



CITY OF TYLER COUNCIL COMMUNICATION

Agenda Number: Z-1

Date: September 26, 2007

Subject: **APPLICATION Z09-07-090A TIM C. MADDOX**
Request that the City Council consider a request to change the zoning from “R-2” Two Family Residential District to “AR” Adaptive Reuse District on Lot 13 of NCB 174 of the Yarbrough Subdivision, one lot totaling approximately 0.44 acres located at the northeast corner of South Chilton Avenue and West Phillips Street (712 South Chilton Avenue).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change in order to use the property for either a home or office space.

Section 10-220, "AR" Adaptive Reuse District, is established to promote the effective adaptive reuse of structures in a particular area of the City of Tyler which are important to the city for reasons such as architectural design, historical significance, cultural, ethnic and ecological importance and are in danger of being eliminated through clearance and redevelopment and to provide for the adaptive reuse of older residential areas that are in transition from residential to other types of uses without destroying the residential character nor allowing a proliferation of strictly commercial uses. Permitted uses include single-family houses, antique shops, small offices, art galleries and museums, artist studios, florist shops, book stores, and barber or beauty shops. Bed and breakfast inns, cafes, coffee shops and tea rooms are allowed through the issuance of a Special Use Permit. The Height and Area regulations within the "AR" District are consistent with the regulations of the "R-1B" Single-Family Residential District.

Properties to the west are zoned “R-3” Multi-Family Residential District, and properties to the north and east are zoned “R-2” Two Family Residential District. Gary Elementary and an office also zoned “AR” Adaptive Reuse District are located south of the subject property and the Holt house is located to the east. The adjoining lands to the north, east, and west are primarily developed with multi-family and single-family homes.

According to the City of Tyler, Land Use Chart, a single-family residential home and an office is an allowed use in an “AR” Adaptive Reuse District. This zoning designation will allow the applicant the flexibility to have a residence but also be allowed to convert the property to a business at a later date if desired.

Agenda Number: Z-1

Page: 2 of 2

An on-site inspection of the property revealed an area located east of the existing driveway that would provide adequate space for additional parking. If the property were to be utilized as an office, the appropriate off-street parking will be required.

This request is consistent with the development pattern in the area and the rezoning of the property will be a continuation of the existing adaptive reuse zoning to the south.

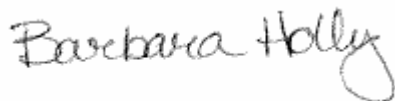
Of the 15 notices mailed, no notices was returned in favor and one notice (5.54 percent of the land area) was returned in opposition to the request citing concerns of an abundance of on-street parking in the area. Kim Maddox spoke on behalf of the application.

At the September 5, 2007, Historical Preservation Board monthly meeting, the board was informed of the application. There was a positive consensus to support the request.

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

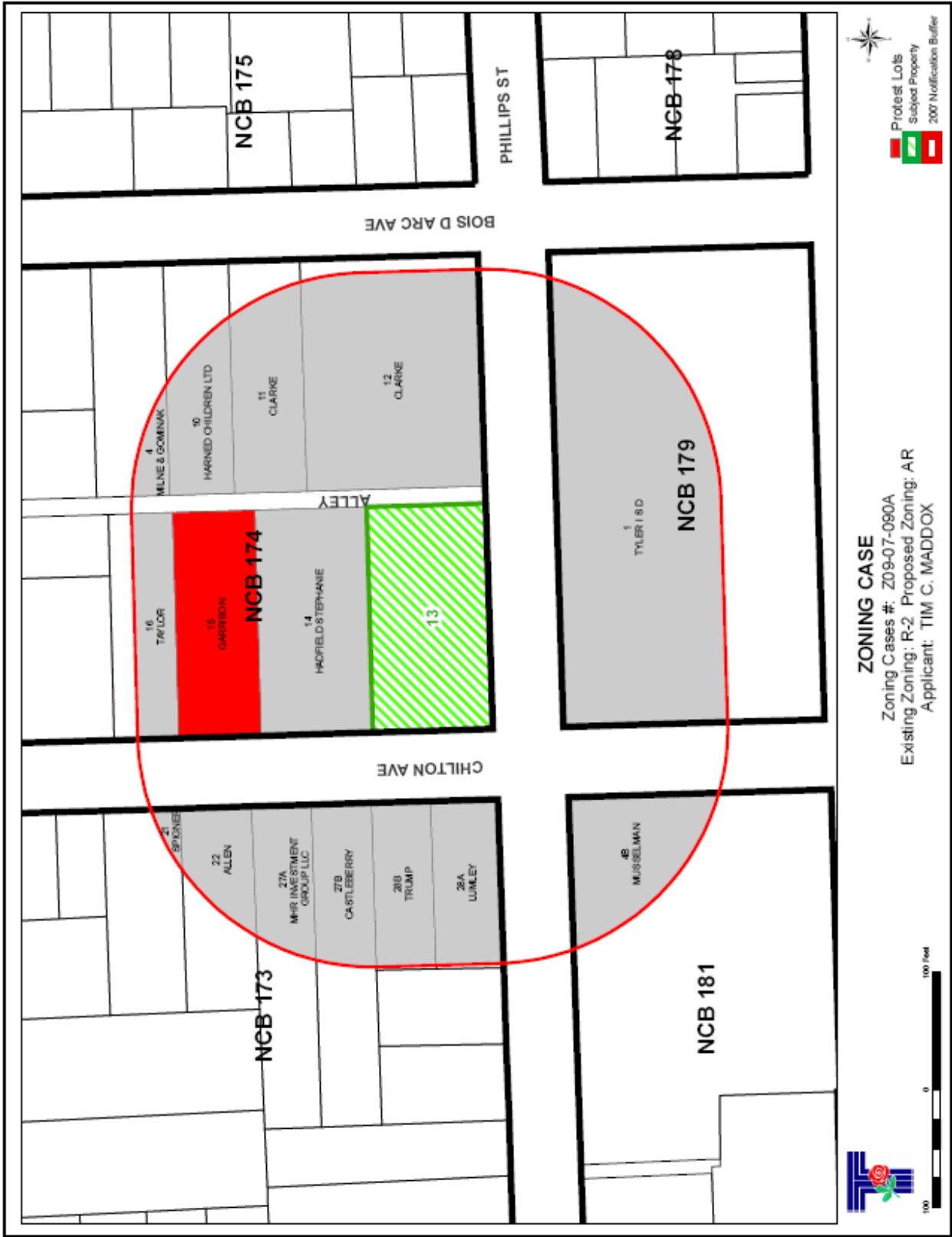
RECOMMENDATION:

The Planning Commission, by a 7-0 vote, recommends approval of the request to change the zoning from "R-2" Two Family Residential District to "AR" Adaptive Reuse District.



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

**Edited/Submitted By:
City Manager**



NCB 175

PHILLIPS ST

NCB-178

BOIS D ARC AVE

4
MILNE & DOMINAK
10
HARNED CHILDREN LTD
11
CLARKE
12
CLARKE

ALLEY

16
TAYLOR
15
GARRISON
NCB 174
14
PROFIELD STEPHANIE
13

NCB 179

1
TYLER ISD

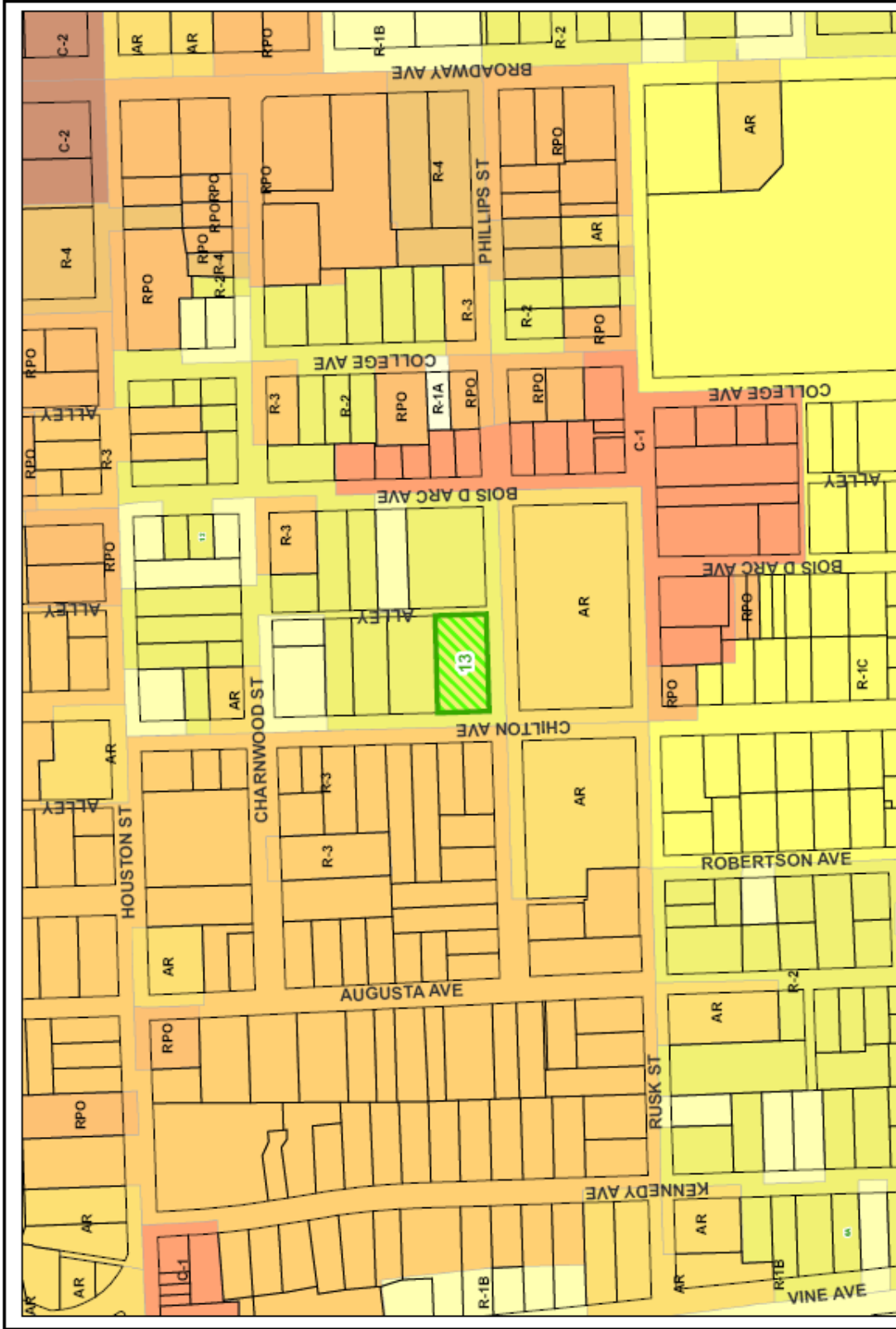
CHILTON AVE

21
SPENCER
22
ALLEN
27A
MFR INVESTMENT GROUP LLC
27B
CASTLEBERRY
28B
TRUMP
28A
LUMLEY

NCB 173

4B
MUSSELMAN

NCB 181



Subject Property

ZONING CASE

Zoning Cases #: Z09-07-090A
 Existing Zoning: R-2 Proposed Zoning: AR
 Applicant: TIM C. MADDOX



ORDINANCE NO. O-2007-104

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 Z09-07-090A

That the following described property, which has heretofore been zoned "R-2" Two Family Residential District, shall hereafter bear the zoning classification of "AR" Adaptive Reuse District to-wit:

Lot 13 of NCB 174 of the Yarbrough Subdivision, one lot totaling approximately 0.44 acres located at the northeast corner of South Chilton Avenue and West Phillips Street (712 South Chilton 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 26th day of September, 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