

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 – INDUSTRIAL TO PLANNED DEVELOPMENT – OFFICE SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 from Planned Development – Industrial to Planned Development – Office subject to the following stipulations:

1. All standards of development required in the Office Zoning District shall apply to the development of this site.
2. The site must be developed with uses permitted-by-right in the Office Zoning District as prescribed in the City of Mesquite Zoning Ordinance.
3. Pole signs shall be prohibited on the site.
4. Thirty-five percent of the site must be retained as open space as defined by the City of Mesquite Zoning Ordinance.
5. A wrought iron fence and tree buffer line or landscape hedge as defined in the City of Mesquite Zoning Ordinance shall be established and maintained along the property lines abutting the residential use to the southwest.
6. Both the north and south façades of a structure must comply with the primary façade requirements prescribed by the Community Appearance Manual, Ordinance No. 3919.
7. With the exception of a church use, traffic ingress and egress to Newsom Road from the site shall be prohibited. Access shall be physically removed before a certificate of occupancy is approved for any future use other than a church.

That the subject property is comprised of three contiguous tracts located at 2600 Newsom Road, 2600 East Glen Boulevard and 2821 Newsom Road, and is approximately ½ mile east of the intersection of East Glen Boulevard and Clay Mathis Road, and bounded by East Glen Boulevard to the north and Newsom Road to the south, and is described more fully in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. 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 3. 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.

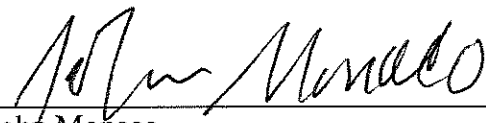
SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 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 2nd day of June, 2008.




John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

PROPERTY DESCRIPTION

Being a tract of land out of the Thomas J. Sewell Survey, Abstract No. 1359 in the City of Mesquite, Dallas County, Texas, and being all of two tracts of land conveyed to Mesquite Church of God by Deed recorded in Volume 2002064, Page 10341, and all of a tract of land conveyed to Mesquite Church of God by Deed recorded in Volume 2002064, Page 10337, both of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found for corner in the North right-of-way line of Newsome Road (60 foot right-of-way) and lying in the Southwest line of a tract of land conveyed to The City of Mesquite, by Deed recorded in Volume 2001166, Page 0093, Deed Records, Dallas County, Texas;

THENCE North 89 degrees 57 minutes 34 seconds West, along said North right-of-way line of Newsome Road, a distance of 320.80 feet to a 1/2 inch iron rod found for corner at the Southeast corner of a tract of land conveyed to Marvin W. Woodson, Jr. by deed recorded in Document No. 20070039435, Official Public Records, Dallas County, Texas;

THENCE North 02 degrees 03 minutes 57 seconds East, departing said North right-of-way line of Newsome Road, along the East line of said Marvin W. Woodson, Jr. tract, a distance of 120.97 feet to a 1/2 inch iron rod set for corner with yellow plastic cap stamped "DCA INC." at the Northeast corner of said Marvin W. Woodson, Jr. tract;

THENCE North 77 degrees 36 minutes 45 seconds West, along the North line of said Marvin W. Woodson, Jr. tract, a distance of 279.04 feet to a 1/2 inch iron rod set for corner with yellow plastic cap stamped "DCA INC." at the Southeast corner of a tract of land conveyed to Creek Crossing Assembly of God, by Deed recorded in Volume 2002048, Page 0022, Deed Records, Dallas County, Texas;

THENCE North 00 degrees 52 minutes 19 seconds East, along the East line of said Creek Crossing Assembly of God tract, passing at a distance of 51.00 feet the Northeast corner of said Creek Crossing Assembly of God tract and the Southeast corner of a tract of land conveyed to Skyline East Assembly of God by Deed recorded in Volume 98095, Page 5261, Deed Records, Dallas County, Texas and continuing along the East line of said Skyline East Assembly of God tract, a total distance of 520.78 feet to a 1/2 inch iron rod found for corner at the Northeast corner of said Skyline East Assembly of God tract, in the South right-of-way line of East Glen Boulevard (100 foot right-of-way);

THENCE South 89 degrees 45 minutes 51 seconds East, along said South right-of-way line of East Glen Boulevard, a distance of 499.19 feet to a 1/2 inch iron rod found for corner at the Northwest corner of a tract of land conveyed to The City of Mesquite, by Deed recorded in Volume 95083, Page 0253, Deed Records, Dallas County, Texas;

THENCE South 00 degrees 52 minutes 19 seconds West, along the West line of said City of Mesquite tract, (Volume 95083, Page 0253), passing at a distance of 577.30 feet the Southwest corner of said City of Mesquite tract, (Volume 95083, Page 0253), and the common Northwest corner of said City of Mesquite tract, (Volume 2001166, Page 0093), and continuing a total distance of 679.38 feet to a 1/2 inch iron rod set for corner with yellow plastic cap stamped "DCA INC." at the Southwest corner of said City of Mesquite tract (Volume 2001166, Page 0093);

THENCE South 77 degrees 33 minutes 43 seconds East, a distance of 94.43 feet to the POINT OF BEGINNING and containing 309,536 square feet or 7.1 acres of land.

SURVEYOR'S CERTIFICATE

This survey is made relying on information provided by Chicago Title Insurance Company in