

ORDINANCE NO. 915

Case 1462-72

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 FROM "I" INDUSTRIAL AND "C" COMMERCIAL DISTRICT TO "SP" SPECIAL PERMIT FOR A CEMENT MIXING PLANT FOR A THREE-YEAR PERIOD, WITH THE STIPULATION THAT IT BE REVIEWED SIX MONTHS PRIOR TO THE END OF THAT TIME, AND SUBJECT TO COMPLIANCE WITH ALL AIR POLLUTION CONTROLS OF THE CITY, COUNTY AND STATE; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND IN DALLAS COUNTY ABSTRACT NO. 1462, WITH THE FOLLOWING BOUNDARY DESCRIPTION: BEGINNING AT THE POINT OF INTERSECTION OF TEXAS AND PACIFIC RAILROAD RIGHT-OF-WAY AND LBJ FREEWAY RIGHT-OF-WAY; THENCE IN A WESTERLY DIRECTION ALONG TEXAS AND PACIFIC RIGHT-OF-WAY BOUNDARY A DISTANCE OF 425 FEET TO A POINT FOR CORNER; THENCE IN A SOUTHERLY DIRECTION, PARALLEL TO LBJ FREEWAY RIGHT-OF-WAY BOUNDARY, A DISTANCE OF 600 FEET TO A POINT FOR CORNER; THENCE 425 FEET IN AN EASTERLY DIRECTION, PARALLEL TO TEXAS AND PACIFIC RAILROAD RIGHT-OF-WAY TO THE WEST RIGHT-OF-WAY OF LBJ FREEWAY; THENCE ALONG LBJ RIGHT-OF-WAY A DISTANCE OF 600 FEET TO POINT OF BEGINNING AND CONTAINING APPROXIMATELY 5 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 FOREGOING ZONING IS GRANTED SUBJECT TO THE DEVELOPMENT OF THE LAND BEING IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; 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 Planning 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:

ORDINANCE/PAGE 2  
Case 1462-72

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MWSQUITE, 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 a change of zoning on the following described property from "I" Industrial and "C" Commercial Districts to "SP" Special Permit for a Cement Mixing Plant for a three-year period, with the stipulation that it be reviewed six months prior to the end of that time, and subject to compliance with all air pollution controls of the City, County and State; said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land in Dallas County Abstract No. 1462 with the following boundary description:

BEGINNING at the point of intersection of Texas & Pacific Railroad Right-of-Way and LBJ Freeway Right-of-Way;

THENCE in a Westerly direction along Texas & Pacific Right-of-Way boundary a distance of 425 feet to a point for corner;

THENCE in a Southerly direction, parallel to LBJ Freeway Right-of-Way boundary, a distance of 600 feet to a point for corner; THENCE 425 feet in an Easterly direction, parallel to Texas & Pacific Right-of-Way to the West Right-of-Way of LBJ Freeway;

THENCE along LBJ Right-of-Way a distance of 600 feet to point of beginning and containing approximately 5 acres of land.

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 above-described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

ORDINANCE/PAGE 3  
Case 1462-72

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 Mesquite City Code.

SECTION 5. 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.

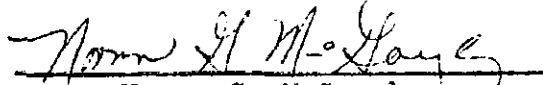
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. Whereas, the above-described property 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.

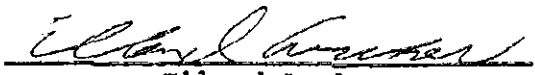
DULY PASSED BY the City Council of the City of Mesquite, on the  
4 day of January, A.D., 1971.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
Elland Archer  
City Attorney

78-156