

ORDINANCE NO. 2590
File No. 1462-202

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 PLANNED DEVELOPMENT PERMITTING PROCESSING/FABRICATION FOR STAINLESS STEEL BATH FIXTURES, PERMITTING METAL EXTERIOR BUILDING, DEVELOPED IN ACCORDANCE WITH THE CONCEPT PLAN PRESENTED, AND 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 if 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 Planned Development permitting processing/fabrication for stainless steel bath fixtures, permitting metal exterior building, developed in accordance with the concept plan presented, and with stipulations as follows:

- 1) The front building requires a masonry front and a masonry wrap on the east and west side of 10% of the length of the building;
- 2) Overhead doors allowed in the residential side of the warehouse building shall be limited to no more than 10% of the overall building length, with details and justification for openings to be reviewed and approved on the Planned Development Site Plan;
- 3) An equipment layout plan shall be included in the Planned Development Site Plan submittal;
- 4) Deferral of the required six foot masonry screening wall, requiring an eight foot wood fence constructed with steel posts in conjunction with installation of a tree line consisting of shade trees such as cedar, elm, red oak, sweet gum or similar trees planted at 30 feet on center with an installation size of at least 2-inch caliper (i.e., generally 8-10 feet in height). Deferral of the required six foot masonry screening wall shall be withdrawn and the masonry screening wall installed, if maintenance of the wooden fence and tree line is neglected and in disrepair;
- 5) No storage trailers shall be used for outside storage; and
- 6) No outside storage shall be over 12 feet in height.

The subject 8.5547 acre tract is located approximately 500 feet west of Rayburn Avenue, fronting the south side of U.S. Highway 80; 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.

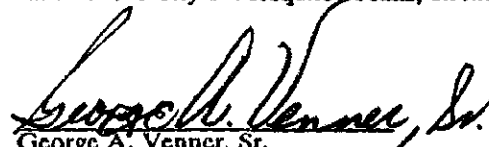
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 inlaid, 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 as amended, 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.

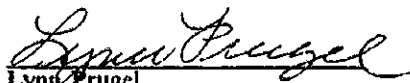
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency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

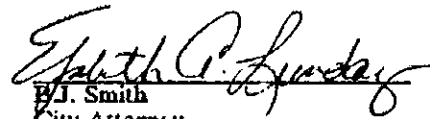
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the day 3rd of April, 1989.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


E.J. Smith
City Attorney

PROPERTY DESCRIPTION

BEING all that certain lot, tract or parcel of land in the City of Mesquite, Texas, out of the DANIEL TANNER SURVEY, ABSTRACT NO. 1462, and being part of a 38.75 acre tract of land conveyed to T. A. Dean by J. T. Dean et ux, Mary E. Dean by Deed filed February 11, 1930, and recorded in Volume 1606, Page 526 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the South ROW line of I. H. 20 (U.S. Highway 80) (a variable ROW), said point being West, 35.00 feet from the Northwest corner of a tract of land conveyed to Joyce D. Kincaid by Thomas A. Dean and wife Laura Drue Dean as recorded in Volume 3092, Page 232 of the Deed Records of Dallas County, Texas;

THENCE: S 00° 06' 40" E, departing the South line of I. H. 20, 355.72 feet to a point for corner in the Northwest line of the Miles Smith Addition, as recorded in Volume 16, Page 55 of the Map Records of Dallas County, Texas;

THENCE: S 45° 27' 20" W, passing the Southwest corner of said Miles Smith Addition at 385.00 feet and also passing the Northwest line of the Syble White Addition No. 1, a total distance of 1012.50 feet to a point for corner;

THENCE: N 00° 56' 07" E, 766.05 feet to a point for corner in the South line of a tract of land conveyed to E. L. McFall dated January 6, 1955;

THENCE: East, passing the East corner of said McFall tract at 204.00 feet, a total distance of 434.00 feet to a point for corner;

THENCE: N 00° 06' 40" W, 300.00 feet to a point for corner in the South ROW line of I. H. 20;

THENCE: East, along the South ROW line of I. H. 20, 275.00 feet to the PLACE OF BEGINNING and containing 8.5547 acres of land, more or less.

00274

80

CARRIER AC & HEATING
YACANT METAL BUILDING

BRICK HOUSE

WISDOM

SF

SF

ROWELL'S PAINT REBUILDING

UNDEVELOPED

SANTA MARIA DRIVE

SINGLE

FAMILY

RESIDENCES

RAYBURN

NORTHBRIDGE #5

RIDGECREST

MIDWAY STREET

LANICE

SUANITA



SCALE 1/2400

200 0 200 400 600 FEET