

ORDINANCE NO. 4369
File No. 974-11-2015

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 COMMERCIAL AND MESQUITE ARENA/RODEO ENTERTAINMENT (MARE) OVERLAY DISTRICT AND LOCATED AT 500 RODEO CENTER BOULEVARD THEREBY ALLOWING A LIMITED SERVICE HOTEL 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 Conditional Use Permit on property zoned Commercial and Mesquite Arena/Rodeo Entertainment (MARE) Overlay District thereby allowing a limited service hotel subject to the following stipulations:

1. A minimum of 88 guest rooms shall be provided.
2. All guest rooms shall be accessed via internal hallways.
3. Breakfast shall be made available to guests daily.
4. All guest rooms shall include a kitchenette containing at minimum a microwave oven, a refrigerator and a sink in the kitchenette area in addition to restroom sinks.
5. Fitness facilities shall be provided and maintained in good working order to include fitness equipment such as cardio and/or weight training equipment and a pool.

6. A meeting room shall be available.
7. This Conditional Use Permit is granted solely for hotel brands that are part of Marriott International, Inc.

That the subject site is an undeveloped 2.5-acre tract located at 500 Rodeo Center Boulevard and is more fully described in the field notes in Exhibit "A" attached hereto.

SECTION 2. That, except as provided herein, the use and development of the site shall comply with Chapter 1-700 of the Mesquite Zoning Ordinance and all other development regulations of the City of Mesquite.

SECTION 3. 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 4. 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 5. 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 6. 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 7. 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.

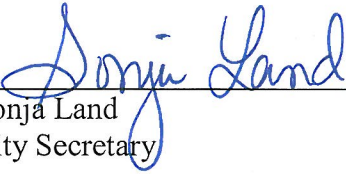
SECTION 8. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 20th day of July, 2015.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

LEGAL DESCRIPTION

BEING a tract of land situated in the S. H. Miller Survey, Abstract No. 974, Dallas County, Texas, and being part of the Burt Swafford 53.93 acre tract more particularly described as follows:

BEGINNING at an iron rod in the South line of the S. H. Miller Survey, said point being the intersection of the South line of the Swafford 53.93 acre tract and the East line of Hickory Tree Road.

THENCE North 5' 58" West, a distance of 96.85 feet along the East line of Hickory Tree Road to an iron rod for a corner.

THENCE, North 0" 10' 20" West, a distance of 889.23 feet along the East line of Hickory Tree Road to an iron rod for a corner.

THENCE North 89" 40' 40" East, a distance of 45 feet to an iron rod for a corner.

THENCE South 16" 31' 57" East, a distance of 644.78 feet along the Westerly line of I-H 635 to an iron rod for a corner.

THENCE South 14" 24' 42" East, a distance of 380.78 feet along the Westerly line of I-H 635 to an iron rod for a corner.

THENCE North 89" 47' 40" West, a distance of 310.51 feet to the POINT OF BEGINNING and containing 4.2271 acres (184.131 sq. ft.) of land.

SAVE AND EXCEPT:

BEING that certain 1.6529 acres of land described in a deed dated February 27, 1998, recorded in Volume 98049, Page 2354, Real Property Records, Dallas County, Texas, and executed by Burt Swafford and Roslyn Holin Faatz and Randi Kee Faulkner and Trustees of the Robert W. Holin Profit Sharing Plan to Ushakent Patel, Mina Jariwala Patel, Ranchhodthal Patel and Alpesh L. Vaghela, and being further described as follows:

Being a tract of land out of the S. H. MILLER SURVEY, ABSTRACT NO. 974, in the City of Mesquite, Dallas County, Texas and being part of the 53.93 acres of land described in deed to Burt Swafford and Robert W. Holin Profit Sharing Plan, recorded in Volume 5761, Page 44 and Volume 69185, Page 0070 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 1/2" inch iron rod found in the east right-of-way line of Hickory Tree Road (80' ROW at this point) for the northwest corner of the tract of land described in deed to H. Lloyd

Revocable Trust, recorded in Volume 76209, Page 749 of the Deed Records of Dallas County, Texas. Thence with the east right-of-way line of said Hickory Tree Road, North 06 degrees 00 minutes 53 seconds West, a distance of 95.65 feet to a point for corner, (70" ROW at this point). Thence continuing with the east right-of-way line of said Hickory Tree Road, North 00 degrees 19 minutes 40 seconds West, a distance of 316.92 feet to a 5/8" iron rod set with a red plastic cap stamped "PBS&J INC" (hereinafter called 5/8" iron rod set) for the POINT OF BEGINNING.

THENCE with the east right-of-way line of said Hickory Tree Road, North 00 degrees 19 minutes 40 seconds West, a distance of 567.16 feet to a 5/8" iron rod set for corner.

THENCE leaving the east right-of-way line of said Hickory Tree Road, North 89 degrees 32 minutes 35 seconds East, a distance of 43.67 feet to a concrete monument found in the west right-of-way line of I-H No. 635.

THENCE with the west right-of-way line of said I-H No. 635 and along a fence, South 16 degrees 40 minutes 02 seconds East a distance of 590.64 feet to a 5/8" iron rod set for corner.

THENCE leaving the west right-of-way line of said I-H No. 635, South 89 degrees 32 minutes 35 seconds West a distance of 210.00 feet to the POINT OF BEGINNING and containing 1.6529 acres of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.