



City of BUNKER HILL VILLAGE

APPLICATION FOR SPECIFIC USE PERMIT

Entity Making Application: The Memorial Forest Club

Representative's Name: __ Doug Smith, President

Mailing Address: 12122 Memorial Drive, Houston, Texas _____ Zip: 77024__

Property Address (*If Different*): 12122 Memorial Drive, Houston, Texas 77024

Phone: (832) 398-2751 Email: dgsmithtex@gmail.com and tvanarsdel@winstead.com

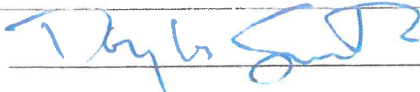
Category of Project (See 8.02 Below): Subdivision or homeowner association recreation center **Zoning District:** B

Description of Project: Non-profit membership club with outdoor recreation for tennis, volleyball, pickle ball, basketball and swimming, with a clubhouse and summer snack bar and other incidental and supporting uses.

(This description may be used for all meeting and public notices)

Details for Consideration of the Application. Please see Section 8.04 below and attach a detailed report/description to address the list of possible concerns as outlined in the ordinance. The report is not limited to this list. Please include any other details/issues that the applicant deems necessary.

See the attached report, site plan and photographs organized and prepared by The Memorial Forest Club

Signature of Applicant:  **Date:** May 27, 2021

Attachments as applicable:

- Site Plan
- Detailed Report
- Pertinent Exhibits
- Supplemental/Additional Information

A fee of \$1,000.00 is required for processing

CITY OF BUNKER HILL VILLAGE
ZONING ORDINANCE EXERPT
SPECIFIC USE PERMIT

The Memorial Forest Club, a non-profit club established in the 1950's at its current location of 12122 Memorial Drive, submits this report in connection with its application for a Specific Use Permit from the City of Bunker Hill Village, Texas (the "City"). The Club offers outdoor recreation in the form of tennis courts, a volley ball and pickle ball court, a basketball mini-court, a clubhouse, three (3) pools, a summer snack bar and other incidental and supporting uses (the "Use"). Membership in the Club consists overwhelmingly of residents of the City and the nearby residents of Houston and the other Memorial Villages. The Club currently has 435 member families, and is chartered to maintain a maximum membership of 525 member families. The desired Specific Use Permit would officially recognize the physical layout of the Club as indicated on the attached site plan, and the uses associated therewith.

The Club is located in Zoning District B, which, similar to all of the City, is overwhelmingly residential in nature. Abutting Memorial Drive to the south, Plantation Road to the west, a 10' wide utility easement to the north and a 50' wide drainage channel to the east, the Club is uniquely situated to minimize its impact on the residential character of the City.

The Club submits that its physical layout and current uses justify a Certificate of Zoning Compliance and the issuance of a Specific Use Permit pursuant to Article 8 of Appendix "A" of the Code of Ordinances (the "Zoning Code") of the City. The Club's use appears to fall within the intent of a Specific Use Permit contemplated by Section 8.02(B) of the Zoning Code for subdivision or homeowner association recreation centers.

The buildings and other improvements of the Club have existed in place for many years with few alterations. The layout depicted on the attached site plan has facilitated a compatible interaction with the neighboring homes and without significant disruption of traffic on Memorial Drive or Plantation Road. Signage is minimal and the walls and tennis court screens reduce the lighting and noise impacts of the Club's activities. Available real estate, as well as the original layout of the Club property before the City's incorporation, prevents the Club from maintaining all of the setback, yard and open space standards of the Zoning Code, but the amenities offered by the Club justify the departure from those standards and the issuance of a Specific Use Permit. For instance, the Club's structures are as close as 1 foot 7 inches to the property line in certain places. Those structures pre-date the residences to the north of the Club. As illustrated in the photos accompanying the application, the residential character of the Club is not diminished by the height of the tennis court fences, the Club identification sign off of Plantation Road, or the presence of accessory buildings.

The specific uses of the Club are detailed below:

- The Club's operational hours are from 7 a.m. until 10 p.m. Sunday through Thursday and 7 a.m. until midnight Friday and Saturday, except that during the SBISD school year, the Club operates a physical fitness program for middle school students that runs from 6:30 a.m. until 8 a.m.
- Three tennis courts, which are for the use of members, guests, and regular men's and women's tennis league matches with opponents from other tennis clubs.
- A basketball court and a combination volleyball/pickleball court

- The pool area which includes two large pools and a baby pool. The pool area is open on the weekends during May and September, and Tuesday through Sunday during June, July, and August. The pool area is open on the Memorial Day, Independence Day, and Labor Day holidays. The pool area is lit by the lights indicated on the site plan from sunset until closing. The pool area may be rented by members during swim season.
- The pool area has a snack bar, from which is sold wrapped snacks and candy and non-alcoholic beverages. The pool area also includes multiple grills on which members or their guests can cook foods brought to the Club.
- The tennis courts are able to be illuminated by a permanent lighting system from sunset until 10 p.m. The tennis court lights may not be moved from their current height and angle, and must maintain the shielding, cover, and hooding currently in place. The light illumination level may not exceed what is currently being used. Furthermore, the entire north-side fence behind the tennis court must have a dark-colored tarp in place from top to bottom.
- During June and July, the Club operates a day camp during operational hours for children of members and other families in the surrounding community.
- The day-to-day parking needs of the Club members are met by the parking spaces provided on the Club property. No more than 7 times a year, the Club hosts swim meets with other swim clubs in the area. On those evenings, by arrangement with Frostwood Elementary, overflow parking is available at the Frostwood Elementary parking lot. Likewise, on evenings when Frostwood hosts large events such as Back to School nights, their overflow parking is allowed on Club property.
- On no more than 45 occasions each year, the Club rents or licenses the Clubhouse to private groups for meetings, events, and parties. Clubhouse rentals include the use of the Clubhouse and the grass area adjacent to the Clubhouse on the east side. This includes the basketball court and volleyball/pickleball court, but does not include any tennis courts. In addition, rental of the Clubhouse excludes the area on the west side of the Clubhouse (the pool area). There are no rentals allowed for the Clubhouse if the pool is open. If there is a Clubhouse rental, all windows and doors are locked on the west side of the Clubhouse.

The capacity of the Clubhouse for all events is 150 persons. For adult parties with over 75 anticipated guests, and for all teen and youth events, the Club hires an off-duty peace officer to provide security. DJ's and/or bands are allowed at events, subject to the noise ordinance of the City of Bunker Hill.

- No more than 6 times a year, the Club hosts member events where complimentary food and alcoholic beverages are provided to members.

- The Club may display signage related to Club events or membership drives on the back of the south-side fence of the tennis courts with the signs not exceeding 600 square feet. Such signs may remain on display for no more than 30 days each year.
- The Club maintains a wall on the south of the property facing Memorial Drive of a height no less than 5 feet. The Club is responsible for the maintenance and upkeep of the wall, as well as the signage currently in place at the Club entrance on Plantation Drive.
- The Club maintains the landscaping on its property. The Club will regularly trim tree branches that reach over the Club's property line, as well as the trees on the Club property.
- Reference is made to the Memorandum of Understanding regarding trees and benches along Memorial Drive (Agreement of May 23, 2014), and is incorporated herein.

All refuse and service areas are indicated on the attached site plan, and have been in substantially the same location since the Club's inception.

The character of use of the Club, including all noise and lighting, has remained substantially the same throughout the history of the Club. Reference is made to Ordinance No. 49 of the City of Bunker Hill, which approved and memorialized a Settlement Agreement between the City of Bunker Hill and the Club in 1958. The Settlement Agreement expired on its terms in June 2008. It is intended that the Special Use Permit will supercede Ordinance No. 49 and the Settlement Agreement in all respects.

In short, the Club requests a Specific Use Permit authorizing the Use at 12122 Memorial Drive in Bunker Hill Village, Texas, in accordance with the site plan submitted without further conditions except as may be acceptable to the Club and the City.

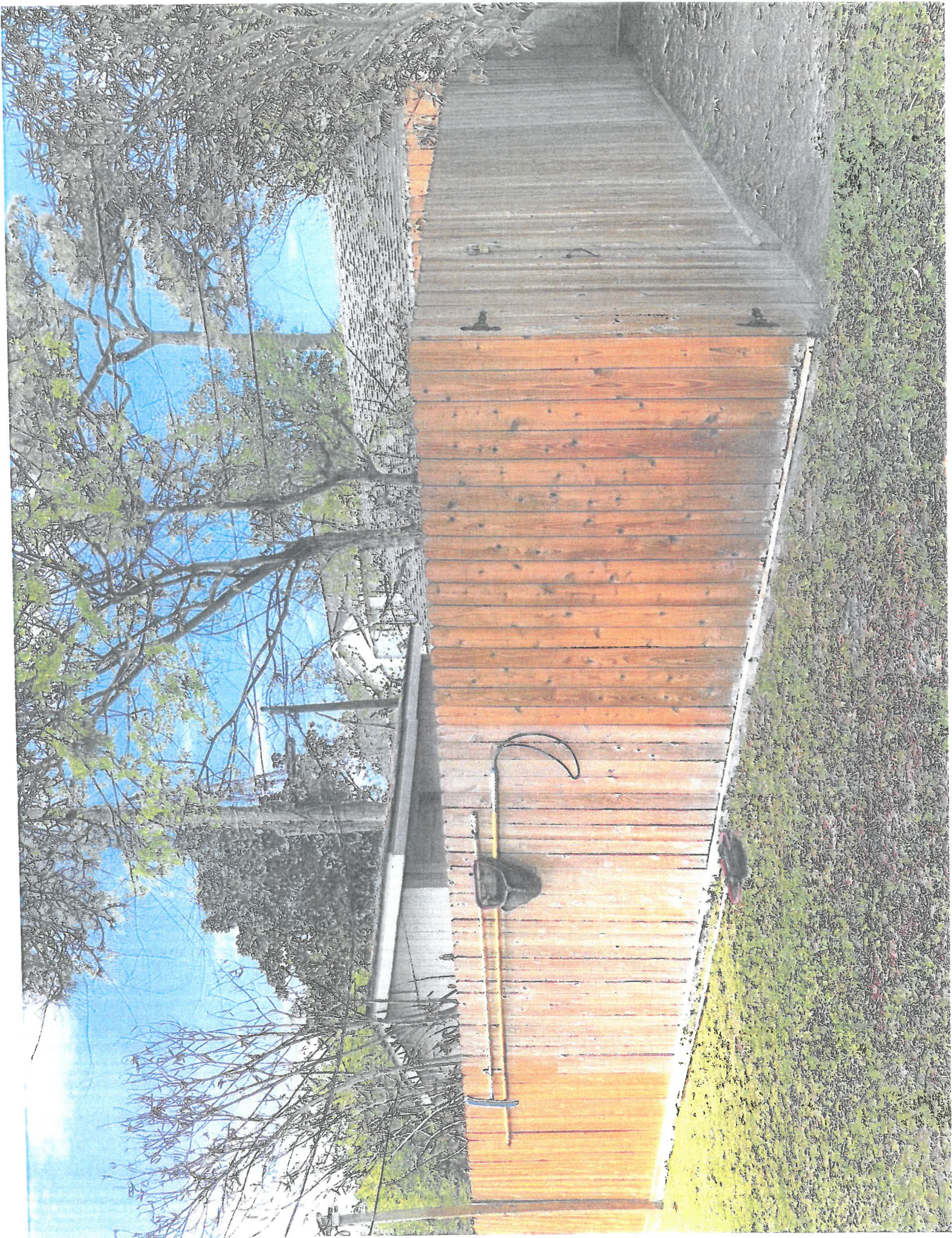
MEMORIAL FOREST CLUB

MEMBERS ONLY



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your garbage HERE
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Memorial Forest Club



Lesson Court

No Loitering

Memorial Forest Club

Memorial Forest Club







**Memorial Forest Club – Proposed Specific Use Permit
Comparison with Agreement Approved in 1958
September 2021**

Agreement in 1958		Proposed SUP
Uses	non-profit private club for outdoor recreation limited to swimming, tennis and children's playgrounds	Non-Profit Club offers outdoor recreation in the form of tennis courts, a volleyball and pickle ball court, a basketball mini-court, a clubhouse, three (3) pools, a summer snack bar and other incidental and supporting uses.
Facilities	Such club shall have the right to construct on said lots a clubhouse containing locker-rooms, showers, lavatories, toilets, and an assembly room and a snack bar, together with a reasonable number of small closets and storage space.	
Rentals		<p>The Club shall be permitted to rent or license the Clubhouse, shown on the site plan attached hereto as Exhibit "A-2" to private groups. A rental agreement between the Club and the lessee shall be required that includes the name and phone number for a contact person that is required to be onsite at all times during the event. A copy of such agreements shall be maintained onsite.</p> <p>Clubhouse rentals shall be limited to the Clubhouse and the grass area adjacent to the Clubhouse on the east side. This includes the basketball court and volleyball/pickleball court, but does not include any tennis courts. In addition, rental of the Clubhouse shall exclude the area on the west side of the Clubhouse (the pool area).</p> <p>The pool area may be rented by members during swim season subject to the hours of operation stated herein.</p> <p>The capacity of the Clubhouse for all events shall be determined by the Memorial Villages Fire Marshal. All adult parties with over 75 anticipated guests, shall require the hiring of an off-duty peace officer to provide security.</p>

Memorial Forest Club – Proposed Specific Use Permit Comparison with Agreement Approved in 1958 September 2021

<p>Membership</p>	<p>The membership of such private club shall be limited to a total of 400 member families at any one time, 95% of which shall be homeowners whose property is situated in Memorial Forest and adjacent subdivisions in Harris County, Texas, and in the City of Bunker Hill Village, Texas, including the territory covered by it's said Ordinance No. 42, hereinbefore referred to.</p>	
<p>Hours of Operation</p>		<p>The Club shall be permitted to operate from 7 a.m. until 10 p.m. Sunday through Thursday and 7 a.m. until midnight Friday and Saturday, subject to the provisions below.</p> <p>The Club shall be permitted to operate a physical fitness program for middle school students from 6:30 a.m. until 8 a.m. on school days in conjunction with SBISD during the SBISD school year. Lighting of the necessary tennis courts during this time as necessary shall be permitted.</p>
<p>Use of Alcohol</p>	<p>No alcoholic beverage of any kind shall be dispensed on any of said lots used by such club.</p>	
<p>Food/ No Cooking</p>	<p>No part of said lots shall be used for cooking food except the snack bar, in which the cooking shall be limited to sandwiches cooked on a grill, to be served only to the members of such club and their guests for consumption on the premises.</p>	<p>The Club shall be permitted to operate a snack bar selling only commercially wrapped or sealed snacks and non-alcoholic beverages.</p>

**Memorial Forest Club – Proposed Specific Use Permit
Comparison with Agreement Approved in 1958
September 2021**

<p>Noise</p>		<p>DJ's and/or live bands shall be permitted at events; however, all music or sound amplification shall be stopped by 10:00 p.m. All events shall comply with the hours of operation contained herein, subject to the City's noise regulations.</p>
<p>Parking</p>	<p>Off street parking on said lots in the ratio of one parking space to every four member families shall be provided. All parking by members of the Club shall be confined to spaces provided North of the said brick wall and not beyond the east end of the said brick wall.</p> <p>Members of such club, while using any of its facilities, shall not park their automobiles on any portion of that part of Memorial Drive adjacent to such club, nor on any of the streets in the Warrenton or Whispering Oaks, Additions in Harris County, Texas.</p>	<p>The Club has xxx spaces on site as shown on the site plan. There shall be no street parking on Memorial Drive, Rhett, Tara, Plantation (north and south), Stoney Creek or Warrenton.</p> <p>The day-to-day parking needs of the Club members are met by the parking spaces provided on the Club property. The Club shall obtain the permission of Spring Branch Independent School District ("SBISD") to provide for overflow parking at Frostwood Elementary School. Should overflow parking not be available, attendance shall be limited to available onsite parking.</p>
<p>Traffic Flow</p>	<p>Automobiles shall enter any such club ground from Plantation Drive and exit either on Plantation Drive or Memorial Drive but there shall be only one exit on to Memorial Drive and it shall be at the east end of the aforesaid masonry wall.</p>	

Memorial Forest Club – Proposed Specific Use Permit Comparison with Agreement Approved in 1958 September 2021

Signage

The Club has an identification sign on Plantation Road as shown on Exhibit “A-3”. The Club can continue this signage and is responsible for the maintenance of the sign and associated landscaping. Any changes to the sign must be in accordance with the City’s Sign Ordinance(s) in place at the time.

The Club may display signage related to Club events or membership drives on the back of the south-side fence of the tennis courts with the signs not exceeding 600 square feet. Such signs may remain on display for no more than a combined 30 days each year.

Masonry Fence

The owners of said lots shall within thirty (30) days from date of this decree, build and maintain a masonry wall, faced with brick on the Memorial Drive side, five-feet high on a substantial foundation, from the present brick entrance gate at the corner of Plantation Drive and Memorial Drive and running easterly adjacent to the south boundary line of such lots to the present exit on to Memorial Drive, and as additional lots are put into use by such club such exit drive shall be moved to the east end of them and such wall shall within thirty (30) days thereafter be extended to such exit drive so as to form one complete wall without opening from beginning to end.

Upon the construction of additional buildings east of the fence, which now runs along the east side of the present facilities, such fence shall be moved as much as may be necessary, so that in connection with such buildings, it will act as a visual barrier along their east side in a manner similar to that in which it acts as such barrier at the present time.

The Club shall maintain a wall on the south of the property facing Memorial Drive at a height of no less than five feet (5’). The Club shall be responsible for the maintenance and upkeep of the wall, as well as the signage currently in place at the Club entrance on Plantation Drive.

The Club shall maintain all landscaping on its property. The Club shall regularly trim tree branches that reach over the Club’s property line, as well as the trees on the Club property.

Reference is made to the Memorandum of Understanding regarding trees and benches along Memorial Drive (Agreement of May 23, 2014), and is incorporated herein as Exhibit “B” and incorporated herein by this reference.

Memorial Forest Club – Proposed Specific Use Permit
Comparison with Agreement Approved in 1958
September 2021

Lighting

All outside lights at such club shall be hooded so as to direct light down to the ground.

The Club shall be permitted to operate lighting of its driveways, parking lot, buildings and pool areas as indicated on the attached site plan within the Clubs permitted hours of operation.

The tennis courts shall be permitted to be illuminated by a permanent lighting system from sunset until 10 p.m. The tennis court lights shall not be moved from their existing height and angle, and must maintain the shielding, cover, and hooding currently in place, as demonstrated on Exhibits “A-4” and “A-5”. Furthermore, the entire north-side fence behind the tennis court must have a dark-colored tarp in place from top to bottom as shown on Exhibits ”A-4” and “A-5” .

No modification of lighting shall be permitted without amendment of this SUP.

Excerpts from Ordinance No. 49

Retyped for Legibility

August 2021

Is it further ORDERED ADJUDGED AND DECREED by the Court that Lots 1 to 7 inclusive, or any part thereof, in Block 7 of Memorial Forest Subdivision, in Harris County, Texas, are under the Zoning Ordinances of the City of Bunker Hill Village, Texas, subject to use for single family dwellings, or for use as a part of one non-profit private club for outdoor recreation limited to swimming, tennis and children's playgrounds under the following conditions, which shall be complied with by the Memorial Forest Club, its successors and assigns and by the owners of such part of said lots, as are used for such private club and such club its members, using such part of such lots, for such purpose, for a period of 50 years from the date of this judgement;

It is further ORDERED, ADJUDGED AND DECREED by the Court that irrespective of whether or not lots 1 to 7 inclusive, or any part thereof in Block 7 of Memorial Forest Subdivision in Harris County, Texas, are zoned or are not zoned in accordance with the foregoing provision, the parties to this decree covenant and agree, and it is ORDERED, ADJUDGED AND DECREED by the Court that the said covenants and agreements, shall be covenants running with the land, that the said Lots 1 to 7 inclusive in Block 7 of Memorial Forest Subdivision in Harris County, Texas, shall only be used for two purposes for a period of 50 years from the date of this judgement, and said purposes shall be exclusively:

- (1) Single family dwellings.
- (2) As a part of a non-profit club for outdoor recreation limited to swimming, tennis, and children's playgrounds under the following conditions, which shall be complied with by the Memorial Forest Club, its successors and assigns, and by the owners of such lots or any part of the said lots during said period of time, which conditions are as follows:

- a. The membership of such private club shall be limited to a total of 400 member families at any one time, 95% of which shall be homeowners whose property is situated in Memorial Forest and adjacent subdivisions in Harris County, Texas, and in the City of Bunker Hill Village, Texas, including the territory covered by its said Ordinance No. 42, hereinbefore referred to.
- b. Off street parking on said lots in the ratio of one parking space to every four member families shall be provided. All parking by members of the Club shall be confined to spaces provided North of the said brick wall and not beyond the east end of the said brick wall.
- c. Members of such club, while using any of its facilities, shall not park their automobiles on any portion of that part of Memorial Drive adjacent to such club, nor on any of the streets in the Warrenton or Whispering Oaks, Additions in Harris County, Texas.
- d. The owners of said lots shall within thirty (30) days from date of this decree, build and maintain a masonry wall, faced with brick on the Memorial Drive side, five-foot high on a substantial foundation, from the present brick entrance gate at the corner of Plantation Drive and Memorial Drive and running easterly adjacent to the south boundary line of such lots to the present exit on to Memorial Drive, and as additional lots are put into use by such club such exit drive shall be moved to the east end of them and such wall shall within thirty (30) days thereafter be extended to such exit drive so as to form one complete wall without opening from beginning to end.
- e. All outside lights at such club shall be hooded so as to direct light down to the ground.
- f. Automobiles shall enter any such club ground from Plantation Drive and exit either on Plantation Drive or Memorial Drive but there shall be only one exit on to Memorial Drive and it shall be at the east end of the aforesaid masonry wall.
- g. Such club shall have the right to construct on said lots a clubhouse containing lockerrooms, showers, lavatories, toilets, and an assembly room and a snack bar, together with a reasonable number of small closets and storage space.
- h. No alcoholic beverage of any kind shall be dispensed on any of said lots used by such club.

- i. No part of said lots shall be used for cooking food except the snack bar, in which the cooking shall be limited to sandwiches cooked on a grill, to be served only to the members of such club and their guests for consumption on the premises.
- j. Upon the construction of additional buildings east of the fence, which now runs along the east side of the present facilities, such fence shall be moved as much as may be necessary, so that in connection with such buildings, it will act as a visual barrier along their east side in a manner similar to that in which it acts as such barrier at the present time.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the court that all costs of court herein shall be paid one-half by the plaintiffs and one-half by the defendants.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the court that all relief prayed for herein, not specifically granted by this judgement and decree, be and the same is hereby denied.

Let all appropriate and convenient writs and process issue for the enforcement of this judgement and decree which may be enforced by any of the parties hereto, their heirs, legatees, legal representatives or assigns.

ORDINANCE NO. 49


AN ORDINANCE APPROVING THE PROPOSED COMPROMISE AND SETTLEMENT OF CAUSE NO. 487,276 IN THE 55TH JUDICIAL DISTRICT COURT OF HARRIS COUNTY, TEXAS, ENTITLED DON PERRINE, ET AL VS. THE MEMORIAL FOREST CLUB, ET AL ON BEHALF OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, AND AUTHORIZING THE MAYOR AND THE ATTORNEYS FOR THE CITY TO SIGN THE PROPOSED AGREED JUDGMENT AS EVIDENCE OF SUCH APPROVAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS:

1. That the City Council of the City of Bunker Hill Village, Texas hereby approves the proposed compromise and settlement of cause No. 487,276 in the 55th Judicial District Court of Harris County, Texas, entitled Don Perrine, et al vs. The Memorial Forest Club, et al as evidenced by proposed agreed judgment, a copy of which is attached hereto and marked Exhibit A.


2. The attorneys for the City of Bunker Hill Village, Texas, in the aforesaid case and the Mayor are hereby authorized to sign the original of such proposed agreed judgment to evidence the City's approval thereof and agreement thereto.

PASSED AND APPROVED this 14th day of July 1958.



Mayor

ATTEST:



City Secretary

Memorial Forest and adjacent subdivisions in Harris County, Texas, and in the City of Barker Hill Village, Texas, including the territory covered by the said Ordinance No. 49, hereinbefore referred to.

(b) Off street parking on said lots in the ratio of one parking space to every four member residences shall be provided. All parking by members of the club shall be confined to spaces provided north of the said brick wall and not beyond the east end of the said brick wall.

(c) Members of said club, while using any of its facilities, shall not park their automobiles on any portion of the east part of Memorial Drive adjacent to such club, nor on any of the streets in the vicinity of the said club, Addition in Harris County, Texas.

(d) The owners of said lots shall within thirty (30) days from date of this decree, build and maintain a masonry wall, faced with brick on the Memorial Drive side, five-foot high on a substantial foundation, from the present brick entrance gate at the corner of Plantation Drive and Memorial Drive and running easterly adjacent to the north boundary line of such lots to the present exit on to Memorial Drive, and as additional lots are put into use by such club such exit drive shall be moved to the east end of the lot and such wall shall within thirty (30) days thereafter be extended to such exit drive so as to form one complete wall without opening there beginning to end.

(e) All outside lights at such club shall be located so as to direct light down to the ground.

(f) Automobiles shall enter any such club ground from Plantation Drive and exit either on Plantation Drive or Memorial Drive but there shall be only one exit on to Memorial Drive and it shall be at the east end of the aforesaid masonry wall.

(g) Such club shall have the right to construct on said lots a club house containing lockers, showers, lavatories, toilets, and an assembly room and a snack bar, together with a reasonable number of small closets and storage space.

(h) No alcoholic beverage of any kind shall be dispensed on any of said lots used by such club.

(i) No part of said lots shall be used for cooking food except the snack bar, in which the cooking shall be limited to sandwiches cooked on a grill, to be served only to the members of such club and their guests for consumption on the premises.

(j) Upon the construction of additional buildings east of the fence, which now runs along the east side of the present facilities, such fence shall be moved so near as may be necessary, so that in connection with such buildings, it will act as a physical barrier along their east side in a manner similar to that in which it acts as such a barrier at the present time.

It is further ordered, that the members of the club shall pay costs of such improvements and the plaintiff shall own and maintain the same.

It is further ordered, that the club shall be bound to pay all other expenses for such improvements and shall be bound to

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MINUTES
BOARD OF ADJUSTMENT
APRIL 23, 1998

The meeting was called to order by Chairman Richard Scandrett at 7:00 p.m. at 11977 Memorial Drive, in the City Hall Council Chambers.

Members present:

H. A. Ricards
Richard Scandrett

Alternates:

Susan Moore
James V. Whalin

Absent:

Henry Houston
Gloria Tobor
George Parker
William R. Purifoy
Robert Signorelli

1. **RICHARD BLANDFORD, 11702 FIDELIA COURT IS REQUESTING A VARIANCE TO SECTION §5.06.C, SIDE BUILDING LINE, AND SECTION §5.06.D, REAR BUILDING LINE, TO CONSTRUCT AN ADDITION TO HIS RESIDENCE.**

Motion was made by R. Ricards and seconded by Susan Moore to approve the 2' side variance for the first floor and the 10' variance to the rear first floor and a 6' variance to the rear second floor as requested by the property owner. Susan Moore and James Whalin voted in favor of the variance and R. Ricards and R. Scandrett voted against the motion. Variance was denied.

After discussion, motion was made by R. Ricards and seconded by James Whalin to approve a two foot variance to the side setback and a ten foot variance to the rear building setbacks on the first floor. Motion carried 4-0. The second floor variances requested were denied.

2. **MEMORIAL FOREST CLUB, 12122 MEMORIAL, IS REQUESTING A VARIANCE TO SECTION §7.10, FENCE, TO CONSTRUCT A FENCE NINE FEET IN HEIGHT.**

A representative of the Memorial Forest Club was not present. Motion was made by James Whalin and seconded by Rick Ricards to approve the request for a variance from the Memorial Forest Club to replace a 100-foot section of a six-foot fence behind the volleyball court with a fence nine feet high. Motion carried 4-0.

3. **MRS. CARMEN ELPHICK, 10 LEISURE LANE, IS REQUESTING A VARIANCE TO SECTION §5.06.A., FRONT BUILDING LINE, TO CONSTRUCT A NEW RESIDENCE.**

Motion was made by R. Ricards and seconded by Susan Moore to approve a request for a nine-foot variance to the front building line to construct a second floor above existing first floor. Motion carried 4-0.

4. **PAT MCELVEY, 11726 FOREST GLEN, IS REQUESTING A VARIANCE TO SECTION §5.06.A., FRONT BUILDING LINE TO CONSTRUCT A NEW RESIDENCE.**

Motion was made by R. Ricards and seconded by Susan Moore to approve a variance of two feet from the fifty-foot front setback requirement for brick columns for a front porch. Motion carried 4-0.



Richard Scandrett, Chairman

ATTEST:

James Williams, Code Enforcement Officer

MEMORANDUM of UNDERSTANDING
by and between
THE CITY OF BUNKER HILL VILLAGE
and
THE MEMORIAL FOREST CIVIC CLUB

Background and Purpose

The City of Bunker Hill Village (City) worked together with the Memorial Forest Civic Club (Club) in 2014 to develop a "Dedication Area" for the donation of trees and benches along Memorial Drive between Plantation Road and the Memorial Drive Bridge (W151). These efforts were a result of a Dedication Ordinance approved by the City Council on April 15, 2014.

At the time of the agreement, there existed an irrigation system in the area that served the corner area of Plantation Road and Memorial Drive which is landscaped and maintained by the Club. It is the City's intention to allow the Club the continued use of the City's right-of-way for this landscaped area. In addition, the City will assume responsibility for the irrigation system and provide the water to this area and to the dedication area.

The purpose of this Memorandum of Understanding is to outline the ongoing maintenance responsibilities and expectations for the Club and the City.

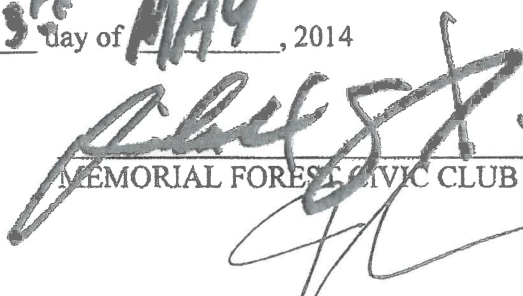
Terms of Agreement

The Memorial Forest Civic Club can provide for landscaping within the City right-of-way at the corner of Plantation Road and Memorial Drive. The Club assumes all responsibility for the installation of all plantings and the ongoing maintenance of the landscaped area.

The City of Bunker Hill Village is responsible for the installation and ongoing maintenance and operations of the irrigation system along Memorial Drive between Plantation and the Memorial Drive Bridge (W151) including any adjustments to the system as trees are planted.

The City will control the irrigation system and provide the water to the area. ^{including the system adjacent to Plantation north of the pool driveway MSW} The City will set the system to keep the area irrigated to provide for healthy plantings. However, the City will not guarantee the survival of the plantings provided by the Club. In addition, the City will not replace the plantings should the City have a need to utilize this area for City services.

Agreed this the 23rd day of MAY, 2014


MICHAEL S. WRIGHT
MEMORIAL FOREST CIVIC CLUB

CITY OF BUNKER HILL VILLAGE

ATTEST:


Kelly Johnson, City Secretary

Approved by Council on 5/27.14