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ORDINANCE NO. 1488

APPL. NO. 1095-13

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM R-2 SINGLE FAMILY RESIDENTIAL TO: PARCEL 1 - A-2 MULTIFAMILY WITH THE STIPULATION THAT THERE SHALL BE NO MORE THAN 16 UNITS PER ACRE; PARCEL 1-A - PLANNED DEVELOPMENT IN A-2 MULTIFAMILY FOR A DAY CARE CENTER; PARCEL 2 - PLANNED DEVELOPMENT - SINGLE FAMILY RESIDENTIAL WITH THE FOLLOWING STIPULATIONS: (1) A MINIMUM OF 1,500 SQUARE FOOT HOMES, (2) 20% OF THE HOMES MAY BE UNDER 1,600 SQUARE FEET BUT THERE SHALL BE AN AVERAGE OF 1,700 SQUARE FOOT HOMES IN THE ENTIRE TRACT, (3) UNDERGROUND UTILITIES, (4) REAR-ENTRY GARAGES AND (5) 7,200 SQUARE FOOT MINIMUM LOT SIZE; PARCEL 3 - GENERAL RETAIL; PARCEL 4 - GENERAL RETAIL; THIS TRACT OF LAND IS GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE I-635 AND I-30 INTERSECTION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE 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 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 change of zoning may be granted herein:

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

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SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, 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 R-2 Single Family Residential to: Parcel 1 - A-2 Multifamily with the stipulation that there shall be no more than 16 units per acre; Parcel 1-A - Planned Development in A-2 Multifamily for a Day Care Center; Parcel 2 - Planned Development - Single Family Residential with the following stipulations: (1) A minimum of 1,500 square foot homes, (2) 20% of the homes may be under 1,600 square feet but there shall be an average of 1,700 square foot homes in the entire tract, (3) underground utilities, (4) rear-entry garages and (5) 7,200 square foot minimum lot size; Parcel 3 - General Retail; Parcel 4 - General Retail; This tract of land is generally located on the southeast corner of the I-635 and I-30 Intersection, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto and made a part of this ordinance.

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 Comprehensive Zoning Ordinance of 1973.

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. 1249 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 of 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 deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court 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 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 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.

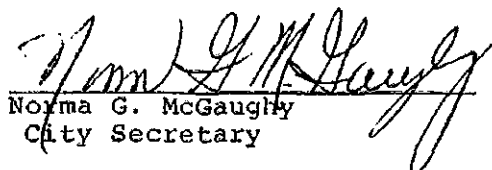
DULY PASSED AND APPROVED BY THE City Council of the City of Mesquite, Texas, on the 19th day of February, A.D., 1979.



B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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FIELD NOTES

BEING six (6) tracts of land situated in the J. T. Nelms Survey, Abstract No. 1095, the W. J. Little Survey, Abstract No. 809 and the T. Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being all of 3 tracts of land conveyed to W. H. Smith by Perle C. Florence, a widow, Individually and as Independent Co-Executrix of the estate of Emet David Florence, deceased, as recorded in Volume 68205, Page 1911, Dallas County Deed Records and Florence Schulz, Individually and as Independent Co-Executrix of the estate of Emet David Florence, deceased, and Frank Schulz, Jr., as recorded in Volume 68205, Page 1898, Dallas County Deed Records and being more particularly described as follows:

PARCEL 1 - A-2 ZONING

BEGINNING at the West corner of the Florence Schulz 16.358 acre tract, said corner being in the Southeast line of U.S. Highway No. 67, a point for corner;

THENCE S 34° 05' E, 360.00 feet to a point for corner;

THENCE S 55° 55' W, 240.00 feet to a point for corner;

THENCE S 34° 05' E, 285.30 feet to a point for corner;

THENCE Southwesterly along a curve to the left, which has a tangent that bears S 34° 32' 29" W, a central angle of 35° 28' 29", a radius of 658.48 feet, for an arc distance of 407.70 feet to the tangency of said curve, a point for corner;

THENCE S 0° 56' E, 358.90 feet to a point for corner;

THENCE N 45° 52' W, 567.10 feet to a point for corner in the East line of L.B.J. Freeway;

THENCE along L.B.J. Freeway and U.S. Highway No. 67 as follows:

N 10° 16' E, 455.35 feet to a point for corner;

N 3° 49' W, 193.79 feet to a point for corner;

N 14° 55' W, 159.95 feet to a point for corner;

N 55° 55' E, 394.86 feet to the place of beginning and

containing 10.3650 acres of land, save and except 0.5023 acres of land which is in T.P. & L. Co. (100' R.O.W.) leaving a net area of 9.8627 acres of land.

PARCEL 1-A - PD DAY CARE CENTER ZONING

BEGINNING at the South corner of the Florence Schulz 16.358 acre tract, a point for corner;

THENCE Southwesterly along a curve to the left, which has a tangent that bears S 55° 55' W, a central angle of 21° 22' 31", a radius of 658.48 feet, for an arc distance of 245.66 feet to a point for corner;

THENCE N 34° 05' W, 285.30 feet to a point for corner;

THENCE N 55° 55' E, 240.00 feet to a point for corner;

THENCE S 34° 05' E, 240.00 feet to the place of beginning and containing 1.4043 acres of land.

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PARCEL 2 - PD SINGLE FAMILY ZONING

BEGINNING at a point in the Southwest line of Galloway Extension, said point being S 46° 08' E, 240.00 feet from the Southeast line of the Florence Schulz 16.358 acre tract, a point for corner;

THENCE S 46° 08' E, along the Southwest line of Galloway Extension, 1 778.32 feet to a point for corner;

THENCE S 89° 30' W, 6.76 feet to a point for corner;

THENCE S 0° 40' E, 1179.48 feet to a point for corner;

THENCE S 89° 00' W, 2910.19 feet to a point for corner;

THENCE N 0° 56' W, 1275.20 feet to the beginning of a curve to the right, a point for corner;

THENCE Northeasterly along a curve to the right, which has a tangent that bears N 0° 56' W, a central angle of 56° 51', a radius of 658.48 feet, for an arc distance 653.36 feet to the point of tangency of said curve, a point for corner;

PARCEL 3 - GR ZONING

BEGINNING at the intersection of the Southwest line of Galloway Extension and the Southeast line of the Florence Schulz 16.358 acre tract, a point for corner;

THENCE S 46° 08' E, along the Southwest line of Galloway Extension, 240.00 feet to a point for corner;

THENCE S 43° 52' W, 160.00 feet to a point for corner;

THENCE N 46° 08' W, 274.16 feet to a point in the Southeast line of said 16.358 acre tract, a point for corner;

THENCE N 55° 55' E, along the Southeast line of said 16.358 acre tract 163.61 feet to the place of beginning and containing 0.9443 acres of land.

PARCEL 4 - GR ZONING

BEGINNING at a point in the South line of Barnes Bridge Road (60' R.O.W.), said point being S 83° 16' W, 160.91 feet from the Northwest Corner of a 11.221 acre tract of land owned by Florence Schulz, a point for corner;

THENCE S 0° 39' E, 986.56 feet to a point in the Northeast line of Galloway Extension, a point for corner;

THENCE N 46° 08' W, along the Northwest line of Galloway Extension, 1 160.25 feet to a point for corner;

THENCE N 55° 55' E, 183.81 feet to a point in the South line of Barnes Bridge Road, a point for corner;

THENCE N 83° 16' E, along the South line of Barnes Bridge Road, 677.73 feet to the place of beginning and containing 10.0255 acres of land.

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