

ORDINANCE NO. 2548

File No. 1461-105

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM COMMERCIAL TO CONDITIONAL USE IN COMMERCIAL FOR MINIWAREHOUSES WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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 hereir.:

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 miniwarehouses, with the stipulation that screening of the recreation vehicle/boat storage area shall consist of a six (6) foot chain link fence and five (5) gallon red tipped photinia (planted approximately three (3) feet on center, subject to Parks Department recommendation), along IH-30 from the southwest corner of the office building where the wrought iron fence begins and along the west property line; and further that all recreation vehicle/boat storage areas, as well as access roads to the storage areas shall be concrete. The subject 2.921 acre tract is located 251.86 feet west of Ashwood Drive, fronting the north side of the IH-30 service road; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Thousand (\$2000.00) Dollars for each offense.

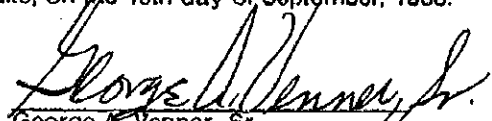
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public

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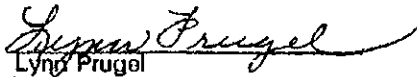
interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, on the 19th day of September, 1988.


George A. Verner, Sr.
Mayor

ATTEST:

APPROVED:


Lynd Prugel
City Secretary


Elizabeth A. Lunday
Acting City Attorney

ATTACHMENT "A"

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FIELD NOTES

STATE OF TEXAS ↓
COUNTY OF DALLAS ↓

ZONING:

BEING a tract or parcel of land situated in the Theophilus Thomas Survey, Abstract Number 1461, City of Mesquite, Dallas County, Texas, and being part of a 6.0018 acre tract described in a deed recorded in Volume 88008, Page 0058 of the Deed Records of Dallas County, Texas, said tract or parcel being more particularly described as follows:

BEGINNING at an iron pin for corner in the Northerly right-of-way line of Interstate Highway No. 30 (R.O.W. Varies), said iron pin being South $39^{\circ} 09' 39''$ West, 251.86 feet from the point of intersection of said Northerly right-of-way line, with the Westerly right-of-way line of Ashwood Drive, (60' R.O.W.);

THENCE, South $39^{\circ} 09' 39''$ West, with said Northerly right-of-way line, a distance of 44.56 feet to a Highway Department Monument for corner;

THENCE, South $46^{\circ} 27' 28''$ West, with said Northerly right-of-way line, a distance of 259.32 feet to a Highway Department Monument for corner;

THENCE, South $54^{\circ} 27' 25''$ West, with said Northerly right-of-way line, a distance of 165.54 feet to an iron pin for corner;

THENCE, North $35^{\circ} 28' 59''$ West, departing said Northerly right-of-way line, a distance of 310.64 feet to an iron pin for corner in the Southerly line of an existing 15 foot alley;

THENCE, North $54^{\circ} 31' 01''$ East, with said Southerly alley line, a distance of 430.40 feet to an iron pin for corner;

THENCE, South $35^{\circ} 35' 40''$ East, departing said Southerly alley line, a distance of 262.35 feet to the point of beginning and containing 2.921 acres of land, more or less. (127,238 sq. ft.)

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