

ORDINANCE NO. 2320
File No. 1462-192

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-3 SINGLE FAMILY AND OFFICE FOR TRACT ONE TO OFFICE WITH A MAXIMUM BUILDING HEIGHT OF 25 FEET ABOVE THE ELEVATION OF PEACHTREE ROAD WITH THE STIPULATION THAT NATURAL SCREENING BE PROVIDED ALONG PEACHTREE ROAD; FOR TRACT TWO FROM R-3 SINGLE FAMILY AND OFFICE TO LIGHT COMMERCIAL PROHIBITING OUTSIDE STORAGE AND ANY USE WHICH GENERATES HEAVY TRUCK (TRACTOR-TRAILER) TRAFFIC ON A CONTINUING BASIS, INCLUDING WAREHOUSES, OFFICE-WAREHOUSES AND TRUCK TERMINALS WITH CERTAIN STIPULATIONS; THE 49.67 ACRE TRACT IS LOCATED EAST OF PEACHTREE ROAD BETWEEN GROSS ROAD AND SKYLINE DRIVE; 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 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 R-3 Single Family and Office for Tract One to Office with a maximum building height of 25 feet above the elevation of Peachtree Road and with the stipulation that natural screening be provided along Peachtree Road; for Tract Two to Light Commercial prohibiting outside storage and any use which generates heavy truck (tractor-trailer) traffic on a continuing basis, including warehouses, office-warehouses and truck terminals with the following stipulations:

- A. Abattoir including slaughtering of livestock or poultry
- B. Acetylene gas manufacturing
- C. Asphalt refining or manufacture
- D. Ammonia manufacture
- E. Automobile wrecking yard; tire treading or recapping
- F. Beer tavern or lounge
- G. Boilerworks
- H. Brick kiln and manufacture of ceramic products
- I. Cattle or livestock pens or feeding yards
- J. Cement, lime or gypsum manufacture
- K. Concrete batching plant (except for temporary construction installations)
- L. Creosote or wood preservation treatment or manufacture
- M. Contractors' storage yard or storage or sale of heavy machinery or equipment in the open
- N. Cotton gin or baling
- O. Dance hall or night club
- P. Dump or refuse disposal
- Q. Fertilizer or glue manufacture
- R. Foundry or forge
- S. Fur, leather, hide or wool storage, tanning or treating
- T. Junk yard, wrecking yard, salvage yard, scrap metal, paper or rags storage or similar salvage operation
- U. Manufacture of paper, pulp, explosives, acids and gases and storage of chlorine, ammonia, and similar hazardous commodities
- V. Petroleum refining, storage tank, farm or petrochemical plant
- W. Quarry, stone crushing, gravel pit or surface extraction of other natural resources
- X. Reduction of ore, offal and garbage and including rendering plants
- Y. Sale of used cars, except as incidental function of new car dealership, used auto parts or the storage in the open of used materials, equipment or appliances
- Z. Tourist camps

- (a) The developer is required to participate in up to 50% of the cost of the traffic signal upgrade at Skyline/Peachtree and signal installation at South Parkway/Peachtree, if warranted.

ORDINANCE/PAGE 3

- (b) That ingress-egress (trail) easements be dedicated in accordance with the greenbelt policy and that the developer incorporate appropriate grading in his sitework to accommodate future trail construction.

The subject 49.67 acre tract is located east of Peachtree Road between Gross and Skyline Drive; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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 (\$200.00) Dollars for each offense.

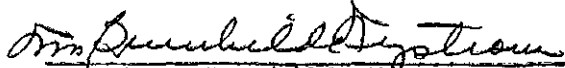
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public

00160

ORDINANCE/PAGE 4

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 21st day of July A.D., 1986.



Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

PARCEL 1

Being a tract of land situated in the Daniel Tanner Survey, Abstract 1462, City of Mesquite, Dallas County, Texas, and also part of a tract of land conveyed to Caroline Hunt Trust Estate by deed recorded in Volume 5122, page 195 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Easterly line of Peachtree Road (a 100' R.O.W.), said point being South 47° 02' 35" West, a distance of 400.00 feet from the intersection of said Easterly line of Peachtree Road and the Southwesterly line of Gross Road (a 120' R.O.W.), a 1/2" iron stake for a corner;

THENCE, South 42° 57' 25" East, a distance of 270.00 feet to a 1/2" iron stake for corner;

THENCE, South 21° 00' 00" East, a distance of 650.00 feet to a point in the common boundary with a 27.52 acre tract of land to be zoned Commercial, said point also being a 1/2" iron stake for corner;

THENCE, along said common boundary of said 27.52 acre tract of land, as follows:

South 7° 30' 59" East, a distance of 149.21 feet to an iron rod set for corner;

South 01° 23' 19" West, a distance of 217.81 feet to an iron rod set for corner;

South 80° 24' 35" West, a distance of 389.04 feet to an iron rod set for the beginning of a circular curve to the right whose radius bears North 09° 35' 25" West;

Along said circular curve to the right, having a central angle of 7° 15' 54", a radius of 100.00 feet, a tangent length of 8.35 feet, and an arc distance of 12.68 feet, to an iron rod set for corner;

South 87° 40' 28" West, a distance of 66.15 feet to an iron rod set for the beginning of a circular curve to the left whose radius bears South 02° 19' 32" East;

Along said circular curve to the left, having a central angle of 11° 33' 57", a radius of 350.00 feet, a tangent length of 35.45 feet, and an arc distance of 70.65 feet to an iron rod set for corner;

South 76° 06' 32" West, a distance of 60.36 feet to an iron rod set for corner;

THENCE, South 88° 08' 50" West, departing said common boundary of said 27.52 acre tract of land and following Northern boundary of a 35.53 acre tract of land previously zoned Industrial, for a distance of 218.66 feet to an iron rod set for corner;

1462-192

00162

THENCE, South 83° 45' 12" West, along said Northern boundary of said 35.53 acre tract, a distance of 270.00 feet to a point in the Eastern line of Peachtree Road (a 100 foot R.O.W.), said point also being an iron rod set for the beginning of a circular curve to the right whose radius bears North 03° 45' 12" East;

THENCE departing said Northern boundary of said 35.53 acre tract of land and following said Eastern line of Peachtree Road, along said circular curve to the right having a central angle of 53° 17' 23", a radius of 1260.75 feet, a tangent length of 637.00 feet and an arc distance of 1180.07 feet to a 1/2" iron stake for corner;

THENCE, North 47° 02' 34" East, along said Eastern line of Peachtree Road, a distance of 340.98 feet to the POINT OF BEGINNING, and containing 22.15 acres of land.

#1462-192

PARCEL 11

Being a tract of land situated in the Daniel Tanner Survey, Abstract 1462, City of Mesquite, Dallas County, Texas, and also part of a tract of land conveyed to Caroline Hunt Trust Estate by deed recorded in Volume 5122, page 195 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point on the Easterly line of Peachtree Road (a 100' R.O.W.), said point being South 47° 02' 35" West, a distance of 400.00 feet from the intersection of said Easterly line of Peachtree Road and the Southwesterly line of Gross Road (a 120' R.O.W.), a 1/2" iron stake for a corner; THENCE, South 42° 57' 25" East, leaving said Easterly line of Peachtree Road and following the Northeast property line of a 22.15 acre tract of land to be zoned Light Commercial, 270.00 feet to a 1/2" iron stake for corner; THENCE, South 21° 00' 00" East, along said Northeast property line 650.00 feet to a 1/2" iron stake for corner, said corner also being the POINT OF BEGINNING;

THENCE, North 78° 00' 00" East, departing said Northeast line of a 22.15 acre tract, a distance of 313.33 feet to a point on the Westerly line of LBJ Freeway/I.H. 636 (a variable R.O.W), to a 1/2" iron stake for corner;

THENCE along said Westerly line of LBJ Freeway/I.H. 636, the following:

South 14° 31' 32" East, a distance of 503.14 feet to a 1/2" iron stake for corner;

South 09° 10' 05" East, a distance of 260.56 feet to a 1/2" iron stake for corner;

South 01° 42' 38" East, a distance of 800.01 feet to a 1/2" iron stake for corner;

South 05° 38' 33" East, a distance of 397.88 feet to an iron rod set for corner;

THENCE, North 81° 34' 53" West, departing said Westerly line of LBJ Freeway, along a common boundary with a 35.53 acre tract of land previously zoned Industrial, a distance of 116.21 feet to an iron rod set for the beginning of a circular curve to the right whose radius bears North 08° 25' 07" East;

THENCE, along said common boundary, the following:

Along said circular curve to the right having a central angle of 19° 15' 24", a radius of 400.00 feet, a tangent length of 87.88 feet, and an arc distance of 134.44 feet, to an iron rod set for corner;

North 62° 19' 29" West, a distance of 124.07 feet to an iron rod set for the beginning of a circular curve to the right whose radius bears North 27° 40' 32" East;

1462-192

00164

Along said circular curve to the right having a central angle of $39^{\circ} 03' 06''$, a radius of 600.00 feet, a tangent length of 177.31 feet and an arc distance of 340.79 feet, to an iron rod set for corner;

North $23^{\circ} 16' 23''$ West, a distance of 212.38 feet to an iron rod set for the beginning of a circular curve to the right whose radius bears North $66^{\circ} 43' 38''$ East;

Along said circular curve to the right, having a central angle of $12^{\circ} 39' 36''$, a radius of 1000.00 feet, a tangent length of 110.78 feet and an arc distance of 220.66 feet, to an iron rod set for corner;

North $10^{\circ} 37' 48''$ West, a distance of 54.68 feet to an iron rod set for the beginning of a circular curve to the left whose radius bears South $76^{\circ} 40' 53''$ West;

Along said circular curve to the left, having a central angle of $66^{\circ} 03' 42''$, a radius of 66.00 feet, a tangent length of 42.26 feet, and an arc distance of 74.94 feet to an iron rod set for corner;

North $79^{\circ} 22' 49''$ West, a distance of 84.61 feet to an iron rod set for the beginning of a circular curve to the right whose radius bears North $10^{\circ} 37' 11''$ East,

Along said circular curve to the right, having a central angle of $39^{\circ} 36' 32''$, a radius of 125.00 feet, a tangent length of 45.01 feet, and an arc distance of 86.41 feet to an iron rod set for corner;

North $39^{\circ} 46' 17''$ West, a distance of 100.58 feet to an iron stake for the beginning of a circular curve to the right whose radius bears North $60^{\circ} 13' 43''$ East;

Along said circular curve to the right, having a central angle of $9^{\circ} 59' 06''$, a radius of 225.00 feet, a tangent length of 19.66 feet, and an arc distance of 39.21 feet, to an iron rod set for corner;

North $29^{\circ} 47' 11''$ East, a distance of 301.85 feet to an iron stake for the beginning of a circular curve to the right whose radius bears North $60^{\circ} 12' 49''$ East;

Along said circular curve to the right, having a central angle of $54^{\circ} 44' 43''$, a radius of 40.00 feet, a tangent length of 20.71 feet, and an arc distance of 38.22 feet, to an iron rod set for corner;

North $24^{\circ} 57' 32''$ East, a distance of 66.47 feet to an iron stake for the beginning of a circular curve to the right whose radius bears South $65^{\circ} 02' 28''$ East;

Along said circular curve to the right, having a central angle of $51^{\circ} 09' 00''$, a radius of 41.79 feet, a tangent length of 20.00 feet, and an arc distance of 37.31 feet to a point in a common boundary with a 22.15 acre tract of land zoned Light Commercial, an iron rod set for corner;

1462-192

THENCE, departing said common boundary line with a 35.53 acre tract, along said common boundary of said 22.15 acre tract as follows:

North 76° 08' 32" East, a distance of 80.38 feet to an iron rod set for the beginning of a circular curve to the right whose radius bears South 13° 53' 28" East;

Along said circular curve to the right, having a central angle of 11° 33' 57" East, a radius of 350.00 feet, a tangent length of 35.45 feet, and an arc distance of 70.85 feet to an iron rod set for corner;

North 87° 40' 28" East, a distance of 66.15 feet to an iron rod set for the beginning of a circular curve to the left whose radius bears North 02° 19' 32" West;

Along said circular curve to the left, having a central angle of 7° 15' 54", a radius of 100.00 feet, a tangent length of 8.35 feet, and an arc distance of 12.88 feet, to an iron rod set for corner;

North 80° 24' 35" East, a distance of 389.04 feet to an iron rod set for corner;

North 01° 23' 19" East, a distance of 217.81 feet to an iron rod set for corner;

North 07° 30' 59" West, a distance of 149.21 feet to the POINT OF BEGINNING, and containing 27.52 acres of land.

1462-192

00166