

**ORDINANCE NO. O-2019-104**

**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 “C-1”, LIGHT COMMERCIAL DISTRICT TO “PMF”, PLANNED MULTI-FAMILY DISTRICT WITH WRITTEN NARRATIVE AND “RPO”, RESTRICTED PROFESSIONAL OFFICE DISTRICT ON TRACT 7B, A PORTION OF TRACT 7C, AND A PORTION OF LOT 4 OF NCB 1137Q, THREE TRACTS CONTAINING APPROXIMATELY 25.05 ACRES OF LAND LOCATED EAST OF THE NORTHEAST INTERSECTION OF OLD JACKSONVILLE HIGHWAY AND BLUE MOUNTAIN BOULEVARD (24.95 ACRES OF LAND, A PORTION OF 8020 OLD JACKSONVILLE HIGHWAY AND A PORTION OF 2113 BLUE MOUNTAIN BOULEVARD); 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 PD19-016**

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

Tract 7B, a portion of Tract 7C, and a portion of Lot 4 of NCB 1137Q, three tracts containing approximately 25.05 acres of land located east of the northeast intersection of Old Jacksonville Highway and Blue Mountain Boulevard (24.95 acres of land, a portion of 8020 Old Jacksonville Highway and a portion of 2113 Blue Mountain Boulevard), in accordance with Exhibit “A” and described with Exhibit “B” attached hereto 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 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 December 13<sup>th</sup>, 2019.

**PASSED AND APPROVED** this the 11<sup>th</sup> day of December A.D., 2019.

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

ATTEST:

APPROVED:

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



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

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**EXHIBIT "A"**  
**WRITTEN NARRATIVE AND CONCEPT**  
**1 OF 2**



Zoning areas and Planned District Narrative – Genecov Properties

All regulations and uses per the Tyler UDC except where noted below.

**PMF Planned Multi-family**

Uses –

- Detached Single-Family Residences and Attached Single-Family Residences/Townhouses  
(as defined in UDC) on a single lot.
- Multi-family residential

Setbacks – 15' from exterior zoning district boundary

Minimum 10' between attached / detached single family structures

Minimum 15' between multi-family structures

Maximum Height – 3 story / 45'

Density – 24 units per acre max

Maximum Lot Coverage – 60%

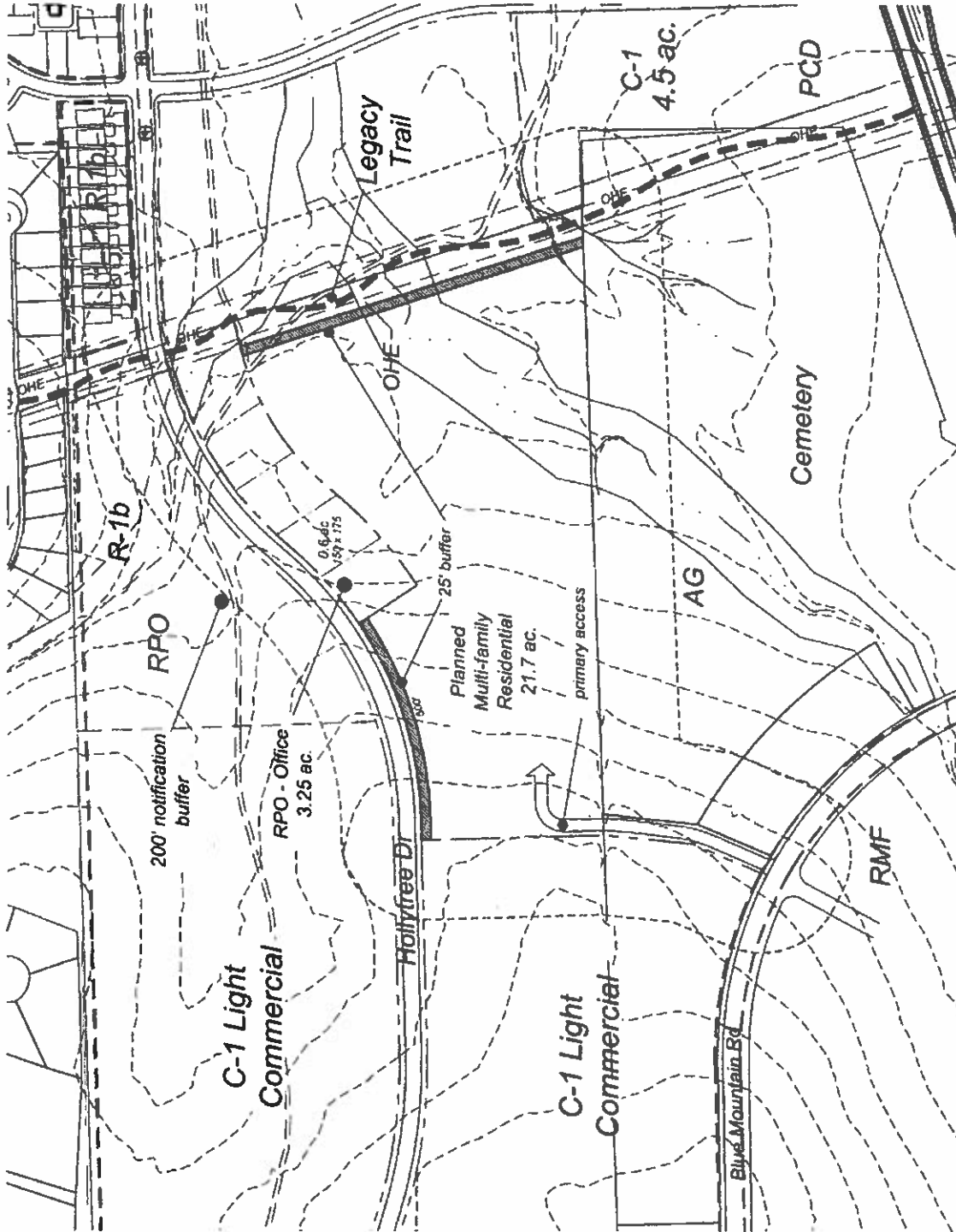
Parking, Landscaping and Signage per City of Tyler UDC

No access to Hollytree Drive except for Emergency Access only as required by Fire Code

25' landscape buffer along Hollytree Drive (*emergency driveway access permitted*) along  
*Hollytree Drive and Trail with the desire to have an undisturbed buffer if possible*

25' landscape buffer along east boundary, adjacent to powerline easement

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EXHIBIT "A"  
WRITTEN NARRATIVE AND CONCEPT  
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**ORDINANCE NO. O-2019-104**  
**EXHIBIT "B"**  
**METES AND BOUNDS DESCRIPTION**  
**1 OF 4**



6712 Paluxy Drive  
Tyler, Texas 75703  
•  
(903)581-7800  
Fax (903)581-3756

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

TBPLS FIRM NO. 10044500

**EXHIBIT "A"**  
**PMF Tract**  
**21.64-Acre Tract**

Being a 21.64 acre tract of land situated in the Thomas Price Survey, Abstract No. 794, City of Tyler, Smith County, Texas, and being part of a called 19.66 acre tract of land, Tract 4A, described in a Partition Deed to Genecov West Mud Creek, LLC recorded under Clerk's File No. 20180100045153, part of a called 21.64 acre tract of land, Tract 4B, described in a Deed from West Cumberland, LLC to Genecov Investments, Ltd. recorded under County Clerk's File No. 20180100045151 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), and part of Lot 4, N.C.B. 1137-Q of Blue Mountain, Unit 1 as evidenced by a Final Plat thereof recorded in Cabinet D, Slide 312-A of the Plat Records of Smith County, Texas, (P.R.S.C.T.), said 21.64 acre tract of land being more completely described by metes and bounds as follows:

Beginning at a 1/2" iron rod found with plastic cap stamped "K L K. #4687" for the Northeast corner of said Lot 4, same being the Northwest corner of Lot 1, N.C.B. 1137-R of Rose Lawn Addition, Unit 1 as evidenced by a Final Plat thereof recorded in Cabinet D, Slide 318-B of said P.R.S.C.T., also being on the South boundary line of said 19.66 acre tract,

Thence South 05 degrees 13 minutes 38 seconds West, a distance of 218.86 feet with the East boundary line of said Lot 4 and the West boundary line of said Lot 1 to a 1/2" iron rod found with plastic cap stamped "KLK #4687";

Thence South 22 degrees 22 minutes 37 seconds West, a distance of 201.41 feet continuing with said East and West boundary lines to a 1/2" iron rod found with plastic cap stamped "KLK #4687" for the Southeast corner of said Lot 4, same being the Southwest corner of said Lot 1 and being on the North right of way line of Blue Mountain Boulevard (90 foot wide right of way);

Thence with the South boundary line of said Lot 4 and the North right of way line of Blue Mountain Boulevard and with a curve to the left having a delta angle of 02 degrees 57 minutes 53 seconds, a radius of 971.65 feet, an arc length of 50.28 feet, a chord bearing of North 61 degrees 38 minutes 36 seconds West, and a chord length of 50.27 feet to a point for corner;

Thence North 22 degrees 22 minutes 37 seconds East, a distance of 188.64 feet to a point for corner;

Thence North 05 degrees 13 minutes 38 seconds East, a distance of 205.65 feet to a point on the North boundary line of said Lot 4 and the South boundary line of said 19.66 acre tract;

Thence North 01 degrees 51 minutes 41 seconds West, a distance of 451.50 feet to a point on the proposed South right of way line of Hollytree Drive (proposed 70 foot wide right of way);

Thence North 88 degrees 16 minutes 50 seconds East, a distance of 72.18 feet with said proposed South right of way line to a point for corner;

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**EXHIBIT "B"**  
**METES AND BOUNDS DESCRIPTION**  
**2 OF 4**

Thence continuing with said proposed South right of way line and with a curve to the left having a delta angle of 31 degrees 46 minutes 32 seconds, a radius of 935.00 feet, an arc length of 518.54 feet, a chord bearing of North 72 degrees 15 minutes 22 seconds East, and a chord length of 511.92 feet to a point for corner;

Thence South 33 degrees 37 minutes 54 seconds East, a distance of 175.00 feet to a point for corner;

Thence with a curve to the left having a delta angle of 16 degrees 42 minutes 39 seconds, a radius of 1110.00 feet, an arc length of 323.74 feet, a chord bearing of North 48 degrees 00 minutes 47 seconds East, and a chord length of 322.60 feet to a point for corner;

Thence with a reverse curve to the right having a delta angle of 37 degrees 36 minutes 07 seconds, a radius of 690.00 feet, an arc length of 452.83 feet, a chord bearing of North 58 degrees 27 minutes 31 seconds East, and a chord length of 444.75 feet to a point for corner;

Thence North 71 degrees 47 minutes 27 seconds East, a distance of 50.00 feet to a point on the East boundary line of said 24.95 acre tract;

Thence South 18 degrees 12 minutes 33 seconds East, a distance of 926.25 feet with said East boundary line to a 1/2" iron rod found with plastic cap stamped "KLK #4687" for the Southeast corner of said 24.95 acre tract;

Thence South 88 degrees 15 minutes 55 seconds West, a distance of 1548.13 feet with the South boundary line of said 24.95 acre tract and the 19.66 acre tract and the North boundary line of said Lot 1 and Lot 4 to the place of beginning, containing 21.64 acres of land more or less.

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 TIC1-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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 7th day of October, 2019.



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



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**EXHIBIT "B"**  
**METES AND BOUNDS DESCRIPTION**  
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(903)581-7800  
Fax (903)581-3756

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

TBPLS FIRM NO. 10044500

**EXHIBIT "A"**  
**RPO Tract**  
**3.413 Acre Tract**

Being a 3.413 acre tract of land situated in the Thomas Price Survey, Abstract No. 794, City of Tyler, Smith County, Texas, and being part of a called 24.95 acre tract of land, Tract 4B, described in a Deed from West Cumberland, LLC to Genecov Investments, Ltd. recorded under County Clerk's File No. 20180100045151 of the Official Public Records of Smith County, Texas, (O.P.R.S.C.T.), said 3.413 acre tract of land being more completely described by metes and bounds as follows:

Beginning at a point on the East boundary line of said 24.95 acre tract and the proposed South right of way line of Hollytree Drive, (proposed 70 foot wide right of way), from which a 1/2" iron rod found with plastic cap stamped "K.L.K. #4687" for the Northeast corner of said 24.95 acre tract bears North 18 degrees 12 minutes 33 seconds West, a distance of 35.31 feet;

Thence South 18 degrees 12 minutes 33 seconds East, a distance of 170.36 feet with the East boundary line of said 24.95 acre tract to a point for corner,

Thence South 71 degrees 47 minutes 27 seconds West, a distance of 50.00 feet to a point for corner;

Thence with a curve to the left having a delta angle of 37 degrees 36 minutes 07 seconds, a radius of 690.00 feet, an arc length of 452.83 feet, a chord bearing of South 58 degrees 27 minutes 31 seconds West, and a chord length of 444.75 feet to a point for corner;

Thence with a reverse curve to the right having a delta angle of 16 degrees 42 minutes 39 seconds, a radius of 1110.00 feet, an arc length of 323.74 feet, a chord bearing of South 48 degrees 00 minutes 47 seconds West, and a chord length of 322.60 feet to a point for corner;

Thence North 33 degrees 37 minutes 54 seconds West, a distance of 175.00 feet to a point on said proposed South right of way line;

Thence with said proposed South right of way line and with a curve to the left having a delta angle of 16 degrees 42 minutes 39 seconds, a radius of 935.00 feet, an arc length of 272.70 feet, a chord bearing of North 48 degrees 00 minutes 47 seconds East, and a chord length of 271.74 feet to a point for corner;

Thence continuing with said proposed South right of way line and with a reverse curve to the right having a delta angle of 39 degrees 49 minutes 26 seconds, a radius of 865.00 feet, an arc length of 601.23 feet, a chord bearing of North 59 degrees 34 minutes 10 seconds East, and a chord length of 589.20 feet to the place of beginning, containing 3.413 acres of land more or less.

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.

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**4 OF 4**

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 April, 2016.

GIVEN UNDER MY HAND AND SEAL, This the 7th day of October, 2019.



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

