

ORDINANCE NO. 2091
File No. 1353-25

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 PLANNED DEVELOPMENT/DUPLEX TO GENERAL RETAIL WITH THE STIPULATION THAT NO ACCESS BE ALLOWED ON SAVANNAH DRIVE FROM THIS SITE; THE TRACT IS LOCATED NORTH AND EAST OF THE PIONEER ROAD AND PROPOSED DAVIS STREET EXTENSION; 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 Planned Development/Duplex to General Retail with the stipulation that no access be allowed on Savannah Drive from this site; the tract is located north and east of the Pioneer Road and proposed Davis Street extension; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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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 (\$200.00) Dollars 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 1st day of October, A.D., 1984.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
City Attorney

BEING a tract of land located in the Thomas Scott Survey, Abst. 1553, City of Mesquite Dallas County, Texas, said tract being more particularly described as follows:

GINNING at an iron rod found for a point of reference at the intersection of the south right-of-way line of the existing Scyene Road (variable width right-of-way) and the southeast right-of-way line of State Highway No. 352 (100' right-of-way);

THENCE along the following calls to the true point of beginning;

South 40°31'04" West along the southeast right-of-way line of State Highway No. 352, a distance of 73.24 ft. to an iron rod at the point of curvature of a curve to the right, said curve having a radius of 850.00 ft., a central angle of 21°27'35", and a tangent of 161.07 ft.;

Along said curve to the right an arc length of 318.36 ft. to an iron rod at a point of reverse curvature for a curve to the left, said curve to the left having a radius of 293.00 ft., a central angle of 24°39'45" and a tangent length of 64.05 ft.;

Along said curve to the left an arc length of 126.12 ft. to an iron rod at the point of beginning, said curve having a tangent bearing at this point of South 37°18'54" West;

THENCE from said point of beginning South 50°55'30" East a distance of 118.09 ft. to an iron rod set for corner, said corner being in a circular curve to the left, said curve having a radius of 175.00 ft., a central angle of 18°10'48", a tangent length of 28.00 and a chord bearing of South 27°02'14" West;

THENCE along said circular curve to the left, an arc length of 55.53 ft. to an iron rod at a point of tangency;

THENCE South 17°56'50" West a distance of 15.00 ft. to an iron rod for corner, said corner being in the north right-of-way of a proposed new alignment of Scyene Road;

THENCE North 72°03'10" West along the north line of the new Scyene Road right-of-way a distance of 118.00 ft. to an iron rod set for corner;

THENCE North 17°56'50" East departing from the new Scyene Road right-of-way a distance of 15.00 ft. to an iron rod for corner at the point of curvature of a curve to the right, said curve having a radius of 293.00 ft., a central angle of 19°22'04", a tangent of 50.00 ft., and a chord bearing of North 27°37'52" East;

THENCE along said curve to the right an arc length of 99.04 ft. to the point of beginning and containing 10,890 sq. ft. or 0.2500 Acres of land.

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