

ORDINANCE NO. 3133

File No. 1-25

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 APPROVE A CHANGE OF ZONING FROM GENERAL RETAIL TO R-2A SINGLE FAMILY RESIDENTIAL WITH A STIPULATION THAT A MASONRY SCREENING WALL BE CONSTRUCTED ALONG THE SOUTH PROPERTY LINE ADJOINING THE REMAINING NONRESIDENTIAL ZONING; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 approve a change of zoning from General Retail to R-2A Single Family Residential, with the stipulation that a masonry screening wall be constructed along the south property line adjoining the remaining nonresidential zoning. The subject 5.95 acre tract is located southeast of the Newsom Road and Clay-Mathis Road intersection; City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

Page 2

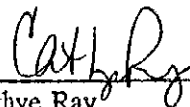
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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 6th day of January, 1997.


 Cathye Ray
 Mayor

ATTEST:

APPROVED:


 Ellen Williams
 City Secretary


 B.J. Smith
 City Attorney

FIELD NOTES

4266.FLD
BEING a tract of land situated in the A.B. Lanier Survey, Abstract No. 1662 and the A.P. Summers Survey, Abstract No. 1677, City of Mesquite, Dallas County, Texas, the subject tract further being all of Tract 7 as described in that general warranty deed recorded in Volume 93222, Page 4141 of the Deed Records of Dallas County, Texas (DRDCT) the subject tract being more particularly described as follows;

BEGINNING at a 1/2" iron pin set marking the intersection of the East line of Clay Mathis Road (a 100' ROW) with the South line of Newsom Road (a 50' ROW);

THENCE, Along the South line of Newsom Road, the following;

Around a non-tangent curve to the Left having a central angle of 04° 06' 55", a radius of 190.00 feet and a chord bearing of S 87° 29' 17" E, an arc distance of 13.65 feet to a 1/2" iron pin set at corner;

S 89° 32' 45" E, a distance of 315.65 feet to a 1/2" iron pin set at corner;

THENCE, S 01° 50' 40" E, along the West line of a 15 foot alley, a distance of 780.00 feet;

THENCE, S 88° 09' 20" W, along the North line of La-Petite Academy tract, a distance of 330.00 feet to a 1/2" iron pin set at corner;

THENCE, N 01° 50' 40" W, along the said East line of Clay Mathis Road, a distance of 793.74 feet to the PLACE OF BEGINNING and containing 259,582 square feet or 5.959 acres of land.

00194

EXHIBIT "A"

Page 2 of 2

PLACE OF BEGINNING

NEWSOM

S89°32'45"E 316.85'

ROAD



100'

DELTA = 04°08'55"
RADIUS = 190.00'
TANGENT = 6.83'
LENGTH = 13.65'
CHORD = 13.64'
CHD DRG = N87°29'17"W

ROAD

CLAY MATHIS

N01°50'40"W 793.74'

259,582 Sq. Ft.
5.959 Ac.

S01°50'40"E 790.08'

CREEK CROSSING ESTATES I
R-2A
PHASE ONE

SCHRADE

BEEMAN DRIVE

CRAIG DRIVE

TRAIL

BOWIE DRIVE

S88°09'20"W 330.00'

LA-PETITE ACADEMY
PD 2519 (GR)

ZONING EXHIBIT

CREEK CROSSING ESTATES NO. 20
MESQUITE, DALLAS COUNTY, TEXAS



TIPTON ENGINEERING, INC.

6330 Belt Line Road ~ Suite C
Garland, Texas 75043, Ph. No. 226-2967

DRAWN	CHECKED	DATE	SCALE	JOB NO.
T.E. INC.	T.E. INC.	12/96	1"=100'	42662E