



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-17

Date: October 24 2006

Subject: APPLICATION Z10-06-096A BECKLEY BOHN PROPERTIES
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 plan approval on a 1.44± acre portion of a 6.45± acre tract of Tract 9 in the S. Butler Survey A-086. The subject property is located 571.31± feet north of the intersection of New Copeland Road and Rieck Road, fronting 184.50± feet along the west side of New Copeland Road with a maximum depth of 385.89± feet.

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Item Reference:

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

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.

Property to the north is zoned "PUR" Planned Unit Development District, while properties to the south, west and east are zoned "R-1A" Single-Family Residential District.

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The site plan proposes an eight thousand square foot medical office. The setbacks will be one hundred five feet from the east property line, with a fifteen foot landscape buffer along the north property line. There will be an undisturbed buffer area along the west property line which abuts a residential area. Forty parking spaces will be provided. The minimum number required by the City of Tyler Ordinance is 21 spaces. Parking will be located along the south and west portions of the building. One access point is provided at New Copeland Road. One monument sign is proposed not to exceed eight feet in height, located at the New Copeland Road access point. The applicant will also have to follow the Landscaping Ordinance and any fencing requirements that are set forth by the Commission.

This request is consistent with the current development patterns in the area. The proposed structure is residential in style and will have landscape buffers along the front, sides and rear of the property. Staff believes this would be a beneficial development for the area and will have no negative impact.

On October 3, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 16.53 percent written letters of protest filed. No one spoke in opposition to the request. John Chesley spoke on behalf of the application. He said he spoke to several residents opposing the development who did not object to the development after they realized the building would not be a multi-story structure.

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

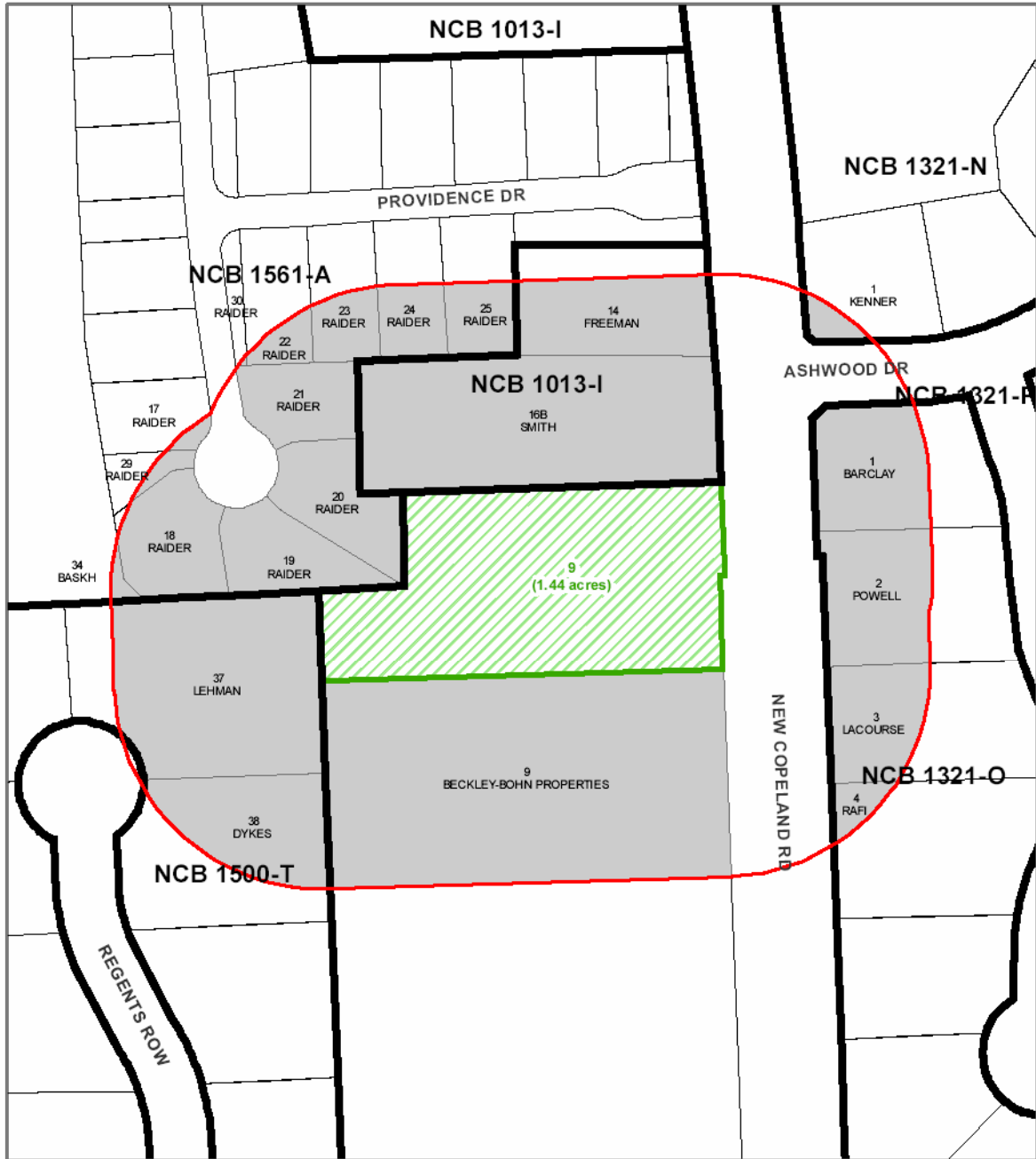
RECOMMENDATION:

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



Drafted/Recommended By: Heather Nick
Department Leader Interim Director of Planning

Edited/Submitted By:
City Manager

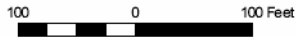




ZONING CASE

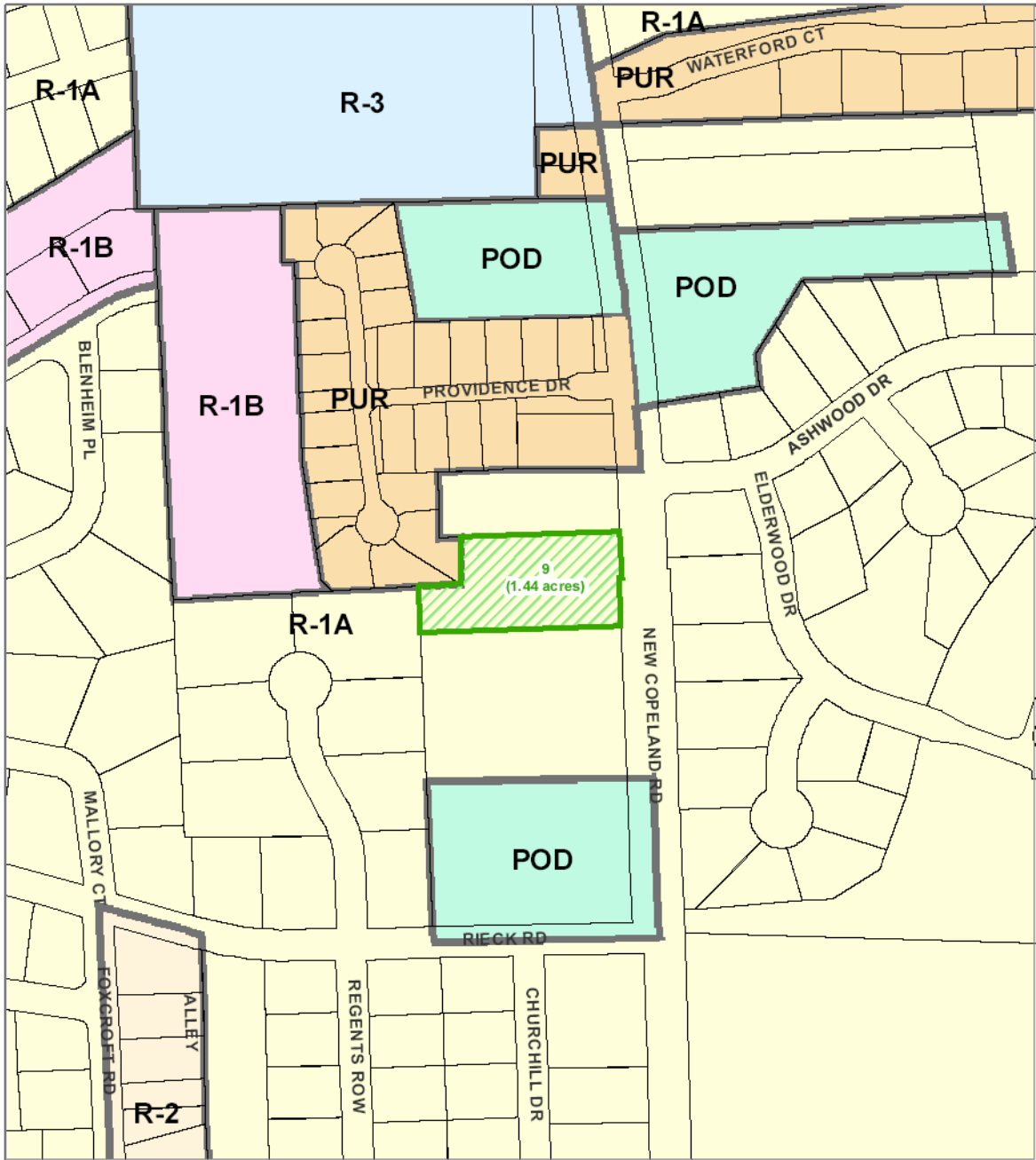
Zoning Case #: Z10-06-096a

Existing Zoning: R-1A

Applicant: BECKLEY-BOHN PROPERTIES



-  Subject Property
-  200' Notification Buffer



ZONING CASE


Zoning Case #: Z10-06-096a

Existing Zoning: R-1A

Applicant: BECKLEY-BOHN PROPERTIES



200 0 200 Feet

 Subject Property

ORDINANCE NO. O-2006-91

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 Z10-06-096A

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 1.44± acre portion of a 6.45± acre tract of Tract 9 in the S. Butler Survey A-086, located 571.31± feet north of the intersection of New Copeland Road and Rieck Road, fronting 184.50± feet along the west side of New Copeland Road with a maximum depth of 385.89± feet,

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 24th day of October, 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

