

ORDINANCE NO. 2426
File No. 1607-4

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 TO COMMERCIAL WITH A CONDITIONAL USE TO ALLOW METAL BUILDINGS AND SUBJECT TO CERTAIN STIPULATIONS; THE SUBJECT 13.7248 ACRE TRACT IS LOCATED EAST OF FLORENCE STREET, BETWEEN KIMBROUGH STREET AND THE TEXAS AND PACIFIC RAILROAD; 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 to Commercial with a Conditional Use to allow metal buildings and subject to the following stipulations:

1. An 8 foot masonry screening wall along Kimbrough and

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Florence, except where gates or future buildings are proposed. The wall shall be placed on a berm and with a 25 foot setback. The 25 foot setback shall be landscaped, including shade trees, and bermed to a height sufficient to screen the view from the north. Sprinkler systems shall be installed in landscape areas.

2. The proposed northwestern access point to Kimbrough Street shall be limited to emergency use. Primary access shall be to the south, either by Florence Street to Main and Davis or by other access across the railroad.

3. Buildings fronting any street shall be masonry and designed to blend in with the residential neighborhood.

4. Heavy deliveries shall be confined to the period between 7:00 a.m. and 7:00 p.m.

5. No assessment for street improvements will be levied against the residential properties abutting Kimbrough or Florence Streets adjacent to this tract.

The subject 13.7248 acre tract is located east of Florence Street, between Kimbrough Street and the Texas and Pacific Railroad; 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 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 18th day of May, A.D., 1987.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary


Elizabeth A. Lunday
Assistant City Attorney

ZONING NOTES

BEING a tract of land situated in the J. R. Warrall Survey, Abstract No. 1607, City of Mesquite, Dallas County, Texas, part of which being Lots 1, 2, 3, 4, 5 and 6 of Block 71 and Lots 1, 2, and 3 of Block 73 of the East Side Addition No. 2, an addition to the City of Mesquite as recorded in Volume 4 at Page 258 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the West line of Long Creek Road, said point being on the West line of the Replat of Lander's Addition as recorded in Volume 76182 at page 1321 of the Deed Records of Dallas County, Texas;

THENCE, S 0 deg 46 min E, along said Lander's Addition West line, a distance of 228.69 feet to a point for corner;

THENCE, S 3 deg 54 min E, continuing along said Lander's Addition West line, a distance of 387.83 feet to a point for corner;

THENCE, N 83 deg 42 min W, parallel to and 50 feet perpendicular distance from the centerline of the main tracks of the Missouri Pacific Railroad Company, as now constructed and operated, a distance of 1111.48 feet to a point in the East line of Florence Street, said point also being the Southwest corner of said East Side Addition No. 2;

THENCE, N 0 deg 26 min 32 sec E, along said Florence Street East line, a distance of 489.08 feet to a point in the South line of Kimbrough Street;

THENCE, N 89 deg 45 min 22 sec E, along said Kimbrough Street South line a distance of 1071.57 feet to the PLACE OF BEGINNING and containing 13,7248 Acres of Land.

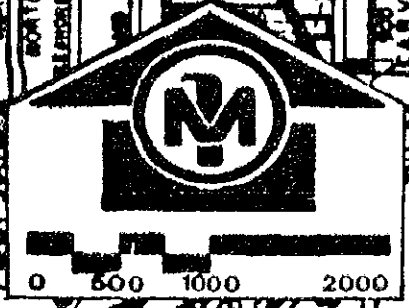
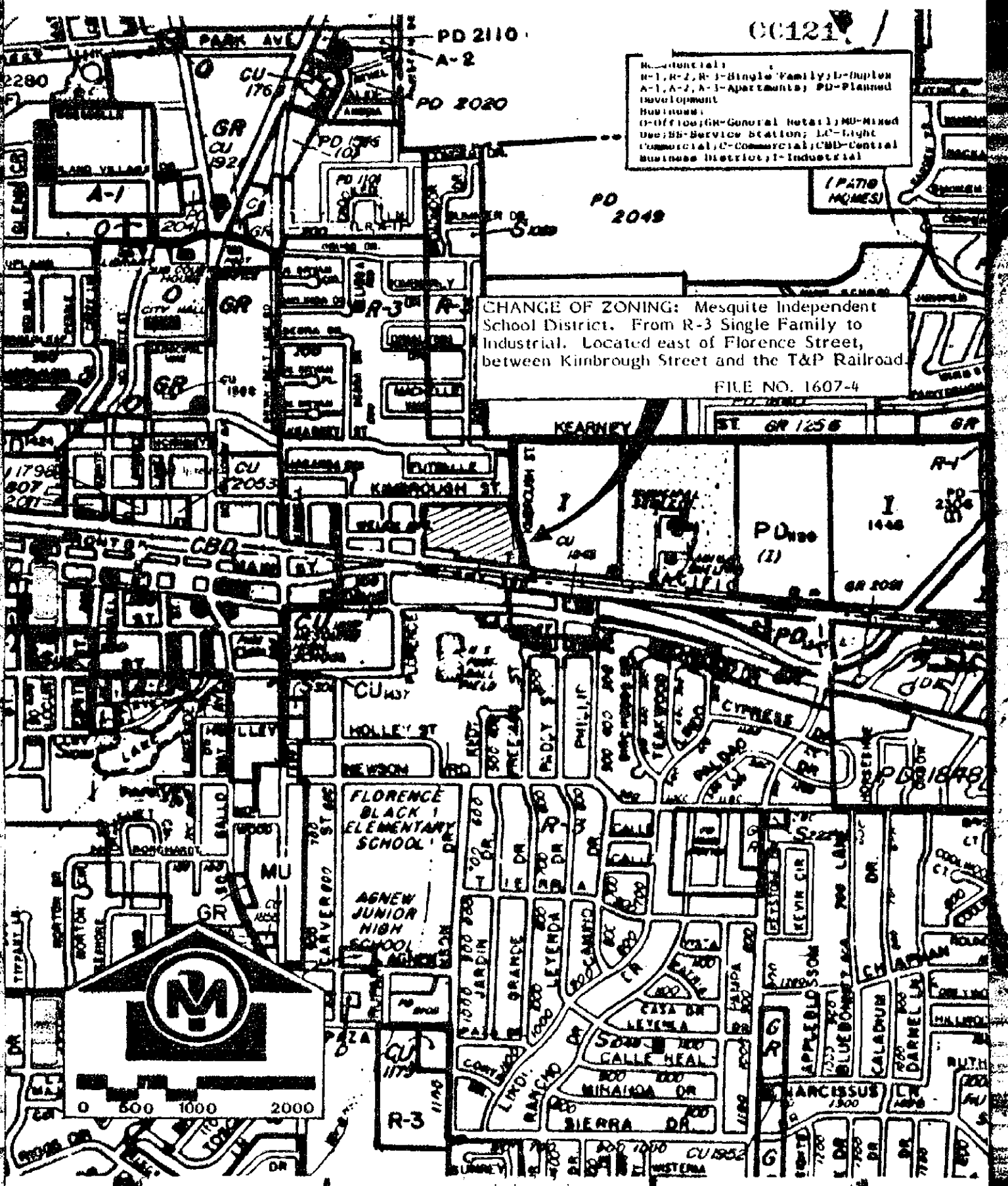
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Residential:
 R-1, R-2, R-3-Single Family; D-Duplex
 A-1, A-2, A-3-Apartments; PD-Planned
 Development
 Business:
 O-Office; GR-General Retail; MU-Mixed
 Use; BS-Service Station; LC-Light
 Commercial; C-Commercial; CBD-Central
 Business District; I-Industrial

CHANGE OF ZONING: Mesquite Independent
 School District. From R-3 Single Family to
 Industrial. Located east of Florence Street,
 between Kinbrough Street and the T&P Railroad.

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