



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-5

**Date:** March 28, 2007

**Subject:** APPLICATION Z03-07-016A VICKIE AND JOE LUDOVICO  
Request that the City Council consider a request to change the zoning from “RPO” Restricted Professional and Office District to “AR” Adaptive Re-Use District on Lot 1C of NCB 409 in the Boren Addition (Volume 33, Page 184), one lot totaling .58± acres located one lot north and west of the intersection of West Cochran Street and North Bois d’ Arc Avenue (1320 North Bois d’ Arc).

**Page:** 1 of 2

**Item Reference:**

The applicant is requesting a zoning change in order to maintain a historic structure as a residence while allowing future office uses.

Section 10-220, "A-R" Adaptive Re-Use District, allows as permitted uses single-family residential, professional office, retail shops, personal services, churches, and public facilities. The maximum building height allowed within this district is two and one-half stories or forty-two feet in height. Setback requirements are twenty-five feet in the front and rear and six feet on the side. Minimum lot size is 7,000 square feet.

The surrounding properties to the north, east, south and west are currently zoned “R-2” Two-Family Residential District. This structure is a Tyler Historical Landmark. The McCord-Blackwell Home was designated in December 1985.

The property owner has purchased the property with the intent to use the existing structure as a single family home. The existing RPO zoning classification does not allow for residential uses. However, the property owner would like to have flexibility in the future to change the use to a possible office or neighborhood retail to make retaining the historic designation more attractive to a future purchaser. Therefore, the property owner is requesting to rezone the property to “A-R” in order to be able to use the structure as a single family dwelling but also have flexibility in the future for other allowable uses. The “AR” Adaptive Re-Use zoning district would be a good fit for this property because this zoning district was created to help in the preservation of the residential character in the City’s older residential neighborhoods while allowing uses other than residential.

The proposed area is depicted as low density residential on the Future Land Use Map. Therefore, this rezoning request is in compliance with the Future Land Use Map.

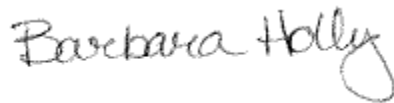
**Agenda Number: Z-5**

**Page: 2 of 2**

On March 6, 2007, the Planning and Zoning Commission held a public hearing on this request. There was one written letter of support and no written letters of objection received. The applicant was present and available for questions.

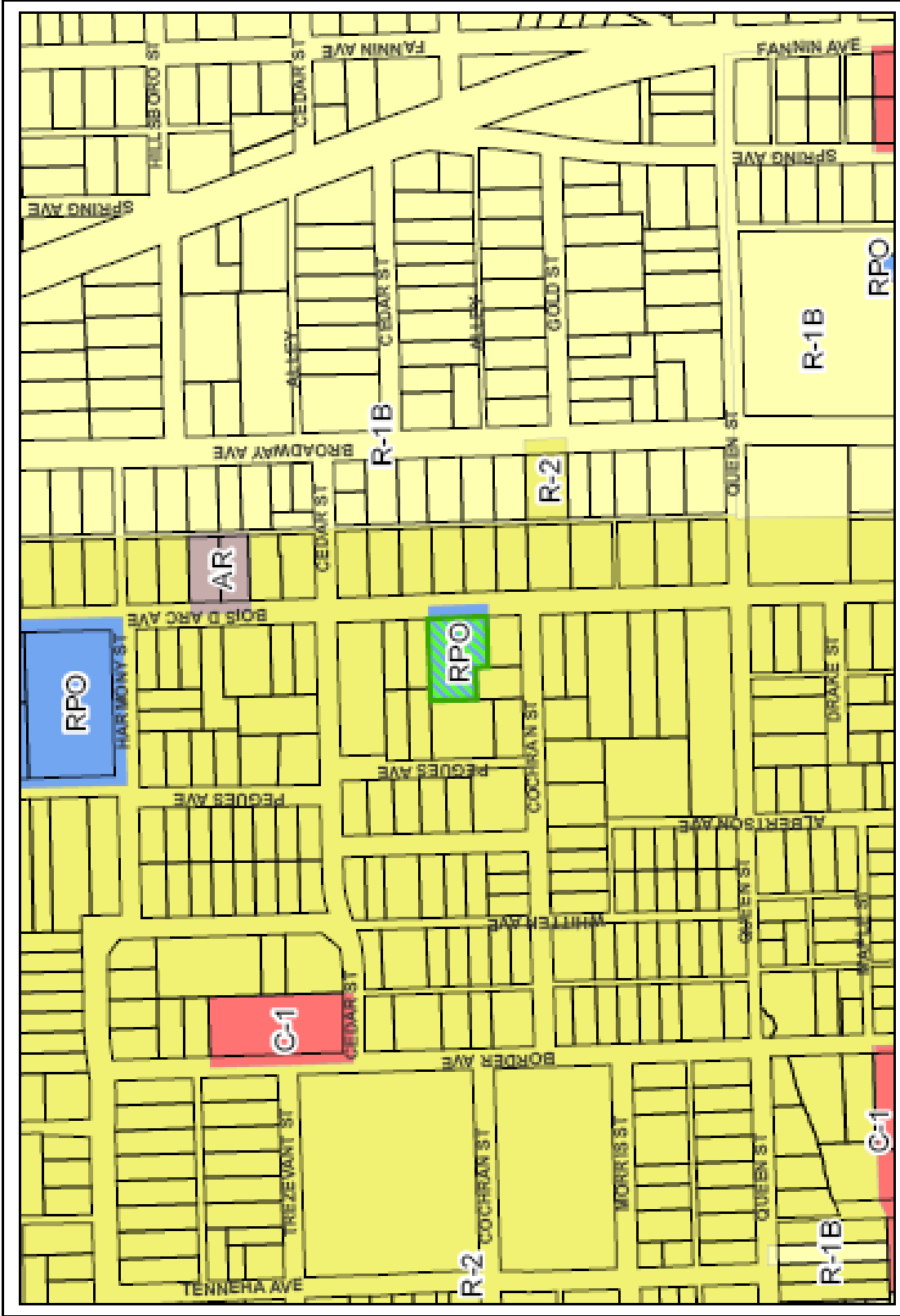
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from “RPO” Restricted Professional and Office District to “AR” Adaptive Re-Use District.

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

**Drafted/Recommended By: Barbara Holly**  
**Department Leader**

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



Subject Property

**ZONING CASE**

Zoning Cases #: 2023-07-016A  
 Existing Zoning: RPO, Proposed Zoning: AR  
 Applicant: MCKI & JOE LUDOVICO





**ZONING CASE**  
 Zoning Cases #: 2003-07-016A  
 Existing Zoning: RPO Proposed Zoning: AIR  
 Applicant: MICHAEL & JOE LUDOVICO





**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-6**

**Date: March 28, 2007**

**Subject: APPLICATION S03-07-018A MILKA & LORENZA HERNANDEZ**  
**Request that the City Council consider a request for a Special Use Permit to allow for a one-chair beauty shop in an existing building located behind the residence for a period of one year on Lot 12 of NCB 514 in the Fairfield Addition, one lot totaling approximately .251 acres located north and east of the intersection of Hillsboro Street and Winona Avenue, on the east side of Winona Avenue (1521 N. Winona Avenue).**

**Page: 1 of 2**

**Item Reference:**

Section 10-245, "Special Use Regulations", states that the governing body may, by ordinance, grant a special permit for special uses which are otherwise prohibited by this ordinance and shall impose appropriate conditions and safeguards, including a specified period of time for the permit. No Special Use Permit shall be issued unless the governing body determines the proposed building or use will not (a) substantially increase traffic hazards or congestion; (b) substantially increase fire hazards; (c) adversely affect the character of the neighborhood; (d) adversely affect the general welfare of the community; or (e) overtax public utilities.

Adjacent properties are currently zoned "R-1B" Single-Family Residential District.

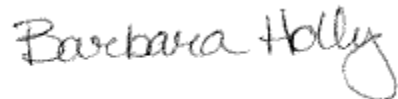
The applicant meets the minimum parking requirement. Additionally, the lot does not have any physical constraints that would produce a negative impact on the area by allowing the operation of the one-chair beauty salon.

On March 6, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 23 notices mailed, one notice was returned in favor of the application and no notices were returned in opposition to the request. Milka Hernandez appeared on behalf of the application. No one spoke in opposition to the request.

**Agenda Number: Z-6**

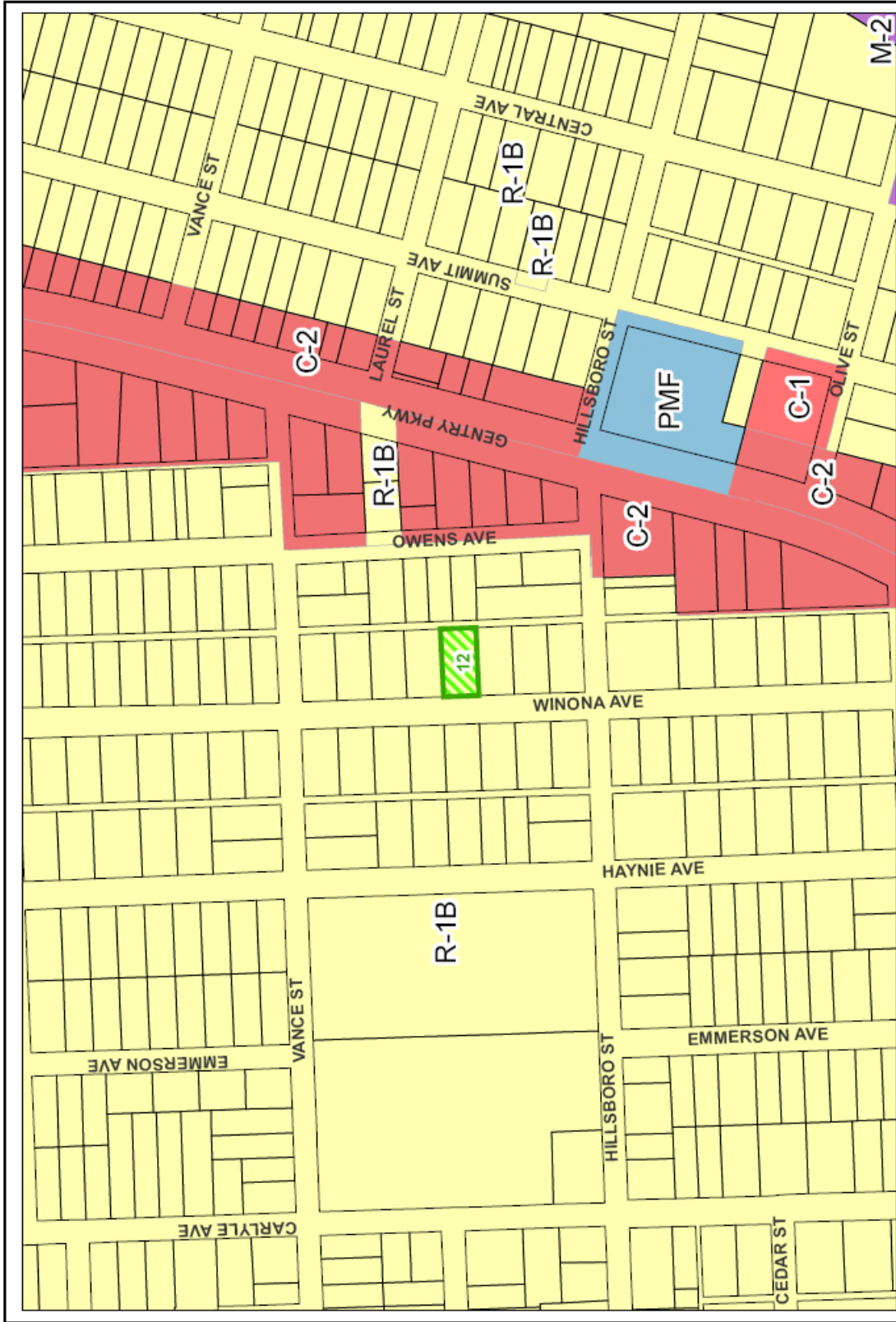
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request for a Special Use Permit to allow for a one-chair beauty shop for a period of one year.

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

**Drafted/Recommended By: Barbara Holly**  
**Department Leader**

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



Subject Property



**ZONING CASE**

Zoning Cases #: S03-07-018A

Existing Zoning: R-1B

Applicant: LORENZA & MILKA HERNANDEZ





**ZONING CASE**  
 Zoning Cases #: S03-07-018A  
 Existing Zoning: R-1B  
 Applicant: LORENZA & MILKA HERNANDEZ



Subject Property  
 200' Notification Buffer



**ORDINANCE NO. O-2007-30**

**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; APPROVING ZONING AND SPECIAL USES; 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 and special use 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 zoning and special use is hereby approved as follows:

**I. APPLICATION Z03-07-016A**

That the following described property, which is currently zoned "RPO", shall hereafter bear the zoning classification of "AR", to wit:

Lot 1C of NCB 409 in the Boren Addition (Volume 33, Page 184), one lot totaling .58± acres located one lot north and west of the intersection of West Cochran Street and North Bois d' Arc Avenue (1320 North Bois d' Arc).

**II. APPLICATION S03-07-018A**

That the following described property, which is currently zoned "R-1B", shall hereafter be used under a new special use permit to allow for the operation of a one-chair beauty shop, to wit:

Lot 12 of NCB 514 in the Fairfield Addition, one lot located north and east of the intersection of Hillsboro Street and Winona Avenue, on the east side of Winona Avenue (1521 N. Winona Avenue),

for a period of one year.

**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 March, 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