



CITY OF TYLER COUNCIL COMMUNICATION

Agenda Number: Z-7

Date: February 27, 2008

Subject: **APPLICATION Z01-08-027B MELISSA DINGLE**
Request that the City Council consider a request to change the zoning from “RPO” Restricted Professional Office District to “R-1A” Single-Family Residential District on Lot 12 of NCB 1032 of the Green Acres Subdivision, located at the northeast intersection of Loop 323 ESE and Easy Street (1510 Loop 323 ESE).

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Item Reference:

The applicant is requesting a zoning change to remodel an existing single family home and change the use back to single family.

Section 10-209, "R-1A" 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 seven and one-half feet on the side. Minimum lot size is 9,000 square feet.

Adjacent properties to the north, west, and south are currently zoned “R-1A” Single-Family Residential District and the adjacent property to the east is zoned “C-1” Light Commercial District. The area is primarily developed with single-family houses with the exception of T K Gorman High School located to the south and a florist located to the east of the subject property.

In 2006, the applicant requested to rezone the property from “RPO” Restricted Professional and Office District to “AR” Adaptive Reuse District to allow for the continued use of a psychic business and a residence. The applicant wanted to construct a second story for living quarters; however, the “RPO” Restricted Professional and Office District only allows for business uses. Because the owners wanted to continue an office and residential use, they were required to rezone the property and bring it into compliance with the current Zoning Ordinance. The proposed “AR” Adaptive Reuse District would have allowed the applicant to live and operate a business at the location; however, neighbors cited concerns over the existing business use and the application was denied.

In December 2007, the applicant attempted to obtain a building permit for a residential expansion. The applicant was again notified of the zoning regulations that prohibit a residential expansion on an “RPO” Restricted Professional and Office District zoned lot. Staff suggested that the owner bring the lot into conformity and request a residential zoning designation. The applicant was notified to remove all signage from the lot and cease the business use to conform to the residential zoning designation. The applicant has recently discontinued the psychic business and removed the sign.

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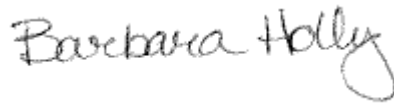
The request before the City Council today is consistent with the Future Land Use Map which designates this area as low-density residential. This request will have a positive impact on the area and is more consistent with the single-family nature of the neighborhood.

On January 15, 2008, the Planning and Zoning Commission held a public hearing on this request. Of the 19 notices mailed, four notices were returned in favor and one notice was returned in opposition to the request, citing a desire to maintain the existing character of the neighborhood. Staff was unable to consider the protest letter as part of the protest calculation as the protester did not sign or include an address. Patty Dingle appeared on behalf of the application. The Commission advised Ms. Dingle to remove the sign immediately. Staff has since inspected the site and has confirmed that all signage has been removed.

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

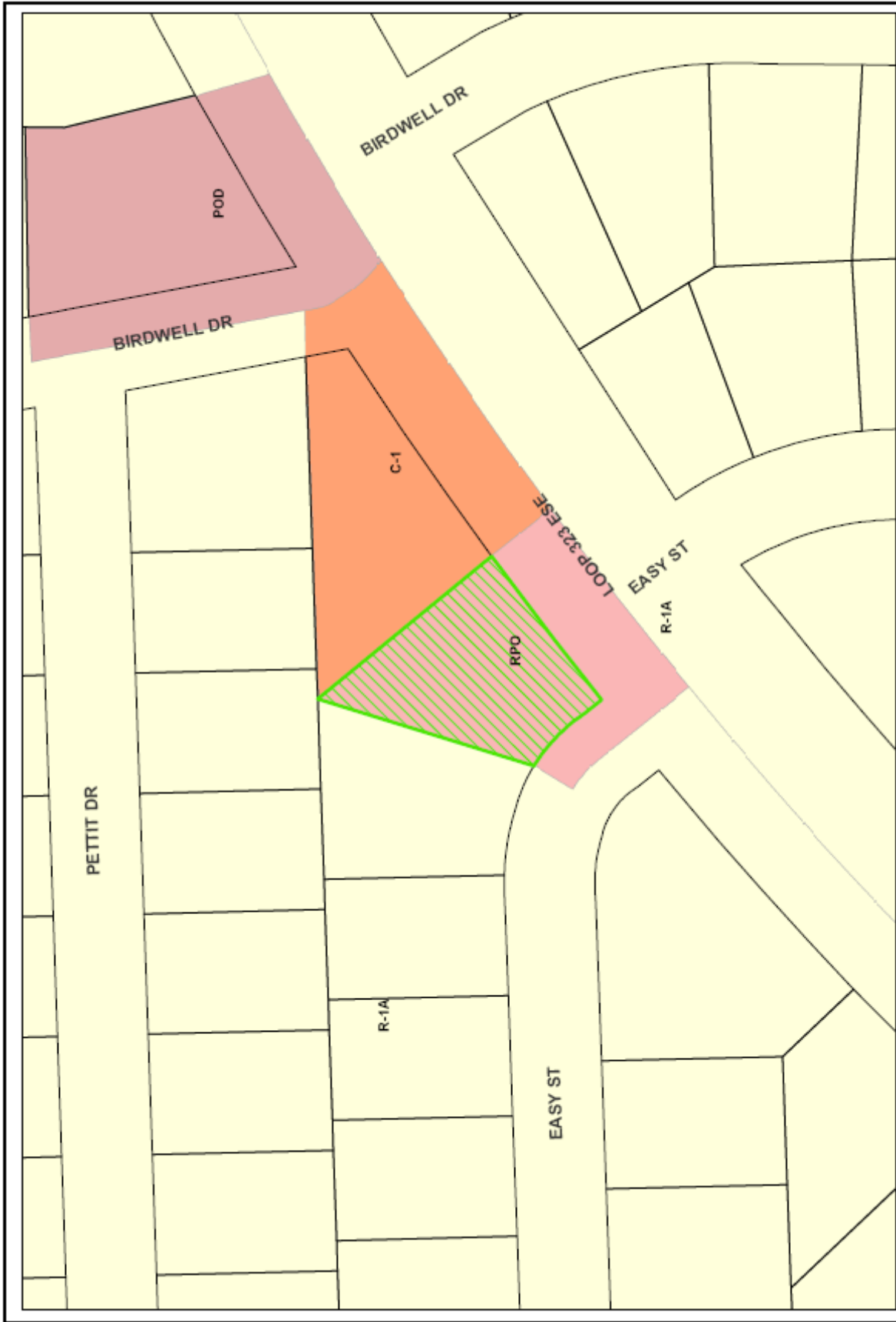
RECOMMENDATION:

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 "R-1A" Single-Family Residential District.



Drafted/Recommended By: Barbara Holly
Department Leader

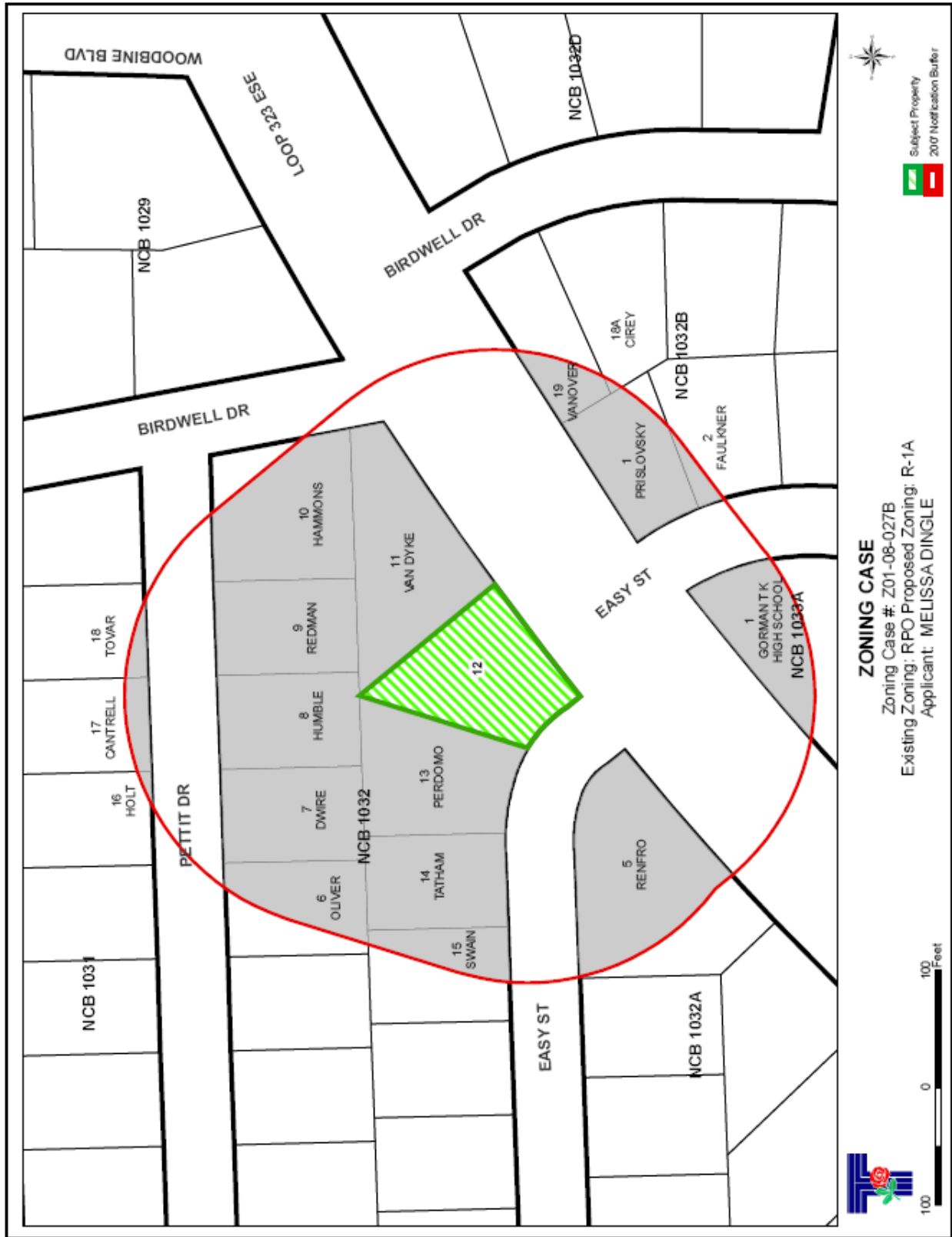
Edited/Submitted By:
City Manager



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ZONING CASE
 Zoning Case #: Z01-08-027B
 Existing Zoning: RPO Proposed Zoning: R-1A
 Applicant: MELISSA DINGLE





ZONING CASE

Zoning Case #: Z01-08-027B
 Existing Zoning: RPO Proposed Zoning: R-1A
 Applicant: MELISSA DINGLE



ORDINANCE NO. O-2008-26

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 Z01-08-027B

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

Lot 12 of NCB 1032 of the Green Acres Subdivision, located at the northeast intersection of Loop 323 ESE and Easy Street (1510 Loop 323 ESE).

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 27th day of February, 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