

ORDINANCE NO. 3851
File No. 1461-142

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-DUPLEX 1211 (PD-1211), PLANNED DEVELOPMENT-DUPLEX 1920 (PD-1920) AND SPECIAL PERMIT-DUPLEX 832 (SP-832) TO PLANNED DEVELOPMENT – RETIREMENT CAMPUS 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-Duplex 1211 (PD-1211), Planned Development-Duplex 1920 (PD-1920) and Special Permit-Duplex 832 (SP-832) to Planned Development – Retirement Campus subject to the following stipulations:

1. The property shall be used only for retirement living, which shall include nursing homes, convalescent homes, group homes, senior homes, assisted living facilities, a wellness center, offices and other uses that support the retirement campus and are incidental to retirement living.
2. All prior site plans for the property are hereby merged and amended to include the development of a wellness center with parking according to the Concept Plan attached hereto as Exhibit "A" and made a part of this ordinance for all purposes. The site plan for the wellness center with parking shall meet all applicable development standards of the City.
3. Use of the wellness center shall be restricted to residents and employees of the retirement campus.
4. The site plan shall be approved by staff.

That the subject property is a 23.73-acre tract located at 1000 Wiggins Parkway at the northeast corner of Northwest Drive and IH-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.

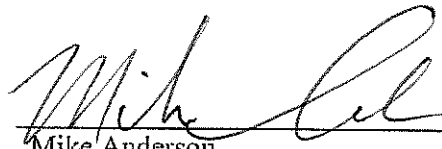
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of 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 16th day of January, 2007.



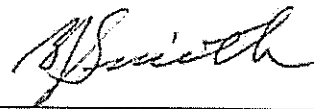
Mike Anderson
Mayor

ATTEST:

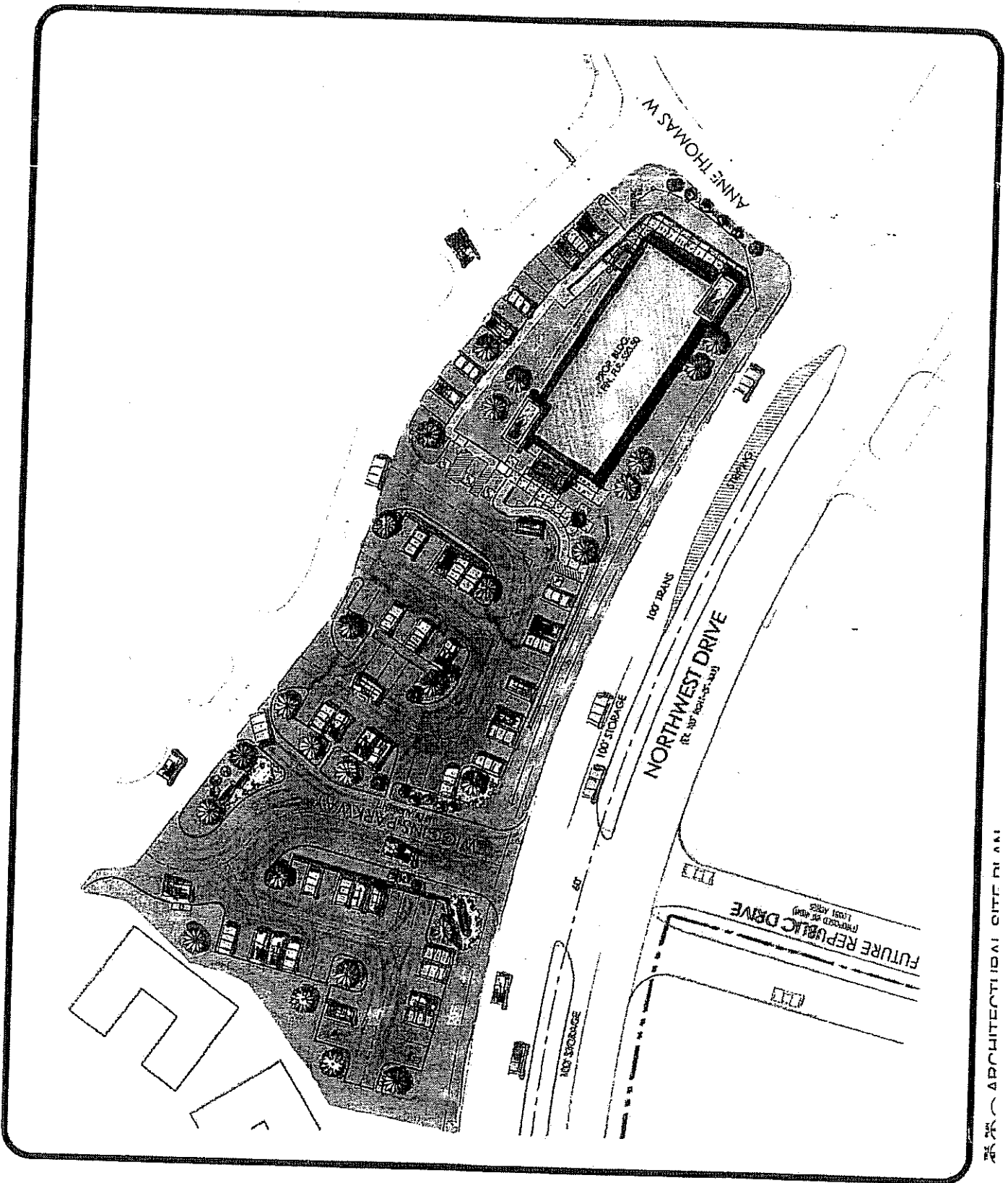
APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney



Field Notes
File No. 1461-142

BEING a 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 conveyed to Charitable Properties, Inc., a Texas not-for-profit corporation according to the General Warranty Deed recorded in Volume 2004073, Page 4458, Deed Records, Dallas County, Texas, said tract also being a portion of that certain tract of land described as Christian Care Center, Block A, Lot 1R - Revised as recorded in Volume 2001098, Page 5209, Deed Records, Dallas County, Texas, subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the northeast right-of-way line of Northwest Drive (100' right-of-way) as recorded in Volume 525, Page 2149, Deed Records, Dallas County, Texas, said point also being the most westerly southwest corner of that certain 38 foot Access Easement recorded in said Christian Care Center, from whence the southwest corner of said Charitable Properties, Inc. tract bears S 31°34'30" W, 132.22 feet;

THENCE North 31°34'30" West, with said northeast right-of-way line of Northwest Drive, a distance of 118.08 feet to a 1/2 inch iron rod found for corner at the beginning of a curve to the left having a central angle of 35°45'00", a radius of 980.21 feet, a tangent length of 316.13 feet and a chord which bears N 49°27'00" W, 601.73 feet;

THENCE with said northeast right-of-way line of Northwest Drive and said curve to the left, an arc distance of 611.61 feet to a 1/2 inch iron rod found for corner;

THENCE North 67°19'30" West, with said northeast right-of-way line of Northwest Drive, a distance of 410.30 feet to an X found cut on a headwall for corner at the beginning of a curve to the left having a central angle of 9°00'00", a radius of 1320.62, a tangent length of 103.94 feet and a chord which bears N 71°49'30" W, 207.23 feet;

THENCE with said northeast right-of-way line of Northwest Drive and said curve to the left, an arc distance of 207.44 feet to a 5/8 inch iron rod found for corner;

THENCE North 76°19'30" West, with said northeast right-of-way line of Northwest Drive, a distance of 125.00 feet to a 1/2 inch iron rod with NDM cap set for corner, from whence a 1/2 inch iron rod found bears N 74°09'39" E, 0.28 feet, said iron rod with NDM cap at the beginning of a curve to the right having a central angle of 7°25'38", a radius of 528.44 feet, a tangent length of 34.30 feet and a chord which bears N 72°36'41" W, 68.45 feet;

THENCE with said northeast right-of-way line of Northwest Drive and said curve to the right, an arc distance of 68.50 feet to a 1/2 inch iron rod with NDM cap set for corner, from whence a 1/2 inch iron rod found bears S 49°58'40"W, 0.36 feet, said iron rod with NDM cap being the southeast corner of that certain tract of land described to the City of Mesquite in that Warranty Deed recorded in Volume 69167, Page 1252, Deed Records, Dallas County, Texas;

THENCE North $44^{\circ}10'40''$ East, leaving said northeast right-of-way line of Northwest Drive and with the southeast line of said City of Mesquite tract, a distance of 107.21 feet to a 1/2 inch iron rod with JDJR cap found for corner, said iron rod also being a southeast corner of that certain tract of land described to the City of Mesquite in that Warranty Deed recorded in Volume 69167, Page 1236, Deed Records, Dallas County, Texas;

THENCE North $86^{\circ}49'40''$ East, leaving said southeast line of the City of Mesquite tract recorded in Volume 69167, Page 1252 and going with a southerly line of said City of Mesquite tract recorded in Volume 69167, Page 1236, a distance of 1211.71 feet to a 1/2 inch iron rod with NDM cap set for corner, from whence a 1/2 inch iron rod with JDJR cap found bears N $08^{\circ}41'28''$ W, 0.23 feet;

THENCE North $79^{\circ}15'40''$ East, with said southerly line of the City of Mesquite tract recorded in Volume 69167, Page 1236, a distance of 463.80 feet to a 1/2 inch iron rod found for corner;

THENCE South $26^{\circ}44'50''$ East, with a southwesterly line of said City of Mesquite tract recorded in Volume 69167, Page 1236, a distance of 773.52 feet to a 1/2 inch iron rod with JDJR cap found for corner in the northerly right-of-way line of Interstate Highway 30 (variable width right-of-way) at the beginning of a non-tangent curve to the left having a central angle of $2^{\circ}31'08''$, a radius of 11773.93 feet, a tangent length of 258.85 feet and a chord which bears S $61^{\circ}20'12''$ W, 517.57 feet;

THENCE with said northerly right-of-way line and said non-tangent curve to the left an arc distance of 517.62 feet to the beginning of a non-tangent curve to the right having a central angle of $47^{\circ}56'10''$, a radius of 217.50 feet, a tangent length of 96.69 feet and a chord which bears S $87^{\circ}10'24''$ W, 176.71 feet;

THENCE leaving said northerly right-of-way line, crossing said Christian Care Center, going with the southerly line of the aforementioned Access Easement and with said non-tangent curve to the right an arc distance of 181.97 feet to the beginning of a curve to the left having a central angle of $52^{\circ}43'20''$, a radius of 182.50 feet, a tangent length of 90.44 feet and a chord which bears S $84^{\circ}46'49''$ W, 162.07 feet;

THENCE crossing said Christian Care Center, with said southerly line of the Access Easement and with said curve to the left an arc distance of 167.93;

THENCE South $58^{\circ}25'10''$ West, with said southerly line of the Access Easement and crossing said Christian Care Center, a distance of 10.00 feet;

THENCE South $13^{\circ}25'10''$ West, with said southerly line of the Access Easement and crossing said Christian Care Center, a distance of 28.04 feet to the POINT OF BEGINNING and containing 23.7269 acres (or 1,033,545 square feet) of land, more or less, as surveyed by Nathan D. Maier Consulting Engineers, Inc., March, 2006.