

ORDINANCE NO. 2511  
File No. CV15-21

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FOR A CONDITIONAL USE PERMIT IN A GENERAL RETAIL DISTRICT FOR THE SALE OF USED MERCHANDISE; WITH CERTAIN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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 for a Conditional Use permit in a General Retail District for the sale of used merchandise, with the following conditions: 1) That no outdoor displays or sales be allowed on the lot or in front of the building and 2) That outside display shall be considered reason for revocation of the Conditional Use permit. The subject 2.32 acre tract is located at 4621 Gus Thomasson Road, and being a part of Lot 42, Block 16, Casa View Heights No. 15 recorded in the Dallas County Records; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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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 of Mesquite, Texas on the 4th day of April, A.D., 1988.

  
George A. Vennor, Sr.  
Mayor

ATTEST:

APPROVED:

  
Lynn Prugel  
City Secretary

  
Jonathan Graham  
City Attorney

**EXHIBIT "A"**FIELD NOTES

BEING a tract of land situated in the John Hardin Survey, Abstract No. 545, City of Mesquite, Dallas County, Texas, and being part of Lot 42, Block 16 of Casa View Heights No. 15, an Addition to the City of Mesquite, Texas, and being more particularly described as follows:

BEGINNING at the most easterly corner of said Lot 42, Block 16 of said Addition, said point being in the southwesterly line of Gus Thomasson Road (a 120' R/W), said point also being the north corner of Lot 41, Block 16 of said Addition; an iron stake found in place for corner;

THENCE S45°09'W, with the joint property line of said Lot 41 and Lot 42, 373.84' to the south corner of said Lot 42, said point being in the northeasterly line of a 10' alley; an iron stake found in place for corner;

THENCE N42°03'W, with the southwesterly line of said Lot 42, being the northeasterly line of said 10' alley, 275.33' to an iron pipe set for corner;

THENCE N45°09'E, parallel to the southeasterly line of said Lot 42, 360.37' to a point in the southwesterly line of the aforementioned Gus Thomasson Road; an iron pipe set for corner;

THENCE S44°51'E, with the southwesterly line of said Gus Thomasson Road, 275.00' to the place of beginning and containing 2.32 acres of land.

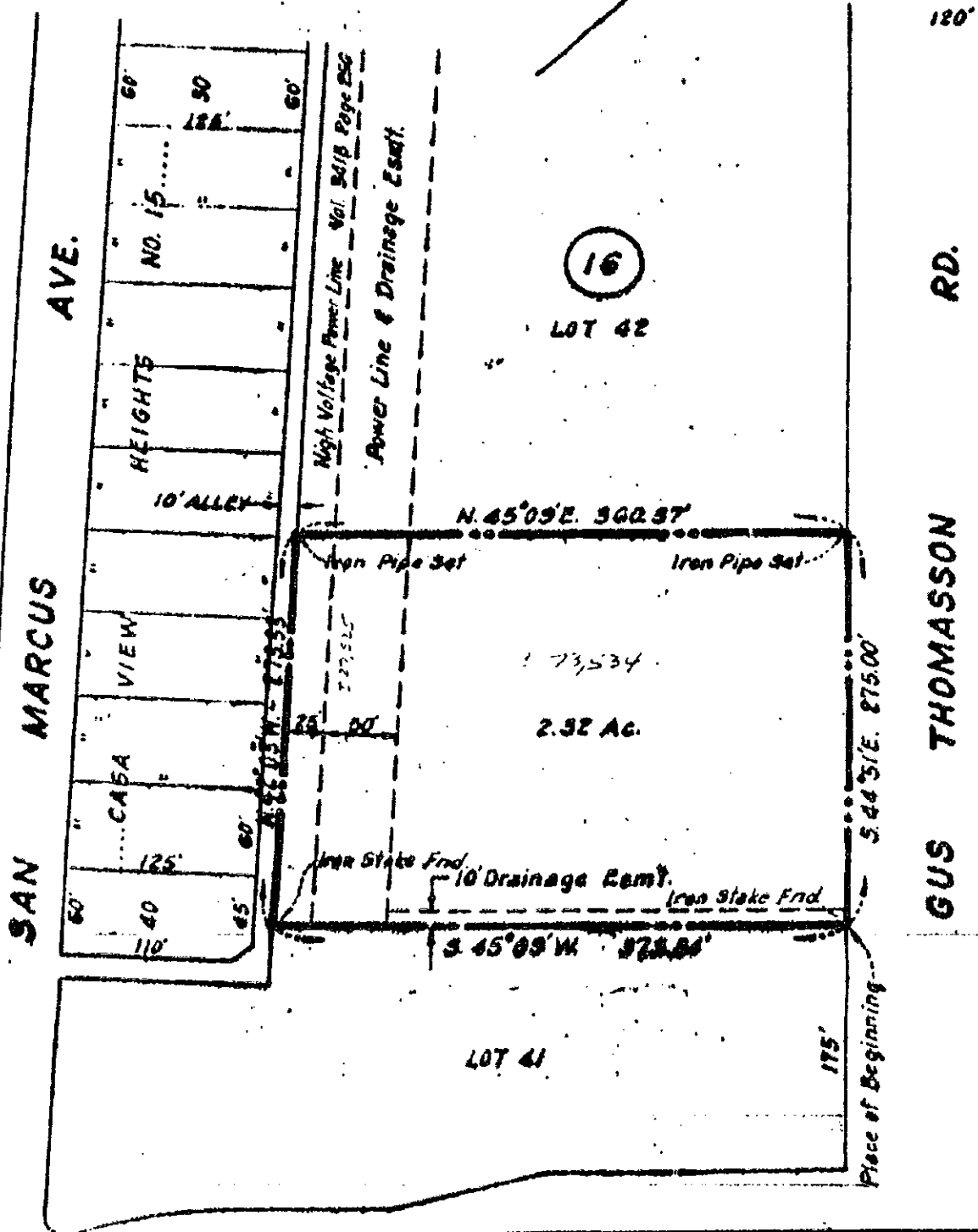
I hereby certify that I prepared this map from an actual and accurate survey of the land under my personal supervision and to the best of my ability, and is subject to any easements, right-of-ways, encroachments, or conflicts not visible on the ground.

November 8, 1968



*C. L. Moon*  
 C. L. Moon, P.E.

EXHIBIT "A"



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