



## CITY OF TYLER COUNCIL COMMUNICATION

**Agenda Number:** Z-4

**Date:** November 28, 2007

**Subject:** **APPLICATION Z11-07-001A DAVIS THORNTON LTD.**  
Request that the City Council consider a request to change the zoning from “R-1B” Single Family Residential District to “C-1” Light Commercial District on a 4.616 acre portion of Lot 20 of NCB 1539M out of the Marshall University Survey, A-624 and the Thomas Price Survey, A-794, located west of the intersection of Oak Hill Boulevard and Old Jacksonville Highway.

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**Item Reference:**

The applicant is requesting a zoning change for office and commercial 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 stories or 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.

Adjacent properties to the east are zoned “C-1” Light Commercial District and properties to the north, west, and south are currently zoned “R-1B” Single Family Residential District and “C-1” Light Commercial District.

This request is consistent with the recently adopted Future Land use Guide of mixed use and the rezoning of the property will be a continuation of the existing commercial zoning to the south.

On November 6, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the three notices mailed, one notice was returned in favor and no notices were returned in opposition to the request. Stephanie Rollings appeared on behalf of the application. No one spoke in opposition to the request.

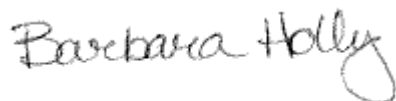
All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

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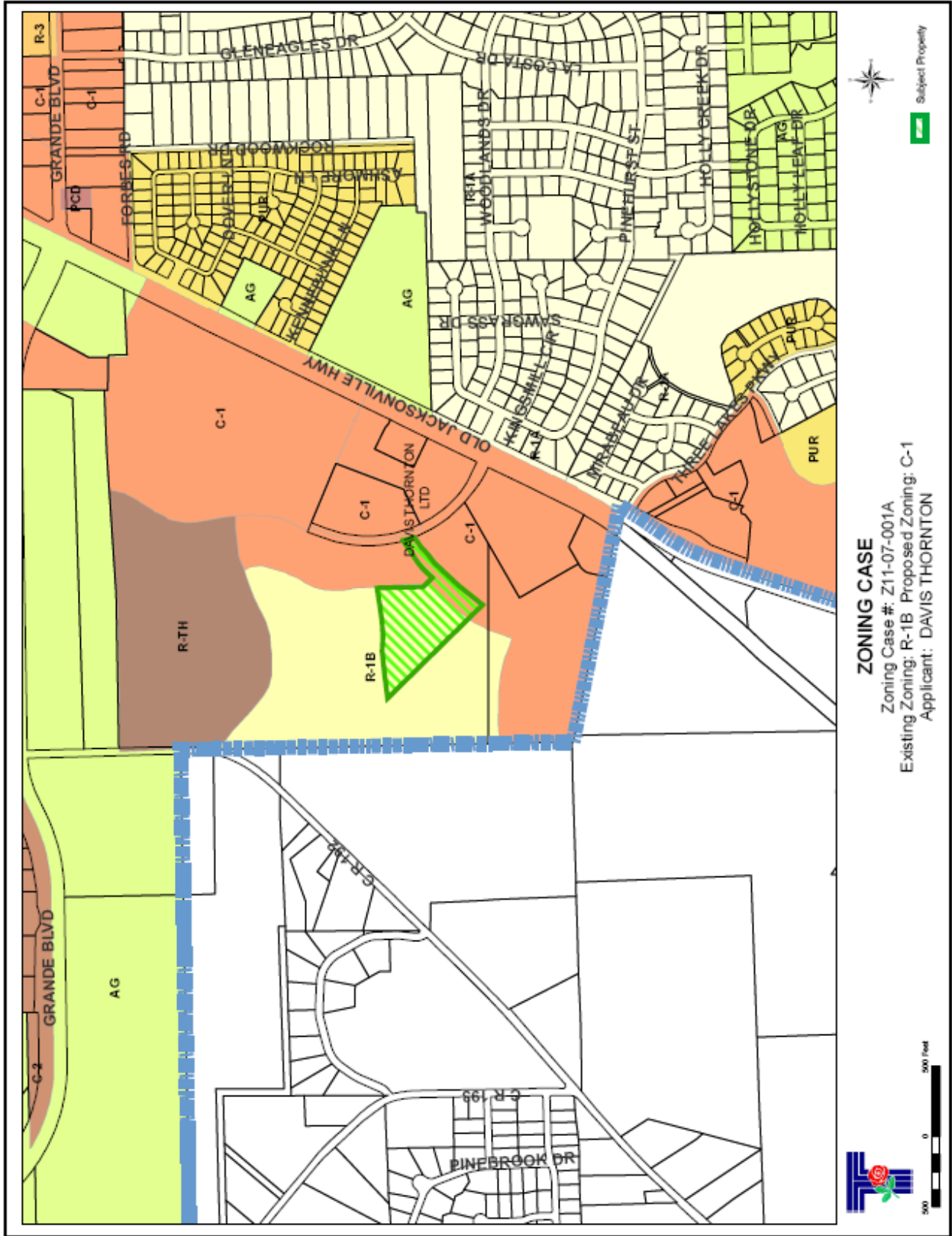
**RECOMMENDATION:**

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

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**

**Edited/Submitted By:**  
**City Manager**



500 Feet  
0

**ZONING CASE**

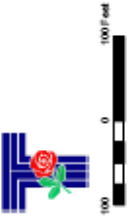
Zoning Case #: Z11-07-001A  
 Existing Zoning: R-1B Proposed Zoning: C-1  
 Applicant: DAVIS THORNTON

Subject Property





**ZONING CASE**  
 Zoning Case #: Z11-07-001A  
 Existing Zoning: R-1B Proposed Zoning: C-1  
 Applicant: DAVIS THORNTON



**ORDINANCE NO. O-2007-135**

**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 Z11-07-001A**

That the following described property, which has heretofore been zoned “R-1B” Single Family Residential District, shall hereafter bear the zoning classification of “C-1” Light Commercial District, to-wit:

A 4.616 acre portion of Lot 20 of NCB 1539M out of the Marshall University Survey, A-624 and the Thomas Price Survey, A-794, located west of the intersection of Oak Hill Boulevard and Old Jacksonville Highway,

as shown on the drawing attached hereto as Exhibit “A”.

**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 28<sup>th</sup> day of November, A.D., 2007.

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

A T T E S T:

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CASSANDRA BRAGER, CITY CLERK

APPROVED:

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CITY ATTORNEY

EXHIBIT "A" to O-2007-135

