

ORDINANCE NO. O-2016-71

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 RENEWAL FOR A FIVE YEAR PERIOD OF TIME FOR THE OPERATION OF A 48 BED SUBSTANCE ABUSE TREATMENT FACILITY WITH OVERNIGHT STAY SUBJECT TO THE CONDITIONS AS DESCRIBED IN EXHIBIT "A" ON LOT 72A OF NCB 669, ONE LOT CONTAINING APPROXIMATELY 1.07 ACRES OF LAND LOCATED WEST OF THE NORTHWEST INTERSECTION OF WEST GENTRY PARKWAY AND NORTH GLENWOOD AVENUE (1827 WEST GENTRY PARKWAY); 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 S08-16-012

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 the operation of a 48 bed substance abuse treatment facility with overnight stay for a five year period of time, to wit:

Lot 72A of NCB 669, one lot containing approximately 1.07 acres of land located west of the northwest intersection of West Gentry Parkway and North Glenwood Avenue (1827 West Gentry Parkway), and in accordance with the special provisions and conditions described in Exhibit "A".

PART 2: 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 3: 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 August 26, 2016.

PASSED AND APPROVED this the 24th day of August, A.D., 2016.



MARTIN HEIMES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



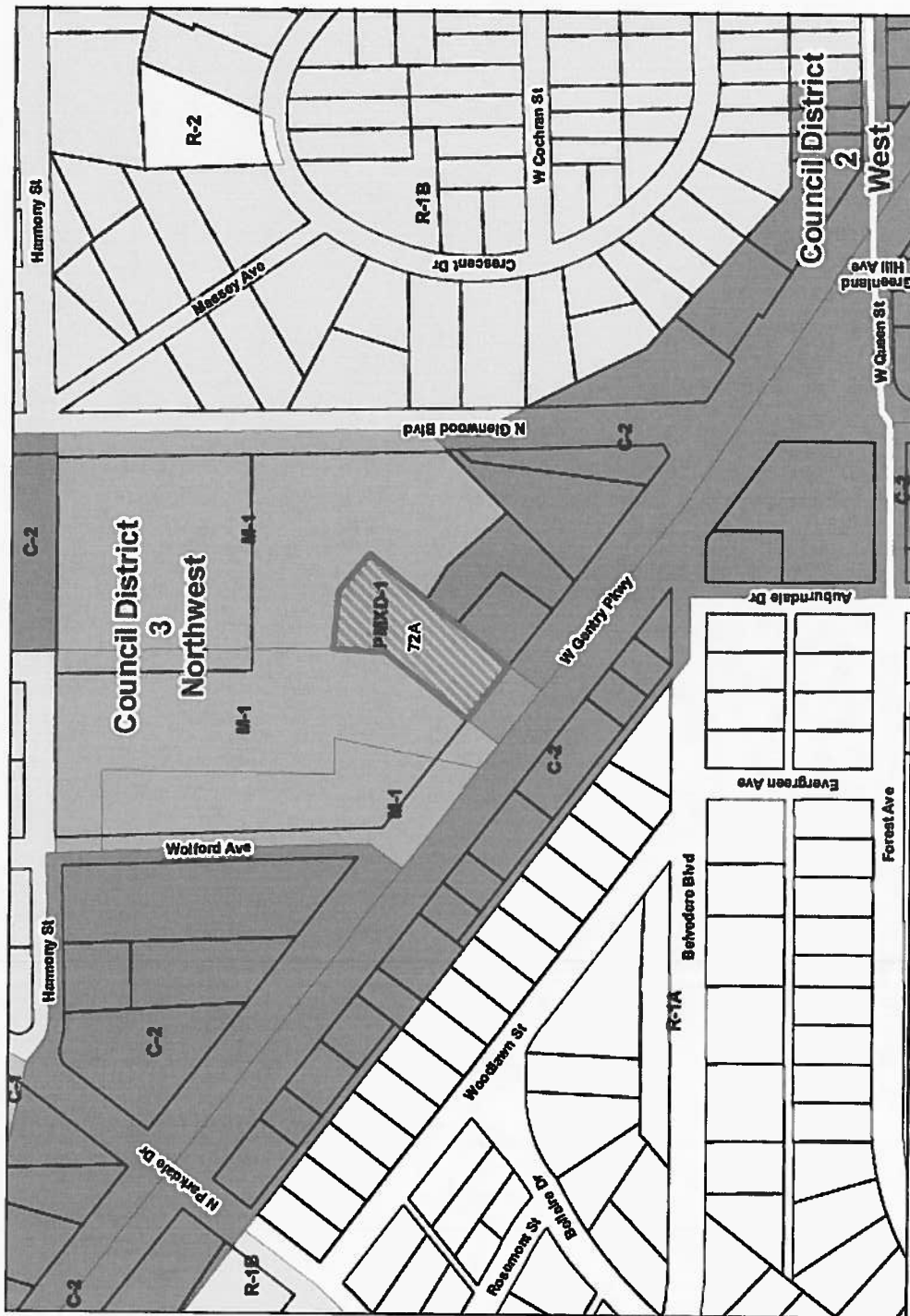
DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2016-71
EXHIBIT "A"
SPECIAL PROVISIONS AND CONDITIONS

The permit hereby granted is to, Cenikor Foundation, and may not be transferred or assigned.

1. At any time if the permittee(s) ceases to use the permit for the purpose for which it has been granted, or if the permittee's license or permit from the appropriate state or federal licensing agency expires or is revoked for any reason, this permit shall become null and void, and the lawful use of the property listed as the location for the permit shall conform to the by-right uses designated as "P" for which it is zoned under the Tyler Unified Development Code unless otherwise limited by the PMXD-1 site narrative.
2. This permit is for the specific location designated herein and shall not be transferred to another location.
3. This permit may be revoked for failure of the permittee to pay all taxes and/or fees due to owing the State or any political subdivision of the State, or for a violation of any ordinance of the City of Tyler, or for good and sufficient cause, upon notice to the permittee and after a public hearing.
4. Permittee shall comply with all building, plumbing, electrical and other related construction codes of the City of Tyler.
5. The structure and the grounds shall be maintained and shall be kept in good repair and condition.
6. The permit shall be amendable through the normal process of public hearings before the Plan Commission and City Council.
7. A patient roster will be maintained.
8. Patients will be prohibited from loitering. The premises may maintain a designated smoking area in compliance with the City smoking ordinance.
9. Patients will be prohibited from trespassing on private property. The permittee shall instruct patients not to trespass on adjacent private property and will be fully responsible for their whereabouts at all times during treatment. The permittee shall also have a responsibility in ensuring that immediate area around the property is kept free from nuisance related to past, present, and future patients.
10. Patients are to be instructed not to engage in begging/panhandling while on the premises.
11. Permittee shall be authorized to provide lodging to patients, all of whom shall be placed in the facility with the approval of the appropriate state or federal licensing agent.
12. The permit shall be authorized to provide short-term inpatient care not to exceed 48 beds.
13. The permit shall be limited to medical supported detoxification and short-term inpatient care. The following methods shall not be permitted: methadone treatment.
14. This permit shall be for a five (5) year period of time. At the expiration of said period, the permittee shall make an application for renewal of said special use permit. If the permit is not renewed, it will be considered abandoned and terminated and the lawful use of the said premises shall conform to the use for which it is zoned under the Tyler Unified Development Code.
15. Any changes to the above terms shall require a renewal of the special use permit to be considered by the Planning and Zoning Commission and City Council.

**ORDINANCE NO. O-2016-71
EXHIBIT "B"
LOCATION MAP**




Zoning Case
Special Use Permit #: S08-16-011
Special Use Permit: Substance Abuse Treatment Facility
Applicant: Canikor Foundation



Subject Property

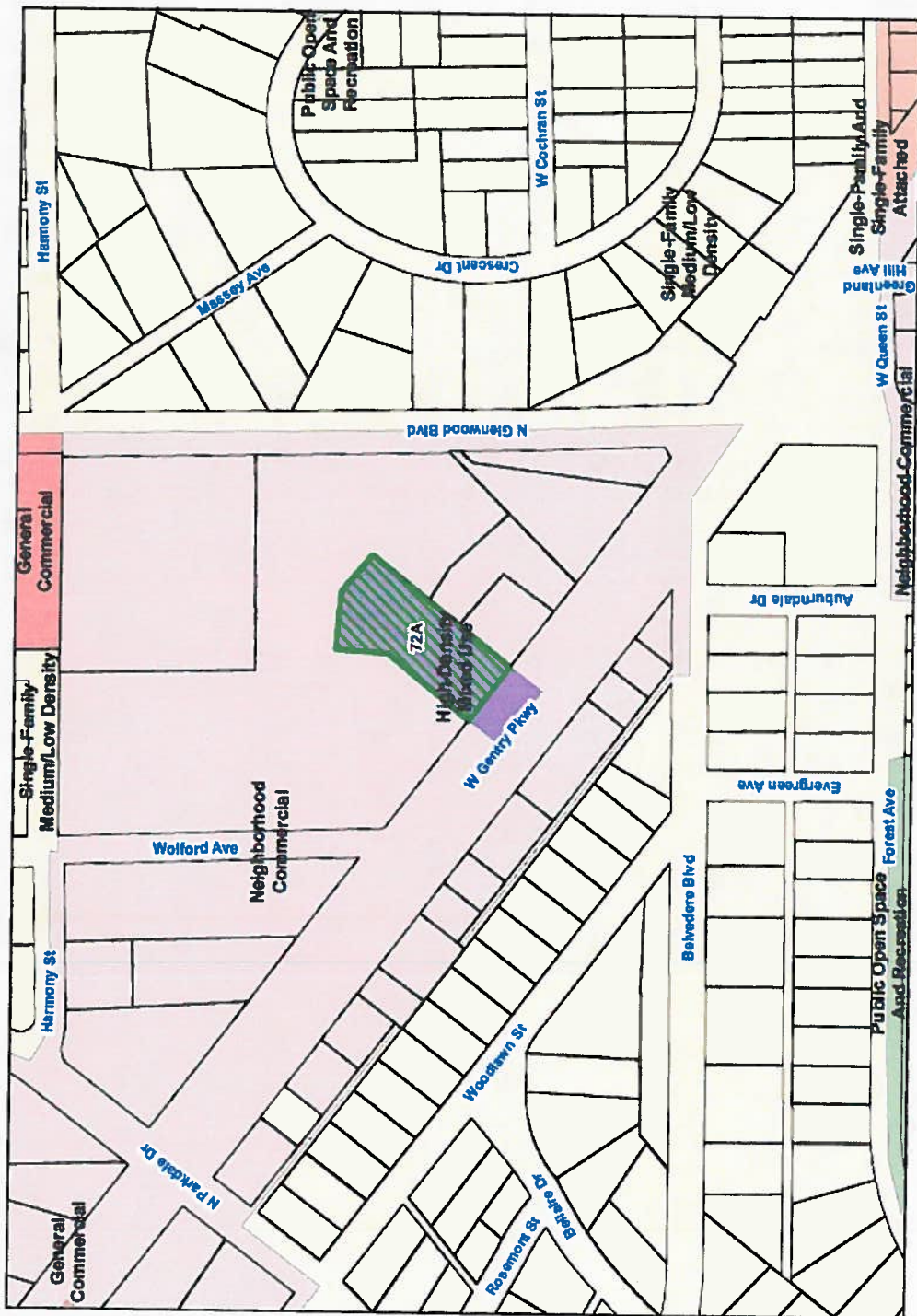


This product is for informational purposes and may not have been prepared by a professional engineer, architect, or surveyor. It does not represent an engineering, architectural, or surveying opinion. It represents only the approximate relative location of property boundaries.



300 0 300 Feet

ORDINANCE NO. O-2016-71
EXHIBIT "C"
TYLER 1st FUTURE LAND USE MAP



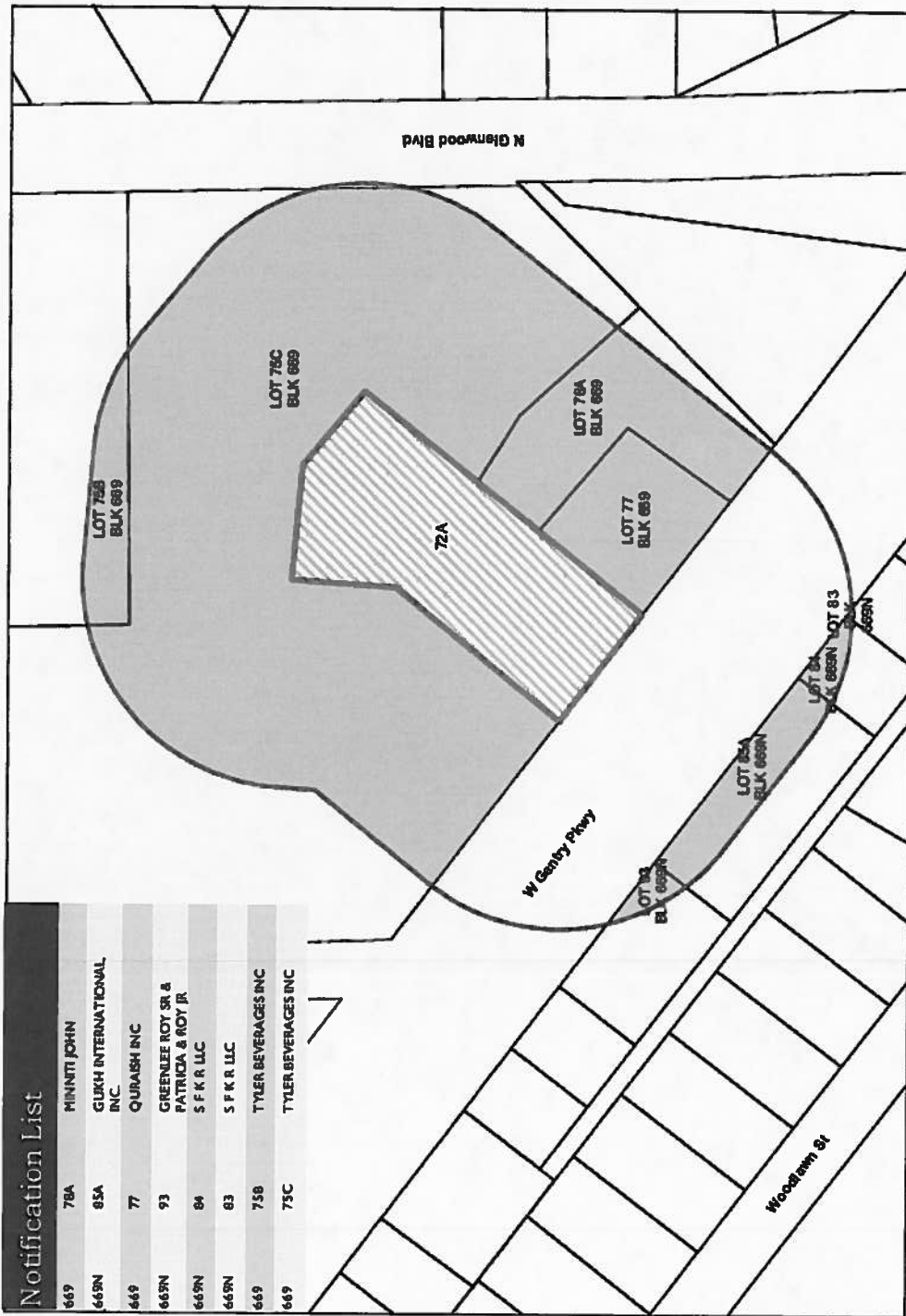
ZZ Subject Property

Zoning Case
 Special Use Permit #: S08-16-011
 Special Use Permit: Substance Abuse Treatment Facility
 Applicant: Canikar Foundation

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



**ORDINANCE NO. O-2016-71
EXHIBIT "D"
NOTIFICATION MAP**



Notification List

| | | |
|------|-----|-------------------------------------|
| 669 | 78A | MINNITI JOHN |
| 669N | 85A | GLUKH INTERNATIONAL INC. |
| 669 | 77 | QURASHI INC. |
| 669N | 93 | GREENLEE ROY SR & PATRICIA & ROY JR |
| 669N | 84 | S F K R LLC |
| 669N | 83 | S F K R LLC |
| 669 | 75B | TYLER BEVERAGES INC |
| 669 | 75C | TYLER BEVERAGES INC |

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Zoning Case

Special Use Permit #: S08-16-011
Special Use Permit: Substance Abuse Treatment Facility
Applicant: Centitor Foundation

