



**CITY OF TYLER
CITY COUNCIL COMMUNICATION**

Agenda Number: Z-13

Date: February 27, 2008

Subject: **APPLICATION Z01-08-028B HOOPER TYLER PROPERTIES**
Request that the City Council consider a request to amend the existing site plan on property zoned "PCD" located on Lot 12B of NCB 999F of the Peyton McKnight Subdivision, located approximately 600 feet north and west of the intersection of Old Bullard Road and Rice Road (4815 Old Bullard Road).

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Item Reference:

The applicant is requesting to revise the site plan to amend the parking space requirement to one space per 300 square feet of building area for the retail space, and to allow blade signage that mounts perpendicular to the building.

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 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.

The adjacent properties to the north and east are currently zoned "PCD" Planned Commercial District and properties to the west are zoned "R-1A" Single Family Residential. Properties to the south are zoned "C-1" Light Commercial District.

The approved site plan was phased and the applicant is developing phase two at this time. With the construction of the additional building, the applicant cannot provide the current parking ratio for retail which is a 1:200 ratio. The applicant is proposing that the parking ratio of 1:300 be

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used to calculate the parking allowance. Upon research with other cities and discussions with the Tyler 21 committee, it has been determined that the current retail off-street parking requirements are excessive. The Tyler 21 committee (with staff support) recommends a new standard for the retail off-street parking requirement to be one space for each 300 square feet of floor area. In light of the proposed recommendation for a more realistic off-street parking requirement, staff finds this to be a reasonable request. The development is mostly retail except for a small coffee shop and the parking calculation for the coffee shop will remain 1:100 as required for restaurants in the ordinance. Tyler City Code Section 10-206 authorizes the City Council and Planning and Zoning Commission to establish within Planned Districts specific requirements in a site development plan that show the proposed size, elevations, location and arrangement of parking areas. Section 10-206 also allows for the arrangement of and number of parking spaces in the site development plan.

The applicant is also proposing to allow a blade sign that mounts perpendicular to the building. The blade sign will project 42 inches from the building wall. The sign location is at the Caffè Tazza: the coffee shop is located internal to the shopping center. The sign projects over the sidewalk. With no street frontage the location of the blade sign allows visibility for the coffee shop from Old Bullard Road and is aesthetically pleasing.

Of the 11 notices mailed, no notices were returned in favor of the request and one notice of opposition was returned. This calculates to a 4.82% of protest. At the January 15, 2008 Planning and Zoning Commission meeting, Harley Hooper, the property owner and Robert Means, agent for the property owner, spoke in favor of the application. Sam Price, an adjacent property owner, spoke in favor of the application, provided that Harley Hooper provides fencing and landscaping along Mr. Hooper's property line. Mr. Price felt that the fencing and landscaping would buffer his property from the noise, lights and additional traffic that the Phase Two development would cause.

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

RECOMMENDATION:

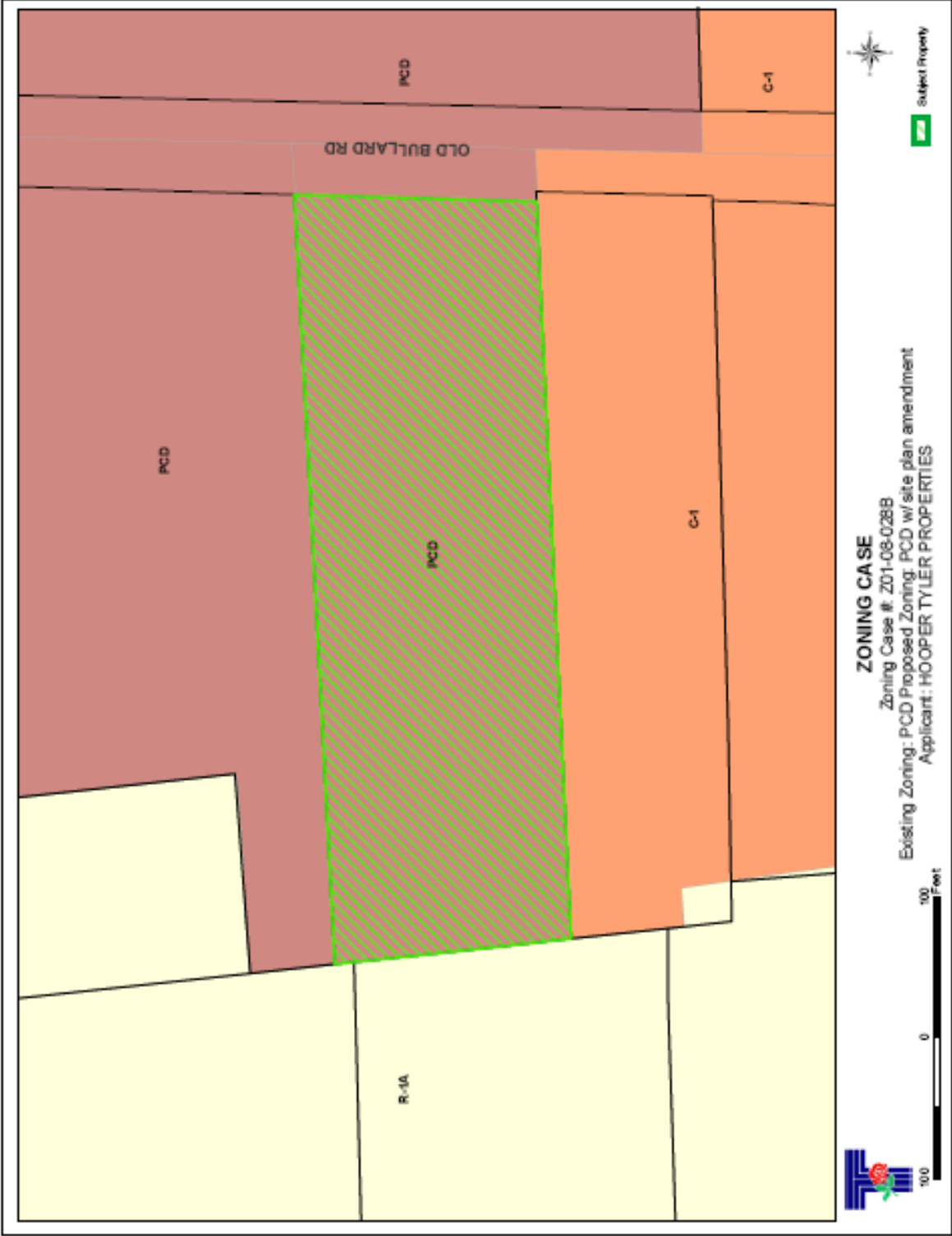
The Planning and Zoning Commission, by a vote of 6-0, recommends approval of the amended site plan to allow for a parking ratio of 1:300 for the site (with the exception of the restaurant pad site that will be required to have 1:100 parking ratio) and to allow for the blade sign for Caffè Tazza with the understanding that Mr. Hooper and Mr. Means agree to build a wood privacy fence along their back property line to the front of the building (to match the height of the existing fence), as well as plant tall shrubbery up to the first parking space.

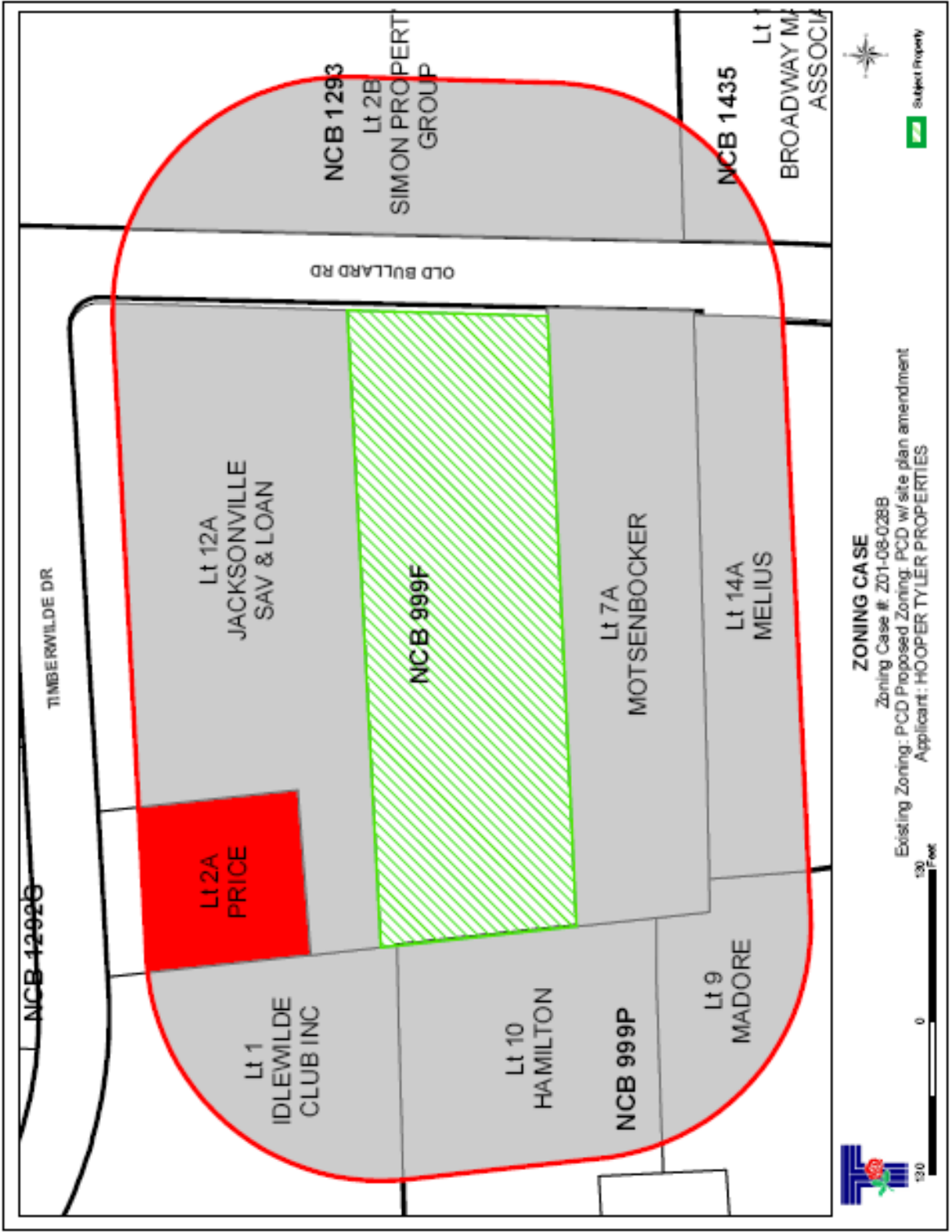


Drafted/Recommended By: Barbara Holly

Department Leader

**Edited/Submitted By:
City Manager**





NCB 12926

TIMBERWILDE DR

OLD BULLARD RD

Lt 12A
JACKSONVILLE
SAV & LOAN

Lt 12A
PRICE

Lt 1
IDLEWILDE
CLUB INC

Lt 10
HAMILTON

NCB 999P

Lt 9
MADORE

NCB 999F

Lt 7A
MOTSENBOCKER

Lt 14A
MELIUS

NCB 1293
Lt 2B
SIMON PROPERT
GROUP

NCB 1435

Lt 1
BROADWAY MK
ASSOCIAT



130 0 130 Feet

ZONING CASE

Zoning Case #: 201-08-028B
Existing Zoning: PCD Proposed Zoning: PCD w/ site plan amendment
Applicant: HOOPER TYLER PROPERTIES



Subject Property

ORDINANCE NO. O-2008-32

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 Z01-08-028B

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

Lot 12B of NCB 999F of the Peyton McKnight Subdivision, located approximately 600 feet north and west of the intersection of Old Bullard Road and Rice Road (4815 Old Bullard Road),

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 27th day of February, A.D., 2008.

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

A T T E S T:

APPROVED:

CASSANDRA BRAGER, CITY CLERK

CITY ATTORNEY

