

ORDINANCE NO. 05-04

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 February 2005 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 Sterling Hart R24003 in the City of Commerce, reference is made thereto for all purposes, said owners have made application for a zoning change to General Business, 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 January 25, 2005, 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 R-10, recommended to the City Council of the City of Commerce, Texas, that said application be approved, and that a zoning change to R -10 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 to R-10, deems it in the best interest and general welfare of the City of Commerce that said application for a Zoning Change to R-10 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 15th day of February 2005.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas on this the 1st day of March 2005.

ATTEST:

Marty Cunningham
Marty Cunningham, City Secretary

CITY OF COMMERCE, TEXAS

Sheryl Zelhart
Sheryl Zelhart, Mayor

(seal)

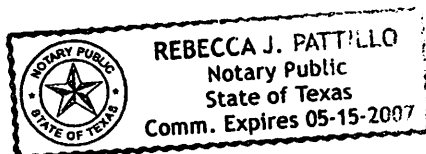
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

Marty Cunningham
Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 10th day of March, 2005 to certify which witness my hand and seal of office.

(Seal)



Rebecca J. Pattillo
Notary Public, State of Texas

Rezoning Application

Case No. _____

Fee Paid _____

Property Address: NORTHWEST CORNER OF STERLING HART & OAK LAKE

Legal Description: ~~LOT~~ D. GARNER SURVEY A-350

10.871 ACRES

Area in Acres: APPROX 8

Present Zoning Classification: AG RICHITURE

Present Use: PASTURE

Proposed Use: 20 SINGLE DWELLINGS

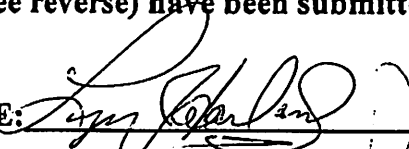
Proposed Zoning Classification: 11R10 LOT SIZE MINIMUM 70 WIDE
120' DEEP

Applicant's Name: PEGGY KOHRER (LINCY HARLAND)

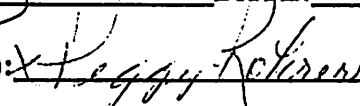
Address: 2300 CHARITY RD COMMERCE TX Zip: 75428

Phone Number: 903-886-3827

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: 12-27-04

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

MINUTES

PLANNING AND ZONING COMMISSION MEETING

January 25, 2005-5:30 p.m.

MEMBERS PRESENT: Chairman Charles Elliott, Vice Chairman Fred Klaus, Henry Ross, Evonne Richardson.

MEMBERS ABSENT: Randy Starks, Tony Henry, Pete Hale.

OTHERS PRESENT: Director of Community Development Fred Eaton, Community Development Secretary Delena Trentham, Peggy Rohrer, Linzy Harland, Ray Robertson, Jim Spencer and Richard George.

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 December 13, 2004. Vice Chairman Fred Klaus moved for approval with Member Evonne Richardson seconding. The vote in favor was unanimous.

3. Discussion and possible action taken on a Rezoning application for property located at Sterling Hart R25003.

Director of Community Development Fred Eaton stated that the property located at Sterling Hart R25003 owned by Peggy Rohrer is currently zoned AG. Mrs. Rohrer and her son Linzy Harland want to rezone the property to R-10 so that they can build homes on the property. Discussion was made. Chairman Charles Elliott entertained a motion to approve the rezoning application. Vice Chairman Fred Klaus made a motion for approval and Member Evonne Richardson seconded the motion. The vote in favor was unanimous.

4. Discussion and possible action taken on a Replat application for property located at Sterling Hart R25003.

Community Development Director Fred Eaton stated that the property located at Sterling Hart R25003 meets the minimum width and depth requirements for R-10 zoning. Chairman Charles Elliott entertained a motion to approve the replat application. Member Henry Ross made a motion for approval and Member Evonne Richardson seconded the motion. The vote in favor was unanimous.

6. Other Business.

There was no other business.

44
45 7. **Adjourn.**

46 Chairman Charles Elliott entertained a motion to adjourn at 5:48 p.m. Member
47 Henry Ross moved to adjourn with Vice Chairman Fred Klaus seconding. The vote
48 in favor of adjournment was unanimous.
49

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51 _____
52 Chairman Charles Elliott

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54 _____
55 Delena M. Trentham, Community Development Secretary

56
57 _____
58 Date
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PROPOSAL

WOLF ESTATES

PROJECT: replat and rezone the 10 acres located at the northwest corner of Sterling Hart and Oak Lane

REASON: construction of 20 (twenty) single family dwellings

PHASES: 3 phases-- phase one starting now--phase two in approx. 18 months--phase three in approx.

30 months

phase one consists of lots 1-4

phase two consists of lots 18-20

phase three consists of building new street (Alleigh Way) and lots 5-17

Lot 20 is an existing house (single family) and lot 21 is to be included with lot 20 because it has a pond and a small

creek running thru it (too costly to improve)

Dwellings to be built will be between 1800 and 2000 square feet (living) with a double garage.

Brick veneer with composition

roof. rezoning from agriculture to R10. All lots will be larger than minimum. The way this is set up

it will be an asset to Commerce. The size of these dwellings are much needed in Commerce, plus

they are very accessible to the elementary schools, middle school, and one of our city parks.

The "dead end street" will be helpful in crime prevention because there will be only one way in and

out.

R37619

R37618

S.H. 11

R113086

R98567

EDDIE MOORE PARK

R25005

R98659

R25000

05665

HART EAST

CENTENNIAL

R25003

R98660

R98659

R98656

SURVEYOR
OWENS LAND SURVEYING
4030 WESTLEY STREET
GREENVILLE, TEXAS 78401
(502) 450-9837

J. M. WILLIAMS SURVEY
A-1140
HRS. IN.

2 ACRES
ERNEST L. RAGLAND
H.C. APFR. # R38656

1.2001 ACRES
RATTY A. NELSON
252913 H.C.O.P.R.

N. A. SAYLE SURVEY, A.-1276
8 ACRES
RICHARD DALE & STEPHANNE LOU GEORGE
1009/62 H.C.O.P.R.

30.455 ACRES
CITY OF COMMERCE
73,958 H.C.O.P.R.

FUTURE DEVELOPMENT

10.678 ACRES
JAMES E. SPENCER
1158/557 H.C.O.P.R.

1.000 ACRES

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OWNERS CERTIFICATE

MARGARET PEODY ROHMER is the owner of a lot, tract, or parcel of land situated within the City of Commerce, Hunt County, Texas, and being further described as follows:

BEING a tract or parcel of land situated within the City of Commerce, Hunt County, Texas, being part of D. Garner survey, Abstract No. 350, being first of 10,871 acre tract of land as described in a deed from John Miles Ross Wolfe to Fred F. Feltz, which is recorded in Volume 1190 at Page 640 of the Official Public Records of Hunt County and being further described as follows:

BEINGIN and as 1/2 inch front lot set for a corner at the southeast corner of said 10,871 acre tract on the west line of Oak Lane, said lot set for a corner in said drive, said corner being further marked by a 1/2 inch front lot set on the north side of said drive bearing 119° 00' 00" E a distance of 20.16 feet.

S 88° 27' 35" E as a distance of 20.16 feet.

THENCE N 88° 27' 35" E along bearing Hunt Drive and the south line of said 10,871 acre tract, a distance of 200.00 feet to 1/2 inch front lot set for a corner in said drive, said corner being further marked by a 1/2 inch front lot set on the north side of said drive bearing 119° 00' 00" E as a distance of 20 feet, said corner bearing S 88° 27' 35" E at a distance of 419.47 feet from the southwest corner of said 10,871 acre tract.

THENCE N 01° 00' 00" E as a distance of 125.00 feet to 1/2 inch front lot set for corner.

THENCE S 88° 27' 35" E a distance of 125.00 feet to 1/2 inch front lot set for corner on the east line of said 10,871 acre tract and

the west line of Oak Lane;

THENCE S 01° 00' 00" W along the east line of said 10,871 acre tract and the west line of Oak Lane, a distance of 305.00 feet returning to the Point of Beginning and containing 1.277 acres of land.

Beatings are based on the west line of said 10,871 acre tract.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS,

dedicated to public use forever the roads and easements shown hereon (if any) for the mutual use and accommodation of any public utility desiring to use or using same for the purpose of construction, maintenance, siting to or removing any or all of their respective systems located thereon.

WITNESS MY HAND this _____ day of _____, 200__

STATE OF TEXAS;
COUNTY OF _____;

BEFORE ME, the undersigned authority, a Notary Public in and for _____ County, Texas personally appeared the persons whose names are subscribed to the foregoing instrument and they acknowledged same for the purpose and considerations therein expressed and in the capacity indicated hereon.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 200__

SURVEYORS CERTIFICATE

I, Frank R. Owens, Registered Professional Land Surveyor, State of Texas, hereby certify that the description and plat hereon are taken from actual measurements upon the ground and are true and correct to the best of my knowledge and belief this _____ day of _____, 200__.

Frank R. Owens
R.P.L.S. No. 5387

CERTIFICATE OF APPROVAL
APPROVED BY: Planning and Zoning Commission City of Commerce

APPROVED BY: _____
Chairman

City of Commission

Date

OWENS LAND SURVEYING
P.O. Box 1118
Greenville, Texas
PH. (903) 450-0837
FAX (903) 450-0876
E-MAIL owens@owensls.com
DATE DEC. 27, 2004
DRAWN BY F.R. OWENS
JOB NO. 20040918A
DATE 1-1-05