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ORDINANCE NO. 977

Case 973-1

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 FROM "R-1" SINGLE-FAMILY DWELLING DISTRICT TO "R-3" SINGLE-FAMILY DWELLING DISTRICT, "LR" LOCAL RETAIL DISTRICT, AND "SP" SPECIAL PERMIT FOR TOWNHOUSES, WITH THE FOLLOWING STIPULATIONS: (1) THAT THE DEVELOPMENT WOULD CONSIST OF APPROXIMATELY THIRTY-FIVE ACRES OF "R-3" RESIDENTIAL ZONING, APPROXIMATELY TWENTY ACRES OF TOWNHOUSES, AND APPROXIMATELY FIVE ACRES OF "LR" LOCAL RETAIL ZONING; (2) THAT THE TOWNHOUSES BE LIMITED TO NOT MORE THAN EIGHT UNITS PER ACRE; (3) THAT THE OWNERSHIP BE TRANSFERRED BY FEE SIMPLE OR SOME OTHER METHOD PROVIDED BY THE F.H.A. 203 PROGRAM, BUT IN NO EVENT WOULD THE UNITS EVER BE SUBJECT TO RENTAL; (4) PRIOR APPROVAL OF THE HOMEOWNERS ASSOCIATION AGREEMENT BY THE CITY STAFF; (5) THAT A SWIMMING POOL BE PROVIDED IN AND FOR THE USAGE OF THE DEVELOPMENT; AND (6) ALL NECESSARY RIGHTS OF WAY BE DEDICATED FOR FUTURE STREET IMPROVEMENTS; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; 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 THAT THE FOREGOING ZONING CHANGE IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; 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 Planning 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:

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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 property described in Exhibit "A", as attached hereto and made a part of this ordinance, from "R-1" Single-Family Dwelling District to "R-3" Single-Family Dwelling District, "LR" Local Retail District and, "SP" Special Permit for Townhouses, with the following stipulations:

- (1) That the development would consist of approximately thirty-five acres of "R-3" Residential Zoning; approximately twenty acres of Townhouses, and approximately five acres of "LR" Local Retail Zoning;
- (2) That the townhouses be limited to not more than eight units per acre, inclusive of area dedicated for Right-of-Way;
- (3) That the ownership be transferred by fee simple or some other method provided by the F.H.A. 203 Program, but in no event would the units ever be subject to rental;
- (4) Prior approval of the Homeowners Association Agreement by the City Staff;
- (5) That a swimming pool be provided in and for the usage of the development; and
- (6) All necessary rights of way be dedicated for future street improvements;

said property being in the City of Mesquite, Dallas County, Texas, and further described in Exhibit "A".

SECTION 2. 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.

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SECTION 3. That the property described in Exhibit "A" shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. That the foregoing zoning 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. 838 of the Mesquite City Code.

SECTION 5. 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 6. 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 7. Whereas, the property described in Exhibit "A" 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 said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 20th day of September, A.D., 1971.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:


Elland Archer
City Attorney

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EXHIBIT "A"

TRACT I
"R-1" TO "R-3"

BEING a tract of land situated in the James Moore Survey, Abstract 973 and the John P. Anderson League, Abstract 1, of Dallas County, Texas, and being situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point formed by the intersection of the Southwest right-of-way line of Cartwright Road with the Northwest line of the Texas Power and Light Company 100 foot right-of-way;

THENCE South $45^{\circ} 24' 51''$ West along the Northwest line of the Texas Power and Light Company 100 foot right-of-way for a distance of 1373.18 feet to a point for a corner;

THENCE departing from the Northwest line of the Texas Power and Light Company 100 foot right-of-way, North $44^{\circ} 48' 17''$ West for a distance of 1019.00 feet to a point for a corner;

THENCE North $45^{\circ} 24' 51''$ East for a distance of 808.92 feet to the beginning of a circular curve to the left whose central angle is $45^{\circ} 00'$ and whose radius is 300 feet;

THENCE along said circular curve to the left for a distance of 253.62 feet to the point of tangency;

THENCE North $0^{\circ} 24' 51''$ East for a distance of 186.60 feet to the beginning of a circular curve to the right whose central angle is $44^{\circ} 19' 09''$ and whose radius is 250.00 feet;

THENCE along said circular curve to the right for a distance of 193.38 feet to the point of tangency;

THENCE North $44^{\circ} 44'$ East for a distance of 34.67 feet to a point in the Southwest right-of-way line of Cartwright Road;

THENCE South $45^{\circ} 16'$ East along with the Southwest right-of-way line of Cartwright Road for a distance of 1312.52 feet to the place of beginning of this tract and containing 33.948 acres of land.

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Exhibit "A" Continued

In addition to the foregoing there shall be added to Tract I, upon final plat that land described in Tract II herein as any excess over five (5) acres in tract II and being 0.6 of an acre of land, more or less; for a total of 34.548, more or less.

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Exhibit "A" Continued

TRACT II
"R-1" TO "LR"

BEING a tract of land situated in the James Moore Survey, Abstract 973 and the John P. Anderson League, Abstract 1 of Dallas County, Texas, and being situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point formed by the intersection of the Southwest right-of-way line of Cartwright Road with the Northwest line of the Texas Power and Light Company 100 foot right-of-way; thence North $45^{\circ} 16'$ West along the Southwest right-of-way line of Cartwright Road for a distance of 1312.52 feet to the place of beginning of this tract;

THENCE departing from the Southwest right-of-way line of Cartwright Road South $44^{\circ} 44'$ West for a distance of 34.67 feet to the beginning of a circular curve to the left whose central angle is $27^{\circ} 51' 37''$ and whose radius is 250.00 feet;

THENCE along said circular curve to the left for a distance of 121.56 feet to a point for a corner;

THENCE departing from said curve West for a distance of 632.53 feet to a point for a corner;

THENCE South for a distance of 150.00 feet to a point for a corner;

THENCE West for a distance of 150.00 feet to a point in the East right-of-way line of Pioneer Road being in a circular curve to the right whose back tangent bears North $5^{\circ} 07' 07''$ West;

THENCE along said circular curve to the right whose central angle is $4^{\circ} 38' 07''$ and whose radius is 1032.09 feet to the end of said curve;

THENCE North $8^{\circ} 06' 30''$ East along the East right-of-way line of Pioneer Road for a distance of 100.41 feet to a point for a corner;

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Exhibit "A" Continued

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THENCE North $0^{\circ} 29'$ West for a distance of 163.31 feet to the beginning of a circular curve to the right whose central angle is $90^{\circ} 16'$ and whose radius is 100.00 feet;

THENCE along said circular curve to the right for a distance of 157.55 feet to the point of tangency;

THENCE North $89^{\circ} 47'$ East along the South Right-of-Way line of Cartwright Road for a distance of 361.71 feet to the beginning of a circular curve to the right whose central angle is $44^{\circ} 57'$ and whose radius is 544.28 feet;

THENCE along said circular curve to the right for a distance of 427.00 feet to the point of tangency;

THENCE South $45^{\circ} 16'$ East for a distance of 18.67 feet to the place of beginning and containing 5.716 acres of land, save and except, however, where the required right-of-way for widening Pioneer Road has been dedicated to the City of Mesquite there shall be subtracted from this tract and added to Tract I, by final plat such land as necessary so this tract shall not exceed five (5) acres.

TRACT III
"R-1" TO "SP"

BEING a tract of land situated in the James Moore Survey, Abstract 973, and the John P. Anderson League, Abstract 1 of Dallas County, Texas, and being situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point formed by the intersection of the Southwest right-of-way line of Cartwright Road with the Northwest line of the Texas Power and Light Company 100 foot right-of-way; thence South $45^{\circ} 24' 51''$ West along the Northwest line of the Texas Power and Light Company 100 foot right-of-way line for a distance of 1373.18 feet to the place of beginning of this tract;

THENCE continuing along the Northwest line of the Texas Power and Light Company 100 foot right-of-way South $45^{\circ} 24' 51''$ West for a distance of 260.97 feet to a point for a corner;

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Exhibit "A" Continued

THENCE departing from the Northwest line of the Texas Power and Light Company 100 foot right-of-way North $44^{\circ} 48' 17''$ West for a distance of 1260.88 feet to a point for a corner in the Southeast right-of-way line of Pioneer Road being in a circular curve to the left whose line of Pioneer Road being in a circular curve to the left whose central angle is $11^{\circ} 49' 39''$ and whose radius is 1151.23 feet;

THENCE along said circular curve to the left for a distance of 236.65 feet to the point of tangency;

THENCE North $33^{\circ} 01'$ East for a distance of 240.60 feet to the beginning of a circular curve to the left whose central angle is $46^{\circ} 30'$ and whose radius is 257.75 feet;

THENCE along said circular curve to the left for a distance of 209.19 feet to the point of tangency;

THENCE North $13^{\circ} 29'$ West for a distance of 168.46 feet to the beginning of a circular curve to the right whose radius is 1032.09 feet;

THENCE along said circular curve to the right for a distance of 150.68 feet to a point for a corner;

THENCE departing from said curve East for a distance of 150.00 feet to a point for a corner;

THENCE North for a distance of 150.00 feet to a point for a corner;

THENCE East for a distance of 632.53 feet to a point in a circular curve;

THENCE in a Southerly direction along said circular curve to the left whose central angle is $16^{\circ} 27' 32''$ and whose radius is 250.00 feet for a distance of 71.82 feet to the point of tangency;

THENCE South $0^{\circ} 24' 51''$ West for a distance of 186.60 feet to the beginning of a circular curve to the right whose central angle is $45^{\circ} 00'$ and whose radius is 300.00 feet;

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Exhibit "A" Continued

THENCE along said circular curve to the right for a distance of 235.62 feet to the point of tangency;

THENCE South 45° 24' 51" West for a distance of 610.74 feet to a point for a corner;

THENCE South 44° 48' 17" West for a distance of 1019 feet to the place of beginning and containing 20.000 acres of land.

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