



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: January 24, 2007

Subject: APPLICATION Z12-06-134B SAM L. WELLS
Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District to “C-1” Light Commercial District in Marshall University Survey, Abstract 624, Tract 13B (Volume 1545, Page 362, Smith County Records), one (1) lot totaling approximately 2.079 acres located approximately 920± feet south and east of the intersection of Old Jacksonville Highway and Rice Road (5424 Old Jacksonville Highway). The application is requesting a zoning change to allow for the development of a restaurant.

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Item Reference:

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

Section 10-225, “C-1” Light Commercial District allows professional and general offices, retail sales and services, restaurants, financial institutions, and public facilities by right. The maximum building height allowed is two and one-half (2½) stories or forty-two feet (42’) in height. Off-street parking is determined by the specific use proposed. Properties with a commercial designation also are subject to the requirements of the Subdivision and Landscape Ordinances.

The adjacent properties to the north and east are zoned “R-3” Multi-Family Residential District, properties to the south are zoned “C-2” General Commercial District, properties to the west are zoned “M-1” Light Industrial District and “M-2” General Industrial District.

The applicant is proposing to construct a restaurant on the property. According to the land use chart, a restaurant is not allowed in an “R-1A” Single Family Residential District but is allowed in a “C-1” Light Commercial District. The Future Land Use Map designates this site as Retail and the request for “C-1” Light Commercial District implements that land use designation. Staff believes that the request will enhance the surrounding properties since the adjacent properties to the south and west are currently zoned “C-2” General Commercial District and “M-2” General Industrial District.

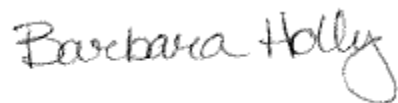
On December 19, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke in favor or opposition to the request. No one appeared on behalf of the applicant.

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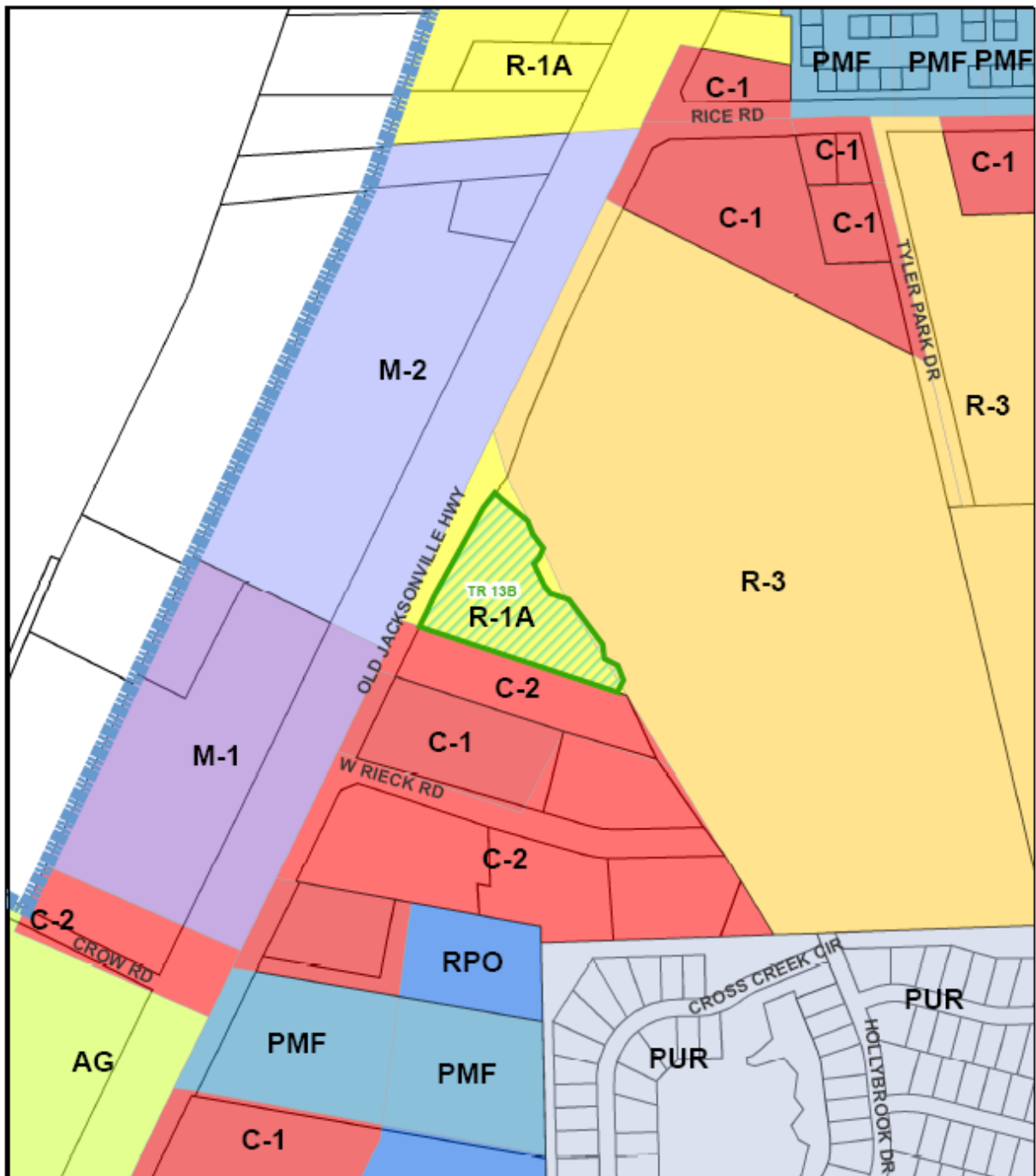
RECOMMENDATION:

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

A handwritten signature in cursive script that reads "Barbara Holly". The signature is written in black ink and is positioned in the lower-middle section of the page.

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager





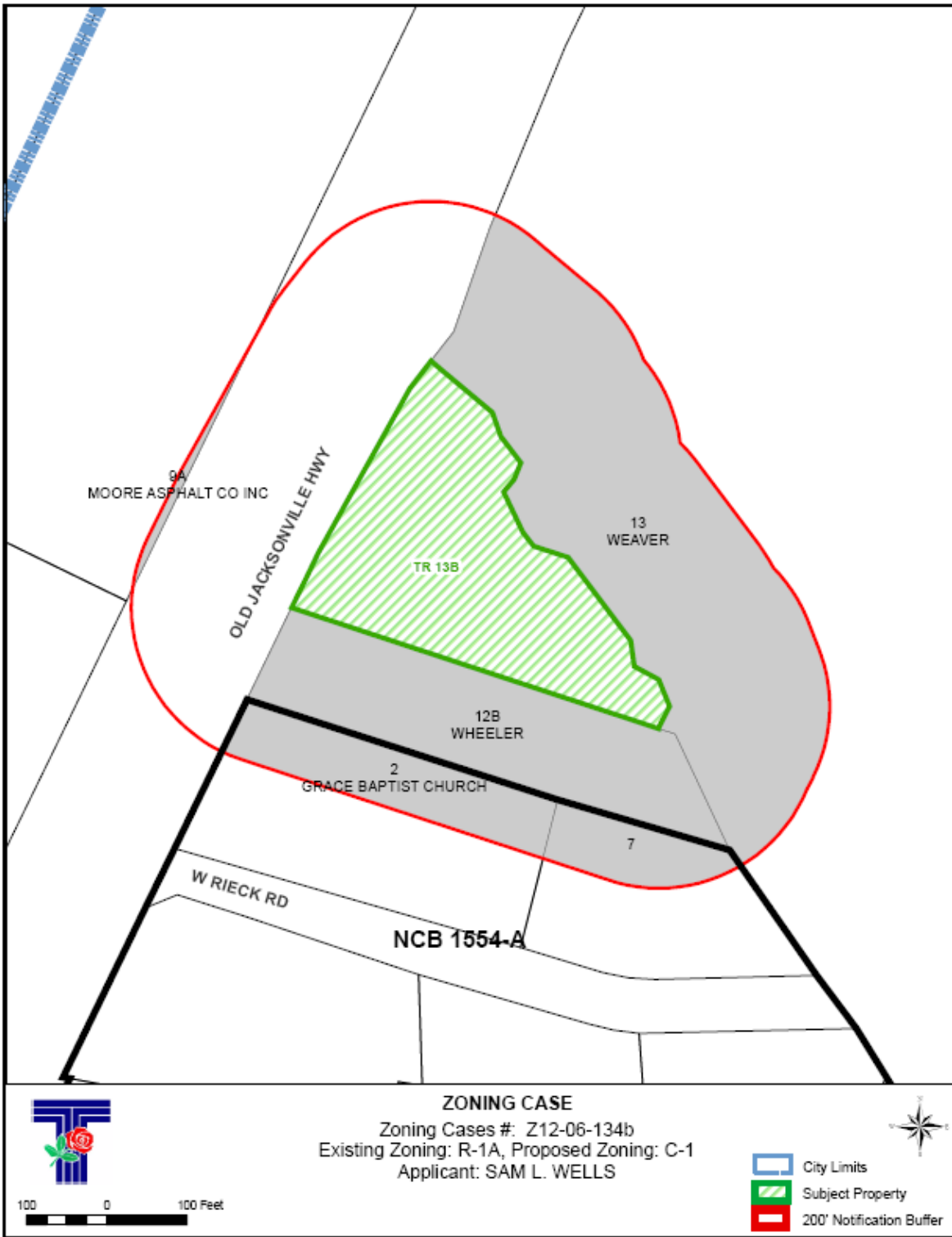
200 0 200 Feet

ZONING CASE

Zoning Cases #: Z12-06-134b
 Existing Zoning: R-1A, Proposed Zoning: C-1
 Applicant: SAM L. WELLS



-  City Limits
-  Subject Property





**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: January 24, 2007

Subject: APPLICATION S12-06-135B BAKER ATLAS

Request that the City Council consider a request that the City Council consider a request for a Special Use Permit for a period of two (2) years to allow for a temporary building to be used as office space on Lot 46 of NCB 852T, one lot totaling approximately 2.2 acres located southeast of the intersection of John Carney Drive and Robertson Road (1430 John Carney Drive). The property is currently zoned "M-1" Light Industrial District.

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Item Reference:

According to Section 10-245, "Special Use Regulations", the governing body may, by ordinance, grant a special permit for special uses in any qualified district, which are otherwise prohibited and impose appropriate conditions and safeguards, including a specified time period. 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.

The temporary building will accommodate employees until additional office space is acquired. The structure is located in the rear yard of the property and is approximately thirty-two feet (32') from the rear property line. The overall size of the structure is 1,504 square feet and is approximately ten feet (10') in height and five and one-half feet (5 ½') in length. The building meets the ordinance requirements and staff does not foresee any negative impact to the area by allowing the placement of the building nor its use for additional office space.

Staff has reviewed this application and states properties to the south and west are zoned "M-1" Light Industrial District. Properties to the north and east are zoned "R-1A" Single Family Residential District.

On December 19, 2006, the Planning and Zoning Commission held a public hearing on this request. The Planning Department mailed nine (9) letters of notification and received one (1) letter of protest. A citizen expressed concerns which were addressed by the applicant. As a result, her protest was rescinded.

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RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommended approval of the request for a Special Use Permit to allow for the placement of a temporary building for a period of two years.

Barbara Holly

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

**Edited/Submitted By:
City Manager**

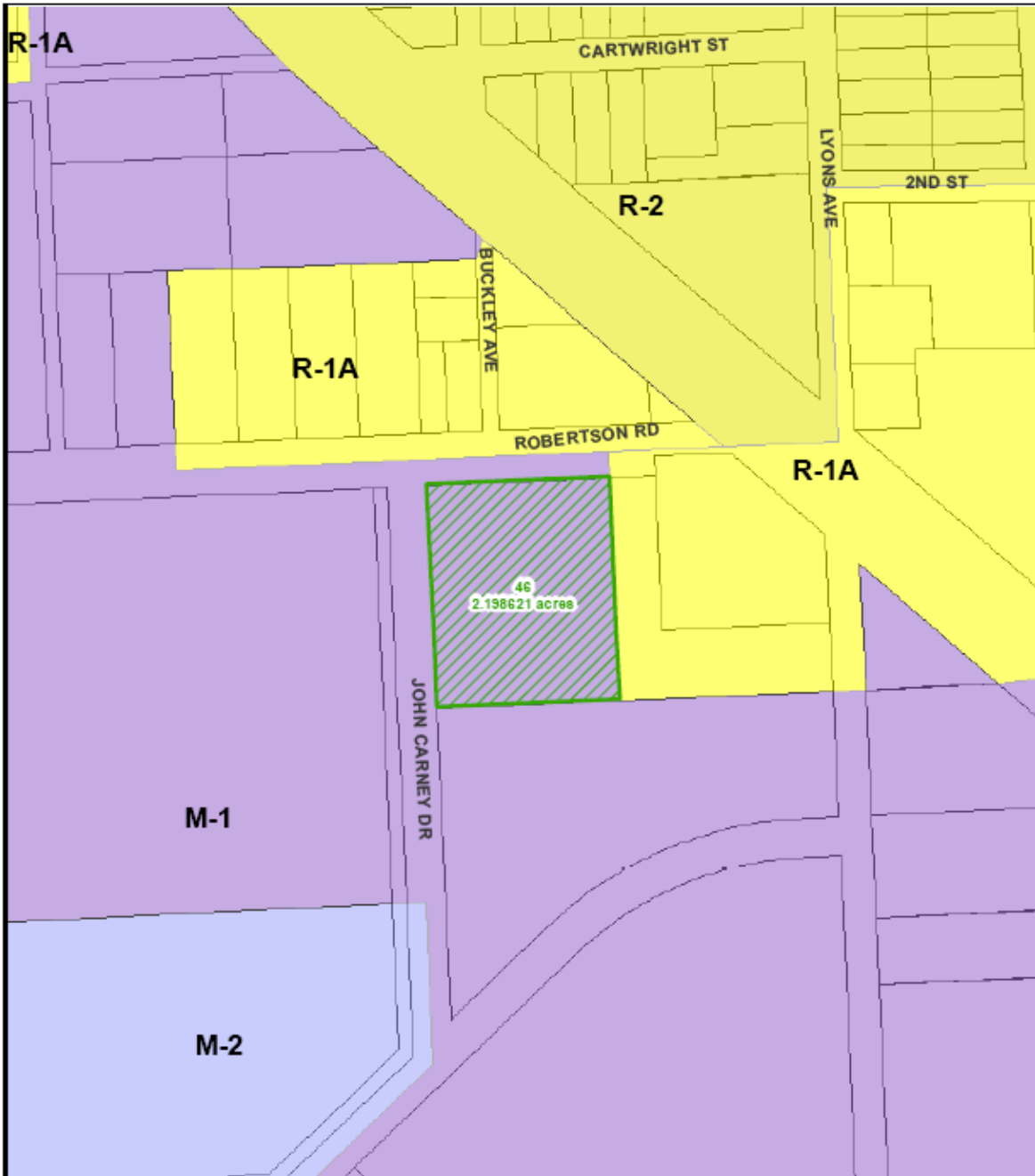


100 0 100 Feet

SPECIAL USE PERMIT
 Zoning Cases #: S12-06-135b
 Existing Zoning: M-1
 Applicant: BAKER ATLAS




- Protest Lots
- Subject Property
- 200' Notification Buffer



SPECIAL USE PERMIT
Zoning Cases #: S12-06-135b
Existing Zoning: M-1
Applicant: BAKER ATLAS



 Subject Property

ORDINANCE NO. O-2007-6

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 Z12-06-134B

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

Marshall University Survey, Abstract 624, Tract 13B (Volume 1545, Page 362, Smith County Records), one lot totaling approximately 2.079 acres located south and east of the intersection of Old Jacksonville Highway and Rice Road.

II. APPLICATION S12-06-135B

That the following described property, which is currently zoned "M-1", shall hereafter be used under a new special use permit to allow for a temporary building, to wit:

Lot 46 of NCB 852T, one lot located east of the intersection of John Carney Drive and Robertson Road (1430 John Carney Drive),

for a period of two (2) years.

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 24th day of January, 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