

ORDINANCE NO. 4471
File No. 93-5-2017

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-1 SINGLE-FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT - GENERAL RETAIL SUBJECT TO CERTAIN STIPULATIONS THEREBY ALLOWING AN AUTO SUPPLY STORE AND CERTAIN USES PERMITTED IN THE GENERAL RETAIL 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 to approve a change of zoning on property zoned R-1 Single-Family Residential to Planned Development - General Retail subject to the following stipulations:

1. Only uses that are classified under the following SIC codes shall be permitted:

SIC 54	Food Stores	Except 549, Miscellaneous Food Stores
SIC 553	Auto Supply Stores	
SIC 56	Apparel, Accessory Stores	
SIC 58	Eating, Drinking Places	
SIC 591	Drug Stores	
SIC 594	Miscellaneous Shopping Goods Stores	Except 5947, Gift, Novelty, Souvenir Shops
SIC 60	Depository Institutions	
SIC 80	Health Services	
SIC 81	Legal Services	
SIC 82	Educational Services	
SIC 87	Engineering, Accounting, Research, Management Services	

That the subject property is a vacant, 1.903-acre tract located at 100 West Bruton Lane that is currently unplatted 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 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.

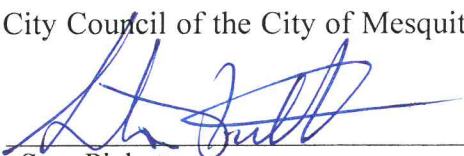
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 4216, codified in Chapter 11 of 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.

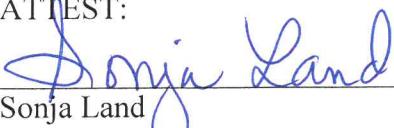
SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed 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.

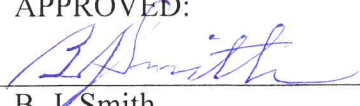
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of February, 2017.



Stan Pickett
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney

Exhibit A
Field Notes for 100 W. Bruton Ln.

All that certain lot, tract or parcel of land situated in the JAMES MOORE SURVEY, ABSTRACT NO. 972, Dallas County, Texas, and being a part of a 2.00 acres tract of land as described in a Warranty Deed from Johnny L. Janes and Edna Janes to W. G. Austin, dated July 23, 29168, and being recorded in Volume 8151, Page 1514 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an Axle rod found for corner at the Southwest corner of said 2.00 acres tract of land, said point being at the Northwest corner of a 24.945 acre tract of land as described in a Warranty Deed from Mary Fredna Stanglin, Robert Lee Austin, Alice Darlene Moore and Willis Gary Austin, Jr. to Chaeryl Bacon Bell and Jerry W. Bell, dated March 2, 1998, and being recorded in Volume 98045, Page 1355 of the Deed Records of Dallas County, Texas;

THENCE N 00 deg. 40 min. 09 sec. E, along the West line of said 2.00 acres tract of land, a distance of 108.55 feet to a TXDOT disk monument found for corner at the South corner of a 4,231 square foot tract of land as described in a Donation deed from Robert Lee Austin, Mary Fredna Stanglin and W. G. Austin to the State of Texas for the Southeast right-of-way line of Beltline Road;

THENCE N 42 deg. 40 min. 33 sec. E, along the Southeast line of said 4,231 square foot tract and said right-of-way line, a distance of 190.84 feet to a TXDOT disk monument found at the intersection of the South right-of-way line of Bruton Lane West;

THENCE N 89 deg. 17 min. 26 sec. E, along the South line of Bruton Lane West, a distance of 239.55 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the Northeast corner of said 2.00 acres tract and the Northwest corner of a 2.496 acres tract of land as described in a Warranty Deed from J. W. Ramey and Ella Elaine Ramey to James M. Mitchell and Debra A. Mitchell, dated June 22, 1981 and being recorded in Volume 81127, Page 2122 of the Deed Records of Dallas County, Texas;

THENCE S 00 deg. 38 min. 00 sec. E, along the East line of said 2.00 acres tract, a distance of 247.15 feet to a 1/2" iron rod with yellow plastic cap stamped "R.S.C.I. RPLS 5034" set for corner at the Southeast corner of said 2.00 acres tract;

THENCE S 88 deg. 59 min. 20 sec. W, (Controlling bearing line) along the South line of said 2.00 acres tract, a distance of 370.90 feet to the POINT OF BEGINNING and containing 82,488 square feet or 1.89 acres of land.