

ORDINANCE NO. 98-21

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 SHOPPING CENTER TO GENERAL BUSINESS 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 Shopping Center.

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 Shopping Center 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 Shopping Center to General Business.

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 Shopping Center to General Business 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 Shopping Center to General Business and that it accordingly be 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inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.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.

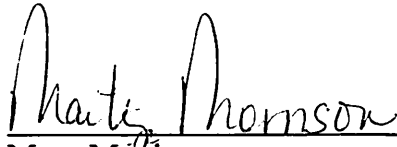
Section 7. Whereas an emergency is apparent for the immediate preservation of order, health, safety and general welfare of the public, all rules and regulations requiring the reading of Ordinances more than one time and on more than one occasion are hereby suspended.

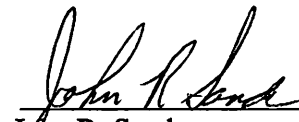
Section 8. This Ordinance shall take effect and be in force from and after its passage and approval.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Commerce, Texas, on this the 15th day of September, 1998.

ATTEST:

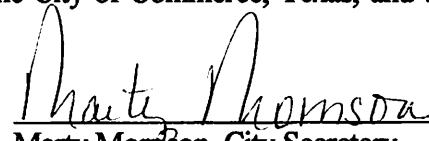
CITY OF COMMERCE, TEXAS


Marty Morrison
City Secretary


John R. Sands
Mayor

(seal)

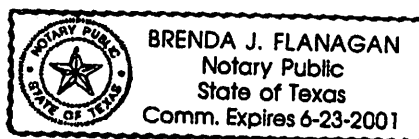
I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance of the City of Commerce, Texas, and that the same has not been repealed and is in full force and effect.


Marty Morrison, City Secretary
City of Commerce, Texas

(seal)

Sworn to and subscribed before me, on this the 15th day of September, 1998, to certify which witness my hand and seal of office.

(seal)




Notary Public
State of Texas

1 4. **Consideration and possible recommendation on a request to replat property located**
2 **at 1602 O'Neal.**

3 Chairman Charles Elliott removed this item from the agenda, as the applicant had not met
4 all requirements.
5

6 5. **Consideration and possible recommendation on a request for a conditional use**
7 **permit for property located at 1602 O'Neal.**

8 Chairman Charles Elliott removed this item from the agenda, as the applicant had not met
9 all requirements.
10

11 6. **Consideration and possible recommendation on a request for rezoning of property**
12 **located at the N.E. corner of Culver & Mangum.**

13 Chairman Charles Elliott stated that this request was for a change from Shopping Center
14 to General Business. He asked what the zoning is on either side of this property. Director
15 of Community Development Fred Eaton replied that the property to the east is General
16 Business and the property to the west across Mangum is Shopping Center. This request
17 would eliminate spot zoning and allow the property to tie in to existing zoning on the
18 abutting property. Russell Armstrong, the current owner of the property under
19 consideration, addressed the Board at this time stating that he is requesting this change in
the event that he sells this property to someone wanting to place a restaurant with a drive-
21 thru there. He said the present zoning would allow for a restaurant, but not one with a
22 drive-thru. Board Member Pete Hale moved that the request for rezoning from Shopping
23 to General Business of the property located at the N.E. corner of Culver & Mangum be
24 approved for recommendation to the City Council. Board Member Donna Tavener
25 seconded the motion and the vote was unanimous.
26

27 7. **Consideration and possible recommendation on a request to replat property located**
28 **at 150 Maple.**

29 Chairman Charles Elliott asked Director of Community Development Fred Eaton to
30 explain this item. Mr. Eaton stated that this property had previously been rezoned from
31 Agriculture to Apartment along with the property where the Blue Bonnet mini warehouses
32 are located. He explained that Aslan Housing Partners VIII, Ltd. has purchased the
33 property in question to develop townhouses. Aslan also purchased the property where the
34 mini warehouses are located. Greg Powell of Aslan addressed the Board and stated that
35 the mini warehouse property is not included in this request for replatting and they have no
36 definite plans for that property. Chairman Elliott asked Mr. Powell how many outlets
37 there would be for the complex. Mr. Powell explained that there would be a single
38 boulevard-type entrance and exit with a dividing median. Mr. Powell stated Aslan had
39 worked with TxDot and deceleration and acceleration lanes will be in place on the
40 highway to help with traffic flow. Mr. Powell said there would be no gates in place that
41 would interfere with access by emergency vehicles. Chairman Elliott then asked Mr.
Eaton what the City requires for entrance and exit by emergency vehicles. Mr. Eaton
43 stated the entrance and exit with dividing median meets City requirements. He also said
44 TxDot regulates the driveway access since the property is located on a State Highway.

HATCHED AREA
DENOTES PROPERTY
LOCATION

(S.H. LOOP 178)

MANGUM

ROSANNE

STREET

SOLOMAN

CULVER

MANGUM

STREET

ST.

F.M. 3218

UNIVERSITY PLACE ADDITION

BRIARWOOD
THGATE SEC. 2

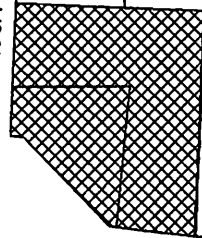
DRIVE

LANE

TANGLEWOOD
SEC. 2

LAUREL LANE

DRIVE



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12

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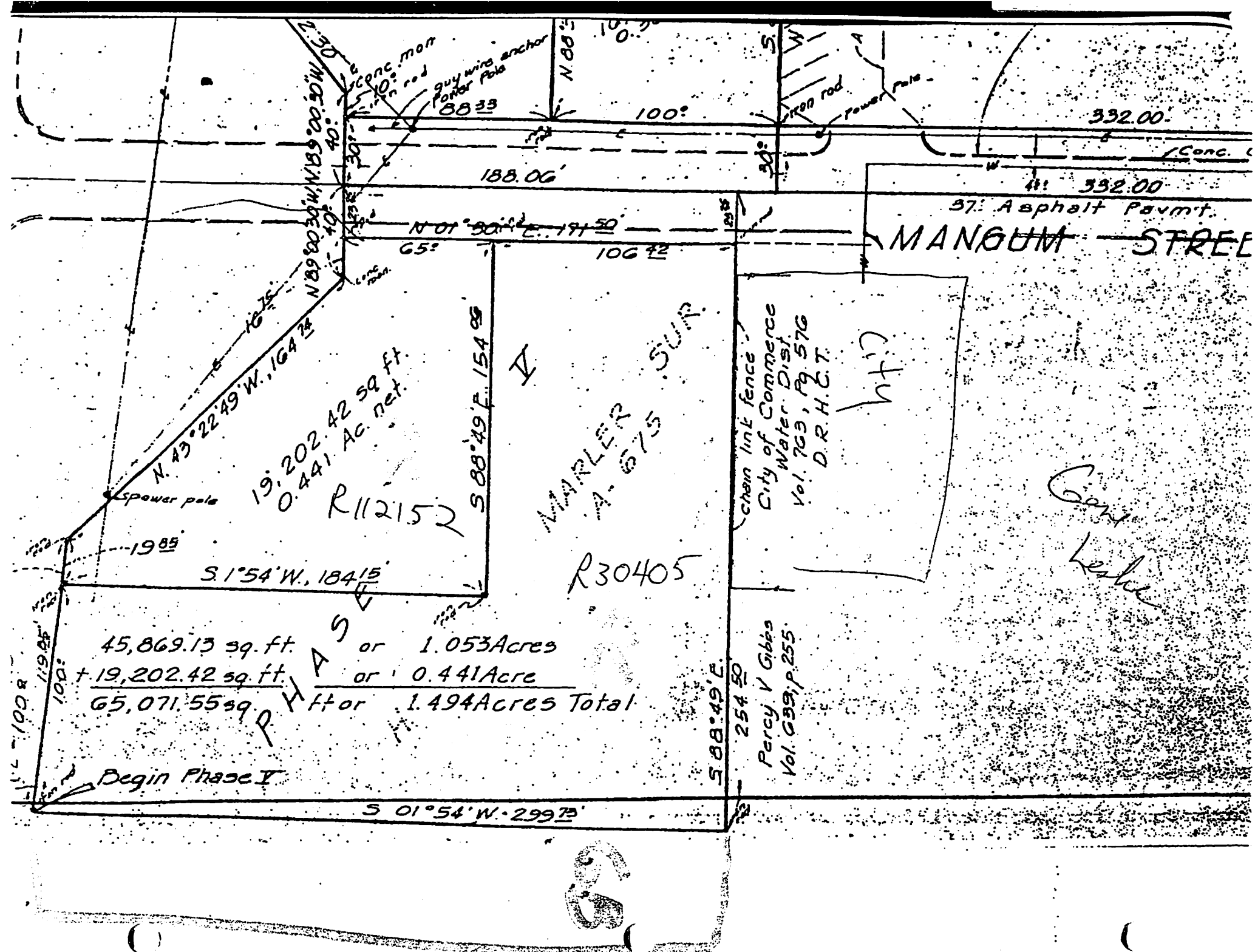
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CONSIDERATION: TEN DOLLARS (\$10) and other good and valuable consideration, cash in hand paid, the receipt and sufficiency of which are hereby acknowledged.

Property (including improvements):

All that certain lot, tract or parcel of land situated in City of Commerce, Hunt County Texas, being a part of a 30 acre tract conveyed to Percy V. Gibbs and wife, Iris C. Gibbs by deed dated December 2, 1965, and recorded in Vol 639, Page 255 of the Deed Records of Hunt County, Texas, and described by metes and bounds as follows:

BEGINNING at an iron rod by a corner fence post in the East line of the Percy V. Gibbs tract and the North right of way line of State Highway Spur No. 178;

THENCE in a Northwesterly direction, along the North right of way line of the said Spur No. 178, with the arc of a circular curve to the right, having a radius of 7579.50 feet and through a central angle of 0 deg. 54 min. 22 sec. a distance of 119.85 feet to an iron rod for an angle point in the North right of way line;

THENCE North 43 deg. 22 min. 49 sec. West, with the said right of way line a distance of 164.74 feet to a concrete monument for an angle point in the said North right of way line;

THENCE North 89 deg. 00 min. 30 sec. West, a distance of 16.75 feet to the East right of way line of Mangum Street;

THENCE North a deg. 30 min. 49 East, with the said East line of Mangum Street, a distance of 171.42 feet to an iron rod, the southwest corner of a tract of land conveyed by Percy V. Gibbs to the City of Commerce Water District by deed recorded in Vol. 763, Page 576 of the Deed Records of Hunt County, Texas;

THENCE South 88 deg. 49 min. East, at 149.00 feet passing an iron rod the southeast corner of the City of Commerce Water District tract of land, continuing in all a distance of 254.50 feet to an iron rod in the East line of the said Percy V. Gibbs tract of land;

THENCE S. 1 deg. 34 min. W. with the East line of the said Gibbs tract, a distance of 299.73 feet to the place of beginning, containing 65,071.55 square feet or 1.494 acres of land.

Reservations from and Exceptions to Conveyance and Warranty:

All rights of way and easements of record in Hunt County, Texas and all easements or uses visible or otherwise, the existence of which may arise by unrecorded grant or use.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyance and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.