



City Commission Agenda Information Sheet

August 25, 2016

Agenda Item

Z-16-03 – Conduct a public hearing and consider approval of a zoning map amendment for a 0.477 acre tract of land from Single-family Residential (R-3) to General Business (C-3). The subject property is generally located on the West side of U.S. 59 North of the Union Pacific Railroad right of way, south of Sixth and Small Streets.

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

City Commission unanimously approved the first reading on August 11th.

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	R-3 (Single Family Residential)	Single Family Home
East of the Property	C-3 (General Business)	Commercial business
South of the Property	C-3 (General Business)	Wooded Vacant Land, Union Pacific Right of Way, and commercial business
West of the Property	R-3 (Single Family Residential)	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 have a landscaping 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 4” water line runs perpendicular to the property along Small Street and a 6” sewer line extends across the front of the property, along U.S. 59 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.

There is a mixture of single family residential (R-3) and general business (C-3) surrounding the property. The land on the west side of the property that is zoned for residential is mostly undeveloped, wooded, vacant land. There is also a single family home directly next to the property. The property fronts U.S. 59, and is consistent with all other surrounding uses. The property owner would be required to maintain a buffer around any residentially zoned abutting properties.

- 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 has a mixture of residential and commercial uses surrounding it. However, with the property being located along a major thoroughfare near the intersection of U.S. 80 and U.S. 59, 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?

One could argue that it may potentially have a negative effect on the property owner on the north side of the property since the residence abuts the proposed property that is being rezoned. However, the applicant would be required to maintain a buffer around any residentially zoned abutting properties.

The proposed zoning is also a logical extension of current General Business zoning along U.S. 59, because the General Plan outlines the desire for commercial uses along major thoroughfares.

Attachments:

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

Zoning/Aerial
Z-16-03



Z-16-03 Photos



Proposed rezone



South of the property



East of the property



North of the property

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE APPROXIMATELY 0.477 ACRES FROM R-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO C-3 (GENERAL BUSINESS DISTRICT), OUT OF THE WALTER BROWN SUBDIVISION AND GENERALLY LOCATED ON THE WEST SIDE OF U.S. HWY 59, NORTH OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, SOUTH OF SIXTH AND SMALL STREETS, MORE SPECIFICALLY DEFINED AS THE 601 EAST END BLVD 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 11th day of August, 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 0.477 acres from R-3 (Single-Family Residential District) to C-3 (General Business District), out of the Walter Brown Subdivision and generally located on the west side of U.S. HWY 59, north of the Union Pacific Railroad right-of-way, south of Sixth and Small Streets, more specifically defined as the 601 East End Blvd North.

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 11th day of August, 2016.

AYES: __

NOES: __

ABSTAINED: __

PASSED on second reading the 25th day of August, 2016.

AYES: ____

NOES: ____

ABSTAINED: ____

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

ATTEST:

CITY SECRETARY