

ORDINANCE NO. 3415  
File No. 1606-4

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 PLANNED DEVELOPMENT MULTIFAMILY TO PLANNED DEVELOPMENT OFFICE ALLOWING ALL USES PERMITTED IN THE OFFICE DISTRICT AND ALLOWING THE RETAIL SALE OF OPTICAL GOODS IN CONNECTION WITH AN OPTOMETRIST'S OR OPHTHALMOLOGIST'S OFFICE AT THE SAME LOCATION; DELEGATING SITE PLAN APPROVAL TO CITY STAFF; PROVIDING A REPEALER CLAUSE; 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 all 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 Multifamily to Planned Development Office subject to the following stipulations.

1. Allowing all uses permitted in the Office District.
2. Allowing the retail sale of optical goods in connection with an optometrist's or ophthalmologist's office at the same location.
3. Delegating site plan approval to City staff.

That the subject property is a 3.2-acre tract located approximately 1,000 feet east of the Willowglen Drive and Town East Boulevard intersection, fronting the south side of Town East Boulevard and is more fully described in the approved field notes in Exhibit "A", attached hereto.

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.

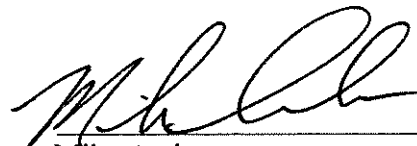
SECTION 3. That the foregoing change shall be, and is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite including Ordinance No. 3042 of the Mesquite City Code.

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.

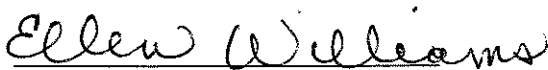
SECTION 6. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall 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 19th day of February, 2001.



Mike Anderson  
Mayor

ATTEST:



Ellen Williams  
City Secretary

APPROVED:



B. J. Smith  
City Attorney

Field Notes  
File No. 1606-4

LEGAL DESCRIPTION

BEING a tract of land situated in the J. R. Warrall Survey, Abstract No. 1606, in the City of Mesquite, Dallas County, Texas, and being part of that certain tract of land described by deed conveyed to Richland S.A., Ltd., recorded in Volume 93143, Page 3478, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner at the northeast corner of said Richland S.A., Ltd. tract in the west line of a tract of land conveyed to Gladys Wisk and R.A. Wisk by deed recorded in Volume 89165, Page 1162, D.R.D.C.T. said iron rod also being in the common line between said J.R. Warrall Survey and the S. A. & M. G. R.R. Survey, Abstract No. 1400;

THENCE S01°18'56"W along the west line of said Wisk tract, passing its southwest corner and along the west line of Tract Two of a tract of land conveyed to Faithcrossing Ministries, Inc. by deed recorded in Volume 96236, Page 5404, D.R.D.C.T., a distance of 550.96 feet to a 1/2 inch iron rod with NDM cap found for corner;

THENCE S83°12'11"W leaving said west line a distance of 97.73 feet to a 1/2 inch iron rod with NDM cap found for corner at the beginning of a tangent curve to the right;

THENCE along said curve to the right whose chord bears N49°37'43"W, 198.01 feet, having a central angle of 94°20'12", a radius of 135.00 feet, a tangent length of 145.63 feet, and an arc distance of 222.28 feet to a 1/2 inch iron rod with NDM cap found for corner at the point of tangency of said curve;

THENCE N02°27'37"W a distance of 155.35 feet to a 1/2 inch iron rod with NDM cap found for corner;

THENCE N04°44'01"W a distance of 264.54 feet to an "X" cut in concrete found for corner in a curve to the right, said "X" lying on the south line of Town East Boulevard, said south line described in deed recorded in Volume 98049, Page 5127, D.R.D.C.T.;

THENCE along said curve to the right whose chord bears N85°47'17"E, 211.53 feet, having a central angle of 08°46'26", a radius of 1382.70 feet, a tangent length of 106.08 feet, and an arc distance of 211.74 feet with the said south line of Town East Boulevard to a 1/2 inch iron rod found for corner at the point of tangency of said curve;

THENCE S89°48'52"E a distance of 78.09 feet to the POINT OF BEGINNING and containing 143,165 square feet or 3.2866 acres of land.