

ORDINANCE NO. 3374  
File No. NC-4

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 PLANNED DEVELOPMENT GENERAL RETAIL, TO ALLOW THE INCREASE IN GASOLINE DISPENSERS FROM TWO TO THREE AND DELEGATING SITE PLAN REVIEW TO STAFF; 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 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 General Retail to Planned Development General Retail to allow the increase in gasoline dispensers from two to three and delegating site plan review to staff.

The subject property is a 2,800 square foot tract located at 427 North Town East Boulevard. The property is platted as Lot 1, Block A, Northeast Commercial No. 2 Addition and is more fully described in Exhibit "A", attached hereto.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 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. 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 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 17th day of July, 2000.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B. J. Smith  
City Attorney

**LEGAL DESCRIPTION**

Being a 55,129 square feet or 1.2656 acre tract of land situated in the Josiah Phelps Survey, Abstract No. 1157, Dallas County, Texas and being part of Lot 1 in Block A of Northeast Commercial No. 2, an addition to the City of Mesquite, Dallas County, Texas according to the map thereof recorded in Volume 80115, Page 3335, Deed Records of Dallas County, Texas, said tract being conveyed to E-G-S Partners by deed recorded in Volume 84196, Page 4408, Deed Records of Dallas County, Texas and being more particularly described as follows:

**BEGINNING** at a set "x" cut on concrete for a corner at the intersection of the east line of O'Hare Street (a 60 foot right of way) with the north line of Town East Boulevard (a 90 foot right of way), said point being the southwest corner of said Lot 1;

**THENCE**, N 00°11'30" E, with the east line of O'Hare Street, a distance of 349.00 feet to a found 1/2 inch iron rod for a corner;

**THENCE**, S 89°48'30" E, departing the east line of O'Hare Street, a distance of 170.00 feet to a found 1/2 inch iron rod for a corner in the east line of said Lot 1, said point being S 00°11'30" W, a called distance of 76.34 feet from the common east corner of said Lot 1 and Lot 2 in Block A of the said Northeast Commercial No. 2 addition and said point being in the west line Lot 3 in Block A of Northeast Commercial No. 3, an addition to the City of Mesquite, Texas according to the map thereof recorded in Volume 84070, Page 3044, Deed Records of Dallas County, Texas;

**THENCE**, S 00°11'30" W, with the common line of said Lot 1 and Lot 3, a distance of 69.00 feet to a set 1/2 inch iron rod for a corner;

**THENCE**, N 89°48'30" W, continuing with the said common line, a distance of 15.00 feet to a set 1/2 inch iron rod for a corner;

**THENCE**, S 00°11'30" W, continuing with the said common line, a distance of 280.00 feet to a set 1/2 inch iron rod for a corner in the north line of Town East Boulevard, said point being the southeast corner of said Lot 1;

**THENCE**, N 89°48'30" W, with the north line of Town East Boulevard, a distance of 155.00 feet to the Point of Beginning.

00174

POINT OF BEGINNING

# TOWN EAST BOULEVARD

90' ROW, 6 Lane Divided Concrete Pavement

N 89°48'30" W SD 155.00'

# O'HARE STREET

60' ROW, 36' Concrete Pavement

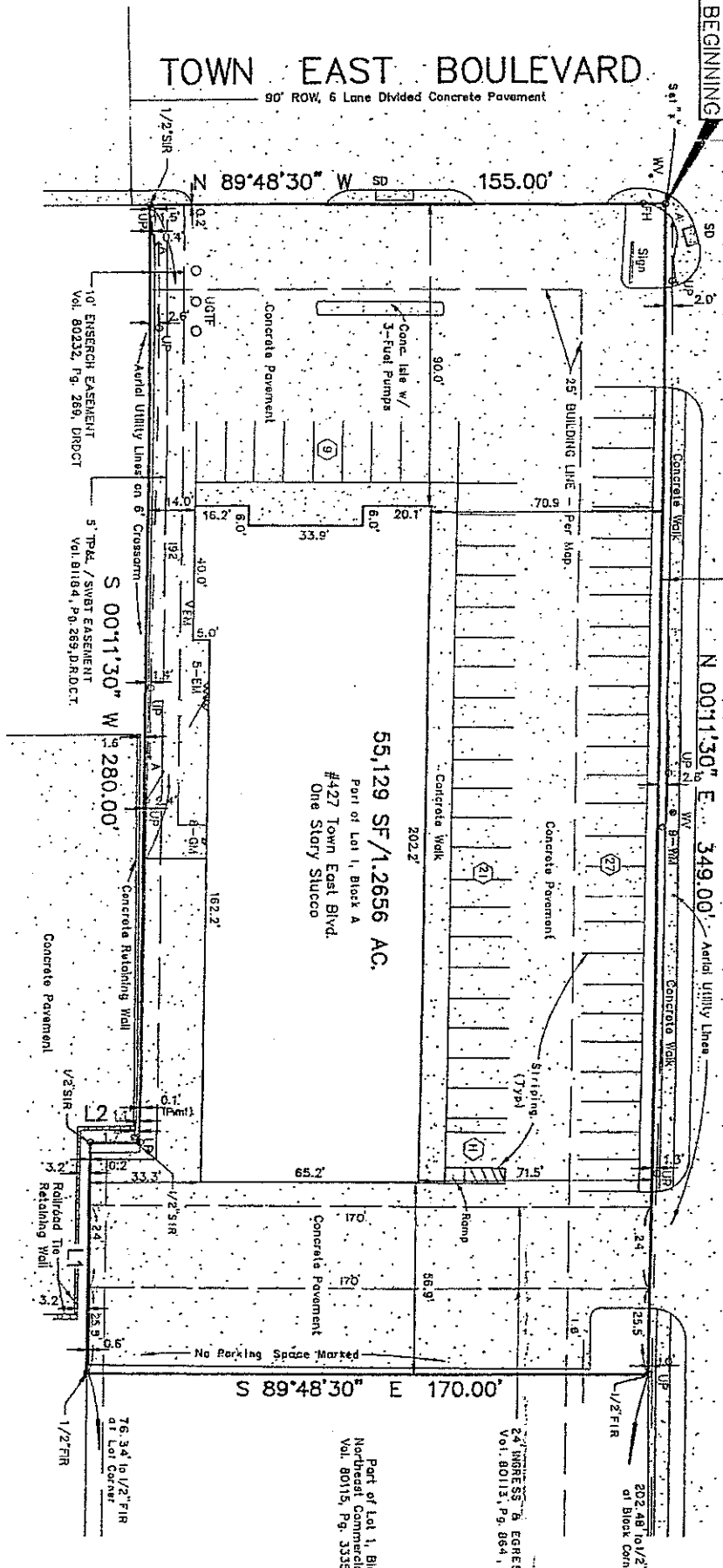
N 00°11'30" E 349.00'

55,129 SF / 1.2656 AC.

Part of Lot 1, Block A  
#427 Town East Blvd.  
One Story Stucco

S 00°11'30" W 280.00'

S 89°48'30" E 170.00'



10' EISENRICH EASEMENT  
Vol. 80232, Pg. 269, DRDCT

5' PAK / SWBT EASEMENT  
Vol. 81164, Pg. 269, DRDCT

Lot 3, Block A  
Northern Commercial Inc.  
Vol. 84070, Pg. 304, DRDCT

24' INGRESS EASEMENT  
Vol. 80113, Pg. 864

Part of Lot 1, Block A  
Northern Commercial  
Vol. 80115, Pg. 335

76.34' to 1/2" FIR  
at Lot Corner

202.48' to 1/2"  
at Block Corn

No Parking Space Marked