



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-1 **DENIED**

**Date:** September 27, 2006

**Subject:** APPLICATION Z08-06-073A GENECOV INVESTMENTS LTD.  
Request that the City Council consider a request to change the zoning from “RPO” Restricted Professional and Office District to “C-1” Light Commercial District on Lot 11N of NCB 1290, one lot totaling 1.89± acres located 810± feet west of the intersection of WSW Loop 323 and Richmond Road, fronting 45.35± feet along the south side of WSW Loop 323 with a maximum depth of 506.39± feet (724 WSW Loop 323).

**Page:** 1 of 2

**Item Reference:**

The applicant is appealing the denial of the request for a zoning change to allow for retail type uses in an existing building.

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-4” High-Rise Commercial District, while property to the west is zoned “RPO” Restricted Professional and Office District, property to the south is zoned “R-1A” Single-Family Residential District, and property to the north is zoned “C-1” Light Commercial District.

There is an existing structure on the lot suitable for office or retail use. The applicant has stated the majority of inquiries from potential tenants have been for retail use and not for office use. The space has been vacant for approximately eight (8) months.

The applicant requested that this item be tabled so that they may submit a replat to address minimum street frontage requirements for “C-1” Light Commercial District, Section 10-225, d.3.(b)., which sets forth that each lot shall have a minimum of seventy feet (70') of frontage on a dedicated public street. The Planning and Zoning Department has received a plat which has been approved administratively.

On August 1, 2006, the Planning and Zoning Commission held a public hearing on this request. Kaffee Andrews spoke in opposition to the request. He expressed concern with noise and trash from nearby restaurants and businesses, and the security of the nearby residential neighborhood.

The Planning and Zoning Commission, by a vote of 5-0, tabled the request for thirty days.

**Agenda Number: Z-1**

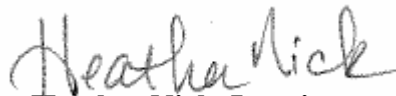
**Page: 2 of 2**

On September 5, 2006, the Planning and Zoning Commission held a second public hearing on this request. There were 6.15 percent written letters of protest filed. Kaffee Andrews reiterated his concerns and asked that a wall be built between the offices and the residential neighborhood. Taylor Burns spoke on behalf of the application. He said he would consider a "PCD" Planned Commercial District designation and building a fence. Mrs. Rollings said Commissioners could impose a fence requirement with "PCD" zoning, but that designation would also open the property up to "C-2" land uses which allows outdoor sales and display. She said setbacks would not be affected because of the existing building on the property. Commissioner Stewart expressed concern with the "PCD" zoning. Commissioner Kelldorf preferred small retail shops that would not disrupt the neighborhood.

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

**RECOMMENDATION:**

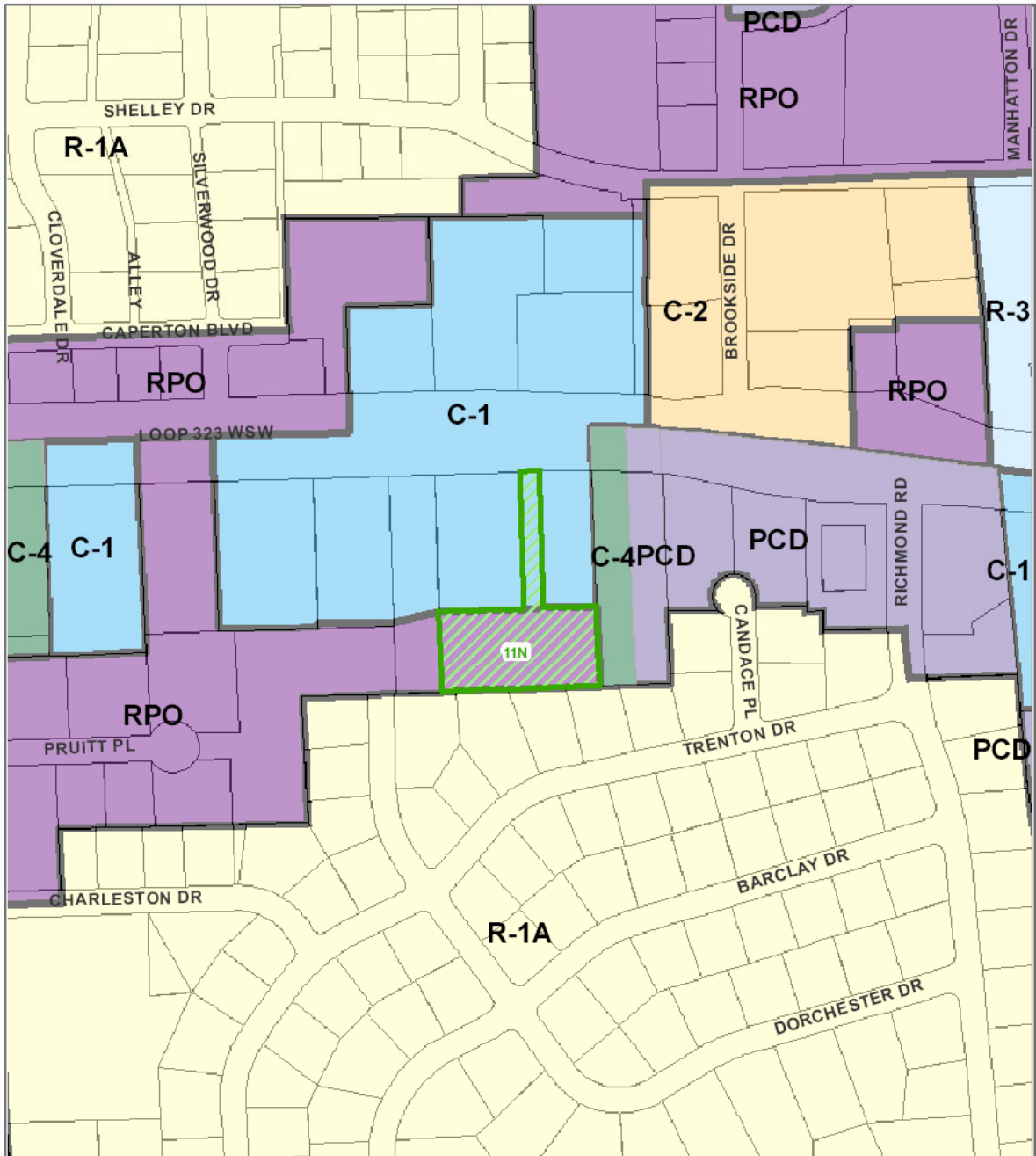
The Planning and Zoning Commission, by a vote of 5-0-1, recommends denial of the request to change the zoning from "RPO" Restricted Professional and Office District to "C-1" Light Commercial District



**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**

**Edited/Submitted By:  
City Manager**



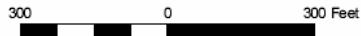


**ZONING CASE**

Zoning Case #: Z08-06-073a

Existing Zoning: RPO

Applicant: GENECOV INVESTMENTS, LTD



 Subject Property



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-2**

**Date: September 27, 2006**

**Subject: APPLICATION Z08-06-075B TONJA JAMES**  
**Request that the City Council consider a request to change the zoning from “R-MH” Manufactured Home Residential District to “R-1A” Single-Family Residential District on Lot 16 of NCB 852-O, one lot totaling .813± acres located at the northwest corner of the intersection of Boyd Avenue and Rose Street, fronting 150± feet along the north side of an unimproved portion of Rose Street, and fronting 52± feet along the west side of Boyd Avenue (819 Boyd Avenue).**

**Page: 1 of 2**

**Item Reference:**

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

Section 10-209, "R-1A" 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 seven and one-half (7 1/2) feet on the side. Minimum lot size is 9,000 square feet.

The proposed zoning would be an extension of existing “R-1A” Single-Family Residential District surrounding the property and would be compatible with existing land use. The zoning change would allow for a more compatible use than the existing “R-MH” zoning currently allows. The majority of the area is developed with single-family homes.

On August 15, 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 spoke on behalf of the application.

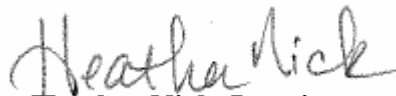
All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

**Agenda Number: Z-2**

**Page: 2 of 2**

**RECOMMENDATION:**

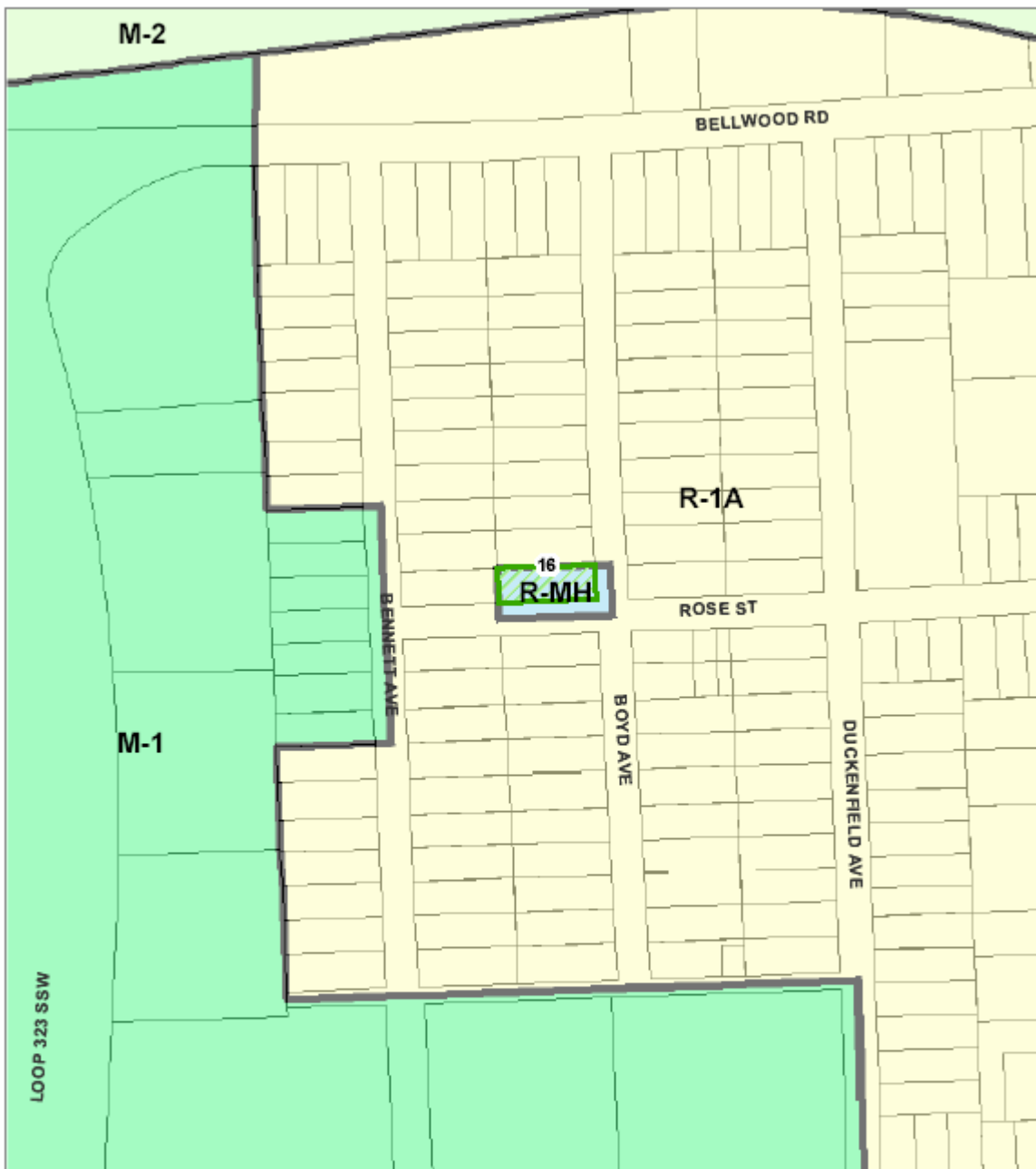
The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from “R-MH” Manufactured Home Residential District to “R-1A” Single-Family Residential District.

A handwritten signature in cursive script that reads "Heather Nick".

**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**

**Edited/Submitted By:  
City Manager**







**ZONING CASE**

Zoning Case #: Z08-06-075B  
Existing Zoning: R-MH  
Applicant: TONJA JAMES



-  Subject Property
-  200' Notification Buffer



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**DENIED**

**Agenda Number:** Z-3

**Date:** September 27, 2006

**Subject:** APPLICATION Z08-06-079B MITCHELL WALKER  
Request that the City Council consider a request to change the zoning from “C-1” Light Commercial District to “C-2” General Commercial District on Lot 11 of NCB 1426, one lot totaling 1.32± acres located 277± feet west of the intersection of Spur 124 and Fifth Street, fronting 312.77± feet along the north side of Fifth Street with a maximum depth of 204.6± feet (3310 E. Fifth Street).

**Page:** 1 of 2

**Item Reference:**

The applicant is appealing the denial of his request for a zoning change to allow for a heavier commercial use that would allow outdoor storage.

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 subject property is currently surrounded by “C-1” Light Commercial District.

The applicant’s current tenant has been utilizing outdoor storage which is not permitted in a “C-1” District. The applicant is requesting a zoning change to become compliant with Tyler City Code.

Staff states that rezoning this property would not be beneficial to the area due to the existing zoning that surrounds the property, which is primarily light commercial and single-family residential. A “C-2” designation allows for broader commercial activities, including outdoor display, and the change of zoning could be intrusive to the area due to the more intense types of uses allowed.

On August 15, 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. Mitchell Walker spoke on behalf of the application. He said wants to accommodate his tenant, who stores used appliances and uses them for parts before discarding them. Commissioner Whatley said the area is being used for storage, not display. Commissioner Stewart agreed, and felt that continuing that use or expanding it would be detrimental to the area.

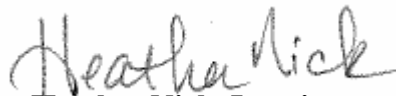
**Agenda Number: Z-3**

**Page: 2 of 2**

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

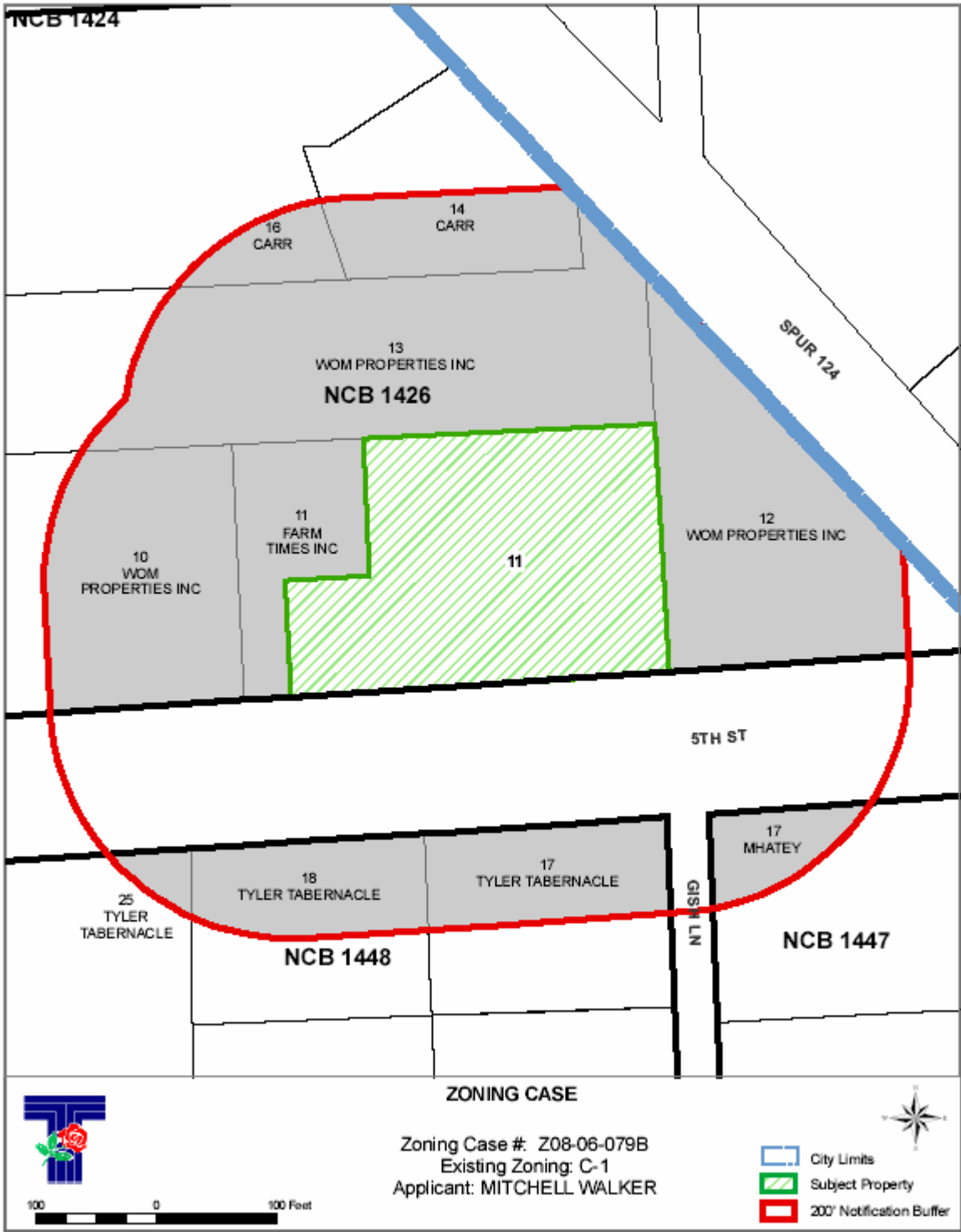
**RECOMMENDATION:**

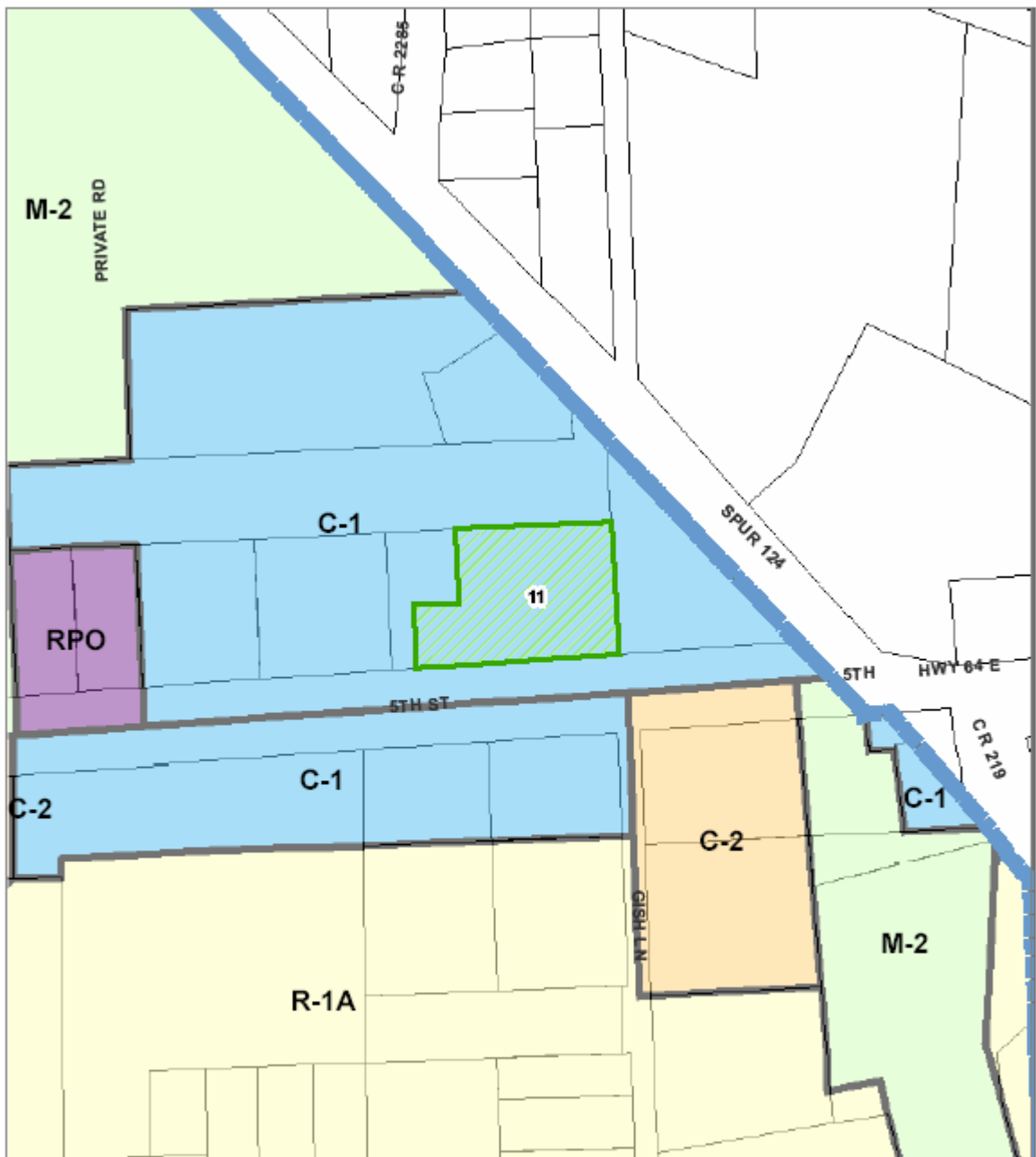
The Planning and Zoning Commission, by a vote of 5-0, recommends denial of the request to change the zoning from “C-1” Light Commercial District to “C-2” General Commercial District.

A handwritten signature in cursive script that reads "Heather Nick".

**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**

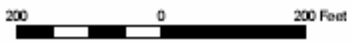
**Edited/Submitted By:  
City Manager**





**ZONING CASE**

Zoning Case #: Z08-06-079B  
 Existing Zoning: C-1  
 Applicant: MITCHELL WALKER



- City Limits
- Subject Property



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-4

**Date:** September 27, 2006

**Subject:** APPLICATION S08-06-076B ROSE OF SHARON BAPTIST CHURCH

**Request that the City Council consider a request for the renewal of a Special Use Permit (S02-02-013) to allow for the continued operation of a mobile chapel for a period of 9 months on Lot 52G of Block 725, one (1) lot totaling 2.27± acres located at the southwest corner of the intersection of Garden Valley Road and Parkdale Drive, fronting 364± feet along the south side of Garden Valley Road and fronting 242± feet along the west side of Parkdale Drive with a maximum depth of 257± feet (2518 Garden Valley Road). The property is currently zoned "R-1A" Single-Family Residential District.**

**Page:** 1 of 2

**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.

Zoning in the area consists of single-family homes. The applicant proposed to renew the Special Use Permit issued in February, 2002. The original Special Use Permit (S04-00-014), issued in April, 2000, was approved so the applicant could utilize a mobile chapel while permanent structures were under construction. The renewal issued in 2002 was granted for a period not to exceed one year.

The applicant has applied for the renewal as a result of a code complaint. The applicant has allowed the permit to lapse and is in violation of the Tyler Code of Ordinances Section 10-209, R-1A Single Family Residential District, which does not allow for a mobile chapel without a Special Use Permit. The applicant was sent a letter on May 6, 2006, with instructions to remove the mobile chapel or submit an application to renew the Special Use Permit.

Staff states the applicant has had sufficient time (four years) to utilize and remove the mobile chapel.

There were 17.11 percent written letters of protest filed. No one spoke in opposition of the request. Harvey Starling spoke on behalf of the application. He said the building is not being used and is for sale. Commissioner Whatley felt an additional three months to either sell the building or move it was fair.

**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 5-0, recommends approval of the request for the renewal of a Special Use Permit to allow for the continued use of a mobile chapel for a period of three (3) months.

A handwritten signature in cursive script that reads "Heather Nick".

**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**

**Edited/Submitted By:  
City Manager**





**ZONING CASE**

Zoning Case #: S08-06-076b

Existing Zoning: R-1A

Applicant: ROSE OF SHARON BAPTIST CHURCH



-  Subject Property
-  200' Notification Buffer



**ZONING CASE**

Zoning Case #: S08-06-076b

Existing Zoning: R-1A

Applicant: ROSE OF SHARON BAPTIST CHURCH



 Subject Property



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-5

**Date:** September 27, 2006

**Subject:** **APPLICATION S08-06-077B COBY ARCHA/AMANDA PAGE**  
Request that the City Council consider a request for a Special Use Permit to allow for the operation of a one-chair beauty shop in a residence for a period of two (2) years on Lot 4 of Block 324, one (1) lot totaling .874± acres located 93± feet west of the intersection of West Houston Street and Palace Avenue, fronting 94.12± feet along the north side of West Houston Street with a maximum depth of 364.44± feet (911 West Houston Street). The property is currently zoned “R-3” Multi-Family Residential District.

**Page:** 1 of 2

**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.

Property to the west is currently zoned “R-3” Multi-Family Residential District, while property to the east is zoned “RPO” Restricted Professional and Office District, and properties to the south are a mixture of “R-1A” Single-Family Residential District, “C-1” Light Commercial District, and “AR” Adaptive Reuse District.

The applicant meets the minimum parking requirement, which requires two off-street spaces per chair. Also, the lot does not have any physical constraints that would produce a negative impact on the area by allowing the operation of a salon.

On August 15, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke on behalf of the application. Coby Archa appeared on behalf of the application.

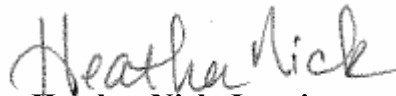
All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

**Agenda Number: Z-5**

**Page: 2 of 2**

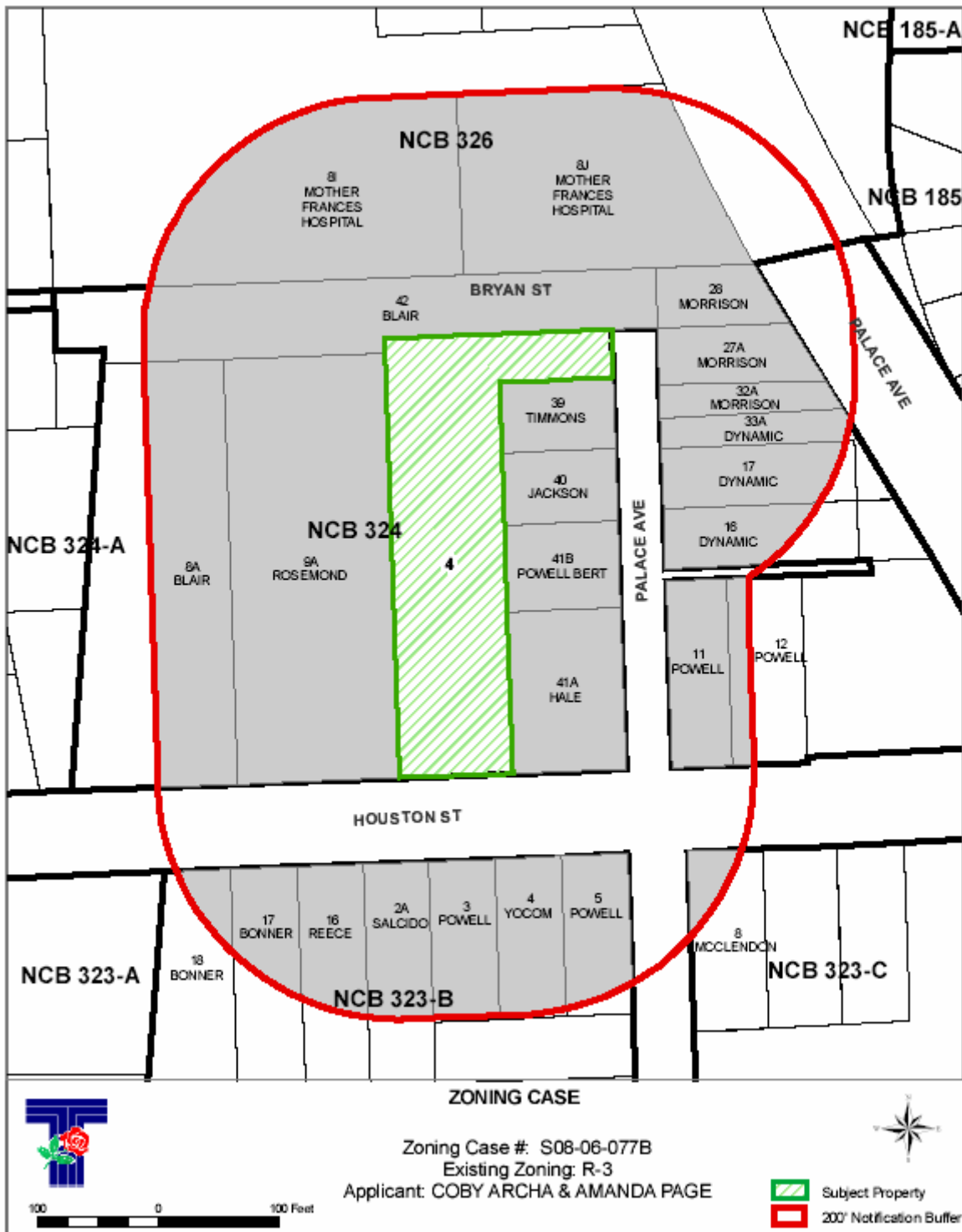
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request for a Special Use Permit to allow for the operation of a one-chair beauty shop in a residence for a period of two (2) years.

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

**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**

**Edited/Submitted By:  
City Manager**





**ZONING CASE**

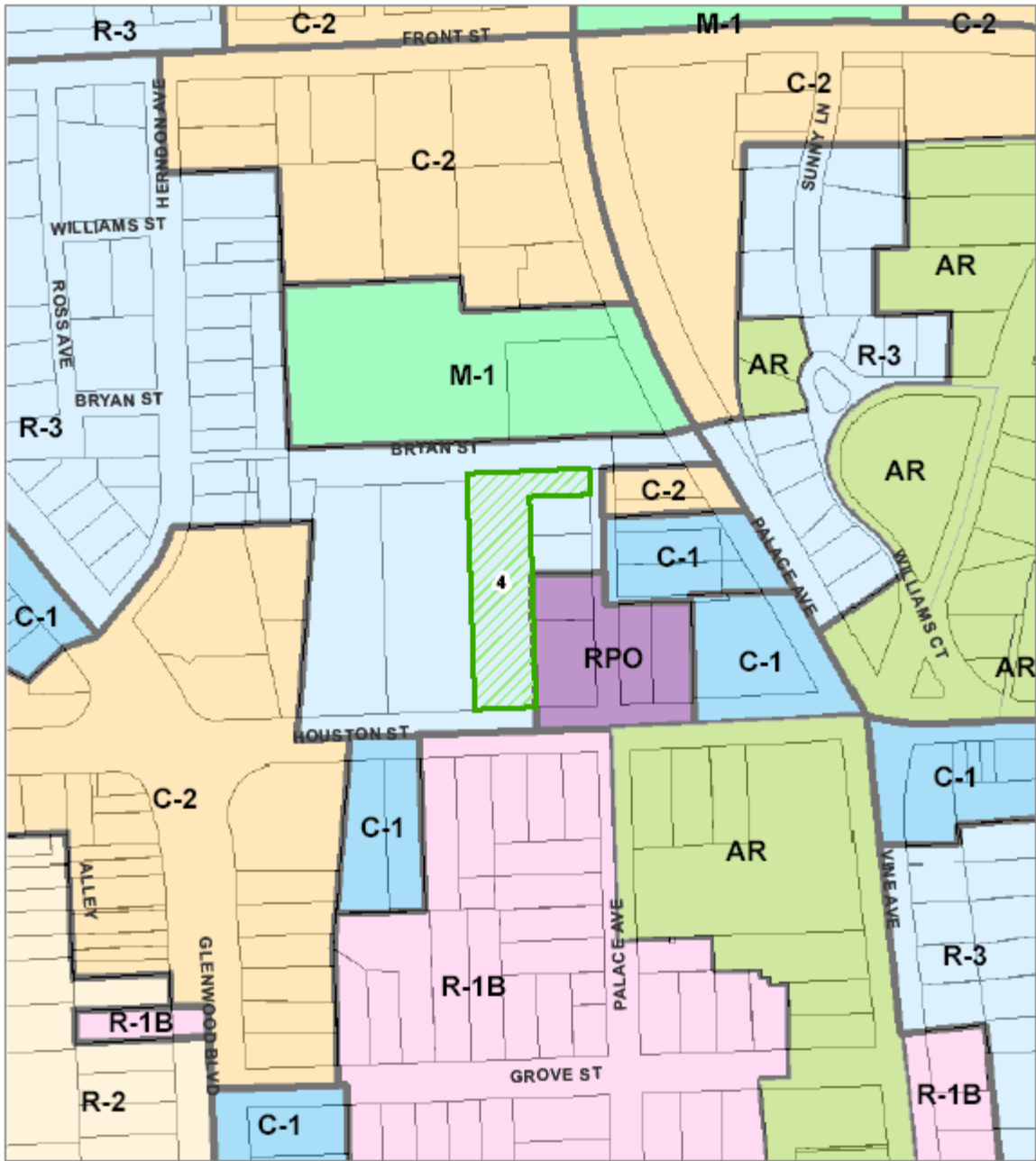
Zoning Case #: S08-06-077B

Existing Zoning: R-3

Applicant: COBY ARCHANA & AMANDA PAGE



-  Subject Property
-  200' Notification Buffer



ZONING CASE

Zoning Case #: S08-06-077B

Existing Zoning: R-3

Applicant: COBY ARCHANA & AMANDA PAGE

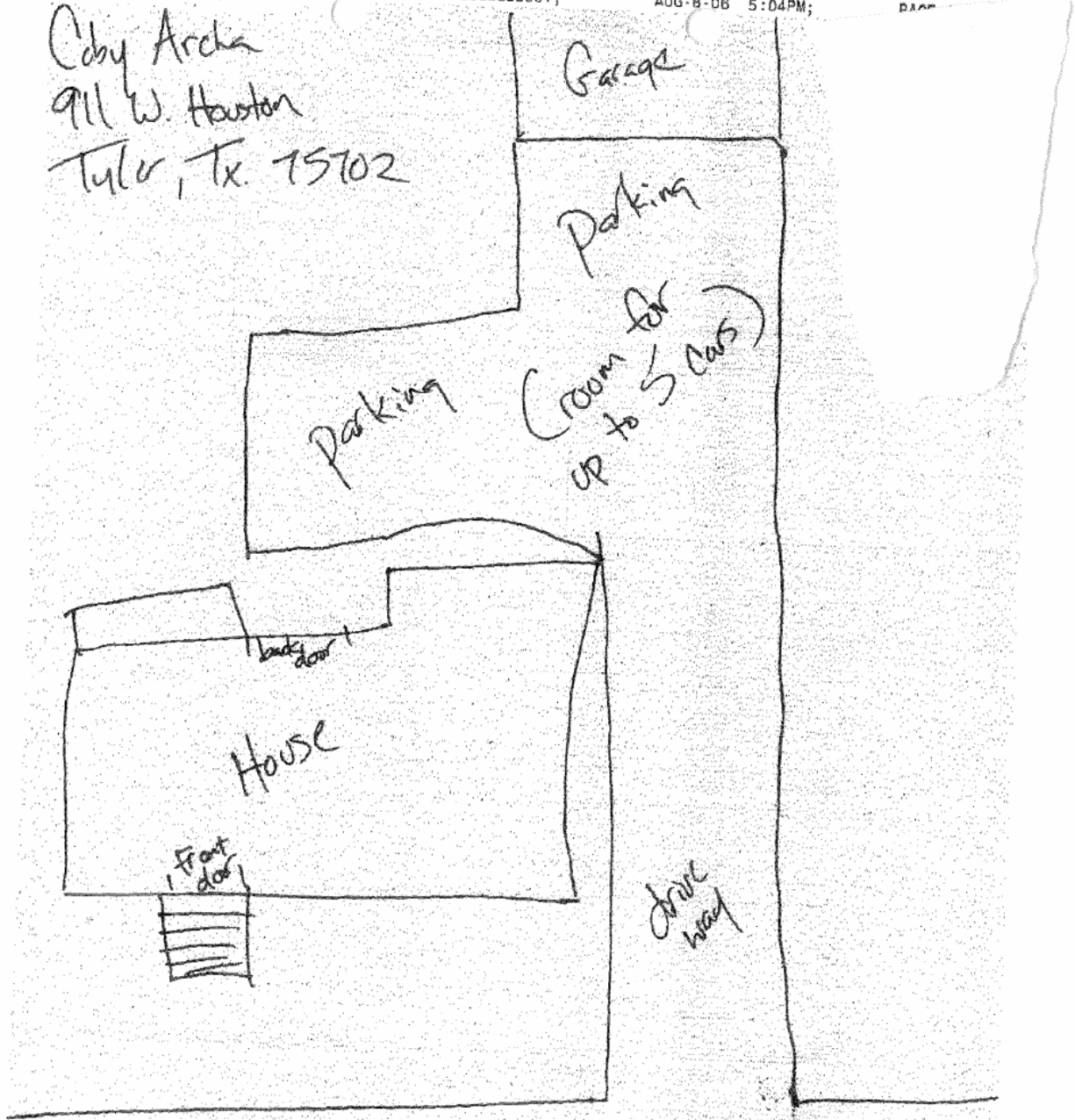


200 0 200 Feet



 Subject Property

Coby Archia  
911 W. Houston  
Tyler, Tx. 75702



W - Houston - E



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-6

**Date:** September 27, 2006 **WITHDRAWN**

**Subject:** **APPLICATION Z09-06-081A ALYCE YOUNGBLOOD**  
Request that the City Council consider a request to change the zoning from “RPO” Restricted Professional and Office District to “C-1” Light Commercial District on Lot 2 of NCB 1098, one (1) lot totaling .389± acres located 100± feet east of the intersection of WSW Loop 323 and Kinsey Drive, fronting 150± feet along the north side of WSW Loop 323 with a maximum depth of 119± feet (1221 WSW Loop 323).

**Page:** 1 of 2

**Item Reference:**

The applicant is appealing the denial of her request to change the zoning to allow for a sign shop in an existing building.

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 and west is zoned “RPO” Restricted Professional and Office District, while property to the south is zoned “C-1” Light Commercial District and “C-4” High-Rise Commercial District, and property to the north is zoned “R-1A” Single-Family Residential District.

Upon securing the zoning, the applicant will remodel the structure for beautification purposes and plans to construct a privacy fence on the northern portion of the lot. Caperton Boulevard, located north of the subject property, acts as a buffer between the residential and commercial areas. The proposed zoning would be an extension of existing “C-1” zoning located west of the property and would be compatible with existing land use in the area.

On September 5, 2006, the Planning and Zoning Commission held a public hearing on this request. There were .0003 percent written letters of protest filed. Tom Keith, Brian Haygood, Julie Kerns, and Craig and Karen Hughes spoke in opposition to the request. They expressed concern with heavy traffic, trash, and noise. They said the applicant has not abided by deed restrictions, which requires a fence along the rear property line. 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-6**

**Page: 2 of 2**

**RECOMMENDATION:**

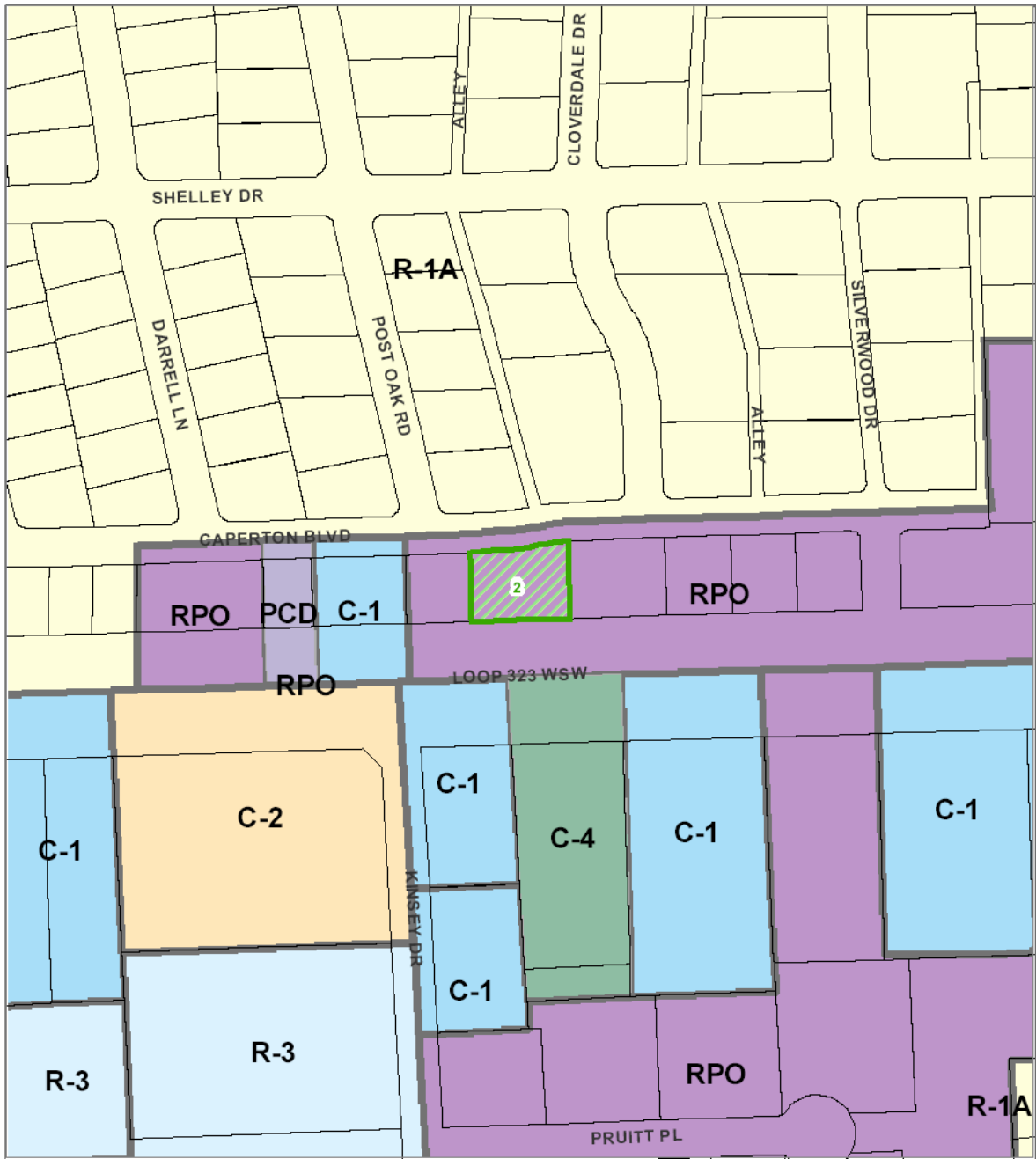
The Planning and Zoning Commission, by a vote of 6-0, recommends denial of the request to change the zoning from “RPO” Restricted Professional and Office District to “C-1” Light Commercial District.

A handwritten signature in cursive script that reads "Heather Nick".

**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**

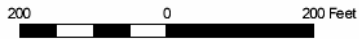
**Edited/Submitted By:  
City Manager**






**ZONING CASE**

Zoning Case #: Z09-06-081a  
 Existing Zoning: RPO  
 Applicant: ALYCE YOUNGBLOOD



 Subject Property



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-7

**Date:** September 27, 2006

**Subject:** **APPLICATION Z09-06-085A FREDERICK RUNNELS**  
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 Tract 26E in the H. George Survey A-367, one (1) tract totaling .477± acres located 177± feet west of the intersection of Benbrook Drive and Orr Drive, beginning at a point on the southwest corner of Lot 10 of Block 1238-A and extending 78.00± feet south, with a maximum depth of 280.93± feet.

**Page:** 1 of 2

**Item Reference:**

The applicant is requesting a zoning change to allow for an existing single-family home built on a portion of the lot.

Section 10-209, "R-1A" 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 seven and one-half (7 1/2) feet on the side. Minimum lot size is 9,000 square feet.

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

The home was built on a portion of the lot zoned “C-2” General Commercial District. The current 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 as commercial. A commercial zoning classification is not compatible with the existing residential uses on the street. Staff feels the property is more suitable for a residential use.

On September 5, 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 spoke on behalf of the application.

**Agenda Number: Z-7**

**Page: 2 of 2**

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

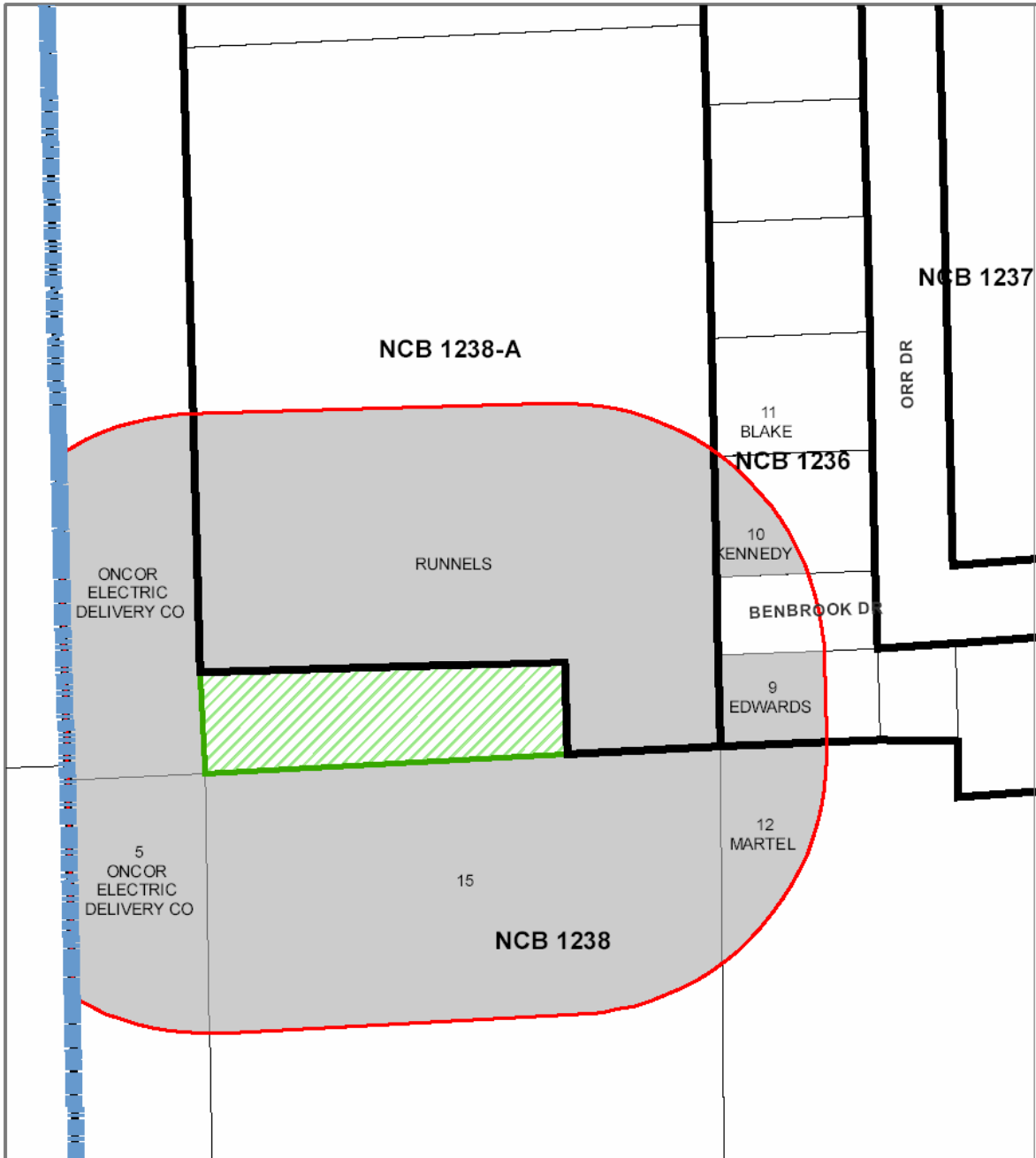
**RECOMMENDATION:**

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



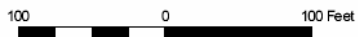
**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**




**Edited/Submitted By:  
City Manager**

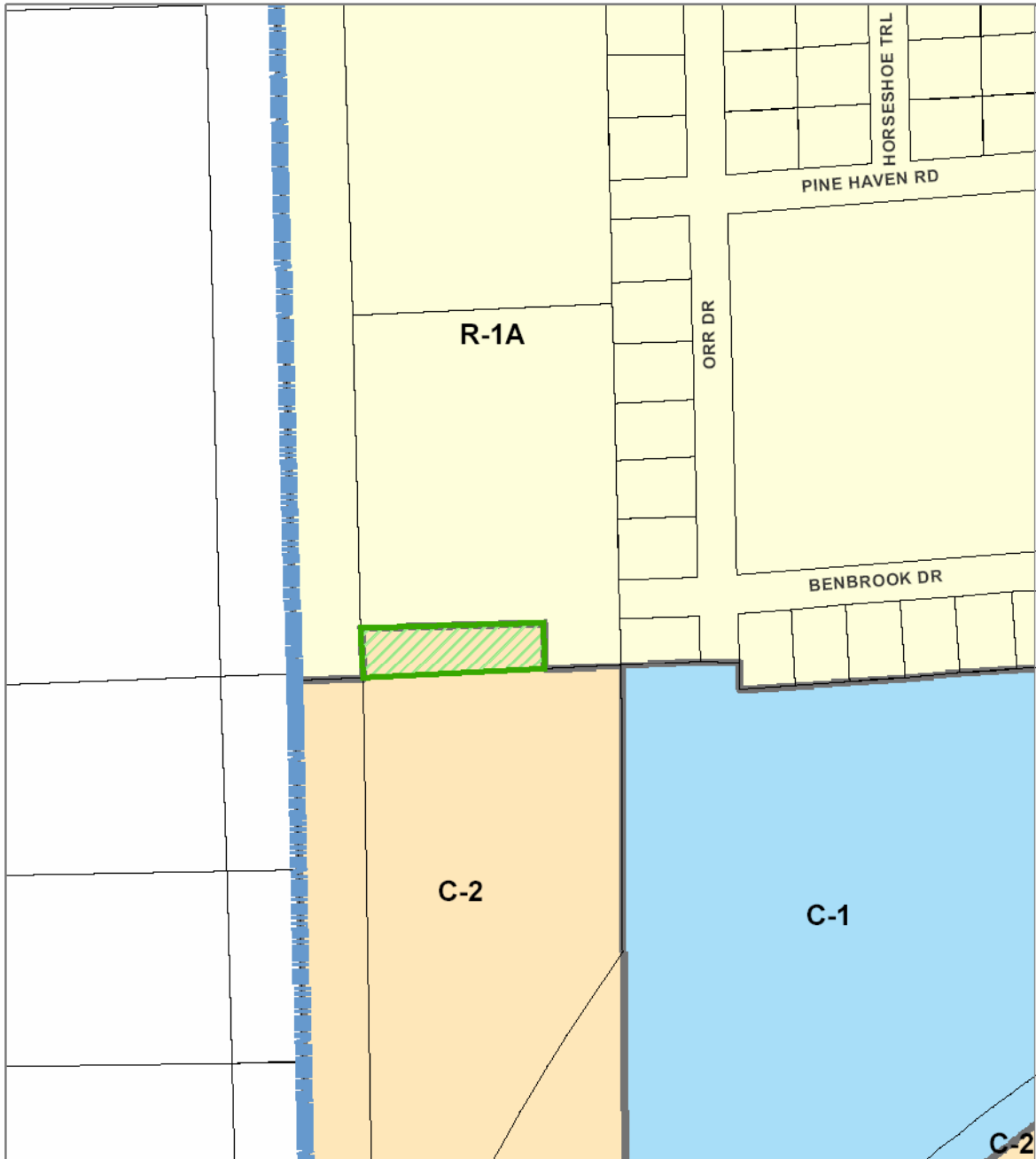


**ZONING CASE**

Zoning Case #: Z09-06-085a  
 Existing Zoning: C-2  
 Applicant: FREDERICK W RUNNELS



-  City Limits
-  Subject Property
-  200' Notification Buffer



**ZONING CASE**



200 0 200 Feet

Zoning Case #: Z09-06-085a  
 Existing Zoning: C-2  
 Applicant: FREDERICK W RUNNELS





**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-8**

**Date: September 27, 2006**

**Subject: APPLICATION S09-06-083A MARK DIXON**  
**Request that the City Council consider a request for a Special Use Permit to allow for the use of two office trailers for a period of one (1) year on Lot 1A of Block 852-W, one (1) lot totaling 4.39± acres located at the southwest intersection of SSW Loop 323 and Spur 364, fronting 471± feet along the south side of Spur 364, and fronting 352.48± feet along the west side of SSW Loop 323 (3201 SSW Loop 323). The property is currently zoned “M-1” Light Industrial District.**

**Page: 1 of 2**

**Item Reference:**

Section 10-245, Special Use Regulations, states the governing body may, by ordinance, grant a special permit for certain 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. The special use request shall be reviewed for its overall compatibility with surrounding properties as well as such specific items as screening, parking and landscaping to make sure that the impact of the special use is minimal and that little or no adverse effects occur to nearby property. The governing body may look at such issues as traffic hazards or congestion, fire hazards, neighborhood character, general welfare of the community, and public utilities.

Zoning in the area consists of “M-1” Light Industrial District.

The site plan shows two 30 foot by 60 foot temporary trailers located on the southeast portion of the lot. The applicant will be responsible for complying with all local building codes and minimum off-street parking requirements will be met by utilizing the existing parking spaces located on the lot.

On September 5, 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 Dixon spoke on behalf of the application. He said the trailers will house personnel during renovation of the business.

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

**Agenda Number: Z-8**

**Page: 2 of 2**

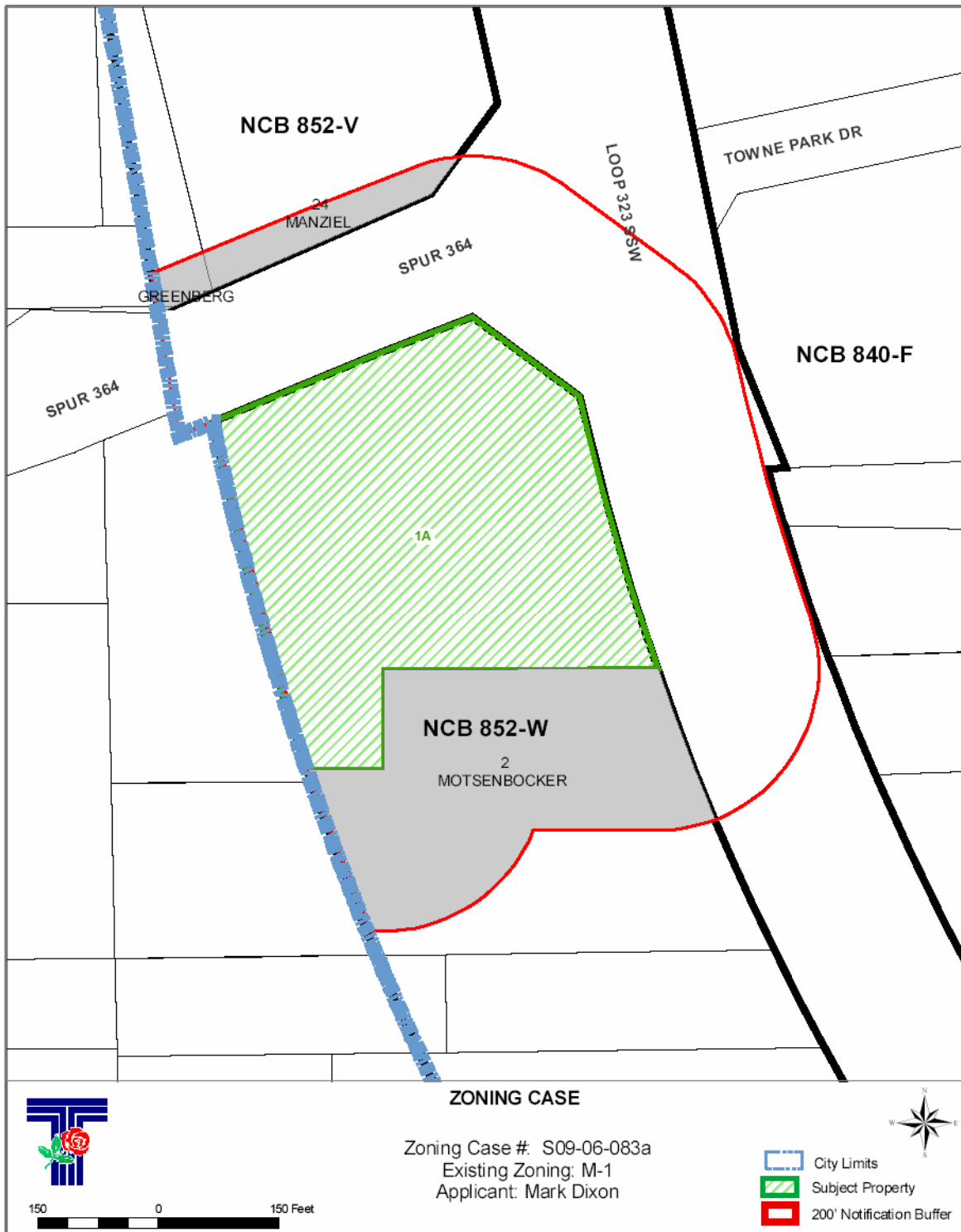
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request for a Special Use Permit to allow for the use of two office trailers for a period of one year.

A handwritten signature in cursive script that reads "Heather Nick".

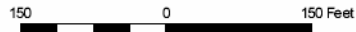
**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**




**Edited/Submitted By:  
City Manager**

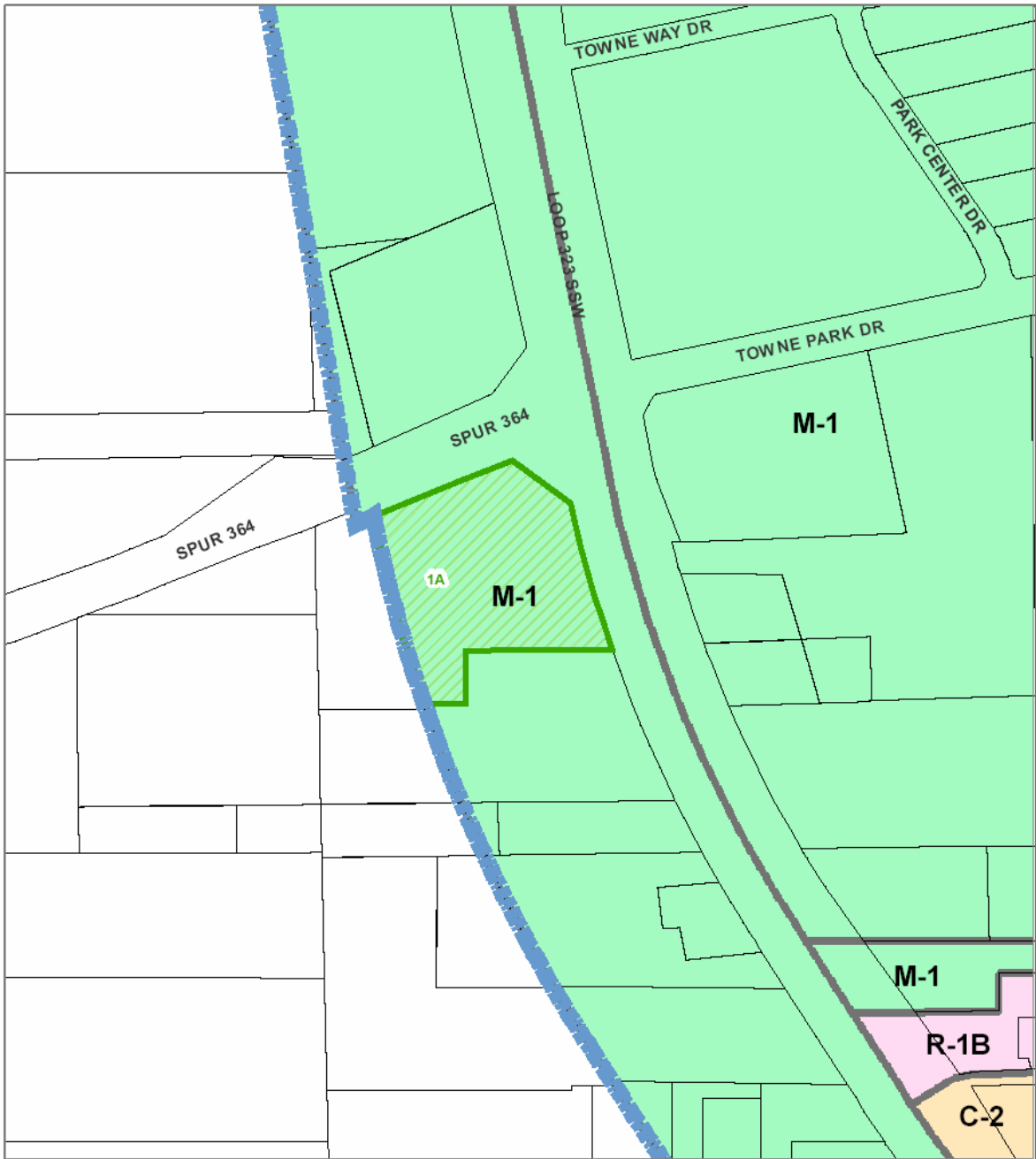


**ZONING CASE**

Zoning Case #: S09-06-083a  
 Existing Zoning: M-1  
 Applicant: Mark Dixon

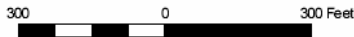




-  City Limits
-  Subject Property
-  200' Notification Buffer



**ZONING CASE**

Zoning Case #: S09-06-083a  
 Existing Zoning: M-1  
 Applicant: Mark Dixon



-  City Limits
-  Subject Property



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-9

**Date:** September 27, 2006

**Subject:** APPLICATION S09-06-084A MICHAEL J. HARVEY, JR.  
Request that the City Council consider a request for a Special Use Permit to allow for the use of one office trailer for a period of six (6) months on Lot 1 of Block 83, one (1) lot totaling .268± acres located at the southwest corner of the intersection of Front Street and Chilton Avenue, fronting 75± feet along the west side of Chilton Avenue, and fronting 150± feet along the south side of Front Street (500 West Front Street). The property is currently zoned “C-3” Central Business District.

**Page:** 1 of 2

**Item Reference:**

Section 10-245, Special Use Regulations, states the governing body may, by ordinance, grant a special permit for certain 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. The special use request shall be reviewed for its overall compatibility with surrounding properties as well as such specific items as screening, parking and landscaping to make sure that the impact of the special use is minimal and that little or no adverse effects occur to nearby property. The governing body may look at such issues as traffic hazards or congestion, fire hazards, neighborhood character, general welfare of the community, and public utilities.

Zoning in the area consists primarily of “C-3” Central Business District with a mixture of “RPO” Restricted Professional and Office District and “R-4” Multi-Family Residential District to the south.

The temporary office, a thirty foot by ten foot trailer, will be located west of the main structure. The applicant will be responsible for complying with all local building codes. Minimum off-street parking requirements will be met by utilizing the existing parking spaces located on the lot.

On September 5, 2006, the Planning and Zoning Commission held a public hearing on this request. There were .53 percent written letters of protest filed. No one spoke in opposition of the request. Eric Toups, representing Enterprise Rent-A-Car, and Don Adams, Vice-President of Enterprise Rent-A-Car, spoke on behalf of the application. Mr. Toups said the trailer will be used to house personnel during the renovation. He said he was unaware a Special Use Permit was required for the trailer and said the project is currently on hold.

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

**Agenda Number: Z-9**

**Page: 2 of 2**

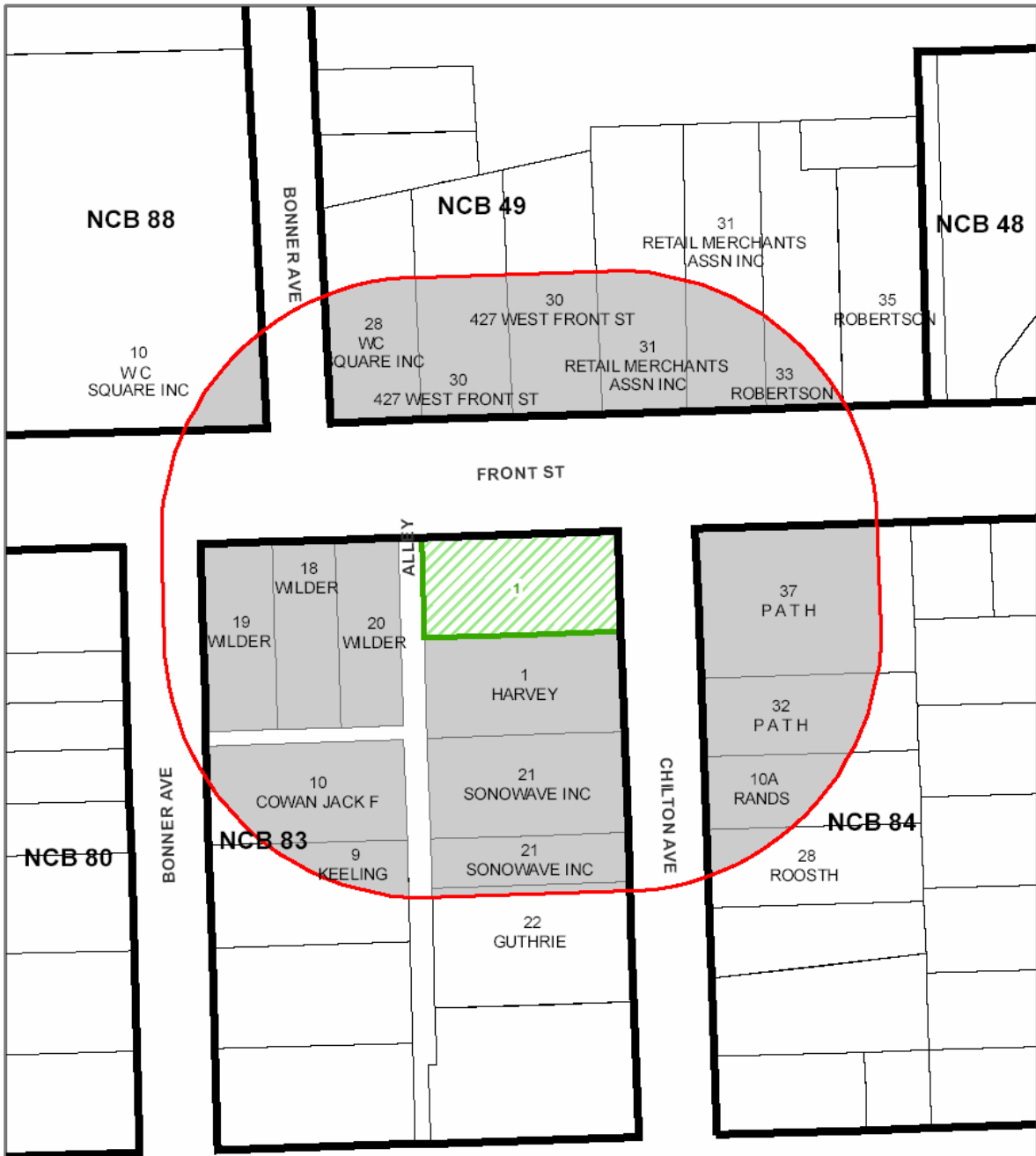
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-1, recommends approval of a Special Use Permit to allow for the use of one office trailer for a period of six months.

A handwritten signature in cursive script that reads "Heather Nick".

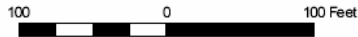
**Drafted/Recommended By: Heather Nick, Interim  
Department Leader**




**Edited/Submitted By:  
City Manager**

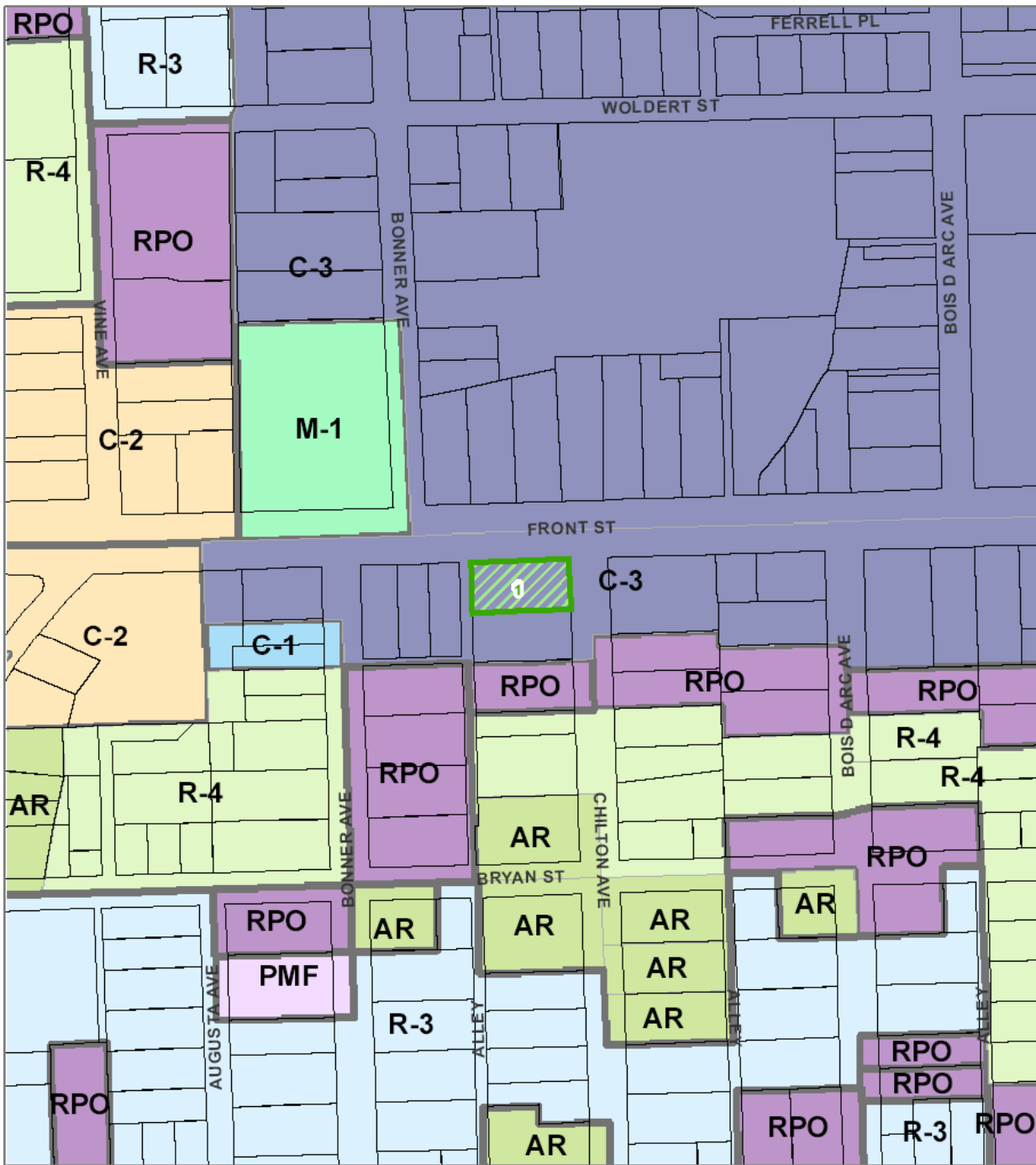


**ZONING CASE**

Zoning Case #: Z09-06-084a  
 Existing Zoning: C-3  
 Applicant: MICHAEL J HARVEY JR



-  City Limits
-  Subject Property
-  200' Notification Buffer





ZONING CASE

Zoning Case #: Z09-06-084a  
 Existing Zoning: C-3  
 Applicant: MICHAEL J HARVEY JR



200 0 200 Feet

 City Limits  
 Subject Property



**ORDINANCE NO. 0-2006-80**

**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 USES; 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 uses 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 uses are hereby approved as follows:

**I. APPLICATION Z08-06-073A - DENIED**

**II. APPLICATION Z08-06-075B**

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

Lot 16 of NCB 852-O, one lot totaling .813± acres located at the northwest corner of the intersection of Boyd Avenue and Rose Street, fronting 150± feet along the north side of an unimproved portion of Rose Street, and fronting 52± feet along the west side of Boyd Avenue (819 Boyd Avenue).

**III. APPLICATION Z08-06-079B - DENIED**

**IV. APPLICATION S08-06-076B**

That the following described property, which is currently zoned "R-1A", shall hereafter be used under a new special use permit to allow for the continued operation of a mobile chapel, to wit:

Lot 52G of Block 725, one (1) lot totaling 2.27± acres located at the southwest corner of the intersection of Garden Valley Road and Parkdale Drive, fronting 364± feet along the south side of Garden Valley Road and fronting 242± feet along the west side of Parkdale Drive with a maximum depth of 257± feet (2518 Garden Valley Road),

for a period of three (3) months.

**V. APPLICATION S08-06-077B**

That the following described property, which is currently zoned "R-3", shall hereafter be

used under a new special use permit to allow for the operation of a one-chair beauty shop in a residence, to wit:

Lot 4 of Block 324, one (1) lot totaling .874± acres located 93± feet west of the intersection of West Houston Street and Palace Avenue, fronting 94.12± feet along the north side of West Houston Street with a maximum depth of 364.44± feet (911 West Houston Street),

for a period of two (2) years.

**VI. APPLICATION Z09-06-081A - WITHDRAWN**

**VII. APPLICATION Z09-06-085A**

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

Tract 26E in the H. George Survey A-367, one (1) tract totaling .477± acres located 177± feet west of the intersection of Benbrook Drive and Orr Drive, beginning at a point on the southwest corner of Lot 10 of Block 1238-A and extending 78.00± feet south, with a maximum depth of 280.93± feet.

**VIII. APPLICATION S09-06-083A**

That the following described property, which is currently zoned “M-1”, shall hereafter be used under a new special use permit to allow for the use of two (2) office trailers , to wit:

Lot 1A of Block 852-W, one (1) lot totaling 4.39± acres located at the southwest intersection of SSW Loop 323 and Spur 364, fronting 471± feet along the south side of Spur 364, and fronting 352.48± feet along the west side of SSW Loop 323 (3201 SSW Loop 323),

for a period of one (1) year.

**IX. APPLICATION S09-06-084A**

That the following described property, which is currently zoned “C-3”, shall hereafter be used under a new special use permit to allow for the use of one (1) office trailer, to wit:

Lot 1 of Block 83, one (1) lot totaling .268± acres located at the southwest corner of the intersection of Front Street and Chilton Avenue, fronting 75± feet along the west side of Chilton Avenue, and fronting 150± feet along the south side of Front Street (500 West Front Street),

for a period of six (6) months.

**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 27<sup>th</sup> day of September, 2006.

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

ATTEST:

APPROVED:

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CASSANDRA BRAGER, CITY CLERK

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CITY ATTORNEY