



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-9

Date: June 13, 2007

Subject: APPLICATION Z05-07-041B CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS – PHASE ONE-A

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, S. Peach Ave. to the east and Clark St. to the west for the following 10 lots:

Lot 24 of NCB 577 of the Academy Heights Subdivision (1809 W. Jackson St.);

Lot 1 of NCB 581 of the Academy Heights Subdivision (2016 W. Jackson St.);

Lots 12, 75, 87 and 88 of NCB 661A of the Butler College Subdivision (1222 S. Lyons Ave., 1116 and 1314 S. Butler Ave.);

Lot 150A of NCB 661B of the Butler College Subdivision (1124 S. Academy Ave.);

Lot 2C of NCB 855 of the Herndon Subdivision (1315 S. Lyons Ave.);

Lot 63 of NCB 857 of the Herndon’s 1st Subdivision (837 Crosby St.) and

Lot 25 of NCB 575 of the Academy Heights (920 S. Lyons Ave.)

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Item Reference:

The City is offering a zoning change to bring the zoning into conformity with the current 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 of the ten lots proposed to be rezoned are zoned “R-2” Two-Family Residential District; yet most of the structures are single family homes.

These ten lots are part of Phase One of the citywide “R-2” rezoning project; however, the applications were not received in time to meet the public notice requirements for the initial deadline for Phase One. Late applications are being accepted and no fees are charged.

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These lots are located in the Butler College area bounded by Bellwood Road to the north, 2nd Street to the south, S. Peach Avenue to the east and Clark Street to the west.

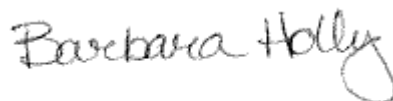
This rezoning will have a positive impact on the neighborhood by allowing the property owners to rebuild, refinance or remodel their single family homes once the lots have come into compliance. This process is in keeping with the desired outcome of Tyler 21 – to increase the number of single family homes 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 207 notices mailed, 20 notices were returned in favor and one notice 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 ten lots that requested the rezoning.

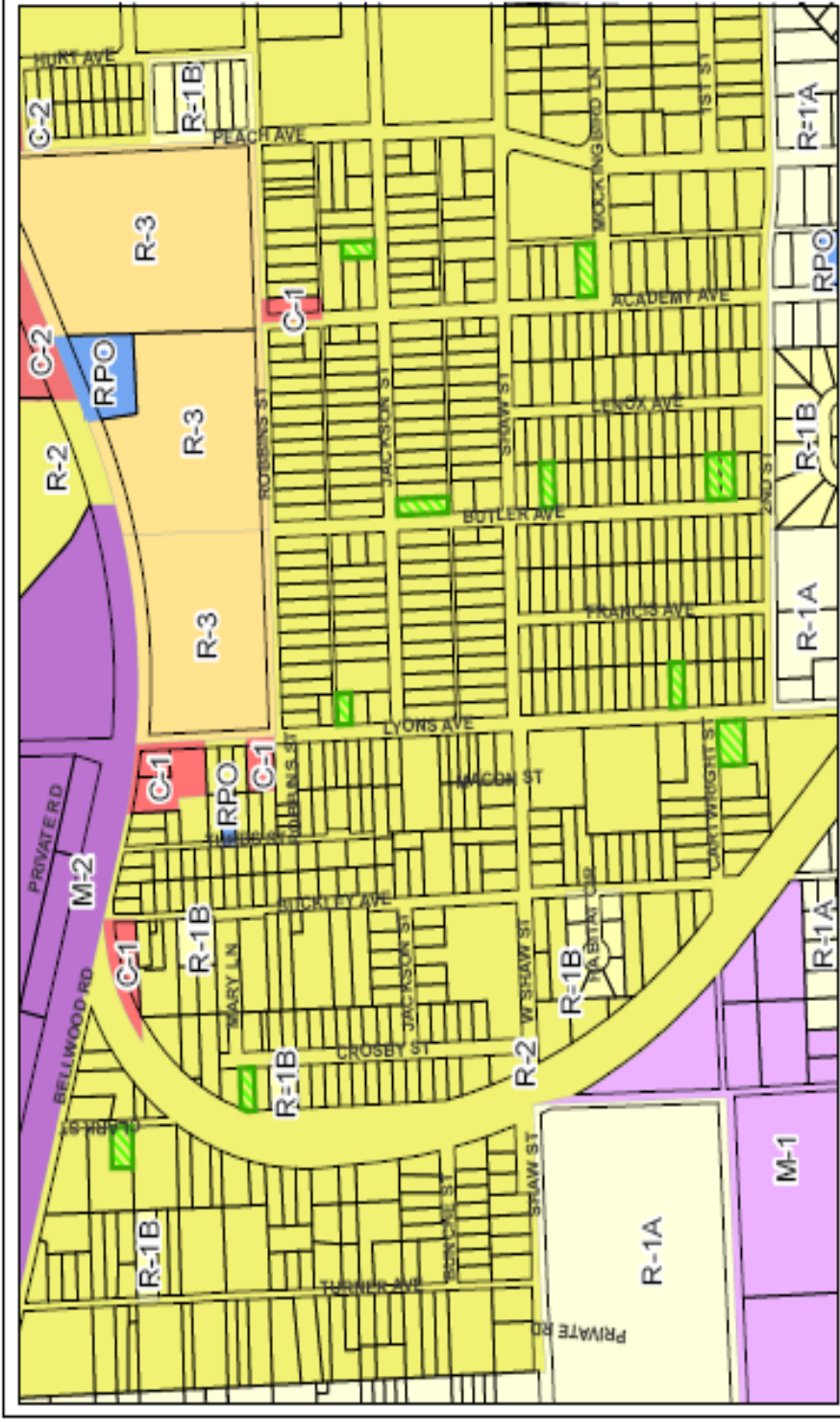


Drafted/Recommended By: Barbara Holly

Department Leader

Edited/Submitted By:

City Manager



ZONING CASE

Zoning Cases #: Z05-07-041A

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

Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS



subject property

ORDINANCE NO. O-2007-61

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 Z05-07-041B

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:

Lot 24 of NCB 577 of the Academy Heights Subdivision (1809 W. Jackson St.);
Lot 1 of NCB 581 of the Academy Heights Subdivision (2016 W. Jackson St.);
Lots 12, 75, 87 and 88 of NCB 661A of the Butler College Subdivision (1222 S. Lyons Ave., 1116 and 1314 S. Butler Ave.);
Lot 150A of NCB 661B of the Butler College Subdivision (1124 S. Academy Ave.);
Lot 2C of NCB 855 of the Herndon Subdivision (1315 S. Lyons Ave.);
Lot 63 of NCB 857 of the Herndon’s 1st Subdivision (837 Crosby St.) and
Lot 25 of NCB 575 of the Academy Heights

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 13th day of June, 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