

ORDINANCE NO. 2044
File No. 161-8

0031

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, PLANNED DEVELOPMENT DUPLEX, AND PLANNED DEVELOPMENT CONDOMINIUM AT 8 UNITS PER ACRE TO PLANNED DEVELOPMENT SINGLE FAMILY FOR PATIO HOMES ON TRACT 1 WITH THE FOLLOWING STIPULATIONS: (1) MINIMUM LOT SIZE OF 5000 SQUARE FEET WITH AT LEAST 75 LOTS A MINIMUM OF 7200 SQUARE FEET; (2) MINIMUM UNIT SIZE OF 1100 SQUARE FEET WITH AT LEAST 86 UNITS A MINIMUM OF 1300 SQUARE FEET; (3) ALL UNITS TO HAVE 2 CAR GARAGES; AND PLANNED DEVELOPMENT DUPLEX ON TRACT 2 WITH THE FOLLOWING STIPULATIONS: (1) MINIMUM LOT SIZE OF 7000 SQUARE FEET (3500 SQUARE FEET PER SIDE); (2) MINIMUM BUILDING SIZE OF 2000 SQUARE FEET (1000 SQUARE FEET PER SIDE); (3) ALL UNITS TO HAVE 1 CAR GARAGES WITH 2 CAR PARKING PADS; THE TWO TRACTS ARE LOCATED NORTH AND EAST OF THE BRUTON ROAD AND WILKINSON ROAD 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 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:

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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, Planned Development Duplex, and Planned Development Condominium at 8 units per acre to Planned Development Single Family for patio homes on Tract 1 with the following stipulations: (1) Minimum lot size of 5000 square feet with at least 75 lots a minimum of 7200 square feet; (2) Minimum unit size of 1100 square feet with at least 86 units a minimum of 1300 square feet; (3) All units to have 2 car garages; and Planned Development Duplex on Tract 2 with the following stipulations: (1) Minimum lot size of 7000 square feet (3500 square feet per side); (2) Minimum building size of 2000 square feet (1000 square feet per side); (3) All units to have 1 car garages with 2 car parking pads; The two tracts are located north and east of the Bruton Road and Wilkinson Road intersection; 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.

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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 July, A.D., 1984.

Mrs. Brunhilde Nystrom

Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel

Lynn Prugel
City Secretary

Elland Archer
City Attorney



DON A. TIPTON, INC.

CONSULTING ENGINEERS

1696

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

ZONING FIELD NOTES

TRACT 1

BEING a tract of land situated in the E. Barroux Survey, Abstract No. 161, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South line of Sierra Drive (a 60' R.O.W.), same point being the Northwest corner of Casa Terrace No. 3, an addition to the City of Mesquite, as recorded in Volume 69157, Page 1943, of the Map Records of Dallas County, Texas, a point for corner;

THENCE South along the West line of said Casa Terrace No. 3 the following:

S 0° 10' E, a distance of 104.24 feet to a point for corner;

S 09° 10' E, a distance of 299.41 feet to a point for corner;

S 0° 34' W, a distance of 700.0 feet to a point for corner;

S 10° 00' E, a distance of 343.55 feet to the beginning of a curve to the right having a central angle of 30° 09' 10" and a radius of 300.0 feet with a back tangent bearing of S 30° 04' 10" E, a point for corner;

THENCE leaving said Casa Terrace No. 3 and around said curve a distance of 157.88 feet to a point for corner;

THENCE S 0° 05' W, a distance of 310.30 feet to the beginning of a curve to the left having a central angle of 14° 00' and a radius of 691.17 feet, a point for corner;

THENCE around said curve a distance of 169.15 feet to a point for corner;

THENCE S 13° 55' E, a distance of 195.0 feet to the beginning of a curve to the right having a central angle of 14° 00' and a radius of 692.27' feet to a point for corner;

THENCE around said curve a distance of 169.15 feet to a point for corner;

THENCE S 0° 05' W, a distance of 200.0 feet to a point in the North line of Bruton Road (a R.O.W.), a point for corner;

THENCE S 84° 23' W, along said North line of Bruton Road, a distance of 100.50 feet to a point for corner;

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THENCE N 89° 55' W, along said North line of Bruton Road a distance of 830.20 feet to a point in the East line of Executive Heights Townhouse, an addition to the City of Mesquite, a point for corner;

THENCE N 0° 40' E, along said Executive Heights Townhouse addition, Executive Heights Addition, and Spring Creek Addition, a distance of 2048.39 feet to a point in the South line of Wilkinson Road (a 60' R.O.W.), a point for corner;

THENCE N 78° 40' 52" E, along said South line of Wilkinson Road, a distance of 45.29 feet to the beginning of a curve to the right having a central angle of 11° 59' 08" and a radius of 656.20 feet with a back tangent bearing of N 11° 19' 08" W, a point for corner;

THENCE along the East line of said Wilkinson Road, and around said curve, a distance of 137.27 feet to a point for corner;

THENCE N 0° 40' E, along said East line of Wilkinson Road, a distance of 436.68 feet to a point in the above-mentioned South line of Sierra Drive, a point for corner;

THENCE N 89° 50' E, along said South line of Sierra Drive, a distance of 641.68 feet to the PLACE OF BEGINNING and containing 2,059,270 square feet or 47.274 acres of land.

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ZONING FIELD NOTES

TRACT 2

BEING a tract of land situated in the E. Barroux Survey, Abstract No. 161, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Southwest corner of Casa Terrace No. 3, an addition to the City of Mesquite, as recorded in Volume 6957, Page 1954 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

THENCE along the South line of said Casa Terrace No. 3 the following:

N 70° 19' E, a distance of 206.35 feet to a point for corner;

N 19° 41' W, a distance of 10.15 feet to a point for corner;

N 70° 19' E, a distance of 120.0 feet to a point in the West line of Casa Terrace Second Section, a point for corner;

THENCE S 19° 41' E, along said West line of Casa Terrace Second Section, a distance of 135.0 feet to a point for corner;

THENCE N 70° 19' E, along the South line of said Casa Terrace Second Section a distance of 179.07 feet to a point in the West line of Creek Park No. 1, a point for corner;

THENCE S 19° 41' E, along said West line of Creek Park No. 1, a distance of 610.0 feet to a point for corner;

THENCE S 70° 19' W, a distance of 181.57 feet to a point for corner;

THENCE S 19° 41' E, a distance of 156.0 feet to the beginning of a curve to the right having a central angle of 20° 00' and a radius of 300.0 feet, a point for corner;

THENCE around said curve, a distance of 104.72 feet to a point for corner;

THENCE S 0° 19' W, a distance of 363.76 feet to a point in the North line of Bruton Road, a point for corner;

THENCE along said North line of Bruton Road the following:

N 89° 41' W, a distance of 34.94 feet to a point for corner;

N 89° 55' W, a distance of 208.40 feet to a point for corner;

N 84° 13' W, a distance of 100.50 feet to a point for corner;

N 89° 55' W, a distance of 150.0 feet to a point for corner;

THENCE N 0° 05' E, leaving said North line of Bruton Road a distance of 200.0 feet to the beginning of a curve to the left having a central angle of 14° 00' and a radius of 692.27 feet, a point for corner;

THENCE around said curve a distance of 169.15 feet to a point for corner;

THENCE N 13° 55' W, a distance of 195.0 feet to the beginning of a curve to the right having a central angle of 14° 00' and a radius of 692.27 feet, a point for corner;

THENCE around said curve a distance of 169.15 feet to a point for corner;

THENCE N 0° 05' E, a distance of 310.30 feet to the beginning of a curve to the left having a central angle of 30° 09' 10" and a radius of 300.0 feet, a point for corner;

THENCE around said curve a distance of 157.88 feet to the PLACE OF BEGINNING and containing 677,158 square feet or 15.545 acres of land.

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SIERRA ROAD

Place Of Beginning



N89°50'E - 641.68'

S0°10'E - 104.24'

N0°40'E - 436.68'

S05°10'E
299.41'

A: 48°59'08"
R: 654.20'
T: 62.89'
L: 137.27'

N78°40'52"E - 21.52'

Spring Creek Add.

S0°30'W - 700.0'

Caseo Terrace No. 3

Tract 1
41.274 ac.

Place Of Beginning

S10°00'E
343.55'

N70°19'E
126.8'

N70°19'E - 779.07'

Executive Heights Addition

N0°40'E - 2048.59'

A: 30°09'40"
R: 300.0'
T: 84.81'
L: 157.88'

S0°05'E
350.00'

N19°41'W - 10.15'

S19°41'E - 810.0'

Crest Park No. 1

Executive Heights Turnhouse

Tract 2
15.545 ac.

A: 14°00'
R: 692.27'
T: 85.0'
L: 169.15'

S19°55'E
135.0'

S0°05'E
195.0'

S70°19'W - 161.87'

S19°41'E - 156.8'

A: 20°00'
R: 200.0'
T: 52.90'
L: 84.78'

S0°05'E
200.0'

S0°05'E
200.0'

N89°55'W
150.0'

N89°55'W
208.40'

N89°55'W - 850.20'

H161-P

BRUTON

S84°23'W - 100.50'

ROAD

M84°13'W

M89°41'W - 34.94'