

ORDINANCE NO. 2856  
File No. 1462-209

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 CONDITIONAL USE PERMIT IN COMMERCIAL FOR INDOOR RECREATION (BATTING CAGE/PRACTICE FACILITY); 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 Conditional Use Permit in Commercial for Indoor Recreation (Batting Cage/Practice Facility) to be located within 100 feet of a Residential District. The 3.35 acre property is located southeast of the I.H. 635 and U.S. Hwy. 80 interesection, fronting the south side of I.H. 635/Hwy. 80 interchange; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 18th day of January, 1993 .

  
\_\_\_\_\_  
Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary


  
\_\_\_\_\_  
B.J. Smith  
City Attorney

EXHIBIT "A"

All of the following described real property in Dallas County, Texas, to-wit:  
Being a tract of land situated in the DANIEL TANNER LEAGUE, ABSTRACT NO. 1462, City of Mesquite, Dallas County, Texas and being partly out of the Lively Circle Addition, an Addition to the City of Mesquite, said tract of land being all of a tract of land conveyed to Texas Airmotive Company, by Marvin Jones, et al, as recorded in Volume 68133, Page 670, Deed Records, Dallas County, Texas, and also being all of a 0.149 acre tract of land described as TRACT NO. 1, in a Boundary Agreement, Quit Claim Deed, executed by adjoining property owners, Tulite Terhaune, Inc. (executed by Jan S. Coffman) et al and Ellison Miles, Trustee, et al, said two tracts of land being more particularly described as follows:

COMMENCING at a point in the West line of Santa Marie Drive (a 60' Right of Way), said point being in the Southerly line of Interstate Highway 635 Interchange (with U.S. Highway 80); THENCE South 69 deg. 55 min. West with the Southerly line of said Interstate Highway 635 Interchange, 202.85 feet to the place of beginning of the tract herein described, said point being in the Easterly line of the aforementioned Lively Circle Addition, an iron stake set for corner;

THENCE South 11 deg. 30 min. East with the Easterly line of said Lively circle Addition, 282.83 feet to the Southeasterly corner of said Addition, an iron stake set for corner;

THENCE South 44 deg. 53 min. West with the Southeasterly line of said Addition, and continuing at South 44 deg. 53 min. West, 377.56 feet to the South corner of said 3.20 acre tract, same being the South corner of said 0.149 acre tract, an iron stake set for corner;

THENCE North 30 deg. 56 min. West with the Westerly line of said 0.149 acre tract, 403.79 feet to a point in a Southeasterly line of the aforementioned I.H. 635 Interchange, an iron stake set for corner;

THENCE North 37 deg. 36 min. East with the Southeasterly line of said I.H. 635 Interchange, 86.87 feet to an iron stake set for corner;

THENCE North 72 deg. 05 min. East and continuing along a Southeasterly line of said I. H. 635 Interchange 94.35 feet to an iron stake set for corner;

THENCE North 69 deg. 55 min. East and continuing along said I.H. 635 Right of Way, 292.55 feet to the Place of Beginning and containing 145,948 square feet (3.35) acres of land, more or less.

15-000172