



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: June 19, 2007

Subject: **APPLICATION Z05-07-044B LUIS LICERO**
Request that the City Council consider a request to change the zoning from “R-3” Multi-Family Residential District and “C-1” Light Commercial District to “R-1B” Single-Family Residential District on Lots 18 and 19 of NCB 201 of the City of Tyler Subdivision as recorded in Book 6031, Page 225 of the deed records of Smith County, two lots totaling approximately 0.17 acres located at the northwest corner of the intersection of N. Bois d’Arc Ave. and W. Bow Street, on the west side of N. Bois d’Arc (305 W. Bow Street and 806 N. Bois d’ Arc Avenue).

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Item Reference:

The applicant is requesting a zoning change in order to build a single family home.

Section 10-210, "R-1B" Single-Family Residential District, allows for the development of single family residential units, churches, public schools, and accessory buildings and uses which are incidental to the above uses, but not involved in the conduct of business. 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 6,000 square feet.

Adjacent properties to the north and east are zoned “C-1” Light Commercial District and “C-2” General Commercial District, properties to the south and west are zoned “R-3” Multi-Family Residential District; yet most of the actual structures are a mixture of multi-family and single family homes as well as church facilities.

The Future Land Use Map designates this site as Mixed Use Residential and the request for “R-1B” Single Family Residential District is consistent with that land use designation. The continuing development of single-family structures will only enhance the beautification and reinvestment of the area. Because this is a downzoning request and is consistent with the recommended future land use map, this will positively impact the surrounding properties.

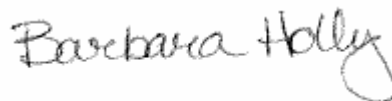
On May 15, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 21 notices mailed, two notices were returned in favor and one notice was returned in opposition to the application. The total calculated protest is 3.85 percent. Medano Quintanilla appeared on behalf of the applicant.

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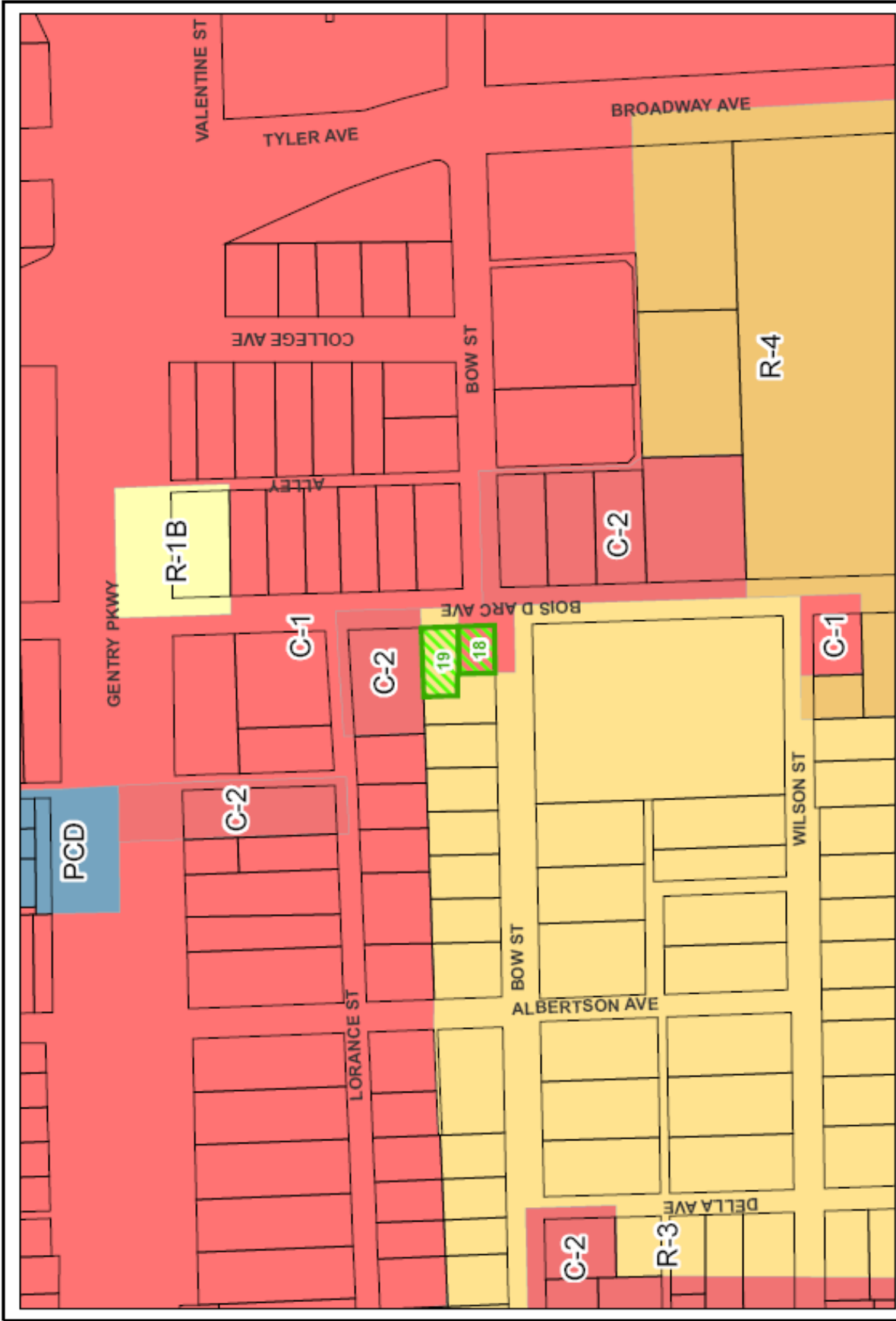
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “R-3” Multi-Family Residential District and “C-1” Light Commercial District to “R-1B” Single-Family Residential District.

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

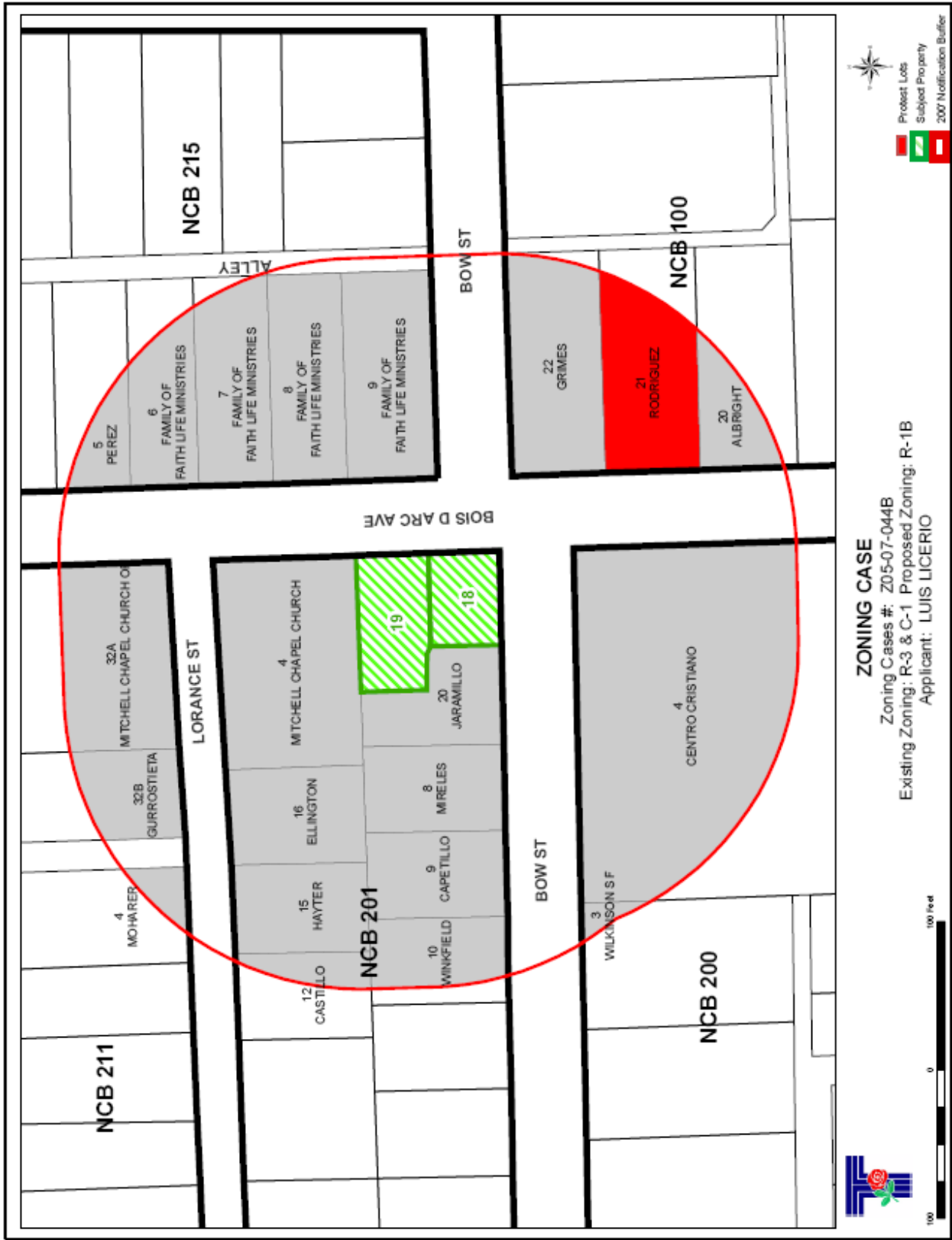
Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager



ZONING CASE
 Zoning Cases #: Z05-07-044B
 Existing Zoning: R-3 & C-1 Proposed Zoning: R-1B
 Applicant: LUIS LICERIO





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 Existing Zoning: R-3 & C-1 Proposed Zoning: R-1B
 Applicant: LUIS LICERIO





**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: June 19, 2007

Subject: APPLICATION S05-07-048B RAYMOND PENDLEY
Request that the City Council consider a request for a Special Use Permit to allow for a one-table massage studio in an existing building located behind the residence for a period of one year on Lot 6 of NCB 954 of the Tanglewood Addition, Unit 2, as recorded in Volume 2, Page 231 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.34 acres located four lots east of the northeast intersection of Loop 323 SSE and Tanglewood Drive, on the north side of Tanglewood Drive (2726 Tanglewood Drive).

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Item Reference:

Section 10-245, "Special Use Regulations", states that the governing body may, by ordinance, grant a special permit for special uses which 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.

This request is in a single family area with all adjacent properties zoned "R-1A" Single-Family Residential District. The applicant's daughter is a licensed massage therapist who is requesting permission to locate her business in her father's house where she also resides. The room is attached to the main house through the roof, but is accessed separately through the garage. It is her intent to limit her business to medical and word of mouth referrals only, and to restrict her business hours to 8 AM to 7 PM, with the last client booking no later than 6 PM.

The property has sufficient parking to meet the proposed use. 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-table massage studio. The applicant has also furnished a copy of their Massage Therapist license.

There has been significant neighborhood opposition to this request, so the applicant scheduled a neighborhood meeting for Thursday, May 10, 2007, that staff attended. The applicant hand delivered letters to the neighbors inviting them to the meeting. The neighborhood meeting was attended by the owner, Mr. Pendley, his daughter (and licensed therapist) Linda Pendley, with staff. No neighbors attended.

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Of the 20 notices mailed, two letters were returned in favor of the application and nine notices were returned in opposition to the request, equaling 42.51 percent protest. The concerns centered on commercialization of the neighborhood, increased traffic, and concern over the type of business. Three letters were received from outside the protest area. A favorable vote of at least three-fourths of the City Council will be required for approval.

On May 15, 2007, the Planning and Zoning Commission held a public hearing on this request. No neighbors were present to speak in favor of or in opposition to the request. Linda Pendley spoke on behalf of her application. She addressed concerns over the number of clients and any potential modifications to the front of the home. She stated that no modifications would be made to the front exterior. She clarified that her profession is a healing profession and has no connection to earlier, less savory businesses cloaking themselves as massage parlors.

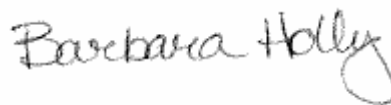
At the Commission meeting, the applicant offered the following conditions to be included with the permit:

- Hours of operation shall be 8:00am to 7:00pm;
- Studio will be opened Monday through Friday only; and
- No signage for the business.

Although not specifically included in the Planning Commission's motion, these are further neighborhood protections that, if included in the Council's motion, are enforceable by the City.

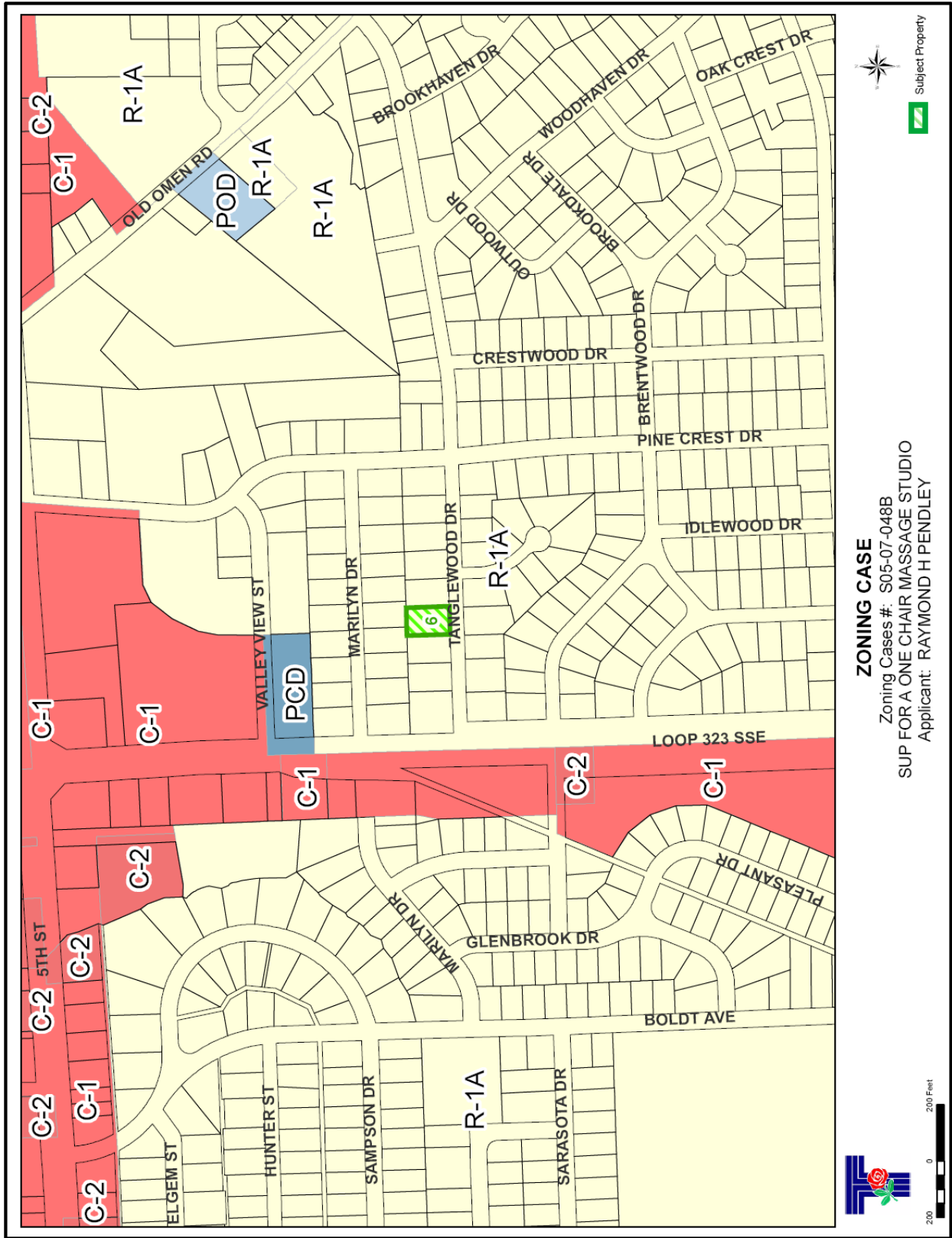
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-1, recommends approval of the request for a Special Use Permit for a period of one year to allow for a one-table massage studio. Staff recommends that the above conditions be included when considering a favorable vote.



Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager

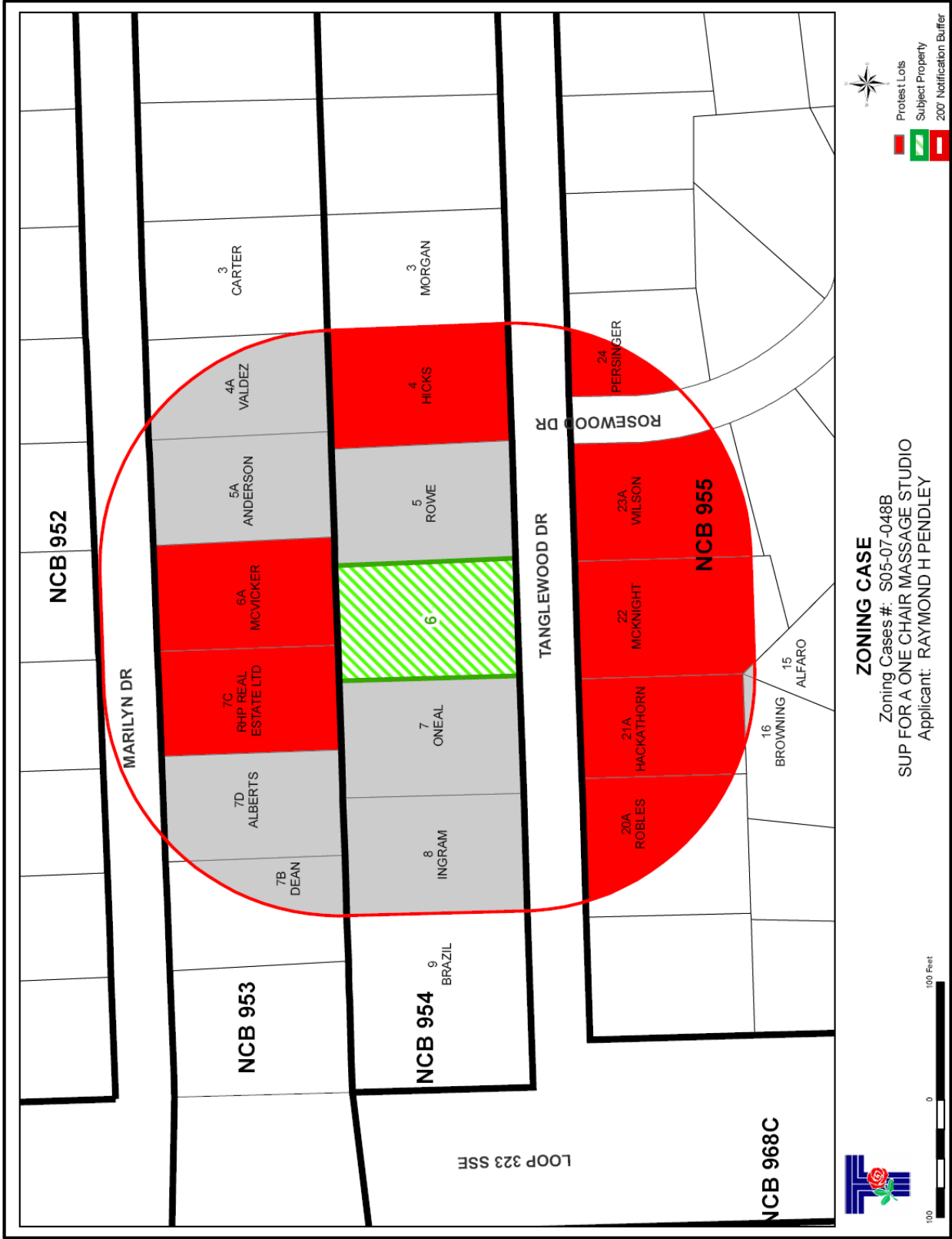


200 0 200 Feet

ZONING CASE
 Zoning Cases #: S05-07-048B
 SUP FOR A ONE CHAIR MASSAGE STUDIO
 Applicant: RAYMOND H PENDLEY



Subject Property



Protest Lots
Subject Property
200' Notification Buffer

ZONING CASE
Zoning Cases #: S05-07-048B
SUP FOR A ONE CHAIR MESSAGE STUDIO
Applicant: RAYMOND H PENDLEY



ORDINANCE NO. O-2007-66

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 are hereby approved as follows:

I. APPLICATION Z05-07-044B

That the following described property, which has heretofore been zoned “R-3” Multi-Family Residential District and “C-1” Light Commercial, shall hereafter bear the zoning classification of “R-1B” Single-Family Residential District to-wit:

Lots 18 and 19 of NCB 201 of the City of Tyler Subdivision as recorded in Book 6031, Page 225 of the D.R.S.C.T., two lots totaling approximately 0.17 acres located at the northwest corner of the intersection of N. Bois d’Arc Ave. and W. Bow Street, on the west side of N. Bois d’Arc Avenue (305 W. Bow Street and 806 N. Bois d’ Arc Avenue).

II. APPLICATION S05-07-048B

That the following described property, which is currently zoned “R-1B”, shall hereafter be used under a new special use permit to allow for a one-table massage studio in an existing building located behind the residence, to wit:

Lot 6 of NCB 954 of the Tanglewood Addition, one lot totaling approximately 0.34 acres located four lots east of the northeast intersection of Loop 323 SSE and Tanglewood Drive, on the north side of Tanglewood Drive (2726 Tanglewood Drive),

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 19th day of June, 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