



**CITY OF TYLER  
CITY COUNCIL COMMUNICATION**

**Agenda Number: Z-2**

**Date: January 23, 2008**

**Page: 1 of 3**

**Subject: APPLICATION A12-07-002B WILLIAM PILLSBURY**  
**Request that the City Council consider a request to annex certain sparsely populated and owner requested territory constituting approximately 30.29 acres of land out of the William Keyes Survey, A-526, as described by a metes and bounds description, located one lot south of the southwest intersection of County Road 219 and County Road 272. Also, consider establishing original zoning of “PCD” Planned Commercial District with final site development approval, “PCD” Planned Commercial District without final site plan approval and “PUR” without final site development approval.**

**Also consider establishing:**

- A. The new boundary of the City Limits.**
- B. The new boundary of the Extraterritorial Jurisdiction.**
- C. The new boundary of the City Council Districts**
- D. The Land Use Guide to reflect mixed use center land use.**
- E. Original zoning of 30.29 acres of “PCD” Planned Commercial with final site plan approval located in the southeast portion of the annexed area, “PCD” Planned Commercial without final site plan approval located in the north portion of the annexed area and “PUR” Planned Residential without final site plan located in the southwest portion of the annexed area.**

**Item Reference: Texas Local Government Code Section 43.028; Annexation of Sparsely Populated Areas**

The applicant is requesting the annexation in order to receive city services and requesting the zoning to allow for the development of a hotel and conference center.

The applicant is requesting annexation under the guidelines for sparsely populated areas pursuant to Texas Local Government Code Section 43.028. This section provides for the annexation of sparsely populated areas without the series of public hearings required for other types of annexation. Section 43.028 requires that the petition for annexation be heard by the City Council after the 5<sup>th</sup> day but on or before the 30<sup>th</sup> day after the date the petition is filed.

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The subject property is located east of the Charleston Park residential subdivision and west of County Road 272. The subject property is contiguous to the corporate limits by the Charleston Park Subdivision located on the south and west boundary of the property.

This original zoning request is for a larger development known as the Tyler Hotel and Conference Center that comprises an approximate 32 acres of land located generally in the southeast quadrant of the City of Tyler. A smaller portion of the proposed site is already in the City limits; the property owner in another application is requesting rezoning to planned commercial.

This two phased project depicts a site plan that consists of Phase One: an approximate 26,000 square foot six story 198 room hotel with parking on a portion of Lot 1, a portion of Lot 2 is an approximate 20,000 square foot conference center with parking, a portion of Lot 3 is an approximate 8,000 square foot restaurant pad site with parking and the entire portion of Lot 4 is an approximate 5,000 square foot wedding chapel with parking. Lots 1-4 are all in Phase One. Phase One is the portion where "PCD" with final site plan approval is sought.

Phase Two has not been site planned and will require site plan approval prior to development. Phase Two consists of Lot 5 with an approximate 40,000 square foot wellness center and a total of 10 indoor and outdoor tennis courts; this property is located in the north area of the annexed tract.

Finally, the property owner is requesting original zoning of "PUR" without final site plan approval on the 4.433 acre tract located in the southwest portion of the annexed tract. This tract will be an extension of the Charleston Park residential subdivision and final site plan approval will be required prior to development.

The site plan states that the exterior site lighting will be down shielded. The front and side setbacks are proposed to be between 15 feet and zero feet. The rear setback is proposed to be between 10 feet and zero feet. The building height requirements for "PCD" are 45 feet at the minimum setback line and one foot for each additional foot in excess of minimum; the developer is proposing 65 feet at the minimum setback line and one foot for each additional foot in excess of minimum.

In order to protect the residential lots to the west and south of the proposed development, the developer has provided an exhibit depicting the distance from the (rear) north lot line and (rear) east lot line of the residential lots to the proposed buildings on the site plan. This exhibit shows a minimum distance of 370 feet from any residential lot to the hotel building; a minimum distance of 365 feet from any residential lot to the restaurant building and a minimum distance of 180 feet from any residential lot to the chapel building.

With the residential lots not developed at this time, staff feels this separation to be a reasonable buffer between the residential lots and the proposed development. The required parking for this development is 625 parking spaces; however developer is proposing 674 parking spaces. The dumpster will be enclosed with a nine foot brick fence with painted metal doors.

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The newly adopted Tyler 21 Future Land Use Guide designates this site as Single Family Medium/Low Density. With the improvements to County Road 272 and the extension of McDonald Road being proposed by the developer, the proposed development should have a beneficial impact on the area. If approved, this will establish a mixed use center land use on this property.

Of the three notices mailed, no notices were returned in favor of the application and no notices were returned in opposition to the request. On December 18, 2007, the Planning and Zoning Commission held a public hearing on this request. Bob Breedlove, the engineer for the project, William Pillsbury, owner of the property, and Erik De Vries, VP of Development for America Development, spoke in favor of the application. No one spoke in opposition to the request.

All other departments have reviewed the request and anticipate no significant impact on services or facilities by the proposed annexation and original zoning designations. The annexation of this property will increase the ad valorem tax base for the City and increase sales tax revenues once the commercial development occurs on the site.

**RECOMMENDATION:**

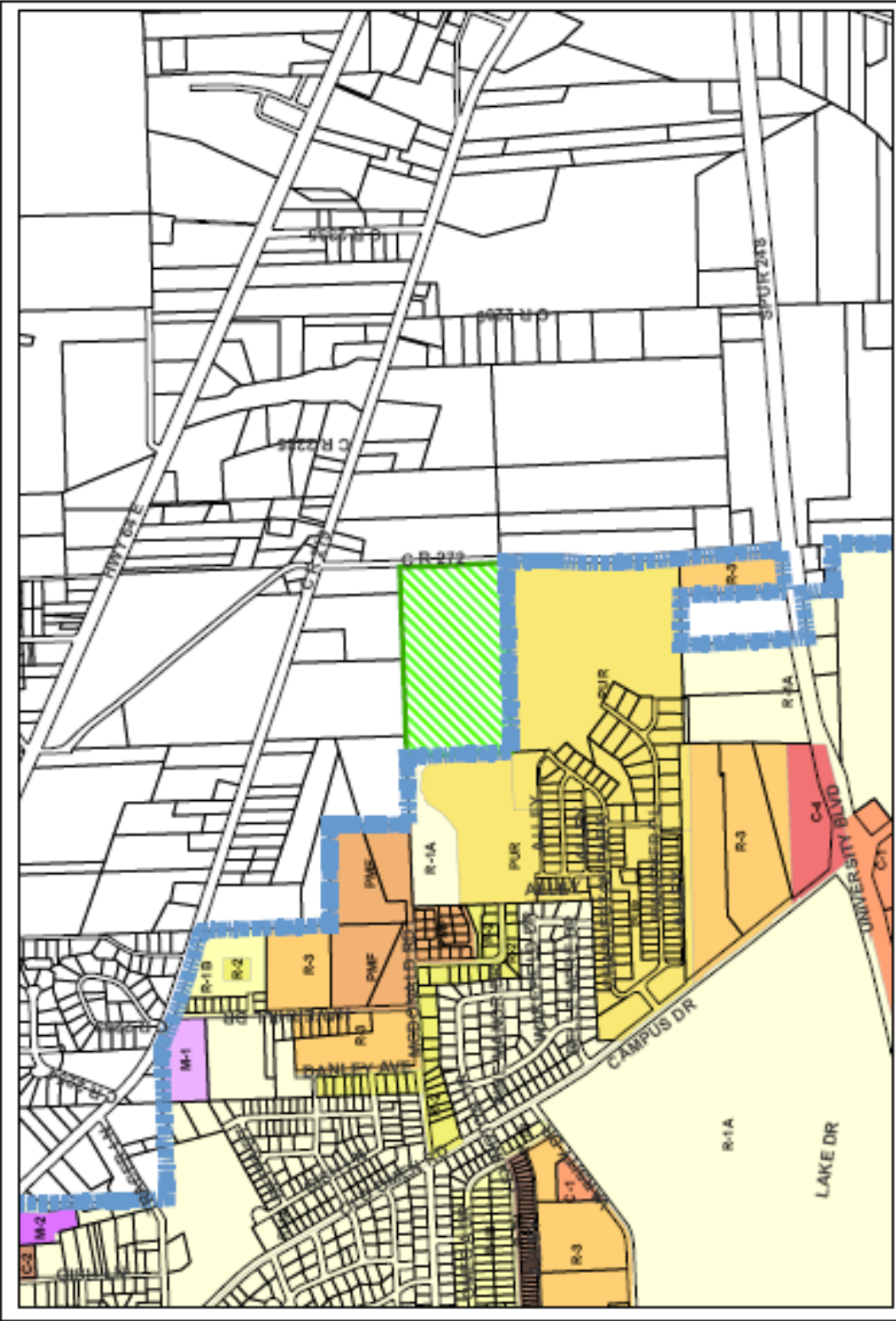
The Planning and Zoning Commission, by a vote of 7-0, recommends approval of:

- A. Establishing the new boundary of the City Limits;
- B. Establishing the new boundary of the Extraterritorial Jurisdiction;
- C. Establishing the new boundary of the City Council Districts;
- D. Establishing the Land Use Guide to reflect mixed use center land use.
- E. Establishing original zoning on a total of 30.29 acres of "PCD" Planned Commercial with final site plan approval located in the southeast portion of the annexed area, "PCD" Planned Commercial without final site plan approval located in the north portion of the annexed area and "PUR" Planned Residential without final site plan located in southwest portion of the annexed area.



**Drafted/Recommended By: Barbara Holly**  
**Department Leader                      Director of Planning**


**Edited/Submitted By:**  
**City Manager**



**ZONING CASE**  
 Zoning Case #: A12-07-002B  
 Proposed Zoning: PCD & PUR  
 Applicant: WILLIAM PILLSBURY






  
 Subject Property
   
 207 Notch on Bully
   


**ZONING CASE**
  
 Zoning Case #: A12-07-002B
   
 Proposed Zoning: PCD & PUR
   
 Applicant: WILLIAM PILLSBURY


  
 0 200 Feet

**ORDINANCE NO. O-2008-12**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS, PROVIDING FOR THE ANNEXATION OF CERTAIN SPARSELY OCCUPIED AND OWNER-REQUESTED TERRITORY LYING ADJACENT TO AND CONTIGUOUS TO THE PRESENT NORTHERN AND EASTERN BOUNDARY LIMITS OF THE CITY OF TYLER AND REFERRED TO AS THE ANNEXATION APPLICATION A12-07-002B; CONSTITUTING APPROXIMATELY 30.29 ACRES OF LAND OUT OF THE WILLIAMS KEYS SURVEY, A-526, AMENDING THE TYLER CITY LIMITS MAP; ADJUSTING THE CITY OF TYLER EXTRATERRITORIAL JURISDICTION; ESTABLISHING THE INITIAL LAND USE DESIGNATION, AND ESTABLISHING ORIGINAL ZONING.**

**WHEREAS**, a public hearing was held before the City Council of the City of Tyler, Texas, on the 23<sup>rd</sup> day of January, 2008, in the Council Chambers, City Hall, 212 North Bonner, Tyler, Texas, wherein all interested persons were provided an opportunity to be heard on the proposed annexation of the territory hereinafter described, which date is not more than thirty (30) nor less than five (5) days after the filing of the complete Texas Local Government Code Section 43.028 petition, a copy of which is attached and made a part hereof as Exhibit "C;" and

**WHEREAS**, the area to be annexed is one-half mile or less in width; and

**WHEREAS**, the area to be annexed is contiguous to the City of Tyler; and

**WHEREAS**, the area to be annexed is vacant and without residents or has fewer than three (3) Qualified Voters; and

**WHEREAS**, the hereinafter described territory lies within the extraterritorial jurisdiction of the City of Tyler, Texas; and

**WHEREAS**, the hereinafter described territory contains approximately 30.29 acres of land;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TYLER, TEXAS:**

**PART 1:** That pursuant to Tyler City Code Sections 10-1 through 10-2, the Texas Local Government Code Section 43.028 Petition is hereby granted and the following described land and territories lying adjacent to and adjoining the City of Tyler, Texas, are hereby added to and annexed to the City of Tyler, Texas, and as shown on the map attached as Exhibit "A" and as described in Exhibit "B" shall be included within the boundary limits of said City, and the present boundary limits of such City, at the various points contiguous to the areas being annexed, are altered and amended so as to include said areas within the corporate limits of the City of Tyler, Texas. Accordingly, the official Tyler City limits map adopted by Ord.0-2007-53 and the City's ETJ are hereby adjusted as described in Tyler City Code Section 10-47 and that section and map are amended to reflect this annexation.

**PART 2:** That the area so annexed shall be part of the City of Tyler, Texas, and the property so added hereby shall bear its pro rata part of the taxes levied by the City of Tyler, Texas, and the inhabitants thereof shall be entitled to all of the rights and privileges of all of the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City of Tyler, Texas.

**PART 3:** That upon final passage, the annexed area shall be zoned as “PCD” Planned Commercial with final site plan approval and “PUR” Planned Residential without final site plan approval as shown on Exhibits “D” and “E” hereinabove mentioned.

**PART 4:** That the initial Land Use Designation for the annexed area is hereby established as mixed use center, and it is directed that the Land Use Guide be amended to reflect said use.

**PART 5:** That the annexed area shall be added to the District #4, City Council single member district and the official Voting District Map amended accordingly.

**PART 6:** That the Planning and Zoning Department shall send to the Texas Secretary of State a copy of the ordinance and statement that the annexation is not involved in any litigation.

**PART 7:** That the City Clerk shall send to the State Comptroller by certified mail a map showing new boundaries for sales tax and a certified copy of the ordinance showing the effective date of the boundary changes.

**PART 8:** That within thirty (30) days of notice of U. S. Justice Department approval of this annexation, the Planning and Zoning Department, on behalf of the Mayor, shall file a certified copy of this ordinance and a copy or duplicate of the petition with the County Clerk.

**PART 9:** That this ordinance shall be in full force and effect from and after the date of its passage and approval by the City Council.

**PASSED AND APPROVED THIS** the 23<sup>rd</sup> day of January A. D., 2008.

\_\_\_\_\_  
JOSEPH O. SEEBER, MAYOR  
OF THE CITY OF TYLER, TEXAS

A T T E S T:

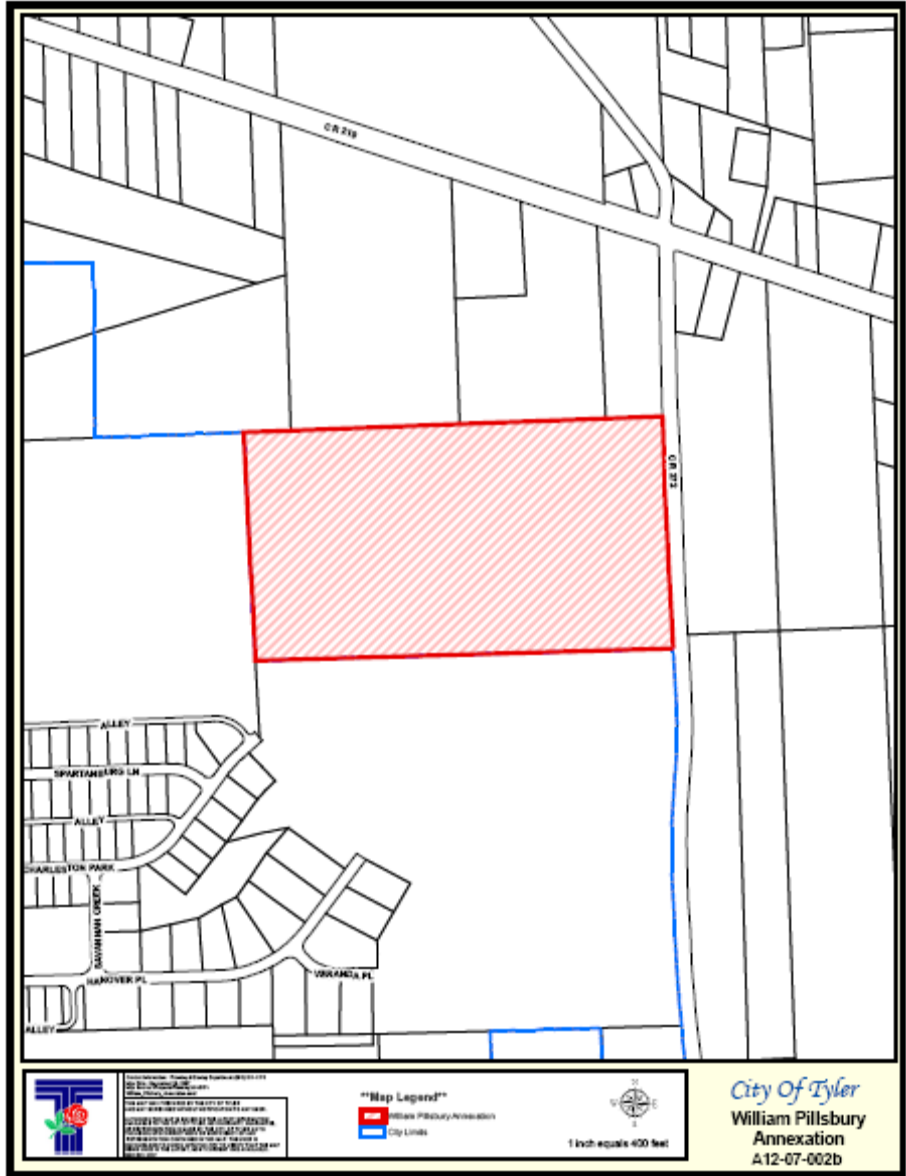
APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
CITY ATTORNEY

Exhibit A = map  
Exhibit B = legal description  
Exhibit C = owner petition  
Exhibit D = zoning map  
Exhibit E = site development plan

**EXHIBIT "A" TO ORDINANCE NO. 0-2008-12  
MAP**



**EXHIBIT "B" TO ORDINANCE NO. 0-2008-12**  
**LEGAL DESCRIPTION**  
**Page 1 of 4**

**Zoning Field Notes  
for  
WPW Properties Ltd.  
Tracts 1A & 1B  
Proposed Annexation  
Williams Keys Survey, A-526**

**TRACT 1A  
AG. to P.C.D. (with site plan)**

**BEING** an 11.709 acre tract in the William Keys Survey, Abstract No. 526, and being part of a called 179.024 acre tract from the D. K. Caldwell Foundation to GWP Investments, Inc. described in a Deed recorded in Volume 4701, Page 277 of the Smith County Official Public Records, Smith County, Texas, said 11.709 acre tract being more completely described as follows:

**BEGINNING** at a ½" iron rod set at the Northeast corner of a called 291.90 acre tract as annexed by The Tyler City Council in July of 1977, said beginning point having Texas state plane coordinates of North = 6815265.1819, East = 2976274.6506;

**THENCE** South 88 degrees 20 minutes 36 seconds West, a distance of 1048.06 feet with the existing City Limits line as per the 1977 annexation;

**THENCE** North 24 degrees 32 minutes 43 seconds West, a distance of 9.26 feet;

**THENCE** North 88 degrees 02 minutes 13 seconds East, a distance of 1573.08 feet with said centerline of the proposed McDonald Road extension to a ½" iron rod set on the East boundary line of said 179.024 acre tract and being on the East side of County Road 272;

**THENCE** North 07 degrees 33 minutes 22seconds West, a distance of 173.79 feet;

**THENCE** North 23 degrees 26 minutes 15 seconds West, a distance of 55.66 feet;

**THENCE** North 87 degrees 59 minutes 30 seconds East, a distance of 451.48 feet;

**THENCE** North 01 degrees 59 minutes 57 seconds West, a distance of 150.04 feet;

**THENCE** North 88 degrees 00 minutes 03 seconds East, a distance of 237.50 feet;

**THENCE** North 02 degrees 33 minutes 00 seconds West, a distance of 324.55 feet;

**THENCE** North 87 degrees 54 minutes 44 seconds East, a distance of 452.14 feet;

**THENCE** South 01 degrees 19 minutes 18 seconds East, a distance of 721.89 feet;

**THENCE** South 88 degrees 19 minutes 42 seconds West, a distance of 40.50 feet;

**EXHIBIT "B" TO ORDINANCE NO. 0-2008-12**  
**LEGAL DESCRIPTION**  
**Page 2 of 4**

**THENCE** North 03 degrees 39 minutes 08 seconds West, a distance of 6.59 feet to the  
**POINT OF BEGINNING**; containing 11.709 acres of land.

**EXHIBIT "B" TO ORDINANCE NO. 0-2008-12**  
**LEGAL DESCRIPTION**  
**Page 3 of 4**

**Zoning Field Notes**  
**for**  
**WPW Properties Ltd.**  
**Tract 2**  
**Proposed Annexation**  
**Williams Keys Survey, A-526**

**TRACT 2**  
**AG. to P.U.R.**

**BEING** an 4.433 acre tract in the William Keys Survey, Abstract No. 526, and being part of a called 179.024 acre tract from the D. K. Caldwell Foundation to GWP Investments, Inc. described in a Deed recorded in Volume 4701, Page 277 of the Smith County Official Public Records, Smith County, Texas, said 4.433 acre tract being more completely described as follows:

From a ½" iron rod set at the Northeast corner of a called 291.90 acre tract as annexed by The Tyler City Council in July of 1977, said beginning point having Texas state plane coordinates of North = 6815265.1819, East = 2976274.6506; thence South 88 degrees 20 minutes 36 seconds West, a distance of 1048.06 feet with the existing City Limits line as per the 1977 annexation to the **POINT OF BEGINNING**;

**THENCE** bearing S 88 degrees 20 minutes 05 seconds W a distance of 461.286 feet ;

**THENCE** bearing N 02 degrees 54 minutes 30 seconds W a distance of 596.250 feet ;

**THENCE** bearing S 52 degrees 30 minutes 55 seconds E a distance of 57.396 feet ;

**THENCE** bearing S 54 degrees 26 minutes 30 seconds E a distance of 146.703 feet ;

**THENCE** bearing S 65 degrees 16 minutes 08 seconds E a distance of 155.645 feet;

**THENCE** bearing S 49 degrees 09 minutes 34 seconds E a distance of 136.859 feet ;

**THENCE** bearing S 23 degrees 26 minutes 15 seconds E a distance of 82.228 feet ;

**THENCE** bearing S 23 degrees 26 minutes 15 seconds E a distance of 55.658 feet ;

**THENCE** bearing S 07 degrees 33 minutes 22 seconds E a distance of 173.794 feet ;

**THENCE** bearing S 24 degrees 32 minutes 46 seconds E a distance of 9.263 feet to the **POINT OF BEGINNING**; containing 4.433 acres.

**EXHIBIT "B" TO ORDINANCE NO. 0-2008-12**

**LEGAL DESCRIPTION**

Page 4 of 4

**Zoning Field Notes  
for  
WPW Properties Ltd.  
Tract 3A  
Proposed Annexation  
Williams Keys Survey, A-526**

**TRACT 3A  
AG. to P.C.D. (without site plan)**

**BEING** an 14.149 acre tract in the William Keys Survey, Abstract No. 526, and being part of a called 179.024 acre tract from the D. K. Caldwell Foundation to GWP Investments, Inc. described in a Deed recorded in Volume 4701, Page 277 of the Smith County Official Public Records, Smith County, Texas, said 14.149 acre tract being more completely described as follows:

**BEGINNING** at a 1/2" iron rod set at the Northeast corner of a called 291.90 acre tract as annexed by The Tyler City Council in July of 1977, said beginning point having Texas state plane coordinates of North = 6816051.5465, East = 2974724.1402;

**THENCE** bearing N 02 degrees 49 minutes 46 seconds W a distance of 9.658 feet ;

**THENCE** bearing N 88 degrees 02 minutes 13 seconds E a distance of 1573.080 feet ;

**THENCE** bearing S 01 degrees 19 minutes 18 seconds E a distance of 133.630 feet ;

**THENCE** bearing S 87 degrees 54 minutes 44 seconds W a distance of 452.138 feet ;

**THENCE** bearing S 02 degrees 33 minutes 00 seconds E a distance of 324.554 feet ;

**THENCE** bearing S 88 degrees 00 minutes 03 seconds W a distance of 237.498 feet ;

**THENCE** bearing S 01 degrees 59 minutes 57 seconds E a distance of 150.035 feet;

**THENCE** bearing S 87 degrees 59 minutes 30 seconds W a distance of 451.478 feet ;

**THENCE** bearing N 23 degrees 26 minutes 15 seconds W a distance of 82.228 feet ;

**THENCE** bearing N 49 degrees 09 minutes 34 seconds W a distance of 136.859 feet ;

**THENCE** bearing N 65 degrees 16 minutes 08 seconds W a distance of 155.645 feet ;

**THENCE** bearing N 54 degrees 26 minutes 30 seconds W a distance of 146.703 feet ;

**THENCE** bearing N 52 degrees 30 minutes 55 seconds W a distance of 57.396 feet ;

**THENCE** bearing N 02 degrees 49 minutes 00 seconds W a distance of 234.802 feet to the POINT OF BEGINNING; containing 14.149 acres.

EXHIBIT "C" TO ORDINANCE NO. 0-2008-12  
OWNER PETITION

Page 1 of 7



FORM A

REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA  
BY THE OWNER(S) OF AREA

TO THE HONORABLE MAYOR AND GOVERNING BODY  
OF THE CITY OF TYLER, TEXAS

The undersigned owners of the hereinafter described tract of land hereby request your Honorable Body to extend the present City limits so as to include as a part of the City of Tyler, Texas, the following described territory (complete and accurate field notes must be attached; a metes and bounds description is required), to-wit:

Being the above described area is one-half (1/2) mile or less in width and is sparsely populated, the owner(s) request that the City of Tyler, Texas, annex this area on petition of the area landowner(s), pursuant to Texas Local Government Code Section 43.028, which provides for the annexation of sparsely occupied areas without the hearings and rigid time schedule required for general annexations or those annexations undertaken unilaterally by the City.

That I (we), the undersigned, hereby certify that the tract described on FORM A and attached field notes, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, that this area is one-half (1/2) mile or less in width, that this area is sparsely populated as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this petition on the date shown below.

William Pillsbury  
SIGNATURE

William Pillsbury  
PRINT NAME

12/27/07  
DATE

(ACKNOWLEDGMENT)

THE STATE OF TEXAS  
COUNTY OF SMITH

This petition was acknowledged before me on the 27<sup>th</sup> day of December,  
2007 by William Pillsbury



Patricia R. Barber  
Notary Public  
State of TEXAS



FORM A1

That I (we), the undersigned, hereby certify that the tract described on FORM A, which is the subject of this annexation petition, is located adjacent to and adjoins the existing corporate limits of the City of Tyler, Texas, that this area is one-half (1/2) mile or less in width, that this area is sparsely occupied as evidenced by the list on FORM D of the qualified voters residing in the area to be annexed, and that this petition is signed and duly acknowledged by each and every individual or corporation having a proprietary interest in said land.

IN WITNESS WHEREOF, I (We), as owner(s) of real property in the area to be annexed, request annexation of this area, pursuant to Texas Local Government Code Section 43.028, by signing this petition on the date shown below.

William Pillsbury  
SIGNATURE  
12/27/07  
DATE

William Pillsbury  
PRINT NAME

\_\_\_\_\_  
SIGNATURE  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME

(ACKNOWLEDGMENT)

THE STATE OF TEXAS  
COUNTY OF Smith

This petition was acknowledged before me on the 27<sup>th</sup> day of December,  
2007 by William Pillsbury.



Patricia R. Barber  
Notary Public  
State of TEXAS

(ACKNOWLEDGMENT)

THE STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This petition was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
State of \_\_\_\_\_



FORM B

**APPLICANT'S SUPPORT INFORMATION FOR REQUEST FOR ANNEXATION OF SPARSELY OCCUPIED AREA**

Applicants shall submit the following information in support of their petition for annexation. This information will be utilized by the staff in preparing comments for the Planning and Zoning Commission and City Council, and in responding to citizens' inquiries.

1. I (We) propose to use this property for the following purpose(s):

Hotel & Conference Center

2. I (We) am/are requesting this annexation for the following reason(s):

For City Police and Fire Protection  
For City Water and Sewer Service

3. State present use and condition of property and/or structures:

Undeveloped

4. What is the location of the nearest water and sewer lines? Please indicate location on area map. (This information is available at the City Water Utilities Department, 511 West Locust Street)

8" Water McDonald Road  
6" Sewer on Westminister Drive.

5. Any additional information that you wish to provide concerning your annexation request:

903-561-0000  
Owner's Telephone Number

SIGNED:

  
OWNER (of property to be annexed)

OR

MDW Properties, Ltd.

\_\_\_\_\_  
Agent's Telephone Number

\_\_\_\_\_  
AGENT (When applicable - See Form E)



FORM C

**LIST OWNER(S) OF ALL PROPERTY TO BE ANNEXED**

List the names and addresses of all owners of property included within the area requested by the petition to be annexed. (Please print)

NAME	MAILING ADDRESS
1. <u>MSW Properties, Ltd. c/o Pillsbury GMAC</u>	<u>724 MSW Loop 323, Tyler, TX 75701</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____



FORM D

**LIST OF NAMES OF ALL QUALIFIED VOTERS RESIDING IN THE AREA**

In order for an area to qualify for annexation under Texas Local Government Code Section 43.028, the area must be vacant or without residents, or on which fewer than three (3) qualified voters reside.

List the names, age and address of all qualified voters residing within the area requested to be annexed by this petition. For purposes of this annexation request, a qualified voter is an individual of legal age in the State of Texas, 18 years or older, which meets the residency requirements and is therefor qualified to register to vote.

<u>NAME AND AGE</u>	<u>MAILING ADDRESS</u>
1. NONE	_____
2.	_____
3.	_____
4.	_____
5.	_____
6.	_____
7.	_____
8.	_____
9.	_____
10.	_____

SIGNED: MPW Properties, Ltd.

*William F. ...*  
\_\_\_\_\_  
Owner et al (of property to be annexed)

*Robert A. ...*  
\_\_\_\_\_  
Agent (when applicable - See Form E)

**EXHIBIT "C" TO ORDINANCE NO. 0-2008-12**

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FORM E

**AUTHORIZATION OF AGENT**

I (We), the undersigned, being owners of real property to be annexed according to this Application, do hereby authorize (print name and address of Agent) The Brannon Corporation to act as our Agent in the matter of this annexation. The term "Agent" shall mean any lessee, developer, option holder, or other individual who is authorized to act in behalf of the owner(s) of said property to be annexed.

(Form to be signed below by all owners of property to be annexed.)

SIGNATURE	MAILING ADDRESS
1. <u>[Signature]</u>	WFW Properties, LLC, 724 New Loop 323, Tyler, TX 75701
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

(This form is necessary only when the person representing this request does not own any of the property to be annexed. Person must also sign Forms B & G as "Agent".)



FORM G

PETITION FOR ORIGINAL ZONING OF SPARSELY OCCUPIED AREA TO BE ANNEXED

Before the City Planning and Zoning Commission and the City Council  
of the City of Tyler, Texas

The undersigned, as owner(s) or agent for the owner(s) of the area to be annexed, hereby makes application for the original zoning of the area to be annexed (insert zoning classification desired) P.C.D. + P.U.K.. If more than one zoning classification is requested for the area, please indicate on the area map what zoning classification is requested for each portion. Complete and accurate field notes are required delineating the different zones requested. A metes and bounds description is required.

For the property owner which does not request original zoning, the Planning and Zoning Commission as part of its recommendation for approval of this annexation will recommend a zoning classification(s) for the area to be annexed.

Wherefore, the owner(s) request that the Planning and Zoning Commission consider the original zoning requested, and that the Planning and Zoning Commission recommend this zoning to the City Council of the City of Tyler, Texas for adoption.\*

PROPERTY OWNERS' SIGNATURES

\_\_\_\_\_  
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Agent (When Applicable - See Form E)

\* The Planning and Zoning Commission in recommending any annexation, and the City Council in approving any annexation, are not obligated to also approve the original zoning requested by the property owner(s). All land contained within the corporate limits of the City of Tyler must be zoned, and the Planning and Zoning Commission and the City Council will endeavor to approve original zoning for the area to be annexed as requested by the property owner(s) if such zoning is appropriate for the existing or likely use of the property to be annexed, and is compatible with current zoning and existing development in that section of the City for which the annexed area will become a part.

**EXHIBIT "D" TO ORDINANCE NO. 0-2008-12**  
**Zoning Map**

