

ORDINANCE NO. 3821
File No. 1461-140

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 LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – RETIREMENT HOUSING 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 Light Commercial to Planned Development – Retirement Housing subject to the following stipulations:

1. The site shall be developed in accordance with the details and standards listed below all of which are incorporated into the Concept Plan attached hereto as Exhibit “A” and made a part of this ordinance for all purposes:
 - (a) Lot Size: 19.39 Acres
 - (b) Total Units: 96 Dwelling Units
 - (c) Density: 4.75 Dwelling Units an Acre
 - Phase One: 24 Homes and Clubhouse
 - Phase Two: 33 Homes, Bridge
 - Phase Three: 11 Duplexes (22 Units),
13 Homes (35 Units)
 - (d) Setbacks: 10 Feet
 - (e) Building Separation: 10 Feet
 - (f) Building Heights: Clubhouse: 28 Feet, Nine Inches

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|-------------------------|--|-------------------------------------|
| | Detached: | 25 Feet, Two Inches |
| | Duplex: | 29 Feet, Six Inches |
| (g) Living Area: | Detached: | 1,500 Square Feet–2,200 Square Feet |
| | Duplex: | 1,850 Square Feet |
| (h) Parking: | Two-Car Garage per Unit | |
| (i) Screening/Security: | Wrought Iron Fencing With Decorative Brick
Around Entire Perimeter. | |
| (j) Road Width: | 24 Feet, With No On-Street Parking Permitted.
All Driveways Will Be A Minimum of 20 Feet. | |

2. In addition to the proposed wrought iron fence, planting screens shall be added along the entire perimeter of the site. Denser landscaping in the form of a continuous evergreen screen shall be added to the perimeter along Northwest Drive and Republic Parkway. In addition, homes backing up to Northwest Drive and Republic Parkway shall be constructed of 100 percent masonry material.
3. Prior to building the second phase the applicant is required to construct a second access to service emergency vehicles. No building permits for a unit in the second phase shall be issued until the construction of this second access is completed.
4. This development is intended for Retirement Housing as such is defined and permitted by state and federal fair housing laws and the development shall include but not be limited to the following conditions:
 - a. 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.
 - b. The housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.
 - c. The housing facility has significant facilities and services specifically designed to meet the physical or social needs of older persons.
 - d. One hundred percent of the occupied units shall be occupied by at least one person who is 62 years of age or older.

That the subject property is a 19.39-acre tract located northwest of the Northwest Drive and I-30 interchange, 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 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 18th day of September, 2006.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

PROPOSED PLANNED DEVELOPMENT DISTRICT DESCRIPTION

BEING all that certain tract of land situated in the Theophalus Thomas Survey, Abstract Number 1461, City of Mesquite, Dallas County, Texas, and being a portion of that certain tract of land described as Tract 3 in that certain Special Warranty Deed to Audubon Partners, LTD. recorded in Volume 94033, at Page 2414, Deed Records, Dallas County, Texas, subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod with "Bury & Partners" cap found for corner in the southerly right-of-way line of Northwest Drive (100' right-of-way), said iron rod also being the most easterly corner of that certain tract of land know as Lot 1, Block A, Mesquite Senior's Addition, an addition to the City of Mesquite as recorded in Volume 2004209, Page 4, Plat Records, Dallas County, Texas;

THENCE South $56^{\circ}38'55''$ East, with said southerly right-of-way line of Northwest Drive, a Distance of 572.30 feet to a 1/2 inch iron rod with "Pacheco & Koch" cap found for corner at the beginning of a non-tangent curve to the left having a central angle of $19^{\circ}40'48''$, a radius of 627.42 feet, a tangent length of 108.83 feet and a chord which bears S $66^{\circ}22'54''$ E, 214.45 feet;

THENCE with said southerly right-of-way line and with said non-tangent curve to the left an arc distance of 215.51 feet to a 1/2 inch iron rod found for corner;

THENCE South $76^{\circ}26'04''$ East, with said southerly right-of-way line, a distance of 124.68 feet to a 1/2 inch iron rod found for corner at the beginning of a non-tangent curve to the right having a central angle of $8^{\circ}59'30''$, a radius of 1220.62 feet, a tangent length of 95.98 feet and a chord which bears S $71^{\circ}38'35''$ E, 191.36 feet;

THENCE with said southerly right-of-way line and with said non-tangent curve to the right an arc distance of 191.56 feet to an "X" cut in a concrete headwall found for corner;

THENCE South $67^{\circ}18'13''$ East, with said southerly right-of-way line, a distance of 410.16 feet to a 1/2 inch iron rod found for corner at the beginning of a tangent curve to the right having a central angle of $18^{\circ}05'54''$, a radius of 880.21 feet, a tangent length of 140.18 feet and a chord which bears S $58^{\circ}15'16''$ E, 276.88 feet;

THENCE with said southerly right-of-way line and said tangent curve to the right an arc distance of 278.04 feet to a point for corner;

THENCE South $40^{\circ}47'40''$ West, leaving said southerly right-of-way line and crossing the aforementioned Tract 3, a distance of 235.53 feet to a point for corner at the beginning of a tangent curve to the right having a central angle of $26^{\circ}24'31''$, a radius of 680.00 feet, a tangent length of 159.55 feet and a chord which bears S $53^{\circ}59'55''$ W, 310.66 feet;

THENCE continuing across said Tract 3 with said tangent curve to the right an arc distance of 313.42 feet to a point on the northeast line of that certain tract of land described in