



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: July 25, 2007

Subject: **APPLICATION Z07-07-066A STOREHOUSE COGIC MINISTRY**
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 on Lots 9 and 10 of NCB 835J, and Lot 1 of NCB 835K of the Toby Walton Subdivision, recorded in Book 4993, Page 19 of the Deed Records of Smith County, Texas, three lots totaling approximately 3.61 acres. Lots 9 and 10 are located south of the intersection of Old Noonday Road and Frankston Highway, on the east side of Frankston Highway (2704 and 2720 Frankston Highway) Lot 1 is located east of the intersection of Walton Road and Frankston Highway, on the north side of Walton Road (1707 Walton Road).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change in order to sell the subject property.

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 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.

The adjacent properties to the north are currently zoned “C-2” General Commercial District, and properties to the south, east, and west are currently zoned “R-1A” Single-Family Residential District. The adjoining lands are primarily developed as residential with commercial uses located to the north and south.

The applicant is requesting a zoning change to allow for a future commercial development. The property is currently under contract pending the approval of this request. The applicant originally requested a “C-2” General Commercial District zoning designation. Staff advised the applicant that a “C-1” Light Commercial District designation would meet their needs and would provide more protection to the abutting residential residents. The “C-1” Light Commercial District provides for a less intense use than the “C-2” General Commercial District located to the north. The applicant is in agreement with this recommendation.

This request is consistent with the development pattern in the area and the rezoning of the property will be a continuation of the existing commercial zoning to the north. If approved, this would establish a commercial land use.

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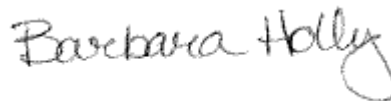
Page: 2 of 2

On July 3, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 28 notices mailed, two notices were returned in favor of the application and one was returned in opposition to the request comprising .20 percent protest. Janiece Low spoke on behalf of the application. She said the buyer is planning to develop a Family Dollar Store on the site.

All other departments have reviewed this request and anticipate no significant impact on services or facilities by the proposed change.

RECOMMENDATION:

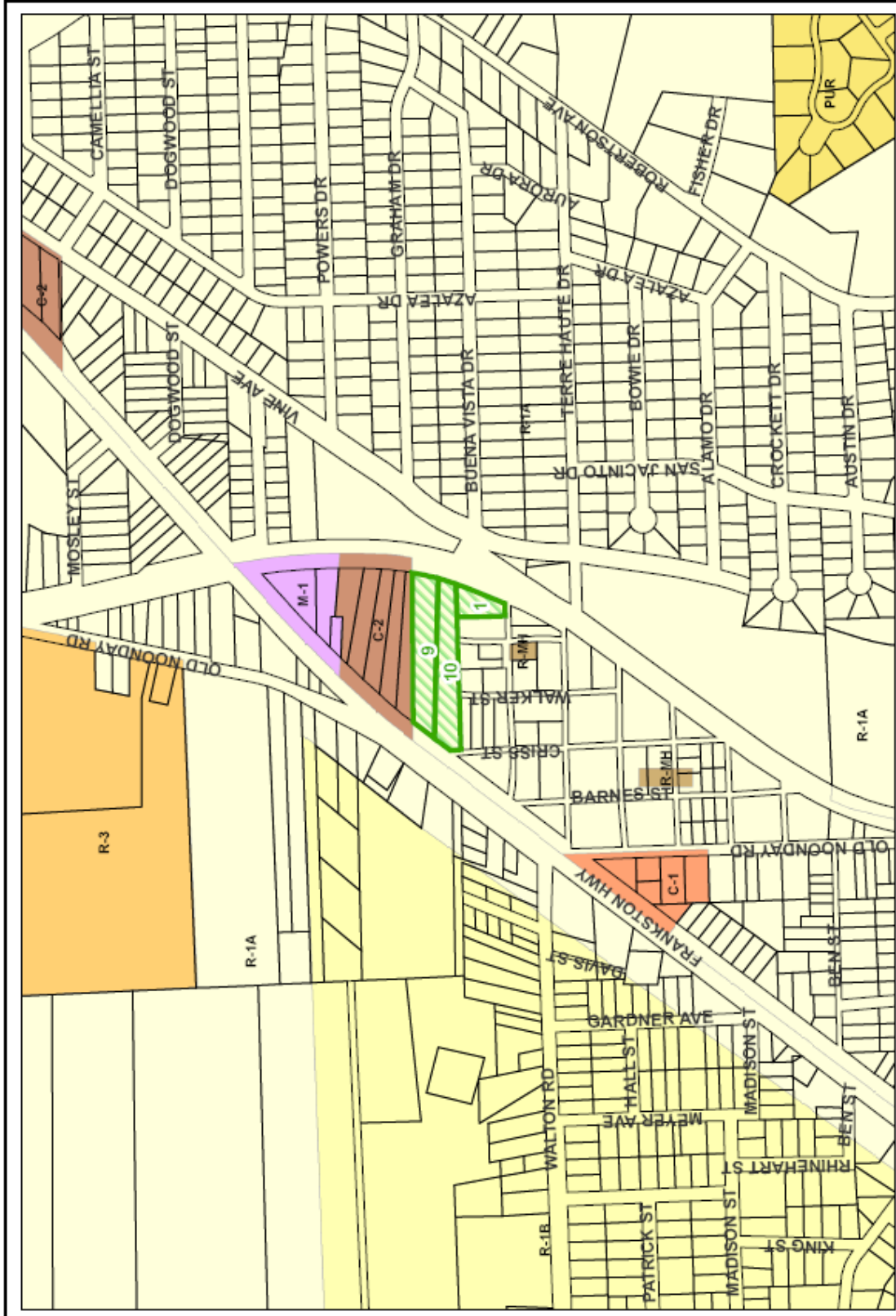
The Planning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from "R-1A" Single-Family Residential District to "C-1" Light Commercial District.



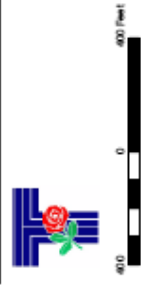
**Drafted/Recommended By:
Department Leader**

**Barbara Holly
Director of Planning**

**Edited/Submitted By:
City Manager**



ZONING CASE
 Zoning Cases #: Z06-07-066A
 Existing Zoning: R-1A Proposed Zoning: C-1
 Applicant: STOREHOUSE C.O.G.I.C. MINISTRY





100
0
100 Feet

ZONING CASE
 Zoning Cases #: Z06-07-065B
 Existing Zoning: R-3 Proposed Zoning: C-1
 Applicant: LEKENDRAE MASS



Subject Property
 Protest Lots



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: July 25, 2007

Subject: **APPLICATION S07-07-074A BARROW-SHAVER RESOURCES**
Request that the City Council consider a request for a Special Use Permit to allow for a trailer to be used as a temporary human resource hiring office for one year on a portion of Lots 19A and 19B of NCB 6310 of the J. Swinney Subdivision located at the intersection of East Erwin Street and Palmer Avenue (1701 East Erwin Street). The property is currently zoned "M-1" Light Industrial District.

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 in any district as herein qualified, which uses 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.

The adjacent properties to the north, east and west are zoned "M-1" Light Industrial District, while the adjacent properties to the south are zoned "C-1" Light Commercial District.

This is a request for a Special Use Permit for a period of one year to allow for a temporary building to be used as a human resource hiring office for S & B Engineers and Constructors. S & B Engineers and Constructors will be hiring employees to remodel the Delek Plant. The structure will be located east of the existing building. The overall size of the structure is 756 square feet. Staff does not foresee any issues with allowing the placement of the building at the location requested.

On July 3, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 15 notices mailed, one notice was returned in favor of and no notices were returned in opposition to the application. Steve Oler with S & B Engineers and Constructors appeared on behalf of the application.

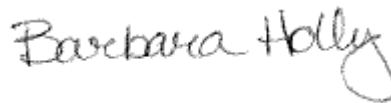
All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

Agenda Number: Z-2

Page: 2 of 2

RECOMMENDATION:

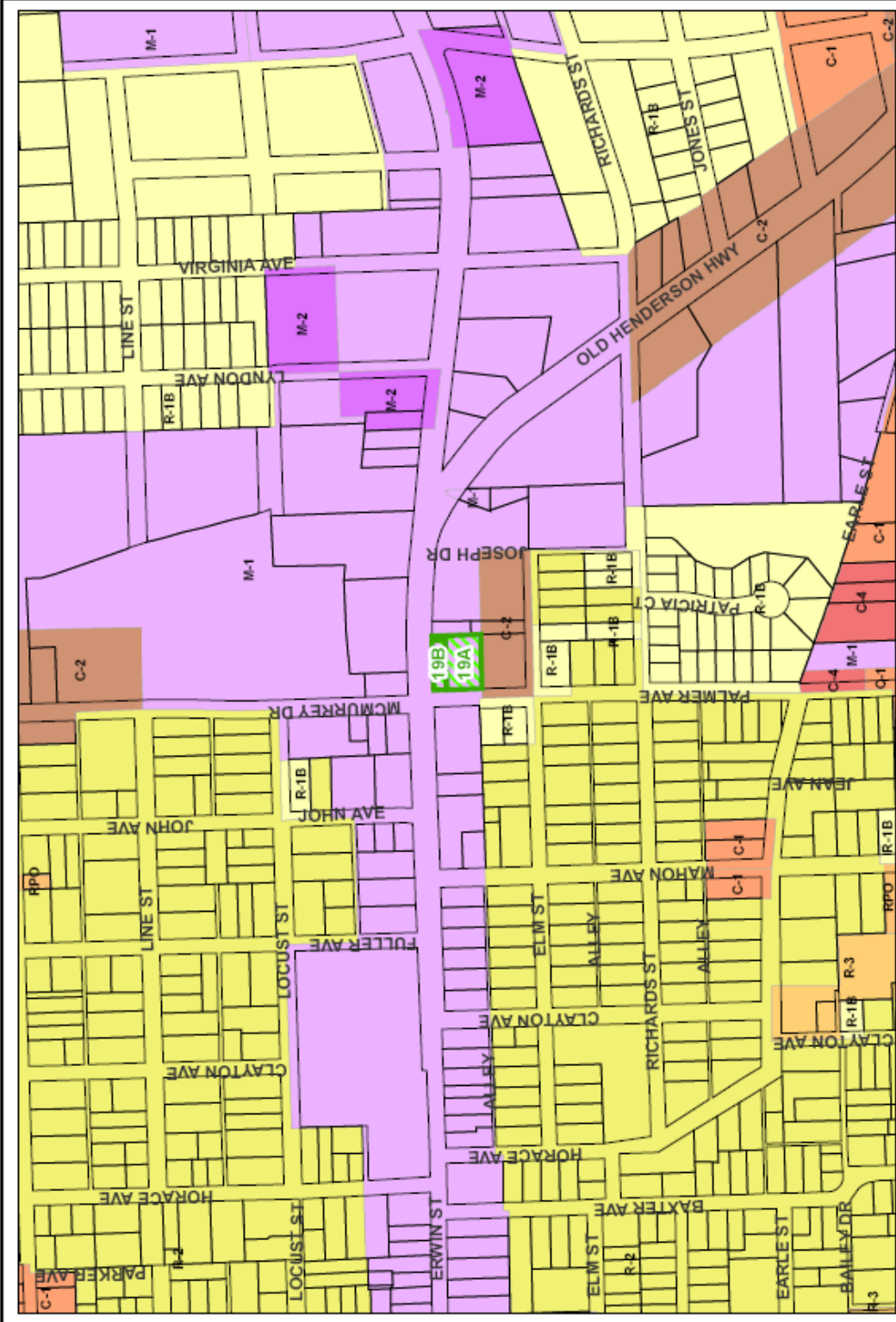
The Planning Commission, by a vote of 5-0, recommends approval of the request for a Special Use Permit for one year.

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

**Drafted/Recommended By:
Department Leader**

**Barbara Holly
Director of Planning**

**Edited/Submitted By:
City Manager**



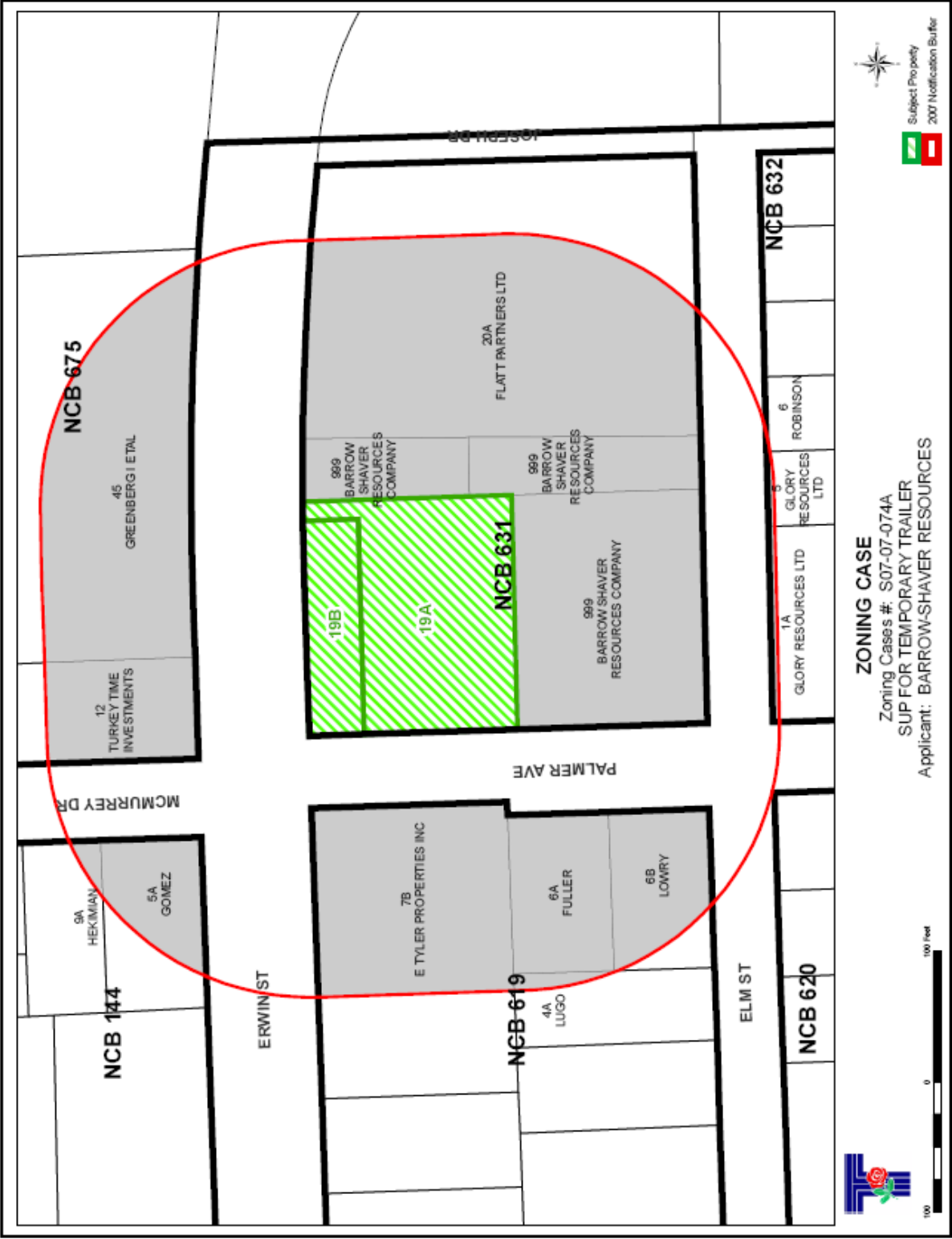
200
0
200 Feet

ZONING CASE

Zoning Cases #: S07-07-074A
 SUP FOR TEMPORARY TRAILER
 Applicant: BARROW-SHAVER RESOURCES

Subject Property







**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-3

Date: July 25, 2007

Subject: **APPLICATION S06-07-059B GARDENIA LEIVA**
Request that the City Council consider a request for a Special Use Permit to allow for a one-chair beauty shop for a period of one year on Tax Lot 49 of NCB 182 of the Williams Subdivision as recorded in Volume 36, Page 24 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.144 acres located one lot west of the southwest corner of Houston Street and Augusta Avenue, on the south side of Houston Street (614 West Houston Street). The property is currently zoned "R-3" Multi-Family Residential District.

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 in any district as herein qualified, which uses 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.

The adjacent properties to the south and west are zoned "R-3" Multi-Family Residential District; the adjacent property to the east is zoned "RPO" Restricted Professional Office District and the adjacent properties to the north are "R-3" and "RPO". This property is located on the edge of the western boundary of the Azalea Historic District.

Staff states that the applicant meets the minimum parking requirement with the approximately 80 feet driveway located along the entire length of the eastern boundary of the property. 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.

At the May 30, 2007, Historical Preservation Board monthly meeting, the board was informed of the application and there was a positive consensus to support the Special Use Permit for a one chair beauty shop.

On June 19, 2007, the Planning and Zoning Commission held a public hearing on this request. The applicant was present to answer any questions. No one else spoke on behalf of the application. Of the 16 notices mailed, no notices were returned in favor of or in opposition to the application.

Agenda Number: Z-3

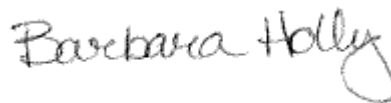
Page: 2 of 2

Since the Planning and Zoning meeting, there have been several phone calls from neighbors complaining that the property owner was not using the driveway for patron parking. The property owner is also displaying an "open/closed" sign in her window. We have spoken to the property owner and have requested that the sign in the window be taken down until the application is approved by City Council and reminded her that the patrons to her one-chair beauty salon must use the driveway for parking.

All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

RECOMMENDATION:

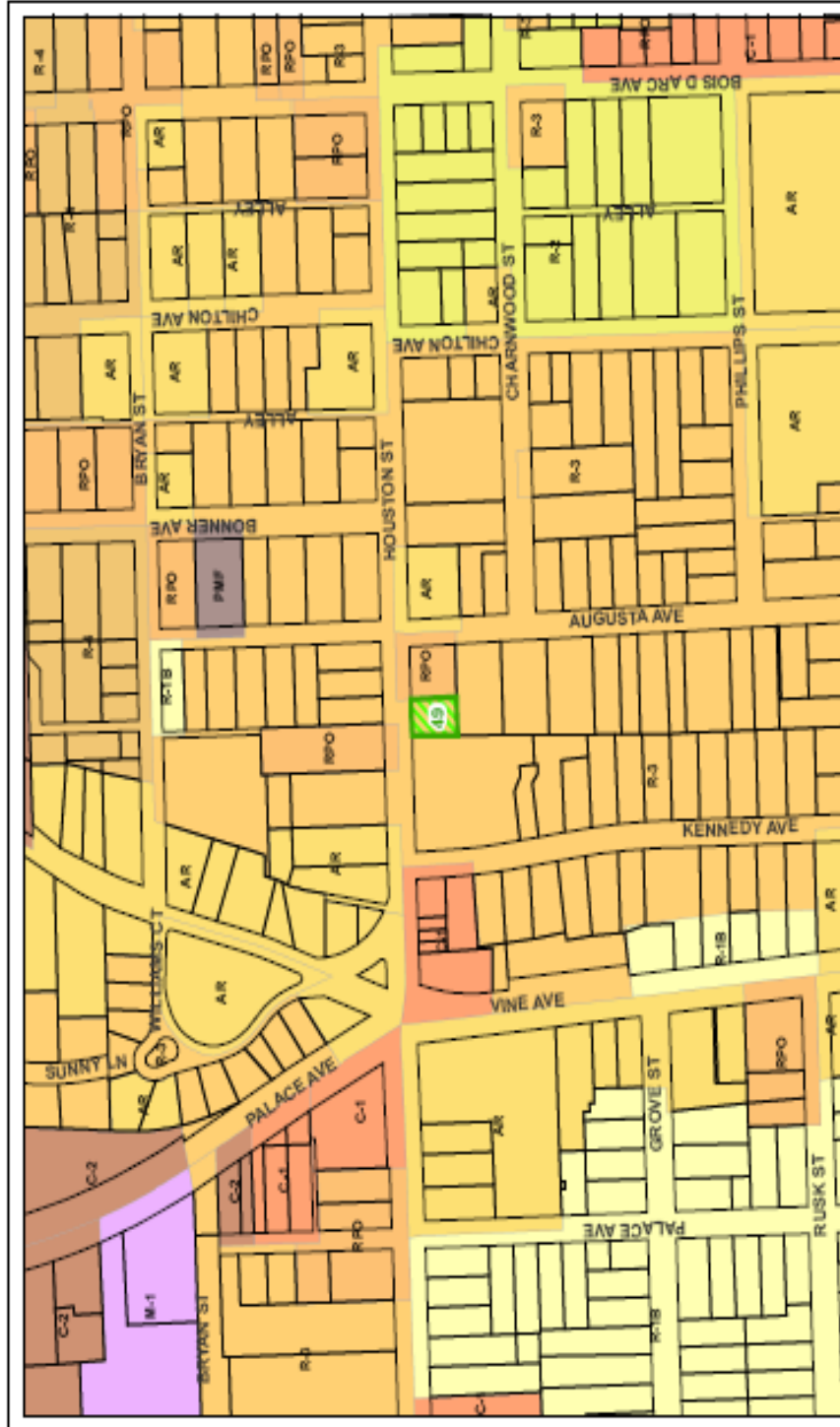
The Planning Commission, by a vote of 5-0, recommends approval of the request for a Special Use Permit for a period of one year.

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

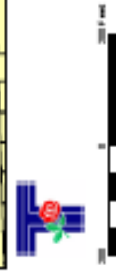
**Drafted/Recommended By:
Department Leader**

**Barbara Holly
Director of Planning**

**Edited/Submitted By:
City Manager**



ZONING CASE
 Zoning Cases #: S06-07-0585
 SUP FOR ONE CHAIR BEAUTY SHOP
 Applicant: GARDENIA LEIWA





ZONING CASE
 Zoning Cases #: S06-07-0568
 SUP FOR ONE CHAIR BEAUTY SHOP
 Applicant: GARDENIA LEINA





**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: July 25, 2007

Subject: **APPLICATION S06-07-058B TERRY DAVIS**
Request that the City Council consider a request for a Special Use Permit to allow for a drive-thru window for a Taco Bueno Restaurant for an indefinite period on Lot 25C of NCB 935 of the Willow Run Unit 5 Subdivision as recorded in Cabinet E, Slide 8B of the Deed Records of Smith County, Texas, one lot totaling approximately 0.949 acres located one lot north of the northwest corner of Loop 323 South Southeast and Fifth Street, on the west side of Loop 323 (1305 Loop 323 South Southeast). The property is currently zoned "C-2" General Commercial District.

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 in any district as herein qualified, which uses 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.

The adjacent properties to the north, south and west are "C-2" General Commercial District, while the adjacent property to the east is zoned "M-1" Light Industrial District.

The applicant is requesting a Special Use Permit for one drive thru window with two ordering lanes. Staff has reviewed the parking and drive thru site plan and all staff comments have been addressed.

Staff finds no negative impact on the area by allowing the drive thru window for food sales.

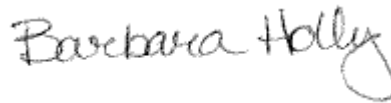
On June 19, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 18 notices mailed, no notices were returned in favor of or in opposition to the request. Tony Harris appeared on behalf of the application.

Agenda Number: Z-4

Page: 2 of 2

RECOMMENDATION:

The Planning Commission, by a vote of 6-0, recommends approval of the request for a Special Use Permit for an indefinite period.

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

**Drafted/Recommended By:
Department Leader**

**Barbara Holly
Director of Planning**

**Edited/Submitted By:
City Manager**

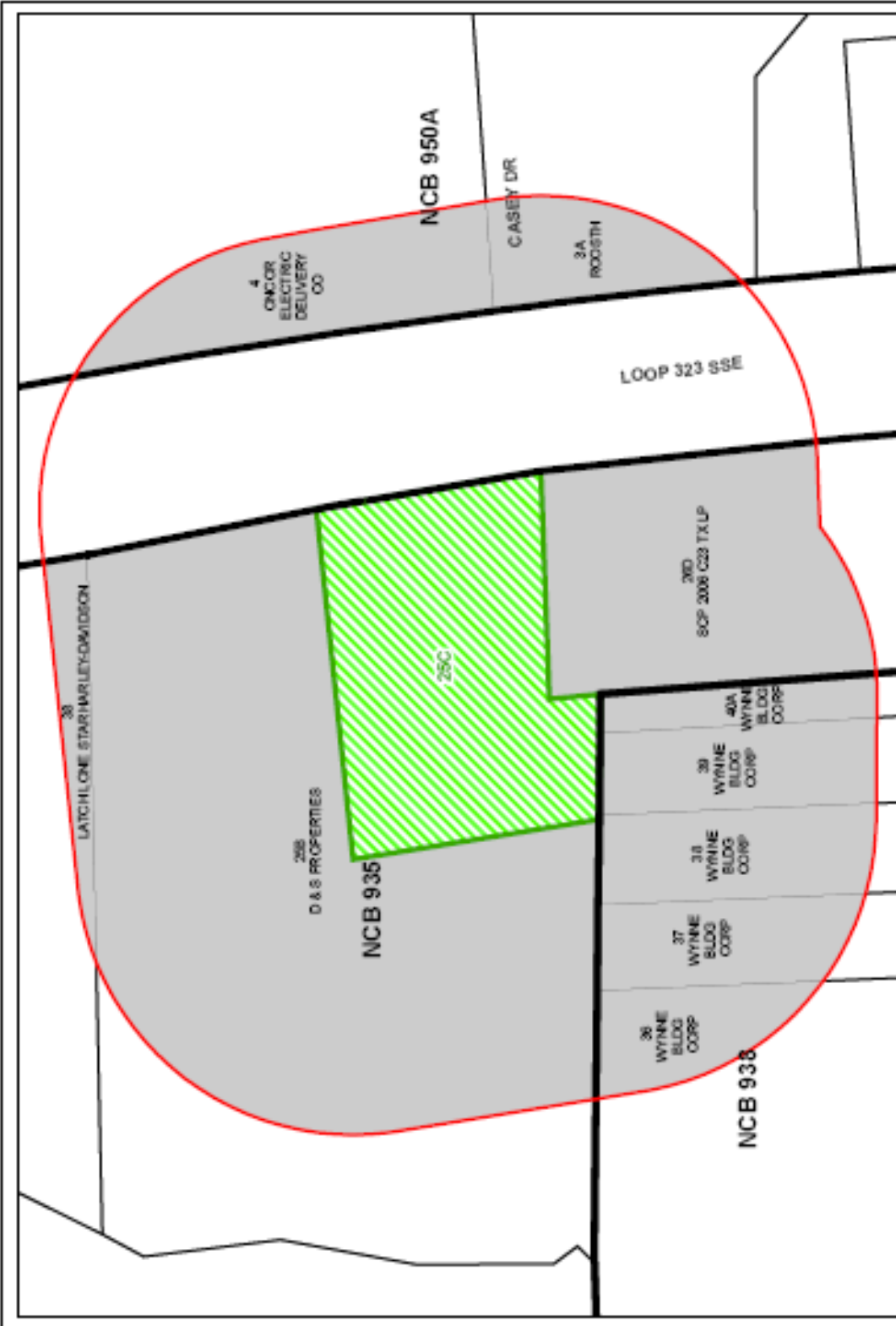


Scale: 1" = 200' (approx.)

ZONING CASE
 Zoning Cases #: S06-07-058B
 SUP FOR DRIVE-THRU WINDOW
 Applicant: TERRY DAVIS



Subject Property



Subject Property
20' Notation Buffer



ZONING CASE

Zoning Cases #: 506-07-058B
 SUP FOR DRIVE THRU WINDOW
 Applicant: TERRY DAVIS





**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: July 25, 2007

Subject: **APPLICATION S06-07-060B BROOKSHIRE GROCERY STORE**
Request that the City Council consider a request for a Special Use Permit to allow for a drive-thru window for a Starbuck's Coffee Shop for an indefinite period on a portion of Lot 20C of NCB 1261 of the Northwest Landing Subdivision as recorded in Book 6126, Page 107 of the deed records of Smith County, a portion of one lot totaling approximately 0.4158 acres located at the northeast corner of Loop 323 NNW and Highway 64, on the east side of Loop 323 (113 Loop 323 NNW). The property is currently zoned "C-2" General Commercial 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.

All adjacent properties are currently zoned "C-2" General Commercial District.

Staff has reviewed the parking and drive-thru site plan and all staff comments have been addressed. The addition of a drive-thru window will not adversely affect access to or across the site.

On June 19, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 15 notices mailed, one notice was returned in favor of the application and no notices were returned in opposition to the request. No one spoke in favor of or in opposition to the request.

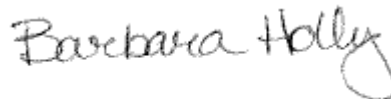
All other departments have reviewed this request and anticipate no significant impact on services or facilities by the proposed change.

Agenda Number: Z-5

Page: 2 of 2

RECOMMENDATION:

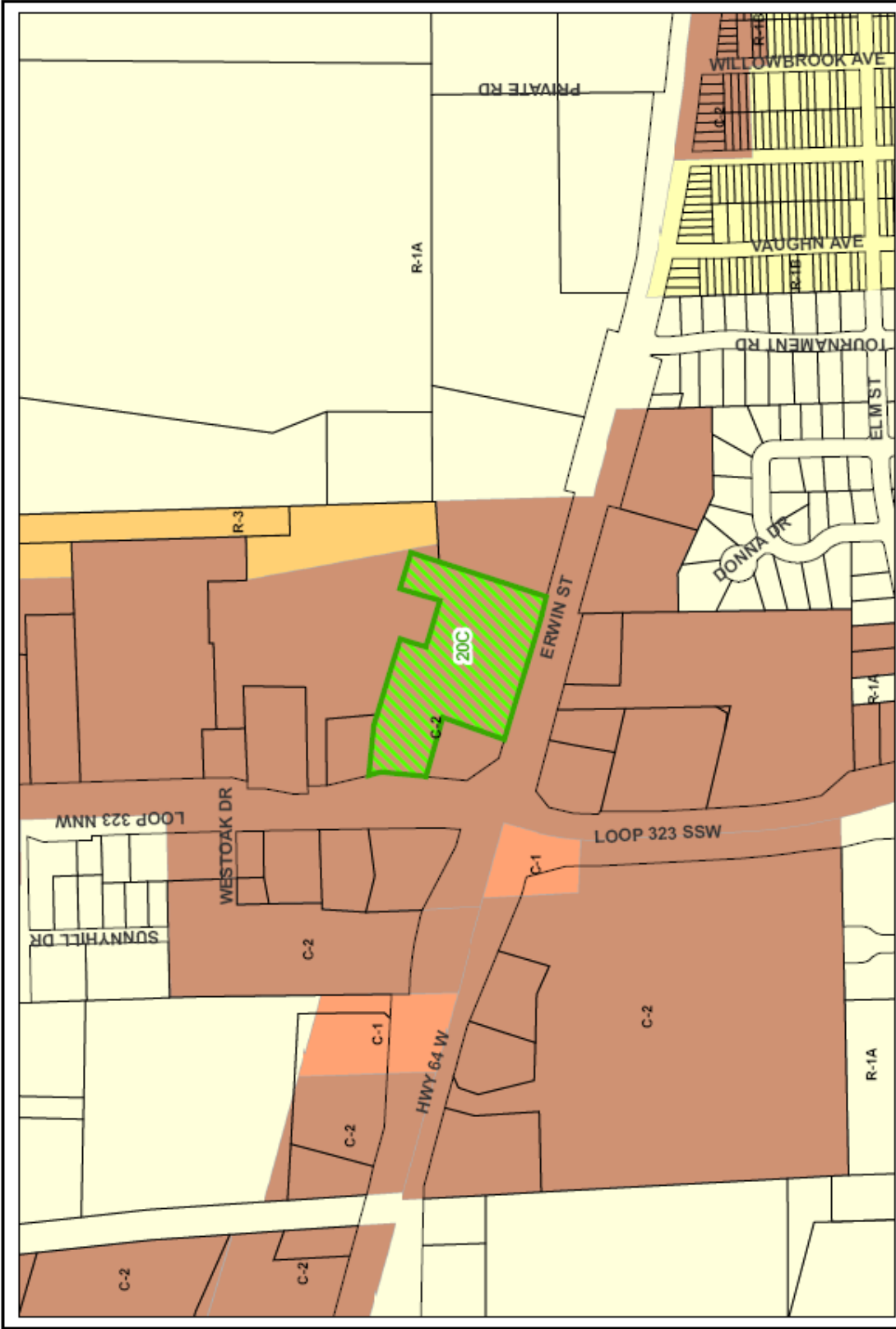
The Planning Commission, by a vote of 5-0, recommends approval of the request for a Special Use Permit for an indefinite period.

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

**Drafted/Recommended By:
Department Leader**

**Barbara Holly
Director of Planning**

**Edited/Submitted By:
City Manager**

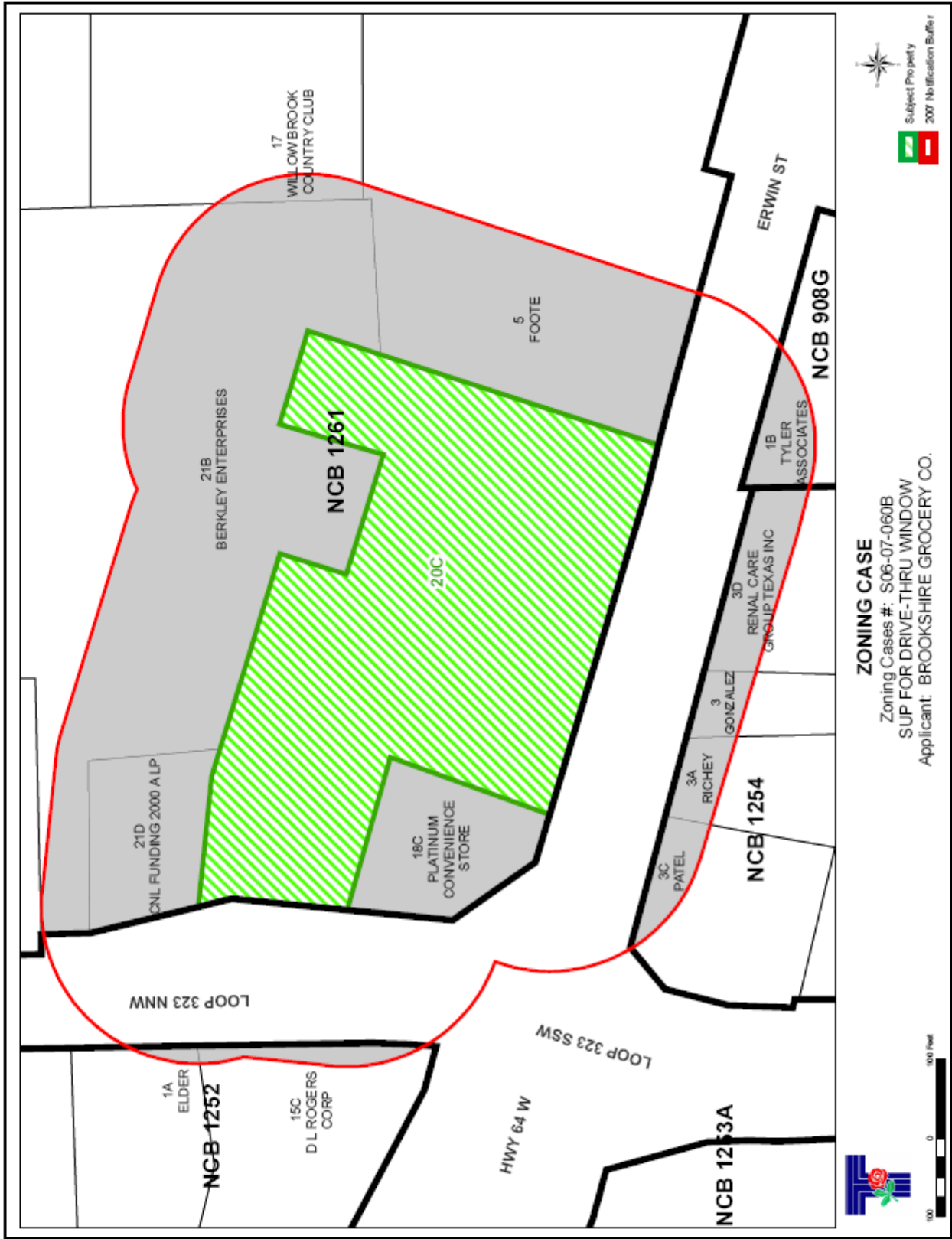


ZONING CASE

Zoning Cases #: S06-07-060B
 SUP FOR DRIVE-THRU WINDOW
 Applicant: BROOKSHIRE GROCERY CO.



Subject Property



ZONING CASE
 Zoning Cases #: S06-07-060B
 SUP FOR DRIVE-THRU WINDOW
 Applicant: BROOKSHIRE GROCERY CO.

ORDINANCE NO. O-2007-81

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 and special uses 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 Z07-07-066A

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:

Lots 9 and 10 of NCB 835J, and Lot 1 of NCB 835K of the Toby Walton Subdivision, recorded in Book 4993, Page 19 of the Deed Records of Smith County, Texas, three lots totaling approximately 3.61 acres. Lots 9 and 10 are located south of the intersection of Old Noonday Road and Frankston Highway, on the east side of Frankston Highway (2704 and 2720 Frankston Highway). Lot 1 is located east of the intersection of Walton Road and Frankston Highway, on the north side of Walton Road (1707 Walton Road).

II. APPLICATION S07-07-074A

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 trailer for hiring offices, to wit:

A portion of Lots 19A and 19B of NCB 631 of the J. Swinney Subdivision located at the intersection of East Erwin Street and Palmer Avenue (1701 East Erwin Street), as shown in Exhibit "A",

for a period not to exceed one year.

III. APPLICATION S06-07-059B

That the following described property, which is currently zoned "R-3", shall hereafter be used under a new special use permit to allow for a one- chair beauty salon for a period of one year, to wit:

Tax Lot 49 of NCB 182 of the Williams Subdivision as recorded in Volume 36, Page 24 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.144 acres located one lot west of the southwest corner of Houston Street and Augusta Avenue, on the south side of Houston Street (614 West Houston Street).

IV. APPLICATION S06-07-058B

That the following described property, which is currently zoned "C-2", shall hereafter be used under a new special use permit to allow for a drive-thru window with two ordering lanes for food sales, to wit:

Lot 25C of NCB 935 of the Willow Run Unit 5 Subdivision, one lot totaling approximately 0.949 acres located one lot north of the northwest corner of Loop 323 SSE and Fifth Street, on the west side of Loop 323 (1305 Loop 323 SSE),

for an indefinite period.

V. APPLICATION S06-07-060B

That the following described property, which is currently zoned "C-2", shall hereafter be used under a new special use permit to allow for a drive-thru window for coffee sales, to wit:

A portion of Lot 20C of NCB 1261 of the Northwest Landing Subdivision as recorded in Book 6126, Page 107 of the deed records of Smith County, a portion of one lot totaling approximately 0.4158 acres located at the northeast corner of Loop 323 NNW and Highway 64, on the east side of Loop 323 (113 Loop 323 NNW), as shown in Exhibit "B",

for an indefinite period.

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 25th day of July, A.D., 2007.

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

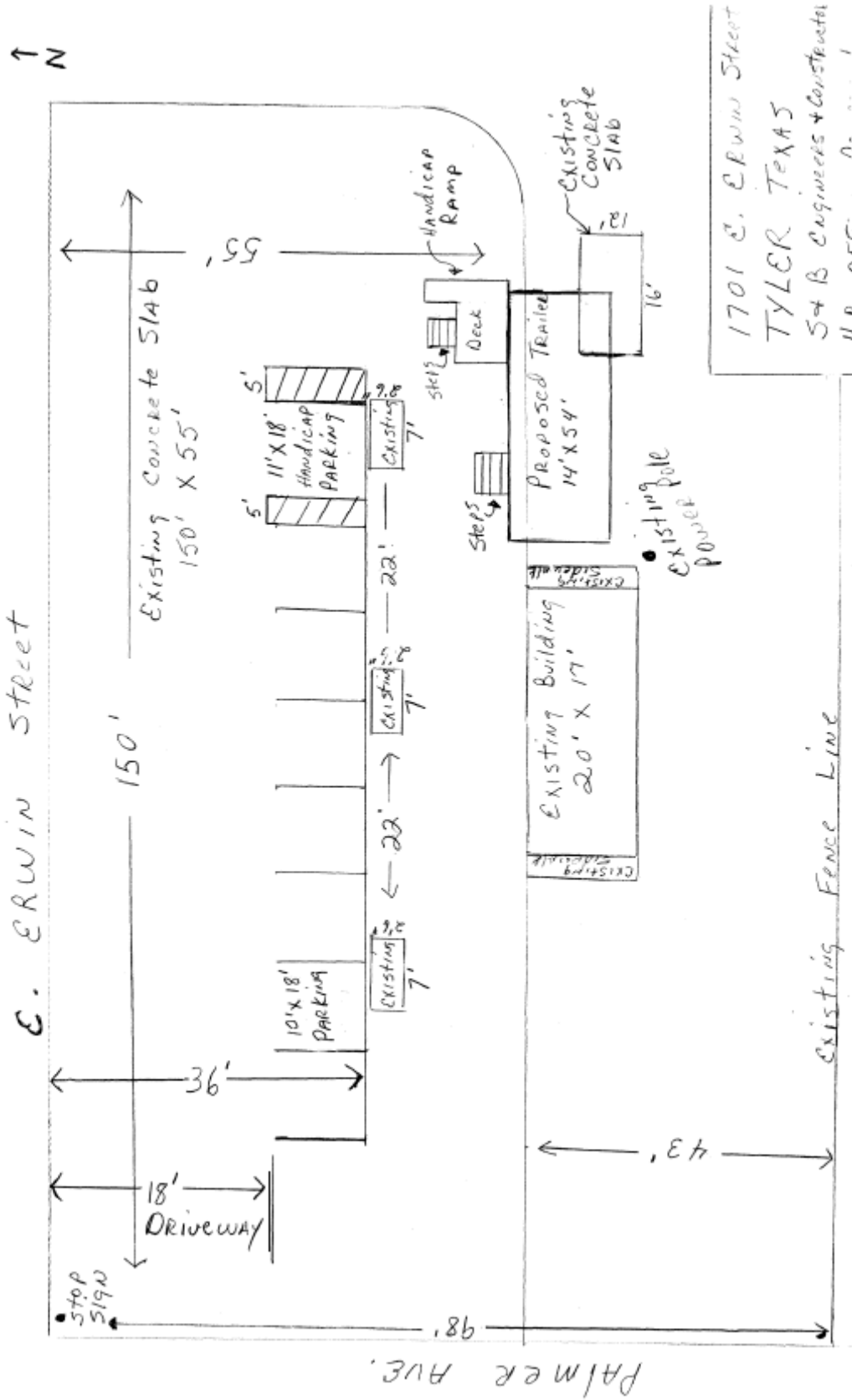
APPROVED:

A T T E S T:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE O-2007-81



1701 S. ERWIN STREET
 TYLER TEXAS
 S+B Engineers & Constructors
 U.D. No. 1

