

ORDINANCE NO. 4007  
File No. 483-7

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 – MULTI-FAMILY WITH SPECIAL EXCEPTION FOR MEDICAL FACILITIES TO PLANNED DEVELOPMENT - GENERAL RETAIL SUBJECT TO 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 Planned Development - Multi-Family with Special Exception for Medical Facilities to Planned Development – General Retail subject to the following stipulations:

1. The site shall be developed consistent with the Concept Plan attached hereto as Exhibit “A.” However, where the Concept Plan and the text of the Planned Development Ordinance are in conflict, the text shall rule.
2. Permitted uses:

Retail:	54	Food Stores
	56	Apparel, Accessory Store
	57	Furniture, Home Furnishings
	58	Eating, Drinking Places
	594	Miscellaneous Shopping Goods Stores
	5992	Florist
	5995	Optical Goods Stores

Finance, Insurance, Real Estate	60-67	Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents, Brokers, Real Estates, Holding Companies	Except 60a Alternative Financial Institutions and 61 Non-depository Institutions
Services	722	Photographic, Portrait Studios	
	7291	Tax Preparation Services	
	7299	Tanning Salon only	
	7344	Photocopying Duplicating Services	
	80	Health Services	
	81	Legal Services	
	82	Educational Services	
	83	Social Services	
	87	Engineering, Accounting, Research, Management Services	

3. A minimum of 15 percent of the site shall be landscaped. Landscaping shall be consistent with Exhibit "A."
4. Any fencing in the Planned Development shall be made of wrought iron, masonry materials or a combination of the two. Any masonry used shall be consistent in color with the primary color of the front building façade except the solid waste enclosure shall comply with Section 10.6 of the Community Appearance Manual.
5. Secondary façades as defined by the Community Appearance Manual shall meet the façade material requirements for primary façades.
6. Outdoor storage and display shall be prohibited.

That the subject property is located at 3737 North Town East Boulevard on the northern corner of Town East Boulevard and Tradewind Drive in the Town East Estates, Block 1, Lot 11B, 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.

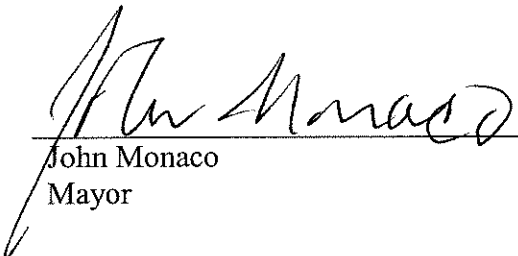
SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and 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 1st day of December, 2008.

  
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John Monaco  
Mayor

ATTEST:

APPROVED:

  
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Judy Womack  
City Secretary


  
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B. J. Smith  
City Attorney



EXHIBIT "B"

In the County of Dallas, State of Texas, all that certain lot, tract or parcel of land lying and being situated in Dallas County, Texas; BEING situated in the Josephus Foreman Survey, Abstract No. 483, said tract being part of Tract 5 of Town East Estates, an Addition to the City of Mesquite, Texas, according to the Map of Record in Volume 43, Page 151, Map Records, Dallas County, Texas, more particularly described as follows:

Beginning at the point of intersection of the Northeast line of Tradewind Drive (a 50' R.O.W.) with the Northwest line of Town East Boulevard (a 100' R.O.W.) an iron stake found for corner;

THENCE South 45° 35' West along said Tradewind Drive Northeast line and proceeding a distance of 150.00 feet to an iron stake for corner;

THENCE North 44° 25' East leaving said Tradewind Drive Northeast line and proceeding a distance of 150.00 feet to an iron stake for corner;

THENCE South 45° 35' East a distance of 150.0 feet to a point in the said town East Boulevard Northwest line;

THENCE South 44° 25' West along said Town East Boulevard Northwest line, a distance of 150.00 feet to the PLACE OF BEGINNING.