

ORDINANCE NO. 2398
File No. 1461-101

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 TO LIGHT COMMERCIAL WITH A CONDITIONAL USE FOR INDOOR AND OUTDOOR RECREATION DEFERRING THE MASONRY SCREENING FENCE REQUIREMENT; THE SUBJECT 2.0833 ACRE TRACT IS LOCATED 450 FEET SOUTH OF THE OATES DRIVE AND NORTHWEST DRIVE INTERSECTION, FRONTING THE SOUTHWEST SIDE OF NORTHWEST DRIVE; 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 General Retail to Light Commercial with a Conditional Use for Indoor and Outdoor Recreation deferring the masonry screening fence requirement. The subject 2.0833 acre tract is located 450 feet south of the Oates Drive and Northwest Drive intersection, fronting the southwest side of Northwest Drive; 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.

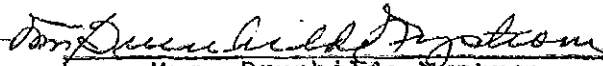
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 16th day of March A.D., 1987.

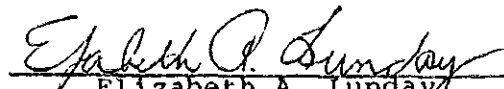


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

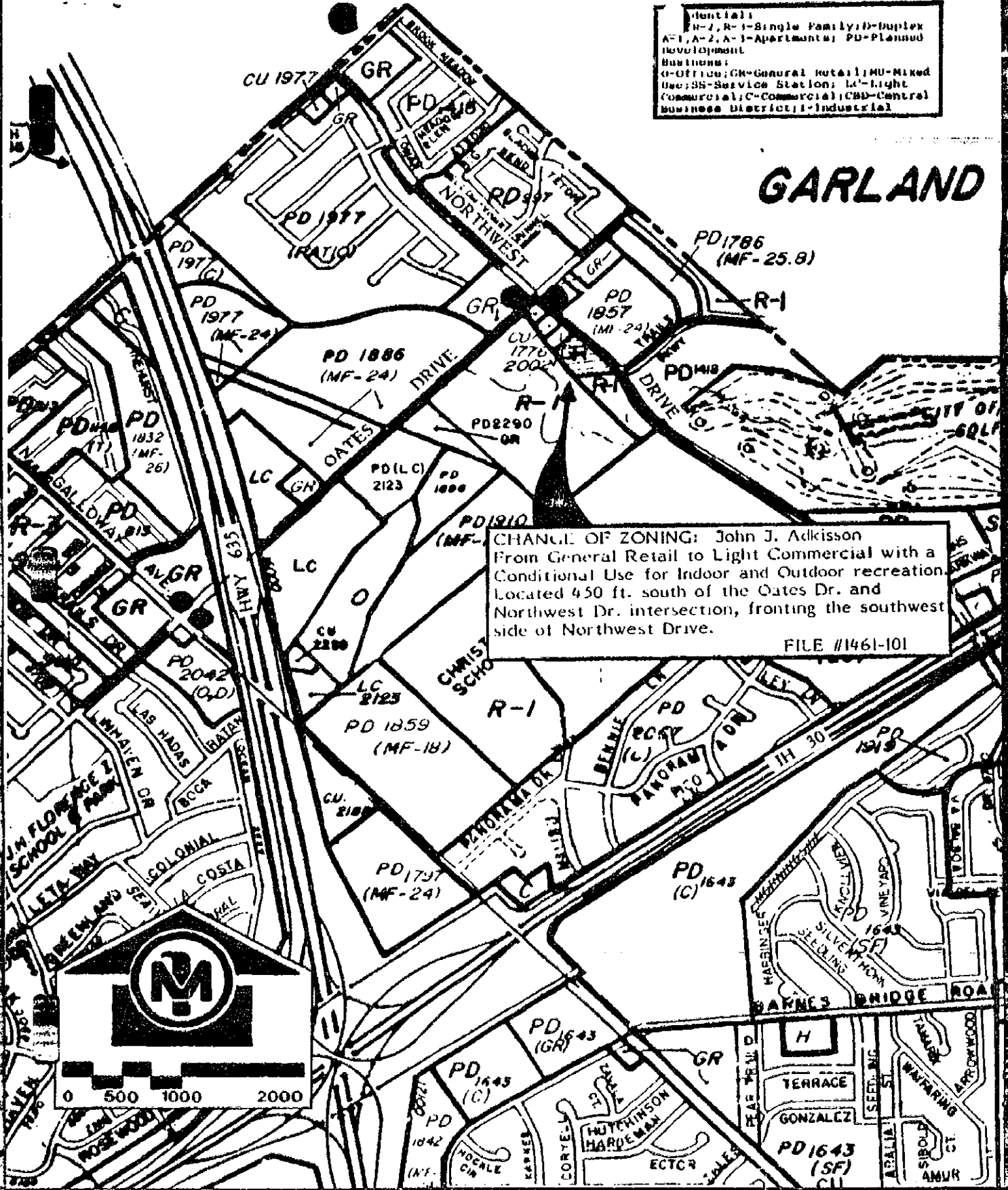
APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney

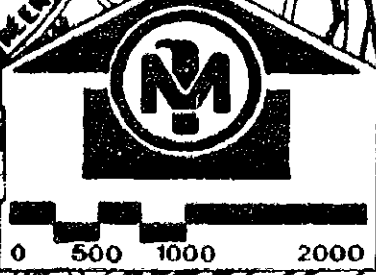
Residential:
 R-1, R-2, R-3 Single Family; D-Duplex
 Development
 A-1, A-2, A-3 Apartments; PD-Planned
 Development
 Business:
 G-Office; GR-General Retail; MU-Mixed
 Use; SS-Service Station; LC-Light
 Commercial; C-Commercial; CBD-Central
 Business District; I-Industrial

GARLAND



CHANGE OF ZONING: John J. Adkisson
 From General Retail to Light Commercial with a
 Conditional Use for Indoor and Outdoor recreation.
 Located 450 ft. south of the Oates Dr. and
 Northwest Dr. intersection, fronting the southwest
 side of Northwest Drive.

FILE #1461-101



PROPERTY DESCRIPTION

BEING a tract of land out of the T. THOMAS SURVEY, ABSTRACT NO. 1461, in the City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the Southwest ROW line of Northwest Drive (a 100' ROW) said point being S 44° 37' 10" E, 450.00 feet from the intersection of the Southwest ROW line of Northwest Drive and the Southeast ROW line of Gates Drive (a 60' ROW);

THENCE: S 44° 37' 10" E, 235.523 feet along the Southwest ROW line of Northwest Drive to a point for a curve to the left having a central angle of 17° 26' 03", a radius of 904.93 feet;

THENCE: Continuing along the Southwest ROW line of Northwest Drive and around said curve in a Southeasterly direction a distance of 275.36 feet to a point for corner;

THENCE: N 87° 26' 53" W, 325.97 feet to a point for corner, said point being in a curve to the left having a central angle of 30° 00' 00", a radius of 496.41 feet;

THENCE: Around said curve in a Northwesterly direction a distance of 259.92 feet to end of said curve and point for corner;

THENCE: N 44° 15' W, 18.32 feet to a point for corner;

THENCE: N 45° 08' 50" E, 197.74 feet to the PLACE OF BEGINNING and containing 90,748.55 square feet or 2.0833 acres of land.

and being part of the same property conveyed in Deed from Timothy Hutchenson, to Ameritex Development Corp., dated 1/21/83, filed 1/25/83, recorded in Vol. 83018, page 0057 DRDCT.

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