

ORDINANCE NO. 10-01

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 19th day of January 2006 at 6:00 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 Monroe Street and Power Line Road in the City of Commerce, reference is made thereto for all purposes, said owners have made application for a zoning change to R-10, 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 November 24, 2009, 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.

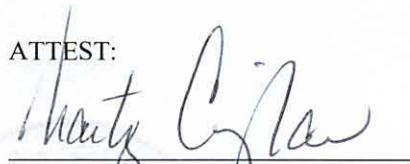
NOW, THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute this Ordinance, and the City Manager or his designate in accordance with this Ordinance be authorized and he is hereby authorized to approve zoning change on such property 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 the FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on the 5th day of January 2010.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas on this the 2ND day of February 2010.

ATTEST:


Marty Cunningham, City Secretary

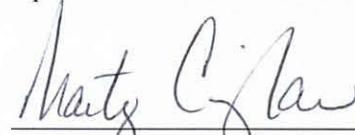
(seal)

CITY OF COMMERCE, TEXAS


Quay Throgmorton, Mayor

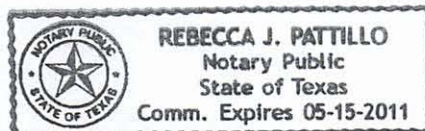
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Ordinance, and that the same has not been repealed and is in full force and effect.

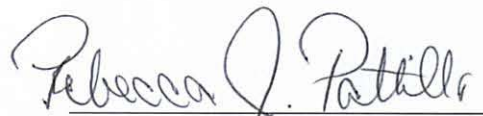
(seal)


Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 3rd day of February, 2010 to certify which witness my hand and seal of office.

(Seal)




Notary Public, State of Texas

MINUTES
PLANNING AND ZONING COMMISSION MEETING
November 24, 2009 -5:30 p.m.

MEMBERS PRESENT: Chairman Charles Elliott, Greg Hulse, Carolyn Trezevant, Henry Ross, Terry Harris, Sharon Arce.

MEMBERS ABSENT: Russell Lutes.

OTHERS PRESENT: Director of Community Development Steve Wilson, Community Development Office Manager Lisa Ibarra, Becky Thompson, Suzan Reeves, Bob Bearden, Mike Ogelsby, and other audience members.

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 August 25, 2009. Member Sharon Arce moved for approval with Member Henry Ross seconding, and the vote in favor was unanimous. Then, Member Carolyn Trezevant made a move to split Agenda item #3 into two different agenda items. Member Terry Harris seconded the motion, resulting in a unanimous vote.

3. Public hearing and consideration of a Rezoning application for the 21.346 acre property located on Monroe Street and Power Plant Road for the proposed use of building single family homes in the R-10 district.

Director of Community Development Steve Wilson explained the details of the R-10 zone verses the AG zone, and the request to change the AG zone in order to build single family homes on the property as a subdivision proposed by Becky Thompson. Member Terry Harris asked if the entire AG zoned portion was to be rezoned, and Mr. Wilson stated that it was just the small portion that the Thompson's owned that could be changed. Audience member Susan Reeves stated that the map sent to the homeowners within 200 ft of the property in question should be a copy of the zoning map that the city used in the presentation, and not the map that has the 200 ft perimeter lined and shaded in. Chairman Charles Elliott recounted that all this agenda item was doing was changing the zoning of the area, not to approve houses on the area. Audience Member Bob Bearden asked whether or not the R-10 zone would require specified streets, and if Power Plant Road would be considered one of them. Mr. Wilson said that Power Plant Road will not be affected by the changes presented. Becky Thompson passed out enlarged plats of what the subdivision will look like in general. After no more questions pertaining

to this agenda item, Member Carolyn Trezevant moved to approve the zone change of AG to R-10 with Member Sharon Arce seconding, resulting in a unanimous vote.

4. Public hearing and consideration of a Plat Approval application for the 21.346 acre property located on Monroe Street and Power Plant Road for the proposed use of building single family homes in the R-10 District.

Mr. Wilson stated that the 21 acre tract will be divided into 28 lots with two streets, both ending with cul-de-sacs. He also said that all other departments needed for approval have already been involved in the planning process, including the police department, fire department, and public works, and they have given their approval of the plat. Audience member Susan Reeves stated that Monroe Street is already very busy, and this will make it worse. She also asked if there could be another opening added somewhere else. Mr. Wilson said that Becky is talking to the University for another access point. After some discussion of street placement, Ms. Thompson stated that the plat map presented was only a concept map and could be changed if needed. Member Carolyn Trezevant voiced her concern for safety with there being only one way in or out, and Ms. Thompson pointed out the fact that there are many longer dead end streets in the surrounding area and no problems have risen out of them. Ms. Thompson then stated that the University needs an easement from them, and they will try to use that as leverage to gain another access road into the subdivision from the neighboring University property. Audience member Mike Ogelsby asked what the concept for the houses would be, and Ms. Thompson explained that there will be deed restrictions on the properties to ensure only quality homes will be built. There was then discussion of possible ideas with comparisons to homes on other streets in the surrounding neighborhoods. Audience member Bob Bearden pointed out that the drainage issue needs to be addressed for the subdivision as well as for the town. Mr. Wilson stated that the drainage is being re-planned for the whole city by Hayter Engineering, and that Ms. Thompson will be responsible for the drainage of the subdivision. Ms. Thompson pointed out that there may be some changes made to the plat once it is approved, and Mr. Wilson stated that the plat presented is a worst case scenario, and if any changes are made they will be improvements, and they will be filed in phases. Member Greg Hulsey moved to approve the plat as presented, and Member Terry Harris seconded the motion. The vote in favor was unanimous.

5. Other Business.

None.

6. Adjourn.

Chairman Charles Elliott entertained a motion to adjourn at 6:15 p.m. Member Carolyn Trezevant moved to do so with Member Greg Hulsey seconding. The vote in favor of adjournment was unanimous.

Chairman Charles Elliott

Lisa Ibarra, Community Development Secretary

Date

