CITY OF TYLER
CITY COUNCIL COMMUNICATION

Agenda Number: **Z-8**

Date: **January 11, 2006**

Subject: **APPLICATION Z12-05-099 LARRY ANDERSON**

Request that the City Council consider a request to adopt an ordinance approving a final site development plan for Zoning Application Z01-05-006 on the southernmost 300± feet of Lot 1A of NCB 1441, a portion of Lot 1A totaling 4.4± acres located 395± feet south of the intersection of University Boulevard (Spur 248) and Lazy Creek Drive, fronting 300± feet along the east side of Lazy Creek Drive (the 3600 block of Lazy Creek Drive). The property is currently zoned "POD" Planned Office Development District.

Item Reference:

The applicant is requesting site development plan approval to allow for the development of a medical complex.

Section 10-223, "POD" Planned Office Development District, is established to provide for professional and office facilities in appropriate locations. The "POD" District will be used where office type facilities are needed to serve developing residential communities located throughout the City and shall be designed and developed as a unit according to an approved site plan. Development criteria are required that will ensure a compatible relationship between the "POD" development and the close-by residential areas. Permitted uses in this district include general offices, medical clinics, laboratories, and photography studios. The owner shall submit to the Planning and Zoning Commission and the City Council, a plan for the use and development of all or part of such tract of land. Any significant change in the site development plan requires approval of the Planning and Zoning Commission and the City Council through a public hearing process. The plan for the proposed development must present a unified and organized arrangement of buildings and service facilities, such that a functional relationship within the property is achieved. The arrangement of buildings and service facilities shall not have an adverse effect on the use of properties immediately adjacent to the development. Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, access ways, building setbacks, and height and area limitations may be imposed by the Planning and Zoning Commission for the protection of the adjoining property.

A request to change the zoning from "R-1A" Single-Family Residential District to "RPO" Restricted Professional and Office District on Lot 1A (Z06-87-038) was submitted in 1987. The developer agreed at the June, 1987, City Council meeting that because of the amount of protest, he would keep a three hundred foot (300') strip, which lies north of The Woods Subdivision, as "R-1A" Single-Family Residential District. The zoning request was approved at the July, 1987, City Council meeting, contingent upon the three hundred foot (300') strip of land being left as "R-1A" Single-Family Residential District.

In January, 2005, Mr. Anderson filed a request to change the zoning from "R-1A" Single-Family Residential District to "RPO" Restricted Professional and Office District on the back 300 feet of the property. There were 42% written letters of protest filed, but the item was approved unanimously by the Planning and Zoning Commission; however, Council voted to change the zoning to "POD" Planned Office Development District without final site plan approval with a 60 foot conservation easement.

The applicant has submitted a final site plan, which shows the private drive and two parking spaces within the 300 feet of Planned Office Development zoning. The proposed office building and all other parking spaces fall within the "RPO" zoning. This request is only asking for consideration of the private drive and two parking spaces. The applicant has also submitted a preliminary plat that divides the property into four separate lots.

If any additional development occurs, the applicant must present a site plan amendment to Commission and Council for approval.

On December 6, 2005, the Planning and Zoning Commission held a public hearing on this request. There were 4 percent written letters of protest filed. No one spoke in opposition to the request. Mark Priestner and Bill Bruce spoke on behalf of the application. Mr. Priestner said the shared drive-way will provide internal circulation for the development.

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

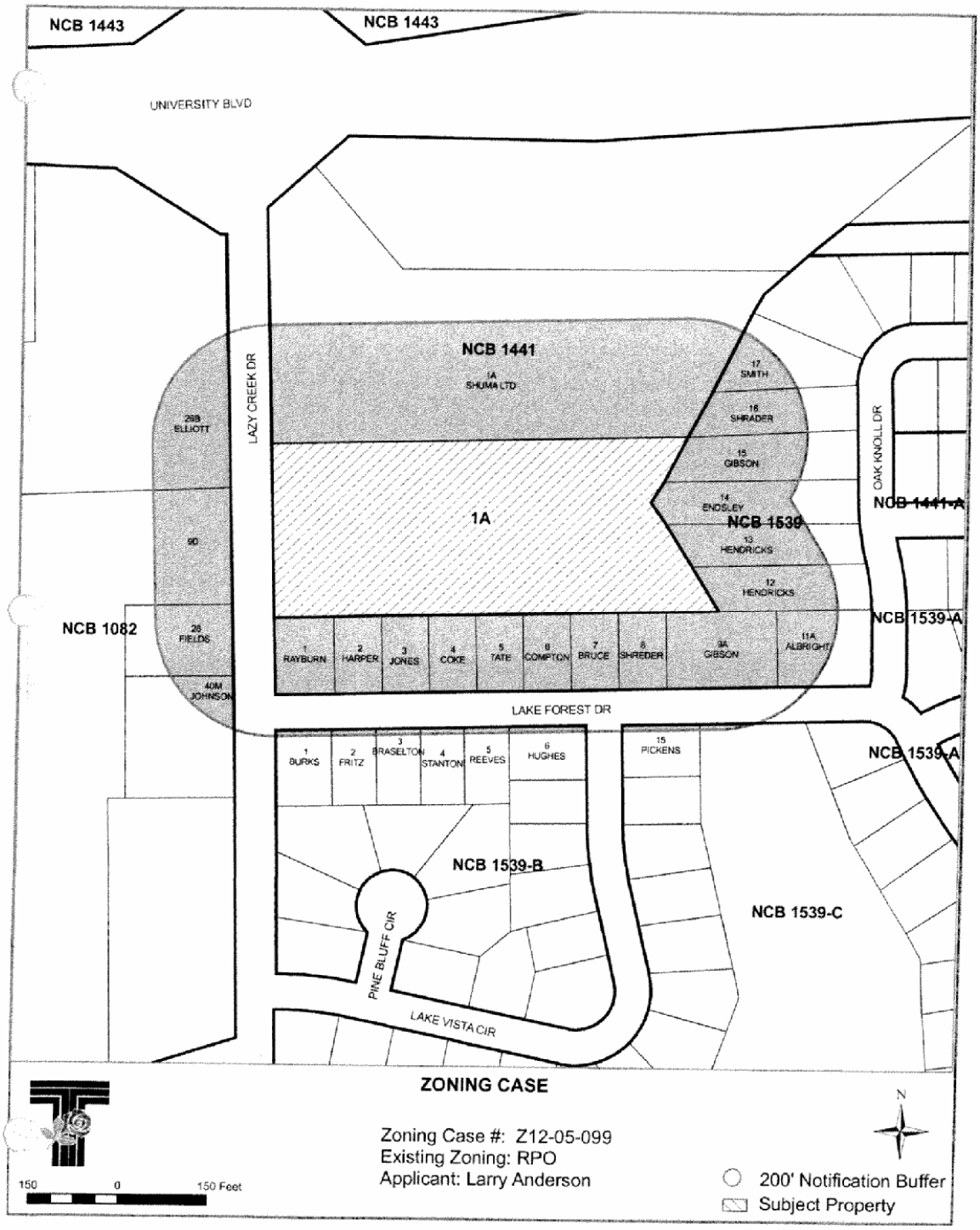
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the request for the final site development plan.

Stephanie Rollings

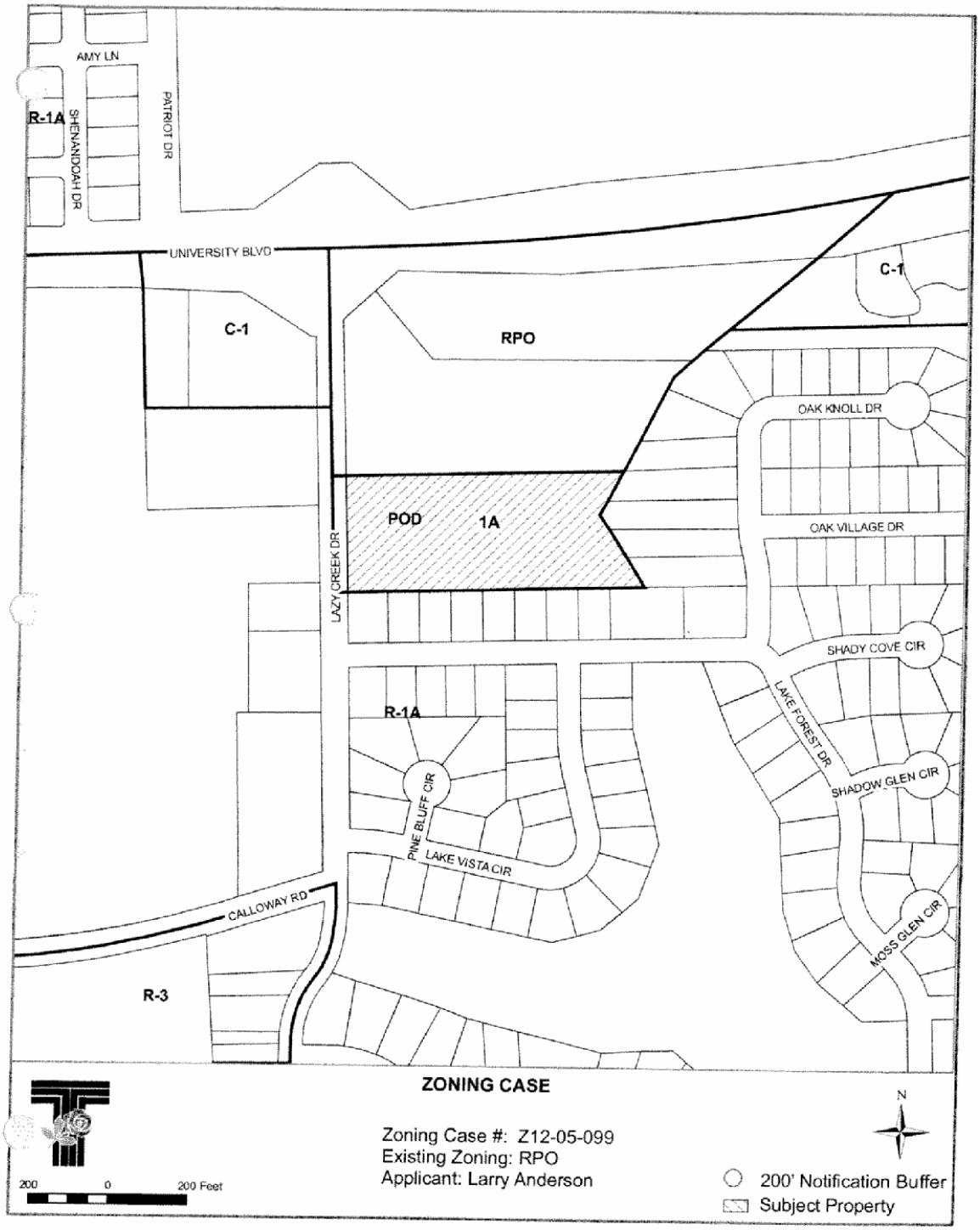
Drafted/Recommended By: Stephanie Rollings
Department Leader

Edited/Submitted By:
City Manager



ZONING CASE

Zoning Case #: Z12-05-099
Existing Zoning: RPO
Applicant: Larry Anderson


AMY LN
R-1A
SHENANDOAH DR
PATRIOT DR
UNIVERSITY BLVD
C-1
C-1
RPO
OAK KNOLL DR
POD
1A
OAK VILLAGE DR
LAZY CREEK DR
SHADY COVE CIR
R-1A
LAKE FOREST DR
SHADOW GLEN CIR
PINE BLUFF CIR
LAKE VISTA CIR
CALLOWAY RD
MOSS GLEN CIR
R-3
ZONING CASE
Zoning Case #: Z12-05-099
Existing Zoning: RPO
Applicant: Larry Anderson
200
0
200 Feet
N
200' Notification Buffer
Subject Property

ORDINANCE NO. 0-2006-4

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 A "POD" PLANNED OFFICE DISTRICT APPROVED ON ZONING APPLICATION Z01-05-006, THE SOUTHERNMOST 300± FEET OF LOT 1A OF NCB 1441, A PORTION OF LOT 1A TOTALING 4.4± ACRES LOCATED 395± FEET SOUTH OF THE INTERSECTION OF UNIVESITY BOULEVARD (SPUR 248) AND LAZY CREEK DRIVE, FRONTING 300± FEET ALONG THE EAST SIDE OF LAZY CREEK DRIVE (THE 3600 BLOCK OF LAZY CREEK 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 January 26, 2005, in Ordinance 0-2005-8, established zoning on this property as "POD" pursuant to the zoning ordinance, without final site plan approval with a 60 foot conservation easement;

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 December 6, 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 0-2005-8, as follows:

I. APPLICATION Z12-05-099

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

> The southernmost 300± feet of Lot 1A of NCB 1441, a portion of Lot 1A totaling 4.4± acres located 395± feet south of the intersection of University Boulevard (Spur 248) and Lazy Creek Drive, fronting 300± feet along the east side of Lazy Creek Drive (the 3600 block of Lazy Creek Drive),

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 11th day of January A.D., 2006.

_____

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

A T T E S T:

_____

CASSANDRA BRAGER, CITY CLERK

APPROVED:

_____

CITY ATTORNEY

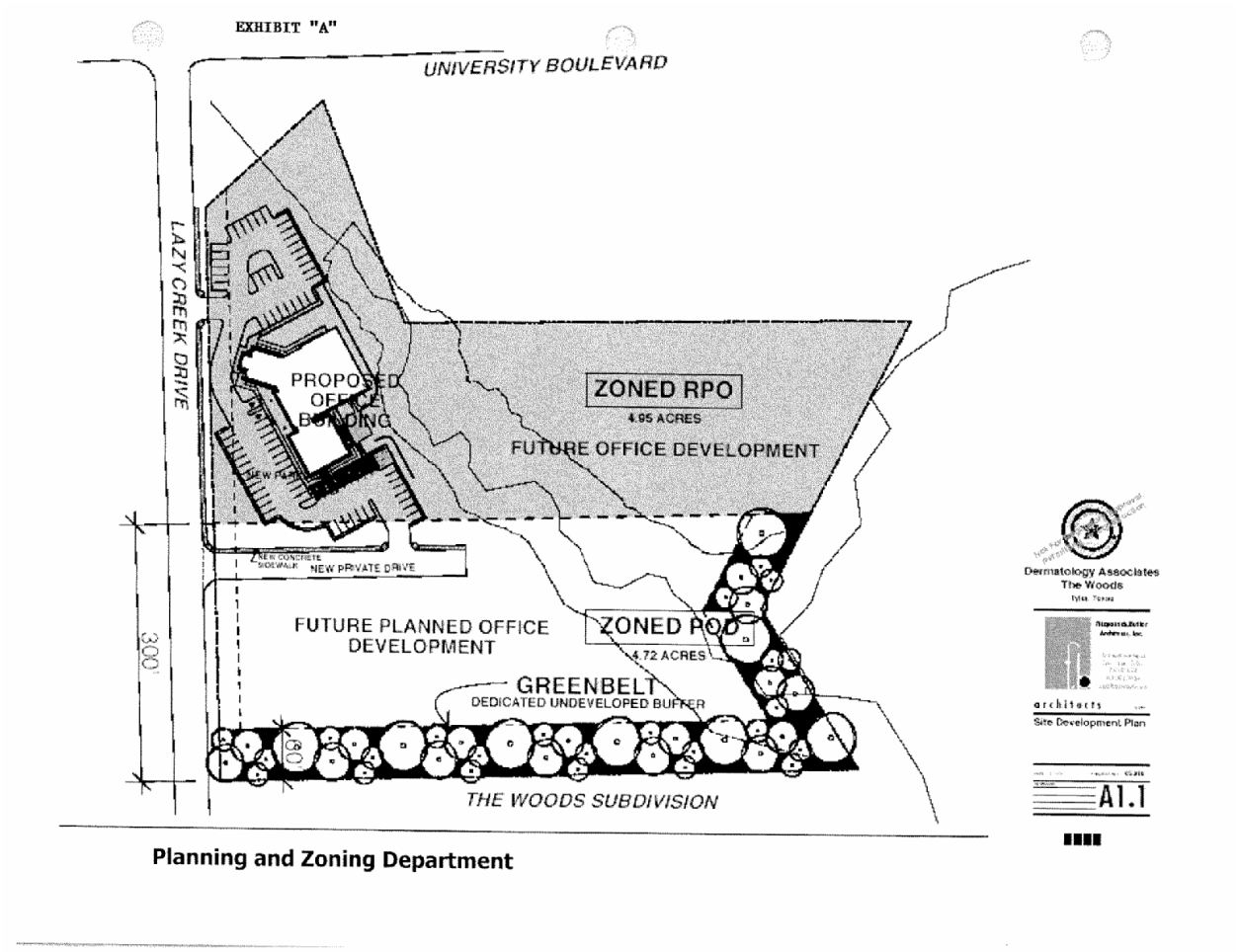



Exhibit "A" to Ordinance 0-2006-4