

ORDINANCE NO. 3873
File No. 190-8

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 R-1 SINGLE-FAMILY RESIDENTIAL 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 R-1 Single-Family Residential to Planned Development - General Retail subject to the following stipulations:

1. Development of the site shall conform generally to the concept plan, attached hereto as Exhibit "B," and subject to the City's environmental and site development regulations.

2. Only uses that are classified under the following SIC codes shall be permitted:

Retail:	56	Apparel, Accessory Stores	
	57	Furniture, Home Furnishings	
	58	Eating, Drinking Places	
	594	Miscellaneous Shopping Goods Stores	Except 5947, Gift, Souvenir Shops
	5992	Florists	
	5995	Optical Goods Stores	
Finance, Insurance, Real Estate:	60 - 67	Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents & Brokers, Real Estate, Holding Companies	Except 61, Nondepository Institutions

Services:	722	Photographic, Portrait Studios
	7291	Tax Preparation Services
	7299	Tanning Salon only
	7334	Photocopying, Duplicating Services
	80	Health Services
	81	Legal Services
	82	Educational Services
	83	Social Services
	87	Engineering, Accounting, Research, Management Services

3. Architectural design, landscaping, and screening shall be consistent with the proposed Community Appearance Manual.

That the subject property is a 0.93-acre tract located 400 feet west of the intersection of Cartwright and Belt Line Roads, 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.

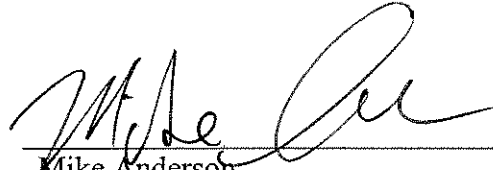
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

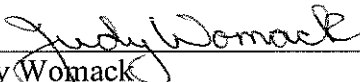
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 16th day of July, 2007.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney

Field Notes
File No. 190-8

BEING part of a 5.686 acre tract of land situated in the W. H. Bennett Survey, Abstract No. 190, and the W. H. Bennett Survey, Abstract No.93, City of Mesquite, Dallas County, Texas, said tract being comprised of part of that same tract described in deed from Charles & Gena Tosch to S. H. Whitehurst & S. Huey Whitehurst, Jr., recorded in Volume 5503, Page 365, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set in the North right of way line of Cartwright Road (a 100' ROW), said iron rod being at the Southwest corner of Lot 2, Block A, Bruton/Beltline Retail Addition, an Addition in the City of Mesquite according to the Plat thereof recorded in Volume 86073, Page 2808, Map Records, Dallas County, Texas.

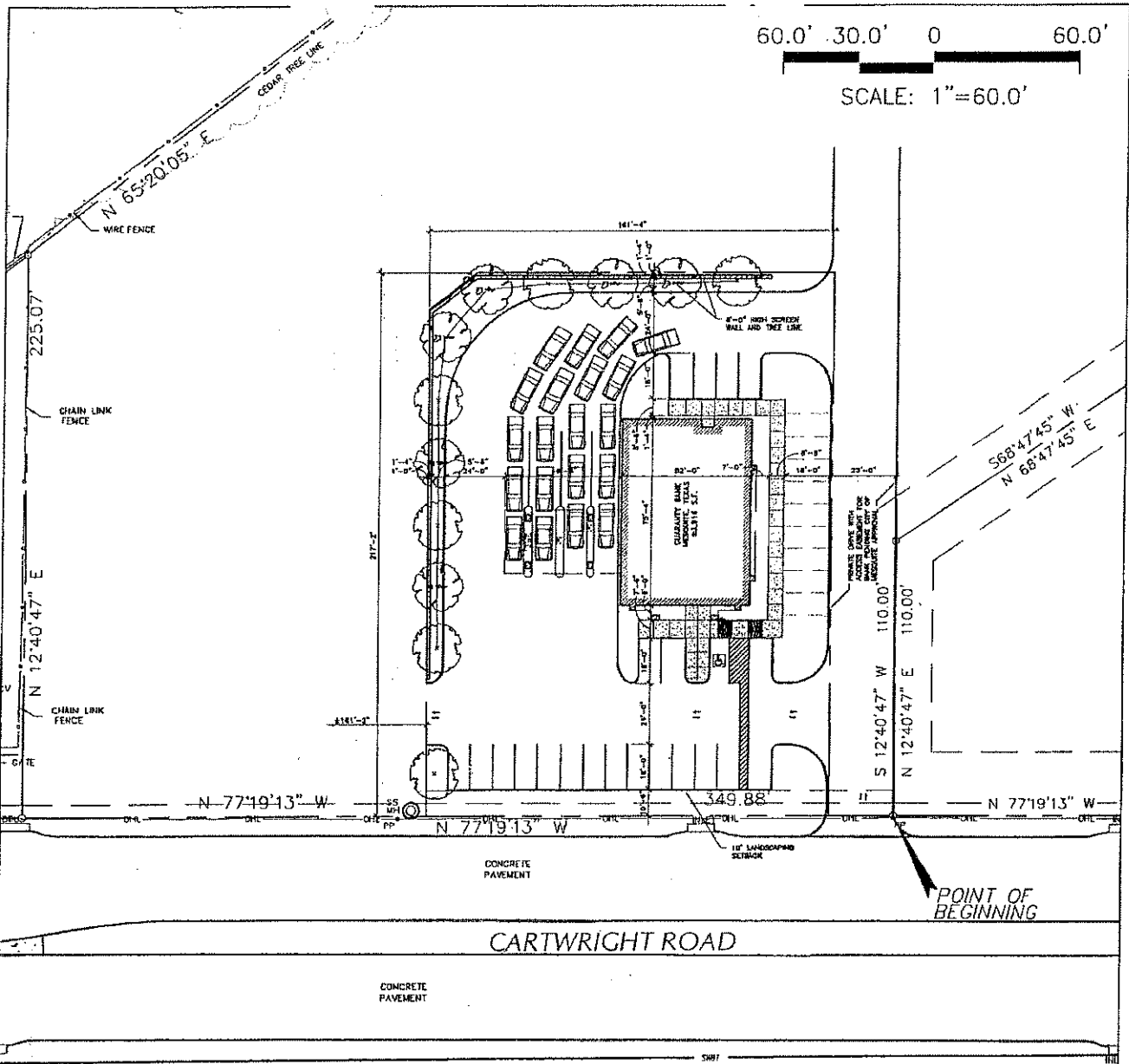
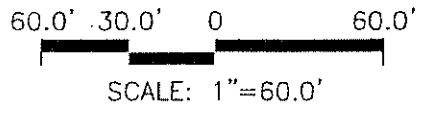
THENCE North 77 degrees 19 minutes 13 minutes West, 187.25 feet along the North right of way line of Cartwright Road to a 1/2 inch iron rod set for corner;

THENCE North 12 degrees 40 minutes 47 seconds East, 202.72 feet to a 1/2 inch iron rod set for corner;

THENCE North 65 degrees 15 minutes 55 seconds East, 23.78 feet to a 1/2 inch iron rod set for corner;

THENCE South 77 degrees 19 minutes 13 seconds East, 168.36 feet to a 1/2 inch iron rod set for corner;

THENCE South 12 degrees 40 minutes 47 seconds West, passing at 107.17 feet, a 1/2 inch iron rod set at the Northwest corner of said Lot 2 and continuing 110.00 feet along the West boundary line of said Lot 2 for a total distance of 217.17 feet to the PLACE OF BEGINNING and containing 0.930 acres of land.



F

SITE PLAN

SCALE: 1"=60.0'



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 User: rgb | Date: 3/31/07 14:49 | Drawing Scale: 1"=750.0000



Architecture □ Planning □ Interior Design
3100 Bell Lane • Suite 838 • Dallas, Texas 75234

REF:	xs07.dwg
PROJ NO:	104009
DATE:	01/31/07
FILE:	as6.dwg
DRAWN BY:	rgb
CHECKED BY:	RGB

ISSUED FOR INTERIM REVIEW

THIS DOCUMENT IS NOT TO BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION

Randall G. Bauer
Texas Lic #: 8804
Date: January 31, 2007

SHEET TITLE

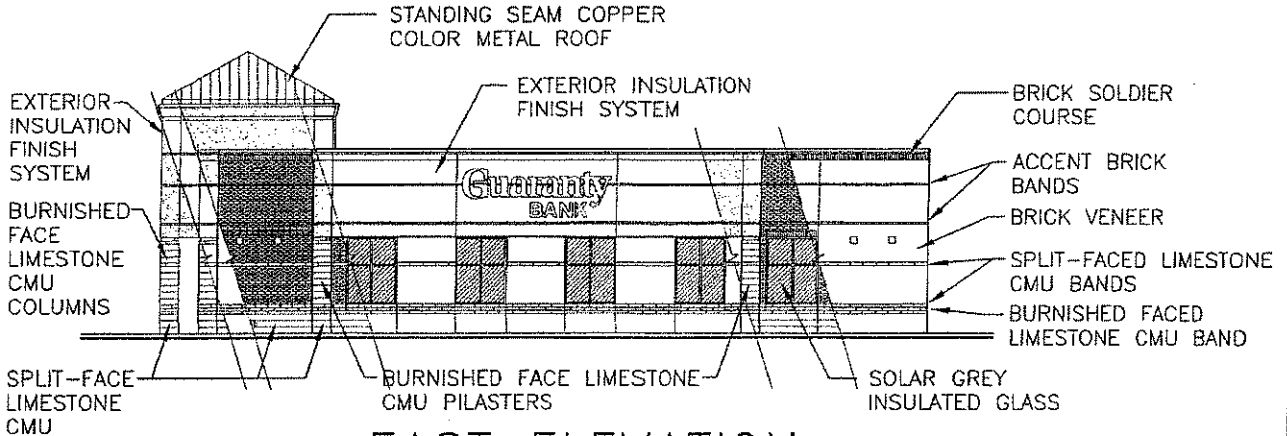
SURVEY/SITE/LANDSCAPE

PROJECT

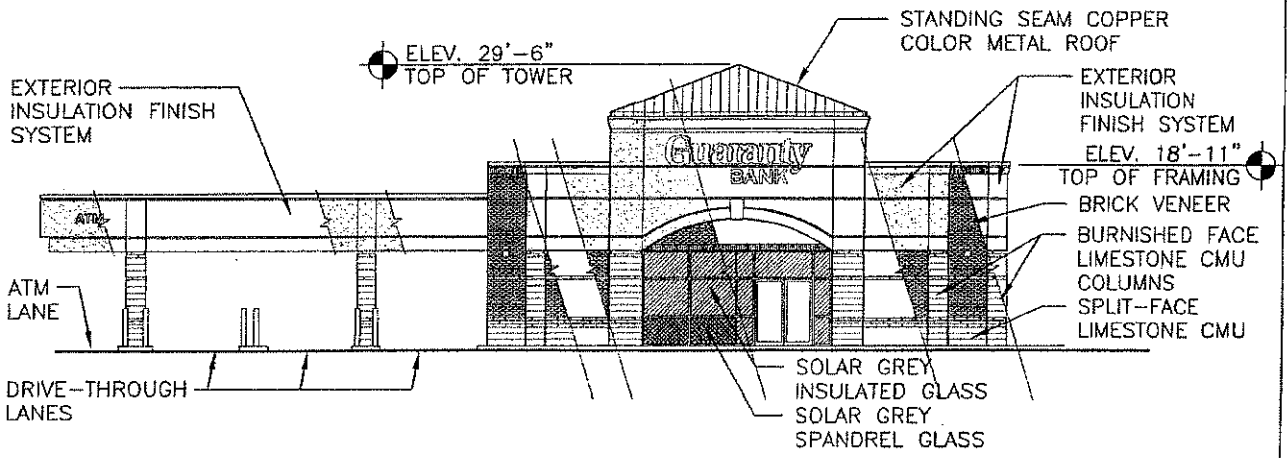
GUARANTY BANK - MESQUITE

NOTE: IF ENTIRE EXISTING SITE IS ZONED COMMERCIAL, 8' SCREEN WALL AND TREE LINE NOT REQ'D.

AS-6




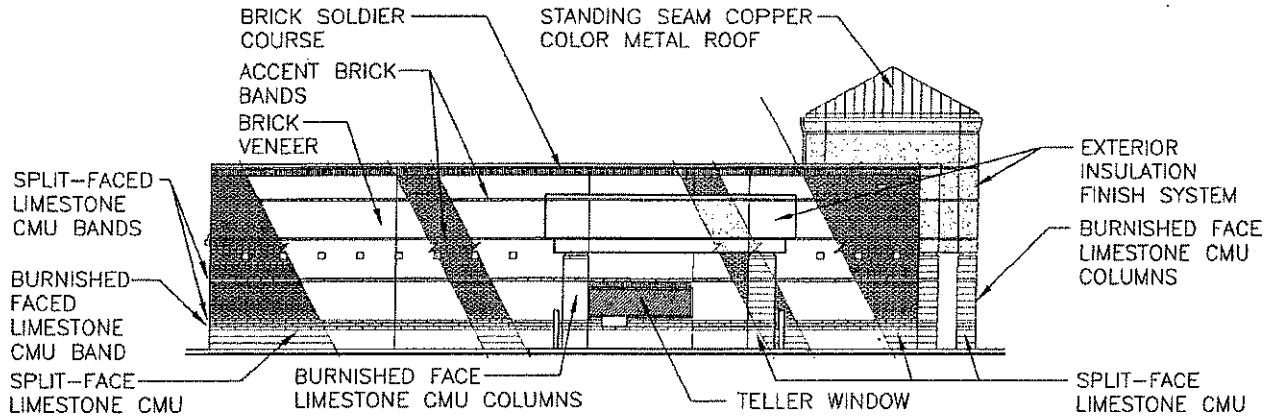
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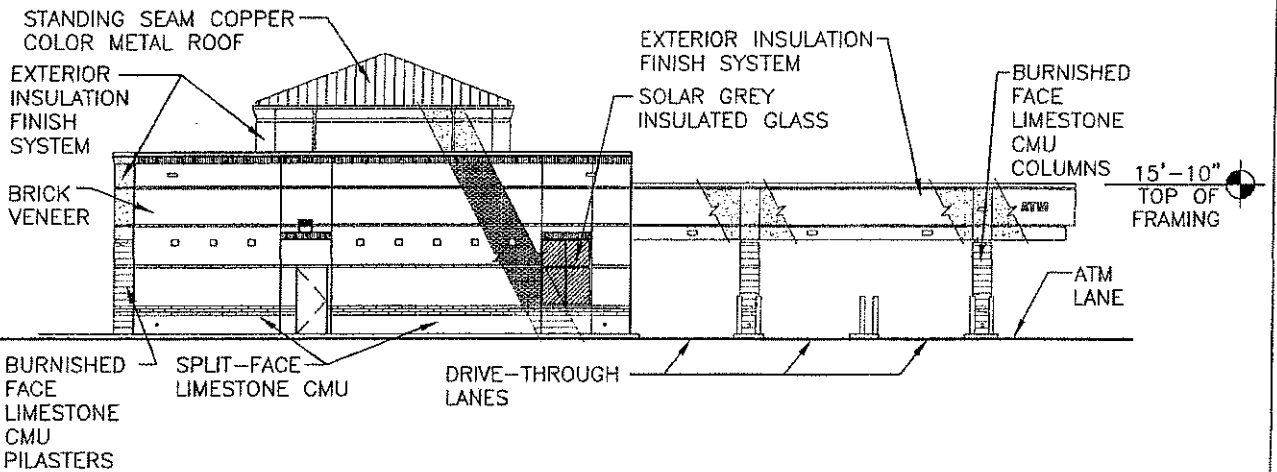
01 SOUTH ELEVATION
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 Architecture □ Planning □ Interior Design <small>5100 Bob Line □ Suite 838 □ Dallas, Texas 75254</small>	<p style="text-align: center;">ISSUED FOR INTERIM REVIEW</p> <p style="text-align: center;">THIS DOCUMENT IS NOT TO BE USED FOR REGULATORY APPROVAL, PERMIT, OR CONSTRUCTION</p> <p style="text-align: center;">James David Marsee Texas Lic #: 15095 Date: 01/20/07</p>	SHEET TITLE	
		EXTERIOR ELEVATIONS	
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DATE: 01/30/07		MESQUITE, TEXAS	
FILE: 104009A201.dwg			
DRAWN BY: dq			
CHECKED BY: DM		A-201	



02 WEST ELEVATION
SCALE: 1/16"=1'-0"



01 NORTH ELEVATION
SCALE: 1/16"=1'-0"

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 Release: 1/16/07 (1:15 PM)

MPI
 Architecture □ Planning □ Interior Design
 5100 Belt Line □ Suite 838 □ Dallas, Texas 75254

REF:
 PROJ NO: 104009
 DATE: 01/30/07
 FILE: 104009A202.dwg
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 CHECKED BY: DM

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James David Morsee
 Texas Lic #: 15095
 Date: 01/20/07

SHEET TITLE	
EXTERIOR ELEVATIONS	
PROJECT	
GUARANTY BANK	
MESQUITE, TEXAS	A-202