

ORDINANCE NO. 1832  
File No. CC Square 1

00099

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 PLANNED DEVELOPMENT COMMERCIAL TO PLANNED DEVELOPMENT MULTIFAMILY AT 26 UNITS PER ACRE WITH THE STIPULATION THAT CONSIDERATION BE GIVEN TO THE ISSUE OF EFFECTIVE SCREENING BETWEEN THE MULTIFAMILY AND SINGLE FAMILY DEVELOPMENTS IN THE PREPARATION OF THE SITE PLAN, AND PROPERTY BEING LOCATED GENERALLY SOUTH AND WEST OF THE LAPRADA DRIVE AND I-635 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 THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS 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 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 change 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 Planned Development Commercial to Planned Development Multifamily at 26 units per acre with the stipulation that consideration be given to the issue of effective screening between the Multifamily and Single Family Developments in the preparation of the site plan, and property being located generally south and west of the Laprada Drive and I-635 Intersection, City of Mesquite, Dallas County, Texas.

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 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 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.

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 provide

BEING a tract of land lying in the Theophalus Thomas Survey Abstract No. 1461, said tract also being a part of the Country Club Square, an addition to the City of Mesquite as recorded in Volume 75012, Page 0489, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the southeast line of La Prada Drive (100 foot right-of-way), said point also being the north corner of the Village Green No. 1, an addition to the City of Mesquite as recorded in Volume 81018, Page 835, of the Deed Records of Dallas County, Texas, an iron stake for corner;

THENCE, N 44° 15' 00" E, with said southeast line of La Prada Drive a distance of 250.00 feet to an iron rod for corner;

THENCE, S 45° 45' 00" E, leaving said southeast line of La Prada Drive, a distance of 1131.37 feet to an iron rod for corner, said point lying in the east line of Pinehurst Lane (a variable width right-of-way) and west line of Interstate Highway No. 635 (a variable width right-of-way);

THENCE, S 10° 19' 00" E, with said common line of Pinehurst Lane and Interstate Highway No. 635, a distance of 215.59 feet to a highway right-of-way monument;

THENCE, S 10° 22' 00" E, with said common line of Pinehurst Lane and Interstate Highway No. 635, a distance of 362.00 feet to a highway right-of-way monument;

THENCE, S 13° 42' 00" E, with said common line of Pinehurst Lane and Interstate Highway No. 635, a distance of 390.28 feet to an iron rod, said point also being the beginning of a curve to the right having a central angle of 58° 19' 00", a radius of 305.00 feet and a tangent length of 170.17 feet;

THENCE, in a southwesterly direction along said curve to the right, leaving said west line of Interstate Highway No. 635 and continuing with said east line of Pinehurst Lane an arc distance of 310.43 feet to an iron rod at end of curve;

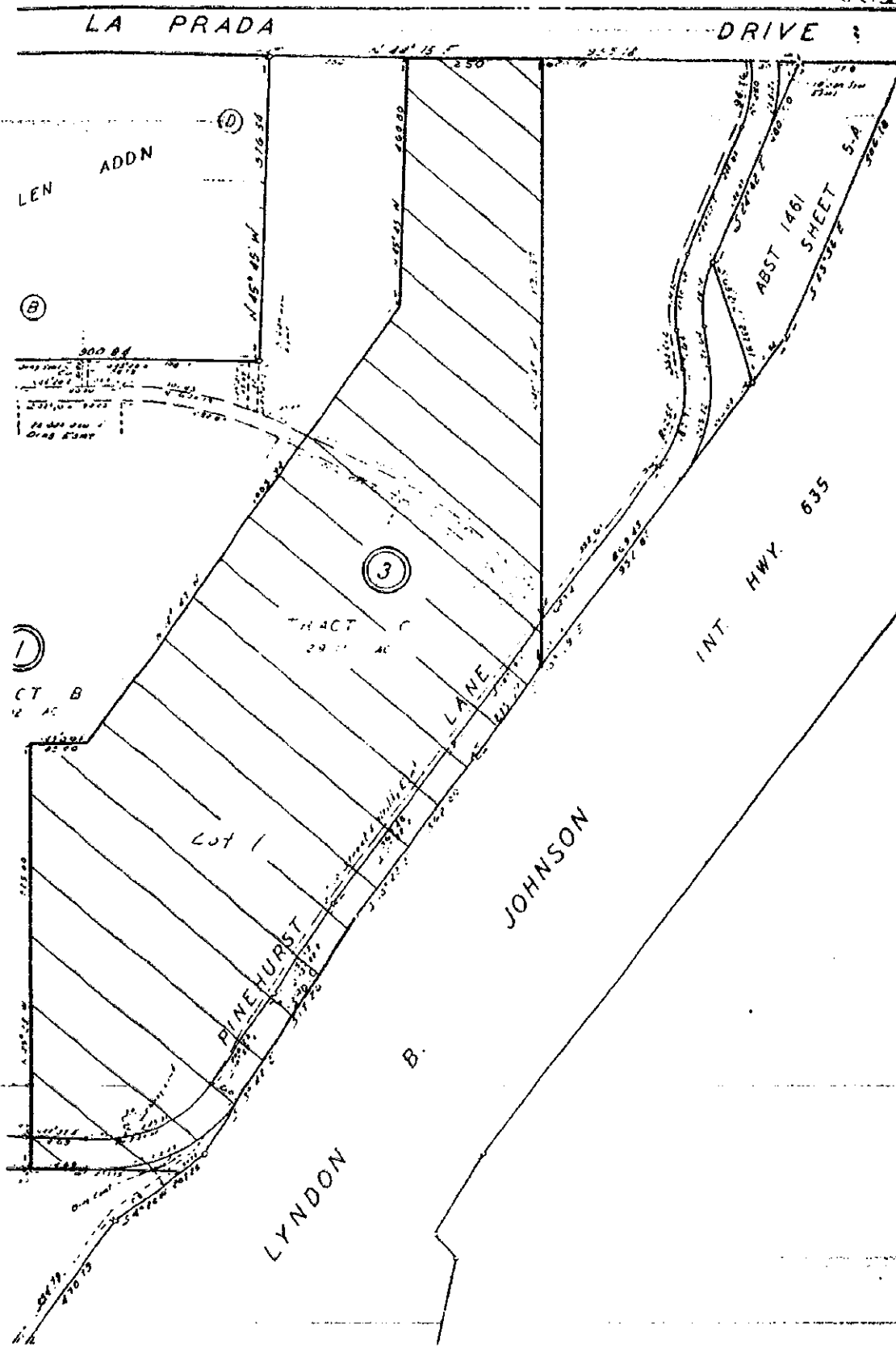
THENCE, S 44° 37' 00" W, with said east line of Pinehurst Lane, a distance of 104.69 feet to an iron rod for corner;

THENCE, N 45° 23' 00" W, leaving said east line of Pinehurst Lane, at a distance of 30.00 feet passing the east corner of Village Green No. 2, an addition to the City of Mesquite as recorded in Volume 82188, Page 826 of the Deed Records of Dallas County, Texas, continuing with the east line of said Village Green No. 2 a total distance of 775.00 feet to an iron rod for corner;

THENCE, N 45° 56' 00" E, with said east line of Village Green No. 2, a distance of 105.00 feet to an iron rod for corner;

THENCE, N 12° 47' 27" W, with said east line of Village Green No. 2, at a distance of 159.77 feet leaving said east line of Village Green No. 2, and continuing with the east line of said Village Green No. 1, a total distance of 1005.34 feet to an iron rod for corner;

THENCE, N 45° 45' 00" W, with said east line of Village Green No. 1 a distance of 460.00 feet to the POINT OF BEGINNING and CONTAINING 21.6539 acres of land.



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