

ORDINANCE NO. 2984  
File No. LBA-2

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 ZONING CHANGE FOR A CONDITIONAL USE PERMIT FOR OUTDOOR SALES FOR A NEW CAR DEALERSHIP, WITH THE STIPULATION THAT THE USE EXCLUDE A BODY SHOP; 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 zoning change for a new car dealership, with the stipulation that the use exclude a body shop. The subject property is a 4.64 acre tract located at the northeast corner of IH 635 and Oates Drive 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

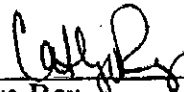
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

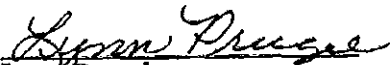
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and emergency for 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.

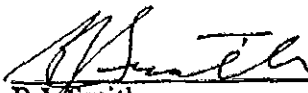
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of August, 1994.

  
\_\_\_\_\_  
Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

  
\_\_\_\_\_  
B.J. Smith  
City Attorney

## PROPOSED SATURN DEALERSHIP

BEING a tract of land situated in the Theophalus Thomas Survey Abstract No. 1461, Dallas County, Texas; said tract being a part of the Long Branch Addition Lot 1 Block B, as recorded in Volume 84232 Page 3742 Deed Records Dallas County, Texas (DRDCT); also being all of a 0.4722 acre tract as shown on survey by Buddy J. Roberts RPLS #3510/Dal-tech Engineering, Inc. (Dal-Tech job #9328) dated May 18, 1993; and being more particularly described as follows:

BEGINNING at the intersection of the northwest line of Oates Drive (100 ft. ROW) and the northeast line of Interstate Highway Loop No. 635 (variable width ROW);

THENCE North  $10^{\circ}34'49''$  West, along said northeast line, for a distance of 197.86 ft. to a Texas Highway Dept. 4" brass disc found for corner;

THENCE North  $33^{\circ}03'34''$  West, continuing along said northeast line, for a distance of 214.06 ft. to a point for corner;

THENCE North  $85^{\circ}27'36''$  West, continuing along said northeast line, for a distance of 56.26 ft. to a Texas Highway Dept. 4" brass disc found for corner;

THENCE North  $15^{\circ}37'39''$  West, continuing along said northeast line, for a distance of 104.41 ft. to a point for corner, said point being the most westerly corner of proposed Lot 7 of the proposed Saturn dealership;

THENCE North  $45^{\circ}48'26''$  East, departing said northeast line and along the northwest line of said proposed Lot 7, for a distance of 336.28 ft. to a point for corner on the southwest line of a proposed 60 ft. wide street, said point being the most northerly corner of said Lot 7;

THENCE South  $44^{\circ}11'34''$  East, along the southwest line of said proposed street, for a distance of 305.95 ft. to a point for corner at the beginning of a circular curve to the left;

THENCE continuing along said southwest line with said circular curve to the left having a central angle of  $21^{\circ}11'20''$ , a radius of 280.00 ft., a tangent length of 52.37 ft., and a chord of South  $54^{\circ}47'14''$  East 102.96 ft., for an arc distance of 103.55 ft. to a point for corner at a point of reverse circular curvature to the right;

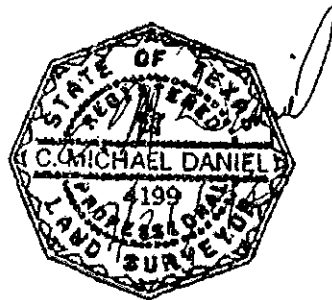
THENCE continuing along said southwest line with said circular curve to the right having a central angle of  $20^{\circ}48'08''$ , a radius of 220.00 ft., a tangent length of 40.38 ft., and a chord of South  $54^{\circ}58'50''$  East 79.44 ft., for an arc distance of 79.87 ft. to a point of tangency for corner;

(cont. on pg. 2)

(cont. from pg. 1)

THENCE South 44°34'46" East, continuing along said southwest line, for a distance of 20.00 ft. to a point for corner at the intersection of said southwest line with the northwest line of said Oates Drive;

THENCE South 45°25'14" West, along said northwest line, for a distance of 533.91 ft. to the POINT OF BEGINNING and containing 4.6467 acres or 202,409 sq. ft. of land.



This description is not intended for the conveyance of real property.