

ORDINANCE NO. 2022-0804B

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, AMENDING ORDINANCE NO. 12.6.88, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF WILMER, AS HERETOFORE AMENDED, BY ASSIGNING THE ZONING CLASSIFICATION OF LIGHT INDUSTRIAL (I-1) IN ACCORDANCE WITH SECTION 7.C (CONCURRENT ZONING UPON ANNEXATION) ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF LAVENDER ROAD AND MASON ROAD; AND BEING FURTHER DESCRIBED AS TWO PARCELS OF LAND OWNED BY BASE 21, LLC, TOTALING APPROXIMATELY 43.1-ACRES. THE SUBJECT PROPERTY BEING SITUATED IN THE ELISHA D. LITTLE SURVEY, ABSTRACT NO. 787, PAGE NO. 550; PARCEL ID NOS. 65078755010030000 (TRACT 3 - 42.1 ACRES) AND 65078755010030199 (TRACT 3.1 – 1.000 ACRE), DCAD, DALLAS COUNTY, TEXAS; AND BEING FULLY DESCRIBED IN EXHIBIT “A”, ATTACHED HERETO, CITY OF WILMER EXTRA-TERRITORIAL JURISDICTION (ETJ), DALLAS COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000) FOR EACH AND EVERY OFFENSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Wilmer, Texas, held a public hearing on July 28, 2022, on a request to assign the zoning classification of Light Industrial (I-1) upon annexation in accordance with Section 7.C of the Comprehensive Zoning Ordinance (Ord. No. 12.6.88) on all that certain tract of land owned by Base 21, LLC., and generally located on the northwest corner of Lavender Road and Mason Road; totaling approximately 43.1-acres situated in the Elisha D. Little Survey, Abstract No. 787, Page No. 550; Parcel ID Nos. 65078755010030000 (Tract 3 - 42.1 acres) and 65078755010030199 (Tract 3.1 – 1.000 acre) DCAD, City of Wilmer, Dallas County, Texas; and

WHEREAS, the City Council of the City of Wilmer, Texas, held a public hearing on August 18, 2022, and has determined that it would be in the best interest of the citizens of Wilmer to assign the zoning classification of Light Industrial (I-1) District in accordance with the Future Land Use Map, City of Wilmer, Dallas County, Texas; and

WHEREAS, the City Council has determined that all notice requirements have been given in compliance with the laws and ordinances of the City of Wilmer and State Law.

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

SECTION 1. The Comprehensive Zoning Map (Ord. 12.6.88) zoning classification be and is hereby changed to Light Industrial (I-1) on recently annexed property, being all that certain tract of land owned by Base 21, LLC, and generally located on the northwest corner of Lavender Road and Mason Road; totaling approximately 43.1-acres situated in the Elisha D. Little Survey, Abstract No. 787, Page No. 550; Parcel ID Nos. 65078755010030000 (Tract 3 - 42.1 acres) and 65078755010030199 (Tract 3.1 – 1.000 acre) DCAD, City of Wilmer, Dallas County, Texas; and

(As fully described herein as Exhibit “A”: Legal Description w/survey and Exhibit “B”: Location Map).

SECTION 2. All ordinances or part of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed. In addition to the regulations described herein, the subject property shall be subject to all other applicable codes and ordinances of federal, state, county and other entities having jurisdiction.

SECTION 3. The subject property shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance (Ord. No.12.6.88) as adopted or amended.

SECTION 4. Any person, entity or corporation violating any provisions of this ordinance shall be considered in violation of the adopted Comprehensive Zoning Ordinance of the City of Wilmer and be subject, upon conviction, to the penalties and remedies therein.

SECTION 5. The recitals are true and correct and are incorporated herein by this reference.

SECTION 6. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 7. An offense committed before the effective date of this ordinance is governed by the prior law and by then-applicable City ordinances that were in effect when such offense was committed and the former law is continued in effect for this purpose.

SECTION 8. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided by the Comprehensive Zoning Ordinance of the City of Wilmer, as heretofore amended, and upon conviction shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 9. This Ordinance will take effect immediately from and after its passage and the publication of the caption, as the law in such case provides.

DULY PASSED and approved by the City Council of the City of Wilmer, Texas, on the 4th day of August, 2022.

ATTEST:



Mayra Ortiz, City Secretary

APPROVED"



Sheila Petta, Mayor

APPROVED AS TO FORM:



Michael Halla, City Attorney

EXHIBIT "A"

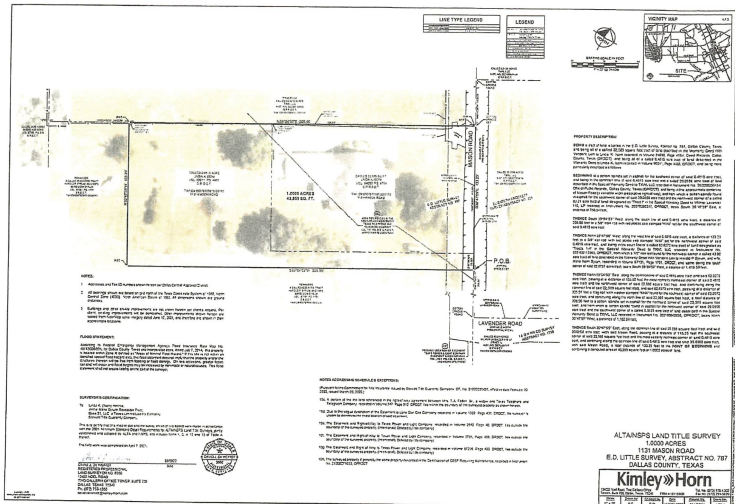


EXHIBIT "A"

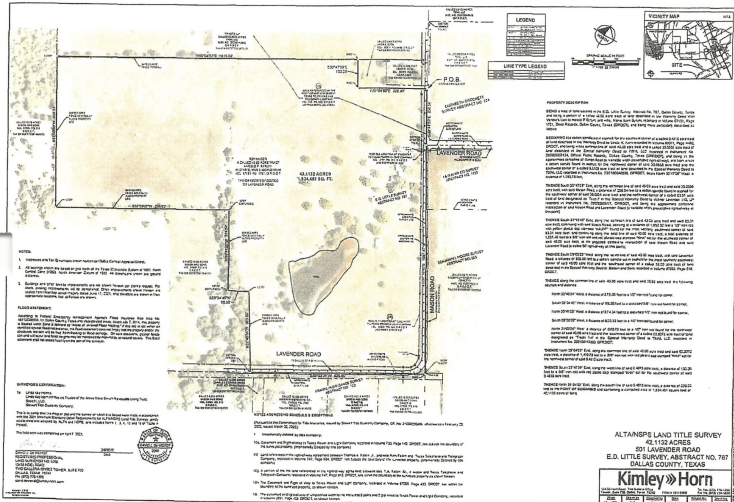


EXHIBIT "A"

PROPERTY DESCRIPTION

BEING a tract of land situated in the E.D. Little Survey, Abstract No. 787, Dallas County, Texas and being all of a called 1.0000 acre tract of land described in the Special Warranty Deed to Base21, LLC recorded in Instrument No. 202200067881, Official Public Records, Dallas County, Texas (OPRDCT), and all of a called 42.1132 acre tract of land described in the Special Warranty Deed to Base21, LLC, recorded in Instrument No. 202200067882, OPRDCT, and being more particularly described as follows:

BEGINNING at the most easterly northeast corner of said 42.1132 acre tract, the southeast corner of said 1.0000 acre tract, and being in the west line of a called 39.0556 acre tract of land described in the Special Warranty Deed to TXWL LLC recorded in Instrument No. 202000359154, OPRDCT, and being in the approximate centerline of Mason Road (a variable width prescriptive right-of-way);

THENCE South 30°47'59" East, with the common line of said 42.1132 acre tract and said 39.0556 acre tract and with said Mason Road, a distance of 258.54 feet to southwest corner of said 39.0556 acre tract and the northwest corner of a called 83.350 acre tract of land described in the Special Warranty Deed to NF Dallas LLC recorded in Instrument No. 202100377757, OPRDCT, and being the approximate centerline intersection of said Mason Road and Lavender Road (a variable width prescriptive right-of-way at this point);

THENCE South 31°16'45" East, with the common line of said 42.1132 acre tract and said 83.350 acre tract, continuing with said Mason Road, passing at a distance of 1,052.52 feet the most westerly southwest corner of said 83.350 acre tract, and continuing with the east line of said 42.1132 acre tract, a total distance of 1,057.40 feet to the southeast corner of said 42.1132 acre tract, at the projected centerline intersection of said Mason Road and said Lavender Road (a called 50' right-of-way at this point);

THENCE South 59°02'25" West, with the south line of said 42.1132 acre tract, with said Lavender Road, a distance of 820.50 feet to the most southerly southwest corner of said 42.1132 acre tract and the southeast corner of a called 36.59 acre tract of land described in the Warranty Deed to Sassin Investments, Inc. recorded in Volume 2000020, Page 2040, DRDCT;

THENCE along the common line of said 42.1132 acre tract and said 36.59 acre tract, the following courses and distances:

North 32°45'34" West, a distance of 375.00 feet;

South 59°34'45" West, a distance of 98.50 feet;

North 30°41'55" West, a distance of 374.34 feet;

South 59°05'02" West, a distance of 820.52 feet;

North 31°05'56" West, a distance of 699.73 feet to the northwest corner of said 42.1132 acre tract and the southwest corner of a called 62.9272 acre tract of land designated as

EXHIBIT "A"

"Tracts 1-4" in the Special Warranty Deed to TXWL LLC, recorded in Instrument No. 202100112863, OPRDCT;

THENCE North 59°04'53" East, along the common line of said 42.1132 acre tract and said 62.9272 acre tract, passing at a distance of 1,419.59 feet the northwest corner of said 1.0000 acre tract, and continuing with the common line of said 1.0000 acre tract and said 62.9272 acre tract a total distance of 1,746.49 feet to the northeast corner of said 1.0000 acre tract, from which the northwest corner of said 39.0556 acre tract and the southwest corner of a called 6.5129 acre tract of land described in the Special Warranty Deed to TXWL, LLC recorded in Instrument No. 202100040926, OPRDCT, bears North 30°47'59" West, a distance of 1,162.54 feet;

THENCE South 30°47'59" East, along the common line of said 1.0000 acre tract and said 39.0556 acre tract, a distance of 133.25 feet to the **POINT OF BEGINNING** and containing a computed area of 43.1 acres of land, more or less.

NOTES:

1. Bearings based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011.
2. This document was prepared under 22 TAC §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



5/16/22

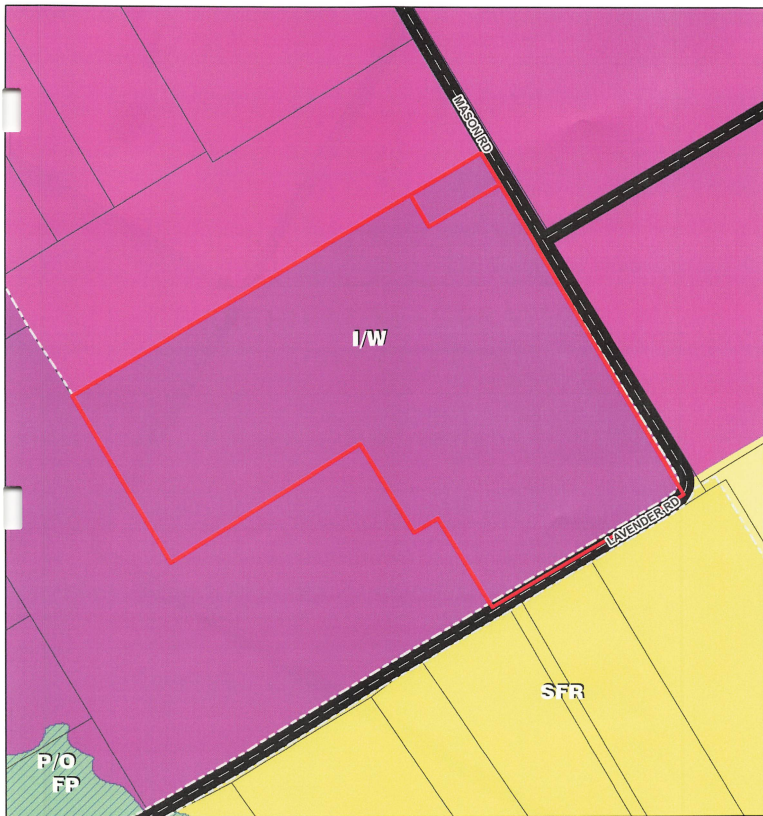


-  Subject Property
-  Parcels
-  City Limits

CITY OF WILMER
LOCATION MAP
Planning Case #ZC-22-25



date: 06/16/2022



Subject Property

Parcels

City Limits

Future Land Use

Land Use Code

COM (Commercial)

TC (Town Center)

FP (Floodplain)

I/W (Industrial/Warehouse)

MFR (Multi-Family Residential)

O/S (Office/Services)

P/O (Parks/Open Spaces)

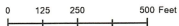
PUB (Public)

SFR (Single Family Residential)

CITY OF WILMER

FUTURE LAND USE MAP
Planning Case #ZC-22-25

FLUM Code: I/W



date: 06/16/2022



Zoning

- C (Commercial)
- CR (Commercial Restricted)
- HI (Heavy Industrial)
- LI (Light Industrial)
- MF (Multi-Family Residential)
- MH (Manufactured Home)
- PD (Planned Development)
- SF-1 (Single Family Residential 1)
- SF-2 (Single Family Residential 2)

Subject Property
Parcels

Conditional Use Permit

City Limits

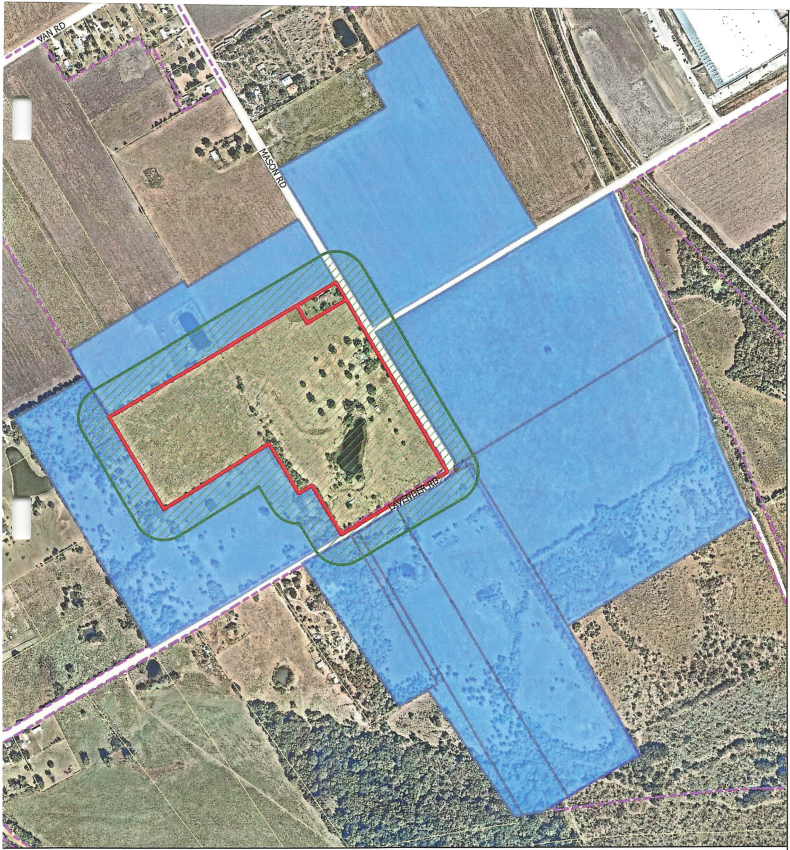
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CITY OF WILMER ZONING MAP

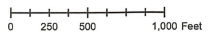
Planning Case #ZC-22-25
Zoning: to LI

date: 06/16/2022





- In Favor/Opposed**
- In Favor
 - Opposed
 - Subject Property
 - 200' Notification Area
 - Parcels
 - City Limits



CITY OF WILMER
OPPOSITION MAP
Planning Case #ZC-22-25

date: 06/16/2022