

**CITY OF HUTCHINS
ORDINANCE NO. 2024-01-1187**

AN ORDINANCE OF THE CITY OF HUTCHINS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF HUTCHINS, TEXAS, AS HERETOFORE AMENDED, BY GRANTING A CHANGE IN ZONING BY GRANTING A SPECIFIC USE PERMIT (“SUP”) WITH SPECIAL CONDITIONS TO ALLOW A TRUCK SALES AND STORAGE FACILITY ON LAND ZONED LIGHT INDUSTRIAL (“LI”) CONSISTING OF ±7.925 ACRES OF LAND, SITUATED IN THE WILLIAM GATLIN SURVEY, ABSTRACT NO. 499, CITY OF HUTCHINS, DALLAS COUNTY, TEXAS, MORE COMMONLY KNOWN AS 1301 EAST WINTERGREEN ROAD, HUTCHINS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; PROVIDING FOR THE APPROVAL OF THE PROPOSED SITE PLAN ATTACHED HERETO AS EXHIBIT “B”; PROVIDING A CONFLICTS CLAUSE; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hutchins, in compliance with the laws of the State of Texas, with references to the granting of zoning classification changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; the said governing body is of the opinion that the Specific Use Permit zoning application should be approved; and, in the exercise of legislative discretion, has concluded that the Comprehensive Zoning Ordinance and Map of the City of Hutchins should be amended.

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

SECTION 1. That the Comprehensive Zoning Ordinance and Map of the City of Hutchins, Texas, be and the same are hereby amended by granting a Specific Use Permit (“SUP”) to allow a truck sales and storage facility on land zoned Light Industrial (“LI”) consisting of ±7.925 acres of land, situated in the William Gatlin Survey, Abstract No. 499, City of Hutchins, Dallas County, Texas, more commonly known as 1301 East Wintergreen Road, Hutchins, Dallas County, Texas, (the “Property”) and being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 2. That the Property shall be developed and used in accordance with the development regulations for Light Industrial (“LI”) as established in Section 28 of the Hutchins Zoning Code, with the following special conditions:

- A. Site Plan. The Property shall be developed and used substantially in accordance with the Site Plan attached hereto as Exhibit “B” which is hereby approved.

SECTION 3. That the property shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of the City of Hutchins, Texas, as heretofore amended, and as amended herein; and which is hereby approved.

SECTION 4. That, to the extent of any irreconcilable conflict with the provisions of this ordinance and other ordinances of the City of Hutchins governing the use and development of the Property and which are not expressly amended by this ordinance, the provisions of this ordinance shall be controlling.

SECTION 5. That all provisions of the Ordinances of the City of Hutchins, Texas, in conflict with the provisions of this Ordinance be, and the same are hereby, repealed, and all other provisions of the Ordinances of the City of Hutchins, Texas, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. That should any word, 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 thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Ordinances of the City of Hutchins, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 8. 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 for in the Comprehensive Zoning Ordinance of the City of Hutchins, 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 9. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provides.

DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF HUTCHINS, TEXAS ON THIS THE 16th DAY OF JANUARY 2024.

APPROVED:

Mario Vasquez, Mayor

APPROVED AS TO FORM:

Joseph J. Gorfida Jr., City Attorney
(01-05-2024: 4881-1716-8794, v. 1)

ATTEST:

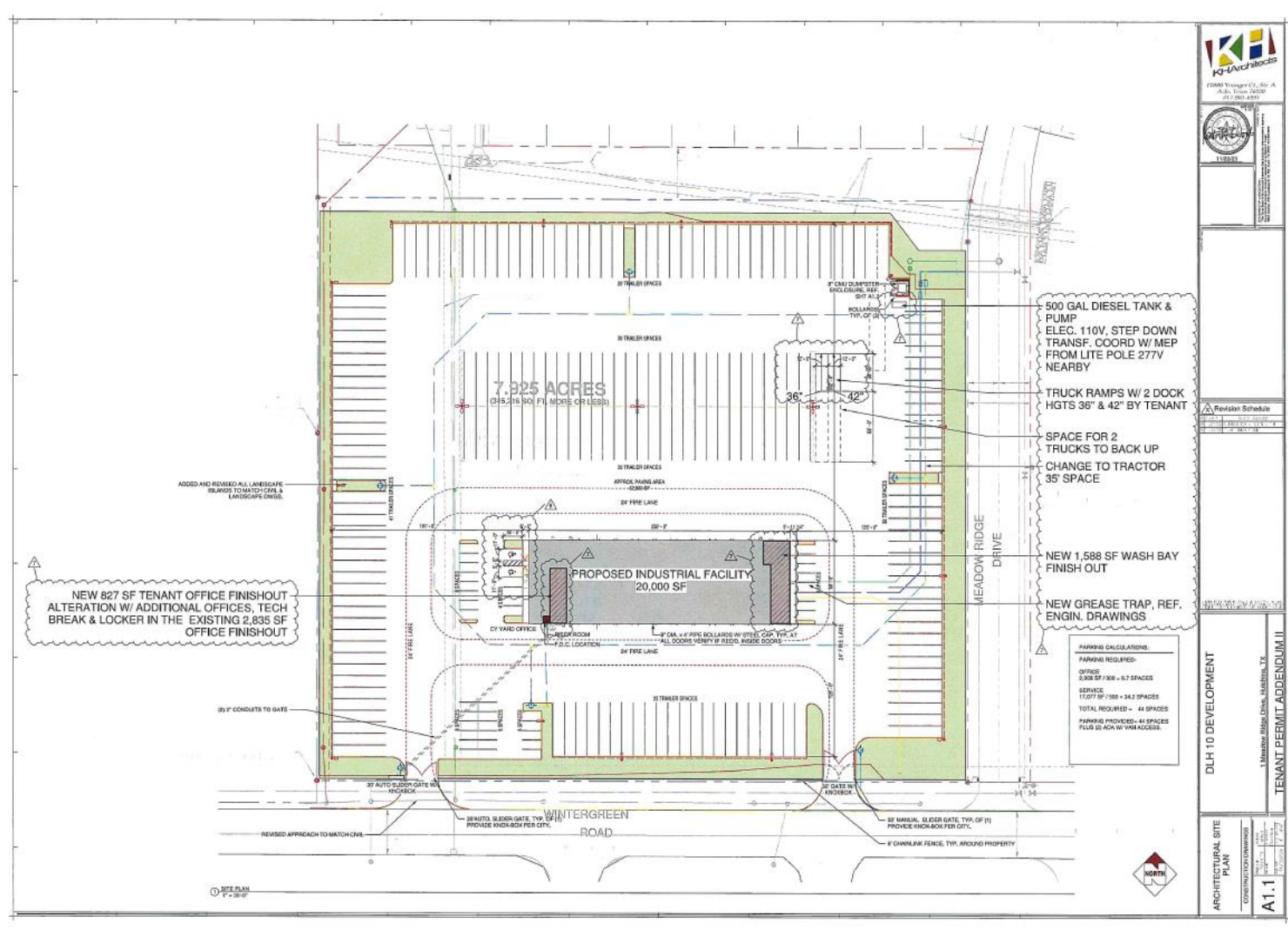
Cynthia Olguin, City Secretary

Exhibit "A"
Property Description

1301 E Wintergreen Road, Hutchins, TX

BEING a 7.925 acre tract of land, situated in William Gatlin Survey, Abstract No. 499, City of Hutchins, Dallas County, Texas, and being all of Lot 1, Block S of Replat of Skyline Estates Addition Phase 1 & 2, an addition to the City of Hutchins, Dallas County, Texas, recorded in Instrument Number 201900338511 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), as affected by that Certificate of Correction, recorded in Instrument No. 202000139040 (O.P.R.D.C.T.) and being a portion of a tract of land described in a deed to DLH Logistics LLC, recorded in Instrument Number 201700256958 (O.P.R.D.C.T.).

Exhibit "B" Site Plan



4881-1716-8794, v. 1