



KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
July 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. Discuss zoning at Bowman Springs Road intersection with Kennedale Pkwy
- B. Discuss fencing regulations
- C. Discuss any item on the regular agenda, if needed
- D. Discuss items for future consideration

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Review and Consider Minutes from the June 2012 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 12-02, a request by Cynthia Sasedor for a zoning change from "C-1" Restricted Commercial to "PD" Planned Development District for approximately 2.45 acres at an unaddressed parcel at Little School Rd and Potomac Pkwy, also known as Tracts 3 and 4 in the M P Lamar Survey A987, Kennedale, Tarrant County, Texas

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Applicant Response
5. Staff Response and Summary
6. Action by the Planning & Zoning Commission

B. Case PZ 12-03, to hold a public hearing and consider action on an ordinance prohibiting the development of gated communities by amending the subdivision regulations of the City of Kennedale.

1. Staff Presentation
2. Public Hearing
3. Staff Response and Summary
4. Action by the Planning & Zoning Commission

X. REPORTS/ANNOUNCEMENTS

XI. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Kennedale will provide for reasonable accommodations for persons attending City Council meetings. This building is wheelchair accessible, and parking spaces for disabled citizens are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meetings. Please contact Amethyst Cirno, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the July 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.



Amethyst G. Cirno, City Secretary



Date: July 19, 2012

Agenda Item No: WORK SESSION - A.

I. Subject:

Discuss zoning at Bowman Springs Road intersection with Kennedale Pkwy

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

So far, I have visited the following sites:

1. West 7th district, Fort Worth

West 7th Street has several lanes of traffic in each direction, plus a center turn lane, as does Kennedale Parkway. In addition, the development immediately behind West 7th Street features walkable, attractive features that could be useful in Kennedale. The buildings are generally too large for our Urban Village, but the block depths could be compatible.

2. Camp Bowie, Fort Worth

Fort Worth recently adopted a form-based code for Camp Bowie. As Camp Bowie is now, it is not a pattern that we would want to use as a model, for the most part. However, as the road in many places is similar to Kennedale Parkway (two travel lanes in each direction, medians in the center, traditional suburban development patterns), the regulating plan for Camp Bowie may be a good example for us to follow.

3. Oak Street, Roanoke

James and I visited this site on Friday, since it also has a form-based code.

Based on site visits and studying other sites that I have not visited, and based on what I believe are the Commission's concerns for this intersection, I have begun drafting preliminary information for the regulating plan. I hoped to finish a draft over the weekend before the meeting, however I was not able to put together final recommendations in that time frame. With that said, I'm including with this report preliminary ideas for a regulating plan. The ideas are intended to help move the discussion toward final decisions on details such as lot width, building height, and frontage types. In the days leading up to the July meeting and in the weeks after, I'll be tweaking the draft to bring it inline with the Commission's ideas for the intersection.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	Urban Village form-based code ideas	Bowman Springs FBC ideas 7-16-12.pdf
2.	Camp Bowie regulating plan excerpt 1	Pages from Camp Bowie FinalCode.pdf
3.	Camp Bowie regulating plan excerpt 2	Pages from Camp Bowie FinalCode-2.pdf
4.	Roanoke regulating plan excerpt	roanokeregplan.pdf
5.	Aerial view, corners/character zones numbered	Kenn Pkwy Bwn Sprgs numbered.pdf
6.	Technical Bulletin, Build-To Lines	Technical Bulletin 4- Build to Line.pdf

Question 1:

What are the existing conditions?

(see map for corner numbers)

land is held by multiple owners

demand for commercial use in Kennedale is small, therefore a large-scale commercial development may not be possible.

Corner 1

Edge strip of land along Bowman Springs is vacant; small mobile home park is adjacent. Next to the mobile home park is a cluster of buildings in industrial use.

The industrial use is not likely to disappear in the next few years.

This corner backs up to a new private school, Fellowship Academy.

The site is also adjacent to the floodplain.



Corner 2

City-owned vacant strip of land is at corner. Adjacent is North Texas Granite building, and next to that property is what is now the Composure salon building (stone building with accessory building in the back). Wood-frame single family houses occupy the next two lots. Behind the city-owned lot is a residential street, Rolanda.

Development adjacent to Roland should be sensitive to existing neighborhood, perhaps should include larger setbacks and/or building height restrictions.





Corner 3

Current site of pipeline company. Might be in the floodplain.



Corner 4

Part of this section is in the floodplain.
includes three new(ish) industrial buildings and pipeline company.



Goals for the Urban Village:

These villages act as gateways into the “core” of Kennedale. These areas should include a dense **mix of residences and businesses in a walkable environment**. They are similar to Neighborhood Villages, yet larger and of a higher intensity. While Urban Villages should **promote pedestrian circulation and access from nearby neighborhoods and areas**, it can be expected that a significant number of visitors will access the urban village by car. **A “park once and walk everywhere” approach should be taken during the design phase of urban villages** to enable convenient and pleasant walking.

Sample Development Types:

- Loft apartments/condos
- Live/Work
- Multi-tenant office
- Retail
- Service
- Movie theater
- Restaurant
- Grocery store
- Large-scale retail
- Plazas/squares

Question 2: What design/site standards will achieve goals? There are several options.

Question 3: Should each of the four corners have different standards, or should they have all the same standards?

I recommend treating each corner as a separate character zone but having shared/same standards whenever appropriate.

Transect Zone: T4 Urban Village (T4 transect calibrated for Kennedale and the Urban Village concept)

Examples from other cities:

Camp Bowie

Description:

existing conditions not an example

street is 2 lanes each way, similar to Kennedale Pkwy

several character zone for Regulating Plan have similar issues--small or irregular-sized lots

buildings built at intersection

Excerpts from Regulations:

Build-to Line: Front

(Neighborhood Street

/Civic Space): 5' – 10'

Front (Boulevard/Local

Street/ Highway): 10' – 30'

Front setback (Neighborhood

Street / Civic Space): 10' (min.),

20' (max.)

Side and Rear setback

(from property line): 0'

see attached excerpt for more details

"gateway features
new construction frames the public realm

Front setback (Boulevard/Local
Street): 10' (min.), 30' (max.)

West 7th, Fort Worth

Description:

street is 2 lanes each way with median, similar to Kennedale Parkway
streets interior of development are narrow, good model for interior of Urban Village
block lengths, building lengths too large (generally)
no Regulating Plan in place, but form-based code is under consideration

Oak Street, Roanoke

Description:

historic downtown area, buildings at scale that may fit
well in the Urban Village
variety in architectural details, frontage types
on-street parking and parking behind buildings

Excerpts from Regulations:

0-10 built-to zone on Oak Street
larger build-to zones on adjacent streets

Ideas for Urban Village standards

interior streets and parking should be designed to share spaces with pedestrians and cyclists

Examples of tools to achieve shared spaces:

- shared streets encouraged through narrow travel lanes, on-street parking, "sharrows"
- woonerf-style design (no separation between street and sidewalk, no raised curbs, no obvious clues for what is street and what is not)
- pedestrian crosswalks, bike lanes

both residential and commercial uses will be allowed

Examples of tools to achieve mixed uses:

- bottom floor retail/office, upper floor(s) residential
- separate zones within the Urban Village for residential, commercial uses
- "horizontal mixed-use"; residential adjacent to commercial
- non-office commercial should be located away from existing residential areas

promote pedestrian access and circulation from nearby areas

- any screening walls/fence should have openings for pedestrian, cyclists (but not for cars unless desired by adjacent neighborhood)
- provide sidewalk / pedestrian connections from all sides with existing neighborhoods
- parking provided next to existing neighborhoods should be designed so as to encourage access by pedestrians, cyclists
- ensure sidewalks are buffered from streets (use landscaping, on-street parking, bollards)
- require landscaping strips (and set minimum width) or tree wells when possible

"park once and walk" approach

- buildings should be close enough that visitors don't have to cross large parking lots to get from one building to another
- no large-scale parking lots; parking should be dispersed throughout the development
- building access should be on multiple sides of buildings if buildings are large
- set maximum building width to ensure appropriate scale
- set minimum amount of glazing on ground floors
- require frontage types that are comfortable for pedestrians, encourage looking in shop windows
- set "build-to," setback distances that bring buildings to sidewalks, curb (where pedestrians are)

how to get pedestrians across major roadways

Since this is one Urban Village, not four separate villages, the four corners should function as one development. Design must include getting pedestrians across these major roads.

- enhanced crosswalks
- enhanced signalization for pedestrians, maybe
- no right turn on red at this intersection (work with TXDOT to implement)

Design styles

Encourage durability while allowing flexibility in design

- masonry
- vinyl, hardy plank
- what about masonry veneer over metal buildings?

Building height: max of 2 stories near major roadways

frontage types: shopfront, gallery, or arcade for commercial; stoop allowed for residential

require change in elevation, massing every 100 feet (minimum)

main entrances to the development will be from Bowman Springs and Dick Price

doors and windows of all buildings shall be 50-80% of the ground floor façade along main streets

lot coverage min 70%, max ?

lot width minimum 50', maximum 150'

build-to line: 0' from right-of-way

front setback: min 0', max 5'

side setback: min 0', max 10' for residential, max 5' for commercial

rear setback: min 0', max 10' for residential, max 5' for commercial (except for lots abutting existing residential use)

ground floor finish level: 12 inches max. above

sidewalk

Minimum 30% of building built to build-to zone?

No blank walls greater than 25 ft. in width of any building
permitted along main streets.

Windows minimum % of upper story facades?

Public space standards?

NOTE: with this build-to and front setback standards, buildings may be built at the property line but may also be setback a maximum of 5' to allow variation in the street
scape

If establishing character zones for different corners:

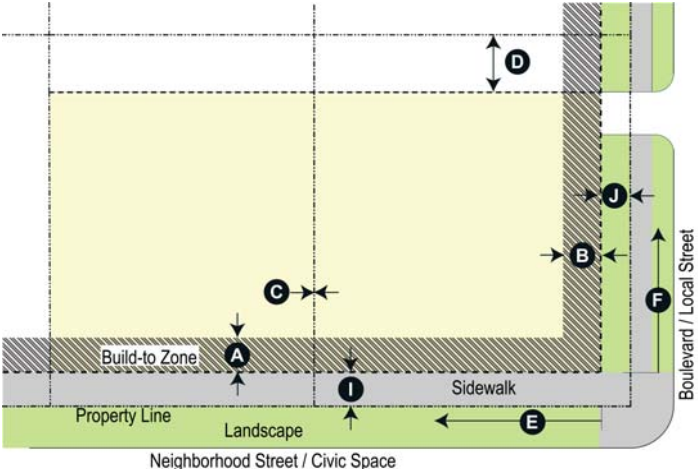
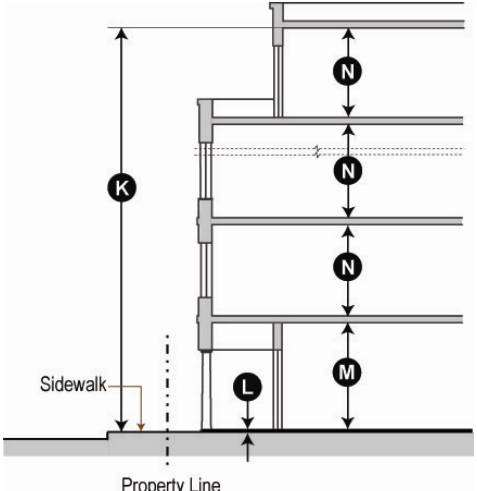
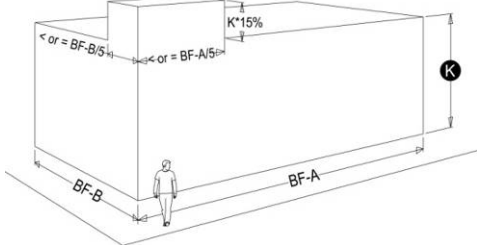
corners 1 and 4 should accommodate, buffer floodplain

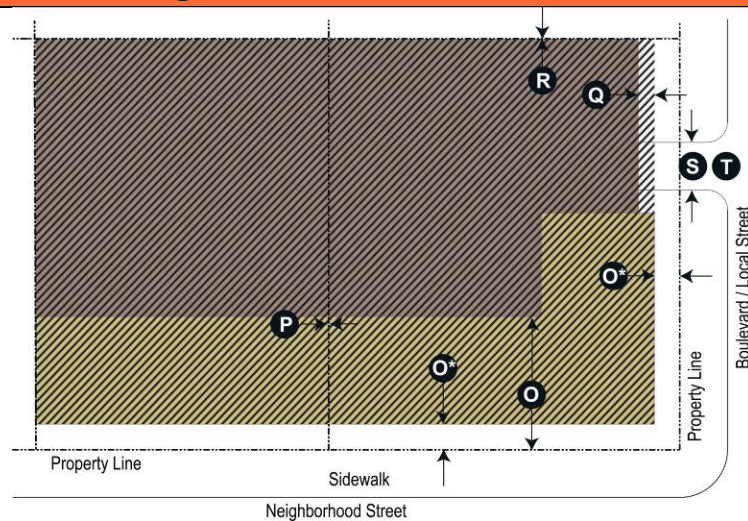
corner 2 should include height limitations or setbacks for building near Rolanda

corner 2 possibility of slip lane to allow access to the development from Kennedale Pkwy

Corner 2 and 3: minimum 6' wide landscaping strip between road and sidewalk (check Green Ribbon plans for conflict)

corner 2 and 3: minimum 6' wide sidewalk

6.2.2 Building Placement	(i) Build-To-Zone (BTZ)	Notes
 Legend ----- Property Line ----- Setback Line - Building Area - Landscape Zone - Build-to Zone - Sidewalk	Front (Neighborhood Street /Civic Space) 5' – 10' (see #1) A	#1 – Area between the building and the edge of the BTZ at the sidewalk shall be paved flush with the public sidewalk.
	Front (Boulevard/Local Street/ Highway) 10' – 30' (see #2) B	#2 – The area between the building and the edge of the BTZ at the public sidewalk shall include a 6' wide (min.) landscaping strip (I*) with street trees planted at 40' on center (average), except at street intersections, where paving is optional up to 50' along the building façade. Species of the street trees shall be selected from the Planting List in Appendix B of this Code.
	(ii) Setback	
	Front (Neighborhood Street / Civic Space) 10' (min.) 20' (max.) I	
	Front (Boulevard/Local Street) 10' (min.) 30' (max.) J	
	Side and Rear (from property line) 0' (see #3 and 6.2.7(iii)) C D	#3 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
	(iii) Building Frontage Required	
	% of building built to Neighborhood Street/Civic Space BTZ 75% (min.) (see #4 and #7) E	#4 – Corner building street facades shall be built to the BTZ for a minimum of 30' from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone standards.
	% of building built to Boulevard or Local Street BTZ 30% (min.) (see #4 and #7) F	#5 – Floor to floor heights shall not apply to parking structures.
	6.2.3 Block Standards	#6 – Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.
6.2.4 Height Standards	Principal Building Standards	#7 – Any frontage along all Neighborhood Streets and the Boulevard not defined by a building at the BTZ shall be defined by a 4-foot high Street Screen. Furthermore, along all streets (Neighborhood Streets, Boulevard and Local Streets) service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. Required Street Screens shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Planting List in Table 6.8 Table A in Chapter 6 Development Standards of the City of Fort Worth Zoning Ordinance. The required Street Screen shall be located at the setback line along the corresponding frontage.
	Building Maximum 5 stories (max.) (see #6 and #8) K	
	First Floor to Floor Height 15' (min.) (see #5) M	
	Ground Floor finish level 12 inches max. above sidewalk (for ground floor Commercial Ready buildings) L	
	Upper floor to floor height 10' (min.) (see #5) N	
	6.2.5 Commercial Frontage Requirements	

6.2.6 Parking and Service Access**Legend****(i) Parking Location****Surface/At Grade Parking**

Neighborhood Street and Civic Space setback	Shall be located behind the principal building	O
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Boulevard or Local Street setback	Min. of 3 feet behind the building facade line along that street	Q
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Side and Rear setback (distance from property line)	0' min. (see # 3 and 6.2.7(iii))	P R
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Above Grade Parking

Setback along Neighborhood Streets, Boulevard, Local Street, or Civic Space	May be built up to the building line	O*
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Side and Rear setback (distance from property line)	0' min. (see # 3 and 6.2.7(iii))	P
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(ii) Required Off-Street Parking Spaces **

Non-residential uses within 250' of single-family residential	1 space per every 300 square feet (gross)
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Residential Units	1.5 spaces/unit**Uses within historically significant buildings are exempt.
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(ii) Driveways and Service Access

Parking driveway width	TxDOT standards on Arterial Roadways and 24 feet max. on all other streets	S
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Driveways and off-street loading and unloading shall not be located on Neighborhood Streets. Porte cocheres may be permitted on Neighborhood Streets to provide drop-off and valet service.

Shared driveways and cross access easements are encouraged between lots to minimize curb cuts.

If driveway and/or off-street service loading and unloading access is provided from Neighborhood Street, such access shall be deemed as temporary and cross access easements along the rear of the property shall be required when adjoining properties are undeveloped.

6.2.7 Other Standards**(i) Encroachments**

1. Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.
2. Building projections on all other facades may not be closer than 5' to any adjacent property line.
3. Encroachments must be approved either administratively or by the City Council.

(ii) Arcades and Colonnades:

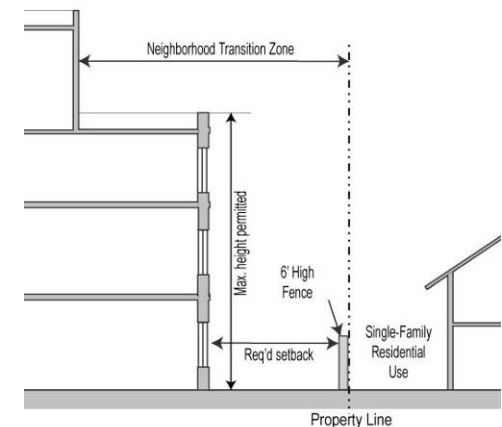
1. Arcades and Colonnades are permitted within the build-to-zone and shall be a minimum of 6' in depth.
2. The minimum interior clearance height within an arcade or colonnade shall be 12'.

(iii) Neighborhood Transitions:

1. A Neighborhood Transition Zone shall be established on all development sites adjacent to single family sites at 25' parallel to any lot line that is common with a single-family residential lot.
2. Building height within this Neighborhood Transition Zone shall not exceed 2 floors. This standard shall apply to any parking structures located within the Neighborhood Transition Zone.
3. A privacy fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single-family residential lot and shall be optional for all other adjacencies.

6.2.8 Façade Elements**(i) Doors and Windows:**

1. There shall be no blank walls greater than 25 ft. in width of any building along Neighborhood Streets and the Boulevard only. For Local Streets there is no requirement.
2. Doors and windows on ground floor of all buildings shall be between 50% and 90% of the ground floor façade area along all Neighborhood Streets and the Boulevard. Along Local Streets there is no requirement.
3. Windows on the upper floors facades along all Neighborhood Streets and the Boulevard shall be a minimum of 25% of each upper floor façade area which is measured between 3ft. and 9ft. above each finished floor.
4. Primary entrance doors for all buildings shall be on Neighborhood Streets or along the Boulevard.
5. Windows and doors on facades directly facing towards a lot line shared by any single-family residential lot and less than 10 ft. from the lot line shall have sills higher than 6 ft. on the ground floor unless a privacy fence (masonry or vegetative) or wall of at least 6 ft. in height is constructed to obscure any direct views into adjacent properties.



6.3 Ridglea Urban Village Core - North

6.3.1 Illustrations and Intent

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific Building Form and Development Standards.

The Ridglea Urban Village Core North Zone building form and development standards are intended to address development along the northern edge of Camp Bowie between Bryant Irvin Road and Hilldale Road. Development standards in this character zone are intended to take advantage of its location as the “historic core” of the Camp Bowie corridor west of I-30.

Generally, this character zone accommodates development of neighborhood serving and destination retail. It also reinforces the existing historical character and architectural elements such as roofs, brick, balconies for new development and redevelopment. The goal is to encourage neighborhood serving retail, service, and urban residential at cross streets to connect neighborhoods to the corridor, retain existing off-street parking and create a street edge with trees along the property line when parking lots are fronting on the Boulevard. Due to the shallow lots and blocks along the northern side of Camp Bowie Boulevard, this zone is intended to be lower in intensity than the Ridglea Urban Village Core South Zone.

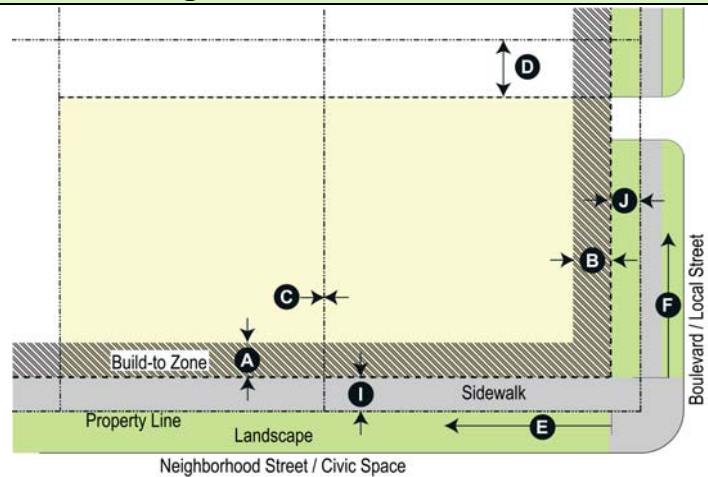
In addition, the site shall be planned in such a manner as to accentuate the intersections with taller buildings that are closer to the street.



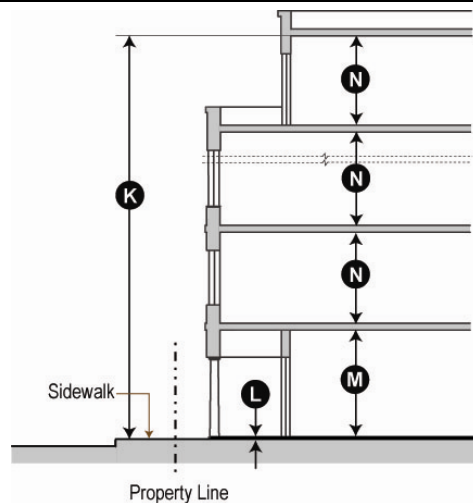
2 to 3-story mixed-use within the urban village core north. Varying heights, setbacks and architectural features give these frontages distinct character and allows for an array of uses.



A corner store with façade facing the intersection (left) and typical architectural features of the Ridglea Urban Village Core (right).

6.3.2 Building Placement**Legend**

----- Property Line	Building Area	Build-to-Zone
----- Setback Line	Landscape Zone	Sidewalk

6.3.4 Height Standards**(i) Build-To-Zone (BTZ)**

Front - Neighborhood Street and Civic Space	5' – 10' (see #1)	A
Front - Boulevard and Local Streets	10' – 75' (see #2)	B

(ii) Setback

Front (Neighborhood Street and Civic Space)	5' (min.) 10' (max.)	I
Front (Boulevard and Local Streets)	10' (min.) 75' (max.)	J
Side or Rear (distance from property line)	0' (see #3 and 6.3.7(iii))	C D

(iii) Building Frontage Required

% of building built to Neighborhood Street/Civic Space BTZ	80% (min.) (see #4 and #7)	E
% of building built to Boulevard or Local Street BTZ	30% (min.) (see #4 and #7)	F

6.3.3 Block Standards

Block Face Dimensions	250' (min.); 800' (max.)
Block Perimeter	2800' (max.)

Principal Building Standards

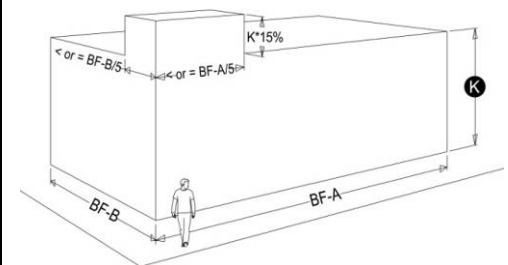
Building Maximum	3 stories (max.) (see #6 and #8)	K
First Floor to Floor Height	15' (min.) (see #5)	M
Ground Floor finish level	12 inches max. above sidewalk (for ground floor Commercial Ready buildings)	L
Upper floor to floor height	10' (min.) (see #5)	N

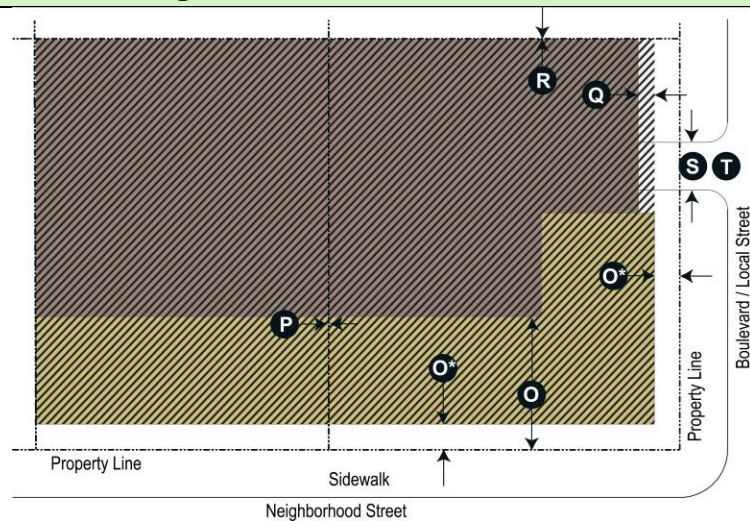
6.3.5 Commercial Frontage Requirements

Ground floors of all buildings fronting on Camp Bowie Blvd. shall be built to Commercial Ready standards including first floor-to-floor height, ingress and egress, handicap access, and first floor elevation flush with the sidewalk.

Notes

- #1 – Area between the building and the edge of the BTZ at the sidewalk shall be paved flush with the public sidewalk.
- #2 – The area between the building and the edge of the BTZ at the public sidewalk shall include a 6' wide (min.) landscaping strip (1*) with street trees planted at 40' on center (average), except at street intersections, where paving is optional up to 60' along the building façade. Species of the street trees shall be selected from the Planting List in Appendix B of this Code.
- #3 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- #4 – Corner building street facades shall be built to the BTZ for a minimum of 30' from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone standards.
- #5 – Floor to floor heights shall not apply to parking structures.
- #6 – Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.
- #7 – Any frontage along all Neighborhood Streets and the Boulevard not defined by a building at the BTZ shall be defined by a 4-foot high Street Screen. Furthermore, along all streets (Neighborhood Streets, Boulevard and Local Streets) service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. Required Street Screens shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Planting List in Table 6.8 Table A in Chapter 6 Development Standards of the City of Fort Worth Zoning Ordinance. The required Street Screen shall be located at the setback line along the corresponding frontage.
- #8 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



6.3.6 Parking and Service Access**Legend****(i) Parking Location**

Surface/At Grade Parking		
Neighborhood Street/ Civic Space setback	Shall be located behind the principal building	O
Boulevard or Local Street setback	Min. of 3 feet behind the building facade line along that street	Q
Side and Rear setback (distance from property line)	0' min. (see # 3 and 6.3.7(iii))	P R
Above Grade Parking		
Setback along Neighborhood Streets, Boulevard, Local Street, or Civic Space	May be built up to the building façade line along that street	O*
Side and Rear setbacks (distance from property line)	0' min. (see # 3 and 6.3.7(iii))	P

(ii) Required Off-Street Parking Spaces **

Non-residential uses within 250' of single-family residential	1 space per every 300 square feet (gross)
Residential Uses	1.5 spaces/unit
**Uses within historically significant buildings exempt.	

6.3.8 Façade Elements**(i) Doors and Windows:**

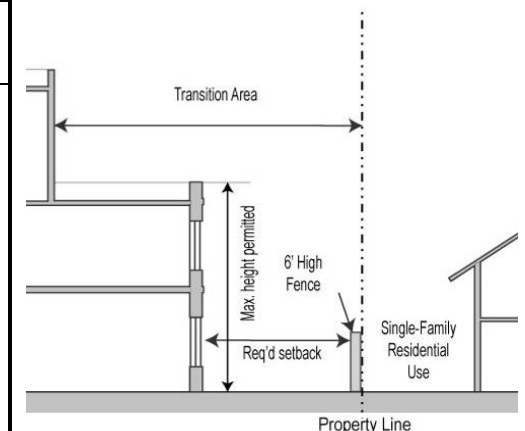
- There shall be no blank walls greater than 25 ft. in width of any building along Neighborhood Streets and the Boulevard only. For Local Streets there is no requirement.
- Doors and windows on ground floor of all buildings shall be between 50% and 90% of the ground floor façade area along all Neighborhood Streets and the Boulevard. Along Local Streets there is no requirement.
- Windows on the upper floors facades along all Neighborhood Streets and the Boulevard shall be a minimum of 25% of each upper floor façade area which is measured between 3ft. and 9ft. above each finished floor.
- Primary entrance doors for all buildings shall be on Neighborhood Streets or along the Boulevard.
- Windows and doors on facades directly facing towards a lot line shared by any single-family residential lot and less than 10 ft. from the lot line shall have sills higher than 6 ft. on the ground floor unless a privacy fence (masonry or vegetative) or wall of at least 6 ft. in height is constructed to obscure any direct views into adjacent properties.

(ii) Driveways and Service Access

Parking driveway width	TxDOT standards on Arterial Roadways and 24 feet max. on all other streets	S
Driveways and off-street loading and unloading	shall not be located on Neighborhood Streets. Porte cocheres may be permitted on Neighborhood Streets to provide drop-off and valet service. Shared driveways and cross access easements are encouraged between lots to minimize curb cuts. If driveway and/or off-street service loading and unloading access is provided from Neighborhood Street, such access shall be deemed as temporary and cross access easements along the rear of the property shall be required when adjoining properties are undeveloped.	T

6.3.7 Other Standards

- (i) Encroachments**
- Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.
 - Building projections on all other facades may not be closer than 5' to any adjacent property line.
 - Encroachments must be approved either administratively or by the City Council.
- (ii) Arcades and Colonnades:**
- Arcades and Colonnades are permitted within the build-to-zone and shall be a minimum of 6' in depth.
 - The minimum interior clearance height within an arcade or colonnade shall be 12'.
- (iii) Neighborhood Transitions:**
- A Neighborhood Transition Zone shall be established on all development sites adjacent to single family sites at 25' parallel to any lot line that is common with a single-family residential lot.
 - Building height within this Neighborhood Transition Zone shall not exceed 2 floors. This standard shall apply to any parking structures located within the Neighborhood Transition Zone.
 - A privacy fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single-family residential lot and shall be optional for all other adjacencies.



6.4 Ridglea Urban Village Core - South

6.4.1 Illustrations and Intent

Note: These are provided as illustrations of intent. The illustrations and statements on this page are advisory only and do not have the power of law. Refer to the standards on the following pages for the specific Building Form and Development Standards.

The Ridglea Urban Village Core South Zone building form and development standards are intended to address development along the south side of Camp Bowie between Bryant Irvin Road and Hilddale Road. Development standards in this character zone are intended to take advantage of its location as the “historic core” of the Camp Bowie corridor west of I-30. In addition, due to the large blocks and lots along this side of the Boulevard, this character zone may also accommodate the highest intensity of uses.

Generally, this character zone accommodates development of neighborhood serving and destination retail. Redevelopment in this zone should also reinforce the historical character and architectural elements within the Ridglea area such as roofs, brick, balconies, and other features. The goal is to encourage neighborhood serving retail, service, and urban residential at cross streets to connect neighborhoods to the corridor, retain existing off-street parking and create a street edge with trees along the property line when parking lots are fronting on the Boulevard.

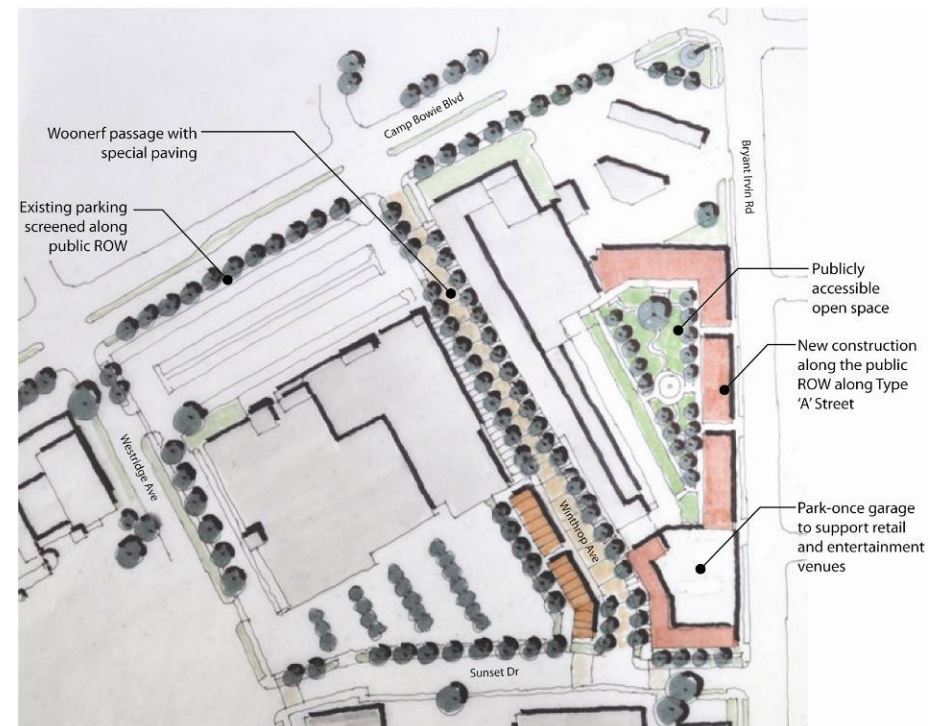
In addition, the site shall be planned in such a manner as to accentuate the intersections with taller buildings that are closer to the street.



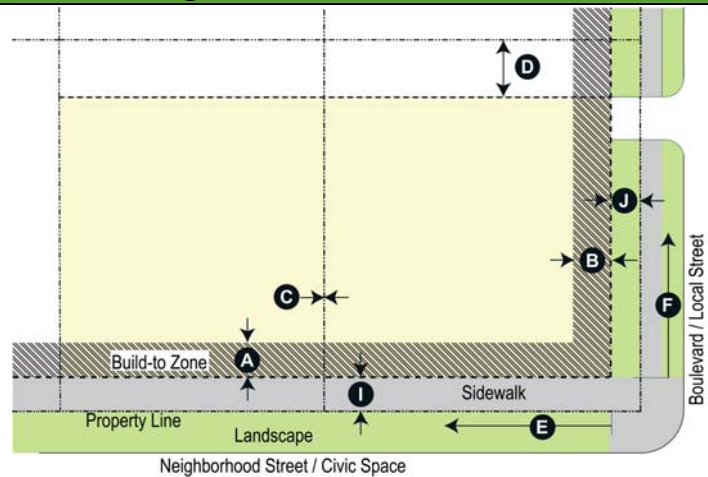
2 to 3-story mixed-use within an urban village core. Varying heights, setbacks and architectural features give these frontages distinct character and allows for an array of uses.



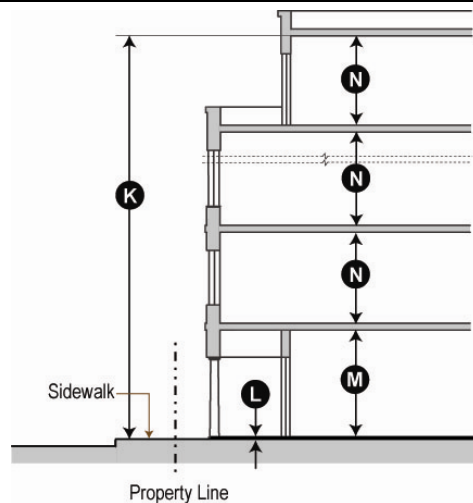
A corner store with façade facing the intersection (left) and typical architectural features of the Ridglea Urban Village Core (right).



Ridglea Urban Village Core South Zone – Recommended Block and Building Site Layout

6.4.2 Building Placement**Legend**

----- Property Line	Building Area	Build-to Zone
----- Setback Line	Landscape Zone	Sidewalk

6.4.4 Height Standards**(i) Build-To-Zone (BTZ)**

Front - Neighborhood Street and Civic Space	5' – 10' (see #1)	A
Front - Boulevard and Local Streets	10' – 75' (see #2)	B

(ii) Setback

Front (Neighborhood Street and Civic Space)	5' (min.) 10' (max.)	I
Front (Boulevard and Local Streets)	10' (min.) 75' (max.)	J
Side or Rear (distance from property line)	0' (see #3 and 6.4.7(iii))	C D

(iii) Building Frontage Required

% of building built to Neighborhood Street/Civic Space BTZ	80% (min.) (see #4 and #7)	E
% of building built to Boulevard or Local Street BTZ	30% (min.) (see #4 and #7)	F

6.4.3 Block Standards

Block Face Dimensions	250' (min.); 800' (max.)
Block Perimeter	2800' (max.)

Principal Building Standards

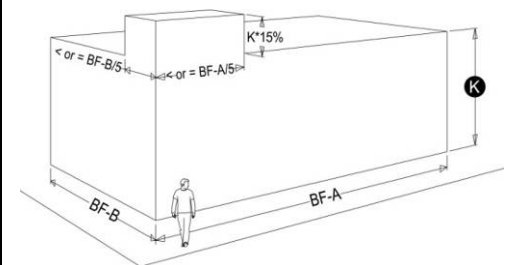
Building Maximum	10 stories (max.) (see #6 and #8)	K
First Floor to Floor Height	15' (min.) (see #5)	M
Ground Floor finish level	12 inches max. above sidewalk (for ground floor Commercial Ready buildings)	L
Upper floor to floor height	10' (min.) (see #5)	N

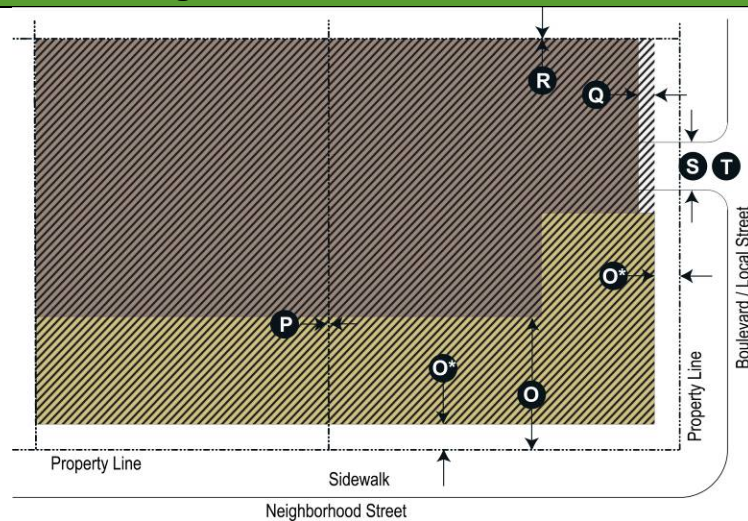
6.4.5 Commercial Frontage Requirements

Ground floors of all buildings fronting on Camp Bowie Blvd. shall be built to Commercial Ready standards including first floor-to-floor height, ingress and egress, handicap access, and first floor elevation flush with the sidewalk.

Notes

- #1 – Area between the building and the edge of the BTZ at the sidewalk shall be paved flush with the public sidewalk.
- #2 – The area between the building and the edge of the BTZ at the public sidewalk shall include a 6' wide (min.) landscaping strip (1*) with street trees planted at 40' on center (average), except at street intersections, where paving is optional up to 60' along the building façade. Species of the street trees shall be selected from the Planting List in Appendix B of this Code.
- #3 – Side and rear setbacks shall be based on minimum fire separation required between buildings, if applicable.
- #4 – Corner building street facades shall be built to the BTZ for a minimum of 30' from the corner along both streets or the width of the corner lot, whichever is less. Recessed entrances are permitted as long as the upper floors meet the build-to zone standards.
- #5 – Floor to floor heights shall not apply to parking structures.
- #6 – Attics and mezzanines less than 7 feet (avg.) height shall not be counted as a story.
- #7 – Any frontage along all Neighborhood Streets and the Boulevard not defined by a building at the BTZ shall be defined by a 4-foot high Street Screen. Furthermore, along all streets (Neighborhood Streets, Boulevard and Local Streets) service areas shall be defined by a Street Screen that is at least as high as the service equipment being screened. Required Street Screens shall be of either the same building material as the principal structure on the lot or masonry or a living screen composed of shrubs planted to be opaque at maturity. Species shall be selected from the Planting List in Table 6.8 Table A in Chapter 6 Development Standards of the City of Fort Worth Zoning Ordinance. The required Street Screen shall be located at the setback line along the corresponding frontage.
- #8 – Corner buildings may exceed the maximum building height by 15% for 20% of the building's frontage along each corresponding street façade.



6.4.6 Parking and Service Access**Legend****(i) Parking Location**

Surface/At Grade Parking		
Neighborhood Street/ Civic Space setback	Shall be located behind the principal building	O
Boulevard or Local Street setback	Min. of 3 feet behind the building facade line along that street	Q
Side and Rear setback (distance from property line)	0' min. (see # 3 and 6.4.7(iii))	P R
Above Grade Parking		
Setback along Neighborhood Streets, Boulevard, Local Street, or Civic Space	May be built up to the building façade line along that street	O*
Side and Rear setbacks (distance from property line)	0' min. (see # 3 and 6.4.7(iii))	P

(ii) Required Off-Street Parking Spaces **

Non-residential uses within 250' of single-family residential	1 space per every 300 square feet (gross)
Residential Uses	1.5 spaces/unit

** Uses in historically significant buildings are exempt.

(ii) Driveways and Service Access

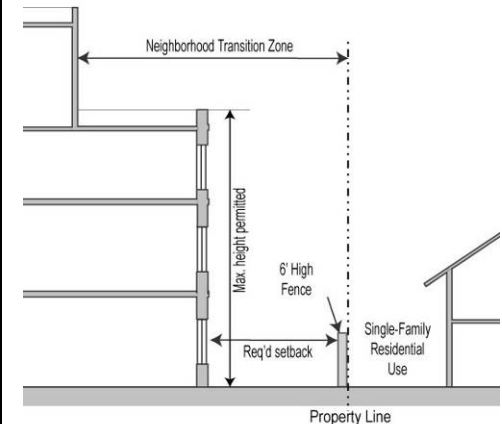
Parking driveway width	TxDOT standards on Arterial Roadways and 24 feet max. on all other streets	S
Driveways and off-street loading and unloading	shall not be located on Neighborhood Streets. Porte cocheres may be permitted on Neighborhood Streets to provide drop-off and valet service. Shared driveways and cross access easements are encouraged between lots to minimize curb cuts. If driveway and/or off-street service loading and unloading access is provided from Neighborhood Street, such access shall be deemed as temporary and cross access easements along the rear of the property shall be required when adjoining properties are undeveloped.	T

6.4.7 Other Standards

- (i) Encroachments
- Canopies, signs, awnings and balconies may encroach over the sidewalk as long as the vertical clearance is a minimum of 8 feet. In no case shall an encroachment be located over an on-street parking or travel lane.
 - Building projections on all other facades may not be closer than 5' to any adjacent property line.
 - Encroachments must be approved administratively or by City Council.
- (ii) Arcades and Colonnades:
- Arcades and Colonnades are permitted within the build-to-zone and shall be a minimum of 6' in depth.
 - The minimum interior clearance height within an arcade or colonnade shall be 12'.
- (iii) Neighborhood Transitions:
- A Neighborhood Transition Zone shall be established on all development sites adjacent to single family sites at 50' parallel to any lot line that is common with a single-family residential lot.
 - Building height within this Neighborhood Transition Zone shall not exceed 3 floors. This standard shall apply to any parking structures located within the Neighborhood Transition Zone.
 - A privacy fence (masonry or opaque vegetative) of a 6' height shall be required when abutting a single-family residential lot and shall be optional for all other adjacencies.

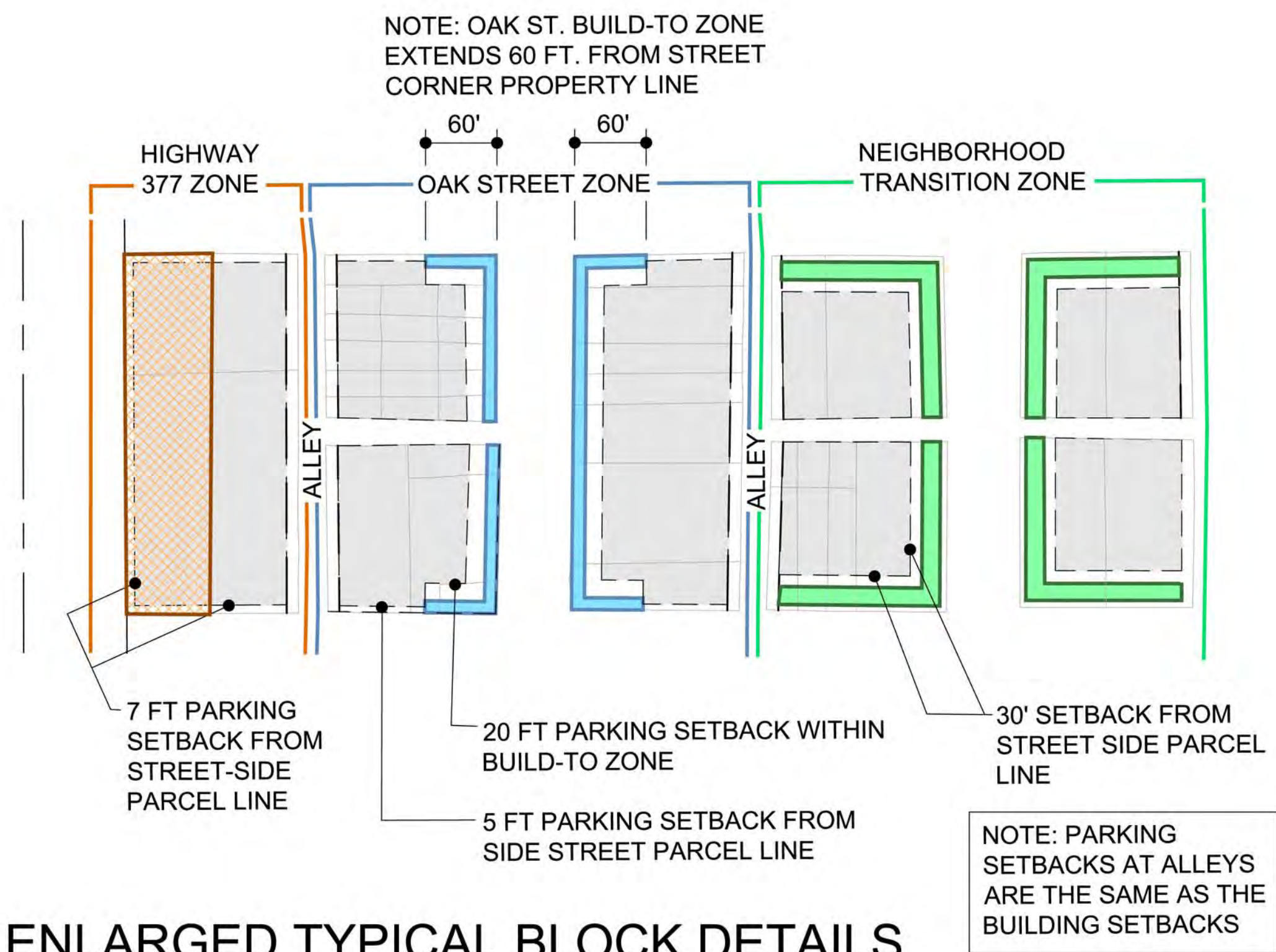
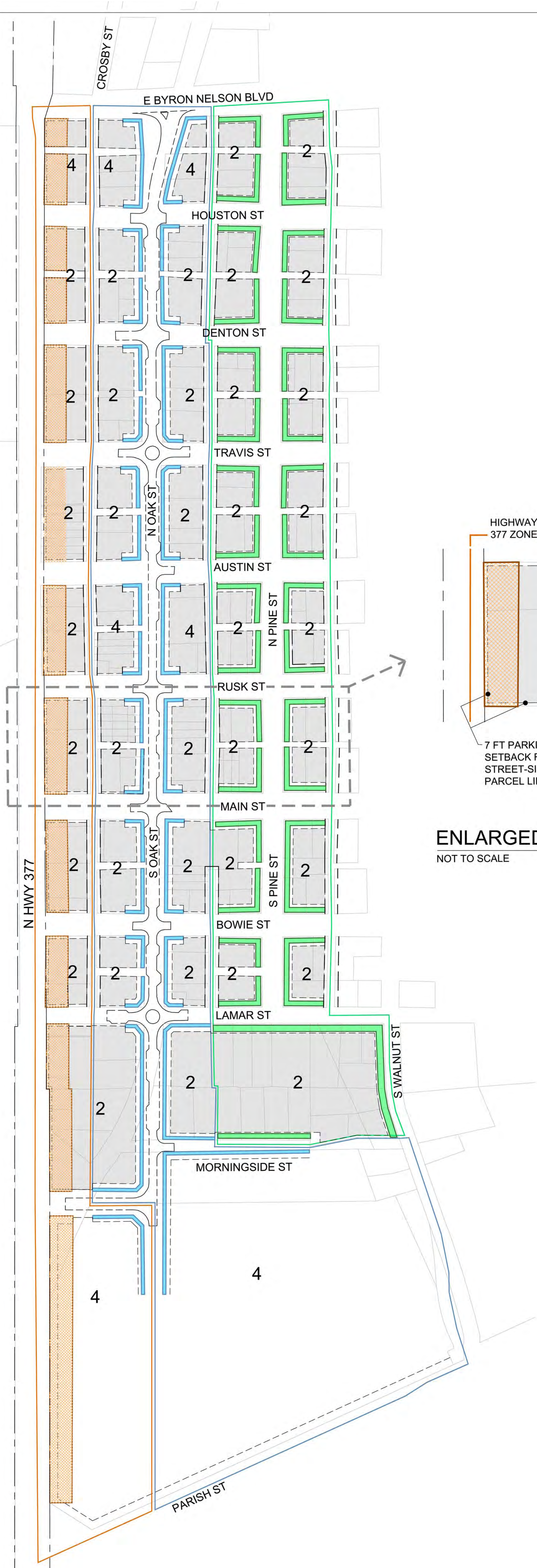
6.4.8 Façade Elements**(i) Doors and Windows:**

- There shall be no blank walls greater than 25 ft. in width of any building along Neighborhood Streets and the Boulevard only. For Local Streets there is no requirement.
- Doors and windows on ground floor of all buildings shall be between 50% and 90% of the ground floor façade area along all Neighborhood Streets and the Boulevard. Along Local Streets there is no requirement.
- Windows on the upper floors facades along all Neighborhood Streets and the Boulevard shall be a minimum of 25% of each upper floor façade area which is measured between 3ft. and 9ft. above each finished floor.
- Primary entrance doors for all buildings shall be on Neighborhood Streets or along the Boulevard.
- Windows and doors on facades directly facing towards a lot line shared by any single-family residential lot and less than 10 ft. from the lot line shall have sills higher than 6 ft. on the ground floor unless a privacy fence (masonry or vegetative) or wall of at least 6 ft. in height is constructed to obscure any direct views into adjacent properties.



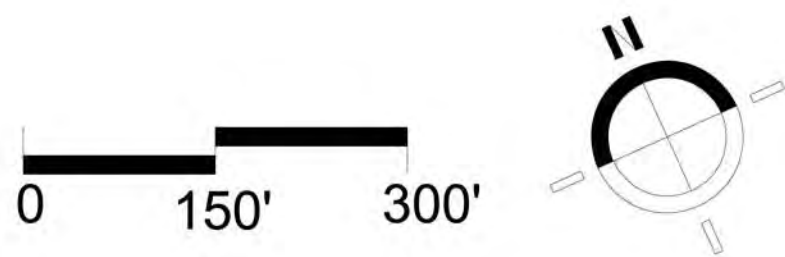
Ordinance 2009-100
Proposed Revisions to the
Oak Street Regulating Plan
Downtown Roanoke

February 10, 2009



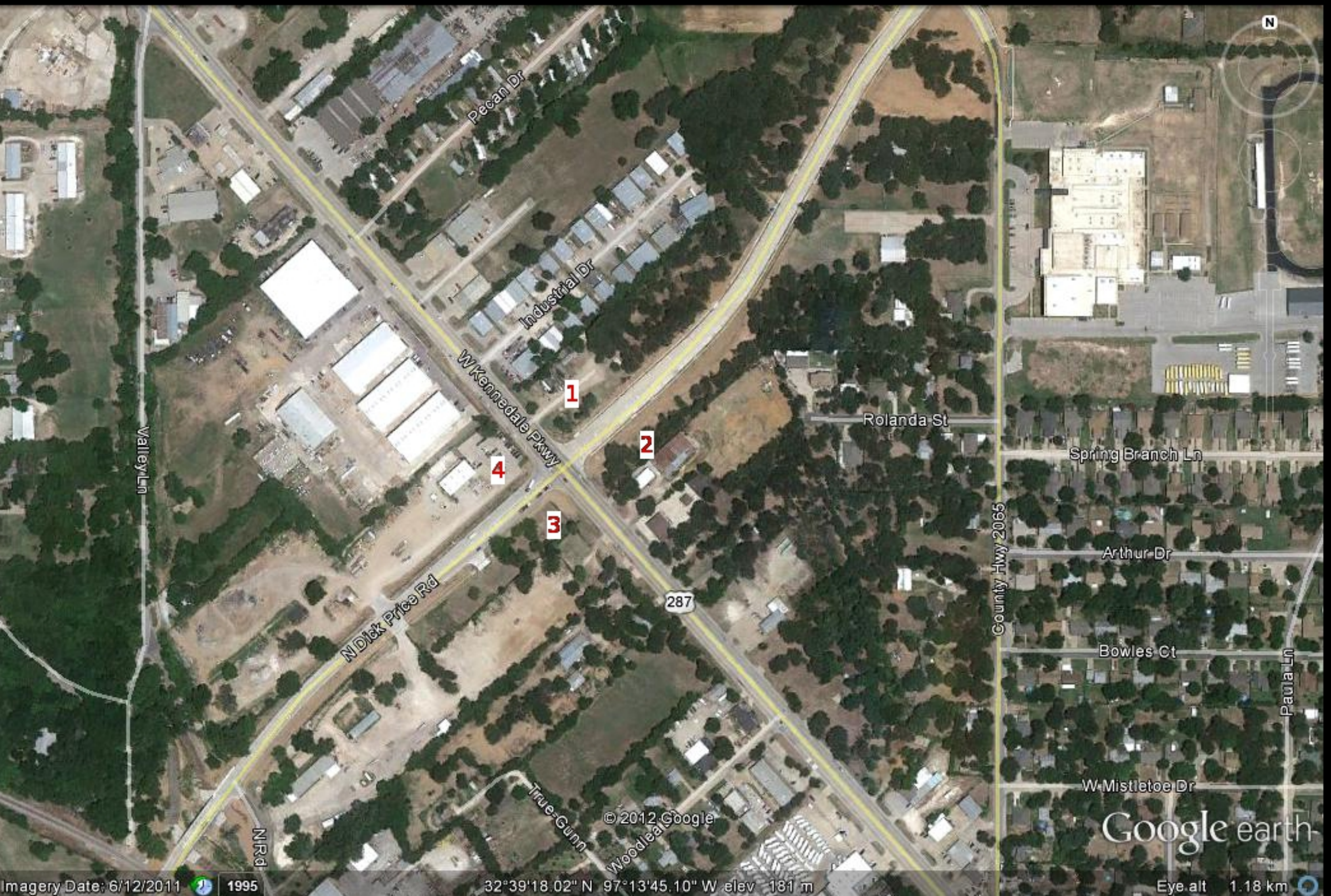
ENLARGED TYPICAL BLOCK DETAILS
NOT TO SCALE

LEGEND	
	HIGHWAY 377 ZONE
	0-70 FT BUILD-TO ZONE
	OAK STREET ZONE
	0-10 FT BUILD-TO ZONE
	NEIGHBORHOOD TRANSITION ZONE
	5-25 FT BUILD-TO ZONE
	ALLOWABLE PARKING ZONE
	10 FT ALLEY BUILDING SETBACK
	FUTURE RIGHT OF WAY ON HWY 377
2	MAXIMUM NUMBER OF STORIES



Gateway
Planning Group





N

Pecan Dr

Industrial Dr

W Kennedale Pkwy

Rolanda St

Spring Branch Ln

Arthur Dr

Bowles Ct

W Mistletoe Dr

Paula Ln

N Dick Price Rd

287

County Hwy 2065

Valley Ln

NRD

True-Gunn

© 2012 Google

Woodleaf

Google earth

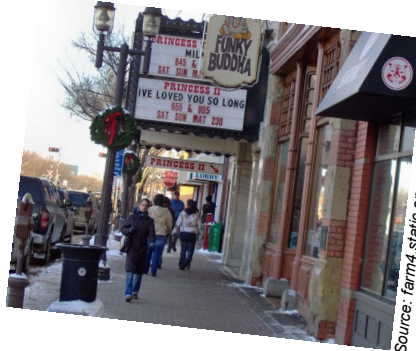
THE BUILD-TO LINE

What regulatory tools can be used to ensure buildings frame the streets and public spaces in such a way that the public realm becomes a welcoming, enjoyable place for people that encourages exchange and business?

How close should the front or facade of the building be to the street, or how should the different buildings be placed along the street to create a consistently welcoming place? How do we ensure a continuously interesting streetscape that is enjoyable at a pedestrian's pace as opposed to a driver's pace?

Often a minimum front set back is used in a land use bylaw to regulate building placement on the site.

In Form-based zoning, a Build-to Line provides a different way of looking at front set backs, with more direction about how the building can create a pedestrian-scaled sense of enclosure to create a comfortable public realm.¹



In which place do the buildings create a welcoming streetscape?

WHAT IS THE BUILD-TO LINE?

The Build-to Line (BTL) regulates the distance between the front property line and building facade. The Build-to Line is parallel to the front property line and the primary building's facade must be built along the BTL. If the BTL is 3 metres back from the front property line, that is where the front wall of the building must be located.

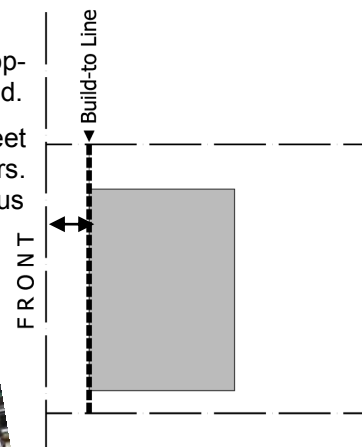
If a lot is on a corner, a BTL is used on each side that faces a street to ensure buildings engage with all streets, and help define corners. Requirements would differ for the 'primary' street at the front versus the 'secondary' one to the side.



Neighbourhood streets lined with homes tend to have larger BTLs, ensuring a clearly identified semi-private space separates the public area of the sidewalk and the privacy of a residence.



Smaller BTLs are generally found along streets lined with shops, restaurants, offices and apartments, creating a strong retail edge and pedestrian scale environment. A direct connection between the street and the commercial spaces encourage frequent interaction.



¹ For additional information on the Public Realm and enclosure, see Smart Growth Technical Bulletin 2

VARIETY AND INTEREST ALONG THE BUILD-TO LINE

A long stretch of building frontage all built along a straight line isn't enough to add interest and depth to the streetscape and the public realm. There are a number of ways form-based regulations can provide opportunities for building owners to vary the facade while still maintaining the integrity of the Build-to Line.

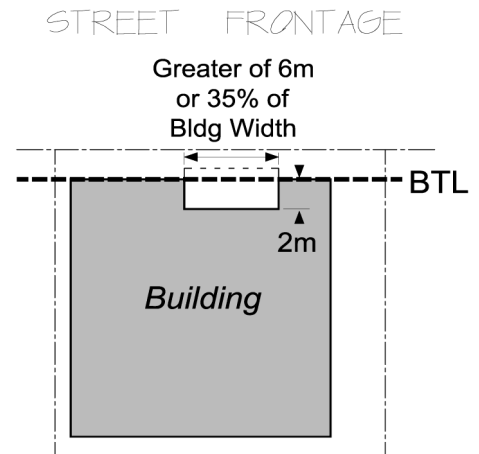
Articulation

The diagram shows the facade can be adjusted either in front of or behind the BTL for a portion of the facade. This provides flexibility for facade design.



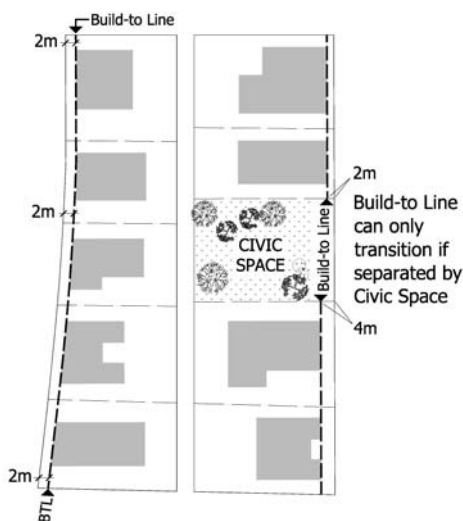
Buildings can provide an interesting entrance, expand window space, prevent doors from opening on to the sidewalk or give people a place to shake off the snow before entering.

Building owners could use the space to accommodate amenities, such as a small patio, benches or bike racks.



Variation along the block

The Build-to Line must be consistent for the entire length of a block. However, if there is a civic space in the middle of a block, the BTL could be changed at that point, but each section must have a consistent BTL, as shown in the diagram.



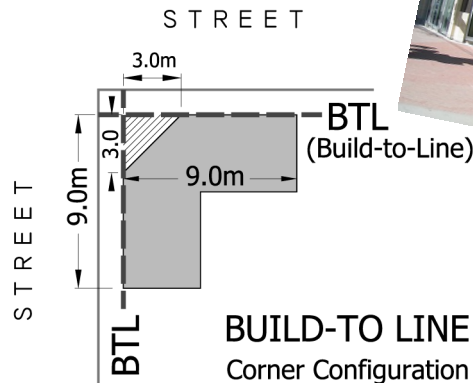
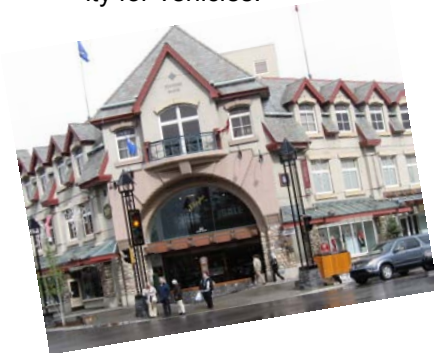
Parks, plazas and squares can break up street fronts and create an opportunity for transitioning to a different BTL.

CORNERS AND INTERSECTIONS

An intersection is a location to be highlighted, a place to be recognized. The buildings located on corners can help create that sense of place.

Entrances on the corner, architectural features that make the corner of the building higher or more noticeable, angling the building rather than building it right to the corner - all these things help create identity for the intersection, and help people realize they have arrived.

Safety is also improved as building the corners back allows more room for pedestrians to wait or pass, and improves visibility for vehicles.

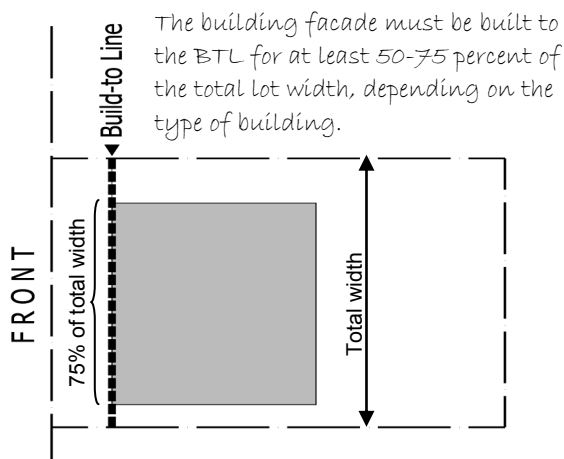


Source: mastermag on www.flickr.com

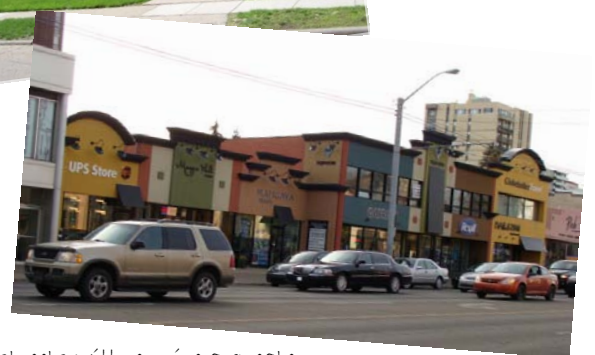
The buildings can help define and identify an intersection as a location or destination.

FRONTAGE WIDTH

To help define the streetscape, the building facade must be built to a minimum width of the overall lot along the BTL. This ensures that the streetscape is predominantly building frontages engaging with the street, rather than undeveloped open spaces or driveways.



Houses will require a lower frontage width to allow for driveways and greater privacy between buildings.



Commercial streets will require a greater frontage width, even up to 100% in certain locations, as a continuous streetscape is more appropriate.

THE BUILD-TO LINE AND ZONING

Conventional zoning - what we do now

The current Land Use Bylaw (LUB) uses minimum front setbacks to regulate the distance between buildings and the front property line. This means a building can be placed as far behind that line as the building owner decides, which results in an inconsistent street front.

Front setbacks are generally larger than BTLs, in St. Albert a minimum of 6 m, and as a result buildings are less able to engage with the street and often there is more land required to accommodate the larger setbacks. This often results in large swaths of parking being located in front of the building, further minimizing the connection between the building and the street and creating a poor sense of enclosure.

Form-based zoning - what we're proposing

The proposed Form-based Zoning regulations will use Build-to Lines to regulate the location of building facades to ensure a consistent streetscape and create a welcoming public realm. To facilitate the smaller BTL, between 0 and 4m, utilities will be placed under the road, and parking will be placed either behind buildings, on-street or in structured facilities. This regulatory approach brings the buildings closer to the street and provides a sense of enclosure at a pedestrian-scale.



Date: July 19, 2012

Agenda Item No: WORK SESSION - B.

I. Subject:

Discuss fencing regulations

II. Originated by:

III. Summary:

I checked with our attorney about the sections of the fencing regulations discussed in last month's meeting. Below are responses to your questions based on what our attorney said.

On the question of whether "maintain" means keeping a fence in place (in other words, not being allowed to remove a fence) or keeping it in good repair, he said that Sec. 4-213 does not create a duty to keep a fence on any property. In this case, "maintain" means merely that a person who installs a fence must make sure the fence is kept in good repair.

On the question of who is responsible for the fence once it is installed, he said the legalese in Sec. 4-212 ("every owner, tenant and agent, of any property upon which a fence or screening device is maintained, shall be jointly and severally responsible for...") is meant to regulate a fence on a commercial property, multi-family property, or similar use where there might be an owner, a property manager, tenants leasing space, etc. The language provides a means for the City to cite any of these parties for failure to maintain the fence properly. He said that for single family residences, the duty to maintain the fence falls on the property owner who installed the fence. Although fences are often built along a property line, they are supposed to be installed on one property. It might be common for home owners to reach agreements with neighbors about placement of fencing and cost-sharing, but at the end of the day, the duty to maintain the fence is held solely by the property owner on whose property the fence is (or is supposed to be) built.

If the Commission believes this regulation should be changed so that owners of property with single family homes must have a shared responsibility to maintain fences once one is installed, please let me know, and I will pass the recommendation on to City Council.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: July 19, 2012

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Review and Consider Minutes from the June 2012 Meeting

II. Originated by:

III. Summary:

Please find attached to this message the minutes from the June 2012 meeting for your review and consideration for approval.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	06.21.2012 MINUTES P&Z	minutes PZ 2012 June 21 FINAL DRAFT.doc
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KENNEDALE
Planning and Zoning Commission
www.cityofkennedale.com

KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
June 21, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chairman Harvey called the meeting to order at 6:05 PM.

II. ROLL CALL

Members present: Ernest Harvey, Charles Overstreet, Lori Bryan, Adrienne Kay (arrived at 6:25 P.M.), Thomas Pirtle, Carolyn Williamson (alternate), Michael Herring (alternate)
Members absent: Ray Cowan, Billy Simpson

Staff present: Rachel Roberts (planner)

Alternates were asked to serve as regular members during the work session.

III. WORK SESSION

A. Discuss draft ordinance prohibiting gated communities

The Commission discussed the draft ordinance prepared by staff and made a few suggestions for amending the wording. The Commission agreed to hold a public hearing on the draft at the next meeting.

B. Discuss zoning at Bowman Springs Rd intersection with Kennedale Pkwy

Ms. Roberts said she had begun making site visits of places that could serve as examples for the form-based code. Mr. Harvey and Mr. Overstreet said they had pictures from their own site visits that they would send to her.

Mr. Harvey suggested setting district boundaries along platted lot lines instead of cutting through properties.

C. Discuss zoning in Old Town

Ms. Roberts gave an update on the status of developing new zoning regulations for this area, and the Commission discussed ideas, as well as other communities that have done similar neighborhoods. Mr. Harvey asked if the original plat was going to be the basis for the zoning,

and Ms. Roberts said it would be considered. She said including the original 25' wide lots would depend on the Commission and the community.

Mr. Overstreet asked if the city would be using a form-based code and noted that some of the buildings in Old Town aren't 80% masonry. Ms. Roberts said that's one of the reasons for revising the code, to allow the building materials that reflect the district's character. Mr. Harvey added that that's one of the problems--structures are being built that aren't conducive to the Old Town character.

D. Discuss fencing regulations

Ms. Roberts said the city's fencing regulations aren't part of the zoning code, so the Commission would not be responsible for making changes to the regulations but could make suggestions that Ms. Roberts would take to the City Council for it to consider.

Ms. Bryan asked for clarification on what "jointly and severally responsible" in Section 4-212 means. She said she believed property owners have to agree to take down a fence that they share, and Mr. Overstreet said he thought Ms. Bryan was correct. Ms. Bryan asked if they needed to define that Section 4-212 is for subdivisions? Ms. Roberts said she would check with the city attorney.

The Commission discussed the fence regulations and determined that the regulations were not clear, and several points needed to be clarified: (1) Controls for the option to keep or remove fencing that has been established—do property owners have the option to remove a fence once it's built, or is the only option to maintain it? (2) Where does the decision lie to repair or remove a damaged fence? (3) Who owns the fence? If it's on the property line, do both property owners share ownership and responsibility? (4) If two people don't agree on whether to replace a fence, can one property owner install a fence and the other property owner be liable to share the cost? (5) If two property owners agree to remove an existing fence, does our code inadvertently prohibit them from doing so?

The Commission did not want to take on the civil issue between neighbors deciding who has to pay for part of the fence.

Ms. Bryan brought up the issue of fencing materials, and the Commission asked Ms. Roberts to check the International Building Code for strength and lifespan standards for fencing materials.

E. Discuss any item on the regular agenda, if needed

Not discussed.

F. Discuss items for future consideration

Not discussed.

The work session closed at 7:10 P.M. The Commission took a ten minute break.

IV. REGULAR SESSION

V. CALL TO ORDER

Chairman Harvey called the meeting to order at 7:20 P.M.

VI. ROLL CALL

Members present: Ernest Harvey, Charles Overstreet, Lori Bryan, Adrienne Kay, Thomas Pirtle, Carolyn Williamson (alternate), Michael Herring (alternate). Alternates participated as regular members.

Members absent: Ray Cowan, Billy Simpson

VII. MINUTES APPROVAL

A. Approval of meeting minutes from April and May 2012

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

VIII. VISITOR/CITIZENS FORUM

James Whitt, 126 Mansfield Avenue, said he planned to continue coming to meetings whether his issue was resolved or not because he finds the meetings interesting. He mentioned the three minute rule for visitors. He wanted to comment on the comprehensive plan and form-based zoning. Mr. Whitt said when he came last time and talked about Page 7-2 of the comprehensive plan and the three directions the plan could take, he felt no one really knew which direction the city was going to take, but he spoke with the city manager, who seemed confident of going in direction #3. He thought the Commission should be equally confident of which direction it is going. He also said he wants to understand what levels of power are available to him.

Mr. Harvey said the Commission encourages participation, so it varies from the three minute rule so as not to restrict the interaction.

IX. REGULAR ITEMS

There were no regular items.

X. REPORTS/ANNOUNCEMENTS

Mr. Pirtle pointed out that Little School Road has dead trees already and asked whose responsibility it is to maintain them. Mr. Harvey said that was discussed at the City Council meeting. If the city follows the contract, it will require the contractor to ensure trees are alive before they turn the project over to the city.

Ms. Roberts mentioned the Kennedale Historical Society. Mr. Harvey asked for the status of the Bulin house project, which Ms. Roberts provided.

XI. ADJOURNMENT

Mr. Pirtle made a motion to adjourn. The motion was seconded by Ms. Williamson. The motion passed with all in favor, and the meeting adjourned at 7:37 P.M.



Date: July 19, 2012

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

CASE # PZ 12-02, a request by Cynthia Sasedor for a zoning change from "C-1" Restricted Commercial to "PD" Planned Development District for approximately 2.45 acres at an unaddressed parcel at Little School Rd and Potomac Pkwy, also known as Tracts 3 and 4 in the M P Lamar Survey A987, Kennedale, Tarrant County, Texas.

1. Staff Presentation
2. Applicant Presentation
3. Public Hearing
4. Applicant Response
5. Staff Response and Summary
6. Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The requested rezoning is for a property at the corner of Little School Road and Potomac Parkway (see attached map). The property is just under 2.5 acres in size.

The city's Schedule of Uses does list assisted living facilities, and therefore such uses are not permitted, although convalescent centers are allowed in MF Multi-Family and C-2 General Commercial zoning districts. Convalescent center is defined as "any building or structure used for or customarily occupied by persons recovering from illness or suffering from infirmities of age." Staff interprets this definition to refer more to a nursing home, rather than an assisted living facility.

Current zoning: C-1 Restricted Commercial

Requested rezoning: PD Planned Development

Current Owner: Johann and Judy Van Beest

Proposed Owner: Cynthia Sasedor, the applicant, intends to purchase the property if the rezoning case is approved (contract pending).

Utilities: The site is served by existing water and sewer utilities. The water line may need to be increased in size before it can serve a facility of this size adequately.

Surrounding Areas:

To the east of the subject site (across Little/Little School Road) is a residential subdivision. The backside of the homes face the street, and the homes have wooden privacy fences.

To the west of the subject site is a residence (zoned R-2).

To the north of the subject site (across Potomac Parkway) is a small commercial development (zoned C-1).

To the south of the subject site is a 7.5 acre vacant lot (zoned R-2).

Comprehensive Plan Guidance:

The Future Land Use Map in the comprehensive plan designates this area as "Neighborhood." Surrounding areas are designated as "Urban Village" (to the north) and "Neighborhood" (to the south and west). Property to the east is in the City of Arlington and is therefore not discussed in the comprehensive plan.

The comprehensive plan states that Neighborhoods are primarily residential in nature and can include (but are not limited to) single family, attached single-family, townhouse/rowhouse, and small multifamily uses.

Staff considers an assisted living facility of this size (1-story, approximately 45 units) to be on the same scale and intensity as a small multifamily development and would consider the assisted living component of the proposed facility as being in compliance with the comprehensive plan. The rehabilitation component could also be considered, as long as it is clearly a minor part of the use.

Comprehensive Plan Goals:

Support a walkable built environment. The regulations set forth in the adopting ordinance are written to promote a walkable built environment (sidewalk connections must be built by the developer/applicant).

Promote access to housing. As the Commission is aware, Kennedale does not provide a wide variety of housing options. An assisted living facility would provide a way for Kennedale residents to remain in the city as they become elderly and less able to care for their own homes. Kennedale has a nursing home, but nothing for residents who don't need continuous medical care but may need assistance in their daily activities.

Conditions:

To ensure compliance with the comprehensive plan, city staff has drafted an ordinance that establishes development guidelines for the proposed use. The guidelines regulate (among other elements) building materials, site placement, drainage, parking, and access.

Staff Recommendation:

Staff finds no conflict between the proposed use requested under the rezoning and the comprehensive plan or other planning policies. Staff therefore recommends approval of a rezoning that would allow the proposed use, however, some adjustments to the proposed standards (see attached ordinance) may need to be made

before the rezoning is approved.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	Map showing site of rezoning request	PZ 12-02.pdf
2.	aerial view of proposed facility	PZ 12-02 aerial view.pdf
3.	PZ 12-02 elevation facing southeast	PZ 12-02 elevation, looking southeast.pdf
4.	PZ 12-02 elevation facing southwest	pz 12-02 elevation looking southwest.pdf
5.	PZ 12-02 site plan	PZ 12-02 site plan.pdf
6.	PZ 12-02 landscape plan	PZ 12-02 landscape plan.pdf
7.	drainage plan	PZ 12-02 drainage plan.PDF
8.	utility plan	PZ 12-02 utility plan.PDF
9.	PZ 12-02 draft ordinance	PZ 12-02 Sasedor PD draft July 2012.doc

PZ 12-02

Map showing location
of rezoning request

Legend

-  PZ 12-02 site
-  Kennedale city limits

0 150 300 Feet



N Little School Rd

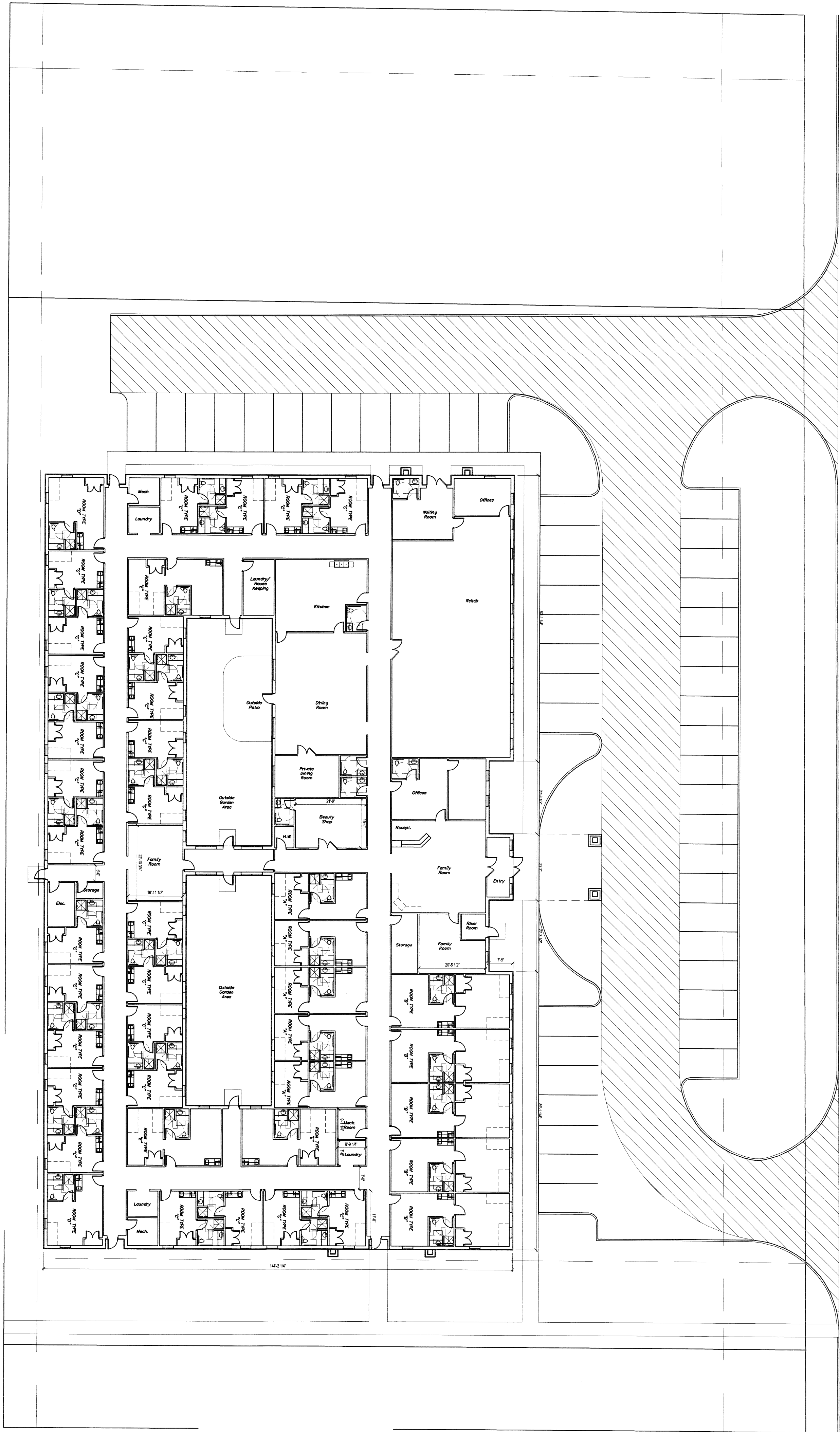
Potomac Rd







ARCHITECTURAL SITE PLAN



Sasedor Assisted Living

DATE ISSUED:

XXXX/XXXX/XXXX

ISSUES:

A: ISSUE FOR BID

XX/XX/XX

REVISIONS:

SHEET CONTENTS:

ARCHITECTURAL SITE PLAN

SHEET NUMBER:

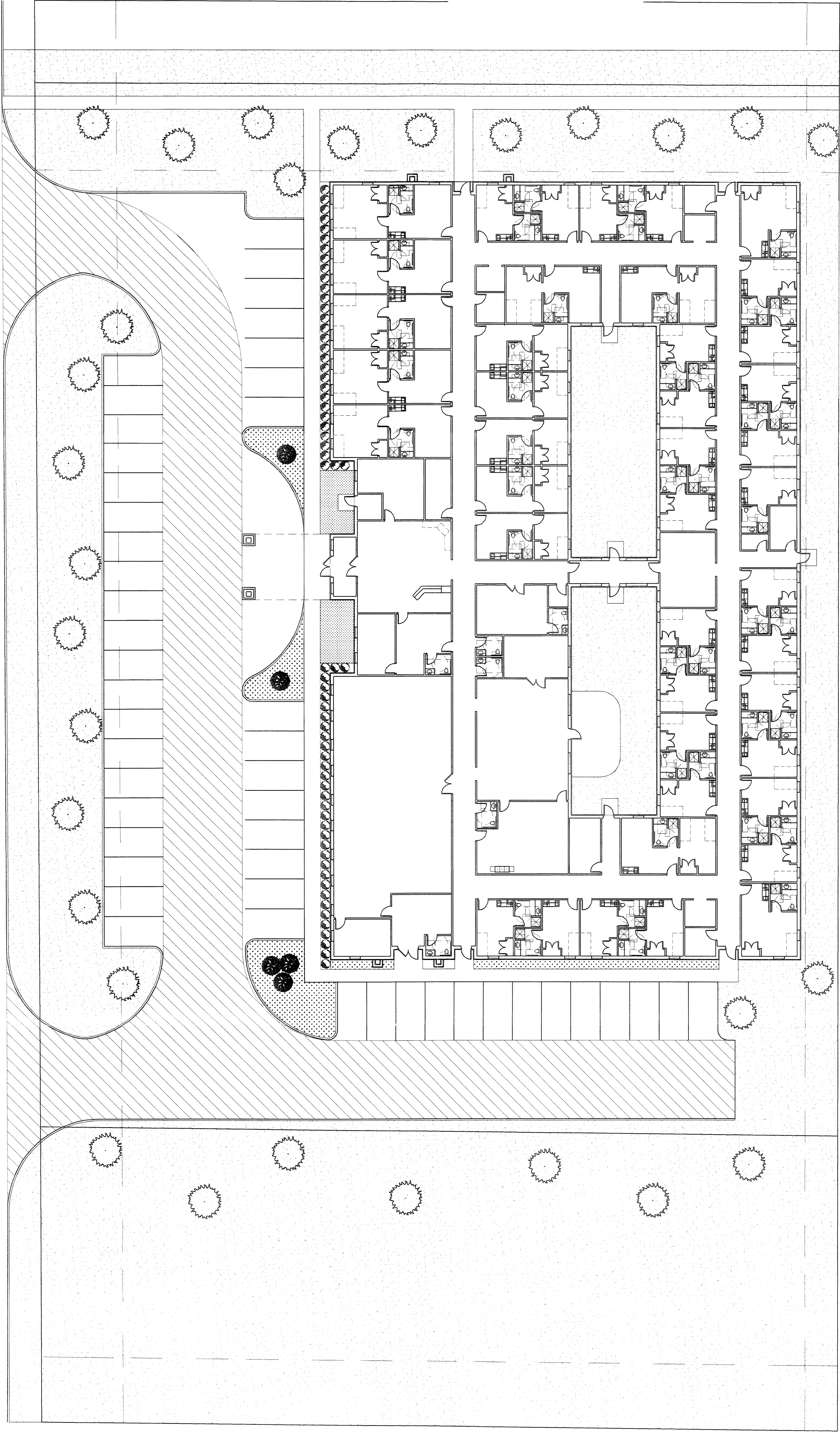
AS101



2151 North Holland, Mansfield TX 76063
Phone (817) 473-0484 Fax (817) 473-0159
www.nationwideconstruction.us

**FOR BIDDING
PURPOSES ONLY**

These documents are for bidding and are not intended for Construction Purposes. They were prepared by, or under the supervision of:



LEGEND

POINT OF BEGINNING (POB)

CENTER LINE

ALIGN

CONTROL JOINT

EXPANSION JOINT



GENERAL SHEET NOTES

A. XXXX

NOTES BY SYMBOL " O " "

1. XXXX

LANDSCAPE LEDGEND

CEDAR ELM

GRAPE MYRTLE

DWF. BURFORD HOLLY

SEASONAL COLOR

BIG BLUE LIRIOPE

GRASS

FOR BIDDING PURPOSES ONLY
These documents are for bidding and are not intended for construction. They were prepared by or under the supervision of:

Sasedor Assisted Living

DATE ISSUED:
XX/XX/XXXX

ISSUES:
A. ISSUE FOR BID XXXXXXXX

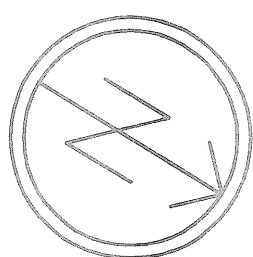
REVISIONS:

SHEET CONTENTS:
LANDSCAPE
LAYOUT PLAN

SHEET NUMBER:

LA101

POTOMAC PARKWAY
(60' R/W)

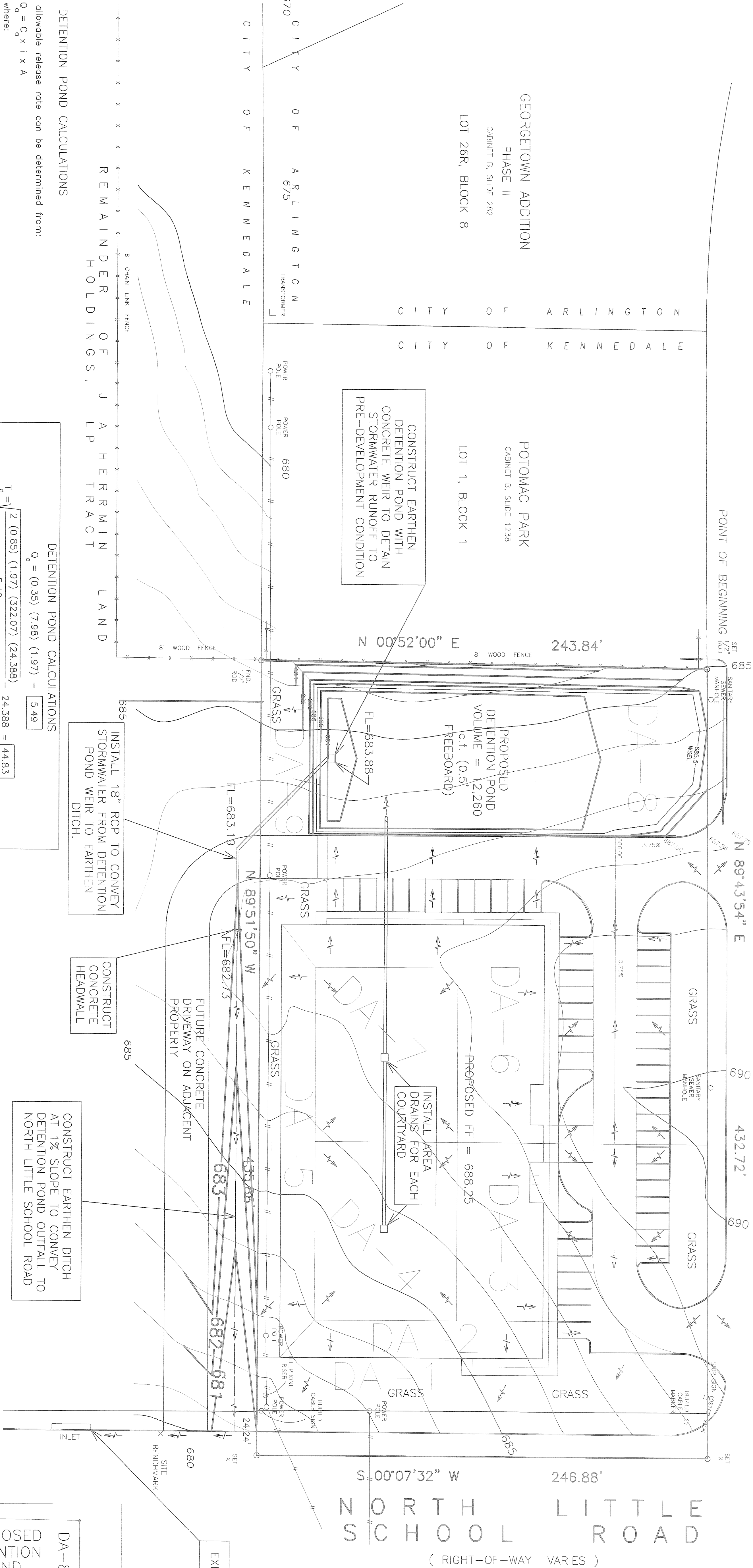


SCALE: 1" = 20'



GEORGETOWN ADDITION
PHASE II
CABINET B, SLIDE 282
LOT 26R, BLOCK 8

POTOMAC PARK
CABINET B, SLIDE 1238
LOT 1, BLOCK 1



DETENTION POND CALCULATIONS

The allowable release rate can be determined from:

$Q_a = C \times i \times A$

where:

Q_a = allowable release rate (cfs)

C = predevelopment Rational Method runoff coefficient

i = rainfall intensity for the corresponding time of concentration (in/hr)

A = area (acres)

The critical duration of storm, the time value to determine rainfall intensity, at which the storage volume is maximized is:

$T_d = \sqrt[3]{\frac{2CAdB}{Q_a}} - b$

where:

T_d = critical storm duration (min)

Q_a = allowable release rate (cfs)

C = developed condition Rational Method runoff coefficient

A = area (acres)

a, b = rainfall factors dependent on location and return period taken from Table 2.1.7-1

The required storage volume, in cubic feet can be obtained from the equations below:

$V_{\text{preliminary}} = 60 \left((CAd - (2CAdQ_a)^{1/2} + (Q_a/2) (b - t_c^2) \right)$

$V_{\text{max}} = V_{\text{preliminary}} \times P_{180} / P_d$

where:

$V_{\text{preliminary}}$ = preliminary required storage (ft³)

V_{max} = required storage (ft³)

P_{180} = 3-hour (180-minute) storm depth (in)

P_d = storm depth for the critical duration (in)

DETENTION POND CALCULATIONS

$Q_a = (0.35) (7.98) (1.97) = 5.49$

$T_d = \sqrt[3]{\frac{2(0.85)(1.97)(322.07)}{5.49}} - 24.388 = 44.83$

$V_{\text{preliminary}} = 60 \left((0.85)(1.97)(322.07) - ((2(0.85)(322.07)(24.388)(1.97)(5.49))^{1/2} + 5.49/2 (24.388 - 10) \right)$

$= 60 \left((5.39.3) - (380.0) \right) + 39.5 = 9.598 \text{ ft}^3$

$V_{\text{max}} = 9.598 \times 5.43/4.58 = 11.379 \text{ ft}^3$

PIPE CAPACITY (18"RCP)

$Q = \frac{1.486}{n} AR^{2/3} S^{1/2}$

$n = 0.010$

$A = 1.77$

$R = A/P = 0.375$

$AR^{2/3} = 0.92$

$S^{1/2} = 0.071$

$Q = 1.486 \times 0.92 \times 0.1$

$Q = 0.010 \times 0.92 \times 0.1$

$Q_{100} \text{ (REQUIRED)} = 5.49 \text{ cfs}$

DRAINAGE AREA CALCULATIONS: (PRE-DEVELOPMENT)

DRAINAGE AREA	C	AREA acres	t_c minutes	i_2 in/hr	i_{10} in/hr	i_{25} in/hr	i_{100} in/hr	Q_2 cfs	Q_{10} cfs	Q_{25} cfs	Q_{100} cfs	COMMENTS
1	0.35	0.168	15	3.90	5.53	6.46	7.98	0.23	0.33	0.38	0.47	
2	0.35	0.066	10	4.71	6.51	7.55	9.24	0.26	0.37	0.42	0.52	DISCHARGES TO NORTH LITTLE ROAD
3	0.85	0.335	10	4.71	6.51	7.55	9.24	1.34	1.85	2.15	2.53	DISCHARGES TO PARKING LOT DETENTION, THEN NORTH LITTLE ROAD
4	0.85	0.175	10	4.71	6.51	7.55	9.24	0.70	0.97	1.12	1.37	COURTYARD DRAIN, DISCHARGES TO DETENTION POND
5	0.85	0.095	10	4.71	6.51	7.55	9.24	0.38	0.53	0.61	0.75	DISCHARGES TO PROPOSED DITCH, THEN TO NORTH LITTLE ROAD
6	0.85	0.659	10	4.71	6.51	7.55	9.24	2.64	3.64	4.23	5.18	DISCHARGES TO PROPOSED DETENTION POND
7	0.85	0.173	10	4.71	6.51	7.55	9.24	0.69	0.96	1.10	1.36	COURTYARD DRAIN, DISCHARGES TO DETENTION POND
8	0.85	0.464	10	4.71	6.51	7.55	9.24	1.86	2.57	2.98	3.54	DETENTION POND
9	0.35	0.167	15	3.90	5.53	6.46	7.98	0.23	0.32	0.38	0.47	DISCHARGES TO PROPOSED DITCH, THEN TO NORTH LITTLE ROAD
TOTAL								8.33	11.54	13.37	16.39	

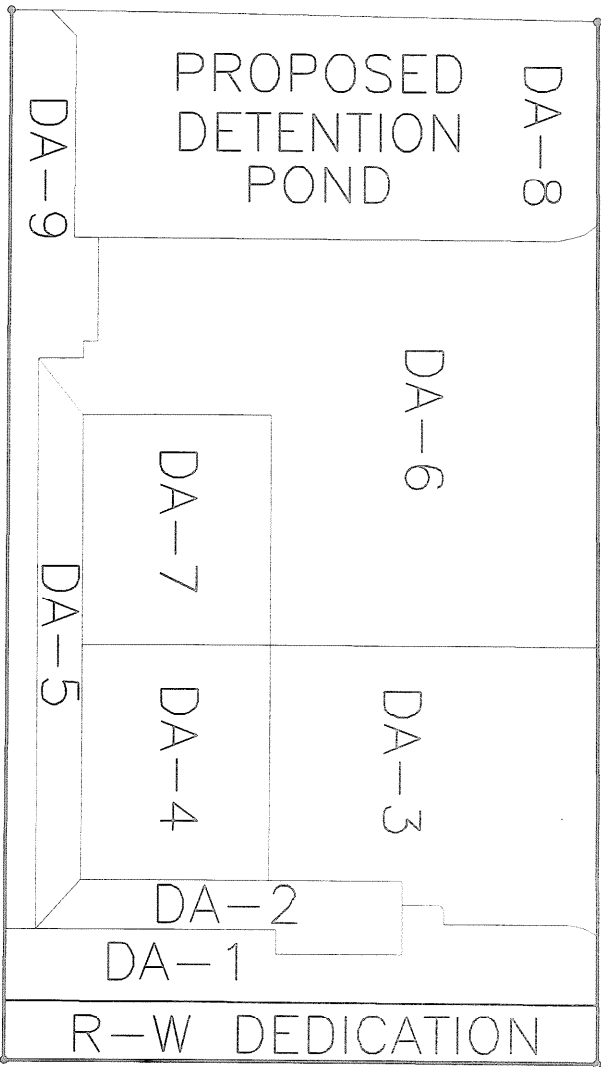
Rainfall Intensity based on TABLE A-16 of ISWM Design Manual (TARRANT COUNTY)

DRAINAGE AREA CALCULATIONS: (POST-DEVELOPMENT)

DRAINAGE AREA	C	AREA acres	t_c minutes	i_2 in/hr	i_{10} in/hr	i_{25} in/hr	i_{100} in/hr	Q_2 cfs	Q_{10} cfs	Q_{25} cfs	Q_{100} cfs	COMMENTS
1	0.35	0.168	15	3.90	5.53	6.46	7.98	0.23	0.33	0.38	0.47	DISCHARGES TO NORTH LITTLE ROAD
2	0.85	0.066	10	4.71	6.51	7.55	9.24	0.26	0.37	0.42	0.52	DISCHARGES TO NORTH LITTLE ROAD
3	0.85	0.335	10	4.71	6.51	7.55	9.24	1.34	1.85	2.15	2.53	DISCHARGES TO PARKING LOT DETENTION, THEN NORTH LITTLE ROAD
4	0.85	0.175	10	4.71	6.51	7.55	9.24	0.70	0.97	1.12	1.37	COURTYARD DRAIN, DISCHARGES TO DETENTION POND
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6	0.85	0.659	10	4.71	6.51	7.55	9.24	2.64	3.64	4.23	5.18	DISCHARGES TO PROPOSED DETENTION POND
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8	0.85	0.464	10	4.71	6.51	7.55	9.24	1.86	2.57	2.98	3.54	DETENTION POND
9	0.35	0.167	15	3.90	5.53	6.46	7.98	0.23	0.32	0.38	0.47	DISCHARGES TO PROPOSED DITCH, THEN TO NORTH LITTLE ROAD
TOTAL								8.33	11.54	13.37	16.39	

Rainfall Intensity based on TABLE A-16 of ISWM Design Manual (TARRANT COUNTY)

POTOMAC PARKWAY



DRAINAGE AREA MAP
NOT TO SCALE

FIRM REGISTRATION F-4313

CITY OF KENNEDALE

ASSISTED CARE FACILITY
POTOMAC AT N. LITTLE SCHOOL RD.

DRAINAGE PLAN

GRANT ENGINEERING, INC.
ENGINEERS
3244 HEMPILL
FORT WORTH, TEXAS 76110
DESIGNED: DRR
DRAWN: JAG
CHECKED: JAG
SCALE: 1" = 40'
DATE: 6-27-12
JOB NO. 10079
SHEET C1

CITY OF KENNEDALE

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Kennedale Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI, of the Texas Constitution and Chapter 9 of the Local Government Code; and

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

WHEREAS, the City of Kennedale desires to enhance the quality of life in Kennedale by providing access to high-quality services and to provide a variety of housing options; and

WHEREAS, a small-scale assisted living facility would provide a housing option not currently available to residents of Kennedale, and at a scale compatible with the comprehensive plan; and

WHEREAS, Johann and Judy Van Beest, persons or entities having a proprietary interest in property being an approximately 2.5 acre tract in the M P Lamar Survey, Tarrant County, Texas, being that same tract conveyed to Johann Van Beest and wife, Judy Van Beest, by

Warranty Deed recorded by Volume 12889, Page 155, Deed Records, Tarrant County, Texas, have filed an application to rezone the property from its present classification of “C-1” Restricted Commercial District to a “PD” Planned Development District; and

WHEREAS, the City Council has determined that a planned development zoning district is the most appropriate zoning district to facilitate the development of the property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale on the 19th day of July 2012 and by the City Council of the City of Kennedale on the 9th day of August 2012 with respect to the zoning changes described herein; and

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

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

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

SECTION 1.

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

An approximately 2.5 acre tract in the M P Lamar Survey, being that same tract conveyed to Johann Van Beest and wife, Judy Van Beest by Warranty Deed recorded by Volume 12889, Page 155, Deed Records, Tarrant County, Texas, and more particularly described by metes and bounds on Exhibit “A” attached hereto and incorporated herein from “C-1” Restricted Commercial District to “PD” Potomac Assisted Living Planned Development District for use as an assisted

living facility with restrictions, as more fully described on the Site Plan, attached hereto as Exhibit “B” and incorporated herein, and as described in this Ordinance.

SECTION 2.

The use of the Property shall be subject to the restrictions, terms and conditions set forth below and on the Site Plan and supporting documents, attached hereto as Exhibit “B,” and the Site Plan is hereby approved. The use of the Property shall further conform to the standards and regulations of the C-1 Restricted Commercial zoning district, to the extent not modified in this Ordinance and the documents attached as Exhibits, and shall be subject to all other applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale. The Property shall conform to the following supplemental standards and regulations, which shall supersede any other requirement to the extent of a conflict:

1. *Permitted Uses.* The only permitted use in the Potomac Assisted Living PD shall be an assisted living facility, as defined below.

Assisted living facility means a congregate residence facility for four (4) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility. Units may be single or double occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis, e.g. visiting nurses, and physical rehabilitation facilities may be provided. Physical rehabilitation may be provided for non-residents only as a secondary part of the operation.

2. *Lot coverage.* Notwithstanding the requirements of Section 17-405 of the Kennedale City Code regarding lot coverage, lot coverage shall conform to the approved Site Plan, and supporting documents, attached hereto as Exhibit “B”.

3. *Building height.* Notwithstanding the requirements of Section 17-405 of the Kennedale City Code regarding building height, buildings shall not exceed a height of one (1) story.

4. *Masonry requirements.* Buildings constructed in the Potomac Assisted Living PD must be of a minimum eighty percent (80%) masonry as defined in Section 17-405 of the Kennedale City Code.

5. *Setbacks.* Notwithstanding the requirements of Section 17-405 of the Kennedale City Code regarding required front yard, rear yard, side yard - interior lot, and side yard - corner lot setbacks, the Planned Development zoning herein approved shall require the following setbacks (in feet):

- a. Front setbacks shall be a minimum of ten (10) feet and a maximum of twenty-five (25) feet. Front setback shall be from the public right-of-way along Potomac Parkway.
- b. Rear setbacks shall be a minimum of ten (10) feet and a maximum of twenty (20) feet.
- c. Side setback shall be a minimum of ten (10) feet and a maximum of twenty (20) feet for the interior side of the lot. Side setback shall be a minimum of ten (10) feet and a maximum of twenty (20) feet from the right-of-way along Little School Road.

6. *Base Zoning District.* Except as otherwise stated in this Ordinance and attached Exhibits, all development within the Potomac Assisted Living PD must meet the requirements of the C-1 Restricted Commercial zoning district.

7. *Parking.* Parking areas shall be constructed to meet standards in the Public Works Design Manual. As the discretion of the Director of Public Works, the city may authorize different construction methods or materials that have been demonstrated to reduce storm water runoff while maintaining handicap accessibility standards and while maintaining durability standards, such as those standards included in North Central Texas Council of Government's iSWM Manual. A minimum of ten (10) and a maximum of fifty (50) parking spaces shall be provided.

8. *Landscaping.* Landscaping shall conform substantially to the approved Concept Plan attached hereto as Exhibit "B". The use of native or adapted plants is strongly encouraged, and such plants shall make up at least thirty percent (30%) of the required landscaping. Landscaping shall be maintained in good condition. A landscaping buffer shall be provided between

9. *Sidewalks.* Sidewalks shall be built so as to provide public access to Potomac Assisted Living Facility from Little School Road and Potomac Parkway and shall be constructed according to standards required by the City of Kennedale Code of Ordinances and the Public Works Design Manual. Notwithstanding the requirements of the Code of Ordinances and the Public Works Design Manual, sidewalks must be a minimum of four (4) feet in width and shall be placed between required landscaping and the primary structure. Notwithstanding the requirements of the Code of Ordinances and the Public Works Design Manual, at the discretion of the Director of Public Works, the city may authorize different construction methods or

materials that have been demonstrated to reduce storm water runoff while maintaining handicap accessibility standards and while maintaining durability standards, such as those standards included in North Central Texas Council of Government's iSWM Manual..

10. *Screening.* Dumpsters shall be screened by brick walls of a minimum of seven (7) feet in height. At a minimum, the walls facing the east and west property lines shall be constructed of masonry.

11. *Signs.* Except as modified by this Ordinance, signs shall comply with the requirements of Chapter 17, Article VII, of the Kennedale City Code. The size, location, and design for all signs in the Potomac Assisted Living PD shall conform to the requirements in the approved Site Plan and supporting documents, as depicted in Exhibit "B." All signs shall be maintained in a safe, presentable and sound structural and operational condition at all times, including replacing malfunctioning, broken, defective, or missing parts, painting, repainting, cleaning, and performing any other acts required for the maintenance of such signs. All signs and sign supports shall be kept painted or otherwise treated to prevent rust, rot, or deterioration. Signs not meeting the standards imposed by this Ordinance shall be subject to removal or repair. Signs may be illuminated with internal lighting. All signs must be monument signs.

12. *Utilities and Drainage.* Drainage and utilities shall conform to the approved Site Plan, Drainage Plan, and Utilities Plan as depicted in Exhibit "B," unless approval to deviate from these plans is granted, in writing, by the Director of Public Works.

13. *Driveways and Access.* All driveways and access points shall conform to the approved Concept Plan and supporting documents, as depicted in Exhibit "B," and shall meet all standards required by local, state, and federal authorities.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of

the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

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

SECTION 9.

The City Secretary of the City of Kennedale is hereby directed to publish the caption 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 9th DAY OF AUGUST, 2012.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY



Date: July 19, 2012

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

Case PZ 12-03, to hold a public hearing and consider action on an ordinance prohibiting the development of gated communities by amending the subdivision regulations of the City of Kennedale

1. Staff Presentation
2. Public Hearing
3. Staff Response and Summary
4. Action by the Planning & Zoning Commission

II. Originated by:

Rachel Roberts, City Planner

III. Summary:

The Commission began considering this item several months ago at the request of city staff. In recent years, studies from planning and related fields have shown that gated communities do not significantly reduce levels of crime or increase sense of community compared with non-gated communities, and they can hamper emergency response. Furthermore, architecture designed to increase neighbors' interaction, such as a decrease in gated communities, has been noted by public health officials as one of the tools for increasing public health. Also, public streets and open communities provide opportunities for shared experience among community members, and gated communities prohibit these opportunities. In addition, gated communities do not fit the concept of connectivity called for in the comprehensive plan. After discussion during several of your past meetings, the Commission decided to move forward with an ordinance prohibiting gated subdivisions, and a draft of the ordinance will be considered by you at the July meeting.

Attached to this report is the draft ordinance for your review and consideration.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	Draft ordinance prohibiting gated communities	Draft ordinance prohibiting gated communities.doc
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Ordinance No. _____

**AN ORDINANCE OF THE CITY OF KENNEDALE,
TEXAS, AMENDING DIVISION 14 GATED
COMMUNITY/PRIVATE STREETS, ARTICLE 5
SUBDIVISION REGULATIONS OF CHAPTER 17 OF
THE KENNEDALE CITY CODE OF ORDINANCES
(1991), AS AMENDED, TO PROHIBIT GATED
COMMUNITY/PRIVATE STREET DEVELOPMENTS;
PROVIDING A PENALTY FOR VIOLATIONS OF THIS
ORDINANCES; PROVIDING A CUMULATIVE
CLAUSE; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING A SAVINGS CLAUSE; PROVIDING FOR
PUBLICATION; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS the City Council of the City of Kennedale previously adopted a subdivision ordinance to regulate the division of property within the city limits; and

WHEREAS the City Council is of the opinion that said ordinance as originally adopted and amended does not fully consider research concerning the effect of gated communities or private street developments on the public health, safety, and welfare; and

WHEREAS, the comprehensive land use plan for the City of Kennedale calls for connected neighborhoods and for encouraging a sense of belonging, and gated communities disconnect neighborhoods from the public realm and discourage a sense of belonging to the community as a whole.

WHEREAS, public streets and open communities provide opportunities for shared experience among community members and gated communities prohibit these opportunities; and

WHEREAS, architecture designed to increase neighbors' interaction, such as a decrease in gated communities, has been noted by public health officials as one of the tools for increasing public health; and

WHEREAS, gated communities do not significantly reduce levels of crime or increase sense of community compared with non-gated communities, and therefore the benefits of gated communities do not outweigh the negative effects of privatizing public space in this manner;

WHEREAS after holding a public hearing the Planning and Zoning Commission of the City of Kennedale has forwarded a recommendation to the City Council for adoption of

revised subdivision regulations as contained in Article V of Chapter 17 of the Kennedale City Code,

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

SECTION 1.

Division 14 Gated Community/Private Streets, Article V Subdivision Regulations, Chapter 17 Planning & Land Development of the Kennedale city code is hereby amended to read as follows:

Division 14 – Private Streets

Sec. 17-320. – Gated Communities.

Private street developments as defined in Section 17-310 of this article are prohibited.

Sec. 17-321. - Existing gated communities.

Private street developments in existence and approved by the city prior to adoption of this ordinance shall be allowed to continue. However, such uses may not be expanded, and private infrastructure, easements, and open areas must continue to be maintained by the party responsible for maintenance prior to adoption of this ordinance.

17.322 – 17.349. - Reserved.

SECTION 2.

Section 17-310 Definitions of the Kennedale City Code is hereby amended to include a definition for “Private street development / Gated community,” to read as follows:

Private street development / Gated community. A private street development is any residential development, including but not limited to single family and multi-family development, that contains a group of lots that have no frontage on a publicly dedicated street and are accessible by way of a private street or access easement. Such subdivisions may also limit access to lots or dwelling units by the use of a gate, security guard or other active means of limiting access.

SECTION 3.

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 subdivisions or streets, 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 4.

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 5.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of the Kennedale City Code (1991), as amended, or any other ordinances regarding the regulation of subdivisions or streets that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 6.

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 7.

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.

SECTION 8.

Any person firm or corporation who violates disobeys omits neglects or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall be fined no more than Two Thousand Dollars (\$2000.00) for all violations involving zoning and Five Hundred Dollars (\$500.00) for all other offenses and in addition shall pay all costs and expenses involved in the case. Each day a violation occurs is a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

PASSED AND APPROVED ON THIS _____ DAY OF AUGUST, 2012.

John Clark, Mayor

ATTEST:

Amethyst Cirno, City Secretary

APPROVED AS TO FORM AND LEGALITY:

City Attorney