

ORDINANCE NO. 1177

CASE 810-16

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 CHANGE OF ZONING FROM GENERAL RETAIL TO OFFICE ON PARCEL ONE - FROM COMMERCIAL TO OFFICE ON PARCEL THREE - FROM GENERAL RETAIL TO OFFICE ON PARCEL FOUR - FROM "R-3" SINGLE FAMILY TO OFFICE ON PARCEL FIVE, AND FROM "R-3" SINGLE FAMILY TO OFFICE ON PARCEL SIX, WITH THE STIPULATIONS THAT: (1) A FRONT YARD REQUIREMENT OF FIFTY FEET FACING NORTH GALLOWAY; (2) FIFTEEN PERCENT OF TOTAL LOT AREA MUST BE LANDSCAPED AND PERMANENTLY MAINTAINED, WHICH AREA SHALL INCLUDE THE REQUIRED FRONT AND SIDE YARDS; (3) THE SITE PLAN MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION AND SHALL BE ACCOMPANIED BY A BUILDING ELEVATION SHOWING AMONG OTHER THINGS, BASIC ARCHITECTURAL FEATURES AND EXTERIOR BUILDING MATERIALS; AND (4) CONTROLLED SIGNS: "SIGNS MUST BE ATTACHED TO THE BUILDING (WALL SIGN) OR A DETACHED IDENTIFICATION SIGN (300 FEET BETWEEN DETACHED SIGNS), IF ARCHITECTURALLY DESIGNED OF EQUAL COMPOSITION OR DESIGN OF MAIN BUILDING. THE FACE OF THE DETACHED SIGN SHOULD BE 60 SQUARE FEET OR LESS, NO HIGHER THAN 25 FEET, AND LOCATED ONE-HALF THE DISTANCE FROM THE BUILDING LINE TO THE PROPERTY LINE."; SAID PROPERTY BEING ALL OF TRACTS 9, 10, AND 11, AND PART OF TRACT 12 OF ABSTRACT NO. 810; PART OF TRACT 13, BLOCK 43A, ORIGINAL TOWN; TRACT 1A OF ABSTRACT NO. 967; AND, LOTS 13-21, BLOCK 5, LOTS 1-9, BLOCK 6, LOTS 1-6, BLOCK 7 OF THE EL ROSA SUBDIVISION, ALL OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING COMPLETELY AND INDIVIDUALLY DESCRIBED IN EXHIBIT "A" 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 CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE

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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:

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 a change of zoning from General Retail to Office on Parcel One - From Commercial to Office on Parcel Three - From General Retail to Office on Parcel Four - From "R-3" Single Family to Office on Parcel Five, and From "R-3" Single Family to Office on Parcel Six, with the stipulations that:

1. A front yard requirement of fifty (50') feet facing North Galloway;
2. Fifteen (15%) percent of total lot area must be landscaped and permanently maintained, which area shall include the required front and side yards;
3. The site plan must be approved by the Planning and Zoning Commission and shall be accompanied by a building elevation showing among other things, basic

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architectural features and exterior building materials; and

4. Controlled signs:

"Signs must be attached to the building (wall sign) or a detached identification sign (300 feet between detached signs), if architecturally designed of equal composition or design of main building. The face of the detached sign should be sixty (60) square feet or less, no higher than twenty-five (25) feet, and located one-half the distance from the building line to the property line."

said property being:

All of Tracts 9, 10, and 11, and part of Tract 12 of Abstract No. 810; Part of Tract 13, Block 43A, Original Town Survey; Tract 1A of Abstract No. 967; and Lots 13-21, Block 5; Lots 1-9, Block 6; Lots 1-6, Block 7 of the El Rosa Subdivision, all of the City of Mesquite, Dallas County, Texas.

Said property being completely and individually described, as to Parcel, 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 1973.

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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 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.

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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

Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Frost

Sue Frost
Acting City Secretary

Elland Archer
City Attorney

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PARCEL ONE

Being a parcel of land situated in the City of Mesquite, Dallas County, Texas; being a part of the Jacob Lakey Survey, Abstract No. 810;

Beginning at an Iron Rod at the northwest corner of North Ebrite Street (50 foot right-of-way) with West Kearney Street, 40 feet from the center line and North 89 degrees, 51 minutes East, 287.53 feet from the east line of Desco Drive;

Thence South 89 degrees, 51 minutes West, 46.93 feet to a point on the north line of Kearney Street and easterly corner of Lot 22, Block G, Pasadena Gardens No. 1;

Thence North 57 degrees, 27 minutes West, 34.64 feet to a point in the south corner of Lot 21, Block G and on the north line of said Lot 22;

Thence North 41 degrees, 14 minutes East, 168.05 feet to a point in the east line of a 10 foot alley in said Pasadena Gardens;

Thence North 0 degrees, 30 minutes West, 554.0 feet along the east line of said 10 foot alley in Pasadena Gardens to a point, the northwest corner of a 10 acre tract.

Thence North 89 degrees, 55 minutes East, 124.24 feet to a point, said point being in the West line of Ebrite Street;

Thence South 0 degrees, 28 minutes East, 365.04 feet along the west right-of-way line of Ebrite Street to the beginning of a curve to the right;

Thence 173.75 feet around said curve to the right whose central angle is 36 degrees, 12 minutes, $R = 275$ feet, $T = 89.88$ feet to a point;

Thence South 35 degrees, 44 minutes West, 155.56 feet to a point, the beginning of a curve to the left;

Thence 47.95 feet around said curve, whose central angle is 35 degrees, 53 minutes, $R = 76.56$ feet, $T = 24.79$ feet, to the place of beginning and containing 1.683 Acres, (73,311 square feet).

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PARCEL THREE

Being a parcel of land situated in the City of Mesquite, Dallas County, Texas; being out of the Jacob Lakey Survey, Abstract No. 810;

Beginning at a point in the West right-of-way line of North Galloway Ave. and the South line of a 3 acre tract of land deeded to the County of Dallas August 15, 1935;

Thence South with the west right-of-way line of said Galloway Ave. a distance of 384 feet to a point, said point being in the north line of a 5.82 acre tract of land deeded to the City of Mesquite;

Thence South 89 degrees, 29 minutes, 30 seconds West with the north line of said City tract 564.95 feet to a point, said point being in the east right-of-way line of Ebrite Street;

Thence North 4 degrees, 38 minutes East along the east right-of-way line of said Ebrite Street, 386 feet to a point;

Thence North 89 degrees, 37 minutes East 547 feet to the place of beginning, and containing 4.69 acres.

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PARCEL FOUR

Being a parcel of land situated in the City of Mesquite, Dallas County, Texas; being a part of the J. McDaniel Survey, Abstract No. 967, also being a part of a 21.464 acre tract owned by Joe. J. Danna;

Beginning at a point in the south right-of-way line of Grubb Drive with the east right-of-way line of Belt Line Road;

Thence North 89 degrees, 42 minutes East with the south line of Grubb Drive 122.39 feet to a point, said point being the beginning of a curve to the right;

Thence along said curve to the right, having a central angle of 38 degrees, 40 minutes, 57 seconds, $R = 375$ feet, a distance of 253.18 feet to a point;

Thence South 51 degrees, 37 minutes, 03 seconds East, 49.25 feet to a point, said point being the beginning of a curve to the left;

Thence along said curve to the left, having a central angle of 2 degrees, 55 minutes, 44 seconds, $R = 310$ feet, a distance of 15.86 feet, said point being in the west line of N. Bryan Street;

Thence South 0 degrees, 12 minutes East 221.19 feet with the west line of N. Bryan Street to a point;

Thence South 89 degrees, 48 minutes West 474.85 feet to a point, said point being in the east right-of-way line of Belt Line Road, said point being in a curve to the right;

Thence in a Northerly direction along said curve having a central angle of 9 degrees, 57 minutes, 54 seconds, $R = 2012.4$ feet, a back tangent bearing of South 5 degrees, 50 minutes, 02 seconds West, for a distance of 350 feet to the place of beginning, containing 3.26 acres (142,016.33 square feet).

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PARCEL FIVE

Being a parcel of land situated in the City of Mesquite, Dallas County, Texas; being out of the Jacob Lakey Survey, Abstract No. 810;

Beginning at the intersection of the south line of Grubb Drive with the west right-of-way line of Galloway Ave.;

Thence South 1 degree, 37 minutes East with the west right-of-way line of Galloway Ave. 259.56 feet to a point;

Thence South 89 degrees, 37 minutes West, 391.7 feet to a point;

Thence North 1 degree, 08 minutes West, 199.1 feet to a point, said point being in the south right-of-way line of Grubb Drive;

Thence in an easterly direction with the south line of Grubb Drive to the place of beginning, containing 2.376 Acres.

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PARCEL SIX

Being a parcel of land situated in the City of Mesquite, Dallas County, Texas; being out of the Jacob Lakey Survey, Abstract No. 810;

Beginning at the intersection of the north line of Municipal Way with the west right-of-way line of North Galloway Ave.;

Thence South 89 degrees, 19 minutes, 30 seconds West 667.5 feet to a point in the west right-of-way line of Ebrite Street;

Thence in a southerly direction with said west right-of-way line of Ebrite Street 30 feet to a point;

Thence North 89 degrees, 53 minutes East, 282 feet to a point in the east boundary of Pasadena Gardens No. 3;

Thence North 0 degrees, 28 minutes West with the east boundary line of Pasadena Gardens No. 3, 800.18 feet;

Thence East 34.14 feet to a point, said point being at the southeast corner of Lot 12, Block 5, El Rosa Addition;

Thence North along the east line of said Lot 12, 105 feet to a point, said point being in the south right-of-way line of Grubb Drive;

Thence North 89 degrees, 06 minutes, 30 seconds East with the south right-of-way line of Grubb Drive 531.25 feet to a point, said point being the northwest corner of a tract of land deeded to Dallas County;

Thence South 1 degree, 08 minutes East 199.1 feet to a point;

Thence South 89 degrees, 37 minutes West 155.18 feet to a point, said point being in the east right-of-way line of Ebrite Street;

Thence South 4 degrees, 38 minutes West with the east right-of-way line of Ebrite Street 386 feet to a point;

Thence North 89 degrees, 29 minutes, 30 seconds East, 565.29 feet to a point, said point being in the west right-of-way line of North Galloway Ave.;

Thence South 1 degree, 08 minutes, 30 seconds East with said west right-of-way line of Galloway Ave. 280.49 feet to place of beginning, containing 11.45 Acres, more or less.