

ORDINANCE NO. 3371
File No. 1359-4A

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 PLANNED DEVELOPMENT INDUSTRIAL TO PLANNED DEVELOPMENT GENERAL RETAIL AND PLANNED DEVELOPMENT R-2A RESIDENTIAL 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 Planned Development Industrial to Planned Development General Retail and Planned Development R-2A Residential as follows and with the stipulations, provisions and regulations set out below:

1. Planned Development General Retail on 3.47 acres fronting Clay-Mathis Road, stipulating that the retail construction be designed with residential nature and character compatible with the adjoining neighborhoods; and
2. Planned Development Single Family on 14.66 acres, subject to the following conditions and standards:
 - a. Minimum lot size of 7,200 square feet;
 - b. Minimum unit size of 2,000 square feet;
 - c. Provision of arterial screening consisting of an eight-foot brick screening wall along East Glen Boulevard and a six-foot wrought iron fence with brick columns and shrubs along Newsom Road;
 - d. Provision of landscape enhancements to include entryway treatment (planting, pavers, etc.). Landscaping along the perimeter screening walls, street trees on residential streets, and/or other similar enhancements. All landscape areas shall be irrigated by automatic underground system and shall require assurance of maintenance. Details of proposed landscape enhancements shall be shown on the Planned Development Site Plan;
 - e. Provision of access to Newsom Road and the neighborhood to the south, primarily for accessibility to the elementary school. Vehicular access is desirable, but not mandatory subject to approval of the Planned Development Site Plan; and
 - f. All interior sidewalks must be constructed within two and one-half years from the date the first building permit is issued.

The subject property is an 18.13 acre tract located at the northeast corner of the Clay-Mathis Road and Newsom Road intersection, 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.

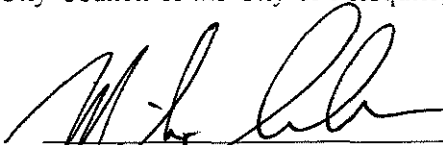
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 19th day of June, 2000.



Mike Anderson
Mayor

ATTEST:

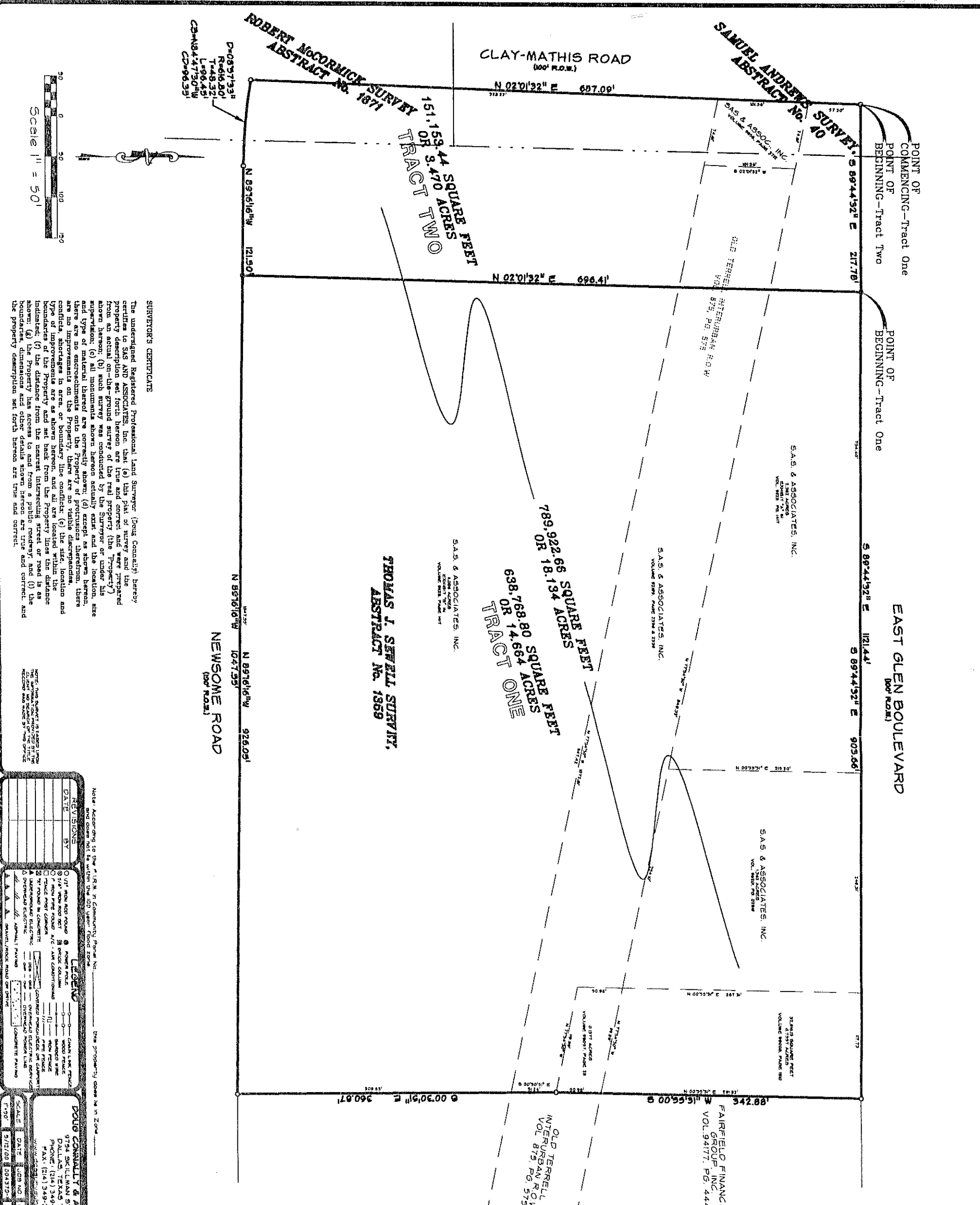


Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney



PROPERTY DESCRIPTION
 BEING all that certain lot, parcel, or tract of land situated in the THOMAS J. SEWELL SURVEY, ABSTRACT No. 1369, and being all or part of the following deeds as listed hereon: 2005-acre tract of land conveyed to S.A.S. & Assoc., Inc. by Jim Jackson, as Presiding County Judge for the County of Dallas, per deed recorded in Volume 921395, Page 2339, and Page 2338, of the Deed Records of Dallas County, Texas.

Part of an 11,008-acre tract and a 2,382-acre tract conveyed to S.A.S. & Assoc. Inc. by FUSA, Inc., a Colorado corporation, per deed recorded in Volume 91128, Page 1417, of the Deed Records of Dallas County, Texas.

All of a 1,382-acre tract of land conveyed to S.A.S. & Assoc., Inc. by Adolph Perkins per deed recorded in Volume 92201, Page 2319, of the Deed Records of Dallas County, Texas.

Part of an 11,008-acre tract of land conveyed to S.A.S. & Assoc., Inc. by S.A.S. & Assoc., Inc. per deed recorded in Volume 90008, Page 1608, of the Deed Records of Dallas County, Texas.

All of a 0.1377-acre tract of land conveyed to S.A.S. & Assoc., Inc. by Jim Jackson, as County Judge for the County of Dallas, per deed recorded in Volume 90057, Page 28, of the Deed Records of Dallas County, Texas.

and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2-inch iron rod found for corner at the intersection of the South right-of-way line of East Glen Boulevard (100' R.O.W.) and the East right-of-way line of Clay Mathis Road (100' R.O.W.); THENCE South 89 degrees 44 minutes 32 seconds East, a distance of 360.87 feet to a 1/2 inch iron rod found for corner on the North right-of-way line of Newsome Road (100' R.O.W.); said point being the Southeast corner of said 11,008-acre tract;

THENCE North 89 degrees 18 minutes 18 seconds East, along the South line of said 11,008-acre tract and the South line of said Newsome Road, a distance of 828.00 feet to 1/2 inch iron rod found for corner;

THENCE North 02 degrees 01 minutes 32 seconds East, a distance of 698.41 feet to the POINT OF BEGINNING and CONTAINING 838,768.80 square feet or 14,864 acres.

TRACT TWO-3,470 ACRES

PROPERTY DESCRIPTION
 BEING all that certain lot, parcel, or tract of land situated in the S. ANDREWS SURVEY, ABSTRACT No. 40, the THOMAS J. SEWELL SURVEY, ABSTRACT No. 1359, and the R. MCCORMICK SURVEY, ABSTRACT No. 1871, and being all or part of the following deeds as listed below:

All of a 0.1713-acre tract of land conveyed to S.A.S. & Assoc., Inc. by Baker and Associates, Inc., per deed recorded in Volume 91134, Page 3712, of the Deed Records of Dallas County, Texas.

Part of a 2,320-acre tract of land conveyed to S.A.S. & Assoc., Inc. by Jim Jackson, as Presiding County Judge for the County of Dallas, per deed recorded in Volume 92185, Page 2339, and Page 2338, of the Deed Records of Dallas County, Texas.

Part of an 11,008-acre tract and a 2,382-acre tract conveyed to S.A.S. & Assoc. Inc. by FUSA, Inc., a Colorado corporation, per deed recorded in Volume 91128, Page 1417, of the Deed Records of Dallas County, Texas.

and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod found for corner at the intersection of the South right-of-way line of East Glen Boulevard (100' R.O.W.) and the East right-of-way line of Clay-Mathis Road (100' R.O.W.); said point being the Northwest corner of said 2,382-acre tract;

THENCE South 88 degrees 44 minutes 32 seconds East, along the South line of East Glen Boulevard and the North line of said 2,382-acre tract, a distance of 217.79 feet to a 5/8 inch iron rod set for corner, said point being the Northeast corner of the herein described tract of land;

THENCE South 02 degrees 01 minutes 32 seconds East, across the said 2,320-acre tract, 11,008-acre tract of land, a distance of 898.41 feet to a 5/8 inch iron rod set for corner on the North right-of-way line of Newsome Road (100' R.O.W.); said point being the Southeast corner of the herein described tract;

THENCE North 89 degrees 18 minutes 18 seconds East, along the said North line of Newsome Road, a distance of 121.50 feet to a 1/2-inch iron rod found for corner, said point being the beginning of a curve to the right having a central angle of 08 degrees 57 minutes 33 seconds, radius of 516.80 feet, a chord distance of North 84 degrees 47 minutes 50 seconds East, a chord distance of 90.35 feet, and a tangent length of 48.52 feet.

THENCE along said curve to the right, an arc length of 94.43 to a 1/2-inch iron rod set for corner at the intersection of the said North line of Newsome Road and the said East line of Clay-Mathis Road, said point being the Southwest corner of the said 11,008-acre tract.

THENCE North 02 degrees 01 minutes 32 seconds East, along the said East line of Clay-Mathis Road, a distance of 697.08 to the POINT OF BEGINNING and CONTAINING 151,153.44 square feet or 3,470 acres of land.

SURVEYOR'S CERTIFICATE

The undersigned Registered Professional Land Surveyor (Being County) hereby certifies to S.A.S. AND ASSOCIATES, Inc. that (a) this plat of survey and the property description set forth hereon are true and correct and were prepared from an actual on-the-ground survey of the real property (the "Property") shown hereon; (b) such survey was conducted by the Surveyor or under his supervision; (c) all monuments shown hereon actually exist and the location, size and type of material thereof are correctly shown; (d) except as shown hereon, there are no encroachments onto the Property of pretensions therefrom, there are no improvements in area, or boundary line conflicts; (e) the size, location and type of improvements are as shown hereon, and all are located within the boundaries of the Property and set back from a public roadway, and (f) as indicated; (g) the distance from the nearest intersecting street or road is as shown; (h) the Property has access to and from a public roadway; and (i) the boundaries, dimensions and other details shown hereon are true and correct, and the property description set forth hereon are true and correct.

LEGEND

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<input type="checkbox"/> 0/1/1	IRON ROD	<input type="checkbox"/> 0/1/1	WOOD POST
<input type="checkbox"/> 0/1/1	WOOD POST	<input type="checkbox"/> 0/1/1	CONCRETE POST
<input type="checkbox"/> 0/1/1	CONCRETE POST	<input type="checkbox"/> 0/1/1	IRON ROD
<input type="checkbox"/> 0/1/1	IRON ROD	<input type="checkbox"/> 0/1/1	WOOD POST
<input type="checkbox"/> 0/1/1	WOOD POST	<input type="checkbox"/> 0/1/1	CONCRETE POST
<input type="checkbox"/> 0/1/1	CONCRETE POST	<input type="checkbox"/> 0/1/1	IRON ROD
<input type="checkbox"/> 0/1/1	IRON ROD	<input type="checkbox"/> 0/1/1	WOOD POST
<input type="checkbox"/> 0/1/1	WOOD POST	<input type="checkbox"/> 0/1/1	CONCRETE POST
<input type="checkbox"/> 0/1/1	CONCRETE POST	<input type="checkbox"/> 0/1/1	IRON ROD
<input type="checkbox"/> 0/1/1	IRON ROD	<input type="checkbox"/> 0/1/1	WOOD POST
<input type="checkbox"/> 0/1/1	WOOD POST	<input type="checkbox"/> 0/1/1	CONCRETE POST
<input type="checkbox"/> 0/1/1	CONCRETE POST	<input type="checkbox"/> 0/1/1	IRON ROD
<input type="checkbox"/> 0/1/1	IRON ROD	<input type="checkbox"/> 0/1/1	WOOD POST
<input type="checkbox"/> 0/1/1	WOOD POST	<input type="checkbox"/> 0/1/1	CONCRETE POST
<input type="checkbox"/> 0/1/1	CONCRETE POST	<input type="checkbox"/> 0/1/1</	