



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-6

**Date:** February 28, 2007

**Subject:** APPLICATION Z01-07-003B GANDOLPH PROPERTIES LLC  
Request to change the zoning from “M-1” Light Industrial District to  
“C-1” Light Commercial District on Lot 9 of NCB 1550B, one (1) lot  
totaling approximately 0.657 acres located at the northwest corner of  
the intersection of Old Jacksonville Hwy. and Capital Drive (1809  
Capital Drive).

**Page:** 1 of 2

**Item Reference:**

The applicant is requesting a zoning change to allow for an urgent care physicians’ office.

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 (2 1/2) 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.

All adjacent properties are currently zoned “M-1” Light Industrial District, primarily developed as commercial.

According to the land use chart, an urgent care physicians’ office is not allowed in an “M-1” Light Industrial District but is allowed as a “C-1” Light Commercial District use. Because this is a down zoning request and is an extension of the recommended future commercial land use to the north, this will positively impact the surrounding properties.

On January 16, 2007, 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. Sherman Allenson appeared on behalf of the application.

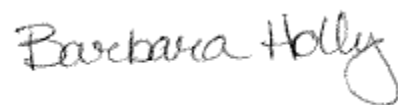
Of the eight notices mailed, three notices were returned in favor of the application and no notices were returned in opposition to the request.

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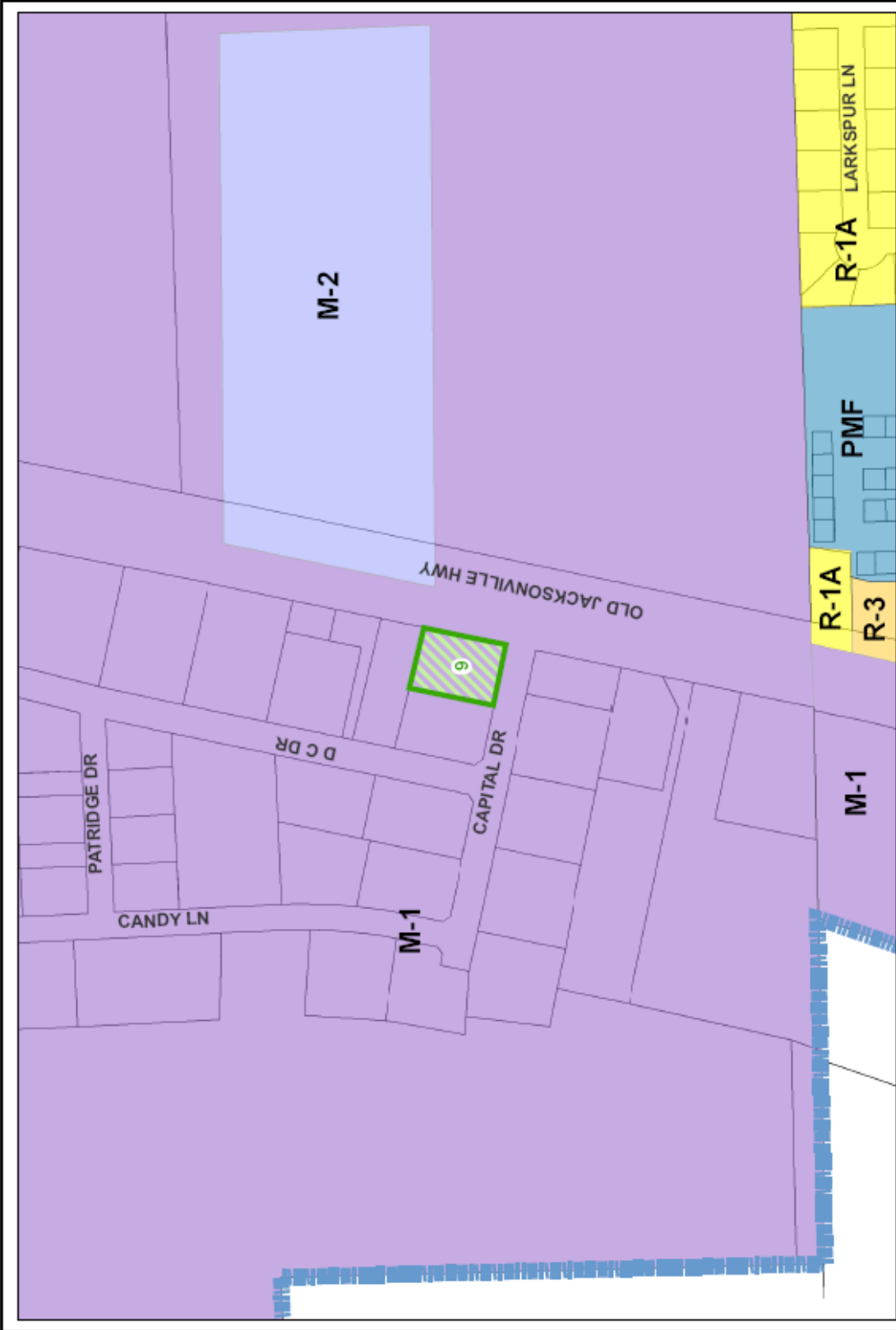
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-0-1, recommends approval of the request to change the zoning from "M-1" Light Industrial District to "C-1" Light 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**



100 0 100 Feet

**ZONING CASE**

Zoning Cases #: Z01-07-003b  
Existing Zoning: M-1, Proposed Zoning: C-1  
Applicant: GANDOLPH PROPERTIES, LLC



Subject of Property  
City Limits



100 0 100 Feet

**ZONING CASE**

Zoning Cases #: Z01-07-003b  
 Existing Zoning: M-1, Proposed Zoning: C-1  
 Applicant: GANDOLPH PROPERTIES, LLC



Subject Property  
 2007 Notification Buffer

**ORDINANCE NO. O-2007-17**

**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 Z01-07-003B**

That the following described property, which has heretofore been zoned "M-1" Light Industrial District, shall hereafter bear the zoning classification of "C-1" Light Commercial District to-wit:

Lot 9 of NCB 1550B, one (1) lot totaling approximately 0.657 acres located at the northwest corner of the intersection of Old Jacksonville Hwy. and Capital Drive (1809 Capital 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 28<sup>th</sup> day of February, A.D., 2007.

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

APPROVED:

A T T E S T:

\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY