



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-9

Date: October 24, 2007

Subject: APPLICATION Z10-07-107A FURNITURE ROW LLC
Request that the City Council consider a request to approve a Final Site Development Plan on property zoned "PCD" Planned Commercial District for Lot 19-C of NCB 999-A of the Idelwilde Addition, Unit 2 as recorded in the Plat Records of Smith County in Cabinet C, Slide 17-C, one lot totaling approximately 0.9572 acres, located one lot west of the southwest intersection of Richmond Road and Loop 323 WSW (610 Loop 323 WSW).

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Item Reference:

The applicant is requesting approval of a final site development plan on property zoned "PCD".

Section 10-230, "PCD" Planned Commercial Development District, allows for commercial development that will be situated close to residential development requiring development criteria that 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.

Steve Roosth is acquiring the Furniture Row location at 610 Loop 323 WSW. The store is part of a large planned commercial development that required site plan approval for each development. The site plan for the Furniture Row portion is not in City records, so Mr. Roosth seeks to memorialize the existing construction and parking on the site as an after-the-fact site plan. Approval of the site plan guarantees zoning compliance at this time.

The original site plan was constructed for a furniture store with internal warehousing, resulting in 34 parking spaces. This ratio is not sufficient to meet current parking standards and renders the site unusable for any use save a furniture store with a healthy set-aside for internal warehousing.

As part of this process, Mr. Roosth is seeking two variances from the Board of Adjustment: one for the parking ratio for the retail store and one for smaller parking spaces at the southeast corner of the site that will be restricted to "Employee Only" parking.

In the upcoming code rewrite flowing from the Tyler 21 process, the consultant, community and professional staff are analyzing current parking ratios for applicability to today's parking needs.

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We have realized that the current retail parking ratio of one space for every 200 square feet of building area (1:200) is substantially more than what is needed. For many sites, this culminates in a sea of unused parking that might better be used as landscaping, or otherwise put into productive use.

The national standard for retail sites is one parking space for every 300 square feet (1:300), a ratio that we are likely to recommend with the upcoming code change. Mr. Roosth is asking that the Board of Adjustment--the Board with the authority to hear such variances from adopted standards---approve this amended ratio for the Furniture Row site. This will allow him to market the property to a wider range of clients and allow the building to be put back into productive use when the Furniture Row business vacates the site and moves to a new location west of the Mansions on the Cascades on the southwestern portion of Loop 323.

The site plan before you demonstrates the on-the-ground construction as well as the small striped "Employee Only" area mentioned above. These requests were presented to the Board of Adjustment at the October 15, 2007, meeting, the Board of Adjustment, by a vote of 5-0, approved both the parking ratio variance to allow a parking ratio of 1:300 and the variance for a limited number of reduced parking stalls from 9'x 18' to 9'x 16 ¼'. The eight parking stalls will be striped and labeled as an "Employee Only" parking area.

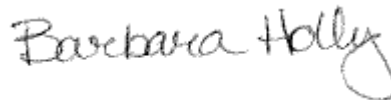
The site plan before you complies with current standards for setbacks and parking allocation for restricted uses. Mr. Roosth has also provided increased landscaped areas to recognize the community's desire for more greenspace although none was required when the original site was developed.

Of the 13 notices mailed, one notice was returned in favor of the application and no notices were returned in opposition to the request.

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

RECOMMENDATION:

The Planning and Zoning Commission, by a vote of 7-0, recommends approval of the amended site plan.



Drafted/Recommended By: Barbara Holly

Department Leader

Edited/Submitted By:

City Manager



ZONING CASE

Zoning Cases #: Z10-07-107A
 Existing Zoning: PCD Proposed Zoning: PCD
 Applicant: FURNITURE ROW USA, LLC



Subject Property
 200' Notification Buffer

ORDINANCE NO. O-2007-119

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; DIRECTING THE AMENDMENT OF THE ZONING MAP; 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;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:

PART 1: That the following zone change is hereby approved as follows:

I. APPLICATION Z10-07-107A

That the amended site development plan, attached hereto as Exhibit "A", is hereby approved for the following described property, to wit:

Lot 19-C of NCB 999-A of the Idelwilde Addition, Unit 2 as recorded in the Plat Records of Smith County in Cabinet C, Slide 17-C, one lot totaling approximately 0.9572 acres, located one lot west of the southwest intersection of Richmond Road and Loop 323 WSW (610 Loop 323 WSW),

and in accordance with the site development plan attached hereto as Exhibit "A".

PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning change.

PART 3: 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 4: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 24th day of October, A.D., 2007.

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 0-2007-119

