



Agenda Information Sheet

June 9, 2016

Agenda Item

Z-16-01 – Consider approval of an ordinance amending the zoning map for a 5.2 acre tract of land from Agriculture & Estate (A-E) to General Business (C-3). The subject property is generally located east of Loop 390, approximately 500 feet north of U.S. HWY 80 intersection. More specifically defined as 210 East 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)	Office
East of the Property	A-E (Agriculture & Estate)	Vacant Land
South of the Property	A-E (Agriculture & Estate)	Vacant Land
West of the Property	A-E (Agriculture & Estate)	Vacant Land

The request is to rezone the property to C-3 (General Business), which is the most intense commercial district in the City. According to the Zoning Ordinance, the C-3 district is to *“provide appropriate locations for development of more intense and higher density business district as what might be found in a downtown area or in the vicinity of a major intersection with high traffic volumes.”*

The applicant has stated the intentions on the subject parcel are to build an office for their construction business. It is important to note that any uses permitted in the C-3 district would be allowed no matter what the property owner states how he may utilize the subject property if the request is granted.

Water service to the site is provided by an existing 10” water line that extends across the front of the property along Loop 390 and an 18” sewer line extends across the front of the property, along Loop 390 as well.

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.

Most of the properties abutting the subject parcel are undeveloped areas, therefore no adverse impact exists at this time.

- 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 mostly zoned Agriculture & Estate with little development surrounding it, with the exception of the Texas Department of Transportation office on the north side of the property. However, with the property being located along a major thoroughfare at the intersection of U.S. 80 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 only development area surrounding the property is an office.

The Planning & Zoning Commission recommended approval of the request by a unanimous vote.

Attachments:

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

Z-16-01 Aerial



Z-16-01 Site Photos



View of site from East Loop 390



**Vacant lot located at
210 E. Loop 390**

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE APPROXIMATELY 5.2 ACRES FROM A-E (AGRICULTURE-ESTATE DISTRICT) TO C-3 (General BUSINESS DISTRICT), OUT OF THE BETHANY ROGERS SURVEY ABSTRACT 20 AND GENERALLY LOCATED EAST OF LOOP 390, APPROXIMATELY 500 FEET NORTH OF U.S. HWY 80, MORE SPECIFICALLY DEFINED AS 210 EAST 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 5.2 acres out of the Bethany Rogers Survey Abstract 20 and located east of Loop 390, approximately 500 feet north of U.S. HWY 80 north, more specifically defined as 210 East Loop 390 North, in Marshall, Texas as described and identified on Exhibit A of this ordinance shall heretofore be zoned C-3 (General 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: ____

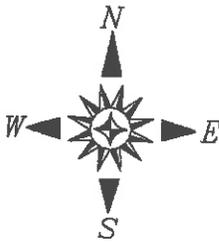
CHAIRMAN OF THE CITY COMMISSION
OF THE CITY OF MARSHALL, TEXAS

ATTEST:

CITY SECRETARY

CITY OF MARSHALL, TEXAS

BETHANY ROGERS SURVEY, A - 20



- LEGAL DESCRIPTION -

All that certain lot, tract or parcel of land situated in Harrison County, Texas, within the corporate limits of the City of Marshall, being 5.203 acres of land, a part of the BETHANY ROGERS SURVEY, A - 20, and being all of that certain 5.203 acre tract described in deed dated April 10, 2012 from Brad Faucett to RVP Construction, as recorded in Harrison County Clerk's File No. 2012-00004569, said 5.203 acres being more particularly described as follows:

Beginning at a 5/8" iron rod found on the East right of way line of Loop 380 for the Northwest corner of said 5.203 acre tract and the Southwest corner of that certain called 18.084 acre tract described in deed dated April 7, 1999 from Mildred E. Scroggins Gueter to the State of Texas, as recorded in Volume 1944, Page 58 of said Official Public Records, from which a 1/2" iron rod found bears North 37°38'17" West - 0.32 feet;

Thence South 80°51'37" East, with a North line of said 5.203 acre tract and a South line of said called 18.084 acre tract, 231.14 feet to a 1/2" iron rod with surveyor's cap found for angle corner;

Thence South 69°47'32" East, continuing with a North line of said 5.203 acre tract and a South line of said called 18.084 acre tract, 218.46 feet to a 1/2" iron rod found at the Northeast corner of said 5.203 acre tract and the Southeast corner of said called 16.99 acre tract described in deed dated July 9, 1992 from Ruth Coleman to Glen Coleman, as recorded in Volume 1324, Page 483 of said Deed Records;

Thence South 11°32'21" West, with the East line of said 5.203 acre tract, the West line of said called 16.99 acre tract, and the West line of that certain called 4.089 acre tract described in deed dated November 8, 2007 from Glen D. Coleman to John L. Coleman, as recorded in Volume 3758, Page 47 of said Official Public Records, 543.11 feet to a 1/2" iron rod with surveyor's cap found at a Southeast corner of said 5.203 acre tract and the Northeast corner of that certain called 0.894 acre tract described in deed dated March 3, 2011 from Norman E. McCommon and wife, Rito J. McCommon to Norma Jean Helton, as recorded in Harrison County Clerk's File No. 2011-00002402, said rod bears North 11°31'43" East - 232.81 feet from a 3/4" iron pipe found at a Southwest corner of said called 4.089 acre tract;

Thence North 74°55'14" West, with a South line of said 5.203 acre tract, the North line of said called 0.894 acre tract, the North line of that certain 0.128 acre tract described in deed from Norma J. Helton to Rito J. McCommon, as recorded in Harrison County Clerk's File No. 2014-00007776, and the North line of that certain called 2 acre tract described in deed dated January 27, 1960 from R.P. Watson, Jr. and wife, Ruby Lee Watson to Norman Earl McCommon and wife, Rito J. McCommon, as recorded in Volume 538, Page 577 of said Deed Records, 224.64 feet to a 1/2" iron rod with surveyor's cap found at a Southwest corner of said 5.203 acre tract and the Northeast corner of said called 2 acre tract, being on the East line of that certain called 1.235 acre tract described in deed dated January 8, 1993 from William Lee Lindemann and wife, Imogene S. Lindemann to Norman McCommon and wife, Rito McCommon, as recorded in Volume 1326, Page 174 of said Deed Records;

Thence North 11°58'11" East, with a West line of said 5.203 acre tract and the East line of said called 1.235 acre tract, 33.20 feet to a 1/2" iron rod with surveyor's cap found at an interior corner of said 5.203 acre tract;

Thence North 74°56'24" West, with a South line of said 5.203 acre tract and the North line of said called 1.235 acre tract, 173.64 feet to a 1/2" iron rod with surveyor's cap found on the East right of way line of Loop 390 for the Southeast corner of said 5.203 acre tract and the Northwest corner of said called 1.235 acre tract;

Thence North 05°57'59" East, with the West line of said 5.203 acre tract and said East right of way line, 511.02 feet to the place of beginning and containing 5.203 acres of land.

BEARING BASIS: Bearings are oriented to the Record Bearing of the Northernmost East line of that certain called 5.203 acre tract described in deed dated September 10, 1992 from Inez Stringfellow and Virginia Littlejohn to the State of Texas, as recorded in Volume 1313, Page 591 of the Harrison County Deed Records.

- UTILITIES -

The easements as shown hereon are adequate to meet the needs of this development.

- SWEPCCO-REP _____
- CENTERPOINT ENERGY _____
- SOUTHWESTERN BEDL _____
- CITY OF MARSHALL _____
- CHARTER COMMUNICATIONS _____

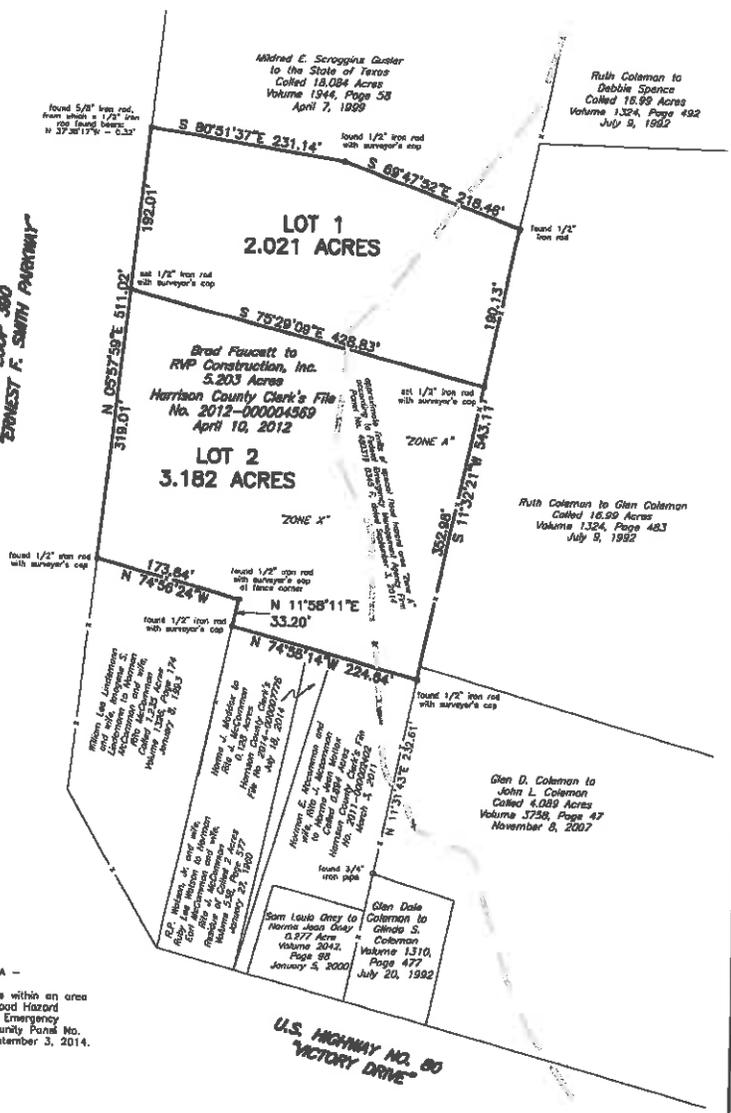
- CITY OF MARSHALL, TEXAS -

Approved this the _____ day of _____ 2015, by the City Planning Commission of the City of Marshall, Texas.

Chairman _____

Secretary _____

LOOP 380
ERNEST F. SMITH PARKWAY



- FLOOD DATA -

A portion of this tract falls within an area designated as a Special Flood Hazard Area, according to Federal Emergency Management Agency Community Panel No. 480319 0345 F, dated September 3, 2014.

- OWNER'S ACKNOWLEDGMENT -

STATE OF TEXAS
COUNTY OF HARRISON

I, the undersigned, am the owner of the land shown on this plot, and designated herein "SUBDIVISION."

Rene Veness, CEO - RVP Construction, Inc.

STATE OF TEXAS
COUNTY OF HARRISON

Before me, the undersigned authority, on this day personally appeared RENEE VENESS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____ 2015.

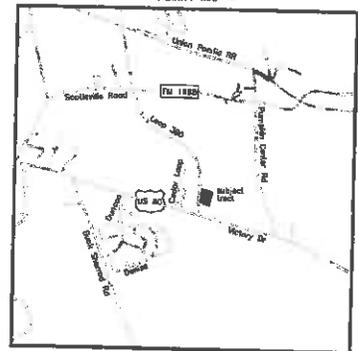
Notary Public
Harrison County, Texas

- SURVEYOR'S CERTIFICATE -

I, Mark H. Patheot, Registered Professional Land Surveyor of the State of Texas, do hereby certify that this plot is true and correct and represents the results of a survey made on the ground of a 5.203 acre tract. Said tract being all of that certain 5.203 acre tract described in deed dated April 10, 2012 from Brad Faucett to RVP Construction, as recorded in Harrison County Clerk's File No. 2012-00004569

Mark H. Patheot, Registered Professional Land Surveyor, #4528

- VICINITY MAP -



SUBDIVISION
BEING 5.203 ACRES OF LAND,
LOCATED IN THE BETHANY
ROGERS SURVEY, A - 20,
CITY OF MARSHALL,
HARRISON COUNTY, TEXAS

SURVEYING & MAPPING BY
ARK-LA-TEX SURVEYING CO., INC.
Texas Firm Registration No. 10093700
305 W. Rusk Marshall, Tx. (803) 938-9939
Date: 11/05/2015 Scale: 1" = 100'
Drawn By: KNC Surveyed By: KJG
Job No.: 32631 File No.: 20-76b