



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-4

Date: March 28, 2007

Subject: **APPLICATION Z02-07-014B WHEELER DEVELOPMENT**
Request that the City Council consider a request to change the zoning from "R-1A" Single-Family Residential District to "PUR" Planned Unit Residential District with final site development plan approval on nine lots totaling approximately 40.38 acres located west of Brighton Creek Circle in the William Keys Survey, Abstract No. 526 and the William McAdams Survey, Abstract No. 654, being more completely described in Exhibit "A".

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Item Reference:

The applicant is requesting a zoning change to allow for a nine lot residential subdivision.

Section 10-217, "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 more efficiently utilize the total space within a subdivision. The standards have been developed and applied to a variety of housing forms including 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 or forty-two 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 dwelling units per gross acre. The typical single family residential district within the City of Tyler is developed at about four to six 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 any additional requirements as to building setbacks, landscaping, lighting, screening, access ways, driveways and other reasonable requirements for the protection of the adjoining and surrounding properties.

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

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The applicant submitted a final site development plan. The applicant is showing a development with nine lots with lots sizes ranging from 1.6 to 10.4 acres, with front and rear setbacks of 60 feet and side setbacks of 30 feet. A 700 foot long 40 foot wide private street coming off of Brighton Creek Circle is planned as access for eight of the lots, with the remaining lot to have access off of the existing Lakemont Drive, which is also a private street.

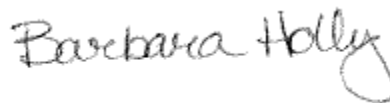
The future land use map designates this site as low density residential and the request for "PUR" Planned Unit Residential District is consistent with that land use designation. The proposed "PUR" zoning is a natural continuation of the existing "PUR" zoning to the north and east. The "PUR" zoning is required for the proposed private street which is an extension of an existing private street.

On February 20, 2007, the Planning and Zoning Commission held a public hearing on this request. The Planning Department has received 11 letters of protest and five letters of support. The total calculated protest is 12 percent.

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

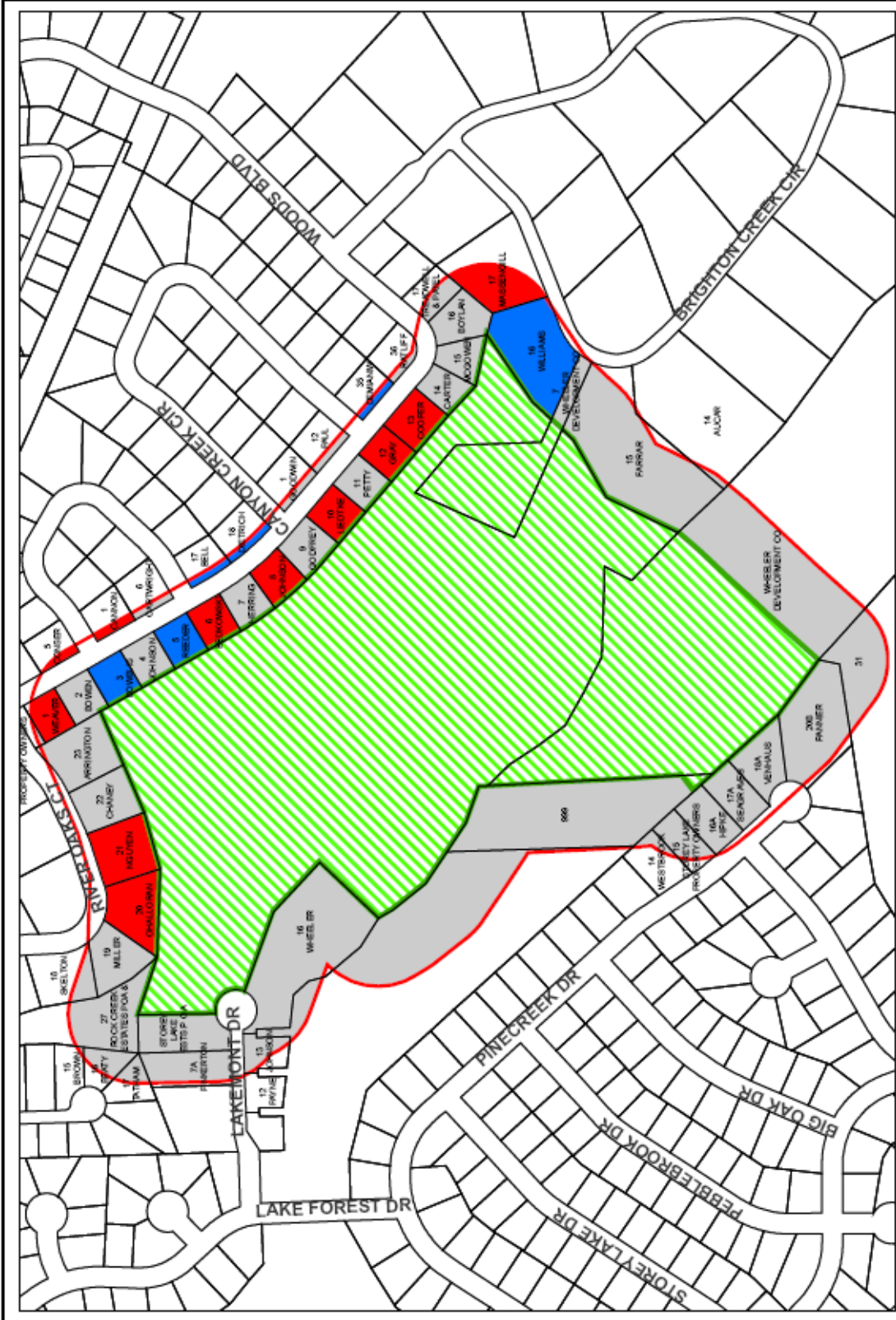
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from "R-1A" Single-Family Residential District to "PUR" Planned Unit Residential District with final site development plan approval.



Drafted/Recommended By: Barbara Holly, AICP
Department Leader Director of Planning

Edited/Submitted By:
City Manager



- Against Request
- For Request
- Subject Property

ZONING CASE

Zoning Cases #: Z02-07-014B

Existing Zoning: R-1A Proposed Zoning: PUR

Applicant: WHEELER DEVELOPMENT COMPANY



ORDINANCE NO. O-2007- 29

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 Z02-07-014B

That the following described property, which has heretofore been zoned "R-1A" Single-Family Residential District, shall hereafter bear the zoning classification of "PUR" Planned Unit Residential District, to wit:

Nine lots totaling approximately 40.38 acres located west of Brighton Creek Circle in the William Keys Survey, Abstract No. 526 and the William McAdams Survey, Abstract No. 654, being more completely described in Exhibit "A",

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

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 28th day of March, A.D., 2007.

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

A T T E S T:

CASSANDRA BRAGER, CITY CLERK

APPROVED:

CITY ATTORNEY

Exhibit "A" to Ordinance No. 0-2007-29

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Field Notes

Wheeler Development Company

40.38 Acre Tract

William Keys Survey, Abstract No. 526

William McAdams Survey, Abstract No. 654

Being a 40.38 acre tract in the William Keys Survey, Abstract No. 526 and the William McAdams Survey, Abstract No. 654, all of a called 8.07 acre tract, part of a called 26.3 acre tract, both being Private Forest Preserve Areas, to Wheeler Development Company described in a Deed recorded in Volume 4110, Page 158 of the Smith County Official Public Records, and part of a called 301.6733 acre tract from Ireland, Carroll, & Kelley, P.C. Profit Sharing Plan and Trust to Wheeler Development Company described in a Memorandum of Contract recorded in Volume 3421, Page 700 of said Smith County Official Public Records. said 40.38 acre tract being more completely described as follows:

Beginning at a ½" iron rod found for the Southeast corner of Lot 15, and the Southwest corner of

Lot 16, N.C.B. 1441-I of The Woods Unit 13 according to a final plat thereof recorded in Cabinet D, Slide 33-A of the Smith County Plat Records, in the Northeast boundary line of said 26.3 acre tract, same also being the Northwest corner of Lot 16, N.C.B. 1441-R of Brighton Creek at the Woods according to a plat thereof recorded in Cabinet D, Slide 38-A of said Smith County Plat Records;

Thence South 58 degrees 54 minutes 01 seconds West, a distance of 233.76 feet with the Northwest boundary line of said Lot 16, N.C.B. 1441-R to a W' iron rod found for corner, same being in the Southeast boundary line of said 26.3 acre tract;

Thence South 45 degrees 26 minutes 49 seconds West, a distance of 74.99 feet with said Northwest boundary line of Lot 16 and the Southeast boundary line of said 26.3 acre tract to a ½" iron rod found for the Southwest corner of said Lot 16, same being in the North right of way line of Bridgewood Trail, a privat drive having a right of way width of 40.00 feet;

Thence South 63 degrees 29 minutes 12 seconds East, a distance of 207.05 feet with said North right of way line of Bridgewood Trail and the South boundary line of said Lot 16 to a '2" iron rod found for the Southeast corner of same, said iron rod set also being at the intersection of said North right of way line of Bridgewood Trail with the West right of way line of Brighton Creek Circle, a private drive having a right of way width of 40.00 feet, and at the beginning of a curve

Thence with said West right of way line of Brighton Creek Circle and around said curve in a counterclockwise direction having a delta angle of 13 degrees 36 minutes 10 seconds, an arc distance of 40.36 feet, a radius of 170.00 feet, and a chord of South 33 degrees 05 minutes 32 seconds West, a chord distance of 40.27 feet to a Y2" iron rod found at the intersection of same with the South right of way line of said Bridgewood Trail, and at the Northeast corner of Lot 15, N.C.B. 1441-R of said Brighton Creek at the Woods;

Exhibit "A" to Ordinance No. 0-2007-29

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Thence North 63 degrees 29 minutes 12 seconds West, a distance of 216.14 feet with the South right of way line of Bridgewood Trail and the North boundary line of said Lot 15 to a ½" iron rod found in same for the Northwest corner of said Lot 15, same also being in the Southeast boundary line of said 26.3 acre tract;

Thence South 45 degrees 25 minutes 51 seconds West, a distance of 45.55 feet with the Northwest boundary line of said Lot 15 and the Southeast boundary line of said 26.3 acre tract to a ½" iron rod found for corner in same;

Thence South 60 degrees 26 minutes 21 seconds West, a distance of 195.56 feet continuing with said Northwest boundary line of Lot 15 and said Southeast boundary line of said 26.3 acre tract to a ½" iron rod found for corner in same;

Thence South 27 degrees 40 minutes 37 seconds West, a distance of 228.71 feet continuing with said Northwest boundary line of Lot 15 and said Southeast boundary line of said 26.3 acre tract to a ½" iron rod found for the Southwest corner of said Lot 15;

Thence South 45 degrees 17 minutes 38 seconds West, a distance of 544.57 feet to a ½" iron rod found for the North corner of Lot 31, N.C.B. 1539-Q of The Ridge at the Woods according to a plat thereof recorded in Cabinet D, Slide 79-D of said Smith County Plat Records, same being in the Northeast boundary line of Lot 20-A, N.C.B. 1539-Q of The Woods, Unit 7 according to a Corrected Re-plat Final Plat thereof recorded in Cabinet C, Slide 110-A of said Smith County Plat Records;

Thence North 51 degrees 02 minutes 32 seconds West, a distance of 194.19 feet with the Northeast boundary line of said Lot 20-A to a ½" iron rod found for the Northeast corner of same and the Southeast corner of Lot 18-A;

Thence North 40 degrees 00 minutes 00 seconds West, a distance of 343.90 feet with the Northeast boundary line of Lots 18-A, 17-A, and 16-A, N.C.B. 1539-Q of The Woods, Unit 7 to a ½" iron rod found for corner in the Northeast boundary line of said Lot 16-A and the Southwest boundary line of Lot 5, N.C.B. 1441-C of Storey Lake Estates at the Woods, Unit 1 according to a Corrected Re-plat thereof recorded in Cabinet C, Slide 79-C of said Smith County Plat Records;

Thence South 50 degrees 01 minutes 23 seconds East, a distance of 49.29 feet with the Southwest boundary line of said Lot 5 to a ½" iron rod found for the Southeast corner of same;

Thence North 00 degrees 43 minutes 51 seconds East, a distance of 633.97 feet with the East boundary line of said Lot 5 to a ½" iron rod found for corner in same;

Thence North 64 degrees 40 minutes 54 seconds West, a distance of 15.70 feet continuing with said East boundary line of Lot 5 to a ½" iron rod found for corner in same;

Thence North 50 degrees 44 minutes 46 seconds West, a distance of 212.10 feet continuing with said East boundary line of Lot 5 to a ½" iron rod found for corner in same;

Thence North 33 degrees 48 minutes 28 seconds West, a distance of 66.17 feet continuing with said East boundary line of Lot 5 to a ½" iron rod found for corner in same;

Thence North 30 degrees 56 minutes 01 seconds West, a distance of 55.22 feet continuing with said East boundary line of Lot 5 to a ½" iron rod found for corner in same;

Thence North 23 degrees 49 minutes 46 seconds West, a distance of 47.30 feet continuing with said East boundary line of Lot 5 to a ½" iron rod found in same for the South corner of Lot 4, N.C.B. 1441-C of said Storey Lake Estates, Unit 1;

Thence North 45 degrees 00 minutes 00 seconds East, a distance of 230.00 feet with the Southeast boundary line of said Lot 4 to a ½" iron rod found for the East corner of same;

Thence North 45 degrees 00 minutes 00 seconds West, a distance of 200.00 feet with the Northeast boundary line of said Lot 4 to a ½" iron rod found for corner in same;

Thence North 70 degrees 09 minutes 43 seconds West, a distance of 252.50 feet with the North boundary line of said Lot 4 to a ½" iron rod found at the intersection of same with the East right of way line of a cul-de-sac at the East end of a private drive, said cul-de-sac having a radius of 51.50 feet, and said iron rod found also being at the beginning of a curve in a counterclockwise direction;

Thence with said East right of way line and around said curve in a counterclockwise direction having a delta angle of 122 degrees 33 minutes 46 seconds, an arc distance of 110.16 feet, a radius of 51.50 feet, and a chord of North 41 degrees 26 minutes 41 seconds West, a chord distance of 90.33 feet to a ½" iron rod found in same for the Southeast corner of a called 0.605 acre tract to Storey Lake Estates, P.O.A. described in a Deed recorded in Volume 3795, Page 173 of said Smith County Official Public Records;

Thence North, a distance of 240.79 feet with the East boundary line of said 0.605 acre tract to a ½" iron rod found for the Northeast corner of same, also being in the South boundary line of Lot 27, N.C.B. 1441-J of River Oaks at the Woods according to a plat thereof recorded in Cabinet C, Slide 134-A of said Smith County Plat Records;

Thence South 70 degrees 52 minutes 56 seconds East, a distance of 217.56 feet with the South boundary line of said Lot 27 to a ½" iron rod found for the Southeast corner of same, the South corner of Lot 19, and the Southwest corner of Lot 20, N.C.B. 1441-J of said River Oaks at the Woods;

Thence South 86 degrees 17 minutes 58 seconds East, a distance of 243.98 feet with the South boundary line of said Lot 20 to a ½" iron rod found for the Southeast corner of same, also being the Southwest corner of Lot 21;

Thence North 76 degrees 36 minutes 45 seconds East, a distance of 159.68 feet with the South boundary line of said Lot 21 to a ½" iron rod found for the Southeast corner of same, also being the Southwest corner of Lot 22;

Thence North 67 degrees 49 minutes 41 seconds East, a distance of 311.24 feet with the south boundary line of said Lots 22 and 23 to a ½" iron rod found for the Southeast corner of Lot 23, same being in the West boundary line of Lot 2, N.C.B. 144 1-I of The Woods, Unit 9 according to a plat thereof recorded in Cabinet C, Slide 1 60-D of said Smith County Plat Records;

Thence South 27 degrees 17 minutes 30 seconds East, a distance of 492.68 feet with the West boundary line of Lots 2, 3, 4, 5, 6, and 7 to a ½" iron rod found for corner in the West boundary line of Lot 7;

Thence South 34 degrees 17 minutes 38 seconds East, a distance of 103.72 feet with the West boundary line of said Lot 7, N.C.B. 1441-I of The Woods, Unit 9 to a ½" iron rod found for the Southwest corner of same, also being the Northwest corner of Lot 8, N.C.B. 1441-I of The Woods, Unit 10 according to a Corrected Final Plat thereof recorded in Cabinet C, Slide 188-C of said Smith County Plat Records;

Thence South 39 degrees 19 minutes 30 seconds East, a distance of 257.03 feet with the West boundary line of Lots 8 and 9 to a ½" iron rod found for the South corner of said Lot 9, same being the West corner of Lot 10;

Thence South 47 degrees 16 minutes 07 seconds East, a distance of 236.00 feet with the Southwest boundary line of Lots 10 and 11 to a ½" iron rod found for the South corner of said Lot 11, same being the West corner of Lot 12;

Thence South 47 degrees 13 minutes 14 seconds East, a distance of 111.88 feet with the Southwest boundary line of Lot 12 to a ½" iron rod found for the South corner of said Lot 12, same being the West corner of Lot 13;

Thence South 47 degrees 10 minutes 27 seconds East, a distance of 119.79 feet with the Southwest boundary line of said Lot 13 to a ½" iron rod found for the South corner of said Lot 13, N.C.B. 1441-I of The Woods, Unit 10, same being the West corner of Lot 14, N.C.B. 1441-I of The Woods, Unit 13 according to a plat thereof recorded in Cabinet D, Slide 33-A of said Smith County Official Public Records;

Thence South 47 degrees 25 minutes 04 seconds East, a distance of 110.31 feet to with the Southwest boundary line of said Lot 14 to a ½" iron rod found for the South corner of same, also being the Southwest corner of Lot 15;

Thence South 73 degrees 19 minutes 13 seconds East, a distance of 178.10 feet with the South boundary line of said Lot 15 to the place of beginning containing 40.38 acres of land. Bearing Basis is The Ridge at the Woods according to a plat thereof recorded in Cabinet D, Slide 79-D of said Smith County Plat Records.

Exhibit "A" to Ordinance No. 0-2007-29

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I, Roland Navarro, Registered Professional Land Surveyor No. 5876, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of December, 2006.

GIVEN UNDER MY HAND AND SEAL this, the 19th day of January, 2007.

Roland Navarro, R.P.L.S. 5876

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Exhibit "B" to Ordinance No. 0-2007-29

