

ORDINANCE NO. 2542
File No. 1461-106

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM R-1 SINGLE FAMILY TO PLANNED DEVELOPMENT GENERAL RETAIL WITH A CONDITIONAL USE FOR A DAY NURSERY DELEGATING SITE PLAN APPROVAL TO THE STAFF IF SITE PLAN IS FOR DAY NURSERY USE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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 R-1 Single Family to Planned Development General Retail with a Conditional Use for a day nursery, delegating site plan approval to the Staff if site plan is for day nursery use. The subject 2.0 acre tract is located 749 feet west of the Oates Drive and Northwest Drive intersection fronting the south side of Oates 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

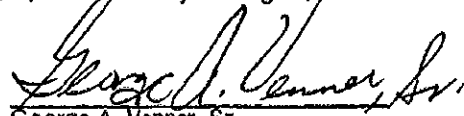
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2000.00) 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

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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 by the City Council of the City of Mesquite, on the 1st day of August, 1988.



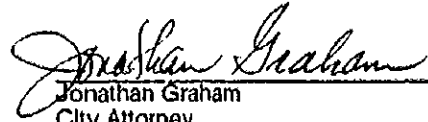
George A. Vanner, Sr.
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



Jonathan Graham
City Attorney

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EXHIBIT "A"

Being a tract of land situated in the THROPHALUS THOMAS SURVEY, ABST. No. 1461, said tract also being a part of a tract of land described in deed of partition from Jennie Oates et al to P. D. Oates, recorded in Volume 665, Page 376, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point of Reference formed by the intersection of the Southeast R.O.W. line of Oates Drive (60 ft R.O.W.) and the Southwest R.O.W. line of Northwest Drive (100 ft R.O.W.);
THENCE from said point of reference along the Southeast line of Oates Drive on a bearing of South 45 deg. 09' 00" West, a distance of 749.89 ft to the Point of Beginning of said tract;
THENCE departing the Southeast R.O.W. line of Oates Drive on a bearing of South 44 deg. 58' 06" East a distance of 363.0 ft to a point for a corner;
THENCE South 45 deg 09' 00" West a distance of 240.0 ft to a point for corner;
THENCE North 44 deg. 48' 06" West a distance of 363.0 ft to a point for a corner; said point also being the Southeast line of Oates Drive;
THENCE continuing along Southeast line of Oates Drive North 45 deg. 09' 00" East a distance of 240.0 ft to the Point of Beginning and containing 2.00 acres of land (87,120 sq ft).

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