



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: January 25, 2006

Subject: APPLICATION Z01-06-001 FRANK ASHCROFT/NAC-TY PROP.

Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District to “C-1” Light Commercial District on Lot 19 of NCB 1056, one lot totaling .18± acres located 221± feet west of the intersection of Terilinga Drive and SSE Loop 323, fronting 69± feet along the north side of SSE Loop 323 and fronting 66± feet along the south side of Terilinga Drive (2416 SSE Loop 323).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to comply with the current Zoning Ordinance and allow for an existing strip center that was built in the 1970's. This has been an established commercial use for many years and will not likely revert back to a residential use.

Section 10-225, "C-1" Light Commercial District, allows as permitted uses restaurants, private clubs, antique shops, banks, service stations, offices and retail stores with no outdoor display or storage of merchandise or goods allowed. The maximum building height allowed within this district is two and one-half stories or 42 feet in height. Off-street parking is determined by the specific use proposed. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinances.

The property to the east is currently zoned “C-1” Light Commercial District, while property to the west is zoned “R-2” Two-Family Residential District, property to the south is zoned “C-4” High Rise Commercial District and property to the north is zoned “R-1A” Single-Family Residential District.

On January 3, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 6.38 percent written letters of protest filed. No one spoke in opposition to the request. Gary Halbrooks appeared on behalf of the application.

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

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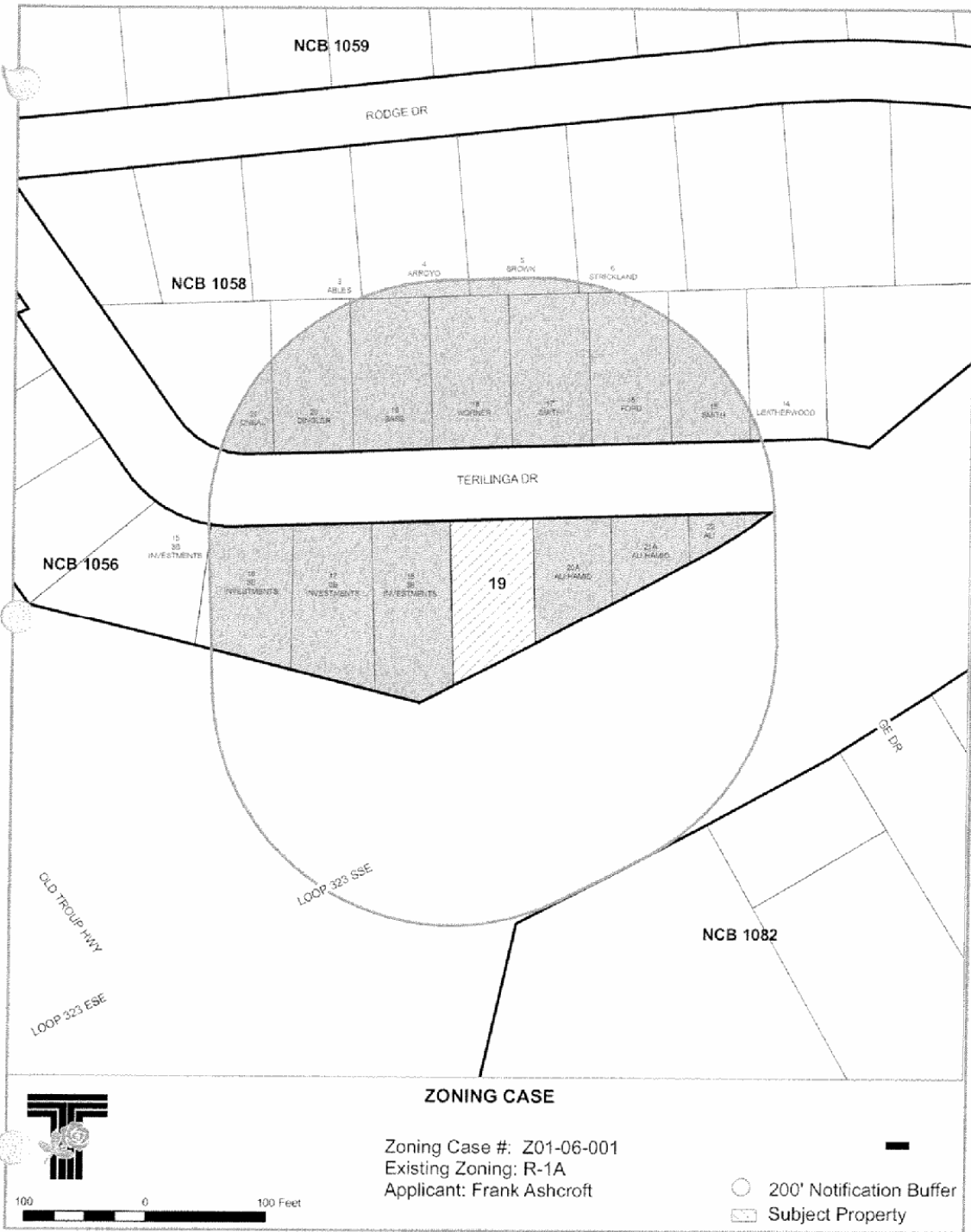
RECOMMENDATION:

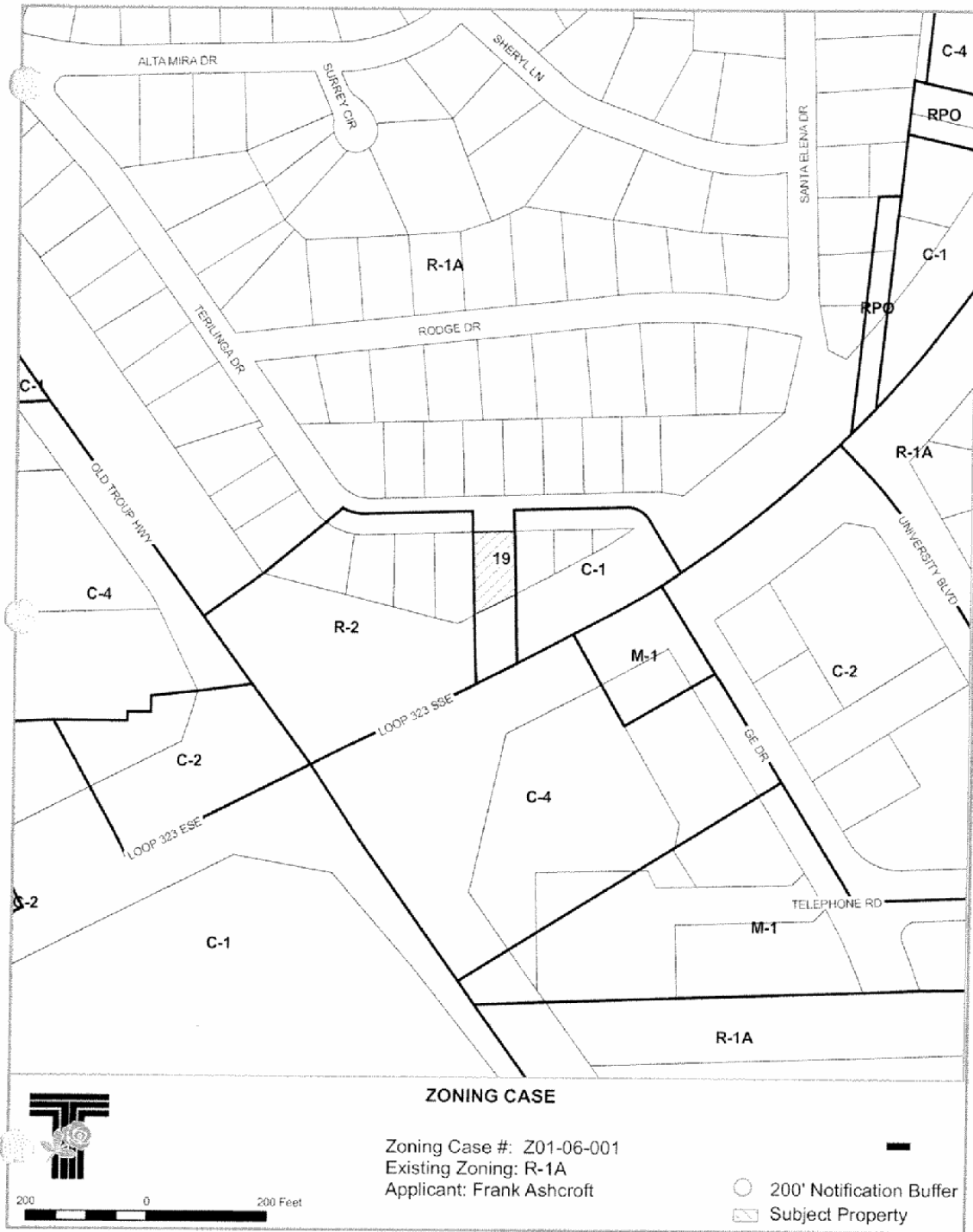
The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “R-1A” Single-Family Residential District to “C-1” Light Commercial District.



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

**Edited/Submitted By:
City Manager**





ALTAMIRA DR
 SHERYL LN
 SURFEY CIR
 R-1A
 RODGE DR
 TERLUNGA DR
 C-4
 RPO
 C-1
 RPO
 R-1A
 UNIVERSITY BLVD
 C-1
 R-2
 M-1
 C-2
 C-4
 GE DR
 C-2
 LOOP 323 SSE
 LOOP 323 ESE
 C-1
 M-1
 TELEPHONE RD
 M-1
 R-1A



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: January 25, 2006

Subject: APPLICATION Z01-06-003 THOMAS AND KATHY UTZ

Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District to “R-1B” Single-Family Residential District on portions of Lots 2A (8.1± acres), 2B (.17± acres), 4B (.21± acres), and 4D (2.5± acres) of NCB 1262, four (4) lots totaling 11.96± acres located at the southwest corner of the intersection of Garden Valley Road and Shawnee Boulevard, extending 295± feet south from Garden Valley Road and extending west 650± feet and then south 850± feet.

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the development of single-family homes with a minimum of 6,000 square foot lots.

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 42 feet in height. Setback requirements are 25 feet in the front and rear and six feet on the side. Minimum lot size is 6,000 square feet.

Surrounding property is zoned “R-1A” Single-Family Residential District.

The applicant plans to develop an affordable housing subdivision with approximately 41 lots. Access will be provided from West Oakwood Drive and a future stub out on the south end of the property. Two streets are proposed. The applicant is requesting the zoning change to allow for additional lots to help offset development costs. The “R-1A” Single-Family Residential District requires a minimum 9,000 square foot lot, but “R-1B” Single-Family Residential District only requires a 6,000 square foot lot. Even though the surrounding properties are zoned “R-1A” Single-Family Residential District, Staff does not feel the “R-1B” zoning would be out of character or incompatible with the surrounding properties. New development would be beneficial to this area that has not experienced new growth or construction.

Agenda Number: Z-2

Page: 2 of 2

On January 3, 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. Thomas Utz said he may not develop the property because he has to acquire the flood plain and would have to raise those lots, which would be costly.

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

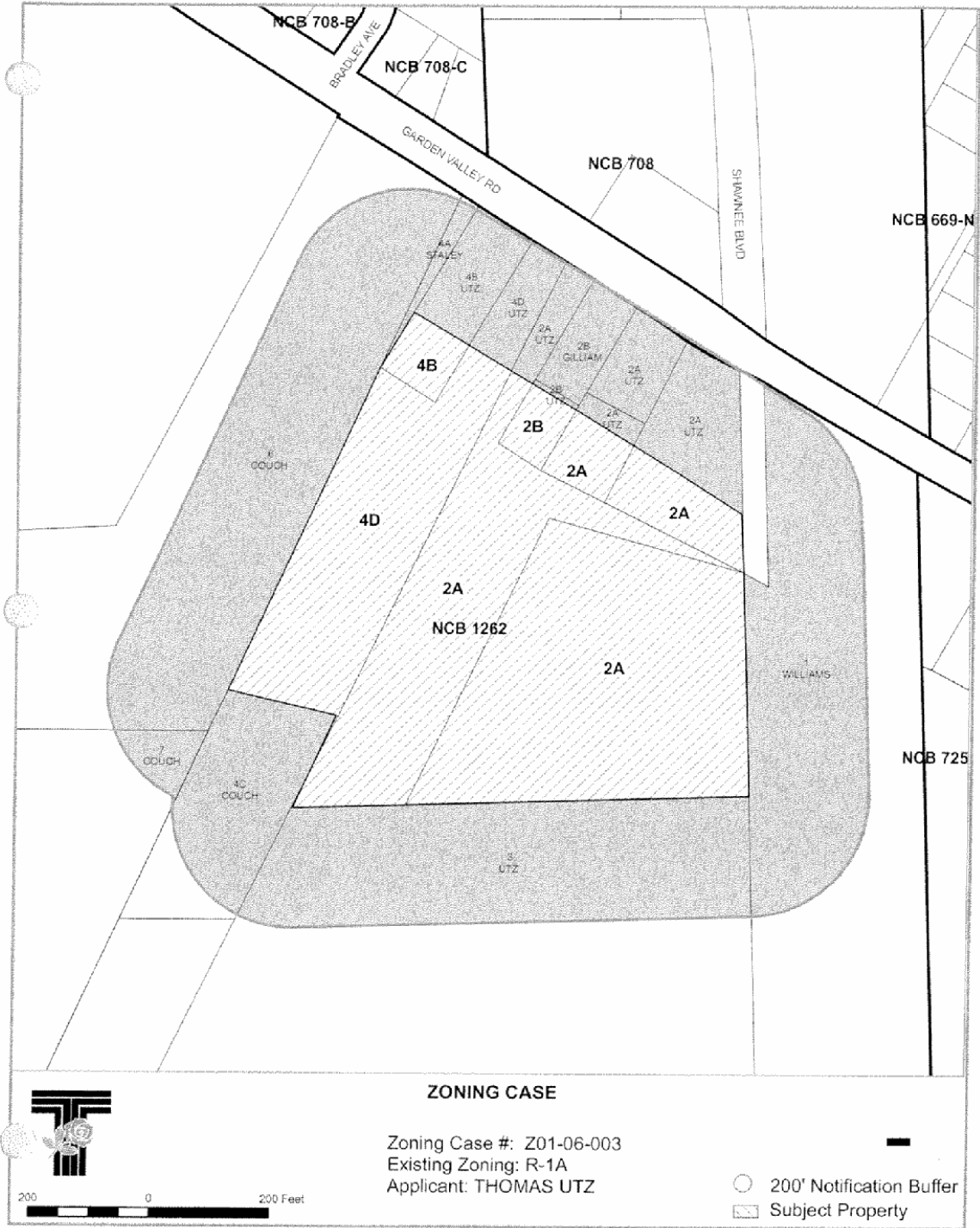
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from "R-1A" Single-Family Residential District to "R-1B" Single-Family Residential District.



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

**Edited/Submitted By:
City Manager**







ZONING CASE

Zoning Case #: Z01-06-003
 Existing Zoning: R-1A
 Applicant: THOMAS UTZ



-  200' Notification Buffer
-  Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-3

Date: January 25, 2006

Subject: APPLICATION Z01-06-004 RONALD B. SEFRNA

Request that the City Council consider a request to change the zoning from “RPO” Restricted Professional and Office District to “AR” Adaptive Reuse District on Lot 1A of NCB 85, one lot totaling .15± acres located at the southwest corner of the intersection of South Bois D’Arc Avenue and Bryan Street, fronting 88± feet along the south side of Bryan Street and fronting 78± feet along the west side of South Bois D’Arc Avenue (505 South Bois D’ Arc).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow the existing structure to be used as a single-family home.

Section 10-220, "AR" Adaptive Reuse District", is established to promote the effective adaptive reuse of structures in a particular area of the City of Tyler which are important to the City for reasons such as architectural design, historical significance, cultural, ethnic and ecological importance and are in danger of being eliminated through clearance and redevelopment and to provide for the adaptive reuse of older residential areas that are in transition from residential to other types of uses without destroying the residential character nor allowing a proliferation of strictly commercial uses. Permitted uses include single-family houses, antique shops, small offices, art galleries and museums, artist studios, florist shops, book stores, and barber or beauty shops. Bed and breakfast inns, cafes, coffee shops and tea rooms are allowed through the issuance of a Special Use Permit. The Height and Area regulations within the "AR" District are consistent with the regulations of the "R-1B" Single-Family Residential District

Property to the north and east is currently zoned “RPO” Restricted Professional and Office District, while property to the south and west is zoned “R-3” Multi-Family Residential District.

The applicant is requesting the zoning change to allow for a residential use. According to the City of Tyler, Land Use Chart, a single-family residential home and an office is an allowed use in an “AR” Adaptive Reuse District. This zoning designation will allow the applicant the flexibility to have a residence but also be allowed to convert the property to a business at a later date if desired. The current “RPO” zoning only allows for office use and not residential. Additionally, the applicant is attempting to secure a loan for purchase of the property and therefore a zoning change is needed.

The zoning designation is appropriate for the area and for the applicant. If the property ever reopens as an office, the appropriate parking will be required.

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On January 3, 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. Christina Cole 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.

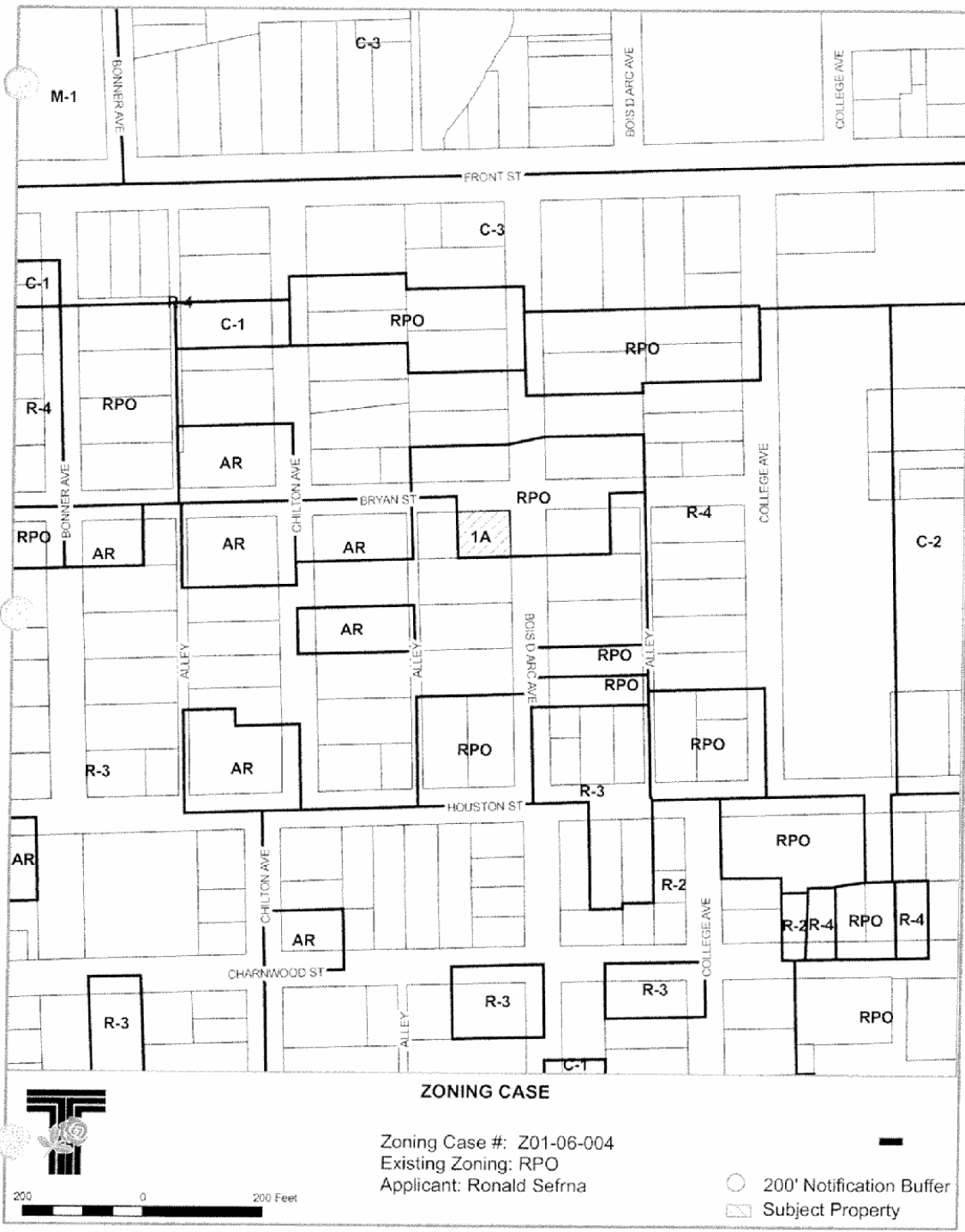
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from "RPO" Restricted Professional and Office District to "AR" Adaptive Reuse District.



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

**Edited/Submitted By:
City Manager**





**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: January 25, 2006

Subject: APPLICATION Z01-06-007 VENUE PROPERTIES, INC.

Request that the City Council consider a request to change the zoning from “AG” Agricultural District to “C-1” Light Commercial District on a four acre portion and a six acre portion of Tract 20 and .45± acres of Tract 19 of the M. University Survey A-624, four acres located 558± feet west of the intersection of Old Jacksonville Highway (FM 2493) and West Grande Boulevard, fronting 473± feet along the south side of West Grande Boulevard. Also, six acres located 3180± feet south of the intersection of Old Jacksonville Highway (FM 2493) and West Grande Boulevard, and extending 350± feet on Tract 20 (the 5500 block of Old Jacksonville Highway).

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Item Reference:

The applicant is requesting the zoning change to allow for future commercial development.

Section 10-225, "C-1" Light Commercial District, allows as permitted uses restaurants, private clubs, antique shops, banks, service stations, offices and retail stores with no outdoor display or storage of merchandise or goods allowed. The maximum building height allowed within this district is two and one-half stories or 42 feet in height. Off-street parking is determined by the specific use proposed. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinances.

Surrounding property is zoned “AG” Agriculture District.

Both Old Jacksonville Highway and Grande Boulevard are major thoroughfares in the City and are appropriate for commercial development. Old Jacksonville Highway is designated as a Minor Arterial and Grande Boulevard is designated as a Major Arterial according to the 2005 approved Master Street Plan. Old Jacksonville Highway provides an adequate buffer between the single-family residential subdivisions along the east side and the proposed commercial areas on the west side. TXDOT will have ultimate authority on issues pertaining to ingress/egress to the site from Old Jacksonville Highway. Additionally, any required right-of-way dedication on the arterials will be addressed at the time of platting.

Agenda Number: Z-4

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On January 3, 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. Mark Priestner 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.

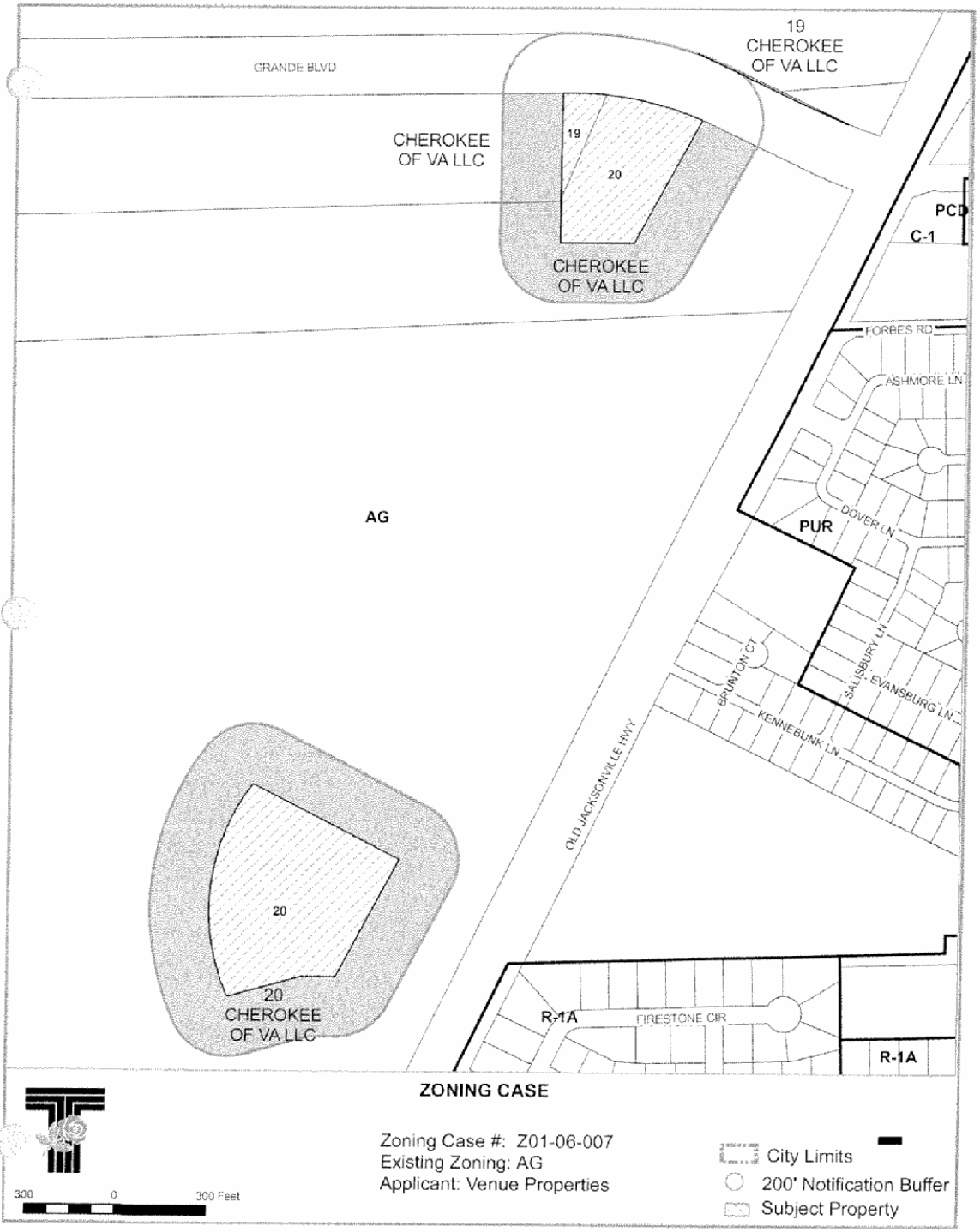
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from AG” Agricultural District to “C-1” Light Commercial District.



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

**Edited/Submitted By:
City Manager**

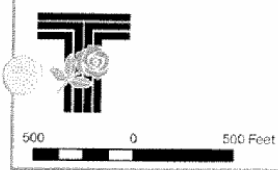


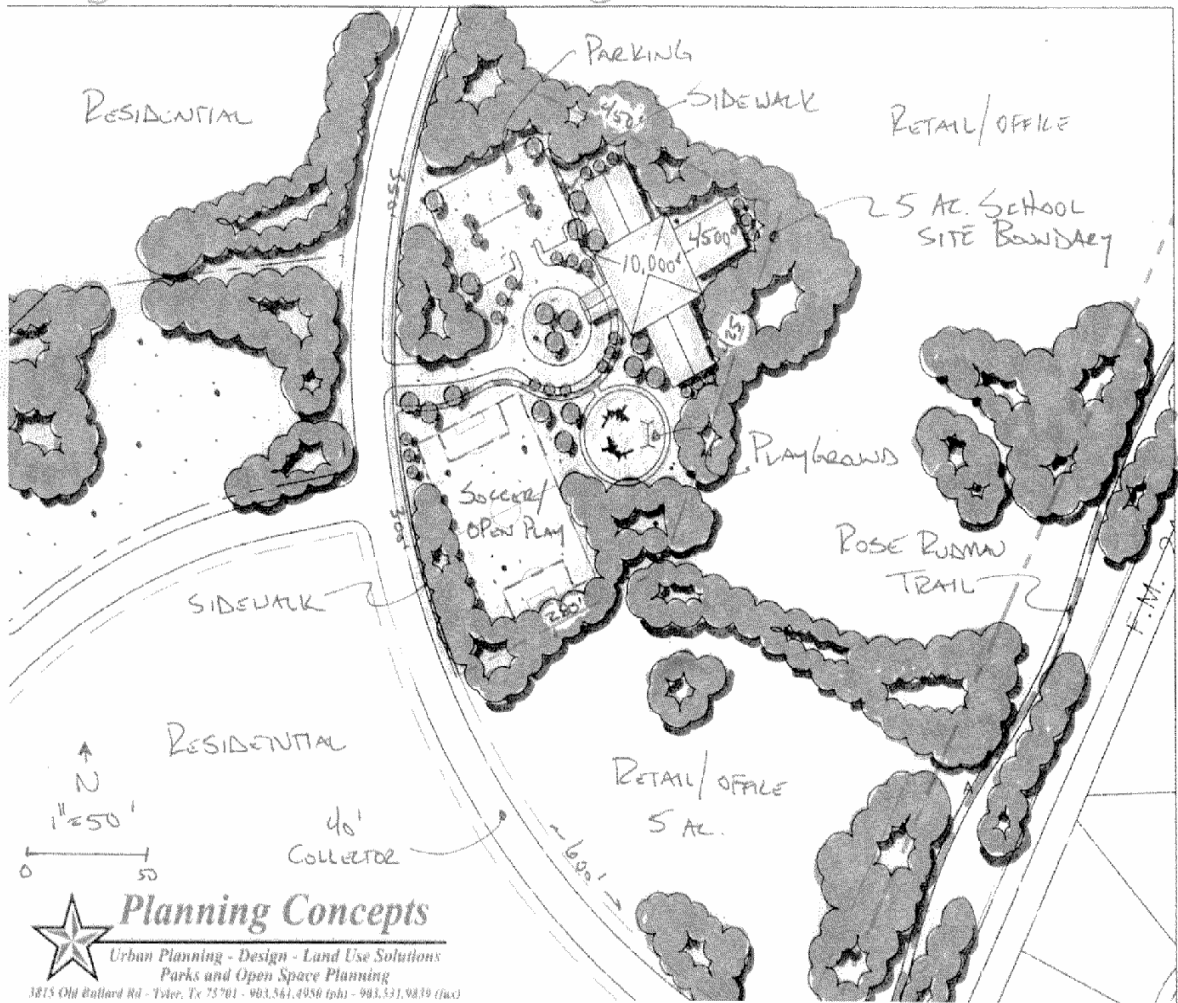


ZONING CASE

Zoning Case #: Z01-06-007
 Existing Zoning: AG
 Applicant: Venue Properties

- City Limits
- 200' Notification Buffer
- Subject Property





Planning Concepts
 Urban Planning - Design - Land Use Solutions
 Parks and Open Space Planning
 3813 Old Ballard Rd. - Tyler, Tx 75701 - 903.561.4956 (ph) - 903.531.9819 (fax)



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: January 25, 2006

Subject: APPLICATION S01-06-010 JOSE VELASQUEZ
Request that the City Council consider a request for the renewal of a Special Use Permit (S11-04-084) to allow for the continued use of a one-chair beauty shop for a period of five (5) years on Lot 289 of NCB 662, one lot totaling .17± acres located 700± feet west of the intersection of Outer Drive and West Third Street, fronting 50± feet along the north side of West Third Street with a lot depth of 150± feet (1325 West Third Street). The property is currently zoned “C-2” General Commercial District.

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Item Reference:

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.

Adjacent properties are currently zoned “R-1B” Single-Family Residential District.

The applicant received a Special Use Permit in November, 2005, for a period of one-year. The Planning Department has received no written complaints on the subject property. Staff believes that the beauty shop has not had a negative impact on the surrounding properties due to its low intensity.

On January 3, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 3.9 percent written letters of protest filed, objecting to locating a business in a residential area. No one spoke in opposition to the request. No one appeared on behalf of the application. The property owner was contacted regarding excessive signage on the property. Staff inspected the site on January 17. The illegal signage has been removed.

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

Agenda Number: Z-5

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RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request for the renewal of a Special Use Permit to allow for the continued use of a one-chair beauty shop for a period of five years, subject to only a one foot by one foot sign being placed on the property.



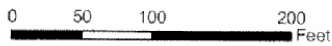
**Drafted/Recommended By: Stephanie Rollings
Department Leader**

**Edited/Submitted By:
City Manager**

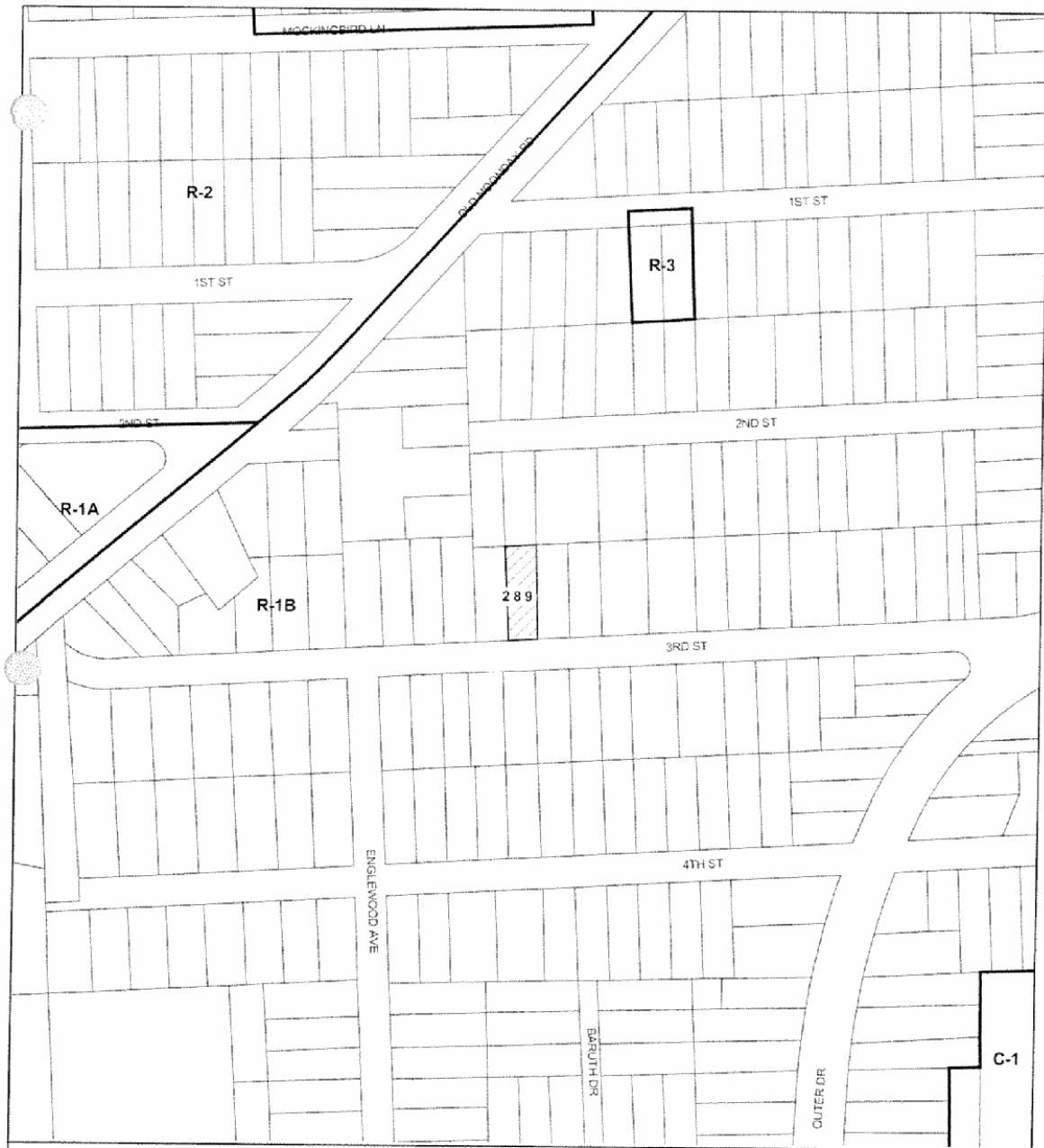


ZONING CASE

Zoning Case #: S01-06-010
 Existing Zoning: R-1B
 Applicant: JOSE VELASQUEZ

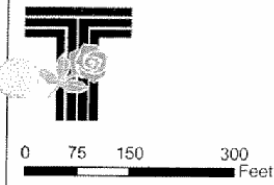


-  200' Notification Buffer
-  Subject Property



ZONING CASE

Zoning Case #: S01-06-010
 Existing Zoning: R-1B
Applicant: JOSE VELASQUEZ



-  200' Notification Buffer
-  Subject Property

ORDINANCE NO. 0-2006-12

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 AND SPECIAL USE PERMITS; 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 Z01-06-001

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

Lot 19 of NCB 1056, one lot totaling .18± acres located 221± feet west of the intersection of Terilinga Drive and SSE Loop 323, fronting 69± feet along the north side of SSE Loop 323 and fronting 66± feet along the south side of Terilinga Drive (2416 SSE Loop 323).

II. APPLICATION Z01-06-003

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

Portions of Lots 2A (8.1± acres), 2B (.17± acres), 4B (.21± acres), and 4D (2.5± acres) of NCB 1262, four (4) lots totaling 11.96± acres located at the southwest corner of the intersection of Garden Valley Road and Shawnee Boulevard, extending 295± feet south from Garden Valley Road and extending west 650± feet and then south 850± feet, as shown on the drawing attached hereto as Exhibit “A”.

III. APPLICATION Z01-06-004

That the following described property, which is currently zoned “RPO”, shall hereafter bear the zoning classification of “AR”, to wit:

Lot 1A of NCB 85, one lot totaling .15± acres located at the southwest corner of the intersection of South Bois D'Arc Avenue and Bryan Street, fronting 88± feet along the south side of Bryan Street and fronting 78± feet along the west side of South Bois D'Arc Avenue (505 South Bois D'Arc).

IV. APPLICATION Z01-06-007

That the following described property, which is currently zoned "AG", shall hereafter bear the zoning classification of "C-1", to wit:

A four (4) acre portion and a six (6) acre portion of Tract 20 and .45± acres of Tract 19 of the M. University Survey A-624, four (4) acres located 558± feet west of the intersection of Old Jacksonville Highway (FM 2493) and West Grande Boulevard, fronting 473± feet along the south side of West Grande Boulevard. Also, six (6) acres located 3180± feet south of the intersection of Old Jacksonville Highway (FM 2493) and West Grande Boulevard, and extending 350± feet on Tract 20 (the 5500 block of Old Jacksonville Highway), as shown on the drawing attached hereto as Exhibit "B".

V. APPLICATION S01-06-010

That the following described property, which is currently zoned "C-2", shall hereafter be used under a special use permit to allow for a one-chair beauty shop, to wit:

Lot 289 of NCB 662, one lot totaling .17± acres located 700± feet west of the intersection of Outer Drive and West Third Street, fronting 50± feet along the north side of West Third Street with a lot depth of 150± feet (1325 West Third Street), subject to a one foot by one foot sign,

for a period of five (5) 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 25th of January, 2006.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

EXHIBIT "A" to Ordinance 0-2006-12

EXHIBIT "A"

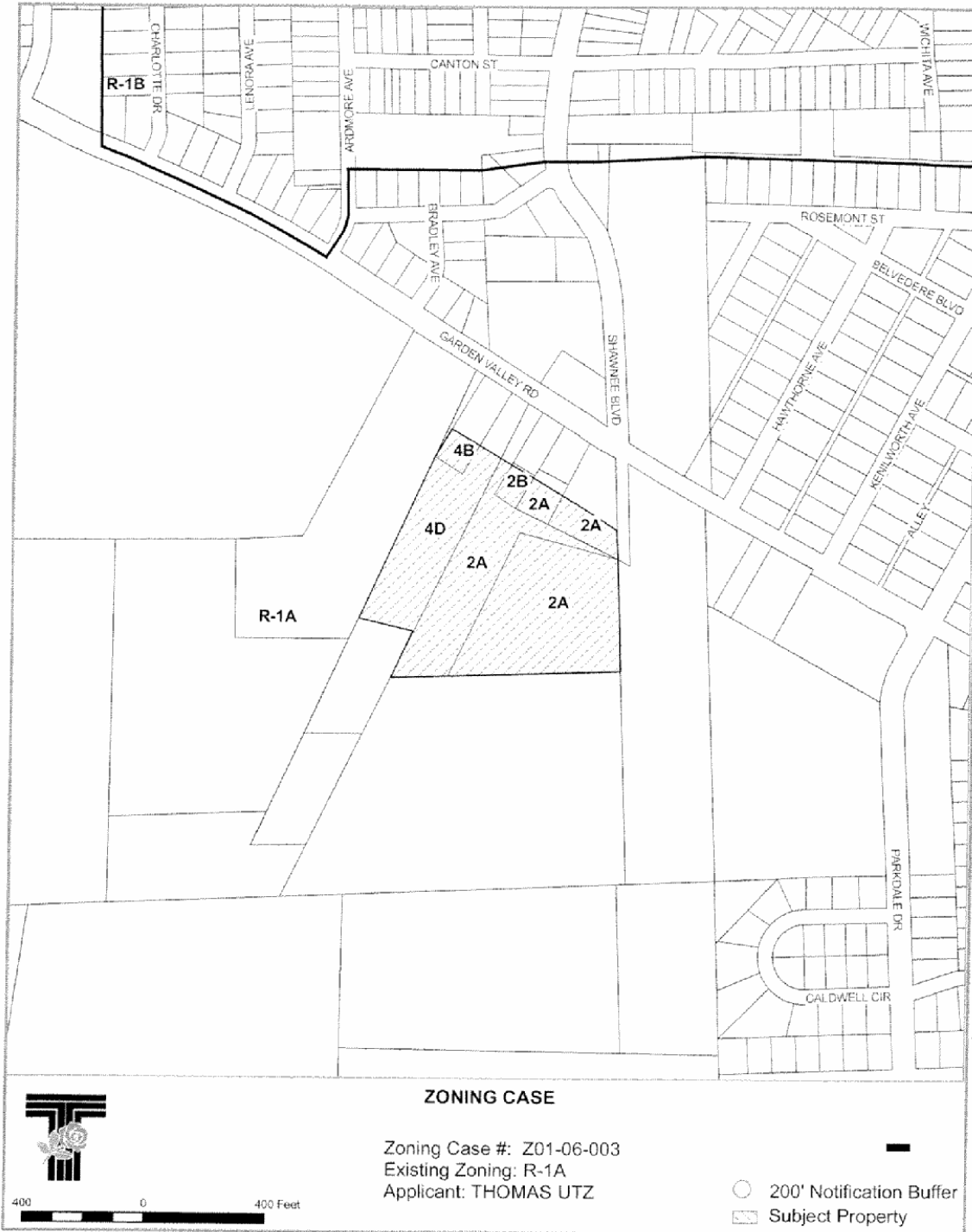


EXHIBIT "B" to Ordinance 0-2006-12

EXHIBIT "B"

