

PLANNING & ZONING COMMISSION MINUTES
COMMISSIONERS REGULAR MEETING | JANUARY 13, 2022 AT 6:00 PM
CITY HALL COUNCIL CHAMBERS, 405 MUNICIPAL DRIVE

I. CALL TO ORDER

Chair Mark Perkins called the meeting to order at 6:00 p.m. and noted that anyone wishing to speak must turn in a form before the meeting begins.

II. ROLL CALL

Present: Chair Mark Perkins, Place 7; Vice Chair Kayla Hughes, Place 4; Andrew Malkowski, Place 1; Derrick Rubin, Place 2; Perry Clementi, Place 5; David Dickinson-Cuniff, Place 9 (Alternate); **Absent:** Colby Cowan, Place 3; Brent Jones, Place 6; Place 8 (Alternate) is vacant at this time; **Staff:** *Interim City Manager Leslie E. Galloway, Planning Consultant Chance LeBlanc of Dunaway, Administrative Assistant Rosie Ericson, Police Chief Darrell Hull, Alica Kreh of TOASE, Permits Clerk Laurie Hyde, and Fire Chief James Brown*

III. WORK SESSION

A. Training for Commissioners provided by the City Attorney's Office

Alicia Kreh of TOASE, the City Attorney's Office, gave a presentation regarding the role and responsibilities of serving on the Planning and Zoning (P&Z) Commission, including zoning and land use, platting, and appropriate considerations.

There was some discussion of the role of alternates, conditional zoning, renderings submitted, that officers of the city are prohibited from speaking on the item, and the ministerial nature of plat approval.

IV. EXECUTIVE SESSION

Chair Perkins recessed to Executive Session, pursuant to §551.071, from 6:44 p.m. to 7:22 p.m. The Commissioners took a brief recess before reconvening into open session.

A. CASE #PZ 22-01

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

Chair Perkins reconvened the open meeting at 7:27 p.m. There was no action taken at this time.

VI. REGULAR SESSION

VII. REPORTS AND ANNOUNCEMENTS

There were no announcements at this time.

VIII. VISITOR AND CITIZEN FORUM

There were no requests to speak at this time.

IX. DECISION ITEMS

A. Consider approval of the October 14, 2021 Regular Meeting minutes

Motion Approve. **Action** Approve minutes for May 13, 2021 regular meeting,
Moved By Malkowski, **Seconded By** Clementi. **Motion passed unanimously.**

B. CASE #PZ 22-01 — Conduct a public hearing and consider a recommendation to amend the Unified Development Code by amending Table 4.2, "Schedule of Uses: Old Town Districts," of Article 4, "Old Town Districts" by designating "Dwelling, multi-family" as a permitted use in the OT-4 Old Town Mixed-Use District

Chair Perkins opened the Public Hearing for CASE #PZ22-01 at 7:31 p.m. Interim City Manager Leslie E. Galloway stated that the Unified Development Code (UDC) was adopted in September 2016 and amended via Ordinance later that year to remove the use of Multi-Family (MF) zoning in OT-3 and OT-4 zoning districts; that Summa Terra had proposed three separate developments on OT-4 lots during 2021; that staff had, for several months, failed to inform Summa Terra of the amendment that removed this use from being permitted by right within the zoning; and that the request before the Commissioners today would allow for MF in all OT-4 zoned lots (but would make no change to OT-3 permitted uses).

Attorney Angela Hunt of Munsch Hardt, representing Summa Terra Ventures, stated that her client is a national developer that does not seek out development of property that is not already zoned to allow for MF; and that they had identified three sites in Kennedale after consulting publicly available information. Hunt provided printed copies of the use table for OT-4 from the published version of the UDC, noting that staff did not alert the developers to the amendment of the UDC to disallow MF in OT-4 until late September 2021 when Planning Consultant Chance LeBlanc of Dunaway became aware of Ordinance 619. Hunt stated that this clerical oversight had negatively affected Summa Terra and that they would now respectfully ask that this body approve the requested change.

Shane Child, Vice President of Construction Services for Summa Terra Ventures, spoke about the company, previous projects, and the project history. Mike Watson, CEO of Summa Terra Ventures, spoke about the company and its ideals, the proposed investment, average income of tenants, and the appropriateness of these developments on the proposed sites. He reiterated that staff did not make it known to his team that OT-4 no longer allowed for MF until several months into the process.

Chair Perkins closed Public Hearing at 7:48 p.m.

Motion Approve. Action Approve the forwarding to the City Council of a recommendation to approve a proposed amendment to the Unified Development Code by amending Table 4.2, "Schedule of Uses: Old Town Districts," of Article 4, "Old Town Districts" by designating "Dwelling, multi-family" as a permitted use in the OT-4 Old Town Mixed-Use District, **Moved By** Malkowski, **Seconded By** Rubin.

Vice Chair Hughes stated that this amendment would allow for MF in all OT-4, but that she would feel more comfortable allowing on specific lots rather than the whole zoning category. Malkowski noted that, though this was an oversight by staff, he felt that the higher density use would be compatible.

Motion passed 4-2, with Vice Chair Hughes and Clementi voting against.

- C. **CASE #PZ 22-02** — Conduct a public hearing and consider a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.46 acres located at 6817 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 11, City of Kennedale, Tarrant County, Texas

Chair Perkins opened the Public Hearing for CASE #PZ 22-02 and CASE #PZ 22-03 at 7:52 p.m.

Planning Consultant Chance LeBlanc of Dunaway gave an overview of the request including existing zoning and use, requested zoning, surrounding zoning and uses, designation in the Future Land Use Plan (FLUP), and adherence to the Comprehensive Plan. LeBlanc also noted that each townhome would be on its own platted lot. He stated that this change to TH was a deviation from the COMP plan, but that staff found the request to be compatible with surrounding uses and met all other requirements and would recommend approval of the request

Derek Hall spoke against noting that he did not receive a mailed notice.

Interim City Manager Leslie Galloway stated that Mr. Hall's name appeared on both notification lists, both the October case and the current consideration.

Applicant Frederico Canoura spoke in favor noting that there was not an existing sewer line but that the developer is willing to extend service.

Applicant Matthew Sanchez spoke in favor

There was some discussion of garage placement, visitor parking, lack of clarity on number of spaces required, pricepoint, and history of the development company.

Motion Approve. **Action** Approve the forwarding to the City Council of a recommendation to approve a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.46 acres located at 6817 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 11, City of Kennedale, Tarrant County, Texas, **Moved By** Rubin, **Seconded By** Clementi. **Motion passes unanimously.**

This public hearing continued to the next item.

- D. **CASE #PZ 22-03** — Conduct a public hearing and consider a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.53 acres located at 6821 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 10, City of Kennedale, Tarrant County, Texas

The Public Hearing for this item was combined with the previous item (PZ22-02).

Motion Approve. **Action** Approve the forwarding to the City Council of a recommendation to approve a request by FC Designs for a rezoning from R3 Single-Family Residential to TH Townhome District for approximately 0.53 acres located at 6821 Oak Crest Drive W, Oak Crest Addition, Block 8, Lot 10, City of Kennedale, Tarrant County, Texas, **Moved By** Malkowski, **Seconded By** Vice Chair Hughes. **Motion passes unanimously.**

The Public Hearing for CASE #PZ 22-02 and CASE #PZ 22-03 ended at 8:14 p.m.

- E. **CASE #PZ 22-04** — Conduct a public hearing and consider a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.33-acre tract located at 104 Meadowview Drive in the Boaz's Subdivision Addition Lot 3R, Block 13, City of Kennedale, Tarrant County, Texas

Chair Perkins opened the Public Hearing for CASE #PZ 22-04 and CASE #PZ 22-05 at 8:15 p.m.

Planning Consultant Chance LeBlanc of Dunaway gave an overview of the request including existing zoning and use, requested zoning, surrounding zoning and uses, designation in the Future Land Use Plan (FLUP), and adherence to the Comprehensive Plan. LeBlanc also noted that each townhome would be on its own platted lot. He stated that staff found the request to meet all requirements and would recommend approval of the request, noting that the applicant also owned the adjacent warehouse.

There were no speaker requests for this Public Hearing.

Motion Approve. **Action** Approve the forwarding to the City Council of a recommendation to approve a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.33-acre tract located at 104 Meadowview Drive in the Boaz's Subdivision Addition Lot 3R, Block 13, City of Kennedale, Tarrant County, Texas, **Moved By** Rubin, **Seconded By** Clementi. **Motion passes unanimously.**

This public hearing continued to the next item.

- F. **CASE #PZ 22-05** — Conduct a public hearing and consider a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.47-acre tract located at 700 Mansfield Cardinal Road in the Boaz's Subdivision Addition Lots 1 & 2, Block 13, City of Kennedale, Tarrant County, Texas

The Public Hearing for this item was combined with the previous item (PZ22-04).

Motion Approve. **Action** Approve the forwarding to the City Council of a recommendation to approve a request by See Eng for a rezoning from C2 General Commercial to R3 Residential for approximately 0.47-acre tract located at 700 Mansfield Cardinal Road in the Boaz's Subdivision Addition Lots 1 & 2, Block 13, City of Kennedale, Tarrant County, Texas, **Moved By** Vice Chair Hughes, **Seconded By** Malkowski. **Motion passes unanimously.**

The Public Hearing for CASE #PZ 22-04 and CASE #PZ 22-05 ended at 8:20 p.m.

- G. **CASE #PZ 22-06** — Conduct a public hearing and consider a request by Citipoint Properties & Investments, LLC for a rezoning from "OT-2" Old Town-2 to "OT-3" Old Town-3 for approximately 3.44 acres located at 509 Corry A Edwards Drive, Woodlea Acres Addition, Block 2 Lot 1, City of Kennedale, Tarrant County, Texas

Chair Perkins opened the Public Hearing for CASE #PZ 22-06 at 8:21 p.m.

Planning Consultant Chance LeBlanc of Dunaway gave an overview of the request including existing zoning and use, requested zoning, surrounding zoning and uses, designation in the Future Land Use Plan (FLUP), and adherence to the Comprehensive Plan. LeBlanc also noted that each townhome would be on its own platted lot. He stated that staff found the request to meet all requirements and would recommend approval of the request

Applicants Adebayo Olatunji, Olakunle Oni, and Dr. Olusegun Asekun spoke in favor. Bobby Goff and Kae Lewis spoke against.

There was some discussion of garages and parking, a proposed HOA, pricepoints, floodplain, and a proposed community gate. In response to a question from Malkowski, LeBlanc stated that these were townhomes (single-family attached) rather than multi-family.

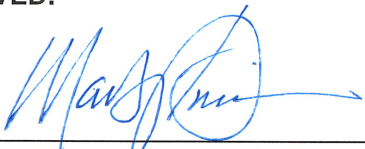
Motion Approve. **Action** Approve the forwarding to the City Council of a recommendation to approve a request by Citipoint Properties & Investments, LLC for a rezoning from "OT-2" Old Town-2 to "OT-3" Old Town-3 for approximately 3.44 acres located at 509 Corry A Edwards Drive, Woodlea Acres Addition, Block 2 Lot 1, City of Kennedale, Tarrant County, Texas, **Moved By** Malkowski, **Seconded By** Vice Chair Hughes. **Motion passes 4-2**, with Chair Perkins and Clementi voting against.

The Public Hearing for CASE #PZ 22-05 ended at 8:42 p.m.

X. ADJOURNMENT

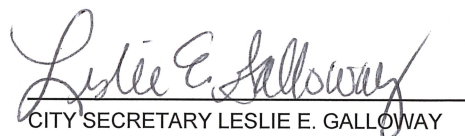
Chair Perkins adjourned the meeting at 8:42 p.m.

APPROVED:



P&Z COMMISSION CHAIR MARK PERKINS

ATTEST:



CITY SECRETARY LESLIE E. GALLOWAY