



**CITY OF TYLER
COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: January 23, 2008

Subject: **APPLICATION Z11-07-006B CALVARY BAPTIST CHURCH**
Request that the City Council consider a request to change the zoning from “AG” Agricultural District to “RPO” Restricted Professional Office District on a portion of Lot 1 of NCB 1554A as recorded in Cabinet D, Page 8A of the Plat Records of Smith County, Texas, a portion of the lot totaling approximately 2.46 acres of land located approximately 650 feet north of the northeast intersection of Hollywest Drive and Old Jacksonville Highway (6704 Old Jacksonville Highway).

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Item Reference:

The applicant is requesting a zoning change in order to develop the property for office use.

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 such as 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.

Adjacent properties to the south are zoned “R-1B” Single Family Residential District, properties to the east are zoned “AG” Agricultural District, properties to the west are zoned “R-1B” Single Family Residential District, and property to the north is zoned “AG” Agricultural District and “C-1” Light Commercial District. Presently, however, the Calvary Baptist Church is located to the north, vacant land to the east, and a bank is being constructed within a mixed-use development to the west of the subject property.

The applicant held a neighborhood meeting on December 13, 2007. The applicant, planning staff, and two neighbors were in attendance. The applicant presented the development plan and addressed neighbor concerns related to drainage, lighting, screening, and easement maintenance.

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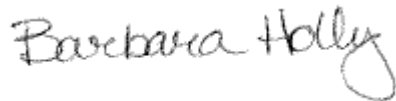
The area exhibits changed conditions that would support the request to rezone to “RPO” Restricted Professional Office District. The purpose of the “RPO” Restricted Professional Office District is to prohibit the proliferation of strictly commercial uses in areas abutting arterial streets such as Old Jacksonville Highway, which are, because of location and development trends, suitable for office development. This request is consistent with the development pattern in the area which is mixed-use. If approved, this would establish an office land use.

On December 18, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 12 notices mailed, one notice was returned in favor and seven notices were returned in opposition to the request. Of the protesters, one was within the official 200 foot notification boundary, comprising a 3.65% protest. Bob Breedlove, Brian Clark, and Don Carroll appeared on behalf of the application. No one spoke in opposition to the request.

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

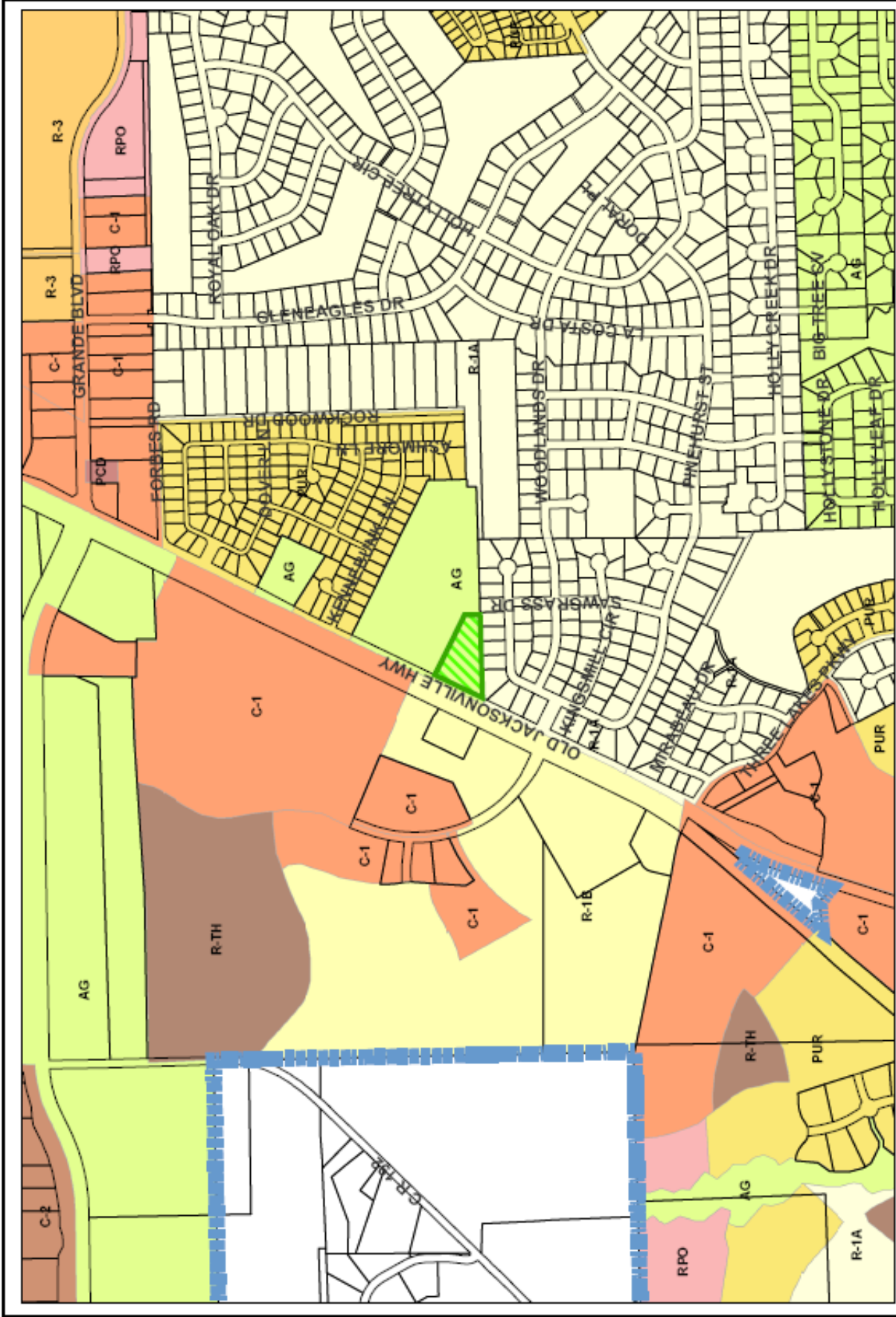
RECOMMENDATION:

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



Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



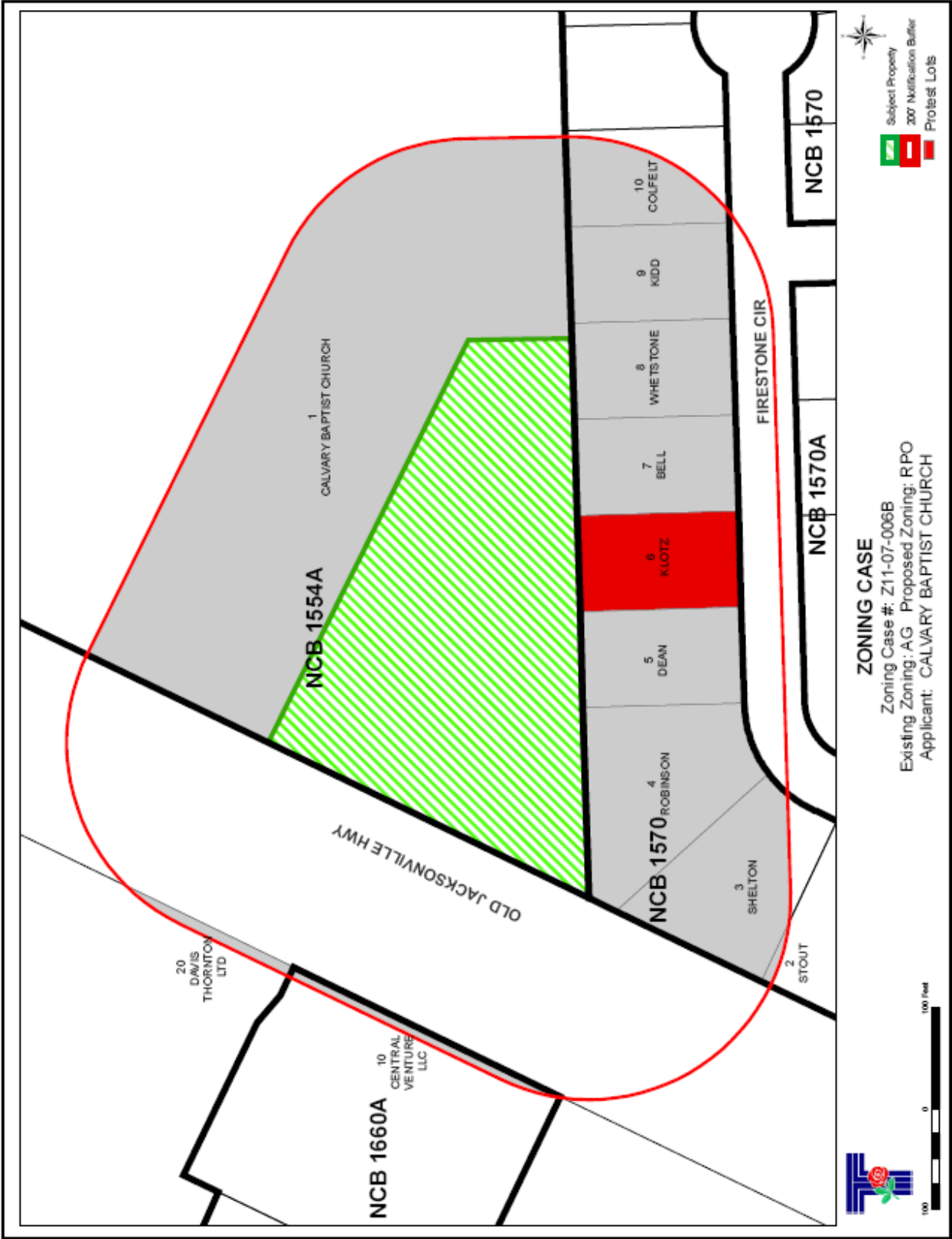
500 0 500 Feet

ZONING CASE

Zoning Case #: Z11-07-006B
 Existing Zoning: AG Proposed Zoning: RPO
 Applicant: CALVARY BAPTIST CHURCH



Subject Property



ORDINANCE NO. O-2008-14

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 Z11-07-006B

That the following described property, which has heretofore been zoned "AG" Agricultural District, shall hereafter bear the zoning classification of "RPO" Restricted Professional Office District, to-wit:

A portion of Lot 1 of NCB 1554A as recorded in Cabinet D, Page 8A of the Plat Records of Smith County, Texas, approximately 2.46 acres of land located approximately 650 feet north of the northeast intersection of Hollywest Drive and Old Jacksonville Highway (6704 Old Jacksonville Highway), and 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 23rd day of January, A.D., 2008.

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 0-2008-14

