ORDINANCE NO. 97-22

AN ORDINANCE AMENDING BOUNDARIES OF THAT PORTION OF THE ZONING DISTRICT REFLECTED ON AREA OUTLINED IN RED ON PLAT ADOPTED HEREIN AND MADE A PART HEREOF, PROVIDING FOR CHANGES IN THAT PORTION OF DISTRICT FROM (AG) AGRICULTURE TO A2 PROVIDING FOR CHANGES IN ZONING DISTRICT MAP, CONTAINING SAVINGS CLAUSE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

Section 1. Whereas, the area outlined in red on attached plat presently lies in (AG) Agriculture.

Section 2. Whereas, the Planning and Zoning Commission of the City of Commerce, Texas, after having conducted a public hearing on an application to change such boundaries of such district, the applicant requested to the City Council that the present district A2 as it relates to the property outlined in red on plat and field noted marked Exhibit "A" and attached hereto and made a part hereof, be changed from (AG) Agriculture to A2.

Section 3. Whereas, the City Council of the City of Commerce, Texas, after having conducted a public hearing and after considering the evidence presented for and against said zoning change, believes that an amendment changing the boundaries of that portion of the zoning district reflected on an area outlined in red on the plat and field notes attached hereto and made a part hereof, from (AG) Agriculture to A2 will be in the public interest and general welfare of the City of Commerce, Texas.

Section 4. NOW, THEREFORE, BE IT ORDAINED that the boundaries of that portion of the District marked in red be changed from (AG) Agriculture to A2 and that it accordingly by ORDAINED that the Zoning District Map be changed to reflect the changes in the boundaries of the District affected by this Ordinance.

Section 5. All Ordinances and parts of Ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

Section 6. If any section, sub-section, word, sentence, or phrase of this Ordinance is declared to be invalid, it shall not affect the validity of this Ordinance.

Section 7. Whereas an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, all rules and regulations requiring the reading of Ordinances more than one time and on more than one occasion are hereby suspended.

Section 8. This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Commerce, Texas, on this the 16th day of September, 1997.

ATTEST:

Marty Morrison

Marty Morrison
City Secretary

(seal)

CITY OF COMMERCE, TEXAS

John R. Sands

John R. Sands
Mayor

I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance of the City of Commerce, Texas, and that the same has not been repealed and is in full force and effect.

(seal)

Marty Morrison

Marty Morrison, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 16 day of September, 1997, to certify which witness my hand and seal of office.

(seal)

NOTARY PUBLIC STATE OF TEXAS
BRENDA J. FLANAGAN
Notary Public
State of Texas
Comm. Expires 6-23-2001

Brenda J. Flanagan

Notary Public
State of Texas

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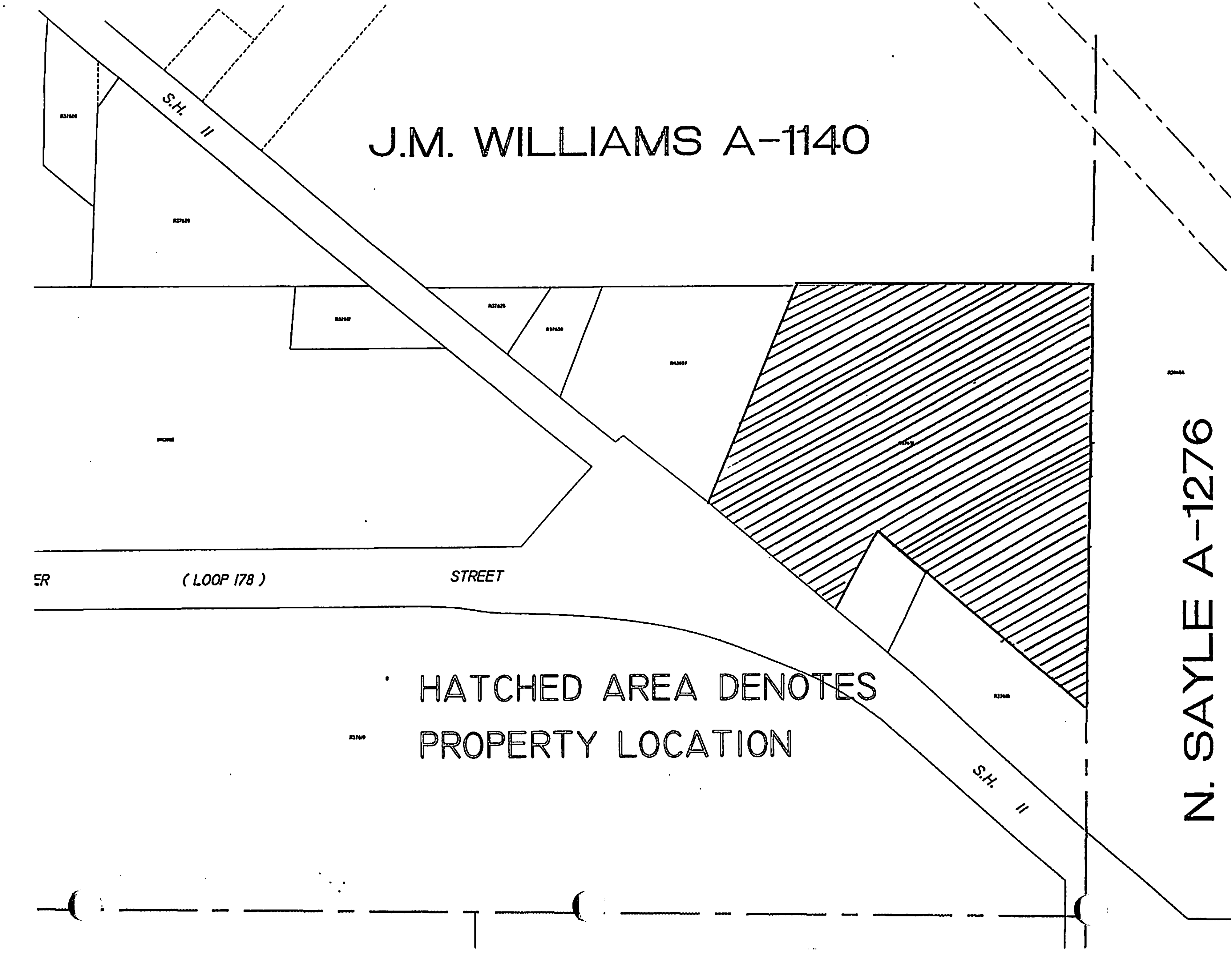
J.M. WILLIAMS A-1140
S.H. 11
ER
(LOOP 178)
STREET
HATCHED AREA DENOTES
PROPERTY LOCATION
S.H. 11
N. SAYLE A-1276

PLANNING & ZONING COMMISSION
REGULAR MEETING
AUGUST 26, 1997 - 6:00 P.M.

Present: Chairman Charles Elliott, Vice Chairman Fred Klaus, Members Tony Nixson, Harold Doyle, Anthony Harris and Wayne Pierce.

Absent: Member Claudia Record.

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1. **Call to Order:**
Chairman Charles Elliott called the meeting to order at 6:00 p.m.

2. **Approval of Minutes:**
Board Member Tony Nixson made a motion to approve the minutes of the June 24, 1997, Regular meeting as written. Vice Chairman Fred Klaus seconded the motion, resulting in a 5-0 vote.

3. **Consideration and possible recommendation of replatting of Property located at 1310 & 1314 Ash and 1315 Sycamore Streets, Commerce, Texas:**
Director of Community Development Fred Eaton explained the First Baptist Church was doing some major renovations. They are wanting to attach a building to their existing building. In order to meet required set back requirements, the lots need to be replatted. Dr. Bobby Tollison of the First Baptist Church presented the board with a site plan. Following very little discussion, Vice Chairman Fred Klaus motioned to approve this recommendation to the City Council. Board Member Harold Doyle seconded the motion, resulting in an unanimous vote.

4. **Consideration and possible recommendation of issuing a Conditional Use Permit for possible location of a mobile home on the property located at 1705 Division Street, Commerce, Texas:**
Director of Community Development Fred Eaton explained that Mr. Kinsey previously had him mobile home sitting on this property and moved it for approximately three months to be near his family. He has now decided that he wants to move back to Commerce and would like permission from this board to relocate his mobile home back on his property. Board Member Anthony Harris made the motion to approve the Conditional Use Permit, Vice Chairman Fred Klaus seconded the motion. The vote was 6-0.

5. **Consideration and possible recommendation of rezoning from Agriculture to A2 for property located on the North side of Highway 11 at its junction with Culver Street, Commerce, Texas:**

A representative from Aslyan Property Management reported to the Board that their intentions for this property was to build 72 Town Home units. These units would be single story and would be approximately 6 units to an acre. This facility would have controlled access gates and the management company would get with the Fire Department and Police Department on emergency vehicles entering the property in case of an emergency. He also stated that as part of this project this company would be required to stay with this project for thirty years. Board Member Anthony Harris made the motion to approve the request for rezone. Board Member Tony Nixson seconded and the vote was unanimous.

6. Consideration and possible recommendation of rezoning for General Business property located at 136 & 138 Maple Street, Commerce, Texas:

Mr. John Neal presented his proposal to the Board. In his presentation, Mr. Neal explained that this had been presented to the board once before and they approved the rezone, but when it went before the City Council the motion died due to the lack of a second. President Charles Elliott asked Fred Eaton if there was opposition the last time, and if so what was it. Mr. Eaton explained that there was opposition from the school, regarding the location of the store because of the traffic problems and the fact that alcohol would be sold that close to the school. Mr. Neal stated that he would not be selling alcohol at this location. Mr. Elliott reminded Mr. Neal that the last time this was presented that Mr. Neal stated if he could not sell alcohol at this location, there would be no reason to open a store here. Mr. Neal stated that because of the results of the City Council's decision, he had changed his mind and that he had not made application with TABC nor did he have any intentions on making application with them. Mr. Elliott stated that he did not like the idea of rezoning this lot a piece at a time, he would rather do the entire lot. He then stated that because this was only a advisory board to the Council and because they had approved it once, there was no legal reasons as to why they could not approve it this time. Board Member Tony Nixson made the motion to approve the rezone be presented to the City Council. Board Member Anthony Harris stated that this motion needed to include the condition that the facility would not sell alcohol. With this condition added to the motion, Vice Chairman Fred Klaus seconded the motion. The vote was 4-0. Board Member Harold Doyle abstained from voting and Board Member Wayne Pierce did not vote. Ms. Loretta Kibbler asked that the City continue to monitor the traffic flow at this location.

7. Other Business:

There was some discussion regarding Scoot In's Liquor Store. Mr. Neal brought it to the boards attention that the locations had been sold and that no one opposed the new owners license and that Scoot In's was closer to the school than the store he was proposing. Marty Morrison, City Secretary, explained to the board that Scoot In's was sold before it was closed down and because of this that building was grandfathered in.

8. Adjourn:

President Charles Elliott adjourned the meeting at 6:45 p.m.