



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-14**

**Date: July 25, 2007**

**Page: 1 of 3**

**Subject: APPLICATION Z07-07-81B CITY OF TYLER ON BEHALF OF  
NUMEROUS CITIZENS – PHASE THREE**

**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 for the following 81 lots generally bounded by Houston Street on the north, Sneed Avenue and Oakland Avenue to the East, 3<sup>rd</sup> Street to the south and Vine Avenue to the west for the following 81 lots:**

**Lots 2A, 12, 16 and 33 NCB 305 of the A.H. Kipp Subdivision (614 West Dobbs Street, 607 Lindsay Lane, 919 and 925 South Robertson);**

**Lots 10A, 12A, 19 and 20 of NCB 275 of the Belmont Subdivision (911 and 913 South Donnybrook and 910 Fannin Avenue);**

**Lot 8 of NCB 275A of the Belmont Subdivision (932 South Donnybrook Avenue);**

**Lot 11A of NCB 269A of the Belmont Subdivision (417 East Dodge Street);**

**Lots 5, 17 and 22 of NCB 269B of the Belmont Subdivision (1024 South Donnybrook Avenue, 420 Lake Street and 409 East Rix Street);**

**Lots 19 and 25 of NCB 262A of the Butler and Fitzgerald Subdivision (735 South Donnybrook Avenue and 221 East Wells Street);**

**Lot 8A of NCB 168 of the Charnwood Addition (202 East Charnwood Street);**

**Lots 2A and 11 of NCB 166 of the City of Tyler Plat (400 and 412 East Charnwood Street);**

**Lot 23 of NCB 259 of the City of Tyler Plat (418 East Wells Street);**

**Lots 4, 5 and 19 of NCB 304 of the Dobbs Subdivision (820 South Kennedy and 622 West Rusk);**

**Lot 7 of NCB 318 of the Dobbs Subdivision (831 South Kennedy);**

**Lots 6, 16, 17 and 18 of NCB 275B of the Eltife Subdivision (220 Rix Street and 1113 South Donnybrook Avenue);**

**Lots 9, 11, 12, 17B, 23 and 24 of NCB 262B of the Jim Negem Subdivision (825 and 835 South Donnybrook Avenue and 306 and 308 East Dobbs Street);**

**Lots 1 and 11A of NCB 314B of the Jim Negem Subdivision (1201 South Robertson Avenue and 1202 Augusta Avenue);**

**Lot 3 of NCB 314D of the Jim Negem Subdivision (1215 South Kennedy);**

**Lot 3F of NCB 171 of the Lewis Place Subdivision (324 West Houston Street);**

Lot 32, 41 and 59 of NCB 274 of the R.J. Ford Subdivision (213 East Ford and 214 and 226 East 1<sup>st</sup> Street);  
Lots 14, 20 and 26 of NCB 165 of the Ramsour Subdivision (504, 512 and 604 East Charnwood Avenue);  
Lots 1, 2 and 6 of NCB 313 of the Robertson Homestead Subdivision (1103, 1105 and 1123 South Robertson Avenue);  
Lot 5 of NCB 311 of the Robertson Homestead Subdivision (700 Lindsey Lane);  
Lots 7, 65, 66B and 66C of NCB 261A of the Rowland Place Subdivision (700 and 714 South Broadway and 114 Rowland Place);  
Lots 16, 17A, 40, 58, 67 and 68 of NCB 261B of the Rowland Place Subdivision (107, 127, 137, 143 and 145 Rowland Place and 806 South Broadway);  
Lot 38A and 39B of NCB 261C of the Rowland Place Subdivision (206 and 208 East Dobbs Street);  
Lots 2 and 12A of NCB 660A of the Talley Heights Subdivision (1409 South Robertson Avenue and 612 West 2<sup>nd</sup> Street);  
Lot 1, 18 and 19 of NCB 660C of the Talley Heights Subdivision (1425 Augusta, 700 and 706 West 2<sup>nd</sup> Street);  
Lot 5 of NCB 660D of the Talley Heights Subdivision (704 West 3<sup>rd</sup> Street);  
Lots 15 of NCB 660E of the Talley Heights Subdivision (812 West 2<sup>nd</sup> Street);  
Lots 26, 30 and 32 of NCB 264 of the Victory Drive Subdivision (502 and 528 Victory Drive and 509 East Wells Street);  
Lots 7 and 11 of NCB 314C of the William Grimes Subdivision (701 West 2<sup>nd</sup> Street and 1314 South Augusta Street);  
Lots 17A and 26 of NCB 303 of the Williams Subdivision (813 South Robertson and 523 West Dobbs Street);  
Lots 8 and 9 of NCB 169 of the Yarbrough Subdivision (610 and 612 South College Avenue);  
Lots 11, 17 and 18 of NCB 174 of the Yarbrough Subdivision (701 Bois d'Arc, 626 South Chilton and 402 West Charnwood) and  
Lots 10, 13, and 15 of NCB 171 of the Yarbrough Subdivision (603 and 615 Bois d'Arc, 414 West Houston Street) .

**Page:** 2 of 3

**Item Reference:**

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

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.

**Agenda Number: Z-14**

**Page: 3 of 3**

Generally, the adjacent properties to the north, East, south and west of the 81 lots proposed to be rezoned are zoned “R-2” Two-Family Residential District; yet most of the actual structures are single family homes.

This is Phase Three of a total project of six phases; the area is located in the Azalea, Charnwood and Brick Streets Historic Districts generally bounded by Houston Street on the north, Sneed Avenue and Oakland Avenue to the East, 3<sup>rd</sup> Street to the south and Vine Avenue to the west.

Once the lots have come into compliance, this rezoning will have a positive impact on the neighborhood by allowing the property owners to rebuild, refinance or remodel their single family homes. 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.

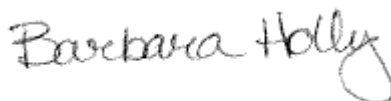
The Future Land Use Map designates this site as Low Density Residential and the request for “R-1B” Single Family Residential District is consistent with that land use designation.

On July 17, 2007, the Planning and Zoning Commission held a public hearing on this request. Mr. Dunn, a citizen whose property is located within the area, inquired about his property and staff explained that his property was not affected by the rezoning because he had not requested rezoning. No one spoke in opposition to the application. Of the 756 notices mailed, 44 notices were returned in favor of and six notices in opposition to the application.

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

**RECOMMENDATION:**

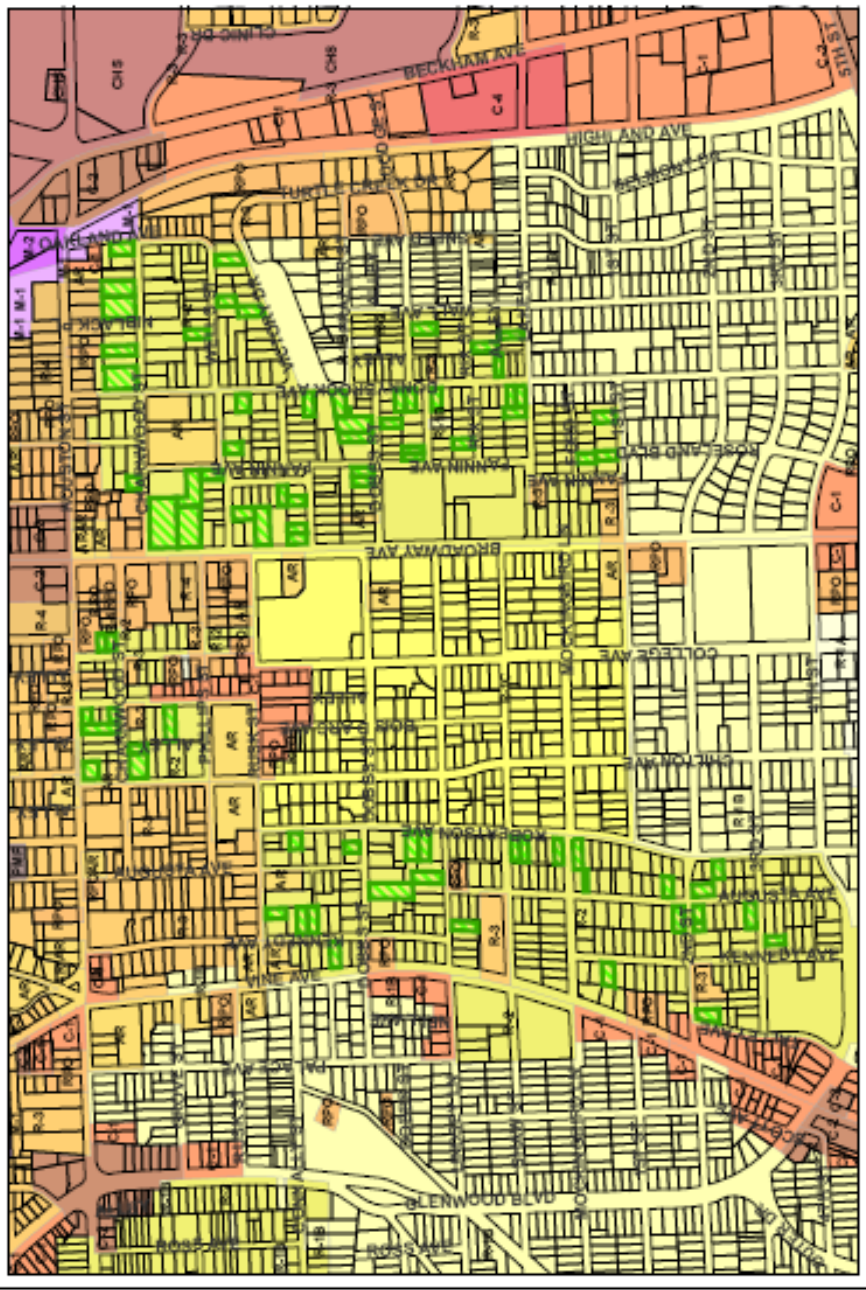
The Planning and Zoning Commission, by a vote of 6-0 recommends approval of the request to change the zoning from “R-2” Two-Family Residential District to “R-1B” Single-Family Residential District.



**Drafted/Recommended By: Barbara Holly**

**Department Leader**

**Edited/Submitted By:  
City Manager**





**ZONING CASE**

Zoning Cases #: Z07-07-081B


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


Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS



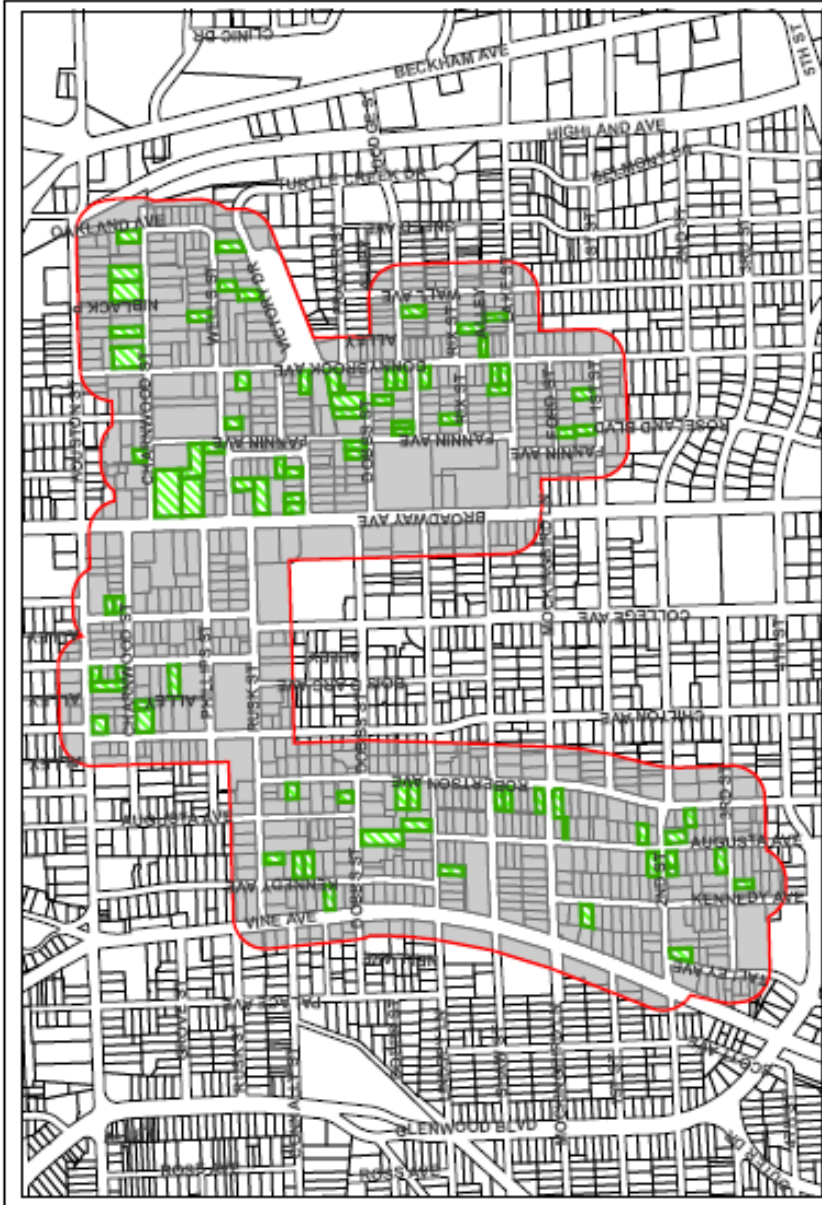


subject property





0 1 200 feet



**ZONING CASE**  
 Zoning Cases #: 207-07-081B  
 Existing Zoning: R-2 Proposed Zoning: R-1B  
 Applicant: CITY OF TYLER ON BEHALF OF NUMEROUS CITIZENS

Subject/Property  
 207 Indicator 0.00w



**ORDINANCE NO. O-2007-90**

**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 Z07-07-081B**

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 2A, 12, 16 and 33 NCB 305 of the A.H. Kipp Subdivision (614 West Dobbs Street, 607 Lindsay Lane, 919 and 925 South Robertson);  
Lots 10A, 12A, 19 and 20 of NCB 275 of the Belmont Subdivision (911 and 913 South Donnybrook and 910 Fannin Avenue);  
Lot 8 of NCB 275A of the Belmont Subdivision (932 South Donnybrook Avenue);  
Lot 11A of NCB 269A of the Belmont Subdivision (417 East Dodge Street);  
Lots 5, 17 and 22 of NCB 269B of the Belmont Subdivision (1024 South Donnybrook Avenue, 420 Lake Street and 409 East Rix Street);  
Lots 19 and 25 of NCB 262A of the Butler and Fitzgerald Subdivision (735 South Donnybrook Avenue and 221 East Wells Street);  
Lot 8A of NCB 168 of the Charnwood Addition (202 East Charnwood Street);  
Lots 2A and 11 of NCB 166 of the City of Tyler Plat (400 and 412 East Charnwood Street);  
Lot 23 of NCB 259 of the City of Tyler Plat (418 East Wells Street);  
Lots 4, 5 and 19 of NCB 304 of the Dobbs Subdivision (820 South Kennedy and 622 West Rusk);  
Lot 7 of NCB 318 of the Dobbs Subdivision (831 South Kennedy);  
Lots 6, 16, 17 and 18 of NCB 275B of the Eltife Subdivision (220 Rix Street and 1113 South Donnybrook Avenue);  
Lots 9, 11, 12, 17B, 23 and 24 of NCB 262B of the Jim Negem Subdivision (825 and 835 South Donnybrook Avenue and 306 and 308 East Dobbs Street);  
Lots 1 and 11A of NCB 314B of the Jim Negem Subdivision (1201 South Robertson Avenue and 1202 Augusta Avenue);  
Lot 3 of NCB 314D of the Jim Negem Subdivision (1215 South Kennedy);

Lot 3F of NCB 171 of the Lewis Place Subdivision (324 West Houston Street);  
Lot 32, 41 and 59 of NCB 274 of the R.J. Ford Subdivision (213 East Ford and 214 and 226 East 1<sup>st</sup> Street);  
Lots 14, 20 and 26 of NCB 165 of the Ramsour Subdivision (504, 512 and 604 East Charnwood Avenue);  
Lots 1, 2 and 6 of NCB 313 of the Robertson Homestead Subdivision (1103, 1105 and 1123 South Robertson Avenue);  
Lot 5 of NCB 311 of the Robertson Homestead Subdivision (700 Lindsey Lane);  
Lots 7, 65, 66B and 66C of NCB 261A of the Rowland Place Subdivision (700 and 714 South Broadway and 114 Rowland Place);  
Lots 16, 17A, 40, 58, 67 and 68 of NCB 261B of the Rowland Place Subdivision (107, 127, 137, 143 and 145 Rowland Place and 806 South Broadway);  
Lot 38A and 39B of NCB 261C of the Rowland Place Subdivision (206 and 208 East Dobbs Street);  
Lots 2 and 12A of NCB 660A of the Talley Heights Subdivision (1409 South Robertson Avenue and 612 West 2<sup>nd</sup> Street);  
Lot 1, 18 and 19 of NCB 660C of the Talley Heights Subdivision (1425 Augusta, 700 and 706 West 2<sup>nd</sup> Street);  
Lot 5 of NCB 660D of the Talley Heights Subdivision (704 West 3<sup>rd</sup> Street);  
Lots 15 of NCB 660E of the Talley Heights Subdivision (812 West 2<sup>nd</sup> Street);  
Lots 26, 30 and 32 of NCB 264 of the Victory Drive Subdivision (502 and 528 Victory Drive and 509 East Wells Street);  
Lots 7 and 11 of NCB 314C of the William Grimes Subdivision (701 West 2<sup>nd</sup> Street and 1314 South Augusta Street);  
Lots 17A and 26 of NCB 303 of the Williams Subdivision (813 South Robertson and 523 West Dobbs Street);  
Lots 8 and 9 of NCB 169 of the Yarbrough Subdivision (610 and 612 South College Avenue);  
Lots 11, 17 and 18 of NCB 174 of the Yarbrough Subdivision (701 Bois d'Arc, 626 outh Chilton and 402 West Charnwood) and  
Lots 10, 13, and 15 of NCB 171 of the Yarbrough Subdivision (603 and 615 Bois d'Arc, 414 West Houston 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 25<sup>th</sup> day of July, 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