

ORDINANCE NO. 3145
File No. LBA-3

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 CHANGE OF ZONING FROM LIGHT COMMERCIAL AND GENERAL RETAIL TO PLANNED DEVELOPMENT LIGHT COMMERCIAL ALLOWING ALL USES OF THE LIGHT COMMERCIAL DISTRICT AND PERMITTING OUTDOOR SALES/USED CARS, WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 change of zoning from Light Commercial and General Retail to Planned Development Light Commercial, allowing all uses of the Light Commercial District and permitting outdoor sales/used cars with the following stipulations:

1. Minimum 7.671 acre site;
2. Access to a primary street or thoroughfare;
3. Freeway frontage;
4. Minimum 20,000 square foot building;
5. 100% masonry construction of the building;
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. Lighting directed away from residential property and freeway;
13. 70% of the total vehicle inventory for display and sale to be less than 9 years old;
14. Prohibit use of pennants, banners, streamers and portable signs;
15. Orient all service bay doors away from the freeway;
16. No prices or messages, written or displayed, on windshields;
17. Vehicles for wholesale removed weekly and the holding area for wholesale vehicles screened with an eight-foot fence and landscaped around perimeter of fence;
18. Screening and landscaping as presented on the property adjacent to the apartment complex;
19. All vehicles cleaned and presented in individual parking spaces;
20. All vehicles free of rust on all metal;
21. No rips or tears on canvas or vinyl tops of vehicles;
22. All wheels covered on all vehicles with wheel covers or hubcaps;
23. All vehicles completely reconditioned before displayed on the sales lot;
24. Landscaping professionally planted, irrigated and maintained; and
25. No exterior body damage on any vehicle displayed for sale.

The subject property is a 7.671 acre tract located at the northeast corner of IH-635 and Oates Drive 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. 3042 of the Mesquite City Code.

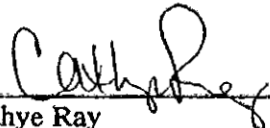
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided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

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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, and a conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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 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.

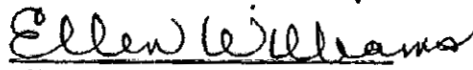
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 17th day of March, 1997.




Cathye Ray
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

00201

EXHIBIT "A"

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OWNER'S CERTIFICATE

State of Texas

County of Dallas

WHEREAS, AUTONATION, INC. is the owner of a 7.671 acre tract situated in the Theophilus Thomas Survey, Abstract No. 1461, Dallas County, Texas, said tract being part of Lot 1, Block B, Long Branch Addition, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 84232 Page 3742, of the Deed Records, of Dallas County, Texas; said 7.671 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "Pacheco Koch" cap set in the northwest right-of-way line of Oates Drive (a 100 foot wide right-of-way); said point being the east corner of Lot 1R and a 80 foot wide Private Utility and Access Easement as dedicated by the plat of Long Branch Addition, Block B, Lot 1R, an addition to the City of Mesquite, Texas and recorded in Volume 95036, Page 1355 of the Deed Records of Dallas County, Texas;

THENCE, departing side northwest right-of-way line and along the northeast line of said Lot 1R and said Private Utility and Access Easement the following four courses and distances;

North 44 degrees, 34 minutes, 46 seconds West, a distance of 20.00 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 South 45 degrees, 25 minutes, 14 seconds West, a distance of 280.00 feet from said point;

Northwesterly, along said curve to the left, through a central angle of 20 degrees, 48 minutes, 08 seconds, an arc distance of 101.66 feet on a chord bearing of North 54 degrees, 58 minutes, 50 seconds West, on a chord distance of 101.10 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the beginning of a reverse curve to the right whose center bears North 24 degrees, 37 minutes, 06 seconds East, a distance of 220.00 feet from said point;

Northwesterly, along said reverse curve to the right, through a central angle of 21 degrees, 11 minutes, 20 seconds, an arc distance of 81.36 feet on a chord bearing of North 54 degrees, 47 minutes, 14 seconds West and a chord distance of 80.90 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner

South 45 degrees, 48 minutes, 26 seconds West, a distance of 60.00 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set in the northeast line of said Lot 1R;

THENCE, North 44 degrees, 11 minutes, 34 seconds West, along said northeast line of Lot 1R, a distance of 305.95 feet to a 1/2-inch iron rod with "Pacheco Koch" cap for corner;

THENCE, South 45 degrees, 48 minutes, 26 seconds West, along a northwest line of said Lot 1R, a distance of 339.88 (336.26 Plat) feet to a 1/2-inch iron rod with "Pacheco Koch" cap set in the northeast line of Interstate Highway No. 635, LBJ Freeway (a variable width right-of-way);

THENCE, North 16 degrees, 07 minutes, 02 seconds West, along the said northeast right-of-way line of Interstate Highway 635, a distance of 70.15 feet to a cut "+" found for an angle point;

THENCE, North 08 degrees, 58 minutes, 01 seconds West, continuing along the northeast right-of-way line of Interstate Highway 635, a distance of 544.40 (543.88 Plat) feet to a 1/2-inch iron rod with "Pacheco Koch" cap set for corner; said point being the most westerly southwest corner of Lot 1, Block A, Long Branch Addition, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 84152, Page 5241 of the Deed Records of Dallas County, Texas;

THENCE, North 45 degrees, 47 minutes, 05 seconds East, departing said northeast line of Interstate Highway 635 and along the southeast line of said Lot 1, Block A, a distance of 253.23 (252.02 Plat) feet to a 1/2-inch iron rod found at the re-entrant corner of said Lot 1, Block A;

THENCE, South 44 degrees, 10 minutes, 07 seconds East, along a southwest line of said Lot 1, Block A, a distance of 789.35 feet to a 5/8-inch iron rod found at an angle point;

THENCE, South 44 degrees, 35 minutes, 07 seconds East, continuing along said southwest line of Lot 1, Block A, a distance of 221.00 feet to a 1/2-inch iron rod found for corner; said point being in the said northwest right-of-way line of Oates Drive;

THENCE, South 45 degrees, 25 minutes, 14 seconds West, along said northwest right-of-way line, a distance of 167.63 feet to the POINT OF BEGINNING;

CONTAINING, 334,153 square feet or 7.671 acres of land, more or less.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: