



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-4

**Date:** February 22, 2006

**Subject:** APPLICATION Z02-06-012 110 RETAIL LTD

**Request that the City Council consider a request to change the zoning from "C-1" Light Commercial District (3± acres) and "RPO" Restricted Professional and Office District (2.8± acres) to "PMF" Planned Multi-Family District with final site development plan approval on 5.08± acres of a 25± acre lot, Lot 12 of NCB 1554A located 1800± feet north of the intersection of Grande Boulevard and Old Jacksonville Highway, fronting 310± feet along the east side of Old Jacksonville Highway (5550 Old Jacksonville Highway).**

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**Item Reference:**

The applicant is requesting a zoning change to allow for the development of an assisted living facility.

Section 10-218, "PMF" Planned Multi-Family Residential District, is designed to provide for the medium to high density development of unique and innovative forms of multi-family housing. This district allows for the development of multi-family residential dwelling units as well as nursing, rest, or convalescent homes, and any accessory buildings or uses which are customarily incidental to any of those above-mentioned uses. The "PMF" District sets forth a maximum building height of two and one-half stories or forty-two feet in height, which is consistent with the "R-3" Multi-Family Residential District. The maximum density of development permitted within a Planned Multi-Family District is sixteen dwelling units per gross acre.

In addition, development of a "PMF" District shall be consistent with an approved site development plan as part of the zoning approval. Any deviations in the site development plan will require the approval of both the Planning and Zoning Commission and the City Council through a public hearing process. The "PMF" Planned Multi-Family Residential District allows the Planning and Zoning Commission and the City Council to impose any additional requirements as to building setbacks, landscaping, lighting, screening, accessways, driveways, and other reasonable requirements for the protection of the adjoining and surrounding properties.

Property to the north and south is zoned "C-1" Light Commercial District and "RPO" Restricted Professional and Office District, while property to the west is zoned "C-2" General Commercial

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District and “AG” Agricultural District (largely undeveloped), and property to the east is zoned “PUR” Planned Unit Residential District and is developed with Holly Creek Village.

The applicant has proposed a 5.08± acre site. The building will be approximately 42,080 square feet in size. The one-story building will contain 54 units with 60 beds for the residents. The setbacks will be 298 foot front setback, a 65 foot 36 inch rear setback, a side setback of 20 feet 57 inches at the south property line, and a side setback of 31 feet 86 inches at the north property line. Thirty-three parking spaces will be provided, which exceeds the minimum number required by the Ordinance. A monument sign not to exceed 8 feet in height is also proposed. A shared access is proposed from Old Jacksonville Highway with the property to the north. Final approval on the driveway will be required by TXDOT. Also, Old Jacksonville Highway is proposed as a minor arterial on the Master Street Plan. The site plan shows an additional 7½ feet of right-of-way dedication. Dedication of right-of-way will be required at the time of platting.

On February 7, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke in opposition to the request. Mark Tolson spoke on behalf of the application. He said the facility should be operational by Christmas.

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

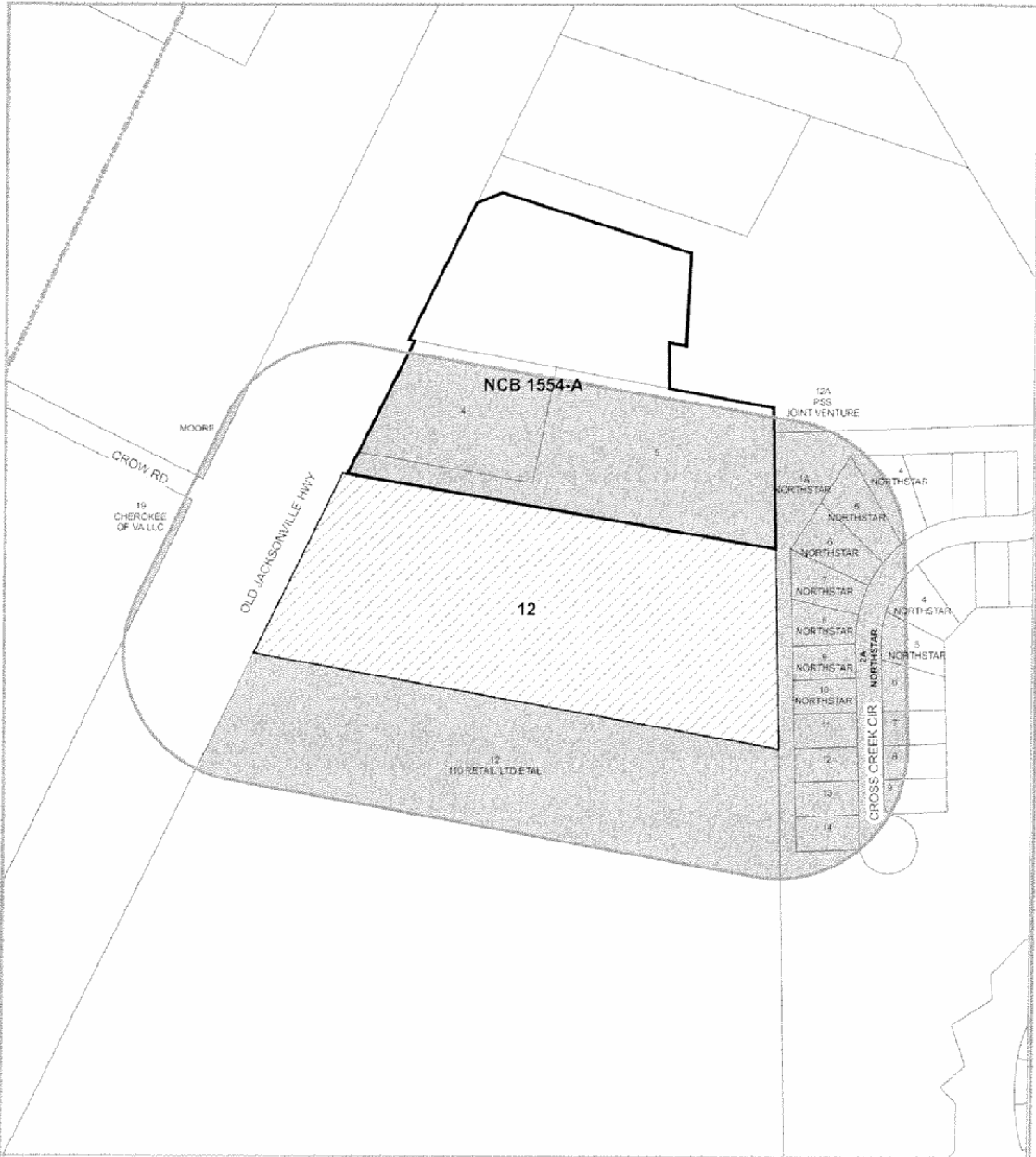
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “C-1” Light Commercial District (3± acres) and “RPO” Restricted Professional and Office District (2.8± acres) to “PMF” Planned Multi-Family District with final site development plan approval



**Drafted/Recommended By: Stephanie Rollings  
Department Leader**

**Edited/Submitted By:  
City Manager**

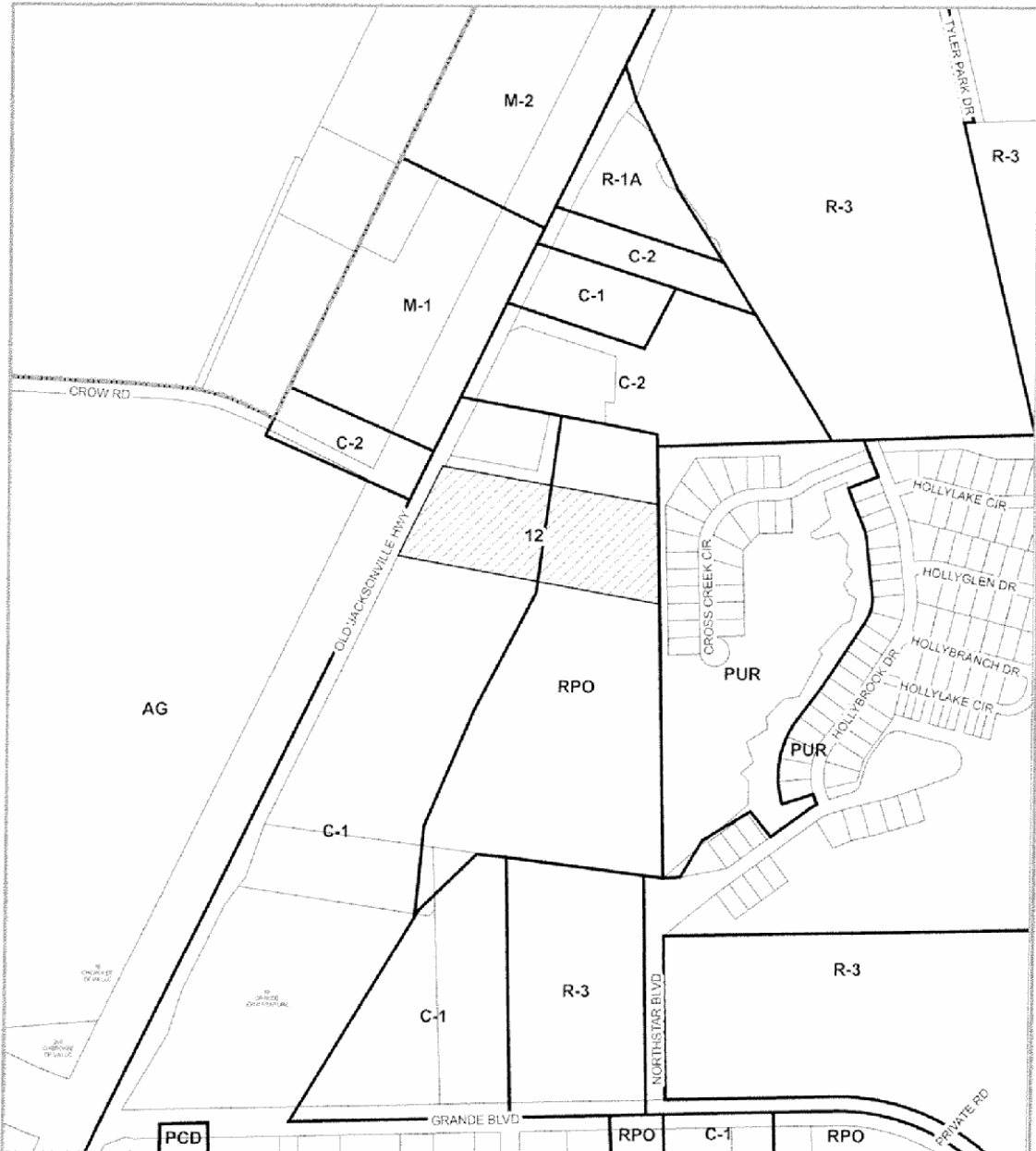


**ZONING CASE**

Zoning Case #: Z02-06-012  
 Existing Zoning: C-1 & RPO  
 Applicant: 110 RETAIL LTD



- 200' Notification Buffer
- Subject Property



**ZONING CASE**

Zoning Case #: Z02-06-012  
 Existing Zoning: C-1 & RPO  
 Applicant: 110 RETAIL LTD



- 200' Notification Buffer
- Subject Property

**ORDINANCE NO. O-2006-23**

**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 change is hereby approved as follows:

**I. APPLICATION Z02-06-012**

That the following described property, which has heretofore been zoned “C-1” Light Commercial District and “RPO” Restricted Professional and Office District, shall hereafter bear the zoning classification of “PMF” Planned Multi-Family District with final site development plan approval to-wit:

5.08± acres of a 25± acre lot, Lot 12 of NCB 1554A located 1800± feet north of the intersection of Grande Boulevard and Old Jacksonville Highway, fronting 310± feet along the east side of Old Jacksonville Highway (5550 Old Jacksonville Highway),

in accordance with the site development plan attached hereto as Exhibit “A”.

**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 22<sup>nd</sup> day of February, A.D., 2006.

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

A T T E S T:

APPROVED:

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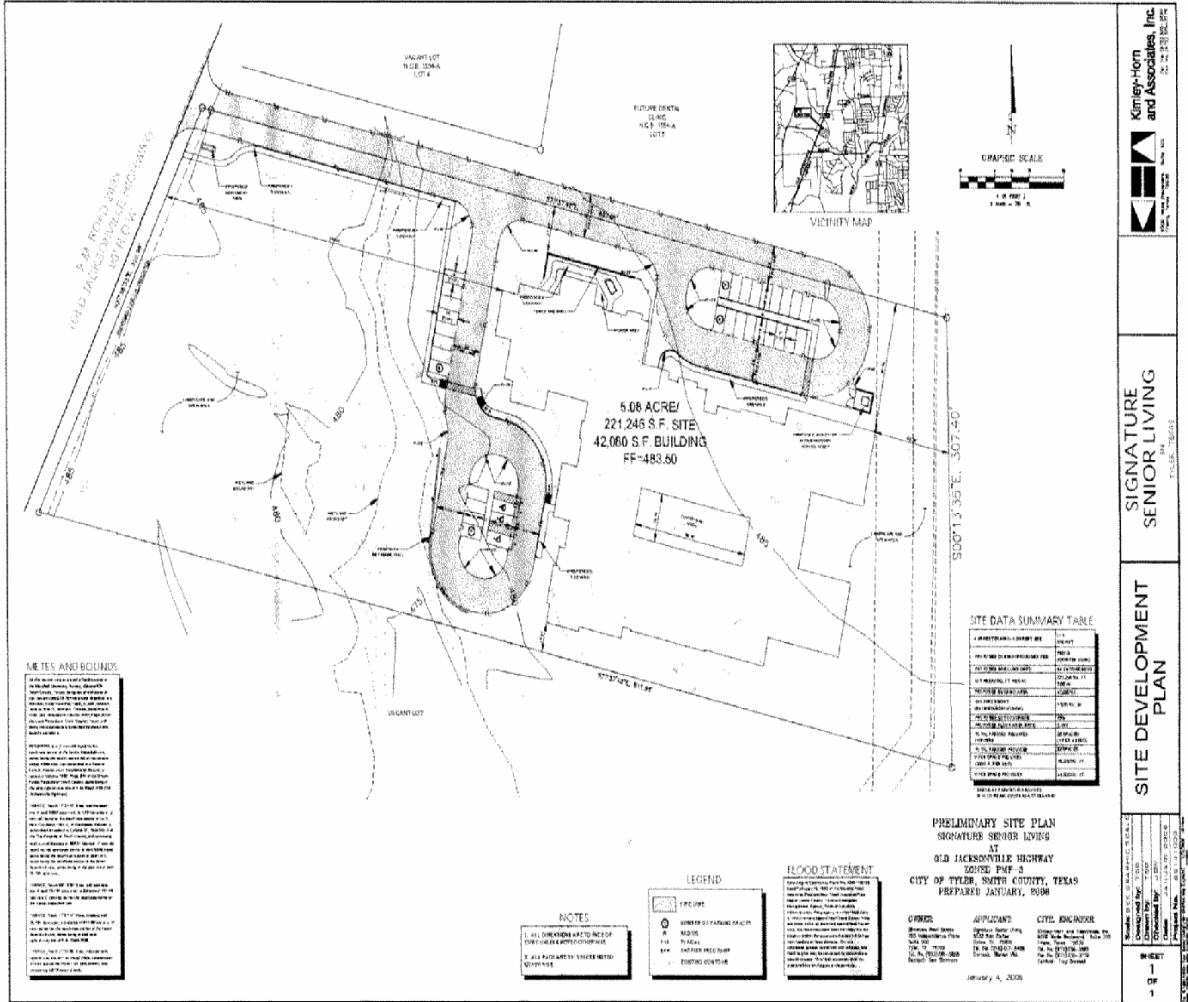
CASSANDRA BRAGER, CITY CLERK

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CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE 0-2006-23

EXHIBIT "A"



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and Associates, Inc.  
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SIGNATURE  
SENIOR LIVING

SITE DEVELOPMENT  
PLAN

1 - SHEET