

ORDINANCE NO. 4193
File No. 1667-5-2011

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 CONDITIONAL USE PERMIT ON PROPERTY ZONED R-2A SINGLE-FAMILY RESIDENTIAL THEREBY ALLOWING A TELECOMMUNICATION TOWER TO BE LOCATED WITHIN A RESIDENTIAL DISTRICT; 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 Conditional Use Permit on property zoned R-2A Single-Family Residential thereby allowing a telecommunication tower within a residential district.

That the subject site is an undeveloped 0.0574-acre tract located at 1401 Clay Mathis Road and is more fully described in the 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

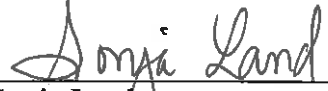
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 21st day of November, 2011.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "A"
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LEASE AREA

BEING a tract of land situated in the T.P. Summers Survey, Abstract No. 1667, City of Mesquite, Dallas County, Texas, same being out of and a portion of that certain tract of land described as Tract 3 as conveyed to Calvary Temple Community Church of Mesquite, Inc. by Warranty Deed with Vendor's Lien dated August 19, 2010, and recorded in Instrument No. 201000228553, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found for the southwest corner of said Church tract and being in the northwest right-of-way line of Mesquite Valley Road;

THENCE along the northwest right-of-way line of said Mesquite Valley Road, North 45 degrees 44 minutes 28 seconds West, a distance of 341.32 feet to a Point;

THENCE through the interior of said Church, North 42 degrees 49 minutes 11 seconds East, a distance of 75.02 feet to a 5/8" iron rod set with cap marked "WEBB-4125" for the POINT OF BEGINNING hereof;

THENCE through the interior of said Church tract, the following four (4) courses:

1. North 45 degrees 44 minutes 28 seconds West, a distance of 50.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125";
2. North 44 degrees 15 minutes 32 seconds East, a distance of 50.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125";
3. South 45 degrees 44 minutes 28 seconds East, a distance of 50.00 feet to a 5/8" iron rod set with cap marked "WEBB-4125";
4. South 44 degrees 15 minutes 32 seconds West, a distance of 50.00 feet to the POINT OF BEGINNING hereof and containing 2,500 square feet or 0.0574 acres of land, more or less.

ACCESS AND UTILITY EASEMENT

BEING a tract of land situated in the T.P. Summers Survey, Abstract No. 1667, City of Mesquite, Dallas County, Texas, same being out of and a portion of that certain tract of land described as Tract 3 as conveyed to Calvary Temple Community Church of Mesquite, Inc. by Warranty Deed with Vendor's Lien dated August 19, 2010, and recorded in Instrument No. 201000228553, Official Public Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod found for the southwest corner of said Church tract and being in the northwest right-of-way line of Mesquite Valley Road;

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THENCE along the northwest right-of-way line of said Mesquite Valley Road, North 45 degrees 44 minutes 28 seconds West, a distance of 341.32 feet to the POINT OF BEGINNING hereof;

THENCE continuing along the northwest right-of-way line of said Mesquite Valley Road, North 45 degrees 44 minutes 28 seconds West, a distance of 20.01 feet to a Point;

THENCE through the interior of said Church tract, the following three (3) courses:

1. North 42 degrees 49 minutes 11 seconds East, a distance of 75.02 feet to a Point in the southwest line of herein described lease area;
2. Along the southwest line of herein described lease area, South 45 degrees 44 minutes 28 seconds East, a distance of 20.01 feet to a 5/8" iron rod set with cap marked "WEBB-4125" for the most southerly corner of herein described lease area;
3. South 42 degrees 49 minutes 11 seconds West, a distance of 75.02 feet to the POINT OF BEGINNING hereof and containing 1,500 square feet or 0.0344 acres of land, more or less.