

ORDINANCE NO. 2960

File No. 1461-111

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 TO PLANNED DEVELOPMENT R-1 SINGLE FAMILY RESIDENTIAL WITH A CONDITIONAL USE PERMIT FOR MEMBERSHIP SPORTS AND RECREATION CLUBS (BASEBALL, FOOTBALL AND SOCCER CLUBS) WITH THE STIPULATION THAT THE PROPERTY BE PLATTED AS ONE LOT FOR AND OWNED BY DALLAS CHRISTIAN SCHOOL PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS ON TRACT 1, AND LIGHT COMMERCIAL ON TRACT 2 WITH A CONDITIONAL USE PERMIT FOR MOTOR VEHICLE DEALERS (NEW AND USED) ON THE SOUTHERNMOST 7 ACRES OF TRACT 2, WITH A CERTAIN STIPULATION; 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 to Planned Development R-1 Single Family Residential with a Conditional Use Permit for membership sports and recreation clubs (baseball, football and soccer clubs) with the stipulation that the property be platted as one lot for and owned by Dallas Christian School prior to the issuance of any building permits on Tract 1 and Light Commercial on Tract 2, with a Conditional Use Permit for motor vehicle dealers (new and used ) on the southernmost 7 acres of Tract 2, with the stipulation that used car sales shall be allowed in connection with new car dealers only. The subject property consists of 42.2 acres in two tracts located on Wooded Lake Drive between N. Galloway Avenue and the TU Electric easement; 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.

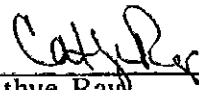
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 21st day of February, 1994.

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

ATTEST:

APPROVED:

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

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

DESCRIPTION OF PROPERTY SURVEYEDTract 1:

DESCRIPTION, of a 28.273 acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being a part of that same tract of land as described in deed to R. Guy Carter as recorded in Volume 4083, Page 455, and being part of that same tract of land in the Transfer & Assignment deed to Consolidated Savings as recorded in Volume 89014, Page 3190, Deed Records, Dallas County, Texas; said 28.273 acre tract being more particularly described as follows:

COMMENCING, at the north end of a right-of-way corner clip at the intersection of southeasterly line of Oates Drive (100-foot right-of-way) and the northeasterly line of Wooded Lake Drive (80-foot right-of-way at this point) as recorded in Volume 88060, Page 3757, Deed Records, Dallas County, Texas;

THENCE, North 45 degrees, 08 minutes, 56 seconds East, along said southeasterly line of Oates Drive, a distance of 300.59 feet to a point; said point being the southerly line of a 175.00-foot wide D.P. & L. right-of-way as recorded in Volume 5458, Page 218 and Volume 71063, Page 0562, Deed Records, Dallas County, Texas;

THENCE, South 62 degrees, 34 minutes, 41 seconds East, along said southerly line, a distance of 353.37 feet to the POINT OF BEGINNING;

THENCE, South 62 degrees, 34 minutes, 41 seconds East, continuing along said southerly line, a distance of 1171.86 feet to a point;

THENCE, South 45 degrees, 04 minutes, 05 seconds West, a distance of 2189.19 feet to a point; said point being the northeasterly line of Wooded Lake Drive (60-foot right-of-way at this point); said point also being the beginning of a non-tangent curve to the left whose center bears North 75 degrees, 57 minutes, 18 seconds West, a distance of 211.74 feet from said point;

THENCE, along said northeasterly line and said curve to the left, through a central angle of 11 degrees, 57 minutes, 18 seconds, an arc length of 44.18 feet to a point; said point being the beginning of a point of reverse curve to the right whose center bears South 87 degrees, 54 minutes, 27 seconds East, a distance of 1836.00 feet from said point;

THENCE, along said northeasterly line and said curve to the right, through a central angle of 30 degrees, 00 minutes, 00 seconds, an arc length of 961.33 feet to a point;

THENCE, North 32 degrees, 05 minutes, 33 seconds East, along said northeasterly line, a distance of 119.42 feet to a point; said point being the beginning of a curve to the left; whose center bears North 57 degrees, 54 minutes, 27 seconds West, a distance of 531.42 feet from said point;

THENCE, along said northeasterly line and said curve to the left, through a central angle of 76 degrees, 48 minutes, 05 seconds, an arc length of 712.33 feet to a point; said point being the end of said curve;

THENCE, North 44 degrees, 42 minutes, 31 seconds West, along said northeasterly line, a distance of 35.45 feet to a point;

THENCE, North 36 degrees, 18 minutes, 58 seconds East, a distance of 435.87 feet to the POINT OF BEGINNING;

CONTAINING, 1,231,572 square feet or 28.273 acres of land, more or less.

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DESCRIPTION OF PROPERTY SURVEYEDTract 2:

DESCRIPTION, of a 13.920 acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1451, City of Mesquite, Dallas County, Texas and being a part of that same tract of land as described in deed 1451 Guy Carter as recorded in Volume 4083, Page 455, and being part of that same tract of land in the Transfer Assignment deed to Consolidated Savings as recorded in Volume 89014, Page 3190, Deed Records, Dallas County, Texas; said 13.920 acre tract being more particularly described as follows:

COMMENCING, at the west end of a right-of-way corner clip at the intersection of the southeasterly line of Oates Drive (100-foot right-of-way) and the southwesterly line of Wooded Lake Drive (80-foot right-of-way at this point) as recorded in Volume 88060, Page 3757, Deed Records, Dallas County, Texas;

THENCE, North 79 degrees, 56 minutes, 18 seconds East, along said corner clip, a distance of 14.14 feet to a point;

THENCE, South 44 degrees, 42 minutes, 31 seconds East, along said southwesterly line, a distance of 80.00 feet to a point, being the beginning of a curve to the left whose center bears North 45 degrees, 17 minutes, 29 seconds East, a distance of 50.00 feet from this point;

THENCE, along said southwesterly line and said curve to the left, through a central angle of 25 degrees, 50 minutes, 25 seconds, an arc length of 22.55 feet to a point; said point being the beginning of a reverse curve to the right, whose center bears South 19 degrees, 27 minutes, 04 seconds West, a distance of 50.00 feet from this point;

THENCE, along said southwesterly line and said curve to the right, through a central angle of 25 degrees, 50 minutes, 25 seconds, an arc length of 22.55 feet to a point;

THENCE, South 44 degrees, 42 minutes, 31 seconds East, with said southwesterly line of Wooded Lake Drive (60-foot right-of-way at this point), a distance of 280.49 feet to the POINT OF BEGINNING;

THENCE, South 44 degrees, 42 minutes, 31 seconds East, continuing along said southwesterly line, a distance of 26.65 feet to a point; said point being the beginning of a curve to the right whose center bears South 45 degrees, 17 minutes, 29 seconds West, a distance of 471.42 feet from said point;

THENCE, along said southwesterly line and said curve to the right, through a central angle of 76 degrees, 48 minutes, 05 seconds, an arc length of 631.91 feet to a point;

THENCE, South 32 degrees, 05 minutes, 33 seconds West, along said southwesterly line, a distance of 119.42 feet to a point; said point being the beginning of a curve to the left whose center bears South 57 degrees, 54 minutes, 27 seconds East, a distance of 1896.00 feet from this point;

THENCE, along said curve to the left, through a central angle of 30 degrees, 00 minutes, 00 seconds, an arc length of 992.74 feet to a point; said point being the beginning of a curve to the right whose center bears North 87 degrees, 54 minutes, 27 seconds West, a distance of 151.74 feet from said point;

THENCE, along said curve to the right, through a central angle of 13 degrees, 04 minutes, 25 seconds, an arc length of 34.62 feet to a point; said point being the northeasterly corner of Courtesy Hyundai Inc. as recorded in Volume 87119, Page 5891, Deed Records, Dallas County, Texas;

THENCE, North 54 degrees, 24 minutes, 42 seconds East, along said north line of Courtesy Hyundai, a distance of 548.77 feet to a point; said point being the northwesterly corner of said Courtesy Hyundai;

THENCE, South 48 degrees, 08 minutes, 18 seconds West, a distance of 32.59 feet to a point; said point being the easterly line of Oates Corners Retail Addition as recorded in Volume 86122, Page 4454, Deed Records, Tarrant County, Texas;

THENCE, along the said easterly line of said Oates Corner Retail Addition, the following eight (8) courses and distances:

North 29 degrees, 09 minutes, 24 seconds East, a distance of 418.78 feet to a point;

North 22 degrees, 18 minutes, 34 seconds East, a distance of 283.73 feet to a point;

North 20 degrees, 13 minutes, 05 seconds East, a distance of 70.21 feet to a point;

North 10 degrees, 27 minutes, 28 seconds East, a distance of 201.85 feet to a point;

North 45 degrees, 06 minutes, 20 seconds East, a distance of 121.23 feet to a point;

North 35 degrees, 16 minutes, 03 seconds East, a distance of 97.27 feet to a point;

North 41 degrees, 48 minutes, 09 seconds East, a distance of 139.09 feet to a point;

North 45 degrees, 26 minutes, 21 seconds West, a distance of 47.56 feet to a point;

THENCE, North 43 degrees, 11 minutes, 00 seconds East, a distance of 249.92 feet to the POINT OF BEGINNING;

CONTAINING, 606,357 square feet or 13.920 acres of land, more or less.

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