



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: October 24, 2007

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Subject: APPLICATION Z09-07-099B CITY OF TYLER ON BEHALF OF
NUMEROUS CITIZENS – PHASE FOUR

Request that the City Council consider a request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District that are generally bounded by West Mims Street to the north, North Broadway Avenue to the east, West Gentry Parkway to the south and North Englewood Avenue to the west for the following 60 lots:

Lots 9 and 11 of NCB 397 of the Edgefield Subdivision (1320 and 1330 North Dargan Avenue);

Lot 12 of NCB 554 of the Bellwood Heights Subdivision (1541 North Ross Avenue);

Lot 17 of NCB 435 of the Oak Grove Subdivision (1925 North Border Avenue);

Lots 10 and 24A of NCB 410 of the Sewell Subdivision (1323 and 1331 North Whitten Avenue);

Lot 12 and 15 of NCB 437 of the Oak Grove Subdivision (1711 and 1727 North Tenneha Avenue);

Lot 52 of NCB 669E of the Crescent Heights Gardens Subdivision (1311 North Englewood Avenue);

Lot 25 of NCB 449C of the Galloway Subdivision (1009 West Harmony Street);

Lot 13 of NCB 546 of Bellwood Heights Subdivision (1719 North Confederate Avenue);

Lot 13 and 16 of NCB 502 of the College Station Subdivision (2102 and 2112 North Moore Avenue);

Lot 2A of NCB560 of the Texas College Heights Subdivision (1305 West Martin Luther King Boulevard);

Lot 3 and 12 of NCB 409 of the Boren Subdivision (1408 North Bois d’ Arc Avenue and 313 West Cochran Street);

Lot 15 of NCB 403 of the Edgefield Subdivision (1514 North Dargan Avenue);

Lots 3 and 5 of NCB 398 of the Edgefield Subdivision (1403 North Dargan Avenue);

Lot 11 of NCB 401 of the Edgefield Subdivision (613 West Trezevant Street);

Lot 3A of NCB 558 of the Texas College Heights Subdivision (1210 Martin Luther King Boulevard);

Lots 10 and 11 of NCB 402 of the Edgefield Subdivision (1428 West

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**Tenneha Avenue and 725 West Trezevant Avenue);
Lot 9 of NCB 432 of the Durst & Rivere Subdivision (1219 North Bois d' Arc Avenue);
Lot 12 of NCB 448 of the Oak Grove Subdivision (2119 Alfred Avenue);
Lot 42 of NCB 669A of the Sunset Subdivision (1017 North Confederate Avenue);
Lots 7A, 8A, 8E, 20 and 21B of NCB 445 of the Oak Grove Subdivision (1719, 1809, 1811, 1805, 1723 and 1801 North Grand Avenue);
Lot 12 of NCB 446 of the Oak Grove Subdivision (1708 North Grand Avenue);
Lot 13 of NCB 440 of the Oak Grove Subdivision (734 West Nutbush Street);
Lot 17 of NCB 418 of the Seals Subdivision (411 West Harpole Street);
Lots 1, 14 and 15 of NCB 552 of Bellwood Heights Subdivision (1613 North Englewood Avenue and 1620 North Confederate Avenue);
Lots 7 and 10 of NCB 376 of the Patterson Heights Subdivision (1108 and 1100 North Moore Avenue);
Lot 18 of NCB 390A of the Edgefield Subdivision (1325 North Border Avenue);
Lot 12 of NCB 376 of the Patterson 1st Addition (1117 North Ross Avenue);
Lot 19 of NCB 412 of the Boren Subdivision (325 West Cedar Street);
Lot 12 of NCB 444 of the Oak Grove Subdivision (1820 North Palace Avenue);
Lots 2 and 24 of NCB 387 of the Edgefield Subdivision (1016 Morris Street and 1203 North Moore Avenue);
Lots 17A, 18A and 19A of NCB 553 of the Bellwood Heights Subdivision (1616 North Ross Street);
Lot 1A of NCB 447 of the Oak Grove Subdivision (1006 West Martin Luther King Boulevard);
Lot 19 of NCB 392 of the Edgefield Subdivision (807 West Morris Street);
Lot 11 of NCB 388 of the Edgefield Subdivision (1220 Tenneha Avenue);
Lot 1A of NCB 375 of the Patterson 1st Subdivision (1117 North Moore Avenue);
Lot 180 of NCB 669K of the Crescent Heights Gardens Subdivision (1515 North Englewood Avenue);
Lot 20 of NCB 386 of the Edgefield Subdivision (1300 North Moore Avenue);
Lots 21, 22, 24, 27 and 28 of NCB 400 of the Cassimere Gardens Subdivision (1414 and 1418 Harmony Street and 1402, 1406 and 1410 North Whitten Avenue);
Lot 5 of NCB 433 of the Sol Katz Subdivision (1605 North Border Avenue) and
Lot 12 of NCB 438 of the Oak Grove Subdivision (615 West Harmony Street).**

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The City is offering a zoning change to bring the zoning into conformity with the current single family use.

Section 10-210, "R-1B" 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 six feet on the side. Minimum lot size is 6,000 square feet.

Generally, the adjacent properties to the north, east, south and west are zoned "R-2" Two-Family Residential District, yet most of the actual structures are single family homes. These properties are generally bounded by West Mims Street to the north, North Broadway Avenue to the east, West Gentry Parkway to the south and North Englewood Avenue to the west.

These 60 lots are part of Phase Four of the city wide "R-2" rezoning project. In keeping with the City Council's directive, no fees were charged.

Once the lots have the appropriate zoning, this rezoning will have a positive impact on the neighborhood by allowing the property owner to rebuild, refinance or remodel his single family home. This process is in keeping with the desired outcome of Tyler 21 – to increase the number of single family homes in North Tyler and to foster redevelopment and reinvestment in the North Tyler neighborhoods. The Future Land Use Map designates this site as Low Density Residential and the request for "R-1B" Single Family Residential District is consistent with that land use designation.

Of the 902 notices mailed, 15 notices were returned in favor of application and seven letters of opposition were received. Majority of the letters of protest had no comments; however, one property owner wrote that she felt since this is located near Texas College more multi-family units should be available in this "college community". Again, these are voluntary petitions; no-one's property is rezoned without their consent. At the September 18, 2007, Planning and Zoning Meeting, no one was present to speak in favor of or against the application.

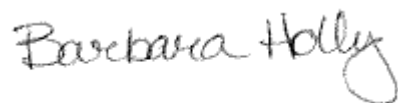
All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

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RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District.

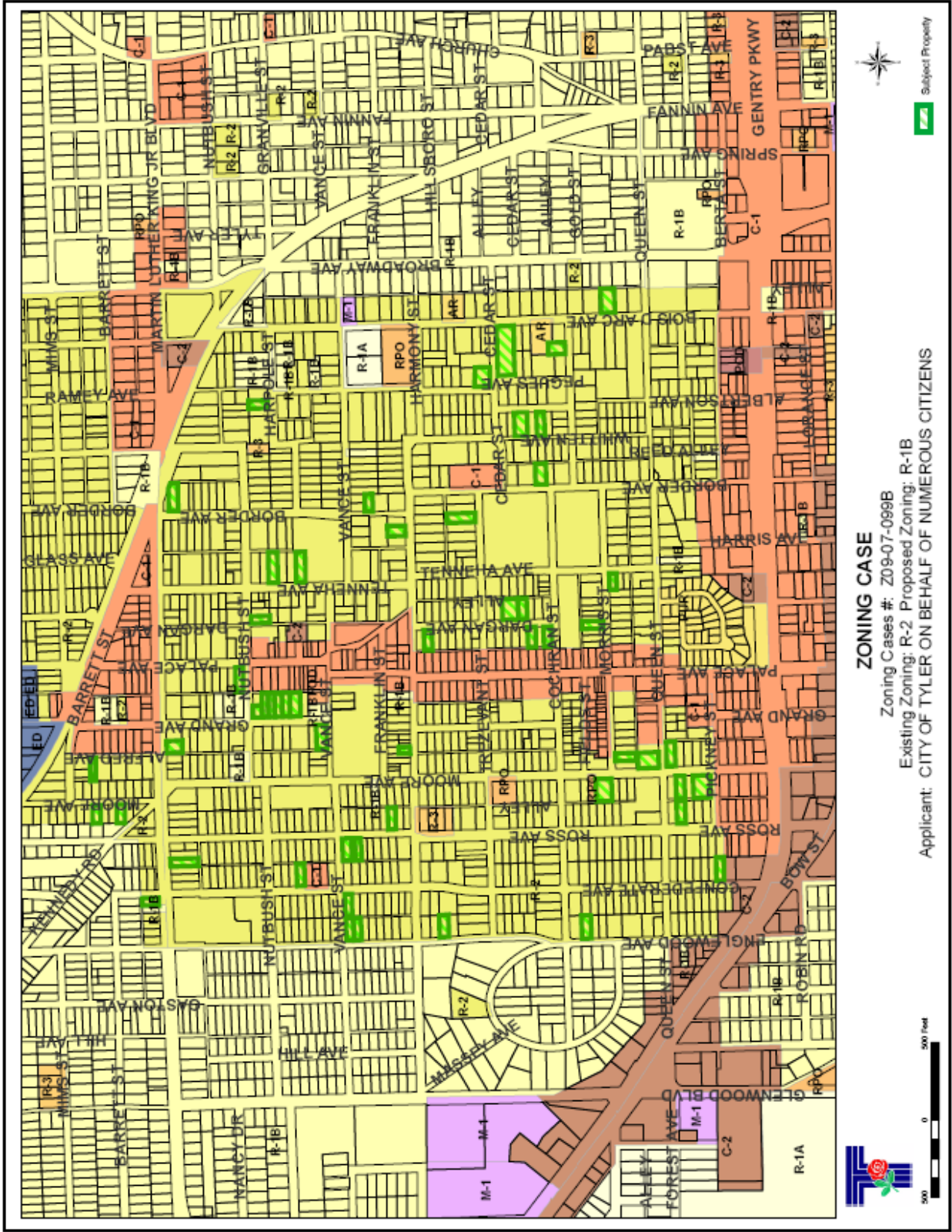
A handwritten signature in black ink that reads "Barbara Holly". The signature is written in a cursive style with a large, looping 'H' at the end.

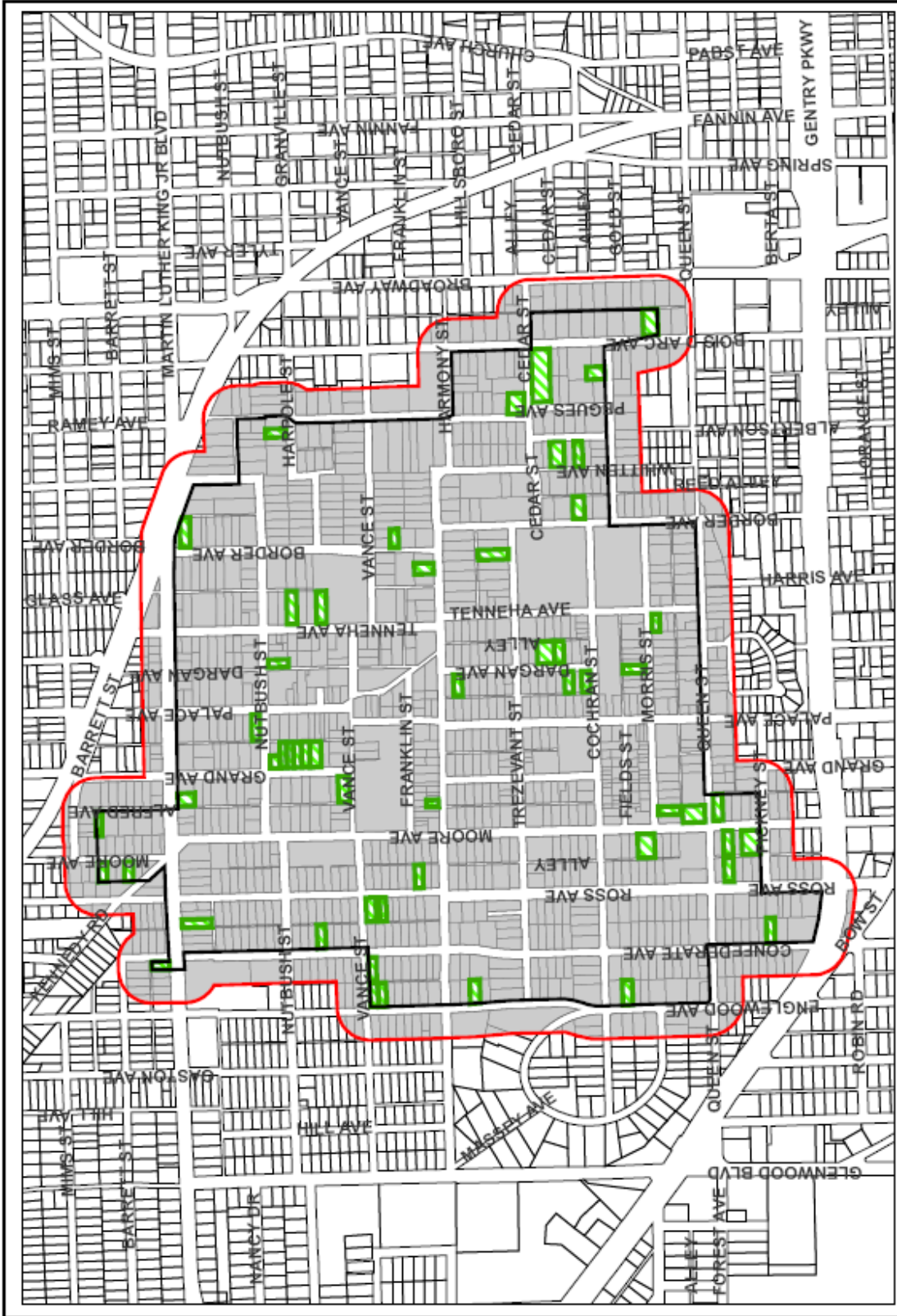
Drafted/Recommended By: Barbara Holly

Department Leader

Edited/Submitted By:

City Manager





500 0 500 Feet

ZONING CASE

Zoning Cases #: Z09-07-099B
 Existing Zoning: R-2 Proposed Zoning: R-1B
 Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS



Subject Property
 200' Notification Buffer

ORDINANCE NO. O-2007-117

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 changes 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 changes are hereby approved as follows:

I. APPLICATION Z09-07-099B

That the following described properties, which have heretofore been zoned “R-2” Two-Family Residential District, shall hereafter bear the zoning classification of “R-1B” Single-Family Residential District, to-wit:

Lots 9 and 11 of NCB 397 of the Edgefield Subdivision (1320 and 1330 North Dargan Avenue);
Lot 12 of NCB 554 of the Bellwood Heights Subdivision (1541 North Ross Avenue);
Lot 17 of NCB 435 of the Oak Grove Subdivision (1925 North Border Avenue);
Lots 10 and 24A of NCB 410 of the Sewell Subdivision (1323 and 1331 North Whitten Avenue);
Lot 12 and 15 of NCB 437 of the Oak Grove Subdivision (1711 and 1727 North Tenneha Avenue);
Lot 52 of NCB 669E of the Crescent Heights Gardens Subdivision (1311 North Englewood Avenue);
Lot 25 of NCB 449C of the Galloway Subdivision (1009 West Harmony Street);
Lot 13 of NCB 546 of Bellwood Heights Subdivision (1719 North Confederate Avenue);
Lot 13 and 16 of NCB 502 of the College Station Subdivision (2102 and 2112 North Moore Avenue);
Lot 2A of NCB560 of the Texas College Heights Subdivision (1305 West Martin Luther King Boulevard);
Lot 3 and 12 of NCB 409 of the Boren Subdivision (1408 North Bois d’ Arc Avenue and 313 West Cochran Street);
Lot 15 of NCB 403 of the Edgefield Subdivision (1514 North Dargan Avenue);
Lots 3 and 5 of NCB 398 of the Edgefield Subdivision (1403 North Dargan Avenue);
Lot 11 of NCB 401 of the Edgefield Subdivision (613 West Trezevant Street);
Lot 3A of NCB 558 of the Texas College Heights Subdivision (1210 Martin Luther King Boulevard);
Lots 10 and 11 of NCB 402 of the Edgefield Subdivision (1428 West Tenneha Avenue and 725 West Trezevant Avenue);

Lot 9 of NCB 432 of the Durst & Rivere Subdivision (1219 North Bois d' Arc Avenue);
Lot 12 of NCB 448 of the Oak Grove Subdivision (2119 Alfred Avenue);
Lot 42 of NCB 669A of the Sunset Subdivision (1017 North Confederate Avenue);
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Lots 21, 22, 24, 27 and 28 of NCB 400 of the Cassimere Gardens Subdivision (1414 and 1418 Harmony Street and 1402, 1406 and 1410 North Whitten Avenue);
Lot 5 of NCB 433 of the Sol Katz Subdivision (1605 North Border Avenue) and
Lot 12 of NCB 438 of the Oak Grove Subdivision (615 West Harmony Street).

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 changes.

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 24th day of October, A.D., 2007.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY