

ORDINANCE NO. 3255
File No. 594-29

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 IN ZONING FROM R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT-SINGLE FAMILY RESIDENTIAL, SUBJECT TO CERTAIN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 changes 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 in zoning from R-3 Single Family Residential to Planned Development-Single Family Residential, subject to the following conditions:

1. All permitted uses and development standards shall comply with the R-3 Single Family District unless specifically modified by this ordinance.
2. Modifications permitted shall include the following, provided they shall generally be in conformance with the concept plan presented:
 - a) Waiver of the alley for the lots on the west side of the Amesbury Drive extension provided that garage doors shall be side loaded and located on the rear half of the structure.
 - b) Encroachment of the apartment drive onto the single family zone at the northern end to allow a 90-degree intersection with Tripp Road.

- c) The drainage detention area may be located on the southern portion of the single family zone, subject to the provision of screening as detailed in Item (d) below. Maintenance of the detention area shall be the responsibility of the multifamily development.
- d) An 8 foot masonry wall, built of brick to match the required district screening wall for the apartment complex, shall be constructed on the single family side of the detention area. The wall shall be set back 25 feet from the Amesbury Drive extension and 15 feet from the existing Bradford Park alley on the eastern side of the detention area. Both setbacks shall be landscaped, including turf and automatic irrigation systems, and shall provide a buffer tree line in accordance with the standards set out in the Tree Schedule, Section 1A-500 of the *Mesquite Zoning Ordinance*. Maintenance of the landscape areas in both setbacks shall be the responsibility of the multifamily development.
- e) With the erection of the masonry screening wall as set out in Item (d) above, the masonry screening wall required to be located on the R-3 district boundary shall be deferred for the area of the detention pond; provided the detention area screening wall, required in Item (d), shall connect to the district screening wall to provide a continuous barrier between the multifamily and the single family developments.

3. Minimum dwelling unit size shall be 1800 square feet.

The subject 5.710 acre tract is located approximately 700 feet east of the North Galloway Avenue and Tripp 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. 3042 of the Mesquite City Code.

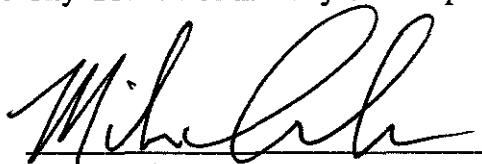
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SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof 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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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 21st day of September, 1998.


Mike Anderson
Mayor

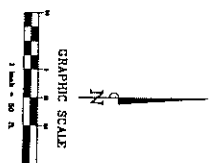
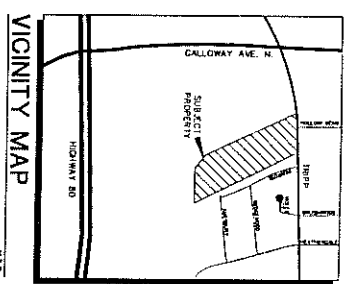
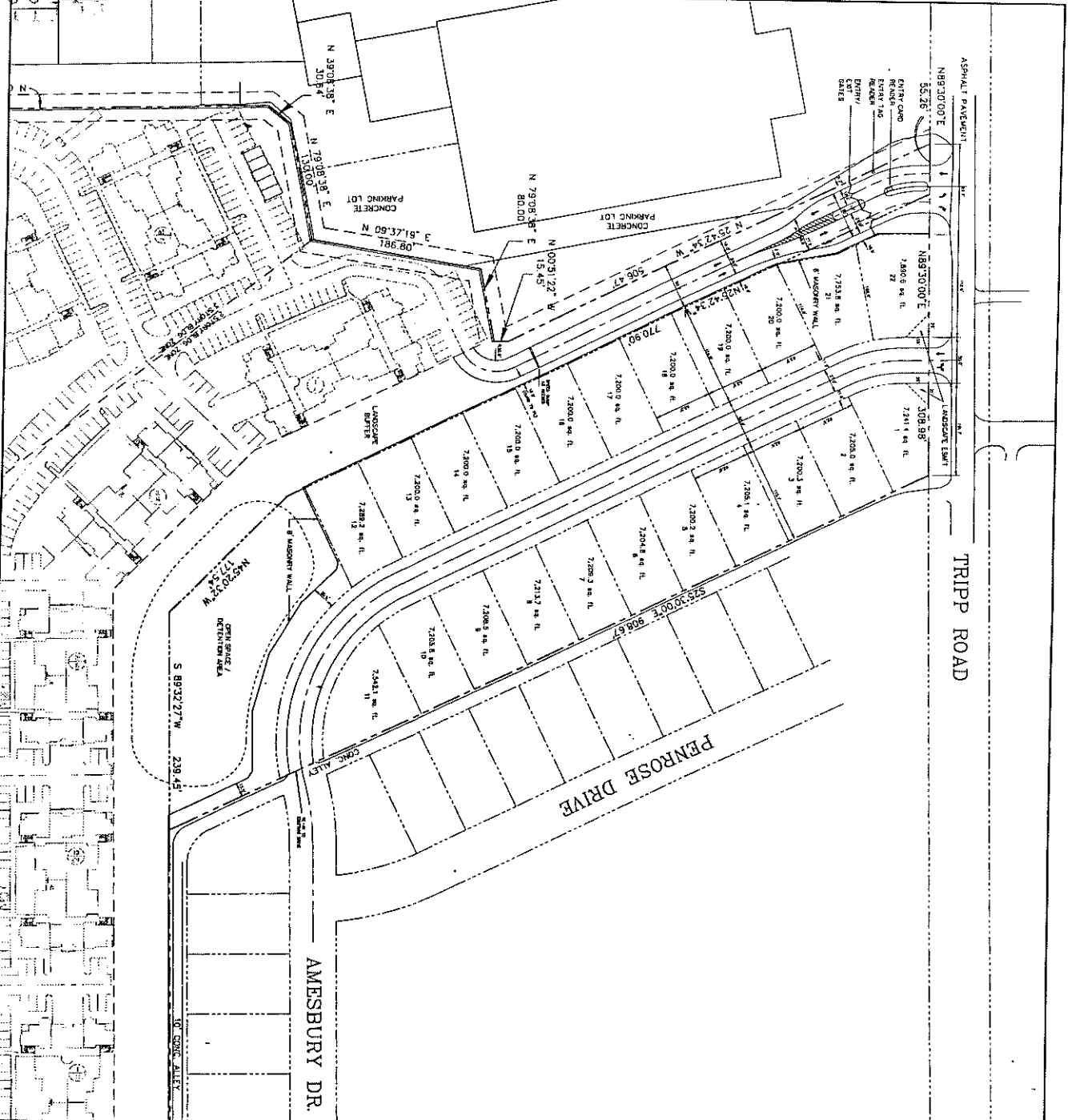
ATTEST:


Ellen Williams
City Secretary

APPROVED


B.J. Smith
City Attorney

00110



METES AND BOUNDS.

ALL METES AND BOUNDS SHOWN ON THIS PLAN ARE BASED ON THE SURVEY OF THE TRIPP ROAD AND PENROSE DRIVE PROJECT, CONDUCTED BY THE SURVEYOR GENERAL OF TEXAS, IN 1998. THE METES AND BOUNDS SHOWN ON THIS PLAN ARE THE RESULT OF A RE-SURVEY OF THE TRIPP ROAD AND PENROSE DRIVE PROJECT, CONDUCTED BY THE SURVEYOR GENERAL OF TEXAS, IN 1998. THE METES AND BOUNDS SHOWN ON THIS PLAN ARE THE RESULT OF A RE-SURVEY OF THE TRIPP ROAD AND PENROSE DRIVE PROJECT, CONDUCTED BY THE SURVEYOR GENERAL OF TEXAS, IN 1998. THE METES AND BOUNDS SHOWN ON THIS PLAN ARE THE RESULT OF A RE-SURVEY OF THE TRIPP ROAD AND PENROSE DRIVE PROJECT, CONDUCTED BY THE SURVEYOR GENERAL OF TEXAS, IN 1998.

| No. | Date | Revisions | App. |
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| | | | |

Scale: 1" = 50'
 Designed by: NES
 Drawn by: WSM
 Checked by: KHA
 Date: SEPTEMBER, 1998
 Project No. 063262.08

PLANNED DEVELOPMENT SITE

ECHELON INTERNATIONAL
 9400 Harry Lee
 Suite 300
 Dallas, Texas 75243

ECHELON AT MISSION RANCH
 MESQUITE, TEXAS

Kimley-Horn and Associates, Inc.
 17700 Park Central Drive, Suite 1800
 Dallas, Texas 75288
 Tel. No. (972) 772-1300
 Fax No. (972) 772-1600

Metes and Bounds Description

5.710 Acres of Land
 William Foreman Survey, Abstract No. 486 &
 Henry Harter Survey, Abstract No. 594
 City of Mesquite
 Dallas County, Texas

BEING a tract of land situated in the Henry Harter Survey, Abstract No. 594 in the City of Mesquite, Dallas County, Texas and all of a called 3.4-acre tract conveyed to Tom Randall as evidenced in a Deed recorded in Volume 785, Page 1156 and all of a called 2.5-acre tract conveyed to Robert Blair as evidenced in a Deed recorded in Volume 2731, Page 1156, both of the Deed Records of Dallas County, Texas (DRDCT) and being more particularly described by metes and bounds as follows (bearings based on the east line of Galloway Crossing Addition, as recorded in Volume 84200, Page 2047 DRDCT, in particular, the east line of Lot 1, as shown therein. Said bearing being North 0951'22" West):

BEGINNING at a found 5/8-inch "KHA" capped iron rod for the northwest corner of said 3.4-acre tract, same being on the south right-of-way line of Tripp Road (a variable width right-of-way);

THENCE North 89°30'00" East, along the south right-of-way line of said Tripp Road, said line being common with the north boundary line of said 3.4-acre tract and said 2.5-acre tract, a distance of 308.98 feet to a "X" cut in concrete found for the northeast corner of said 2.5-acre tract;

THENCE South 25°30'00" East, departing the south right-of-way line of said Tripp Road and along the common boundary line of said 2.5-acre tract and the Bradford Park-Phase Two Addition, an addition to the City of Mesquite, Texas, according to the map or plat thereof recorded in Volume 87146, Page 4545 DRDCT, a distance of 908.67 feet to a wooden fence corner post found for the southeast corner of said 2.5-acre tract and the southwest corner of said Bradford Park tract, said corner being in the north boundary line of a called 28.4694-acre tract conveyed to the trustees of Electronic Data Systems Corporation Retirement Plan & Trust in a Deed recorded in Volume 81139, Page 1330 DRDCT;

THENCE South 89°32'27" West, along the north line of said 28.4694 acre tract and along the south line of said 3.4-acre tract and said 2.5-acre tract, a distance of 239.45 feet to a 1/2-inch "Powell & Powell" capped iron rod found for the southwest corner of said 3.4-acre tract;

THENCE North 45°20'32" West, along the west line of said 3.4-acre tract and the northeast line of said 28.4694 acre tract, a distance of 177.54 feet to a found 1/2-inch "Powell & Powell" capped iron rod for the most westerly southwest corner of said 3.4 acre tract;

THENCE North 25°42'34" West, continuing along the west line of said 3.4-acre tract and the northeast line of a called 2.949-acre tract conveyed to Electronic Data Systems Corporation Retirement Plan & Trust as evidenced in a Deed recorded in Volume 83208, Page 4288, DRDCT, a distance of 770.90 feet to the POINT OF BEGINNING and containing 5.710 acre of land, more or less.