

ORDINANCE NO. O-2022-01

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-1", LIGHT COMMERCIAL DISTRICT TO "PMF", PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT WITH FINAL SITE NARRATIVE ON A 0.94 ACRE PORTION OF TRACT 10, 11A OF ABST A0562 M LONG, ONE TRACT CONTAINING APPROXIMATELY 127.99 ACRES OF LAND LOCATED EAST OF THE NORTHEAST INTERSECTION OF LEGACY BEND AND WEST CUMBERLAND ROAD (8020 HOLLYTREE DRIVE); 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 Z21-054

That the following described property, which has heretofore been zoned "R-1A", Single-Family Residential District and "C-1", Light Commercial District, shall hereafter bear the zoning classification of "PMF", Planned Multi-Family Residential District with Final Site Narrative, to wit:

A 0.94 acre portion of Tract 10, 11A of ABST A0562 M LONG, one tract containing approximately 127.99 acres of land located east of the northeast intersection of Legacy Bend and West Cumberland Road (8020 Hollytree Drive) as described in Exhibit "A" and in accordance with Exhibit "B", attached hereto 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 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 January 14th, 2022.

PASSED AND APPROVED this the 12th day of January A.D., 2022.



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

ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2022-01
EXHIBIT "A"
METES AND BOUNDS DESCRIPTION



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

6712 Paluxy Drive • Tyler, Texas 75703 • 903.581.7800 • 903.581.3756

EXHIBIT "A"
0.945-Acre Tract

Being a 0.945-acre tract of land situated in the Mary M. Long Survey, Abstract No. 562, City of Tyler, Smith County, Texas, and being part of a called 434.2-acre tract of land described in a Deed from Roosth Farm Rental, LLC to West Cumberland, LLC recorded under County Clerk's File No. 20170100029364 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 0.945-acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" in the South right-of-way line of Hollytree Drive, (variable width right-of-way) as evidenced by a Final Plat of Hollytree South, Unit 1, Right-of-Way Dedication recorded in Cabinet F, Slide 33-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.) same being the Northwest corner of Sentinel Park at Legacy Bend recorded in Cabinet F, Slide 273-C of the Plat Records of Smith County, Texas;

Thence South 02 degrees 03 minutes 44 seconds East, a distance of 293.16 feet along the West boundary line of said Sentinel Park to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found at an angle point in same;

Thence South 15 degrees 29 minutes 29 seconds East, a distance of 216.80 feet continuing along the West boundary line of said Sentinel Park to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found at an angle point in same;

Thence South 36 degrees 47 minutes 21 seconds East, a distance of 97.59 feet continuing along the West boundary line of said Sentinel Park to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found at an angle point in same;

Thence South 13 degrees 38 minutes 49 seconds West, a distance of 216.80 feet continuing along the West boundary line of said Sentinel Park to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found;

Thence West, a distance of 75.68 feet to a point for corner;

Thence North 02 degrees 03 minutes 05 seconds West, a distance of 750.59 feet to a 1/2" iron rod with plastic cap stamped "K.L.K. #4687" found in the South right-of-way line of aforementioned Hollytree Drive;

Thence along said South right-of-way line of Hollytree Drive and a curve to the left with a delta angle of 01 degrees 05 minutes 20 seconds, a radius of 1185.00 feet, an arc length of 22.52 feet, a chord bearing of North 60 degrees 37 minutes 28 seconds East, for a chord length of 22.52 feet to the place of beginning, containing 0.945 of an acre of land.

Bearing basis is the Texas State Plane Coordinate System, Grid North Central Zone, NAD 83, (feet), based on the 1993 adjustment of the NAD 83 System. The Control Monument is TJC1-Tyler, Leica Geosystems Smartnet of North America.

I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, Texas, do hereby certify that the above field note description was prepared from an actual on-the-ground survey made under my direction and supervision during the month of April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 29th day of October, 2021.



Kevin L. Kilgore, R.P.L.S. 4687



**ORDINANCE NO. O-2022-01
EXHIBIT "B"
FINAL SITE NARRATIVE**

Uses –

- Detached Single-Family Residences and
Attached Single-Family Residences/Townhouses (as defined in UDC) on a single lot.
- Senior/assisted living facility

Setbacks – 15' from exterior zoning district boundary

Minimum 10' between attached / detached single family structures

Minimum 15' between multi-family structures

Maximum Height – 2 story / 40'

Density – 10 units per acre max

Maximum Lot Coverage – 60%

Parking, Landscaping and Signage per City of Tyler UDC

50' landscape buffer along Hollytree Drive (driveway access only permitted if all units have ground level entry)