

RESOLUTION NO. 13-45

A RESOLUTION RELATING TO A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 2102 LIVE OAK; GRANTING AUTHORITY TO THE MAYOR TO EXECUTE SAID RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO SAID RESOLUTION, AND AUTHORIZING CITY MANAGER TO EXECUTE ANY AND ALL INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION, AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE TO ANY AND ALL INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION.

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 November 2013, at 6:00 p.m., a majority of Council Members being present and constituting a quorum, the following resolution was adopted:

WHEREAS, The owner of the property located at 2102 Live Oak Street in the City of Commerce, reference is made thereto for all purposes, said owner has made a request for a Conditional Use Permit for the use of said premises being more particularly described in said request, 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 the authorization of a conditional use permit for the use of that premises described in said request, recommended to the City Council of the City of Commerce, Texas, that said request be approved, and that a Conditional Use Permit 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 the authorization of conditional use permits, deems it in the best interest and general welfare of the City of Commerce that said request for conditional use permit be granted and that conditional use permit should be authorized for the owner of the personal 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 BE IT RESOLVED that the City Manager or his designate in accordance with this Resolution be authorized and he is hereby authorized to issue a Conditional Use Permit on such property described in said request.

NOW THEREFORE, BE IT RESOLVED that the Mayor of the City of Commerce, Texas, be authorized and he is hereby authorized to execute said Resolution;

BE IT RESOLVED, that the City Secretary be authorized and she is hereby authorized to attest to the signature of the Mayor to said Resolution;

BE IT FURTHER RESOLVED that the City Manager be authorized and he is hereby authorized to execute any and all instruments requisite in implementing said Resolution;

BE IT FURTHER RESOLVED that the City Secretary be authorized and she is hereby authorized to attest to the signature of the City Manager to any and all instruments requisite to implementing said Resolution.

PASSED BY THE GOVERNING BODY of the City Council of the City of Commerce, Texas, on the 19th day of November 2013.

ATTEST:


Marty Cunningham, City Secretary

CITY OF COMMERCE, TEXAS


John Ballotti, Mayor

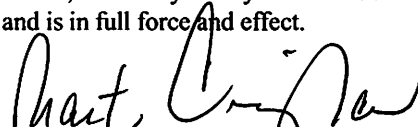
(seal)

APPROVED AS TO FORM:


Jay Garrett, City Attorney

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 resolution, and that the same has not been repealed and is in full force and effect.

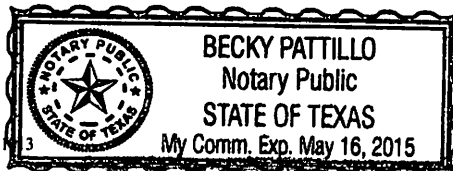
(seal)


Marty Cunningham, City Secretary
City of Commerce, Texas

Sworn to and subscribed before me, on this the 21st day of November, 2013, to certify which witness my hand and seal of office.

(seal)

LiveOak2102CondUse.11




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

33

S.H.S.

Property
Requesting
CUP

Notification
Area

R31374

R38671

R7586

R7586

R7586

27586

27586.

27586;

R75869
R75870

275871

275872

75873

75874

75875

R110246

R70439

R70441

R70442

R70435

R704K2

70437

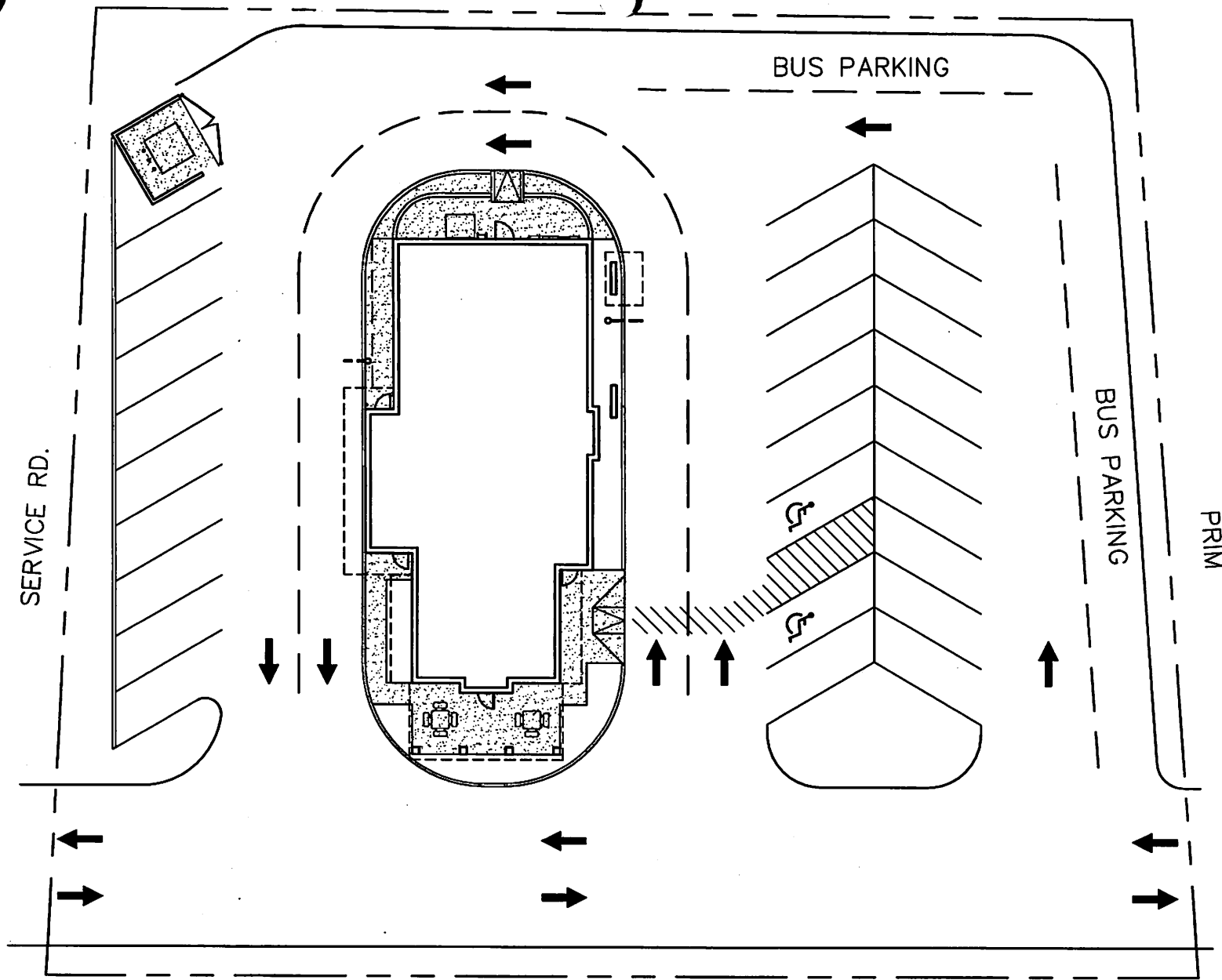
R70431

R70438

R70433

LIVE OAK ST.

231377



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PRELIMINARY SITE PLAN

