City Commission Agenda Information Sheet

October 13, 2016

Agenda Item

S-16-03: Conduct a public hearing and consider an ordinance regarding a Special Use Permit request for a child day care use in a residential property at 1810 Evans Street, north of the Evans and Van Zandt Street intersection.

The Planning & Zoning Commission recommended approval with conditions by a 4-0-0. vote.

Background & Summary of Request:

The subject property is located in the R-3 (Single Family Detached) zoning district. The property is currently being utilized as a single-family residence and a day care for less than four children. In order to increase the number of children served, additional licenses but be obtained by the state and our local ordinance requires a special use permit be obtained.

	Zoning Classification	**Land Use**
North of the Property	R-3 (Single Family Detached)	Single-family Residence
East of the Property	R-3 (Single Family Detached)	Single-family Residence
South of the Property	R-3 (Single Family Detached)	Vacant Lot
West of the Property	R-3 (Single Family Detached)	Church

In addition, the zoning ordinance requires a site plan be submitted to ensure the site is developed in a manner that does not cause any negative impacts on the surrounding property owners. The site plan submitted by the applicant will be attached to the ordinance if approved.

Staff recommends the following conditions be placed on the special use permit:

1. *Limit the number of children allowed at any time to not more than 15.*
2. *A maximum of three employees allowed on site.*
3. *The property owner is required to obtain all state required permits for such a day care.*

Attachments:

1. Aerial of the Site
2. Site Photographs
3. Proposed Site Plan
4. Ordinance

Aerial Photograph

S-16-03

Site Photographs

S-16-03

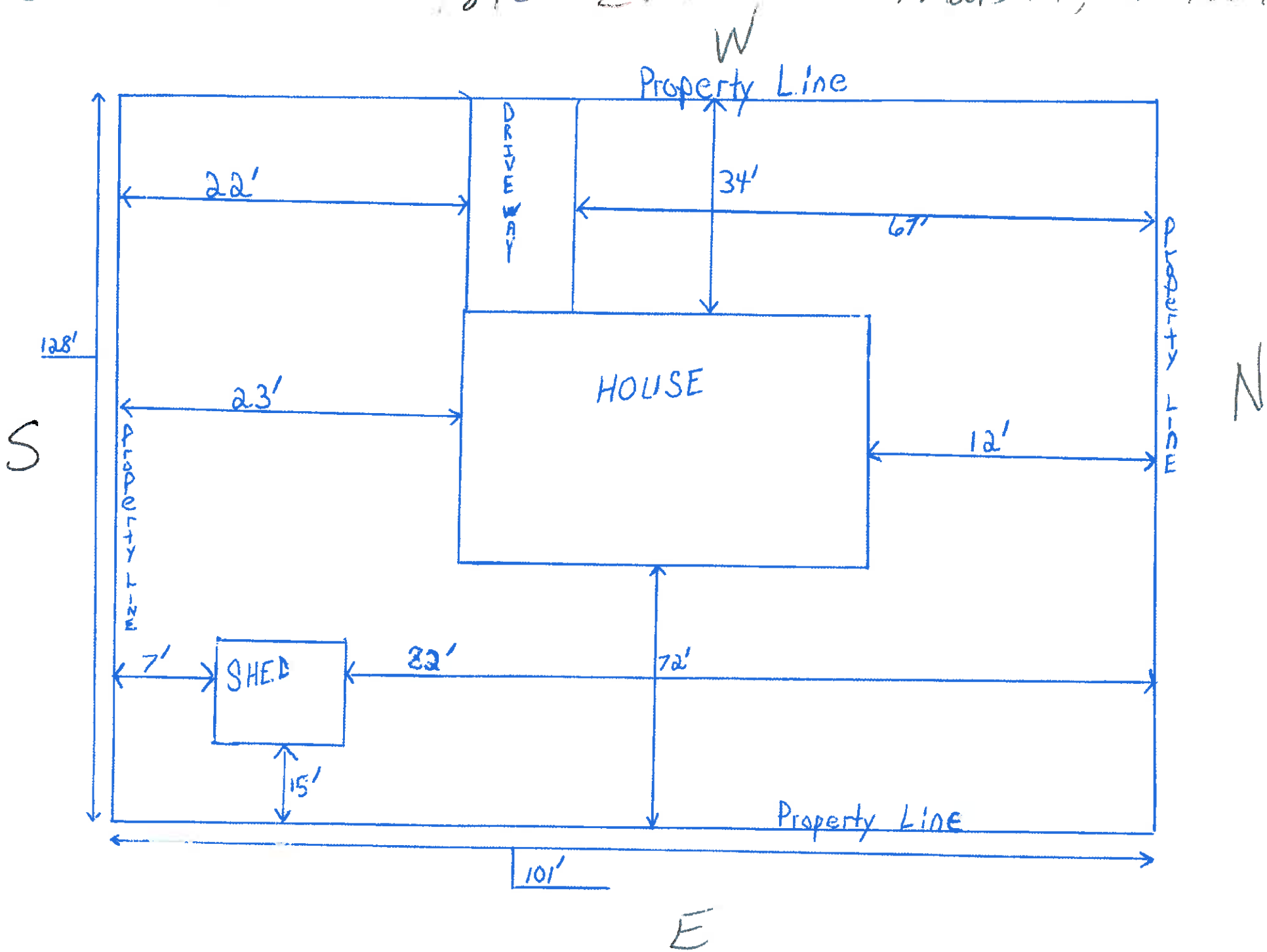
Subject Property

Residential Use to the North

Vacant lot to the South

Church to the West

Glenda Grant 810 Evans St Marshall, TX 75670



ORDINANCE NO. _____

AN ORDINANCE FOR A SPECIAL USE PERMIT FOR A RESIDENTIAL DAY CARE FOR SEVEN OR MORE CHILDREN ON PROPERTY LEGALLY DESCRIBED AS LOTS 6 & 7, BLOCK 47 OF MEMORIAL PARK ADDITION BEING 0.286 ACRES OF LAND, GENERALLY LOCATED ON THE WEST SIDE OF EVANS, NORTH OF THE EVANS AND VAN ZANDT INTERSECTION, MORE SPECIFICALLY DEFINED AS 1810 EVANS STREET, WITHIN THE BOUNDARIES OF 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 22 of the Code of Ordinances established a procedure for a property owner, his agent, or the City to request special use permits; 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 special use permit; 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 approval of the requested special use permit; 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 13th day of October, at 6:00pm for the purpose of considering the requested special use permit, 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 request and after hearing all parties and citizens desiring to be heard, deems that the following request 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 COMMISSION 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. A special use permit is granted on property legally described as Lots 6 & 7, Block 47 of Memorial Park Addition being 0.286 acres of land, generally located on the west side of Evans, north of the Evans and Van Zandt intersection, more specifically defined as 1810 Evans Street within the boundaries of the City of Marshall, is hereby a permitted use for residential day care for seven or more children use within the boundaries as depicted on the conceptual site plan in Exhibit "A" with the following conditions:

1. No more than 15 children allowed at the facility at one time.
2. A maximum of three employees allowed on site.
3. The day care must comply with all state requirements for the approved use.

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 13th day of October, 2016.

AYES: __
NOES: __
ABSTAINED: __

PASSED on second reading the 27th day of October, 2016.

AYES: ___
NOES: ____
ABSTAINED: ____

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

ATTEST:

_____
CITY SECRETARY