

ORDINANCE NO. 4092
File No. 1397-27-2010

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 SERVICE STATION AND GENERAL RETAIL TO PLANNED DEVELOPMENT - OFFICE 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 Service Station and General Retail to Planned Development – Office subject to the following stipulations:

1. Concept Plan

The Planned Development (“PD”) shall be developed 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 govern.

2. The uses permitted within the PD may include and shall be limited to the following:

- | | | | |
|----|----------------|---|---|
| a. | SIC Code 5812 | Eating, Drinking Places | Except SIC 5812a:
Drive-In Restaurants |
| b. | SIC Code 591 | Drug Proprietary Stores
(Pharmacies) | |
| c. | SIC Code 5947 | Gift, Novelty, Souvenir
Shops | |
| d. | SIC Code 5992 | Florists | |
| e. | SIC Group 5995 | Optical Goods Stores | |

- | | | | |
|----|------------------|--|--|
| f. | SIC Groups 60-67 | Finance, Insurance, Real Estate | Except SIC 60a and 61a: Alternative Financial Establishments |
| g. | SIC Group 723 | Beauty Shops | |
| h. | SIC Code 724 | Barber Shops | |
| i. | SIC Group 80 | Health Services | |
| j. | SIC Group 81 | Legal Services | |
| k. | SIC Group 87 | Engineering, Accounting, Research, Management Services | |

3. Signage

- a. One non-digital monument sign shall be permitted per street frontage for a maximum of two signs. Except as provided herein, said sign shall conform to the standards of the Sign Ordinance. Sign location shall be subject to approval by the Director of Community Development.
- b. The height of the sign shall not exceed 12 feet from grade. The monument width shall not exceed 10 feet.
- c. The sign face shall not exceed 80 square feet.

4. Landscaping shall include:

- a. All trees and landscape planting materials shall consist of heat and drought-tolerant plants as identified in the attached Exhibit "B": Xeriscape – North Texas.
- b. Street trees shall be provided along Galloway Avenue and Belt Line Road with a maximum separation of 30 feet on center. Street trees shall be located between the sidewalk and the street curb in a parkway of not less than seven feet.
- c. All trees planted along the street shall consist of large shade trees with an "oval" or "ball" form tree as identified in Exhibit "B."
- d. All parking islands shall be landscaped with grasses, perennials and shrubs.
- e. Parking screens shall consist of woody annuals, perennial and annual native plants along with shrubs. The shrubs shall be installed with a minimum height of three feet and maintained at a minimum height of four feet at maturity.
- f. The entire area south of the building shall be landscaped to include a rip-rapped active water feature, shrubs, grass and perennial and/or annual

native plants. Pedestrian facilities and amenities may also be located in this area.

5. Fences and Screening

If any fencing is placed on the property, it shall be constructed of decorative wrought iron.

6. Outdoor Display and/or Storage shall be prohibited.

7. Pedestrian Facilities

a. The sidewalk along North Galloway shall be a minimum of eight feet in width or a width necessary to comply with the City of Mesquite's Trails Master Plan. If necessary or desired, a portion of the sidewalk may be located on private property. Any portion of the sidewalk located on private property must be within a pedestrian easement. Other sidewalks shall be a minimum of five feet in width.

b. A pedestrian plaza shall be located on the north side of the building and shall consist of the following:

i. A pedestrian linkage to the parking lot and to the sidewalk along North Galloway.

ii. Pedestrian furniture.

iii. Bicycle rack.

8. Building Appearance and Form Standards

a. Maximum height – none.

b. There shall be no building setback requirements in the PD except as provided herein. Buildings shall align and be located as shown in the Concept Plan.

c. Buildings and site design shall comply with the Community Appearance Manual and shall be subject to approval by the Director of Community Development. All facades shall be defined as principal facades. The south façade of the building shall include a tower or other massing or architectural element(s) that provides a visual distinctiveness different from the other building facades and that is complimentary to the open space south of the building.

9. Parking

a. Parking shall be provided as generally shown on the Concept Plan.

b. All parking rows shall be bounded by a landscaped area or a landscaped parking island.

That the subject property is a 0.8273-acre tract located at 910 and 1000 North Galloway Avenue, 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.

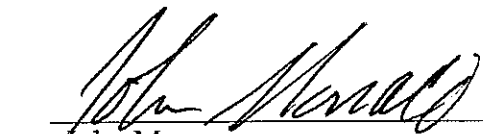
SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and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

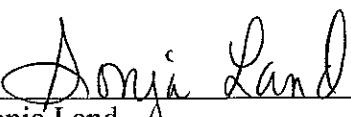
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 17th day of May, 2010.



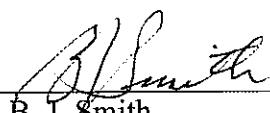
John Monaco
Mayor

ATTEST:



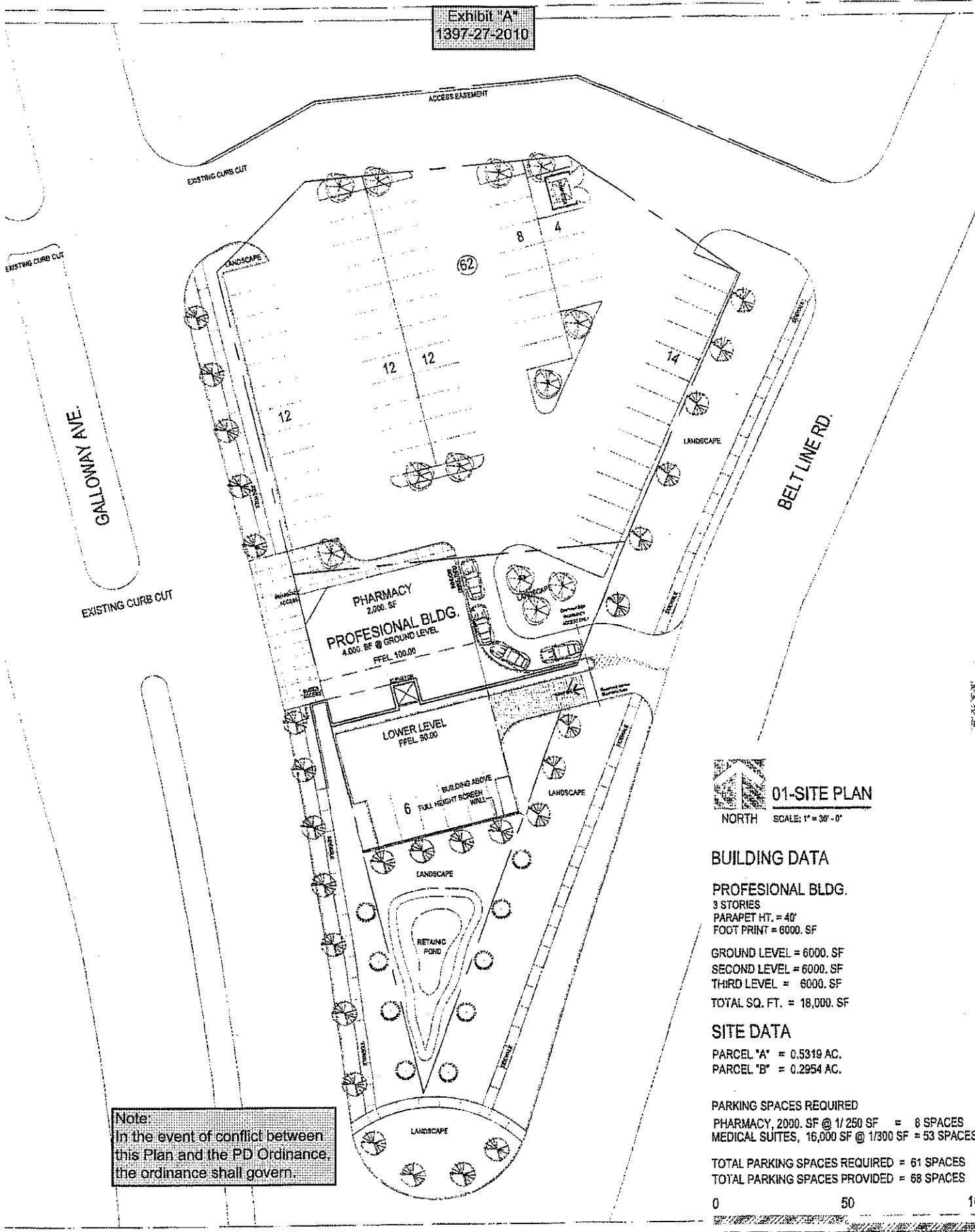
Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

Exhibit "A"
1397-27-2010



01-SITE PLAN
NORTH SCALE: 1" = 30' - 0"

BUILDING DATA

PROFESIONAL BLDG.
3 STORIES
PARAPET HT. = 47'
FOOT PRINT = 6000. SF

GROUND LEVEL = 6000. SF
SECOND LEVEL = 6000. SF
THIRD LEVEL = 6000. SF
TOTAL SQ. FT. = 18,000. SF

SITE DATA

PARCEL "A" = 0.5319 AC.
PARCEL "B" = 0.2954 AC.

PARKING SPACES REQUIRED

PHARMACY, 2000. SF @ 1/250 SF = 8 SPACES
MEDICAL SUITES, 16,000 SF @ 1/300 SF = 53 SPACES

TOTAL PARKING SPACES REQUIRED = 61 SPACES
TOTAL PARKING SPACES PROVIDED = 68 SPACES

0 50 100

Note:
In the event of conflict between
this Plan and the PD Ordinance,
the ordinance shall govern.

Exhibit B: Xeriscape - North Texas

Heat & Drought-Tolerant Plants

Native & Adapted

Shade Trees - Large Canopy

American Elm (Vase)	Pecan-Hickory (Vase)
Black Hickory (Oval)	Post Oak (Vase)
Bur Oak (Vase)	Red Maple (Vase)
Cedar Elm (Vase)	Red Oak (Oval)
Chinese Tallow (Ball)	Southern Magnolia (Oval)
Chinkapin Oak (Vase)	Sweetgum (Vase)
Green Ash (Ball)	Thornless Honey Locust (Umbrella)
Lacebark Elm (Vase)	White Oak (Vase)
Live Oak (Umbrella)	Winged Elm (Vase)
Mesquite (Umbrella/Vase)	

Shade Trees - Small Canopy

Bald Cypress (Oval)	Ginkgo (Vase)
Japanese Pistachio (Ball)	Goldrain Tree (Ball)
Desert Willow (Vase)	River Birch (Vase)

Evergreen Trees

Arizona Cypress (Pyramid)	Eastern Red Cedar (Pyramid)
Austrian Pine (Ball)	Japanese Black Pine (Ball)
Deodar Cedar (Pyramid)	Savannah Holly (Oval)

Ornamental Trees

Aristocrat Pear (Oval)	Purple Leaf Plum (Ball)
Crab Apple (Ball)	Red Bud (Umbrella)
Crape Myrtle (Vase)	Wax Myrtle (Ball)
Deciduous Holly (Vase)	Yaupon Holly (Ball)
Flowering Peach (Ball)	Vitex (Ball)

Other Protected Trees

Pond Cypress (Pyramid)	Western Soapberry (Vase)
Texas Ash (Ball)	

Shrubs & Woody Annuals

Abelia	Fragrant Sumac
Agarito	Red Yucca
Aster	Salvia Species
American Beauty Berry	Texas Sage
Arkansas Yucca	Texas Star Hibiscus
Blue Carpet Juniper	Texas Lantana
Copper Canyon Daisy	Turk's Cap
Flame Acanthus	

Perennial & Annual Native Plants

Barbra's Buttons	Mealy Blue Sage
Bergamot	Mexican Hat
Big Red Saliva	Milkweed
Bitterweed	Missouri Primrose
Blackfoot Daisy	Moss Rose
Bluebonnets	Partridge Pea
Blue-eyed Grass	Pink Evening Primrose
Blue Flax	Prairie Verbena
Calyophus	Purple Cone Flower (Echinaceae Apec.)
Cedar Sage	Rudbeckia
Coreopsis	Ruellia
Cow Pen Daisy	Salvia Coccinia
Drummond Phlox	Skullcap
Engelmann Daisy-Fall	Snow-on-the-Prairie
Obedient Plant	Spiderwort
Eryngo	Spring Rain Lily
Fall Obedient Plant	Standing Cypress
Four-nerve Daisy (Hymenoxys)	Texas Bluebell
Gaillardia	Two-leafed Senna
Green-thread	Wild Ageratum
Horsemint	Wild Foxglove (P. cobeia)
Lantana species	Wild Hyacinth
Liatris Species	Wine-cups
Maximilian Sunflower	Zexmenia
	Zebra grass

Ground Covers & Vines, Natives

Cardinal Vine	Frogfruit
Carolina Jessamine	Horseherb
Climbing Prairie Rose	Hyacinth Bean Vine
Coralberry	MO Violets
Coral Honeysuckle	Trumpet Vine
Crossvine	Passion Vine
Cypress Vine	

Non-Native

Ajuga	Mondo Grass
Artemesia	Sedum
Asian Jasmine	Thrift
English Ivy	Vinca Minor
Liriope	

Grasses

Big Blue Stem	Inland Scaots
Buffalo Grass	Lindheimer Muhly
Eastern Gamma Grass	Little Bluestem
Gulf Muhly	Seep Muhly
Indian Grass	Sideoats Grama

PROPERTY DESCRIPTION

TRACT 1

BEING a tract of land situated in the M. L. Swing Survey, Abstract No. 1397, City of Mesquite, Dallas County, Texas and being part of that certain tract of land conveyed to A. Robert Bear, Trustee, by deed recorded in Volume 57073, Page 81, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set in the East ROW line of Galway Avenue (an 80' ROW) said iron rod being S 13° 34' 00" W, a distance of 382.75 feet from the intersection of the East ROW line of Galway Avenue with the Northwest ROW line of Belt Line Road (a 105' ROW):

THENCE: N 45° 01' 36" E, departing the East ROW line of Galway Avenue, a distance of 47.69 feet to a PK nail set for corner:

THENCE: N 85° 00' 34" E, a distance of 100.1 feet to a PK nail set for corner:

THENCE: S 54° 16' 18" E, a distance of 77.52 feet to a 1/2 inch iron rod set for corner in the Northwest ROW line of Belt Line Road:

THENCE: S 23° 34' 20" W, along the Northwest ROW line of Belt Line Road, a distance of 80.00 feet to a 1/2 inch iron rod set for corner at the Northeast corner of a tract of land leased to American Petroleum, incorporated, by deed recorded in Volume 5348, Page 48, Deed Records, Dallas County, Texas:

THENCE: S 84° 57' 45" W, departing the Northwest ROW line of Belt Line Road and along the North line of said American Petroleum tract, a distance of 125.30 feet to a cross found for corner in the East ROW line of Galway Avenue:

THENCE: N 13° 34' 00" W, along the East ROW line of Galway Avenue, a distance of 13.00 feet to the PLACE OF BEGINNING and containing 23,67 square feet or 0.539 acres of land.

TRACT 2

BEING a tract of land situated in the M. L. Swing Survey, Abstract No. 1397, City of Mesquite, Dallas County, Texas and being part of that certain tract of land conveyed to A. Robert Bear, Trustee, by deed recorded in Volume 57073, Page 81, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set for corner at the intersection of the East ROW line of Galway Avenue (an 80' ROW) with the Northwest ROW line of Belt Line Road (a 105' ROW):

THENCE: N 13° 34' 00" W, along the East ROW line of Galway Avenue, a distance of 201.75 feet to a cross found for corner:

THENCE: N 84° 57' 45" E, a distance of 125.30 feet to a 1/2 inch iron rod set for corner in the Northwest ROW line of Belt Line Road:

THENCE: S 23° 34' 00" W, along the Northwest ROW line of Belt Line Road, a distance of 7.84 feet to a cross set for corner in a curve to the left, having a central angle of 06° 14' 21", a radius of 959.86 feet and a chord bearing S 20° 24' 00" W, a distance of 215.32 feet:

THENCE: along the Northwest ROW line of Belt Line Road and said curve to the left, an arc distance of 213.42 feet to the PLACE OF BEGINNING and containing 12,040 square feet or 0.2764 acres of land.