

ORDINANCE NO. O-2015-11

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 "C-1", LIGHT COMMERCIAL DISTRICT ON A 12.24 ACRE PORTION OF LOTS 2 AND 3 OF NCB 836 AND LOTS 21B AND 21C OF NCB 835, FOUR LOTS CONTAINING APPROXIMATELY 12.24 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF FRANKSTON HIGHWAY AND EARL CAMPBELL PARKWAY (1376 AND 1740 EARL CAMPBELL PARKWAY, 1711 MOSLEY STREET, AND 2323 FRANKSTON HIGHWAY); AND BY CHANGING THE ZONING FROM "R-1A", SINGLE-FAMILY RESIDENTIAL DISTRICT TO "C-2", GENERAL COMMERCIAL DISTRICT ON AN 8.26 ACRE PORTION OF LOTS 2 AND 3 OF NCB 836, TWO LOTS CONTAINING APPROXIMATELY 8.26 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF FRANKSTON HIGHWAY AND EARL CAMPBELL PARKWAY (1376 AND 1740 EARL CAMPBELL PARKWAY); 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 Z01-15-018

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

A 12.24 acre portion of Lots 2 and 3 of NCB 836 and all of Lots 21B and 21C of NCB 835, four lots containing approximately 12.24 acres of land located at the southwest intersection of Frankston Highway and Earl Campbell Parkway (1376 and 1740 Earl Campbell Parkway, 1711 Mosley Street, and 2323 Frankston Highway), as shown in Exhibit "A" attached hereto, and in accordance with the metes and bounds description attached hereto as Exhibit "B".

That the following described property, which has heretofore been zoned "R-1A", Single-Family Residential District, shall hereafter bear the zoning classification of "C-2", General Commercial District, to wit:


An 8.26 acre portion of Lots 2 and 3 of NCB 836, two lots containing approximately 8.26 acres of land located at the southwest intersection of Frankston Highway and Earl Campbell Parkway (1376 and 1740 Earl Campbell Parkway), as shown in Exhibit "A" attached hereto, and in accordance with the metes and bounds description attached hereto as Exhibit "C".

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 be amended to reflect General Commercial on the 8.26 acre portion of Lots 2 and 3 of NCB 836 as described in Exhibit "C".

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.

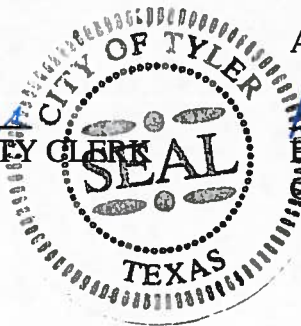
PART 4: That this ordinance shall be effective on and after its date of passage and approval by the City Council.

PASSED AND APPROVED this the 28th day of January, A.D., 2015.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

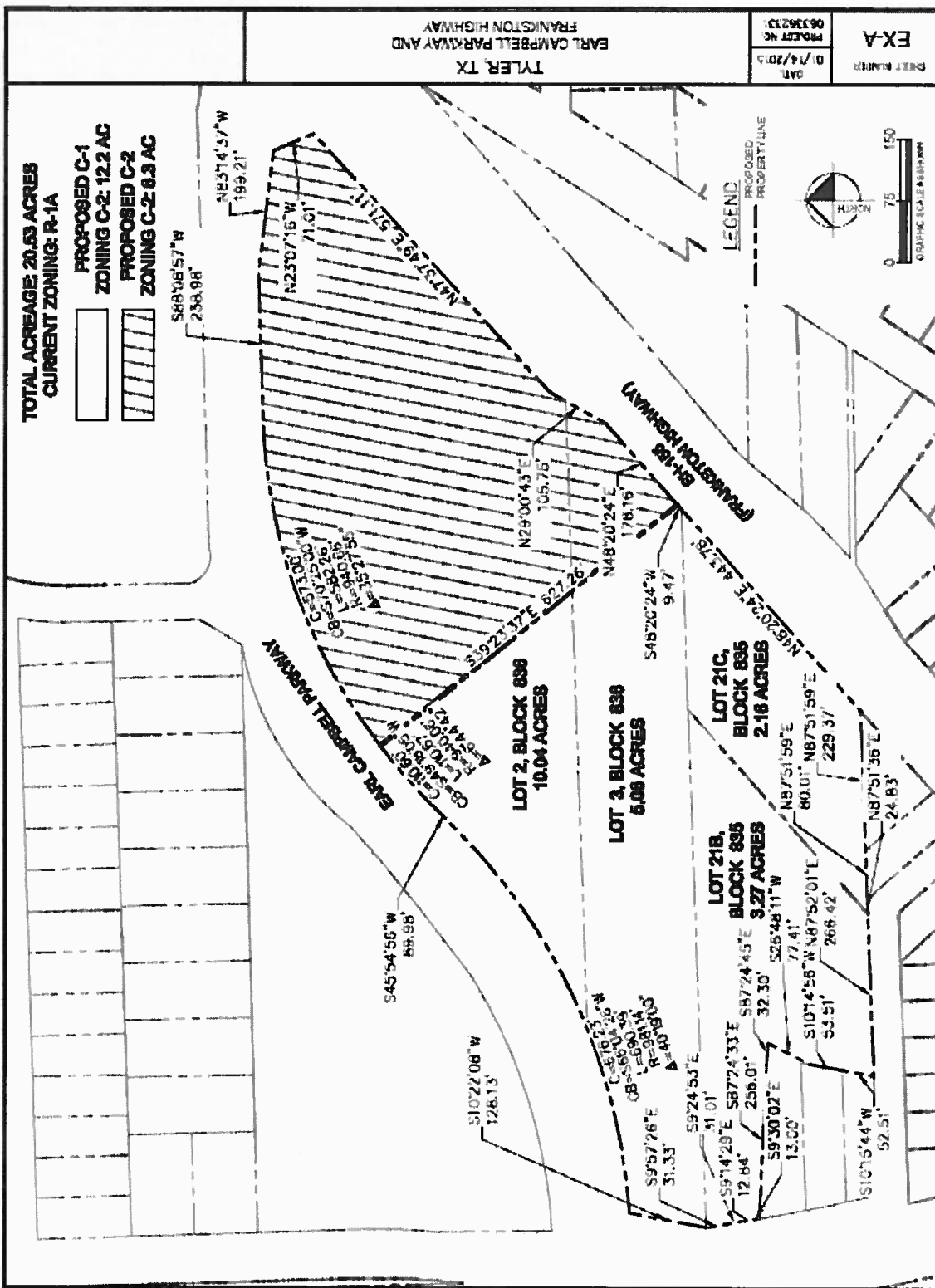


APPROVED:


DEBORAH G. PULLUM,
CITY ATTORNEY

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Exhibit "A"



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Exhibit "B"

All that certain tract or parcel containing 12.24 acres of land in the James Haynie Survey, A-457 and the A. H. Kipp Survey, A-546, Smith County, Texas, being a portion of Lots 2 & 3, City of Tyler, New City Block 836 and Lots 21B & 21C, City of Tyler New City Block 835, said 12.24 acres being more particularly described by Metes and Bounds as follows, basing bearings on the Texas Coordinate System of 1983, (NAD 83) North Central Zone, to wit:

BEGINNING at a point for a northwest corner and beginning of a curve, lying in the intersection of the south right of way (R-O-W) line of Earl Campbell Parkway and east R-O-W line of Old Noonday Road;

THENCE departing Old Noonday Road, 690.39 feet along the arc of a curve to the left in the south

R-O-W line of Earl Campbell Parkway, (Delta= $40^{\circ}18'59''$, Radius= 981.14 feet, Chord= $N66^{\circ}04'26''E$, 676.23 feet), to a point for end of curve;

THENCE $N45^{\circ}54'56''E$, 89.98 feet continuing along the south R-O-W line of Earl Campbell Parkway to a point for beginning of a curve;

THENCE 110.66 feet along the arc of a curve to the right in the south R-O-W line of Earl Campbell Parkway, (Delta= $06^{\circ}44'41''$, Radius= 940.06 feet, Chord= $N49^{\circ}18'05''E$, 110.60 feet), to a point for north corner and end of curve;

THENCE departing Earl Campbell Parkway, $S39^{\circ}23'37''E$, 627.26 feet to a point for east corner, lying in the north R-O-W line of State Highway #155 (Hwy 155);

THENCE $S48^{\circ}20'24''W$, 453.25 feet along the north R-O-W line of Hwy 155 to a point for southeast corner;

THENCE departing Hwy 155, $S87^{\circ}51'54''W$, 600.62 feet to a point for a southwest corner, lying in the north R-O-W line of Mosely Street;

THENCE departing Mosely Street, $N10^{\circ}15'20''E$, 106.02 feet to an angle point;

THENCE $N26^{\circ}48'11''E$, 77.41 feet to a point for interior corner;

THENCE $N87^{\circ}24'34''W$, 288.31 feet to a point for southwest corner, lying in the east R-O-W line of Old Noonday Road;

THENCE $N09^{\circ}35'42''W$, 88.18 feet along the east R-O-W line of Old Noonday Road to an angle point;

THENCE $N10^{\circ}22'08''E$, 128.13 feet continuing along the east R-O-W line of Old Noonday Road to the PLACE OF BEGINNING, containing 12.24 acres of land, more or less. The bearing and distances shown hereon are not based upon an on the ground survey and are approximate for rezoning purposes only.

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Exhibit "C"

All that certain tract or parcel containing 8.255 acres (359,588 sq. ft.) of land in the James Haynie Survey, A-457 and the A. H. Kipp Survey, A-546, Smith County, Texas, being a portion of a tract which was called 19.351 acres and part of Lots 2 & 3, City of Tyler New City Block 836, and conveyed from Mrs. Elizabeth Ezell Graham, et al, to Terry Graham Interests, Ltd., by an instrument of record in Volume 3336, Page 228, of the Smith County Land Records, (SCLR), said 8.255 acres being more particularly described by Metes and Bounds as follows, basing bearings on the Texas Coordinate System of 1983, (NAD 83) North Central Zone, to wit:

BEGINNING at a type II TXDOT concrete right of way monument found for a northeast corner, being a northeast corner of the residue of said 19.351 acre tract, lying in the intersection of west right of way (R-O-W) line of State Highway #155 (Hwy 155) and south R-O-W line of Earl Campbell Parkway;

THENCE departing Earl Campbell Parkway, S47°28'50"W, 470.84 feet along the west R-O-W line of Hwy 155 to a 1/2" iron rod found for angle point;

THENCE S48°20'04"W, 100.00 feet continuing along the west R-O-W line of Hwy 155 to a 5/8" iron rod set for angle point;

THENCE S38°24'49"W, 203.04 feet continuing along the west R-O-W line of Hwy 155 to a 5/8" iron rod set for angle point;

THENCE S48°20'24"W, 78.23 feet continuing along the west R-O-W line of Hwy 155 to a 5/8" iron rod set for south corner;

THENCE departing Hwy 155, N39°23'37"W, 627.72 feet crossing the residue of said 19.351 acre tract to a 5/8" iron rod set for west corner and beginning of a curve, lying in the south R-O-W line of Earl Campbell Parkway;

THENCE 582.38 feet along the arc of a curve to the right in the south R-O-W line of Earl Campbell Parkway, (Delta= 35°24'13", Radius= 942.50 feet, Chord= N70°27'34"E, 573.16 feet), to a 5/8" iron rod set for end of curve;

THENCE N88°08'57"E, 238.98 feet continuing along the south R-O-W line of Earl Campbell Parkway to a 1/2" iron rod found for angle point;

THENCE S83°14'37"E, 199.21 feet continuing along the south R-O-W line of Earl Campbell Parkway to a type II TXDOT concrete right of way monument found for a northeast corner;

THENCE S23°07'16"E, 71.01 feet continuing along the south R-O-W line of Earl Campbell Parkway to the PLACE OF BEGINNING, containing 8.255 acres of land, more or less. A certified plat has been prepared under the same job number as a part of this professional service.