



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-13**

**Date: May 24, 2006**

**Subject: APPLICATION Z05-06-038A S AND T DEVELOPMENT**

**Request that the City Council consider a request to change the zoning from "R-TH" Residential Townhouse District to "PUR" Planned Unit Residential District with final site development plan approval on an 11.73± acre portion of Tracts 2 and 9 of the T Price Survey A-794 located 902± feet south of the intersection of Old Jacksonville Highway (FM 2493) and CR 164, extending 1582± feet.**

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**Item Reference:**

The applicant is requesting a zoning change to allow for detached garden homes.

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 would require notification to all adjacent property owners and a public hearing process.

The "PUR" Planned Unit 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, access ways, driveways and other reasonable requirements for the protection of the adjoining and surrounding properties.

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Property to the north and east is zoned "R-1A" Single-Family Residential District, while property to the west is zoned "R-TH" Residential Townhouse Residential District, and property to the south is zoned "AG" Agricultural District.

The applicant submitted a site plan showing a fifty-five lot single-family subdivision with garden style homes which will be constructed in three phases. The development is located off of Dueling Oaks. Lot sizes range from five thousand to six thousand square feet. The garden homes will have some rear entry garages with front setbacks of fifteen feet, a rear setbacks of twenty feet, and side setbacks of ten feet and zero feet. The garden homes with front entry garages will have front setbacks of twenty feet, rear setbacks of fifteen feet, and side setbacks of ten feet and zero feet. Trail connections to the master trail system are provided for future connection. All residences will have two car garages and driveways. Fourteen additional parking spaces are also provided for visitor parking. Public streets are proposed, but the landscape islands in the streets will be maintained by the homeowners association.

The Fire Marshall stated the cul-de-sacs did not meet the minimum needs for the Fire Department's turning radius, which is calculated with 46 feet outside radius and a clear inside radius of at least 26 feet. The developer revised the site plan to show adequate turnaround space. The Fire Marshall stated that all comments have been addressed.

The applicant is requesting a zoning change because the "R-TH" designation only allows for attached single-family residences and the developer wants to construct detached single-family residences. Staff does not feel there would be a negative impact on the surrounding properties. This area is part of the overall design of the Oak Hollow Subdivision, and mixed housing types throughout the development are being pursued.

On May 2, 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 Priestner, Planning Concepts, appeared on behalf of the application.

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

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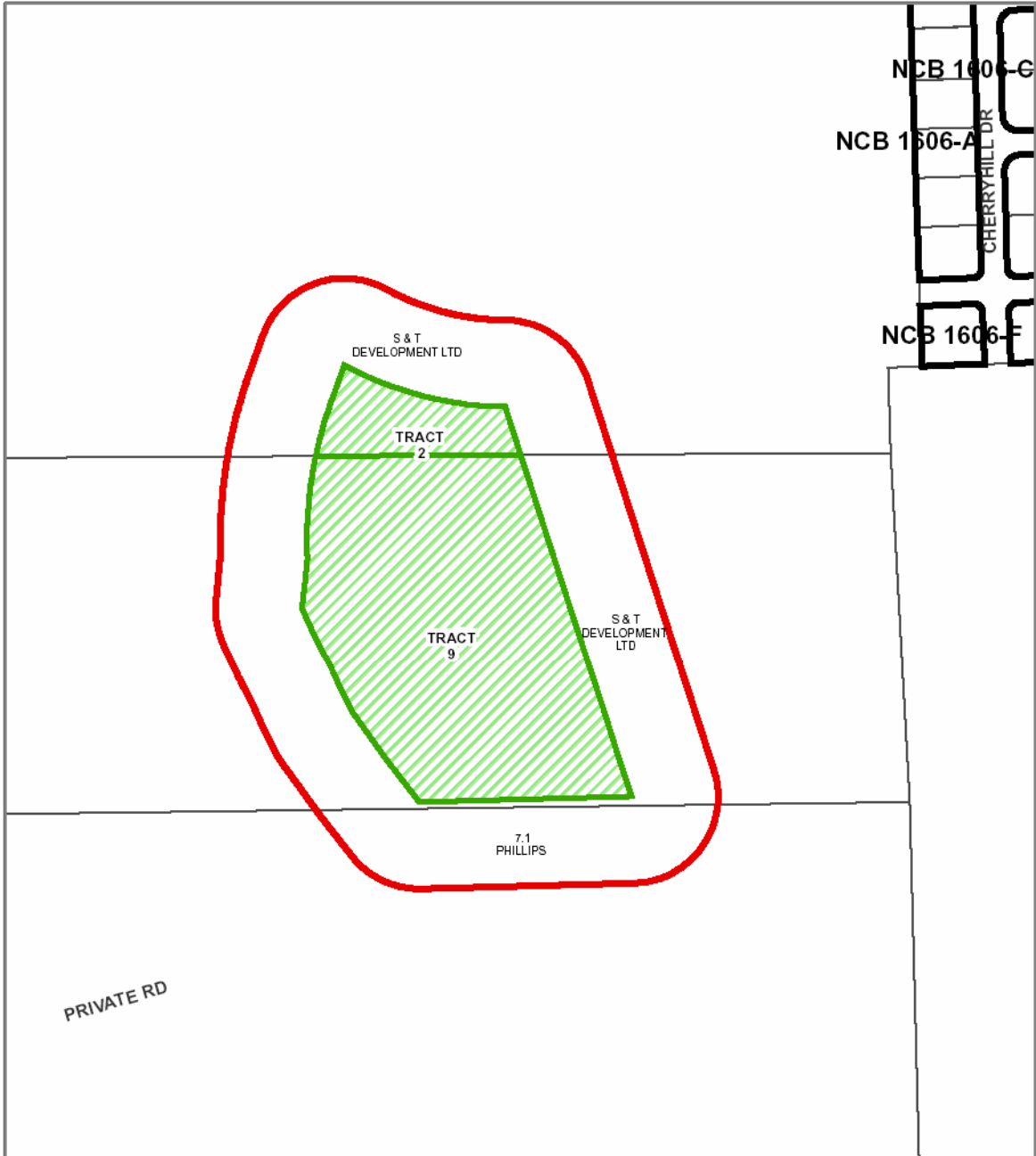
**RECOMMENDATION:**

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



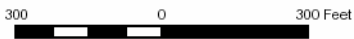
**Drafted/Recommended By: Stephanie Rollings**  
**Department Leader**



**Edited/Submitted By:**  
**City Manager**

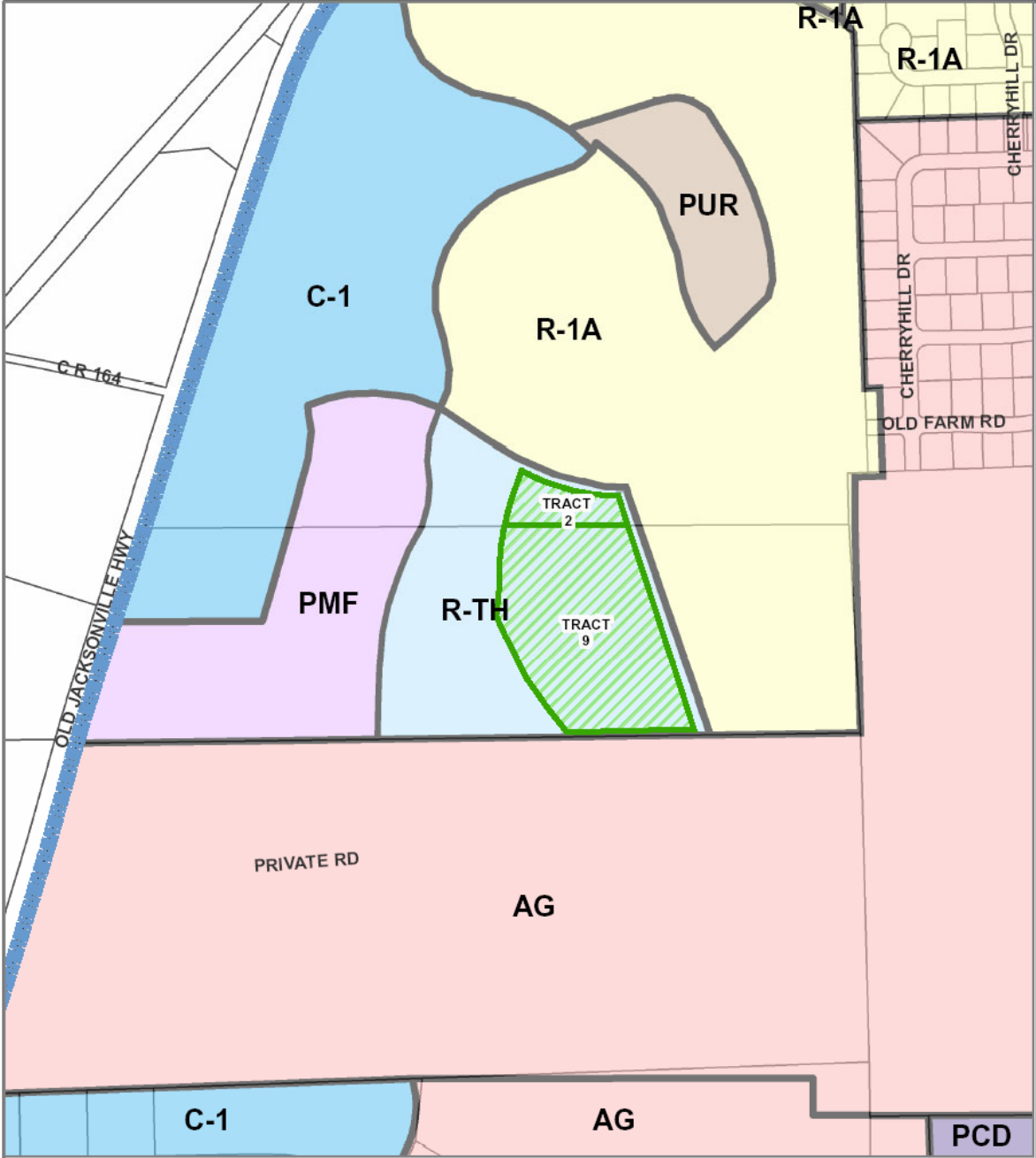


**ZONING CASE**

Zoning Case #: Z05-06-038a  
 Existing Zoning: R-TH  
 Applicant: S & T DEVELOPMENT LTD



-  Subject Property
-  200' Notification Buffer



**ZONING CASE**

Zoning Case #: Z05-06-038a  
 Existing Zoning: R-TH  
 Applicant: S & T DEVELOPMENT LTD

500 0 500 Feet

 Subject Property

**ORDINANCE NO. O-2006-49**

**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 Z05-06-038A**

That the following described property, which has heretofore been zoned "R-TH" Residential Townhouse District, shall hereafter bear the zoning classification of "PUR" Planned Unit Residential District with final site development plan approval, to-wit:

An 11.73± acre portion of Tracts 2 and 9 of the T Price Survey A-794 located 902± feet south of the intersection of Old Jacksonville Highway (FM 2493) and CR 164, and extending 1582± feet,

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 24<sup>th</sup> day of May, A.D., 2006.

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

A T T E S T:

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CASSANDRA BRAGER, CITY CLERK

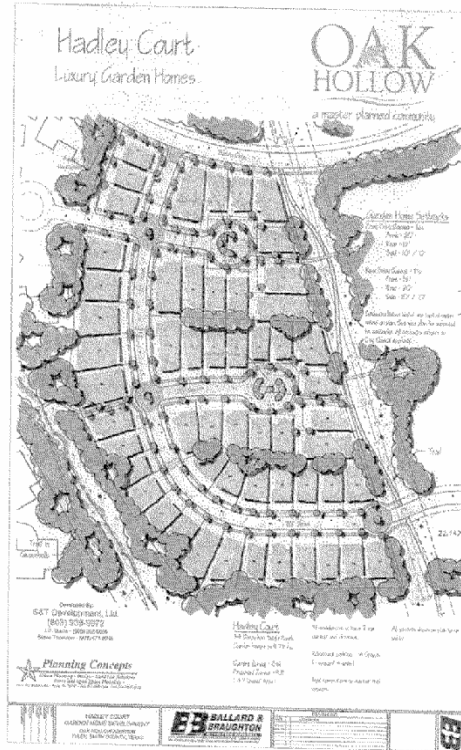
APPROVED:

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CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE 0-2006-49

EXHIBIT "A"



Planning and Zoning Department

