

ORDINANCE NO. O-2008-111

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY CHANGING THE ZONING FROM "AG", AGRICULTURAL DISTRICT, "C-1", LIGHT COMMERCIAL DISTRICT, "PCD", PLANNED COMMERCIAL DEVELOPMENT DISTRICT AND "R-2", TWO-FAMILY RESIDENTIAL DISTRICT TO "PMXD-1", PLANNED MIXED-USE DISTRICT-1 ON LOTS 3B, 3E, 3F, 4, 4B, AND 5 OF NCB 1150 AND LOTS 1-14 OF NCB 999, 20 LOTS TOTALING APPROXIMATELY 15.70 ACRES LOCATED THREE LOTS NORTH OF THE NORTHEAST INTERSECTION OF CUMBERLAND ROAD AND SOUTH BROADWAY AVENUE (7918, 7920, 7922, 7924, AND 8300 SOUTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING 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 Z07-08-074B

That the following described property, which has heretofore been zoned "AG", Agricultural District, "C-1", Light Commercial District, "PCD", Planned Commercial Development District and "R-2", Two-Family Residential District shall hereafter bear the zoning classification of "PMXD-1", Planned Mixed-Use District-1, to-wit:

Lots 3B, 3E, 3F, 4, 4B, and 5 of NCB 1150 and Lots 1-14 of NCB 999, 20 Lots totaling approximately 15.70 acres located three lots north of the northeast intersection of Cumberland Road and South Broadway Avenue (7918, 7920, 7922, 7924, and 8300 South Broadway Avenue),

and in accordance with the Development Standards attached hereto as Exhibit "A", subject to the following conditions:

1. No building permits can be issued until construction plans or building plans addressing drainage have been approved.
2. The drainage master plan, option 2 to be approved as part of this site plan approval.

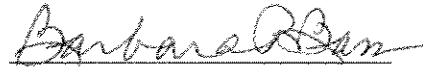
3. The issuance of the initial building permit for the development (Phase One) is contingent upon:
 - a. A drainage run-off coefficient of .3 for the site, resulting in a predevelopment amount of run-off;
 - b. Kids' Depot and Skateplex run-off are to be absorbed into the drainage system with Phase One; and
 - c. All off-site drainage improvements are to be constructed as part of Phase One.
4. An eight feet high masonry wall adjoining residential property to the north must be installed prior to the issuance of any vertical construction permits.
5. An eight feet masonry fence adjoining the residentially zoned property to the east of the development shall be installed prior to the issuance of any Certificate of Occupancy for uses within the 125 feet buffer area and prior to the Demolition of Victoria Park. (See Exhibit A)
6. Retaining walls, where provided, must be engineered when over four feet in height. The Development Standards for Construction are to be amended to specify explicitly when retaining walls are to be used and the design concept for such walls.
7. A 25 feet wide buffer must extend along the northern and eastern boundaries adjacent to any residential zoning or uses.
8. A 125 feet wide zone restricted to no more than two stories high, with no second floor windows facing the residential areas, must be placed adjacent to all exterior residential areas. (See Exhibit A)
9. No rear-facing windows will be allowed in the 125 feet height limited area (See Exhibit A).
10. All structures shall be constructed with a minimum of 75% percent of masonry coverage, exclusive of windows and doors. All permanent structures shall be compatible in architectural style, including the use of masonry elements such as brick, stone, cast stone, or other masonry material or similar quality and appearance as stated in the Development Standards for Construction.
11. All lighting shall be directed away from abutting residential areas and shall be designed and installed so that the level of illumination as measured in foot candles at a height of three feet at the property line does not exceed .2 foot candles in or adjacent to residential uses and 1 foot candle in or adjacent to non-residential areas as stated in the Development Standards for Construction.
12. An eight feet high masonry wall adjacent to the duplexes and the residential property to the east must be installed prior to demolition of the duplexes.
13. Eating establishments may not utilize drive-through windows.
14. Nightclub use requires site plan approval by the Planning and Zoning Commission and City Council.
15. Gas stations are limited to the Broadway frontage.
16. Eliminate those uses specified in 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 and that the Future Land Use Guide be revised to reflect Mixed-Use Center.

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 any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense. Since this ordinance has a penalty for violation, it shall not become effective until after its publication in the newspaper as provided by Section 85 of the Charter of the City of Tyler, Texas, which date is expected to be September 26, 2008.

PASSED AND APPROVED this the 24th day of September, A.D., 2008.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


MARY C. SANDERS, CITY ATTORNEY



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CUMBERLAND HOLDINGS L.L.C.
Development Standards for Construction

Prepared by: PLANNING CONCEPTS
3815 Old Bullard Road
Tyler, Texas 75701
DRAFT (Written Narrative to accompany PMXD-1)
Revised September 16, 2008

Requested Zoning Category

PMXD-1 Planned Mixed-Use District-1

Purpose as listed in the City of Tyler Unified Development Code, Division B, Section 10-25 District Purpose Statements: "Primarily intended to implement the Tyler 21 Comprehensive Plan by promoting a mix of residential, retail and service, office, institutional, park, and government uses. The PMXD-1 district is intended to be applied in areas designated for medium density mixed-use on the Future Land Use Guide, namely at or near key intersections of major arterial roadways, and other areas with access to a full range of public facilities and infrastructure. The PMXD-1 district is further intended to promote the following objectives:

1. Create new compact, medium-density development and redevelopment patterns that provide a mix of residential and non-residential uses in the same building or in close proximity to enhance opportunities for residents to live, work, shop and enjoy leisure within a walkable, urban village environment.
2. Provide more opportunities to drive less and thereby reduce the growth rate of traffic congestion.
3. Ensure appropriate transitions between mixed-use districts and single-family residential neighborhoods.
4. Improve access management on arterial and collector roads in order to enhance traffic function.
5. Improve the aesthetic appearance of arterial and collector roads.

Property Area Calculations

Total Property Area --- 15.80 Acres to include Lots 3F, 4, 4B, 3B, 5, 3E, of BLK 1150 and Lots 1-14 of the Victoria Park Subdivision.

Parking Provided

Parking to meet the requirements of City of Tyler Unified Development Code, Article VI Development Standards, Section 10-36D Off-Street Parking Requirements. Additionally, all structures shall have shared access and reciprocal parking.

Minimum Open Space

Definitions

"Open Space"

As defined by the City of Tyler Unified Development Code, Article XIII, Definitions: Area included in any side, rear, or front yard, or any unoccupied space on a lot that is open and unobstructed to the sky except as provided by this code.

Open Space within the tract may include, but not limited to:

Trails, walkways, decks, trellis, benches or other outdoor furniture, and water features.

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"Open Space" Area

Area of Open Space to be 20% minimum of the Total Property Area, inclusive of setback areas.

Height Restriction

Unless otherwise shown on attached Exhibit, height is Subject to City of Tyler Unified Development Code, Article II, Division B Zoning Districts, Section 10-27 Dimensional Standards.

Height will be limited to two stories along the northern and eastern most property lines abutting the Planned Unit Residential and Single Family Residential Zoning Districts. Additionally, building height may only transition from two stories at or beyond one hundred and twenty-five feet (125') from the northern and eastern most property lines abutting the Planned Unit Residential and Single Family Residential Zoning Districts. No rear building windows will be allowed in the height limited areas.

Building Structure Setbacks from outer perimeter property lines

North Lot Line adjacent to Planned Unit Residential Zoning
Twenty-five feet (25') setback

North Lot Line adjacent to Commercial Zoning
Ten feet (10') setback

East Lot Line
Twenty-five feet (25') setback

South Lot line
Fifteen feet (15') setback

West Lot Line (Broadway)
Zero feet (0')

Architectural standards for structures

Architectural design. All structures, including all building elevations shall be constructed utilizing a unified design that is substantially consistent with or contains architectural design elements including but not limited to the following:

- Canopies, awnings or porticoes
- Arcades, archways
- Outdoor patios
- Display windows/decorative windows
- Architectural details (such as decorative tile or brick work) integrated into the building façade.
- Integrated planters or wing walls that incorporate landscape and/or sitting areas
- Articulated cornice line
- Accent materials (minimum 15% of exterior façade)

Masonry requirements. All structures shall be constructed with a minimum of 75% percent of masonry coverage, exclusive of windows and doors. All permanent structures shall be compatible in architectural style, including the use of masonry elements such as brick, stone, cast stone, or other masonry material or similar quality and appearance.

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Trim colors. Trim colors shall complement the base color of the structure to which the trim is attached.

Awnings/canopies/porticos. The use of decorative awnings/canopies is permitted and encouraged, provided that all awnings are designed to be compatible with the structure on which they are located and that all awnings are maintained intact, clean and in good condition. Awnings and canopies shall be of a consistent pattern, size, shape, material and shall be consistent or complementary to construction of the building.

Exposed columns. Exposed columns (structural or decorative) shall be constructed, or clad, in a similar or complementary material as the primary structure.

Archways/arcades. Archways may be used in conjunction with doorways or windows.

Lighting. Decorative lighting fixtures shall be of consistent design, low mounted lights, not to exceed 20' in height. Illumination shall be shielded and directed in a downward or upward manner so that residential uses are not impacted. Standards, poles and fixtures shall be a single color, compatible with the architecture of the building. Non-residential walkway lighting shall be added with the pole height not to exceed 18'. Pole and wall-mounted fixtures above 8' shall be fully shielded. Lighting may be used to highlight landscape elements, building entrances or other architectural elements such as fountains or sculptures.

Additionally, All lighting shall be directed away from abutting residential areas and shall be designed and installed so that the level of illumination as measured in foot candles at a height of three feet at the property line does not exceed .2 foot candles in or adjacent to residential uses and 1 foot candle in or adjacent to non-residential areas. All light shall be subject to City of Tyler Unified Development Code, Article VI, Division J, Outdoor lighting.

Architectural style elements

Conforming architectural design. All buildings within the development shall be architecturally complementary to and compatible with one another. Specific elements that shall be examined in terms of this requirement include: building materials; color; the incorporation of windows, archways, and unique architectural elements; and, overall style and symmetry. Any buildings within any proposed developments that are substantially different from existing structures or that do not substantially adhere to these requirements, as determined by City Staff, shall require approval of the City Council subsequent to a recommendation by the Planning and Zoning Commission.

Color. The primary exterior color of all buildings within the Development shall be comprised of earth tones and shall be used on at least ninety percent (90%) of the building façade, excluding doors and windows. A secondary accent color, which also must be a variation of an earth tone color, may be used on up to ten percent (20%) of the exterior facade. Bright or fluorescent colors, including pinks, purples, oranges, and those classified as primary colors, are permitted only as secondary accent colors.

Bufferyards, Retaining Walls and Fences

For purposes of defining bufferyards, the City of Tyler Unified Development Code, Article VI, Division B, Bufferyard requirements, Section 10-322 shall be required between the subject property and the north, south, and east property line.

Fences adjoining residentially zoned property to the north, east and a portion to the south shall be constructed of masonry and shall be a minimum of eight (8) feet in height and shall be maintained by the property owners within the PMXD-1 Zoning District.

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The eight foot masonry fence adjoining the residentially zoned property to the north shall be installed prior to the issuance of any vertical construction permits.

The eight foot masonry fence adjoining the residentially zoned property to the east of the development shall be installed prior to the issuance of any Certificate of Occupancy for uses within the 125 feet buffer area as shown on Exhibit A and prior to the Demolition of Victoria Park.

A twenty-five foot (25') buffer containing supplemental plantings as well as existing trees shall be required as shown on the attached exhibit. As noted, the buffer shall extend along the northern and eastern boundaries adjacent to any residential zoning or uses.

Should the installation of retaining walls be needed the City of Tyler must review and approved the location and design of the walls.

Screening

Trash enclosures must comply with the City of Tyler Unified Development Code, Article VI, Division D, Screening, Section 10-340 Trash Enclosures. Additionally, trash pick-up must be between the hours of 7:30 a.m. to 5:30 p.m.

Signage for the development

Signage allotments will be subject to the City of Tyler Unified Development Code, Article VI, Division H, Sign Regulations, Section 10-410 Master Signage Plans. No signs for the development will be permitted until the City of Tyler approves the master signage application. All signs must comply with the base signage requirements of the City of Tyler Unified Development Code, Section 10-409 Sign Standards in Non-residential Districts, with the exception of Façade Signs. The applicant is requesting the standard allotments for façade signs to be the same as those required under the C-1 Light Commercial District Standards.

Permitted Uses

Uses will be subject to those permitted land uses as allowed by the City of Tyler Unified Development Code Article III, Division A, Land Use Chart. The following uses will not be allowed despite allowances listed in the City of Tyler Unified Development Code.

Eating establishments may not utilize drive-through windows

Nightclub use requires site plan approval by the Planning and Zoning Commission and City Council

Gas Stations are limited to Broadway frontage

Those land uses red lined in Exhibit A (City of Tyler land use chart redlines)

Points of ingress and egress from existing public streets

There shall be two major access points from U. S. Highway 69 as located and approved by the City of Tyler in conjunction with regulatory agencies.

Narrative Requirement

Applicant agrees to adhere to these guidelines when submitting site plans with building permit applications for the development; however, should the site plan not meet the development standards set forth by this document then the applicant would be required to seek site plan approval by Planning and Zoning Commission and City Council per the City of Tyler Unified Development Code.

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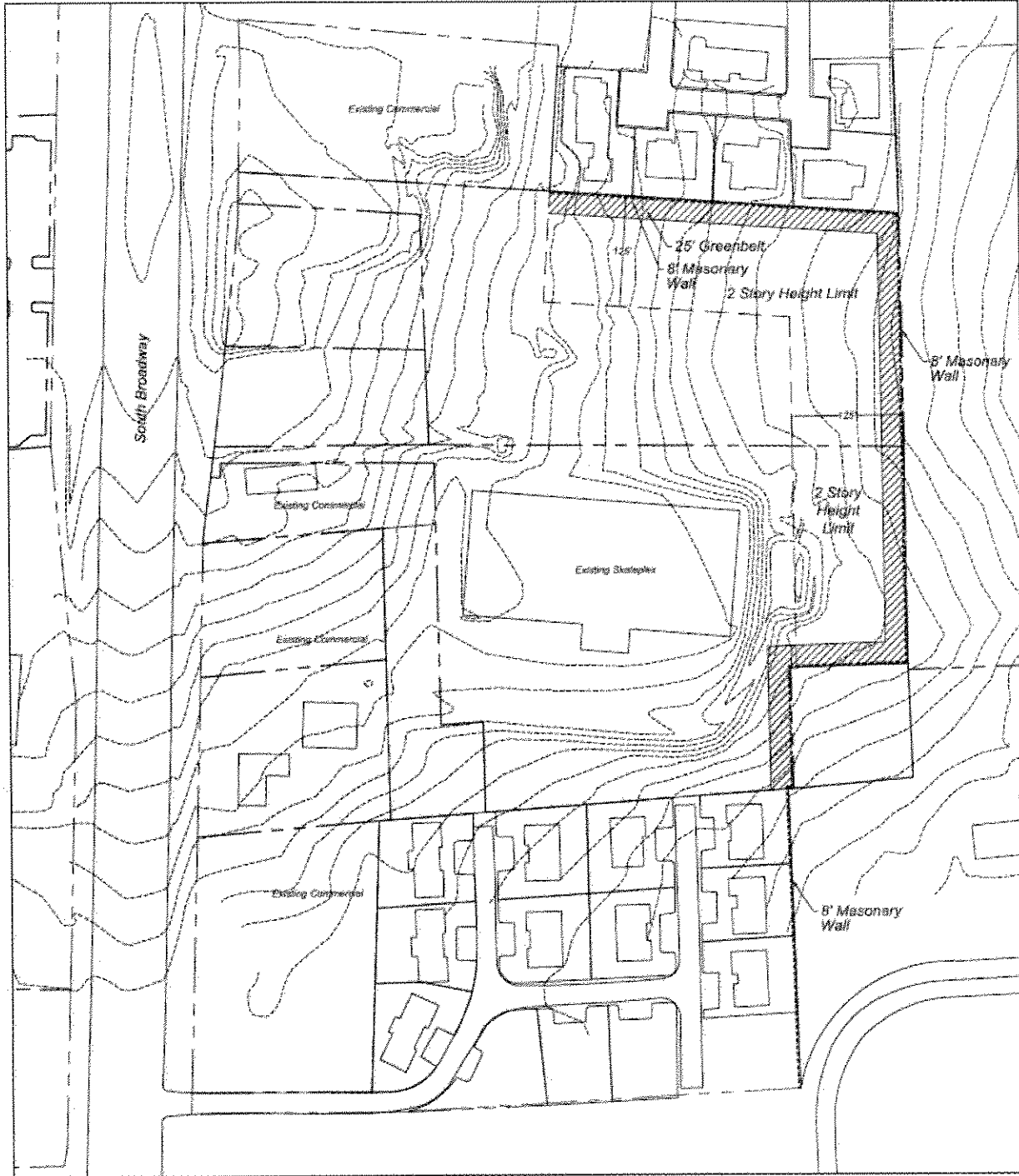


EXHIBIT "A"

David Moore PMXD-1 Land Use Restrictions

Strikethroughs indicate prohibited uses. Example: ~~Use~~

Sec. 10-49. Nonresidential District Use Table

USE GROUP Use Category Use Sub-Category Specific Uses	AG	AR	RPO	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
RESIDENTIAL															
Household Living															
Single-Family Residential Detached	X	X													
Single-Family Residential Attached (Townhouse) (Rowhouse)						X	X	X							
Manufactured Home	S														
Model Home (Temporary)	X														
Modular Housing	X														
R.V. Park	S				S									X	
Security Office Quarters (Manufactured Home)					S					S	S	S			
Multi-Family (Apartment) (Condominium)						X	X	X							
Group Living															
Assisted Living				X	X	X	P	P	P	X					
Skilled Nursing Home/Rehabilitation				X	X	X	P	P	P	X					
Rehab and Recovery Facility (Alcoholic/Narcotic)				S	X	X	X		P	X					

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USE GROUP Use Category Use Sub-Category Specific Uses	AG	AR	RPO	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
Dairy Farm	X													S	
Farm/Farmland-Crop Production	X													S	
Feed Lot	X											X	X		
Fish Pond	X				X			P			X	X	X		
Fruit/Nut Orchard	X													S	
Grain Storage Elevator	X											X		S	
Greenhouse, Plant Nursery	X				X	S	P	P	P		X	X		X	
Livestock	X													S	
Livestock Auction Facility	X													S	
Livestock Exhibition	T				T									T	
Poultry Production	X													S	
Tree Farm	X												X	S	
Animal Services															
 kennel (Commercial)					X	X	P	P	P		X	X			
Pet Grooming (No Overnight Stay)		X		X	X	X	P	P	P		X				
Pet Shop (No Outdoor Pens)				X	X	X	P	P	P		X				
 Pet Shop (Outdoor Pens)					X		P	P	P		X				
Veterinary Clinic (No Outdoor Pens)			S	X	X	X	P	P	P						
 Veterinary Clinic (Outdoor Pens)					X		P	P	P						
Banks & Financial Services															
Automatic Teller Machine (ATM)			S	X	X	X	X	P	P	P	X	X	X	X	
Bank				X	X	X	P	P	P						
Credit Union/Bureau			X	X	X	X	P	P	P	X					
Pawn Brokerage Shop				X					P		X				
Savings & Loan				X	X	X	P	P	P						
Bail Bonds					X	X					X	X			
Construction Sales and Service															
 Bldg. Material/Home Supply Store					X	X	P	P	P		X				
 Bldg. Material/Home Supply Str. (W/ Outdoor Storage)					X		P	P	P		X				
 Cabinet/Woodwork Shop (Retail Only)					X		P	P	P		X	X			
 Contractor's Shop/Storage Yard					S		S	S	P		X	X			
 Electrical/Plumbing, A/C/Heat (Wholesale)					S		P	P	P		X	X			
 Lumber/Building Materials Sales Yard					X		P	P	P		X	X			
Eating and Drinking Establishments															
Bakery (Retail)				X	X	X	X	P	P	P					
Cafe, Coffee Shop, Tea Room				X	X	X	X	P	P	P				X	
Delicatessen				X	X	X	P	P	P	X				X	
Donut Shop				X	X	X	P	P	P					X	
Ice Cream Parlor (With or W/out Drive-Thru)				X	X	X	P	P	P						
Private Club				X	X	X	X	P	P	P	X	X			
Restaurant (With or W/out Drive-Thru)				X	X	X	P	P	P		X			X	
Entertainment															
Indoor															
Club/Social Organization	S			X	X	X	P	P	P		X			X	
 Concert Facility				X	X	X	P	P	P	X	X	X	X		
Country Club (Private)	S			X	X		P	P	P		X	X			
 Dance Hall, Nightclub, Disco				X	X	X	P	P	P		X	X			
Theater, Playhouse		S		X	X	X	P	P	P		X			X	

Nightclub use requires site plan approval by the Planning and Zoning Commission and City Council

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USE GROUP	AG	AR	RPO	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
Theater-Cinema				X	X	X	P	P	P		X				
Outdoor															
Amphitheater					S	X	S	S	S		S	S	X	S	
Carnivals/Circuses					T	T	T	T	T	T	T	T	T	T	
Concert Facility					S	X	S	S	S	S	S	S	X	S	
Concert, Outdoor (Temporary)	T														Subject to noise ordinance
Race Track (Horse/Dog)	S										S	S			
Race Track (Motorized)											S	S			
Recreational Field	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
Rodeo Grounds	S										S	S	S	S	
Theater, Drive-In					X	X	S	S	S		X	X			
Funeral and Interment Service															
Cemetery, Mausoleum (Per State Law: No new cemeteries allowed within city limits.)	X	X	X	X	X	X	P	P	P	X	X	X	X	X	
Columbarium	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Monument Sales Lot					X		S	S	P		X	X			
Monument/Funeral Home/Crematory					X	X	S	S	P		X	X			
Gas Station				X	X	X	S	S	P		X	X			
Lodging															
Bed & Breakfast		S	S	X	X	X	P	P	P						
Campground	S														
Hotel, Motel, Resort					X	X	P	P	P	S					
Medical, Dental, or Optical															
Dentist's Office (3 maximum)		X	X	X	X	X	P	P	P	X					
Dentist's Office (4 or more)				X	X	X	P	P	P	X					
Pharmacy (Apothecary)			X	X	X	X	P	P	P	X					
Physician's Office (3 maximum)		X	X	X	X	X	P	P	P	X					
Physician's Office (4 or more)				X	X	X	P	P	P	X					
Psychologist Office (3 maximum)		X	X	X	X	X	P	P	P	X					
Psychologist Office (4 or more)				X	X	X	P	P	P	X					
Optometrist's Office (3 maximum)		X	X	X	X	X	P	P	P	X					
Optometrist's Office (4 or more)				X	X	X	P	P	P	X					
Laboratory, Medical			X	X	X	X	P	P	P	X					
Office															
Abstract Office		X	X	X	X	X	P	P							
Accounting Office		X	X	X	X	X	P	P	P						
Advertising/Public Relations Agency		X	X	X	X	X	P	P	P						
Architect's, Engineer's, Planner's Office		X	X	X	X	X	P	P	P						
Attorney's Office		X	X	X	X	X	P	P	P						
Collection Agency			X	X	X	X	P	P	P						
Data Processing Service		X	X	X	X	X	P	P	P	X					
Employment Agency			X	X	X	X	P	P	P						
Geologist/Land Man Office		X	X	X	X	X	P	P	P						
Insurance Office		X	X	X	X	X	P	P	P						
Laboratory, Research				X	X	X	P	P	P	X					
Answering Service Office		X	X	X	X	X	P	P	P	X					
Photocopy/Fax Service Facility			X	X	X	X	P	P	P	X	X				
Print Shop				X	X	X	P	P	P		X				

Gas stations are limited to the Broadway Avenue frontage

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USE GROUP Use Category Use Sub-Category Specific Uses	AG	AR	RPO	C-1	C-2	DBAC	PMO-1	PMO-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
Protection Service Office		X	X	X	X	X	P	P	P						
Stocks & Bonds Brokerage Office		X	X	X	X	X	P	P	P						
Studio (Broadcasting/ Recording)				X	X	X	P	P	P		X				
Tax Consultant/Financial Office		X	X	X	X	X	P	P	P						
Utility Company Office				X	X	X	P	P	P						
Office Park			X	X	X	X	P	P	P						
Parking Garage/Lot (Commercial)					X	X	P	P	P	X	X				
Personal and Consumer Service															
Art Studio, Instructional or Gallery		X	X	X	X	X	P	P	P	X				X	
Barber/Beauty Shop (Commercial)			X	X	X	X	P	P	P		X				
Barber/Beauty Shop (Maximum 2 Chairs)		X	X	X	X	X	P	P	P		X				
Barber/Beauty Shop One-Chair (Residential)	S														
Business, Professional School				X	X	X	P	P	P	X	X	X			
Catering Service		X	X	X	X	X	P	P	P					X	
Cleaning/Laundry Pick-Up Station				X	X	X	P	P	P		X				
Community Health/Welfare Center				X	X	X	P	P	P						
Day Care At Home (Adults) maximum 6	S														
Day Care At Home (Children) maximum 6	S														
Day Care Center (Adults or Children)				X	X	X	P	P	P	X					
Framing Shop		X	X	X	X	X	P	P	P		X				
Handicraft, Ceramic, Art Workshop		X	X	X	X	X	P	P	P		X				
Home Occupation	X	X													
Laundry/Cleaning (Self-Serv.)				X	X	X	P	P	P		X				
Optical/Eyewear Store		X	X	X	X	X	P	P	P	X	X				
Photography Studio	S	X	X	X	X	X	P	P	P		X				
Piano Lessons	X	X	X	X	X	X	P	P	P	X					
Swimming Lessons	X	X													
Tailor/Seamstress Shop		X	X	X	X	X	P	P	P						
Tanning Salon				X	X	X	P	P	P						
Travel Agency/Bureau		X	X	X	X	X	P	P	P						
Retail Sales and Service															
Antique Mall, Multiple Dealers		S		X	X	X	P	P	P						
Antique Shop (No Outdoor Display)		X		X	X	X	P	P	P						
Antique Shop (With Outdoor Display)				X	T	P	P	P							
Arts and Crafts Supply Store		X	X	X	X	X	P	P	P						
Auto Supply (W/O Install)				X	X	X	P	P	P		X	X			
Bicycle Shop				X	X	X	P	P	P		X	X	X		
Book Store				X	X	X	P	P	P	X					
Camera, Photography Store				X	X	X	P	P	P		X				
Cleaning Plant (Commercial)				X	X	X	P	P	P		X				
Clothing/Apparel (Custom Made)		X	X	X	X	X	P	P	P		X				
Clothing/Apparel Store				X	X	X	P	P	P		X				
Confectionery Shop (Retail)				X	X	X	P	P	P						
Convenience Store				X	X	X	P	P	P		X		X		
Department Store				X	X	X	P	P	P		X				
Discount Store				X	X	X	P	P	P		X				
Drug Store				X	X	X	P	P	P		X				
Feed/Seed Store				X	X	X	P	P	P		X	X			
Flea Market (Indoor Only)				X	X	X	P	P	P		X				

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USE GROUP Use Category Use Sub-Category Specific Uses	AG	AR	RPO	C-1	C-2	DBAC	PMO-1	PMO-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
Flea Market (With Outdoor Display)					X				P		X				
Florist		X	X	X	X	X	P	P	P						
Food, Grocery Store				X	X	X	P	P	P						
Fruit-Vegetable/Produce Market					X	X	P	P	P		X	X			
Fruit-Vegetable Stand				T	X	X	P	P					X		
Furniture/Appliance (Sales & Service)				X	X	X	P	P	P						
Gift Shop		X	X	X	X	X	P	P	P		X		X		
Hardware Store				X	X	X	P	P	P		X				
Jewelry (Custom Made)		X	X	X	X	X	P	P	P		X				
Jewelry Store				X	X	X	P	P	P		X				
Key/Locksmith Shop				X	X	X	P	P	P		X				
Lawn & Garden Shop (No Outdoor Display)				X	X	X	P	P	P		X				
Lawn & Garden Shop (W/Outdoor Display)				X			P	P	P		X				
Lawn/Garden Equipment Sales & Service Store				X	X	X	P	P	P		X				
Meat/Seafood Market (No Processing)				X	X	X	P	P	P		X	X			
Medical Appliance Store			X	X	X	X	P	P	P	X					
Music Store				X	X	X	P	P	P						
Outdoor Display				X	T		P	P	P	T	X	X			
Outdoor Storage				X			P	P	P		X	X			
Second Hand Store				X	X	X	P	P	P						
Sewing Machine Sales & Service				X	X	X	P	P	P		X				
Shoe Repair Shop				X	X	X	P	P	P		X				
Shoe Store				X	X	X	P	P	P						
Shoes, Boots, Purses (Custom Made)		X	X	X	X	X	P	P	P		X				
Swimming Pool Sales / Supplies				X	X	X	P	P	P		X	X			
Taxidermy Shop				X	X	X	P	P	P		X	X			
Tobacco Store				X	X	X	P	P	P						
Video Store				X	X	X	P	P	P						
Self-Service Storage Facility				X	X	X	P	P	P		X	X			
Sexually Oriented Business											X	X			
Sports and Recreation (Participant)															
Indoor															
Archery Range				X	X	X	P	P	P		X	X	X		
Bingo Parlor				S	X	X	P	P	P		X	X			
Bowling Alley				V	V	V	P	P	P		V	V			
Commercial Amusement Center				X	X	X	P	P	P		X	X			
Commercial Recreation Center				X	X	X	P	P	P		X	X			
Firearms Range				X	X	X	P	P	P		X	X	X		
Pool Hall, Game Room				X	X	X	P	P	P		X	X			
Private Recreational Club				X	X	X	P	P	P		X	X			
Skating Rink				X	X	X	P	P	P		X	X			
Outdoor															
Archery Range									S		S	S	X	S	
Commercial Amusement Park				S	X	X			P		X	X	X		
Commercial Recreation Park				S	X	X			P		X	X	X	X	
Day Camp	X				X				P		X	X	X	X	
Firearms Range					S				S		S	S	X	S	
Fish Pond (Commercial)					X				P		X	X		X	
Go-Cart Track					S				S		S	X		S	

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USE GROUP Use Category Use Sub-Category Specific Uses	AG	AR	RPO	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
Golf Course, Miniature Golf, and Driving Range					S				S		S	S	X	S	
Marina/Boat Dock					S		S	S	S		S	S	X		
Riding Stable/Club	S				S								X	S	
Rodeo Grounds											S	S	X	S	
Skating Rink (Outdoor)					X	X	P	P	P		X	X	X		
Skeet/Trap Range					S				S		S	S	X	S	
Telecommunications/Broadcasting Towers/Buildings				S	S	S	S	S	S	S	S	S			
Vehicle & Equipment Sales, Rental & Service															
Automobile/Light Truck/Motorcycle Dealership					X		P	P	P		X	X			
Auto Detail Shop				X	X				P		X	X			
Auto Glass, Muffler, Seat Cover, Headliner Shop					X				P		X	X			
Automobile Rental Agency					X		P	P	P		X	X			
Auto/Truck/Equipment Auction Facility					X		P	P	P		X	X			
Battery Service Shop					X				P		X	X			
Car Wash				X	X		P	P	P		X				
Tire Sales & Service Center (With Outdoor Display)					X				P		X	X			
Tire Sales & Service Center (w/o Outdoor Display)				X	X	X	P	P	P		X	X			
Motor vehicle Repair															
Auto and Motorcycle Service Garage					X	X	P	P	P		X	X			
Auto Supply (W/Install)					X	X	P	P	P		X	X			
Auto/Truck Paint & Body Shop							P	P	P		X	X			
Transmission Repair Shop					X	X			P		X	X			
Vehicle Towing Service					S						X	X			
Heavy Equipment/Vehicle Sales/ Rental															
Boat Dealership					X				P		X	X			
Heavy Equipment/ Machinery Rental Yard					X						X	X			
Heavy Machinery Dealership (Sales & Service)					S						X	X			
Manufactured Housing Sales Lot					X						X	X			
R.V. Dealership					X				P		X	X			
Truck Stop (Fuel, Service)					X						X	X			
Truck/Heavy Equipment Rental Facility					X				P		X	X			
Truck/Tractor (Sales, Rental, & Service)					X				P		X	X			
INDUSTRIAL															
Manufacturing, Production & Industrial Service															
Limited															
Electronic/Electrical Equipment Mfg.													X		
Food Manufacturing/ Processing Plant											X	X			
Furniture/Fixtures Manufacturing Plant													X		
Lithographic Shop/ Commercial Printer				X	X				P		X				
Meat/Fish Packing Plant													X		
Milk Distribution Station					X						X	X			
Newspaper Printing Plant					X	X			P		X	X			
Poultry Processing Plant													X		
Printing/Publishing Plant						X					X	X			
Sheet Metal Fabrication Shop											X	X			

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USE GROUP	AG	AR	RPO	C-1	C-2	DBAC	PMXD-1	PMXD-2	PCD	INT	M-1	M-2	MU	OSP	Use Standards
Use Category Use Sub-Category Specific Uses															
Sign Contractor's Shop/Yard					X						X	X			
General															
Acid Manufacturing Plant												X			
Auto/Truck Assembly Plant												X			
Boat Manufacturing Plant											X	X			
Chemicals/Allied Products Mfg. Plant												X			
Fabricated Metal Production Facility												X			
Fertilizer Plant											X	X			
Grain/Feed Processing Plant	X										X	X			
Foundry/Metals Manufacturing Plant												X			
Home Appliance Manufacturing Plant												X			
Industrial/Commercial Equipment Mfg.												X			
Motor Freight Terminal											X	X			
Pulp-Paper Mill												X			
Railroad Depot					X	X					X	X			
Railroad Freight Terminal												X			
Sand, Gravel, Stone, Earth, Mineral Extraction	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sand, Gravel, Stone, Earth, Mineral Sales												X	X		
Textile Mill												X			
Tire Retreading/ Vulcanizing Plant											X	X			
Wood Products Mfg. Plant (10+ Employees)											X	X			
Oil/Gas Treatment															
Oil & Gas Exploration (Drilling Activity)	S	S	S	S	S	S	S	S	S	S	S	S	S	X	
Oil & Gas Exploration (Producing Well)	S	S	S	S	S	S	S	S	S	S	S	S	S	X	
Oil & Gas Field Equipment Sales/Rental											X	X			
Oil & Gas Treatment/ Processing Plant												X			
Petroleum Refinery												X			
Petroleum Tank Farm												X			
Research Laboratory															
Laboratory Mfg.											X	X			
Warehousing and Wholesaling															
Frozen Food Locker Plant					X				P		X	X			
Hauling & Storage Facility					X				P		X	X			
Warehouse & Distribution Center					X				P		X	X			
Waste and Disposal															
Junk/Salvage Yard												S			
Sanitary Landfill												S	X		
Recycling Facilities															
Building Materials Salvage Yard												X			
Industrial Recycling Plant												X	X		
Recycling Center/Collection (Cans, Glass, Paper)					X	X	P		P		X	X	X		
Recycling Center (Hazardous Material)												X			

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Memorandum

To: Michael Wilson, PE Director of Development Services
From: Robert A. Breedlove, PE C.T. Brannon Corporation
Date: August 29, 2008
Re: Preliminary Drainage Study Cumberland Holdings, LLC

Attached with this memorandum is our preliminary design for the proposed multi-use development located on South Broadway Avenue. This memorandum is intended to outline the scope, existing conditions, possible drainage improvements and recommendations related to the drainage improvements for the development.

In Tyler, a zoning case does not typically require the preparation of a drainage study. However, due to the special circumstances of this site, a preliminary drainage study was requested by City staff, neighboring property owners and the Planning & Zoning Commission.

Scope of study

The scope of this study was to determine a feasible solution to mitigate the increased runoff associated with the development of the site in question. A detailed design or detailed study is not requested or required at this time.

Existing Conditions

Currently, the site is made up of four main tracts of land an undeveloped tract located on the north side of the site, a tract containing a strip center along Broadway Ave., a tract containing the Skateplex and a tract of 14 duplexes. There are two existing detention ponds located on the site. One at the northeast corner that handles drainage from Brandywine Addition and one located east of the Skateplex. The entire site drains in a west to east direction. The northern tracts drain towards the Bochow property and the duplex tract drains toward Wilder Way.

The site is at the top of the water shed such that no adjoining land to the west drains through the site. However, there is a commercial tract containing Kids Depot and Buffalo Wild Wings located to the north of the site that drains onto the undeveloped tract mentioned above.

Existing conditions downstream (east) of the site were not studied. However, more than one property owner downstream of the site spoke at the Planning & Zoning meeting and mentioned that drainage problems existed already.

Preliminary Drainage Improvements

Option 1: Detention facility

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One possible option to mitigate the increased runoff from the site is to install a detention facility that would release the increased runoff at a rate consistent with the rate of runoff prior to development of the site. The detention pond(s) could be constructed as open ponds or as underground facilities located beneath the parking lots and driveways. Sizing of the facility would be included with the detailed design of the site.

Option 2: Offsite drainage Improvements

Our preliminary design attached with this report lays out a possible off site drainage system that could be installed southward along S. Broadway Avenue towards Cumberland Road. The system would be installed under S. Broadway and tie into an existing system under Cumberland Road.

Recommendations

The two options outlined above are both feasible and should mitigate the increased runoff associated with the development. Each option has its own advantages and disadvantages.

In my opinion, the offsite drainage improvements associated with option 2 is the better option because the improvements will be easier to maintain and could be used for other development along the route. Increased runoff to the property located on the southwest corner of Cumberland and Broadway are minimal in that the existing 60-inch storm drain that currently discharges onto the property will handle the increased runoff. As this tract develops the 60 inch pipe could be extended southward. The 60 inch pipe would not have to be increased in size to handle this additional runoff.


Robert A. Breedlove

08-29-08

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DATE: 08/14/08
DRAWN BY: [Signature]
CHECKED BY: [Signature]
APP. NO. 2008-111
CITY OF TYLER, TEXAS

The Barton Corporation
ENGINEERS & URBAN PLANNERS
1321 SOUTH BROADWAY
TYLER, TEXAS 75701
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CUMBERLAND HOLDINGS DRAINAGE STUDY
PRELIMINARY DRAINAGE STUDY
CITY OF TYLER, TEXAS

PROJECT NO. 08-111
SHEET NO. 16 OF 16

