



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: January 23, 2008

Subject: **APPLICATION Z12-07-014A DOLLIE DOWELL**
Request that the City Council consider a request to change the zoning from “R-1A” Single Family Residential District to “AR” Adaptive Reuse District on Lot 5 of NCB 1013M of the Robert E. Lee Subdivision as recorded in Volume 5, Page 118 of the Deed Records of Smith County, Texas., one lot totaling approximately 10,228 square feet located four lots east of the northeast intersection of Broadway Avenue and Barbee Drive (136 Barbee Drive).

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Item Reference:

The applicant is requesting a zoning change to provide professional office development in the area.

The original application asked that the property be zoned “RPO” Restricted Professional Office District. At the December 4, 2007 Planning and Zoning Commission Meeting, the Commission indicated that they could support “AR Adaptive Reuse District”, the applicant agreed and has amended her petition to reflect a request of AR.

Section 10-220, “AR” Adaptive Reuse District, is established to promote the effective adaptive reuse of residential and other structures, located primarily in the city’s older residential areas that are in transition from residential to other types of use, without destroying the essential residential character of the area, nor allowing a proliferation of heavier commercial uses to infiltrate the area. “AR” district zoning seeks to preserve the residential character of an area but allow uses other than residential.

All adjacent properties are zoned “R-1A” Single Family Residential District. The property located to the east is owned by the City of Tyler and is vacant.

The Future Land Use Guide indicates this area to be low density residential. The original requested zone change to “RPO” would not have conformed to the adjacent single family uses. Therefore, this would not have acted as a transitional zoning designation but as an intrusion into the neighborhood.

The recommended zone change of “AR” would conform to the adjacent single family uses. Therefore, this would not act as intrusion into the neighborhood.

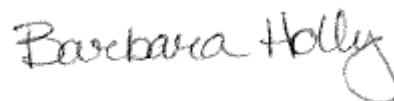
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On December 4, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the five notices mailed, one notice was returned in favor of and one letter was returned in opposition to the request. The letter of opposition was received from a neighbor outside of the 200 foot notification area and is not included in the protest calculation.

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “R-1A” Single Family Residential District to “AR” Adaptive Reuse District.

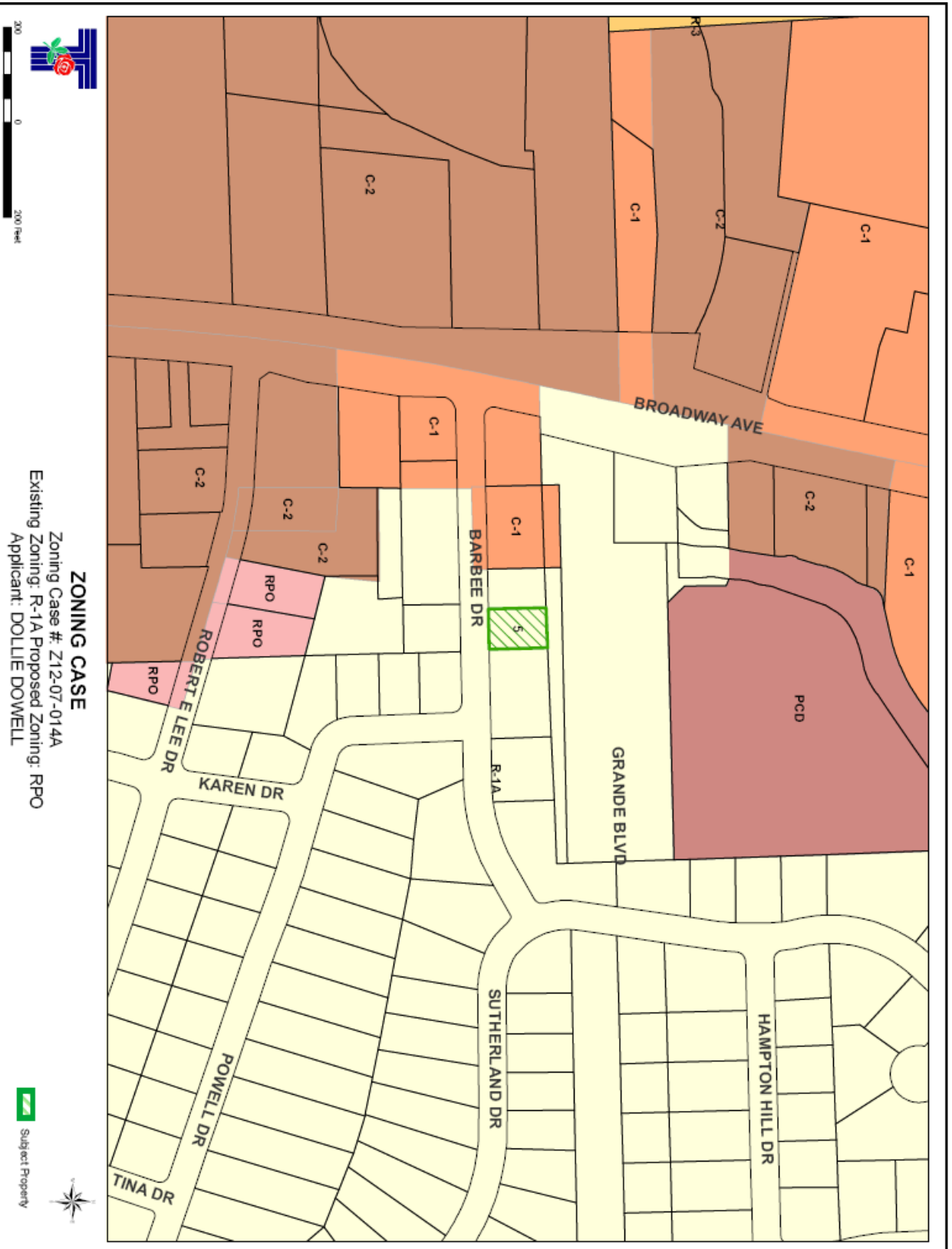
A handwritten signature in cursive script that reads "Barbara Holly".

Drafted/Recommended By: Barbara Holly

Department Leader

Edited/Submitted By:

City Manager



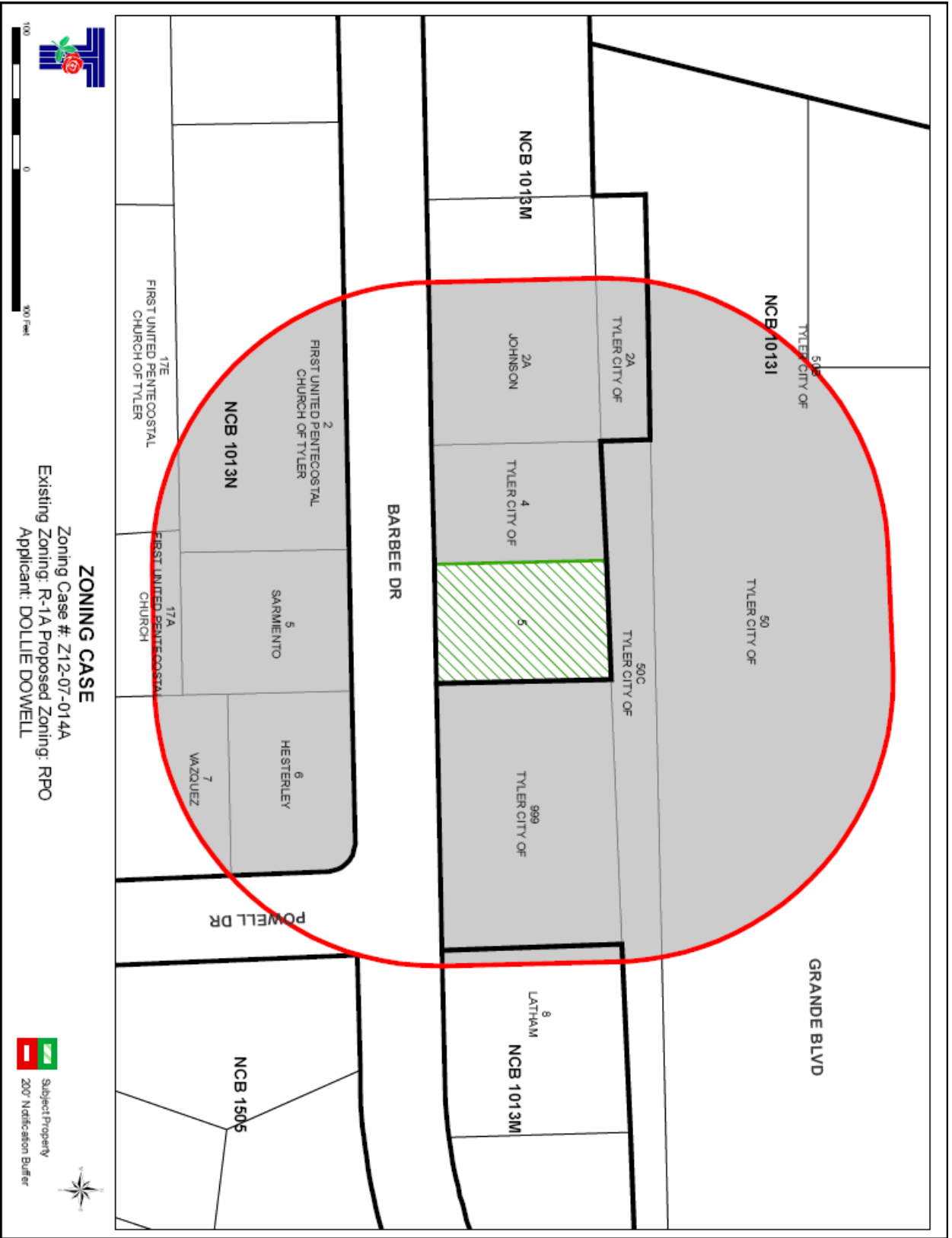
ZONING CASE

Zoning Case #: Z12-07-014A
 Existing Zoning: R-1A Proposed Zoning: RPO
 Applicant: DOLLIE DOWELL



Subject Property





ZONING CASE
 Zoning Case #: Z12-07-014A
 Existing Zoning: R-1A Proposed Zoning: RPO
 Applicant: DOLLIE DOWELL



Subject Property
 200' Notification Buffer



ORDINANCE NO. O-2008-15

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 Z12-07-014A

That the following described property, which has heretofore been zoned "R-1A" Single Family Residential District, shall hereafter bear the zoning classification of "AR" Adaptive Reuse District to-wit:

Lot 5 of NCB 1013M of the Robert E. Lee Subdivision as recorded in Volume 5, Page 118 of the Deed Records of Smith County, Texas, one lot totaling approximately 10,228 square feet located four lots east of the northeast intersection of Broadway Avenue and Barbee Drive (136 Barbee Drive).

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:

CASSANDRA BRAGER, CITY CLERK

APPROVED:

CITY ATTORNEY