



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-9

Date: July 25, 2007

Subject: APPLICATION Z06-07-065B LE'KENDRAE D. MASS
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 a portion of Lot 1 of NCB 97 of the City of Tyler Plat as recorded in Book 6609, Page 320 of the Deed Records of Smith County, Texas, a portion of one lot totaling approximately 7,303 square feet located at the southeast intersection of Liberty Avenue and Wilson Street (612 Border Avenue).

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Item Reference:

The applicant is requesting a zoning change to allow for future commercial uses.

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' 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 and east are zoned "C-2" General Commercial District, while properties to the west are zoned "R-3" Multi-Family Residential District. The property to the south is zoned both "C-2" General Commercial District and "R-3" Multi-Family Residential District. The actual uses in the area are predominately mixed use residential; a neighborhood grocery store is located at the northeast corner of Wilson Street and Border Avenue

The applicant is requesting a zoning change to the portion of his lot that is zoned multi-family residential in order to allow for future commercial development. The remaining portion of his lot is already zoned "C-2" General Commercial. By allowing this rezoning, the entire lot would have consistent commercial zoning. Staff recommends that the property be rezoned to "C-1" Light Commercial District, which is a less intense use as the "C-2" General Commercial District. Rezoning to a "C-1" Light Commercial District rather than a "C-2" General Commercial District would provide more protection to the abutting residential residents on Liberty Avenue. The Future Land Use Map designates the area for Mixed Use Residential.

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

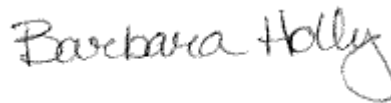
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All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0, 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



NCB 199

WILSON ST

NCB 98

DELLA AVE

1C
MCUINA

1D
MCUINA

1B
BENTLEY

4
WHITE

NCB-98

SELIMAN ST

NCB 55

NCB 198

13
TORRES

12
HUGHES

10
OUSLEY

9
SPENCER

BORDER AVE

NCB 97

1
LEKENDRAE MASS

2A
URQUIZA

3
JAMES

2B
HERNANDEZ

3
LOPEZ

LIBERTY AVE

LUCA REAL ESTATE SERVICES LLC
NCB 95

WILSON ST

NCB 96

19
ALONZO

35
SMITH COUNTY

36
KEY

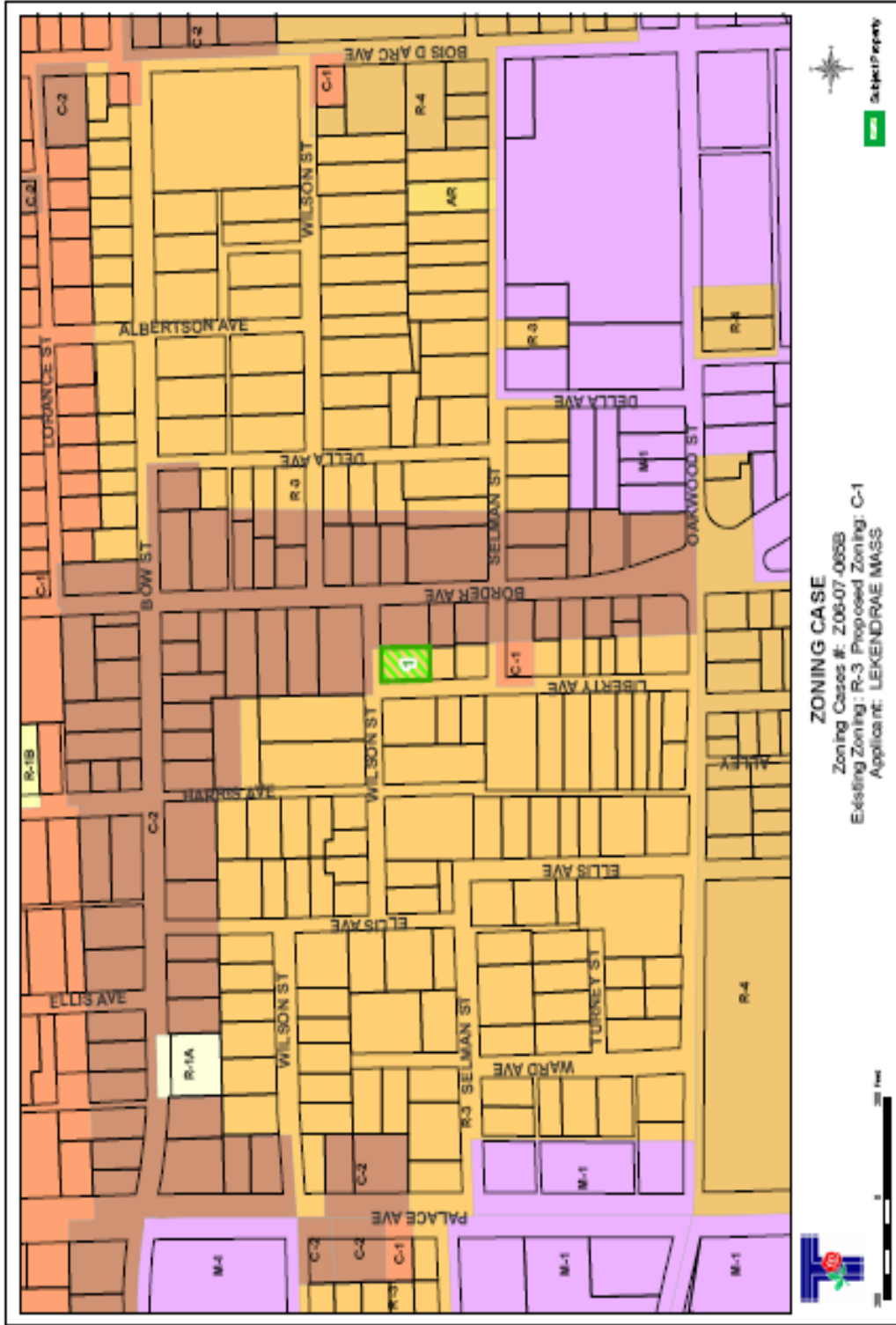
17
AVILA

20
MARTINEZ

HARRIS AVE

NCB 197

ELLIS AVE



ZONING CASE

Zoning Cases #: Z06-07-0659
 Existing Zoning: R-3 Proposed Zoning: C-1
 Applicant: LEKENDRAE MASS



Subject Property

ORDINANCE NO. O-2007-85

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 Z06-07-065B

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:

A portion of Lot 1 of NCB 97 of the City of Tyler Plat as recorded in Book 6609, Page 320 of the Deeds Record of Smith County, Texas, a portion of one lot totaling approximately 7,303 square feet located at the southeast intersection of Liberty Avenue and Wilson Street (612 Border Avenue), as shown in Exhibit "A".

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE 0-2007-85

