

RESOLUTION NO. 19- 42

A RESOLUTION OF THE CITY OF COMMERCE, TEXAS, RELATING TO AUTHORIZING THE APPROVAL OF A REPLAT AT 2505 WASHINGTON; 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 17th day of September 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 Bill Aslan, requesting the approval of a replat to Divide Lots 16-18 of Block 2 of the Cowan S.C. Addition of Commerce into Lot 16R, 0.479 acres, and Lot 17R, 0.478 acres, Block 2, S.C. Cowan Addition, Hunt County Texas, known as 2505 Washington Street and 2507 Washington 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 3rd day of September 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 2505 Washington 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;

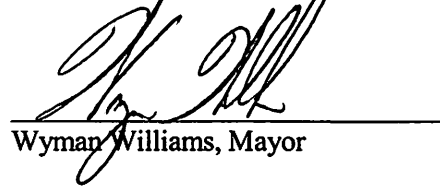
PASSED BY THE GOVERNING BODY of the City of Commerce, Texas, at a regular meeting of the City Council of the City of Commerce, Texas, on the 17th day of September, 2019.

ATTEST:

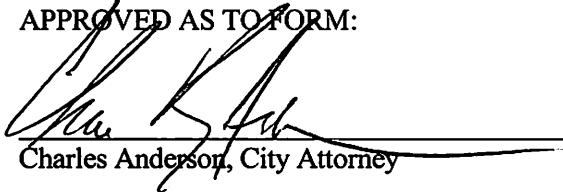

Molly Jacobsen, City Secretary

(Seal)

CITY OF COMMERCE, TEXAS

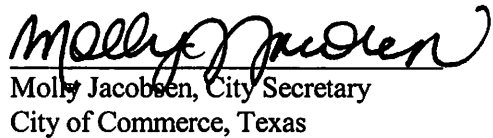

Wyman Williams, Mayor

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

City of Commerce

Community Development Department

Project Name: Bill Aslan

Location Information

Address: 2507
2505-07 Washington

Survey Name/Abstract No./Subdivision Name:

Lot, Block:

Number of Acres:

Geographic ID Number R- 2605-0020-0160-31

Geographic ID Number R-

Addition Name: S 2605 COWAN SC Addition

Number of Lots:

Ref ID2: R 42758 Map ID 1B-Commerce

Submittal Type

- ☐ Amending Plat
☐ Development Plat

- ☐ Non-Residential Replat
☒ Residential Replat

- ☐ Preliminary Plat
☐ Final Plat

- ☐ Preliminary Replat
☐ Final Replat

Owner/Application Information

Owner Name: Bill Aslan

Company:

Address: 109 Oak Ln

City, State, Zip: Commerce, TX 75428

Phone: 903 450 7757

Email: Bill.Aslan@tamuc.edu

Applicant Name: Phillip Cross
(Contractor)
Company:

Address: 2819 Birchwood Ln

City, State, Zip: Commerce, TX 75428

Phone:

Email:

☐ I will represent the application myself; or

☒ I hereby designate Phillip Cross (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: [Signature]

Date: 7/22/19



MINUTES

Planning and Zoning Commission

September 3, 2019 - 5:30 p.m.

Commerce City Hall

1119 Alamo Street, Commerce, TX 75428

"Exhibit B"

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, Assistant City Secretary Becky Pattillo, City Manager Darrek Ferrell, Jon Harper
Others Present: Jace Larsen, Ram Bolisetty, Bill Aslan, Phillip Cross, Connie Taylor, Donna Robnett, Luann Huffman, Kenneth Wies, Stephanie Muller, Jean Klaus

1. Call to Order:

Chairwoman Trezevant called the meeting to order at 5:30 p.m.

2. Swearing in of Newly Appointed Board Members:

Assistant City Secretary Becky Pattillo swore in Member Terry Harris at 5:31 p.m.

3. Consideration of a Motion Approving Minutes from the June 25, 2019, Meeting:

Member Deaton made a motion approving the minutes. Seconded by Member Martinez the vote carried unanimously at 5:32 p.m.

4. Public Hearing and Consideration of a Request by Rebecca Larsen for a Change in Zoning from A-2 Apartment Dwelling District to GB General Business District for Property ID: 37630, Legal Description: A1140 WILLIAMS J, TRACT 36, ACRES .55, known as 210 Maple Street, Commerce, TX 75428.

Assistant City Manager Carrie Jones stated that the applicant has applied for a rezone of 210 Maple St. from A-2 Apartment Dwelling District to GB General Business District to allow for a Photography Studio use that is currently not allowed in A-2 Apartment Dwelling district. City Staff is recommending approval for the rezone on the condition that four off-street parking spaces are added to the property.

Chairwoman Trezevant stated that the property owner across the street from 210 Maple St. is pleased with the project.

At 5:35 p.m., Chairwoman Trezevant opened the public hearing. There being no one to speak, the public hearing was closed at 5:36 p.m.

Member Martinez made a motion to recommend approval of the rezone on the condition that four off-street parking spaces be added to the property. Seconded by Member Deaton the vote carried unanimously at 5:37 p.m.

5. Public Hearing and Consideration of a Request by Ram Bolisetty for a Change in Zoning from R-7 Single Family Dwelling District to A-2 Apartment Dwelling District for Property ID: 39577, Legal Description: S2145 ASHWORTH ADDITION BLK C LOT 1 ACRES .3044, known as 1109 Aldridge Street, Commerce, TX 75428.

Assistant City Manager Jones stated that 1109 Aldridge was originally brought before the Building Standards Commission for a zone violation. The house has been used as a boarding house which is defined by five or more persons living in the house under separate leases. 1109 Aldridge has room for 9 individual leases. A boarding house use is currently not allowed in R-7 Single Family Dwelling District. The applicant has requested to be rezoned to A-2 Apartment Dwelling District to allow for the use for a boarding house. Notices were sent out to property owners 200 feet from the property of 1109 Aldridge, and 8 responses were received all against the rezone of the property, totaling 57% of the property owners. Based on the Code, the City staff recommends approval on the condition that 9 off-street parking spaces are added and approved screening be installed around the property. A formal site plan will be required from the property owner to show the location of the spaces on the lot.

Chairwoman Trezevant addressed the need to focus on the common good of the neighborhood and if the continued use of the property as a boarding house fits into the common good.

There was discussion between Members and Staff over spot zoning, and how the property became used as a boarding house.

Member Deaton asked what will happen to the residents if the Commission recommended not to rezone the property, and if the property owner has a property manager overseeing 1109 Aldridge. Mr. Bolisetty stated that he has found other places for three of his residents to live, bringing the number of current tenants in the house down to six. He also stated that he has maintenance people who take care of the property and one of the tenants notifies him when maintenance is needed.

There was discussion between Members and Staff about ADA compliance and bringing the structure up to building codes. Since there is not a remodel being done and it is still considered a single-family dwelling because of one kitchen in the structure, there is no need to bring it into ADA compliance.

Mr. Bolisetty discussed his planned location for the additional parking spaces. Members and Staff discussed the 60 percent maximum lot coverage for A-2 Apartment Dwelling District. Member Martinez expressed concern over the size of the house and adding 9 parking spaces pushing the coverage over 60 percent.

There was discussion between Members and Staff about the use of the A-2 zone across the street from 1109 Aldridge. The property across the street, 1202 Aldridge, is zoned as an A-2 Apartment Dwelling District but is used as a single-family residence.

At 5:53 p.m., Chairwoman Trezevant opened the public hearing.

Ms. Connie Taylor, 1201 Aldridge Street, stated that rezoning to an A-2 Apartment Dwelling District doesn't make sense and the congestion would be too much for the area.

Mrs. Donna Robnett, 2506 Pecan Street, stated the current condition of 1109 Aldridge and the use of the property has a negative effect on the neighborhood and surrounding property values. Mrs. Robnett asked the Commission to preserve the integrity of the neighborhood as a single-family dwelling district and honor the votes of the neighbors to protect the neighborhood and the value of the property.

Member Deaton asked if the City was aware of the intended use of the house in 2017 when Mr. Bolisetty purchased the property. City Manager Ferrell stated that typically property owners do not disclose intended use of the property unless they pull a permit with the city. Mr. Bolisetty did not have to pull a permit for the property at 1109 Aldridge and stated he was unaware of the restrictions on the boarding house requirements for a zone change. The Residential Safety Inspection was completed by a newly employed code enforcement officer and the officer didn't make the distinction of a boarding house at the time of the inspection. The City was made aware of the property being used as a boarding house after residents in the neighborhood made complaints. The property was slated for a hearing at the Building Standards Commission meeting before Mr. Bolisetty came to the City asking what his options were with the property. He was ineligible for a variance to zoning but was eligible to request a rezone. City Manager Ferrell stated what the procedure is for the Commission. Mr. Bolisetty stated that Hunt CAD has the property listed as commercial and which led to him thinking apartments would be allowed the time he purchased the property.

Mr. Kenneth Wies, 2510 Pecan Street, stated he disagreed with Mr. Bolisetty's comment about the property being clean. He stated that there has been trash all over the property for most of the summer.

At 6:21 p.m., Chairwoman Trezevant closed the public hearing.

Chairwoman Trezevant asked if any police reports have been made against 1109 Aldridge.

Assistant City Manager Jones stated the police reports regarding the property can be made available to Council before final approval, but that Staff did not have the numbers at this time.

Member Ross made a motion to recommend denial of the rezone request. Seconded by Member Martinez the vote carried unanimously at 6:24 pm.

6. Public Hearing and Consideration of a Request by Bill Aslan, for Approval of a Replat of Lots 16, 17, & 18, Block 2 of S.C. Cowen Addition, an Addition to the City of Commerce, Hunt County, Texas, to Divide the Property Known as 2505 Washington Street, Commerce, Texas 75428, Property ID: 42758, Legal Description: S2605 COWAN S C ADDITION BLK 2 LOT 16-18 ACRES .8141, into Lot 16R, Acres 0.479, and Lot 17R, Acres 0.478 of Block 2 of the S.C. Cowen Addition.

Assistant City Manager Jones stated, the applicant made a request to replat the property known as 2505 Washington St in order to rent both properties in accordance with zoning development regulations. Mr. Aslan has added off-street parking to 2507 Washington in accordance with off-street parking requirements and is in compliance with city code.

There was discussion between Members and Staff over the reason to replat. It was stated that since there were two separate properties with two separate addresses, there was a need for the structures to be on two separate properties.

Mr. Aslan stated that all remodel work has been completed and the off-street parking requirements have been completed.

At 6:29 p.m., Chairwoman Trezevant opened the public hearing. There being no one to speak, the public hearing was closed at 6:35 p.m.

Member Harris made a motion to recommend approval of the replat. Seconded by Member Martinez the vote carried unanimously at 6:36pm.

7. **Public Hearing and Consideration of an ordinance amending the Zoning Ordinance, Subdivisions Regulation Ordinance and Building Codes to cause such ordinances to be in compliance with House Bill 2439, House Bill 2497, House Bill 3167, and House Bill 3314.**

Assistant City Manager Jones informed the Commission of the new state laws that went into effect on September 1st, 2019.

At 6:43 p.m., Chairwoman Trezevant opened the public hearing. There being no one to speak, the public hearing was closed at 6:44 p.m.

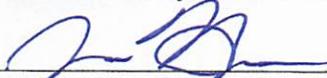
Member Martinez made motion to recommend an ordinance amending the ordinances and codes. Seconded by Member Ross the vote carried unanimously at 6:44 pm.

8. **Adjourn:**

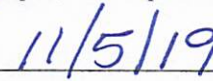
Member Martinez made a motion to adjourn. Seconded by Member Ross the vote carried unanimously. The meeting adjourned at 6:45 p.m.



Chairwoman Carolyn Trezevant



Jon Harper, Development Specialist



Date