



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-10**

**Date: July 25, 2007**

**Subject: APPLICATION Z07-07-067A SOUTH TYLER PROPERTY  
DEVELOPMENT**

**Request that the City Council consider a request to change the zoning from "C-1" Light Commercial District to "PCD" Planned Commercial District with final site development plan on Lot 5A of NCB 1563 of the Donnybrook South Addition, Unit 1 Subdivision, as recorded in Book 7460, Page 587 of the Deed Records of Smith County, Texas, one lot totaling approximately 1.21 acres located three lots south of the intersection of Rieck Road and Donnybrook Avenue, on the west side of Donnybrook Avenue (5305 South Donnybrook Avenue).**

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**Item Reference:**

The applicant is requesting the rezoning to allow for a four story hotel building.

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 south are currently zoned "C-1" Light Commercial District and "PCD" Planned Commercial District, while properties to the west are currently zoned "C-1" Light Commercial District, and properties to the east are currently zoned "PCD" Planned Commercial District.

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The applicant, as required, has submitted a Final Site Development Plan. The applicant is showing a four story hotel with 80 rooms. The building setbacks will be 10 feet along the west property line, 15 feet along the east property line, and zero feet on the north and south property lines. One monument sign not to exceed 30 square feet is located on the Donnybrook Avenue frontage. One access point is provided along Donnybrook Avenue. There are 84 parking spaces required and there will be 92 parking spaces provided. The applicant is acquiring an additional 22 spaces from the adjacent property owner, David Ellis, to meet the minimum parking requirement. The applicant has provided documentation to verify this agreement. There is a total of 4,850.62 square feet of proposed landscaping, exceeding the minimum requirement of 3,956.54 square feet.

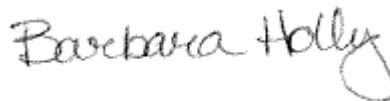
This request is consistent with the development pattern in the area and the rezoning of the property will be a continuation of the existing planned commercial zoning to the north. If approved, this would extend the high rise commercial land use to the north.

On July 3, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the eight notices mailed, one notice was returned in favor of the application and no notices were returned in opposition to the request. Jerry Atherton appeared on behalf of the application. No one spoke in opposition to the request.

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

**RECOMMENDATION:**

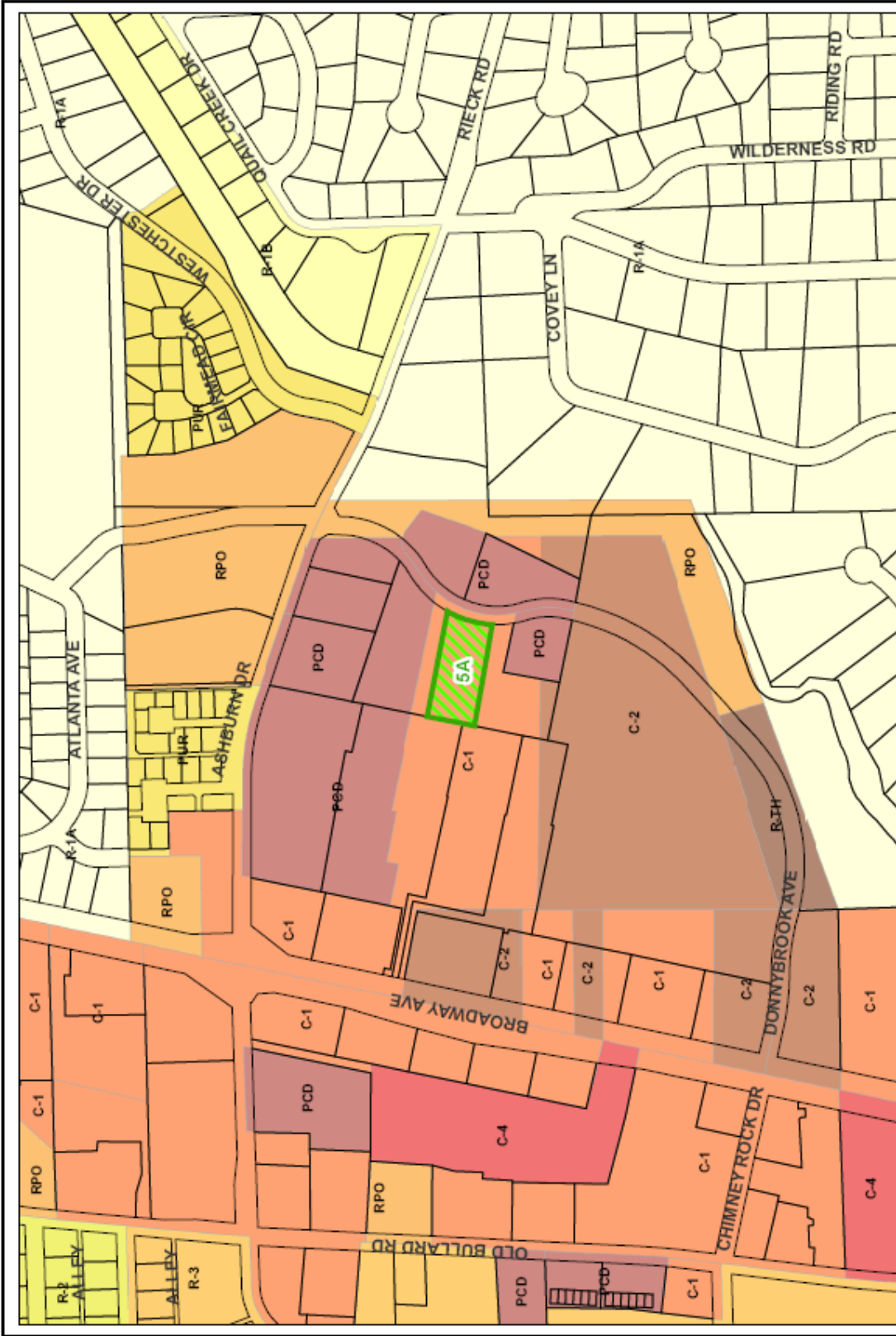
The Planning Commission, by a vote of 6-0, recommends approval of the request to change the zoning from "C-1" Light Commercial District to "PCD" Planned Commercial District with final site development plan.



**Drafted/Recommended By:  
Department Leader**

**Barbara Holly  
Director of Planning**

**Edited/Submitted By:  
City Manager**



**ZONING CASE**

Zoning Cases #: Z07-07-067A  
 Existing Zoning: C-1 Proposed Zoning: PCD  
 Applicant: SOUTH TYLER PROPERTY DEVELOPMENT, LLC





0 100 Feet

**ZONING CASE**

Zoning Cases #: Z07-07-067A  
 Existing Zoning: C-1 Proposed Zoning: PCD  
 Applicant: SOUTH TYLER PROPERTY DEVELOPMENT, LLC



Subject Property  
 200' Notification Buffer

**ORDINANCE NO. O-2007-86**

**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 Z07-07-067A**

That the following described property, which has heretofore been zoned "C-1" Light Commercial District, shall hereafter bear the zoning classification of "PCD" Planned Commercial District with final site development plan approval, to-wit:

Lot 5A of NCB 1563 of the Donnybrook South Addition, Unit 1 Subdivision, as recorded in Book 7460, Page 587 of the Deed Records of Smith County, Texas, one lot totaling approximately 1.21 acres located three lots south of the intersection of Rieck Road and Donnybrook Avenue, on the west side of Donnybrook Avenue (5305 S. Donnybrook Avenue).

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 25<sup>th</sup> day of July, A.D., 2007.

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

A T T E S T:

APPROVED:

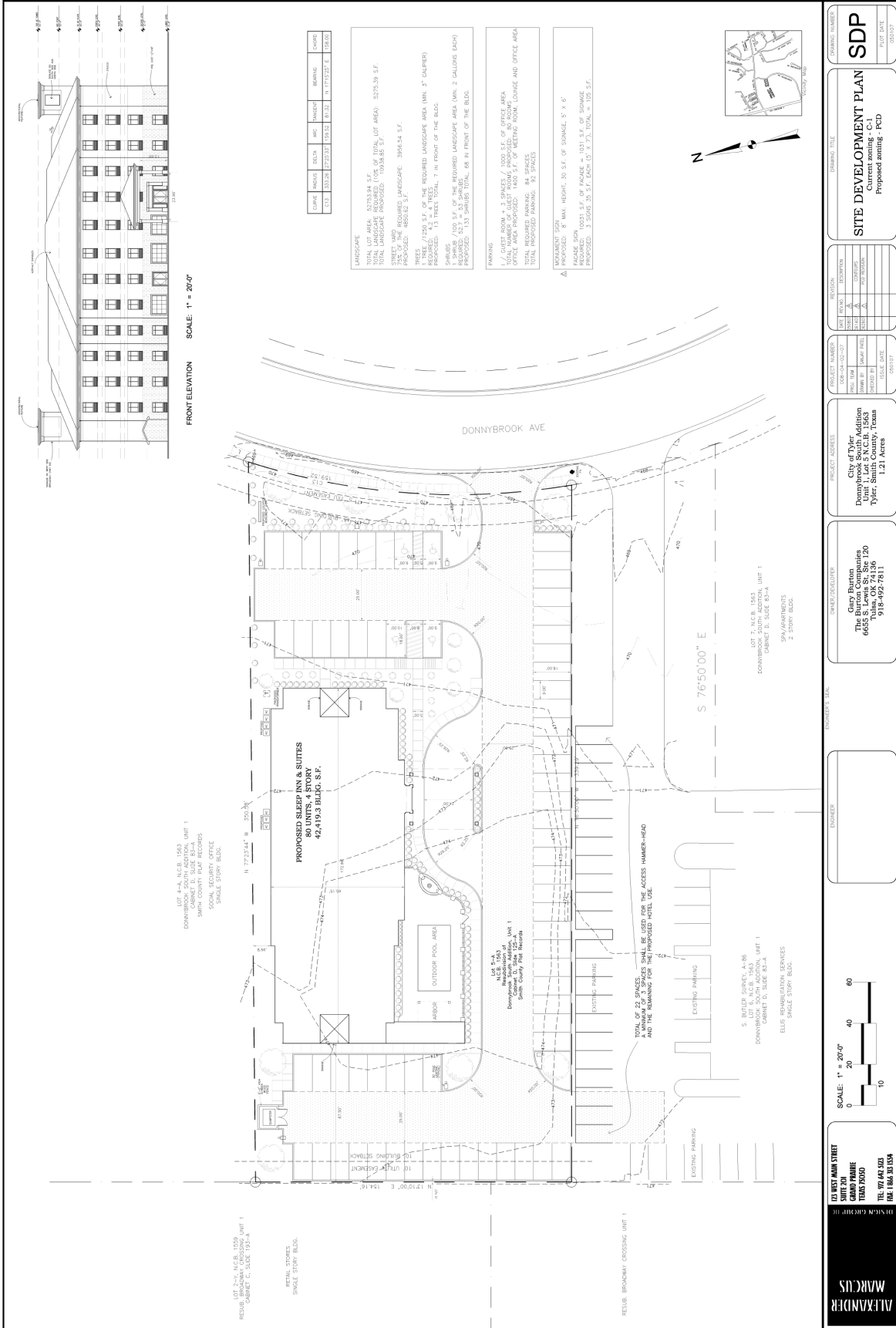
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CASSANDRA BRAGER, CITY CLERK

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CITY ATTORNEY

# EXHIBIT "A" TO ORDINANCE 0-2007-86



LANDSCAPE	QUANTITY	HEIGHT	SPACING	SPACING
1.01	133	27	10' x 10'	10' x 10'
1.02	133	27	10' x 10'	10' x 10'

**LANDSCAPE**  
 TOTAL LOT AREA: 5275.39 S.F.  
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 TOTAL LANDSCAPE PROPOSED: 10768.88 S.F.  
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**PARKING**  
 TOTAL NUMBER OF SPACES: 80  
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**MONUMENT SIGN**  
 PROPOSED: 8' MAX. HEIGHT, 30' S.F. OF SIGNAGE, 5' X 6'  
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 PROPOSED: 8' MAX. HEIGHT, 30' S.F. OF SIGNAGE, 5' X 6'

**ALFLEXANDER**

11111 MARKET STREET  
 SUITE 200  
 GRAND PRINCE  
 TEXAS 75050  
 TEL: 972.461.1001  
 FAX: 972.461.1004

SCALE: 1" = 20'-0"

PROJECT ADDRESS:  
 City of Tyler  
 Donnybrook South Addition, Unit 1  
 6455 S. Lewis St., Ste 120  
 Tyler, Texas 75703  
 1.21 Acres

PROJECT TITLE:  
 SITE DEVELOPMENT PLAN  
 Proposed zoning: PCD

DATE: 08-04-2007  
 DRAWN BY: JAMES HALL  
 CHECKED BY: JAMES HALL  
 PROJECT NO: 050107

DATE: 08-04-2007  
 DRAWN BY: JAMES HALL  
 CHECKED BY: JAMES HALL  
 PROJECT NO: 050107

OWNER: GARY BUTTONE  
 6455 S. LEWIS ST., STE 120  
 TYLER, TEXAS 75703  
 972-741-1136  
 972-741-1136

PREPARED BY:  
 City of Tyler  
 Planning Department  
 121. Tyler, Texas