



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-1

Date: July 26, 2006

Subject: APPLICATION Z07-06-063A KIRIT M. PATEL

Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District to “POD” Planned Office District with final site development plan approval on a 2.55± acre portion of Lot 49 of NCB 1013I, one lot totaling 6.25± acres located 225± feet east of the intersection of South Broadway Avenue and Grande Boulevard (East Extension), fronting 652± feet along the north side of Grande Boulevard (East Extension).

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Item Reference:

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

Section 10-223, "POD" Planned Office Development District, is established to provide for professional and office facilities in appropriate locations. The "POD" District will be used where office type facilities are needed to serve developing residential communities located throughout the city and shall be designed and developed as a unit according to an approved site plan. Development criteria are required that will ensure a compatible relationship between the "POD" development and the close-by residential areas. Permitted uses in this district include general offices, medical clinics, laboratories, and photography studios. The owner shall submit to the Planning and Zoning Commission and the City Council, a plan for the use and development of all or part of such tract of land. Any significant change in the site development plan requires approval of the Planning and Zoning Commission and the City Council through a public hearing process. The plan for the proposed development must present a unified and organized arrangement of buildings and service facilities, such that a functional relationship within the property is achieved. The arrangement of buildings and service facilities shall not have an adverse effect on the use of properties immediately adjacent to the development. Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, access ways, building setbacks, and height and area limitations may be imposed by the Planning and Zoning Commission for the protection of the adjoining property.

This district also requires that the design and development of a "POD" Planned Office 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

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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 "POD" 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.

Property to the east and south is zoned "R-1A" Single-Family Residential District, while property to the north and west is currently zoned "C-1" Light Commercial District and "C-2" General Commercial District.

The applicant submitted a site plan showing three single-story office buildings. The building setbacks will be thirty-five feet on the front, seventy-five feet on the sides, and twenty feet on the rear of the property. Sixty-two parking spaces will be provided, which meets the minimum number of spaces required by the Ordinance. Two entrances from the new Grande Boulevard Extension are shown for access.

A neighborhood meeting was held on June 21st to discuss the updated site plan. The developer presented the layout of the hotel and the proposed office buildings. The neighbors continue to be against the development of any portion of the property unless it is residential in nature. They expressed concern with traffic congestion, noise, tree clearing, and drainage.

Staff feels the Planned Office District would provide an adequate buffer between the proposed "PCD" to the west and the "R-1A" designation to the east. The applicants have also restricted the office buildings to one story and have not placed any drives or parking which would abut the residential homes to the east. Areas throughout the city have planned office developments which abut established single-family. These uses are compatible due to the general hours of operation.

Staff recommends approval of this request, provided the developer adds a heavily landscaped area within the twenty foot setback along the east property line abutting the residential houses. This landscaped area will consist of native East Texas trees that are a minimum three to four inch caliper and planted a minimum of forty feet apart for proper tree spacing. Staff also recommends a twenty-five foot landscaped berm along the entire length of Grande Boulevard, four foot high or greater, with native trees and shrubs. Staff also recommends monument signage only, with no pole signs for either the hotel or the office area.

On July 5, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 2.3 percent written letters of protest filed. Three petitions opposing the development were also submitted. Ginny Reinhardt, Jane Dobervich, Usha Pendurthi-Lella, and Rick Reynolds spoke in opposition to the request. They expressed concern with additional traffic, a loss of privacy, and inadequate landscaping and buffers. Ms. Reinhardt said residents wanted offices built on the property instead of the hotel, not in addition to the hotel. Gary Halbrooks and Steve Dement, owners of the property, and Kirit Patel, developer, spoke on behalf of the application. The HVAC units between the office buildings on the east side and the residential area will be ground mounted. In an effort to reduce noise, a three foot masonry fence will be constructed along with an eight foot privacy fence.

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:

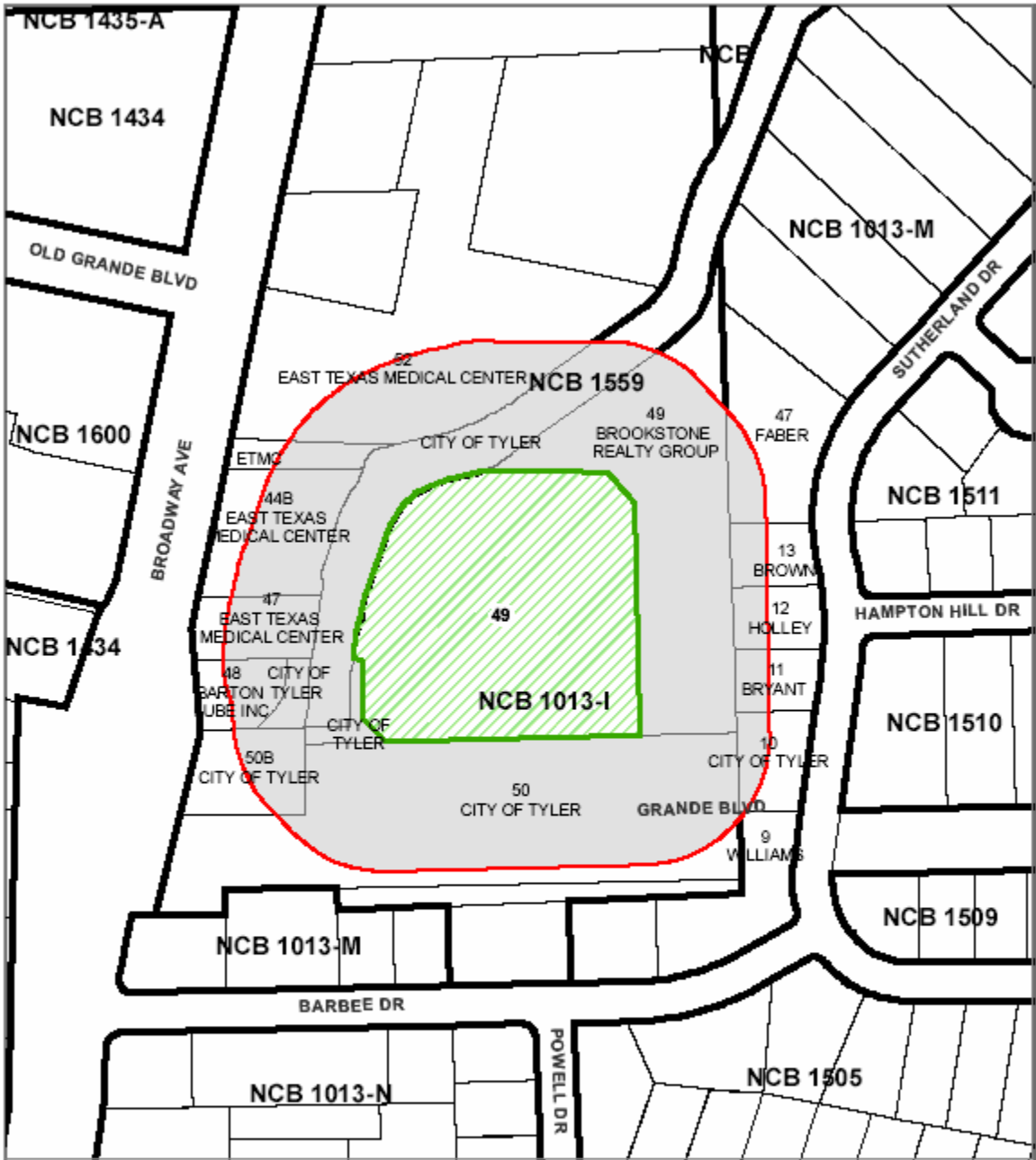
The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “R-1A” Single-Family Residential District to “POD” Planned Office District with final site development plan approval with the following restrictions:

1. Only monument signage be allowed.
2. Twenty (20) foot heavily landscaped tree area along the east property line, with the trees being 3 to 4 inches caliper and planted 40 feet apart.
3. Twenty-five (25) foot and four (4) foot high landscape berm along the total frontage on Grande Boulevard, planted with native trees and shrubs.
4. A minimum 8 foot privacy fence.



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



**Edited/Submitted By:
City Manager**

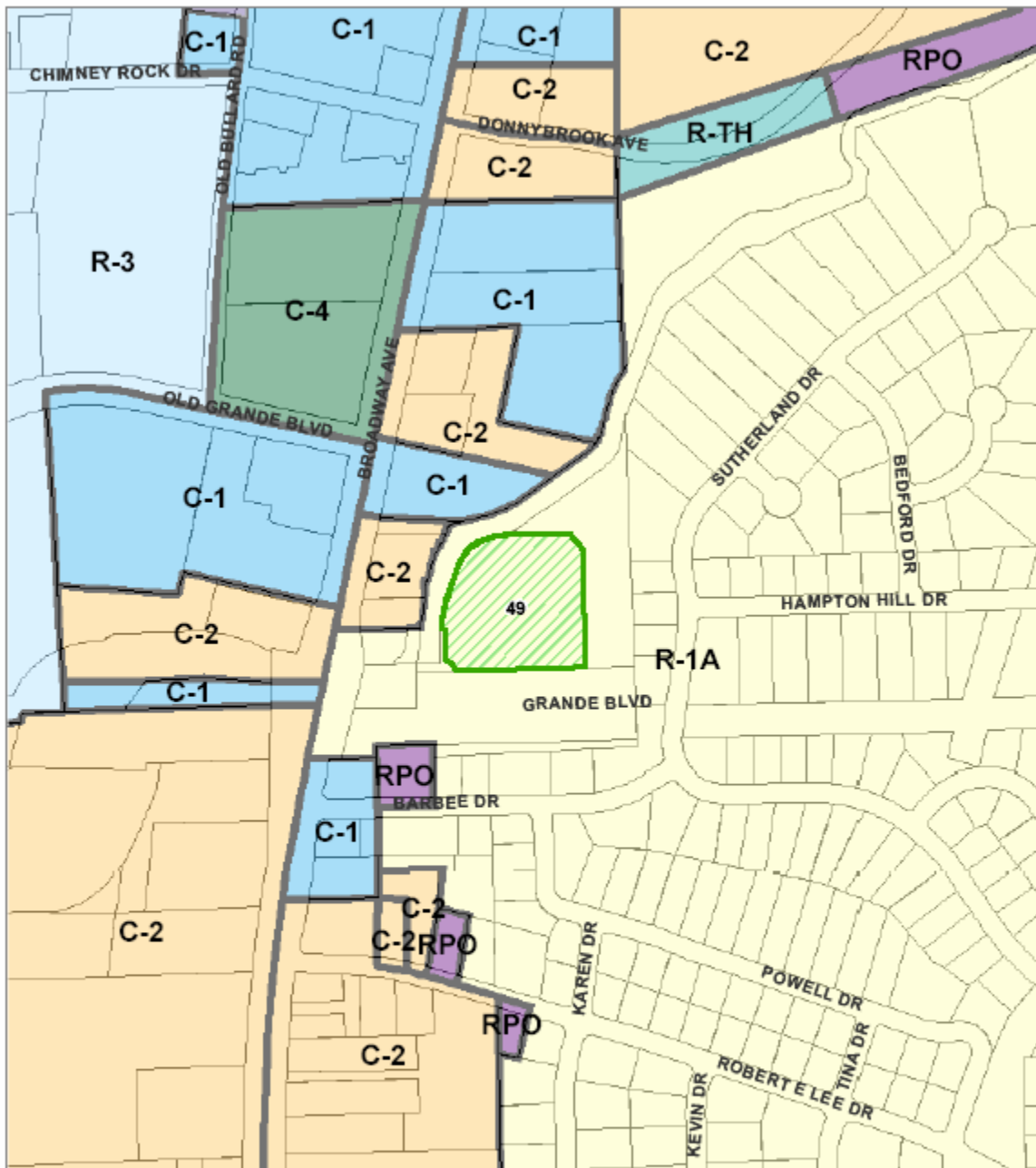


ZONING CASE



Zoning Case #: Z07-06-063a
 Existing Zoning: R-1A
 Applicant: KERIT PATEI

-  200' Notification Buffer
-  Subject Property



ZONING CASE



400 0 400 Feet

Zoning Case #: Z07-06-063a
 Existing Zoning: R-1A
 Applicant: KERIT PATEI

 Subject Property

ORDINANCE NO. O-2006-62

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 Z07-06-063A

That the following described property, which has heretofore been zoned “R-1A” Single-Family Residential District, shall hereafter bear the zoning classification of “POD” Planned Office Development, to wit:

A 2.55 acre portion of Lot 49 of NCB 1013I, one lot totaling 6.25± acres located 225± feet east of the intersection of South Broadway Avenue and Grande Boulevard (east extension), fronting 652± feet along the north side of Grande Boulevard (east extension), with final site development plan approval and subject to the following conditions:

1. Only monument signage be allowed.
2. Twenty (20) foot heavily landscaped tree area along the east property line, with the trees being 3 to 4 inches caliper and planted 40 feet apart.
3. Twenty-five (25) foot and four (4) foot high landscape berm along the total frontage on Grande Boulevard, planted with native trees and shrubs.
4. A minimum 8 foot privacy fence,

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 26th day of July, 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

