



**CITY OF TYLER  
COUNCIL COMMUNICATION**

**Agenda Number:** Z-2

**Date:** January 9, 2008

**Subject:** **APPLICATION S11-07-011B DAVID WEAVER**  
Request that the City Council consider a request for a Special Use Permit to allow for a drive-thru window for a Subway Restaurant for an indefinite period on Lot 1 of NCB 1548 of the Grande Place Subdivision as recorded in Cabinet B, Slide 341C of the Plat Records of Smith County, Texas, one lot totaling approximately 1.46 acres located on a portion of the lot at the southeast intersection of Grande Boulevard and Old Jacksonville Highway (2330 West Grande Boulevard). The property is currently zoned "C-1" Light Commercial District.

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**Item Reference:**

Section 10-245, "Special Use Regulations", states that the governing body may, by ordinance, grant a special permit for special uses in any district as herein qualified, which uses are otherwise prohibited by this ordinance and shall impose appropriate conditions and safeguards, including a specified period of time for the permit. No Special Use Permit shall be issued unless the governing body determines the proposed building or use will not (a) substantially increase traffic hazards or congestion; (b) substantially increase fire hazards; (c) adversely affect the character of the neighborhood; (d) adversely affect the general welfare of the community; or (e) overtax public utilities.

The adjacent property to the east is zoned PCD. The properties to the west are zoned AG. The properties to the north and the south are zoned C-1.

Staff has reviewed the parking and drive-thru site plan and all staff comments have been addressed. The addition of a drive-thru window will not adversely affect access to or across the site.

Of the six notices mailed, no notices were returned in favor of or in opposition to the application.

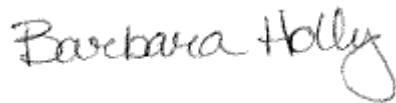
All other departments have reviewed this request and anticipate no significant impact on services or facilities by the proposed change.

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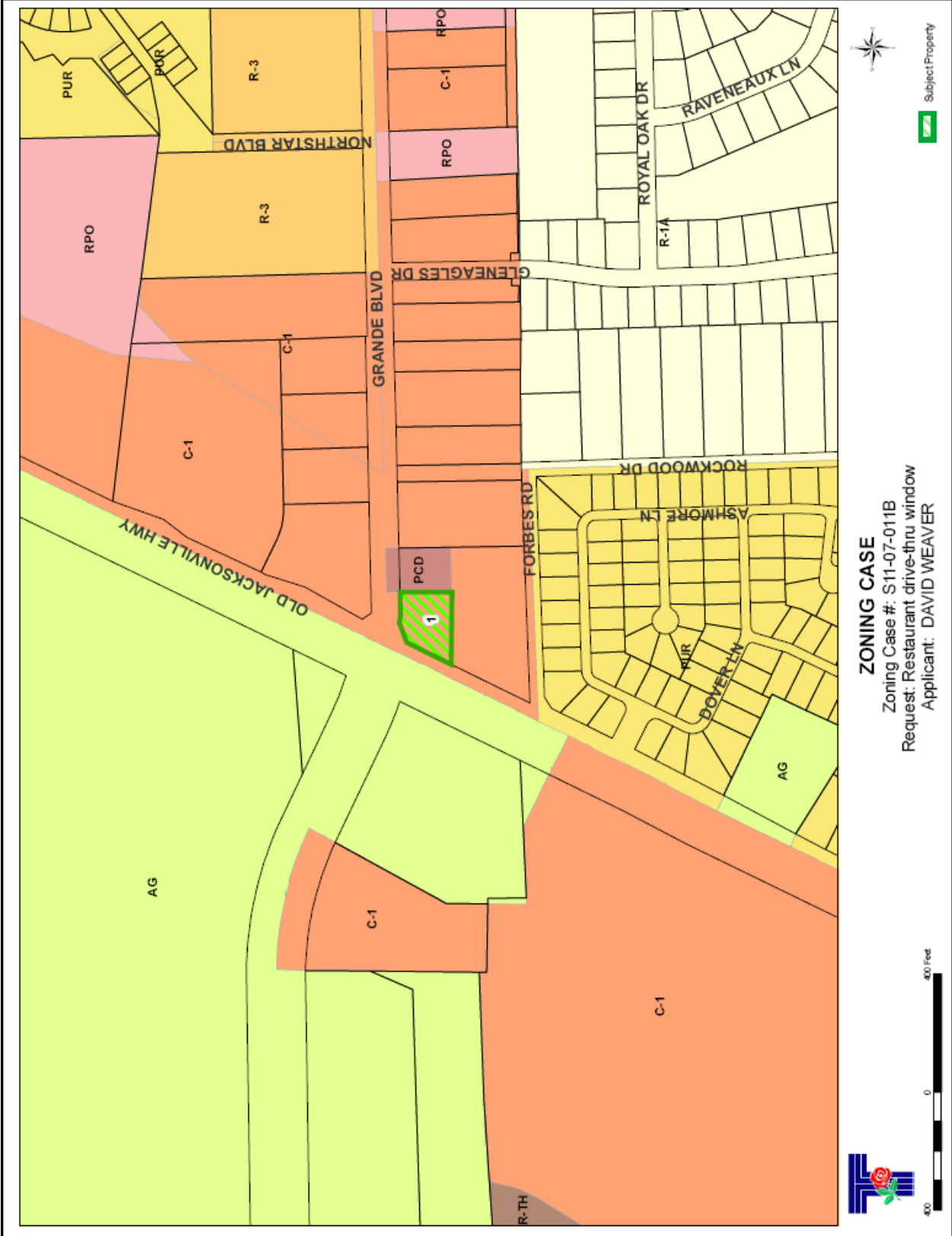
**RECOMMENDATION:**

The Planning and Zoning Commission, by a vote of 5-0, recommends approval of the Special Use Permit to allow for a Subway Restaurant for an indefinite period.

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

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

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



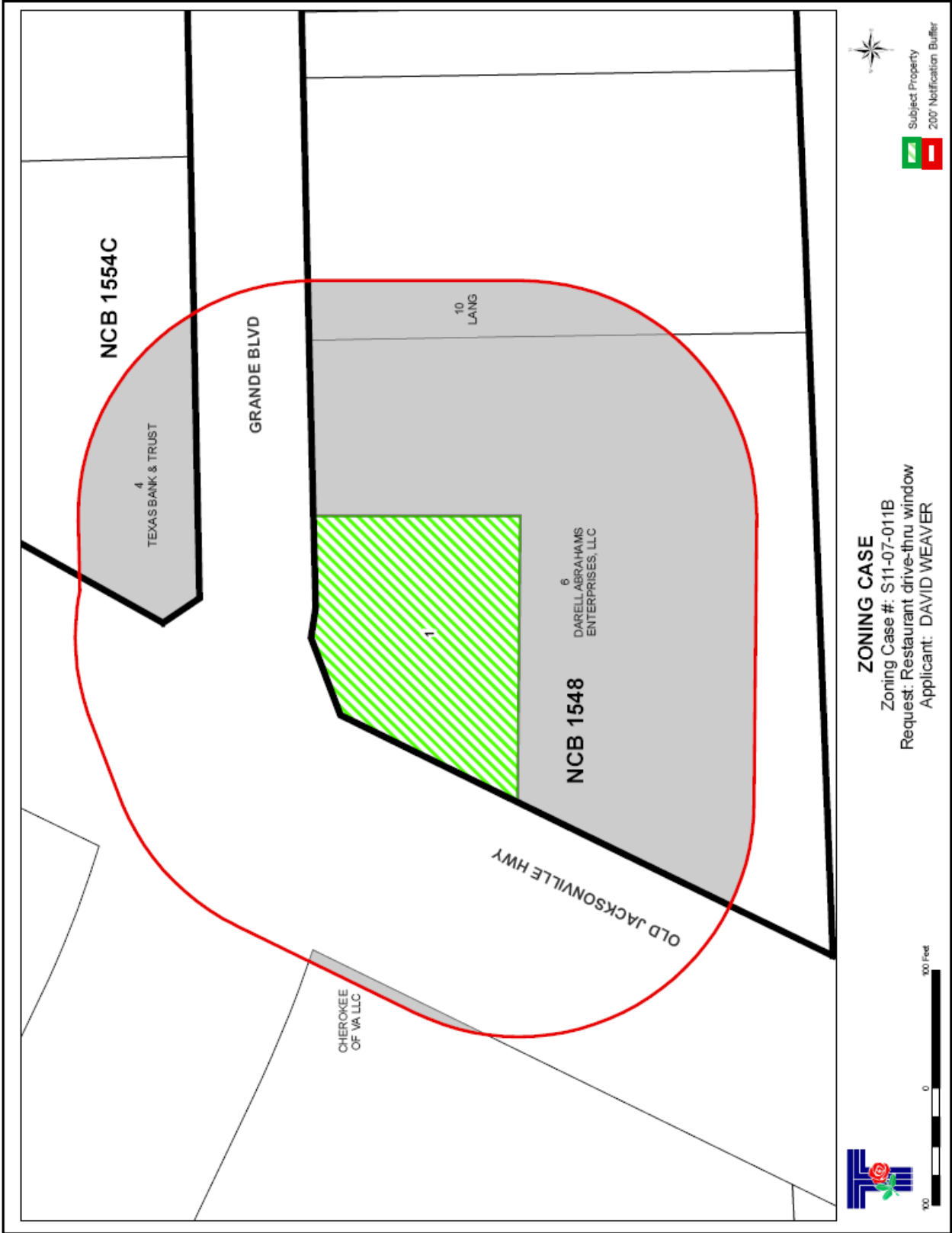
Subject Property

**ZONING CASE**

Zoning Case #: S11-07-011B  
 Request: Restaurant drive-thru window  
 Applicant: DAVID WEAVER

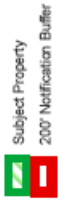


400 Feet



**ZONING CASE**

Zoning Case #: S11-07-011B  
Request: Restaurant drive-thru window  
Applicant: DAVID WEAVER



**ORDINANCE NO. O-2008-2**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; AND APPROVING SPECIAL USES; 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 special use 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 special use is hereby approved as follows:

**I. APPLICATION S11-07-011B**

That the following described property, which is currently zoned “C-1”, shall hereafter be used under a new special use permit to allow for a drive-thru window for a Subway Restaurant for an indefinite period, to wit:

Lot 1 of NCB 1548 of the Grande Place Subdivision as recorded in Cabinet B, Slide 341C of the Plat Records of Smith County, Texas,

in accordance with the site 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 the 9<sup>th</sup> day of January, A.D., 2008.

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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

