

ORDINANCE NO. O-2013-23

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-1A", SINGLE-FAMILY RESIDENTIAL DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON A 2.03 ACRE PORTION OF LOT 8A OF NCB 1010D, ONE LOT CONTAINING APPROXIMATELY 11.96 ACRES OF LAND LOCATED AT THE NORTHEAST INTERSECTION OF EAST SOUTHEAST LOOP 323 AND SOUTH BROADWAY AVENUE (4202 SOUTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT TO THE FUTURE LAND USE GUIDE 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 Z03-13-021

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

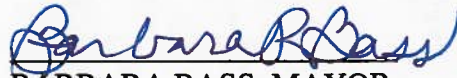
A 2.03 acre portion of Lot 8A of NCB 1010D, one lot containing approximately 11.96 acres of land located at the northeast intersection of East Southeast Loop 323 and South Broadway Avenue (4202 South Broadway Avenue), and in accordance with the metes and bounds description attached hereto as Exhibit "A".

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 that the Future Land Use Guide be revised 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 27th day of March, A.D., 2013.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C. LANDERS, CITY ATTORNEY



Exhibit "A" to ORDINANCE NO. O-2013-23

Legal Description: Zoning Change, 2.025 Ac.

All that certain lot, tract or parcel of land being part of the Robert Fletcher Survey, Abstract No. 359, City of Tyler, Smith County, Texas, and being part of Lot 8-A, New City Block 1010-D of First Christian Church Addition Unit 1, recorded in Cabinet C on Slide 158-D of the Plat Records of Smith County, Texas, same being described in Deed to the First Christian Church Desciples of Christ, recored in Volume 3839 on Page 502 of the Official Public Records of Smith County, Texas, and this 2.025 acre tract being more completely described as follows:

BEGINNING at a 1/2" Iron Rod found for the Northwest corner of said Lot 8-A, same being the Southwest corner of Tract Number One, a called 4.806 acre tract of land described in Deed from Wagner Capital, Ltd. to Tyler Cadillac, L.P., recorded in File No. 2009-R00047594 of the Official Public Records of Smith County, Texas, same being located in the East right-of-way of South Broadway Avenue;

THENCE North 88 deg. 47 min. 28 sec. East, along the South boundary line of said called 4.806 acre tract of land, a distance of 381.55 feet to a point for corner in same, from which a T-Post found for the Southeast corner of said called 4.806 acre tract of land bears North 88 deg. 47 min. 28 sec. East a distance of 300.13 feet;

THENCE South 01 deg. 49 min. 13 sec. East a distance of 231.25 feet to a point for corner;

THENCE South 88 deg. 47 min. 28 sec. West a distance of 381.55 feet to a point for corner in the West boundary line of said Lot 8-A and the East right-of-way of South Broadway Avenue;

THENCE North 01 deg. 49 min. 13 sec. West a distance of 231.25 feet to the PLACE OF BEGINNING AND CONTAINING 2.025 ACRES OF LAND.

The bearings hereon are based on Texas State Plane Coordinates, Texas North Central Zone (4202), NAD83.

I, Daniel R. Arthur, do hereby state that the above field notes were prepared from a survey made under my supervision during the month of January, 2013.

GIVEN UNDER MY HAND AND SEAL, this 12th day of February, 2013.



Daniel R. Arthur

Registered Professional Land Surveyor

State of Texas No. 5933

No Map or Plat was prepared in conjunction with these field notes

