

ORDINANCE NO. O-2019-44

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "AG", AGRICULTURAL DISTRICT TO "PMXD-1", PLANNED MIXED-USE DISTRICT WITH WRITTEN NARRATIVE ON TRACTS 1D, 1E AND 1F OF A-825, THREE TRACTS OF LAND CONTAINING APPROXIMATELY 86.60 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF SOUTH BROADWAY AVENUE AND WEST CUMBERLAND ROAD (8667, 8851 AND 9101 SOUTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING 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 PD19-009

That the following described property, which has heretofore been zoned "AG", Agricultural District, shall hereafter bear the zoning classification of "PMXD-1", Planned Mixed-Use District with written narrative, to wit:

Tracts 1D, 1E and 1F of A-825, three tracts of land containing approximately 86.60 acres of land located at the southwest intersection of South Broadway Avenue and West Cumberland Road (8667, 8851 and 9101 South Broadway Avenue), as further described in the written narrative attached hereto as Exhibit "A" and the zoning map attached hereto as Exhibit "B", as incorporated herein.

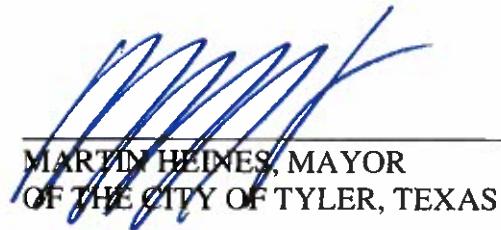
PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

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 any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall

continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be May 24th, 2019.

PASSED AND APPROVED this the 22nd day of May A.D., 2019.

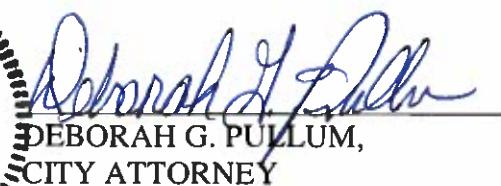

MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY

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EXHIBIT "A"
WRITTEN NARRATIVE
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ORDINANCE NO. O-2019-

PLANNED DEVELOPMENT ZONING NARRATIVE
(revised 04/29/19)

Development Name:	Cumberland Park West
Owner:	Bank of America as Sole Trustee for Robert H. Allen Testamentary Trust & Elizabeth D. Allen Family Trust
Developer:	S Broadway Development, LLC
Existing Zoning:	AG
Proposed Zoning:	PMXD-1
Property:	86.604 Acres, B.L. Robbins Survey, A-825 (8667, 8851 & 9101 South Broadway Ave.)

I. APPLICABLE REGULATIONS

This Ordinance amends the Zoning Ordinance of the City of Tyler as applied to the Property. Material changes to this Narrative will require approvals of the Planning & Zoning Commission and City Council.

II. PURPOSE AND INTENT

The purpose of this ordinance is to create standards and regulations that allow the planned development of 86.604 acres within the City limits of Tyler. The Property is located on the west side of South Broadway Ave. (US69), bounded by Cumberland Drive on the north and by Market Square Blvd. (Faulkner Park entry) on the south. The master plan for the Property focuses primarily on retail and commercial uses, along with multi-family residential and lodging (hotel) allowable in restricted areas.

The current zoning for the Property is AG. The proposed zoning shall encompass all 86.604 acres to be zoned PMXD-1. This ordinance shall serve to append the "PMXD-1 Planned Mixed Use District-1" standards and regulations, as stated in Section 10-25 (d) of the UDC, as applicable to the subject Property only. It is the opinion of both the Owner and the Developer that the mixed uses planned for the Property, as stated above, are compatible with the surrounding development.

The Developer's intent is to provide additional commercial and retail lots for development in the South Broadway corridor. In addition, a limited acreage will be made available for medium-density multi-family residential development and/or lodging (hotel) to foster a pedestrian-friendly, urban village environment. The proximity to Faulkner Park, located immediately to the west, makes the Property a prime location for a mixed-use center in accordance with one of the key targets of the Tyler 1st Comprehensive Plan.

8951 Cypress Waters Blvd, Suite 150
Dallas, Texas 75019
817.328.3200

13725 Research Blvd., Suite 125
Austin, Texas 78759
512.218.4263

1101 E. SE Loop 323, Suite 101
Tyler, Texas 75701
903.524.8400

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EXHIBIT "A"
WRITTEN NARRATIVE
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III. DEFINITIONS

Terms used within this ordinance shall be defined as follows:

- a. City. The City of Tyler.
- b. Property. The 86.604 acres of land being the subject of the PM XD-1 zoning herein, as depicted on Exhibit A – Zoning Map (attached hereto) and as described by metes and bounds on Exhibit B (also attached).
- c. UDC. The Unified Development Code of the City, current edition.

IV. CONCEPT PLAN

A generalized Concept Plan is provided as Exhibit C (attached). The Concept Plan depicts the Property and adjoining lands, existing and proposed public street network, and major parcels within the development (Zones A1, A2, B & C). Each of such parcels (or Zones) may be platted as a single lot or may be subdivided into smaller lots in accordance with the UDC and with the Dimensional Standards enumerated herein. Material changes to the Concept Plan will require approvals of the Planning & Zoning Commission and City Council.

V. PERMITTED USES FOR PM XD-1

Subject to the restrictions in the table below, and the list of Expressly Prohibited Uses thereafter, all uses permitted by Section 10-49 of the UDC [Nonresidential District Use Table] for PM XD-1 Districts are permitted in any Zone within the Property (as depicted on the Concept Plan).

TABLE A
PERMITTED USES BY ZONE

USE TYPE	Zone A1	Zone A2	Zone B	Zone C
Single-Family Resid. Attached (Townhouse or Row House)			X	X
Multi-Family (Apartment or Condominium)				X
Lodging (Bed & Breakfast, Hotel, Motel)			X	X
All other PM XD-1 Uses (Except as prohibited below*)	X	X	X	X

(X denotes permitted use)

*Expressly Prohibited Uses:

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- a. Greenhouse, Plant Nursery
- b. Veterinary Clinic w/ Outdoor Pens
- c. Cabinet/Woodwork Shop
- d. Electrical, Plumbing, A/C Heat (Wholesale)
- e. Cleaning Plant (Commercial)
- f. Feed/Seed Store
- g. Flea Market
- h. Firearms Range
- i. Automobile, Truck, Motorcycle Dealership
- j. Automobile Rental Agency
- k. Auto/Truck/Equipment Auction Facility
- l. Auto and/or Motorcycle Service Garage
- m. Auto/Truck Paint & Body Shop
- n. Recycling Center

VI. DIMENSIONAL STANDARDS FOR PMXD-1

All development in the PMXD-1 district on the Property shall comply with the following:

a. Minimum lot area (Zones A1 & A2):	1.0 acre
b. Minimum lot area (Zone B):	2.0 acres
c. Minimum lot area (Zone C - Commercial or Multi-Family):	2.0 acres
d. Minimum lot area (Zone C - Office):	1.5 acres
e. Minimum lot area (Zone C - Mixed-Use):	2.0 acres
f. Minimum street frontage per lot:	75 feet
g. Minimum building separation (same lot):	15 feet
h. Maximum height (feet) (Zones A1 & A2):	45 feet
i. Maximum height (feet) (Zones B & C, non-residential):	45 feet
j. Maximum height (feet) (Zones B & C, residential mixed-use):	55 feet
k. Maximum height (stories):	5
l. Minimum height:	20 feet
m. Minimum setback - front yard:	15 feet
n. Minimum setback - rear yard:	15 feet
o. Minimum setback - Cumberland Rd. yard (Zone A1):	25 feet
p. Minimum setback - Cumberland Rd. yard (Zone B):	50 feet
q. Minimum setback - side yard, interior:	15 feet
r. Minimum setback - side yard, corner:	15 feet
s. Maximum lot coverage:	60 percent
t. Maximum density (Multi-family lots):	24 units/acre

VII. OFF-STREET PARKING

The minimum number of parking spaces to be provided for all structures in the PMXD-1 shall be in accordance with Section 10-360 of the UDC [Off-Street Parking Requirements], based on type of use and floor areas as may be applicable to each structure.

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The required minimum number of parking spaces may be comprised of surface parking, parking garages, or a combination thereof.

VIII. OPEN SPACE

Any lot or parcel within the Property that is used for Multi-Family Residential shall provide Common Open Space as described in Section 10-63(a) of the UDC. Open Space, when provided, shall be in addition to the required landscape area (15 percent, minimum, per Section 10-295 of the UDC).

IX. BUFFERYARDS

Bufferyards shall be provided on all lots in accordance with Section 10-321 of the UDC. In Zone B, adjacent to the south right-of-way of Cumberland Road, an undisturbed buffer of 15 feet shall also be provided for screening (refer to Exhibit C – Concept Plan). The developer reserves the right to remove any trees less than 4-inch caliper and all undergrowth in this undisturbed buffer.

X. SIGNAGE

Site signage guidelines for the Property shall be developed and submitted to the City simultaneously with the first Site Plan that includes any non-residential building space. A Master Sign Plan shall be submitted for approval prior to application for the first Sign Permit. Site signage shall be compliant with the UDC.

XI. TRANSIT-READY

Recognizing that the intent for PMXID-1 developments is that they serve as transit hubs, simultaneously with the first Site Plan submittal for any single platted lot greater than 4.0 acres, the developer shall engage with City of Tyler staff to assess potential needs and possible locations for transit hub facilities which may be suitable for the Property. All Site Plan approvals shall be evaluated for appropriate design considerations for transit services and facilities including, but not limited to, bus turnouts, bus stops and transit stations, based on density and service needs.

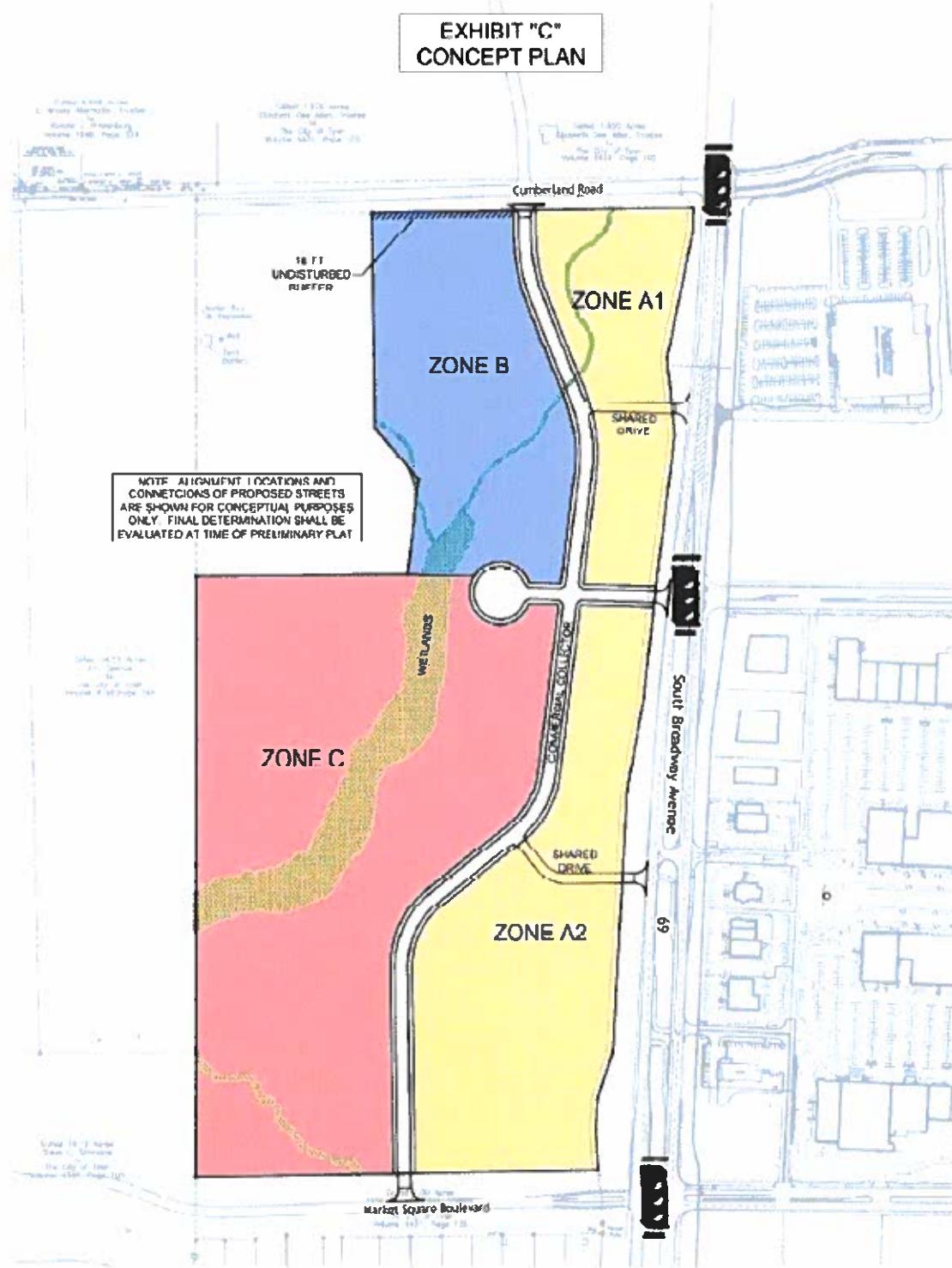
XII. SITE PLAN APPROVAL REQUIREMENTS

The development of any and all lots within the Property shall require Site Plan Approval in accordance with Section 10-650 of the UDC.

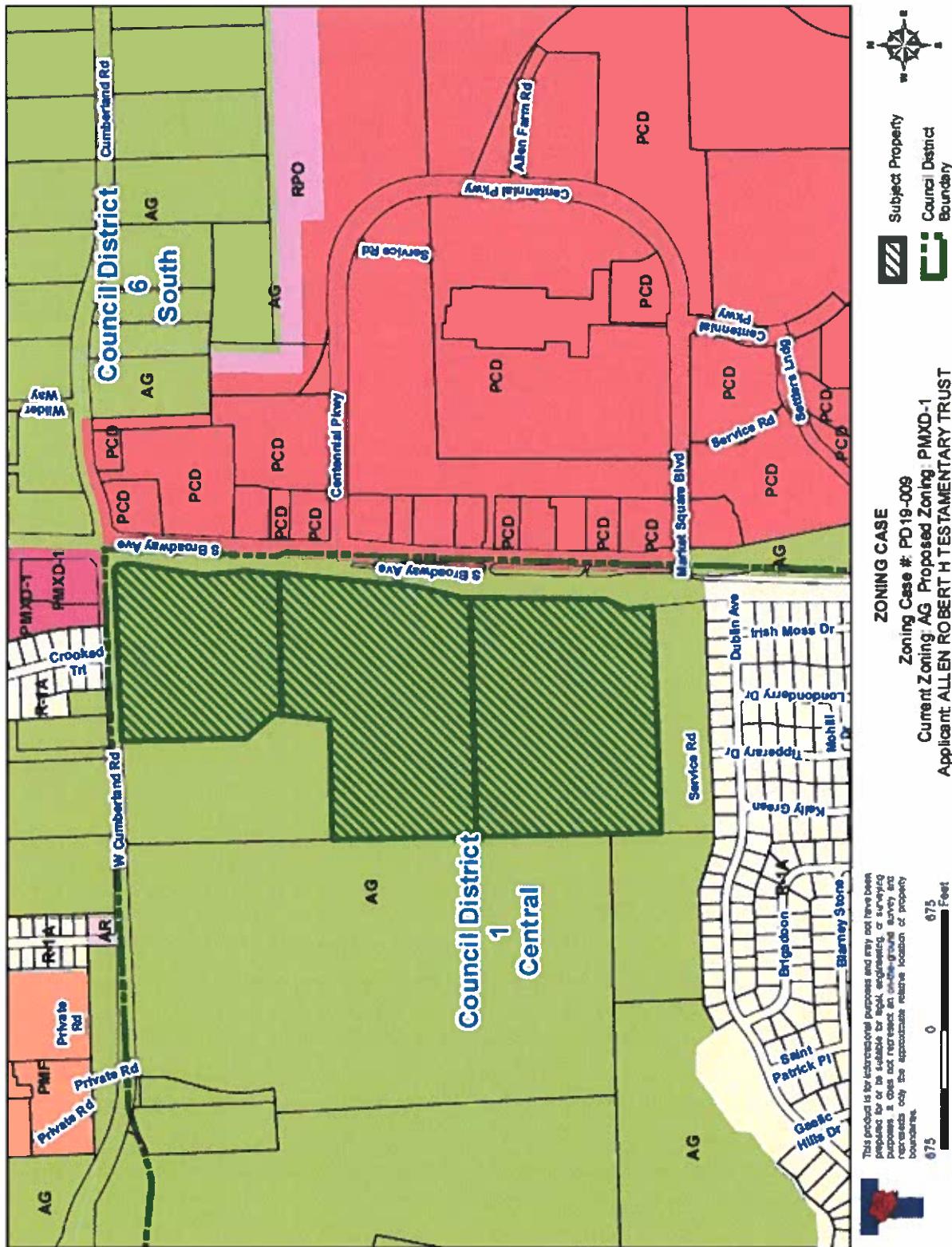
XIII. TRAFFIC IMPACT ANALYSIS REQUIRED

Prior to approval of the Preliminary Plat for the Property, the developer shall also submit to the City a Traffic Impact Analysis (TIA) that identifies potential traffic to be generated for the entire 86.604 acres based on the developer's planned uses for each lot therein. However, if specific uses for any lot or phase deviates from the assumptions in the initial TIA, an amendment to the TIA may be required.

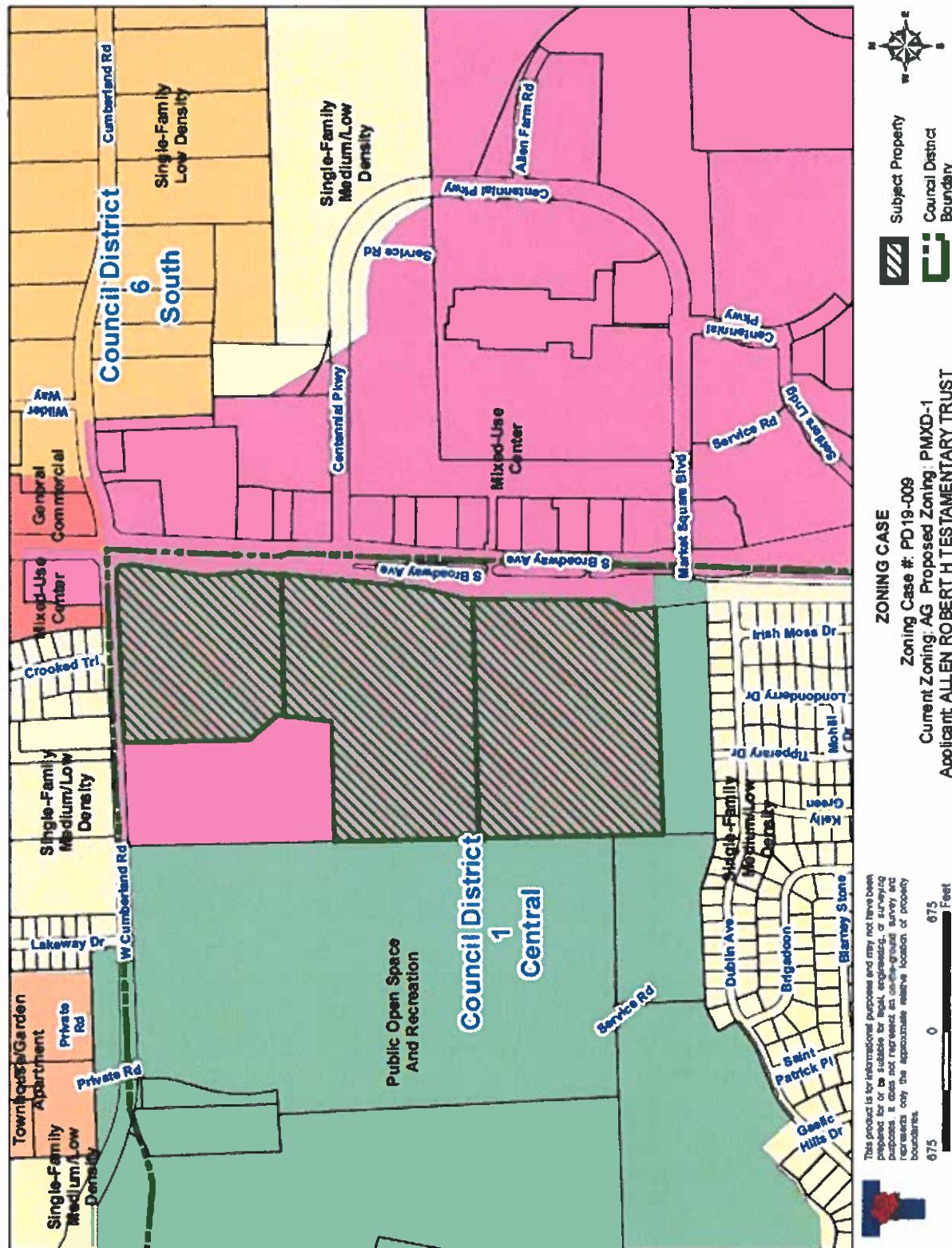
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**ORDINANCE NO. O-2019-44
EXHIBIT "B"
LOCATION MAP**



ORDINANCE NO. O-2019-44
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE



ORDINANCE NO. O-2019-44
EXHIBIT "D"
NOTIFICATION MAP

