

ORDINANCE NO. 1424

Appl. No. PG-2

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 OFFICE TO PLANNED DEVELOPMENT - COMMERCIAL WITH THE FOLLOWING STIPULATIONS: (1) THAT THERE BE NO ADDITIONAL MEDIAN CUTS ON KEARNEY STREET; (2) THAT AN ADULT MANAGER BE ALLOWED TO RESIDE ON THE PREMISES; (3) THAT NO LIGHTING BE DIRECTED TOWARD RESIDENTIAL PROPERTY; (4) THAT THE OPERATION BE LIMITED TO MINI-WAREHOUSES, AS DEFINED; (5) THAT THE SITE PLAN SUBMITTAL BE REQUIRED TO SHOW BUILDING ELEVATIONS, CHARACTER AND APPEARANCE; (6) THAT SIGNS BE LIMITED TO THOSE ALLOWED IN GENERAL RETAIL AND OFFICE ZONES WITH POLE SIGNS SPECIFICALLY NOT ALLOWED; (7) THAT THERE BE NO OUTSIDE STORAGE; (8) THAT THE AREAS BETWEEN KEARNEY STREET AND THE 15-FOOT UTILITY EASEMENT TRAVERSING THE PROPERTY BE LIMITED TO USES ALLOWED IN OFFICE ZONING WITH THE EXCEPTION OF THE RECREATIONAL VEHICLE STORAGE BUILDING PROPOSED ADJACENT TO THE DRAINAGE EASEMENT ALONG THE EASTERN PROPERTY LINE; (9) THAT A 6-FOOT HIGH SOLID MASONRY SCREENING FENCE BE CONSTRUCTED ALONG THE EXISTING ALLEY ABUTTING THE TRACT; (10) THAT THE KEARNEY STREET FRONTAGE AND DRAINAGE EASEMENT BE SUITABLY LANDSCAPED USING THE SWAYZE AND GROSZ TRACTS AS GUIDES, THAT DETAILED LANDSCAPING PLANS BE SUBMITTED WHEN THE SITE PLAN IS CONSIDERED; (11) THAT THERE SHALL BE NO ENTERTAINMENT ACTIVITIES ON THE PREMISES; (12) THAT THE HOURS OF OPERATION BE FROM 6:00 A.M. TO 10:00 P.M.; SAID PROPERTY BEING LOCATED SOUTH OF THE DESCO DRIVE AND KEARNEY STREET INTERSECTION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO 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.

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WHEREAS, the City Planning Commission of the City of Mesquite and the governing body 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 said 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 Office to Planned Development - Commercial with the following stipulations: (1) That there be no additional median cuts on Kearney Street; (2) That an adult manager be allowed to reside on the premises; (3) That no lighting be directed toward residential property; (4) That the operation be limited to Mini-Warehouses, as defined in the minutes of the Planning & Zoning Commission meeting January 23, 1978; (5) That the site plan submittal be required to show building elevations, character and appearance; (6) That signs be limited to those allowed in General Retail and Office Zones with pole signs specifically not allowed; (7) That there be no outside storage; (8) That the areas between Kearney Street and the 15-foot utility easement traversing the property be limited to uses allowed in office zoning with the exception of the recreational vehicle storage building proposed adjacent to the drainage easement along the eastern property line; (9) That a 6-foot high solid masonry screening fence be constructed along the existing alley abutting the tract; (10) That the Kearney Street frontage and drainage easement be suitably landscaped using The Swayze and Grosz tracts as guides, that detailed landscaping plans be submitted when the site plan is considered; (11) That there shall be no entertainment activities on the premises; (12) That the hours of operation be from 6:00 A.M. to 10:00 P.M.; said property being located south of the Desco Drive and Kearney Street intersection, City of Mesquite, Dallas County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of this Ordinance.

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 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. 1249 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 effect 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 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 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 17th day of April, A.D., 1978.

Mrs. Brunhilde Nystrom

Mrs. Brunhilde Nystrom
Presiding Officer

ATTEST:

APPROVED AS TO FORM:

Norma G. McGaughy
Norma G. McGaughy
City Secretary

Elland Archer
City Attorney



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Donald B. Spence Land Surveyor, Inc.

215 1/2 N. MAIN STREET, ROOM 210 • CORSICANA, TEXAS 75110

214-872-5443

REGISTERED SURVEYOR
TEXAS - LOUISIANA

April 3, 1978

DONALD B. SPENCE
President

Mini-Warehouse Area

Being all of Lot 9-A and a part of Lot 8-A, Block H, in Pasadena Gardens Addition No. 1, an Addition in the City of Mesquite, Dallas County, Texas, as recorded in Volume 75136, Page 1407, Map Records, and more fully described as follows:

BEGINNING at the southwest corner of Lot 9-A on the east line of Carmack Street;

THENCE N 0 deg. 27 min. W 175 ft. to the northwest corner of Lot 9-A on the east line of Carmack Street and on the south line of an alley;

THENCE S 89 deg. 58 min. E 408.26 ft. along the south line of said alley to a transition in alley widening;

THENCE with said alley: S 44 deg. 58 min. E 7.07 ft. and S 89 deg. 58 min. E 45 ft. to the southeast corner of said alley;

THENCE N 0 deg. 09 min. W 20 ft. to the north line of an easement;

THENCE S 89 deg. 58 min. E 186.77 ft. to corner on the north line of said easement;

THENCE N 80 deg. 24 min. E 67.45 ft. to corner on said easement;

THENCE S 90 deg. 58 min. E 56.70 ft. to corner;

THENCE N 0 deg. 09 min. W 115.89 ft. to the south line of W. Kearns

THENCE S 89 deg. 58 min. E 236.09 ft. along the south line of W. Kearns to corner;

THENCE S 32 deg. 51 min. W 204.86 ft. to corner;

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MEMBER: Texas Surveyors Association • American Congress on Surveying and Mapping

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DONALD B. SPENCE
President

Mini-Warehouse Area Cont'd

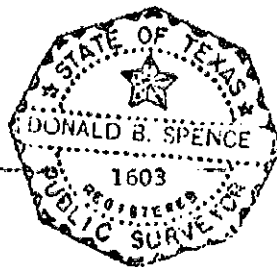
THENCE South 75.20 ft. to corner on the north line of
McKinney Street;

THENCE N 89 deg. 58 min. W 32.85 ft. to corner;

THENCE S 0 deg. 06 min. W 20.15 ft. to corner;

THENCE N 89 deg. 58 min. W 828.05 ft. along the south
line of Lots 8-A and 9-A to the Place of Beginning and
containing 184,912 square feet or 4.245 acres of land.

Prepared for Zoning Change, lines not marked on the ground.



Donald B. Spence
Donald B. Spence
Registered Public Surveyor

Job No. 0874-78

Land Surveys * Land Planning * Subdivisions

Member: Texas Surveyors Association & American Congress on Surveying and Mapping

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