

6-18-12

ORDINANCE NO. 28690

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an IR Industrial/Research District:

BEING a tract of land in City Block B/7226 located at the southeast corner of Westmoreland Road and Commerce Street; and containing approximately 2.019 acres,

to be used under Specific Use Permit No. 1969 for a truck stop; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the property described in Exhibit A, which is attached to and made a part of this ordinance (“the Property”), which is presently zoned as an IR Industrial/Research District, to be used under Specific Use Permit No. 1969 for a truck stop.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is a truck stop.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on June 27, 2022, but is eligible for automatic renewal for additional 10-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. LANDSCAPING:
 - A. Landscaping must be provided as shown on the attached landscape plan.
 - B. Plant materials must be maintained in a healthy, growing condition.
5. COMMERCIAL VEHICLE PARKING: A commercial vehicle may not park on the Property in excess of one continuous hour.
6. SHOWERING FACILITIES: Showering facilities are prohibited.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

28690

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

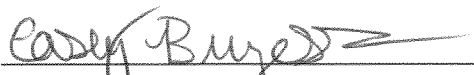
SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

BY 
Assistant City Attorney

Passed JUN 27 2012

FIELD NOTES

ECONOFUEL, INC., 2.019 ACRE TRACT
SEC WESTMORELAND ROAD & WEST COMMERCE STREET
DALLAS, TEXAS
GIS Approved



Being a 2.019 acre tract of land situated in the John C. Reed Survey, Abstract No. 1186, and being a portion of Block B/7226, Lone Star Park - Phase III, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 79244, Page 120, Plat Records, Dallas County, Texas, and being all of Tracts 1 and 2 to Econofuel, Inc., by deed recorded in Instrument No. 201100240374, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING a 1/2 inch iron rod found for the south end of a corner clip at the intersection of the right-of-way line of Westmoreland Road (a 100 foot right-of-way) with the south right-of-way line of West Commerce Street (an 80 foot right-of-way), same being the beginning of a curve to the right having a radius of 80.00 feet, and a delta angle of 90 deg. 30 min. 38 sec.;

THENCE northeasterly, along the common line of said Econofuel tract, and said corner clip, and along said curve to the right, an arc distance of 126.38 feet, and a chord bearing and distance of North 45 deg. 11 min. 41 sec. East, 113.64 feet to a 1/2 inch iron rod found for the north end of said corner clip, said corner being the beginning of a curve to the left having a radius of 480.75 feet, and a delta angle of 14 deg. 04 min. 55 sec.;

THENCE northeasterly, along the common line of said Econofuel tract, and the south right-of-way line of said West Commerce Street, and along said curve to the left, an arc distance of 118.16 feet, and a chord bearing and distance of North 82 deg. 57 min. 26 sec. East, 117.86 feet to a 5/8 inch iron rod found with M.S.I. RPLS 4224 cap (hereinafter referred to as 5/8" CIRF) for the most northerly northeast corner of said Econofuel tract;

THENCE South 81 deg. 25 min. 15 sec. East, a distance of 2.91 feet to a 5/8" CIRF at the most northerly northwest corner of that certain called 3.8031 acre tract of land to C & C Properties Westmoreland, LLC, by deed recorded in Volume 2004161, Page 2282, aforesaid Deed Records;

THENCE South 00 deg. 02 min. 30 sec. West (Basis of Bearing), along the common line of said Econofuel tract, and said C & C Properties tract, passing a 5/8" CIRF at a distance of 310.00 feet for the common east corner of aforesaid Tracts 1 and 2, said Econofuel tract, and continuing a total distance of 460.00 feet to a 5/8" CIRF for the southeast corner of said Econofuel tract from which a 5/8" CIRF for an ell corner of said C & C Properties tract bears South 00 deg. 02 min. 30 sec. West, 7.42 feet;

THENCE North 89 deg. 58 min. 55 sec. West, a distance of 199.78 feet to a 5/8" CIRF for the southwest corner of said Econofuel tract, same being in the west line of said Block B/7226, same being in the east right-of-way line of said Westmoreland Road;

THENCE along the common line of said Econofuel tract, and the east right-of-way line of said Westmoreland Road as follows:

North 00 deg. 54 min. 10 sec. West, a distance of 10.55 feet to a 5/8 CIRF for an angle point;
North 00 deg. 01 min. 52 sec. West, passing a 5/8" CIRF at a distance of 139.54 feet for the common west corner of said Tracts 1 and 2, said Econofuel tract, and continuing a total distance of 243.42 feet to an 'X' cut found at the southwest corner of that certain tract of land to The City of Dallas, by deed recorded in Volume 81091, Page 694, Deed Records, Dallas County, Texas;

Exhibit A

HUI Bqqspw e

THENCE along the common line of said Econofuel tract, and said City of Dallas tract as follows:

North 89 deg. 58 min. 08 sec. East, a distance of 10.00 feet to a 5/8" CIRF for the southeast corner of said City of Dallas tract;

North 00 deg. 01 min. 52 sec. West, a distance of 55.08 feet to a 5/8" CIRF for the northeast corner of said City of Dallas tract;

South 89 deg. 58 min. 08 sec. West, a distance of 10.00 feet to a 1/2 inch iron rod found for the northwest corner of said City of Dallas tract, same being in the west line of aforesaid Block B/7226, same being in the east right-of-way line of aforesaid Westmoreland Road;

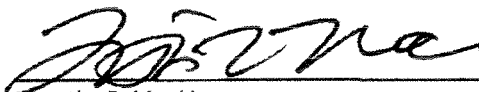
THENCE North 00 deg. 01 min. 52 sec. West, along the common line of said Econofuel tract, and the east right-of-way line of said Westmoreland Road, a distance of 56.79 feet to the POINT OF BEGINNING and containing 87,966 square feet or 2.019 acres of computed land, more or less.

PEISER & MANKIN SURVEYING, LLC

623 E. Dallas Road

Grapevine, Texas 76051

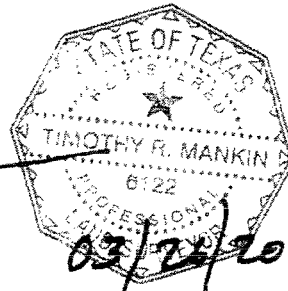
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Timothy R. Mankin

RPLS / Manager

Peiser & Mankin Surveying, LLC



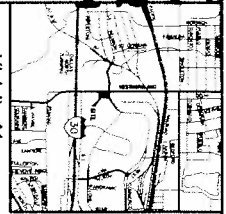
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Site Plan

WEST COMMERCIAL STREET
(AN 80' RIGHT-OF-WAY)

Vicinity Map



SITE DETAILS

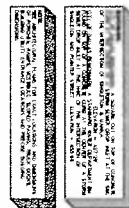
- 1. PROJECT LOCATION: 28690 WEST COMMERCIAL STREET, WESTMORELAND, PA 15104
- 2. PROJECT TYPE: COMMERCIAL/INDUSTRIAL
- 3. PROJECT AREA: 1.25 ACRES
- 4. PROJECT OWNER: [REDACTED]
- 5. PROJECT ENGINEER: [REDACTED]
- 6. PROJECT DATE: 11/17/12

SITE NOTES

- 1. ALL EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
- 2. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF TRANSPORTATION (PA DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS AND BRIDGES.
- 3. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION (PA DEP) REGULATIONS.
- 4. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF REVENUE (PA REV) REGULATIONS.
- 5. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF AGRICULTURE (PA AG) REGULATIONS.
- 6. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF NATURAL RESOURCES (PA DNR) REGULATIONS.
- 7. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION (PA DEP) REGULATIONS.
- 8. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF REVENUE (PA REV) REGULATIONS.
- 9. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF AGRICULTURE (PA AG) REGULATIONS.
- 10. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF NATURAL RESOURCES (PA DNR) REGULATIONS.

GENERAL SITE NOTES

- 1. ALL EXISTING UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
- 2. ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE PA DEPARTMENT OF TRANSPORTATION (PA DOT) STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS AND BRIDGES.
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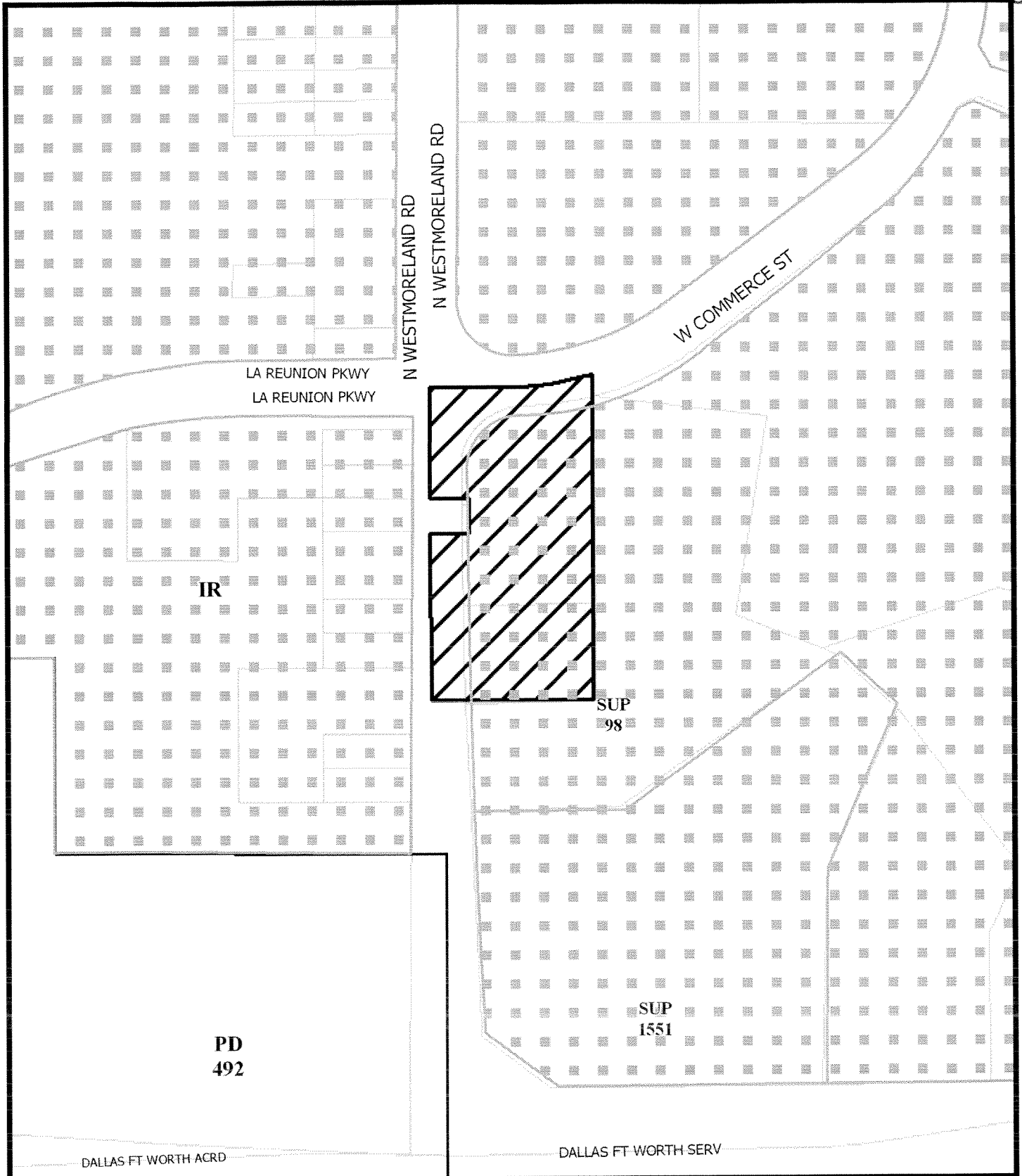


LEGEND

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 - 1. EXISTING ROADWAY
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ZONING AND LAND USE

Case no: Z112-190

Date: 3/29/2012