

ORDINANCE NO. _____
File No. Z0518-0031

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 SINGLE FAMILY TO PLANNED DEVELOPMENT - OFFICE SUBJECT TO CERTAIN STIPULATIONS ON PROPERTY LOCATED AT 100 WEST MIMOSA LANE ALLOWING A PARKING LOT AS THE PRINCIPAL USE; 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 to approve a change of zoning on property zoned Single Family to Planned Development - Office subject to the following stipulations:

1. The uses permitted shall be a parking lot (SIC 752 a.) as a principal use and those uses permitted in the Office Zoning District, subject to the same conditions applicable in the Office Zoning District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Office District only by conditional use permit (CUP) is permitted in this district only by CUP.
2. Development of the parking lot shall conform to the concept plan, attached as Exhibit "B," and the City's environmental and site development regulations applicable to the Office Zoning District.
3. District screening shall not be required from the adjacent residential districts provided that the existing trees on the north side of the subject property are maintained and that a six-foot wrought-iron fence with masonry columns is located along the west property line with a parking screening as noted on Exhibit "B."

That the subject property is located at 100 West Mimosa Lane and is more fully described in the approved field notes attached hereto as Exhibit "A."

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 18th day of June, 2018.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:



Paula Anderson
Interim City Attorney



EXHIBIT A

WHEREAS PETROPLEX, INC. A TEXAS INCORPORATED COMPANY, IS THE OWNER OF THAT CERTAIN CALLED 1.3901 ACRES (60,555 SQUARE FEET) LOT, TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE M. L. SWING SURVEY, ABSTRACT NUMBER 1397 & ROBERT BETHURUM SURVEY, ABSTRACT NO. 170, CONVEYED TO AS DESCRIBED IN A SPECIAL WARRANTY DEED RECORDED UNDER DALLAS COUNTY CLERK'S INSTRUMENT NUMBER 201800016359 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS (O.P.R.D.C.T.); THE SAME BEING PART OF 2.0068 ACRES, TRACT 9, IN THE M. L. SWING SURVEY, ABSTRACT NUMBER 1397 & ROBERT BETHURUM SURVEY, ABSTRACT NO. 170, AS RECORDED IN VOLUME 95013, PAGE 4032, DEED RECORDS OF DALLAS COUNTY, TEXAS AND PART OF 3.1191 ACRES, TRACT 6, IN THE M. L. SWING SURVEY, ABSTRACT NUMBER 1397 & ROBERT BETHURUM SURVEY, ABSTRACT NO. 170, CONVEYED FROM MIMOSA BAPTIST CHURCH, INC. AS RECORDED IN VOLUME 93111, PAGE 3857, DALLAS COUNTY, TEXAS AND SAID COMPOSITE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD FOUND IN THE NORTHEAST CORNER OF SAID LOT 1, BLOCK C OF MIMOSA LANE BAPLIST CHURCH ADDITION NO. 2, AN ADDITION TO THE CITY OF MESQUITE, TEXAS RECORDED IN INSTRUMENT NO. 201000055179 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS AND SAID POINT BEING SOUTH LINE OF 18" ALLEY AND NORTHWEST CORNER OF SAID 2.0068 ACRE TRACT;

THENCE SOUTH 89°39'18" EAST ALONG THE SOUTH LINE OF SAID ALLEY AND NORTH LINE OF SAID 2.0068 ACRE TRACT, A DISTANCE OF 179.00 FEET TO A 5/8" IRON ROD SET;

THENCE DEPARTING SAID SOUTH LINE, SOUTH 00°20'42" WEST, A DISTANCE OF 303.14 OVER AND ACROSS THE AFOREMENTIONED MIMOSA LANE BAPTIST CHURCH PROPERTIES TO A 5/8" IRON ROD FOUND FOR A CORNER IN THE NORTH R.O.W. LINE OF MIMOSA LANE (A VARIABLE R.O.W.);

THENCE SOUTH 89°09'36" WEST ALONG NORTH R.O.W. LINE OF MIMOSA LANE, A DISTANCE OF 210.21 FEET TO A 1/2" IRON ROD FOUND FOR A CORNER; THE SAME BEING SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN DEED TO VERNON J. AND MARTHA N. PETERS, RECORDED IN VOLUME 4153, PAGE 74 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS;

THENCE NORTH 11°13'17" WEST, ALONG THE EAST LINE OF SAID PETERS PROPERTY , AT 79.07 FEET PASSING THE SOUTHEAST CORNER OF LOT 1, BLOCK C OF THE AFOREMENTIONED MIMOSA BAPLIST CHURCH ADDITION NO. 2, AND CONTINUING ALONG AN EAST LINE OF SAID LOT 1 FOR A TOTAL DISTANCE OF 137.26 FEET TO A 5/8" IRON ROD FOUND FOR A CORNER;

THENCE SOUTH 87°27'03" EAST, ALONG SOUTHEAST LINE OF SAID LOT 1 A DISTANCE OF 61.24 FEET TO A 1/2" IRON ROD FOUND FOR A CORNER;

THENCE NORTH 15°35'30" WEST, ALONG AN EAST LINE OF SAID LOT 1, A DISTASNCE OF 16.87 FEET TO A 5/8" IRON ROD FOUND FOR A CORNER;

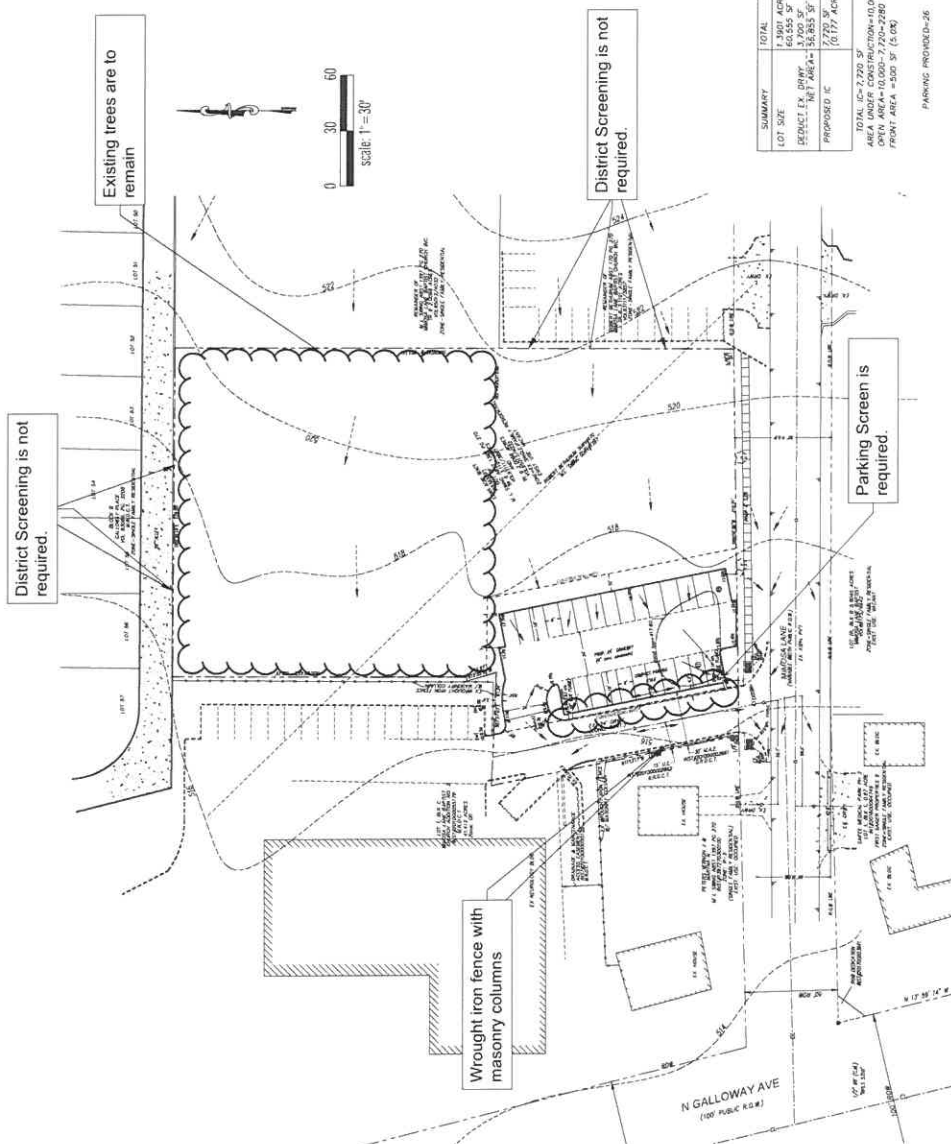
THENCE SOUTH 88°41'25" EAST ALONG SOUTHEAST LINE OF SAID LOT 1, A DISTANCE OF 2.12 FEET TO A 5/8" IRON ROD FOUND FOR A CORNER;

THENCE NORTH 00°20'42" EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 159.19 FEET TO THE POINT OF BEGINNING, AND CONTAINING 60,555 SQUARE FEET (1.3901 ACRES) OF LAND, MORE OR LESS.



LOCATION MAP NTS MAPSCO # 49A-R

- SITE STANDARDS:**
1. This plan all require City approval and all require revisions to any corresponding plans to meet standards between plans.
 2. All signage shall comply with the lighting and glare standards contained within the Mississippian Zoning Ordinance.
 3. All signage is subject to Building Official approval.
 4. All fences and retaining walls shall be shown on the site plan and are subject to Building Official approval.
 5. Approval of the site plan is not final until all engineering plans are approved by the City Engineering Department.



SUMMARY	
LOT SIZE	1.301 ACRES
PERMITTED BY	66,555 SF
NET AREA	38,285 SF (1.11 ACRES)
PROPOSED IC	7,770 SF (0.177 ACRES)
TOTAL IC	7,770 SF
AREA UNDER CONSTRUCTION	10,000 SF
PERMITTED AREA	66,555 SF (1.11 ACRES)
FRONT AREA	1,000 SF (0.023 ACRES)

PARKING PROVIDED=26

variance requested for screening and requirement to east

floodplain statement:
This is to certify that no portion of the subject property shown hereon lies within the 100 Year Flood Hazard Area as shown on the Flood Insurance Rate Map (FIRM) No. 4813C, dated 07-07-2014. The property is located in Zone "X".

Vegetation or other obstructions located within visibility triangles shall meet requirements of City Ord. 3549.

CHICKEN & BIRD ASSOCIATES, INC.
100 W. MOSA PARKWAY
SUITE 100
MESQUITE, TEXAS 75149
PHONE: 972.751.1000
FAX: 972.751.1001
WWW.CHICKENANDBIRDS.COM

MIMOSA PARKING LOT
Mesquite, Texas 75149
100 W MOSA PARKWAY



SITE PLAN

DATE: 5-26-18
DRAWN: C. J. JONES
PROJECT: C10032018
SHEET NO: C3