

ORDINANCE NO. 3553
File No. 1157-28

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 CONDITIONAL USE PERMIT THEREBY ALLOWING A VETERINARY CLINIC ON PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT-GENERAL RETAIL; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR 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 conditional use permit thereby allowing a veterinary clinic on property currently zoned Planned Development-General Retail.

That the subject property is a 1.258-acre tract located approximately 200 feet south of the southwest corner of the Belt Line Road and Northwest Drive intersection and is more fully described in the approved field notes in Exhibits "A" and "B" 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 21st day of January, 2003.




Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

NORTHWEST DRIVE

CONCRETE PAVEMENT

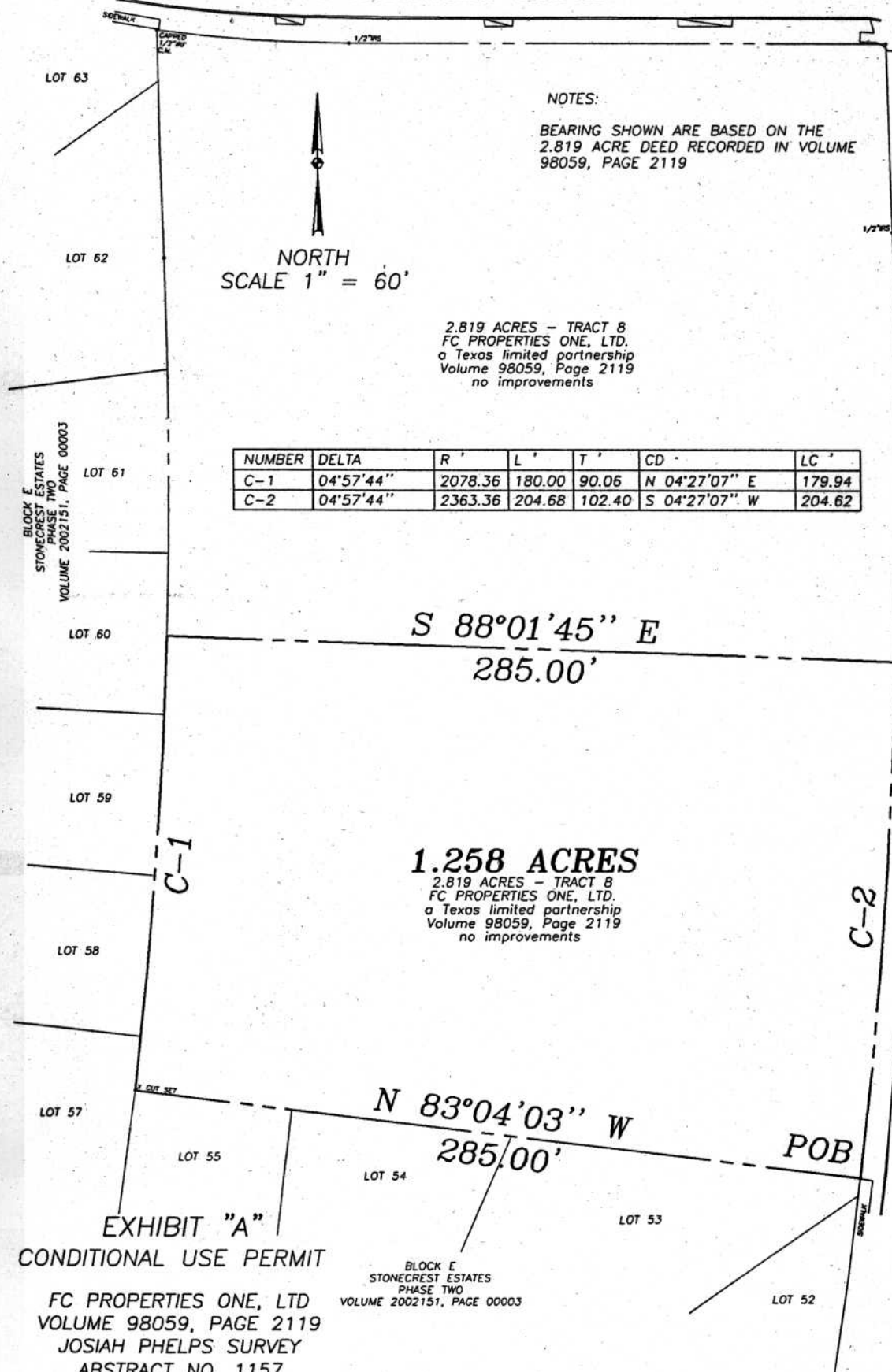


EXHIBIT "A"
CONDITIONAL USE PERMIT

FC PROPERTIES ONE, LTD
VOLUME 98059, PAGE 2119
JOSIAH PHELPS SURVEY
ABSTRACT NO. 1157
CITY OF MESQUITE
DALLAS COUNTY, TEXAS

BLOCK E
STONECREST ESTATES
PHASE TWO
VOLUME 2002151, PAGE 00003

SURDUKAN SURVEYING, INC.
5120 NORTH COLONY BLVD.
THE COLONY, TEXAS 75056
(972) 625-0206

EXHIBIT "B"
LEGAL DESCRIPTION

BEING a tract of land situated in the Josiah Phelps Survey, Abstract No. 1157, in the City of Mesquite, Dallas County, Texas and also being part of a 2.819 acre tract as conveyed to FC Properties One, LTD., a Texas limited partnership as recorded in Volume 98059, Page 2119 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a capped iron rod found for corner at the northeast corner of of Lot 53, Block E, Stonecrest Estates, Phase Two, according to the plat thereof recorded in Volume 2002151, Page 00003, Plat Records, Dallas County, Texas, said capped iron rod also being in the west Right of Way line of Belt Line Road (a variable Width Right of Way);

THENCE North 83 degrees 04 minutes 03 seconds West following the north line of Lots 53, 54, and 55, Block E, a distance of 285.00 feet to an "X" cut found for corner at an ell corner in said Stonecrest Estates Phase Two plat, said iron rod also being at the beginning of a curve to the left with a chord bearing of North 4 degrees 27 minutes 07 seconds East a chord distance of 179.94 feet;

THENCE along said curve to the left following the east line of Lots 57 through 60, Block E through a central angle of 4 degrees 57 minutes 44 seconds a radius distance of 2078.36 feet and an arc distance of 180.00 feet to a 1/2 inch iron rod set for corner;

THENCE South 88 degrees 01 minutes 45 seconds East a distance of 285.00 feet to a 1/2 inch iron rod set for corner in the west ROW line of Belt Line Road said iron rod also being in curve to the right with a chord bearing of South 4 degrees 27 minutes 07 seconds East a chord distance of 204.62 feet;

THENCE along said curve to the right following the west ROW line of Belt Line Road through a central angle of 4 degree 57 minutes 44 seconds a radius distance of 2363.36 feet and an arc distance of 204.68 feet to the POINT OF BEGINNING and containing 54,817 square feet or 1.258 acres of land.