

ORDINANCE NO. 2845

File No. 1095-30

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 GRANT A CHANGE OF ZONING FROM OFFICE TO PLANNED DEVELOPMENT GENERAL RETAIL; SUBJECT TO CERTAIN CONDITIONS AND RESTRICTIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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 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 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 grant a change of zoning from Office to Planned Development General Retail; located northeast of the Town East Boulevard and Town Centre Court intersection, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto, subject to the following conditions and restrictions:

A. Applicability of Ordinance No. 2048. Except as modified herein, all provisions, restrictions; and conditions contained in City of Mesquite Ordinance No. 2048 shall remain applicable to the subject tract.

B. Permitted Uses. Uses permitted in the Planned Development General Retail District shall be as follows:

1. Retail plant nurseries/garden supply stores.
2. All uses permitted in the General Retail Districts, except the following uses shall not be permitted:
  - 1) Uses excluded in City of Mesquite Ordinance No. 2048;
  - 2) Restaurants (eating facilities) of any kind;

- 3) Helicopter pads;
- 4) Pipelines;
- 5) Freestanding towers and antenna over 8 feet in height;
- 6) Grocery stores, meat and fish markets;
- 7) Auto supply stores;
- 8) Gasoline pumps and tanks
- 9) Pet shops;
- 10) Pawnshops;
- 11) Cemetery development/operations;
- 12) Coin laundries;
- 13) Equipment or truck rental;
- 14) Commercial parking lot;
- 15) Auto repair/repainting of all types;
- 16) Auto sales;
- 17) Car wash or related auto uses;
- 18) Reupholstery/furniture repair;
- 19) Public golf course; country club;
- 20) Coin operated amusement gameroom/video arcades;
- 21) Medical/psychiatric hospitals;
- 22) Nursing care facilities/hospitals
- 23) Specialty hospitals;
- 24) Child care services;
- 25) Residential care institutions;
- 26) Zoological gardens;
- 27) Civic/social/fraternal organizations;
- 28) Membership organizations;
- 29) Halfway houses.

C. Restrictions on use. The following restrictions on use shall be applicable to the Planned Development General Retail District:

1. The use of loudspeakers, pagers and/or outside public address systems shall not be permitted on the property.
2. Unless a continuous loading or unloading process is in progress, the parking of commercial trucks, truck tractors, semitrailers, or trailers shall be prohibited on the subject property for continuous periods of greater than two hours.
3. Deliveries made by commercial vehicles to businesses on the subject property shall be limited to the hours between 8:00 a.m. and 6:00 p.m.
4. Ponds, lakes or similar bodies of water shall not be permitted on the subject property.

D. Development Standards.

1. Generally. Except as modified herein, all standards prescribed for General Retail Districts shall be applicable to the subject property.
2. Building Heights and Setbacks. Setbacks for building heights shall be measured from the screening wall required herein and shall be as follows:
  - a. Single story structures shall be set back 50 feet from the required screening wall.
  - b. Two-story structures shall be set back 100 feet from the screening wall.
  - c. Buildings over two-stories in height shall not be permitted on the subject property.
3. Buffer Area and Screening. The buffering and screening requirements required and existing in accordance with City of Mesquite Ordinance No. 2048 shall be modified as they pertain to the subject property in accordance with the Concept Plan presented at the City Council Public Hearing on October 5, 1992, and attached hereto, entitled *Concept Plan* and made a part and incorporated herein for all purposes. In all other respects, the buffering and screening requirements of Ordinance No. 2048 shall remain in full force and effect. All buffering and screening requirements must be accomplished prior to construction above the slab on any structure on the subject tract. The buffering and screening requirements contained in the *Concept Plan* are described as follows:
  - a. Buffer expansion, landscaping and sidewalk. The existing landscape/buffer area shall be expanded as illustrated on the *Concept Plan* to 100 and 150 foot widths. Installation of grass, trees and shrubs adaptable to the area; and an irrigation system for the area shall be required. A detailed landscape plan shall be submitted for approval by the City of Mesquite Parks and Recreation Department as to the types of trees and shrubbery to be used. Also required, the installation of a continuous meandering sidewalk along the Palos Verdes No. 5 alley, across the DP&L right-of-way and along the east-west segment of the Willowglen alley, and installation of approved lighting along the sidewalk area.
  - b. Screening wall. An eight (8) foot high masonry screening wall built on an earthen berm at least one (1) foot higher than

the existing ground level shall be constructed in the location shown on the *Concept Plan*. The wall shall match the existing screening wall in every particular, and be designed in such a manner as to adequately address drainage considerations incidental to the construction of the wall. A single gate/door opening, as shown on the *Concept Plan*, shall be permitted in the screening wall. The opening shall be limited in use to the personnel of the plant nursery located on the subject property for the purpose of maintaining the required seasonal garden areas to be located on the subject property and described herein. The opening shall have a solid passage gate/door no greater than four feet in width which gate/door shall remain locked at all times when not in actual use by nursery personnel for the purpose of maintaining the seasonal gardens. Upon construction of the screening wall in the location indicated on the *Concept Plan* the portion of the existing screening wall replaced by the new wall shall be removed.

- c. Seasonal gardens. Three gardens maintained with seasonal plantings shall be provided on the residential side of the screening wall. These gardens shall be located as follows:
- 1) A garden at the southeastern end of the required screening wall adjacent to Town East Boulevard;
  - 2) A garden located at the point where the screening wall turns west;
  - 3) A garden immediately east of the DP&L right-of-way.
- d. Adjacent sidewalk. A sidewalk shall be constructed along Town East Boulevard from the subject property to Downing Way.
- e. Maintenance agreement. A maintenance agreement, cumulative of and complimentary to agreement(s) already in place and in effect with regard to the subject property, shall be required.

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 Mesquite Zoning Ordinance.

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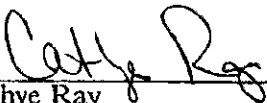
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, 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.

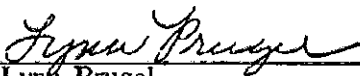
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and emergency for 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 2nd day of November, 1992.

  
Cathye Ray  
Mayor

ATTEST:

APPROVED:

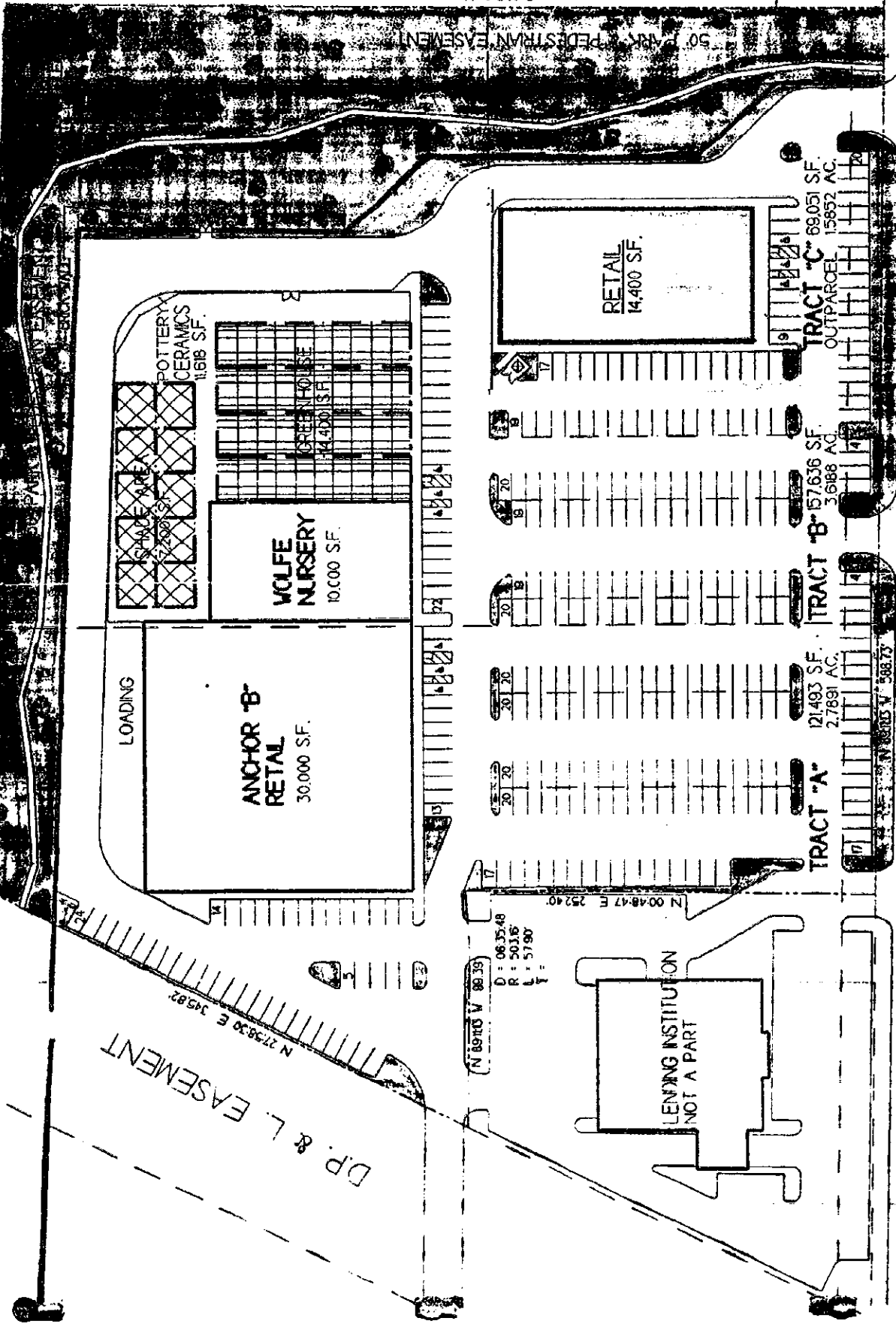
  
Lynn Prugel  
City Secretary

  
B.J. Smith  
City Attorney

00140

S 87.5716 E 568.80

S 00.5121 W 544.08



D.P. & L. EASEMENT  
N 27.830 E 345.82

LOADING

ANCHOR 'B'  
RETAIL  
30,000 SF.

WOLFE  
NURSERY  
10,000 SF.

GREENHOUSE  
14,400 SF.

POTTERY  
&  
CERAMICS  
1,688 SF.

RETAIL  
14,400 SF.

TRACT 'A'  
121,493 SF.  
2,789 AC.

TRACT 'B'  
157,636 SF.  
3,688 AC.

TRACT 'C'  
69,051 SF.  
1,592 AC.

LEWING INSTITUTION  
NOT A PART

N 88.810 W 88.39  
D = 08.3548  
R = 50.16  
L = 57.80

N 00.4847 E 252.40

N 88.810 W 568.75

TOWN EAST BLVD.

"CONCEPT PLAN"

EXHIBIT "A"

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00143

92062.PD

## PROPERTY DESCRIPTION

BEING A TRACT OF LAND SITUATED IN THE J.T. NELMS SURVEY, ABSTRACT NO. 1095, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING A PART OF A 9.480 ACRE TRACT OF LAND CONVEYED BY BASIL GEORGE TO LBJ EAST JOINT VENTURE BY DEED RECORDED IN VOLUME 84031, PAGE 1645 OF THE DALLAS COUNTY DEED RECORDS, SAID TRACT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTH LINE OF TOWN EAST BLVD (A VARIABLE WIDTH R.O.W.), SAID POINT OF BEGINNING BEING THE NORTHEAST CORNER OF AN 11.00 FEET WIDE STRIP OF R.O.W. GRANTED BY SPECIAL WARRANTY STREET DEED AS RECORDED IN VOLUME 85061, PAGE 2259 OF SAID DALLAS COUNTY DEED RECORDS;

THENCE: N 89° 11' 13" W, 588.73 FEET WITH THE NORTH LINE OF TOWN EAST BLVD. TO A POINT FOR CORNER;

THENCE: N 00° 48' 47" E, 252.40 FEET TO A POINT FOR CORNER IN A CURVE HAVING A CENTRAL ANGLE OF 06° 35' 46", A RADIUS OF 503.16 AND WHOSE CHORD BEARS S 87° 30' 54" W, A DISTANCE OF 57.98 FEET;

THENCE: WITH SAID CURVE IN A SOUTHWESTERLY DIRECTION, A DISTANCE OF 57.92 FEET TO A POINT;

THENCE: N 89° 11' 13" W, 99.40 FEET TO A POINT FOR CORNER IN THE EAST LINE OF A 125.00 FEET WIDE DALLAS POWER AND LIGHT R.O.W. RECORDED IN VOLUME 5535, PAGE 254 OF SAID DALLAS COUNTY DEED RECORDS;

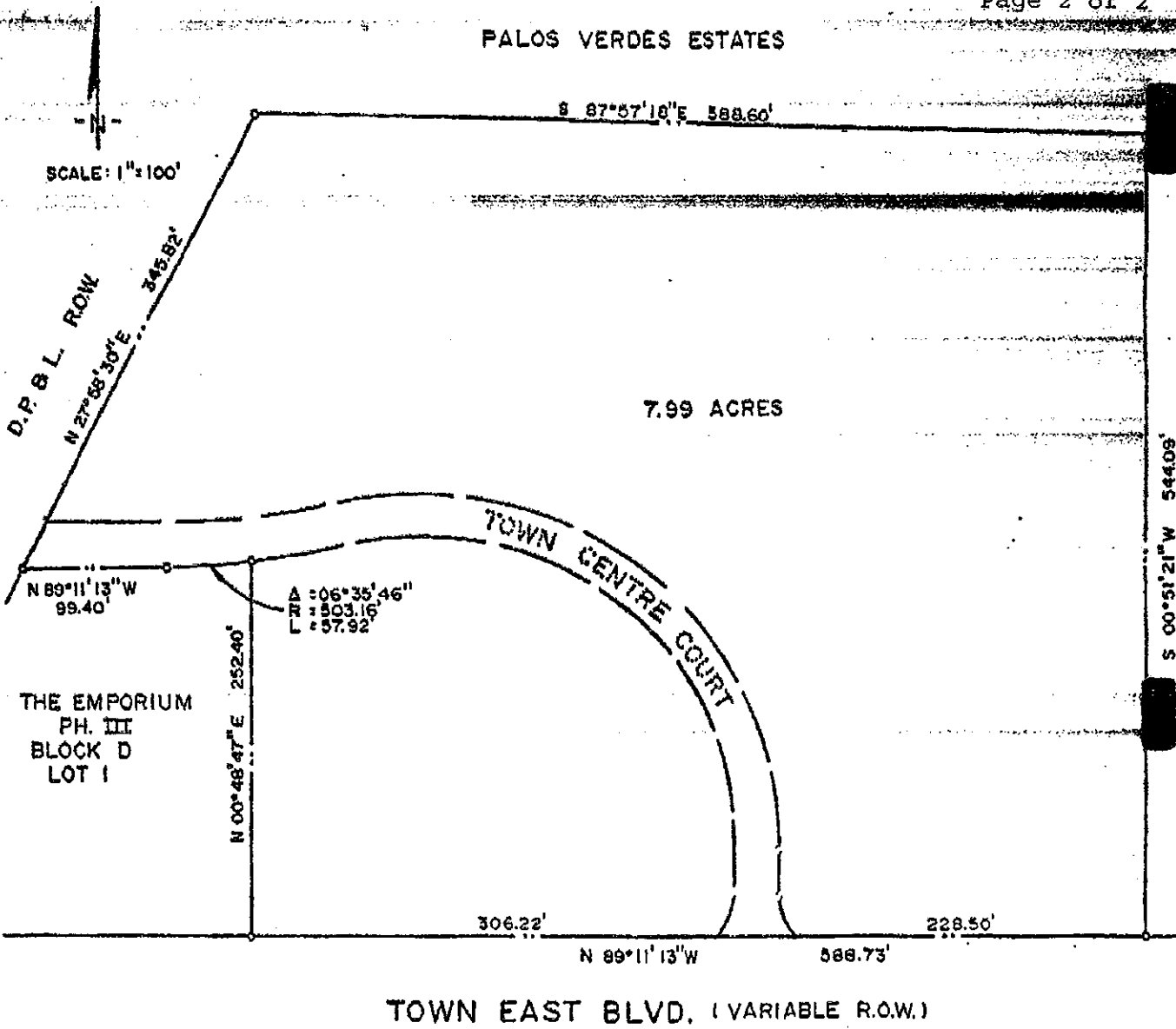
THENCE: N 27° 58' 30" E, 345.82 FEET WITH THE EAST LINE OF SAID DALLAS POWER AND LIGHT R.O.W. TO A POINT FOR CORNER;

THENCE: S 87° 57' 18" E, 588.60 FEET TO A POINT FOR CORNER;

THENCE: S 00° 51' 21" W, 544.09 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.99 ACRES (348,180 S.F.) OF LAND, MORE OR LESS.



PALOS VERDES ESTATES



7.99 ACRE TRACT  
TOWN EAST BLVD AT  
TOWN CENTRE COURT

OCT. 27, 19

CITY OF MESQUITE  
DALLAS COUNTY, TEXAS

LAWRENCE A. CATES & ASSOC.  
CONSULTING ENGINEERS

14200 MIDWAY RD., SUITE 122  
DALLAS, TEXAS 75244