

ORDINANCE NO. 2967
File No. TE8-2

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 SERVICE STATION TO PLANNED DEVELOPMENT LIGHT COMMERCIAL DISTRICT WITH THE STIPULATION THAT THE PLANNED DEVELOPMENT SITE PLAN BE DELEGATED TO THE STAFF; 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 Service Station to Planned Development Light Commercial District with the stipulation that the Planned Development Site Plan be delegated to the Staff. The subject property is an 0.643 acre tract being part of Lots 21 and 22, Block 2, Town East Estates #8 Addition, 3848 U.S. Hwy. 67; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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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.

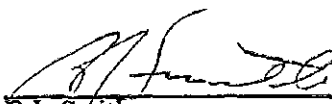
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of April, 1994.


Cathye Ray
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


B.J. Smith
City Attorney

PROPERTY DESCRIPTION

BEING a tract of land situated in the William Crittenton Survey, Abstract No. 333, and the Josephus Foreman Survey, Abstract No. 483, City of Mesquite, Dallas County, Texas, and further being part of Lots 21 and 22, Block 2 of the First Installment of Town East Estates No. 8, as recorded in Volume 614, Page 1518, of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the northeast line of Bamboo Street (a 60' ROW) and the southwest line of U. S. Highway 67 (a 300' ROW), an iron rod for corner;

THENCE: N 60°14'00" E, along the said southeast line of U. S. Highway 67, 175.00 feet to an iron rod for corner;

THENCE: S 29°46'00" E, leaving the said southeast line of U. S. Highway 67, 160.00 feet to an iron rod for corner;

THENCE: S 60°14'00" W, parallel to and 160.00 feet from the said southeast line of U. S. Highway 67, 175.12 feet to the beginning of a curve to the left having a central angle of 01°35'30", a radius of 360.00 feet, and a back tangent of N 28°10'30" W, an iron rod for corner making the said northeast line of Bamboo Street;

THENCE: Along the said Bamboo Street northeast line and along said curve in a northwesterly direction, 10.00 feet to the end of said curve, an iron rod for corner;

THENCE: N 29°46'00" W, continuing along said Bamboo Street northeast line, 150.00 feet to the PLACE OF BEGINNING.

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