

**ORDINANCE NO. O-2016-105**

**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 "AG", AGRICULTURAL DISTRICT, "PMF", PLANNED MULTI-FAMILY RESIDENTIAL DISTRICT, "RPO", RESTRICTED PROFESSIONAL OFFICE DISTRICT AND "PCD", PLANNED COMMERCIAL DEVELOPMENT DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON PORTIONS OF TRACT 5F, ONE TRACT OF LAND CONTAINING APPROXIMATELY 12.75 ACRES OF LAND LOCATED EAST OF THE INTERSECTION OF BLUE MOUNTAIN BOULEVARD AND WEST CUMBERLAND ROAD (1951 BLUE MOUNTAIN BOULEVARD); DIRECTING THE AMENDMENT OF THE ZONING 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 Z16-016**

That the following described property, which has heretofore been zoned "AG", Agricultural District, "PMF", Planned Multi-Family Residential District, "RPO", Restricted Professional Office District and "PCD", Planned Commercial Development District shall hereafter bear the zoning classification of "C-1", Light Commercial District, to wit:


Three portions of Tract 5F, containing approximately 9.65 acres of land located east of the intersection of Blue Mountain Boulevard and West Cumberland Road (1951 Blue Mountain Boulevard) and in accordance with 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.

**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 14<sup>th</sup> day of December A.D., 2016.


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

ATTEST:

APPROVED:

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



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

**ORDINANCE NO. O-2016-105**  
**EXHIBIT "A"**  
**METES AND BOUNDS DESCRIPTION**  
**1 OF 3**



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

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

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**EXHIBIT "A"**  
**0.862 Acre Tract**  
**Tyler Blue Ridge, LLC**

**Being a 0.862 acre tract of land** situated in the Thomas Price Survey, Abstract No. 794, Tyler, Smith County, Texas, and being part of the residue of a called 422.7 acre tract described in a Deed from Cumberland Gap, Ltd. to Tyler Blue Ridge, LLC recorded under County Clerk's File No. 2009-R00056050 of the Official Public Records of Smith County, Texas, said 0.862 acre tract being more completely described as follows:

**Beginning** at a 1/2" iron rod found for the Southwest corner of Lot 1, N.C.B. 1137-R of Rose Lawn Addition Unit 1 at Cumberland Gap per Final Plat thereof recorded in Cabinet D, Slide 318-B of the Plat Records of Smith County, Texas and also being on the East right of way of Blue Mountain Boulevard;

**Thence** North 71 degrees 42 minutes 10 seconds East, a distance of 200.00 feet along the South boundary line of said Lot 1, N.C.B. 1137-R to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

**Thence** South 18 degrees 17 minutes 50 seconds East, a distance of 197.50 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set in the North right of way line of West Cumberland Road, (variable width right of way);

**Thence** South 78 degrees 33 minutes 20 seconds West, a distance of 100.57 feet along said North right of way of West Cumberland Road to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

**Thence** South 71 degrees 42 minutes 10 seconds West, a distance of 72.65 feet continuing along said North right of way of West Cumberland Road to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set at the East end of the Southeast radius of the intersection of Blue Mountain Boulevard;

**Thence** with said right of way and a curve in a clockwise direction having a delta of 90 degrees, a radius of 27.50 feet, a chord bearing of North 63 degrees 17 minutes 50 seconds West, 38.89 feet, for an arc length of 43.20 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

**Thence** North 18 degrees 17 minutes 50 seconds West, a distance of 158.00 feet along said East right of way of Blue Mountain Boulevard to the **place of beginning** containing 0.862 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 August, 2016.

**GIVEN UNDER MY HAND AND SEAL, This 6th day of October, 2016.**



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



**ORDINANCE NO. O-2016-105**  
**EXHIBIT "A"**  
**METES AND BOUNDS DESCRIPTION**  
**2 OF 3**



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

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**EXHIBIT "A"**  
**3.355 Acre Tract**  
**Tyler Blue Ridge, LLC**

Being a 3.355 acre tract of land situated in the Mary M. Long Survey, Abstract No. 562, and the Thomas Price Survey, Abstract No. 794, Tyler, Smith County, Texas, and being part of the residue of a called 422.7 acre tract described in a Deed from Cumberland Gap, Ltd. to Tyler Blue Ridge, LLC recorded under County Clerk's File No. 2009-R00056050 of the Official Public Records of Smith County, Texas, said 3.355 acre tract being more completely described as follows:

Beginning at a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set on the South boundary line of Lot 1, N.C.B. 1137-R of Rose Lawn Addition Unit 1 at Cumberland Gap per Final Plat thereof recorded in Cabinet D, Slide 318-B of the Plat Records of Smith County, Texas from which a 1/2" iron rod found at the Southeast corner of said Lot 1 bears North 71 degrees 42 minutes 10 seconds East, a distance of 31.26 feet;

Thence South 18 degrees 17 minutes 50 seconds East, a distance of 197.50 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set in the North right of way line of West Cumberland Road, (variable width right of way);

Thence South 71 degrees 42 minutes 10 seconds West, a distance of 740.00 feet with said North right of way of West Cumberland Road to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence North 18 degrees 17 minutes 50 seconds West, a distance of 197.50 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set on the South boundary line of said Lot 1, N.C.B. 1137-R;

Thence North 71 degrees 42 minutes 10 seconds East, a distance of 740.00 feet along said South boundary line to the place of beginning containing 3.355 acres 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 August, 2016.

**GIVEN UNDER MY HAND AND SEAL, This 6th day of October, 2016.**

A handwritten signature in black ink, appearing to be 'K. Kilgore', written over a horizontal line.

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



**ORDINANCE NO. O-2016-105**  
**EXHIBIT "A"**  
**METES AND BOUNDS DESCRIPTION**  
**3 OF 3**



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

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**EXHIBIT "A"**  
**5.441 Acre Tract**  
**Tyler Blue Ridge, LLC**

Being a 5.441 acre tract of land situated in the Thomas Price Survey, Abstract No. 794, Tyler, Smith County, Texas, and being part of the residue of a called 422.7 acre tract described in a Deed from Cumberland Gap, Ltd. to Tyler Blue Ridge, LLC recorded under County Clerk's File No. 2009-R00056050 of the Official Public Records of Smith County, Texas, said 5.441 acre tract being more completely described as follows:

Beginning at a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set on the South right of way of West Cumberland Road from which a 1/4" iron rod found at the East end of the Southeast radius of the intersection of said West Cumberland Road with the East right of way of Blue Mountain Boulevard bears South 71 degrees 42 minutes 10 seconds West, a distance of 172.50 feet;

Thence North 71 degrees 42 minutes 10 seconds East, a distance of 1200.09 feet along the South right of way of West Cumberland Road to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence South 18 degrees 16 minutes 48 seconds East, a distance of 197.50 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence South 71 degrees 42 minutes 10 seconds West, a distance of 1200.03 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set;

Thence North 18 degrees 17 minutes 50 seconds West, a distance of 197.50 feet to the place of beginning containing 5.441 acres 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 August, 2016.

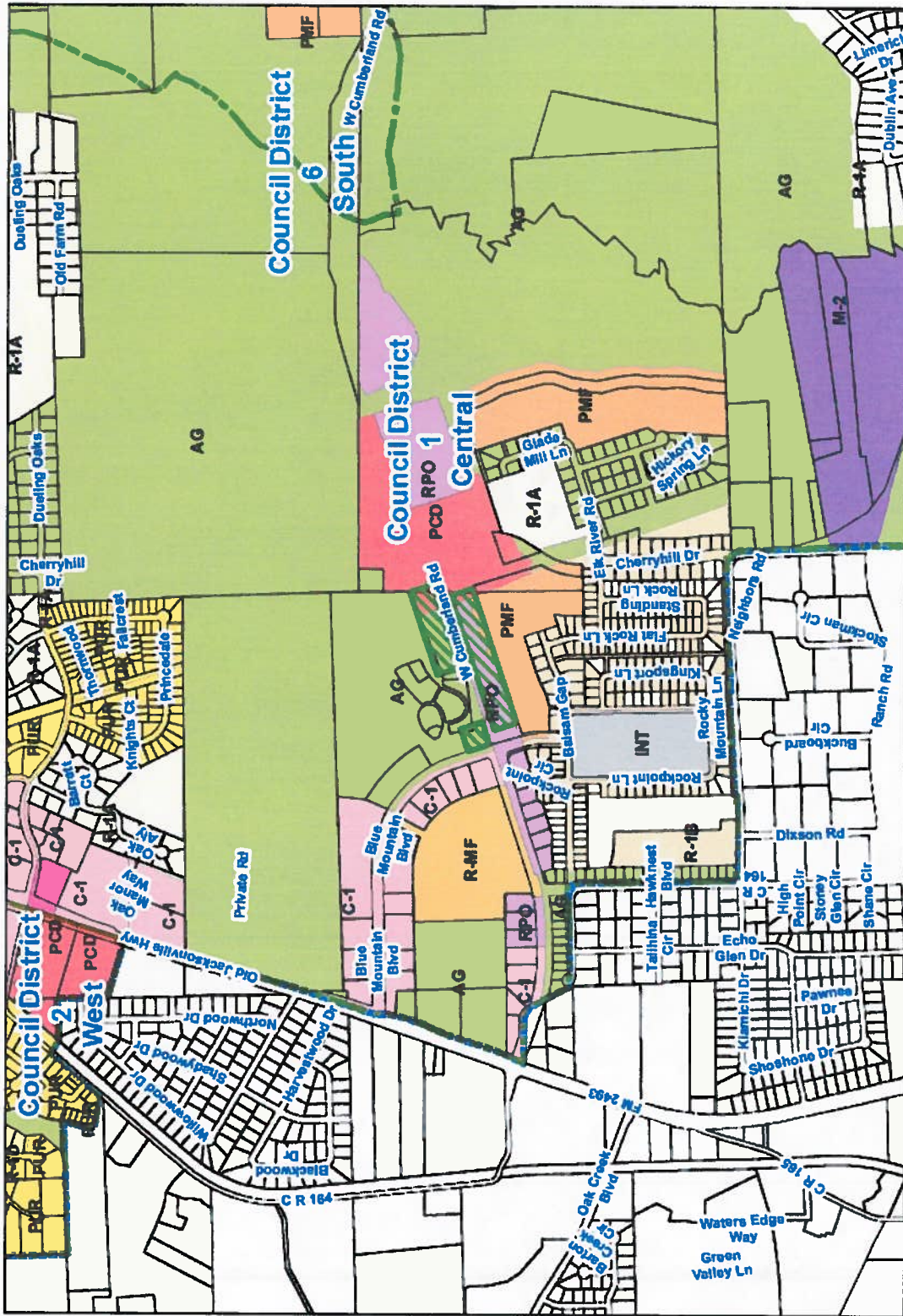
**GIVEN UNDER MY HAND AND SEAL, This 6th day of October, 2016.**

A handwritten signature in black ink, appearing to be 'K. Kilgore', written over a horizontal line.

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



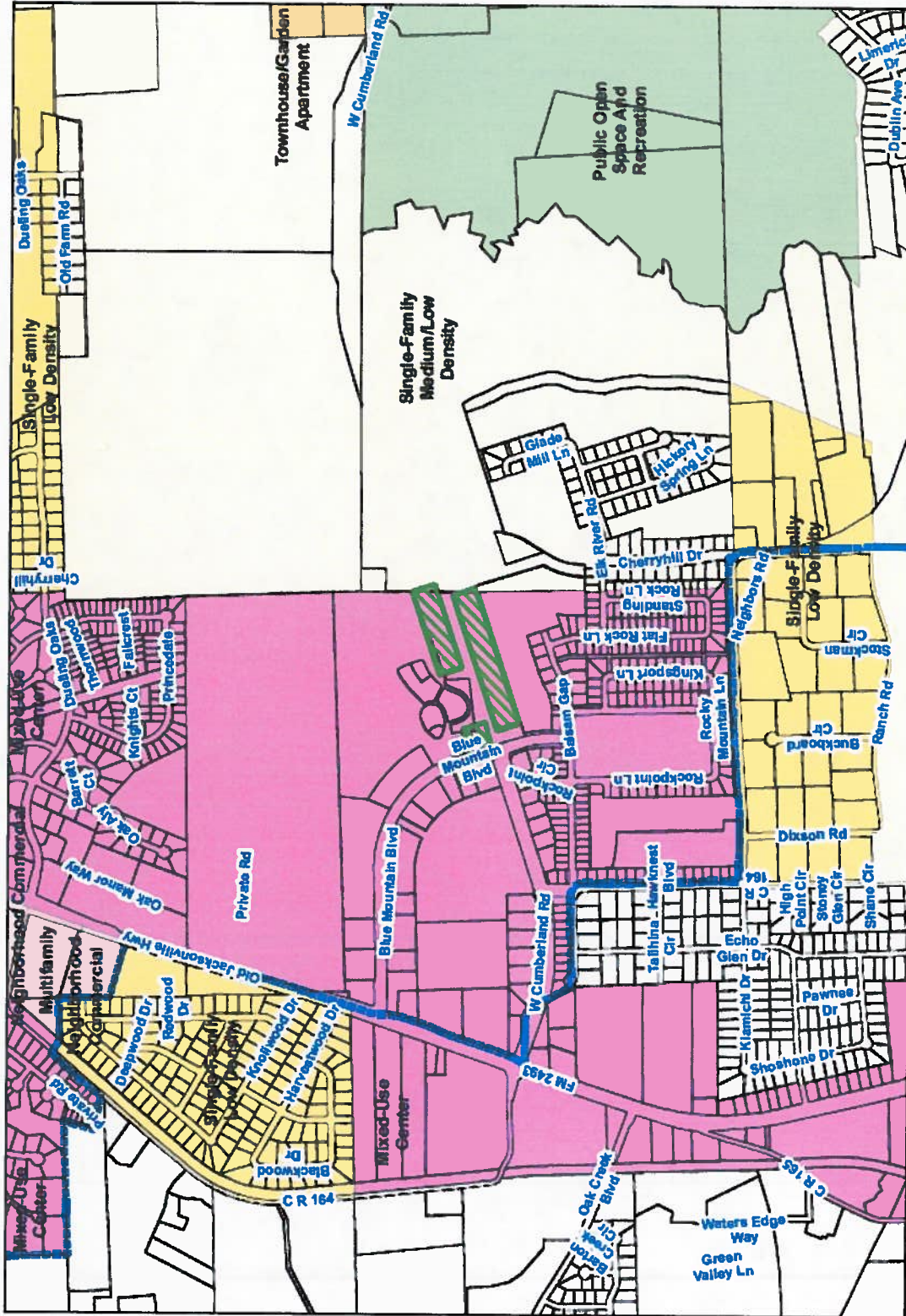
**ORDINANCE NO. O-2016-105  
EXHIBIT "B"  
LOCATION MAP**



**ZONING CASE**  
Zoning Case # Z16-016  
Existing Zoning: RPO & AG Proposed Zoning: C-1  
Applicant: Tyler Blue Ridge, LLC

This project is for informational purposes and may not have been prepared for the purpose of permitting or securing proposed zoning. It is not intended to constitute any representation only the appropriate relative location of property boundaries.

**ORDINANCE NO. O-2016-105**  
**EXHIBIT "C"**  
**TYLER 1<sup>st</sup> FUTURE LAND USE MAP**



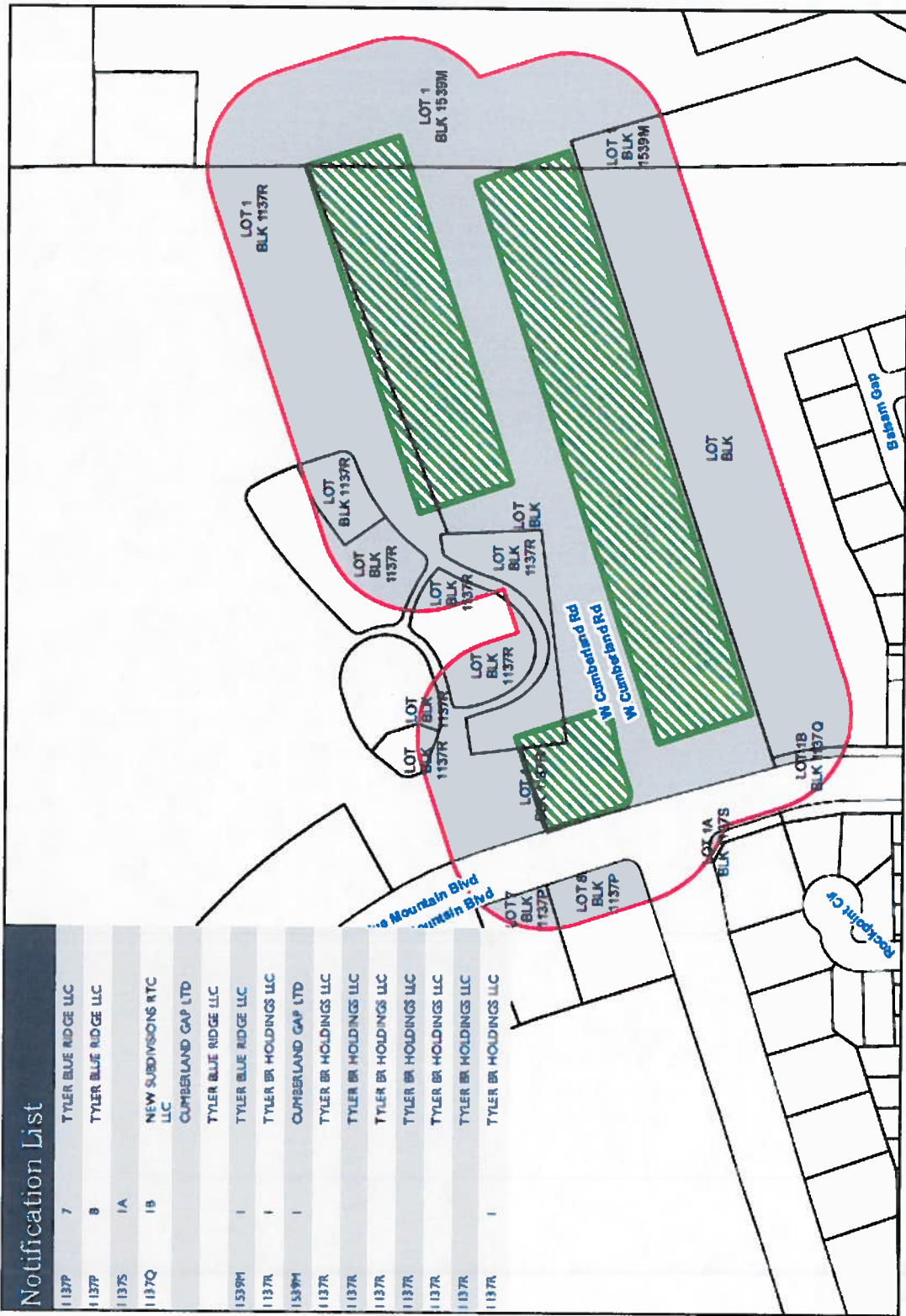
**ZONING CASE**  
 Zoning Case #: Z16-016  
 Existing Zoning: RPO & AG Proposed Zoning: C-1  
 Applicant: Tyler Blue Ridge, LLC

This product is for informational purposes and may not have been prepared for or be suitable for legal proceedings. City personnel purposes. It does not represent an engineering design and represents only the approximate relative location of property boundaries.

1,000 0 1,000 Feet



**ORDINANCE NO. O-2016-105  
EXHIBIT "D"  
NOTIFICATION MAP**



Notification List	
1137P	7 TYLER BLUE RIDGE LLC
1137P	8 TYLER BLUE RIDGE LLC
1137S	1A NEW SUBDIVISIONS RTC LLC
1137Q	1B CUMBERLAND GAP LTD
	TYLER BLUE RIDGE LLC
1539M	1 TYLER BLUE RIDGE LLC
1137A	1 TYLER BR HOLDINGS LLC
1539M	1 CUMBERLAND GAP LTD
1137R	1 TYLER BR HOLDINGS LLC
1137R	1 TYLER BR HOLDINGS LLC
1137R	1 TYLER BR HOLDINGS LLC
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**ZONING CASE**  
Zoning Case #: Z16-016  
Existing Zoning: RPO & AG Proposed Zoning: C-1  
Applicant: Tyler Blue Ridge, LLC

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