

ORDINANCE NO. 3071File No. 1157-23

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM PD MULTIFAMILY TO PD SINGLE FAMILY ON TRACT 1; FROM PD LIGHT COMMERCIAL TO PD GENERAL RETAIL AND PD SINGLE FAMILY ON TRACT 2, SUBJECT TO CERTAIN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from PD Multifamily to PD Single Family on Tract 1; from PD Light Commercial to PD General Retail and PD Single Family on Tract 2, subject to the following conditions:

1. A minimum lot size of 7,000 sq.ft. with an overall lot size average of 8,000 sq.ft. required;
2. A minimum lot width of 60 feet at the building line;
3. Minimum unit sizes as follows
 - 10% - 1700 sq.ft.
 - 25% - 1800 sq.ft.
 - 45% - 1900 sq.ft.
 - 10% - 2000 sq.ft.
 - 10% - 2100 sq.ft.

The minimum unit sizes are intended to apply to the entire Palos Verdes Heights development including the site plan revision for the area covered under PD Ordinance No. 2989.

4. Front entry garages with no alleys;
5. Front Setback: 25 feet, except 20 feet on cul-de-sac lots;
Exterior Side: 10 feet;
Interior Side: 5 feet;
Rear Setback: 20 feet;
6. Arterial screening consisting of six foot high board-on-board fencing with brick columns, as shown on the concept plan; and extending along the southern property boundary. The responsibility of individual property owners to maintain screening fences shall be outlined in deed restrictions filed for record.
7. The development shall comply with the requirements of the Storm Water Drainage Ordinance adopted on July 17, 1995.

The subject property is a 43 acre tract located at the southwest corner of the Northwest Drive and Belt Line Road intersection; City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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 Mesquite Zoning Ordinance.


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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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.

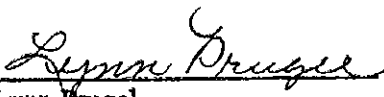
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of November, 1995.



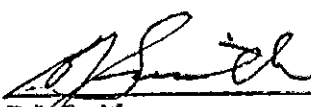
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Frugel
City Secretary



B.J. Smith
City Attorney

00240

EXHIBIT "A"
Page 1 of 4

SINGLE FAMILY TRACT

4119.sft

BEING a tract of land situated in the Josiah Phelps Survey - Abstract No. 1157, City of Mesquite, Dallas County, Texas, and being part of a tract identified as tract eight and tract nine as conveyed to Richland Beltline Ltd. by the special warranty deed recorded in Volume 93178, Page 0957 of the Deed Records of Dallas County, Texas (DRDCT), the subject tract further being more particularly described as follows;

COMMENCING at the intersection of the Westerly line of Belt Line Road (a variable width ROW at this point) and the South line of Northwest Drive (a 100' ROW), a 1/2" iron pin with cap stamped Landes found at corner, from which another 1/2" iron pin found bears N 00° 15' 47" W, a distance of 100.46 feet;

THENCE, along the said Belt Line Road Westerly line in a Southerly direction, the following;

Around a curve to the Left having a central angle of 01° 11' 45", a radius of 3552.79 feet and a chord bearing of S 01° 31' 45" E, an arc distance of 74.15 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set 9.3 feet Westerly of the street back of curb, and from which another 1/2" iron pin found bears S 41° 46' 56" E, a distance of 2.40 feet;

Around a tangent curve to the Right having a central angle of 09° 03' 35", a radius of 2363.36 feet and a chord bearing of S 02° 24' 11" W, an arc distance of 373.70 feet to the PLACE OF BEGINNING of the here-in described tract, a 1/2" iron pin with a red cap stamped GM RPLS 4396 set at corner;

THENCE, continuing along said Belt Line Road Westerly line, the following;

Around a tangent curve to the Right having a central angle of 02° 46' 07", a radius of 2363.36 feet and a chord bearing of S 08° 19' 02" W, an arc distance of 114.20 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set 9.4 feet Westerly of the street back of curb, and from which a 1/2" iron pin found with a cap stamped Landes bears S 24° 32' 02" E, a distance of 1.99 feet;

Around a tangent reverse curve having a central angle of 14° 16' 52", a radius of 2045.60 feet and a chord bearing of S 02° 33' 39" W, an arc distance of 509.87 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set 9.3 feet Westerly of the street back of curb, and from which a 1/2" iron pin found bears S 39° 15' 48" W, a distance of 0.64 feet;

S 04° 34' 47" E, a distance of 240.31 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set 9.2 feet Westerly of the street back of curb, and from which a 1/2" iron pin with a cap stamped Landes bears S 14° 08' 02" E, a distance of 0.52 feet;

EXHIBIT "A"
Page 2 of 4

00241

Around a tangent curve to the Right having a central angle of $02^{\circ} 30' 41''$, a radius of 4512.05 feet and a chord bearing of $S 03^{\circ} 19' 26'' E$, an arc distance of 197.77 feet to a $1/2''$ iron pin found at corner and 9.4 feet Westerly of the street back of curb;

$S 02^{\circ} 05' 30'' E$, a distance of 19.83 feet to the Southeast corner of the subject tract said corner also being the Northeast corner of Lot 5, Block A of North Mesquite Commercial Addition, an addition to the City of Mesquite recorded in Volume 82009, Page 1067 (DRDCT), a $1/2''$ iron pin found at corner;

THENCE, $N 87^{\circ} 58' 05'' W$, along the North line of said North Mesquite Commercial Addition, a distance of 419.76 feet to a $1/2''$ iron pin with a red cap stamped GM RPLS 4396 set at corner, from which the corner of concrete pavement bears $S 63^{\circ} 28' 09'' W$, a distance of 1.12 feet;

THENCE, $N 87^{\circ} 55' 18'' W$, along the North line of Lot 4, Block A of the North Mesquite Commercial Addition recorded in Volume 79225, Page 2098 (DRDCT) and along the North line of Lot 1, Block A of the North Mesquite Commercial Addition recorded in Volume 78212, Page 1320 (DRDCT), a distance of 349.95 feet;

THENCE, $N 22^{\circ} 57' 03'' E$, a distance of 339.02 feet;

THENCE, $N 00^{\circ} 06' 05'' E$, a distance of 325.00 feet;

THENCE, $N 89^{\circ} 53' 55'' W$, a distance of 635.00 feet;

THENCE, $N 00^{\circ} 06' 05'' E$, a distance of 825.00 feet,

THENCE, Along the Easterly line of Palos Verdes Estates No. 10, an addition to the City of Mesquite recorded in Volume 83168, Page 2330, the following;

$N 19^{\circ} 01' 09'' E$, a distance of 4.93 feet;

$N 03^{\circ} 44' 39'' E$, a distance of 73.99 feet;

$N 76^{\circ} 18' 29'' E$, a distance of 49.73 feet;

$N 44^{\circ} 42' 49'' E$, a distance of 79.98 feet;

$N 28^{\circ} 17' 36'' W$, a distance of 68.15 feet;

$N 04^{\circ} 38' 54'' E$, a distance of 91.42 feet;

$N 65^{\circ} 46' 09'' E$, a distance of 50.09 feet;

$N 08^{\circ} 44' 14'' E$, a distance of 50.75 feet;

EXHIBIT "A"
Page 3 of 4

00242

N 41° 01' 00" E, a distance of 69.89 feet;

N 31° 53' 43" W, a distance of 79.41 feet;

N 13° 02' 04" W, a distance of 109.36 feet;

N 26° 18' 43" E, a distance of 217.75 feet to a point on the previously mentioned Northwest Drive Southerly line, an "X" cut in concrete headwall found at corner, from which an "X" found in concrete walk bears N 09° 00' 51" E, a distance of 1.38 feet;

THENCE, Along the said Northwest Drive Southerly line, the following;

Around a non-tangent curve to the Right having a central angle of 34° 31' 56", a radius of 750.00 feet and a chord bearing of S 43° 14' 19" E, an arc distance of 452.03 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set at corner;

S 25° 58' 21" E, a distance of 131.30 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set 10.00 feet Southwest of the street back of curb at corner, and from which a 1/2" iron pin found bears N 64° 07' 33" E, a distance of 100.06 feet;

Around a non-tangent curve to the Left having a central angle of 56° 19' 53", a radius of 560.00 feet and a chord bearing of S 54° 10' 26" E, an arc distance of 550.57 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set at corner, and from which a 1/2" iron pin found 9.8 feet South of the street back of curb bears S 86° 10' 26" E, a distance of 74.90 feet;

THENCE, Leaving said Northwest Drive Southerly line and around a non-tangent curve to the Right having a central angle of 01° 20' 21", a radius of 3837.79 feet, and a chord bearing of S 01° 27' 27" E, an arc distance of 89.70 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set at corner;

THENCE, Around a tangent curve to the Right having a central angle of 09° 03' 35", a radius of 2078.36 feet and a chord bearing of S 02° 24' 11" W, an arc distance of 328.63 feet to a 1/2" iron pin with a red cap stamped GM RPLS 4396 set at corner;

THENCE, S 83° 04' 02" E, a distance of 285.00 feet to the PLACE OF BEGINNING with the subject tract containing 40.18 acres of land.

COMMERCIAL TRACT

4119.com

BEING a tract of land situated in the Josiah Phelps Survey - Abstract No. 1157, City of Mesquite, Dallas County, Texas, and being part of a tract identified as tract eight and tract nine as conveyed to Richland Beltline Ltd. by the special warranty deed recorded in Volume 93178, Page 0957 of the Deed Records of Dallas County, Texas (DRDCT), the subject tract further being more particularly described as follows;

BEGINNING at the intersection of the Westerly line of Belt Line Road (a variable width ROW at this point) with the Southerly line of Northwest Drive (a 100' ROW);

THENCE, Along the Westerly line of said Belt Line Road and around a non-tangent curve to the Left having a central angle of $01^{\circ} 31' 45''$, a radius of 3552.79 feet, and a chord bearing of $S 01^{\circ} 31' 45'' E$, an arc distance of 74.15 feet;

THENCE, Continuing along Belt Line Road and around a curve to the Right having a central angle of $09^{\circ} 03' 35''$, a radius of 2363.36 feet, and a chord bearing of $S 02^{\circ} 24' 11'' W$, an arc distance of 373.70 feet;

THENCE, $N 83^{\circ} 04' 02'' W$, a distance of 285.00 feet;

THENCE, Around a non-tangent curve to the Left having a central angle of $09^{\circ} 03' 35''$, a radius of 2078.36 feet, and a chord bearing of $N 02^{\circ} 24' 11'' E$, an arc distance of 328.63 feet;

THENCE, Around a tangent curve to the Right having a central angle of $01^{\circ} 20' 21''$, a radius of 3837.79 feet, and a chord bearing of $N 01^{\circ} 27' 27'' W$, an arc distance of 89.70 feet;

THENCE, Along the Southerly line of said Northwest Drive and around a non-tangent curve to the Left having a central angle of $07^{\circ} 40' 07''$, a radius of 560.00 feet, and a chord bearing of $S 86^{\circ} 10' 26'' E$, an arc distance of 74.95 feet;

THENCE, $N 89^{\circ} 59' 20'' E$, along Northwest Drive, a distance of 210.38 feet to the PLACE OF BEGINNING and containing 2.82 acres of land.

00344