



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: June 19, 2007

Subject: **APPLICATION Z06-07-050A SERGIO MOLINA**
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 on Lots 12 and 13 of NCB 267 of the Belmont Addition as recorded in Book 6809, Page 302 of the Deed Restrictions of Smith County, Texas, two lots totaling approximately 0.25 acres located at the southwest corner of the intersection of South Wall Avenue and Frazier Street (849 South Wall Avenue).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change in order to construct a single family home.

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.

Adjacent properties to the south and west are zoned “R-2” Two-Family Residential District, while adjacent properties to the north and east are zoned "R-1B" Single-Family Residential District. This property is located in the Azalea Historic District. The Historic Preservation Board has been informed of this application and has expressed a positive consensus for the rezoning.

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 and will have a positive impact to the neighborhood. These lots are located in Phase Three of the citywide “R-2” rezoning effort; however, the applicant has an accelerated timeline and needs to proceed with his rezoning before the scheduled submittal of the Phase Three area applications. In keeping with the directives from City Council, no fees have been charged to the applicant. Prior to the issuance of a Building Permit, the applicant will amend the existing Belmont Addition plat to combine the two lots into one lot.

Of the 33 notices mailed, two notices were returned in favor of the application and one notice was returned in opposition to the application. This protest calculates to a 6.51 percent.

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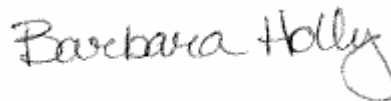
Page: 2 of 2

On June 5, 2007, the Planning and Zoning Commission held a public hearing was held on this rezoning request. Sergio Molina, the property owner, was present to answer questions.

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

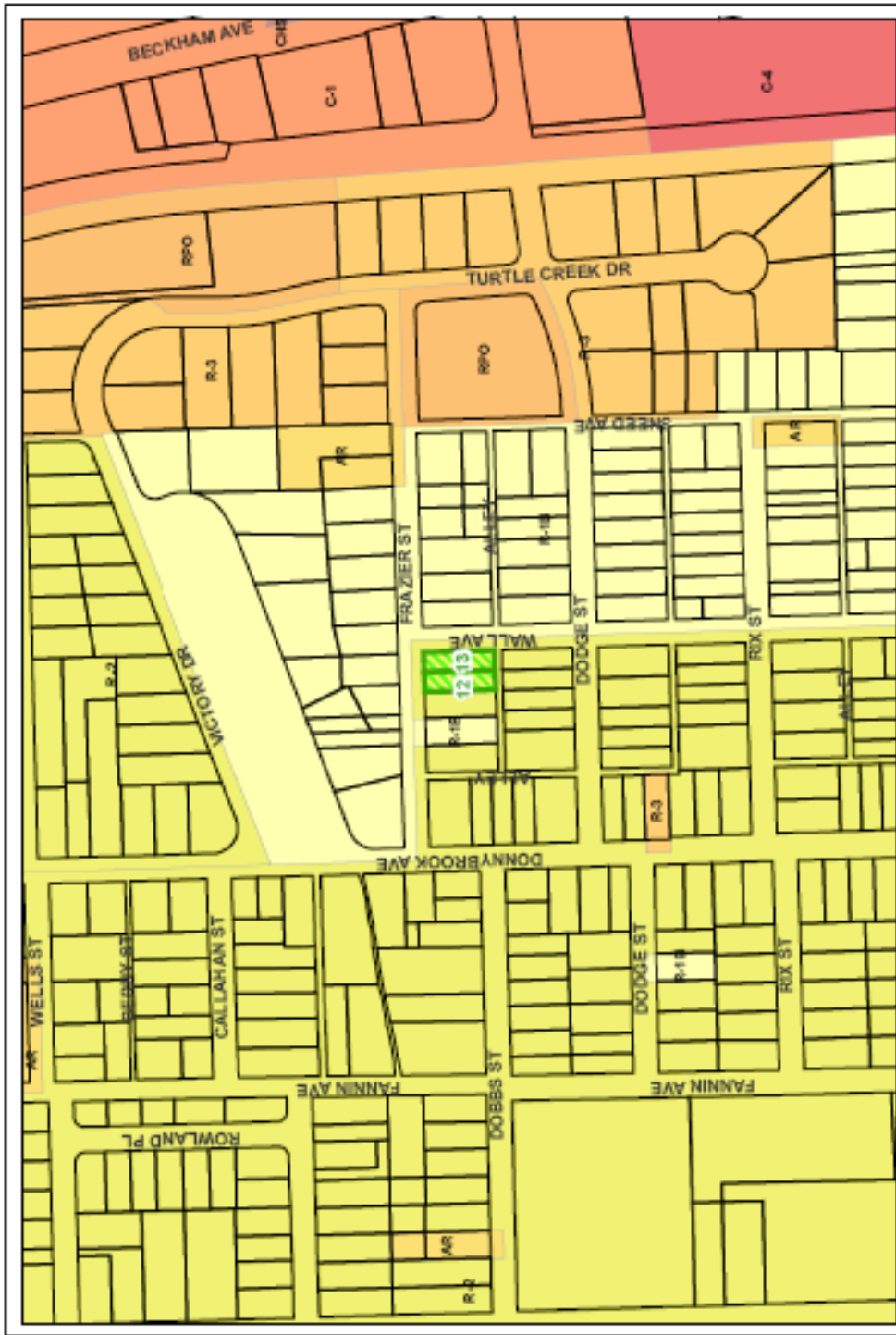
RECOMMENDATION:

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.

A handwritten signature in black ink that reads "Barbara Holly". The signature is written in a cursive style with a large, looping 'y' at the end.

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

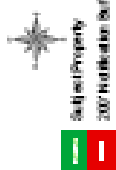
Edited/Submitted By:
City Manager



ZONING CASE
 Zoning Cases #: Z0607-0508
 Existing Zoning: R-2 Proposed Zoning: R-1B
 Applicant: SERGIOMOLINA



Subject Property



ZONING CASE
 Zoning Cases #: Z06-07-050B
 Existing Zoning: R-2 Proposed Zoning: R-1B
 Applicant: SERGIO MOLINA



ORDINANCE NO. O-2007-68

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 Z06-07-050A

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 12 and 13 of NCB 267 of the Belmont Addition as recorded in Book 6809, Page 302 of the Deed Restrictions of Smith County, Texas, two lots totaling approximately 0.25 acres located at the southwest corner of the intersection of South Wall Avenue and Frazier Street (849 South Wall Avenue).

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 19th 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