

ORDINANCE NO. 3216
File No. 1461-122

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 ZONING CHANGE FROM R-2 SINGLE FAMILY RESIDENTIAL AND A-2 MULTIFAMILY RESIDENTIAL TO PLANNED DEVELOPMENT OFFICE WITH A MAXIMUM TWO-STORY HEIGHT; 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 zoning change from R-2 Single Family Residential and A-2 Multifamily Residential to Planned Development Office with a maximum two-story height. The subject property is a 9.04 acre tract located at the northwest corner of the Childress Avenue and Brazoria Drive 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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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 6th day of April, 1998.




Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

PROPERTY DESCRIPTION

BEING a survey of a tract of land in the Theophilus Thomas Survey, Abstract No. 1461 and the Isham Thomas Survey, Abstract No. 1501, and being in the City of Mesquite, Dallas County, Texas, and being part of a certain tract conveyed to Murphy Dalton and William E. Dalton and recorded in Volume 4221, Page 555, Deed Records, Dallas County, Texas, and being more particularly described as follows;

BEGINNING at the Northwest corner of the Country Meadows No. 2 Addition, an Addition to the City of Mesquite, an 5/8 inch iron rod found for corner;

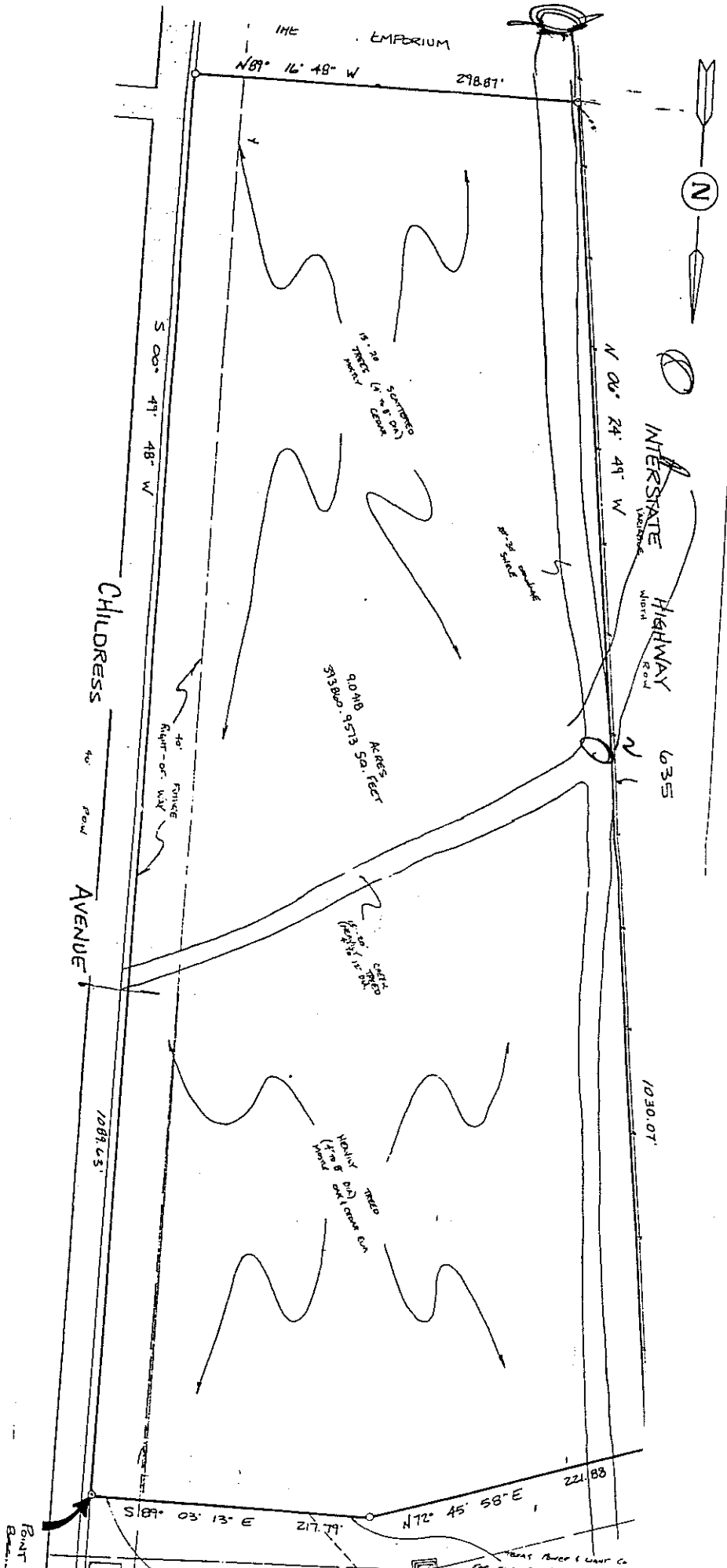
THENCE South 00 degrees 49 minutes 48 seconds West, along the West line of said Addition, same being the West line of Childress Avenue (40.0 feet wide), 1089.63 feet to an 5/8 inch iron rod found with yellow cap for corner;

THENCE North 89 degrees 16 minutes 48 seconds West, along the North line of The Emporium, an Addition to the City of Mesquite, 298.87 feet to an 5/8 inch iron rod found with yellow cap for corner in the East line of Interstate Highway No. 635 (variable width R.O.W.);

THENCE North 06 degrees 24 minutes 49 seconds West, along the East line of said Highway, 1030.07 feet to an 3/8 inch iron rod found for corner in the South line of a 100.0 foot wide Texas Power & Light Company R.O.W. as recorded in Volume 466, Page 0107;

THENCE North 72 degrees 45 minutes 58 seconds East, along the South line of said Texas Power & Light Company R.O.W., 221.88 feet to an 1/2 inch iron rod found for corner;

THENCE South 89 degrees 03 minutes 13 seconds East, continuing along the South line of said R.O.W., 217.79 feet to the POINT OF BEGINNING and CONTAINING 39,3860.9573 square feet or 9.0418 acres of land.



ROAD & BOUNDARY

THOMAS POWER & LIGHT CO
FOR RECORDING & TRANSMISSION