

ORDINANCE NO. 3489

File No. TWH-4

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 PLANNED DEVELOPMENT COMMERCIAL TO PLANNED DEVELOPMENT COMMERCIAL ALLOWING ALL USES PERMITTED IN THE COMMERCIAL DISTRICT AND ALLOWING GASOLINE SALES WITH A MAXIMUM OF EIGHT FUELING STATIONS PROVIDED SUCH GASOLINE SALES ARE IN CONJUNCTION WITH A PRIMARY RETAIL OPERATION AND PROHIBITING OUTDOOR DISPLAY AND STORAGE OF TIRES AND OTHER AUTOMOTIVE ACCESSORIES; 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 change of zoning from Planned Development Commercial to Planned Development Commercial allowing all uses permitted in the Commercial District, and allowing gasoline sales with a maximum of eight fueling stations provided such gasoline sales are in conjunction with a primary retail operation, and prohibiting outdoor display and storage of tires and other automotive accessories.

That the subject property is a 16.484-acre tract located approximately 700 feet west of the U. S. Highway 67 and Columbia Parkway intersection and is more fully described in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. That all ordinances, specifically Ordinances No. 2067 and No. 2450, 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.

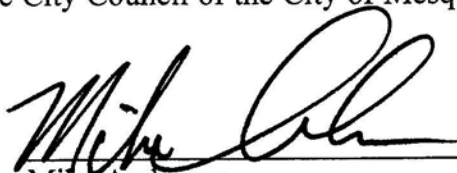
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

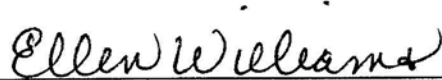
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

Field Notes
File No. TWH-4

Metes and Bounds Description
16.484 Acres
Theophalus Thomas League Survey, Abstract No. 1461
City of Mesquite, Dallas County, Texas

BEING a tract of land situated in the Theophalus Thomas League Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being part of Lot 2, Block A, Twin Hills Addition, an addition to the City of Mesquite according to the plat thereof recorded in Volume 96050, Page 3744 and as corrected in Volume 96055, Page 43, both Deed Records of Dallas County, Texas and being more particularly described as follows (bearings based on said plat):

BEGINNING at a 1/2-inch iron rod found in the northwesterly right-of-way line of Interstate Highway 30 (variable width right-of-way), said iron rod bears North $54^{\circ}48'42''$ East, a distance of 557.00 feet from the most easterly southeast corner of said Lot 2, Block A;

THENCE North $35^{\circ}11'18''$ West, departing said right-of-way, a distance of 941.91 feet to a 1/2-inch iron rod found for corner in the southeast right-of-way line of Republic Parkway (80' right-of-way);

THENCE with the southeast right-of-way of said Republic Parkway as follows:

North $44^{\circ}56'40''$ East, a distance of 347.21 feet to a 1/2-inch iron rod found for the beginning of a curve to the right;

Along the arc of said curve through a central angle of $22^{\circ}30'20''$, having a radius of 810.00 for an arc length of 318.16 feet and a chord bearing of North $56^{\circ}11'53''$ East, a chord distance of 316.12 feet to a 5/8-inch "KHA" capped iron rod set for the end of said curve;

THENCE South $42^{\circ}55'47''$ East, a distance of 1002.90 feet to a 5/8-inch "KHA" capped iron rod set for corner in the northeast right-of-way line of said Interstate Highway 30;

THENCE South $54^{\circ}48'42''$ West, with said right-of-way, a distance of 793.20 feet to the POINT OF BEGINNING and containing 16.484 acres of land.