

ORDINANCE NO. 743

AN ORDINANCE DECLARING A 120-DAY MORATORIUM ON THE ACCEPTANCE OF PLANS FOR DEVELOPMENT OR APPLICATIONS FOR PERMITS, PLATS, VERIFICATIONS, SITE PLANS, OR CERTIFICATES OF OCCUPANCY FOR MULTI-FAMILY OR TOWNHOME DEVELOPMENTS; DIRECTING CITY STAFF TO CONSIDER APPROPRIATE ZONING AND OTHER DEVELOPMENT REGULATIONS FOR SUCH DEVELOPMENTS; PROVIDING A PROCEDURE FOR A VARIANCE FROM THIS MORATORIUM; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE ON SECOND READING.

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

WHEREAS, the City has an estimated population of 8,350 residents in an area encompassing approximately 6.59 square miles; and

WHEREAS, the City has experienced a significant amount of new housing and multi-family growth over the past three years which has not been synchronized with the provision of adequate public facilities and services based on the increase of population growth from the new development; and

WHEREAS, during this time period 423 single-family and townhome residential projects and two multi-family housing projects creating an additional 382 residential units, have developed in the City, which represents a 26% increase of population in the City over this short period of time; and

WHEREAS, the City Council believes that existing traffic corridors in the City are experiencing unreasonable congestion which has contributed to an increase in traffic accidents and that additional residential development will impact traffic flow and street operations throughout the City; and

WHEREAS, the City Council has reviewed a study and memorandum from consulting engineering firm Freese and Nichols concluding that hydraulic capacity constraints exist in the City's major sanitary sewer basin interceptor and that additional demands on the sewer system could cause significant surcharging and model-predicted sanitary sewer overflows under peak wet weather flows and recommending that improvements be made to the sanitary sewer system or alternative measures be taken prior to adding new customers upstream of the identified capacity constraints; and

WHEREAS, the City Council and citizens of the City have concerns about the impacts of multi-family and townhome developments on essential public facilities, resulting in the creation of

overcapacity, unplanned needs and other inadequacies of public infrastructure and facilities, including but not limited to that related to traffic management, street infrastructure, park and open space, police, fire, code enforcement, and data systems, as well as other operational and oversight systems; and

WHEREAS, the City Council and citizens of the City have concerns about the impacts of multi-family and townhome developments creating a significant need for other essential public facilities, including but not limited to park and open space, police, fire, and code enforcement, and that the failure to provide these public facilities would result in an over capacity of such public facilities or would be detrimental to the health, safety, and welfare of the residents of the City; and

WHEREAS, the City Council and the citizens of the City have concerns about the impacts of multi-family and townhome developments creating an imbalance between land uses and population density, specifically impacting non-residential development that serves as a significant source of funding for public facilities; and

WHEREAS, the City Council has determined that existing regulations in the Unified Development Code and other applicable development ordinances and regulations are inadequate to prevent impending new multi-family and townhome development in the City from being detrimental to the public health, safety, and welfare of the residents of the City; and

WHEREAS, the City Council desires to allow reasonable development in the City while temporarily maintaining the status quo with regard to new development or construction of multi-family or townhome projects until such time as the City Council has had a reasonable opportunity to allow City staff to make recommendations concerning new development regulations and to take appropriate action on those recommendations as may be required to protect the public health, safety, and welfare; and

WHEREAS, Chapter 212, Subchapter E, Texas Local Government Code, authorizes a municipality to adopt a moratorium on property development after proper notice and holding public hearings; and

WHEREAS, City staff has been directed to review and analyze, with the assistance of appropriate consultants as necessary, current regulations related to development within the City to determine whether current classifications and standards are in the best interests of the public health, safety, and welfare of the City and its citizens, with a focus on the shortages and need for public infrastructure and facilities created by multi-family and townhome developments and the criteria identified in Local Government Code Sections 212.135(b) and 212.1351(b); and

WHEREAS, City staff has further been directed to review, analyze and update the City's Comprehensive Plan to ensure that the Future Land Use Map designations are in the best interests of the health, safety, and welfare of the City and its citizens; and

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with Chapter 212, Subchapter E, Texas Local Government Code, have given the required notice by

publication and, after holding public hearings, have afforded a full and fair opportunity for all residents, property owners and all other interested or affected persons to provide relevant input regarding the implementation of the moratorium and the City Council has concluded that a moratorium should be imposed on applications and plans for development for permits, plats, verifications, rezonings, site plans, and certificates of occupancy for multi-family or townhome developments within the city limits of Kennedale; and

WHEREAS, public hearings have been held before both the Planning and Zoning Commission of the City and the City Council in accordance with Subchapter E, Chapter 212, Local Government Code and all the notice, hearing and other procedural requirements of Section 212.134 have been observed; and

WHEREAS, the City Council finds a 120-day moratorium placed on applications and plans for development for permits, plats, verifications, rezonings, site plans, and certificates of occupancy for multi-family and townhome developments is a minimally intrusive method of maintaining the status quo until such review can be completed.

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

SECTION 1.

All of the above premises and statements are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2.

The City Council finds that application of the City's existing multi-family and townhome development regulations is inadequate to prevent new development from being detrimental to the public health, safety, or welfare of the residents of the City. The City Council finds that possible adverse effects of multi-family and townhome development in the City could occur if such development is allowed to proceed prior to implementation of a long-range plan to regulate land uses and development standards. These adverse effects would include the expansion or creation of uses and developments that are incompatible with future planned residential and commercial development within the City, which would lead to reduction in property values, impairment of economic development, urban blight, and diminishment in the quality of residential life, among other factors.

SECTION 3.

(a) In addition to the legislative and factual findings adopted above, the City Council makes the following findings regarding a significant need for other public facilities as justification for a moratorium under Section 212.1351, Texas Local Government Code:

(b) Over the past three years, there have been 423 single-family and townhome residential developments and 2 multi-family developments, creating 382 residential units, constructed in the City in areas where such uses are permitted. This represents a 26% increase in population. Due to the number of these developments that have been constructed, new developments of this type under existing development ordinances will result in overcapacity of municipal infrastructure or be detrimental to the health, safety, and welfare of the residents of the City.

(c) Existing development ordinances permit the construction of multi-family developments as of right in designated zoning districts. Development of the currently zoned areas with multi-family development and townhome uses under existing development ordinances, as well as approval of new rezoning applications for such uses, would significantly alter the character of those areas and impose a tremendous need for additional public infrastructure and facilities, including park and open space, police and fire protection, code enforcement, sewer service, traffic management, street infrastructure, and the failure to provide those facilities and public infrastructure would result in an overcapacity of existing public facilities and would be detrimental to the health, safety, and welfare of the residents of the City.

(d) Existing corridors in the City are experiencing unreasonable congestion which has contributed to an increase in traffic accidents and additional higher density residential development will impact traffic flow and street operations throughout the City. Multi-family and townhome development will impact traffic flows and street operations. The City needs time to evaluate how and to what extent these developments will impact the roadway network and how and to what extent recent zoning changes have altered future traffic conditions.

(e) The City has determined that its existing development ordinances are inadequate to prevent new multi-family and townhome development from causing the overcapacity of municipal infrastructure or being detrimental to the public health, safety, and welfare of residents because the permissible areas of the City permitting these developments is believed too large to be accommodated by existing infrastructure, including fire protection, sewer service, road networks, police protection, water service, and drainage. The City has had a significant number of rezoning requests to permit new multi-family and townhome development over the last few years and the City is concerned that not enough information is known to determine whether approval of future similar requests could cause the overcapacity of municipal infrastructure, when coupled with the areas already zoned for this type of development.

(f) The objectives of the moratorium are to prevent additional applications for development that, under existing law, would have to be evaluated under the current development regulations the City has determined are inadequate to prevent new development of multi-family and townhomes from causing the overcapacity of municipal infrastructure or being detrimental to the public health, safety, and welfare of residents. Absent a moratorium on the acceptance of these applications, developers would be able to submit new development applications for multi-family developments that the City would have to consider under existing regulations. There are no alternative means of preventing consideration of new applications in the absence of a moratorium.

SECTION 4.

Effective immediately and for a period of one hundred twenty (120) days, no application or plan for development for a permit, plat, verification, rezoning, site plan, or certificate of occupancy for multi-family or townhome development shall be accepted and no permit or approval shall be given for new construction, reconstruction, or remodeling of multi-family or townhome projects on property that is located within the City of Kennedale. This directive shall apply to all City employees, officers, officials, agencies, departments, boards, and commissions. The term "permit" as used in this ordinance shall mean a license, certificate, approval, registration, consent, permit or other form of authorization required by law, rule, regulation, or ordinance that must be obtained by a person in order to perform an action or develop or initiate a project for which the permit is sought.

SECTION 5.

Any City employee, officer, official, agency, department, board, or commission in receipt of any such application or plan for development shall forward the same to the Community Development Director (the "Director") who shall review the application or plan for development to determine whether the application or plan for development is subject to this moratorium. Receipt of an application or plan for development for the limited purpose of such review shall not constitute filing or acceptance of the application or plan for development. In the event the Director determines that an application or plan for development is subject to the moratorium, the Director shall take no further action on the application or plan for development and shall reject same, and shall return the application or plan for development to the person or entity attempting to file the same.

SECTION 6.

The purpose of this moratorium is to maintain the status quo regarding multi-family and townhome construction and remodeling on real property located within the City until such time as the City has reviewed and, if necessary, amended its regulations applicable to these uses. By studying and adopting development regulations and planning standards for properties within the City, the City Council seeks to eliminate or minimize such potentially adverse effects on the public health, safety, and welfare. The moratorium shall apply to multi-family and townhome development in any zoning district of the City. No new, expanded, or modified multi-family developments are to be allowed within the city limits of Kennedale until said review is completed and the ordinances of the City are amended as necessary, or until this moratorium, including any extensions, shall have expired, whichever occurs first.

SECTION 7.

The findings and conclusions set forth in this ordinance are supported in part by the Wastewater Capacity Analysis Technical Memorandum from Freese and Nichols dated January 13, 2023, attached hereto as Exhibit A, and by the Written Findings Summary in Support of Moratorium from Dunaway Associates, LLC dated January 11, 2023, attached hereto as Exhibit B.

SECTION 8.

City staff is hereby directed to continue the consideration of possible amendments to the Future Land Use Plan of the City's Comprehensive Plan and the development standards and regulations in the Unified Development Code and other City regulations and to make recommendations to the Planning and Zoning Commission and City Council as expeditiously as possible with regard to any such amendments.

SECTION 9.

The City has undertaken to have its Comprehensive Plan and land use regulations reevaluated to study the issues arising from current zoning and development regulations, including multi-family and townhome development regulations. The City has retained Dunaway Associates, LLC for that purpose, which shall make recommendations to the City on any zoning changes following its analysis. During this time, Dunaway Associates, LLC will provide a recommendation on the strategy to best address the issues established in this moratorium. The first phase is expected to take four to six months, with adoption of new regulations to be accomplished within nine to twelve months.

SECTION 10.

This ordinance does not affect any rights acquired under Chapter 245 of the Texas Local Government Code (the Vested Rights Act). The provisions of this ordinance do not apply to any new, expanded, or modified development or use that is being constructed or is to be constructed pursuant to a development agreement with the City or any completed application or plan for development for a permit, plat, verification, rezoning, site plan, or certificate of occupancy that was filed prior to January 20, 2023, being the fifth business day after the date on which the City published notice of a public hearing to consider this ordinance. The provisions of this ordinance do not apply to any application for a permit to maintain an existing multi-family or townhome structure.

SECTION 11.

(a) Any property owner who believes that the imposition of this moratorium causes a unique and unreasonable hardship on their property or business or who believes they are entitled to a waiver of the application of the moratorium to their application or plan for development shall have the right to request a variance or waiver of the provisions of this moratorium.

(b) A property owner seeking a variance shall submit a written request to the Planning and Zoning Commission and the City Council through the City Secretary's office. The request must provide the following information:

- (1) a description of the property to be covered by the variance;
- (2) a detailed description of the proposed development and the specific improvements planned for the property;

- (3) an explanation as to why the application of the moratorium is unreasonable as applied to the applicant's property; and
- (4) a description of any negative impacts created by the moratorium.

(c) The City Secretary's office shall first place the request for a variance on the agenda of the Planning and Zoning Commission for a recommendation as to whether a unique and unreasonable hardship exists. The applicant shall receive written notice of the date the variance request will be heard. City staff shall not be required to provide written notice of the variance request to any other individual or entity. On the date that the item is set to be heard, the Planning and Zoning Commission shall conduct a public hearing on the variance request giving any individual who desires to present information or evidence on the appropriateness or inappropriateness of the variance the opportunity to appear before the Planning and Zoning Commission and present such information. At the conclusion of the hearing, the Planning and Zoning Commission, by majority vote, may recommend that the variance be granted or denied based on the applicant's showing or failure to show a unique and unreasonable hardship, respectively.

(d) The City Secretary's office shall then place the request for a variance on the agenda of the City Council for the final determination on whether a unique and unreasonable hardship exists. The applicant shall receive written notice of the date the variance request will be heard. City staff shall not be required to provide written notice of the variance request to any other individual or entity. On the date that the item is set to be heard, the City Council shall conduct a public hearing on the variance request giving any individual who desires to present information or evidence to the City Council on the appropriateness or inappropriateness of the variance the opportunity to appear before the City Council and present such information. The recommendation of the Planning and Zoning Commission shall also be considered, but the City Council shall be the City's sole and final arbiter of whether a unique and unreasonable hardship has been shown to exist. At the conclusion of the hearing, the City Council, by majority vote, may approve a variance to the provisions of this moratorium or may deny the request for variance depending on their determination of whether a unique and unreasonable hardship has been shown by the applicant. The approval of a variance shall entitle the applicant to submit an application for the permit(s) for which a variance was sought.

(e) To the extent applicable, a permit applicant on property that is subject to this moratorium may apply for a waiver from the moratorium in accordance with Section 212.137 of the Local Government Code. A written request for a waiver shall be submitted to the City Secretary, who shall forward the request to the Director for processing and recommendation to the City Council. The City Council may authorize or deny the requested waiver, and if authorized, direct the applicable City official to accept a completed application and process the application subject to conditions necessary to ensure that the proposed development would not cause adverse effects to the surrounding property or the City's infrastructure and to carry out the spirit and purpose of this ordinance.

SECTION 12.

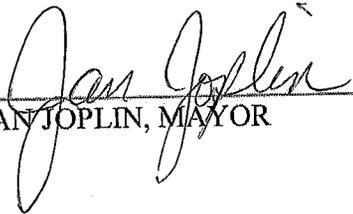
It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of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

SECTION 13.

This ordinance shall take effect immediately after its passage on second reading, and it is so ordained.

PASSED AND APPROVED ON FIRST READING THIS 20TH DAY OF JANUARY, 2023.

PASSED AND APPROVED ON SECOND AND FINAL READING THIS 26TH DAY OF JANUARY, 2023.

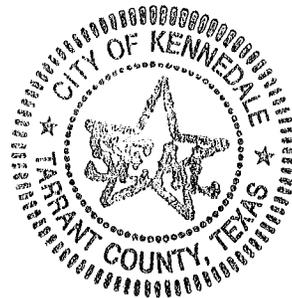


JAN JOPLIN, MAYOR

ATTEST:



RAIANNE BYINGTON, CITY SECRETARY



APPROVED AS TO FORM AND LEGALITY:



CARVAN E. ADKINS, CITY ATTORNEY

EXHIBIT A

**Wastewater Capacity Analysis Technical Memorandum from
Freese and Nichols dated January 13th, 2023**

TECHNICAL MEMORANDUM

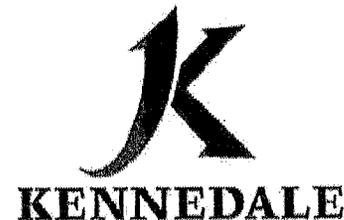


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TO: Darrell Hull, City of Kennedale
CC: Max Aransen, PE, Shield Engineering
FROM: Andrew Franko, PE, Freese and Nichols, Inc.
Nicholas McCormick, PE, Freese and Nichols, Inc.
SUBJECT: Wastewater Capacity Evaluation
DATE: 1/13/2023
PROJECT: Kennedale On-Call Water/Wastewater Modeling
and Planning



Introduction

The City of Kennedale staff requested Freese and Nichols Inc. (FNI) develop a technical memorandum detailing wastewater capacity analysis results from previous modeling efforts and studies. FNI had previously evaluated the available capacity of the City's wastewater system to determine how much future development can be supported by the existing infrastructure. Previous studies completed by both the City of Kennedale and Arlington were reviewed to inform the available capacity in the wastewater system. FNI then compared historical population and wastewater flow data with the previous studies to determine if the capacity issues identified in the past are still present today. Additionally, FNI documented the hydraulic capacity of the existing wastewater system.

Existing Wastewater System

The City of Kennedale's wastewater collection system consists of eight major sewer basins. Currently, one basin flows to the City of Fort Worth (Basin D, future Basin E), five basins enter the City of Arlington's Feather Beach wastewater basin (Basins B, B-1, B-2, C, and C-1), and two basins flow to the City of Arlington's Kee Branch wastewater basin on the east side of the City (Basins 25A and A). There are also a small number of City of Arlington customers that flow into Kennedale's wastewater system on the north side of the City. The City of Kennedale sends all its wastewater to Fort Worth or Arlington for treatment and has no lift stations. Approximately 80%, 16%, and 4% of the City's wastewater flow is served by the Arlington Feather Beach Basin, the Arlington Kee Branch Basin, and the City of Fort Worth's system respectively. Figure 1 displays the existing wastewater collection system for Kennedale.

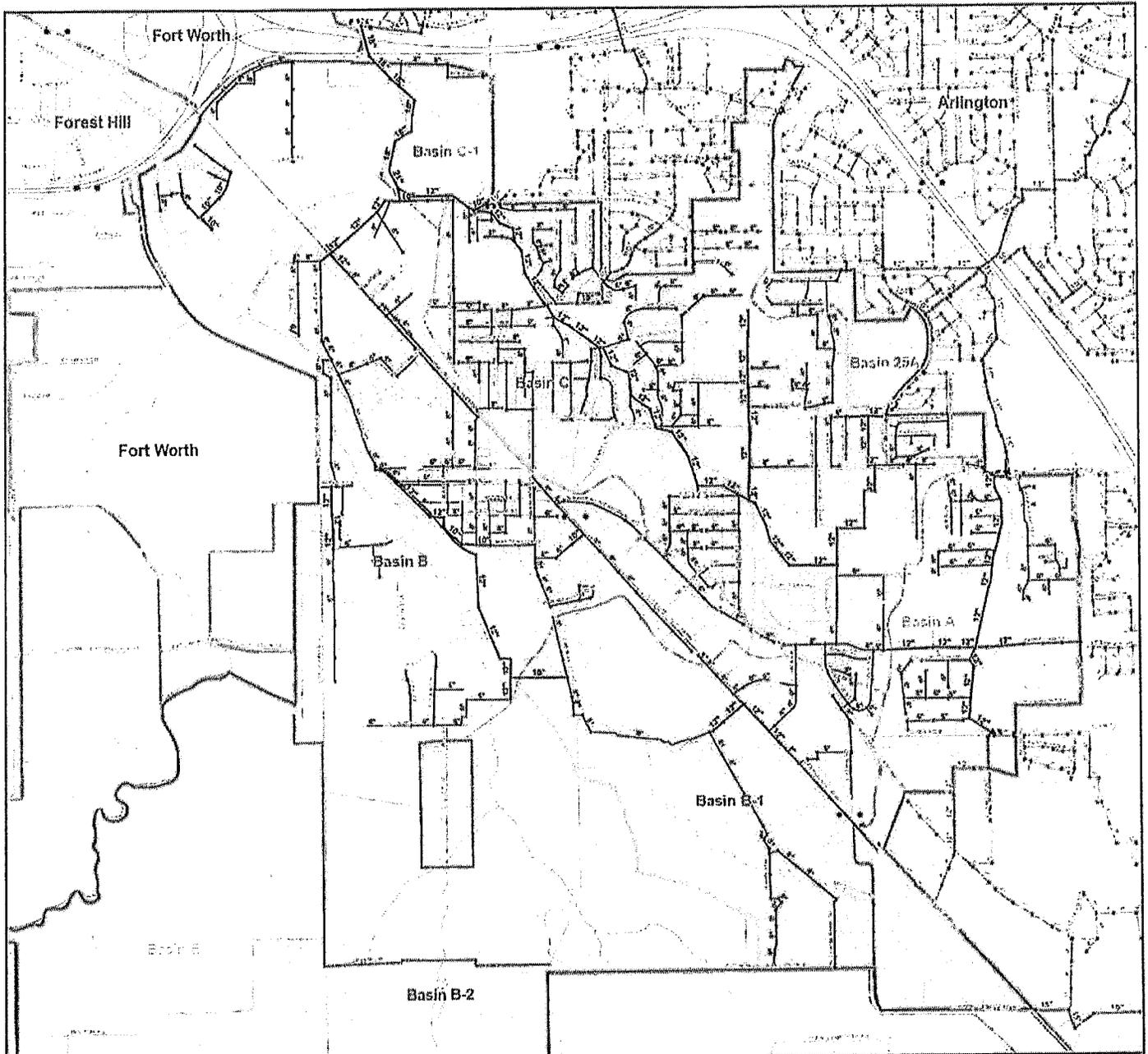


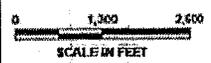
FIGURE 1
CITY OF KENNEDALE
EXISTING WASTEWATER SYSTEM

LEGEND

- | | | |
|------------------------------------|----------------------------------|----------------------------------|
| <u>Existing Wastewater System</u> | | — 8" and Smaller Wastewater Line |
| • Manhole | — 10" and Larger Wastewater Line | — Road |
| — 8" and Smaller Wastewater Line | — 10" and Larger Wastewater Line | — Stream |
| — 10" and Larger Wastewater Line | ▭ Wastewater Service Area | ▭ Parcel |
| <u>Arlington Wastewater System</u> | | ▭ Kennedale City Limit |
| • Manhole | ▭ Kennedale ETJ Boundary | ▭ Other City Limit |
| •• Meter Station | ▭ Fort Worth ETJ Boundary | |

SEWER BASINS

▭ Basin A	▭ Basin C-1
▭ Basin B	▭ Basin D
▭ Basin B-1	▭ Basin 25A
▭ Basin B-2	▭ Basin E
▭ Basin C	



City of Kennedale, Texas
 2011-2012 Comprehensive Annual Report
 Exhibit A
 Prepared by: [unreadable]
 Date: [unreadable]

Historical Projects

2009 Arlington Wastewater Master Plan: This project identified high levels of infiltration/inflow (I/I) from Kennedale's wastewater system which triggered the need for significant downstream improvements in Arlington's Feather Beach wastewater system that included:

- 42,270 LF (~8 miles) of gravity main improvements
- Upsizing 2 lift stations
- Limited corridor along Lake Arlington
- Estimated CIP cost of \$52 million in 2009 dollars for projects in Arlington's wastewater system

2014 Kennedale Wastewater Master Plan: This project identified existing system and future system deficiencies in the wastewater collection system that included:

- Existing Basin B Interceptor experiencing surcharging under peak wet weather flows
- Basin B and C-1 estimated CIP costs of \$2.3 million in 2014 dollars
- Flow meter station and SCADA CIP cost of \$0.4 million in 2014 dollars

2015 Arlington Feather Beach Lift Station Analysis: This project identified potential options for addressing capacity limitations that included:

- Reduced peak flow rates from Kennedale
- Construct improvements in both Kennedale's and Arlington's system through the Feather Beach system
- Construct improvements in both Kennedale's and Arlington's system to the Kee Branch system
- Construct improvements in Kennedale's system to redirect flow to Fort Worth's system.

2020 Kennedale Wastewater Impact Fee: This project updated the City's near-term wastewater Capital Improvement Plan. The major takeaways include:

- Existing system capacity constraints in Basin B and C-1 gravity mains
- Growth not as significant as previously projected
- Potential for growth exists if wastewater capacity and service can be provided
- Basin B and C-1 estimated CIP cost of \$4.8 million in 2021 dollars

Flow Monitoring Assessments: The Cities of Kennedale and Arlington performed temporary flow monitoring assessments in 2007, 2010, and 2013. The results of the flow monitoring assessments are shown in Table 1.



Table 1: Flow Monitoring Assessment Results

Flow Monitoring Period	Average Dry Weather Flow (MGD)	Peak Wet Weather Flow (MGD)	Peak Wet Weather to Average Dry Weather Peaking Factor	Utility
March 24 – May 22, 2007	0.68	3.28	4.82	City of Arlington
October 1 – November 5, 2010	0.66	1.92	2.91	Joint – Arlington and Kennedale
May 1 – June 9, 2013	0.50	2.31	4.62	City of Kennedale

Note: Flow data corresponds to temporary flow meters capturing flow from the Basin B Interceptor.

The major takeaways from the flow monitoring assessment include:

- I/I impacts available capacity through Kennedale and Arlington systems
- Reducing I/I could reduce or eliminate CIP in City of Arlington’s wastewater system
 - Contingent upon maintaining reduced flow from the Kennedale system (<4.0 MGD)
- Recommended system improvements to continually monitor and assess Kennedale flow conditions

Population Summary

The historical population and growth rates from 2010 to 2022 are summarized in Table 2 using North Central Texas Council of Governments (NCTCOG) and U.S. Census Bureau data. The projected population and growth rate are illustrated in Figure 2.



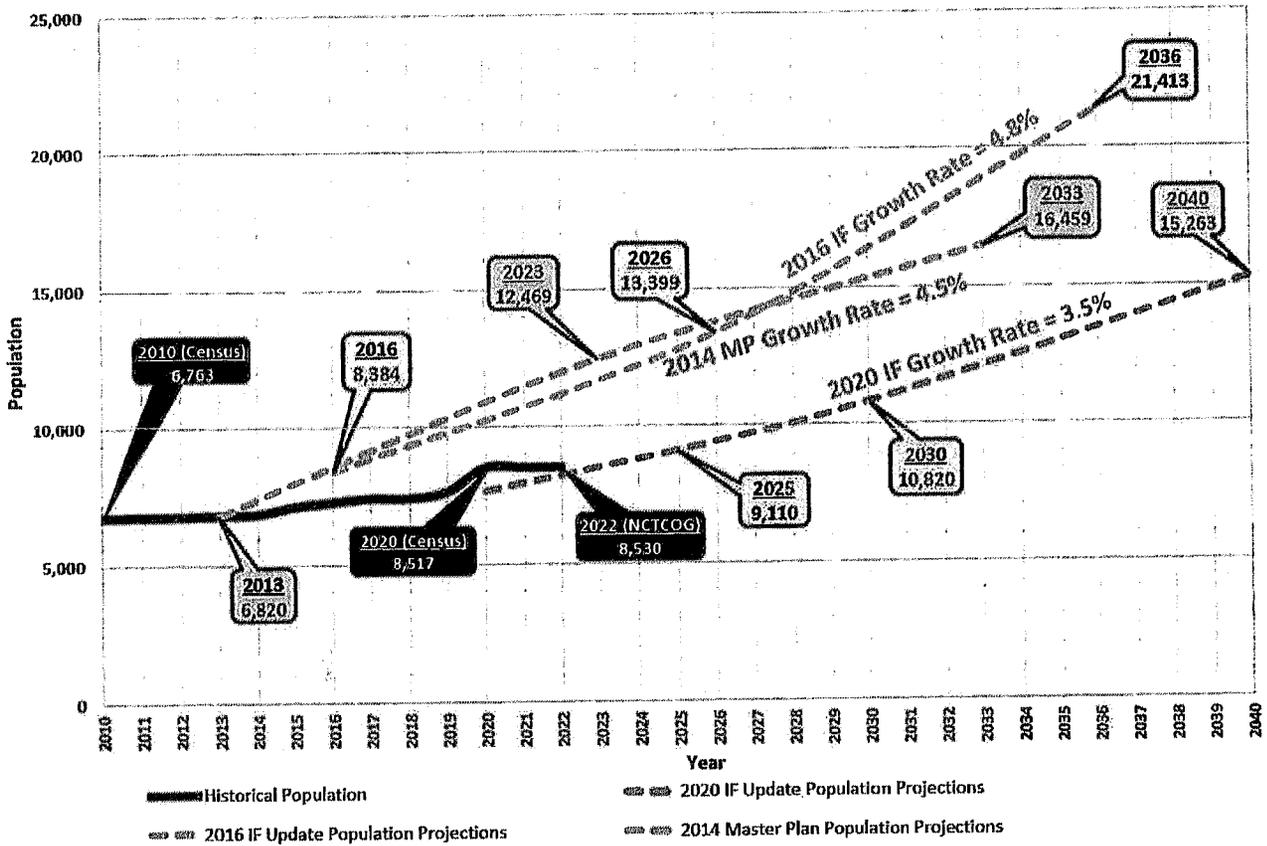
Table 2: Historical City of Kennedale Population

Year	NCTCOG Population ¹	NCTCOG Growth Rate	Census Population ²	Census Growth Rate
2010	6,763	4.85%	6,763	--
2011	6,780	0.25%	6,895	1.95%
2012	6,790	0.15%	7,047	2.20%
2013	6,820	0.44%	7,239	2.72%
2014	6,870	0.73%	7,390	2.09%
2015	7,130	3.78%	7,704	4.25%
2016	7,290	2.24%	7,890	2.41%
2017	7,420	1.78%	8,308	5.30%
2018	7,420	0.00%	8,457	1.79%
2019	7,650	3.10%	8,645	2.22%
2020	8,517	11.33%	8,522	-1.42%
2021	8,530	0.15%	8,645	1.44%
2022	8,530	0.00%	8,522	-1.42%
10-Year Average Growth		2.36%	--	1.94%
5-Year Average Growth		2.92%	--	0.57%
3-Year Average Growth		3.83%	--	-0.47%

¹Source: North Central Texas Council of Governments

²Source: U.S. Census Bureau

DRAFT Figure 2: City of Kennedale Historical Population Projections Summary

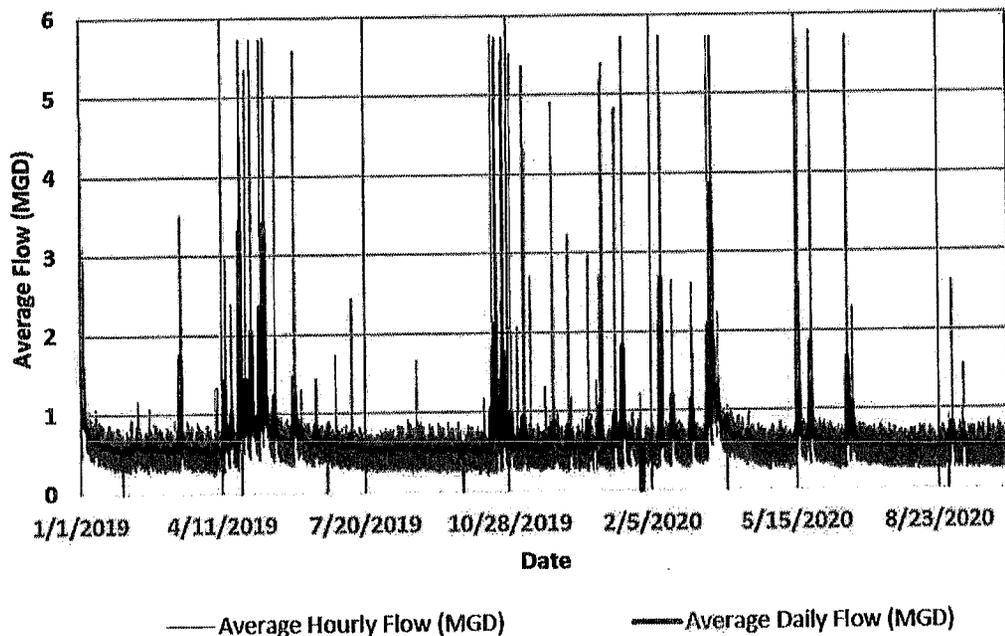




Wastewater Flow Summary

City of Arlington staff provided historical Kennedale wastewater flow data from January 2019 to August 2020 for the Feather Beach system meter. It was determined that there was an average daily flow of 0.66 MGD, a peak hourly flow of 5.72 MGD, resulting in a calculated peaking factor as high as approximately 8.7. The results of the data are summarized in Figure 3.

Figure 3: Wastewater Flow Summary 2019-2020



FNI calculated projected wastewater flows based on the population projections and design criteria from the *2020 Wastewater Impact Fee Study*. The wastewater flow projections are summarized in Table 3.

Table 3: Projected Wastewater Flow Summary

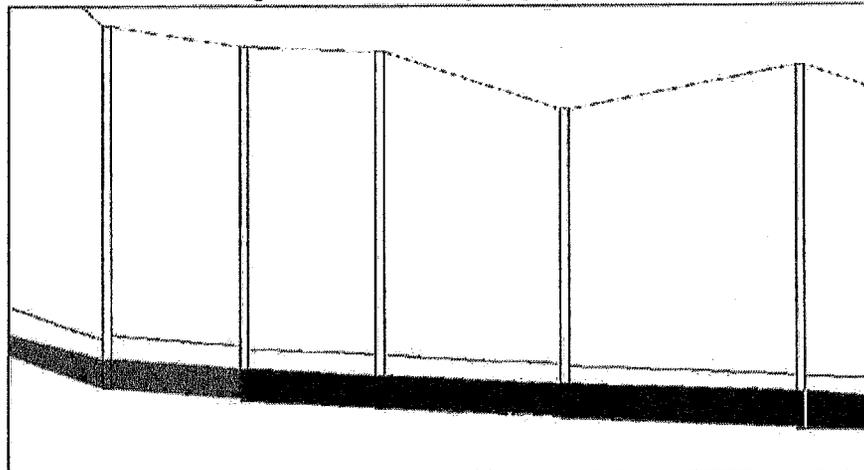
Year	Population	Average Day Flow (MGD)	Peak Day Flow (MGD)
2020	7,670	0.69	2.76
2025	9,110	0.82	3.28
2030	10,820	0.97	3.88
2040	15,263	1.37	5.48

*The 2020 projected wastewater flows are from the *2020 Impact Fee Report*.

Hydraulic Analysis of the Wastewater System

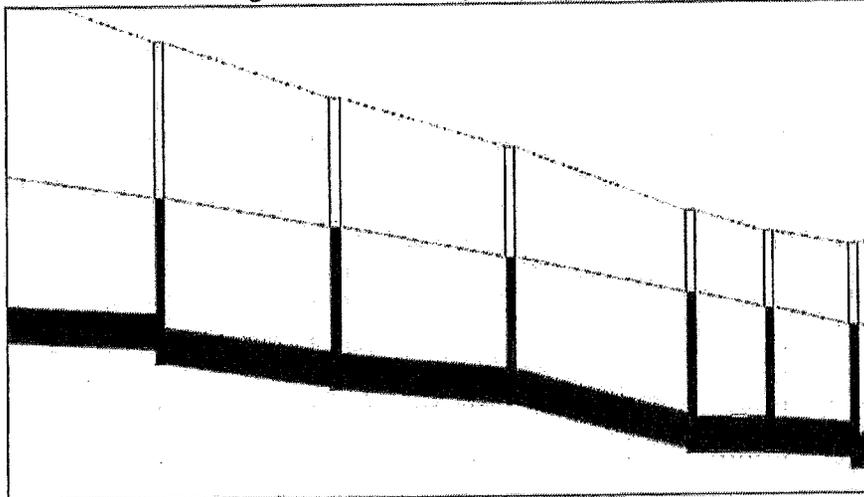
As part of the 2020 Wastewater Impact Fee Update, FNI used the updated hydraulic wastewater model to evaluate the wastewater system under peak wet weather flows. The collection system was evaluated using a q/Q ratio, where q represents the actual flow through a pipe, and Q is the capacity of that pipe. The q/Q ratio indicates whether the flow rate in the system exceeds the capacity of the network and causes surcharging. A q/Q ratio of less than 1.0 indicates the line is not surcharged and not over capacity, as shown in Figure 4. A q/Q ratio equal to or greater than 1.0 indicates that the line has surcharged, and the hydraulic gradient is greater than the gradient of the pipe. This indicates the line is surcharging due to insufficient capacity. Figure 5 gives a visual representation of the surcharged state.

Figure 4: Full Flow Capacity, $q/Q < 1.0$



* $q/Q < 1.0$, the pipe is not surcharged.

Figure 5: Full Flow Capacity, $q/Q > 1.0$



* $q/Q > 1.0$, Hydraulic gradient is greater than pipe gradient.

Figure 6 shows the q/Q ratio for every modeled pipe in the system. The sewer interceptors highlighted red are overloaded during existing peak wet weather events. The lines highlighted blue could potentially surcharge and overflow during a storm event as well. Model results indicate the Basin B interceptor experiences significant surcharging and model predicted sanitary sewer overflows under peak wet weather events. A hydraulic profile of the Basin B Interceptor under peak wet weather flows is included in Figure 7.

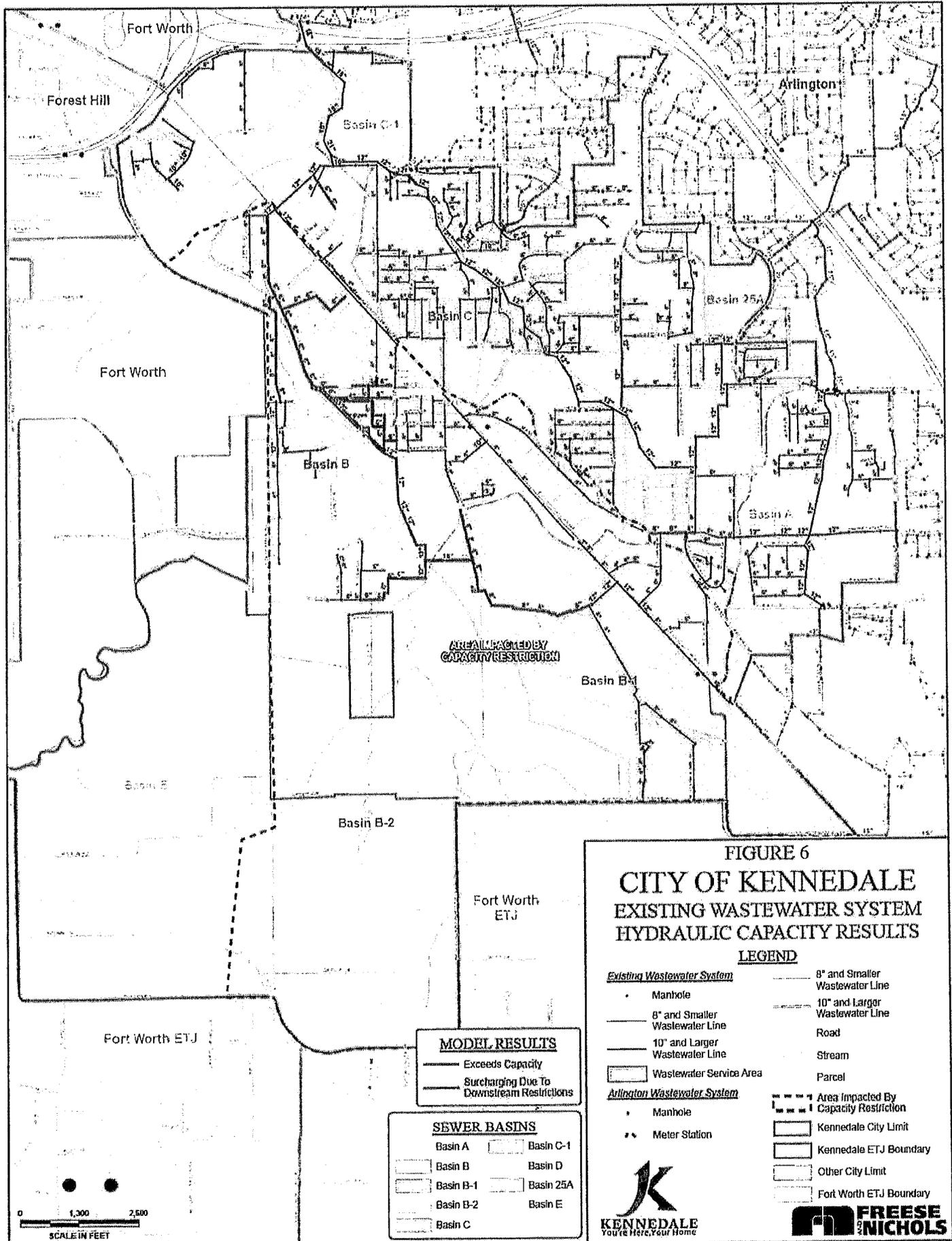


FIGURE 6
CITY OF KENNEDALE
EXISTING WASTEWATER SYSTEM
HYDRAULIC CAPACITY RESULTS

LEGEND

Existing Wastewater System

- Manhole
- 8" and Smaller Wastewater Line
- 10" and Larger Wastewater Line
- Road
- Stream
- ▭ Wastewater Service Area
- ▭ Parcel

Arlington Wastewater System

- Manhole
- Meter Station

- ▭ Area Impacted By Capacity Restriction
- ▭ Kennedale City Limit
- ▭ Kennedale ETJ Boundary
- ▭ Other City Limit
- ▭ Fort Worth ETJ Boundary

MODEL RESULTS

- Exceeds Capacity
- Surcharging Due To Downstream Restrictions

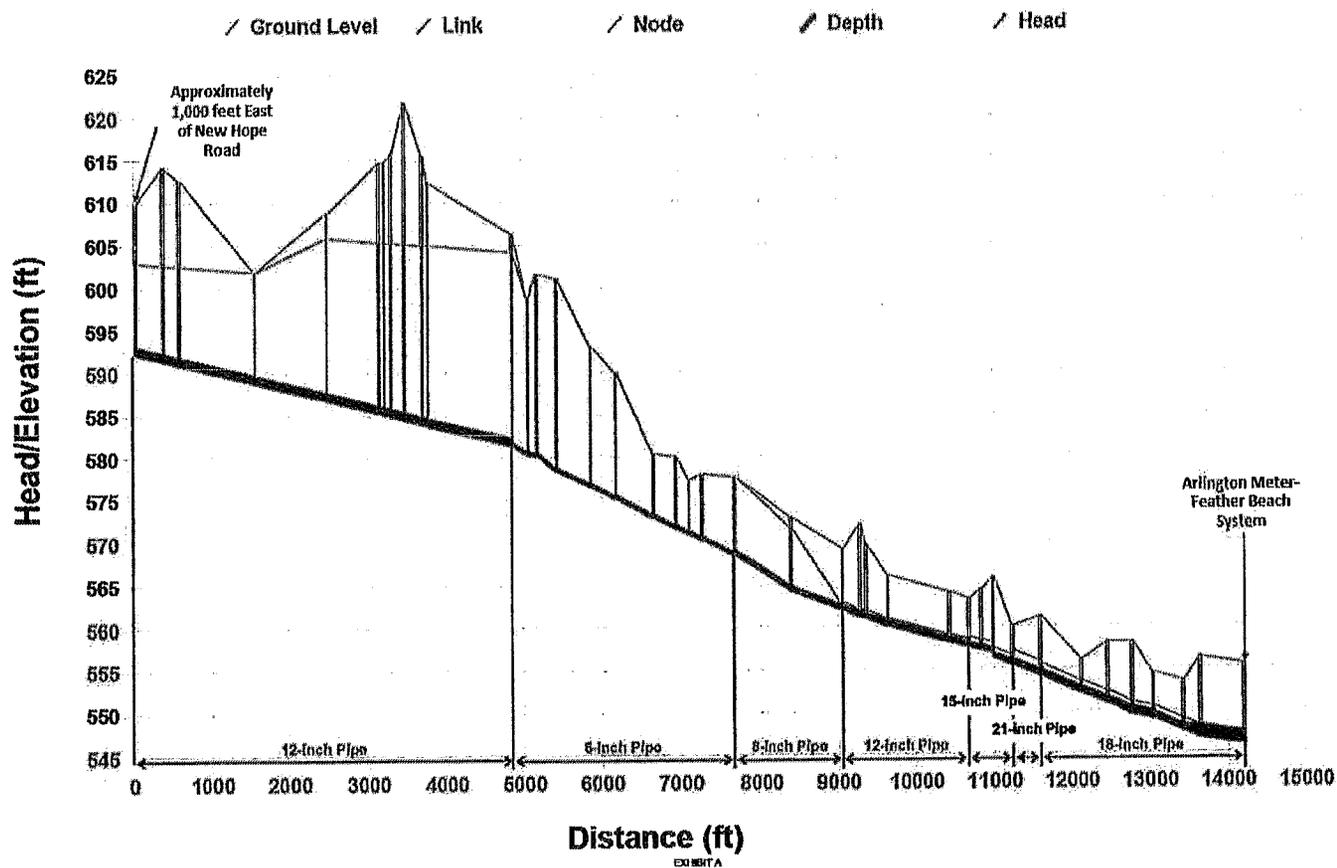
SEWER BASINS

- | | |
|-------------|-------------|
| ▭ Basin A | ▭ Basin C-1 |
| ▭ Basin B | ▭ Basin D |
| ▭ Basin B-1 | ▭ Basin 25A |
| ▭ Basin B-2 | ▭ Basin E |
| ▭ Basin C | |

0 1,300 2,500
 SCALE IN FEET



Draft Figure 7: Kennedale West Interceptor Hydraulic Profile
2020 Peak Wet Weather Flows





Conclusion

Previous wastewater studies identified hydraulic capacity constraints in the City of Kennedale's Basin B Interceptor. Since these studies have been performed, no recommended projects from the City of Kennedale's Wastewater Capital Improvement Plan have been constructed to reduce or eliminate the hydraulic capacity constraints. Recent historical meter data indicates the peak wastewater flows conveyed into the City of Arlington Feather Beach Basin have not decreased since the previous flow monitoring studies were performed. Hydraulic model results indicate the Basin B interceptor experiences significant surcharging and model predicted sanitary sewer overflows under peak wet weather flows. These results only include flows from existing customers and do not account for potential additional development. It is recommended to consider system improvements or alternatives prior to adding new customers upstream of the identified capacity constraints. The impacted area upstream of the Basin B capacity constraints is shown on Figure 6.

EXHIBIT B

**Written Findings Summary in Support of Moratorium from
Dunaway Associates, LLC dated January 11, 2023**



Dunaway No. 7618.001

January 11, 2023

Darrell Hull
City of Kennedale
405 Municipal Dr.
Kennedale, TX 76060

Reference: Written Findings Summary in Support of Moratorium

Dear Mr. Hull and the City of Kennedale:

Justification for Moratorium / Significant Need For Other Public Facilities (Section 212.1351)

The City of Kennedale has been impacted by the amount of new housing and multi-family growth over the past three years. The City encapsulates a 6.59 square mile area with an estimated population of 8,530. The city's last update to the future land use plan as part of the Comprehensive Planning process was completed in 2012. In the intervening ten years, the land use plan and subsequent Unified Development Code (UDC) have not directed growth in the community in synchronization with the ability of the city to provide adequate public facilities and services based on the increase of population growth from the new development.

In the last three years, the City of Kennedale has seen two multifamily development projects constituting 382 multifamily residential units and 423 single-family and townhome residential units. According to the American Community Survey of the US Bureau of Census, Kennedale has an average of 2.76 persons per household. The combined amount of units have had the impact of an additional increase in the population of 2,222 residents. This represents a 26% increase of the population in Kennedale over the observed population. With additional land being available and within the high-density areas as identified in the plan and within a zoning ordinance that is no longer relevant to the existing market, the projected amount of growth will result in overcapacity of municipal infrastructure or be detrimental to the health, safety, and welfare of the residents of Kennedale.

The existing UDC permits the construction of multifamily development by right in designated zoning districts. Development of the currently zoned areas with the designation of "urban villages" would significantly alter the character of those areas and impose a need for additional infrastructure, including fire protection, wastewater serves, improved road networks, police protection, and water service and drainage, and the failure to provide those public facilities would result in an

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Written Findings Summary in Support of Moratorium

July 26, 2022

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overcapacity of existing public facilities and would be detrimental to the health, safety, and welfare of the residents of Kennedale.

There are existing congested corridors that operate at high volumes. On the primary arterial highway on W. Kennedale Parkway (Business 287) through the City, the Average Daily Traffic (ADT) observed by the Texas Department of Transportation was 23,575, just south of Village Creek. On approach to the intersection with Interstate 20, the traffic density increases to 24,486.

Kennedale – Sublet Road, an east-west, two-lane connector through the community linking multiple subdivisions and multifamily developments has average daily traffic measured between 4,600 and 8,010 trips from west to east on its sections. Little School Road, a north-south arterial has ADT measured between 5,316 and 6,114.

The number of annual traffic accidents is important because it illustrates the impact of traffic operational issues within the city. The number of total accidents in the community has increased on full annual counts on major arterials by 23% from 2018 to 2021.

Additional residential development will impact traffic flow and street operations. The City needs time to evaluate how and to what extent development will impact the road network and how and to what extent zoning will affect future growth.

Utilities

The City of Kennedale entered into an agreement with the City of Arlington in 2021 in order to manage Kennedale's water and wastewater systems. While the services are provided to manage Kennedale's systems, upgrades to the system to handle the amount of development growth are not in alignment.

The City has undertaken to have the Future Land Use Section and Map of the Comprehensive Plan and land use regulations in the UDC reevaluated to study the issues arising from current zoning and development regulations including multifamily development regulations. This analysis will be a citywide effort to understand how the Future Land Use Map may be changed based on current development needs and policies of the City and to more adequately reflect the availability of funding for emergency services and public infrastructure.

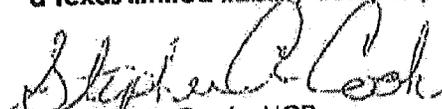
The moratorium enables the City to focus the City's development needs, modify the City's comprehensive plan and make appropriate changes to all land use regulations to ensure Kennedale is fiscally sustainable and environmentally resilient moving forward. The study and modifications to the plan and UDC are scheduled to be completed within one year.



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July 26, 2022
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Sincerely,

DUNAWAY ASSOCIATES, LLC
a Texas limited liability company



Stephen A. Cook, AICP
Senior Planner