

ORDINANCE NO. 2716

File No. TC-6

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT LIGHT COMMERCIAL DISTRICT, INCORPORATING CERTAIN CONDITIONS; 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 Light Commercial to Planned Development Light Commercial District, incorporating the following conditions:

1. Permitted uses shall include:
 - a) All uses permitted in the Light Commercial District
 - b) A Conditional Use for Outdoor Recreation (a miniature golf course), permitting the location of outdoor activity within 200 feet of a residential district.
 - c) A Conditional Use for a coin-operated amusement gameroom.
2. All development standards applicable in the Light Commercial District shall apply.
3. Fencing (non-solid) shall be permitted with a minimum setback of 10 feet from the property line.
4. The Development Review Committee shall be authorized to review and approve the required Planned Development site plan, provided that the site plan conforms to the concept plan presented at the hearings.

The subject 2.245 acre tract is located approximately 400 feet south of the Driftwood Drive and Towne Crossing Boulevard intersection, fronting the east side of Towne Crossing Boulevard; 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.

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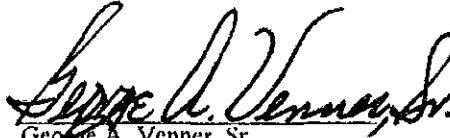
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SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part 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.

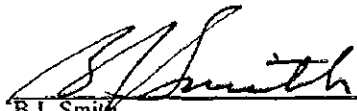
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of December, 1990.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney

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Field Note Description

BEING a 2.245 acre tract of land situated in the T. Thomas League Survey, Abstract Number 1461 in the City of Mesquite, Dallas County, Texas and being a portion of Lot 3, Block B of Towne Crossing an addition to the City of Mesquite according to the plat recorded in Volume 83086, Page 0844 of the Deed Records of Dallas County, Texas (DRDCT);

COMMENCING at the southwest corner of Lot 3B, Block 3B of the Steak & Ale Addition an addition to the City of Mesquite according to plat recorded in Volume 83203, Page 2251 (DRDCT) and being located in the easterly right-of-way line of Towne Crossing Boulevard (a 60' wide right-of-way) and being located in the west line of said Lot 3, Block B;

THENCE along the easterly right-of-way line of said Towne Crossing Boulevard and the west line of said Lot 3, Block B as follows:

South 06°53'18" East a distance of 40.25 feet to the beginning of a curve to the left having a radius of 370.00 feet, a chord bearing of South 16°14'13" East and a chord length of 120.20 feet;

Continuing along said curve to the left through a central angle of 18°41'49" for an arc length of 120.74 feet to a 5/8 inch iron rod set for the POINT OF BEGINNING of the herein described tract of land;

THENCE departing the easterly right-of-way line of said Towne Crossing Boulevard and the west line of said Lot 3, Block B, North 83°06'42" East a distance of 450.47 feet to a 5/8 inch iron rod with cap set in the west right-of-way line I.H. 635 (L.B.J. Freeway, a variable width right-of-way) and also being located in the east line of said Lot 3, Block B;

THENCE along the west right-of-way line of I.H. 635 (L.B.J. Freeway) and the east line of said Lot 3, Block B, South 06°53'18" East a distance of 326.09 feet to a 1/2 inch iron rod found for corner;

THENCE departing the west right-of-way line of said I.H. 635 (L.B.J. Freeway) and east line of said Lot 3, Block B, South 83°06'42" West a distance of 66.74 feet to a 1/2 inch iron rod found in the easterly right-of-way line of said Towne Crossing Boulevard and also being the westerly line of said Lot 3, Block B, and being in a curve to the left having a radius of 280.00 feet, a chord bearing of North 63°41'25" West and a chord length of 163.38 feet;

THENCE along the easterly right-of-way line of said Towne Crossing Boulevard and the westerly line of said Lot 3, Block B, as follows:

Continuing along said curve to the left through a central angle $33^{\circ}55'29''$ for an arc length of 165.79 feet to a 1/2 inch iron rod found for the point of reverse curve of a curve to the right having a radius of 370.00 feet, a chord bearing of North $53^{\circ}07'09''$ West and a chord length of 342.08 feet;

Continuing along said reverse curve to the right through a central angle of $55^{\circ}04'03''$ for an arc length of 355.61 feet to the POINT OF BEGINNING;

CONTAINING within these metes and bounds 2.245 acres or 97,793 square feet of land more or less, all according to that survey prepared by Bedford & Associates Land Surveyors, Inc., dated October, 1990 and signed by Austin J. Bedford, Registered Professional Land Surveyor No. 4132; to which reference for all purposes is hereby made.

Note:

Site subject to the Covenants, Conditions, Obligations, Restrictions and Easements recorded in Volume 85127, Page 3902.