



**CITY OF TYLER
COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: January 9, 2008

**Subject: APPLICATION Z11-07-007B LIVING ALTERNATIVES, INC.
Request that the City Council consider a request to change the zoning from "R-1B" Single Family Residential District to "RPO" Restricted Professional Office District on Lot 9 of NCB 678G of the Ridgcrest Addition as recorded in Book 3534, Page 13 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.24 acres located one lot west of the southwest intersection of Baxter Avenue and Devine Street (1009 Baxter Avenue).**

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Item Reference:

The applicant is requesting a zoning change to allow for a non-profit life skills/parenting skills teaching center for Living Alternatives, Inc.

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, i.e., 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-B" Single-Family Residential District which states 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 six feet on the side. Minimum lot size is 7,000 square feet.

The adjacent property to the north is currently zoned "RPO" Restricted Professional and Office District. Properties to the east are zoned "ED" Educational District, while properties to the south and west are zoned "R-1B" Single Family Residential District.

Presently, there are single family homes to the south and east of the subject property. To the north of the subject property is a pregnancy consultation office, which is another office of Living Alternatives. To the east is Tyler Junior College.

The applicant is requesting this zoning change to allow for a parenting skills teaching center. This center will hold classes to teach pregnant women, ages ranging from 15 to 25, parenting and life skills. The applicant held a neighborhood meeting on November 12, 2007, however no neighbors attended the meeting. Staff visited with the applicant and toured the facility at that time.

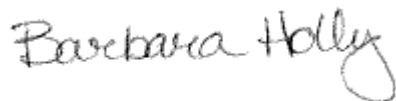
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The recently adopted future land use guide designates this site as institutional; this is consistent with and supportive of the rezone request. As of Friday, November 16, 2007, the Planning Department has received no written letters of protest and three letters of support.

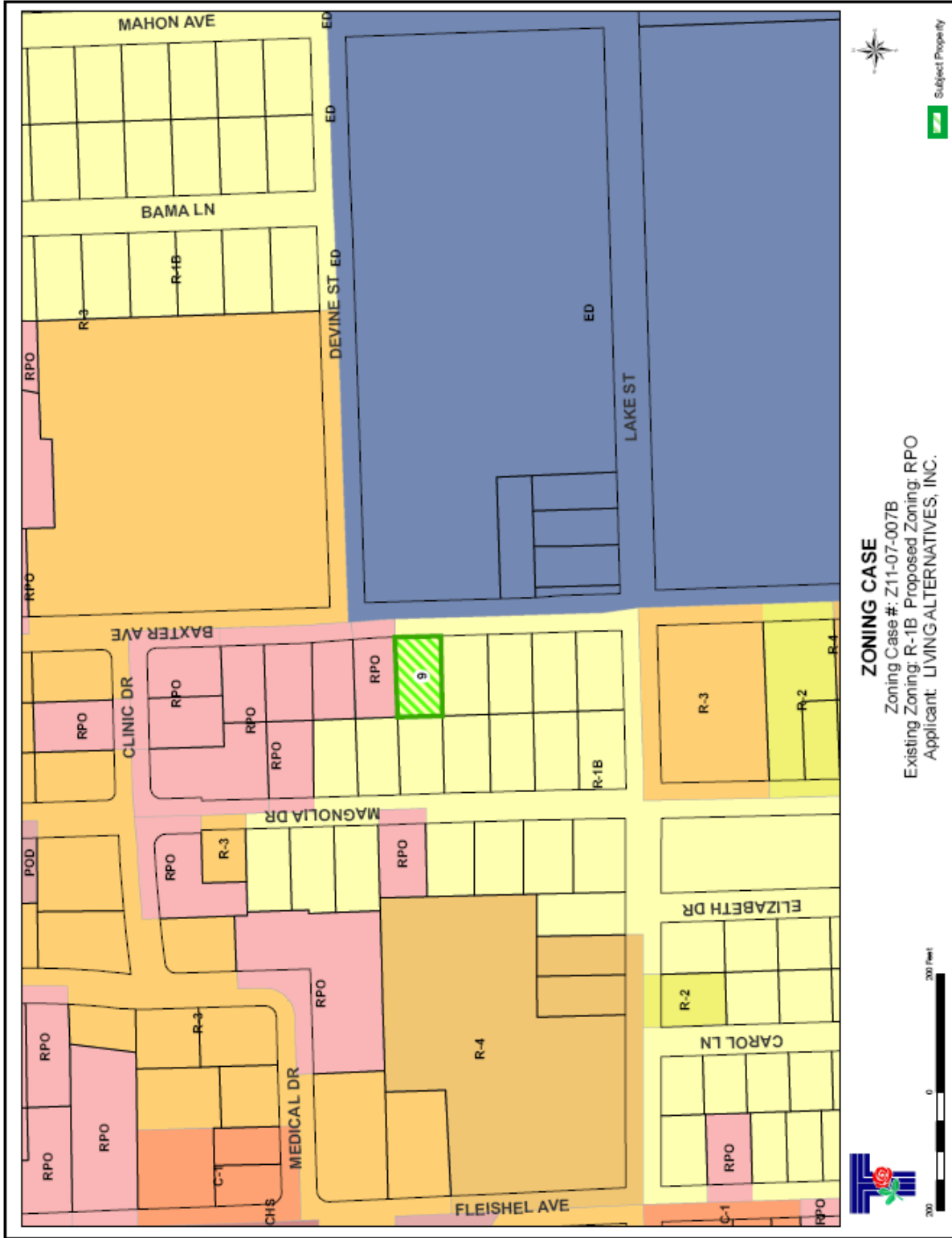
RECOMMENDATION:

The Planning Commission, by a 5-0 vote, recommends approval of the request to change the zoning from "R-1B" Single Family Residential District to "RPO" Restricted Professional Office 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 #: Z11-07-007B
 Existing Zoning: R-1B Proposed Zoning: RPO
 Applicant: LIVING ALTERNATIVES, INC.





Subject Property
2007 Notification Buffer



ZONING CASE

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 Existing Zoning: R-1B Proposed Zoning: RPO
 Applicant: LIVING ALTERNATIVES, INC.

ORDINANCE NO. O-2008-6

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 Z11-07-007B

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

Lot 9 of NCB 678G of the Ridgcrest Addition as recorded in Book 3534, Page 13 of the Deed Records of Smith County, Texas, one lot totaling approximately 0.24 acres located one lot west of the southwest intersection of Baxter Avenue and Devine Street (1009 Baxter 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 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