

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 R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT LIGHT COMMERCIAL EXCLUDING CERTAIN 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 R-3 Single Family Residential to Planned Development Light Commercial excluding the following uses:

1. Bus stop/shelter;
2. Department stores;
3. Variety stores;
4. Miscellaneous general merchandise stores;
5. Grocery stores;
6. Miscellaneous food stores;
7. Convenience stores;
8. Limited gasoline sales;
9. Gift, novelty, souvenir shops;
10. Automatic machine operators;
11. Tobacco stores;
12. News dealers/newsstands;
13. Non-depository institutions;
14. Coin-operated laundries/dry cleaning;
15. Automobile parking (lots and structures);
16. Automobiles, trucks and vans not exceeding  $\frac{3}{4}$  ton;
17. Automobile repair shops;
18. Minor automobile repair;
19. Car washes, including detail shops;

20. Other automotive services;
21. Diagnostic, inspection services;
22. Motion picture theaters; and
23. Public golf course.

That the subject property is a 1.7-acre trace located at the southwest terminus of Sea Pines Street, 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.

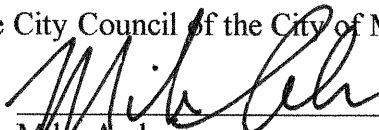
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

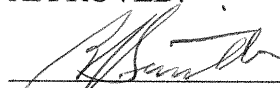
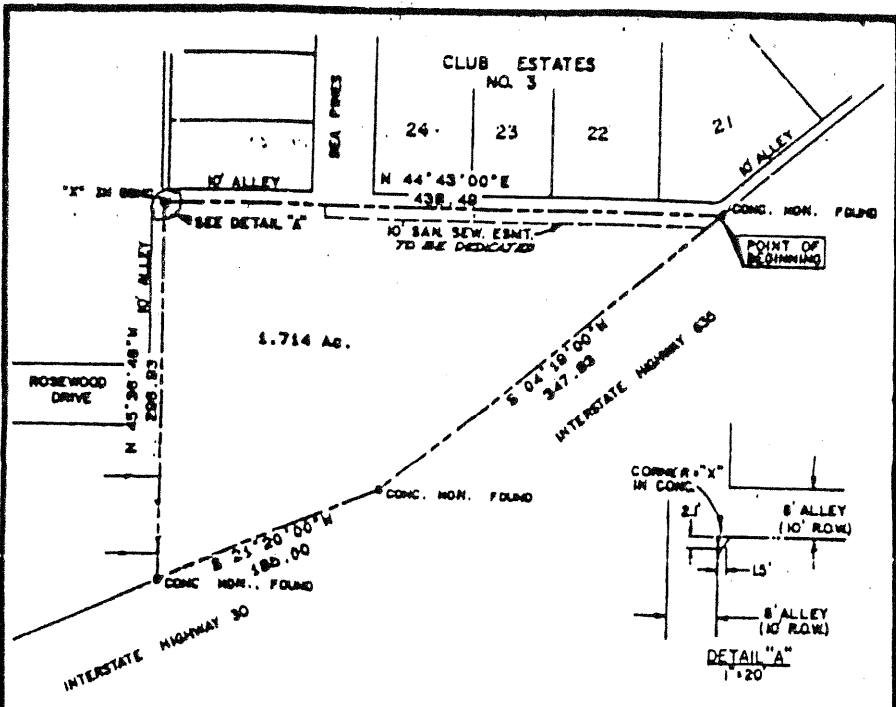
  
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B. J. Smith  
City Attorney

EXHIBIT "A"



BEING a tract of land situated in the City of Mesquite, Dallas County, Texas, and being a part of the Theophalus Thomas Survey, Abstract No. 1461, and being more particularly described as follows:

BEGINNING at a concrete monument found in the West R.O.W. line of Interstate Highway 635, said point being the most Northerly point of this tract;  
 THENCE South  $4^{\circ}19'00''$  West, 347.83 feet to a concrete monument found for corner, said point being the intersection point of the West R.O.W. line of Interstate Highway 635 and the North R.O.W. line of Interstate Highway 30;  
 THENCE South  $21^{\circ}20'00''$  West, 185.00 feet to a concrete monument found for corner;  
 THENCE North  $45^{\circ}36'48''$  West, leaving said R.O.W. line, 298.83 feet to an "x" marked on concrete alley;  
 THENCE North  $44^{\circ}43'00''$  East, 436.49 feet to the POINT OF BEGINNING, said tract containing 74,657 square feet or 1.714 acres of land.

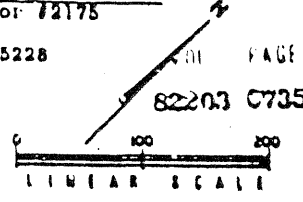
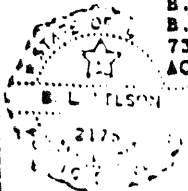
SURVEYOR'S CERTIFICATE

STATE OF TEXAS |  
 COUNTY OF DALLAS |

I, the undersigned, hereby certify that the plat and field notes represents an actual and accurate survey on the ground and that the corner monuments shown therein were properly placed under my supervision and that there are no encroachments, conflicts or procrumptions EXCEPT as shown. DATED THIS 9TH DAY OF SEPTEMBER, 1982.

*B. L. Nelson*

B. L. Nelson, Reg. Public Surveyor 72175  
 B. L. NELSON & ASSOCIATES, INC.  
 7311 Ferguson Rd., Dallas, TX 75228  
 AC 214/328-3126



82203 0735

ANABEL J. WORSHAM TRACT

B. L. NELSON & ASSOCIATES, INC. 7311 FERGUSON ROAD DALLAS TEXAS