

ORDINANCE NO. 2024 – 05- 05

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS, APPROVING A CHANGE IN ZONING FROM AG AGRICULTURAL DISTRICT TO PD PLANNED DEVELOPMENT DISTRICT FOR ONE FAMILY ATTACHED USES FOR TRACTS ALONG CHARITY ROAD INCLUDING PROPERTY ID: 26365, ACRES 6.0 , PROPERTY ID: 107190, ACRES 5.0 AND PROPERTY ID: 113210, , ACRES 5.0 PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

A regular meeting of the City Council of the City of Commerce, Texas, was held in Commerce, Texas, at City Hall, on the 7th day of May 2024 at 5:30 p.m., a majority of Council Members being present and constituting a quorum, the following Ordinance was adopted:

WHEREAS, an application, attached hereto and marked exhibit “A”, has been submitted by Jeff Miles to request approval of a change in zoning from Agriculture District (AG) to Planned Development District (PD) for the following:

- Property ID: 26365, Legal Description: A0421 Henson D, Tract 38, Acres 6.0 on Charity Road in Commerce, TX, 75428.
- Property ID 107190, Legal Description: A0421 Henson D, Tract 38-2, Acres 5.0 on Charity Road in Commerce, TX, 75428.
- Property ID #113210, Legal Description: A0421 Henson D, Tract 38-4, Acres 5.0 on Charity Road in Commerce, TX, 75428.

WHEREAS, the notice pursuant to Sections 19-102 and 19-103, Appendix A – Zoning, Part IV. – Administration and Enforcement, of the Code of Ordinances of the City of Commerce, Texas, written notice has been published in the official newspaper and given to adjacent property owners within 200 feet of the property;

WHEREAS, the Planning and Zoning Commission of the City of Commerce, Texas, conducted a public hearing on the 4th day of April 2024, at 5:30 p.m. in accordance with Section 19-102 and 19-103, Appendix A – Zoning, Part IV. – Administration and Enforcement, of the Code of Ordinances of the City of Commerce, Texas;

WHEREAS, after conducting a public hearing on said request, wherein public comment was received and considered on the said application, and all other prerequisites relating thereto, and after

consideration of the grounds for a change in zoning from Agriculture District (AG) to Planned Development (PD) District for said properties, the Planning and Zoning Commission unanimously voted to approve the zoning change request as reflected in the minutes of the meeting attached hereto, marked exhibit "B", and made a part hereof as if copied herein verbatim; and,

WHEREAS, the City Council, after having reviewed the action of the Planning and Zoning Commission and its recommendation, as well as having complied with all prerequisites of the Zoning Ordinance of the City of Commerce, Texas, relative to the approval of a change in zoning, deems it in the best interest and general welfare of the City of Commerce, Texas, that said zoning change request should be authorized for said properties, highlighted in red in Exhibit "C", attached to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Commerce, Texas that:

SECTION 1. This rezoning request from AG to PD for One Family Attached uses in accordance with the Development Plan attached to this ordinance and made a part hereof for all purposes, for the above described property is approved and that the Mayor of the City of Commerce, Texas, is hereby authorized to execute this Ordinance, and the City Manager, or his designate, in accordance with this Ordinance shall file the appropriate revisions to the Zoning Map of the City of Commerce with the City Secretary;

SECTION 2. Any person, firm, or corporation found guilty of violating any of the provisions of this Ordinance shall be subject to a fine not to exceed two thousand dollars (\$2,000.00), together with the costs of such prosecution. Each day during which a violation continues shall be considered a separate offense.

SECTION 3. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council of the City of Commerce hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

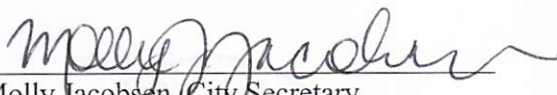
SECTION 4. This Ordinance shall take effect immediately from and after its passage.

PASSED AND APPROVED on the FIRST READING at a regular meeting of the City Council of the City of Commerce, Texas, on the 7th day of May 2024.

PASSED AND APPROVED on the SECOND READING at a regular meeting of the City Council of the City of Commerce, Texas on this the 21st day of May 2024.

ATTEST:

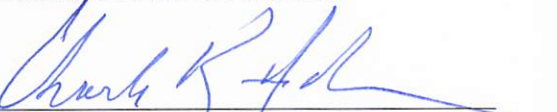
CITY OF COMMERCE, TEXAS


Molly Jacobsen, City Secretary


Teddy Reel, Mayor

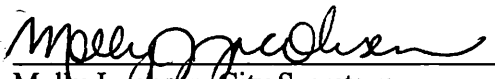
(seal)

APPROVED AS TO FORM:


Charles Anderson, City Attorney

I, Molly Jacobsen, 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)


Molly Jacobsen, City Secretary
City of Commerce, Texas

Development Plan

Request by Jeff Miles for a Change in Zoning from AG Agriculture District to PD Planned Development District for Property ID: 26365, Legal Description: A0421 Henson D, Tract 38, Acres 6, Property ID: 107190, Legal Description: A0421 Henson D, Tract 38-2, Acres 5, Property ID: 113210, Legal Description: A0421 Henson D, Tract 38-4, Acres 5.

Rezoning Application

Property Information

Property Address: 13.778 at the southwest corner of Charity Road and FM 3218

Legal Description: Subdivision property not platted Block Lot

Present Zoning: Ag Present Use: Vacant

Proposed Zoning: Planned Development - R-16 & A-2 Proposed Use: Single Family Residential detached and attached.

Applicant Information

Name: Jeff Miles

Address: PO Box 271499, Flower Mound State Texas Zip 75027-1499

Phone Number 214-402-0010

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) Jeff Miles

Applicant Signature [Signature] Date 3/7/24

Owner Signature (if other than applicant) Deudra D. Lawson Date 3/8/24

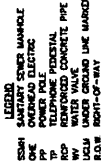
Permit (To be completed by the Planning Department)

The rezoning request is hereby: Approved ☐ Disapproved ☐

Planning and Zoning Commission took action on _____ 20_____

Director of Community Development

Date _____



SINGLE FAMILY ATTACHED

MEN LOT AREA = 2,500 SF
 MEN SIDE YARD = 5'
 MEN SIDE YARD @ STREET =
 MEN FRONT YARD = 25'
 MEN REAR YARD = 25'
 MEN LOT DEPTH = 100'
 MEN LOT WIDTH = 25'
 MEN LOT COVERAGE = NONE

**TYPICAL A2 LOT
DETAIL**

CONCEPT PLAN

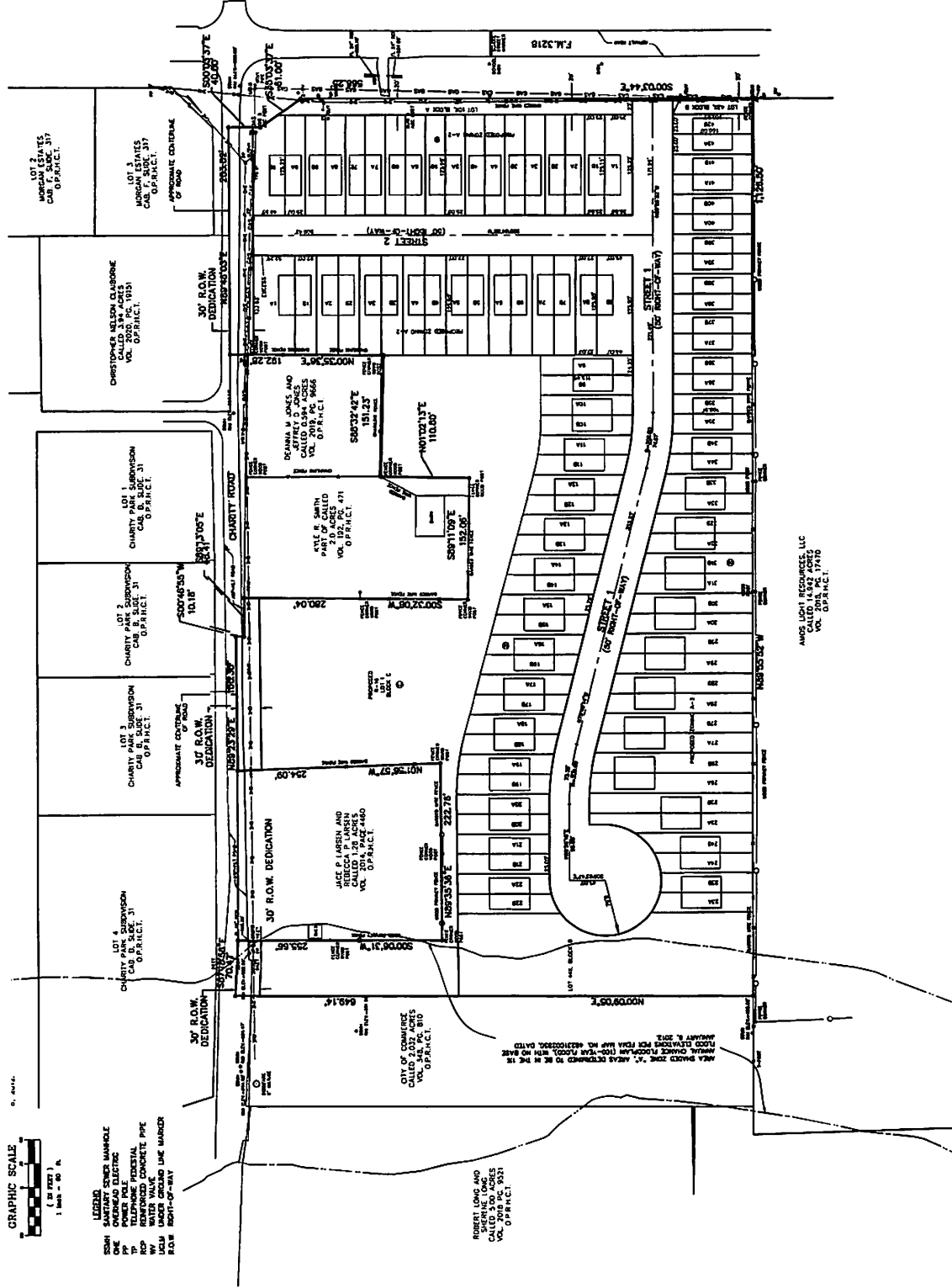
102 SINGLE FAMILY ATTACHED LOTS,
1 SINGLE FAMILY LOT AND
3 COMMON AREAS

BEING 13.778 ACRES OUT OF
THE DAVID HENSON SURVEY, ABSTRACT NO. 421
CITY OF COMMERCE, HUNT COUNTY, TEXAS

ROXTON PROPERTIES LLC	APPLICANT
P.O. Box 271499	(214) 492-0010

JBH PARTNERS, INC.
2121 Midway Road, Suite 300
Carrollton, Texas 75006
Contact: Joshua Lukis, P.E.
1875 Mo. F-438 TPA33 No. 10796000
SURVEYOR/ENGINEER
(972)248-7678

Date: March 08, 2024



AMOS LIGHT RESOURCES, LLC
CALLED 14.942 ACRES
VOL. 2012, PG. 17470

12
11
10
9
8
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2
1

ROBERT LONG AND
SHERINE LONG
CALLED 500 ACRES
VOL 2018 PG. 9521
OBJECT

Drawing H:\Projects\PM008 Commres 14 acres\Surveying\dwg\X\PM008-P01.dwg Saved By: meaguer Save Time: 3/7/2024 2:57 PM
 Plotted by: meaguer Plot Date: 3/8/2024 2:47 PM



MINUTES

Planning and Zoning Commission

April 4th, 2024 - 5:30 p.m.

Commerce City Hall

1119 Alamo Street, Commerce, TX 75428

Members Present: Terry Harris, Michelle Martinez, Gary Thompson, Carolyn Trezevant, Thomas Deaton
Members Absent: Aracely Castro, Jayson Douglas
City Staff Present: Assistant Director of Community Development Jon Harper, City Manager Howdy Lisenbee, Community Development Specialist Bethany Arnold
Others Present: Jeff Miles, Naheed Ahmed, Jace and Bekah Larsen, Bob Draughn, Ed Long, Andrew Baker, Christopher Claiborne, and other community members.

1. Call to Order:

Chairperson Michelle Martinez called the meeting to order at 5:30 p.m.

2. Pledge of Allegiance.

3. Discussion and Possible Action on a New Chairperson for the Commission

Chairperson Michelle Martinez stated to the commission that there should be a new chairman. Member Thomas Deaton made the motion for the nomination of Carolyn Trezevant to become the new chairperson, Member Gary Thompson seconded the motion, resulting in the motion passing unanimously.

4. Consideration of a Motion Approving Minutes from the November 16, 2023, Meeting:

Chairperson Carolyn Trezevant brought to the Commission to approve the minutes from the November 16th, 2023, meeting with corrections being made to the minutes. Member Michelle Martinez made the motion to approve the minutes with the changes, Member Gary Thompson seconded the motion resulting in the motion passing unanimously.

5. Public Hearing and Consideration of a Conditional Use Permit to Allow Food Truck Park for the Property located at 1713 HWY 24 Commerce, TX 75428. Property ID 31372, Legal Description: A0781 Milsap J, Tract 21, Acres .546, General Business District.

Assistant Director of Community Development Jon Harper stated the applicant approached staff back in February of this year to add a Food Truck Park to their property. Jon Harper stated that staff worked with the applicant all throughout the month of February with the requirements of the conditional use permit for the food truck park usage. Jon Harper stated that the City of Commerce Fire Department looked at the site plans that were submitted by the applicant, and that a fire truck would not be able to get the back portion of the lot and would have to access surrounding properties. An ambulance could get to the back portion of the lot, but if there is a fence or screening, they would have to tear the fence up to get back there. Jon Harper stated staff concerns are the one way in, one way out and that the property is not up to code for conditional use approval regulations. Jon Harper stated the dumpster is shown to be accessed from a different property. Jon Harper stated that the property owner would need to bring the bathrooms up to code and look at updating the current parking lot to accommodate the conditional use for approval requirements. Jon Harper stated that the staff does see the need for this type of use, but not at this location.

Chairperson Carolyn Trezevant opened the public hearing at 5:37 PM.

Applicant Naheed Ahmed stated the target market for the conditional use would be kids and college students, and that they want to create a space where they can come and hang out. Chairperson Carolyn Trezevant made a comment about the hookah bar being added on to the applicant. Applicant Naheed Ahmed stated the hookah bar could be added later, but not right now.

Chairperson Carolyn Trezevant brought attention to several issues on the application and stated the application is incomplete. Chairperson Carolyn Trezevant also brought up the conditional use and how it can affect surrounding businesses with the increase traffic. Applicant Naheed Ahmed stated that they will work with surrounding properties and flex their schedule to ensure that other properties are not affected. That the use will depend on the surrounding businesses' schedules, and they would handle traffic control. Member Michelle Martinez asked about the bathrooms, fencing, and dumpster. Naheed Ahmed stated that they wanted fencing but with the city's statement of fencing being an issue with emergency services, they don't have to have fencing. Member Michelle Martinez asked the applicant about how they plan on controlling the crowds from trespassing on other properties. Naheed Ahmed stated that they do not expect a lot of cars parking in their area, they propose that the crowds will walk from the surrounding areas. Member of the Community, Dr. Andrew Baker, spoke before the commission stating that as a faculty member with the University and on the parking committee, the University crowd will not walk to the conditional use, they will drive.

Chairperson Carolyn Trezevant asked for any other public comments, being none, the public hearing was closed at 5:49 PM.

Member Michelle Martinez moved to deny the conditional use permit to allow "Food Truck Park" for the property located at 1717 HWY 24, Commerce, Texas 75428. Member Thomas Deaton seconded the motion and the vote carried unanimously.

6. Public Hearing and Consideration of a Request by Jeff Miles for a Change in Zoning from AG Agriculture District to PD Planned Development District for Property ID: 26365, Legal Description: A0421 Henson D, Tract 38, Acres 6, Property ID: 107190, Legal Description: A0421 Hendson D, Tract 38-2, Acres 5, Property ID: 113210, Legal Description: A0421 Henson D, Tract 38-4, Acres 5.

Assistant Director of Community Development Jon Harper stated the applicant would like to re-zone three lots from AG Agriculture to PD Planned Development. Jon Harper showed how the developer planned on dividing the land with the use of single family-attached dwellings. Jon Harper brought the staff concerns of the creek on the East side and a flood study would be required. Jon Harper made the comment that a lot of the development concerns would be addressed in the platting process and not in the zoning process, that zoning approval would need to happen before the platting process. Jon Harper stated that the City of Commerce Fire Department had a concern about turning around emergency response vehicles and so the developer widened the turnaround in the cul-de-sac. Jon Harper expressed the need for single family homes is there and that this would bring opportunity for faculty and staff to live in Commerce. Chairperson Carolyn Trezevant asked if these planned dwellings would be duplexes. Jon Harper stated that it is planned for single-family attached dwellings, sold as individual lots. Member Michelle Martinez stated that it would be like a condo. Member Michelle Martinez asked if staff have any other concerns about the development. Jon Harper stated that other concerns would need to be addressed in the platting process and not in the zoning process. Member Michelle Martinez asked about the parking concern with this development. Jon Harper stated that each lot will allow for two cars to be parked in the driveway. Chairperson Carolyn Trezevant asked about the width of the road for

on-street parking. Jon Harper stated that the width of the street is about 30ft and that these concerns would have to be addressed further down in the process. Member Thomas Deaton expressed concern about on-street parking and what is the city able to do during the process before any issues arise. Jon Harper stated that there can be a condition added with the development. Jon Harper gave staff recommendation of approval with a development schedule requirement submitted during the plating process. City Manager Howdy Lisenbee spoke before the commission stating the city and public safety have investigated this development for public safety concerns, and that the developer has made the recommended changes needed for public safety and public works. Howdy Lisenbee stated that Charity Rd is scheduled for design and improvement. Bus Barn Rd is a TEXDOT Road, so the city does not control the work completed on it.

Chairperson Carolyn Trezevant opened the public hearing at 6:06 PM

Applicant and Developer Jeff Miles spoke before the commission on the how and why he came up with the development with the buffer from the new development and the current properties already in existence. Jeff Miles went over the transition of low zoned property, to medium, to a higher density zoned property. Jeff Miles clarified the units will be two units put together with a party wall and a lot line, so a person could buy one or two lots. Jeff Miles stated that it is not two units on one lot, but two units on two lots. Jeff Miles stated that the street width will be determined on what the city needs, and they have gone up to 33ft, so the range will be from 31ft-33ft, but the concern with a wider street is higher speed. Jeff Miles confirmed that two cars can fit in each driveway. Jeff Miles did state that this development will have a Homeowners Association (HOA) that will have guidelines for parking and the development will also have visitor parking. Jeff Miles stated that the builder will be D.R. Horton and that they are able to build good homes for a good price. Jeff Miles stated that the target market buyer would be those whose income is not in the six-figure income range and looking to buy a house. Member Terry Harris asked if Mr. Miles has been on a project like this before, Jeff Miles stated no, but there are projects like this in surrounding areas.

Property Owner within 200ft, Jace Larsen, spoke about his concerns about the housing density and issues with the sewer lines. Jace Larsen stated that his property has issues with slope and drainage with his sewer and wanted to know the plan for the development with sewer and drainage. Jace Larsen spoke about the conditions of Charity Road and how the increase of 102 homes would just add more traffic to the area. Jace Larsen went over parking and how it would be difficult to park two vehicles with the amount of parking space given in this development. Jace Larsen asked if the city could add a condition in the HOA planned for the development so that these are owner occupied and not rentals. City Manager Howdy Lisenbee stated that the city has been looking into solutions for the existing issues on the drainage and sloping issues for the existing properties on Charity Road.

Property Owner within 200ft, Bob Draughn brought several concerns to the commission. Bob Draughn talked about on and off-street parking. Bob Draughn talked about growth and the high density of this development and to look at surrounding developments to see how they are going. Bob Draughn addressed how the commission needs to consider the outcome of what could happen when voting and the possible outcomes of the development changing. Bob Draughn spoke about the infrastructure of the area and the concern of adding more to the small area.

City Manager Howdy Lisenbee went over the process of Planning and Zoning. City Manager Howdy Lisenbee stated that with Planned Development Districts that they multiple zoning usages in one tract of land. Due to

the Developer wanting to do single family attached with high density, plus the R-16 on Charity this is why this development is coming to the Planning and Zoning Commission and that others cannot just come in and change the plans, they will have to come before the commission. City Manager Howdy Lisenbee spoke on the surrounding neighborhood and their success.

City Manager Howdy Lisenbee stated a lot of the questions being asked are civil engineer related and not planning and zoning related, so those will need to be addressed later in the process. City Manager Howdy Lisenbee stated the primary focus is the land use and standards that apply. City Manager Howdy Lisenbee stated the city has nothing to do with the electric grid, but the city stands ready and able for water and sewer. City Manager Howdy Lisenbee stated the city will not approve the civil engineering for a subdivision that does not allow for first responders to get in and out. Member Terry Harris asked for clarification on the R-16 districts. City Manager Howdy Lisenbee stated that the city must stay in balance with development and what we can and cannot do. City Manager Howdy Lisenbee talked about how the city needs affordable housing with the growth coming to the city.

Member Michele Martinez asked about the development schedule. Jon Harper stated that the developer would have to have in the schedule an appropriate date for when construction is scheduled to start and end, will be adopted by the city council, and that the community development department will provide updates to the commission. Jon Harper stated that at any time if the commission feels that the development is not going as planned, then the commission can re-vote on this development. City Manager Howdy Lisenbee stated that having the development schedule allows for the development to be more successful.

Property Owner within 200ft, Ed Long, expressed his concern about widening and fixing Charity Road before developing and adding on. Chairman Carolyn Trezevant commented on how Charity Rd. does need to be improved and how this development can lead to improvement to the road. City Manager Howdy Lisenbee brought to the commission how the city's property tax revenue is significantly cut due to the state owning all of universities property. City Manager Howdy Lisenbee stated that fixing Charity would have to be done in bites due to cost versus resources available. City Manager Howdy Lisenbee stated that the city needs to find developments that will bring in property tax and help the community, that this development would help with that solution. City Manager Howdy Lisenbee stated that the city is looking for solutions to increase property tax revenue without increasing property tax to existing taxpayers.

Community Member, Dr. Andrew Baker, spoke about how even though he is not within the 200ft, he will still be affected by this development. Dr. Baker stated Charity Rd. is not just a road, but a street that a lot of people use for various things. Dr. Baker encouraged the city to keep the things of nature on Charity Road and to not widen it. Dr. Baker stated that this is a good development, and that it has been a struggle to bring in university staff and other city members to live in Commerce. Dr. Baker brought the concern of residents walking and how the city can improve walking accessibility.

Property Owner within 200ft, Bekah Larsen, spoke about how when she moved to community and started her business here, that keeping it small and not high density was a deciding factor. Bekah Larsen stated that if she had known this was going to be a high-density lot, she would have changed her view on where to live. Bekah Larsen asked about the building material for the planned development. City Manager Howdy Lisenbee stated that state law recently changed to where the city does not have the authority on choosing building material.

Member Terry Harris asked Developer Jeff Miles about the buffer and how it can affect current residences. Developer Jeff Miles stated that development plans changed due to first responders needing a bigger area to get in and out, and that development can change with the platting process and where final things will be set. Member Terry Harris asked about where the electrical will be. Jeff Miles stated that the electricity will be underground. Member Terry Harris asked if D.R Horton has done any projects like this, and while Jeff Miles did know of projects, could not give information or knowledge on them. Jeff Miles stated that development has a lot of factors that make them successful, and they must be very careful on development. Jeff Miles gave examples on how this development will have items to accommodate high density concerns.

Property Owner within 200ft, Christopher Claiborne, addressed the commission on his concerns about corporations buying the units and renting them out instead of them staying affordable housing for home buyers.

Chairperson Carolyn Trezevant closed the public hearing at 7:19 PM

Member Michele Martinez made a motion to approve the request of zone change from AG Agricultural District to PD Planned Development District for the property ID's 263265, 107190, and 113210 with the conditions of having a development schedule which may be presented during the plat process. Member Thomas Deaton seconded the motion, and the vote was carried unanimously.

City Manager Howdy Lisenbee spoke before the commission stating that there are still several steps in the process, including two city council meetings, and several more opportunities for the community to come out and stay engaged in this process. City Manager Howdy Lisenbee stated that the city is looking for developable areas in the community, but the vast majority are owned by the state of Texas. The city must look at other land available for development and developers to work with.

7. Adjourn:

Chairman Trezevant adjourn the commission at 7:29 PM.

Chairperson Carolyn Trezevant

Bethany Arnold, Community Development Specialist

Date

Exhibit "C"

