

ORDINANCE NO. 3191
File No. CV16-24

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 APPROVE A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT DISTRICT WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 approve a change of zoning from General Retail to Planned Development District, with the following stipulations:

- A. All uses permitted in the GR district as indicated on the Schedule of Permitted Uses shall be permitted in the district
- B. Self-storage and covered recreational vehicle/boat parking/storage shall be permitted in accordance with the concept plan presented and subject to the following conditions:
 1. The project shall be enclosed by an 8 to 10 foot wrought iron fence (tubular fencing shall not substitute) and landscape buffer installed as follows:
 - a. Along public street rights-of-way (Moon and Oates), fencing shall be set back a minimum of 25 feet from the right-of-way line and

shall have brick columns at all corners and at a minimum spacing of 22 feet along straight sections. Professionally designed landscaping shall be installed within the 25 foot setback and landscape/screening to screen visibility into the site shall be installed along the fencing in accordance with the landscape/screening concept presented.

- b. Along the residential district boundary, except where the existing building is adjacent to the residential alley, fencing shall be set back a minimum of 10 feet from the alley right-of-way and/or residential district line and landscape/screening to screen visibility into the site shall be installed along the fencing in accordance with the landscape/screening concept presented.
 - c. The rear of the existing building shall serve as the screening wall. No fencing shall be required between the existing building and alley, provided that the only openings permitted in the rear of the building shall be emergency exits as required by Code.
 - d. Along the drainage easement fencing may be placed on the easement line and landscape/ screening to screen visibility into the site shall be installed inside the fencing in accordance with the landscape/screening concept presented.
 - e. All landscape areas shall be irrigated by an automatic underground irrigation system.
 - f. Detailed landscape plans shall be submitted for comment by the Parks Department to assure installation which will achieve full screening effect in 3-4 years, and shall be reviewed and approved by the Development Review Committee.
2. Parking of recreational vehicles and boats shall be permitted only in covered spaces.
 3. All building construction shall be of uniform/consistent design, materials, colors, roofing, etc., as shown on the concept plan presented, to provide an aesthetically integrated project.
 4. No roof mounted equipment shall be allowed.
 5. Signage shall be limited to wall and monument signs, i.e., no new pole signs shall be permitted, except the one existing pole sign may remain.
 6. Lighting shall be installed with no fixtures extending above the roof lines and/or shining toward the residential district

7. All other provisions of Section 3-502 of the *Mesquite Zoning Ordinance* shall apply.
8. No overnight camping on site shall be allowed.
9. No major vehicle repairs shall be allowed on site.
10. No additional site plan approval shall be required for construction in accordance with the concept plan presented and the above stipulations.

The subject property is an 8.8 acre tract located at 3300 Oates Drive, Mesquite Village Shopping Center, City of Mesquite, Dallas County, Texas, approved field notes are attached, see Tracts 1 and 2.

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. 3042 of the Mesquite City Code.

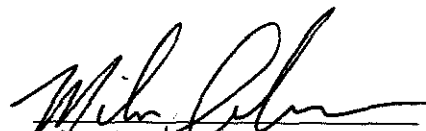
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided 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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. Whereas, the property described in Section I 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 17th day of November, 1997.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

BEING a tract of land situated in the William Johnston Survey, Abstract No. 706, City of Mesquite, Dallas County, Texas, and being part of Shopping Area in Casa View Heights No. 16, an addition to the City of Mesquite as recorded in Volume 41, Page 219, Plat Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch diameter iron rod found for corner, which a 1/2 inch iron rod found bears North 72 degrees 29 minutes 19 seconds East, a distance of 0.57 feet, said 1/2 inch iron rod being in the Southeast line of Oates Drive, said iron rod being called South 51 degrees 32 minutes 52 seconds West, 275.98 feet from the most Northerly corner of said Shopping Area in Casa View Heights No. 16;

THENCE South 45 degrees 15 minutes 00 seconds East, a distance of 647.28 feet to a 1/2 inch diameter iron rod found for corner in the Northwest right of way line of Moon Drive (a 50 foot Right-of-Way);

THENCE South 47 degrees 56 minutes 00 seconds West, along said Northwest right of way line a distance of 419.29 feet to an "x" cut in concrete for corner in the Northeast line of a 20 foot wide easement in the Third Section Casa View Heights No. 16, an addition to the City of Mesquite as recorded in Volume 35, Page 13, Map Records, Dallas County, Texas;

THENCE North 45 degrees 03 minutes 45 seconds West, along said Northeast line of easement a distance of 244.53 feet to a P.K. nail & disc set in concrete for corner at the beginning of a curve to the left whose radius bears South 44 degrees 56 minutes 15 seconds West, a distance of 241.85 feet;

THENCE Northwesterly along said curve to the left and said Northeast line of easement, through a central angle of 80 degrees 34 minutes 41 seconds an arc distance of 340.13 feet to a 1/2 inch diameter iron rod found for corner at the end of said curve;

THENCE North 09 degrees 11 minutes 48 seconds West, a distance of 243.15 feet to a 1/2 inch diameter iron rod set for corner, which a 1/2 inch iron rod found bears South, 35 degrees 37 minutes 48 seconds East, a distance of 0.45 feet, said 1/2 inch iron rod being in the Southeast right of way line of Oates Drive;

THENCE North 51 degrees 30 minutes 00 seconds East, along said Southeast right of way line a distance of 40.00 feet to a 1/2 inch diameter iron rod found for corner;

THENCE South 45 degrees 10 minutes 00 seconds East, a distance of 118.00 feet with the Southwest line of a called 0.37 acre tract of land described in deed to Genico Distributors, Inc. from Continent Oil Co., recorded in Volume 69208, Page 1221, Deed Records, Dallas County, Texas to a P.K. nail and disc found for corner;

THENCE South 86 degrees 50 minutes 00 seconds East, a distance of 10.46 feet with the South line of said Genico Tract to a P.K. nail and disc found for corner;

THENCE North 51 degrees 30 minutes 00 seconds East, a distance of 123.00 feet with the Southeast line of the said Genico Tract to a P.K. nail and disc found for corner;

THENCE North 45 degrees 10 minutes 00 seconds West, a distance of 125.00 feet with the Northeast line of the said Genico tract to a 1/2 inch diameter iron rod found for corner in the said Southeast right of way line of Oates Drive;

THENCE North 51 degrees 30 minutes 00 seconds East, along said Southeast right of way line a distance of 92.99 feet to an "X" cut in concrete found for corner;

THENCE South 45 degrees 07 minutes 00 seconds East, a distance of 131.00 feet with the Southwest line of a called 0.42 acre Tract of land described in deed to Bill Young from Jack P. Hester and Louis F. ...

00212

THENCE North 44 degrees 5 minutes 00 seconds East, a distance of 150.00 feet with the Southeast line of said Young tract to a P.K. Nail & Disc found for corner;

THENCE North 45 degrees 07 minutes 00 seconds West, a distance of 113.60 feet with the Northeast line of said Young tract to a P.K. Nail & Disc found for corner in the said Southeast right of way line of Oates Drive;

THENCE North 51 degrees 30 minutes 00 seconds East, along said Southeast right of way line a distance of 65.51 feet to the POINT OF BEGINNING and containing 278,349 square feet or 6.390 acres of land.

BEING part of Casa View Heights No. 16 Shopping Area an addition in the City of Mesquite as recorded in Volume 41, Page 219, Plat Records of Dallas County, Texas, being a tract of land in the William Johnston Survey, Abstract No. 706 and the John Hardin Survey, Abstract No. 545, City of Mesquite, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found in the East line of Casa View Heights No. 16, an addition in the City of Mesquite as recorded in Volume 32, Page 173, Plat Records of Dallas County, Texas, said point being at the intersection of the South line of Oates Drive and the East line of a 20 foot alley, said corner also being on a non-tangent curve to the left having a central angle of 00 degrees 48 minutes 07 seconds, a radius of 714.51 feet and a long chord of N 80 degrees 57 minutes 53 seconds E, 10.00 feet;

THENCE: In a Northeasterly direction with the South line of Oates Drive and with said curve, a distance of 10.00 feet to an iron rod set at the Northwest corner of a 0.34 acre tract of land conveyed to Scott Wilmott by deed recorded January 21, 1972;

THENCE: S 00 degrees 10 minutes 26 seconds E, with the West line of said 0.34 acre tract, crossing a chain link fence, a distance of 141.09 feet to an iron rod found for corner;

THENCE: S 89 degrees 15 minutes 43 seconds E, with the South line of said 0.34 acre tract, a distance of 15.00 feet to an iron rod found for corner;

THENCE: N 47 degrees 56 minutes 00 seconds E, with the Southeasterly line of said 0.34 acre tract, a distance of 174.81 feet to an iron rod set for corner;

THENCE: N 18 degrees 58 minutes 45 seconds W, with the East line of said 0.34 acre tract, a distance of 60.27 feet to an iron rod set for corner on the South line of Oates Drive, said corner being on a non-tangent curve to the left having a central angle of 18 degrees 35 minutes 30 seconds, a radius of 714.51 feet and a long chord of N 60 degrees 50 minutes 37 seconds E, 230.83 feet;

THENCE: In a Northeasterly direction with the South line of Oates Drive and with said curve, a distance of 231.85 feet to an iron rod found for corner and the point of tangency of said curve;

THENCE: N 51 degrees 32 minutes 52 seconds E, with the South line of Oates Drive, a distance of 16.57 feet to an iron rod found for corner at the Northwest corner of 6.39 acre tract of land conveyed to L.L. Wood, Trustee and recorded in Volume 83011, Page 0020, Deed Records of Dallas County, Texas;

THENCE: S 09 degrees 10 minutes 17 seconds E, with the West line of said 6.39 acre tract, a distance of 242.89 feet to an iron rod set for corner on the North line of a 20 foot alley and on a non-tangent curve to the left having a central angle of 06 degrees 22 minutes 10 seconds, a radius of 244.10 and a long chord of S 51 degrees 16 minutes 35 seconds W, 27.12 feet;

THENCE: In a Southwesterly direction with said curve and with the North line of said 20 foot alley, a distance of 27.14 feet to an iron rod found for corner;

THENCE: S 48 degrees 05 minutes 30 seconds W, with the North line of said 20 foot alley, a distance of 435.04 feet to an iron rod set for corner;

THENCE: N 70 degrees 55 minutes 19 seconds W, 45.16 feet to an iron rod found for corner on the East line of a 20 foot alley and the East line of said Casa View Heights No. 16;

THENCE: N 00 degrees 10 minutes 30 seconds W, with the East line of said 20 foot alley, a distance of 375.41 feet to the PLACE OF BEGINNING and containing 105,231.69 square feet or 2.4158 acres of land.