



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-3

Date: May 24, 2006

Subject: APPLICATION Z05-06-039A BOB PEPPARD

Request that the City Council consider a request to adopt an ordinance approving a final site development plan amendment for Zoning Application Z05-05-045 on Tract 5B2 of the Robert Tombs Survey A-987, one lot totaling .40± acres located 420± feet south of the intersection of Cambridge Road and South Broadway Avenue, fronting 127± feet along the east side of South Broadway Avenue (7906 South Broadway Avenue). The property is currently zoned "PCD" Planned Commercial Development District.

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Item Reference:

The applicant is requesting a site plan amendment in order to demolish an existing structure and build a new auto dealership.

Tyler City Code 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 and south is zoned "C-1" Light Commercial District, while property to the east is zoned "PUR" Planned Unit Residential District, and property to the west is zoned "R-1A" Single-Family Residential District.

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In May, 2005, a site plan was approved by the Planning and Zoning Commission and City Council. The site plan utilized an existing building at that time. Later, the developer realized the building had to be demolished and a new building constructed when remodeling began. This required a site plan amendment because the footprint of the building changed.

The old site plan showed a twenty-five hundred square foot existing building. The new site plan shows a forty-five hundred square foot building. Twenty-five parking spaces are provided for employee parking and automobile display. Front setbacks of sixty-feet, rear setbacks of ten feet, and side setbacks of five feet are proposed. There will be one entrance and exit from South Broadway. The six foot existing privacy fence shown on the site plan will remain.

As with the approval of the first site plan, there will be no attention gathering devices such as flags, banners, large painted graphics, tents, streamers or balloons on the premises at any time. The applicant must comply with the Landscaping Ordinance and any other restrictions set forth by the Commission or City Council. Staff recommends that only one monument sign be allowed and one façade sign not to exceed one hundred square feet.

On May 2, 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. Mark Priestner, Planning Concepts, appeared on behalf of the application.

Development Services requested an accessible route to the building from the sidewalk, per ADA requirements, and that is provided on the site plan. All other departments have reviewed the request and anticipate no significant impact on services or facilities.

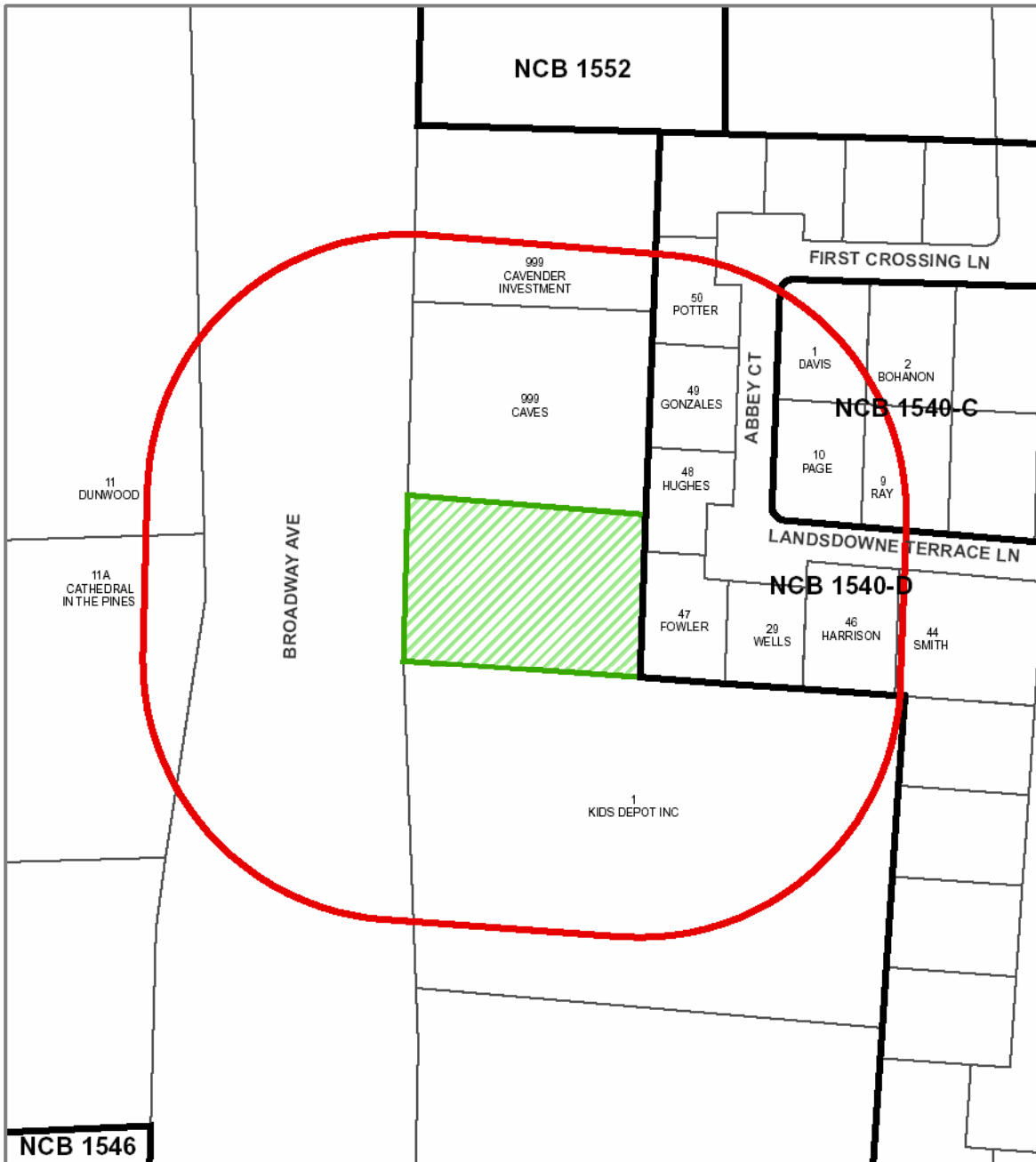
RECOMMENDATION:

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



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

**Edited/Submitted By:
City Manager**





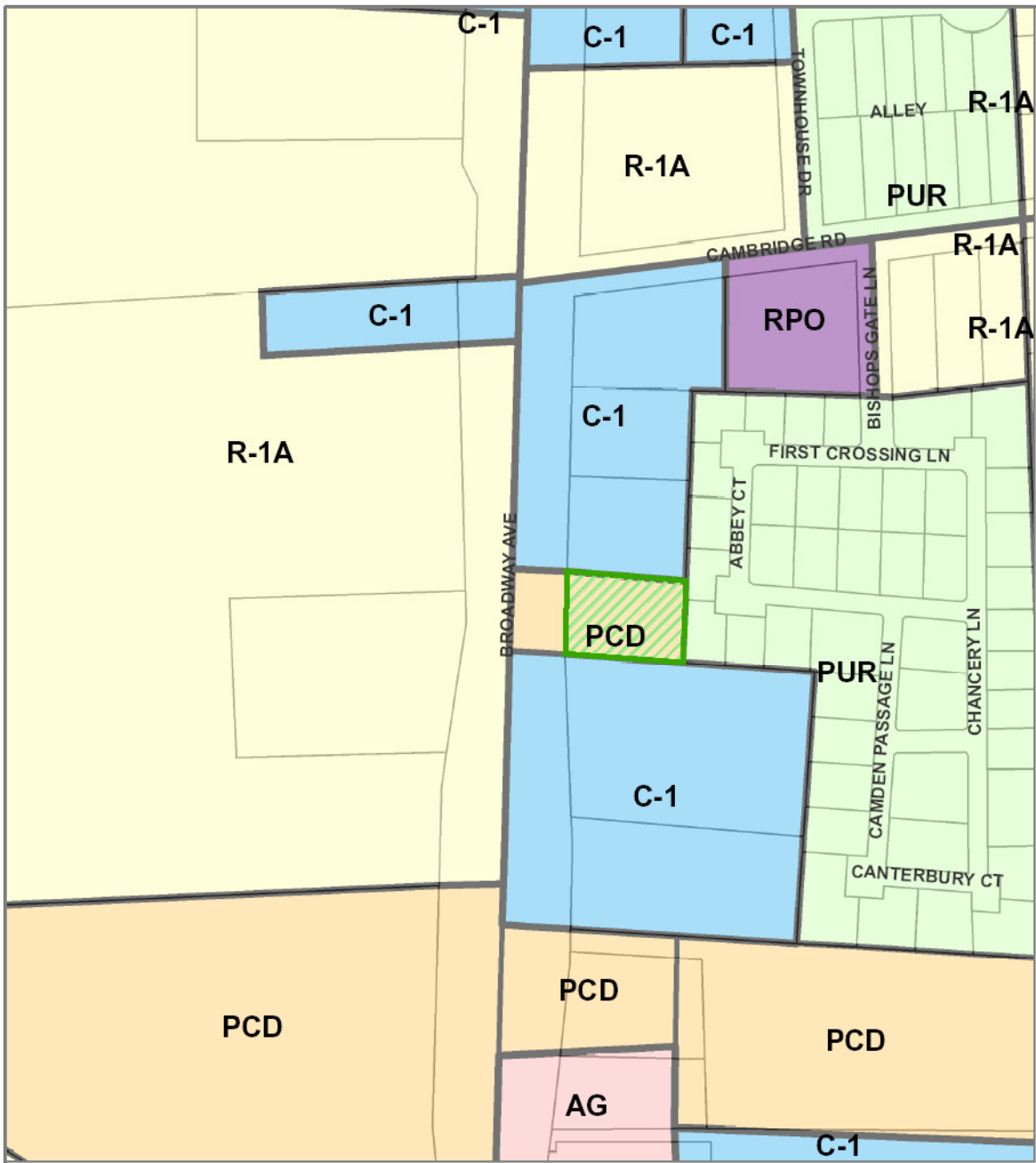
NCB 1546



ZONING CASE

Zoning Case #: Z05-06-039a
 Existing Zoning: PCD
 Applicant: Bob Peppard


-  Subject Property
-  200' Notification Buffer



ZONING CASE

Zoning Case #: Z05-06-039a
 Existing Zoning: PCD
 Applicant: Bob Peppard



 Subject Property

ORDINANCE NO. 0-2006-46

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 Z05-05-0450N TRACT 5B2 OF THE ROBERT TOMBS SURVEY A-987, ONE LOT TOTALING .40± ACRES LOCATED 420± FEET SOUTH OF THE INTERSECTION OF CAMBRIDGE ROAD AND SOUTH BROADWAY AVENUE, FRONTING 127± FEET ALONG THE EAST SIDE OF SOUTH BROADWAY AVENUE (7906 SOUTH BROADWAY AVENUE). THE PROPERTY IS CURRENTLY ZONED “PCD” PLANNED COMMERCIAL DEVELOPMENT DISTRICT; 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 May 25, 2005, in Ordinance 0-2005-39, 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 amendment be presented for City Council approval; and

WHEREAS, the Planning and Zoning Commission on May 2, 2006, voted 6-0 to approve this amended 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 0-2005-39, as follows:

I. APPLICATION Z05-06-039A

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:

Tract 5B2 of the Robert Tombs Survey A-987, one lot totaling .40± acres located 420± feet south of the intersection of Cambridge Road and South Broadway Avenue, fronting 127± feet along the east side of South Broadway Avenue (7906 South Broadway Avenue),

and in accordance with the site development plan attached hereto as Exhibit “A” and with the stipulation that if applicant owns the fence, he will maintain it.

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 24th day of May 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 0-2006-46

EXHIBIT "A"

