



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-8**

**Date: February 28, 2007**

**Subject: APPLICATION Z02-07-007A LOSTON TAYLOR**  
**Request that the City Council consider a request for final site development plan approval for Zoning Application Z10-06-093A on Lot 12 of NCB 744, one lot totaling approximately .93 acres located approximately 967 feet east of the intersection of SSW Loop 323 and Chandler Highway (3409 Chandler Highway). This property fronts 128± feet along the north side of Chandler Highway with a maximum depth of 319± feet (3409 Chandler Highway).**

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**Item Reference:**

The applicant is requesting final site development plan approval for the development of a daycare facility. The property is currently zoned "PCD" Planned Commercial District.

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. The adopted site plan guidelines require significant changes in the "PCD" Site Development Plan be referred 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.

Staff has reviewed the application and states that the property to the north and south are zoned "R-1A" Single-Family Residential District, property to the east and west are zoned "RPO" Restricted Professional and Office District.

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The applicant has submitted a site plan, which shows an existing single family (2,150) ft<sup>2</sup> structure that will be remodeled for a daycare. The side setbacks are 22' feet, 125' feet from the rear property line, and 70' feet from the front property line. Five parking spaces have been identified on the site plan; meeting the minimum number required by the City of Tyler Ordinance. One access point is provided at Chandler Highway. Additionally, one monument sign is proposed not to exceed eight feet in height located near the Chandler Highway access point. The minimum landscape requirement is met as demonstrated on the site plan. A six foot fence is provided around the play area.

Staff states this would be a beneficial development for the area and will provide a service to the neighborhood. The site plan is attached for your review and approval (Exhibit A).

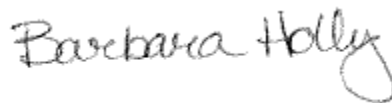
Of the 16 notices mailed; one notice was returned in favor of the application and no notices were returned in opposition to the request.

On February 6, 2007, 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.

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 7-0, recommends approval of the final site development plan.

A handwritten signature in cursive script that reads "Barbara Holly".

**Drafted/Recommended By: Barbara Holly**  
**Department Leader**

**Edited/Submitted By:**  
**City Manager**

**ORDINANCE NO. O-2007-19**

**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 Z02-07-007A**

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:

Lot 12 of NCB 744, one lot totaling .93± acres located 967± feet east of the intersection of SSW Loop 323 and Chandler Highway. This property fronts 128± feet along the north side of Chandler Highway with a maximum depth of 319.46± feet (3409 Chandler Highway),

as shown on the drawings attached hereto as Exhibit "B" and "C".

**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 28<sup>th</sup> day of February, A.D., 2007.

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

A T T E S T:

APPROVED:

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CASSANDRA BRAGER, CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT "A" to ORDINANCE 0-2007-19

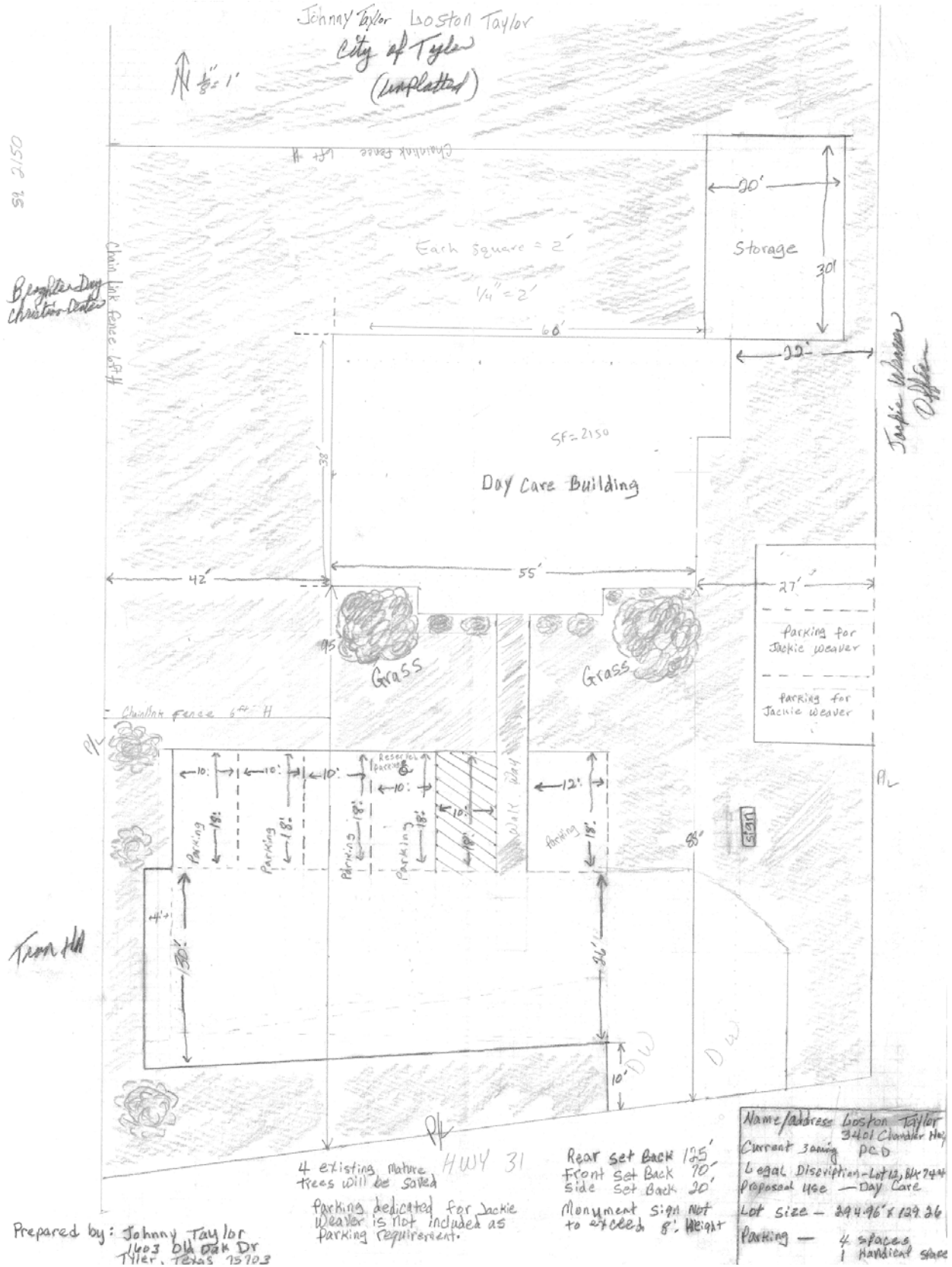


EXHIBIT "B" TO ORDINANCE 0-2007-19

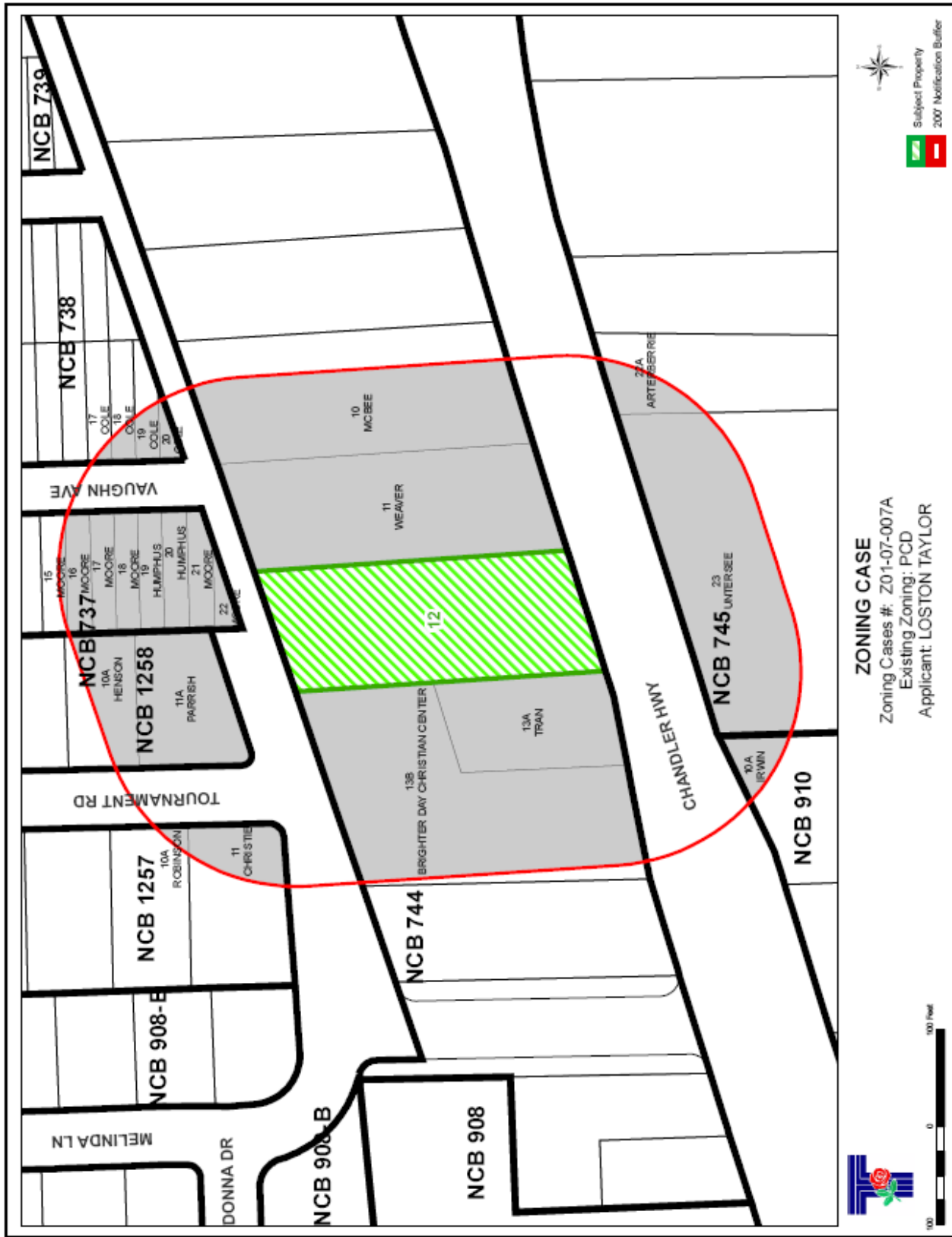
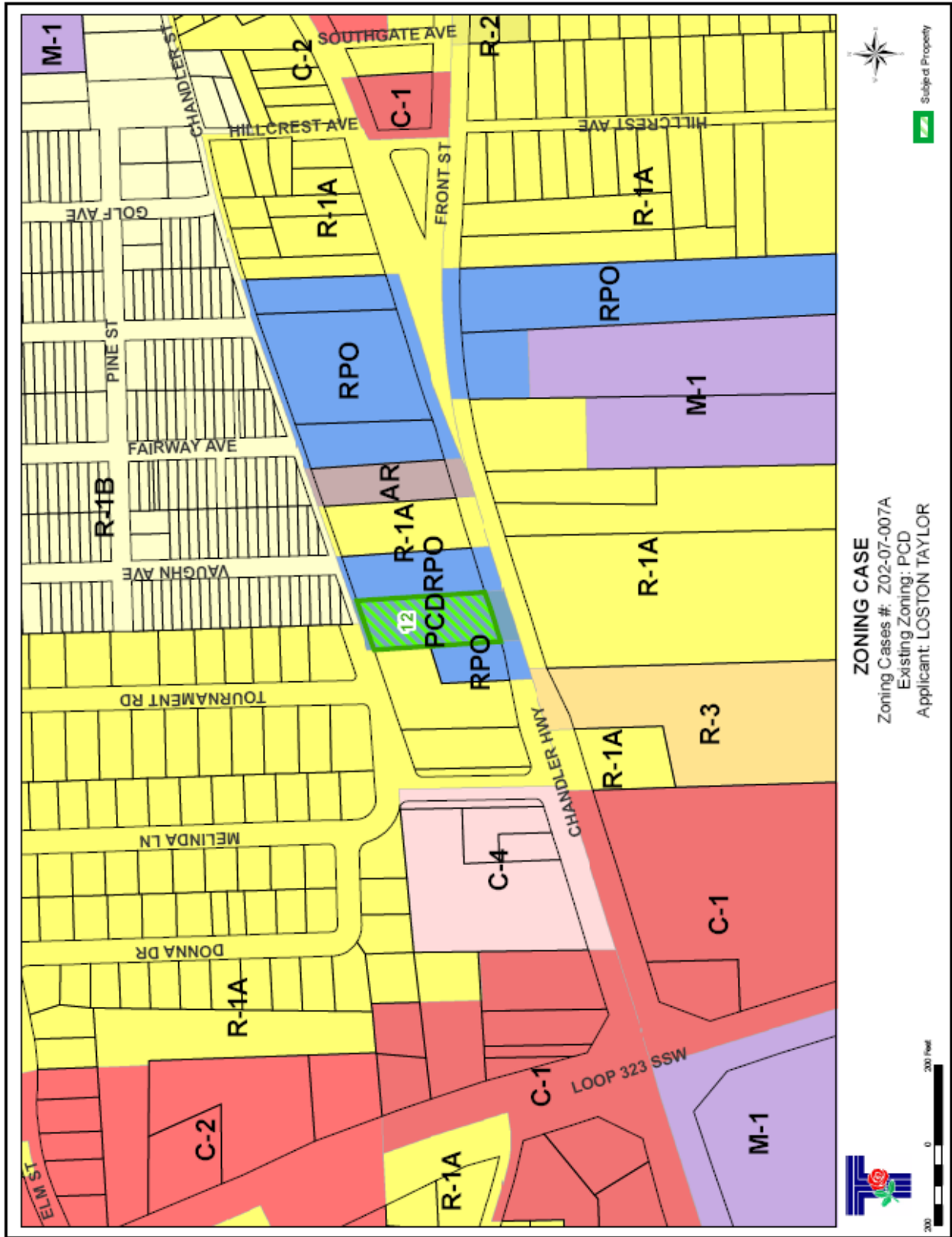


EXHIBIT "C" TO ORDINANCE 0-2007-19



**ZONING CASE**  
Zoning Cases #: Z02-07-007A  
Existing Zoning: PCD  
Applicant: LOSTON TAYLOR



0 200 Feet