

ORDINANCE NO. 3275  
File No. 1702-1

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 ZONING REQUEST FROM AGRICULTURAL 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 of zoning from Agricultural to Planned Development, subject to certain conditions:

1. Standards of the R-2A District shall apply, except as modified below;
2. Required minimum dwelling unit size shall be as follows:  
66% - 1800 square foot minimum  
34% - 2000 square foot minimum
3. Maximum number of lots allowed shall not exceed 3.75 lots per gross acre;
4. Minimum front yard setback on 50% of the lots may be 20 feet, provided that homes along the block face are staggered with at least 50% of the homes having a 25 foot minimum front yard setback;
5. Alleys shall not be required for lots along the creek, provided that, on front entry lots, the garages shall either not open toward the street, or shall include single-car doors separated by a masonry column;

6. A Homeowners Association shall be created with mandatory membership for all property owners in the Planned Development; and
7. Maintenance of all open space, common areas, entry features, walls and landscaping shall be the responsibility of the Homeowners Association.

The subject property is an 85.6 acre tract located at the northwest corner of the Clay-Mathis Road and Lawson 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.

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.

00242

DESCRIPTION

BEING a tract of land situated in the WILLIAM M. BRUTON SURVEY, ABSTRACT NO. 160 and the HANCY BRUTON SURVEY, ABSTRACT NO. 1702 in the City of Mesquite, Dallas County, Texas, and being part of that property described in a deed to Ernest C. Layne and wife, Ruby Layne, recorded in Volume 80047, Page 2759 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 3/8-inch iron rod found in the northeast right-of-way line of Clay-Mathis Road (variable right-of-way) for the most westerly corner of said Layne tract and the most easterly south corner of a tract of land described in deed to Clyde Denton Alderman and wife, Stella Mae Alderman, recorded in Volume 86214, Page 6474 of said Deed Records;

THENCE North 45°00'00" East, along the common line between said Layne tract and said Alderman tract, a distance of 2474.81 feet to a 1/2-inch iron rod set in the approximate boundary of the 100-year flood plain as graphically represented on the Flood Insurance Rate Maps, Community-Panel Number 485490 0015 D dated June 4, 1987;

THENCE Southerly, along said flood plain boundary as follows:

South 32°36'04" East, a distance of 139.12 feet to a 1/2-inch iron rod set for corner;

South 07°46'26" East, a distance of 179.92 feet to a 1/2-inch iron rod set for corner;

South 22°50'44" West, a distance of 215.89 feet to a 1/2-inch iron rod set for corner;

South 38°53'14" East, a distance of 223.03 feet to a 1/2-inch iron rod set for corner;

South 13°20'42" East, a distance of 323.61 feet to a 1/2-inch iron rod set for corner;

South 00°26'27" West, a distance of 147.30 feet to a 1/2-inch iron rod set for corner;

South 09°29'16" East, a distance of 249.59 feet to a 1/2-inch iron rod set for corner;

South 24°22'10" East, a distance of 178.07 feet to a 1/2-inch iron rod set for corner;

South 43°25'31" East, a distance of 184.52 feet to a 1/2-inch iron rod set for corner;

South 19°19'06" East, a distance of 134.94 feet to a 1/2-inch iron rod set for corner;

South 18°37'15" West, a distance of 312.55 feet to a 1/2-inch iron rod set for corner;

South 34°14'43" West, a distance of 185.37 feet to a 1/2-inch iron rod set for corner;

South 14°22'32" West, a distance of 442.22 feet to a 1/2-inch iron rod set for corner;

South 20°27'38" West, a distance of 186.67 feet to a 1/2-inch iron rod set for corner;

South 36°49'31" West, a distance of 178.83 feet to a 1/2-inch iron rod set for corner;

South 50°05'30" West, a distance of 272.77 feet to a 1/2-inch iron rod set for corner;

South 45°17'54" West, a distance of 106.29 feet to a 1/2-inch iron rod set in the northeasterly line of Clay-Mathis Road;

THENCE North 44°50'11" West, along the northeasterly line of Clay-Mathis Road, a distance of 417.40 feet to a 3/8-inch iron rod found for an angle point;

THENCE South 22°15'35" West, a distance of 10.85 feet to a 3/8-inch iron rod found on the northeasterly line of Clay-Mathis Road;

THENCE North 44°58'11" West, continuing along the northeasterly line of Clay-Mathis Road, a distance of 1437.28 feet to a 3/8-inch iron rod found for corner;

THENCE North 44°10'12" East, a distance of 10.16 feet to a 3/8-inch iron rod found for corner;

THENCE North 45°00'30" West, continuing along the northeasterly line of Clay-Mathis Road, a distance of 263.68 feet to the POINT OF BEGINNING and containing 85.606 acres of land, more or less.

I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat and description were prepared from an actual survey made on the ground under my supervision, and that there are no visible encroachments, conflict or protrusions except as shown.

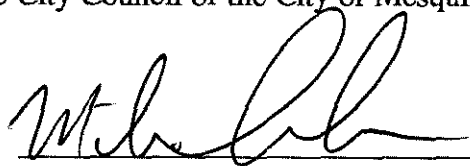
*V. L. Matocha*

V. L. Matocha, R.P.L.S. No. 1816



Page 3

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,  
on the 21st day of December, 1998.



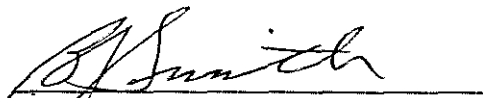
Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney