

ORDINANCE NO. 2072
File No. CV15-18

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM GENERAL RETAIL TO TWO (2) CONDITIONAL USES IN GENERAL RETAIL TO ALLOW (1) THE SALES OF USED MERCHANDISE WITH ALL SALES COMPLETELY WITHIN THE BUILDING, AND (2) THE OPERATION OF A FARMER'S MARKET FOR THE SALE OF PRODUCE WITH THE FOLLOWING STIPULATIONS: (1) THE MARKET MUST BE LOCATED IN THE PRE-DESIGNATED AREA AS SHOWN ON THE SITE PLAN; (2) NO SALES FROM THE BACK OF TRUCKS; (3) A PARKING AREA SHOULD BE DESIGNATED FOR LARGE TRUCKS; (4) MERCHANDISE MUST BE SOLD FROM BINS ONLY; (5) THE SCREENING WALL IS REQUIRED AND DEFERRED; THE SUBJECT TRACT IS LOCATED SOUTH AND WEST OF THE MOTLEY DRIVE AND GUS THOMASSON ROAD INTERSECTION; CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY:

WHEREAS, the City Planning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State Laws with reference to granting of zoning change under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein:

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

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SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from General Retail to two (2) Conditional Uses in General Retail to allow (1) the sale of used merchandise with all sales completely within the building, and (2) the operation of a farmer's market for the sale of produce with the following stipulations: (1) The market must be located in the pre-designated area as shown on the site plan; (2) No sales from the back of trucks; (3) A parking area should be designated for large trucks; (4) Merchandise must be sold from bins only; (5) The screening wall is required and deferred; the subject tract is located south and west of the Motley Drive and Gus Thomasson Road intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

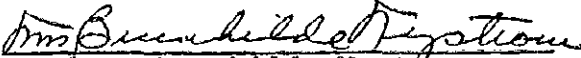
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, 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 decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of September, A.D., 1984.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

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SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY DESCRIBED AS FOLLOWS:

Being all that certain lot, tract or parcel of land situated in the William Johnston Survey, Abstract No. 706, in the City of Mesquite, Dallas County, Texas, and being a part of Lot 18 in Block I of Casa View Heights No. 15 according to the Plat thereof recorded in Volume 29 at Page 233 of the Map Records of Dallas County, Texas and being more particularly described by metes and bounds as follows;

Beginning at a point in the Southwest line of Gus Thomasson Road (120.0 foot Right of Way), said point being 751.22 feet along the Southwest line of Gus Thomasson Road from the intersection of the Northwest line of La Prada Drive (80.0 foot Right of Way) and the Southwest line of Gus Thomasson Road, an iron rod for corner;

Thence South $45^{\circ} 17'$ West, leaving the Southwest line of Gus Thomasson Road, a distance of 150.0 feet to an iron rod for corner;

Thence South $44^{\circ} 43'$ East a distance of 150.0 feet to an iron rod for corner;

Thence South $45^{\circ} 17'$ West a distance of 139.0 feet to a point in the North line of a 10.0 foot alley as shown on aforementioned Plat of Casa View Heights No. 15;

Thence South $89^{\circ} 55'$ West along the North line of said 10.0 foot alley a distance of 535.15 feet to a point in the East line of a 50.0 foot private drive known as the extension of Motley Drive;

Thence North $1^{\circ} 26'$ West along the East line of said Motley Drive extension a distance of 432.87 feet to an iron rod for corner and the beginning of a curve to the right having a central angle of $46^{\circ} 43'$ and a radius of 203.18 feet;

Thence along said curve to the right a distance of 165.58 feet to the end of said curve and an iron rod for corner;

Thence North $45^{\circ} 17'$ East and continuing along the East line of said Motley Drive extension a distance of 125.13 feet to an iron rod for corner at the Southwest corner of the Shell Oil Company tract;

Thence South $44^{\circ} 43'$ East along the Southwest line of the Shell Oil Company tract a distance of 150.0 feet to an iron rod for corner;

Thence North $45^{\circ} 17'$ East along the Southeast line of said Shell Oil Company tract a distance of 100.0 feet to an iron rod for corner in the Southwest line of Gus Thomasson Road;

Thence South $44^{\circ} 43'$ East along the Southeast line of said Gus Thomasson Road a distance of 454.97 feet to the place of beginning and containing 7.5290 acres of land, more or less.