

ORDINANCE NO. O-2010-6

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 TO “PCD”, PLANNED COMMERCIAL DISTRICT ON LOT 1 OF NCB 1093B, ONE LOT TOTALING APPROXIMATELY 0.26 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF PLUME DRIVE AND TROUP HIGHWAY (3704 TROUP HIGHWAY); 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 Z11-09-001

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

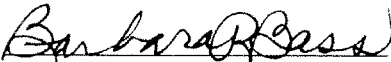
Lot 1 of NCB 1093B, one lot totaling approximately 0.26 acres located at the southeast intersection of Plume Drive and Troup Highway (3704 Troup Highway) and in accordance with the site development plan attached hereto as Exhibit “A”.

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, and that the Future Land Use Guide be revised to reflect Mixed-Use Center.

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 January 29, 2010.

PASSED AND APPROVED this the 27th day of January, A.D., 2010.

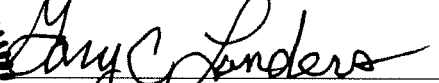

BARBARA BASS, MAYOR
OF THE CITY OF TYLER, TEXAS

ATTEST:


CASSANDRA BRAGER, CITY CLERK

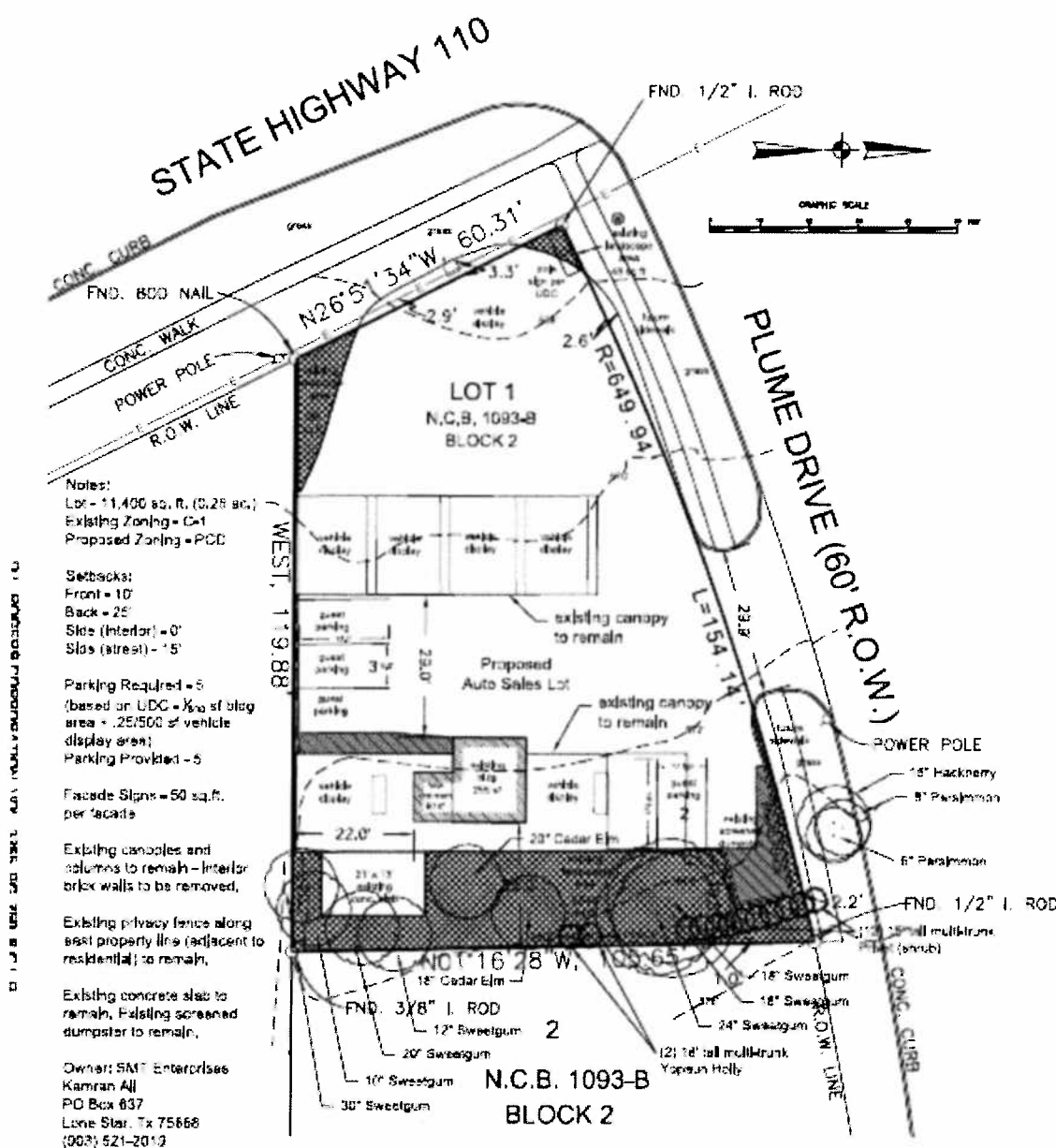


APPROVED:


MAYOR SANDERS, CITY ATTORNEY

ORDINANCE NO. O-2010-6 EXHIBIT "A"

(R.O.W. & BEARING BASIS PER PLAT, VOL. 3, PG. 56, S.C.P.R.)



Notes:
Lot = 11,400 sq. ft. (0.26 ac.)
Existing Zoning = C-1
Proposed Zoning = PCD

Setbacks:
Front = 10'
Back = 25'
Side (Interior) = 0'
Slab (street) = 15'

Parking Required = 5
(based on UDC = 1/100 sf bldg area = .25/500 sf vehicle display area)
Parking Provided = 5

Facade Signs = 50 sq. ft. per facade

Existing canopies and columns to remain - interior brick walls to be removed.

Existing privacy fence along east property line (adjacent to residential) to remain.

Existing concrete slab to remain. Existing screened dumpster to remain.

Owner: SMT Enterprises
Kamran Ali
PO Box 637
Lone Star, Tx 75668
(903) 521-2019

Site Plan: Planning Concepts
3815 Old Bullard Road
Tyler, TX 75701

1

N.C.B. 1092-C

Lighting Note: All lighting will conform to Article VI, Division J of the Unified Development Code. Fixtures must be designed and mounted in such a manner that the cone of light does not cross any adjacent property lines of neighboring sites. All lighting must be designed and installed so that the level of illumination as measured in foot candles at a height of three feet at the property line does not exceed 0.2 foot candles in or adjacent to residential uses and 1 foot candle in or adjacent to nonresidential areas.

(Lot = 11,400 sq. ft. (0.26 ac.))

Landscape Reqs (per UDC)	Reqd	Provided
Total Area (15% of lot)	1,710 sf	1,640 sf
Trees (1 per 750 sf)	3	12
Shrubs (1 per 700 sf)	5	14

Note: All landscaping to be indicated per UDC requirements

Existing Large Shade Trees

15' Hackberry	<i>Celtis occidentalis</i>
16' Hackberry	
18' Hackberry	
24' Hackberry	
12' Sweetgum	<i>Liquidambar styraciflua</i>
20' Sweetgum	
10' Sweetgum	
30' Sweetgum	

Existing Medium Trees

8' Persimmon	<i>Diospyros virginiana</i>
3' Persimmon	
18' Cedar Elm	<i>Liriodendron tulipifera</i>
20' Cedar Elm	