

RESOLUTION NO. 19 - 22

A RESOLUTION OF THE CITY OF COMMERCE, TEXAS, RELATING TO AUTHORIZING THE APPROVAL OF A REPLAT AT 2927 MONROE; GRANTING AUTHORITY TO THE MAYOR TO EXECUTE SAID RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE MAYOR'S SIGNATURE TO SAID RESOLUTION; AND, AUTHORIZING THE CITY MANAGER TO EXECUTE ANY AND ALL OTHER INSTRUMENTS REQUISITE IN IMPLEMENTING SAID RESOLUTION AND AUTHORIZING CITY SECRETARY TO AUTHENTICATE CITY MANAGER'S SIGNATURE.

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 April 2019, at 6:00 p.m.; a majority of council members being present and constituting a quorum, the following resolution was adopted:

WHEREAS, an application, attached hereto and marked exhibit "A", has been submitted Robert Draughn, Draughn Properties, LTD., requesting the approval of a replat to combine A0118 Barton W (Hunt County), Tract 15, Acres 4.033, S2812 Draughn Addition, Block 1, Lot 2A, Acres 2.735, S2812 Draughn Addition, Block 1, Lot 2, Acres 0.658, and A0118 Barton W (Hunt County), Tract 15-1, Acres 1.854 into Lot 2, Block 1, Draughn Addition, an Addition to the City of Commerce, Hunt County, Texas, 9.385 acres, W. Barton Survey, A-118, known as 2927 Monroe Street;

WHEREAS, the notice pursuant to Section 2.6 of the Subdivision Ordinance of the Code of Ordinances of the City of Commerce, Texas, has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the Planning and Zoning Commission of the City of Commerce, Texas, conducted a public hearing on the 9th day of April 2019, at 5:30 p.m. in accordance with Section 2.6 of the Subdivision Ordinance of the Code of Ordinances of the City of Commerce, Texas;

WHEREAS, after conducting a public hearing on said replat 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 the replat, the Planning and Zoning Commission unanimously voted to recommend approval of the replat 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 Subdivision Ordinance of the City of Commerce, Texas, relative to the approval of replats, deems it in the best interest and general welfare of the City of Commerce, Texas, that said replat should be authorized for said property.

THEREFORE, BE IT RESOLVED, that the Mayor of the City of Commerce, Texas, authorize this replat and be authorized and he is hereby authorized to execute this resolution;

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 resolution;

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

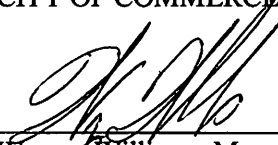
BE IF FURTHER RESOLVED, that the City Secretary be authorized, and she is hereby authorized to attest to the signature of the City Manager to any and all instruments requisite in implementing this resolution;

PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 16th day of April 2019.

ATTEST:

CITY OF COMMERCE, TEXAS


Molly Jacobsen, City Secretary


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

(Seal)


Molly Jacobsen, City Secretary
City of Commerce, Texas



Plat/Replat Application

"Exhibit A"

Project Name: Dravghu Properties

Location Information

Address: see attached tax receipt

Survey Name/Abstract No./Subdivision Name:

Lot, Block: _____ Addition Name: _____

Number of Acres: _____ Number of Lots: _____

Geographic ID Number R- _____ R- _____

Geographic ID Number R- _____ R- _____

Submittal Type

- | | | |
|---|---|--|
| ☐ Amending Plat | ☐ Minor Replat – Non-Residential | ☐ Plat Final |
| ☐ Development Plat | ☐ Minor Replat – Residential | ☐ Replat Preliminary |
| ☐ Minor Plat | ☐ Plat Preliminary | ☒ Replat Final |

Owner/Application Information

Owner Name: Robert Dravghu Applicant Name: _____

Company: Dravghu Properties Ltd Company: _____

Address: 2927 Monroe Address: _____

City, State, Zip: Commerce TX 75428 City, State, Zip: _____

Phone: 903-456-2219 Phone: _____

Email: robertdravghu@yahoo.com Email: _____

- ☒ I will represent the application myself; or
- ☐ I hereby designate _____ (applicant above) to act as my agent for submittal, processing, representation, and/or presentation of this application. The designee shall be the primary contact person for this application.

I hereby certify that I am the owner of the property and certify that the information provided within this application is true and correct. By signing below, I agree that the City of Commerce is authorized and permitted to provide information contained within this application, including email address, to the public and in response to a Public Information Request.

Owner Signature: Robert Dravghu Date: 3/1/19

Pd \$266.00 3/1/19 Check 2366



MINUTES

Planning and Zoning Commission

April 9, 2019 - 5:30 p.m.

Commerce City Hall

1119 Alamo Street, Commerce, TX 75428

"Exhibit B"

Members Present: Jonathan Myers, Terry Harris, Thomas Deaton, Michelle Martinez, Gary Thompson
Carolyn Trezevant, Henry Ross

City Staff Present: City Manager Darrek Ferrell, Anna Holt, Tequila Johnson

Others Present: Jean Klaus, Stephanie Davies, Mack Doster, Lew Squires, Maria Vargas, Nick Woodall, Robert Draughn, Lanae Smith, Joy Smith, Keith McFarland, Karen Starks, Janet Skauge, Jody Todd, Tom Selvaggi, Joy Smith, Rich Lawrence, Bob Clark, Jenna Hill

1. Call to Order:

In the absence of Chairwoman Trezevant, Member Martinez chaired the meeting and called the meeting to order at 5:36 p.m.

2. Consideration of a Motion Approving Minutes from the March 26, 2019, Meeting:

Member Deaton made a motion approving the minutes seconded by Member Myers, and the vote carried unanimously.

3. Public Hearing and Consideration of a Request by Nick Woodall, Pangea Real Estate, LLC., for Approval of a Replat to Combine the Properties Known as 1913 Pecan Street, Commerce, Texas 75428, Property ID: 70123, Legal Description: S4380 Original Town of Commerce, Block 64, Lot 16A, Acres .1435 and Property ID: 70124, Legal Description: S4380 Original Town of Commerce, Block 64, Lot 16B, Acres .1377:

City Manager Ferrell stated that the item was a consolidation of two lots requested by Mr. Woodall to build his mini-dorms which is the reason for the replat. There is no zoning change - only a replat combining the two lots into one lot. The plan was presented to the Board of Adjustment last night because a variance was needed. City Manager Ferrell stated that City Staff views the proposed plan as a single-family project because despite the fact they function as a multi-family unit, by the City's definition, a dwelling unit must have a place for food preparation and sleeping quarters. These share a single kitchen, so with one food preparation space, by definition, there can only be one unit. What the Planning and Zoning Commission is considering is only the combination of the two lots. The only reason why the Board of Adjustment part is relevant is because their approval of the variance is contingent on the approval of the replat. City Manager Ferrell continued for a single-family structure the code requires 7,000 square feet of lot area. Neither of the lots by themselves are 7,000 square feet. On that basis, understanding that there is single-family in the area and a single-family couldn't be built on either of the two lots in today's code, City Staff recommends the members recommend approval of the replat, so the mini-dorms can be built, and what was approved at the Board of Adjustment was for two mini-dorms to be built. City Manager Ferrell stated that when the lots are combined, the lot area comes to about 12,190 square feet, and the needed lot area is 14,000 square feet for the two single-family structures. City Manager Ferrell explained that if they were viewed as multi-family, Mr. Woodall would need more parking, but he would only need 12,000 square feet of lot area. On that basis, the Board of Adjustment decided to approve the requested variance contingent on the approval of the replat. City Manager Ferrell reiterated that the request before the members is to approve a replat combining the two lots into one lot.

Member Martinez opened the public hearing at 5:43, and there being no public comment, closed the public hearing at 5:44 p.m.

Member Deaton made a motion to recommend approval of the replat seconded by Member Myers, and the vote carried unanimously.

4. **Public Hearing and Consideration of a Request by Robert Draughn, Draughn Properties, LTD., for Approval of a Replat of Lot 2, Block 1, Draughn Addition, an Addition to the City of Commerce, Hunt County, Texas, 9.285 Acres, W. Barton Survey, A-118, to Combine the Property Known as 2927 Monroe Street, Commerce, Texas 75428, Property ID: 37926, Legal Description: A0118 Barton W (Hunt County), Tract 15, Acres 4.033, Property ID: 119878, Legal Description: S2812 Draughn Addition, Block 1, Lot 2A, Acres 2.735, Property ID: 106543, Legal Description: S2812 Draughn Addition, Block 1, Lot 2, Acres .658, Property ID: 37927, Legal Description: A0118 Barton W (Hunt County), Tract 15-1, Acres 1.854, A2 Apartment Dwelling District:**

City Manager Ferrell stated that the request is to replat and combine several lots into one lot, and City Staff recommends approval. The reason for the request is there is a plan to build some additional facilities along the northern part of the subject property, but the intent is to use the existing driveway that is on another parcel. It creates the possibility that the lot with the additional facilities could be very easily sold off without access to the property, so the City asked the property owner to replat two parcels of land together, and the property owner decided to replat and combine all four lots into one lot.

Member Martinez opened the public hearing at 5:47 p.m., and the public hearing closed at 5:47 p.m. with no public comment.

Member Thompson made a motion to recommend approval of the replat seconded by Member Deaton, and the vote carried unanimously.

5. **Consideration and Recommendation on a Request by Rijan Bajracharya for Approval of a Preliminary Plat for Five Wonders Addition Being a 2.837-Acre Tract of Land Identified as A0350 Garner D, Tract 18-3, David Garner Survey, Abstract No. 350, City of Commerce, Hunt County, Texas, Located Between FM 3218 and Harlow Drive, Conditional on the Approval of a Change in Zoning from R10 Single Family Dwelling District to Planned Development District:**

City Manager Ferrell stated this item is the consideration of the division of property associated with a preliminary plat with the intent to divide the tract of land into nine lots for residential homes. The entrance to the subdivision would be off Harlow Drive with FM 3218 moving behind it. Some of the nine lots are roughly a quarter acre, and some are up to about a third of an acre. City Manager Ferrell indicated the preliminary plan includes screening along FM 3218 which is required to be between 6' and 8'. The members were provided with a rendering of what the screening would look like. There will also be street lighting as shown on the public improvement plans submitted with the preliminary plat. City Manager Ferrell stated that one of the things that Hayter Engineering noted in their review of the project for the City, Item 14 of their report requires a swale to be graded on the south side of the subdivision to prevent storm water from entering onto the neighboring land. This will divert the water to the inlet at the southwest corner of the property. A swale is a grassy ditch that is meant to facilitate the movement of water across the grass, and the swale doesn't need to be any deeper than about 1'. City Manager Ferrell stated that the reason for the preliminary stage is to be able to address all the needs; and then, the developer will come back with revisions for final approval during the final plat stage.

Member Martinez asked the City Manager to clarify what the conditional approval item was. City Manager Ferrell stated that there were six conditions on which the members could conditionally approve the preliminary plat - a change in zoning from R10 Single-Family Dwelling District to Planned Development District; public improvement construction plans are to be revised in accordance with the Hayter Engineering review dated March 26, 2019; public improvement construction plans are to be approved by Hayter Engineering; written procurement of telephone and cable improvements; submission of a schedule of initiation and completion; and, execution of subdivision improvement agreement for public improvements between the developer and the City of Commerce.

Member Martinez asked if the Planned Development District would remain single-family only. City Manager Ferrell stated that is would, and without a future rezone, it couldn't be used for anything else. Member Deaton was concerned about changing the setbacks as that would be moving the houses closer together. Lew Squires, the property owner's contractor, stated that the houses would be centered on the lots, and the proposed setback

changes are from the street and not the sides. Member Deaton asked the proposed house sizes. Mr. Squires stated that the houses would range from 2,200 to 2,700 square feet. Member Deaton stated that he was concerned that the proposed houses could possibly reduce the value of his Creekview home which he indicated has also been the concern of many of his other neighbors. Member Deaton stated that he would like to see the property developed but felt that seven lots would be better than the nine. Mr. Squires said he could speak to the property owner, but with the cost of the infrastructure, the nine lots are needed to keep the cost reasonable. Member Deaton asked what the anticipated sale price of the homes would be, and Mr. Squires thought they would be around \$260,000 to \$290,000.

Member Harris asked if the contractor had considered doing something that didn't require so much expenditure on infrastructure. Mr. Squires stated that the layout required the proposed infrastructure. Member Martinez asked the City Manager if the layout was reconfigured, would as much infrastructure be needed. City Manager Ferrell responded that if the layout was similar, but just with larger lots, the same amount of infrastructure would be needed, but with less connections. Member Myers asked if the cul-de-sac was required, and Mr. Squires stated that TxDOT wouldn't allow an entrance of off FM 3218. Member Deaton stated that the community needs housing but has concerns on the impact to surrounding properties. City Manager Ferrell stated that the proposed Planned Development District associated with the preliminary plat sets out a total lot area coverage of 30% which is the same in R10. Taking the largest proposed house of 2,700 square feet with smallest proposed lot, the house would be within the 30% requirement.

Member Martinez opened the public hearing at 6:17 p.m.

Lanae Smith spoke against the preliminary plat saying she lives across the street and objects to nine houses and has concerns about traffic and getting Time Warner Cable to be available across the street, and the surrounding neighborhoods should be considered.

Joy Smith of 409 E. Sterling Hart Drive gave a history of the property when owned by Mr. Biggerstaff, expressed concerns about drainage, and asked that the City take existing residents into consideration.

Keith McFarland of 2010 Creekview Drive had concerns about land draining down into the creek behind Creekview Drive and was opposed to the preliminary plat based on insufficient capacity to handle the drainage.

Karen Starks expressed concerns about the drainage ditch behind her home, and the capacity for it to carry water.

Janet Skaug asked if the Planned Development District would change R10 across the City to which City Manager Ferrell stated that it would not - the Planned Development District would only affect the subject property.

Jody Todd express concern about trying to turn on to FM 3218 being even more difficult with the screening that would be part of the development, and mowing existing drainage is rare.

Tom Selvaggi asked if the homes would be single-story or two-story, and Mr. Squires responded that the houses would be single-story. He asked if the streets would be wide enough for emergency vehicles, and City Manager Ferrell stated that the City's codes set requirements for street widths, and the street would be wide enough.

Joy Smith stated that Sterling Hart Drive would have to be redone to accommodate subdivision.

Rich Lawrence was concerned about drainage and insufficient drainage infrastructure for existing development.

Lanae Smith showed pictures of drainage issues that are believed to be a result of the church being built nearby.

Bob Clark requested the developer to consider fewer houses on fewer lots and would like homes to be compatible with existing neighborhoods.

The public hearing closed at 6:34 p.m.

Member Martinez stated that she heard repeatedly during the public hearing the issues about water and understood that the City Manager had addressed that during the presentation about the infrastructure and what the developer would have to do, but would the infrastructure alleviate some of the issues that are now occurring. City Manager prefaced his response stating that he isn't an engineer, but what he could say is that what had been discussed is moving the water across the subject property into the existing infrastructure. The water and drainage generated by the proposed development would be addressed as apart of the approval process, but not the drainage or water issues in other areas.

Member Deaton asked if the City had any plan to deal with the existing drainage issues. City Manager Ferrell stated that the City does have a study by Hayter Engineer that created a list of projects that should be done to improve drainage. Funding the drainage projects has been an issue. City Manager Ferrell indicated the City would be pursuing a number of alternatives to secure funding for the needed drainage.

Member Harris stated that he thought it was a beautiful plan, but it looks like it may be an over development of that small of a tract of land, and that would be the reason for the Planned Development District instead of being able to conform to the current R10 zoning.

Member Myers made a motion to recommend denial of the preliminary plat seconded by Member Harris, and the vote carried unanimously.

6. Public Hearing and Consideration of a Request by Rijan Bajracharya for a Change in Zoning from R10 Single Family Dwelling District to Planned Development District for the Property Known as Property ID: 105664, Legal Description A0350 Garner D, Tract 18-3, Acres 2.837:

City Manager Ferrell gave a review of the Planned Development District zoning change request stating that City Staff had taken the R10 zoning and modified it for the Planned Development District to accommodate the preliminary plat. Initially, City Staff would have recommended approval, but since the preliminary plat had received a denial recommendation, City staff does not recommend approval at this point.

Member Martinez opened the public hearing at 7:00 p.m.

Jenna Hill requested denial of the Planned Development District.

Lanae Smith expressed concerns about future development complying and asked why the City Attorney was involved, and the City Manager responded that the City Attorney was involved to ensure City Staff understands the process since the subdivision process is cumbersome and making sure the Subdivision Ordinance is followed to the letter and the correct process.

Joy Smith requested the Planning & Zoning Commission not change the zoning.

The public hearing closed at 7:05 p.m.

Member Harris made a motion to recommend denial of the request for a change in zoning seconded by Member Myers, and the vote carried unanimously.

7. Adjourn:

Member Deaton made a motion to adjourn seconded by Member Harris, and the vote carried unanimously. The meeting adjourned at 7:06 p.m.

Carolyn Trezevant 
Chairwoman Carolyn Trezevant

on behalf of Anna Holt 
Anna M. Holt, Development Specialist

6/25/19
Date