

ORDINANCE NO. 99-25

A ORDINANCE RELATING TO A PROPERTY REZONE AUTHORIZING MAYOR TO EXECUTE SAID ORDINANCE, AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO SAID ORDINANCE, GRANTING AUTHORITY TO THE CITY MANAGER OR HIS DESIGNATE TO AUTHORIZE ZONING CHANGE, AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO ANY AND ALL INSTRUMENTS REQUISITE IN IMPLEMENTING THIS ORDINANCE.

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 15th day of August, 1997, at 7:00 p.m., a majority of Council Members being present and constituting a quorum, the following Ordinance was adopted:

WHEREAS, the owners of the property located on east and west sides of Mangum Street, from Culver to Aldridge, in the City of Commerce, reference is made thereto for all purposes, said owners have made application for a zoning change from Shopping Center (SC) to General Business (GB), for the use of said premises being more particularly described in said application, as well as in the minutes of the City of Commerce, Texas, Planning and Zoning Commission meeting of July 27, 1999, and which minutes are attached hereto, marked Exhibit "A" and made a part hereof just as if copied herein verbatim; and

WHEREAS, the Planning and Zoning Commission of the City of Commerce, Texas, in accordance with Section 10, Subsection 10-104 of the Zoning Ordinance of the City of Commerce, Texas, after conducting a public hearing on said request and all other prerequisites relating thereto, and after consideration of the grounds for a zoning change from Shopping Center (SC) to General Business (GB), recommended to the City Council of the City of Commerce, Texas, that said application be approved, and that a zoning change from Shopping Center (SC) to General Business (GB) be authorized; and

WHEREAS, the City Council, after having reviewed the action of the Planning and Zoning Commission and this recommendation, as well as having complied with all prerequisites of the Zoning Ordinance of the City of Commerce, Texas, relative to a change in zoning from Shopping Center (SC) to General Business (GB), deems it in the best interest and general welfare of the City of Commerce that said application for a Zoning Change from Shopping Center (SC) to General Business (GB), be granted and that Zoning Change should be authorized for the owners of the property shown on map, attached hereto and marked Exhibit "B", as provided for in Article 10, Subsection 10-411 through 10-415 of the Zoning Ordinance of the City of Commerce, Texas.

NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, John R. Sands, be authorized and he is hereby authorized to execute this Ordinance, and the City Manager or his designate in accordance with this Ordinance be authorized and he is hereby authorized to approve zoning change on such property described in said application.

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the Mayor to this Ordinance, and to attest to the signature of the City Manager to any instruments requisite to implementing this Ordinance.

PASSED AND APPROVED on FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on the 17th day of August 1999.

PASSED AND APPROVED on SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas, on the 7th day of September 1999.

ATTEST:

Marty Morrison
Marty Morrison, City Secretary

CITY OF COMMERCE, TEXAS

John R. Sands
John R. Sands, Mayor

(seal)

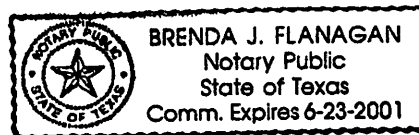
I, Marty Morrison, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

Marty Morrison
Marty Morrison, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 9th day of September, 1999,
to certify which witness my hand and seal of office.

(Seal)



Brenda J. Flanagan
Notary Public, State of Texas

1
2 Commission Member Wayne Pierce stated he is still concerned about traffic safety, and at
3 best it will be a few years before the construction on the highway is complete.
4 Commission Member Pete Hale stated he is not comfortable with this issue.
5

6 Chairman Elliott called for a vote. The vote was 3-1, with Commission Member Wayne
7 Pierce voting no, and Commission Member Pete Hale abstaining.
8

- 9 4. **Consideration and possible recommendation to City Council for a rezone, from**
10 **Shopping Center (SC) to General Business (GB), of the property located on**
11 **Mangum Street, east and west sides, from Culver Street (Loop 178) to Aldridge**
12 **Street; H Marlor Survey, Tracts 56, 59, 14-1, 54, 26, and 60.**

13 Chairman Charles Elliott asked Director of Community Development Fred Eaton to brief
14 the Commission on this item. Mr. Eaton stated that one of the owners, Bobby Hill, has
15 someone interested in buying a tract to locate a car wash on and the General Business
16 zoning would be required for that use. He also reminded the Commission that they had
17 previously discussed rezoning this area as General Business to tie into adjacent zoning and
18 allow for a wider variety of uses.
19

20 Commission Member Evonne Richardson asked if this includes the property where Griffith
21 Chapel is planning to build their new church. Mr. Eaton replied yes.
22

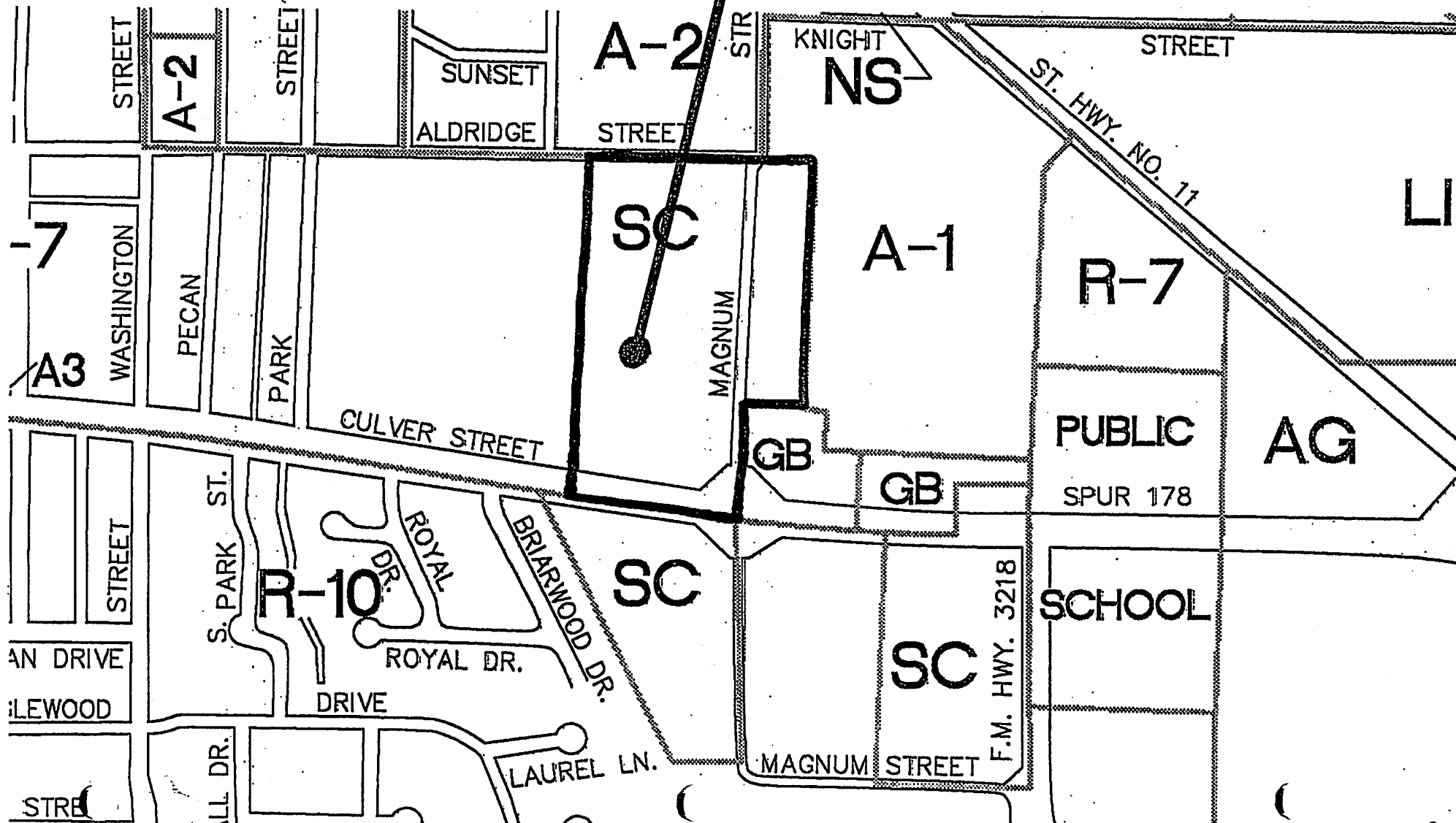
23 Chairman Elliott asked for comment from the audience. Dewayne Cogburn, who owns
24 property adjacent to these tracts, stated he felt the General Business zoning is needed for
25 this area since it has access from a four-lane highway. He also stated that he had
26 previously applied for a rezoning of the property he owns to the west of these tracts. Mr.
27 Cogburn said he is planning to bring his property before the Commission again for
28 consideration of a rezone to General Business.
29

30 Chairman Elliott called for a motion. Commission Member Pete Hale moved to
31 recommend that City Council approve the rezone, from Shopping Center (SC) to General
32 Business (GB), of the property located on Mangum Street, east and west sides, from
33 Culver Street (Loop 178) to Aldridge Street. Commission Member Wayne Pierce
34 seconded the motion. Chairman Elliott called for further discussion. There being none, he
35 called for a vote. The vote was 5-0.
36

- 37 5. **Consideration and possible recommendation to City Council for a replat of the**
38 **property located at 1908 Walnut; R41779, College Heights Addition, Block 18, Lot**
39 **W 40' of 13 & 14 (13B, 14B), & also 20 X 103 Lot on W Side of 40' Lots, for the**
40 **abandonment of an alley.**

41 Chairman Charles Elliott asked Director of Community Development Fred Eaton to brief
42 the Commission on this item. Mr. Eaton stated that the owner of the property, Dwayne
43 Cogburn, is in the process of selling it. He said the house was built on the property in the
44 1940's and had been built over the alley. Mr. Eaton stated there are no utilities located in
45 this alley. He said he had spoken with City Attorney Jim McLeroy about the abandonment

Agenda Item	#
1. Call to Order	1
2. Public Comment	2
3. Board Report	3
4. Board Business	4
5. Board Meeting Adjourns	5



HIGH

R20238

STREET

Griffith Chapple

H. Major Abstract
Tract 57, 4.05 acre

R20406

Gene Leslie
H. Major Abstract
Tract 26, 4.218
Acre

R20599

William Hill
H. Major Abstract
Tract 54, 2.43 acre

R20402

OP A-675

William Hill
Major Abstract
Tract 14-1, 6.37 Acre

R20394

City of Lawrence
H. Major Ab.
Tract 60,
1.415 acre

R20407

R20405

William Hill
Major Abstract
Tract 59,
.320 acre

R20406

Bryans Ice Cream
Major Abstract
Tract 56,
1.54 acre

R20405

MANGUI

ROSANNE

DRIVE

ALL

R20412

R12282

R20405

(S.H. LOOP 178)