

ORDINANCE NO. O-2019-19

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 AND "C-2", GENERAL COMMERCIAL DEVELOPMENT DISTRICT TO "PCD", PLANNED COMMERCIAL DISTRICT WITH FINAL SITE PLAN ON LOTS 1A, 2A AND 3 OF NCB 908A, THREE LOTS CONTAINING APPROXIMATELY 1.24 ACRES OF LAND LOCATED AT THE NORTHEAST INTERSECTION OF SOUTH SOUTHWEST LOOP 323 AND WEST ELM STREET (3809 AND 3821 WEST ELM STREET AND 220 SOUTH SOUTHWEST LOOP 323); 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 PD19-002

That the following described property, which has heretofore been zoned "R-1A", Single-Family Residential District and "C-2", General Commercial District shall hereafter bear the zoning classification of "PCD", Planned Commercial Development District with final site plan, to wit:


Lots 1A, 2A and 3 of NCB 908A, three lots containing approximately 1.24 acres of land located at the northeast intersection of South Southwest Loop 323 and West Elm Street (3809 and 3821 West Elm Street and 220 South Southwest Loop 323) and in accordance with Exhibit "A" incorporated herein.

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 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 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 February 29, 2019.

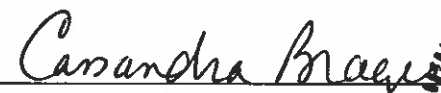
PASSED AND APPROVED this the 27th day of February A.D., 2019.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK





DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2019-19

EXHIBIT "A"

FINAL SITE PLAN



SITE INFORMATION:

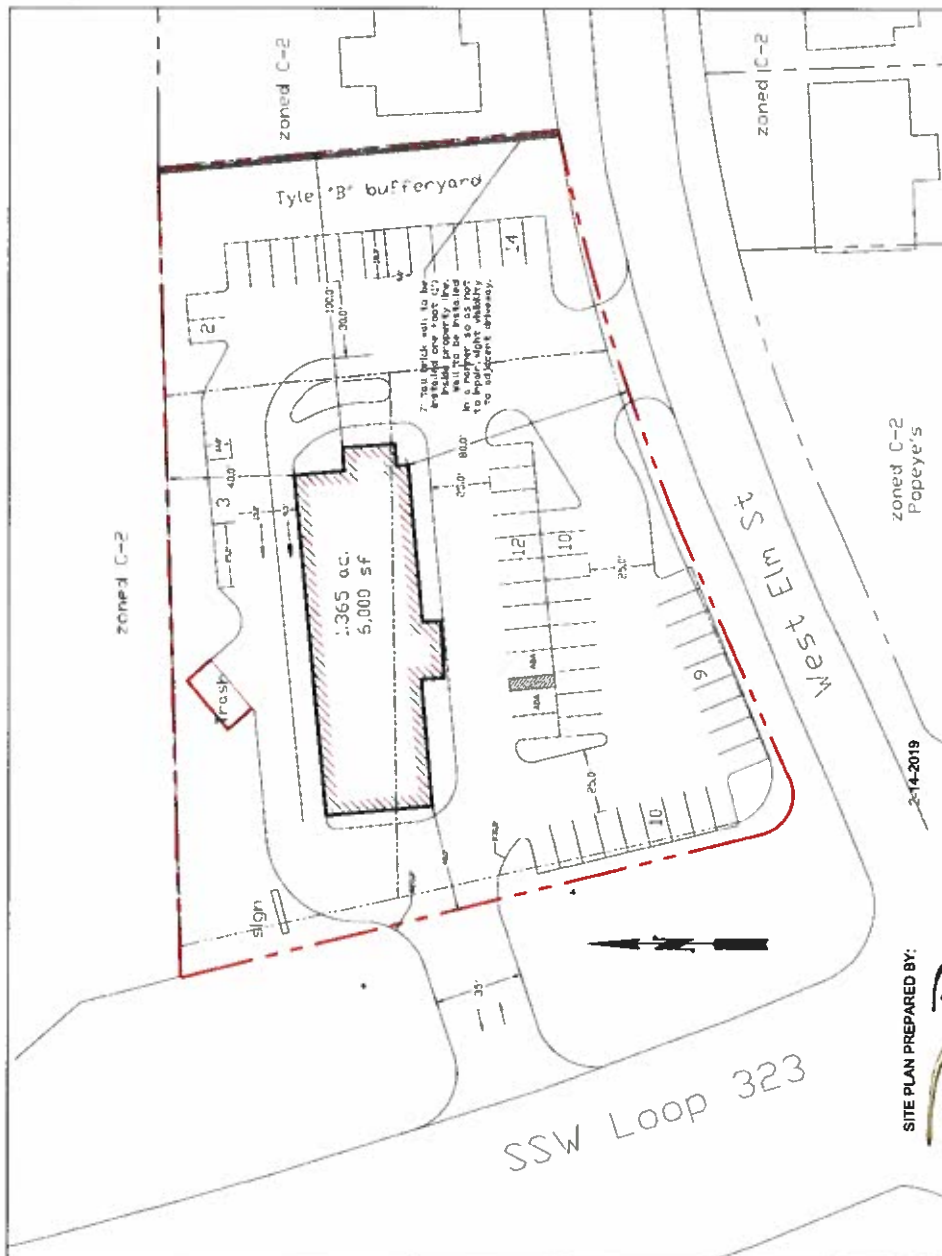
DEVELOPER:
CHARLES DON & JUDY DELAINE LUSK

10637 SPUR 164
TYLER, TX 75709-5122
903-360-4908

ACREAGE: 1.365± ACRES
CURRENT ZONING: C-2 and R-1B
PROPOSED ZONING: PCU
USES: Uses limited to C-1 Light Commercial as listed in the Tyler UDC
SETBACKS: as shown on site plan
HEIGHT: Single Story / 40' Maximum
PARKING: (per UDC)
Total Req'd - 60 Provided - 60
Restaurant @ 1 space / 100 sq. ft.

SIGNAGE: (per UDC Sign Chart Section 10-409) All signs to comply with Tyler UDC. Number and locations determined by Tyler UDC.

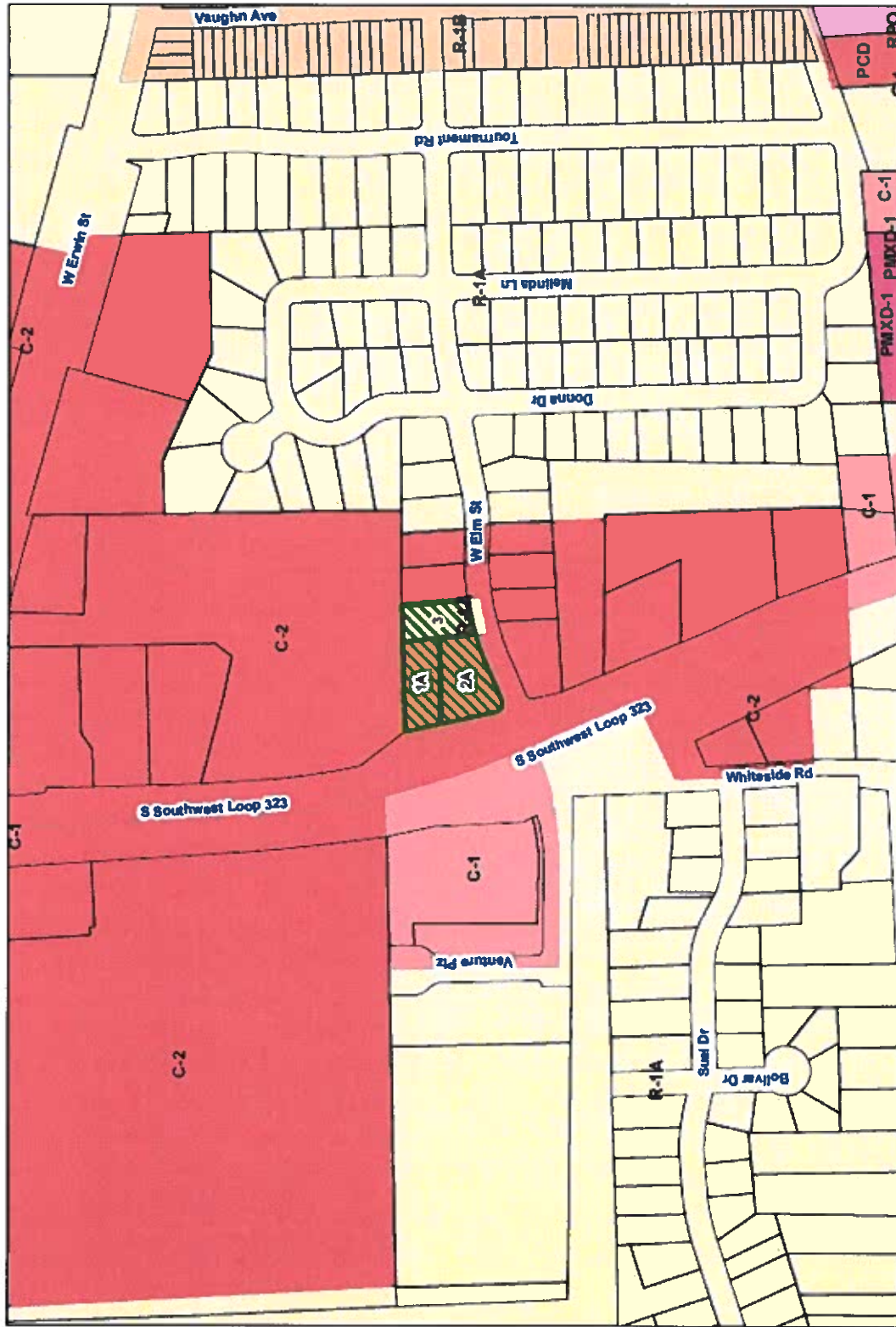
LANDSCAPING: landscaping to meet or exceed minimum requirements per Tyler UDC.



SITE PLAN PREPARED BY: 2-14-2019



**ORDINANCE NO. O-2019-19
EXHIBIT "B"
LOCATION MAP**



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.

300 0 300 Feet

ZONING CASE

Zoning Case #: PD19-002

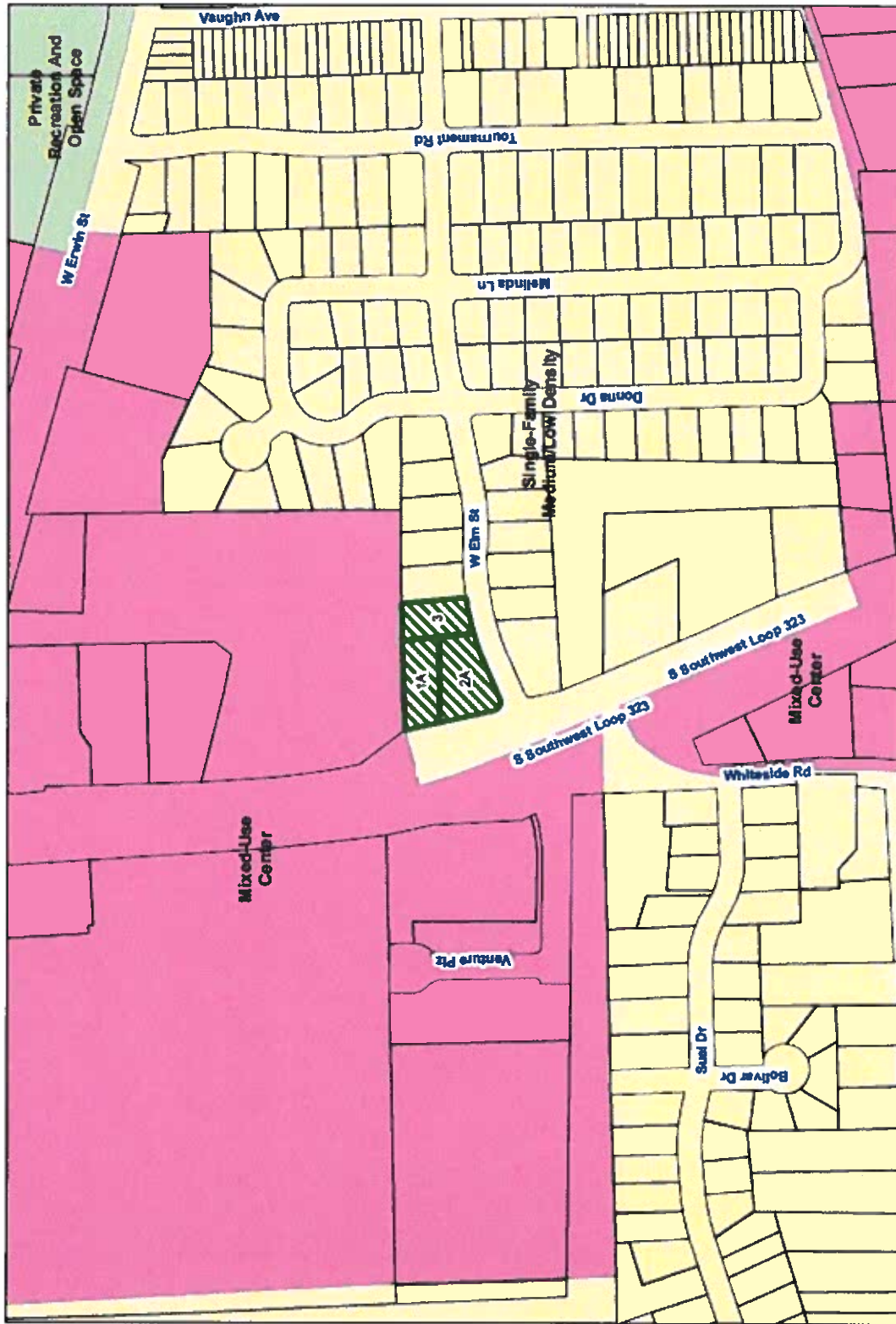
Existing Zoning: R-1A and C-2 Proposed Zoning: PCD
Applicant: Lusk Charles Don



Surveyed Property



ORDINANCE NO. O-2019-19
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE



ZONING CASE
 Zoning Case #: PD19-002
 Existing Zoning: R-1A and C-2 Proposed Zoning: PCD
 Applicant: Lusk Charles Don

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



**ORDINANCE NO. O-2019-19
EXHIBIT "D"
NOTIFICATION MAP**




Notification List	
908A	1A HATDINE LLC
908A	2A LUSK CHARLES DON & DELANE
908B	6 ROBINSON WILLIAM JR
908B	4A DYER JUANITA DYER
908B	5 ALLEN JUDY H
908B	3A ESPINOZA DOLORES
908B	1B POP HOLDINGS LP
1254	6B ONCOR ELECTRIC DELIVERY CO
908A	6 ALLEN ROBERT H TRUST
908A	5 CAIN WELMA E
908A	4 STEWART RAYMOND & GLENDA -JRE ESTATE-
908A	3 LUSK CHARLES DON & JUDY DELANE
1254	3J ALDI (TEXAS) LLC

ZONING CASE
Zoning Case #: PD19-002
Existing Zoning: R-1A and C-2 Proposed Zoning: PCD
Applicant: Lusk Charles Don


 Subject Property
 200' Mailed Notice Area
 Proposed Lanes

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100 0 100 Feet