

ORDINANCE NO. O-2018-18

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-1B”, SINGLE-FAMILY RESIDENTIAL DISTRICT TO “PUR”, PLANNED UNIT RESIDENTIAL DISTRICT WITH SITE NARRATIVE IN OAK CREEK ADDITION UNIT 2, OAK CREEK ADDITION UNIT 3, AND AN APPROXIMATELY 70.50 ACRE TRACT OF LAND, ALL TOTALING APPROXIMATELY 78 ACRES OF LAND LOCATED WEST OF THE INTERSECTION OF OAK CREEK DRIVE AND CLUB DRIVE (2836-2988 BARTON CREEK CIRCLE, 7305-7325 BARTON CREEK COURT, 7258-7292 DUBOSE CREEK, 7256-7294 CARTHAGE CREEK, 7253-7285 MEDIO CREEK, 2905-3097 SALADO CREEK DRIVE); 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 PD18-001

That the following described property, which has heretofore been zoned “R-1B”, Single-Family Residential District, shall hereafter bear the zoning classification of “PUR”, Planned Unit Residential District with site narrative, to wit:


Oak Creek Addition Unit 2, Oak Creek Addition Unit 3, and an approximately 70.50 acre tract of land, all totaling approximately 78 acres of land located west of the intersection of Oak Creek Drive and Club Drive (2836-2988 Barton Creek Circle, 7305-7325 Barton Creek Court, 7258- 7292 Dubose Creek, 7256-7294 Carthage Creek, 7253-7285 Medio Creek, 2905-3097 Salado Creek Drive), and as described in Exhibit “A” and subject to the narrative in 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 February 16, 2018.

PASSED AND APPROVED this the 14th day of February A.D., 2018.



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"
METES AND BOUNDS DESCRIPTION
1 OF 2

EXHIBIT 'A'
Zoning Change Area
Metes and Bounds Description
78 339 Acre Tract

All that certain tract or parcel of land situated in the Don Thomas Quevado Seven League Grant, Abstract 18, Section 4, Smith County, Texas, being a part of that certain Tract One, called 63.830 acres, and that certain Tract Two, called 65.264 acres, described in a Warranty Deed with Vendor's Lien from Lenard R. McMillin to Tyler Oak Creek Development, LLC, dated June 20, 2014, and recorded in C.F.N. 2014-00024651 of the Official Public Records of Smith County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a metal fish plate found for the northwest corner of the herein described tract, same being the northwest corner of said Tract One, same being in the paved surface of County Road 178 (Jonestown Road);

THENCE, North 88°21'42" East, with the north line of said Tract One, passing a 1/2" iron rod found for the northwest corner of Oak Creek Addition Unit 3, of record in Cabinet 'F', Slide 6-C, P.R.S.C.T. at a distance of 1211.06, continuing on for a total distance of 1988.02 feet to a 1/2" iron rod found for the most northerly east corner of the herein described tract, same being in the south right-of-way line of proposed West Cumberland Road (a 110 foot wide right-of-way), same being in a curve to the left having a radius of 655.00 feet;

THENCE, with said curve to the left having a radius of 655.00 feet, a central angle of 20°48'41", and a chord bearing and distance of South 81°22'52" East, 236.61 feet, an arc length of 237.91 feet to a 1/2" iron rod found for corner and the end of said curve;

THENCE, North 88°12'42" East, a distance of 195.32 feet to a 1/2" iron rod for the northeast corner of the herein described tract, same being the northwest corner of The Tennis Homes at Oak Creek, of record in Cabinet 'F', Slide 10-A, P.R.S.C.T., same being in the east right-of-way line of Club Drive (a variable width right-of-way);

THENCE, South 01°47'13" East, a distance of 106.51 feet to a 1/2" iron rod found for corner;

THENCE, South 10°59'20" West, a distance of 56.53 feet to a 1/2" iron rod found for corner;

THENCE, South 01°47'13" East, a distance of 48.37 feet to a 1/2" iron rod found for corner, same being the beginning of a curve to the right having a radius of 226.50 feet;

THENCE, with said curve to the right having a radius of 226.50 feet, a central angle of 44°09'22", and a chord bearing and distance of South 20°17'28" West, 170.27 feet, an arc length of 174.56 feet to a 1/2" iron rod found for corner and the end of said curve, same being a northeastern corner of Oak Creek Addition Unit 2, of record in Cabinet 'F', Slide 7D, P.R.S.C.T., same being in the north right-of-way line of Oak Creek Boulevard (a 60 foot wide right-of-way), same being the start of a curve to the left having a radius of 220.00 feet;

THENCE, with said curve to the left having a radius of 220.00 feet, a central angle of 27°21'44", and a chord bearing and distance of South 81°41'10" East, 104.07 feet, an arc length of 105.06 feet to a 1/2" iron rod found for the end of said curve, same being the northernmost corner of Oak Creek Addition Unit 1, First Amendment, of record in Cabinet 'E', Slide 367-B, P.R.S.C.T.;

THENCE, South 58°10'33" West, across said Oak Creek Boulevard, a distance of 74.32 feet to a

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EXHIBIT "A"
METES AND BOUNDS DESCRIPTION
2 OF 2

1/2" iron rod found for corner, same being in the south right-of-way line of said Oak Creek Boulevard;

THENCE, South 08°56'25" West, a distance of 144.58 feet to a 1/2" iron rod found for corner;

THENCE, South 85°22'30" East, a distance of 16.75 feet to a 1/2" iron rod found for corner;

THENCE, South 00°33'09" East, a distance of 548.36 feet to a 1/2" iron rod found for corner, same being in the north right-of-way line of Barton Creek Circle, (a 55 foot wide right-of-way);

THENCE, South 08°48'50" West, across said Barton Creek Circle, a distance of 55.64 feet to a 1/2" iron rod found for corner, same being in the south right-of-way line of said Barton Creek Circle;

THENCE, South 01°28'32" East, a distance of 204.12 feet to a 1/2" iron rod found for the southeast corner of the herein described tract, same being in the south line of said Tract Two;

THENCE, South 88°38'15" West, a distance of 1506.14 feet to a 1/2" iron rod found for corner;

THENCE, South 88°37'09" West, a distance of 163.01 feet to a 1/2" iron rod found for corner;

THENCE, South 88°45'49" West, a distance of 459.82 feet to a steel axle found for corner;

THENCE, South 88°46'51" West, a distance of 214.13 feet to a steel spindle set for the southwest corner of the herein described tract, same being the southwest corner of said Tract Two, same being in the paved surface of said County Road 178;

THENCE, North 01°23'40" West, a distance of 719.72 feet to a steel spindle set for the northwest corner of said Tract Two, same being the southwest corner of said Tract one, same being in the paved surface of said county road;

THENCE, North 01°23'40" West, a distance of 719.72 feet to the POINT OF BEGINNING, and containing 78.339 acres of land.

(Bearings are referenced to the Texas Coordinate System, North Central Zone, NAD 83 Map Datum)



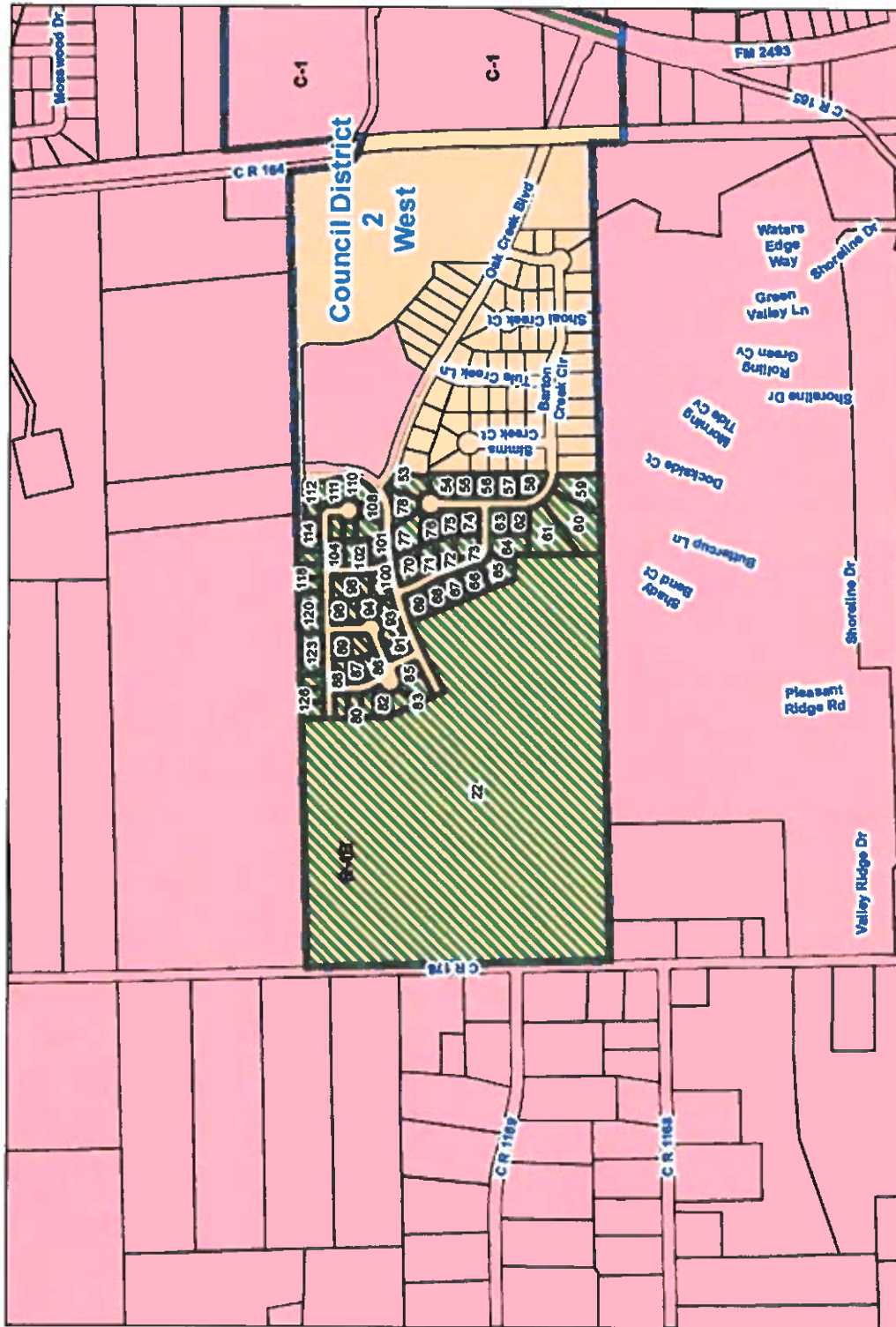
**ORDINANCE NO. O-2018-18
EXHIBIT "B"
SITE NARRATIVE**

Setbacks:

- Front: 20 feet
- Rear: 15 feet
- Side: 6 feet
- Side Corner: 12 feet

All other "R-1B" standards apply

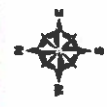
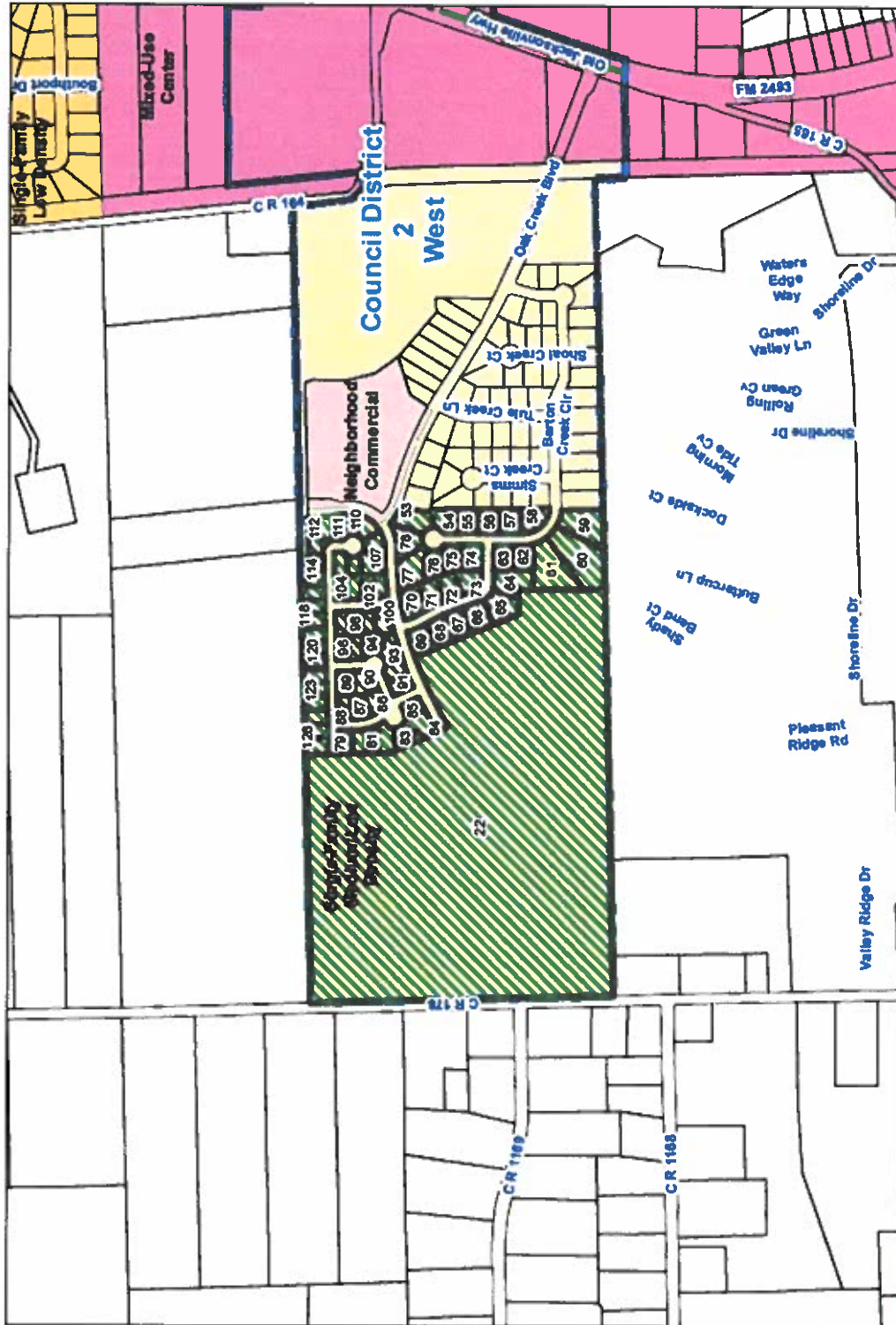
**ORDINANCE NO. O-2018-18
EXHIBIT "C"
LOCATION MAP**



ZONING CASE
Zoning Case #: PD18-001
Existing Zoning: R-1B Proposed Zoning: PUR
Applicant: Tyler Oak Creek Development

This graphic 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.
600 0 600 Feet

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EXHIBIT "D"
TYLER 1ST FUTURE LAND USE GUIDE

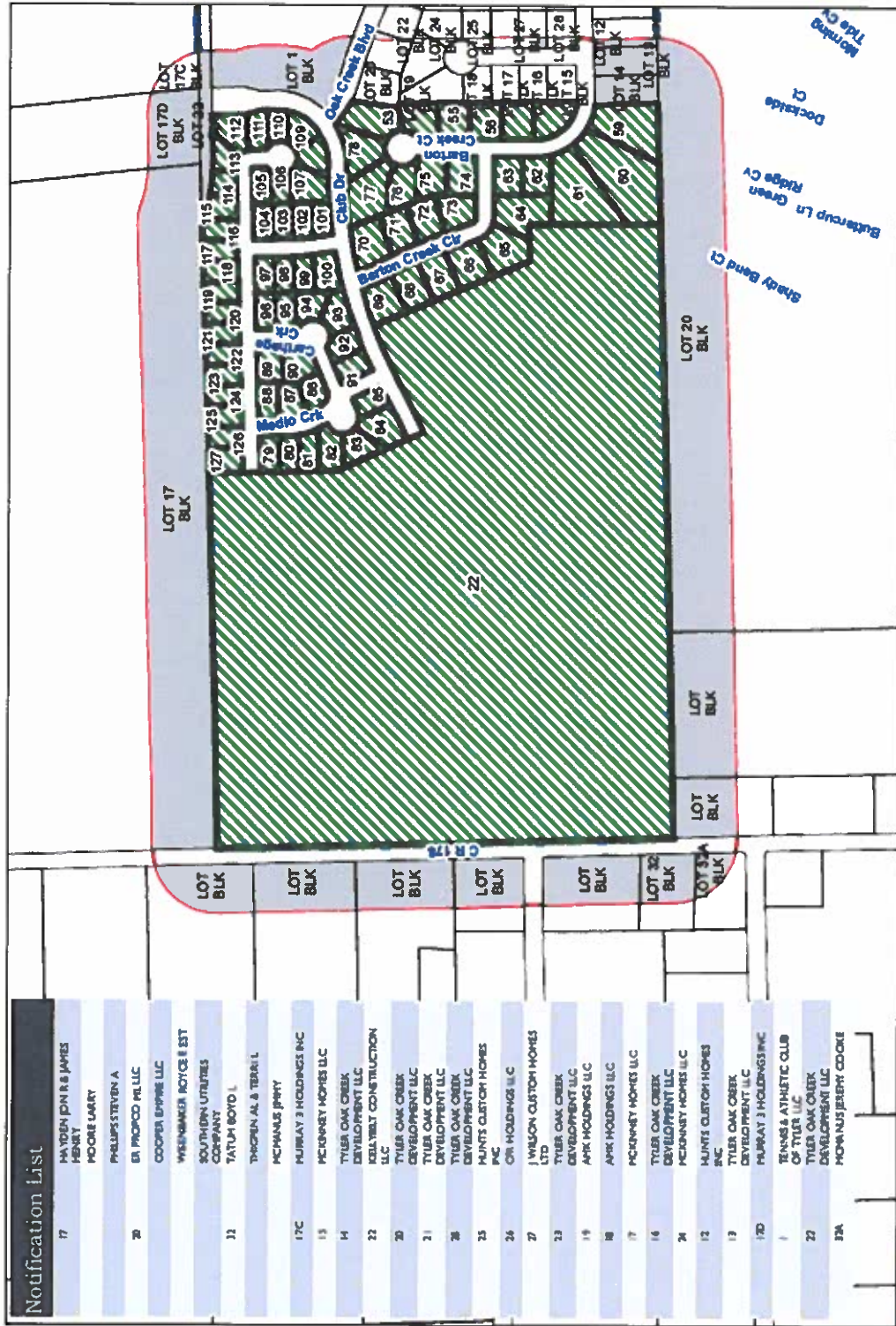


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600 0 600 Feet

**ORDINANCE NO. O-2018-18
EXHIBIT "E"
NOTIFICATION MAP**



Notification List

17	HAYDEN JOHN & JAMES HENRY MOORE LARRY
20	PHILLIPS STEVEN A B1 PROPOD PLLC COOPER EPPINE LLC WESINGER ROYCE & EST COMPANY SOUTHERN UTILITIES COMPANY TATUM BOYO L THOMPSON AL & TERRIL L MCHAMAS JERRY
17C	MURRAY J HOLDINGS INC
15	MCKENNEY HOMES LLC
14	TYLER OAK CREEK DEVELOPMENT LLC
22	KELLYWAY CONSTRUCTION LLC
20	TYLER OAK CREEK DEVELOPMENT LLC
21	TYLER OAK CREEK DEVELOPMENT LLC
28	TYLER OAK CREEK DEVELOPMENT LLC
25	HUNTS CUSTOM HOMES INC
24	CR HOLDINGS LLC
27	WILSON CUSTOM HOMES LTD
23	TYLER OAK CREEK DEVELOPMENT LLC
19	ANK HOLDINGS LLC
18	ANK HOLDINGS LLC
7	MCKENNEY HOMES LLC
16	TYLER OAK CREEK DEVELOPMENT LLC
24	MCKENNEY HOMES LLC
12	HUNTS CUSTOM HOMES INC
13	TYLER OAK CREEK DEVELOPMENT LLC
12D	MURRAY J HOLDINGS INC
1	TENNIS & ATHLETIC CLUB OF TYLER LLC
22	TYLER OAK CREEK DEVELOPMENT LLC
23A	MOYANUS JEREMY COOKE



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400 0 400 Feet