

**ORDINANCE NO. O-2021-21**

**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 "C-2", GENERAL COMMERCIAL DISTRICT TO "R-MF", MULTI-FAMILY RESIDENTIAL DISTRICT ON A 10.3 ACRE PORTION OF TRACT 4, ONE TRACT CONTAINING APPROXIMATELY 38.83 ACRES OF LAND LOCATED EAST OF THE NORTHEAST INTERSECTION OF U.S HIGHWAY 69 NORTH AND JAMES FAIR PARKWAY (A 10.3 ACRE TRACT OF LAND); DIRECTING THE AMENDMENT OF THE ZONING MAP; DIRECTING THE AMENDMENT OF THE FUTURE LAND USE MAP; 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 Z21-003**

That the following described property, which has heretofore been zoned "C-2", General Commercial District, shall hereafter bear the zoning classification of "R-MF", Multi-Family Residential District, to wit:

On a 10.3 acre portion of Tract 4, one tract containing approximately 38.83 acres of land located east of the northeast intersection of U.S Highway 69 North and James Fair Parkway (A 10.3 acre tract of land) and as shown in Exhibit "A" and as described by metes and bounds in Exhibit "B".

**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 Map to reflect Multi-Family.

**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 24<sup>th</sup> day of March A.D., 2021.



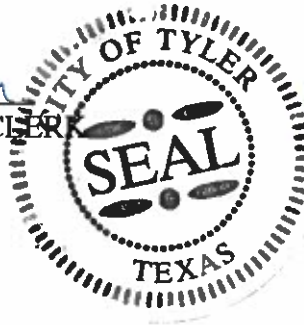
DONALD P. WARREN, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:



CASSANDRA BRAGER, CITY CLERK

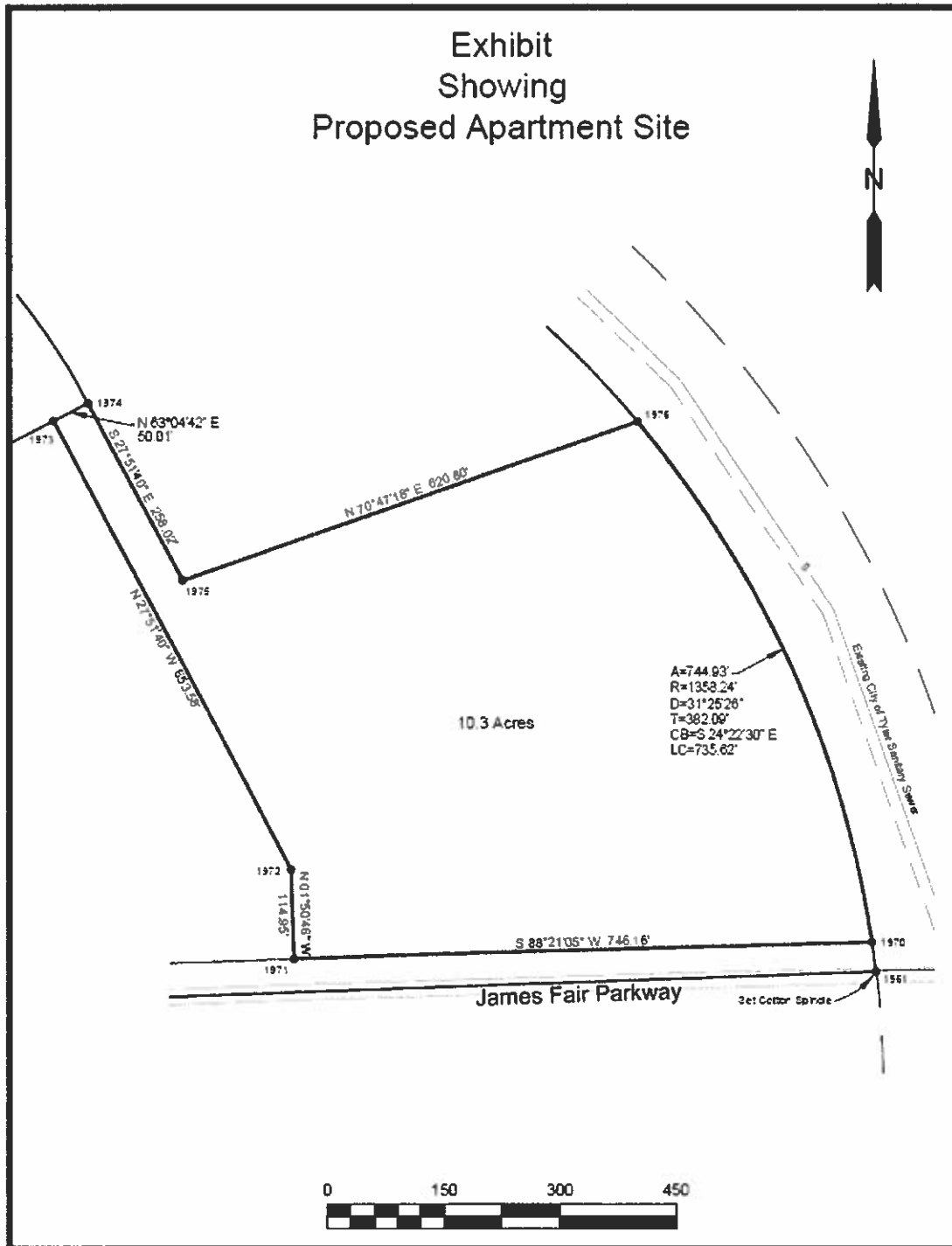


DEBORAH G. FULLUM,  
CITY ATTORNEY

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EXHIBIT "A"

SUBJECT PROPERTY



**ORDINANCE NO. O-2021-21**  
**EXHIBIT "B"**  
**METES AND BOUNDS**



6712 Paluxy Drive  
Tyler, Texas 75703  
•  
(903)581-7800  
Fax (903)581-3756

- *Surveying*
- *Mapping*
- *Planning*

TBPLS FIRM NO. 10044500

**Exhibit "A"**  
**10.3 Acre Tract**  
**S.M. Grace Survey, Abstract No. 371**

Being a 10.3 acre tract of land situated in the S.M. Grace Survey, Abstract No. 371, City of Tyler, Smith County, Texas, and being part of a called 41.90 acre tract of land described in a Deed to Independence Park, LLC recorded under Clerk's File No. 20200100018086 of the Official Public Records of Smith County, Texas, said 10.3 acre tract being more completely described as follows:

Beginning at a 1/2" iron rod set with plastic cap stamped "KLK #4687" on the proposed North right-of-way line of James Fair Parkway, also on the East boundary line of said 41.90 acre tract and the West boundary line of a called 6.724 acre tract of land described in a Deed to Thedford Crossing, LP recorded under Clerk's File No. 2014 00016713 of said Official Public Records of Smith County, Texas, from which a cotton spindle found at the Southeast corner of said 41.90 acre tract, same being the Southwest corner of said 6.724 acre tract bears South 07 degrees 51 minutes 21 seconds East, a distance of 38.27 feet;

Thence South 88 degrees 21 minutes 05 seconds West, a distance of 746.16 feet with the proposed North right-of-way line of James Fair Parkway to a to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

Thence North 01 degrees 50 minutes 46 seconds West, a distance of 114.95 feet to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

Thence North 27 degrees 51 minutes 40 seconds West, a distance of 653.58 feet to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

Thence North 63 degrees 04 minutes 42 seconds East, a distance of 50.01 feet to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

Thence South 27 degrees 51 minutes 40 seconds East, a distance of 258.02 feet to a 1/2" iron rod set with plastic cap stamped "KLK #4687";

Thence North 70 degrees 47 minutes 18 seconds East, a distance of 620.80 feet to a 1/2" iron rod set with plastic cap stamped "KLK #4687" on the East boundary line of said 41.90 acre tract and the West boundary line of said 6.724 acre tract;

Thence along the East boundary line of said 41.90 acre tract and the West boundary line of said 6.724 acre tract and with a curve to the right with a delta angle of 31 degrees 25 minutes 26 seconds, a radius of 1358.24 feet, an arc length of 744.93 feet, a chord bearing of South 24 degrees 22 minutes 30 seconds East, and a chord length of 735.62 feet to the place of beginning, containing 10.3 acres of land more or less.