

ORDINANCE NO. 3691  
File No. 34-34

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, DISPLAY AND STORAGE OF TRACTORS 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 sales, display and storage of tractors subject to the following stipulations:

1. Traffic circulation, parking, screening, landscaping and display and outdoor storage areas shall be in conformance with the approved concept plan (the "Plan"), including a detailed landscaping and screening plan submitted with the conditional use application and attached hereto as Exhibit "A." Screening and landscaping shall comply with the Mesquite Zoning Ordinance.
2. Outdoor display shall be limited to 18 tractors on two display pads shown on the Plan.
3. Outdoor storage shall be limited to the areas designated as such on the Plan.
4. Prior to outdoor storage of tractors and related equipment on the site, a screening fence (wood with masonry columns) must be installed as indicated on the Plan.

5. Outdoor storage shall not include storage of parts or disassembled tractors.
6. All tractors and equipment placed outside shall be on an approved paved surface, as described in the Mesquite Zoning Ordinance, Section 3-600.
7. All repair, assembly and servicing of tractors and related equipment shall be conducted inside an enclosed structure.
8. All structures shall meet all applicable City codes.
9. No caretakers or personnel may live on site for any period of time.
10. A preliminary plat must be approved prior to obtaining a building permit. A final plat must be recorded with Dallas County prior to obtaining a Certificate of Occupancy.

That the subject property is located at 4340 Interstate Highway 30 further described as a 10.75-acre tract being Tract 17, Page 245 of Abstract 34, and is more fully described in the approved field notes in Exhibit "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.

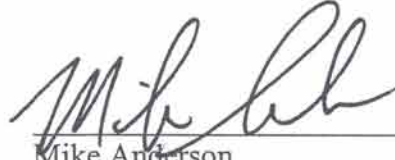
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 15th day of November, 2004.

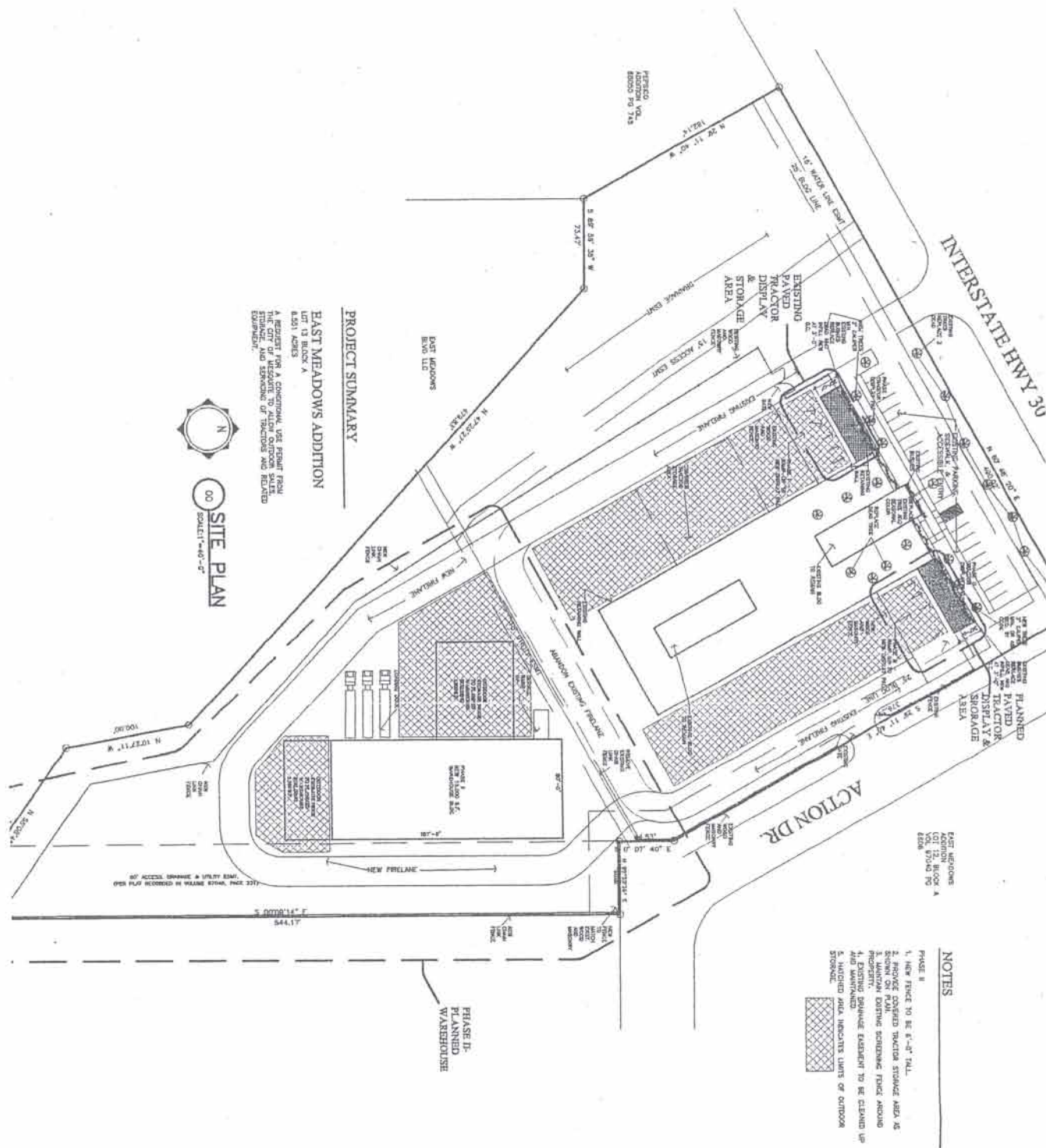


Mike Anderson  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Judy Womack  
City Secretary  
\_\_\_\_\_  
B. J. Smith  
City Attorney



**PROJECT SUMMARY**  
**EAST MEADOWS ADDITION**  
 LOT 13 BLOCK A  
 EAST 1300'S

A REQUEST FOR A CONDITIONAL USE PERMIT FROM THE CITY OF MESQUITE TO CONSIDER THE SALE, STORAGE, AND SERVICE OF TRACTORS AND RELATED EQUIPMENT.

**SITE PLAN**  
 SCALE: 1" = 40'-0"

**NOTES**

PHASE II

1. NEW FENCE TO BE 6'-0" TALL.
2. FENCE COVERED TRACTOR STORAGE AREA AS SHOWN ON PLAN.
3. EXISTING SIDEWALK FENCE AROUND PROPERTY.
4. EXISTING SIDEWALK EXISTENT TO BE CLEARED UP AND REINSTALLED.
5. ALL EXISTING PAVED IMPROVEMENTS TO BE CLEARED UP AND REINSTALLED.

CONDITIONAL USE SUBMITTAL

VINA TRACTOR COMPANY  
 LH. 30 / ACTION DRIVE  
 MESQUITE TEXAS

**JOHN E. WHEELER III**  
 ARCHITECT

5454 LA SIERRA DRIVE #205 DALLAS, TEXAS  
 (214)987-0180

JOB NO. 0313

NO.	DATE	DESCRIPTION
1	08/08/07	CONCEPT
2	07/08/07	CONCEPTS
3	04/08/07	CONCEPTS
4	03/08/07	CONCEPTS
5	02/08/07	CONCEPTS

DATE: 10-17-03  
 SHEET: 100

STATE OF TEXAS  
COUNTY OF DALLAS

## OWNERS CERTIFICATE

WHEREAS OANH VAN HOANG IS THE OWNER OF A TRACT OF LAND SITUATED IN THE W.O. ABBOTT SURVEY, ABSTRACT NO. 34, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING DESCRIBED AS A 6.5582 ACRE TRACT OF LAND IN A DEED TO OANH VAN HOANG, OF RECORD IN VOLUME 2004021, PAGE 6378, DEED RECORDS, DALLAS COUNTY, TEXAS, 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 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°57'21" EAST ALONG AN EASTERN LINE OF LAST MENTIONED TRACT AND THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID ACTION DRIVE, A DISTANCE OF 376.39 FEET TO AN "X" S FOR CORNER;

THENCE SOUTH 00°53'23" EAST ALONG AN EASTERN LINE OF SAID 6.5582 ACRE TRACT AND THE WEST RIGHT-OF-WAY LINE OF SAID ACTION DRIVE, A DISTANCE OF 44.53 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT AN INTERIOR "ELL" CORNER THEREOF;

THENCE NORTH 89°06'38" EAST ALONG A NORTH LINE OF SAID 6.5582 ACRE TRACT AND THE SOUTH RIGHT-OF-WAY LINE OF SAID ACTION DRIVE, A DISTANCE OF 60.00 FEET TO A 5/8" IRON ROD FOUND FOR CORNER AT A COMMON CORNER OF LAST MENTIONED TRACT AND LOT 7, BLOCK A, EAST MEADOWS ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 97045, PAGE 221, DEED RECORDS OF SAID COUNTY;

THENCE SOUTH 00°56'12" EAST ALONG THE MOST EASTERN LINE OF SAID 6.5582 ACRE TRACT AND THE WEST LINES OF SAID LOT 7 AND LOT 2, BLOCK A, EAST MEADOWS ADDITION NO. 1, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 85239, PAGE 4577, DEED RECORDS OF SAID COUNTY, A DISTANCE OF 544.17 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT THE COMMON CORNER OF SAID 6.5582 ACRE TRACT AND LOT 2, SAID POINT ALSO BEING COMMON TO THE MOST NORTHERN CORNER OF LOT 1, BLOCK A, EAST MEADOWS APARTMENTS, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 84077, PAGE 3910, DEED RECORDS OF SAID COUNTY;

THENCE IN A NORTHWESTERLY DIRECTION, ALONG THE SOUTHWEST BOUNDARY LINES OF SAID 6.5582 ACRE TRACT, THE FOLLOWING COURSES AND DISTANCES:

- 1) NORTH 55°55'43" WEST, A DISTANCE OF 169.06 FEET TO A POINT FOR CORNER;
- 2) NORTH 11°14'09" WEST, A DISTANCE OF 100.00 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;
- 3) NORTH 48°12'25" WEST, A DISTANCE OF 479.83 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;
- 4) SOUTH 89°15'59" WEST, A DISTANCE OF 73.47 FEET TO A 1/2" IRON ROD FOUND FOR CORNER AT A COMMON CORNER OF LAST MENTIONED TRACT AND 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 30°07'03" WEST ALONG THE COMMON LINE OF LAST MENTIONED TRACT AND SAID 6.5582 ACRE TRACT, 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°01'32" EAST ALONG THE SOUTHEAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 30 AND THE NORTHWEST LINE OF SAID 6.5582 ACRE TRACT, A DISTANCE OF 490.02 FEET TO THE PLACE OF BEGINNING AND CONTAINING 6.551 ACRES OF LAND.