

ORDINANCE NO. 1348

810-18

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 FROM COMMERCIAL TO PLANNED DEVELOPMENT FOR A NURSING HOME UNDER A-1 MULTIFAMILY STANDARDS IN THE J. LACKEY SURVEY, ABSTRACT NO. 810 AND THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT NO. 1024 OF THE 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 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 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 Commercial to Planned Development for a Nursing Home Under A-1 Multifamily standards.

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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all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.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. 1249 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 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 20th day of December, A.D., 1976.

Bob Beard

 Bob Beard
 Mayor

ATTEST:

APPROVED AS TO FORM:

Norma G. McCaughy

 Norma G. McCaughy
 City Secretary

 Elland Archer
 City Attorney

EXHIBIT "A"

WHEREAS, AMERICAN CARE CENTERS, INC. is the owner of a tract of land in the J. Lackey Survey, Abstract No. 810 and the McKinney & Williams Survey, Abstract No. 1024, situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the North right-of-way line of Kearney Street (80.0 feet wide), said point being North 89°58'30" East 305.68 feet from the intersection of said North right-of-way line of Kearney Street with the East right-of-way line of Matador Lane (60.0 feet wide) as dedicated by the plat of Los Brisas Addition, an addition to the City of Mesquite, Texas as recorded in Volume 68018, Page 15 of the Plat Records of Dallas County, Texas;

THENCE North 0°01'30" West, 285.00 feet to a point on the South right-of-way line of a 25.0 foot wide alley as dedicated by said Los Brisas Addition;

THENCE North 89°58'30" East along said South right-of-way line of said alley, 222.68 feet;

THENCE North 0°01'30" West, 25.0 feet to the Southeast corner of Lot E of said Los Brisas Addition;

THENCE North 89°58'30" East, 137.32 feet;

THENCE South 0°01'30" East, 310.00 feet to a point on the North right-of-way line of Kearney Street;

THENCE South 89°58'30" West along said North right-of-way line of Kearney Street, 360.00 feet to the PLACE OF BEGINNING, and containing 2.4342 acres of land.