

ORDINANCE NO. 4426
File No. 1397-30-2016

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 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT – OFFICE ON PROPERTY LOCATED AT 1230 NORTH GALLOWAY AVENUE; THEREBY ALLOWING USES PERMITTED IN THE OFFICE ZONING DISTRICT 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 Single Family Residential to Planned Development – Office subject to the following stipulations:

1. Development shall be as required by the Office Zoning District except as herein amended.
2. Permitted uses shall be limited to uses permitted in the Office Zoning District.
3. Seven existing trees identified on the concept plan, attached hereto as Exhibit “A,” that are along North Galloway Avenue and Mimosa Drive shall be preserved unless removal is approved by the Municipal Arborist. Any such approved removal shall require tree mitigation in conformance with Mesquite Zoning Ordinance, Section 1A-403.
4. The existing house shall remain. Any proposed modifications to the exterior of the home shall be subject to approval by the Manager of Historic Preservation

consistent with the Secretary of the Interior's Standards for Rehabilitation, U. S. Department of the Interior, National Park Services.

5. Required screening along the east side of the property shall meet the screening standards of Mesquite Zoning Ordinance, Section 1A-303, except that a screen wall may be constructed that is consistent in design, color and materials with the screen wall located at 1210 North Galloway Avenue.

That the subject property is located at 1230 North Galloway Avenue, and is more fully described in the approved field notes attached hereto as Exhibit "B."

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.

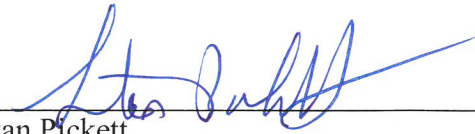
SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and 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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

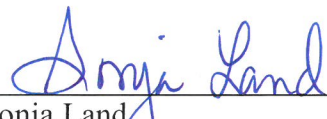
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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, 2016.



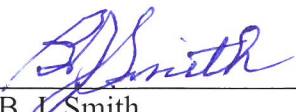
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:

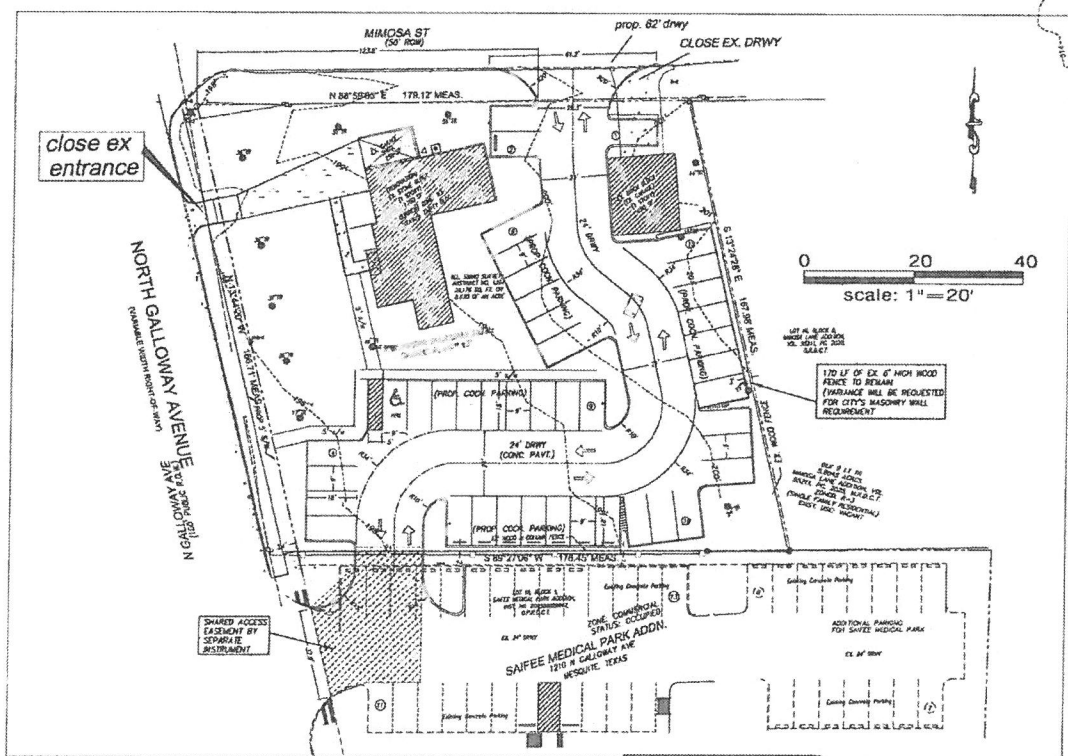


B. J. Smith
City Attorney

EXHIBIT “A”

File No. 1397-30-2016

Concept Plan



LEGEND	
EX	EXISTING
CON	CONCRETE
DRY	DRYWAY
FF	FIRST FLOOR ELEVATION
SW	SEWAGE
WE	EXISTING FIRE HYDRANT
EP	EXISTING POWER POLE
ET	EXISTING TREE
OE	EXISTING OVERHEAD ELECTRIC

VARIANCES:
 1. VARIANCE WILL BE REQUESTED TO REMOVE MASONRY WALL REQUIREMENT ALONG EAST PROPERTY LINE. EXISTING WOOD FENCE WILL REMAIN IN PLACE OR REPLACE WITH WOODEN FENCE SATISFYING CITY'S CURRENT WOODEN FENCE REQUIREMENTS.
 2. VARIANCE WILL BE REQUESTED TO REMOVE DUMPSTER REQUIREMENTS WOODEN PROPERTY AND STREET PICK UP WILL BE REQUESTED AS AN ALTERNATIVE.



LOCATION MAP
 NTS
 MAPSCO / 494-R

BLDG. AREA CALCULATIONS	
LOT SIZE	GROSS = 6.87 ACRE (29,176 SF)
GRS	1750+250+2,000 SF
EX. BLDG-GARAGE SPACE	630 SF
EX. BLDG (GARAGE)	NET = 1,170 SF
ROOFER (BLDG. AREA/LOT AREA)	0.22
FFHT EX. PROP. COVER (BASED ON VERTICAL CURB, STREETLY APPROACHES, ETC.)	1,280 SF
TOTAL = 2850+1300+3070 SF	
COMB. EX. AREA=115+535+650 SF	

IMPERVIOUS COVER CALCULATIONS (IC)	
EXISTING IMPERVIOUS COVER	= 1,170 SF (Based on other areas)
EXISTING NET AREA TO REMAIN	= 3,320 SF (3070+650+330 SF)
ADDITIONAL IMPROVEMENTS (AREA P1, P2 & P3)	= 15,250 SF
NET IMPERVIOUS COVER (IC)	= 18,570 SF

OPEN SPACE = GROSS-IC=29,176-18,570=10,606 SF
OPEN SPACE (X) = 10,606/29,176*100 = 36.35

PARKING SPACE DATA	
TOTAL REGULAR PARKING SPACES PROVIDED	= 41
TOTAL HANDICAPPED PARKING SPACES PROVIDED	= 1
GROSS PARKING SPACES PROVIDED	= 42
PARKING SPACES REQUIRED=8 (1 SPACE PER 300 SF)	

GPS GRID COORDINATES:	
STATE PLANE, NAD 83	
4202 - TEXAS CENTRAL U.S. FEET	
BN#1 REFERENCE CORNER, CITY OF WESMONT	
N=6967165.497, E=2559618.456	
CONVERGENCE: 1.20 56.47453	
SCALE FACTOR: 0.99988854	
BN#2 ON CORNER OF THE PROPERTY	
N=6971928.807, E=2553583.630	
CONVERGENCE: 1.02 10.33117	
SCALE FACTOR: 0.999883807	
BN#3 NW CORNER OF THE PROPERTY	
N=6972078.985, E=2553580.233	
CONVERGENCE: 1.02 10.08167	
SCALE FACTOR: 0.999883773	

BN#4 TEMP. BENCHMARK: SQUARE CUT ON NORTHEAST CORNER CURB OF INTERSECTION N GALLOWAY AVE AND PARK AVE. ELEVATION=512.72

EXHIBIT “B”

File No. 1397-30-2016

Legal Description

Being all that certain lot, tract, of parcel of land located in the M.L. SWING SURVEY, ABSTRACT NO. 1397, City of Mesquite, Dallas County, Texas, and being a tract of land described in deed to Ima Lawson, recorded in Volume 69122, Page 1522, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner at the intersection of the East line of N. Galloway Avenue, a variable width right-of-way, and the South line of Mimosa Street, a right-of-way;

Thence North 88°59'05" East, along said South line, a distance of 179.12' to a 5/8" iron rod found at the Northwest corner of Lot 1R, Block B, of Mimosa Lane Addition, an Addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 95211, Page 2028, Deed Records, Dallas County, Texas;

Thence South 13°24'28" East, a distance of 167.98' to a 1/2" iron rod found for corner in the North line of Lot 1R, Block 1, of Saiffee Medical Park Addition, an Addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Instrument No. 201500029847, Official Public Records, Dallas County, Texas;

Thence South 89°27'06" West, along said North line, a distance of 178.45' to a 1/2" iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner in the said East line of N. Galloway Avenue, at the Northeast corner of said Lot 1R, Block 1;

Thence North 13°44'20" West, along said East line, a distance of 166.71' to the PLACE OF BEGINNING and containing 29,176 square feet of 0.670 of an acre of land.