

ORDINANCE NO. 4154
File No. KPE-1A-2011

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 R-3 RESIDENTIAL SINGLE-FAMILY AND PLANNED DEVELOPMENT - MULTI-FAMILY TO PLANNED DEVELOPMENT - MULTI-FAMILY ON PROPERTY LOCATED AT 434 PAZA DRIVE; THEREBY ALLOWING AN 11.048-ACRE EXPANSION OF AN EXISTING NURSING CENTER PROPERTY 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 R-3 Residential Single-Family and Planned Development - Multifamily to Planned Development - Multifamily subject to the following stipulations:

1. The permitted uses shall be limited to SIC 805, Nursing and Personal Care Facilities.
2. 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.
3. With the construction of any new parking spaces, buildings or building additions, all fire lanes on the property shall be brought into conformance with current requirements.
4. A minimum of 55 parking spaces shall be included on the site to meet the parking required by the 160-bed facility. If beds are added to the facility, in addition to the required 55 parking spaces, parking must be provided for the additional beds in accordance with the requirements of the Off-Street Parking and Loading Regulations of the Mesquite Zoning Ordinance, as amended.

5. Because the proposed use constitutes a unique development type not otherwise accommodated in multifamily standards of the Mesquite Zoning Ordinance, the Director is authorized pursuant to Section 4-202(E) to modify or amend the PD Site Plan requirements pertaining to:
 - a. Covered parking;
 - b. Buffers from residential districts; and
 - c. Recreational facilities.

6. A refuse container for the site may be located no closer than 15 feet to an interior side or rear property line and must be properly screened with the same masonry materials used on the primary structure.

That the subject property is located at 434 Paza Drive, and is further described as being in the K Parker Enterprises Addition, Block A, Lot 1 and Open Door Baptist Church Addition, Block 11, Lot 1.

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.

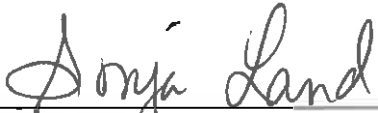
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 16th day of May, 2011.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney