



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-10

Date: March 22, 2006

Subject: APPLICATIONZ03-06-025 ELI REBICH

Request that the City Council consider a request to change the zoning from “R-3” Multi-Family Residential District to “PMF” Planned Multi-Family Residential District with final site development plan approval on Lots 1A-1F and Lots 2-11 of NCB 1080J, sixteen lots totaling 4.47± acres located at the southeast corner of the intersection of Westminster Drive and McDonald Road, fronting 402± feet along the south side of McDonald Road, and fronting 467± feet along the east side of Westminster Drive (the 3900 block of McDonald Road).

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Item Reference:

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

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 2 1/2 stories or 42 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 16 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 does allow 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

Property to the north is currently zoned “PMF” Planned Multi-Family Residential District, while property to the west and south is zoned “R-2” Two-Family Residential District, and property to the east is zoned “R-1A” Single-Family Residential District.

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The applicant submitted a site plan which proposes a 4.47± acre development. The property will be developed with 20 lots. The setbacks will be a minimum 15 feet front and rear setback, and a minimum 5 feet side setback. Driveways are proposed on both Westminster Drive and McDonald Road, along with private roads. Two parking spaces and a two car garage per unit are proposed, which meets the minimum requirement. Also, any dedication or improvement to McDonald Road will be required at the time of platting.

A plat was approved several years ago on this property, which allowed for 16 units with a private street. The applicant is requesting to change the zoning and site plan to allow for a density of 20 units per acre. Changing the site plan will require the applicants to submit a replat before construction begins.

On March 7, 2006, the Planning and Zoning Commission held a public hearing on this request. There was .047 percent written letters of protest filed. No one spoke in opposition to the request. Bob Breedlove spoke on behalf of the application. He said Lots 1A and 1D would be the only lots with driveways on McDonald Road.

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

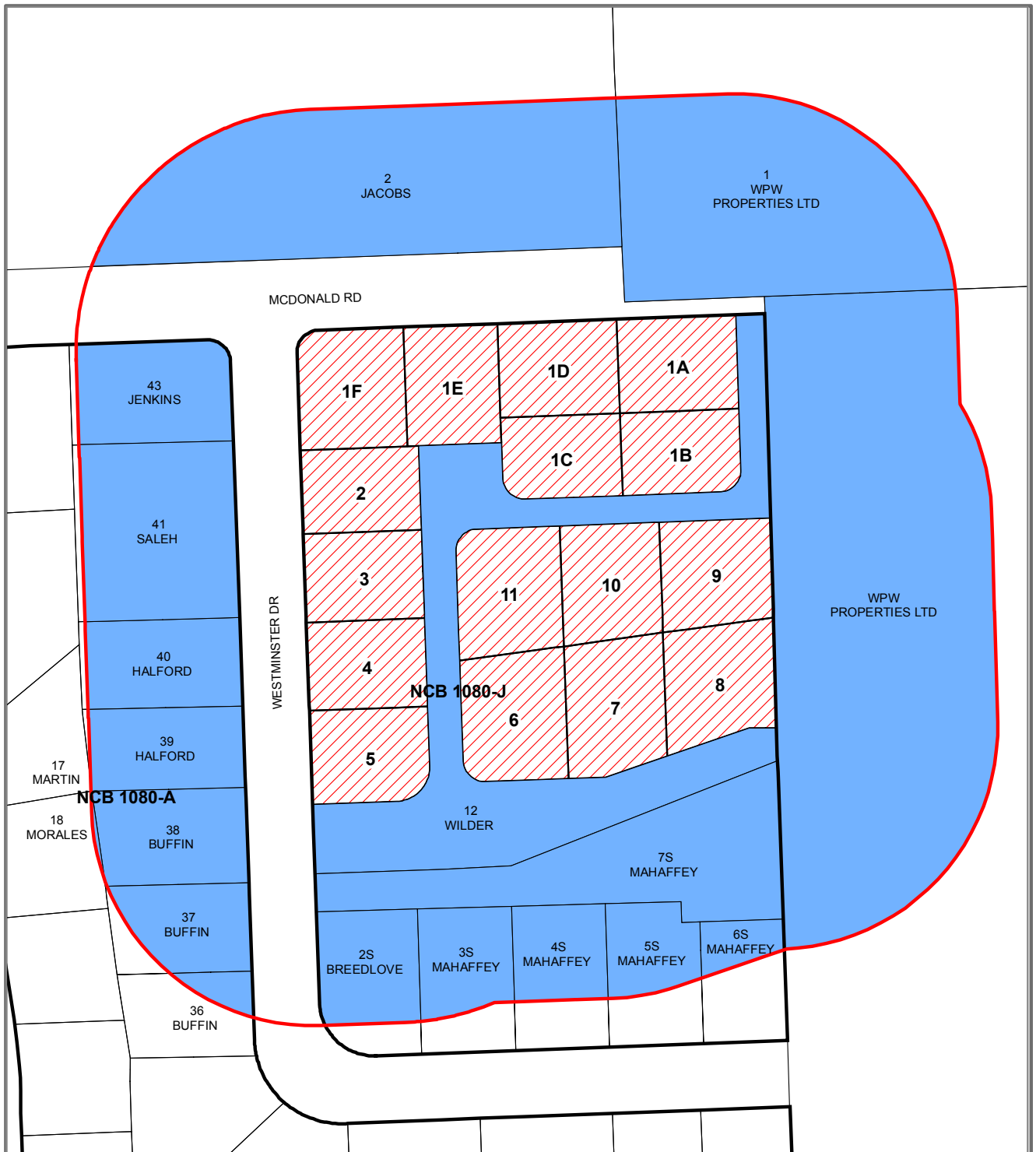
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “R-3” Multi-Family Residential District to “PMF” Planned Multi-Family Residential District with final site development plan approval.



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

**Edited/Submitted By:
City Manager**

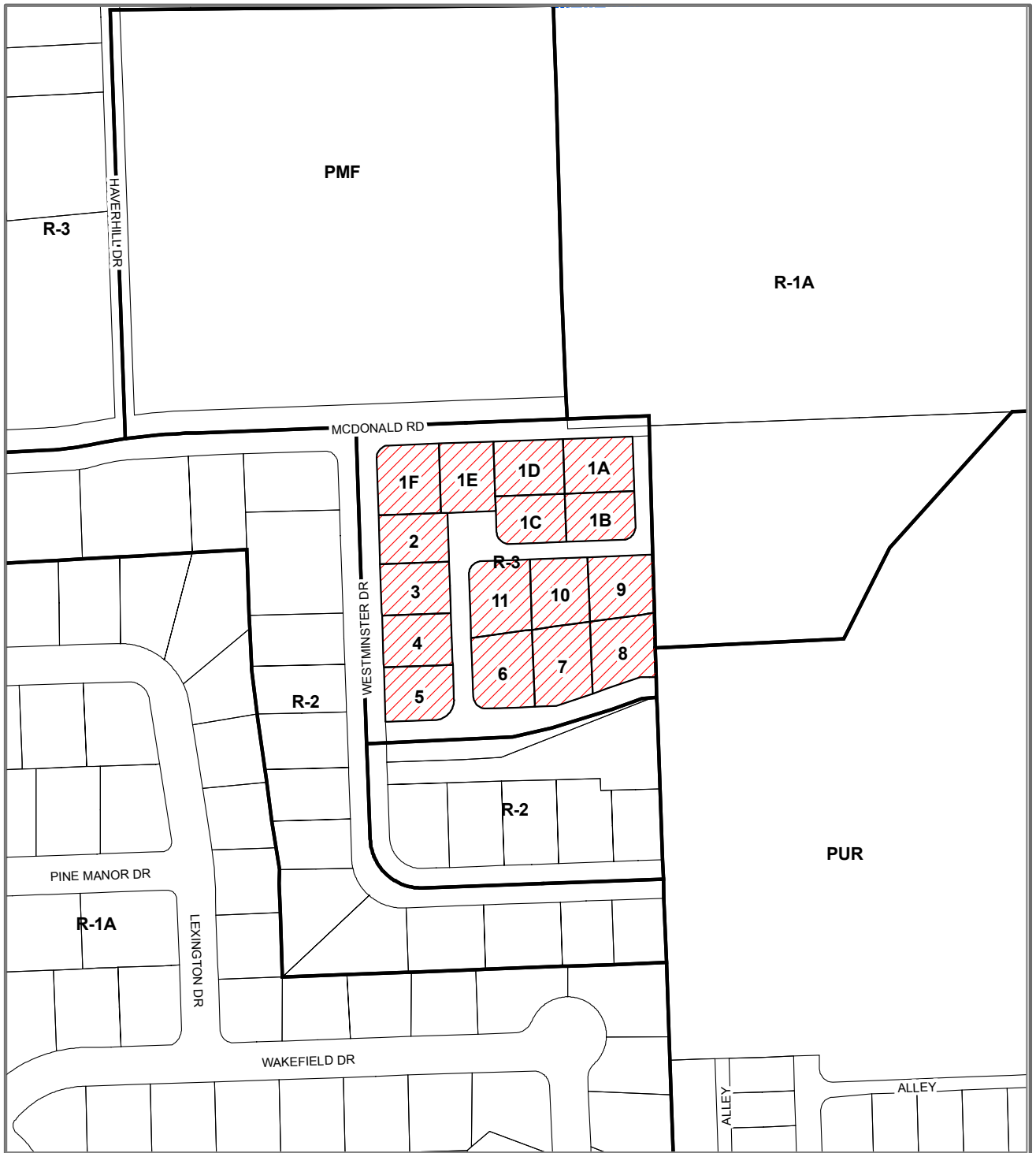


100 0 100 Feet

ZONING CASE

Zoning Case #: Z03-06-025
 Existing Zoning: R-3
 Applicant: Eli Rebich

○ 200' Notification Buffer
 ▨ Subject Property



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ORDINANCE NO. O-2006-32

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 Z03-06-025

That the following described property, which has heretofore been zoned “R-3” Single-Family Residential District, shall hereafter bear the zoning classification of “PMF” Planned Multi-Family Residential District with final site development plan approval, to-wit:

Lots 1A-1F and Lots 2-11 of NCB 1080J, sixteen lots totaling 4.47± acres located at the southeast corner of the intersection of Westminster Drive and McDonald Road, fronting 402± feet along the south side of McDonald Road, and fronting 467± feet along the east side of Westminster Drive (the 3900 block of McDonald Road),

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 22nd day of March, A.D., 2006.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK

APPROVED:

CITY ATTORNEY

