

ORDINANCE NO. 3909  
File No. 1059-62

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 – SERVICE STATION TO PLANNED DEVELOPMENT - COMMERCIAL 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 all 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 from Planned Development – Service Station to Planned Development - Commercial subject to the following stipulations:

1. Permitted uses shall be as provided in the Commercial Zoning District and TERRA Overlay.
2. Development of the site shall be consistent with the site plan as submitted to the Planning Division on September 5, 2007, including landscaping and elevations.
3. No new pole signs shall be permitted.

That the subject property is located at 1511 N. Town East Boulevard, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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.

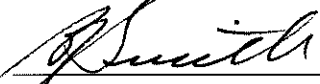
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of November, 2007.

  
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John Monaco  
Mayor

ATTEST:

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

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

## EXHIBIT "A"

A tract of Land situated in the Emporium - Phase I Addition an addition to the City of Mesquite, Texas as recorded in Volume 85194, Page 6933 of the Deed Records of Dallas County, Texas and being all of Lot 4 and Lot 5 of said addition and being part of the J.T. Neims Survey, Abstract No. 1095 and being more particularly described as follows:

**COMMENCING** at the intersection of the east right—of-way line of Emporium Circle (85 feet wide) and the north right—of—way line of Town East Boulevard (111 feet wide);

**THENCE** South  $89^{\circ}11'13''$  East along said north right-of-way line of Town East Boulevard a distance of 785.50 feet to an iron rod at the **POINT OF BEGINNING**; said point also being the southeast corner of Lot 3 of the said Emporium - Phase I Addition;

**THENCE** North  $0^{\circ}48'47''$  East, along the common line of Lot 4 and said Lot 3, a distance of 205.00 feet to an iron rod for corner; said point also being in the south line of Lot 1 of said addition;

**THENCE** South  $89^{\circ}11'13''$  East, along the common line said Lot 1, a distance of 366.62 feet to an iron rod for corner and the beginning of a curve to the right;

**THENCE** in an easterly and southerly direction along said curve to the right, having a radius of 18.50 feet, a central angle of  $90^{\circ}00'00''$  and an arc length of 29.06 feet to an iron rod at the end of said curve to the right;

**THENCE** South  $00^{\circ}48'47''$  West a distance of 186.50 feet to an iron rod for corner; said point also being in the said north right-of-way line of Town East Boulevard;

**THENCE** North  $89^{\circ}11'13''$  West, along said north right-of-way line of Town East Boulevard a distance of 385.12 feet to the **POINT OF BEGINNING** and containing 78,876 square feet or 1.8107 acres, more or Less.