ORDINANCE NO. 1985

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A SPECIFIC USE PERMIT ON PUENTE DEL OESTE ADDITION, LOT 1C1, 801 S. INDUSTRIAL BOULEVARD, SUITE C FOR USED APPLIANCE SALES AND SERVICE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 211 of the Texas Local Government Code, the City of Euless has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential and other purposes, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan;

WHEREAS, the Planning and Zoning Commission has conducted a public hearing on December 18, 2012, in conjunction with Specific Use Permit Case No. 12-17-SUP, and has rendered a recommendation to the City Council with respect to this case;

WHEREAS, City Council has conducted a public hearing on January 22, 2013, has considered the recommendation of the Planning and Zoning Commission, and has determined that the proposed change is in the best interest of the general welfare of the City of Euless and that any foreseeable negative impacts of the proposed use have been mitigated through design restrictions or other set conditions; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Texas Local Government Code.

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

SECTION 1.
ALLOWED USES

THAT Used Appliance Sales and Service uses as specifically described on the Specific Use Permit Form (attached hereto and made a part hereof) and on **Exhibit "A"** (attached hereto and made a part hereof), shall be permitted on Puente Del Oeste Addition, Lot 1C1, 801 S. Industrial Boulevard, Suite C.

SECTION 2.

SEVERABILITY CLAUSE. It is hereby declared to be the intention of the City Council of the City of Euless 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, or 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.

SECTION 3.

PENALTY FOR VIOLATION. Any person, firm, or corporation violating any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1, "General Provisions," Section 1-12, "General Penalty," Euless Code of Ordinances. Each such violation shall be deemed a separate offense and shall be punishable as such hereunder.

SECTION 4.

PUBLICATION. The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Euless, in compliance with the provisions of Article II, Section 12, of the City Charter. Further, this ordinance may be published in pamphlet form and shall be admissible in such form in any court, as provided by law.

SECTION 5.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, as provided by the Euless City Charter and the laws of the State of Texas.

PRESENTED AND PASSED ON FIRST AND FINAL READING at a regular meeting of the Euless City Council on January 22, 2013, by a vote of ____ayes, ____nays, and ____abstentions.

APPROVED: ATTEST:

_____ _____

Mary Lib Saleh, Mayor Kim Sutter, TRMC, City Secretary

APPROVED AS TO FORM:

_____

Wayne Olson, City Attorney

THE CITY OF
EULESS

ORDINANCE NO. 1985
SPECIFIC USE PERMIT CASE #12-17-SUP

LAND USE: USED APPLIANCE SALES

LOCATION
(property address): 801 S. INDUSTRIAL BOULEVARD, SUITE C

(legal description): PUENTE DEL OESTE ADDITION, LOT 1C1

This permit is valid only for the property and use listed above and then ONLY in accordance with the following documents and/or conditions:

CONDITIONS (INCLUDING DATES):

Conditions will be inserted after City Council approval.

Considered by Planning and Zoning Commission:
DATE OF ACTION: **December 18, 2012**
☑ **approval** ☐ **denial**

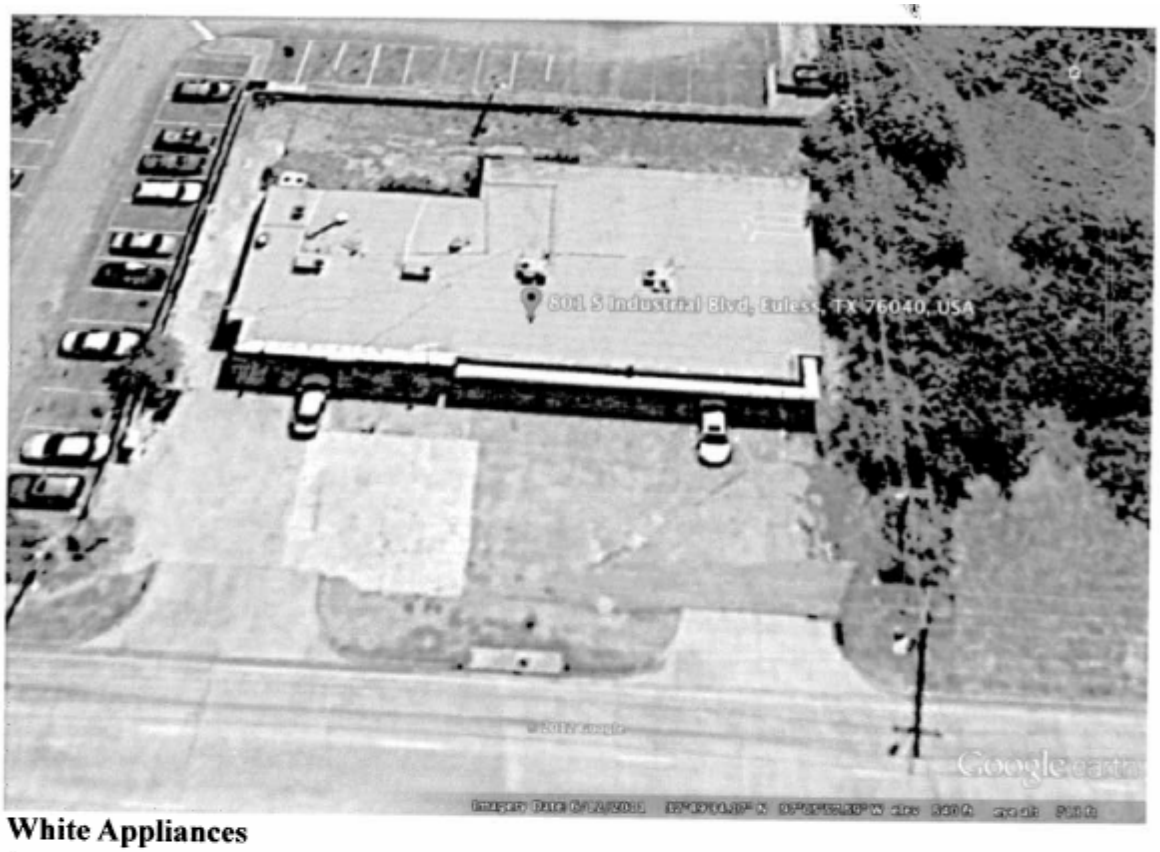
X Richard Louis McGuire
Signature of P & Z Chairman

Considered by City Council:
DATE OF ACTION: **January 22, 2013**
☐ **approval** ☐ **denial**

X_____
Signature of Mayor

201 N. Ector Drive, Euless, Texas 76039-3595
817/685-1400 • Metro 817/267-4403 • Fax 817/685-1416
www.ci.euless.tx.us

Exhibit "A"



White Appliances
James A. White
801c South Industrial Blvd
Euless, Texas 76040
Businesses Phone: 817 495-2750
Fax: 817 643- 0101

Hours of Operation
Monday - Saturday: 10am - 6pm
Sundays: Closed

Facility will be used for sales of used and re-serviced appliances as well as a service station for appliances.

Two existing business

- ☒ HKH Store - 6 parking spaces available
- ☒ Texas Tattoos - 2 parking spaces available
- ☒ White Appliances - 3 parking spaces available

☒ No homes, business or wild life will be disturbed
☒ No nuisance precautions need to be meet
☒ Dumpster will be shard by Metro Events Texas since they share the same owner Robert A. Miller, this will not affect the surrounding businesses.