

ORDINANCE NO. _____
File No. 1461-149-2016

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 AMENDMENTS TO PLANNED DEVELOPMENT – LIGHT COMMERCIAL ORDINANCE NO. 2949 TO ALLOW USED CAR SALES BY CONDITIONAL USE PERMIT AND APPROVING A CONDITIONAL USE PERMIT TO PROPERTY LOCATED IN THE 4700 BLOCK OF NORTH GALLOWAY AVENUE THEREBY ALLOWING 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 amendments to Planned Development – Light Commercial Ordinance No. 2949 thereby adding a Conditional Use Permit subject to the following stipulations:

- (a) Amend the first stipulation in Ordinance No. 2949 by deleting it in its entirety and adding a new first stipulation in Ordinance No. 2949 to read as follows:
 - 1. Outdoor sales shall be limited to new car dealers, provided that used car sales may only be permitted by Conditional Use Permit.
- (b) Amend the stipulations in Ordinance No. 2949 by adding a new stipulation to read as follows:
 - 5. A Conditional Use Permit for the sale of used cars is hereby approved on Tract 2 subject to the following conditions:

- a. Any vehicle for sale shall be operable and maintained in good condition.
- b. No vehicle for sale shall have body damage greater than four inches in diameter.
- c. Painted repairs shall match the paint on the rest of the vehicle.
- d. Any vehicle for sale shall not have broken or cracked windows.
- e. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
- f. Any vehicle not ready for sale and in need of repair or detailing shall be kept in the rear of the property on a paved surface or inside of a structure.

That the subject property is located in the 4700 block of North Galloway Avenue and the parcel is part of Lot 3R, Block A, Crest Addition, 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 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 6th day of February, 2017.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



B. J. Smith
City Attorney

BEING a part of Lot 3R, Block A of the Crest Addition Block A, Lots 2R, 3R, and 5 a Replat of Lot 2 and Lot 3, Block A, an addition to the City of Mesquite, Dallas County, Texas, according to the Map thereof recorded in Volume 95238, Page 3761 of the Deed Records of Dallas County, Texas, and being a part of the same tract of land conveyed to Jack Crew, recorded in Volume 93227, Page 4378 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the most westerly South corner of said Lot 3R, said corner also lying in the Northeast line of N. Galloway Avenue (100.0 foot right-of-way);

THENCE North 45 degrees 03 minutes 55 seconds West, along the Northeast line of said North Galloway Avenue, a distance of 525.07 feet to a 1/2 inch iron rod found at the South corner of said Lot 5, Block A, of said Crest Addition;

THENCE North 44 degrees 52 minutes 22 seconds East, along the Southeast line of said Lot 5, a distance of 329.97 feet to a 5/8 inch iron rod set far corner;

THENCE South 45 degrees 03 minutes 55 seconds East, a distance of 577.02 feet to a 5/8 inch iron rod set in the Northwest line of said Republic Parkway, said corner also lying in a curve to left, having a radius of 890.00 feet, a delta angle of 15 degrees 19 minutes 31 seconds, a chord bearing of South 52 degrees 35 minutes 50 seconds West, and a chord distance of 237.34 feet;

THENCE along said curve to the left and the Northwest line of said Republic Parkway, an arc length of 238.05 feet to a 1/2 inch iron rod found for corner;

THENCE South 44 degrees 56 minutes 05 seconds West, along the Northwest line of said Republic Parkway, a distance of 74.74 feet to a 1/2 inch iron rod found for corner;

THENCE South 89 degrees 51 minutes 21 seconds West, a distance of 28.25 feet to the POINT OF BEGINNING, and CONTAINING 182,161.45 square feet or 4.182 acres of land.