

ORDINANCE NO. 3924
File No. OT-73

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 AND MIXED USE TO PLANNED DEVELOPMENT - MIXED USE WITH 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 R-3 Single-Family Residential and Mixed Use to PD Planned Development - Mixed Use with the following stipulations:

1. A six-foot, masonry, screening wall shall be required along adjacent residential zoned property.
2. Any screening wall along Bryan-Belt Line Road or Holley Street shall be no closer to the street than the building façade.
3. Any outdoor storage must be screened in a manner that matches the residential screening wall.
4. Coordinate the closure of Holley Street and any gate with the Fire Department.

That the subject property is a 1.008-acre-tract located on the southeast corner of Holley Street and Bryan-Belt Line Road, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

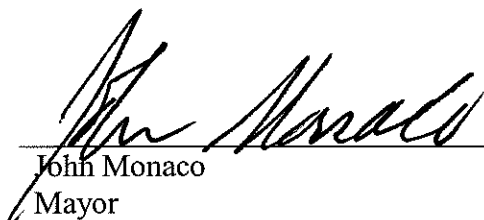
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 17th day of December, 2007.




John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

FIELD NOTES
File No. OT-73

WHEREAS White Property Company No. 2 LTD. is the owner of a tract of land situated in the J. B. Warrell Survey, Abstract No. 1607, City of Mesquite, Dallas County and being all of Lot 1 and all of Lot 2 and a part of Lot 5, Block 18, Original Town of Mesquite, an Addition in the City of Mesquite according to the Plat thereof recorded in Volume 3, Page 519, Map Records, Dallas County, Texas and being those same tracts conveyed to White Property Company No. 2 Ltd by Deeds recorded in Volume 93178, Page 3307, Volume 93178, Page 3324, and Volume 200041, Page 632 and being more particularly described as follows:

BEGINNING at a cross cut in concrete at the intersection of the East ROW line of Bryan-Belt Line Road (a 100' ROW) and the South ROW line of Holley Street (a 25' ROW), said cross cut being in the North line of the said Lot 1;

THENCE EAST 258.65 feet along the South ROW line of Holley Street and the North boundary line of said Lot 1 to a ½ inch iron rod set for corner;

THENCE SOUTH 169.00 feet to a ½ inch iron rod set for corner at the Southeastern corner of Lot 6, Block 18 of said Original Town of Mesquite Addition, said iron rod being in the North line of Lot 9, Block 18, of said Original Town of Mesquite Addition;

THENCE WEST 75 feet to a ½ inch iron rod set for corner;

THENCE SOUTH 1 foot to a ½ inch iron rod set for corner;

THENCE WEST 183.65 feet to a ½ inch iron rod set in the East ROW line of Bryan-Belt Line Road said iron rod being in the South line of said Lot 2;

THENCE NORTH 170.00 along the East ROW line of Bryan-Belt Line Road to the PLACE OF BEGINNING and containing 43.896 square feet or 1.008 acres of land.