

BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING | OCTOBER 12, 2021 AT 6:00 PM
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

To address the board regarding an agenda item, submit a 'Request to Speak' form before the meeting begins. Speakers are allotted three (3) minutes, must limit their comments to the subject indicated on the form, and should address the board as a whole, rather than individual members or staff.

II. REGULAR SESSION

III. ROLL CALL

IV. SWEARING IN OF SPEAKERS

V. VISITOR AND CITIZEN FORUM

At this time, any person may address the board or governing body about any item not appearing on the agenda, provided that an official 'Speaker's Request Form' has been submitted to the secretary prior to the start of the meeting. All comments must be directed towards the body as a whole, rather than individual members 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 nor discussion held regarding these items.

VI. REPORTS AND ANNOUNCEMENTS

In addition to any items below, board members and/or staff may give or receive reports regarding items of community interest, including, but not limited to, recognition of officials, citizens, staff, or departments; information regarding holiday schedules; and upcoming or attended events.

VII. MINUTES APPROVAL

- A. Consider approval of the minutes from the May 11, 2021 regular meeting

VIII. DECISION ITEMS

- A. **CASE # BOA 21-02** — to hold a public hearing and consider action on a request for a special exception use by J. Prause for the special exception use of Outdoor Storage – Commercial and Industrial as required by Section 6.2 of the Unified Development Code for 1517 Gilman Road, Abstract 1476, Tract 31K1F, 31K3A, 31U, David Strickland Survey, City of Kennedale, Tarrant County, Texas
- B. **CASE # BOA 21-08** — to hold a public hearing and consider action on a request for a special exception use by Trustees – United Methodist Church of Kennedale (Boy Scouts Association Troop 35) for the special exception use of Change of Land Use to "Community Orientated Cultural Facility" as required by Section 4.2 of the Unified Development Code for 190 W. Broadway Street, 210 W. Broadway Street, and 220 W. Broadway Street, City of Kennedale Addition Block 48, Lots 3-8, City of Kennedale, Tarrant County, Texas

IX. EXECUTIVE SESSION

Pursuant to Texas Government Code §551.071, the Board reserves the right to adjourn into Executive Session at any time during this meeting to discuss posted Executive Session items or to seek legal advice from the City Attorney on any item posted on the agenda.

X. RECONVENE INTO OPEN SESSION, AND TAKE ACTION NECESSARY PURSUANT TO EXECUTIVE SESSION, IF NEEDED

XI. ADJOURNMENT

CERTIFICATION

I DO HEREBY CERTIFY THAT THE OCTOBER 12, 2021 BOARD OF ADJUSTMENT AND BUILDING BOARD OF APPEALS AGENDA WAS POSTED INSIDE THE MAIN ENTRANCE OF CITY HALL (405 MUNICIPAL DRIVE), IN A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES; AND THAT SAID AGENDA WAS POSTED AT LEAST SEVENTY-TWO (72)

HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING, IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE.



LESLIE E. GALLOWAY, CITY SECRETARY

In compliance with the Americans with Disabilities Act (ADA), the City of Kennedale will provide for reasonable accommodations for persons attending meetings. This facility is wheelchair accessible and accessible parking spaces are available. Requests for sign interpreter services must be made forty-eight (48) hours prior to the meeting by calling 817-985-2104 or (TTY) 1-800-735-2989.

POSTED _____ (DATE) _____ (TIME)



STAFF REPORT TO THE BOARD OF ADJUSTMENT

MEETING DATE: OCTOBER 12, 2021

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM VII.A.

SUBJECT

Consider approval of the minutes from the May 11, 2021 regular meeting

ORIGINATED BY

Leslie E. Galloway, Interim City Manager

SUMMARY

The minutes are attached for the board's review.

RECOMMENDATION

ATTACHMENTS

1.	2021_05.11 BOA Minutes - DRAFT	2021_05.11 BOA Minutes - DRAFT.pdf
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BOARD OF ADJUSTMENT MINUTES
REGULAR MEETING | MAY 11, 2021 AT 6:00 PM
HELD VIA VIDEO CONFERENCE

ZOOM INFORMATION TO JOIN: [HTTPS://US02WEB.ZOOM.US/J/7732695410](https://us02web.zoom.us/j/7732695410) AND/OR BY DIALING 877 853 5257 AND USING MEETING ID MEETING ID: 773 269 5410

I. CALL TO ORDER

Chairman Jeff Nevarez called the meeting to order at 6:00 p.m.

II. REGULAR SESSION

III. ROLL CALL

PLACE	COMMISSIONER	PRESENT AND VOTING	ABSENT
1	Azam Shaikh		x
2	Jeff Nevarez	x	
3	Kelli Rod		x
4	Thelma Kobeck	x	
5	Lana Sather	x	
6	Jeremy Johnston, alternate		x
7	Jessica Virnoche, alternate		x
8	Myron Jones, Alternate	x	
9	Patrick Vader, Alternate	x	

IV. SWEARING IN OF SPEAKERS

Speakers Mark Watson (applicant), Miriam Llamas (applicant), and Joanna Wilkins were sworn in by Board Secretary Grant Fore.

V. VISITOR AND CITIZEN FORUM

There were no requests to speak at this time.

VI. REPORTS AND ANNOUNCEMENTS

Director of Planning and Economic Development Melissa Dailey announced that future meetings will be held in person, hopefully beginning next month.

Chair Jeff Nevarez announced that KIDFISH event was on Saturday.

VII. MINUTES APPROVAL

A. Consider approval of minutes from the April 13th, 2021 regular meeting

Motion To Approve. Action Approve minutes from the April 13th, 2021 regular meeting, **Moved By** Kobeck, **Seconded By** Sather. **Motion passed unanimously.**

VIII. DECISION ITEMS

- A. **CASE # BOA 21-04** to receive comments and consider action on a request by Miriam Llamas for a variance as required by the Unified Development Code, Table 3.3 requiring a minimum width of 60 feet for lots zoned R3 for the property located at 612 N.

Little School Road, Block 4, Lot 1A and 2A, Hilldale Addition, City of Kennedale, Tarrant County, Texas.

Staff Presentation

Director of Planning and Economic Development Melissa Dailey stated that this property is in the Hilldale subdivision on the corner of Harrison Drive and N Little School Road, where most existing lots are 60' wide. However, the lot in question is 135' wide and was currently zoned R3. The variance requested would allow 60' wide lot (rather than the 80' wide lot required by R3). Dailey noted that, if approved, it is expected that the property would appear as a replat request. Patrick Vader asked if these 60' wide lots would face Harrison Drive. Dailey stated that was the intent. Miriam Llamas, the applicant, stated that the intent is for the houses to face Harrison Drive; but, due to existing utility boxes, there is the chance they will face Little. Lana Sather asked, given the easement, if dividing the lot to allow for two houses was feasible. It was noted that the consideration of whether the houses would face Little or Harrison would be made during the platting process (which would be considered by P&Z and the Council). Dailey noted that staff found that all required standards would be met.

Public Hearing

The public hearing was opened at 6:15 p.m.

There were no requests to speak.

The public hearing was closed at 6:15 p.m.

Board Discussion

In response to a question from Lana Sather, Dailey stated that though you cannot build within the easement, the easement can be within the yard. Patrick Vader noted that it appeared to be a building line rather than an easement.

Dailey noted that the wording on the staff report incorrectly stated 20-01, but the case number is actually 21-04.

Board Decision

Motion To Approve. Action Based on the evidence and testimony provided, I find that the proposed request meets the standards for a variance and make a motion to approve the requested variance in CASE # BOA 21-04, a request by Miriam Llamas for a variance as required by the Unified Development Code, Table 3.3 requiring a minimum width of 60 feet for lots zoned R3 for the property located at 612 N. Little School Road, Block 4, Lot 1A and 2A, Hilldale Addition, City of Kennedale, Tarrant County, Texas, **Moved By Vader, Seconded By Kobeck.**

Vader noted that if all other property on the street was 60' wide, there would be no reason to deny. Sather voiced safety concerns if the houses faced onto Little due to the roundabout and asked for conditions regarding the location of driveways. Dailey responded that Public Works would review, and Sather withdrew her request for the condition.

Motion passed unanimously.

- B. **CASE # BOA 21-05** to receive comments and consider action on a request for a special exception use by Mark Watson for the special exception use of Manufacturing, processing and packaging - light as required by Section 6.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.

Staff Presentation

Chair Nevarez stated that the next three cases were related. Director of Planning and Economic Development Melissa Dailey stated that the board had made a decision on related cases in February (731 and 733 E Kennedale Parkway), noting that RE Watson and Associates is a glass manufacturer on Tower Drive, looking to expand and remain in Kennedale. Since the last case, Mark Watson has gone under contract for 804 Mansfield Cardinal Road in addition to the

other two lots, which allowed a change to the site configuration allowing to combine the three contiguous properties. Dailey noted that the applicant's type of use is allowed under C2 with a special exception, and that staff had recommended this rather than I zoning, as Industrial zoning would allow for additional undesirable uses in this area. She noted that 731 is C2 zoning, 733 is C2 zoning, and 804 is split between C2 and R3 zoning. This special exception would not include the 100' depth on Mansfield Cardinal, which was planned to be re-platted and rezoned to R3. Dailey noted that along Mansfield Cardinal the uses were primarily residential. Dailey noted that staff found that all required standards would be met, assuming the next two variances requested (on this agenda) were approved. Staff recommended the following conditions

1. PZ 20-11 and PZ 20-12 are approved. PZ 20-11 is a request to rezone 100' depth of the portion of 731 E Kennedale Parkway fronting Mansfield Cardinal from C2 to R3. PZ 20-12 is a request to rezone all but 100' depth of the portion of 804 Mansfield Cardinal Road from R3 to C2 (leaving 100' depth fronting Mansfield Cardinal Road R3)
2. Office use to be located fronting Kennedale Parkway with warehouse building behind the office
3. Front facing façade shall incorporate fenestration at least every 15'
4. Front facing façade shall incorporate overhang awning and stone or brick columns
5. Front facing façade shall incorporate at least 80% brick or stone
6. Parking fronting Kennedale Parkway shall incorporate parking screening of 3-4' tall that is made of brick or stone, or of landscaping. A taller fence may be installed if desired, but must be wrought iron with 3-4' landscaping
7. 8' tall solid wood or similar material fencing shall be installed along the rear of the development and along any property line shared with residential use or zoning
8. All landscaping shall be maintained, and any plants that die replaced with similar plants

Dailey noted that condition 7 was newly added since the February cases were heard.

Mark Watson with RE Watson and Associates, applicant, clarified that his company is a glass fabricator (rather than a manufacturer). Mr. Watson stated that he hoped to keep the business in Kennedale, noting that the second warehouse behind the parking lot on the site plan was not going to be immediately built but could be a part of future expansion. Mr. Watson said there would be a detention pond along the Parkway, which is why the parking lot was moved back from the Parkway.

Public Hearing

The public hearing was opened at 6:39 p.m.

Joanna Wilkins spoke against this request, noting noise concerns abutting existing residential and preservation of existing landscaping.

The public hearing was closed at 6:43 p.m.

Dailey stated that staff was proposing 8' solid fencing along the rear and any existing residential, noting that the request itself specifically excluded the 100' on the northeast of the property.

Board Discussion

Lana Sather expressed concerns that an 8' fence alone would not mitigate the noise concerns. Thelma Kobeck requested a reasonable condition other than the 8' fence that would speak to the noise control issue.

Board Decision

Motion To Approve. Action Based on the evidence and testimony provided, I find that the proposed request meets the standards for granting a special exception listed in the staff report and satisfies the General Applicable Review Criteria in the Unified Development Code, and make a motion to approve CASE # BOA 21-05, a request for a special exception use by Mark Watson for the special exception use of Manufacturing, processing and packaging - light as required by Section 6.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro

Subdivision, City of Kennedale, Tarrant County, Texas, with those conditions recommended by staff as well as the following condition: that, in addition to the 8' solid fencing requirement, that there shall be evergreen planting on all property lines that abut residential zoning and that they mature at a minimum of 12' high, Moved By Sather, Seconded By Kobeck.

Dailey noted that the case was 21-05 (rather than 20-05, as stated). Sather approved the update to the stated motion to correctly state case 21-05.

Motion passed unanimously.

- C. **CASE # BOA 21-06** to receive comments and consider action on a request for variance by Mark Watson to allow 25' rear setback where a 50' setback is required by Section 6.3 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.

Staff Presentation

Director of Planning and Economic Development Melissa Dailey stated that this is a proposal for a 25' (rather than the 50' requirement) rear setback from the commercial property to the neighboring residences. Dailey noted that those residential properties being created that would be affected by this were vacant and would, therefore, be aware of the existence of the warehouse before choosing to build. Dailey noted that staff found that all required standards would be met, noting that this and the other two related requests did not include the 100' width of property along Mansfield Cardinal. There was some discussion that approval of this request would benefit the existing residential lots and that the newly-created lots would know of the existing warehouse before purchasing and/or building. There was some discussion of the distance between the proposed warehouse and the existing home at 712 Mansfield Cardinal.

Mark Watson, applicant, noted that the reason that the rezoning of the back 100' of the lot to R3 was being requested was to allow for a buffer between the existing residential and his proposed development, noting that loading docks will be about 500' from the existing house and more than 600' from Mansfield Cardinal. He added that the Fire Department needs the 25' driveway around the warehouse, but that it was not necessary for his operations, and that truck traffic and forklift use would be contained to the side facing away from the existing residential at 712 Mansfield Cardinal. He added that he would welcome anyone to visit his existing location to observe noise levels and cleanliness of the property.

Public Hearing

The public hearing was opened at 7:12 p.m.

Joanna Wilkins asked for clarification of side setbacks and spoke against the request.

The public hearing was closed at 7:14 p.m.

Dailey stated that the setback being referenced was from the 100' that was being re-platted out of the property. She added that the 50' requirement would remain on the side setbacks.

Board Discussion

There was no discussion at this time.

Board Decision

Dailey noted that the special exception related to allowing the use in C2 and that the variance related to the spatial requirements discussed.

Motion To Approve. Action Based on the evidence and testimony provided, I find that the proposed request meets the standards for a variance and make a motion to approve the requested variance in CASE # BOA 21-06, a request for variance by Mark Watson to allow 25' rear setback where a 50' setback is required by Section 6.3 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas, **Moved By Sather,**

Seconded By Vader. Motion passed unanimously.

- D. CASE # BOA 21-07** to receive comments and consider action on a request for variance by Mark Watson to allow 30% of the front principle building line within the build-to-zone where 75% is required in the Commercial Corridor Overlay District by Section 8.2.C.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas.

Staff Presentation

Director of Planning and Economic Development Melissa Dailey stated that there is a requirement (via the commercial corridor overlay) that 75% of Parkway property frontage be comprised of building facade. This request is to allow 30% frontage, given the narrow size of the building, noting that staff recommended approval. Dailey noted that staff found that all required standards would be met. Patrick Vader asked if the lot would still need to meet the Parkway's landscaping requirements, including that area surrounding the detention pond. Dailey stated yes. Mark Watson, applicant, said that he hoped to keep as many existing trees as possible, confirming that he will adhere to the landscaping requirements of the Business 287 (Parkway) overlay.

Public Hearing

The public hearing was opened at 7:25 p.m.

Joanna Wilkins spoke regarding her concerns about all three requests.

The public hearing was closed at 7:27 p.m.

Board Discussion

Chair Nevarez stated that he felt the property owner was attempting to be a good neighbor.

Board Decision

Motion To Approve. Action Based on the evidence and testimony provided, I find that the proposed request meets the standards for a variance and make a motion to approve the requested variance of CASE # BOA 21-07, a request for variance by Mark Watson to allow 30% of the front principle building line within the build-to-zone where 75% is required in the Commercial Corridor Overlay District by Section 8.2.C.2 of the Unified Development Code for 731 E Kennedale Parkway, Lot 15 (BAL 15, 15A, 16 (BAL 16), 16C & 16D, 733 E Kennedale Parkway, Lot 16B, CA Boaz J B Renfro Subdivision, and 804 Mansfield Cardinal Road, Lot 16A, CA Boaz J B Renfro Subdivision, City of Kennedale, Tarrant County, Texas, **Moved By Vader, Seconded By Chair Nevarez. Motion passed unanimously.**

XII. ADJOURNMENT

Motion To Adjourn. Action Adjourn, **Moved By Chair Nevarez, Seconded By Sather. Motion passed unanimously.**

Chair Jeff Nevarez adjourned the meeting at 7:28 p.m.

APPROVED:

ATTEST:

JEFF NEVAREZ, BOA CHAIR

LESLIE GALLOWAY, CITY SECRETARY

STAFF REPORT TO THE BOARD OF ADJUSTMENT

MEETING DATE: OCTOBER 12, 2021

AGENDA ITEM NUMBER: PUBLIC HEARING ITEM VIII.A.

SUBJECT

CASE # BOA 21-02 — to hold a public hearing and consider action on a request for a special exception use by J. Prause for the special exception use of Outdoor Storage – Commercial and Industrial as required by Section 6.2 of the Unified Development Code for 1517 Gilman Road, Abstract 1476, Tract 31K1F, 31K3A, 31U, David Strickland Survey, City of Kennedale, Tarrant County, Texas

ORIGINATED BY

Chance LeBlanc, Planning Consultant with Dunaway

SUMMARY

BACKGROUND AND OVERVIEW

Request	Special exception use to allow Outdoor Storage – Commercial and Industrial
Applicant	Jeffrey Prause
Location	1517 Gilman Road
Surrounding Uses	Single-Family (Applicant's Residence), Light & Heavy Industrial, vacant land
Surrounding Zoning	I Industrial, C2 Commercial, AG Agricultural
Future Land Use Plan Designation	Industrial, Park & Open Space (Floodplain & Floodway)
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

As the board is aware, this case was originally heard on April 13, 2021. At that time the board neither definitively approved nor denied the request, and the applicant has requested an additional hearing. The property is currently vacant. The applicant would like to use the property as an online auction business, auctioning heavy equipment, such as tractors and bulldozers, and smaller equipment (mowers, smaller tractors). Items to be auctioned would be delivered on site and collected for auctions, which are most often Saturdays from 9:00 a.m. to 5:00 p.m. There is a significant amount of floodplain and floodway on the property. No items or equipment shall be allowed to be stored within these designated areas.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The property is a vacant parcel of land situated between industrial and residential uses. A mulching company abuts the property to the southwest, and the applicant's single-family residence abutting to the northeast along with additional residential uses extending east along Gilman Road. There is a significant amount of floodplain and floodway in this area and within the back portion of this lot and adjacent properties due to the location of the creek behind them. Sabre Industries (previously Fort Worth Tower (FWT)), a large industrial use building for manufacturing of cell phone towers, is located across Gilman Road from this property.

STAFF REVIEW

Future Land Use Plan

The Future Land Use Plan indicates this property as Industrial.

Related Goals from the Comprehensive Land Use Plan

The comprehensive plan goal related to this rezoning request falls under

- **PRINCIPLE 3: THRIVING COMMUNITY. CREATE VIBRANT CENTERS.**
Promote economic activity through the development of different scale centers throughout the community.

City Council Ends Statements and Goals

- Financially responsible and sustainable.
- Economically prosperous with an excellent business climate to support light industrial, employment centers and distribution facilities that are compatible with the Kennedale vision.

ANALYSIS

Standards for Granting a Special Exception

1. **The board must find that the establishment, maintenance, or operation of the use will not be materially detrimental to or endanger the public health, safety, morals, or general welfare.**
Currently Gilman Road is used for heavy large trucks to gain access into multiple industrial facilities directly north of the property. The current condition of Gilman Road indicates that the road can handle this type of heavy truck use without creating damage to the road.
2. **The board must find that the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the use.**
Uses permitted in the area include commercial and industrial to the west, and the applicant's single family residential to the east. Staff does not believe there would not be an impairment to either the industrial uses (Fort Worth Tower, By the Yard Mulch) or to the residents in the area.
3. **The board must find that the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**
The current comprehensive plan recommends an industrial area extending from the intersection of E Kennedale Parkway and Gilman Road to the east, terminating at the I20 Service Road.
4. **The board must find that adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.**
According to Public Works staff, the property is served by all necessary site improvements.
5. **The board must find that adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**
The delivery of equipment/items to be auctioned would generate traffic 7 to 8 days a month. The auction will be held on-line once a month with no onsite activity. The collection of auctioned items will

be done by schedule pick only.

6. **The board must find that the use shall conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.**

There is not planned to be a building on the site. The site does seem to be large enough to accommodate parking.

Again, as reflected in the attached minutes, during the meeting on Tuesday, April 13, 2021, the Board of Adjustment failed to approve the motion 3 to 2, but no motion to deny was made. The minutes from that meeting are attached for the Board's reference. Also attached is the decision notice resulting from that meeting.

STAFF RECOMMENDATION

This area currently has a combination of single-family residence, mobile homes and heavy/light industrial. The Future Land Use Plan shows future development as the continuation of industrial use with the floodplain/floodway being designated as park and open space. Staff believes that the transport and storage of heavy equipment and other items onto the site is compatible with the surrounding heavy and light industrial uses. As an online auction service, there will not be a significant increase in noise due to no outdoor auction activity. Therefore, staff recommends approval.

ACTION BY THE BOARD

The board may grant or deny the request or postpone its vote until a later date. If you postpone your decision, you should state in your motion when the case will be heard by the board again. Sample motions are provided for your reference below. You are not required to use either of the motions provided, but your motion should state why you are granting or denying the request.

Approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for a special exception, and make a motion to approve the requested special use exception of BOA Case 21-02.

Deny: Based on the evidence and testimony provided, I find that the proposed use does not meet the standards for a special exception, and make a motion to deny the special use exception of BOA Case 21-02.

Approve with Conditions: Based on the evidence and testimony provided, I find that the proposed request meets the standards for a special exception and make a motion to approve the special use exception of BOA Case 21-02, with the following conditions (state conditions).

RECOMMENDATION

Approve

ATTACHMENTS

1.	1517 Gilman Special Exception Application	1517 Gilman Special Exception Application.pdf
2.	BOA Minutes April 2021	BOA Minutes April 2021.pdf
3.	Signed Decision Notice BOA 21-02 - Following April Hearing	Signed Decision Notice BOA 21-02 - Following April Hearing.pdf
4.	Surrounding Uses - Gilman	Surrounding Uses - Gilman.pdf
5.	1517 Gilman Aerial	1517 Gilman Aerial.pdf

6.	1517 gilman road survey	1517 gilman road survey.pdf
7.	200 ft notice letter - BOA 20-02 1517 Gilman	200 ft notice letter - BOA 20-02 1517 Gilman.pdf
8.	FLUP - Gilman	FLUP - Gilman.pdf
9.	Gilman Photos	Gilman Photos.pdf

APPLICATION

BOARD OF ADJUSTMENT · SPECIAL EXCEPTION

Required Attachments

Please review the following requirements. Your application **will not be accepted** if any of the below items are missing or incomplete. Please submit your completed application to the Planning and Permits Department in person or via email at permits@cityofkennedale.com.

- ☒ Two site plans drawn to scale with all structures, fences, dimensions, property lines, etc. and how you propose to use the property.
- ☒ A statement to the BOA explaining your request and how your proposed use would meet the six standards for a special exception.
- ☒ Owner affidavit form completed if the applicant is not the property owner.
- ☒ A \$250 filing fee.
- ☒ Any other information that you feel will help explain your request.

Applicant Information

Applicant Name: Jeffrey Prause

Applicant Address: 1513 Gilman Road Fort Worth, TX 76140

Applicant Phone: 254-715-8226 Applicant Email: cs.guy2006@yahoo.com

Property Address: 1517 Gilman Rd Fort Worth, TX 76140

Property Legal Description: Strickland, David Survey Abstract 1376 Tract 31K1F 31K3A 31U

Special Exception Use Requested: Outdoor Storage, Commercial and Industrial

Owner Information (If different than applicant)

Owner Name: _____

Owner Address: _____

Owner Phone: _____ Owner Email: _____

Special Exception Request

Please provide a statement explaining your request and how your proposed use will meet the following six standards:

- Separate sheet for answers*
1. Will the establishment, maintenance, or operation of the use you are requesting be materially detrimental to or endanger the public health, safety, morals, or general welfare?
 2. Will the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the use for which you are requesting a special exception?
 3. Will the establishment of the use you are requesting significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?
 4. Have adequate utilities, access roads, drainage, and other necessary site improvements been (or will be) provided? (If adequate improvements are not already in place, you must demonstrate what improvements you will make and how/when).
 5. Have adequate measures been taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets?
 6. Does the use conform to all applicable area, yard, height, lot coverage, building size, exterior requirements, and parking space regulations of the district in which it is located?

Special Exception Checklist

Has a previous application or appeal been filed on this property? ☐ Yes ☒ No

If yes, when was the application or appeal filed? _____

Has a special exception for the same use been granted for this property? ☐ Yes ☒ No

If this request is for oil or gas well drilling, how many wells are requested? _____

☐ New Construction ☐ Addition ☐ Remodel

Site Improvements

Adequate water service in place? ☒ Yes ☐ No Size of water line available: _____

Adequate sewer service in place? ☒ Yes ☐ No Size of sewer line available: _____

Adequate drainage facilities in place? ☒ Yes ☐ No Describe: _____

Adequate access roads in place? ☒ Yes ☐ No Describe: _____

Other necessary site improvements: _____

Ingress and Egress

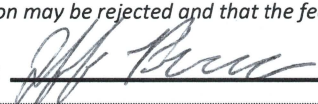
Drive approach width is adequate? ☒ Yes ☐ No

Drive/parking are sufficient to prevent/minimize stacking/congestion in public streets? ☒ Yes ☐ No

Number of parking spaces provided: _____

Applicant Agreement

By signing below, I acknowledge that I have read and completed all applicable requirements. I understand that if I have submitted an incomplete or false application, my application may be rejected and that the fee is nonrefundable.

Signature of Applicant:  Date: 3-9-2021

Please submit to permits@cityofkennedale.com with supporting documents if applicable.

Planning and Development · City of Kennedale · 405 Municipal Dr. · Kennedale, TX 76063 · (817) 985-2133

Special Exception Request Outdoor Storage, Commercial and Industrial

Please provide a statement explaining your request and how your proposed use will meet the following six standards:

I am asking for the Special Exception to be able to use the industrial zoned property at 1517 Gilman Road with a hard rock base. It consist of road base and crushed asphalt that is already in place to be able to maintain it easier as I am planning on have larger equipment on it, some with metal tracks that are not compatible with asphalt or concrete. It will have to be ran offsite due to the lack of internet infrastructure in the area. The fastest internet available is 3mb from AT&T and they are wanting to downgrade it to 768k neither are usable for any business to operate today. I would like to consider using my home, 1513 Gilman Road, as an office in the future when high speed internet becomes available. This is one of the only areas in Kennedale with no high speed internet available, any help would be greatly appreciated by everyone living on Gilman Road.

It will be an online auction drop lot, a short term storage less than 60 days with a goal of less than 30 days. Focusing on heavy equipment, tractors and some smaller items the use would allow people to bring their industrial items they want to liquidate to be dropped off, listed online through an auction process, sold and picked up. I believe bringing this business to Kennedale would be a good addition to have an option locally to liquidate larger items. It is not able to be seen from Kennedale Parkway or from I20 but it has easy access to the Fort Worth / North Texas area. Security cameras along with lights and perimeter sensors will be installed for security. Since I have a house next to it at 1513 Gilman Road I could be easily available if any issues were to come up.

After speaking with Melissa we had talked about screening as it already has a 52 in tall 2 rail metal black pipe fence she recommended planting fast growing Photinias across the front to further help. I took that advice and have already planted 17 of them across the front as recommended. I have attached pics below. Also recommended was a barrier curb on the back of the property to make sure run off will not affect the creek. I have also completed this building a 12inch barrier to divert any run off into a large catch area already on the property acting as a barrier to prevent anything from flowing into Village Creek. That being noted I do have LOMA letter on my house next to the property (1513) certifying it 2 feet out of the flood plane, since it is also shown on maps to be in the flood plane. The usable area on the industrial property (1517) I'm looking to use is visibly higher than my house.

It was also recommended to have any larger trucks diverted back to Business 287 as to not disturb the few houses at the other end of the street. It will not add mass amounts of traffic as it will be intermittent and not every day use. Most of the traffic on this road is already large trucks so it should not be any issue. Drop off and pick up times for items will also be scheduled to reduce traffic.

When I purchased this property it was littered with hundreds of tires, trash people dumped here for many years, and overgrown with cane so I spent many hours cleaning up the land. That is why it's finally in good condition and I want to keep a professional appearance.

1. Will the establishment, maintenance, or operation of the use you are requesting be materially detrimental to or endanger the public health, safety, morals, or general welfare?

No

2. Will the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the use for which you are requesting a special exception?

No

3. Will the establishment of the use you are requesting significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

No, it is already an industrial use area

4. Have adequate utilities, access roads, drainage, and other necessary site improvements been (or will be) provided? (If adequate improvements are not already in place, you must demonstrate what improvements you will make and how/when).

Yes, other than reliable high speed internet availability

5. Have adequate measures been taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets?

Yes, listed in above conversation with Melissa.

6. Does the use conform to all applicable area, yard, height, lot coverage, building size, exterior requirements, and parking space regulations of the district in which it is located?

Yes

**BOARD OF ADJUSTMENT AND
BUILDING BOARD OF APPEALS
MINUTES**

**REGULAR MEETING | April 13, 2021 at 6:00 PM
HELD VIA VIDEO CONFERENCE**

**ZOOM INFORMATION TO JOIN: <https://us02web.zoom.us/j/7732695410> AND/OR BY
DIALING 877 853 5257 AND USING MEETING ID Meeting ID: 773 269 5410**

I. CALL TO ORDER

Chairman Jeff Nevarez called the meeting to order at 6:06 PM

II. REGULAR SESSION

III. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Azam Shaikh	X	
2	Jeff Nevarez	x	
3	Kelli Rod	x	
4	Thelma Kobeck		x
5	Lana Sather	x	
6	Jeremy Johnston, alternate		x
7	Jessica Virnoche, alternate		x
8	Myron Jones, Alternate	x	
9	Patrick Vader, Alternate	x	

IV. SWEARING IN OF SPEAKERS

Hannah Marshall, Jeff Prause and Lindsey Bailey were sworn in by Board Secretary Grant Fore.

V. VISITOR AND CITIZEN FORUM

There were no speakers for the visitor and citizen forum.

VI. REPORTS AND ANNOUNCEMENTS

Melissa Dailey: It made be possible for the board to meet in person next month, with the option for public participants to attend the meeting via zoom, if they choose. The City is working out technology to make that happen.

Kelli Rod: Boys and Girls Club- Ms. Rod says she is spending time in the community to determine needs of younger folks, particularly in the summer, and brainstorming ideas for programming this summer.

Jeff Nevarez: Kid Fish will be on 5/6/21; check out the little libraries and butterfly garden near city hall.

Azam Shaikh: MCC-HS.org provides medical services and free tax preparation assistance for those who need it; looking to host event again.

VII. MINUTES APPROVAL

- A. Consider approval of minutes from the February 9, 2021 regular meeting

Azam Shaikh made a motion to approve the minutes from the 2/19/21 meeting. Motion seconded by Lana Sather. Motion passes unanimously.

VIII. DECISION ITEMS

- A. **CASE # BOA 21-02** to receive comments and consider action on a request for a special exception use by Jeffrey Prause for the special exception use of Outdoor Storage – Commercial and Industrial as required by Section 6.2 of the Unified Development Code for 1517 Gilman Road, Abstract 1476, Tract 31K1F, 31K3A, 31U, David Strickland Survey, City of Kennedale, Tarrant County, Texas.

Staff Presentation

Melissa Dailey, Director of Planning and Economic Development, explained that 1517 Gillman is near I-20, off Kennedale Parkway, near Fort Worth Tower. This is a request for outdoor storage and a retail component (outdoor retail). Outdoor storage of heavy equipment with on-site and online auctions of the equipment. Neighboring uses surrounding the property include industrial and residential.

Ms. Dailey talked about the standards of approval for special exceptions, with a few additional standards provided today by the city attorney:

Standards of Approval:

- 1) That the establishment; maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals or general welfare.

Ms. Dailey stated staff concerns about the potential noise issues for neighboring residences, created by the transportation of equipment and auction practices.

- 2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use

Ms. Dailey stated there would likely be minimal impact on neighboring industrial uses, but could be negative impacts to the neighboring residential uses as a result of equipment transport and auction noise.

- 3) That the establishment of the use will not significantly impede the normal and orderly development and improvements of the surrounding property for uses permitted in the district.

Ms. Dailey says the comprehensive plan recommends urban village nearby, with future greenspace, but then corrected this to state that residential use is recommended on this site, with greenspace across the street

- 4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Ms. Dailey said that the city believes there are site improvements that would meet the needs.

- 5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Ms. Dailey cited concerns about equipment transport, and the delivery of equipment, as well as the periodic auctions could potentially create traffic hazards.

- 6) That the use shall conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.

Ms. Dailey said there would not be a building on site and there appears to be enough space for parking.

Ms. Dailey cited 4 additional standards for approval, provided to city staff by the City of Kennedale City Attorney.

- 7) That the proposal is consistent with the Comprehensive Plan and applicable adopted plan.

The proposed use is not compatible with the comprehensive plan, which calls for residential use.

- 8) The proposed development protects the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties.

Ms. Dailey expressed city concerns about the residential uses nearby being impacted.

- 9) The proposed use will not result in significant adverse fiscal or economic impacts on the city

Ms. Dailey expressed that any adverse fiscal/economic impacts are unknown at the time, but there are concerns about impacts on the streets.

- 10) There is adequate road capability available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety and EMS services.

Ms. Dailey explained concerns about street capabilities for this.

Ms. Dailey presented aerial and street views to show the location, neighboring uses, surrounding zoning, and stated the correction to note that the location is proposed to be residential in use with greenspace across the street, according to the future land use plan.

Public Hearing

There were no speakers present.

Board Discussion

Azam Shaikh asked if there has been any neighboring objection. Ms. Dailey said no, that no calls or notification forms were received.

Patrick Vader asked the applicant about any other auction sites. Mr. Prause said he has no other auction sites – and this will strictly be for an online auction. Patrick Vader expressed that Gilman road would be used for delivery and pick-up of equipment. Mr. Prause showed the property via video and showed that it's a compacted-gravel surface. Patrick Vader asked for an estimate of how long equipment could stay on site. Mr. Prause stated it would be 30-60 days.

Jeffrey Prause, applicant, showed neighboring properties and their uses, which he stated have deliveries and pick-ups at all hours of the day, and that he lives nearby and isn't impacted by the noise. Mr. Prause said neighbors are aware and don't have concerns regarding his proposal. Jeff Nevarez asked about the hours of operation or pick-up times. Mr. Prause said 8AM-5PM, maybe 8AM-6PM. Mr. Prause said this will solely be a storage lot for online sales. Azam Shaikh asked if this auction would deal with any hazardous materials. Mr. Prause said no. Azam Shaikh asked about dealing with heavy commercial vehicles. Azam Shaikh confirmed with the applicant about following city recommendations for adherence to flooding protocol. Ms. Dailey added that no equipment would be stored in the flood plain, and the surface would support flooding issues. Kelli Rod asked if equipment would have proper screening. Mr. Prause said he has planted trees in hopes of proper screening, and that equipment would be somewhat visible, but with a highly professional appearance. Patrick Vader confirmed with Mr. Prause if he lives next door.

Jeff Nevarez asked Ms. Dailey to elaborate on concerns. Ms. Dailey cited infrastructure uses and neighboring residences, but that the board could create conditions, if they wish to consider approval.

Board Decision

Patrick Vader made a motion for approval, with the time limit of a year for the special exception, but wants to discuss further conditions, and expressed concerns of what this use could look like in a year. Azam Shaikh seconded the motion.

City staff stated some potential conditions:

- 1) The special exception is limited to one year
- 2) The property shall have evergreen landscape screening, 8 feet tall, on the north and east sides.
- 3) Auction practices are limited to silent/online
- 4) Applicant shall install a quality, durable wood gate/fence for concealment
- 5) There will be no equipment onsite longer than 30 days
- 6) The hours of operation are 8AM-6PM

Patrick Vader wants the applicant to follow the city's requirement of proper concealment, with a gate and the landscaping. Patrick Vader expressed that these requirements are consistent with previous cases that came before the board.

Kelli Rod expressed concerns that this does not fit the standard of approval and this is not in complete alignment with the direction with Kennedale. Mr. Prause explained that he has taken measures to make this property nice looking, and he will keep it clean and professional looking. Mr. Prause explained again that he lives next door, and he personally wouldn't want to look at junk filled property, so he will do his best to keep the property professional.

Patrick Vader made a motion to approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for granting a special exception listed in the staff report and satisfies the General Applicable Review Criteria in

the Unified Development Code, and make a motion to approve case BOA 20-02. Azam Shaikh seconded this motion. The motion failed with a 3-2 vote, with Azam Shaikh, Jeff Nevarez and Patrick Vader voting in a favor of approving BOA Case 21-02, and Kelli Rod and Lana Sather voting in opposition. The motion did not pass, as 4 votes in favor are needed for a motion to pass.

B. CASE # BOA 21-03 to receive comments and consider action on a request for a special exception use by Lindsey Bailey for the special exception use of "General Retail (Outdoor)" as required by Section 6.2 of the Unified Development Code for 320 S Dick Price Road, Abstract 1375, Tract 54A03, Shelby County School Land Survey, City of Kennedale, Tarrant County, Texas

Staff Presentation

Melissa Dailey explained that this request is for outdoor commercial retail at WeBloom and the ability to bring in an outdoor market with vendors selling their goods. The surrounding uses include industrial and commercial uses. The future land use plan calls for neighborhood corridor. Staff recommends approval.

Ms. Dailey then explained each standard for approval and its applicability to this project.

- 1) That the establishment; maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals or general welfare.

Staff believes with proper conditions and operations that this will not be detrimental to the public health, safety, moral or general welfare of Kennedale.

- 2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use.

Staff believes the outdoor use will not impair neighboring uses.

- 3) That the establishment of the use will not significantly impede the normal and orderly development and improvements of the surrounding property for uses permitted in the district.

Staff believes the outdoor retail will not impede development.

- 4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Staff believes there are adequate utilities to support this use.

- 5) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Staff believes there is sufficient ingress and egress, but staff is recommending addressing parking issues at the site.

- 6) That the use shall conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.

Staff stated this adheres to all lot requirements – there is an existing commercial use

(flower shop) and the proposed use is outdoor commercial retail.

- 7) That the proposal is consistent with the Comprehensive Plan and applicable adopted plan.

Staff stated that this proposal does align with the comprehensive plan.

- 8) The proposed development protects the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties.

Staff believes this protects the character of neighboring properties.

- 9) The proposed use will not result in significant adverse fiscal or economic impacts on the city

Staff believes the proposed use will not have any adverse fiscal or economic impacts on the city.

- 10) There is adequate road capability available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety and EMS services.

Staff believes there is adequate road capability to support the proposed use.

Staff is recommending approval with the following conditions:

- Special exception limited to one year
- Vendors must have a state sales tax certificate
- No food preparation unless done by an already permitted food truck
- 2 parking spaces per vendor

Lindsey Bailey, 320 South Dick Price, WeBloom, said that neighbors next door have given permission to use their parking lots, and is talking with others to potentially use their parking as well.

Hannah Marshall explained that the vendors vary, can be home goods, food, etc. Lindsey Bailey explained that all vendors being local would be a major goal.

Lindsey Bailey expressed she feels that this would bring an increase in business.

Kelli Rod asked if the neighboring property is residential. Lindsey Bailey says she isn't sure. Patrick Vader asked about any preventative measures for significant traffic. Lindsey Bailey said traffic control measures will be taken and there will be designated enter and exit locations.

Azam Shaikh confirmed with Lindsey Bailey if she is willing to adhere to city conditions, Lindsey Bailey confirmed she is happy to.

Patrick Vader asked what the vendor set-up would look like. Hannah Marshall confirmed that tents are required, and vendors are confined with 10x10 spaces.

Azam Shaikh asked about the city obtaining a vendor list and Lindsey Bailey said it varies per Saturday, but they are happy to provide the list.

Jeff Nevarez asked if this is more a craft fair or a farmer's market. Lindsey Bailey said a mixture.

Public Hearing

There were no speakers.

Board Discussion

Ms. Dailey suggested that the driveways not be blocked, and all restrooms be available, and the city has concerns about parking on the site.

Lana Sather suggested no parking on-site, except for vendor setup only, and recommended off-site parking as a part of her conditions. Azam Shaikh agreed that there be no on-site parking and that written permission from parking lots nearby be provided to the city.

Lana Sather made the motion to approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for granting a special exception listed in the staff report and satisfies the General Applicable Review Criteria in the Unified Development Code, and make a motion to approve case BOA 20-03, with conditions 1) off-site parking and written permission for off-site parking; written documentation of vendor lists 2) restrooms at all times. Azam Shaikh seconded that motion with another amendment that the city is provided with vendor lists prior to all events.

Ms. Dailey suggested that the special exception be granted for one year and vendors will need to have a Texas Sales Tax Certificate, and food preparation done by licensed food handlers. Lana Sather suggested there be stated guidelines for prepared food.

Applicants explained the goal for this would be 1st and 3rd Saturday of each month and holidays.

Azam Shaikh explained reasoning for requiring vendor lists, so we can ensure the vendors present are proper.

The existing motion was amended by Lana Sather to include the condition of food handlers required to adhere to state and county health guidelines as a condition.

The amended motion for approval with conditions:

- 1) Special exception allowed for one-year from date of approval
- 2) Texas Sales Tax Certificate to be provided
- 3) Vendor list be kept and provided to the city if requested
- 4) No food sold unless required permits from the County are obtained
- 5) Off-site parking is provided with permission granted by adjacent property owner(s)
- 6) Restrooms inside WeBloom be made available to public
- 7) Staff approved directional parking signs to be displayed

Azam Shaikh seconded the amended motion.

Board Decision

The motion for approval with conditions passed with a 4-1 vote, with Kelli Rod voting in opposition.

XII. ADJOURNMENT

The meeting was adjourned at 7:37 p.m.
Azam Shaikh made motion to adjourn. Lana Sather seconded the motion.

Decision Notice

Case # BOA 21-02

NAME: Jeffrey Prause

PROPERTY ADDRESS: 1517 Gilman Road

PROPERTY OWNER: Jeffrey Prause

FOR THE PURPOSE OF: a request for a special exception use by Jeffrey Prause for the special exception use of Outdoor Storage – Commercial and Industrial as required by Section 6.2 of the Unified Development Code for 1517 Gilman Road, Abstract 1476, Tract 31K1F, 31K3A, 31U, David Strickland Survey, City of Kennedale, Tarrant County, Texas.

The above-referenced request was **NOT APPROVED** by the City of Kennedale Board of Adjustment ("Board") on April 13, 2021 by a vote of 3-2. The City's Unified Development Code requires the concurring vote of four members of the Board to grant a request for a variance.

THE FOLLOWING REVIEW CRITERIA WERE FOUND TO NOT BE MET:

That the establishment, maintenance or operation of the use will not be materially detrimental to or endanger the public health, safety, morals or general welfare;

That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the use;

That the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets;

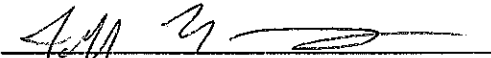
That the proposal is consistent with the Comprehensive Plan and applicable adopted plan;

The proposed development protects the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties;

There is adequate road capacity available to serve the proposed use, and the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services.

Any interested person wishing to appeal this decision is required to file a petition for Writ of Certiorari in a district court, county court or county court at law within ten (10) days of the date this decision is filed in the Board's office in accordance with section 211.011 of the Texas Local Government Code. This decision was filed in the Board's office on April 14, 2021.

APPROVED:



Jeff Nevarez, BOA Chairman

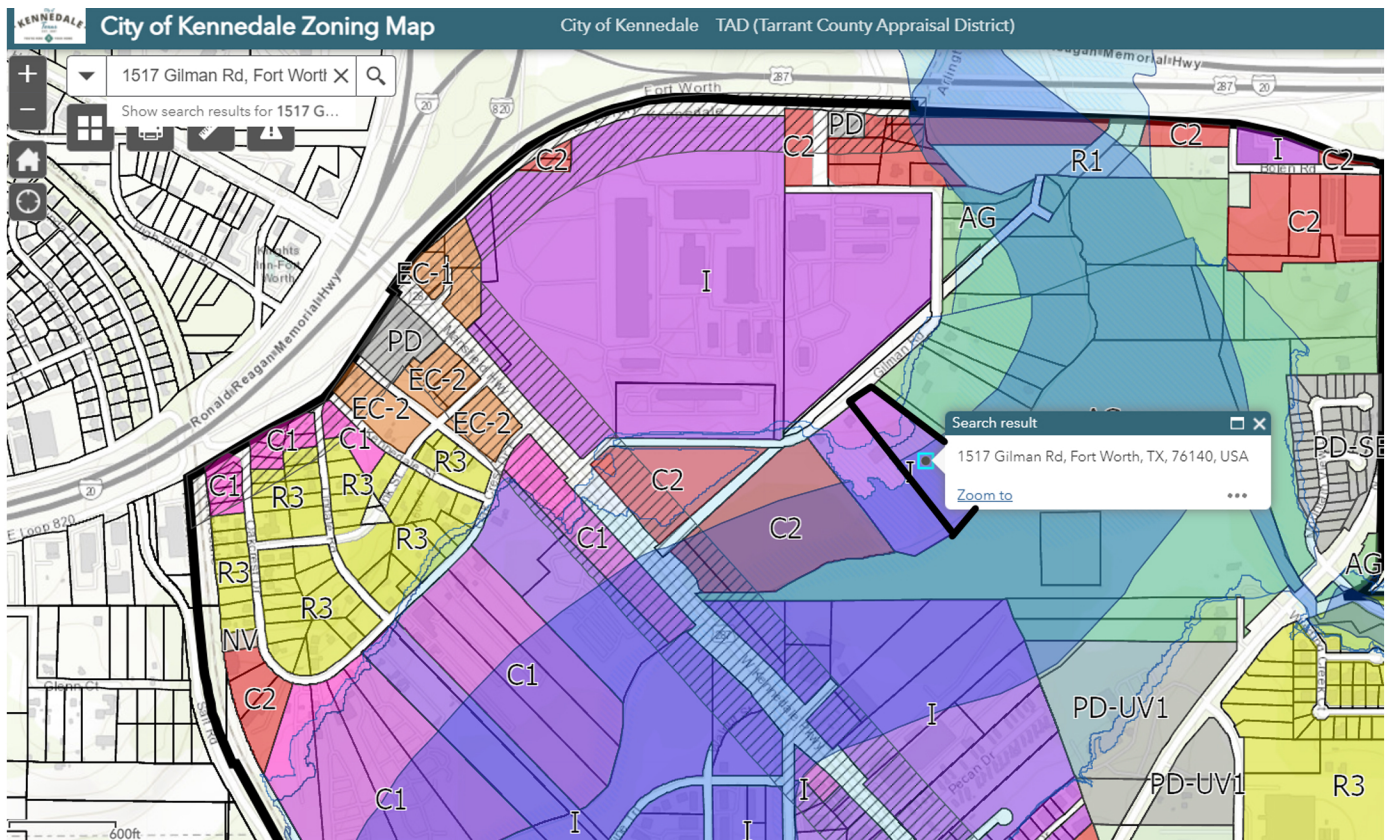
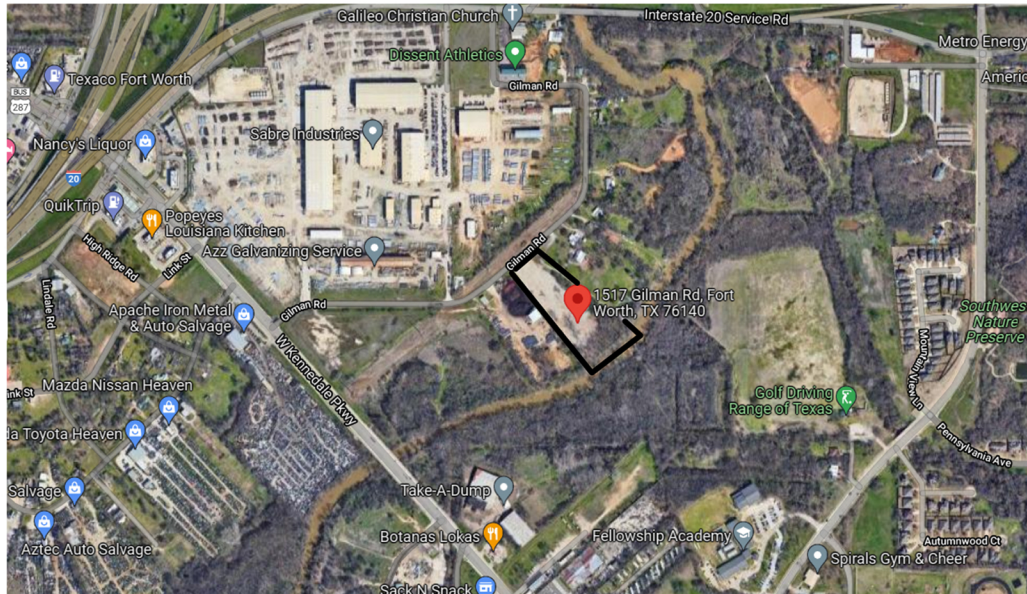
ATTEST:



Grant Fore, BOA Secretary

BOA CASE 21-02

1517 GILMAN ROAD



KENNEDALE

City of Kennedale Zoning Map

City of Kennedale TAD (Tarrant County Appraisal District)

+

-

Home

Refresh

1517 Gilman

Show search results for 1517 G...

1384

950

950

1511

1513

1515

1517

1525

1529

950

200ft

-97.234 32.662 Degrees

City of Fort Worth, Tarrant County College, Texas Parks & Wildli

Layer List

Layers

☒ Overlay Districts - Floodplain

☐ Overlay Districts - Business 287 and Interstate 20/820 Loop

☐ Zoning (View)

☒ TAD Parcels

☒ KennedaleCityLimits

☒ Aerials2019

Aerials2019

9:47 AM

10/1/2021

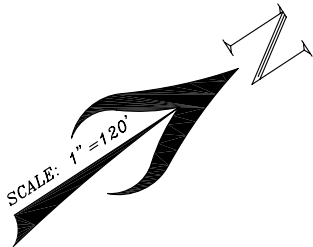
STOCKADE FENCE
METAL CHAIN LINK FENCE
WIRE FENCE
OVERHEAD TELEPHONE LINE
OVERHEAD ELECTRIC LINE

CONCRETE
DIRT ROAD
ASPHALT
WOOD DECK

STONE DECK
R.R. TIE RETAINING WALL
BRICK WALL
STONE WALL

M.F.P.C. = METAL FENCE POST CORNER
W.F.P.C. = WOOD FENCE POST CORNER
I.R.F. = IRON ROD FOUND
I.R.S. = IRON ROD SET
U.E. = UTILITY EASEMENT
B.L. = BUILDING LINE
* = CONTROL MONUMENT

W.J.



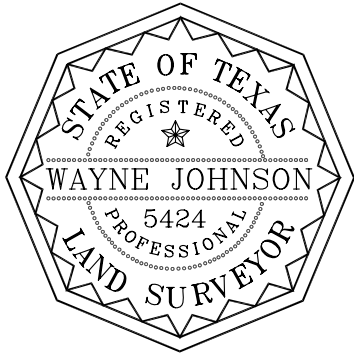
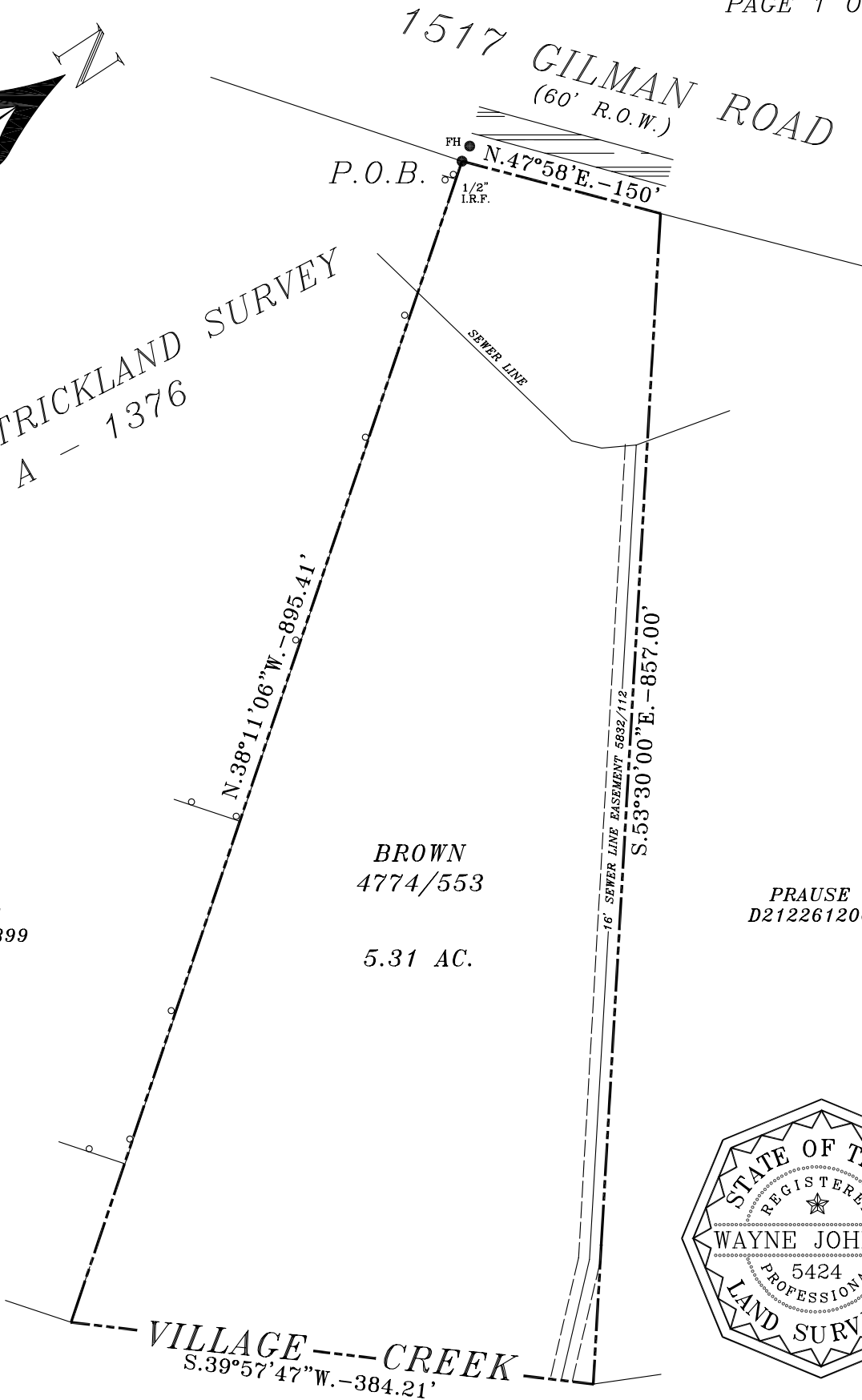
DAVID STRICKLAND SURVEY
A - 1376

MOORE
D208133899

BROWN
4774/553

PRAUSE
D212261200

5.31 AC.



JOHNSON LAND SURVEYORS
4649 SELKIRK DRIVE
FORT WORTH, TEXAS 76109
PHONE: (817) 923-9915

FRANK
D212319674

Wayne Johnson
WAYNE JOHNSON, R.P.L.S. No. 5424
MAY 2015

PROPERTY DESCRIPTION: SEE PAGE TWO.

NOTE: Basis of bearings for this survey from data provided by the recorded deed.
NOTE: Fences off line as shown.

W.O.NO: 15-134
DATE: 05-22-15

SURVEYORS CERTIFICATION

I hereby certify this plat is true and correct to the best of my knowledge and belief as surveyed by me or under my direct supervision. Survey done without the benefit of a current Title Search and is subject to any easements, covenants, conditions and restrictions a title search may find.



PLANNING & DEVELOPMENT
405 MUNICIPAL DRIVE
KENNEDALE, TX 76060
PHONE: 817-985-2133
FAX: 817-483-0182

This letter is to notify you that the Kennedale Board of Adjustment (BOA) will hold a public hearing on **Tuesday, October 12, at 6:00 p.m.**, in the Kennedale City Council Chambers at 405 Municipal Drive, Kennedale, TX 76060 to receive comments on the following case:

CASE # BOA 21-02 TO RECEIVE COMMENTS AND CONSIDER ACTION ON A REQUEST FOR A SPECIAL EXCEPTION USE BY J. PRAUSE FOR THE SPECIAL EXCEPTION USE OF OUTDOOR STORAGE – COMMERCIAL AND INDUSTRIAL AS REQUIRED BY SECTION 6.2 OF THE UNIFIED DEVELOPMENT CODE FOR 1517 GILMAN ROAD, ABSTRACT 1476, TRACT 31K1F, 31K3A, 31U, DAVID STRICKLAND SURVEY, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS

We are sending notification to those who own real property within 200 feet of the request in case they wish to attend the public hearing. You are not required to attend the public hearing, but if you choose to attend, you will have the opportunity to speak either in favor of or against the request(s). If you would like more information about the case or the public hearing process, please contact us at 817-985-2133 or permits@cityofkennedale.com. For your reference, a map showing the property is below.

The agenda will be posted at least 72 hours before the meeting at www.cityofkennedale.com/agendas and the meeting calendar is published at www.cityofkennedale.com/cal.

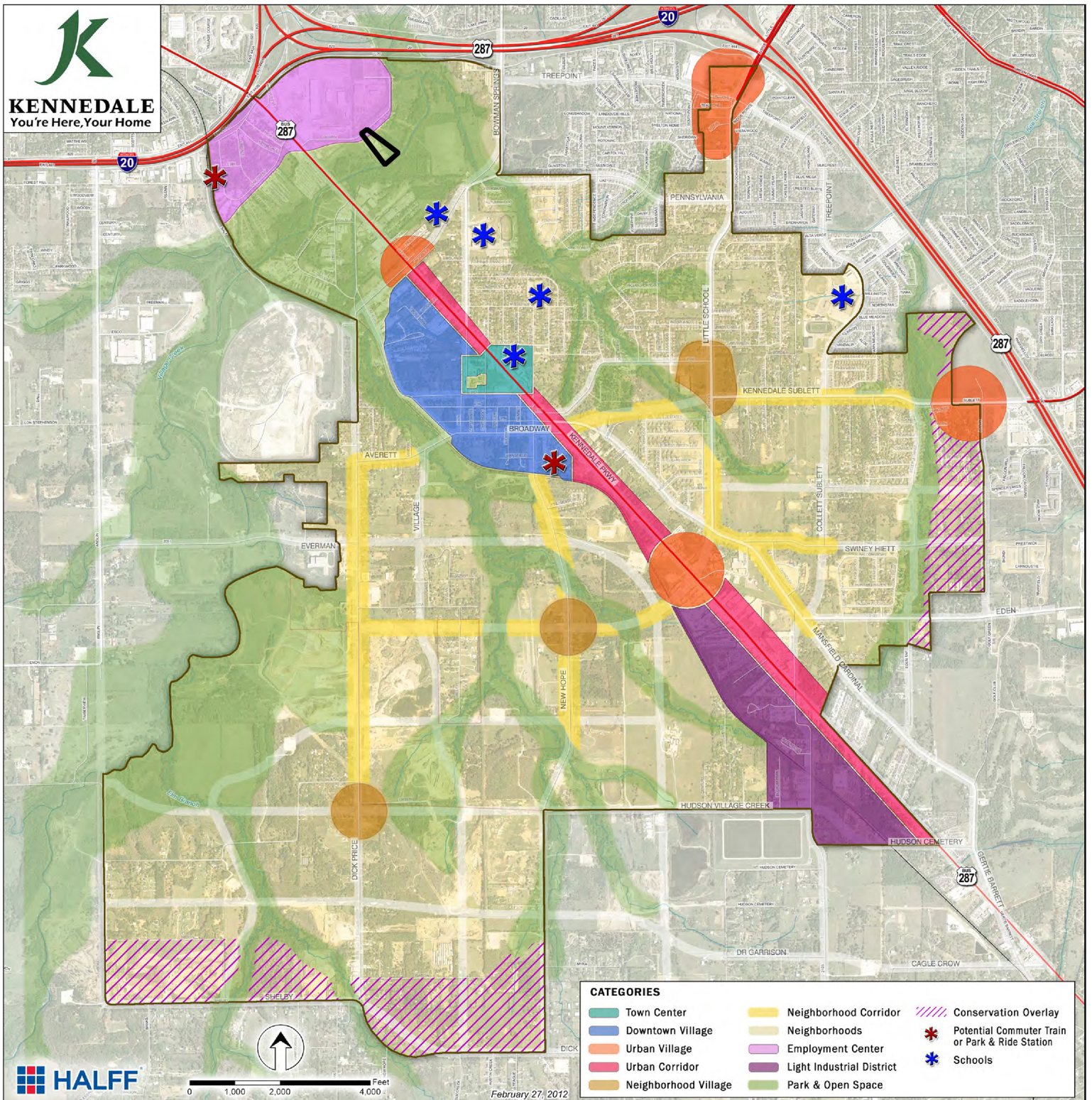


Sincerely,

Leslie E. Galloway
Leslie E. Galloway
Interim City Manager



KENNEDALE
You're Here. Your Home









STAFF REPORT TO THE BOARD OF ADJUSTMENT

MEETING DATE: OCTOBER 12, 2021

AGENDA ITEM NUMBER: PUBLIC HEARING ITEM VIII.B.

SUBJECT

CASE # BOA 21-08 — to hold a public hearing and consider action on a request for a special exception use by Trustees – United Methodist Church of Kennedale (Boy Scouts Association Troop 35) for the special exception use of Change of Land Use to “Community Orientated Cultural Facility” as required by Section 4.2 of the Unified Development Code for 190 W. Broadway Street, 210 W. Broadway Street, and 220 W. Broadway Street, City of Kennedale Addition Block 48, Lots 3-8, City of Kennedale, Tarrant County, Texas

ORIGINATED BY

Chance LeBlanc, Planning Consultant with Dunaway

SUMMARY

BACKGROUND AND OVERVIEW

Request	Special Use Exception for a “Community Orientated Cultural Facility”
Applicant	James Fountain
Location	190, 210, 220 W Broadway
Surrounding Uses	Single-Family
Surrounding Zoning	OT-1 Old Town Sub-District 1
Future Land Use Plan	Downtown Village
Designation	
Staff Recommendation	Approve

CURRENT STATUS OF PROPERTY

This is a single family residence built in the 1950s, that is currently used by the Boy Scouts. The current zoning of these lots is OT-1, which does not permit the use of community cultural facility. Under the current zoning OT-1, the Boys Scout building is considered a legal non-conforming use. As a legal non-conforming use, that use cannot be expanded with the current zoning. The applicant is requesting a Special Exception Use which would allow such use and if granted, the applicant would like to construct a metal 24x30 (720 sf) detached accessory storage building.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The property is in the OT-1 district and surround by existing single-family residences.

STAFF REVIEW

Future Land Use Plan

The Future Land Use Plan indicates this property with the Downtown Village District.

Related Goals from the Comprehensive Land Use Plan

The comprehensive plan goal related to this rezoning request falls under

- PRINCIPLE 3: THRIVING COMMUNITY. CREATE VIBRANT CENTERS.

Promote social integration and economic activity through the development of different scale centers throughout the community.

City Council Ends Statements and Goals

- Well-planned community based on principles of a connected city, economic prosperity, and a thriving community.

ANALYSIS

Standards for Granting a Special Exception

1. **The board must find that the establishment, maintenance, or operation of the use will not be materially detrimental to or endanger the public health, safety, morals, or general welfare.**
The existing residence was built in the 1950s but has been used as by the Boy Scouts for many years, providing public services.
2. **The board must find that the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the use.**
The property has been used as a legal non-conforming use by the Boy Scouts for many years.
3. **The board must find that the establishment of the use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**
The change of land use will not have any type of adverse impact or impede any future development of the surrounding properties.
4. **The board must find that adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.**
The existing building utilities, driveway and drainage are already in place. The accessory structure will not require any connections to public utilities or streets.
5. **The board must find that adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.**
There will be no vehicular access to the accessory building from a public street.
6. **The board must find that the use shall conform to all applicable area, yard, height, lot coverage, building size and exterior requirements and parking space regulations of the district in which it is located.**
The accessory building meets all city standard requirements for height, lot coverage, and setbacks.

STAFF RECOMMENDATION

The approval of the Special Use Exception shall bring the lots to a legal conforming use per the current UDC standards. Therefore, staff recommends approval.

ACTION BY THE BOARD

The board may grant or deny the request or postpone its vote until a later date. If you postpone your decision, you should state in your motion when the case will be heard by the board again. Sample motions are provided for your reference below. You are not required to use either of the motions provided, but your motion should state why you are granting or denying the request.

Approve: Based on the evidence and testimony provided, I find that the proposed request meets the standards for a special exception, and make a motion to approve the requested special use exception of BOA Case 21-08.

Deny: Based on the evidence and testimony provided, I find that the proposed use does not meet the standards for a special exception, and make a motion to deny the special use exception of BOA Case 21-08.

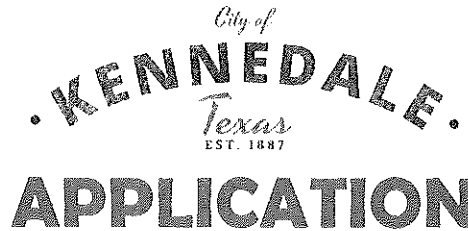
Approve with Conditions: Based on the evidence and testimony provided, I find that the proposed request meets the standards for a special exception and make a motion to approve the special use exception of BOA Case 21-08, with the following conditions (state conditions).

RECOMMENDATION

Approve

ATTACHMENTS

1.	Application - BSA	Application - BSA.pdf
2.	200 ft notice letter - BOA 20-08 BSA Hut	200 ft notice letter - BOA 20-08 BSA Hut.pdf
3.	Broadway - Aerial	Broadway - Aerial.pdf
4.	Scout Hut Accessory building 2.3_Revised plat drawing	Scout Hut Accessory building 2.3_Revised plat drawing.pdf
5.	FLUP - Broadway	FLUP - Broadway.pdf
6.	Surrounding Uses - Broadway 190 210 220	Surrounding Uses - Broadway 190 210 220.pdf



Permit Number

BOARD OF ADJUSTMENT · SPECIAL EXCEPTION**Required Attachments**

Please review the following requirements. Your application **will not be accepted** if any of the below items are missing or incomplete. Please submit your completed application to the Planning and Permits Department in person or via email at permits@cityofkennedale.com.

- ☒ Two site plans drawn to scale with all structures, fences, dimensions, property lines, etc. and how you propose to use the property.
- ☒ A statement to the BOA explaining your request and how your proposed use would meet the six standards for a special exception.
- ☒ Owner affidavit form completed if the applicant is not the property owner.
- ☐ A \$250 filing fee.
- ☒ Any other information that you feel will help explain your request.

Applicant InformationApplicant Name: James FountainApplicant Address: 6301 Willow SpringsApplicant Phone: 817 909 4567 Applicant Email: jfountain@mmxfoods.comProperty Address: 220, 190, 210 W Broadway , Kennedale, TX, 76060Property Legal Description: Addition, Kennedale City of Block 48 Lots3 thru 8 & pt of alleySpecial Exception Use Requested: Change of land use "Community oriented cultural facility"**Owner Information** (If different than applicant)Owner Name: Trustees - United Methodist Church of Kennedale (Charter Organization for BSA Troop 35)Owner Address: 229 W 4th St Kennedale, TX 76060Owner Phone: 817 478 5811 Owner Email: Nelda Murraine <pastornelda12@yahoo.com>

Please submit to permits@cityofkennedale.com with supporting documents if applicable.

Planning and Permits · City of Kennedale · 405 Municipal Dr. · Kennedale, TX 76060 · (817) 985-2133

Special Exception Request

Please provide a statement explaining your request and how your proposed use will meet the following six standards:

1. Will the establishment, maintenance, or operation of the use you are requesting be materially detrimental to or endanger the public health, safety, morals, or general welfare?
2. Will the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the use for which you are requesting a special exception?
3. Will the establishment of the use you are requesting significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?
4. Have adequate utilities, access roads, drainage, and other necessary site improvements been (or will be) provided? (If adequate improvements are not already in place, you must demonstrate what improvements you will make and how/when).
5. Have adequate measures been taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets?
6. Does the use conform to all applicable area, yard, height, lot coverage, building size, exterior requirements, and parking space regulations of the district in which it is located?

Special Exception Checklist

Has a previous application or appeal been filed on this property? ☐ Yes ☒ No

If yes, when was the application or appeal filed? _____

Has a special exception for the same use been granted for this property? ☐ Yes ☒ No

If this request of for oil or gas well drilling, how many wells are requested? _____

☒ New Construction ☐ Addition ☐ Remodel

Site Improvements

Adequate water service in place? ☒ Yes ☐ No Size of water line available: N/A
 Adequate sewer service in place? ☒ Yes ☐ No Size of sewer line available: N/A
 Adequate drainage facilities in place? ☒ Yes ☐ No Describe: _____
 Adequate access roads in place? ☒ Yes ☐ No Describe: _____

Other necessary site improvements: n/a

Ingress and Egress

Drive approach width is adequate? ☒ Yes ☐ No

Drive/parking are sufficient to prevent/minimize stacking/congestion in public streets? ☒ Yes ☐ No

Number of parking spaces provided: 15

Applicant Agreement

By signing below, I acknowledge that I have read and completed all applicable requirements. I understand that if I have submitted an incomplete or false application, my application may be rejected and that the fee is nonrefundable.

Signature of Applicant: James Jaurita Date: 5-25-2021

Please submit to permits@cityofkennedale.com with supporting documents if applicable.

Planning and Permits • City of Kennedale • 405 Municipal Dr. • Kennedale, TX 76060 • (817) 985-2133

**City of Kennedale
Board of Adjustment
Owner Affidavit**

Case # BOA _____

Property Address: 220, 190, 210 W Broadway, Kennedale TX , 76060

Legal Description: Addition, Kennedale City of Block 48 Lots3 thru 8 & pt of alley

Applicant Name: James Fountain COR Troop 35

Applicant Email: jfountain@mmxfoods.com

Type of Request: Change of land use for storage building

I, Jon Hunt, current owner of above mentioned property, authorize the applicant or his or her authorized representative to make application for the Kennedale Board of Adjustment to consider granting the above referenced request on my behalf and to appear before the Board.

Owner Signature

Date

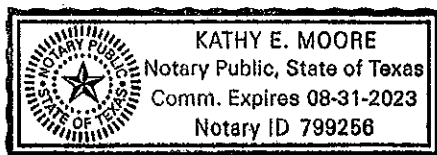
Jonathan V. Hunt
5/31/2021

SWORN TO and Subscribed before me by Jonathan Hunt

ON THIS 31 DAY OF May, 20 21

Kathy E. Moore

Notary Public, Tarrant County, Texas





KENNEDALE
Planning Department
www.cityofkennedale.com

CITY OF KENNEDALE
PLANNING & ZONING

OWNER AFFIDAVIT (Only required if applicant is applying on behalf of the owner)

Case # PZ _____

Property Address: 220, 210, 190 W. Broadway

Legal Description: Kennedale City of Block 48 Lot 3 thru 8 & Pt of Alley

Applicant: James Fountain COR Troop 35

Type of PZ request: Change of land use - (Storage building)

I, Jon. Hunt, current owner of above mentioned property, authorize the applicant or his authorized representative to make application for the Kennedale Planning & Zoning Commission to consider granting the above reference request on my behalf and to appear before the Commission.

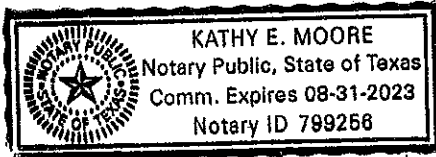
Owner Signature: _____

Date: _____

5/31/2021

SWORN TO and Subscribed before me by Jonathan Hunt

ON THIS 31 DAY OF May, 2021



Kathy E. Moore

Notary Public, Tarrant County, Texas

Special Exception Request

1. Will the establishment, maintenance, or operation of the use you are requesting be materially detrimental to or endanger public health, safety, morals, or general welfare?

The request for change of land use will in no way negatively impact any kind of health, safety, or general welfare of the public or surrounding neighborhood, but could impact some ones moral choice, by limiting access to steal or vandalize the equipment of a youth oriented non-profit organization..

2. Will the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted be in any foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the use for which you are requesting a special exception?

The addition of the accessory build and its use will add value to the land and the neighborhood and in no way diminish or impair surrounding property. The building will be a tan on color and a forest green trim that will blend in well with the surrounding areas.

3. Will the establishment of the use you are requesting significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district?

The change of use will not affect any form of normal or orderly development with-in the neighborhood.

4. Have adequate utilities, access roads, drainage, and other necessary site improvements been (or will be) provided?

All adequate improvements to drainage, roads, and access are all ready in place.

5. Have adequate measures been taken or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets?

There will be no changes to access via public streets

6. Does the use conform to all applicable area, yard, height, lot coverage, building size, exterior requirements, and parking space regulations of the district in which it is located?

The accessory building falls with all restrictions and requires no other modifications to the land or access thereof. The intended use of the building is for that of storage only.

rear wall aligned with
existing boy scout
building

Exist Boy Scout building

personnel door

Roll up overhead door

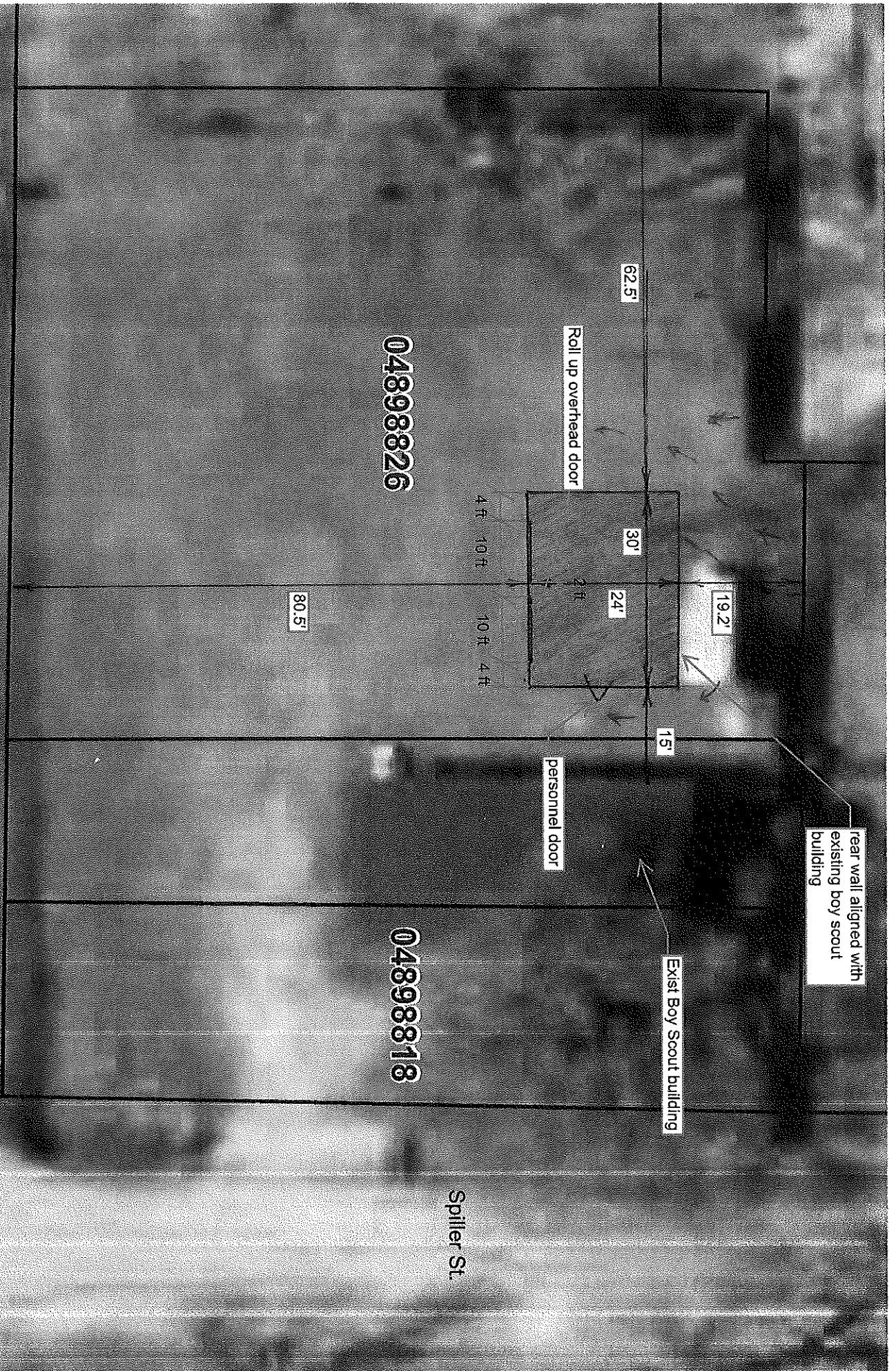
Spiller St.

04898826

04898818

Broadway Blvd

1"=20' +/-



rear wall aligned with
existing boy scout
building

Exist Boy Scout building

personnel door

Roll up overhead door

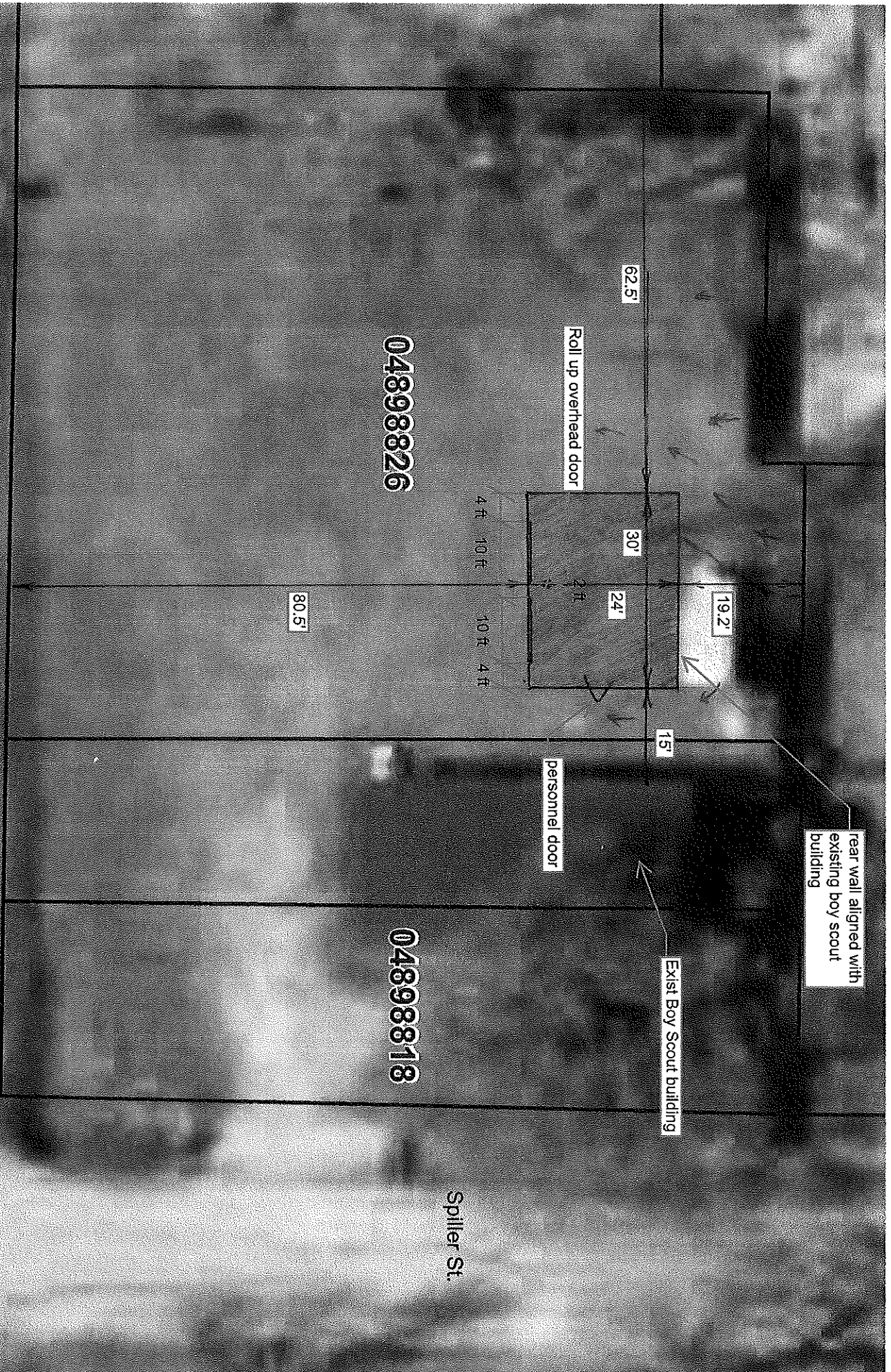
Spiller St.

04898826

04898818

Broadway Blvd

1"=20' +/-





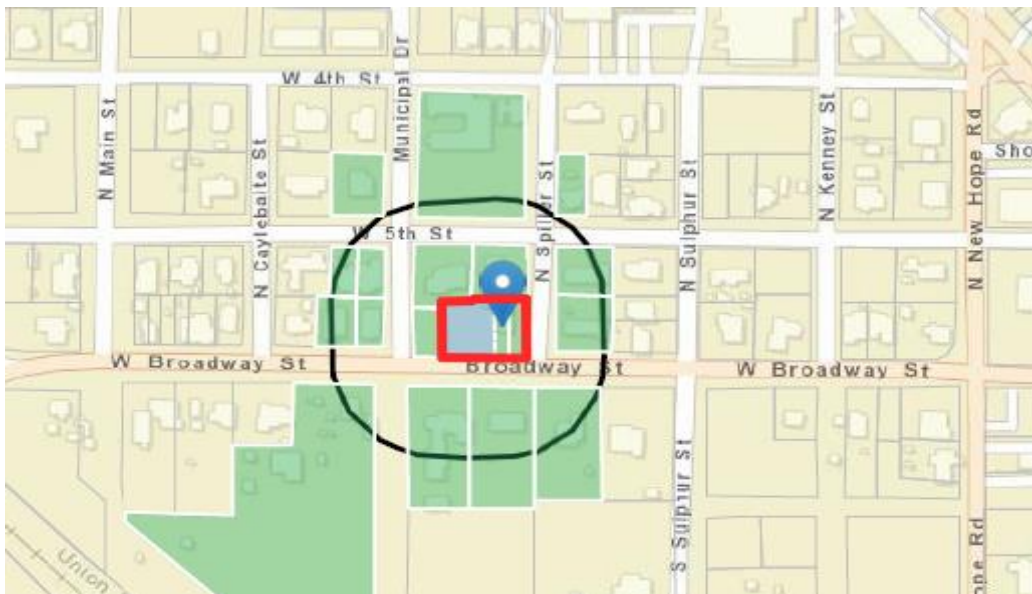
PLANNING & DEVELOPMENT
405 MUNICIPAL DRIVE
KENNEDEALE, TX 76060
PHONE: 817-985-2133
FAX: 817-483-0182

This letter is to notify you that the Kennedale Board of Adjustment (BOA) will hold a public hearing on **Tuesday, October 12, at 6:00 p.m.**, in the Kennedale City Council Chambers at 405 Municipal Drive, Kennedale, TX 76060 to receive comments on the following case:

CASE # BOA 21-08 TO RECEIVE COMMENTS AND CONSIDER ACTION ON A REQUEST FOR A SPECIAL EXCEPTION USE BY TRUSTEES – UNITED METHODIST CHURCH OF KENNEDALE (BOY SCOUTS ASSOCIATION TROOP 35) FOR THE SPECIAL EXCEPTION USE OF CHANGE OF LAND USE TO “COMMUNITY ORIENTATED CULTURAL FACILITY” AS REQUIRED BY SECTION 4.2 OF THE UNIFIED DEVELOPMENT CODE FOR 190 W. BROADWAY STREET, 210 W. BROADWAY STREET, AND 220 W. BROADWAY STREET, CITY OF KENNEDALE ADDITION BLOCK 48, LOTS 3-8, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS

We are sending notification to those who own real property within 200 feet of the request in case they wish to attend the public hearing. You are not required to attend the public hearing, but if you choose to attend, you will have the opportunity to speak either in favor of or against the request(s). If you would like more information about the case or the public hearing process, please contact us at 817-985-2133 or permits@cityofkennedale.com. For your reference, a map showing the property is below.

The agenda will be posted at least 72 hours before the meeting at www.cityofkennedale.com/agendas and the meeting calendar is published at www.cityofkennedale.com/cal.

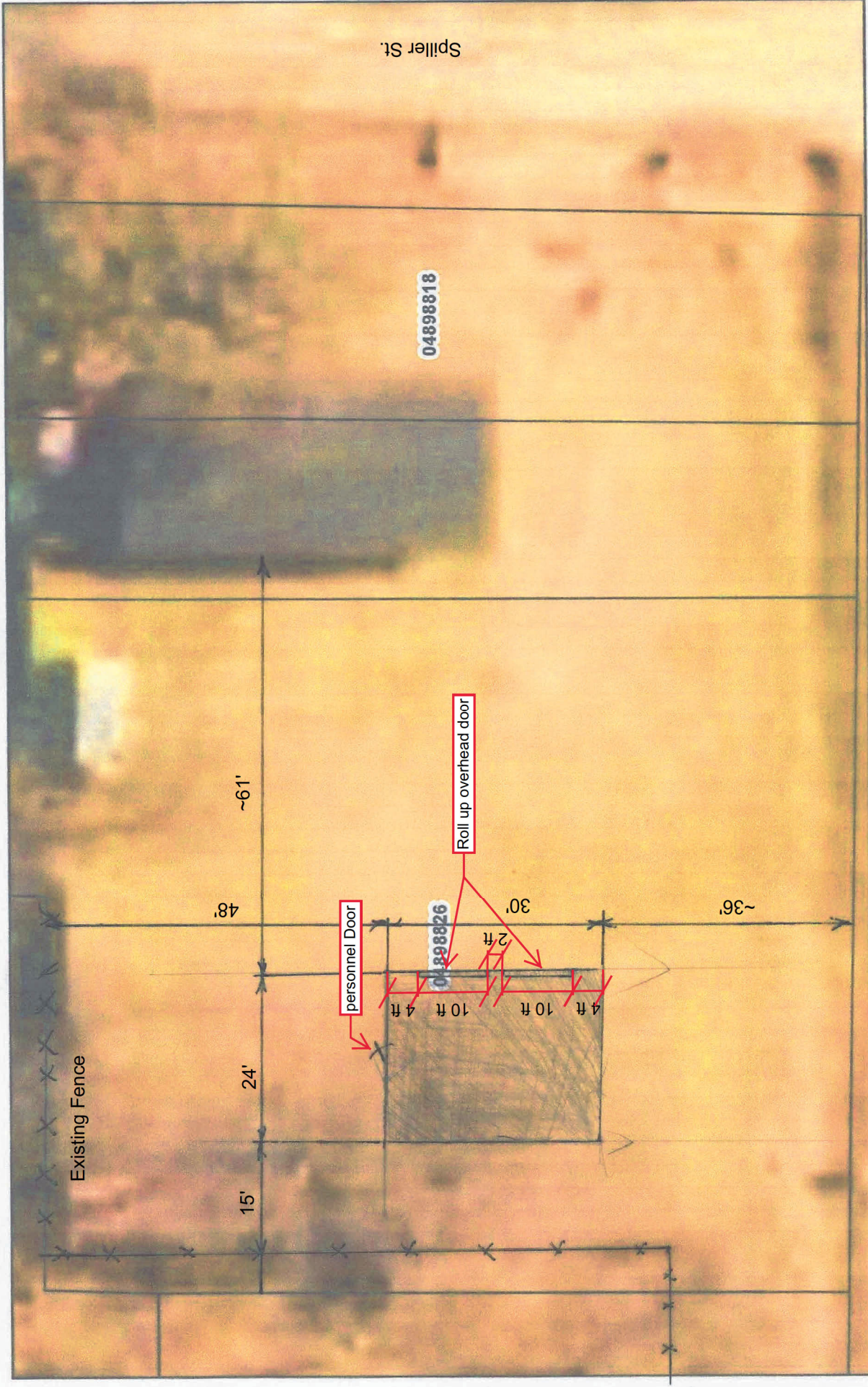


Sincerely,

Leslie E. Galloway
Leslie E. Galloway
Interim City Manager



ArcGIS Web Map



7/21/2021, 4:57:01 PM

☐ Data

Broadway Street

1:282

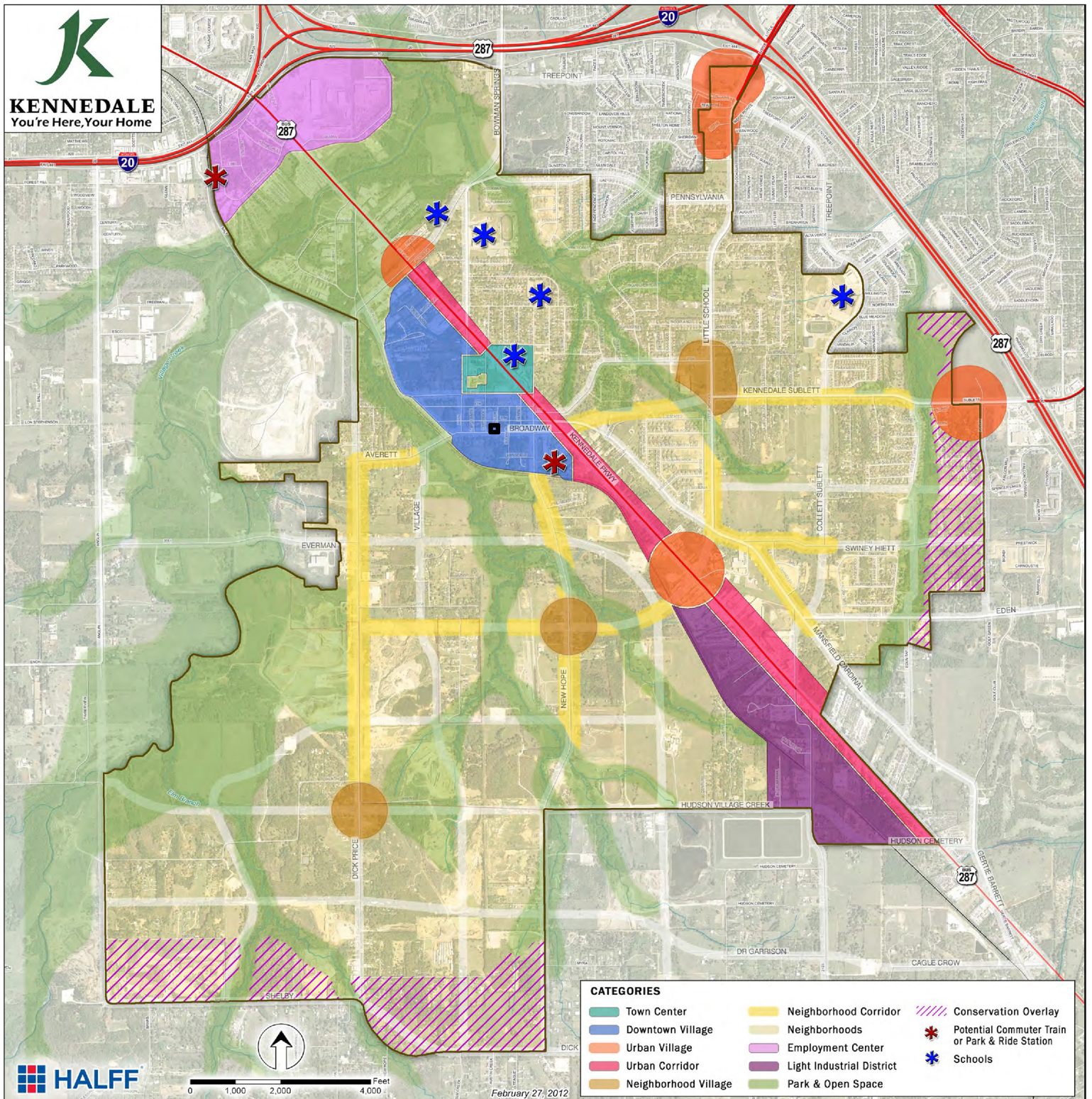


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Web AppBuilder for ArcGIS
Tarrant Appraisal District, 2015



KENNEDALE
You're Here. Your Home



BOA CASE 21-08
190, 210, 220 W BROADWAY

