

ORDINANCE NO. 3492

File No. 1462-235

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 MULTIFAMILY AND GENERAL RETAIL TO PLANNED DEVELOPMENT MULTIFAMILY AT SIXTEEN UNITS PER ACRE 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 Multifamily and General Retail to Planned Development Multifamily at sixteen (16) units per acre subject to the following stipulations:

1. If the project is built in phases, the initial phase may have a maximum density of 16.5 units per acre.
2. The maximum number of units allowed on the entire tract shall not exceed 448.
3. The project shall be constructed to incorporate the amenities as itemized for a Class "A" property on the listings for Exterior Amenities, Interior Amenities and New Construction Amenities shown in the attached Exhibit "A" provided that compliance with the minimums set out in Section 2-501 of the Mesquite Zoning Ordinance shall be required in any case.

That the subject property is a 28.03-acre tract located approximately 400 feet southeast of the Windbell Drive and Gross Road intersection and is more fully described in the approved field notes in Exhibit "B" 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 Code of the City of Mesquite.

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.

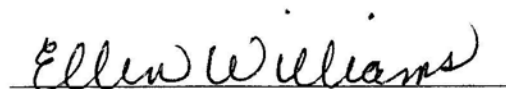
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of March, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

Exhibit A

CLASS "A" CONSTRUCTION AMENITIES

Club house (approximately 5,000-6,000 square feet) to include:

- A. Leasing center
- B. On site theater
- C. On site state of the art fitness center
- D. Game room with pool table and big screen TV
- E. Large club room/fireplace
- F. Open kitchen
- G. Business center for residents
- H. Will be located on Gross Rd. providing a statement of quality in the project and allow visitors access without violating security.
- I. This building will be elegantly furnished and provide residents 24 hour access to the public areas.

Exterior Amenities

- A. Resort style outdoor pool, hot tub/spa
- B. Park environment - enhanced landscaping
- C. Putting green
- D. Volleyball court
- E. Jogging trail
- F. Playground
- G. Limited access gates
- H. Intrusion alarms
- I. Valet trash service
- J. Garages/covered parking including one covered parking per each unit
- K. Must comply with material requirements (required) 50% brick min; 25% stucco min. but will probably exceed these minimums
- L. Taller buildings resulting from 9'-0" floor to ceiling dimensions
- M. Steeper pitched roofs and heavier roof materials
- N. More activity in roof design - offsets, opposing gables entry roof features
- O. Larger patios and balconies
- P. More elaborate window design, bay windows, stacking windows, arched top windows
- Q. More and better landscape due to higher budget
- R. Outdoor barbecue areas convenient to units
- S. Screening - we will provide a 6' high wrought iron fence around the property, with brick pilasters and cast stone caps at entry points and along Gross Rd. fencing. Landscaped areas will provide additional privacy screening.

Interior Amenities

- A. 9' ceilings in major rooms, vaulted ceilings
- B. Upgrade carpeting.
- C. Ceramic tile flooring
- D. Fireplaces.
- E. Built-in microwaves/vent hood above all ranges
- F. Self cleaning ovens
- G. Frost free refrigerators with ice makers
- H. Upgrade cabinetry
- I. Raised panel doors
- J. Ceiling fans in living rooms and bedrooms
- K. Garden tubs in all baths
- L. Washer/dryer connections in all units
- M. Intrusion alarms
- N. High speed internet access.
- O. Individual utility metering
- P. Individual hot water heaters.
- Q. Fully sprinkled buildings for ultimate fire protection.
- R. Resident pays water and electricity

Exhibit B
Field Notes, File No. 1462-235

BEING a tract of land out of the Daniel Tanner League, Abstract No. 1462 and also being a part of Tract No. 43, of the Daniel Tanner League partition as recorded in Volume 51, Page 283, Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for corner in the Northeast line of Gross Road (a 120 foot R.O.W.), said point being North 45 degrees 40 minutes, 15 seconds West along the Northeast line of said Gross Road, a distance of 845.78 feet to the Southwesterly most corner of NORTHRIDGE ESTATES NO. 6, an Addition to the City of Mesquite, Texas, as recorded in Volume 40, Page 37 of the Map Records of Dallas County, Texas.

THENCE North 44 degrees 27 minutes 38 seconds East, a distance of 311.25 feet to a 1/2" iron rod found for corner;

THENCE North 45 degrees 40 minutes 15 seconds West, a distance of 244.02 feet to a 1/2" iron rod found for corner;

THENCE North 44 degrees 27 minutes 38 seconds East, a distance of 298.80 feet to a 3/8" iron rod found for corner;

THENCE South 45 degrees 40 minutes 15 seconds East, a distance of 279.90 feet to a 3/8" iron rod set for corner;

THENCE North 44 degrees 19 minutes 45 seconds East, a distance of 195.93 feet to a 3/8" iron rod set for corner;

THENCE North 45 degrees 40 minutes 15 seconds West, a distance of 54.67 feet to a "X" found for corner;

THENCE North 44 degrees 19 minutes 45 seconds East, a distance of 76.50 feet to a 1/2" iron rod found for corner;

THENCE North 45 degrees 40 minutes 15 seconds West, a distance of 23.33 feet to a 1/2" iron rod found for corner;

THENCE North 44 degrees 19 minutes 45 seconds East a distance of 379.84 feet to a 1/2" iron rod found for corner;

THENCE North 45 degrees 40 minutes 15 seconds West, a distance of 210.31 feet to a 1/2" iron rod found for corner;

THENCE North 44 degrees 19 minutes 45 seconds East, a distance of 16.0 feet to a 3/8" iron rod set for corner;

THENCE North 45 degrees 40 minutes 15 seconds West, a distance of 228.0 feet to

a ½" iron rod found for corner;

THENCE South 44 degrees 19 minutes 45 seconds West, a distance of 28.0 feet to a ½" iron rod found for corner;

THENCE North 45 degrees 40 minutes 15 seconds West, a distance of 147.0 feet to a ½" iron rod found for corner;

THENCE North 44 degrees 24 minutes 14 seconds East, a distance of 41.96 feet to a ½" iron rod found for corner;

THENCE North 45 degrees 29 minutes 48 seconds West, a distance of 29.92 feet to a 3/8" iron rod found for corner;

THENCE North 44 degrees 20 minutes 53 seconds East, a distance of 298.07 feet to a ½" iron rod found for corner;

THENCE South 45 degrees 40 minutes 15 seconds East, a distance of 1083.98 feet to a ½" iron rod found for corner;

THENCE South 44 degrees 27 minutes 38 seconds East, a distance of 568.41 feet to a 5/8" iron rod found for corner;

THENCE South 45 degrees 40 minutes 15 seconds East, a distance of 308.76 feet to a 3/8" iron rod found for corner;

THENCE South 44 degrees 25 minutes 10 seconds West, a distance of 411.97 feet to a 3/8" iron rod set for corner;

THENCE South 44 degrees 27 minutes 38 seconds West, a distance of 610.0 feet to a fence post for corner in the Northeast line of said Gross Road;

THENCE North 45 degrees 40 minutes 15 seconds West along the Northeast line of said Gross Road, a distance of 731.58 feet to the PLACE OF BEGINNING and containing 1,220,882.5 square feet or 28.030 acres of land.

