



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: January 10, 2007

Subject: APPLICATION Z12-06-129A E. MAXEY & CAROLE ABERNATHY
Request that the City Council consider a request to change the zoning from "R-1B" Single-Family Residential to "PMF" Planned Multi-Family Residential District without final site development plan approval on Tract 9 of the M. Long Survey Abstract #A0562, one lot totaling approximately 19 acres located north of Cumberland Road and west of the Lakeway Drive unimproved right-of-way. The property is currently zoned "R-1B" Single-Family Residential District.

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Item Reference:

The applicant is requesting a zoning change to allow for the development of residential condominiums without final site development plan approval. A preliminary site plan has been submitted, but the applicant must make more adjustments before submitting a plan for final approval.

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 that are customarily incidental to any of those uses. The "PMF" District sets out 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 is to 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 allows the Planning and Zoning Commission and the City Council to impose additional requirements such as building setbacks, landscaping, lighting, screening, accessways, and driveways for the protection of the adjoining and surrounding properties.

Adjacent property to the north, south and west is currently zoned "AG" Agricultural District, while property to the east is zoned "R-1A" Single Family Residential District.

The subject property does not have any legally defined road frontage. While the applicant is in discussion with the City for access through the lot south of the subject property, this may not provide permanent, legal access. This issue will need to be fully fleshed out and determined prior to platting,

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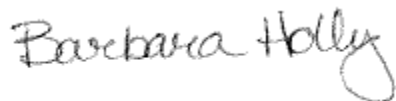
as one condition of platting is the provision of safe and adequate access. Without the applicant demonstrating legal access, this property may not be permitted any development rights, and legal access for landlocked properties is typically determined through the court system.

On December 5, 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. Sam Mezayek appeared on behalf of the application. He reiterated that his clients are seeking legal access to the property from the City.

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

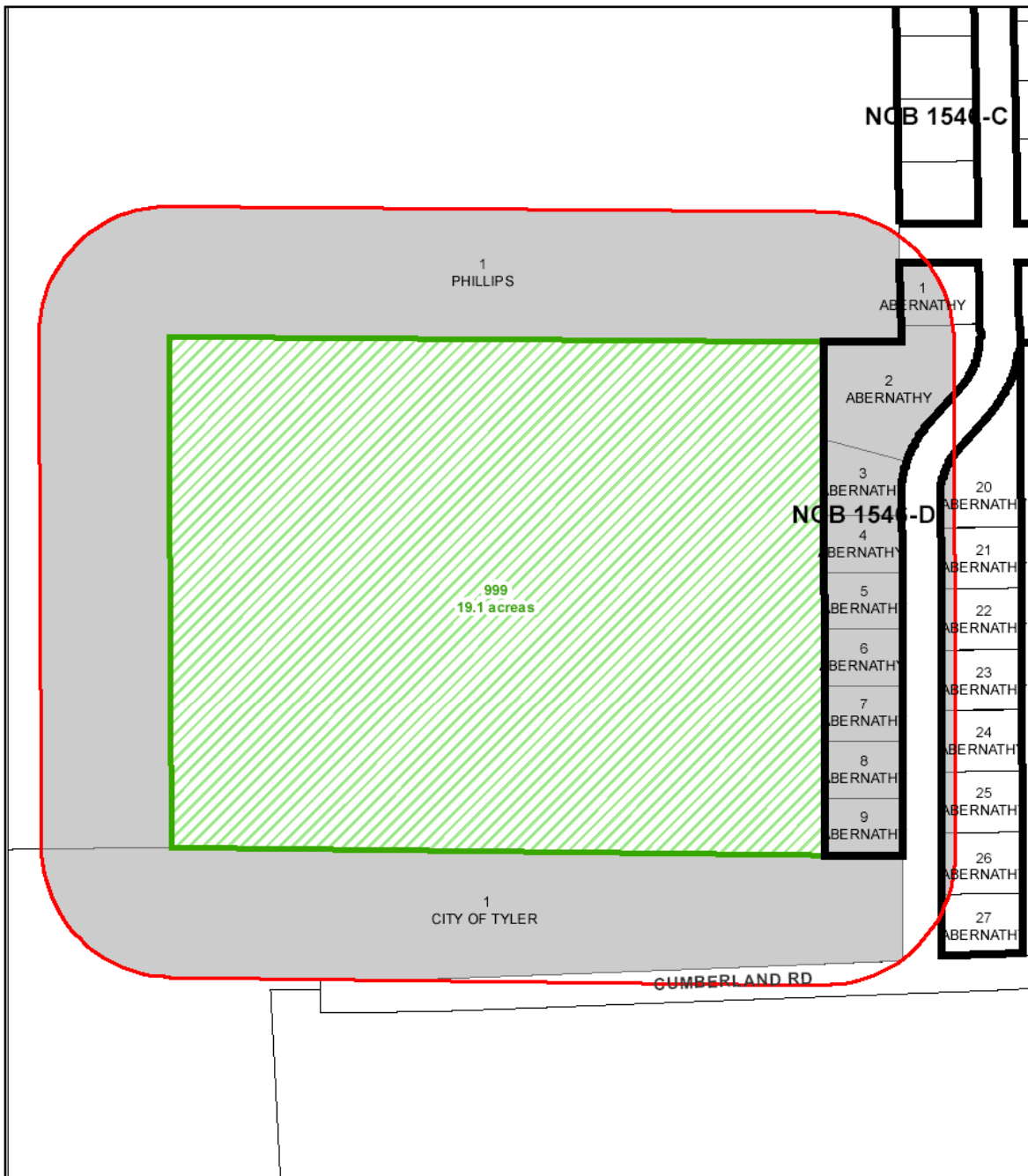
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0-1, recommends approval of the request to change the zoning from "R-1B" Single-Family Residential District to "PMF" Planned Multi-Family Residential District without final site development plan approval, with access resolution held in abeyance until platting.



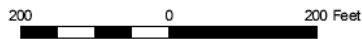
Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager

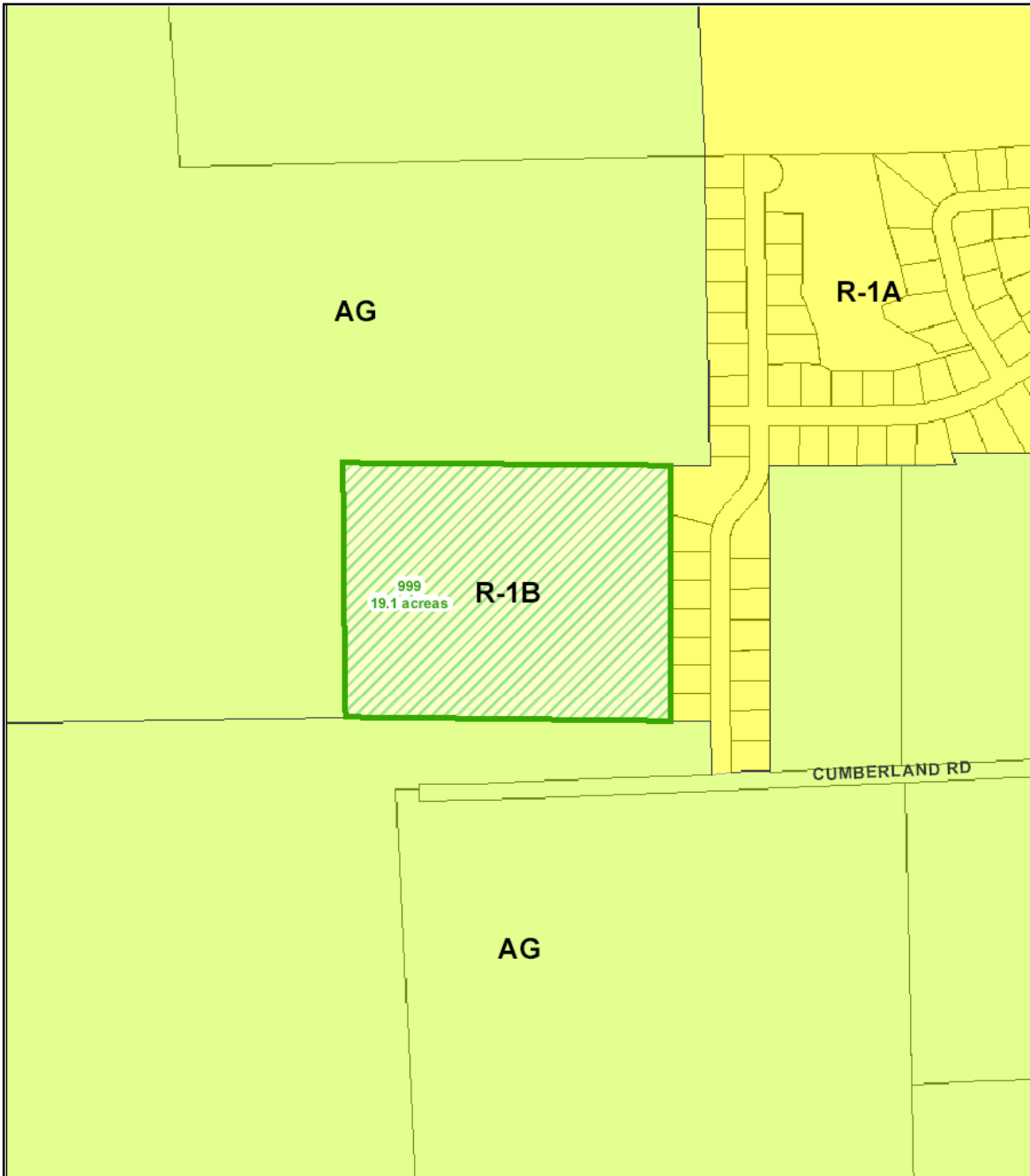


ZONING CASE

Zoning Cases #: Z12-06-129a
 Existing Zoning: R-1B, Proposed Zoning: PMF
 Applicant: E. MAXEY & CAROLE ABERNATHY

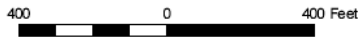



- Subject Property
- 200' Notification Buffer



ZONING CASE

Zoning Cases #: Z12-06-129a
Existing Zoning: R-1B, Proposed Zoning: PMF
Applicant: E. MAXEY & CAROLE ABERNATHY



 Subject Property

ORDINANCE NO. O-2007-2

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 Z12-06-129A

That the following described property, which has heretofore been zoned "R-1B" Single Family Residential District, shall hereafter bear the zoning classification of "PMF" Planned Multi-Family District without final site development plan approval to-wit:

Tract 9 of the M. Long Survey Abstract # A0562, recorded in Volume 3961, Page 578, one lot totaling approximately 19 acres located approximately 183 feet north of Cumberland Road and approximately 123 feet west of the Lakeway Drive unimproved right-of-way, with a maximum depth of approximately 783 feet.

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 10th day of January, A.D., 2007.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY