

ORDINANCE NO. O-2018-6

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 GRANT A VARIANCE TO THE ALCOHOL DISTANCE REQUIREMENTS IN TYLER CITY CODE CHAPTER 10 ALLOWING FOR THE SALE OF ALCOHOLIC BEVERAGES 59 FEET FROM THE PROPERTY LINE OF A PUBLIC SCHOOL ON LOT 35 OF NCB 1435, ONE LOT CONTAINING APPROXIMATELY 8.76 ACRES OF LAND LOCATED SOUTH OF THE SOUTHWEST INTERSECTION OF SOUTH BROADWAY AVENUE AND RICE ROAD (5201 SOUTH BROADWAY AVENUE); PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under Texas Alcoholic Beverage Code Section 109.33(a)(1), the governing body of an incorporated city or town may enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a church, public or private school, or public hospital; and

WHEREAS, the City of Tyler has adopted such alcohol distance regulations in City Code Section 10-96; and

WHEREAS, Pursuant to Texas Alcoholic Beverage Code Section 109.33(e) and City Code Section 10-96.d., the City Council may waive the distance requirements in Section 10-96; and

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 S17-008

That the following described property, which is currently zoned "C-1", Light Commercial District, shall hereafter be used under a Special Use Permit and variance to meet the distance requirements from a public school in order to be eligible for a Texas Alcoholic Beverage Commission permit to sell beer and wine for off-premise consumption for an indefinite period of time, to wit:

Lot 35 of NCB 1435, one lot containing approximately 8.76 acres of land located south of the southwest intersection of South Broadway Avenue and Rice Road (5201 South Broadway Avenue).

PART 2: This Special Use Permit shall be limited to the existing building footprint on Lot 35 of NCB 1435 shown in Attachment "A", which is attached hereto and is incorporated herein. This restriction does not include expansions of the existing footprint, only new buildings.

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 January 26th, 2018.

PASSED AND APPROVED this the 24th day of January, A.D., 2018.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2018-6
EXHIBIT "A"
EXISTING BUILDING FOOTPRINT

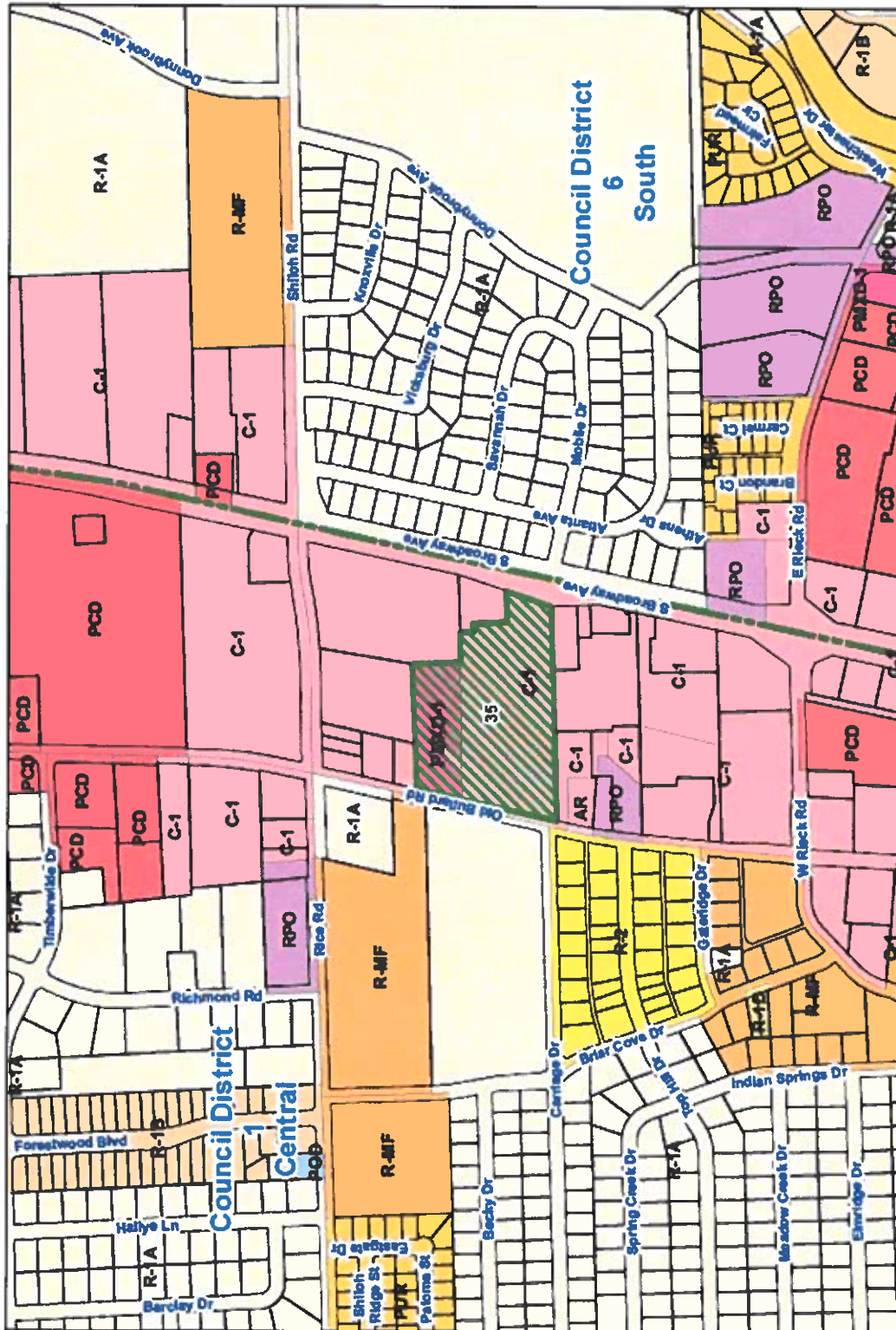


ZONING CASE
Zoning Case #: S17-008
Special Use Permit
Applicant: Yolo Properties

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.

0 30 60 Feet

ORDINANCE NO. O-2018-6
EXHIBIT "B"
LOCATION MAP



ZONING CASE
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Special Use Permit
Applicant: Yolo Properties

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 Subject Property
 Council District Boundary

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**ORDINANCE NO. O-2018-6
EXHIBIT "D"
NOTIFICATION MAP**



Notification List

1435	31	HARNER KARLA ALBERT
1013A	9	NICO PEDRO D
1435	34	BROOKSHIRE GROCERY COMPANY
1434	2A	EASTWOOD GARDEN APTS
1434	28	SOUTHWESTERN BELL TELE CO
1435	37	BROOKSHIRE GROCERY CO
1435	35	YOLO PROPERTIES LTD
1435	33	HARNER KARLA & CARLA RAE
1434	1A	TYLER IS D
1013A	10	GLENN JOHN W
1013A	11	TISCARENO HERIBELDA T
1435	12	BENNETT EUGENE D III & DONNA J
1435	13B	BROADWAY EQUITY ENTERPRISES LLC
1435	14	WILLIAMS REBECCA ANN
1434E	1	GOOWIN MARK DAVID
1434E	2	BARNES NANCY C
1013E	1	SCHULTZ NANETTE CLARK
1435	15	NUYB LLC
1434E	16	DEVINNEY PROPERTIES LP
1539M	14	WILLIAMS REBECCA ANN
1539M	18	G OIL PARTNERS LTD
1435	37	YOLO PROPERTIES LTD
1435	13C	SOUTH BROADWAY INVESTMENT LLC

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200 0 200 Feet

ZONING CASE
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ORDINANCE NO. O-2018-6
EXHIBIT "E"
300 FEET RADIUS MAP



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190 0 190 Feet

ZONING CASE
Zoning Case #: S17-008
Special Use Permit
Applicant: Yolo Properties

ORDINANCE NO. O-2018-6
EXHIBIT "F"
PROPOSED INTERIOR LAYOUT

