

AGENDA



Thursday, November 29, 2007

**Action on Executive Session
RECOMMENDATION FOR COUNCIL ACTION****Item No. 61**

Subject: Consider an application for a limited adjustment under Chapter 25-8, Subchapter A, Article 12, Land Development Code (SOS Initiative Ordinance) for a development project for Hope in the City Church located at 4407 Monterey Oaks Boulevard.

Amount and Source of Funding: There is no unanticipated fiscal impact. A fiscal note is not required. Related to item #51

Hope in the City Church, owners of a tract of land located at 4407 Monterey Oaks Boulevard has requested a limited adjustment from SOS regulations, pursuant to City Code Sections 25-1-251, 25-1-252, and 25-8-518. These provisions set out a two-hase process for considering an application for adjustment. This action item constitutes phase one.

In phase one, City Council must determine whether application of SOS regulations to the development violates the United States Constitution, Texas Constitution, or federal or state statutes. If Council, by a three quarters majority vote, finds a violation, a phase two public hearing will be set at a later date to determine the minimum adjustment required. If Council does not find a violation, the application for the adjustment is denied.

Under the phase one process, the application was submitted to the Director of the Watershed Protection and Development Review Department. The Law Department has reviewed the application, and the application, along with the recommendation of the City Manager, is no being presented for Council consideration. The City Manager's recommendation is pending.