

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GRANT A CHANGE OF ZONING ON THE FOLLOWING DESCRIBED TRACTS OF REAL PROPERTY FROM "R-1" SINGLE-FAMILY DWELLING DISTRICT TO "SP" SPECIAL PERMIT FOR A PLANNED DEVELOPMENT INCLUDING LOCAL RETAIL, APARTMENT, TOWNHOUSE, AND SINGLE-FAMILY USES; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I (TOWNHOUSE TRACT) BEING PART OF A TRACT OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT #1461, DALLAS COUNTY, TEXAS, AND BEING FILED IN VOLUME 665, PAGE 376, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT AT THE NORTH CORNER OF THE REMAINING PART OF SAID OATES TRACT OF 100 ACRES MORE OR LESS, SAID POINT BEING IN THE SOUTH LINE OF OATES ROAD (A 60 FOOT RIGHT-OF-WAY), SAID POINT ALSO BEING IN THE SOUTHWESTERLY LINE OF A 1.35 ACRE TRACT (CALLED 1.38 ACRES IN DEED) CONVEYED TO MRS. BIRD ARMSTRONG BY BEN F. TISINGER AND WIFE, NETTIE TISINGER, AS RECORDED IN VOLUME 1942, PAGE 383, DALLAS COUNTY DEED RECORDS; AN IRON STAKE SET FOR CORNER; THENCE SOUTH 45° 09' WEST, WITH THE SOUTHEASTERLY LINE OF SAID OATES ROAD APPROXIMATELY 1885.98 TO A PLACE OF BEGINNING; BEGINNING AT SAID POINT, SAME BEING COINCIDENT WITH THE SOUTHEASTERN CORNER OF NORTHWEST DRIVE (PROPOSED EXTENSION) AND OATES ROAD RIGHT-OF-WAY INTERSECTION; THENCE SOUTH 44° 53' EAST APPROXIMATELY 870 FEET TO A POINT LYING WITHIN THE NORTHWEST DRIVE RIGHT-OF-WAY; THENCE SOUTH 45° 09' WEST APPROXIMATELY 100 FEET; THENCE SOUTH 44° 53' EAST APPROXIMATELY 610 FEET TO A POINT FORMING THE SOUTHEASTERN CORNER OF SAID TRACT; THENCE SOUTH 44° 52' WEST APPROXIMATELY 215 FEET TO A POINT FORMING THE SOUTHWESTERN CORNER OF SAID TRACT; THENCE NORTH 55° 44' WEST, 33.21 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1369.79 FEET AND A CENTRAL ANGLE OF 12° 14'; THENCE IN A NORTHWESTERLY DIRECTION AND ALONG SAID CURVE, 292.47 FEET TO THE END OF SAID CURVE; THENCE NORTH 43° 30' WEST, 19.85 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 837.40 FEET AND A CENTRAL ANGLE OF 28° 39'; THENCE IN A NORTHWESTERLY DIRECTION AND ALONG SAID CURVE, 418.73 FEET TO THE END OF SAID CURVE; THENCE NORTH 14° 51' WEST, 21.76 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 496.41 FEET AND A CENTRAL ANGLE OF 30° 00'; THENCE IN A NORTHWESTERLY

DIRECTION AND ALONG SAID CURVE 259.92 FEET TO THE END OF SAID CURVE; THENCE NORTH 44° 51' WEST, 468.32 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF THE AFOREMENTIONED OATES ROAD; THENCE NORTH 45° 09' EAST, WITH THE SOUTHEASTERLY LINE OF SAID OATES ROAD, APPROXIMATELY 200 FEET TO THE PLACE OF BEGINNING AND CONTAINING APPROXIMATELY 8.36 ACRES OF LAND. TRACT II (LOCAL RETAIL TRACT) BEING PART OF A TRACT OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT #1461, DALLAS COUNTY, TEXAS, AND BEING OUT OF A TRACT CONVEYED TO P. D. OATES BY JENNIE OATES, ET AL, AS DESCRIBED IN A DEED OF PARTITION FILED IN VOLUME 665, PAGE 376, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT AT THE NORTH CORNER OF THE REMAINING PART OF SAID OATES TRACT OF 100 ACRES MORE OR LESS, SAID POINT BEING IN THE SOUTH LINE OF OATES ROAD (A 60 FOOT RIGHT-OF-WAY), SAID POINT ALSO BEING IN THE SOUTHWESTERLY LINE OF A 1.35 ACRE TRACT (CALLED 1.38 ACRES IN DEED) CONVEYED TO MRS. BIRD ARMSTRONG BY BEN F. TISINGER AND WIFE, NETTIE TISINGER, AS RECORDED IN VOLUME 1942, PAGE 383, DALLAS COUNTY DEED RECORDS; AN IRON STAKE SET FOR CORNER; THENCE SOUTH 45° 09' WEST, WITH THE SOUTHEASTERLY LINE OF SAID OATES ROAD, APPROXIMATELY 1155 FEET TO A PLACE OF BEGINNING; BEGINNING AT SAID POINT, SAME BEING IN THE SOUTHEASTERLY RIGHT-OF-WAY OF OATES ROAD AND COINCIDENT WITH NORTHWESTERN CORNER OF ADJACENT MULTI-FAMILY TRACT; THENCE SOUTH 44° 53' EAST APPROXIMATELY 1035 FEET TO A POINT FORMING THE SOUTHEASTERN CORNER OF SAID TRACT; THENCE SOUTH 32° 77' WEST ALONG THE SOUTHEASTERLY BOUNDARY OF SAID TRACT, LINE BEING WITHIN THE RIGHT OF WAY OF A PROPOSED NEW ROAD, APPROXIMATELY 750 FEET TO A POINT FORMING THE SOUTHWESTERN CORNER OF SAID TRACT AND BEING WITHIN THE RIGHT-OF-WAY OF THE PROPOSED EXTENSION OF NORTHWEST DRIVE; THENCE NORTH 44° 53' WEST ALONG THE SOUTHWESTERNLY BOUNDARY OF SAID TRACT APPROXIMATELY 870 FEET TO A POINT FORMING THE NORTHWESTERN CORNER AND BEING COINCIDENT WITH THE SOUTHEASTERN CORNER OF NORTHWEST DRIVE AND OATES ROAD RIGHT-OF-WAY INTERSECTION; THENCE NORTH 45° 09' EAST ALONG SAID OATES ROAD RIGHT-OF-WAY APPROXIMATELY 730.98 FEET TO PLACE OF BEGINNING AND CONTAINING 15.9 ACRES OF LAND. TRACT III (MULTIPLE-FAMILY TRACT) BEING PART OF A TRACT OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT #1461, DALLAS COUNTY, TEXAS, AND BEING FILED IN VOLUME 665, PAGE 376, DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT AT THE NORTH CORNER OF THE REMAINING PART OF SAID OATES TRACT OF 100 ACRES MORE OR LESS, SAID POINT BEING IN THE SOUTH LINE OF

OATES ROAD (A 60 FOOT RIGHT-OF-WAY), SAID POINT ALSO BEING IN THE SOUTHWESTERLY LINE OF A 1.35 ACRE TRACT (CALLED 1.38 ACRES IN DEED) CONVEYED TO MRS. BIRD ARMSTRONG BY BEN F. TISINGER AND WIFE, NETTIE TISINGER, AS RECORDED IN VOLUME 1942, PAGE 383, DALLAS COUNTY DEED RECORDS; AN IRON STAKE SET FOR CORNER; THENCE SOUTH 45° 09' WEST, WITH THE SOUTHEASTERLY LINE OF SAID OATES ROAD, APPROXIMATELY 770 FEET TO A PLACE OF BEGINNING; BEGINNING AT THE NORTHEASTERN CORNER OF SAID TRACT, SAME BEING THE SOUTHWESTERN CORNER OF 75 FOOT RIGHT-OF-WAY (PROPOSED ROAD) INTERSECTING WITH OATES ROAD; THENCE SOUTH 44° 53' EAST ALONG THE SOUTHWESTERNLY RIGHT-OF-WAY OF SAID PROPOSED ROAD AND APPROXIMATELY COINCIDENT WITH THE MESQUITE-GARLAND CITY LIMITS 1300 FEET TO A POINT FORMING THE SOUTHEASTERN CORNER OF SAID TRACT; THENCE SOUTH 77° 37' WEST APPROXIMATELY 457 FEET TO A POINT FORMING THE SOUTHWESTERN CORNER OF SAID TRACT; THENCE NORTH 44° 53' WEST WITH THE SOUTHWESTERNLY BOUNDARY OF SAID TRACT 1060 FEET TO A POINT FOR CORNER IN THE SOUTHEASTERLY LINE OF OATES ROAD; THENCE NORTH 45° 09' EAST ALONG SAID OATES ROAD RIGHT-OF-WAY 385 FEET TO THE PLACE OF BEGINNING AND CONTAINING APPROXIMATELY 10.4 ACRES OF LAND. TRACT IV (SINGLE-FAMILY TRACT) BEING PART OF TWO TRACTS OF LAND, SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT #1461, DALLAS COUNTY, TEXAS; ONE PART BEING OUT OF A TRACT CONVEYED TO P. D. OATES BY JENNIE OATES, ET AL, AS DESCRIBED IN A DEED OF PARTITION FILED IN VOLUME 665, PAGE 376, DALLAS COUNTY DEED RECORDS. THE OTHER BEING OUT OF A TRACT OF LAND BEING OUT OF THE BIRD ARMSTRONG 313.66 ACRE ORIGINAL TRACT, AS RECORDED IN VOLUME 664, PAGE 611, DALLAS COUNTY DEED RECORDS; FROM A POINT AT THE NORTH CORNER OF THE REMAINING PART OF SAID OATES TRACT OF 100 ACRES MORE OR LESS, SAID POINT BEING IN THE SOUTH LINE OF OATES ROAD (A 60 FOOT RIGHT-OF-WAY); SAID POINT ALSO BEING IN THE SOUTHWESTERLY LINE OF A 1.35 ACRE TRACT (CALLED 1.38 ACRES IN DEED) CONVEYED TO MRS. BIRD ARMSTRONG BY BEN F. TISINGER AND WIFE, NETTIE TISINGER, AS RECORDED IN VOLUME 1942, PAGE 383, DALLAS COUNTY DEED RECORDS; AN IRON STAKE SET FOR CORNER; THENCE SOUTH 45° 09' WEST WITH THE SOUTHEASTERLY LINE OF SAID OATES ROAD, APPROXIMATELY 770 FEET; SAME POINT THE SOUTHWESTERN CORNER OF A 75 FOOT RIGHT-OF-WAY (PROPOSED ROAD) INTERSECTING WITH OATES ROAD; THENCE SOUTH 44° 53' EAST ALONG THE SOUTHWESTERNLY RIGHT-OF-WAY OF SAID PROPOSED ROAD AND APPROXIMATELY COINCIDENT WITH THE MESQUITE-GARLAND CITY LIMITS 1300 FEET TO THE PLACE OF BEGINNING;

BEGINNING AT THE NORTHEASTERN CORNER OF SAID TRACT, SAME POINT LYING IN A PROPOSED STREET RIGHT-OF-WAY; THENCE SOUTH 44° 53' EAST, ALONG THE MESQUITE-GARLAND CITY LIMITS LINE, APPROXIMATELY 910 FEET TO A POINT FORMING THE SOUTHEASTERN CORNER OF SAID TRACT; THENCE NORTH 69° 33' WEST, WITH A NORTHERLY LINE OF A TRACT OF LAND OWNED BY THE CITY OF MESQUITE, TEXAS, APPROXIMATELY 385 FEET TO AN IRON STAKE SET FOR CORNER; THENCE NORTH 81° 56' WEST, AND CONTINUING ALONG A NORTHERLY LINE OF SAID CITY OF MESQUITE TRACT, 451.50 FEET TO A POINT IN THE NORTHWESTERLY LINE OF THE AFOREMENTIONED ARMSTRONG TRACT; AN IRON STAKE SET FOR CORNER; THENCE SOUTH 44° 52' WEST, WITH THE SOUTHEASTERLY LINE OF SAID OATES TRACT APPROXIMATELY 984.68 FEET TO A POINT FOR CORNER LYING WITHIN THE NORTHWEST DRIVE RIGHT-OF-WAY EXTENSION; THENCE NORTH 44° 53' WEST, WITHIN THE NORTHWEST DRIVE RIGHT-OF-WAY EXTENSION, APPROXIMATELY 610 FEET TO A POINT FORMING THE NORTHWESTERN CORNER OF SAID TRACT; THENCE NORTH 45° 09' EAST APPROXIMATELY 100 FEET, WITHIN A PROPOSED STREET RIGHT-OF-WAY; THENCE NORTH 32° 77' EAST APPROXIMATELY 750 FEET, WITHIN A PROPOSED STREET RIGHT-OF-WAY; THENCE SOUTH 44° 53' EAST APPROXIMATELY 25 FEET, SOUTHEASTERLY WITHIN A PROPOSED STREET RIGHT-OF-WAY; THENCE NORTH 77° 37' EAST APPROXIMATELY 457 FEET ALONG A LINE LYING WITHIN A PROPOSED STREET RIGHT-OF-WAY, TO THE PLACE OF BEGINNING AND CONTAINING APPROXIMATELY 16.18 ACRES OF LAND. BY PROVIDING LAND USE DEFINITIONS FOR LOCAL RETAIL, APARTMENTS, TOWN HOUSE AND SINGLE FAMILY UNIT; BY PROVIDING USE REGULATIONS ON TRACTS I, II, III, AND IV; BY PROVIDING SITE PLAN REQUIREMENTS PRIOR TO THE ISSUANCE OF BUILDING PERMITS; BY PROVIDING THAT ALL REGULAR AND STANDARD ORDINANCES PERTAINING TO SUBDIVISION, ZONING, AND BUILDING CODES SHALL BE APPLICABLE TO TOWN HOUSE DEVELOPMENT EXCEPT WHERE BY SPECIAL PROVISIONS IN THIS SPECIAL PERMIT ORDINANCE THE REQUIREMENTS ARE MODIFIED; BY PROVIDING LOCAL RETAIL REQUIREMENTS SHALL BE THE SAME AS THOSE IN LOCAL RETAIL USE ZONING EXCEPT THAT A SITE PLAN WILL BE REQUIRED FOR THE TOTAL AREA INVOLVED IN ACCORDANCE WITH SECTION 4 OF THIS SPECIAL PERMIT ORDINANCE; BY PROVIDING THAT APARTMENT USE REGULATIONS SHALL BE THE SAME AS THOSE IN APARTMENT USE ZONING EXCEPT THAT A SITE PLAN MUST BE SUBMITTED AND PROVIDING AN AVERAGE DENSITY OF THE TOTAL APARTMENT AREA SHALL NOT EXCEED 15 DWELLING UNITS PER ACRE AND PROVIDING FOR THE COMPUTATION THEREOF;

BY PROVIDING FOR A PRELIMINARY AND FINAL SUBDIVISION PLAT; BY PROVIDING FOR THE USES THEREOF, BY PROVIDING FOR REGULATIONS AS TO DENSITY, MINIMUM LOT DIMENSIONS, SETBACKS, MINIMUM DWELLING UNIT AREA, PARKING, ALLEYS AND PARKWAYS; BY PROVIDING FOR OPEN SPACE AND RECREATION AREAS AND PROVIDING FOR PLANS AND PLATS OF SAME AS A CONDITION PRECEDENT TO THE ISSUANCE OF ANY BUILDING PERMITS; BY PROVIDING THAT THE FOREGOING ZONING IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND CONFORMING WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HEREWITH; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan 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 said change of zoning should be granted herein:

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1964, be, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning on the following described tracts of real property from "R-1" Single-Family Dwelling District to "SP" Special Permit for a Planned Development including Local Retail, Apartment, Townhouse and Single-Family uses, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I  
(TOWNHOUSE TRACT)

BEING part of a tract of land situated in the Theophalus Thomas Survey, Abstract #1461, Dallas County, Texas, and being filed in Volume 665,

Page 376, Dallas County Deed Records and being more particularly described as follows:

FROM A POINT at the North corner of the remaining part of said Oates tract of 100 acres more or less, said point being in the South line of Oates Road (a 60 foot right-of-way), said point also being in the Southwesterly line of a 1.35 acre tract (called 1.38 acres in Deed) conveyed to Mrs. Bird Armstrong by Ben F. Tisinger and wife, Nettie Tisinger, as recorded in Volume 1942, Page 383, Dallas County Deed Records; an iron stake set for corner;

THENCE South  $45^{\circ} 09'$  West, with the Southeasterly line of said Oates Road approximately 1885.98 to a place of Beginning;

BEGINNING at said point, same being coincident with the Southeastern corner of Northwest Drive (proposed extension) and Oates Road right-of-way intersection;

THENCE South  $44^{\circ} 53'$  East approximately 870 feet to a point lying within the Northwest Drive right-of-way;

THENCE South  $45^{\circ} 09'$  West approximately 100 feet;

THENCE South  $44^{\circ} 53'$  East approximately 610 feet to a point forming the Southeastern corner of said tract;

THENCE South  $44^{\circ} 52'$  West approximately 215 feet to a point forming the Southwestern corner of said tract;

THENCE North  $55^{\circ} 44'$  West, 33.21 feet to the beginning of a curve to the Right, having a radius of 1369.79 feet and a central angle of  $12^{\circ} 14'$ ;

THENCE in a Northwesterly direction and along said curve, 292.47 feet to the end of said curve;

THENCE North  $43^{\circ} 30'$  West, 19.85 feet to the beginning of a curve to the Right having a radius of 837.40 feet and a central angle of  $28^{\circ} 39'$ ;

THENCE in a Northwesterly direction and along said curve, 418.73 feet to the end of said curve;

THENCE North  $14^{\circ} 51'$  West, 21.76 feet to the beginning of a curve to the left, having a radius of 496.41 feet and a central angle of  $30^{\circ} 00'$ ;

THENCE in a Northwesterly direction and along said curve 259.92 feet to the end of said curve;

THENCE North 44° 51' West, 468.32 feet to a point in the Southeasterly line of the aforementioned Oates Road;

THENCE North 45° 09' East, with the Southeasterly line of said Oates Road, approximately 200 feet to the place of beginning and containing approximately 8.36 acres of land.

TRACT II  
(LOCAL RETAIL TRACT)

BEING part of a tract of land situated in the Theophalus Thomas Survey, Abstract #1461, Dallas County, Texas, and being out of a tract conveyed to P. D. Oates by Jennie Oates, et al, as described in a Deed of Partition filed in Volume 665, Page 376, Dallas County Deed Records and being more particularly described as follows:

FROM A POINT at the North corner of the remaining part of said Oates tract of 100 acres more or less, said point being in the South line of Oates Road (a 60 foot right-of-way), said point also being in the Southwesterly line of a 1.35 acre tract (called 1.38 acres in Deed) conveyed to Mrs. Bird Armstrong by Ben F. Tisinger and wife, Nettie Tisinger, as recorded in Volume 1942, Page 383, Dallas County Deed Records; an iron stake set for corner;

THENCE South 45° 09' West, with the Southeasterly line of said Oates Road, approximately 1155 feet to a place of Beginning;

BEGINNING at said point, same being in the Southeasterly right-of-way of Oates Road and coincident with Northwestern corner of adjacent multi-family tract;

THENCE South 44° 53' East approximately 1035 feet to a point forming the Southeastern corner of said tract;

THENCE South 32° 77' West along the Southeastern boundary of said tract, line being within the right-of-way of a proposed new road, approximately 750 feet to a point forming the Southwestern corner of said tract and being within the right-of-way of the proposed extension of Northwest Drive;

THENCE North 44° 53' West along the Southwesternly boundary of said tract approximately 870 feet to a point forming the Northwestern corner and being coincident with the Southeastern corner of North-west Drive and Oates Road right-of-way intersection;

THENCE North 45° 09' East along said Oates Road right-of-way approximately 730.98 feet to place of Beginning and containing 15.9 acres of land.

TRACT III  
(MULTIPLE-FAMILY TRACT)

BEING part of a tract of land situated in the Theophalus Thomas Survey, Abstract #1461, Dallas County, Texas, and being filed in Volume 665, Page 376, Dallas County Deed Records and being more particularly described as follows:

FROM A POINT at the North corner of the remaining part of said Oates tract of 100 acres more or less, said point being in the South line of Oates Road (a 60 foot right-of-way), said point also being in the Southwesterly line of a 1.35 acre tract (called 1.38 acres in Deed) conveyed to Mrs. Bird Armstrong by Ben F. Tisinger and wife, Nettie Tisinger, as recorded in Volume 1942, Page 383, Dallas County Deed Records; an iron stake set for corner;

THENCE South 45° 09' West, with the Southeasterly line of said Oates Road, approximately 770 feet to a place of beginning;

BEGINNING at the Northeastern corner of said tract, same being the Southwestern corner of 75 foot right-of-way (proposed road) intersecting with Oates Road;

THENCE South 44° 53' East along the Southwesternly right-of-way of said proposed road and approximately coincident with the Mesquite-Garland city limits 1300 feet to a point forming the Southeastern corner of said tract;

THENCE South 77° 37' West approximately 457 feet to a point forming the Southwestern corner of said tract;

THENCE North 44° 53' West with the Southwesternly boundary of said tract 1060 feet to a point for corner in the Southeasterly line of Oates Road;



THENCE North 45° 09' East along said Oates Road right-of-way 385 feet to the place of beginning and containing approximately 10.4 acres of land.

TRACT IV  
(SINGLE-FAMILY TRACT)

BEING part of two tracts of land, situated in the Theophalus Thomas Survey, Abstract #1461, Dallas County, Texas; one part being out of a tract conveyed to P. D. Oates by Jennie Oates, et al, as described in a Deed of Partition filed in Volume 665, Page 376, Dallas County Deed Records. The other being out of a tract of land being out of the Bird Armstrong 313.66 acre original tract, as recorded in Volume 664, Page 611, Dallas County Deed Records.

FROM A POINT at the North corner of the remaining part of said Oates tract of 100 acres more or less, said point being in the South line of Oates Road (a 60 foot right-of-way), said point also being in the Southwesterly line of a 1.35 acre tract (called 1.38 acres in deed) conveyed to Mrs. Bird Armstrong by Ben F. Tisinger and wife, Nettie Tisinger, as recorded in Volume 1942, Page 383, Dallas County Deed Records; an iron stake set for corner;

THENCE South 45° 09' West with the Southeasterly line of said Oates Road, approximately 770 feet. Same point the Southwestern corner of a 75 foot right-of-way (proposed road) intersecting with Oates Road;

THENCE South 44° 53' East along the Southwesternly right-of-way of said proposed road and approximately coincident with the Mesquite-Garland city limits 1300 feet to the Place of Beginning;

BEGINNING at the Northeastern corner of said tract, same point lying in a proposed street right-of-way;

THENCE South 44° 53' East, along the Mesquite-Garland city limits line, approximately 910 feet to a point forming the Southeastern corner of said tract;

THENCE North 69° 33' West, with a Northerly line of a tract of land owned by the City of Mesquite, Texas, approximately 385 feet to an iron stake set for corner;

THENCE North 81° 56' West, and continuing along a Northerly

line of said City of Mesquite tract, 451.50 feet to a point in the Northwesterly line of the aforementioned Armstrong tract; an iron stake set for corner;

THENCE South 44° 52' West, with the Southeasterly line of said Oates tract approximately 984.68 feet to a point for corner lying within the Northwest Drive right-of-way extension;

THENCE North 44° 53' West, within the Northwest Drive right-of-way extension, approximately 610 feet to a point forming the Northwestern corner of said tract;

THENCE North 45° 09' East approximately 100 feet, within a proposed street right-of-way;

THENCE North 32° 77' East approximately 750 feet, within a proposed street right-of-way;

THENCE South 44° 53' East approximately 25 feet, southeasterly within a proposed street right-of-way;

THENCE North 77° 37' East approximately 457 feet along a line lying within a proposed street right-of-way, to the place of Beginning and containing approximately 16.18 acres of land.

SECTION 2. Definitions

- A. Local Retail - as used in this Special Permit Ordinance shall mean the same uses as are provided for under "LR" Local Retail District, the same being Article X of Appendix III of the City Code of the City of Mesquite, Texas.
- B. Apartments - as used in this Special Permit Ordinance shall mean the same uses as are provided for under "A" Multiple-Family Dwelling District Regulations, the same being Article IX-A of Appendix III of the City Code of the City of Mesquite, Texas.
- C. Town House - as used in this Special Permit Ordinance shall be defined as a one-family attached dwelling unit on a separately platted lot or officially approved building site which is occupied by not more than one family and is joined to another dwelling unit on one or more sides.

- D. Single Family - as used in this Special Permit Ordinance shall be defined as one-family detached dwelling unit on a separately platted lot approved by official platting procedures which is occupied by not more than one family.

SECTION 3. Use Regulations

TRACT I - That no land within the boundaries set forth shall be used for any purpose, nor any building erected or converted for any other purpose than as "Town Houses".

TRACT II - That no land within the boundaries set forth shall be used for any other purpose, nor any building erected or converted for any purpose than as "Local Retail".

TRACT III-That no land within the boundaries set forth shall be used for any purpose, nor any building erected or converted for any purpose than as "Apartments".

TRACT IV - That no land within the boundaries set forth shall be used for any purpose, nor any building erected or converted for any other purpose than as "Single Family".

SECTION 4. Site Plan Requirements

Before building permits are issued on each separate tract herein, a site plan must be submitted showing in detail the size and location of all buildings, streets, drives, sidewalks, utilities, and the site plan must conform to the requirements of Appendix II, Articles I through XIII, the same being the Subdivision Ordinance of the City of Mesquite, with the exception of the special provisions included in this Special Permit Ordinance. The approval of the site plan shall be as follows:

"A preliminary site plan must be filed in accordance with the rules and regulations of the subdivision ordinance for a preliminary plat. The preliminary site plan may be approved by the City Planning Commission if after a report from the City Planner all of the requirements of the standard ordinances for the City of Mesquite and the provisions of this special permit ordinance have been complied therewith. If for any reason a request is made for a variance to these provisions the preliminary and final plat must receive approval from the City Council after receiving a recommendation from the City Planning Commission."

SECTION 5. Town House Requirements

That all regular and standard ordinances pertaining to subdivision, zoning, and building codes shall be applicable to Town House development except where by special provisions in this special permit ordinance the requirements are modified.

A. Maximum Building Heights - No building shall be constructed so as to exceed two and one-half stories in height.

B. Minimum Yard Requirements -

1. Front Yard - All townhouse units shall have a front yard with a minimum depth of 20 feet, except where a garage has an entry facing the side yard, then the garage shall extend within 15 feet of the front property line.
2. Side Yard - Townhouses shall have a side yard between any two building groups of a minimum of 36 feet and 15 feet where the end of the building is adjacent to a street or drive.
3. Rear Yard - A rear yard having a minimum depth of not less than 20 feet shall be provided.
4. Common Area - Where building groups face each other, on a common area, there shall be a minimum separation of 40 feet between opposite walls. All common area and open space shall be permanent use open space and shall never be used for any other purpose or use.

C. Lot or building site requirements - Each building shall be located on a lot or site having a minimum width of 22 feet and minimum depth of 100 feet. Each lot shall contain a minimum area of 24pp square feet and shall have access to a dedicated street or 27 foot access drive. Attached dwelling units shall be in groups of not less than 3 nor more than 7 in any building group, but in no event shall more than one-third of the building groups contain seven units.

D. General Requirements -

1. Each platted lot or building site shall have access to either a dedicated street or private drive having a minimum width of 27 feet.
2. All parking areas, access drives, sidewalks, private or public streets and drainage structures constructed on private or public property shall be previously approved by the City and constructed in accordance with City specifications and requirements.
3. Each lot or building site shall have a carport or garage having a capacity of two (2) standard motor vehicles.
4. The exterior construction of all townhouse dwellings shall conform to the requirements of Section 3 (10) Article VI, Appendix III of the City Code of the City of Mesquite, the same being an "R-2" Single Family Dwelling District. A further requirement is that all attached dwelling units shall have a four-hour rating wall between each unit. All such fire walls shall be continuous and unbroken from the foundation slab to the under side of roof deck and conform to all other requirements for fire walls as outlined in the Building Code of the City of Mesquite.
5. The minimum area for each dwelling unit shall be 1200 square feet of living area, exclusive of garages, breezeways and porches.
6. No less than thirty-five percent (35%) of the total grossland area shall be open space which shall not be used as an area of principal construction, nor for automobile driveways or parking facilities. Such open space as herein contemplated shall be used exclusively for purposes of the installation of recreational facilities and a green or landscaped area.

- E. Density Requirements - The average density of the townhouse units shall not exceed 8.5 dwelling units per acre. The density is to be computed by taking the gross land area of each designated townhouse tract and dividing by the total number of dwelling units within the tract.

F. Utilities - All utilities in the development herein zoned shall be placed beneath the ground, except installations above ground shall be permitted when approved by the Director of Public Works of the City under the following circumstances:

1. Above ground installations of transformers;
2. Where utility lines cross a major drainage channel or depression of such depth as to make below ground installation impractical.
3. At the point where the utility enters into the development.

There shall be no other exceptions than those enumerated above save by approval by the City Council, but in no event shall individual house services be above ground.

G. Home Owners or Maintenance Association - Any home owners or maintenance association in the townhouse dwelling use tract shall comply with the provisions under Section 8 of this special permit ordinance.

H. Alley Requirements - No alleys shall be required in the townhouse use tracts except when in the opinion of the City of Mesquite at the time of submission of the preliminary site plan it appears that the development of adjacent properties would be hindered without the construction of an alley on lots which abut property not in this development that are adjacent to land requiring alleys under the then current zoning.

#### SECTION 6. Local Retail Requirements

Local Retail requirements shall be the same as those in Local Retail use zoning except that a site plan will be required for the total area involved in accordance with Section 4 of this special permit ordinance.

#### SECTION 7. Apartment Requirements

Apartment requirements shall be the same as those in Apartment use zoning except a site plan must be submitted in accordance with Section 4 of this special permit use ordinance and the average density of the total apartment area of the land herein zoned, as it relates to the erection of apartments, shall not exceed 15 dwelling units per acre; the density is to be computed by taking the gross land area of the tract and dividing by the total number of dwellings within the tract.

SECTION 9. Single Family Requirements

- A. **Platting** - Prior to issuance of a Building Permit, a final subdivision plat shall be approved by the City of Mesquite and filed for record in the County Clerk's Office of Dallas County, Texas. A preliminary plat of the entire development shall be approved by the Planning Commission of the City of Mesquite.
- B. **Uses** - The uses permitted in this tract shall be the same as for R-1 zoning as set forth in Ordinance 560.
- C. **General Regulations** - Unless otherwise specified in this ordinance, the various minimum and maximum requirements for lot dimensions, lot area, setbacks, height, coverage, parking and accessory buildings shall be as set forth for the R-1 zoning in Ordinance 560.
1. **Density** - Single-family dwelling shall not exceed a density of three (3) units per acre of gross land area. In no case, shall the total number of single-family dwelling units exceed a maximum of 48. At least sixteen (16) acres shall be devoted to single-family detached housing exclusive of common green acres. Local access streets to single-family units may be included in the sixteen (16) acres.
  2. **Minimum Lot Dimensions** - No minimum width and depth dimensions are specified, however, the arrangement, shape, dimensions, and slope of lots shall be approved by the City Council after public hearing and after a recommendation by the City Planning Commission. Such lots shall be of appropriate size, shape, dimension, and slope to create reasonable home sites.
  3. **Setbacks** - All main structures shall be set back from lot lines as follows:
    - a. **Front** - Twenty-five (25) feet minimum with average on each side of block of thirty-five (35) feet. Front building lines shall be established by subdivision plat for an entire frontage in a block prior to issuance of any building permits within that block.

b. Side - Ten (10) percent of the width of a lot but not less than eight (8) feet, except that a zero (0) foot setback may be approved on one side of the lot if the total width of side yards, required above, are to be provided on one side of the lot. Side yards shall be established by subdivision plat for the entire block prior to issuance of any building permit for zero lot line units within that block.

4. Dwelling Unit Area - All single-family dwelling units shall have a minimum floor area of 1700 square feet, excluding automobile storage. An overall average floor area of 1900 square feet, exclusive of automobile storage, shall be maintained throughout the single-family development and the general location and number of units of various size floor area shall be shown on the development plan.

- D. Parking - Each dwelling unit shall have a minimum of two (2) paved and covered parking spaces.
- E. Alleys and Parkways - The overall development plan shall show alleys, parkways, green belts, etc. If alleys are not provided for all or part of this part of development, parkways or greenbelts shall be provided. The location, size, and development of these facilities shall be approved on the development plan by the City Council after public hearing and recommendation from the City Planning Commission.

SECTION 9. Open Space, Recreation Area Requirements

- A. Before the construction of any recreation center or recreation area, it will be necessary to assure the City of Mesquite that provision has been made for adequate upkeep and maintenance of such facilities. Any such home owners or maintenance association so established to maintain and manage all such common open areas shall be approved by the City Manager prior to the issuance of any building permits.
- B. Furthermore, if such a greenbelt or common area is provided, a plat depicting a location of recreational facilities and areas, types and locations of trees and shrubs, the installation and plans of the sprinkler system, the installation of



utilities, and all other appertaincies connected with this area shall be filed for approval and an agreement concerning construction and maintenance shall be approved by the City of Mesquite. The submission of such plans and plats shall be a condition precedent to the issuance of any building permits.

SECTION 10. Drainage

The foregoing zoning change shall be and 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. 858 of the Mesquite City Code.

SECTION 11. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed, and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 12. That the above-described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 13. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.


SECTION 14. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 15. Whereas, the above-described property requires that it be given the above zoning 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 and creates an urgency and an 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 the caption of said ordinance, as the law in such cases provides.

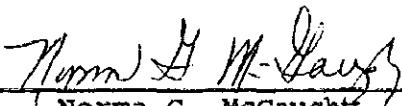
1.00

ORDINANCE/PAGE 18

DULY PASSED by the City Council of the City of Mesquite, Texas,  
on the 5th day of October A.D., 1970.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

  
Elland Archer  
City Attorney