

ORDINANCE NO. O-2017-75

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A "PMXD-1", PLANNED MIXED USE DISTRICT FINAL SITE PLAN AMENDMENT ON LOT 42 OF NCB 1546, ONE LOT TOTALING APPROXIMATELY 2.32 ACRES OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF SOUTH BROADWAY AVENUE AND WEST CUMBERLAND ROAD (8591 SOUTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; 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 PD17-026

That the existing site development plan is hereby amended by approving the site plan attached hereto as Exhibit "A" and incorporated herein, on the following described property zoned "PMXD-1", Planned Mixed Use District, to wit:

Lot 42 of NCB 1546, one lot totaling approximately 2.32 acres of land located at the northwest intersection of South Broadway Avenue and West Cumberland Road (8591 South Broadway Avenue) and in accordance with Exhibit "A".

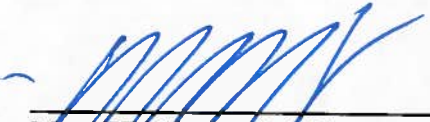
PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended and the Future Land Use Guide be amended to reflect Mixed-Use Center.

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 15th, 2017.

PASSED AND APPROVED this the 13th day of September A.D., 2017.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



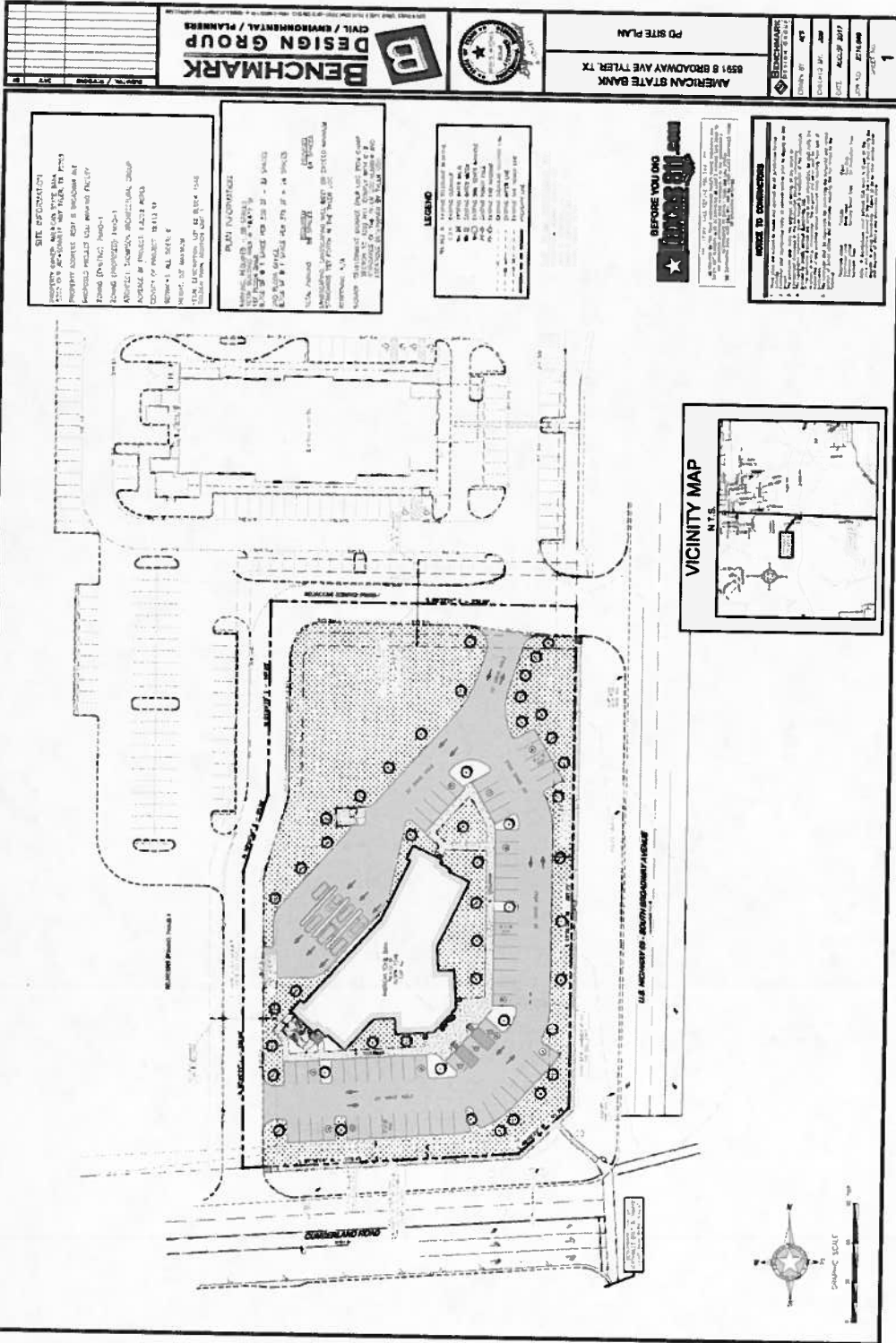
CASSANDRA BRAGER, CITY CLERK



DEBORAH G. PULLUM,
CITY ATTORNEY



**ORDINANCE NO. O-2017-75
EXHIBIT "A"
FINAL SITE PLAN**

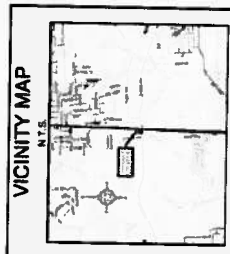


SITE INFORMATION

APPLICANT: AMERICAN STATE BANK
 PROJECT: 8591 S BROADWAY AVE
 CITY: TYLER, TX 75703
 COUNTY: SMITH COUNTY
 PROJECT NO: 17-001
 DATE: 08/15/17

LEGEND

○ TREE
 □ PARKING SPACE
 ▭ BUILDING FOOTPRINT
 --- PROPERTY LINE
 --- EASEMENT



NOTICE TO CONSTRUCTION

THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES ON THE SITE. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE INDICATED ON THIS PLAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES ON THE SITE. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE INDICATED ON THIS PLAN.

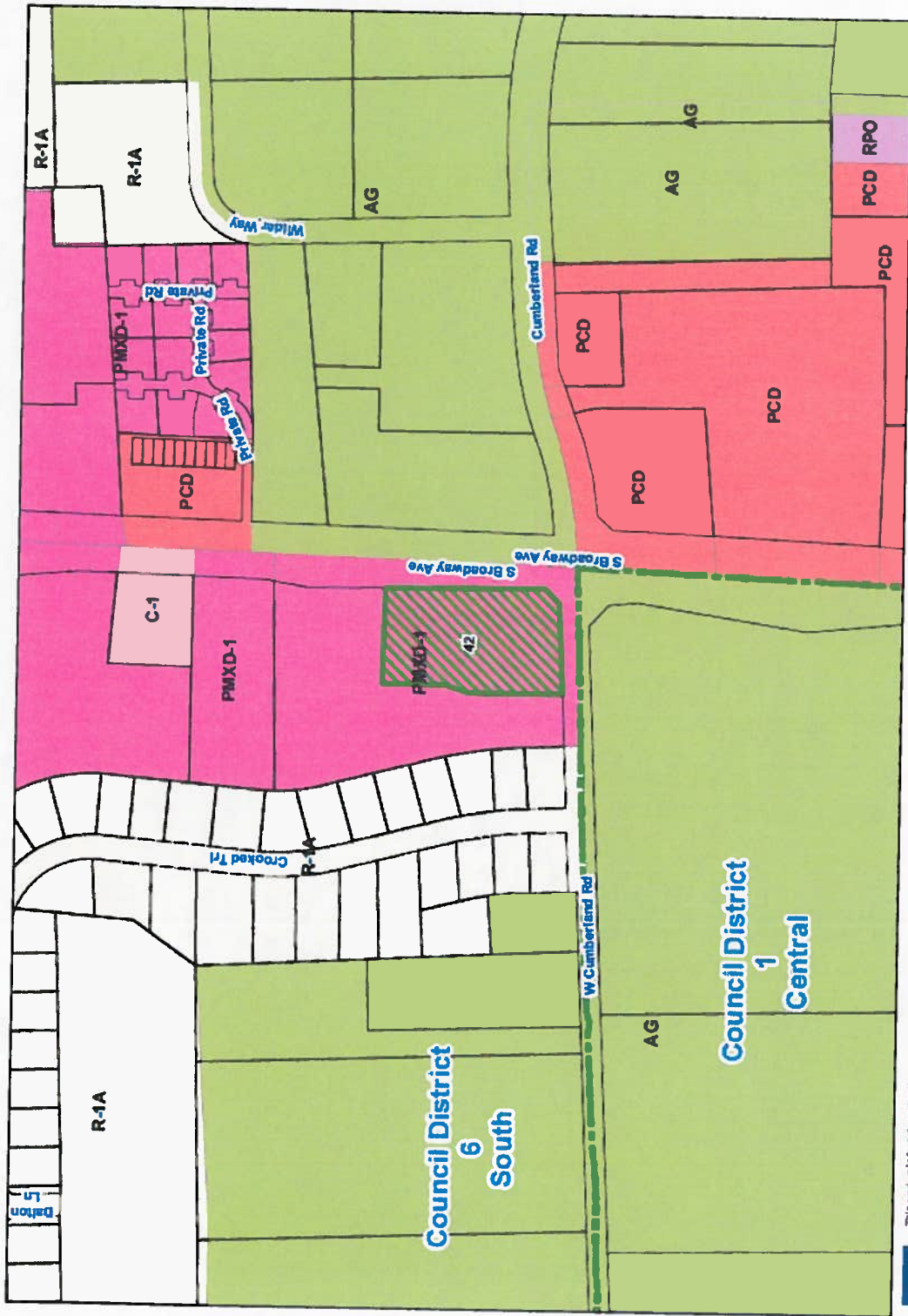
BENCHMARK
 CIVIL / ENVIRONMENTAL / PLANNERS



AMERICAN STATE BANK
 8591 S BROADWAY AVE TYLER, TX
 PD SITE PLAN

1
 SHEET NO.

**ORDINANCE NO. O-2017-75
EXHIBIT "B"
LOCATION MAP**

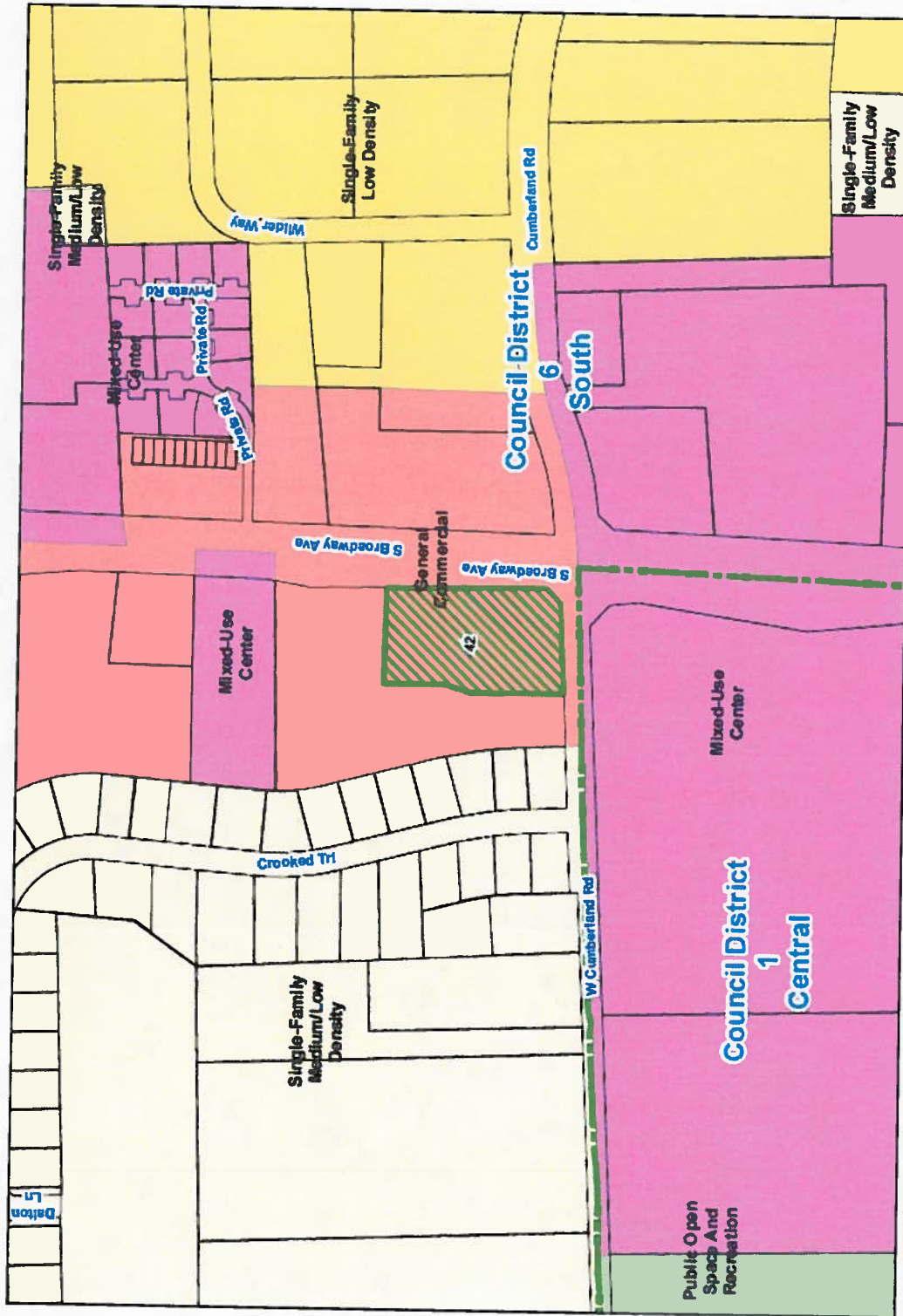


ZONING CASE
Zoning Case #: PD17-026
Existing Zoning: PMXD-1
Applicant: Brandon Steele

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

300 0 300 Feet

ORDINANCE NO. O-2017-75
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE

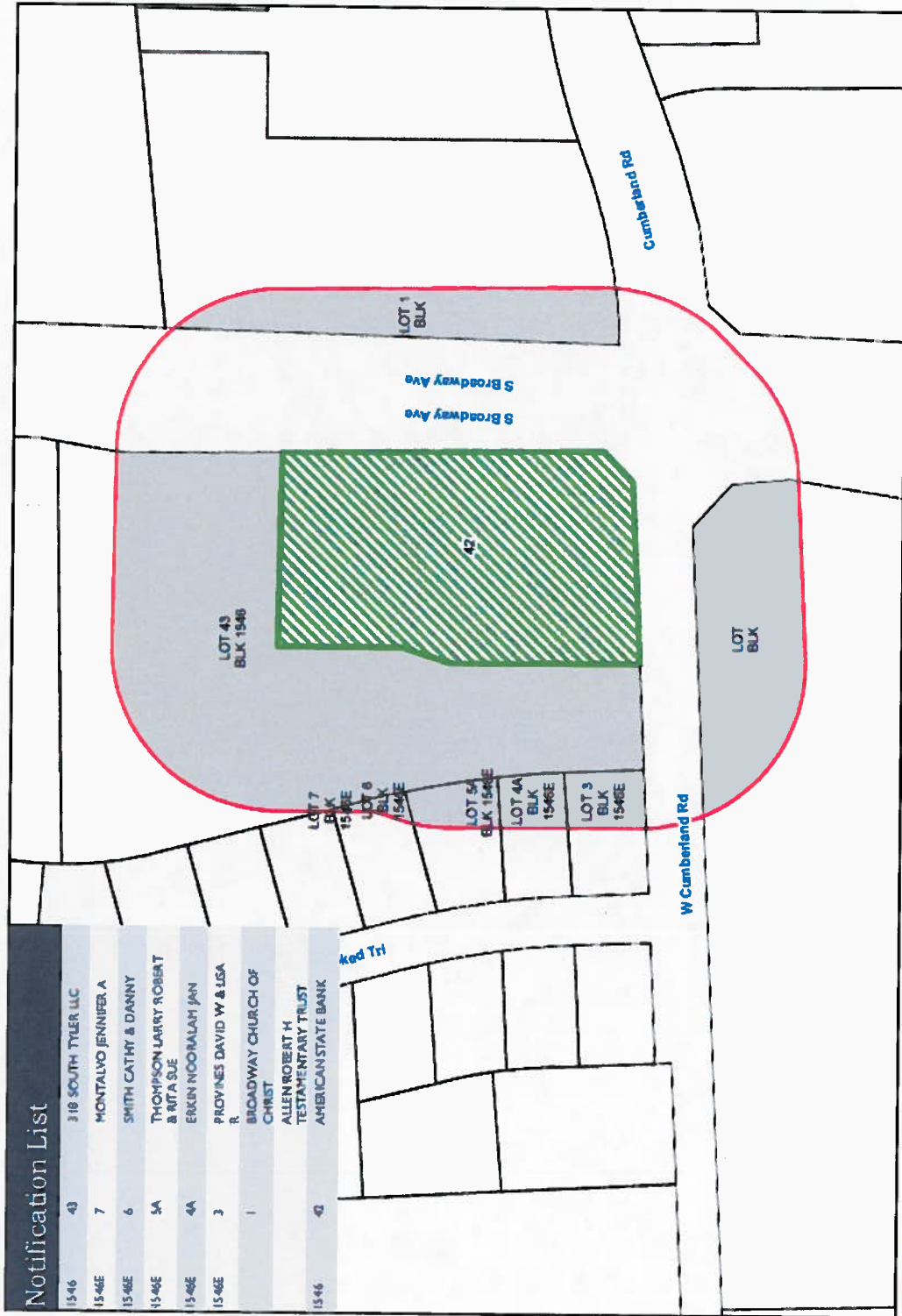


 Subject Property
 Council District Boundary

ZONING CASE
 Zoning Case #: PD17-026
 Existing Zoning: PMXD-1
 Applicant: Brandon Steets

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or other purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.
 300 0 300 Feet

**ORDINANCE NO. O-2017-75
EXHIBIT "D"
NOTIFICATION MAP**



Notification List	
1546	43 310 SOUTH TYLER LLC
1546E	7 MONTALVO JENNIFER A
1546E	6 SMITH CATHY & DANNY
1546E	5A THOMPSON LARRY ROBERT & WITA SUE
1546E	4A ERKIN NOORAHAM JAN
1546E	3 PROVINES DAVID W & USA R
	1 BROADWAY CHURCH OF CHRIST
1546	42 ALLEN ROBERT H TESTAMENTARY TRUST AMERICAN STATE BANK



ZONING CASE
Zoning Case #: PD17-028
Existing Zoning: PMXD-1
Applicant: Brandon Steele

This plat is for informational purposes and may not have been prepared for or suitable for legal proceedings or any purposes. It does not represent an engineering survey and represents only the approximate relative location of property boundaries.