

ORDINANCE NO. 3580
File No. 170-27

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-LIGHT COMMERCIAL ADDING RETIREMENT HOUSING AS SUCH IS DEFINED AND PERMITTED BY STATE AND FEDERAL FAIR HOUSING LAWS TO THE PERMITTED USES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS 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 on property zoned Planned Development-Multifamily to Planned Development-Light Commercial adding retirement housing on property located approximately 150 feet north of Overland Trail between Belt Line Road and Range Drive allowing the following uses:

1. All uses as permitted in Light Commercial.
2. Retirement housing as such is defined and permitted by State and Federal Fair Housing Laws.

That the subject property is a 15-acre tract, being Tract 3 of Abstract 170, and is more fully described in the approved field notes 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 are 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.

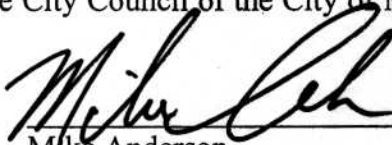
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

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 (\$2,000.00) Dollars for each offense.

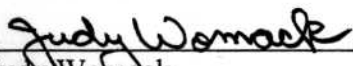
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 19th day of May, 2003.



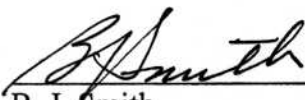
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

00126

Tract 3

BEING a tract of land situated in the Robert Bethurum Survey, Abstract No. 170, City of Mesquite, Dallas County, Texas, and being part of a 32.647 acre tract of land conveyed to Henry H. Dickerson as recorded in Volume 68216 at Page 1002, Deed Records of Dallas County, Texas, and further being part of a 33.646 acre tract deeded to Rutherford General Hospital by deed dated February 6, 1979, and being more particularly described as follows:

COMMENCING at a point on the West line of Belt Line Road (a 100' R.O.W.), said point being on the North line of a tract of land conveyed to H. H. Hanby by deed recorded in Volume 2020, Page 485, same being the South line of a tract of land conveyed to Henry H. Dickerson by deed recorded in Volume 68216, Page 1002, an iron stake for corner;

THENCE Northerly along said West line of Belt Line Road, a distance of 551.19 feet to the PLACE OF BEGINNING of the herein-described tract, an iron stake for corner;

THENCE S $89^{\circ} 42' 31''$ W, leaving said Belt Line Road West line, a distance of 394.20 feet to an iron stake for corner;

THENCE N $77^{\circ} 25' 07''$ W, a distance of 623.19 feet to the Southeast corner of the John J. Beecham Tract, an iron stake for corner;

THENCE N $69^{\circ} 40' W$, along the NORtheast line of said John J. Beecham Tract, a distance of 383.39 feet to a point on the Southeast line of Range Road (a 60' R.O.W.), to an iron stake for corner;

THENCE N $45^{\circ} 18' E$, along said Range Road, a distance of 476.61 feet to an iron stake for corner;

THENCE N $89^{\circ} 42' 31'' E$, leaving said Range Road, a distance of 1020.08 feet to a point on the said West line of Belt Line Road, an iron stake for corner;

THENCE S $0^{\circ} 17' 29'' E$, along said Belt Line Road West line, a distance of 607.40 feet to the PLACE OF BEGINNING and containing 15.00 acres of land.