

ORDINANCE NO. 2713

File No. MS-4

00053

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM GENERAL RETAIL AND SERVICE STATION TO A PLANNED DEVELOPMENT DISTRICT WITH CERTAIN PERMITTED USES AND 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 General Retail and Service Station to a Planned Development District with the following permitted uses and stipulations:

1. All uses permitted in the General Retail District;
2. A metal building with a masonry front (including a 20 foot wrap along the sides);
3. Paint and Body Shop, subject to the following stipulations:
 - a) No access be allowed except from U.S. Hwy. 80 Service Road;
 - b) Masonry fence across the front of the property where fencing is indicated; and
 - c) A site plan to indicate all existing and future storage areas and fencing for storage areas.

The subject 0.6938 acre tract is located approximately 150 feet west of the Rayburn Avenue and U.S. Hwy. 80 frontage road, fronting the south side of U.S. Hwy. 80 (1314 East Hwy. 80); City of Mesquite, Dallas County, Texas. Approved field notes of this tract are 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

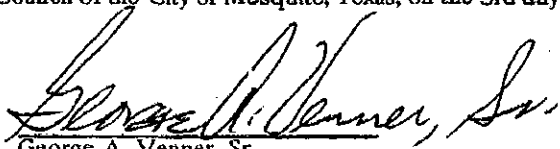
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 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.

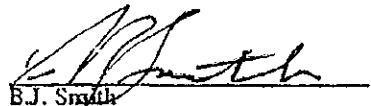
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of December, 1990.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B.J. Smith
City Attorney

PROPERTY DESCRIPTION

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WHEREAS, RICHARD BELL and VICTORIA ALBERTO are the owners of a tract of land situated in Dallas County, Texas, out of the Daniel Tanner League, Abstract No. 1462, and being part of LOT TWELVE (12) and Part of LOTS THIRTEEN (13) and FOURTEEN (14) in BLOCK "A" of MILES SMITH ADDITION, an addition in the City of Mesquite, Dallas County, Texas, as recorded in Volume 16 at Page 55 of the Map Records of Dallas County, Texas, also being part of a certain 38.75 acre tract of land conveyed to Thomas A. Dean by J. T. Dean by Deed recorded in Volume 1606 at Page 526 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod in the South line of U. S. Highway 80, said point being S 89 08' 00" W, 150.00 feet from the intersection of the South line of U. S. Highway 80 with the West line of Rayburn Avenue (a 60' ROW);

THENCE: S 00 52' 00" E, parallel to the West line of Rayburn Avenue, 165.63 feet to an iron rod for corner;

THENCE: S 45 00' 00" W, 108.57 feet to a point for corner in the west line of lot 12 Block A;

THENCE: N 45 00' 00" W, 110.83 feet along the West line of lot 12 to a point for corner;

THENCE: N 45 00' 00" E, 10.36 feet to an iron rod for corner, said point being the South corner of a tract described as First Tract in Deed recorded in Volume 548 at Page 223 of the Deed Records of Dallas County, Texas;

THENCE: N 00 52' 00" W, 154.47 feet to an iron rod for corner in the South line of U. S. Highway 80;

THENCE: N 89 08' 00" E, along the South line of U. S. Highway 80, 147.66 feet to the PLACE OF BEGINNING and containing 30,224.39 square feet or 0.6938 acres of land.

This Tract to be known as LOT 14R of a replat of Miles Smith Addition, city of Mesquite Dallas county, Texas.

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