

ORDINANCE NO. 3488

File No. EP-7

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 AND DISPLAY SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR 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 outdoor sales and display with the following stipulations:

1. That the development be consistent with the site plan submitted;
2. Comply with Section 3-600 Outdoor Display and Storage Regulations of the *Mesquite Zoning Ordinance*; and
3. Outdoor display shall be limited to campers and pickup truck assessories.

That the subject property is a 1.8-acre tract located approximately 2,000 feet west of the Big Town Boulevard and U. S. Highway 67 intersection and is more fully described in the approved field notes 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

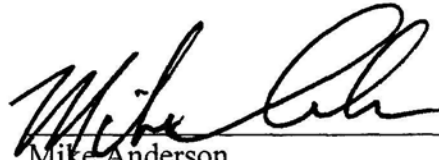
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 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. 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.

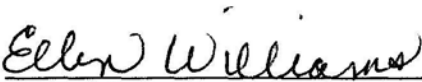
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of March, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

Field Notes
Zoning File No. EP-7

Whereas We, A & B HOSPITALITY, L.P. a TEXAS LIMITED PARTNERSHIP, are the owners of a portion of Lot 2R, Block C, Eastfield Plaza Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the Plat recorded in Volume 99242, Page 0066 of the Deed Records of Dallas County, Texas, according to the Deed recorded in Volume 99208, Page 407 and Volume 99208, Page 413 of the Deed Records of Dallas County, Texas, and being described by metes and bounds as follows;

BEGINNING at a ½ inch iron rod found in the northwest line of Interstate Highway No. 30 (U.S. Highway No. 67), same point being located at the southeasterly corner of a tract of land described in deed to Jane Motley Ashmore, same point also being located at the southwest corner of said Eastfield Plaza Addition;

THENCE North 01 degrees 32 minutes 00 seconds West with the common line between said Ashmore tract and said Eastfield Plaza Addition, a distance of 452.48 feet to a 5/8-inch capped iron rod marked "RPLS 4838" found for corner;

THENCE North 61 degrees 04 minutes 00 seconds East, a distance of 90.58 feet to a 5/8-inch capped iron rod marked "RPLS 4838" found for corner;

THENCE South 28 degrees 56 minutes 00 seconds East, a distance of 390.00 feet to a 5/8-inch capped iron rod marked "RPLS 4838" found in the said northwest line of Interstate Highway No. 30 for corner;

THENCE South 61 degrees 04 minutes 00 seconds West with said northwest line, a distance of 320.00 feet to the PLACE OF BEGINNING.

Containing a computed area of 80,063 square feet or 1.838 acres of land.