

ORDINANCE NO. 3357
File No. 1702-2

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 AGRICULTURE TO PLANNED DEVELOPMENT SINGLE FAMILY SUBJECT TO CERTAIN STIPULATIONS; 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 Agriculture to Planned Development Single Family with the following stipulations, provisions and regulations:

1. Standards of the R-2A district shall apply, except as modified below.
2. Required minimum dwelling unit size shall be as follows:
 - a. 66% - 1800 square foot minimum;
 - b. 34% - 2000 square foot minimum.
3. Maximum number of lots allowed shall not exceed 3.65 lots per gross acre.
4. Arterial screening shall be required along Clay-Mathis Road in accordance with the requirements of the Mesquite Zoning Ordinance.
5. Submittal and approval of a Planned Development site plan that conforms to the concept plan submitted.
6. A Homeowner's Association shall be created with mandatory membership for all property owners in the Planned Development.
7. Maintenance of all open space, common areas, entry features, walls and landscaping shall be the responsibility of the Homeowner's Association.

The subject property is a 21.05-acre tract located approximately 1,000 feet southeast of the Clay-Mathis Road and Edwards-Church Road intersection, *fronting the northeast side of Clay-Mathis Road*, City of Mesquite, Dallas County, Texas, and is 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 Mesquite Zoning Ordinance.

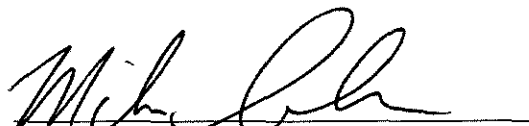
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.


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 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. That 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.

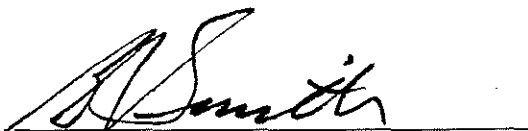
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of April, 2000.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B. J. Smith
City Attorney

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EXHIBIT A

BEING a tract of land situated in the Sam Houston Survey, Abstract No. 655, the W. W. Bruton Survey, Abstract No. 160, and the Nancy E. Bruton Survey, Abstract No. 1702 in the City of Mesquite, Dallas County, Texas, being a portion of a called 21.5 acre tract of land conveyed to Clyde D. Alderman by deed recorded in Volume 3761, Page 373 of the Dallas County, Deed Records and a portion of a called 18.911 acre tract of land conveyed to Clyde Denton Alderman et ux Stella Mae Alderman by deed recorded in Volume 77005, Page 0157 Dallas County Deed Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch iron pipe for corner in the present Northeast right-of-way of Clay Mathis Road, and being in the Northwest line of said called 21.5 acre tract, said point also being the South corner of Creek Crossing Estates No. 11, Phase 1 according to the plat recorded in Volume 86174, Page 7954, Map Records, Dallas County, Texas;

THENCE N44°47'48"E, along the Southeast line of said Creek Crossing Estates No. 11, Phase 1, 1,313.40 feet to a point in the center of Helen Lane a 60 foot wide right-of-way;

THENCE S45°08'52"E 771.91 feet to a point, said point being in the Northwest line of a called 129.463 acre tract conveyed to Edgar W. Lawton as recorded in Volume 80047, Page 2759, Deed Records, Dallas County, Texas;

THENCE S44°51'08"W, along said Northwest line of called 129.463 acre tract, 1,436.99 feet to a 3/8 inch iron rod for a corner, said point being in the present Northeast right-of-way line of Clay Mathis Road, and being the South corner of said 18.911 acre tract;

THENCE N44°52'02"W, with said present Northeast right-of-way line of Clay Mathis Road, 100.00 feet to a 1/2 inch iron rod for corner, said point being the South corner of a 2.22 acre tract of land conveyed to John Walker and wife, Blanche Walker as recorded in Volume 77005, Page 3063, Deed Records, Dallas County, Texas;

THENCE N44°51'33"E, along the Southeast line of said Walker tract, 390.0 feet to a 1/2 inch iron rod for corner, the East corner of same;

THENCE N44°38'09"W, along the Northeast line of said Walker tract, 254.15 feet to a 1/2 inch iron rod for corner, the North corner of same;

THENCE S45°01'40"W, along the Northwest line of said 2.22 acre Walker tract, a distance of 30.48 feet to a 1/2 inch iron rod for corner, said point being the East corner of a called 1.0 acre tract conveyed to Mickey John McCormick as recorded in Volume 83187, Page 3063, Deed Records, Dallas County, Texas;

THENCE N44°43'21"W, along the Northeast line of said called 1.0 acre tract, a distance of 170.08 feet to a 1/2 inch iron rod for corner, the North corner of same;

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THENCE S44°23'34"W, along the Northwest line of said called 1.0 acre tract, 241.85 feet to a ½ inch iron rod for corner, said point being in the present Northeast right-of-way line of Clay Mathis Road;

THENCE N44°42'48"W, along said present right-of-way line, a distance of 248.32 feet to the POINT OF BEGINNING and containing 21.05 acres of land, more or less.