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ORDINANCE NO. 1175

CASE 814-3

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 A CONDITIONAL USE FOR A NURSING HOME IN "A-1" MULTI FAMILY ZONING, WITH THE STIPULATION THAT THE SITE PLAN BE APPROVED BY THE PLANNING AND ZONING COMMISSION, ON PART OF TRACT 5, ABSTRACT 814, OF THE W. J. LEWIS SURVEY IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; 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 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:

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

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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 a Conditional Use for a Nursing Home in "A-1" Multi Family Zoning, with the stipulation that the site plan be approved by the Planning and Zoning Commission, on part of Tract 5, Abstract 814, of the W. J. Lewis Survey in the City of Mesquite, Dallas County, Texas, and further described in Exhibit "A" as 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 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, 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.

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

SECTION 7. Whereas, the property described in Exhibit "A" 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 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.

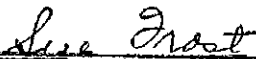
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of March , A.D., 1974.



Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Sue Frost
Acting City Secretary

Elland Archer
City Attorney

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EXHIBIT "A"

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BEING a tract of land located in the City of Mesquite, Dallas County, Texas, out of the W. J. Lewis Survey, Abstract No. 814, and being a part of the land described in deed to Wylie Morris, et ux, recorded in Volume 1836, Page 27-30, Deed Records, and a part of the land set aside to Matilda Morris, recorded in Volume 45, Page 631 of the 14th District Court Minutes and being more fully described as follows:

BEGINNING at an iron rod on the South line of Paza Drive and South $84^{\circ} 13'$ East 916.04 feet from the Southeast corner of Belt Line Road and Paza Drive;

THENCE South $84^{\circ} 13'$ East 200.94 feet along Paza Drive to the beginning of a curve to the right, an iron rod in fence line;

THENCE 202.56 feet around said curve, whose central angle is $85^{\circ} 09'$, radius is 136.30 feet, to an iron rod on the West line of Wilkinson Drive, in fence line;

THENCE South $0^{\circ} 56'$ West 247.2 feet along the West line of Wilkinson Drive to an iron rod for corner;

THENCE North $89^{\circ} 04'$ West 325.0 feet to an iron rod for corner;

THENCE North $0^{\circ} 56'$ East 400.0 feet to the Place of Beginning and containing 2.806 acres of land.