



Agenda Information Sheet

June 9, 2016

Agenda Item

Z-16-02 – Consider approval of an ordinance amending the zoning map for a 1.13 acre tract of land from Agriculture & Estate (A-E) to Retail Business (C-2). The subject property is generally located north of Loop 390, approximately 1,100 feet west of U.S. 59 North. More specifically defined as the 5200 Block of West Loop 390 North.

Background & Summary of Request:

The subject property is sparsely populated with groupings of vegetation, the table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	A-E (Agriculture - Estate)	Vacant Land
East of the Property	A-E (Agriculture - Estate)	Office and recreational use
South of the Property	A-E (Agriculture - Estate)	Single-family homes
West of the Property	A-E (Agriculture - Estate)	Vacant Land, single-family homes

The request is to rezone the property to C-2 (Retail) is “intended to be the primary district in which consumer and service oriented activities are established.”

The applicant has stated the intentions on the subject parcel are to build storage units. It is important to note that any uses permitted in the C-2 district would be allowed no matter what the property owner states how he may utilize the subject property if the request is granted.

Even though the proposed use is not expected to need water or sewer utilities, it should be mentioned that there is an existing 10” water line that extends across the front of the subject property along Loop 390, sewer service would have to be extended from Pinehurst Drive.

The following questions should be answered when determining if a zoning change is appropriate:

- 1.) Will the proposed change be in compliance with the goals of the General Plan and the Comprehensive Plan Map?

This request complies with Goal #2 of the General Plan which encourages commercial uses be located along major thoroughfares.

- 2.) Will there be an adverse impact on surrounding property if the request is approved? In evaluating this question, consideration should be given to all permitted uses in the proposed new zoning and the impact it could have on surrounding property.

While all of the abutting properties are zoned A-E Agriculture-Estate, there is still a mixture of uses including single-family homes, an office and a baseball field. Therefore the zoning would be consistent with the area. To the properties that are residential in nature, with any development the property owner would be required to construct a buffer between the commercial use and the existing residential use. The buffer requirement is intended to minimize any adverse impacts on adjacent uses.

- 3.) Is the property suitable for use as it is currently zoned or does the zoning need to be changed to allow the property to be put to use in a way that is in keeping with the surrounding activities.

The property is located in an area zoned Agriculture - Estate with little development surrounding it, with the exception of the Texas Department of Public Safety office on the east side of the property and scattered single-family homes. However, with the property being located along a major thoroughfare at the intersection of U.S. 59 and TX Loop 390, commercial uses are encouraged per goals outlined in the General Plan.

- 4.) What is the relationship of the proposed change to the health, safety and welfare of the general community? In other words, will the change make the community better or is it merely for the convenience of the owner? Will surrounding property owners suffer or lose any enjoyment in the area of their property as a result of this change? Does the proposed change seem to be a logical extension of similar types of development?

It would be hard to argue that the change would negatively affect the surrounding property owners since the majority of abutting properties is undeveloped vacant and/or wooded areas with the exception of an office.

The Planning & Zoning Commission recommended approval by an unanimous vote.

Attachments:

1. Aerial of Site
2. Pictures of the Site
3. Draft Ordinance

Z-16-02 Aerial



Z-16-02 Site Photos



View looking west from the DPS office driveway



View of property located in the 5200 block of West Loop 390 N.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE APPROXIMATELY 1.13 ACRES FROM A-E (AGRICULTURE-ESTATE DISTRICT) TO C-2 (RETAIL BUSINESS DISTRICT), OUT OF THE HENRY TEAL SURVEY ABSTRACT 704 AND GENERALLY LOCATED NORTH OF LOOP 390, APPROXIMATELY 1,100 FEET WEST OF U.S. HWY 59 NORTH, MORE SPECIFICALLY DEFINED AS THE 5200 BLOCK OF WEST LOOP 390 NORTH, IN THE CITY OF MARSHALL, TEXAS.

WHEREAS, the City of Marshall enacted zoning on December 13, 1951 and amended said ordinance on July 7, 1963 and on March 26, 1987 repealed and replaced all ordinance with Ordinance No. 0-87-13 amending the Code of Ordinances of the City of Marshall to add Chapter 32 regarding Zoning; and

WHEREAS, a Zoning District Map was adopted as a part of Ordinance No. 0-87-13; and

WHEREAS, Chapter 32, Section 14 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request zoning district map amendments; and

WHEREAS, the Planning & Zoning Commission, after due and proper notice in the manner and for the length of time required by law, held a public hearing for the purpose of considering proposed changes to the Zoning District Map; and

WHEREAS, after the close of said public hearing and pursuant thereto, the Planning & Zoning Commission filed a written report with the City Commission, recommending changes in the Zoning District Map; and

WHEREAS, pursuant to said report and after notice in the manner and for the length of time required by law, the City Commission held a public hearing in Marshall, Texas at City Hall on the 9th day of June, at 6:00pm for the purpose of considering the requested Zoning District Map change, and at which hearing all property owners, interested parties, and interested citizens had an opportunity to be heard; and

WHEREAS, the City Commission, after considering the proposed changes and after hearing all parties and citizens desiring to be heard, deems that the following changes are necessary and for the best interest of the general welfare of the citizens of the City of Marshall, Texas.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF MARSHALL, TEXAS THAT:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The approximately 1.13 acres out of the Henry Teal Survey Abstract 704 and located north of loop 390, approximately 1,100 feet west of U.S. HWY 59 north, more specifically defined as the 5200 Block of West Loop 390 North, in Marshall, Texas as described and identified on Exhibit A of this ordinance shall heretofore be zoned C-2 (Retail Business District).

Section 3. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the 9th day of June, 2016.

AYES: __

NOES: __

ABSTAINED: __

PASSED on second reading the 23rd day of June, 2016.

AYES: ____

NOES: ____

ABSTAINED: ____

CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

HARRISON COUNTY, TEXAS

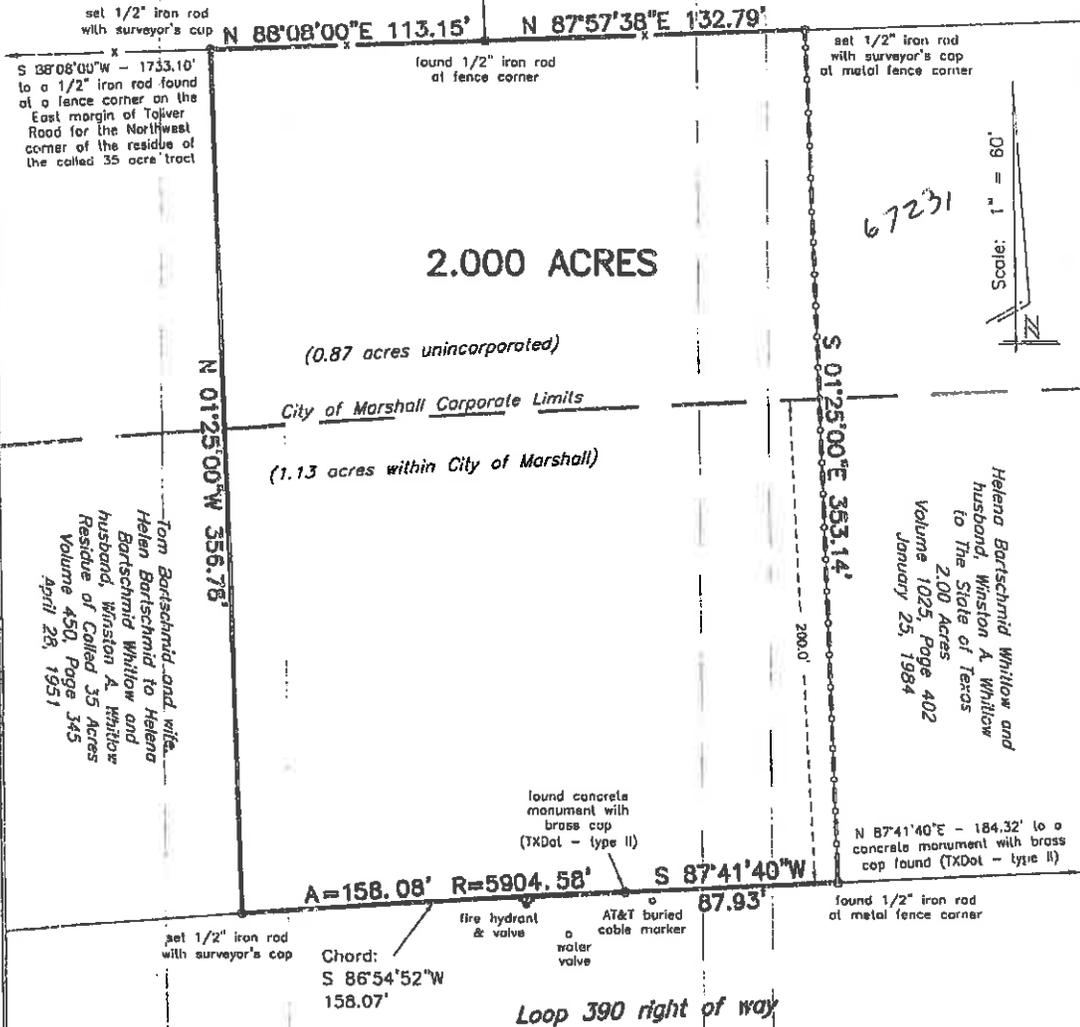
HENRY TEAL SURVEY, A - 704

LEGEND:

Wire Fence — x —
 Metal Fence — o — o — o —

U.C. Lowry, Jr. to Pam Ford
 33.823 Acres
 Volume 1559, Page 157
 September 4, 1996

Allied Marshall Bank to
 Pamela K. Ford
 8.028 Acres
 Volume 1166, Page 397
 December 22, 1987



2.000 ACRES

(0.87 acres unincorporated)

City of Marshall Corporate Limits

(1.13 acres within City of Marshall)

Tom Bartschmid and wife,
 Helen Bartschmid to Helena
 Bartschmid Whitlow and
 husband, Winston A. Whitlow
 Residue of Colled 35 Acres
 Volume 450, Page 345
 April 28, 1951

Helena Bartschmid Whitlow and
 husband, Winston A. Whitlow
 to The State of Texas
 Volume 1025, Page 402
 January 25, 1984

A=158.08' R=5904.58' S 87°41'40"W 87.93'

Chord:
 S 86°54'52"W
 158.07'

Loop 390 right of way

PLAT SHOWING:
**2.000 ACRES OF LAND, LOCATED IN
 THE HENRY TEAL SURVEY, A - 704,
 HARRISON COUNTY, TEXAS**

Being a part of (not certain called 35 acre tract described in deed dated April 28, 1951 from Tom Bartschmid and wife, Helen Bartschmid to Helena Bartschmid Whitlow and husband, Winston A. Whitlow, as recorded in Volume 450, Page 345 of the Harrison County Deed Records.

I, Mark H. Patheal, hereby certify to Tony Whitlow, exclusively, that this survey was made on the ground, under my supervision, and that this plat correctly represents the boundaries of the tract shown hereon to the best of my knowledge. This survey was made without the benefit of a current Title Commitment, and may be subject to record evidence which is not available for consideration at this time. This lot does not fall within the 100 year flood plain according to HUD Community Panel No. 48047 D007 B, dated 11/01/1989.

Bearings are oriented to the Record Bearing of the Westernmost South line of that certain 2.00 acre tract described in deed dated January 25, 1984 from Helena Bartschmid Whitlow and husband, Winston A. Whitlow to The State of Texas, as recorded in Volume 1025, Page 402 of the Harrison County Deed Records.



Mark H. Patheal, R.P.L.S. # 4528

SURVEYING & MAPPING BY ARK-LA-TEX SURVEYING CO., INC. 305 W. Rusk Marshall, Tx. (903) 938-9939			SURVEYED FOR: TONY WHITLOW		
Date: 12/17/2013	Drawn By: KNG	Job No.: 31487	FIELD NOTES TO ACCOMPANY PLAT		
Scale: 1" = 60'	Surveyed By: JCS	File No.: 704-33			