

ORDINANCE NO. 2722

File No. 545-20

00139

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT WITH 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 Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, 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 to Planned Development subject to the following conditions:

- 1) Permitted uses shall include:
  - a. All uses permitted in the General Retail District;
  - b. A plant nursery.
- 2) Development standards set out for the General Retail District shall apply.

The subject property is a 0.393 acre tract located at 4433 Gus Thomasson Road, 162.4 feet south of Oates Drive fronting the west side of Gus Thomasson Road; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite Zoning Ordinance.

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 Mesquite 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 Mesquite Zoning Ordinance 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 (\$2,000.00) 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 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.

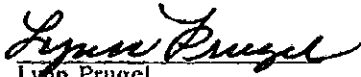
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of February, 1991.



George A. Venner, Sr.  
Mayor

ATTEST:

APPROVED:



Lynn Prugel  
City Secretary



E.J. Smith  
City Attorney

## EXHIBIT "A"

Property situated in the County of Dallas, State of Texas, known as 4433 Gus Thomasson Road, Mesquite, Texas, and being more particularly described as follows:

BEING all of a tract of land out of the John Hardin Survey, Abstract No. 545, City of Mesquite, Dallas County, Texas and also being the Tract of Land conveyed by Alden E. Wagner and John Mahaffey to C.A. Sammons by Deed dated April 26, 1960, filed May 6, 1960, and recorded in the Deed Records, Dallas County, Texas, in Volume 5330, Pages 508, and 509 and being more particularly described by metes and bounds as follows:

BEGINNING at an iron rod in the Southwest Line of Gus Thomasson Drive (a variable width R.O.W.) 162.40 from the South Corner of Oates Drive and Gus Thomasson Drive (after widening);

THENCE South 45 deg. 00 min. 00 sec. East along the above mentioned Southwest R.O.W. of Gus Thomasson Drive for a distance of 100.00 feet to an iron rod for corner;

THENCE South 52 deg. 03 min. 00 sec. West parallel to Oates Drive for a distance of 171.20 feet to an iron post for corner;

THENCE North 49 deg. 00 min. 00 sec. West parallel to said Gus Thomasson for a distance of 100.00 feet to an iron rod for corner;

THENCE North 52 deg. 03 min. 00 sec. East parallel to Oates Drive for a distance of 171.20 feet to the PO'NT OF BEGINNING AND CONTAINING 17,120 Square Feet or 0.393 Acres of Land.

00142