

ORDINANCE NO. O-2009-73

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY ADOPTING THE FINAL SITE PLAN ON PROPERTY ZONED "PCD", PLANNED COMMERCIAL DEVELOPMENT ON LOT 1A OF NCB 1441 AND LOTS 1, 2, AND 4 OF NCB 1539W, FOUR LOTS TOTALING APPROXIMATELY 13.47 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF UNIVERSITY BOULEVARD AND LAZY CREEK DRIVE (3504 LAZY CREEK DRIVE); APPROVING A FINAL SITE DEVELOPMENT PLAN; 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 Z06-09-038

That the site development plan is hereby amended by approving the site development plan attached hereto as Exhibit "A" on the following described property zoned "PCD", Planned Commercial Development District, to-wit:

Lot 1A of NCB 1441 and Lots 1, 2, and 4 of NCB 1539W, four lots containing 13.47 acres located at the southeast intersection of University Boulevard and Lazy Creek Drive (3504 Lazy Creek Drive),

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

PART 2: The site plan is subject to the following regulations:

Resolution between Larry Hartley and Tyler Museum of Art concerning the mechanical yard and the barriers surrounding it, and Texas Department of Transportation cross access requirements.

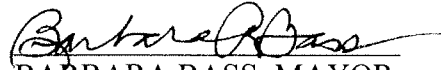
PART 3: That the City Manager is hereby ordered and directed to cause the zoning map to be amended to reflect the above described zoning.

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,

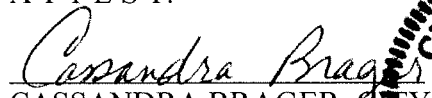
sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

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 June 26, 2009.

PASSED AND APPROVED this the 24th day of June, A.D., 2009.

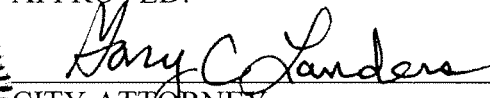

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK



APPROVED:


GARY C. LANDERS
CITY ATTORNEY

ORDINANCE NO. 0-2009-73

TYLER MUSEUM OF ART
 IVER, TEXAS

Project Location:
 1400 S. University Blvd
 Iver, Texas 75449
 Project No.: 09-001
 Date: 06/01/09

Site Description:
 Property Description: 1400 S. University Blvd, Iver, Texas 75449
 Total Property Area: 14.25 Acres, 616,125 sq. ft.
 Project Location: 1400 S. University Blvd, Iver, Texas 75449
 Project Elevation: 281.21 ft.

Maximum Lot Coverage:
 20%
 Project Location: 1400 S. University Blvd, Iver, Texas 75449
 Project Elevation: 281.21 ft.

Maximum Parking Area:
 10,000 sq. ft.
 Project Location: 1400 S. University Blvd, Iver, Texas 75449
 Project Elevation: 281.21 ft.

Maximum Lot Coverage for Other:
 10%
 Project Location: 1400 S. University Blvd, Iver, Texas 75449
 Project Elevation: 281.21 ft.

Other Notes:
 1. All work shall be in accordance with the City of Iver Ordinance No. 0-2009-73.
 2. The applicant shall provide a site plan showing the location of all trees to be removed and replaced.
 3. The applicant shall provide a site plan showing the location of all new planted trees.

Project Description:
 The project consists of the construction of a new 3-story, 40,000 sq. ft. museum building, a 10,000 sq. ft. parking garage, a 10,000 sq. ft. service drive, a 10,000 sq. ft. museum phase expansion, a 10,000 sq. ft. existing creek, a 10,000 sq. ft. new pedestrian walkway, a 10,000 sq. ft. mechanical yard, a 10,000 sq. ft. wood deck, a 10,000 sq. ft. potential future bus stop, a 10,000 sq. ft. existing sewer easement, a 10,000 sq. ft. potential public artwork, and a 10,000 sq. ft. potential pedestrian bridge.

Project Location:
 1400 S. University Blvd, Iver, Texas 75449
 Project Elevation: 281.21 ft.

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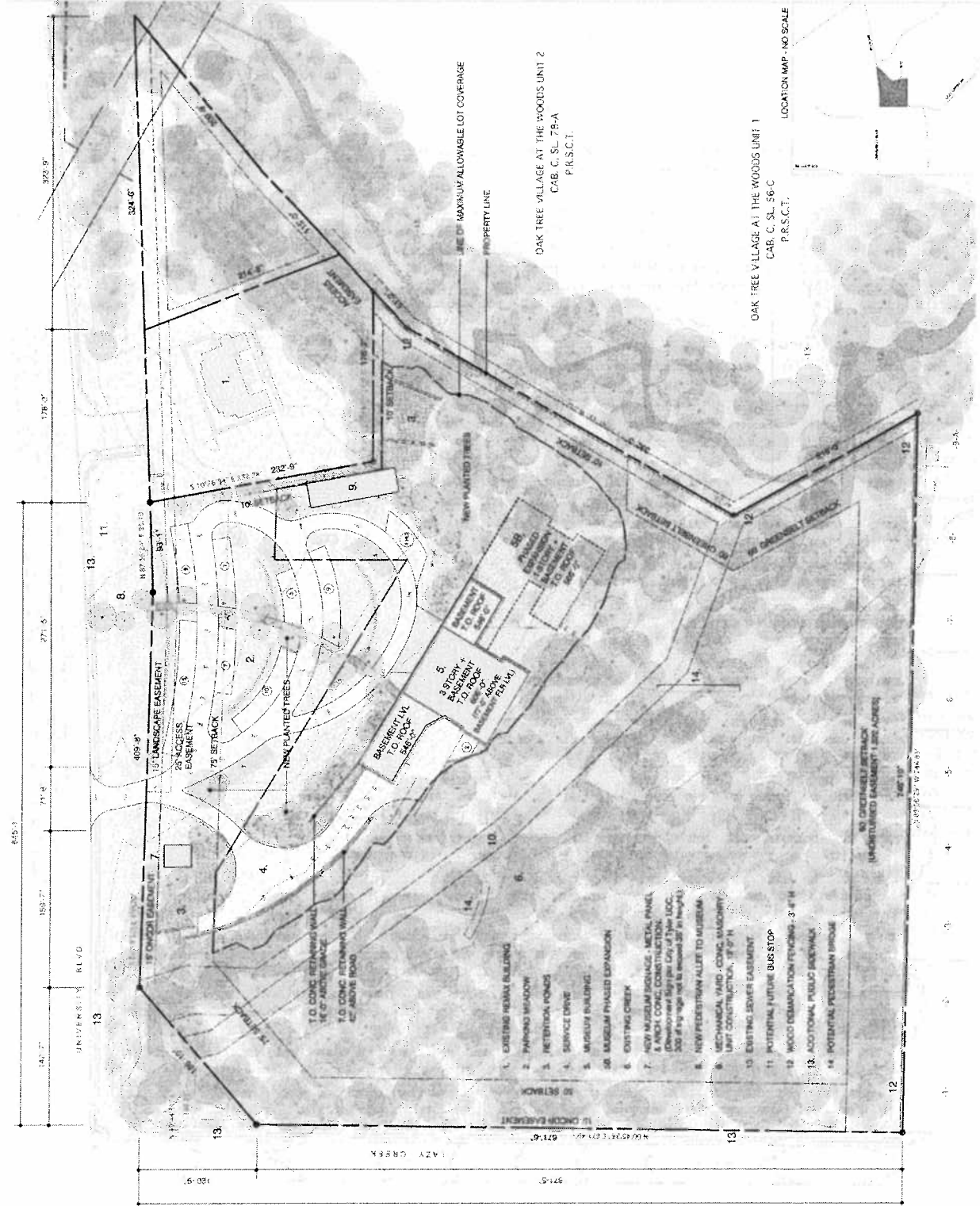
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DATE: JUNE 1, 2009
 SCALE: 1" = 40'
 NORTH
 SITE PLAN