



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-9

Date: January 11, 2006

Subject: APPLICATION Z12-05-100 BROADWAY SOUTH DEVELOPMENT
(CITIZEN'S BANK)

Request that the City Council consider a request to adopt an ordinance approving a final site development plan for Zoning Application Z07-03-034 on a 1.69± acre portion of Tract 1 in the B. Robbins Survey A-825, located 1700± feet north of the intersection of Skidmore Lane (FM 2413) and South Broadway Avenue, fronting 300± feet along the east side of South Broadway (the 9000 block of South Broadway). 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 the development of a bank.

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 to the 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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The site plan shows a 6,000 square foot building. The front setback will be 80-feet, with a rear setback of 80 feet, a 60-foot side setback on the west side of the property, and a 60-foot side setback. Thirty-seven parking spaces will be provided, which meets the 16 spaces required by the Ordinance. Six drive-thru lanes are proposed, which includes an ATM lane. Access will be from Market Square Boulevard with no access from Hwy. 69. Two monument signs are proposed not to exceed eight foot in height. One is proposed on the Highway 69 frontage and one is proposed on the Market Square Boulevard frontage. The applicant will not have a dumpster at the location. Thirty-eight percent of the lot will be landscaped. The applicant must also comply with any restrictions set forth by the Planning and Zoning Commission and the City Council.

On December 6, 2005, 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 appeared on behalf of the application.

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

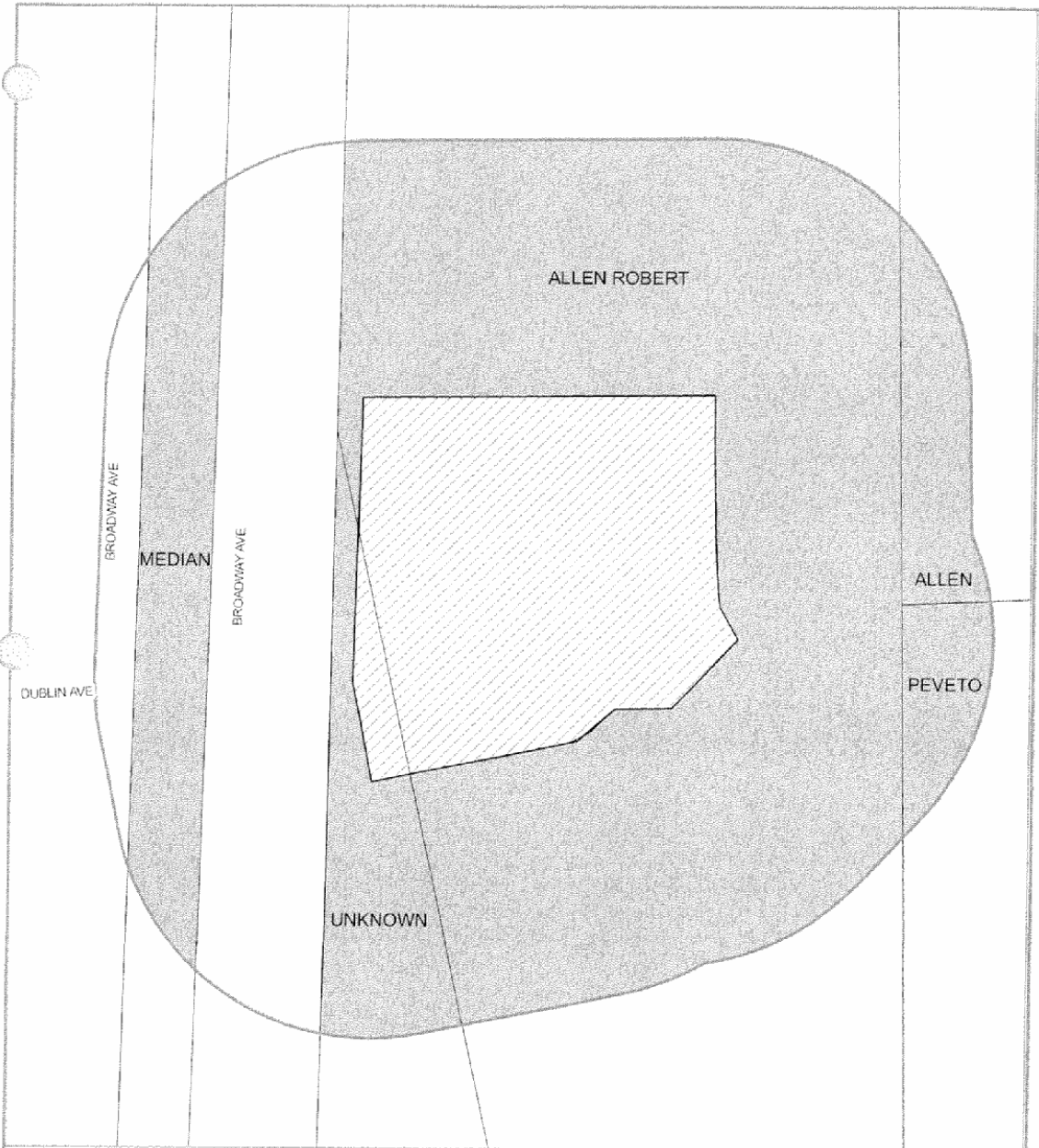
RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 5-0-1, recommends approval of the request for the final site development plan.



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



**Edited/Submitted By:
City Manager**



ZONING CASE

Zoning Case #: Z12-05-100
 Existing Zoning: PCD
 Applicant: Broadway South
 Citizens Bank



-  200' Notification Buffer
-  Subject Property



ZONING CASE

Zoning Case #: Z12-05-100
 Existing Zoning: PCD
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 Citizens Bank



-  200' Notification Buffer
-  Subject Property

ORDINANCE NO. 0-2006-5

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 “PCD” PLANNED COMMERCIAL DISTRICT FOR ZONING APPLICATION Z07-03-034 , A 1.69± ACRE PORTION OF TRACT 1 IN THE B. ROBBINS SURVEY A-825 LOCATED 1700± FEET NORTH OF THE INTERSECTION OF SKIDMORE LANE (FM 2413) AND SOUTH BROADWAY AVENUE, FRONTING 300± FEET ALONG THE EAST SIDE OF SOUTH BROADWAY AVENUE (THE 9000 BLOCK OF SOUTH BROADWAY AVENUE); 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 September 24, 2003, in Ordinance 0-03-48, established zoning on this property as “PCD” pursuant to the zoning ordinance, in accordance with a conceptual development plan and the rules/restrictions in the “Cumberland Park Commercial Standard and Guidelines”, 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 December 6, 2005, voted 5-0-1 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 0-03-48, as follows:

I. APPLICATION Z12-05-100

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:

A 1.69± acre portion of Tract 1 in the B. Robbins Survey A-825, located 1700± feet north of the intersection of Skidmore Lane (FM 2413) and South Broadway Avenue, fronting 300± feet along the east side of South Broadway (the 9000 block of South Broadway),

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:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

