



CITY OF TYLER

CITY COUNCIL COMMUNICATION

Agenda Number: Z-1

Date: August 22, 2007

Subject: APPLICATION Z06-07-055B LANCE DUNTON AND CAREY CRIST

Request that the City Council consider a request to change the zoning from "R-1A" Single-Family Residential District to "PMF" Planned Multi-Family Residential District with final site development plan approval on Lot 28 of NCB 836N of the City of Tyler Subdivision as recorded in Volume 217, Page 408 of the Deed Records of Smith County, Texas, one lot totaling approximately .993 acres located southwest of the intersection of Loblolly Lane and Old Noonday Road, on the north side of Old Noonday Road (3409 Old Noonday Road).

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Item Reference:

The applicant is requesting a zoning change in order to develop a multi-family residential complex.

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 which are customarily incidental to any of those above-mentioned uses. The "PMF" District sets forth a maximum building height of two and one-half stories or 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 16 dwelling units per gross acre.

In addition, development of a "PMF" District shall 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 does allow the Planning and Zoning Commission and the City Council to impose any additional requirements as to building setbacks, landscaping, lighting, screening, accessways, driveways, and other reasonable requirements for the protection of the adjoining and surrounding properties.

The site plan shows a rental project on .993 acres consisting of 13 units. The density will be 13 units per acre. The open space requirements of 300 square feet per unit equate to 3,900 square feet, while the applicant is providing 23,742 square feet or .54 acres of open space. Code requires two spaces per unit which would result in 26 spaces; the applicant is proposing to provide 31 spaces.

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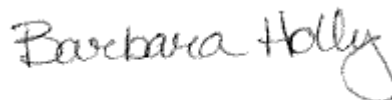
The setbacks are 20 feet front setbacks and 10 feet side and rear setbacks. The applicant has provided a fully dimensioned site plan to verify building separations as well as the general layout for the property. Building elevations have been submitted depicting the architectural elements to be constructed---with one change. The buildings will not be served by individual garages, but will have surface parking. The project sign is limited to one monument sign no larger than 32 square feet.

By Wednesday, August 16, 2007, the Planning Department had received two letters of protest totaling 61.26 percent with no letters of support. The applicant's representative met with the surrounding majority land owner to discuss the plan and assure her that the proposed construction would not trespass on her land; with that, one protest was formally removed, leaving a protest calculation of 7.6 percent.

All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed final site development plan.

RECOMMENDATION:

The Planning Commission, by a 7-0 vote, recommends approval of the requested rezoning from "R-1A" Single Family Residential District to "PMF" Planned Multi-Family District with final site plan and elevation approval, subject to one monument sign no larger than 32 square feet.

A handwritten signature in cursive script that reads "Barbara Holly".

Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



Subject Property
200' Notification Buffer

ZONING CASE

Zoning Cases #: Z06-07-055B

Existing Zoning: R-1A Proposed Zoning: PMF

Applicant: CRIST PROPERTY & DEVELOPMENT GROUP



ORDINANCE NO. O-2007-95

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 Z06-07-055B

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

Lot 28 of NCB 836N of the City of Tyler Subdivision as recorded in Volume 217, Page 408 of the Deed Records of Smith County, Texas, one lot totaling approximately .993 acres located southwest of the intersection of Loblolly Lane and Old Noonday Road, on the north side of Old Noonday Road (3409 Old Noonday Road), with final site plan and elevation approval as shown on Exhibits "A" and "B", with one monument sign no larger than 32 square 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 22nd day of August, A.D., 2007.

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

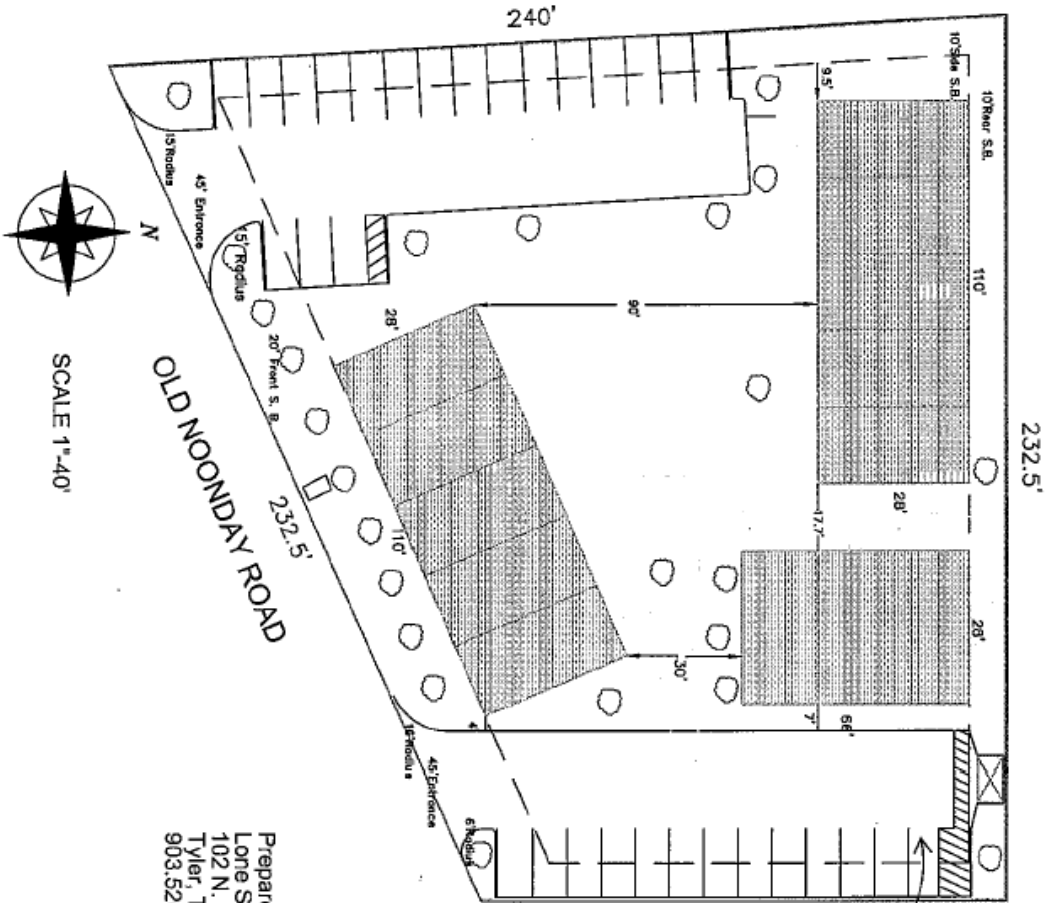
A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE 0-2007-95



- Parking Areas:**
- 9' x 18' Parking Spaces
 - 25' Drive Asiles
 - 31 Spaces (26 required)
 - 2 Accessible Spaces (1 van space)

Current Zoning R-1A Single-Family Residential
 Proposed Zoning PMF Planned Multi-Family Residential
 Lot 28 NCB 836N

- Setbacks:**
- Front - 20'
 - Side & Rear - 10'
- 3900 s.f. Open Space Required
 23,742 s.f. (.54 ac.) Open Space Provided
 13 Two Story Units
 32 s.f. Monument Sign
 Six Foot Privacy Fence Along North, East and West Property Lines
 15' minimum building seperation

Prepared By:
 Lone Star Planning
 102 N. College Ave. Ste. 1006
 Tyler, Texas 75702
 903.526.8122

Prepared for:
 CriDun Holdings
 P.O. Box 1249
 Chandler, Texas 75758

SCALE 1"=40'

EXHIBIT "B" TO ORDINANCE 0-2007-95

