

ORDINANCE NO. 3872
File No. 1353-37

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 (1856) - SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT - GENERAL RETAIL 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 (\$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 (1856) - Single Family Residential to Planned Development - General Retail subject to the following stipulations:

1. Development of the site shall conform generally to the concept plan, attached hereto as Exhibit "B," and subject to the City's environmental and site development regulations.
2. Only uses that are classified under the following SIC codes shall be permitted:

Retail:	56	Apparel, Accessory Stores	
	57	Furniture, Home Furnishings	
	58	Eating, Drinking Places	
	594	Miscellaneous Shopping Goods Stores	Except 5947, Gift, Souvenir Shops
	5992	Florists	
	5995	Optical Goods Stores	
Finance, Insurance, Real Estate:	60 - 67	Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents & Brokers, Real Estate, Holding Companies	Except 61, Nondepository Institutions

Services:	722	Photographic, Portrait Studios
	7291	Tax Preparation Services
	7299	Tanning Salon only
	7334	Photocopying, Duplicating Services
	80	Health Services
	81	Legal Services
	82	Educational Services
	83	Social Services
	87	Engineering, Accounting, Research, Management Services

3. Architectural design, landscaping, and screening shall be consistent with the proposed Community Appearance Manual.

That the subject property is located at 711 SH-352 on the northeast corner of the SH-352 and Winding Creek intersection, 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.

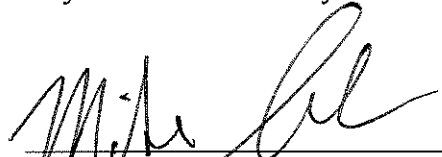
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 18th day of June, 2007.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

Field Notes
File No. 1353-37

BEING a 2.428 acre tract of land situated in the 'T. Scott Survey, Abstract No. 1353 and the Sam Houston Survey, Abstract No. 656, being part of Lot 2, Block A. Samuel Park Farms Retail Addition, an Addition in the City of Mesquite according to the Plat thereof recorded in 2002032, Page 8, Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING; at a point at the Southeast corner of said Lot 2, said point being in the Northwest right of way line of State Highway No. 352 (a 100' ROW) said point being also being in the West line of an alley dedicated by the Plat of Samuel Park Farms East Addition, recorded in Volume 83215, Page 3417 Map Records, Dallas County, Texas.;

THENCE South 39 degrees 20 minutes 20 seconds West, a distance of 511.17 feet along the Northwest right of way line of State Highway No. 352 and Lire Southeast boundary line of said Lot 2 to a point for corner;

THENCE North 06 degrees 50 minutes 02 seconds East, a distance of 703.30 feet along tile GR zoning line of a point for corner-;

THENCE South 88 degrees 59 minutes 58 seconds East, a distance of 117.72 feet to a point for corner in the West line of said alley,

THENCE South 00 degrees 26 minutes 07 seconds East, along the West line of said alley a distance of 40.95 feet to a point at the beginning of a curve to the left having a central angle of 44 degrees 21 minutes 43 seconds, a radius of 338.00 feet, with a chord bearing and distance of South 22 degrees 36 minutes 57 seconds East, 255.21 feet;

THENCE around said curve to the left and the West line of said alley, an arc distance of 261.70 feet to a point at the end of said curve;

THENCE South 11 degrees 44 minutes 49 seconds East, 34.34 feet continuing along the West line of said alley to the PLACE OF BEGINNING and containing 105,771 square feet or 2.428 acres of land.

BASIS OF BEAL31NG: 'rile North line of Plat of Samuel Park Farms Retail Addition, an Addition in the City of Mesquite according to the Plat thereof recorded in 2002032, Page 8, Map Records, Dallas County, Texas

Exhibit B

