

ORDINANCE NO. 2174  
File No. 1462-176

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 A-1 MULTI-FAMILY AND R-3 SINGLE FAMILY TO THE FOLLOWING TRACT A PLANNING DEVELOPMENT/LIGHT COMMERCIAL; TRACT B PLANNED DEVELOPMENT/TOWNHOUSE AT 7.5 UNITS PER ACRE WITH A MAXIMUM OF 60 UNITS AND A MINIMUM UNIT SIZE OF 1100 SQUARE FEET; TRACT C AND D PLANNED DEVELOPMENT OFFICE; TRACT E AND G PLANNED DEVELOPMENT/LIGHT COMMERCIAL, AND TRACT F PLANNED DEVELOPMENT LIGHT COMMERCIAL, PROVIDING A HEIGHT ALLOWANCE OF FIFTEEN (15) STORIES; WITH CERTAIN STIPULATIONS; THE 75.73 TRACT IS LOCATED WEST OF I-635 BETWEEN GROSS ROAD AND U.S. HIGHWAY 80; 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 PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS 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 A-1 Multi-Family and R-3 Single family to the following Tract A Planning Development/Light Commercial; Tract B Planned Development/Townhouse at 7.5 units per acre with a maximum of 60 units and a minimum units size of 1100 square feet; Tract C and D Planned Development office; Tract E and G Planned Development/Light Commercial, and Tract F Planned Development Light Commercial, providing a height allowance of fifteen (15) stories; with the following stipulations: (1) Traffic improvements including: (a) Re-design of the Peachtree/Gross Road traffic signal, and (b) Reconstruction of Jane Street to 37 foot collector street standards; (2) Drainage/Greenbelt: Assurance that a perpetual maintenance agreement will be provided for the drainage way providing access easements for a greenbelt trail system through the property; (3) Detailed site plans are required showing overall drainage, circulation and utility system layouts prior to any above ground development. Detailed site plans to be reviewed for each site and must conform to the plans presented with the zoning request, i.e. square footage, height, lot coverage, floor area ratios; and (4) The original site plan for the connection of the two-way service road to Peachtree Road (Plan A); if that plan is acceptable to the State Highway Department, otherwise a two-way connection from Peachtree Road to U.S. Highway 80 to be provided through the site (Plan B), as presented; the 75.73 tract is located west of I-635 between Gross Road and U.S. Highway 80; 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of May, A.D., 1985.

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

ATTEST:

APPROVED AS TO FORM:

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

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

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Exhibit "A"

DESCRIPTION & CERTIFICATE

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462 City of Mesquite, Dallas County, Texas and being all of a 28.486 acre tract as described in deed to the First National Bank of Waco, Texas, Trustee for Central Freight Lines Employees Profit Sharing and Retirement Plan, of the County of McLennan, State of Texas, as recorded in Volume 76221, Page 1606 of the Deed Records of Dallas County, Texas, and being all of a 3.484 acre tract of land as described in deed to Donald E. Howard as recorded in Volume 72220, Page 1344 of the Deed Records of Dallas County, Texas, and also being all of a 43.314 acre tract of land as described in deed to MHC Realty Co. as recorded in Volume 75091, Page 1110 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a Texas Highway Department right-of-way marker found for a corner at the intersection of a corner clip in the east right-of-way line of Jane Street (40 feet wide) and the southeasterly right-of-way line of Interstate Highway 20 (U.S. Highway 80);

THENCE along the southeasterly line of Interstate Highway 20 the following:

N 40°42'57" E, 28.94 feet to a 1/2" Iron rod found, said point also being in a circular curve to the right and having a radius which bears S 09°15'57" W, 1889.86 feet;

Southerly along said circular curve to the right, through a central angle of 15°25'01", an arc distance of 506.51 feet, and having a chord which bears S 73°01'32" E, 506.98 feet to a concrete right-of-way marker found;

S 15°28'39" E, 100.64 feet to a concrete right-of-way marker found;

S 73°05'00" E, 185.80 feet to a 3/4" Iron pipe set;

S 53°28'20" E, 315.00 feet to a concrete right-of-way marker found;

S 47°15'21" E, 191.54 feet to a concrete right-of-way marker found;

S 24°25'08" E, 445.01 feet to a concrete right-of-way marker found;

S 14°18'18" E, 264.32 feet to a concrete right-of-way marker found;

S 03°18'08" E, 174.66 feet to a 1/2" Iron rod found;

S 03°22'52" E, 386.15 feet to a concrete right-of-way marker found;

S 86°28'54" E, 74.69 feet to a concrete right-of-way marker found;

S 01°54'25" E, 446.62 feet to a 1/2" Iron rod found;

S 14°53'30" W, 261.37 feet to a 3/4" Iron pipe set;

S 21°08'14" E, 166.66 feet to a fence post found;

S 05°53'48" E, 291.46 feet to a concrete right-of-way marker found;

S 49°32'01" W, 441.10 feet to a fence post found in the north right-of-way line of Gross Road (120 feet wide);

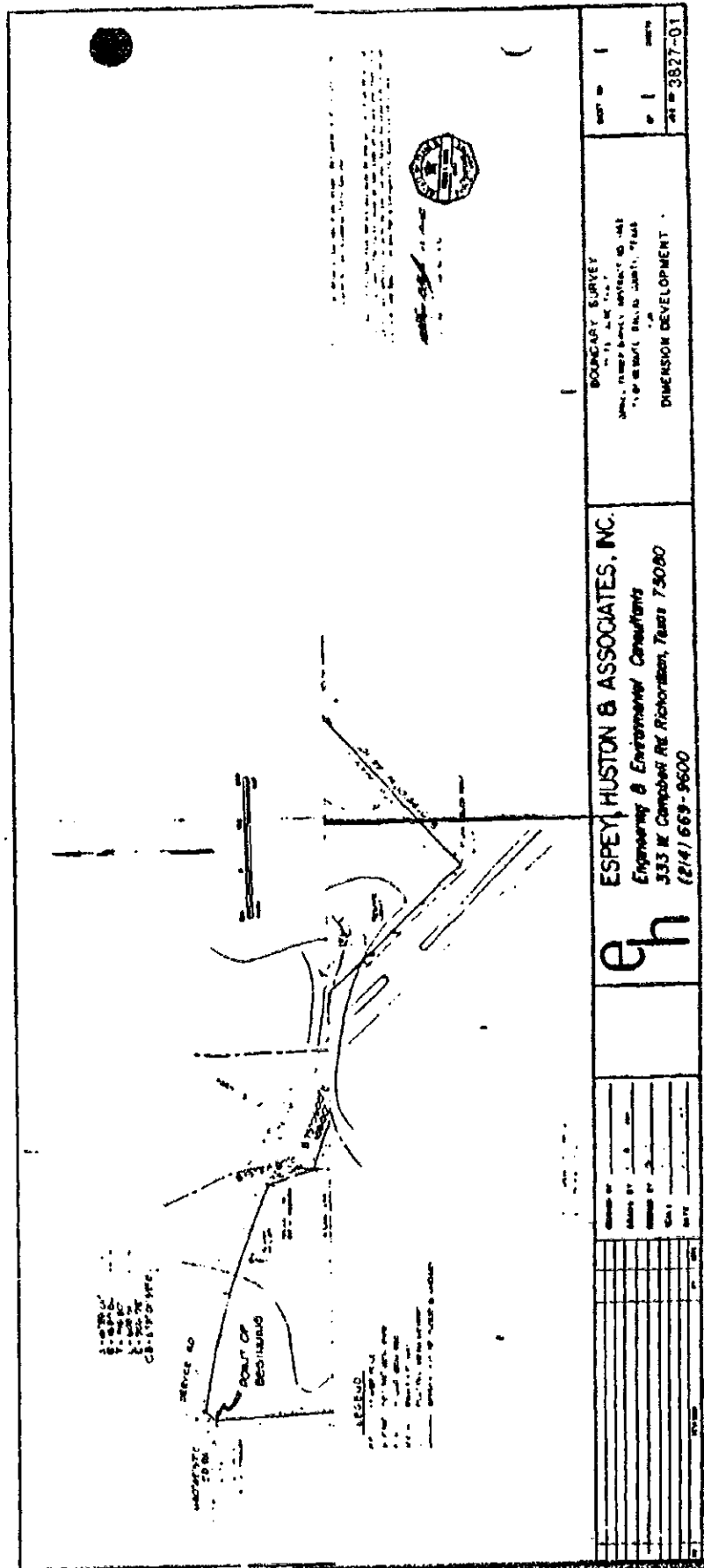
THENCE N 43°34'40" W along the north line of Gross Road, 1682.61 feet to a 1/2" Iron rod found in the east right-of-way line of Jane Street (40 feet wide);

THENCE N 03°43'40" E, along the east right-of-way line of Jane Street, 832.51 feet to a 3/4" Iron pipe set;

THENCE N 02°35'44" W, continuing along the east line of Jane Street, 1202.28 feet to the POINT OF BEGINNING and containing 75.730 acres of land more or less.

File #  
1462-176

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<p>DATE OF SURVEY: _____</p> <p>BY: _____</p> <p>SCALE: _____</p> <p>PROJECT: _____</p>		<p><b>ESPEY, HUSTON &amp; ASSOCIATES, INC.</b>          Engineering &amp; Environmental Consultants          333 W Campbell Ave Richardson, Texas 75080          (214) 669-9600</p>	<p>BOUNDARY SURVEY          FOR THE PROJECT OF THE          DIMENSION DEVELOPMENT</p>	<p>DATE: _____</p> <p>BY: _____</p> <p>PROJECT: _____</p>
<p>ESPEY, HUSTON &amp; ASSOCIATES, INC.          Engineering &amp; Environmental Consultants          333 W Campbell Ave Richardson, Texas 75080          (214) 669-9600</p>				

File # 1462-176

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