



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-5

Date: April 25, 2007

Subject: APPLICATION Z03-07-023B RUPALI, LP
Request that the City Council a request to change the zoning from “POD” Planned Office District to “PCD” Planned Commercial District with final site development approval on approximately 2.55 acres of a 6.25 acre tract known as Lot 49 of NCB 1013I in the Mary M. Long Survey, A-561, one lot located approximately 225 feet east of the intersection of South Broadway Avenue and Grande Boulevard (East Extension), on the north.

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Item Reference:

The applicant is requesting a zoning change for an amended site plan for a Hilton hotel.

Section 10-230, "PCD" Planned Commercial Development District, allows for commercial development that will be situated close to residential development requiring development criteria that will achieve a compatible relationship between the retail and commercial development and the nearby residential areas. "PCD" Planned Commercial District allows for any permitted use which is allowed within the "C-2" General Commercial District. This district also requires that the design and development of a "PCD" Planned Commercial Development District be in accordance with an approved site plan.

This district sets forth a maximum building height of forty-five feet at the minimum setback lines; however, for each additional foot of setback in excess of the minimum, the height of the structure may be increased by one foot. All other area regulations are determined by the site plan. The "PCD" Planned Commercial 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.

The adjacent properties to the north and west are currently zoned “C-I” Light Commercial District and “C-2” General Commercial District and properties to the east and south are currently zoned “R-1A” Single-Family Residential District.

The 2.55 acre tract received approval for “POD” Planned Office District on July 26, 2006. The applicant is now requesting that tract to be rezoned to “PCD” and subsequently revise the approved site plan to eliminate the office uses.

With the approved rezoning in 2006, the Future Land Use Map designates this site as planned office development and directly to the north and west the land use map depicts retail. Located just east of

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the intersection of two major arterials, with commercial zoning already in place at the corner, the proposed use of a hotel is an appropriate use. The traffic trips for a hotel use versus a commercial use are less, thus a more compatible use with the abutting neighborhood to the east.

The applicant, as required, has submitted a Final Site Development Plan. As before, the applicant is showing a three story hotel with 125 rooms. The building setbacks will be fifteen feet along the south property line (Grande Blvd.) and twenty feet along the east property line. The site will be accessed by two driveways from Grande Blvd. There are 135 parking spaces required and there will be 125 parking spaces provided for the hotel rooms and ten spaces provided for the 2,000 square feet of meeting rooms. As provided with the previous site plan approval, the applicant will provide a 20' wide, two to four feet tall, and 20' long berm along Grande Blvd. This berm will consist of landscaping with native trees and shrubs. The extension of Rose Rudman Trail is proposed along the northwest property line and along the southern boundary to connect with Sutherland Drive. A row of trees along the proposed Rose Rudman Trail will be provided as a buffer from the hotel to the trail.

The original proposed office buildings located on the eastern boundary of the tract are replaced with covered parking to provide a visual buffer and sound barrier to the neighboring homes. A landscape buffer consisting of existing and proposed trees will be located along the entire eastern boundary between the covered parking and the eastern property line as an additional buffer to the single family homes to the east.

The applicant has provided a typical sight profile exhibit which shows several views. The covered parking roof (which is 20 feet high) will shield view from the backyards of the adjacent homes to the hotel; the line of sight is higher than the roof of the hotel. For hotel patrons the covered parking also blocks the view of the backyards of the adjacent homes. Signage will be limited to one monument sign. At the request of the Fire Marshall, the applicant is providing a twenty-six foot stabilized fire access drive around the building.

On March 14, 2007 the applicant held a neighborhood meeting with the adjacent property owners; there were four neighbors in attendance. They raised concerns with the noise and lighting from the abutting parking lot. The applicant is using all down shielded lighting in the parking lot with the required candlelight measurement. The neighbors asked for brick or masonry cladding to be added to the eastern boundary of the metal garage structures to help insulate the noise from the hotel guest vehicles and provide an aesthetically pleasing buffer.

Of the 15 notices sent, the Planning Department has received two written letters of protest and two letters with suggestions for improvements to the site plan. The protest calculation is 0.09%. Staff also received one letter of protest from a property owner not located within the required 200 ft adjacent buffer area; therefore, the percentage of protest is not affected.

At the Planning and Zoning meeting, Joe Harle of East Texas Engineers, the engineer for the project gave a short presentation. The following persons spoke against the application: Rick Reynolds and Larry Meckley. Mr. Reynolds had issues with the elimination of the office buildings and the proposed building in the floodway/floodplain. Mr. Meckley's concerns were with noise, lighting

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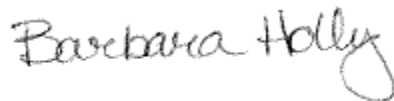
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and extra traffic to the area. Kirt Patel, the applicant spoke to the noise issue and agreed to add either brick or masonry cladding to the parking structures' east side, and to provide the additional fencing to the north of the parking structure for screening purposes between the hotel property and adjoining single family homes.

RECOMMENDATION:

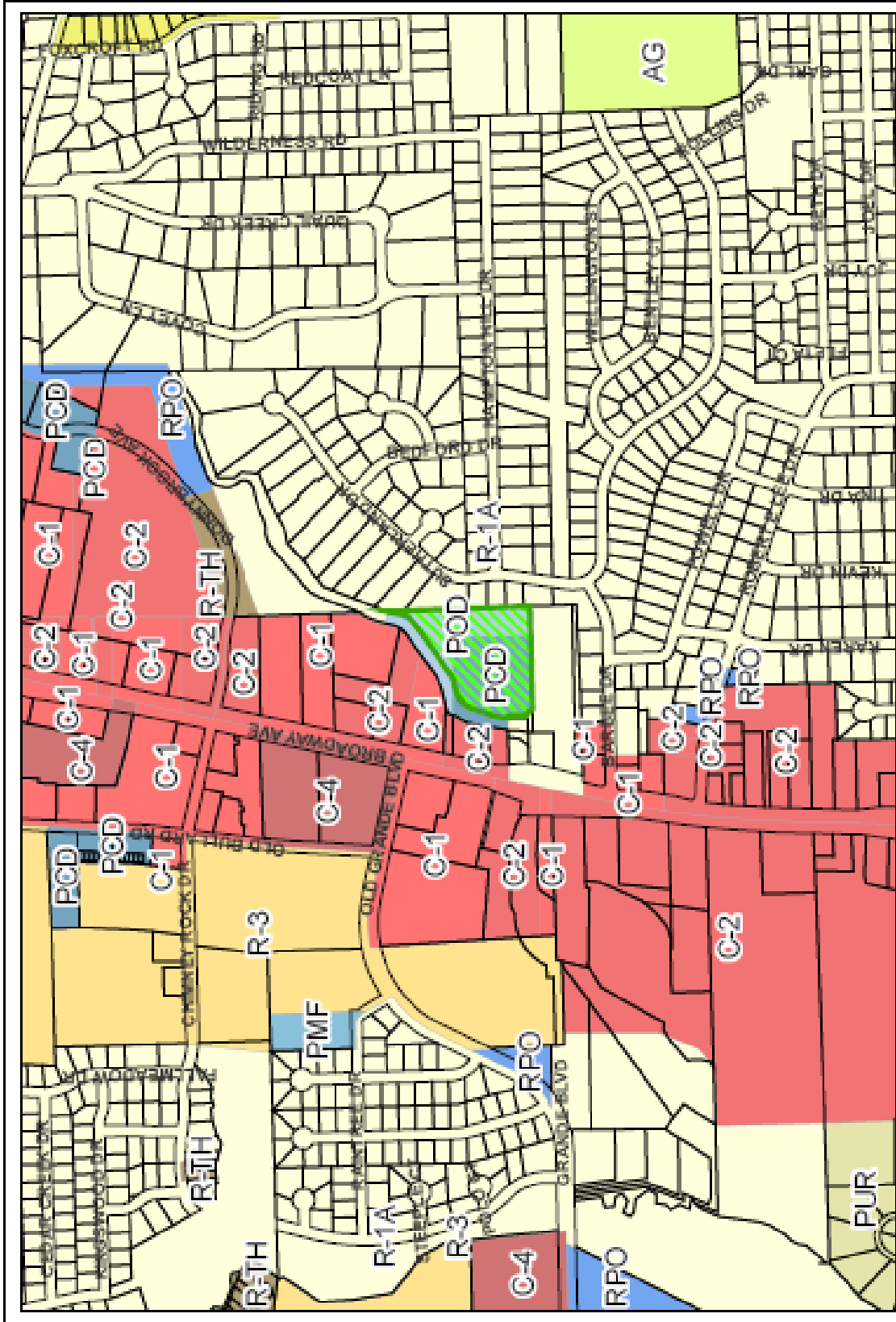
The Planning and Zoning Commission, by a vote of 6-0 recommended a change to the zoning from "POD" Planned Office Development District to "PCD" Planned Commercial District with the following conditions:

- The proposed dumpster location shall be moved further to the west away from the adjacent residential properties. There shall be no trash pick-up between the hours of 8:00 p.m. and 8:00 a.m.
- Brick or masonry cladding shall be providing on the eastern wall of the parking structures.
- All outdoor lights shall be down shielded to prevent light beyond .2 foot-candles from flowing onto adjacent residential properties.
- Provide additional fencing along the eastern property line from the north end of the parking structure to the south limits of the floodway; in order to provide additional screening for the abutting residential properties.



Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



ZONING CASE

Zoning Cases #: 208-07-023B
 Existing Zoning: PC-D Proposed Zoning: PC-D
 Applicant: RUPALI, LP



ORDINANCE NO. O-2007-40

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 Z03-07-023B

That the following described property, which has heretofore been zoned "POD" Planned Office District, shall hereafter bear the zoning classification of "PCD" Planned Commercial District, to wit:

Approximately 2.55 acres of a 6.25 acre tract known as Lot 49 of NCB 1013I in the Mary M. Long Survey, A-561, one lot located approximately 225 feet east of the intersection of South Broadway Avenue and Grande Boulevard (East Extension), on the north.

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 25th day of April, 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

