

ORDINANCE NO. O-2008-97

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 “C-1”, LIGHT COMMERCIAL DISTRICT AND “RPO”, RESTRICTED PROFESSIONAL OFFICE DISTRICT TO “PCD”, PLANNED COMMERCIAL DEVELOPMENT DISTRICT WITH FINAL SITE DEVELOPMENT PLAN APPROVAL ON A PORTION OF LOT 3 OF NCB 1450A, A PORTION OF ONE LOT TOTALING APPROXIMATELY 2.18 ACRES LOCATED TWO LOTS NORTH OF THE NORTHEAST INTERSECTION OF EAST HERITAGE DRIVE AND SOUTH BROADWAY AVENUE (7524 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 Z07-08-075B

That the following described property, which has heretofore been zoned “C-1”, Light Commercial District and “RPO”, Restricted Professional Office District, shall hereafter bear the zoning classification of “PCD”, Planned Commercial Development District, to-wit:

A portion of Lot 3 of NCB 1450A, a portion of one lot totaling approximately 2.18 acres located two lots north of the northeast intersection of East Heritage Drive and South Broadway Avenue (7524 South Broadway Avenue),


and in accordance with the site development plan attached hereto as Exhibit “A”.

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 change and that the future land use guide be revised to reflect single family low density.

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 August 29, 2008.

PASSED AND APPROVED this the 27th day of August, A.D., 2008.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

APPROVED:


GARY C LANDERS, CITY ATTORNEY



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EXHIBIT "A"
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Homewood Suites
Tyler, Texas

Site Information

Client: Steven C. Rioseth, Trustee
PO Box 8000
Tyler, TX 75711-8000
936-283-8533

Project: 4-story, 92 Room Extended Stay Hotel

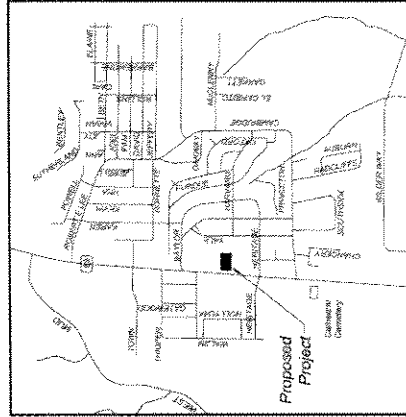
Total Acres - 3.098 Acres Site (2.18 in Zoning Change)
Lot 3, Block 1453A
Current Zoning - C-1 Light Commercial and RPO Professional Office
Proposed Zoning - PCO - Professional Commercial District on 2.18 Acres
Setbacks - As shown on Plan (subject to City Council approval.)
Signage - As shown to comply with the City of Tyler UDC
Parking Req'd: 92 (Per City of Tyler UDC)
92 @ 1 space per up to 100 rooms
Parking Provided - 93
8' Brick Column and Wood Privacy Fence along East Property Line
(extended from north)

Landscaping - minimum 20% of lot area. (Tree and shrub quantities and locations to be installed per City of Tyler UDC with construction plans)

All lighting to be downshielded per City of Tyler UDC. No guest room windows or signs on east facade of building.

Computer to be shielded to match building facade.

Site Plan Prepared by:
Planning Concepts
Tyler, Texas
936-561-4262



Location Map - Not to Scale

