

**ORDINANCE NO. O-2017-82**

**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 TO "R-1D", SINGLE-FAMILY DETACHED AND ATTACHED RESIDENTIAL DISTRICT ON TAX LOTS 1 AND 52B OF NCB 1262, TWO TRACTS OF LAND TOTALING APPROXIMATELY 9.34 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF HAWTHORNE AVENUE AND GARDEN VALLEY ROAD (2544 GARDEN VALLEY ROAD); 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 Z17-031**

That the following described property, which has heretofore been zoned "R-1A", Single-Family Residential District, shall hereafter bear the zoning classification of "R-1D", Single-Family Detached and Attached Residential District, to wit:

Tax Lots 1 and 52B of NCB 1262, two tracts of land totaling approximately 9.34 acres of land located at the southwest intersection of Hawthorne Avenue and Garden Valley Road (2544 Garden Valley Road), as described in the metes and bounds description 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 the Future Land Use Guide to reflect Single-Family and Single-Family Attached.

**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 27<sup>th</sup> day of September A.D., 2017.


  
\_\_\_\_\_  
MARTIN HEDNES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



  
\_\_\_\_\_  
DEBORAH G. PULLUM,  
CITY ATTORNEY

**ORDINANCE NO. O-2017-82**  
**EXHIBIT "A"**  
**METES AND BOUNDS DESCRIPTION**

**BEING 9.334 acres of land situated in the H. Fenton Survey A-358 and the J. Wright Survey A-1039, City of Tyler, Smith County, Texas, also being known as Tax Lot 1 in N.C.B. 1262 and being part of a called 29.384 acre tract described in a deed from Tyler Independent School District to Milton R. Vanderpool, Independent Executor of the Estate of Mrs. Otha H. Parish as recorded in Volume 895, Page 54 of the Official Deed Records of Smith County, Texas and being more particularly described by metes and bounds as follows:**

**BEGINNING at a 1/2" Iron Rod set for corner at the Northwest corner of said 29.384 acre tract also being the Northeast corner of a tract owned by K. Utz Estate as recorded in Volume 2483 Page 49 of said deed records and being in the South right-of-way line of Garden Valley Road and the Southwest corner of a called 0.079 acre tract as described in a deed from First Christian Church of Tyler to the State of Texas as recorded in Volume 1573 Page 868 of said deed records, (0.079 acre tract for additional right-of-way on Garden Valley Road);**

**THENCE South 55°27'15" East along the South boundary line of said 0.079 acre tract in the South right-of-way line of Garden Valley Road a distance of 78.05 feet to the P. C. of a curve to the left whose functions are as follows: Radius = 4618.86 feet, Degree = 3°40'39", Tangent = 148.27 feet, Length = 296.45 feet and has a Chord which bears South 57°17'33" East 296.40 feet;**

**THENCE in a Southeasterly direction along said curve to the left the South boundary line of said 0.079 acre tract and the South right-of-way line of Garden Valley Road a distance of 296.45 feet to a 1/2" Iron Rod set for corner at the P. T. of said curve;**

**THENCE South 59°07'53" East continuing along the South Boundary line of said 0.079 acre tract and is the South right-of-way line of Garden Valley Road a distance of 132.15 feet to the Southeast corner of said 0.079 acre tract and being in the West boundary line of a called 0.432 acre tract as recorded in Volume 1114 Page 28 of said deed records;**

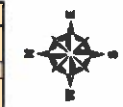
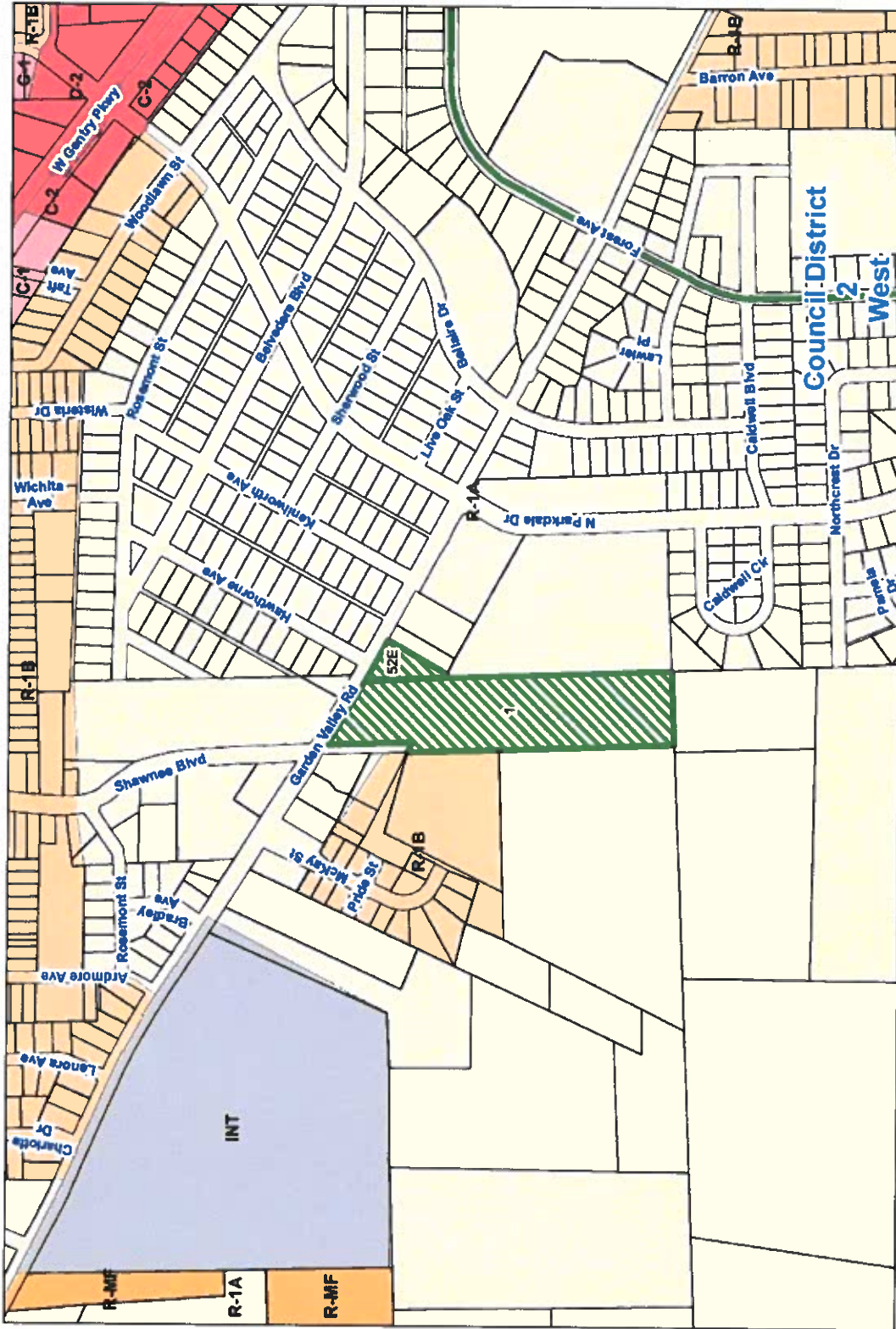
**THENCE South 30°53'55" West along the West boundary line of said 0.432 acre tract a distance of 268.72 feet to a 1/2" Iron Rod found at the Southeast corner of said 0.432 acre tract;**

**THENCE South 00°08'39" West cutting across said 29.384 acre tract and going along the West Boundary line of a 11.794 acre tract as subdivided from 29.384 acre tract a distance of 909.57 feet to a 1/2" Iron rod found at the Southeast corner of said 11.794 acre tract and being the Southeast corner of this 9.334 acre tract being in the North boundary line of a called 3.911 acre tract as described in Volume 1698 Page 471 of said deed records;**

**THENCE South 88°35'26" West along the North boundary line of said 3.911 acre tract a distance of 293.60 feet to a 1/2" iron rod set for corner at the Southwest corner of this 9.334 acre tract also being the Southeast corner of T. W. Utz tract recorded in Volume 2473 Page 409;**

**THENCE North 00°16'09" East along the West boundary line of said 29.384 acre tract the East boundary line of said T. W. Utz tract passing its Northeast corner and the Southeast corner of the above mentioned K. Utz Estate tract at 1123.52 feet passing a 1/2" iron rod found continuing on a total distance of 1419.61 feet back to the place of beginning and containing 9.344 acres of land.**

**ORDINANCE NO. O-2017-82  
EXHIBIT "B"  
LOCATION MAP**

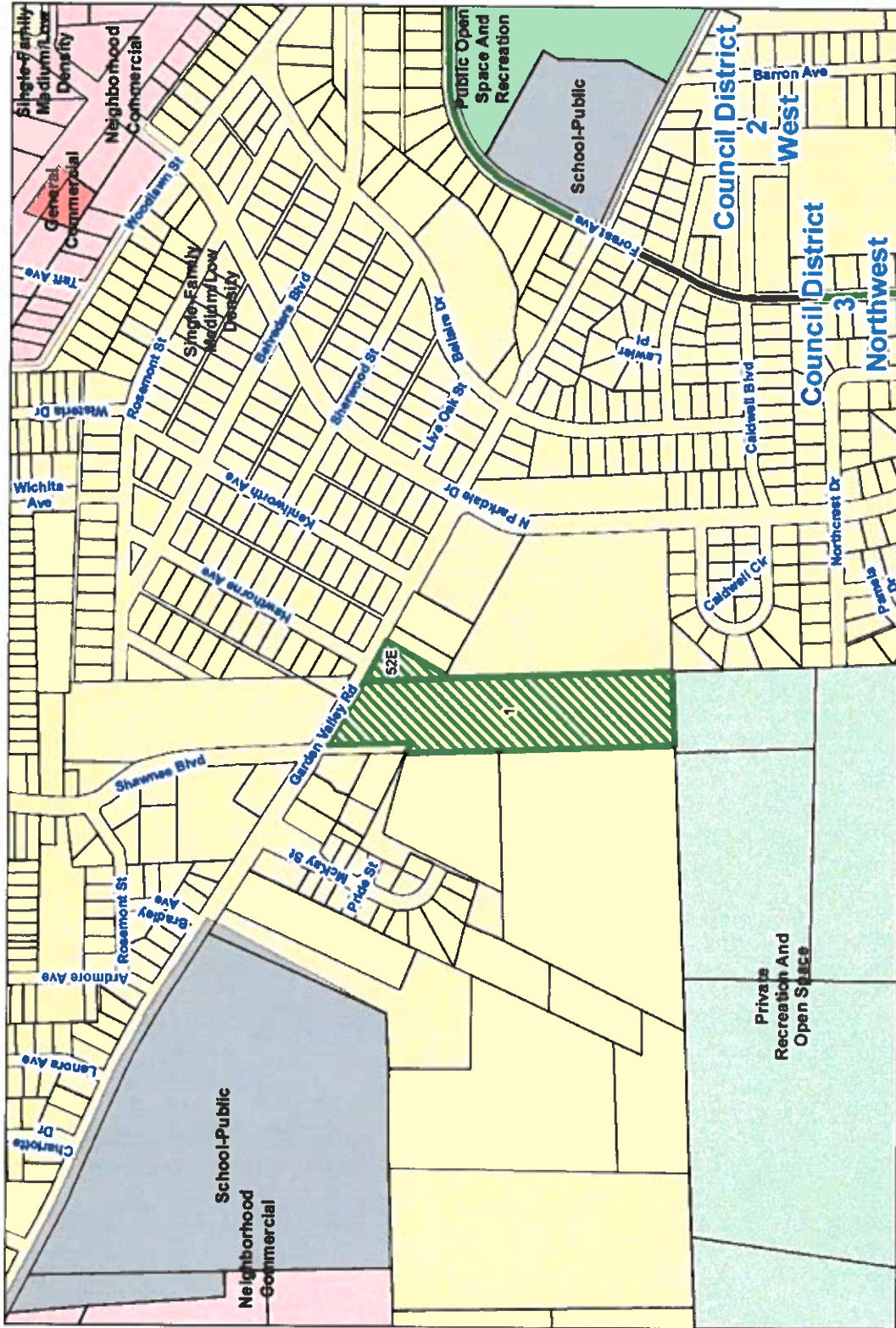


**ZONING CASE**  
 Zoning Case #: Z17-031  
 Existing Zoning: R-1A Proposed Zoning: R-1D  
 Applicant: John Williams

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.

0 500 1000 Feet

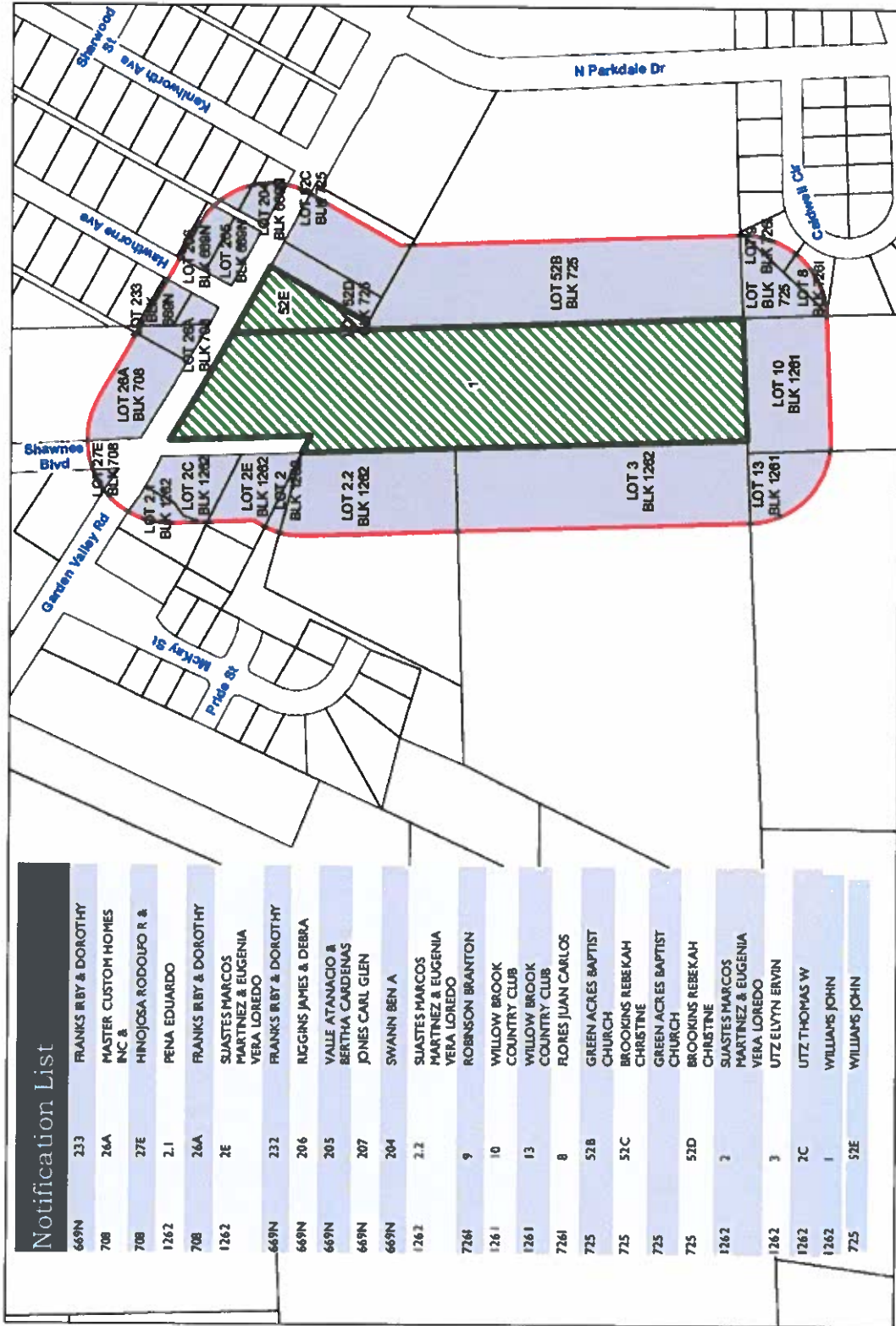
**ORDINANCE NO. O-2017-82**  
**EXHIBIT "C"**  
**TYLER 1<sup>ST</sup> FUTURE LAND USE GUIDE**



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 500 0 500 Feet

**ORDINANCE NO. O-2017-82  
EXHIBIT "D"  
NOTIFICATION MAP**



Notification List	
669N	233 FRANKS IRBY & DOROTHY
708	26A MASTER CUSTOM HOMES INC &
708	27E HINOJOSA RODOLFO R &
1262	2.1 PENA EDUARDO
708	26A FRANKS IRBY & DOROTHY
1262	2E SUASTES MARCOS MARTINEZ & EUGENIA VERA LOREDO
669N	232 FRANKS IRBY & DOROTHY
669N	206 RIGGINS JAMES & DEBRA
669N	205 VALLE ATANACIO & BERTHA CARDENAS
669N	207 JONES CARL GLEN
669N	204 SWANN BEN A
1262	2.2 SUASTES MARCOS MARTINEZ & EUGENIA VERA LOREDO
7261	9 ROBNSON BRANTON
1261	10 WILLOW BROOK COUNTRY CLUB
1261	13 WILLOW BROOK COUNTRY CLUB
7261	8 FLORES JUAN CARLOS
725	52B GREEN ACRES BAPTIST CHURCH
725	52C BROOKINS REBEKAH CHRISTINE
725	52D BROOKINS REBEKAH CHRISTINE
1262	2 SUASTES MARCOS MARTINEZ & EUGENIA VERA LOREDO
1262	3 UTZ ELYN ERVIN
1262	2C UTZ THOMAS W
1262	1 WILLIAMS JOHN
725	52E WILLIAMS JOHN

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