

ORDINANCE NO. O-2015-101

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 DEVELOPMENT DISTRICT FINAL SITE PLAN ON LOT 8 OF NCB 1153, ONE LOT CONTAINING APPROXIMATELY 1.40 ACRES OF LAND LOCATED AT THE NORTHEAST INTERSECTION OF CENTENNIAL PARKWAY AND SOUTH BROADWAY AVENUE (8850 SOUTH BROADWAY AVENUE); DIRECTING THE AMENDMENT OF THE ZONING MAP; 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 Z01-15-003

That the existing site development plan is hereby amended by approving the site plan attached hereto as Exhibit "A" on the following described property zoned "PCD", Planned Commercial Development District to wit:

Lot 8 of NCB 1153, one lot containing approximately 1.40 acres of land located at the northeast intersection of Centennial Parkway and South Broadway Avenue (8850 South Broadway Avenue) and in accordance with the site plan attached hereto as Exhibit "A" and which is incorporated herein.

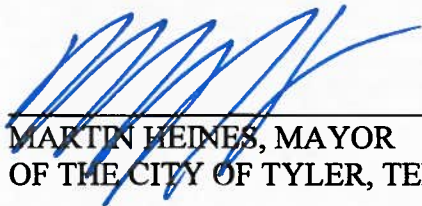
PART 2: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

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 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 November 13th, 2015.

PASSED AND APPROVED this the 11th day of November, A.D., 2015.



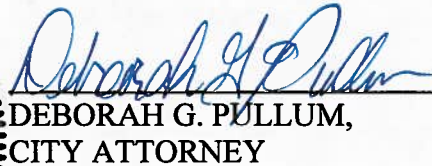
MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:

APPROVED:

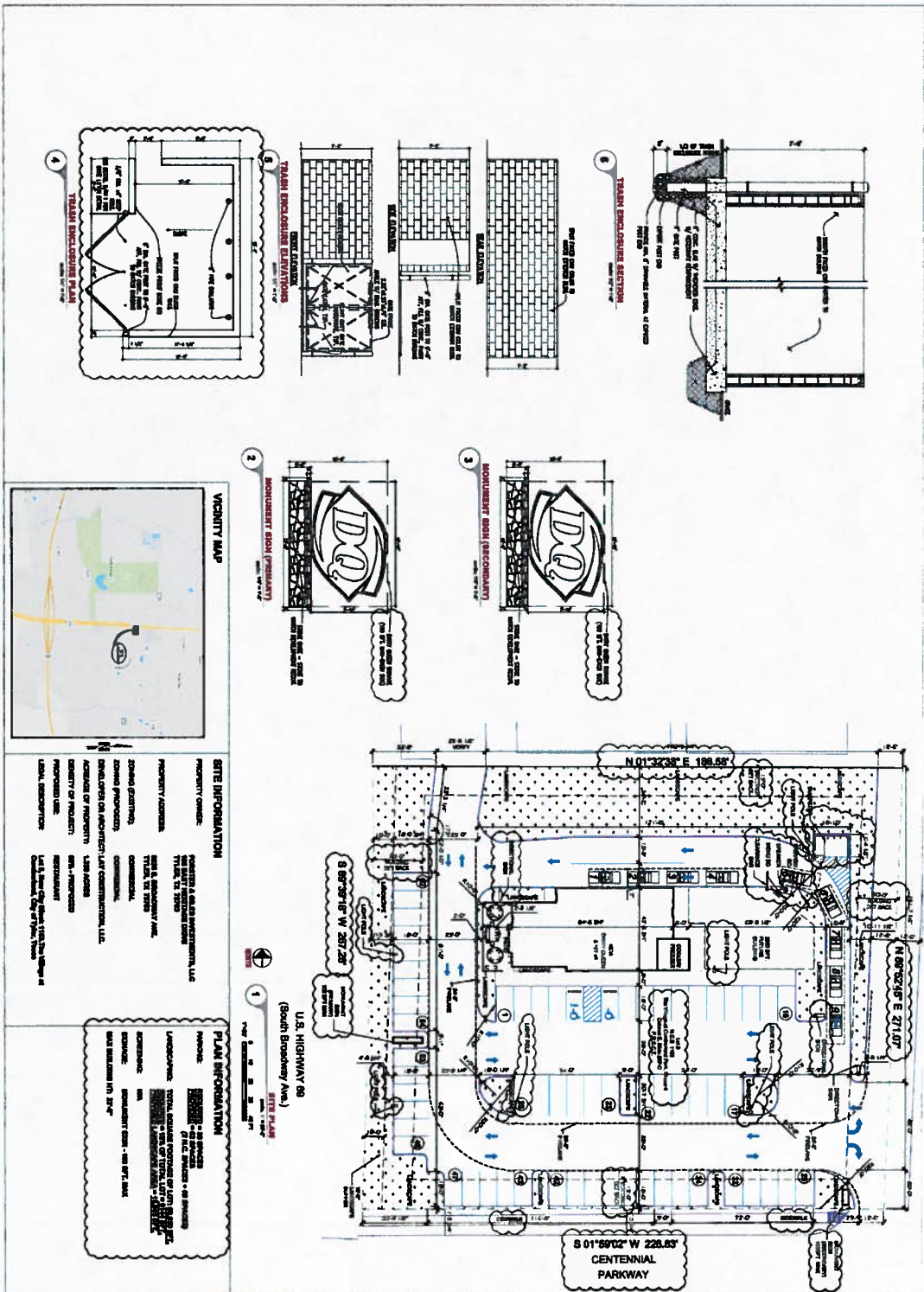


CASSANDRA BRAGER, CITY CLERK



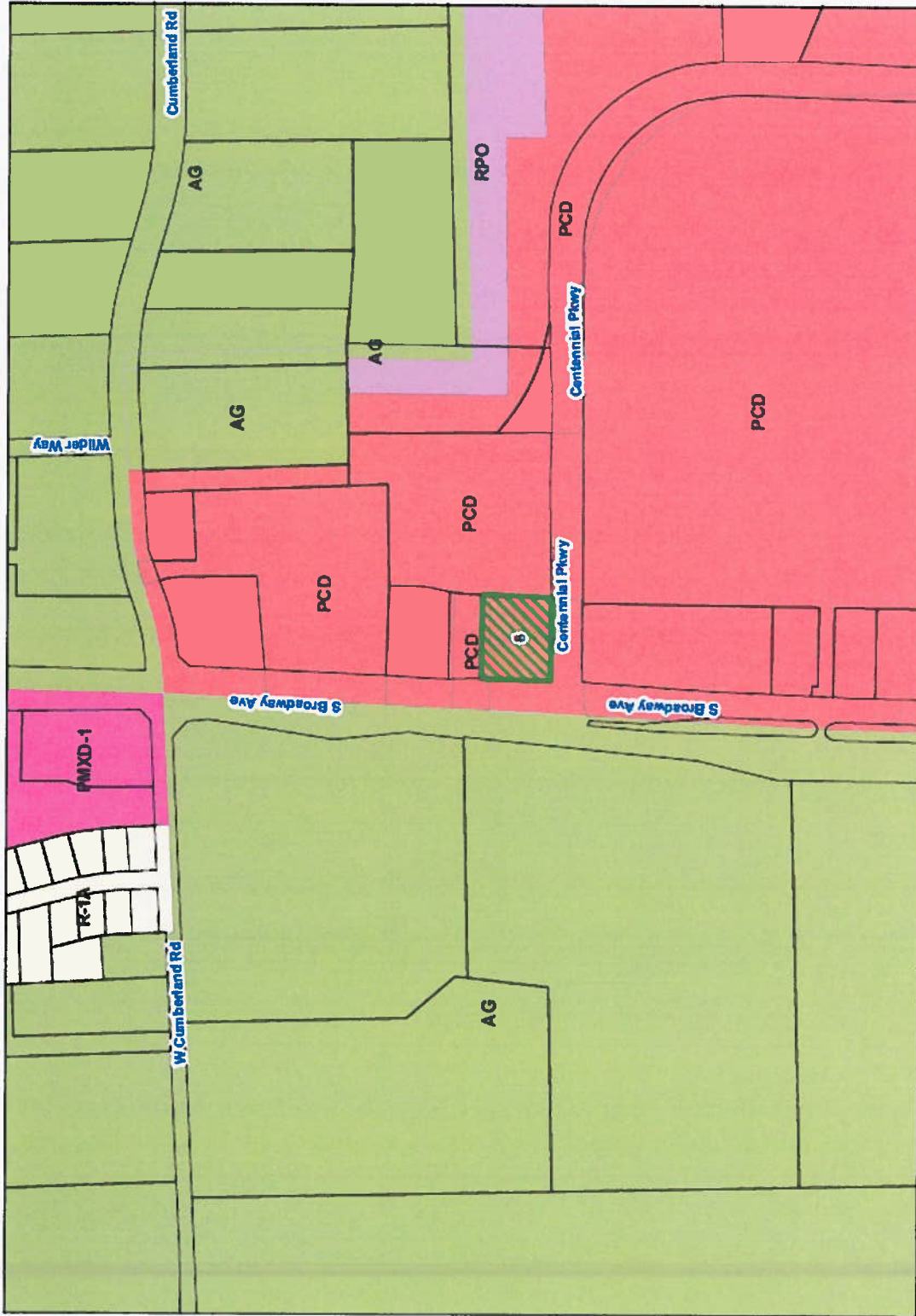
DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2015-101
EXHIBIT "A"
FINAL SITE PLAN



A1.01 SHEET NO.	NEW RESTAURANT FOR: DAIRY QUEEN 8850 S. BROADWAY TYLER, TX 75703				P. O. Box 8300 TYLER TX 75712
					T 903.877.4128 F 903.877.4449 www.layconstructionllc.com

**ORDINANCE NO. O-2015-101
EXHIBIT "B"
LOCATION MAP**

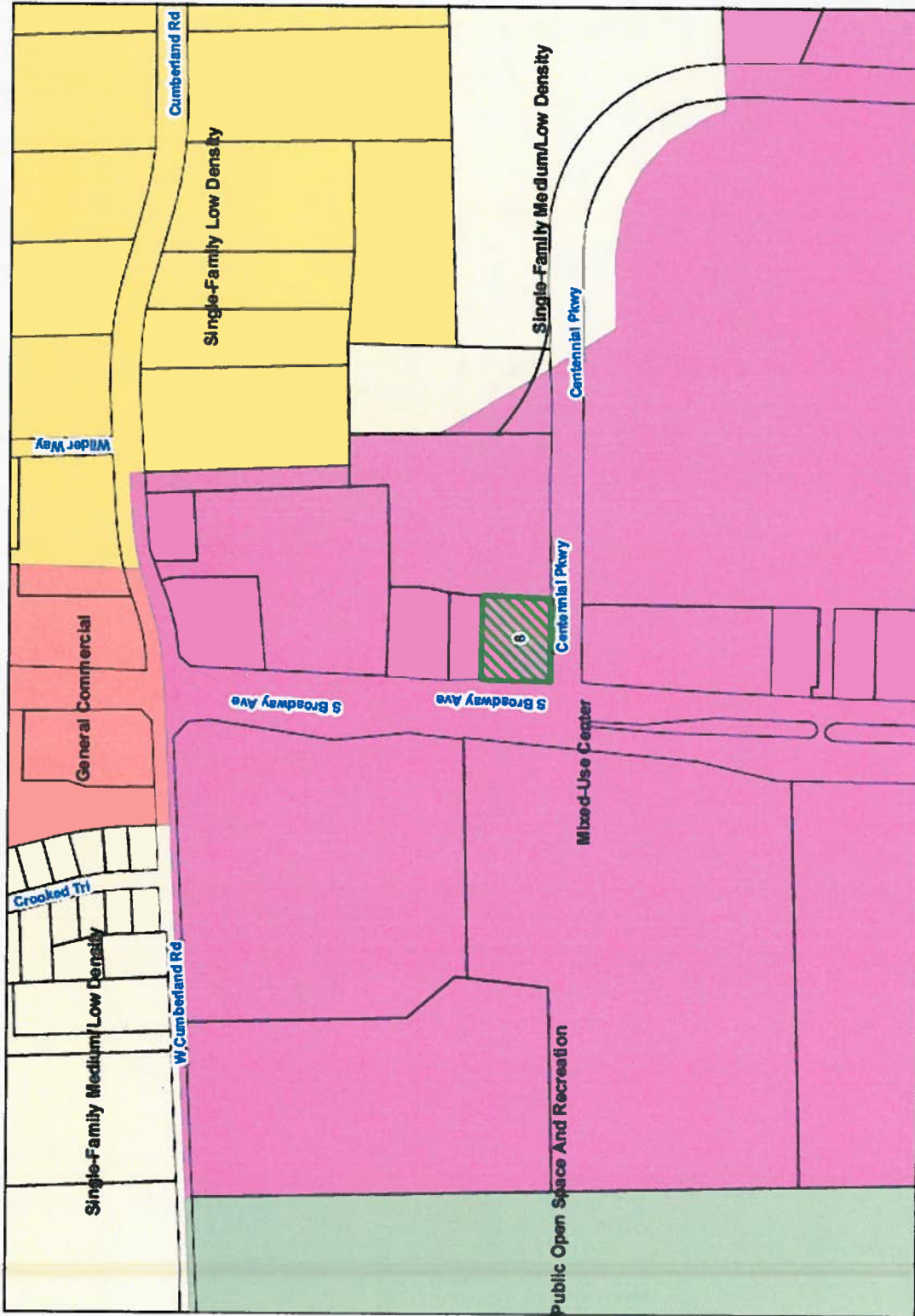


ZONING CASE
 Zoning Case #: Z11-15-003
 Existing Zoning: PCD Proposed Zoning PCD
 Applicant: Broadway South Development A No 2 LTD

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

500 0 500 Feet

**ORDINANCE NO. O-2015-101
EXHIBIT "C"
TYLER 1ST FUTURE LAND USE GUIDE**

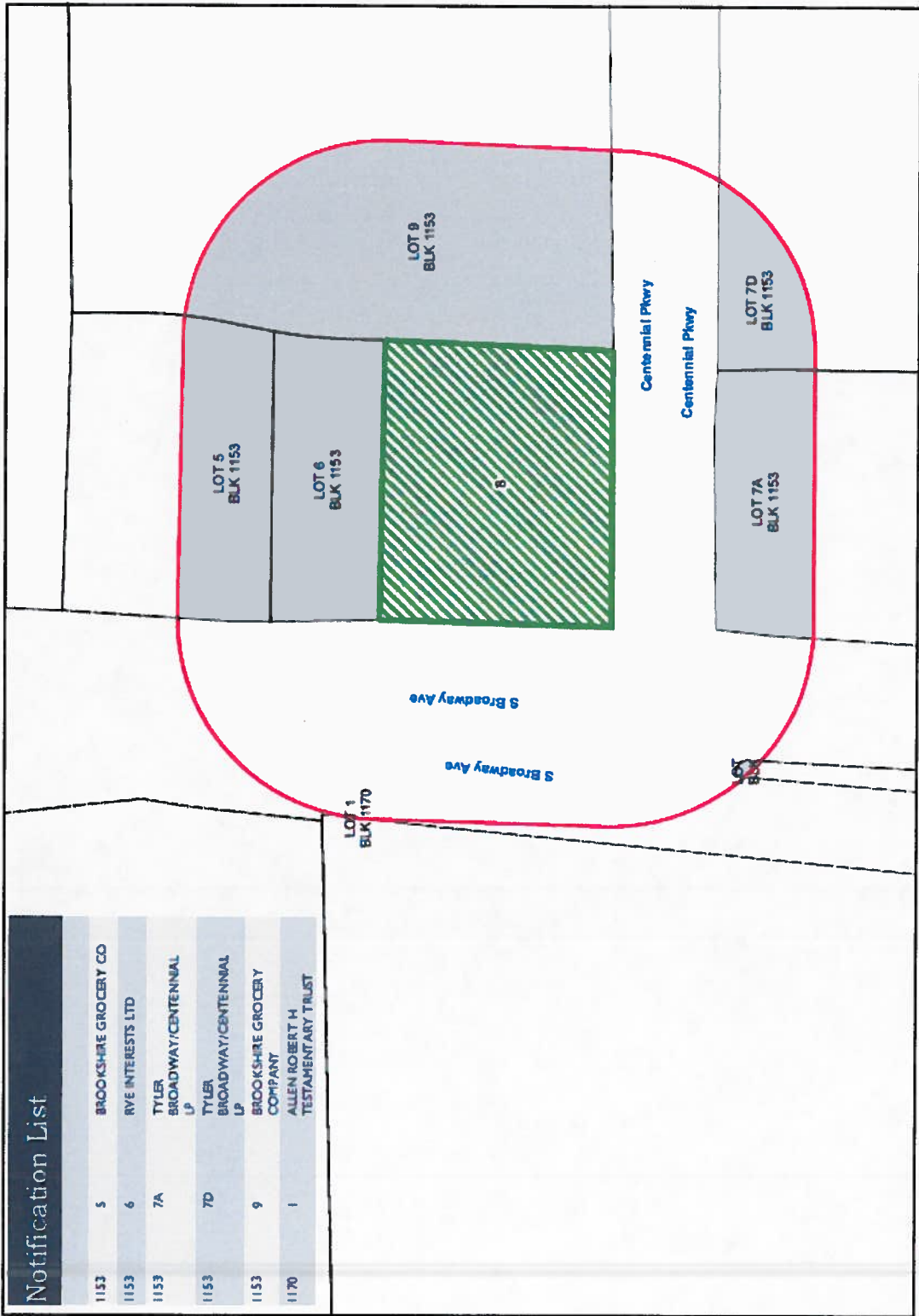


ZONING CASE
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Applicant: Broadway South Development A No 2 LTD

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500 0 500 Feet

**ORDINANCE NO. O-2015-101
EXHIBIT "D"
NOTIFICATION MAP**



Notification List

1153	5	BROOKSHIRE GROCERY CO
1153	6	RVE INTERESTS LTD
1153	7A	TYLER BROADWAY/CENTENNIAL LP
1153	7D	TYLER BROADWAY/CENTENNIAL LP
1153	9	BROOKSHIRE GROCERY COMPANY
1170	1	ALLEN ROBERT H TESTAMENTARY TRUST



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