

ORDINANCE NO. 2188  
File No. 1461-90

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 PLANNED DEVELOPMENT COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE FOR OUTDOOR SALES, A NEW CAR DEALERSHIP WITH THE FOLLOWING STIPULATIONS: (1) A 6 FOOT MASONRY WALL PROVIDED ALONG THE SOUTH PROPERTY LINE; (2) THE BODY SHOP MUST HAVE A SOLID SCREENING FENCE; (3) LANDSCAPE PLANS MUST BE SUBMITTED WITH THE BUILDING PLANS FOR STAFF REVIEW; THE 6.3113 ACRE TRACT IS LOCATED SOUTH OF THE I.H. 635 AND NORTH GALLOWAY AVENUE 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 (\$200.00) DOLLARS 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:

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 Planned Development Commercial to Commercial with a

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Conditional Use for Outdoor Sales, a new car dealership with the following stipulations: (1) A 6 foot masonry wall provided along the south property line; (2) The body shop must have a solid screening fence; (3) Landscape plans must be submitted with the building plans for Staff review; the 6.3113 acre tract is located south of the I.H. 635 and North Galloway Avenue 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,

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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 June, A.D., 1985.

*Mrs. Brunhilde Dystrom*  
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Mrs. Brunhilde Dystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

*Lynn Prugel*  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

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### LEGAL DESCRIPTION

BEING a tract of land situated in the City of Mesquite, Dallas County, Texas, and lying in the Theophilus Thomas Survey, Abstract No. 1461, said tract being all of Faulkner-Corners, Cot. B, an addition to the City of Mesquite as recorded in Volume 84058, Page 4317 of the Map Records of Dallas County, said tract also being part of a 52.399 acre tract of land conveyed to Hill Elliot, Inc., as recorded in Volume 4914, Page 548 of the Deed Records of Dallas County, and being more particularly described as follows:

BEGINNING at a concrete marker found at the intersection of the easterly right-of-way line of LBJ Freeway (Interstate Highway 535) and the southwesterly right-of-way line of Galloway Avenue, said point being the most northerly corner of said Faulkner-Corners, Lot 8;

THENCE along the southwesterly R.O.W. line of said Galloway Avenue as follows:

S 45°29'45" E, 123.48 feet to a concrete marker found for corner;

S 45°07'00" E, 491.38 feet to an iron rod set for corner;

N 44°53'00" E, 20.00 feet to an iron rod found for corner;

S 45°07'00" E, 280.01 feet to an iron rod found for corner;

THENCE S 44°53'00" W, 359.99 feet to an iron rod found for corner, said point being the most northerly corner of Faulkner-Corners, Lot 6, an addition to the City of Mesquite as recorded in Volume 83129, Page 2379 of the Deed Records of Dallas County;

THENCE S 53°25'06" W, along the northwesterly line of said Faulkner-Corners, Lot 6, 244.49 feet to an iron rod set for corner, said point being on the easterly R.O.W. line of the hereinbefore mentioned LBJ Freeway;

THENCE along the easterly R.O.W. line of said LBJ Freeway as follows:

N 20°47'44" W, 29.00 feet to an iron rod set for corner;

N 10°45'11" W, 1008.10 feet to the POINT OF BEGINNING and containing 6.3113 acres of land.

### SURVEYORS CERTIFICATION

STATE OF TEXAS  
COUNTY OF DALLAS

I, the undersigned, hereby certify that the plat and field notes represent an actual and accurate survey on the ground and that the corner monuments shown therein were properly placed under my supervision and that there are no encroachments, conflicts or protrusions EXCEPT as shown.

DATED THIS      DAY OF March, 1985.

B. L. Nelson  
B. L. Nelson,  
Registered Public Surveyor #2175

#1461-90

BOUNDARY SURVEY