

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 LIGHT COMMERCIAL TO PLANNED DEVELOPMENT LIGHT COMMERCIAL ADDING RETIREMENT HOUSING AS SUCH IS DEFINED AND PERMITTED BY STATE AND FEDERAL FAIR HOUSING LAWS TO THE PERMITTED USES; PROVIDING A REPEALER CLAUSE; 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 all 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 Light Commercial to Planned Development Light Commercial allowing the following uses:

1. All uses as permitted in Light Commercial; and
2. Retirement housing as such is defined and permitted by State and Federal Fair Housing Laws including but not limited to the following conditions:
  - a. At least 80% of the occupied units are occupied by at least one person who is fifty-five (55) years of age or older.
  - b. The housing facility or community publishes and adheres to policies and procedures that demonstrate their intent to meet all provisions of the Housing for Older Persons Act of 1995.
  - c. The housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.
  - d. The housing facility has significant facilities and services specifically designed to meet the physical or social needs of older persons.

That the subject property is a 13-acre tract located approximately 1,600 feet south of the Oates Drive and Northwest Drive intersection, fronting the southwest side of Northwest Drive and is more fully described in the approved field notes in Exhibit "A", attached hereto.

SECTION 2. 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 3. That the foregoing change shall be, and 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 4. That should any word, sentence, clause, paragraph, phrase or section 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.

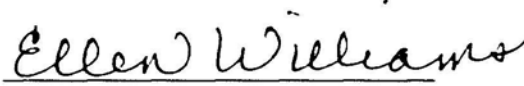
SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court, shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) for each offense.

SECTION 6. 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 18th day of June, 2001.

  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

**Field Notes**  
**File No. 1461-129**

**PROPERTY DESCRIPTION**

BEING a 13.000 acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being a portion of that called 36.284 acre tract of land designated as Tract 3 described in deed to Audubon Partners, Ltd. recorded in Volume 94033, Page 2414, Deed Records of Dallas County, Texas (DRDCT), said 13.000 acre tract of land being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found for the northwest corner of said 36.284 acre tract of land and being in the southwesterly right-of-way line of Northwest Drive (a 100-foot right-of-way);

THENCE South 55°33'20" East along said southwesterly right-of-way line, at a distance of 644.52 feet passing a 1/2-inch iron rod found continuing in all for a total distance of 928.33 feet to a 5/8-inch iron rod with cap stamped "BURY+PARTNERS" set for corner from which a 1/2-inch iron rod found bears South 55°33'20" East, a distance of 53.35 feet;

THENCE South 34°26'40" West, a distance of 512.03 feet to a 5/8-inch iron rod with cap stamped "Bury+Partners" set for corner in the southwesterly line of said 36.284 acre tract of land same being the northeasterly line of that called 4.72 acre tract of land described in deed to Dallas Power & Light Company recorded in Volume 5458, Page 218, DRDCT from which a 1/2-inch iron rod found bears South 62°34'41" East, a distance of 121.87 feet, and a 1/2-inch iron pipe found for the most southerly corner of said 36.284 acre tract of land same being the point of intersection of the northeasterly right-of-way line of a Dallas Power & Light Company tract of land with the northwesterly right-of-way line of Interstate Highway 30 bears South 62°34'41" East, a distance of 2144.23 feet;

THENCE North 62°34'41" West along the common line of said 36.284 acre tract of land and said 4.72 acre tract of land, at a distance of 212.25 feet passing a 1/2-inch iron rod found, continuing along said common line at a distance of 1052.34 feet passing a 1/2-inch iron rod found, continuing along said common line in all for a total distance of 1057.16 feet to a 5/8-inch iron rod with cap stamped "Bury+Partners" set for the most westerly corner of said 36.284 acre tract of land and being in the southeasterly line of that called 20.81 acre tract of land described in deed to the City of Mesquite recorded in Volume 79027, Page 1251, DRDCT;

THENCE North 45°07'18" East along the northwesterly line of said 36.284 acre tract, same being the southeasterly line of said 20.81 acre tract of land passing the most easterly corner of said 20.81 acre tract of land same being the most southerly corner of that called 4.11 acre tract of land described in deed to the City of Mesquite recorded in Volume xxxxx, Page xxx, DRDCT, continuing along the common line of said 36.284 acre tract of land and said 4.11 acre tract of land in all for a total distance of 652.58 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 566,280 square feet or 13.000 acres of land