presented the Commission with the overview of the development process and role of municipal planning.

B. Discuss any item on the regular session agenda

- Mr. James asked about drainage control and how flows are measured.
- Mr. Gerron asked whether input is considered by residents for annexation.
- Mr. Campbell stated that annexation laws have changed, making it more challenging for a city to annex properties. Residents have not had a voice on the decision.
- Mr. Gerron stated that a City would have to provide a service plan for annexation.
- Mr. Campbell stated that the City would have to provide the same level of services as other areas of the City.

- Mr. Gerron asked how long it takes to provide those services to annexed areas.
- Mr. Campbell responded that the City follows the same practices as other areas of the City in providing waste collection, police and fire services. Property taxes do not cover water/sewer services.

Mr. Pughes asked for a motion to close the work session. Mr. Hivale made the motion, seconded by Mr. James. The motion passed unanimously. The work session was adjourned at 6:53 pm.

IV. EXECUTIVE SESSION

The Planning & Zoning Commission reserves the right to convene in Executive Session(s) during this meeting pursuant to the following Sections of the Government Code of the State of Texas:

Pursuant to Sec. 551.071 (2), consultation with its Attorney: The Planning & Zoning Commission may conduct private consultations with its attorneys when the Planning & Zoning Commission seeks the advice of its attorney concerning any item on this agenda or a matter in which the duty of the attorney to the Planning & Zoning Commission under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Government Code.

V. REGULAR SESSION

VI. CALL TO ORDER

Chairperson Chris Pugh called the regular session to order at 7:00 pm.

VII. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Lary Adkins	X	
2	VACANT		
3	Sheldon Gerron	X	
4	John Hivale	X	
5	Kayla Hughes		X
6	Daniel Medina		X
7	Chris Pugh	X	
8	VACANT		
9	Jadey James	X	

A quorum was present.

VIII. DECISION ITEMS

A. Consider approval of the minutes from the March 15, 2018 Regular Meeting

- Mr. Pugh called for the vote. Mr. Adkins made the motion to approve, seconded by Mr. Hivale. The motion passed unanimously.

B. Visitor/Citizens Forum:

- Lana Sather, 421 Corry A Edwards – Ms. Sather advised the Commission she requesting a rewording of Nuisance During Certain Times. There is a need to protect citizens that have

been here for a long period of time.

C. **CASE # PZ 18-01** to conduct a public hearing, receive comments, and consider approval on a request by Skorburg Retail Corp., for a Zoning change and Concept Plan for approximately 23.1 acres from "AG" Agricultural District to "PD" Planned Development District for a new neighborhood consisting of 92 single-family lots on property located at 1118 and 1132 Kennedale Sublett Road, legal description of Lots 4R1 & 3B1, JM Estes Home Tracts, Tarrant County, Texas.

- Staff presentation – Ms. Narayana advised the Commission regarding the modification of lot sizes on the site plan as requested by the commission. The applicant is requesting to change the zone from agriculture AG to PD (Planned Development). Ms. Narayana advised the Commission of the location and the future land proposal. The staff opinion is that applicant has met the goals according to all codes and standards for development.
- Applicant presentation –Mr. Rich Darragh provided the Commission with large size maps of the development. He gave the Commission a summary of the prior meetings and the prior requests of the Commission for the development. Mr. Darragh spoke to the Kennedale Independent School District superintendent and the City fire chief about the development. Plans include landscaping and a trail system. Mr. Darragh will contact the historical society regarding the naming of the streets to explore the opportunity to name streets after Kennedale citizens. The plan includes playground options and street lighting with options from Oncor. The developer was advised to decrease the number of lots and add a detention pond. The plan now includes 47 lots that are 50 feet wide and 45 lots that are 60 feet wide, totaling 92 lots on 23 acres. The development will also include a drainage easement for the adjacent property owner to continue to allow water to drain from his property.
- Mr. James inquired about the flow of water going to the pond.
- Mr. Darragh responded that providing a drainage easement within the properties will allow the flow to go into the pond.
- Mr. Hivale asked if water continues to flow into the pond, whether the pond will overflow.
- Mr. Darragh responded that development is not allowed to make the pond to overflow. They are not allowed to increase or decrease the water flow as a result of the development.
- Mr. John Arnold stated that the engineering process determines whether a retention or detention pond is needed.
- Mr. Hivale asked if sites along the D line shown in the site plan are going to be in the overflow area.
- Mr. John Arnold responded that drainage on half the property will go one direction, and drainage on the other half will flow to the other side of the property.
- Mr. Hivale asked who will address any issues when construction is complete.
- Mr. John Arnold responded that an HOA will be responsible for managing and responding to any flood or overflow issues that may arise.
- Mr. Pugh indicated that the State regulates all drainage issues.
- Mr. John Arnold confirmed that these issues are state regulated.

- Mr. Adkins asked about the setbacks on the plan.
- Mr. Darragh responded that setbacks are 20 feet on the front, 5 feet on the side, and 10 feet on the rear, providing a 25 foot deep back yard.
- Mr. Adkins stated that when trees are planted they need to be planted 15 to 20 feet away from the structure and expressed concern regarding many trees will be on the properties.
- Mr. Darragh stated that most of the trees being planted will be along the front of the property.
- Mr. Hivale asked about the branches coming over the street and who is responsible for trimming branches along the street.
- Mr. Darragh responded that trees on the properties are the responsibility of the owners, and branches over the street would be the responsibility of the City
- Mr. James stated typically the property owner is responsible for the maintenance of the trees on their properties.
- Mr. Hivale asked about the impact of traffic flow and increased traffic due to the development.
- Mr. Darragh advised it the plan was developed with traffic engineers to assure that traffic resulting from the development would not have a negative impact.
- Public hearing
 - Joan Good, 130 Deanna Lane – Ms. Good and her husband Jack bought 20 acres in July 1972 for a long term investment. They felt a part of Kennedale every time they drove through, and knew one day they would sell but did not want the property to be industrial. Jack passed in October. She wants to speak in favor for this development is proud of the 46 years they have owned the property.
 - William Daniel, 1152 Kennedale Sublett Rd., - Mr. Daniel is not necessarily against this development but is concerned about the wildlife that will be impacted by this development. He wants to make sure the calculations are correct and asked if the water is stored correctly. He also indicated a concern regarding the traffic flow as well as the school division. He is not for or against.
 - Jon Trahier, 1404 Peggy Lane, - Mr. Trahier is not against the development and knew it would developed one day. Mr. Trahier is concerned about children wanting to have a larger backyard and whether there will be playgrounds. He expressed concern about the houses and the reductions on the setbacks, as well as water overflow. He encourages growth but would like to see bigger homes.
- Applicant response – Chris Jackson – Drainage has been addressed by the developer's environmental consultant for 13 years. The development will not harm the existing pond water.
 - Mr. Hivale asked whether the water has been tested.
 - Mr. Chris Jackson responded that the water has not been tested.
 - Mr. Hivale asked if the statement that the development would not harm the existing pond was an assumption since the pond has not been tested.
 - Mr. Chris Jackson stated that in his experience, there is a very low concentration of contamination in the land. His statement is an assumption, as the pond has not been tested.

- Mr. Hivale asked if the developer could know if there was an issue without having had a water analyses performed.
- Mr. Chris Jackson stated he has not heard of any issues with the pond currently and does not have evidence of contamination.
- Mr. Hivale stated that a test needs to be done.
- Mr. Darragh advised that the property owner does not have a concern of the levels of contamination.
- Ms. Narayana advised that a decision on the proposed development should not be based on the contamination of this pond.
- Mr. Pugh stated there will not have any further decision over the water contamination.
- Staff response and summary – Ms. Narayana advised the Commission the applicant has met all the standards.
- Action by the Planning & Zoning Commission – Mr. Pugh then called for the vote.

Mr. James made the motion for approved, seconded by Mr. Geron. The motion passed with all in favor except with Mr. Adkins, who opposed and Mr. Pugh, who abstained.

IX. 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.

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X. ADJOURNMENT

Mr. Adkins made the motion to adjourn, second by Mr. James. The motion was passed with all in favor and none opposed. The regular session adjourned at 8:06PM

Date: June 21, 2018

Agenda Item No: REGULAR ITEMS (A)

I. SUBJECT

CASE # PZ 18-02 to receive comments and consider approval on a request by Fransico Sanchez for a zoning change for an approximately 1 acre from "OT-4" Old Town 4 "OT-2" Old Town 2 on property located at 400 North Road, legal description of Abstract 1225, Tract 3A, Jacob Prickett Survey, Tarrant County, Texas.

II. SUMMARY

BACKGROUND AND OVERVIEW

Request	Rezone from OT-4 to OT-2
Applicant	Fransico Sanchez
Location	400 North Road, Abstract 1225, Tract 3A, Jacob Prickett Survey, Tarrant County, Texas
Surrounding Uses	Primarily single family residential
Surrounding Zoning	OT-1, OT-2, OT-4, PD, R3, AG
Future Land Use Plan Designation	Downtown Village
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

The property is vacant. It appears that a single family home was located on the property previously and demolished.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The property is located in a single family neighborhood at the corner of North Rd and 3rd St. Adjacent uses to the north and south are single family. The railroad track is directly across the street.

STAFF REVIEW

COMPREHENSIVE LAND USE PLAN

The property is located in an area designated for Downtown Village.

The property at 400 North Road is located in an area designated for Downtown Village. Residential uses in a Downtown Village include small-lot single family. Although this property is a larger lot at 1 acre,

the lot is located on a curve in the road and is approximately triangular in shape, thus creating a challenge in developing this lot in a high density manner without combining multiple lots.

RELATED GOALS FROM THE COMPREHENSIVE LAND USE PLAN

The comprehensive plan goal related to this rezoning request falls under principle # 2, Economic Prosperity. These goals are: "Promote Access to Housing" by providing housing option for people of varying financial means and residential preferences.

SUMMARY

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

COMPLIANCE WITH CITY GOALS AND RELATED PLANS

STRATEGIC PLAN

The strategic plan has one related goal: "Develop incentives for new home builders and businesses to create new development." Although the applicant is an individual property owner rather than a home builder, a new home is planned to be built on this site, creating infill development in an existing, older single family neighborhood.

CITY COUNCIL ENDS STATEMENTS AND GOALS

The City Council Ends Statements and Goals states "Kennedale has excellent neighborhoods and a wide range of home options." It also states "Residents have views of natural landscapes."

ADDITIONAL FACTORS TO CONSIDER

When considering rezoning requests, the City may also consider the appropriateness of current zoning and whether a rezoning would have an adverse impact on surrounding properties. In this case, there is primarily single-family residential located adjacent to and in close to this property. Old Town Single-Family Residential and Retail Mixed-Use District (OT-2) was established to promote a mix of single-family residential and low intensity retail in this area, to be housed in residential structures that are similar to the building designs and materials allowed in the OT-1 District. This property is located on the southern edge of an OT-4 zoning district, and adjacent to two OT-2 Districts. Therefore, this property, currently zoned OT-4, is also compatible with the adjacent OT-2 Zoning.

STAFF RECOMMENDATION

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

ACTION BY THE PLANNING & ZONING COMMISSION

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

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

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

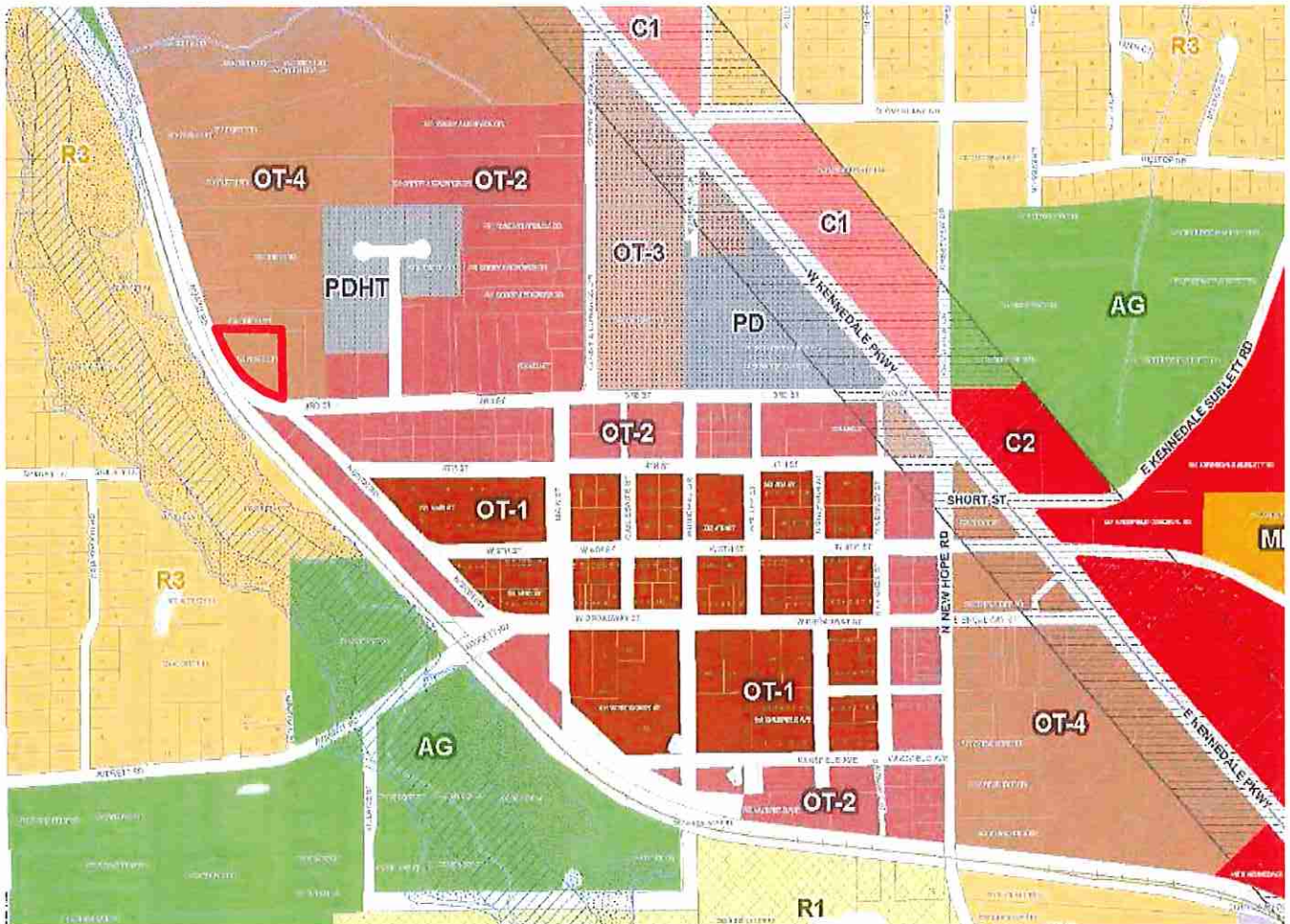
Location Map
400 North Road
PZ18-002



Location Map
400 North Road
PZ18-002



Zoning Map
400 North Road
PZ18-002



Date: June 21, 2018

Agenda Item No: REGULAR ITEMS (B)

I. SUBJECT

CASE # PZ 18-03 to hold a public hearing and consider approval of amendment to Ordinance 434, Section 3.1, to add to prohibited uses vape stores, to replace all listed permitted uses with the following permitted uses: General retail indoor, General retail with alcohol sales, including package stores, Entertainment (indoor theater, bowling alley, micro-brewery, nightclub with food sales, game hall with food sales, arcade), Athletic/fitness club/services, Merchandise store, Specialty retail stores, Restaurants, General offices and services – bank/financial services, General offices and services – business support, General offices and services –services, General offices and services – professional services – laundry and dry cleaners, General offices and services – professional and administrative services and offices, Child care center or facility, Medical/dental clinic or office, Veterinary clinic, Washateria (self-service), Library, Museum or art gallery, Police station, School (nursery, kindergarten, trade or business), Boat sales with no outside storage or display, Indoor gun shooting range with special use permit only, Outdoor uses – Farmer’s market, Flea market, Heliport or helistop, Snow cone stand, Produce stand, Utility mains, poles and lines, and to modify Section 3.2 to allow for outdoor displays so long as the displays do not obstruct the pedestrian walkway.

II. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Amend uses allowed in Ordinance 434
Applicant	City of Kennedale Economic Development Corporation
Staff Recommendation	Approve

BACKGROUND & OVERVIEW

The City of Kennedale previously approved a Planned Development zoning district for Kennedale TownCenter to enhance the quality of life in Kennedale by providing an area for retail and service based businesses based on Kennedale’s history. The Kennedale Economic Development Corporation engaged a developer, Hughes Comercial Real Estate and Development, LLC to continue the development and operation of retail and service based businesses in Kennedale TownCenter. A goal of the developer and of the Kennedale Economic Development Corporation is to fully lease existing buildings in the TownCenter. The developer has succeeded in filling additional retail space, but there

remains to be space that needs to be leased. The proposed amendment to the permitted uses for TownCenter simplifies the allowed use list, providing the opportunity for a wider variety of retail uses, while still prohibiting sexually oriented business, and adding Vapor Stores as a prohibited use.

STAFF REVIEW

The Kennedale TownCenter is a 7-acre master planned 1920's railroad-themed town center located in the heart of Kennedale's targeted downtown district and growth corridor. The development is a public-private development with the City of Kennedale and Kennedale Economic Development Corporation and is adjacent to Kennedale City Hall, Kennedale Chamber of Commercial, Kennedale Police Station and Kennedale Public Library. The purpose of the development was to create an active gathering place for the community and place to shop. The Kennedale Economic Development Corporation seeks an amendment to the list of permitted uses for TownCenter that will provide the opportunity for a wider variety of retail uses for residents and visitors. The requested amendment will assist the developer in bringing additional retail to Kennedale TownCenter.

STAFF RECOMMENDATION

Staff recommends approval.

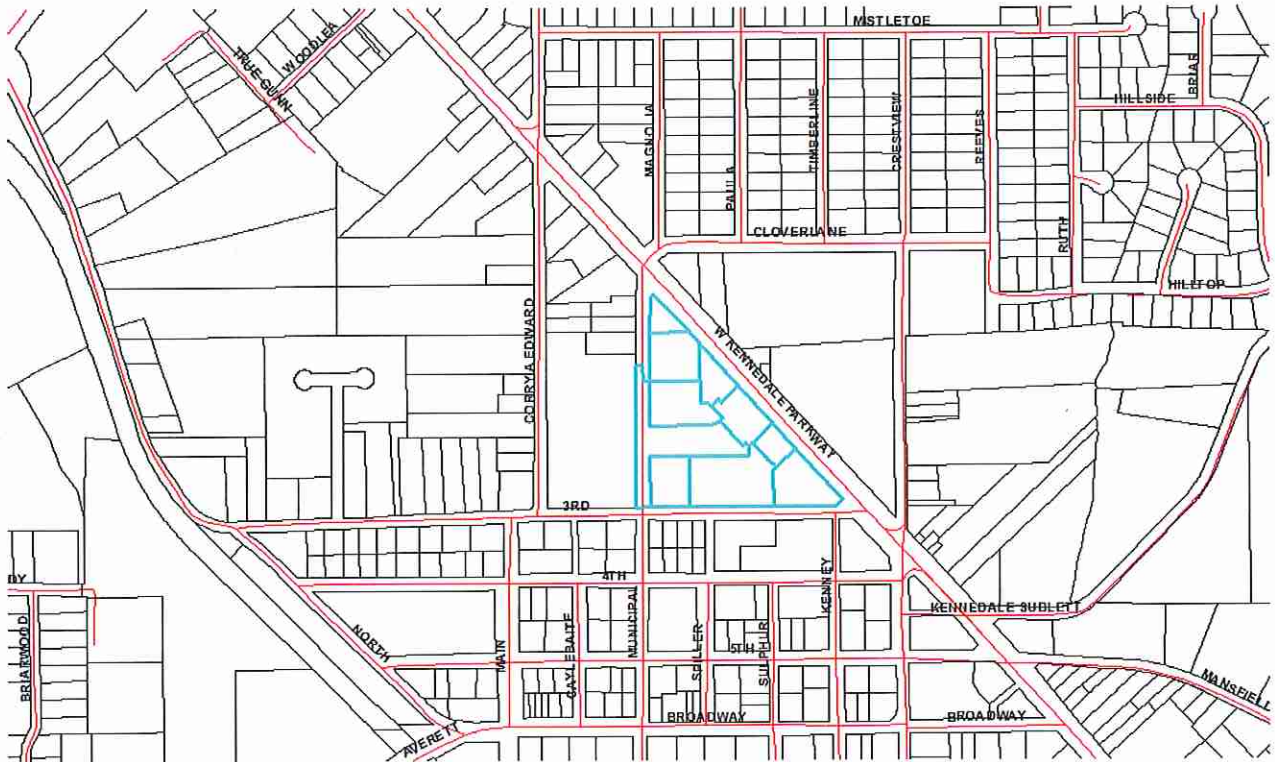
ACTION BY THE CITY COUNCIL

Approval: Based on the information presented, I find that the request meets city requirements for amending the UDC and make a motion to approve Ordinance 622.

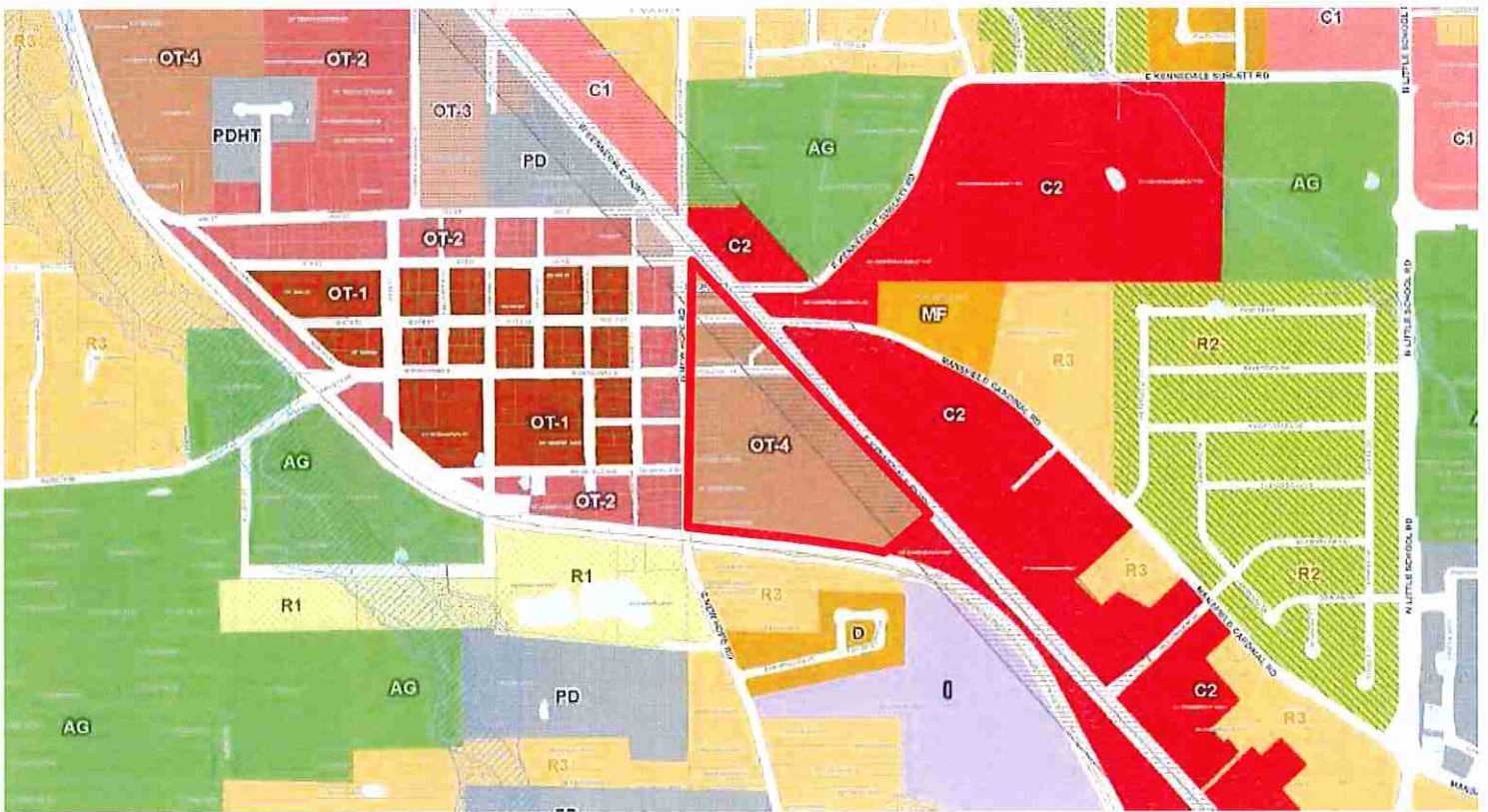
Approval with Conditions: Based on the information presented, I find that the request meets city requirements for amending the UDC and make a motion to approve Ordinance 622.

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

Location Map
Town Center
PZ18-003



Zoning Map
Town Center
PZ18-003



Date: June 21, 2018

Agenda Item No: REGULAR ITEMS (C)

I. SUBJECT

CASE # PZ 18-04 to hold a public hearing and consider approval of a request by the Economic Development Corporation for a zoning change to exempt TownCenter, Lot 1, 2, 3 and a portion of lot 4A, Block A of the Kennedale Retail Center Additional, Kennedale, Tarrant County, Texas, and containing approximately 6.868 acres and a .781 acre right-of-way known as Municipal Drive and being a strip of land located in the Canzada Rose Survey, Abstract 1285, Tarrant County, Texas, from Section 11.14 of the City of Kennedale Zoning Ordinance, General Retail, Alcohol Sales.

II. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Exempt TownCenter from Section 11.14 of the Zoning Ordinance
Applicant	City of Kennedale Economic Development Corporation
Staff Recommendation	Approve

BACKGROUND & OVERVIEW

The City of Kennedale previously approved a Planned Development zoning district for Kennedale TownCenter to enhance the quality of life in Kennedale by providing an area for retail and service based businesses based on Kennedale's history. The Kennedale Economic Development Corporation engaged a developer, Hughes Comercial Real Estate and Development, LLC to continue the development and operation of retail and service based businesses in Kennedale TownCenter. A goal of the developer and of the Kennedale Economic Development Corporation is to fully lease existing buildings in the TownCenter. The developer has succeeded in filling additional retail space, but there remains to be space that needs to be leased. The proposed amendment to the permitted uses for allows for uses that may sell alcohol in buildings that could be within the required 300-foot distance from a church, public or private school, or public hospital. The Kennedale Independent School District administration building and associated buildings on that property, as well two churches are located within the 300-foot distance.

STAFF REVIEW

The Kennedale TownCenter is a 7-acre master planned 1920's railroad-themed town center located in the heart of Kennedale's targeted downtown district and growth corridor. The development is a public-private development with the City of Kennedale and Kennedale Economic Development Corporation and is adjacent to Kennedale City Hall, Kennedale Chamber of Commercial, Kennedale Police Station and Kennedale Public Library. The

purpose of the development was to create an active gathering place for the community and place to shop. The Kennedale Economic Development Corporation seeks to exempt TownCenter from Section 11.14 of the Kennedale Zoning Ordinance. This exemption would provide the opportunity for a wider variety of retail uses for residents and visitors. The requested amendment will assist the developer in bringing additional retail to Kennedale TownCenter.

STAFF RECOMMENDATION

Staff recommends approval.

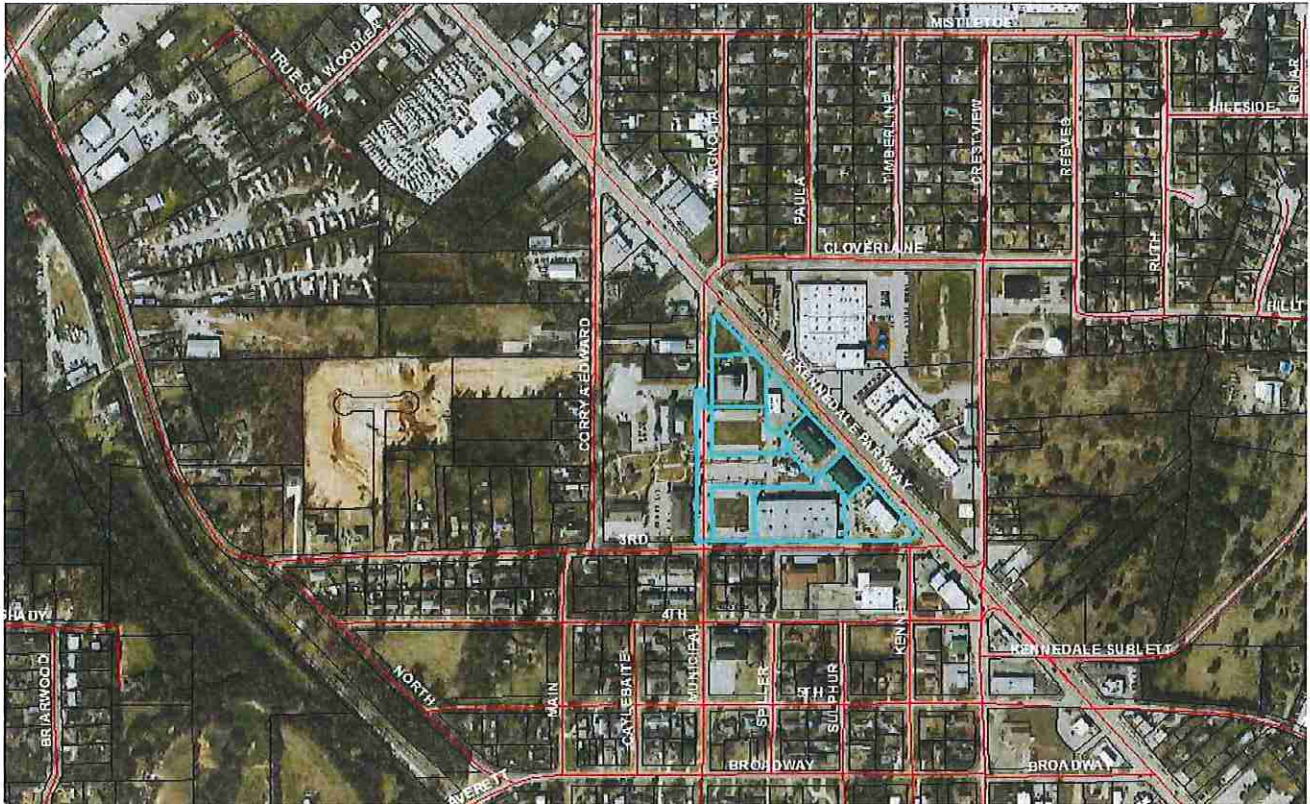
ACTION BY THE CITY COUNCIL

Approval: Based on the information presented, I find that the request meets city requirements for amending the UDC and make a motion to approve Ordinance 622.

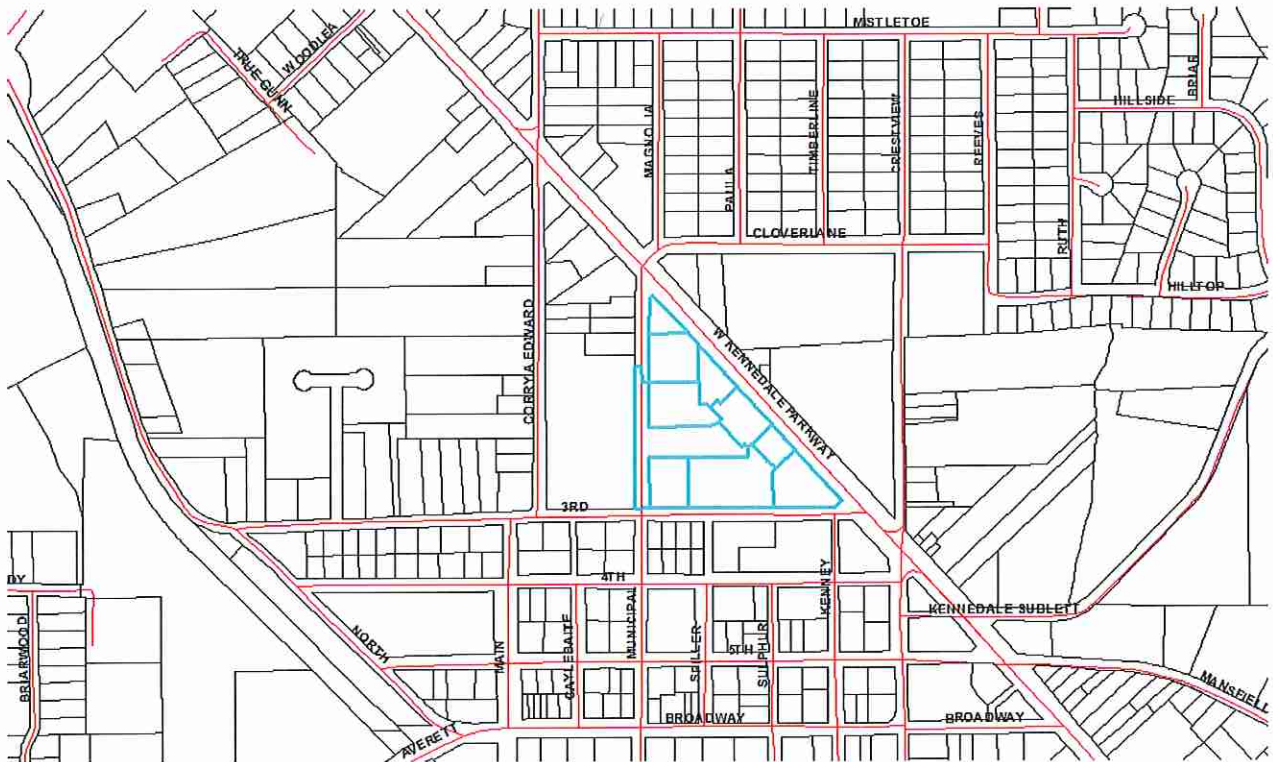
Approval with Conditions: Based on the information presented, I find that the request meets city requirements for amending the UDC and make a motion to approve Ordinance 622.

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

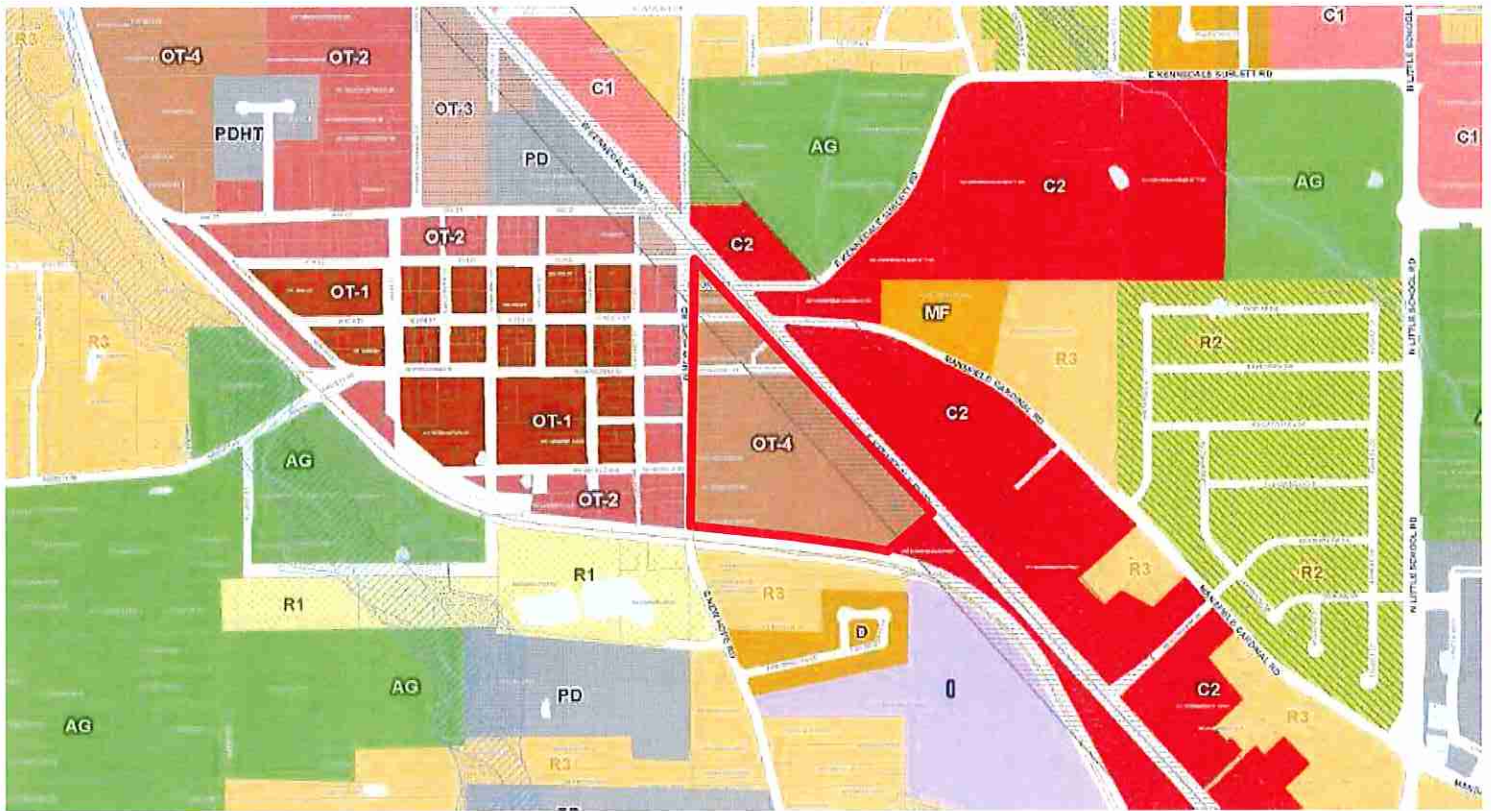
Location Map
TownCenter
PZ18-004



Location Map
Town Center
PZ18-004



Zoning Map
Town Center
PZ18-004



Public Notice

PZ-18-002, PZ-18-003, PZ-18-004

NOTICE OF PUBLIC HEARING
The Kennedale Planning & Zoning Commission will hold a public hearing on Thursday, June 21, 2018 at 7:00 P.M. and the City Council will hold a public hearing on Monday, July 16, 2018 at 7:00 p.m. in the Kennedale City Council Chambers, located at 405 Municipal Drive, Kennedale, Tarrant County, Texas 76060, for the following cases.
CASE # PZ 18-002 to hold a public hearing and consider approval on a request by Francisco Sanchez for a zoning change for approximately 1 acre from "OT-4" Old Town 4 to "OT2" Old Town

STAR-TELEGRAM

Legals & public notices

2on property located at 400 North Road, legal description of Abstract 1225, Tract 3A, Jacob Prickett Survey, Tarrant County, Texas.
CASE # PZ 18-003 to hold a public hearing and consider approval of a request by the Economic Development Corporation for an Ordinance to amend Ordinance 434, Section 3.1, Permitted Uses, to add to prohibited uses vape stores, to replace all listed permitted uses with the following permitted uses: General retail indoor, General retail with alcohol sales, Including package stores, Entertainment (Indoor theater, bowling alley, microbrewery, nightclub with food sales, game hall with food sales, arcade), Athletic/fitness club/services, Merchandise store, Specialty retail stores, Restaurants, General offices and services - bank/financial services, General offices and services - business support, General offices and services - services, General offices and services - professional services - laundry and dry cleaners, General offices and services - professional and administrative services and offices, Child care center or facility, Medical/dental clinic or office, Veterinary clinic, Washateria (self-service), Library, Museum or art gallery, Police station, School (nursery, kindergarten, trade or business), Boat sales with no outside storage or display, Indoor gun shooting range with special use permit only, Outdoor uses - Farmer's market, Flea market, Heliport or heli-stop, Snow cone stand, Produce stand, Utility mains, poles and lines, and to modify Section 3.2 to allow for outdoor displays so long as the displays do not obstruct the pedestrian walkway.
CASE # PZ 18-004 to hold a public hearing and consider approval on a request by the Economic Development Corporation for a zoning change to exempt TownCenter, Lot 1, 2, 3 and a portion of lot 4A, Block A of the Kennedale Retail Center Addition, Kennedale, Tarrant County Texas, and containing approximately 6.868 acres and a .781 acre right-of-way known as Municipal Drive and being a strip of land located in the Canzada Rosa Survey, Abstract 1285, Tarrant County, Texas, from Section 11.14 of the City of Kennedale Zoning Ordinance, General Retail, Alcohol Sales.
Interested persons are encouraged to attend the public hearing to offer public comments or provide written comments prior to the meeting to the Permits & Planning Office, 405 Municipal Drive, Kennedale, TX, 76060. For more information, please call (817) 985-2135.

CITY OF KENNEDALE

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 434, BEING AN AMENDMENT TO ORDINANCE NO. 40, AS AMENDED, BY REVISING THE PERMITTED USES IN THE "PD" PLANNED DEVELOPMENT ZONING DISTRICT FOR KENNEDALE TOWNCENTER IN THE CITY OF KENNEDALE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, the City of Kennedale previously approved a Planned Development zoning district for Kennedale TownCenter to enhance the quality of life in Kennedale by providing an area for retail and service based businesses based on Kennedale's history; and

WHEREAS, the Kennedale Economic Development Corporation, as the owner of Kennedale TownCenter, selected David G. Johnson and Kennedale Town Center, L.P., Spicewood, Texas to develop Kennedale TownCenter; and

WHEREAS, a new developer has been engaged by the Kennedale Economic Development Corporation to continue the development and operation of retail and service based businesses in Kennedale TownCenter; and

WHEREAS, the Kennedale Economic Development Corporation has applied for an amendment to the “PD” Planned Development District to allow additional retail and service based uses within the Kennedale TownCenter; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 21st day of June, 2018 and by the City Council of the City of Kennedale on the 16th day of July, 2018 with respect to the zoning changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City’s Zoning Ordinance as described herein.

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

SECTION 1.

Section 1 of Ordinance No. 434, which created the Kennedale TownCenter PD zoning district, is amended by revising the definition of “Developers” to read as follows:

Developers mean Craig Hughes and Hughes Commercial Real Estate and Development, LLC, the entities responsible for the development of the Project on the Property within the intent, scope and purview of this PD Ordinance, or any subsequent entities approved by the Kennedale Economic Development Corporation for development of the Property.

SECTION 2.

Paragraph 1, “Permitted Uses,” of Section 3 of Ordinance No. 434 is hereby amended to read as follows:

1. The following uses shall be permitted on the Property:

Athletic/fitness club/services

Boat sales with no outside storage or display

Child Care Center or Facility

Entertainment (indoor theater, bowling alley, micro-brewery, nightclub with food sales, game hall with food sales)

General retail - indoor

General retail with alcohol sales, including package stores

General offices and services – bank/financial services

General offices and services – business support

General offices and services – professional and administrative services and offices

General offices and services – professional services – laundry and dry cleaners

General offices and services – services

Indoor gun shooting with special use permit only

Library

Medical/dental clinic or office

Merchandise store

Museum or art gallery

Outdoor Uses

Farmer's market

Flea market

Heliport or Helistop

Snow cone stand

Produce stand

Utility mains, poles and lines

Police station

Restaurant

School (nursery, kindergarten, trade or business)

Specialty retail stores

Veterinary clinic

Washateria (self-service)

SECTION 3.

Paragraph 2, "Outdoor Displays" of Section 3 of Ordinance No. 434 is hereby amended to read as follows:

2. *Outdoor Displays.* All outside storage is prohibited in KTCPDD. Outdoor display is allowed so long as the outdoor display does not block the pedestrian walkway and street furniture is permitted according to the standards set under this ordinance.

SECTION 4.

Section 3 of Ordinance No. 434 is hereby amended by adding a new Paragraph 21, "Prohibited Uses," to read as follows:

21. *Prohibited Uses.* The following uses are specifically prohibited on the Property:

a. Sexually Oriented Businesses, as defined in Section 11-203 of the City of Kennedale Code of Ordinances, including the sale of any sexually explicit material; and

b. Vapor Shop, including a retail establishment that is dedicated, in whole or in part, to the smoking of electronic vaping devices and includes any establishment that allows either the payment of consideration by a customer to the establishment for on-site delivery electronic vaping devices, vapor accessories to the customer; and the onsite smoking of such. This definition shall be construed to include establishments known variously as vapor shops/lounges, and similar establishments, but shall not include an establishment which derives more than 50 percent of its gross revenue from food, beverage, or gasoline fuel sales.

SECTION 5.

This Ordinance shall be cumulative of all provisions of Ordinance No. 40, as amended, and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

PASSED AND APPROVED ON THIS ____ DAY OF _____, 2018.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KENNEDALE, TEXAS, AMENDING SECTION 11-274 "PROXIMITY TO CHURCHES, PUBLIC OR PRIVATE SCHOOLS, AND PUBLIC HOSPITALS" OF ARTICLE XI "ALCOHOLIC BEVERAGES" OF CHAPTER 11 "LICENSES, TAXATION AND MISCELLANEOUS BUSINESS REGULATIONS" OF THE KENNEDALE CITY CODE OF ORDINANCES (1991), AS AMENDED, TO ALLOW ALCOHOL SALES IN THE KENNEDALE TOWNCENTER PLANNED DEVELOPMENT DISTRICT; PROVIDING A CUMULATIVE 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 Code; and

WHEREAS, in order to promote the public health, safety and general welfare the City Council desires to adopt the proposed amendments to its city code in order to revise regulations governing the sale of alcoholic beverages.

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

SECTION 1.

Section 11-274 "Proximity to churches, public or private schools, and public hospitals" of Article XI "Alcoholic Beverages" of Chapter 11 "Licenses, Taxation and Miscellaneous Business Regulations" of the Kennedale City Code, as amended, is hereby revised by adding a new subsection (h) to read as follows:

- (h) Subsection (a) of this section does not apply within the boundaries of the Kennedale TownCenter Planned Development District as depicted in Ordinance No. 434.

SECTION 2.

This Ordinance shall be cumulative of all provisions of all existing ordinances and of the Kennedale City Code (1991), as amended, including but not limited to all ordinances of the City of Kennedale affecting zoning, licenses, taxation, and businesses, or sale or consumption of alcoholic beverages, 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 3.

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

SECTION 4.

This Ordinance shall be in full force and effect from and after the date of its passage and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____,
2018.

MAYOR, BRIAN JOHNSON

ATTEST:

CITY SECRETARY, LESLIE GALLOWAY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY