



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: September 26, 2007

Subject: APPLICATION Z09-07-093A CITY OF TYLER ON BEHALF OF
NUMEROUS CITIZENS – PHASE FIVE-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 for Lot 10 of NCB 683 of the Yarbrough Subdivision
(811 West 27th Street).

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Item Reference:

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. This property is located one lot west of the northwest intersection of North Palace Avenue and West 27th Street, on the north side of West 27th Street.

This lot is part of Phase Five of the city wide “R-2” rezoning project; however, the application was received prior to the scheduled timeline of the Phase Five area. In keeping with the City Council’s directive, no fees were charged.

Once the lot has the appropriate zoning, this rezoning will have a positive impact on the neighborhood by allowing the property owner to rebuild, refinance or remodel their 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. All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

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On September 4, 2007, the Planning and Zoning held a public hearing on this request. No one was present to speak in either favor of or opposition to this request. Of the 28 notices mailed, no notice was returned in favor of the application and four notices were returned in opposition to the application. This calculates to an 8.39% protest. The letters of protest consisted of the following reasons: one property owner has a duplex and would prefer duplex zoning, another property owner expressed the desire to have the neighborhood stay the same: a friendly and quiet residential neighborhood; and the other two property owners had no comments.

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.

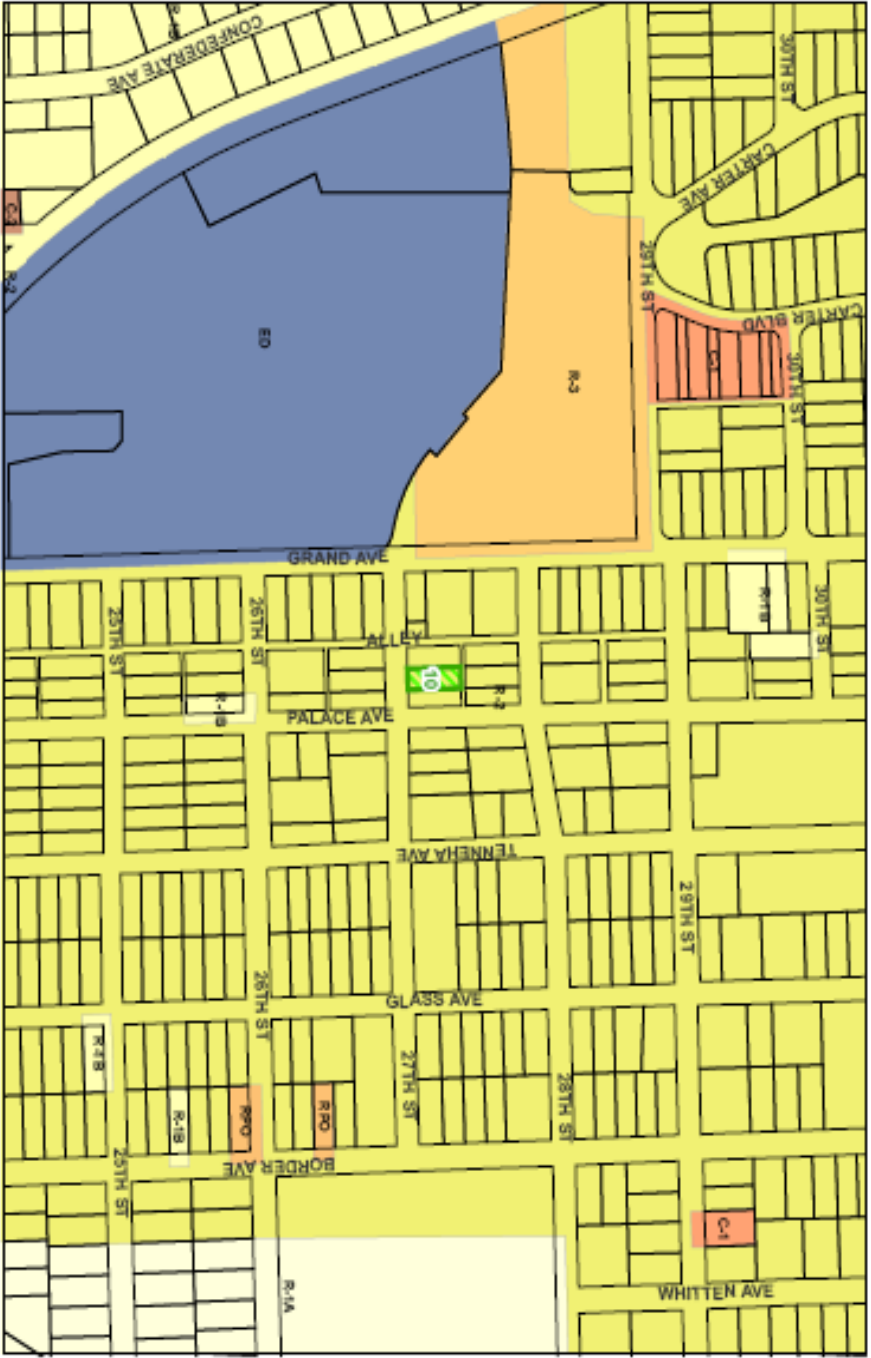
A handwritten signature in cursive script that reads "Barbara Holly".

Drafted/Recommended By: Barbara Holly

Department Leader

Edited/Submitted By:

City Manager



ZONING CASE

Zoning Cases #: Z09-07-093A

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

Applicant: CEDRICK LASAWE



Map by  Mapbox

ORDINANCE NO. O-2007-107

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 Z09-07-093A

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:

Lot 10 of NCB 683 of the Yarbrough Subdivision (811 West 27th 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 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 26th day of September, 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