



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: March 22, 2006

**Subject: APPLICATION Z03-06-017 MADDOX HOMES, INC.
Request that the City Council consider a request to change the zoning from "R-2" Two-Family Residential District to "R-1B" Single-Family Residential District on Lot 10A of NCB 267, one lot totaling .17± acres located 130± feet west of the intersection of Frazier Street and Wall Avenue, fronting 50± feet along the south side of Frazier Street (415 Frazier Street).**

Page: 1 of 2

Item Reference:

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

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 2-1/2 stories or 42 feet in height. Setback requirements are 25 feet in the front and rear and 6 feet on the side. Minimum lot size is 6,000 square feet.

Property to the north and east is zoned "R-1B" Single-Family Residential District, while property to the south and west is zoned "R-2" Two-Family Residential District. The area is developed predominantly with single-family homes.

The "R-2" zoning in the area was approved when Tyler had a cumulative zoning policy. This policy allowed single-family residences in more intensive districts, such as "R-2" Multi-Family Residential District. Staff feels that, because the area is developed with single family homes, rezoning the property will not have a negative impact on the surrounding properties.

On March 7, 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. No one appeared on behalf of the application.

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

Agenda Number: Z-2

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-2” Two-Family Residential 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**



ZONING CASE

Zoning Case #: Z03-06-017
 Existing Zoning: R2
 Applicant: Maddox Homes Inc.



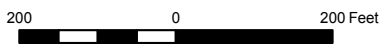
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-  200' Notification Buffer
-  Subject Property



ZONING CASE

Zoning Case #: Z03-06-017
 Existing Zoning: R2
 Applicant: Maddox Homes Inc.



-  200' Notification Buffer
-  Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: March 22, 2006

Subject: **APPLICATION Z03-06-019 ALAN CLOVER**
Request that the City Council consider a request to change the zoning from “R-2” Two-Family Residential District to “RPO” Restricted Professional and Office District on Lot 14 of NCB 251B, one lot totaling .17± acres located at the northeast corner of the intersection of Lawrence Street and Fleishel Avenue, fronting 62± feet along the east side of Fleishel Avenue and fronting 121± feet along the north side of Lawrence Street (512 South Fleishel Avenue).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the development of a medical 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-2” Two-Family Residential District, while property to the south is zoned “POD” Planned Office Development District, and property to the west is zoned “AR” Adaptive Reuse.

The applicants will remodel and add on to the existing structure. A minimum of 5 parking spaces is required by Ordinance. The site plan shows an entrance and exit only from Lawrence Street. According to Chapter 10, Section 10-84, Subsection d(8), screening will be required between the rear property line (the east property line) and the adjacent residential zoned property. Development Services has reviewed the site plan and states that 5 spaces can be accommodated on the property, but only one drive will be allowed from Lawrence Street. This area along Fleishel Avenue has been transitioning from residential to professional office type uses due to its proximity to the Hospital District. This request would be an extension of the professional office zoning designation to the south.

On March 7, 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. No one appeared on behalf of the application.

Agenda Number: Z-4

Page: 2 of 2

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

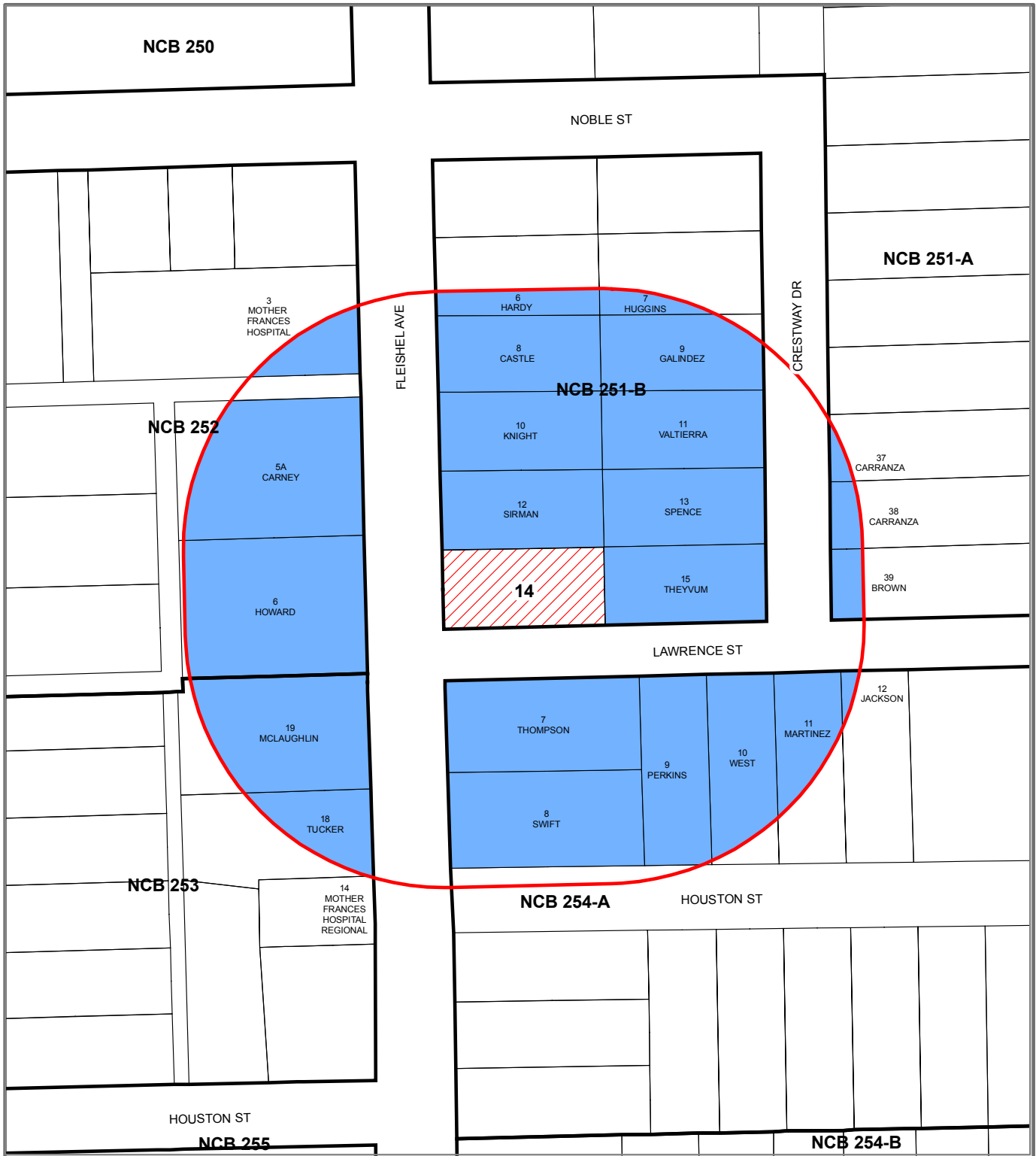
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “R-2” Two-Family Residential District to “RPO” Restricted Professional and Office District.

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

Drafted/Recommended By: Stephanie Rollings
Department Leader

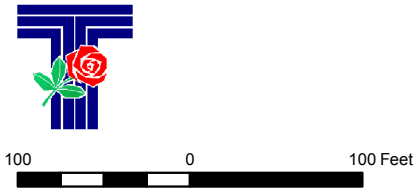
Edited/Submitted By:
City Manager

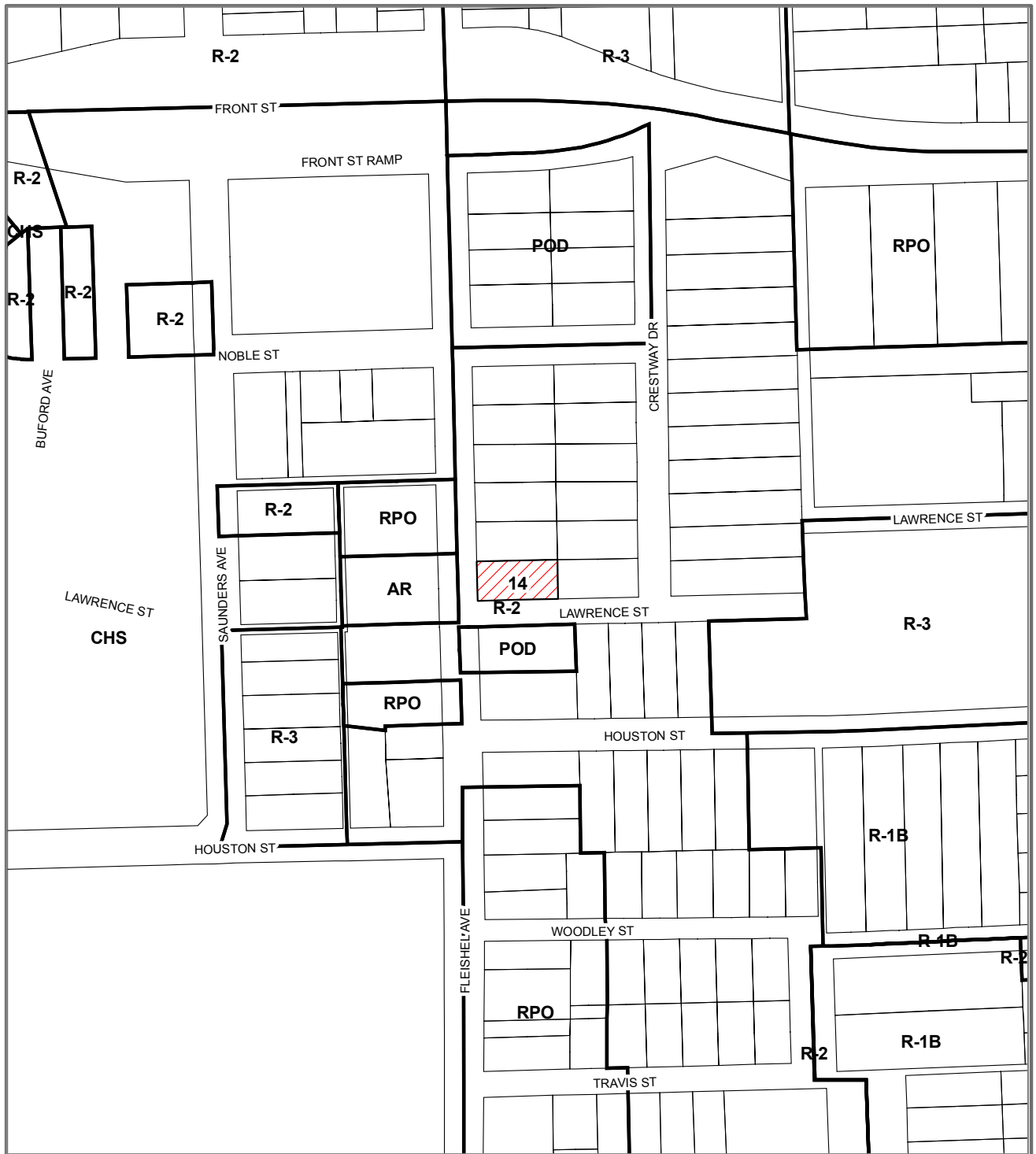


ZONING CASE

Zoning Case #: Z03-06-019
 Existing Zoning: R2
 Applicant: Alan Clover

-  200' Notification Buffer
-  Subject Property






ZONING CASE

Zoning Case #: Z03-06-019
 Existing Zoning: R2
 Applicant: Alan Clover



200 0 200 Feet



-  200' Notification Buffer
-  Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: March 22, 2006

Subject: APPLICATION Z03-06-020 PORFIRIO ARREGUIN
Request that the City Council consider a request to change the zoning from "R-2" Two-Family Residential District to "R-1B" Single-Family Residential District on Lot 8A of NCB 234, one lot totaling .2± acres located 150± feet north of the intersection of Front Street and Mahon Avenue, fronting 62± feet along the east side of Mahon Avenue (328 Mahon).

Page: 1 of 2

Item Reference:

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

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 2-1/2 stories or 42 feet in height. Setback requirements 25 feet in the front and rear and 6 feet on the side. Minimum lot size is 6,000 square feet.

Property to the north and east is zoned "R-2" Two-Family Residential District, while property to the south and west is zoned "RPO" Restricted Professional and Office District.

The "R-2" zoning in the area was approved when Tyler had a cumulative zoning policy. This policy allowed single-family residences in more intensive districts, such as "R-2" Two-Family Residential District. Because most of the area is predominately developed as single-family residential, this request will have minimal impact on the adjacent properties.

On March 7, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 19.85 percent written letters of protest filed. No one spoke in opposition to the request. No one appeared on behalf of the application.

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

Agenda Number: Z-5

Page: 2 of 2

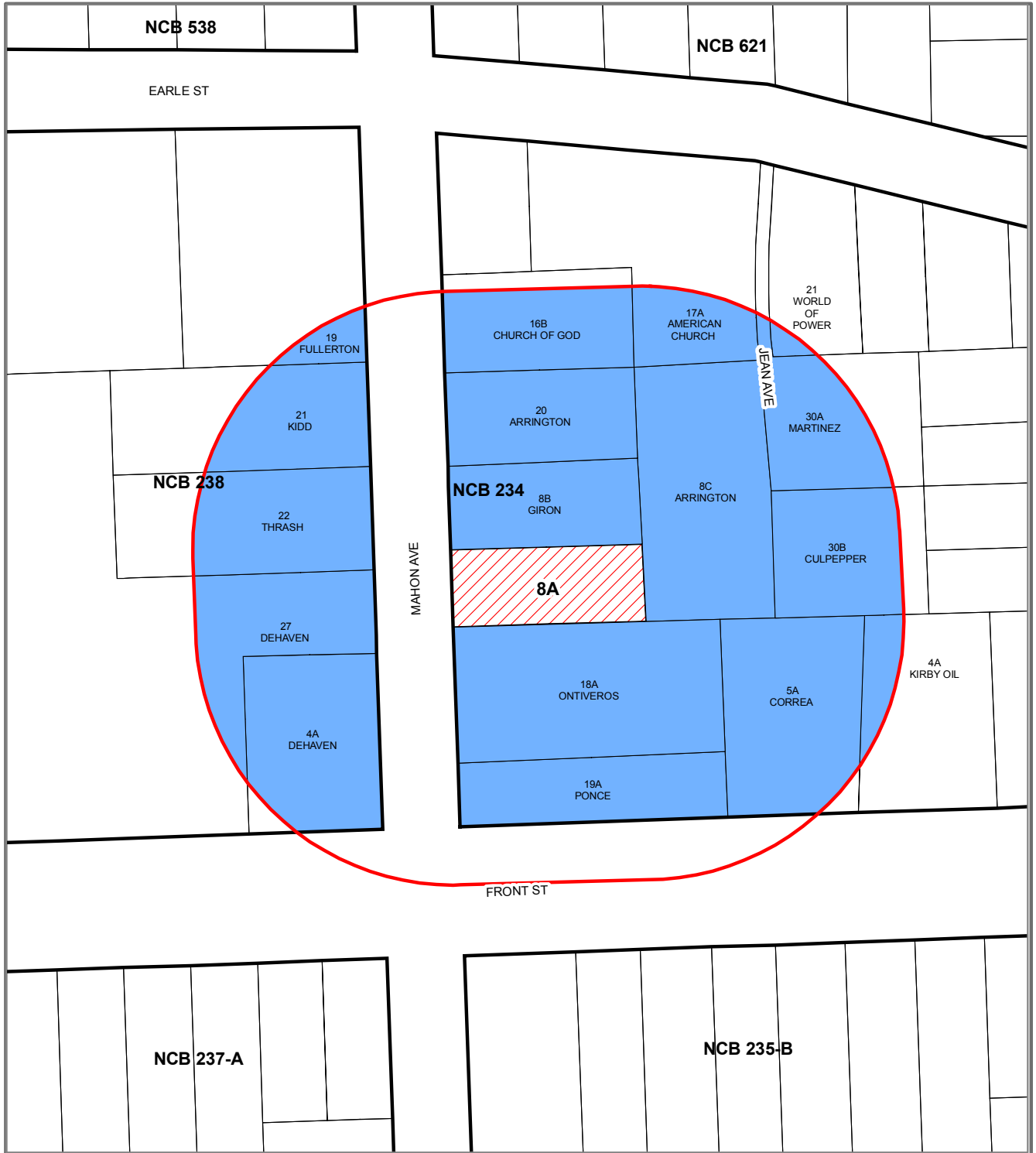
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District.

A handwritten signature in black ink that reads "Stephanie Rollings". The signature is written in a cursive style with a large initial 'S'.

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

**Edited/Submitted By:
City Manager**



100 0 100 Feet

ZONING CASE

Zoning Case #: Z03-06-020
 Existing Zoning: R-2
 Applicant: Porfirio Arreguin

-  200' Notification Buffer
-  Subject Property



ZONING CASE

Zoning Case #: Z03-06-020
 Existing Zoning: R-2
 Applicant: Porfirio Arreguin

- 200' Notification Buffer
- ▨ Subject Property

200 0 200 Feet



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: March 22, 2006

Subject: APPLICATION Z03-06-021 JESUS GAYTON
Request that the City Council consider a request to change the zoning from “R-3” Multi-Family Residential District to “R-1B” Single-Family Residential District on Lot 8 of NCB 104, one lot totaling .16± acres located 50± feet west of the intersection of House Avenue and Bow Street, fronting 50± feet along the north side of Bow Street (418 East Bow Street).

Page: 1 of 2

Item Reference:

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

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 2-1/2 stories or 42 feet in height. Setback requirements are 25 feet in the front and rear and 6 feet on the side. Minimum lot size is 6,000 square feet.

Property to the north is zoned “C-2” General Commercial District, while property to the east, west and south is zoned “R-1B” Single-Family Residential District. The area is predominately developed with single family homes.

The “R-3” zoning in the area was approved when Tyler had a cumulative zoning policy. This policy allowed single-family residences in more intensive districts, such as “R-3” Multi-Family Residential District. This area is predominately developed with single-family residences and therefore will not have a negative impact on the surrounding property owners.

On March 7, 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. No one appeared on behalf of the application.

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

Agenda Number: Z-6

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-3” Multi-Family Residential District to “R-1B” Single-Family Residential District.

A handwritten signature in black ink that reads "Stephanie Rollings". The signature is written in a cursive style with a large, prominent 'S' and 'R'.

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

**Edited/Submitted By:
City Manager**




100 0 100 Feet

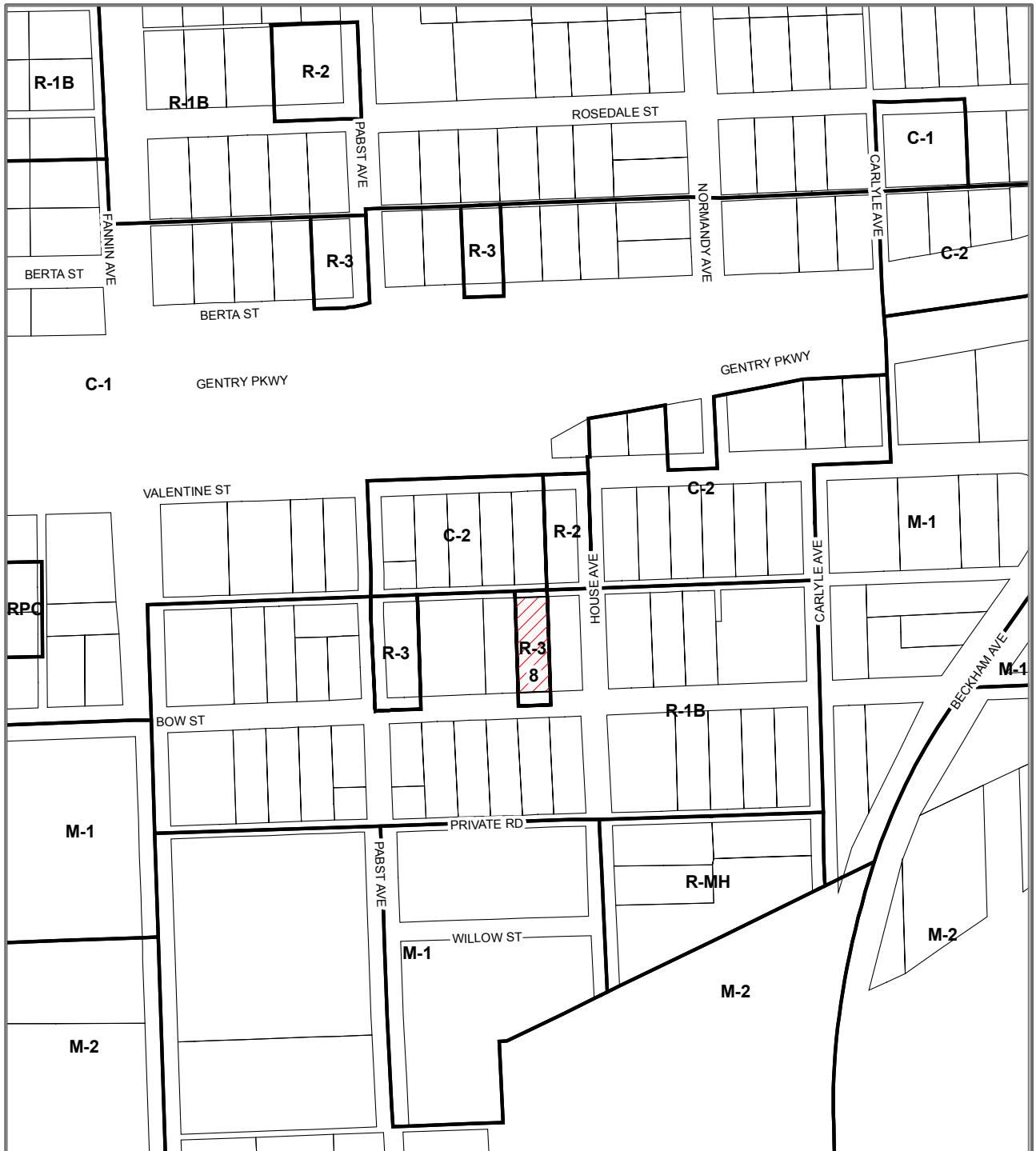
ZONING CASE

Zoning Case #: Z03-06-021

Existing Zoning: R-3

Applicant: Jesus Gayton

-  200' Notification Buffer
-  Subject Property

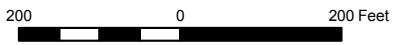


ZONING CASE

Zoning Case #: Z03-06-021

Existing Zoning: R-3

Applicant: Jesus Gayton



-  200' Notification Buffer
-  Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-7

Date: March 22, 2006

Subject: **APPLICATION Z03-06-023 WEST LOOP JOINT VENTURE**
Request that the City Council consider a request to change the zoning from "M-1" Light Industrial District to "C-2" General Commercial District on a 5.77± acre portion of a 19.183± acre tract, Lot 21 of NCB 852V located 300±feet north of the intersection of Towne Way Drive and SSW Loop 323, fronting 618.93± feet along the west side of SSW Loop 323 (the 3000 block of SSW Loop 323).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the development of a furniture store.

Section 10-226, "C-2" General Commercial District, allows as permitted uses automobile garages and sales lots, hotels, restaurants, warehouses, offices, and retail establishments with outdoor display or storage of merchandise. The maximum building height allowed within the "C-2" District is 3 stories 45 feet in height. Off-street parking for commercial type uses is determined by the specific use proposed. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinances.

Property to the north is zoned "C-2" General Commercial District, while property to the east and south is zoned "M-1" Light Industrial District and property to the west is outside the city limits.

The applicants propose constructing a furniture store on the property. According to the land use chart, a furniture sales store is not allowed in an "M-1" Light Industrial District but is allowed as a "C-2" General Commercial District use. Because this is a down zoning request and an extension of the "C-2" General Commercial District zoning designation to the north, there should be no negative impact to the surrounding properties. All driveways will have to be approved by TXDOT.

On March 7, 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. No one appeared on behalf of the application.

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

Agenda Number: Z-7

Page: 2 of 2

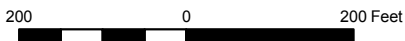
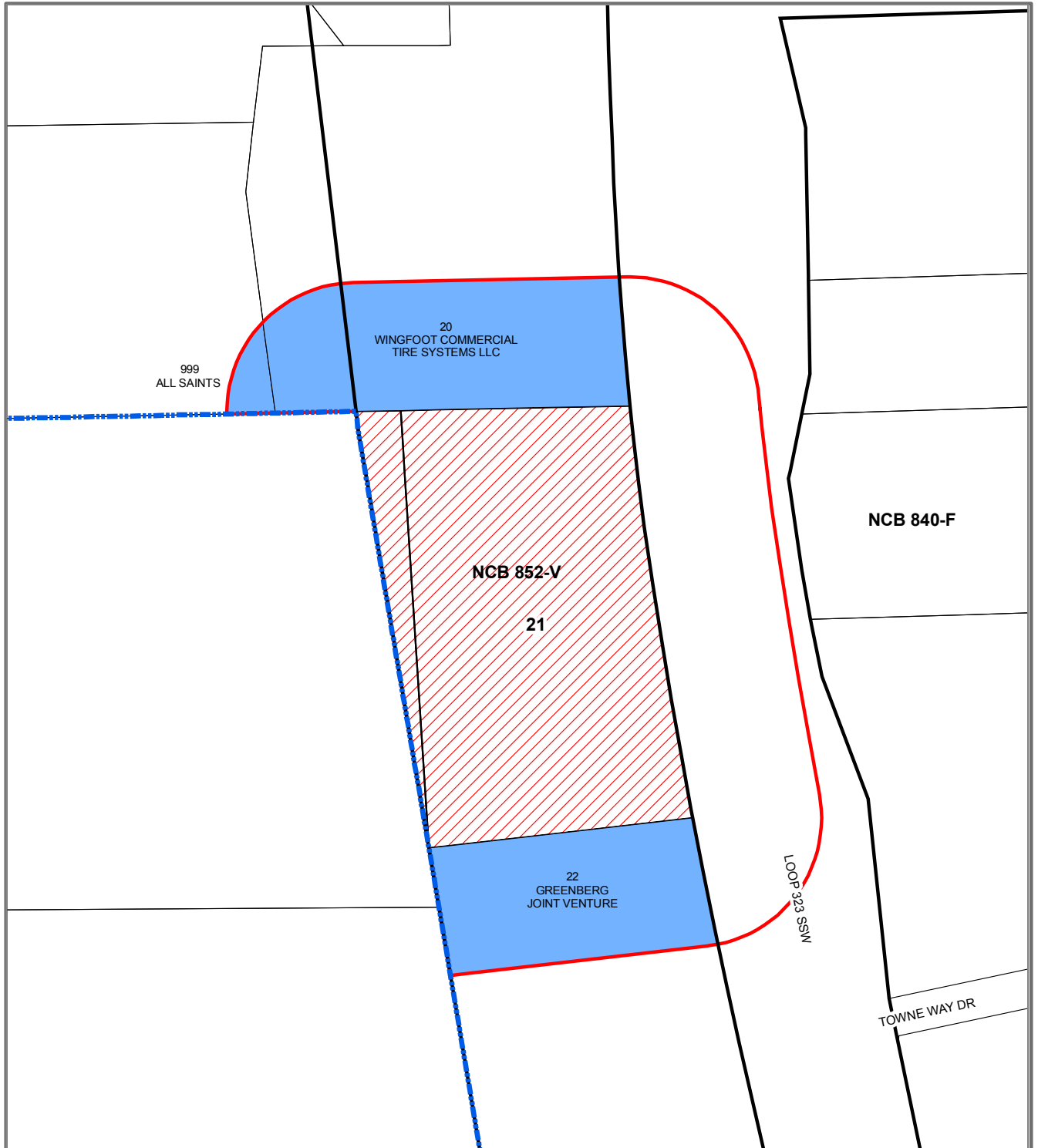
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “M-1” Light Industrial District to “C-2” General Commercial District.

A handwritten signature in black ink that reads "Stephanie Rollings". The signature is written in a cursive style with a large initial 'S'.



Drafted/Recommended By: Stephanie Rollings
Department Leader

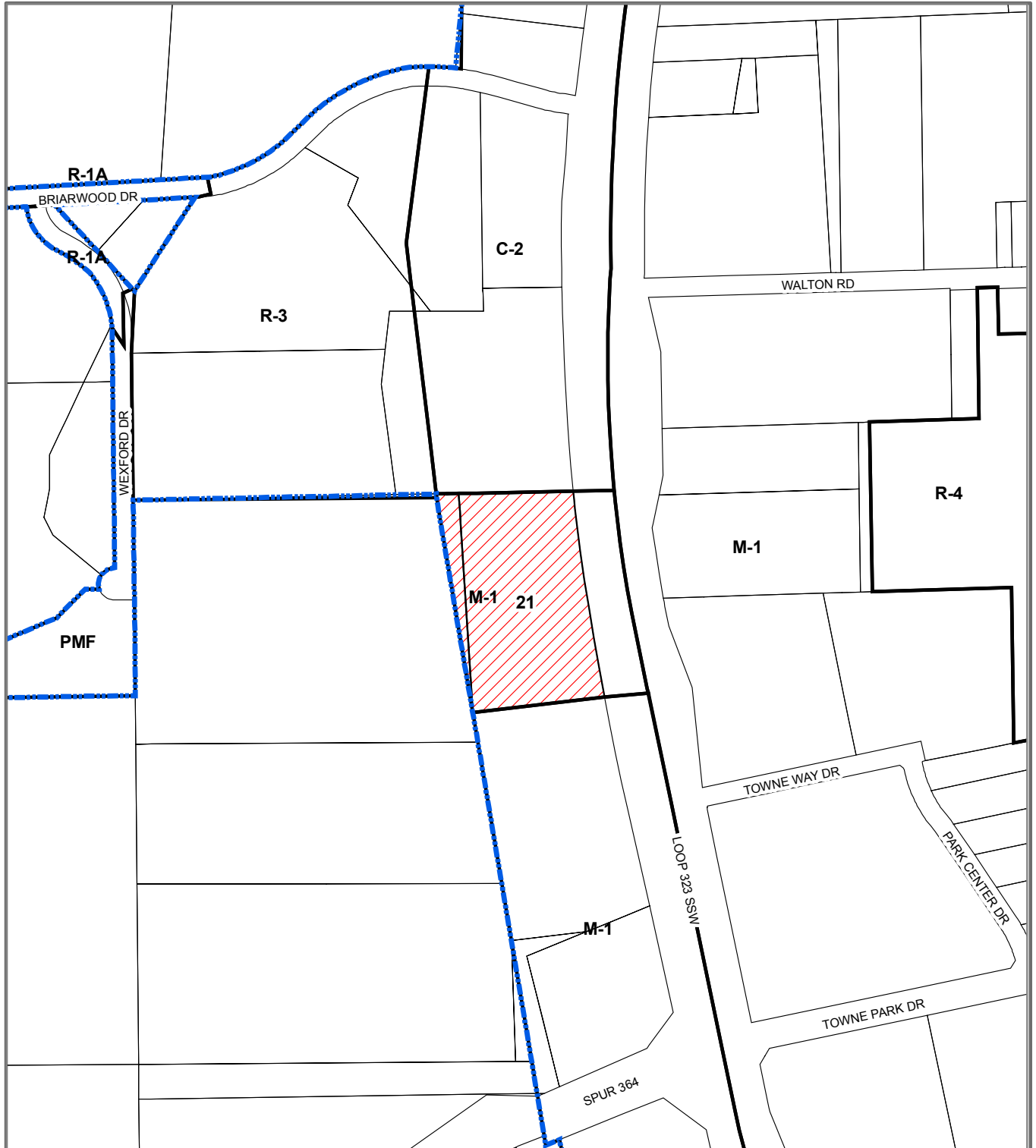
Edited/Submitted By:
City Manager



ZONING CASE

Zoning Case #: Z03-06-023
 Existing Zoning: M-1
 Applicant: West Loop
 Joint Venture




-  200' Notification Buffer
-  Subject Property
-  City Limits



400 0 400 Feet

ZONING CASE

Zoning Case #: Z03-06-023
 Existing Zoning: M-1
 Applicant: West Loop
 Joint Venture

-  200' Notification Buffer
-  Subject Property
-  City Limits



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-8

Date: March 22, 2006

Subject: **APPLICATION Z03-06-024 STEVE HUTTO**
Request that the City Council consider a request to change the zoning from "AG" Agricultural District to "C-2" General Commercial District on Tract 3.3 of the I. Hill Survey, A-0474, one tract totaling 2.294± acres located at the southwest corner of the intersection of New Copeland Road and Paluxy Drive, fronting 528± feet along the south side of New Copeland Road (6435 Paluxy Drive).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow the existing mini-storage facility to come into compliance with the current Zoning Ordinance.

Section 10-226, "C-2" General Commercial District, allows as permitted uses automobile garages and sales lots, hotels, restaurants, warehouses, offices, and retail establishments with outdoor display or storage of merchandise. The maximum building height allowed within the "C-2" District is 3 stories or 45 feet in height. Off-street parking for commercial type uses is determined by the specific use proposed. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinances.

Property to the north is zoned "C-1" Light Commercial District, while property to the west and south is zoned "AG" Agricultural District, and property to the east is zoned "M-1" Light Industrial District.

The property is currently developed with a mini-storage warehouse facility, which is not an allowed use in an "AG" Agricultural District. This use existed prior to the property being annexed in 1999; however, the zoning was not changed to match the storage-warehouse use. The applicant is purchasing the property and needs to bring the zoning into compliance.

Staff does not feel there will be a negative impact on the surrounding properties by the proposed zoning change because the use of the property already exists.

On March 7, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 2.91 percent written letters of protest filed. No one spoke in opposition to the request. Bob Breedlove, The Brannon Corporation, 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-8

Page: 2 of 2

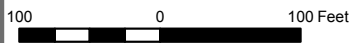
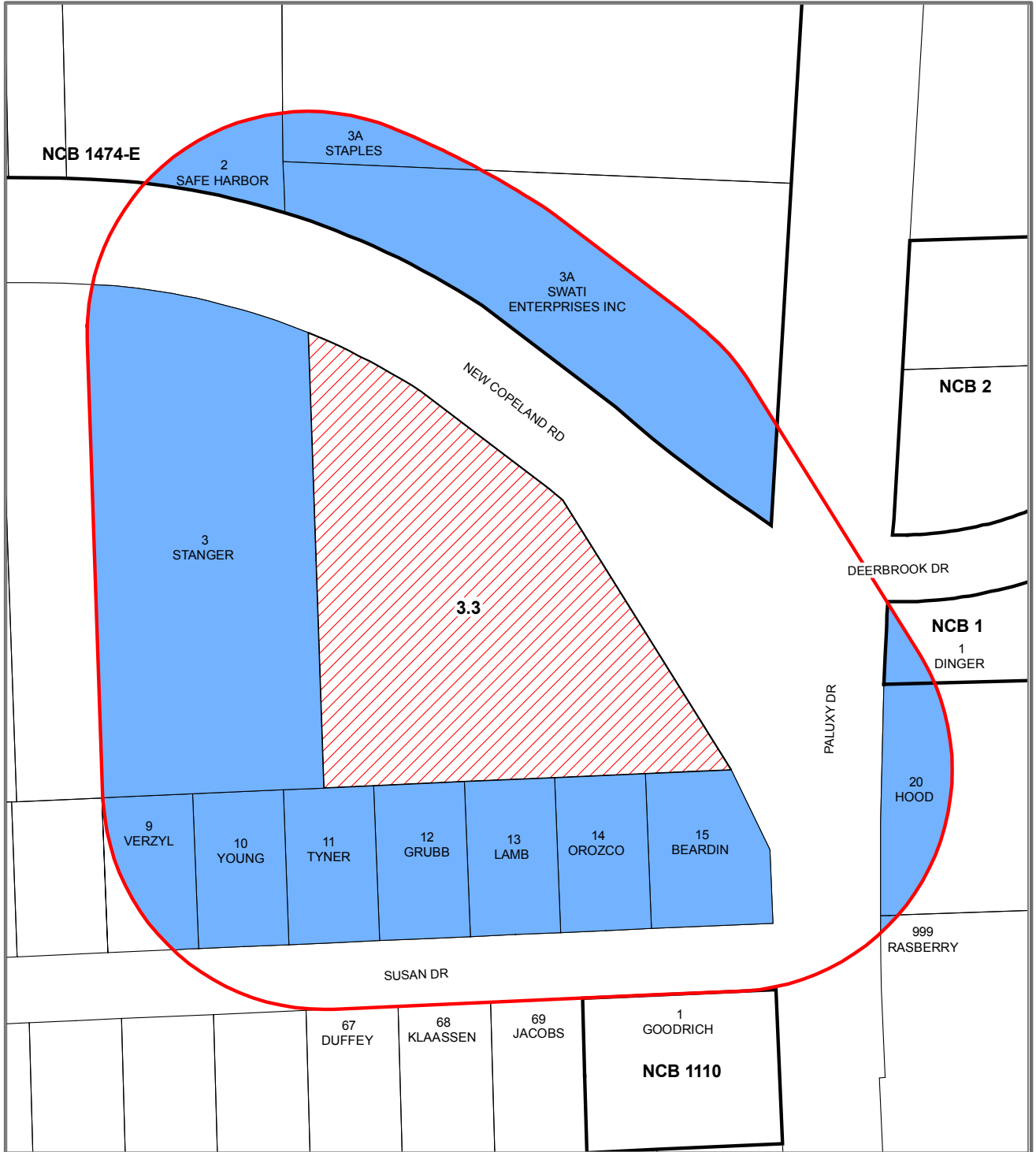
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “AG” Agricultural District to “C-2” General Commercial District.

A handwritten signature in black ink that reads "Stephanie Rollings". The signature is written in a cursive, flowing style.

Drafted/Recommended By: Stephanie Rollings
Department Leader

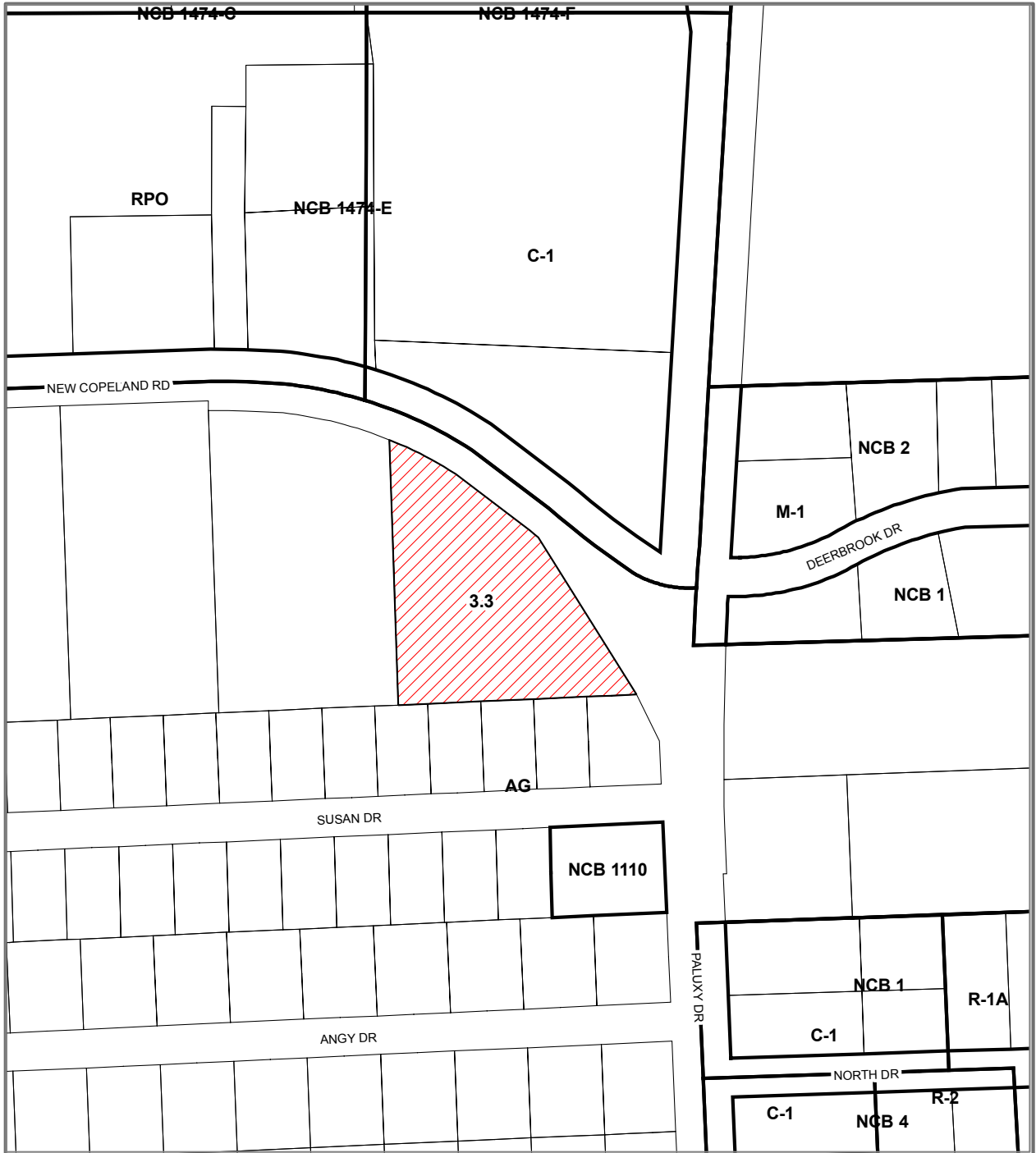
Edited/Submitted By:
City Manager



ZONING CASE

Zoning Case #: Z03-06-024
 Existing Zoning: AG
 Applicant: Steve Hutto

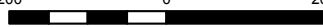
 200' Notification Buffer
 Subject Property



ZONING CASE

Zoning Case #: Z03-06-024
 Existing Zoning: AG
 Applicant: Steve Hutto

200 0 200 Feet



○ 200' Notification Buffer
 ▨ Subject Property

ORDINANCE NO. 0-2006-31

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 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 are hereby approved as follows:

I. APPLICATION Z03-06-017

That the following described property, which is currently zoned “R-2”, shall hereafter bear the zoning classification of “R-1B”, to wit:

Lot 10A of NCB 267, one lot totaling .17± acres located 130± feet west of the intersection of Frazier Street and Wall Avenue, fronting 50± feet along the south side of Frazier Street (415 Frazier Street).

II. APPLICATION Z03-06-018 - Denied

III. APPLICATION Z03-06-019

That the following described property, which is currently zoned “R-2”, shall hereafter bear the zoning classification of “RPO”, to wit:

Lot 14 of NCB 251B, one lot totaling .17± acres located at the northeast corner of the intersection of Lawrence Street and Fleishel Avenue, fronting 62± feet along the east side of Fleishel Avenue and fronting 121± feet along the north side of Lawrence Street (512 South Fleishel Avenue).

IV. APPLICATION Z03-06-020

That the following described property, which is currently zoned “R-2”, shall hereafter bear the zoning classification of “R-1B”, to wit:

Lot 8A of NCB 234, one lot totaling .2± acres located 150± feet north of the intersection of

Front Street and Mahon Avenue, fronting 62± feet along the east side of Mahon Avenue (328 Mahon).

V. APPLICATION Z03-06-021

That the following described property, which is currently zoned “R-3”, shall hereafter bear the zoning classification of “R-1B”, to wit:

Lot 8 of NCB 104, one lot totaling .16± acres located 50± feet west of the intersection of House Avenue and Bow Street, fronting 50± feet along the north side of Bow Street (418 East Bow Street).

VI. APPLICATION Z03-06-023

That the following described property, which is currently zoned “M-1”, shall hereafter bear the zoning classification of “C-2”, to wit:

A 5.77± acre portion of a 19.183± acre tract, Lot 21 of NCB 852V located 300± feet north of the intersection of Towne Way Drive and SSW Loop 323, fronting 618.93± feet along the west side of SSW Loop 323 (the 3000 block of SSW Loop 323), as shown on the drawing attached hereto as Exhibit “A”.

VII. APPLICATION Z03-06-024

That the following described property, which is currently zoned “AG”, shall hereafter bear the zoning classification of “C-2”, to wit:

Tract 3.3 of the I. Hill Survey, A-0474, one tract totaling 2.294± acres located at the southwest corner of the intersection of New Copeland Road and Paluxy Drive, fronting 528± feet along the south side of New Copeland Road (6435 Paluxy Drive).

VIII. APPLICATION Z03-06-027 – Tabled for 30 days

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 22nd of March, 2006.

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

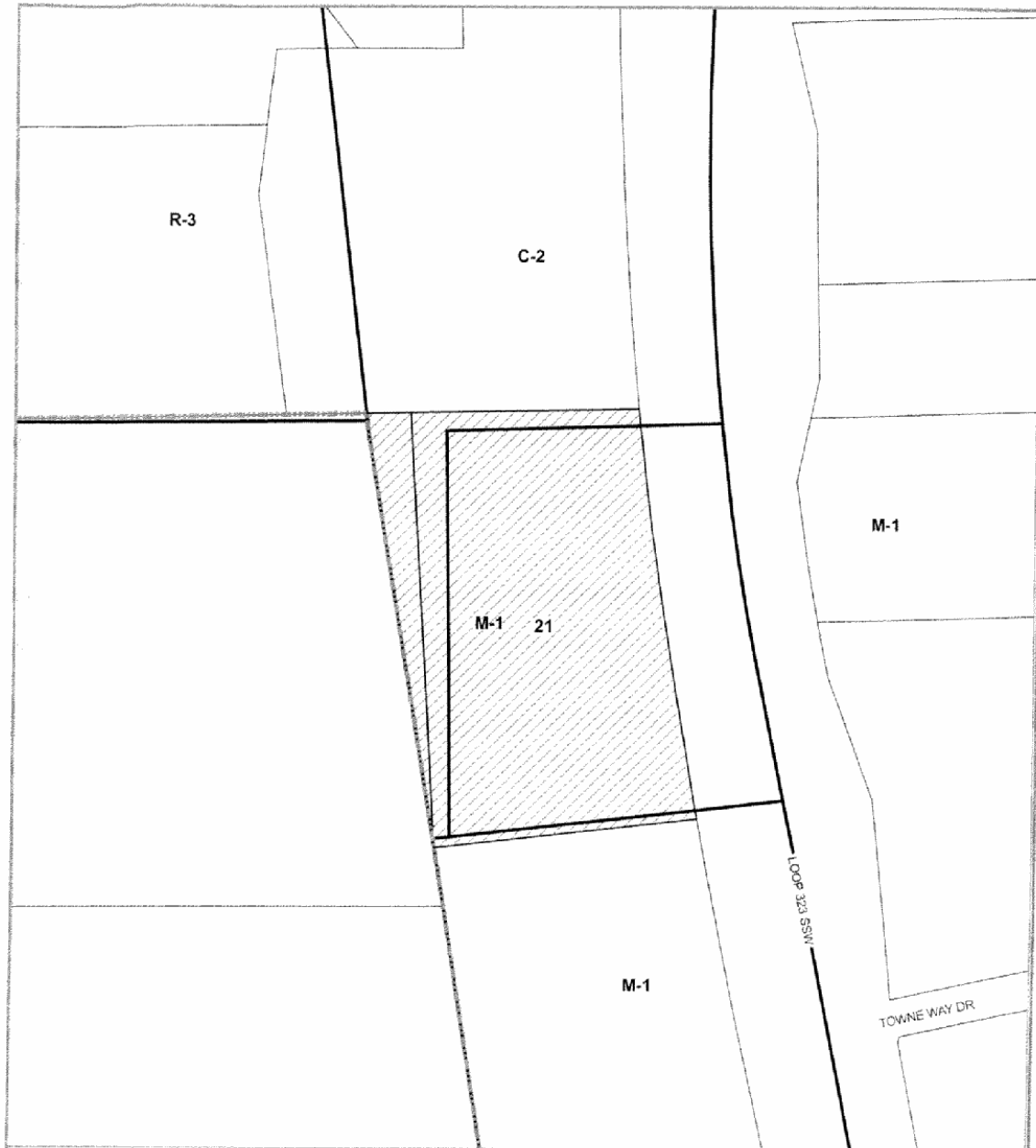
ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY



EXHIBIT "A"



200 0 200 Feet

ZONING CASE

Zoning Case #: Z03-06-023
Existing Zoning: M-1
Applicant: West Loop
Joint Venture

-  200' Notification Buffer
-  Subject Property

