

ORDINANCE NO. 4002
File No. 190-4B

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-OFFICE 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-Office to Planned Development-General Retail subject to the following stipulations:

1. Uses of the site shall be limited to those permitted by right in the Office Zoning District as provided in the City of Mesquite Zoning Ordinance as well as the following use categories:

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| SIC 56 | Apparel, Accessory Stores |
| SIC 591 | Drug, Proprietary Stores |
| SIC 5992 | Florists |
| SIC 5995 | Optical Goods Stores |
| SIC 722 | Photographic, Portrait Studios |
| SIC 7299 | Massage Therapy (licensed only) |
| SIC 723 | Beauty Shops |
| SIC 724 | Barber Shops |
| SIC 7334 | Photocopying, Duplicating Services |

2. No trucks with greater than two axles may access the site to make deliveries of business-related products.

3. At least 10 percent of the site area shall be retained as open space, and there shall be seven shade or evergreen trees or 21 ornamental trees, as defined in the City of Mesquite Zoning Ordinance, retained or planted and maintained on the site.
4. At least three shade or evergreen trees or nine ornamental trees, as defined in the City of Mesquite Zoning Ordinance, shall be retained or planted and maintained on the site between the structure and the Cartwright Road right-of-way.
5. The site shall be limited to one monument sign allowing the display of the names or functions of businesses occupying the site. No other signage may be established or erected on the site.
6. Parking spaces shall be provided at a rate of one space per 350 square feet of floor area.
7. A buffer tree line or landscape hedge, as defined in the City of Mesquite Zoning Ordinance, shall be established along the eastern property boundary and a parking screen shall be established along the north and western property boundaries where the site's parking area abuts neighboring residentially zoned property.
8. Playground equipment shall be removed from the site, including canopies and shade structures.

That the subject property is located at 225 W. Cartwright Road, 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.

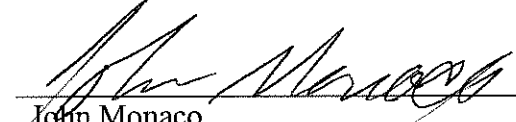
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

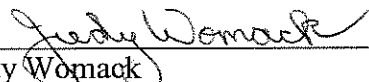
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of November, 2008.



John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B.J. Smith
City Attorney

EXHIBIT "A"

Being all of the Bruton/Beltline Retail Addition, Block A, Lot 3, an Addition to the City of Mesquite, DALLAS County, Texas, according to the Map or Plat thereof recorded in Volume 88187, Page 1836, Map Records, DALLAS County, Texas and more particularly described as follows:

BEING a tract of land situated in the W.H. Bennett Survey, Abstract No. 93 and the W.H. Bennett Survey, Abstract No. 190, City of Mesquite, DALLAS County, Texas, and being part of a 28.42 acre tract of land described in deed to S.H. Whitehurst, as recorded in Volume 5503, Page 365 of the Deed Records of DALLAS County, Texas, said tract being more particularly described as follows:

BEGINNING at a point in the Northerly line of Bruton Road (a 100 foot right-of-way) said point being North 77 degrees 19 minutes 13 seconds West, a distance of 755.49 feet from the intersection of the Northerly line of said Bruton Road and the Westerly line of Belt Line Road (a 100 foot right-of-way), an iron stake for corner;

THENCE North 77 degrees 19 minutes 13 seconds West, along said Bruton Road Northerly line, a distance of 55.10 feet to the beginning of a curve to the left, having a central angle of 08 degrees 07 minutes 18 seconds and a radius of 1091.74 feet, an iron stake for corner;

THENCE around said curve to the left and containing along said Bruton Road Northerly line, an arc distance of 154.75 feet to an iron stake for corner;

THENCE North 12 degrees 40 minutes 47 seconds East, leaving said Bruton Road Northerly line, a distance of 71.34 feet to the beginning of a curve to the right, having a central angle of 52 degrees 39 minutes 18 seconds and a radius of 63.00 feet;

THENCE around said curve, an arc distance of 57.90 feet to the end of said curve, an iron stake for corner;

THENCE North 65 degrees 20 minutes 05 seconds East, a distance of 22.87 feet to an iron stake for corner;

THENCE South 77 degrees 19 minutes 13 seconds East, a distance of 34.37 feet to an iron stake for corner;

THENCE North 65 degrees 20 minutes 05 seconds East, a distance of 166.04 feet to an iron stake for corner;

THENCE South 12 degrees 40 minutes 47 seconds West, a distance of 225.07 feet to the PLACE OF BEGINNING, more or less