



**CITY OF TYLER
COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: September 26, 2007

Subject: APPLICATION Z09-07-091A SANTOS GARCIA
Request that the City Council consider a request to change the zoning from "M-1" Light Industrial District to "RPO" Restricted Professional Office District on Lot 17B of NCB 62 of the City of Tyler Subdivision as recorded in Book 7813, Page 265 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.21 acres located one lot east of the northeast intersection of East Line Street and North Beckham Avenue, on the north side of East Line Street (618 East Line Street).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change for an accounting office.

Section 10-222, "RPO" Restricted Professional and Office District, is intended to permit the use and grouping of small professional offices and related facilities with limited non-residential use in areas near or adjoining residential districts without introducing non-related commercial uses. Uses permitted within this district include clinics or offices, personal service facilities, i.e., barber and beauty shops, small antique shops and other uses of similar character. The Height and Area regulations within the "RPO" District are consistent with the regulations of the "R-1B" Single-Family Residential District which states maximum allowable building height is two and one-half stories or 42 feet in height. Setback requirements are 25 feet in the front and rear and six feet on the side. Minimum lot size is 7,000 square feet.

The adjacent properties to the north, east, south and west are currently zoned "M-1" Light Industrial District. Presently, there are single family homes to the north and east of the subject property. To the south of the subject property is a gasoline station and to the west is a tire shop.

The Future Land Use Map designates this site as Commercial. However, upon inspection of the property, it appears that the area to the east is developed mostly as single family residential. This request will have a positive impact on the area and will create a buffer between the intense uses along Beckham and the single family uses along Line Street.

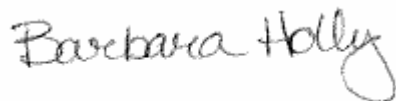
Of the 24 notices mailed, no notices were returned in favor of or in opposition to the request.

Agenda Number: Z-2

Page: 2 of 2

RECOMMENDATION:

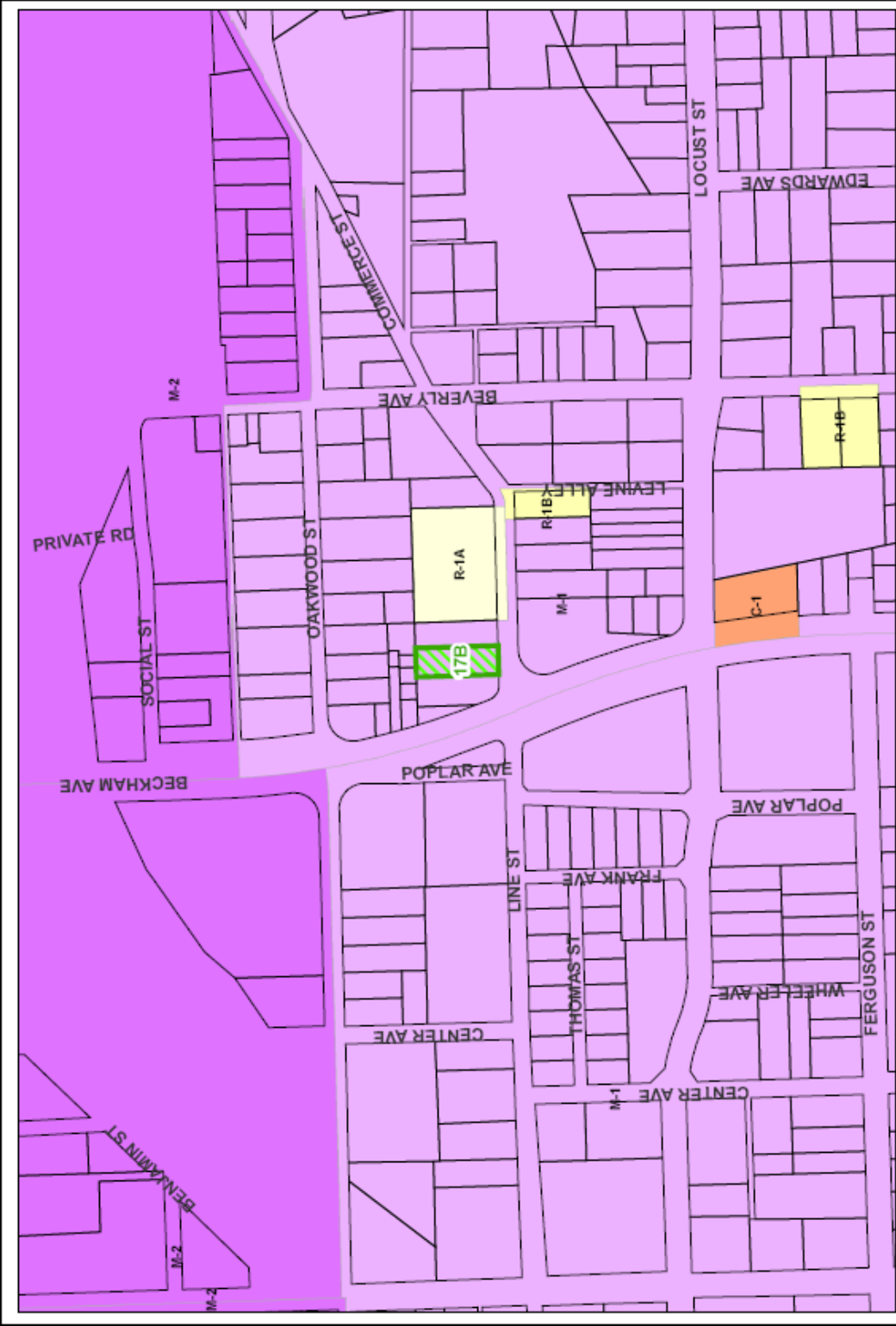
The Planning Commission, by a 7-0 vote, recommends approval of the request to change the zoning from “M-1” Light Industrial District to “RPO” Restricted Professional and Office District.

A handwritten signature in cursive script that reads "Barbara Holly". The signature is written in black ink on a white background.

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager





Subject Property

ZONING CASE

Zoning Cases #: Z09-07-091A
 Existing Zoning: M-1 Proposed Zoning: RPO
 Applicant: SANTOS GARCIA



**CITY OF TYLER
COUNCIL COMMUNICATION**



Agenda Number: Z-3

Date: September 26, 2007

Subject: APPLICATION S09-07-094A CAMELA AND SHAUNDRICK WILLIAMS

Request that the City Council consider a request for a Special Use Permit on Lot 11 of NCB 868 of the Green Acres Subdivision, one lot totaling approximately 0.412 acres located at the northwest intersection of South Cameron Avenue and Henson Avenue (2601 South Cameron). The property is currently zoned “R-1A” Single-Family Residential District.

Page: 1 of 2

Item Reference:

The applicant is requesting a Special Use Permit to allow for a one chair beauty salon for a period of one year.

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.

All adjacent properties are zoned “R-1A” Single-Family Residential District. The adjoining lands are primarily developed with single-family homes to the west and Green Acres Church facilities and parking areas to the south and east.

Staff states that the applicant meets the minimum off-street parking requirement. 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.

On September 4, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the seven notices mailed, one notice was returned in favor of the application and no notices were returned in opposition to the request. Camela Williams spoke on behalf of the application.

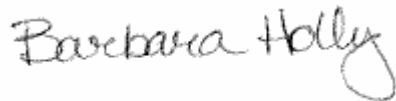
Agenda Number: Z-3

Page: 2 of 2

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

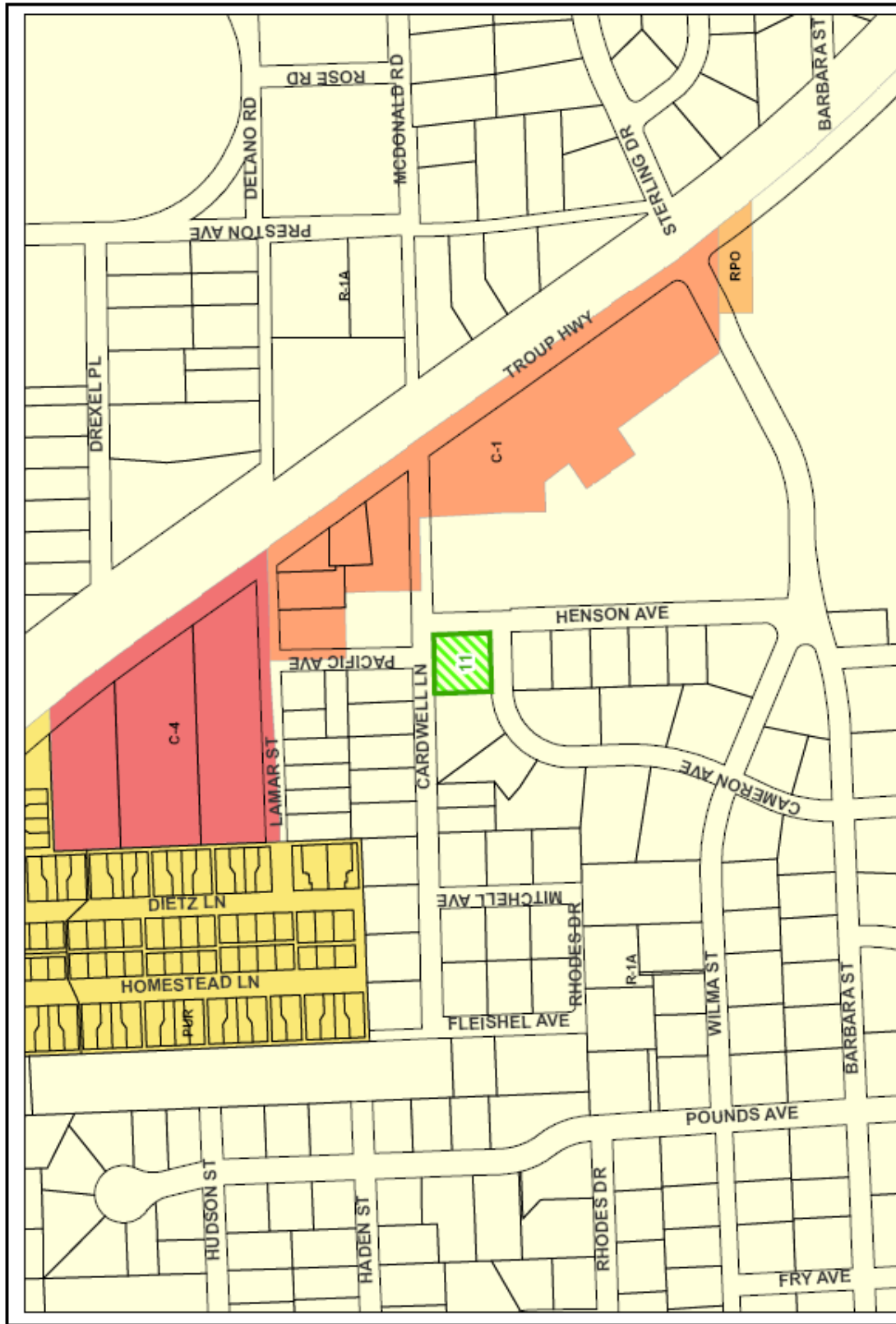
RECOMMENDATION:

The Planning Commission, by a vote of 7-0, 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". The signature is written in black ink on a light-colored background.

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



300 0 200' scale bar

ZONING CASE
 Zoning Cases #: S09-07-094A
 SUP FOR ONE CHAIR BEAUTY SALON
 Applicant: CAMELA WILLIAMS



Subject Property

**CITY OF TYLER
COUNCIL COMMUNICATION**



Agenda Number: Z-4

Date: September 26, 2007

Subject: **APPLICATION S09-07-095A DELEK REFINERY**
Request that the City Council consider a request for a Special Use Permit on Lots 28D, NCB675 of the City of Tyler Subdivision located at the southeast intersection of East Commerce Street and McMurrey Drive (425 McMurrey Drive). The property is currently zoned “M-1” Light Industrial District and “C-2” General Commercial District.

Page: 1 of 2

Item Reference:

The applicant is requesting a Special Use Permit to allow for a trailer to be used for temporary offices for up to one year.

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 are zoned “M-2” General Industrial District, to the west are zoned “R-2” Two Family Residential District, to the south are zoned “M-1” Light Industrial District, and to the east are zoned “R-1B” Single Family District.

This is a request for a Special Use Permit for a period of up to one year to allow for a temporary building to be used as additional office space while the refinery undergoes remodeling. The building will need to be located at the northeastern portion of the site, out of the flood plain and the flood way. Staff does not foresee any issues with allowing the placement of the building at this location.

Of the 26 notices mailed, no notices were returned in favor of or in opposition to the application.

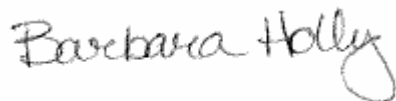
All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed change.

Agenda Number: Z-4

Page: 2 of 2

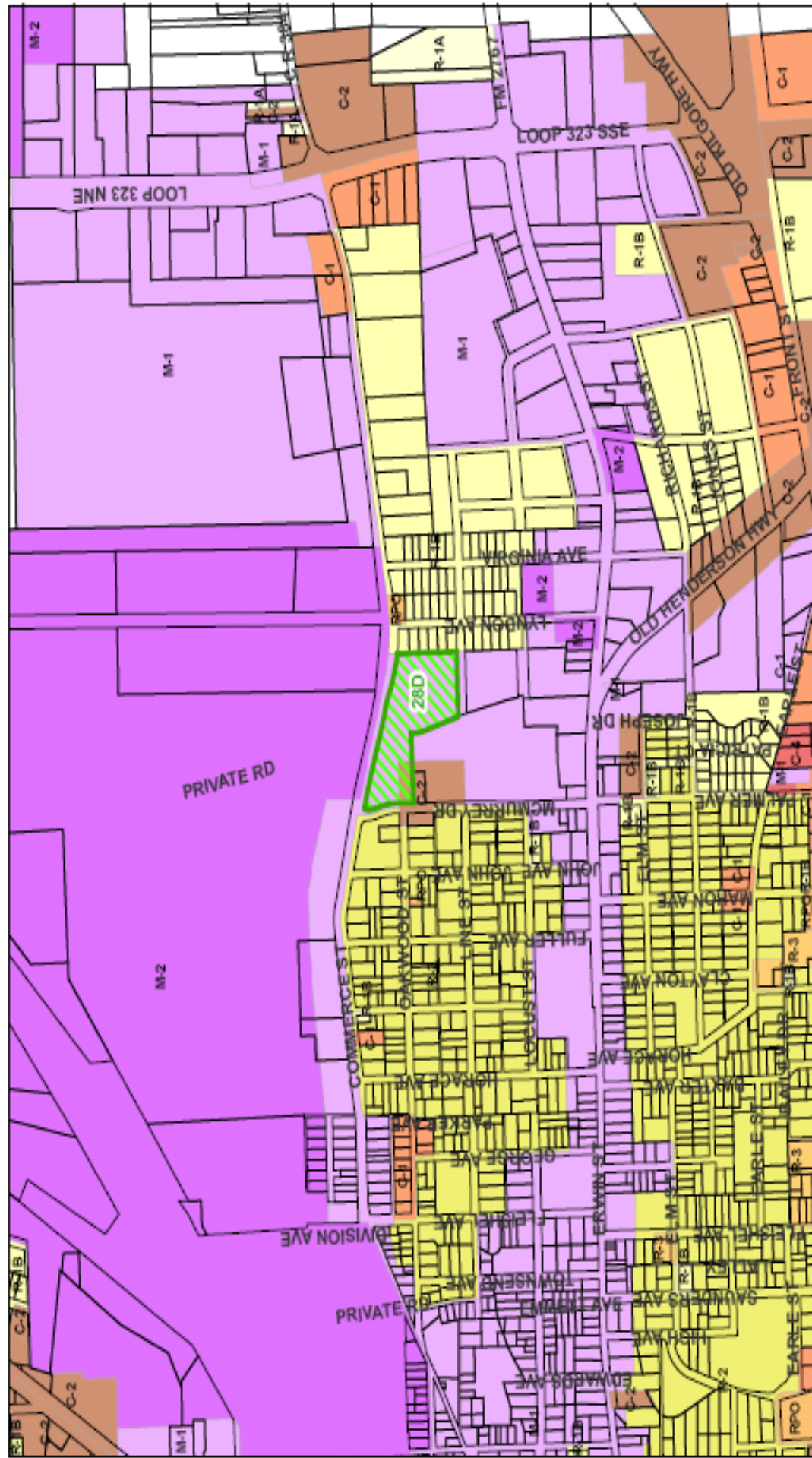
RECOMMENDATION:

The Planning Commission, by a vote of 7-0, 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". The signature is written in black ink and is positioned above the typed name.

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



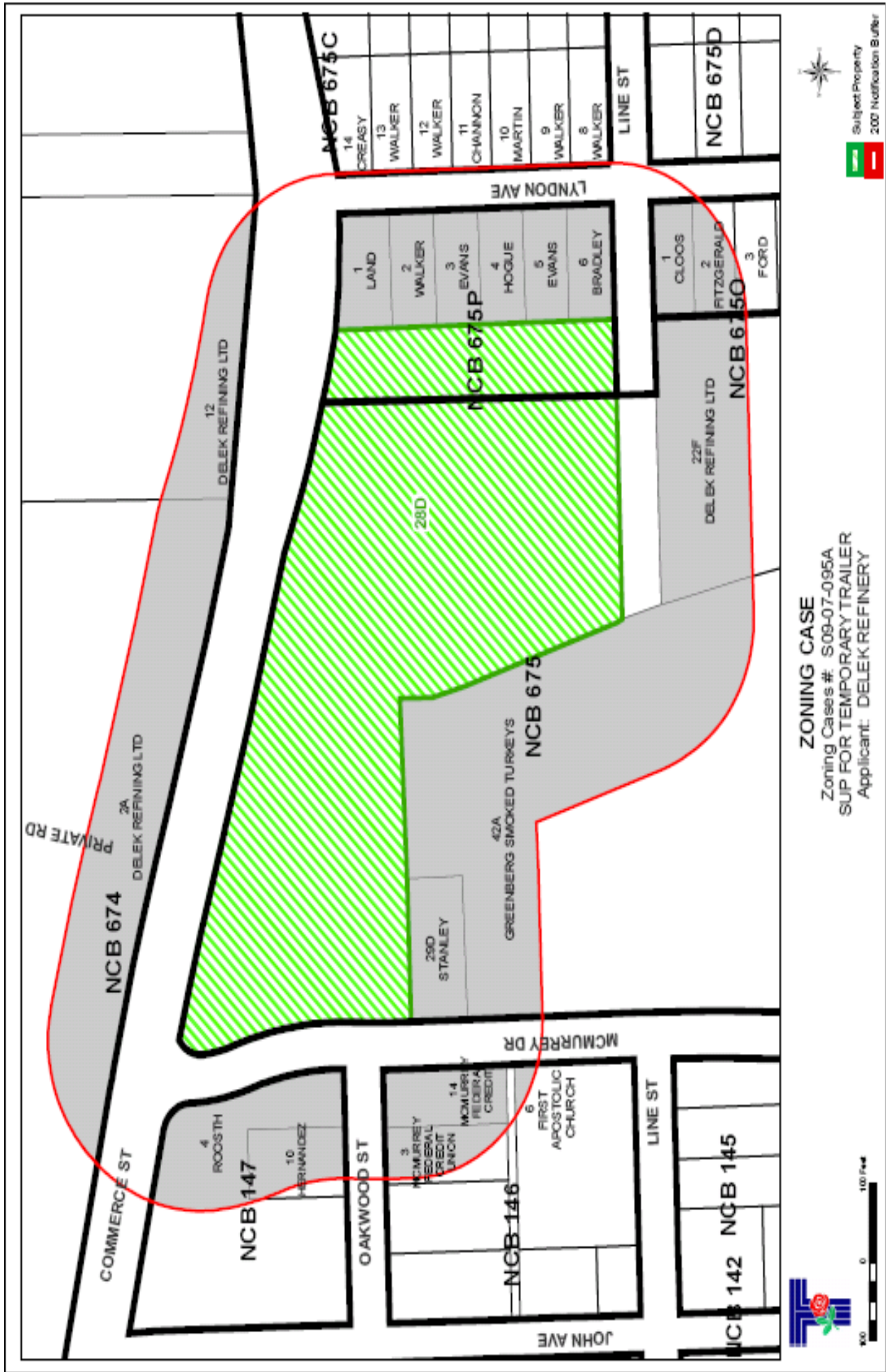
0 500 Feet

ZONING CASE

Zoning Cases #: S09-07-095A
 SUP FOR TEMPORARY TRAILER
 Applicant: DELEK REFINERY



Subject Property



PRIVATE RD
 NCB 674
 2A
 DELEK REFINING LTD

COMMERCE ST
 4
 ROOSTH
 NCB 147
 10
 HERNANDEZ

OAKWOOD ST
 3
 MCMURRY FEDERAL CREDIT UNION
 14
 MCMURRY FEDERAL CREDIT UNION
 6
 FIRST APOSTOLIC CHURCH
 NCB 146
 LINE ST

NCB 142
 NCB 145

28D
 42A
 GREENBERG SMOKED TURKEYS
 NCB 675
 290
 STANLEY

1
 LAND
 2
 WALKER
 3
 EVANS
 NCB 675P
 4
 HOGUE
 5
 EVANS
 6
 BRADLEY

DELEK REFINING LTD
 NCB 6750
 1
 CLOOS
 2
 FITZGERALD
 3
 FORD

NCB 675C
 14
 CREASY
 13
 WALKER
 12
 WALKER
 11
 CHANNON
 10
 MARTIN
 9
 WALKER
 8
 WALKER
 LINE ST

NCB 675D



ORDINANCE NO. O-2007-105

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 and special uses are hereby approved as follows:

I. APPLICATION Z09-07-091A

That the following described property, which has heretofore been zoned “M-1” Light Industrial District, shall hereafter bear the zoning classification of “RPO” Restricted Professional and Office District to-wit:

Lot 17B, NCB 62 of the City of Tyler Subdivision as recorded in Book 7813, Page 265 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.21 acres located one lot east of the northeast intersection of East Line Street and North Beckham Avenue, on the north side of East Line Street (618 East Line Street).

II. APPLICATION S09-07-094A

That the following described property, which is currently zoned “R-1A”, shall hereafter be used under a new special use permit to allow for a one-chair beauty salon, to wit:

Lot 11 of NCB 868 of the Green Acres Subdivision, one lot totaling approximately 0.412 acres located at the northwest intersection of South Cameron Avenue and Henson Avenue (2601 South Cameron),

for a period of one year.

III. APPLICATION S09-07-095A

That the following described property, which is currently zoned “M-1” and “C-2”, shall hereafter be used under a new special use permit to allow a trailer for offices, to wit:

Lot 28D of NCB 675 of the City of Tyler Subdivision, located at the southeast intersection of East Commerce Street and McMurrey Drive (425 McMurrey),

for a period of one year.

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