



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: January 25, 2006

Subject: APPLICATION Z01-06-008 MOHAMMAD RAFI

Request that the City Council consider a request to adopt an ordinance approving a final site development plan for Zoning Application Z11-05-089, Lot 13B of NCB 1092, one lot totaling .8± acres located 225± feet south of the intersection of ESE Loop 323 and Paluxy Drive, extending east from Paluxy Drive 292± feet, fronting 25± feet along the east side of a platted access easement (the 3700 block of Paluxy Drive). The property is currently zoned "PCD" Planned Commercial Development District.

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Item Reference:

The applicant is requesting site development plan approval to allow for a self-automated carwash.

Section 10-230, "PCD" Planned Commercial Development District, allows for commercial development which will be situated close to residential development requiring development criteria which will achieve a compatible relationship between the retail and commercial development and the nearby residential areas. "PCD" Planned Commercial District allows for any permitted use which is allowed within the "C-2" General Commercial District.

This district also requires that the design and development of a "PCD" Planned Commercial Development District be in accordance with an approved site plan which represents a unified and organized arrangement of buildings and facilities such that the buildings and service facilities have a functional relationship within the property. The arrangement of buildings and service facilities shall not have an adverse effect on the use of properties immediately adjacent to the development.

After the final site plan has been approved, adjustments or rearrangements of buildings, parking areas, entrances, heights, setbacks or open spaces required by the development may be approved by the Planning Director if the changes conform to the standards established by the approved final site development plan. It has been staff policy to refer any significant changes in the "PCD" Site Development Plan to the Planning and Zoning Commission and City Council for approval as an amended site plan. Properties with a commercial designation are subject to the requirements of the Subdivision and Landscape Ordinances.

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Property to the north, east, and west is zoned "C-1" Light Commercial District, while property to the south is zoned "RPO" Restricted Professional and Office District. The applicant is the owner of the property to the west which is developed with a cleaners. There is also a platted access easement that allows the property access from both Paluxy Drive and Loop 323. The property was zoned "PCD" Planned Commercial Development District without final site development plan at the November, 2005, City Council meeting.

The site plan shows a 4,900 square car wash with a five foot (5') east side setback, a seventy foot (70') west side setback, a forty-seven foot (47') front setback, and a sixty-nine foot (69') rear setback. There will be access to the carwash from both the north and south ends of the property. Exiting the carwash will be from the north end of the property. Partial access will be from the property to the west. A shared access agreement will be required at the time of application for a building permit. There will be four parking spaces for a vacuum area and nine additional shared spaces to accommodate parking for both the cleaners and employee(s) for the carwash. Additionally, a raised curb will be required between the north property line and the Starbucks' drive-thru lane.

On January 3, 2006, the Planning and Zoning Commission held a public hearing on this request. No written letters of protest were filed and no one spoke in opposition to the request. Rahman Kafray, The Brannon Corporation, spoke on behalf of the application. He said entrance and exit signs will be properly posted to keep traffic moving.

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

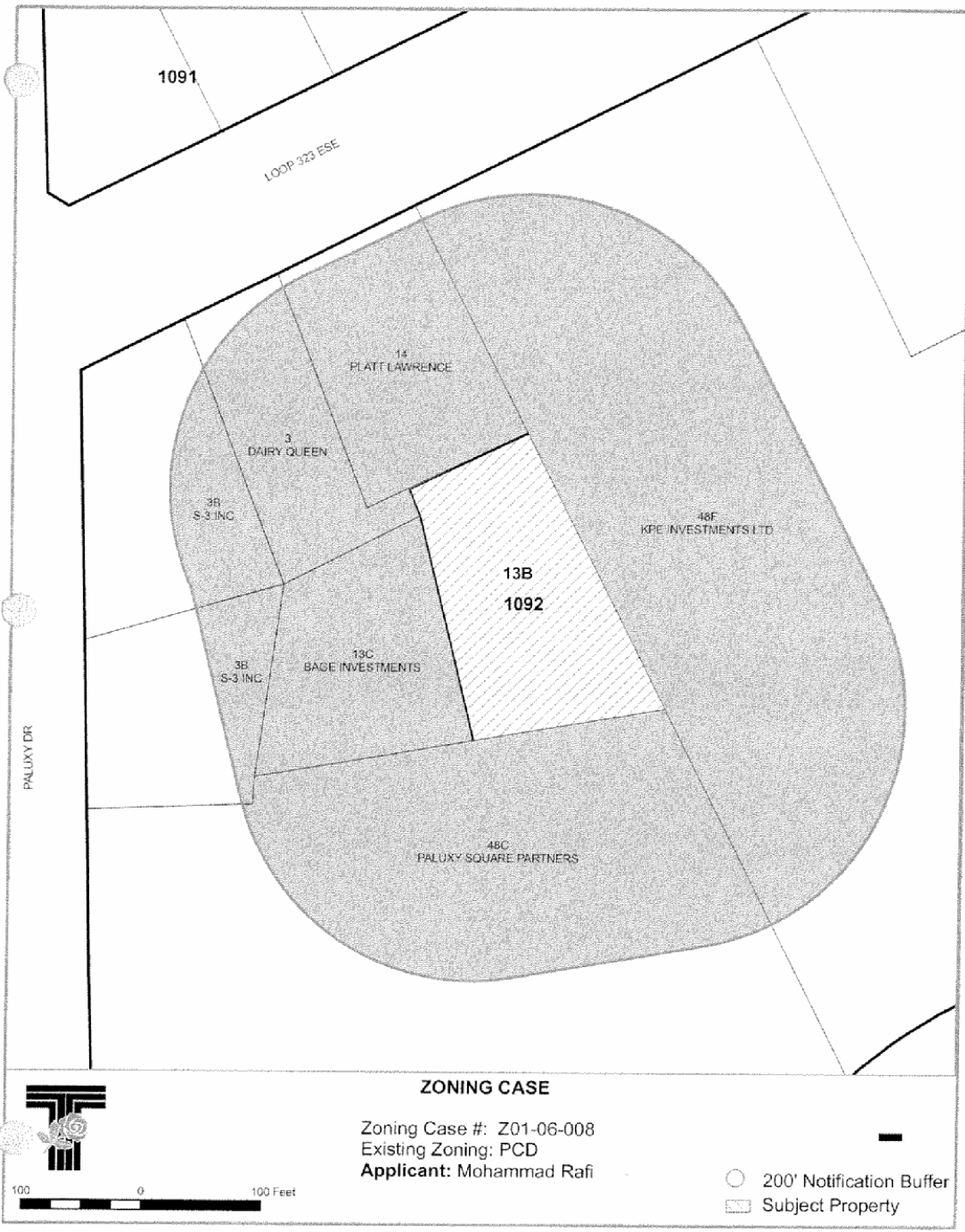
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request for the final site development plan, subject to the applicant filing a shared access agreement when a building permit is issued.



**Drafted/Recommended By: Stephanie Rollings
Department Leader**

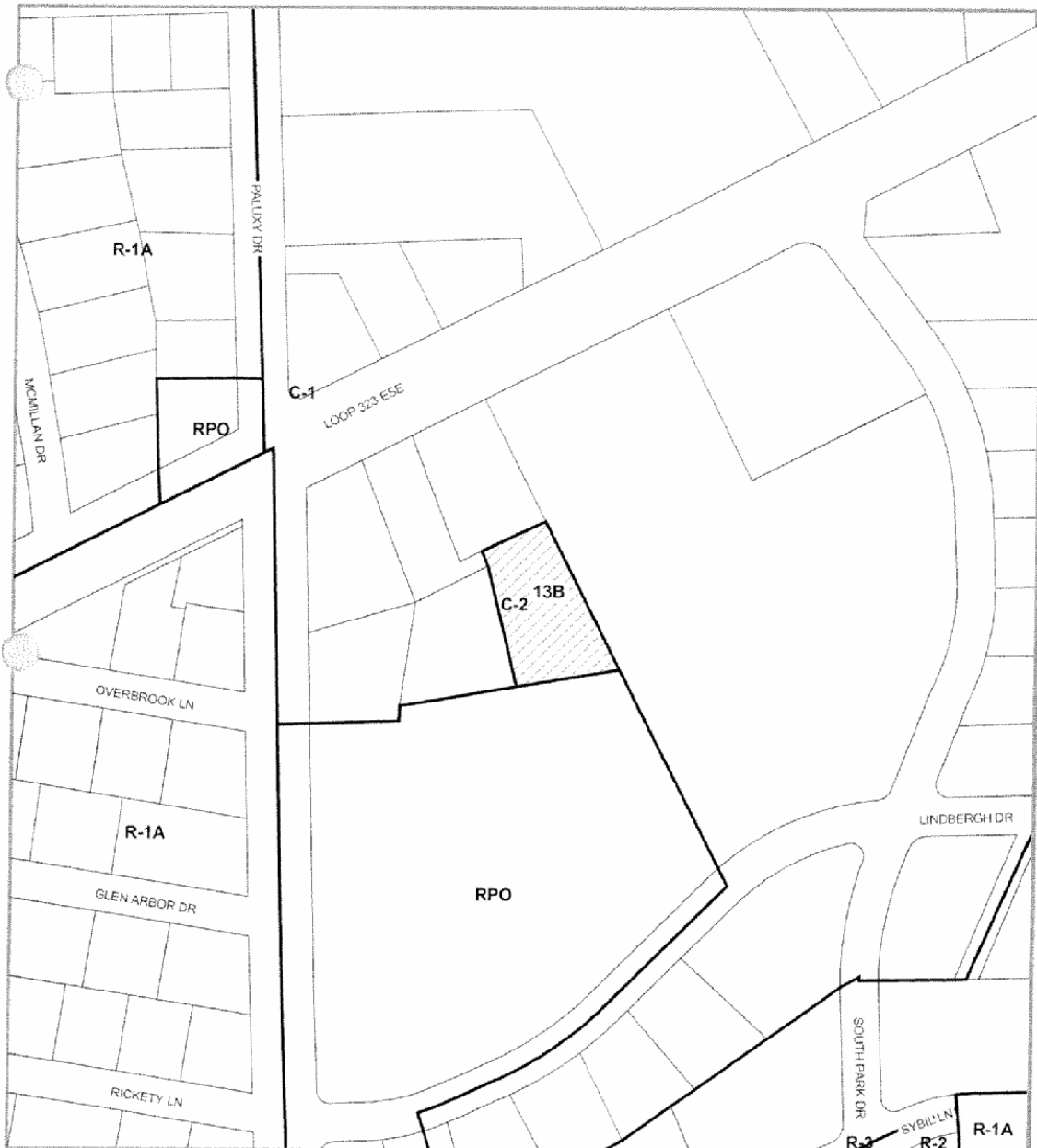
**Edited/Submitted By:
City Manager**



ZONING CASE

Zoning Case #: Z01-06-008
 Existing Zoning: PCD
 Applicant: Mohammad Rafi

- 200' Notification Buffer
- ▨ Subject Property





ZONING CASE

Zoning Case #: Z01-06-008
 Existing Zoning: PCD
 Applicant: Mohammad Rafi



200 0 200 Feet

-  200' Notification Buffer
-  Subject Property

ORDINANCE NO. 0-2006-13

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS, BY APPROVING A FINAL SITE PLAN FOR ZONING APPLICATION Z11-05-089 ON LOT 13B OF NCB 1092, ONE LOT TOTALING .8± ACRES LOCATED 225± FEET SOUTH OF THE INTERSECTION OF ESE LOOP 323 AND PALUXY DRIVE, EXTENDING EAST FROM PALUXY DRIVE 292± FEET, FRONTING 25± FEET ALONG THE EAST SIDE OF A PLATTED ACCESS EASEMENT (THE 3700 BLOCK OF PALUXY DRIVE); 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; and

WHEREAS, the City Council on November 23, 2005, in Ordinance 0-2005-94, established zoning on this property as “PCD” pursuant to the zoning ordinance, without final site plan approval ;

WHEREAS, the applicant is now requesting that the final site plan be presented for City Council approval; and

WHEREAS, the Planning and Zoning Commission on November 1, 2005, voted 6-0 to approve this Final Site Development Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the Zoning Ordinance of the City of Tyler, Texas, is hereby amended by adopting the site plan attached hereto, and this Ordinance to Ordinance 0-2005-94, as follows:

I. APPLICATION Z01-06-008

That the final site development plan, attached hereto as Exhibit “A”, is hereby approved for the following described property, which is currently zoned “PCD”, to wit:

Lot 13B of NCB 1092, one lot totaling .8± acres located 225± feet south of the intersection of ESE Loop 323 and Paluxy Drive, extending east from Paluxy Drive 292± feet, fronting 25± feet along the east side of a platted access easement (the 3700 block of Paluxy Drive). The property is currently zoned “PCD” Planned Commercial Development District,

and in accordance with the site development plan attached hereto as Exhibit “A”.

PART 2: 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 3: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this 25th day of January A.D., 2006.

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

A T T E S T:

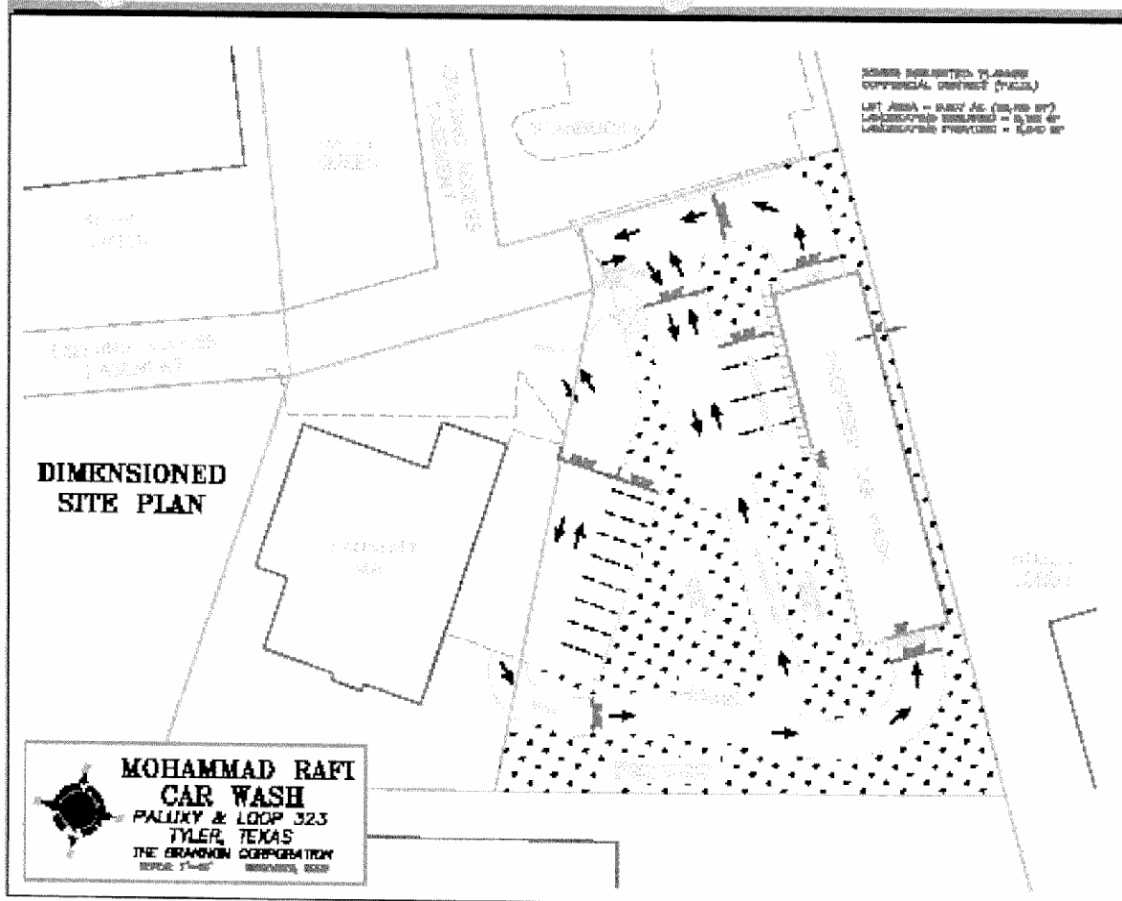
APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

EXHIBIT "A" to Ordinance 0-2006-13

EXHIBIT "A"



Planning and Zoning Department

