

ORDINANCE NO. 3569
File No. 1025-11

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 TO PLANNED DEVELOPMENT - OFFICE 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 (\$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 to Planned Development - Office subject to the submission of a Planned Development site plan, substantially complying with the concept plan submitted with the application, for review by the Development Review Committee and the City Council. The site plan shall also include the following stipulations:

1. The interior side yard setback shall be reduced to 27 feet as shown on the concept plan.
2. Foundation shrubbery on the New Market Road and Belt Line Road frontages.
3. All facades should be fully finished with structures to be 100% masonry (brick or stone) provided that the alternative utilizing stucco may be presented along with a second alternative of all brick and stone.
4. Signage shall be a monument sign(s) with brick and/or stone matching the main structure.
5. Design shall be residential in appearance.

6. Design of the New Market Road side of the structures should ensure that the facade does not look like the rear of the buildings.

That the subject property is a 42,801-square-foot tract, being Tract 10, Page 520, of Abstract 1025, 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.

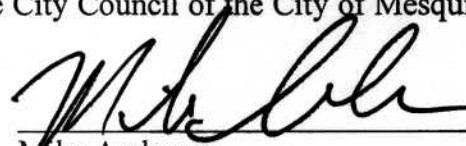
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 7th day of April, 2003.



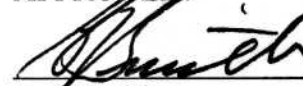
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

LEGAL DESCRIPTION:

BEING the remaining portion of all that certain tract of land out of the McKinney and Williams Survey, Abstract 1025 in the City of Mesquite, Dallas County, Texas conveyed to James E. Rutledge, according to the deed thereof recorded in Volume 3150, Page 383 of the Deed Records of Dallas County, Texas; said portion being more particularly described, by metes and bounds, as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "RPLS 4838" set for the northwest corner of said Rutledge Tract; said corner also being the northeast corner of Lot 7R, Mill Stream Addition to the City of Mesquite, according to plat thereof recorded in Volume 93084, Page 2345 of the Deed Records of Dallas County, Texas;

THENCE S 88° 27' 17" E, with the north line of said Rutledge Tract, a distance of 255.21 feet, to a 5/8" iron rod with plastic cap stamped "RPLS 4838" set for the west right-of-way line of South Galloway Avenue, according to the deed thereof recorded in Volume 74083, Page 1973 of the Deed Records of Dallas County, Texas;

THENCE SOUTHEASTERLY, with said right-of-way line, curving to the right, with a radius of 650.00 feet, a central angle of 5° 57' 38", and a long chord of S 18° 22' 03" E, 67.59 feet, for an arc distance of 67.62 feet, to a 5/8" iron rod with plastic cap stamped "RPLS 4838" set for the end of said curve;

THENCE S 01° 09' 09" W, with said right-of-way line, a distance of 93.00 feet, to an "X" cut in concrete for the intersection of said west right-of-way line with the north right-of-way line of New Market Road;

THENCE N 88° 26' 32" W, with said right-of-way line, a distance of 277.80 feet, to an "X" cut in concrete for the southwest corner of said Rutledge Tract; said corner also being the south corner of the aforesaid Lot 7R, Mill Creek; said corner also being in the east right-of-way line of Newport Drive;

THENCE N 01° 09' 12" E, with the common line between said Rutledge Tract and said Lot 7R, a distance of 156.48 feet, to the PLACE OF BEGINNING, and containing a calculated area of 0.983 acres or 42,801 square feet of land.