



CITY OF TYLER COUNCIL COMMUNICATION

Agenda Number: Z-3

Date: March 26, 2008

Subject: **APPLICATION Z03-08-034A DENNIS WALKER**
Request that the City Council consider a request to change the zoning from “R-4” Multi-Family Residential District to “R-1B” Single-Family Residential District on Lot 10 of NCB 94 of the Herndon Addition, one lot totaling approximately 4,200 square feet located two lots east of the southeast intersection of Ellis Avenue and Short Street (702 Short Street).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the construction of 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.

The adjacent properties to the north, east, south and west are zoned “R-4” Multi-Family Residential District; however, all of the structures are single family residential homes. This lot is located within the Short-Line Residential Historic District. The property owner is aware and sensitive to the historic district and has committed to constructing a home similar in design to the existing homes within the district.

The newly adopted Tyler 21 Future Land Use Guide designates this site as Single Family and Single Family Attached. Therefore, the request for “R-1B” Single Family Residential District is consistent with that land use designation.

Of the 19 notices mailed, six notices of support and one notice of protest were received for the application. Mr. Owens was the only property owner protesting and his protest calculation was 16.9%, however, at the Planning and Zoning Meeting he withdrew his protest, therefore the protest calculation is zero.

At the March 4, 2008, Planning and Zoning Commission meeting, Dennis Walker appeared on behalf of the application. Jesse Owens, an adjacent property owner, asked for clarification regarding which property was being rezoned. When he was told that his property was not part of the rezoning, he was comfortable with the rezoning request. No other persons spoke in favor of or opposition to the request.

Agenda Number: Z-3

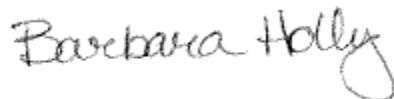
Page: 2 of 2

At the March 5, 2008, Historic Preservation Board meeting, it was the consensus of the Historical Board members that the application should be approved. The Board members were pleased with the applicant's appreciation of the historic integrity of the area.

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

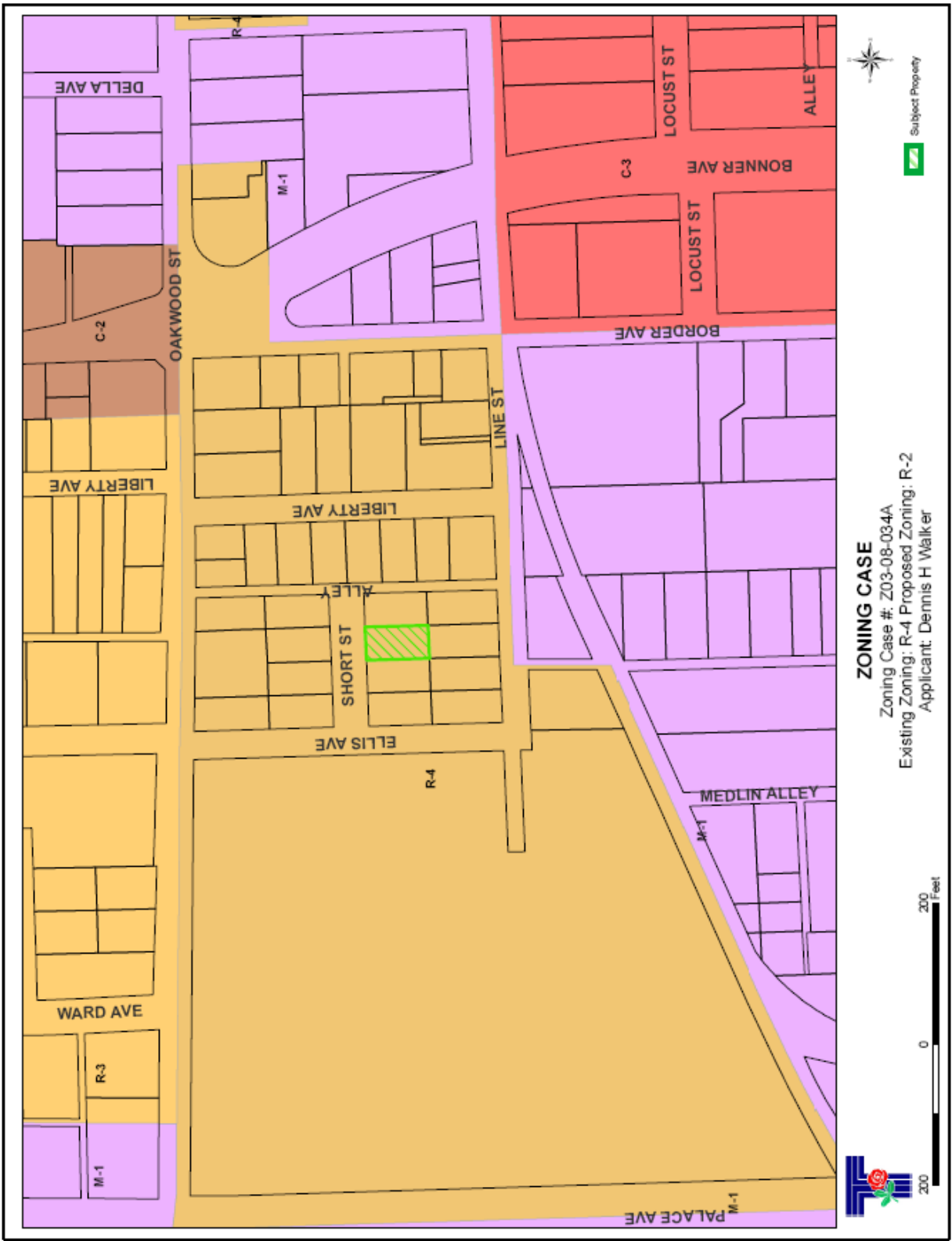
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from "R-4" Multi-Family Residential District to "R-1B" Single-Family Residential District.



Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



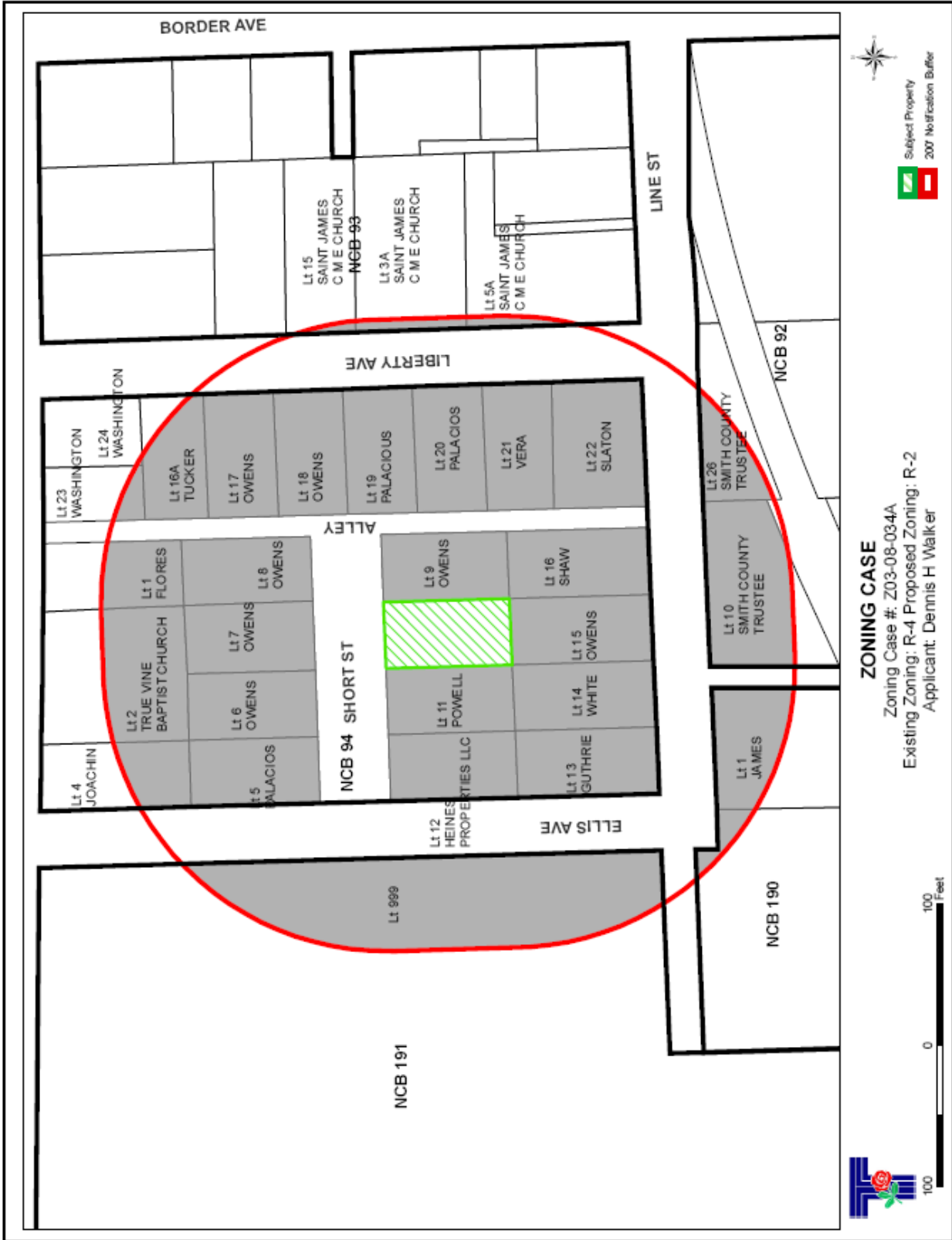
Subject Property



ZONING CASE

Zoning Case #: Z03-08-034A
 Existing Zoning: R-4 Proposed Zoning: R-2
 Applicant: Dennis H Walker





ORDINANCE NO. O-2008-41

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 Z03-08-034A

That the following described property, which has heretofore been zoned "R-4" Multi-Family Residential District, shall hereafter bear the zoning classification of "R-1B" Single-Family Residential District, to-wit:

Lot 10 of NCB 94 of the Herndon Addition, one lot totaling approximately 4,200 square feet located two lots east of the southeast intersection of Ellis Avenue and Short Street (702 Short 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 March, 2008.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY