

ORDINANCE NO. 99-17

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 ETSU TO GENERAL BUSINESS (GB); PROVIDING FOR CHANGES IN ZONING DISTRICT MAP.

BE IT ORDAINED BY THE CITY OF COMMERCE, TEXAS:

Section 1. Whereas, the area outlined in red on attached plat presently lies in ETSU.

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 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 ETSU to General Business (GB).

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 ETSU to General Business (GB) 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 ETSU to General Business (GB) 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inconsistent with or in conflict with the provisions of this Ordinance shall be and the same are hereby expressly repealed.

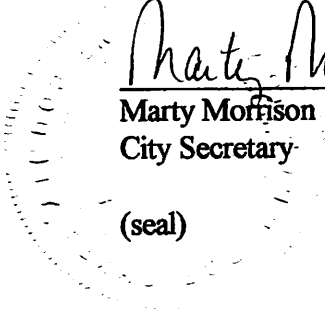
Section 6. If any section, sub-section, word, sentence, or phrase of this Ordinance is declared to be invalid, it shall not affect the validity of this Ordinance.

PASSED AND APPROVED on FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on this the 6th day of July, 1999.

PASSED AND APPROVED on **SECOND READING** at a regular meeting of the
City Council of the City of Commerce, Texas, on this the 20th day of July, 1999.

ATTEST:

CITY OF COMMERCE, TEXAS


Marty Morrison

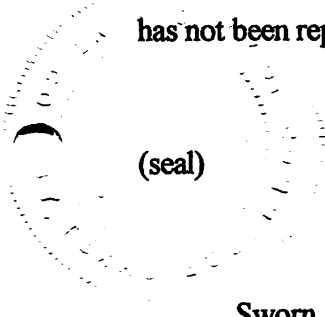
Marty Morrison
City Secretary

(seal)

John R. Sands

John R. Sands
Mayor

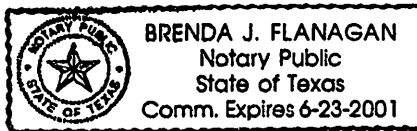
I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the
above is a true and correct copy of an ordinance of the City of Commerce, Texas, and that the same
has not been repealed and is in full force and effect.


Marty Morrison

Marty Morrison, City Secretary
City of Commerce, Texas

(seal)

Sworn to and subscribed before me, on this the 21st day of July,
1999, to certify which witness my hand and seal of office.



Brenda J. Flanagan

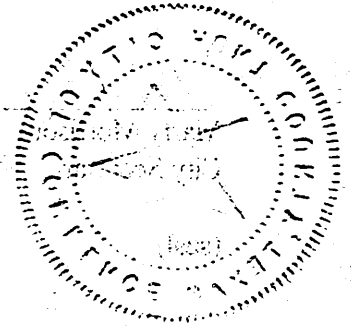
Notary Public
State of Texas

RECEIVED THE MAYOR'S OFFICE OF THE CITY OF ALBANY, N.Y.

TO THE MAYOR OF THE CITY OF ALBANY, N.Y.

TO THE MAYOR OF THE CITY OF ALBANY, N.Y.

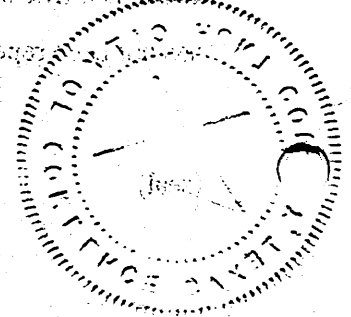
TO THE MAYOR OF THE CITY OF ALBANY, N.Y.



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1 Dick Latson, owner of Latson's Printing and Office Supply, addressed the Commission
2 stating he is in support of this request from Ms. Farmer. Mr. Latson stated that the
3 Farmer's have invested a lot of money already in buying the restaurant and in renovations.
4

5 David Earls, who stated he lives in Commerce, said the change that was made to the
6 Zoning Ordinance in the past served to rid the downtown area of bars that catered to kids.
7 Mr. Earls stated the City is growing and this change would allow for future location of
8 restaurants such as Applebee's and Red Lobster.
9

10 Joan Lambert, owner of The Collegiate Shoppe, stated she is in support of the Farmers
11 and she welcomes them to the City. She said she is happy to have someone in the building
12 and feels this would be beneficial to the downtown area and she supports their efforts.
13

14 Chairman Elliott called for discussion from the Commission. Commission Member
15 Anthony Harris moved to recommend that City Council adopt an ordinance amending the
16 City of Commerce Zoning Ordinance designating a permitted conditional use for location
17 of a private club with dining in all zoning districts exclusive of residentially zoned districts.
18 Commission Member Fred Klaus seconded the motion. Chairman Elliott called for a vote.
19 The vote was unanimous.

21 **4. Consideration and possible recommendation to City Council on a request for**
22 **issuance of a conditional use permit for location of a private club with dining for the**
23 **property located at 1229 Washington; R54265; Original Town of Commerce, Block**
24 **9, Lot 13.**

25 Chairman Charles Elliott asked Director of Community Development Fred Eaton if the
26 Commission could go ahead with a conditional recommendation to City Council on this
27 item. Mr. Eaton replied that it would be contingent upon City Council approving the
28 matter in Agenda Item #3.
29

30 Chairman Elliott called for discussion from the Commission. There being none, he called
31 for a motion. Commission Member Anthony Harris moved to recommend that City
32 Council issue a conditional use permit for location of a private club with dining for the
33 property located at 1229 Washington, contingent upon City Council adopting the
34 ordinance as recommended in Agenda Item #3. Commission Member Evonne Richardson
35 seconded the motion and the vote was 5-0.
36

37 **5. Consideration and possible recommendation to City Council for a rezone, from**
38 **ETSU to General Business (GB), of the property located on Hwy 50 and Loop 178**
39 **(Culver); R111918; A1228, Roads Josiah, Tract 1, Acres 62.21.**

40 Chairman Charles Elliott stated he is concerned that neither this request nor the request
41 for replat is coming from the owner of the property, Texas A&M University-Commerce
42 (TAMU-C). Director of Community Development Fred Eaton introduced Jack Gray,
43 Vice President for Marketing and Resource Development at TAMU-C. Mr. Gray stated it
44 is his understanding that Wal-Mart requested the rezoning of this property. He said the

1 property is still owned by TAMU-C and the contract for the sale of the property to Wal-
2 Mart is pending. Mr. Gray said TAMU-C supports the rezoning and would like to
3 facilitate the process. Mr. Eaton suggested the Commission recommend the approval of
4 the rezone contingent upon execution of the contract between Wal-Mart and TAMU-C
5 before the matter is considered by the City Council.
6

7 Don Craig of Adams Engineering stated he was representing Wal-Mart and that Wal-Mart
8 would like the property to be zoned appropriately before they buy it to prevent the
9 possibility of having property they cannot build on. He stated that normally the property
10 is rezoned under the present owner. Mr. Craig asked that the Commission proceed with
11 the rezoning. He said that if it is just a matter of paperwork, TAMU-C could complete
12 the application.
13

14 Chairman Elliott stated that in the past, rezoning and replatting have been considered
15 when the owner was the applicant. Mr. Eaton said that at times rezoning was initiated by
16 the Commission without the owner's request. Commission Member Anthony Harris
17 stated that since both parties are in favor of the rezoning, the Commission could initiate
18 the change.
19

20 Chairman Elliott called for a motion from the Commission. Commission Member Pete
21 Hale moved to recommend that City Council approve the rezone, from ETSU to General
22 Business (GB), of the property located on Hwy 50 and Loop 178 (Culver). Commission
23 Member Fred Klaus seconded the motion. The vote was unanimous.
24

25 **6. Consideration and possible recommendation to City Council for a replat of the**
26 **property located on Hwy 50 and Loop 178 (Culver); R111918; A1228, Roads Josiah,**
27 **Tract 1, Acres 62.21.**

28 Chairman Charles Elliott stated that the replat could be approved pending transfer of
29 ownership of the property to Wal-Mart.
30

31 Chairman Elliott called for a motion. Commission Member Anthony Harris moved to
32 recommend that City Council approve the replat of the property located on Hwy 50 and
33 Loop 178 (Culver) contingent upon transfer of ownership of the property to Wal-Mart.
34 Commission Member Fred Klaus seconded the motion. The vote was 5-0.
35

36 Don Craig of Adams Engineering representing Wal-Mart asked whether after City Council
37 approves the plat it could be filed before transfer of ownership. Chairman Elliott said that
38 is a question for the City Council and the City Attorney to look at. Director of
39 Community Development Fred Eaton said that since the plat was submitted under the
40 Texas A&M Board of Regents, the motion for recommendation might be changed to be
41 contingent upon TAMU-C signing the application. This would prevent having to have a
42 new plat drawn up for Wal-Mart signatures.

Chairman Elliott called for a motion to reconsider. Commission Member Evonne Richardson moved that the Commission reconsider the previous motion on this matter. Commission Member Fred Klaus seconded the motion and the vote was unanimous.

Chairman Elliott called for a new motion on this matter. Commission Member Anthony Harris moved to recommend that City Council approve the replat of the property located on Hwy 50 and Loop 178 (Culver) contingent upon transfer of ownership of the property to Wal-Mart or the replat application being signed by TAMU-C. Commission Member Fred Klaus seconded the motion and the vote was unanimous.

Mr. Eaton said he would obtain appropriate signatures for the replat application prior to the City Council meeting.

7. Other Business.

Chairman Elliott called for other business. Director of Community Development Fred Eaton stated there would be an item on the agenda for the July 27, 1999 meeting to remove from the table the conditional use application for location of a bar, lounge, or tavern for Sugar Hill.

8. Adjourn.

Chairman Charles Elliott called for a motion to adjourn. Commission Member Anthony Harris moved that the meeting be adjourned. Commission Member Fred Klaus seconded the motion and the vote was unanimous. Chairman Elliott adjourned the meeting at 6:03 p.m.

Chairman Charles Elliott or Vice Chairman Fred Klaus

Brenda J Flanagan, Assistant City Secretary

Date

Rezoning Application

Case No. _____
Fee Paid _____

Property Address: Hwy 50
Legal Description: R 111918 A1228 Roads Josiah,
 Tract 1
Area in Acres: 62.21
Present Zoning Classification: ETSU
Present Use: University
Proposed Use: General Business / Retail
Proposed Zoning Classification: LB

PAID	303979
06/10/99	15:45
ADAMS ENGINEERING	
ZSF	\$75.00
TOTAL	\$75.00
2242	\$75.00
CHANGE	\$.00

Applicant's Name: Steve Bennett, Adams Consulting Engineers, Inc
Address: P.O. Box 131555 Tyler, Tx Zip: 75713
Phone Number: 903-324-8400

I hereby certify that all information contained herein is true and correct, and that all required submissions (see reverse) have been submitted.

APPLICANT SIGNATURE: _____ DATE: _____

OWNER SIGNATURE (if other than applicant): _____

NOTE: SEE REVERSE SIDE FOR INSTRUCTIONS.

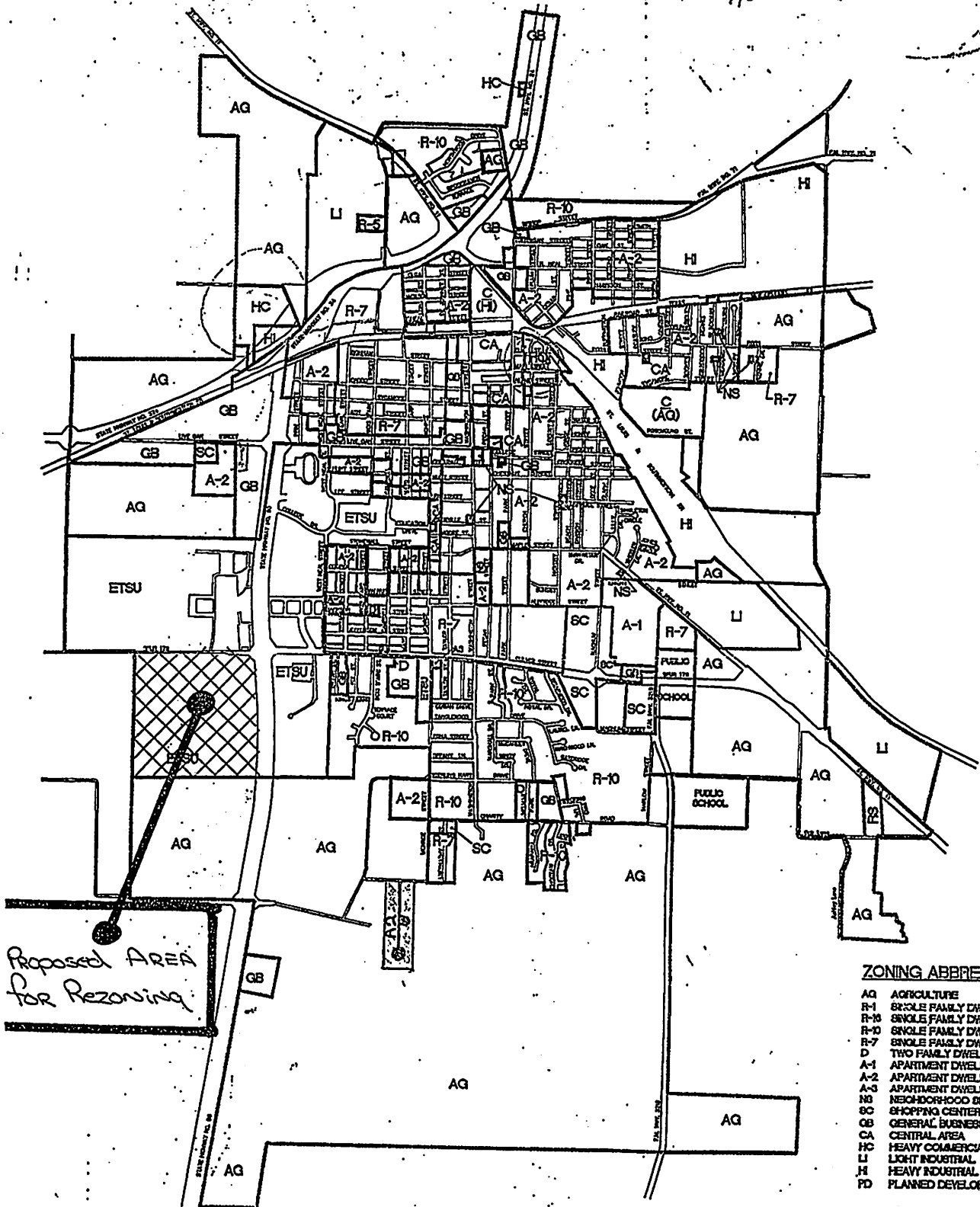
PERMIT (To be completed by the City)

- ☐ The rezoning request is hereby approved based on Ordinance No. _____.
- ☐ The rezoning request was disapproved by the City Council.

Date _____
Director of Community Development

Agenda Item 6c

708
702
706
708



ZONING ABBREVIATIONS

AG	AGRICULTURE
R-1	SINGLE FAMILY DWELLING 10 ACRE
R-10	SINGLE FAMILY DWELLING 10,000 sq. ft.
R-7	SINGLE FAMILY DWELLING 7,000 sq. ft.
D	TWO FAMILY DWELLING (COUPLES)
A-1	APARTMENT DWELLING (DISTRICT 1)
A-2	APARTMENT DWELLING (DISTRICT 2)
A-3	APARTMENT DWELLING (DISTRICT 3)
NS	NEIGHBORHOOD SERVICE
SC	SHOPPING CENTER
GB	GENERAL BUSINESS
CA	CENTRAL AREA
HC	HEAVY COMMERCIAL
LI	LIGHT INDUSTRIAL
HI	HEAVY INDUSTRIAL
PD	PLANNED DEVELOPMENT