

ORDINANCE NO. 3817
File No. 1462-250

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 – LIGHT COMMERCIAL AND DUPLEX TO PLANNED DEVELOPMENT – TOWNHOUSE 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 (\$2,000.00) DOLLARS 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 on property zoned Planned Development – Light Commercial and Duplex to Planned Development – Townhouse subject to the following stipulations:

1. A maximum density of 10 units per acre.
2. A minimum lot size of 3,000 square feet.
3. A minimum dwelling unit size of 1,500 square feet.
4. Minimum setbacks:
 - a. Front yard: 20 feet.
 - b. Exterior side yard: per Fire and Building Codes.
 - c. Rear yard: 10 feet when front-entry garage and 20 feet when rear-entry garage.
5. Maximum height: two stories or 35 feet.
6. Parking:
 - a. Two off-street spaces per unit.
 - b. One visitor space per two units.
7. A structure shall include no more than four dwelling units.
8. The Development Site Plan shall require City Council approval.

That the subject property is a 10.69-acre tract located at the southwest corner of the Scyene Road and Peachtree Road intersection, and is more fully described in the approved field notes 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 are 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.

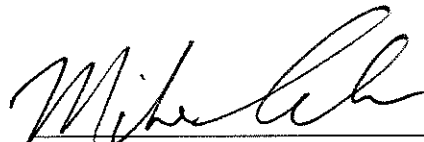
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 (\$2,000.00) Dollars for each offense.

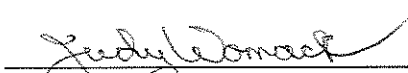
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 5th day of September, 2006.




Mike Anderson
Mayor

ATTEST:



Judy Womaek
City Secretary

APPROVED:



B. J. Smith
City Attorney

FIELD NOTE DESCRIPTION

BEING two tracts of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, being part of a tract of land conveyed by deed from Skyline Investex Joint Ventur to LBJ East Joint Venture as recorded in Volume 84187, Page 4810, Deed Records of Dallas County, Texas and being more particularly described as follows:

TRACT I

BEGINNING at a ½ inch iron rod found for the intersection of the south right-of-way line of Scyene Road (100' width) and the east right-of-way line of Peachtree Road (60' width);

THENCE North 69° 18' 57" East along said south right-of-way line a distance of 455.88 feet to a ½ inch iron rod found in the centerline of new Peachtree Road (50' to east right-of-way line);

THENCE South 20° 20' 03" East along said centerline a distance of 101.92 feet to a ½ inch iron rod found for the beginning of a circular curve to the right having a central angle of 53° 00' 56" and a radius of 802.28 feet;

THENCE along said circular curve to the right and continuing along said centerline an arc distance of 742.35 feet and a chord bearing and distance of South 06° 10' 25" West 716.15 feet to a ½ inch iron rod found for the point of tangency;

THENCE South 32° 40' 53" West continuing along said centerline a distance of 156.02 feet to a ½ inch iron rod set for corner;

THENCE North 57° 19' 07" West a distance of 344.90 feet to ½ inch iron rod set in the east right-of-way line of aforementioned Peachtree Road;

THENCE North 01° 00' 09" West along said east right-of-way line a distance of 591.71 feet to the POINT OF BEGINNING and CONTAINING 8.3396 acres or 363,275 square feet of land of which 1.1214 acres (48,850 square feet) lies within proposed right-of-way of new Peachtree Road giving a net acreage of 7.2182 acres (344,425 square feet).

TRACT II

COMMENCING at a ½ inch iron rod found for the intersection of the South right-of-way line of Scyene Road (100' width) and the east right-of-way line of Peachtree Road (60' width);

THENCE South 01° 00' 09" East along said east right-of-way line a distance of 591.71 feet to a ½ inch iron rod set for the POINT OF BEGINNING;

THENCE South 57° 19' 07" East a distance of 344.90 feet to a ½ inch iron rod set for corner in the centerline of new Peachtree Road (50' to east right-of-way line);

THENCE South 32° 40' 53" West along said centerline a distance of 352.06 feet to a ½ inch iron rod found for the beginning of a circular curve to the left having a central angle of 17° 08' 58" and a radius of 725.00 feet;

THENCE along said circular curve to the left and continuing along said centerline an arc distance of 217.00 feet and a chord bearing and distance of South 24° 06' 24" West 216.19 feet to a ½ inch iron rod found for the end of curve, said rod being in the east right-of-way line of aforementioned Peachtree Road;

THENCE North 01° 00' 09" West along said east right-of-way line a distance of 680.00 feet to the POINT OF BEGINNING and CONTAINING 2.0830 acres or 90,735 square feet of land of which 0.5810 acres (25,310 square feet) lies within proposed right-of-way of new Peachtree Road giving a net acreage of 1.5020 acres (65,425 square feet).

Vol. 85144, Pg. 3770
D.R.D.C.T.

N. 69° 31' 10" E
118.74'
ROAD

E.M.H.
P/P

N 80°
29'

5/8" I.R.

5/8" I.R.F.

$\Delta = 15^\circ 12' 01''$
 $R = 852.28'$
 $T = 113.72'$
 $L = 226.11'$
 $CH = N. 07^\circ 58' 4'' E$
 $225.44'$

Tract III
467,062 Sq. Ft.
10.7223 Acres

S 89° 41' 43" W 675.52'

50' Dedication
Vol. 83110, Pg. 0141

$\Delta = 53^\circ 00' 56''$
 $R = 802.28'$
 $T = 400.14'$
 $L = 742.35'$
 $CH = S 06^\circ 10' 25'' W$
 $716.15'$

TOWN RIDGE ADDITION
FIRST INCREMENT
Vol. 44144, Pg. 4961

Tract II
25,310 Sq. Ft.
0.5810 Acres
Within Prop. R.O.W.

$\Delta = 17^\circ 08' 58''$
 $R = 725.00'$
 $T = 109.32'$
 $L = 217.00'$
 $CH = S 24^\circ 06' 24'' W$
 $216.19'$

CHS. MK. AT
INTER.

EX. ABST. No. 146
ABST. No. 74

Pt. of Beginning - Tract I
of Commencing - Tract II

Pt. of Beginning
Tract II

SCYENE

ROAD

PEACHTREE

PEACHTREE RD.

NEW

N. 01° 00' 09" W. 591.71'

N. 79° 05' 03" W. 680.00'

N. 57° 19' 07" W. 344.90'

Tract II
90,735 Sq. Ft.
2.0830 Acres

Tract I
363,275 Sq. Ft.
8.3396 Acres
50' to be Dedicated to
Peachtree R.I. R.O.W.

Tract I
48,850 Sq. Ft.
1.1214 Acres
Within Prop. R.O.W.

N. 69° 31' 10" E
181.00'

N. 69° 31' 10" E
224.28'

S. 20° 20' 03" E
450.88'

S. 32° 40' 53" W.
156.02'

N. 20° 20' 03" E 101.32'

N. 20° 28' 50" N.
173.00'

N. 69° 31' 10" E
450.88'

N. 69° 31' 10" E
224.28'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'

S. 20° 20' 03" E
450.88'