



KENNEDALE
Planning and Zoning Commission
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KENNEDALE PLANNING & ZONING COMMISSION
AGENDA
COMMISSIONERS - REGULAR MEETING
October 18, 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 any item on the regular agenda, if needed
- C. Discuss items for future consideration

IV. REGULAR SESSION

V. CALL TO ORDER

VI. ROLL CALL

VII. MINUTES APPROVAL

- A. Review and consider approval of minutes from the September 20, 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 # 12-05** to receive comments and consider action on a request by ASE Ice to amend Section 17-421 of the Kennedale city code by adding Ice Sales—Retail to the Schedule of Uses as a permitted use with a Conditional Use Permit (CUP) in the "C-1" Restricted Commercial, "C-2" General

Commercial, and "I" Industrial zoning districts.

- A. Staff presentation
- B. Applicant presentation
- C. Public hearing
- D. Applicant response
- E. Staff response

B. CASE PZ # 12-06 to receive comments and consider action on a request by ASE Ice for a Conditional Use Permit as required in Section 17-421 of the Kennedale city code to allow Ice Sales—Retail at 198 E Broadway, legal description of C A Boaz Subdivision Lot 36E, Kennedale, Tarrant County, Texas.

- A. Staff presentation
- B. Applicant presentation
- C. Public hearing
- D. Applicant response
- E. Staff response

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 Cirmo, City Secretary, at 817.985.2104 or (TDD) 1.800.735.2989

CERTIFICATION

I certify that a copy of the October 18, 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. Cirmo, City Secretary



Date: October 18, 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:

This item is a continuation of discussions by the Commission about standards for the Urban Village.

Last month, the Commission did not have time to discuss parking or uses. I've included suggestions for those standards for your discussion this month. In the draft parking standards, you will see some notes in brackets that indicate where I need to check with our attorney or the public works department to see whether the suggested standards are feasible.

I've also begun the administration section and have attached a draft for your review. The administration of the form-based code presents issues not faced when using more standard zoning codes. Often, form-based codes allow waivers from regulations that would be handled by a board of adjustment under normal regulations. For example, variances from building height or setback regulations are not usually subject to the discretionary review of the Planning & Zoning Commission and Council but instead are subject to quasi-judicial review by the Board of Adjustment. I've heard from a land use attorney that this could be a tricky issue in the future as form-based codes rise in popularity and are subject to more scrutiny. To address this issue, I've drafted the waiver section to allow major issues dealing with zoning- and design-type standards to be reviewed by the Commission and Council, minor issues to be reviewed by staff, and hardship factors dealing with topography, drainage, or floodplain and related issues to be reviewed by the Board of Adjustment. This allows developers to seek a variance for true hardship standards based on factors unique to the building lots themselves. It does not, on the other hand, allow variances based on differences of opinion on the desirability of particular architectural or design standards. Changing these kinds of standards would be akin to amending our zoning code and should therefore (in my opinion, not reviewed by our attorneys) be considered by the Commission and Council.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:

1.	Parking standards (draft)	Parking.pdf
2.	List for discussion on uses	Urban Village uses.pdf
3.	Code Administraton (first draft)	Urban Village administration.docx

Parking

All parking shall be designed to accommodate the people needing access to the buildings on site. Parking design shall consider pedestrians and cyclists, keeping in mind that when drivers exit vehicles, they become pedestrians who need safe passage to buildings.

Required Spaces

Ground Floor

Uses <2,000 sf No off-street parking required

Uses >2,000 sf 1 space/500 sf

Upper Floors

Residential uses 1 space/unit for 2 bedrooms or fewer; 2 spaces/unit for 3 bedrooms or more

Other uses 1 space/2,000 sf

Single Family Residential (all floors residential)

Residential uses 1 space/unit for 2 bedrooms or fewer; 2 spaces/unit for 3 bedrooms or more

Notes

Parking Drive Width 15' max. [NEED TO DISCUSS WITH PUBLIC WORKS WHETHER THIS IS A GOOD STANDARD]

On corner lots, parking drive shall not be located on Kennedale Pkwy.

Parking may be provided off-site within 1,300' or as shared parking.

Bicycle parking must be provided and in a secure environment.

Parking may be shared by different use types (e.g., residential and commercial) or by uses with different operating hours (e.g. bank and restaurant with peak business in the evening).

Parking may be shared by similar use types when operating hours will be different. Note that it is expected the developer/builder will provide parking adequate for planned uses and unplanned future uses. If uses are added for which parking is insufficient, the developer will be required to add parking as needed, as determined by the city. [NEED TO CHECK WITH ATTORNEY WHETHER THIS IS PERMISSIBLE]

Off-street parking shall be provided on Bowman Springs. Head-in or parallel parking may be used, but parking spaces must be set back at least 9 feet [note: double-check standard with Public Works] from pavement edge to allow space for vehicle maneuvering out of the path of vehicle travel lanes.

Use, General	Use, Specific	
Office	Permitted office uses: - medical & dental (includes holistic health/accupuncture) - legal services - insurance office - real estate office - financial services (accounting, bookkeeping, investment brokerage, and related services) - design office (e.g., architect, home builder, interior design, fashion design) - government office - contractor's office permitted but no outside storage permitted, no fleet parking	Ground floor uses in mixed use buildings: retail, office, government, educational, other Upper floor uses in mixed use buildings: residential, office, arts-related other?
Retail	<i>Since it is difficult to predict what retail uses will be wanted in the future, it may be better specify what kind of retail the city does not want.</i> - No SOBs permitted - No tobacco shops [must define] - No drive-thrus - No auto parts sales (incl. parts for boats or RVs) - No boat or RV sales - No auto repair, incl. body/paint work - No services under the retail category: must fall under the "office" category to be permitted. - No car wash - No contractor yards - No flea market - No gun range - No heavy equipment sales - No tire sales, repair, or installation - No feed stores - No cabinet shops - No convenience store with gas sales (permitted without gas sales)	

Auto sales: sales of new autos permitted with indoor showroom only; no cars for sale may be parked or stored outside, at any time, and no repairs permitted outside at any time

Hours/Noise must be compatible with residential uses in Urban Village and adjacent neighborhood

Residential

Single Family Attached
Single Family Detached
Small Multi-Family? (50 units or fewer)

Lodging

Not Permitted

Other

child care
art gallery, studio, workshop
tutoring & educational facilities
church
post office
police station
fire station
bank
beauty shop, barber shop

Additional prohibitions

No industrial use, except brew pub permitted as part of restaurant
No vehicle storage
No vehicle impoundment
No service station, no gas station
No paintball facilities
No commercial parking lot
No plant nursery?

Urban Village Development Code Administration

The Urban Village Development Code implements the vision for the Urban Village as established in the Future Land Use Plan and the Comprehensive Land Use Plan of the City of Kennedale. The Future Land Use Plan and the Comprehensive Land Use Plan shall provide general guidance on the form, character, and intensity of future development within the areas designated as Urban Village in the Future Land Use Plan.

Section 1. Authority.

The code shall be administered by: the Kennedale City Council ("Council"); the Planning & Zoning Commission ("Commission"); the Director of Development Services ("Director"); the Permits & Planning Department ("Department"); and other City bodies and officials as identified in this Development Code.

Section 2. Responsibility for Administration.

This Bowman Springs Urban Village Development Code shall be administered by the Director and the other decision-making authorities as identified in this Urban Village Code and the zoning ordinance. All findings, approvals, determinations, or other exercises of discretionary judgment or any other delegation of authority pursuant to this code by the Director, his or her successors or designees, or any other decision-making authorities, shall be carried out in a manner consistent with the purposes of this Urban Village Development Code, the zoning code, the City's Comprehensive Land Use Plan, and the health, safety, general welfare, and orderly development of the City.

If the Director or his or her designated administrative official finds that any of the provisions of this article are being violated, the Director or his or her designated administrative official shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Director or his or her designated administrative official shall order the discontinuance of any illegal use of land, buildings or structures, the removal of any illegal buildings or structures or of any illegal additions, alterations or structural changes, the discontinuance of any illegal work being performed; or shall take any other action authorized by this article to insure compliance with or to prevent violation of these provisions.

Section 3. Interpretation and appeals. It is the intent of this article that all questions of interpretation and enforcement shall be first presented to the city manager or his or her designated representative, and that such questions shall be presented to the zoning board of adjustment only on appeal from the decision of the city manager or other administrative official, and that recourse from the decisions of the board of adjustment shall be to the courts as provided by law.

Section 4. City Council duties. The city council shall consider and adopt, modify, or reject proposed amendments to this article, or of its repeal.

Section x. Applicability.

This Bowman Springs Urban Village Development Code applies to all development, subdivisions, and land uses within the Regulating Plan boundaries, as shown in Section [insert section number].

The development, sign, and landscaping regulations under Chapter 17 of the Kennedale City Code, as amended, shall not apply to the Bowman Springs Urban Village unless specifically stated herein. Signs specifically prohibited in the zoning ordinance or by City Code are prohibited in the Bowman Springs Urban Village unless specifically stated otherwise herein.

Development standards not addressed in this code shall be governed by the City of Kennedale development regulations (Chapter 17 of the city code, as of [date]), to the extent they are not in conflict with the intent or text of the Bowman Springs Urban Village Code.

All private and public development and redevelopment projects are subject to review by the Permits & Planning Department for compliance with this Code, as defined below.

[insert table illustrating when redevelopment is subject to the code]

Section x. Building permits. No building permit shall be issued by the City of Kennedale for any new structure or addition unless the structure conforms to the provisions of this Code. No certificate of occupancy shall be issued for new development unless the structure conforms to the provisions of this Code.

Section x. Non-conformities.

[to be added after discussion with city attorney]

Section x. Shall, should, may.

Provisions of this code preceded by “shall” note regulations or standards that are required, “should” when recommended and encouraged, and “may” when optional.

Section x. Conflict with other city codes.

Where provisions of this code conflict with other City of Kennedale codes, ordinances, or regulations, the provisions of the Urban Village Development Code shall prevail.

Section x. Conflict with illustrations and text.

Where provisions of this code provided through illustration conflict with provisions provided in text, the provisions provided in text shall prevail. Photographs used to illustrate text are for illustration purposes only when marked as such.

Section x. Rules for interpretations of boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the official zoning map, boundaries shall be determined in accordance with Section 17-404(c) of the Kennedale City Code.

Section x. Development review process.

- A. Administrative Review.** Projects that clearly comply with all standards of this Code shall be process administratively by the Director. Projects that require interpretation shall be forwarded to the city manager for review, and the city manager may forward such projects to the Planning & Zoning Commission and City Council for interpretation.

The Director shall be responsible for the following:

- (i) Reviewing site plan applications for compliance with the standards and regulations of this Code and all applicable city regulations and ordinances.
- (ii) Approving site plan applications that are in compliance with this Code and all applicable city regulations and ordinances.
- (iii) Approving modifications or revisions to previously approved site plans that are in compliance with this Code and all applicable city regulations and ordinances.
- (iv) Approving minor modifications to the Regulating Plan or minor modifications from the standards set by this Code per Section X.
- (v) Approving building permits for projects that are in compliance with this Code.
- (vi) Coordinating any necessary review of projects with other departments within the City of Kennedale.
- (vii) Forwarding to the city manager projects requiring interpretation.
- (viii) Forwarding to the Planning and Zoning Commission projects requiring or requests for major modifications.
- (ix) Forwarding to the Board of Adjustment requests for variances.

B. Minor Modifications. The Director is authorized to approve minor modifications to this Code that do not materially change the intent of this Code, including the relationship between buildings and the street. Permitted minor modifications are noted in the Code and include: alternative masonry materials when new materials have been developed and are not yet listed in the Code but clearly meet the intent of the Code; change in landscaping plants to similar plants that meet the intent of the Code and achieve the same effect; minor changes in the site plan that do not significantly alter building orientation, vehicle or pedestrian traffic flow, location of parking areas, or building placement, or does not allow increase in building height. Minor modifications include, but are not limited to: increase or decrease in setback of less than 10% from the requirements of the Code; increase or decrease in glazing of less than 10% from the requirements of the Code; decrease of less than 10% of the requirements of the Code in the required percentage of building that must be placed at build-to line.

C. Major Modifications. The City Council is authorized to approve major modifications to this Code. Major modifications are changes to the standards in the Code that change the intent of the Code or alter the character of the district. Major modifications include, but are not limited to, changes to minimum or maximum building heights; increase or decrease in setback of more than 10% from the requirements of the Code; increase or decrease in glazing of more than 10% from the requirements of the code; decrease in masonry requirements; change in the design of landscaping, other than a change in plants to be used to another similar plant (as permitted under Minor Modifications, above); changes in building placement; permitting a use currently prohibited under this Code; permitting a frontage type currently prohibited under this Code. Major modifications are considered an amendment to the Code for the Urban Village and as such are subject to the procedures, notifications, public hearings, and other standards for zoning amendments as set forth in the Kennedale City Code Section 17-429.

- D. Variances.** The Board of Adjustment is authorized to approve variances to the minimum setback, lot width, and lot depth regulations of this Code where the literal enforcement of the provisions of this article would result in an unnecessary hardship, or where such variance is necessary to permit the reasonable development of a specific parcel of land which differs from other parcels of land in the Bowman Springs Urban Village by being of such area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the Urban Village.



Date: October 18, 2012

Agenda Item No: WORK SESSION - C.

I. Subject:

Discuss items for future consideration

II. Originated by:

III. Summary:

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

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

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

VIII. Alternative Actions:

IX. Attachments:



Date: October 18, 2012

Agenda Item No: MINUTES APPROVAL - A.

I. Subject:

Review and consider approval of minutes from the September 20, 2012 meeting

II. Originated by:

III. Summary:

The minutes from the September 2012 meeting are attached to this message for your review and consideration for approval.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	09.20.2012 PZ Minutes	09.20.2012 Minutes P&Z FINAL.doc
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KENNEDALE
Planning and Zoning Commission
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KENNEDALE PLANNING & ZONING COMMISSION
MINUTES
COMMISSIONERS - REGULAR MEETING
September 20, 2012
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chairman Harvey called the meeting to order at 6:06 P.M.

II. ROLL CALL

Ms. Roberts called roll.

Present?	Commissioner
√	Ernest Harvey
√	Ray Cowan
√	Michael Herring
√	Adrienne Kay
√	Thomas Pirtle
√	Billy Simpson
√	Carolyn Williamson
	<i>Alternates</i>
√	Donald Rawe
√	Martin Young

Quorum was present.

III. WORK SESSION

A. Discuss adding retail ice sales to the Schedule of Uses

Ms. Roberts introduced the topic for discussion.

Matt Arno, 835 E Lamar Blvd, Arlington, representing ASE Ice/ Twice the Ice, addressed the Commission. He described typical operations and average number of customers.

Mr. Arno responded to questions from the Commission. The Commission discussed the agenda item and determined that a Conditional Use Permit would be the best fit for adding the use to the Schedule of Uses.

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

Ms. Roberts gave an overview of the information she had collected and recommendations she had made in the staff report and asked for comments from the Commission. The Commission members provided input on lot width, façade changes for large buildings, glazing, materials, and use of illustrations.

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

The work session ran out of time, and this item was not discussed.

D. Discuss items for future consideration

The work session ran out of time, and this item was not discussed.

The work session closed at 7:11 P.M.

IV. REGULAR SESSION

V. CALL TO ORDER

Mr. Harvey called the regular session to order at 7:12 P.M.

VI. ROLL CALL

Ms. Roberts called roll.

Present?	Commissioner
√	Ernest Harvey
√	Ray Cowan
√	Michael Herring
√	Adrienne Kay
√	Thomas Pirtle
√	Billy Simpson
√	Carolyn Williamson
	<i>Alternates</i>
√	Donald Rawe
√	Martin Young

A quorum was found to be present.

VII. MINUTES APPROVAL

A. Review and consider minutes from the August 16, 2012 Planning & Zoning Commission meeting.

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

VIII. VISITOR/CITIZENS FORUM

No one registered to speak.

IX. REGULAR ITEMS

A. Case PZ 12-04, Review and consider action on a land use concept plan for the Oak Crest area

Ms. Roberts presented the case, and the Commission discussed it. Ms. Williamson asked if the concept plan fit with the comprehensive plan, and Mr. Harvey said that it does. The Commission discussed the proposed park and ride area and questioned whether a park and ride facility would be feasible at this location. It was determined that flex/office space should be extended to replace the proposed park and ride area.

Mr. Harvey suggested renaming Link Street to Kennedale Street, since Kennedale Street was planned to be closed in the future, and the other Commissioners agreed. Mr. Harvey also recommended extending the concept plan to the other side of Kennedale Parkway, which the rest of the Commission supported.

Mr. Pirtle made a motion to recommend adoption of the concept plan, with the changes discussed by the Commission: change the park and ride facility to flex/office space, change the name of Link Street to Kennedale Street, and extend the concept plan to the other side of Kennedale Parkway. The motion was seconded by Ms. Williamson and passed unanimously.

X. REPORTS/ANNOUNCEMENTS

Ms. Roberts listed upcoming city events and the high school tailgating party. Ms. Williamson gave dates for early voting. Mr. Harvey asked about the road closure on Bowman Springs.

XI. ADJOURNMENT

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

The regular session was adjourned at 7:43 P.M.



Date: October 18, 2012

Agenda Item No: REGULAR ITEMS - A.

I. Subject:

CASE PZ # 12-05 to receive comments and consider action on a request by ASE Ice to amend Section 17-421 of the Kennedale city code by adding Ice Sales—Retail to the Schedule of Uses as a permitted use with a Conditional Use Permit (CUP) in the “C-1” Restricted Commercial, “C-2” General Commercial, and “I” Industrial zoning districts.

- A. Staff presentation
- B. Applicant presentation
- C. Public hearing
- D. Applicant response
- E. Staff response

II. Originated by:

III. Summary:

ASE Ice has requested to add Ice Sales--Retail to the Schedule of Uses for the C-2 zoning district. Similar uses are already permitted in C-2 districts, such as snow-cone stands. But ice sales as proposed are different from uses already permitted in that the use is intended to operate without an employee on site and will be entirely self-service. Also, due to the way the operation is run, there are no windows on the building, and it therefore has a different effect on the streetscape than a food kiosk business would have. In some cases, this kind of use would be compatible with surrounding uses and neighborhood character, and in some cases it would not.

City code requires that applicants who request the City to add a new or unlisted use to the Schedule of Uses should submit a statement of facts listing the nature of the use and a number of other characteristics. The applicant has submitted a statement of facts for your review (attached to this staff report).

The nature of the proposed use appears to be compatible with C-2 and Industrial zoning districts, and may be compatible with the C-1 zoning district depending on surrounding uses, site and building design, and circulation and amount of traffic in the surrounding neighborhood.

It may be in the interest of the community to permit this kind of use as a service not currently provided, but the City should maintain the ability to review this use on a case-by-case basis per location. Staff recommends adding the use as a Conditional Use Permit in C-1, C-2, and Industrial zoning districts.

An ordinance adding the use to the Schedule of Uses is attached to this message for your review. The applicant's written request to add the use to the Schedule of Uses is also attached.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	PZ 12-05 application	PZ 12-05 application.pdf
2.	Ordinance PZ 12-05	Ordinance for PZ 12-05.doc
3.	Ordinance Exhibit A	PZ 12-05 ordinance ex A.doc

Request for Classification of New Use per Kennedale city Code Section 17-427
Automated Ice and Water Vending Building

ASE Ice requests that "retail ice vending" be added to the approved list of uses for the C-2 general commercial zoning district. Retail ice vending is the self-service vending of ice from automated machinery, either into machine-provided bags or loose into customer-supplied containers, typically ice chests and insulated water coolers. Filtered water can also be dispensed into customer-supplied water containers. The machinery is wholly contained within a building with only the customer interface and dispensing chutes exterior to the building. See the attached drawing for a representation of the exterior appearance of the building and how it might be sited on a location.

Kennedale Ordinance Section 17-415 describes zoning district C-2 as a general commercial district. The Section 17-421 list of approved uses for district C-2 contains all but one of the uses listed for district C-1 (the restricted commercial district) plus additional uses related to outside storage of goods, material, equipment, machinery and vehicles. The list of approved uses for district C-2 includes many types of retail sales operations. Retail ice vending is complementary to these already-approved uses.

Most of the C-2 zoning district, and the areas where sited is desired in particular, falls in what the 2012 Kennedale Comprehensive Plan describes as the "Urban Corridor." The Urban Corridor "typology assumes a higher intensity of activity in terms of traffic and commerce. It can be expected that it will remain auto-oriented." Development types for the urban corridor include restaurants, professional offices, retail businesses, and service businesses.

Most customers for retail ice vending are individuals that either live or work within a 3 to 5 mile radius of the location and drive to the location. Secondary customers are those that pass the site during their regular commute or on the way to recreational activities. This is consistent with the expected use for a business in the Urban Corridor. The majority of weekday sales occur between 7 am and 9 pm with the heaviest period of use being from 4 pm to 7 pm although sales can occur 24 hours a day. On the weekends, sales tend to be steady throughout the daylight hours with Saturdays being busier than Sundays.

Figure 1 depicts an artist's rendering of how the ice house may appear.

The wastewater generated by the ice house consists of ice melt, refrigeration system condensation, and water filtration system bypass water. Investigations are ongoing to divert this water to irrigation use on the property rather than returning it to the sanitary sewer system.

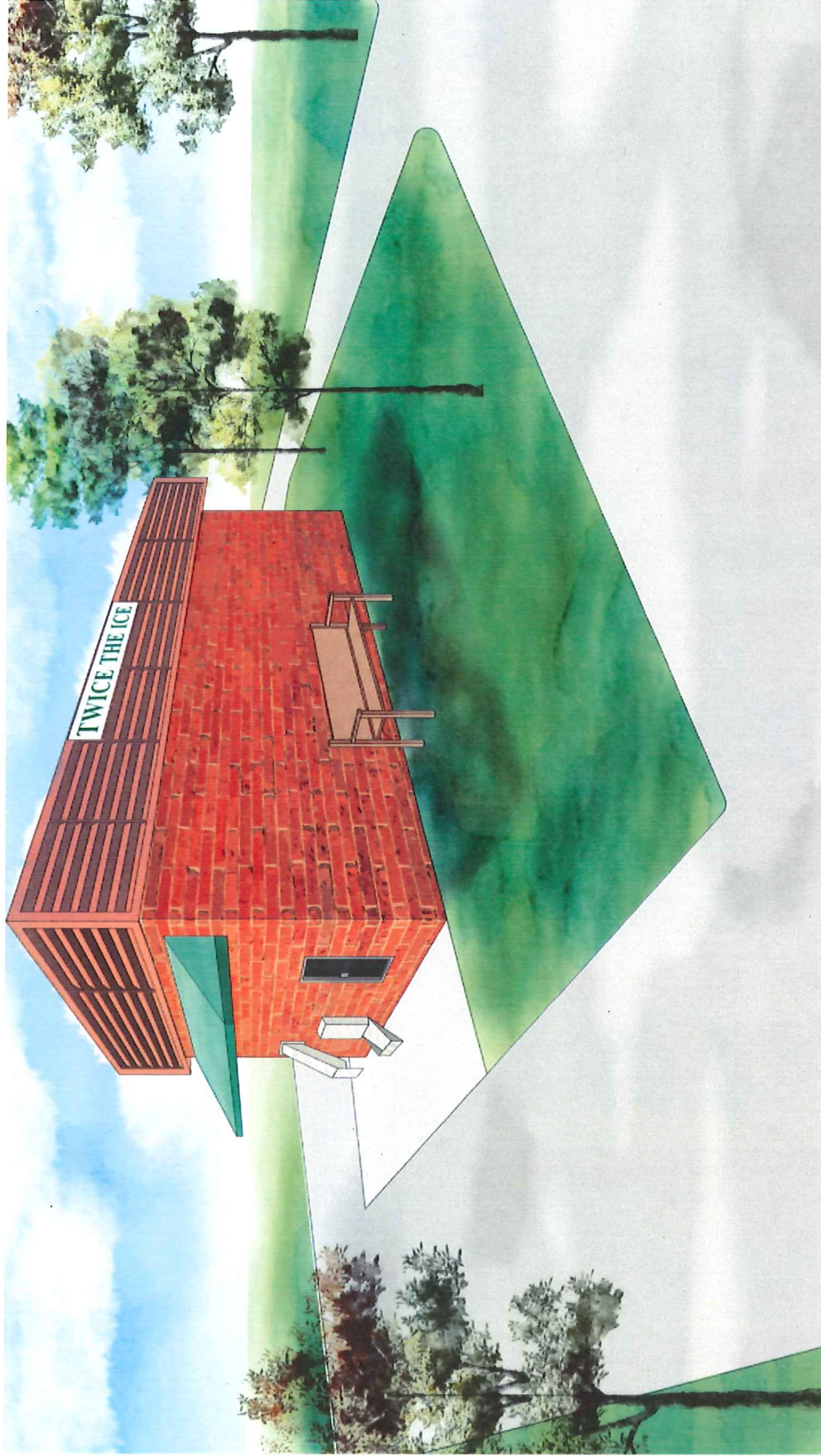


Figure 1. Artist's sketch of proposed ice house.

Below is the categorized information for a new use requested by Kennedale Ordinance Section 17-427 (1).

- **Nature of Use** – The use is for retail sales and involves no dwelling activity.
- **Sales** – Bagged ice, loose ice, and water are sold retail. Ice sales are taxable and will contribute to the city sales tax income.
- **Processing** – The building contains water filtration and storage and ice production and storage equipment.
- **Type of product** – Ice and water suitable for human consumption are sold.
- **Storage and amount or nature thereof** – The building contains an internal ice storage bin with a capacity of approximately 2 tons and water storage capacity of approximately 150 gallons.
- **Enclosed or open storage** - All storage needed for business operation is contained within the building.
- **Anticipated employment** – The business is not routinely staffed. Personnel are present intermittently to maintain the equipment, restock supplies, and perform general housekeeping tasks.
- **Transportation requirements** – Transportation requirements are limited to those needed for customer access. Expected traffic is estimated at 30 to 100 vehicles per weekday with twice that volume on weekends and holidays. Traffic is also seasonal with the busiest months being during the summer and much less traffic during the winter.
- **Noise, odor, fumes, toxic material and vibration likely to be generated** – No odors, fumes, toxic material, or vibration will be generated. Noise will be limited to the refrigeration compressor, which is similar to that from a home air conditioning compressor, and not discernible from beyond the property line.
- **General requirements for public utilities and sanitation collection** – City water and 3-phase power will be needed. Minimal trash is generated and is removed from the location by the personnel servicing the equipment. Wastewater from condensation and the filtration system bypass will be used for irrigation purposes or will be directed to the sanitary sewer system.

AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 17 OF THE KENNEDALE CITY CODE (1991), AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF KENNEDALE, TEXAS BY AMENDING SECTION 17-421 SCHEDULE OF USES BY ADDING ICE SALES—RETAIL AS A PERMITTED USE WITH A CONDITIONAL USE PERMIT IN CERTAIN ZONING DISTRICTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, in order to promote the public health, safety and general welfare the City Council desires to adopt the proposed amendment to its city code in order to add regulations governing the retail sales of ice; 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 Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on October 18, 2012, and the City Council of the City of Kennedale, Texas held a public hearing on November 7th, 2012, with respect to the amendments described herein; and

Whereas, the City has complied with all requirements of Chapter 211 of the Local Government Code, Section 17-429 of the Zoning Ordinance, and all other laws dealing with notice, publication, and procedural requirements for the approval of amending the Schedule of Uses under Section 17-421 of the Kennedale City Code.

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

SECTION 1.

The Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended by adding the use Ice Sales—Retail to the Schedule of Uses under Chapter 17 of the Kennedale City Code as a Conditional Use Permit, as follows:

See Exhibit “A”

SECTION 2.

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, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

SECTION 7.

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

PASSED AND APPROVED ON THIS DAY OF 7th NOVEMBER 2012.

DRAFT: subject to change pending review by city attorney and city council

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

EXHIBIT "A"

[illegible]



Date: October 18, 2012

Agenda Item No: REGULAR ITEMS - B.

I. Subject:

CASE PZ # 12-06 to receive comments and consider action on a request by ASE Ice for a Conditional Use Permit as required in Section 17-421 of the Kennedale city code to allow Ice Sales—Retail at 198 E Broadway, legal description of C A Boaz Subdivision Lot 36E, Kennedale, Tarrant County, Texas.

- A. Staff presentation
- B. Applicant presentation
- C. Public hearing
- D. Applicant response
- E. Staff response

II. Originated by:

III. Summary:

Pending approval of Case PZ 12-05, ASE Ice is requesting a Conditional Use Permit for ice sales, as noted above. City code outlines what the City must consider in determining whether to grant a CUP. ASE Ice has addressed these factors in its application (attached to this message), and staff also addresses the various elements below.

City code lists the following factors as the elements the city council shall take into consideration when determining whether to grant a Conditional Use Permit. Staff comments are provided beneath each item.

(1) Conformance with applicable regulations and standards established by the subdivision ordinance and the zoning ordinance;

The use would be required to meet the requirements of the C-2 zoning district, the subdivision regulations, and any other applicable regulations and standards. The site design, as proposed and based on information submitted, appears to meet city regulations and standards. Landscaping plans and driveway construction plans as normally required for development would be subjected to review by city staff if the CUP is approved. These plans would be required to meet city codes before construction of the site could be begin and before a certificate of occupancy would be issued.

(2) Compatibility with existing or permitted uses on abutting sites in terms of building height, bulk, scale, setbacks, open spaces, landscaping and site development, and access and circulation capacity;

Abutting uses are a church and an empty commercial building (see attached picture). The facility proposed by ASE Ice would be compatible in terms of height, bulk, scale, and other site-related characteristics. The landscaping installed would be in compliance with the city's landscaping regulations, which would improve the

appearance of this part of the street.

In terms of circulation capacity, the proposed circulation plan is compatible with existing and permitted uses on abutting sites. The commercial building has a small parking area out front but not much room for vehicle maneuvering when all spaces are filled. The church has a long driveway that allows for more maneuvering but is not designed to help with traffic flow; there is a shared drive for entry and exit, and there are no paved vehicle lanes for circulation in the parking area). The driveway/access way proposed for the ice sales facility is a circular drive that facilitates traffic flow.

(3) Potentially unfavorable effects or impacts on existing or permitted uses on adjacent sites, to the extent such impacts exceed those that reasonably may result from use of the site by a permitted use, including without limitation:

a. Location, lighting and type of signs, and the relation of signs to adjacent properties;

The proposed signs are a monument sign and lighted sign on the structure. Kennedale signs regulations allow one attached sign per street front, with a maximum of two attached signs per tenant/lease space. The elevation drawings submitted by the applicant show two attached signs, one on the side of the building facing the street and one on the side facing the parking area.

b. Noise producing elements;

According to the applicant, the only element expected to be a noise generator is the refrigeration compressor, and this is similar to the noise level generated by a home air conditioning compressor.

c. Glare of vehicular and stationary lights and effect of such lights on the established character of the neighborhood;

The established character of the neighborhood is commercial in nature, and glare of lights is not expected to conflict with the neighborhood character.

d. Safety from fire hazard, and measures for fire control; and

According to the applicant, the building will be constructed of fire-resistant or fire-proof materials. The application states that the "main fire hazard is electrical malfunction, which is controlled by circuit breakers in the event of an overload"; the facility will be equipped with smoke alarms and remote monitoring equipment that includes alarms for equipment malfunctions.

e. Protection of adjacent property from drainage, floods, erosion or other water damage.

Staff does not foresee negative effects on surrounding uses from drainage, floods, erosion, or other water damage, and if there were such effects, staff does not expect that they would exceed those that

reasonably may result from use of the site by a use already permitted.

(4) Safety and convenience of vehicular and pedestrian circulation on the premises and in the area immediately surrounding the site, and the effect of traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and proposed land uses in the area and the ability of the city's existing transportation network to handle the traffic.

Safety and convenience of vehicular and pedestrian traffic on the premises and in the area immediately surrounding the site

Staff believes the applicant has adequately planned for the vehicular traffic on the premises and in the area immediately surrounding the site. As for pedestrians, very little foot traffic is expected. Pedestrian traffic would most likely come from Old Town. City of Kennedale regulations require sidewalks be installed by developers when a building permit is requested for a lot where sidewalks are not already present. The lot in question would therefore have sidewalks provided for pedestrians, installed as part of construction for the proposed use.

Effect of traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area

Adjacent uses are a church and a commercial building (currently vacant). Traffic generated by the church is most likely to occur on Sundays. Most of the traffic for the commercial building will come from Kennedale Parkway, rather than from Broadway and the direction of the proposed use. The addition of the traffic generated by this use should be within the capacity of the existing roads.

(5) Compliance with the city's comprehensive land use plan and whether the proposed use is compatible with existing and planned development of surrounding properties and will promote economic growth.

Compliance with the comprehensive land use plan.

The comprehensive land use plan shows this property at the intersection of two character districts, Urban Corridor and Downtown Village (most of the property is within the Downtown Village district, but a portion of it falls in the Urban Corridor). The Urban Corridor generally includes the property along Kennedale Parkway and is intended to be auto-oriented, although pedestrians should be planned for and accommodated. The Downtown Village is intended to preserve the original Kennedale street grid and is expected to be commercial and residential in nature; this part of the Downtown Village is (for the present) entirely commercial in use. It supposed to be easily accessible to pedestrians. This factor is addressed through item (4), above. The Village serves as a gateway into the city center, and it is therefore especially critical that the proposed use be held to city regulations in terms of building materials, landscaping, and sign regulations. The applicant's proposed

plans indicate compliance with these regulations.

Compatibility with existing and planned development of surrounding properties.

The proposed use is compatible with existing and planned development of surrounding properties.

Promotion of economic growth.

The proposed use would lead to construction of a new building in the Old Town/Kennedale Parkway area that meets current zoning codes and would generate sales tax, and as such would promote economic growth.

Recommendation.

Given the applicant's plans for the site and the factors discussed above, staff recommends granting the CUP.

IV. Notification:

V. Fiscal Impact Summary:

VI. Legal Impact:

VII. Recommendation:

Approve

VIII. Alternative Actions:

IX. Attachments:

1.	Application for PZ 12-06	PZ 12-06 application.pdf
2.	PZ 12-06 aerial view	PZ 12-06 aerial view.pdf
3.	Ordinance PZ 12-06	PZ 12-06 ordinance & attachments.pdf
4.	Street view, facing site	street view of PZ 12-06 site(1).pdf
5.	View of properties across street from site	across the street from PZ 12-06 site.pdf

**REQUEST FOR
A CONDITIONAL USE PERMIT**

PZ CASE # PZ 12-06
(assigned by city staff)

DATE:

City Council
City of Kennedale
Kennedale, Texas 76060

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

You are hereby respectfully requested to grant a conditional use permit for the following use:

The property for which the CUP is requested is zoned: C-2.

Please see Exhibits A and B for a map and legal description of the property.

The property is 0.239 acres in size.

Present use of the property is vacant

Address of the property is 198 E. Broadway, Kennedale, TX 76060

Property Owner's Name: James M. obson

Address: _____

Telephone Number: _____

Applicant's Name: ASE Ice

Address: 835 E. Lamar Blvd # 286
Arlington, TX 76011

Telephone Number: 817-995-6762

THIS IS TO CERTIFY THAT James M. Jacobson IS THE SOLE OWNER(S) OF THE PROPERTY DESCRIBED IN EXHIBIT "A" AND DEPICTED IN EXHIBIT "B", ON THE DATE OF THIS APPLICATION. If the applicant is not the owner, a signed, notarized Owner Affidavit is attached as part of this application.



Applicant or Owner Signature

Applicant or Owner Signature

**PLANNING & ZONING COMMISSION
OWNER AFFIDAVIT**

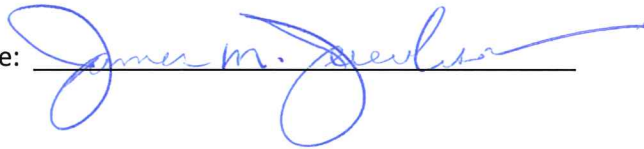
Case #:	PZ <u>12</u> - <u>06</u>
Property Address:	198 E. Broadway Kennedale, TX 76060
Legal Description:	C.A. Boaz Subdivision Lot 36E Doc. No. D204344102 DRDCT
Applicant:	ASE Ice

Request:

☐ Zoning Change ☐ Plat ☒ Conditional Use Permit

I, James M. Jacobson, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Planning & Zoning Commission/City Council to consider granting the above referenced request on my behalf and to appear before the Commission/Council.

Owner Signature: _____



SWORN TO and Subscribed before me by James Jacobson

ON THIS DAY OF September 27, 2012



Notary Public, Tarrant County, Texas



**ASE Ice
Retail Ice Sales
198 E Broadway Street
Conditional Use Permit Application**

ASE Ice requests a conditional use permit for construction of a retail ice sales building at 198 E Broadway in Kennedale. Below is detailed information responsive to the general factors to be considered in granting an application for a conditional use permit.

Conformance with applicable regulations and standards established by the zoning ordinance.
The ice house and associated landscaping will be in compliance with the zoning requirements for the C-2 zoning district and the landscaping requirements of Ordinance 17-601 through 17-613 as applicable.

Ice and water are considered foodstuffs and are subject to regulation by the Texas Department of Safety and Health Services. The ice house will be in compliance with those applicable regulations.

Compatibility with existing or permitted uses on abutting sites

The adjoining properties are an office building with associated warehousing and garage space to the east (currently vacant). Behind the subject property is a fenced laydown yard that is part of the office/ warehouse property to the east. This property is owned by the same landlord as 198 E Broadway. To the west is a church parking lot for the Revival Worship Center. The church itself is well set back from the road on the same lot. Across the street is the back side of the property of a party venue and CPA firm that face onto Kennedale Parkway.

The building height is the approximately the same as the office building to the east, but smaller in scale and set back further from the road. The ice house will be the only building on the property, with the rest of the property containing only parking and driveways and landscaping.

Access will be by means of a circular driveway which will permit all maneuvering to park to be done within the confines of the property and for traffic to exit head-first onto Broadway.

The proposed landscaping will meet the current zoning and landscaping requirements and exceed the present landscaping of any of the adjoining properties and any properties on the same block of Broadway.

Potential Impacts on Adjoining Properties

The properties in the vicinity are:

- Office/warehouse (currently vacant)
- Church
- Roofing business
- Party venue
- CPA firm

Signage will consist of lighted signs on the ice house and a lighted monument sign. Other than sign lighting, lighting will consist of task lighting at the point of sale and a pole-mounted security light for general lighting of the parking lot. There are no residential properties in the vicinity to be impacted by lighting. This area is well-established as a commercial area and likely to remain so given its proximity to Kennedale Parkway, present zoning, and planned usage in the Kennedale Comprehensive Land Use Plan.

The ice house is constructed of fire-resistant or fire-proof materials. Interior equipment is primarily constructed of food-grade stainless steel. The main fire hazard is electrical malfunction which is controlled by circuit breakers in the event of overload.

There will be no increase in the hazard of drainage, flood, erosion or other water damage to adjacent properties. No re-grading will be performed and the majority of the property will remain landscaped and not contribute to increased runoff. In fact, some paving currently present will be removed, resulting in little overall change in landscaped area.

The building is equipped with a remote monitoring system, including exterior cameras and microphones, that permits monitoring and some control over the operation of the ice house, including alarms for equipment malfunctions. The system includes alarms for intrusion and shock sensors. The interior has smoke alarms as well.

Vehicle and Pedestrian Traffic Safety

The traffic flow on the property is configured to permit customers to enter the property from Broadway head-first, maneuver to park, park, exit the parking spaces, and exit head-first onto Broadway. All maneuvers necessary to park will occur within the confines of the property and not interfere with traffic on Broadway. The parking spaces will be directly in front of the point of sale, with the point of sale protected from vehicles by bollards and curb stops to ensure pedestrian safety.

Vehicular traffic is expected to range from 30 to 100 vehicles per day, with the majority of the traffic occurring over a 12 hour period. Thus, for 100 vehicles per day, the average traffic is 8 vehicles per hour with an anticipated peak traffic in any one hour of twice that, or 16 vehicles in one hour. It takes 50 seconds to complete a single ice vend transaction with the customer's vehicle occupying a parking space for approximately 2 minutes. Therefore, a single parking space can handle approximately 30 vehicles per hour. The ice house will have two general use parking spaces, allowing for up to 60 vehicles per hour, well in excess of the anticipated peak demand of 16 vehicles per hour. There is also a handicapped parking space.

Compliance with Kennedale's Comprehensive Land Use Plan

198 E Broadway is zoned C-2. Kennedale Ordinance Section 17-415 describes zoning district C-2 as a general commercial district. The Section 17-421 list of approved uses for district C-2 contains all but one of the uses listed for district C-1 (the restricted commercial district) plus additional uses related to outside storage of goods, material, equipment, machinery and vehicles. The list of approved uses for district C-2 includes many types of retail sales operations. Retail ice vending is complementary to these already-approved uses.

198 E Broadway falls in what the 2012 Kennedale Comprehensive Plan describes as the "Urban Corridor." The Urban Corridor "typology assumes a higher intensity of activity in terms of traffic and commerce. It can be expected that it will remain auto-oriented." Development types for the urban corridor include restaurants, professional offices, retail businesses, and service businesses. This is consistent with the present uses around 198 E Broadway and also with retail ice sales.

Site Plan

Exhibit C is the dimensioned site plan. The site is currently a vacant lot that is flat with minimal grading. The property generally drains the south and west. The front $\frac{1}{4}$ of the lot is paved and appears to have previously been a parking area. There are no known easements on the property. Exhibit D shows the contiguous properties and water and sewer lines.

Elevation Drawings

Exhibit E shows the elevation drawings for the proposed building.

Exhibit A

Property Metes and Bounds

EXHIBIT "A"

Being a 0.239 acre tract of land situated in the J. B. Renfro Survey, Abstract No. 1260, Tarrant County, Texas, and being a portion of Lot 36, C. A. Boaz Subdivision, Second Filing, as recorded in Volume 388-A Page 97, Plat Records, Tarrant County, Texas, and being that certain tract of land as deeded to First Assembly of God, as recorded in Volume 11801 Page 1517 and Volume 11801 Page 1520, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found in the North line of said Lot 36 and being East 350.00 feet from the Northwest corner of said Lot 36 and being the Northwest corner of a tract of land as deeded to the First Assembly of God, as recorded in Volume 11801 Page 1520, said Deed Records and being in the South line of East Broadway Street;

Thence East, along the said North line of the said Lot 36, 104.00 feet to a 1/2 inch iron rod found and being the Northeast corner of a tract of land as deeded to the First Assembly of God Church, as recorded in Volume 11801 Page 1517, said Deed Records;

Thence South, along the East line of said Church tract, 100.00 feet to a 1/2 inch iron rod found and being the Southeast corner of the said Church tract, from which a 1/2 inch iron rod found bears N 24° 19' 20" E, 2.29 feet;

Thence West, along the South line of the Church tracts, 104.00 feet to a 1/2 inch iron rod found;

Thence North, along the West line of said First Assembly of God tract, 100.00 feet to the Point of Beginning and containing 0.239 acre of land, more or less.



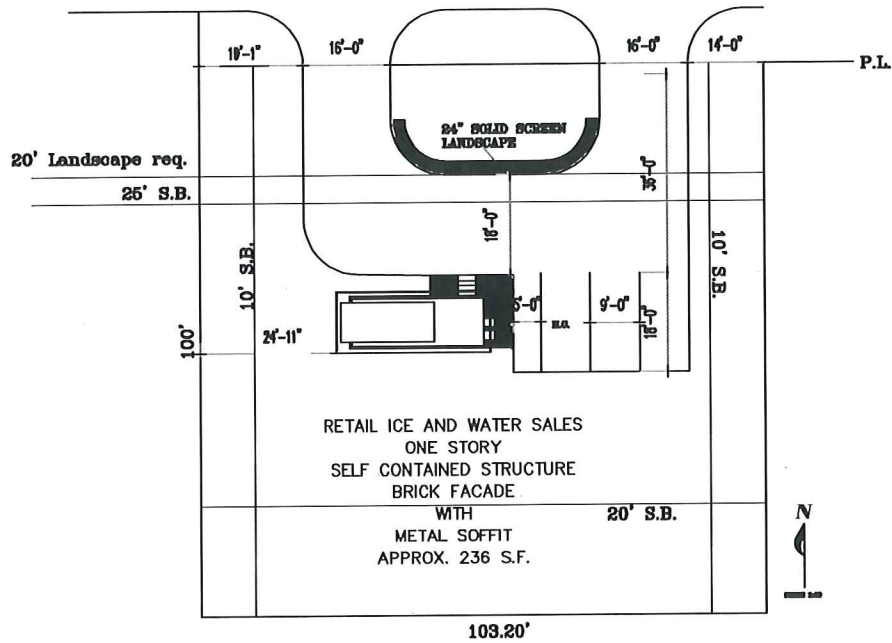
Exhibit B

Map of the Vicinity of 198 E. Broadway

Exhibit C

Site Plan

E. BROADWAY STREET
(50' R.O.W.)



SITE PLAN REQUIREMENTS:

Plan meets the 60% Maximum lot coverage requirement for c2 zoning.

Plan meets the 80% Masonry requirement for c2 zoning.

LANDSCAPE REQUIREMENTS.

Total area: 10,320 s.f.
15% landscape area required: 1548 s.f.
Provided 1699 s.f.
50% of required landscape in front of building.
Require 4 trees for 1548 s.f.
Require 3 trees for 103' of front buffer
Require 24" high solid landscape screen hedge for parking located within 50' of front property line

2	DATE	10/01/2012
	BY	W.A.R.
	PROJECT	198 E. BROADWAY
	SITE PLAN	

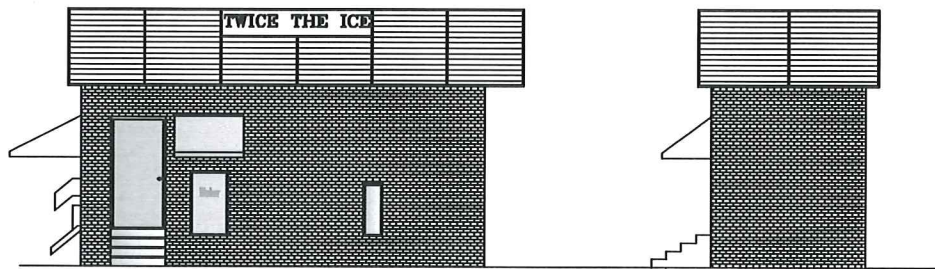
	198 E. BROADWAY STREET	
	WENDY WANN RANCH	
	WENDY@WANNRANCH.COM 817-958-2129	

PROJECT SITE PLAN FOR TWICE THE ICE THIS DESIGN IS PROTECTED BY COPYRIGHT AND IS THE SOLE PROPERTY OF CREATION HOUSE, INC.

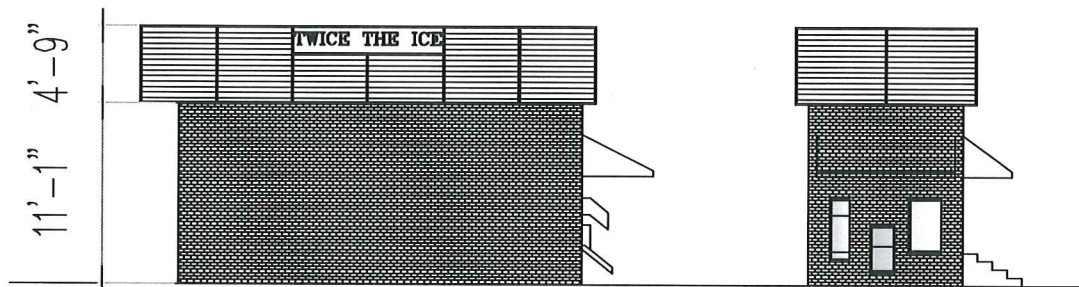
Exhibit D

Site Plan Showing Contiguous Properties

Exhibit E
Elevation Drawings

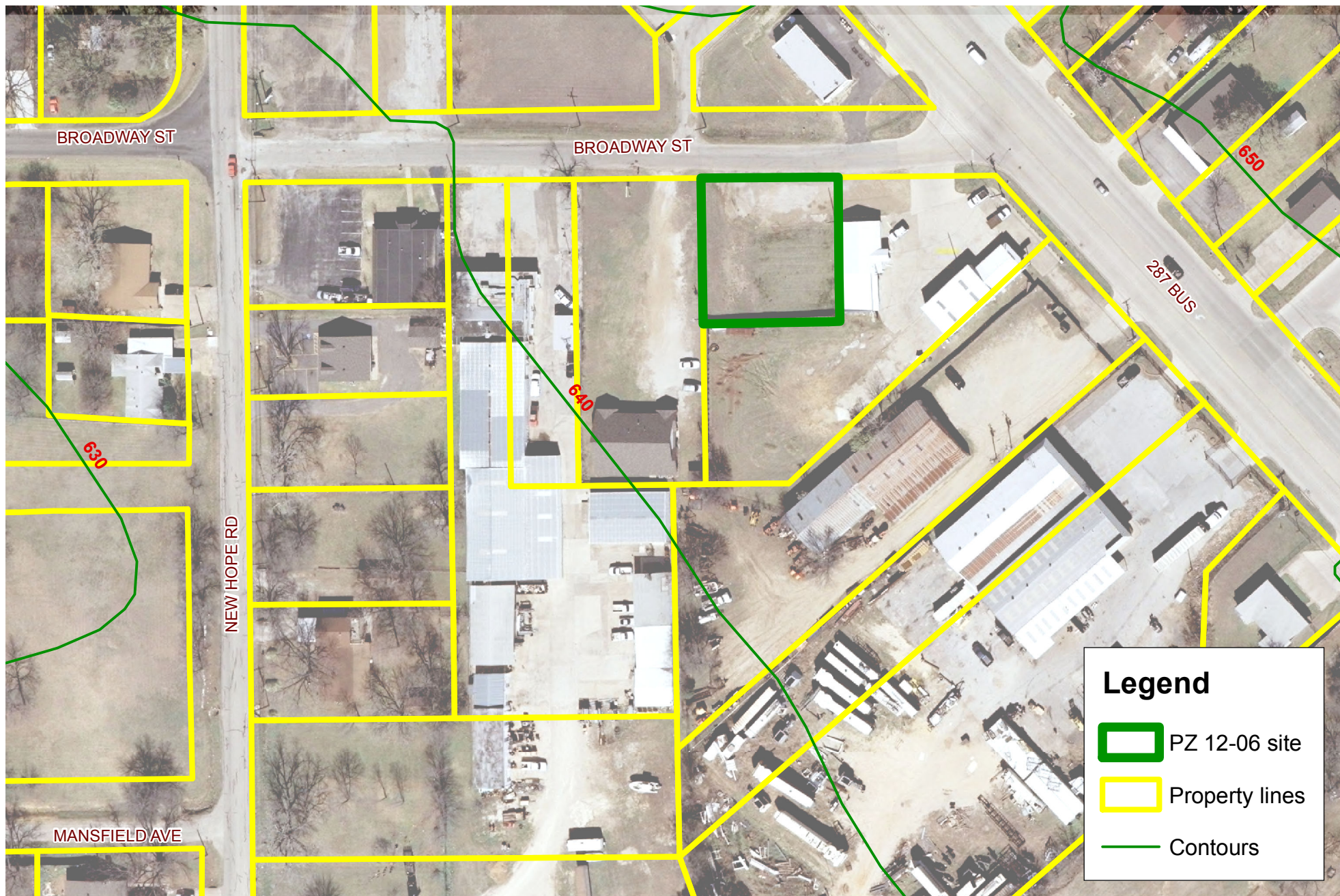


SIDE VIEW



SIDE VIEW

PZ 12-06 Aerial View



Legend

-  PZ 12-06 site
-  Property lines
-  Contours

Boundary line, contour, and street centerline data
provided by North Central Texas Council of Governments

1 inch = 104 feet

0 125 250 Feet



AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 17 OF THE KENNEDALE CITY CODE (1991), AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF KENNEDALE, TEXAS BY APPROVING A CONDITIONAL USE PERMIT ON CERTAIN PROPERTY IN THE CITY OF KENNEDALE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, in accordance with Section 17-422.1 and Section 17-429 of the Zoning Ordinance, an application has been filed for a Conditional Use Permit for Ice Sales—Retail for the property located at 198 E Broadway, otherwise known as Lot 36E, C A Boaz Subdivision of J B Renfro Survey, containing approximately .25 acres of land, and the owner of the property has agreed in writing to allow the applicant to request a Conditional Use Permit for such use; and

WHEREAS, the Planning and Zoning Commission of the City of Kennedale, Texas held a public hearing on October 18, 2012, and the City Council of the City of Kennedale, Texas held a public hearing on November 7, 2012, with respect to the Conditional Use Permit described herein; and

Whereas, the City has complied with all requirements of Chapter 211 of the Local Government Code, Section 17-429 of the Zoning Ordinance, and all other laws dealing with notice, publication, and procedural requirements for the approval of a Conditional Use Permit on the property.

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

SECTION 1.

The Zoning Ordinance of the City of Kennedale, Texas, as amended, is hereby amended to permit the following conditional use on the hereinafter described property and area as shown below:

An approximately .25 acre tract of land situated in CA Boaz Subdivision of JB Renfro Survey, Tarrant County, Texas and described by metes and bounds description in Exhibit "A" attached hereto and incorporated herein.

A Conditional Use Permit for Ice Sales—Retail, as shown on the site plan shown in Exhibit "B" attached hereto and incorporated herein.

SECTION 2.

The Conditional Use Permit as herein established has been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the community.

SECTION 3.

The official map of the City of Kennedale is amended and the City Secretary is directed to revise the official zoning map to reflect the approved Conditional Use Permit as set forth above.

SECTION 4.

The use of the property described above shall be subject to all restrictions, terms, and conditions contained in Exhibit "B" as well as the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale. [If additional conditions are applied, add: The use of the property is further subject to the following specific conditions and limitations: (list conditions and limitations)].

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, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.

SECTION 6.

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

SECTION 7.

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

SECTION 8.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions of any ordinances governing zoning that have accrued at the time of the effective date of this Ordinance; and, as to such accrued

DRAFT: subject to change pending review by city attorney and city council

violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9.

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

SECTION 10.

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

PASSED AND APPROVED ON THIS DAY OF 7th NOVEMBER 2012.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

Exhibit A

Property Metes and Bounds

EXHIBIT "A"

Being a 0.239 acre tract of land situated in the J. B. Renfro Survey, Abstract No. 1260, Tarrant County, Texas, and being a portion of Lot 36, C. A. Boaz Subdivision, Second Filing, as recorded in Volume 388-A Page 97, Plat Records, Tarrant County, Texas, and being that certain tract of land as deeded to First Assembly of God, as recorded in Volume 11801 Page 1517 and Volume 11801 Page 1520, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 1/2 inch iron rod found in the North line of said Lot 36 and being East 350.00 feet from the Northwest corner of said Lot 36 and being the Northwest corner of a tract of land as deeded to the First Assembly of God, as recorded in Volume 11801 Page 1520, said Deed Records and being in the South line of East Broadway Street;

Thence East, along the said North line of the said Lot 36, 104.00 feet to a 1/2 inch iron rod found and being the Northeast corner of a tract of land as deeded to the First Assembly of God Church, as recorded in Volume 11801 Page 1517, said Deed Records;

Thence South, along the East line of said Church tract, 100.00 feet to a 1/2 inch iron rod found and being the Southeast corner of the said Church tract, from which a 1/2 inch iron rod found bears N 24°19'20" E, 2.29 feet;

Thence West, along the South line of the Church tracts, 104.00 feet to a 1/2 inch iron rod found;

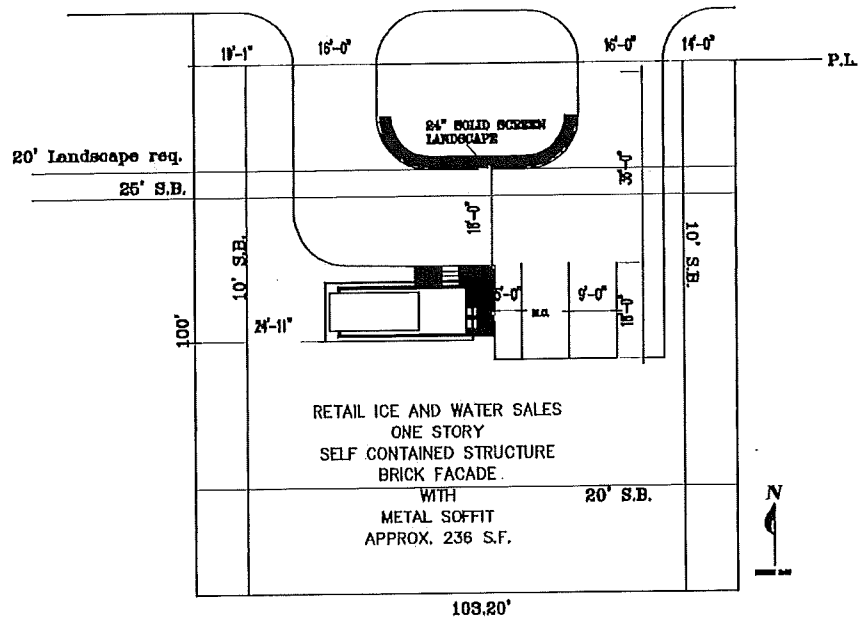
Thence North, along the West line of said First Assembly of God tract, 100.00 feet to the Point of Beginning and containing 0.239 acre of land, more or less.



EXHIBIT "B"

SITE PLAN AND ELEVATIONS

E. BROADWAY STREET
(50' R.O.W.)



SITE PLAN REQUIREMENTS:

Plan meets the 60% Maximum lot coverage requirement for c2 zoning.

Plan meets the 80% Masonry requirement for c2 zoning.

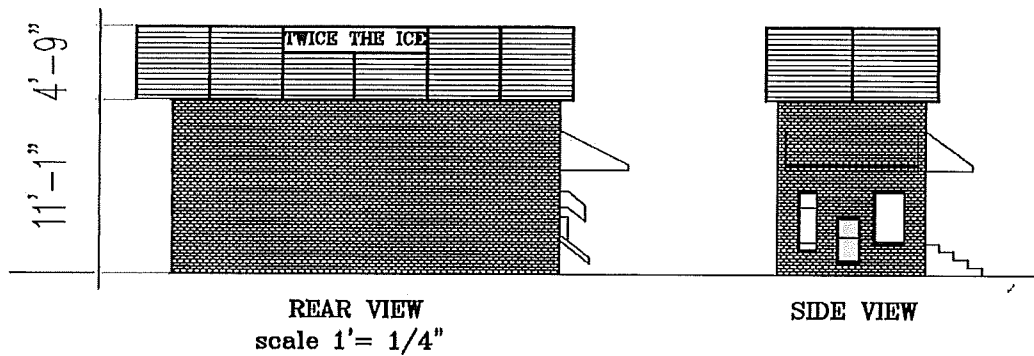
LANDSCAPE REQUIREMENTS.

Total area: 10,320 s.f.
 15% landscape area required: 1548 s.f.
 Provided 1699 s.f.
 50% of required landscape in front of building.
 Require 4 trees for 1548 s.f.
 Require 3 trees for 103' of front buffer
 Require 24" high solid landscape screen hedge for parking located within 50' of front property line

2	DATE	10/07/2012
	BY	WJR
	FOR	198 E. BROADWAY
	OFF	198 E. BROADWAY
	SCALE	1" = 10'

198 E. BROADWAY STREET	PROJECT NO.	107-000-0120
	DATE	10/07/2012

PROJECT	198 E. BROADWAY STREET
SITE PLAN	FOR
TWICE THE ICE	
THIS PLAN IS PREPARED BY THE ENGINEER AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.	



Form 100-100	
Case No.	100-100
Date	10/01/2012
Page	1 of 1
3	

198 E. BROADWAY STREET
 NEW YORK, NY 10003
 TEL: 212-693-2129

THE PLAN
FOR
PRICE THE ICE

157 East Broadway Street



Exit Street View



© 2012 Google

© 2012 Google

Google earth

[Report a problem](#)

32°38'38.10" N 97°13'10.78" W elev 662 ft

Eye alt 655 ft

Click to switch between Street View and ground-level view



Exit Street View



© 2012 Google

© 2012 Google

Google earth

[Report a problem](#)

32°38'42.36" N 97°13'13.17" W elev 670 ft

Eye alt 655 ft