

ORDINANCE NO. O-2021-94

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING THE "PMXD-2", PLANNED MIXED USE DISTRICT FINAL SITE PLAN AMENDMENT ON LOT 17 OF NCB 187, ONE LOT CONTAINING APPROXIMATELY 1.50 ACRES OF LAND LOCATED AT THE SOUTHWEST OF THE 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 site plan is hereby approved as follows:

I. APPLICATION PD21-017

That the existing site development plan is hereby amended by approving the site narrative attached hereto as Exhibit "A" on the following described property zoned "PMXD-2", Planned Mixed Use District, to wit:

Lot 17 of NCB 187, one lot containing approximately 1.50 acres of land located southwest of the intersection of West Erwin Street and South Vine Avenue (700 West Erwin Street) and in accordance with 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 October 29th, 2021.

PASSED AND APPROVED this the 27th day of October A.D., 2021.



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

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK
DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2021-94
EXHIBIT "A"
NARRATIVE

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ORDINANCE NO. O-2021-__

PLANNED DEVELOPMENT ZONING NARRATIVE

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|--------------------------|---|
| Development Name: | West Oak Village |
| Owner: | West Oak Townhomes, LLC |
| Existing Zoning: | PMXD-2 (PD21-002, approved 3/24/21) |
| 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 co-working 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 PMXD-2, as approved by City Council on March 24, 2021 under Zoning Item No. PD21-002. Minor changes to the PCD Site Plan layout presented to the City Planner in July 2021 have necessitated an amendment to this zoning. The proposed zoning amendment shall encompass all 1.497 acres previously 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 co-working 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 lofi-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

An amended 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:

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|--|----------------|
| 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:

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|---------------------------------|-------------------------|
| 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 garage with gated entry, 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 co-working 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.

The final configuration of parking and streetscape features along Vine Street, as depicted on the accompanying PCD Site Plan, is contingent on the final overhead power pole layout plan to be provided by Oncor. Any updates to the final construction drawings for coordination of the ONCOR facilities will maintain the number of parking spaces and area of landscape as shown on the PCD Site Plan; such revisions shall not be considered "material changes" and shall not require a revision to the approved PCD Site Plan.

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 & LANDSCAPING

Common Open Space for Multi-Family Residential on the Property shall be provided on the level one and second level amenity deck.

Landscaping areas on the site shall be provided only to the extent as depicted on the Concept Plan (PCD Site Plan). Prior to the change to PMXD-2, the zoning on the Property was DBAC, which required no site landscaping per the UDC. It is the intent of the developer and this zoning request to provide a level and amount of landscaping that represents a hybrid between the two zoning classifications.

XI. SIGNAGE

A Master Sign Plan shall be submitted to the City for approval prior to application for any Sign Permit. Site and building signage shall be compliant with the UDC.

XII. TRANSIT-READY

Recognizing that the intent for PMXD-2 developments is that they serve as transit hubs, the developer shall engage with City of Tyler staff to assess potential needs and possible locations for a transit hub facility including, but not limited to, a bus turnout or bus stop, which may be suitable for the Property.

XIII. 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.

XIV. TRAFFIC IMPACT ANALYSIS

If required by City staff, the developer shall submit a Traffic Impact Analysis (TIA) that identifies potential traffic to be generated for the entire 1.497 acres based on the developer's planned uses.

