

Joint Meeting of City of Cleveland & Zoning Commission Meeting and Public Hearing Agenda
August 31, 2021 - 6:00 p.m. - City of Cleveland – Council Chambers
907 E Houston, Cleveland TX 77327 and via Zoom

The Zoning Commission will be holding a Joint Public Hearing and Meeting with City Council in person and by using a telephone/video conferencing tool called ZOOM.

1. Phone in at 346-248-7799 US (Houston) and enter Meeting ID 870 0975 5000
2. Use the link - <https://us02web.zoom.us/j/87009755000>
3. Download the ZOOM app on your phone and enter Meeting ID 870 0975 5000 to join

The meeting will also be shown on the City's YouTube account at <https://www.youtube.com/channel/UCTeUTiB4DWP7AjbC-i6qR8Q>. For more information or questions concerning this meeting, please contact the City Secretary's office at 281-592-2667.

Invocation, Pledge (in conjunction with City Council)

1. Establish quorum and open meeting
2. JOINT PUBLIC HEARING WITH CITY COUNCIL AND ZONING COMMISSION

The public hearing will consider the following item:

Consideration and possible action to adopt an ordinance amending the City's comprehensive plan and rezoning the following parcels from zoned Public to a MU Mixed-Use District (or whatever the appropriate zone is determined to be for this area).

- All property located east of Church Ave, south of Martin Luther King Dr, and portions north of Samuel Wiley and portions north of Reese St, as further identified in a map that is available for inspection in the City Secretary's office at City Hall.
3. Close Public Hearing - Zoning Commission will leave council chambers to continue their meeting in the Boardroom and will return with a final report.

ACTION OR CONSIDERATION BY THE BOARD

4. Consideration and possible action to approve the minutes of the Zoning Meetings for the following dates: July 8, 2020, March 17, 2021, April 20, 2021 and June 7, 2021.
5. Consideration and possible action on final recommendation of the Zoning Commission on ordinance amending the City's comprehensive plan and rezoning parcels from zoned Public to a MU Mixed-Use District (or whatever the appropriate zone is determined to be for this area).
6. Return back to City Council meeting and provide the final report and recommendation to City Council on agenda item no. 8.
7. Adjourn

I certify that the above agenda was posted at the front of City Hall, 907 East Houston on August 27, 2021 at 1:30 p.m. and posted on www.clevelandtexas.com under Agenda Center.


Angela Smith, TRMC
Director of Administrative Services/City Secretary

Agenda item for minutes:

The minutes will be sent to the board by Monday, August 30, 2021.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS, AMENDING THE CITY’S ZONING MAP AND COMPREHENSIVE PLAN BY CHANGING THE ZONING DISTRICT OF PROPERTIES LOCATED EAST OF CHURCH AVE, SOUTH OF MARTIN LUTHER KING DR, AND PORTIONS OF SAMUEL WILEY AND PORTIONS OF REESE STREET FROM PUBLIC TO (MU) MIXED USE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * * * *

WHEREAS, following notice and hearing as required by law, the Zoning Commission recommends in writing to adopt a revised Official Zoning Map for the comprehensive zoning ordinance, as established in Section 126-102 of the City’s Code of Ordinance; and

WHEREAS, the City Council desires to correct an error on the City’s Official Zoning Map to change the zoning classification from PUBLIC for the property identified above to MIXED USE; and

WHEREAS, the Zoning Commission and the City Council have conducted, in the time and manner required by law and the zoning regulations of the City, a public hearing on the proposal to change the zoning for the property; and

WHEREAS, the Zoning Commission recommended approval of the requested change in zoning district applicable to the property; and

WHEREAS, the City Council finds that the proposed change in zoning district is consistent with the City’s comprehensive plan, and that the comprehensive plan and zoning map of the City should be amended to include the requested change in zoning district for the property;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. The request by City Council is approved and the adopted zoning map of the City is amended by changing the zoning district applicable to the properties, as described in Exhibit A to this Ordinance, incorporated by reference for all purposes, from Public to (MU) Mixed Use.

Section 3. The City's comprehensive plan is amended in accordance with this Ordinance.

Section 4. **Penalty.** As provided in Section 126-5 of the City Code, any person who shall violate any of the provisions of this ordinance and the City's zoning regulations or who shall fail to comply therewith or with any of the requirements thereof, or who shall erect or alter any building, or who shall commence to erect or alter any building in violation of any detailed statement of plan submitted or approved thereunder, shall for each violation or noncompliance be deemed guilty of a misdemeanor, and upon conviction, shall be fined as provided in section 1-10 of the City Code. The owner of that building or premises or part thereof where anything in violation of the City's zoning regulations shall be placed or shall exist, and any architect, builder, contractor, agent or corporation employed in connection therewith who may have assisted in the commission of any such violation shall be subject to the penalties herein provided.

Section 5. **Effective Date and Publishing.** This ordinance shall be effective immediately, except where a later date is expressly provided, upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in accordance with Section 52.013 of the Texas Local Government Code.

Section 6. **Conflict and Repeal.** This ordinance is intended to be cumulative and shall not repeal any previous ordinances except to the extent of an irreconcilable conflict.

Section 7. **Severability.** In the event any clause, phrase provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part of the same, notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this ____ day of _____ 2021.

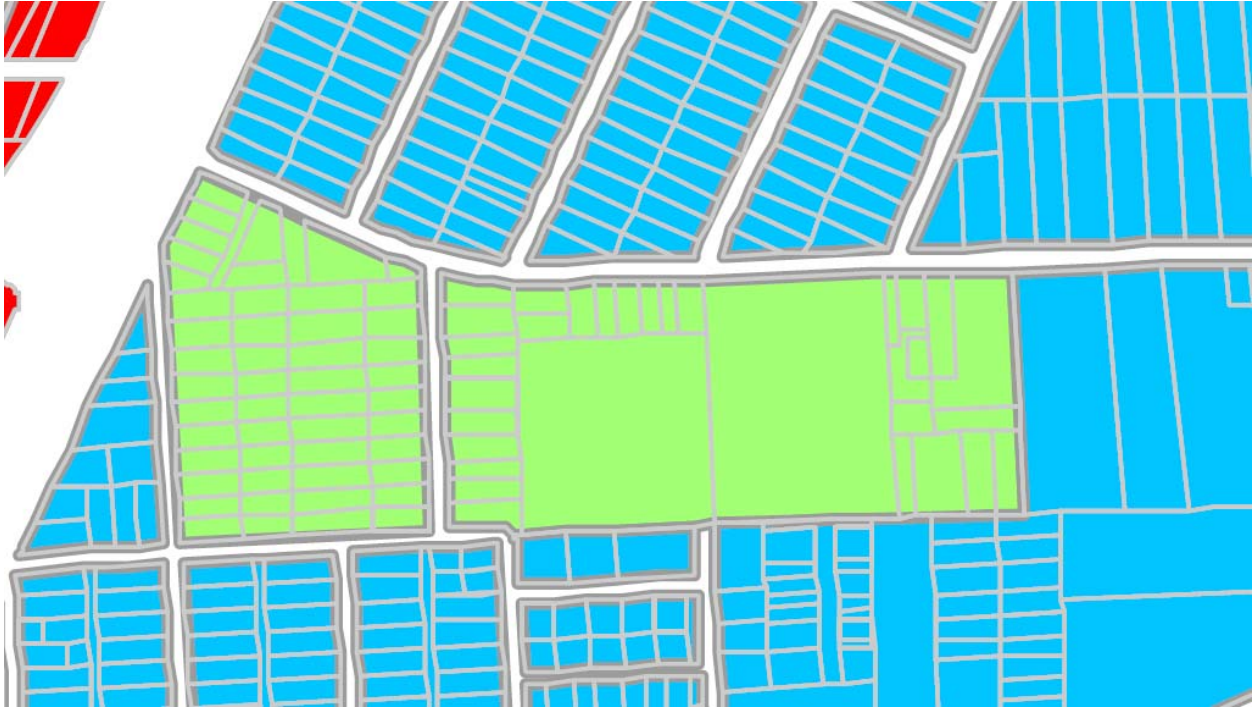
Richard Boyett
Mayor

ATTEST:

Angela Smith, TRMC
City Secretary

Exhibit A

Current Zoning Map of location in green from Public to MU – Mixed Use.



Street view of zoning change area



**CITY OF CLEVELAND
ZONING COMMISSION
PUBLIC HEARING/MEETING – August 31, 2021**

RECOMMENDATION TO APPROVE

The Zoning Commission submits its formal recommendation to Council to approve an ordinance amending the City’s comprehensive plan Comprehensive Zoning and Map as listed below:

Formal recommendation of Zoning Commission to adopt AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS, AMENDING THE CITY’S ZONING MAP AND COMPREHENSIVE PLAN BY CHANGING THE ZONING DISTRICT OF PROPERTIES LOCATED EAST OF CHURCH AVE, SOUTH OF MARTIN LUTHER KING DR, AND PORTIONS OF SAMUEL WILEY AND PORTIONS OF REESE STREET FROM PUBLIC TO (MU) MIXED USE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

Comments/Conditions:

No Comments: _____

Zoning Commission Chairman

Date

**CITY OF CLEVELAND
ZONING COMMISSION
PUBLIC HEARING/MEETING – AUGUST 31, 2021
RECOMMENDATION TO NOT APPROVE**

The Zoning Commission submits its formal recommendation to Council to approve an ordinance amending the City's comprehensive plan Comprehensive Zoning and Map as listed below:

Formal recommendation of Zoning Commission to adopt AN ORDINANCE OF THE CITY OF CLEVELAND, TEXAS, AMENDING THE CITY'S ZONING MAP AND COMPREHENSIVE PLAN BY CHANGING THE ZONING DISTRICT OF PROPERTIES LOCATED EAST OF CHURCH AVE, SOUTH OF MARTIN LUTHER KING DR, AND PORTIONS OF SAMUEL WILEY AND PORTIONS OF REESE STREET FROM PUBLIC TO (MU) MIXED USE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

Comments/Conditions:

No Comments: _____

Zoning Commission Chairman

Date