

ORDINANCE NO. 3882
File No. 1462-254

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. The property shall be used exclusively for the following SIC Codes:
 - a. 753(a) Minor Auto Repair
 - b. 48(c) Telecommunications, Towers and Antennas
2. Removal of all existing pole signs.
3. Future pole signs shall be prohibited.
4. Architectural design shall be consistent with the Community Appearance Manual.
5. Except as modified herein, the site shall conform to the submitted site plan and comply with the landscaping requirements set out in the Mesquite Zoning Ordinance with the additional following requirements:
 - a. Decorative plantings and/or landscaping around the monument signage.
 - b. Foundation landscaping around the building.

- c. Enhance landscaping at the southeast corner at the intersection to Town East Boulevard and Motley Drive with a combination of all the following:
 - i. Bushes or hedges; and
 - ii. Flowerbeds and/or low ground plantings.
6. Masonry dumpster screening that matches the building.
7. All automotive repairs shall be conducted within the building.
8. Outdoor display shall be prohibited.
9. Outdoor storage shall be prohibited.
10. All exterior and landscape improvements shall be completed prior to obtaining building permits for the telecommunication facility.
11. The telecommunication facility shall be limited to flush-mounted antennas as indicated on the site plan dated July 2, 2007, and the tower shall not exceed the height of 80 feet.

That the subject property is located at 2728 Motley 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 20th day of August, 2007.



David Paschall
Mayor Pro Tem

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

FIELD NOTES
File No. 1462-254

BEING all of that certain 0.517 acre tract of land situated in the Daniel Tanner Survey, Abstract Number 1462, Dallas County, Texas, and being that certain tract of land described in a Special Warranty Deed to William Guzy and Glynda L. Guzy as recorded in Volume 2000213, Page 6405, of the Deed Records of Dallas County, Texas, and being more particularly as follows:

COMMENCING at the north corner of said tract;

THENCE South 40 degrees 17 minutes and 00 seconds East a distance of 151.18 feet to a point for corner;

THENCE South 45 degrees 00 minutes 00 seconds West a distance of 137.06 feet to a point for corner;

THENCE North 45 degrees 00 minutes 00 seconds West a distance of 163.00 feet to a point for corner;

THENCE North 49 degrees 43 minutes 00 seconds a distance of 150.00 feet to the POINT OF BEGINNING, containing 0.517 acres of land, more or less.