

ORDINANCE NO. 2022-0421A

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT IN THE COMMERCIAL RESTRICTED ("CR") ZONING DISTRICT FOR THE PROPERTY LOCATED AT 101 NORTH DALLAS AVENUE, WILMER, TEXAS; PROVIDING FOR CERTAIN CONDITIONS; PROVIDING FOR PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FINDINGS OF FACT; SEVERABILITY; REPEALER; AND PROPER NOTICE AND MEETING.

WHEREAS, an application has been submitted to allow for Conditional Use Permit ("CUP") for property located at 101 North Dallas Avenue, Wilmer, Texas (the "Property"); and

WHEREAS, the Property is currently zoned as Commercial Restricted and, pursuant to the chart of uses provided under the City's Comprehensive Zoning Ordinance, use of the Property as a used automobile sales establishment is conditional in that zoning district;

WHEREAS, the property owner has submitted a site plan and landscape plan depicting the proposed use of the Property as a used automobile sales establishment, and the terms and conditions of this Ordinance are sufficient to make this proposed use compatible with other Commercial Restricted uses on adjacent property;

WHEREAS, the notice as required by the City's Zoning Ordinance has been published in the official newspaper and given to adjacent property owners;

WHEREAS, the Planning and Zoning Commission and the City Council has each conducted Public Hearings on the Application for a Conditional Use Permit wherein public comment was received and considered on the Application;

WHEREAS, the Planning and Zoning Commission finds that the use of the Property in accordance with this Ordinance as a used automobile sales establishment upon the condition upon condition the dumpster located on the Property be relocated to the west side of the building located on the Property, but otherwise is an appropriate use for the Property;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS, THAT:

SECTION 1. Findings of Fact. All of the above Recitals are hereby found to be true and correct legislative and factual findings of the City and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. Findings. The City Council finds that the information submitted in the Application for a Conditional Use Permit submitted by Applicant meets the requirements of the City of Wilmer Zoning Ordinance for the Property as depicted.

SECTION 3. Uses. A Conditional Use Permit is hereby granted, subject to the conditions listed in Section 5 herein described, to authorize a used automobile sales establishment use on the Property and in conjunction with any other permitted uses authorized in Commercial Restricted zoning districts.

SECTION 4. Site Plan and Landscape Plan. The Site Plan and Landscape Plan attached hereto as Exhibit "A" and Elevations attached hereto as Exhibit "B" depicting the Property upon which the used automobile sales establishment will be located is hereby approved contingent upon the property owner(s) and operator(s) meeting the conditions contained within Section 5.

SECTION 5. Conditional Use Permit. The City Council hereby approves a Conditional Use Permit ("CUP") to the property owner (hereinafter "Permittee") upon the following terms and conditions:

1. If portions of the development of the subject Property requested in the application are not approved herein by the Council, or are not depicted in Exhibit "A", then that portion of Permittee's application is specifically denied.
2. Amendments to development for this Property in the future shall comply with Commercial Restricted zoning except as may be approved by this Conditional Use Permit or as same may be amended.
3. This Conditional Use Permit authorizes development of the subject property only as a used automobile sales establishment.
4. The dumpster on the Property shall be relocated to the west side of the Property and shall remain so for this CUP to remain valid.
5. Business hours shall only be permitted Monday through Friday from 9:00 AM to 6:00 PM and Saturdays from 9:00 AM. To 3:00 PM.
6. The only automobiles permitted to be sold on the Property will be purchased from a Dealers Wholesale Auction and shall be in retail ready condition.
7. The parking lot is limited to the following: eleven (11) total parking spaces and shall be re-striped within thirty (30) days of the date of the approval of this CUP.

SECTION 6. Penalties. That any person, firm or corporation violating any of the provisions of this Ordinance or the City's Comprehensive Zoning Ordinance, as amended

hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day of any such violation shall be deemed to constitute a separate offense.

SECTION 7. Severability. If any section, subsection, clause, phrase or provision of this Ordinance, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction to be invalid, void or unconstitutional, the remaining sections, subsection, clauses, phrases and provisions of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 8. Repealing Clause. All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 9. Proper Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 10. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as required by law.

DULY PASSED and approved by the City Council of the City of Wilmer, Texas, on the 21st day of April, 2022.

ATTEST:

APPROVED:



Mayra Ortiz, City Secretary

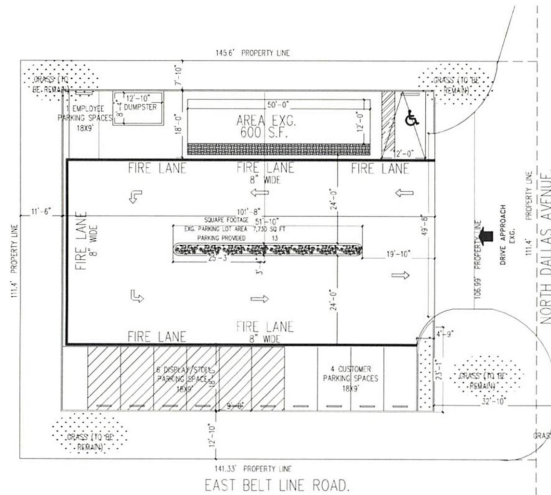


Sheila Petta, Mayor

APPROVED AS TO FORM:



Michael B. Halla, City Attorney



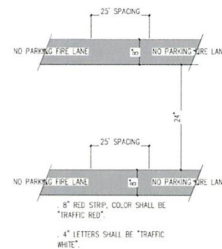
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CREATIVODESIGNS
602 SRL THORNTON FWY SUITE B
DALLAS, TEXAS 75203
214.884.8168 214.886.2866
cs@creativodesignsusa.com

101 N. DALLAS AVE, WILMER TX 75172
REMODEL

DUE TO THE VARIANCE IN GEOGRAPHIC LOCATIONS, DESIGNER WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. BUYER IS ENTITLED TO RENOVATE/REPLACE THE MEP DESIGN IF DESIRED. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS. CREATIVO DESIGNS USA IS A COMPANY OF LCHICO ENTERPRISES, LLC Copyright 2021



REFERENCE MAP (N.T.S.)

LEGAL DESCRIPTION:

- 1: J W JOHNSONS
2: BLK 4 LOT 20,21&22 0.344 AC

SQUARE FOOTAGE

EXG. PARKING LOT AREA	7,499 SQ FT
PARKING PROVIDED	13

CODE COMPLIANCE

2015 International Building Code with City of WILMER, Amendments
2015 International Plumbing Code with City of WILMER, Amendments
2015 International Mechanical Code with City of WILMER, Fort Worth
Amendments
2014 National Electrical Code with City of WILMER, Amendments
2015 International Residential Code with City of WILMER, Amendments
2015 International Energy Conservation Code with City of Dallas
Amendments

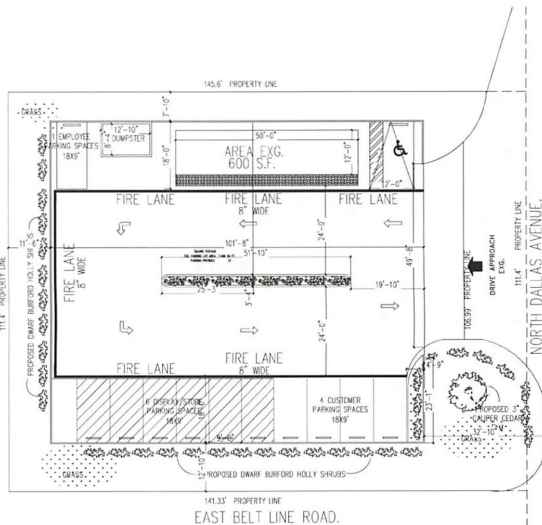
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PLAN:	SITE PLAN

DRAWING No.

01 OF 04

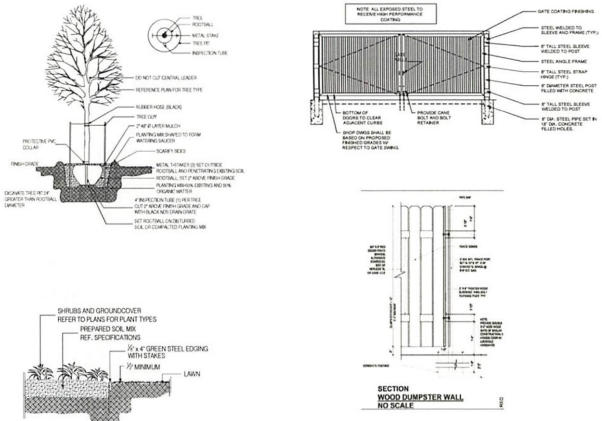
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EXHIBIT "A"



LANDSCAPING PLAN

PLANT LEGEND						
SYM.	TYPE	BOTANICAL NAME	COMMON NAME	QUAN.	SIZE	REMARKS
CE 	Exg Trees	Ulmus Crassifolia	Cedar Elm	6	3' Cal	10'- 12 HT.
DB 	PropShrubs	Dwarf Burford Holly	Dwarf Burford Holly	54	7 Gal / ht.	Plant 36" O.C.
	Prop Lawn					



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ADDRESS:
SCOPE OF WORK:

101 N. DALLAS AVE, WILMER TX 75172
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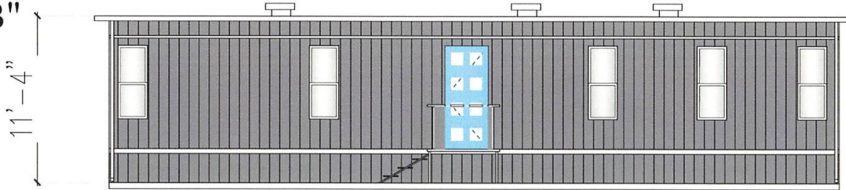
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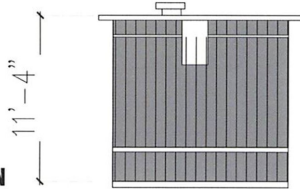
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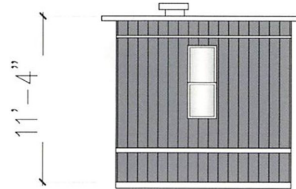
EXHIBIT "B"



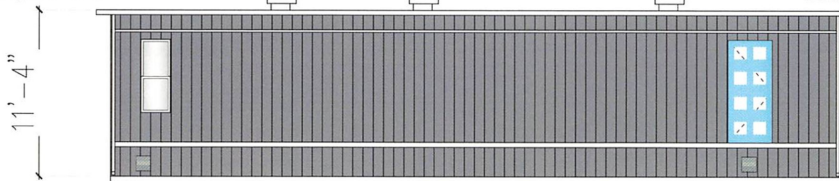
FRONT ELEVATION
SCALE: 3/16"=1'-0"



RIGHT ELEVATION
SCALE: 3/16"=1'-0"



LEFT ELEVATION
SCALE: 3/16"=1'-0"



REAR ELEVATION
SCALE: 3/16"=1'-0"



ADDRESS:

101 NORTH DALLAS AVENUE, WILMER TX 75172

SCOPE OF WORK:

REMODEL

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SCALE:	3/16" = 1'-0"
DATE:	01/19/2022
SQ FT:	140 SQ FT
TYPE:	SITE PLAN

DRAWING No.	4 OF 4
DRAWERS:	DF