



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-17

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Date: April 25, 2007

Subject: APPLICATION Z04-07-036B CITY OF TYLER
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 in the Butler College area bounded by Bellwood Road to the north, 2nd Street to the south, Glenwood Blvd. to the east and Britton Ave. to the west for the following 161 lots:

Lots 24, 35, and 36 of NCB 324D of the BF Phillips Subdivision (522, and 519 S. Confederate Ave.);

Lot 5 of NCB 321 of the Oak Grove Place Subdivision (805 S. Glenwood Blvd.);

Lots 35, 48A, 56B, 71B, 72, 74, 141, 142 and 153 of NCB 665B of the Jno. Broughton Subdivision (713 and 732 Englewood Ave., 1311 W. Grove St, 802 S. Confederate Ave., 1225 W. Connally St. 803 S. Ross Ave., 639 and 643 Englewood Ave., and 718 S. Ross Ave.);

Lots 119 and 124 of NCB 665A of the Emma Mosley Subdivision (1216 and 1126 W. Connally St);

Lots 1A, 12A, 12B, 13A, 14A, 26A, and 29 of NCB 851 of the M.F. Turner Subdivision (2808 Bellwood Rd., 823 Clark St., 844 S. Turner Ave., 808 S. Clark Ave., 2713 W. Shaw St., and 730 S. Turner Ave.);

Lots 5 and 6, of NCB 851A of the M.F. Turner Subdivision (2718 and 2714 Bunche St.);

Lots 15A and 15F of NCB 852 of the M.F. Turner Subdivision (921 and 915 S. Turner Ave);

Lot 32 of NCB 856 of the Tubbs Subdivision (2402 Bellwood Rd.);

Lot 7 of NCB 855 of Herndon Subdivision (2402 Cartwright St.);

Lots 8B, 8C, 12, 40, 45, 50, 52, 57, 58, 59A, 60A, 68, 69, and 70 of NCB 857 of the Herndon’s 1St Subdivision (847 and 921 S. Buckley Ave., 1005, 1016, 930, 916, 850 and 857 Crosby St, 2431 and 2507 W. Jackson);

Lots 1F, 1G, 3G and 11 of NCB 854 of the Herndon’s 2nd Subdivision (1200, 1126 and 1208 S. Buckley Ave. and 2403 Cartwright St.)

Lots 7A, 7B, 8, 11, 12, 13A, 20A, 20B, 21A, 21B, 22, 23A, 25, 27, 28, 34, 38A, 39B, 47, 48, 49 and 61 of NCB 856 of the Tubbs Subdivision (945, 949 and 1023 S. Lyons Ave., 2401 and 2403 W. Shaw St., 1020 S. Buckley Ave., 846 S. Buckley Ave., 853 Tubbs St., 844, 842, 840, 832, 826 and 822 S. Buckley Ave., 821 Tubbs Ave., 827 and 819 S Lyons Ave., 902 and 900 S. Buckley Ave., 905 S Tubbs St., and 921 S. Lyons St.)

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Lots 10, 10A, 12A, 12B, 13, 16, 30, 39, 40, 41, 42, 43, 44, and 45 of NCB 661B of the Walter H. Knight Subdivision (1720 W 1st St., 1318 S. Peach Ave., 1716, 1708 and 1618 W. 1st St., 1620 and 1715 Mockingbird Ln., and the north side of the 1800 Block of W. Shaw St.)

Lots 377, 380, 384, 388, 390, 391 and 411B of NCB 663 of the Connally Heights Subdivision (1602, 1518, 1500, 1501, 1507 and 1511 W.1st St. and 1400 Mockingbird Ln.)

Lots 128, 130, 133A, 138, 146B, 147A, 154A, 158A, 159A and 160 of NCB 661B of the Butler College Subdivision (1315, 1309, 1217, 1133, 1112, 1114, 1208, 1302 and 1308 S. Academy)

Lots 2, 3, 4, 13, 14, 15, 16, 17, 18, 20, 35, 50, 51, 54, 57, 66, 68, 76, 77, 80, 85, 89, 94, 99, 100, 111A, and 121 of NCB 661A of the Butler College Subdivision (1114, 1120, 1304, 1310, 1314 and 1320 S. Lyons Ave., 2203 W 2nd St., 1105, 1302, 1306 and 1316 S. Francis Ave., 1315, 1203, 1127, 1122, 1124, 1208, 1302, and 1318 S. Butler Ave., 1311, 1215, 1213, 1110 and 1302 S. Lenox St.)

Lots 12, 16, 21 and 26 of NCB 575 of the Academy Heights Subdivision (2024 W. Robbins St., 2017 and 2125 W. Jackson St., and 924 S. Lyons Ave.)

Lots 1, 2, 6, 7, 8, 9, 10, 14, 18, 19, 20, 24 and 25 of NCB 576 of the Academy Heights Subdivision (2016 W. Shaw St., 2012, 1924, 1918, and 1910 W. Robbins St., 1903, 1923, 1927, 1929 and 2107 W. Jackson St., and 2000 W. Robbins St.)

Lots 12, 13, 23A, and 25 of NCB 577 of the Academy Heights Subdivision (1804 and 1732 W. Robbins St., 921 S Peach Ave., and 924 S. Academy Ave.)

Lots 4, 5, 7, and 16B of NCB 580 of the Academy Heights Subdivision (1806 and 1812 W. Jackson St., and 1023 S. Peach Ave.)

Lot 9, 10 and 22 of NCB 581 of the Academy Heights Subdivision (1916 and 1908 W. Jackson St. and 2009 W. Shaw St.)

Lots 3, 4, 7, 12, 17, 25 and 26 of NCB 582 of the Academy Heights Subdivision (2200, 2124, 2110 and 2026 W. Jackson St., and 2119 and 2027 W. Shaw St.)

Item Reference:

The applicant is requesting a zoning change in order to construct affordable rental single family homes

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.

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Generally, the adjacent properties to the north, east, south and west of the 161 lots proposed to be rezoned are zoned “R-2” Two-Family Residential District; yet most of the actual structures are single family homes.

At the February 28, 2007, City Council meeting, the Council unanimously approved the process and schedule of the proposed city-wide voluntary rezoning. This is Phase One which is located in the Butler College area bounded by Bellwood Road to the north, 2nd Street to the south, Glenwood Blvd. to the east and Britton Avenue to the west.

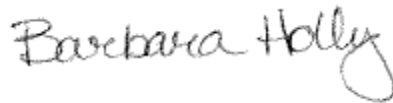
This rezoning will have a positive impact on the neighborhood by allowing the property owners to rebuild, refinance or remodel their single family homes once the lots have come into compliance. This process is in keeping with the desired outcome of Tyler 21 to increase the number of single family homes 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 766 notices mailed, 55 notices were returned in favor and ten notices in opposition to the application. No one spoke in favor or in opposition to the rezoning request.

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 for the 161 lots that requested the rezoning.

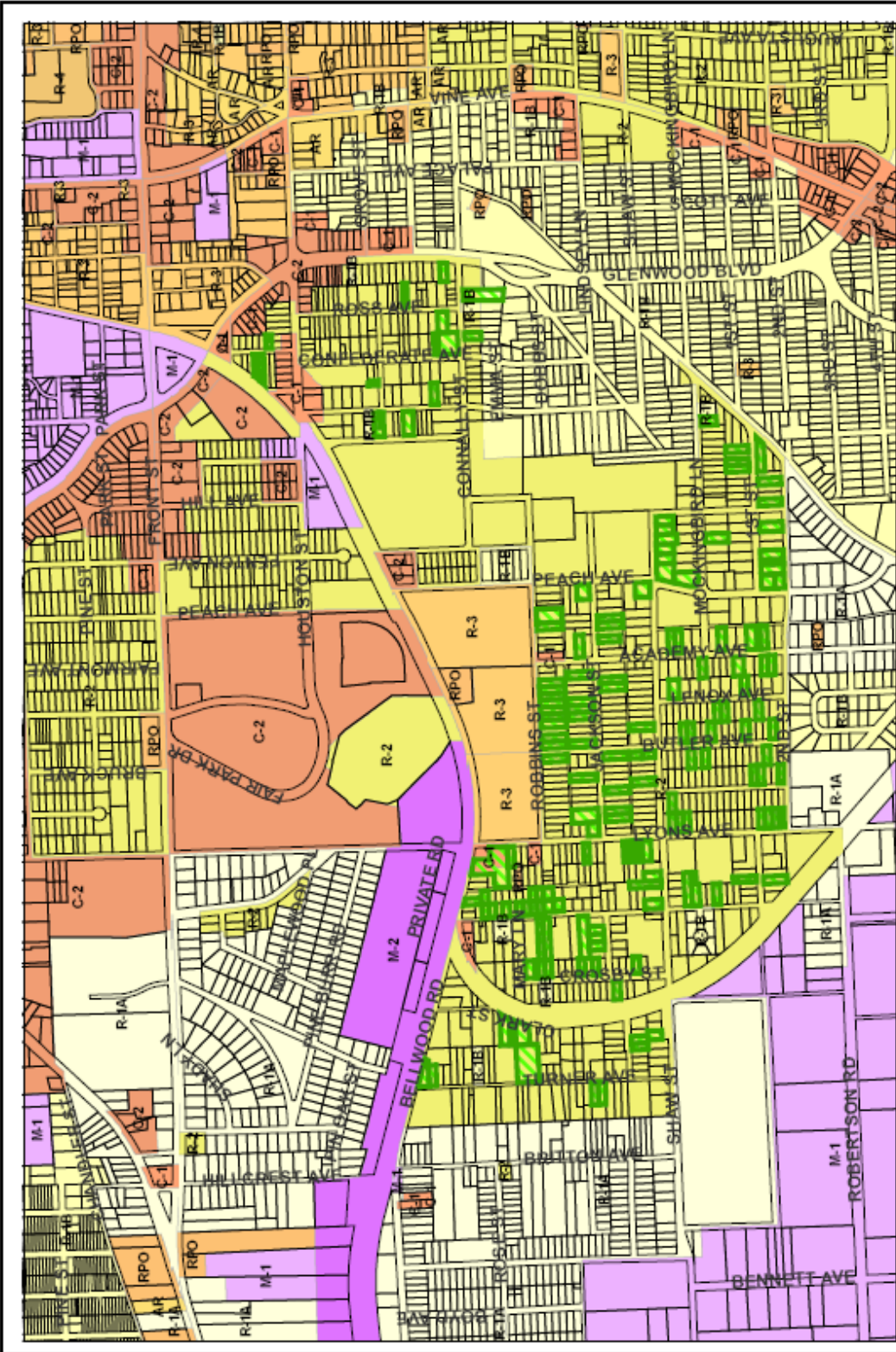


Drafted/Recommended By: Barbara Holly

Department Leader

Edited/Submitted By:

City Manager



0 250 500 750 1,000 Feet

ZONING CASE

Zoning Cases #: Z04-07-036B

Existing Zoning: R-2 Proposed Zoning: R-1B

Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS



Subject Property

ORDINANCE NO. O-2007-46

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 Z04-07-036B

That the following described property, which has 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 24, 35, and 36 of NCB 324D of the BF Phillips Subdivision (522, and 519 S. Confederate Ave.);

Lot 5 of NCB 321 of the Oak Grove Place Subdivision (805 S. Glenwood Blvd.);

Lots 35, 48A, 56B, 71B, 72, 74, 141, 142 and 153 of NCB 665B of the Jno. Broughton Subdivision (713 and 732 Englewood Ave., 1311 W. Grove St, 802 S. Confederate Ave., 1225 W. Connally St. 803 S. Ross Ave., 639 and 643 Englewood Ave., and 718 S. Ross Ave.);

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1715 Mockingbird Ln., and the north side of the 1800 Block of W. Shaw St.)
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 Subdivision (1602, 1518, 1500, 1501, 1507 and 1511 W.1st St. and 1400 Mockingbird Ln.)
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 College Subdivision (1315, 1309, 1217, 1133, 1112, 1114, 1208, 1302 and 1308 S. Academy)
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 111A, and 121 of NCB 661A of the Butler College Subdivision (1114, 1120, 1304, 1310, 1314 and
 1320 S. Lyons Ave., 2203 W 2nd St., 1105, 1302, 1306 and 1316 S. Francis Ave., 1315, 1203, 1127,
 1122, 1124, 1208, 1302, and 1318 S. Butler Ave., 1311, 1215, 1213, 1110 and 1302 S. Lenox St.)
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 2017 and 2125 W. Jackson St., and 924 S. Lyons Ave.)
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 W. Jackson St., and 2000 W. Robbins St.)
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 Robbins St., 921 S Peach Ave., and 924 S. Academy Ave.)
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 St., and 1023 S. Peach Ave.)
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 and 2009 W. Shaw St.)
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 and 2026 W. Jackson St., and 2119 and 2027 W. Shaw St.)

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 25th day of April, A.D., 2007.

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

A T T E S T:

APPROVED:

 CASSANDRA BRAGER, CITY CLERK

 CITY ATTORNEY