



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-11

Date: February 28, 2007

Subject: APPLICATION Z12-06-131A STONEGATE HOMEOWNERS ASSN. Request that the City Council consider a request to adopt an ordinance approving a final site development plan amendment (Z05-01-013) on Lot 13 of NCB 1544-P, one lot totaling approximately 1.16 acres located on Stonegate Valley Drive (1945 Stonegate Valley Drive). The property is currently zoned "PUR" Planned Unit Residential Development District.

Page: 1 of 2

Item Reference:

The applicant is requesting an amendment to the existing site plan subject to a 25 foot greenbelt area on the east property line between the Stonegate subdivision and Williamsburg Village to build a single family home.

Section 10-205 "PUR" Planned Unit Residential District is designed to accommodate various types of unique and innovative housing forms which are based upon a concept of reducing the area of individually owned lots, grouping such lots together to utilize more efficiently the total space within a subdivision. The standards have been developed and applied to a variety of housing forms such as town houses, patio homes, courtyard homes and cluster housing. This district sets out 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-1A" Single Family Residential District. The maximum density of development permitted within a Planned Unit Residential District is twelve (12) dwelling units per gross acre. The typical single-family residential district within the City of Tyler is developed at about four (4) to six (6) dwelling units per acre.

In addition, development of a "PUR" District shall be consistent with an approved site development plan in an instrument contained in restrictions, covenants and conditions applicable to the ownership, use, control, maintenance, replacement, repair and disposition of the property, and improvements covered by such application as part of the zoning approval. Any deviations within a "PUR" zoning district will require the approval of both the Planning and Zoning Commission and the City Council. This would require notification to all adjacent property owners and a public hearing process.

The "PUR" Planned Unit 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 properties are currently zoned "PUR" Planned Unit Residential District.

Agenda Number: Z-11

Page: 2 of 2

The proposed setbacks are twenty-five feet front and rear, and a fifteen foot north side yard setback. Also, the southernmost portion of the subject property contains a seventy-five foot sewer and drainage easement, which does not allow vertical construction to be placed within the easement. The applicant is proposing a 4,000 square foot pad site on .625 acres usable space.

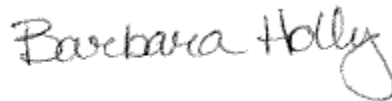
On December 5, 2006, the Planning and Zoning Commission held a public hearing on this request. There was one written letter of protest filed comprising .40% of the affected land area. Lyndol Popchoke, a resident of the Williamsburg Village neighborhood, spoke in opposition to the request. He said the developer of Williamsburg Village, which adjoins the Stonegate subdivision to the west, promised property owners in Williamsburg Village a greenbelt area between the two subdivisions. Bob Breedlove, representing The Brannon Corporation, spoke on behalf of the application. He agreed to a 25 foot greenbelt along the east property line.

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

On January 10, 2007, the City Council, by a vote of 6-0, tabled the request to allow the homeowners association to reach a compromise with residents of Williamsburg Village. In the intervening time, the Stonegate Homeowners Association met with the three adjoining property owners who filed formal protests and reached consensus with two of them. Mr. Breedlove will be present at the meeting to discuss these results with the City Council.

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the final site development plan amendment, subject to a 25 foot greenbelt area on the east property line between the Stonegate subdivision and Williamsburg Village.



**Drafted/Recommended By: Barbara Holly
Department Leader**

**Edited/Submitted By:
City Manager**

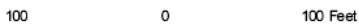




SITE PLAN AMENDMENT

Zoning Cases #: Z12-06-131a

Existing Zoning: PUR

Applicant: STONEGATE HOMEOWNERS ASSOCIATION





-  Subject Property
-  200' Notification Buffer

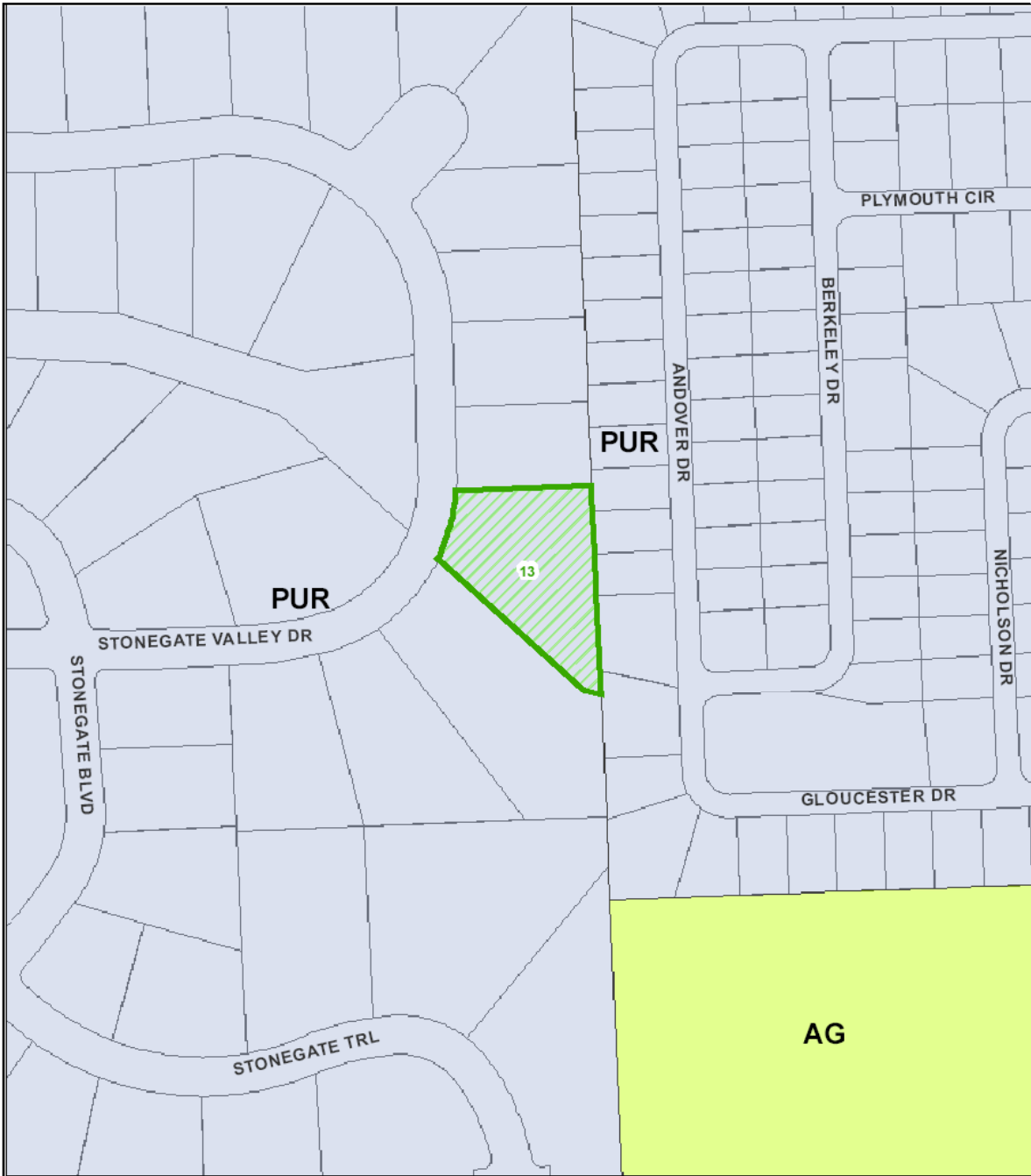


100 0 100 Feet

SITE PLAN AMENDMENT
 Zoning Cases #: Z12-06-131a
 Existing Zoning: PUR
 Applicant: STONEGATE HOMEOWNERS ASSOCIATION



 Protest Lots
 Subject Property

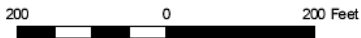


SITE PLAN AMENDMENT

Zoning Cases #: Z12-06-131a

Existing Zoning: PUR

Applicant: STONEGATE HOMEOWNERS ASSOCIATION



 Subject Property

ORDINANCE NO. 0-2007-22

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY APPROVING A FINAL SITE DEVELOPMENT PLAN AMENDMENT ON LOT 13 OF NCB 1544-P, ONE LOT TOTALING APPROXIMATELY 1.16 ACRES LOCATED ON STONEGATE VALLEY DRIVE (1945 STONEGATE VALLEY DRIVE). THE PROPERTY IS CURRENTLY ZONED "PUR" PLANNED UNIT RESIDENTIAL DEVELOPMENT DISTRICT; 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; and

WHEREAS, the City Council on September 5, 2001, in Ordinance 0-01-39, established zoning on this property "PUR" pursuant to the zoning ordinance, with final site plan approval; and

WHEREAS, the applicant is now requesting that the final site plan amendment be presented for City Council approval; and

WHEREAS, the Planning and Zoning Commission on December 5, 2006, voted 6-0 to approve this amended Final Site Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the Zoning Ordinance of the City of Tyler, Texas, is hereby amended by adopting the site plan attached hereto, and this Ordinance to Ordinance 0-01-39, as follows:

I. APPLICATION Z12-06-131A

That the final site development plan, attached hereto as Exhibit "A", is hereby approved for the following described property, to wit:

Lot 13 of NCB 1544-P in the Stonegate Addition, Unit 2, one lot totaling approximately 1.16 acres, fronting approximately 115 feet along the west side of Stonegate Valley Drive with a maximum depth of approximately 220 feet (1945 Stonegate Valley Drive),

and in accordance with the site development plan attached hereto as Exhibit "A".

PART 2: 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 3: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this 28th day of February, A.D., 2007.

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

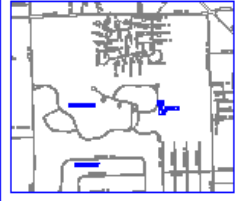
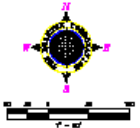
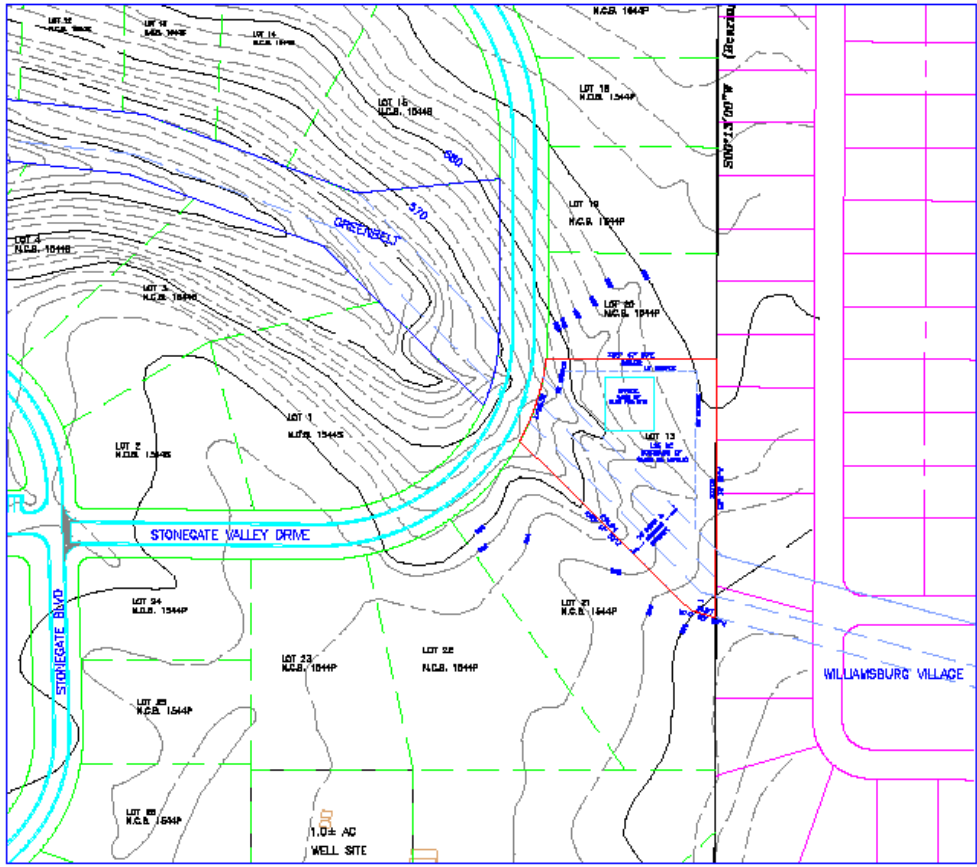
A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE 0-2007-22



APPLICANT:
STONEGATE HOME OWNERS ASSOCIATION
1910 STONEGATE CIRCLE
TYLER, TEXAS 75703

ENGINEER:
BRANSON CORPORATION
1301 S. BROADWAY AVE.
TYLER, TEXAS 75701

CURRENT ZONING: DUB
PROPOSED ZONING: PUR

EXISTING USE: GREENBELT
PROPOSED USE: SINGLE FAMILY HOME

LEGAL DESCRIPTION: LOT 13, MCB 1544P

SCALE
DATE
BY
FOR

The Branson Corporation

- ENGINEERS & URBAN PLANNERS
- 1301 SOUTH BROADWAY
- TYLER, TEXAS 75701

BRANSON CORPORATION
1301 SOUTH BROADWAY
TYLER, TEXAS 75701

STONEGATE HOME OWNERS ASSOCIATION
1910 STONEGATE CIRCLE
TYLER, TEXAS 75703

PROJECT NO.
SHEET NO.