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ORDINANCE NO. 2888

File No. 1462-211

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT SERVICE STATION 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 Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, 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 Commercial to Planned Development Service Station, subject to the following conditions:

1. No diesel fuel sales shall be allowed;
2. Brick shall be required on all four sides of the building;
3. Landscaping, including irrigation system, shall be provided. (The landscaping will be reviewed on the Planned Development Site Plan);
4. A six foot high brick wall shall be provided to screen the dumpster;
5. A brick facing shall be provided around the canopy columns;
6. Site Plan review shall be required by the City Council only.

The subject 0.8591 acre tract is located at the northwest corner of IH 635 and Gross 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite Zoning Ordinance.

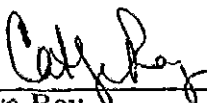
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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 19th day of July, 1993.



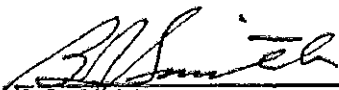
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

PROPERTY DESCRIPTION

Being a tract of land in the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, and being a portion of that tract of land conveyed to Oakbrook Joint Venture according to deed recorded in Volume 87154, Page 311, Map Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at a chiseled "x" in concrete set in the northerly right-of-way line of Gross Road (a 120-foot right-of-way) at it's intersection with the westerly right-of-way dedication of I-635 (L.B.J. Freeway) according to the right-of-way dedication plans of I-635 (Federal Project No. I 635-6(80)439);

THENCE N 43°34'30" W, 240.00 feet with the northerly right-of-way line of Gross Road to a 1/2" iron rod w/NDM plastic cap set for corner;

THENCE N 49°15'08" E, 200.00 feet to a 1/2" iron rod w/NDM plastic cap set for corner;

THENCE S 43°27'19" E, 135.00 feet to a 1/2" iron rod w/NDM plastic cap set in the westerly right-of-way line of I-635;

THENCE S 20°55'37" W, 221.00 feet with the westerly right-of-way line of I-635 to the Point of Beginning and containing 0.8591 acres (37,422 square feet) of land, more or less.

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