



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

WITHDRAWN

Date: August 23, 2006

Subject: APPLICATION Z05-06-037A EAST POINTE HOLDINGS, INC./
EAST TEXAS SECOND CHANCE, INC.
Request that the City Council consider a request to change the zoning
“R-3” Multi-Family Residential District to “C-2” General Commercial
District on Lot 3 of NCB 1402, one lot totaling 3.92± acres located 696±
feet east of the intersection of SSE Loop 323 and Highway 31 East,
fronting 417± feet along the north side of Highway 31 East (2902
Highway 31 East).

Page: 1 of 2

Item Reference:

The applicants plan to use the property for a residential and outreach substance abuse and rehabilitation center. The center will also provide support groups, mandatory alcohol and drug awareness programs, HIV/Aids educations, anger management, and family therapy for men and women that have been incarcerated.

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 three (3) stories or forty-five (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.

The property was previously developed with Eastview Nursing Home. The applicants stated the facility is already set up for their needs, but remodeling will be required. The facility currently meets the parking requirements of the Ordinance.

The “C-2” General Commercial District will be an extension of the current commercial zoning to the west of the subject property. This use will also allow a vacant building to become occupied.

On May 2, 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. Kenneth Hanon spoke on behalf of the application. He said this type of service is needed in the community.

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

On May 24, June 28, and July 26, 2006, the City Council tabled this item at the applicant's request.

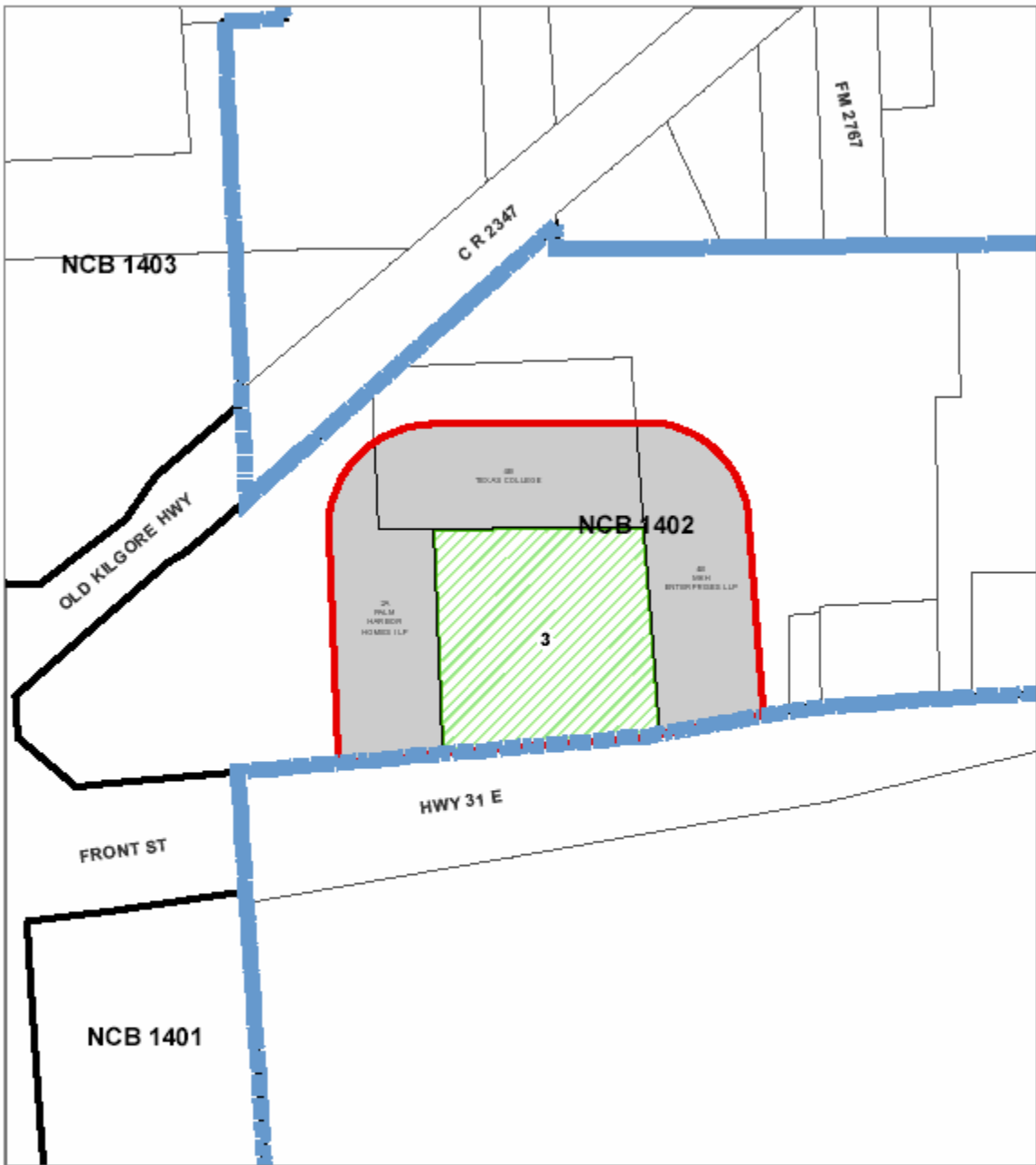
RECOMMENDATION:

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 "C-2" General Commercial District. **The applicant is withdrawing this application.**






Drafted/Recommended By: Stephanie Rollings
Department Leader

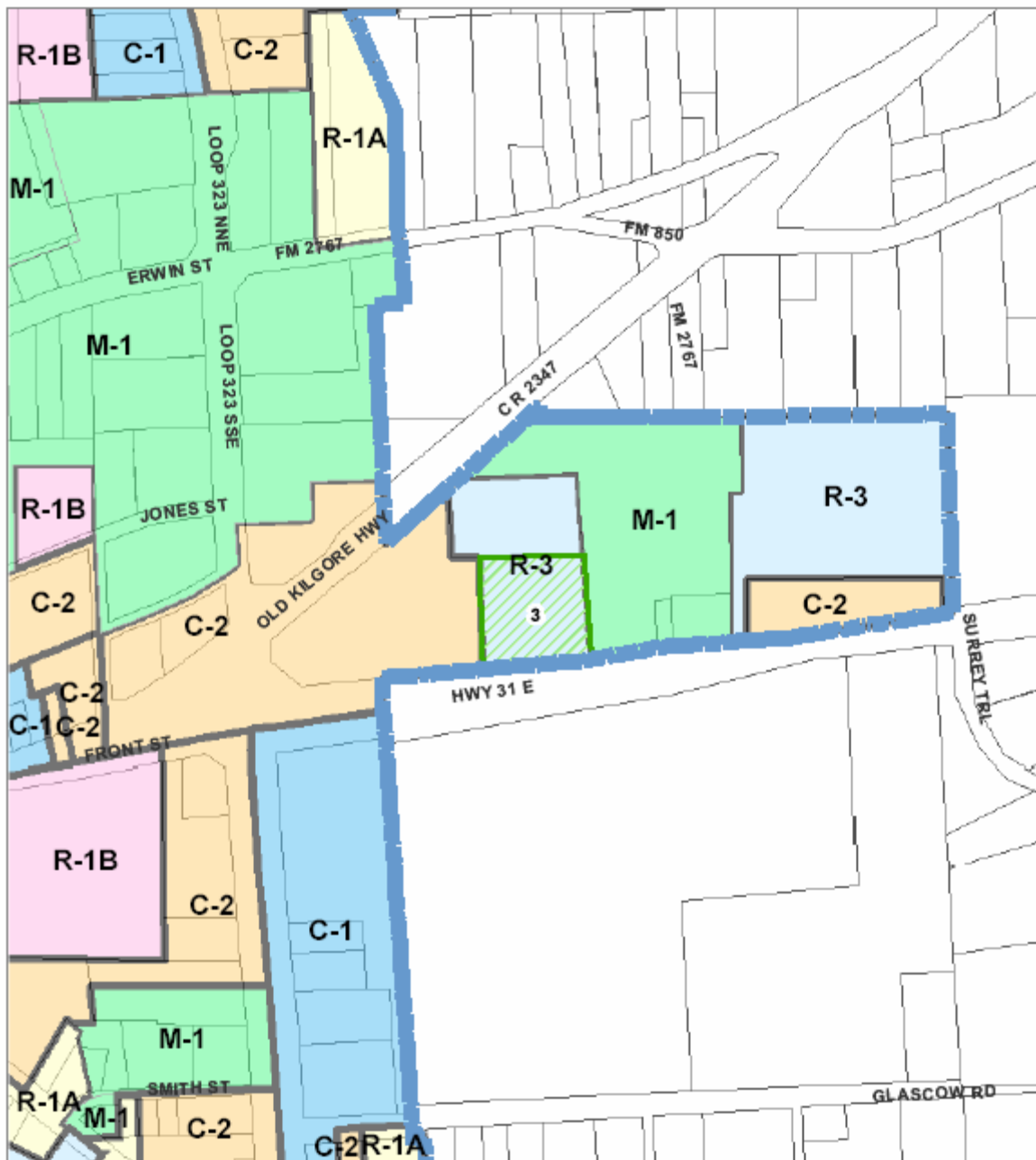
Edited/Submitted By:
City Manager



ZONING CASE
 Zoning Case #: Z05-06-037a
 Existing Zoning: R-3
 Applicant: East Pointe Holdings
 East Texas Second Chance, Inc



-  Subject Property
-  200' Notification Buffer
-  City Limits



900 0 600 Feet

ZONING CASE
 Zoning Case #. Z05-06-037a
 Existing Zoning: R-3
 Applicant: East Pointe Holdings
 East Texas Second Chance, Inc



 Subject Property
 City Limits



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: August 23, 2006

Subject: APPLICATION Z08-06-069A PAMELA CRAVENS
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 14 of NCB 1249, one lot totaling .32± acres located 80.17± feet north of the intersection of NNW Loop 323 and Woodhue Drive, fronting 87.22± feet along the west side of NNW Loop 323 with a maximum depth of 155.22± feet (506 NNW Loop 323).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for commercial 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 (2 1/2) stories or forty-two (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.

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

Staff feels this lot may be more suitably zoned as “RPO” Restricted Professional and Office District because the area is transitioning from residential to other types of uses but is not yet ready for commercial uses. The “RPO” District would provide other types of uses without disturbing the overall residential character of the surrounding neighborhood, which has not begun to transition from residential to commercial as there are still homes fronting along this section of Loop 323.

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.

On August 1, 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. Pamela Cravens spoke on behalf of the application. She agreed to Staff’s recommendation of “RPO” zoning.

Agenda Number: Z-2

Page: 2 of 2

She said she will sell the property if the request is approved.

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

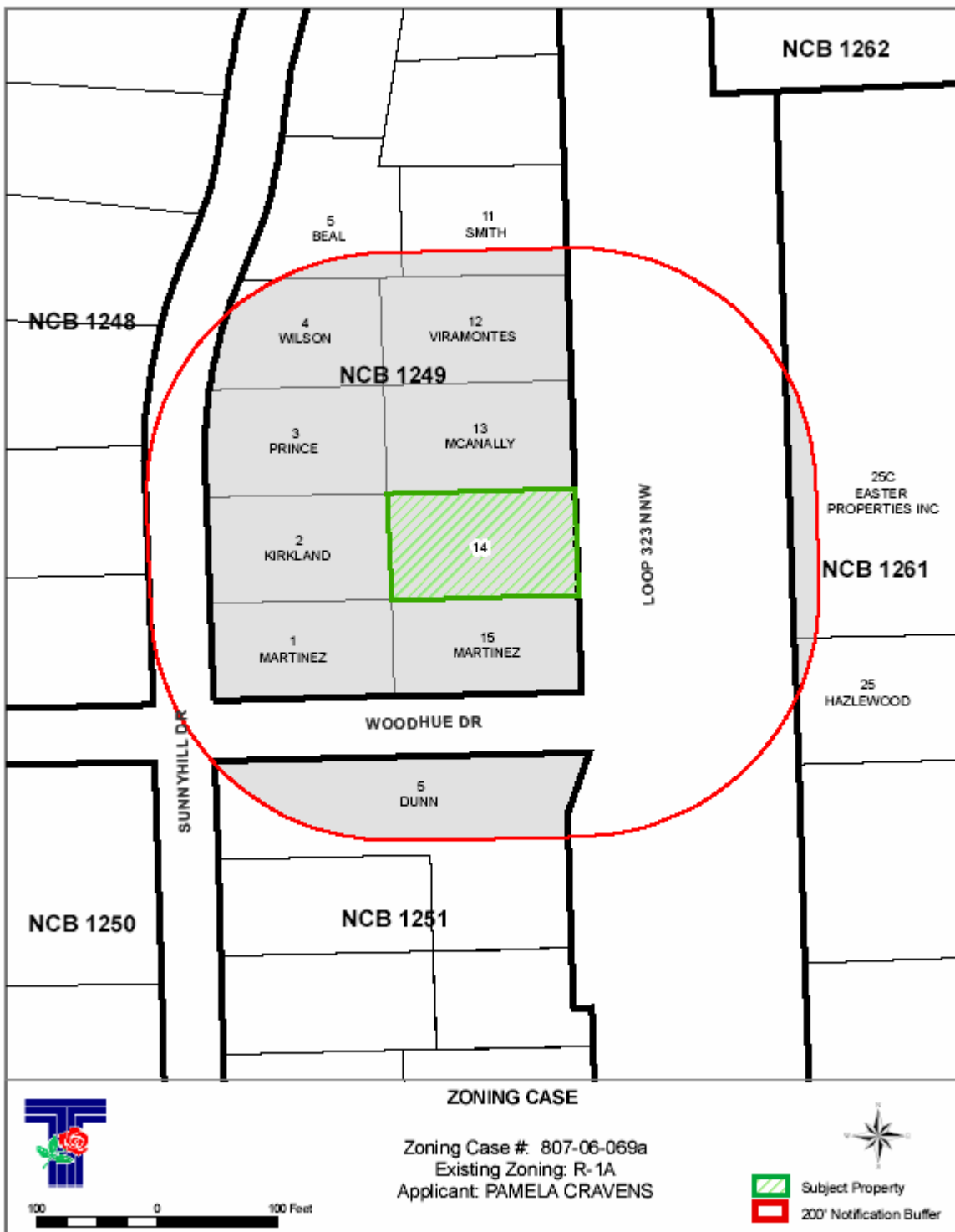
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from “R-1A” Single-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

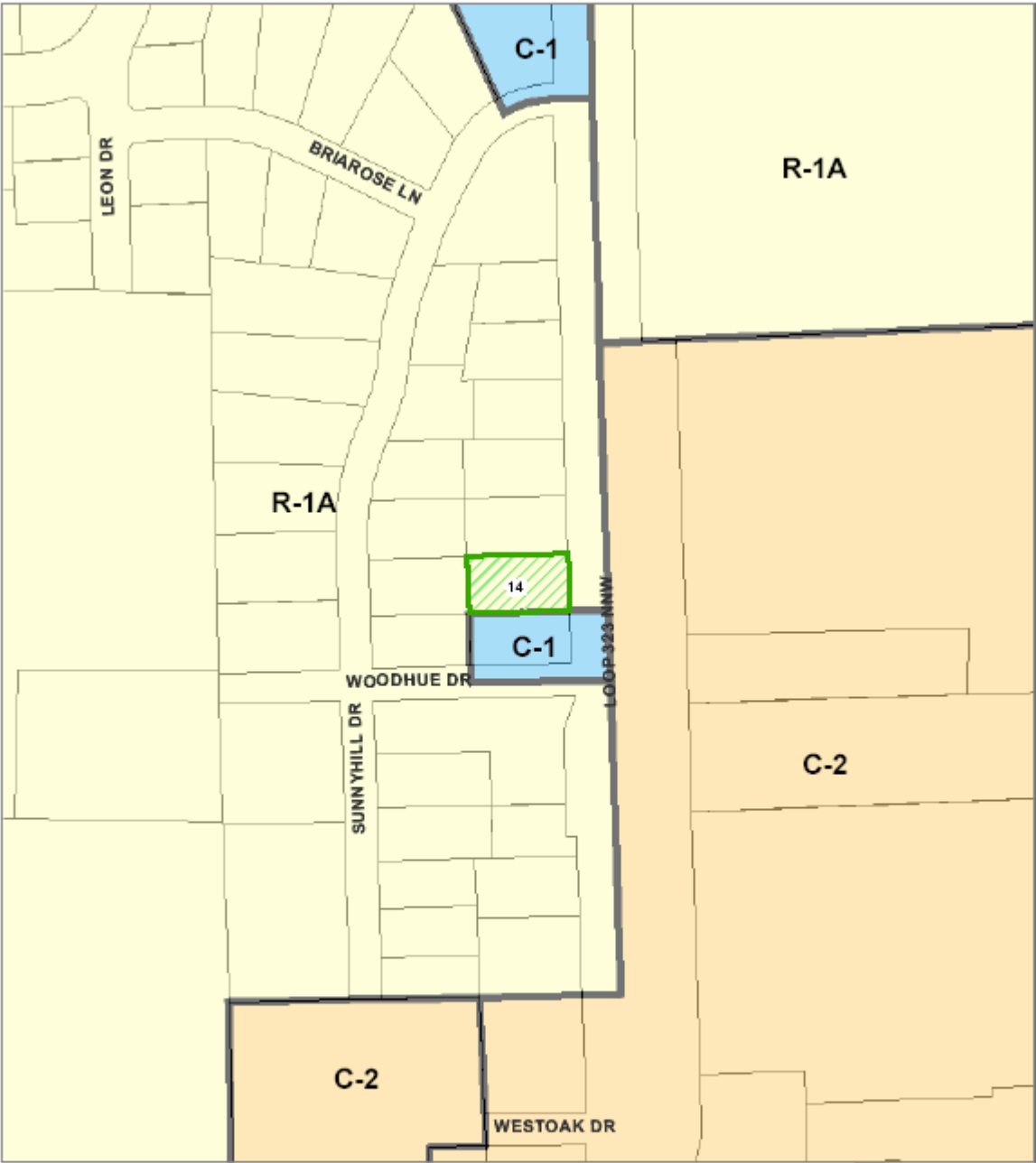
Zoning Case #: 807-06-069a
 Existing Zoning: R-1A
 Applicant: PAMELA CRAVENS



100 0 100 Feet

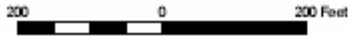


 Subject Property
 200' Notification Buffer



ZONING CASE

Zoning Case #: 807-06-069a
Existing Zoning: R-1A
Applicant: PAMELA CRAVENS



 Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-3

Date: August 23, 2006

**Subject: APPLICATION Z08-06-070A BURKS, WALKER, TIPPIT, INC.
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 2K of NCB 1546-E, two (2) lots totaling 12.22± acres located 313± feet south of the intersection of South Broadway Avenue and Heritage Drive, fronting 412± feet along the west side of South Broadway Avenue with a maximum depth of 1254.17± feet (7715 South Broadway Avenue).**

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for future retail 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 (2 1/2) stories or forty-two (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.

Property to the east is currently zoned "R-1A" Single-Family Residential District, while property to the west is zoned "R-1A" Single-Family Residential District, property to the south is zoned "C-1" Light Commercial District, and property to the north is a mix of "R-1A" Single-Family Residential District, "C-1" Light Commercial District and "R-3" Multi-Family Residential District.

The proposed zoning would be an extension of the existing "C-1" zoning located north and south of the property and would be compatible with existing land use in the area. The proposed change would allow for more compatible uses with the adjacent properties than the existing "R-1A" zoning currently allows. Lots fronting South Broadway are not ideally suited for single-family residences due to the heavy traffic flow. Furthermore, during the platting process, driveways will be approved per Texas Department of Transportation (TxDOT) design standards and possible joint access will be required. Also, the Waljim Street right-of-way west of the subject property will provide a buffer between the "C-1" and the "R-1A" designations. "C-2" uses, such as the mini-storage warehouse, have already been established north and west of the subject property along Waljim Street.

On August 1, 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. Mike Barnett, Canyon Partners, spoke on behalf of the application. He said an 8,800 square foot Kohl's Department Store will be built on the property.

Agenda Number: Z-3

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

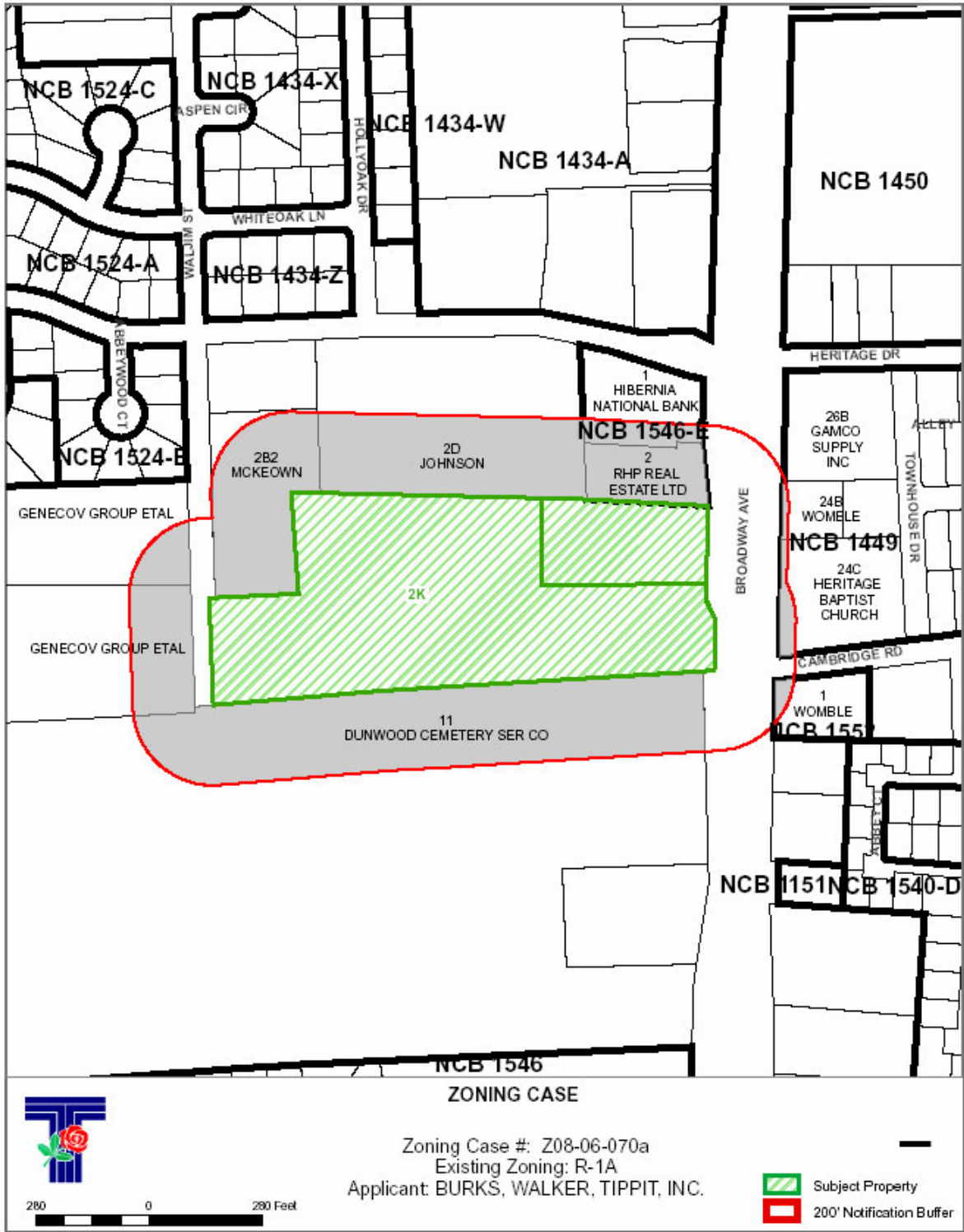
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from “R-1A” Single-Family Residential District to “C-1” Light Commercial District.

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

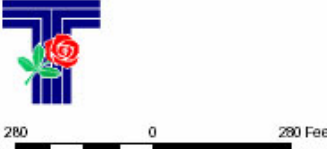
**Drafted/Recommended By: Stephanie Rollings
Department Leader**

**Edited/Submitted By:
City Manager**

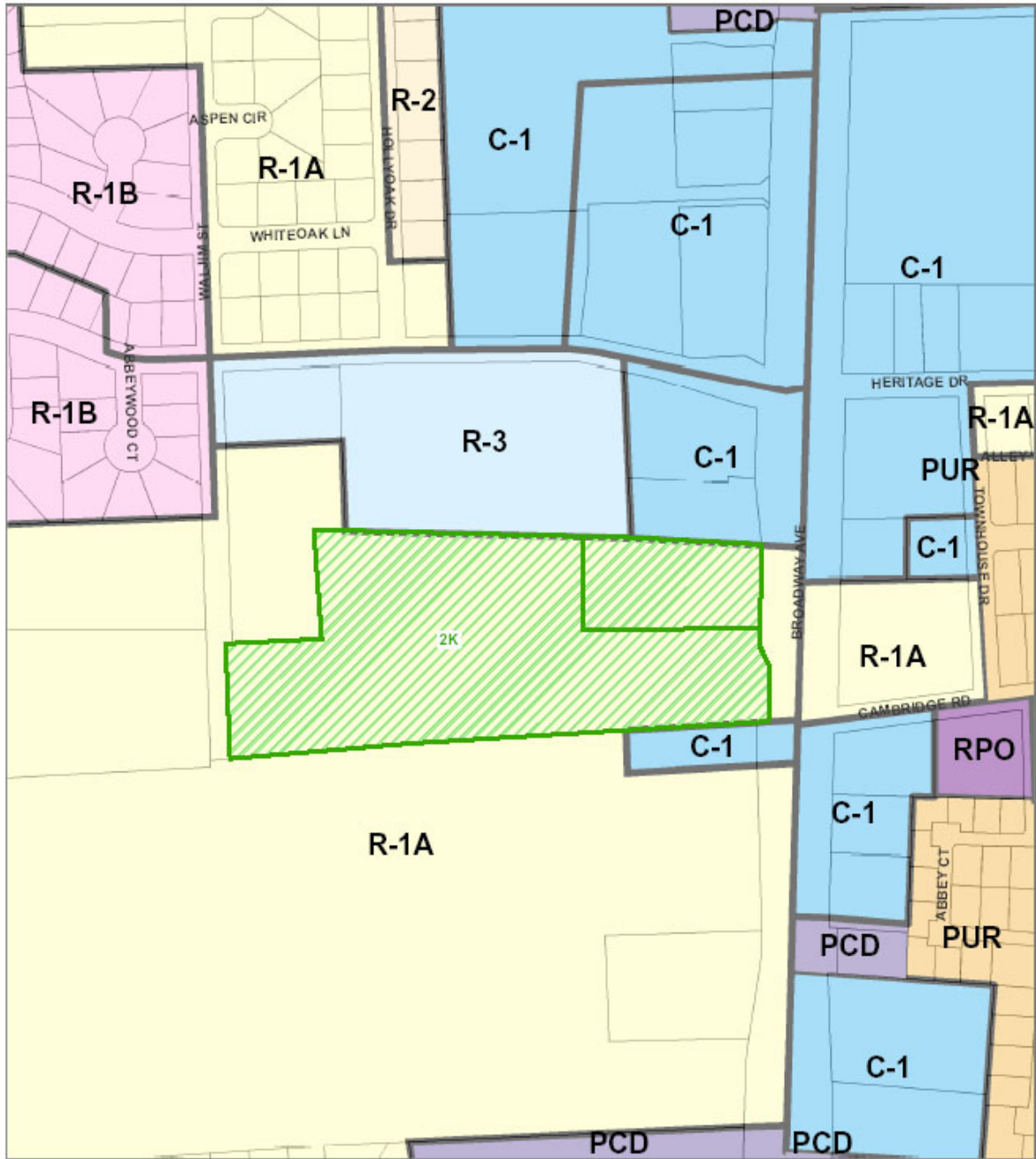


ZONING CASE

Zoning Case #: Z08-06-070a
 Existing Zoning: R-1A
 Applicant: BURKS, WALKER, TIPPIT, INC.



-  Subject Property
-  200' Notification Buffer



ZONING CASE

Zoning Case #: Z08-06-070a
 Existing Zoning: R-1A
 Applicant: BURKS, WALKER, TIPPIT, INC.



- Subject Property
- 200' Notification Buffer



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: August 23, 2006

Subject: APPLICATION Z08-06-071A JOYCE MILTON
Request that the City Council consider a request to change the zoning from "R-4" Multi-Family Residential District to "R-1B" Single-Family Residential District on Lots 3, 4, and 5 of NCB 351, three (3) lots totaling .575± acres located 119.57± feet east of the intersection of Paul Street and Ross Avenue, fronting 180.26± feet along the south side of Paul Street with a maximum depth of 140± feet (1110 Paul 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 one-half (2 1/2) stories or forty-two (42) feet in height. Setback requirements are twenty-five (25) feet in the front and rear and six (6) feet on the side. Minimum lot size is 6,000 square feet.

The "R-4" Multi-Family Residential District 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-4" Multi-Family Residential District. The area is developed predominately with single family homes.

As part of the Tyler 21 process, Staff will target neighborhoods in order to change the zoning to be compatible with existing land uses.

On August 1, 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 or facilities by the proposed change.

Agenda Number: Z-4

Page: 2 of 2

RECOMMENDATION:

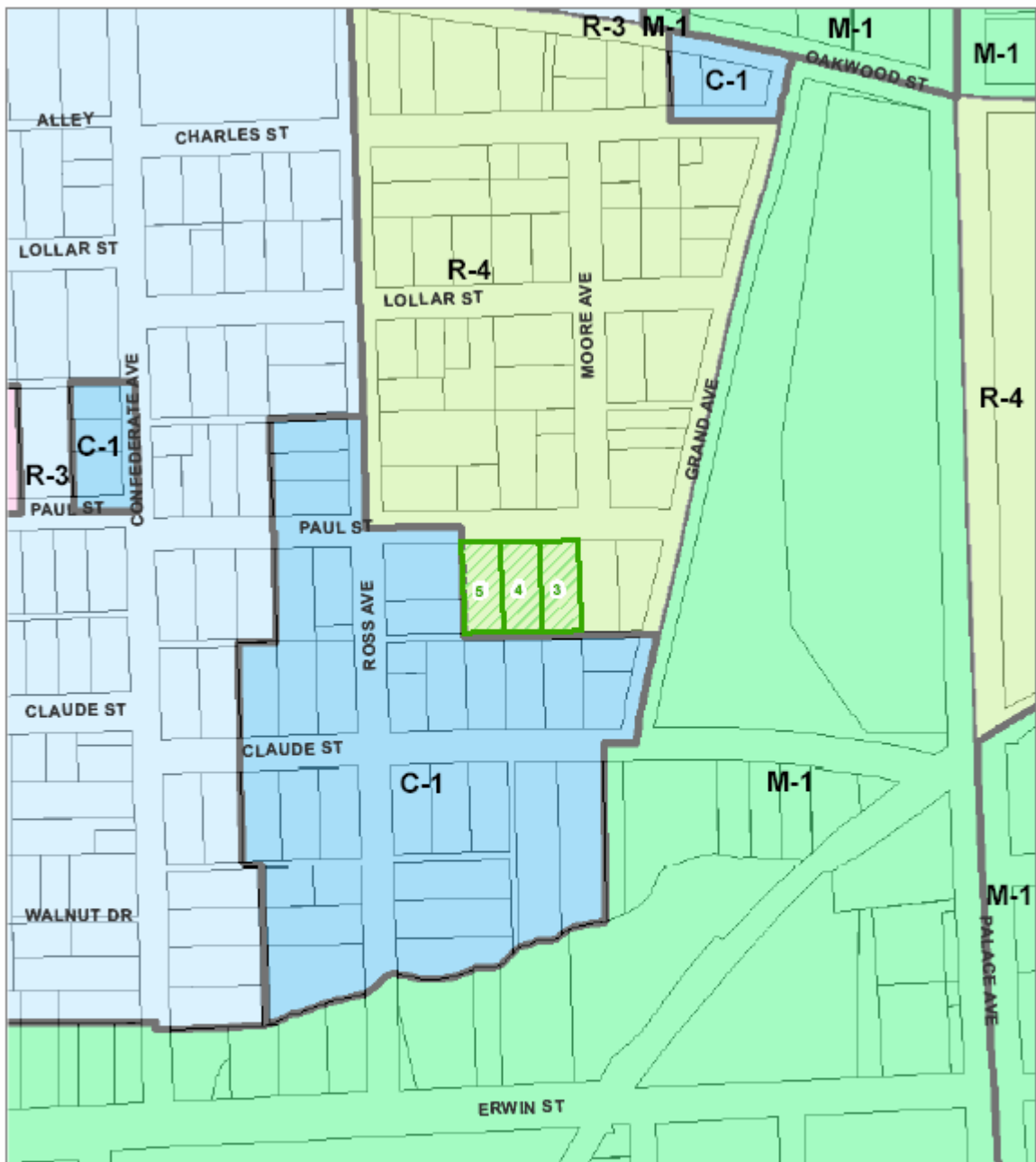
The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from “R-4” Multi-Family Residential District to “R-1B” Single-Family Residential District.

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

Drafted/Recommended By: Stephanie Rollings
Department Leader

Edited/Submitted By:
City Manager






ZONING CASE

Zoning Case #: Z08-06-071a
 Existing Zoning: R-4
 Applicant: JOYCE MILTON



200 0 200 Feet



 Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: August 23, 2006

Subject: APPLICATION Z08-06-072A MIKE MILLING
Request that the City Council consider a request to change the zoning from "C-2" General Commercial District to "R-1A" Single-Family Residential District on Lot 13 of NCB 196, one lot totaling .342± acres located 198.68± feet east of the intersection of Bow Street and Palace Avenue, fronting 123.75± feet along the south side of Bow Street with a maximum depth of 120± feet (808 West Bow Street).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the continued use of a legal non-conforming single-family dwelling.

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 three (3) stories or forty-five (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.

This property has been used as a home for over one hundred years. The owner is in the process of selling the home but the lenders are requiring a zoning change to become compliant with current Zoning Codes. The subject property and the home are not suitable for commercial type uses. A commercial zoning classification is not compatible with the existing residential uses on the street. Staff feels the property is more suitable for residential use.

The proposed zoning change would bring this structure into compliance with the Ordinance and would not have a negative impact on the surrounding areas.

On August 1, 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. Mike Milling 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-5

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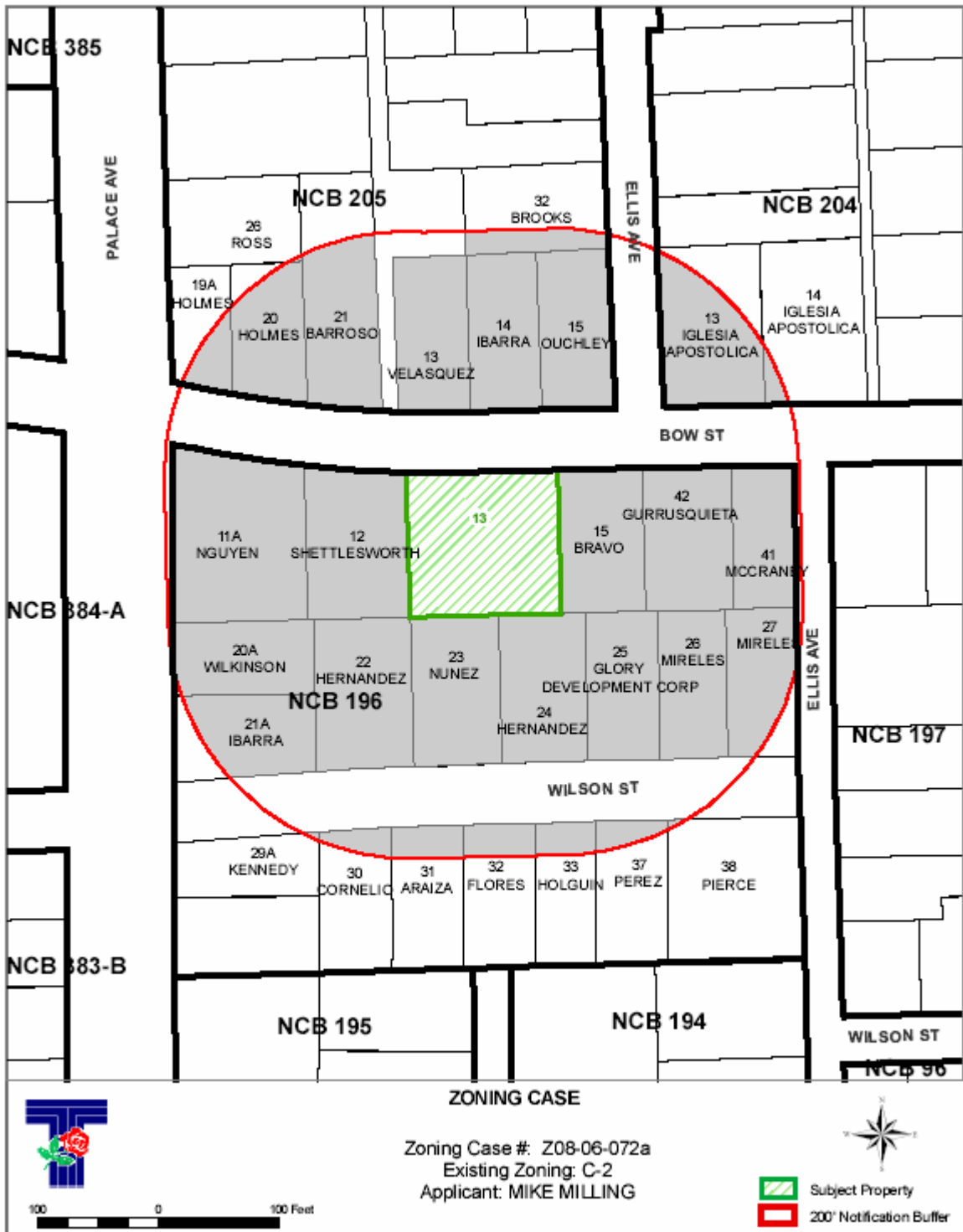
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from “C-2” General Commercial District to “R-1A” 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**



NCB 385

PALACE AVE

NCB 205

ELLIS AVE

NCB 204

26 ROSS
 19A HOLMES
 20 HOLMES
 21 BARROSO
 13 VELASQUEZ
 14 IBARRA
 15 OUCHLEY
 32 BROOKS

13 IGLESIA APOSTOLICA
 14 IGLESIA APOSTOLICA

BOW ST

NCB 384-A

11A NGUYEN
 12 SHETTLESWORTH
 13
 15 BRAVO
 42 GURRUSQUIETA
 41 MCCRANEY
 20A WILKINSON
 22 HERNANDEZ
 23 NUNEZ
 25 GLORY
 26 MIRELES
 27 MIRELES
 21A IBARRA
 24 HERNANDEZ
 DEVELOPMENT CORP

ELLIS AVE

NCB 197

WILSON ST

NCB 383-B

29A KENNEDY
 30 CORNELIC
 31 ARAIZA
 32 FLORES
 33 HOLGUIN
 37 PEREZ
 38 PIERCE

WILSON ST

NCB 195

NCB 194

NCB 96



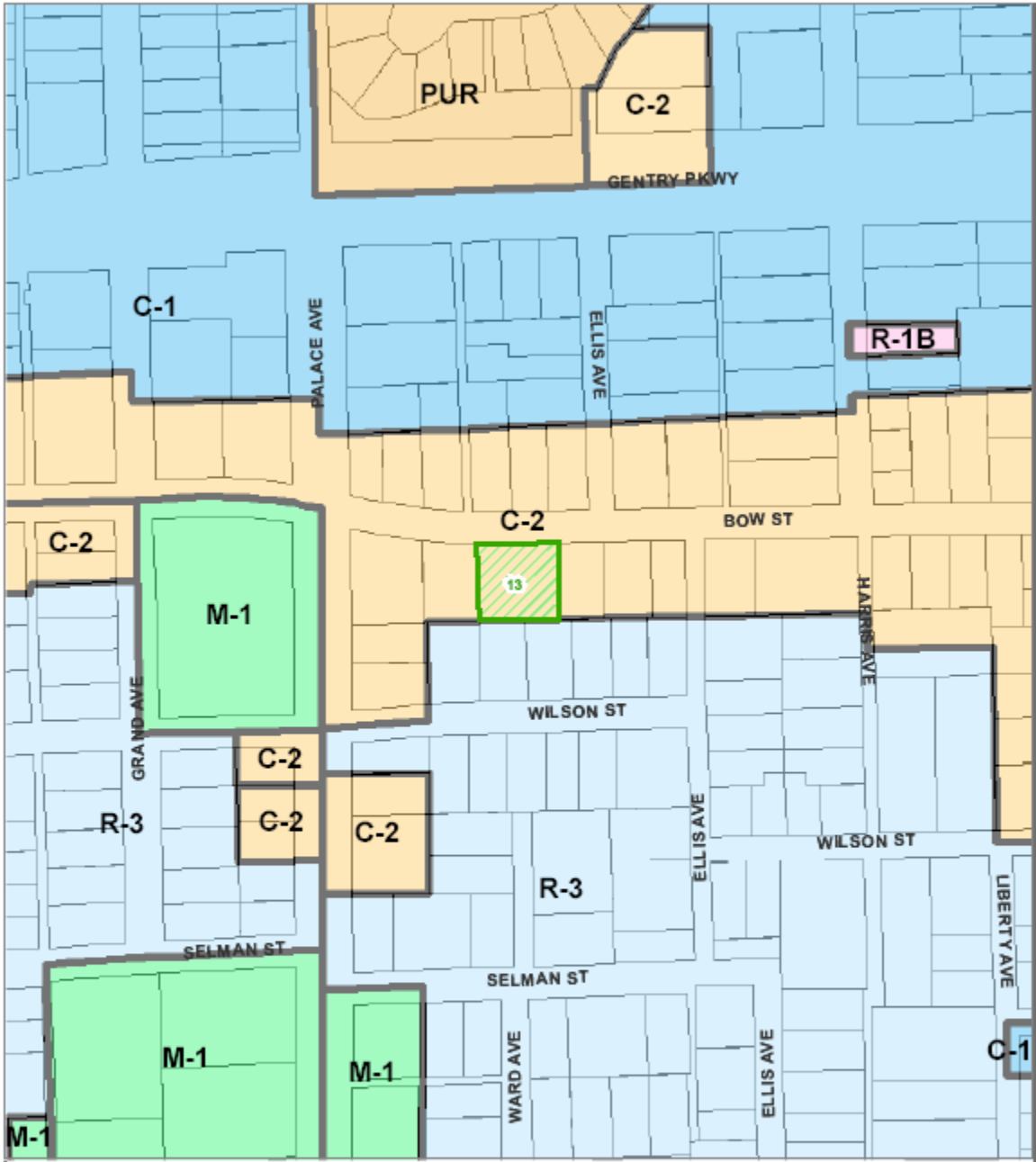
100 0 100 Feet

ZONING CASE

Zoning Case #: Z08-06-072a
 Existing Zoning: C-2
 Applicant: MIKE MILLING



[Green hatched box] Subject Property
 [Red outline box] 200' Notification Buffer



ZONING CASE

Zoning Case #: Z08-06-072a
 Existing Zoning: C-2
 Applicant: MIKE MILLING



 Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: August 23, 2006

Subject: APPLICATION Z08-06-074A ADELINE LIKES
Request that the City Council consider a request to change the zoning from “R-1C” Single Family Residential District to “AR” Adaptive Reuse District on Lots 7 and 18 of NCB 279, two (2) lots totaling .65± acres located 145.50± feet west of the intersection of Dobbs Street and South Broadway Avenue, fronting 160± feet along the south side of Dobbs Street with a maximum depth of 174.50± feet (118 West Dobbs Street).

Page: 1 of 2

Item Reference:

The applicant is appealing the denial of her request for a zoning change to allow for the operation of a portrait studio and office in an existing residence.

Section 10-211, "R-1C" Single-Family Residential District, is established as a transitional zone to provide for an orderly change from an existing zone permitting two-family occupancy of residential properties to a zone of predominantly single-family occupancy. This zone permits the continuance of two-family occupancy of lots used for two-family occupancy at the date the property is included in the "R-1C" zone, while preventing the further expansion of two-family occupancy or the creation of additional two-family occupancy units. The permission given to owners of two-family occupancy dwellings in this zoning classification differs from the rights given under a non-conforming use.

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

The proposed zoning would allow for either a thirty-two square foot pole sign that does not exceed eight feet in height or a facade sign of the same size. The applicant plans to install a very modest sign in the front yard that would be in compliance with City Ordinances, and in keeping with the beautiful surroundings.

Staff states that rezoning this property could have an adverse impact on this block of homes. Staff recognizes the proximity of this structure to the Woman’s Building and First Presbyterian Church; however, the existing residential structure is part of the Azalea Trail. While Staff feels a portrait studio would be an acceptable use for this property, the Adaptive Reuse District permits other uses that could create an adverse impact to the residential area. Rezoning this property to any designation other than residential could constitute an encroachment of a non-residential use into an established neighborhood.

Agenda Number: Z-6

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The subject property is constrained due to landscaping, square footage of the house, and property size. The property currently has only two parking spaces located in the front yard. Also, there is limited off-street parking available and the on-street parking is heavily utilized in this area. The portrait studio requires a minimum of three parking spaces, plus one additional space for each 400 square feet of floor area over 1,000 square feet. The applicant has stated that if the zoning request is approved, he has approval from the church across the street to utilize their parking lot.

On August 1, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 25.7 percent written letters of protest filed. Margaret Davis and Mike Butler spoke in opposition to the request. They said they had no objection to the portrait studio, but expressed concern with other uses allowed in "AR" zoning. Lauren Glass and Brian Rocket spoke on behalf of the application. Ms. Glass said her mother operated an interior design studio from the home for 30 years. She said she has had offers to lease the house but would rather not. Mr. Rocket said he will not change the exterior of the structure and will not live in the house. He said he will have a shared parking agreement with the church. Mr. Rocket said he preferred a Special Use Permit for the studio. Mrs. Rollings said the Ordinance does not currently allow a portrait studio in a residential zoning with a Special Use Permit. To allow a portrait studio would require an ordinance amendment. Commissioner Kelldorf felt it would be best to approve the request with a Special Use Permit for a specific time period.

Since the public hearing, the applicant has met with Staff and the neighbors and has agreed to deed restrict the property to allow for a portrait studio only rather than all "AR" type uses. The applicant has been in Tyler for many years and plans to be at this location for many more. Also, the applicant feels this location is ideally suited for his photography business due to the home's proximity to the Children's Park, the Azalea Trail, and other features.

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 5-0, recommends denial of the request to change the zoning from "R-1C" Single Family Residential District to "AR" Adaptive Reuse District.



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



**Edited/Submitted By:
City Manager**

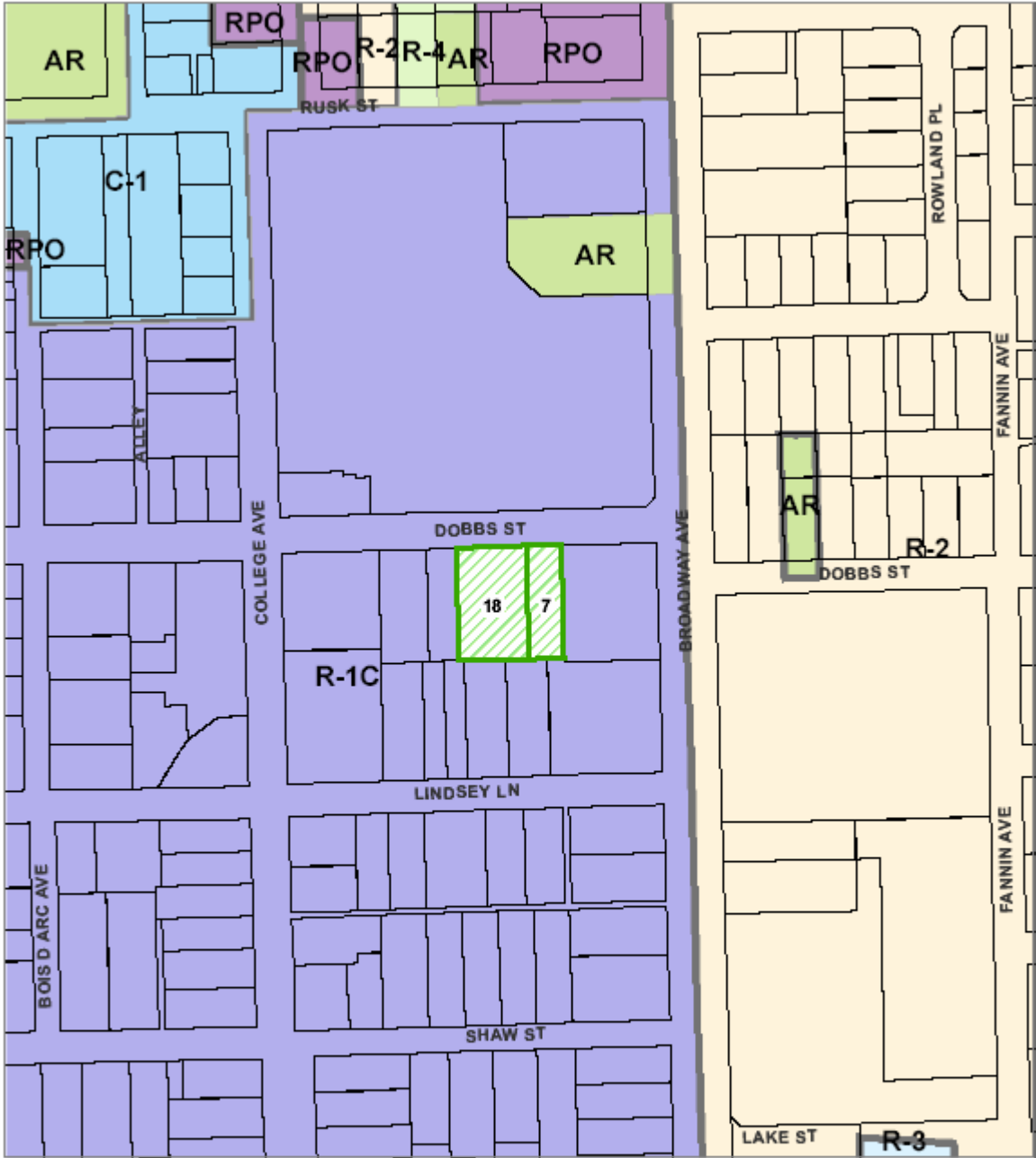


ZONING CASE

Zoning Case #: Z08-06-074a
 Existing Zoning: R-1C
 Applicant: ADELINE LIKES

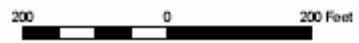


 Subject Property
 200' Notification Buffer



ZONING CASE

Zoning Case #: Z08-06-074a
 Existing Zoning: R-1C
 Applicant: ADELIN LIKES



 Subject Property

ORDINANCE NO. 0-2006-72

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 Z05-06-037A - Withdrawn

II. APPLICATION Z08-06-069A

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

Lot 14 of NCB 1249, one lot totaling .32± acres located 80.17± feet north of the intersection of NNW Loop 323 and Woodhue Drive, fronting 87.22± feet along the west side of NNW Loop 323 with a maximum depth of 155.22± feet (506 NNW Loop 323).

III. APPLICATION Z08-06-070A

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

Lot 2K of NCB 1546-E, two (2) lots totaling 12.22± acres located 313± feet south of the intersection of South Broadway Avenue and Heritage Drive, fronting 412± feet along the west side of South Broadway Avenue with a maximum depth of 1254.17± feet (7715 South Broadway Avenue).

IV. APPLICATION Z08-06-071A

That the following described property, which is currently zoned "R-4" shall hereafter bear the zoning classification of "R-1B", to wit:

Lots 3, 4, and 5 of NCB 351, three (3) lots totaling .575± acres located 119.57± feet east of

the intersection of Paul Street and Ross Avenue, fronting 180.26± feet along the south side of Paul Street with a maximum depth of 140± feet (1110 Paul Street).

V. APPLICATION Z08-06-072A

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

Lot 13 of NCB 196, one lot totaling .342± acres located 198.68± feet east of the intersection of Bow Street and Palace Avenue, fronting 123.75± feet along the south side of Bow Street with a maximum depth of 120± feet (808 West Bow Street).

VI. APPLICATION Z08-06-074A

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

Lots 7 and 18 of NCB 279, two (2) lots totaling .65± acres located 145.50± feet west of the intersection of Dobbs Street and South Broadway Avenue, fronting 160± feet along the south side of Dobbs Street with a maximum depth of 174.50± feet (118 West Dobbs Street),

subject to ensuring deed restrictions are included in deed of sale.

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 23rd of August, 2006.

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

ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY