

ORDINANCE NO. 2020-0507A

AN ORDINANCE OF THE CITY OF WILMER, TEXAS, AMENDING ORDINANCE NO. 12.6.88, THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF WILMER, AS HERETOFORE AMENDED, BY ADDING A CONDITIONAL USE PERMIT (CUP) FOR A TRAVEL CENTER TO THE EXISTING GENERAL COMMERCIAL (C2) ZONING ON A 4.1± ACRE PROPERTY THAT IS GENERALLY LOCATED AT THE NORTHWEST CORNER OF INTERSTATE HIGHWAY 45 AND BELT LINE ROAD, AS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B" ATTACHED HERETO, IN THE CITY OF WILMER, DALLAS COUNTY, TEXAS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Wilmer and the governing body of the City of Wilmer, in compliance with state laws with reference to amending the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings, and in compliance with the Texas Zoning Enabling Act, Chapter 211 in the Texas Local Government Code, and affording a full and fair hearing to all persons interested in the exercise of its legislative discretion, the governing body of the City of Wilmer has concluded that the Comprehensive Zoning Ordinance and Map, as heretofore amended, should be further amended as provided herein as such amendment is in the best interest of the City, and promotes the public health, safety and general welfare of the City.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Wilmer, Texas, duly passed by the governing body of the City of Wilmer on the 6th day of December, 1988, as heretofore amended, be, and the same are hereby, amended by adding a Conditional Use Permit (CUP) for a Travel Center to the existing General Commercial (C2) zoning on the subject 4.1± acre property, said property as further described in Exhibit "A" and as further depicted in Exhibit "B", both exhibits which are attached to this ordinance and made a part hereof.

SECTION 2. That the Conditional Use Permit (CUP) for a Travel Center is hereby approved and added to the existing General Commercial (C2) zoning on the property, subject to compliance with all other codes and ordinances of the City of Wilmer, and subject to compliance with all other applicable laws and codes of federal, state, county and other entities having jurisdiction on the subject property.

SECTION 3. That the subject property shall be used only in the manner and for the purposes provided for by the Conditional Use Permit (CUP) for a Travel Center and by the

property's existing General Commercial (C2) base zoning district, as such district is established in the Comprehensive Zoning Ordinance of the City of Wilmer, as heretofore amended and as further amended hereby.

SECTION 4. That all development within the subject property shall be in compliance with the Conditional Use Permit (CUP) for a Travel Center and by the property's existing General Commercial (C2) base zoning district, as such district is established in the Comprehensive Zoning Ordinance of the City of Wilmer, as heretofore amended and as further amended hereby.

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

SECTION 6. That all provisions of the ordinances of the City of Wilmer in conflict with the provisions of this ordinance, as applicable to the property described herein, are hereby repealed and all other provisions of the ordinances of the City of Wilmer not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7. That 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. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof, other than the part so declared to be unconstitutional, illegal or invalid, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 9. That 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 punished by 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.

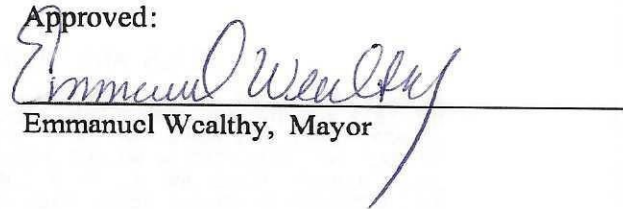
SECTION 10. This ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provide.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF WILMER, TEXAS ON
THIS 7th DAY OF May, 2020.

Attest:


Mayra Ortiz, City Secretary

Approved:


Emmanuel Wealthy, Mayor

Approved as to Form:

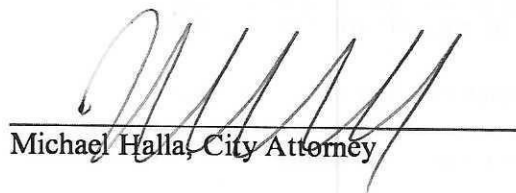

Michael Halla, City Attorney

EXHIBIT "A"

ZONING

METES AND BOUNDS DESCRIPTION

BEING 4.0336 ACRES OF LAND SITUATED IN THE CHARLES A. WARFIELD SURVEY, ABSTRACT NO. 1612 AND THE A.K. GRAY SURVEY, ABSTRACT NO. 505, CITY OF WILMER, DALLAS COUNTY, TEXAS, AND BEING PART OF A 12.5257 TRACT OF LAND DESCRIBED IN DEED TO TRI GAZ, INC., RECORDED IN VOLUME 2000193, PAGE 7911 OF DEED RECORDS OF DALLAS COUNTY, TEXAS, AND ALL OF A 1.3848 ACRES PARCEL OF LAND TO TRI GAZ, INC., RECORDED IN VOLUME 98036, PAGE 4828 OF DEED RECORDS OF DALLAS COUNTY, TEXAS, AND ALL OF A 1.500 ACRES PARCEL OF LAND TO TRI GAZ, INC., RECORDED IN VOLUME 99176, PAGE 3068 OF DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND IN THE SOUTHWEST R.O.W. LINE OF I.H. 45 (A VARIABLE RIGHT-OF-WAY), AND BEING THE NORTHERMOST CORNER OF LOT 1, BLOCK 1 OF TRI GAZ RESTAURANT ADDITION, AN ADDITION TO THE CITY OF WILMER, TEXAS, RECORDED IN INSTRUMENT NO. 201300055375 OF THE MAP RECORDS OF DALLAS COUNTY, TEXA;

THENCE SOUTH 66°44'16" WEST, ALONG A DISTANCE OF 78.29 FEET TO A POINT FOR CORNER;

THENCE SOUTH 25°37'46" EAST, 23.68 FEET TO A POINT FOR CORNER;

THENCE SOUTH 62°389'30" WEST A DISTANCE OF 186.74 FEET TO A POINT FOR CORNER;

THENCE SOUTH 27°21'30" EAST, A DISTANCE OF 230.846 FEET TO A POINT FOR CORNER;

THENCE NORTH 62°38'30" EAST A DISTANCE OF 232.04 FEET TO A POINT FOR CORNER;

THENCE SOUTH 19°46'44" EAST, A DISTANCE OF 257.69 FEET TO A POINT FOR CORNER;

THENCE SOUTH 16°49'30" WEST A DISTANCE OF 147.83 FEET TO A POINT FOR CORNER;

THENCE SOUTH 58°04'53" WEST A DISTANCE OF 56.66 FEET TO A POINT FOR THE BEGINNING OF A CURVE TO THE RIGHT WITH A RADIUS OF 652.37 FEET, DELTA ANGLE OF 10°44'45";

THENCE ALONG SAID CURVE A DISTANCE OF 122.35 FEET TO A POINT FOR CORNER;

THENCE SOUTH 80°50'49" WEST A DISTANCE OF 91.80 FEET TO A POINT FOR CORNER;

THENCE NORTH 30°04'35" WEST, A DISTANCE OF 256.93 FEET TO A POINT FOR CORNER;

THENCE NORTH 59°56'40" EAST A DISTANCE OF 74.06 FEET TO A POINT FOR CORNER;

THENCE NORTH 29°54'46" WEST, A DISTANCE OF 114.86 FEET TO A POINT FOR CORNER;

THENCE NORTH 30°06'08" WEST A DISTANCE OF 222.58 FEET TO A POINT FOR CORNER;

THENCE NORTH 59°53'52" EAST A DISTANCE OF 395.44 FEET TO A POINT FOR CORNER;

THENCE SOUTH 19°41'23" EAST A DISTANCE OF 57.65 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.0336 ACRES OR 175,702 SQUARE FEET OF LAND MORE OR LESS.

ZONING EXHIBIT B FOR

TRI GAZ, INC.

WILMER, DALLAS COUNTY, TEXAS

MORI'S ENGINEERING, INC.
Engineering • Surveying • Subsurface Utility

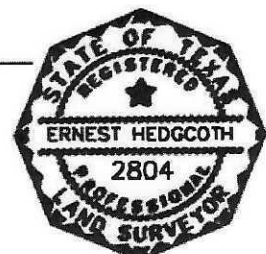
moriakhavan@yahoo.com

972-816-2626 CONTACT: MORI AKHAVAN

DATE:
JAN. 2020
BY: MA
SCALE:
AS SHOWN

Ernest Hedgcoth
Ernest Hedgcoth
Registered Professional
Land Surveyor, No. 2804

Prepared by:
Ernest Hedgcoth Consulting
Mori's Engineering, Inc.



ORDINANCE NO. 2020-0507A

EXHIBIT "B"

