



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: June 19, 2007

Subject: **APPLICATION Z06-07-051A JOHN AND ELLEN MUSSELMAN**
Request that the City Council consider a request to change the zoning from “RPO” Restricted Professional Office District to “AR” Adaptive Re-Use District on Lot 24 of NCB 168 of the Charnwood Addition as recorded in Book 4745, Page 115 of the Deed Records of Smith County, Texas, one lot totaling 0.114 acres located one lot east of the intersection of South Broadway Avenue and East Charnwood Street on the north side of Charnwood Street (110 E. Charnwood Street).

Page: 1 of 2

Item Reference:

The applicants are requesting a zoning change in order to provide additional property that accommodates both housing and restricted business uses in the same structure.

Section 10-220, "A-R" Adaptive Re-Use District, allows as permitted uses single-family residential, professional office, retail shops, personal services, churches, and public facilities. The maximum building height allowed within this district 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 and west are zoned “RPO” Restricted Professional Office District and the properties to the south are zoned “R-2” Two-Family Residential District. This property is located in the Charnwood Historic District. The Historic Preservation Board has been informed of this application and has a positive consensus.

The applicant has been approached by several professionals about renting the property and wanting to use the existing structure as both a residence and an office. The single family residence was built in the 1930’s and has complete living facilities on the second floor as well as a full kitchen on the first floor. Because this structure has been used for professional office in the past, the parking requirement has been met.

This property is surrounded by existing business uses and just to the north at the southeast corner of Broadway and Houston Street, three lots are zoned “AR”. Staff feels that the requested rezoning of this property will bolster the mixed use residential character of the district. The Future Land Use Map designates the area for Mixed Use Residential

On June 5, 2007, the Planning and Zoning Commission held a public hearing on this request. John Musselman, the property owner, was present to answer questions. Of the 13 notices mailed, one notice was returned in favor of the application and no notices were returned in opposition to the request.

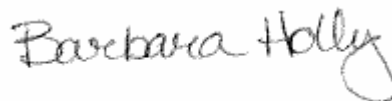
Agenda Number: Z-5

Page: 2 of 2

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

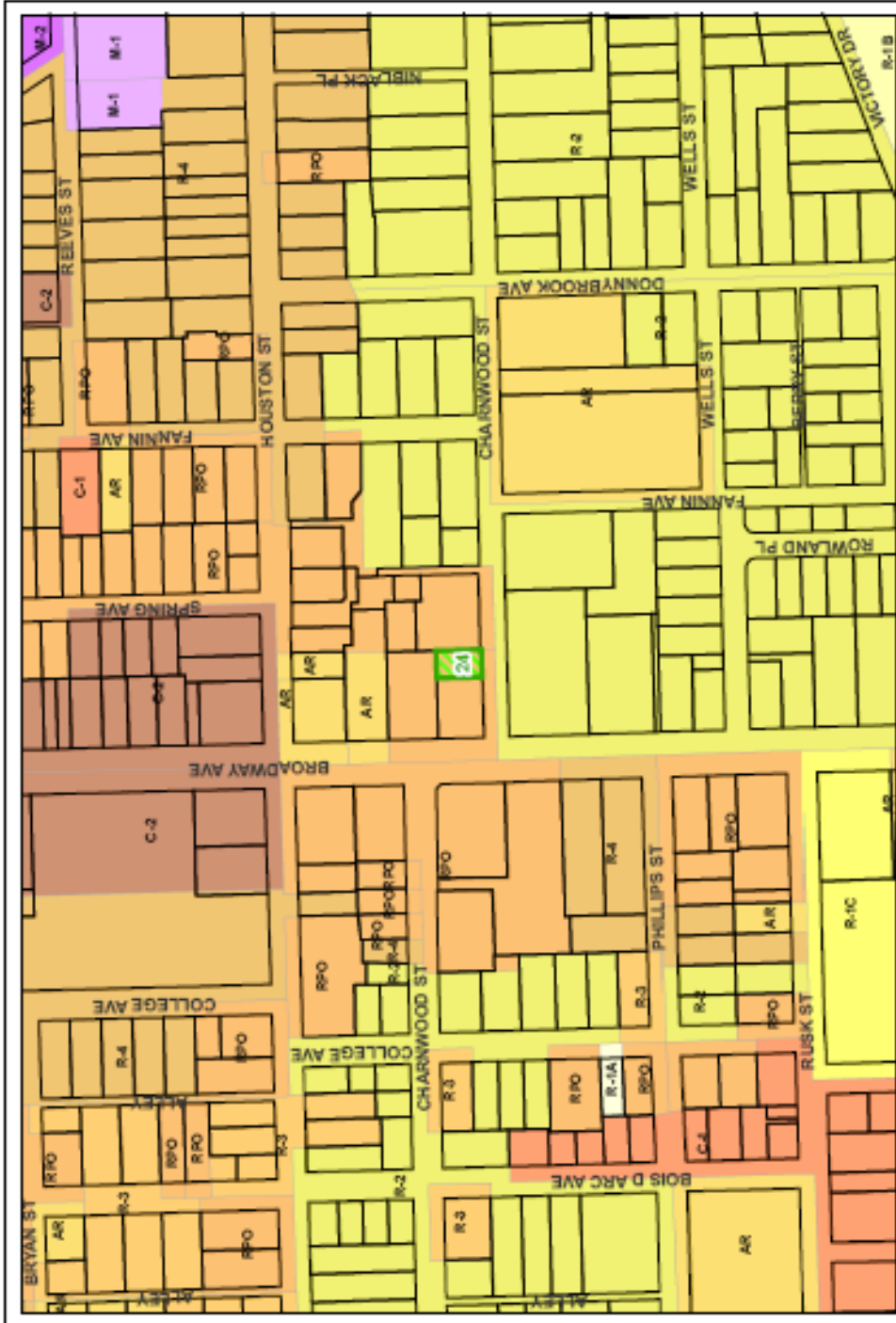
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “RPO” Restricted Professional Office District to “AR” Adaptive Re-Use District.

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

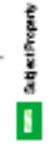
Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager

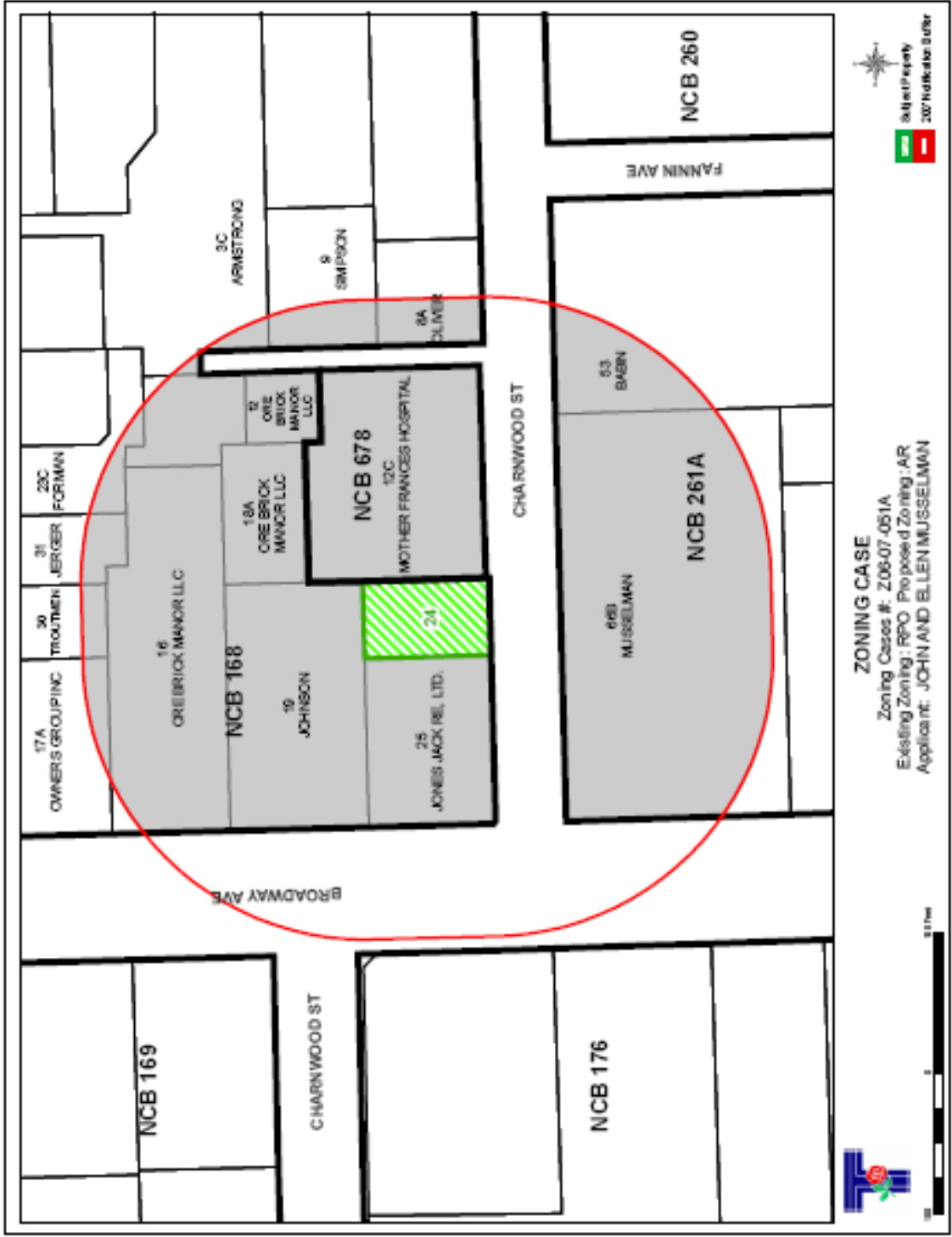


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ZONING CASE
 Zoning Cases #: Z08-07-051A
 Existing Zoning: RPO Proposed Zoning: AR
 Applicant: JOHN AND ELLEN MUSSELMAN



Subject Property



ZONING CASE
 Zoning Cases #: Z06-07-051A
 Existing Zoning: RPO Proposed Zoning: AR
 Applicant: JOHN AND ELLEN MUSSELMAN



Subject Only
 207 York Street Suite 500

ORDINANCE NO. O-2007-69

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 Z06-07-051A

That the following described property, which has heretofore been zoned "RPO" Restricted Professional Office District, shall hereafter bear the zoning classification of "A-R" Adaptive Re-Use District to-wit:

Lot 24 of NCB 168 of the Charnwood Addition as recorded in Book 4745, Page 115 of the D.R.S.C.T., one lot totaling approximately 0.114 acres located one lot east of the intersection of S. Broadway Ave. and E. Charnwood Street, on the north side of Charnwood St. (110 E. Charnwood St.).

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