



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: January 10, 2007

Subject: **APPLICATION Z11-06-125B LARRY RHODES**
Request that the City Council consider a request to change the zoning from “R-2” Two-Family Residential District (Duplex) to “R-1B” Single-Family Residential District on Lot 123 of NCB 665A, one lot totaling approximately .24 acres located west of the intersection of Connally Street and Glenwood Boulevard (1200 Connally 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.

Adjacent property to the north, east, and west is currently zoned “R-2” Two-Family Residential District (Duplex), while property to the south is zoned “R-1B” Single-Family Residential District.

The “R-2” Two-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-2” Two-Family Residential District. This request is consistent with the recommended future land use.

As part of the Tyler 21 process, Staff will target neighborhoods with the intent to change the zoning to be compatible with the recommended future land uses.

On November 21, 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.

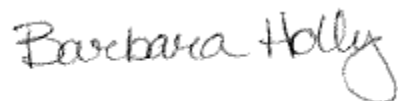
All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

Agenda Number: Z-1

Page: 2 of 2

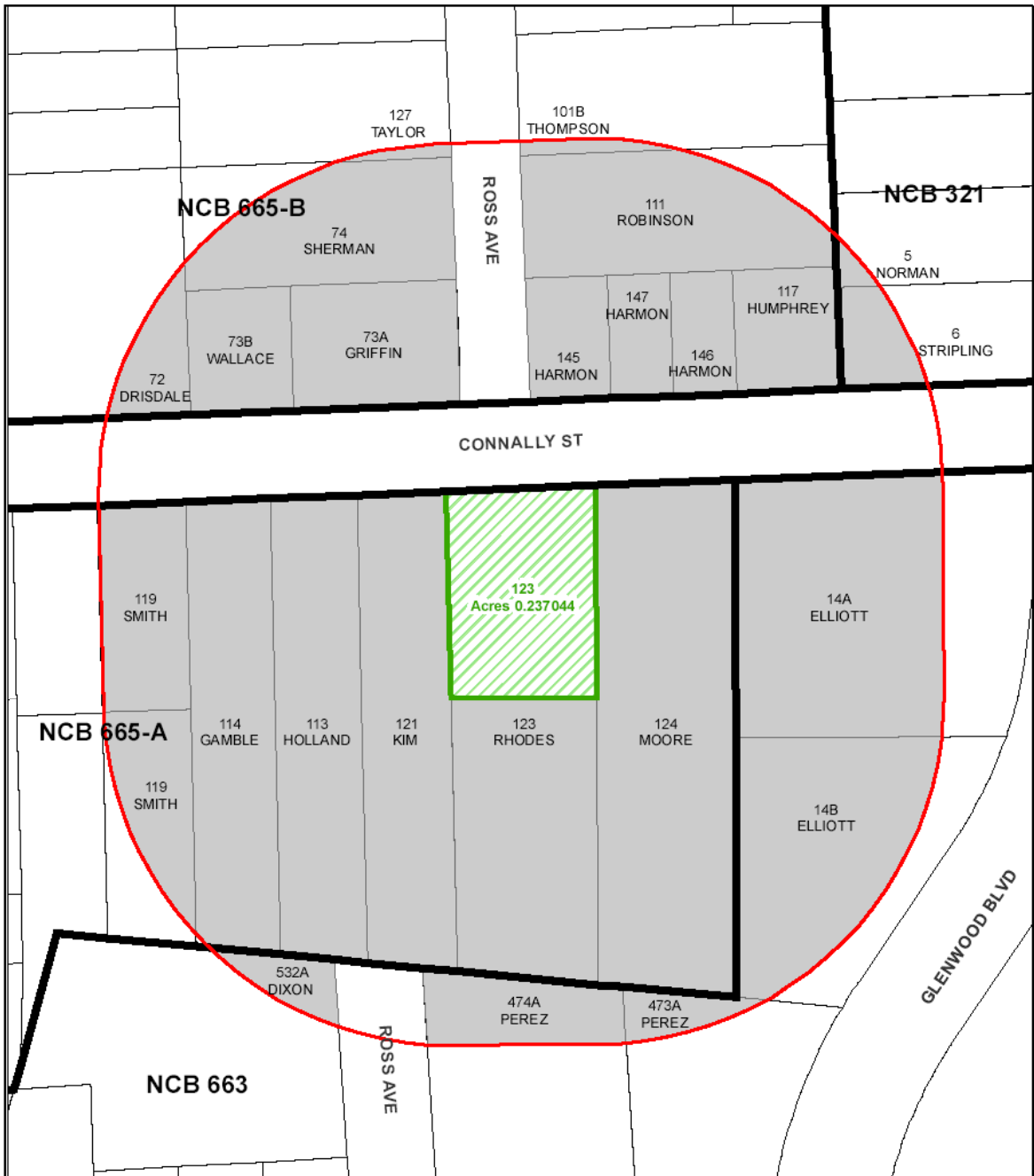
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single Family Residential District.

A handwritten signature in cursive script that reads "Barbara Holly".

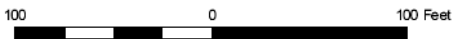
Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager

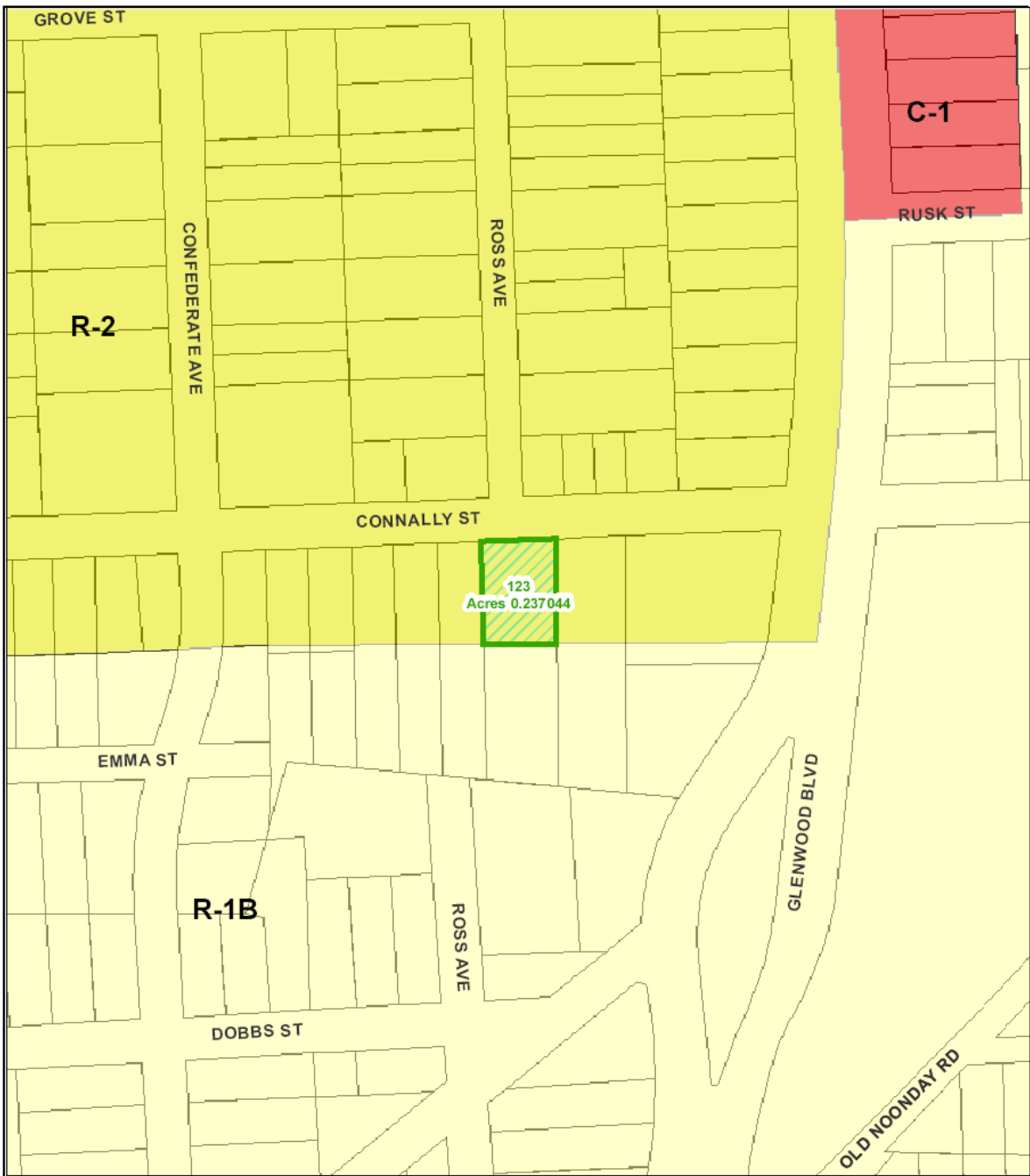


ZONING CASE

Zoning Cases #: Z11-06-125b
 Existing Zoning: R-2, Proposed Zoning: R-1B
 Applicant: LARRY RHODES




- Subject Property
- 200' Notification Buffer



ZONING CASE

Zoning Cases #: Z11-06-125b
 Existing Zoning: R-2, Proposed Zoning: R-1B
 Applicant: LARRY RHODES



 Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: January 10, 2007

Subject: APPLICATION S11-06-124B JONAS AND APRIL SMITH
Request that the City Council consider a request for the renewal of a Special Use Permit (S10-05-083) to allow for the continued operation of a one chair nail salon for a period of five (5) years on Lot 70A of NCB 657, one lot located east of the intersection of Mahon Avenue and Hankerson Street (1540 Hankerson Street). The property is currently zoned "R-1A" Single-Family Residential District.

Page: 1 of 2

Item Reference:

The applicant is requesting a renewal under Section 10-245, "Special Use Regulations", states that the governing body may grant a special permit for special uses in any district as herein qualified, which otherwise prohibited and 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.

Surrounding property is zoned "R-1A" Single-Family Residential District. There have been no complaints filed concerning the operation of the nail salon.

On November 21, 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. April Smith and Debbie Albright appeared on behalf of the application. Ms. Albright, who lives across the street from the subject property, said the nail salon has not created any problems.

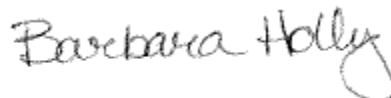
All other departments have reviewed the request and anticipate no significant impact on services by the proposed change.

Agenda Number: Z-2

Page: 2 of 2

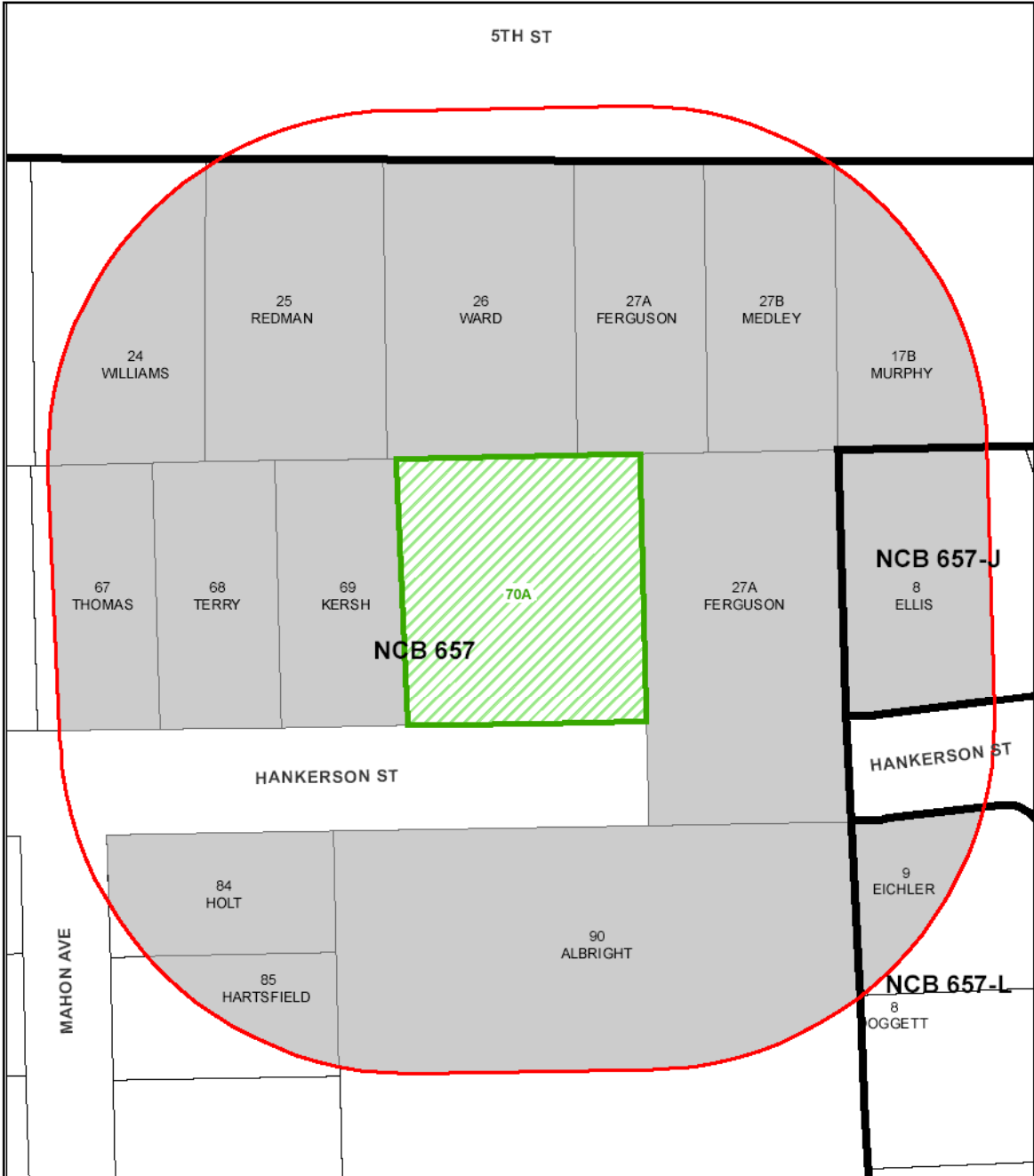
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request for the renewal of a Special Use Permit to allow for a one-chair nail salon for a period of five years.

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

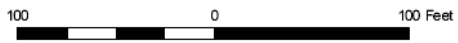
Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning



Edited/Submitted By:
City Manager

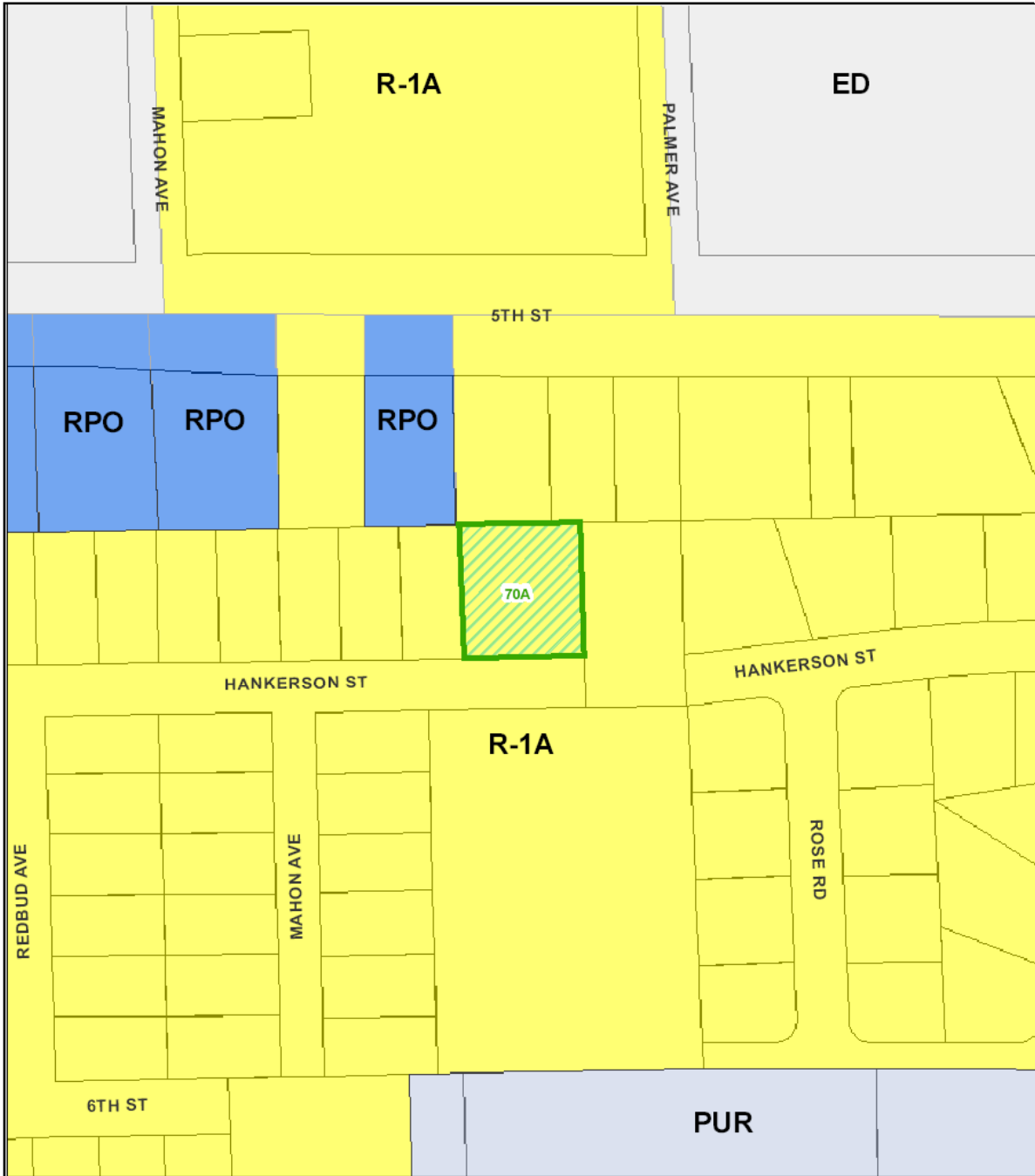


SPECIAL USE PERMIT

Zoning Cases #: S11-06-124b
 Existing Zoning: R-1A
 Applicant: JONAS & APRIL SMITH

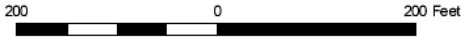


-  Subject Property
-  200' Notification Buffer



SPECIAL USE PERMIT

Zoning Cases #: S11-06-124b
 Existing Zoning: R-1A
 Applicant: JONAS & APRIL SMITH



 Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-3

Date: January 10, 2007

Subject: APPLICATION Z12-06-126A HUNTINGTON STATE BANK
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 Lot 61C and a portion of Lot 61D of NCB 900B, two lots totaling approximately 2.87 acres located north of the intersection of WSW Loop 323 and Old Jacksonville Highway (3921 and 3943 Old Jacksonville).

Page: 1 of 2

Item Reference:

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

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 both the Subdivision and Landscape Ordinances.

Adjacent property to the north and west is zoned "M-1" Light Industrial District, while property to the south and east is zoned "C-2" General Commercial District. Because this request is consistent with the recommended future land use and is an extension of the "C-2" General Commercial District zoning designation to the south, rezoning the property will positively impact the surrounding properties.

On December 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 appeared on behalf of the application.

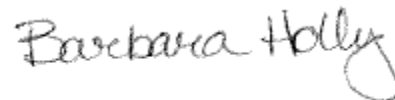
All other departments have reviewed the request and anticipate no significant impact on services by the proposed change.

Agenda Number: Z-3

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 cursive script that reads "Barbara Holly".

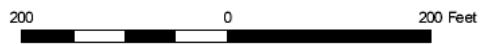
Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning



Edited/Submitted By:
City Manager

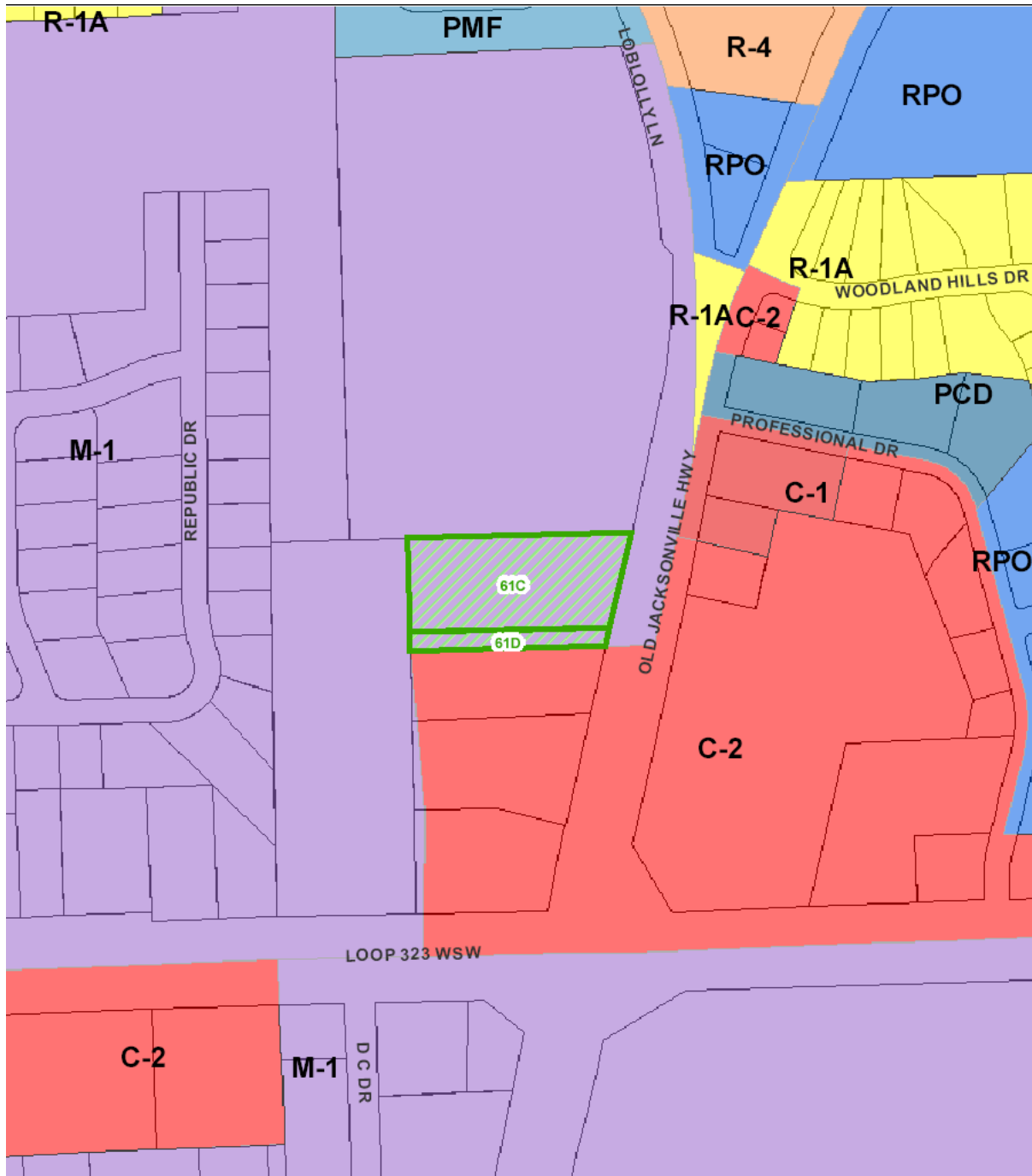


ZONING CASE

Zoning Cases #: Z12-06-126a
 Existing Zoning: M-1, Proposed Zoning: C-2
 Applicant: HUNTINGTON STATE BANK



-  Subject Property
-  200' Notification Buffer



ZONING CASE

Zoning Cases #: Z12-06-126a
 Existing Zoning: M-1, Proposed Zoning: C-2
 Applicant: HUNTINGTON STATE BANK



400 0 400 Feet

 Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: January 10, 2007

Subject: APPLICATION Z12-06-127A FLETCHER PORTER
Request that the City Council consider a request to change the zoning from "M-1" Light Industrial District to "R-MH" Manufactured Home Residential on Lot 64A of NCB 999, one lot totaling approximately .291 acres located north of the intersection of Whiteside Road and West Chase Boulevard, an unimproved right-of-way (1018 Whiteside Road).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the placement of a HUD-Code manufactured home on the property.

Section 10-215, "R-MH" Manufactured Home Residential District allows as a permitted use a manufactured home when placed upon a platted lot or within a manufactured housing subdivision as a single-family dwelling. Maximum allowable building height is one standard story or eighteen (18) feet in height. Minimum lot size is 6,000 square feet.

Adjacent property to the north, south, and east is zoned "M-1" Light Industrial District, while property zoned "R-MH" Manufactured Home Residential District is located near the southernmost portion of Whiteside Drive, and property to the west is zoned "R-1A" Single Family Residential District.

Property located north of the subject property is vacant and is currently zoned for light industrial type uses. The request is not consistent with the recommended future land use which identifies the area for commercial uses along the Loop 323 corridor.

On December 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. Fletcher Porter spoke on behalf of the application. He said the lot can accommodate a single-family home or a manufactured home and be compatible with development in the area. Mr. Porter accepted the compromise for "R-1B" with a site-built home. Mrs. Kelldorf said she favored single-family housing.

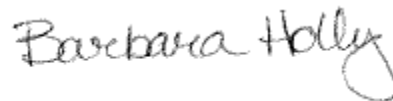
All other departments have reviewed this request and anticipate no significant impact on services or facilities by the proposed change.

Agenda Number: Z-4

Page: 2 of 2

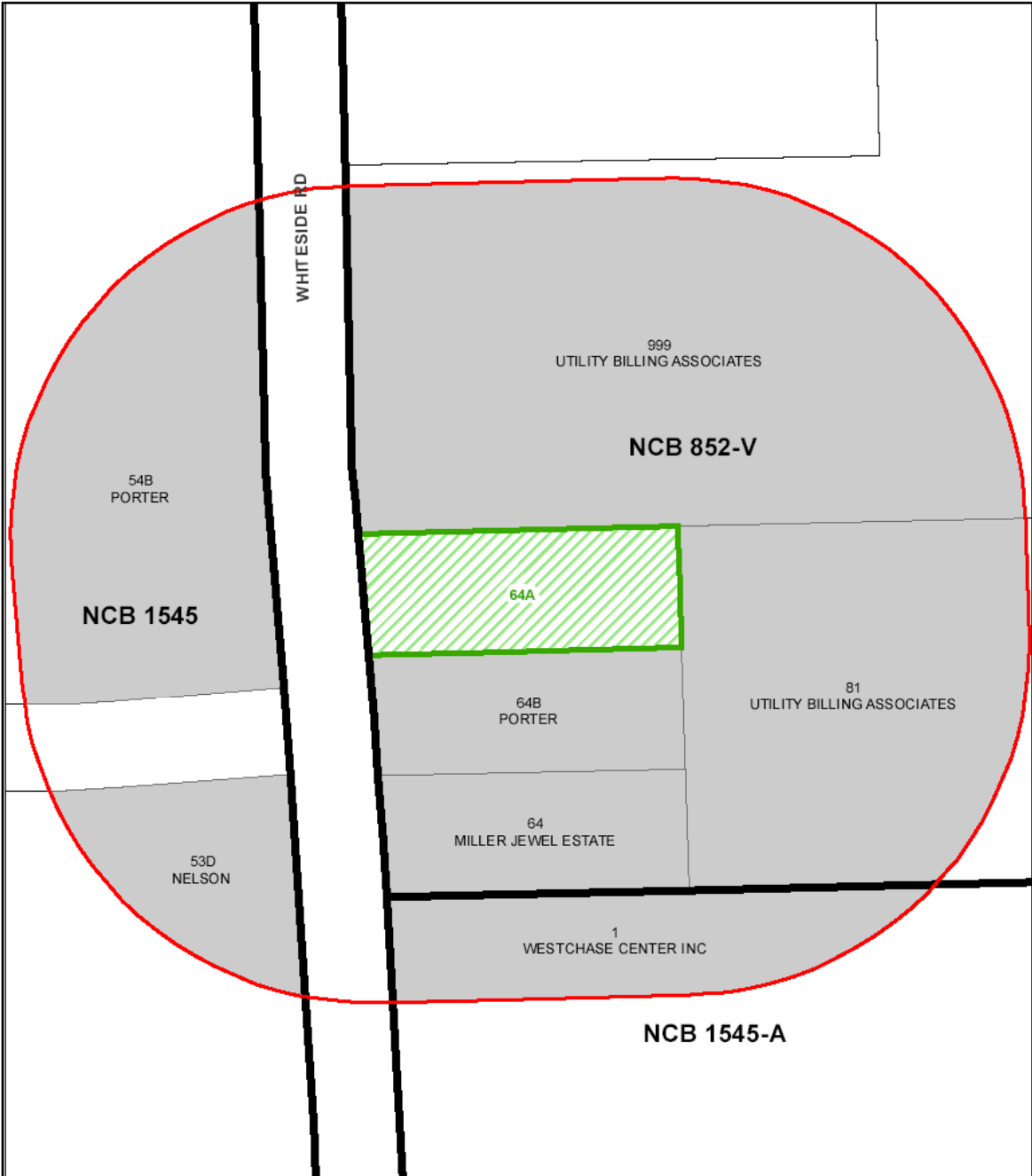
RECOMMENDATION:

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

A handwritten signature in black ink that reads "Barbara Holly". The signature is written in a cursive style with a large, looping 'y' at the end.

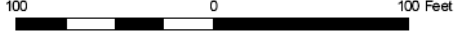
Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager

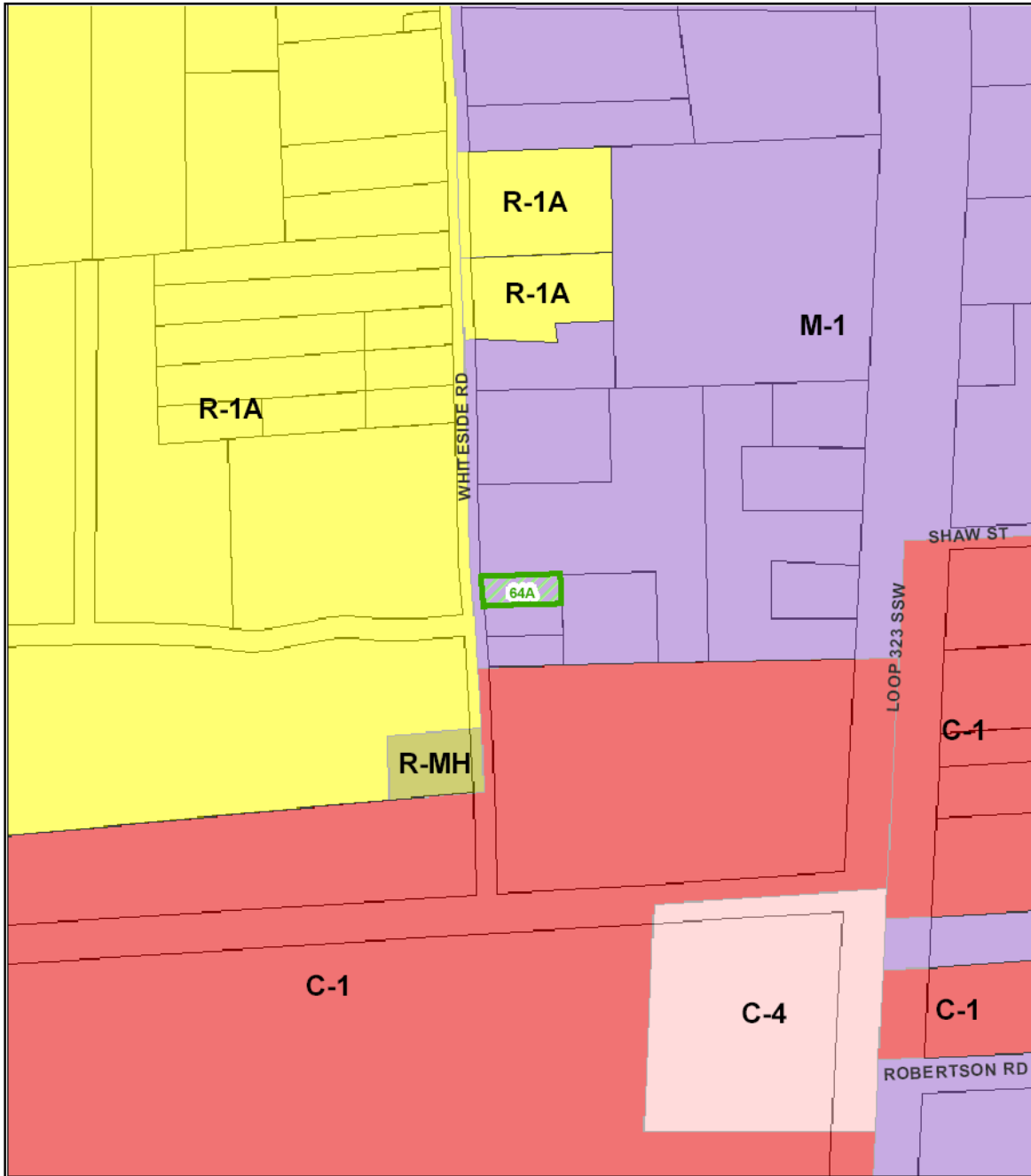


ZONING CASE

Zoning Cases #: Z12-06-127a
 Existing Zoning: M-1, Proposed Zoning: R-MH
 Applicant: FLETCHER PORTER

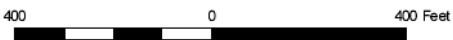


-  Subject Property
-  200' Notification Buffer



ZONING CASE

Zoning Cases #: Z12-06-127a
 Existing Zoning: M-1, Proposed Zoning: R-MH
 Applicant: FLETCHER PORTER



 Subject Property



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: January 10, 2007

Subject: **APPLICATION Z12-06-128A LUCIA MENDEZ APARISIO**
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 Lot 1A of NCB 673A, one lot totaling approximately .48 acres located on the southwest corner of the intersection of Duncan Street and Angeline Avenue (1813 Duncan Street).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the development of a grocery 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 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 both the Subdivision and Landscape Ordinances.

Adjacent properties to the north and west are currently zoned “M-2” General Industrial District, while property to the south is zoned “M-1” Light Industrial District, and property to the east is zoned “R-1B” Single-Family Residential District and “M-1” Light Industrial District.

According to the land use chart, a grocery store is not allowed in an “M-1” Light Industrial District but is an allowed use in a “C-2” General Commercial District. Because this is a down zoning request and consistent with the development pattern in the area, rezoning the property will positively impact the surrounding properties. Allowing the zoning change will provide a more suitable buffer between the industrial use to the north and the residential area to the south and east, while providing a service to the neighborhood.

On December 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 appeared on behalf of the application.

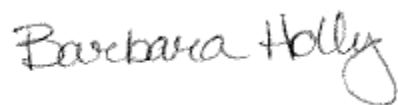
Agenda Number: Z-5

Page: 2 of 2

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

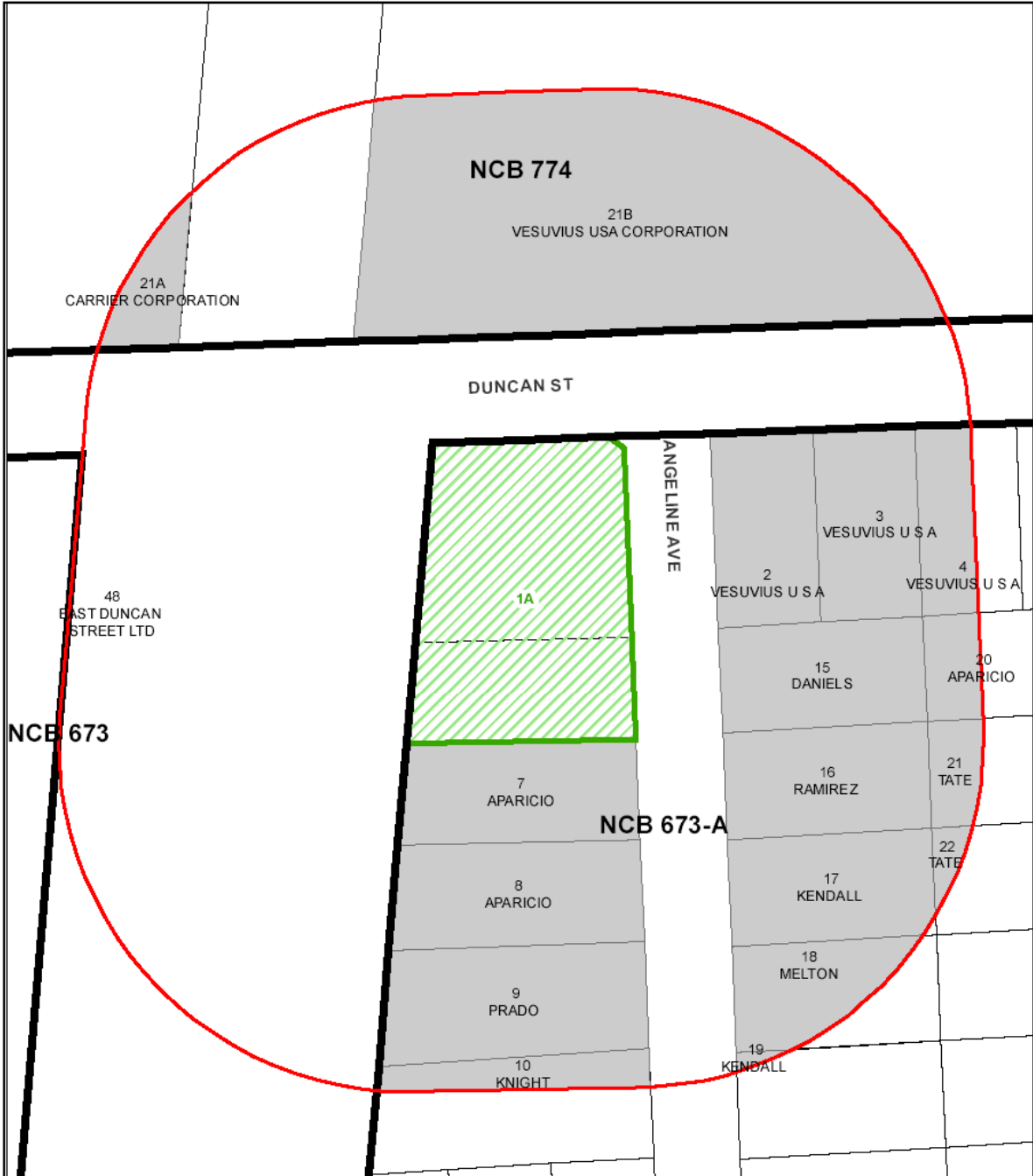
RECOMMENDATION:

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

A handwritten signature in cursive script that reads "Barbara Holly".

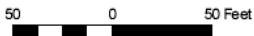
Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning



Edited/Submitted By:
City Manager

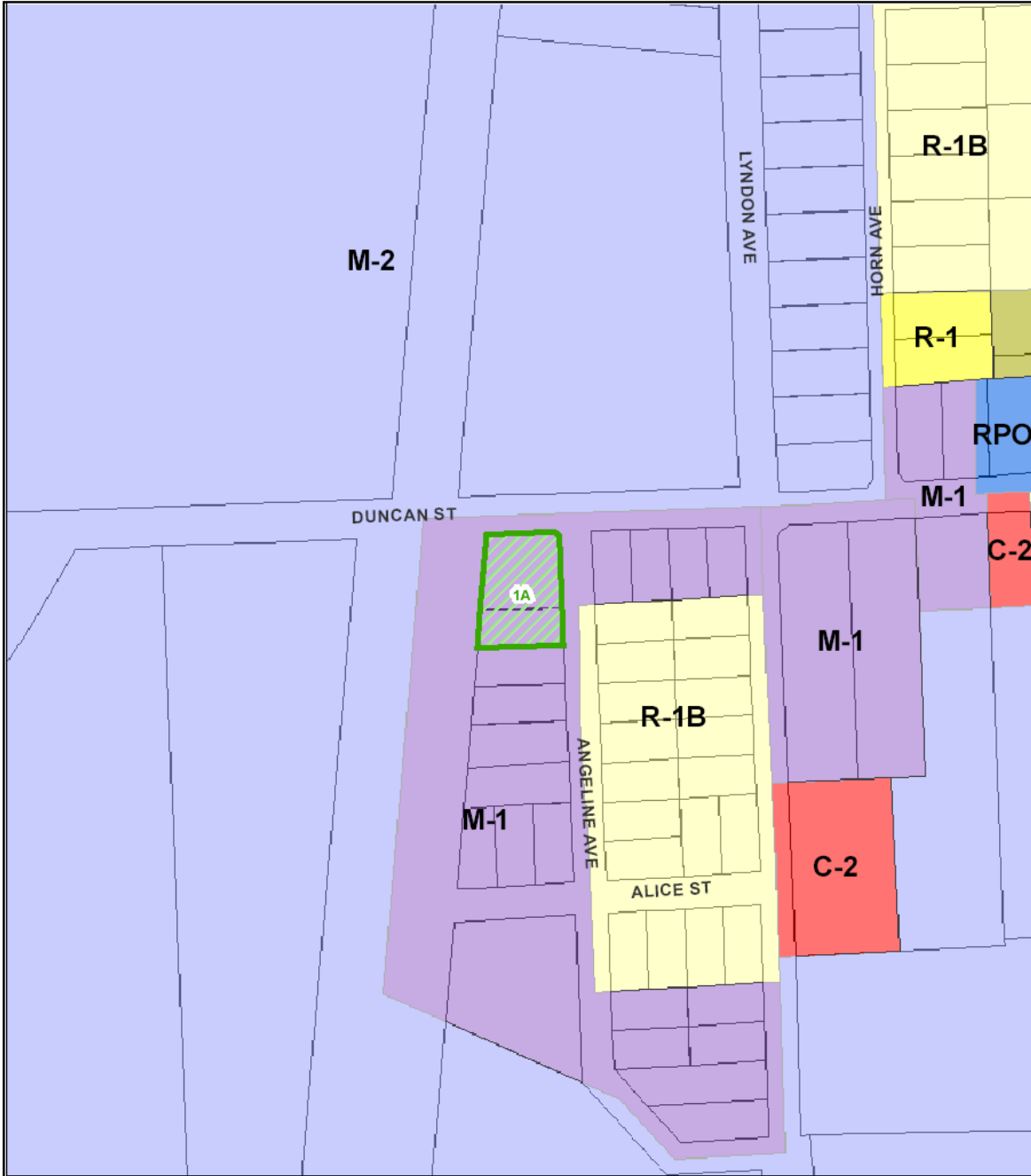


ZONING CASE

Zoning Cases #: Z12-06-128a
 Existing Zoning: M-1, Proposed Zoning: C-2
 Applicant: LUCIA MENDEZ APARISIO



-  Subject Property
-  200' Notification Buffer



ZONING CASE

Zoning Cases #: Z12-06-128a
 Existing Zoning: M-1, Proposed Zoning: C-2
 Applicant: LUCIA MENDEZ APARISIO



100 0 100 Feet



 Subject Property

ORDINANCE NO. 0-2007-1

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 use should be made as set forth herein;

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

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

I. APPLICATION Z11-06-125B

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

Lot 123 of NCB 665A in the Emma Moseley Addition, one lot totaling approximately .24 acres located approximately 260.50 feet west of the intersection of Connally Street and Glenwood Boulevard, fronting approximately 86.84 feet along the south side of Connally Street with a maximum depth of approximately 123.32 feet (1200 Connally Street).

II. APPLICATION S11-06-124B

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 one chair nail salon, to wit:

Lot 70A of NCB 657 in the Ellis Korkmas Addition, Unit 1, recorded in Vol. D, Page 308B, one lot totaling approximately .49 acres located approximately 204 feet east of the intersection of Mahon Avenue and Hankerson Street, fronting approximately 138 feet along the north side of Hankerson Street with a maximum depth of approximately 155.05 feet (1540 Hankerson Street),

for a period of five (5) years.

III. APPLICATION Z12-06-126A

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

Lot 61C and a portion of Lot 61D of NCB 900B in the Loop 323/Old Jacksonville Addition, two lots totaling approximately 2.87 acres located approximately 728 feet north of the intersection of WSW Loop 323 and Old Jacksonville Highway, fronting approximately 269 feet along the west side of Old Jacksonville Highway with a maximum depth of approximately 518 feet (3921 and 3943 Old Jacksonville), as shown on the drawing attached hereto as Exhibit “A”.

IV. APPLICATION Z12-06-127A

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

Lot 64A of NCB 999, one lot totaling approximately .291 acres located approximately 666 feet north of the intersection of Whiteside Road and West Chase Boulevard, an unimproved right-of-way, fronting approximately 76 feet along the east side of Whiteside Road with a maximum depth of approximately 173 feet (1018 Whiteside Road).

V. APPLICATION Z12-06-128A

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

Lot 1A of NCB 673A in the Frederick Addition, one lot totaling approximately .48 acres located approximately 279 feet west of the intersection of Duncan Street and Lyndon Avenue, fronting approximately 154 feet along the east side of Duncan Street with a maximum depth of approximately 114 feet (1813 Duncan Street).

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 10th day of January, 2007.

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

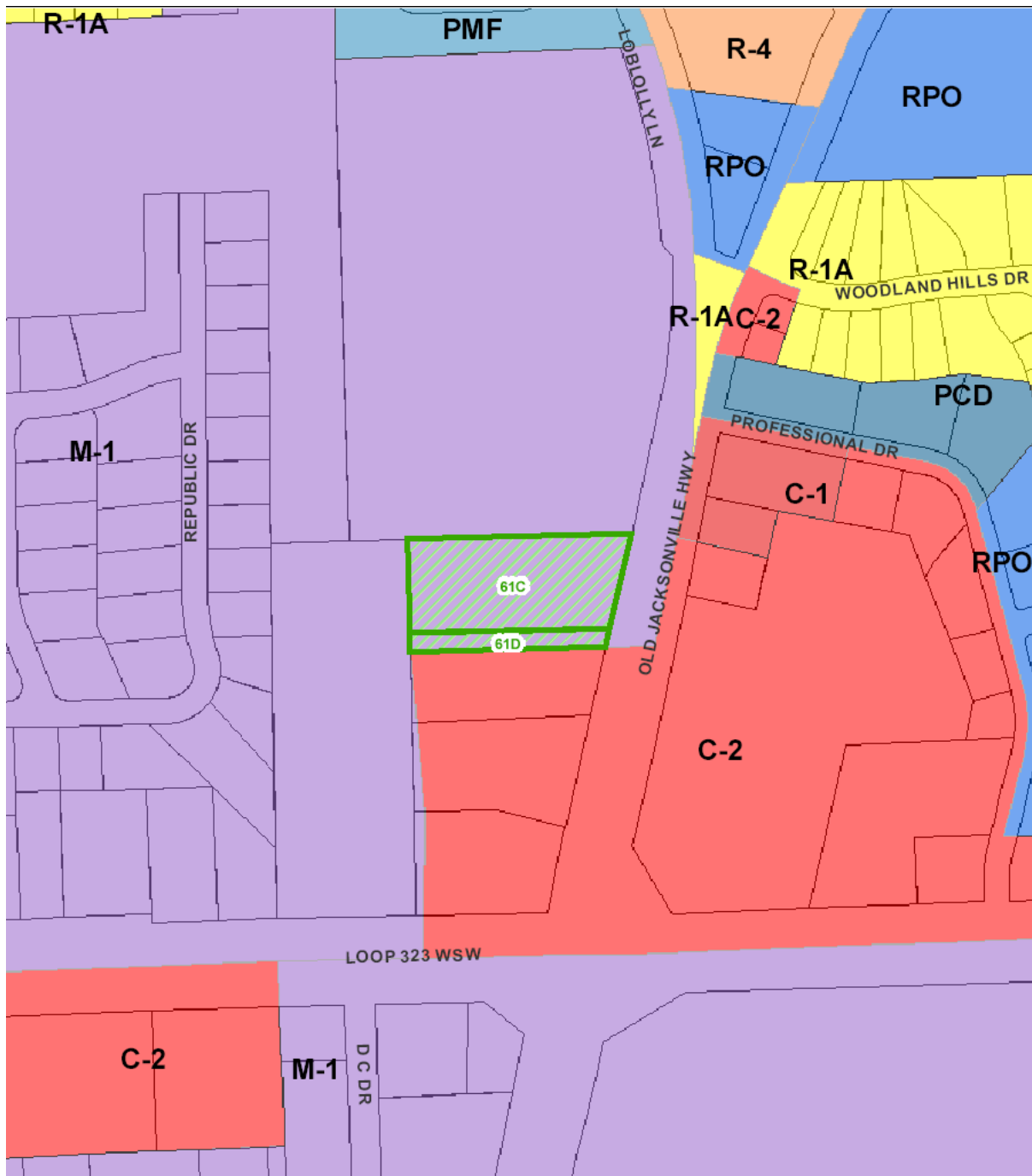
ATTEST:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

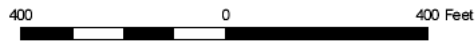
CITY ATTORNEY

EXHIBIT "A"



ZONING CASE

Zoning Cases #: Z12-06-126a
Existing Zoning: M-1, Proposed Zoning: C-2
Applicant: HUNTINGTON STATE BANK



 Subject Property

