

ORDINANCE NO. O-2015-24

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 "R-1D", SINGLE-FAMILY ATTACHED AND DETACHED RESIDENTIAL DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON A 22.27 ACRE PORTION OF A TRACT OF LAND CONTAINING APPROXIMATELY 22.27 ACRES OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF ELKTON TRAIL AND OAK HILL BOULEVARD (22.27 ACRE TRACT OF LAND); AND BY CHANGING THE ZONING FROM "R-1D", SINGLE-FAMILY ATTACHED AND DETACHED RESIDENTIAL DISTRICT TO "C-2", GENERAL COMMERCIAL DISTRICT ON A 10.11 ACRE PORTION OF A TRACT OF LAND CONTAINING APPROXIMATELY 10.11 ACRES OF LAND LOCATED AT THE NORTHWEST INTERSECTION OF ELKTON TRAIL AND OAK HILL BOULEVARD (10.11 ACRE TRACT OF LAND); 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 Z02-15-033

That the following described property, which has heretofore been zoned "R-1D", Single-Family Attached and Detached Residential District, shall hereafter bear the zoning classification of "C-1", Light Commercial District, to wit:

A 22.27 acre portion of a tract of land containing approximately 22.27 acres of land located at the northwest intersection of Elkton Trail and Oak Hill Boulevard (22.27 acre tract of land), in accordance with the metes and bounds description attached hereto as Exhibit "A".

That the following described property, which has heretofore been zoned "R-1D", Single-Family Attached and Detached Residential District, shall hereafter bear the zoning classification of "C-2", General Commercial District, to wit:

A 10.11 acre portion of a tract of land containing approximately 10.11 acres of land located at the southwest intersection of Frankston Highway and Earl Campbell Parkway (1376 and 1740 Earl Campbell Parkway), in accordance with the metes and bounds description attached hereto as Exhibit "B".

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 to be amended to reflect Mixed-Use Center on the 32.38 acre tract of land located at the northwest intersection of Elkton Trail and Oak Hill Boulevard (32.38 Acre Tract of Land).

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.

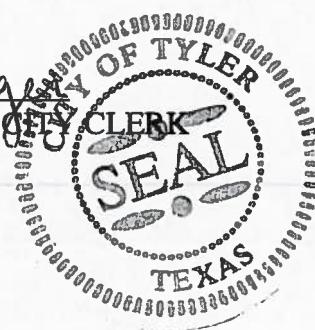
PASSED AND APPROVED this the 25th day of February, A.D., 2015.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK



APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY

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EXHIBIT "A"

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Metes and Bounds Description
Oak Hill 22.27 Acres
C-1 Light Commercial

All that certain tract or parcel of land situated in the Marshall University Survey, Abstract 624, Smith County, Texas, being a part of New City Block 1660-A in the City of Tyler, being out of and a part of that certain called 184.007 acre tract described in a Correction Special Warranty Deed from Cherokee of VA L.L.C., to Davis Thornton, Ltd., dated February 27, 2007, and filed for record under Clerk's File Number 2007-R00010833 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod set for the northernmost northwest corner of the herein described tract, same being North 89°11'45" East, a distance of 351.01 feet from the northeast corner of Lot 1, N.C.B. 1660-G, of Oak Hill Unit 14, a subdivision of record in Cabinet 'E', Slide 88-C of the Plat Records of Smith County, same being in the north line of said 184.007 acre tract;

THENCE, North 89°11'45" East, with said north line of said 184.007 acre tract, a distance of 458.62 feet to a $\frac{1}{2}$ " iron rod set for a corner;

THENCE, North 86°10'08" East, continuing with said north line of said 184.007 acre tract, a distance of 735.45 feet to a $\frac{1}{2}$ " iron rod set for the northeast corner of the herein described tract, same being in the west right-of-way line of Oak Hill Boulevard, same being in a curve to the right having a radius of 410.00 feet;

THENCE, with said west right-of-way line of Oak Hill Boulevard, and along said curve to the right having a radius of 410.00 feet, a central angle of 29°15'08", and a chord bearing and distance of South 17°27'16" West, 207.06 feet, an arc length of 209.33 feet to a $\frac{1}{2}$ " iron rod set for a corner and the end of said curve;

THENCE, South 32°04'50" West, continuing with said west right-of-way line of Oak Hill Boulevard, a distance of 116.93 feet to a $\frac{1}{2}$ " iron rod set for a corner and the beginning of a curve to the left having a radius of 520.00 feet;

THENCE, continuing with said west right-of-way line of Oak Hill Boulevard, and along said curve to the left having a radius of 520.00 feet, a central angle of 39°29'06", and a chord bearing and distance of South 12°20'17" West, 351.30 feet, an arc length of 358.35 feet to a $\frac{1}{2}$ " iron rod set for a corner and the end of said curve;

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THENCE, South 07°24'16" East, continuing with said west right-of-way line of Oak Hill Boulevard, a distance of 241.59 feet to a 1/2" iron rod set for the southeast corner of the herein described tract, same being in the north right-of-way line of Elkton Trail, same being in a curve to the left having a radius of 830.00 feet;

THENCE, with said north right-of-way line of Elkton Trail, and along said curve to the left having a radius of 830.00 feet, a central angle of 34°55'32", and a chord bearing and distance of South 82°30'15" West, 498.14 feet, an arc length of 505.94 feet to a 1/2" iron rod set for a corner and the end of said curve;

THENCE, South 65°02'29" West, continuing with said north right-of-way line of Elkton Trail, a distance of 133.92 feet to a 1/2" iron rod set for a corner and the beginning of a curve to the left having a radius of 280.00 feet;

THENCE, continuing with said north right-of-way line of Elkton Trail, and along said curve to the left having a radius of 280.00 feet, a central angle of 09°08'41", and a chord bearing and distance of South 60°28'08" West, 44.64 feet, an arc length of 44.69 feet to a 1/2" iron rod set for a corner and the end of said curve;

THENCE, South 55°53'47" West, continuing with said north right-of-way line of Elkton Trail, a distance of 57.58 feet to a 1/2" iron rod set for a corner and the beginning of a curve to the right having a radius of 220.00 feet;

THENCE, continuing with said north right-of-way line of Elkton Trail, and along said curve to the right having a radius of 220.00 feet, a central angle of 29°55'19", and a chord bearing and distance of South 70°51'27" West, 113.59 feet, an arc length of 114.89 feet to a 1/2" iron rod set for a corner and the end of said curve;

THENCE, South 85°49'07" West, continuing with said north right-of-way line of Elkton Trail, a distance of 176.34 feet to a 1/2" iron rod set for a corner and the beginning of a curve to the right having a radius of 270.00 feet;

THENCE, continuing with said north right-of-way line of Elkton Trail, and along said curve to the right having a radius of 270.00 feet, a central angle of 03°22'42", and a chord bearing and distance of South 87°30'28" West, 15.92 feet, an arc length of 15.92 feet to a 1/2" iron rod set for the southwest corner of the herein described tract;

THENCE, North 01°16'22" West, a distance of 1,050.64 feet to the POINT OF BEGINNING and containing 22.27 acres of land.

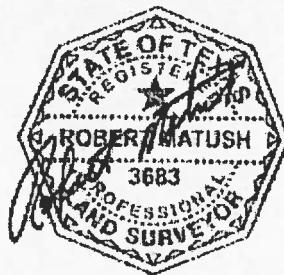
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I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of January, 2015. GIVEN UNDER MY HAND AND SEAL this date, 27 January 2015.

(Reference is hereby made to the plat of survey, Job No. 11-514 and 13-476. Bearings are based on the Texas Coordinate System, North Central Zone, NAD83 Map Datum)

Robert Matush
Registered Professional Land Surveyor
Texas Registration No. 3683



ORDINANCE NO. O-2015-24

EXHIBIT "B"

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Metes and Bounds Description

Oak Hill 10.11 Acres

C-2 General Commercial

All that certain tract or parcel of land situated in the Marshall University Survey, Abstract 824, Smith County, Texas, being a part of New City Block 1660-A in the City of Tyler, being out of and a part of that certain called 184.007 acre tract described in a Correction Special Warranty Deed from Cherokee of VA L.L.C., to Davis Thornton, Ltd., dated February 27, 2007, and filed for record under Clerk's File Number 2007-R00010833 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod set for the northernmost northwest corner of the herein described tract, same being the northeast corner of Lot 1, N.C.B. 1660-G, of Oak Hill Unit 14, a subdivision of record in Cabinet 'E', Slide 88-C of the Plat Records of Smith County, same being in the north line of said 184.007 acre tract;

THENCE, North $89^{\circ}11'45''$ East, with said north line of said 184.007 acre tract, a distance of 351.02 feet to a $\frac{1}{2}$ " iron rod set for the northeast corner of the herein described tract;

THENCE, South $01^{\circ}16'22''$ East, a distance of 1,050.64 feet to a $\frac{1}{2}$ " iron rod set for the southeast corner of the herein described tract, same being in the north right-of-way line of Elkton Trail, same being in a curve to the right having a radius of 270.00 feet;

THENCE, with said north right-of-way line of Elkton Trail, and along said curve to the right having a radius of 270.00 feet, a central angle of $40^{\circ}52'54''$, and a chord bearing and distance of North $70^{\circ}21'44''$ West, 188.59 feet, an arc length of 192.65 feet to a $\frac{1}{2}$ " iron rod set for a corner and the end of said curve;

THENCE, North $49^{\circ}45'21''$ West, continuing with said north right-of-way line of Elkton Trail, a distance of 406.86 feet to a $\frac{1}{2}$ " iron rod set for a corner and the beginning of a curve to the left having a radius of 210.00 feet;

THENCE, continuing with said north right-of-way line of Elkton Trail, and along said curve to the left having a radius of 210.00 feet, a central angle of $38^{\circ}53'36''$, and a chord bearing and distance of North $69^{\circ}12'09''$ West, 139.83 feet, an arc length of 142.55 feet to a $\frac{1}{2}$ " iron rod set for a corner and the end of said curve, same being in the proposed east right-of-way line of Old Noonday Road;

THENCE, North $01^{\circ}07'11''$ West, with said proposed east right-of-way line of Old Noonday Road, a distance of 205.14 feet to a $\frac{1}{2}$ " iron rod set for a corner;

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THENCE, North 46°44'22" East, a distance of 345.73 feet to a 1/2" iron rod set for the southeast corner of said Lot 1;

THENCE, North 00°48'15" West, with the east line of said Lot 1, a distance of 227.55 feet to the POINT OF BEGINNING and containing 10.11 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 January, 2015. GIVEN UNDER MY HAND AND SEAL this date, 27 January 2015.

(Reference is hereby made to the plat of survey, Job No. 11-514 and 13-476. Bearings are based on the Texas Coordinate System, North Central Zone, NAD83 Map Datum)

Robert Matush
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