City Commission Agenda Information Sheet
October 13, 2016

Agenda Item

Z-16-05 – Conduct a public hearing and consider an ordinance amending the zoning map regarding a 2.312 acre tract of land in the Peter Whetstone Survey Abstract 756 changing the zoning designations from A-E (Agriculture and Estate) to C-3 (General Business). The subject property is generally located on the east side of West Loop 390 North and on the north side of Scotts Quarter Road, more specifically defined as 1440 W. Loop 390 North.

The Planning & Zoning Commission unanimously recommended approval.

The City Commission unanimously approved the first reading.

Background & Summary of Request:

The subject property is currently developed with an abandoned metal office and fencing, the table below outlines the surrounding zoning and land uses:

	Zoning Classification	**Land Use**
North of the Property	A-E (Agriculture and Estate)	Vacant Land
East of the Property	A-E (Agriculture and Estate)	Vacant Land
South of the Property	A-E (Agriculture and Estate)	Vacant Land
West of the Property	A-E (Agriculture and 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 property owner has stated this request is to allow the property to be marketed as a commercially zoned property. No proposed use has been identified at this time.

The closest water service to the site is provided by an existing 2" water line runs along Ward Street and a 6" sewer line runs along Ward Street on the east side of the subject property.

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.
The surrounding property is all zoned A-E (Agriculture and Estate) and the uses are primarily residential. Any use that occupies the property will be required to comply with all development regulations, such as buffer yard and nuisance requirements.

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 was annexed into the City under the interim zoning of A-E, in order for the owner or future owners to maximize the use of the land, the zoning would need to be changed since the A-E district is very restrictive.

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 is not expected that any change in zoning will affect the surrounding property owners. Loop 390 is a major arterial roadway in the city and it is expected that commercial growth will take place along these thoroughfares.

Attachments:

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

Zoning/Aerial
Z-16-05

Site Photographs
Z-16-05

Subject Property

Looking north on Loop 390

Looking south on Loop 390

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE APPROXIMATELY 2.312 ACRES FROM A-E (AGRICULTURE - ESTATE DISTRICT) TO C-3 (GENERAL BUSINESS DISTRICT), OUT OF THE PETER WHETSTONE SURVEY ABSTRACT 756 AND GENERALLY LOCATED ON THE EAST SIDE OF WEST LOOP 390 NORTH AND ON THE NORTH SIDE OF SCOTTS QUARTER ROAD, MORE SPECIFICALLY DEFINED AS 1440 W. 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 22nd day of September, 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 2.312 acres from A-E (Agriculture and Estate) to C-3 (General Business), out of the Peter Whetstone Survey Abstract 756 and generally located on the east side of West Loop 390 North and on the north side of Scotts Quarter Road, more specifically defined as 1440 W. Loop 390 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 22nd day of September, 2016.

AYES: __
NOES: __
ABSTAINED: __

PASSED on second reading the 13th day of October, 2016.

AYES: ___
NOES: ____
ABSTAINED: ____

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

ATTEST:

_____
CITY SECRETARY