

ORDINANCE NO. 04-03

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 at 3501 FM 3218 in the City of Commerce, reference is made thereto for all purposes, said owners have made application for a zoning change to A-2, 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 A-2, deems it in the best interest and general welfare of the City of Commerce that said application for a Zoning Change to A-2 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
Marty Cunningham, City Secretary

CITY OF COMMERCE, TEXAS

Sheryl Zelhart
Sheryl Zelhart, Mayor

(seal)

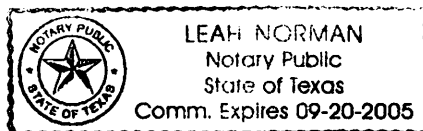
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

Marty Cunningham
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)



Leah Norman
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

Rezoning Application

Case No. _____
Fee Paid _____

503 feet
frontage

Property Address: 3501 FIA 3218 (J.F. BIGGERSTAFF)

Legal Description: THE NORTHERN MOST 14.91 ACRES OF THE 37.805 AC.
D. HENSON SURVEY A-421 HAVING 502.66' OF FRONTAGE ALONG FM 3218,

Area in Acres: 14.91

Present Zoning Classification: AGRICULTURE

Present Use: VACANT

Proposed Use: 128 UNITS
MULTIFAMILY APARTMENT COMPLEX

Proposed Zoning Classification: MULTIFAMILY

Applicant's Name: BILL ANDERSON

Address: 1445 EARLSHIRE PLACE Zip: 75075
PLANO, TEXAS

Phone Number: 972-964-2664 & CELL 214-926-4288

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

APPLICANT SIGNATURE: Bill Anderson DATE: 1-9-04

OWNER SIGNATURE (if other than applicant): Edward J. Green

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

253
R45234 R45255

R30377 R30378 R30379

CHARITY RD.

R26357

R26356

R98401

R26366

R107190

R113210

KYLE SMITH

R113210

R113211

R26365

R107664

200 FOOT AREA OF NOTIFICATION

R26360

PROPOSED AREA FOR REZONING

200 FOOT AREA OF NOTIFICATION

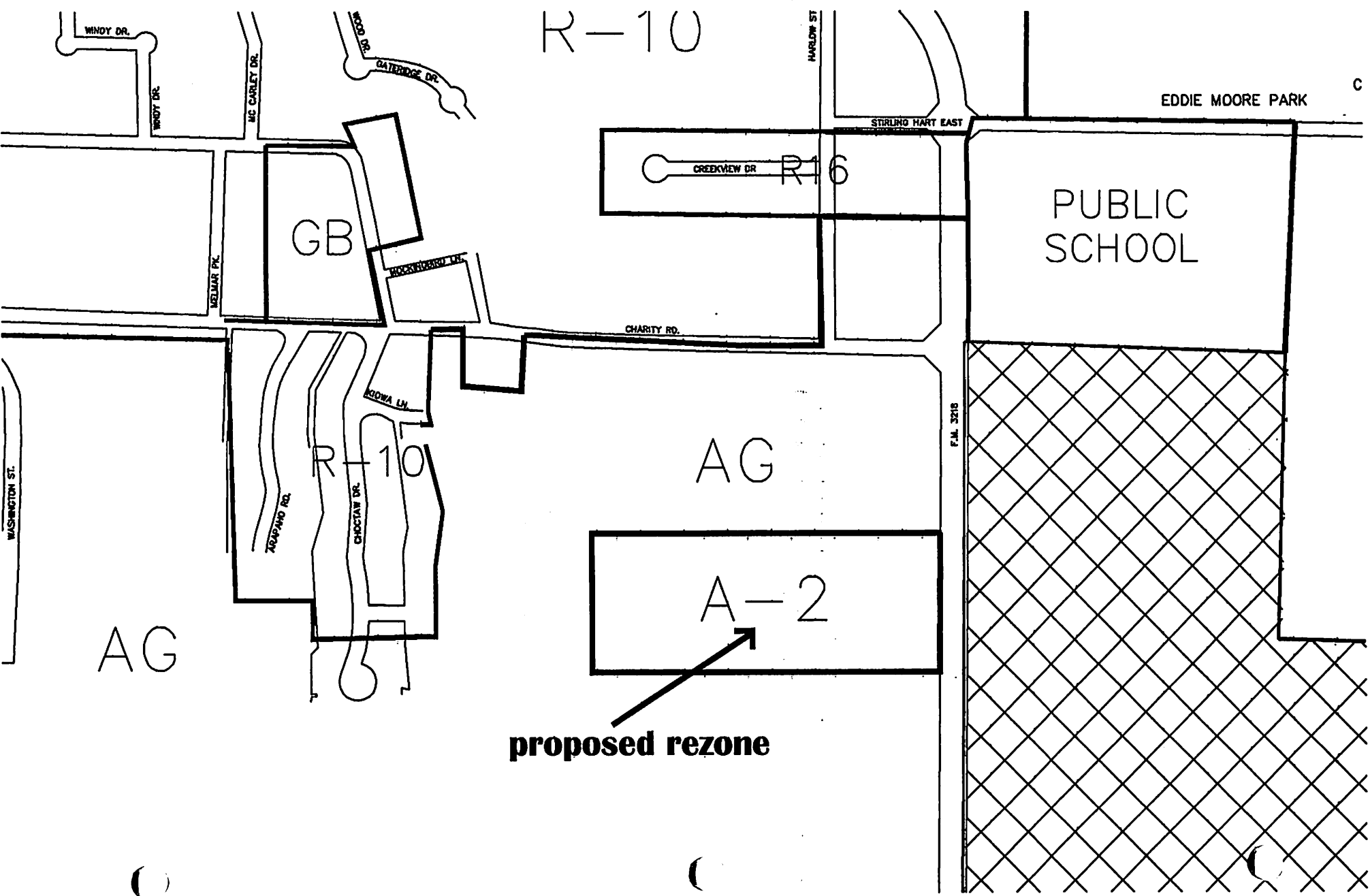
R113208

R26348

F.M. 3218

LIMITS

R113209



R-10

EDDIE MOORE PARK

PUBLIC
SCHOOL

CREEKVIEW DR R-16

GB

CHARITY RD.

AG

A-2

proposed rezone

AG

R-10

F.M. 3216

WASHINGTON ST.

WINDY DR.

WINDY DR.

MC CARLEY DR.

WINDY DR.

GATE RIDGE DR.

HARLOW ST.

STIRLING HART EAST

WELLS PK.

ADAP RD.

CHOCTAW DR.

KOWA LN.