



# City Commission Agenda Information Sheet

## January 26, 2017

Agenda Item

**Z-16-09** –Consider adoption of an ordinance amending the zoning map regarding a rezoning request for a 0.774 acre tract of land from A-E (Agricultural and Estate) to C-2 (Retail Business). The subject property is generally located on the north side of Victory Drive, specifically defined as 5409 Victory Drive.

**The Planning & Zoning Commission recommended approval.**

**City Commission approved first reading.**

Background & Summary of Request:

The subject property is currently contains a single family detached residence with a detached garage located behind the house to the north-east. The table below outlines the surrounding zoning and land uses:

	<b>Zoning Classification</b>	<b>Land Use</b>
North of the Property	A-E (Agricultural and Estate)	Wooded area owned by residence to east of property
East of the Property	A-E (Agricultural and Estate)	Single Family Home
South of the Property	A-E (Agricultural and Estate)	Agricultural Use
West of the Property	A-E (Agricultural and Estate)	Single Family Home

The C-2 (Retail Business) district was designed to provide sufficient space in appropriate locations with a variety of site choices for retail or business development. The C-2 (Retail Business) district is intended to be the primary district in which consumer and service oriented activities are established.

Water service to the site is provided by an existing 14” water line running along Victory Drive and a 6” sewer line running along Victory Drive 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 assist the private sector whenever possible to provide stable employment and a wide variety of jobs that offer incomes suitable to support a decent standard of living, the proposed change will create a space for a small business to*

*start, thus taking a currently vacant property and using it to create income. The General Plan lays out the need to fill vacant property and to allow for the creation of neighborhood businesses. 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 Agricultural and Estate zoning districts that are largely single family homes with a farm to the south. The north and western sides of the property are largely wooded areas. The wooded area to the western side of the property appears to be in compliance with the buffer requirements set forth in Section 29.03 of the zoning ordinance; the adjacent property to the east may require the construction of a buffer fence in order to be in compliance. It does not appear that the requested change will have an adverse impact on the surrounding property given the nature of the proposed business and the type of parking demands it might generate, traffic will not be a concern as the neighboring lots are all on a major thoroughfare, Victory Drive (US 80).*

- 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 zoning will need to be changed from the A-E (Agricultural and Estate) to C-2 (Retail Business) in order to allow for the creation of a business on the lot. The applicant wishes to use the currently vacant single-family detached home to start a licensed professional massage therapy business. The surrounding area contains lots that are large A-E (Agricultural and Estate) with a mixture of single family residences, vacant wooded areas, and farm land. There is an R-1 (Single Family Detached) housing subdivision on the south side of Victory Drive located to the south east of the property and two C-2 (Retail Business) zoned areas to the west of the property off of Victory Drive. The surrounding quarter-mile area contains a mixture of uses, from single family residences, farms, churches, and a gas station. It is off a heavily travelled road, Victory Drive (Highway 80).*

- 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?

*The proposed change does not appear that it will create any problems for the health, safety, and welfare of the general community. The change appears to be largely for the benefit of the property owner but it does benefit the community in that it takes a vacant structure and utilizes it in a productive manner. It does not appear that the proposed change would, in any way, cause the adjacent property owners to suffer or to lose any enjoyment in their area. The area is currently largely residential and farmland, with residential-zoned neighborhoods separating the busier downtown parts of Victory Drive from the proposed site, meaning that commercial development doesn't appear likely in the immediate area, however the creation of home-based professional businesses is not out of the ordinary for any city.*

Attachments:

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

Aerial Photograph

Z-16-09



Subject Property

Site Photographs  
Z-16-09



Subject Property



Subject Property





**Residential Use to the west**



**Residential Use to the east**



**Agricultural use to the south**

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

AN ORDINANCE AMENDING ORDINANCE NO. 0-87-13 TO REZONE APPROXIMATELY 0.774 ACRES FROM A-E (AGRICULTURAL ESTATE DISTRICT) TO C-2 (RETAIL BUSINESS DISTRICT) OUT OF THE B. ROGERS SURVEY AND GENERALLY LOCATED ON THE NORTH SIDE OF VICTORY DRIVE, SPECIFICALLY DEFINED AS 5409 VICTORY DRIVE, 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 12<sup>th</sup> 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 0.774 acres from A-E (Agricultural Estate District) TO C-2 (Retail Business District) out of the B. Rogers Survey and generally located on the north side of Victory Drive, specifically defined as 5409 Victory Drive.

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 12<sup>th</sup> day of January, 2017.

AYES: \_\_\_

NOES: \_\_\_

ABSTAINED: \_\_\_

PASSED on second reading the 26<sup>th</sup> day of January, 2017.

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