

00221

ORDINANCE NO. 2328

File No. 1462-193

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 DUPLEX TO PLANNED DEVELOPMENT GENERAL RETAIL ON A 1.26 ACRE TRACT LOCATED WEST OF MOTLEY DRIVE, 1000 FEET SOUTH OF TOWN EAST BOULEVARD; 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 (\$200.00) DOLLARS 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 Duplex to Planned Development General Retail on a 1.26 acre tract located west of Motley Drive, 1000 feet south of Town East Boulevard; 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of the City of Mesquite in conflict with the provisions of this ordinance to the extent of such conflict are hereby repealed.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 18th day of August A.D., 1986.

Mrs. Brunhilde Nystrom

 Mrs. Brunhilde Nystrom
 Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel

 Lynn Prugel
 City Secretary

 Elland Archer
 City Attorney

TRACT 1 Duplex

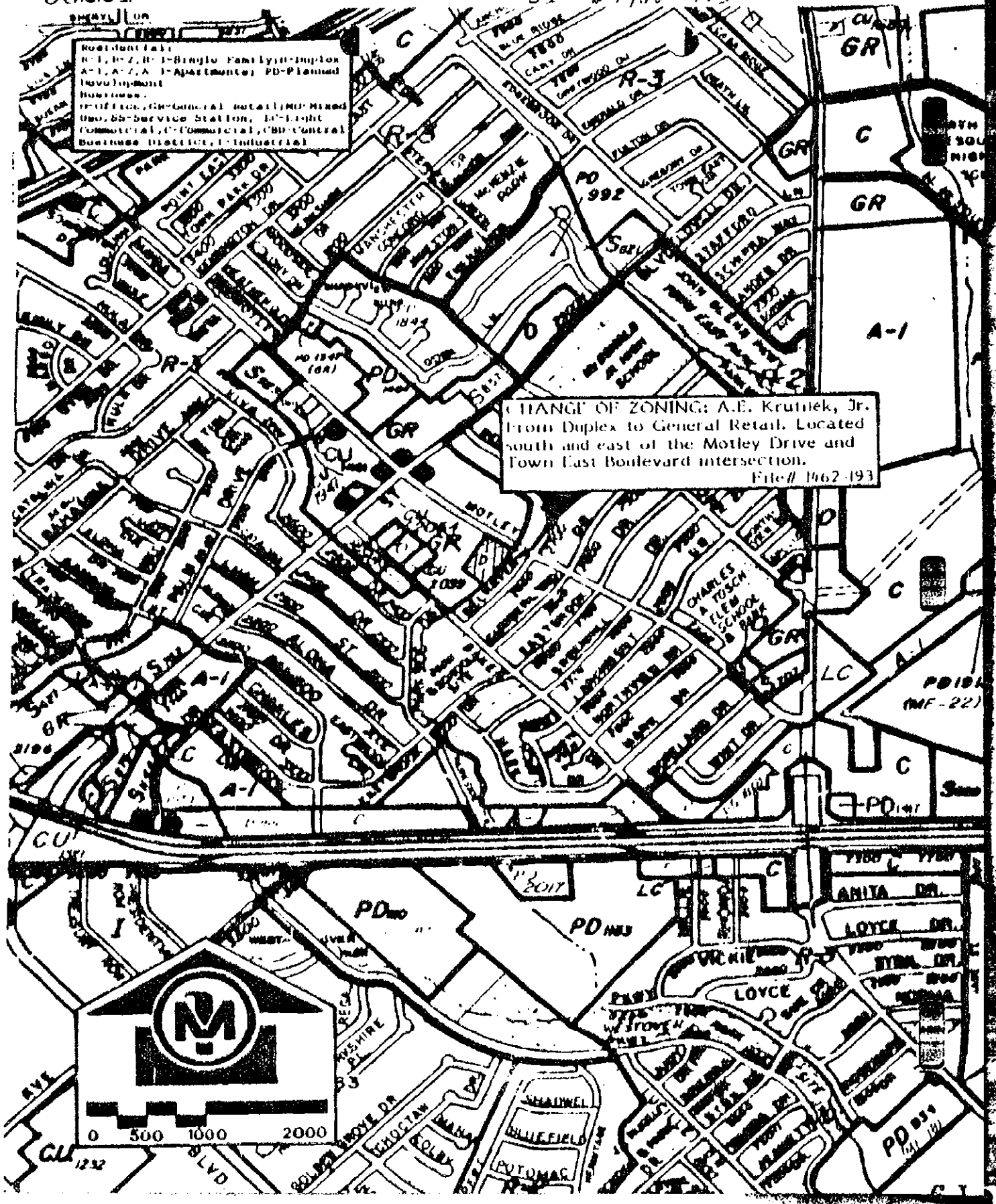
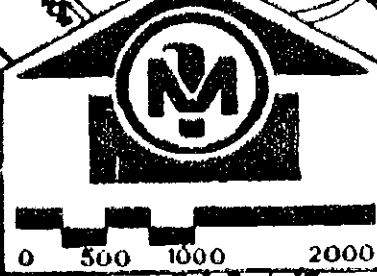
COMMENCING at the intersection of the southeasterly line of Murphy School - New Hope Road - Town East Boulevard and the southwesterly line of New Gross Road;
Thence, along the southwesterly line of New Gross around a curve to the left having a radius of 1169.21' and a central angle of 15°08' the distance of 1046.78 feet to a point of BEGINNING of tract to be zoned duplex;
Thence S60°06'E, 115 feet, to the beginning of a curve to the right with a tangent bearing S29°52'W, having a radius of 1630.0' and a central angle 15°08' to the intersection of the alley for corner;
Thence in a southwesterly direction and around said curve 430.53 feet to an iron stake for corner;
Thence N49°07'44"W, 120 feet to a point for corner;
Thence in a northeasterly direction approximately 407 feet to the place of beginning.

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Residential:
 R-1, R-2, R-3 Single Family; R-4 Duplex
 A-1, A-2, A-3 Apartment; PD-Planned
 Development
 Business:
 B-1 Office, GR-General Retail, MD-Mixed
 Use, BS-Service Station, LC-Light
 Commercial, C-Commercial, CBD-Central
 Business District, I-Industrial

CHANGE OF ZONING: A.E. Krutiek, Jr.
 From Duplex to General Retail. Located
 south and east of the Motley Drive and
 Town East Boulevard intersection.
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