

ORDINANCE NO. O-2016-87

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 TO "R-MF", MULTI-FAMILY RESIDENTIAL DISTRICT ON A 16.70 ACRE PORTION OF TRACT 19 OF THE MARSHALL UNIVERSITY SURVEY A-624, ONE TRACT CONTAINING APPROXIMATELY 38.61 ACRES OF LAND LOCATED AT THE SOUTHEAST INTERSECTION OF WEST GRANDE BOULEVARD AND OLD NOONDAY ROAD (2830 WEST GRANDE BOULEVARD); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; PROVIDING A SEVERABILITY CLAUSE; 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 Z16-010

That the following described property, which has heretofore been zoned "AG", Agricultural District, shall hereafter bear the zoning classification of "R-MF", Multi-Family Residential District, to wit:

A 16.70 acre portion of Tract 19 of the Marshall University Survey A-624, one tract containing approximately 38.61 acres of land located at the southeast intersection of West Grande Boulevard and Old Noonday Road (2830 West Grande Boulevard) and in accordance with the metes and bounds description attached hereto as Exhibit "A" 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 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 this ordinance shall be effective on and after its date of passage and approval by the City Council.

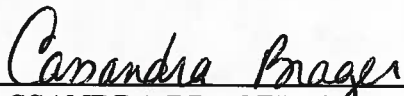
PASSED AND APPROVED this the 28th day of September A.D., 2016.




MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:


CASSANDRA BRAGER, CITY CLERK




DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2016-87
EXHIBIT "A"
METES AND BOUNDS DESCRIPTION



- *Surveying*
- *Mapping*
- *Planning*

6712 Paluxy Drive • Tyler, Texas 75703 • 903.581.7800 • 903.581.3756

EXHIBIT "A"
16.683 Acre Tract
Marshall University Survey, Abstract No. 624

Being a 16.683 acre tract of land situated in the Marshall University Survey, Abstract No. 624, Tyler, Smith County, Texas and being part of a called 226 acre tract of land, (Parcel 1), and part of a called 177 acre tract of land, (Parcel 2), both described in a Deed from James Gordon Frazier, James Stevenson Frazier, and Richard McIlwaine to Cherokee of Va., LLC recorded in Volume 5595, Page 93 of the Official Public Records of Smith County, Texas, said 16.683 acre tract being more completely described as follows:

Beginning at a 1/2" iron rod found in the East right of way line of County Road No. 192/Old Noonday Road, (variable width right of way) for the Northwest corner of Lot 1-A, N.C.B. 1660-G, Oak Hill Unit 14, according to a First Amendment thereof, being an Amending Replat of Oak Hill Unit 14, Lot 1, N.C.B. 1660-G recorded in Cabinet E, Slide 322-B of the Plat Records of Smith County, Texas;

Thence North 00 degrees 53 minutes 08 seconds East, a distance of 224.20 feet along the East right of way line of County Road No. 192 to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence North 00 degrees 49 minutes 38 seconds West, a distance of 184.00 feet continuing along said East right of way line to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence South 89 degrees 42 minutes 29 seconds East, a distance of 650.51 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence North 00 degrees 50 minutes 04 seconds West, a distance of 251.01 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set in the South right of way line of State Highway No. 57, (variable width right of way);

Thence South 89 degrees 48 minutes 48 seconds East, a distance of 22.46 feet along the South right of way line of said State Highway No. 57 to a TxDOT Type II concrete right of way monument found with brass cap destroyed;

Thence North 86 degrees 08 minutes 59 seconds East, a distance of 451.22 feet continuing along the South right of way line of State Highway No. 57 to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence South 00 degrees 11 minutes 40 seconds East, a distance of 282.12 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence North 89 degrees 48 minutes 20 seconds East, a distance of 420.00 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence South 00 degrees 11 minutes 40 seconds East, a distance of 358.14 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set in the North boundary line of the remainder of a called 39.994 acre tract of land described in a Deed to Davis Thornton, Ltd. recorded under County Clerk's File No. 2007-R00010833 of said Smith County Official Public Records;

Thence South 86 degrees 09 minutes 35 seconds West, a distance of 482.77 feet along the North boundary line of the remainder of said 39.994 acre tract to a 1/2" iron rod with plastic cap stamped RPLS #3683 found;

Thence South 89 degrees 11 minutes 48 seconds West, a distance of 1060.91 feet continuing along said North boundary line, the North boundary line of Lot 5, N.C.B. 1660-G of Oak Hill, Unit 29 according to a Final Plat thereof recorded in Cabinet E, Slide 366-D of said Smith County Plat Records, and the North boundary line of aforesaid Lot 1-A, N.C.B. 1660-G to the **place of beginning** containing 16.683 gross acres of land, of which 3.528 acres are contained within a power line easement leaving a net of 13.155 acres.

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83, (feet), based on the 1993 adjustment of the NAD 83 System. The Control Monument is TJC1-Tyler, Leica Geosystems Smartnet of North America.

I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of August, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 15th day of August, 2016.

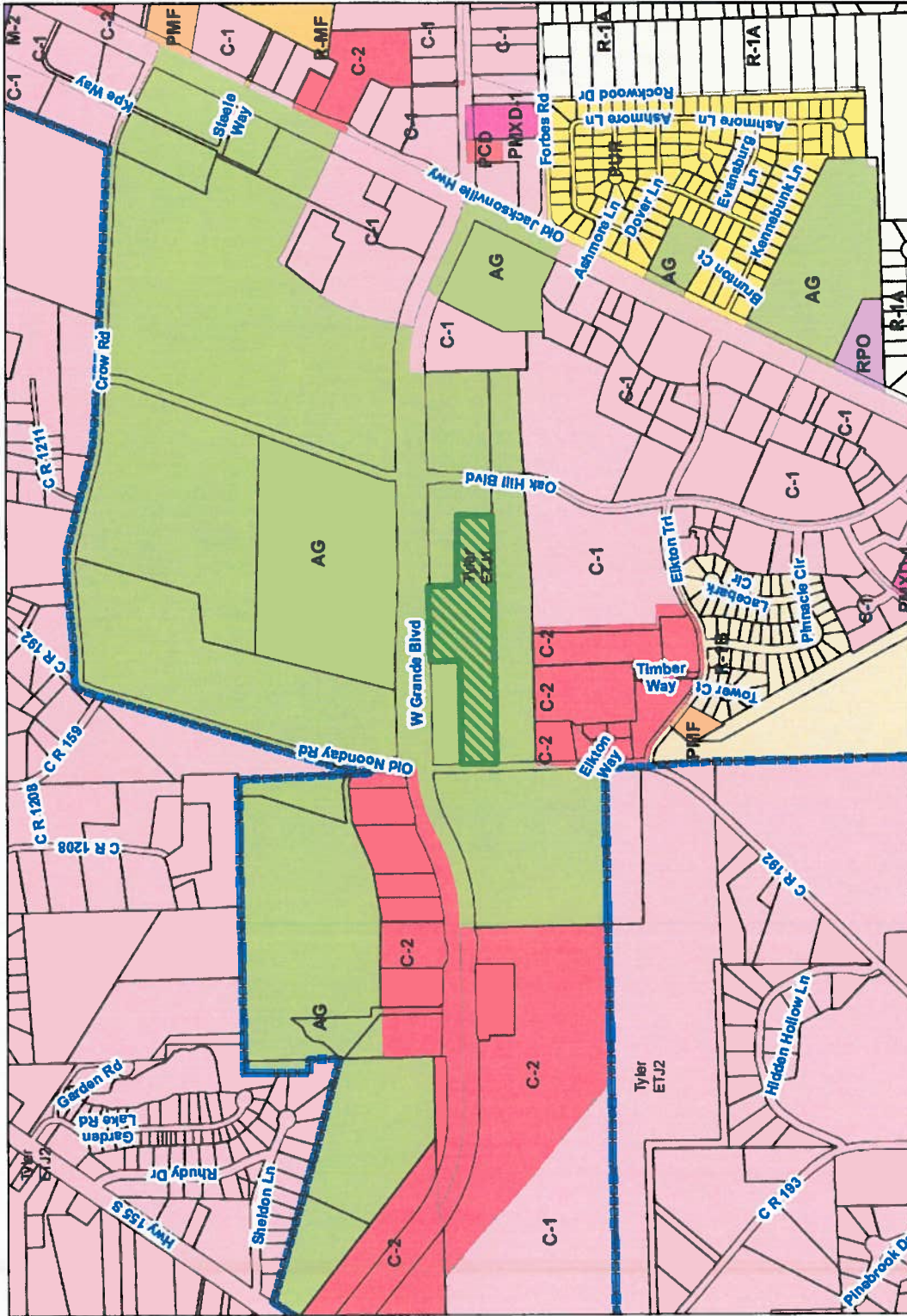


Kevin L. Kilgore, R.P.L.S. 4687

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**ORDINANCE NO. O-2016-87
EXHIBIT "B"
LOCATION MAP**



 Subject Property

Zoning Case

Zoning Case #: Z16-010
Existing Zoning: AG Proposed Zoning: R-MF
Applicant: Cherokee of VA, LLC

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.



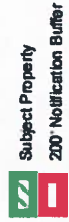
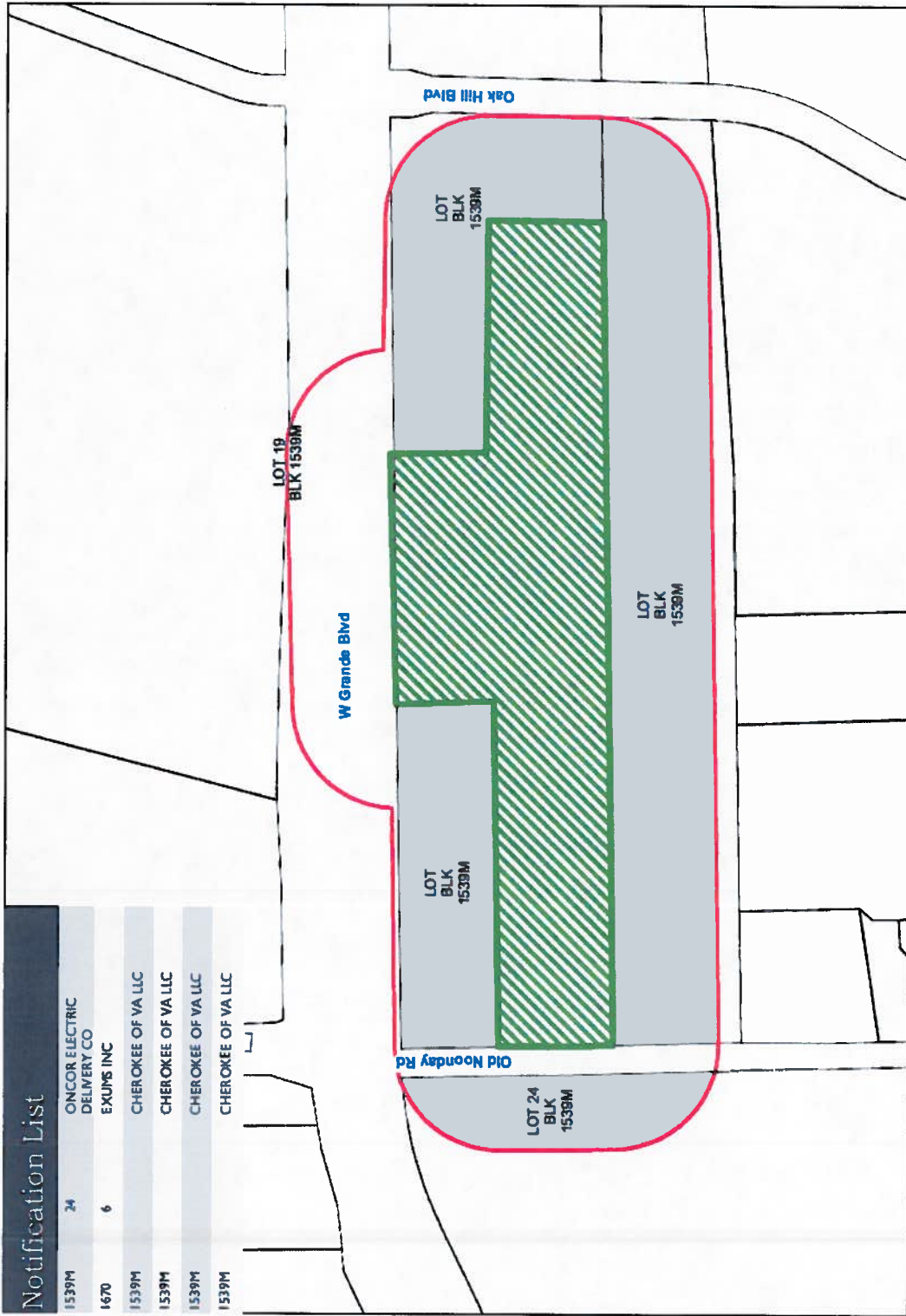


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**ORDINANCE NO. O-2016-87
EXHIBIT "D"
NOTIFICATION MAP**



Zoning Case
 Zoning Case #: Z16-010
 Existing Zoning: AG Proposed Zoning: R-MF
 Applicant: Cherokee of VA, LLC

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