



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number:** Z-7

**Date:** August 23, 2006

**Subject:** APPLICATION Z07-06-068B GEAUX/CUMBERLAND GAP JOINT VENTURE

**Request that the City Council consider a request to change the zoning from "AG" Agriculture District to "PMF" Planned Multi-Family Residential District with final site development plan approval on Lot 1 of NCB 1539M, ten (10) lots totaling 28.56± acres located 800± feet east of the intersection of the proposed Beddingfield Road and the proposed Elk River Road, extending 402± feet north, extending 620± feet south, and extending 280± feet east.**

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**Item Reference:**

The applicant is requesting a zoning change to allow for the development of single-family residential homes.

Section 10-218, "PMF" Planned Multi-Family Residential District, is designed to provide for the medium to high density development of unique and innovative forms of multi-family housing. This district allows for the development of multi-family residential dwelling units as well as nursing, rest, or convalescent homes, and any accessory buildings or uses which are customarily incidental to any of those above-mentioned uses. The "PMF" 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-3" Multi-Family Residential District. The maximum density of development permitted within a Planned Multi-Family District is sixteen (16) dwelling units per gross acre.

In addition, development of a "PMF" District shall be consistent with an approved site development plan as part of the zoning approval. Any deviations in the site development plan will require the approval of both the Planning and Zoning Commission and the City Council through a public hearing process. The "PMF" Planned Multi-Family 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, accessways, driveways, and other reasonable requirements for the protection of the adjoining and surrounding properties.

Adjacent properties are currently zoned "AG" Agricultural District, "R-1B" Single-Family Residential District to the west, and a mix of "RPO" Restricted Professional Office District and "PCD" Planned Commercial Development District to the north.

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The development is on 28.56 acres. There will be a total of ten lots varying in size from 2.00 acres to 2.25 acres. The site plan includes a one hundred foot green space buffer to the east and a fifty foot green space buffer to the west. The site plan shows primary access from Elk River Road and secondary access from Laurel Springs Lane. Both access points connect to a proposed private drive, which connects Elk River Road with Laurel Springs Lane. At present, the above mentioned access points and roads have not been constructed. These streets will have to be constructed to provide proper access to the proposed development. The applicant will also be required to submit a preliminary plat that will address items on the final site plan and the necessary easements and driveway access.

All lots are proposed as single-family residential estate lots. The property will be deeded to a homeowners association; however, the homes will be individually owned. Staff states the zoning change would be consistent with the existing zoning of the property as well as the properties in the area. Staff does not foresee this rezoning presenting any negative effects to the adjacent properties.

On July 18, 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. Rea Boudreaux, The Brannon Corporation, spoke on behalf of the application. He said the homes will be built on one lot. When a person owns a unit, they actually purchase a fraction of the interest in the homeowners association.

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

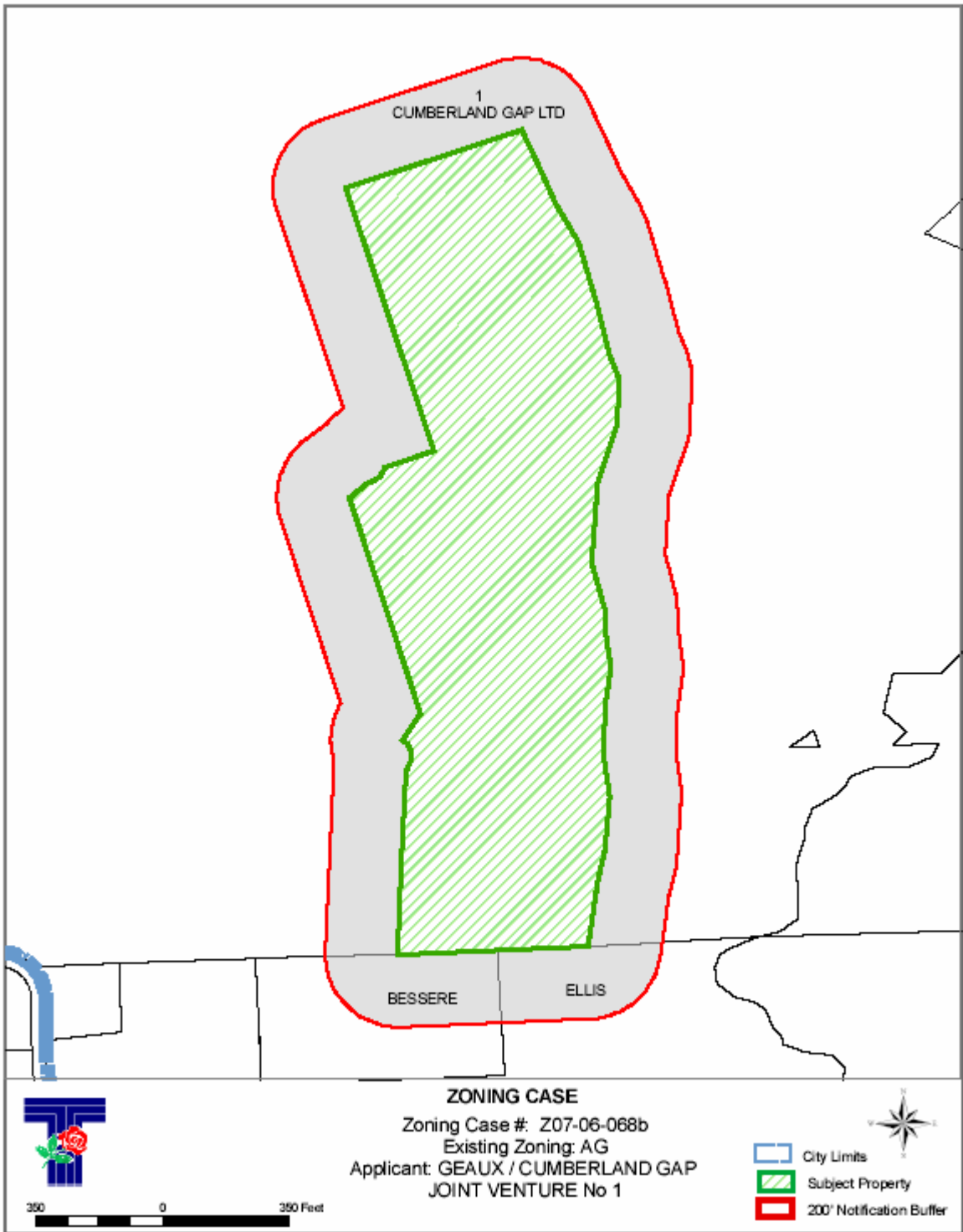
**RECOMMENDATION:**

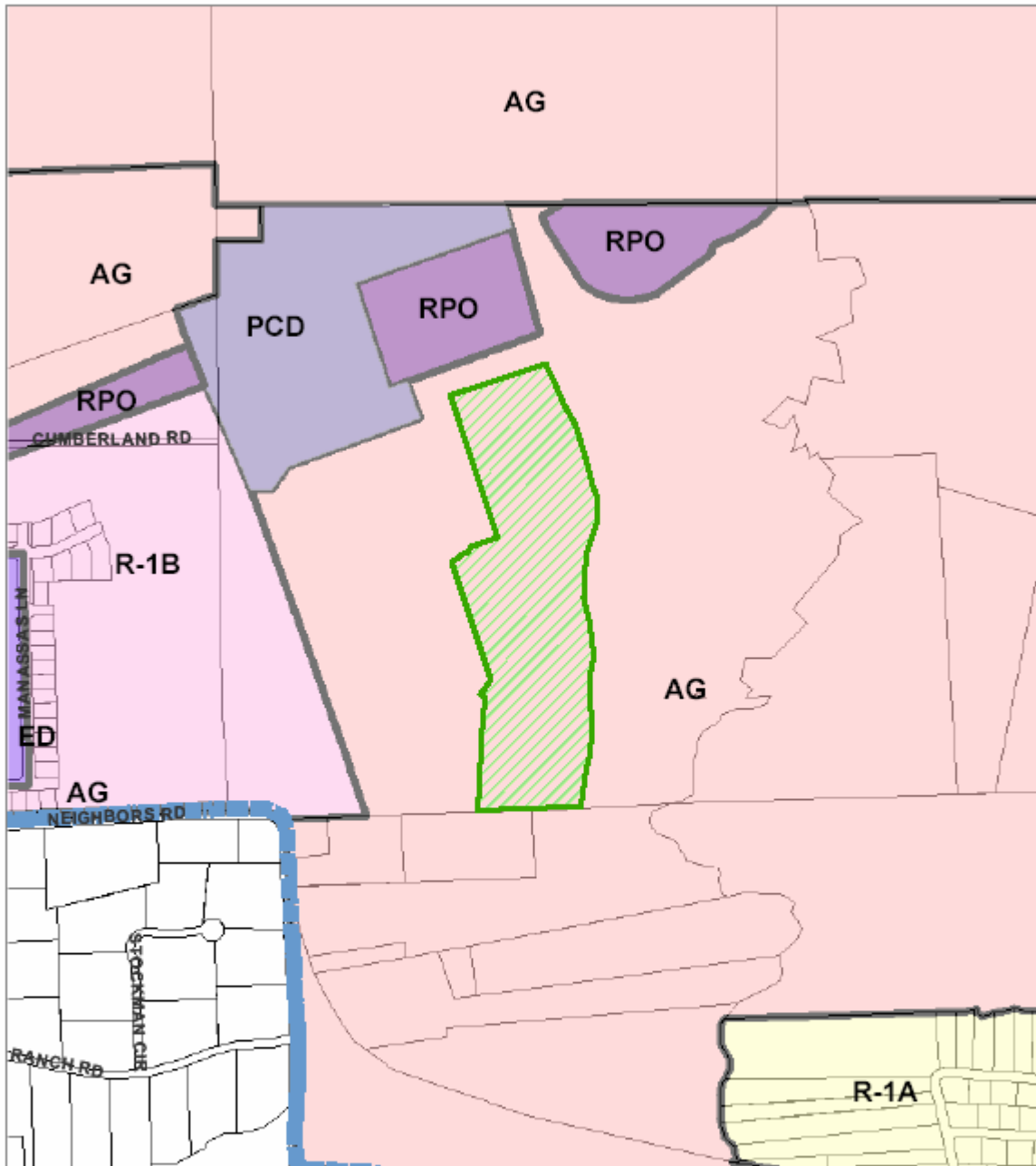
The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from "AG" Agricultural District to "PMF" Planned Multi-Family Residential District with final site development plan.



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

**Edited/Submitted By:  
City Manager**





**ZONING CASE**

Zoning Case #: Z07-06-068b

Existing Zoning: AG


Applicant: GEAX / CUMBERLAND GAP

JOINT VENTURE No 1



700 0 700 Feet



 City Limits

 Subject Property

**ORDINANCE NO. O-2006-73**

**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 Z07-06-068B**

That the following described property, which has heretofore been zoned "AG" Agriculture District, shall hereafter bear the zoning classification of "PMF" Planned Multi-Family Residential District with final site development plan approval, to-wit:

Lot 1 of NCB 1539M, ten (10) lots totaling 28.56± acres located 800± feet east of the intersection of the proposed Beddingfield Road and the proposed Elk River Road, extending 402± feet north, extending 620± feet south, and extending 280± feet east,

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 23<sup>rd</sup> day of August, 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 0-2006-73

