

ORDINANCE NO. 3211
File No. AH-1

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 R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT SINGLE FAMILY TO INCLUDE A DAY CARE WITH CERTAIN STIPULATIONS; 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 R-3 Single Family Residential to Planned Development Single Family to include a Day Care, subject to the following stipulations:

1. All permitted uses of the R-3 District shall be allowed.
2. If developed as a day care center, the development standards of the Light Commercial District shall apply.
3. If developed as Single Family, no alley shall be required along the southeast side of the property, adjacent to Mesquite Valley Road.

The subject property is a 1.66 acre tract located north of the Mesquite Valley Road and Cordia Drive intersection, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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 16th day of February, 1998.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

LEGAL DESCRIPTION 1.6668 ACRES

Being a tract of land out of the J.P. ANDERSON SURVEY, Abstract No. 1, in the City of Mesquite, Dallas County, Texas, and being part of the remainder of the 24.9590 acre tract of land described in deed to Cayman Estates, Ltd., recorded in Volume 93214, Page 6692 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod set with a red plastic cap stamped "PBS&J INC" (hereinafter called 5/8" iron rod set) in the intersection of the northeast right-of-way line of Cordia Drive (50' ROW) with the northerly right-of-way line of Mesquite Valley Drive (80' ROW);

THENCE with the northeast right-of-way line of said Cordia Drive, North 44°58'23" West, a distance of 275.87 feet to a 5/8" iron rod set for corner;

THENCE leaving the said northeast right-of-way line of Cordia Drive, the following courses and distances to wit:

North 45°12'15" East, a distance of 210.71 feet to a 5/8" iron rod set for the beginning of a tangent curve to the right, having a central angle of 99°56'06", a radius of 40.00 feet and a chord bearing and distance of South 84°49'42" East, 61.25 feet;

Southeasterly, with the said curve, an arc distance of 69.77 feet to a 5/8" iron rod set for the beginning of a compound curve to the right, having a central angle of 00°26'07", a radius of 315.33 feet and a chord bearing and distance of South 34°38'35" East, 2.40 feet;

Southeasterly, with the said curve, an arc distance of 2.40 feet to a 5/8" iron rod set for the beginning of a reverse curve to the left, having a central angle of 10°22'12", a radius of 351.33 feet and a chord bearing and distance of South 39°36'39" East, 63.50 feet;

Southeasterly, with the said curve, an arc distance of 63.59 feet to a 5/8" iron rod set for corner;

South 44°47'45" East, a distance of 203.25 feet to a 5/8" iron rod set for corner;

South 32°52'19" East, a distance of 20.47 feet to a 5/8" iron rod set in the north right-of-way line of Mesquite Valley Drive for the beginning of a non-tangent curve to the left, having a central angle of 23°10'37", a radius of 612.96 feet and a chord bearing and distance of South 59°17'09" West, 246.26 feet;

Southwesterly, with the said curve, an arc distance of 247.95 feet to the POINT OF BEGINNING and containing 1.6666 acre of land.