

## ORDINANCE NO. 1880

Appl. No. 337-8

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 1871, AN AMENDMENT TO 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 TO PLANNED DEVELOPMENT MULTI-FAMILY AT 26 UNITS PER ACRE ON TRACT 2 AND COMMERCIAL ON TRACTS 1 AND 3 WITH THE FOLLOWING STIPULATIONS: (1) THAT THERE IS EXCLUDED FROM COMMERCIAL USE ALL USES RELATED TO TRUCK SERVICING AND OVERNIGHT TRUCK PARKING AND ALL AUTOMOTIVE REPAIR OPERATIONS EXCEPT THOSE IN CONJUNCTION WITH AND INCIDENTAL TO A MAJOR RETAIL SALES OPERATION; THE THREE TRACTS ARE LOCATED NORTH AND EAST OF THE I-20 AND BELT LINE ROAD INTERSECTION FRONTING THE EAST SIDE OF BELT LINE ROAD; CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY 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 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 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 change 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 may be granted herein:

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

SECTION 1. That Ordinance No. 1871 an amendment to 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

00020

the Zoning Map of the City of Mesquite so as to grant a change of zoning from R-3 to Planned Development Multi-family at 26 units per acre on Tract 2 and Commercial on Tracts 1 and 3 with the following stipulations: (1) That there is excluded from commercial use all uses related to truck servicing and overnight truck parking and all automotive repair operations except those in conjunction with and incidental to a major retail sales operation; the three tracts are located north and east of the I-20 and Belt Line Road intersection fronting the East side of Belt Line Road; City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance, 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 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. Provided however, that a private development plan for drainage approved by the City may be substituted for the requirements herein.

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 Section 1 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 16th day of May, A.D., 1983.

*Mrs. Brunhilde Nystrom*  
MRS. BRUNHILDE NYSTROM  
MAYOR

ATTEST:

APPROVED AS TO FORM:

*Norma G. McGaughey*  
Norma G. McGaughey  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

00022

COMMERCIAL TRACT I

BEING a 2.6756 acre tract of land out of the SOLOMON W. CALDWELL SURVEY, ABSTRACT NO. 337, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at the point of intersection of the East line of Belt Line Road (a 60' ROW) and the South line of Tripp Road (a 60' ROW);

HENCE: S 87° 49' 30" E, 348.02 feet along the South line of Tripp Road to a point for curve to the right, having a Central Angle of 52° 41' 45", a Radius of 262.85 feet;

HENCE: Continuing along the South line of Tripp Road and along a circular curve to the right, an arc distance of 241.75 feet to a point for corner;

HENCE: S 1° 39' 00" W, 114.25 feet to a point for corner;

HENCE: N 88° 34' 00" W, 555.28 feet to a point for corner in the East line of Belt Line Road;

HENCE: N 1° 26' 00" E, 225.00 feet along the East line of Belt Line Road to the PLACE OF BEGINNING and containing 116,550.16 square feet or 2.6756 acres of land.

Northeast corner of U.S. Highway 80 & Belt Line Road

MULTIFAMILY TRACT II

00023

BEING a 15.9045 acre tract of land out of the SOLOMON W. CALDWELL SURVEY, TRACT NO. 337, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the East line of Belt Line Road, said point being  $1^{\circ} 26' 00''$  W, 225.00 feet from the intersection of the East line of Belt Line Road (a 100' ROW) and the South line of Tripp Road (a 60' ROW);

THENCE: S  $88^{\circ} 34' 00''$  E, 555.28 feet to a point for corner;

THENCE: S  $1^{\circ} 39' 00''$  W, 1253.01 feet to a point for corner;

THENCE: N  $88^{\circ} 34' 00''$  W, 550.54 feet to a point for corner in the East line of Belt Line Road;

THENCE: N  $1^{\circ} 26' 00''$  E, 1253.00 feet along the East line of Belt Line Road to the PLACE OF BEGINNING and containing 692,799.54 square feet or 15.9045 acres of land.

00024

COMMERCIAL TRACT III

BEING a 9.3827 acre tract of land out of the SOLOMON W. CALDWELL SURVEY ABSTRACT NO. 337, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the East line of Belt Line Road, said point being S 1° 26' 00" W, 1478.00 feet from the intersection of the East line of Belt Line Road (a 100' ROW) and the South line of Tripp Road (a 60' ROW);

THENCE: S 88° 34' 00" E, 550.54 feet to a point for corner;

THENCE: S 1° 39' 00" W, 976.92 feet to a point for corner in the North line of U. S. Highway 80 (a variable ROW);

THENCE: N 77° 19' 00" W, 80.00 feet along the North line of U. S. Highway 80 to a point for corner;

THENCE: S 12° 41' 00" W, 40.00 feet along the North line of U. S. Highway 80 to a point for corner;

THENCE: N 77° 19' 00" W, 127.00 feet along the North line of U. S. Highway 80 to a point for corner;

THENCE: N 1° 26' 00" E, 286.44 feet to a point for corner;

THENCE: N 81° 33' 00" W, 50.00 feet to a point for corner;

THENCE: N 34° 52' 55" W, 71.28 feet to a point for corner;

THENCE: N 17° 34' 00" W, 65.00 feet to a point for corner;

THENCE: N 88° 34' 00" W, 223.02 feet to a point for corner in the East line of Belt Line Road;

THENCE: N 1° 26' 00" E, 564.32 feet along the East line of Belt Line Road to the PLACE OF BEGINNING and containing 408,710.87 square feet or 9.3827 acres of land.