

ORDINANCE NO. 2042
File No. 1461-81

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-OFFICE ON TRACT 1 AND PLANNED DEVELOPMENT-DUPLEX ON TRACT 2 WITH THE FOLLOWING STIPULATIONS: (1) A MINIMUM LOT SIZE OF 9000 SQUARE FEET; (2) A MINIMUM UNIT SIZE OF 1300 SQUARE FEET (PER SIDE), AND; (3) TWO CAR REAR ENTRY GARAGES WHERE POSSIBLE; THE TRACTS ARE LOCATED SOUTH AND WEST OF NORTH GALLOWAY AVENUE AND OATES DRIVE; 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, 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-Office on Tract 1 and Planned Development-Duplex on Tract 2 with the following stipulations: (1) A minimum lot size of 9000 square feet;

- (2) A minimum unit size of 1300 square feet (per side), and;
- (3) Two car rear entry garages where possible; The tracts are located south and west of North Galloway Avenue and Oates Drive; 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.

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.

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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

Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel

Lynn Prugel
City Secretary

Ellard Archer
City Attorney

6022



DON A TIPTON, INC.

CONSULTING ENGINEERS

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

ZONING FIELD NOTES
TRACT 2
FROM R-3 TO PD DUPLEX

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

BEGINNING at a point in the Southeast line of Oates Drive (a 100' R.O.W.) said point being $S.44^{\circ}48'23''W$, a distance of 150.0 feet from the point of intersection of said Southeast line of Oates Drive and the Southwest line of North Galloway Avenue (a 100' R.O.W. at this point) a point for corner;

THENCE, $S.45^{\circ}14'30''E$, leaving said Southeast line of Oates Drive, a distance of 581.04 feet to the beginning of a curve to the Left having a central angle of $57^{\circ}54'03''$, and a radius of 50.0 feet, a point for corner;

THENCE, Around said curve a distance of 50.54 feet to a point for corner;

THENCE, $N.76^{\circ}51'E$, a distance of 37.97 feet to a point in the West line of Interstate Hwy. 635 (a variable R.O.W.) a point for corner;

THENCE, Along said West line of Interstate Hwy. 635 the following:

$S.13^{\circ}09'E$, a distance of 180.0 feet to a point for corner;
 $N.76^{\circ}31'10''E$, a distance of 30.34 feet to a point for corner;
 $S.13^{\circ}13'10''E$, a distance of 95.67 feet to a point being the East most, North corner of First Section Club Estates, an addition to the City of Mesquite, a point for corner;

THENCE, Along the Northeasterly line of said First Section Club Estates, the following:

$S.47^{\circ}43'20''W$, a distance of 282.97 feet to the beginning of a curve to the Right having a central angle of $113^{\circ}54'32''$ and a radius of 25.0 feet a point for corner;

Around said curve a distance of 49.70 feet to the beginning of a reverse curve having a central angle of $26^{\circ}51'02''$ and a radius of 1021.32 feet a point for corner;

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ZONING FIELD NOTES
TRACT 2
FROM R-3 TO PD DUPLEX

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Around said curve a distance of 478.62 feet to a point for corner;
N.45°13'10"W, a distance of 141.86 feet to the beginning of a curve
to the left having a central angle of 34°29'50" and a radius of 333.40
feet to a point for corner;

Around said curve a distance of 200.74 feet to a point for corner;
N.79°43'W a distance of 27.32 feet to the beginning of a curve to the
Right having a central angle of 34°31'30" and a radius of 49.48 feet,
a point for corner;

Around said curve a distance of 29.82 feet to a point on the above-
mentioned Southeast line of Oates Drive, a point for corner;

THENCE, N.44°48'23"E, along said Southeast line of Oates Drive a distance of
340.92 feet to the PLACE OF BEGINNING and containing 5.885 acres of land.

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DON A TIPTON, INC.

CONSULTING ENGINEERS

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

ZONING FIELD NOTES
TRACT 1
FROM R-3 TO PD OFFICE

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

BEGINNING at a point in the Southwest line of North Galloway Avenue (a 100' R.O.W. at this point) said point being S.45°14'30"E, a distance of 110.0 feet from the point of intersection of said Southwest line of North Galloway Avenue and the Southeast line of Oates Drive (a 100' R.O.W.) a point for corner;

THENCE, Along said Southwest line of North Galloway Avenue the following:

S.45°14'30"E, a distance of 217.03 feet to a point for corner;
S.45°38'30"E, a distance of 19.0 feet to a point for corner;
S.45°20'E, a distance of 195.96 feet to the point of intersection of said Southwest line of North Galloway Avenue and the West line of Interstate Hwy. 635 (a variable R.O.W.) a point for corner;

THENCE, S.13°09'E, along said West line of Interstate Hwy. 635 a distance of 142.52 feet to a point for corner;

THENCE, S.76°51'W, leaving said West line of Interstate Hwy. 635 a distance of 37.97 feet to the beginning of a curve to the Right having a central angle of 57°54'03" and a radius of 50.0 feet a point for corner;

THENCE, Around said curve a distance of 50.54 feet to a point for corner;

THENCE, N.45°14'30"W, a distance of 471.04 feet to a point for corner;

THENCE, N.44°48'30"E, a distance of 150.0 feet to the PLACE OF BEGINNING and containing 1.571 acres of land.

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OATES DRIVE

Place Of Beginning

N44°48'23"E ~ 340.92'

S44°48'23"W ~ 150.0'

RETAIL SITE

N44°48'30"E
150.0'

100.0'
S45°14'30"E

Place Of Beginning

NO. GALLOWAY AVE.

Tract B
1.571 ac.

S45°14'30"E ~ 581.04'

N45°14'30"W ~ 471.04'

S45°14'30"E ~ 217.03'

S45°20"E ~ 195.96'

S45°38'30"W ~ 190.0'

Tract A
5.885 ac.

N45°13'10"W
141.86'

Δ: 34°29'50"
R: 333.40'
T: 103.52'
L: 200.74'

N79°43'W
27.32'

Δ: 34°31'30"
R: 49.48'
T: 15.38'
L: 29.82'

Δ: 26°51'02"
R: 1021.32'
T: 243.79'
L: 478.62'

Δ: 57°54'03"
R: 50.0'
T: 27.66'
L: 50.54'

S76°51'W ~ 3797'

142.52'
S13°09'E

S13°09'E ~ 180.0'
N76°31'10"E ~ 30.34'

INTERSTATE HWY. 635

FIRST SECTION CLUB ESTATES

Δ: 113°54'32"
R: 25.0'
T: 38.43'
L: 49.70'

S47°43'20"W ~ 282.97'

95.67'
S13°13'10"E

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