

ORDINANCE NO. 3208  
File No. 974-7

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 CONDITIONAL USE PERMIT FOR A LIMITED SERVICE HOTEL; SUBJECT TO CERTAIN PROVISIONS; 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 Conditional Use Permit for a Limited Service Hotel, subject to the provision of internal hallways for primary room access, an indoor pool, a meeting room of at least 450 square feet, and a minimum of 70 rooms in a 3-story configuration. The subject property is a 1.65 acre tract, and is located south of the IH-635 and Hickory Tree Road intersection, fronting the east side of Hickory Tree Road, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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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. 3042 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 2nd day of February, 1998.



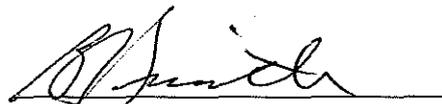
Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney

STATE OF TEXAS       \*  
COUNTY OF DALLAS    \*

WHEREAS, BURL SWAFFORD & ROBERT W. HOLLIN PROFIT SHARING TRUST and BURL SWAFFORD, are the owners of that certain tract of land out of the S.H. MILLER SURVEY, Abstract No. 974, in the City of Mesquite, Dallas County, Texas and being part of the 53.93 acres of land described in deed to Burl Swafford and Robert W. Hollin Profit Sharing Plan, recorded in Volume 5761, Page 44 and Volume 69188, Page 0070 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" iron rod found in the west right-of-way line of I.H. No. 635 (variable width ROW) and the south line of the beforementioned 53.93 acre tract for the northeast corner of the tract of land described in deed to H. Lloyd Revocable Trust, recorded in Volume 76209, Page 749 of the Deed Records of Dallas County, Texas; Thence with the west right-of-way line of said I.H. No. 635, North 14°34'02" West, a distance of 380.76 feet to a 5/8" iron rod set with a red plastic cap stamped "PBS&J INC" (hereinafter called 5/8" iron rod set) for the POINT OF BEGINNING;

THENCE leaving the west right-of-way line of said I.H. No. 635, North 89°57'00" West, a distance of 210.68 feet to a 5/8" iron rod set in the east right-of-way line of Hickory Tree Road (70' ROW);

THENCE with the east right-of-way line of said Hickory Tree Road, North 00°19'40" West, a distance of 562.86 feet to a 5/8" iron rod set for corner;

THENCE leaving the east right-of-way line of said Hickory Tree Road, North 89°31'20" East, a distance of 45.00 feet to a 5/8" iron rod set in the west right-of-way line of said I.H. No. 635;

THENCE with the west right-of-way line of said I.H. No. 635, South 16°41'17" East, a distance of 588.18 feet to the POINT OF BEGINNING and containing 1.6529 acres of land.

Bearing system based upon the deed recorded in Volume 85232, Page 5252 of the Deed Records of Dallas County, Texas.