



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

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Date: February 27, 2008

**Subject: APPLICATION Z02-08-030A CITY OF TYLER ON BEHALF OF
NUMEROUS CITIZENS –PHASE SIX**

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 32 lots generally bounded by Commerce Street to the north, East Erwin Street to the west, Idel Street to the south and Palmer Avenue to the east:

Lots 14A and 16A of NCB 249A of the City of Tyler Subdivision (329 South Fleishel Avenue);

Lot 17 of NCB 137 of the Wimberley Douglas Subdivision (318 North Fuller Avenue);

Lot 8 of NCB 1427 of the Greenwood Park Subdivision (1312 Old Omen Road);

Lot 3 of NCB 531 of the City of Tyler Subdivision (127 South Horace Avenue);

Lot 12 of NCB 139 of the Wimberley Douglas Subdivision (521 North Clayton Avenue);

Lot 3 of NCB 159 of the James Dickey Subdivision (236 South Beverly Avenue);

Lot 5 of NCB 251B of the City of Tyler Subdivision (435 Crestway Drive);

Lot 3A of NCB 68 of the City of Tyler Subdivision (714 East Earle Street);

Lot 1 of NCB 620 of the Earle Subdivision (131 South Palmer Avenue);

Lot 10 of NCB 252 of the Barner Subdivision (502 South Saunders Avenue);

Lot 12 of NCB 251B of the City of Tyler Subdivision (508 South Fleishel Avenue);

Lot 20 of NCB 677A of the Audrey Campbell Subdivision (1120 Idel Street);

Lots 19, 20 and 21 of NCB 142 of the Wimberley Douglas Subdivision (1517 and 1525 East Line Street);

Lots 7A and 8A of NCB 66 of the City of Tyler Subdivision (127 and 133 South Beverly Street);

Lot 13 of NCB 251B of the City of Tyler Subdivision (509 Crestway Drive);

Lot 19 of NCB 238 of the East Tyler Subdivision (303 South Mahon Avenue);

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**Lot 31 of NCB 241 of the Hunt-Wells Subdivision (426 South Baxter Avenue);
Lots 3A and 13A of NCB 249A of the City of Tyler Subdivision (1030 East Front Street);
Lot 5A of NCB 243 of the Hunt-Wells Subdivision (1300 East Houston Street);
Lot 5 of NCB 154 of the Pirtle Hill Subdivision (203 South Saunders Avenue);
Lot 25A of NCB 234 of the East Tyler Subdivision (311 South Palmer Avenue);
Lot 3 of NCB 620 of the Earle Subdivision (1615 East Elm Street);
Lot 4 of NCB 537 of the Earle Subdivision (1429 East Elm Street);
Lot 19 of NCB 253 of the Barner Subdivision (5212 South Fleishel Avenue);
Lot 7 of NCB 251B of the City of Tyler Subdivision (437 Crestway Drive);
Lot 6 of NCB 144 of the Wimberley Douglas Subdivision (211 North John Street) and
Lot 11 of NCB 128 of the Wimberley Douglas Subdivision (205 North George Avenue).**

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 and "M-1" Light Industrial District, yet most of the actual structures are single family homes. This property is generally bounded by Commerce Street to the north, East Erwin Street to the west, Idel Street to the south and Palmer Avenue to the east.

These 32 lots are part of Phase Six of the city wide "R-2" rezoning project. In keeping with the City Council's directive, no fees were charged.

Once the lots have the appropriate zoning, this rezoning will have a positive impact on the neighborhood by allowing the property owner to rebuild, refinance or remodel his/her 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.

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The newly adopted Tyler 21 Future Land Use Guide designates this site as Single Family Medium/Low Density and the request for "R-1B" Single Family Residential District is consistent with that land use designation.

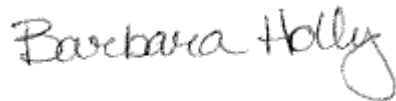
This is the final phase of the year long effort to allow owners to get a zone change for free. Over the year, the City held six public meeting, mailed approximately 4,500 notices and waived approximately \$144,900.00 in fees. This is a successful conclusion to this outreach effort.

Of the 344 notices mailed, three notices were returned in favor of the request and one notice of opposition was received. At the February 5, 2008, Planning and Zoning Commission meeting, no one spoke in favor of or 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.

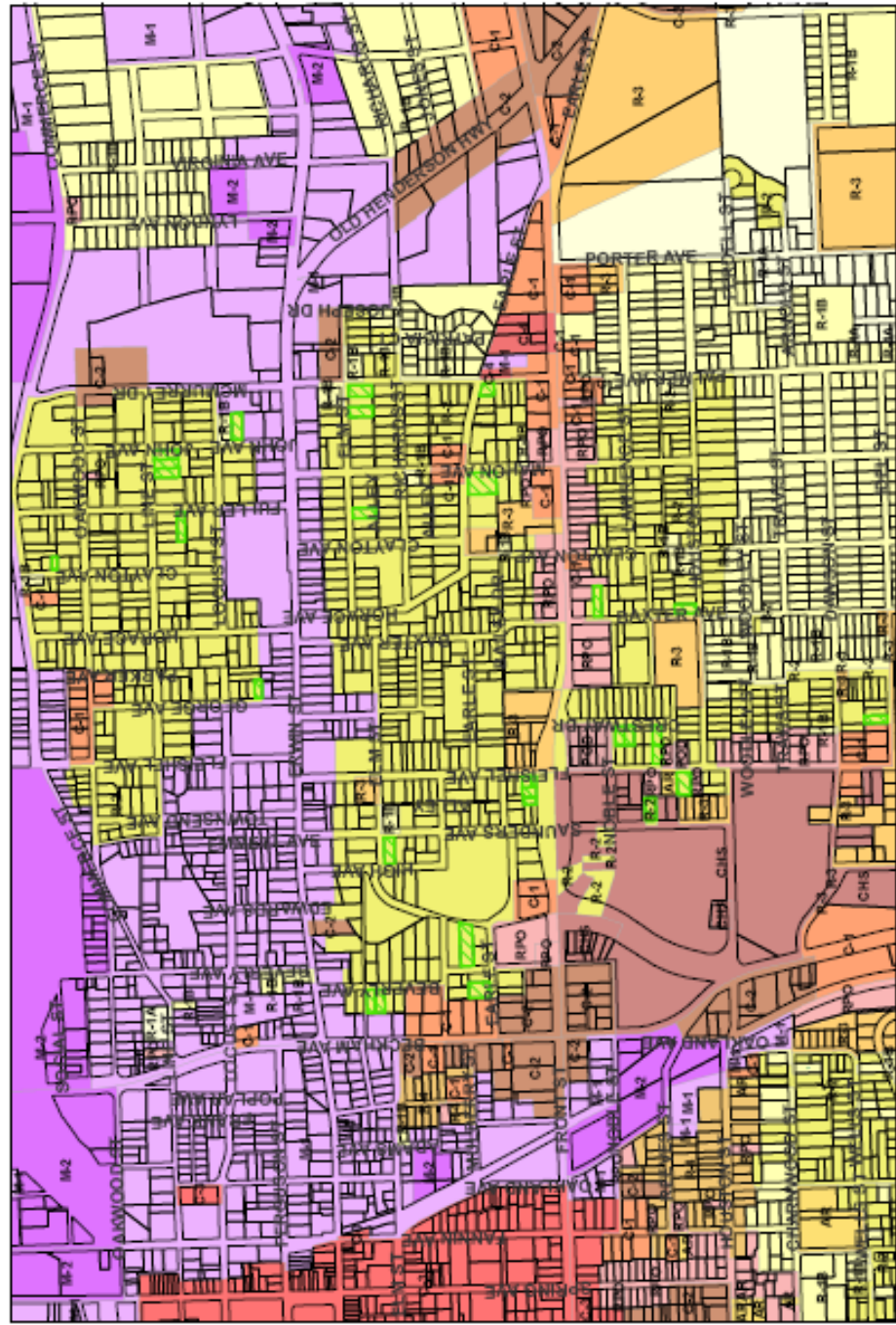


Drafted/Recommended By: Barbara Holly

Department Leader

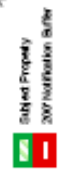
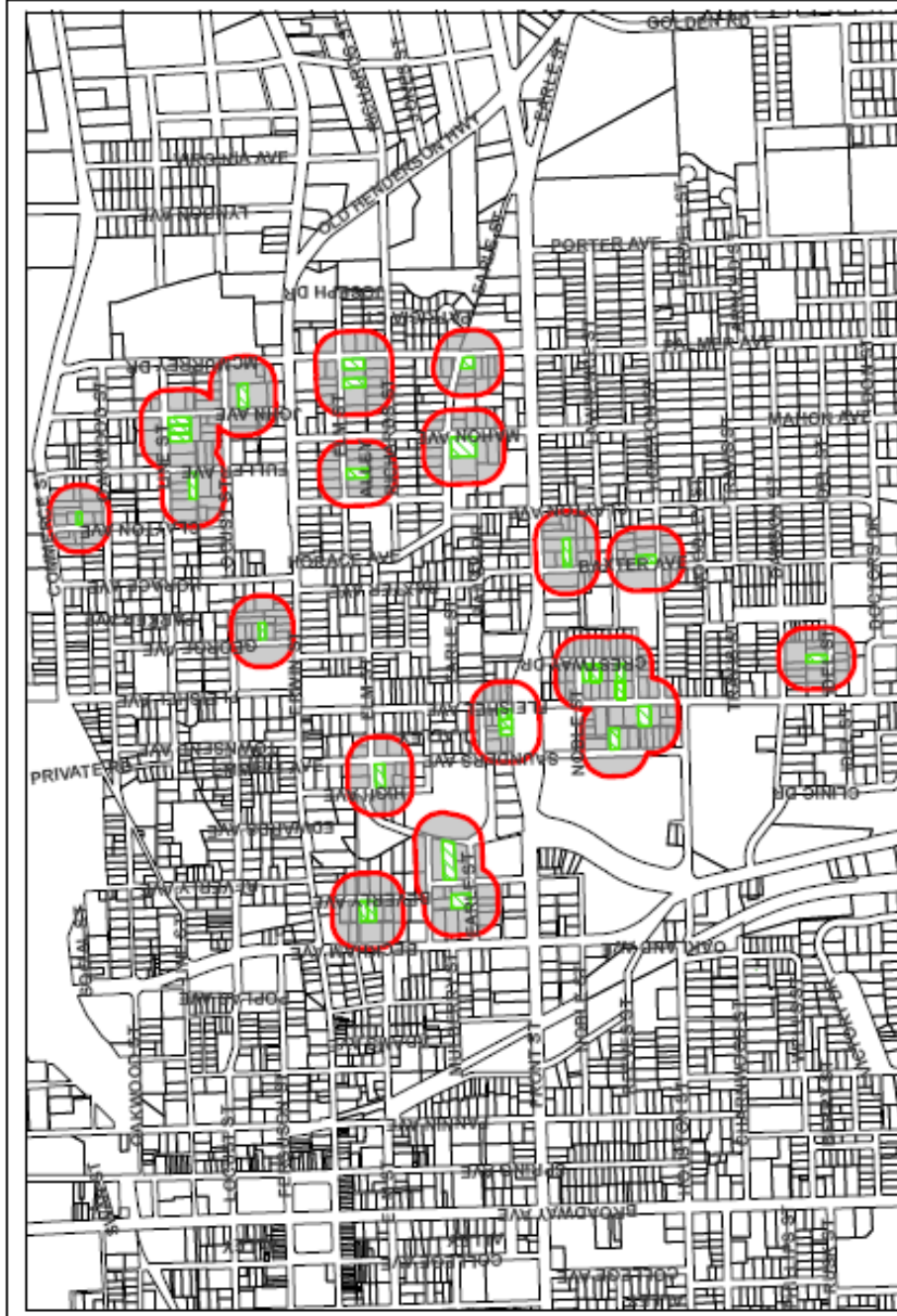
Edited/Submitted By:

City Manager



ZONING CASE
 Zoning Case #: 202-08-030A
 Existing Zoning: R-2 Proposed Zoning: R-1B
 Applicant: CITY OF TYLER





ZONING CASE

Zoning Case #: 202-08-030A
 Existing Zoning: R-2 Proposed Zoning: R-1B
 Applicant: CITY OF TYLER



ORDINANCE NO. O-2008-23

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 changes are hereby approved as follows:

I. APPLICATION Z02-08-030A

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:

Lots 14A and 16A of NCB 249A of the City of Tyler Subdivision (329 South Fleishel Avenue);
Lot 17 of NCB 137 of the Wimberley Douglas Subdivision (318 North Fuller Avenue);
Lot 8 of NCB 1427 of the Greenwood Park Subdivision (1312 Old Omen Road);
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Lot 6 of NCB 144 of the Wimberley Douglas Subdivision (211 North John Street) and
Lot 11 of NCB 128 of the Wimberley Douglas Subdivision (205 North George 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 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 27th day of February, A.D., 2008.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY