

ORDINANCE NO. 4003
File No. KPE-1

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 MULTI-FAMILY WITH A CONDITIONAL USE PERMIT TO PLANNED DEVELOPMENT – MULTI-FAMILY SUBJECT TO CERTAIN STIPULATIONS; THEREBY ALLOWING A THERAPY ROOM ADDITION TO THE EXISTING NURSING HOME AT 434 PAZA DRIVE; 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 Multi-Family with a Conditional Use Permit to Planned Development – Multi-Family subject to the following stipulations:

1. The site shall fully comply with all applicable standards set out in the City of Mesquite Zoning Ordinance for new development of a nursing home use in the A-1 zoning district with any exceptions stipulated or noted herein.
2. The accessory storage trailer in the far southwestern portion of the subject property shall be removed from the site and not replaced.
3. The therapy room addition may encroach five feet into the required front/exterior side yard setback only along the portion of the front/exterior side property line which forms an arc between the Paza Drive and Wilkinson Drive rights-of-way in accordance with the concept plan in Exhibit “A” attached hereto.
4. The width of the fire lane on the site may be reduced to 22 feet where the fire lane extends south of any portion of the structure.

5. The required amount of open space for the site may be reduced to 34 percent, but shall not be decreased below this amount.
6. A landscape hedge barrier shall be installed along the driveway encircling the building, where room allows, on the side of the driveway closest to the building to prevent cars from parking in the open space areas between the building and the driveway as provided on the conceptual landscape plan in Exhibit "B" attached hereto.
7. Parking spaces shall be permitted within the 25-foot front/exterior side yard setback but no more than seven and no closer than 12 feet to the front/exterior side property line.
8. A minimum of 55 parking spaces shall be included on the site.
9. A six-foot wrought iron fence and either a landscape hedge or buffer tree line, as defined in the City of Mesquite Zoning Ordinance, shall be installed and maintained along the west and south property lines on the subject property in lieu of a solid masonry screening wall where room allows as provided on the conceptual landscape plan in Exhibit "B" attached hereto.
10. The site shall not be subject to the screening requirements set out in Section 1A-304(B) of the City of Mesquite Zoning Ordinance, with the exception of parking screens. Parking screens shall be established where parking spaces face a street right-of-way.
11. Trees shall be required and planted on the site as provided on the conceptual landscape plan in Exhibit "B" attached hereto.
12. The site shall not be subject to the recreational facilities requirements set out in Section 2-501(H) of the City of Mesquite Zoning Ordinance.
13. The site shall not be subject to the off-street parking requirements set out in Section 2-501(J) of the City of Mesquite Zoning Ordinance.
14. A refuse container for the site may be located no closer than 15 feet to an interior side or rear property line as opposed to the 100 feet required in the City of Mesquite Zoning Ordinance and must be properly screened with the same masonry materials used for the addition.

That the subject property is located at 434 Paza Drive, and is described more fully in the approved field notes in Exhibit "C" 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.

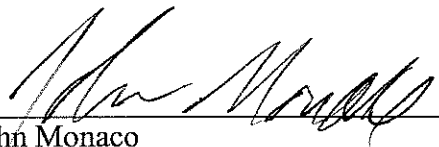
SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and 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 3rd day of November, 2008.




John Monaco
Mayor

ATTEST:

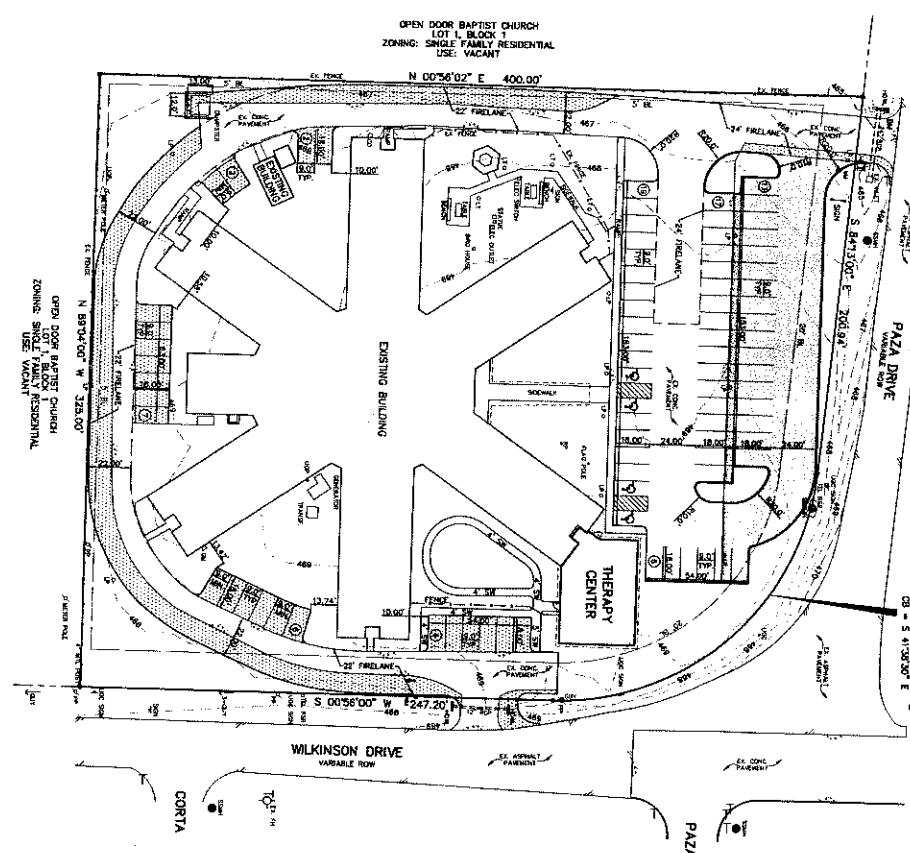
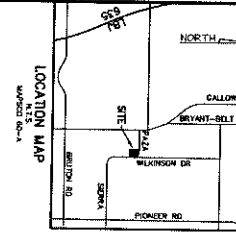
APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney



OPEN DOOR BAPTIST CHURCH
LOT 1, BLOCK 1
ZONING: SINGLE FAMILY RESIDENTIAL
USE: VACANT

OPEN DOOR BAPTIST CHURCH
LOT 1, BLOCK 1
ZONING: SINGLE FAMILY RESIDENTIAL
USE: VACANT

R = 1.00:30'
D = 0.00:25'
L = 202.24'
C = 5.00:150'
CB = 5.00:150' E

WILKINSON DRIVE
VARIABLE ROW

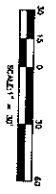
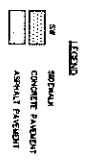
CORTIA

PAZA

SITE DATA

EXISTING ZONING:	SP - SINGLE FAMILY
PROPOSED ZONING:	HO - NURSING HOME
EXISTING USE:	NURSING HOME
EXISTING HOME:	122,280 SF (2,807 AC)
SITE AREA:	28,375 SF
EXISTING BUILDING:	30,847 SF
PROPOSED BUILDING:	32,216 SF
EXISTING BUILDING:	0 SF
PROPOSED BUILDING:	0 SF
PARKING REQUIRED (1SP/A BEDS):	40 SPACES
PARKING PROVIDED:	72 SPACES
LOT COVERAGE:	22.0%
OPEN SPACE:	35.5%

REMARKS: 10% OF NORTH END OF EA VERTICAL LOCATED ON THE SOUTH SIDE OF PAZA DRIVE AND 1/2% NORTH OF THE NORTH LINE. 4/15/09



Sheet	1 of 1
Date	08/26/09
Project No.	281304

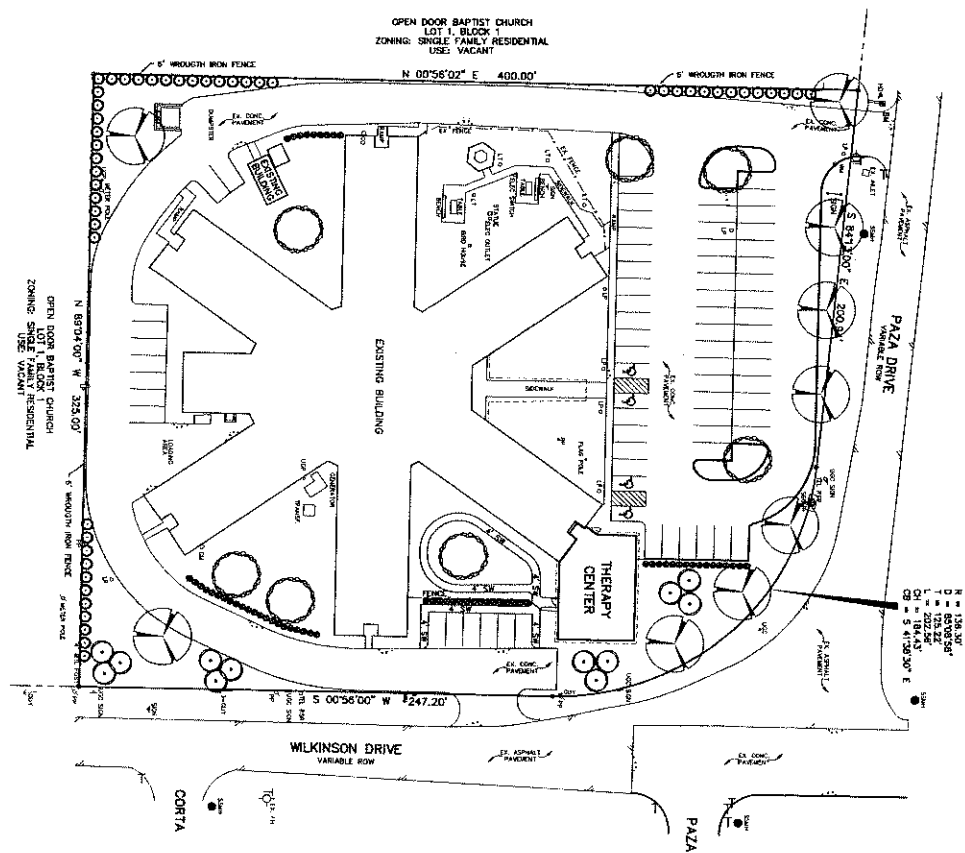
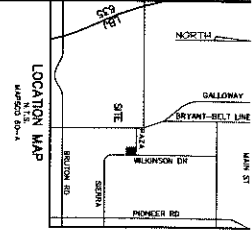
No.	Date	Revision

SITE PLAN
MESQUITE TREE NURSING HOME
CITY OF MESQUITE, TEXAS

PRELIMINARY
THIS PLAN SHEET IS SUBMITTED FOR PERMITS AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF BENTLEY ENGINEERING, INC.

Bentley
ENGINEERING, INC.

4128 BROADWAY BLVD
SUITE 200A
DALLAS, TEXAS 75219
PH: 972-248-4821
FAX: 972-248-0822



N	138.30'
D	520.55'
L	202.20'
CS	5' 4128.30' E

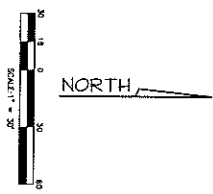
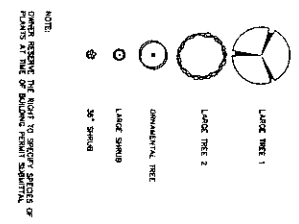


Exhibit B

LST

Scale	1" = 30'
File Number	KPE-!
Date	OCT. 2008
Project No.	2008-000

No.	Date	ADD TREES PER COMMENTS	Revision
1	10/09/08		

PRELIMINARY LANDSCAPE
MESQUITE TREE NURSING HOME
CITY OF MESQUITE, TEXAS

Bentley
ENGINEERING, INC.

4125 BROADWAY BL
SUITE 200
DALLAS, TEXAS 75218
PH 972.240.4800
FAX 972.240.0822

PROPERTY DESCRIPTION

BEING a tract of land situated in the W. J. Lewis Survey, Abstract No. 814, being all of Lot 1, Block A, K. Parker Enterprise Addition, an Addition in the City of Mesquite, Texas according to the Plat thereof recorded in Volume 75046, Page 60, Map Records, Dallas County, Texas and being all of that certain tract of land conveyed to CSE Alamo LLC by Special Warranty Deed recorded in Instrument No. 20070237249, Official Public Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the South ROW line of Paza Drive (a 60' ROW), said point being South 84 degrees 13 minutes 00 seconds East, along said South line, a distance of 916.04 feet from the its intersection with the East ROW line of Beltline Road;

THENCE: South 84 degrees 13 minutes 00 seconds East, continuing along the South ROW line of Paza Drive, a distance of 200.94 feet to a 1/2 inch iron rod set, with red cap, at the beginning of a curve to the right, having a central angle of 85 degrees 09 minutes 00 seconds, a radius of 136.30 feet and a chord bearing South 41 degrees 38 minutes 30 seconds East, a distance of 184.43 feet;

THENCE: Southeasterly, along said curve to the right, an arc distance of 202.56 feet to a point in the West ROW line of Wilkerson Drive;

THENCE: South 00 degrees 56 minutes 00 seconds West, along the West ROW line of Wilkerson Drive, a distance of 247.20 feet to a 1/2 inch iron rod set, with red cap, for corner;

THENCE: North 89 degrees 04 minutes 00 seconds West, a distance of 325.00 feet to a 1/2 inch iron rod set for corner;

THENCE: North 00 degrees 56 minutes 00 seconds East, a distance of 400.00 feet to the PLACE OF BEGINNING and containing 2.807 acres of land.