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ORDINANCE NO. 2040  
File No. 93-2

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-3 TO PLANNED DEVELOPMENT-LIGHT COMMERCIAL ON TRACT 1 AND PLANNED DEVELOPMENT-SINGLE FAMILY FOR PATIO HOMES ON TRACT 2 WITH THE FOLLOWING STIPULATIONS: (1) ALL PROPERTY OWNERS LIVING WITHIN 200 FEET SHALL BE NOTIFIED WHEN THE SITE PLAN IS REVIEWED; (2) THE PROPOSED LAKE SHOULD BE REMOVED FROM ANY FUTURE PLANS; (3) CONSIDER CLOSING ALL THE STREETS CONNECTING INTO THE EDMONT PARK ADDITION; (4) A MINIMUM UNIT SIZE OF 1100 SQUARE FEET WITH AN AVERAGE UNIT SIZE OF 1250 SQUARE FEET, AND (5) A MINIMUM LOT SIZE OF 4500 SQUARE FEET; THE TRACT IS LOCATED WEST OF I-635 BETWEEN LAKE JUNE ROAD & BRUTON ROAD; 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 Regulation 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:

CCC10

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-3 to Planned Development-Light Commercial on Tract 1 and Planned Development-Single Family for patio homes on Tract 2 with the following stipulations: (1) All property owners living within 200 feet shall be notified when the site plan is reviewed; (2) The proposed lake should be removed from any future plans; (3) Consider closing all the Streets connecting into the Edgemont Park Addition; (4) A minimum unit size of 1100 square feet with an average unit size of 1250 square feet, and (5) A minimum lot size of 4500 square feet; The tract is located west of I-635 between Lake June Road and Bruton Road; 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.

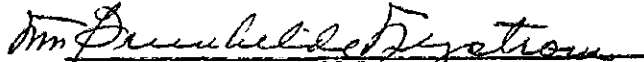
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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 (\$200.00) Dollars for each offense.

(1984.9)


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 2nd day of July, A.D., 1984.

  
\_\_\_\_\_  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

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

00912

TRACT 1 DESCRIPTION

Being a tract of land in the McIlhenny and William Survey Abstract No. 1051, the N.W. Quarter Section No. 23 and the S.W. Quarter Section No. 24 and being described as follows:

Beginning at an iron rod for corner at the Southeast corner of a called 41.47 acre tract conveyed to Ray McIlhenny and Harold McIlhenny by deed of the 11th day of August 1922, the Southeast corner of Section 23, Township 11N, Range 42E, 10th Principal Meridian, the Southwest corner of Section 24, Township 11N, Range 42E, 10th Principal Meridian, in addition to the City of Mesquite, Texas according to the Plat recorded in Volume 29, Page 186 of the Map Records of Dallas County, Texas;

TRACT 1, North 00°11'42" West a distance of 481.29' to an iron rod for corner;

TRACT 1, North 08°51'22" West a distance of 332.24' to an iron rod for corner;

TRACT 1, North 28°40'22" West a distance of 204.82' to an iron rod for corner;

TRACT 1, North 09°00'00" West a distance of 519.46' to an iron rod for corner;

TRACT 1, North 09°24'28" East a distance of 18.45' to a point for corner;

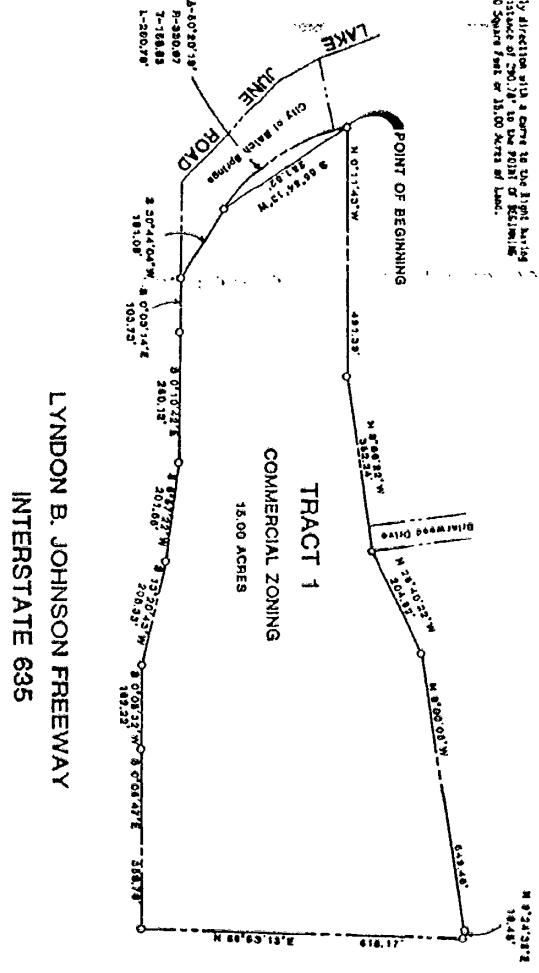
TRACT 1, North 89°53'13" East a distance of 418.17' to a point on the West line of I-35 Freeway (Interstate 35);

TRACT 1, in a southerly direction with the West line of said I-35, the 425' line following course and distances:

South 00°00'42" East 334.28';  
 South 00°00'22" West 182.22';  
 South 13°02'43" West 208.22';  
 South 08°51'22" West 200.55';  
 South 08°51'22" West 200.55';  
 South 09°00'18" East 182.22';  
 South 09°00'18" East 182.22';

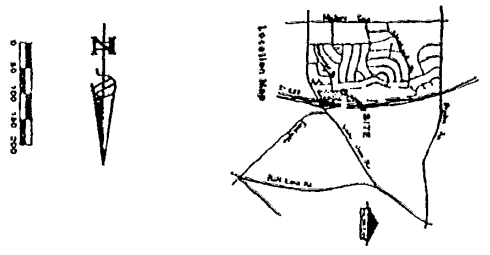
TRACT 1, South 28°40'22" West a distance of 181.08' to an iron rod for corner;

TRACT 1, in a southerly direction with a curve to the Right having a radius of 330.37', a distance of 290.78' to the POINT OF BEGINNING AND CONTAINING 651,188.70 SQUARE FEET OR 15.00 ACRES OF LAND.



TRACT 1  
 COMMERCIAL ZONING  
 15.00 ACRES

LYNDON B. JOHNSON FREEWAY  
 INTERSTATE 635



4. 93-2

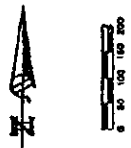
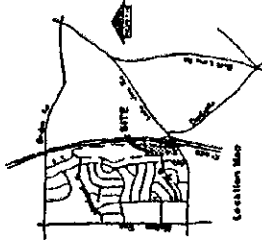
<p>CARTER &amp; BURGESS, INC. ENGINEERS - PLANNERS</p> <p>2001 L. B. OWEN DRIVE, SUITE 100, DALLAS, TEXAS 75241          214-343-1111          214-343-1112          214-343-1113</p>	<p>ZONING PLAN                  MESQUITE 40 AC. - LAKE JUNE</p>		<p>PREPARED BY</p> <p>DATE</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION						
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PROJECT NO.	
DATE	
BY	
CHECKED BY	
APPROVED BY	

**ZONING PLAN**  
**MESQUITE 40 AC. - LAKE JUNE**

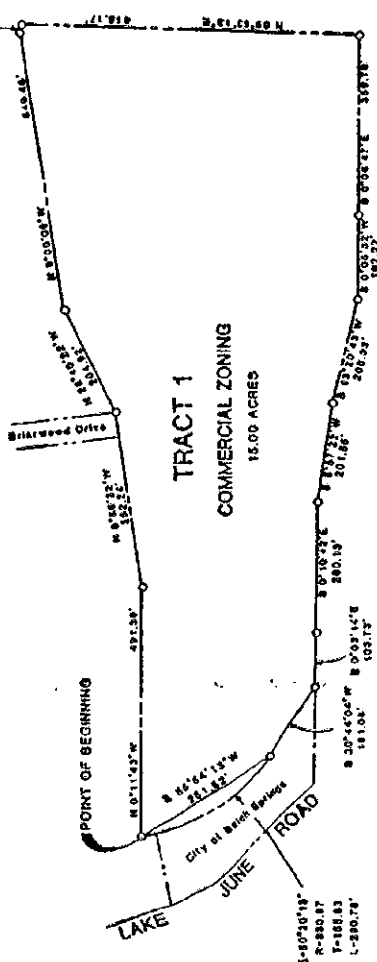
**CARTER & BUNDRESS, INC.**  
ENGINEERS - PLANNERS

93-2



**TRACT 1 DESCRIPTION**

Being a tract of land in the McHenry and William Survey Abstract, No. 101, in the U.S. Grant Survey Abstract No. 9, and the S.A. Miller Survey Abstract No. 10, and being described as follows:  
Beginning at an iron rod and corner at the Southwest corner of a ceded 44.87 acre tract conveyed to Ray Hayes and Record Booked by deed filed in the Public Records of Dallas County, Texas, in the County Clerk's Office, Dallas County, Texas, under the name of the said Hayes, as shown on the plat of the said Hayes, as additional to the 20.5134 Acres of the said Hayes, as the first recorded in Volume 28, Page 105 of the Map Records of Dallas County, Texas;  
THENCE, north 00°11'43" west a distance of 491.39' to an iron rod and corner;  
THENCE, north 06°18'22" west a distance of 32.24' to an iron rod and corner;  
THENCE, north 14°48'31" west a distance of 324.97' to an iron rod and corner;  
THENCE, north 09°00'00" west a distance of 289.46' to an iron rod and corner;  
THENCE, north 04°24'30" east a distance of 15.45' to a point far corner;  
THENCE, north 89°31'13" east a distance of 619.17' to a point on the west line of Lake June (Interstate 635);  
THENCE, in a Southerly direction with the west line of Lake June, by the following courses and distances:  
South 05°36'07" East 165.34';  
South 05°36'30" East 142.37';  
South 13°29'43" West 208.31';  
South 04°57'22" West 201.35';  
South 05°19'42" East 260.11';  
South 05°01'14" East 101.11';  
THENCE, South 26°44'04" west a distance of 341.08' to an iron rod and corner;  
THENCE, in a Southerly direction 482.40' to the POINT OF BEGINNING a course of 240.74', a distance of 240.74' to the POINT OF BEGINNING and Containing 511,844.70 Square Feet or 15.00 Acres of Land.



**TRACT 1**  
**COMMERCIAL ZONING**  
**15.00 ACRES**

**LYNDON B. JOHNSON FREEWAY**  
**INTERSTATE 635**

6012

TRACT I DESCRIPTION

0013

BEING a tract of land in the McKinney and Williams Survey Abstract No. 1035, the W.H. Bennett Survey Abstract No. 93 and the S.H. Miller Survey Abstract No. 969 and being described as follows:

BEGINNING at an iron rod for corner at the Southwest corner of a called 44.67 acre tract conveyed to Ray Hodges and Harold Hodges by deed filed in Volume 4277, Page 622 of the Deed Records of Dallas County, Texas, said point also being the Southeast corner of Edgemont Park Addition, an addition to the City of Mesquite, Texas according to the Plat recorded in Volume 29, Page 185 of the Map Records of Dallas County, Texas;

THENCE, North  $00^{\circ}11'43''$  West a distance of 491.39' to an iron rod for corner;

THENCE, North  $08^{\circ}56'22''$  West a distance of 352.24' to an iron rod for corner;

THENCE, North  $26^{\circ}40'22''$  West a distance of 204.92' to an iron rod for corner;

THENCE, North  $09^{\circ}00'06''$  West a distance of 549.46' to an iron rod for corner;

THENCE, North  $09^{\circ}24'38''$  East a distance of 16.45' to a point for corner;

THENCE, North  $89^{\circ}53'13''$  East a distance of 618.17' to a point on the west line of LBJ Freeway (Interstate 635);

THENCE, in a Southerly direction with the west line of said I.H. No. 635 the following course and distances:

South  $00^{\circ}06'47''$  East 356.78';  
South  $00^{\circ}05'32''$  West 162.22';  
South  $13^{\circ}20'43''$  West 208.33';  
South  $06^{\circ}57'22''$  West 201.55';  
South  $00^{\circ}10'42''$  East 260.13';  
South  $00^{\circ}03'14''$  East 103.73';

THENCE, South  $30^{\circ}44'04''$  West a distance of 161.08' to an iron rod for corner;

THENCE, in a Southwesterly direction with a curve to the Right having a radius of 330.97', a distance of 290.78' to the POINT OF BEGINNING AND CONTAINING 653,436.70 Square Feet or 15.00 Acres of Land.

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