

ORDINANCE NO. 3967
File No. 1462-261

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 GENERAL RETAIL, LIGHT COMMERCIAL AND OFFICE TO PLANNED DEVELOPMENT – MIXED USE WITH CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 from General Retail, Light Commercial and Office to Planned Development – Mixed Use with the following stipulations:

1. Concept Plan

The Planned Development (“PD”) shall develop consistent with the Concept Plan attached hereto as Exhibit “A.” Where the Concept Plan and PD ordinance text are in conflict, the ordinance text shall rule.

2. Permitted Uses

- a. Residential. All uses listed in Section 2-203(A) of the Mesquite Zoning Ordinance with the exception of Mobile Home Parks.
- b. Residential dwellings incorporated within structures housing other permitted uses.
- c. Conference Facilities.

d. Uses permitted in the Mixed Use District as shown in Section 3-203 of the Mesquite Zoning Ordinance with the following exceptions:

i. Agriculture, Mining, Construction and Manufacturing

SIC Codes 01-3199 All Uses

ii. Retail Trade

SIC Code 521: Lumber and Other Building Materials

SIC Code 526: Retail Nurseries, Garden Supply

SIC Group 55: Automobile Dealers, Service Stations

SIC Code 593: Used Merchandise Stores

SIC Group 596: Non-Store Retailers

SIC Code 5999: Miscellaneous Retail NEC

iii. Finance, Insurance, Real Estate

SIC Code 60a: Alternative Financial Establishments

SIC Code 61: Non-depository Institutions

SIC Code 6553: Cemetery Development/Operation

iv. Services

SIC Code 701b: Limited Service Hotel/Motel

SIC Group 721: Laundry, Cleaning, Garment Services, with the exception of Dry Cleaners, which shall be permitted

SIC Code 726: Funeral Service, Crematories

SIC Code 7299: Miscellaneous Personal Services NEC

SIC Group 73: Business Services, with the exception of Photocopying, Duplicating Services which shall be permitted

SIC Group 75: Automotive Repair, Services

SIC Group 76: Miscellaneous Repair Services, with the exception of incidental repair services associated with a permitted retail use, which shall be permitted

SIC Code 781: Motion Picture Production

SIC Code 782: Motion Picture Distribution

SIC Code 7993: Coin-Operated Amusement Game Room

SIC Code 824: Vocational Schools

SIC Group 83: Social Services

v. Public Administration

SIC Code 9223: Correctional Institutions

vi. Accessory Uses and Structures

Outdoor Display and Storage
Coin-Operated Amusement Devices
Drive-Through Facilities

3. Signage

- a. Pole signs shall be prohibited.
- b. A maximum of three monument signs shall be permitted along Interstate Highway 635 (“IH-635”) frontage.
- c. A maximum of three monument signs shall be permitted along the Peachtree Road frontage. Each sign shall be located within 50 feet of a drive or street intersection with Peachtree Road unless otherwise approved by the Director of Community Development.
- d. One monument sign may be located along the east-west local street that connects Peachtree Road to IH-635.
- e. Free-standing signs permitted in accordance with this ordinance may advertise any business located within the PD, regardless of individual lot lines, without being considered off-premise (billboard) signage.
- f. On building façades facing IH-635, Peachtree Road or the east-west street connecting the two, wall signs, window signs and blade signs shall be permitted. All other building façades may have blade signs only.
 - i. Wall signs shall not exceed three feet in height, one-third of the width of the façade and 40 square feet in area, with the exception of a hotel and a medical complex which may each have one wall sign up to 60 square feet in area if such sign is at least 40 feet above the adjacent ground.
 - ii. Blade signs shall be installed perpendicular to the façade, shall not exceed four square feet in area and shall clear eight feet but not more than 12 feet above the sidewalk. Blade signs may project over the public right-of-way but must be a minimum of two feet from the edge of any street. Each business may have one blade sign per street, sidewalk or other travel way frontage.
 - iii. Signage shall be externally illuminated with the exception of window signage which may be neon lit.

4. Landscaping that includes:

- a. One shade tree a maximum of every 30 feet measured on center along all streets, trails and other travel ways.

- b. Decorative plantings and/or landscaping around monument signs.
 - c. Parking lot landscaping:
 - i. Parking lot trees shall be required at a rate of one tree per 10 parking spaces in surface parking lots.
 - ii. Each tree shall be placed in a landscaped area no smaller than nine feet by 18 feet.
 - iii. Existing trees located within proposed parking lot areas shall be incorporated into the parking lots if those trees' species are listed in Section 1A-500 of the Mesquite Zoning Ordinance. Such trees may be credited toward the parking lot tree requirement (Section 4(c)(i) above).
 - d. Driveway medians shall be landscaped.
 - e. Enhanced landscaping at all driveways going to or from public streets that at a minimum shall consist of the following:
 - i. Bushes or hedges.
 - ii. Flowerbeds and/or low ground plantings.
5. Fences and Screening
- a. Fencing and screening shall consist of wrought iron, live plantings or any combination of the two.
 - b. Solid waste dumpsters shall be screened using the same materials as the dominant material on the primary façade of the most proximate building.
6. Outdoor Display and Storage shall be prohibited.
7. Pedestrian Facilities
- a. A 12-foot pedestrian trail shall be provided through the site in accordance with the Mesquite Trails Master Plan.
 - b. Pedestrian facilities shall be provided throughout the development that link the various uses and parcels within the PD.
 - c. Sidewalks along the health care village street shall be a minimum of seven feet in width.
8. Utilities and Lighting
- a. All new utility lines shall be placed underground.

- b. All public lighting standards and fixtures shall be ornamental in design.

9. Bulk Regulations

- a. Maximum height – none.
- b. Setback requirements. There shall be no building setback requirements in the PD with the exception that buildings must be a minimum of 25 feet from the property line along IH-635 frontage and five feet from property lines along other streets bordering the PD.

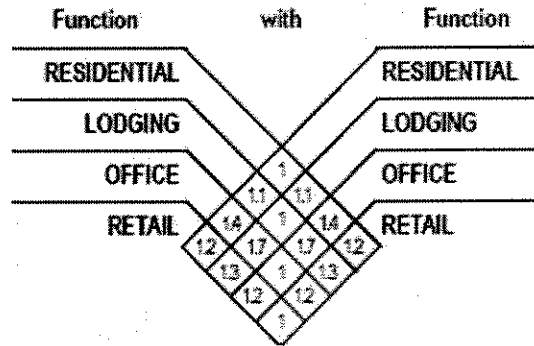
10. Parking

- a. Parking lots adjacent to Peachtree Road and IH-635 shall have a maximum of one parking aisle (two rows of spaces) with only one exception. When parking lots are adjacent to a conference center, hotel or any structure exceeding two stories in height, there shall be a maximum of two parking aisles (four rows of spaces).
- b. Parking structures shall have liner buildings at the first story. Liner buildings may go above the first story.
 - i. Liner buildings may include uses permitted in this ordinance.
 - ii. Uses in liner buildings less than 30 feet in depth and no more than two stories in height shall be exempt from parking requirements.
- c. Parking spaces shall be provided at the following minimums except where parking is shared as provided for in “e” below:

i.	Office	Three per 1,000 square feet
ii.	Retail	Four per 1,000 square feet
iii.	Residential	1.5 per dwelling
iv.	Lodging	One per guest room
v.	Conference facility	Four per 1,000 square feet*

*May be reduced to three per 1,000 square feet if a hotel is also on site.
- vi. Other uses as required by the Mesquite Zoning Ordinance
- d. The number of surface parking spaces for uses that include structured parking shall be no more than 25 percent of the required parking. The maximum number of surface parking spaces for uses with no structured parking shall be the minimum requirement plus 10 percent.

- e. Parking may be shared according to the chart below. To determine the parking requirement for uses sharing spaces, the total number of spaces required for each use individually should be calculated and then divided by the appropriate number as found in the table below.



That the subject property is a 60.31-acre tract located between Peachtree Road and IH-635 on the south side of Gross Road, and is described more fully in the approved field notes in Exhibit "B" attached hereto.

SECTION 2. 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 3. 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 Mesquite City Code.

SECTION 4. 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.

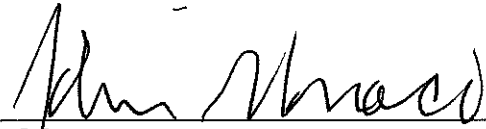
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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

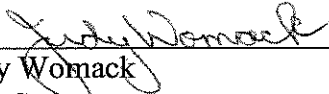
urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of July, 2008.



John Monaco
Mayor

ATTEST:



Judy Womack
City Secretary

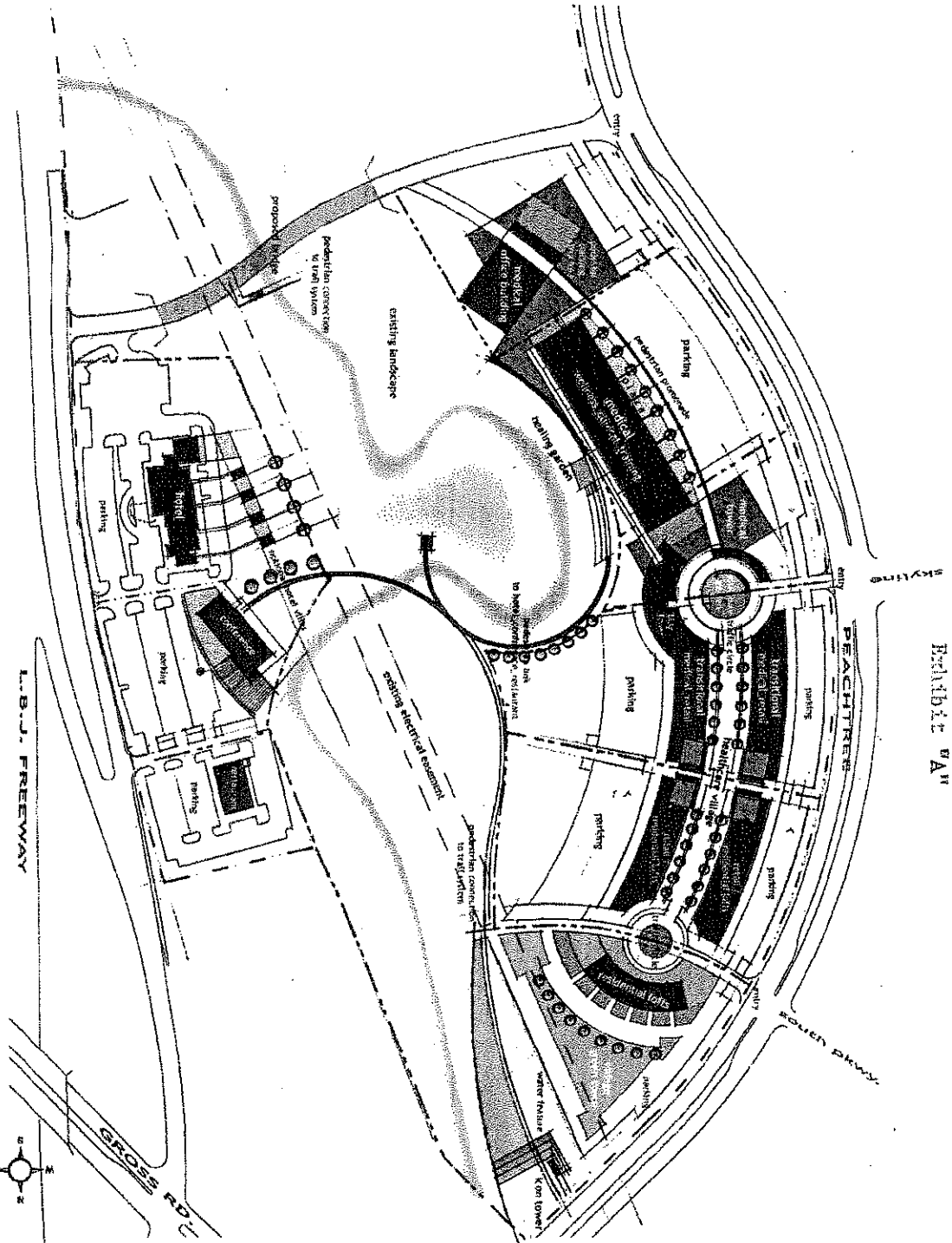
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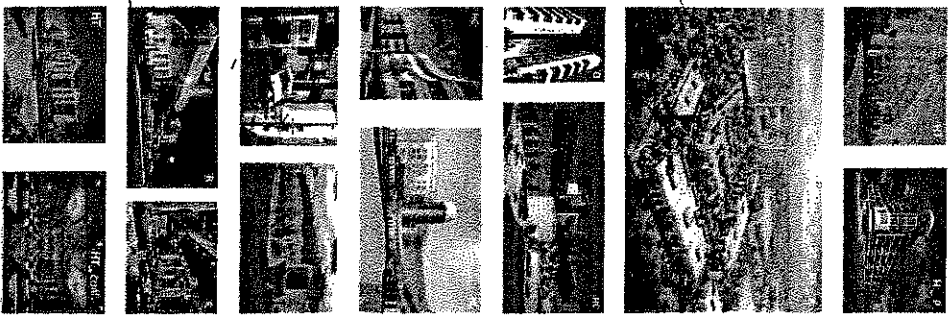
B. J. Smith
City Attorney

Peachtree mixed use
 Mosquito, tx

concept master plan
 06.19.08



- PIC legend
- PK parking
 - HT hotel
 - RT retail
 - RS residential
 - C office



FIELD NOTES

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1426, in the City of Mesquite, Dallas County, Texas, and being part of that called 85.204 acre tract of land described in deed to The City of Mesquite, Texas, as recorded in Volume 95191, Page 00916 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod for the west corner of Lot 1, Block 1 of Peachtree/Gross Addition, and addition to the City of Mesquite, Texas, as recorded in Volume 99074, Page 00009, D.R.D.C.T., said point being on the easterly right-of-way line of Peachtree Road (a 100 foot wide public right-of-way) as described in deed recorded in Volume 71054, Page 0405, D.R.D.C.T., said point also being the most westerly north corner of that tract of land described in deed to Golden Shamrock Realty, Inc., as recorded in Volume 2001007, Page 02031, D.R.D.C.T.;

THENCE South 46 degrees 16 minutes 40 seconds West, along the common westerly line of said Golden Shamrock Realty tract and said easterly right-of-way line of Peachtree Road, a distance of 120.96 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF ASSOC INC." (hereinafter referred to as "with cap") for the POINT OF BEGINNING;

THENCE South 43 degrees 43 minutes 20 seconds East, departing said common line and along the southeasterly line of said Golden Shamrock Realty tract, a distance of 269.56 feet (deed 270.00 feet) to a 5/8-inch found iron rod for corner;

THENCE South 21 degrees 45 minutes 55 seconds East, continuing along said southeasterly line, a distance of 650.20 feet (deed 650.00 feet) to a 1/2-inch set iron rod with cap for the southwest corner of said Golden Shamrock Realty tract;

THENCE North 77 degrees 14 minutes 05 seconds East, along the southerly line of said Golden Shamrock Realty tract, a distance of 312.75 feet (deed 313.33 feet) to a 1/2-inch set iron rod with cap for the southeast corner of said Golden Shamrock Realty tract, said point being on the common westerly right-of-way line of Interstate Highway 635 (L.B.J. Freeway, a variable width public right-of-way) and the easterly line of said City of Mesquite tract;

THENCE South 15 degrees 17 minutes 27 seconds East, along said common line, a distance of 503.14 feet to a point for corner, from which point a found aluminum TXDOT monument bears North 65 degrees 26 minutes 11 seconds East a distance of 0.68 feet;

THENCE South 09 degrees 56 minutes 00 seconds East, continuing along said common line, a distance of 250.56 feet to a point for corner, from which point a found aluminum TXDOT monument bears North 63 degrees 51 minutes 49 seconds East a distance of 0.74 feet;

THENCE South 02 degrees 28 minutes 33 seconds East, continuing along said common line, a distance of 800.01 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 06 degrees 24 minutes 28 seconds East, continuing along said common line, a distance of 311.76 feet to a 1/2-inch found iron rod with cap stamped "BRITTAIN AND CRAWFORD" for the northeast corner of Lots 2 and 3, Block 1, Peachtree Center, an addition to the City of Mesquite as recorded in Volume 2003092, Page 00027, D.R.D.C.T.;

THENCE departing said common line and along the northerly line of said Peachtree Center addition, the following courses and distances:

North 70 degrees 39 minutes 48 seconds West a distance of 578.50 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for corner;

North 19 degrees 20 minutes 12 seconds East a distance of 60.00 feet to a 1/2-inch found iron rod with cap stamped "BRITTAIN AND CRAWFORD" for corner;

North 70 degrees 39 minutes 48 seconds West a distance of 70.00 feet to a 1/2-inch found iron rod with cap stamped "BRITTAIN AND CRAWFORD" for corner;

South 80 degrees 33 minutes 59 seconds West a distance of 124.66 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for corner;

North 05 degrees 37 minutes 15 seconds East a distance of 103.27 feet to a point for corner from which a found 2-inch diameter disk stamped "MLA RPLS #4873" bears North 21 degrees 18 minutes 56 seconds East a distance of 0.26 feet;

North 84 degrees 22 minutes 45 seconds West a distance of 150.41 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for the point of curvature of a tangent circular curve to the left having a radius of 535.10 feet whose chord bears South 82 degrees 19 minutes 40 seconds West a distance of 246.07 feet;

Westerly, along said circular curve to the left, through a central angle of 26 degrees 35 minutes 10 seconds, an arc distance of 248.29 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for the point of tangency;

South 69 degrees 02 minutes 05 seconds West a distance of 15.00 feet to a found 2-inch diameter disk stamped "MLA RPLS #4873" for corner;

North 65 degrees 11 minutes 14 seconds West a distance of 45.81 feet to a 1/2-inch set iron rod with cap for the most westerly northwest corner of said Peachtree Center addition, said point also being in the common westerly line of said City of

Mesquite tract and the aforementioned easterly right-of-way line of Peachtree Road, said point being on a circular curve to the left having a radius of 759.73 feet whose chord bears North 31 degrees 03 minutes 06 seconds West a distance of 136.50 feet, said curve being non-tangent to the last described course;

THENCE Northwesterly, departing said northerly line of said Peachtree Center addition, along said common line between said City of Mesquite tract and said Peachtree Road and along said circular curve, through a central angle of 10 degrees 18 minutes 29 seconds, an arc distance of 136.68 feet to a 1/2-inch set iron rod with cap for the point of tangency;

THENCE North 36 degrees 12 minutes 20 seconds West, along said common line, a distance of 248.77 feet to a 1/2-inch set iron rod with cap for the point of curvature of a tangent circular curve to the right having a radius of 1,269.75 feet whose chord bears North 05 degrees 02 minutes 10 seconds East a distance of 1,674.13 feet;

THENCE Northerly, continuing along said common line and along said circular curve, through a central angle of 82 degrees 29 minutes 00 seconds, an arc distance of 1,827.94 feet to a 1/2-inch set iron rod with cap for the point of tangency;

THENCE North 46 degrees 16 minutes 40 seconds East, continuing along said common line, a distance of 341.44 feet to the POINT OF BEGINNING AND CONTAINING 2,626,887 square feet or 60.31 acres of land, more or less.