



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-10

Date: January 11, 2006

**Subject: APPLICATION Z12-05-101 BROADWAY SOUTH DEVELOPMENT
(AUSTIN 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 2± acre portion of Tract 1 in the B. Robbins Survey A-825 located 1750± feet north of the intersection of Skidmore Lane (FM 2813) and South Broadway Avenue, fronting 276± feet along the east side of South Broadway Avenue (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 final 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 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 5,490 square foot building with future expansion of 3,500 square feet. The side setback from the west of the property will be approximately 120 feet, with a 95 foot front setback, an 80-foot rear setback, and a 70-foot side setback on the east side of the property. Thirty-one parking spaces are proposed, with 15 additional spaces for future expansion. The Tyler Code of Ordinances requires a minimum of fifteen spaces and will require a minimum of twenty-three spaces at the time of expansion. The proposed 31 spaces exceed the Ordinance requirement. Seven drive-thru lanes are proposed, with one lane an ATM lane. The site plan also shows an additional future expansion for two additional drive-thru lanes. The dumpster will be located in the northeast corner of the property and is required by Ordinance to be screened. Access to the property will be from Market Square Boulevard. One monument sign is proposed, not to exceed 8 feet in height, and will be located on Highway 69.

The request is consistent with the future land use map, which shows the property to be commercial.

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 change.

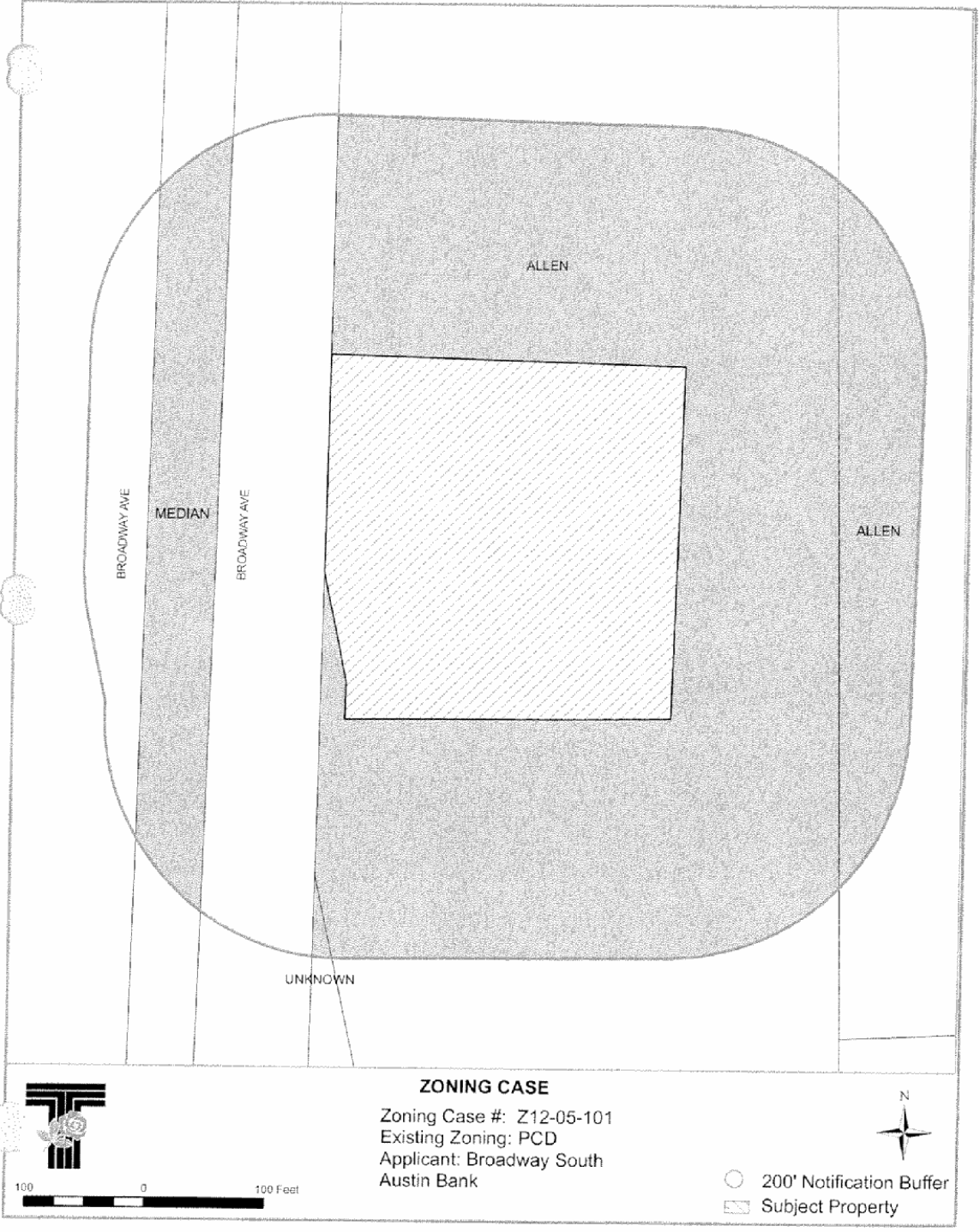
RECOMMENDATION:

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 #: Z12-05-101
Existing Zoning: PCD
Applicant: Broadway South
Austin Bank



- 200' Notification Buffer
- ▨ Subject Property

ORDINANCE NO. 0-2006-6

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 2± ACRE PORTION OF TRACT 1 IN THE B. ROBBINS SURVEY A-825 LOCATED 1750± FEET NORTH OF THE INTERSECTION OF SKIDMORE LANE (FM 2813) AND SOUTH BROADWAY AVENUE, FRONTING 276± 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, 2005, in Ordinance 0-03-048, 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 0-03-048, as follows:

I. APPLICATION Z12-05-101

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 2± acre portion of Tract 1 in the B. Robbins Survey A-825 located 1750± feet north of the intersection of Skidmore Lane (FM 2813) and South Broadway Avenue, fronting 276± feet along the east side of South Broadway Avenue (the 9000 block of South Broadway Avenue),

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:

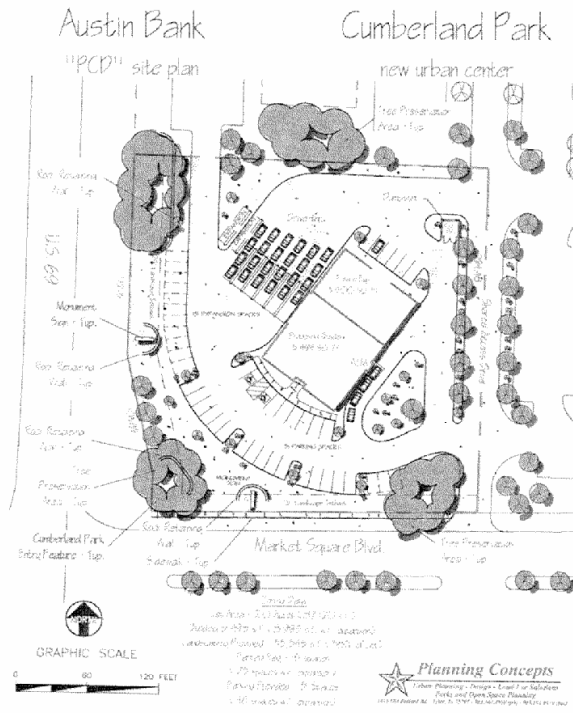
APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

Exhibit "A" to Ordinance 0-2006-6

EXHIBIT "A"



Planning and Zoning Department

