

ORDINANCE NO. 13-27

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 December 2013 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 CR 4513 (A1276 Sayle N A Tract 18) in the City of Commerce, reference is made thereto for all purposes, said owners have made application for a zoning change to Industrial, 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 October 29, 2013, 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 Industrial, recommended to the City Council of the City of Commerce, Texas, that said application be approved, and that a zoning change to Industrial 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 Industrial, deems it in the best interest and general welfare of the City of Commerce that said application for a Zoning Change to Industrial 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 19th day of November 2013.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas on this the 17th day of December 2013.

ATTEST:

Marty Cunningham
Marty Cunningham, City Secretary

CITY OF COMMERCE, TEXAS

John Ballotti Jr.
John Ballotti, Mayor

(seal)

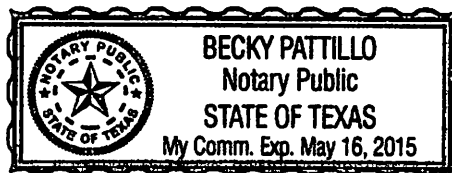
I, Marty Cunningham, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

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

Sworn to and subscribed before me, on this the 18th day of December, 2013 to certify which witness my hand and seal of office.

(Seal)



Becky Pattillo
Notary Public State of Texas

MINUTES

PLANNING & ZONING COMMISSION MEETING

October 29, 2013 – 5:30 p.m.

Commerce City Hall, 1119 Alamo Street, Commerce, TX

MEMBERS PRESENT: Chairman Charles Elliott, Carolyn Trezevant, Greg Hulsey, Terry Harris, and Gary Thompson

MEMBERS ABSENT: Henry Ross

OTHERS PRESENT: Director of Community Development, Steve Wilson; Director of Economic Development Corporation, Bonnie Hunter; Community Development Building Inspector, Mike Wiblin; McDonalds representative, David Floyd; Homeowner, Liu Quan Yong; and Community Development Office Manager/Payroll, Dianne Roberts

1. Call to Order.

Chairman Charles Elliott called the meeting to order at 5:30 pm. New member Gary Thompson was sworn in as a new Planning & Zoning Commission Member.

2. Approval of Minutes

Member Carolyn Trezevant moved to approve the minutes of the April 16, 2013 meeting with the noted corrections. (Page 2 and 3, Brenda Burchinske should be Brenda Verchinski) Member Greg Hulsey seconded the motion. Motion carried unanimously.

Chairman Charles Elliott asked if any of the rezoning requests could be consolidated for consideration? Steve Wilson stated that agenda items 3 & 4 could be consolidated, agenda item 5 would need to be considered separate, agenda items 6 & 7 could be consolidated, and agenda items 8 and 9 would need to be considered separately.

- 3. Public hearing and consideration on a rezone application for the property located at State Highway 11 and State Highway 24, A0566 JULIAN JD, TRACT 19, Property ID# 112441 from Agriculture (AG) to Industrial (I).**
- 4. Public hearing and consideration on a rezone application for the property located at State Highway 11 and State Highway 24, A0224 CLINTON JM TRACT 16, Property ID# 23200, from Agriculture (AG) to Industrial (I).**

Steve Wilson explained that the properties identified in agenda items 3 & 4 were zoned agriculture and needed to be changed to Industrial as the most reasonable use and to connect properties already zoned as Industrial, and that both properties were in the flood zone.

Chairman Elliott stated that Industrial seemed the only reasonable use of the property. Bonnie Hunter, EDC Director, stated that out of seventeen acres only six are not in the flood zone.

Member Greg Hulsey moved to rezone Agenda Items 3 & 4 from Agriculture to Industrial. Member Terry Harris seconded the motion. The motion was approved unanimously.

- 5. Public hearing and consideration on a conditional use permit for the property located at State Highway 11 and State Highway 24, A0566 JULIAN JD, TRACT 19, Property ID# 112441 to operate a concrete batch plant within an Industrial zone.**

Steve Wilson explained that to legally operate a concrete batch plant in industrial zoning requires a conditional use permit. Steve explained that a concrete batch plant mixes concrete and dispatches it out to construction sites.

Bonnie Hunter stated that concrete cannot travel long distances in mixing trucks and with growth coming our way, they came to us looking for a site.

Member Terry Harris moved to grant a conditional use permit to ID#112441 for a concrete batch plant. Member Carolyn Trezevant seconded the motion. The motion was approved unanimously.

- 6. Public hearing and consideration on a rezone application for the property located at County Road 4513, A1140 WILLIAMS J TRACT 38, Property ID# 37632 from Apartment Dwelling (A2) to Industrial (I).**
- 7. Public hearing and consideration on a rezone application for the property located at County Road 4513, A1276 SAYLE N A TRACT 18, Property ID# 38655 from Apartment Dwelling (A2) to Industrial (I).**

Steve Wilson explained that these two agenda items were to change properties from Apartment Dwelling to Industrial. We are asking to extend Industrial Zoning over to include these two properties. We want to zone it industrial to make it attractive to a future company.

Property owner Liu Quan needed clarification that his property was not included. Mr. Wilson explained that it was not.

Member Greg Hulsey moved to rezone items 6 & 7 currently zoned as Apartment Dwelling to Industrial. Member Terry Harris seconded the motion. The motion was approved unanimously.

- 8. Public hearing and consideration on a rezone application for the property located at 3100 Industrial Drive, A1022 SWARTHOUTS TRACT 30-2, Property ID# 123128 from Agriculture (AG) to Industrial (I).**

Mr. Wilson explained that the Commerce EDC built a spec building which attracted Alliance Carpet Cushion. Part of their deal was a ten year tax abatement. At the time the City decided to leave the business outside the City instead of approving a tax abatement. The ten year agreement has expired and the City annexed the property earlier this year. All property that comes into the city, comes in as agriculture. Now we need to rezone it from agriculture to industrial.

Member Carolyn Trezevant moved to rezone item 8 from Agriculture to Industrial. Member Terry Harris seconded the motion. The motion was approved unanimously.

- 9. Public hearing and consideration on a conditional use application for the property located 2012 Live Oak, A1277 SWAIN WR, TRACT 21-1, Property ID# 110246 (vacant lot behind McDonalds) for a drive-thru window within a General Business zone.**

After Steve Wilson read Item 9, Member Carolyn Trezevant stated that the property was identified by one number on the cover page and another on the agenda. Mr. Wilson clarified the identification. Mr. Wilson explained that Chicken Express wants to relocate and build a standalone building. The zoning is good, but anytime a drive-through is proposed, a conditional use permit is required.

Member Carolyn Trezevant moved to approve the conditional use application for the property in agenda item 9. Member Terry Harris seconded the motion. The motion was approved unanimously.

10 . Other Business.

In the near future Hydro will be requesting a zoning change. The City is currently working with a developer on property behind the University's High Rise. Once the property sells it will need rezoning.

11 . Adjourn.

Member Greg Hulsey moved to adjourn the meeting. Member Carolyn Trezevant seconded the motion. The motion was approved unanimously. The meeting was adjourned at 6:35 p.m.

Chairman Charles Elliott

Dianne Roberts
Community Development/Payroll

Rezoning Application

Property Information

Property Address: COUNTY ROAD 4513 ID# 38655

Legal Description: Subdivision: A1276 SAYLE N A TRACT 18 Block Lot

Present Zoning: APARTMENT DWELLING 2 Present Use: OPEN LAND

Proposed Zoning: INDUSTRIAL Proposed Use: INDUSTRIAL

Applicant Information

Name: COMMERCE ECONOMIC DEVELOPMENT CORPORATION

Address: 1119 ALAMO ST. COMMERCE State TX Zip 75428

Phone Number 903-886-1121

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

Applicant Name (please print) Bonnie Hunter

Applicant Signature Donna Hunter Date 09/27/13

Owner Signature (if other than applicant)_____ **Date**_____

Permit (To be completed by the Planning Department)

The rezoning request is hereby: Approved ☐ Disapproved ☐

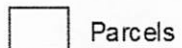
Planning and Zoning Commission took action on _____ 20____

Director of Community Development **Date** _____

County Road 4513



October 22, 2013



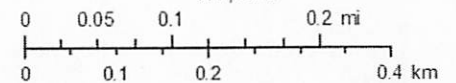
Parcels

Ownership_Information



City Limits

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