

ORDINANCE NO. O-2010-51

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; BY AMENDING THE EXISTING FINAL SITE PLAN ON PROPERTY ZONED "PCD", PLANNED COMMERCIAL DEVELOPMENT ON LOTS 12A, 12C, AND 12D OF NCB 999F OF THE PEYTON MCKNIGHT SUBDIVISION, THREE LOTS TOTALING APPROXIMATELY 3.21 ACRES LOCATED WEST OF THE SOUTHWEST INTERSECTION OF TIMBERWILDE DRIVE AND OLD BULLARD ROAD (4803 OLD BULLARD ROAD); 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; and

WHEREAS, site plans were previously approved by Ordinances 0-94-28, 0-2006-26 and 0-2008-32, and a site plan was previously approved administratively by the Planning Director pursuant to Tyler City Code Section 10-656;

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 Z03-10-018

That the existing 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:

Lots 12B, 12C and 12D of NCB 999F of the Peyton McKnight Subdivision, located at the southwest corner of the intersection of Timberwilde Drive and Old Bullard Road (419 Timberwilde Drive).

in accordance with the site development plan attached hereto as Exhibit "A", and as specifically amended by the City Council herein.

PART 2: That the following requirements and changes to the revised site plan are hereby expressly required by the City Council as conditions for the approval of said plan:

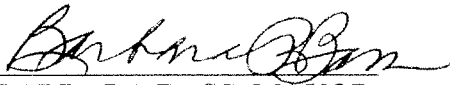
1. That the eight feet high wall from the south side of the Prices' residence (510 Timberwilde, Tyler, Texas) be continued easterly to the common property line between Harley Hooper and the Price home so that no access can come from the back of the property.
2. That the 8 feet high masonry wall then continue north to the Timberwilde right-of-way, and then running easterly to terminate at the western edge of the western edge of 480 Timberwilde, currently known as Prosperity Bank, allowing sufficient setback (maximum five feet wide) to provide room for evergreen plantings to occur on the residential side of the wall on its northern and eastern legs. Said 8' masonry wall shall serve as a noise abatement mechanism that isolates the adjoining neighborhood from this commercial development. Said 8 feet high wall shall provide for adequate drainage at its base.

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 "Neighborhood Commercial".

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 11, 2010.

PASSED AND APPROVED this the 9th day of June, A.D., 2010.


BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

A T T E S T:

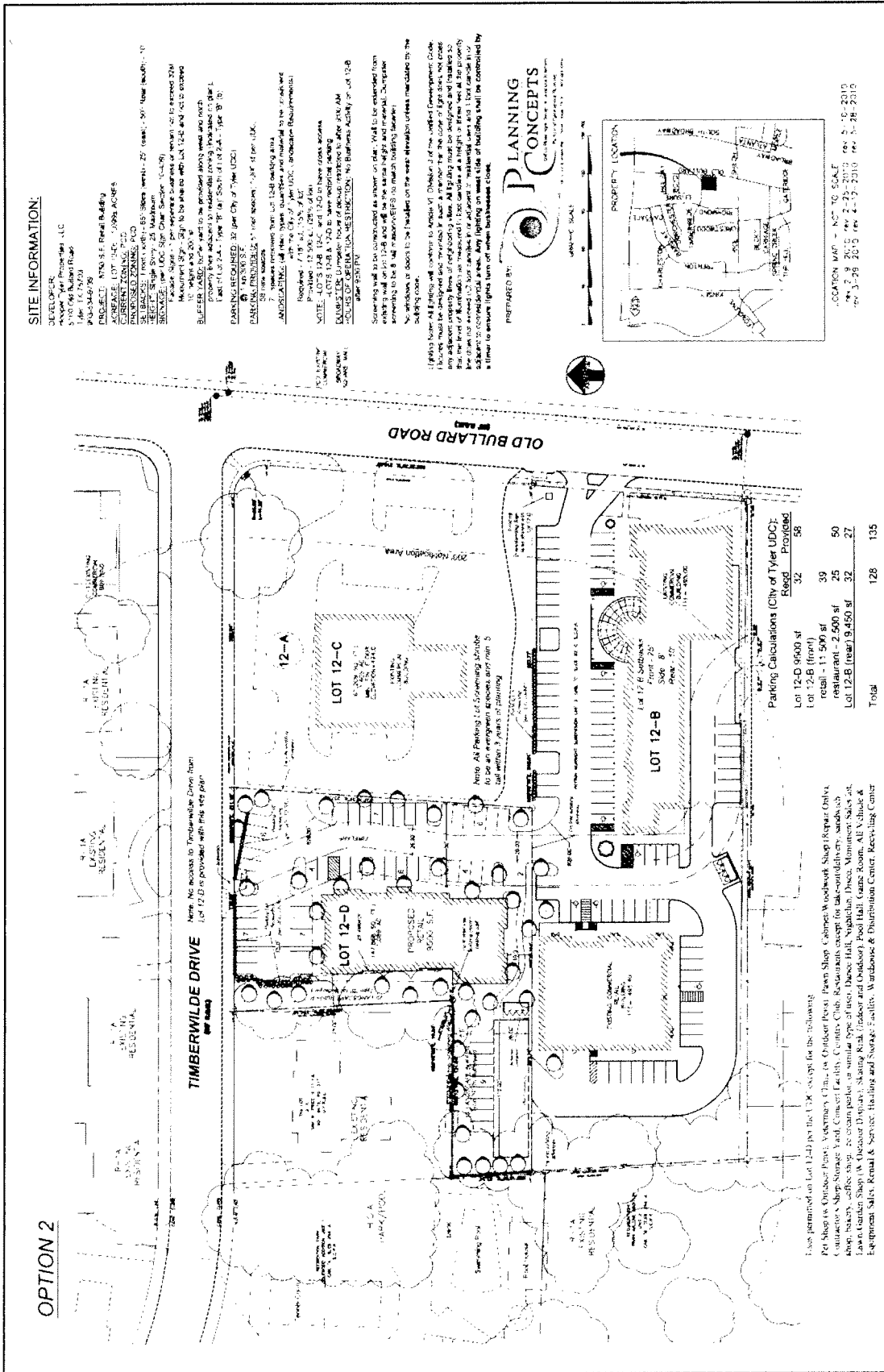

CASSANDRA BRAGER, CITY CLERK

A P P R O V E D:


GARY C. LANDERS, CITY ATTORNEY



EXHIBIT "A" (Page 1 of 4)



SITE INFORMATION:

DEVELOPER: **PLANNING CONCEPTS, LLC**
 5100 Old Bullard Road
 Lake Park, GA 31704
 706-534-6779

PROJECT: **NEW 3-F. Retail Building**
 2007 Timberwilde Drive
 2.00 ACRES
 2007 TIMBERWILDE DRIVE, LDC

3.1. BACKS: 17,450 S.F. (12,500 S.F. + 4,950 S.F.)
 3.2. FRONT: 17,450 S.F. (12,500 S.F. + 4,950 S.F.)
 3.3. SIDE: 17,450 S.F. (12,500 S.F. + 4,950 S.F.)
 3.4. TOTAL: 52,350 S.F. (37,400 S.F. + 14,950 S.F.)

Maximum Sign: Sign to be placed above entrance to building. To be located 20' from entrance. Sign to be placed above entrance to building. To be located 20' from entrance. Sign to be placed above entrance to building. To be located 20' from entrance.

BLUES: 12,500 S.F. (12,500 S.F. + 0 S.F.)
 12,500 S.F. (12,500 S.F. + 0 S.F.)
 12,500 S.F. (12,500 S.F. + 0 S.F.)
 12,500 S.F. (12,500 S.F. + 0 S.F.)

PARKING REQUIRED: 32 (per City of Tyler UDC)

REMARKS: 1. 12,500 S.F. (12,500 S.F. + 0 S.F.)
 2. 12,500 S.F. (12,500 S.F. + 0 S.F.)
 3. 12,500 S.F. (12,500 S.F. + 0 S.F.)
 4. 12,500 S.F. (12,500 S.F. + 0 S.F.)

ADJUSTING: All new signs, structures and material to be made of aluminum. All new signs, structures and material to be made of aluminum. All new signs, structures and material to be made of aluminum. All new signs, structures and material to be made of aluminum.

RECEIVED: 7/18/10 1:52 PM
 PROJECT: 12,500 S.F. (12,500 S.F. + 0 S.F.)
 LOTS: 12-A, 12-B, 12-C, 12-D

NOTE: 1. 12,500 S.F. (12,500 S.F. + 0 S.F.)
 2. 12,500 S.F. (12,500 S.F. + 0 S.F.)
 3. 12,500 S.F. (12,500 S.F. + 0 S.F.)
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CAUTION: Complete hour of study. Reference to City of Tyler UDC. CAUTION: Complete hour of study. Reference to City of Tyler UDC. CAUTION: Complete hour of study. Reference to City of Tyler UDC.

FOCUS OF OPERATION: RESTAURANT. No Business Activity on Lot 12-B after 10:00 PM.

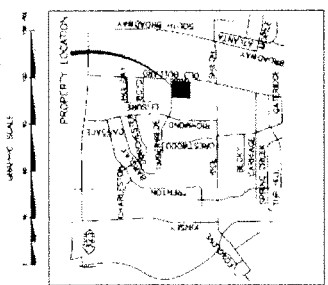
Screening wall to be constructed as shown on plan. Wall to be extended from existing wall to the rear of the building. Wall to be extended from existing wall to the rear of the building. Wall to be extended from existing wall to the rear of the building.

No parking or other uses to be located on the rear elevation areas included in the building code.

Lighting: All lighting and fixtures to be in accordance with the City of Tyler UDC. All lighting and fixtures to be in accordance with the City of Tyler UDC. All lighting and fixtures to be in accordance with the City of Tyler UDC.

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PLANNING CONCEPTS



LOCATION MAP: NOT TO SCALE
 REV. 5-10-2010
 REV. 3-28-2010
 REV. 4-12-2010
 REV. 5-10-2010

Parking Calculations (City of Tyler UDC):

Lot	Req'd	Provided
Lot 12-D (9,000 sf)	32	58
Lot 12-B (17,450 sf)	39	90
Lot 12-C (9,000 sf)	25	60
Lot 12-A (12,500 sf)	32	27
Total	128	135

Use permitted on Lot 12-B per the UDC except for the following:
 Per Shop vs. Outdoor Patio, Veterinary Clinic, (w/ Outdoor Patio), Pawn Shop, Cabinet, Woodwork Shop (Repair Only), Contractor's Shop, Storage Yard, Concert Facility, Country Club, Restaurant, except for take-out/industry, sandwich shop, bakery, coffee shop, ice cream parlor, or similar type of uses, Dance Hall, Nightclub, Disco, Miniature Golf, Amusement Sales, Law Center, Shop (w/ Outdoor Display), Making Kiosk, (Tobacco and Outdoor), Pool Hall, Game Room, All Vehicle & Equipment Sales, Retail & Service, (w/ Shop and Storage) Facility, Warehouse & Distribution Center, Recycling Center

EXHIBIT "A" (Page 2 of 4)

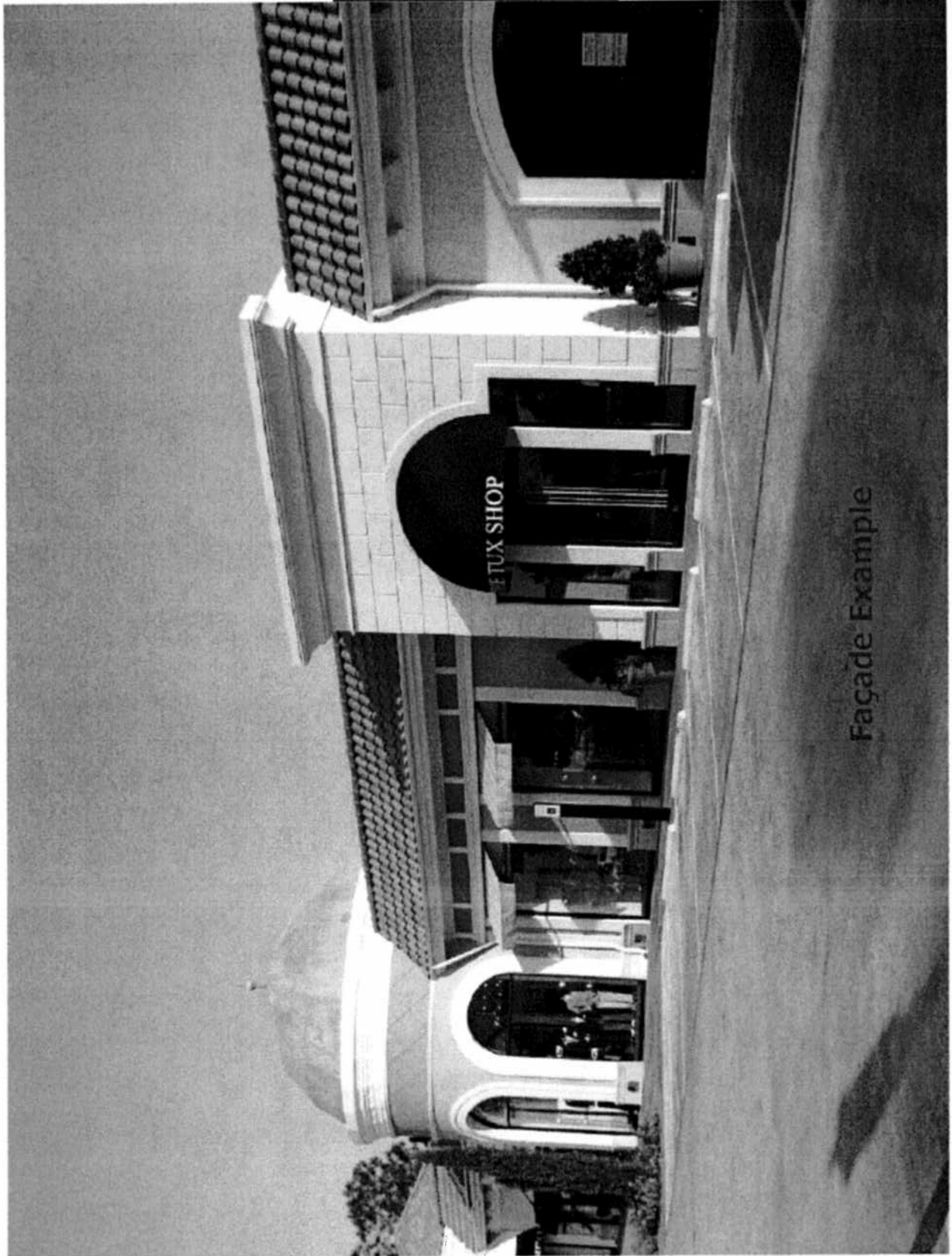
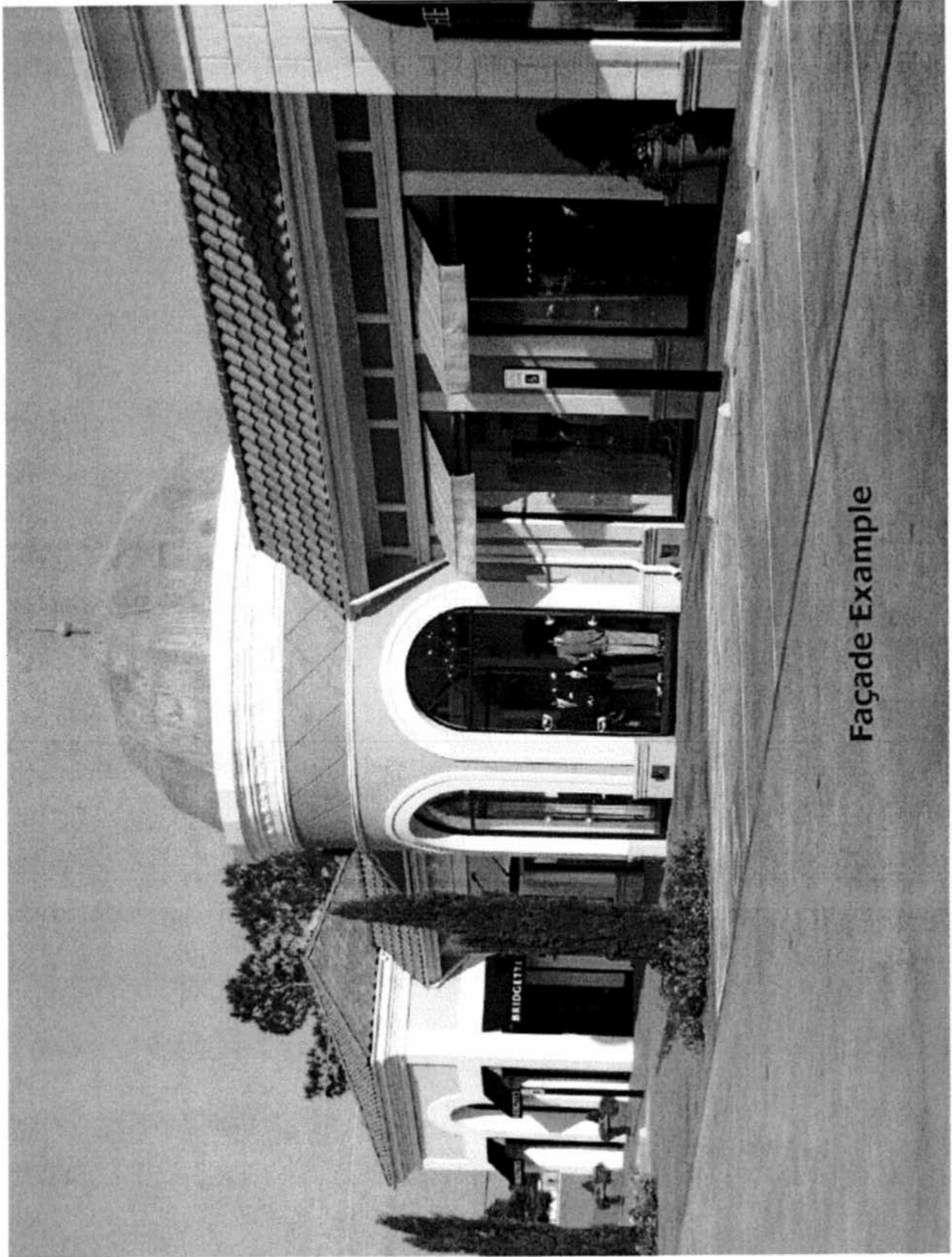
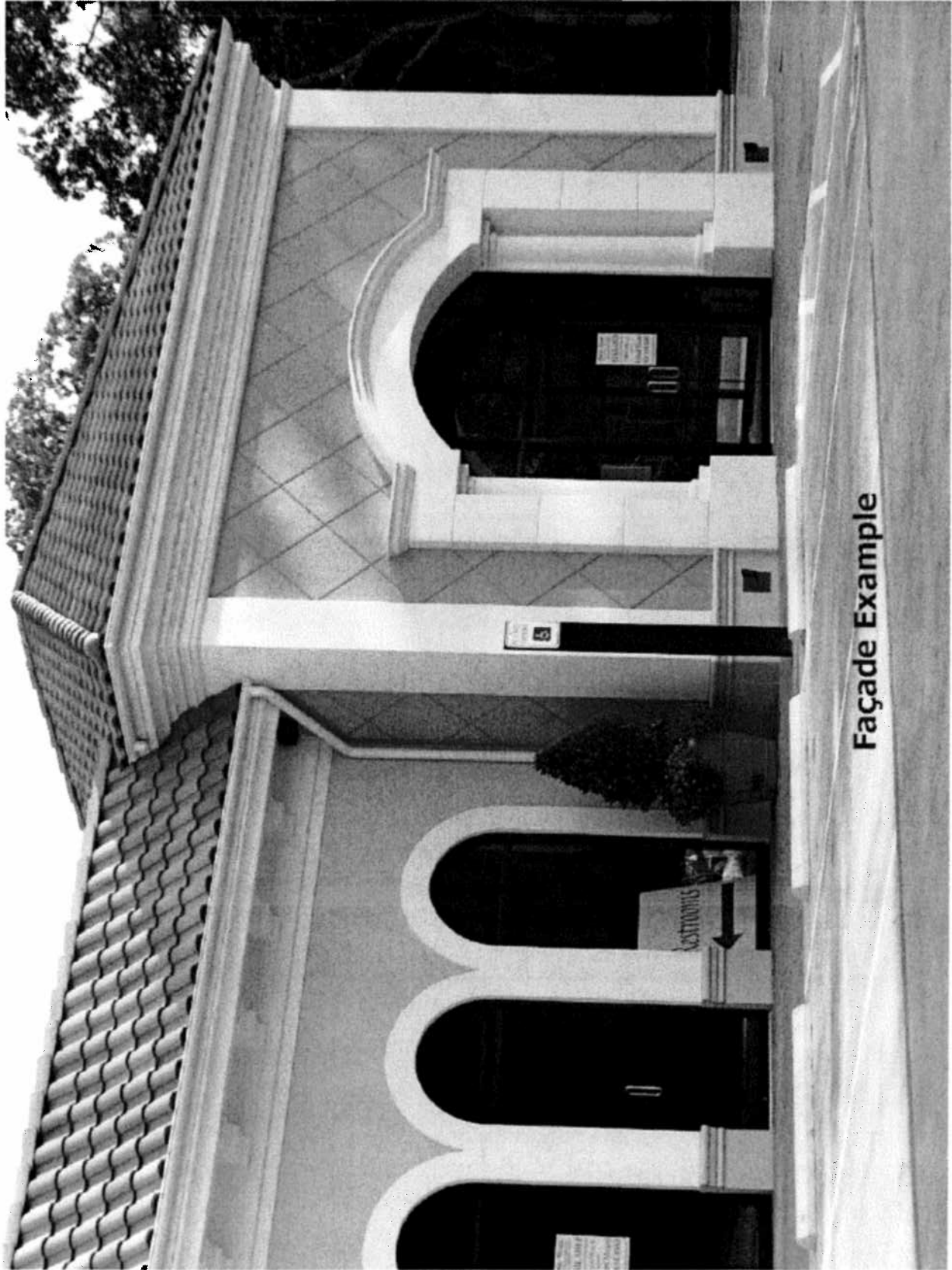


EXHIBIT "A" (Page 3 of 4)



Façade Example

EXHIBIT "A" (Page 4 of 4)



Façade Example