

ORDINANCE NO. 2872
File No. EP-4

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 PLANNED DEVELOPMENT MULTIFAMILY TO PLANNED DEVELOPMENT SUBJECT TO 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 Planned Development Multifamily to Planned Development with the following conditions:

1. Permitted uses shall include all uses permitted in a Light Commercial District and miniwarehouses. Outdoor storage, including outdoor storage of recreational vehicles, is prohibited.
2. Development standards as set out for the Light Commercial District shall apply.
3. The Planned Development site plan shall emphasize total masonry construction (hadite block not included), full landscaping, and no doors facing public view.

The subject tract consists of two (2) tracts and is located at the southeast corner of the Eastfield Boulevard and John West Road intersection; 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

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repealed.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.

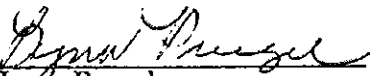
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in 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 3rd day of May, 1993.


Cathye Ray
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney

Being a tract of land situated in the William A. Cole Survey, Abstract No. 261 in the City of Mesquite, Dallas County, Texas and being Lot 2, Block A of Eastfield Plaza, an addition to the City of Mesquite as recorded in Volume 73016, Page 0789 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found on the south line of John West Road (100 foot right-of-way) which bears N 89° 56' 30" W, 170.00 feet from the intersection of the west right-of-way line of Bigtown Boulevard (100 foot right-of-way) and the south right-of-way line of John West Road, said corner also being the northwest corner of Lot 1, Block A of said Eastfield Plaza Addition;

THENCE, S 00° 03' 30" W, departing the south line of John West Road and with the west line of Lot 1 for a distance of 200.00 feet to a 1/2-inch iron rod set for corner;

THENCE, S 89° 56' 30" E, with the south line of said Lot 1 for a distance of 170.00 feet to a "+" cut in concrete sidewalk found for corner in the west line of said Bigtown Boulevard;

THENCE, S 00° 03' 30" W, along the west line of Bigtown Boulevard for a distance of 149.60 feet to a "+" cut in concrete pavement found for corner in the north right-of-way line of Interstate Highway 30;

THENCE, along the north right-of-way line of Interstate Highway 30, the following calls:

N 89° 30' 30" W, 12.20 feet to a 1/2-inch iron rod found for corner;
S 19° 23' 00" W, 137.60 feet to a 1/2-inch iron rod set for corner;
S 67° 47' 00" W, 156.90 feet to a 1/2-inch iron rod set for corner;
S 09° 56' 23" E, 418.75 feet to a 1/2-inch iron rod set for corner;
S 31° 04' 00" W, 200.00 feet to a 1/2-inch iron rod found for corner;
S 61° 04' 00" W, 29.80 feet to a 1/2-inch iron rod set for corner at the intersection of Interstate Highway 30 with the east right-of-way line (80 foot right-of-way) of Eastfield Plaza;

THENCE, N 28° 56' 00" W, leaving the north line of Interstate Highway 30 and along the east line of Eastfield Plaza for a distance of 323.68 feet to a 1/2-inch iron rod set for corner at the beginning of a curve to the right having a radius of 150.00 feet, a central angle of 28° 59' 30", a tangent of 38.78 feet and a chord bearing and distance of N 14° 26' 15" W, 75.09 feet;

THENCE, along said circular curve to the right an arc distance of 75.90 feet to a 1/2-inch iron rod set for corner in the east right-of-way line (80 foot right-of-way) of Eastfield Boulevard;

THENCE, N 00° 03' 30" E, along the east right-of-way line of Eastfield Boulevard for a distance of 781.26 feet to a 1/2-inch iron rod set for corner in the south right-of-way line of the aforementioned John West Road;

THENCE, S 89° 56' 30" E, along the south right-of-way line of John West Road, 265.00 feet to the POINT OF BEGINNING and containing 316,961 square feet or 7.2764 acres of land, more or less.

Being a tract of land situated in the William A. Cole Survey, Abstract No. 261 in the City of Mesquite, Dallas County, Texas and being Part of Lot 1, Block B of Eastfield Plaza, an addition to the City of Mesquite as recorded in Volume 73016, Page 0789 of the Deed Records of Dallas County, Texas, and being that same tract of land described in Volume 84090, Page 7404, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a set 1/2-inch iron rod set for corner at the intersection of the north right-of-way line of Interstate Highway 30 and the west right-of-way line (80 foot right-of-way) of Eastfield Plaza, said corner being S 61° 04' 00" W along the north line of Interstate Highway 30 a distance of 109.80 feet from a 1/2-inch iron rod found at an angle point in Interstate Highway 30;

THENCE, S 61° 04' 00" W, along the north right-of-way line of Interstate Highway 30 for a distance of 220.20 feet to a 1/2-inch iron rod set for corner;

THENCE, 28° 56' 00" W, departing the north right-of-way line of Interstate Highway 30 for a distance of 165.00 feet to a 1/2-inch iron rod found for corner;

THENCE, S 61° 04' 00" W, for a distance of 30.00 feet to a 1/2-inch iron rod found for corner;

THENCE, N 28° 56' 00" W, for a distance of 145.00 feet to a 1/2-inch iron rod found for corner in the south right-of-way line (80 foot right-of-way) of Eastfield Boulevard;

THENCE, N 61° 04' 00" East, along the south line of Eastfield Boulevard for a distance of 235.20 feet to a 1/2-inch iron rod set for corner at the west end of a corner clip at the intersection of the south line of Eastfield Boulevard with the west line of Eastfield Plaza;

THENCE, S 73° 56' 00" E, along said corner clip for a distance of 21.21 feet to a 1/2-inch iron rod set for corner on the west line of Eastfield Plaza;

THENCE, S 28° 56' 00" E, along the west line of Eastfield Plaza for a distance of 295.00 feet to the POINT OF BEGINNING and containing 72,500 square feet or 1.6644 acres of land, more or less.