

ORDINANCE NO. 1445

Appl. No. 1353-9

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 IN ZONING FROM PLANNED DEVELOPMENT - INDUSTRIAL TO INDUSTRIAL ON PART OF TRACT 3, ABSTRACT 1353, WITH THE FOLLOWING STIPULATIONS: (1) THAT ALL METAL BUILDINGS WITHIN THE DEVELOPMENT HAVE MASONRY FRONTS, AND THAT ANY BUILDING WALL FACING KEARNEY STREET SHALL BE MASONRY, WITHOUT REGARD TO WHETHER THAT WALL IS CONSIDERED THE FRONT, SIDE, OR REAR OF THE BUILDING; (2) THAT ALL BUILDINGS CONSTRUCTED ON LOTS ABUTTING KEARNEY STREET SHALL HAVE MANSARD ROOFS ALONG AT LEAST 30% OF THE HORIZONTAL WALL DIMENSION FRONTING KEARNEY STREET, OR THE GABLES OF SUCH BUILDINGS SHALL NOT FACE KEARNEY STREET; (3) THAT ANY OUTSIDE STORAGE EXPOSED TO KEARNEY STREET SHALL BE VISIBLY SCREENED FROM THE STREET BY A SOLID MASONRY WALL (BRICK OR POURED IN PLACE CONCRETE) AT LEAST SIX FEET IN HEIGHT; (4) THAT NO LOADING DOCKS SHALL FACE KEARNEY STREET; SAID PROPERTY BEING GENERALLY LOCATED BETWEEN KEARNEY STREET AND THE TEXAS AND PACIFIC RAILROAD APPROXIMATELY 700 FEET EAST OF THE MESQUITE MUNICIPAL SERVICE CENTER, CITY OF MESQUITE, DALLAS COUNTY, TEXAS; 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 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 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 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 Planned Development - Industrial to Industrial on part of Tract 3, Abstract 1353, with the following stipulations: (1) That all metal buildings within the development have masonry fronts, and that any building wall facing Kearney Street shall be masonry, without regard to whether that wall is considered the front, side or rear of the building; (2) That all buildings constructed on lots abutting Kearney Street shall have mansard roofs along at least 30% of the horizontal wall dimension fronting Kearney Street, or the gables of such buildings shall not face Kearney Street; (3) That any outside storage exposed to Kearney Street shall be visibly screened from the street by a solid masonry wall (brick or poured in place concrete) at least six feet in height; (4) That no loading docks shall face Kearney Street; said property being generally located between Kearney Street and the Texas and Pacific Railroad approximately 700 feet east of the Mesquite Municipal Service Center, City of Mesquite, Dallas County, Texas.

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.

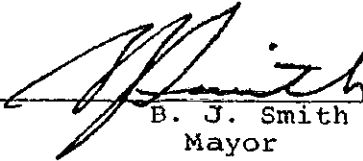
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 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 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.

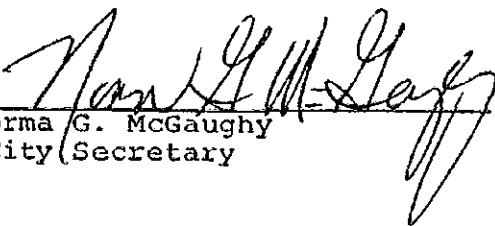
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of July, A.D., 1978.



B. J. Smith
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

00130

LEGAL DESCRIPTION:

BEING a tract of land situated in the City of Mesquite, County of Dallas, Texas out of the Thomas Scott Survey, Abstract No. 1353; and being part of a certain 73.062 tract of land conveyed to Graham Properties, Inc., Trustee by deed dated March 19, 1974, recorded in volume 74062, page 1225 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point located in the South right-of-way line of Long Creek Road and the Northeast corner of the tract of land containing 30.508 acres conveyed out of the 73.062 acre tract to Gibson, Inc. on October 18, 1977;

THENCE East along the South right-of-way line of Long Creek Road a distance of 1342.14 feet to a point for corner;

THENCE South a distance of 814.01 feet to the West right-of-way line of State Highway 352 to a point for corner;

THENCE South along the West right-of-way line of State Highway 352 to the North right-of-way line of T & P Railroad a distance of 1079.17 feet to a point for corner;

THENCE West along the North right-of-way line of T & P Railroad a distance of 652.40 feet to a point for corner;

THENCE North to a distance of 1534.99 feet to the point of BEGINNING: and containing 41.88 acres more or less.

SAVE AND EXCEPT:

BEING a strip of land 20.0 ft. in width over, under and across that certain lot, tract or parcel of land lying and being situated in the County of Dallas, State of Texas, being out of the Thomas Scott Survey, Abst. No. 1353, and being that certain 73.062 acre tract of land conveyed to grantor herein by S & W Mesquite #1, a Joint Venture, by deed dated March 19, 1974, recorded in Vol. 74062, Page 1225, Deed Records of Dallas County, Texas, said 20.0 ft. wide strip of land lying South of, adjacent to and parallel with the North property line of said 73.062 acre tract, same being the South right-of-way line of Kearney St. (Long Creek Rd.), extending from the West property line of said property Eastward, a distance of 2238.14 ft. to the East property line of said property for the end of this 20.0 ft. wide strip of land, and containing 44,762.8 sq. ft. of land.

THE NET ACREAGE WHICH IS 40.85 acres.