

ORDINANCE NO. 14-08

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 20th day of May 2014 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 on the corner of Culver Street and Highway 24, 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 May 6, 2014, 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 General Business, recommended to the City Council of the City of Commerce, Texas, that said application be approved, and that a zoning change to General Business 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 General Business, deems it in the best interest and general welfare of the City of Commerce that said application for a Zoning Change to General Business 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 20th day of May 2014.

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 June 2014.

ATTEST:

Marty Cunningham
Marty Cunningham, City Secretary

(seal)

CITY OF COMMERCE, TEXAS

John Ballotti, Jr.
John Ballotti, 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 an Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

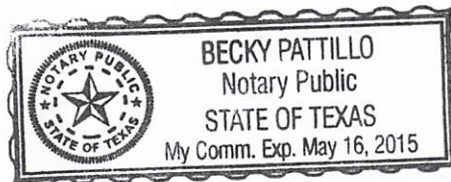
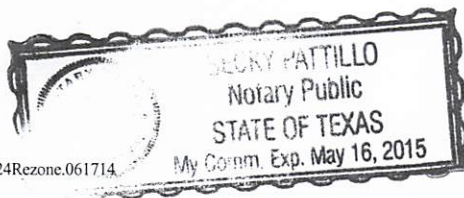
Marty Cunningham
Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 18th day of June, 2014 to certify which witness my hand and seal of office.

(Seal)

Becky Pattillo
Notary Public, State of Texas

CulverHighway24Rezone.061714



MINUTES
PLANNING AND ZONING COMMISSION MEETING
May 6, 2014 – 5:30 p.m.

MEMBERS PRESENT: Chairman Charles Elliott, Carolyn Trezevant, Henry Ross, Terry Harris, Gary Thompson

MEMBERS ABSENT: Greg Hulse

OTHERS PRESENT: Building Inspector Mike Wiblin, Secretary Becky Pattillo, Council Member Sue Davis, Ted Oates, Billie Mills, Peggy Rohrer, Reba Collingsworth, David McKenna and Winkelmann and Associates representative Chase Helm

1. **Call to Order:**
Chairman Charles Elliot called the meeting to order at 5:30 p.m.
2. **Approval of Minutes:**
Member Carolyn Trezevant made a motion to approve the minutes from the March 4, 2014 Regular Meeting. Member Henry Ross seconded the motion, resulting in a unanimous vote.
3. **Public Hearing and Consideration on a Conditional Use Permit for the property located at 3001 Arapaho Road to allow a duplex in an R10 Zone:**
Building Inspector Mike Wiblin explained that the applicant was Sue Davis, who intended to build a duplex on the property and current regulations required that a conditional use permit be secured before construction could begin.

Chairman Charles Elliott asked Ms. Davis if she wanted to say anything. Ms. Davis stated that she wanted to build a duplex with at least an 1100 square foot on each side on the property. Chairman Elliott asked what the setback was for the front of that property. Mr. Wiblin responded that it was 30 feet in front and there would be 15 feet on the corner of Charity and Arapaho and 5 feet on the other side. Board member Henry Ross stated that because it was a funny shaped lot, he was concerned with the amount of square footage that Ms. Davis wanted and asked what other plans Ms. Davis would have for the property if her current plan didn't work. Ms. Davis stated that she needed to get the lot approved for a duplex before she could do anything else, but if what she wanted wouldn't fit, she would go in another direction.

Billie Mills, resident of Arapaho, stated that as she understood it, the Indian Creek Addition was zoned for single dwelling. Chairman Elliott responded that it was. Ms.

Mills stated that although she liked Ms. Davis, they would prefer not to have a duplex on the property. Mr. Elliott stated that the duplex would be allowed only under a conditional use permit which they could allow or not, but the City Council would make the final approval of it. Ms. Davis stated that she would recuse herself from voting on it, but if it got disapproved by the Planning and Zoning Commission, she would not allow it to go before Council.

Peggy Rohrer, resident of Charity, stated that her main concern was about what it would look like. She wanted to be sure that it would be something pretty.

Mr. Oates stated that the city could impose deed restrictions on the type of construction. Mr. Elliott stated that the city had no control over deed restrictions, the property owners did. He then asked why Mr. Holland had to build his building the way he did. Mr. Elliott responded because it was in the Corridor and there were certain requirements.

Ms. Davis stated that she thought that a duplex would be an asset to that part of town but she wasn't going to pursue it if there were some that didn't want it built. Chairman Elliott stated that the board could still approve it.

Chairman Elliott asked for a motion. Member Carolyn Trezevant stated that she would like some clarification and asked if the homeowners were saying that they didn't want it. Chairman Elliott responded that was correct. Member Henry Ross stated that in addition to the individuals in the neighborhood saying that they didn't want it, he also heard Ms. Davis say that she wasn't willing to do it if the neighbors didn't want it. He thought the appropriate thing to do would be to ask Ms. Davis would like to withdraw her application for the conditional use before we took a vote.

Member Terry Harris stated that not too long ago they had an application for a conditional use permit for property in this area and it was denied by them and the City Council. He asked why the other property, the community turned out in large numbers and didn't want it and for this duplex the community turned out in smaller numbers not wanting it. He thought the city ought to look into whether duplexes should be allowed in that area or not because it was inconsistent to say yes to one applicant and no to another based on a whim.

Chairman Elliott stated that there were two things about the previous application to rezone the whole area and second the drainage was a huge issue. The people who opposed it were afraid of water backup if anything was built on that area. He added that Mr. Harris had a point and it was spot zoning.

Member Ross stated that he would like to go back to his original question and asked Ms. Davis again if it she wished to withdraw her application. Ms. Davis responded that she didn't see any need in going forward with it and withdrew her application.

Board Member Henry Ross made a motion to honor the request of Ms. Davis to withdraw the application. Board Member Carolyn Trezevant seconded the motion, resulting in a unanimous vote.

4. Public Hearing and Consideration of a Re-Zone Application for the property located at Highway 24 and Culver Street:

Building Inspector Mike Wiblin stated that this plot of land was owned by the university and there had never been a zoning classification applied to it. CVS Pharmacy was requesting it be zoned to General Business.

David McKenna, representing Texas A&M University – Commerce, stated that the university was in full support of this project and hoped that it would spawn other activity in the area.

Board Member Henry Ross made a motion to approve the re-zone application for the property located at Highway 24 and Culver Street. Board Member Carolyn Trezevant seconded the motion, resulting in a unanimous vote.

5. Other Business:

Chairman Elliott stated that Board Member Greg Hulse had turned in his resignation. He asked that if the other members had suggestions for a replacement to see Mr. Wilson.

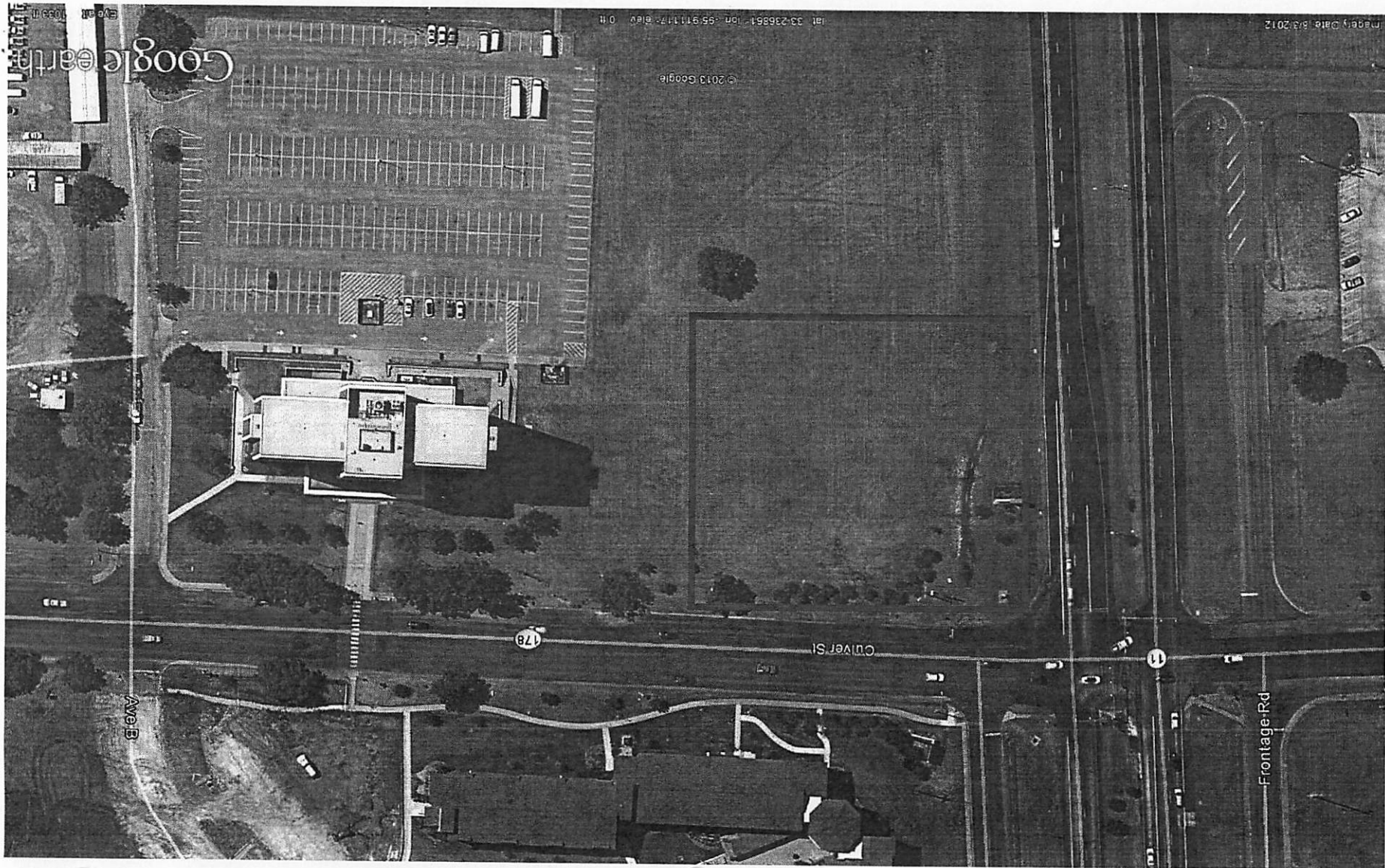
6. Adjourn:

Member Henry Ross made a motion to adjourn at 6:08 p.m. Member Gary Thompson seconded the motion, resulting in a unanimous vote.

Chairman Charles Elliott

Becky Pattillo, Secretary

Date



S. U.