



# Agenda Information Sheet

April 14, 2016

Agenda Item

Conduct a public hearing on a Special Use Permit request for a temporary concrete batching plant on a 12.28 acres tract of land generally located on the north side of Harris Road and east of U.S. 59 North, more specifically defined as 2500 East End Blvd North.

Background & Summary of Request:

The subject property is zoned I-1 (light industry). The subject property was annexed into City limits in December of 1974. In May 2013 the 12.28 acres tract of land was rezoned to I-1 for light industry. The front part of the property is currently being used retail for storage buildings.

	<b>Zoning Classification</b>	<b>Land Use</b>
North of the Property	A-E (Agriculture & Estate)	Diesel Repair Shop
East of the Property	A-E (Agriculture & Estate)	Wooded, Vacant Lot
South of the Property	A-E (Retail Business)	Wooded, Vacant Lot
West of the Property	C-3 (General Business)	Auto Repair Shop

The request is on a Special Use Permit for a temporary concrete batch plant to facilitate a Texas Department of Transportation project contracted to East Texas Bridge to pave the intersection of Loop 390 and U.S. 59 North. The project is estimated to last one year.

Access from the site will be made from an existing driveway on US Hwy 59.

Water is provided to the property by a 6” water line which runs along US Hwy 59.

The Zoning Ordinance outlines the following stipulations for temporary concrete batching plants:

- 1.) This activity shall be permitted in the A-E, R-1, R-2, R-3, R-4, R-5, R-6, MF, MH, C-1, C-2, C-3, and I-1 districts upon approval of a Special Use Permit.  
*The property is located within the I-1 zoning district and therefore allowed with an approved SUP.*

2.) A buffer shall be required for this activity as provided for in Section 29.

*Types of buffers are defined in Section 29.03 of the Zoning Ordinance. Item E of that section allows for a "strip of land a minimum of 300 feet in width that is allowed to remain in its natural state. The proposed 200' x 200' site for the temporary concrete batch plant would be at least 300' from all property lines.*

Possible Conditions:

If approval is being considered for the request, staff would recommend the following conditions be placed on the request:

1. The Special Use Permit should be granted for a period of 24 months and may be extended by the Planning & Zoning Commission for an additional 12 months.
2. Once activities related to the temporary batch plant cease, the land must be returned to its original state.

Attachments:

1. Aerial of Site
2. Pictures of the Site and Surrounding Area
3. Proposed Site Plan
4. Proposed Ordinance & Exhibits

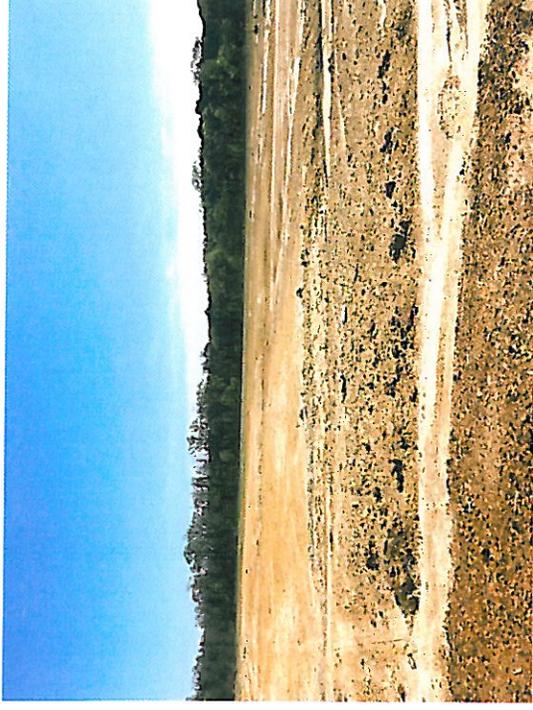
# 2500 East End Blvd North Aerial



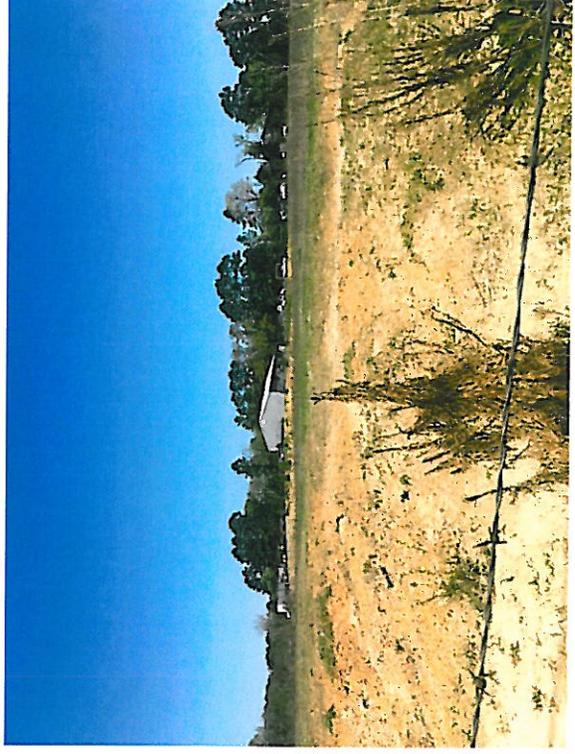
**SUP-16-01 Site Photos**



View of property from U.S. 59 North



View from behind storage units off of U.S. 59 North



View from Harris Road

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

AN ORDINANCE FOR A SPECIAL USE PERMIT FOR A TEMPORARY CONCRETE BATCH PLANT ON PROPERTY LEGALLY DESCRIBED AS BEING 12.28 ACRES OF LAND, BEING A PART OF THE HENRY TEAL SURVEY, ABSTRACT 704, GENERALLY LOCATED NORTH SIDE OF HARRIS LAKE ROAD AND EAST OF U.S. HWY 59, MORE SPECIFICALLY DEFINED AS 2500 EAST END BOULEVARD NORTH, 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 14<sup>th</sup> day of April, 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 hereby granted and the property legally described as being a 12.28 acres of land, being a part of the Henry Teal Survey, Abstract 704, generally located north side of Harris Lake Road and east of U.S. HWY 59, more specifically defined as 2500 East End Boulevard North within the boundaries of the City of Marshall, is hereby a permitted use for temporary concrete batch plant use within the boundaries as depicted on the conceptual site plan in Exhibit "A" and subject to the following conditions:

1. The Special Use Permit should be granted for a period of 24 months and may be extended by the Planning & Zoning Commission for an additional 12 months.
2. Once activities related to the temporary batch plant cease, the land must be returned to its original state.

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 14<sup>th</sup> day of April, 2016.

AYES: \_\_

NOES: \_\_

ABSTAINED: \_\_

PASSED on second reading the 28<sup>th</sup> day of April, 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

# HARRISON COUNTY, TEXAS CITY OF MARSHALL

Fernando S. Ortiz and spouse,  
Maximina P. Ortiz  
Called 13.509 Acres  
Volume 1335, Page 884

HENRY TEAL SURVEY,  
A - 704

Eddie Clair McCracken Fletcher  
to Rayford F. McCracken, Jr.  
Residue of Called 12 1/2 Acres  
Volume 1224, Page 669

Penelope H. Jones to  
Rayford F. McCracken, Jr.  
Called 25.62 Acres  
Volume 3302, Page 217

JAMES HARRIS SURVEY,  
A - 12

PETER WHETSTONE SURVEY,  
A - 756

Kittie Harris and  
Penelope Harris Jones  
Residue of Called 276.09 Acres  
Volume 1108, Page 502

THOMAS IDEN  
SURVEY,  
A - 354

HARRIS ROAD

PLAT SHOWING:  
**EXHIBIT PLAT OF A PROPOSED  
TEMPORARY BATCH PLANT, LOCATED IN  
THE HENRY TEAL SURVEY, A - 704,  
CITY OF MARSHALL,  
HARRISON COUNTY TEXAS**

SURVEYED FOR:  
**RAYFORD F. MCCRACKEN**

SURVEYING & MAPPING BY  
**ARK-LA-TEX SURVEYING CO., INC.**  
Texas Firm Registration No. 10093700  
305 W. Rusk Marshall, Tx. (903) 938-9939

Date: 03/15/2016	Scale: 1" = 200'
Drawn By: KNG	Surveyed By: N/A
Job No.: 32826	File No.: 704-21w1

Plat prepared from Deed Records and Aerial  
photography only. No on the ground  
surveying was done.

