



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-13

Date: January 11, 2006

Subject: APPLICATION Z12-05-093 IPS, INC.

Consider a request to change the zoning from “R-3” Multi-Family Residential District to “PMF” Planned Multi-Family Residential District with final site development plan approval on Lot 8 of Block 81, one lot totaling .37± acres located 75± feet south of the intersection of Bryan Street and South Bonner Avenue, fronting 90± feet along the west side of South Bonner Avenue and fronting 90± feet along the east side of Augusta Avenue (511 South Bonner).

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Item Reference:

The applicant is requesting a zoning change to allow for the development of multi-family housing.

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.

Staff has reviewed the application and states that the property to the north is zoned “RPO” Restricted Professional and Office District, and property to the west, south, and east is zoned “R-2” Two Family Residential District.

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The site plan shows an existing residential structure that will be remodeled to accommodate two separate units. The existing structure is 2400 square feet in size. A 4,000 square foot four unit residential structure is also proposed to be added to the site. The setbacks for the new structure are 25 feet minimum front, 5 feet minimum rear, and 10 feet minimum side setbacks. Twelve parking spaces are provided, which meets the minimum parking regulation of two spaces per unit. There is also 4,625 feet of green space. Access will be from South Bonner Avenue and Augusta Avenue. A 15 foot private drive is proposed. This type of mixed use is common in historic areas of Tyler.

Staff does not feel there will be a negative impact on the adjacent property owners and will improve the aesthetics of the area. This lot is currently in poor condition with overgrown weeds and a dilapidated structure. Also, the "R-3" Districts already allows for this type of density.

On December 6, 2005, the Planning and Zoning Commission held a public hearing on this request. There were 30.1 percent written letters of protest filed. Monique Wright, Tanna Stanley, Shawn Holiday, Judi Rowley, Virginia Shull, and Janie Menegay spoke in opposition to the request. They said they want to maintain the historical district. Ms. Wright said the structure is located in the Brick Street District, which is 70 percent residential and 5 percent multi-family. She said multi-family zoning would compromise the integrity of the area. She said the Brick Street District has undergone a clean-up since 1990 and a 4-plex would have an adverse affect on the neighborhood. Mark Priestner and Clinton Speight spoke on behalf of the application. Mr. Priestner said the 2 story brick structure will be consistent with the neighborhood and the structures would share a courtyard. Six units are proposed, with 2 units located in the existing house and 4 in the proposed structure. He said all off-street parking has been addressed. Mr. Speight said he has researched the historic district and wants to maintain the historic integrity of the building. He said the building has been vacant for 2 years. Commissioner Kelldorf felt "PMF" zoning would improve the area and encouraged Mr. Speight to meet with the Historical Society to discuss the structure. Mr. Speight is on the Historic Preservation Agenda for January 4, 2005.

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

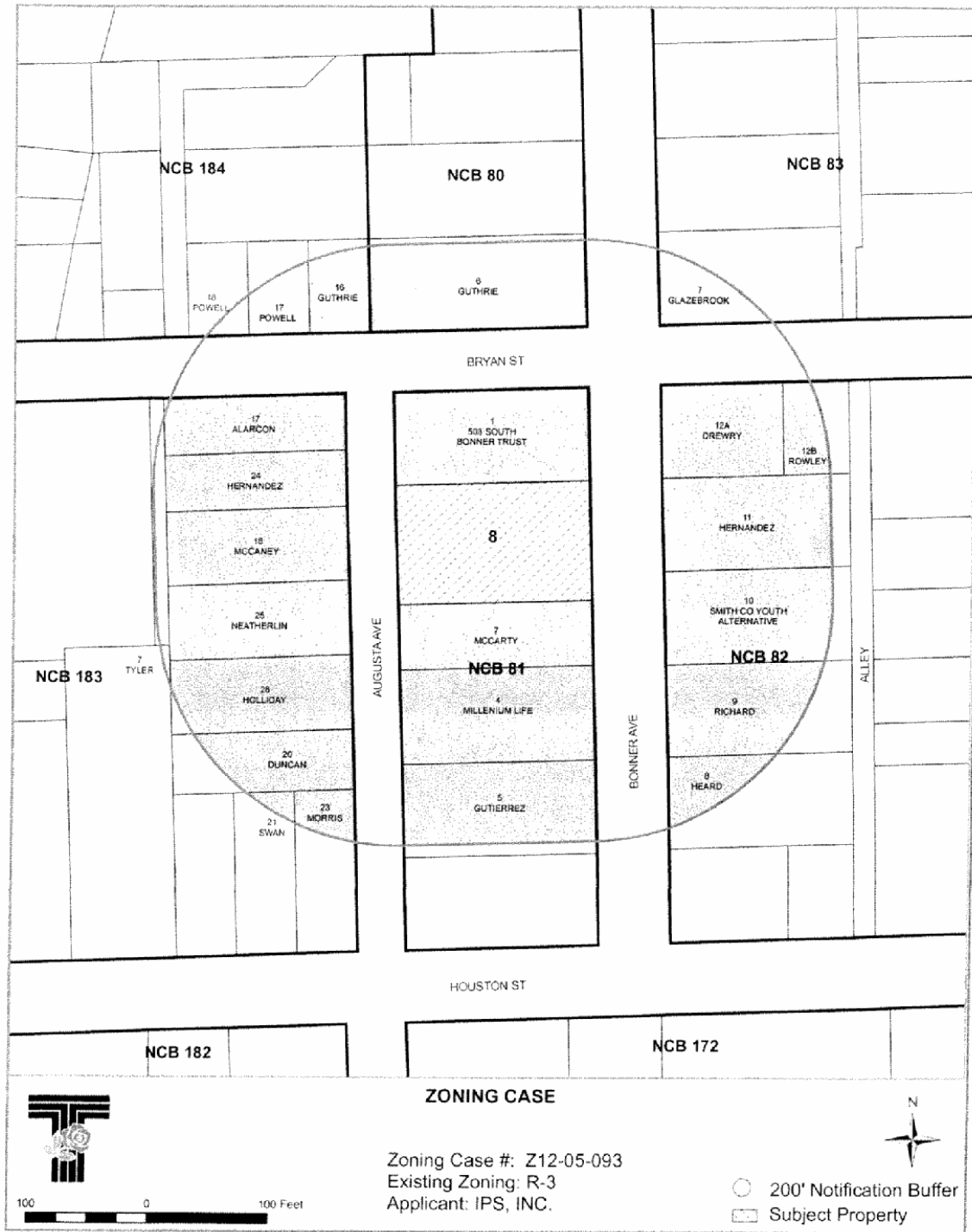
RECOMMENDATION:

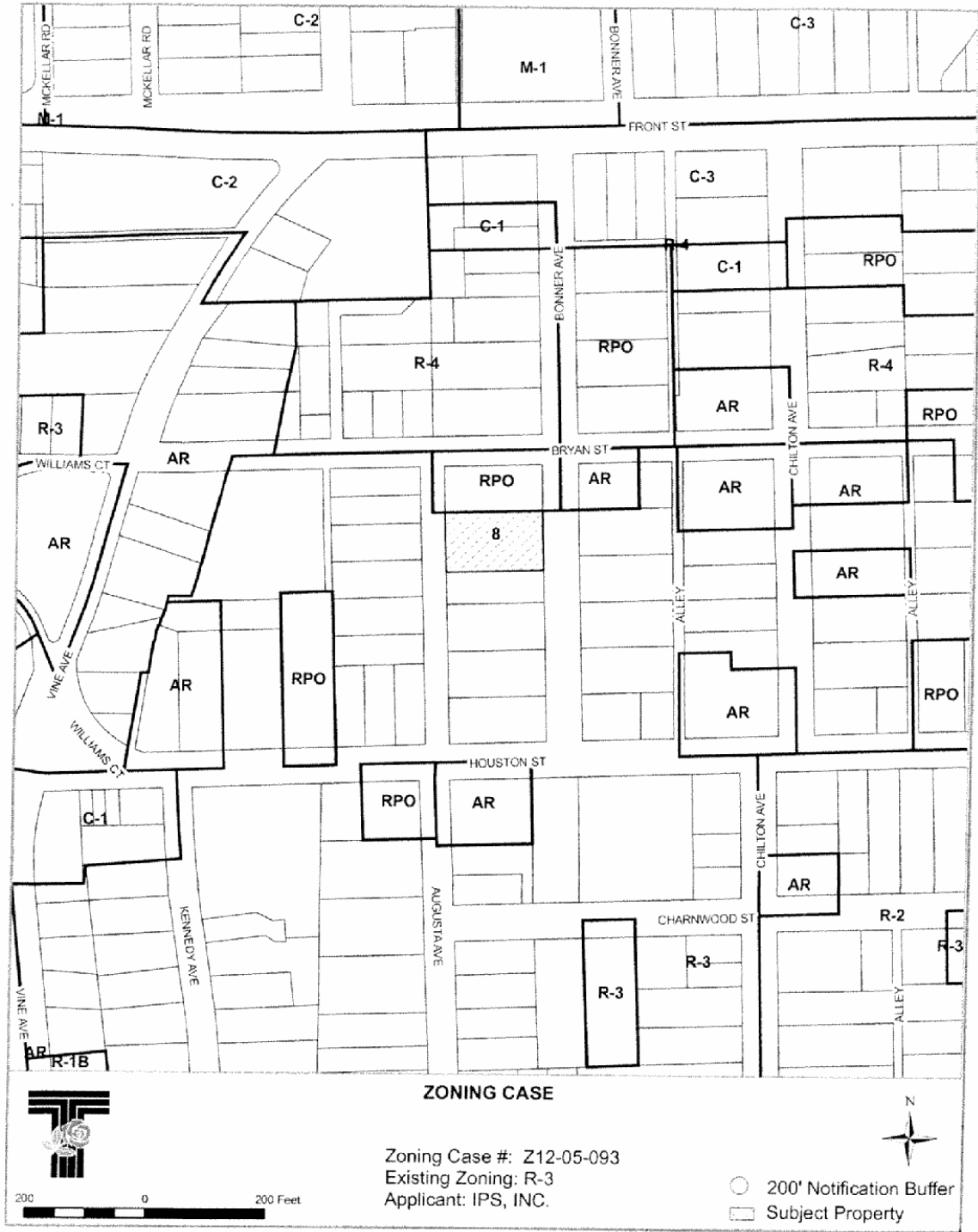
The Planning and Zoning Commission, by a vote of 5-1, recommends approval of the request to change the zoning from "R-2" Two Family Residential District to "PMF" Planned Multi-Family Residential District with final site development plan approval.



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

**Edited/Submitted By:
City Manager**





200 0 200 Feet



ORDINANCE NO. O-2006-8

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 Z12-05-093

That the following described property which has heretofore been zoned "R-3" Multi-Family Residential District, shall hereafter bear the zoning classification of "PMF" Planned Multi-Family Residential District with final site development plan approval, to-wit:

Lot 8 of Block 81, one lot totaling .37± acres located 75± feet south of the intersection of Bryan Street and South Bonner Avenue, fronting 90± feet along the west side of South Bonner Avenue and fronting 90± feet along the east side of Augusta Avenue (511 South Bonner),

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 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

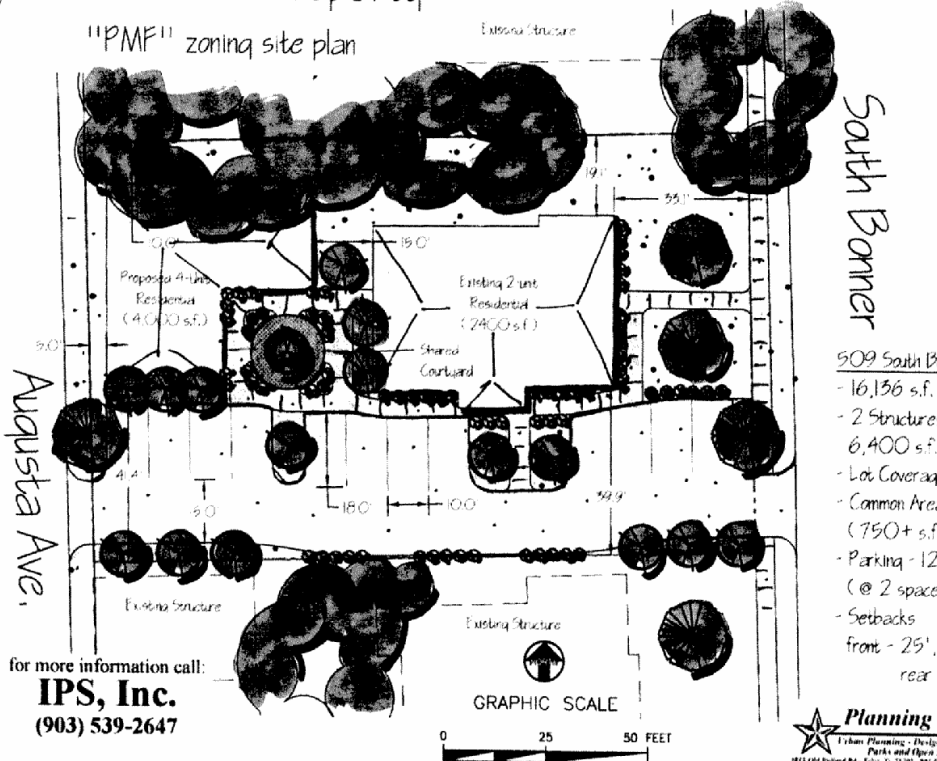
CITY ATTORNEY

Exhibit "A" to Ordinance 0-2006-8

EXHIBIT "A"

South Bonner Property

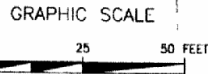
"PMF" zoning site plan



South Bonner

- 509 South Bonner Ave.
 - 16,136 s.f. Lot (.37 Ac)
 - 2 Structures / 6 Units
 6,400 s.f.
 - Lot Coverage - 39%
 - Common Area - 4625 s
 (750+ s.f./ unit)
 - Parking - 12 Spaces
 (@ 2 spaces/ unit)
 - Setbacks
 front - 25', side - 10'
 rear - 5'

for more information call:
IPS, Inc.
 (903) 539-2647



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