

ORDINANCE NO. 3206  
File No. 1461-119

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 GENERAL RETAIL ALLOWING MINIWAREHOUSES 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 General Retail allowing Miniwarehouses with the following stipulations:

1. All uses permitted in the GR District as indicated on the Schedule of Permitted Uses shall be permitted in the district.
2. Miniwarehouses shall be permitted in accordance with the concept plan presented and subject to the following design and conditions:
  - (a) The project shall be designed as a "fortress" so that the rear of buildings, with no doors or windows, facing outward; buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area, where wrought iron fencing may be utilized.

- (b) The leasing office/manager's apartment shall be 100% masonry with a "residential-style" design, including materials, doors, windows, roofing etc., typically used in residential design.
- (c) The building exteriors shall be 100% masonry and shall include brickwork, trim, columns, or other design features to add distinction and break up the long facades.
- (d) Maximum building height adjacent to a residential district shall be one story, generally limited to a maximum of 11 feet.
- (e) The maximum setback adjoining any residential district line shall be 10 feet; provided that the rear of the building may be utilized as the required screening wall. A buffer tree line shall be established within the 10 foot landscape strip in accordance with Section 1A-301 of the *Mesquite Zoning Ordinance*.
- (f) Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
- (g) No roof mounted equipment shall be allowed.
- (h) No parking/storage of recreational vehicles or boats shall be allowed adjoining the residential district.
- (i) Signage shall be limited to wall and monument signs, i.e., no pole signs shall be permitted.
- (j) Lighting shall be installed with no fixtures extending above the roof lines and/or shining toward the residential district.
- (k) All other provisions of Section 3-502 of the *Mesquite Zoning Ordinance* shall apply.

The subject property is a 3.82 acre tract located at the northwest corner of Oates Drive and Northwest Drive, Dallas County, Texas, as shown in the attached Exhibit "A".

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.

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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 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 20th day of January, 1998.



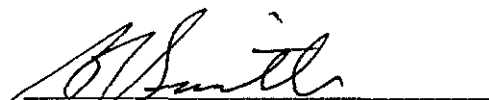
Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney

## Field Notes File No. 1461-119

All that certain lot, tract or parcel of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point on the Northwesterly line of Oates Drive, a (100' R.O.W.), said point being South 45° 25' 14" West, along said Oates Drive Northwesterly line, 145.0 feet from the Southwesterly line of Northwest Drive, (100' R.O.W.), a 1/2" iron rod set for corner;

THENCE continuing along the said Northwesterly line of Oates Drive a distance of 327.09 feet to "X" found cut in concrete for corner; THENCE North 66° 26' 00" West a distance of 21.8 feet to a 1/2" iron rod set for corner;

THENCE North 54° 46' 00" West a distance 355.01 feet to a 1/2" iron rod set for corner;

THENCE North 45° 27' 21" East a distance of 544.4 feet to a 1/2" iron rod set for corner on the said Southwesterly line of Northwest Drive;

THENCE South 44° 22' 28" East a distance of 219.3 feet along the said Southwesterly line of Northwest Drive to a 1" iron rod found for corner;

THENCE South 45° 25' 14" West a distance of 145.0 feet to a 3/8" iron rod found for corner;

THENCE South 44° 22' 28" East a distance of 150.0 feet to the POINT OF BEGINNING and CONTAINING 166,804.9087 square feet or 3.8293 acres of land.