



CITY OF TYLER COUNCIL COMMUNICATION

Agenda Number: Z-3

Date: October 24, 2007

Subject: **APPLICATION Z09-07-092A ELAN DEVELOPMENT**
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 3 of NCB 1562 of the Stone Creek Apartments as recorded in Cabinet D, Slide 374A of the Plat Records of Smith County, Texas, one lot totaling approximately 1.262 acres located two lots south of the southeast intersection of Paluxy Drive and Shiloh Road, on the east side of Paluxy Drive (5058 Paluxy Drive).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to provide for additional medical office development in the area.

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.

Property to the north is zoned “PCD” Planned Commercial Development District; adjacent property to the west, east, and south is zoned “R-3” Multi-Family Residential District. The adjoining lands are primarily developed with apartment complexes. The commercial property to the west is functioning as a gas station and laundry mat. The Shiloh Road Church of Christ is located to the west of the subject property.

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.

Agenda Number: Z-3

Page: 2 of 2

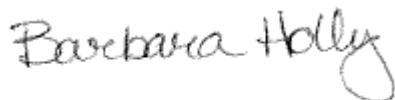
All proposed driveways will be reviewed during the building permit phase of development and will be required to meet access management regulations.

On October 2, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 11 notices mailed; one notice was returned in favor of the application and no notices were returned in opposition to the request. 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



ORDINANCE NO. O-2007-114

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 Z09-07-092A

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 3 of NCB 1562 of the Stone Creek Apartments as recorded in Cabinet D, Slide 374A of the Plat Records of Smith County, Texas, one lot totaling approximately 1.262 acres located two lots south of the southeast intersection of Paluxy Drive and Shiloh Road, on the east side of Paluxy Drive (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