

ORDINANCE NO. 2452
File No. 1256-4

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 FOR RETIREMENT HOUSING WITH CERTAIN STIPULATIONS; THE SUBJECT 1.799 ACRE TRACT IS LOCATED NORTH OF GALLOWAY AVENUE AND HILLCREST DRIVE 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 (\$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 for retirement housing with the following stipulations:

- 1) A 3-story brick building;
- 2) Parking spaces for 43 cars;

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3) Unit types as follows:

- 11 efficiency units at 414 square feet,
- 33 one-bedroom units at 538 square feet,
- 1 two-bedroom unit at 747 square feet

4) A community room with party kitchen, elevator, emergency call system, and an outdoor patio area,

5) A detailed landscape plan to be submitted with the site plan for approval by the Planning and Zoning Commission, and

6) Units will be for retirement housing as covered under HUD Section 202 and used in the HUD Program.

The subject 1.799 acre tract is located north of Galloway Avenue and Hillcrest Drive 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.

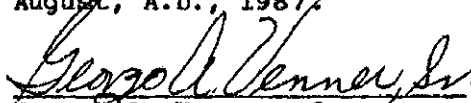
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two

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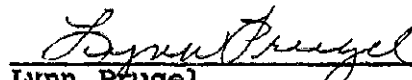
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this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the 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 17th day of August, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


Jonathan Graham
City Attorney

SURVEY PLAT

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

This is to certify that I have, this date, made a careful survey on the ground of property described as follows, to-wit:

Being all that certain lot, tract or parcel of land in the City of Mesquite, Texas, out of the W. H. ROWE SURVEY, ABSTRACT NO. 1256, and being part of that certain 28.355 acre tract conveyed from W. B. Hailey and wife, Ervin V. Hailey to Melvin W. Jackson, Sr. by Deed as recorded in Volume 69173, Page 1573 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod for a corner, said corner being the intersection of the Northeast R.O.W. line of Galloway Avenue (100 foot R.O.W.) and the Northwest R.O.W. line of Hillcrest Drive (a 60 foot R.O.W.), same being North 45° 00' West, 149.67 feet from the Southeast line of said Melvin W. Jackson tract;

THENCE North 45° 00' West, along the Northeast R.O.W. Line of Galloway Avenue, 391.83 feet to a 1/2" iron rod for a corner, said corner being the Northwest corner of said Melvin W. Jackson Tract;

THENCE North 44° 48' East, 200 feet to a 1/2" iron rod for a corner;

THENCE South 45° 00' East, parallel to the Northeast R.O.W. line of Galloway Avenue, 391.83 feet to a 1/2" iron rod for a corner;

THENCE South 44° 48' West, 200.0 feet to the place of BEGINNING and containing 1.79902 acres of land.

Exhibit "A"
File No. 1256-

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GALLOWAY AVENUE

GALLOWAY AVENUE

ABSTRACT 1062

ABSTRACT 1250

39.85'

N 65°00' W

N 65°28' E

200.0'

39.85'

S 45°00' E

PART OF ABSTRACT 1250

1.79902 ACRES

S 45°18' W

200.0'

BEGINNING

Survey

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