

ORDINANCE NO. 2949
File No. 1461-110

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 PLANNED DEVELOPMENT MULTIFAMILY TO PLANNED DEVELOPMENT LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR OUTDOOR SALES ON TRACTS 1 AND 2 SUBJECT TO CERTAIN STIPULATIONS AND TO R-1 ON TRACT 3; 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 Planned Development Multifamily to Planned Development Light Commercial with a Conditional Use Permit for Outdoor Sales on Tract 1 and 2, subject to the following stipulations:

1. Outdoor sales shall be limited to new car dealers, provided that not more than four acres on the northwesterly portion of Tract 1 may be used as a remote used car sales lot, but only if such lot is operated as part of and in conjunction with a new car dealership located across North Galloway Avenue at the location whose address is 5031 N. Galloway Avenue.
2. Correctional institutions and Psychiatric Hospitals shall not be permitted.
3. No lighting standards higher than 40 feet above grade shall be permitted.
4. A six foot masonry screening wall shall be required along the boundary where Tracts 1 and 2 abut Tract 3. The wall shall be designed by a Registered Professional Engineer utilizing current soil tests performed by a qualified

geotechnical engineer. The wall may be built in increments as each portion of the adjoining property is developed.

And to R-1 Single Family Residential on Tract 3.

The subject 27.37 acre tract fronts the east side of North Galloway Avenue between Republic Parkway and Wooded Lake Drive; 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.

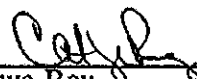
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite,
Texas, on the 17th day of January, 1994.



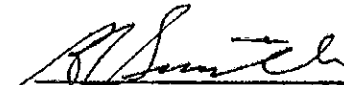
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, JACK CREW and DALLAS CHRISTIAN SCHOOL, are the owners of a 27.371 acre tract of land situated in the T. Thomas Survey, Abstract No. 1461, Dallas County, Texas; said tract being situated in the City of Mesquite, Texas, and being a part of the Christian College Subdivision, an addition to the City of Mesquite, Texas, recorded in Volume 77151, Page 2689, Deed Records, Dallas County, Texas; said tract being also a part of the Crest Addition, an addition to the City of Mesquite, as recorded in Volume 84021, Page 1454, Deed Records, Dallas County, Texas; said tract being comprised of Tracts 1 and 2, as described in deed to Unison Investment, recorded in Volume 92167, Page 4367, Deed Records, Dallas County, Texas, Dan Cobler Road, formerly Newcrest Drive, as dedicated by said Crest Addition, and a portion of two tracts of land described in deed to Jack Crew, recorded in Volume 92181, Page 4536, Deed Records, Dallas County, Texas; said 27.371 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod found for corner of the northwesterly end of a right-of-way corner clip at the intersection of the northeast right-of-way of Galloway Boulevard (100-foot right-of-way) and the northwest right-of-way of Republic Parkway (80-foot right-of-way); said Republic Parkway being dedicated by a right-of-way dedication plat, recorded in Volume 88248, Page 3836, Deed Records, Dallas County, Texas; said beginning point being the south corner of said Unison Investment tract;

THENCE, North 45 degrees, 03 minutes, 55 seconds West, along said northeast right-of-way of Galloway Boulevard, a distance of 1154.02 feet to a 1/2-inch iron rod found for corner at the intersection of said northeast right-of-way of Galloway Boulevard with the southeast right-of-way of Wooded Lake Drive (80-foot right-of-way at this point);

THENCE, in a northeasterly direction, along said southeast right-of-way of Wooded Lake Drive, the following eight (8) courses and distances:

North 44 degrees, 56 minutes, 05 seconds East, a distance of 89.59 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the beginning of a curve to the left whose center bears North 45 degrees, 03 minutes, 55 seconds West, a distance of 112.00 feet from said point;

In a northeasterly direction, along said curve to the left, through a central angle of 18 degrees, 11 minutes, 39 seconds, an arc distance of 35.57 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve; said point being the beginning of a curve to the right whose center bears South 63 degrees, 15 minutes, 34 seconds East, a distance of 88.00 feet from said point;

In a northeasterly direction, along said curve to the right, through a central angle of 18 degrees, 11 minutes, 39 seconds, an arc distance of 27.94 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve; said point being the beginning of a curve to the left whose center bears North 45 degrees, 03 minutes, 55 seconds West, a distance of 265.94 feet from said point; (Wooded Lake Drive having a 60-foot right-of-way at this point);

In a northeasterly direction, along said curve to the left, through a central angle of 50 degrees, 46 minutes, 21 seconds, an arc distance of 235.66 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve;

North 05 degrees, 50 minutes, 16 seconds West, a distance of 21.95 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set; said point being the beginning of a curve to the right whose center bears North 84 degrees, 09 minutes, 44 seconds East, a distance of 184.51 feet from said point;

In a northeasterly direction, along said curve to the right, through a central angle of 45 degrees, 31 minutes, 17 seconds, an arc distance of 146.5 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve;

North, 39 degrees, 41 minutes, 01 seconds East, a distance of 145.51 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set; said point being the beginning of a curve to the left whose center bears North 50 degrees, 18 minutes, 59 seconds West, a distance of 214.19 feet from said point;

In a northeasterly direction, along said curve to the left, through a central angle of 27 degrees, 44 minutes, 53 seconds, an arc distance of 103.73 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being in the north line of Christian College Subdivision and said Crest Addition;

THENCE, North 44 degrees, 52 minutes, 00 seconds East, along the north line of said Christian College Subdivision and said Crest Addition, a distance of 122.64 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being in the west corner of a tract of land described in deed to Dallas Christian School, Inc., recorded in Volume 84209, Page 3997, Deed Records, Dallas County, Texas;

THENCE, along the southwest line of said Dallas Christian School, Inc. tract and the northeast line of the Crest Addition, the following three (3) courses and distances:

South 45 degrees, 00 minutes, 00 seconds East, a distance of 697.33 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

North 44 degrees, 52 minutes, 01 seconds East, a distance of 24.04 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner;

South 45 degrees, 00 minutes, 00 seconds East, a distance of 825.08 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being in said north right-of-way line of Republic Parkway;

THENCE, in a southwesterly direction, along said north right-of-way of Republic Parkway, the following four courses and distances:

South 44 degrees, 53 minutes, 52 seconds West, a distance of 189.20 feet to a 1/2-inch iron rod found at the beginning of a curve to the right whose center bears North 45 degrees, 06 minutes, 08 seconds West, a distance of 810.00 feet from said point;

In a southwesterly direction, along said curve to the right, through a central angle of 20 degrees, 43 minutes, 07 seconds, an arc distance of 292.90 feet to a 1/2-inch iron rod found at the end of said curve; said point being the beginning of a curve to the left whose center bears South 24 degrees, 23 minutes, 01 seconds East, a distance of 800.00 feet from said point;

In a southwesterly direction, along said curve to the left, through a central angle of 20 degrees, 40 minutes, 54 seconds, an arc distance of 321.36 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve;

South 44 degrees, 56 minutes, 05 seconds West, a distance of 74.74 feet to a 1/2-inch iron rod found at the east end of said right-of-way corner clip, a distance of 78.29 feet to the POINT OF BEGINNING.