

**ORDINANCE NO. O-2016-107**

**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 AND "RPO", RESTRICTED PROFESSIONAL OFFICE DISTRICT TO "C-1", LIGHT COMMERCIAL DISTRICT ON A 10.78 ACRE PORTION OF A TRACT OF LAND TOTALING APPROXIMATELY 109.28 ACRES OF LAND LOCATED EAST OF THE SOUTHEAST CORNER OF CHERRYHILL DRIVE AND WEST CUMBERLAND ROAD (804 WEST CUMBERLAND 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 Z16-019**

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


A 10.81 acre portion of a tract of land totaling approximately 109.28 acres of land located east of the southeast corner of Cherryhill Drive and West Cumberland Road (804 West Cumberland Road) 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 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 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-2016-107**  
**EXHIBIT "A"**  
**METES AND BOUNDS DESCRIPTION**



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

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

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

**Being a 10.81 acre tract of land** situated in the Mary M. Long Survey, Abstract No. 562, 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 10.81 acre tract being more completely described as follows:

**Beginning** at a 1/2" iron rod found on the North boundary line of said 422.7 acre tract, same being the South right of way of West Cumberland Road from which a 1/2" iron rod found at the Northeast corner of said 422.7 acre tract bears North 87 degrees 37 minutes 45 seconds East, a distance of 216.16 feet;

**Thence** South 29 degrees 09 minutes 06 seconds West, a distance of 18.64 feet to a point for corner;

**Thence** South 40 degrees 44 minutes 37 seconds West, a distance of 36.27 feet to a point for corner;

**Thence** South 41 degrees 51 minutes 23 seconds West, a distance of 54.01 feet to a point for corner;

**Thence** South 46 degrees 29 minutes 32 seconds West, a distance of 42.67 feet to a point for corner;

**Thence** South 57 degrees 38 minutes 21 seconds West, a distance of 135.44 feet to a point for corner;

**Thence** South 53 degrees 59 minutes 14 seconds West, a distance of 74.35 feet to a point for corner;

**Thence** South 60 degrees 43 minutes 35 seconds West, a distance of 40.61 feet to a point for corner;

**Thence** South 62 degrees 12 minutes 30 seconds West, a distance of 58.89 feet to a point for corner;

**Thence** South 63 degrees 24 minutes 55 seconds West, a distance of 37.51 feet to a point for corner;

**Thence** South 46 degrees 29 minutes 32 seconds West, a distance of 21.34 feet to a point for corner;

**Thence** South 27 degrees 48 minutes 00 seconds West, a distance of 31.28 feet to a point for corner;

**Thence** South 46 degrees 17 minutes 26 seconds West, a distance of 50.39 feet to a point for corner;

**Thence** South 58 degrees 29 minutes 26 seconds West, a distance of 256.67 feet to a point for corner;

**Thence** South 56 degrees 37 minutes 23 seconds West, a distance of 35.65 feet to a point for corner;

**Thence** South 46 degrees 34 minutes 06 seconds West, a distance of 15.93 feet to a point for corner;

**Thence** South 61 degrees 07 minutes 23 seconds West, a distance of 23.76 feet to a point for corner;

**Thence South 47 degrees 48 minutes 10 seconds West, a distance of 43.81 feet to a point for corner;**

**Thence South 54 degrees 46 minutes 06 seconds West, a distance of 49.60 feet to a point for corner;**

**Thence with a curve to the right which has a delta of 93 degrees 42 minutes 20 seconds, an arc length of 327.09', a radius of 200.00', a chord bearing of North 78 degrees 22 minutes 44 seconds W, 291.84' feet to a point for corner;**

**Thence North 31 degrees 31 minutes 33 seconds West, a distance of 459.26 feet to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set on the South right of way of West Cumberland Road;**

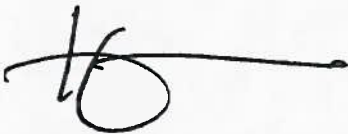
**Thence North 71 degrees 42 minutes 10 seconds East, a distance of 385.09 feet with said South right of way to a 1/2" iron rod with plastic cap stamped K.L.K. #4687 set on the North boundary line of said 422.7 acre tract;**

**Thence North 88 degrees 00 minutes 37 seconds East, a distance of 976.73 feet with said North boundary and continuing with said South right of way to the place of beginning containing 10.81 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.**

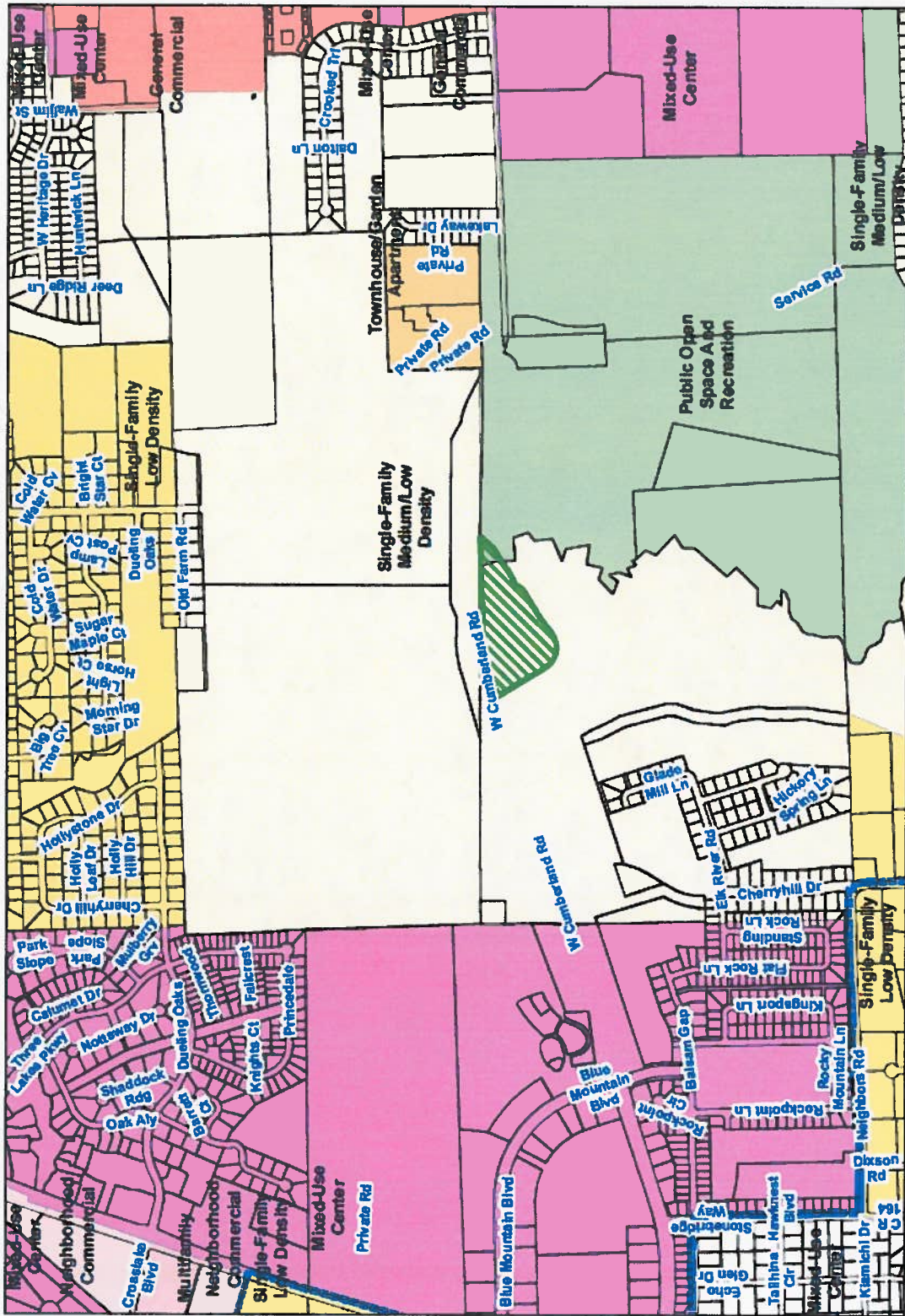


**Kevin L. Kilgore, R.P.L.S. 4687**





**ORDINANCE NO. O-2016-107**  
**EXHIBIT "C"**  
**TYLER 1<sup>st</sup> FUTURE LAND USE MAP**

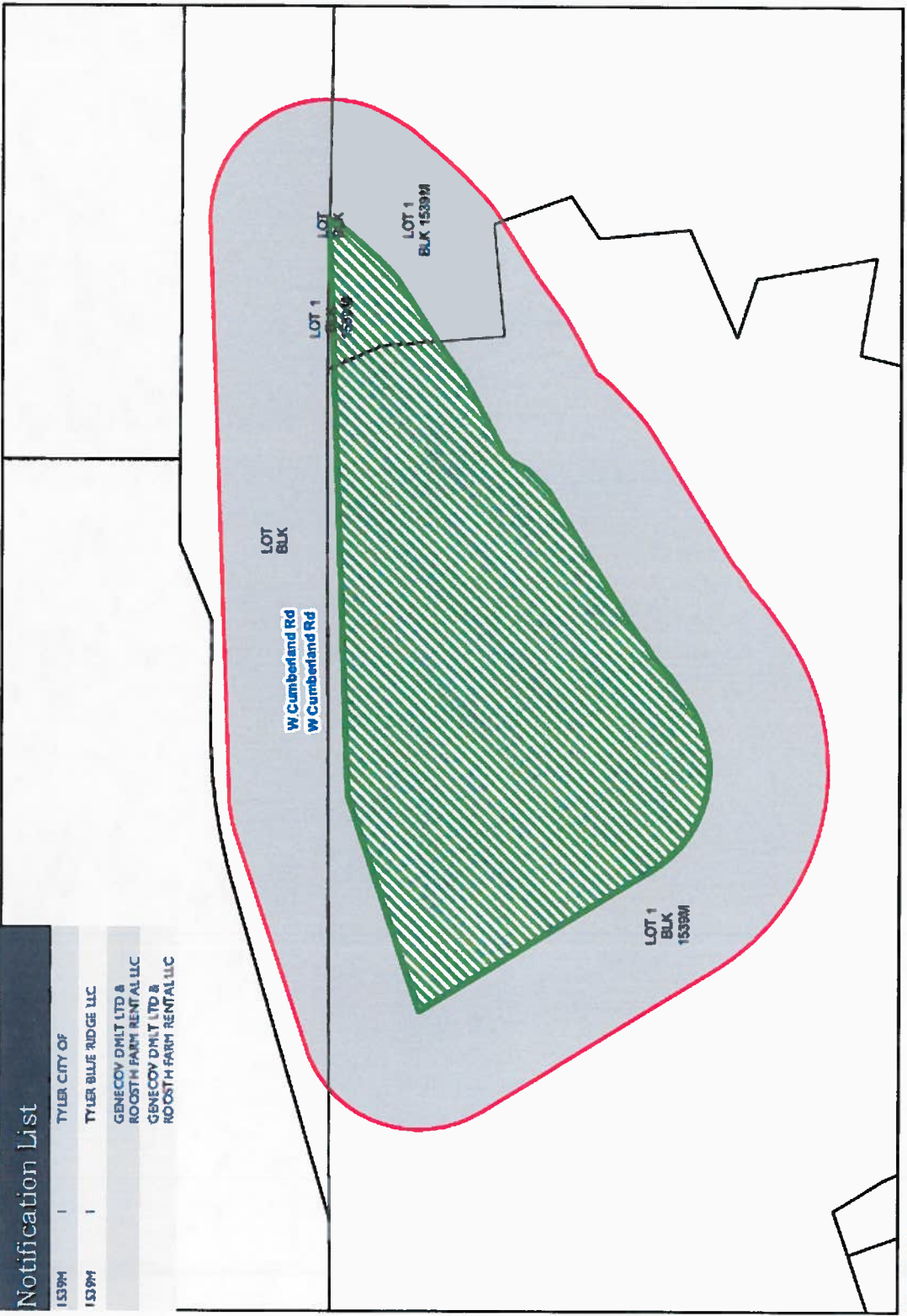


**ZONING CASE**  
 Zoning Case #: Z16-019  
 Existing Zoning: RPO Proposed Zoning: C-1  
 Applicant: Tyler Blue Ridge, LLC

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**ORDINANCE NO. O-2016-107  
EXHIBIT "D"  
NOTIFICATION MAP**



Notification List	
1539M	TYLER CITY OF
1539M	TYLER BLUE RIDGE LLC
	GENECOY DMILT LTD & ROOSTH FARM RENTAL LLC
	GENECOY DMILT LTD & ROOSTH FARM RENTAL LLC



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