

ORDINANCE NO. 4069
File No. 1461-144-2009

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 TO LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT THEREBY ALLOWING FOR THE SALE OF USED CARS 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 from Light Commercial to Light Commercial with a Conditional Use Permit to allow for the sale of used cars subject to the following stipulations:

1. Landscaping shall be provided in compliance with Exhibit A.
2. No signs, banners or balloons of any kind may be placed on the property with the following exceptions:
 - a. One monument sign per street frontage.
 - b. Wall signs.
 - c. Three flag poles that must be located within 75 feet of the primary structure.
 - d. Directional/instructional signage as needed. Such signage shall not include advertising.
 - e. Signs must comply with City Sign Ordinance.
3. Each car on display must be parked/displayed fully within a striped parking space or inside of a building.

4. All cars onsite for sale shall be no older than four years old.
5. This Conditional Use Permit is granted for a period of three years from the date of issuance of the Certificate of Occupancy and shall be reviewed by the City Council at that time for compliance with stipulations 1 through 5. The Conditional Use Permit is approved exclusively to the applicant, Randall Reed's Planet Pre-Owned and may not be transferred or assigned.

That the subject property is a 7.95-acre lot located at 1919 Oates Drive.

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 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.

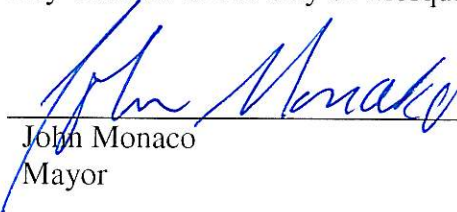
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 5th day of October, 2009.



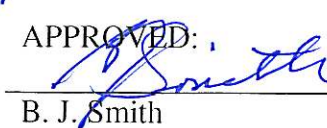
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

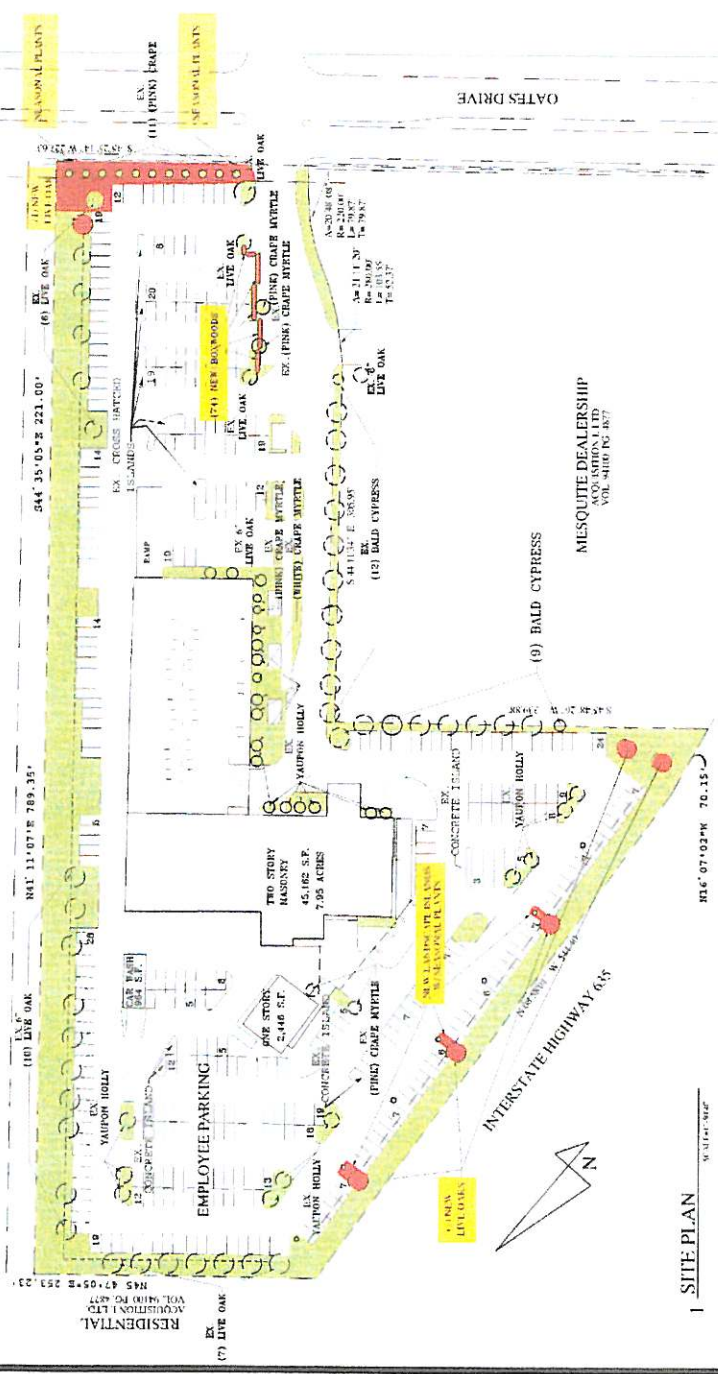
APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"

RESIDENTIAL
VOL. 40140 PG. 487

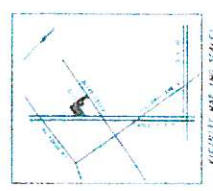


1 SITE PLAN

SITE DESCRIPTION:
 200' ± WIDE BLDG. 8' ± HIGH BRICK, 200' ± LONG
 10' ± HIGH BLDG. 8' ± HIGH BRICK, 100' ± LONG
 10' ± HIGH BLDG. 8' ± HIGH BRICK, 100' ± LONG
 10' ± HIGH BLDG. 8' ± HIGH BRICK, 100' ± LONG

LANDSCAPING:
 36,300 S.F. SITE
 7,200 S.F. EX. LANDSCAPE
 1,100 S.F. NEW LANDSCAPE
 6' HIGH SEASONAL BEDS ALONG
 OATES DRIVE

EXISTING TABULATIONS:
 200' ± WIDE BLDG. 8' ± HIGH
 10' ± HIGH BLDG. 8' ± HIGH
 EXISTING PARKING
 200' ± WIDE BLDG. 8' ± HIGH
 10' ± HIGH BLDG. 8' ± HIGH



LANDSCAPE TABLE

PLANTING TYPE	QUANTITY	SCIENTIFIC NAME	COMMON NAME	SIZE/TAPER
EXISTING	21	TANBERG MADAGASCAR PALM	EXISTING	3" CAL. BRUSH BR X 3' WIDE
EXISTING	6	QUERCUS VIRGINIANA	LIVE OAK	3" CAL. BRUSH BR X 3' WIDE
EXISTING	10	LAGERSTROMIA INDIANA	CRAPPE HORSTLE	3" CAL. BRUSH BR X 3' WIDE
EXISTING	22	PLATANUS OCCIDENTALIS	PLATANUS	3" CAL. BRUSH BR X 3' WIDE
EXISTING	74	BIUNUS BIRBOCELLA JAPONICA	BONANER	3" CAL. BRUSH BR X 3' WIDE

NOTE: PROVIDE BRIDGES OVER

ARCHITECT REGISTERED ARCHITECT
 CUP
 CALVERT & CO./ARCHITECTS, INC.
 1001 W. MAIN STREET
 CANTON, TX 75006
 (972) 446-0493

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 VOL. 40140 PG. 487

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