

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 TO GENERAL RETAIL ON TRACT 1; FROM R-2 SINGLE FAMILY TO GENERAL RETAIL WITH A CONDITIONAL USE FOR A DAY NURSERY ON TRACT 2; FROM R-1, R-2, GENERAL RETAIL AND PLANNED DEVELOPMENT FOR PATIO HOMES TO PLANNED DEVELOPMENT FOR PATIO HOMES WITH A MINIMUM UNIT SIZE OF 1300 SQUARE FEET AND AN AVERAGE UNIT SIZE OF 1500 SQUARE FEET ON TRACT 3; FROM R-1 AND GENERAL RETAIL TO PLANNED DEVELOPMENT COMMERCIAL ON TRACT 4; FROM R-1 TO PLANNED DEVELOPMENT MULTIFAMILY AT 24 UNITS PER NET ACRE ON TRACT 5; AND FROM PLANNED DEVELOPMENT MULTIFAMILY AT 24 UNITS PER NET ACRE TO LIGHT COMMERCIAL ON TRACT 6. THE PROPERTY IS LOCATED GENERALLY SOUTH OF LAPRADA DRIVE BETWEEN NORTHWEST DRIVE AND I-635; 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 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:

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas,

00174

on the 4th day of September, 1973, be and the same is hereby amending by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from R-2 Single Family to General Retail on tract 1; from R-2 Single Family to General Retail with a Conditional Use for a day nursery on tract 2; from R-1, R-2, General Retail and Planned Development for patio homes to Planned Development for patio homes with a minimum unit size of 1300 square feet and an average unit size of 1500 square feet on tract 3; from R-1 and General Retail to Planned Development Commercial on tract 4; from R-1 to Planned Development Multifamily at 24 units per net acre on tract 5; and from Planned Development Multifamily at 24 units per net acre to Light Commercial on tract 6. The property is located generally south of LaPrada Drive between Northwest Drive and I-635; 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 16th day of January, A.D., 1984.

Mrs. Brunhilde Nystrom

Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynne Prugel

Acting City Secretary

Elland Archer
City Attorney

00176

ZONING DESCRIPTION

TRACT 1

BEING a tract of land out of the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the South R.O.W. line of LaPrada Drive (100' R.O.W.) with the west R.O.W. line of Northwest Drive (100 foot R.O.W.), said point being the POINT OF BEGINNING;

THENCE S 44°29'17" E along said west R.O.W. line for a distance of 137.00 feet to a point for corner; said point being the beginning of a curve to the right, having a central angle of 00°44'28", a radius of 1386.62 feet and a tangent of 8.97 feet;

THENCE along said curve to the right for a distance of 17.94 feet to a point for corner;

THENCE S 45°24'39" W for a distance of 424.61 feet to a point for corner;

THENCE N 44°35'21" W for a distance of 155.00 feet to a point for corner; said point being in the south R.O.W. line of LaPrada Drive (100 foot R.O.W.);

THENCE N 45°24'39" E for a distance of 425.00 feet to the POINT OF BEGINNING and CONTAINING 65,854 square feet or 1.512 acres of land.

ZONING DESCRIPTION

TRACT 2

00177

BEING a tract of land out of the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas; and being more particularly described as follows:

COMMENCING at the intersection of the South R.O.W. line of LaPrada Drive (100 foot R.O.W.), with the west R.O.W. line of Northwest Drive (100 foot R.O.W.);

THENCE S 45°24'39" W along said south R.O.W. line for a distance of 425.00 feet to the POINT OF BEGINNING;

THENCE S 44°35'21" E for a distance of 155.00 feet to a point for corner;

THENCE S 45°24'39" W for a distance of 200.00 feet to a point for corner;

THENCE N 44°35'21" W for a distance of 155.00 feet to a point for corner; said point being in the south R.O.W. line of LaPrada Drive (100 foot R.O.W.);

THENCE N 45°24'39" E for a distance of 200.00 feet to the POINT OF BEGINNING and CONTAINING 31,000 square feet or 0.712 acres of land..

ZONING DESCRIPTION

TRACT 3

00178

BEING a tract of land out of the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the East R.O.W. line of I.H. 635 (variable R.O.W.) with the south R.O.W. line of LaPrada Drive (100 foot R.O.W.);

THENCE N 44°35'40" E along said south R.O.W. line for a distance of 187.70 feet to the POINT OF BEGINNING;

THENCE N 45°24'39" E continuing along said south R.O.W. line for a distance of 788.39 feet to a point for corner;

THENCE S 44°35'21" E for a distance of 155.00 feet to a point for corner;

THENCE N 45°24'39" E for a distance of 624.61 feet to a point for corner; said point lying on a curve to the right, whose center bears S 46°15'12" W, having a central angle of 16°14'46", a radius of 1386.62 feet and a tangent of 197.91 feet; said point also being in the west R.O.W. line of Northwest Drive (100 foot R.O.W.);

THENCE along said curve to the left and said west R.O.W. line for a distance of 393.17 feet to a point for corner;

THENCE S 27°30'02" E for a distance of 414.22 feet to a point for corner; said point being the beginning of a curve to the left, whose center bears N 62°31'24" E, having a central angle of 16°53'53", a radius of 1256.27 feet and a tangent of 186.61 feet;

THENCE along said curve to the left for a distance of 370.51 feet to a point for corner;

THENCE S 44°22'31" E continuing along said west R.O.W. line of Northwest Drive for a distance of 956.12 feet to a point for corner;

THENCE S 45°25'14" W for a distance of 457.70 feet to a point for corner;

THENCE N 57°05'16" W for a distance of 291.53 feet to a point for corner; said point being the beginning of a curve to the left, having a central angle of 44°15'00", a radius of 600.00 feet and a tangent of 243.94 feet;

THENCE along said curve to the left for a distance of 463.39 feet to a point for corner;

THENCE S 78°39'43" W for a distance of 13.16 feet to a point for corner; said point being the beginning of a curve to the right, having a central angle of 12°45'00", a radius of 1100.00 feet and a tangent of 122.90 feet;

THENCE along said curve to the right for a distance of 244.78 feet to a point for corner;

THENCE N 88°35'16" W for a distance of 243.00 feet to a point for corner; said point being the beginning of a curve to the right, having a central angle of 09°13'05", a radius of 250.00 feet and a tangent of 20.15 feet;

THENCE along said curve to the right for a distance of 40.22 feet to a point for corner;

THENCE N 44°35'21" W for a distance of 1233.60 feet to the POINT OF BEGINNING and CONTAINING 2,261,121 square feet or 51.91 acres of land.

(18)

ZONING DESCRIPTION

TRACT 4

BEING a tract of land out of the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the East R.O.W. line of I.H. 635 (variable R.O.W.) with the south R.O.W. line of LaPrada Drive (100 foot R.O.W.);

THENCE N 44°35'41" E along said south R.O.W. line for a distance of 187.70 feet to a point for corner;

THENCE S 44°35'21" E for a distance of 1233.60 feet to a point for corner; said point being the beginning of a non-tangent curve to the right, whose center bears N 10°37'49" E, having a central angle of 32°01'55", a radius of 250.00 feet and a tangent of 71.76 feet;

THENCE along said curve to the right for a distance of 139.77 feet to a point for corner;

THENCE N 47°20'16" W for a distance of 171.00 feet to a point for corner; said point being the beginning of a curve to the left, having a central angle of 62°45'00", a radius of 500.00 feet and a tangent of 304.90 feet;

THENCE along said curve to the left for a distance of 547.60 feet to a point for corner;

THENCE S 69°54'44" W for a distance of 18.23 feet to a point for corner; said point being in the east R.O.W. line of I.H. 635 (variable R.O.W.);

THENCE N 25°07'12" W along said east R.O.W. line for a distance of 520.71 feet to the POINT OF BEGINNING and CONTAINING 209,562 square feet or 4.811 acres of land.

ZONING DESCRIPTION

TRACT 5

00181

BEING a tract of land out of the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the intersection of the East R.O.W. line of I.H. 635 (variable R.O.W.) with the south R.O.W. line of LaPrada Drive,

THENCE S 25°07'12" E along said east R.O.W. line for a distance of 520.71 feet to the POINT OF BEGINNING;

THENCE N 69°54'44" E for a distance of 18.23 feet to a point for corner; said point being the beginning of a curve to the right, having a central angle of 62°45'00", a radius of 500.00 feet and a tangent of 304.90 feet;

THENCE along said curve to the right for a distance of 547.60 feet to a point for corner;

THENCE S 47°20'16" E for a distance of 171.00 feet to a point for corner; said point being the beginning of a curve to the left, having a central angle of 32°01'55", a radius of 250.00 feet and a tangent of 71.76 feet;

THENCE along said curve to the left for a distance of 139.77 feet to a point for corner;

THENCE S 44°35'21" E for a distance of 79.78 feet to a point for corner;

THENCE S 45°16'56" W for a distance of 235.42 feet to a point for corner;

THENCE S 45°19'40" W for a distance of 322.95 feet to a point for corner; said point being in the east line of a DP&L Co. R.O.W. recorded in Volume 5458, Page 221, D.R.D.C.T.;

THENCE S 45°25'53" W for a distance of 183.75 feet to a point for corner; said point being in the west line of a DP&L Co. R.O.W., as recorded in Volume 71071, Page 2023, D.R.D.C.T.;

THENCE S 45°22'10" W for a distance of 159.04 feet to a point for corner; said point being in the east R.O.W. line of I.H. 635;

THENCE N 09°00'15" W along said east R.O.W. line for a distance of 848.31 feet to a point for corner;

THENCE N 25°07'12" W, continuing along said east R.O.W. line for a distance of 138.87 feet to the POINT OF BEGINNING and CONTAINING 426,875 square feet or 9.800 acres of land.

CC182

ZONING DESCRIPTION

TRACT 6

BEING a tract of land out of the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the intersection of the west line of a DP&L Co. R.O.W., as recorded in Volume 71071, Page 2023, D.R.D.C.T., with the east R.O.W. line of I.H. 635 (variable R.O.W.);

THENCE S 09°00'15" E along said east R.O.W. line for a distance of 562.07 feet to the POINT OF BEGINNING;

THENCE N 45°48'16" E for a distance of 252.48 feet to a point for corner;

THENCE S 44°08'56" E for a distance of 100.00 feet to a point for corner;

THENCE S 32°26'31" W for a distance of 398.69 feet to a point for corner; said point being in the east R.O.W. line of I.H. 635;

THENCE N 09°00'15" W along said east R.O.W. line for a distance of 235.11 feet to the POINT OF BEGINNING and CONTAINING 43,647 square feet, or 1.002 acres of land.