

ORDINANCE NO. 2414

File No. TCV4-4

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 A CONDITIONAL USE IN GENERAL RETAIL FOR A CAR WASH IN CONJUNCTION WITH THE DETAIL SHOP ONLY AND WITH THE STIPULATION THAT NO HYDROCARBON BASE SOLVENTS BE STORED OR USED ON THE PREMISES; THE SUBJECT 4,951 SQUARE FOOT LEASE SPACE IS LOCATED IN THE ELK PLAZA SHOPPING CENTER NORTHWEST OF THE AMERICANA LANE AND NORTH GALLOWAY AVENUE INTERSECTION SHOWN ON THE FILED PLAT OF THE TOWNE CENTRE VILLAGE #4 ADDITION, BLOCK A, LOT 3, RECORDED IN THE DALLAS COUNTY RECORDS, OCTOBER 4, 1984; 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 General Retail to a Conditional Use in General Retail for a car wash in conjunction with the detail shop only and with the stipulation that no hydrocarbon base solvents be stored or used on the premises. The 4,951 square foot lease space is located in the Elk Plaza Shopping Center, northwest of the Americana Lane and North Galloway Avenue intersection shown on the filed plat of the Towne Centre Village #4 Addition, Block A, Lot 3, recorded in the Dallas County Records, October 4, 1984; 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 6th day of April, A.D., 1987.

George A. Venner, Sr.
George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elizabeth A. Lunday
Elizabeth A. Lunday
Assistant City Attorney

LEGAL DESCRIPTION

The property is clearly defined by the following legal description:

BEING a tract of land situated in the J. A. Coats Survey, Abstract No. 339 in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron pin for corner at the intersection of the north line of Americana Lane (a 60 foot right-of-way) with the west line of Galloway Avenue (a 100 foot right-of-way);

THENCE N. 89°35'32" W., 225.00 feet along the said north line of Americana Lane to an iron pin for corner;

THENCE N. 0°08'33" E., 322.49 feet to an iron pin for corner, said point being in a curve to the left running in a southeasterly direction and having a central angle of 5°43'50" a radius of 50.00 feet and a tangent bearing of S. 84°07'37" E.;

THENCE along said curve 5.00 feet to the end of said curve, an iron pin for corner;

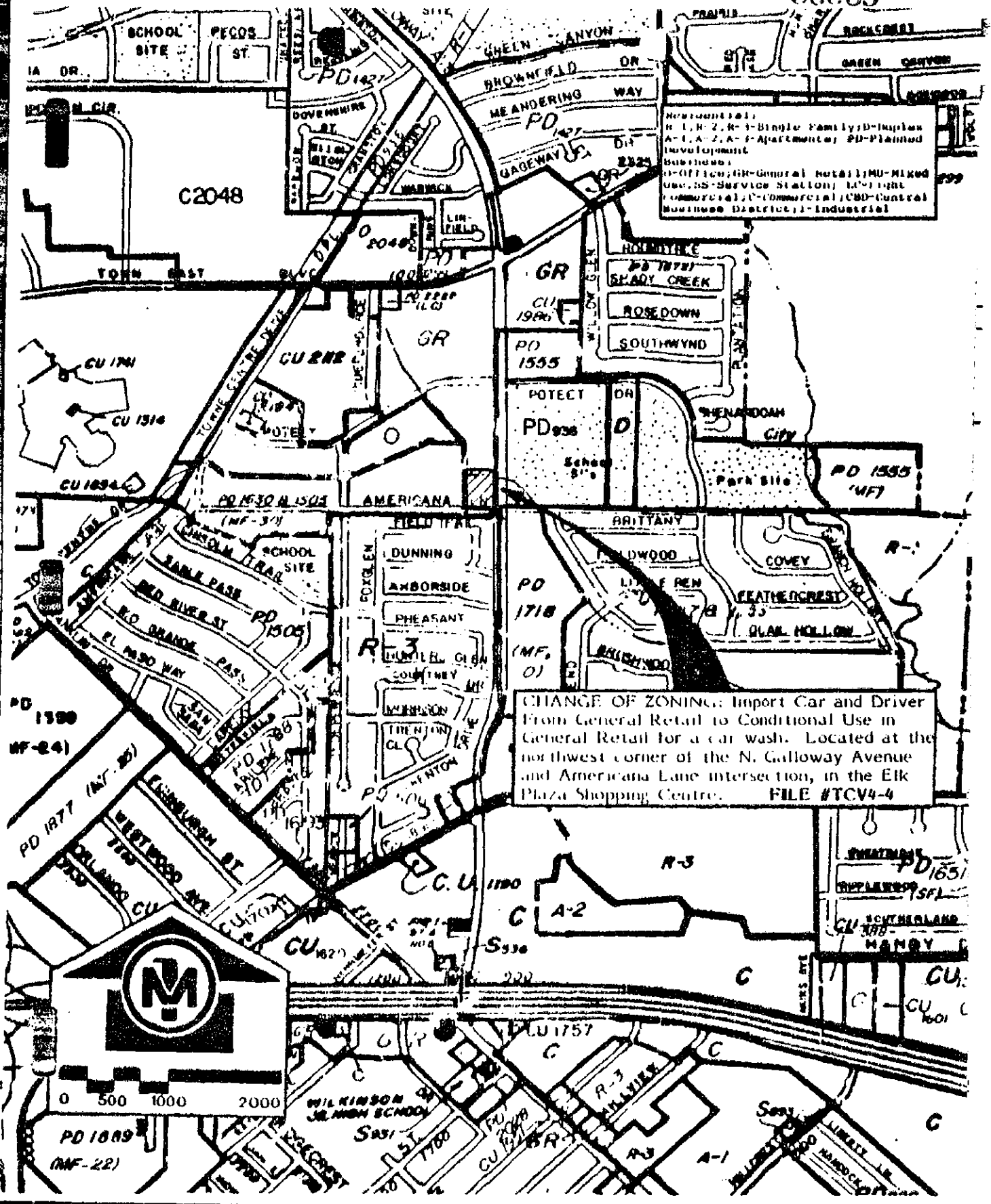
THENCE S. 89°51'27" E., 170.00 feet to an iron pin for corner;

THENCE S. 78°32'59" E., 25.50 feet to an iron pin for corner;

THENCE S. 89°51'27" E., 25.00 feet to an iron pin for corner on the said west line of Galloway Avenue;

THENCE S. 0°08'33" W., 310.28 feet along the said west line of Galloway Avenue to the Point of Beginning and containing 1.663 acres (72,433 square feet) of land.

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Residential:
 R-1, R-2, R-3 Single Family; D-Duplex
 A-1, A-2, A-3 Apartment; PD-Planned
 Development
 Business:
 B-Office; GR-General Retail; MU-Mixed
 Use; SS-Service Station; L-Light
 Commercial; C-Commercial; CBD-Central
 Business District; I-Industrial

CHANGE OF ZONING: Import Car and Driver
 From General Retail to Conditional Use in
 General Retail for a car wash. Located at the
 northwest corner of the N. Galloway Avenue
 and Americana Lane intersection, in the Elk
 Plaza Shopping Centre. **FILE #TCV4-4**



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