

**BOARD OF ADJUSTMENT AGENDA**  
**REGULAR MEETING | MAY 10, 2022 AT 5:30 PM**  
**CITY HALL COUNCIL CHAMBERS | 405 MUNICIPAL DRIVE, KENNEDALE, TX 76060**

**I. CALL TO ORDER**

*To address the Board of Adjustment 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 of Adjustment as a whole, rather than individual members or staff. Pursuant to Texas Government Code §551.071, the Board of Adjustment reserves the right to adjourn into Executive (Closed) Session at any time during the meeting to seek legal advice from the City Attorney on any item posted on the agenda.*

**A. ROLL CALL**

**II. REGULAR SESSION**

**A. SWEARING IN OF SPEAKERS**

**B. ITEMS FOR INDIVIDUAL CONSIDERATION**

1. Consider approval of the minutes from the October 12, 2021 regular meeting
2. **CASE #BOA 22-01** — Public Hearing and consider action on a request for a variance by JD Design & Developer, LLC to permit more than the allowable impervious area as permitted by Section 6.3 of the Unified Development Code for 801 Potomac Parkway, Lot 1, Block1 situated in the M.P. Land Survey, Abstract 987, City of Kennedale, Tarrant County, Texas

**III. ADJOURNMENT**

**CERTIFICATION**

*I DO HEREBY CERTIFY THAT THE MAY 10, 2022 BOARD OF ADJUSTMENT 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.*

  
\_\_\_\_\_  
ROSIE Q. ERICSON, 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.



**MEETING DATE:** MAY 10, 2022

**AGENDA ITEM NUMBER:** INDIVIDUAL CONSIDERATION ITEM II.B.1.

**SUBJECT**

Consider approval of the minutes from the October 12, 2021 regular meeting

**ORIGINATED BY**

Rosie Ericson, Board Secretary

**SUMMARY**

The minutes will be provided before the meeting.

**RECOMMENDATION**

**ATTACHMENTS**

**MEETING DATE:** MAY 10, 2022

**AGENDA ITEM NUMBER:** INDIVIDUAL CONSIDERATION ITEM II.B.2.

**SUBJECT**

**CASE #BOA 22-01** — Public Hearing and consider action on a request for a variance by JD Design & Developer, LLC to permit more than the allowable impervious area as permitted by Section 6.3 of the Unified Development Code for 801 Potomac Parkway, Lot 1, Block1 situated in the M.P. Land Survey, Abstract 987, City of Kennedale, Tarrant County, Texas

**ORIGINATED BY**

Chance LeBlanc, Planning Consultant with Dunaway

**SUMMARY**

| BACKGROUND AND OVERVIEW                 |                                                                                                     |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Request</b>                          | Variance request to allow 70% of impervious area instead of the permitted 60% maximum per C1 Zoning |
| <b>Applicant</b>                        | JD Design & Developer, LLC                                                                          |
| <b>Location</b>                         | 801 Potomac Parkway                                                                                 |
| <b>Surrounding Uses</b>                 | Single-Family Residential, Mini-Storage, and Church                                                 |
| <b>Surrounding Zoning</b>               | R2 Residential & C1 Commercial                                                                      |
| <b>Future Land Use Plan Designation</b> | Neighborhoods (Adjacent Urban Village)                                                              |
| <b>Staff Recommendation</b>             | Approve                                                                                             |

**CURRENT STATUS OF PROPERTY**

This vacant property is located at the southwest corner of the intersection of Potomac Parkway and Little School Road. The applicant would like to develop a retail center with one primary building containing seven (7) individual units.

**SURROUNDING PROPERTIES & NEIGHBORHOOD**

The subject property is located north of the Old School Primitive Baptist Church. Along the east side of the property is Little School Road and Highpoint Residential Addition. The property along the west is a residential lot with half of the lot situated within the City of Arlington and the remainder within the City of Kennedale.

**STAFF REVIEW**

*Future Land Use Plan*

The Future Land Use Plan indicates this property as neighborhoods with an adjacent Urban Village.

- Example Development Types: Multifamily

**RELATED GOALS FROM THE COMPREHENSIVE LAND USE PLAN**

The comprehensive plan goal related to this 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

##### Requirements for a Variance

1. Is the request owing to a special condition inherent in the property itself? No.
2. Is the condition unique to the property for which a variance is created? No. The goal of this development project is to maximize the amount of impervious cover on the site.
3. Is the conditioned self-created? No. To provide adequate parking as required by the UDC per Article 12, an increase over the permitted maximum of 60% impervious needs to be increased to 70%.
4. Will strict enforcement of the zoning ordinance create a hardship above that suffered by the general public? It would limit the availability of retail options and reduce the potential revenue generation that retail services might provide for the City.
5. Will the hardship deprive the property owner of the right to use his/her property? It would greatly reduce the amount of leasable space.
6. Would granting the variance be contrary to the public interest? No. The increase in impervious coverage would not impact the public interest negatively.
7. Is the request within the spirit of the ordinance and further substantial justice? Yes. To provide adequate parking as required by the UDC per Article 12, an increase in the permitted impervious coverage is needed.

#### RECOMMENDATION

##### Approve

This location is a great opportunity to provide the City of Kennedale with additional retail and/or commercial services and the sales tax revenue provided by these types of development. To maximize this opportunity, relief from the maximum impervious coverage permitted in C1 Commercial is recommended. **Based on the above analysis, staff respectfully recommends that the Board consider approval of the request.**

#### POTENTIAL ACTION BY THE BOARD OF ADJUSTMENT

- **Approval:** Based on the information presented, I find that the request does meet City requirements and the standards for a variance and make a motion to approve the requested variance.
- **Deny:** Based on the information presented, I find that the proposed use does not meet the standards for a variance and make a motion to deny the request.

#### ATTACHMENTS

|    |                              |                                  |
|----|------------------------------|----------------------------------|
| 1. | BOA - Site Plan              | BOA - Site Plan.pdf              |
| 2. | BOA -Potomac Impervious Area | BOA -Potomac Impervious Area.pdf |
| 3. | BOA - Plat                   | BOA - Plat.pdf                   |

**PROPOSED RETAIL CENTER**  
20,689 SF TOTAL

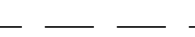
**PARKING REQUIREMENTS**

|            |           |                  |                 |
|------------|-----------|------------------|-----------------|
| RETAIL     | 17,690 SF | 1 SPACE / 300 SF | 59 SPACES REQ'D |
| RESTAURANT | 2,997 SF  | 1 SPACE / 100 SF | 30 SPACES REQ'D |
| TOTAL      |           |                  | 89 SPACES REQ'D |

TOTAL SPACES REQ'D = 89, TOTAL SPACES PROVIDED = 89

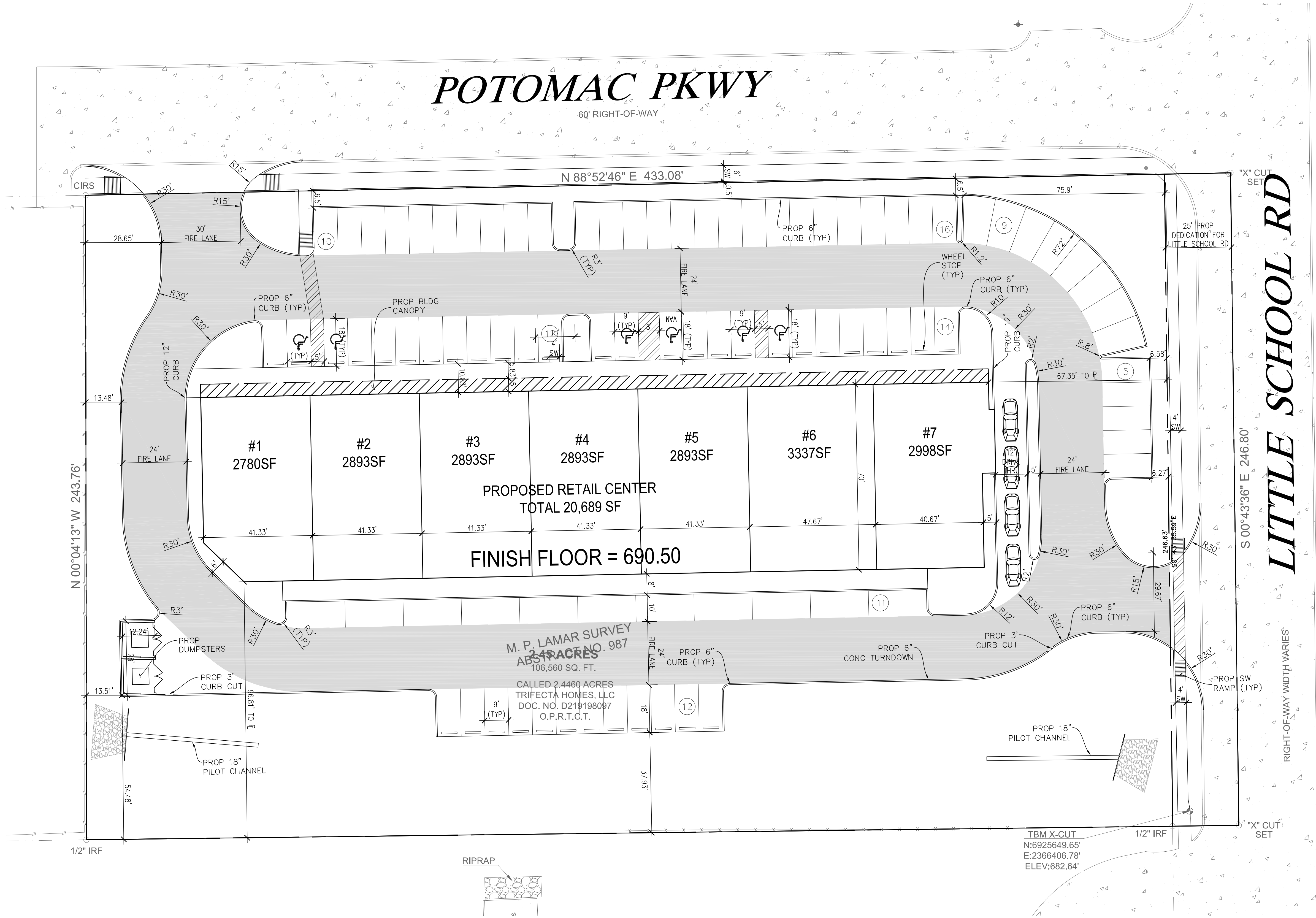
1 LOADING SPACE REQUIRED AND PROVIDED

**LEGEND**

-  FIRELANE
-  EXPANSION JOINT

**GENERAL NOTES:**

1. THE CONTRACTOR SHALL VERIFY THE LOCATION, SIZE, AND MATERIAL OF ALL EXISTING UTILITIES AFFECTED BY CONSTRUCTION PRIOR TO COMMENCEMENT. CONTRACTOR SHALL CONTACT A UTILITY LOCATOR 48 HOURS PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY.
3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION BEING IN ACCORDANCE WITH THE APPLICABLE FEDERAL, STATE, AND LOCAL REQUIREMENTS, REGULATIONS, STATUTES, STANDARDS, AND SPECIFICATIONS.
4. ALL MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION FOR NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS, LATEST EDITION.
5. CONTRACTOR SHALL PROTECT EXISTING CONTROL MONUMENTATION AND BENCHMARKS. ANY SUCH POINTS WHICH THE CONTRACTOR BELIEVES WILL BE DESTROYED SHALL HAVE OFFSET POINTS ESTABLISHED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. ANY MONUMENTATION DESTROYED BY THE CONTRACTOR SHALL BE REESTABLISHED AT HIS EXPENSE.
6. CONTRACTOR SHALL PROTECT ALL PUBLIC UTILITIES IN THE CONSTRUCTION OF THIS PROJECT.
7. ALL EARTHWORK OPERATIONS, PAVEMENT INSTALLATION, ETC. SHALL CONFORM TO THE RECOMMENDATION OF THE GEOTECHNICAL REPORT.
8. THE CONTRACTOR SHALL VERIFY THE SUITABILITY OF ALL EXISTING AND PROPOSED SITE CONDITIONS, INCLUDING GRADES AND DIMENSIONS BEFORE COMMENCEMENT OF ANY CONSTRUCTION. IN THE EVENT OF ANY CONFLICT, AND PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION, IMMEDIATELY NOTIFY THE ENGINEER.
9. ALL CONCRETE PAVEMENT SHALL BE 3,500 PSI CONCRETE. CONCRETE THICKNESS SHALL BE 6" UNDER ALL FIRELANES AND HEAVY DUTY TRAFFIC AREAS, 6" UNDER MEDIUM DUTY TRAFFIC AREAS AND 5" UNDER ALL PARKING AREAS AS RECOMMENDED BY THE GEOTECHNICAL REPORT. PLEASE REFER TO GEOTECHNICAL REPORT.  
\*\*\*\*\*CITY MAY HAVE ADDITIONAL REQUIREMENTS (ADD AS REQUIRED)\*\*\*\*\*
10. THE FIRE LANE SHALL BE 6" OF REINFORCED CONCRETE ON 6" OF STABILIZED SOIL WITH A MINIMUM OF 30 LBS/SQ YD OF LIME OR CEMENT AS INDICATED IN THE GEOTECH REPORT. AN ALTERNATE SECTION IS ALLOWED AND MAY BE CONSTRUCTED WITH 8" OF REINFORCED CONCRETE ON 95% COMPACTED BASE.  
\*\*\*\*\*CITY MAY HAVE ADDITIONAL REQUIREMENTS (ADD AS REQUIRED)\*\*\*\*\*
11. DIMENSIONS ARE FACE OF CURB OR FACE OF BUILDING, UNLESS OTHERWISE INDICATED.
12. ALL CONNECTIONS TO EXISTING PAVING SHALL HAVE A FULL DEPTH SAWCUT.
13. EROSION CONTROL SHALL BE IN PLACE PRIOR TO THE DISTURBANCE OF ANY EXISTING SURFACE.
14. REFER TO STORM WATER POLLUTION PREVENTION PLAN (SWPPP).



9101 LBJ FREEWAY, STE 300  
DALLAS, TX 75243  
972-554-1100 (Office)  
1-866-682-8129 (Fax)  
TBPE Firm #: 9723



**POTOMAC**  
**RETAIL CENTER**  
KENNEDALE, TX

**SITE PLAN**

**SHEET TITLE:**

**PRELIMINARY**  
NOT FOR  
CONSTRUCTION

**JOHN H BEZNER**  
PE #98469

DATE **4-12-22**

SCALE **1" = 20'**

SHEET **2**

OF **9**

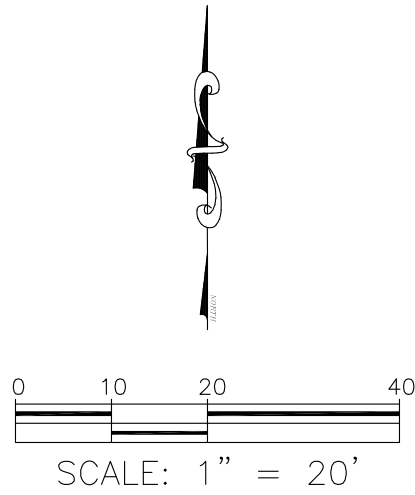
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20,689 SF TOTAL

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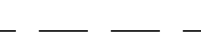
TOTAL SPACES REQ'D = 89, TOTAL SPACES PROVIDED = 94  
EXTRA PARKING SHOWN FOR OPTIONAL ADDITIONAL RESTAURANT SPACE

1 LOADING SPACE REQUIRED AND PROVIDED



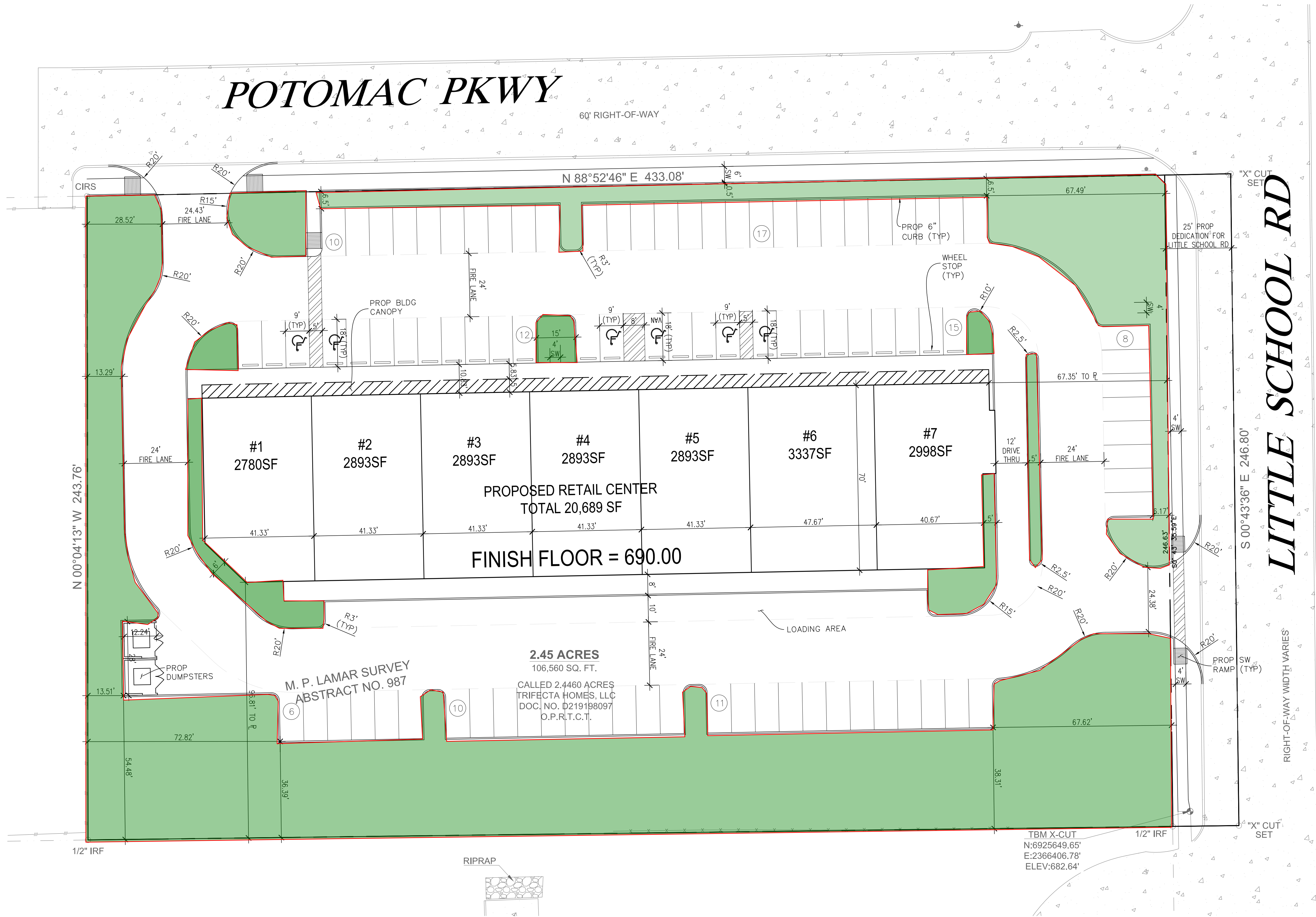
**LEGEND**

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 EXPANSION JOINT

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PROJECT NAME:  
**POTOMAC  
RETAIL CENTER**  
KENNEDALE, TX

SHEET TITLE:  
**SITE PLAN**

SHEET TITLE:

**PRELIMINARY**  
NOT FOR  
CONSTRUCTION

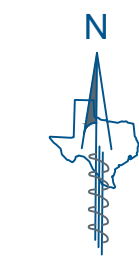
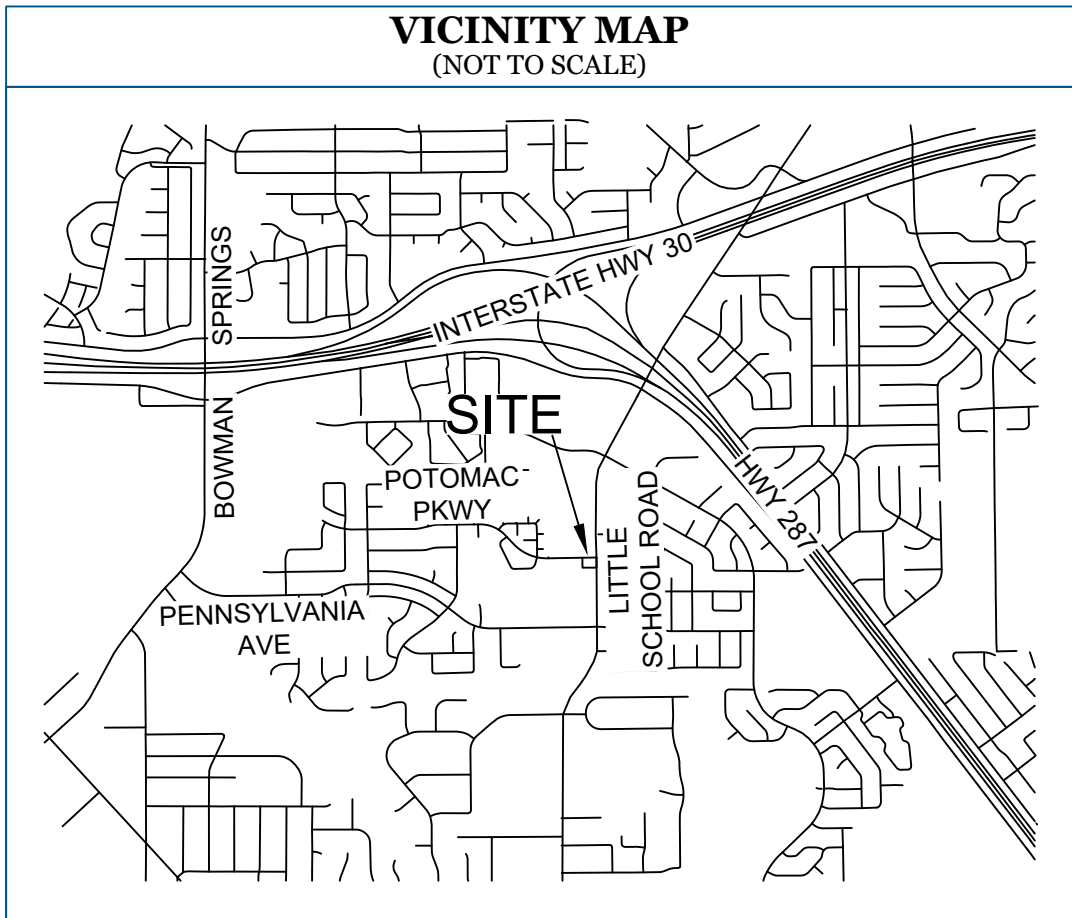
**JOHN H BEZNER**  
PE # 98469

DATE **3-18-22**

SCALE **1" = 20'**

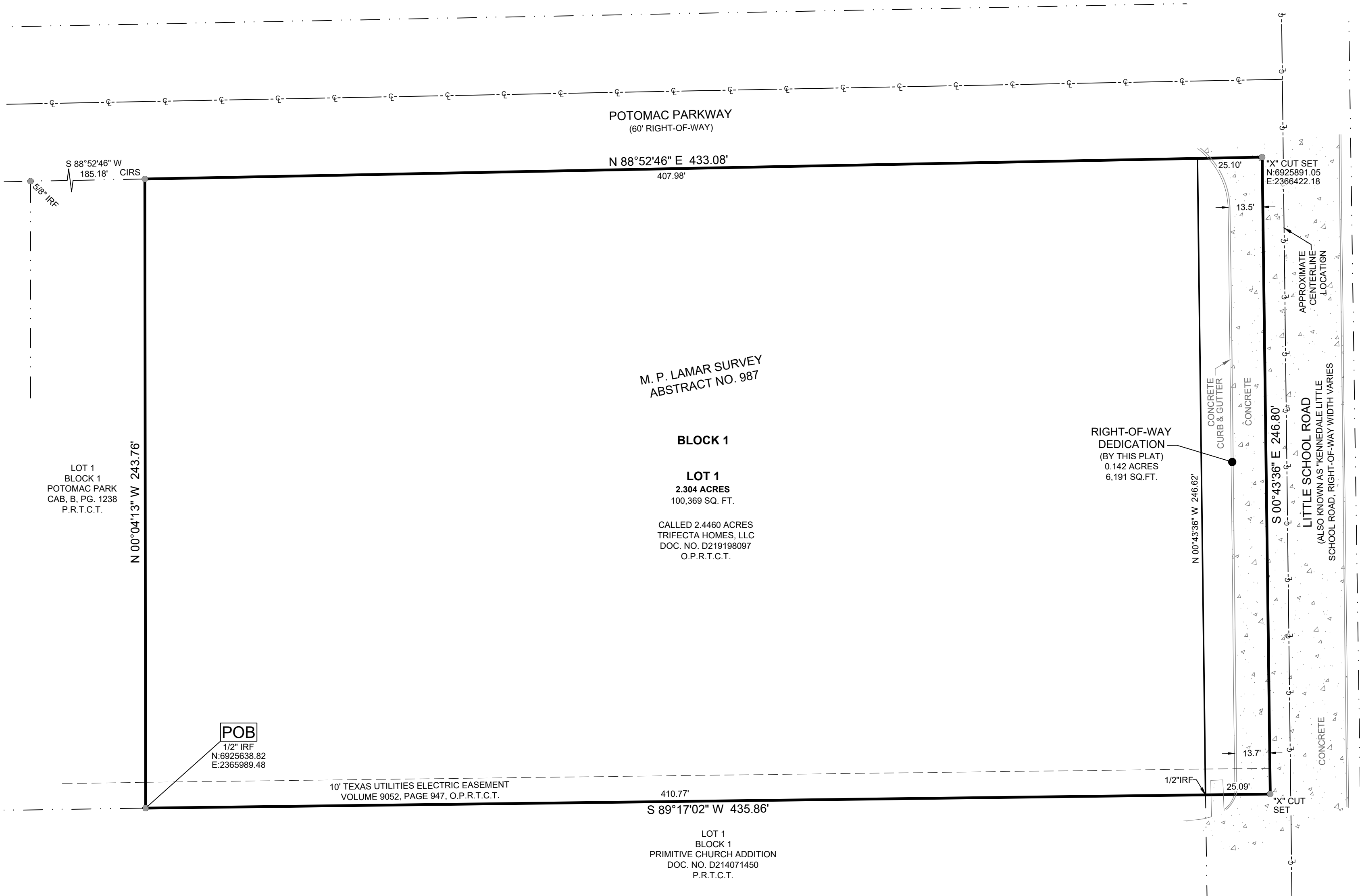
SHEET **2**

OF **8**



- GENERAL NOTES**
- 1.) The purpose of this plat is to create a lot of record from an unplatted tract of land.
  - 2.) This property is located in **Non-Shaded Zone "X"** as scaled from the F.E.M.A. Flood Insurance Rate Map dated September 25, 2009 and is located in Community Number 485454 as shown on Map Number 48439C0340K.
  - 3.) The grid coordinates shown on this plat are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).
  - 4.) Selling a portion of this addition by metes and bounds is a violation of City Ordinance and State Law, and is subject to fines and/or withholding of utilities and building permits.
  - 5.) The bearings shown on this plat are based on GPS observations utilizing the AllTerra RTK Network. North American Datum of 1983 (Adjustment Realization 2011).
  - 6.) This property may be subject to charges related to impact fees, and the applicant should contact the City regarding any applicable fees due.
  - 7.) Visibility Triangles shall be provided at the intersections of all public and private streets in accordance with City Ordinances. All landscaping within the visibility triangles shall comply with the visibility triangle ordinance.

| LEGEND       |                                                  |
|--------------|--------------------------------------------------|
| PG           | = PAGE                                           |
| VOL          | = VOLUME                                         |
| POB          | = POINT OF BEGINNING                             |
| IRF          | = IRON ROD FOUND                                 |
| CIRF         | = CAPPED IRON ROD FOUND                          |
| CIRS         | = 1/2" CAPPED IRON ROD SET "EAGLE SURVEYING"     |
| DOC. NO.     | = DOCUMENT NUMBER                                |
| P.R.T.C.T.   | = PLAT RECORDS, TARRANT COUNTY, TEXAS            |
| O.P.R.T.C.T. | = OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS |



**OWNER'S CERTIFICATE & DEDICATION**

STATE OF TEXAS §  
COUNTY OF TARRANT §

WHEREAS, **J.D. DESIGN & DEVELOPER, LLC**, is the owner of a 2.446 acre tract or parcel of land situated in the M. P. Lamar Survey, Abstract Number 987 in the City of Kennedale, Tarrant County, Texas and being all of a called 2.4460 acre tract of land described in the Special Warranty Deed to J.D. Design & Developer, LLC., recorded in Document Number D222037000 of the Official Public Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2" iron rod with an illegible cap found at the Southwest corner of said 2.4460 acre tract and the common Southeast corner of Potomac Park an addition to the City of Kennedale, recorded in Cabinet B, Page 1238 of the Plat Records of Tarrant County, Texas and being in the North line of Primitive Church Addition an addition to the City of Kennedale, recorded in Document Number D214071450 of the Plat Records of Tarrant County, Texas;

**THENCE** North 00°04'13" West, with the West line of said 2.4460 acre tract and the common East line of said Potomac Park, a distance of 243.76 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Northwest corner of said 2.4460 acre tract and the common Northeast corner of said Potomac Park and being in the South right-of-way line of Potomac Parkway, from which a 5/8 iron rod found at the Northwest corner of said Potomac Park bears South 88°52'46" West, a distance of 185.18 feet;

**THENCE** North 88°52'46" East, with the North line of said 2.4460 acre tract and the common South right-of-way line of said Potomac Parkway, a distance of 433.08 feet to a x-cut set at the Northeast corner of said 2.4460 acre tract and being in N. Little School Road;

**THENCE** South 00°43'36" East, with the east line of said 2.4460 acre tract, a distance of 246.80 feet to a x-cut set at the Southeast corner of said 2.4460 acre tract and being in said N. Little School Road;

**THENCE** South 89°17'02" West, with the South line of said 2.4460 acre tract, passing at a distance of 25.10 feet a 1/2" iron rod found at the Northeast corner of said Primitive Church Addition, continuing on said course and with the South line of said 2.4460 acre tract and the common North line of said Primitive Church Addition, a total distance of 435.86 feet to the **POINT OF BEGINNING** and containing 2.446 acres of land more or less.

**KNOW ALL MEN BY THESE PRESENTS:**

THAT, **J.D. DESIGN & DEVELOPER, LLC**, acting by and through its duly authorized agent, the undersigned, does hereby adopt this plat, designating herein described property as **PRC ADDITION**, an addition to the City of Kennedale, Tarrant County, Texas, and does hereby dedicate to public use forever all streets, alleys, rights-of-way, easements, and any other public areas shown on this plat.

OWNER: **J.D. DESIGN & DEVELOPER, LLC**

BY: \_\_\_\_\_ Date \_\_\_\_\_  
Signature

BY: \_\_\_\_\_  
Printed Name/ Title

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**CERTIFICATE OF SURVEYOR**

STATE OF TEXAS §  
COUNTY OF DENTON §

**KNOW ALL MEN BY THESE PRESENTS:**

That I, **MATTHEW RAABE**, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat is true and correct and was prepared from an actual survey under my supervision on the ground.

**PRELIMINARY**  
this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

Matthew Raabe R.P.L.S. # 6402 \_\_\_\_\_ Date \_\_\_\_\_  
Phone: (940) 222-3009

STATE OF TEXAS §  
COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared **MATTHEW RAABE** known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF THE OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public in and for the State of Texas

**CITY MANAGER CERTIFICATE OF APPROVAL**

THIS MINOR PLAT IS APPROVED BY THE CITY OF KENNEDALE, TEXAS VOTED AFFIRMATIVE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, TO RECOMMEND APPROVAL OF THIS PLAT BY CITY COUNCIL.

\_\_\_\_\_  
CITY MANAGER, CITY OF KENNEDALE

ATTEST: CITY SECRETARY

**MINOR PLAT  
PRC ADDITION  
LOT 1, BLOCK 1  
2.446 ACRES**

BEING ALL OF A CALLED 2.4460 ACRE TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO J.D. DESIGN & DEVELOPER LLC RECORDED IN DOCUMENT NUMBER D222037000, O.P.R.T.C.T., M.P. LAMAR SURVEY, ABSTRACT No. 987, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS

DATE OF PREPARATION: MARCH 21, 2022

|                        |                                                                                                                                                                                                             |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Project<br>2201.029-03 |  <b>EAGLE SURVEYING, LLC</b><br>222 S. Elm Street, Suite: 200<br>Denton, TX 76201<br>(940) 222-3009<br>TX Firm #10194177 |
| Date<br>03-22-2022     |                                                                                                                                                                                                             |
| Drafter<br>BE          |                                                                                                                                                                                                             |

**SURVEYOR**  
Eagle Surveying, LLC  
Contact: Brad Eubanks  
222 S. Elm Street, Suite: 200  
Denton, TX 76201  
(940) 222-3009

**ENGINEER**  
Civil Point Engineers  
9101 LBJ Freeway  
Dallas, TX 75243  
(972) 554-1100

**OWNER**  
J.D. Design & Developer, LLC  
2316 Shackelford Trail,  
Grand Prairie, TX 75052

This plat is recorded in instrument number \_\_\_\_\_, dated \_\_\_\_\_