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ORDINANCE NO. 1199

CASE 1353-7

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM "R-1" AND "R-3" SINGLE FAMILY DISTRICTS TO A PLANNED DEVELOPMENT CLASSIFICATION WITH "I" INDUSTRIAL USES WITH THE STIPULATIONS THAT (1) A 50-FOOT SET BACK BE PERMANENTLY LANDSCAPED AND MAINTAINED; (2) ALL OUTSIDE STORAGE SHALL BE SCREENED; (3) NO LOADING DOCKS SHALL FRONT ONTO EAST KEARNEY; (4) TEN (10%) PERCENT OF THE TOTAL AREA SHALL BE LANDSCAPED AND PERMANENTLY MAINTAINED (THIS MAY INCLUDE A PORTION OF THE DRAINAGEWAY THROUGH THE PROPERTY); (5) TWENTY (20') FEET OF RIGHT OF WAY SHALL BE DEDICATED FOR THE FUTURE IMPROVEMENT OF KEARNEY; AND (6) ALL BUILDINGS SHALL BE OF ALL MASONRY CONSTRUCTION; SAID PROPERTY BEING ON A 73-ACRE TRACT OF LAND DESCRIBED AS TRACT 3, ABSTRACT 1353, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning 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

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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 should be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "R-1" and "R-3" Single Family Districts to a Planned Development classification with "I" Industrial uses with the stipulations that:

1. A fifty (50') foot set back be permanently landscaped and maintained;
2. All outside storage shall be screened;
3. No loading docks shall front onto East Kearney;
4. Ten (10%) percent of the total area shall be landscaped and permanently maintained (this may include a portion of the drainageway through the property);
5. Twenty (20') feet of right of way shall be dedicated for the future improvement of Kearney; and
6. All buildings shall be of all masonry construction.

Said property being on a 73-acre tract of land described as Tract 3, Abstract 1353, City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this ordinance.

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SECTION 2. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the property described in Exhibit "A" as attached hereto, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing zoning 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. 858 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

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 subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.


SECTION 7. Whereas, the property described in Exhibit "A" of this ordinance requires that it be given the above classification in order to permit its proper development and in

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order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an 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 3rd day of June, A.D., 1974.



Bob Beard  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

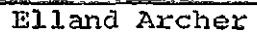
  
Elland Archer  
City Attorney

EXHIBIT "A"

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BEING all that certain lot, tract, or parcel of land situated in the County of Dallas, Texas, and being part of the Thomas Scott Survey, Abstract No. 1353, and being part of a tract of land conveyed by Maude Range Jobson, a widow, to Joe C. Pritchett, Vance W. Stallcup, John W. Conly, M. Dee Ogden and Don Glendenning by deed dated October 5, 1967, and recorded in Volume 67199 at page 1254 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the South line of Long Creek Road, said point being the Northeast corner of a tract of land being 10.912 acres conveyed to the City of Mesquite, Texas, by deed dated March 11, 1969, and recorded in Volume 69055 at page 1378 of the Deed Records of Dallas County, Texas;

THENCE, North 89° 39' 30" East along the South line of Long Creek Road, a distance of 1899.11 feet to the beginning of a curve to the left having a central angle of 11° 13' 40" and a radius of 1556.00 feet;

THENCE, along said curve to the left an arc distance of 304.92 feet to the end of said curve;

THENCE, North 78° 25' 50" East along the Southerly line of Long Creek Road, a distance of 1.13 feet to its intersection with the North line of said Pritchett, et al, tract;

THENCE, North 89° 39' 30" East along the North line of said Pritchett, et al, tract a distance of 32.98 feet to its Northeast corner, said point being in the West line of a tract of land conveyed to Ethel Dennis by deed dated March 4, 1950, and recorded in Volume 3272 at page 208 of the Deed Records of Dallas County, Texas;

THENCE, South 0° 31' 30" East along the West line of said Dennis tract and the West line of a tract of land conveyed to H. W. Horton by deed dated June 22, 1962, and recorded in Volume 5811 at page 498 of the Deed Records of Dallas County, Texas, a distance of 814.01 feet to the Southerly corner of said Horton tract and being in the Northwest right of way of State Highway No. 352;

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THENCE, South 39° 43' 30" West along the Northwest line of State Highway No. 352, a distance of 1079.71 feet to its intersection with the North line of the Texas and Pacific Railroad right of way line;

THENCE, North 83° 45' West along the North line of said Texas and Pacific Railroad, a distance of 1554.44 feet to the Southeast corner of a 14.133 acre tract conveyed to the City of Mesquite, Texas, by deed dated May 19, 1961, and recorded in Volume 5569 at page 310 of the Deed Records of Dallas County, Texas;

THENCE, North 0° 20' 30" West along the East line of said City of Mesquite's two tracts, a distance of 1431.45 feet to the place of Beginning and containing 73.062 acres of land, more or less.