

ORDINANCE NO. 2434
File No. 93-3

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 PLANNED DEVELOPMENT LIGHT COMMERCIAL AND PLANNED DEVELOPMENT FOR PATIO HOMES TO PLANNED DEVELOPMENT LIGHT COMMERCIAL WITH THE ADDED USE FOR MINIWAREHOUSES ON TRACT 1, TO INCLUDE THE FOLLOWING FEATURES: 1)TEN (10) FOOT TILT WALL, EXPOSED AGGREGATE CONSTRUCTION; 2)SINGLE SLOPED ROOF; 3)CURBED AND GUTTERED; 4)METAL DOORS; AND PLANNED DEVELOPMENT-MULTIFAMILY ON TRACT 2 WITH A MAXIMUM 24 UNITS PER ACRE ON THE DEVELOPABLE LAND, BUT IN NO CASE PERMITTING MORE THAN 755 DWELLING UNITS; THE MAXIMUM BUILDING HEIGHT ADJACENT TO THE SINGLE FAMILY HOMES SHALL BE TWO (2) STORIES WITH NO WINDOWS OR BALCONIES OVERLOOKING HOMES WITH CERTAIN STIPULATIONS; THE SUBJECT TRACTS ARE LOCATED WEST OF I-635 BETWEEN BRUTON ROAD AND LAKE JUNE 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 (\$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 Planned Development Light Commercial and Planned Development for Patio Homes to Planned Development-Light Commercial with the added use for miniwarehouses on Tract 1, to include the following features: 1) Ten (10) foot tilt wall, exposed aggregate construction; 2) Single sloped roof; 3) Curbed and guttered; 4) Metal Doors; and Planned Development-Multifamily on Tract 2 with a maximum 24 units per acre on the developable land, but in no case permitting more than 755 dwelling units; the maximum building height adjacent to the single family homes shall be two (2) stories with no windows or balconies overlooking homes. Additional stipulations include the following: 1) Provisions of at least one emergency (breakdown crash gate) access to the development from the adjacent residential streets; 2) Provisions of a 6 foot solid masonry screening wall abutting the single family homes; 3) Immediate developer clean up and mowing of the site including clearing of grass in ditches with Staff review of status and progress of clean-up in six months. If development of the site has not begun in eighteen months, the applicant shall undertake more substantial drainage work at that time; 4) Coordination of drainage improvements with the City in order to correct problem flumes draining from the existing subdivision. The subject tracts are located west of I-635 between Bruton Road and Lake June 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

TRACT 2 DESCRIPTION

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:

COMMENCING 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 the POINT OF BEGINNING;

THENCE, North $09^{\circ}24'38''$ East a distance of 183.72' to an iron rod for corner;

THENCE, North $08^{\circ}56'22''$ West a distance of 164.80' to a point for corner;

THENCE, in a Northwesterly direction with a curve to the Left having a radius of 675.73' a distance of 482.29' to an iron rod for corner;

THENCE, in a Northeasterly direction with a curve to the Left having a radius of 753.99' a distance of 527.48' to an iron rod for corner;

THENCE, North $00^{\circ}08'11''$ West a distance of 998.69' to an iron rod for corner at the Northwest corner of said 44.67 acre tract;

THENCE, North $89^{\circ}51'49''$ East a distance of 242.59' to an iron rod for corner;

THENCE, North $00^{\circ}32'50''$ West a distance of 300.60' to an iron rod for corner;

THENCE, North $89^{\circ}12'19''$ East a distance of 150.97' to an iron rod for corner in the West line of I.H. No. 635 (L.B.J. Freeway);

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

South $19^{\circ}14'08''$ East 426.06';
South $11^{\circ}16'59''$ East 310.00';
South $08^{\circ}01'43''$ East 330.00';
South $02^{\circ}46'42''$ East 666.76';
South $00^{\circ}06'47''$ East 842.54';

THENCE, South $89^{\circ}53'13''$ West 618.17' to the POINT OF BEGINNING AND CONTAINING 1,496,218.85 square feet or 34.35 acres of land.

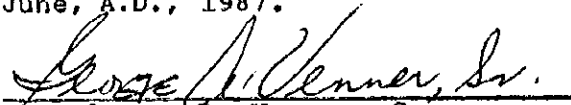
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unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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.

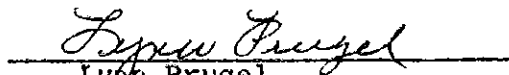
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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.

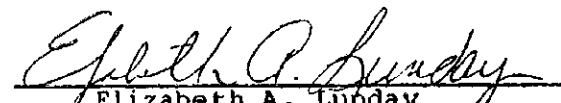
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 1st day of June, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:


Lyon Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney

TRACT 1 DESCRIPTION

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:

COMMENCING 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 11'43" West a distance of 491.39' to an iron rod;

Thence, North 08 56'22" West a distance of 352.24' to an iron rod;

Thence, North 26 40'22" West a distance of 204.92' to an iron rod;

Thence, North 09 00'06" West a distance of 115.00' to an iron rod, being the POINT OF BEGINNING;

Thence, continuing North 09 00' 06" West a distance of 434.46' to an iron rod;

Thence, North 09 24' 38" East a distance of 16.45' to a point for corner;

Thence, North 89 53'13" East a distance of 618.17' to a point on the west line of LBJ Freeway (I.H. 635);

Thence, in a Southerly direction with the west line of said I.H. 635; South 00 06' 47" East 85.00';

Thence, South 89 53'13" West a distance of 230' to a point for a corner;

Thence, South 00 06' 47" East a distance of 340' to a point for a corner;

Thence, South 89 53' 13" West a distance of 305' to the POINT OF BEGINNING AND CONTAINING 157,560 square feet or 3.62 Acres of Land.