

ORDINANCE NO. 3585

File No. TEC9-4

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 CONDITIONAL USE PERMIT ON PROPERTY ZONED COMMERCIAL THEREBY ALLOWING OUTDOOR SALES AND DISPLAY FOR A MOTORCYCLE DEALERSHIP; 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 on property zoned Commercial thereby allowing outdoor sales and display for a motorcycle dealership located at the northeast corner of Fair Green Drive and the U. S. Highway 67 Frontage Road and subject to the concept plan in Exhibit "C" attached hereto.

That the subject property is described as a 1.78-acre tract, being part of Lot 1, Block X, of the Town East Commercial No. 9 Addition and is more fully described in the approved field notes in Exhibits "A" and "B" 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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 are 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.

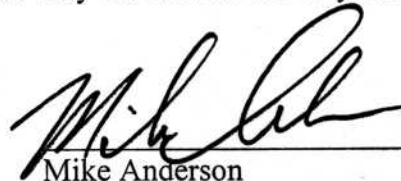
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

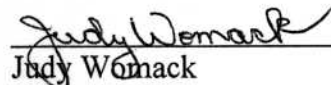
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 16th day of June, 2003.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

FROM

(PR)05.23.03 08:29/ST.08:28/NO 356142086: P 3

EXHIBIT "A"

**BEING A 1.8551 ACRE TRACT OF LAND SITUATED IN
THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND
BEING A PART OF LOT 1, BLOCK X, TOWN EAST
COMMERCIAL NO. 9, FOURTH SECTION, AS RECORDED
IN VOLUME 78214, PAGE 0012, MAP RECORDS,
DALLAS COUNTY, TEXAS.**

Being all that certain lot, parcel, or tract of land situated in the City of Mesquite, Dallas County, Texas, and being a portion of Lot 1, Block X, TOWN EAST COMMERCIAL NO. 9, FOURTH SECTION, an addition to the City of Mesquite, Dallas County, Texas, according to the Map thereof recorded in Volume 78214, Page 12, Map Records, Dallas County, Texas, same being conveyed to Silas A. Bryan Jr. by deed recorded in Volume 94223, Page 3452, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a 5/8 inch iron rod found for corner, and being in the Southeast line of U.S. Highway No. 67 (Interstate Highway No. 30), (a variable width right-of-way), and being in the Northeast line of Fair Green Drive (a 50 foot right-of-way);

Thence North 61 Degrees 03 Minutes 00 Seconds East, along the Southeast line of said U.S. Highway No. 67, passing a 5/8 inch iron rod at high bank corner with a yellow cap stamped (DC&A), at a distance of 280.00 feet, and continuing a total distance of 298.47 feet to a point for corner, and being the Northwest corner of Lot 2, Block X, of said TOWN EAST COMMERCIAL NO. 9, FOURTH SECTION;

Thence South 29 Degrees 14 Minutes 40 Seconds East, along the West line of said Lot 2, a distance of 103.47 feet to a point for corner;

Thence South 58 Degrees 14 Minutes 00 Seconds East, continuing along the aforesaid West line of said Lot 2, a distance of 134.75 feet to a point for corner, and being in the West line of said Lot 2, and being the North corner of the remainder of said Lot 1, Block X, of said TOWN EAST COMMERCIAL NO. 9, FOURTH SECTION;

Thence South 32 Degrees 38 Minutes 31 Seconds West, along the Northwest line of said remainder of said Lot 1, Block X, of said TOWN EAST COMMERCIAL NO. 9, FOURTH SECTION, passing a 5/8 inch iron rod set at high bank with a yellow cap stamped (DC&A), at a distance of 35.89 feet, and continuing a total distance of 68.32 feet to a 5/8 inch iron rod set for angle point, and being in the Northwest line of the remainder of said Lot 1, Block X, of said TOWN EAST COMMERCIAL NO. 9, FOURTH SECTION;

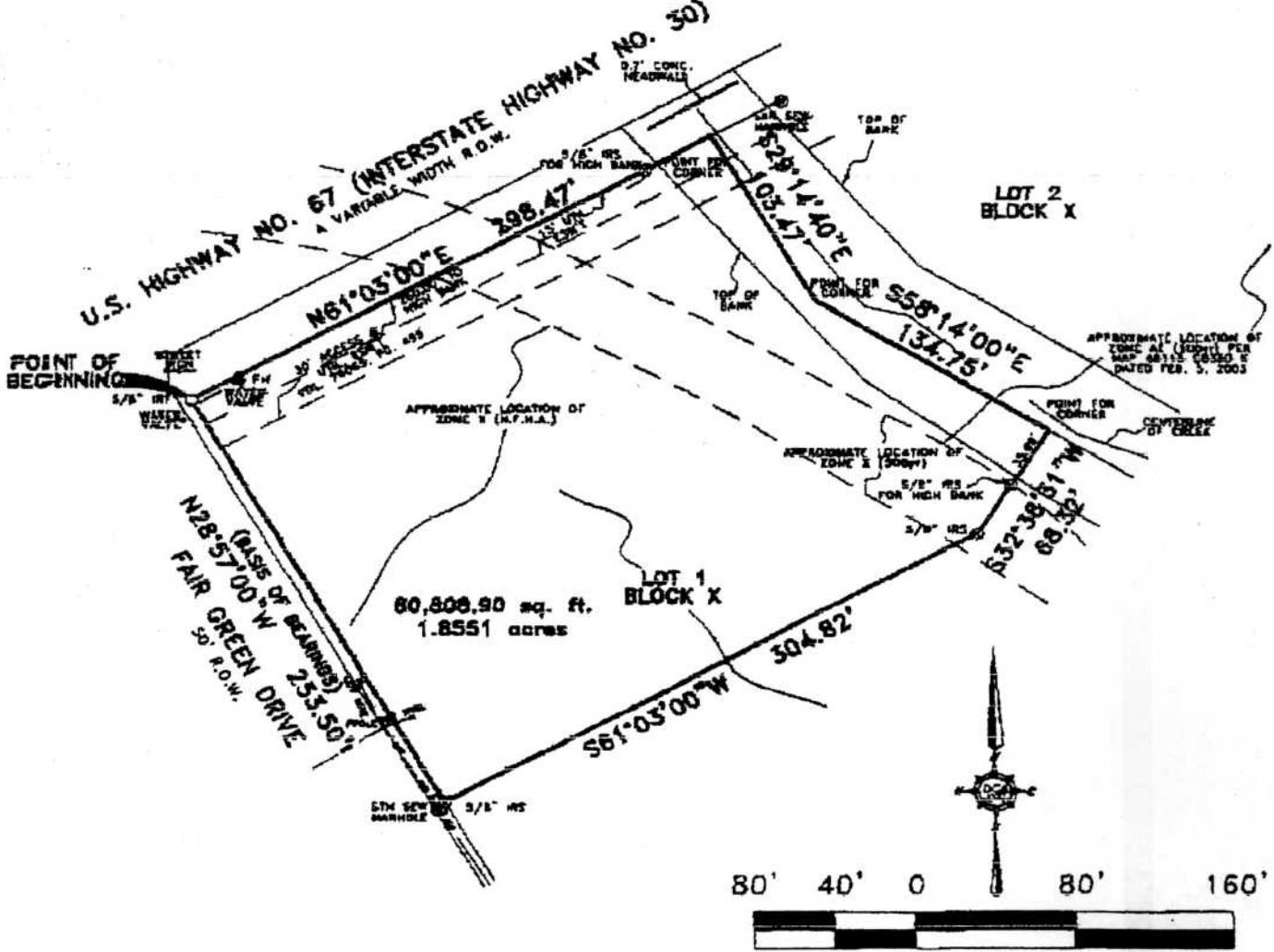
Thence South 61 Degrees 03 Minutes 00 Seconds West, continuing along the Northwest line of the remainder of said Lot 1, Block X, of said TOWN EAST COMMERCIAL NO. 9, FOURTH SECTION, a distance of 304.82 feet to a 5/8 inch iron rod set for corner with a yellow cap stamped (DC&A), and being in the Northeast line of said Fair Green Drive;

Thence North 28 Degrees 57 Minutes 00 Seconds West, continuing along the Northeast line of said Fair Green Drive, a distance of 253.50 feet to the Point of Beginning and containing 60,608.90 Square Feet or 1.8551 Acres of land.

JOB NO. 0503455-2
SHEET 1 OF 2

BRYAN CONNALLY
RPLS 5513
05/22/03

EXHIBIT "B"
 BEING A 1.8551 ACRE TRACT OF LAND SITUATED IN
 THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND
 BEING A PART OF LOT 1, BLOCK X, TOWN EAST
 COMMERCIAL NO. 9, FOURTH SECTION, AS RECORDED
 IN VOLUME 78214, PAGE 0012, MAP RECORDS,
 DALLAS COUNTY, TEXAS.



SCALE: 1" = 80'

GENERAL NOTES:

- 1) BEARINGS ARE BASED ON THE TOWN EAST COMMERCIAL NO. 9, FOURTH SECTION, AN ADDITION TO THE CITY OF DALLAS, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 78214, PAGE 0012, MAP RECORDS, DALLAS COUNTY, TEXAS.
- 2) 5/8" IRS = 5/8 INCH IRON ROD SET WITH YELLOW CAP STAMPED (DC&A)

OB NO. 0303455-2
 SHEET 2 OF 2

BRYAN CONNALLY
 RPLS 5513
 05/22/03

