

ORDINANCE NO. 2578
File No. 1028-10

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM PLANNED DEVELOPMENT MULTIFAMILY AT TWENTY (20) UNITS PER ACRE TO PLANNED DEVELOPMENT FOR RETIREMENT HOUSING WITH CERTAIN STIPULATIONS; 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 Planned Development Multifamily at twenty (20) units per acre to Planned Development for Retirement Housing with the stipulation that a landscape plan be submitted with the required Site Plan showing trees and other landscape materials along Range Drive; and that the dumpster location with screening be shown in the Site Plan. The subject tract is located 350 feet northeast of North Galloway Avenue, fronting the north side of Range 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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.


00218

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, on the 16th day of January, 1989.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Pruge
City Secretary

APPROVED:


B.J. Smith
City Attorney

PROPERTY DESCRIPTION

BEING a tract of land out of the MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1028, City of Mesquite, and being part of a tract of land conveyed to American Federal Savings & Loan Association, as recorded in Volume B4183, Page 5493, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found iron rod in the Northwesterly ROW line of Range Drive (a 60' ROW), said point being N 45° 18" E, 350.00 feet from the intersection of the Northwest ROW line of Range Drive and the Northeast ROW line of North Calloway Avenue (a 100' ROW);

THENCE: N 45° 00' W, 310.00 feet to an iron rod for corner;

THENCE: N 45° 18' E, 200.00 feet to an iron rod for corner;

THENCE: S 45° 00' E, 310.00 feet to an iron rod for corner in the Northwesterly ROW line of Range Drive;

THENCE: S 45° 18' W, 200.00 feet along the Northwesterly ROW line of Range Drive to the PLACE OF BEGINNING and containing 61,999.15 square feet or 1.4233 acres of land.

SURVEYORS CERTIFICATION

I hereby certify that the plat hereon is a true, correct and accurate representation of the property as determined by an on the ground survey. The lines and dimensions of said property being as indicated by the plat.

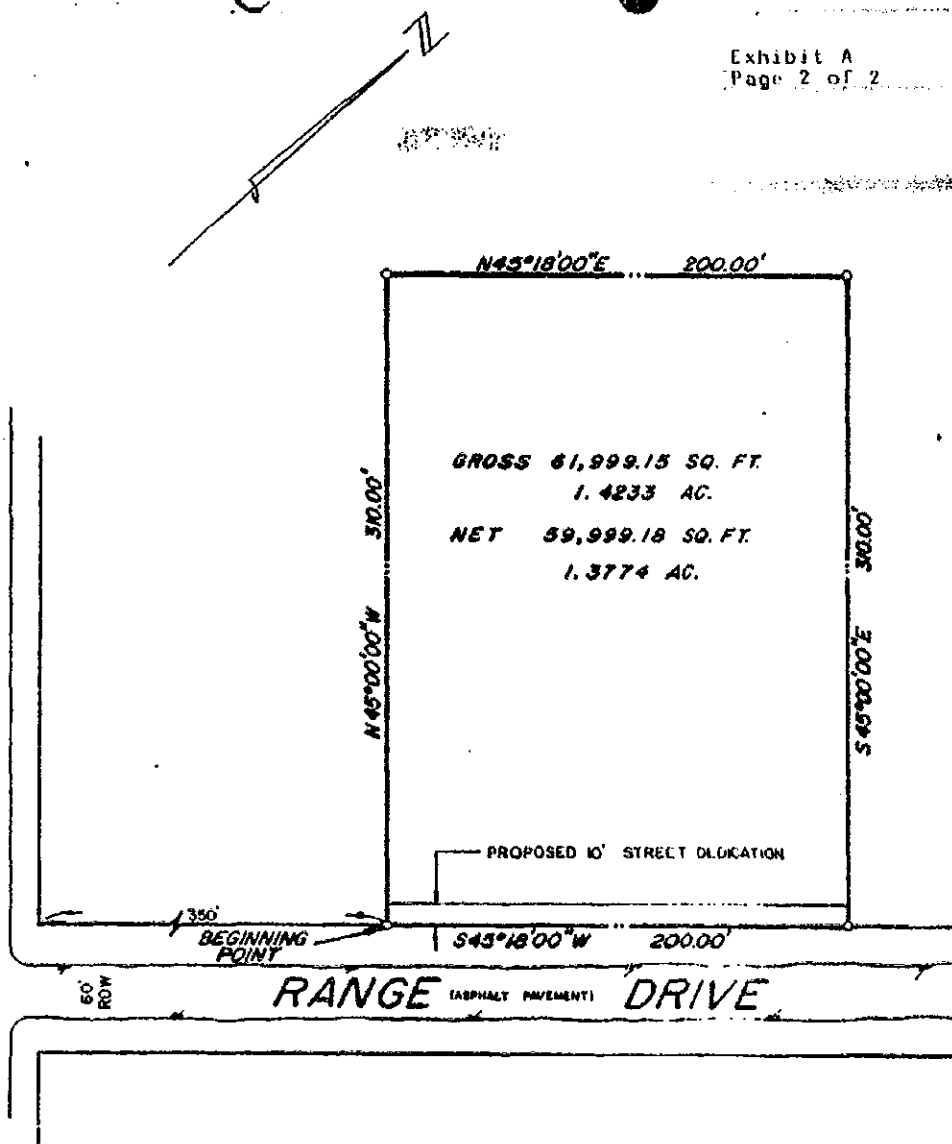
J. L. Lane
 J. L. LANE
 REGISTERED PUBLIC SURVEYOR NO. 2509
 October 14, 1988



CG220

Exhibit A
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N. GALLOWAY AVE.
100' ROW



SURVEY

OUT OF THE
 MCKINNEY & WILLIAMS SURVEY, ABSTRACT NO. 1028
 CITY OF MESQUITE, DALLAS COUNTY, TEXAS
 BY

SS SOUTHWEST
 SURVEYING INC.

3149 Hwy. #67, Suite F - Mesquite, Texas 75150

SCALE: 1" = 60'

331-8888

OCTOBER, 1988