



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-6

Date: July 25, 2007

Subject: **APPLICATION Z06-07-056B LAWRENCE ANDERSON**
Request that the City Council consider a request to change the zoning from "POD" Planned Office District and "RPO" Restricted Professional Office District to "PCD" Planned Commercial Development with final site development plan on Lot 1A of NCB 1441, together with Lots 1, 2, and 4 of NCB 1539W of The Woods Plaza, Unit 1 Subdivision as recorded in Cabinet D, Slide 328A of the Deed Records of Smith County. This site is approximately 13.47 acres located southeast of the intersection of University Drive and Lazy Creek Drive, on the east side of Lazy Creek Drive (3504 Lazy Creek Drive, and 3215 and 3225 University Boulevard).

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Item Reference:

The Tyler Museum of Art is requesting this zone change in order to develop the site for the museum. The museum has outgrown its current location on the Tyler Junior College campus and is seeking a home that will accommodate the museum's current needs as well as future expansions.

Section 10-230, "Planned Commercial Development District", allows for commercial development that will be located close to dwellings requiring development criteria to 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 and do not have an adverse effect on the use of immediately adjacent properties.

The chosen site abuts University Drive on its north, with the University of Texas on the north side of University Drive; Lazy Creek Drive on its west, with C-1 development; and the Woods subdivision, zoned R-1A, on its south and west. As the footprint of the building is not yet known, the applicants have submitted a development plan coupled

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with performance standards that identifies the maximum development for this property.

They are pledging to limit the building coverage to no more than 20 percent of the property (or one-third what would be allowed by right), with no more than 25 percent of the property devoted to parking, along with roads, walkways, paved garden and seating areas occupying an additional 25 percent of the property. This leaves a minimum of 30 percent open space on the land.

The applicants have depicted this visually on a development plan. While it does not rise to the detail of a site plan, it does provide set locations for each of the uses to occur. It is the museum's intent to request the Planned Commercial District with these development parameters, following up with a detailed site plan for Planning Commission and City Council approval prior to construction.

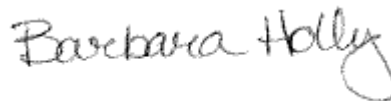
The Museum of Art has held two neighborhood meetings to discuss these concepts with the neighbors. One meeting was held in April, with a second meeting on June 13th. The plan was favorably received by the neighbors, with the request that additional green space be provided on the east side of the property. With the museum's commitment to be a good and sensitive neighbor, the affected neighbors endorsed the museum's plan.

On June 19, the Planning and Zoning Commission held a public hearing on this request. Of the 36 notices mailed, six notices were returned in favor of the application and three were returned in opposition to the request comprising 1.42 percent protest.

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

RECOMMENDATION:

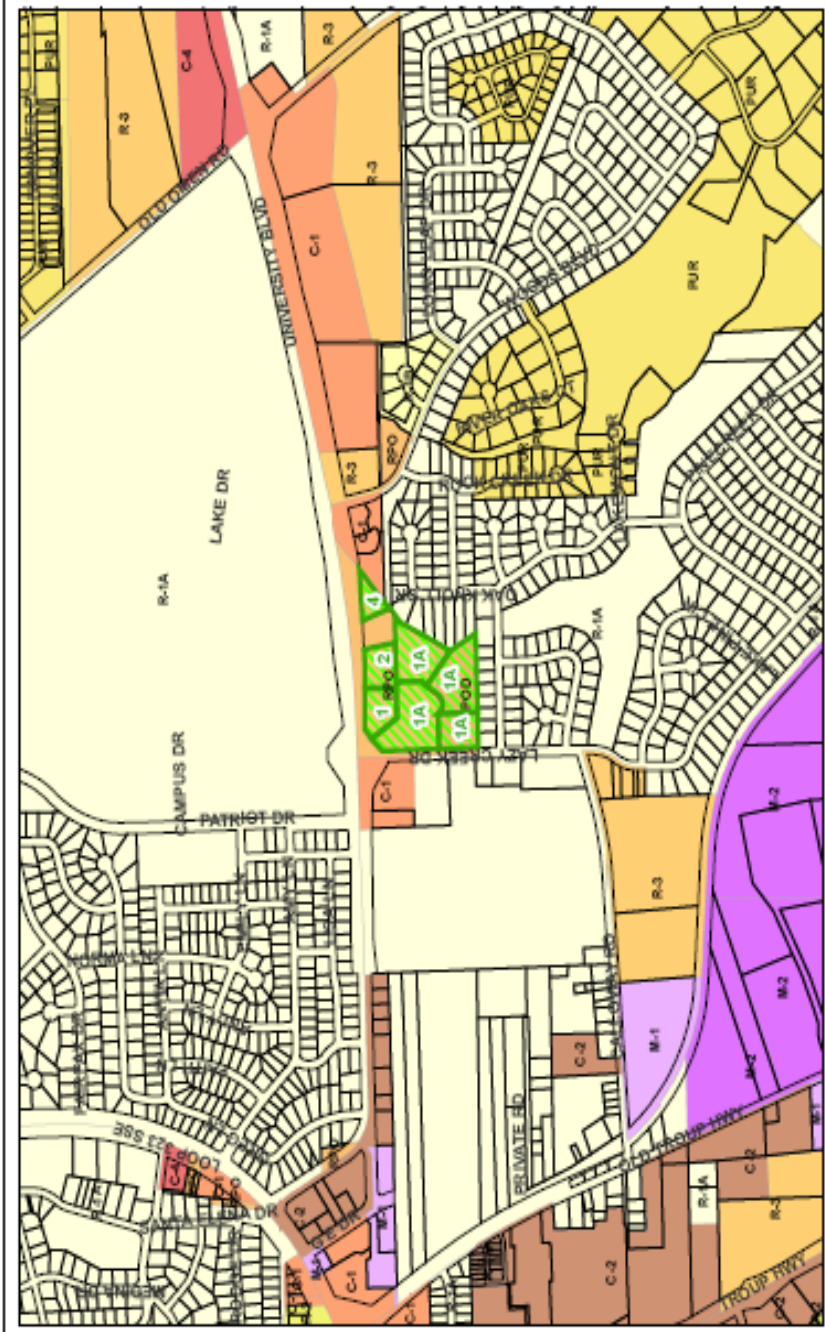
The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the request to change the zoning from "POD" Planned Office District and "RPO" Restricted Professional Office District to "PCD" Planned Commercial District, subject to the performance standards and development plan, with final site plan approval in accordance with these standards prior to construction.



**Drafted/Recommended By:
Department Leader**

**Barbara Holly
Director of Planning**

**Edited/Submitted By:
City Manager**



ZONING CASE
 Zoning Cases #: Z06-07-0668
 Existing Zoning: PCD and RPC Proposed Zoning: PCD
 Applicant: LAWRENCE ANDERSON



0 50 100 Feet

ORDINANCE NO. O-2007-82

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 Z06-07-056B

That the following described property, which has heretofore been zoned “POD” Planned Office District and “RPO” Restricted Professional Office District, shall hereafter bear the zoning classification of “PCD” Planned Commercial District with final site development plan approval, to-wit:

Lot 1A of NCB 1441, together with Lots 1, 2, and 4 of NCB 1539W of The Woods Plaza of The Woods Plaza, Unit 1 Subdivision as recorded in Cabinet D, Slide 328 A of the Deed Records of Smith County. This site is approximately 13.47 acres located southeast of the intersection of University Drive and Lazy Creek Drive, on the east side of Lazy Creek Drive (3504 Lazy Creek Drive, and 3215 and 3225 University Boulevard), subject to the performance standards and development plan as shown in Exhibit “A”,

in accordance with the site development plan attached hereto as Exhibit “B” .

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 25th day of July, A.D., 2007.

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

A T T E S T:

A P P R O V E D:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

**EXHIBIT "A" TO ORDINANCE O-2007-82
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EXHIBIT "A"

**Tyler Museum of Art
Development Standards for Construction**

Booziotis & Company Architects
DRAFT
April 23, 2007, Revised May 9, 2007.

Property Area Calculations

Total Property Area ---13.47 Acre

Maximum Lot Coverage

Building Structure not to exceed 20% Property Area
(Note: C-2 Sec 10-226 d.2 allows maximum coverage of 60%)

Maximum Parking Area

Area of parking not to exceed 25% of Property Area

Maximum Lot Coverage for Grade Level Improvements

Areas including, but not limited to roads, paved walkways, paved garden and seating areas, shall not exceed 25% of the Total Tract Area
(Note: This 25% is in addition to the 25% allocated to Parking)

Minimum Open Space

Definitions

Greenbelt Easement

Undisturbed easement 1.322 AC at south and southeast lot lines of Tract Two. (approximately 10.19 % of Total Tract Area)

"Open Space"

May include, but not limited to

- Trails, walkways and decks
- Gazebo, trellis, or other covered accessory structure with open sides
- Paved amphitheater with no permanent cover
- Benches or other outdoor furniture
- Sculpture, temporary art installations

"Open Space" Area

Area of Open Space to be 30% minimum of the Total Property Area, inclusive of the Greenbelt Easement

Height Restriction

Building Structure (see Maximum Lot Coverage above) is to be limited to four stories with the exception that 2.5% of the Total Property Area, may exceed four stories.
(Note, PCD Sec 10-230 e.5, allows one foot over 45' for each foot of setback in excess of the minimum.)

Building Structure Setbacks from the Property Line

Spur 248 Lot Line from Lazy Creek Road to "Lot 3"

Seventy-five feet (75') setback

(Note: PCD Sec 10-230e. 1. (b) allows minimum setback of fifteen (15') to any public street right-of-way)

**EXHIBIT "A" TO ORDINANCE O-2007-82
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Lazy Creek

Fifty feet (50') setback

(Note: C-2 Sec 10-226 d.1. (c) allows minimum setback of fifteen feet(15') to the street, on a corner lot, at the side yard. PCD Sec 10-230e. 1. (b) allows minimum setback of fifteen (15') to any public street right-of-way.)

South Lot line

Sixty Foot (60') Existing Greenbelt Easement

(Note: C-2 Sec 10-226d.1(b) allows minimum rear yard setback of twenty-five feet (25') between the main structure and the rear property line.)

Spur 248 Lot Line from "Lot 3" to easternmost corner of property

Twenty-five feet (25')

(Note: C-2 Sec 10-226 d.1. (a) Minimum setback of twenty-five feet (25') between any structure and the front property line.)

Other side setbacks, not included in Greenbelt Easement

Ten feet (10') minimum side yard setback between any structure and the side property line abutting commercial use.

Fifteen feet (15') minimum side yard setback between any structure and the side setback abutting residential use.

(Note: C-2 Sec 10-226 d.1.c allows minimum ten feet (10') between any structure and the side property line when abutting any residentially zoned district.)

Fences and Walls

Height limitations to follow City Code Sec.10-242. Fences/Walls

For purposes of defining fence/wall setbacks on street frontage, per 10-242 b. 1, 2, and 3., use a front and side setback of fifteen feet (15').

(Note: As a reference for the fence setback, see PCD Sec 10-230e. 1. (b), which allows minimum setback of fifteen (15') to any public street right-of-way.)

Fences adjoining residential property shall conform to standards in place for those residential properties.

Permitted Uses

Primary Use: Art museum

Secondary Uses:

Art gallery

Indoor and outdoor display of works of art

Landscaping, gardens, amphitheater, footpaths, bridges and water features

Lighting, drives, parking and loading dock

Security fence

Food and beverage service

Shops

Board Room, Meeting Rooms

Classrooms

Kitchen

Storage space

Painting, sculpting and other art classes

Office

Workshop

Artist Studio

Conservation Laboratories, Photography Studio

EXHIBIT "A" TO ORDINANCE O-2007-82
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Weddings, receptions and other events
Art Fairs/ Festivals
Performances including outdoor performances
Other uses and improvements consistent with the non-profit purposes of TMA
(the "Museum Uses and Improvements")
Other uses permitted under the terms of the Declaration of Covenants

Acoustical and Artificial Lighting Restrictions

There shall be no outdoor amplification of sound after 10:30 p.m.
There shall be no outdoor performances after 10:30 p.m.
All lighting shall be directed away from abutting residential areas

Points of ingress and egress from existing public streets

There shall be one major access from Spur 248 as located and approved by the City of Tyler in conjunction with regulatory agencies.
There may be two minor access points from Lazy Creek, as located and approved by the City of Tyler in conjunction with regulatory agencies.

Site Plan Requirement

Tyler Museum of Art agrees to submit a final site development plan as part of the building permit process; however, they are requesting these development standards be approved in lieu of the final site development plan as required by Planning and Zoning Commission and the City Council (Section 10-206).

Should the site plan not meet the development standards set forth by this document, then the Tyler Museum of Art would be required to seek site plan approval by Planning and Zoning Commission and City Council as per Section 10-206 of the City of Tyler Code of Ordinances.

Additionally, shall the property not develop according to the Permitted Uses section, then the development standards would be considered null and void and formal site development plan approval by Planning and Zoning Commission and City Council would be required as per Section 10-206 of the City of Tyler Code of Ordinances.

Deed Covenants and Restrictions:

Agreement for Amendment of Declaration of covenants and Restrictions for the Woods Plaza, April 16, 2007.

To be included with PCD application:

Preliminary Plat, showing metes and bounds, easements, legal description
Topographical Survey (minimum contour lines at five foot intervals)

References for this Draft Report

City of Tyler, Texas, Code Ordinances
Section 10-230 PCD Planned Commercial Development District
Section 10-226 C-2 General Commercial District
Section 10-242 Fences/Walls
Section 10-203, Use Chart
Tyler Planning and Zoning Staff --- 903 531 1175
Planning Concepts - Tyler, Texas

