

ORDINANCE NO. 3273

File No. 34-29

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 AN OUTDOOR SALES AND DISPLAY LOT FOR MODEL HOMES, SUBJECT TO 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 changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication, 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 an outdoor sales and display lot for model homes, subject to the following stipulations:

1. Display shall be in conformance with the concept plan presented. In particular, homes shall be displayed around a landscaped courtyard;
2. Display shall be limited to ten (10) model homes, all of which must be installed on permanent foundations, fully decorated, landscaped in a manner comparable to typical residential and climate-controlled;
3. Sales and design center buildings must be of exterior masonry construction;
4. Wood fencing with stone columns, as shown on the drawing presented, shall be installed and maintained on the east and west sides of the property to screen the display area;
5. Detailed landscape and screening plan shall be reviewed and approved by the Planning and Zoning Commission;

6. No inventory storage shall be permitted on the site;
7. All model homes shall be constructed with exterior walls having a minimum thickness of six (6) inches, having drywall on the inside of the wall, and having a minimum 1,500 square feet;
8. The sale of mobile homes shall not be permitted. For the purposes of this ordinance, *Mobile Home* is defined as a manufactured home specifically designed to be moved numerous times after original setup, to be installed on a home site or in a mobile home park.

The subject property is a 6.558 acre tract located west of the Action Drive and U.S. Highway 67 frontage road intersection, fronting the south side of U.S. Highway 67, City of Mesquite, Dallas County, Texas, as described and shown on 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.

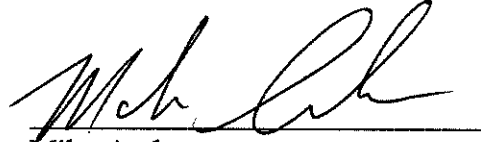
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be 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, and upon 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 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 16th day of November, 1998.



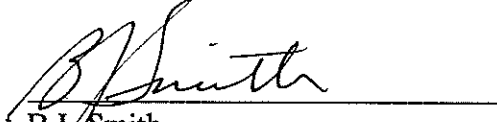
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

BEING a tract of land out of the W. O. Abbott Survey, Abstract No. 34, and part of a 8.971 acre tract conveyed to Gary D. McCormick in Volume 94218, Page 1508, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod found at the intersection of the Westerly ROW line of Action Drive (a 60' ROW) and the South ROW line of Interstate 30;

THENCE: S 29° 11' 40" E, 376.39 feet along the Westerly ROW line of Action Drive to a ½ inch iron rod found;

THENCE: S 00° 07' 40" E, 44.53 feet along the Westerly ROW line of Action Drive to a ½ inch iron rod found;

THENCE: N 89° 51' 58" E, 60.00 feet to a ½ inch iron rod set;

THENCE: S 00° 07' 40" E, 544.45 feet to the center of a creek for corner;

THENCE: along the center line of said creek the following calls:

N 55° 12' 23" W, 169.06 feet to a point for corner;

N 10° 18' 01" W, 100.00 feet to a point for corner;

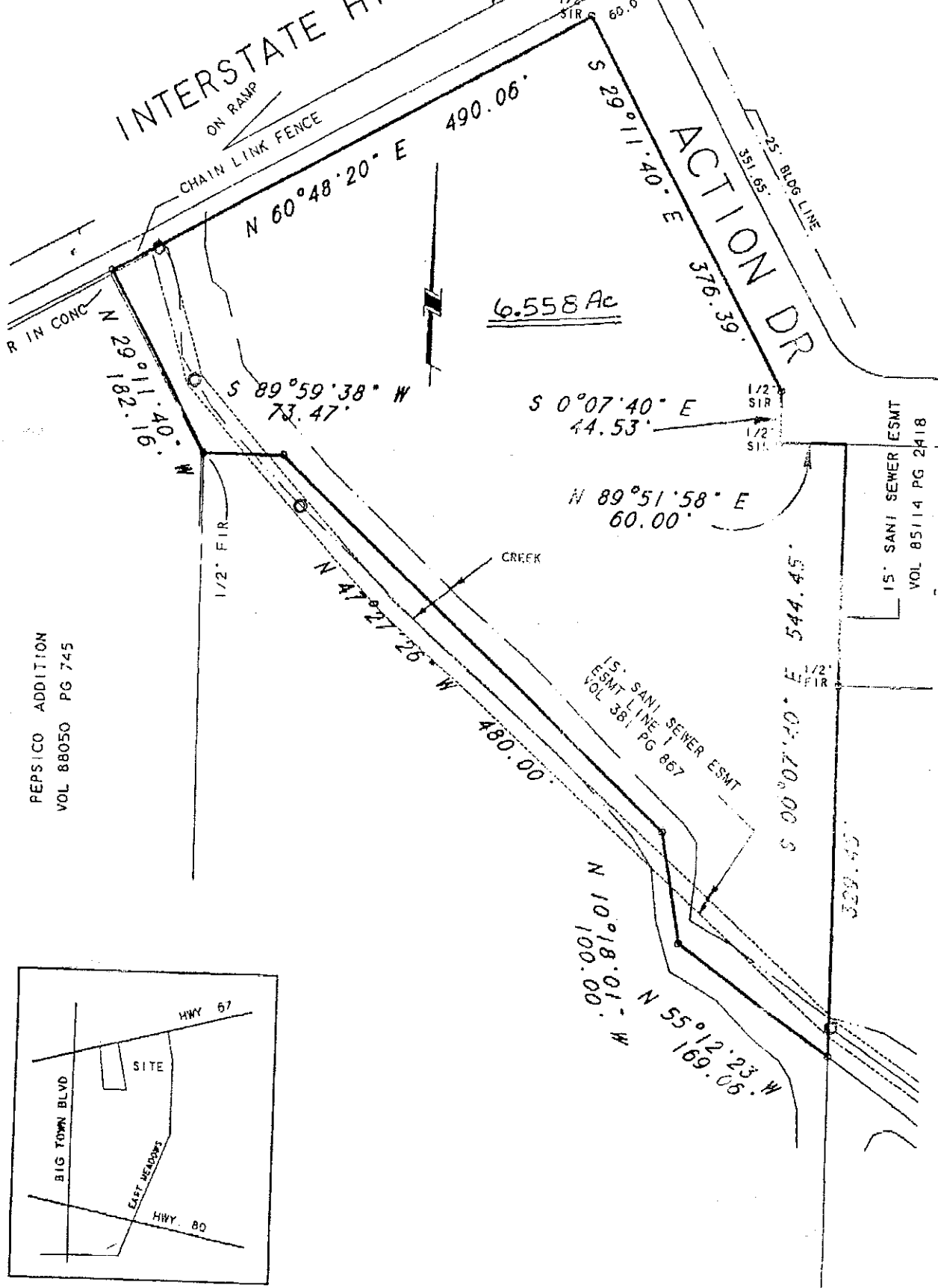
N 47° 27' 26" W, 480.00 feet to a point for corner;

S 89° 59' 38" W, 73.47 feet leaving said center line of creek to a ½ inch iron rod found in the East line of Pepsico Addition, recorded in Volume 88050, Page 745;

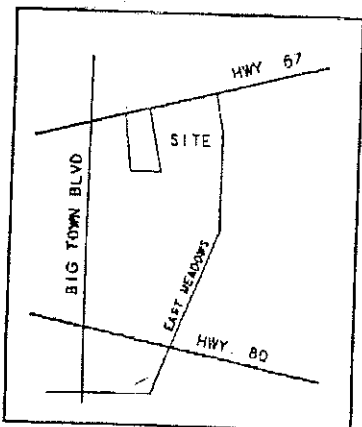
THENCE: N 29° 11' 40" W, 182.16 feet along said Pepsico Tract to a ½ inch iron rod found in concrete and the South ROW line of Interstate 30;

THENCE: N 60° 48' 20" E, 490.06 feet along the South ROW line of Interstate 30 to the PLACE OF BEGINNING and containing 6.558 acres of land.

INTERSTATE HIGHWAY 30



PEPSICO ADDITION
VOL 88050 PG 745



VICINITY MAP (NO SCALE)