

ORDINANCE NO. 4016
File No. 337-14

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 COMMERCIAL TO PLANNED DEVELOPMENT – COMMERCIAL THEREBY ALLOWING RETAIL AND OFFICE USES 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 Commercial to Planned Development – Commercial 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. Warehousing and the uses listed as permitted by right in the Commercial Zoning District as found in the Mesquite Zoning Ordinance with the following exceptions.
 - a. All uses listed in the following sections of the Zoning Ordinance shall be prohibited:
 - i. Section 3-203.A - Agriculture, Forestry, Fishing
 - ii. Section 3-203.B - Mining, Extraction
 - iii. Section 3-203.C - Construction
 - iv. Section 3-203.D - Manufacturing

- v. Section 3-203.E - Transportation, Utilities (except for Warehousing which shall be permitted by right)
 - vi. Section 3-203.F - Wholesale Trade
- b. In addition to the uses prohibited by Subsection (a) above, the following uses shall also be prohibited:
- i. SIC 527 - Mobile Home Dealers
 - ii. SIC 55 - Automobile Dealers, Service Stations
 - iii. SIC 593a - Pawnshops
 - iv. SIC 5999 - Miscellaneous Retail, NEC
 - v. SIC 60a - Alternative Financial Establishments
 - vi. SIC 61 - Non-depository Institutions
 - vii. SIC 70 - Hotels, Camps, Other Lodging Places
 - viii. SIC 721 - Laundry, Cleaning, Garment Services
 - ix. SIC 726a - Crematories
 - x. SIC 7299 - Miscellaneous Personal Services, NEC
 - xi. SIC 735 - Miscellaneous Equipment Rental, Leasing
 - xii. SIC 75 - Automotive Repair, Services
 - xiii. SIC 76 - Miscellaneous Repair Services
 - xiv. SIC 7996 - Amusement Parks – Outdoor
 - xv. SIC 824a - Truck Driving, Equipment Operating Schools
 - xvi. SIC 9223 - Correctional Institutions
 - xvii. Outdoor Display/Storage
3. A minimum of 12.8 percent of the site shall be landscaped.
4. A landscape island with a minimum of one tree shall be provided at the east end of each row of parking spaces. Such island shall be a minimum of nine feet by 18 feet in size.
5. Trees shall be provided along the north side of the building in a manner consistent with the Concept Plan.
6. A landscaped island shall be provided at the southeast corner of the building and shall include one or more trees that will provide visual buffering of the loading docks on the south side of the building as viewed from Belt Line Road in front of the property.

7. The bobtail truck parking area shall be enclosed by wrought iron fencing. Landscaping to the east of the area shall include trees that provide a visual buffer.
8. All 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.
9. The front (east) building elevation shall be consistent with Exhibit "B" attached hereto. The front façade shall wrap the northeast and southeast corners of the building.
10. Any free-standing signage existing on the date of this ordinance shall be removed prior to issuance of a Certificate of Occupancy.

That the subject property is located at 2133 North Belt Line Road on property described as a portion of East Dallas Estates, Block 1, Lot 6R, 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 15th day of December, 2008.




John Monaco
Mayor

ATTEST:

APPROVED:

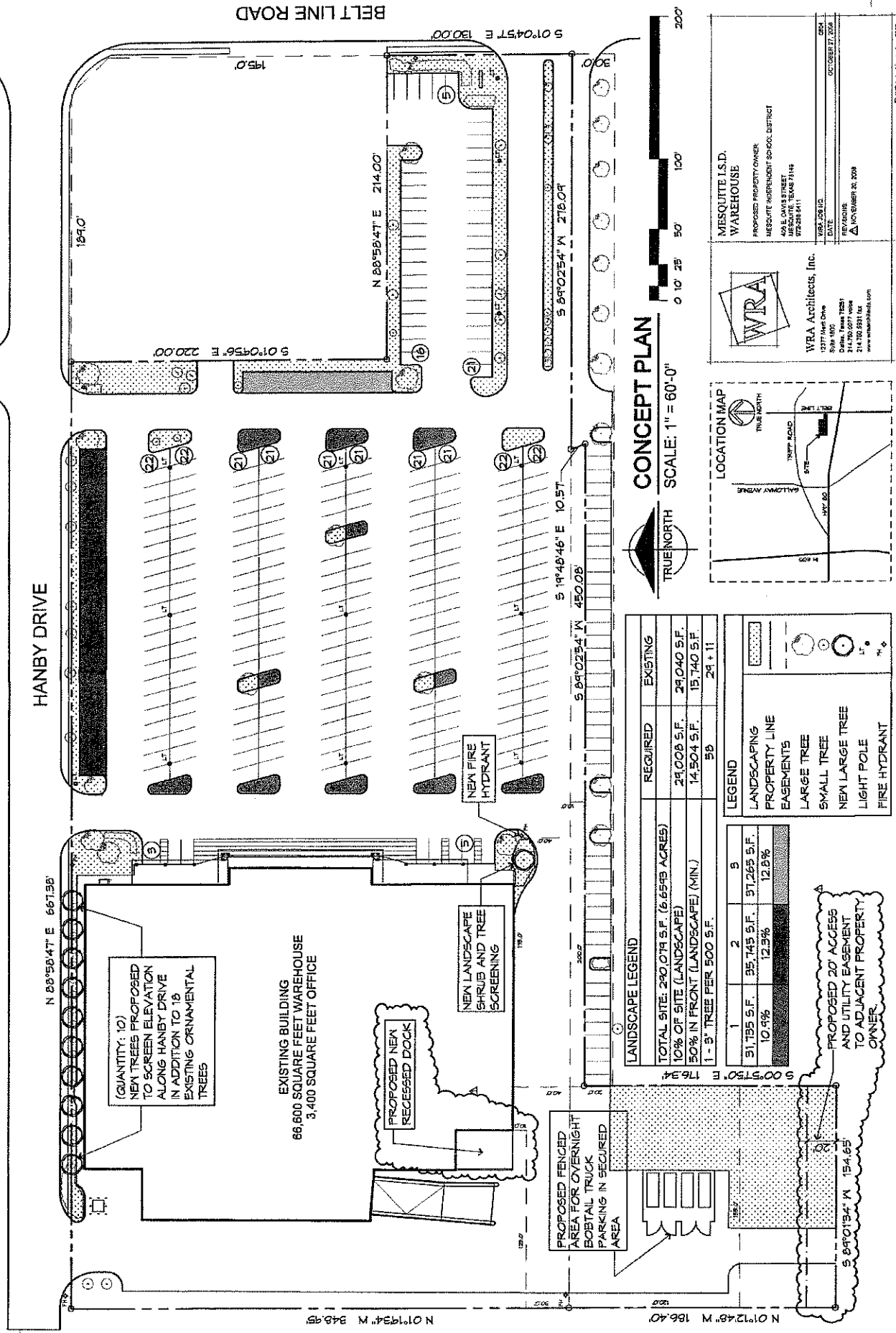


Judy Womack
City Secretary



B. J. Smith
City Attorney

HANBY DRIVE



CONCEPT PLAN

TRUE NORTH
SCALE: 1" = 60'-0"

LANDSCAPE LEGEND	REQUIRED	EXISTING
TOTAL SITE (290,074 S.F., 6.6549 ACRES)	29,008 S.F.	29,040 S.F.
10% OF SITE (LANDSCAPE)	14,504 S.F.	15,740 S.F.
50% IN FRONT (LANDSCAPE) (MIN.)	56	24 + 11
1- 3" TREE PER 500 S.F.		

LANDSCAPE LEGEND	REQUIRED	EXISTING
LANDSCAPING	29,008 S.F.	29,040 S.F.
PROPERTY LINE EASEMENTS	14,504 S.F.	15,740 S.F.
LARGE TREE	56	24 + 11
SMALL TREE		
NEW LARGE TREE		
LIGHT POLE		
FIRE HYDRANT		

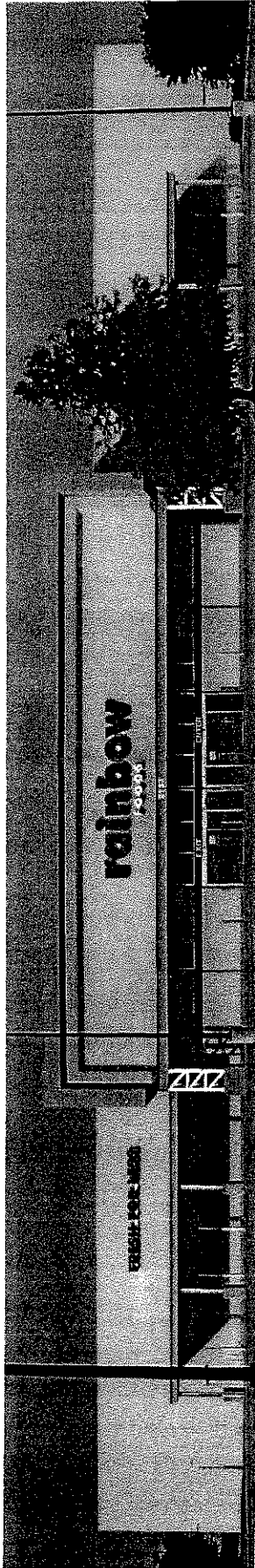
MESQUITE I.S.D. WAREHOUSE

PROPOSED PROPERTY OWNER
MESQUITE INDEPENDENT SCHOOL DISTRICT
406 E. JAVAS STREET
MESQUITE, TEXAS 75149
972-288-8411

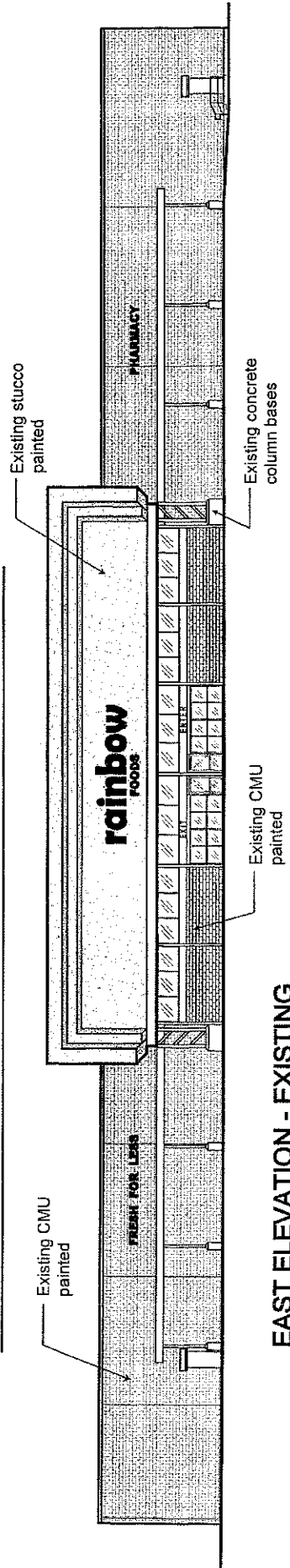
WRA Architects, Inc.
1327 West Drive
Suite 100
214-780-2079
214-780-2079
www.wraarchitects.com

DESIGN DATE: OCTOBER 27, 2008
REVISIONS: 1. NOVEMBER 20, 2008

LOCATION MAP

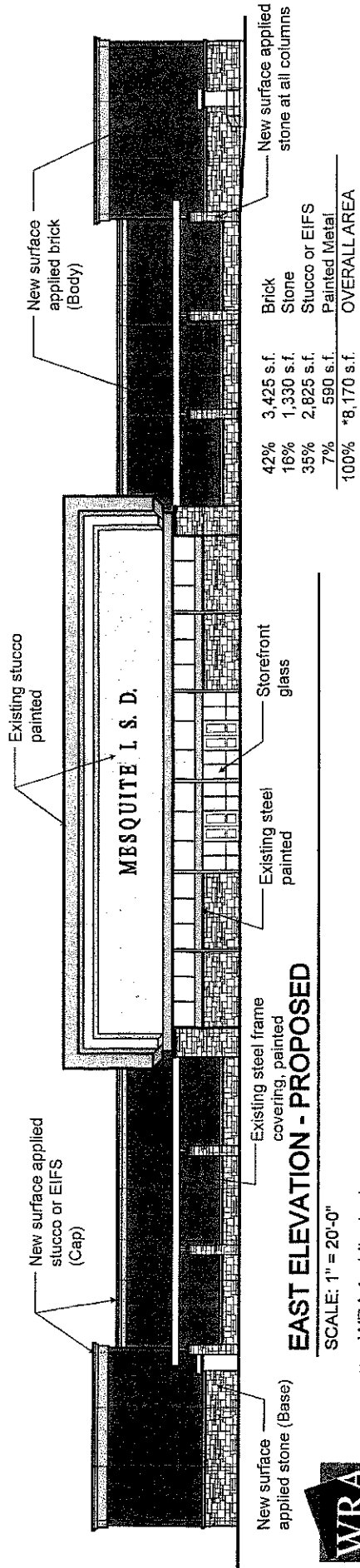


EXISTING PHOTO



EAST ELEVATION - EXISTING

SCALE: 1" = 20'-0"



EAST ELEVATION - PROPOSED

SCALE: 1" = 20'-0"

* Overall area shown here excludes 760 s.f. of windows and doors



Zoning Description

Being a tract of land in the S.W. Caldwell Survey, Abstract No. 337, Dallas County, Texas, and being in the City of Mesquite, Texas, and being Lot 6R, Block 1, East Dallas Estates Addition, an addition to the City of Mesquite according to the plat thereof recorded in Volume 95193, Page 4700 of the Map Records of Dallas County, Texas and being a part of Lot 8A of the Replat of East Dallas Estates according to the plat thereof recorded in Volume 78054, Page 3255 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

Beginning in the west line of Belt Line Road (called 100' Right of Way), and being located S 01°36'20" W, 195.00 feet from the south end of a corner clip at the intersection of said west line of Belt Line Road and the south line of Hanby Drive (called 50' Right of Way);

THENCE S 01°36'20" W, 130.00 feet with said west line of Belt Line Road to the north line of Lot 8A of the Replat of East Dallas Estates;

THENCE N 88°14'57" W, departing said Belt Line Road and with the north line of said Lot 8A of the Replat of East Dallas Estates, a distance of 725.40 feet to the east line of a Truck Turn-Around easement recorded in Volume 94226, Page 419 of the Deed Records of Dallas County, Texas;

THENCE S 01°28'39" W, passing the southeast corner of said Truck Turn-Around easement at 120.00 feet and continuing for a total distance of 186.14 feet;

THENCE N 88°14'57" W, 155.00 feet to the east line of a tract of land conveyed to J-N Fence Company, Inc. according to deed recorded in Volume 2001223, Page 356 of the Deed Records of Dallas County, Texas;

THENCE N 01°28'39" E, 186.14 feet with the east line of said J-N Fence Company, Inc. tract;

THENCE N 01°26'42" E, 350.00 feet with the east line of said J-N Fence Company, Inc. tract to the south line of Hanby Drive (called 50' Right of Way);

THENCE S 88°14'57" E, 667.38 feet with the south line of said Hanby Drive;

THENCE S 01°36'20" W, departing the south line of said Hanby Drive, a distance of 220.00 feet;

THENCE S 88°14'57" E, 214.00 feet to the Point of Beginning and containing 6.6593 acres (290,079 square feet) of Land, more or less.