

ORDINANCE NO. 3348
File No. 1256-6

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 PLANNED DEVELOPMENT FOR RETIREMENT HOUSING TO GENERAL RETAIL; 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 changes 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 Planned Development for Retirement Housing to General Retail. The subject property is a 1.7991 acre tract located north of the North Galloway Avenue and Hillcrest intersection, City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

SECTION 2. 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 3. 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 4. That should any word, sentence, clause, paragraph, phrase, or section of this ordinance be 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 5. 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 6. That 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 become effective 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 January, 2000.



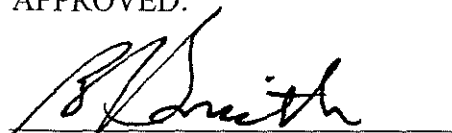
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

Field Notes
File No. 1256-6

PROPERTY DESCRIPTION

BEING all of that certain lot, tract or parcel of land situated in the W. H. Rowe Survey, Abstract No. 1256 of the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner in the northeast R.O.W. line of Galloway Avenue (a 100' R.O.W.), and being S 45°00'00" E, 710.24' from the present intersection of the northeast line of Galloway Avenue with the southeast R.O.W. line of Hillview Drive (a 55' R.O.W.); said point being the south corner of the remainder of that same tract of land described in deed to W.B. and Erin V. Hailey, recorded in Volume 838, Page 326 of the Deed Records of Dallas County, Texas;

THENCE N 44°48'00" E, 200.00' along the southeast line of said Hailey property to a 1/2" iron rod found at the westmost corner of HILLCREST APARTMENTS NO. 2 ADDITION, an addition to the City of Mesquite, Texas, recorded in Volume 70033, Page 1543 of the Map Records of Dallas County, Texas and Certificate of Correction, recorded in Volume 87222, Page 0560 of the Deed Records of Dallas County, Texas;

THENCE S 45°00'00" E, 391.83' along the northernmost southwest line of said HILLCREST APARTMENTS NO. 2 ADDITION to a 3/4" iron rod set at an ell corner of said addition;

THENCE S 44°48'00" W, 200.00' along said addition line to a 3/4" iron rod set for corner at the present intersection of the northeast line of Galloway Avenue with the northwest R.O.W. line of Hillcrest Drive (a 60' easement for street purposes);

THENCE N 4°00'00" W, 391.83' along the northeast line of Galloway Avenue to the Point of Beginning and containing 78,367.67 square feet or 1.7991 acres of land.