

ORDINANCE NO. 3870
File No. SKB-4

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-SERVICE STATION TO PLANNED DEVELOPMENT-GENERAL RETAIL 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 - Service Station to Planned Development - General Retail subject to the following stipulations:

1. Only uses that are classified under the following SIC codes are permitted:

Retail:	56	Apparel, Accessory Stores
	57	Furniture, Home Furnishings
	58	Eating, Drinking Places
	5942	Book Stores
	5943	Stationary Stores
	5944	Jewelry Stores
	5945	Hobby, Toy, Game Shops
	5946	Camera, Photo Supply Shops
	5948	Luggage, Leather Goods Stores
	5949	Sewing, Needlework, Piece Goods Stores
	5992	Florists
	5995	Optical Goods Stores

Finance, Insurance, Real Estate	All	Except SIC 61, Nondepository Institutions
Personal Services	722 7291	Photographic, Portrait Studios Tax Preparation Services
Business Services	7334	Photocopying, Duplicating Services

2. Removal of the existing pole sign located on the site.
3. Future pole signs shall be prohibited.
4. Architectural design shall be consistent with the requirements of the proposed Community Appearance Manual.
5. Landscaping that includes:
 - a. One shade tree per 50 feet along right-of-way excluding the drive aisles.
 - b. Decorative plantings and/or landscaping around the monument sign.
 - c. A four-foot parking screen along the perimeter of any parking area parallel to the street.
 - d. Parking lot landscaping:
 - (1) One tree per 15 spaces located in the parking lot.
 - (2) Each tree shall be placed in a landscaped area no smaller than nine-feet by 18-feet.
 - e. Foundation landscaping around the building.
 - f. Enhance landscaping in southeast corner open space and the southwest corner open spaces with a combination of all the following:
 - (1) Bushes or hedges.
 - (2) At least two additional trees added in southeast corner.
 - (3) Flowerbeds and/or low ground plantings.
6. Masonry dumpster screening that matches the building.
7. Construction of sidewalk along the right-of-way.
8. The applicant shall file a revised site plan showing compliance with stipulations 1-7 prior to filing a building permit application.

That the subject property is a 30,625-square foot lot located at 3730 U. S. Highway 80 on the southeast corner of the South Town East Boulevard and U.S. Highway 80 intersection, and is more fully described in the approved field notes 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 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.

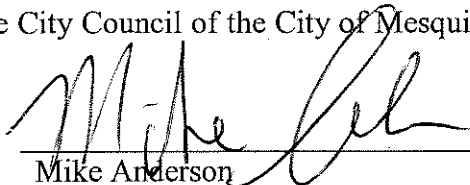
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

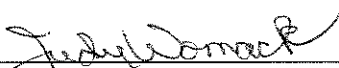
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 21st day of May, 2007.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B.J. Smith
City Attorney

Field Notes
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Beginning at the point of intersection of the South line of said U.S. Highway 80 service road, (a 120' R.O.W.) and the East line of Towne East Boulevard (100' R.O.W.), same point of intersection being the Northwest corner of said 1.670 acre tract, a ½" iron pin found at corner;

Thence, North 89 Degrees 56 Minutes 07 Seconds East, along said U.S. Highway 80 service road South Line, a distance of 175.00 feet to ½" iron pin found at corner;

Thence, South 00 Degrees 14 Minutes 12 Seconds East, along said U.S. Highway 80 service road South Line, a distance of 175.00 feet to ½" iron pin found at corner;

Thence, South 89 Degrees 56 Minutes 07 Seconds West, a distance of 175.00 feet to a point on said Town East Boulevard East line, to ½" iron pin found at corner;

Thence, North 00 Degrees 14 Minutes 12 Seconds West, along said Town East Boulevard a distance of 175.00 feet to the Point of Beginning and containing 20,625 square feet or 0.7031 acres of land.