



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-12**

**Date: May 24, 2006**

**Subject: APPLICATION Z04-06-030 ELI REBICH**

**Request that the City Council consider a request to change the zoning from “AG” Agricultural District to “PUR” Planned Unit Residential District with final site development plan (27.07± acres) and “PCD” Planned Commercial Development District (4.811± acres) without final site development plan approval on Tract 10 of the I. Hill Survey A-0474, one tract totaling 31.88± acres located at the east corner of the intersection of Paluxy Drive and Jeff Davis Drive, fronting 440± feet along the east side of Paluxy Drive (the 8200 block of Paluxy Drive).**

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**Item Reference:**

The City Council returned this item to the Planning and Zoning Commission to amend the request from “C-1” Light Commercial District to “PCD” Planned Commercial Development District. This required re-notification of the property owners.

Section 10-230, "PCD" Planned Commercial Development District, allows for commercial development which will be situated close to residential development requiring development criteria which will achieve a compatible relationship between the retail and commercial development and the nearby residential areas. "PCD" Planned Commercial District allows for any permitted use which is allowed within the "C-2" General Commercial District.

This district also requires that the design and development of a "PCD" Planned Commercial Development District be in accordance with an approved site plan which represents a unified and organized arrangement of buildings and facilities such that the buildings and service facilities have a functional relationship within the property. The arrangement of buildings and service facilities shall not have an adverse effect on the use of properties immediately adjacent to the development.

After the final site plan has been approved, adjustments or rearrangements of buildings, parking areas, entrances, heights, setbacks or open spaces required by the development may be approved by the Planning Director if the changes conform to the standards established by the approved final site development plan. It has been staff policy to refer any significant changes in the

"PCD" Site Development Plan to the Planning and Zoning Commission and City Council for approval as an amended site plan. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinance.

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Section 10-217, "PUR" Planned Unit Residential District, is designed to accommodate various types of unique and innovative housing forms which are based upon a concept of reducing the area of individually owned lots, grouping such lots together to more efficiently utilize the total space within a subdivision. The standards have been developed and applied to a variety of housing forms including but not limited to town houses, patio homes, courtyard homes and cluster housing. This district sets forth a maximum building height of two and one-half (2 1/2) stories or forty-two (42) feet in height, which is consistent with the "R-1A" Single-Family Residential District. The maximum density of development permitted within a Planned Unit Residential District is twelve (12) dwelling units per gross acre. The typical single family residential district within the City of Tyler is developed at about four (4) to six (6) dwelling units per acre.

In addition, development of a "PUR" District shall be consistent with an approved site development plan in an instrument contained in restrictions, covenants and conditions applicable to the ownership, use, control, maintenance, replacement, repair and disposition of the property and improvements covered by such application as part of the zoning approval. Any deviations within a "PUR" zoning district will require the approval of both the Planning and Zoning Commission and the City Council. This will require notification to adjacent property owners and a public hearing process.

The "PUR" Planned Unit Residential District allows the Planning and Zoning Commission and the City Council to impose additional requirements as to building setbacks, landscaping, lighting, screening, access ways, driveways and other reasonable requirements for the protection of the adjoining and surrounding properties.

Property to the north is zoned "PMF" Planned Multi-Family Residential District and "AG" Agricultural District, while property to the west, south, and east is zoned "AG" Agricultural District.

On April 4, 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. Glenda and William Hill expressed concern with the commercial portion of the request. They said they did not want a 24 hour business on the property. Mrs. Rollings said the most intense uses allowed in a "C-1" designation are retail uses and restaurants. It does not allow outdoor display or storage. Bob Breedlove, The Brannon Corporation, spoke on behalf of the application. He said there are no prospects for the commercial property at this time. He said the 1500 to 2000 square foot homes will range in price from \$150,000 to \$175,000. Mr. Breedlove said he agreed with Staff's recommendations. Regarding the centralized park, he said smaller lots could be included in Phase II to accommodate the park, with frontage on two streets.

After the Planning and Zoning Commission meeting, the developer submitted a revised site plan showing the relocation of the neighborhood park and showing smaller lot sizes. There are one hundred forty three (143) lots. Front and rear setbacks of twenty feet and side setbacks off five feet are proposed. The average size of the lots is fifty-three hundred square feet. The development will be constructed in three phases. Additionally, public streets were proposed with one entrance and exit from Paluxy Drive. A 2.53± acre neighborhood park is proposed that abuts the "PCD" Planned Commercial Development District zoning. Since the 2.53 acre park has been provided, Staff does not have an issue regarding open space or density in the development.

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On April 26, 2006, City Council held a public hearing on this request. Mr. and Mrs. Hill reiterated their concerns about the commercial portion of the request. Mayor Seeber asked Mr. Breedlove if he would consider "PCD" Planned Commercial Development District zoning instead of "C-1" zoning. Mr. Breedlove said he would. This item was returned to the Planning and Zoning Commission for consideration at their next regular meeting.

On May 16, 2006, the Planning and Zoning Commission held a second public hearing on this request. There were 14 percent written letters of protest filed. No one spoke in opposition to the request. Bob Breedlove, The Brannon Corporation, spoke on behalf of the application. He said he met with homeowners in the area and they favor the "PCD" zoning designation.

Development Services states the developer will be responsible for the cost of pole and arm additions, including required conduit runs and accessories, to upgrade the existing traffic signal located at Jeff Davis Drive and Paluxy Drive from a three approach signal to a four approach signal.

**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-1, recommends approval of the request to change the zoning from "AG" Agricultural District to "PUR" Planned Unit Residential District with final site development plan approval (27.07± acres) and "PCD" Planned Commercial Development District (4.811± acres) without final site plan approval, subject to the condition that the developer will be responsible for upgrading the traffic signals at Jeff Davis Drive and Paluxy Drive.



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

**Edited/Submitted By:  
City Manager**



NCB 4

NCB 3

ROY RD

PALUXY DR

STEWART

REDMAN

LEATHERWOOD

FLORES

HILL

STEWART

HIGHTOWER

TAYLOR

BROWN

TAYLOR

FORTSON

SHOUP

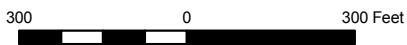




**ZONING CASE**

Zoning Case #: Z04-06-030

Existing Zoning: AG

Applicant: Eli Rebich



-  Subject Property
-  200' Notification Buffer

