

**ORDINANCE NO. O-2010-103**

**AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS BY AMENDING THE EXISTING SITE PLAN ON PROPERTY ZONED "PCD", PLANNED COMMERCIAL DEVELOPMENT ON A 0.695 ACRE PORTION OF LAND LOCATED WITHIN THE B. L. ROBINS SURVEY ABSTRACT #A0825, TRACT 1G, TOTALING 98.269 ACRES OF LAND LOCATED SOUTH OF THE SOUTHEAST INTERSECTION OF SOUTH BROADWAY AVENUE AND CUMBERLAND ROAD (8850 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 Zoning Ordinance of the City of Tyler, Texas, is hereby amended by adopting the revised site plan attached hereto as follows:

**I. APPLICATION Z10-10-076**

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

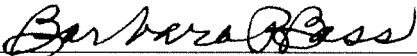
On a 0.695 acre portion of land located within the B. L. Robins Survey Abstract #A0825, Tract 1G, totaling 98.269 acres of land located south of the southeast intersection of South Broadway Avenue and Cumberland Road (8850 South Broadway Avenue), as described in Exhibit "B", final plat Village at Cumberland Park Phase 2, pending plat approval, 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.

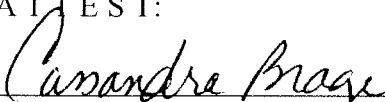
**PART 3:** Should any section, subsection, sentence, provision, clause or phrase be held to be invalid for any reason, such holding shall not render invalid any other section, subsection, sentence, provision, clause or phrase of this ordinance and same are deemed severable for this purpose.

**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 October 29, 2010.

**PASSED AND APPROVED** this the 27<sup>th</sup> day of October, A.D., 2010.

  
\_\_\_\_\_  
BARBARA BASS, MAYOR  
OF THE CITY OF TYLER, TEXAS

ATTEST:

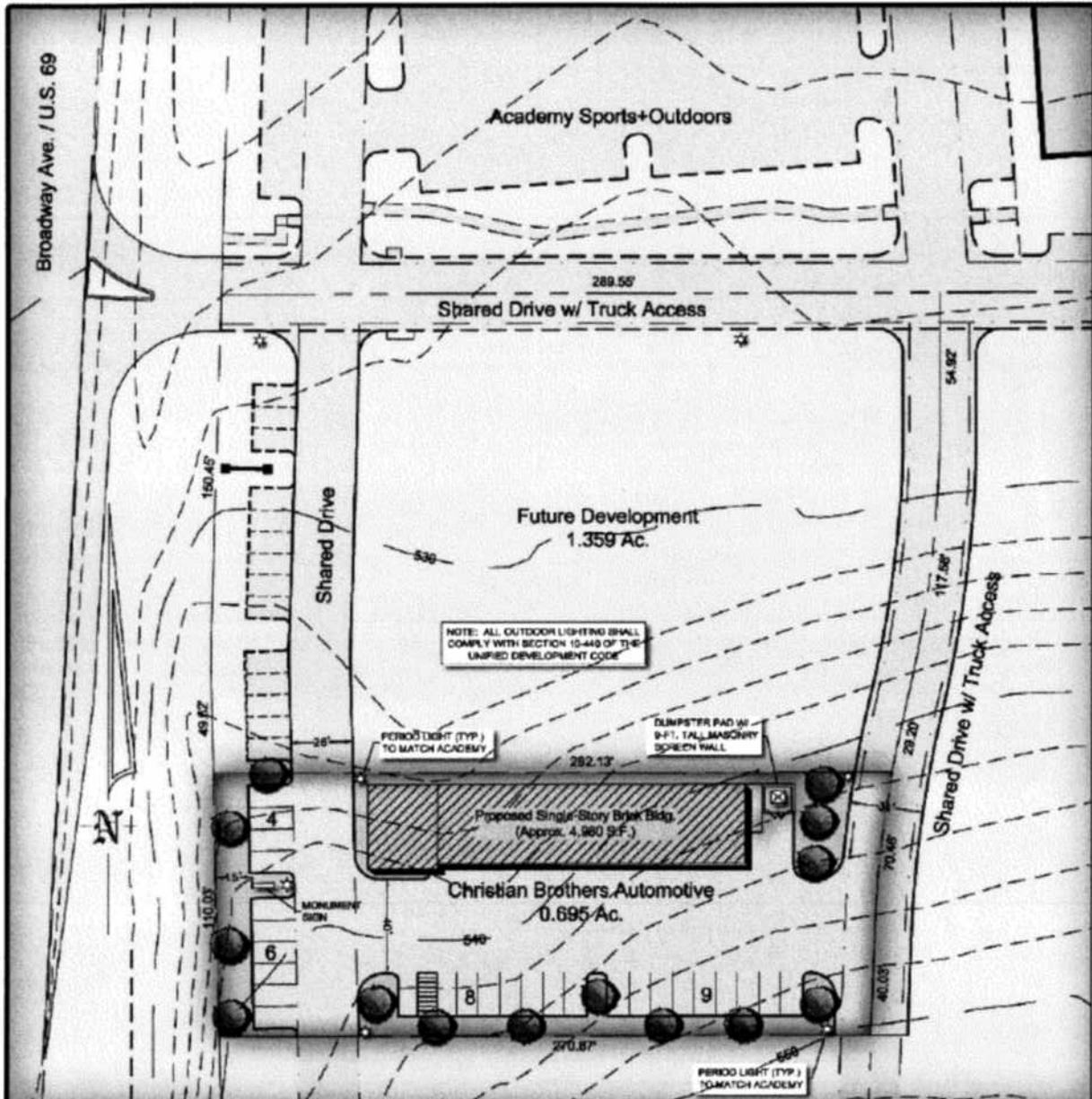
  
\_\_\_\_\_  
CASSANDRA BRAGER, CITY CLERK



APPROVED:

  
\_\_\_\_\_  
GARY C. LANDERS, CITY ATTORNEY

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**EXHIBIT "A" – Page 1 of 3**

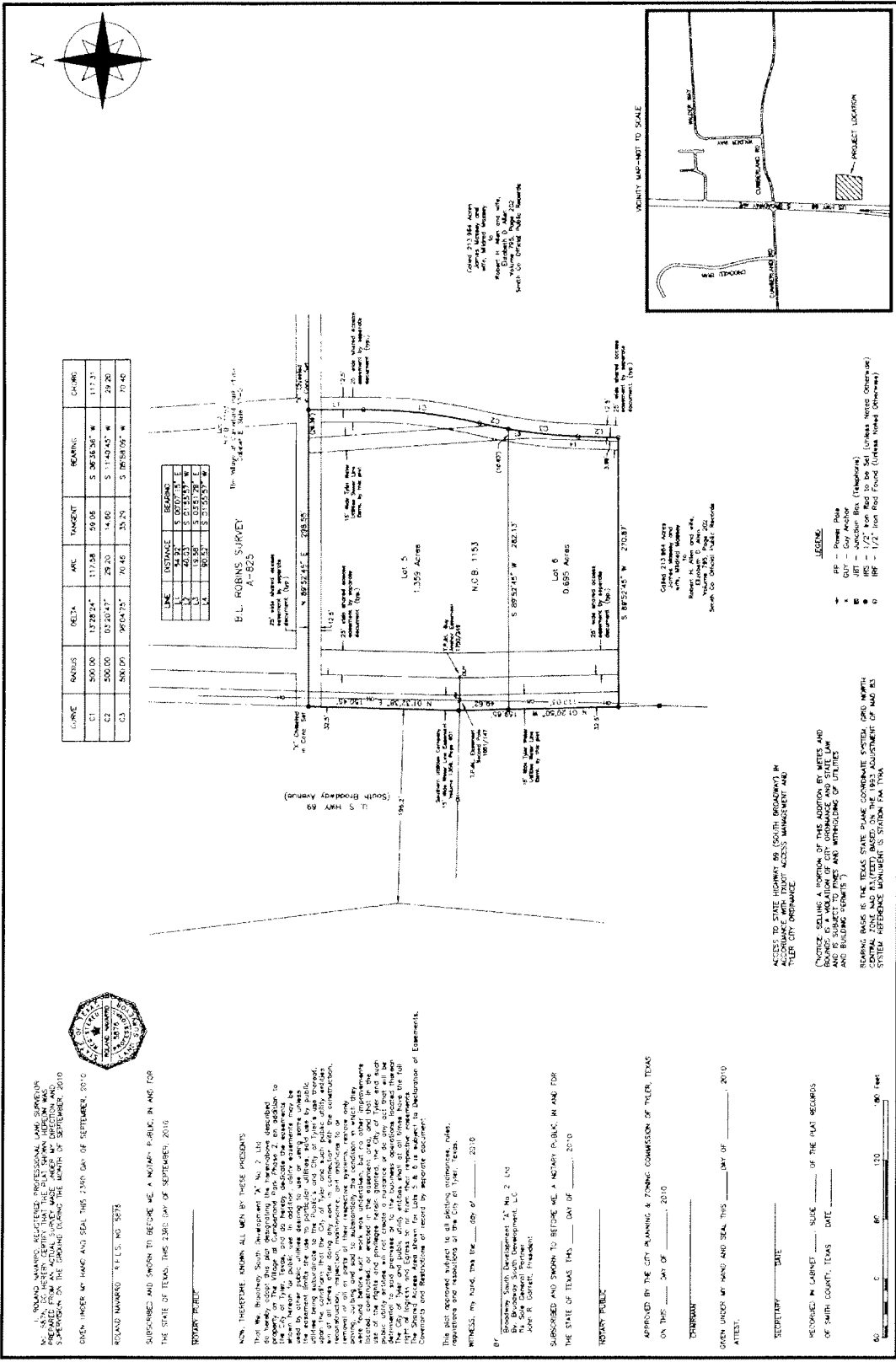


SITE INFORMATION		PLAN INFORMATION		GRAPHIC SCALE	
PROPERTY OWNER:	BROADWAY SOUTH DEVELOPMENT	PARKING:	27 PROVIDED / 25 REQUIRED (BASED ON 4,960 S.F. BLDG.)		
PROPERTY ADDRESS:	UNPLATTED	LANDSCAPING:	6,204 S.F. (20.5%) PROVIDED 4,536 S.F. (13.0%) REQUIRED		
ZONING (EXISTING):	PCD	SCREENING:	MASONRY WALL DUMPSTER ENCLOSURE – 9' HIGH	<p><b>PCD SITE PLAN</b>  <b>CHRISTIAN BROTHERS AUTOMOTIVE</b>                  SEPTEMBER 27, 2010</p>	
ZONING (PROPOSED):	PCD	SIGNAGE:	<u>MONUMENT</u> : MAX. 8'-6" HIGH x 9' LONG, MAX. 60 S.F./SIDE <u>FACE</u> : 1 PER SIDE, MAX. 100 S.F. PER SIGN		
DEVELOPER:	CHRISTIAN BROTHERS AUTOMOTIVE	SETBACKS:	25' FRONT & REAR 5' SIDE YARD		
ACREAGE OF PROJECT:	0.695 ACRES				
DENSITY OF PROJECT:	N/A				





Ord. No. 0-2010-103  
EXHIBIT "B"



NOTED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION OF TYLER, TEXAS, ON SEPTEMBER 15, 2010. APPROVED BY THE CITY PLANNING AND ZONING COMMISSION OF TYLER, TEXAS, ON SEPTEMBER 15, 2010.

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**Final Plat showing**  
The Village at Cumberland Park Ph. 2  
2 Lots - 2.054 Acres  
Tyler, Smith County, Texas

**KLK Kilgore & Company, Inc.**  
www.klk.com

6712 Palmy Drive  
Tyler, Texas 75703  
(936) 941-7800  
Fax: (936) 941-3754

DESIGNED BY: E.N.  
DRAWN BY: E.N.  
CHECKED BY: P.L.K.  
DATE: 9-21-2010  
SCALE: 1" = 60'

REVISIONS

NO.	DATE	REMARKS

CONTRACT NO. 99026  
SHEET NO. 1 OF 1