

ORDINANCE NO. 3630
File No. 34-32

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 DISPLAY AND STORAGE 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 on property zoned Commercial thereby allowing outdoor display and storage subject to the following stipulations:

1. Traffic circulation, driveways, parking, screening, landscaping and display shall be in conformance with an approved concept plan, including a detailed landscaping and screening plan. Screening and landscaping shall comply with the Mesquite Zoning Ordinance. The concept plan presented shall be the approved concept plan.
2. Outdoor display shall be limited to 18 tractors on the two display pads shown on the concept plan.
3. Prior to outdoor storage of tractors and related equipment on the site (Phase 2), a screening fence, similar in design and construction to the existing fence (wood with masonry columns), must be installed as indicated on the concept plan.

4. Equipment shall exclude outdoor storage of parts or disassembled tractors.
5. All tractors and equipment placed outside shall be on an approved paved surface, as described in the Mesquite Zoning Ordinance, Section 3-600.
6. All repair, assembly and servicing of tractors and related equipment shall be conducted inside an enclosed structure.
7. At the time the warehouse building (Phase 2) is developed, all applicable City codes will be met.
8. A preliminary plat must be approved prior to obtaining a building permit. A final plat must be filed prior to obtaining a Certificate of Occupancy.

That the subject property is located west of the Action Drive and U. S. Highway 67 frontage road intersection, fronting the south side of the U. S. Highway 67 frontage road, 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 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

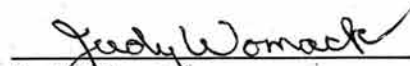
that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of January, 2004.



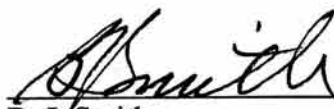
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

DATE: 01-05-03
 JOB NO. 74077ZONE-03
 SHEET 1 OF 2

BEING A TRACT OF LAND SITUATED IN THE W.O. ABBOTT SURVEY, ABSTRACT NO. 34, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF A CALLED 6.5582 ACRE TRACT OF LAND DESCRIBED IN A DEED TO KOSEL, INV., INC. AND LOWSEK, INC., OF RECORD IN VOLUME 2003134, PAGE 4938, DEED RECORDS OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND FOR CORNER AT THE INTERSECTION OF THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 30 (300' R.O.W.) WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF ACTION DRIVE (60' R.O.W.), SAID POINT BEING THE MOST NORTHERN CORNER OF SAID 6.5582 ACRE TRACT;

THENCE SOUTH 29°10'23" EAST, ALONG AN EASTERN BOUNDARY LINE OF LAST MENTIONED TRACT AND THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID ACTION DRIVE, A DISTANCE OF 376.39 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°06'25" EAST, ALONG AN EASTERN BOUNDARY LINE OF SAID 6.5582 ACRE TRACT, A DISTANCE OF 44.53 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT AN INTERIOR "ELL" CORNER THEREOF;

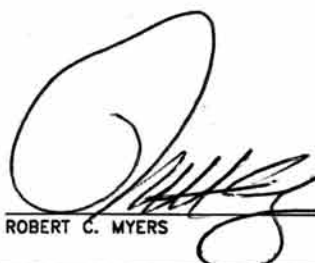
THENCE SOUTH 60°48'49" WEST, A DISTANCE OF 338.64 FEET TO A POINT FOR CORNER IN A SOUTHWEST BOUNDARY LINE OF SAID 6.5582 ACRE TRACT;

THENCE NORTH 47°25'27" WEST, ALONG A SOUTHWEST BOUNDARY LINE OF LAST MENTIONED TRACT, A DISTANCE OF 207.92 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT AN ANGLE POINT THEREOF;

THENCE NORTH 89°57'03" WEST, ALONG A SOUTHWEST BOUNDARY LINE OF LAST MENTIONED TRACT, A DISTANCE OF 73.47 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT AN ANGLE POINT THEREOF, SAID POINT ALSO BEING COMMON TO A CORNER OF LOT 1, BLOCK 1, PEPSICO ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 88050, PAGE 745, DEED RECORDS OF SAID COUNTY;

THENCE NORTH 29°20'05" WEST, ALONG THE COMMON LINE OF LAST MENTIONED TRACTS, A DISTANCE OF 181.90 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE COMMON NORTH CORNER THEREOF IN THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 30;

THENCE NORTH 60°48'30" EAST, ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 30 AND THE NORTHWEST BOUNDARY LINE OF SAID 6.5582 ACRE TRACT, A DISTANCE OF 490.02 FEET TO THE PLACE OF BEGINNING AND CONTAINING 4.194 ACRES OF LAND.



ROBERT C. MYERS

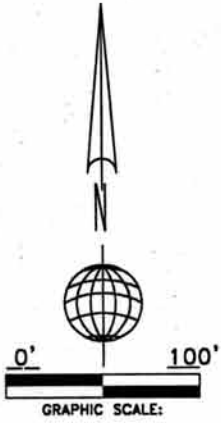
R.P.L.S. NO. 3963



EXHIBIT
 FOR
ZONING FILE NO. 34-32
4340 INTERSTATE HIGHWAY 30

PREPARED BY:
 ROBERT C. MYERS R.P.L.S. NO.3963
ANALYTICAL SURVEYS INC.
 707 EASY STREET, GARLAND, TEXAS, 75042
 OFFICE: (972) 272-6287
 FAX: (972) 272-8407
 E-MAIL: CMYERS@ANALYTICALINC.COM

DATE: 01-05-03
 JOB NO. 74077ZONE-03
 SHEET 2 OF 2



INTERSTATE HIGHWAY 30
 (300' R.O.W.)

BEGIN

ACTION DRIVE
 (60' R.O.W.)

4.194 ACRES

LOT 1, BLOCK 1
 PEPSICO ADDITION
 VOLUME 88050,
 PAGE 745
 D.R.D.C.T.

REMAINDER OF
 CALLED 6.5582 ACRE TRACT
 KOSEL, INV., INC. AND LOWSEK, INC.
 VOL. 2003134, PG. 4938
 D.R.D.C.T.

LINE	DISTANCE	BEARING
L1	44.53'	S 00°06'25" E
L2	73.47'	N 89°57'03" W
L3	181.90'	N 29°20'05" W


 ROBERT C. MYERS R.P.L.S. NO. 3963



EXHIBIT
 FOR
ZONING FILE NO. 34-32
4340 INTERSTATE HIGHWAY 30

PREPARED BY:
 ROBERT C. MYERS R.P.L.S. NO.3963
ANALYTICAL SURVEYS INC.
 707 EASY STREET, GARLAND, TEXAS, 75042
 OFFICE: (972) 272-6287
 FAX: (972) 272-8407
 E-MAIL: CMYERS@ANALYTICALINC.COM