



CITY OF TYLER COUNCIL COMMUNICATION

Agenda Number: Z-2

Date: October 24, 2007

Subject: **APPLICATION Z08-07-086A HELP REAL ESTATE**
Request that the City Council consider a request to change the zoning from “R-3” Multi Family Residential District to “RPO” Restricted Professional Office District on Lot 2 of NCB 1562 of the Stone Creek Apartments Subdivision as recorded in Cabinet D, Slide 374A of the Plat Records of Smith County, Texas, one lot totaling approximately 2.027 acres located one lot south of the southeast intersection of Paluxy Drive and Shiloh Road (5058 Paluxy Drive).

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Item Reference:

The applicant is requesting a zoning change to allow for the development of a medical office building.

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, such as: 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.

The adjacent property to the north is zoned “C-1” Light Commercial District; adjacent property to the west is zoned “RPO” Restricted Professional and Office District, and properties to the south and east are zoned “R-3” Multi-Family Residential District. The adjoining lands are primarily developed with apartment complexes. The commercial property to the north is functioning as a gas station and laundry mat. An office complex is located at the northwest corner of Shiloh Road and Paluxy Drive. The Shiloh Road Church of Christ is located to the west of the subject property.

In an effort to prevent further public outcry concerning tree preservation along the Paluxy corridor, staff and the applicant worked together to reduce the amount of trees that have to be cleared from the site. While this is not a planned development, the applicant provided a site plan at staff’s request. After reviewing the site plan, staff suggested that the parking be reduced from 156 parking spaces to 125 spaces. The applicant has reduced the parking to 99 spaces which will decrease unnecessary hardscape and provide a greener site plan.

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All proposed driveways will be reviewed during the building permit phase of development and will be required to meet access management regulations.

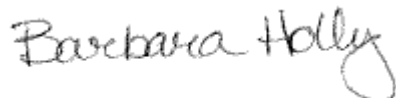
This request is consistent with the development pattern in the area and the rezoning of the property will be a continuation of the existing office zoning to the west. If approved, this would establish an office land use.

Of the six notices mailed; one notice was returned in favor of the application and one was returned in opposition to the request comprising 8.49 percent protest. Bob Breedlove spoke 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.

RECOMMENDATION:

The Planning Commission, by a 7-0 vote, recommends approval of the request to change the zoning from "R-3" Multi Family Residential District to "RPO" Restricted Professional Office District.



Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



NCB 1032X

SHILOH RD

NCB 1092

1A
S.A THOMPSON OIL CO. INC

1B
EASTER
PROPERTIES
INC

PALUXY DR

20
TRQ CRYSTAL
WOODS LP

2

NCB 1562

3
ELAN DEVELOPMENT LP

4
SERAPH APARTMENTS LP

5A
SHILOH ROAD
CH OF CHRIS

SHILOH ROAD
CHURCH OF
CHRIST

NCB 1474



100 0 100 Feet

ZONING CASE

Zoning Cases #: Z08-07-086A

Existing Zoning: R-3 Proposed Zoning: RPO

Applicant: HELP REAL ESTATE



Subject Property

ORDINANCE NO. O-2007-113

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; 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 change 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 change is hereby approved as follows:

I. APPLICATION Z08-07-086A

That the following described property, which has heretofore been zoned "R-3" Multi Family Residential District, shall hereafter bear the zoning classification of "RPO" Restricted Professional Office District, to-wit:

Lot 2 of NCB 1562 of the Stone Creek Apartments Subdivision as recorded in Cabinet D, Slide 374A of the Plat Records of Smith County, Texas, one lot totaling approximately 2.027 acres located one lot south of the southeast intersection of Paluxy Drive and Shiloh Road (5058 Paluxy Drive).

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 change.

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 24th day of October, A.D., 2007.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY