

ORDINANCE NO. 3877
File No. CV17-7

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 SERVICE STATION TO PLANNED DEVELOPMENT-GENERAL RETAIL 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 Service Station to Planned Development-General Retail subject to the following stipulations:

1. Allow uses permitted by right under the General Retail zoning excluding uses that fall under the following Standard Industrial Classification (SIC):
 - a. SIC Code: 6099 Check Cashing Agencies
 - b. SIC Major Group Numbers:
 - (1) SIC Group 61 Nondepository Credit Institutions including similar uses such as payday loans
 - (2) SIC Group 721 Laundry, Cleaning and Garment Services
 - (3) SIC Group 75 Automotive Repair, Services
 - (4) SIC Group 55 Automobile Dealers, Service Stations
2. Removal of the existing pole sign located on the site.

3. Future pole signs shall be prohibited.
4. Architectural design shall be consistent with the Community Appearance Manual.
5. The proposed renovation of the canopy may be placed with a minimum 12-foot setback from the street right-of-way line.
6. The site shall comply with the landscaping requirements set out in the Mesquite Zoning Ordinance.
7. Masonry dumpster screening that matches the building.
8. Fencing shall be limited to the following:
 - a. A height of six feet or less.
 - b. Black coated or wrought iron fence material.
 - c. Consist of masonry columns along Hyde Park Drive and IH-30 right-of-way.
9. Outdoor display and storage shall be limited to products related to the garden nursery use.

That the subject property is located at 3708 Hyde Park Drive, 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 6th day of August, 2007.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

Field Notes
File No. CV17-7

Being a tract of land located in the City of Mesquite, Texas, being part of Block 5, known as part of Tract No. 2, Casa View Heights No. 17, an Addition to the City of Mesquite, Texas, according to the plat thereof recorded in Volume 37, Page 7 of the Map Records of Dallas County, Texas, and being described more particularly as follows:

BEGINNING at a steel rod at the intersection of the northwest line of U. S. Highway 67, Interstate Highway 30, with the northeast line of Hyde Park Drive;

Thence N 29° 07' W, along the northeast line of Hyde Park Drive, a distance of 120.0 feet to a steel nail in concrete for corner;

Thence N 60° 56' E, parallel with U. S. Highway 67, a distance of 150.0 feet to a steel rod for corner;

Thence S 29° 07' E, parallel with Hyde Park Drive, a distance of 120.0 feet to a pipe for corner on the northwest line of U. S. Highway 67;

Thence S 60° 56' W, along said line of U. S. Highway 67, a distance of 150.0 feet to the PLACE OF BEGINNING;

Containing 18,000 square feet of land.