

**ORDINANCE NO. O-2013-32**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A SITE PLAN AMENDMENT ON LOT 12-A OF NCB 999F, ONE LOT TOTALING APPROXIMATELY 1.405 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF TIMBERWILDE DRIVE AND OLD BULLARD ROAD (4803 OLD BULLARD ROAD); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT TO 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 Z04-13-024**

That the existing site development plan is hereby amended by approving the site plan attached hereto as Exhibit "A" on the following described property zoned "PCD", Planned Commercial Development District, to wit:

Lot 12-A of NCB 999F, one lot totaling approximately 1.405 acres located at the southwest intersection of Timberwilde Drive and Old Bullard Road (4803 Old Bullard Road), and in accordance with the site plan attached hereto as Exhibit "A", and subject to the following conditions:

1. That a wall similar to the wall approved for Lot 12D of NCB 999F in Ordinance No. 0-2010-51 adopted on June 9, 2010, shall be constructed along the north side of Lot 12-A of NCB 999F. Lot 12-C is located on Lot 12-A, and is shown on and is governed by the Site Plan attached hereto as Exhibit "A".
2. That said wall shall be a 8 feet high masonry wall which shall extend easterly from the westernmost edge of Lot 12-A of NCB 999F and along the Timberwilde Drive right-of-way in the area shown as a decorative fence on the map shown in the approved Site Plan for Lot 12-A of NCB 999F, 450 Timberwilde Drive, said masonry wall terminating at the easternmost property line of the residential lot across Timberwilde Drive immediately to the north of Lot 12-A. Said 8 feet high masonry wall shall allow sufficient setback (maximum five feet wide) to provide for evergreen plantings to occur on the residential side of the wall on its northern leg along Timberwilde Drive. Said 8 feet high masonry wall shall serve as a noise abatement mechanism that isolates the adjoining neighborhood

from this commercial development. Said 8 feet high masonry wall shall provide for adequate drainage at its base.

3. All uses allowed by right in the C-1 Light Commercial District shall be allowed on Lot 12-A of NCB 999F (shown as Lot 12-C on the Site Plan 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 Neighborhood Commercial.

**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 April 26th, 2013.

PASSED AND APPROVED this the 24<sup>th</sup> day of April, A.D., 2013.

ATTEST:

*Cassandra Brager*  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

*Gary C. Landers*  
GARY C. LANDERS, CITY ATTORNEY

*Barbara Bass*  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

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**Exhibit "A"**

**SITE INFORMATION:**

**DEVFLÜPER:**  
Hooper Tyler Properties, LLC  
5100 Old Bullard Road  
Tyler, TX 75703  
803-524-9789

PROJECT: B.000 S.F. Building

**PARKING REQUIRED: 27 (per City of Tyler UDCC)**  
**PARKING PROVIDED: 28 (per City of Tyler UDCC)**  
② 14'x30' S.F.  
**PARKING PROVIDED: 29 (Note: Future Spaces shown on plan to be added for restaurant uses if needed. Will take up to 6,000 S.F. or less.)**  
**LANDSCAPING:** E- grading building being resurfaced for C-1-2325. No changes will be made to the existing building. Then, the property is granted back with regard to the landscaping in order to maintain the property.

PLANNING CONCEPTS

LOCATION MAP - 50' TO SCALE