

RESOLUTION NO. 19 - 34

A RESOLUTION OF THE CITY OF COMMERCE, TEXAS, RELATING TO AUTHORIZING THE APPROVAL OF A REPLAT AT 1912 JACKSON STREET; 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 July 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 by James Hudson, Hudson 2 LLC., requesting the approval of a replat to combine Lot 7B (S ½ 7-8) of Block 19 of the College Heights Addition of Commerce into Lot 1, Block 19, Hudson Addition, 0.364 Acres, J. Milsap Survey, Abstract 781, Hunt County Texas, known as 1912 Jackson 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 25th day of June 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, approves this replat at 1912 Jackson 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;

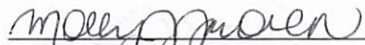
BE IT FURTHER RESOLVED, that the City Manager be authorized, and he is hereby authorized to execute the agreement and any and all instruments requisite in implementing said resolution;

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 July, 2019.

ATTEST:

CITY OF COMMERCE, TEXAS


Molly Jacobsen, City Secretary


Wyman Williams, Mayor

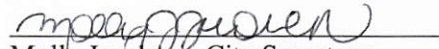
(Seal)

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

"Exhibit A"



Plat/Replat Application

City of Commerce
Community Development Department

Project Name: Replat of Part of Block 19 The Hudson Addition

Location Information

Address: 1912 Jackson

Survey Name/Abstract No./Subdivision Name: The Hudson Addition / College Heights

Lot, Block: Lot 1, Blk 19

Addition Name: The Hudson Addition

Number of Acres: 0.364

Number of Lots: 1

Geographic ID Number R- 113281

R- 41784

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: JAMES HUDSON

Applicant Name: Brian Toole

Company: HUDSON 2 LLC

Company: Stovall + Associates

Address: 3225 Turtle Creek Blvd

Address: _____

City, State, Zip: DALLAS, TX 75219 #80%

City, State, Zip: Greenville, TX, 75403

Phone: 972 965-5071

Phone: 903-450-1120

Email: JHUDSON@TURTLECREEK INVESTMENTS.COM

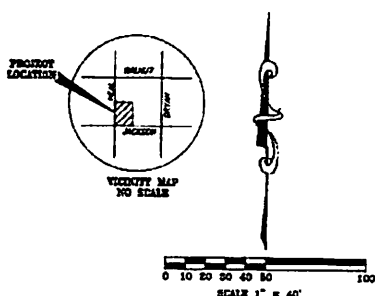
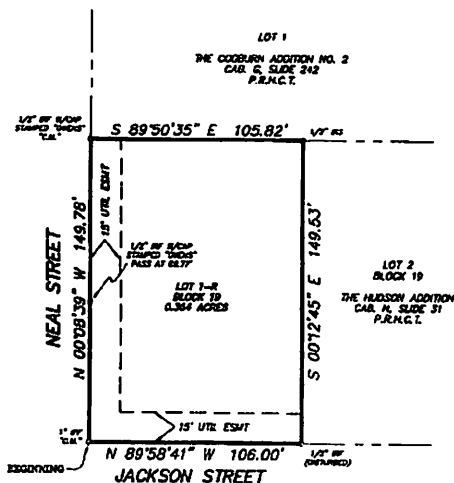
Email: btoole@stovallassociates.com

- ☐ 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: J. Hudson

Date: 4.24.19



I, Bobby W. Stovall, Registered Professional Land Surveyor, State of Texas, do certify that the plat herein was made from measurements performed upon the ground, the lines and dimensions of said property being indicated by plat, the corner monuments shown herein were set or found as described, and is a true survey to the best of my knowledge and belief.

Bobby W. Stovall, R.P.L.S. No. 3703



NOTES

- 1) DRAWING SOURCE: WEST LINE OF BLOCK 6 PER PLAT VOL. 183, PG. 33 D.B.C.T.
- 2) ALL IRON RODS SET ARE CAPPED WITH PLASTIC CAPS STAMPED "STOVALL & ASSOC."
- 3) "C.M." = CONTROL MONUMENT

CERTIFICATE OF APPROVAL

APPROVED BY: Planning and Zoning Commission, City of Commerce, Texas

Chairperson _____ Date _____

APPROVED BY: City Manager, City of Commerce, Texas.

City Manager _____ Date _____

Attest: City Secretary, City of Commerce, Texas

City Secretary _____ Date _____

OWNERS CERTIFICATE

WHEREAS, Hudson 2 LLC, is the owner of a tract of land situated in the City of Commerce, Hunt County, Texas, and being more particularly described as follows:

All that certain lot, tract or parcel of land situated in the J. Milsap Survey, Abstract No. 781, City of Commerce, Hunt County, Texas, and being part of Lot 7 and part of Lot 8, Block 18 of the College Heights Addition, an Addition to the City of Commerce, Hunt County, Texas, and being known as Lot 1, Block 18 of The Hudson Addition, an Addition to the City of Commerce, according to the Plat thereof recorded in Cabinet G, Slide 21 of the Plat Records of Hunt County, Texas, and being more particularly described as follows:

BEGINNING at a 1" iron pipe found for corner at the intersection of the North line of Jackson Street with the East line of Neal Street, said point also being the Southwest corner of the above cited Lot 7;

THENCE N. 00 deg. 03 min. 39 sec. W. with the East line of Neal Street, passing a 1/2" iron rod with cap stamped "OWNERS" found at the Southwest corner of the above cited Lot 1 at a distance of 66.77 feet, and continuing with the East line of Neal Street for a total distance of 149.76 feet to a 1/2" iron rod with cap stamped "OWNERS" found for corner at the Southwest corner of Lot 1, Block 18 of The Hudson Addition No. 2, an Addition to the City of Commerce, according to the Plat thereof recorded in Cabinet G, Slide 242 of the Plat Records of Hunt County, Texas, said point also being the Northwest corner of said Lot 1;

THENCE S. 00 deg. 00 min. 35 sec. E. with the South line of The Cogburn Addition No. 2 a distance of 100.62 feet to a 1/2" iron rod with plastic cap stamped "STOVALL & ASSOC." set for corner at the Northeast corner of said Lot 1, said point also being the Northwest corner of Lot 2;

THENCE S. 00 deg. 12 min. 45 sec. E. with the East line of Lot 1 and the West line of the above cited Lot 5 and the West line of Lot 5 for a total distance of 149.53 feet to a 1/2" iron rod found (disturbed) for corner in the North line of Jackson Street at the Southeast corner of said Lot 5, said point also being the Southwest corner of Lot 2;

THENCE N. 00 deg. 00 min. 41 sec. W. with the North line of Jackson Street a distance of 100.00 feet to the POINT OF BEGINNING and containing 0.364 acres of land.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT Hudson 2 LLC, does hereby adopt this plat designating the hereinabove described property as REPLAT OF PART OF BLOCK 18, THE HUDSON ADDITION, an Addition to the City of Commerce, Hunt County, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets and alleys shown thereon. The streets and alleys are dedicated for street purposes. The easements and public use areas, as shown are dedicated, for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs or other improvements or growths shall be constructed or placed upon, over or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Commerce. In addition, utility easements may also be used for the rational use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Commerce's use thereof. The City of Commerce and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Commerce and public utility entities shall at times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all parts of their respective systems without the necessity at any time procuring permission from anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Commerce, Texas.

WITNESS, my hand, this the _____ day of _____ 20__

BY:

[Signature]
Name

[Signature]
Owner

STATE OF TEXAS
COUNTY OF Hunt

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Bobby W. Stovall, whose name is subscribed to the foregoing instrument, and he acknowledged same for the purposes and considerations therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 15th day of May, 2019.

[Signature]
Notary Public



REPLAT OF PART OF BLOCK 19
THE HUDSON ADDITION
BEING A REPLAT OF LOT 1, BLOCK 19
THE HUDSON ADDITION
AND PART OF LOT 7 & LOT 8, BLOCK 19
COLLEGE HEIGHTS ADDITION
AN ADDITION TO THE CITY OF COMMERCE
HUNT COUNTY TEXAS
0.364 ACRES
J. MILSAP SURVEY, A-781
APRIL, 2019
ZONED: A-2

OWNER: HUDSON 2 LLC
2825 FORTUNE CREEK BLVD
DALLAS, TX. 75219

STOVALL & ASSOCIATES				L.S. 3703			
L.S. 3703				L.S. 3703			
DATE	OWNER	PROJECT	SCALE	DATE	OWNER	PROJECT	SCALE
04/15/19	HUDSON 2 LLC	REPLAT OF LOT 1, BLOCK 19, THE HUDSON ADDITION AND PART OF LOT 7 & LOT 8, BLOCK 19, COLLEGE HEIGHTS ADDITION	1" = 40'	04/15/19	HUDSON 2 LLC	REPLAT OF LOT 1, BLOCK 19, THE HUDSON ADDITION AND PART OF LOT 7 & LOT 8, BLOCK 19, COLLEGE HEIGHTS ADDITION	1" = 40'
P.O. BOX 202 • GREENWALL, TEXAS 75043 • PHONE (817) 430-1120 FAX (817) 430-1119 • bob@stovallandassociates.com							

"Exhibit B"



MINUTES

Planning and Zoning Commission

June 25, 2019 - 5:30 p.m.

Commerce City Hall

1119 Alamo Street, Commerce, TX 75428

Members Present:	Carolyn Trezevant, Terry Harris, Thomas Deaton, Michelle Martinez, Henry Ross
Members Absent:	Gary Thompson, Jonathan Myers
City Staff Present:	Assistant City Manager Carrie Jones, Jon Harper
Others Present:	Chelsea Hinton, Kristina Castro, Michelle Lawson, Jill Hinton, Kalli Williams, Imani Gaffen, John Sands

- 1. Call to Order:**
Chairwoman Trezevant called the meeting to order at 5:33pm.
- 2. Consideration of a Motion Approving Minutes from the April 9, 2019, Meeting:**
Member Ross made a motion approving the minutes. Seconded by Member Martinez the vote carried unanimously.
- 3. Public Hearing and Consideration of a Request by James Hudson, Hudson 2, LLC., for Approval of a Replat of Part of Block 19 The Hudson Addition Being a Replat of Lot 1, Block 19 The Hudson Addition and Part of Lot 7 & Lot 8, Block 19 an Addition to the City of Commerce Hunt County Texas, 0.364 Acres J. Milsap Survey, A-781, to combine the properties known as 1912 Jackson Street and 2406 West Neal Street Commerce, Texas 75428, Property ID: 113281, Legal Description: S2520 COLLEGE HEIGHTS ADDITION BLK 19 LOT 7B (S 1/2 7-8) ACRES .1703 Property ID: 41784, Legal Description: S3574 HUDSON ADDITION (REPLAT OF COLLEGE HEIGHTS) BLK 19 LOT 1 ACRES .194, A-2 Apartment Dwelling District.**
Assistant City Manager Jones states that Mr. Hudson has complied with all requirements for the replat. City Staff sent out 16 notices in the mail with zero responses. City Staff recommends approval. Member Deaton asks about the house on the property and Assistant City Manager Jones states that the house has been removed from the property. Chairwoman Trezevant asks what he plans on building. Assistant City Manager Jones responds with Two-Story Apartment building. Member Harris asks which way the building is going to face. Mr. Harper states they will face towards Neal St./ Campus.

At 5:40 pm, Chairwoman Trezevant opens the public hearing, and public hearing closed at 5:41pm with no public comment.

Member Ross made motion to recommend approval of the replat. Seconded by Member Martinez the vote carried unanimously.
- 4. Public Hearing and Consideration of a Conditional Use Permit to Allow Tattoo and/ or Body Piercing Parlor for the Property located at 1205 Alamo Street Commerce, Texas 75428. Property ID 54272, Legal Description: S4380 ORIG TOWN OF COMMERCE BLK 10 LOT 7,8A ACRES .145, Corridor District.**
Assistant City Manager Jones states that the booth will be located at Hair on the Square by Kristie. City Staff is still missing a site plan from the Applicant. Tattoo Parlors are regulated by the State of Texas, and full separation from the beauty salon is required for a sterile environment. 29 notices have been sent out to property owners with zero responses. Because the property is in the Corridor District, a Conditional Use Permit is required. S/D does not have

a definition in Sec.10.- Use and Land Buildings, City uses S/D as conditional use permit for anything in the Corridor District. Member Martinez asks if this will go along with the City's plan for the Corridor District. Assistant City Manager Jones states that the City will defer to the Commission's recommendation because this is the first request of this nature in the main downtown area of the Corridor District. Due to the fact we have other establishments that go along the same lines, this kind of business wouldn't be unusual for this area.

At 5:46 pm, Chairwoman Trezevant opens the public hearing. Member Ross asks what the plan would be to separate the hair salon from the tattoo business to remain sterile. Chairwoman Trezevant indicates that she took a tour of the property earlier in the day by Kristie, owner of the hair salon, and confirms that it is a separate room from the hair salon. Chelsea Hinton submits copies of a drawing of the floor plan to the commission. Member Harris indicates that multiple businesses will be operated in one building. Member Deaton points out that to get back to the booth would have to walk down the hallway, through the wax room, and into a bathroom to get into the business. Member Harris asks if people would have to go through the bathroom to get into the tattoo place. Ms. Castro says that there are two restrooms in the building, and right before Chelsea's area that restroom is used for cleaning implements for the hair salon and is not being used as a restroom.

Member Deaton asks what is being asked for is a tattoo/ or body piercing parlor. Ms. Hinton states that the only reason it must be labeled as a tattoo parlor is because the application, she needs for her state license that she can't get without approval from the commission and written documentation that she is complying for a tattoo studio license. She is giving tattoos for eyeliner, eyebrows, and lip color and everything else is the main reason it is considered a tattoo studio. Member Deaton, states that he is mindful that we have 11,000 students here and asks if Chelsea has done any kind of collecting marketing information to see if the business will be feasible. Kristie Castro states that there is a demand for microblading and permanent makeup, and Chelsea has plans to work with breast cancer survivors because Chelsea can also do areola recreation for them. Kristie says that there are a lot of people wanting those services, because there are no services like that around here. Students would benefit as well. Member Harris asks it won't be marketed as a typical tattoo studio? Chelsea replied no. Kristie states it will be marketed as permanent cosmetics.

Member Martinez states that the property owner has signed for the conditional use application, and the only reason Chelsea is waiting for the license is based off the Commission's recommendation and City Council's approval. Chelsea states that there is a required document for zoning code and compliance verification. Member Harris asks if she would be part of the hair salon. Chelsea replies that she is renting a booth from Kristie. Chairwoman Trezevant clarifies that she is renting a room from Kristie. Member Ross asks Chelsea along with her knowledge of microblading, if she has had any instances of anyone having allergic reactions to anything and if she is trained in first aid or CPR? Chelsea states that there are instances that the brand she uses, Bio-Touch, have not had any incidents with allergic reactions if you stick with that brand. She did receive training on what to do in case of emergency. Chairwoman Trezevant asks, since it is a separate room, is it safe to assume it meets State requirements. Assistant City Manager Jones states if there is complete separation the state will come in prior to opening and do an inspection.

Michelle Lawson says the more business we have downtown the diversity, the variety, we are looking at more growth in a positive direction. Kristie's salon has been very good for downtown for a long time and has brought more foot traffic downtown. John keeps the building in top notch shape. Member Harris asks Michelle Lawson is for it. Absolutely for it. Yes.

Chairwoman Trezevant closed the public hearing at 5:56pm, with only public support and no opposition.

Member Ross made a motion to approve the conditional use permit. Seconded by Member Deaton, the vote carried unanimously.

5. Adjourn:

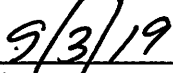
Chairwoman Trezevant made a motion to adjourn. Seconded by Member Harris, the vote carried unanimously. The meeting adjourned at 5:57 p.m.



Chairwoman Carolyn Trezevant



Jon Harper, Development Specialist



Date