

ORDINANCE NO. 2413
File No. 339-13

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 PLANNED DEVELOPMENT SERVICE STATION WITH SITE PLAN APPROVAL DELEGATED TO STAFF; THE SUBJECT .8035 ACRE TRACT IS LOCATED AT THE NORTHWEST CORNER OF POTEET DRIVE AND NORTH GALLOWAY AVENUE; 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 Planned Development Service Station with site plan approval delegated to Staff. The subject .8035 acre tract is located at the northwest corner of Poteet Drive and North Galloway Avenue; 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 6th day of April, A.D., 1987.

George A. Venner, Sr.

George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elizabeth A. Sunday
Elizabeth A. Sunday
Assistant City Attorney

PROPERTY DESCRIPTION

ING part of a tract of land situated in the JOHN T. NELMS SURVEY, ABSTRACT NO.1095, and the JAMES E. COATS SURVEY, ABSTRACT NO.339, and a part of MALL EAST ADDITION to Mesquite, Texas, according to the map thereof recorded in Volume 81019, Page 1960, Map Records of Dallas County, Texas, and being all of the following tracts of land owned by Connell Horn Joint Venture; 15.1368 acres recorded in Volume 83130, Page 4249, Deed Records of Dallas County, Texas, 1.130 acres recorded in Volume 93212, Page 2757, Deed Records Dallas County, Texas, and being part of a 98.927 acre tract of land conveyed to Town East Development Company as recorded in Volume 82246, Page 0961, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found for corner at the intersection of the West R.O.W. line of Galloway Avenue (100' R.O.W.) with the North R.O.W. line of Poteet Drive (60' R.O.W.);

THENCE: N 89°51'27" W continuing along said North R.O.W. of Poteet Drive for a distance of 170.98' to an iron rod set for corner;

THENCE: N 00°08'33" E for a distance of 177.68' to an iron rod set for corner;

THENCE: N 60°06'33" E for a distance of 64.64' to an iron rod found for corner;

THENCE: S 89°51'27" E for a distance of 115.00' to an iron rod found for corner, said point being in the aforementioned West R.O.W. line of Galloway Avenue;

THENCE: S 00°08'33" W continuing along said West R.O.W. line of Galloway Avenue a distance of 210.00' to the POINT OF BEGINNING and containing 35,001.165 square feet or 0.8035 acres of land.

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