

ORDINANCE NO. 4913
File No. Z1021-0222

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT TO ALLOW SCHOOL USES ON PROPERTIES LOCATED AT 2600, 2700, 2704, AND 2710 MOTLEY DRIVE WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The subject property is 11.516 acres and described and depicted in Exhibit A hereto and incorporated herein by reference and located at 2600, 2700, 2704, and 2710 Motley Drive in the City of Mesquite, Dallas County, Texas (collectively, the “**Properties**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Properties from General Retail to General Retail with a Conditional Use Permit to allow school uses with the following stipulations:

1. The Traffic Impact Analysis shall be reviewed and verified prior to final approval of the site plan.
2. Traffic Management Plan be evaluated after implementation to determine if additional measures are necessary.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 4. The Properties shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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. 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 \$2,000.00 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. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of November 2021.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

Legal Description
2600 Motley Drive

WHEREAS, Imperial Development Group, Inc. is owner of a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462 and being a part of a certain tract conveyed to Eastern Hills Shopping Center, Inc., by deed filed October 31, 1960, and being more fully described as follows:

BEGINNING at a 1/2" iron rod on the Northeast line of Motley Drive at the Westerly corner of Eastridge Part No. 2, an addition to the City of Mesquite, Texas as recorded in Volume 48, Page 169, Plat Records of Dallas County, Texas, and being North 60° 00' 08" West, 135.00 feet from the intersection of Bellhaven and Motley Drive;

THENCE North 60° 00' 08" West, along the North R.O.W. line of Motley Drive a distance of 501.33 feet to a 1/2" iron rod found for the beginning of a circular curve to the right having a radius of 1089.21 feet, a chord bearing of North 59° 34' 21" West and a chord distance of 44.89 feet;

THENCE along the circular curve to the right and along the North R.O.W. of Motley Drive a distance of 44.89 feet to a 1/2" iron rod found for a corner, also the South corner of Lot 1, Block A, Ward Drug Addition;

THENCE North 35° 59' 56" East, a distance of 360.94 feet to a 3/8" iron rod set for a corner;

THENCE North 53° 10' 56" West, a distance of 12.41 feet to a 3/8" iron rod set for a corner;

THENCE North 36° 12' 46" East, a distance of 158.24 feet to a 3/8" iron rod found for a corner;

THENCE North 53° 34' 10" West, a distance of 251.03 feet to a 1/4" iron rod set at the beginning of a circular curve to the right having a radius of 775.75 feet, a chord bearing of North 47° 20' 48" West and a chord of 184.3 feet;

THENCE along the circular curve to the right a distance of 184.73 feet to a 1/4" iron rod found for a corner at the most Northerly corner of Lot 1, Block A of Ward Drug Addition and being on the South R.O.W. line of Town East Blvd.

THENCE North 49° 48' 18" East, a distance of 30.16 feet to a 3/8" iron rod set for a corner and the beginning of a circular curve to the left having a radius of 745.59, a chord bearing of South 47° 00' 20" East and a chord of 177.22 feet;

THENCE along the circular curve to the left a distance of 177.64 feet to a 3/8" iron rod found at the end of said curve on the Southwesterly line of Eastridge Park No. 2;

THENCE South 53° 55' 21" East, a distance of 691.99 feet to a "X" found set in concrete for a corner;

THENCE South 10° 24' 39" East, a distance of 22.51 feet to a "X" found in the concrete for a corner and the beginning of a circular curve to the left having a radius of 1670.00 feet, a chord bearing of South 25° 04' 39" West and a chord of 314.84 feet;

THENCE along the circular curve to the left a distance of 315.31 feet to a 3/8" iron rod set on the Northwesterly line of Eastridge Park No. 2;

THENCE South 19° 28' 30" West, a distance of 27.80 feet to a 1/2" iron rod found for the beginning of a circular curve to the right having a radius of 780.00 feet, a chord bearing of South 24° 00' 23" West, and a chord of 144.28 feet;

THENCE along the circular curve to the right a distance of 144.49 to the Southwest corner of Eastridge Park No. 2 and the PLACE OF BEGINNING and containing 6.246 acres or 272,092.0 square feet more or less.

Legal Description
2700 Motley Drive

PROPERTY DESCRIPTION
TRACT 2

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, and being that certain tract of land conveyed to Frank F. Jordan according to deed recorded in Volume 84184, Page 2830, Deed Records of Dallas County, Texas, also being the Ward Drug Addition according to plat recorded in Volume 73040, Page 1138, Deed Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod found for the most northerly corner of said Frank F. Jordan tract, said iron rod being in the southeast right-of-way line of Town East Boulevard (100' right-of-way) and being the most westerly corner of a tract of land conveyed to Heiman Enterprises according to deed recorded in Volume 79202, Page 421, Deed Records of Dallas County, Texas;

THENCE S 53°55'58" E, 397.97 feet to a 1/2" iron rod with NDM plastic cap set for corner;

THENCE S 36°04'02" W, 10.00 feet to a 1/2" iron rod with NDM plastic cap set for corner;

THENCE S 53°55'58" E, 90.00 feet to a 1/2" iron rod found for corner;

THENCE S 36°05'00" W, 360.88 feet to a 1/2" iron rod found for corner, said iron rod being in the northeast right-of-way line of Motley Drive (80' right-of-way);

THENCE along a non-tangent curve to the right and with the northeast right-of-way line of Motley Drive an arc length of 100.12 feet to a 1" pipe found for corner, said curve having a central angle of 05°15'59", a radius of 1089.21 feet, a tangent length of 50.09 feet, a chord bearing of N 55°08'37" W, and a chord length of 100.08 feet;

THENCE N 36°05'00" E, 362.99 feet to a 1/2" iron rod with NDM plastic cap set for corner;

THENCE N 53°55'58" W, 390.34 feet to a 1/2" iron rod with NDM plastic cap set for corner in the southeast right-of-way line of Town East Boulevard;

THENCE N 49°41'52" E, 10.29 feet with the southeast right-of-way line of Town East Boulevard to the POINT OF BEGINNING and containing 0.9248 acres (40,283 square feet) of land, more or less.

Legal Description
2704 Motley Drive

PROPERTY DESCRIPTION
TRACT 1

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, and being that certain tract of land conveyed to Ross R. Cangelose according to deed recorded in Volume 85028, Page 3175, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "x" cut (found) in concrete for the most southerly west corner of said Cangelose tract, said "x" also being in the northeast right-of-way line of Motley Drive (80' right-of-way) and being the most southerly corner of a tract of land conveyed to Humble Oil & Refining Company according to deed recorded in Volume 5699, Page 465, Deed Records of Dallas County, Texas;

THENCE N 44°59'53" E, 137.06 feet with the southeast line of said Humble Oil & Refining Company tract to an "x" cut (set) in concrete for corner;

THENCE N 40°17'07" W, 151.26 feet with the northeast line of said Humble Oil & Refining Company tract to an "x" cut (set) in concrete for corner, said "x" being in the southeast right-of-way line of Town East Boulevard (100' right-of-way);

THENCE N 49°41'52" E, 158.38 feet with the southeast right-of-way line of Town East Boulevard to a 1/2" iron rod with NDM plastic cap set for corner;

THENCE S 53°55'58" E, 390.34 feet to a 1/2" iron rod with NDM plastic cap set for corner;

THENCE S 36°05'00" W, 362.99 feet to a 1" pipe found for corner, said pipe being in the northeast right-of-way line of Motley Drive;

THENCE along a non-tangent curve to the right and with the northeast right-of-way line of Motley Drive an arc length of 142.74 feet to an "x" cut (found) for corner, said curve having a central angle of 07°30'31", a radius of 1089.21 feet, a tangent length of 71.47 feet, a chord bearing of N 48°45'22" W, and a chord length of 142.64 feet;

THENCE N 45°00'07" W, 161.75 feet with the northeast right-of-way line of Motley Drive to the POINT OF BEGINNING and containing 2.7946 acres (121,733 square feet) of land, more or less.

Legal Description
2710 Motley Drive

PROPERTY DESCRIPTION

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, said tract of land being a portion of that certain tract of land conveyed to Heiman Enterprises according to deed recorded in Volume 79202, Page 421, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at an "X" cut in concrete found for the most easterly corner of the aforementioned Heiman Enterprises tract;

THENCE S 36°24'08" W, along the southeasterly line of said Heiman Enterprises tract, a distance of 157.75' to an "X" cut in a concrete sidewalk set for corner, said iron rod being the southerly corner of said Heiman Enterprises tract and located in the northeasterly line of that certain tract of land conveyed to the Mesquite Independent School District according to the deed recorded in Volume 2000 104, Page 4015, Deed Records, Dallas County, Texas;

THENCE N 53°55'58" W, along the southwesterly line of said Heiman Enterprises tract and the northeasterly line of said Mesquite Independent School District tract, a distance of 77.59' to an "X" cut in concrete found for corner;

THENCE N 36°04'02" E, continuing along the aforementioned lines, a distance of 10.00' to a 1/2" iron rod with an NDM plastic cap found for corner;

THENCE N 53°55'58" W, continuing along the aforementioned lines, a distance of 78.19' to a 1/2" iron rod with an NDM plastic cap set for corner;

THENCE N 35°23'22" E, departing the aforementioned lines, a distance of 148.98' to an "X" cut in concrete set for corner, said "X" being in the northeasterly line of said Heiman Enterprises tract;

THENCE S 53°29'23" E, along said northeasterly line, a distance of 158.47' to the POINT OF BEGINNING containing 0.553 acres, 24,090 square feet of land, more or less.