



**ZONING MAP CHANGE  
STAFF REPORT**

**City Council Meeting Date:**  
October 14, 2014

**Council District** ALL

**Zoning Commission Recommendation:**  
Approval as Amended for August 8 draft ordinance by a vote of 8-0  
  
**Opposition:** None submitted  
**Support:** None submitted

Continued Yes X No \_\_\_  
Case Manager Jocelyn Murphy  
Surplus Yes \_\_\_ No X  
Council Initiated Yes \_\_\_ No X

**Owner / Applicant:** City of Fort Worth Planning and Development Department

**Site Location:** Citywide Mapsco: N/A

**Proposed Use:** An Ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as amended, codified as Appendix "A" of the Code of The City of Fort Worth (1986), to amend Chapter 4 "District Regulations" to amend:

- Article 3 "Planned Development ("PD") District" to add game rooms in Section 4.305;
- Sections 4.800 "Nonresidential District Use Table" and 4.1200 "Form Based Districts Use Table" to add game rooms by Planned Development District; and
- Chapter 9, "Definitions", Section 9.101, "Defined Terms"

**To review the proposed amendments:** <http://fortworthtexas.gov/planninganddevelopment/zoningcommission.aspx>

**Request:** TEXT AMENDMENT: GAME ROOMS AND GAMING

**Background:**

In order to address ongoing concerns about certain properties operating for gaming purposes or providing gaming machines, the City Council directed Staff to establish regulations within the Zoning Ordinance. Concerns from the City Council included increased crime, quality of life, property values and character of surrounding neighborhoods and deter the spread of urban blight.

Currently, business that operate amusement redemption machines, such as but not limited to eight liners, are considered indoor amusement as it is the most applicable use in the land use chart. The proposed regulations will define gaming and establish regulations for any operations that meet the definition of a game room. The intention is to ensure that operators do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes.

**Attachments:** Summary of Proposed Ordinance  
Minutes from the City Council meeting  
Minutes from the Zoning Commission meeting

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX “A” OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 4 “DISTRICT REGULATIONS” TO AMEND ARTICLE 3 “PLANNED DEVELOPMENT (“PD”) DISTRICT” TO ADD GAME ROOMS IN SECTION 4.305; TO AMEND SECTIONS 4.800 “NONRESIDENTIAL DISTRICT USE TABLE” AND 4.1200 “FORM BASED DISTRICTS USE TABLE” TO ADD GAME ROOMS BY PLANNED DEVELOPMENT DISTRICT; TO AMEND CHAPTER 9, “DEFINITIONS”, SECTION 9.101, “DEFINED TERMS” TO ADD DEFINITIONS RELATED TO GAME ROOMS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City is expressly authorized to regulate game rooms operating amusement redemption machines such as eight liners by virtue of being a home rule municipality; and

**WHEREAS**, Zoning game rooms is a legitimate and reasonable means of regulation to ensure that operators of game rooms do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes; and

**WHEREAS**, game rooms that operate amusement redemption machines, such as but not limited to eight liners, can have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary; and

**WHEREAS**, game rooms that operate amusement redemption machines have objectionable operational characteristics, particularly when located within close proximity to each other, contributing to urban blight and downgrading the quality of life in the adjacent area; and

**WHEREAS**, the City Council desires to minimize and to control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve the quality of life; preserve property values and character of surrounding neighborhoods and deter the spread of urban blight.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

**SECTION 1.**

Chapter 4, “District Regulations”, Article 3, “Planned Development (“PD”) District, Subsection 4.305.C. “Specified Commercial Uses Permitted in “PD” District only” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add number 6 “Game rooms” as a use to read as follows:

**4.305 Uses**

**C. Specified Commercial Uses Permitted in “PD” District Only**

**6. Game rooms**

Additional development controls shall be required, as follows:

- a. No game room shall be located within 300 hundred feet of a one- or two-family residential district, church, school, or hospital, measured from property line to property line.
- b. Each entrance to a game room shall be marked with a sign that:
  - i. bears the word “GAME ROOM” in two and one-half inch or larger block letters; and
  - ii. is legible from a distance of 25 feet.
- c. Every game room shall provide transparent glass in at least one game room window with a dimension of at least three feet in width and three feet in height and shall not cover or otherwise block or obscure the view through a game room window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions.
- d. The sale, purchase, possession or consumption of any alcoholic beverages as defined by the Texas Alcoholic Beverage Code shall not be permitted unless the premises is licensed under the provisions of said code for the sale, purchase, or possession of alcoholic beverages.
- e. Every game room shall be limited to a maximum 2,000 square feet.

**SECTION 2.**

Chapter 9, “Definitions” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101, “Defined Terms” is hereby amended to add definitions for game rooms, amusement redemption machines to read as follows:

**9.101 Defined Terms**

Amusement Redemption Machine means a skill or pleasure coin-operated machine that is designed, made and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of a value redeemable for those items and is in compliance with Section 47.01(4) of the Texas Penal Code. Amusement Redemption Machine does not include:

1. A machine that awards the user non-cash merchandise prizes, toys, or novelties solely and directly from the machine, including claw, crane, or similar machines; nor
2. A machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit, or drop a ball or other physical objects into the machine or a part thereof, including basketball, golf, bowling, or similar machines. A representation of value means cash paid under authority of sweepstakes contestants as provided by the Texas Business and Commerce Code, Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

Game room means a building, facility, or other place that is open to the public where three or more amusement redemption machines are present.

### **SECTION 3.**

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4602, "Non-Residential District Use Table" is hereby amended to revise section "Entertainment and Eating", to add the use "Game rooms", add "PD" under "Planned Development" special district column for the use and add a reference to 4.305.C under the Supplemental Standards column.

### **SECTION 4.**

Chapter 4, Article 12, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4.1202, "Form-Based District Use Table" is hereby amended to amend section "Eating and Entertainment", to add the use "Game rooms" to add a "PD" under "Planned Development" special district column for the use and add a reference to 4.305.C. under the Supplemental Standards column.

### **SECTION 5.**

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (1986), as amended, affecting zoning and shall not repeal any of the provisions of

such ordinances, except in those instances where provisions of such ordinance are in direct conflict with the provisions of this ordinance.

**SECTION 6.**

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896, or any amendments thereto 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 or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**

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

**SECTION 8.**

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 9.**

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

**SECTION 10.**

This ordinance shall take effect after adoption and publication as required by law.

**APPROVED AS TO FORM AND LEGALITY:**

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

Melinda Ramos, Assistant City Attorney

Mary Kayser, City Secretary

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_

DRAFT

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

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX “A” OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING CHAPTER 4 “DISTRICT REGULATIONS” TO AMEND ARTICLE 3 “PLANNED DEVELOPMENT (“PD”) DISTRICT” TO ADD GAME ROOMS IN SECTION 4.305; TO AMEND SECTIONS 4.800 “NONRESIDENTIAL DISTRICT USE TABLE” AND 4.1200 “FORM BASED DISTRICTS USE TABLE” TO ADD GAME ROOMS BY PLANNED DEVELOPMENT DISTRICT; TO AMEND CHAPTER 9, “DEFINITIONS”, SECTION 9.101, “DEFINED TERMS” TO ADD DEFINITIONS RELATED TO GAME ROOMS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City is expressly authorized to regulate game rooms operating amusement redemption machines such as eight liners by virtue of being a home rule municipality; and

**WHEREAS**, zoning game rooms is a legitimate and reasonable means of regulation to ensure that operators of game rooms do not knowingly allow their establishments to be used as places of illegal activities such as gambling, personal and property crimes; and

**WHEREAS**, game rooms that operate amusement redemption machines, such as but not limited to eight liners, can have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, such as gambling, theft, criminal trespass, criminal mischief, and burglary; and

**WHEREAS**, game rooms that operate amusement redemption machines have objectionable operational characteristics, particularly when located within close proximity to each other, contributing to urban blight and downgrading the quality of life in the adjacent area; and

**WHEREAS**, the City Council desires to minimize and to control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect citizens from increased crime; preserve the quality of life; preserve property values and character of surrounding neighborhoods and deter the spread of urban blight.

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

## SECTION 1.

Chapter 4, “District Regulations”, Article 3, “Planned Development (“PD”) District, Subsection 4.305.C. “Specified Commercial Uses Permitted in “PD” District only” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add number 6 “Game rooms” as a use to read as follows:

### 4.305 Uses

#### C. Specified Commercial Uses Permitted in “PD” District Only

##### 6. Game rooms

Game rooms shall only be considered in existing Light Industrial (“I”), Medium Industrial (“J”) or Heavy Industrial (“K”) districts and the use must then be approved as a Planned Development (“PD”) District. A person, including the manager, operator or owner of a game room, commits an offense if he or she operates or permits the operation, or establishment of a game room in any other zoning district. Additional development controls shall be required, as follows:

- a. No game room shall be located within 1,000 hundred feet of a residential use or residential district, church, school, or hospital. The distance shall be measured in a straight line without regard to interfering objects or structures from property line to property line or property line to district boundary, whichever is more restrictive.
- b. No game room shall be located within 1,000 feet of any other game room from property line to property line.
- c. Each entrance to a game room shall be marked with a sign that:
  - i. bears the word “GAME ROOM” in six inch or larger black block letters; and
  - ii. is legible from a distance of 25 feet.
- d. Every game room shall provide transparent glass in at least one exterior game room window with a dimension of at least four feet in width and four feet in height and shall not cover or otherwise block or obscure the view through a game room window by the use of drawn shades, blinds, partitions, tinting or other structures or obstructions. The window shall allow a clear, unobstructed view of the manager station and all amusement redemption machines in the game room.
- e. The sale, purchase, possession or consumption of any alcoholic beverages as defined by the Texas Alcoholic Beverage Code shall not be permitted

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- unless the premises is licensed under the provisions of said code for the sale, purchase, or possession of alcoholic beverages.
- f. Every game room shall be limited to a maximum of 30 amusement redemption machines.
  - g. Only one game room shall be allowed on any lot or in any single building, structure or tenant space in a strip center.
  - h. Only one game room shall be permitted on any platted lot or in any building, structure or strip center.
  - i. Game rooms are limited to the operation of amusement redemption machines; gambling devices shall not be allowed.
  - j. The applicant shall submit a site plan, landscape plan and floor plan of the game room interior, in addition to any other plans that may be required by the city's ordinances, drawn to scale and sealed by a professional engineer or professional architect licensed by the state depicting the layout of the game room interior specifically including, but not limited to, the location of all amusement redemption machines, the manager's station(s), restroom facilities, kitchen and bar facilities, if any, and all areas to which patrons will not be permitted;
  - k. Existing game rooms shall comply with the requirements of this section within ninety (90) days of the effective date of these regulations.
  - l. One parking space shall be provided for each two amusement redemption machines within the game room, plus one additional parking space for each employee per shift.
  - m. The Board of Adjustment shall not grant any variances to the requirements of this section.

## SECTION 2.

Chapter 9, "Definitions" of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 9.101, "Defined Terms" is hereby amended to add definitions for game rooms, amusement redemption machines to read as follows:

### 9.101 Defined Terms

"Gambling device" means any electronic, electromechanical, or mechanical contrivance that for a consideration affords the player an opportunity to obtain anything of value, the award of which is determined solely or partially by chance, even though accompanied by some skill, whether or not the prize is automatically paid by the contrivance. The term includes, but is not limited to, gambling device versions of bingo, keno, blackjack, lottery, roulette, video poker, or similar electronic, electromechanical, or mechanical games, or facsimiles thereof, that operate by chance or partially so, that as a result of the play or operation of the game award credits or free games,

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and that record the number of free games or credits so awarded and the cancellation or removal of the free games or credits.

Amusement Redemption Machine means any electronic, electromechanical, or mechanical contrivance, including sweepstake machines, designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of a value redeemable for those items and is in compliance with Section 47.01(4) of the Texas Penal Code. Amusement Redemption Machine does not include:

1. A machine that awards the user non-cash merchandise prizes, toys, or novelties solely and directly from the machine, including claw, crane, or similar machines; nor
2. A machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user’s ability to throw, roll, flip, toss, hit, or drop a ball or other physical objects into the machine or a part thereof, including basketball, golf, bowling, or similar machines. A representation of value means cash paid under authority of sweepstakes contestants as provided by the Texas Business and Commerce Code, Section 43, or a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

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### SECTION 3.

Chapter 4, Article 8, of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, Section 4602, “Non-Residential District Use Table” is hereby amended to revise section “Entertainment and Eating”, to add the use “Game rooms”, add “PD” under “I” Light Industrial, “J” Medium Industrial and “K” Heavy Industrial District columns for the use and add a reference to 4.305.C under the Supplemental Standards column.

### SECTION 4.

This ordinance shall be cumulative of all other ordinances of the Code of the City of Fort Worth, Texas (1986), as amended, affecting zoning and shall not repeal any of the provisions of

# Draft 10.9.2014

such ordinances, except in those instances where provisions of such ordinance are in direct conflict with the provisions of this ordinance.

## SECTION 5.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896, or any amendments thereto 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 or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

## SECTION 6.

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

## SECTION 7.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

## SECTION 8.

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That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

## SECTION 9.

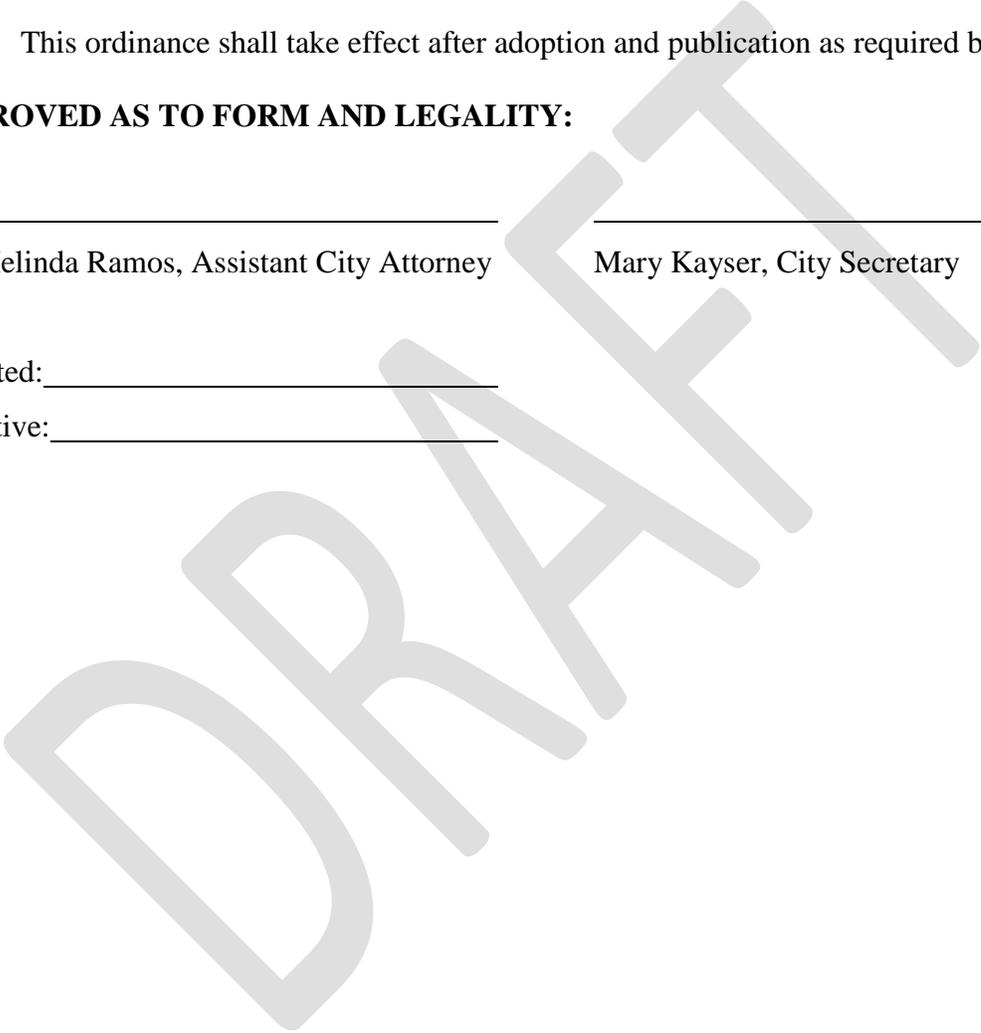
This ordinance shall take effect after adoption and publication as required by law.

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_  
Melinda Ramos, Assistant City Attorney      Mary Kayser, City Secretary

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_



13. ZC-14-104 - (CD-ALL) - City of Fort Worth Planning & Development: Text Amendment: Game Rooms and Gaming; An ordinance amending the Zoning Ordinance of the City of Fort Worth, being Ordinance No. 13896, as Amended, Codified as Appendix "A" of the Code of the City of Fort Worth, by Amending: Article 3 'Planned Development ("PD") District' to add game rooms in Section 4.305; Section 4.800 "Nonresidential District Use Table" and 4.1200 "Form Based Districts Use Table" to add game rooms by Planned Development District; and Chapter 9, "Definitions", Section 9.101, "Defined Terms" (Recommended for Approval by the Zoning Commission for the August 8 Draft of Ordinance)

Ms. Melinda Ramos, Senior Assistant City Attorney Section Chief, Law Department, appeared before Council and advised that according to Texas Penal Code Chapter 47, Section 47.01(4)(b), gaming machines could only be used for entertainment purposes and award players with noncash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than 10 times the amount charged to play the game or device once or \$5.00, whichever was less. She stated that the City had been regulating these businesses under the category of indoor amusements and that there were currently game rooms and gaming machines throughout the City. She added that the Law Department met with Planning and Development to make a determination regarding the land use for indoor amusements and the planned development process. She further stated that the Texas Occupational Code also allowed municipalities to regulate zoning with a distance setback of 300 feet between schools, churches and hospitals, and define where the gaming machines would be located.

Ms. Dana Burghdoff, Deputy Director, Planning and Development Department, appeared before Council and advised that game rooms were currently listed in the indoor amusement category and allowable in all commercial and industrial zoning districts with the exception of "ER" Neighborhood Commercial Restricted districts. She stated that the gaming machines could be found in any commercial or industrial business as an accessory use to the primary use of the property, such as a gas station or a convenience store, and that indoor amusement was not listed in the permit because gaming was not the primary use of the business. She added "PD" Planned Development zoning districts would classify businesses with three or more gaming machines as a gaming center regardless of the primary use of the business. She advised that the distance setbacks would be the same as those used for alcohol sales and stated that gaming centers would not be allowed within 300 feet of one- or two-family residential districts, as well as from a church, school or hospital, unless Council approved a variance from the setback. She further added that the facility would be clearly labeled, the windows would be transparent so that Police and Code Compliance could observe activities inside, and large gaming centers would be limited to 2,000 square feet in size. She pointed out that an ordinance would differentiate from state law as to the meaning of amusement redemption machines from other kinds of amusement games found in an arcade. She clarified that the ordinance would not interfere with Police enforcement of the laws, but there would be an effect on Code Compliance in order to determine where the sites were located and conducting inspections, and that the applicant then have 30 days to initiate the zoning change to "PD" Planned Development.

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Mr. Brandon Bennett, Director, Code Compliance Department, appeared before Council and explained that although gambling was still illegal, an ordinance would allow for inspections and code enforcement of the gaming centers. He added that Code Compliance would be able to assist with zoning inspections, serve warrants, check certificates of occupancy and permits, as well as food, health, sanitation and general violations. He stated that a land use designation, such as "PD" Planned Development, would help Code Compliance enforce rules for the gaming centers. He stated that the current four officers would need to be reclassified as Senior Enforcement Officers and an additional two officers would need to be hired to free up code officer time in the neighborhoods. He further added that the Senior Officers would also be specifically trained in gambling enforcement. He pointed out that a complementary ordinance would need to be established that included a fee structure so taxpayers would not be burdened with the cost of new officers.

Captain Charles Ramirez, Chief of Staff, Police Department, appeared before Council and stated that the zoning ordinance would not change police enforcement. He added that the ordinance would make the businesses easier to track and identify them more quickly. He explained the process of following up on a citizen complaint and issuance of a warrant when necessary. He pointed out that if arrests were made, the cases would still go through the criminal justice process with the District Attorney's Office.

Mr. Monnie Gilliam, 1100 Vicki Lane, completed a speaker card in support of Zoning Docket ZC-14-104.

Ms. Lisa Scott, 2833 Putnam Street, completed a speaker card in support of Zoning Docket ZC-14-104 and was recognized by Mayor Pro tem Zimmerman but was not present in the Council Chamber.

The following individuals completed comment cards in support of Zoning Docket ZC-14-104:

Ms. Janice Michel, 2115 Primrose Avenue  
Mr. Jarrett Michel, 2115 Primrose Avenue  
Mr. Roger Bunch, 2508 Tandy Avenue

The following individuals appeared before Council in opposition to Zoning Docket ZC-14-104:

Mr. Ashley Voss, 1917 West Lotus Avenue  
Ms. Janet Kennedy, 5024 Norma Street  
Mr. Phillip Dye, 5608 Charlott Street  
Ms. Debby Stein, 2417 Stadium Drive  
Mr. Darin Hoppe, 3200 Mt. Vernon  
Mr. Michael Sanford, 4132 Benmar Street  
Ms. Judy Taylor, 2604 Stark Street  
Ms. Lynelle Dye, 5608 Charlott Street

The following individuals completed comment cards in opposition to Zoning Docket ZC-14-104:

Ms. Betty Story, 2625 Canton Drive  
Ms. Connie Ray, 2625 Canton Drive  
Mr. Jerry Stockton, 1801 Robinwood Drive  
Mr. Johnny Lewis, 953 East Terrell  
Ms. Dorothy Jo Vitek, 4132 Benmar Street

The following individuals appeared before Council undecided relative to Zoning Docket ZC-14-104:

Mr. Rick Hostler, 1614 Jenson Road  
Mr. Mike Phipps, 4451 Normandy  
Ms. Cindy Boling, 4717 Norma Street  
Mr. Eddie Sakeeka, 4451 Normandy Road  
Mr. Curtis Smith, 4101 Meadowbrook Drive  
Ms. LuWayne Hauser, 6001 Monterrey Drive

Mr. Geoff Malecky, 2401 North Edgewood Terrace, completed an undecided comment card relative to Zoning Docket ZC-14-104.

Motion: Council Member Scarth made a motion, seconded by Council Member Jordan, that Zoning Docket ZC-14-104 be continued to the October 14, 2014, Council meeting, and that no indoor amusement certificates of occupancy be issued for 30 days. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

There being no one else present desiring to be heard in connection with the recommended changes and amendments pertaining to Zoning Ordinance No. 13896 for the above listed cases, Council Member Scarth made a motion, seconded by Council Member Jordan, that the hearing be closed and Ordinance No. 21431-09-2014 be adopted. The motion carried unanimously 8 ayes to 0 nays, with Mayor Price absent.

## **XV. REPORT OF THE CITY MANAGER**

### **A. Benefit Hearing**

City Secretary Kayser read the following:

Conduct Public Benefit Hearings for Mayor and Council Communication Nos. BH-316 through BH-323; adopt ordinances levying special assessments and appropriating funds for the 2014 tax year; and authorize execution of management agreements for the following PIDS: