

ORDINANCE NO. 1973
File No. 1462-158

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 AND SERVICE STATION TO PLANNED DEVELOPMENT GENERAL RETAIL ON THAT PORTION FRONTING MILITARY PARKWAY (TRACT 1) AND PLANNED DEVELOPMENT LIGHT COMMERCIAL ON THE REAR PORTION FRONTING PEACHTREE ROAD (TRACT 2). THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF PEACHTREE ROAD AND MILITARY PARKWAY; 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 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 and Service Station to Planned Development General Retail on that portion fronting Military Parkway (Tract 1) and Planned Development Light Commercial on the rear portion fronting Peachtree Road (Tract 2). The property is located at the northwest corner of Peachtree Road and Military Parkway; City of Mesquite, Dallas County, Texas, and being more fully discribed 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.

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.

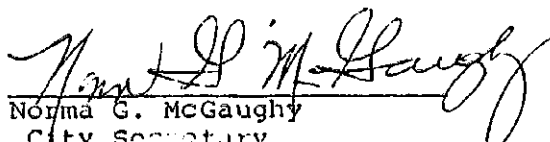
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 9th of January, A.D., 1984.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Secretary

FIELD NOTES

GR-1D

00159

BEING part of a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and further being part of a 117.132 acre tract conveyed to Caroline Hunt Trust Estate by W.P. Luse, as recorded in Volume 5122, Page 195 of the Dallas County Deed Records, and being more particularly described as follows:

BEGINNING at a point of intersection of the West line of Peachtree Road (a 115' ROW), and the North line of Military Parkway (a 200' ROW), an iron pin for corner;

THENCE, N 86° 45' 45" West, along said North line of Military Parkway, a distance of 299.75 feet to a point being the most Southerly Southeast corner of Skyline Addition No. 1, an addition to the City of Mesquite, Texas;

THENCE, N 03° 14' 15" East, perpendicular to said Military Parkway, a distance of 10.68 feet to the beginning of a circular curve to the left, having a radius of 553.21 feet, and a tangent length of 73.16 feet;

THENCE, along said circular curve to the left, through a central angle of 15° 04' 00", a distance of 145.47 feet to the beginning of a curve to the right, having a radius of 520.00 feet, and a tangent length of 16.26 feet;

THENCE, along said circular curve to the right, through a central angle of 03° 34' 07", a distance of 32.39 feet to a point for a corner;

THENCE, S 86° 45' 45" East, parallel to said Military Parkway, a distance of 178.44 feet to a point for a corner;

THENCE, N 03° 14' 15" East, perpendicular to said Military Parkway, a distance of 120.00 feet to a point for a corner;

THENCE, S 86° 45' 45" East, parallel to said Military Parkway, a distance of 213.27 feet to a point in the West line of said Peachtree Road;

THENCE, S 18° 44' 00" West along the West line of Peachtree Road, a distance of 193.47 feet to the beginning of a circular curve to the left, having a radius of 360.09 feet, and a tangent length of 51.71 feet;

THENCE, along said circular curve to the left, through a central angle of 15° 29' 45", a distance of 102.76 feet to an iron pin for a corner;

THENCE, S 03° 14' 15" West, perpendicular to said Military Parkway, a distance of 18.0 feet to the POINT OF BEGINNING and CONTAINING 62,970 Square Feet or 1.9047 Acres of Land, more or less.

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00160

FIELD NOTES
TRACT 2
LC-PD

'BEING part of a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and further being part of a 117.132 acre tract conveyed to Caroline Hunt Trust Estate by W.P. Luse as recorded in Volume 5122, Page 195, of the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a point of intersection of the West line of Peachtree Road (a 115' ROW), and the North line of Military Parkway), a 200' ROW), an iron pin for corner;

THENCE, N 03° 14' 15" East, perpendicular to said Military Parkway and along the west line of said Peachtree Road, a distance of 18.0 feet to an iron pin for the beginning of a circular curve to the right, having a radius of 380.09 feet and a tangent length of 51.71 feet;

THENCE, N 18° 44' 00" East, continuing along the West line of said Peachtree Road, a distance of 193.47 feet to the POINT OF BEGINNING;

THENCE, N 86° 45' 45" West, departing the West line of said Peachtree Road and parallel to said Military Parkway, a distance of 213.27 feet to a point for a corner;

THENCE, S 03° 14' 15" West, perpendicular to said Military Parkway, a distance of 120.00 feet to a point for a corner;

THENCE, N 86° 45' 45" west, parallel to said Military Parkway, a distance of 178.44 feet to a point in a circular curve to the right having a radius of 520.00 feet, and a tangent length of 124.91 feet;

THENCE, along said circular curve to the right, through a central angle of 27° 00' 53", a distance of 245.18 feet to an angle point;

THENCE, N 54° 40' 15" East, a distance of 24.30 feet to an angle point;

THENCE, S 89° 25' 45" East, a distance of 408.13 feet to a point on said west line of Peachtree Road;

THENCE, S 18° 44' 00" west, continuing along the West line of Peachtree Road, a distance of 170.05 feet to the POINT OF BEGINNING and CONTAINING 85,826 Square Feet or 1.9703 Acres of Land, more or less.

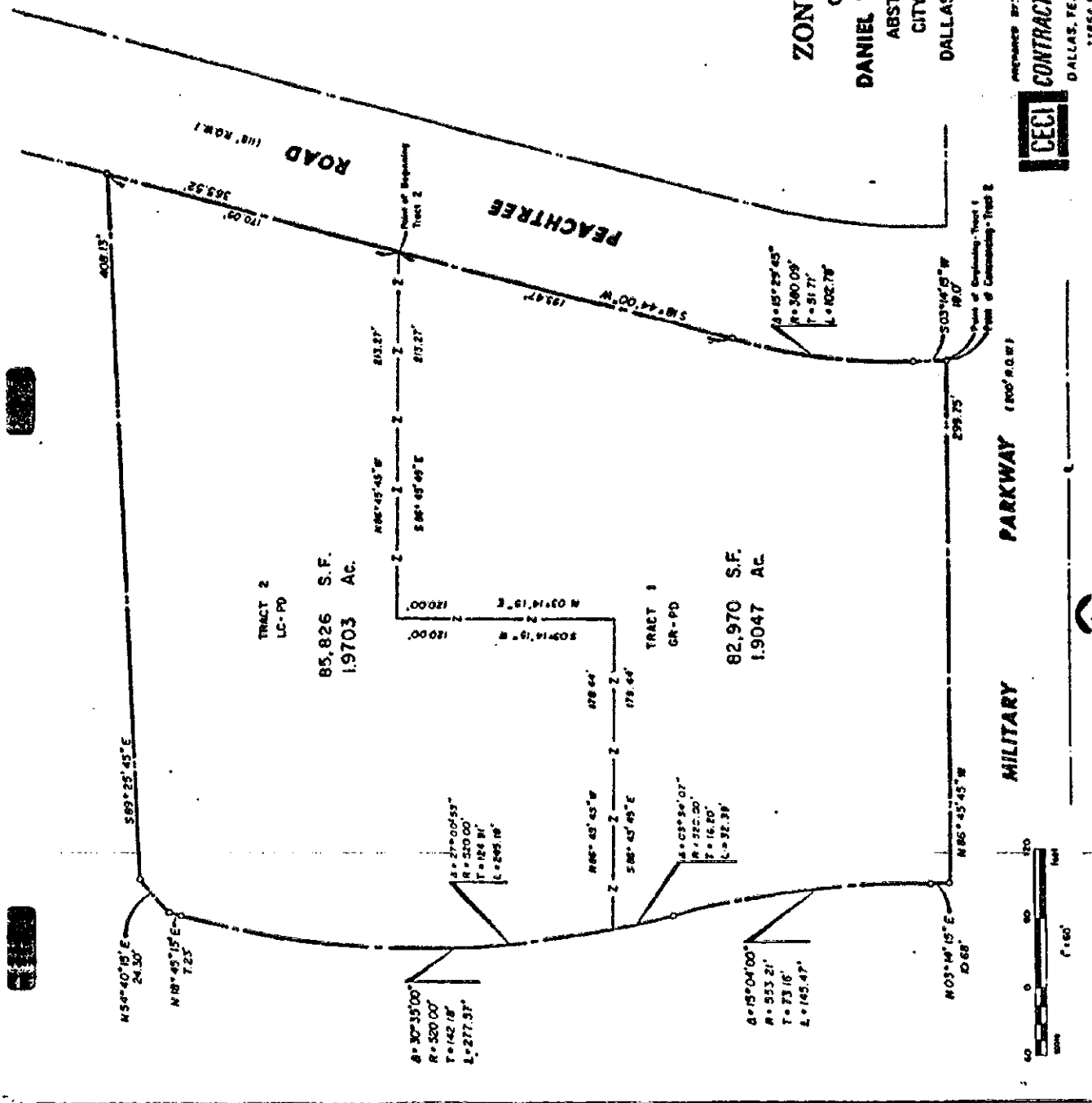
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ZONING MAP
OUT OF THE
DANIEL TANNER SURVEY
ABSTRACT NO. 1462
CITY OF MESQUITE
DALLAS COUNTY, TEXAS

PREPARED BY:
CECI CONTRACT ENGINEERING CO., INC.
DALLAS, TEXAS 75218 • 214/328-3166
TYPE C NORTHWEST HIGHWAY



00162