

ORDINANCE NO. 2649

File No. 1462-204

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-3 SINGLE FAMILY TO PLANNED DEVELOPMENT/LIGHT COMMERCIAL 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 R-3 Single Family to Planned Development/Light Commercial with the following stipulations:

- 1) That the frontage road be in place prior to any development;
- 2) That no access from this tract to Barbara Street be permitted, including extension of the masonry screening wall across the stub of Barbara Street; and
- 3) That no access from this tract to Richard Street be permitted and subject to the construction of a brick or poured in place concrete with brick imprint solid screening wall be erected along Richard Street and that native shade trees, such as live oak, cedar, elm or red oak, with a minimum 3 inch caliper at installation be planted at 25 foot center in the right of way in front of this wall along Richard Street and maintained by the owner(s) of this tract, including maintenance of the grass strip/right of way and provide that adequate assignment and assurance to guarantee responsibility for maintenance shall be required if the property is subdivided.

The subject 11.6596 acre tract is located northeast of the Gross Road and I.H. 635 intersection, fronting the east side of I.H. 635; 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


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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 as amended, 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.

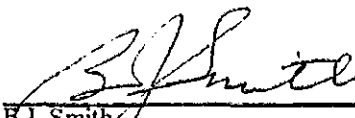
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of December, 1989.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B.J. Smith
City Attorney

BEGINNING AT AN IRON ROD SET FOR CORNER AT THE MOST SOUTHERLY CORNER OF NORTH RIDGE ESTATES NO. 5, AN ADDITION TO THE CITY OF MESQUITE AS RECORDED IN DEED RECORDS AT DALLAS COUNTY, VOLUME 40, PAGE 37;

THENCE S 44 30'54" W ALONG A FENCE LINE WITH THE NORTHERLY LINE OF NORTH RIDGE ESTATES NO. 6, AN ADDITION TO ~~THE CITY OF MESQUITE~~ AS RECORDED IN DEED RECORDS AT DALLAS COUNTY, VOLUME 28, PAGE 197, A DISTANCE OF 844.25 FEET TO AN IRON ROD SET FOR CORNER ON THE EASTERLY R.O.W. LINE OF I.H. 635;

THENCE N 24 37'41" W ALONG SAID EASTERLY R.O.W. OF I.H. 635 A DISTANCE OF 342.42 FEET TO A TEXAS HIGHWAY DEPARTMENT FOR CORNER;

THENCE N 01 37'41" W CONTINUING ALONG SAID R.O.W. OF I.H. 635 A DISTANCE OF 434.80 TO AN IRON ROD SET FOR CORNER;

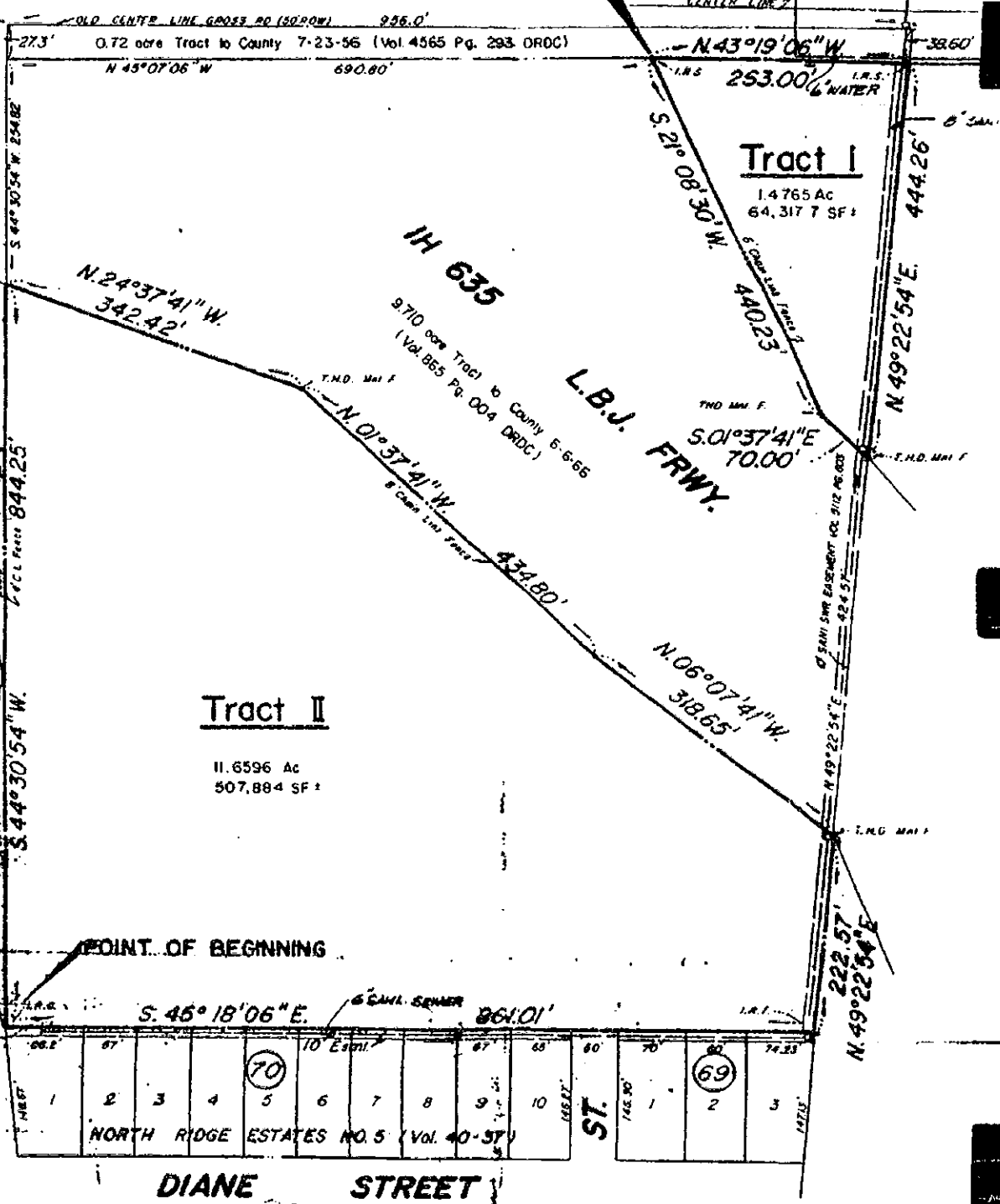
THENCE N 06 07'41" W CONTINUING ALONG SAID EASTERLY R.O.W. OF I.H. 635 A DISTANCE OF 318.65 FEET TO A TEXAS HIGHWAY DEPARTMENT MONUMENT FOUND FOR CORNER;

THENCE N 49 22'54" E ALONG A FENCE A DISTANCE OF 222.57 TO AN IRON ROD FOUND FOR CORNER, SAID POINT BEING THE MOST WESTERLY CORNER OF SAID NORTH RIDGE ESTATES NO. 5;

THENCE S 45 18'06" E ALONG THE WESTERLY LINE OF NORTH RIDGE ESTATES NO. 5 A DISTANCE OF 861.01 FEET TO THE POINT OF BEGINNING & CONTAINING 507,884 SQUARE FEET OR 11.6596 ACRES OF LAND MORE OR LESS.

Point of Beginning
3.55 Acre Tract
L.B. STELLMACHER
1-23-50
Vol. 3248 Pg. 4

POINT OF BEGINNING



(73)

(72)

Tract II

11.6596 Ac
507,884 SF

POINT OF BEGINNING

(70)

(69)

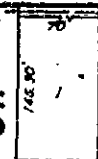
NORTH RIDGE ESTATES NO. 5 (Vol. 40-57)

DIANE STREET
(50 ROW)

BARBARA ST

NORTH RIDGE ESTATES NO. 6
(Vol. 28 Pt. 197)

RICHARD ST
(50 ROW)



PD 2174
(LC, O)

PD 1889
(MF-22)

ZONING
1462-206

I.H. 635

NORTHBRIDGE
SECTION 5

R-3

ZONING
1462-204

PD 1854 (D)

A-1

PD 1915
(MF-22)

GR

GROSS
RD

C

