

ORDINANCE NO. 4703

File No. Z0519-0096

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL WITH AN UNDERLYING ZONING DISTRICT OF R2-A ON PROPERTY LOCATED AT 6401 SHANNON ROAD TO ALLOW FOR THE DEVELOPMENT OF A SINGLE-FAMILY SUBDIVISION SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The subject property (“Property”) is described as being an approximately 13.254-acre tract of undeveloped land in the S.A. Haught Survey Abstract No. 567, City of Mesquite, Dallas County, Texas, more fully described in the legal description and map attached as Exhibit “A,” and located at 6401 Shannon Road.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Agriculture to Planned Development – Single Family Residential, with an underlying zoning district of R2-A so any standards which are silent in the Planned Development will revert to the R2-A standards, to allow for the development of a single-family subdivision subject to the following stipulations:

1. Except as provided herein, the plat and site plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit “B.”
2. The minimum living area for homes shall be 2,000 square feet.
3. A six-foot masonry wall and a 10-foot landscape buffer shall be provided along Shannon Road.
4. No home shall be of the same front elevation design as any other home within an eight-home/lot distance to each side nor across the street.

5. A mandatory homeowner's association shall be created and utilized to maintain the open space and the screening wall.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

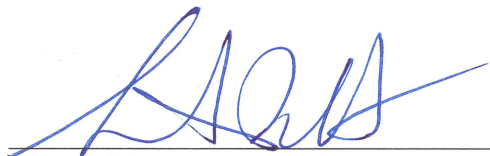
SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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.

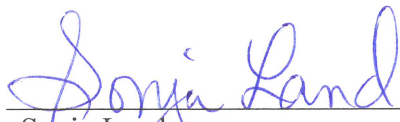
SECTION 6. Any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of August 2019.

  
\_\_\_\_\_  
Stan Pickett  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
David L. Paschall  
City Attorney

## PROPERTY DESCRIPTION

BEING a 13.254 acre tract of land situated in the S.A. Haught Survey, Abstract No. 567, City of Mesquite, Dallas County, Texas, and being part of a called 80.23 acre tract of land described in a Deed to Carl Porter Caldwell, Jr., GST Trust, Carl Porter Caldwell, Jr., Trustee, and William David Caldwell, II, recorded as Instrument No. 201600269744, Deed Records, Dallas County, Texas (DRDCT), and being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod with a yellow plastic cap, stamped "RPLS 3963", found in the southwest right-of-way line of Shannon Road as established by Deed recorded in Volume 67181, Page 718 (DRDCT) at the most southern corner thereof, said point also being in a southeast line of said 80.23 acre tract common to a northwest line of Highland Meadows Phase 1, an addition to the City of Seagoville, Dallas County, Texas, recorded in Volume 2005138, Page 181 (DRDCT);

THENCE South 44°28'30" West, along the common line of last mentioned tracts a distance of 500.02 feet, to a point for corner;

THENCE North 46°03'50" West, across said 80.23 acre tract, a distance of 1152.18 feet, to a point for corner in a northwest line of said 80.23 acre tract common to the southeast line of a called 4.376 acre tract of land described in a Deed to Jose L. Serna and Norma Lopez, recorded as Instrument No. 200600368619, Official Public Records of Dallas County, Texas (OPRDCT);

THENCE North 43°54'27" East, along and near a fence line on the southeast line of said 4.376 acre tract common to a northwest line of said 80.23 acre tract, a distance of 500.00 feet, to a point for corner at the most eastern corner of said 4.376 acre tract, said point being in the southwest right-of-way of said Shannon Road, from which 1 1/2" axle found for reference bears North 48°55'37" East a distance of 1.44 feet;

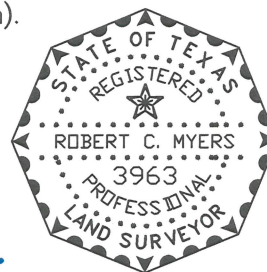
THENCE South 46°03'50" East, along the southwest right-of-way line of said Shannon Road, a distance of 1157.14 feet, to the POINT OF BEGINNING and containing 557,330 square feet, or 13.254 acres.

This document was prepared under 22 TAC 663.21, and does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared (City limit delineation).



ROBERT C. MYERS

R.P.L.S. NO. 3963

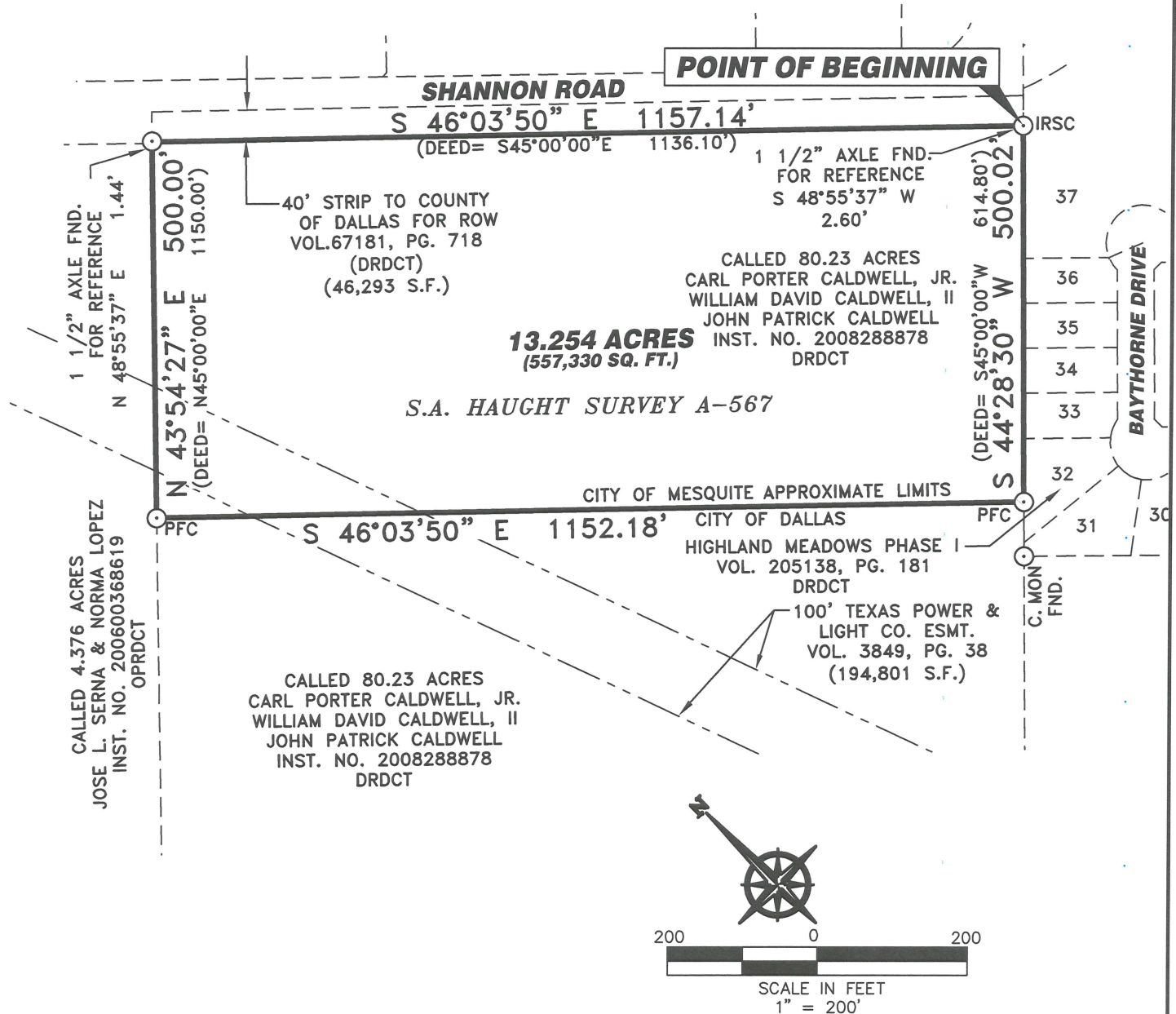


**R.C. MYERS SURVEYING, LLC**  
**488 ARROYO COURT**  
**SUNNYVALE, TEXAS, 75182**

**OFFICE 214-532-0636**  
**FIRM NO. 10192300**  
**rcmsurveying@gmail.com**

DRAWN BY MZG	SCALE 1"=200'	DATE 5-20-19	SHEET# 1 OF 2	JOB# 451B
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NOTE: City limit boundary line was established from City of Mesquite Ordinance No. 2003 passed on the 12th of March, 1984. No City of Dallas Ordinance was found to confirm this location.

#### NOTES / ABBREVIATIONS:

1. Basis of Bearings = State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983. Adjustment Realization CORS96.

2. IRSC = Found 5/8" iron rod with a yellow cap stamped "RPLS 3963". IRF = Iron rod found.

3. PFC = Point for corner (no iron rod found or set).

4. (CM) = Controlling Monument.

5. DRDCT = Deed Records, Dallas County, Texas

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DRAWN BY	SCALE	DATE	SHEET#	JOB#
MZG	1"=200'	5-20-19	2 OF 2	451B

