

ORDINANCE NO. O-2009-125

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 TO “R-1A”, SINGLE-FAMILY RESIDENTIAL DISTRICT, AND TO “RPO”, RESTRICTED PROFESSIONAL OFFICE DISTRICT, AND APPROVING A SPECIAL USE PERMIT FOR A SPECIAL EVENT CENTER, ON TRACTS OF LAND TOTALING APPROXIMATELY 32.65 ACRES IN THE ISAAC L. HILL SURVEY, A-474, LOCATED EAST OF THE SOUTHEAST INTERSECTION OF MANDY LANE AND ROY ROAD (2215 ROY ROAD); DIRECTING THE AMENDMENT OF THE ZONING MAP; AMENDING THE FUTURE LAND USE GUIDE; 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 and special use permit are hereby approved as follows:

I. APPLICATION Z11-09-006

That the following described property, which has heretofore been zoned “AG”, Agricultural District, shall hereafter bear the zoning classification of “R-1A”, Single-Family Residential District, “RPO”, Restricted Professional Office District and a Special Use Permit for a special event center for one year, to wit:

Tract one: 2.326 acres of “RPO”, Restricted Professional Office District;

Tract two: 16.185 acres of “AG”, Agricultural District with a Special Use Permit for a special event center for one year; and

Tract three: 10.899 acres of “R-1A”, Single-Family Residential District.

Said tracts of land total approximately 32.65 acres in the Isaac L. Hill Survey, A-474, located east of the southeast intersection of Mandy Lane and Roy Road (2215 Roy Road).

Said zoning and Special Use Permit shall be in accordance with the metes and bounds description and special use site plan attached hereto as Exhibits “A” and “B”.

PART 2: The Special Use Permit and Special Use Site Plan are subject to the following requirements:

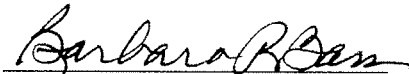
- a) Retain an undisturbed buffer area of 70 feet along the eastern property line for Tract 2.
- b) Special Event Center must close at 10:30 p.m. on week days and midnight on weekends.
- c) Must obtain special use permit approval prior to expanding the Special Event Center.

PART 3: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning and that the Future Land Use Guide be revised to reflect "Office" for the portion of the property subject to the "RPO", Restricted Professional Office District request in accordance with the metes and bounds description attached hereto as Exhibit "A".

PART 4: 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.

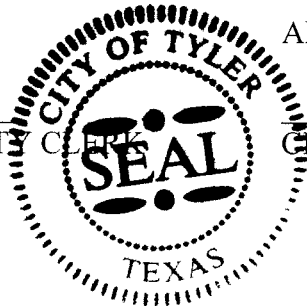
PART 5: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, 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 11, 2009.

PASSED AND APPROVED this the 9th day of December, A.D., 2009.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LONDERS, CITY ATTORNEY

EXHIBIT "A" to Ord. No. 0-2009-125

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**JAMR Properties, LLC
Zoning Tracts
Metes and Bounds Description**

Tract 1 (RPO Zoning) – Revised 10/16/2009

All that certain tract or parcel of land situated in the Isaac L. Hill Survey, Abstract 474, Smith County, Texas, being out of and part of a 32.646 acre tract conveyed by Velma McKeever Collum Calley Goodwin to Richard E. Stewart and Sallie R. Stewart and as shown on Volume 3794, Page 475 of the Land Records of Smith County, Texas, in and being more particularly described by metes and bounds as follows:

The POINT OF BEGINNING is located South 45°15'00" West a distance of 140.808 from the northeast corner said 32.646 acre tract and being in Roy Road;

THENCE, North 89°30'00" West, a distance of 359.194 feet, this line is parallel with and 100 feet south of the north line of said 32.646 acre tract;

THENCE, South 01°02'20" East, a distance of 294.613 feet, this line is parallel with and 50 feet east of the east line of a 0.651 acre tract described in Volume 3295, Page 134 of the land records of Smith County, Texas to a ½" iron rod for corner;

THENCE, North 89°24'50" East, a distance of 203.543 feet, this line is parallel with and 100 feet north of the north property line of a 1.000 acre tract described on Volume 3295, Page 126 of the land records of Smith County, Texas, to a point for corner;

THENCE, North 77°01'25" East, a distance of 154.245 feet to a point for corner;

THENCE, North 77°01'25" East, a distance of 244.677 feet to a point for corner, said point being the southwest corner of a 5.500 acre tract described in Volume 3135 Page 360 of the Land records of Smith County, Texas;

THENCE, North, a distance of 254.712 feet, this line is parallel and 100 feet west of the west line of a 5.500 acre tract described in Volume 3135 Page 360 of the Land records of Smith County, Texas, to the POINT OF BEGINNING, said tract containing 2.326 acres of land.

Tract 2 (Special Use Permit)

All that certain tract or parcel of land situated in the Isaac L. Hill Survey, Abstract 474, Smith County, Texas, being out of and part of a 32.646 acre tract conveyed by Velma McKeever Collum Calley Goodwin to Richard E. Stewart and Sallie R. Stewart and as shown on Volume 3794, Page 475 of the Land Records of Smith County, Texas, in and being more particularly described by metes and bounds as follows:

BEGINNING at the northeast corner said 32.646 acre tract and being in Roy Road;

THENCE, North 89°30'00" West, a distance of 30.000 feet a point for corner, said point being the northeast corner of 5.500 acre tract described in Volume 3135, Page 360 of the land records of Smith County, Texas to a ½" iron rod for corner;

THENCE, South, with the east property line of said 5.500 acre tract, a distance of 433.420 feet to a point for corner, said point being the southeast corner of the 5.500 acre tract;

THENCE, North 89°30'00" West, a distance of 552.780 feet with the south property line of the said 5.500 acre tract to a point for corner, said point being the southwest corner of a 5.500 acre tract;

THENCE, South 77°01'25" West, a distance of 244.677 feet to a point for corner, being the northeast corner of a 1.000 acre tract described on Volume 3295 Page 126 of the land record of Smith County, Texas;

THENCE, South 01°02'20" East, a distance of 167.960 feet along the east line of the said 1.000 acre tract, to a point for corner;

THENCE, North 89°24'21" West, a distance of 263.710 feet along the south property line of the 1.000 acre tract;

THENCE, South 01°02'20" East, a distance of 152.360 feet, to a point for corner;

THENCE, North 89°56'05" East, a distance of 92.410 feet, to a point for corner;

THENCE, South 00°49'14" West, a distance of 184.41 feet, to a point for corner;

THENCE, South 89°54'10" West, a distance of 121.430 feet, to a point for corner;

THENCE, South 01°02'20" East, a distance of 153.979 feet, to a point for corner;

THENCE, South 89°47'39" East, a distance of 1107.948 feet, to a point for corner, said point being on the east property line of said 32.646 acre tract;

THENCE, North 1143.235 feet, with the east property line of said 32.646 acre tract to the Point of Beginning; said tract containing 16.185 acres of land.

Tract 3 (R1-A Zoning)

All that certain tract or parcel of land situated in the Isaac L. Hill Survey, Abstract 474, Smith County, Texas, being out of and part of a 32.646 acre tract conveyed by Velma McKeever Collum Calley Goodwin to Richard E. Stewart and Sallie R. Stewart and as shown on Volume 3794, Page 475 of the Land Records of Smith County, Texas, in and being more particularly described by metes and bounds as follows:

BEGINNING at the southeast corner said 32.646 acre tract;

THENCE, North, a distance of 430.003 feet along the east property line of said 32.646 acre tract a point for corner;

THENCE, North 89°47'39" West, a distance of 1107.948 to a point for corner on the west property line of said 32.646 acre tract;

THENCE, South 01°02'20" East, a distance of 430.101 feet along the west property line of said 32.646 acre tract to a point for corner, said point being the southwest corner of the 32.646 acre tract;

THENCE, South 89°47'39" East, a distance of 1100.150 feet along the south property line of said 32.646 acre tract to the Point of Beginning; said tract containing 10.899 acres.

