



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-1**

**Subject: APPLICATION Z03-06-022 GLORY DEVELOPMENT CORPORATION**  
**Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District and “M-1” Light Industrial District to “R-1B” Single-Family Residential District on Lots 108-117 of NCB 661B, Lots 163-166, NCB 661B, and Lots 169-194 of NCB 661B, forty-two lots totaling 13.75± acres located 134± feet west of the intersection of Academy Avenue and West 2<sup>nd</sup> Street, fronting 560± feet along the south side of West 2<sup>nd</sup> Street with a depth of 1186± feet (the 2200 block of West 2<sup>nd</sup> Street).**

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**Item Reference:**

The applicant is requesting a zoning change to allow for the development of single-family homes.

Section 10-210, "R-1B" Single-Family Residential District, allows for the development of single-family residential units, churches, public schools, and accessory buildings and uses which are incidental to the above uses, but not involved in the conduct of business. Maximum allowable building height is two and one-half stories or forty-two feet in height. Setback requirements are twenty-five feet in the front and rear and six feet on the side. Minimum lot size is 6,000 square feet.

Property to the east, west, and south is zoned “R-1A” Single-Family Residential District, while property to the north is zoned “R-2” Two-Family Residential Development; however, the area is developed with single-family homes.

The Planning and Zoning Commission tabled this application last month to allow the applicant time to meet with the adjacent property owners. The applicant addressed their concerns.

The property is currently platted into 40 lots with access from Academy Avenue and 5<sup>th</sup> Street. If this request is approved, the new development will be subdivided into 49 lots with a single access from 2<sup>nd</sup> Street. The homes will be approximately twelve-hundred square feet in size with brick façades and two car garages. Staff feels this project will revitalize the area by providing affordable new construction. A new subdivision plat will be required once the zoning request is approved.

On April 4, 2006, the Planning and Zoning Commission held a public hearing on this request. There was .3 percent written letters of protest filed. No one spoke in opposition to the request. Barry Robinson appeared on behalf of the application.

All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

**Agenda Number: Z-1**

**Page: 2 of 2**

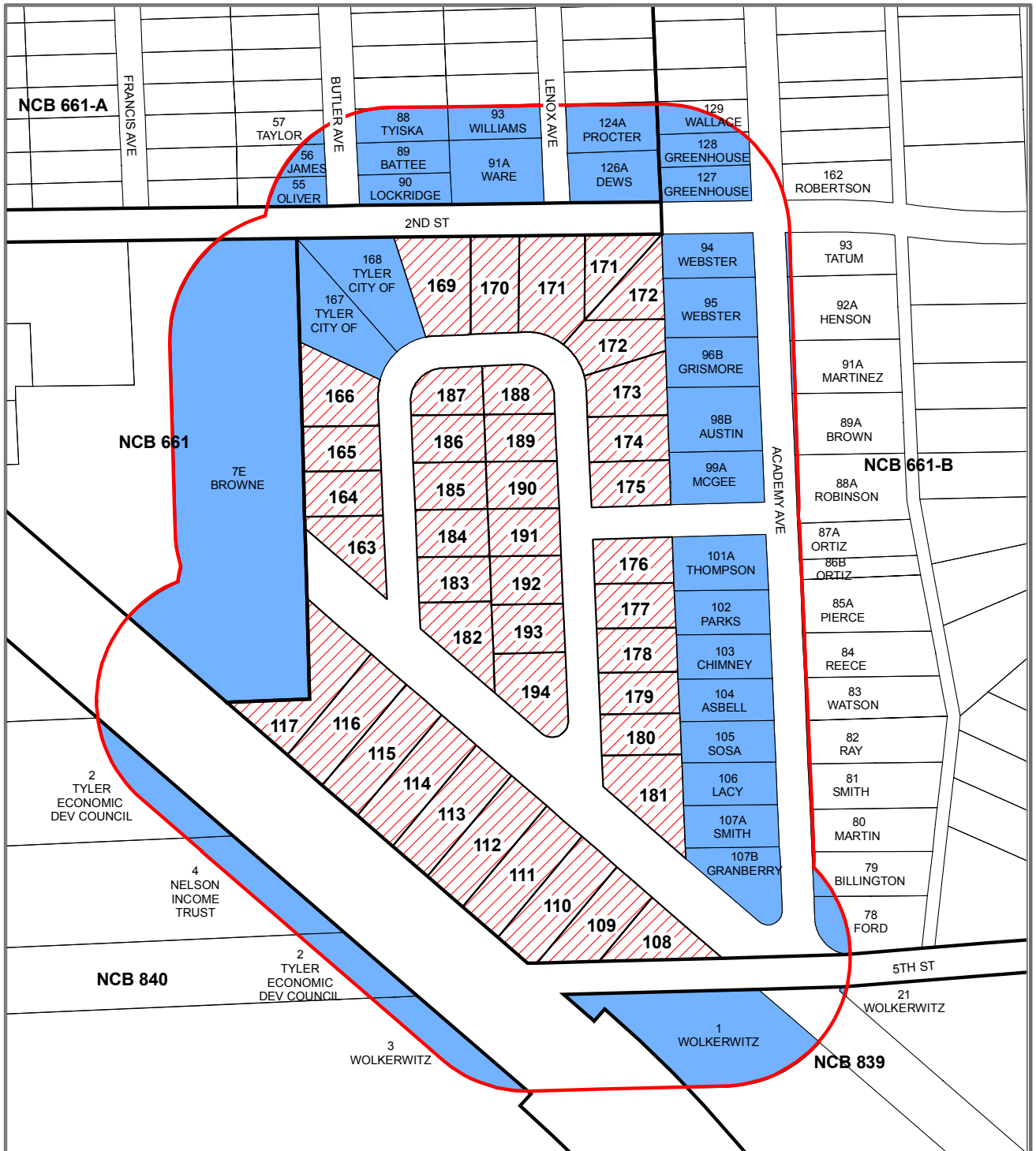
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “R-1A” Single-Family Residential District and “M-1” Light Industrial District to “R-1B” Single-Family Residential District.

A handwritten signature in cursive script that reads "Stephanie Rollings".

**Drafted/Recommended By: Stephanie Rollings**  
**Department Leader**

**Edited/Submitted By:**  
**City Manager**

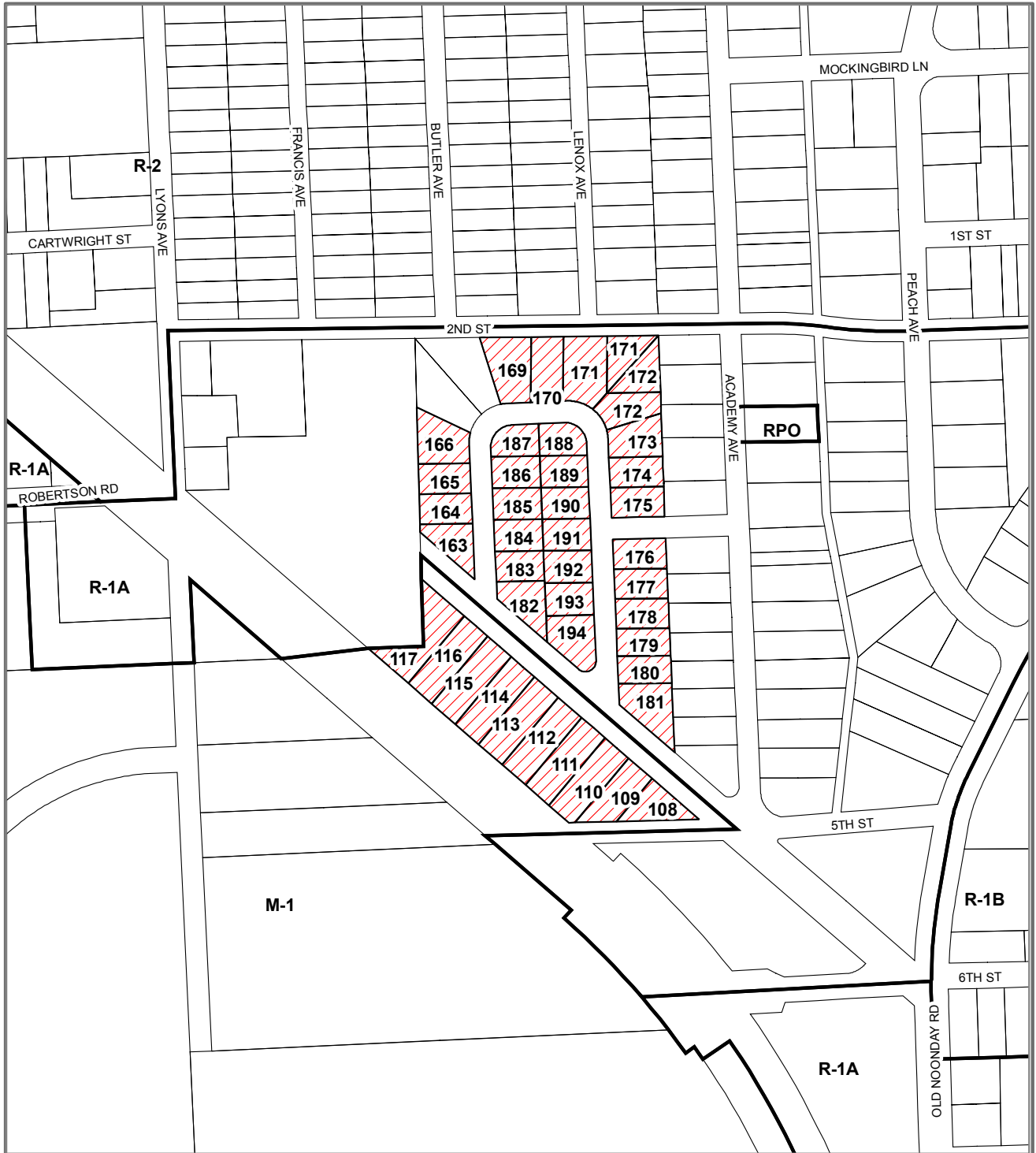


200 0 200 Feet

**ZONING CASE**

Zoning Case #: Z03-06-022  
 Existing Zoning: R-1A & M-1  
 Applicant: Glory Development Corporation


○ 200' Notification Buffer  
 ▨ Subject Property



300 0 300 Feet

**ZONING CASE**

Zoning Case #: Z03-06-022  
 Existing Zoning: R-1A & M-1  
 Applicant: Glory Development Corporation

-  200' Notification Buffer
-  Subject Property



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-2

**Date:** April 26, 2006

**Subject:** APPLICATION Z03-06-026 MICHAEL C. BARBEE TRUST  
Request that the City Council consider a request to change the zoning from zoning from “R-1B” Single-Family Residential District to “RPO” Restricted Professional and Office District on Lot 2 of NCB 273E, one lot totaling .28± acres located at the southwest corner of the intersection of Wall Avenue and 4<sup>th</sup> Street, fronting 139± feet along the west side of Wall Avenue, fronting 192± feet along the south side of 4<sup>th</sup> Street, and fronting 228± feet along the northeast side of 4<sup>th</sup> Street. 4<sup>th</sup> Street is divided at this location (1703 Wall Avenue).

**Page:** 1 of 2

**Item Reference:**

The applicant is appealing the denial of her request to allow for the development of a law office.

Section 10-222, "RPO" Restricted Professional and Office District, is intended to permit the use and grouping of small professional offices and related facilities with limited non-residential use in areas near or adjoining residential districts without introducing non-related commercial uses. Uses permitted within this district include clinics or offices, personal service facilities, i.e., barber and beauty shops, small antique shops and other uses of similar character. The Height and Area regulations within the "RPO" District are consistent with the regulations of the "R-1B" Single-Family Residential District.

Property to the north and east is zoned “R-1B” Single-Family Residential District, while property to the south and west is zoned “AR” Adaptive Reuse. Due to the awkward size of this lot and its proximity to an established residential subdivision, Staff does not support this request.

The applicant submitted a preliminary site plan; however, a site plan is not required for this type of zoning request. The preliminary site plan shows two driveways. One driveway will be located on Wall Street and the second on 5<sup>th</sup> Street. Development Services states the driveway on Wall Street would likely be the only drive allowed because of the site visibility issue on 5<sup>th</sup> Street and the need for TXDOT approval.

Should a rezoning occur, the only appropriate zoning would be a “POD” Planned Office District zoning so a site plan can be adequately reviewed.

**Agenda Number: Z-2**

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On March 7, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 44 percent written letters of protest filed. Mary Endres, Christopher James Anderson, Lewis Williams, and Alecia Wolfe spoke in opposition to the request. Mrs. Endres felt that any business on the property would destroy the character of the neighborhood. She expressed concern with additional traffic and parking on residential streets. Commissioner Whatley suggested an "AR" designation, which is the current zoning of the property to the south and west. Mrs. Endres said "AR" zoning would be an encroachment into the neighborhood. Blake Armstrong, partner in the law firm of Birdsong and Armstrong, spoke on behalf of the application. He said the law office would not increase traffic as most of their business is conducted by phone or written correspondence. Since their office handles civil matters, a criminal element would not be brought into the neighborhood. Commissioner Hudson expressed concern with the size of the lot. Mr. Armstrong said the lot is small but a 3,200 square foot building can be built on it. He said the design would be compatible with the surrounding area. Mr. Armstrong agreed with Staff's recommendation of "POD". Commissioner Stewart felt the property would not be developed as residential and expressed concern with the existing volume of traffic. Commissioner Hudson said he would not vote for the request because of the percentage of protest filed.

All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 4-2, recommends denial of the request to change the zoning from "R-1B" Single-Family Residential District to "RPO" Restricted Professional and Office District.



**Drafted/Recommended By: Stephanie Rollings**  
**Department Leader**

**Edited/Submitted By:**  
**City Manager**



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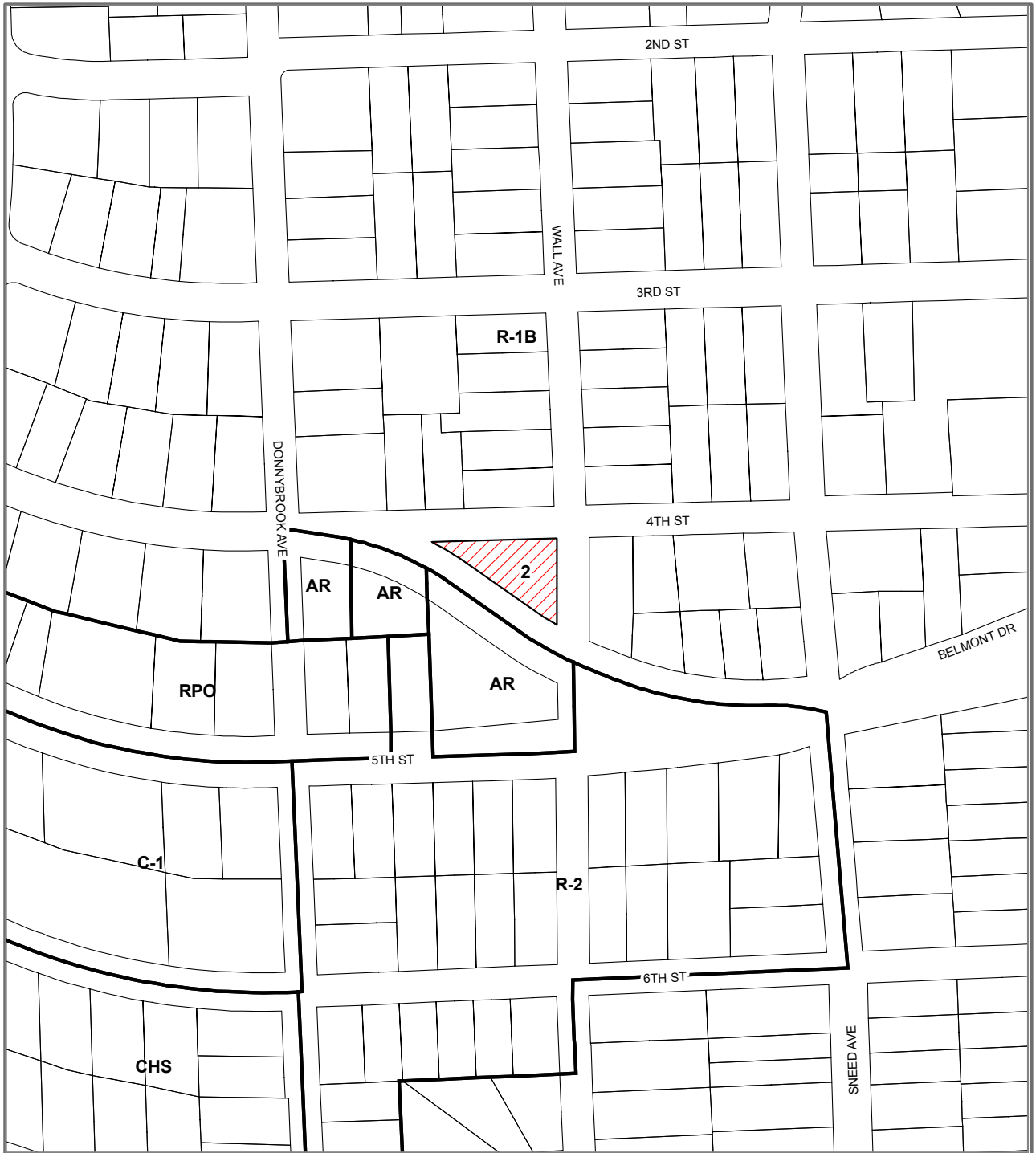
**ZONING CASE**

Zoning Case #: Z03-06-026

Existing Zoning: R-1B

Applicant: Michael C. Barbee Trust

○ 200' Notification Buffer  
 ▨ Subject Property



**ZONING CASE**

Zoning Case #: Z03-06-026  
 Existing Zoning: R-1B  
 Applicant: Michael C. Barbee Trust

 200' Notification Buffer  
 Subject Property

200 0 200 Feet



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-3

**Date:** April 26, 2006

**Subject:** APPLICATION S04-06-032 BOYS AND GIRLS CLUB OF EAST TEXAS

**Request that the City Council consider a request for a new Special Use Permit for a period of ten years on Lot 8 of NCB 500F, one lot totaling 10± acres located 749± feet west of the intersection of North Broadway Avenue and West 32<sup>nd</sup> Street, fronting 134± feet along the south side of West 32<sup>nd</sup> Street and fronting 400± feet along the north side of 28<sup>th</sup> Street (the 600 block of 32<sup>nd</sup> Street).**

**Page:** 1 of 2

**Item Reference:**

The applicant is requesting to change the existing Special Use Permit period (S047-05-084) from an indefinite period to a period of ten years per an agreement with adjacent property owners. The adjacent neighbors and the applicant have also agreed that there will be no court ordered GED programs at the center. The City is unable to enforce this request.

Section 10-245, "Special Use Regulations", states that the governing body may, by ordinance, grant a special permit for special uses in any district as herein qualified, which uses are otherwise prohibited by this ordinance and shall impose appropriate conditions and safeguards, including a specified period of time for the permit. No Special Use Permit shall be issued unless the governing body determines the proposed building or use will not (a) substantially increase traffic hazards or congestion; (b) substantially increase fire hazards; (c) adversely affect the character of the neighborhood; (d) adversely affect the general welfare of the community; or (e) overtax public utilities.

In July, 2005, a Special Use Permit was issued for a community center that will serve the Boys and Girls Club. The permit was approved for an indefinite period. Special Use Permits are usually approved for a specific period of time. In most instances, a first-time Special Use Permit is issued for a period not to exceed three years. Renewals of existing Special Use Permits are approved for a longer time period. Some special uses, due to their nature and the cost associated with their operation, may be approved for an indefinite period. In all cases, the term and duration of a Special Use Permit rests with the City Council. Staff previously recommended approval for an indefinite period because of the financial investment of the facility; however, due to concerns from adjacent neighborhood, the applicant is re-submitting for a ten year period as opposed to an indefinite period.

Staff does not have any issues with the length of time that is proposed. However, the applicants must renew the permit in ten years. At that time, any complaints will be addressed.

**Agenda Number: Z-3**

**Page: 2 of 2**

On April 4, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke in opposition to the request. Robbie Slocumb, Executive Director of the Boys and Girls Club, and Andrew Melontree appeared on behalf of the application.

All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed use.

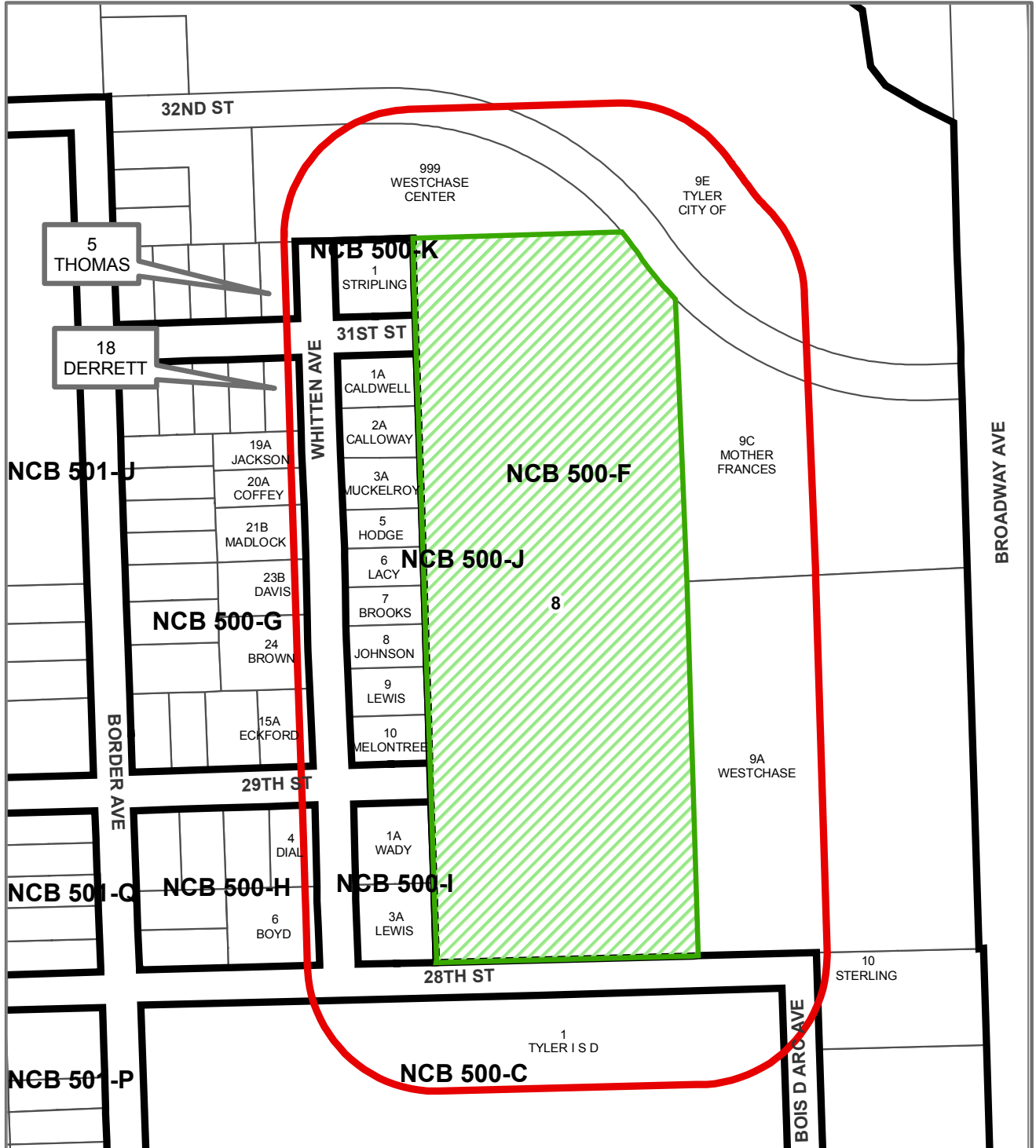
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the existing Special Use Permit period from an indefinite period to a period of ten years.



**Drafted/Recommended By: Stephanie Rollings**  
**Department Leader**



**Edited/Submitted By:**  
**City Manager**

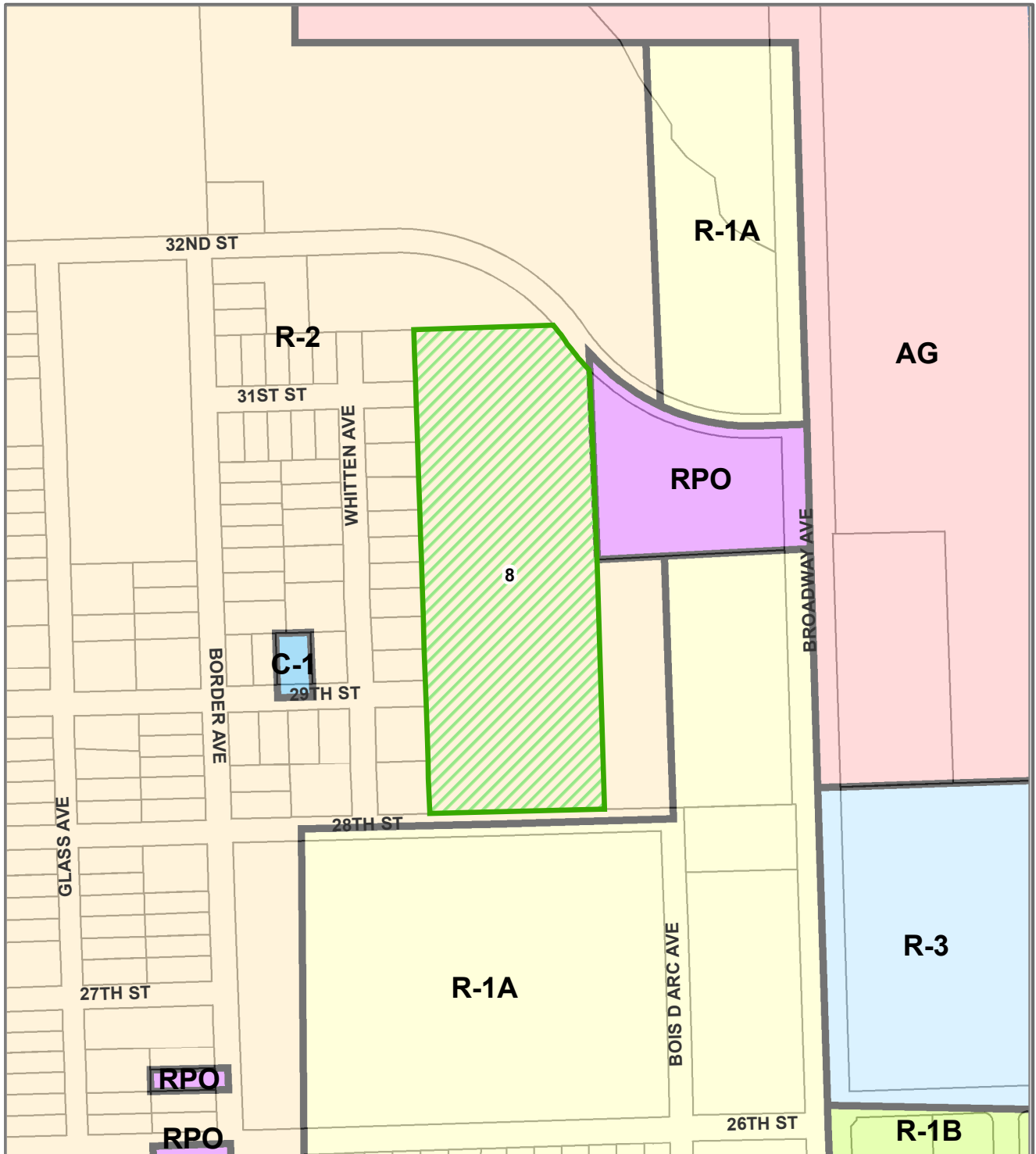


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**ZONING CASE**

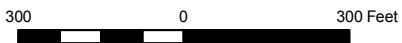
Zoning Case #: S04-06-032  
 Existing Zoning: R-2  
 Applicant: Boys & Girls Clubs of East Texas


 Subject Property  
 200' Notification Buffer



**ZONING CASE**

Zoning Case #: S04-06-032  
 Existing Zoning: R-2  
 Applicant: Boys & Girls Clubs of East Texas



 Subject Property

**ORDINANCE NO. 0-2006-40**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; DIRECTING THE AMENDMENT OF THE ZONING MAP; APPROVING ZONING; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Tyler, Texas, and the City Council of the City of Tyler, Texas, in compliance with the Charter and the State law with reference to the zoning ordinance of the City of Tyler, Texas, and zoning map, have given requisite notices by publication and otherwise and after holding a due hearing and affording a full and fair hearing to all the property owners, generally and to the persons interested, situated in the affected area and in the vicinity thereof, the City Council is of the opinion that the zoning changes and special use permit should be made as set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That the following zone changes and special use permit are hereby approved as follows:

**I. APPLICATION Z03-06-022**

That the following described property, which is currently zoned “R-1A” and “M-1”, shall hereafter bear the zoning classification of “R-1B”, to wit:

Lots 108-117 of NCB 661B, Lots 163-166, NCB 661B, and Lots 169-194 of NCB 661B, forty-two lots totaling 13.75± acres located 134± feet west of the intersection of Academy Avenue and West 2<sup>nd</sup> Street, fronting 560± feet along the south side of West 2<sup>nd</sup> Street with a depth of 1186± feet (the 2200 block of West 2<sup>nd</sup> Street).

**II. APPLICATION Z03-06-026 - Denied**

**III. APPLICATION S04-06-032**

That the following described property, which is currently zoned “R-2”, shall hereafter be used under a new special use permit to allow for a boys and girls club, to wit:

Lot 8 of NCB 500F, one lot totaling 10± acres located 749± feet west of the intersection of North Broadway Avenue and West 32<sup>nd</sup> Street, fronting 134± feet along the south side of West 32<sup>nd</sup> Street and fronting 400± feet along the north side of 28<sup>th</sup> Street (the 600 block of 32<sup>nd</sup> Street),

for a period of ten (10) years.

**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning changes.

**PART 3:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause, or phrase of this ordinance and same are deemed severable for this purpose.

**PART 4:** That this ordinance shall be effective on and after its date of passage and approval by the City Council.

**PASSED AND APPROVED** this the 26<sup>th</sup> of April, 2006.

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JOSEPH O. SEEGER, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

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CASSANDRA BRAGER, CITY CLERK

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CITY ATTORNEY