

ORDINANCE NO. O-2021-22

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 “DBAC”, DOWNTOWN BUSINESS, ARTS AND CULTURE DISTRICT TO “PMXD-2”, PLANNED MIXED USE DISTRICT-2 WITH A FINAL SITE NARRATIVE ON LOT 17 OF NCB 187, ONE LOT CONTAINING APPROXIMATELY 1.50 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF WEST ERWIN STREET AND SOUTH VINE AVENUE (700 WEST ERWIN STREET); 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 PD21-002

That the following described property, which has heretofore been zoned “DBAC”, Downtown Business, Arts and Culture District, shall hereafter bear the zoning classification of “PMXD-2”, Planned Mixed Use District-2, to wit:

Lot 17 of NCB 187, one lot containing approximately 1.50 acres of land located at the southwest intersection of West Erwin Street and South Vine Avenue (700 West Erwin Street) and in accordance with the Final Site Narrative in Exhibit “A” attached hereto and 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 March 26th, 2021.

PASSED AND APPROVED this the 24th day of March A.D., 2021.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2021-22
EXHIBIT "A"
SITE NARRATIVE



ORDINANCE NO. O-2021-__

PLANNED DEVELOPMENT ZONING NARRATIVE

(initial submittal 01/25/21)

(revised 02/25/21)

Development Name:	West Oak Village
Owner:	West Oak Townhomes, LLC
Existing Zoning:	DBAC
Proposed Zoning:	PMXD-2
Property:	1.497 Acres, A.G. Barrett Survey, A-146 Lot 17, N.C.B. 187, Kimberley Addition City of Tyler (700 West Erwin St.)

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 1.497 acres within the City limits of Tyler. The Property address is 700 West Erwin Street. It is bounded by West Erwin St. on the north and by South Vine Ave. on the east. The master plan for the Property focuses primarily on multi-family apartments, accompanied by a limited amount of office and coworking space on the ground floor, along with a parking structure. Limited retail and commercial use space may also be provided.

The current zoning for the Property is DBAC. The proposed zoning shall encompass all 1.497 acres to be zoned PMXD-2. This ordinance shall serve to append the "PMXD-2 Planned Mixed Use District-2" standards and regulations, as stated in Section 10-25 (e) of the UDC, as applicable to the subject Property only. It is the opinion of the Owner that the mixed uses planned for the Property, as stated above, are compatible with the surrounding development.

The Owner's intent is to provide multi-level, upscale apartments near the central business district of Tyler in hopes of fostering additional redevelopment of this portion of the city. In addition, a limited amount of space on the ground floor will be made available for office, a coworking center, and possible retail to foster an urban village environment. The proximity to the downtown business district, located only a few blocks to the east, makes the Property a prime location for loft-type apartments that will attract young business professionals. It is believed that this development could prove to be a catalyst to

"reinvigorate the city center", one of the principles of the Tyler 1st Comprehensive Plan.

III. DEFINITIONS

Terms used within this ordinance shall be defined as follows:

- a. City. The City of Tyler.
- b. Property. The 1.497 acres of land being the subject of the PMXD-2 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 PCD Site Plan is provided as **Exhibit C** (attached). The PCD Site Plan depicts the Property and adjoining lands, along with the proposed building, parking and landscape improvements. Material changes to the PCD Site Plan will require subsequent approvals of the Planning & Zoning Commission and City Council.

V. PERMITTED USES FOR PMXD-2

All uses permitted by Section 10-49 of the UDC [Nonresidential District Use Table] for PMXD-2 Districts are permitted on the Property, unless otherwise expressly prohibited in any contract of sale or restrictive covenants that may affect the Property.

Rooftop cell and other communication devices may be permitted on the highest level of the structure. Installation of solar panels shall be permitted.

VI. DIMENSIONAL STANDARDS FOR PMXD-2

Development of the PMXD-2 district on the Property shall comply with the following:

- | | |
|---|----------------|
| a. Minimum lot area | 0.5 acre |
| b. Minimum street frontage per lot | 100 feet |
| c. Minimum building separation (same lot) | 10 feet |
| d. Maximum height (feet): | 230 feet |
| e. Maximum height (stories): | 20 |
| f. Minimum height: | 20 feet |
| g. Minimum setback – front yard: | 10 feet |
| h. Minimum setback – rear yard: | 0 feet |
| i. Minimum setback – side yard, interior: | 0 feet |
| j. Minimum setback – side yard, corner: | 10 feet |
| k. Maximum lot coverage: | 100 percent |
| l. Maximum density (Multi-family): | 150 units/acre |

VII. OFF-STREET PARKING

The minimum number of parking spaces to be provided for all structures on the Property shall be based on type of use and floor areas as may be applicable to each structure, or any part thereof, as follows:

- | | |
|---------------------------------|-------------------------|
| a. Multi-Family Residential Use | 1.0 Spaces per Unit |
| b. Office Use | 3 spaces per 1,000 S.F. |
| c. All Other Uses | Per UDC, Sect. 10-360 |

The required minimum number of parking spaces may be comprised of surface parking, parking garages, or any combination thereof. The developer may construct additional on-street parking within the parkways of adjacent streets, subject to review and approval of the City. Parking for coworking space and lobby space may be included in the residential use parking requirements. Any additional off-premise parking shall adhere to DBAC zoning requirements.

VIII. PARALLEL STREET PARKING

The construction of parallel parking spaces along adjacent streets shall be permitted. The Owner of the Property shall be responsible for all costs associated with the design, construction and perpetual maintenance of such parking spaces, regardless of whether the parking spaces are located wholly on the Property or if partially within the public street right-of-way.

Any parallel street parking space constructed wholly on the Property may be counted toward required parking for the particular uses thereon. Such spaces may also be designated as "Reserved Parking" for any use on the Property via signage or pavement markings.

Any parallel street parking space constructed partially on the Property and partially within a public street right-of-way may not be counted toward required parking.

IX. SIDEWALKS

The construction of sidewalks along adjacent streets shall be required, minimum width shall be 5 feet. The Owner of the Property shall be responsible for all costs associated with the design and construction of such sidewalks, regardless of whether the sidewalks are located within the public street right-of-way or if on the Property.

For any portions of required sidewalks that are constructed on the Property, an easement (via separate instrument) shall be granted by Owner to the City of Tyler prior to issuance of any Certificate Of Occupancy. The easement shall establish rights of the City and the public to uninterrupted use such on-site sidewalks; it shall also establish Owner's maintenance requirements for any such sidewalks.

X. OPEN SPACE

Common Open Space for Multi-Family Residential on the Property shall be provided on the level one and highest level rooftops.