

ORDINANCE NO. 3320
File No. 1461-126

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 A CAR WASH, 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 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 a Car Wash, subject to the installation of a landscape screen with automatic irrigation on the two sides of the property open to the Residential District. The subject property is a 0.43-acre tract located northwest of the Oates Drive and North Galloway Avenue intersection, City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

SECTION 2. 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.

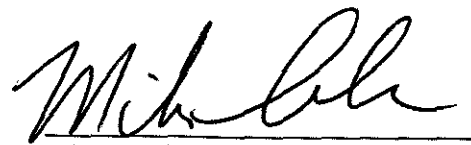
SECTION 3. That the foregoing change shall be, and is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

SECTION 4. 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 5. 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 6. That 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 7th day of September, 1999.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

Field Notes File #1461 - 126

Being a 0.554 acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas, and being a part of a 5.08 acre tract of land described in deed to Nairn/Oates and Galloway Inc. and recorded in Volume 83251, Page 0684, Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2 inch iron rod found for corner in the north right-of-way line of Oates Drive (a 100.00 foot right-of-way), same being in the west right-of-way line of Galloway Avenue N., said point being the southeast corner of Lot 1, Block 1, of the Country Club Grove 3RD section, as recorded in Volume 73091, Page 1984, of the Deed Records of Dallas County, Texas;

THENCE N 45 deg. 23 min. 00 sec. W, along the west right-of-way line of said Galloway Avenue N. and said east line of Lot 1, Block a a distance of 200.00 feet to a 1/2 inch iron rod found for corner, said point being the northeast corner of said Lot 1, Block 1;

THENCE S 44 deg. 43 min. 00 sec. W, along the west line of said Lot 1, Block 1, a distance of 150.00 feet to a 1/2 inch iron rod set for corner;

THENCE N 45 deg. 23 min. 00 sec. W, though the interior of said 5.08 acres a distance of 125.00 feet to a 1/2 inch iron rod set for corner;

THENCE N 44 deg. 43 min. 00 sec. E, continuing through the interior oid said 5.08 acre tract, a distance of 150.00 feet to a 1/2 inch iron rod set in the west right-of-way line of said Galloway Avenue N.;

THENCE S 45 deg. 23 min. 00 sec. E, along the west right-of-way line of said Galloway Avenue N. a distance of 125.00 feet to the POINT OF BEGINNING and containing 18,750 square feet or 0.43 acre of land.