

ORDINANCE NO. 908

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GRANT A CHANGE OF ZONING ON TWO TRACTS OF LAND AS FOLLOWS: TRACT I - FROM "C" COMMERCIAL AND "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "A" MULTIPLE-FAMILY DWELLING DISTRICT; TRACT II - FROM "A" MULTIPLE-FAMILY DWELLING AND "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "C" COMMERCIAL; SAID PROPERTY IS IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I - BEING A TRACT OR PARCEL OF LAND IN THE S. H. MILLER SURVEY, ABSTRACT NO. 974 AND CONTAINING 20.9022 ACRES OF LAND; TRACT II - BEING A TRACT OR PARCEL OF LAND IN THE S. H. MILLER SURVEY, ABSTRACT NO. 974 AND CONTAINING 16.0814 ACRES OF LAND; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HERewith; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE ZONING IS GRANTED SUBJECT TO THE DEVELOPMENT THEREOF BEING IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR THE DENSITY THEREOF; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan 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 said change of zoning should be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That: the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1964, be, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant

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a change of zoning on two tracts of property as follows: Tract I - from "C" Commercial and "R-3" Single-Family Dwelling District to "A" Multiple-Family Dwelling District; Tract II - from "A" Multiple-Family Dwelling and "R-3" Single-Family Dwelling District to "C" Commercial District; said property being in the City of Mesquite, Dallas County, Texas, and described in Exhibit "A" attached hereto and made a part of this ordinance.

SECTION 2. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed, and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the property described in Exhibit "A" and attached hereto shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. That the foregoing zoning 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. 858 of the Code of the City of Mesquite.

SECTION 5. That the density shall not be more than 18 units per acre, and the calculations for computing the density of the apartment units not include any acreage further than to the top of the bank of the drainage channel or lake. Approval of site plan by the City Planning Commission must be had, prior to the issuance of a Building Permit.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

EXHIBIT "A"

TRACT I  
(FROM "C" & "R-3" TO "A")

BEING a tract or parcel of land in the S. H. Miller Survey, Abstract No. 974, situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the South line of Military Parkway (200.0 feet wide), said point being South 86° 50' 20" East 280.0 feet from the intersection of said South line of Military Parkway with the Easterly line of Interstate Highway No. 635 (variable width);

THENCE, South 86° 50' 20" East along said South line of Military Parkway, 1306.66 feet to the most Easterly West line of a 10.38 acre tract conveyed to Donald Moorman and Walter Moorman by Deed dated June 6, 1969;

THENCE, South 0° 08' 20" East along said West line of the Moorman tract, 756.75 feet to the North line of said Moorman tract;

THENCE, South 89° 51' 40" West along said North line of the Moorman tract, 1002.23 feet;

THENCE, North 20° 06' 20" West, 885.17 feet to the PLACE OF BEGINNING, and containing 20.9022 acres of land.

TRACT II  
(FROM "A" & "R-3" TO "C")

BEING a tract or parcel of land in the S. H. Miller Survey, Abstract No. 974, situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the Easterly line of Interstate Highway No. 635 (variable width) with the South line of Military Parkway (200.0 feet wide);

THENCE, South 86° 50' 20" East along said South line of Military Parkway, 280.0 feet;

THENCE, South 20° 06' 20" East, 885.17 feet;

AN ATTACHMENT OF ORDINANCE NO. 908

EXHIBIT "A"/PAGE 2

THENCE, North 89° 51' 40" East, 344.23 feet to the West line of a 10.38 acre tract conveyed to Donald Moorman by Deed dated June 6, 1969;

THENCE, South 0° 04' 50" East along said West line of said Moorman tract 663.39 feet to a point on the South line of the above mentioned Miller Survey;

THENCE, North 89° 47' 40" West along said South line of the Miller Survey, 541.27 feet to its intersection with the Easterly line of Interstate Highway No. 635;

THENCE, along said Easterly line of Interstate Highway No. 635 as follows:

North 22° 24' 36" West, 165.24 feet;

North 67° 35' 24" East, 30.0 feet;

North 22° 24' 36" West, 310.0 feet;

North 10° 33' 35" West, 459.61 feet;

North 13° 56' 20" West, 623.02 feet to the PLACE OF BEGINNING AND CONTAINING 16.0814 acres of land.

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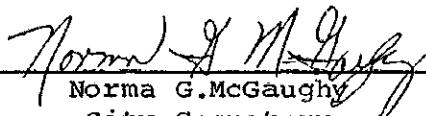
SECTION 8. Whereas, the property described in Exhibit "A" and attached hereto requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an 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 the caption of said ordinance, as the law in such cases provides.

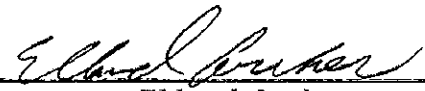
DULY PASSED by the City Council of the City of Mesquite, Texas, on the 7th day of December, A.D., 1970.

  
George Boyce  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughy  
City Secretary

  
Elland Archer  
City Attorney

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