

ORDINANCE NO. O-2019-41

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-MF", MULTI-FAMILY RESIDENTIAL DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON AN APPROXIMATELY 1.71 ACRE PORTION OF LOT 3E OF NCB 1554B, ONE LOT TOTALING APPROXIMATELY 6.97 ACRES OF LAND LOCATED EAST OF THE SOUTHEAST INTERSECTION OF RICE ROAD AND OLD JACKSONVILLE HIGHWAY (4405 TYLER PARK DRIVE); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE GUIDE; PROVIDING A SEVERABILITY CLAUSE; 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 Z19-010

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

An approximately 1.71 acre portion of Lot 3E of NCB 1554B, one lot totaling approximately 6.97 acres of land located east of the southeast intersection of Rice Road and Old Jacksonville Highway (4405 Tyler Park Drive), as shown in the metes and bounds attached hereto as Exhibit "A" and 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 a portion of 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 this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 22nd day of May 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-2019-41
EXHIBIT "A"

EXHIBIT 'A'

**Metes and Bounds Description
1.710 Acre Tract**

All that certain tract or parcel of land situated in the Marshall University Survey, Abstract 624, Smith County, Texas, and being out of and a part of Lot 3-E, New City Block 1554-B, Weaver Crossing Third Amendment, according to the plat thereof recorded in Cabinet 'E', Slide 131-B, of the Plat Records of Smith County, Texas, same being the remainder of said Lot 3-E zoned as 'R-3, Multi-Family Residential District, referenced in Zoning Application Number Z10-05-075, dated October 4, 2005, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found for the southeast corner of said Lot 3-E, same being in the west right-of-way line of Tyler Park Drive,

THENCE, South 78°39'34" West, with the south line of said Lot 3-E (being the bearing basis of this survey as related to the record bearing), a distance of 491.63 feet to a 1/2" iron rod found for a corner;

THENCE, North 27°42'30" East, across said Lot 3-E, a distance of 220.00 feet to the northwest corner of the herein described tract;

THENCE, North 76°30'12" East, continuing across said Lot 3-E, a distance of 353.21 feet to the northeast corner of the herein described tract, same being in the east line of said Lot 3-E, same being in said west right-of-way line of Tyler Park Drive;

THENCE, South 11°21'36" East, with said west right-of-way line of Tyler Park Drive, a distance of 184.13 feet to the POINT OF BEGINNING and containing 1.710 acres of land.

I hereby certify that the above description was prepared from an actual survey made on the ground under my direction and supervision during the Month of January 2019. GIVEN UNDER MY HAND AND SEAL this date, 23 April 2019.

(Reference is hereby made to the plat of survey, Job No. 19-001.)

Joseph K. Pollard
Registered Professional Land Surveyor
Texas Registration No. 6499



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The product is for informational purposes and may not have been prepared by or for the public for legal, engineering, or surveying purposes. It does not represent an independent survey and represents only the approximate relative location of property boundaries.



Zoning Case #: Z19-010

Current Zoning: R-MF Proposed Zoning: C-1
Applicant: HERITAGE ACQUISITION COMPANY LLC



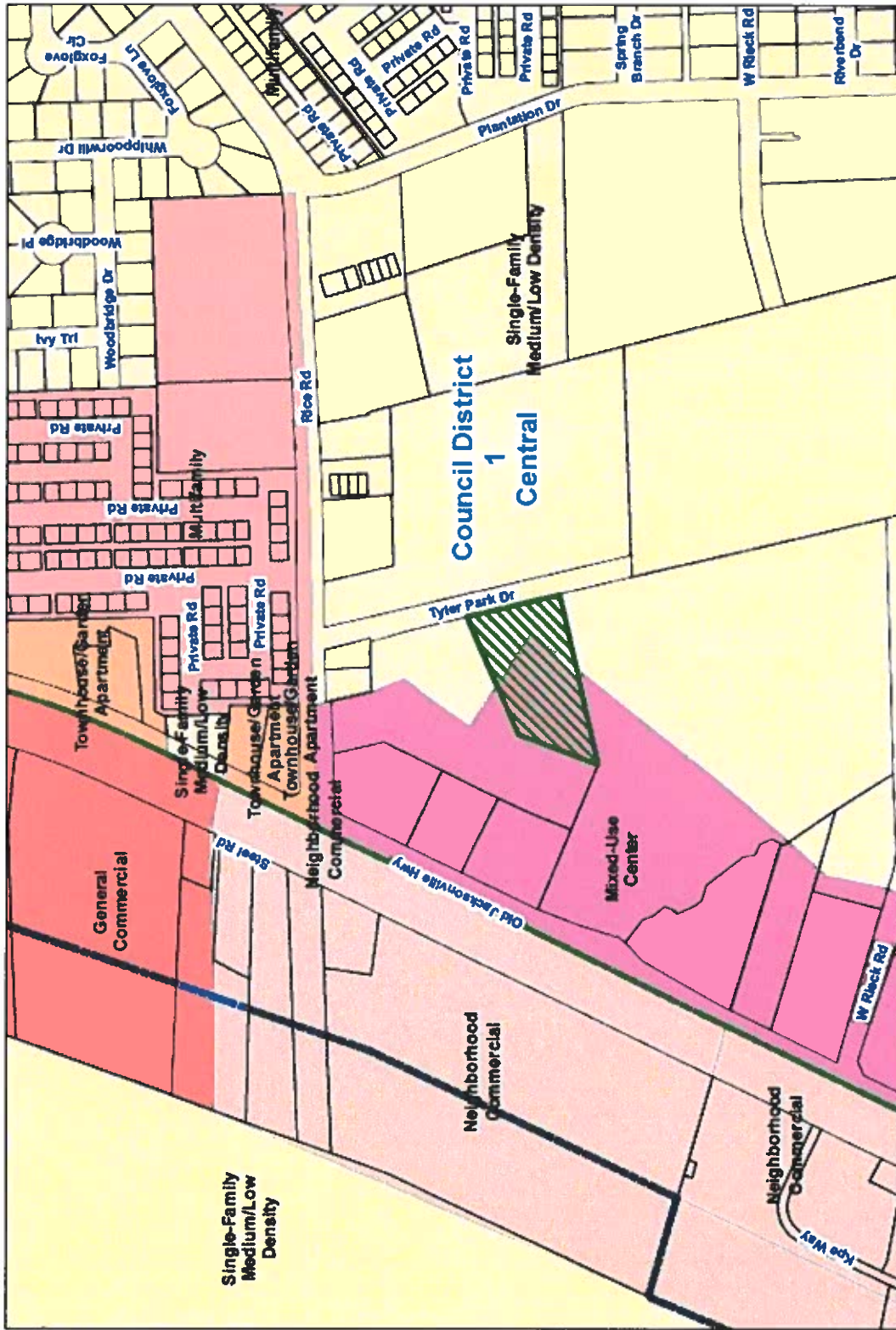
Subject Property



**Council District
Boundary**



ORDINANCE NO. O-2019-41
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE MAP



ZONING CASE
 Zoning Case #: Z19-010
 Current Zoning: R-MF Proposed Zoning: C-1
 Applicant: HERITAGE ACQUISITION COMPANY LLC

Legend

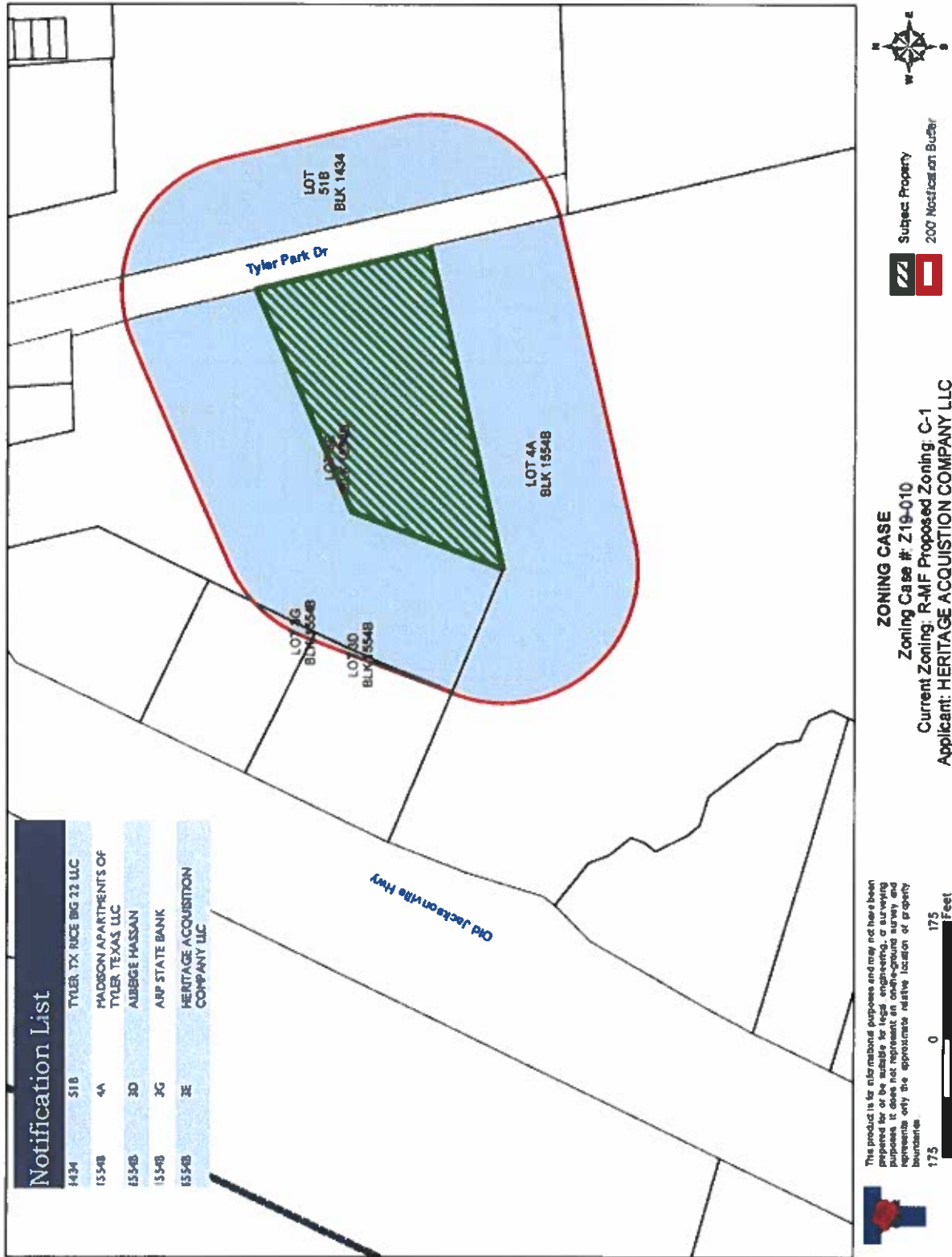
Subject Property

Council District Boundary

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350 0 350 Feet

**ORDINANCE NO. O-2019-41
EXHIBIT "D"
NOTIFICATION MAP**



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