

ORDINANCE NO. 2104
File No. 74-14

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 SPECIAL PERMIT #212 TO ALLOW CERTAIN MANUFACTURING USES TO PLANNED DEVELOPMENT LIGHT COMMERCIAL WITH A CONDITIONAL USE FOR OUTDOOR RECREATION SPECIFICALLY FOR A RODEO WITH THE STIPULATION THAT A LIVING SCREEN OR HEDGE BE PROVIDED TO ENSURE THAT THE MINIMUM DECIBEL LEVEL OF NOISE FROM THE RODEO MEETS THE MINIMUM STANDARDS AS STATED IN THE PERFORMANCE STANDARDS AND TO PREVENT AUTO LIGHTS FROM SHINING ONTO ADJACENT RESIDENTIAL PROPERTIES; THE 27.3 ACRE TRACT IS LOCATED NORTH AND WEST OF THE HICKORY TREE ROAD AND SANDY LANE INTERSECTION; 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 Special Permit #212 to allow certain manufacturing uses to Planned Development Light Commercial with a conditional use for outdoor recreation specifically for a rodeo with the stipulation that a living screen or hedge be provided to ensure that the minimum decibel level of noise from the rodeo meets the minimum standards as stated in the performance standards and to prevent auto lights from shining onto adjacent residential properties; the 27.3 acre tract is located north and west of the Hickory Tree Road and Sandy Lane intersection; 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.

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 19th day of November, A.D., 1984.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

LEGAL DESCRIPTION

BEING a tract of land situated in the Job Badgley Survey, Abst. No. 74, City of Mesquite, Dallas County, Texas and being part of the same tract of land as conveyed to Neal Gay, by deed recorded in Vol. 79159, Pg. 0292, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod set for a corner at the intersection of the west line of Hickory Tree Road (a variable width R.O.W.) with the north line of the hereinabove mentioned tract; said point also being the southeast corner of a tract of land conveyed to the Mesquite Rodeo, by deed recorded in Vol. 69226, Pg. 0072, Deed Records of Dallas County, Texas;

THENCE: South $0^{\circ}08'05''$ East along the west right-of-way line of Hickory Tree Road a distance of 733.00 feet to an iron rod found for a corner at the northeast corner of a tract of land conveyed to Judy Harriet Lester Austin et al, by deed recorded in Vol. 76218, Pg. 0008, Deed Records of Dallas County, Texas;

TILNCE: South $89^{\circ}39'14''$ West along the north line of said Austin tract a distance of 405.00 feet to an iron rod set for a corner at the northwest corner of said Austin tract and the inside ell corner of the hereinabove mentioned tract;

THENCE: South $0^{\circ}08'33''$ East a distance of 210.00 feet to an iron rod found for a corner at the southwest corner of a tract of land conveyed to C.J. Pryor, by deed recorded in Vol. 72204, Pg. 1128, Deed Records of Dallas County, Texas; said point also being on the north line of Valley View Heights, an addition to the City of Mesquite, recorded in Vol. 30, Pg. 161, Deed Records of Dallas County, Texas;

THENCE: South $89^{\circ}58'12''$ West along the north line of said addition and the south line of the hereinabove mentioned tract and with a fence a distance of 998.55 feet to an iron rod found for a corner at the northwest corner of said valley View Heights;

THENCE: North $1^{\circ}00'36''$ East along the east line of a tract of land conveyed to Leonard A. Thomas, by deed recorded in Vol. 83087, Pg. 5078, Deed Records of Dallas County, Texas a distance of 790.59 feet to an iron rod set for a corner in a fence on the northwest line of the Job Badgley Survey, Abst. 74;

THENCE: North $44^{\circ}44'57''$ East along said survey line and with a fence a distance of 205.54 feet to an iron rod set for a corner at the most northerly northwest corner of the hereinabove mentioned tract; said point also being the southwest corner of the said Mesquite Rodeo tract;

THENCE: North $89^{\circ}33'39''$ East along the south line of said Rodeo tract and the north line of the hereinabove mentioned tract a distance of 1242.70 feet to the POINT OF BEGINNING and containing 1,215,085 sq. ft. or 27.8945 acres of land.

To any person, firm, or corporation relying upon the accuracy of this survey or plat, I, Danny E. Osteen, a Registered Public Surveyor, State of Texas, do hereby certify that the plat shown hereon accurately represents measurements performed upon the ground under my supervision and indicates all set back lines, easements, and fences as they are visible on the ground, and that all improvements, if any, are wholly within the boundary lines of the property, and that there are no encroachments, conflicts, protrusions, or overlapping of improvements except as shown hereon. This is a true, correct and accurate survey.



Danny E. Osteen
 Danny E. Osteen
 Registered Public Surveyor No. 4169

Oct 23 1954
 Date

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