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ORDINANCE NO. 1216

CASE 34-14

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 "R-3" SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT FOR COMMERCIAL WAREHOUSES, WITH THE STIPULATIONS THAT: (1) BUILDINGS SHALL BE SINGLE STORY ONLY; (2) THERE SHALL BE A STRIP PARKWAY OR ACCEPTABLE PEDESTRIAN ACCESS TO THE EAST, WHICH IS PROTECTED FROM PROPOSED COMMERCIAL ACTIVITY; AND (3) "MINI-WAREHOUSES" SHALL NOT BE ALLOWED; SAID PROPERTY BEING ON TRACT 1, ABSTRACT 34, AND PART OF TRACT 6, ABSTRACT 34, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING 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 REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE 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 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 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 a change of zoning from "R-3" Single Family Residential to Planned Development for Commercial Warehouses, with the stipulations that:

1. Buildings shall be single story;
2. There shall be a strip parkway or acceptable pedestrian access to the East, which is protected from proposed Commercial activity; and
3. "Mini-warehouses" shall not be allowed;

said property being on Tract 1, Abstract 34, and part of Tract 6, Abstract 34, City of Mesquite, Dallas County, Texas, and being 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" as 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.


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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 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21 day of October , A.D., 1974.



Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"

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BEING a tract land out of the W. O. Abbott Survey, Abstract No. 34, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the most Northwesterly corner of Block C, Town East Estates, as recorded in Volume 43, Page 151 of the Map Records of Dallas County, Texas; Thence North $87^{\circ} 52'$ West a distance of 165.00 feet to a corner;

THENCE South $45^{\circ} 01' 01''$ West a distance of 190.56 feet to a corner;

THENCE South $0^{\circ} 07' 40''$ East a distance of 45.00 feet to a corner;

THENCE South $0^{\circ} 07' 40''$ East a distance of 1104.30 feet along the East line of Hi-Point Square Apartments as recorded in Volume 70038, Page 1520, to a corner;

THENCE South $83^{\circ} 38' 08''$ East a distance of 306.53 feet to a corner;

THENCE North $0^{\circ} 07' 40''$ West along the West line of the above-mentioned Town East Estates, a distance of 1307.06 feet to the Place of Beginning and containing 8.843 acres of land.

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