

ORDINANCE NO. 2923

File No. 1461-109

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 CONDITIONAL USE PERMIT FOR OUTDOOR SALES AND DISPLAY OF NEW AND USED CARS; 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 Conditional Use Permit for Outdoor Sales and Display of new and used cars, on property located south of Oates Drive and IH 635 Intersection. The subject 1.6 acre tract is located adjacent to the Summit Plaza Shopping Center; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

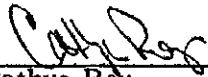
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 4th day of October, 1993.



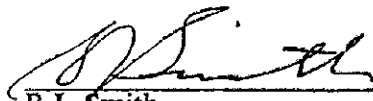
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

EXHIBIT A

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BEING a tract of land out of Lot 1, Block A of OATES CORNERS RETAIL ADDITION, an Addition in the City of Mesquite, Dallas, County, Texas, according to plat recorded in Volume 86122, Page 4454, Plat Records, Dallas County, Texas, and also being out of the THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, and being more particularly described as follows:

COMMENCING at an iron rod at the Southeast corner of said Lot 1 in the Easterly ROW line of Interstate Highway No. 635;

THENCE North 10 degrees 20 minutes 38 seconds West, 38.85 feet to the true PLACE OF BEGINNING;

THENCE North 65 degrees 20 minutes 56 seconds East, 7.33 feet to a point for corner;

THENCE North 55 degrees 17 minutes 40 seconds East, 40.37 feet to a point for corner;

THENCE North 48 degrees 07 minutes 07 seconds East, 102.12 feet to a point for corner;

THENCE North 41 degrees 58 minutes 15 seconds East, 13.50 feet to a point for corner;

THENCE North 30 degrees 51 minutes 48 seconds East, 42.87 feet to a point for corner;

THENCE North 22 degrees 05 minutes 47 seconds East, 257.83 feet to a point for corner;

THENCE North 67 degrees 54 minutes 13 seconds West, 185.38 feet to an iron rod set;

THENCE South 22 degrees 07 minutes 07 seconds West, 202.24 feet to a point for corner;

THENCE South 46 degrees 02 minutes 34 seconds West, 30.30 feet to a point for corner;

THENCE South 64 degrees 56 minutes 58 seconds West, 7.98 feet to a point for corner;

THENCE South 76 degrees 09 minutes 56 seconds West, 10.64 feet to a point for corner in the Easterly ROW line of Interstate Highway No. 635;

THENCE South 10 degrees 26 minutes 38 seconds East, 239.35 feet along the Easterly ROW line of Interstate Highway No. 635 to the True PLACE OF BEGINNING and containing 69,000 square feet of land or 1.5840 acres.

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