

ORDINANCE NO. O-2015-73

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A ZONE CHANGE FROM "PUR", PLANNED UNIT RESIDENTIAL DISTRICT, AND "PCD", PLANNED COMMERCIAL DISTRICT TO "PMF", PLANNED MULTI-FAMILY DISTRICT WITH FINAL SITE PLAN ON A 12.47 ACRE PORTION OF A TRACT OF LAND CONTAINING A TOTAL OF APPROXIMATELY 14.37 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF ROY ROAD AND RHONES QUARTER ROAD (2911 ROY ROAD); 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 Z07-15-066

That the following described property, which has heretofore been zoned "PUR", Planned Unit Residential District and "PCD", Planned Commercial Development District, shall hereafter bear the zoning classification of "PMF", Planned Multi-Family Residential District with final site plan, to wit:

A 12.47 acre portion of a tract of land containing a total of approximately 14.37 acres located west of the southwest intersection of Roy Road and Rhones Quarter Road (2911 Roy Road), and in accordance with the site plan attached hereto as Exhibit "A" and described by metes and bounds hereto as Exhibit "B" which are incorporated herein, and subject to the requirement that an 8 ft. wood fence be installed on that portion of the subject property which runs adjacent to land owned by George Kieny located at 2815 Roy Road (instead of an 6 ft. fence);

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 Townhouse/Garden Apartment.

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 July 24, 2015.

PASSED AND APPROVED this the 22nd day of July, A.D., 2015.

Edward Moore

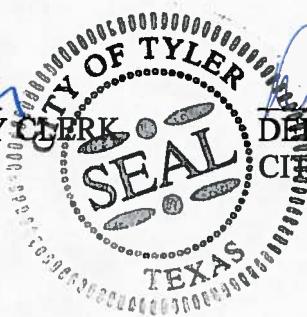
EDWARD MOORE, MAYOR PRO TEM
OF THE CITY OF TYLER, TEXAS

A T T E S T:

Cassandra Brager
CASSANDRA BRAGER, CITY CLERK

APPROVED:

Deborah G. Pullum
DEBORAH G. PULLUM,
CITY ATTORNEY



ORDINANCE NO. O-2015-73
EXHIBIT "B"
METES AND BOUNDS DESCRIPTION

Metes and Bounds Description
12.47 Ac Tract
Double Star Duplexes

All that certain tract or parcel of land situated in the Victor Loupey Survey, A-616, Smith County, Texas, being out of and a part of that certain called 14.37 acre Tract described in a Special Warranty Deed from Guinn-Tyler, LLC to RSJB Properties, LLC, dated March 28, 2014 and recorded as Record number SWD 11582 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 found at the northeast corner of Lot 11A, NCB 1490-P, Guinn Farms Addition, Unit 2, same being the southeast corner of the said 14.37 acre;

THENCE, South 81 degrees 53' 10" West, a distance of 71.17 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, South 79 degrees 19' 37" West, a distance of 64.77 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, South 71 degrees 01' 48" West, a distance of 64.75 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, South 64 degrees 54' 28" West, a distance of 84.94 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, South 59 degrees 40' 04" West, a distance of 55.14 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, South 67 degrees 28' 54" West, a distance of 49.88 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, South 70 degrees 49' 34" West, a distance of 49.38 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, South 75 degrees 20' 43" West, a distance of 64.69 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, North 2 degrees 13' 25" West, a distance of 354.51 feet to a $\frac{1}{2}$ " iron rod for a corner;

THENCE, North 0 degrees 26' 27" East, a distance of 255.63 feet to a point for a corner;

THENCE, North 2 degrees 26' 25" West, a distance of 224.97 feet to a point for a corner;

THENCE, North 88 degrees 15' 03" East, a distance of 50.62 feet to a point for a corner;

THENCE, North 01 degrees 39' 50" West, a distance of 441.04 feet to a point for a corner;

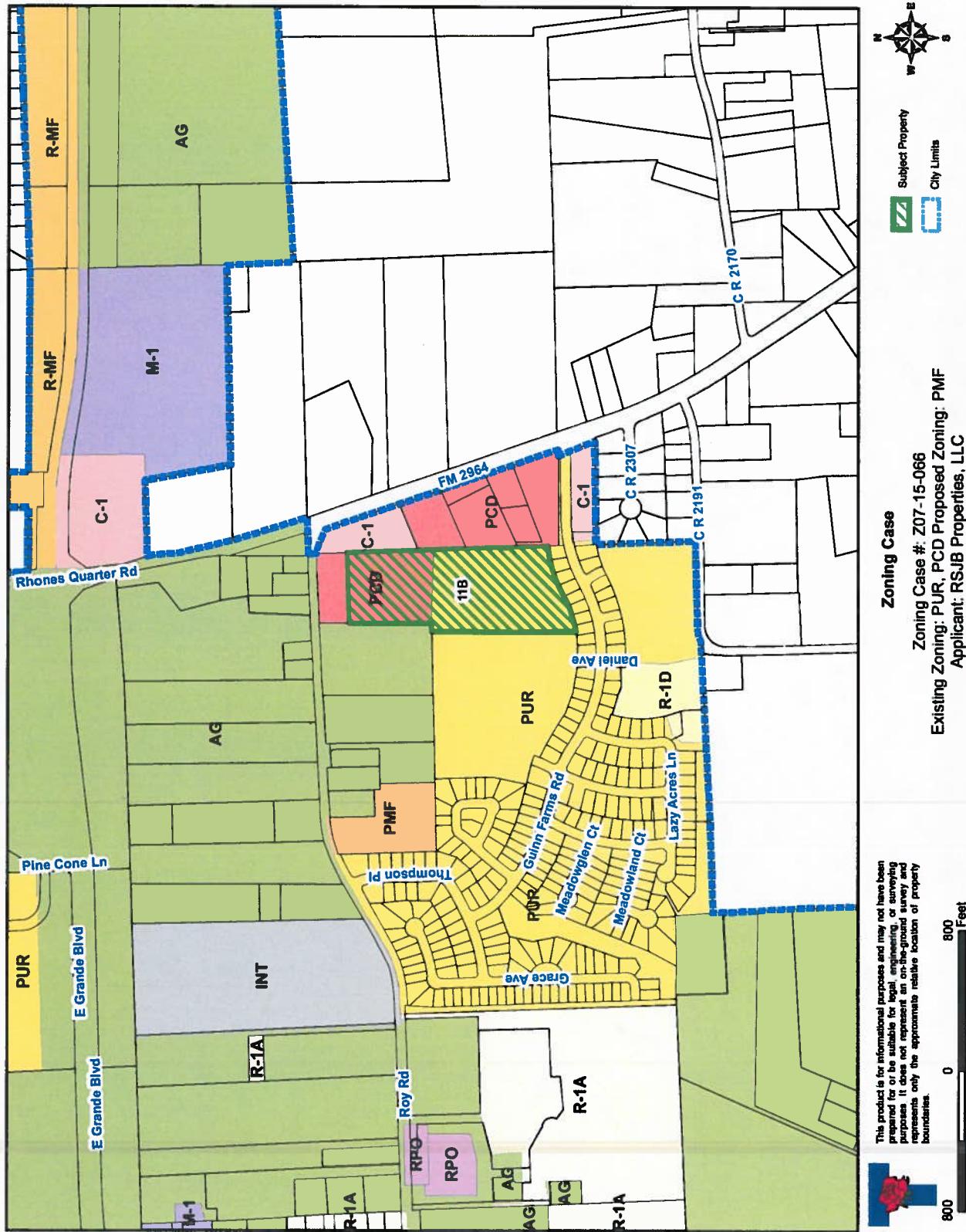
THENCE, North 86 degrees 57' 48" East, a distance of 413.08 feet to a point for a corner;

THENCE, South 2 degrees 22' 00" East, a distance of 392.09 feet to a point for a corner;

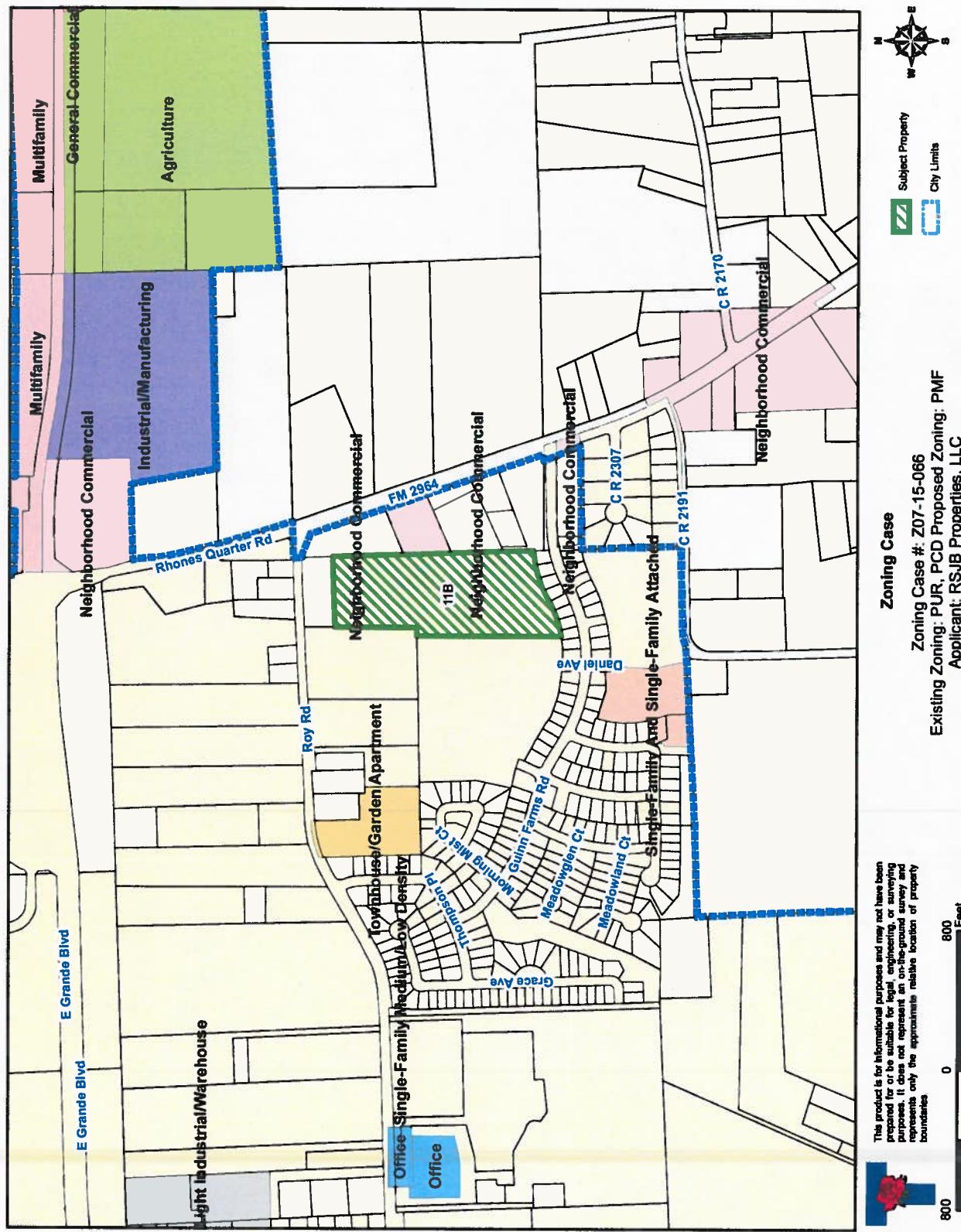
THENCE, South 02 degrees 15' 18" East, a distance of 745.76 feet to the point of **BEGINNING**;

Said tract of land containing 12.47 Acres.

ORDINANCE NO. O-2015-73
EXHIBIT "C"
LOCATION MAP



**ORDINANCE NO. O-2015-73
EXHIBIT "D"
TYLER 1ST FUTURE LAND USE GUIDE**



ORDINANCE NO. O-2015-73
EXHIBIT "E"
NOTIFICATION MAP

