

ORDINANCE NO. 3840
File No. 1461-141

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 LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW NEW AND/OR USED CAR SALES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS 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 on property zoned Light Commercial with a Conditional Use Permit to Commercial with a Conditional Use Permit to allow new and/or used car sales subject to the following stipulations:

1. Prohibit the use of streamers and portable signs.
2. No prices or messages, written or displayed, on windshields.
3. All spaces and access drives will need to be surfaced with asphalt or concrete.
4. No expansion of the outdoor display area.
5. The Conditional Use Permit is not transferable and shall be limited to Driverselect.
6. The Conditional Use Permit shall expire in five years at which time it is subject to renewal by the City Council.

7. The vehicles offered for sale shall be no more than five years old and with no more than 50,000 miles.

That the subject property is a 1.5-acre tract located at 16190 IH-635, described as part of Lot 5-R, Block A, Oates Corners Retail Addition, Block A, Lots 2A and 2B, 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.

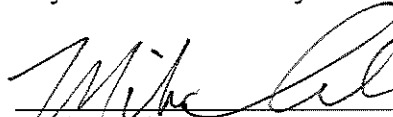
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

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 (\$2,000.00) Dollars 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 November, 2006.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

Field Notes
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Beginning at a ½-inch diameter iron rod (with a plastic cap stamped R.P.L.S. 4888) set at the Southwest corner of said Lot 5R, and the Northwest corner of Lot 2B of the Oates Corners Retail Addition, Block A, Lots 2A and 2B, an addition to the City of Mesquite, Texas, according to the Plat thereof recorded in Volume 87119, Page 3877, Map Records, Dallas County, Texas, said point being in the East line of Interstate Highway No. 635 (a variable width right-of-way);

Thence North 10 deg. 32 min. 11 sec. West, along the said East line of Interstate Highway No. 635, a distance of 120.00 feet to a ½ inch diameter iron rod found for corner, from which a cross cut found in concrete paving marking the South corner of Block A, Lot 4R, a Replat of part of Oates Corners Retail Addition, Block A, Lot 1, according to the Plat thereof recorded in Volume 94128, Page 4885, Map Records, Dallas County, Texas, bears North 14 deg. 39 min. 58 sec. West, 38.29 feet;

Thence in a Northeasterly direction, along the Southeasterly line of Oates Corners Retail Addition, an Addition to the City of Mesquite, Texas, according to the Plat thereof recorded in Volume 86122, Page 4454, Map Records, Dallas County, Texas, the following courses and distances:

North 47 deg. 55 min. 03 sec. East, a distance of 189.20 feet to a ½-inch diameter iron rod found for corner; North 29 deg. 21 min. 08 sec. East, a distance of 442.40 feet to 5/8-inch diameter iron rod found for corner; North 22 deg. 24 min. 37 sec. East, 283.78 feet to a cross cut found in concrete paving for corner; North 20 deg. 06 min. 45 sec. East, a distance of 70.53 feet to a ½-inch diameter iron rod found for corner (with a plastic cap stamped "PACHECO KOCH"); North 10 deg. 48 min. 51 sec. East, a distance of 52.13 feet to a ½-inch diameter rod (with a plastic cap stamped "PACHECO KOCH") found at the North corner of said Lot 5R;

Thence South 54 deg. 38 min. 00 sec. East, along the common boundary line between said Lot 5R and a called 7.206 acre tract of land described in Deed to Dallas Christian School, recorded in Volume 96251, Page 4387, Deed Records, Dallas County, Texas, a distance of 175.17 feet to "P.K." nail found for corner in the top of a chain link fence post.