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ORDINANCE NO. 1160

CASE 1462-89

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT "OFFICE" ZONING ON THE FRONTAGE ON THE EAST SIDE OF GROSS ROAD-GUS THOMASSON CONNECTION TO A DEPTH OF 200 FEET BEGINNING AT THE NORTHERMOST CORNER OF TRACT 1 AND EXTENDING TO A POINT DIRECTLY OPPOSITE THE NORTHERMOST CORNER OF THE "GENERAL RETAIL" ZONING, "GENERAL RETAIL" ZONING ON THE REMAINING 200-FOOT WIDE FRONTAGE ON GROSS ROAD-GUS THOMASSON, AND "COMMERCIAL" ZONING ON THE REMAINING PORTION OF TRACT 1; SAID PROPERTY BEING AN 11.66 ACRE TRACT OUT OF THE D. TANNER SURVEY, ABSTRACT 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS FILE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1973 ZONING ORDINANCE NOT IN CONFLICT HERewith; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE FOREGOING ZONING CHANGE IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED 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 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 said change of zoning should be granted herein:

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant "Office" zoning on the frontage on the East side of Gross Road - Gus Thomasson connection to a depth of 200 feet beginning at the Northermost corner of Tract 1 and extending to a point directly opposite the Northermost corner of the "General Retail" zoning, "General Retail" zoning on the remaining 200-foot wide frontage on Gross Road-Gus Thomasson, and "Commercial" zoning on the remaining portion of Tract 1, said property being an 11.66 acre tract out of the D. Tanner Survey, Abstract 1462, City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this file.

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" shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

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, sub-division, 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

EXHIBIT "A"
COMMERCIAL ZONING

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BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1462, situated in the City of Mesquite, Dallas County, Texas, and also being a part of a 74.15 acre tract of land conveyed to E. K. Franklin by Deed recorded in Volume 3860, Page 325 of the Deed Records of Dallas County, Texas, and also being a part of a 1.409 acre tract conveyed to E. K. Franklin by Henry S. Miller, Jr., Trustee, by deed dated March 26, 1973, and being more particularly described as follows:

BEGINNING at a point on the centerline of a proposed 100.0 foot wide drainage easement, also being the North line of said 1.409 acre tract, and being North $79^{\circ}26'31''$ East 217.9 feet from the Northwest corner of said 1.409 acre tract said corner being on the East right-of-way line of proposed Gross Road (100.0 feet wide);

THENCE North $79^{\circ}26'31''$ East along the centerline of said proposed 100.0 foot wide drainage easement, 548.89 feet to a point on the West line of a proposed 200.0 foot wide drainage easement;

THENCE along said West line of said proposed 200.0 foot wide drainage easement as follows:

South $3^{\circ}11'$ West, 5.67 feet; and South $17^{\circ}03'$ East, 333.05 feet to a point on the northwest right-of-way line of proposed Rustown Drive (60.0 feet wide);

THENCE South $44^{\circ}57'$ West along said Northwest right-of-way line of Rustown Drive, 829.53 feet to the beginning of a curve to the right;

THENCE Southwesterly along said curve to the right having a radius of 399.23 feet, a central angle of $9^{\circ}26'36''$ and a tangent of 32.97 feet, an arc distance of 65.79 feet;

THENCE North $45^{\circ}02'$ West, 96.77 feet;

THENCE North $4^{\circ}56'20''$ East, 787.73 feet to the PLACE OF BEGINNING, and containing 9.071 acres of land, of which 0.639 acres lie within the above mentioned proposed 100.0 foot wide drainage easement.

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EXHIBIT "A"
LOCAL RETAIL ZONING

BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1462, situated in the City of Mesquite, Dallas County, Texas, and also being a part of a 74.15 acre tract of land conveyed to E. K. Franklin by Deed recorded in Volume 3860, Page 325 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point on the East right-of-way line of proposed Gross Road (120.0 feet wide), said point being North $4^{\circ}56'20''$ East 200.0 feet from the intersection of said East right-of-way line of proposed Gross Road with the North right-of-way line of proposed Rustown Drive (60.0 feet wide);

THENCE North $4^{\circ}56'20''$ East along said East right-of-way line of proposed Gross Road, 220.0 feet;

THENCE South $85^{\circ}03'40''$ East, 200.0 feet;

THENCE South $4^{\circ}56'20''$ West, 262.0 feet;

THENCE North $45^{\circ}02'$ West, 65.30 feet;

THENCE North $85^{\circ}03'40''$ West, 150.0 feet to the PLACE OF BEGINNING, and containing 1.034 acres of land, more or less.

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SECRET

PARK

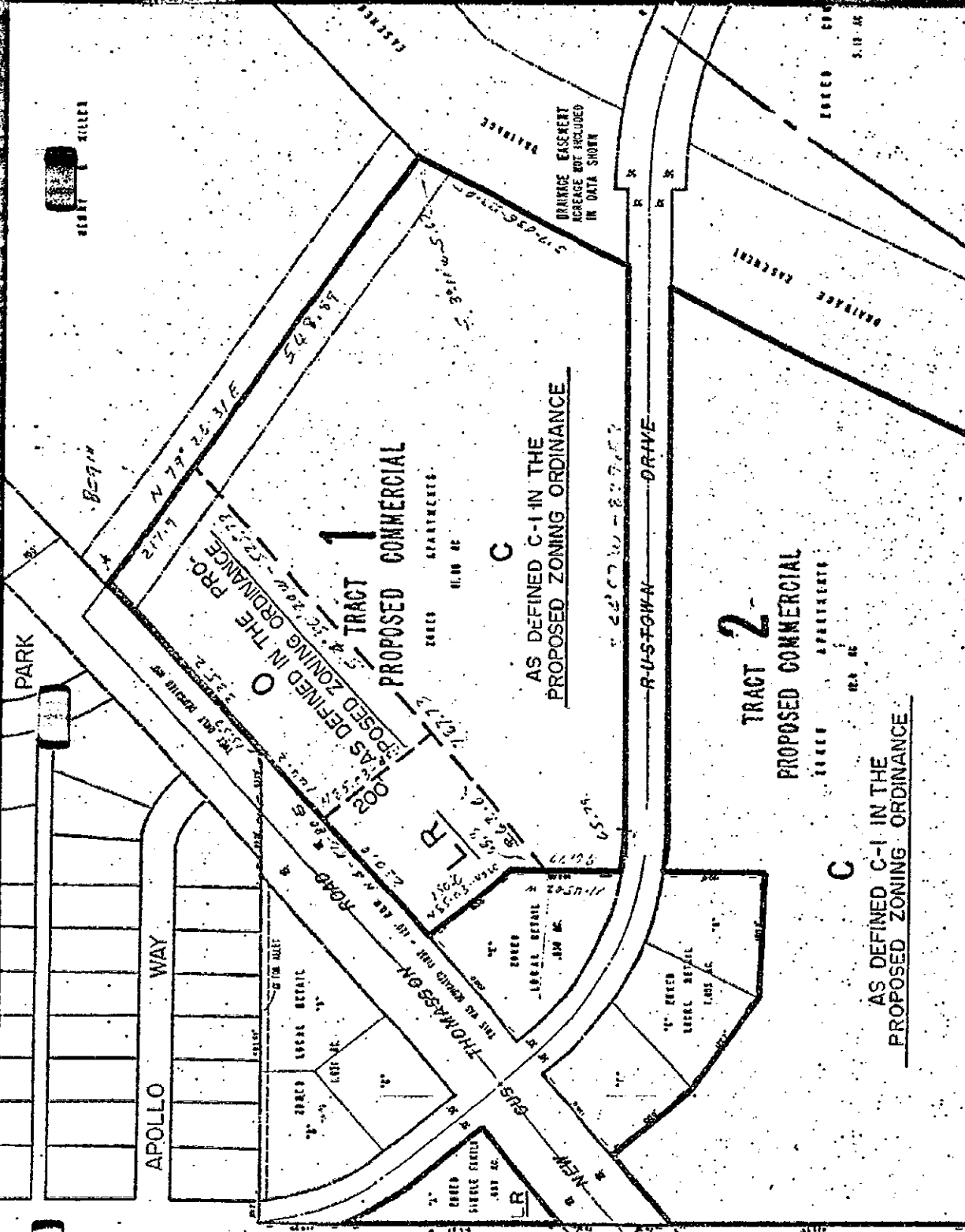
APOLLO WAY

TRACT 3
PROPOSED
LOCAL RETAIL

TRACT 1
PROPOSED COMMERCIAL
AS DEFINED C-1 IN THE
PROPOSED ZONING ORDINANCE

TRACT 2
PROPOSED COMMERCIAL
AS DEFINED C-1 IN THE
PROPOSED ZONING ORDINANCE

PLANNING COMMISSION ACTION



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shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

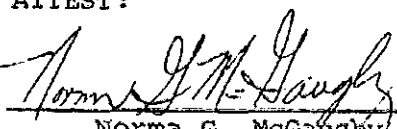
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. Whereas, the property described above 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 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 November , A.D., 1973.



Bob Beard
Mayor

ATTEST:


Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"
OFFICE ZONING

BEING a tract of land in the Daniel Tanner Survey, Abstract No. 1462, situated in the City of Mesquite, Dallas County, Texas, and also being a part of a 74.15 acre tract of land conveyed to E. K. Franklin by Deed recorded in Volume 3860, Page 325 of the Deed Records of Dallas County, Texas, and also being a part of a 1.409 acre tract conveyed to E. K. Franklin by Henry S. Miller, Jr., Trustee, by deed dated March 26, 1973, and being more particularly described as follows:

BEGINNING at the Northwest corner of said 1.409 acre tract, said point being the intersection of the centerline of a proposed 100.0 foot wide drainage easement with the East right-of-way line of proposed Gross Road (100.0 feet wide);

THENCE North $79^{\circ}26'31''$ East along said centerline of said proposed drainage easement, 217.9 feet;

THENCE South $4^{\circ}56'20''$ West, 525.73 feet;

THENCE North $85^{\circ}03'40''$ West, 200.0 feet to a point on the East right-of-way line of proposed Gross Road (120.0 feet wide);

THENCE North $4^{\circ}56'20''$ East along said East right-of-way line of proposed Gross Road, 144.20 feet to an offset;

THENCE South $44^{\circ}57'$ West along said offset, 15.52 feet to a point on the East right-of-way line of proposed Gross Road (100.0 feet wide);

THENCE North $4^{\circ}56'20''$ East along said East right-of-way line of proposed Gross Road, 335.20 feet to the PLACE OF BEGINNING, and containing 2.362 acres of land, of which 0.250 acres lie within the above mentioned proposed 100.0 foot wide drainage easement.