

ORDINANCE NO. O-2022-50

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; APPROVING A SPECIAL USE PERMIT TO ALLOW FOR USE AS AN OUTDOOR AMPHITHEATER ON AN APPROXIMATELY 7.85 ACRE PORTION OF TRACTS 4 AND 21 OF ABST A0292 J DEAN, TWO TRACTS CONTAINING APPROXIMATELY 15.85 ACRES OF LAND LOCATED NORTHEAST OF THE INTERSECTION OF NEGEM ROAD AND COUNTY ROAD 1145/OLD PLEASANT RETREAT ROAD (14790 COUNTY ROAD 1145/OLD PLEASANT RETREAT ROAD/7.85 ACRES OF LAND); 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 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 S22-001

That the following described property, which is currently zoned "PMXD-1", Planned Mixed Use District, shall hereafter be used under a Special Use Permit for an outdoor amphitheater, to wit:

On an approximately 7.85 acre portion of Tracts 4 and 21 of ABST A0292 J Dean, two tracts containing approximately 15.85 acres of land located northeast of the intersection of Negem Road and County Road 1145/Old Pleasant Retreat Road (14790 County Road 1145/Old Pleasant Retreat Road/7.85 acres of land) and as described in Exhibit "A" attached hereto and incorporated herein.

PART 2: The Special Use Permit is restricted for an outdoor amphitheater for an indefinite period of time.

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 April 29th, 2022.

PASSED AND APPROVED this the 27th day of April, A.D., 2022.



DONALD P. WARREN, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



Cassandra Brager

CASSANDRA BRAGER, CITY CLERK



APPROVED:



Deborah G. Pullum

DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2022-50
EXHIBIT "A"
DESCRIPTION



A DYNAMIC PERSPECTIVE

140 East Tyler Street, Suite 600
Longview, TX 75601
903.236.7700

PARCEL I
METES AND BOUNDS DESCRIPTION
7.850 ACRES
JOHN DEAN SURVEY, A-292
SMITH COUNTY, TEXAS

Being 7.850 acres of land, situated in the John Dean Survey, A-292, Smith County, Texas, and being a portion of a 2.517 acre tract, a 4.999 acre tract, a 4.588 acre tract, a 3.663 acre tract and a 0.105 acre tract which were conveyed to the City of Tyler by instruments recorded in Volume 3453, Page 41, Volume 1671, Page 268, Volume 1674, Page 289, Volume 1670, Page 441, and Volume 1843, Page 667, Smith County Deed Records (SCDR), respectively, said 7.850 acres of land being more particularly described by metes and bounds as follows;

BEGINNING at a $\frac{1}{2}$ " iron rod found at the south corner of the above mentioned 2.517 acre tract, the same being in the east boundary line of a 67.236 acre tract which was conveyed to Baptist Care Facilities for Person with Mental Disabilities, Inc., by an instrument recorded in Volume 4288, Page 307, SCDR, and also being in the apparent northwest right-of-way line of a county road;

THENCE N 01° 55' 06" W, along the common line between said 2.517 acre tract and said 67.236 acre tract a distance of 750.13 feet to a $\frac{1}{2}$ " iron rod found at the north corner of said 2.517 acre tract, the same being the most westerly southwest corner of said 4.999 acre tract;

THENCE N 01° 53' 02" W, along the common line between said 4.999 acre tract and said 67.236 acre tract, a distance of 321.37 feet to a $\frac{1}{2}$ " iron rod found at the most northerly corner of said 4.999 acre tract, the same being the southwest corner of a 6.321 acre tract which was conveyed to the LaFon Thompson Irrevocable Trust by an instrument recorded in Volume 6377, Page 171, SCDR;

THENCE S 54° 56' 15"E, along the common line between said 4.999 acre tract and said 6.321 acre tract, a distance of 155.98 feet to a $\frac{1}{2}$ " iron rod found at the northwest corner of said 4.588 acre tract;

THENCE N 58° 38' 23" E, along the common line between said 4.588 acre tract, and said 6.321 acre tract, a distance of 405.43 feet to a $\frac{1}{2}$ " iron rod found at the northeast corner of said 4.588 acre tract, the same being the northwest corner of said 3.663 acre tract;;

THENCE N 78° 26' 24" E, along the common line between said 3.663 acre tract and said 6.321 acre tract, a distance of 387.33 feet to a $\frac{1}{2}$ " iron rod found at the west corner of said 0.105 acre tract;

THENCE N 43° 00' 11" E, along the common line between said 0.105 acre tract and said 6.321 acre tract, a distance of 123.41 feet to a $\frac{1}{2}$ " iron rod found at the north corner of said 0.105 acre tract;

THENCE S 33° 07' 58" E, along the east boundary line of said 0.105 acre tract, 7.00 feet to a point for corner;

THENCE S 37° 05' 31" W, along a line which is 25 feet perpendicularly distant from and parallel with the centerline of an existing county road, 92.96 feet to a $\frac{1}{2}$ " iron rod with a plastic cap stamped "KSA ENG" set at the beginning of a curve to the right;

THENCE in a southwesterly direction, continuing along said parallel line, following a curve having a delta angle of 06°15'03", a radius of 734.94 feet, and an arc length of 80.18 feet (chord = S 40° 13' 02" W, 80.14 feet) to a $\frac{1}{2}$ " iron rod with a plastic cap stamped "KSA ENG" set at the end of said curve;

THENCE S 43° 20' 34" W, continuing along said parallel line, a distance of 501.61 feet to a $\frac{1}{2}$ " iron rod with a plastic cap stamped "KSA ENG" set at the beginning of a curve to the left;

THENCE in a southwesterly direction, continuing along said parallel line, following a curve having a delta angle of 28° 33' 38", a radius of 1780.08 feet, and an arc length of 887.33 feet (chord = S 29° 03' 45" W, 878.17 feet) to a $\frac{1}{2}$ " iron rod with a plastic cap stamped "KSA ENG" set at the end of said curve;

THENCE S 14° 46' 56" W, continuing along said parallel line, 43.53 feet to a $\frac{1}{2}$ " iron rod with a plastic cap stamped "KSA ENG" set at the beginning of a curve to the right;

THENCE in a southwesterly direction continuing along said parallel line, following a curve having a delta angle of 09°46' 41", a radius of 276.92 feet and an arc length of 47.46 feet (chord = S 19° 40' 16" W, 47.20 feet to the **PLACE OF BEGINNING** and containing 7.850 acres of land, more or less.

The bearings, and distances recited herein are based on the Texas State Plane Coordinate System, North Central Zone (NAD 83) using NGS Monuments, TXTY, PATT, and TXKA. This description and corresponding plat were prepared from a survey made on the ground under my supervision.

J. E. Hudson
Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

24 OCT 2019



○ Indicates 1/2" IR w/ "KSA ENG" cap
Set Unless otherwise noted.

JOHN DEAN SURVEY
A-292

6.321 Ac.
The LaFon Thompson Irrevocable Trust
Vol. 6377, pg. 171

Fnd 1/2" IR

Fnd 1/2" IR

6.785 Ac.
City of Tyler
Vol. 1679 Pg. 268

N 78°26'24" E 387.33'

3.663 Ac.

City of Tyler
Vol. 1670 Pg. 441 30° CL

0.105 Ac.

City of Tyler
Vol. 1843 Pg. 667

4.588 Ac.

City of Tyler
Vol. 1674 Pg. 289

7.850 ACRES

Gate

EXISTING COUNTY ROAD

S 43°20'34" W 501.61'



SCALE: 1"=200'

67.236 Ac
Baptist Care Facilities
for Persons with
Mental Disabilities, Inc.
Vol. 4288, Pg. 307

P.O.B.
Fnd 1/2" IR

CR 141

CR

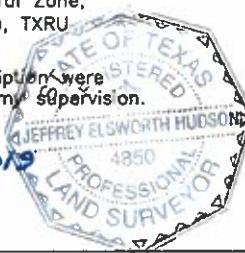
Bearings recited herein are GRID, based on the Texas State
Plane Coordinate System (NAD 83, 2012), North Central Zone,
using NGS monuments TXTY (DG5394), TXKA (DF8990), TXRU
(DN5860), TYR C (AB5979), and TYR D (AB5978).

This plat and corresponding metes and bounds description were
prepared from a survey made on the ground under my supervision.

Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

24 Oct 2013

Date



KSA
ENGINEERS

140 E. Tyler St., Suite 400 Longview, Texas 75601
T. 903-236-7700 F. 903-236-7777
www.ksaeng.com

7.850 ACRES
JOHN DEAN SURVEY A-292
SMITH COUNTY, TEXAS

CITY OF TYLER