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ORDINANCE NO. 1061

CASE CV15-10

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-3" SINGLE FAMILY DWELLING DISTRICT TO "A-1" TOWNHOUSES SUBJECT TO THE STIPULATIONS: (1) THAT USAGE OF THE ADJOINING TRACT, LOCATED NORTHEAST OF THE DEDICATED RIGHT OF WAY FOR THE EXTENSION OF SAN MARCUS (ZONED UNDER ORDINANCE NO. 886), SHALL BE RESTRICTED TO "A-1" TOWNHOUSES ONLY; (2) THAT THE TWO TRACTS (BOTH SIDES OF SAN MARCUS) SHALL BE CONSIDERED AS ONE TRACT FOR THE PURPOSE OF DENSITY AND OPEN SPACE REQUIREMENTS; (3) THAT THE TOWNHOUSES ADJACENT TO THE RESIDENTIAL AREA ALONG THE SOUTHWEST SIDE OF SAN MARCUS SHALL BE LIMITED TO ONE-STORY; (4) THAT PRIVATE DRIVES SHALL BE CONSTRUCTED TO THE CITY'S SPECIFICATIONS; (5) THAT IMPROVEMENT OF THE DRAINAGE CHANNEL SHALL CONFORM TO ORDINANCE NO. 858; AND (6) A LETTER OF INTENT SHALL BE PROVIDED TO THE CITY BY MR. HUGHES STATING THAT THE OWNER/DEVELOPER WILL COMPLY WITH THE REQUIREMENTS OF ORDINANCE NO. 858 AT SUCH TIME AS THE CITY SHALL REQUIRE THE IMPROVEMENT OF THE DRAINAGE CHANNEL; SAID PROPERTY BEING KNOWN AS LOTS 18 THROUGH 31, BLOCK 20, CASA VIEW HEIGHTS #15 ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING 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 A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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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:

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 from "R-3" Single Family Dwelling District to "A-1" Townhouses, said property being known as Lots 18 through 31, Block 20, Casa View Heights #15 Addition to the City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this ordinance, said change of zoning is subject to the following stipulations:

1. That usage of the adjoining tract, located Northeast of the dedicated right of way for the extension of San Marcus (zoned under Ordinance No. 886), shall be restricted to "A-1" Townhouses only;
2. That the two tracts (both sides of San Marcus) shall be considered as one tract for the purpose of density and open space requirements;
3. That the townhouses adjacent to the residential area along the Southwest side of San Marcus shall be limited to one-story;

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4. That private drives shall be constructed to the City's specifications;
5. That improvement of the drainage channel shall conform to Ordinance No. 858; and
6. A letter of intent shall be provided to the City by Mr. Hughes stating that the owner/developer will comply with the requirements of Ordinance No. 858 at such time as the City shall require the improvement of the drainage channel.

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.

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 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 5. 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.

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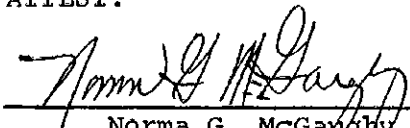
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SECTION 6. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, 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 11 day of September, A.D., 1972.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

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EXHIBIT "A"

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BEGINNING at the South corner of Lot 17, Block 20, Casa View Heights No. 15, an Addition to the City of Mesquite, Texas, also point being 121.7 feet Southeast from Dumont Drive with the Northeast right-of-way line of a 15 foot alley;

THENCE North  $47^{\circ} 57'$  East 123.12 feet to a point for corner in the Southeast line of Lot 17, Block 20;

THENCE around a curve to the Right with a central angle of  $35^{\circ} 10' 33''$  and whose radius is 558.59 for a distance of 342.94 feet to the point of tangency of said curve;

THENCE South  $1^{\circ} 34'$  East, 573.09 feet to a point for corner in the North line of Oates Drive;

THENCE around a curve to Right with a central angle of  $11^{\circ} 39' 17''$  whose radius is 624.74 feet, for a distance of 127.08 feet to a point for corner that is the East line of a 15 foot alley;

THENCE North  $01^{\circ} 34'$  West, 603.54 feet along said East line of alley to a point of curvature of a circular curve to the Left;

THENCE around the curve with a central angle of  $33^{\circ} 41' 33''$  whose radius is 436.19 for a distance of 256.50 feet to the place of BEGINNING CONTAINING 2.51 acres of land, or 109,478.45 square feet.

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