

ORDINANCE NO. 1974  
File No. 74-12

00163

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 GENERAL RETAIL, A-1, R-3 AND SPECIAL PERMIT FOR A DAY NURSERY TO PLANNED DEVELOPMENT SINGLE FAMILY WITH THE FOLLOWING STIPULATIONS: (1) A MINIMUM UNIT SIZE OF 1150 SQUARE FEET WITH AN OVERALL AVERAGE OF 1200 SQUARE FEET, (2) A MINIMUM LOT SIZE OF 4500 SQUARE FEET, (3) ALLEYS AND REAR ENTRY GARAGES TO BE PROVIDED, (4) FRONT AND REAR YARD SETBACKS OF 20 FEET, (5) A MINIMUM 10 FOOT SEPARATION BETWEEN BUILDINGS, AND (6) NO BUILDING PERMITS SHALL BE ISSUED FOR UNITS LOCATED ON THE NORTHERNMOST LOTS ADJACENT TO THE PROPOSED FOX AND JACOBS SUBDIVISIONS UNTIL SUCH TIME AS IT HAS BEEN DETERMINED THAT AN ALLEY WILL BE PROVIDED; THE SUBJECT TRACT IS LOCATED EAST OF PEACHTREE ROAD AND PICADILLY LANE; 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 A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$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:

00161

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 General Retail, A-1, R-3 and Special Permit for a day nursery to Planned Development Single Family with the following stipulations: (1) A minimum unit size of 1150 square feet with an overall average of 1200 square feet, (2) A minimum lot size of 4500 square feet, (3) Alleys and rear entry garages to be provided, (4) Front and rear yard setbacks of 20 feet, (5) A minimum 10 foot separation between buildings, and (6) No building permits shall be issued for units located on the northermost lots adjacent to the proposed Fox and Jacobs subdivisions until such time as it has been determined that an alley will be provided; the subject tract is located east of Peachtree Road and Picadilly Lane; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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.

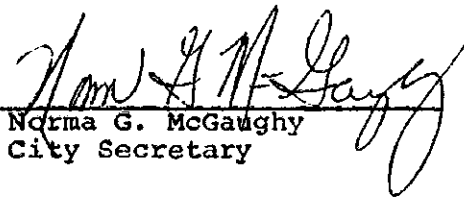
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 9th of January, A. D., 1984.

  
Mrs. Burnhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughey  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

10136



# DON A. TIPTON, INC.

CONSULTING ENGINEERS

1608

6330 Belt Line Road Suite C Garland, Texas 75043 (214) 226-2967

## FIELD NOTES

BEING a tract of land situated in the J. Badgely Survey, Abstract No. 74, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the East line of Peachtree Road (a 60' R.O.W.) said point being Southerly a distance of 2704.84 feet from the point of intersection of said East line of Peachtree Road and the South line of Scyene Road (a 100' R.O.W.) a point for corner;

THENCE, N.89°41'43"E, leaving said East line of Peachtree Road a distance of 1113.0 feet to a point for corner;

THENCE, N.0°18'17"W, a distance of 18.0 feet to a point for corner;

THENCE, N.89°41'43"E, a distance of 66.58 feet to a point on the West line of Valley View Heights Addition, an addition to the City of Mesquite, Dallas County, Texas, a point for corner;

THENCE, S.0°37'28"E, along said West line of Valley View Heights Addition, a distance of 228.0 feet to a point for corner;

THENCE, S.0°19'29"E, continuing along said West line of Valley View Heights Addition part of the way along the West line of Meltons Subdivision No. 4, an addition to the City of Mesquite, Dallas County, Texas, a distance of 576.35 feet to a point for corner;

THENCE, S.89°41'10"W, leaving said West line of Meltons Subdivision No. 4, a distance of 1176.72 feet to a point on the above-mentioned East line of Peachtree Road, a point for corner;

THENCE, N.0°36'31"W, along said East line of Peachtree Road, a distance of 457.05 feet to a point for corner;

THENCE, N.89°41'55"E, leaving said East line of Peachtree Road a distance of 185.37 feet to a point for corner;

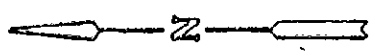
THENCE, N.0°35'26"W, a distance of 120.17 feet to a point for corner;

THENCE, S.89°43'35"W, a distance of 185.34 feet to a point on said East line of Peachtree Road, a point for corner;

THENCE, N.0°40'18"W, along said East line of Peachtree Road a distance of 209.24 feet to the PLACE OF BEGINNING and containing 20.793 acres of land.

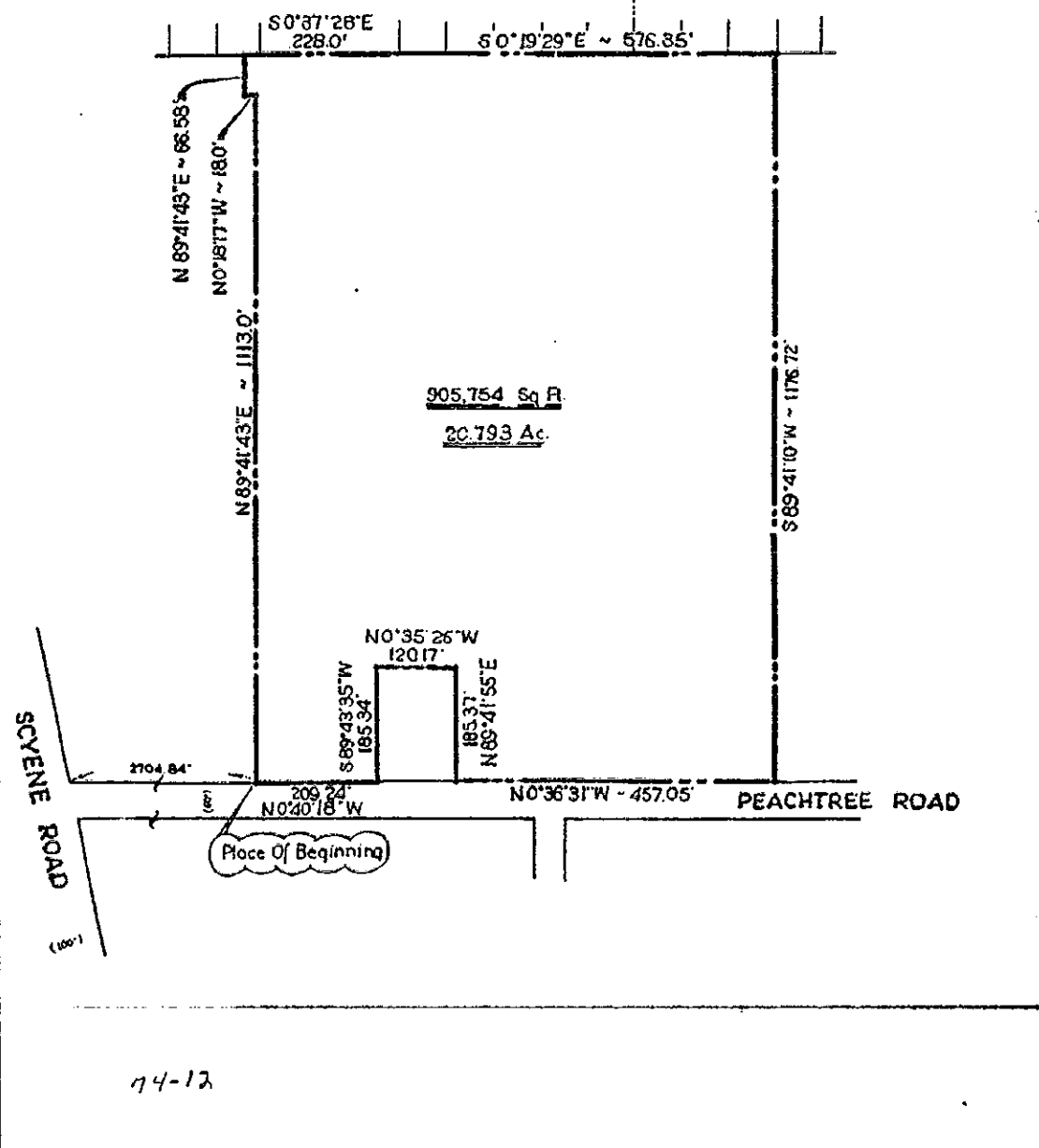
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Valley View Heights Addition

Mellons Subdivision No 4



 <b>DON A. TIPTON, INC.</b> CONSULTING ENGINEERS <small>222 East Loop Road Suite C Dallas, Texas 75201</small>				
Drawn	Checked	Date	Scale	No.
q.d.	r.o.	12/19/83	1" = 200'	# 1608

ZONING SKETCH
Planned Development for Patio Homes
GREEN OAKS
J Badgely Survey ~ Abstract No. 74
Mesquite, Dallas County, Texas

00178

