

ORDINANCE NO. 3710
File No. 1462-239

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 ON PROPERTY ZONED PLANNED DEVELOPMENT-GENERAL RETAIL THEREBY ALLOWING INDOOR PET BOARDING AT A VETERINARY CLINIC SUBJECT TO CERTAIN STIPULATIONS; 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 Conditional Use Permit on property zoned Planned Development-General Retail thereby allowing indoor pet boarding at a veterinary clinic subject to the following stipulations:

1. No outdoor kennels or activity shall take place at the site. All pet boarding shall be inside the building.
2. Site plan and building elevations shall be approved by the City Council prior to development.
3. Additional uses are restricted to the following:

AGRICULTURE	074	Grooming – Household
SERVICE:		Pets

RETAIL:	56	Apparel, Accessory
		Stores
	57	Furniture, Home
		Furnishings

	58	Eating, Drinking Places	
	5942	Miscellaneous Retail:	Book Stores
	5943	Miscellaneous Retail:	Stationery Stores
	5944	Miscellaneous Retail:	Jewelry Stores
	5945	Miscellaneous Retail:	Hobby, Toy, Game Shops
	5946	Miscellaneous Retail:	Camera, Photo Supply Shops
	5948	Miscellaneous Retail:	Luggage, Leather Goods Stores
	5949	Miscellaneous Retail:	Sewing, Needlework, Piece Goods Stores
	5992	Miscellaneous Retail:	Florists
	5995	Miscellaneous Retail:	Optical Goods Stores
FINANCE, INSURANCE, REAL ESTATE:		Except SIC 61:	Nondepository Institutions
PERSONAL SERVICES:	722	Photographic, Portrait Studios	
	7291	Tax Preparation Services	
BUSINESS SERVICES:	7334	Photocopying, Duplicating Services	

That the subject property is located 370 feet southeast of the Gross Road and Jane Street intersection, being further described as a 1.61-acre tract known as Tract 33, Page 623 of Abstract 1462, and is described more fully 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 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.

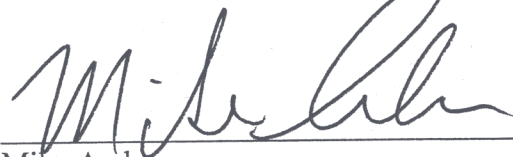
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 18th day of January, 2005.

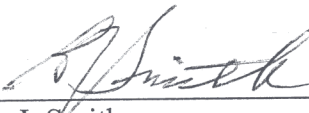


Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womaek
City Secretary

B. J. Smith
City Attorney

PROPERTY DESCRIPTION

Being a tract of land in the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, and being a portion of that certain 77.2313 acre tract conveyed to Richland Oakbrook, Ltd. according to deed recorded in Volume 93122, Page 0973, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with NDM plastic cap found for corner in the northeasterly right-of-way line of Gross Road (a 120-foot right-of-way), said iron rod being located S 43°34'30" E, 366.44 feet from a 5/8" iron rod found for the southwest corner of a tract of land conveyed to the City of Mesquite according to deed recorded in Volume 93122, Page 995, Deed Records of Dallas County, Texas;

THENCE N 03°15'24" E, 347.00 feet with said City of Mesquite tract to a 1/2" iron rod with NDM plastic cap found for corner;

THENCE along a non-tangent curve to the left and with said City of Mesquite tract an arc length of 117.12 feet to a 1/2" iron rod with NDM plastic cap found for corner, said curve having a central angle of 13°17'28", a radius of 504.88 feet, a tangent length of 58.82 feet, a chord bearing of S 37°24'50" E, and a chord length of 116.86 feet;

THENCE S 44°03'34" E, 296.78 feet with said City of Mesquite tract to a 1/2" iron rod with NDM plastic cap set for corner, said iron rod being the north corner of Oak Brook Addition, Block B, Lot 1, an addition to the City of Mesquite according to the plat thereof recorded in Volume 97010, Page 2696, Map Records of Dallas County, Texas;

THENCE S 46°25'30" W, 243.05 feet with the northwest line of said Oak Brook Addition, Block B, Lot 1, to a 1/2" iron rod with NDM plastic cap set for corner, said iron rod being in the northeasterly right-of-way line of Gross Road;

THENCE N 43°34'30" W, 175.56 feet with the northeasterly right-of-way line of Gross Road to the POINT OF BEGINNING and containing 1.6099 acres (70,128 square feet) of land, more or less.