

ORDINANCE NO. 3435
File No. 1157-25

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

1. A minimum lot size of 5,000 square feet with a maximum of 14 lots permitted.
2. No alleys shall be required provided that at least 50% of the lots shall be designed with side-loaded garage entry and no more than 50% may have direct front entry garages with minimum nine-foot garage doors separated by a masonry column.
3. A minimum unit size of 1,800 square feet.
4. Front Setback: 20-feet (with alley access)
 25-feet (without alley access)
Exterior Side: 10-feet
Interior Side: 5-feet
Rear Setback: 10-feet
5. Arterial screening per Section 1A-305.A of the Mesquite Zoning Ordinance with matching characteristics of brick, color, etc., to the existing wall in the adjacent Palos Verdes No. 11 subdivision.

That the subject property is a 3.1299-acre tract located approximately 200 feet west of the Belt Line Road and Northwest Drive intersection 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.

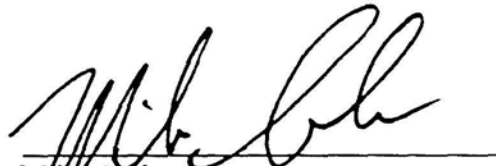
SECTION 3. That the foregoing change shall be, and is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite including Ordinance No. 3042 of the Mesquite City Code.

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.

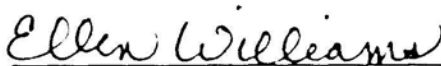
SECTION 6. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 16th day of July, 2001.



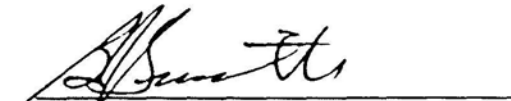
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

Field Notes
File No. 1157-25

STATE OF TEXAS
COUNTY OF DALLAS

Whereas We, Affi International, Inc., are the owners of a tract of land situated in the Josiah Phelps a tract of land situated in the Josiah Phelps Survey, Abstract No. 1157, City of Mesquite, Dallas County, Texas, as recorded in Volume 2000237, Page 05698, Deed Records, Dallas County, Texas, said tract also being a portion of that certain 11.7747 acre tract described in deed as Tract No. 10, as conveyed to Gary W. Sibley, trustee, according to the deed recorded in Volume 83111, Page 1074, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at a capped iron rod found stamped Lands and Associates and being north 89 degrees 58 minutes 59 seconds West a distance of 209.95 feet from the intersection of the west right-of-way line of Belt Line Road (variable width right-of-way) and the north right-of-way line of Northwest Drive (100' right-of-way), said point being the Point of Curvature of a curve to the right having a central angle of 62 degrees 06 minutes 16 seconds and a radius of 460.00 feet which bears North 00 degrees 01 minutes 01 seconds East;

Thence, along said north right-of-way line and said curve to the right for an arc length of 498.61 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "PRP 4595" set for corner on the east line of the Palos Verdes No. 11-Phase Two Addition, an Addition to the City of Mesquite, according to the plat thereof recorded in Volume 87236, Page 1507, Deed Records, Dallas County, Texas;

Thence, along said east line, North 36 degrees 57 minutes 28 seconds East a distance of 249.39 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped "PRP 4595" set for corner; on the south line of a tract of land conveyed to Marty Dale as recorded in Volume 93014, Page 2029, Deed Records, Dallas County, Texas.

Thence, along said south line, South 88 degrees 46 minutes 53 seconds East a distance of 256.73 feet, to a 5/8 inch iron rod with a yellow plastic cap stamped "PRP 4595" set for corner;

Thence, South 00 degrees 01 minutes 01 seconds East a distance of 438.73 feet, to the Point of Beginning and containing 138,339 square feet or 3.1299 acres of land.