



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-7

Date: March 28, 2007

Subject: **APPLICATION Z11-06-123B PEDRO GARCIA**
Request that the City Council consider a request to change the zoning from “R-3” Multi-Family Residential District to “C-1” Light Commercial District on Lot 75A of NCB 383B of the Hicks Foundry Addition (Volume 106, Page 106 D.R.S.C.T.), part of the John Lollar Survey, A-565, one lot totaling approximately .12 acres located north of the intersection of Palace Avenue and Selman Street, on the west side of Palace Avenue (622 N. Palace Avenue).

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Item Reference:

The applicant is requesting a zoning change to allow for a restaurant.

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 forty-two (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 north and west are currently zoned “C-2” General Commercial District, while property to the south and east is zoned “R-3” Multi-Family Residential District.

This area is in transition from residential to commercial types of use. The residential zoning classification is not compatible with the existing commercial uses on the street. Staff believes the property is more suitable for a commercial use and the request would be an extension of the commercial zoning designation to the north.

The applicant has platted the subject property with the adjacent lot, meeting the required minimum lot area of 7,000 square feet. According to the land use chart, a restaurant is not allowed in an “R-3” Multi-Family Residential District but is allowed in a “C-1” Light Commercial District. This request is consistent with the development pattern in the area and the rezoning of the property will be a continuation of the commercial zoning to the north and east. This would amend the recommended future commercial land use to the north. This request will have a positive impact on the area, while providing a service to the neighborhood.

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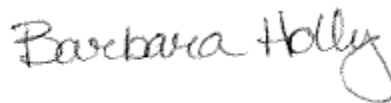
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On February 20, 2007, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke in opposition to the request. Pedro Garcia appeared on behalf of the application.

Of the 22 notices mailed, three notices were returned in favor of the application and no notices were returned in opposition to the request.

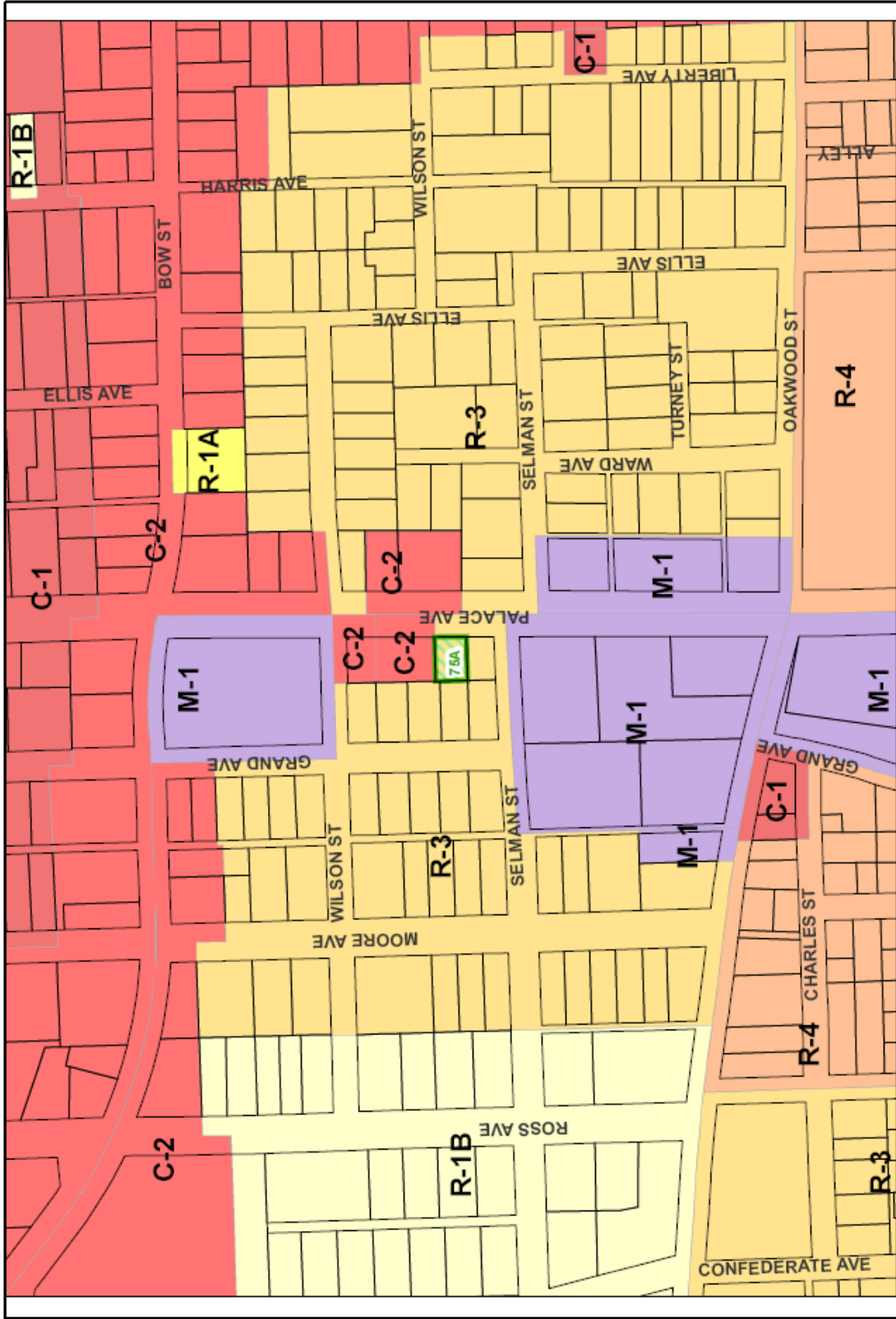
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from "R-3" Multi-Family Residential 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



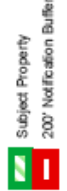
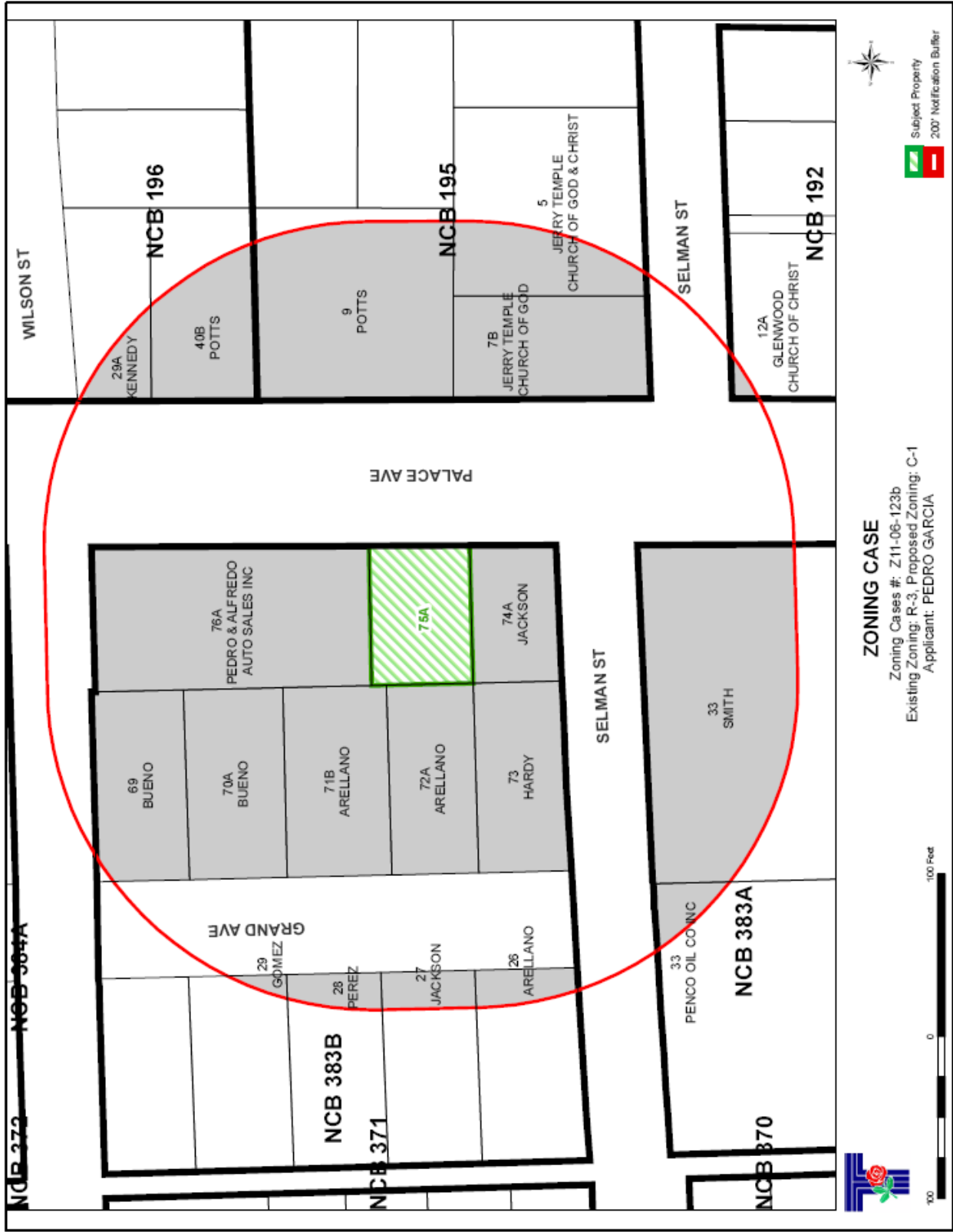
200 0 300 Feet

ZONING CASE

Zoning Cases #: Z11-06-123b
 Existing Zoning: R-3, Proposed Zoning: C-1
 Applicant: PEDRO GARCIA



 Subject Property



ZONING CASE

Zoning Cases #: Z11-06-123b
 Existing Zoning: R-3, Proposed Zoning: C-1
 Applicant: PEDRO GARCIA



ORDINANCE NO. O-2007-31

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 Z11-06-123B

That the following described property, which has heretofore been zoned "R-3" Multi-Family Residential District, shall hereafter bear the zoning classification of "C-1" Light Commercial District to-wit:

Lot 75A of NCB 383B of the Hicks Foundry Addition (Volume 106, Page 106 D.R.S.C.T.), part of the John Lollar Survey, A-565, one lot totaling approximately .12 acres located north of the intersection of Palace Avenue and Selman Street, on the west side of Palace Avenue (622 N. Palace Avenue).

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 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