

PLANNING DEPARTMENT
CITY OF CARROLLTON
DATE: 04/07/20

SPECIAL USE PERMIT NO. 453
DEVELOPMENT NAME: QUIKTRIP NO. 1934

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS AMENDING ITS COMPREHENSIVE ZONING ORDINANCE BY AMENDING, RESTATING AND REPLACING IN ITS ENTIRETY ORDINANCE NUMBER 3890 TO AMEND SPECIAL USE PERMIT NUMBER 453 TO PROVIDE FOR A GASOLINE STATION UPON PROPERTY LOCATED AT THE NORTHWEST CORNER OF IH-35E AND SANDY LAKE ROAD; AMENDING THE OFFICIAL ZONING MAP; AND PROVIDING PENALTY, SEVERABILITY, REPEALER AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE ON AND AFTER ITS ADOPTION AND PUBLICATION.

WHEREAS, at a public hearing held on the Fifth day of March 2020, the Planning & Zoning Commission considered and made recommendation on a certain request for a Special Use Permit (Case No. PLSUP 2020-3X1);

WHEREAS, this change of zoning is in accordance with the adopted Comprehensive Plan of the City of Carrollton, as amended;

WHEREAS, the City Council conducted a public hearing on the Seventh day of April 2020, at which all persons were given an opportunity to present testimony;

WHEREAS, the City Council, has determined the following amendment to the zoning laws to allow the requested use is not detrimental to the surrounding property, and is consistent with the purpose of the zoning district in which the above described property is located; and

WHEREAS, the City Council, after determining all legal requirements of notice and hearing have been met, has further determined the following amendment to the zoning laws would provide for and would be in the best interest of the health, safety, morals and general welfare.

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

Section 1.

All of the above premises are found to be true and correct legislative and factual findings of the City Council, and they are hereby approved, ratified and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2.

This ordinance is hereby amending, restating and replacing in its entirety ordinance number 3890, and amends Special Use Permit Number 453 for a certain approximately 7.25-acre tract located at the northwest corner of IH-35E and Sandy Lake Road and being more specifically described on Exhibit A and generally depicted on Exhibit B, providing for the following:

I. Permitted Use

Gasoline Station

II. Special Development Standards

Development shall be in accordance with the following special conditions, restrictions and regulations:

1. If developed as a gasoline station, the development shall be in general conformance with Exhibits C, D and E, provided however that:
 - a. The driveway and internal storage, as measured from the property line, shall be minimum of 33 feet and shall be at 90 degrees.
 - b. All signs shall comply with the City's sign ordinance, and shall be submitted and reviewed under a separate application.

Section 3.

The Comprehensive Zoning Ordinance and the Official Map are hereby amended to reflect the action taken herein.

Section 4.

Any person violating a provision of this ordinance, upon conviction, is guilty of an offense punishable as provided in Section 10.99 of the Carrollton City Code.

Section 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

Section 6.

To the extent of any prior ordinance of the City of Carrollton (or any provision, clause, phrase, sentence or paragraph contained therein) conflicts with this ordinance, said conflicting ordinance, provision, clause, phrase, sentence or paragraph is hereby repealed.

Section 7

Ordinance Number 1470, otherwise known as the Comprehensive Zoning Ordinance and the Official Zoning Map, as amended, shall remain in full force and effect.

Section 8.

This ordinance shall become and be effective on and after its adoption and publication.

PASSED AND APPROVED this the Seventh day of April 2020.

CITY OF CARROLLTON

By: _____
Kevin W. Falconer, Mayor

ATTEST:

Laurie Wilson
City Secretary

APPROVED AS TO FORM:

Susan Keller
Assistant City Attorney

APPROVED AS TO CONTENT:

Michael McCauley
Senior Planner

EXHIBIT A
LEGAL DESCRIPTION

BEING a tract of land situated in the City of Carrollton, Dallas County, Texas, out of the Weston Perry Survey, Abstract No. 1151, part of that called 9.770 acre tract of land described by Special Warranty Deed to Horace Thompson Ardinger, Jr., as recorded in Volume 95064, Page 4721, Deed Records, Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a TXDOT 3 inch aluminum disk on 5/8 inch iron rod found for an ell corner in the west right-of-way line of Interstate Highway 35E (IH-35E; a variable width public R.O.W.), same being an ell corner in the west line of that called 3.941 acre tract of land (called Parcel 3, Part 1) described by Deed to The State of Texas, as recorded by Instrument No. 201500014822, Official Public Records, Dallas County, Texas;

THENCE, along said west right-of-way line, South 86 degrees 51 minutes 36 seconds West, a distance of 222.03 feet to a 5/8" iron rod with cap stamped "SCT" set for the intersection of said west right-of-way line and the north right-of-way line of Sandy Lake Road (a variable width public right-of-way), same being the north line of a 20 foot wide right-of-way dedication to the City of Carrollton recorded in Volume 86034, Page 2340, Deed Records, Dallas County, Texas;

THENCE, continuing along said north right-of-way line, North 89 degrees 05 minutes 00 seconds West, a distance of 320.74 feet to a 5/8" iron rod with cap stamped "SCT" set in the east line of a called 49.509 acre tract of land described by General Warranty Deed to Sandy Lake Amusement Park, Inc., as recorded in Volume 81006, Page 2065, Deed Records, Dallas County, Texas;

THENCE, departing said north right-of-way line and along said east line, North 00 degrees 13 minutes 00 West, a distance of 697.40 feet to a 5/8 inch iron rod with plastic cap stamped "SCT" set for the northwest corner of said 9.770 acre tract, same being located at the southwest corner of Lot 1, Block 1, Wildes Addition, an addition to the City of Carrollton, Dallas County, Texas, according to the plat thereof recorded in Volume 88216, Page 3853, Deed Records, Dallas County, Texas;

THENCE, departing said east line and along the common line of said 9.770 acre tract and said Lot 1, South 89 degrees 14 minutes 10 seconds East, a distance of 305.33 feet to a 5/8 inch iron rod with plastic cap stamped "SCT" set in the west right-of-way line of said IH-35E, same being most northerly northwest corner of said Parcel 3, Part 1, from which a 3/4 inch iron rod found for the northeast corner of said Parcel 3, Part 1 bears South 89 degrees 14 minutes 10 seconds East, a distance of 238.91 feet;

THENCE along said west right-of-way line as follows:

South 25 degrees 46 minutes 48 seconds East, a distance of 28.30 feet to a 5/8 inch iron rod with plastic cap stamped "SCT" set;

South 23 degrees 26 minutes 00 seconds East, a distance of 342.56 feet to a TXDOT 3 inch aluminum disk on 5/8 inch iron rod found;

South 24 degrees 14 minutes 17 seconds East, a distance of 315.20 feet to a TXDOT 3 inch aluminum disk on 5/8 inch iron rod found;

South 32 degrees 52 minutes 47 seconds West, a distance of 70.36 feet to the **POINT OF BEGINNING**, containing 315,688 square feet or 7.2472 acres of land, more or less.

EXHIBIT B
AERIAL/LOCATION MAP



[illegible]

[illegible]

CONCEPTUAL BUILDING/CANOPY ELEVATIONS (1 OF 3)



EXHIBIT E **CONCEPTUAL BUILDING/CANOPY ELEVATIONS (2 OF 3)**



EXHIBIT E **CONCEPTUAL BUILDING/CANOPY ELEVATIONS (3 OF 3)**

