

ORDINANCE NO. _____
File No. Z0218-0022

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY DELETING THE STIPULATIONS IN PLANNED DEVELOPMENT ORDINANCE NO. 3872 IN THEIR ENTIRETY AND BY ADDING NEW STIPULATIONS TO PLANNED DEVELOPMENT ORDINANCE NO. 3872 THEREBY ALLOWING ADDITIONAL USES ON THE SUBJECT PROPERTY LOCATED AT 705 STATE HIGHWAY 352; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING 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 by deleting the stipulations in Planned Development Ordinance No. 3872 in their entirety and by adding new stipulations to Planned Development Ordinance No. 3872 to read as follows:

1. Development of the site shall conform generally to the concept plan, attached hereto as Exhibit "B," and subject to the City's environmental and site development regulations.
2. Only uses that are classified under the following SIC codes shall be permitted:

Retail:	523	Paint, Glass, Wallpaper
	525	Hardware Store
	54	Food Stores
	553	Auto Supply Stores
	56	Apparel, Accessory Stores
	57	Furniture, Home Furnishings
	58	Eating, Drinking Places
	591	Drug, Proprietary Stores

	594	Miscellaneous Shopping Goods Stores	Except 5947, Gift, Souvenir Shops
	5992	Florists	
	5995	Optical Goods Stores	
Finance, Insurance, Real Estate:	60 - 67	Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents & Brokers, Real Estate, Holding Companies	Except 61, Nondepository Institutions and 61a Alternative Financial Establishments
Services:	722	Photographic, Portrait Studios	
	723	Barber Shop	
	724	Beauty Shop	
	7291	Tax Preparation Services	
	7299	Tanning Salon only	
	7334	Photocopying, Duplicating Services	
	80	Health Services	
	81	Legal Services	
	82	Educational Services	
	83	Social Services	
	87	Engineering, Accounting, Research, Management Services	

That the subject property is 4.89 acres and is undeveloped. The proposed rezoning request applies to the 2.428 acres located along the front of the property and is located at 705 SH-352, and is more fully described in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. 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 3. 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 4. 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 5. 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 6. 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 7th day of May, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



Paula Anderson
Interim City Attorney

Field Notes
File No. Z0218-0022

BEING a 2.428 acre tract of land situated in the T. Scott Survey, Abstract No. 1353 and the Sam Houston Survey, Abstract No. 656, being part of Lot 2, Block A. Samuel Park Farms Retail Addition, an Addition in the City of Mesquite according to the Plat thereof recorded in 2002032, Page 8, Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING; at a point at the Southeast corner of said Lot 2, said point being in the Northwest right of way line of State Highway No. 352 (a 100' ROW) said point being also being in the West line of an alley dedicated by the Plat of Samuel Park Farms East Addition, recorded in Volume 83215, Page 3417 Map Records, Dallas County, Texas.;

THENCE South 39 degrees 20 minutes 20 seconds West, a distance of 511.17 feet along the Northwest right of way line of State Highway No. 352 and Lire Southeast boundary line of said Lot 2 to a point for corner;

THENCE North 06 degrees 50 minutes 02 seconds East, a distance of 703.30 feet along the GR zoning line of a point for corner-;

THENCE South 88 degrees 59 minutes 58 seconds East, a distance of 117.72 feet to a point for corner in the West line of said alley,

THENCE South 00 degrees 26 minutes 07 seconds East, along the West line of said alley a distance of 40.95 feet to a point at the beginning of a curve to the left having a central angle of 44 degrees 21 minutes 43 seconds, a radius of 338.00 feet, with a chord bearing and distance of South 22 degrees 36 minutes 57 seconds East, 255.21 feet;

THENCE around said curve to the left and the West line of said alley, an arc distance of 261.70 feet to a point at the end of said curve;

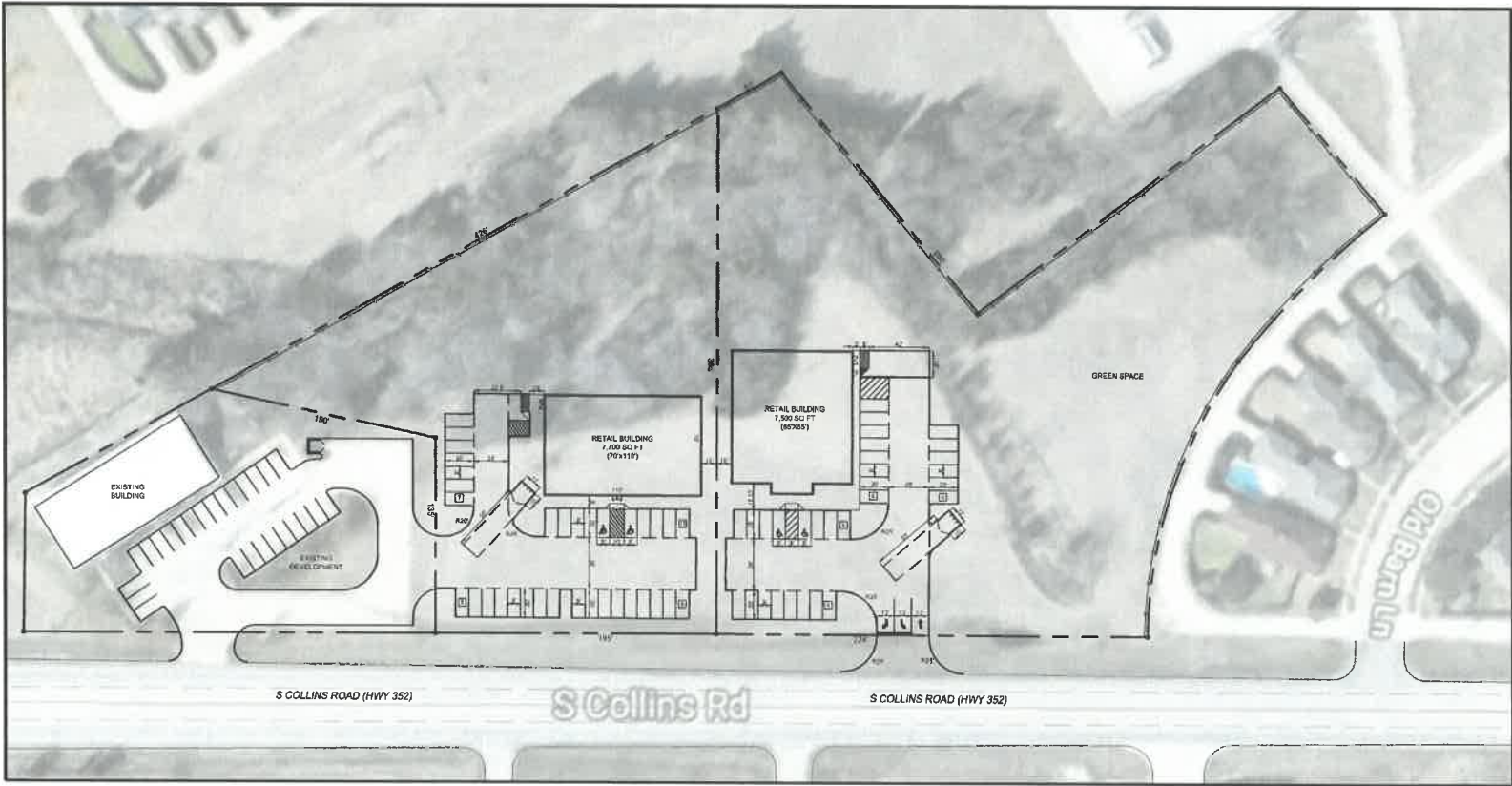
THENCE South 11 degrees 44 minutes 49 seconds East, 34.34 feet continuing along the West line of said alley to the PLACE OF BEGINNING and containing 105,771 square feet or 2.428 acres of land.

BASIS OF BEALING: the North line of Plat of Samuel Park Farms Retail Addition, an Addition in the City of Mesquite according to the Plat thereof recorded in 2002032, Page 8, Map Records, Dallas County, Texas

EXHIBIT “B”

Concept Plan

RETAIL DEVELOPMENT PRELIMINARY SITE PLAN



RETAIL DEVELOPMENT

CONCEPT PLAN

S COLLINS ROAD (HWY 352)
CITY OF MESQUITE
COLLIN COUNTY, TEXAS



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Planning | Civil Engineering | Construction Management

DESIGN/DRAWN	DATE	SCALE	PROJECT NO.	SHEET NO.
KP	TT	03/29/18	1'-60'	000-18

TX PE FIRM #11925

CP

NO.	DATE	DESCRIPTION	BY
1	03/20/18	CONCEPT PLAN	KP