



**CITY OF TYLER
COUNCIL COMMUNICATION**

Agenda Number: Z-3

Date: January 9, 2008

Subject: **APPLICATION S11-07-012B MANUEL MENDEZ**
Request that the City Council consider a request for a Special Use Permit to allow for a drive-thru window for an El Pollo Restaurant for an indefinite period on Lot 1D of NCB 229 of the Pabst North Addition as recorded in Cabinet D, Slide 218A of the Plat Records of Smith County, Texas., one lot totaling approximately 0.391 acres located at the southeast intersection of East Gentry Parkway and Carlyle Avenue (614 East Valentine Street). The property is currently zoned "M-1" Light Industrial District.

Page: 1 of 2

Item Reference:

Tyler City Code Section 10-245, "Special Use Regulations", states that the governing body may, by ordinance, grant a special permit for special uses in any district as herein qualified, which uses 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.

The adjacent properties to the east and south are zoned M-1. The properties to the north and west are zoned C-2.

Staff has reviewed the parking and drive-thru site plan and all staff comments have been addressed. The addition of a drive-thru window will not adversely affect access to or across the site. The applicant has applied to close the substandard street, Carlyle Avenue, to the west of this site. It is the applicant's intent to incorporate half of the 18 feet right of way into this site.

Of the six notices mailed, none were returned in favor of or in opposition to the application.

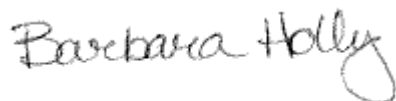
All other departments have reviewed this request and anticipate no significant impact on services or facilities by the proposed change.

Agenda Number: Z-3

Page: 2 of 2

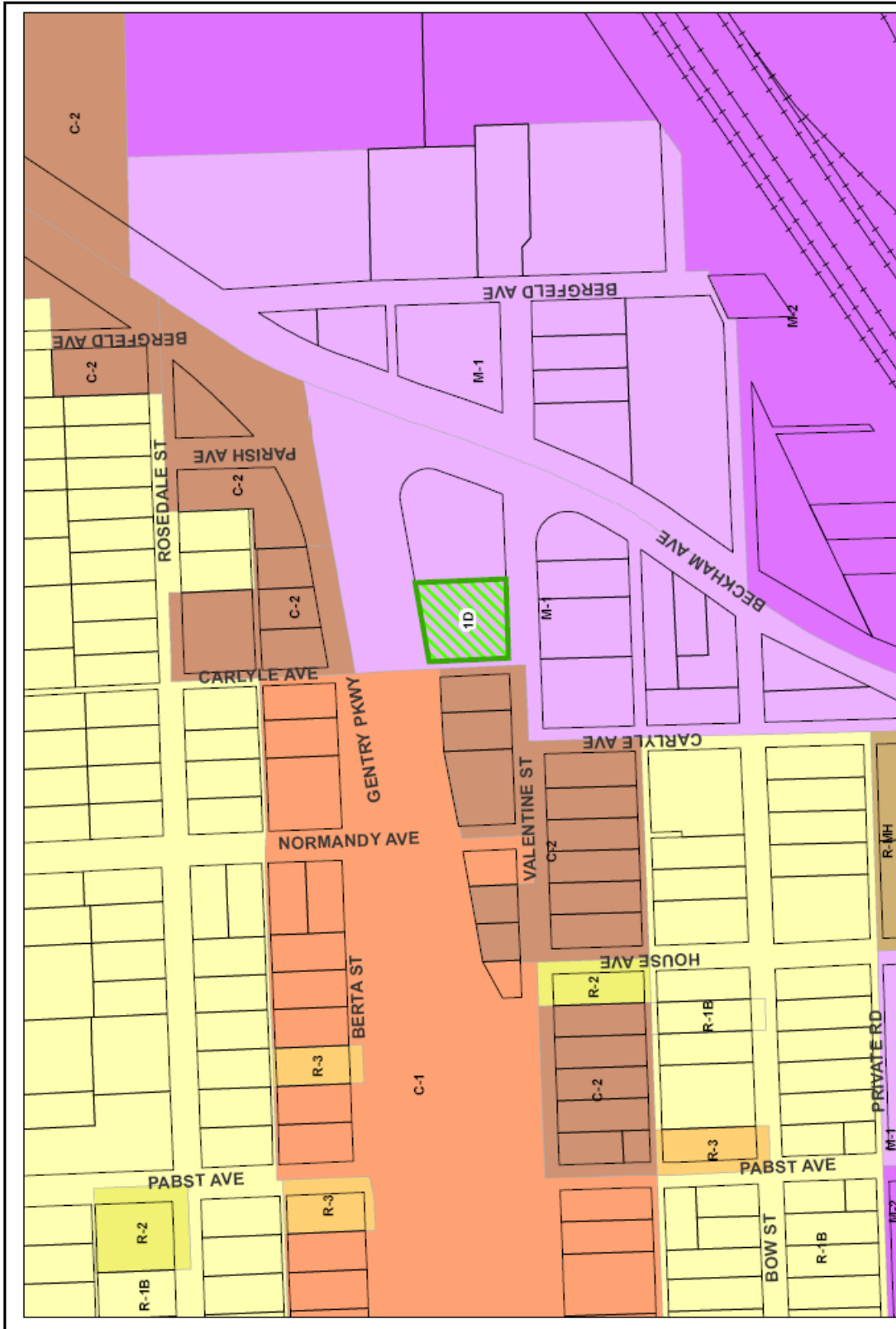
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the drive-thru window for an El Pollo Restaurant for an indefinite period, subject to the site plan.

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

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager

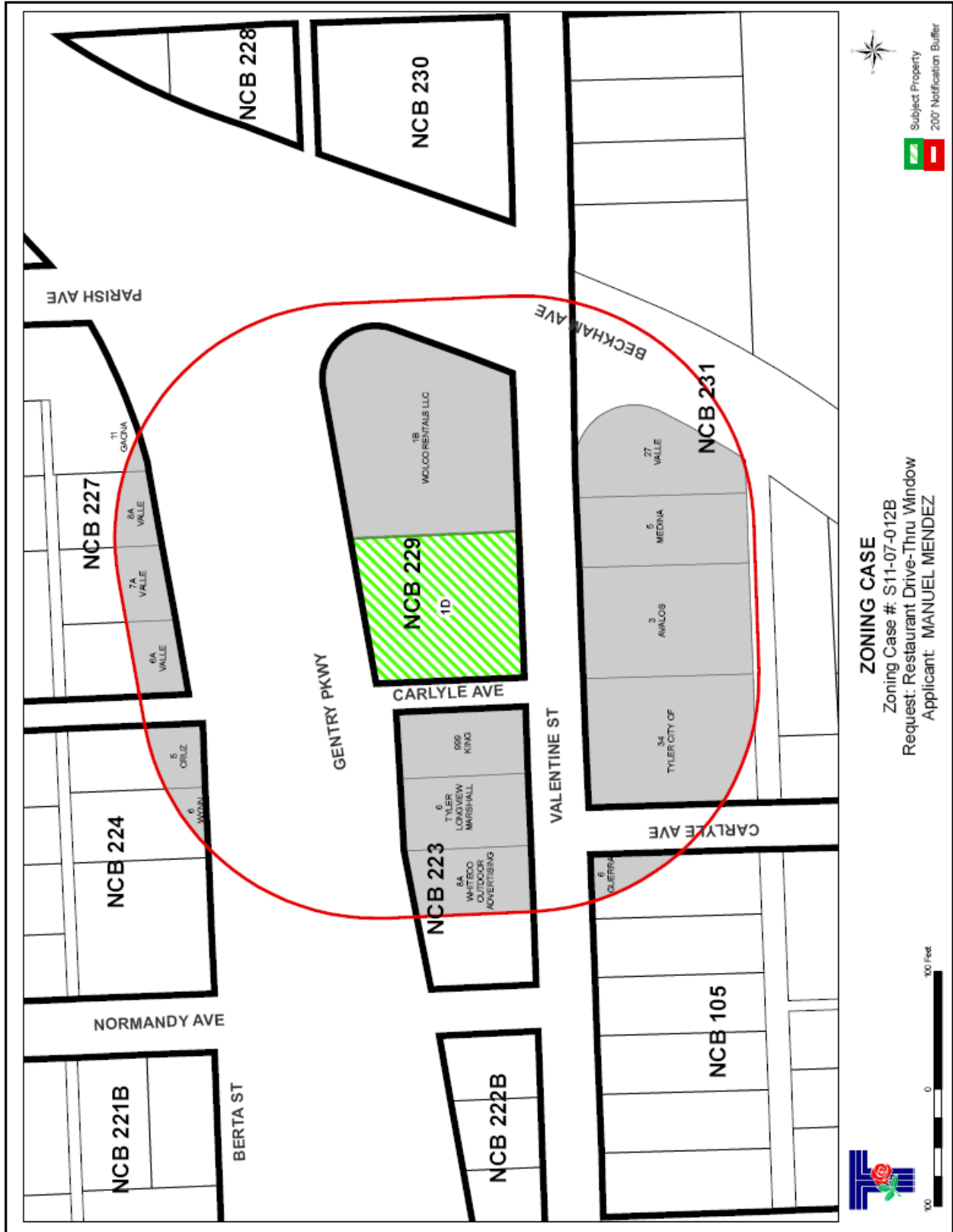


Subject Property

ZONING CASE

Zoning Case #: S11-07-012B
 Request: Restaurant Drive-Thru Window
 Applicant: MANUEL MENDEZ





100' Feet



Subject Property
200' Notification Buffer

ZONING CASE

Zoning Case #: S11-07-012B
Request: Restaurant Drive-Thru Window
Applicant: MANUEL MENDEZ

ORDINANCE NO. O-2008-3

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; AND APPROVING 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 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 special use is hereby approved as follows:

I. APPLICATION S11-07-012B

That the following described property, which is currently zoned "C-1", shall hereafter be used under a new special use permit to allow for a drive-thru window for an El Regio Pollo restaurant for an indefinite period, to wit:

Lot 1D of NCB 229 of the Pabst North Addition as recorded in Cabinet D, Slide 218A of the Plat Records of Smith County, Texas,

in accordance with the site plan attached hereto as Exhibit "A".

PART 2: 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 3: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 9th 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

