

ORDINANCE NO. 4463
File No. 1636-13-2016

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 WITHIN THE SKYLINE LOGISTICS HUB OVERLAY DISTRICT ON PROPERTY LOCATED AT 4616 SAMUELL BOULEVARD THEREBY ALLOWING FOR THE SALE OF USED MERCHANDISE 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 Conditional Use Permit (CUP) on property zoned Commercial within the Skyline Logistics Hub Overlay District for the sale of used merchandise subject to the following stipulations:

1. The used merchandise shall be limited to tires. It shall not include the sale of any other used merchandise.
2. All used merchandise must be placed directly onto an operational vehicle.
3. Merchandise display shall be orderly and similar in style and organization to typical displays at auto shops.
4. If labeled, previously-owned merchandise shall be marked as "pre-owned" or "used."

5. The only outdoor storage or display permitted is Incidental Outdoor Display.
6. The use of decorative lighting on any façade or visible to public view within windows or doors consisting of neon, LED or incandescent light ribbon, strip lights, light rope or light strings shall be prohibited.
7. Vehicles stored onsite overnight or incidental to repair shall only be parked in striped parking places located on the premises.

That the subject property is on the 0.51-acre developed tract located at 4616 Samuell Boulevard, described as Henry J. Webb Abstract 1636, Tract 8 and is more fully described in the approved field notes attached hereto as Exhibit "A."

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. 4216, 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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

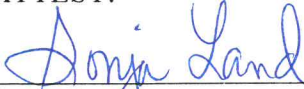
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 19th day of December, 2016.



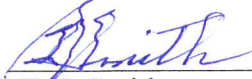
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"

BEING ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND LOCATED IN THE HENRY J. WEBB SURVEY, ABSTRACT NO. 1636, MESQUITE, DALLAS COUNTY, TEXAS, AND BEING THAT SAME TRACT OF LAND DESCRIBED IN DEED TO DONALD L. FREEMAN, RECORDED IN INSTRUMENT NO. 200900090712, DEED RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5129" FOUND IN THE SOUTH LINE OF SAMUELL BOULEVARD, A 120 FOOT WIDE PUBLIC RIGHT-OF-WAY, AT THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO BUCKNER BAPTIST BENEVOLENCES, RECORDED IN VOLUME 96047, PAGE 3972, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 89°29'18" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 140.00 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5129" FOUND AT THE MOST NORTHERLY, NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO BUCKNER BAPTIST BENEVOLENCES, RECORDED IN VOLUME 91171, PAGE 4376, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 00°56'48" EAST, A DISTANCE OF 158.75 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET AT AN INTERIOR "ELL" CORNER OF SAID BUCKNER BAPTIST BENEVOLENCES TRACT (VOL. 91171, PG. 4376), FROM WHICH A 5/8" IRON ROD FOUND FOR REFERENCE BEARS NORTH 89°29'18" WEST, A DISTANCE OF 0.30 FEET;

THENCE NORTH 89°29'18" WEST, A DISTANCE OF 140.00 FEET TO A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5310" SET IN THE EAST LINE OF SAID BUCKNER BAPTIST BENEVOLENCES TRACT (VOL. 96047, PG. 3972) AT THE MOST WESTERLY, NORTHWEST CORNER OF SAID BUCKNER BAPTIST BENEVOLENCES TRACT (VOL. 91171, PG. 4376), FROM WHICH A 1/2" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "RPLS 5129" FOUND FOR REFERENCE BEARS SOUTH 80°55'09" WEST, A DISTANCE OF 0.97 FEET;

THENCE NORTH 00°56'48" WEST, A DISTANCE OF 158.75 FEET TO THE PLACE OF BEGINNING AND CONTAINING 22,218 SQUARE FEET OR 0.510 OF AN ACRE OF LAND.