

BOARD OF ADJUSTMENT AGENDA
REGULAR MEETING | NOVEMBER 28, 2023 AT 5:30 PM
CITY 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

B. SWEARING IN OF SPEAKERS

II. REGULAR SESSION

A. ITEMS FOR INDIVIDUAL CONSIDERATION

1. Consideration for the approval for minutes from the AUGUST 8, 2023 Regular Meeting.

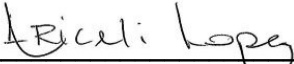
III. PUBLIC HEARING.

- A. **BOA CASE #23-07** To receive comments and consider action on a request for a *Special Exception Use* by Ammar Elhamad of RPA Plastics, for the special exception use of *manufacturing, processing and packaging-lightas* required BY Section 4.2 of the Unified Development Code for 404 E Kennedale Parkway, Boaz, CA Subd of J.B. Renfro, Block Lot 33r2, City of Kennedale, Tarrant County, Texas.

IV. ADJOURNMENT

CERTIFICATION

I DO HEREBY CERTIFY THAT THE NOVEMBER 28, 2023 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.


ARICELI LOPEZ, 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: NOVEMBER 28, 2023

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM II.A.

SUBJECT
ITEMS FOR INDIVIDUAL CONSIDERATION

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

MEETING DATE: NOVEMBER 28, 2023

AGENDA ITEM NUMBER: INDIVIDUAL CONSIDERATION ITEM II.A.1.

SUBJECT

Consideration for the approval for minutes from the AUGUST 8, 2023 Regular Meeting.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	2023.08.08 BOA Meeting Minutes	2023.08.08 BOA Meeting Minutes.pdf
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BOARD OF ADJUSTMENT MINUTES

REGULAR MEETING | August 8, 2023 at 5:30 PM

I. CALL TO ORDER

Chair Thelma Kobeck called the meeting to order at 5:32 PM.

a. ROLL CALL

PLACE	COMMISSIONER	PRESENT	ABSENT
1	Azam Shaikh		x
2	Jessica Buchanan	x	
3	Kelli Rod (Vice Chair	x	
4	Thelma Kobeck (Chair)	x	
5	Pat Vader	x	

Staff members Nathan Gonzales (Community Development Director) and Ariceli Lopez (Board Secretary) were also present.

b. SWEARING IN OF SPEAKERS

Speakers were sworn in by Board Secretary Ariceli Lopez.

II. REGULAR SESSION

a. Consider approval of minutes from the May 2, 2023 Regular Meeting

Motion to approval made by Kelli Rod, Second by Pat Vader. Vote was unanimous. Motion Passed.

b. Discuss and consider appointing alternates for the BOA/BBA.

This item was postponed and discussed at the end of the meeting. BOA voted unanimously to recommend to City Council to have alternates appointed.

III. PUBLIC HEARING

a. **CASE # BOA 23-04** TO RECEIVE COMMENTS AND CONSIDER ACTION ON A REQUEST FOR A SPECIAL EXCEPTION USE BY SCOTT MEEK OF MANSFIELD SAND & SELECT LLC, FOR THE SPECIAL EXCEPTION USE OF OUTDOOR STORAGE, COMMERCIAL AND INDUSTRIAL AS REQUIRED BY SECTION 6.2 OF THE UNIFIED DEVELOPMENT CODE FOR 1000 E KENNEDALE PARKWAY, BLOCK 1, LOT 1, OF THE KEDC ADDITION, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS.

The public hearing was opened.

Applicant Scott Meek and his partner John Smith were present.



Staff Presentation

Gonzales presented his staff report and discussed the proposed use to utilize the property for a parking lot for commercial trucks and the storage of materials. Gonzales recommended denial as the applicant had yet to meet the requirements of Standards 1, 3, 5, and 6 noted on the Special Exception Use Application.

Board Discussion

Kobeck and Vader inquired about land use definitions for material storage. Gonzales advised that the parking lot facility land use was permitted by right already in the Industrial Zoning District, but the addition of the material storage required a Special Exception Use granted by the BOA.

Meek and Smith informed BOA that they would no longer include the materials storage in their proposal as they had initially intended. Meek withdrew his application. No further BOA action was needed.

The public hearing closed.

- b. BOA Case# 23-05** TO RECEIVE COMMENTS AND CONSIDER ACTION ON A REQUEST FOR A SPECIAL EXCEPTION FOR PERMITTED PAVING MATERIALS BY TAMIKO SARGENT AS REQUIRED BY SECTION 11.38.9 (C) OF THE UNIFIED DEVELOPMENT CODE FOR 900 KENNEDALE SUBLETT RD, BLOCK 1, LOT 1, OF THE SARGENT ADDITION, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS.

The public hearing was opened.

Applicant Tamiko Sargent was present and accompanied by Felicia Moody. Moody spoke on behalf of Sargent and discussed their proposed use for the site.

Following Moody's presentation, the Board had a number of questions specific to the site. It was learned the packets printed were missing the proposed site plan. The site plan was located and provided to the Board following a brief break.

Staff Presentation

Gonzales presented his staff report and discussed the request to allow for gravel to be used as a parking surface in lieu of paved asphalt or concrete as the Mobile Food Vendor Ordinance required. Gonzales highlighted the plan to build a community center by the applicant at this location in the future and the installation of the gravel parking surface would be more cost effective in the interim, allowing a kickstart to development and activation of the site for community purposes. Gonzales stated the applicant had wished to develop a community garden with the small parking area in the center to host a mobile food vendor. Gonzales stated the applicant advised the mobile food vendor would be used to raise funds for their project. Gonzales noted the benefit of community gardens, particularly in Kennedale where a portion of the city was considered a food desert according to USDA maps. Gonzales recommended approval of the request with conditions.

Board Discussion

Rod and Sargent discussed the location of the design plan.



Vader asked about the size of the property and how much of it would be devoted to the garden. Sargent estimated about ¼ to ½ of the property. Vader asked about how many food trucks would be present. Sargent noted she only planned on having one vendor.

Buchanan and Sargent discussed parking. Sargent stated parking would be located in the back of the property as required by the Neighborhood Village zoning.

Vader asked if the parking would be gravel. Sargent said yes.

Rod asked if the community center had received funding by the city. Sargent spoke of grants she was pursuing. Rod asked about overflow parking. Sargent stated she had an agreement with the church close by to provide overflow parking if needed.

Vader asked if she planned to build a structure. Sargent spoke of her community center.

Rod asked about restroom facilities. Sargent advised porta-pottys would be used in the interim. Sargent added she would be adding a shed to store tools for the community garden.

Vader asked if the food truck to be used was owned by the applicant. Sargent stated yes and that she owned the food trailer.

Rod further asked if the food truck was a for-profit business or nonprofit. Sargent stated both the community center and food truck would be for-profit and that the community center would be used for rentals.

Sarah Johnson spoke in favor of the project.

The public hearing was closed.

Rod motioned to deny the request. Second made by Buchanan. The vote to deny the request was unanimous.

- c. **CASE # BOA 2306** Discuss and consider a land use determination regarding a development proposal from Cypress Creek Renewables at 509 S New Hope Rd, Kennedale, TX, 76060.

The public hearing was opened.

David Wagner, Dmitri Moundous, and Micah King presented on behalf of the Applicant Parker Sloan and Cypress Creek Renewables.

Wagner advised he was the project manager for the proposed Kennedale site. Wagner provided an overview of the proposed energy storage project, site plan elements, business model of Cypress Creek Renewables, and expected operations at the proposed site. Wagner's noted his opinion that the project should be viewed as a public utility land use. Wagner introduced Moundous to speak.

Moundous, Cypress Creek Renewable Director of Energy Storage Strategy and Development, spoke on the technical elements of how battery storage systems work and how their switchgear operate. Moundous spoke about site monitoring and security features. Moundous highlighted benefits of the project to aid grid reliability and reduce regional costs.



Kobeck asked if any of the project fell within the floodplain. Wagner stated no equipment would be located in the floodplain. Kobeck asked about locations of high-pressure pipelines and railroad tracks in the area in relation to the project. Wagner stated a third-party group would be reviewing for these conditions but that the high-pressure line in the area is north of their location. Wagner also spoke to the estimated taxable value of the project.

Vader asked about Cypress Creek's manufacturer Sungrow and issues with China. Moundous spoke to supply chain investments and mining updates.

Rod asked about the project footprint for future growth and noise concerns. Wagner advised Cypress Creek would lease fifteen acres and build on two-thirds of the site. Wagner and Moundous equated their anticipated noise to be similar to office chatter or 60-65 decibels per unit. Moundous stated the source of the noise originates from the air conditioner units used to keep the equipment cool. Rod asked about the status of environmental permits. Wagner advised they are still in the process of completing environment impacts and permitting.

Rod asked why the Oncor lot was not being considered. Wagner stated Oncor is reserving their own land for their own expansion. Rod asked about Cypress Creek and ERCOT's regulatory role as well as if other communities viewed their project public or private utilities. Wagner noted it varies depending on the needs of the community.

Vader and Moundous discussed battery unit air conditioning.

Kobeck and Moundous discussed traffic issues. Moundous noted the traffic would be higher during the construction phase, about 2-30 pickup trucks, but when the site is completed, the city could expect to see a truck visit every few weeks for routine maintenance.

Micah King, with Hush Blackwell, presented a slide deck for the BOA and discussed why the project should be viewed as a public utility as opposed to an outside storage use. King highlighted sections of the UDC, definitions, use factors for similar land uses, and overall compatibility with utility infrastructure.

Rod and King discussed Cypress Creek's mention that they were not a transmission or distribution utility and that they were a market participant. Moundous noted their batteries could be contracted later to become a merchant generator but it has not been determined.

Staff Presentation

Gonzales presented his staff report and discussed the city's Future Land Use Plan, updates on the Little School Rd expansion, and highlighted areas of the UDC where his reasoning to classify the use as outside storage stemmed from. Gonzales noted the batteries storage units were essentially equipment with switch gear and not considered an essential service as defined by the UDC.

Gonzales stated the Board had three options:

1. Consider the appropriate land use of proposed project to be *infrastructure and utilities-regional*, permitted by right in the I-Industrial Zoning District.



2. Consider the appropriate land use of the proposed project to be *outdoor storage- commercial and industrial*, require application for a Special Exception Use before the BOA.
3. Consider the proposed project and land use a new use and recommend application for a Conditional Use Permit be made before the Planning and Zoning Commission and City Council

Board Decision

Buchanan motioned to consider the land use to be *infrastructure and utilities-regional* permitted in the zoning district. The motion did not receive a second. The motion failed.

Rod motioned to consider the project to be a new land use and recommend application for a Conditional Use Permit to be made before Planning and Zoning Commission and City Council. Second by Vader. Kobeck, Vader, and Rod voted in favor. Buchanan was opposed. The motion passed 3-1.

IV. ADJOURNMENT

Rod motioned to adjourn. Second by Buchanan. Passed unanimously.

Thelma Kobeck; Chairperson

Ariceli Lopez; Board Secretary

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MEETING DATE: NOVEMBER 28, 2023

AGENDA ITEM NUMBER: PUBLIC HEARING ITEM III.A.

SUBJECT

BOA CASE #23-07 To receive comments and consider action on a request for a *Special Exception Use* by Ammar Elhamad of RPA Plastics, for the special exception use of *manufacturing, processing and packaging-lights* as required BY Section 4.2 of the Unified Development Code for 404 E Kennedale Parkway, Boaz, CA Subd of J.B. Renfro, Block Lot 33r2, City of Kennedale, Tarrant County, Texas.

ORIGINATED BY

SUMMARY

RECOMMENDATION

ATTACHMENTS

1.	Notice of Public Hearing BOA CASE 2307	Notice of Public Hearing BOA CASE 2307.docx
2.	BOA CASE 23-07 11.28.23	BOA CASE 23-07 11.28.23.docx



STAFF REPORT TO THE BOARD OF ADJUSTMENT

I. SUBJECT

- II. **BOA CASE #23-07** TO RECEIVE COMMENTS AND CONSIDER ACTION ON A REQUEST FOR A *SPECIAL EXCEPTION USE* BY AMMAR ELHAMAD OF RPA PLASTICS, FOR THE SPECIAL EXCEPTION USE OF *MANUFACTURING, PROCESSING AND PACKAGING-LIGHT* AS REQUIRED BY SECTION 4.2 OF THE UNIFIED DEVELOPMENT CODE FOR 404 E KENNEDALE PARKWAY, BOAZ, CA SUBD OF J B RENFRO, BLOCK LOT 33R2, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS.

III. SUMMARY

BACKGROUND AND OVERVIEW	
Request	Special Exception for Light Manufacturing
Applicant	Ammar Elhamad for RPA Plastics
Location	404 E Kennedale Parkway
Surrounding Uses	Automotive Repair, Various Commercial, Residential
Surrounding Zoning	OT-4, C-2
Future Land Use Designation	Urban Corridor, Downtown Village
Staff Recommendation	Approve with Conditions

IV. CURRENT STATUS OF THE PROPERTY

The property is currently zoned OT-4 and is undeveloped. A dilapidated single-family structure sits on CMU piers, unoccupied, and is otherwise uninhabitable. In the past year, the site has been cleared in preparation for upcoming development. Staff has worked with the ownership during this process. Tree mitigation fees have been paid (See Exhibit 1).

The front half of this parcel falls within the Commercial Corridor Overlay District (CCOD). This overlay applies specific parking, landscape, and building siting requirements. The purpose of the CCOD is establish a consistent development pattern to enhance the visual image of the corridors and maximize traffic safety. Most of the requirements of the CCOD pertain to C-0, C-2, and C-2 Districts. OT-4 is not mentioned in Article 8 of the UDC. This, however, will be reviewed further upon submission of a building permit.



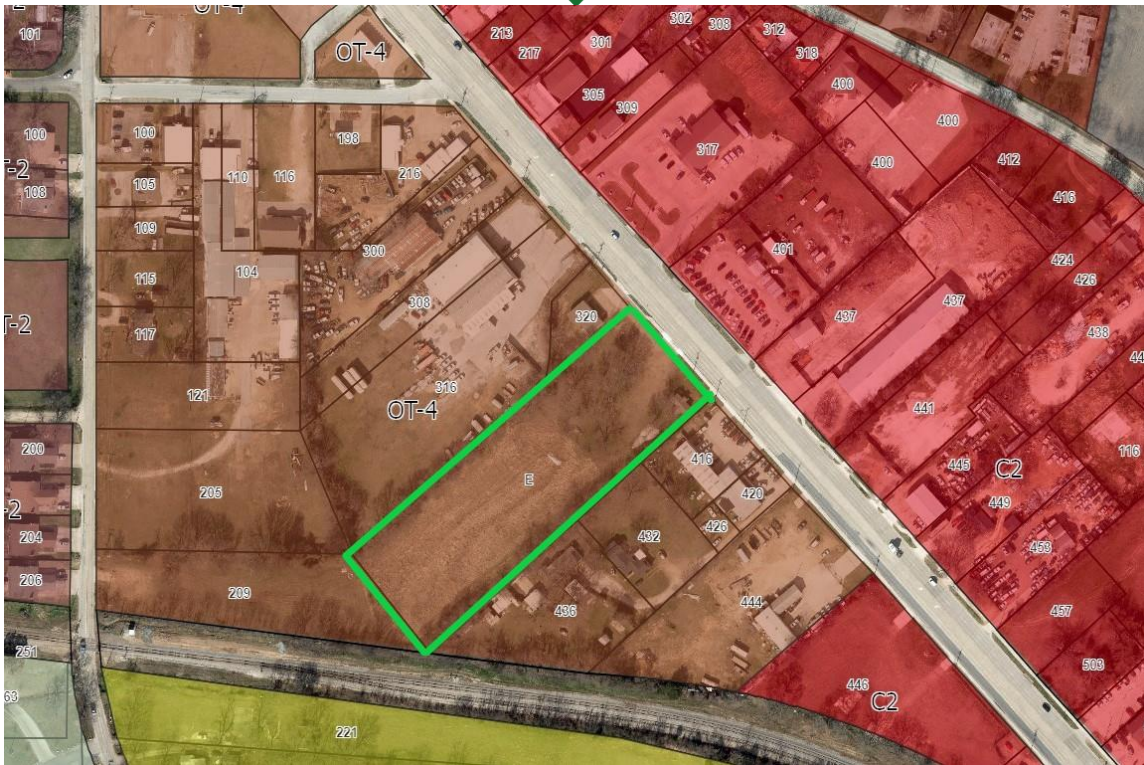
Exhibit 1- Site Posting

The applicant has plans to build two facilities at this location to support a light manufacturing operation. The first building will be approximately 11,000 SF and include an office space. A second larger building of approximately 50,000 SF is proposed at the back of the lot and will consist of warehouse and storage. The site has ample space for parking as well as loading docks.

Within these two facilities, RPA Plastics plans utilize machinery which uses resin to mold and create plastic bottle which are then filled with their respective motor oil. These products are then sold at bulk quantities to retailers. RPA Plastics also have plans to utilize their facility to etch custom designs for steel rims using a router and CAD system, as well as store automotive-related products.

SURROUNDING PROPERTIES & NEIGHBORHOOD

The location is surrounded by OT-4 zoned property to the north, south, and west. C-2 Commercial zoned property is present directly across the parkway. Automotive repair establishments are present to the north, south, and east of this location. Directly north of this location is an electrical contractor. To the southeast are automotive repair shops as well as two residential homes tucked back off E Kennedale Parkway.



The Future Land Use Plan (FLUP) envisions an Urban Corridor and Downtown Village in this area of the city. (See Exhibit C)



Exhibit C- Future Land Use Plan



A portion of the site shows to fall within the Downtown Village of the FLUP. Kennedale's adopted Comprehensive Plans provides samples of types of development that should occur within Urban Corridor. These include professional offices, retail, service, and restaurants. Examples of develop that should occur within the Downtown Village include specialized retail, professional offices, and various residential uses.

While staff has found the proposed new development to be inconsistent with the Future Land Use Plan, the proposed light manufacturing use is permitted under a Special Exception in the current OT-4 District. These uses were added to the Unified Development Code following the adoption of City Ordinance 619 where both *light manufacturing* and *machine shop* land uses were added to Table 4.2- Schedule of Uses.

The UDC provides the following definition:

"Manufacturing, processing, and packaging – light. A facility accommodating manufacturing processes involving less intense levels of fabrication and/or production such as the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts surrounding land uses or the community. The premises may include secondary retail or wholesale sales. Examples of light manufacturing uses include: artisan / craft product manufacturing; clothing and fabric product manufacturing; furniture and fixtures manufacturing, cabinet shop, media production, photo/film processing lab not accessory to a retail business, printing & publishing, food preparation and packaging, brewery. This definition excludes all uses classified as "heavy" and all uses specifically excluded within that classification."

After review of the applications proposal, and discussion with the business owners, staff has classified their proposed land use to be *Manufacturing, processing, and packaging-light*.



STANDARDS FOR GRANTING A SPECIAL EXCEPTION

No application for a special exception shall be granted by the Board of Adjustment unless the board finds all of the conditions described below are present:

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

No. Staff has found this proposed use to be consistent with the intent of the UDC's definition of light manufacturing, as amended by City Ordinance 619.

STANDARD 2- Will the use, values, and enjoyment of other property in the neighborhood for the purposes already permitted to 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. Staff has found the surrounding commercial uses to be compatible with the proposed use of light manufacturing.

STANDARD 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 should be noted that there are existing residential structures adjacent to this location. The UDC currently requires a 50 FT setback when commercial development is installed next to residential property. Site screening will likely be required in account of this UDC requirement.

STANDARD 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 are will make and how/when)

Yes. Staff believes all site utilities are present and/or in close proximity to support use at the site.

STANDARD 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?

The site already includes a drive approach off of E Kennedale Parkway and the proposed parking area is sufficient in size to accommodate the proposed use.

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

Yes. It should be noted that the site plan provide is conceptual and does not account for the required landscape buffers, setbacks, and required site drainage detention. Building siting will also need to meet the requirements of the Commercial Corridor Overlay District which spans the length of the parkway.

STAFF RECOMMENDATION

Staff recommends approval of the Special Exception request with the following conditions:



- (1) The light manufacturing use granted for the time necessary to complete construction of the proposed facilities and begin operations.
- (2) Land use shall be limited to those presented by the applicant for RPA Plastics only. Land uses not presented by RPA Plastics, or any future changes to operations which exceed permitted uses of the current adopted UDC, shall require a separation application to the Board of Adjustment for consideration.

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: _____

Applicant Address: _____

Applicant Phone: _____ Applicant Email: _____

Property Address: _____

Property Legal Description: _____

Special Exception Use Requested: _____

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:

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: _____

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: _____

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

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

Case # BOA _____

Property Address: 404 Kennedale Parkway, Kennedale, TX 76060

Legal Description: BOAZ, CA SUBD OF J B RENFRO Block Lot 33R2

Applicant Name: RPA Plastics

Applicant Email: Layth@rpaplatics.com

Type of Request: Special Exception Request to build a Plastics Manufacturing Facility

I, Mohammed Hantouli, 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 *Mohammed Hantouli*

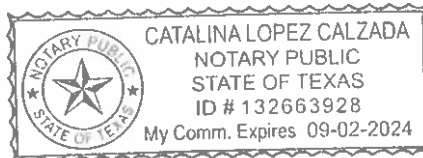
Date 9-26-2023

SWORN TO and Subscribed before me by Mohammed Hantouli

ON THIS 26 DAY OF Sep, 20 23

[Signature]

Notary Public, Tarrant County, Texas



City of Kennedale Board of Adjustment Procedures

The Board of Adjustment is composed of five members and up to four alternates who are residents and taxpayers of the City of Kennedale, each of whom has been appointed by the City Council. The Board must hear each case and render a decision based on the merits of the case. The Board's decisions are governed by the City of Kennedale regulations and by state law. Please note that the Board must follow these standards in order to find in an applicant's favor; if the standards are not met, the Board cannot grant the applicant's request.

1. After the meeting is called to order, all necessary business will be taken care of before the hearing of the first case. Necessary business may include, but is not limited to, hearing from visitors about topics not related to the cases posted on the agenda to be heard by the Board and approval of minutes from previous meetings.
2. When it is time for a specific case to be heard, the Chairman of the Board will read a brief summary of the request. A member of the city staff may then be called upon by the Chairman to give a presentation providing pertinent facts concerning the case to be reviewed.
3. The Chairman will then call upon the applicant to present the case and all evidence supporting his request. The applicant will have fifteen minutes to present their case and all supporting evidence, including presentations by witnesses or supporters brought by the applicant. The applicant may ask for one extension of a maximum five minutes, if needed, to complete their presentation.
4. The Board may ask the applicant a series of questions, and only the applicant and or his/her representatives may respond. No one from the audience may address the Board except during the public hearing or unless specifically questioned by a member of the Board.
5. The Chairman will then open the public hearing and will call for those in support of the case (those who are not witnesses or supporters brought by the applicant) to address the Board. Speakers will address all comments to the Chairman of the Board. Each speaker will have a maximum of three minutes to address the Board.
6. The Chairman shall next call on those opposed to the granting of the applicant's request to present their arguments. Speakers will address all comments to the Chairman of the Board. Each speaker will have a maximum of three minutes to address the Board.
7. The applicant shall have the opportunity to cross examine any adverse witness and shall have a maximum of five minutes to cross examine. The applicant shall then have the right of rebuttal to arguments presented by the opposition and shall have a maximum of five minutes to rebut. Following the rebuttal, the Chairman shall order the hearing closed.

8. Each side shall proceed without interruption by the other, and all arguments/pleading shall be addressed to the Board. No questioning between individuals will be permitted except during cross-examination during the time allotted by the Board. During the hearing, no Board members shall discuss, debate, or argue an issue with the applicant or any other speakers who address the Board during the hearing, nor indicate his/her probable vote on the appeal.
9. After all have been heard, the Chairman will close the public hearing and the Board members will discuss the case and express opinions as to its merits. During its review, the Board may call back any applicant or speaker for clarification of facts presented in the hearing. Note: During this discussion period, members of the audience are to refrain from addressing the Board or making any public statement. Should the need arise, the Chairman is free to open the public hearing again and request any party for clarification or additional information. After further discussion, the public hearing will again close.
10. When the Board has received all required facts concerning the case, the Chairman will entertain a motion. One Board member will make a motion. If the motion receives a second, the Chairman will allow further discussion if needed. The vote will then be taken and the Chairman will announce the decision. At this time any additional cases will be heard. After all scheduled cases have been called, the Board may conduct any further business or adjourn.
11. Normally decisions on appeals will be given within thirty days after the required public hearing or after receipt of all evidence or information. Appeals of the decision made by the Board of Adjustment must be filed within ten days after the Board's decision has been filed in the office of the City Secretary.

For Office Use Only		
Completeness Check		
Application form completely filled and signed?	☐ Yes	☐ No
Attached site plan?	☐ Yes	☐ No
Fee paid?	☐ Yes	☐ No
Sign _____	Date _____	



RPA Plastics

861 S. Great Southwest Pkwy, Grand Prairie TX, 75051
(972) 672-8267 | Email: sales@rpaplastics.com

11/6/2023

City of Kennedale
CC: Board of Adjustments
405 Municipal Drive
Kennedale, TX 76060
817-985-2133

RE: Special Exception Permit: 404 Kennedale Parkway

RPA Plastic is a growing, family owned and operated company, looking to expand its business, while building a permanent home that the company can establish as their headquarters. This company is looking to mold plastic material into containers for motor oil, and to cut metals to build high-quality rims for trucks. Adding RPA Plastic and a new building to this area of town would provide a more developed feel to the area, while generating over 2 million dollars in revenue that the city can benefit from. Therefore, RPA Plastics would like to submit a special exception request for the property with the legal description of, BOAZ, CA SUBD OF J B RENFRO Block Lot 33R2, to build a Plastic and Steel Fabrication Facility. This property is zoned as Old Town District 4, but the current demographic of this area is largely commercial or industrial.

The property requested for special exception is a great location for the business since all resources needed to operate the business are available, and do not impede traffic or neighboring properties. The site has adequate access and drainage that will not need substantial improvements that might affect the city or other neighboring properties. The property will have enough area for the trucks bringing in shipments will be able to stage onsite, eliminating any traffic congestion due to shipments. RPA Plastic limits the effect of emissions by abiding to all environmental regulations, and we do not affect any of our neighboring businesses or residents.

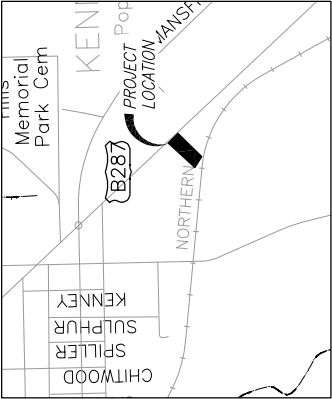
The proposed site plan shows approximately 57,000 SF of warehouse with 1500 SF for office space. The property will have 32 off-street parking spaces with 6 loading docks, and 2 loading ramps. The building height will not exceed 37' and the exterior of the building will follow the Vernacular Commercial Storefront style as directed in the Kennedale UDC.

RPA Plastics would like the City of Kennedale to consider this request for the special exception as it would benefit the city and a local family-owned business.

With Regards,

A handwritten signature in black ink, appearing to read 'Ammar Elhamad', written in a cursive style.

Ammar Elhamad, P.E.
Olive Tree Construction



LOCATION MAP
n.t.s.

OWNERS:
ELIO E. MAGALLON & SAUL A. MAGALLON
4860 DICK PRICE ROAD
FORT WORTH, TEXAS, 76105

NOTE:

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND OTHER MATTERS OF RECORD MAY AFFECT THIS PROPERTY.
THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS, COVENANTS, CONDITIONS, RESERVATIONS, RULES AND ORDINANCES THAT MAY BE APPLICABLE TO SAID PROPERTY AND ANY PART THEREOF.
NO EFFORT WAS MADE TO LOCATE BURIED OR UNDERGROUND UTILITY STRUCTURES DURING THE PROGRESS OF THIS SURVEY. TO LOCATE UNDERGROUND OR BURIED UTILITIES CALL 811.

NOTES:

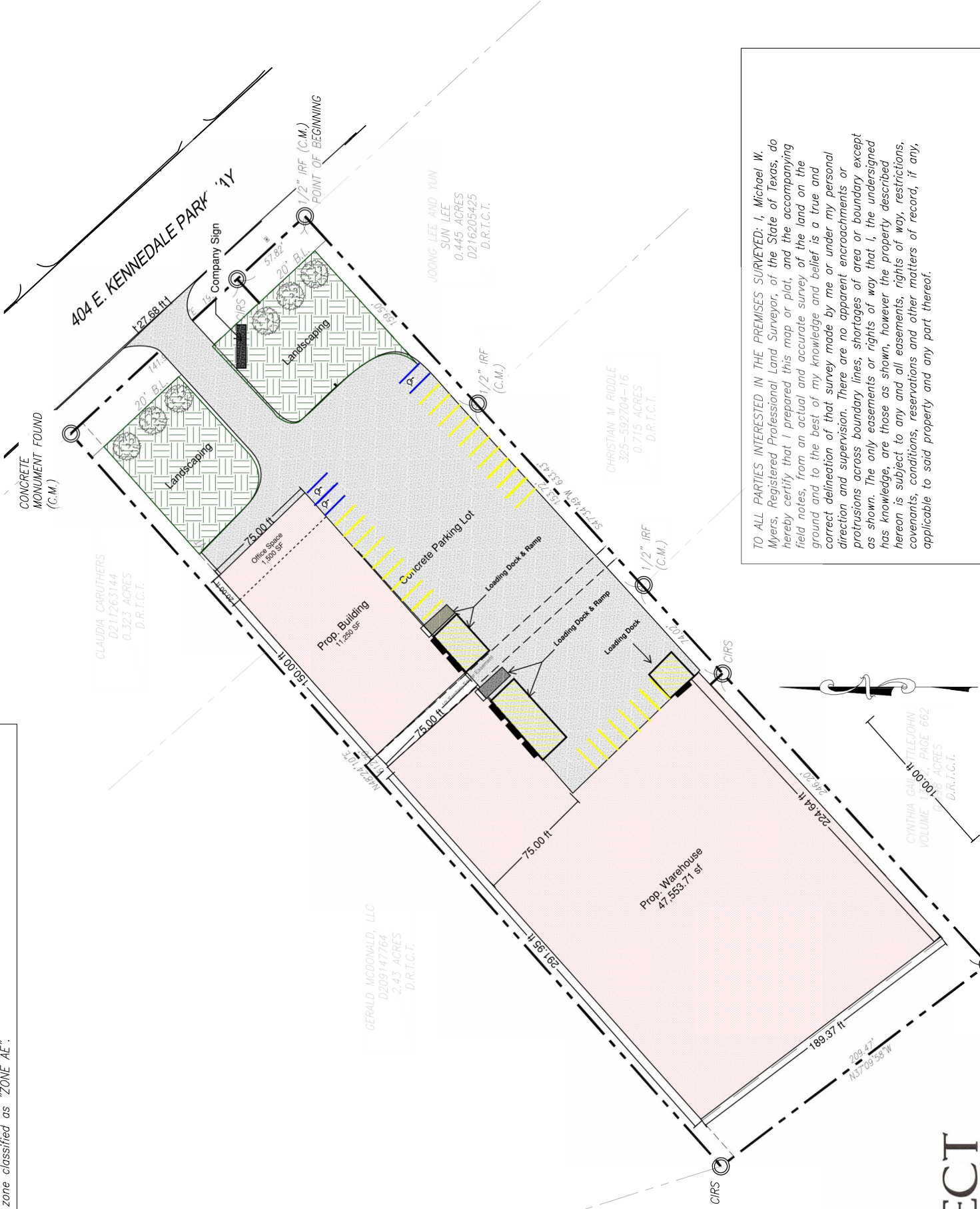
- 1) BASIS OF BEARING FOR THIS PLAT IS REFERENCED TO THE TEXAS COORDINATE SYSTEM, NAD-83, NORTH CENTRAL TEXAS, ZONE 4202, AS DERIVED FROM GPS VECTORS OBTAINED FROM WESTERN DATA SYSTEMS' RTK NETWORK.
- 2) THIS PROPERTY LIES OUTSIDE THE CITY OF GRANBURY ETU, IN HOOB COUNTY, TEXAS.
- 3) THE SOLE PURPOSE OF THIS REPLAT IS TO CREATE ONE LOT FROM LOTS 8-10.

Flood Statement

According to the F.E.M.A. Flood Insurance Rate Map, Panel No. 48439C0340K, effective date September 25, 2009, by scale, no portion of this property lies within the 100 year flood zone classified as "ZONE AE".

SURVEY PLAT

1. NO LOT OR PARCEL SHOWN ON THIS PLAT MAY BE SOLD BY METES AND BOUNDS (OR CONVEYED BY OTHER MEANS) PRIOR TO THE FILING OF THIS PLAT AT TARRANT COUNTY. SUCH SALE/CONVEYANCE OF LOTS OR PARCELS MAY BE SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND/OR BUILDING PERMITS.
2. THE PROPERTY AS PLATTED IS SUBJECT TO ANY DOCUMENT PERTAINING TO UTILITY EASEMENTS FOR ELECTRIC, TELEPHONE, OR OTHER UTILITIES THAT AFFECTS SAID PROPERTY AS RECORDED IN THE TARRANT COUNTY CLERKS OFFICE.



TO ALL PARTIES INTERESTED IN THE PREMISES SURVEYED: I, Michael W. Myers, Registered Professional Land Surveyor, of the State of Texas, do hereby certify that I prepared this map or plat, and the accompanying field notes, from an actual and accurate survey of the land on the ground and to the best of my knowledge and belief is a true and correct delineation of that survey made by me or under my personal direction and supervision. There are no apparent encroachments or protrusions across boundary lines, shortages of area or boundary except as shown. The only easements or rights of way that I, the undersigned has knowledge, are those as shown, however the property described hereon is subject to any and all easements, rights of way, restrictions, covenants, conditions, reservations and other matters of record, if any, applicable to said property and any part thereof.

Michael W. Myers, R.P.L.S.
Texas Registration No. 5803
Surveyed on the ground: 08/22/18

H&TC RAILROAD

DRAWN BY: RJS

OWNER'S CERTIFICATE

STATE OF TEXAS:
COUNTY OF TARRANT:

LEGAL DESCRIPTION

WHEREAS, ELIO E. MAGALLON & SAUL A. MAGALLON are the owners of Lot 33, Boaz's Subdivision, Sursel Boy, an addition to the County of Hood, per a plat recorded in Volume 388-A, Page 97, Plat Records, Hood County, Texas (P.R.T.C.T.), and per a deed recorded in Instrument No. D216185103 and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found lying in the West Right of Way line of E. Kennedale Parkway, said corner also being the Northeast corner of this tract;

THENCE Departing the aforementioned West Right of Way line of E. Kennedale Parkway, South 47 degrees 34 minutes 49 seconds West, a distance of 633.43 feet for a 5/8" capped iron rod set for the Southeast corner of this tract;

THENCE South 37 degrees 09 minutes 28 seconds West, a distance of 209.47 feet to a 5/8" capped iron rod set for the Southwest corner of this tract;

THENCE Continuing along the aforementioned North Right of Way line of Sun Rise Bay Court, North 48 degrees 24 minutes 10 seconds East, a distance of 612.70 feet to a 5/8" capped iron rod set for the Northwest corner of this tract. Said point also lying in the aforementioned West Right of Way line of E. Kennedale Parkway;

THENCE Continuing along the aforementioned West Right of Way line of E. Kennedale Parkway, South 42 degrees 52 minutes 58 seconds East, a distance of 199.80 feet to the POINT OF BEGINNING and containing 2.921 Acres of land or 127,254.48 Sq. Ft. more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That, Elio Magallon and Saul A. Magallon, do hereby adopt this plat designating the herein above described property as LOT 33R & 33R1, BOAZ'S SUBDIVISION, an addition to Tarrant County, Texas.

WITNESS, my hand, this the _____ day of _____, 2018.

By _____

Elio E. Magallon, Owner

Saul A. Magallon, Owner

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, a Notary Public in and for county and state, on this day personally appeared Elio E. Magallon and Saul A. Magallon, 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 purpose and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 2018

NOTARY PUBLIC in and for the STATE OF _____

**MINOR REPLAT OF
LOT 33R AND 33R-1,
BOAZ'S SUBDIVISION**

**an addition to the City of Kennedale as recorded in
Volume 388-A, Page 97**

P.R.T.C.T.

2.921 acres of land

AUGUST, 2018

DOCUMENT NO.

DATE

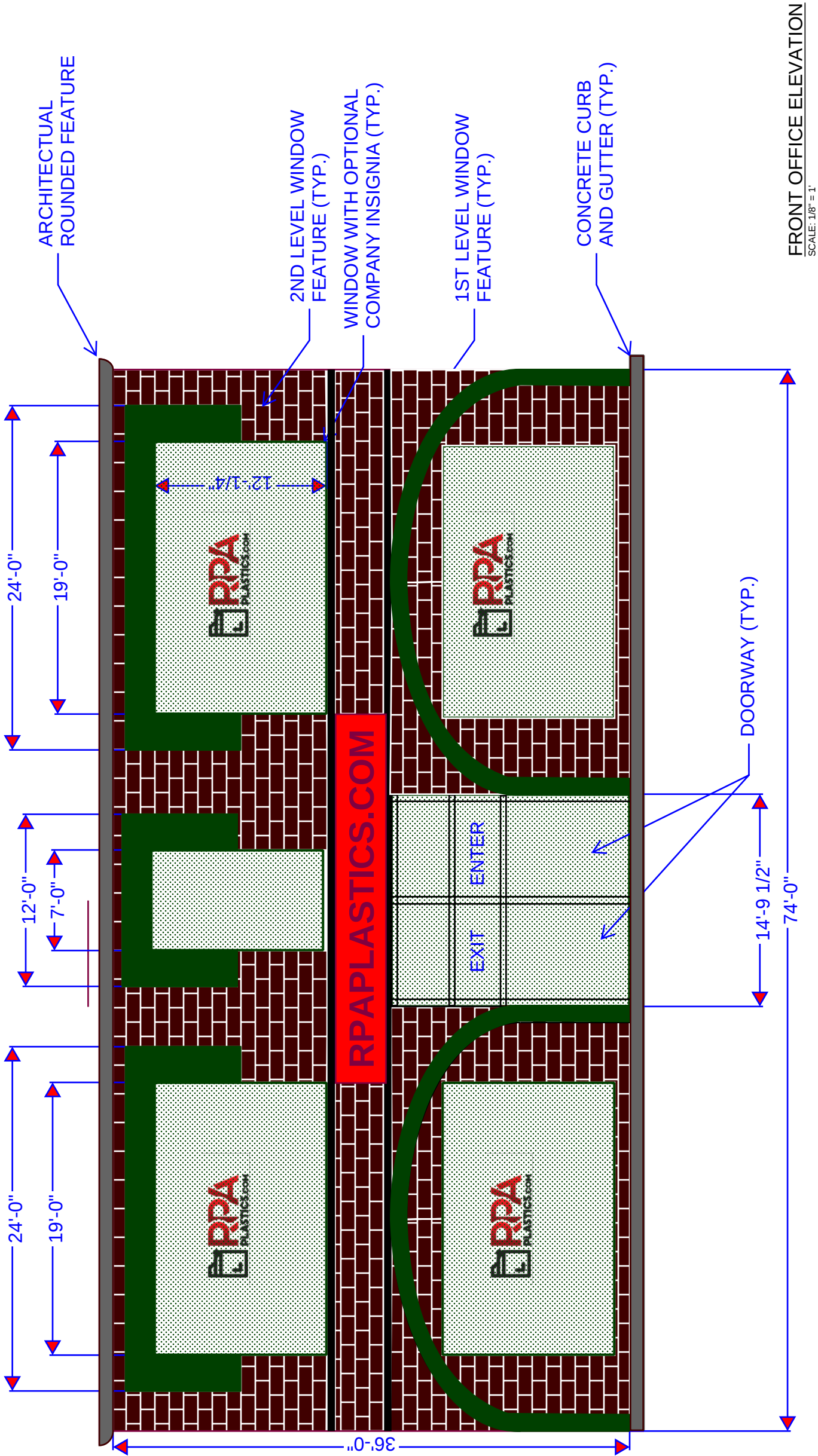
3801 HULEN ST. #102, FORT WORTH TX 76107
PH: 817-998-7885 FIRM NO. 10194267



Rev. No:
Issued for:
Issue Dt:
Rev. No:
Issued for:
Issue Dt:
Rev. No:
Issued for:
Issue Dt:
Notes:

FRONT OFFICE ELEVATION
RPA PLASTICS.COM
404-406 KENNEDALE PKWY KENNEDALE, TX 76060

Drawn By	Approved By
Sheet No.	



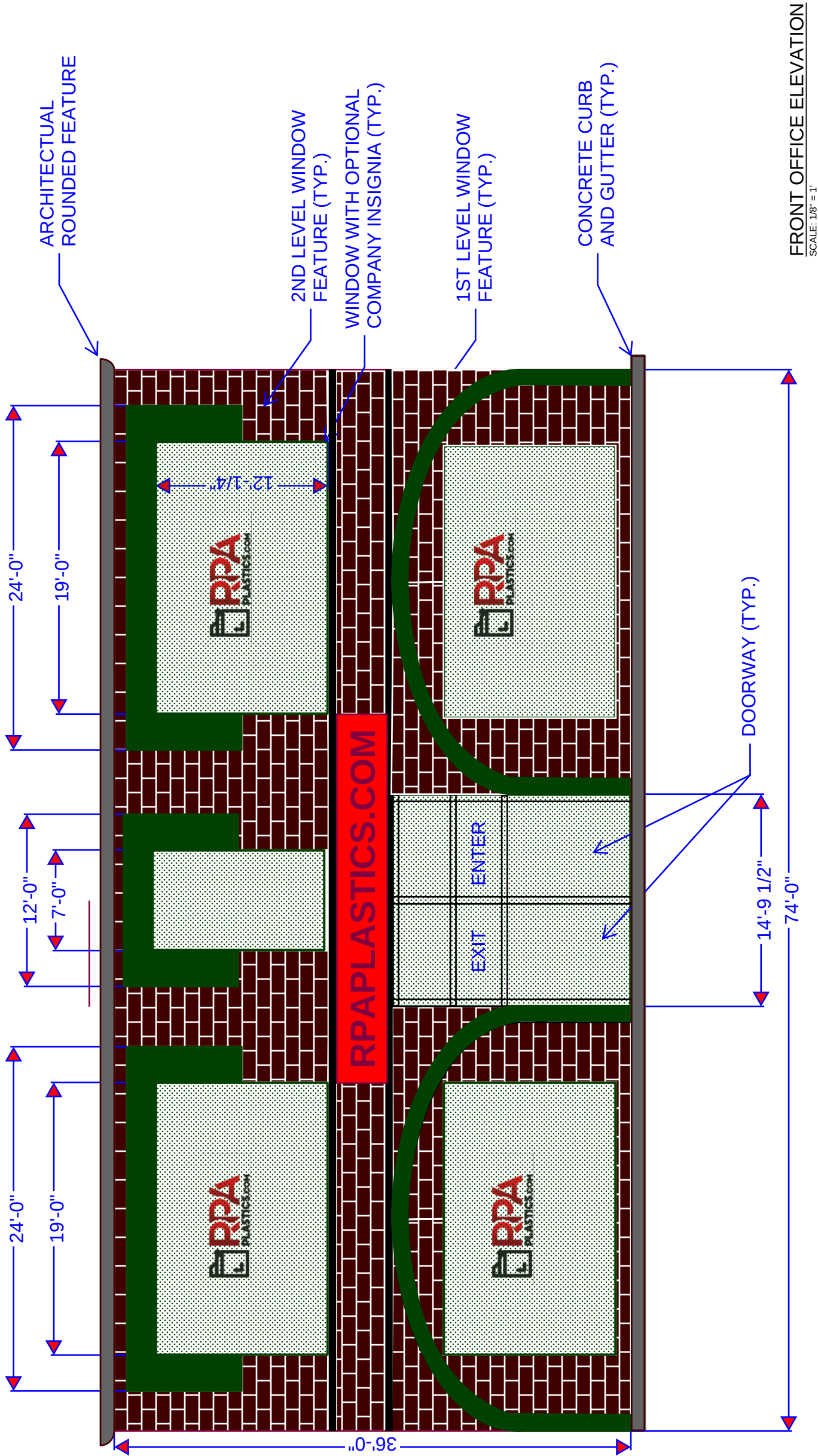
FRONT OFFICE ELEVATION
SCALE: 1/8" = 1'

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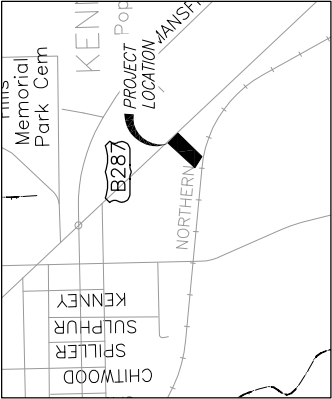
FRONT OFFICE ELEVATION

RPA PLASTICS.COM
404-406 KENNEDDALE PKWY KENNEDDALE, TX 76060

Drawn By	Approved By
Sheet No.	



FRONT OFFICE ELEVATION
SCALE: 1/8" = 1'



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n.t.s.

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ELIO E. MAGALLON & SAUL A. MAGALLON
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FORT WORTH, TEXAS, 76105

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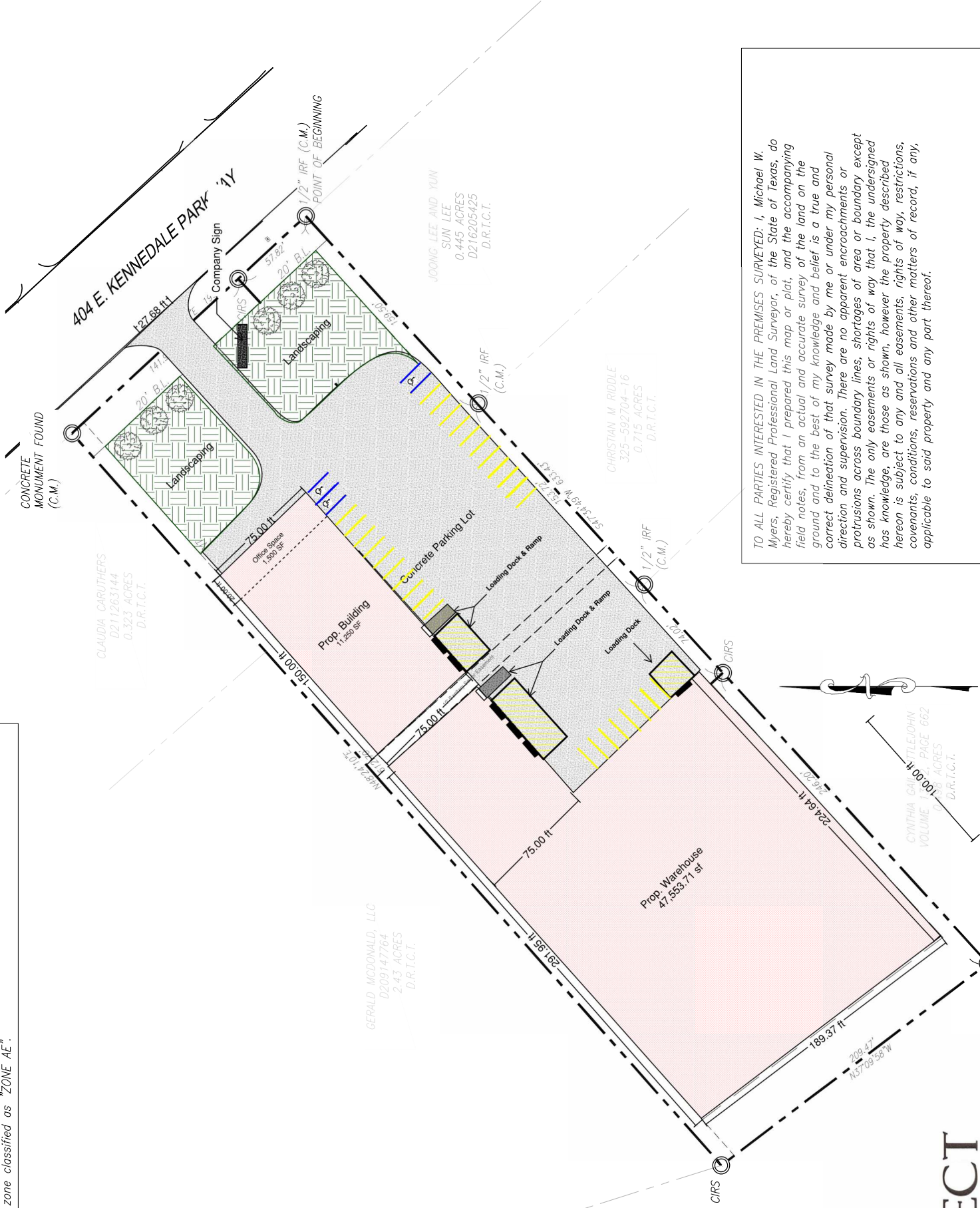
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Michael W. Myers, R.P.L.S.
Texas Registration No. 5803
Surveyed on the ground: 08/22/18

H&TC RAILROAD



DRAWN BY: RJS

PROSPECT
SURVEYING



3801 HULEN ST. #102, FORT WORTH TX 76107
PH: 817-998-7885 FIRM NO. 10194267

* LEGEND *

- BM BENCHMARK
- CIRF CAPPED IRON ROD FOUND
- CIRS CAPPED IRON ROD SET
- IRF IRON ROD FOUND
- IPF IRON PIPE FOUND
- X-CUT X-CUT ON CONCRETE
- (CM) CONTROLLING MONUMENT
- D.R.T.C.T. DEED RECORDS, TARRANT COUNTY, TEXAS
- P.R.T.C.T. PLAT RECORDS, TARRANT COUNTY, TEXAS
- INST# INSTRUMENT NUMBER
- VOL VOLUME
- PG PAGE
- NO. NUMBER
- R.O.W. RIGHT-OF-WAY
- ESMT. EASEMENT
- POC POINT OF COMMENCING
- POB POINT OF BEGINNING
- NTS NOT TO SCALE



The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19300	489912	Print Legal Ad-IPL01480640 - IPL0148064		\$70.47	1	36 L

Attention: Raeanne Byington

CITY OF KENNEDALE
405 MUNICIPAL DR
KENNEDEALE, TX 760602249

rericsn@cityofkenneedale.com

CITY OF KENNEDALE NOTICE OF PUBLIC HEARING

THE KENNEDALE BOARD OF ADJUSTMENT WILL HOLD A PUBLIC HEARING FOR THE FOLLOWING CASE ON TUESDAY, NOVEMBER 28, 2023 AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, LOCATED AT 405 MUNICIPAL DRIVE, KENNEDALE, TARRANT COUNTY, TEXAS 76060:

BOA CASE #23-07 TO RECEIVE COMMENTS AND CONSIDER ACTION ON A REQUEST FOR A SPECIAL EXCEPTION USE BY AMMAR ELHAMAD OF RPA PLASTICS, FOR THE SPECIAL EXCEPTION USE OF MANUFACTURING, PROCESSING AND PACKAGING-LIGHT AS REQUIRED BY SECTION 4.2 OF THE UNIFIED DEVELOPMENT CODE FOR 404 E KENNEDALE PARKWAY, BOAZ, CA SUBD OF J B RENFRO, BLOCK LOT 33R2, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS.

INTERESTED PERSONS ARE ENCOURAGED TO ATTEND THE PUBLIC HEARINGS TO OFFER PUBLIC COMMENTS OR PROVIDE WRITTEN COMMENTS PRIOR TO THE MEETING TO COMMUNITY DEVELOPMENT DEPARTMENT, 405 MUNICIPAL DRIVE, KENNEDALE, TX, 76060. FOR MORE INFORMATION, PLEASE CALL (817) 985-2135.
IPL0148064
Nov 14 2023

THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Stefani Beard, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

1 insertion(s) published on:

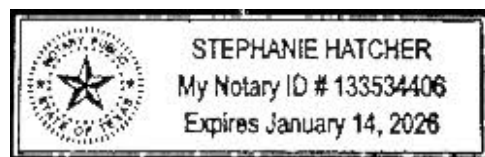
11/14/23

Stefani Beard

Sworn to and subscribed before me this 14th day of November in the year of 2023

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

BOA CASE #23-07
404 E KENNEDALE PKWY

KS & RS LLC
PO BOX 1163
KENNEDEALE TEXAS 76060

GERALD MCDONALD LLC
121 CENTRAL AVE #200
GRAPEVINE TEXAS 76051

JAVIER A BOLANOS VILLANUEVA
3909 PANAMA ST
FTW TEXAS 76119

JOSE HERNANDEZ
5330 N HAMPSHIRE BLV
FTW TEXAS 76112

CHRISTIAN RIDDLE
432 E KENNEDALE PKWY
KENNEDEALE TX 76060

MARQUEZ MARIANO
5105 BEECHGROVE DR,
ARLINGTON, TX 76018

INDUSTRIAL INVESTMENT SQUARE INC
437 E KENNEDALE PKWY
Kennedale TX 76060

LEE JONG
416 E KENNEDALE PKWY
KENNEDEALE TEXAS 76060

LEE JONG
420 E KENNEDALE PKWY
KENNEDEALE TEXAS 76060

FDI POSTAL PROPERTIES II INC.
PO BOX 727
MOUNT AIRY MD 21771

CITY OF KENNEDALE
405 MUNICIPAL DR
KENNEDEALE TX 76060

MTA GROUP LLC
100 ADIRONDACK TRL
ARLINGTON TEXAS 76002



November 14, 2023
Notice of Public Hearing

The Kennedale Board of Adjustment will hold a public hearing for the following case on **Tuesday, November 28, 2023** at 5:30 P.M. in the City Council Chambers, located at 405 Municipal Drive, Kennedale, Tarrant County, Texas 76060.

BOA CASE #23-07 TO RECEIVE COMMENTS AND CONSIDER ACTION ON A REQUEST FOR A *SPECIAL EXCEPTION USE* BY AMMAR ELHAMAD OF RPA PLASTICS, FOR THE SPECIAL EXCEPTION USE OF *MANUFACTURING, PROCESSING AND PACKAGING-LIGHT* AS REQUIRED BY SECTION 4.2 OF THE UNIFIED DEVELOPMENT CODE FOR 404 E KENNEDALE PARKWAY, BOAZ, CA SUBD OF J B RENFRO, BLOCK LOT 33R2, 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 hearings or provide written comments. 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). Written comments may be provided prior to the meeting to the City Secretary's Office, 405 Municipal Drive, Kennedale, TX 76060. If you would like more information about the case or public hearing process, please contact Nathan Gonzales at 817-985-2135 or ngonzales@cityofkennedale.com.

The agenda will be posted at 72 hours before the meeting at www.cityofkennedale.com/agendas and the meeting calendar is published at www.cityofkennedale.com/cal. For your reference, a map showing the property is below.



Sincerely,

Nathan Gonzales
Director of Community Development
City of Kennedale
405 Municipal Dr
Kennedale, TX 76060
ngonzales@cityofkennedale.com
(817)985-2135