



## **City Commission Agenda Information Sheet**

**December 8, 2016**

### Agenda Item

**Z-16-06** – Consider an ordinance amending the zoning map in regards to a request for a 0.165 acre tract of land from R-3 (Single Family Residential) to R-7 (Single Family/Duplex). The subject property is generally located on the east side of George Gregg Street, and on the north side of Cedar Street, specifically defined as 603 Cedar Street.

**The Planning & Zoning Commission recommended approval of this request by a vote of 4-2-0 on November 7, 2016.**

**The City Commission conducted a public hearing on November 9, 2016 and tabled action on the ordinance. A petition has been submitted by property owners within 200 feet of the subject property resulting in 38% of the land within the notification area being opposed to the request. For the request to be approved, a super majority (or 3/4's) of the Commission must vote in favor.**

### Background & Summary of Request:

In September of this year, the Planning and Zoning Commission conducted a public hearing regarding a zoning change request for the subject property, that request was to change the zoning from its existing classification of R-3(Single Family Residential District) to R-6 (Duplex, Triplex, Quadraplex Residential District). The Planning and Zoning Commission recommended denial of the request by a 3-1 vote; therefore the property owner withdrew their zoning application before the City Commission conducted their public hearing. The applicant has now submitted a new request to change the zoning classification to R-7 (Duplex District).

The R-7 district is meant to manage density of population and to provide adequate space and site diversification for low to medium density housing while preserving the fundamental characteristics of a single-family zoned district such as private yards, patios, and privately maintained open spaces. The primary difference between the R-3 and R-7 districts is that duplexes are allowed within the R-7 district.

The subject property is vacant land with few trees and 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	R-3 (Single Family Residential)	Single Family Home
South of the Property	C-2 (Retail Business) & R-3 (Single Family Residential)	Single Family Homes
West of the Property	C-2 (Retail Business)	Retail Store

Water service to the site is provided by an existing 2” water line runs along Cedar Street and a 8” sewer line runs along Cedar Street 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?

*The General Plan encourages the city to strengthen and expand housing opportunities, providing a mixture of housing to serve the city’s existing needs as well as encouraging infill development. Goal 8 of the General Plan encourages the development of duplex structures in areas where adequate facilities are present. Water and sewer services are adequate for the proposed request and roadways in the area can accommodate the increased traffic. The request is in compliance with the General Plan.*

- 2.) Will there be an adverse impact on surrounding property if the request is approved?

*The subject property is bordered by commercial and residential zoning districts and uses. The commercial use is serving as the buffer between the residential properties and arterial roadway that borders this neighborhood on its west boundary, it is typical planning practice that higher intensity uses serve as buffers. The requested R-7 district allows for a higher density and would serve as a buffer between the commercial property and the single-family property. In addition, there are already properties within the area that contain duplex and higher density 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 surrounding neighborhood contains lots that are majority R-3 (Single-Family Homes) with several R-6 (Duplex, Triplex, and Quadraplex Homes) lots in the surrounding area. The R-6 designation can be used for duplex-style homes but can also be used to create three and four family housing structures that do not have the same aesthetic qualities of a single family home or duplex, such as private front yards, porches, and privately maintained open spaces whereas the R-7 designation only allows for single-family homes or duplexes, ensuring that the qualities of a single-family neighborhood, the front yards and private areas, would still be maintained.*

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?

*Given the nature of the neighborhood and the mixture of zoning districts and uses scattered throughout the area it does not appear that there will be any negative impact on surrounding properties.*

Attachments:

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

**Zoning/Aerial**  
**Z-16-06**



Site Photographs  
Z-16-04



Subject Property



Residential Use to the east



Commercial Use to the west

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE APPROXIMATELY 0.165 ACRES FROM R-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-7 (DUPLEX DISTRICT), OUT OF THE MATTHEWSON PARK ADDITION AND GENERALLY LOCATED ON THE EAST SIDE OF GEORGE GREGG STREET AND ON THE NORTH SIDE OF CEDAR STREET, MORE SPECIFICALLY DEFINED AS THE 603 CEDAR STREET, 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 11<sup>th</sup> day of November, at 6:00pm for the purpose of considering the requested Zoning 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 0.165 acres from R-3 (Single-Family Residential District) to R-7 (Duplex District), out of the Matthewson Park Subdivision and generally located on the east side of George Gregg Street and on the north side of Cedar Street, more specifically defined as the 603 Cedar Street.

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 11<sup>th</sup> day of November, 2016.

AYES: \_\_\_

NOES: \_\_\_

ABSTAINED: \_\_\_

PASSED on second reading the 8<sup>th</sup> day of December, 2016.

AYES: \_\_\_

NOES: \_\_\_

ABSTAINED: \_\_\_

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

ATTEST:

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CITY SECRETARY