

ORDINANCE NO. O-2017-41

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 "DBAC", DOWNTOWN BUSINESS, ARTS AND CULTURE DISTRICT TO "PMXD-2", PLANNED MIXED USE DISTRICT WITH FINAL SITE PLAN ON LOTS 13 AND 19A AND A PORTION OF LOTS 2 AND 14 OF NCB 91, FOUR LOTS TOTALING APPROXIMATELY 3.75 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF WEST FERGUSON STREET AND NORTH BONNER AVENUE (624 WEST FERGUSON STREET AND 527-627 WEST ERWIN STREET); 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 PD17-015

That the following described property, which has heretofore been zoned "DBAC", Downtown Business, Arts and Culture District, shall hereafter bear the zoning classification of "PMXD-2", Planned Mixed Use District with final site plan, to wit:

Lots 13 and 19A and a portion of Lots 2 and 14 of NCB 91, four lots totaling approximately 3.75 acres of land located at the southwest intersection of West Ferguson Street and North Bonner Avenue (624 West Ferguson Street and 527-627 West Erwin Street), and in accordance with the final site plan attached hereto as Exhibit "A" and the metes and bounds description attached hereto as Exhibit "B", and incorporated herein.

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.

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 May 26th, 2017.

PASSED AND APPROVED this the 24th day of May A.D., 2017.

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

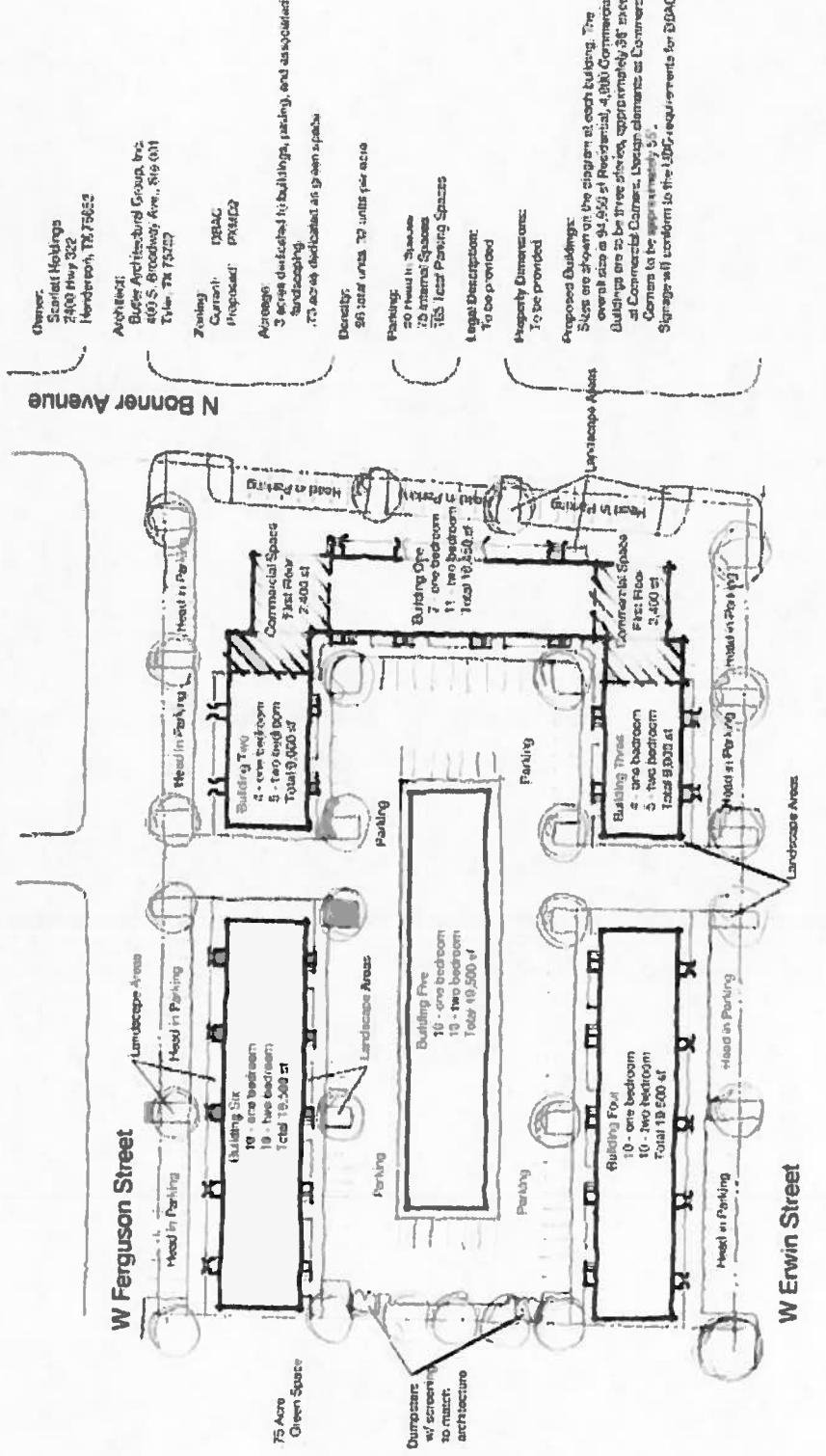


Martin Heines
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2017-41
EXHIBIT "A"
FINAL SITE PLAN



West Park @ Downtown

BUTLER
 Architectural Group, Inc.

ORDINANCE NO. O-2017-41
EXHIBIT "B"
LOCATION MAP

EXHIBIT 'A'

Metes and Bounds Description
3.750 Acre Tract

All that certain tract or parcel of land situated in New City Block 91, Tyler, Smith County, Texas, being all of Lot 19-A, of King Chevrolet Unit 2, according to the Final Plat thereof recorded in Cabinet 'D', Slide 33-C, of the Plat Records of Smith County, Texas, and being out of and a part of that certain called 1.325 acre tract, described in a General Warranty Deed from Jacqulyn Kimberly et al to the City of Tyler, dated August 15, 2008, recorded in C.F.N. 2008-R00038605, of the Official Public Records of Smith County, Texas, and being out of and a part of that certain called 0.669 acre tract, described in a Special Warranty Deed from Bette Huff King to the City of Tyler, dated August 21, 2008, recorded in C.F.N. 2008-R00039671, of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a P.K. nail found for the northeast corner of said Lot 19-A, N.C.B. 91, same being the intersection of the west right-of-way line of North Bonner Avenue (an 80-ft. wide right-of-way) and the south right-of-way line of West Ferguson Street;

THENCE, South 01°26'03" West, a distance of 301.88 feet to a P.K. nail found for the southeast corner of said Lot 19-A, same being the intersection of said west right-of-way line of said North Bonner Avenue and the north right-of-way line of West Erwin Street (a 50-ft. wide right-of-way);

THENCE, North 89°16'41" West, with said north right-of-way line of said West Erwin Street, a distance of 346.10 feet to a P.K. nail found for the southernmost southwest corner of said Lot 19-A, same being the southeast corner of said 1.325 acre tract;

THENCE, North 89°17'17" West, continuing with said north right-of-way line of said West Erwin Street and the south line of said 1.325 acre tract, a distance of 201.67 feet to a P.K. nail set for the southwest corner of the herein described tract;

THENCE, North 01°26'03" East, across said 1.325 acre tract, a distance of 294.81 feet to a P.K. nail set for the northwest corner of the herein described tract, same being in the north line of said 0.669 acre tract, same being in said south right-of-way line of said West Ferguson Street.

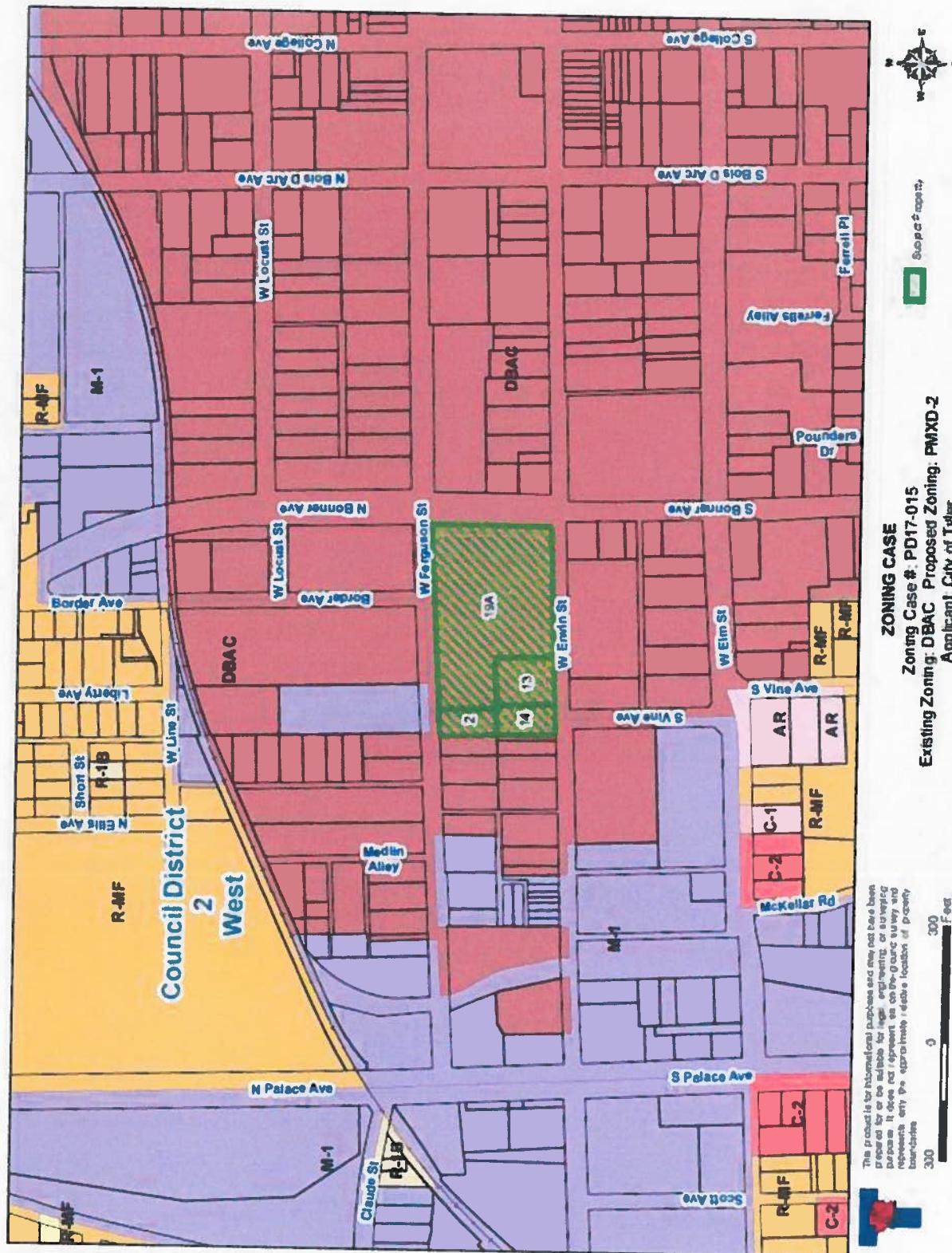
THENCE, EAST, with said south right-of-way line of said West Ferguson Street, at 70.35 feet passing a P.K. nail found for the northeast corner of said 0.669 acre tract, same being the northwest corner of said Lot 19-A, and with the north line of said Lot 19-A (being the bearing basis of this survey as related to the record bearing), in all a total distance of 547.90 feet to the POINT OF BEGINNING and containing 3.750 acres of land

I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of April 2017. GIVEN UNDER MY HAND AND SEAL this date, 1 May 2017.

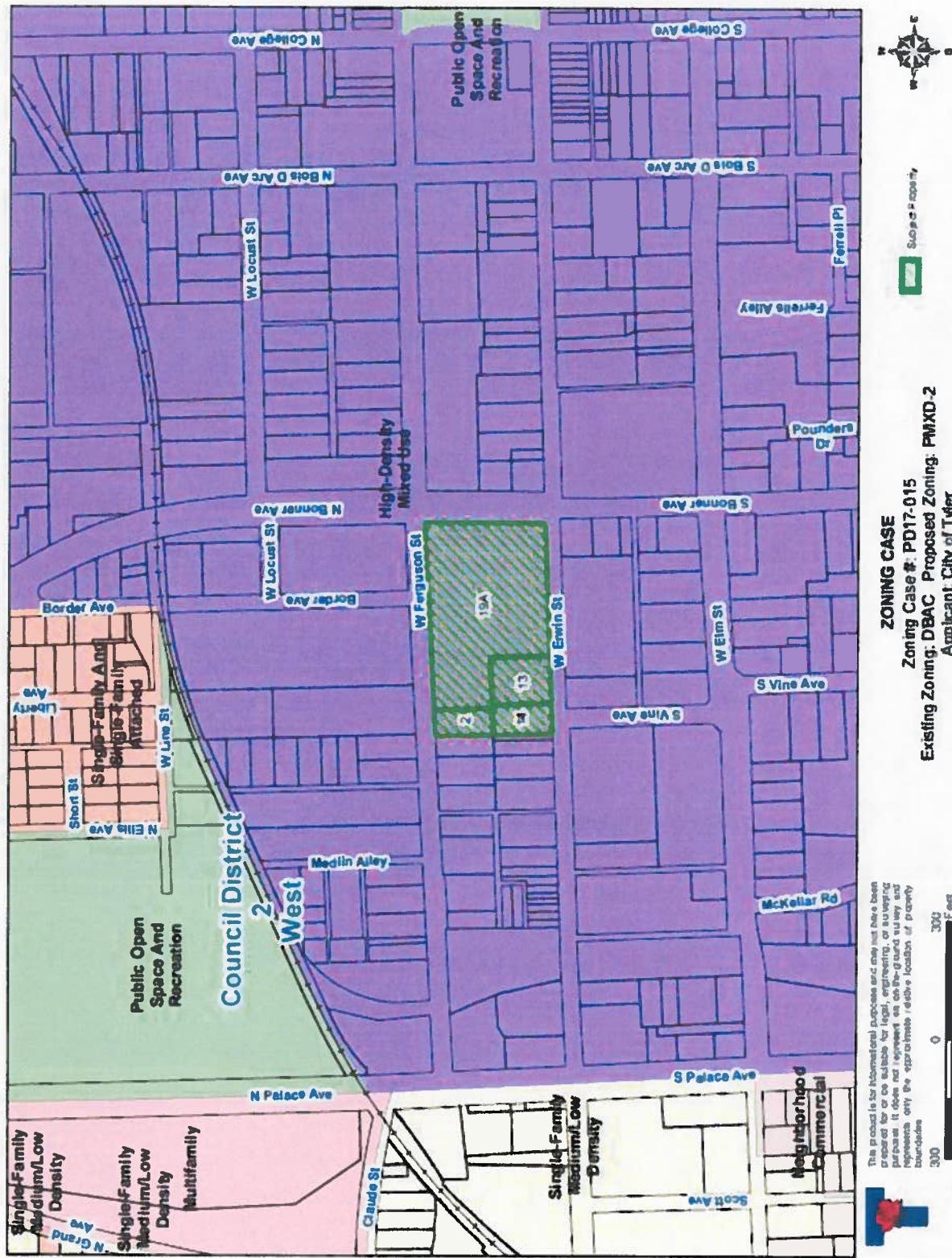
Joseph K. Pollard
Registered Professional Land Surveyor
Texas Registration No. 6499



ORDINANCE NO. O-2017-41
EXHIBIT "C"
LOCATION MAP



**ORDINANCE NO. O-2017-41
EXHIBIT "D"
TYLER 1ST FUTURE LAND USE GUIDE**



**ORDINANCE NO. O-2017-41
EXHIBIT "E"
NOTIFICATION MAP**

This product is for international purposes and may not have been
designed for or made available for legal, engineering or supervisory
purposes. It does not represent an engineering survey and
represents only the approximate location of the property.

ZONING CASE
Zoning Case # PD17-0115
Existing Zoning: DBAC Proposed Zoning: P
Applicant: City of Tyler

Scope: Property



150