

ORDINANCE NO. 3087  
File No. 1462-216

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 APPROVE A CONDITIONAL USE PERMIT FOR OUTDOOR SALES/DISPLAY (USED CARS), SUBJECT TO 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 approve a Conditional Use Permit for Outdoor Sales/Display (used cars), subject to the following conditions:

1. Minimum 14 acre site;
2. Access to a primary street or thoroughfare;
3. Freeway frontage;
4. 75,000 square foot building - may be no more than 3 buildings;
5. 100% masonry construction on all buildings;
6. All parking lots of concrete construction;
7. Site plan review by City Council;
8. Minimum of 10% landscaping;
9. No outdoor speakers;
10. Minimum 10,000 square foot showroom;
11. No more than 50% of building committed to service and make-ready with no major auto repairs or body work;
12. Vehicles for wholesale removed weekly and holding area for wholesale vehicles to be screened with an 8-foot fence with landscaping around it;
13. Lighting directed away from residences and freeway;

14. 95% of total vehicle inventory for display and sale is to consist of current calendar year plus three (3) previous calendar years and no more than 50,000 miles registered on the speedometer;
15. Prohibit use of pennants, banners, streamers and portable signs; and
16. Orient all service bay doors away from the freeway and Towne Centre Drive.

The subject 15.9 acre tract is located at the southwest corner of the Towne Centre Drive and IH 635 Frontage Road intersection; City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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.

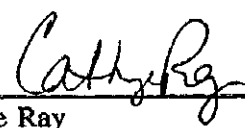
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

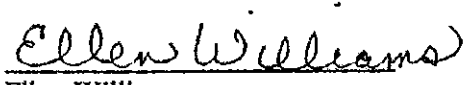
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,  
on the 15th day of April, 1996.



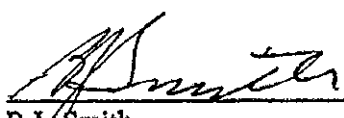
Cathye Ray  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney

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**LEGAL DESCRIPTION  
15.9990 ACRES**

**BEING** a tract of land out of the DANIEL TANNER SURVEY, Abstract No. 1462, in the City of Mesquite, Dallas County, Texas and being part of a 24.22 acre tract of land described in deed to ANNIE G. RIGGS, recorded in Volume 4190, Page 301 of the Deed Records of Dallas County, Texas and part of a 56.8566 acre tract of land described in deed to JEANETTE FRANKLIN and EVLIN K. FRANKLIN TRUST, recorded in Volume 72139, Page 1698 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a 5/8" iron rod found for the intersection of the southeasterly right-of-way line of Towne Centre (80' ROW at this point) with the westerly right-of-way line of LBJ Freeway (I.H. No. 635 - variable width ROW);

**THENCE** with the said westerly right-of-way line of LBJ Freeway, South 07°15'21" East; passing a 5/8" iron rod found for the intersection of the said westerly right-of-way line of LBJ Freeway with the common line of the beforementioned 24.22 acre tract and 56.8566 acre tract at a distance of 59.68 feet; in all a total distance of 109.79 feet to a Texas Highway Department concrete monument found for corner

**THENCE** continuing with the said westerly right-of-way line, the following courses and distances to wit:  
South 23°12'35" East, a distance of 365.19 feet to a Texas Highway Department aluminum disc found for corner;  
South 07°21'16" East, a distance of 278.00 feet to a 3/4" iron rod found in the northwesterly right-of-way line of a TU Electric Company (a.k.a. Dallas Power and Light Company) right-of-way (125' ROW);

**THENCE** with the said northwesterly right-of-way line, South 44°52'26" West, a distance of 508.42 feet to a 1/2" iron rod found for the easterly corner of a 5.897 acre tract of land described in deed to Irving Klein, recorded in Volume 89196, Page 1315 of the Deed Records of Dallas County, Texas;

**THENCE** with the northeasterly line of the 5.897 acre tract of land, the following courses and distances to wit:  
North 43°22'54" West, a distance of 54.31 feet to a 1/2" iron rod found for corner;  
North 45°03'12" West, a distance of 540.67 feet to a 1/2" iron rod found for corner in the southeasterly line of said 56.8566 acre tract of land and for the northerly corner of said 5.897 acre tract of land;

**THENCE** with the northwesterly line of the said 5.897 acre tract, South 44°47'04" West, a distance of 221.70 feet to a 1/2" iron rod found for the easterly corner of a 2.359 acre tract of land conveyed to APARTMENT MANAGEMENT, INC. by deed recorded in Volume 80131, Page 3277 of the Deed Records of Dallas County, Texas;

**THENCE** with the easterly line of said 2.359 acre tract of land, North 13°04'25" West, a distance of 518.95 feet to a 5/8" iron rod found in the southeasterly right-of-way line of Towne Centre;

**THENCE** with the said southeasterly right-of-way line, the following courses and distances to wit:  
North 44°56'09" East, a distance of 22.98 feet to a 5/8" iron rod found for corner;  
South 45°02'51" East, a distance of 19.99 feet to a 5/8" iron rod found for the beginning of a non-tangent curve to the right, having a central angle of 29°26'43", a radius of 580.00 feet and a chord bearing and distance of North 59°41'39" East, 294.80 feet;  
Easterly with said curve, an arc distance of 298.07 feet to a 5/8" iron rod set for the point of tangency;  
North 74°25'00" East, a distance of 595.88 feet to the POINT OF BEGINNING and containing 15.9990 acres of land.



**RETAKE  
OF  
PREVIOUS  
DOCUMENT**



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