

**AGENDA
 JOINT MEETING OF THE
 FERRIS CITY COUNCIL & PLANNING AND ZONING COMMISSION
 CITY OF FERRIS
 A GENERAL LAW MUNICIPAL CORPORATION OF THE
 STATE OF TEXAS, ELLIS COUNTY
 AT THE
 COUNCIL CHAMBERS
 215 W. SIXTH STREET, FERRIS, TEXAS 75125
 6:00 P.M. MONDAY, FEBRUARY 1, 2016**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION OF THE CITY OF FERRIS WILL MEET IN JOINT SESSION AT 6:00 P.M. ON THE 1ST DAY OF FEBRUARY, 2016 AT ITS REGULAR MEETING PLACE AT 215 W. SIXTH STREET, FERRIS, TEXAS FOR THE PURPOSE OF CONSIDERING:

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
<u>COUNCIL BUSINESS</u>		
1.	Call to order.	Ø
	<ul style="list-style-type: none"> • Invocation • Pledge of Allegiance 	
2.	Roll call of the City Council to determine the presence of a quorum.	1
3.	Roll call of the Planning and Zoning Commission to determine the presence of a quorum.	2

CONSENT AGENDA – CITY COUNCIL

4. All matters listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. Approval of the Consent Agenda authorizes the Mayor/City Manager to execute all matters necessary to implement each item. Any item may be removed from the Consent Agenda for separate discussion and consideration by any member of the City Council.

- Expenditures for the period ending January 22, 2016.

Sep. Cov.

PUBLIC COMMENT

5. The City Council welcomes comments from the public. Those wishing to speak must sign in with the City Secretary before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised, or make any decisions at this time. Speakers must observe a three minute time limit. Total time allocation for Public Comments is fifteen minutes. Groups of individuals wanting to discuss the same item must select one spokesperson. Inquiries regarding matters not listed on the Agenda may be referred to Staff for research and possible future action. Ø

DISCUSSION

6. Discussion regarding the approval of an amendment to the Zoning Ordinance by amending Article 1, Division 15, Section 2, by adding a definition for “Retail Kiosk”; and by amending Article 2, Division 20, Section 1, Permitted Use Table, by adding the commercial use: “Retail Kiosk” and its associated restriction designations. 3

PUBLIC HEARING

7. Open Public Hearing. Ø
8. Conduct Public Hearing to consider the approval of an amendment to the Zoning Ordinance by amending Article 1, Division 15, Section 2, by adding a definition for “Retail Kiosk”; and by amending Article 2, Division 20, Section 1, Permitted Use Table, by adding the commercial use: “Retail Kiosk” and its associated restriction designations. Ø
9. Close Public Hearing. Ø

PLANNING AND ZONING COMMISSION BUSINESS

10. Final report by the Planning and Zoning Commission regarding the approval of an amendment to the Zoning Ordinance by amending Article 1, Division 15, Section 2, by adding a definition for “Retail Kiosk”; and by amending Article 2, Division 20, Section 1, Permitted

Use Table, by adding the commercial use: “Retail Kiosk” and its associated restriction designations. 3

COUNCIL BUSINESS

11. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-16-808 amending the Zoning Ordinance by amending Article 1, Division 15, Section 2, by adding a definition for “Retail Kiosk”; and by amending Article 2, Division 20, Section 1, Permitted Use Table, by adding the commercial use: “Retail Kiosk” and its associated restriction designations. 3

DISCUSSION

12. Discussion regarding a Special Use Permit Application filed by Jake Ellzey. 8

JOINT PUBLIC HEARING

13. Open Public Hearing. 0

14. Conduct Public Hearing to consider Special Use Permit Application No. 16FER-SUP0001 filed by Jake Ellzey for the change in zoning from Commercial Neighborhood Retail (“C-N”) to Commercial Neighborhood Retail-Special Use Permit (“C-N-SUP”) to allow the placement of a retail kiosk on approximately 1.709 acres located West of Ewing Street and South of FM 664, Lot 4 of the Ferris Retail Development Addition, Ferris, Ellis County, Texas. 0

15. Close Public Hearing. 0

PLANNING AND ZONING COMMISSION BUSINESS

16. Final report by the Planning and Zoning Commission regarding Special Use Permit Application No. 16FER-SUP0001 filed by Jake Ellzey for the change in zoning from Commercial Neighborhood Retail (“C-N”) to Commercial Neighborhood Retail-Special Use Permit (“C-N-SUP”) to allow the placement of a retail kiosk on approximately 1.709 acres located West of Ewing Street and South of FM 664, Lot 4 of the Ferris Retail Development Addition, Ferris, Ellis County, Texas. 8

COUNCIL BUSINESS

17. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-16-809 amending the Zoning Ordinance and the Official Zoning Map by approving Special Use Permit Application No. 16FER-SUP0001 filed by Jake Ellzey for the change in zoning from Commercial Neighborhood Retail (“C-N”) to Commercial Neighborhood Retail-Special Use Permit (“C-N-SUP”) to allow the placement of a retail kiosk on approximately 1.709 acres located West of Ewing Street and South of FM 664, Lot 4 of the Ferris Retail Development Addition, Ferris, Ellis County, Texas.

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DISCUSSION

18. Discussion regarding a Special Use Permit Application filed by Randy Pennington.

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JOINT PUBLIC HEARING

19. Open Public Hearing.
20. Conduct Public Hearing to consider Special Use Permit Application No. 16FER-SUP0002 filed by Randy Pennington for the change in zoning from Commercial Corridor Special Use Permit (“C-C-SUP”) to Commercial Corridor-Special Use Permit Revised (“C-C-SUP REV”) to allow the placement of a billboard on approximately .603 acres located West of Interstate 45 and South of East Eighth Street, Lot 1, Block A, of the Martin Primary Media Addition, Ferris, Ellis County, Texas.
21. Close Public Hearing.

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PLANNING AND ZONING COMMISSION BUSINESS

22. Final report by the Planning and Zoning Commission regarding Special Use Permit Application No. 16FER-SUP0002 filed by Randy Pennington for the change in zoning from Commercial Corridor Special Use Permit (“C-C-SUP”) to Commercial Corridor-Special Use Permit Revised (“C-C-SUP REV”) to allow the placement of a billboard on approximately .603 acres located West of Interstate 45

14

and South of East Eighth Street, Lot 1, Block A, of the Martin Primary Media Addition, Ferris, Ellis County, Texas.

COUNCIL BUSINESS

23. Discussion, consideration, and action as may be appropriate regarding Ordinance No. O-16-810 amending the Zoning Ordinance and the Official Zoning Map by approving Special Use Permit Application No. 16FER-SUP0002 filed by Randy Pennington for the change in zoning from Commercial Corridor Special Use Permit (“C-C-SUP”) to Commercial Corridor-Special Use Permit Revised (“C-C-SUP REV”) to allow the placement of a billboard on approximately .603 acres located West of Interstate 45 and South of East Eighth Street, Lot 1, Block A, of the Martin Primary Media Addition, Ferris, Ellis County, Texas.

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CLOSING – PLANNING AND ZONING COMMISSION

24. Adjourn: Planning and Zoning Commission.

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CLOSING

25. Adjourn.

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Executive Session Reservation

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations Regarding Real Property), 551.073 (Deliberation Regarding Prospective Gift), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices or Security Audits) and 551.087 (Deliberation Regarding Economic Development Negotiations).

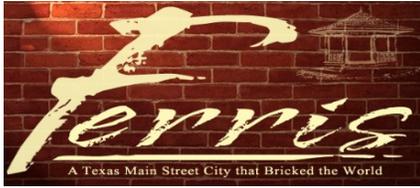
Disability Assistance and Accommodation

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at (972) 544-2110 two working days prior to the meeting so that appropriate arrangements can be made.

**I, DESTINY LUSK WRIGHT, HEREBY
CERTIFY THE FOREGOING NOTICE
WAS POSTED ON OR BEFORE THE
29TH DAY OF JANUARY, 2016 BY 6:00
P.M.**

Destiny Wright

**DESTINY LUSK WRIGHT
CITY SECRETARY**



City Council

Meeting Attendance Record 2015-2016

City Council		Oct.		Nov.		Dec.			Jan.				Feb.		March		April		May		June		July		Aug.		Sept.	
Title	Name	5	19	2	16	7	19	21	4	9	19	27	1	16	7	21	4	18	2	16	6	20	5	18	1	15	6	19
Mayor	Micheal Driggars	P	P	P	P	P	P	P	P	P	P	P																
Alderman, Place 1	James Starr	P	P	P	P	P	P	P	P	P	P	P																
Mayor Pro Tem	Jay Walsh	P	P	P	P	P	P	P	P	P	P	P																
Alderman, Place 3	Bobby Lindsey	P	P	P	P	P	P	P	P	P	P	P																
Alderman, Place 4	Gary Ross	A	A	P	P	P	P	P	P	P	P	P																
Alderman, Place 5	Carol Wright	P	P	P	P	P	P	P	P	P	P	P																
	Total:	5	5	6	6	6	6	6	6	6	6	6																

City Staff		Oct.		Nov.		Dec.			Jan.				Feb.		March		April		May		June		July		Aug.		Sept.	
Title	Name	5	19	2	16	7	19	21	4	9	19	27	1	16	7	21	4	18	2	16	6	20	5	18	1	15	6	19
City Manager	Carl Sherman	P	P	P	P	P	P	P	P	P	P	P																
City Secretary	Destiny Wright	P	P	P	P	P	P	P	P	P	P	P																
City Attorney	Kent Hofmeister	A	A	A	A	A	A	A	A	A	P	A																
I.T. Director	Doug Childers	P	P	P	P	P	A	P	A	A	P	A																
Finance Director	Melissa Gonzalez	P	P	P	P	P	P	P	P	P	P	P																
Library Director	Kathy Harrington	P	P	P	P	P	A	P	A	A	P	A																
Chief Building Official	Bill Jordan	P	P	P	A	P	P	P	P	P	P	P																
Interim Fire Chief	Tom Leverentz	-	-	-	-	-	A	P	A	A	P	P																
Budget/H.R. Director	Trudy Lewis	-	-	-	-	-	-	P	P	P	P	P																
Police Chief	Eddie Salazar	-	-	P	P	P	A	P	A	A	P	P																
Pub. Wrks. Director	Red Taylor	-	P	P	P	P	A	P	A	A	A	A																
	Total:	9	10	9	8	9	4	9	5	5	10	7																

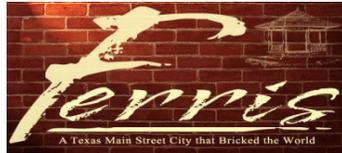
Mayor, "Will the City Secretary call the roll?"

The City Secretary calls each Member's position and name.

They respond if they are present.

City Secretary, "Mayor, a quorum is present."

P	Present
A	Absent



PLANNING AND ZONING COMMISSION

MEETING ATTENDANCE RECORD

2015-2016

PLANNING AND ZONING COMMISSION			Oct	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Place	Name	Title	5	19	1									
Place 1	Jim Kay	Chair	P	P										
Place 2	Rudy Amor	Commissioner	P	P										
Place 3	Bill Malloy	Commissioner	P	P										
Place 4	James Swafford	Commissioner	P	P										
Place 5	Charles Hatfield	Vice Chair	P	P										
Place 6	Christi Farish	Commissioner	A	A										
Place 7	Richard Barrett	Commissioner	P	A										
Total Present:			6	5										

A quorum of the commission is 4 members.

City Staff		Oct	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep		
Title	Name	5	19	1									
City Manager	Carl Sherman	P	P										
City Secretary	Destiny Wright	P	P										
Building Official	Bill Jordan	P	P										
Total Present:		3	3										

Chairman- "Will the Secretary please call the roll."
 The Secretary calls each member's position and name.
 They respond if they are present.
 Secretary- "A quorum is present."

P	Present
A	Absent
R	Resigned
D	Deceased
E	End of Term



City of Ferris

AGENDA ITEM REPORT

Meeting Date:	February 1, 201
Department:	Code Compliance
Submitted By:	Bill Jordan
Previously Reviewed By:	
Item Type:	<input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action
Budgeted Expense:	<input type="checkbox"/> No <input type="checkbox"/> Yes, Amount: _____

Attachments:
1. Ordinance
Discussion / Justification:
<p>In preparation for the installation of a stand-alone ice machine, the City will need to modify its Zoning Ordinance to allow for retail kiosk uses. The current Zoning Ordinance does not have provisions for this type of use. This ordinance will create a "Retail Kiosk" use to be allowed in any commercial or industrial zoning with an SUP. The ordinance will also set minimum standards for this use. Because of the untraditional nature of this type of use, and the growing popularity of these types of uses, staff has included the SUP requirement to allow for an additional review of kiosk developments to allow for site specific regulations.</p>

Recommendation / Staff Comments:
Staff recommends approval of this ordinance.
Motion(s):
I make a motion to approve ordinance #O-16-808. I make a motion to approve ordinance #O-16-808 with the following changes or restrictions: _____. I make a motion to table this item.

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-16-808

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF FERRIS, TEXAS, AS HERETOFORE AMENDED, BY AMENDING ARTICLE 1, DIVISION 15, SECTION 2, BY ADDING A DEFINITION FOR “RETAIL KIOSK”; AND BY AMENDING ARTICLE 2, DIVISION 20, SECTION 1, PERMITTED USE TABLE, BY ADDING THE COMMERCIAL USE: “RETAIL KIOSK” AND ITS ASSOCIATED RESTRICTION DESIGNATIONS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article 1 of the Zoning Ordinance of the City of Ferris, Texas (“Zoning Ordinance”) contains definitions for all types of uses within the City, and Article 2 of the Zoning Ordinance contains the Permitted Use Table; and

WHEREAS, a recent review of Articles 1 and 2 indicates amendments are necessary to include a new definition and use within certain districts; and

WHEREAS, the City Council of the City of Ferris, Texas (“City Council”) has determined that the Zoning Ordinance should be amended as provided herein.

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

SECTION 1. The Zoning Ordinance be and the same is hereby amended by amending Article 1, “General Regulations,” Division 15, “Definitions,” Section 2, “Definitions for Uses,” by adding a definition for “Retail Kiosk” which shall read as follows:

ARTICLE 1 GENERAL REGULATIONS

.....

DIVISION 15: DEFINITIONS

.....

Section 2: Definitions for Uses

.....

Restaurant, Refreshment Stand (Temporary or Seasonal) - temporary or seasonal basis.

[the following definition will be added;]

“*Retail Kiosk* - A self-contained retail facility that is either manned or automatic, is less than 225 square feet in size, does not exceed one story, and is located on the same property as and subsequent to a valid retail use.”

.....

SECTION 2. The Zoning Ordinance be and the same is hereby amended by amending Article 2, “Base District Regulations,” Division 20, “Permitted Use,” Section 1, “Permitted Use Table,” which shall read as follows:

ARTICLE 2 BASE DISTRICT REGULATIONS

.....

DIVISION 20 PERMITTED USE

.....

“SECTION 1: Permitted Use Table

.....

COMMERCIAL USES	DISTRICTS													
	RESIDENTIAL							COMMERCIAL			INDUSTRIAL		AGRL	COND.'S
	R-1	R-2	R-3	R-TH	R-D	MF-18	MH	RV	C-O	C-N	C-C	I-L	I-H	
.....														
Restaurant, Rereshemnt Stand (Temporary or Seasonal)									S	S	S	P	P	2.5
Retail Kiosk									S	S	S	S	S	1.5,14
.....														

”

SECTION 3. The Zoning Ordinance, as amended, shall remain in full force and effect, save and except as amended by this Ordinance.

SECTION 4. All provisions of the ordinances of the City of Ferris, Texas, in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 6. An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Zoning Ordinance, as amended, in effect when the offense was committed and the former law are continued in effect for this purpose.

SECTION 7. 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 Zoning Ordinance, as amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Ordinance No. O-16-808

SECTION 8. This Ordinance shall take effect immediately from and after its passage and the publication of its caption, as the law in such cases provide.

DULY PASSED and approved by the City Council of the City of Ferris, Texas on this the 1st day of February, 2016.

Approved:

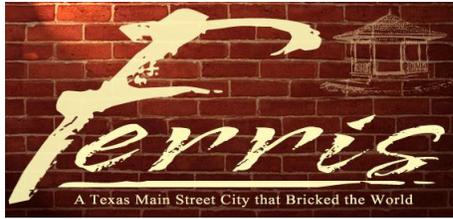
Micheal L. Driggars, Mayor

Attest:

Approved As To Form:

Destiny Lusk Wright, City Secretary

Kent Hofmeister , City Attorney



City of Ferris

AGENDA ITEM REPORT

Meeting Date:	February 1, 2016
Department:	Code Compliance
Submitted By:	Bill Jordan
Previously Reviewed By:	
Item Type:	Action
Budgeted Expense:	<input type="checkbox"/> No <input type="checkbox"/> Yes, Amount: _____

Attachments:
<ol style="list-style-type: none"> 1. Elevations 2. Site plan 3. Ordinance
Discussion / Justification:
<p>The applicant, Jake Ellzey, has requested an SUP to allow the installation of a stand-alone ice dispensing machine in the parking lot of 454 FM 664 (Shaw Creek Towne Center). At the November 2nd City Council Meeting, the Council expressed a favorable response to the installation of a retail ice kiosk at this location. This ordinance will approve an SUP to allow the retail kiosk use.</p>
Recommendation / Staff Comments:
<p>Staff recommends approval of this ordinance.</p>
Motion(s):
<p>I make a motion to approve ordinance #<u>O-16-809</u>. I make a motion to approve ordinance #<u>O-16-809</u> with the following changes or restrictions: _____. I make a motion to table this item.</p>

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-16-809

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS AMENDING THE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM COMMERCIAL NEIGHBORHOOD RETAIL (“C-N”) TO COMMERCIAL NEIGHBORHOOD RETAIL-SPECIAL USE PERMIT (“C-N-SUP”) TO ALLOW THE PLACEMENT OF A RETAIL KIOSK ON APPROXIMATELY 1.709 ACRES LOCATED WEST OF EWING ST. AND SOUTH OF FM 664, LOT 4 OF THE FERRIS RETAIL DEVELOPMENT ADDITION, FERRIS, ELLIS COUNTY, TEXAS; PROVIDING FOR THE APPROVAL OF A SITE PLAN AND ELEVATION EXHIBIT WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBITS A AND B RESPECTIVELY; PROVIDING FOR SPECIAL CONDITIONS, PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Ferris, Texas in compliance with the laws of the State of Texas and pursuant to the Zoning Ordinance of the City of Ferris, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Special Use Permit Application No. 16FER-SUP0001 for a retail kiosk should be approved, and in the exercise of legislative discretion have concluded that the Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS;

SECTION 1. That the Zoning Ordinance and Map of the City of Ferris, Texas, duly passed by the governing body of the City of Ferris, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from commercial neighborhood retail (“C-N”) to commercial neighborhood retail-special use permit (“C-N-SUP”) to allow the placement of a retail kiosk on

approximately 1.709 acres located West of Ewing St. and South of FM 664, Lot 4 of the Ferris Retail Development Addition, Ferris, Ellis County, Texas

SECTION 2. The property shall be developed and used in accordance with the development standards under the Ferris Zoning Ordinance, ordinances of the City of Ferris, and special regulations as established herein on approved site plan and sign exhibit, which are attached hereto and incorporated herein as Exhibits A and B respectively.

SECTION 3. That the site plan and sign exhibit attached hereto as Exhibits A and B, and made a part hereof for all purposes, are hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Zoning Ordinance of the City of Ferris, as heretofore amended, and as amended herein, and that development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

SECTION 5. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Ferris, Texas and the Ferris Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinance and such codes are hereby repealed.

SECTION 6. It is hereby declared that it is the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. All rights and remedies of the City of Ferris are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or platting that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. This ordinance shall be in full force and effect from this and after its passage and publication as required by law, and it is so ordained.

DULY PASSED and approved by the City Council of the City of Ferris, Texas on this the 1st day of February, 2016.

Approved:

Micheal L. Driggars, Mayor

Attest:

Approved As To Form:

Destiny Lusk Wright, City Secretary

Kent Hofmeister , City Attorney

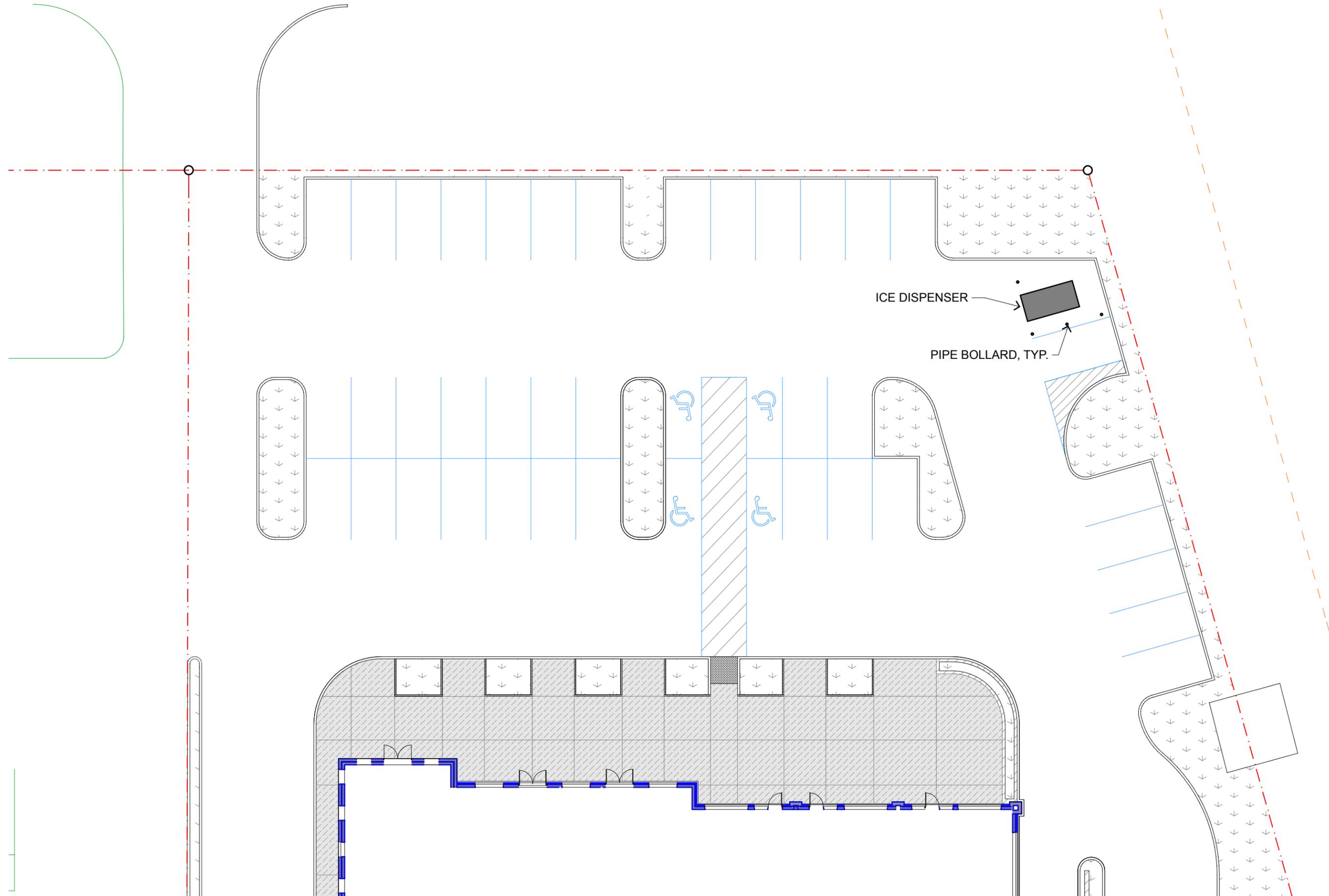
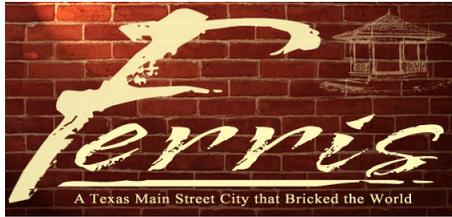


EXHIBIT "B"





City of Ferris

AGENDA ITEM REPORT

Meeting Date:	February 1, 201
Department:	Code Compliance
Submitted By:	Bill Jordan
Previously Reviewed By:	
Item Type:	<input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action
Budgeted Expense:	<input type="checkbox"/> No <input type="checkbox"/> Yes, Amount: _____

Attachments:
1. Ordinance with exhibits.
Discussion / Justification:
<p>Council has approved an SUP for a billboard to be placed along I-45 at 8th St. The applicant, Primary Media, submitted the City's approval with their application to TXDOT for approval through that agency. TXDOT rejected the application citing a non-compliance issue with a sign separation restriction. Primary Media intends to comply with the restriction and re-apply to TXDOT, however this will require re-approval from the City.</p> <p>This proposed amendment will relocate the billboard and billboard easement approximately 250 feet to the north of its current approved location. Additionally, this new SUP will place in writing the ability for the City to advertise on the billboard. No other provisions of the sign design or site preparation will be affected.</p>

Recommendation / Staff Comments:
Staff recommends approval of this ordinance.
Motion(s):
I motion to approve Ordinance # O-16-810 as presented. I motion to approve Ordinance # O-16-810 with the following changes or conditions _____.
I move to table this item.

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS

ORDINANCE NO. O-16-810

AN ORDINANCE OF THE CITY OF FERRIS, TEXAS AMENDING THE ZONING ORDINANCE AND MAP, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING FROM COMMERCIAL CORRIDOR SPECIAL USE PERMIT (“C-C- SUP”) TO COMMERCIAL CORRIDOR-SPECIAL USE PERMIT REVISED (“C-C-SUP REV”) TO ALLOW THE PLACEMENT OF A BILLBOARD ON APPROXIMATELY .603 ACRES LOCATED WEST OF INTERSTATE 45 AND SOUTH OF EAST 8TH STREET, LOT 1, BLOCK A, OF THE MARTIN PRIMARY MEDIA ADDITION, FERRIS, ELLIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT A, WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; PROVIDING FOR THE APPROVAL OF A SITE PLAN AND SIGN EXHIBIT WHICH ARE ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBITS B AND C RESPECTIVELY; PROVIDING FOR SPECIAL CONDITIONS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission and the governing body of the City of Ferris, Texas in compliance with the laws of the State of Texas and pursuant to the Zoning Ordinance of the City of Ferris, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, the said governing body is of the opinion that Special Use Permit Application No. 16FER-SUP0002 for a message board sign should be approved, and in the exercise of legislative discretion have concluded that the Zoning Ordinance and Map should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERRIS, TEXAS;

SECTION 1. That the Zoning Ordinance and Map of the City of Ferris, Texas, duly passed by the governing body of the City of Ferris, Texas, as heretofore amended, be and the same is hereby amended by granting a change in zoning from Commercial Corridor Special Use Permit (“C-C-SUP”) to

Ordinance No. O-16-810

Commercial Corridor-Special Use Permit Revised (“C-C-SUP Rev”) to allow the placement of a billboard with City advertising access with a guaranteed minimum of 8 seconds per minute, either side on approximately .603 acres located West of Interstate 45 and South of East 8th. Street, Lot 1, Block A, of the Martin Primary Media Addition, Ferris, Ellis County, Texas, and being more particularly described in exhibit A, which is attached hereto and incorporated herein.

SECTION 2. The property shall be developed and used in accordance with the development standards under the Ferris Zoning Ordinance, ordinances of the City of Ferris, and special regulations as established herein on approved site plan and sign exhibit, which are attached hereto and incorporated herein as Exhibits B and C respectively.

SECTION 3. That the site plan and sign exhibit attached hereto as Exhibits B and C, and made a part hereof for all purposes, are hereby approved.

SECTION 4. That the above property shall be used only in the manner and for the purpose provided for by the Zoning Ordinance of the City of Ferris, as heretofore amended, and as amended herein, and that development of the property herein shall be in accordance with building regulations, zoning ordinances, and any applicable ordinances except as may be specifically altered or amended herein.

SECTION 5. This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Ferris, Texas and the Ferris Zoning Ordinance, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such codes, in which event the conflicting provision of such ordinance and such codes are hereby repealed.

SECTION 6. It is hereby declared that it is the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining

sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 7. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8. All rights and remedies of the City of Ferris are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or platting that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 9. This ordinance shall be in full force and effect from this and after its passage and publication as required by law, and it is so ordained.

DULY PASSED and approved by the City Council of the City of Ferris, Texas on this the 1st day of February, 2016.

Approved:

Micheal L. Driggars, Mayor

Attest:

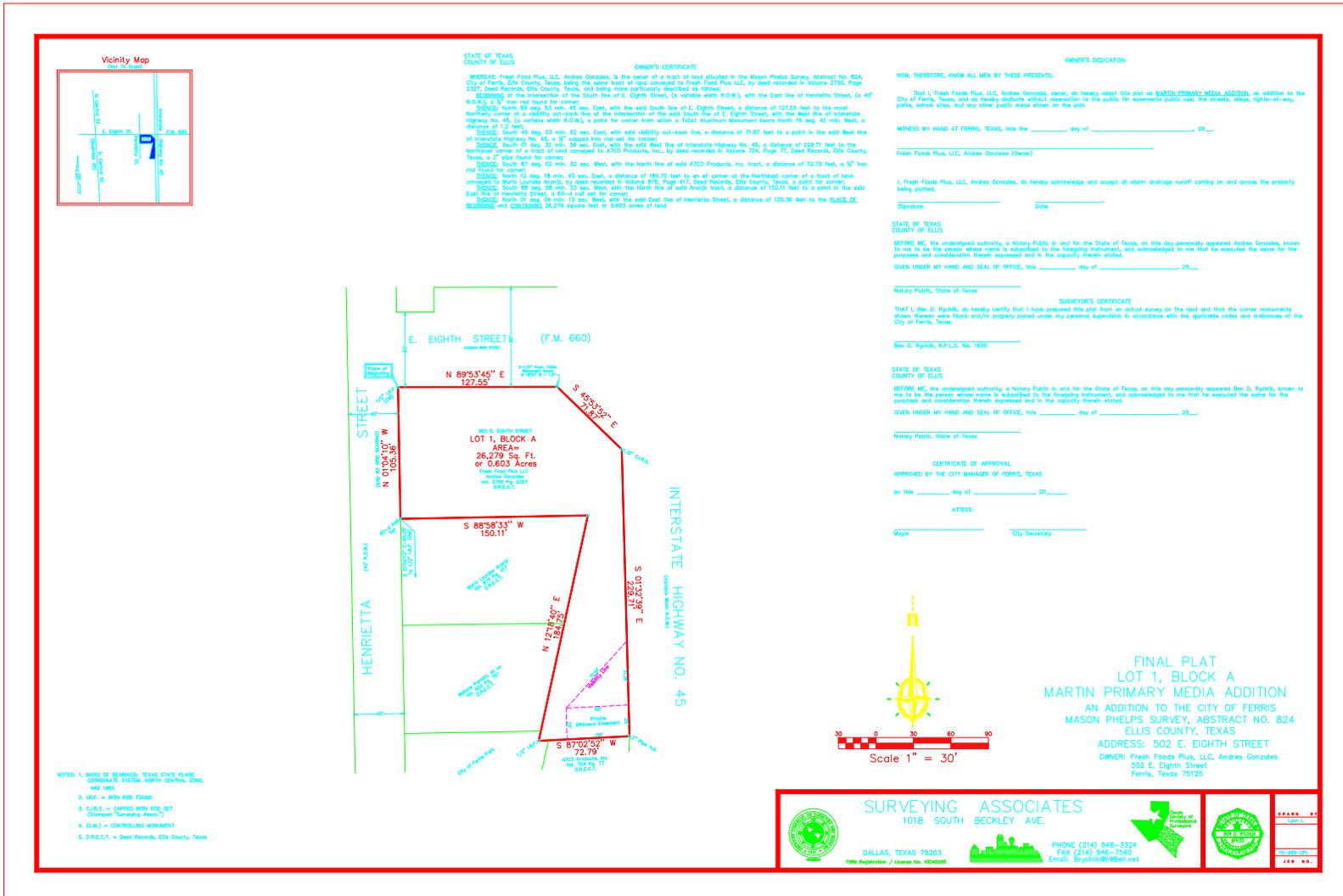
Approved As To Form:

Destiny Lusk Wright, City Secretary

Kent Hofmeister , City Attorney

Ordinance No. O-16-810

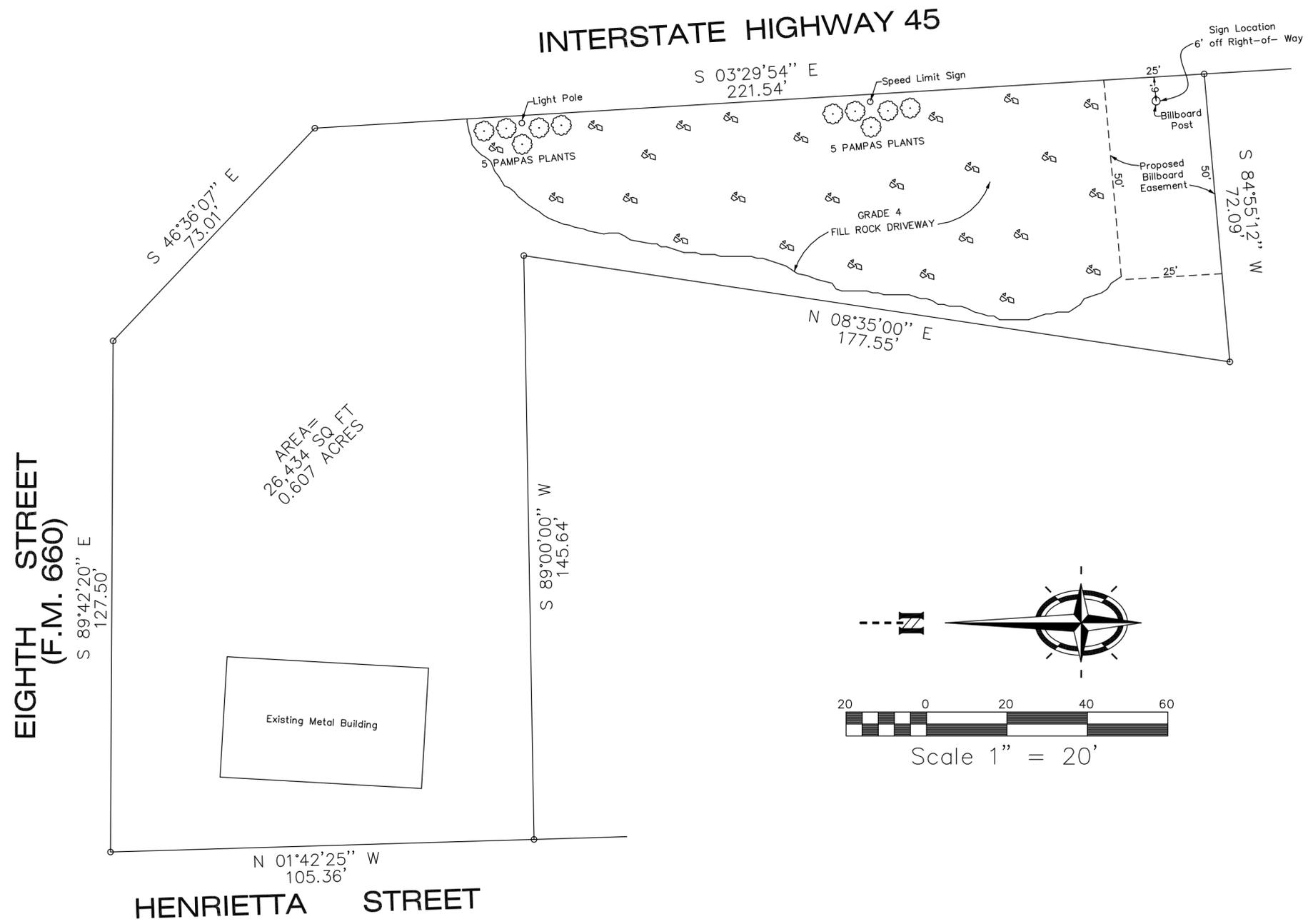
EXHIBIT "A"



SITE PLAN

502 E. 8TH STREET
 FERRIS, TX. 75125
 May Phelps Survey, Abstract No. 824
 MAY 12, 2015

Easement shown to not be used for placement of a billboard.
 Landscaping and grading to be completed as shown.



SURVEYING ASSOCIATES
 1018 SOUTH BECKLEY AVE.

DALLAS, TEXAS 75203
 FIRM Registration / License No. 10040200



PHONE (214) 948-3324
 FAX (214) 946-7540
 Email: Brychlik@SWBell.net



DRAWN BY	Lynn L.
15-280-SITE	
JOB NO.	

EXHIBIT "C"

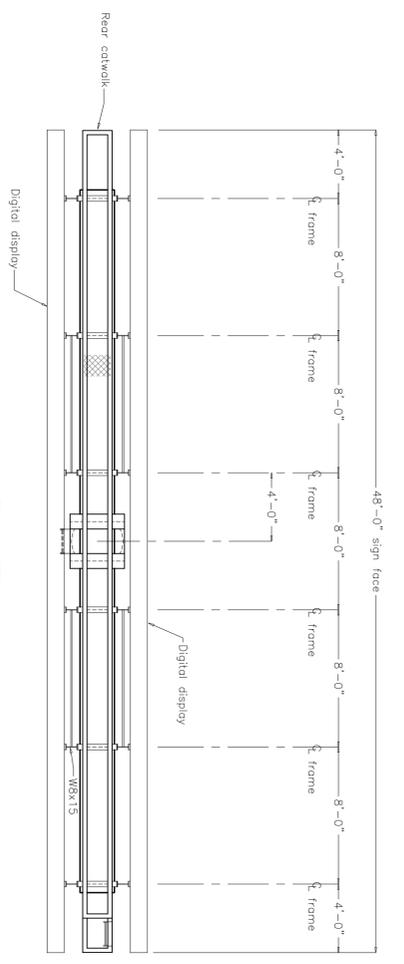
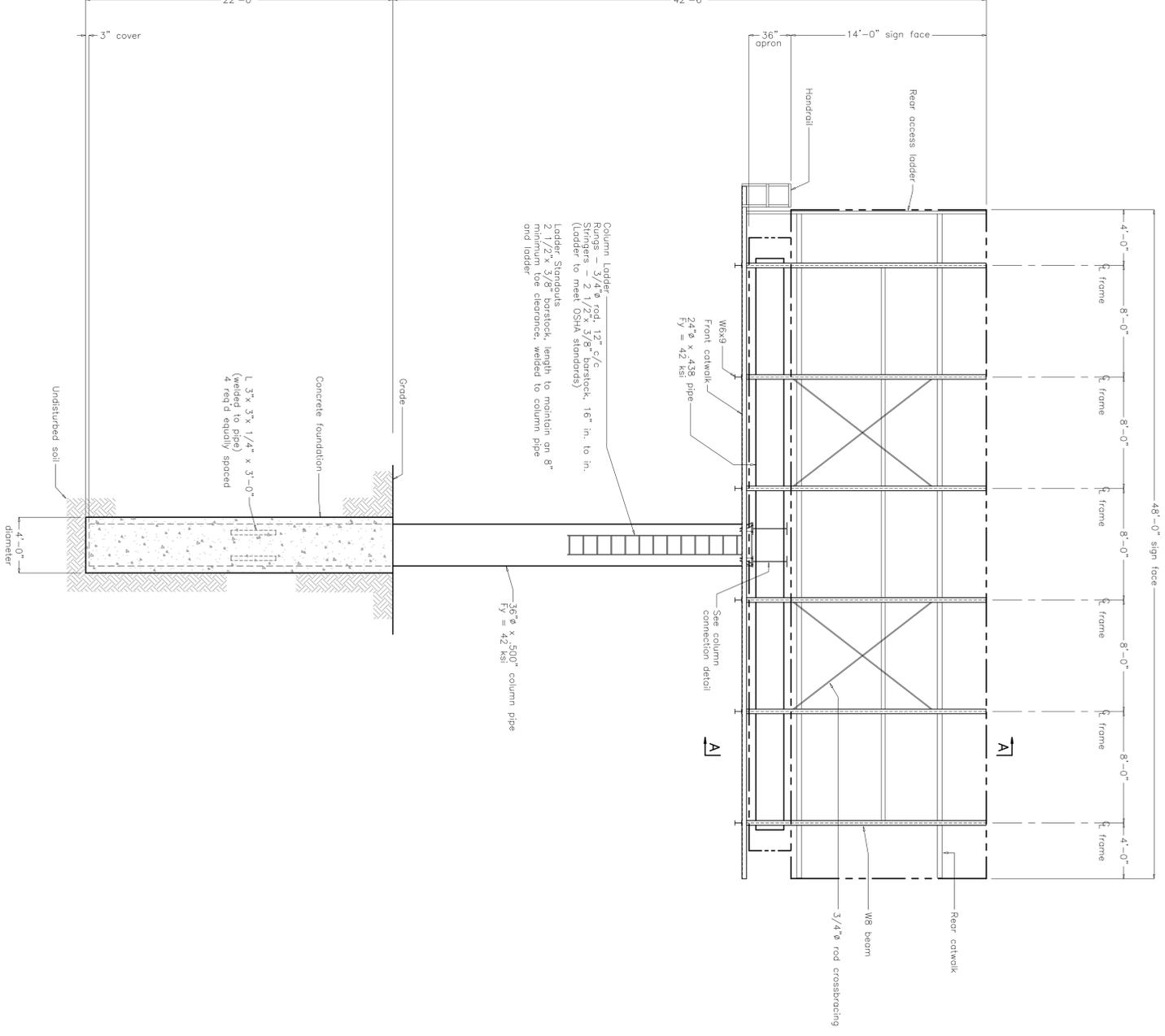


ENGINEER		CAD	
ISSUE	DATE	REMARKS	

14'-0" x 48'-0"
MONOPOLE SIGN STRUCTURE
CENTERMOUNT
BACK TO BACK
42'-6" OVERALL HEIGHT
FERRIS, TEXAS

SIGN COMPANY

CLIENT NO. 14-041-340
GRC NO. 14-041-340
DRAWING NO. 16774-42.5
SHEET 1 of 2



Column Ladder
Rungs - 3/4" rod, 12" c/c
Stringers - 2 1/2" x 3/8 barstock, 16" in. to in.
(Ladder to meet OSHA standards)
Ladder Standards
2 1/2" x 3/8 barstock, length to maintain an 8"
clearance between stringers, welded to column pipe
and ladder

36" x 42" column pipe
Fy = 42 Ksi

L 3" x 3" x 1/4" x 3'-0"
(4 req'd)
4" req'd equally spaced

SIGN FACE ELEVATION

PLAN VIEW SIGN STRUCTURE

NOTES

- Structural design conforms to the 2009 International Building Code.
- Design standard is ASCE 7-05.
- Superstructure can accommodate two faces weighing up to 8,000 pounds each.

WIND

- Design winds - 90 mph, (3 sec. gust) Exposure C.
- Structure is classified occupancy category I.
- Wind importance factor - Iw = 0.87
- Design wind pressure is 31.9 p.s.f.

SEISMIC

- Seismic load importance factor: Ie = 1.0
- Structure is classified occupancy category I.
- Mapped spectral response accelerations:
Ss = 0.147 g
S1 = 0.072 g
- Site class : D
- Spectral response coefficients:
Sps = 0.157
Sps1 = 0.115

STEEL

- Seismic design category is A.
- Seismic basic force resisting system:
Non-buildings structure not similar to building - signs and billboards.
- Design base shear : 2.41 Kips
- Seismic response coefficient: Cs = 0.050
- Response modification factor: R = 3
- Analysis procedure used: Equivalent lateral force method.

STEEL

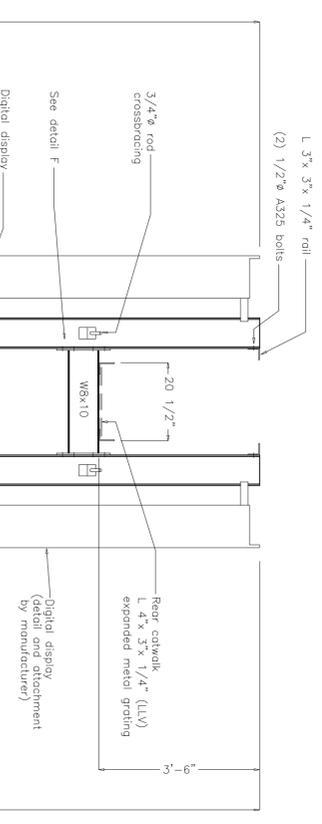
- Structural steel pipe shall conform to ASTM A252 or API 5L, with grade that corresponds to the specified yield stress.
- Structural steel plate, rods, angles, and channels shall conform to ASTM A36.
- Structural steel wide flange shapes shall conform to ASTM A992.
- High strength bolts shall conform to ASTM A325 (unless noted otherwise)
- Nuts shall conform to ASTM A563.
- A325 bolts and nuts to be cadmium plated.
- High strength A325 bolts shall be installed according to the latest RCSC specifications.
- Bolt holes shall be the AISC standard size (unless noted otherwise).
- All high strength bolts shall be fully pretensioned (unless noted otherwise).
- Steel shall be primed and painted, except for the embedded portions of members.
- Steel members shall be in accordance with AISC standards.
- Steel members and elements of the structure shall be fabricated and erected according to the latest AISC specifications and standard practice.

FOUNDATION & CONCRETE

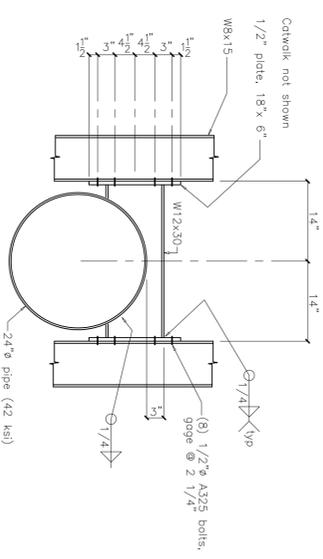
- Concrete shall attain a 28-day compressive strength of f'c = 3000 p.s.i.
- Allowable lateral bearing of the soil profile is an assumed 150 p.s.f./ft. (to be field verified)

GENERAL

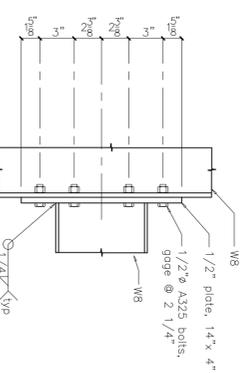
- The contractor shall verify all dimensions and conditions in the field and notify the engineer of any discrepancies.
- GRC Engineering, Inc. will not be supervising or monitoring the erection/installation of this structure.
- This is an original unpublished drawing. It is not to be reproduced, copied, or exhibited in any fashion without written permission of Sign Company.



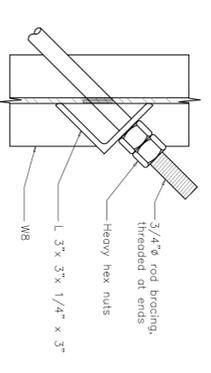
**SECTION AA
FRAME DETAIL**



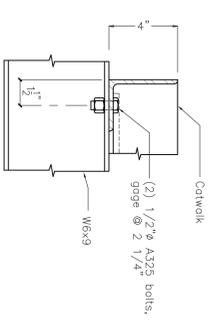
FRAME MOUNTING DETAIL



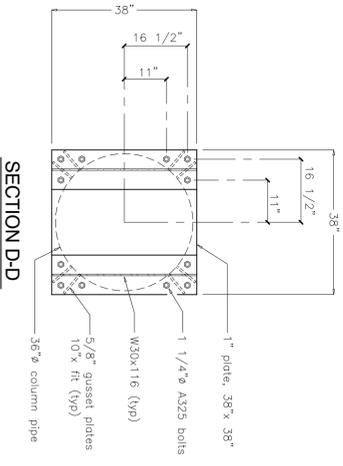
DETAIL F



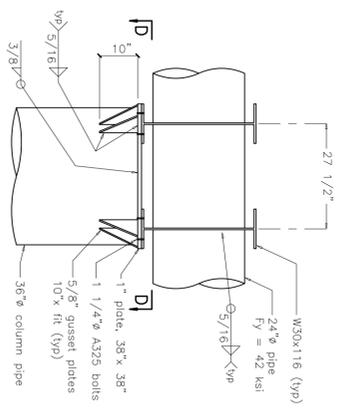
CROSSBRACING DETAIL



CATWALK MOUNTING DETAIL



SECTION D-D



COLUMN CONNECTION DETAIL

SIGN COMPANY

14'-0" x 48'-0"
MONOPOLE SIGN STRUCTURE
CENTERMOUNT
BACK TO BACK
42'-6" OVERALL HEIGHT
FERRIS, TEXAS

ENGINEER	CAD	ISSUE	DATE	REMARKS

CLIENT NO. 14-041-340
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