

ORDINANCE NO. 2731
File No. 594-26

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CHANGE OF ZONING FOR TRACT I, FROM COMMERCIAL, R-3 SINGLE FAMILY RESIDENTIAL AND A-2 MULTIFAMILY RESIDENTIAL TO PLANNED DEVELOPMENT MULTIFAMILY; FOR TRACT II, FROM COMMERCIAL TO CONDITIONAL USE IN COMMERCIAL FOR MINI-WAREHOUSES WITH CERTAIN CONDITIONS FOR EACH TRACT; 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 Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, 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 for Tract I from Commercial, R-3 Single Family Residential and A-2 Multifamily Residential to Planned Development Multifamily; for Tract II from Commercial to Conditional Use in Commercial for Mini-Warehouses, subject to the following conditions:

Tract I:

1. The average density permitted shall be 22.5 units per acre, allowing a maximum of 350 units. The maximum density within the two-story section shown on the concept plan shall be 18 units per acre.
2. No building shall be permitted within 60 feet of the R-3 district and no building over two-stories in height shall be permitted within 170 feet of the R-3 district, i.e., the two-story section shown on the concept plan.
3. An 8-foot solid masonry screening wall, constructed of brick, shall be constructed along the R-3 district boundary and an 8-foot solid wood fence shall be constructed along the eastern property line adjacent to the Commercial district.
4. A 60-foot landscape area/greenbelt shall be provided along the R-3 district boundary as shown on the concept plan and shall include trees which are a minimum 3-inch caliper at installation. The variety of trees to be used and spacing shall be approved on the PD site plan.
5. All other facilities and standards shall comply with the standards of the A-2 Multifamily district.

Tract II:

1. That the only access to this tract shall be from the US Highway 80 frontage road.

Tract I is a 15.522 acre tract, Tract II is a 9.689 acre tract, the subject properties are located approximately 650 feet east of the North Galloway Avenue and Tripp Road intersection; 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 Mesquite Zoning Ordinance.

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 Mesquite 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 Mesquite Zoning Ordinance 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 (\$2,000.00) 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 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 March, 1991.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smyth
City Attorney

Tract I

MULTI-FAMILY ZONING

00167

Description of a 15.522 acre tract of land consisting of part of a tract conveyed to the trustees of the First United Pentecostal Church by Ralph Stone, as recorded in Volume 80193, Page 2587, Deed Records, Dallas County, Texas in the Henry Harter Survey, Abstract No. 594, and a tract conveyed to Electronic Data Systems Retirement Plan and Trust in the William Foreman Survey, Abstract No. 486, said 15.522 acre tract of land being situated in the City of Mesquite and being more particularly described as follows:

COMMENCING, at a 3/8-inch iron rod found at the intersection of the north right-of-way line of U.S. Highway 80 (320 feet wide at this point) and the east right-of-way line of North Galloway Ave (100 feet wide) as defined by Deed to the City of Mesquite recorded in Volume 52, Page 1772, Volume 5765, Page 504, and Volume 109, Page 0289, Deed Records, Dallas County, Texas;

THENCE, N 89° 08' 38" E, with the said northerly right-of-way line of U.S. Highway 80, a distance of 11.91 feet to an angle point:

THENCE, S 89° 01' 24" E, with the said northerly right-of-way line of U.S. Highway 80, a distance 625.44 feet to an angle point;

THENCE, N 89° 08' 38" E, with the said northerly right-of-way line of U.S. Highway 80, a distance 37.39 feet to the PLACE OF BEGINNING;

THENCE, N 00° 51' 22" W, a distance of 357.48 feet to a 1/2-inch iron rod set for corner;

THENCE, N 66° 47' 55" W, a distance of 95.28 feet to a 1/2-inch iron rod set for corner;

THENCE, N 00° 51' 22" W, a distance of 555.00 feet to a 1/2-inch iron rod set for corner;

THENCE, N 39° 08' 38" E, a distance of 30.64 feet to a 1/2-inch iron rod set for corner;

THENCE, N 79° 08' 38" E, a distance of 130.00 feet to a 1/2-inch iron rod set for corner;

THENCE, N 09° 37' 19" E, a distance of 186.80 feet to a 1/2-inch iron rod set for corner;

THENCE, N 79° 08' 38" E, a distance of 80.00 feet to a 1/2-inch iron rod set for corner;

THENCE, N 00° 51' 22" W, a distance of 15.45 feet to a 1/2-inch iron rod set for corner;

THENCE, N 25° 42' 34" W, a distance of 512.00 feet to a 1/2-inch

iron rod set for corner; said point being on the southerly right-of-way line of Tripp Road (60 feet wide) as defined by Deed to the County of Dallas from Bessie Harris, recorded in Volume 2122, Page 635, Deed Records, Dallas County, Texas;

THENCE, N 89° 30' 00" E, with the said southerly right-of-way line of Tripp Road, a distance of 55.26 feet to a 1/2-inch iron rod found for corner;

THENCE, S 25° 42' 34" E, a distance of 776.43 feet to a 1/2-inch iron rod set for corner;

THENCE, S 45° 20' 32" E, a distance of 177.54 feet to a 1/2-inch iron rod set for corner;

THENCE, N 89° 30' 00" E, a distance of 611.03 feet to a 1/2-inch iron rod set for corner;

THENCE, S 31° 59' 33" E, a distance of 141.96 to a 1/2-inch iron found for corner;

- THENCE, S 12° 13' 26" W, a distance of 143.00 feet to a corner;

- THENCE, S 89° 08' 38" W, a distance of 766.40 feet to a corner;

- THENCE, S 00° 51' 22" E, a distance of 578.80 feet to a corner;

- THENCE, S 89° 08' 38" W, a distance of 350.00 feet to the PLACE OF BEGINNING;

CONTAINING, 676,156 square feet or 15.522 acres of land.

Tract II

COMMERCIAL ZONING

00169

Description of a 9.689 acre tract of land consisting of part of a tract conveyed to the trustees of the First United Pentecostal Church by Ralph Stone, as recorded in Volume 80193, Page 2578, Deed Records, Dallas County, Texas in the Henry Harter Survey, Abstract No. 594, and a tract conveyed to Electronic Data Systems Retirement Plan and Trust in the William Foreman Survey, Abstract No. 486, said 9.689 acre tract of land being situated in the City of Mesquite and being more particularly described as follows:

COMMENCING, at a 3/8-inch iron rod found at the intersection of the north right-of-way line of U.S. Highway 80 (320 feet wide at this point) and the east right-of-way line of North Galloway Ave (100 feet wide) as defined by Deed to the City of Mesquite recorded in Volume 52, Page 1772, Volume 5765, Page 504, and Volume 109, Page 0289, Deed Records, Dallas County, Texas;

THENCE, N 89° 08' 38" E, with the said northerly right-of-way line of U.S. Highway 80, a distance of 11.91 feet to an angle point;

THENCE, S 89° 01' 24" E, with the said northerly right-of-way line of U.S. Highway 80, a distance of 625.44 feet to an angle point;

THENCE, N 89° 08' 38" E, with the said northerly right-of-way line of U.S. Highway 80, a distance of 37.39 feet;

• THENCE, N 89° 08' 38" E, a distance of 350.00 feet to a PLACE OF BEGINNING;

• THENCE, N 00° 51' 22" W, a distance of 578.80 feet to a corner;

• THENCE, N 89° 08' 38" E, a distance of 766.40 feet to a corner;

• THENCE, S 12° 13' 26" W, a distance of 331.48 feet to a 3/4-inch pipe found for corner;

THENCE, S 45° 30' 19" E, a distance of 134.94 feet to a 1/2-inch iron rod found for corner;

THENCE, S 44° 49' 38" W, a distance of 259.00 feet to a 1/2-inch iron rod found for corner; said point being in the beginning of a curve to the left whose center bears S 05° 02' 11" W a distance of 3969.72 feet from said point, said point being on the said northerly right-of-way line of U.S. Highway 80;

THENCE, in a westerly direction with the said northerly right-of-way line of U.S. Highway 80 and along said curve to the left, said curve having a central angle of 05° 53' 33", in an arc distance of 408.26 feet to a 1/2 inch iron rod found at the end of said curve;

00170

• THENCE, S 89° 08' 38" W, a distance of 193.31 feet to the PLACE OF BEGINNING;

CONTAINING, 422,053 square feet or 9.689 acres of land.

ROAD

TRIPP ROAD

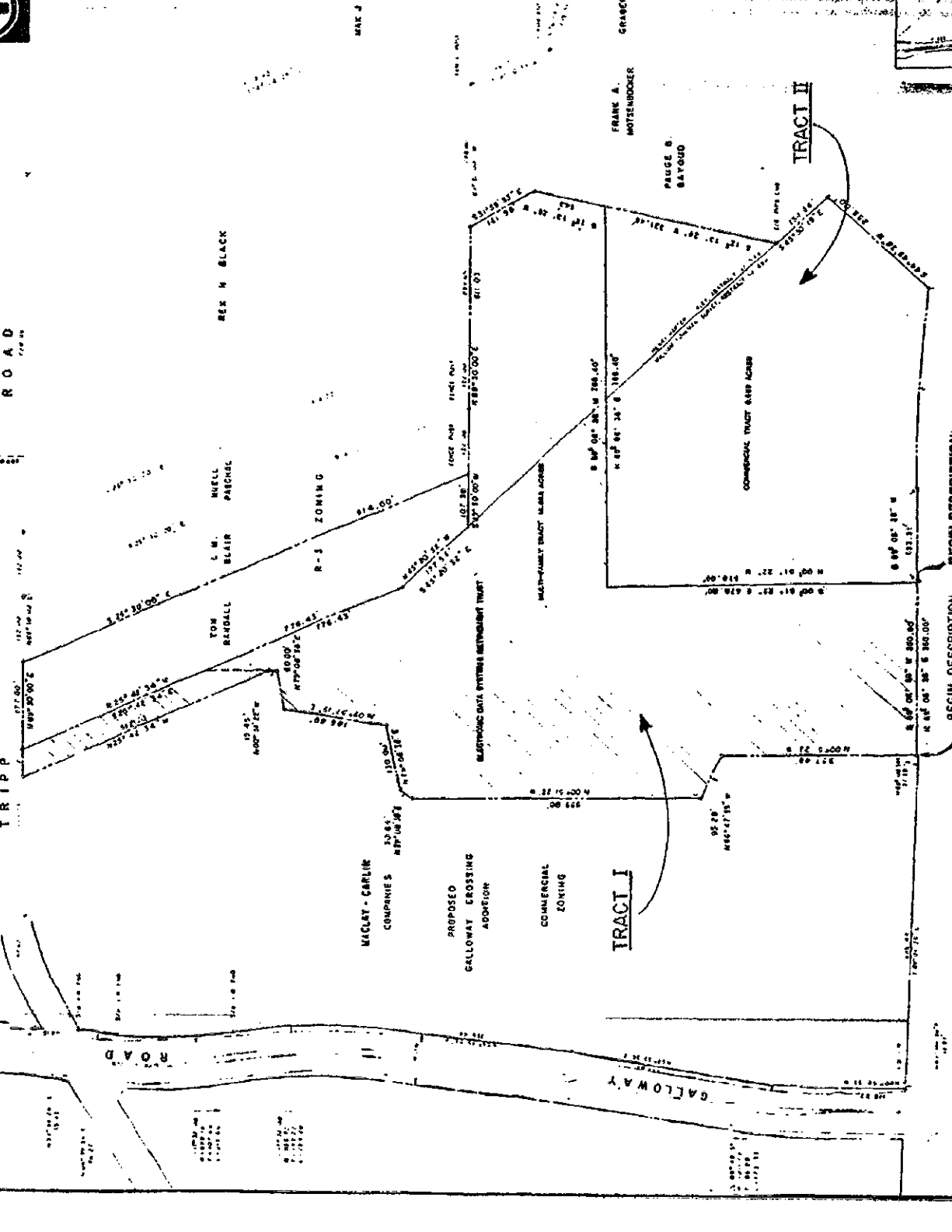
ROAD

GALLOWAY

00171



VICINITY MAP
M.S.P.



BEGIN DESCRIPTION
MULTI-FAMILY TRACT
COMMERCIAL TRACT

BEGIN DESCRIPTION
COMMERCIAL TRACT

SCALE
1" = 100'
1" = 200'

00172

