



City Commission Agenda Information Sheet

January 26, 2017

Agenda Item

Z-16-08 –Consider adopting an ordinance amending the zoning map regarding a rezoning request for a 3.76 acre tract of land from A-E (Agricultural and Estate) to R-5 (Single Family Attached) as well as a 102.41 acre tract of land from A-E (Agricultural and Estate) to R-2 (Single Family Detached). The subject property is generally located on the south side of Kings Road, and on the east side of West Pinecrest Drive.

The Planning & Zoning Commission recommended approval.

City Commission approved first reading.

Background & Summary of Request:

The subject property is currently vacant and heavily wooded. The table below outlines the surrounding zoning and land uses:

	Zoning Classification	Land Use
North of the Property	A-E (Agricultural and Estate)	Mixture of vacant lots and single family detached homes
East of the Property	A-E (Agricultural and Estate)	Mixture of vacant lots, single family detached homes, and oil field equipment (Water storage)
South of the Property	A-E (Agricultural and Estate)	Vacant wooded lots and oil field equipment
West of the Property	A-E (Agricultural and Estate)	Vacant wooded lots and a single family residence

The R-2 (Single Family Detached) zoning district was created to provide sufficient space in appropriate locations for residential development to meet the present and future housing needs of the City of Marshall. The R-5 (Single Family Attached) zoning district was created to establish and provide adequate space and site diversification for residential purposes designed to accommodate the unique features common to town houses, patio homes, zero lot line homes, and similar residential developments.

Water service to the site is provided by an existing 6" water line running along Kings Road and an 8" sewer line running along Kings Road 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. The General Plan also seeks to encourage construction of single family homes in infill lots or new developments and make sure that the development is in an orderly manner that can be served by existing infrastructure. The requested zoning change complies with these goals by expanding housing opportunities with a mix of residential styles. Water and sewer services are believed to be adequate for the proposed request and this will be further determined during the platting phase and when working with site engineers. The roadways in the area should be able to accommodate the increased traffic but if improvements are needed the engineers will determine that during the platting phase. 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 surrounded by large tracts consisting primarily of single-family homes. The request is to rezone the majority of the subject property to R-2 which requires a minimum of 9,000 square foot lots and for the remainder of the property the R-5 district is being requested which are a minimum of 2,000 square foot lots. The surrounding area to the east is predominately large acreage and farm lots, the area the south are single-family lots around an acre in size. While the proposed development is different than the existing area, given the location of the proposed development in conjunction with existing development staff does not find that there will be an adverse impact on the surround 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 A-E (Agriculture and Estate) district does allow for the creation of single-family detached homes but not for the creation of patio homes or townhomes, both of which are options for the R-5 (Single Family Attached) zone. The lot areas of the proposed sites in the R-2 (Single Family Detached) zone are all under the minimum required two (2) acre lot size required in the A-E (Agriculture and Estate) zones, meaning that a change will need to be made in order to allow for the construction of homes. The zoning will need to be changed from the A-E (Agriculture and Estate) to a mixture of R-5 (Single Family Attached) and R-2 (Single Family Detached) in order to allow for the building of homes on the proposed lots. The surrounding area is currently zoned A-E (Agriculture and Estate) and contains a mixture of vacant tracts and single-family detached homes. The proposed change will be in keeping with the pattern of residential developments north of the property.

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 area and the mixture of vacant wooded tracts and single family homes, it does not appear that there will be any negative impact on surrounding properties in terms of road access or traffic concerns. The proposed change is logical in that it follows the City of Marshall's desire to increase housing options for existing and new residents and should help make the area a more vital part of the community.

Attachments:

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

Aerial Photograph

Z-16-08



Subject Property

Site Photographs
Z-16-08



Subject Property



Subject Property



Residential Use to the north



Residential Use to the north



Petroleum Use (Water Storage) to the east

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE APPROXIMATELY 3.76 ACRES FROM A-E (AGRICULTURAL ESTATE DISTRICT) TO R-5 (SINGLE-FAMILY ATTACHED DISTRICT) AND APPROXIMATELY 102.41 ACRES FROM A-E (AGRICULTURAL ESTATE DISTRICT) TO R-2 (SINGLE-FAMILY DETACHED DISTRICT), OUT OF THE WHETSTONE SURVEY AND GENERALLY LOCATED ON THE SOUTH SIDE OF KINGS ROAD AND TO THE EAST OF WEST PINECREST DRIVE (US HWY 43), 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 12th day of January, 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 3.76 acres from A-E (Agricultural Estate District) To R-5 (Single-Family Attached District) and approximately 102.41 acres from A-E (Agricultural Estate District) to R-2 (Single-Family Detached District), out of the Whetstone Survey and generally located south of Kings Road and to the east of West Pinecrest Drive (US HWY 43).

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 12th day of January, 2017.

AYES: __
NOES: __
ABSTAINED: __

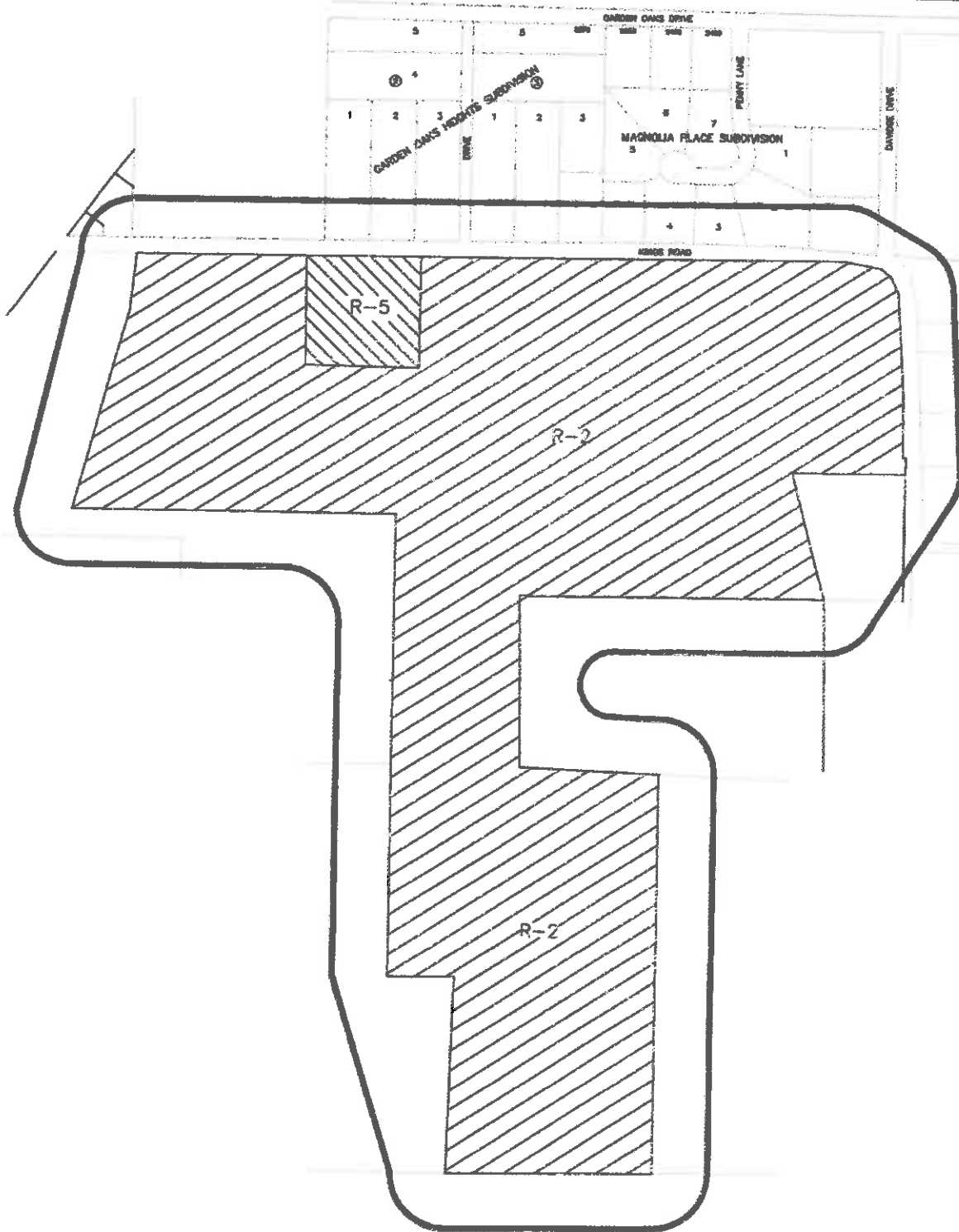
PASSED on second reading the 26th day of January, 2017.

AYES: ____
NOES: ____
ABSTAINED: ____

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

ATTEST:

CITY SECRETARY



Case No. Z-16-08

Scale: 1"=600'

Date: 12-12-2016

PLANNING DEPARTMENT
CITY OF MARSHALL, TEXAS

Remarks: a request to
rezone 3.76 acres of land
from A&E-Agriculture and
Estate to R-5 Single Family
Attached, and a request to

rezone 102.41 acres from A&E
Agriculture and Estate to
R-2 Single Family Detached
Applicant: Brady Andrews
Loc: 2600 Block of Kings Road