

ORDINANCE NO. 16 - 06

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 July 2016 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 2314 Mayo Street 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 July 5, 2016, 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 A-2, recommended to the City Council of the City of Commerce, Texas, that said application be approved, and that a zoning change to A-2 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 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 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 July 2016.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas on this the 16th day of August 2016.

ATTEST:

Becky Pattillo
Becky Pattillo, Acting City Secretary

CITY OF COMMERCE, TEXAS

Wyman Williams
Wyman Williams, Mayor

(seal)

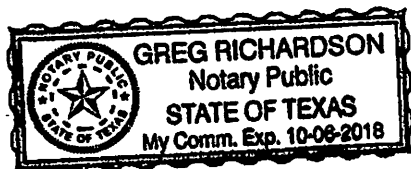
I, Becky Pattillo, Acting City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Ordinance, and that the same has not been repealed and is in full force and effect.

(seal)

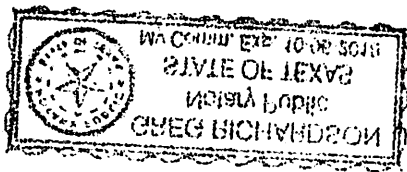
Becky Pattillo
Becky Pattillo, Acting City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 23 day of August, 2016 to certify which witness my hand and seal of office.

(Seal)



Greg Richardson
Notary Public, State of Texas

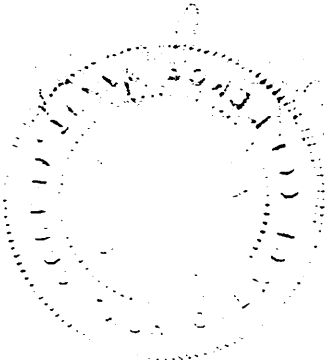
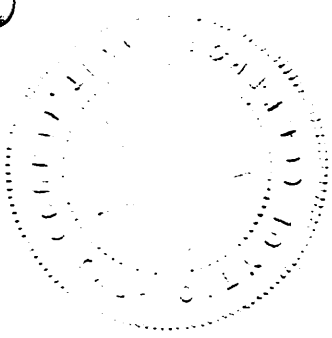


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MINUTES

PLANNING AND ZONING COMMISSION

July 5, 2016—5:30pm

Members Present: Chairman, Charles Elliott, Carolyn Trezvant, Mike Roberts, Michelle Martinez, Gary Thompson

Members Absent: Terry Harris, Henry Ross

Others Present: Interim Director of Community Development Mike Wiblin, Applicant Mack Doster, Applicant Patrice Salazar along with two perspective property buyers/Developers, Li Li and Kiran Jalakam , Property owners Shirley Moore, Ravi Bashin, and Joanna Thrift

1. Call to Order.

Chairman, Charles Elliott called the meeting to order at 5:30 p.m.

2. Approval of Minutes

Carolyn Trezvant moved to approve the minutes from the April 5, 2016 Regular meeting, the vote in favor was unanimous.

3. Public Hearing and Consideration on a Re-Zoning Application for a property located on Aldridge Street, Legal Description Marler H (Hunt County) Tract 7, Acres 8.016.

Chairman Charles Elliott opened the public hearing and requested a background on the application from staff. Staff presented a handout that was received on the day of the meeting, after application submission which detailed the type of project, and included basic elevations, and plot plans for the proposed development. Staff stated that after review of this information, it would be more suitable to consider this as a Planned Development Zoning, instead of the proposed Apartment Dwelling Zoning which would still restrict the developer's plans on what they wanted to build. Clarification was given to commission members pertaining to the similarities between multi-family development, and apartment complexes, stating that Zoning Ordinance did not refer to the term apartments, but used the term multi-family instead.

Applicant, Patrice Salazar stated that developer, Kiran Jalakam was all willing to re-design the project to fit into the A-2 zone, and only make them 2 story units, as opposed to three, but both staff and commission members urged him to look into the Planned Development zoning prior to making such a decision based on the flexibility that a planned development would allow for.

Adjacent Landowner Ravi Bashin brought up a concern over the amount of storm water runoff that might be shed onto his property if this development were to take place, but made clear he was by no means against the development taking place, as it would help his property adjoining this land. Commission member Mike Roberts stated that Mr. Bashin had a very valid concern, and

would like for the developer to address this issue prior to starting and ground work at the location. Staff stated that this would have to occur prior to starting the project during the planning stages, and would be required prior to gaining any type of approval for the development. Staff then explained to the developer that the city would provide information as to how to obtain this planned development designation, and what steps would need to be taken to start the process. Chairman Charles Elliott suggested that the current application be withdrawn, and that the developers return to the board at a later date to discuss the Planned Development zoning designation. Applicant Patrice Salazar, and developer Kiran Jalakam agreed to withdraw the current application and return at a later date seeking a planned development designation. A motion was made to withdraw the current application requesting A-2 zoning designation by member Mike Roberts, Member Gary Thompson seconded. The vote was unanimous.

4. Public Hearing and Consideration on a Tabled Re-Zoning application for the property located at 2314 Mayo Street from R-7 Single Family to Apartment Dwelling District 2.

Chairman Charles Elliott opened the public hearing and explained to the applicant that in order to obtain an A-2 zoning designation that the applicant's property must be already inside of, or adjacent to an area already zoned A-2. Applicant Mack Doster explained that other properties on this particular block already had the A-2 Designation, and that prior to demolition of the structures on his lot, that it too had apartments on it consisting of four units in two converted structures. Chairman Elliott explained that the board could only make a recommendation to council that the zoning be changed, and the final decision would be theirs to make. A discussion took place between all parties involved at this time about the zoning of surrounding properties, and what type of properties were in this particular area in regard to whether or not they were owner occupied, rentals, duplexes, or multifamily, and applicant Mack Doster stated that he had not really set any plans in stone for the properties, but was considering duplexes, or smaller single family type homes to rent. Adjacent homeowner, Joanna Thrift stated that her families main concern was what type of development took place on the property, stating that she would be very happy to see duplexes, or the small single family structures there, but had had issues in the past when there was a two story garage apartment whose porch overlooked into her backyard. Joanna stated that having certain types of structures there would help to keep the single family feel of the neighborhood, without adding larger apartments in the middle of a block of mostly single family homes.

Chairman Charles Elliott asked board members for a recommendation on how they wanted to go on this application, and member Carolyn Trezevant made motion to recommend this property to council for possible re-zoning. Member Mike Roberts seconded, and a vote was unanimous.

5. Other Business.

Chairman Charles Elliott brought up the idea of having a workshop session, or informal meeting in order to discuss ideas for changing regulations in the Corridor District Zoning within the city. Board members agreed and decided that the best time to have this meeting would be the first Tuesday in May. Staff member Wiblin agreed that he would send out information to board members regarding the meeting.

6. Adjourn.

Meeting Adjourned at 6:09p.m.

Chairman Charles Elliott

Mike Wiblin, Interim Director of Community Development

Date

5. Public hearing and consideration of a Rezone Application for the property located at 2314 Mayo St. (S2515 College Addition of Commerce Block 4 Lot 10 & N 33' of 11) from R-7 Single Family to A-2 Multi-Family for use as a Four-Plex apartment building.

Steve Wilson explained that this property has recently been demolished and is being cleaned-up. There was a large two story house on the front of the property and a two story garage apartment in the rear.

Member Terry Harris asked if he is only asking to rezone his property. Mr. Wilson replied "Yes, just his". Member Harris asked if he could do a Conditional Use Permit for what he is trying to do. Mr. Wilson replied, "Not for a Four-Plex, but for a duplex".

Chairman Elliott stated that we could not rezone this property and then later ask the other property owners to join.

Mr. Wilson is requesting guidance from the committee and to table this application for further investigation. This would allow the staff time to investigate and direction as to how the committee wants to go.

Chairman Elliott thought tabling the request was a good idea and would allow staff time to get input from other property owners.

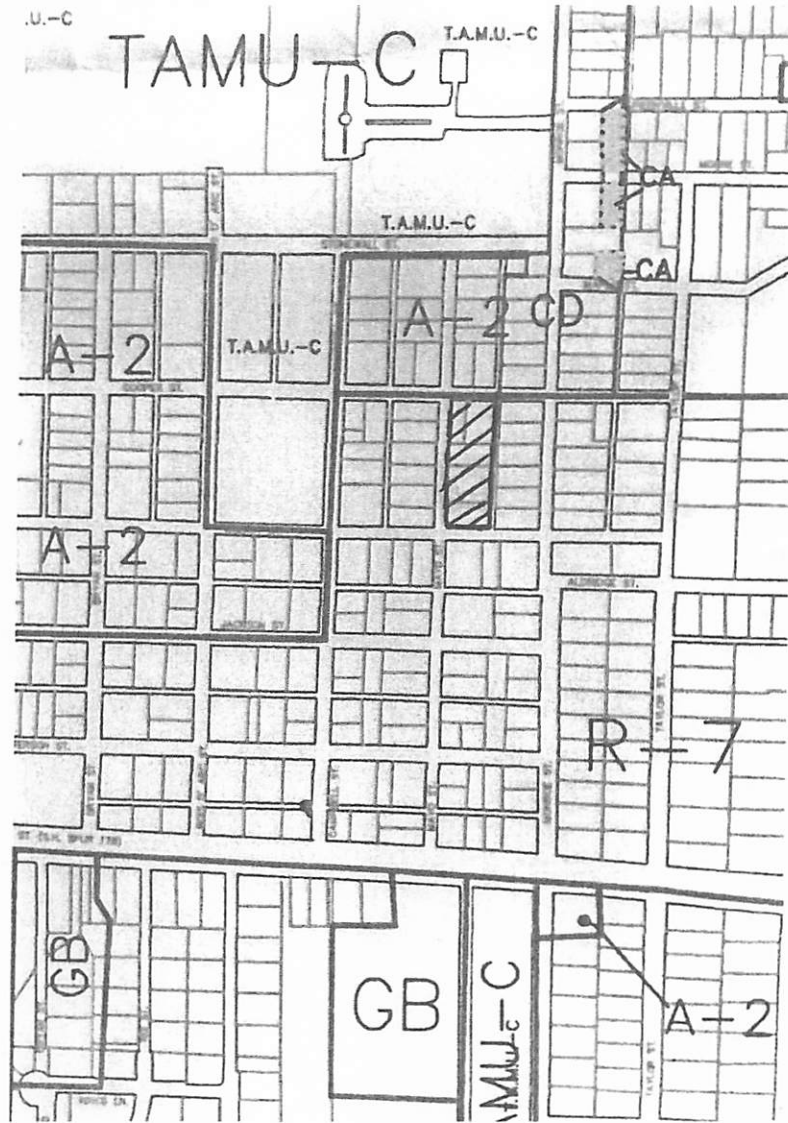
Chairman Elliott asked property owner Joanna Thrift to speak. Ms. Thrift lives at 1510 Walnut St., south of the property in question. After listening to the committee, she wanted verification that changing her property from a Single Family to a Multi-Family would not affect her property at all. Mr. Wilson stated that nothing would change, unless she wanted to sell her property or decided to tear her house down to build an apartment, duplex, or four-plex. She would not have to apply for a Planning and Zoning Permit and she still would be able to build a single family house on her rezoned property. She also wanted to say that she was grateful that the building that was there is gone. She has small children living next to a Multi-Family building, even though it was not zoned as such. There was a lot of traffic and it was a very tight fit. Parking was all the way down the street and sometimes she could not get out of her driveway. She is concerned with the look of the new property being built, the look of the neighborhood, and her property value. Chairman Elliott asked if this was an opposition. She is opposed to the four-plex being built. She thought duplexes would look more like family homes.

Chairman Elliott asked for a motion. Member Harris moved to table the rezone application for the property located at 2314 Mayo St. for further investigation. Member Ross seconded the motion. The motion was approved unanimously.

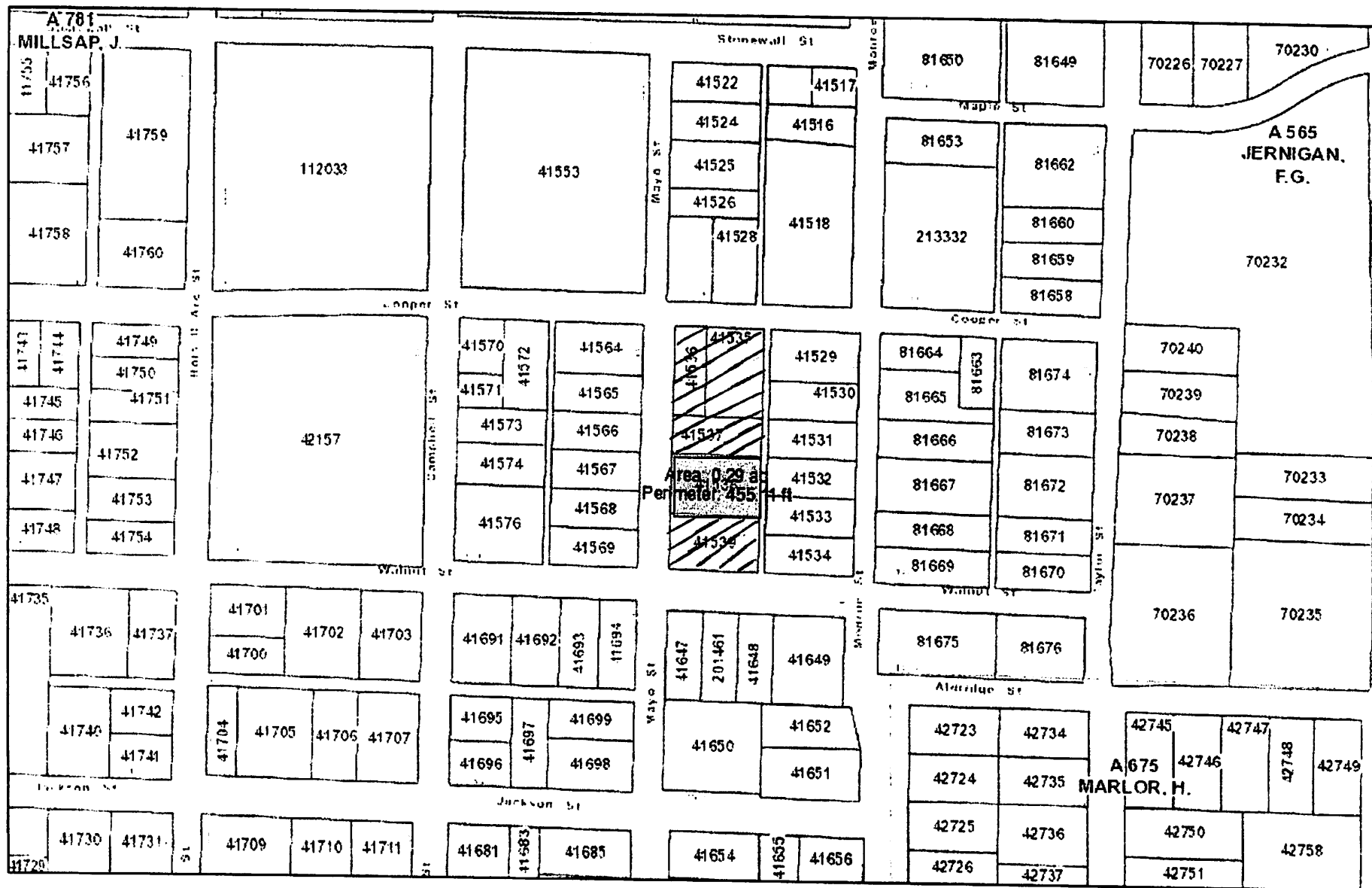
Agenda Item #4

Minutes from May 5, 2015 meeting when item was tabled by the commission.

For Reference



2314 Mayo Street



June 22, 2016

Parcels

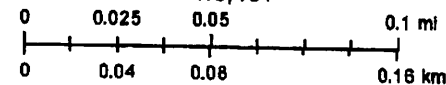
Abstracts



← Area Affected
By Re-Zoning -

Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries

1:3,107



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand).

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Rezoning Application

Property Information

Property Address: 2314 Mayo St
Legal Description: Subdivision 52515 COLLEGE Block 4 Lot 10-N53
Present Zoning: D-9 Present Use: Multi Family
Proposed Zoning: A-2 Proposed Use: SAME

Applicant Information

Name: Triple D. Properties / Jimmy Mark Doster
Address: P.O. Box 1079 Commerce State Tx. Zip 75429
Phone Number 903-366-1883

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) Triple D. Properties / Jimmy Mark Doster
Applicant Signature Jimmy Mark Doster Date 4-10-2015
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 July 5 2016

[Signature]
Director of Community Development

7-5-16
Date