

**ORDINANCE NO. O-2015-80**

**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 TO ALLOW FOR A 140 FEET TALL TELECOMMUNICATIONS TOWER FOR AN INDEFINITE PERIOD OF TIME ON LOT 1A OF NCB 836G, ONE LOT CONTAINING APPROXIMATELY 0.41 ACRES OF LAND LOCATED SOUTHWEST OF THE INTERSECTION OF OLD NOONDAY ROAD AND FRANKSTON HIGHWAY (2820 FRANKSTON HIGHWAY); 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 S07-15-012**


That the following described property, which is currently zoned "C-1", Light Commercial District, shall hereafter be used under a special use permit to allow for a 140 feet tall telecommunications tower, to-wit:

Lot 1A of NCB 836G, one lot containing approximately 0.41 acres of land located southwest of the intersection of Old Noonday Road and Frankston Highway (2820 Frankston Highway), for an indefinite period of time and subject to the site plan attached hereto as Exhibit "A" and incorporated herein.

**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 14<sup>th</sup>, 2015.

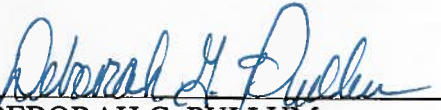
**PASSED AND APPROVED** this the 12<sup>th</sup> day of August, A.D., 2015.

  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK

  
DEBORAH G. PULLUM,  
CITY ATTORNEY



**LEGEND**

- ST - Station
- E - Easement
- W - Well
- C - Creek
- R - Road
- L - Lot
- B - Building
- T - Tree
- S - Street
- D - Ditch
- F - Fence
- G - Gate
- H - House
- I - Industrial
- O - Office
- P - Parking
- Q - Quarry
- R - Road
- S - Street
- T - Tree
- U - Utility
- V - Vault
- W - Well
- X - Cross
- Y - Yard
- Z - Zone

**VICINITY MAP**

**PROJECT INFORMATION**

**SURVEYOR'S CERTIFICATE**

**SCALE** 1" = 40'

**NORTH**

**STATE HIGHWAY NO. 135**

**OLD NOONDAY ROAD**

**Site**

**LOT 1**

**LOT 2**

**LOT 3**

**LOT 4**

**LOT 5**

**LOT 6**

**LOT 7**

**LOT 8**

**LOT 9**

**LOT 10**

**LOT 11**

**LOT 12**

**LOT 13**

**LOT 14**

**LOT 15**

**LOT 16**

**LOT 17**

**LOT 18**

**LOT 19**

**LOT 20**

**LOT 21**

**LOT 22**

**LOT 23**

**LOT 24**

**LOT 25**

**LOT 26**

**LOT 27**

**LOT 28**

**LOT 29**

**LOT 30**

**LOT 31**

**LOT 32**

**LOT 33**

**LOT 34**

**LOT 35**

**LOT 36**

**LOT 37**

**LOT 38**

**LOT 39**

**LOT 40**

**LOT 41**

**LOT 42**

**LOT 43**

**LOT 44**

**LOT 45**

**LOT 46**

**LOT 47**

**LOT 48**

**LOT 49**

**LOT 50**

**LOT 51**

**LOT 52**

**LOT 53**

**LOT 54**

**LOT 55**

**LOT 56**

**LOT 57**

**LOT 58**

**LOT 59**

**LOT 60**

**LOT 61**

**LOT 62**

**LOT 63**

**LOT 64**

**LOT 65**

**LOT 66**

**LOT 67**

**LOT 68**

**LOT 69**

**LOT 70**

**LOT 71**

**LOT 72**

**LOT 73**

**LOT 74**

**LOT 75**

**LOT 76**

**LOT 77**

**LOT 78**

**LOT 79**

**LOT 80**

**LOT 81**

**LOT 82**

**LOT 83**

**LOT 84**

**LOT 85**

**LOT 86**

**LOT 87**

**LOT 88**

**LOT 89**

**LOT 90**

**LOT 91**

**LOT 92**

**LOT 93**

**LOT 94**

**LOT 95**

**LOT 96**

**LOT 97**

**LOT 98**

**LOT 99**

**LOT 100**

**LOT 101**

**LOT 102**

**LOT 103**

**LOT 104**

**LOT 105**

**LOT 106**

**LOT 107**

**LOT 108**

**LOT 109**

**LOT 110**

**LOT 111**

**LOT 112**

**LOT 113**

**LOT 114**

**LOT 115**

**LOT 116**

**LOT 117**

**LOT 118**

**LOT 119**

**LOT 120**

**LOT 121**

**LOT 122**

**LOT 123**

**LOT 124**

**LOT 125**

**LOT 126**

**LOT 127**

**LOT 128**

**LOT 129**

**LOT 130**

**LOT 131**

**LOT 132**

**LOT 133**

**LOT 134**

**LOT 135**

**LOT 136**

**LOT 137**

**LOT 138**

**LOT 139**

**LOT 140**

**LOT 141**

**LOT 142**

**LOT 143**

**LOT 144**

**LOT 145**

**LOT 146**

**LOT 147**

**LOT 148**

**LOT 149**

**LOT 150**

**LOT 151**

**LOT 152**

**LOT 153**

**LOT 154**

**LOT 155**

**LOT 156**

**LOT 157**

**LOT 158**

**LOT 159**

**LOT 160**

**LOT 161**

**LOT 162**

**LOT 163**

**LOT 164**

**LOT 165**

**LOT 166**

**LOT 167**

**LOT 168**

**LOT 169**

**LOT 170**

**LOT 171**

**LOT 172**

**LOT 173**

**LOT 174**

**LOT 175**

**LOT 176**

**LOT 177**

**LOT 178**

**LOT 179**

**LOT 180**

**LOT 181**

**LOT 182**

**LOT 183**

**LOT 184**

**LOT 185**

**LOT 186**

**LOT 187**

**LOT 188**

**LOT 189**

**LOT 190**

**LOT 191**

**LOT 192**

**LOT 193**

**LOT 194**

**LOT 195**

**LOT 196**

**LOT 197**

**LOT 198**

**LOT 199**

**LOT 200**

**LOT 201**

**LOT 202**

**LOT 203**

**LOT 204**

**LOT 205**

**LOT 206**

**LOT 207**

**LOT 208**

**LOT 209**

**LOT 210**

**LOT 211**

**LOT 212**

**LOT 213**

**LOT 214**

**LOT 215**

**LOT 216**

**LOT 217**

**LOT 218**

**LOT 219**

**LOT 220**

**LOT 221**

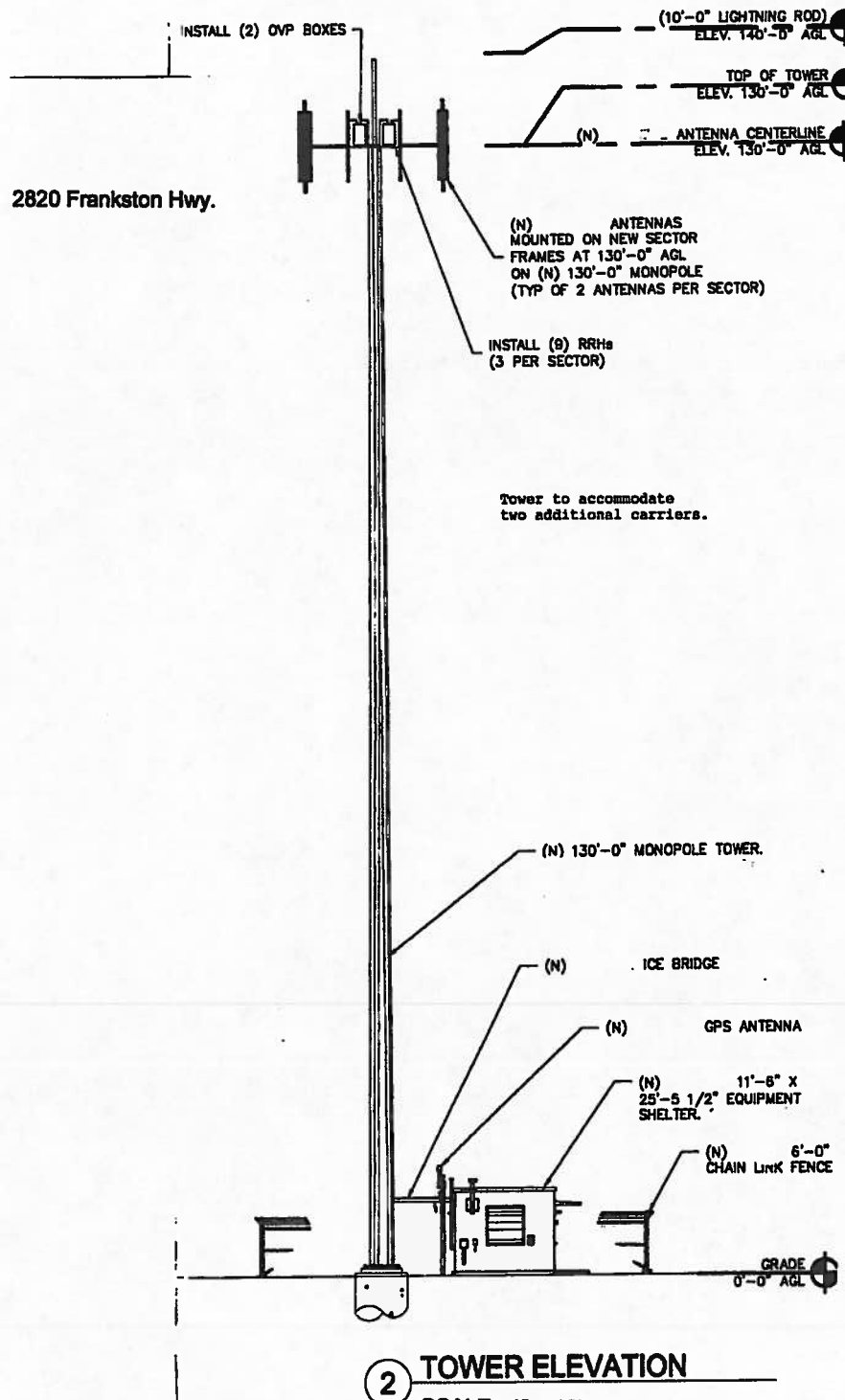
**LOT 222**

**LOT 223**

**LOT 224**

**LOT 225**

ORDINANCE NO. O-2015-80  
EXHIBIT "A"  
SITE PLAN MATERIALS  
2 of 3



**ORDINANCE NO. O-2015-80**  
**EXHIBIT "A"**  
**SITE PLAN MATERIALS**  
**3 of 3**



Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
2601 Meacham Boulevard  
Fort Worth, TX 76193

Aeronautical Study No.  
2014-ASW-9074-OE

Issued Date: 01/09/2015

Jim O'Dowd  
Verizon Wireless  
180 Washington Valley Rd  
Bedminster, NJ 07921

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Monopole Walton Road
Location:	Tyler, TX
Latitude:	32-19-05.12N NAD 83
Longitude:	95-19-28.71W
Heights:	570 feet site elevation (SE) 160 feet above ground level (AGL) 730 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)  
  X   Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

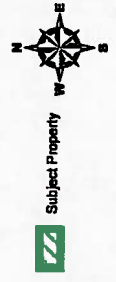
Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 07/09/2016 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.



**ORDINANCE O-2015-80  
EXHIBIT "B"  
LOCATION MAP**

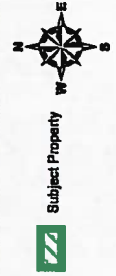


**Special Use Permit**  
Special Use Permit #: S07-15-012  
Special Use Permit: Antenna Tower (2820 Frankston Hwy)  
Applicant: Grupo Tkmax LLC

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

0 100 200 Feet

**ORDINANCE O-2015-80**  
**EXHIBIT "C"**  
**TYLER 1<sup>ST</sup> FUTURE LAND USE GUIDE**



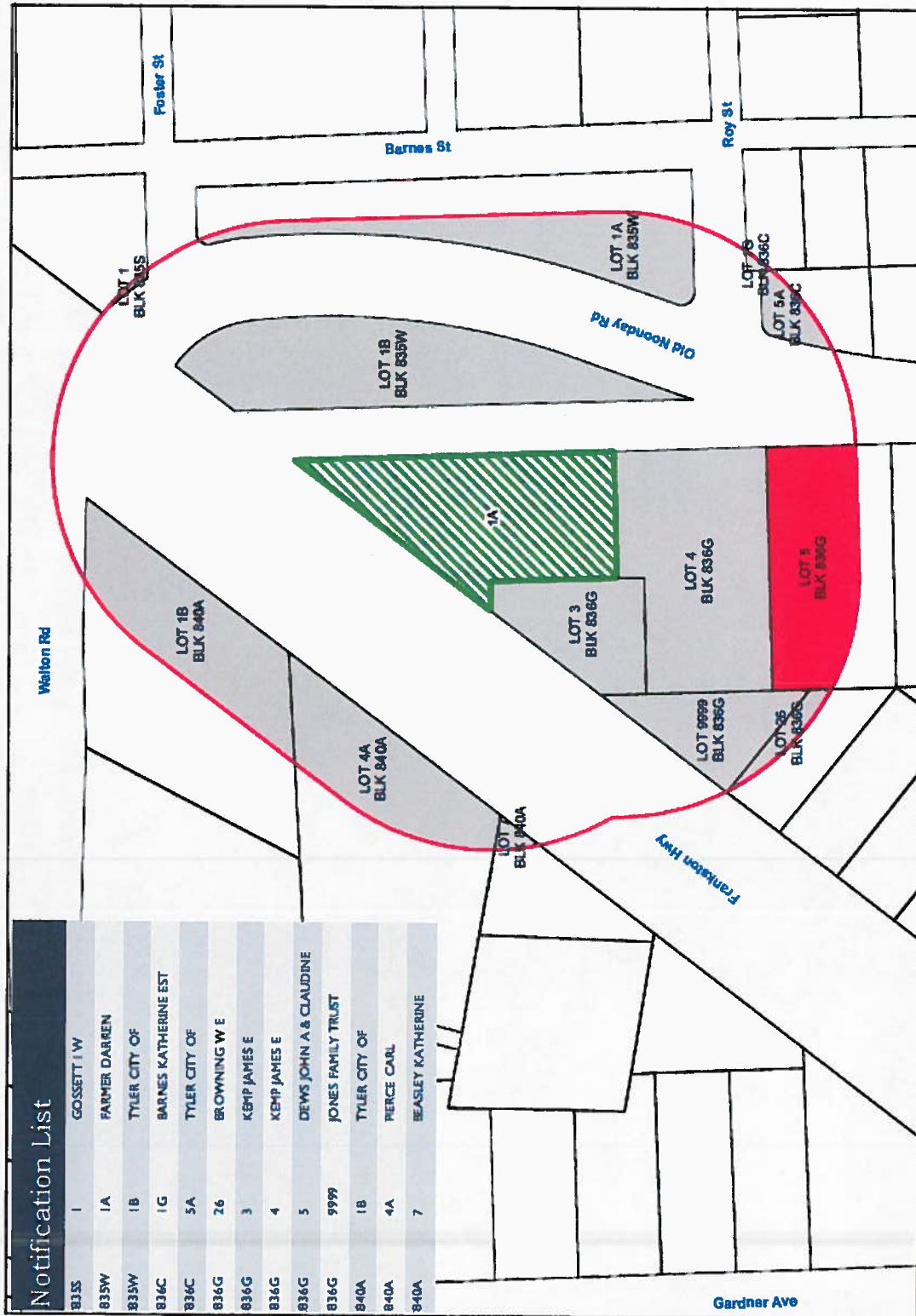
**Special Use Permit**  
 Special Use Permit #: S07-15-012  
 Special Use Permit: Antenna Tower (2820 Frankston Hwy)  
 Applicant: Grupo Tknax LLC

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

200 0 200 Feet



# ORDINANCE O-2015-80 EXHIBIT "D" NOTIFICATION MAP



## Notification List

835S	1	GOSSETT I W
835W	1A	FARMER DARREN
835W	1B	TYLER CITY OF
836C	1G	BARNES KATHERINE EST
836C	5A	TYLER CITY OF
836G	26	BROWNING W E
836G	3	KEMP JAMES E
836G	4	KEMP JAMES E
836G	5	DEWS JOHN A & CLAUDINE
836G	9999	JONES FAMILY TRUST
840A	1B	TYLER CITY OF
840A	4A	PERCE CARL
840A	7	SEASLEY KATHERINE

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.

125 0 125 Feet

## Special Use Permit

Special Use Permit #: S07-15-012  
Special Use Permit: Antenna Tower (2820 Frankston Hwy)  
Applicant: Grupo Timax LLC

