

ORDINANCE NO. 1599

00209

APPL. NO. 810-21

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 COMMERCIAL TO CONDITIONAL USE IN COMMERCIAL FOR A METAL BUILDING WITH THE STIPULATION THAT THERE SHALL BE MASONRY FRONTS ALONG KEARNEY AND MATADOR STREETS AND MASONRY WRAPAROUND FOR A DEPTH OF 10 FEET AROUND EACH OF THESE CORNERS, AND THAT THE REQUIREMENT FOR A MASONRY SCREENING WALL BETWEEN THIS PROPERTY AND THE ADJACENT RESIDENTIAL AREA BE DEFERRED UNTIL THIS PROPERTY FURTHER DEVELOPS; FURTHER, THERE SHALL ALSO BE A MANSARD ROOF ON THE MASONRY FRONTS; SAID PROPERTY BEING LOCATED NORTHWEST OF THE KEARNEY STREET AND MATADOR 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 (\$200.00) DOLLARS 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 change 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 Commercial to Conditional Use in Commercial for a metal building with the stipulation that there shall be masonry fronts along Kearney and Matador Streets and masonry wraparound for

a depth of 10 feet around each of these corners, and that the requirement for a masonry screening wall between this property and the adjacent residential area be deferred until this property further develops; further, there shall also be a mansard roof on the masonry fronts; said property being located northwest of the Kearney Street and Matador Street Intersection, 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 of 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

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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 16th day of June, A.D., 1980.

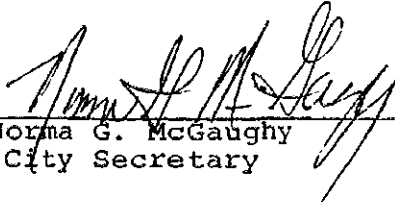


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B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:



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Norma G. McGaughy  
City Secretary

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Elland Archer  
City Attorney

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EXHIBIT 'A'

BEING a tract or parcel of land in the John Lackey Survey, Abstract No. 810, the McKinney and Williams Survey, Abstract No. 1024, and the Swing and Laws Survey, Abstract No. 1396, and also being a part of a 49.66 acre tract conveyed to John J. Fisher and T. A. Rippey by Deed recorded in Volume 798, Page 1882-85, of the Deed Records of Dallas County, Texas, situated in the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the West right-of-way line of Matador Lane (60.0 feet wide) with the North right-of-way line of Kearney Street (80.0 feet wide), said point being the beginning of a curve to the right having a tangent bearing of South  $89^{\circ}58'30''$  West, and said point of beginning being  $89^{\circ}58'30''$  West along the North line of Kearney Street 1688.79 feet, more or less, from the Southeast corner of said 49.66 acre tract of land aforementioned, which is the intersection of the West line of a 10.0 foot alley as dedicated by the plat of Pasadena Gardens Addition, an addition to the City of Mesquite, Texas, with the North line of Kearney Street;

THENCE Northwesterly along said curve to the right having a radius of 671.34 feet, a central angle of  $34^{\circ}32'30''$  and a tangent of 208.72 feet, an arc distance of 404.73 feet;

THENCE South  $34^{\circ}31'$  West, 10.0 feet to a point on the Northeast right-of-way line of Gross Road (variable width);

THENCE North  $44^{\circ}50'30''$  West along said Northeast right-of-way line of Gross Road, 340.14 feet;

THENCE North  $62^{\circ}12'$  East along the Southeast line of a 10.0 foot alley as dedicated by the plat of El Rosa Addition, an addition to the City of Mesquite, Texas; *300.00 feet*;

THENCE South  $27^{\circ}48'$  East, 31.15 feet;

THENCE South  $12^{\circ}28'30''$  West, 186.93 feet;

THENCE North  $89^{\circ}58'30''$  East, 378.64 feet to a point on the West right-of-way line of Matador Lane;

THENCE South  $0^{\circ}01'30''$  East along said West right-of-way line of Matador Lane, 285.0 feet to the PLACE OF BEGINNING, and containing 3.2563 acres of land.