



**CITY OF TYLER  
COUNCIL COMMUNICATION**

**Agenda Number: Z-4**

**Date: January 9, 2008**

**Subject: APPLICATION Z09-07-098B MANZIEL FAMILY RENTAL PARTNERSHIP**

**Request that the City Council consider a request to change the zoning from “M-2” General Industrial District to “C-2” General Commercial District on Lot 3A of NCB 74 of the John Durst Subdivision, one lot totaling approximately 0.216 acres located one lot southwest of the intersection Beckham Avenue and Noble Street (501 South Beckham Avenue).**

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**Item Reference:**

The applicant is requesting a zoning change to allow for a commercial use.

Section 10-226, "C-2" General Commercial District, allows as permitted uses automobile garages and sales lots, hotels, restaurants, warehouses, offices, and retail establishments with outdoor display or storage of merchandise. The maximum building height allowed within the "C-2" District is three stories or 45 feet in height. Off-street parking for commercial type uses is determined by the specific use proposed. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinances.

The adjacent properties to the north, south and west are zoned “M-2” General Industrial District, while properties to the east are zoned “CHS” Commercial Health Services District. The area is primarily developed with commercial businesses and Trinity Mother Frances Hospital fronting Beckham Avenue.

The applicant attempted to acquire a certificate of occupancy for a financial services office. Because some types of commercial uses are not allowed in the general industrial district, the owner must request a zone change to come into compliance with the zoning ordinance. The “C-2” General Commercial District has regulations that are more compatible with the applicant’s existing development and provides better public notice of the actual land use.

The lot meets the minimum lot size requirement of 7,000 square feet for a “C-1” Light Commercial zoning designation; however, it does not meet the minimum lot size requirement for the requested “C-2” General Commercial District. On September 19, 2007 the Planning and Zoning Commission recommended to change the zoning from “M-2” General Industrial District to “C-1” Light Commercial District due to lot size.

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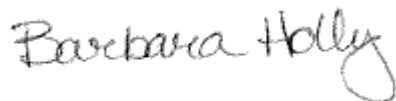
The applicant simultaneously appealed the Planning and Zoning recommendation for “C-1” Light Commercial District and submitted a variance request to the Zoning Board of Adjustment for a variance to the minimum lot size. The applicant requested approval of a lot area of approximately 9,405 square feet rather than the existing standards of “M-2” General Industrial Zoning which requires 15,000 square feet. The applicant requested the variance so that he may rezone his property to “C-2” General Commercial District which requires 14,000 square feet. The “C-2” zoning classification requires a smaller lot size than the “M-2” zoning and would bring the lot closer to compliance. Many of the surrounding properties in this area do not meet the minimum lot size for either “M-2” or “C-2” zoning districts. On November 15, 2007 the Board of Adjustment approved the variance of approximately 4,595 square feet to allow for a lot area of approximately 9,405 square feet, subject to the applicant seeking a “C-2” zoning designation.

This request is consistent with the development pattern in the area. If approved, this would establish a commercial land use.

Of the five notices mailed; no notices were returned in favor of or in opposition to the request.

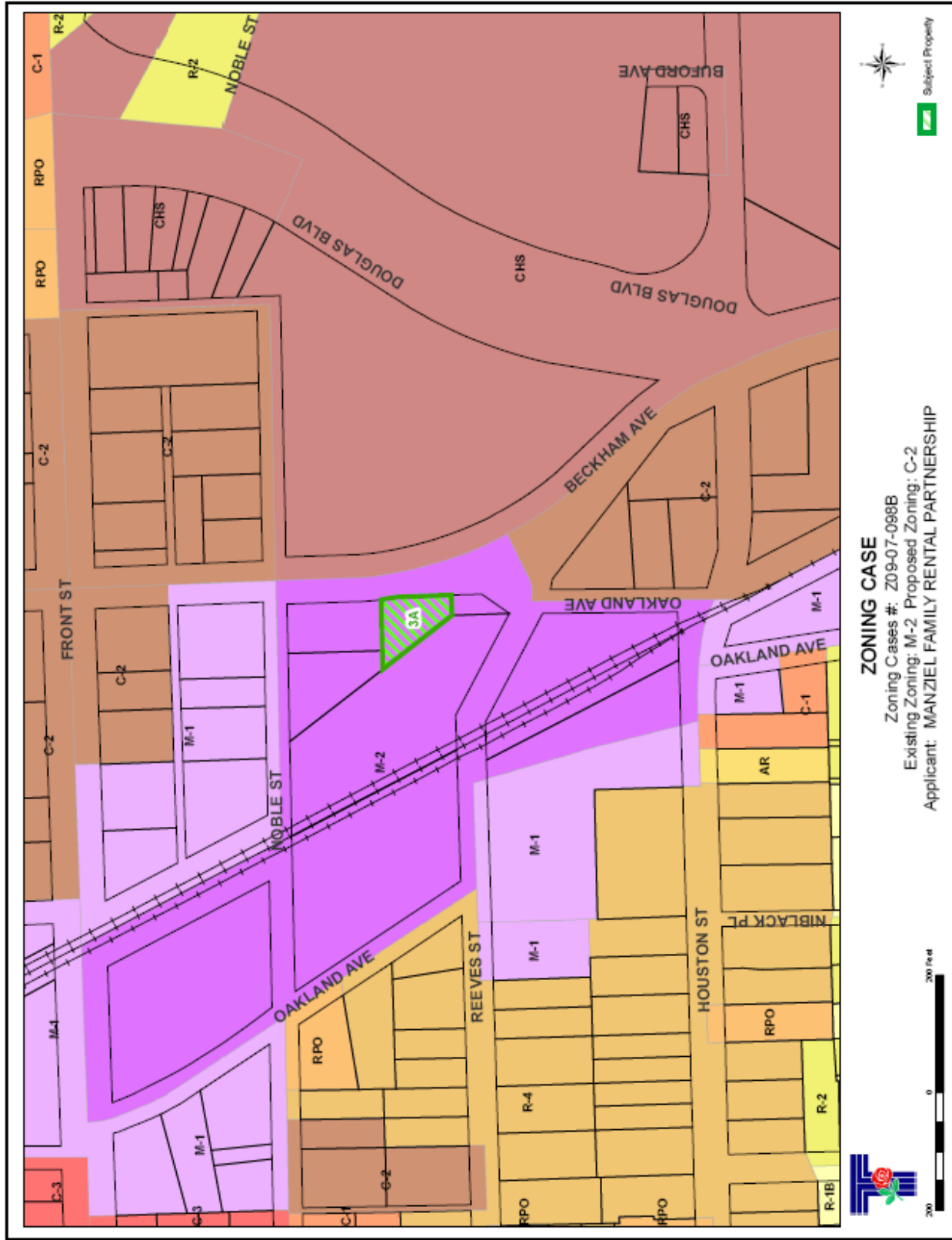
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “M-2” General Industrial District to “C-2” General Commercial District.



**Drafted/Recommended By: Barbara Holly**  
**Department Leader**

**Edited/Submitted By:**  
**City Manager**



200 Feet

**ZONING CASE**

Zoning Cases #: Z09-07-098B  
 Existing Zoning: M-2 Proposed Zoning: C-2  
 Applicant: MANZIEL FAMILY RENTAL PARTNERSHIP



Subject Property



100 0 100 Feet

**ZONING CASE**

Zoning Cases #: Z09-07-098B

Existing Zoning: M-2 Proposed Zoning: C-2

Applicant: MANZIEL FAMILY RENTAL PARTNERSHIP



Subject Property  
200' Notification Buffer



**ORDINANCE NO. O-2008-4**

**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 Z09-07-098B**

That the following described property, which has heretofore been zoned "M-2" General Industrial District, shall hereafter bear the zoning classification of "C-2" General Commercial District, to-wit:

Lot 3A of NCB 74 of the John Durst Subdivision, one lot totaling approximately 0.216 acres located one lot southwest of the intersection Beckham Avenue and Noble Street (501 South Beckham Avenue).

**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 9<sup>th</sup> day of January, A.D., 2008.

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JOSEPH O. SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T:

APPROVED:

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CASSANDRA BRAGER, CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY