



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-12

Date: January 11, 2006

Subject: APPLICATION Z12-05-103 RICHARD REDMAN

Request that the City Council consider a request to change the zoning from “AG” Agricultural District to “R-3” Multi-Family Residential District on a 10± acre portion of Tract 9 in the I. Hill Survey A-474, located at the southeast corner of the intersection of Paluxy Drive and Roy Road, fronting 480± feet along the east side of Paluxy Drive and fronting 622± feet along the south side of Roy Road (the 7000 block of Paluxy Drive).

Page: 1 of 2

Item Reference:

The applicant is requesting a zoning change to allow for the development of an assisted living facility.

Section 10-213, "R-3" Multi-Family Residential District, allows as permitted uses multi-family residential units. In addition, this district allows nursing homes, retirement centers, boarding houses, and any other use incidental to typical "R-3" uses. The "R-3" Multi-Family Residential District does allow for more than one main building per lot when designed and used in combination as a multiple dwelling unit that has one ownership, one management, common parking area and central control of services. The "R-3" Multi-Family Residential District requires a minimum distance of fifteen (15) feet between all structures and requires minimum setbacks of twenty-five (25) feet from all property lines. The "R-3" District has a maximum building height of two and one-half (2 1/2) stories and forty-two (42) feet in height, which is consistent with the "R-2" Residential District. Maximum density of development in the "R-3" District is limited to no more than twenty (20) dwelling units per acre.

Staff has reviewed the request and states the property to the north is zoned “R-1A” Single Family Residential District, while property to the west, south, and east is zoned “AG” Agricultural District.

The proposed building will be approximately 40,550 square feet with approximately 60 units. The applicant will be required to follow the Tyler Code of Ordinances parking regulations which requires two parking spaces per unit. The applicant will also be required to subdivide the property and make all required improvements to Roy Road and the required right-of-way dedication on Paluxy Drive and Roy Road per the Master Street Plan. The Master Street Plan designates Paluxy Drive as a Minor Arterial and Roy Road as a Collector Street. Also, Chapter 10-280 requires 10% of the property to be landscaped.

Agenda Number: Z-12

Page: 2 of 2

Property north and west of the subject property is developed with single-family residences. While Paluxy Drive and Roy Road do provide a division, Staff would like to review a site plan to determine how the proposed development will relate to the site and the area. Staff recommends considering “PMF” Planned Multi-Family Residential District zoning, which requires the applicant to submit a site plan for approval by Commission and Council. Commission and Council would then be able to impose any restrictions necessary to protect the surrounding single family homes.

On December 6, 2005, the Planning and Zoning Commission held a public hearing on this request. There were 5.71 percent written letters of protest filed. Paul Polk, Robert Wheless and Glenda Hill spoke in opposition to the request. They expressed concern with additional traffic on Roy Road. Mr. Wheless felt more entrances to the development on Paluxy Drive would relieve traffic on Roy Road. John O’Sullivan spoke on behalf of the application. He said he is leaving a greenbelt along Paluxy Drive and Roy Road and proposes one driveway on Paluxy Drive and an employee entrance on Roy Road. He said the City Engineer is requiring improvements for Roy Road. Mr. O’Sullivan said he agreed with Staff’s recommendation of “PMF” zoning.

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from “AG” Agricultural District to “PMF” Planned Multi-Family Residential District without final site development plan approval.



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

**Edited/Submitted By:
City Manager**



ZONING CASE

Zoning Case #: Z12-05-103
 Existing Zoning: AG
 Applicant: Richard Redman



-  200' Notification Buffer
-  Subject Property

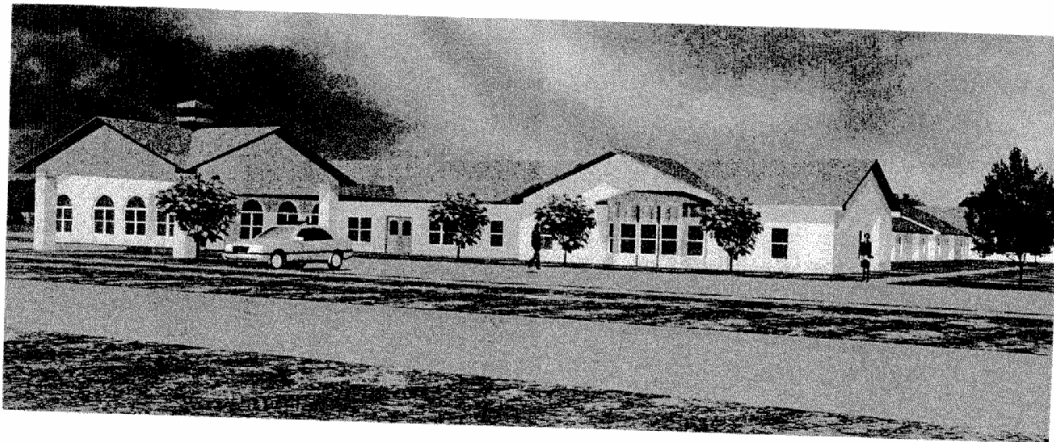


ZONING CASE

Zoning Case #: Z12-05-103
 Existing Zoning: AG
 Applicant: Richard Redman



- 200' Notification Buffer
- ▨ Subject Property



Planning and Zoning Department

ORDINANCE NO. O-2006-7

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 Z12-05-103

That the following described property which has heretofore been zoned “AG” Agricultural District, shall hereafter bear the zoning classification of “PMF” Planned Multi-Family Residential District without final site development plan approval, to-wit:

A 10± acre portion of Tract 9 in the I. Hill Survey A-474 located at the southeast corner of the intersection of Paluxy Drive and Roy Road, fronting 480± feet along the east side of Paluxy Drive and fronting 622± feet along the south side of Roy Road (the 7000 block of Paluxy Drive), as shown on the drawing attached hereto as Exhibit “A”,

without final site development plan approval.

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 11th day of January, A.D., 2006.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

Exhibit "A" to Ordinance 0-2006-7

EXHIBIT "A"

