



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-2

Date: June 13, 2007

Subject: APPLICATION Z03-07-021B JED INVESTMENTS
Request that the City Council consider a request to change the zoning from “C-1” Light Commercial District to “R-2” Two-Family Residential District on Lot 7B of NCB 443 in the Oak Grove Addition, one lot totaling approximately .19 acres and “R-1B” Single-Family Residential District on Lots 7A & 8 of NCB 443 in the Oak Grove Addition, two lots totaling approximately .53 acres located north and east of the intersection of Grand Avenue and Martin Luther King, Jr. Boulevard, on the east side of Grand Avenue (2109, 2111 and 2115 Grand Avenue).

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Item Reference:

The applicant is requesting a zoning change to bring the existing zoning into conformity with the current use.

Section 10-212, "R-2" Two-Family Residential District, allows as a permitted use two-family residential units (duplexes). The "R-2" Two-Family Residential District requires a minimum lot size of 7,000 square feet. The maximum height of buildings within the "R-2" District is two and one-half stories or 42 feet in height and all setback lines are consistent with other residential districts. 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.

All adjacent properties are currently zoned “C-1” Light Commercial District, primarily developed with single-family residential homes.

The applicant is requesting a zoning change to bring the existing zoning into conformity with the current use. The Future Land Use Map designates this property as Low Density Residential and the request for “R-1B” Single Family Residential District is consistent with that land use designation. The continuing development of single-family structures will only enhance the beautification and reinvestment of the area. Because this is a downzoning request and is consistent with the recommended future residential land use, this will positively impact the surrounding properties.

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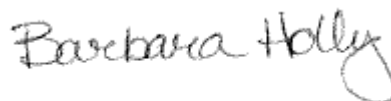
This property is also located outside the City supported R-2 rezoning project area which is proposing to rezone the R-2 area properties back to single family residential. Since this is not a duplex zoning, this property will not be served by the city-wide voluntary rezoning currently underway.

On March 20, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the ten notices mailed; one notice was returned in favor of the application and three notices were returned in opposition to the request. The total calculated protest is 27.04 percent. Neighbors spoke in opposition to the request stating concerns of loss of commercial zoning in the area. Jim DeHaven appeared on behalf of the applicant. As the written protest exceeds 20 percent, a favorable vote of at least three-fourths of the City Council will be required for approval.

On April 25, 2007, the City Council voted 6-0 to table the request plan to provide the applicant an additional opportunity to meet with neighbors to address their concerns. Staff contacted neighbors twice by phone and sent letters inviting them to a neighborhood meeting. One neighbor confirmed their attendance. On May 7, 2007, a neighborhood meeting was held to discuss the property owners' concerns; none of the neighbors were in attendance. Mr. DeHaven and staff waited 30 minutes for any neighbors that might arrive late to the meeting. Unfortunately no one showed.

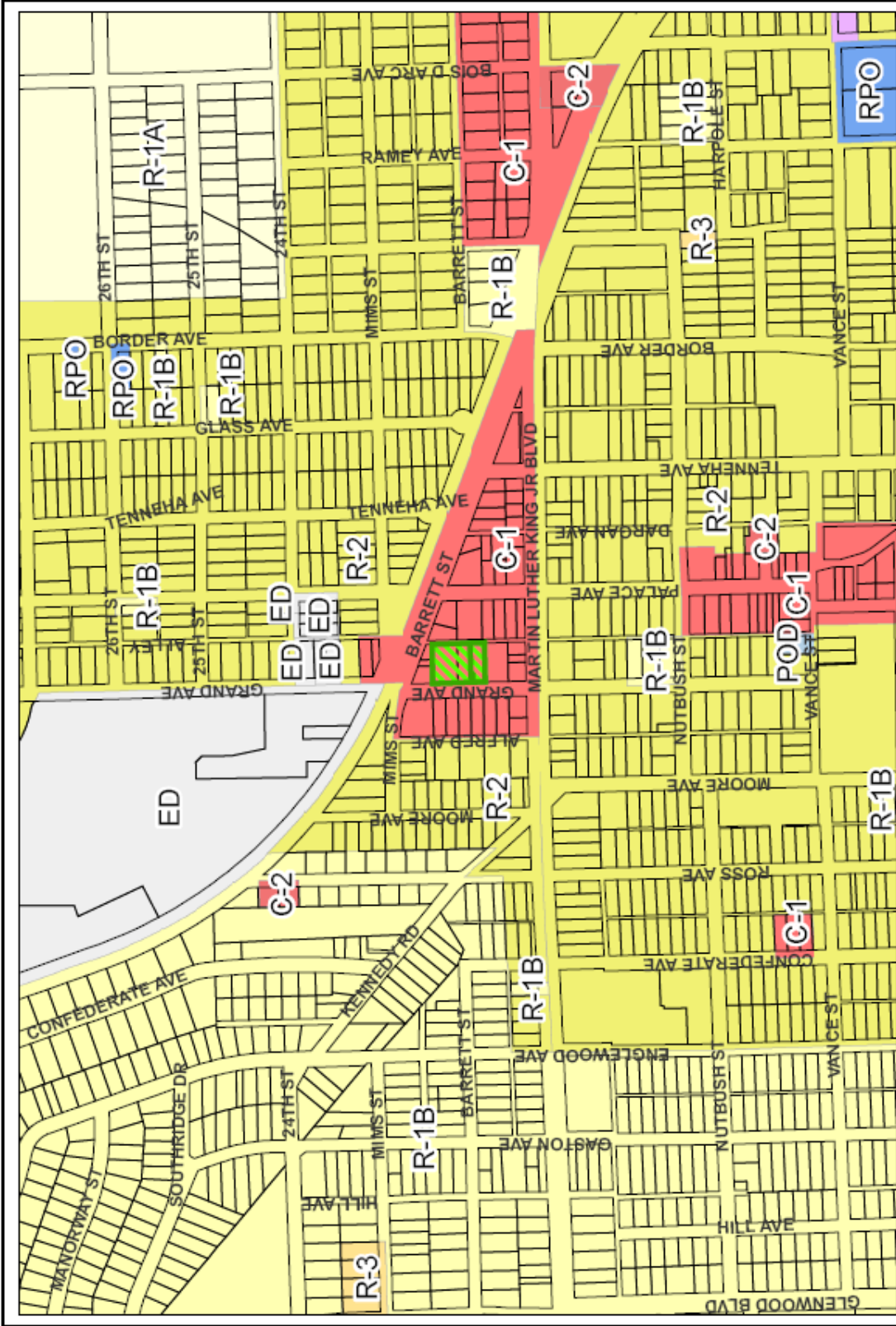
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 4-2, recommends approval of the request to change the zoning from "C-1" Light Commercial District to "R-2" Two-Family Residential District and "R-1B" Single-Family Residential District.



Drafted/Recommended By: Barbara Holly
Department Leader Director of Planning

Edited/Submitted By:
City Manager



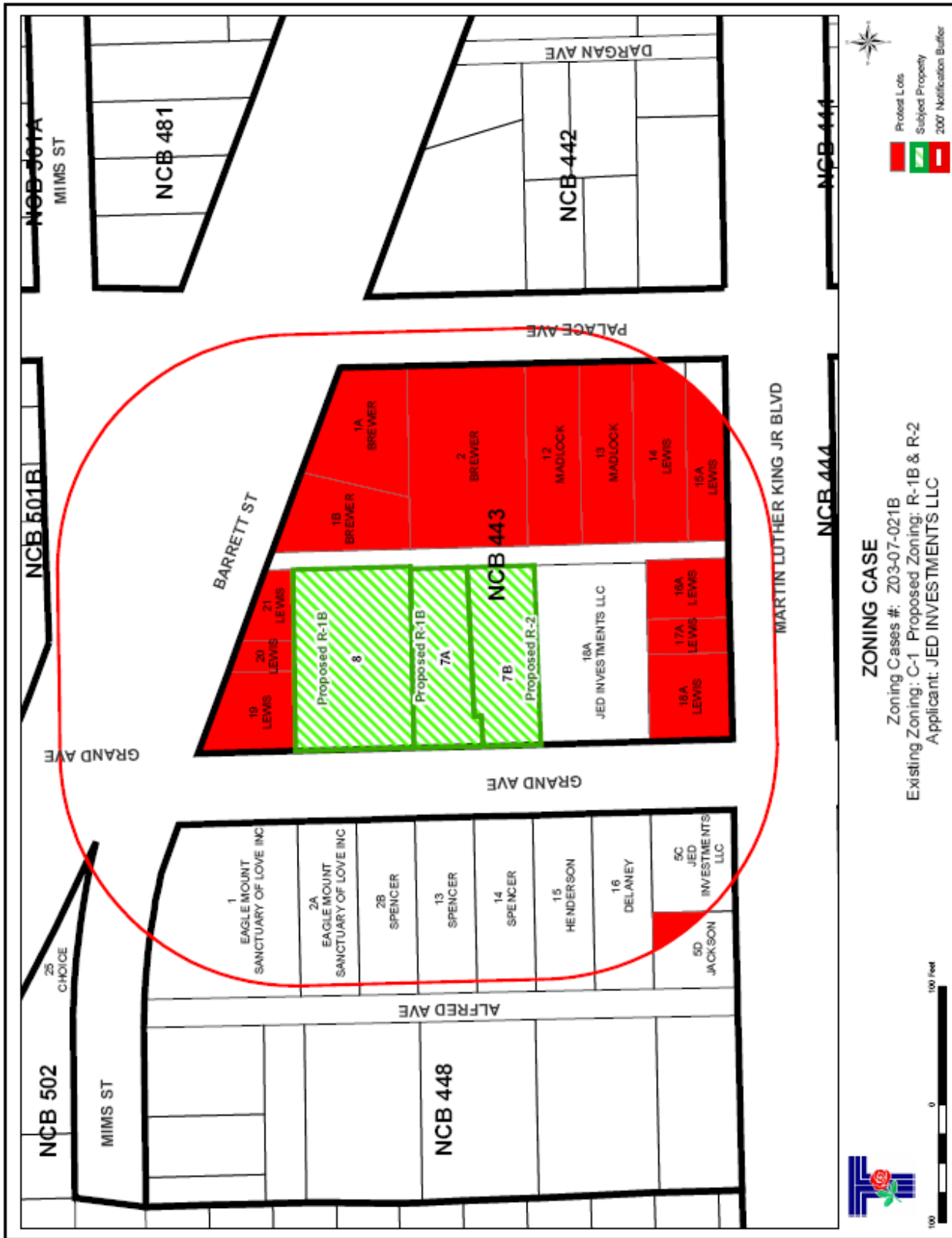
300 0 300 Feet

ZONING CASE

Zoning Cases #: Z03-07-021B
 Existing Zoning: C-1 Proposed Zoning: R-1B & R-2
 Applicant: JED INVESTMENTS LLC



Subject Property



ZONING CASE

Zoning Cases #: Z03-07-021B
 Existing Zoning: C-1 Proposed Zoning: R-1B & R-2
 Applicant: JED INVESTMENTS LLC



ORDINANCE NO. O-2007-55

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 Z03-07-021B

That the following described property, which has heretofore been zoned "C-1" Light Commercial District, shall hereafter bear the zoning classification of "R-2" Two-Family Residential District and "R-1B" Single-Family Residential District to-wit:

"R-2" Two-Family Residential District on Lot 7B of NCB 443 in the Oak Grove Addition, one lot totaling approximately .19 acres and "R-1B" Single-Family Residential District on Lots 7A & 8 of NCB 443 in the Oak Grove Addition, two lots totaling approximately .53 acres located north and east of the intersection of Grand Avenue and Martin Luther King, Jr. Boulevard, on the east side of Grand Avenue (2109, 2111 and 2115 Grand Avenue), and more particularly described by Exhibit "A".

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 13th day of June, A.D., 2007.

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

APPROVED:

A T T E S T:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

EXHIBIT A TO ORDINANCE 0-2007-55

06-0636
March 8, 2007
STATE OF TEXAS
COUNTY OF SMITH

BEING 30,396.5 square feet, or 0.698 acre of land situated in the J. McKnight Survey, A-689, located in the City of Tyler, Smith County, Texas, and being part of Lot 7, and part of Lot 6, Block 9 of Oak Grove Addition to the City of Tyler, recorded in Volume 46, Page 395 of the Deed Records of Smith County, Texas, and being further described as follows:

BEGINNING at a ½" Iron Rod set for the Northwest corner of said Lot 7, the Southwest corner of Lot 8, Block 9, N.C.B. 443, and being in the East margin of North Grand Avenue, a 60' wide Right-of-Way, from which a ½" Iron Rod found for the Northwest corner of said N.C.B. 443 bears N 01°21'39" W – 184.51 feet;

THENCE North 89 degrees 05 minutes 34 seconds East, with the North line of said Lot 7, and the South line of said Lot 8, a distance of **151.98 feet** to a ½" Iron Rod set for corner in same, from which the Northeast corner of Lot 7 bears N 89°05'34" W – 2.00 feet, same point being the Southeast corner of said Lot 8, and being in the West margin of a 16' wide public alley;

THENCE South 01 degrees 21 minutes 39 seconds East, across said Lot 7, and said Lot 6, 2 feet from and parallel with the East line of same, a distance of **200.01 feet** to a ½" Iron Rod set for corner in the South line of said Lot 6, and the North line of Tax Lot 16;

THENCE South 89 degrees 05 minutes 34 seconds West, with the South line of said Lot 6, the North line of said Tax Lot 16, the North line of Tax Lot 17, and the North line of Tax Lot 18, a distance of **151.98 feet** to a ½" Iron Rod set for the Southwest corner of said Lot 6, the Northwest corner of said Tax Lot 18, and being in said East Right-of-Way of North Grand Avenue;

THENCE North 01 degrees 21 minutes 39 seconds West, with the West line of said Lot 6, the West line of said Lot 7, and said East Right-of-Way, a distance of **200.00 feet** to the Place of Beginning, containing 30,396.5 square feet, or 0.698 of an acre of land.

These Field Notes were prepared based on a survey made under my direction and supervision during the month of November, 2006. The bearings recited herein are based on Protracted Bearings, and are rotated to fit the North line of Block 9 of Oak Grove Addition to the City of Tyler, recorded in Volume 46, Page 395 of the Deed Records of Smith County, Texas.

H. Keith Rutledge
Registered Professional Land Surveyor
State of Texas
No. 5449