

ORDINANCE NO. 2319
File No. 161-9

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM PLANNED DEVELOPMENT (#1613) MULTIFAMILY TO GENERAL RETAIL WITH THE FOLLOWING STIPULATIONS: (1) THE CONCEPT PLAN PRESENTED TO CITY COUNCIL BE INCLUDED; (2) THE LANDSCAPE PLAN BE APPROVED; (3) AN 8 FOOT SCREENING WILL BE PROVIDED ON THE WEST AND NORTH PROPERTY LINE; (4) THE 3 FOOT STRIP ON THE NORTH SIDE, BETWEEN THE 8 FOOT SCREENING WALL AND THE ALLEY PAVEMENT BE PAVED; WITH THE 3 FOOT PAVEMENT SLOPED TO PREVENT THIS PAVED AREA FROM BEING A DRIVEABLE STRIP; (5) A \$3.00 PER LINEAR FOOT (NORTH AND WEST BOUNDARIES) ESCROW FEE TO ASSURE MAINTENANCE OF LANDSCAPING AND SCREENING; THE 9.5773 ACRE TRACT IS LOCATED 680 FEET WEST OF PIONEER ROAD, FRONTING THE NORTH SIDE OF BRUTON ROAD; CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY:

WHEREAS, the City Planning 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 change 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 Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from Planned Development (#1613) Multifamily to General Retail with the following stipulations: (1) the concept plan presented to City Council be included; (2) the landscape plan be approved; (3) an 8 foot screening will be provided on the west and north property line; (4) the 3 foot strip on the north side, between the 8 foot screening wall and the alley pavement be paved; with the 3 foot pavement sloped to prevent this paved area from being a driveable strip; (5) a \$3.00 per linear foot (north and west boundaries) escrow fee to assure maintenance of landscaping and screening; the 9.5773 acre tract is located 680 feet west of Pioneer Road, fronting the north side of Bruton Road; City of Mesquite, Dallas County, Texas, and being more fully described 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 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 Comprehensive Zoning Ordinance of 1973.

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. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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 subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 7. Whereas, 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 an 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 21st day of July A.D., 1986.


Mrs. Brunhilde Nysrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

EXHIBIT "A"

BEING a tract of land situated in the E. Barroux Survey, Abstract No. 161, City of Mesquite, Dallas County, Texas, and further being part of that tract of land conveyed to John J. Rygiel, Kenneth A. Satin, and Leonard P. Jongs, as recorded in Volume 79226, Page 729, of the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at the intersection of the West line of Pioneer Road (an 80' R.O.W.), with the North line of Bruton Road (a 100' R.O.W.), a point for corner:

THENCE along the said North line of Bruton Road the following:

North 39 degrees 41 minutes West, a distance of 169.72 feet to the beginning of a curve to the left, having a central angle of 30 degrees 00 minutes, and a radius of 509.91 feet, a point for corner;

Westerly around said curve, a distance of 319.30 feet to a point for corner:

South 60 degrees 19 minutes West, a distance of 84.80 feet to the PLACE OF BEGINNING, a 3/8" iron stake set for corner;

THENCE continuing along said North line of Bruton Road the following:

South 60 degrees 19 minutes West, a distance of 50.04 feet to the beginning of a curve to the right, having a central angle of 30 degrees 00 minutes, and a radius of 1069.62 feet, a 3/8" iron stake set for corner;

Westerly around said curve, a distance of 560.05 feet to a 3/8" iron stake set for corner;

South 0 degrees 19 minutes West, a distance of 20.0 feet to the North line of said Bruton Road (a 60' R.O.W. at this point), a 3/8" iron stake set for corner;

THENCE North 89 degrees 41 minutes West, along said North line of said Bruton Road, a distance of 125.0 feet to a 3/8" iron stake set for corner;

THENCE North 0 degrees 19 minutes East, leaving said North line of Bruton Road, a distance of 363.76 feet to the beginning of a curve to the left, having a central angle of 20 degrees 00 minutes, and a radius of 300.0 feet, a 3/8" iron stake set for corner;

THENCE Northerly around said curve a distance of 104.72 feet to a 3/8" iron stake set for corner;

THENCE North 19 degrees 41 minutes West, a distance of 156.0 feet to a 3/8" iron stake set for corner;

THENCE North 70 degrees 19 minutes East, passing at 161.57 feet the Southwest corner of Creek Park No. 1, an addition to the City of Mesquite, Texas, as recorded in Volume 82215, Page 4161, of the Dallas County Map Records, and proceeding along the South line of said Creek Park No. 1, a total distance of 187.50 feet to a 3/8" iron stake set for corner;

THENCE continuing along said South line of Creek Park No. 1, the following:

Easterly around a curve to the right, having a central angle of 20 degrees 00 minutes, and a radius of 430.0 feet, a distance of 150.19 feet to a 3/8" iron stake set for corner;

South 89 degrees 41 minutes East, passing at 347.27 feet the Southwest corner of Casa Terrace - 1st Section, an addition to the City of Mesquite, Texas, as recorded in Volume 43, Page 19, of the Dallas County Map Records, and proceeding along the South line of said Casa Terrace - 1st Section, a total distance of 367.27 feet to a 3/8" iron stake set for corner;

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11/6/7

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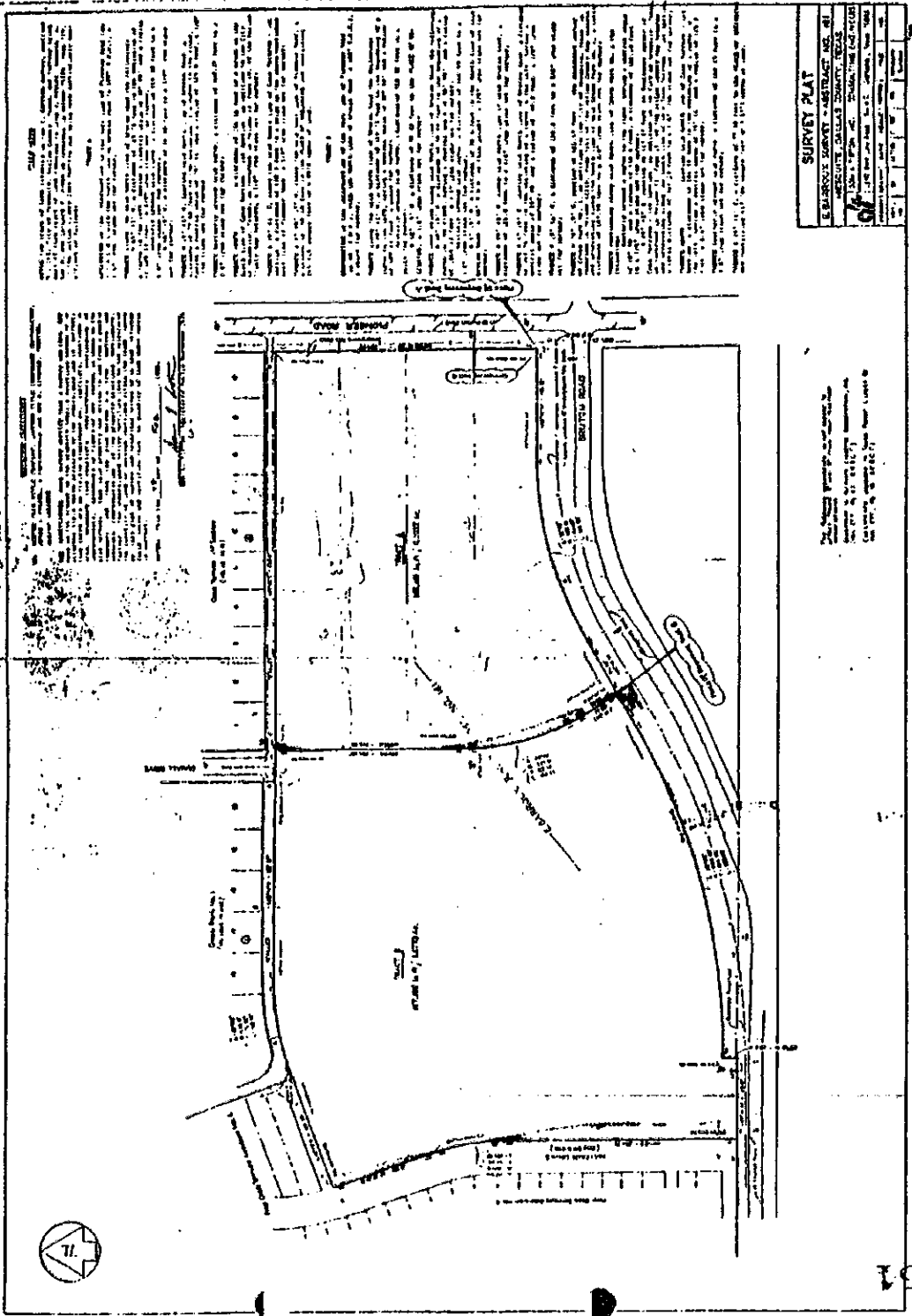
THENCE South, leaving said South line of Casa Terrace - 1st Section, a distance of 296.55 feet to the beginning of a curve to the left, having a central angle of 29 degrees 41 minutes, and a radius of 325.0 feet, a 3/8" iron stake set for corner;

THENCE Southerly around said curve, a distance of 168.37 feet to a 3/8" iron stake set for corner;

THENCE South 29 degrees 41 minutes East, a distance of 77.88 feet to the PLACE OF BEGINNING and CONTAINING 417,186 square feet or 9.5773 acres of land.

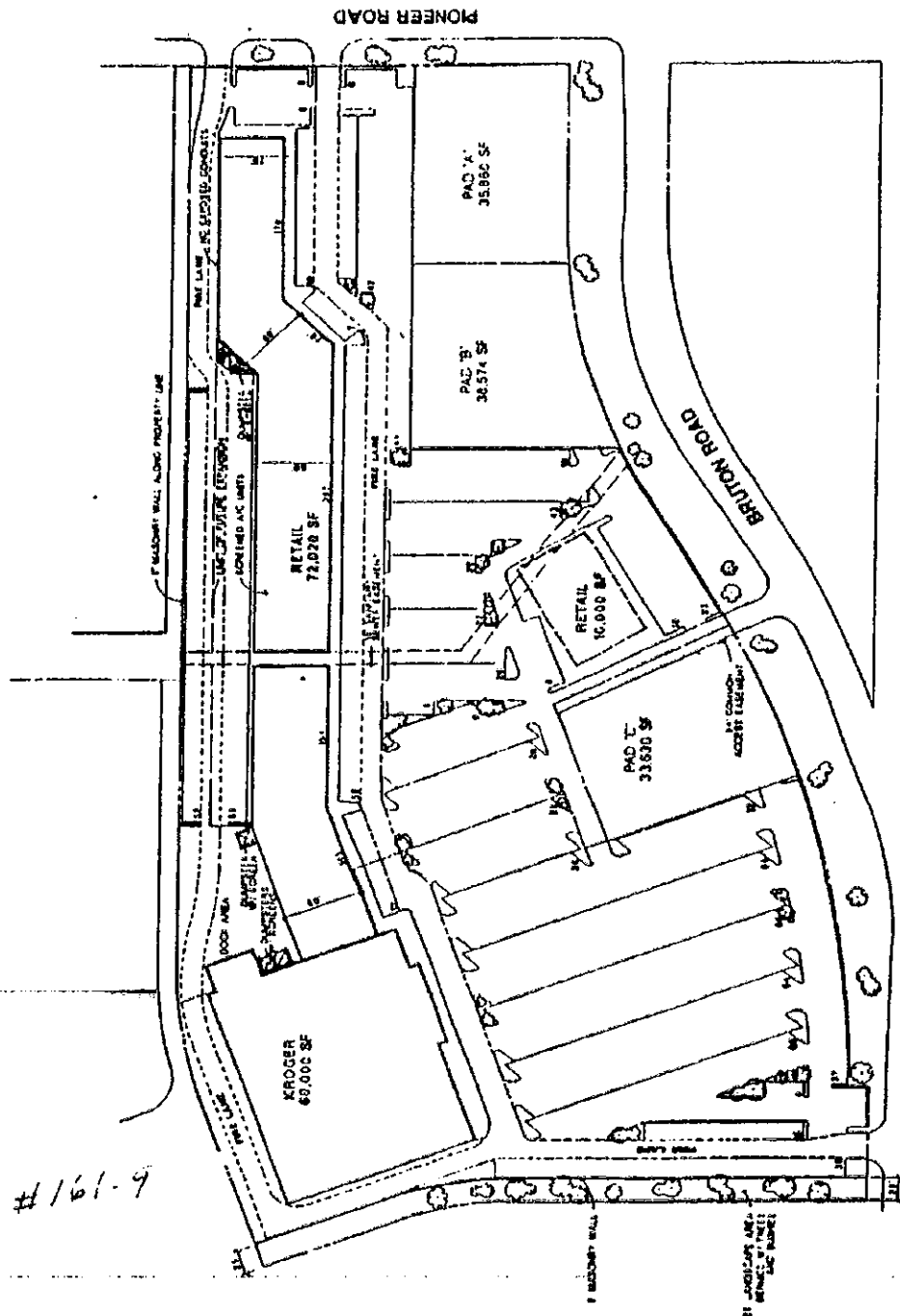
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6-19/14



SURVEY PLAT			
E. BARRON & SONS - SURVEYORS			
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150			
No.	Area	Remarks	Total
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Total			

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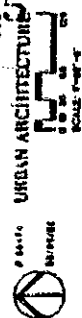


**BRUTON/PIONEER RD.
RETAIL**

a project of
THE JAMESTON INTERESTS

LAND AREA	574,542 SF
DEVELOPED	35,890 SF
PAD 'A'	36,574 SF
PAD 'B'	33,630 SF
PAD 'C'	68,205 SF
TOTAL	142,020 SF
BLDG. AREA	80,000 SF
KROGER	72,078 SF
RETAIL	10,000 SF
FUTURE RETAIL	142,020 SF
TOTAL	217,098 SF
COVERAGE	37.8%
PARKING	715
REQ'D < 1/200 SF >	900
PROVD	900

00155



URBAN ARCHITECTURE

SCALE: 1/8" = 1'-0"

#161-9

