

RESOLUTION NO. 16 - 08

A RESOLUTION RELATING TO A CONDITIONAL USE PERMIT FOR PROPERTY LOCATED AT 907 MAIN STREET; 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 16TH day of February 2016, 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 personal property located at 907 Main Street, 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 January 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 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;

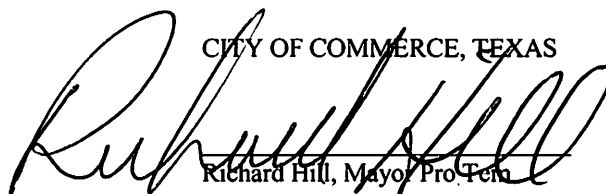
BE IT FURTHER RESOLVED that the City Manager be authorized and he is hereby authorized to execute any and all instruments requisite in implementing said Resolution;

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 16th day of February 2016.

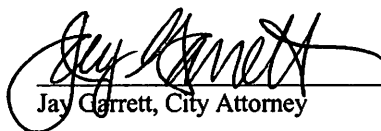
ATTEST:


Becky Pattillo, Acting City Secretary


CITY OF COMMERCE, TEXAS
Richard Hill, Mayor Pro Tem

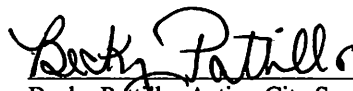
(seal)

APPROVED AS TO FORM:


Jay Garrett, City Attorney

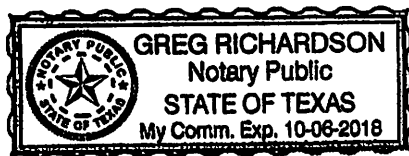
I, Becky Pattillo, Acting City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a resolution, and that the same has not been repealed and is in full force and effect.

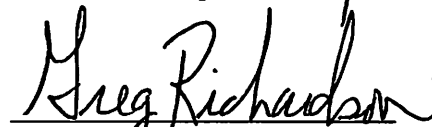
(seal)


Becky Pattillo, Acting City Secretary
City of Commerce, Texas

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

(seal)




Notary Public, State of Texas

			AG	R-1	R-16	R-10	R-7	A-1	A-2	NS	GB	CA	HC	I	PD	CD
TYPE USE			Agricultural District	Single-Family Dwelling District	Single-Family Dwelling District	Single-Family Dwelling District	Single-Family Dwelling District	Apartment Dwelling District	Apartment Dwelling District	Neighborhood Service District	General Business District	Central Area District	Heavy Commercial District	Industrial District	Planned Development District	Corridor District
u	Retail Stores & Shops Other Than Listed	(74)									*	*	*	*	*	S/D
v	Tool Rental										*	*	*	*	*	
w	Department Store, Novelty or Variety Shop															S/D
x	Electrical, Electronics, Home Appliances & Video															S/D
y	Gallery for the Display & Sale of Artworks															S/D
z	Market, Food															S/D
aa	Musical Instruments, including Pianos															S/D
10-211 RECREATIONAL, SOCIAL & ENTERTAINMENT USES																
a	Amusement, Commercial (Outdoor)	(75)									C	*	*	*	*	S/D
b	Amusement, Commercial (Indoor)	(76)									*	*	*	*	*	S/D
c	Carnival or Circus (Temporary)	(77)						BY SPECIAL APPROVAL OF THE CITY COMMISSION								
d	Country Club Private Membership	(78)	C	C	C	C	C	C	C			*	*	*	*	
e	Dance Hall or Night Club	(79)										*	*	C		S/D



Conditional/Special Use Application

1119 Alamo St.

Commerce, TX 75428

903-886-1101 (Office) 903-886-2851 (Fax)

Property Information

Property Address: 907 Main Street, Commerce Tx 75428

Legal Description: Subdivision S4380 ORIG TOWN OF Block 2A Lot 2
COMMERCE

Proposed Use Online Auction Present Use No Current Business

Applicant Information

Name: Mark Malloy

Address: 2515 Taylor Street State TX Zip 75428
Commerce

Phone Number (903) 274-5480

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) Mark Malloy

Applicant Signature Mark Malloy Date 11/28/2015

Owner Signature (if other than applicant) _____ Date _____

Permit (To be completed by the Planning Department)

A Conditional/Special Use Permit is hereby: Approved ☐ Disapproved ☐

Conditionally Approved ☐ (Conditions attached)

Planning and Zoning Commission took action on _____ 20____

Director of Community Development

Date

901 main St
On Line Auction House

4316

MINUTES

PLANNING AND ZONING COMMISSION

January 5, 2016—5:30pm

Members Present: Carolyn Trezvant, Henry Ross, Gary Thompson, Mike Roberts

Members Absent: Chairman Charles Elliot, Terry Harris

Others Present: Interim Director of Community Development Mike Wiblin, Community Development Office Manager/HR/Payroll Dianne Roberts, Mark Malloy

1. Call to Order.

Member Carolyn Trezvant called the meeting to order at 5:37 p.m.

2. Approval of Minutes

A motion was made by member Gary Thompson to approve the minutes from the May 5, 2015 Regular meeting, Member Henry Ross Seconded, Motion Passed.

3. Public hearing and consideration on a special use application for a property located at 907 Main Street (S4380 Original Town of Commerce Block 2A Lot 2) for use as an Online Auction House (Type Use (T) Retail Stores and Shops other than listed per Commerce Zoning Ordinance) within the Corridor District.

Member Carolyn Trezvant opened up the public hearing and requested a staff report from Interim Director of Community Development Mike Wiblin. Mr. Wiblin stated that a Mark Malloy had approached him at city hall inquiring about opening an online auction house at a building that he owns located at 907 Main Street. Mr. Wiblin explained that this location was in the corridor district, and was considered by ordinance as a use other than listed, that would require a conditional/special use permit in order to be opened there. Mark Malloy, the applicant, explained the purpose of the online auction house, stating that the building would only be open to the public one or two days a month for interested parties to view items that would be available for auction, at that time the actual auction would take place online by a licensed auction company. Items sold at the online auction would be available for pick up afterward, when Mr. Malloy would open the building up for the pick up of the items sold.

Mr. Wiblin pointed out to members that the building located at 907 Main Street was very suitable for this use as it has both front and side entrances and also a roll up style loading dock door.

There was no opposition or other public comment on the item.

Member Henry Ross made a motion to approve the conditional/special use application. Member Gary Thompson seconded, resulting in a unanimous vote.

4. Public hearing and consideration on a Special Use application for a property located on Culver Street (Unaddressed), A0675 Marler H (Hunt County), Tract 61-3, Acres 0.655, for use as a Mini-Warehouse Establishment in a General Business Zone.

Member Carolyn Trezvant opened up the public hearing and requested a staff report from Interim Director of Community Development Mike Wiblin. Mr. Wiblin explained that Hans Bawary had approached him with questions about what he would have to obtain from the city in order to develop a mini-warehouse establishment on an unaddressed property that he owns between Lulu's Burgers and a residential subdivision. Mr. Wiblin pointed out that the information he had on the development was very vague, and only included what he had heard from Mr. Bawary, which was it would be entirely fenced, with a structure at the front that would resemble a house to be used as an office. Questions arose from both public and commission members about the size of the lot, a creek that runs thru the lot, and utilities that ran behind the structures on the residential subdivision side of the property. Mr. Wiblin stated that he was unsure if any defined easements ran behind the structures in the subdivision, and a speaker from the public inquired on how the development would affect their access into the rear yards of their property. Mr. Wiblin stated if there were any easements in place, in most cases they would have to be large enough to allow for passage of service trucks to gain access to their utilities inside of the easement. Member Carolyn Tezvant inquired if the property was inside of the flood plain, and Mr. Wiblin explained that according to the maps put out by FEMA that the property was not in the flood plain. Drainage issues were still a matter of concern for residents of the subdivision, and also the size and design of the facility.

Member Carolyn Trezvant made a statement and motion that this item be tabled until further information could be obtained from the property owner, and possibly the utilities that run behind the structures on the adjoining subdivision. Member Henry Ross agreed and seconded the motion which resulted in a unanimous vote.

5. Other Business.

None

6. Adjourn.

Member Gary Thompson made a motion to adjourn the meeting, Member Henry Ross Seconded at 6:12 p.m.

Chairman Charles Elliot

Mike Wiblin, Interim Director of Community Development

Date