

ORDINANCE NO. 01-15

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 17th day of April 2001 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 at 2205 Live Oak Street in the City of Commerce, reference is made thereto for all purposes, said owners have made application for a zoning change from A2/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 March 27, 2001, 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 A2 / 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 A/2 - 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 A/2 - 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 A/2 - 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 at a regular meeting of the City Council of the City of Commerce, Texas, on the 17th day of April 2001.

ATTEST:


Marty Cunningham, City Secretary

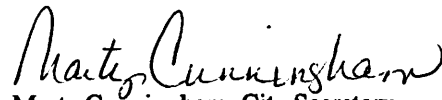
(seal)

CITY OF COMMERCE, TEXAS


John R. Sands, Mayor

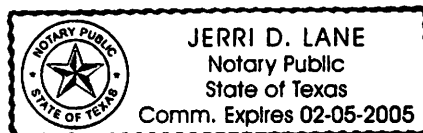
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Ordinance, and that the same has not been repealed and is in full force and effect.

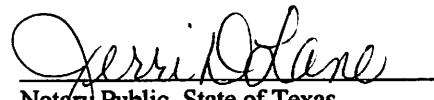
(seal)


Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 17th day of April, 2001 to certify which witness my hand and seal of office.

(Seal)




Notary Public, State of Texas

be identified so that staff and the members present would be on the same table.
Member Henry Ross stated those sections are:

Section C - buildings shall be constructed using exterior finish materials which have been approved for use in the LOS Overlay District. Exterior materials shall be uniform in appearance throughout each separate building.

Section H-3 – In the event any nonconforming facility is destroyed or damaged as a result of accident or by fire, flood, earthquake or any other act of nature to an extent exceeding fifty percent of its current assessed value, it shall not be repaired or reconstructed except in conformance with the applicable zoning district.

Section H-4 – Nonconforming activities shall be terminated within five years following adoption of this ordinance.

Member Henry Ross again made a motion to recommend adopting the section of the overlay zone and tabling the section of the beautification portion until such changes are made. Member Bob Stachowiak seconded the motion and the vote was unanimous.

5. Consideration and possible approval of a rezoning request for property located at 2205 Live Oak St. from A2/SC to GB.

Mr. Klaus asked Mr. Eaton to present item #5. Mr. Eaton stated that this property is located across from the old Wal-Mart shopping center and currently has a car wash on it. Some years back a Mr. Earl Williams owned the property and had intentions of putting an apartment complex on the property and at that time asked for a zoning change to A2. Since then the property has changed ownership and at this time Mr. Sean Ryan owns the property and would like to change it back to GB. This will be a two-part request; the first request is to change the zoning. The second request is for a used car lot at this location. If one does not pass it is no good without the other. Member Bob Stachowiak asked what the SC meant. Mr. Eaton stated that it meant Shopping Center. Mr. Eaton explained that spot zoning is illegal in the state of Texas and this would not be spot zoning. Chairman Fred Klaus asked for input from the public. Mr. Rick Vanderpool stated that he welcomed the used car lot in that area. Member Pete Hale made a motion to accept the zoning change. Member Henry Ross seconded the motion and the vote was unanimous.

6. Consideration and possible approval of a conditional use permit for a used car lot located at 2205 Live Oak.

Chairman Fred Klaus asked Mr. Eaton to explain item #6. Mr. Eaton stated again that this item was discussed in item #5. Mr. Sean Ryan wishes to put in a used car lot at 2205 Live Oak. Mr. Eaton asked Mr. Ryan to give a presentation as to what his plans are. Mr. Ryan stated that he did not have any plans for the space behind the car wash. To the East of the property where it is concrete, Mr. Ryan has 15

Rezoning Application

Case No. _____
Fee Paid _____

Property Address: 2205 LIVE OAK ST

Legal Description: JMILSAP, AD781, TRACT 14

Area in Acres: 1.52 ACRES

Present Zoning Classification: SC AND A-2

Present Use: CAR WASH

Proposed Use: CAR WASH AND THE SALE OF PRE-OWNED VEHICLES

Proposed Zoning Classification: GENERAL BUSINESS

Applicant's Name: SEAN RYAN

Address: 2825 OAK CREEK DR. PARIS TX zip: 75462

Phone Number: 903-784-2786 OR 903-249-0287

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

APPLICANT SIGNATURE: Sean Ryan DATE: 2-15-01

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

INSTRUCTIONS FOR REZONING APPLICATION

SUBMISSION REQUIREMENTS:

Submit 2 copies of the following:

1. Map of the area proposed for rezoning.
2. Vicinity map showing property lines, streets, existing and proposed zoning.

PROCEDURE:

1. Submit completed application at least 21 days prior to the Planning & Zoning Commission meeting date along with a fee of \$75. The Planning & Zoning Commission meets the fourth Tuesday of each month at 5:30 p.m. in the Council Chambers of the Commerce City Hall, 1119 Alamo Street, Commerce, Texas.
2. City Staff will notify property owners within 200 feet of the site.
3. A staff report on your application may be obtained 10 days prior to the Planning & Zoning Commission meeting date.
4. A hearing will be held by the Planning & Zoning Commission and their recommendation will be forwarded to the City Council for a public hearing.
5. The City Council will review and act on the rezoning request.

NOTE: Upon denial of a request for an amendment or change by the City Council, no identical request may be submitted within twelve (12) months from the date of the original request unless the applicant can show that substantial changes affecting the respective property have occurred.

**IF YOU HAVE FURTHER QUESTIONS, PLEASE CALL THE CITY AT
(903) 886-1100.**

HWAY NO. 224
ST. LOUIS & SOUTHWESTERN

GB

LIVE OAK STREET

GB

SC

A-2

GB

AG HATCHED AREA
DENOTES PROPERTY
LOCATION

ST
PRIM
WEST NEAL

WEST NEAL ST.

HWAY NO. 50

COLLEGE

DR.

2-15-01

DEAR PLANNING & ZONING COMMISSION,

My NAME IS SEAN RYAN AND I AM REQUESTING A ZONING CHANGE ALONG WITH A CONDITIONAL USE PERMIT TO SELL QUALITY, INEXPENSIVE PRE-OWNED VEHICLES. MY ONLY EXPERIENCE IN AUTO SALES (5 YEARS) IS AT TOYOTA OF PARIS WHICH IS LOCATED IN PARIS, TX. I WOULD BE SELLING MOSTLY PRE-OWNED TOYOTA'S AS TOYOTA OF PARIS WILL BE MY MAIN SUPPLIER OF VEHICLES. THERE WILL BE NO REPAIRS PERFORMED ON MY PROPERTY. I WOULD BE DOING MOST DETAILING ON-SITE PRIOR TO SELLING A VEHICLE. THE MARKET I AM LOOKING AT IS THE UNDER \$5,000 VEHICLES FOR FIRST TIME DRIVERS OR JUST GOOD DEPENDABLE VEHICLES AT AFFORDABLE PRICES.

I HAVE OWNED THIS CAR WASH SINCE LAST JUNE AND I THOROUGHLY ENJOY MYSELF IN COMMERCE AND HAVE FOUND EVERYONE TO BE MOST FRIENDLY. LASTLY, I WANT YOU ALL TO KNOW I HAVE NOT ATTEMPTED TO SELL ANY VEHICLES OFF OF MY PROPERTY SINCE I TOOK OVER OWNERSHIP OF THIS PROPERTY LAST JUNE.

THANK YOU VERY MUCH

RESPECTFULLY

Sean Ryan