

## CITY OF TYLER COUNCIL COMMUNICATION

**Agenda Number:** Z-9

**Date:** February 27, 2008

**Subject:** **APPLICATION Z01-08-025B APOLONIO MOLINA**  
**Request that the City Council consider a request to change the zoning from “M-1” Light Industrial District to “R-2” Two-Family Residential District on Lots 3 and 6 of NCB 35 of the Hill and Davenport Subdivision. Lot 3 is located two lots east of the southeast intersection of North Center Avenue and East Oakwood Street. Lot 6 is located at the northeast intersection of North Center Avenue and East Line Street (425 East Oakwood Street and 356 E. Line Street).**

**Page:** 1 of 2

**Item Reference:**

The applicant is appealing the denial of his request to allow for development of duplex homes.

Section 10-210, "R-2" Two-Family Residential District, allows as a permitted use two-family residential units (duplexes). The "R-2" Two-Family Residential District requires a minimum lot size of 7,500 square feet. The maximum height of buildings within the "R-2" District is two and one-half stories or 42 feet in height and all setback lines are consistent with other residential districts.

Generally, the adjacent properties to the north, east, south and west are zoned “M-1” Light Industrial District or “M-2” General Industrial District.

The newly adopted Tyler 21 Future Land Use Guide designates this site as High Density Mixed Use which allows for two family housing, therefore, the request for “R-2” Two Family Residential District is consistent with that land use designation. Also, upon inspection of the property, it appears that there are residential uses to the south and north of the property. However, there are existing industrial uses to the east and west of the property even though much of the industrial is transitioning to softer uses, and there are active industrial uses in this neighborhood.

Of the 15 notices mailed, no notices were returned in favor of the request and one notice was returned in opposition to the request. The protest calculation is 17.6%. All other departments have reviewed the application and anticipate no significant impact on services or facilities by the proposed change.

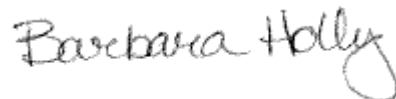
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At the January 15, 2008, Planning and Zoning Commission meeting, Mr. James Wynne, representative of the ETOX Corporation, spoke in protest of the rezoning. His company is directly abutting the proposed rezoning property to the east. Mr. Wynne felt that residential uses do not belong adjacent to industrial uses. No one else spoke in favor of or in protest to the application.

**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-1, recommends denial of the request to change the zoning from "M-1" General Industrial District to "R-2" Two 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**



Subject Property

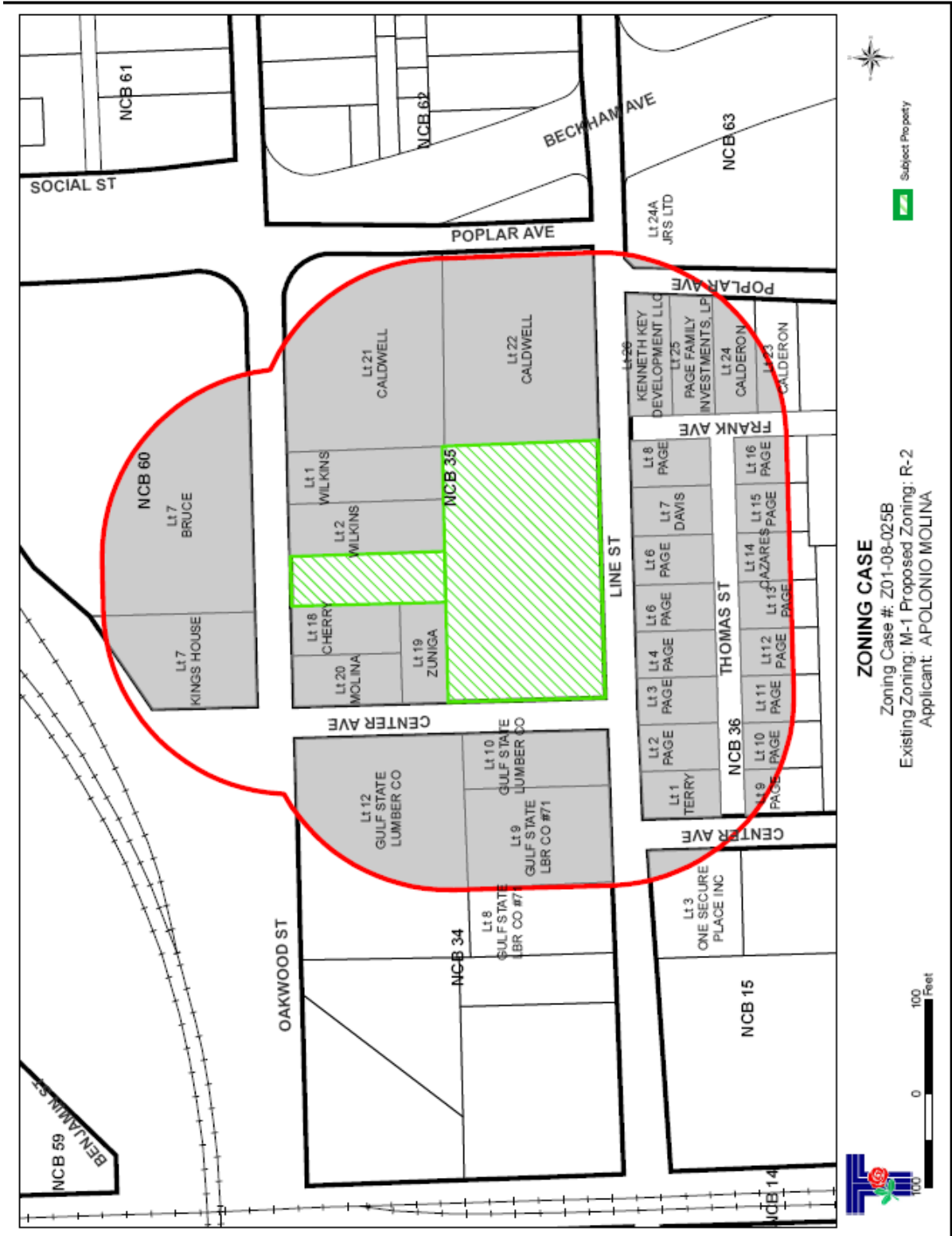


**ZONING CASE**

Zoning Case #: Z01-08-025B  
Existing Zoning: M-1 Proposed Zoning: R-2  
Applicant: APOLONIO MOLINA



0 100 Feet



Subject Property

**ZONING CASE**

Zoning Case #: Z01-08-025B  
 Existing Zoning: M-1 Proposed Zoning: R-2  
 Applicant: APOLONIO MOLINA



**ORDINANCE NO. O-2008-28**

**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 Z01-08-025B**

That the following described property, which has heretofore been zoned "M-1" Light Industrial District, shall hereafter bear the zoning classification of "R-2" Two Family Residential District, to-wit:

Lots 3 and 6 of NCB 35 of the Hill and Davenport Subdivision. Lot 3 is located two lots east of the southeast intersection of North Center Avenue and East Oakwood Street. Lot 6 is located at the northeast intersection of North Center Avenue and East Line Street (425 East Oakwood Street and 356 E. Line Street, respectively).

**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 27<sup>th</sup> day of February, A.D., 2008.

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

A T T E S T:

APPROVED:

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CASSANDRA BRAGER, CITY CLERK

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CITY ATTORNEY