

ORDINANCE NO. 2049  
File No. 656-5

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-1 AND R-2 SINGLE FAMILY TO PLANNED DEVELOPMENT SINGLE FAMILY WITH THE FOLLOWING STIPULATIONS: (1) MINIMUM LOT SIZE OF 7200 SQUARE FEET; (2) MINIMUM UNIT SIZES WITH THE FOLLOWING DISTRIBUTION: (a) 30% - 1800 SQUARE FEET; (b) 30% - 1600 SQUARE FEET; (c) 30% - 1500 SQUARE FEET; (d) 10% - 1400 SQUARE FEET; (e) ALL HOMES ADJACENT TO BROADMOOR ESTATES #5 MUST BE A MINIMUM OF 1800 SQUARE FEET; (3) PROVISION FOR ARCHITECTURAL FEATURES AS FOLLOWS: (a) TWO CAR, REAR ENTRY GARAGES; (b) BRICK CHIMNEYS; (c) HIP ROOFS ON 75% OF THE HOMES; (d) TIMBERLINE ROOFING; THE PROPERTY IS LOCATED BETWEEN THE GRUBB DRIVE AND ROBIN LYNN ROAD INTERSECTION AND THE SHAW ELEMENTARY SCHOOL, SOUTH OF SAMUELL PARK FARMS; 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-1 and R-2 Single Family to Planned Development Single Family with the following stipulations: (1) Minimum lot size of 7200 square feet; (2) Minimum unit sizes with the following distribution: (a) 30% - 1800 square feet; (b) 30% - 1600 square feet; (c) 30% - 1500 square feet; (d) 10% - 1400 square feet; (e) All homes adjacent to Broadmoor Estates #5 must be a minimum of 1800 square feet; (3) Provision for architectural features as follows: (a) Two car, rear entry garages; (b) Brick chimneys; (c) Hip roofs on 75% of the homes; (d) Timberline roofing; The property is located between the Grubb Drive and Robin Lynn Road intersection and the Shaw Elementary School, south of Samuell Park Farms; 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.

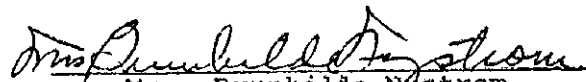
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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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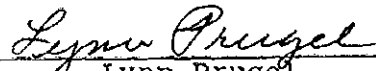
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 6th day of August, A.D., 1984.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

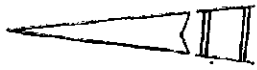
APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney

Point of Beginning  
24.80 Ac.

N 86° 30' E



N 89° 44' 39" E 1107.72'  
R-1 Zoning  
24.80 Ac.

616.40'  
N 0° 46' 53" W 982.59'

Point of Beginning  
86.0319 Ac.

1712.53'

N 86° 52' 25" E

S 0° 46' 53" E  
366.19'

Broadmoor<sup>5</sup> Estates  
N 0° 09' 32" E 1222.13'

P.D.S.F. Zoning  
86.0319 Ac.

N 89° 23' 19" W 1696.74'

N 0° 43' 07" E  
60.09'

PARKVIEW

Scale: 1" = 400'

Acree, Roberts & Pierson Inc.  
84-2P-046

#656-5

274.47'  
S 0° 09' 58" W 982.58'  
125705

S 89° 44' 39" W 1091.56'  
N 89° 44' 39" E 1091.56'

817.50'  
N 89° 37' 58" E

296.72'  
N 89° 25' 55" W 392.96'  
S 0° 42' 25" W

N 89° 17' 35" W 516.69'

S 89° 03' 29" W 930.52'

Δ = 2° 58' 17"  
R = 673.26'  
T = 17.46'  
L = 34.91'

Δ = 90° 00'  
R = 100.00'  
T = 100.00'  
L = 157.06'

00060

FIELD NOTES  
P.D.S.F. ZONING  
86.0319

BEING a tract of land situated in the Sam Houston Survey, Abst. No. 656 and the John McDaniel Survey, Abst. No. 967 and the Thomas Scott Survey, Abst. No. 1353, City of Mesquite, Dallas County, Texas and being part of a tract of land conveyed to J. & S. Building Company by deed dated Oct. 22, 1976 and being part of a tract described in the deed to E. Milton Horton, dated Dec. 7, 1976, recorded in Vol. 76241, Pg. 820 and being part of a tract conveyed to J. & S. Building Corporation, by deed recorded in Vol. 77208, Pg. 1022 and also being part of a tract of land conveyed to Garret Lawrence and Opal Lawrence by deed dated Nov. 14, 1952 and recorded in Vol. 3759, Pg. 537, 579 and 583, Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a fence post at the northwest corner of the Sam Houston Survey, Abstract 656, said corner also being the northeast corner of Robert Bethurum Survey, Abstract 170, said point also being in the South line of G. Vernoy Survey, Abstract 1512; said point of beginning also being the northeast corner of Broadmoore Estates No. 5, an addition to the City of Mesquite, Texas as recorded in Volume 76198, Page 1825 of the Deed Records of Dallas County, Texas; said fence post also being in the south line of a City of Dallas Park known as Samuel Park;

THENCE North  $86^{\circ}52'25''$  East along the common line between the Vernoy Survey and the Houston survey, and the common line between Samuel Park and the Lawrence property, a distance of 1,712.53 ft. to an iron rod found for corner;

THENCE South  $0^{\circ}46'53''$  East a distance of 366.19 feet to an iron rod set for a corner;

THENCE North  $89^{\circ}44'39''$  East a distance of 1091.56 feet to a point for a corner;

THENCE South  $0^{\circ}09'38''$  West with a fence a distance of 274.47 feet to an iron rod set for a corner;

THENCE North  $89^{\circ}37'58''$  East a distance of 817.50 feet to an iron rod set for a corner;

THENCE South  $0^{\circ}22'02''$  East a distance of 335.91 feet to an iron rod set for a corner;

THENCE North  $89^{\circ}25'55''$  West a distance of 392.96 feet to an iron rod set for a corner;

THENCE South  $0^{\circ}42'25''$  West a distance of 298.72 feet to an iron rod at the point of curvature of a circular curve to the right having a central angle of  $90^{\circ}00''$ , a radius of 100.00 feet and a tangent of 100.00 feet;

THENCE around said curve in a southwesterly direction an arc distance of 157.08 feet to an iron rod set at the point of tangency of said curve;

THENCE North  $89^{\circ}17'35''$  West a distance of 516.69 feet to an iron rod set for a corner on a circular curve to the left having a central angle of  $2^{\circ}58'17''$ , a radius of 673.28 feet, a tangent of 17.46 feet and a chord that bears South  $19^{\circ}55'43''$  East 34.91 feet;

THENCE around said curve in a southeasterly direction an arc distance of 34.91 feet to an iron rod set for a corner;

THENCE South  $89^{\circ}03'29''$  West with a fence and the south line of the hereinabove mentioned Horton Tract, a distance of 930.52 feet to an iron rod found for a corner at the southwest corner of the hereinabove mentioned J. & S. Building Company Tract dated October 22, 1976; said point also being the northwest corner of a tract of land conveyed to Homecraft Land Development, recorded in Volume 81059, Page 1174;

THENCE North  $0^{\circ}43'07''$  East with a fence and the west line of said J. & S. Building Company Tract a distance of 68.09 feet to an iron rod found for a corner;

THENCE North  $89^{\circ}23'19''$  West a distance of 1,696.74 feet to an iron rod set for corner; said corner being in the east line of said Broadmoore Estates No. 5 addition and in the east line of a 20 ft. alley said iron rod also being South

1165

0°09'32" West along said addition line, a distance of 166.35 ft. from the centerline of Grubb Drive;  
THENCE North 0°09'32" East along the east line of said Broadmoore No.5 addition a distance of 1,222.13 ft. to the POINT OF BEGINNING and containing 86.0319 acres of land.

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Danny E. Osteen  
Danny E. Osteen  
Registered Public Surveyor No. 4169

Acrey, Roberts & Pierson, Inc.  
84-2P-046  
July 17, 1984

# 656-5