



CITY OF TYLER
COUNCIL COMMUNICATION

Agenda Number: Z-5

Date: January 9, 2008

Subject: APPLICATION Z11-07-002A BOB HERD
Request that the City Council consider a request to change the zoning from “RPO” Restricted and Professional Office District to “C-1” Light Commercial District on lot 23C; “R-1A” Single Family Residential District and “RPO” Restricted and Professional Office District to “C-1” Light Commercial District on lot 71; “R-1A” Single Family Residential District to “RPO” Restricted and Professional Office District on approximately 2.708 acres of lot 24; and “R-1A” Single Family Residential District to “POD” Planned Office Development District with final site plan approval on approximately 10.63 acres of lot 24, all located within NCB 899H of the City of Tyler Subdivision: three lots totaling approximately 25.61 acres located one lot north of the northeast intersection of Woodland Hills Drive and Old Jacksonville Road.

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Item Reference:

The applicant is requesting a zoning change to allow for a light commercial and office development. The area requested for C-1 zoning is intended for light retail which may include a couple of fast casual dining locations and a dry-cleaner on the Old Jacksonville frontage.

Tyler City Code Section 10-225, "C-1" Light Commercial District, allows as permitted uses restaurants, private clubs, antique shops, banks, service stations, offices and retail stores with no outdoor display or storage of merchandise or goods allowed. The maximum building height allowed within this district is two and one-half stories or 42 feet in height. Off-street parking is determined by the specific use proposed. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinances.

Tyler City Code Section 10-222, "RPO" Restricted Professional and Office District, is intended to permit the use and grouping of small professional offices and related facilities with limited non-residential use in areas near or adjoining residential districts without introducing non-related commercial uses. Uses permitted within this district include clinics or offices, personal service facilities, such as: barber and beauty shops, small antique shops and other uses of similar character. The Height and Area regulations within the "RPO" District are consistent with the regulations of the "R-1B" Single-Family Residential District.

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 close-by residential areas. Permitted uses in this district include general offices, medical clinics, laboratories, and photography studios.

Adjacent properties to the north are zoned "C-2" General Commercial District, "R-1A" Single Family Residential District, and "PUR" Planned Unit Residential District, properties to the east and south are zoned "R-1A" Single Family Residential District, and properties to the west are zoned "RPO" Restricted and Professional Office District, "R-4" Multi-Family Residential District, and "R-3" Multi-Family Residential District.

Because this property is in the middle of an established neighborhood, the applicant held a neighborhood meeting (without city involvement). Approximately 20 neighbors attended this initial neighborhood meeting on October 3, 2007. Following tabling at the Planning Commission, the applicant held a second meeting with the residents, in part to respond to a petition containing 42 signatures by the neighbors to leave the R-1A intact.

The additional neighborhood meeting was held on Tuesday, November 27, 2007. The applicant provided a site plan and made a series of concessions to gain the neighbors' support. The applicant, planning staff, and approximately 10 neighbors were in attendance. At the second meeting, the applicant reiterated that the development adjoining the houses will be an upscale professional office park. While the neighbors overwhelmingly preferred single family housing to any business development, the concessions the developer made allowed those in attendance to support the amended application. In order to ensure compliance with the concessions, the developer agreed to a Planned Office development abutting the residents on Hampton Lane and Kingsbury Road with these stipulations:

- Developer to install hammerheads on dead end section of both Hampton Lane and Kingsbury Road;
- 30 foot undisturbed greenbelt coupled with an unbuilt 30' right-of-way for a 60' wooded buffer;
- Eight foot masonry wall at least 60' from the east property line (outside of the 60' wooded buffer);
- 25 feet building setbacks for the front and rear, with 10 foot side setbacks;
- Minimum 4:12 roof pitch;
- Maximum building height of 25 feet with maximum 10 foot eaves in rear;
- No second story windows facing east;
- Buildings shall not utilize metal siding;
- Parking is restricted to the front and sides only;
- Down shielded lighting; and
- Trash pick-up is restricted to the hours between 8:00 am and 6:00 pm.

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The revised site plan was reviewed at the Development Review Committee meeting on Wednesday, November 28th and while staff agreed that connectivity between developments is a preferred; the established 30 year old neighborhood is adamantly opposed to the connections, therefore staff supports removing access from the business development and the adjoining neighborhood. This is reflected on the modified site plan.

On December 3, 2007, the applicant held a meeting to address concerns from neighbors located north and south of the subject property. The developer offered many of the same concessions that he had to the eastern neighbors, consisting of:

- Minimum 4:12 roof pitch;
- Maximum building height of 25 feet with maximum 10 foot eaves in rear;
- Buildings shall not utilize metal siding;
- Down shielded lighting; and
- Trash pick-up is restricted to the hours between 8:00 am and 6:00 pm.

In addition, for the residences abutting Lots 7, 8, 10 and 11, the developer and the neighbors agreed to:

- An eight foot masonry wall to be located on south and north property line;
- Second story windows on office lots will not have direct views to the north or south by the use of glass block or transom (clerestory) windows where windows are used;
- The 25' rear setback is to be undisturbed (no parking, no clearing)

Of the 56 notices mailed, three notices were returned in favor and 34 notices were returned in opposition to the request and petition signatures within the protest area comprising 36.34 percent protest citing concerns of increased traffic, tree preservation, and drainage. As of Monday, December 17th the protest calculation is 20.96 percent. This number may decline as the majority of those in attendance at the second meeting gave their verbal support for the project subject to the concessions. As the current written protest exceeds 20 percent, a favorable vote of at least three-fourths of the City Council will be required for approval.

This request is consistent with the development pattern in the area. If approved, this would establish an office land use.

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

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the zoning change from:

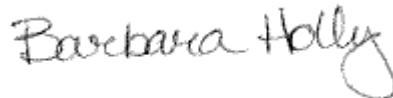
- "RPO" Restricted and Professional Office District to "C-1" Light Commercial District on lot 23C;
- "R-1A" Single Family Residential District and "RPO" Restricted and Professional Office District to "C-1" Light Commercial District on lot 71;

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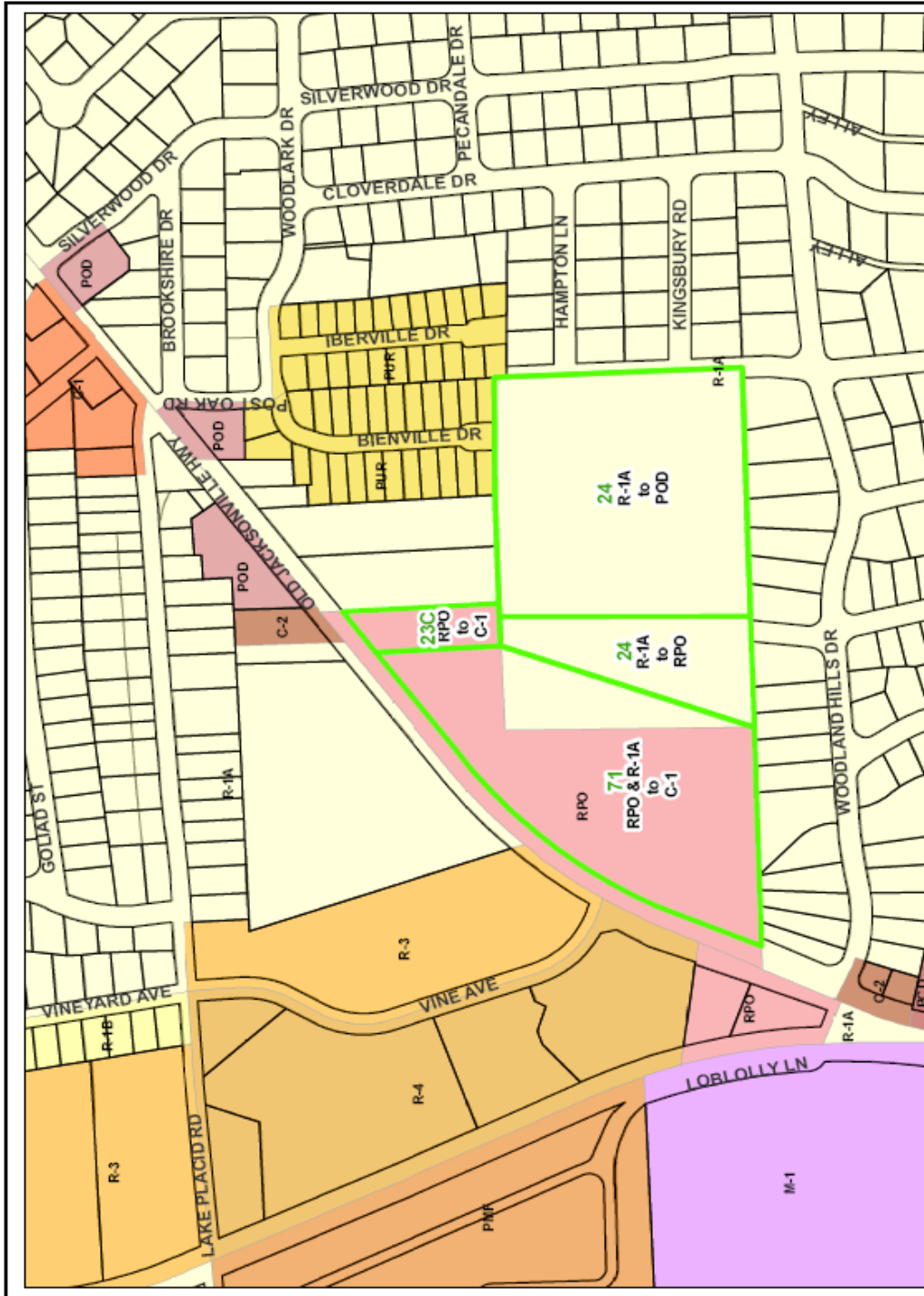
- “R-1A” Single Family Residential District to “RPO” Restricted and Professional Office District on approximately 2.708 acres of lot 24; and
- “R-1A” Single Family Residential District to “POD” Planned Office Development District with final site plan on approximately 10.63 acres of lot 24 of NCB 899H subject to the following conditions:
 - Developer to install hammerheads on dead end section of both Hampton Lane and Kingsbury Road;
 - Developer to dedicate a 30 foot undisturbed greenbelt along east property line. This greenbelt will be combined with an unbuilt 30’ right-of-way for a 60’ wooded buffer;
 - Lots 7, 8, 10 and 11 will have a 25’ undisturbed greenbelt and building setback line as shown on the site plan;
 - Construct an eight foot high masonry wall at least 60’ from the east property line (outside of the 60’ wooded buffer);
 - Construct an eight foot high masonry wall along south and north property lines;
 - +25 feet building setbacks for the front and rear, with 10 foot side setbacks;
 - Minimum 4:12 roof pitch;

 - Maximum building height of 25 feet with maximum 10 foot eaves in rear;
 - Buildings shall not utilize metal siding;
 - Down shielded lighting; and
 - Trash pick-up is restricted to the hours between 8:00 am and 6:00 pm.
 - Lots along the eastern property line will have the following additional restrictions (lots 8, 9 and 10):
 - Parking is restricted to the front and sides only; and
 - No second story windows facing east.

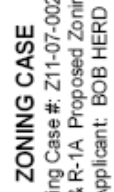


Drafted/Recommended By: Barbara Holly
Department Leader

Edited/Submitted By:
City Manager



ZONING CASE
 Zoning Case #: Z11-07-002A
 Existing Zoning: RPO & R-1A Proposed Zoning: C-1, RPO, & POD
 Applicant: BOB HERD



ORDINANCE NO. O-2008-5

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 Z11-07-002A

That the following described property, which has heretofore been zoned “RPO” Restricted and Professional Office District, “R-1A” Single Family Residential District and “RPO” Restricted and Professional Office District, shall hereafter bear the zoning classification of “C-1” Light Commercial District on lot 23C, “C-1” Light Commercial District on lot 71, “RPO” Restricted and Professional Office District on approximately 2.708 acres of lot 24, and “POD” Planned Office Development District with final site plan approval on approximately 10.63 acres of lot 24 to wit:

Lots 23C, 24, and 71 of NCB 899H, of the City of Tyler Subdivision: three lots totaling approximately 25.61 acres located one lot north of the northeast intersection of Woodland Hills Drive and Old Jacksonville Road,

and in accordance with the site development plan attached hereto as Exhibit “A” containing the following restrictions for approximately 10.63 acres of Lot 24:

1. Developer to install hammerheads on dead end section of both Hampton Lane and Kingsbury Road;
2. Developer to dedicate a 30 foot undisturbed greenbelt along east property line. This greenbelt will be combined with an unbuilt 30’ right-of-way for a 60’ wooded buffer;
3. Lots 7, 8, 10 and 11 will have a 25’ undisturbed greenbelt and building setback line as shown on the site plan;
4. Construct an eight foot high masonry wall at least 60’ from the east property line (outside of the 60’ wooded buffer);
5. Construct an eight foot high masonry wall along south and north property lines;
6. 25 feet building setbacks for the front and rear, with 10 foot side setbacks;
7. Minimum 4:12 roof pitch;
8. Maximum building height of 25 feet with maximum 10 foot eaves in rear;
9. Buildings shall not utilize metal siding;
10. Down shielded lighting; and
11. Trash pick-up is restricted to the hours between 8:00 am and 6:00 pm. Lots along the eastern property line will have the following additional restrictions (lots 8, 9 and 10):
 - a. Parking is restricted to the front and sides only; and
 - b. No second story windows facing east,

and as depicted on the colored rendering (Exhibit B).

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 9th day of January, A.D., 2008.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

