



CITY OF TYLER COUNCIL COMMUNICATION

Agenda Number: Z-6

Date: November 28, 2007

Subject: **APPLICATION Z11-07-005A JAMES F. SLATTERY**
Request that the City Council consider a request to change the zoning from “R-3” Multi-Family Residential District to “PCD” Planned Commercial District with final site development plan on Lot 3 of NCB 1402 of the City of Tyler Plat as recorded in Book 7957, Page 94 of the D.R.S.C.T., one lot totaling approximately 3.9 acres located one lot east of the northeast intersection of Old Kilgore Hwy. and E. Front Street, on the north side of E. Front Street (2902 E. Front Street).

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The applicant is requesting a zoning change in order to allow for an overnight youth facility for educational programs.

The Zoning Use Chart contained in Section 10-203 describes the types of uses allowed in a C-1 zoning district. As a “Youth Treatment Facility” is not a listed use and is not a daycare with overnight stays, the closest use for residential and educational youth programs established in the Zoning Ordinance is “Crisis Center”. This use is allowed in a C-1 District. Due to the nature of the proposed use, i.e. the housing of male youthful offenders referred by the Texas Youth Commission, the Police Chief requested and the applicants agreed to a planned commercial district. The site plan is attached as Exhibit A.

The applicants are seeking to convert a vacant nursing home into a residential care facility for both a 48 bed secure and 48 bed non-secure facility (total of 96 beds) for male juvenile offenders aged between 10 and 13. The current building is over 110 feet from its northern property line, 32 feet from its western line, 140 feet from its southern property line, and 85 feet from its eastern line.

The site plan indicates secure fencing along the entire western and eastern property boundaries as well as fencing for the rear activity yard. The type of fencing is identified as an eight foot chain fence with a three strand inverted barb wire. The fencing on the northern, common property line with Butler College is an eight foot chain link fence with slats.

The adjacent property to the north is zoned “R-3” Multi-Family Residential District and is being used as dorms by Butler College. The property to the west is zoned “C-2” General Commercial and is used for a Palm Harbor manufactured home display. The property to the south is outside the city limits and carries no zoning. The property to the east is zoned “M-1” Light Industrial and is the Dixie Paper plant.

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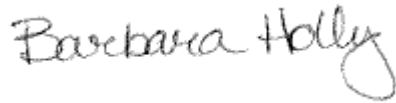
This request continues the commercial use to the west and buffers the industrial to the east. If approved, this would extend the commercial land use across this property.

On November 6, 2007, the Planning and Zoning Commission held a public hearing on this request. All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

Of the five notices mailed, no notices were returned in favor of or in opposition to the request.

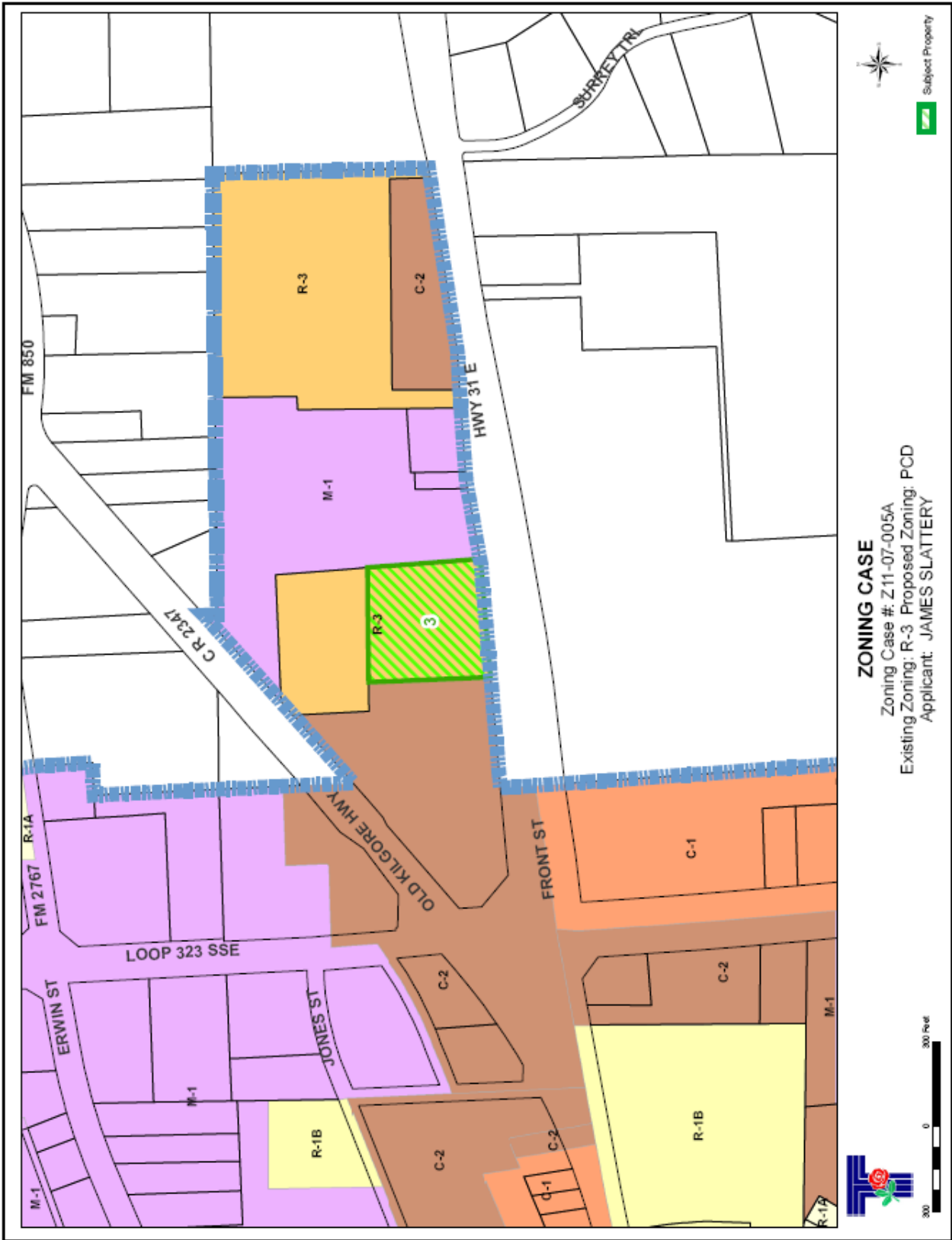
RECOMMENDATION:

The Planning and Zoning Commission, by a 6-0 vote, recommends approval of the request to change the zoning from "R-3" Multi-Family Residential District to "PCD" Planned Commercial District with final site development plan approval.

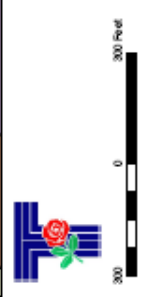
A handwritten signature in cursive script that reads "Barbara Holly".

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



ZONING CASE
 Zoning Case #: Z11-07-005A
 Existing Zoning: R-3 Proposed Zoning: PCD
 Applicant: JAMES SLATTERY





100' 0 100 Feet

ZONING CASE

Zoning Case #: Z 11-07-005A
 Existing Zoning: R-3 Proposed Zoning: PCD
 Applicant: JAMES SLATTERY



Subject Property
 200' Notification Buffer

ORDINANCE NO. O-2007-137

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 Z11-07-005A

That the following described property, which has heretofore been zoned “R-3” Multi-Family Residential District, shall hereafter bear the zoning classification of “PCD” Planned Commercial District, to-wit:

Lot 3 of NCB 1402 of the City of Tyler Plat as recorded in Book 7957, Page 94 of the D.R.S.C.T., one lot totaling approximately 3.9 acres located one lot east of the northeast intersection of Old Kilgore Hwy. and E. Front Street, on the north side of E. Front Street,

with the stipulation that only 10 year to 13 year old boys are permitted and in accordance with the site development plan 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 28th day of November, A.D., 2007.

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

A T T E S T:

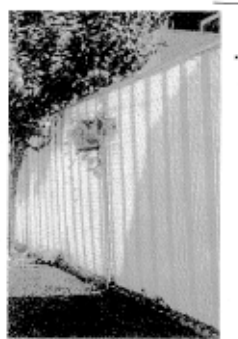
APPROVED:

CASSANDRA BRAGER, CITY CLERK

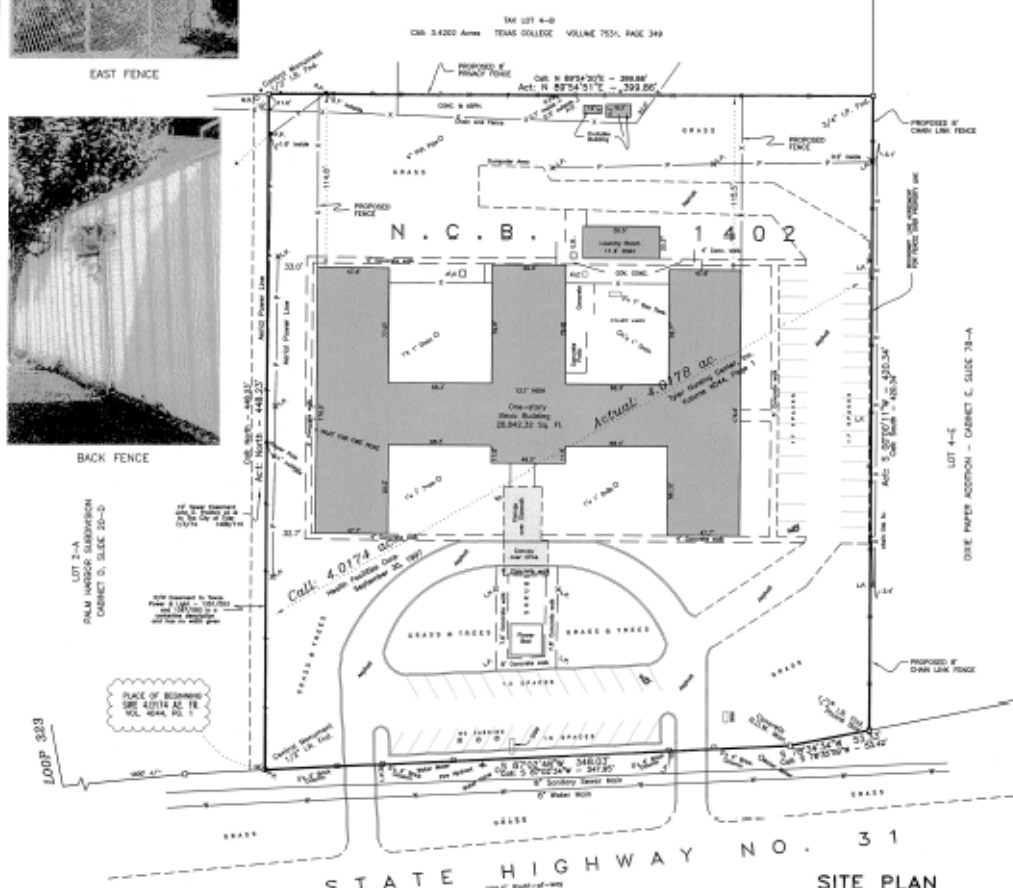
CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE NO. O-2007-137

Exhibit A



MCDONALD LAWRENCE SURVEY
ABSTRACT NO. 617



LEGAL DESCRIPTION

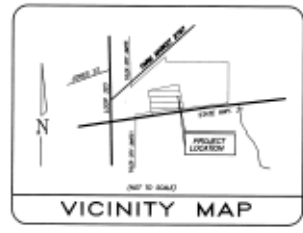
All that certain lot, tract or portion of land, part of New City Block 1402 of the City of Tyler, being part of the McDonald Lawrence Survey, Abstract No. 617, Smith County, Texas, and being all of that certain called 4.0174 acre tract described in a deed by Tyler Survey Center, Inc. from South Furniture Corp. on the 20th day of September, 1961, recorded in Volume 4044, Page 1 of the Official Public Records of Smith County, Texas; and being more completely described in Volume 13-461 BEGINSING at a 1/2" iron rod (found) for the southwest corner of the above mentioned 4.0174 acre tract, in the North right-of-way of State Highway No. 31, the Southeast corner of a called 8.008 acre tract called by T&L Property Co. from Warren from Laura Winship et al on the 11th day of April, 1968, and recorded in Volume 5840, Page 633. THENCE NORTH with the West line of said 4.0174 acre tract and the East line of said 8.008 acre tract, a distance of 484.22 ft. to a 1/2" iron rod (found) for the Northeast corner of said 4.0174 acre tract, the West right-of-way of said 8.008 acre tract in the South line of the 1st block under 34282 acre tract described in Volume 2517, Page 341. THENCE NORTH 80 deg. 54 min. 21 sec. East, with the South line of said 34282 acre tract, the North line of said 8.008 acre tract, a distance of 369.85 ft. to a 2 1/2" iron rod (found) for the Northeast corner of same, the Southeast corner of said 34282 acre tract in the West line of the 8th Block under 13.079 acre tract recorded in Volume 2821, Page 286. THENCE South 08 deg. 00 min. 11 sec. West, with the East line of said 4.0174 acre tract and the West line of said 13.079 acre tract, a distance of 420.24 ft. to a 1/2" iron rod (found) for the Southeast corner of same, the Southeast corner of said 13.079 acre tract in the North right-of-way of State Highway No. 31. THENCE in a Westerly direction, with the South line of said 4.0174 acre tract, the North right-of-way of said State Highway No. 31, as follows: South 19 deg. 24 min. 24 sec. West, a distance of 53.33 ft. to a concrete right-of-way monument (found) and South 87 deg. 02 in. 40 sec. West, a distance of 268.83 ft. to the Point of Beginning, containing 4.0178 acres of land.

ZONING INFORMATION

ZONING CLASSIFICATION: R-3 RESIDENTIAL DISTRICT
 PARKING: 2 PARKING SPACES PER DWELLING UNIT OF APARTMENT
 SET-BACKS: FRONT-25.0', SIDE-5.0', REAR-25.0'
 HEIGHT: 2-1/2 STORES OR 45.0 FT.
 SOURCE: CITY OF TYLER ZONING ORDINANCE (MARCH 20, 1979)
 57 TOTAL PARKING SPACES OF WHICH 2 ARE DESIGNATED FOR HANDICAPPED PARKING

GENERAL NOTES:

1. APPLICANT: JAMES S. SLATTERY
8150 PERRYMAXWELL CIR., SARASOTA FL 34240
2. PROPOSED USE - BOY'S HOME.
3. PROPOSED ZONING - PCD



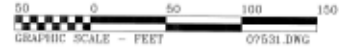
BEARINGS ARE ORIENTED TO THE WEST LINE OF CALLED 4.0174 ACRE TRACT RECORDED IN VOLUME 4044, PAGE 1 OF THE OFFICIAL PUBLIC RECORDS OF SMITH COUNTY, TEXAS

I, MARK C. ELLIS, Registered Professional Land Surveyor No. 4254, do hereby certify that the plat shown herein was prepared from an actual survey made on the ground under my direction and supervision.



MARK C. ELLIS, Registered Professional Land Surveyor No. 4254

SITE PLAN
SHOWING
4.0178 ACRE TRACT PART OF THE MCDONALD
LAWRENCE SURVEY A-617
PART OF NEW CITY BLOCK NO. 1402
CITY OF TYLER, SMITH COUNTY, TEXAS



JOHN COWAN & ASSOCIATES, INC.
625 CHASE DRIVE - SUITE 107
TYLER, TEXAS 75701
PHONE (903) 561-2236
FAX (903) 561-0600