



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-7

Date: February 22, 2006

Subject: APPLICATION Z02-06-016 HARLEY AND BRIDGETT HOOPER

Request that the City Council consider a request to adopt an ordinance approving a final site development plan amendment for a final site development plan (Z04-94-017) on Lot 12B of NCB 999F, one lot totaling 2.139± acres located 218± feet south of the intersection of Old Bullard Road and Timberwilde Drive, fronting 171± feet along the west side of Old Bullard Road (4815 Old Bullard Road). The property is currently zoned "PCD" Planned Commercial Development District.

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Item Reference:

The applicant is requesting a site plan amendment to allow for additional development of a restaurant and retail space.

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.

Property to the north is zoned "PCD" Planned Commercial Development District, while property to the east is zoned "C-4" High-Rise Commercial District, property to the west is zoned "R-1A" Single-Family Residential District, and property to the south is zoned "C-1" Light Commercial District.

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This property was once a part of Jacksonville Savings and Loan and was rezoned as “PCD” with final site plan approval when the bank was constructed (Z04-94-017). The north part of the property was developed with the bank but the southern portion was left vacant for future development.

The applicant is proposing two structures on the property. The retail space nearest the residential subdivision to the west will be 6,400 square feet in size, with a front setback of 414 feet, a rear setback of 84 feet, a side setback of 80 feet from the south property line, and a side setback of 10 feet from the north property line.

The retail space will be approximately 13,855 square feet, with a front setback of 20 feet, a rear setback of 270 feet, a side setback of 10 feet from the south property line, and a side setback of 76 feet from the north property line. There are 101 parking spaces, which meets the minimum parking required by Ordinance. There is one driveway proposed for ingress and egress off of Old Bullard Road.

Development Services stated they would like to see the driveway in line as much as possible with the driveway across the street and a “pork chop” installed to allow for a right turn only when exiting the property. The applicant has agreed to these restrictions and has amended the site plan.

Planning Staff met with the applicant to discuss a landscape buffer that would abut the residential neighborhood to the west and down shielded lighting. The applicant agreed to these restrictions also and has amended the site plan to show a thirty foot buffer. The applicant is aware of the additional dedication required by the Master Street Plan at the time of platting and has agreed to the dedication.

On February 7, 2006, the Planning and Zoning Commission held a public hearing on this request. There were 10.87 percent written letters of protest filed. No one spoke in opposition to the request. Sam Price said he didn't oppose the request, but expressed concern with lighting and the location of the dumpster. He asked if a wall would be constructed between the businesses and the residential area. Mike Butler, Fitzpatrick-Butler Architects, spoke on behalf of the application. He said the development will be retail only and will not include a restaurant. He said lighting will be downshielded and the dumpster will be located on the south side of the property. Mr. Butler said the applicant has not considered constructing a privacy wall but said there is an existing 30 foot natural buffer on the west property line.

All other departments have reviewed this 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 final site development plan amendment, subject to the following conditions:

1. A 30 foot buffer along the west side of the property.
2. The proposed driveway to be aligned with the adjacent driveway across the street and be a right out only.
3. Down shielded lighting on the west side of the property.

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4. The dumpster located on the south side of the property.

A handwritten signature in cursive script that reads "Stephanie Rollings".

Drafted/Recommended By: Stephanie Rollings
Department Leader

Edited/Submitted By:
City Manager





ZONING CASE

Zoning Case #: Z02-06-016
 Existing Zoning: PCD
 Applicant: Harley & Bridgette Hooper



150 0 150 Feet

-  200' Notification Buffer
-  Subject Property



200 0 200 Feet

ORDINANCE NO. 0-2006-26

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 DEVELOPMENT PLAN AMENDMENT (Z04-94-017) ON LOT 12B OF NCB 999F, ONE LOT TOTALING 2.139± ACRES LOCATED 218± FEET SOUTH OF THE INTERSECTION OF OLD BULLARD ROAD AND TIMBERWILDE DRIVE, FRONTING 171± FEET ALONG THE WEST SIDE OF OLD BULLARD ROAD (4815 OLD BULLARD ROAD); 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 April 19, 1994, in Ordinance 0-94-28, established zoning on this property as “PCD” pursuant to the zoning ordinance, with final site plan approval;

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

WHEREAS, the Planning and Zoning Commission on February 7, 2006, 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 0-94-28, as follows:

I. APPLICATION Z02-06-016

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 12B of NCB 999F, one lot totaling 2.139± acres located 218± feet south of the intersection of Old Bullard Road and Timberwilde Drive, fronting 171± feet along the west side of Old Bullard Road (4815 Old Bullard Road),

and in accordance with the site development plan attached hereto as Exhibit “A”, subject to the following conditions:

1. A 30 foot buffer along the west side of the property.
2. The proposed driveway to be aligned with the adjacent driveway across the street and be a right out only.
3. Down shielded lighting on the west side of the property.
4. The dumpster located on the south side of the property.

5. Construction of a privacy masonry fence on the north side opposite the Price property and on the West Side.
6. Subject to no business activity after 9:00 p.m.

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 22nd day of February 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 NO. 0-2006-26

EXHIBIT "A"

