ORDINANCE NO. 98-32

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 A-2 TO (GB) 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 A-2.

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 A-2 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 A-2 to (GB) 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 A-2 to (GB) 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 A-2 to (GB) General Business 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inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.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 15th day of December, 1998.

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 16th day of December, 1998, 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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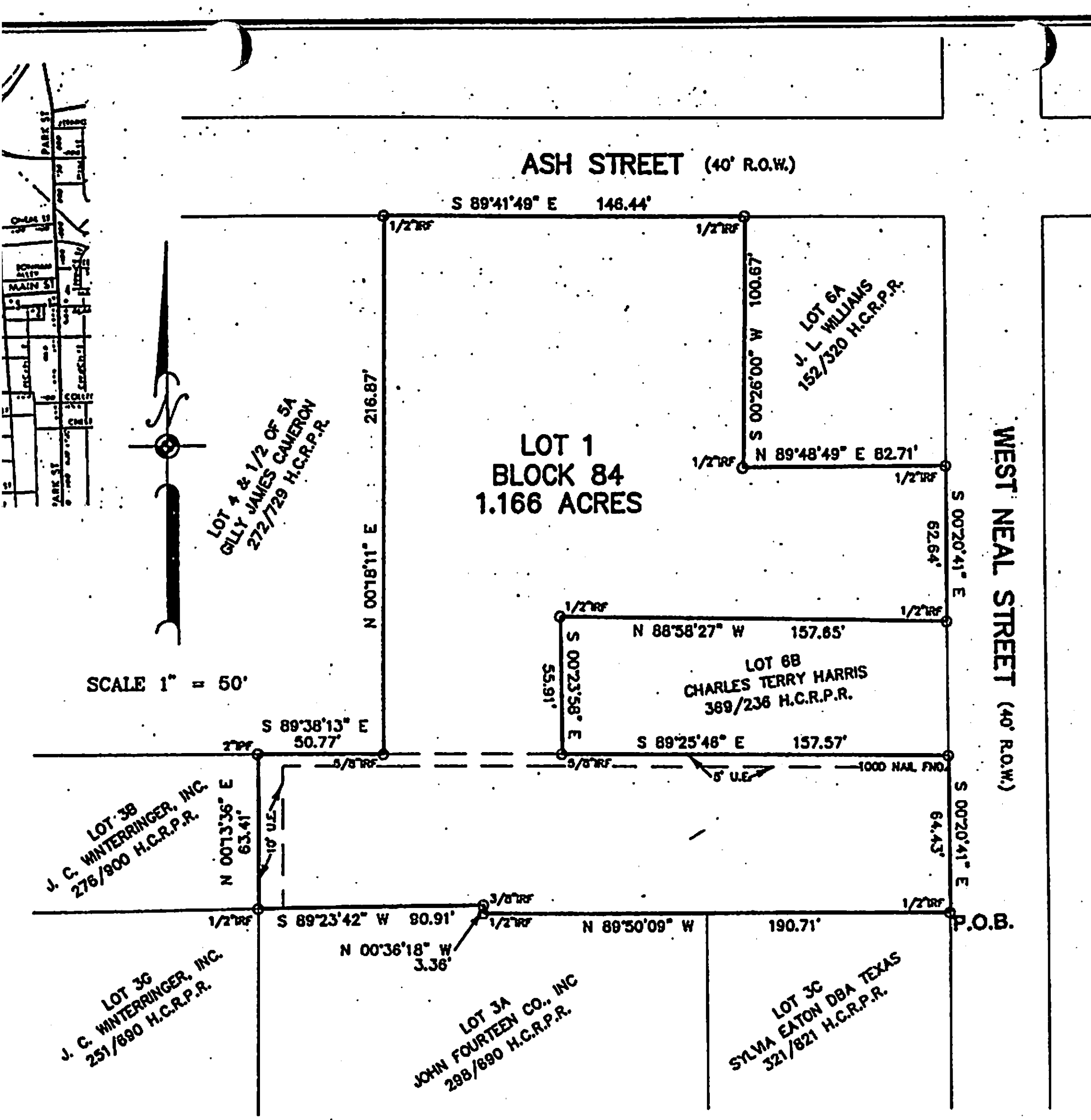

OWNER'S CERTIFICATE

WHEREAS SONT ENTERPRISES, LLC, is the owner of a tract or parcel of land situated in the City of
Texas, being more particularly described as follows:

BEING all that certain lot, tract or parcel of land situated in the City of Commerce, Hunt County, Tex.
Jernigan Survey, Abstract No. 1259, being part of Block 84, City of Commerce, being the tract convey
Sont Enterprises, LLC, by deed recorded in the Real Property Records of Hunt County in Volume 498 a
described in the deed from Joe F. Gary and Frank Spencer to Sont Enterprises, LC, recorded in said
Volume 351 at Page 778 and part of the tract conveyed from J.E. Rabb, et ux, to C.L. Freeman by d
Records of Hunt County in Volume 405 at Page 406 and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found at the southeast corner of said 0.415 acre tract, said corner bei
Neal Street;
THENCE N 89°50'09" W 190.71 feet to a 1/2 inch iron rod found at the easternmost southwest come rof
corner;
THENCE N 00°36'18" W 3.36 feet to a 1/2 inch iron rod found at the interipor come rof said tract, for a
THENCE S 89°23'42" W 90.91 feet to a 1/2 inch iron rod found at the westernmost southwest corner of
corner;
THENCE N 00°13'36" E 63.41 feet to a 2 inch pipe found at the northwest corner of said 0.415 acre tract
THENCE S 89°38'13" E 50.77 feet with the north line of said 0.415 acre tract to a 5/8 inch iron rod fou
of said Ayers to Sont tract, for a corner;
THENCE N 00°18'11" E 216.87 feet to a 1/2 inch iron rod found at the northwest corner of said trac
Street, for a corner;
THENCE S 89°41'49" E with the south line of Ash Street 146.44 feet to a 1/2 inch iron rod found N 89
the west line of West Neal Street, for a corner;
THENCE S 00°26'00" W 100.67 feet to a 1/2 inch iron rod found, for a corner;
THENCE N 89°48'49" E 82.71 feet to a 1/2 inch iron rod found in the west line of West Neal Street, for
THENCE S 00°20'41" E with said west line of West Neal Street 62.64 feet to a 1/2 inch iron rod found, f
THENCE N 88°58'27" W 157.65 feet to a 1/2 inch iron rod found in the east line of said Ayers to Sont tr
THENCE S 00°23'58" E 55.91 feet to a 5/8 inch iron rod found at the southeast come rof said Ayers to
line of said 0.415 acre tract, for a corner;
THENCE S 89°25'46" E with said north line 157.57 feet to a 100D nail found at the northeast come rof
west line of West Neal Street, for a corner;
THENCE S 00°20'41" E with said west line 64.43 feet to return to the Place of Beginning and containing

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT SONT ENTERPRISES, LLC, hereby adopts this plat as SONT REPLAT OF PART OF
COMMERCE, an addition to the City of Commerce, and dedicates to the public use forever the streets an
(if any) for the mutual use and accommodation of any public utility desiring to use or using same for th
maintaining, adding to or removing any or all of their respective systems located therein, and further, tha
acknowledge the requirement of completion of all water and sewage collection systems (if any) and all
drainage improvements (if any) at the expense of the Owner(s) and guarantee(s) the performance of same.
WITNESS MY HAND this ________ day of ______________________________, 199__.

______________________________ ______________________________

STATE OF TEXAS:
COUNTY OF HUNT:

BEFORE ME, the undersigned authority, a Notary Public in and for Hunt County, Texas, personally a
names are subscribed to the foregoing instrument and they acknowledged same for the purposes
expressed and in the capacity indicated hereon.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of ______________, 199__.

____
Notary Public in and for Hunt County, Texas

MINUTES
PLANNING AND ZONING COMMISSION MEETING
November 24, 1998 – 5:30 p.m.

MEMBERS PRESENT:	Chairman Charles Elliott, Wayne Pierce, Claudia Record, Donna Tavener and Pete Hale.
MEMBERS ABSENT:	Fred Klaus and Anthony Harris.
OTHERS PRESENT:	Director of Community Development Fred Eaton and Assistant City Secretary Brenda Flanagan.

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1. **Call to Order.**
Chairman Charles Elliott called the meeting to order at 5:30 pm.

2. **Approval of Minutes.**
Board Member Wayne Pierce moved that the minutes of the September 22, 1998 regular meeting be approved as written. Board Member Claudia Record seconded the motion. The vote was unanimous.
Board Member Claudia Record moved that the minutes of the October 8, 1998 special meeting be approved as written. Board Member Pete Hale seconded the motion and the vote was unanimous.

3. **Consideration and possible recommendation to City Council on a request for a replat of the property located at 1505 W. Neal, 1903 Ash, and 1905 Ash.**
Chairman Charles Elliott asked Director of Community Development Fred Eaton to brief the Board on this item. Mr. Eaton told the Board that Kevin Hannah, the owner of Sont Mini Storage, is requesting the replat of this property that he had recently purchased in order to expand his storage facility on W. Neal. He said that Mr. Hannah's plan is contingent on the rezoning of the property and also the issuance of a conditional use permit. Mr. Hannah told the Board that the property had been neglected and needs to be cleaned up. He then presented the Board with a site plan. He said that the new buildings would match the existing buildings and a 6-ft. barrier fence would be put up around the perimeter of the facility. Mr. Hannah said all buildings would be connected with concrete drives and, for security reasons, there would only be one access to the facility. Chairman Elliott presented a memo from Assistant City Secretary Brenda Flanagan concerning a call from Mrs. Beth Shoemake of 1815 Ash. Mrs. Shoemake had called Ms. Flanagan and stated she would like to see that area cleaned up and is in favor of construction of the mini-warehouses. Chairman Elliott then asked Terry Harris, a member of the audience, if he would like to speak on this matter. Mr. Harris said that he was at the meeting to find out what Mr. Hannah's plans were and he had no objections to them. Board Member

Wayne Pierce stated he was concerned about the facility having only one access for emergency equipment should there be a fire. Mr. Hannah said he could change the plans and have two gates with padlocks that could be cut by emergency personnel. Mr. Eaton said that when construction plans are submitted for permitting, fire lanes would be required. Board Member Wayne Pierce moved to recommend that City Council approve the request for replat of the property located at 1505 W. Neal, 1903 Ash, and 1905 Ash. Board Member Claudia Record seconded the motion and the vote was unanimous.

4. **Consideration and possible recommendation to City Council on a request for a rezone of the property located at 1505 W. Neal, 1903 Ash, and 1905 Ash from A-2 to General Business.**

Chairman Charles Elliott stated that the rezoning application presented problems. He said the Board could go ahead and consider this item tonight, but he would like to see a proposal to also change the zoning to General Business for the property on Ash west of W. Neal, and then east to the current zoning dividing line between W. Neal and Earl, which all adjoins property already zoned General Business. Director of Community Development Fred Eaton said he would have that put on the next agenda. Board Member Donna Tavener moved to recommend that City Council approve the request for a rezone of the property located at 1505 W. Neal, 1903 Ash, and 1905 Ash from A-2 to General Business. Board Member Claudia Record seconded the motion and the vote was unanimous.

5. **Consideration and possible recommendation to City Council on a request for a conditional use permit for construction of a mini-warehouse storage facility for the property located at 1505 W. Neal, 1903 Ash, and 1905 Ash.**

Chairman Charles Elliott stated that with a rezoning to General Business approved by the City Council, this property could be used for location of mini-warehouses upon issuance of a conditional use permit. Board Member Donna Tavener moved to recommend that City Council approve the request for a conditional use permit for construction of a mini-warehouse storage facility for the property located at 1505 W. Neal, 1903 Ash, and 1905 Ash. Board Member Pete Hale seconded the motion and the vote was unanimous.

6. **Consideration and possible recommendation to City Council on a request for a replat of the property located at 1012 Bois D' Arc.**

Chairman Charles Elliott introduced this item and asked Director of Community Development Fred Eaton to brief the Board. Mr. Eaton stated that Glendle Rains had purchased a lot adjoining his and would like to have the lots replatted as one property. He said that the Rains' daughter would like to place a mobile home behind her parents' home and in order to have the required setbacks the property needs to be replatted. Mr. Eaton presented the plat to the Board and there was some discussion about the lot size and where the mobile home would be located. Mr. Eaton stated there would be sufficient setbacks. Board Member Pete Hale moved to recommend that City Council approve the request for a replat of the property located at 1012 Bois D' Arc. Board Member Claudia Record seconded the motion and the vote was unanimous.

7. **Consideration and possible approval on a request for a conditional use permit for location of a mobile home on the property located at 1012 Bois D' Arc.**
Board Member Donna Tavener moved that the request for a conditional use permit for location of a mobile home on the property located at 1012 Bois D' Arc be approved. Board Member Wayne Pierce seconded the motion. Chairman Charles Elliott asked if there was any further discussion. There being none, he called for a vote and the vote was unanimous. Director of Community Development Fred Eaton reminded the Rains' that although the Board approved the conditional use permit, it is contingent on City Council approving the replat of the property.

8. **Other Business.**
There was none.

9. **Adjourn.**
Chairman Charles Elliott called for a motion to adjourn. Board Member Claudia Record moved that the meeting be adjourned, Board Member Pete Hale seconded the motion and the vote was unanimous. The meeting was adjourned at 6:00 p.m.

____
Chairman Charles Elliott or Vice Chairman Fred Klaus

____
Brenda J Flanagan, Assistant City Secretary

____
Date