



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-6**

**Date: August 22, 2007**

**Subject: APPLICATION Z08-07-087A STEVEN C. ROOSTH**  
**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 approval on approximately 2.048 acres of an 8.2294 acre tract known as Tax Lot 14 of NCB 1450 in the Benjamin Fry Survey, A-356 and the Robert Tombs Survey, A-987, located one lot north of the northeast intersection of East Heritage Drive and South Broadway Avenue (7524 South Broadway Avenue).**

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**Item Reference:**

The applicant is requesting a zoning change to allow for the development of a four story Courtyard Marriott Hotel.

Section 10-230, "PCD" Planned Commercial Development District, allows for commercial development which will be situated close to residential development requiring development criteria which 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.

Adjacent properties to the south and west are currently zoned "C-1" Light Commercial District and "RPO" Restricted Professional Office District, while properties to the north and east are currently zoned "RPO" Restricted Professional Office District, "C-1" Light Commercial District and "R-1A" Single-Family Residential District.

The applicant, as required, has submitted a Final Site Development Plan. The applicant is showing a four story hotel with 120 rooms and 2,500 square feet of meeting space. The proposed building setbacks for the front and side yards will be 25 feet with a zero rear yard setback. The site will be accessed by a 42 foot driveway with a landscaped median from South Broadway Avenue. Per City ordinance, 132 parking spaces are required. The developer is

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providing 120 parking spaces for the hotel rooms and 12 spaces for the 2,500 square feet of meeting rooms for a total of 133 parking spaces.

The dumpster will be located at the rear of the hotel at the northeast corner of the property and will be screened with an eight foot tall EIFS fence with cedar doors. A 60 foot unbuildable landscape buffer consisting of existing trees and a six foot brick column and wood privacy fence will be located along the eastern boundary homes. All lighting will be down shielded and there will be no guest room windows or signage on the east façade of the building. Signage will be limited to one monument sign with the maximum size of 100 square feet and no more than 10 feet in height. The signage will be consistent with the actual building materials, a combination of brick and EIFS.

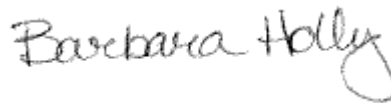
On Thursday, August 2, 2007, the applicant held a neighborhood meeting with the adjacent property owners. There were five property owners and City staff in attendance and all issues and questions were addressed.

South Broadway is a major arterial with commercial zoning already in place and therefore the proposed hotel is an appropriate use. The traffic associated with a hotel is less than use for a commercial property providing a more compatible use with the abutting neighborhood to the east and the church to the north.

On August 7, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the six notices sent, two written letters of support and no letters of protest were filed. The developer and consultant gave a short presentation.

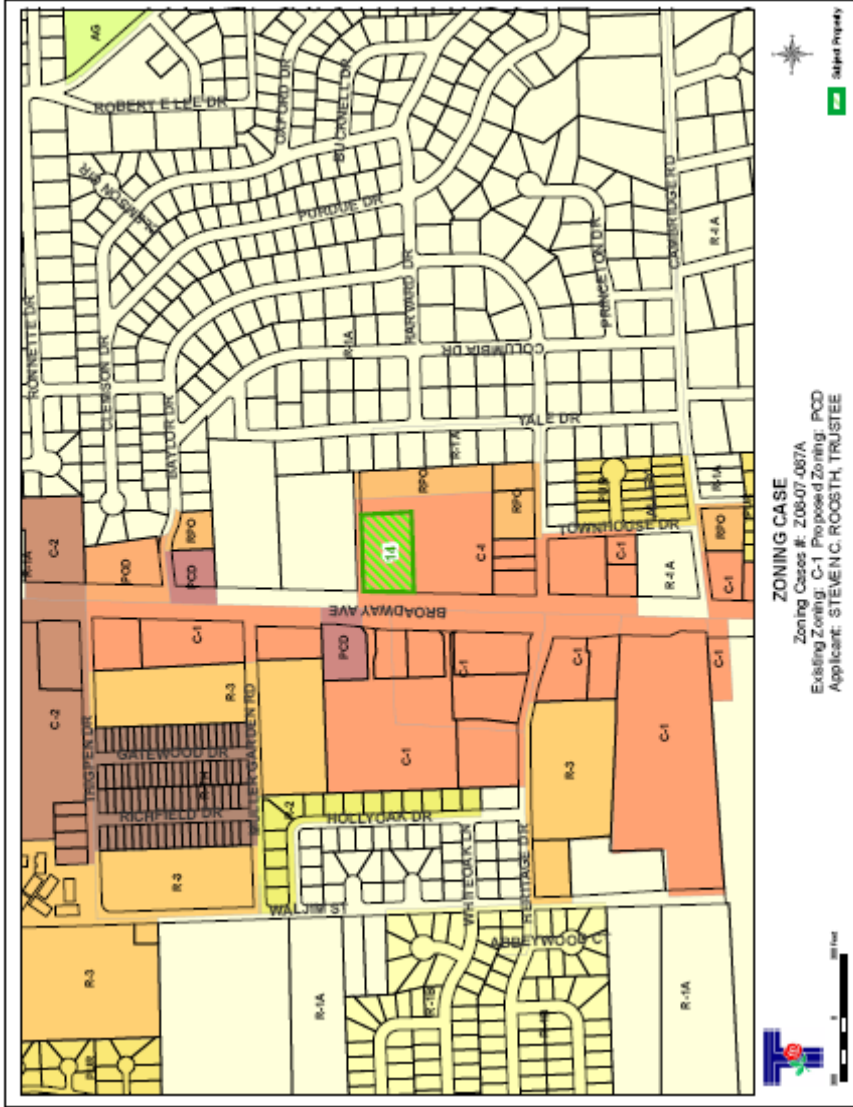
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 7-0 recommends approval of the final site development plan and the request to change the zoning from "C-1" Light Commercial District to "PCD" Planned Commercial District, subject to the applicant providing the following note on the site plan: Trash pickup will be allowed only between the hours of 8:00 a.m. and 6:00 p.m.



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

**Edited/Submitted By:  
City Manager**



**ZONING CASE**

Zoning Cases #: Z08-07-087A  
 Existing Zoning: C-1 Proposed Zoning: PCO  
 Applicant: STEVEN C. ROOSTH, TRUSTEE





**ZONING CASE**

Zoning Cases #: Z08.07.087A  
 Existing Zoning: C-1 Proposed Zoning: RCD  
 Applicant: STEVEN C. ROOSTH, TRUSTEE

**ORDINANCE NO. O-2007-98**

**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 Z08-07-087A**

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 Development Plan approval, to-wit:

A 2.048 acre portion of Tax Lot 14 of NCB 1450 in the Benjamin Fry Survey, A-356 and the Robert Tombs Survey, A-987, located one lot north of the northeast intersection of East Heritage Drive and South Broadway Avenue (7524 South Broadway 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 22<sup>nd</sup> day of August, A.D., 2007.

\_\_\_\_\_  
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

\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. 0-2007-98

EXHIBIT "A"



Site Information:

Owner: Steven C. Stewart, Trustee  
4500 N. 44th Street  
Tyler, TX 75701-4200  
409-593-4339

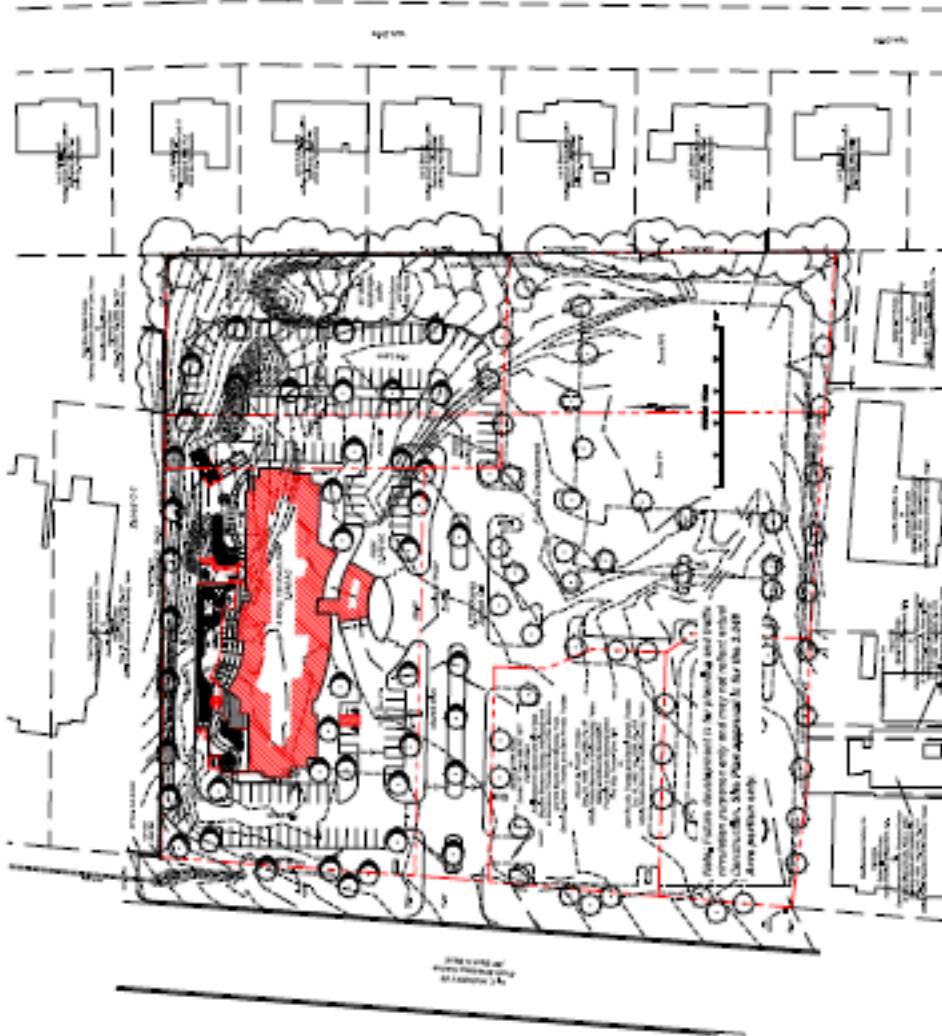
Project: 100,000 sq. ft. with 2000 sq. ft. existing structure.  
Total Area: 4,238 Acres (Site 12,000 sq. ft. - Change)  
Current Zoning: C-1 (Light Commercial)  
Proposed Zoning: P-20 (General Commercial District on 2,000 Acres)  
Address: 100 West and east of 44th Street  
(All addresses subject to city council approval)  
Project Number: 743 (for City of Tyler Code)  
100,000 sq. ft. plus 1,000 sq. ft. per year  
100,000 sq. ft. plus 1,000 sq. ft. per year  
2000 sq. ft. per year  
Planning District: 110

All drawings to be submitted for permit applications or signs on site are to be prepared by the applicant and approved by the Planning Department. All drawings to be prepared by the applicant and approved by the Planning Department.

All plans prepared by Planning Department  
Tyler, Texas  
409-593-4339



Scale: 1" = 100' N.T.S.



Existing (shown in black) and proposed (shown in red) structures and parking spaces are shown. All other structures and parking spaces are shown in black. All other structures and parking spaces are shown in black.

Site Plan for 100 West and East of 44th Street, Tyler, Texas