



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-7

Date: January 23, 2008

Subject: **APPLICATION Z11-07-003A ROBINWOOD DEVELOPMENT**
Request that the City Council consider a request to change the zoning from “R-1A” Single Family Residential District to “POD” Planned Office District without site plan approval on a portion of Tax Lot 1 of NCB 1090 of the City of Tyler Subdivision, an approximate 4.813 acre tract located one lot north of the northeast intersection of Loop 323 SSE and Roanoke Lane.

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Item Reference:

The applicant is requesting a zoning change to construct office space and a training center for the Greater Tyler Association of Realtors.

Section 10-223, "POD" Planned Office Development District, is established to provide for professional and office facilities in appropriate locations. The "POD" District will be used where office type facilities are needed to serve developing residential communities located throughout the City and shall be designed and developed as a unit according to an approved site plan. Development criteria are required that will ensure a compatible relationship between the "POD" development and the nearby residential areas. Permitted uses in this district include general offices, medical clinics, laboratories, and photography studios.

The applicant originally requested “RPO” Restricted and Professional Office District, but due to neighborhood opposition, agreed to amend the request to a planned district. On November 26, 2007, Bill Pillsbury held a neighborhood meeting with over 20 neighbors in attendance to discuss the application. The meeting was also attended by Planning Staff. If the land is to be rezoned, the neighbors strongly supported a planned district with the added protections provided in the site plan approval process.

In response to organized neighborhood opposition, the applicant agreed to:

- reduce the size of the zone change request to leave a 2.2 acre residential zoning next to the single family on the east;
- delineate a 100 foot buffer on the south side of the project;
- move the trash (receptacles or dumpster) location away from the housing and restrict the hours of pick-up to 8 AM to 6 PM;
- downshield all outdoor lighting; and
- amend the initial application to a Planned Office District “POD” to memorialize these promises.

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Even with those commitments, the neighborhood remains solidly opposed to a commercial intrusion into an established single family area. Their stated concerns are the increase in traffic, removal of the tree/vegetative buffer separating the homes from the Loop, intrusion of business uses into an established neighborhood, and degradation of home values.

This land has been vacant for many years and while zoned for residential, the market has not absorbed the area residentially. The request for an office use, particularly one that can be compatible and sensitive to the surrounding neighborhood, appears to be an appropriate use.

As an additional development constraint, Staff recommends limiting the building height to no more than 25 feet high and one story. This further protects the neighborhood. With that, staff recommends the POD without final site plan approval, subject to the following site restrictions when the site plan is submitted:

- reduce the size of the zone change request to leave a 2.2 acre residential zoning next to the single family on the east (thus reducing the original zone request from over 7 acres down to 4.813 acres);
- delineate a 100 foot buffer on the south side of the project;
- move the trash location away from the housing and restrict the hours of pick-up to 8 AM to 6 PM;
- downshield all outdoor lighting; and
- restrict the height to no more than one story with 25 feet maximum building height.

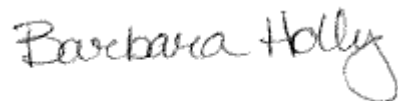
On December 18, 2007, the Planning and Zoning Commission held a public hearing on this request. Of the 24 notices mailed, one notice was returned in favor of the application and 12 in opposition to the requested zone change creating a 17.36 percent protest, slightly below what is required for a supermajority vote of the City Council for successful passage. Beyond the 200 foot notification area, two more notices were returned in favor of and 26 in opposition to the request. John Mitchell, Glenn Stanley, Sydney Underwood, and Mary Markowski spoke in opposition to the request. Mr. Stanley said he would like an 8 foot fence between the development and the residential neighborhood. Mr. Pillsbury spoke on behalf of the application. He said that access to the development would be from the Loop only. The development will share a common drive with Lot 1. The 3,000 square foot building will be built near the north property line and will have 75 parking spaces.

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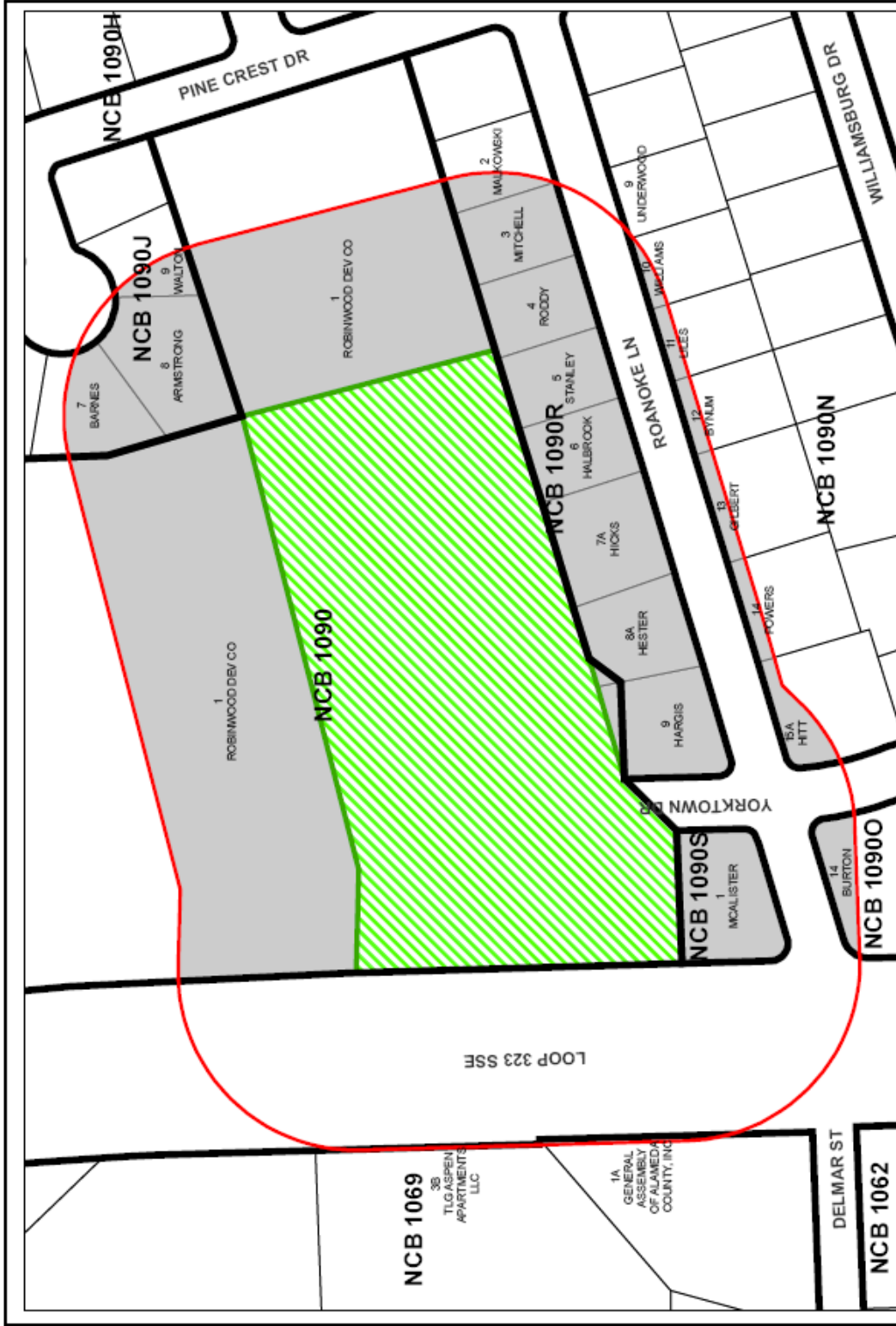
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the request to change the zoning from “R-1A” Single Family Residential District to “POD” Planned Office District without final site plan approval, subject to the foregoing five conditions and an 8 foot fence on the property line.

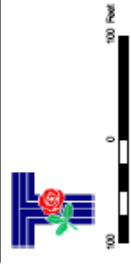
A handwritten signature in black ink that reads "Barbara Holly". The signature is written in a cursive, flowing style.

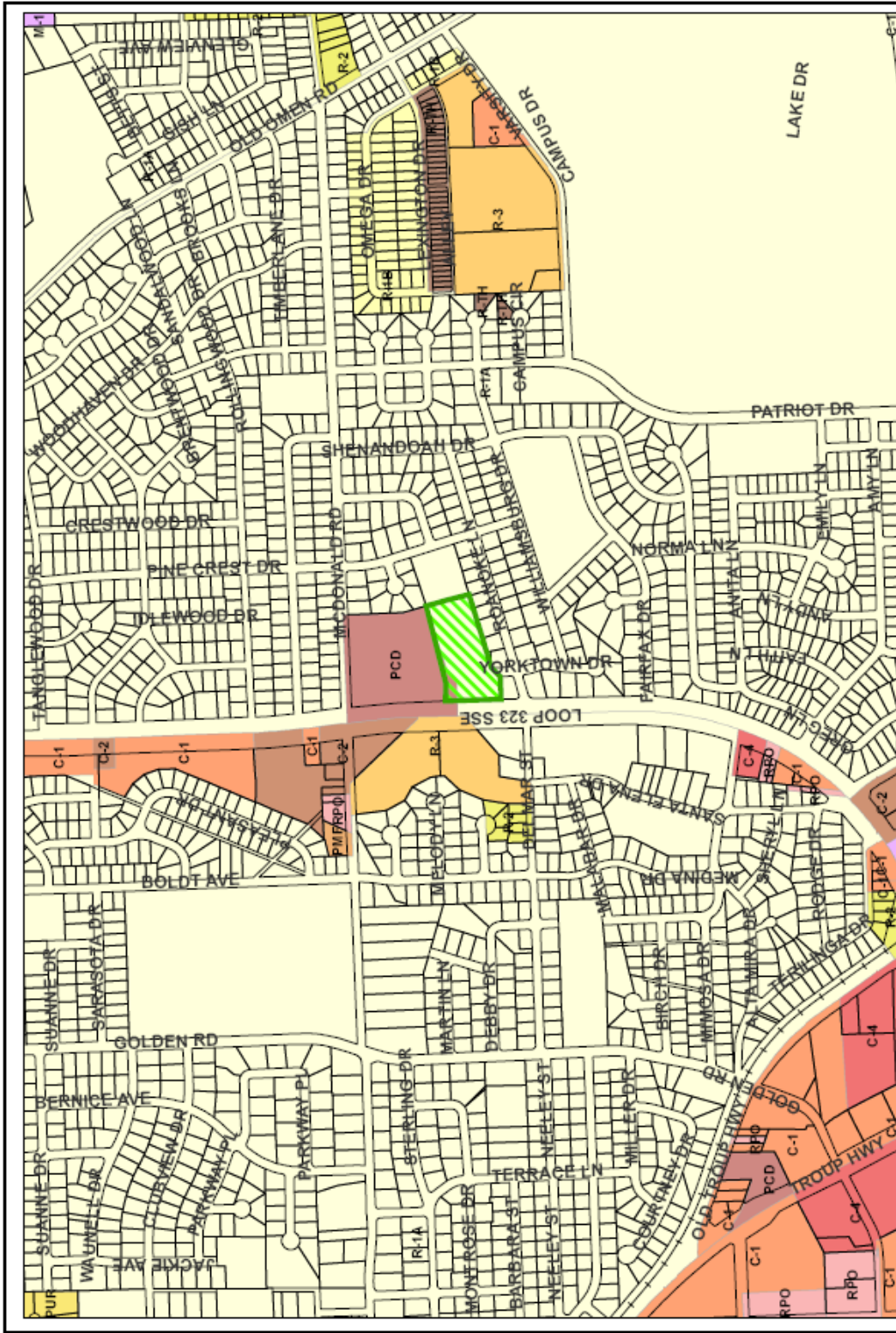
Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



ZONING CASE
 Zoning Case #: Z11-07-003A
 Existing Zoning: R-1A Proposed Zoning: RPO
 Applicant: ROBINWOOD DEVELOPMENT





0 500 Feet

ZONING CASE

Zoning Case #: Z11-07-003A
 Existing Zoning: R-1A Proposed Zoning: RPO
 Applicant: ROBINWOOD DEVELOPMENT



Subject Property

ORDINANCE NO. O-2008 17

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 Z11-07-003A

That the following described property, which has heretofore been zoned “R-1A” Single-Family Residential District, shall hereafter bear the zoning classification of “POD” Planned Office Development without final site plan approval, to wit:

A portion of Tax Lot 1 of NCB 1090 of the City of Tyler Subdivision, an approximate 4.813 acre tract located one lot north of the northeast intersection of Loop 323 SSE and Roanoke Lane, as shown in Exhibit “A”, with the following restrictions:

1. Delineate a 100 foot buffer on the south side of the project;
2. Move the trash location away from the housing and restrict the hours of pick-up to 8 AM to 6 PM;
3. Downshield all outdoor lighting;
4. Restrict the height to no more than one story with 25 feet maximum building height;
5. Construct an 8 foot fence anywhere residential land abuts the subject property.

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 23rd day of January, A.D., 2008.

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

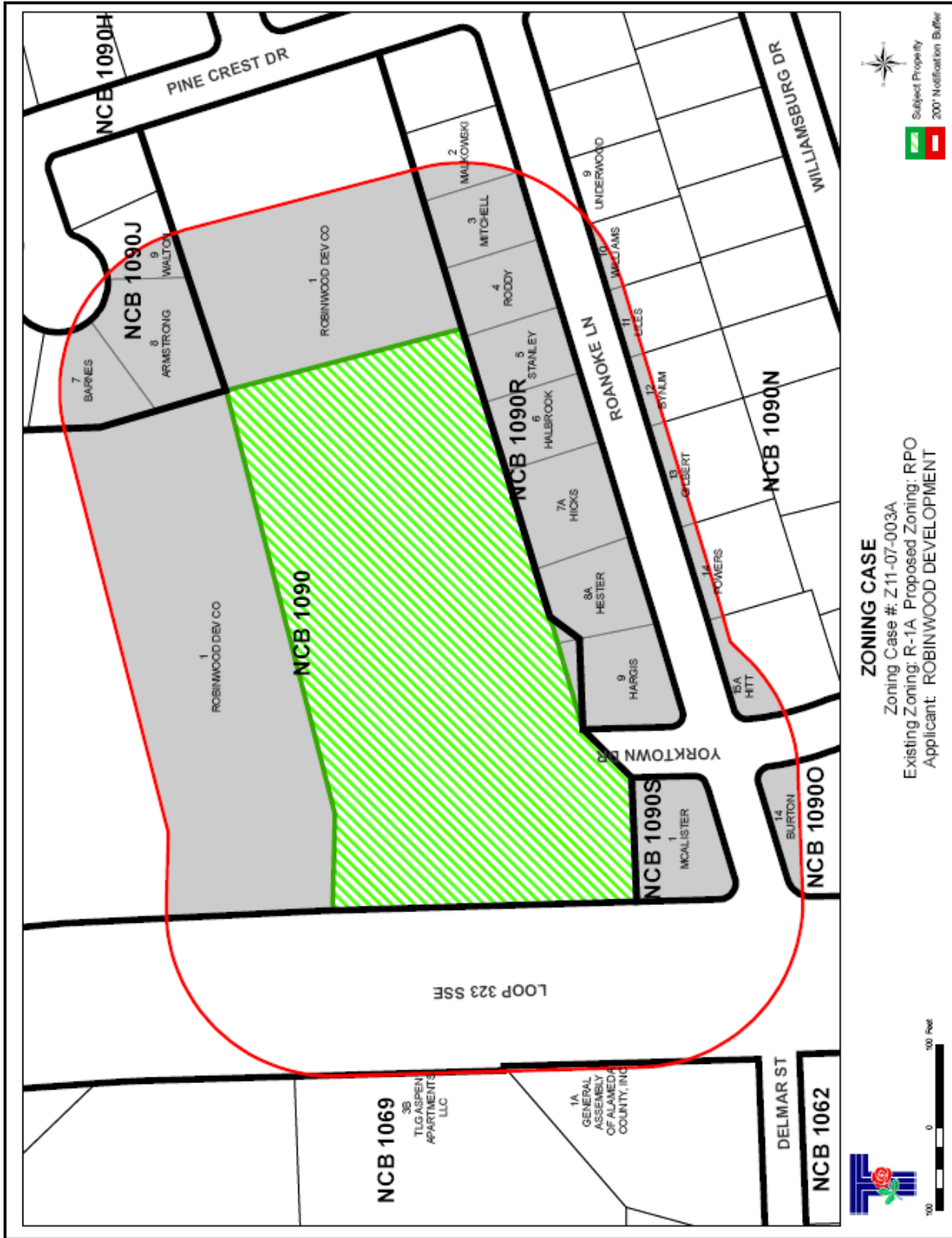
A T T E S T:

CASSANDRA BRAGER, CITY CLERK

APPROVED:

CITY ATTORNEY

EXHIBIT "A" TO ORDINANCE 0-2008-17



ZONING CASE
 Zoning Case #: Z11-07-003A
 Existing Zoning: R-1A, Proposed Zoning: RPO
 Applicant: ROBINWOOD DEVELOPMENT

