

ORDINANCE NO. 04-02

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 6th day of April 2004 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 within Block 1, College Addition in the City of Commerce, reference is made thereto for all purposes, said owners have made application for a zoning change to Planned Development, 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 February 25, 2004, 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 to Planned Development, approved said rezone request; 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 to Planned Development, deems it in the best interest and general welfare of the City of Commerce that said application for a Zoning Change to Planned Development 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.

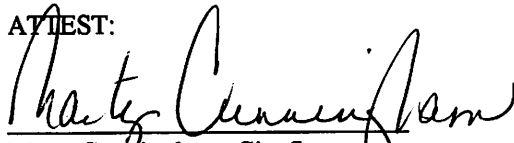
NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, be authorized and she is hereby authorized to execute this Ordinance, and the City Manager or his designate in accordance with this Ordinance be authorized and he is hereby authorized to approve zoning change on such property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

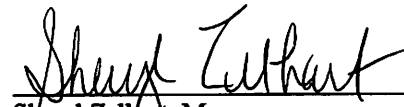
PASSED AND APPROVED on the FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on the 16th day of March 2004.

PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 6th day of April 2004.

ATTEST:


Marty Cunningham, City Secretary

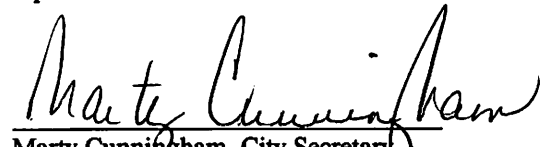
CITY OF COMMERCE, TEXAS


Sheryl Zellhart, Mayor

(seal)

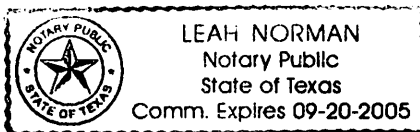
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Ordinance, and that the same has not been repealed and is in full force and effect.

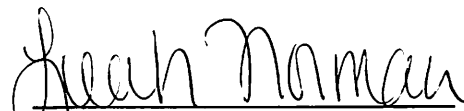
(seal)


Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 8 day of April, 2004 to certify which witness my hand and seal of office.

(Seal)




Notary Public, State of Texas

MINUTES

PLANNING AND ZONING COMMISSION MEETING

February 24, 2004-5:30 p.m.

MEMBERS PRESENT: Chairman Charles Elliott, Vice Chairman Fred Klaus, Henry Ross, Evonne Richardson, Randy Starks, Pete Hale.

MEMBERS ABSENT: Tony Henry.

OTHERS PRESENT: Director of Community Development Fred Eaton, Community Development Secretary Delena Trentham, Dennis Anderson, Gene Leslie, Rex Giddens, Joe Schmidt, John Pagliasotti.

1. Call to Order.

Chairman Charles Elliott called the meeting to order at 5:30 p.m.

2. Approval of Minutes.

Chairman Charles Elliott entertained a motion to approve the minutes of September 23, 2003. Member Henry Ross moved for approval with Member Evonne Richardson seconding. The vote in favor was unanimous.

4. Discussion and possible action taken on a Subdivision Plat for property located at 2900 Monroe.

Dennis Anderson voiced concerns on lot and home sizes. Gene Leslie voiced concerns on water drainage and home size. Chairman Charles Elliott entertained a motion to approve the subdivision plat located at 2900 Monroe. Vice Chairman Fred Klaus made a motion for approval and Member Randy Starks seconded the motion. The vote in favor was unanimous.

5. Discussion and possible action taken on Replatting the property located in College Addition of Commerce, Block 1.

Rex Giddens stated that the University is neutral at this point. Joe Schmidt voiced concerns on sewage capabilities. John Pagliasotti voiced concerns on Mayo Street. Chairman Charles Elliott entertained a motion to approve the replatting application for property located in College Addition of Commerce, Block 1. Vice Chairman Fred Klaus made a motion for approval and Member Evonne Richardson seconded the motion. The vote in favor was unanimous.

6. Discussion and possible action taken on the proposed Planned Development located in College Addition of Commerce, Block 1.

Chairman Charles Elliott entertained a motion to approve the proposed Planned Development for property located in College Addition of Commerce, Block 1. Member Randy Starks made a motion for approval and Member Henry Ross seconded the motion. The vote in favor was unanimous.

7. Discussion and possible action taken on a Rezoning Application for 3501 FM 3218.

Member Randy Starks mentioned a concern for traffic issues. Member Randy Starks made a motion to table this item until further traffic analysis could be done with Member Evonne Richardson seconding. The vote in favor was two for and three against with members Henry Ross, Pete Hale and Vice Chairman Fred Klaus opposing. The motion to table was defeated. Chairman Charles Elliott entertained a motion to approve the rezoning application for 3501 FM 3218. Vice Chairman Fred Klaus made a motion for approval with Henry Ross seconding. The vote in favor was three for and two against with Randy Starks and Evonne Richardson opposing.

7. Adjourn.

Chairman Charles Elliott entertained a motion to adjourn at 7:20 p.m. Member Randy Starks moved to adjourn with Member Evonne Richardson seconding. The vote in favor of adjournment was unanimous.

Chairman Charles Elliott

Delena M. Trentham, Community Development Secretary

Date

Hunt Commons Apartments at TAMU- Commerce
Planned Unit Development Zoning
City of Commerce
Hunt County, Texas

I. Purpose

The Purpose of this Planned Unit Development (PUD) zoning is to allow flexibility and establishment of urban development standards for higher density, multi-unit, quality student housing apartments associated with Texas A & M University-Commerce on the subject property. The development shall be a private venture. Following the approval of this ordinance, the developer shall prepare development plans, preliminary plats, construction plans and final plats that conform to the approved standards established by this Planned Unit Development Zoning. Additionally, the developer may submit additional sites to the City for zoning whereby the urban design standards established by this ordinance will be used to zone these future developments or phases.

II. Site, Acreage and Location

The site consists of five separate platted parcels that have been assembled into one tract, containing approximately 2.12 acres. This tract, in Commerce, Texas, is bounded by Monroe Street on the east, Lee Street on the South, Hunt Street on the north and Mayo Street on the west. This tract will be replatted into one plat and be filed to record once it is approved by the City.

III. Alley Vacation and Abandonment

The ten (10') foot alley between Monroe and Mayo Streets, running north of Lee Street approximately 388 feet to Hunt Street is to be vacated, abandoned and made part of the PUD ordinance.

IV. Structure

The structure shall be a four story, wood framed building with a brick and fiber cement siding veneer exterior. The roof material shall be residential 25 to 30 year composition shingles installed on sloped roofs. Gables and hipped roofs may be used. The living units shall be accesses from covered, non-conditioned open breezeways. The floors shall be accessed from stairs and an elevator. The structure contains living units, common spaces, breezeways, resident amenities, service and maintenance areas, a leasing center and other related spaces and areas. A separate four story steel-framed parking structure shall provide off-street parking.

V. Project Description and Calculations

The development will contain approximately 156 living units with 284 bedrooms. Each living unit shall contain a full-service kitchen, living room, dining area, bathroom and bedroom. The configuration of the living units shall be typical apartments including one bedroom- one bath (efficiencies), two bedroom- one bath, two bedroom- two bath, and four bedroom- two bath units. These living units will range in size from approximately 480 square feet to 1,336 square feet. The approximate average size of the living units is 745 square feet. The living units shall contain approximately 116,182 square feet. The leasing center contains approximately 2,712 square feet of public space and approximately 2,456 square feet of resident areas. The apartment buildings contain approximately 40,396 square feet of breezeways and common public spaces. The separate parking garage contains approximately 105,708 square feet.

VI. Development Standards

The following are specific PUD zoning requirements that more fully describe the development:

1) Setbacks-

- A. The building setback from the right of way is ten (10) feet.
- B. The building setbacks from adjacent property is ten (10) feet.
- C. Building separation within the development is ten (10) with no separation with U.L. approved walls and assemblies.
- D. Residential air conditioning compressor units may extend into the setback.

2) Building Height-

Building height is limited to four story or approximately 54 feet from the first floor foundation to the mean height of the roof structure.

3) Building Coverage-

The building coverage may not exceed 80% of the site. This excludes flatwork, sidewalks, landscape hard surfaces, swimming pool, courtyard features or other related horizontal elements.

4) Landscape Coverage-

The landscape shall cover approximately 20% of the site. This includes the specific exclusion noted under number three above (building coverage).

5) Off-site Parking-

The development shall include a four story steel framed structure that will provide off-street parking for the following:

- 284 bedrooms- 284 parking spaces
- Leasing Center- 10 parking spaces

- Additional Parking- 18 parking spaces
Total approximate off-street parking provided- 312 parking spaces

In addition, 75% of all spaces (234) are full size (9' x 18'), 25% of all spaces (78) are compact size (8' x 18') and all fourth floor parking may be protected by metal carports.

6) Masonry Requirements-

The structures viewed from the public street shall be of exterior fire-resistant construction having at least 80% of the total vertical exterior wall, excluding doors and windows, constructed of brick, fiber cement siding or other materials of equal characteristics as may be approved by the City. The parking garage shall be exempt from these masonry requirements.

7) Fire Protection-

The apartment structures shall be protected by a NFPA- 13R life safety fire sprinkler system and other protection and alarm systems as may be required by building and fire codes. Living units shall be protected by smoke detectors.

8) Amenities-

The development shall contain both active and passive activity amenities for the residents and the guests use and enjoyment. These include, but are not limited to, swimming pool, benches, basketball, volleyball, BBQ areas and other gathering areas or features.

9) Accessory Use-

All structures, amenities and their use must be for the living, use and enjoyment of the residents including leasing center, elevators, grounds, breezeways, pool, parking structure, study rooms, cyber café, laundry, game room, great room, maintenance area, trash collection facilities, limited access gates and other room areas, floors, spaces, stair and other associated accessory uses and facilities.

10) Signage-

The development shall be identified with either monument or wall signs, one per 200 feet if abutting street. All signs shall be erected, placed, located and maintained within the City sign ordinances. Where a proposed sign conflicts with the City sign ordinance, the City planning commission may adjust the standards to fit the particular situation as part of this urban Planned Development Zoning.

11) Code Compliance-

The following building, construction, life safety and security codes are incorporated into the design and construction of the development:

1996- Federal Fair Housing Act
1990- The Americans with Disabilities Act (ADA)
2000- International Building Code
1997- NFPA 101 Life Safety Code
1999- NFPA National Electric Code
2000- State of Texas Energy Code
2000- International Plumbing Code
2000- International Mechanical Code
2000- International Fire Code
1997- Texas State Accessibility Standards (TAS)

VII. Landscape and Screening

- A) The Planning and Zoning Commission may recommend and the City may require screening, fencing and landscape requirements on the final plat where the final plat is adjacent to other residential zoned property, to insure adequate screening, fencing and landscaping to the properties. The requirements shall be common to urban residential developments. All refuse storage areas shall be visually screened. In no case shall this screen exceed eight (8') feet in height. The maintenance of all required landscape and screening shall be maintained by the development in a clean, healthy and orderly manner, free of trash, litter, weeds and other such materials and plants not part of the landscape or screen.
- B) Permits- No permits shall be issued for building, paving, grading or construction until a landscape plan is submitted and approved by the City Manager or his designee. In the event that the proposed development requires an approved subdivision plat, site plan, or master development plan, no such final approval shall be granted unless a landscape plan is submitted and approved.
- C) Exception- In any case in which an occupancy certificate is sought at a season of the year in which the City Manager or his designee determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, an occupancy certificate may be issued notwithstanding the fact that the landscaping required by the landscape plan has not been completed, the owner shall install all landscaping required by the landscaping plan within six months of the date of the application. Failure to complete the required landscaping is a violation of this Ordinance.

D) Landscape plans- Prior to the issuance of a building, paving, grading or construction permit for any use, a landscape plan shall be submitted to the City Manager or his designee. The City Manager or his designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in accord, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

1) Landscaping plans shall be prepared by a landscape architect, landscape contractor, landscape designer, knowledgeable in plants, materials and landscape design. However, the Irrigation Plan will not be required to be submitted prior to issuance of the building permit. The Irrigation Plan will be designed by a licensed Irrigator. Landscape plans shall contain the following information:

a. Minimum scale of one inch equals 50 feet;

b. Location of all trees to be preserved;

2) Location of all plant and landscaping material to be used including plants, paving, benches, screens, or other landscape features:

a. Species of all plant material to be used;

b. Size of all plant material to be used;

c. Spacing of plant material where appropriate;

3) Description of maintenance provisions for the landscape plan;

4) Person(s) responsible for the preparation of landscape plan.

E) Maintenance- The owner shall be, if any, responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such material or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size.

F) General standards- The following criteria and standards shall apply to landscape materials and installation.

- 1) Quality. Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Standard For Nursery Stock, or equal thereto. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 - 2) Trees. Trees referred to in this section shall be of a species common to this area of Texas and shall have an average spread of crown of greater than 15 feet at maturity. Trees having a lesser average mature crown of 15 feet may be substituted by grouping the same so as to create the equivalent of a 15 feet crown of spread. Trees shall be of a minimum of two caliper inches when measured six inches above ground, and shall be selected from the list of approved trees, maintained by the Town Manager or his designee as approved by the planning and zoning commission.
 - 3) Shrubs and hedges. Shrubs shall be a minimum of eighteen inches in height when measured immediately after planting. Hedges, where installed, shall be planted and maintained so as to form a continuous unbroken, solid, visual screen which will be three feet high within one year after time of planting.
 - 4) Vines. Vines shall be a minimum of two feet in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet screening requirements as specified.
 - 5) Ground cover. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one year of planting.
- G) Minimum landscape requirements for nonvehicular open space- All remaining open spaces on any developed lot or parcel shall conform to the following minimum requirements:
- 1) Grass, ground cover, shrubs and other landscape materials shall be used to cover all open ground within 20 feet of any building or paving or other use such as storage.
 - 2) All structures shall be treated with landscaping so as to enhance the appearance of the structure and to screen any detractive or unsightly appearance.
 - 3) Trees shall be planted in non-vehicular open space to meet the following requirements. Existing trees that are preserved on a developed site may be credited to the following requirements:

Percentage of Site in Nonvehicular Open Space	Tree Ratio per Nonvehicular Open Space
Less than 30	1 tree/2,500 sq. ft.
30—49	1 tree/3,000 sq. ft.
Over 50	1 tree/4,000 sq. ft.

H) Sight distance and visibility- Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an accessway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between three and six feet. Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

- 1) The areas of property on both sides of the intersection of an accessway and a public right-of-way shall have a triangular visibility area with two sides of each triangle being ten feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.
- 2) The areas of property located at a corner formed by the intersection of two or more public rights-of-way shall have a triangular visibility area with two sides of each triangle being 20 feet in length from the point of the intersection and the third side being a line connecting the ends of the other two sides.
- 3) Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any accessway pavement.
- 4) In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the Town Manager or his designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

VIII. Exceptions Authorized

The City Council shall have authority to authorize reasonable exceptions to a property's strict conformity with these regulations upon request of a property owner, when it is shown the requested exceptions (1) are not contrary to

public interest or the spirit of the Planned Development, (2) do not cause injury to other properties in the area, and (3) allow for the development in a manner contemplated by the Planned Development.

EXHIBIT A-1
ACCEPTABLE TREE SPECIES

Chinquapin Oak	(<i>Quercus muhlenberg</i>)
Shumard Red Oak	(<i>Quercus shumard</i>)
Live Oak	(<i>Quercus virginiana</i>)
Cedar Elm	(<i>Ulmus crassifolia</i>)
Burr Oak	(<i>Quercus macrocarpa</i>)
Chinese Pistachio	(<i>Pistacia Chinesis</i>)
Pecan	(<i>Carya illinoensis</i>)
Sweetgum	(<i>Liquidambar styraciflus</i>)
Magnolia	(<i>Magnolia grandiflora</i>)
Bald Cypress	(<i>Taxodium distichum</i>)

form@wuningapp

D. madison

Rezoning Application

Case No. _____
Fee Paid _____Property Address: 1800-1808 MayoLegal Description: Part of Blk 1 of College Addition of CommerceArea in Acres: 7.22 Ac.

Present Zoning Classification: _____

Present Use: _____

Proposed Use: P.U.D. Hunt Commons Apartments, Phase IProposed Zoning Classification: P.U.D.Applicant's Name: Madison Communities by CTAM, L.P.
CTAM I, Inc., G.P.Address: 5225 Village Creek Dr. Plano, Tx. Zip: 75093Phone Number: 972-267-6888I hereby certify that all information contained herein is true and correct, and that
all required submissions (see reverse) have been submitted.Dir of Multi Family Operations, Madison CommunitiesAPPLICANT SIGNATURE: Loni Richards DATE: 12-23-08OWNER SIGNATURE (if other than applicant): Loni Richards

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.

Director of Community Development _____ Date _____

formatzoning.app

Rezoning Application

Case No.

Fee Paid

Property Address: 1809 Monroe

Legal Description: Lot 4B, Biki College Addition of Commerce

Area in Acres: - 225

Present Zoning Classification:

Present Use:

Proposed Use: P.U.D. Hunt Commons Apartments. Phase I

Proposed Zoning Classification: P.U.D.

Applicant's Name: Madison Communities For CTAM, L.P.
By CTAM I, Inc. GP.

Address: 5225 Village Creek Dr. Plano, Tx Zip: 75093

Phone Number: 972-267-6888

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

Dir of multi-Family operation, Madison Communites

APPLICANT SIGNATURE: Tom Wickes DATE: 12.23.03

OWNER SIGNATURE (if other than applicant): Tom. Nichols

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.

Director of Community Development

Date _____**fortsetzung**

C. Madison

Rezoning Application

Case No. _____
Fec Paid _____Property Address: 1801-1805 Monroe StreetLegal Description: Part of B1K1 of College Addition of Commerce.Area in Acres: .683 Ac.

Present Zoning Classification: _____

Present Use: _____

Proposed Use: P.U.D. Hunt Commons Apartments, Phase IProposed Zoning Classification: P.U.D.Applicant's Name: Madison Communities ^{for CTAM, L.P.} by CTAM I, Inc. GP.Address: 5225 Village Creek Drive, P.O. Box 75093Phone Number: 972-267-6888

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

Dir. of Multi Family Operations, Madison CommunitiesAPPLICANT SIGNATURE: Tom Vichars DATE: 12.23.03OWNER SIGNATURE (if other than applicant): Tom Vichars

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._____
Director of Community Development

Date _____

for rezoning app