

ORDINANCE NO. O-2019-1

AN ORDINANCE AMENDING THE CITY OF TYLER ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF TYLER, TEXAS; APPROVING A SPECIAL USE PERMIT RENEWAL TO ALLOW FOR A HOMELESS DAY RESOURCE ROOM FOR A FIVE YEAR PERIOD OF TIME ON LOT 34 OF NCB 231, ONE LOT TOTALING APPROXIMATELY 0.36 ACRES OF LAND LOCATED AT THE SOUTHEAST INTERSECTION OF VALENTINE STREET AND CARLYLE AVENUE (601 VALENTINE STREET); 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 special use 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 special use is hereby approved as follows:

I. APPLICATION S18-002

That the following described property, which is currently zoned "DBAC", Downtown Business, Arts and Culture District, shall hereafter be used under a special use permit to allow for a homeless day resource room, to-wit:

Lot 34 of NCB 231, one lot containing approximately 0.36 acres of land located at the southeast intersection of Valentine Street and Carlyle Avenue (601 Valentine St), for a five year period of time.

PART 2: The Special Use Permit is subject to the following requirements which are addressed in Exhibit "A" attached hereto and incorporated herein:

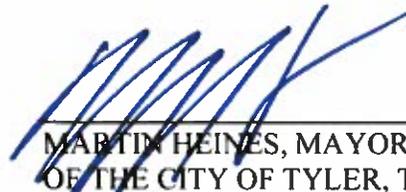
1. No occupants shall stay at the facility overnight
2. Maintain client roster
3. Prohibit clientele from loitering
4. Prohibit clientele from trespassing on private property
5. Prohibit clientele from begging
6. Prohibit improper use of bus stops
7. Prohibit criminal activity
8. Provide daytime programming of activities inside the resource room

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.

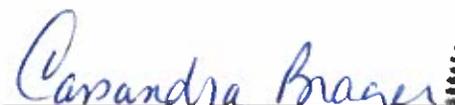
PART 4: That any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in Section 1-4 of the Tyler Code. Each day such violation shall continue, or be permitted to continue, 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 11th, 2019.

PASSED AND APPROVED this the 9th day of January, A.D., 2019.



MARTIN HEINES, MAYOR
OF THE CITY OF TYLER, TEXAS

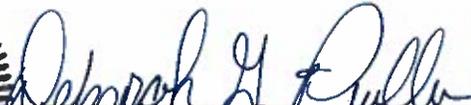
ATTEST:



CASSANDRA BRAGER, CITY CLERK



APPROVED:



DEBORAH G. PULLUM,
CITY ATTORNEY

ORDINANCE NO. O-2019-1
EXHIBIT "A"
ACTION PLAN

1. No occupants shall stay in facility overnight.

The Hiway 80 Rescue Mission would operate Gateway to Hope. No overnight services would be located at the Gateway to Hope campus. Any client needing shelter would be referred to the Salvation Army or to Hiway 80 Rescue Mission's shelter in Longview. Transportation will be provided to Longview to those who seek shelter and are willing to abide by Mission guidelines. Once Gateway to Hope is closed every evening, the building will be secured, alarmed, and monitored with security cameras. No clients will be allowed on property overnight.

2. Maintain client roster.

The Mission will have a roster for all clients to sign. Hiway 80 Rescue Mission has client management software, and this software would be used to help track services provided for all clients at Gateway to Hope. Through this client management software, the Mission will be able to track laundry services, computer services, shower services, case management goals and objectives, client behavior, etc.

3. Prohibit clientele from loitering.

Services will be offered to clients who are willing to come to the shelter and stay at the shelter. A designated smoking area will be created that can only be accessed from the day shelter. Clients will not be allowed to loiter on or around the property of Gateway to hope. Routine rounds by mission staff shall be taken to make sure all clients are following guidelines.

4. Prohibit clientele from trespassing on private property.

The Mission staff will make routine rounds outside the building. These rounds will be used to ensure that the perimeter of Gateway to Hope is clean, and there is no loitering on property. The rounds will also be used to check the neighborhood. Clients found hanging out in the neighborhood will be instructed to come into Gateway to Hope or leave the premises. The Mission staff will make every effort to encourage clients not to trespass on private property. The Mission staff will work with the police to have habitual trespassers arrested.

5. Prohibit clientele from begging.

Mission staff will work to develop skill sets in all clients that lead them to become productive citizens. Through case management, Bible study, and life skills training, the Mission will offer tools to clients that will help them find gainful employment and take steps to end the cycle of homelessness. Clients who are unwilling to follow mission guidelines will lose services. Mission staff will clearly communicate to all clients that begging, panhandling, and other such behaviors will not be acceptable behavior, and engaging in such behavior will result in loss of services.

6. Prohibit improper use of bus stops.

The Mission will offer bus passes on a limited basis to clients who are looking for work or making scheduled appointments. The staff will only give bus passes to clients who are following their case plan. Clear instructions will be given to all clients about the proper use of bus stops. Men or Women loitering at bus stops will lose services at Gateway to Hope.

NOTE: Concerns / issues 3-6 are all resolved in the same way. The Mission will not allow clients to come and go. This reduces the loitering, trespassing, and hanging at bus stops that could occur. The Mission staff will also make routine rounds of the property and the neighborhood. This allows staff to identify clients who are in violation and redirect them. And Clients will be given clear guidelines on acceptable and unacceptable behavior, with clear instructions about the consequences of unacceptable behavior.

7. Prohibit criminal activity.

The Mission takes very seriously the concept of a safe haven. Gateway to Hope is a safe haven for the Homeless who desire to make positive changes to their lives. Any person engaging in illegal / criminal activity in the shelter will immediately lose all services. Police will be contacted and charges will be filed if clients attempt to sell drugs or engage in other criminal activity on campus.

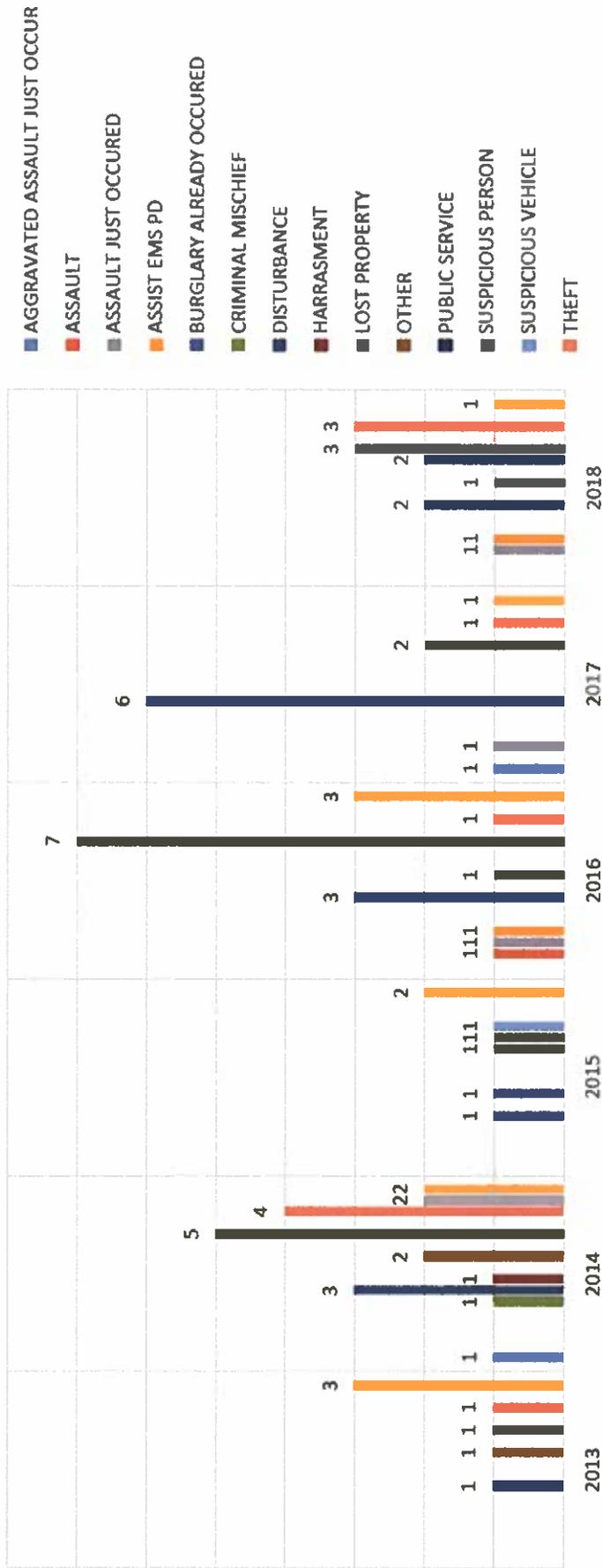
8. Provide daytime programming of activities inside the resource room.

Through computer access, life skills classes, Bible studies, and case management, the Mission staff will provide programming that offer clients the opportunity to engage in life transformation. If further programming or case management is needed, some clients may desire to return to the Mission in Longview and join a more intensive 2 month or 10 month discipleship program.

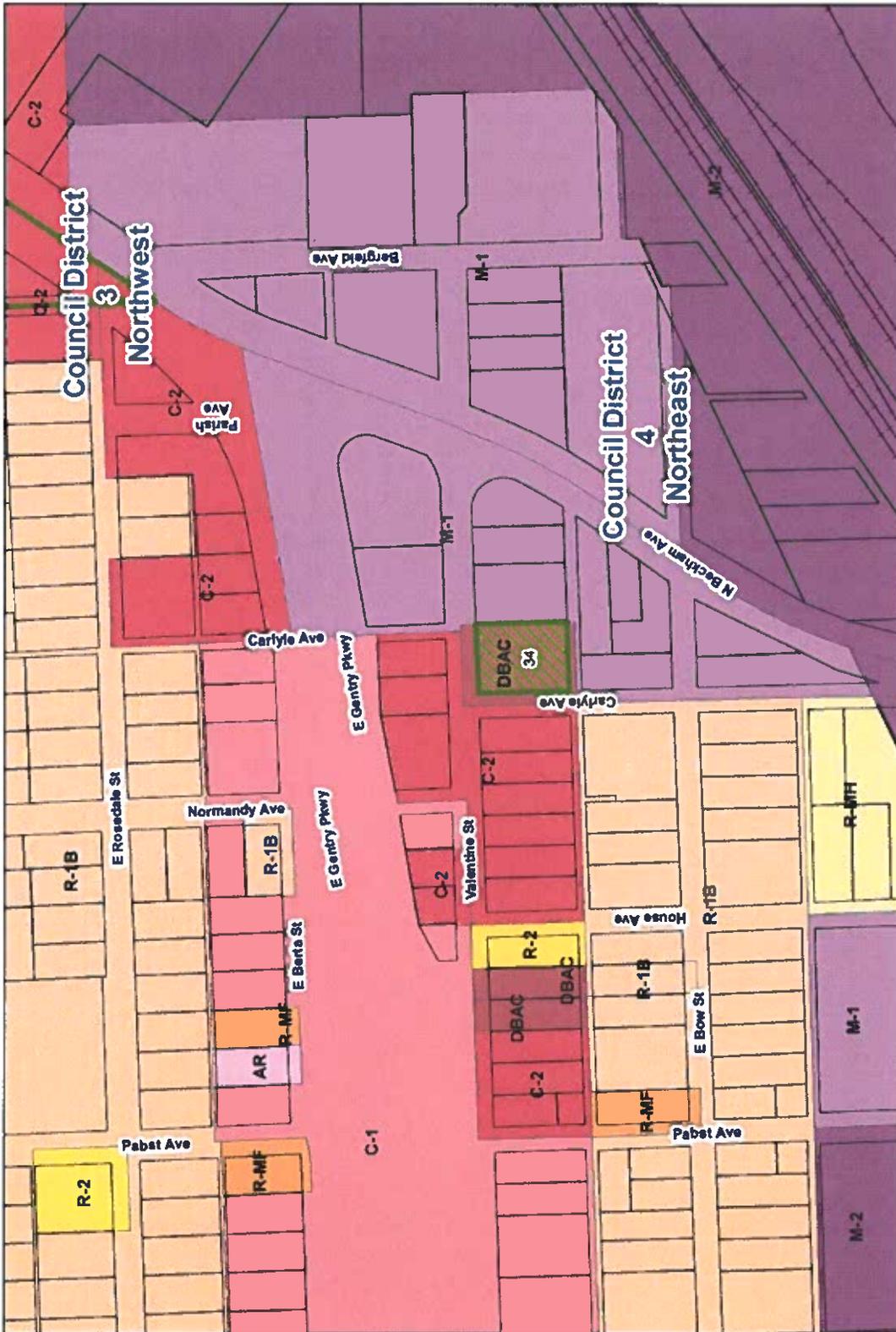
**ORDINANCE NO. O-2019-1
EXHIBIT "B"
POLICE REPORT**

	2013	2014	2015	2016	2017	2018
AGGRAVATED ASSAULT JUST OCCUR		1			1	
ASSAULT				1		
ASSAULT JUST OCCURED				1	1	1
ASSIST EMS PD				1		1
BURGLARY ALREADY OCCURED			1			
CRIMINAL MISCHIEF		1				
DISTURBANCE	1	3	1	3	6	2
HARRASMENT		1				
LOST PROPERTY				1		1
OTHER	1	2				
PUBLIC SERVICE			1			2
SUSPICIOUS PERSON	1	5	1	7	2	3
SUSPICIOUS VEHICLE			1			
THEFT	1	4		1	1	3
WARRANTS		2				
WELFARE CONCERN	3	2	2	3	1	1
Total	7	21	7	18	12	14

2013-2018 Comparison



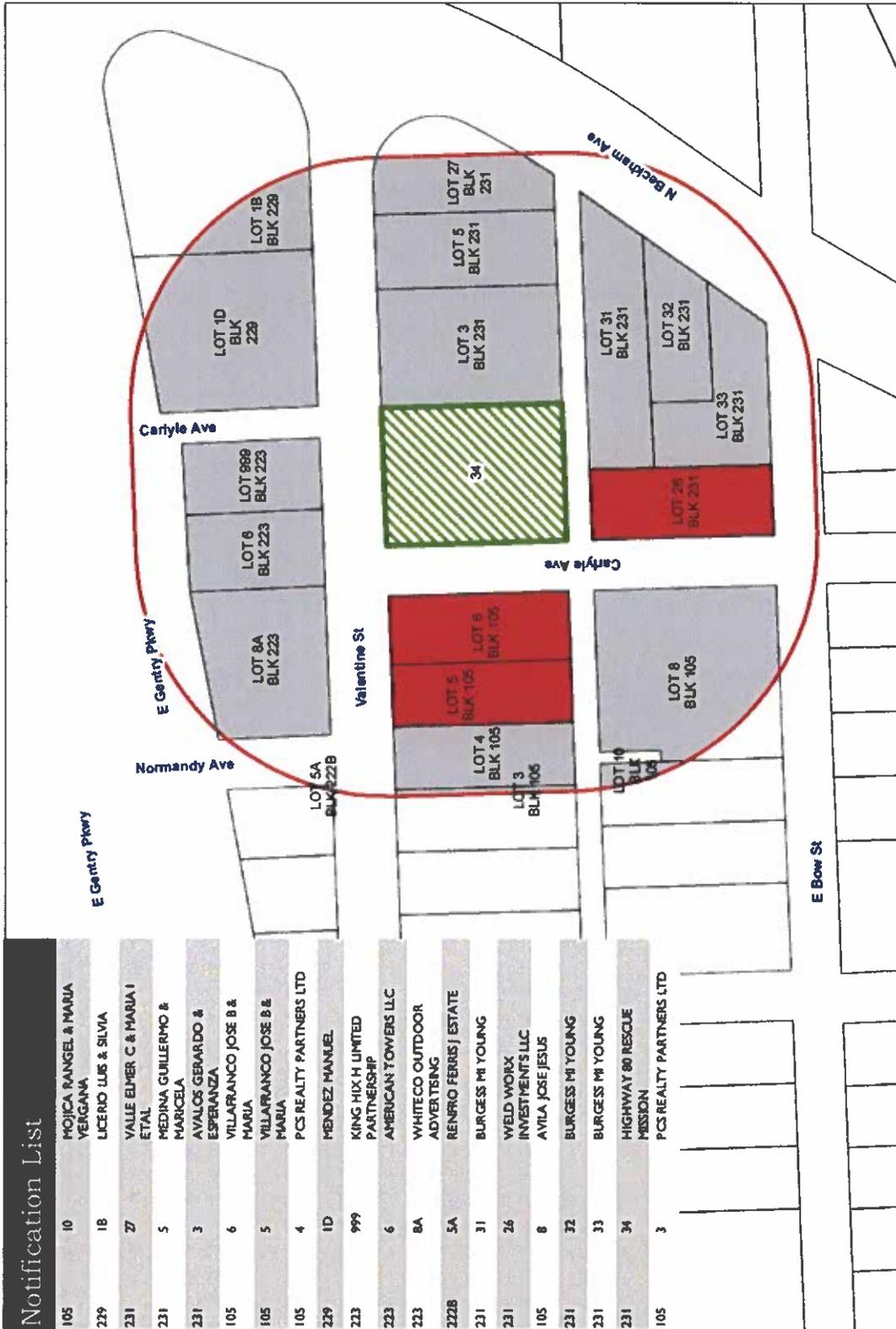
**ORDINANCE NO. O-2019-1
EXHIBIT "C"
LOCATION MAP**



ZONING CASE
 Zoning Case #: S18-002
 Special Use Permit
 Applicant: Hiway 80 Rescue Mission

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

**ORDINANCE NO. O-2019-1
EXHIBIT "D"
PROTEST MAP**



Notification List	
105	10
229	18
231	27
231	5
231	3
105	6
105	5
105	4
229	10
223	999
223	6
223	8A
2228	5A
231	31
231	26
105	8
231	32
231	33
231	34
105	3

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100 0 100 Feet

ZONING CASE
Zoning Case #: S18-002
Special Use Permit
Applicant: Hiway 80 Rescue Mission

Subject Property
 200' Notification Buffer
 Protest Lots

