

# CITY COUNCIL REGULAR MEETING

Tuesday, September 28, 2021 at 5:30 PM

Glen Rose City Hall, Council Chambers,  
201 NE Vernon, Glen Rose, TX 76043



## AGENDA

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Citizens can view or listen live by tuning in to the following Zoom.com webinar:  
Meeting ID: 828 4986 0478 • Passcode 130906 • or dial 1-346-248-7799

### CALL TO ORDER

Invocation

Pledge of Allegiance

Roll Call

CITIZEN/VISITOR COMMENTS *(Limited to three minutes per person.)*

### MAYOR AND COUNCIL MEMBER REPORTS

### CONSENT AGENDA

1. Consider approval or other action concerning an ordinance adding portions of Shepard Street to the table of "no parking" zones in the City's Code of Ordinances.
2. Consider approval or other action concerning amendment to HomeAway.com voluntary Hotel Occupancy Tax collection agreement.
3. Consider approval or other action concerning job descriptions for the Lead Animal Control/Code Enforcement and the Assistant Animal Control/Code Enforcement positions.

### PUBLIC HEARING

4. Public Hearing regarding a variance request to allow a shorter lot depth for the property at 404 Lakeview Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD].
5. Public Hearing regarding a variance request to allow a mobile food vendor to conduct business when special circumstances prevent the mobile food vendor from complying with or make it too burdensome to comply with all the requirements of the City's Mobile Food Vendor Ordinance as written; to allow both the stationary and commissary location of the mobile food unit be listed as the property at 1307 NE Barnard Street, Acres 0.304, Tract C7-6, Abst A136, MILAM CO SCH LD.
6. Public Hearing regarding a request to rezone the property at 404 Lakeview Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a "B-2" (General Commercial District) to an "R-2m" (Single- and Two- to Four- Family Residential District).
7. Public Hearing regarding a request to rezone the property at 407 Lakeview Street [Acres 0.637, Abst A135, MILAM CO SCH LD, LOT 1 BLOCK 1 CHEYNE WEST CHEYNE CENTER] from a B-2 (General Commercial District) to an "R-2m" (Single- and Two- to Four-Family Residential District).

8. Public Hearing regarding a request to rezone the property at 1407 NE Barnard Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a “B-2” (General Commercial District) to a “B-1” (Restricted Commercial District).

#### **INDIVIDUAL ITEMS FOR CONSIDERATION**

9. Discussion, consideration, and possible action regarding a variance request to allow a mobile food vendor to conduct business when special circumstances prevent the mobile food vendor from complying with or make it too burdensome to comply with all the requirements of the City’s Mobile Food Vendor Ordinance as written; to allow both the stationary and commissary location of the mobile food unit be listed as the property at 1307 NE Barnard Street, Acres 0.304, Tract C7-6, Abst A136, MILAM CO SCH LD.
10. Discussion, consideration, and possible action regarding a variance request to allow a shorter lot depth for the property at 404 Lakeview Street, part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD].
11. Discussion, consideration, and possible action regarding a request to rezone the property at 404 Lakeview Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a “B-2” (General Commercial District) to an “R-2m” (Single- and Two- to Four-Family Residential District).
12. Discussion, consideration, and possible action regarding a request to rezone the property at 407 Lakeview Street [Acres 0.637, Abst A135, MILAM CO SCH LD, LOT 1 BLOCK 1 CHEYNE WEST CHEYNE CENTER] from a “B-2” (General Commercial District) to an “R-2m” (Single- and Two- to Four-Family Residential District).
13. Discussion, consideration, and possible action regarding a request to rezone the property at 1407 NE Barnard Street [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a “B-2” (General Commercial District) to a “B-1” (Restricted Commercial District).
14. Discussion, consideration, and possible action on closing the streets on east and west sides of the Courthouse Square for fall festival happenings on October 9, 16, 23, and 30. (Harris)

#### **EXECUTIVE SESSION**

15. Texas Government Code, Section 551.071 – Consultation with Attorney – Legal Counsel regarding disannexation.
16. Texas Government Code, Section 551.087 – Economic Development

#### **ACTION ON EXECUTIVE SESSIONS ITEMS**

17. Discussion, consideration, and possible action on item discussed in Executive Session regarding disannexation.
18. Discussion, consideration, and possible action on item discussed in Executive Session regarding Economic Development.



ADJOURN

CERTIFICATION

I, the undersigned authority, do hereby certify that this NOTICE OF MEETING was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance of the City of Glen Rose City Hall, a place convenient and readily accessible to the general public, as well as to the City's website at [www.glenrosetexas.org](http://www.glenrosetexas.org) and said notice was posted on the following date and time: Friday, September 24, 2021 by 5:00 PM and remained posted for at least two hours after said meeting was convened.

This building is wheelchair accessible. Any request for sign interpretation or other services should be made 48 hours in advance of the meeting. To make arrangements, call the City Secretary's office at (254) 897-2272 x 102.



STEPHANIE RITCHIE  
City Secretary

Certification of NOTICE OF MEETING was removed on: \_\_\_\_\_ at \_\_\_\_\_ am/pm  
by \_\_\_\_\_



## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                  |                        |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                                        | 09/28/2021                                                                                                                                                       |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                                                     | Consider approval or other action concerning an ordinance adding portions of Shepard Street to the table of "no parking" zones in the City's Code of Ordinances. |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                                        | City Administrator Leamons                                                                                                                                       | <b>DATE SUBMITTED:</b> | 09/22/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                                           | Ordinance Adding Portions of Shepard Street to the Table of "No Parking" Zones                                                                                   |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                                                   | <b>Required Expenditure:</b>                                                                                                                                     | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                            | <b>Amount Budgeted:</b>                                                                                                                                          | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                            | <b>Appropriation Required:</b>                                                                                                                                   | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                                        |                                                                                                                                                                  |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                  |                        |            |
| <p>At the September 14<sup>th</sup> City Council Meeting the Council approved new "no parking" zones on Shepard Street at the request of the Somervell County Fire Department and directed staff to prepare an Ordinance to adding Shepard Street to the table of "no parking" zones in the City's Code of Ordinances.</p> |                                                                                                                                                                  |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                  |                        |            |
| Approve Ordinance as submitted.                                                                                                                                                                                                                                                                                            |                                                                                                                                                                  |                        |            |

## ORDINANCE NO. 2021.09.21A

**AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS AMENDING THE CODE OF ORDINANCES, CHAPTER 12 "TRAFFIC AND VEHICLES", SECTION 12.04 "PARKING STOPPING AND STANDING", DIVISION 2 "PARKING SCHEDULE", SUBSECTION 041 "NO PARKING ZONE", TO PROVIDE FOR NO PARKING ON THE EAST SIDE OF SHEPARD STREET FROM 54' SOUTH OF COLLEGE STREET, NORTH TO HOLDEN STREET AND ON THE WEST SIDE OF SHEPARD STREET IN FRONT OF THE FIRE DEPARTMENT; ESTABLISHING A PENALTY OF A FINE NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING A SAVINGS/REPEALING CLAUSE, A SEVERABILITY CLAUSE, AND A PROPER NOTICE, MEETING, AND QUORUM CLAUSE; REQUIRING PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Glen Rose is a Type A General Law Municipality;

**WHEREAS**, pursuant to §541.002(3) of the Texas Transportation Code (TTC) a municipality is a "local authority";

**WHEREAS**, pursuant to §541.302 of the TTC a "Highway or street means the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel";

**WHEREAS**, pursuant to §542.201 of the TTC a local authority may regulate traffic in a manner that doesn't conflict with provisions in the TTC "Rules of the Road" subtitle;

**WHEREAS**, pursuant to §542.202 of the TTC the "Rules of the Road" subtitle "does not prevent a local authority, with respect to a highway under its jurisdiction and in the reasonable exercise of the police power, from...regulating the stopping, standing, or parking of a vehicle";

**WHEREAS**, the Somervell County Fire Department (SCFD) informed the City that, "The Fire Department is having a problem pulling out of the fire station onto Shepard St. due to vehicles parking on the east part of the street curb" and requested "No Parking' signs along the east part of the curb on the street from the 110 block of Shepard St. to Holden St. at the Stop sign, and one 'No Parking' sign on west curb on the fire department property";

**WHEREAS**, the SCFD "talked to Glen Rose ISD on 8-26-2021 and they are onboard with the 'No Parking' signs on Shepard St."; and,

**WHEREAS**, the City Council has determined for the good government, peace, and order of

the municipality, a “No Parking” zone should be established in the areas requested by the SCFD.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:**

**SECTION 1 (OF 7)  
INCORPORATION OF RECITALS**

All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

**SECTION 2 (OF 7)  
AMENDING SEC. 12.04.041  
“NO PARKING ZONES” TABLE**

The Table located in Chapter 12 "Traffic and Vehicles", Section 12.04 "Parking Stopping and Standing", Division 2 “Parking Schedules”, Subsection 12.04.041 “No Parking Zones” shall be amended to add the following row: (Street) Shepard Street; (Location) East side of Shepard Street from fifty-four (54) feet south of College Street, North to Holden Street and on the West side of Shepard Street directly in front of the Fire Department property; (Ordinance No.) 2021.09.21A.

**SECTION 3 (OF 7)  
PENALTY**

That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the City’s Code of Ordinances (CCO), as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two hundred dollars (\$200) for each offense.

**SECTION 4 (OF 7)  
SAVINGS/REPEALING CLAUSE**

Chapter 12 of the CCO shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5 (OF 7)  
SEVERABILITY CLAUSE**

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared

unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 6 (OF 7)**  
**PROPER NOTICE, MEETING, AND QUORUM CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted by majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to Section 22.039 of the Texas Local Government Code.

**SECTION 7 (OF 7)**  
**EFFECTIVE DATE**

This Ordinance shall take effect immediately after its passage and publication in the City's official newspaper.

**PASSED AND APPROVED** this the 28<sup>th</sup> day of September, 2021.

**APPROVED:**

\_\_\_\_\_  
**Julia Douglas, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Stephanie Ritchie, City Secretary**



## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                            |                        |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                                                                                                        | 09/28/2021                                                                                                                 |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                                                                                                                     | Consider approval or other action concerning amendment to HomeAway.com voluntary Hotel Occupancy Tax collection agreement. |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                                                                                                        | City Administrator Leamons                                                                                                 | <b>DATE SUBMITTED:</b> | 09/22/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                                                                                                           | Amendment to HomeAway.com Voluntary Collection Agreement;<br>Original Voluntary Collection Agreement                       |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                                                                                                                   | <b>Required Expenditure:</b>                                                                                               | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                            | <b>Amount Budgeted:</b>                                                                                                    | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                            | <b>Appropriation Required:</b>                                                                                             | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                            |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                            |                        |            |
| <p>Due to the recently approved Interlocal Agreement Between the City and the County concerning Hotel Occupancy Tax Services, staff has been working on redirecting Hotel Occupancy Tax payments to Somervell County. The legal counsel for HomeAway.com asked that the City approve the attached contract amendment, which has been reviewed and approved by City Attorney Pendleton.</p> |                                                                                                                            |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                            |                        |            |
| Approve contract amendment with HomeAway.com as submitted.                                                                                                                                                                                                                                                                                                                                 |                                                                                                                            |                        |            |

## AMENDMENT TO VOLUNTARY COLLECTION AGREEMENT

THIS AMENDMENT TO VOLUNTARY COLLECTION AGREEMENT ("Amendment") is dated \_\_\_\_\_, 2021 and is between HOMEAWAY.COM, INC., a Delaware corporation ("HomeAway"), and THE CITY OF GLEN ROSE, TEXAS (the "City "). Each party may be referred to individually as a "Party" and collectively as the "Parties."

WHEREAS, HomeAway and the City entered into a Voluntary Collection Agreement for the City's Hotel Occupancy Tax (the "Tax") dated February 24, 2020 ("Agreement") and attached as Exhibit 1 to the Amendment.

WHEREAS, the Agreement provided that HomeAway would voluntary collect the Tax and remit it to the City.

WHEREAS, effective July 15, 2021, the City entered into an Interlocal Agreement for Hotel Occupancy Services ("Interlocal Agreement") with Somervell County, Texas (the "County"). Pursuant to the Interlocal Agreement, the County has assumed the administrative obligations for the City's Tax and pursuant to that Interlocal Agreement, the City has requested that HomeAway pay the City's Tax under the Agreement to the County.

HomeAway and the City enter into this Amendment voluntarily in order to facilitate the reporting, collection, and remittance of the Tax as set forth in the Agreement as follows:

1. The Parties agree to amend Section 2 of the Agreement and direct HomeAway to remit all Tax collected pursuant to the Agreement to the County.
2. The Parties agree that HomeAway will remit the Tax to the County unless and until instructed otherwise by the City in writing.
3. Except for the terms set forth in Paragraphs 1 and 2 of this Amendment, the terms of the Parties' Agreement remain unchanged.
4. The Parties represent and warrant that they each have the legal authority to enter this Amendment, that the person executing the Amendment on behalf of either Party is authorized to do so, and that the Amendment shall be binding and enforceable when duly executed and delivered by each Party.
5. This Amendment is executed in two (2) counterparts, each of which shall be deemed an original.

THE CITY OF GLEN ROSE, TEXAS

By: \_\_\_\_\_

\_\_\_\_\_ day of \_\_\_\_\_, 2021



HOMEAWAY.COM INC., a Delaware corporation

By: \_\_\_\_\_  
Tom Pucci

\_\_\_\_\_ day of \_\_\_\_\_, 2021

## VOLUNTARY COLLECTION AGREEMENT

THIS VOLUNTARY COLLECTION AGREEMENT ("Agreement") is dated February 24, 2020 and is between HOMEAWAY.COM, INC., a Delaware corporation ("HomeAway"), and City of Glen Rose, Texas (the "City"). Each party may be referred to individually as a "Party" and collectively as the "Parties."

HomeAway and its subsidiaries operate an internet based platform that allows homeowners ("Homeowners") to advertise the availability of their properties to travelers ("Guests") seeking accommodations through various brands and websites, including, but not limited to, HomeAway, Vrbo, and VacationRentals.com ("HomeAway Platform").

HomeAway and the City enter into this Agreement voluntarily in order to facilitate the reporting, collection, and remittance of the Hotel Occupancy Tax imposed under Section 11.04.001 of the City's Code (the "Tax") by Homeowners and Guests on the HomeAway Platform for occupancy of accommodations located in the City, including its extraterritorial jurisdiction, in accordance with this Agreement as follows:

1. With respect to any transaction between a Homeowner and a Guest booked and paid for through the HomeAway Platform for accommodations for which Tax is due, and during the period in which this Agreement is in effect (as defined below), and solely pursuant to the terms and conditions of this Agreement, HomeAway agrees to collect and remit Tax.
2. Tax shall be collected and remitted at the applicable rate by HomeAway based upon the entire amount charged by the Homeowner in connection with the transaction, including but not limited to the following fees charged by a Homeowner: rental fee, service fee, booking fee, cleaning fee, property damage fee, and any other use-related fee; but excluding refundable damage deposits. HomeAway shall file returns on a quarterly basis on the form and manner described in the Tax or as agreed between the parties in writing.
3. HomeAway agrees to commence collecting and remitting Tax starting on April 1, 2020 (the "Effective Date"). For the avoidance of doubt, this Agreement to collect shall not extend to any period or transaction prior to the Effective Date or after the termination of this Agreement, or to any user's transaction completed through any means, method or platform other than the HomeAway Platform.
4. On a prospective basis upon the Effective Date of this Agreement, and during any period in which this Agreement is in effect, in accordance with the terms of this Agreement, HomeAway agrees contractually to assume liability for any failure to report, collect, and/or remit the correct amount of Tax, including, but not limited to, penalties and interest, lawfully and properly imposed in compliance with law. Nothing contained herein nor any action taken pursuant to this Agreement, including but not limited to the collection or remittance of Tax, shall impair, restrict, or prevent HomeAway from asserting that any Tax and/or penalties, interest, fines, or other amounts assessed against it were not due or are the subject of a claim for refund under applicable law, or from enforcing any and all rights accorded to it pursuant to law.
5. During any period in which this Agreement is in effect, and without waiving any audit rights provided to the City, with respect to any transaction for which Tax is due and

paid pursuant to this Agreement, the City agrees to audit HomeAway in the manner provided in the Tax, except that: (a) HomeAway will not be required on the basis of this Agreement to disclose the Homeowner or Guest name or property address at issue; and (b) the City shall not, directly or indirectly, audit any individual Guest or Homeowner relating to such. Nothing in this paragraph prevents the City from auditing an individual who (or entity that) happens to be a Homeowner based upon transactions that the City learns of independently.

6. Upon the City's request in connection with an audit, HomeAway shall submit all applicable transaction data based on reservation ID, or other type of transaction ID, as maintained by HomeAway in its ordinary course of business. The Parties agree that HomeAway is not required, on the basis of this Agreement, to produce any Homeowner or Guest name or address relating to any transaction in connection with an audit or otherwise, except pursuant to a lawfully issued subpoena.

7. During any period in which this Agreement is in effect, and on the condition that HomeAway is in compliance with its obligations under this Agreement, and solely with respect to a Homeowner's activity on the HomeAway Platform, said Homeowner shall not be required to individually register with the City to collect, remit and report Tax. However, nothing in this Agreement shall relieve Guests or Homeowners from any responsibilities with respect to Tax, including, without limitation, any obligation to register with the City or to collect, remit, and report Tax for transactions completed through any other means, method, device, or platform, or restrict the City from investigating or enforcing any provision of applicable law against any such person or entity for any occupancy arranged directly or indirectly through any other means.

8. The City agrees, for the purpose of facilitating this Agreement, that it shall not make any assessment, supplemental assessment, or claim for Tax as to HomeAway for any period preceding the Effective Date of this Agreement; and it releases and discharges any claims against HomeAway (and its present or former: successors, direct or indirect members, parents, subsidiaries, affiliates, agents, legal representatives, insurers, employees, officers, directors and shareholders) from any and all past, present, or future assessments, causes of action, claims, demands, expenses, damages, or losses, of whatever kind or nature, known or unknown, asserted or unasserted, in law or equity, whether statutory or common law, which existed, accrued, or arose related to the Tax for the period preceding the Effective Date of this Agreement.

9. Any and all tax returns, information, data, records or documents provided to the City in connection with this Agreement, including but not limited to any audit, shall be deemed confidential and shall not be shared with any third party, including but not limited to any other governmental agency or any other jurisdiction.

10. This Agreement is solely for the purpose of facilitating the administration and collection of Tax due for transactions booked and paid for through the HomeAway Platform. It is expressly understood and agreed by the Parties that neither Party has made any concessions regarding the merits of its respective positions nor the merits of the other Party's positions with respect to the collection of Tax addressed in this Agreement.

11. The City agrees to work with HomeAway to answer any questions received from Homeowners and the public about HomeAway's tax collection and remittance process under this Agreement. If requested by the City, HomeAway will provide information to the City to be used by the City to answer questions from Homeowners, travelers and others.

12. No modification of this Agreement shall be effective unless in writing and signed by both parties.

13. This Agreement may be terminated by HomeAway or the City upon 30 days' written notification to the other Party. Any termination under this Paragraph shall not affect the duty of HomeAway to remit to the City any Tax collected from Guests up through and including the effective date of termination of this Agreement, even if not remitted by HomeAway to the City as of the date of termination.

14. This Agreement, its construction and any and all disputes arising out of or relating to it, shall be interpreted in accordance with the substantive laws of the State of Texas without regard to its conflict of law principles.

15. This Agreement contains the entire agreement of the Parties with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements, and understandings with respect thereto.

16. The Parties represent and warrant that they each have the legal authority to enter this Agreement, that the person executing the Agreement on behalf of either Party is authorized to do so, and that the Agreement shall be binding and enforceable when duly executed and delivered by each Party.

17. This Agreement is executed in two (2) counterparts, each of which shall be deemed an original.

18. This Agreement has been jointly prepared by the Parties hereto, and shall not be construed more strictly against either Party.

19. Neither Party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other Party which consent shall not be unreasonably withheld. Notwithstanding the foregoing, HomeAway may assign this Agreement in its entirety without the City's consent in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets provided the assignee has agreed to be bound by all of the terms of this Agreement and all Tax and all other sums due at the time of the attempted assignment have been paid in full. Any attempt by a Party to assign its rights or obligations under this Agreement in breach of this section shall be void and of no effect. Subject to the foregoing, this Agreement shall bind and inure to the benefit of the Parties, their respective successors, and permitted assigns.

20. All notices under this Agreement shall be in writing and shall be deemed to have been given upon: (i) personal delivery; (ii) the third business day after first class mailing, postage prepaid; or (iii) the second business day after sending by overnight mail, by facsimile with telephonic confirmation of receipt, or by email. Notices shall be addressed to the

attention of the following persons, provided each Party may modify the authorized recipients by providing written notice to the other Party:

To HomeAway: HomeAway.com, Inc.  
Attn: Tom Pucci  
1111 Expedia Group Way, West  
Seattle, WA 98119  
Email: tpucci@expediagroup.com

*With a copy to:* HomeAway.com, Inc.  
Attn: Christy Vernor  
11800 Domain Blvd, Ste 300  
Austin, TX 78758  
Email: cvernor@expediagroup.com

To the City: City of Glen Rose, Texas  
Michael Leamons  
City Administrator  
201 NE Vernon, P.O. Box 1949  
Glen Rose, TX 76043254  
Email: michael.leamons@glenrosetexas.org



CITY OF GLEN ROSE

By: Pamela Miller  
Pamela Miller, Mayor

24<sup>th</sup> day of February, 2020.

HOMEAWAY.COM, INC., a Delaware corporation

By: Tom Pucci  
Tom Pucci

26<sup>th</sup> day of February, 2020





## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                         |                        |            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                  | 09/28/2021                                                                                                                                                              |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                               | Consider approval or other action concerning job descriptions for the Lead Animal Control/Code Enforcement and the Assistant Animal Control/Code Enforcement positions. |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                  | City Administrator Leamons                                                                                                                                              | <b>DATE SUBMITTED:</b> | 09/22/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                     | Lead Animal Control/Code Enforcement Position and Assistant Animal Control/Code Enforcement Position Job Descriptions                                                   |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                             | <b>Required Expenditure:</b>                                                                                                                                            | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                      | <b>Amount Budgeted:</b>                                                                                                                                                 | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                      | <b>Appropriation Required:</b>                                                                                                                                          | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                  |                                                                                                                                                                         |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                      |                                                                                                                                                                         |                        |            |
| <p>Due to the recent reconfiguration of the City's Animal Control and Code Enforcement operations as discussed during the budget process, job descriptions have been developed for the Lead Animal Control Officer/Code Enforcement and the Assistant Animal Control/Code Enforcement positions.</p> |                                                                                                                                                                         |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                           |                                                                                                                                                                         |                        |            |
| <p>Approve job descriptions for the Lead Animal Control Officer/Code Enforcement Position and the Assistant Animal Control/Code Enforcement Position as submitted.</p>                                                                                                                               |                                                                                                                                                                         |                        |            |

**CITY OF GLEN ROSE, TEXAS****Job Description**

**JOB TITLE:** Lead Animal Control Officer / Code Compliance

**DEPARTMENT:** Building Planning / Code Compliance

**REPORTS TO:** Building Official

**JOB SUMMARY:**

The Lead Animal Control Officer shall protect residents from and educate the community about stray or vicious animals and related diseases. The ability to establish and maintain effective working relationships; communicate effectively, both verbally and in writing; and maintain appropriate necessary certifications. Reports to the Building Official. Creates schedule, programs and daily administration of all Animal Control operations. Responsible for maintaining records and narcotics in Animal Control. The Lead Officer is designated as the Certified Rabies Control Officer. The Lead Animal Control Officer is responsible for the hiring and firing and training of staff. It is up to the Lead AC Officer to create a budget for Animal Control as well as maintain an approved budget. Works 40 or more hours per week with a schedule as dictated by the needs of the job. Often involves holidays and weekends. Subject to emergency callouts.

This position also serves as Code Compliance and shall exercise the powers and perform the duties listed for that position in the City's Code of Ordinances, which include but are not limited to, identifying and abating violations of the City's fire, nuisance, and building regulations.

**EXAMPLES OF JOB DUTIES:**

- Supervises Animal Control Staff. May provide some training to less experienced staff members.
- Oversees the maintenance of and maintains animal holding facilities, grounds, vehicle(s), and equipment in accordance with state and local regulations (including painting, cleaning and daily care of the animals).
- Educates the community regarding stray and vicious animals and diseases.
- Serves as the Local Rabies Control Authority.
- Patrols within the city limits for stray, injured, diseased or vicious animals and responds to citizen concerns regarding the same.
- Responds to emergency situations, such as cruelty to animal concerns, animal bites and scratch cases (including quarantine), poisonous or dangerous animals, within the city limits and investigating citizen concerns for the same.
- Removes dead animals, transporting and disposing of properly, including apprehending, lifting, and carrying animals.
- Captures, impounds, and handles disposition of animals, continually working to clear impounded animals from the shelter, either through adoption, transfer to another agency, or euthanasia.
- Performs euthanasia, using humane methods.
- Advertises animals available for adoption on the Shelter's social media site.
- Maintains up-to-date records and files on animals collected, care and disposition of each animal
- Issues verbal warnings regarding animal violations and enforces state and local laws related to animals. Makes court appearances as required.
- Maintains a neat appearance.

- Identify and abate violations of the City's codes and regulations. Makes court appearances as required.
- Patrol the City to identify code violations.
- Conduct follow up investigations on noted violations and citizen complaints.
- Other duties as assigned.

### **WORKING CONDITIONS:**

- Works 40 or more hours per week with a schedule as dictated by the needs of the job.
- Often involves holidays and weekends.
- Subject to emergency call-outs.

### **MINIMUM REQUIREMENTS:**

- High School Diploma or GED
- Valid Texas Class "C" Driver's License and must be insurable.
- Must have Texas Department of Health Certified Animal Control Officer certification or the ability to obtain certifications within 120 days (as required by law).
- Certification in animal euthanasia or the ability to obtain certification within a 6 month period.
- Proficient in use of the internet, email services, google docs/ MS Office software.
- Must have or be willing to obtain a Rabies vaccination.
- Preferred experience working for a municipality in Code Compliance.

### **ABILITIES REQUIRED:**

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Ability to see and hear; communicate in the English language; carry items weighing up to 80 pounds and lift to a height of 3-5 feet; walk, stand and kneel for extended periods of time; push and pull up to 200 pounds; climb ladders; perform heavy manual labor in conditions of extreme heat and cold, and in the presence of extreme noise, dust, filth, and possible mechanical or chemical hazards as well as traffic hazards; operate equipment including mowers, trimmers, edger's and other lawn equipment; drive in a safe and responsible manner; must have the ability to obtain, and maintain Texas Department of Health Certified Animal Control Officer and euthanasia certification, follow oral and written instructions, and cross-train in other departments as needed; must be able to develop and maintain a positive working relationship with fellow employees and the general public. Must be able to learn state and local codes and laws concerning nuisances and building maintenance requirements. At the discretion of the Building Official, may be required to obtain and maintain Code Enforcement Officer Certification.

### **Disclaimer**

The above statements are intended to describe the general nature and level of work being performed by people assigned to this classification. They are not to be construed as an exhaustive list of all responsibilities, duties, and skills required of personnel so classified. All personnel may be required to perform duties outside of their normal responsibilities from time to time, as needed, and are subject to the requirements of the City's Personnel Policy.

Title: Lead Animal Control Officer  
Pay Grade: Hourly



Management, yes or no?

No (Supervisory Only)

Classification:

Regular, Full-time, non-exempt

**CITY OF GLEN ROSE, TEXAS****Job Description**

**JOB TITLE:** Animal Control Officer / Compliance

**DEPARTMENT:** Building Planning / Compliance

**REPORTS TO:** Lead Animal Control Officer

**JOB SUMMARY:**

The Animal Control Officer shall protect residents from and educate the community about stray or vicious animals and related diseases. This position reports directly to the Lead Animal Control Officer. The ability to establish and maintain effective working relationships; communicate effectively, both verbally and in writing; and maintain appropriate necessary certifications. Often involves holidays and weekends. Subject to emergency callouts.

This position also serves as Code Compliance and shall exercise the powers and perform the duties listed for that position in the City's Code of Ordinances, which include but are not limited to, identifying and abating violations of the City's fire, nuisance, and building regulations.

**EXAMPLES OF JOB DUTIES:**

- Maintains animal holding facilities, grounds, vehicle(s), and equipment in accordance with state and local regulations (including painting, cleaning, and daily care of the animals).
- Educates the community regarding stray and vicious animals and diseases.
- Patrols within the city limits for stray, injured, diseased or vicious animals and responds to citizen concerns regarding the same.
- Responds to emergency situations, such as cruelty to animal concerns, animal bites and scratch cases (including quarantine), poisonous or dangerous animals, within the city limits and investigating citizen concerns for the same.
- Removes dead animals, transporting and disposing of properly, including apprehending, lifting and carrying animals.
- Captures, impounds, and handles disposition of animals, continually working to clear impounded animals from the shelter, either through adoption, transfer to another agency, or euthanasia.
- Performs euthanasia, using humane methods.
- Advertises animals available for adoption on the Shelter's social media site.
- Maintains up-to-date records and files on animals collected, care and disposition of each animal.
- Issues verbal warnings regarding animal violations and enforces state and local laws related to animals. Makes court appearances as required.
- Maintains a neat appearance.
- Identify and abate violations of the City's codes and regulations.
- Patrol the City to identify code violations.
- Conduct follow up investigations on noted violations and citizen complaints. Makes court appearances as required.
- Other duties as assigned.

**WORKING CONDITIONS:**

- Often involves holidays and weekends.
- Subject to emergency callouts.

### **MINIMUM REQUIREMENTS:**

- High School Diploma or GED
- Valid Texas Class "C" Driver's License and be insurable.
- Must have Texas Department of Health Certified Animal Control Officer certification or the ability to obtain certifications within 120 days (as required by law).
- Must have certification in animal euthanasia or the ability to obtain certification within a 6-month period.
- Proficient in use of the internet, email services, google docs/ MS Office software.
- Must have or be willing to obtain a Rabies vaccination.
- Preferred experience working for a municipality in Code Compliance.

### **ABILITIES REQUIRED:**

The physical demands described herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Ability to see and hear; communicate in the English language; carry items weighing up to 80 pounds and lift to a height of 3-5 feet; walk, stand and kneel for extended periods of time; push and pull up to 200 pounds; climb ladders; perform heavy manual labor in conditions of extreme heat and cold, and in the presence of extreme noise, dust, filth, and possible mechanical or chemical hazards as well as traffic hazards; operate equipment including mowers, trimmers, edger's and other lawn equipment; drive in a safe and responsible manner; must have the ability to obtain, and maintain Texas Department of Health Certified Animal Control Officer and euthanasia certification, follow oral and written instructions, and cross-train in other departments as needed; must be able to develop and maintain a positive working relationship with fellow employees and the general public. Must be able to learn state and local codes and laws concerning nuisances and building maintenance requirements. At the discretion of the Building Official, may be required to obtain and maintain Code Enforcement Officer Certification.

### **Disclaimer**

The above statements are intended to describe the general nature and level of work being performed by people assigned to this classification. They are not to be construed as an exhaustive list of all responsibilities, duties, and skills required of personnel so classified. All personnel may be required to perform duties outside of their normal responsibilities from time to time, as needed, and are subject to the requirements of the City's Personnel Policy.

|                        |                                |
|------------------------|--------------------------------|
| Title:                 | Animal Control Officer         |
| Pay Grade:             | Hourly                         |
| Management, yes or no? | No                             |
| Classification:        | Regular, Full time, non-exempt |



## CITY COUNCIL AGENDA ACTION FORM

|                                     |                                                                                                                                                                                            |                        |            |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                                                                                                 |                        |            |
| <b>AGENDA SUBJECT:</b>              | Public Hearing regarding a variance request to allow a shorter lot depth for the property at 404 Lakeview Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD]. |                        |            |
| <b>PREPARED BY:</b>                 | Rowena West                                                                                                                                                                                | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                                                                                                            |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                                                                                               | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                                                                                                    | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                                                                                                             | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                                                                                                            |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                                                                                                            |                        |            |
|                                     |                                                                                                                                                                                            |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                                                                                                            |                        |            |
|                                     |                                                                                                                                                                                            |                        |            |



## CITY COUNCIL AGENDA ACTION FORM

|                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                        |            |
| <b>AGENDA SUBJECT:</b>              | Public Hearing regarding a variance request to allow a mobile food vendor to conduct business when special circumstances prevent the mobile food vendor from complying with or make it too burdensome to comply with all the requirements of the City's Mobile Food Vendor Ordinance as written; to allow both the stationary and commissary location of the mobile food unit be listed as the property at 1307 NE Barnard Street, Acres 0.304, Tract C7-6, Abst A136, MILAM CO SCH LD. |                        |            |
| <b>PREPARED BY:</b>                 | Rowena West                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |



## CITY COUNCIL AGENDA ACTION FORM

|                                     |                                                                                                                                                                                                                                                                             |                        |            |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                                                                                                                                                                                  |                        |            |
| <b>AGENDA SUBJECT:</b>              | Public Hearing regarding a request to rezone the property at 404 Lakeview Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a "B-2" (General Commercial District) to an "R-2m" (Single- and Two- to Four- Family Residential District). |                        |            |
| <b>PREPARED BY:</b>                 | Rowena West                                                                                                                                                                                                                                                                 | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                                                                                                                                                                                             |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                                                                                                                                                                                | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                                                                                                                                                                                     | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                                                                                                                                                                                              | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                                                                                                                                                                                             |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                                                                                                                                                                                             |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                                                                                                                                                                                             |                        |            |



## CITY COUNCIL AGENDA ACTION FORM

|                                     |                                                                                                                                                                                                                                                                                   |                        |            |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                                                                                                                                                                                        |                        |            |
| <b>AGENDA SUBJECT:</b>              | Public Hearing regarding a request to rezone the property at 407 Lakeview Street [Acres 0.637, Abst A135, MILAM CO SCH LD, LOT 1 BLOCK 1 CHEYNE WEST CHEYNE CENTER] from a B-2 (General Commercial District) to an "R-2m" (Single- and Two- to Four-Family Residential District). |                        |            |
| <b>PREPARED BY:</b>                 | Rowena West                                                                                                                                                                                                                                                                       | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                                                                                                                                                                                                   |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                                                                                                                                                                                      | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                                                                                                                                                                                           | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                                                                                                                                                                                                    | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                                                                                                                                                                                                   |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                                                                                                                                                                                                   |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                                                                                                                                                                                                   |                        |            |



## CITY COUNCIL AGENDA ACTION FORM

|                                     |                                                                                                                                                                                                                                                       |                        |            |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                                                                                                                                                            |                        |            |
| <b>AGENDA SUBJECT:</b>              | Public Hearing regarding a request to rezone the property at 1407 NE Barnard Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a "B-2" (General Commercial District) to a "B-1" (Restricted Commercial District). |                        |            |
| <b>PREPARED BY:</b>                 | Rowena West                                                                                                                                                                                                                                           | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                                                                                                                                                                       |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                                                                                                                                                          | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                                                                                                                                                               | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                                                                                                                                                                        | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                                                                                                                                                                       |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                                                                                                                                                                       |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                                                                                                                                                                       |                        |            |





## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 09/28/2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Discussion, consideration, and possible action regarding a variance request to allow a mobile food vendor to conduct business when special circumstances prevent the mobile food vendor from complying with or make it too burdensome to comply with all the requirements of the City's Mobile Food Vendor Ordinance as written; to allow both the stationary and commissary location of the mobile food unit be listed as the property at 1307 NE Barnard Street, Acres 0.304, Tract C7-6, Abst A136, MILAM CO SCH LD. |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Rowena West                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Mobile Food Vendor Variance Application; Property Owner notification letter; 200' surrounding property map; Property owner responses; Property lease agreement Photos # 1-14 (proposed placement of mobile food unit);and, Proposed site map layout                                                                                                                                                                                                                                                                     |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Required Expenditure:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Amount Budgeted:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Appropriation Required:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
| <p>Application received 8/20/21. Public notification was published on 8/27/21. 1 applicant notification letter and 14 property owner letters representing 15 separate properties were sent by certified mail on 9/10/21. Of those; the applicant letter has been confirmed as received, 9 property owner letters have been confirmed as received, 5 unconfirmed received and 2 favorable property owner responses have been returned.</p> <p>A variance from the requirements in 4.09.005(a) that the Mobile Food Vendor may not be located within 200' of the boundary line of any residential district and 4.09.006 that during the hours from 11 p.m. to 6 a.m. that the mobile unit shall be removed from its stationary location and properly stored at its commissary location is being requested.</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |
| Move to approve or deny as presented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                        |            |



**Building, Planning and Code Enforcement Department**  
 201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043  
 (254) 897-2272 Fax: (254) 897-7989

## NOTIFICATION

September 9, 2021

### NOTICE OF PUBLIC HEARING ON 1307 NE BARNARD Street

*Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on September 28, 2021 before the Board of Adjustment regarding a variance request by owner, Jonita Anderson, and owner's representative David Russell Dulcie, to allow a Mobile Food Vendor to conduct business when special circumstances prevent the mobile food vendor from complying with or make it too burdensome to comply with all the requirements of the City's Mobile Food Vendor Ordinance as written, to allow both the stationary and commissary location of the mobile food unit be listed as the property at 1307 NE Barnard Street, Acres 0.304, Tract C7-6, Abst A136, A136 MILAM CO SCH LD, TRACT C7-6.*

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property at 1307 NE Barnard Street that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for Board of Adjustment hearing, which is under consideration, and a map showing all the properties within 200' of 1307 NE Barnard Street. If you would like to register your opinion in favor or in opposition to granting the variance request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

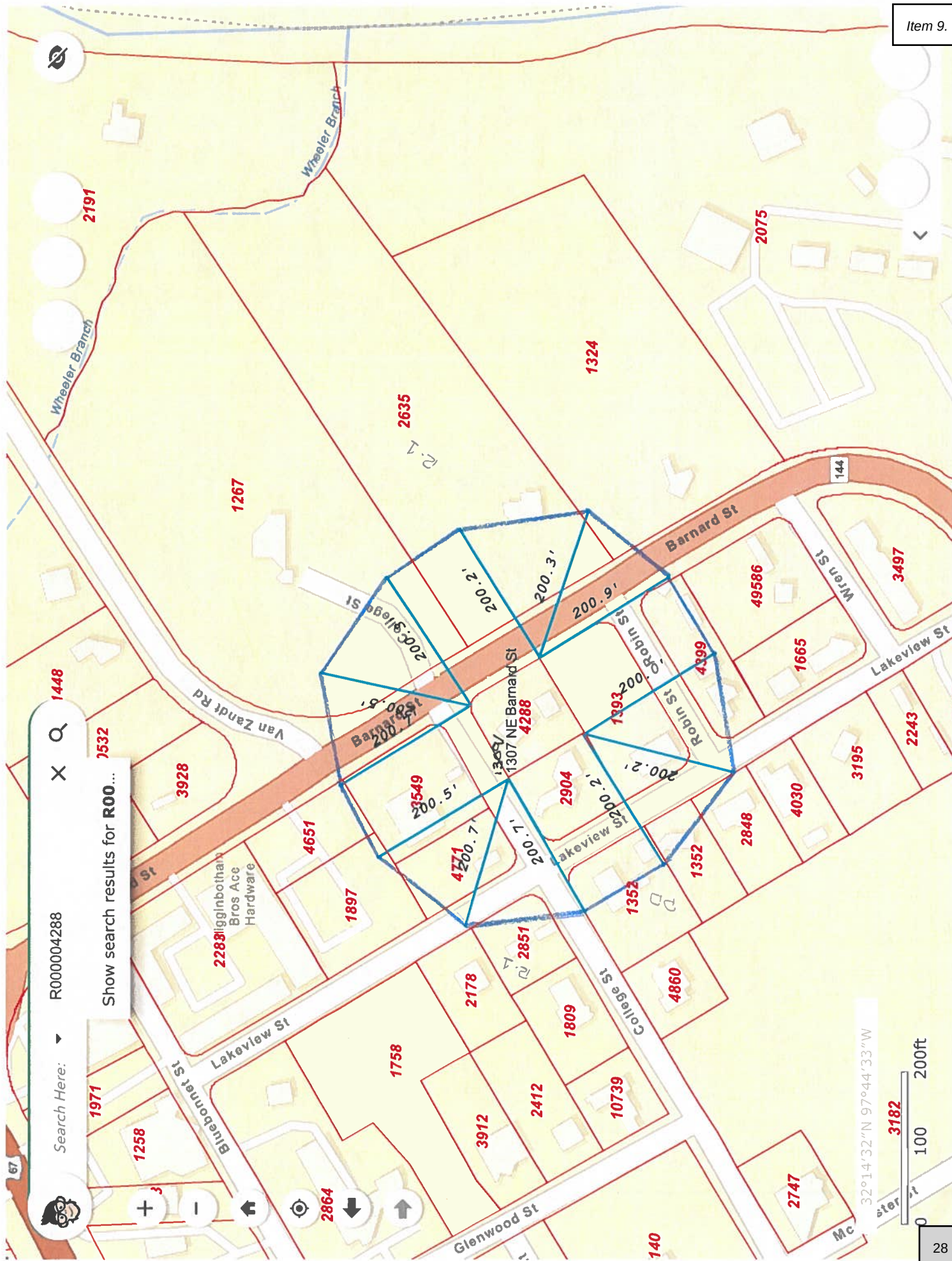
If the owners of 20% or more of the land within 200' of 1307 NE Barnard Street provide written notice of their objection to the issuance of the variance request, instead of a simple majority it will require a vote of  $\frac{3}{4}$  of the board members present to approve the request.

You are welcome to attend and participate in the Public Hearing. If you are unable to attend, but would like to listen to the hearing, generally, the proceedings are broadcast via Zoom. Instructions for accessing this broadcast is available in the "Latest Events" section at the bottom of the City's website at [www.glenrosetexas.org](http://www.glenrosetexas.org).

Should you have any questions, please contact us at [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org) or at (254)897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department





# PROPERTY OWNER RESPONSE FORM

Item 9.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272  
Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 4651

**Re: Request for variance to allow both the stationary and commissary location of the mobile food unit be listed as 1307 NE Barnard Street.**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

**NAME:**

Gene Bass

**ADDRESS:**

[REDACTED]

**SIGNATURE:**

Gene Bass

I AM ☒ IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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# PROPERTY OWNER RESPONSE FORM

Item 9.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 1897

**Re: Request for variance to allow both the stationary and commissary location of the mobile food unit be listed as 1307 NE Barnard Street.**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

NAME:

Gene Bass

ADDRESS:

[Redacted Address]

SIGNATURE:

Gene Bass

I AM ( ☒ ) IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

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To whom it may concern,

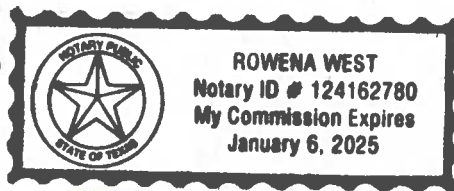
I, David Dulcie Anderson am the owner of The Cut Off at 1307 NE Barnard St, in Glen Rose. I am aware that David Dulcie is 1, renting the patio on my property, and 2 seeking a city code variance concerning a food truck.

Signature:

David Dulcie Anderson

Date:

August 23, 2021



Rowena West 8-23-21





Only available power source  
that can run a food truck.

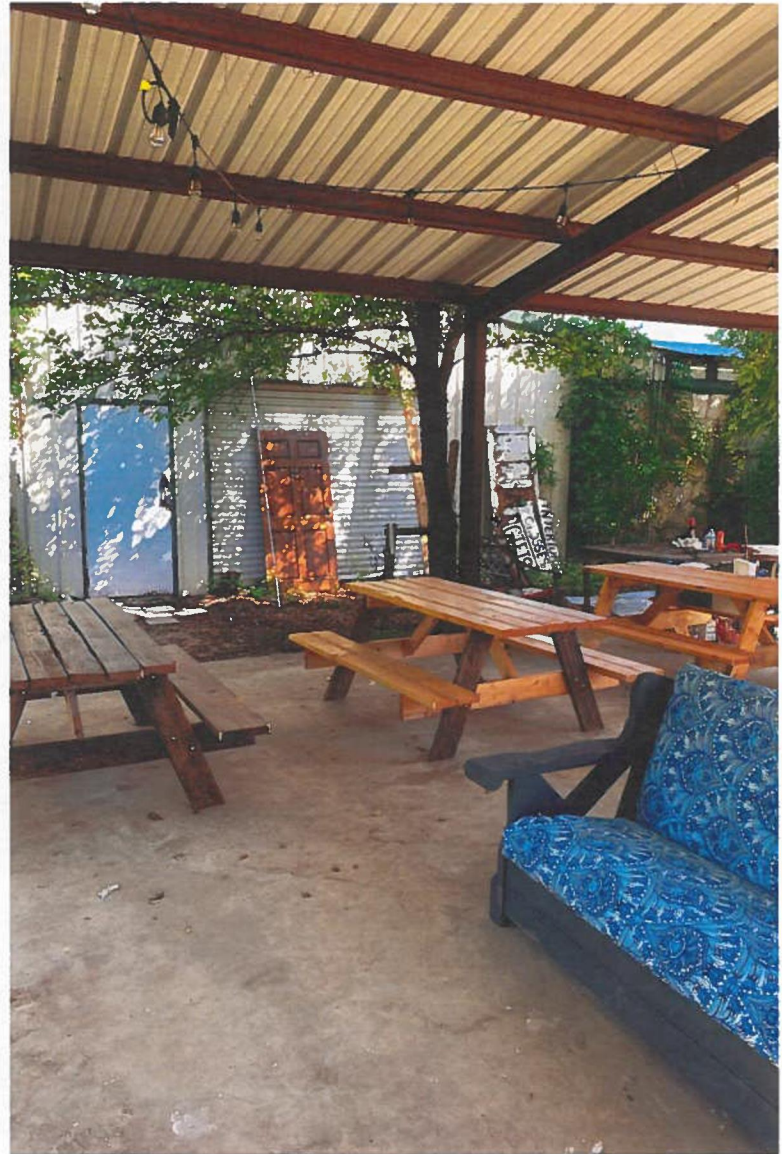








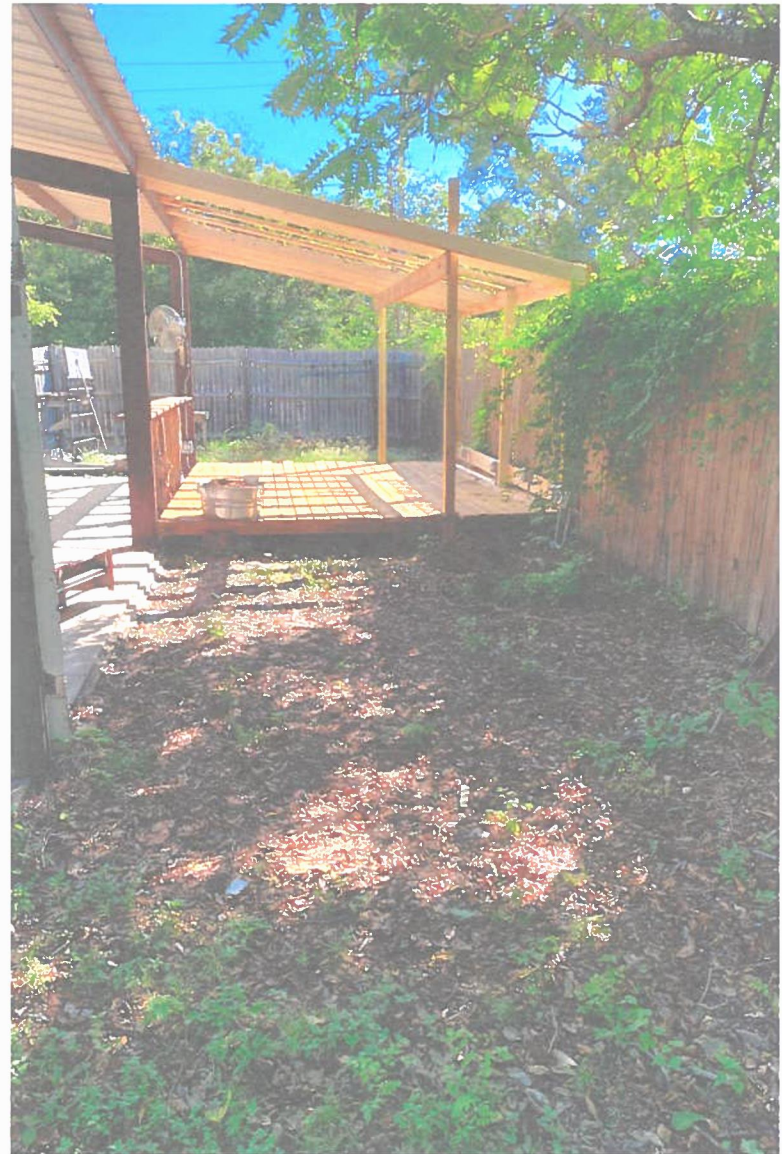




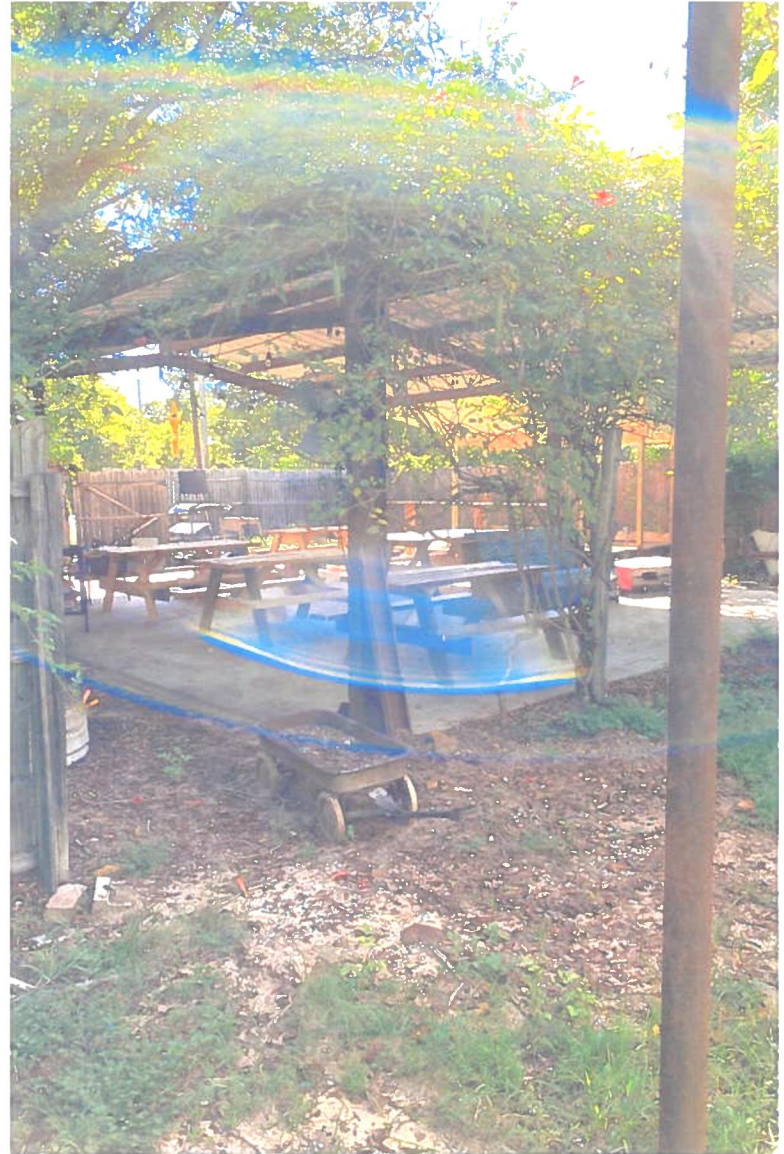














2 MORE SLOTS TO BE BEHIND CURB FENCE

#8

Item 9.









#10

Item 9.















Item 9.



#14

Item 9.

13

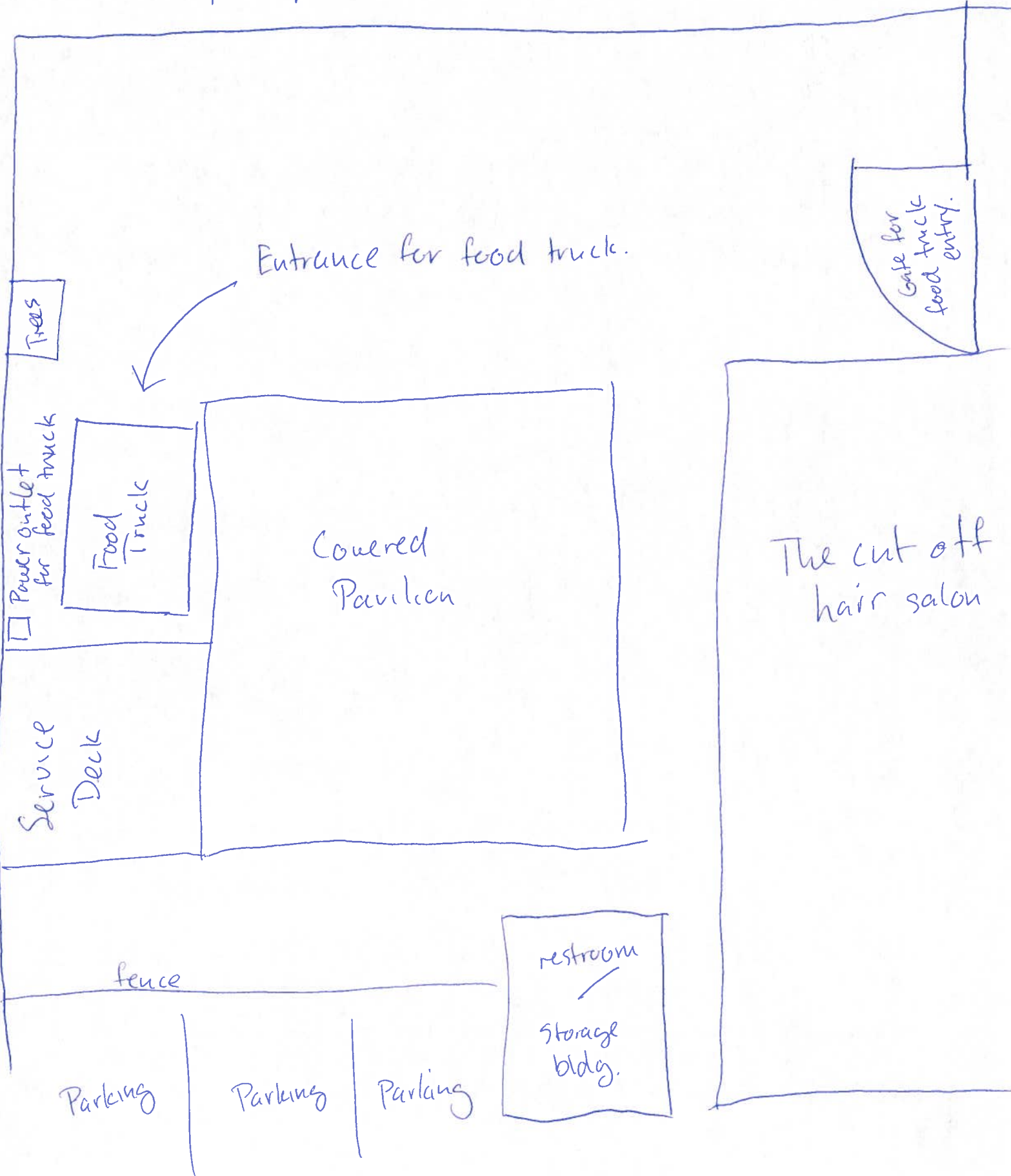
12

11



3B Beers Brats & Burgers  
property map.

Item 9.





## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                      |                        |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 09/28/2021                                                                                                                                                                                                           |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Discussion, consideration, and possible action regarding a variance request to allow a shorter lot depth for the property at 404 Lakeview Street, part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD]. |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Rowena West                                                                                                                                                                                                          | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Request for Board of Adjustment Application; Property Owner notification letter; 200' surrounding property map; Property owner responses                                                                             |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Required Expenditure:</b>                                                                                                                                                                                         | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Amount Budgeted:</b>                                                                                                                                                                                              | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Appropriation Required:</b>                                                                                                                                                                                       | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                      |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                      |                        |            |
| <p>Application received 8/5/21. Public notification was published on 8/27/21. 15 letters representing 17 separate properties were sent by certified mail on 9/10/21. Of those, 11 have been confirmed as received, 4 unconfirmed and 3 favorable property owner responses have been returned.</p> <p>The variance request is for the BOA to authorize the division of the existing non-conforming lot with a depth of 106' into multiple lots, each with a depth of 106'. The required minimum lot depth is 110'. The new lots will conform to minimum width and square footage requirements.</p> |                                                                                                                                                                                                                      |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                      |                        |            |
| Move to approve or deny as presented.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                      |                        |            |



Staff use only

Date Received: \_\_\_\_\_

Fee : \$100.00 Paid on: \_\_\_\_\_



Board of Adjustments (BOA)  
 City of Glen Rose, Texas 76043 Tel: (254) 897-9373 Fax: (254) 897-7989

## Request for Board of Adjustment (BOA) Hearing

Address of property: 404 Lakeview Drive ( Back side of Old Higginbotham Yard)

Applicant's Name: Jeff Finn Date: 7/30/21

### Property Owner/Applicant Information

Full Name: Jeff Finn

Address: [REDACTED]

Telephone No: [REDACTED] Email: [REDACTED]

Present zoning at site: B2

I am requesting this hearing for the following reason(s):

- ☐ Setback variance for    ☐ side yard    ☐ rear yard    ☐ front yard  
☐ Lot size variance                      ☐ Lot coverage variance  
☐ Lot frontage width variance    ☒ Lot depth variance    ☐ Building height variance

- ☐ Challenging the decision of the    ☐ Zoning Administrator    ☐ Building Official  
☐ Other City Official

Explain, in detail, the reason for appearing before the BOA: (Use a separate page if necessary.  
 Attach all photos, maps, drawings, etc).

I am requesting a 4 ft variance to the rear yard requirement. (From the required 110' to 106'). The lot is an existing non conforming  
 lot at 106' deep and was platted prior to the zoning ordinance being adopted. Constraints due the distance between 144 and Lakeview drive  
 make this a hardship and impossible to meet the requirements of the ordinance The overall square footage of the lot(s) will exceed  
 the minimum requirements per the zoning ordinance for R2-M and the lot frontage will exceed the minimum requirements per the  
 zoning ordinance.

I hereby certify that all the information provided is true and correct to the best of my knowledge.

Applicant's Signature:

Jeff Finn

Date: 7/30/21

BOA Hearing Request May 2015



**Building, Planning and Code Enforcement Department**  
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043  
(254) 897-2272 Fax: (254) 897-7989

Item 10.

## NOTIFICATION

September 9, 2021

### NOTICE OF PUBLIC HEARING ON 404 LAKEVIEW STREET

*Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on September 28, 2021 before the Board of Adjustment regarding a variance request by owner, Gene Bass, and owner's representative, Jeff Finn, to allow a shorter lot depth for the property at 404 Lakeview Street, part of [Tract C6-27-1, C6-27, C6-16, Abst A136, A136 MILAM CO SCH LD, TRACT C6-27-1, C6-27, C6-16]*

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property at 404 Lakeview Street that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for Board of Adjustment hearing, which is under consideration, and a map showing all the properties within 200' of 404 Lakeview Street. If you would like to register your opinion in favor or in opposition to granting the variance request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of 404 Lakeview Street provide written notice of their objection to the issuance of the variance request, instead of a simple majority it will require a vote of  $\frac{3}{4}$  of the board members present to approve the request.

You are welcome to attend and participate in the Public Hearing. If you are unable to attend, but would like to listen to the hearing, generally, the proceedings are broadcast via Zoom. Instructions for accessing this broadcast is available in the "Latest Events" section at the bottom of the City's website at [www.glenrosetexas.org](http://www.glenrosetexas.org).

Should you have any questions, please contact us at [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org) or at (254)897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department





# PROPERTY OWNER RESPONSE FORM

Item 10.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272  
Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 3929

**Re: Request for variance to allow a shorter lot depth for 404 Lakeview Street.**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

**NAME:** William B. Green

**ADDRESS:** [REDACTED]

**SIGNATURE:** W.B. Green

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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# PROPERTY OWNER RESPONSE FORM



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 4651

**Re: Request for variance to allow a shorter lot depth for 404 Lakeview Street.**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

**NAME:**

Gene Bass

**ADDRESS:**

[REDACTED ADDRESS]

**SIGNATURE:**

Gene Bass

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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# PROPERTY OWNER RESPONSE FORM

Item 10.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272  
Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 1897

**Re: Request for variance to allow a shorter lot depth for 404 Lakeview Street.**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

**NAME:**

Gene Bass

**ADDRESS:**

[REDACTED ADDRESS]

**SIGNATURE:**

Gene Bass

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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\_\_\_\_\_  
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## CITY COUNCIL AGENDA ACTION FORM

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 09/28/2021                                                                                                                                                                                                                                                                                                 |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Discussion, consideration, and possible action regarding a request to rezone the property at 404 Lakeview Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a "B-2" (General Commercial District) to an "R-2m" (Single- and Two- to Four-Family Residential District). |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Rowena West                                                                                                                                                                                                                                                                                                | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Zone Change Application; Property Owner notification letter; 200' surrounding property map; Property owner responses; Planning and Zoning Recommendation; and, Proposed Rezoning Ordinance                                                                                                                 |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Required Expenditure:</b>                                                                                                                                                                                                                                                                               | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Amount Budgeted:</b>                                                                                                                                                                                                                                                                                    | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Appropriation Required:</b>                                                                                                                                                                                                                                                                             | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                            |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                            |                        |            |
| <p>Application received 8/5/21. Public notification was published on 8/27/21 and 15 letters representing 17 separate properties were sent by certified mail on 9/3/21. Of those; 13 have been confirmed as received, 1 unconfirmed received, 1 letter has been returned and 3 favorable property owner responses have been returned.</p> <p>A Planning and Zoning meeting was held on 9/16/21 where this matter was reviewed and approved for recommendation to Council by a vote of 2/0/1.</p> |                                                                                                                                                                                                                                                                                                            |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                            |                        |            |
| Move to approve or deny as presented.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                            |                        |            |



Code Enforcement Office  
City of Glen Rose, Texas 76043 Tel: (254) 897-9373 Fax: (254) 897-7989

Staff use only

Date Received: 8-5-21

## New Zoning Use Application

Address of property: 404 Lakeview Drive ( Back side of Old Higginbotham Yard)

Applicant's Name: Jeff Finn Date: 7/30/21

### Property Owner Information

Full Name: Gene Bass

Address: [REDACTED]

Telephone No: [REDACTED] Email: [REDACTED]

### Applicant/Owner's Representative (if not the owner)

Full Name: Jeff Finn

Address: [REDACTED]

Telephone No: [REDACTED] Email: [REDACTED]

Present zoning at site: B2 Requested new zoning use: R2-M

Form of Ownership of the property: ☒ Individual ☐ Partnership ☐ Corporation

Intended use of property (must be specific):

I would like to change the zoning from BUSINESS (B1) to RESIDENTIAL (R2-M) zoning

I/We, am/are the owner(s) of the property. I/We hereby certify that all the information provided is true and correct.

Owner(s) Signature:

Jeff Finn

Date: 7/30/21





**Building, Planning and Code Enforcement Department**  
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043  
(254) 897-2272 Fax: (254) 897-7989

Item 11.

## NOTIFICATION

September 1, 2021

### NOTICE OF PUBLIC HEARING ON 404 LAKEVIEW STREET

*Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on September 16, 2021 before the Planning and Zoning Commission and on September 28, 2021 before the City Council on a request by owner, Gene Bass, and owner's representative, Jeff Finn, to rezone the property at 404 Lakeview Drive, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, A136 MILAM CO SCH LD, TRACT C6-27-1, C6-27, C6-16] from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).*

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property at 404 Lakeview Drive that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for rezoning which is under consideration, and a map showing all the properties within 200' of 404 Lakeview Drive. If you would like to register your opinion in favor or in opposition to granting the rezoning request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of 404 Lakeview Street provide written notice of their objection to the issuance of the rezoning request, instead of a simple majority it will require a vote of  $\frac{3}{4}$  of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings. If you are unable to attend, but would like to listen to the hearings, generally, those proceedings are broadcast via Zoom. Instructions for accessing those broadcasts are available in the "Latest Events" section at the bottom of the City's website at [www.glenrosetexas.org](http://www.glenrosetexas.org).

Should you have any questions, please contact us at [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org) or at (254)897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department





# PROPERTY OWNER RESPONSE FORM

Item 11.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272  
Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 3928

**Re: Request to rezone 404 Lakeview Street from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

NAME: MARIO LOUIS COSSIO Z.

ADDRESS: [REDACTED]

SIGNATURE: [Signature]

I AM ☒ IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

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# PROPERTY OWNER RESPONSE FORM



**City of Glen Rose, Texas**  
**Building, Planning, Code Enforcement Department**  
**P.O. Box 1949, Glen Rose, TX 76043**

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 3929

**Re: Request to rezone 404 Lakeview Street from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
 Building & Planning Department  
 PO Box 1949  
 Glen Rose, TX 76043

**NAME:**

*William B. Green*

**ADDRESS:**

[REDACTED ADDRESS]

**SIGNATURE:**

*W.B. Green*

I AM ☒ IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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# PROPERTY OWNER RESPONSE FORM



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 1897

**Re: Request to rezone 404 Lakeview Street from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

NAME: Gene Bass

ADDRESS: [REDACTED]

SIGNATURE: Gene Bass

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

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Planning and Zoning Commission  
 City of Glen Rose, Texas  
 P.O. Box 1949, Glen Rose, Texas 76043

## COMMISSION'S DETERMINATION AND RECOMMENDATION TO THE GLEN ROSE CITY COUNCIL

Date and time of public hearing: September 16, 2021, 5:30 pm

**Purpose of hearing:**

Request to rezone the property at 404 Lakeview Street, being part of [Tract C6-27-1, C6-27, C6-16, Abst A136, A136 MILAM CO SCH LD, TRACT C6-27-1, C6-27, C6-16] from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).

Request submitted by: Owner, Gene Bass, and owner's representative, Jeff Finn

After considering all information submitted, the Planning and Zoning Commission has made the determination to:



Approve the request and further recommends approval to the City Council.



Deny the request.

**Reason for decision:**

aligns with FUTURE LAND Use -

Signature: Karen Rhoads -

Date: Sept 16 2021

Position: Vice Chair

The City Council of the City of Glen Rose, Texas, has voted to:

0005



Approve



Disapprove

this recommendation.

Staff Representative Signature

Approval Date: \_\_\_\_\_

Comments:



**ORDINANCE NO. 2021.09.28A**

**AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, AMENDING THE ZONING ORDINANCE AND ZONING MAP TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM A “B-2” GENERAL COMMERCIAL DISTRICT TO A “R-2M” SINGLE AND TWO-TO-FOUR FAMILY RESIDENTIAL AND MULTI-BUILDING RESIDENTIAL DISTRICT, FOR THE PROPERTY IDENTIFIED AS BEING PART OF TRACT C6-27-1, C6-27, C6-16, ABST A136, MILAM CO SCH LD AT 404 LAKEVIEW DRIVE, PROVIDING SAVINGS/REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Glen Rose (City) is a Type A General Municipality; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code grants the governing body of a municipality the authority to adopt zoning regulations for the municipality and to zone, or rezone as the case may be, property located within the municipality; and

**WHEREAS**, on July 30, 2021 the City received an application from Jeff Finn, claiming authority to represent owner Gene Bass by providing a sales contract on the subject property, for a zone change request for the property identified as being part of Tract C6-27-1, C6-27, C6-16, Abst A136, Milam Co Sch LD at 404 Lakeview Drive, from “B-2” (General Commercial District) to “R-2m” (Single and Two-to-Four Family Residential and Multi-Building Residential District;

**WHEREAS**, all the notices required by the City’s Ordinances and State Law have been mailed and published;

**WHEREAS**, on the City’s Future Land Use Map the Property is identified as a “B-2” General Commercial, but properties on the opposite side of Lakeview Drive are identified as “R-2m”;

**WHEREAS**, after conducting a Public Hearing on September 16, 2021, the City’s Planning and Zoning Commission acted upon the rezoning request, voting to recommend that the City Council approve said request;

**WHEREAS**, after conducting a Public Hearing on September 28, 2021, the City Council determined for the good government, peace, and order of the City to approve the request to rezone the subject property;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:**

**SECTION 1. Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Description of the Subject Property.** A part of Tract C6-27-1, C6-27, C6-16, Abst A136, Milam Co Sch Ld, located at 404 Lakeview Drive, Glen Rose, Somervell County, Texas, being the 15,900 square foot tract conveyed to Gene and Debbie Bass by a warranty deed recorded in Vol. 93 Pages 424-426 of the Somervell County Deed Records.

**SECTION 3. Zoning Reclassification Granted.** Glen Rose's Zoning Ordinance is hereby amended to reflect that the Subject Property is hereby rezoned from a "B-2" (General Commercial District) to an "R-2m" (Single and Two-to-Four Family Residential and Multi-Building Residential District. The Zoning Map of the City shall be amended to reflect this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, State, and federal laws, as they exist or maybe in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

**SECTION 4. Savings/Repealing Clause.** Chapter 14 "Zoning" of the City's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections sentences, clauses, and phrases be declared unconstitutional or invalid.

**SECTION 6. Proper Notice, Meeting, and Quorum.** It is hereby officially found and determined that the meeting at which this Ordinance was adopted by a majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

**SECTION 7. Effective Date.** This Ordinance shall take effect immediately from and after its passage.



**PASSED AND APPROVED** this the 28th day of September 2021.

APPROVED:

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Julia Douglas, Mayor

ATTEST:

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Stephanie Ritchie, City Secretary



## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                     |                        |            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 09/28/2021                                                                                                                                                                                                                                                                                                          |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Discussion, consideration, and possible action regarding a request to rezone the property at 407 Lakeview Street [Acres 0.637, Abst A135, MILAM CO SCH LD, LOT 1 BLOCK 1 CHEYNE WEST CHEYNE CENTER] from a "B-2" (General Commercial District) to an "R-2m" (Single- and Two- to Four-Family Residential District). |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Rowena West                                                                                                                                                                                                                                                                                                         | <b>DATE SUBMITTED:</b> | 09/16/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Zone Change Application; Real Estate Sales Contract; Property Owner notification letter; 200' surrounding property map; Property owner responses; Planning and Zoning Recommendation; and, Proposed Rezoning Ordinance                                                                                              |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Required Expenditure:</b>                                                                                                                                                                                                                                                                                        | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Amount Budgeted:</b>                                                                                                                                                                                                                                                                                             | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Appropriation Required:</b>                                                                                                                                                                                                                                                                                      | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                     |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                     |                        |            |
| <p>Application received 8/5/21. Public notification was published on 8/27/21 and 17 letters representing 22 separate properties were sent by certified mail on 9/3/21. Of those; 15 have been confirmed as received, 1 unconfirmed received, 1 letter has been returned and 2 blank property owner responses have been returned.</p> <p>A Planning and Zoning meeting was held on 9/16/21 where this matter was reviewed and approved for recommendation to Council by a vote of 2/0/1.</p> |                                                                                                                                                                                                                                                                                                                     |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                     |                        |            |
| Move to approve or deny as presented.                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                     |                        |            |



Staff use only

Date Received: 8-5-21

Code Enforcement Office

City of Glen Rose, Texas 76043 Tel: (254) 897-9373 Fax: (254) 897-7989

## New Zoning Use Application

Address of property: 407 Lakeview StreetApplicant's Name: Jeff Finn Date: 7/30/21

### Property Owner Information

Full Name: Cheyne West Cheyne LLC (Wayne west)

Address: [REDACTED]

Telephone No: [REDACTED]

Email: [REDACTED]

### Applicant/Owner's Representative (if not the owner)

Full Name: Jeff Finn

Address: [REDACTED]

Telephone No: [REDACTED]

Email: [REDACTED]

Present zoning at site: ~~B1~~ B-2 Requested new zoning use: R2-mForm of Ownership of the property: [ ] Individual [ ☒ ] Partnership [ ] Corporation

Intended use of property (must be specific):

I would like to change the zoning from  
Business to residential R2m

I/We, am/are the owner(s) of the property. I/We hereby certify that all the information provided is true and correct.

Owner(s) Signature: \_\_\_\_\_

Date: 7/30/21



**Building, Planning and Code Enforcement Department**  
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043  
(254) 897-2272 Fax: (254) 897-7989

Item 12.

## NOTIFICATION

September 1, 2021

### NOTICE OF PUBLIC HEARING ON 407 LAKEVIEW STREET

*Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on September 16, 2021 before the Planning and Zoning Commission and on September 28, 2021 before the City Council on a request by owner, Cheyne West Cheyne, LLC, and owner's representative, Jeff Finn, to rezone the property at 407 Lakeview Street [Acres 0.637, Abst A135, MILAM CO SCH LD, LOT 1 BLOCK 1 CHEYNE WEST CHEYNE CENTER] from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).*

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property at 407 Lakeview Street that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for rezoning which is under consideration, and a map showing all the properties within 200' of 407 Lakeview Street. If you would like to register your opinion in favor or in opposition to granting the rezoning request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of 407 Lakeview Street provide written notice of their objection to the issuance of the rezoning request, instead of a simple majority it will require a vote of  $\frac{3}{4}$  of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings. If you are unable to attend, but would like to listen to the hearings, generally, those proceedings are broadcast via Zoom. Instructions for accessing those broadcasts are available in the "Latest Events" section at the bottom of the City's website at [www.glenrosetexas.org](http://www.glenrosetexas.org).

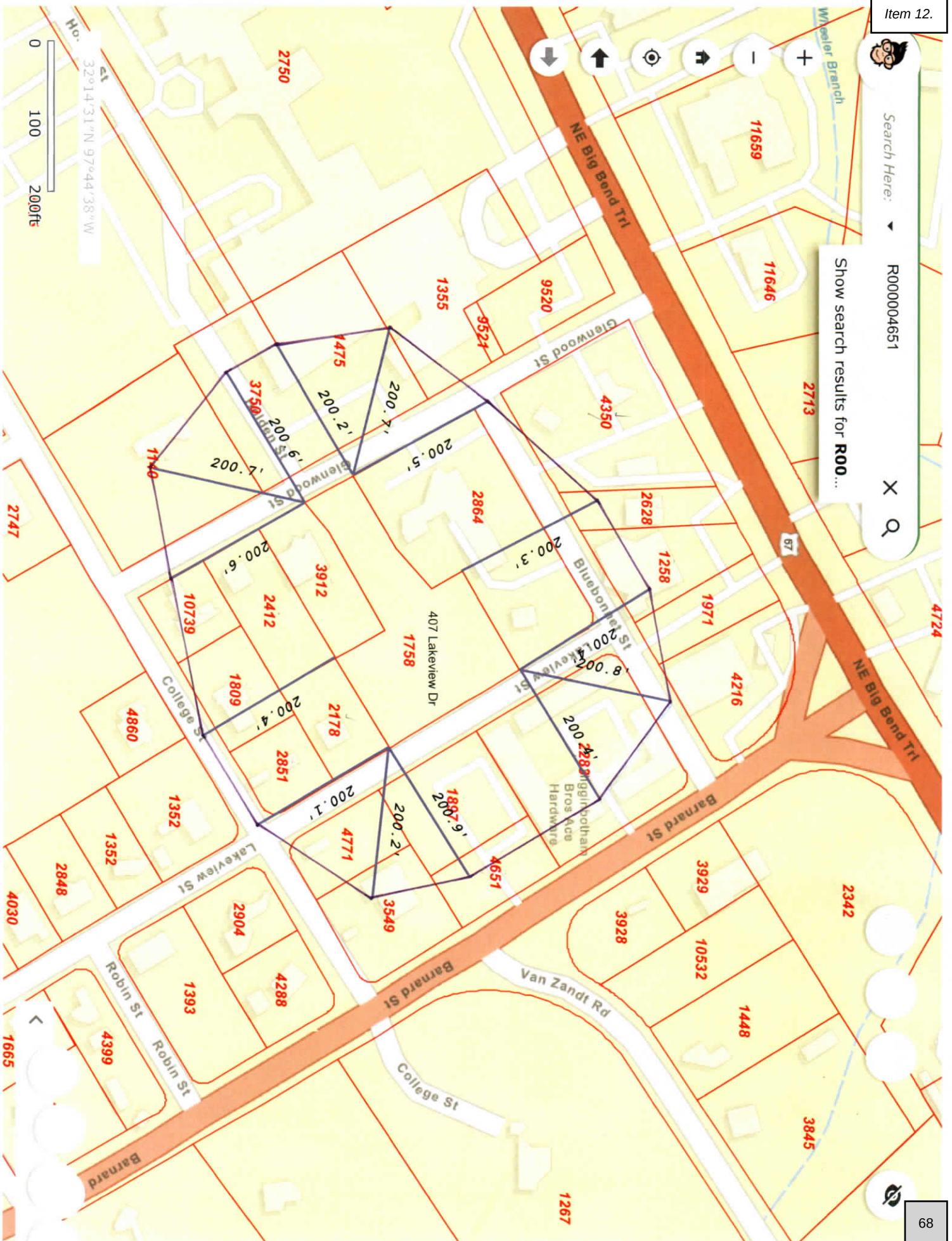
Should you have any questions, please contact us at [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org) or at (254)897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department



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# PROPERTY OWNER RESPONSE FORM

Item 12.



**City of Glen Rose, Texas**  
**Building, Planning, Code Enforcement Department**  
**P.O. Box 1949, Glen Rose, TX 76043**

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 1897

**Re: Request to rezone 407 Lakeview Street from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

**NAME:**

*Gene Bass*

**ADDRESS:**

[REDACTED]

**SIGNATURE:**

*Gene Bass*

I AM ( ) IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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# PROPERTY OWNER RESPONSE FORM



**City of Glen Rose, Texas**  
**Building, Planning, Code Enforcement Department**  
**P.O. Box 1949, Glen Rose, TX 76043**

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 4651

**Re: Request to rezone 407 Lakeview Street from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
 Building & Planning Department  
 PO Box 1949  
 Glen Rose, TX 76043

**NAME:**

*Gene Bass*

**ADDRESS:**

[Redacted Address]

**SIGNATURE:**

*Gene Bass*

I AM ( ) IN FAVOR ( ) IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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Planning and Zoning Commission  
 City of Glen Rose, Texas  
 P.O. Box 1949, Glen Rose, Texas 76043

## COMMISSION'S DETERMINATION AND RECOMMENDATION TO THE GLEN ROSE CITY COUNCIL

Date and time of public hearing: September 16, 2021, 5:30 pm

**Purpose of hearing:**

Request to rezone the property at 407 Lakeview Street [Acres 0.637, Abst A135, MILAM CO SCH LD, LOT 1 BLOCK 1 CHEYNE WEST CHEYNE CENTER] from a B-2 (General Commercial District) to an R2m (Single- and Two- to Four-Family Residential District).

Request submitted by: Owner, Cheyne West Cheyne, LLC, and owner's representative, Jeff Finn

After considering all information submitted, the Planning and Zoning Commission has made the determination to:

☒ Approve the request and further recommends approval to the City Council.

☐ Deny the request.

**Reason for decision:**

Aligns with Future Land Use

Signature: Kareem Rihad

Date: Sept 16 2021

Position: Vice Chairman

The City Council of the City of Glen Rose, Texas, has voted to:

☐ Approve ☐ Disapprove this recommendation.

Staff Representative Signature \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments: \_\_\_\_\_



**ORDINANCE NO. 2021.09.28B**

**AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, AMENDING THE ZONING ORDINANCE AND ZONING MAP TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM A “B-2” GENERAL COMMERCIAL DISTRICT TO A “R-2M” SINGLE AND TWO-TO-FOUR FAMILY RESIDENTIAL AND MULTI-BUILDING RESIDENTIAL DISTRICT, FOR THE PROPERTY IDENTIFIED AS ACRES 0.637, ABST A135, MILAM CO SCH LD, LOT 1 BLOCK 1 CHEYNE WEST CHEYNE CENTER AT 407 LAKEVIEW DRIVE, PROVIDING SAVINGS/REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Glen Rose (City) is a Type A General Municipality; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code grants the governing body of a municipality the authority to adopt zoning regulations for the municipality and to zone, or rezone as the case may be, property located within the municipality; and

**WHEREAS**, on July 30, 2021 the City received an application from Jeff Finn, claiming authority to represent owner Cheyne, West, Cheyne LLC by providing a sales contract on the subject property, for a zone change request for the property identified as Acres 0.637, Abst A135, Milam Co Sch Ld, Lot 1 Block 1 Cheyne West Cheyne Center at 407 Lakeview Drive, from “B-2” (General Commercial District) to “R-2m” (Single and Two-to-Four Family Residential and Multi-Building Residential District;

**WHEREAS**, all the notices required by the City’s Ordinances and State Law have been mailed and published;

**WHEREAS**, on the City’s Future Land Use Map the Property is identified as a “B-2” General Commercial, but nearby properties on the same side of Lakeview Drive are identified as “R-2m”;

**WHEREAS**, after conducting a Public Hearing on September 16, 2021, the City’s Planning and Zoning Commission acted upon the rezoning request, voting to recommend that the City Council approve said request;

**WHEREAS**, after conducting a Public Hearing on September 28, 2021, the City Council determined for the good government, peace, and order of the City to approve the request to rezone the subject property;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:**

**SECTION 1. Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Description of the Subject Property.** Acres 0.637, Abst A135, Milam Co Sch Ld, Lot 1 Block 1 Cheyne West Cheyne Center at 407 Lakeview Drive, Glen Rose, Somervell County, Texas.

**SECTION 3. Zoning Reclassification Granted.** Glen Rose's Zoning Ordinance is hereby amended to reflect that the Subject Property is hereby rezoned from a "B-2" (General Commercial District) to an "R-2m" (Single and Two-to-Four Family Residential and Multi-Building Residential District). The Zoning Map of the City shall be amended to reflect this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, State, and federal laws, as they exist or maybe in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

**SECTION 4. Savings/Repealing Clause.** Chapter 14 "Zoning" of the City's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections sentences, clauses, and phrases be declared unconstitutional or invalid.

**SECTION 6. Proper Notice, Meeting, and Quorum.** It is hereby officially found and determined that the meeting at which this Ordinance was adopted by a majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

**SECTION 7. Effective Date.** This Ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED** this the 28th day of September 2021.

APPROVED:

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Julia Douglas, Mayor

ATTEST:

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Stephanie Ritchie, City Secretary





## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                        |                        |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 09/28/2021                                                                                                                                                                                                                                                             |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               | Discussion, consideration, and possible action regarding a request to rezone the property at 1407 NE Barnard Street [Tract C6-27-1, C6-27, C6-16, Abst A136, MILAM CO SCH LD], from a "B-2" (General Commercial District) to a "B-1" (Restricted Commercial District). |                        |            |
| <b>PREPARED BY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Rowena West                                                                                                                                                                                                                                                            | <b>DATE SUBMITTED:</b> | 09/20/2021 |
| <b>EXHIBITS:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Zone Change Application; Real Estate Sales Contract; Property Owner notification letter; 200' surrounding property map; Property owner responses; Planning and Zoning Recommendation; and, Proposed Rezoning Ordinance                                                 |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Required Expenditure:</b>                                                                                                                                                                                                                                           | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Amount Budgeted:</b>                                                                                                                                                                                                                                                | \$00.00                |            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Appropriation Required:</b>                                                                                                                                                                                                                                         | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                        |                        |            |
| <b>SUMMARY:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                        |                        |            |
| <p>Application received 8/5/21. Public notification was published on 8/27/21 and 12 letters representing 14 separate properties were sent by certified mail on 9/3/21. Of those; 11 have been confirmed as received, 1 unconfirmed received, and 4 favorable property owner responses have been returned.</p> <p>A Planning and Zoning meeting was held on 9/16/21 where this matter was reviewed and approved for recommendation to Council by a vote of 2/0/1.</p> |                                                                                                                                                                                                                                                                        |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                        |                        |            |
| Move to approve or deny as presented.                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                        |                        |            |



Code Enforcement Office  
City of Glen Rose, Texas 76043 Tel: (254) 897-9373 Fax: (254) 897-7989

Staff use only  
Date Received: 8-5-21

## New Zoning Use Application

Address of property: 1407 NE Barnard Street (Old Higginbotham Yard)

Applicant's Name: Jeff Finn Date: 7/30/21

### Property Owner Information

Full Name: Gene Bass

Address: [REDACTED]

Telephone No: [REDACTED] Email: [REDACTED]

### Applicant/Owner's Representative (if not the owner)

Full Name: Jeff Finn

Address: [REDACTED]

Telephone No: [REDACTED] Email: [REDACTED]

Present zoning at site: B2 Requested new zoning use: B1

Form of Ownership of the property: ☒ Individual ☐ Partnership ☐ Corporation

Intended use of property (must be specific):

I would like to change the zoning from B1 to B2 with the intent of putting a small office building facing 144

I/We, am/are the owner(s) of the property. I/We hereby certify that all the information provided is true and correct.

Owner(s) Signature:

Jeff Finn Date: 7/30/21



**Building, Planning and Code Enforcement Department**  
 201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043  
 (254) 897-2272 Fax: (254) 897-7989

## NOTIFICATION

September 1, 2021

### NOTICE OF PUBLIC HEARING ON 1407 NE BARNARD STREET

*Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on September 16, 2021 before the Planning and Zoning Commission and on September 28, 2021 before the City Council on a request by owner, Gene Bass, and owner's representative, Jeff Finn, to rezone the property at 1407 NE Barnard Street [Tract C6-27-1, C6-27, C6-16, Abst A136, A136 MILAM CO SCH LD, TRACT C6-27-1, C6-27, C6-16] from a B-2 (General Commercial District) to a B-1 (Restricted Commercial District).*

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property at 1407 NE Barnard Street that is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for rezoning which is under consideration, and a map showing all the properties within 200' of 1407 NE Barnard Street. If you would like to register your opinion in favor or in opposition to granting the rezoning request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of 1407 NE Barnard Street provide written notice of their objection to the issuance of the rezoning request, instead of a simple majority it will require a vote of  $\frac{3}{4}$  of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings. If you are unable to attend, but would like to listen to the hearings, generally, those proceedings are broadcast via Zoom. Instructions for accessing those broadcasts are available in the "Latest Events" section at the bottom of the City's website at [www.glenrosetexas.org](http://www.glenrosetexas.org).

Should you have any questions, please contact us at [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org) or at (254)897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department

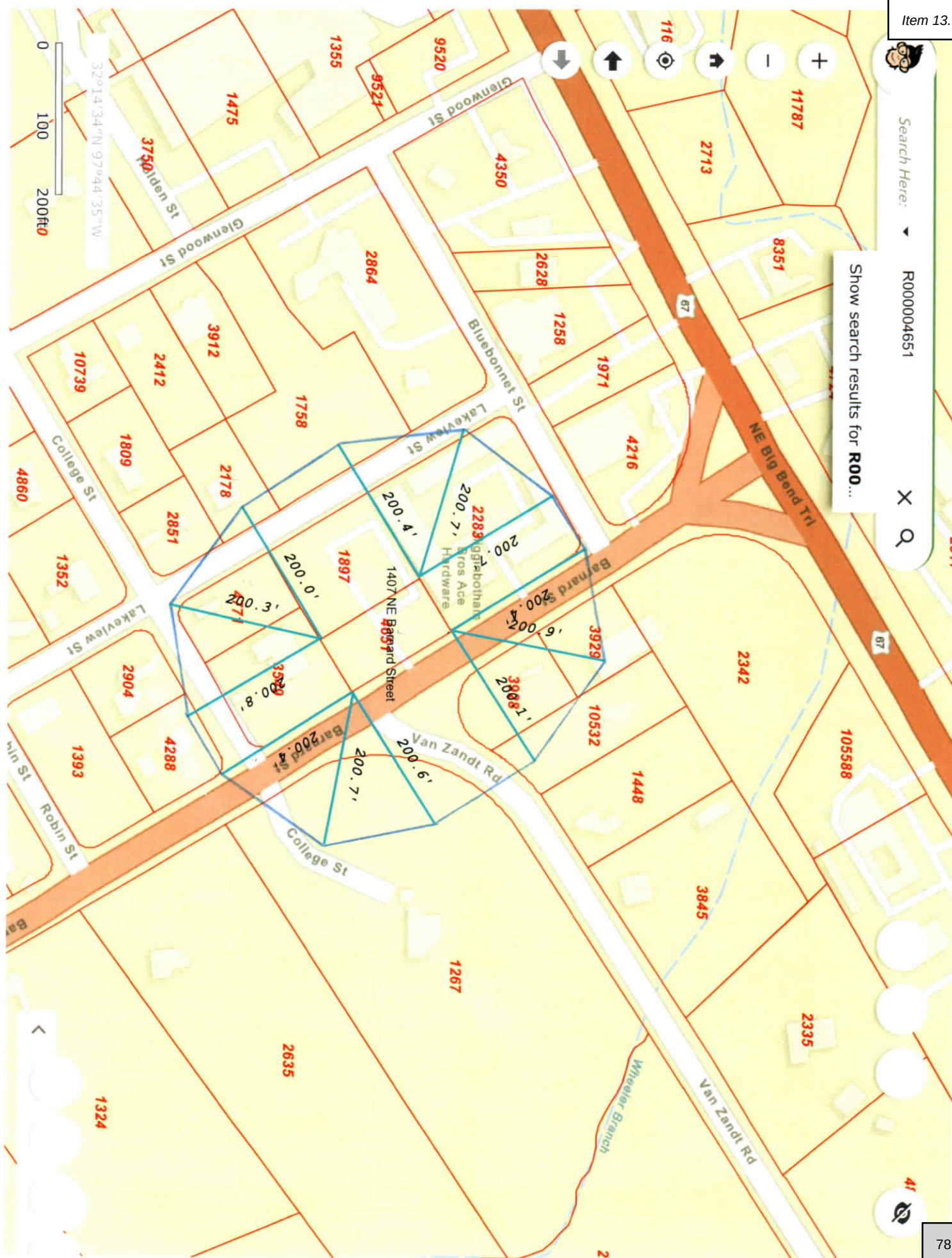


R0000004651

Show search results for **R00**...

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# PROPERTY OWNER RESPONSE FORM



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 10532

**Re: Request to rezone 1407 NE Barnard Street from a B-2 (General Commercial District) to a B-1 (Restricted Commercial District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

**NAME:**

William B. Green

**ADDRESS:**

[REDACTED ADDRESS]

**SIGNATURE:**

W.B. Green

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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# PROPERTY OWNER RESPONSE FORM

Item 13.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 3929

**Re: Request to rezone 1407 NE Barnard Street from a B-2 (General Commercial District) to a B-1 (Restricted Commercial District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

**NAME:**

William B. Green

**ADDRESS:**



**SIGNATURE:**

W.B. Green

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

**Reasons/Comments:**

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# PROPERTY OWNER RESPONSE FORM

Item 13.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272

Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 3928

**Re: Request to rezone 1407 NE Barnard Street from a B-2 (General Commercial District) to a B-1 (Restricted Commercial District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

NAME: MARIO LUIS COSSIO Z.

ADDRESS: [REDACTED]

SIGNATURE: [Signature]

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

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# PROPERTY OWNER RESPONSE FORM

Item 13.



City of Glen Rose, Texas  
Building, Planning, Code Enforcement Department  
P.O. Box 1949, Glen Rose, TX 76043

Phone: (254) 897-2272  
Email: [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org)

Return for Property ID#: 1897

**Re: Request to rezone 1407 NE Barnard Street from a B-2 (General Commercial District) to a B-1 (Restricted Commercial District).**

This form may be deposited in one of the drop boxes at City Hall at 210 NE Vernon Street, emailed to [code.enforcement@glenrosetexas.org](mailto:code.enforcement@glenrosetexas.org), or mailed to:

City Hall  
Building & Planning Department  
PO Box 1949  
Glen Rose, TX 76043

NAME:

Gene Bass

ADDRESS:

[Redacted Address]

SIGNATURE:

Gene Bass

I AM ☒ IN FAVOR ☐ IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

owner



Planning and Zoning Commission  
City of Glen Rose, Texas  
P.O. Box 1949, Glen Rose, Texas 76043

**COMMISSION'S DETERMINATION  
AND  
RECOMMENDATION TO THE GLEN ROSE CITY COUNCIL**

Date and time of public hearing: September 16, 2021, 5:30 pm

**Purpose of hearing:**

Request to rezone the property at 1407 NE Barnard Street [Tract C6-27-1, C6-27, C6-16, Abst A136, A136 MILAM CO SCH LD, TRACT C6-27-1, C6-27, C6-16], from a B-2 (General Commercial District) to a B-1 (Restricted Commercial District).

Request submitted by: Owner, Gene Bass, and owner's representative, Jeff Finn

After considering all information submitted, the Planning and Zoning Commission has made the determination to:

- ☒ Approve the request and further recommends approval to the City Council.
- ☐ Deny the request.

**Reason for decision:**

Aligns with Future Land Use

Signature: Kam Bahad

Date: Sept 16 2021

Position: vice chair

The City Council of the City of Glen Rose, Texas, has voted to:

☐ Approve ☐ Disapprove this recommendation.

Staff Representative Signature \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments: \_\_\_\_\_



**ORDINANCE NO. 2021.09.28\_\_**

**AN ORDINANCE OF THE CITY OF GLEN ROSE, TEXAS, AMENDING THE ZONING ORDINANCE AND ZONING MAP TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM A “B-2” GENERAL COMMERCIAL DISTRICT TO A “B-1” RESTRICTED COMMERCIAL, FOR THE PROPERTY IDENTIFIED AS A PORTION OF TRACT C6-27-1, C6-27, C6-16, ABST A136, A136 MILAM CO SCH LD AT 1407 NE BARNARD STREET, PROVIDING SAVINGS/REPEALING, SEVERABILITY, AND PROPER NOTICE, MEETING, AND QUORUM CLAUSES; AND, ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Glen Rose (City) is a Type A General Municipality; and

**WHEREAS**, Chapter 211 of the Texas Local Government Code grants the governing body of a municipality the authority to adopt zoning regulations for the municipality and to zone, or rezone as the case may be, property located within the municipality; and

**WHEREAS**, on July 30, 2021 the City received an application from Jeff Finn, claiming authority to represent owner Gene Bass by providing a sales contract on the subject property, for a zone change request for the property identified as portion of Tract C6-27-1, C6-27, C6-16, Abst A136, Milam Co Sch Ld, located at 1407 NE Barnard Street, from B-2 (General Commercial District) to B-1 Restricted Commercial;

**WHEREAS**, all the notices required by the City’s Ordinances and State Law have been mailed and published;

**WHEREAS**, after conducting a Public Hearing on September 16, 2021, the City’s Planning and Zoning Commission acted upon the rezoning request, voting to recommend that the City Council approve said request;

**WHEREAS**, after conducting a Public Hearing on September 28, 2021, the City Council determined for the good government, peace, and order of the City to approve the request to rezone the subject property;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLEN ROSE, TEXAS:**

**SECTION 1. Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2. Description of the Subject Property.** A portion of Tract C6-27-1, C6-27, C6-16, Abst A136, Milam Co Sch Ld, located at 1407 NE Barnard Street, Glen Rose, Somervell County, Texas, being a 0.365 acre tract conveyed to Gene and Debbie Bass by a warranty deed recorded in Vol. 88 Pages 43-45 of the Somervell County Deed Records.

**SECTION 3. Zoning Reclassification Granted.** Glen Rose's Zoning Ordinance is hereby amended to reflect that the Subject Property is hereby rezoned from a B-2 (General Commercial District) to an R-2m (single and Two-to-Four Family Residential and Multi-Building Residential District. The Zoning Map of the City shall be amended to reflect this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, State, and federal laws, as they exist or maybe in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

**SECTION 4. Savings/Repealing Clause.** Chapter 14 "Zoning" of the City's Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5. Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Glen Rose hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections sentences, clauses, and phrases be declared unconstitutional or invalid.

**SECTION 6. Proper Notice, Meeting, and Quorum.** It is hereby officially found and determined that the meeting at which this Ordinance was adopted by a majority vote of the City Council of the City of Glen Rose, Texas was open to the public; that public notice of the time, place, and purpose of the meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code; and, that a quorum was present pursuant to §22.039 of the Texas Local Government Code.

**SECTION 7. Effective Date.** This Ordinance shall take effect immediately from and after its passage.

**PASSED AND APPROVED** this the 28th day of September, 2021.

APPROVED:

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Julia Douglas, Mayor

ATTEST:

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Stephanie Ritchie, City Secretary





## CITY COUNCIL AGENDA ACTION FORM

|                                                                                                                                              |                                                                                                                                                                                           |                        |            |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                                                                                                                          | 09/28/2021                                                                                                                                                                                |                        |            |
| <b>AGENDA SUBJECT:</b>                                                                                                                       | Discussion, consideration, and possible action on closing the streets on east and west sides of the Courthouse Square for fall festival happenings on October 9, 16, 23, and 30. (Harris) |                        |            |
| <b>PREPARED BY:</b>                                                                                                                          | City Secretary Ritchie                                                                                                                                                                    | <b>DATE SUBMITTED:</b> | 09/22/2021 |
| <b>EXHIBITS:</b>                                                                                                                             |                                                                                                                                                                                           |                        |            |
| <b>BUDGETARY IMPACT:</b>                                                                                                                     | <b>Required Expenditure:</b>                                                                                                                                                              | \$00.00                |            |
|                                                                                                                                              | <b>Amount Budgeted:</b>                                                                                                                                                                   | \$00.00                |            |
|                                                                                                                                              | <b>Appropriation Required:</b>                                                                                                                                                            | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b>                                                                                                          |                                                                                                                                                                                           |                        |            |
| <b>SUMMARY:</b>                                                                                                                              |                                                                                                                                                                                           |                        |            |
| <p>Councilwoman Harris submitted a request "to close the two side streets Oct 9,16,23,30 for fall festival happenings." (Elm and Walnut)</p> |                                                                                                                                                                                           |                        |            |
| <b>RECOMMENDED ACTION:</b>                                                                                                                   |                                                                                                                                                                                           |                        |            |
| <p>Move to approve or deny as presented.</p>                                                                                                 |                                                                                                                                                                                           |                        |            |



## CITY COUNCIL AGENDA ACTION FORM

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|-------------------------------------|--------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                   |                        |            |
| <b>AGENDA SUBJECT:</b>              | Texas Government Code, Section 551.071 – Consultation with Attorney – Legal Counsel regarding disannexation. |                        |            |
| <b>PREPARED BY:</b>                 | City Secretary Ritchie                                                                                       | <b>DATE SUBMITTED:</b> | 09/15/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                              |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                 | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                      | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                               | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                              |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                              |                        |            |
|                                     |                                                                                                              |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                              |                        |            |
|                                     |                                                                                                              |                        |            |



## CITY COUNCIL AGENDA ACTION FORM

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|-------------------------------------|---------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/14/2021                                                    |                        |            |
| <b>AGENDA SUBJECT:</b>              | Texas Government Code, Section 551.087 – Economic Development |                        |            |
| <b>PREPARED BY:</b>                 | City Secretary Ritchie                                        | <b>DATE SUBMITTED:</b> | 09/07/2021 |
| <b>EXHIBITS:</b>                    |                                                               |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                  | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                       | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                               |                        |            |
| <b>SUMMARY:</b>                     |                                                               |                        |            |
|                                     |                                                               |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                               |                        |            |
|                                     |                                                               |                        |            |





## CITY COUNCIL AGENDA ACTION FORM

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|-------------------------------------|----------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                     |                        |            |
| <b>AGENDA SUBJECT:</b>              | Discussion, consideration, and possible action on item discussed in Executive Session regarding disannexation. |                        |            |
| <b>PREPARED BY:</b>                 | City Secretary Ritchie                                                                                         | <b>DATE SUBMITTED:</b> | 09/15/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                                |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                   | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                        | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                                 | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                                |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                                |                        |            |
|                                     |                                                                                                                |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                                |                        |            |
|                                     |                                                                                                                |                        |            |



## CITY COUNCIL AGENDA ACTION FORM

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|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| <b>AGENDA DATE:</b>                 | 09/28/2021                                                                                                            |                        |            |
| <b>AGENDA SUBJECT:</b>              | Discussion, consideration, and possible action on item discussed in Executive Session regarding Economic Development. |                        |            |
| <b>PREPARED BY:</b>                 | City Secretary Ritchie                                                                                                | <b>DATE SUBMITTED:</b> | 09/15/2021 |
| <b>EXHIBITS:</b>                    |                                                                                                                       |                        |            |
| <b>BUDGETARY IMPACT:</b>            | <b>Required Expenditure:</b>                                                                                          | \$00.00                |            |
|                                     | <b>Amount Budgeted:</b>                                                                                               | \$00.00                |            |
|                                     | <b>Appropriation Required:</b>                                                                                        | \$00.00                |            |
| <b>CITY ADMINISTRATOR APPROVAL:</b> |                                                                                                                       |                        |            |
| <b>SUMMARY:</b>                     |                                                                                                                       |                        |            |
|                                     |                                                                                                                       |                        |            |
| <b>RECOMMENDED ACTION:</b>          |                                                                                                                       |                        |            |
|                                     |                                                                                                                       |                        |            |