

ORDINANCE NO. 1146

CASE 1461-39

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 SPECIAL PERMIT FOR COMMUNITY CENTER AND "A-1" MULTI FAMILY DWELLING DISTRICT TO A PLANNED DEVELOPMENT FOR TOWNHOUSES ON APPROXIMATELY 15 ACRES KNOWN AS PARCEL 1, SUCH PLANNED DEVELOPMENT TO BE A PART OF THE OVERALL PLANNED DEVELOPMENT OF ALL TOWNHOUSE ZONED LAND AS SHOWN BY EXHIBIT "B", AND A CHANGE OF ZONING FROM SPECIAL PERMIT FOR "A-1" MULTI FAMILY DWELLING DISTRICT AND COMMUNITY CENTER TO A PLANNED DEVELOPMENT FOR COMMERCIAL USES ON THE 30 ACRES KNOWN AS PARCEL 2; WITH THE STIPULATIONS THAT, (1) A STREET BE CONSTRUCTED FROM LA PRADA DRIVE SOUTH THROUGH THE COMMERCIAL AREA AND THE EXISTING LOCAL RETAIL AREA, PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR THE PLANNED DEVELOPMENT OF THE COMMERCIAL AREA; (2) AN ENCLOSED STORM SEWER BE CONSTRUCTED FROM BARNES BRIDGE ROAD TO THE STATE HIGHWAY DEPARTMENT RIGHT-OF-WAY, PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS ON THE ENTIRE 72.06 ACRE TRACT AS SHOWN IN LAND USE PLAN STUDY #2 PREPARED BY ROBERT W. HOLLIN DATED JUNE, 1973, AND ATTACHED HERETO AS EXHIBIT "B"; AND (3) THAT THERE BE NO CONNECTION DIRECTLY BETWEEN THE COMMERCIAL AREA AND THE TOWNHOUSE AREA ALONG BARNES BRIDGE ROAD; SAID PROPERTY BEING IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT 1461, 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 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 FOR 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 from Special Permit for Community Center and "A-1" Multi Family Dwelling District to a Planned Development for Townhouses on approximately 15 acres known as Parcel 1, such Planned Development to be a part of the overall Planned Development of all Townhouse zoned land as shown by Exhibit "B", and a change of zoning from Special Permit for "A-1" Multi Family Dwelling District and Community Center to a Planned Development for Commercial Uses on approximately 30 acres known as Parcel 2; with the stipulations that:

- (1) A street be constructed from La Prada Drive South through the Commercial Area and the existing Local Retail Area, prior to the issuance of any building permits for the Planned Development of the Commercial Area;
- (2) An enclosed storm sewer be constructed from Barnes Bridge Road to the State Highway Department right-of-way, prior to the issuance of any building permits on the entire 72.06 acre tract as shown in Land Use Plan Study #2, Prepared by Robert W. Hollin, dated June, 1973, and attached hereto as Exhibit "B"; and

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- (3) That there be no connection directly between the Commercial Area and the Townhouse Area along Barnes Bridge Road.

Said property being in the Theophalus Thomas Survey, Abstract 1461, City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this ordinance.

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 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. 858 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, sub-division, 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.

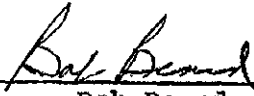
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

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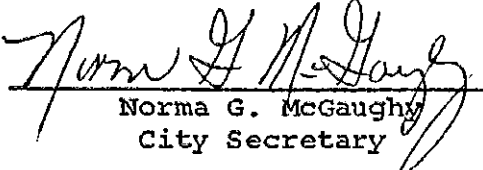
SECTION 7. Whereas, the property described in Exhibit "A" attached hereto and made a part of this ordinance, requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, 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 the 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 17 day of September , A.D., 1973.



Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"

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BEING two tracts of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being part of a 48.09 acre tract of land owned by First Continental Enterprises, Inc. and also being part of a 23.76 acre tract of land owned by First Continental Enterprises, Inc., said two tracts of land being more particularly described as follows:

TRACT 1

COMMENCING at a point on the Southeasterly line of LaPrada Drive (a 100 foot Right-of-Way), said point being in the Westerly line of a Dallas Power and Light Company Right-of-Way, said point also being the most Northerly corner of the aforementioned 48.09 acre tract of land;

THENCE South 44° 15' West, with the Southeasterly line of said LaPrada Drive, 759.00 feet to the place of beginning of Tract No. 1; a point for corner;

THENCE South 45° 45' East, 460.00 feet to a point for corner;

THENCE South 12° 47' East, 1005.34 feet to a point for corner;

THENCE South 45° 56' West, 195.02 feet to a point for corner;

THENCE North 45° 40' West, 430.00 feet to a point for corner;

THENCE South 44° 20' West, 410.00 feet to a point in the Northeasterly line of Barnes Bridge Road (a 100 foot Right-of-Way); a point for corner;

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THENCE North 45° 40' West, with the Northeasterly line of said Barnes Bridge Road, 367.21 feet to a point for corner;

THENCE North 44° 20' East, 900.73 feet to a point for corner;

THENCE North 45° 45' West, 501.31 feet to a point in the Southeasterly line of the aforementioned La Prada Drive; a point for corner;

THENCE North 44° 15' East, with the Southeasterly line of said La Prada Drive, 250.00 feet to the place of beginning and containing 14.68 acres of land.

TRACT 2

BEGINNING at a point in the Southeasterly line of La Prada Drive (a 100 foot Right-of-Way), said point being in the Westerly line of a Dallas Power and Light Company Right-of-Way, said point also being the most Northerly corner of the aforementioned 48.09 acre tract of land; a point for corner;

THENCE South 24° 02' East, with the Westerly line of said Dallas Power and Light Company Right-of-Way, 402.25 feet to a point for corner;

THENCE South 63° 21' East, and continuing along said Dallas Power and Light Company Right-of-Way, 182.48 feet to a point in the Westerly line of Interstate Highway Loop 635; a point for corner;

THENCE South 10° 19' East, with the Westerly line of said Interstate Highway 635, 932.00 feet to a point for corner;

THENCE South 10° 22' East, with the Westerly line of said Interstate Highway 635, 362.00 feet to a point for corner;

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THENCE South $13^{\circ} 42'$ East, with the Westerly line of said Highway, 517.20 feet to a point for corner;

THENCE South $4^{\circ} 20'$ West, and continuing along a Westerly line of said Interstate Highway No. 635, 56.92 feet to a point for corner;

THENCE South $44^{\circ} 37'$ West, 254.15 feet to a point for corner;

THENCE North $45^{\circ} 23'$ West, 775.00 feet to a point for corner;

THENCE North $45^{\circ} 56'$ East, 105.00 feet to a point for corner;

THENCE North $12^{\circ} 47'$ West, 1005.34 feet to a point for corner;

THENCE North $45^{\circ} 45'$ West, 460.00 feet to a point in the Southeasterly line of the aforementioned La Prada Drive; a point for corner;

THENCE North $44^{\circ} 15'$ East, with the Southeasterly line of said La Prada Drive, 759.00 feet to the place of beginning and containing 29.81 acres of land.

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