

**ORDINANCE NO. O-2015-61**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY APPROVING A "PCD", PLANNED COMMERCIAL DISTRICT SITE PLAN AMENDMENT ON AN 8.374 ACRE PORTION OF A TRACT CONTAINING APPROXIMATELY 11.18 ACRES OF LAND LOCATED AT THE SOUTHWEST INTERSECTION OF CROSSLAKE BOULEVARD AND OLD JACKSONVILLE HIGHWAY (7525 OLD JACKSONVILLE HIGHWAY); 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 Z06-15-055**

That the zoning is hereby amended by approving the site development plan attached hereto as Exhibit "A" on the following described property zoned "PCD", Planned Commercial Development District and in accordance with the metes and bounds description attached hereto as Exhibit "B", to wit:

An 8.374 acre portion of a tract containing approximately 11.18 acres of land located at the southwest intersection of Crosslake Boulevard and Old Jacksonville Highway (7525 Old Jacksonville Highway), in accordance with Exhibits "A" and "B" which are incorporated herein.

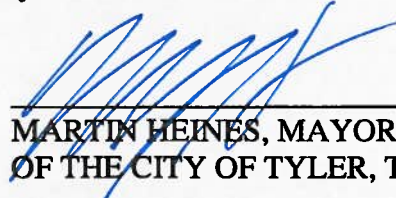
**PART 2:** That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning and the Future Land Use Guide to be amended to reflect Mixed-Use Center.

**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 June 26, 2015.

**PASSED AND APPROVED** this the 24<sup>th</sup> day of June A.D., 2015.


  
MARTIN HEINES, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

  
CASSANDRA BRAGER, CITY CLERK



  
DEBORAH G. PULLUM,  
CITY ATTORNEY

**ORDINANCE NO. O-2015-61  
EXHIBIT "A"  
SITE PLAN**

**SITE INFORMATION:**

**DEVELOPER:**  
Kinghart Properties, LLC  
8770 Old Jacksonville Hwy, STE 101  
Tyler, TX 75703  
803-245-1888

**ACREAGE:** Parcel 1: 3.5± ACRES  
**CURRENT ZONING:** PCD  
**PROPOSED ZONING:** PCD (Uses to be consistent with City of Tyler UDC "C-2" Permitted Uses.)

**SETBACKS:** Street Setbacks (N and E) - 25' Interior setbacks (S and W) - 5'  
**HEIGHT:** Single Story / 30' Maximum  
**PARKING:** Total Road - 22  
Building (6,000 sf) @ 1,600 sf - 10  
Display area (23,400 sf) @ .25 / 600 sf - 12

**ACREAGE:** Parcel 2: 4.5± ACRES  
**CURRENT ZONING:** PCD

**PROPOSED ZONING:** PCD (Uses to be limited to City of Tyler UDC "RPO" uses and Bank, Indoor Fitness and Barber or Beauty Shop (Commercial))

**SETBACKS:** North (Crosslake) - 15', South 40', East / West (Slides) - 5'  
**HEIGHT:** 2 Story / 40' Maximum  
**PARKING PROVIDED:** 128

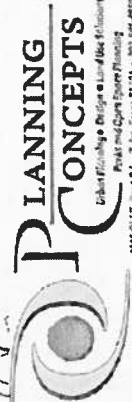
**note:** all parking to meet minimum requirements set forth in Tyler UDC based on actual uses and final building square footage.

**ALL PARCELS:**

**SIGNAGE:** (per UDC Sign Chart Section 10-409) All signs to comply with Tyler UDC. Free standing signs to exceed 100 sf in area (per sign face) and 15' in height. Number and locations determined by Tyler UDC.

**LANDSCAPING:** Landscaping to meet or exceed minimum requirements per Tyler UDC.

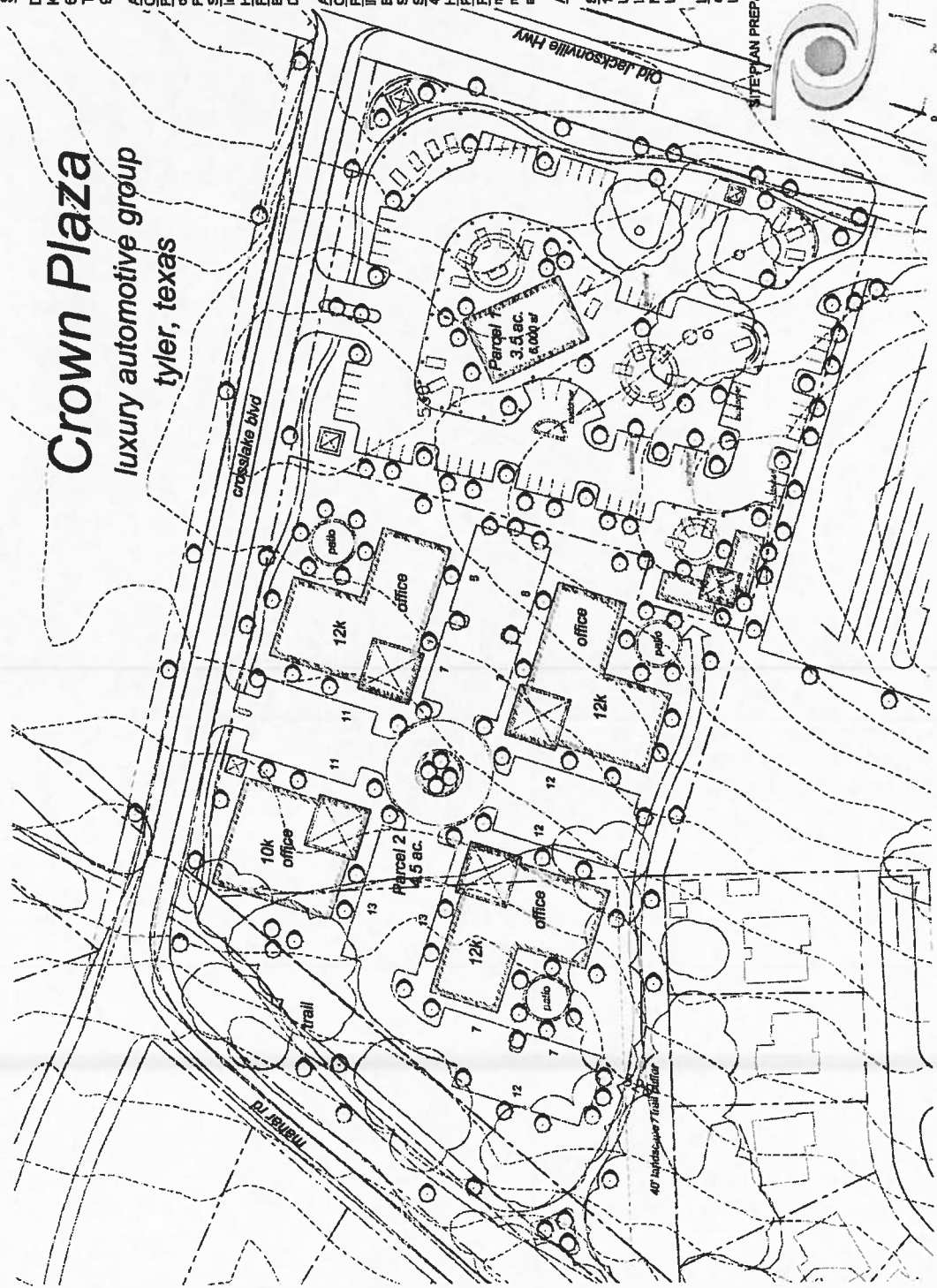
**SITE PLAN PREPARED BY:** 5-28-2015



**G - METRIC SCALE**



**Crown Plaza**  
luxury automotive group  
tyler, texas



**ORDINANCE NO. O-2015-61**  
**EXHIBIT "B" PAGE 1/2**  
**METES AND BOUNDS DESCRIPTION**



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

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

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**FIELD NOTES FOR C.A.S. HOLDINGS, INC.**  
**8.374 ACRE TRACT**  
**JOB NO. 200232**

BEING an 8.374 acre tract in the Thomas Price Survey Abstract 794 and the Don Thomas Quevado Survey Abstract 18, Block 5, part of a called 13.1 acre tract described in a Deed of Trust (With Security Agreement and Assignment of Rents) from Stewart Family Funeral Home, Ltd. to David Green, Trustee recorded in Volume 7364, Page 001 of the Smith County Official Public Records, said 8.374 acre tract being more completely described as follows:

BEGINNING at a PK Nail set found at the Northeast corner of said 13.1 acre tract, in the center of County Road 164, on the West right-of-way of F.M. 2493, and on the South boundary line of a called 7.526 acre tract described in a Warranty Deed from L. R. Harding, Jr. and wife, Johnnie Pearl Harding to The Tyler Saddle Club, Inc. recorded in Volume 1077, Page 420 of the Smith County Deed Records;

THENCE South 14 degrees 06 minutes 11 seconds West, a distance of 18.11 feet with the East boundary line of said 13.1 acre tract and West right-of-way of F.M. 2493 to a ½" iron rod found at the Northeast corner of a called 0.039 acre tract described in a Deed from Betty Mahar Reynolds to The State of Texas in Volume 5526, Page 63 of the Smith County Land Records;

THENCE North 76 degrees 24 minutes 25 seconds West, a distance of 168.32 feet with the North boundary line of said 0.039 acre tract to a type II right-of-way monument found at the west corner of said 0.039 acre tract;

THENCE South 69 degrees 33 minutes 50 seconds East, a distance of 167.91 feet with the South boundary line of said 0.039 acre tract to a ½" iron rod found on the East boundary line of said 13.1 acre tract, at the Southeast corner of said 0.039 acre tract, and being on the West right-of-way of F.M. 2493;

THENCE South 18 degrees 12 minutes 15 seconds West, a distance of 436.23 feet with said West right-of-way of F.M. 2493 and with the East boundary line of said 13.1 acre tract to a ½" iron rod set;

THENCE North 72 degrees 32 minutes 48 seconds West, a distance of 595.71 feet to a ½" iron rod found at the Northeast corner of a tract described in a Deed to Jerry Wylie in Volume 2535, Page 796 of said Smith County Land Records;

THENCE South 88 degrees 21 minutes 23 seconds West, a distance of 352.44 feet to a ½" iron rod set on the Northwest boundary line of said 13.1 acre tract and the Southeast boundary line of a called 29.84 acre tract conveyed to The State of Texas in Volume 4002, Page 299 of said Smith County Land Records, a ½" iron rod found bears South 66 degrees 28 minutes 50 seconds West, a distance of 0.75 feet;

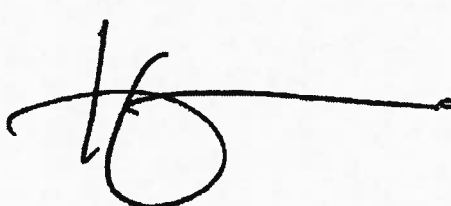

**ORDINANCE NO. O-2015-61**  
**EXHIBIT "B" PAGE 2/2**  
**METES AND BOUNDS DESCRIPTION**

THENCE North 41 degrees 13 minutes 47 seconds East, a distance of 585.48 feet with the Northwest boundary line of said 13.1 acre tract and the Southeast boundary line of said 29.84 acre tract to a PK Nail rod set in County Road 164 at the Northwest corner of said 13.1 acre tract from which a ½" iron rod found bears North 76 degrees 57 minutes 40 seconds West, a distance of 0.20 feet;

THENCE South 76 degrees 57 minutes 40 seconds East, a distance of 699.69 feet with said County Road 164 and with the North boundary line of said 13.1 acre tract to the PLACE OF BEGINNING containing 8.374 acres of land, more or less of which 0.53 acre lies within the calculated Right of way of C.R. 164 (35' South of the existing centerline) leaving a net acreage of 7.844 acres of land.

BEARING BASIS HELD PER SOUTHEAST BOUNDARY LINE OF CALLED 29.84 ACRE TRACT IN VOLUME 4002, PAGE 299 AS NORTH 41 DEGREES 13 MINUTES 47 SECONDS EAST.

I, Kevin L. Kilgore, Registered Professional Land Surveyor No. 4687, do hereby certify that this boundary description represents the results of a survey made on the ground.

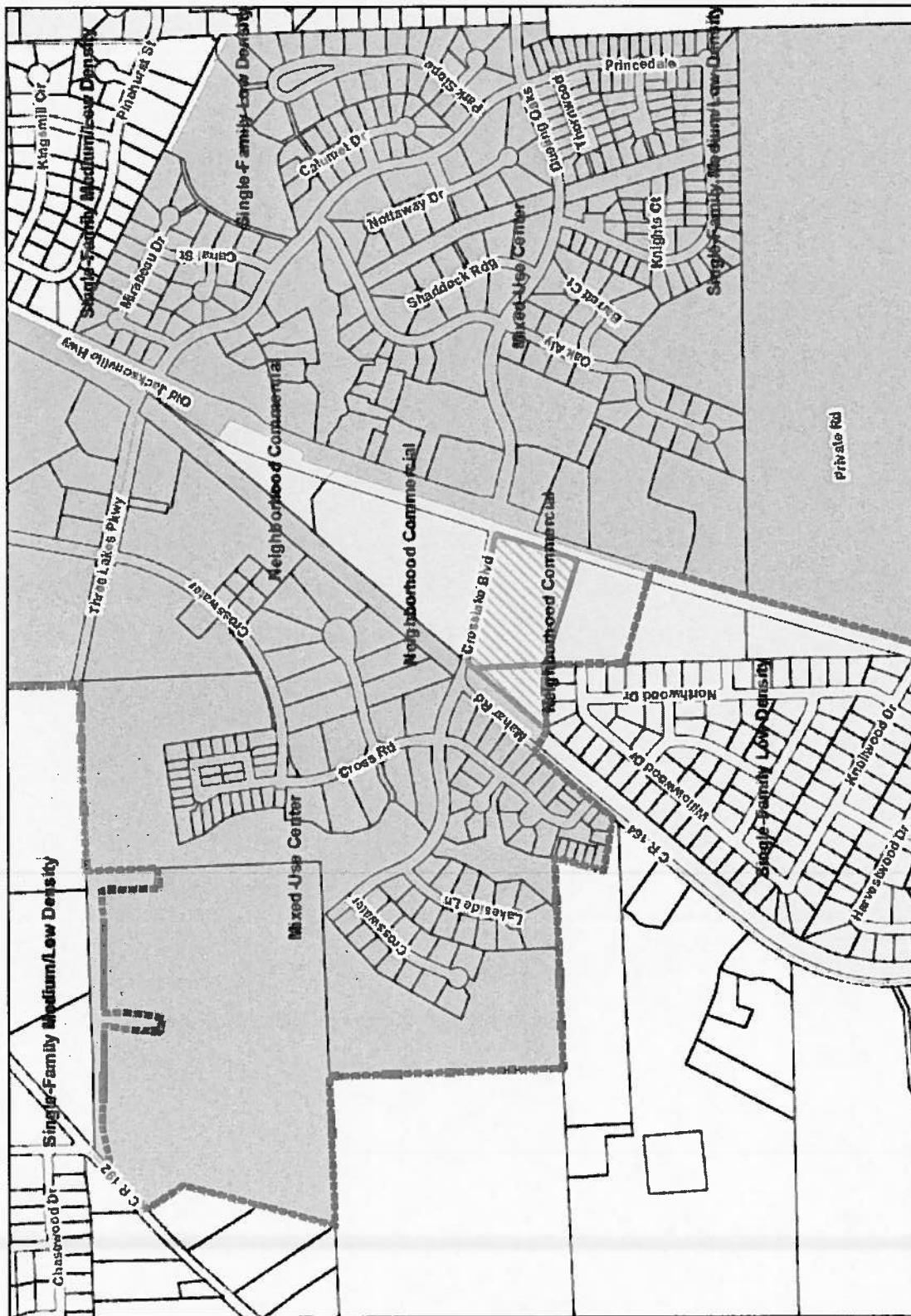
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Kevin L. Kilgore  
K.L. Kilgore & Co., Inc.  
6712 Paluxy Drive  
Tyler, Texas 75703  
Tele. 903-581-7800  
Kevin L. Kilgore, R.P.L.S. 4687, Texas

4-21-2015



**ORDINANCE NO. O-2015-61  
EXHIBIT "D"  
TYLER 1<sup>ST</sup> FUTURE LAND USE GUIDE**



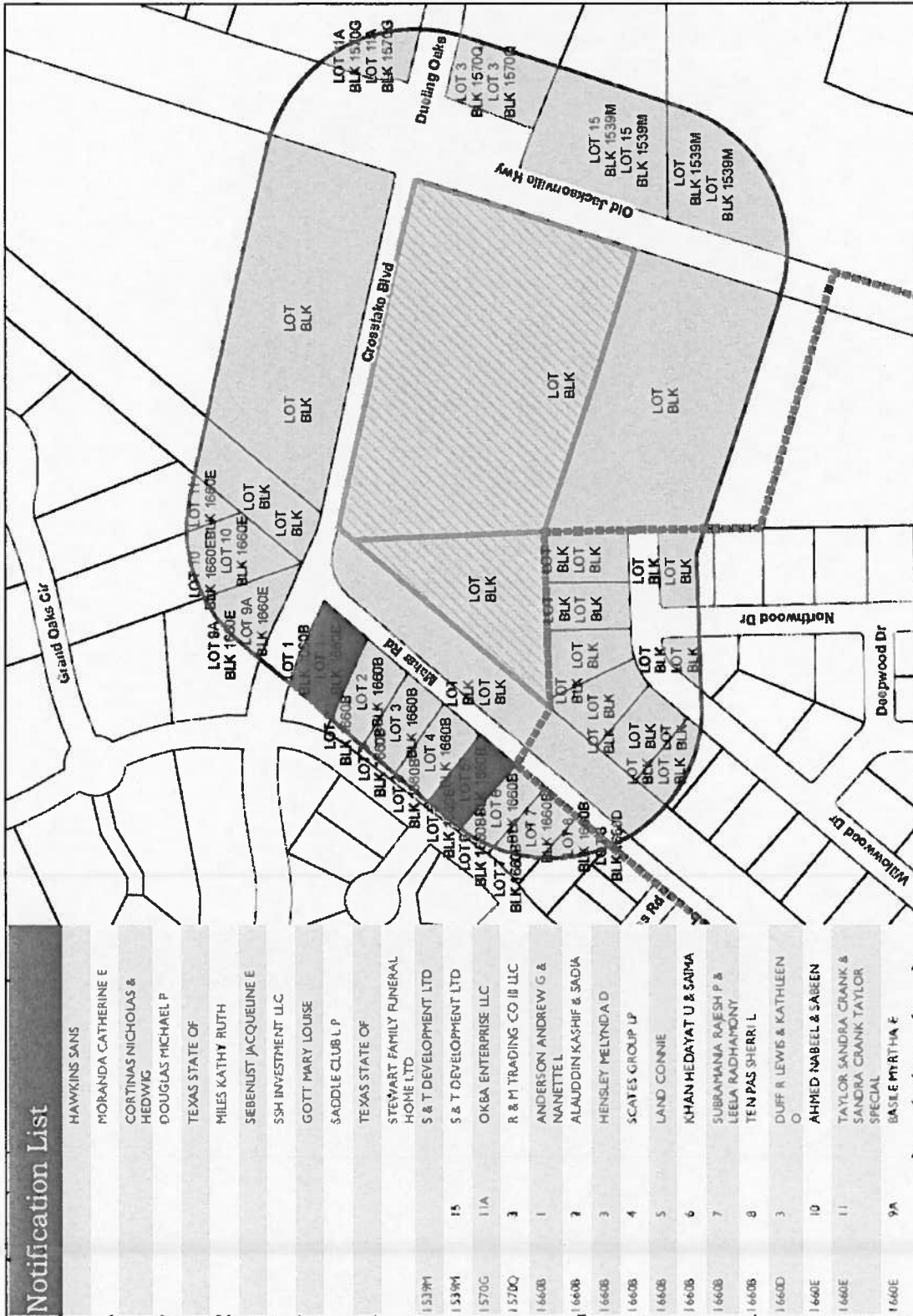
Subject Property  
City Limits



This packet is for information only. Properties and/or boundaries shown in this map are not guaranteed. The information is provided for your information only. The approximate nature of property boundaries is shown.

**Zoning Case**  
Zoning Case #: Z05-15-055  
Existing Zoning: PCD Proposed Zoning: PCD  
Applicant: Stewart Family Funeral Home, LTD (7525 Old Jacksonville)

**ORDINANCE NO. O-2015-61  
EXHIBIT "E"  
NOTIFICATION MAP**



Notification List	
	HAWKINS SANS
	MORANDA CATHERINE E
	CORTINAS NICHOLAS & HEDWIG
	DOUGLAS MICHAEL P
	TEXAS STATE OF
	MILES KATHY RUTH
	SEBENLIST JACQUELINE E
	SSH INVESTMENT LLC
	GOTT MARY LOUISE
	SADDLE CLUB L P
	TEXAS STATE OF
	STEWART FAMILY FUNERAL HOME LTD
	S & T DEVELOPMENT LTD
15394	15
15394	11A
15700	
15700	3
16600	1
16600	2
16600	3
16600	4
16600	5
16600	6
16600	7
16600	8
16600	3
16600	10
16600	11
16600	9A

Subject Property
   
 200' Notification Buffer
   
 City Limits
   
 Protest Lots

**Zoning Case**  
 Zoning Case #: Z08-15-055  
 Existing Zoning: PCD Proposed Zoning: PCD  
 Applicant: Stewart Family Funeral Home, LTD (7525 Old Jacksonville)

This plat is for informational purposes and does not have been prepared for use in any legal proceeding. It is not intended to be used as evidence in any court. The boundaries shown on this plat are only the approximate location of property boundaries.

300 0 300 600 Feet