



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-2

**Date:** July 26, 2006

**Subject:** APPLICATION Z07-06-064A KIRIT M. PATEL

**Request that the City Council consider a request to change the zoning from “R-1A” Single-Family Residential District to “PCD” Planned Commercial District with final site development plan approval on a 3.7± acre portion of Lot 49 of NCB 1013I, one lot totaling 6.25± acres located 225± feet east of the intersection of South Broadway and Grande Boulevard (East Extension), fronting 652± feet along the north side of Grande Boulevard (East Extension).**

**Page:** 1 of 3

**Item Reference:**

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

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 Ordinances.

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 which shows a three story hotel with 125 rooms. The building setbacks will be fifty feet on the front, seventy-five feet on the sides, and seventy-five

**Agenda Number: Z-2**

**Page: 2 of 3**

(75) feet on the rear of the property. There will be 142 parking spaces provided, which meets the minimum number of spaces required by the Ordinance. Two entrances from the new Grande Boulevard Extension are shown for access.

Staff feels the Planned Commercial District zoning with the use of a hotel is appropriate on this portion of the property, as long as the east section develops with office uses to properly buffer the hotel from the single-family homes to the east.

Staff recommends approval of this request, provided the developer provides a twenty-five foot wide, four foot tall berm along the entire length of Grande Boulevard. This berm will consist of heavy landscaping with native trees and shrubs. Signage will be limited to a monument style. The developer will provide a buffer of trees along the proposed Rose Rudman Trail which will help to properly screen the hotel from the trail.

The Fire Department has stated the building must have a sprinkler system, and a fire hydrant must be placed on the north end of the property. This will be addressed through the building permit process.

On July 5, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 10.1 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, a 24 hour business next to a residential area, and inadequate landscaping and buffers. Gary Halbrooks and Steve Dement, owners of the property, and Kirit Patel, developer, spoke on behalf of the application. Mr. Halbrooks said the hotel has been scaled down from five stories to three. He said the hotel was moved as far to the west as possible, next to the City's "no build line". He said the 8 foot privacy fence will be constructed of material matching the hotel and offices. Façade signs will not be placed above the first floor, with the exception of the south and west sides of the building facing Broadway Avenue. Lighting will be down shielded. Mr. Dement said he lives near two hotels on Rieck Road and there has not been a significant increase in traffic because of the hotels. Commissioner Whatley felt the property would never be developed as residential and said this was a workable plan.

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

**Agenda Number: Z-2**

**Page: 3 of 3**

**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 “PCD” Planned Commercial Development District with final site development plan approval, subject to the following restrictions.

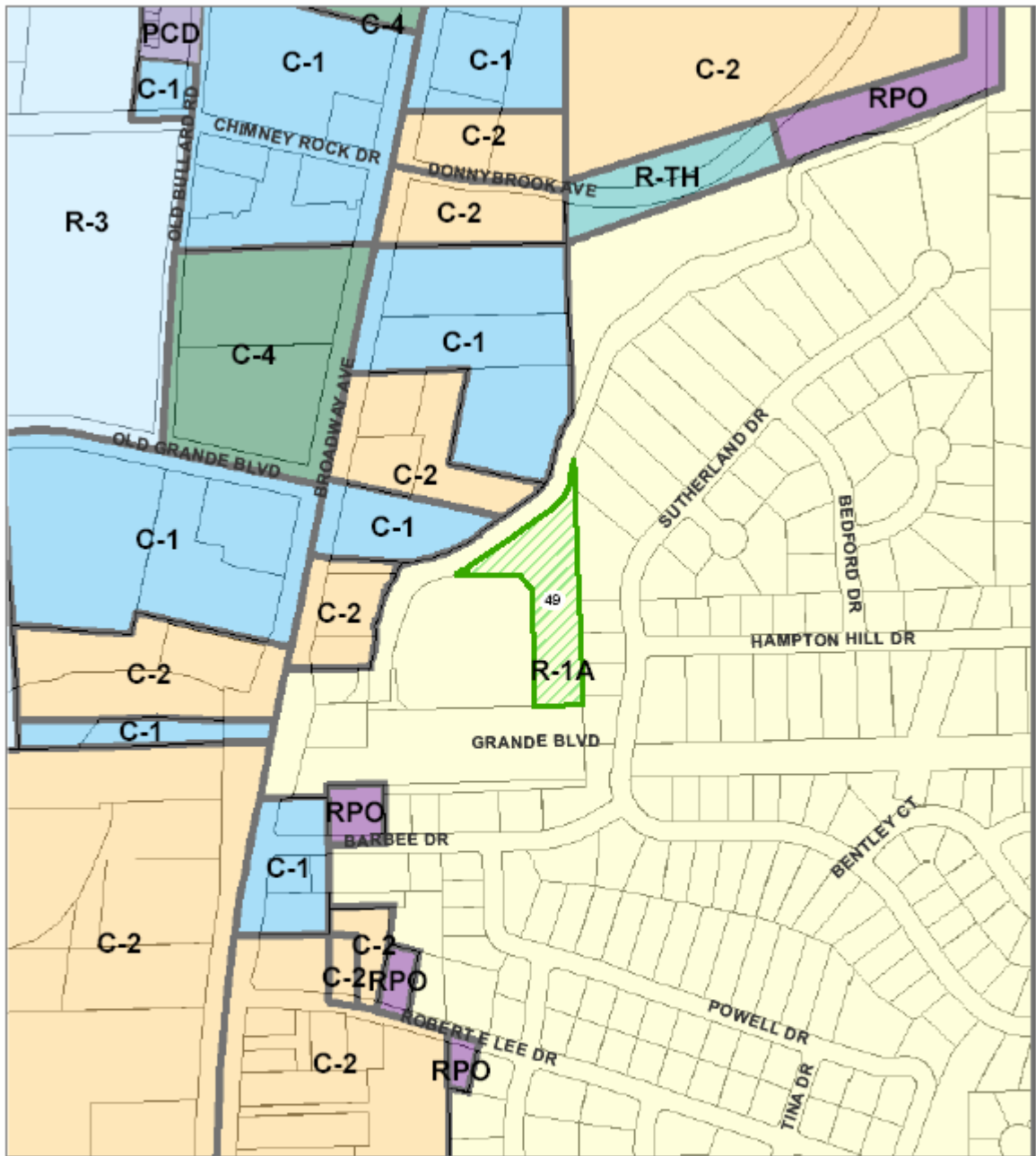
1. Down shielded lighting only.
2. Monument signage only.
3. Twenty-five (25’) foot wide and four (4’) foot high landscape berm along the frontage on Grande Boulevard, planted with native trees and shrubs
4. Tree line behind hotel left undisturbed to buffer hotel from the proposed Rose Rudman Trail.
5. Dumpster located on west side of property.



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

**Edited/Submitted By:  
City Manager**





ZONING CASE



Zoning Case #: Z07-06-064a  
 Existing Zoning: R-1A  
 Applicant: KERIT PATEI

 Subject Property

**ORDINANCE NO. O-2006-63**

**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 Z07-06-064A**

That the following described property which has heretofore been zoned "R-1A" shall hereafter bear the zoning classification of "PCD", to-wit:

A 3.7± acre portion of Lot 49 of NCB 1013I, one lot totaling 6.25± acres located 225± feet east of the intersection of South Broadway and Grande Boulevard (East Extension), fronting 652± feet along the north side of Grande Boulevard (East Extension), subject to the following conditions:

1. Down shielded lighting only.
2. Monument signage only.
3. Twenty-five (25') foot wide and four (4') foot high landscape berm along the frontage on Grande Boulevard, planted with native trees and shrubs
4. Tree line behind hotel left undisturbed to buffer hotel from the proposed Rose Rudman Trail.
5. Dumpster located on west side of property,

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 26<sup>th</sup> day of July, 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

