

ORDINANCE NO. 3251
File No. 483-6

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 CONDITIONAL USE PERMIT FOR MINIWAREHOUSES, SUBJECT TO 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 changes 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 Conditional Use Permit for Miniwarehouses, subject to the following stipulations:

1. The extent of the miniwarehouse development shall be limited to approximately 60% of the site, with miniwarehouses located adjacent to the residential alley, generally in conformance with the concept plan presented. The project shall be designed as a "fortress" so that the rear of the buildings, with no doors or windows, face outward. Buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area and emergency exit gate where wrought iron fencing may be used.
2. All building exteriors shall be 100% masonry.
3. No storage units shall extend past the gated entrance.
4. A buffer tree line shall be established within a 10-foot landscape strip along the southwest side of the project.

5. No parking or storage of recreational vehicles or boats shall be allowed.
6. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
7. No roof mounted equipment shall be allowed.
8. Lighting shall be installed with no fixtures extending above the roof lines and/or shining toward the residential district.
9. A live-in apartment for manager or security persons shall be permitted, provided that a 2-story apartment shall be located on the opposite side of the complex from the residential alley.
10. All other provisions of Section 3-502 of the *Mesquite Zoning Ordinance* shall apply.
11. A site plan, generally in conformance with the concept plan presented, shall be submitted for review and approval to the Planning and Zoning Commission and the City Council.
12. A Conditional Letter of Map Revision must be issued by FEMA prior to Planning and Zoning Commission and/or City Council approval of the site plan for miniwarehouse construction.
13. Reclamation and drainage improvements for the entire project site must be completed prior to occupancy of a miniwarehouse use.

The subject property is located approximately 400 feet north of the U.S. Highway 80 East and Town East Boulevard intersection, City of Mesquite, 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.

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.

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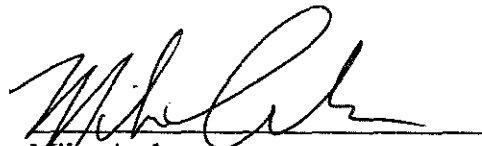
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be 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.

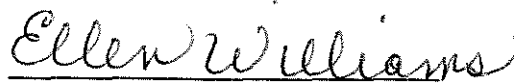
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite creates an urgency and emergency for 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 8th day of September, 1998.


Mike Anderson
Mayor

ATTEST:

APPROVED:


Ellen Williams
City Secretary

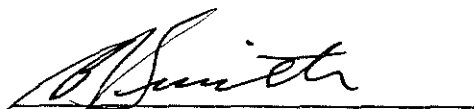

B.J. Smith
City Attorney

EXHIBIT "A"
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TRACT 2:

BEING a tract of land situated in the City of Mesquite, Texas, being part of the JOSEPHUS FOREMAN SURVEY, ABSTRACT NO. 483, being part of the Tract 3 of the TOWN EAST ESTATES, an Addition to the City of Mesquite, Dallas County, Texas, according to the Map thereof recorded in Volume 43, Page 151, Map Records, Dallas County, Texas, being all of a tract of land conveyed to Bank One, Texas, N.A., as Trustee of the Clarence W. Barnes Trust, by Deed recorded in Volume 95038, Page 3133, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for corner, being North 43 degrees 52 minutes East, a distance of 130.59 feet from the Southeasterly corner of said Barnes tract, East, a distance of 130.59 feet from the Southeast corner of said Barnes tract, being on the Northwesterly right of way line of Town East Boulevard (a Variable width R.O.W.), being the Northeast corner of Lot 21, Block E of Town East Estates, an Addition to the City of Mesquite, Texas, according to the Map thereof recorded in Volume 72229, Page 0642, Map Records, Dallas County, Texas;

THENCE North 46 degrees 08 minutes West, distance of 593.38 feet to the Northwesterly line of said Barnes tract, being the Southeast line of a 15' alley in Block E of Town East Estates, recorded in Volume 43, Page 151, Map Records Dallas County, Texas, a 1/2" iron rod set for corner;

THENCE North 43 degrees 08 minutes East along the Southeast line of said 15' alley, being the Southeast line of said Town East Estates Block E, and being the Northwesterly line of said Barnes tract, a distance of 210.22 feet to a 1.2" iron rod set for corner;

THENCE South 46 degrees 08 minutes East, a distance of 596.07 feet to the Northwesterly R.O.W. line of said Town East Boulevard, a 1.2" iron rod set for corner;

THENCE South 43 degrees 52 minutes West, along the Southwesterly line of said Town East Boulevard, a distance of 210.22 feet to the place of **BEGINNING**, and containing 125,013 square feet of land, more or less.

TRACT 3:

BEING a tract of land situated in the City of Mesquite, Texas, being part of the JOSEPHUS FOREMAN SURVEY, ABSTRACT NO. 483, being part of the Tract 3 of the TOWN EAST ESTATES, an Addition to the City of Mesquite, Dallas County, Texas, according to the Map thereof recorded in Volume 43, Page 151, Map Records, Dallas County, Texas, being all of a tract of land conveyed to Bank One, Texas, N.A., as Trustee of the Clarence W. Barnes Trust, by Deed recorded in Volume 95038, Page 3133, Deed Records, Dallas County, Texas, and being more particularly described as follows:

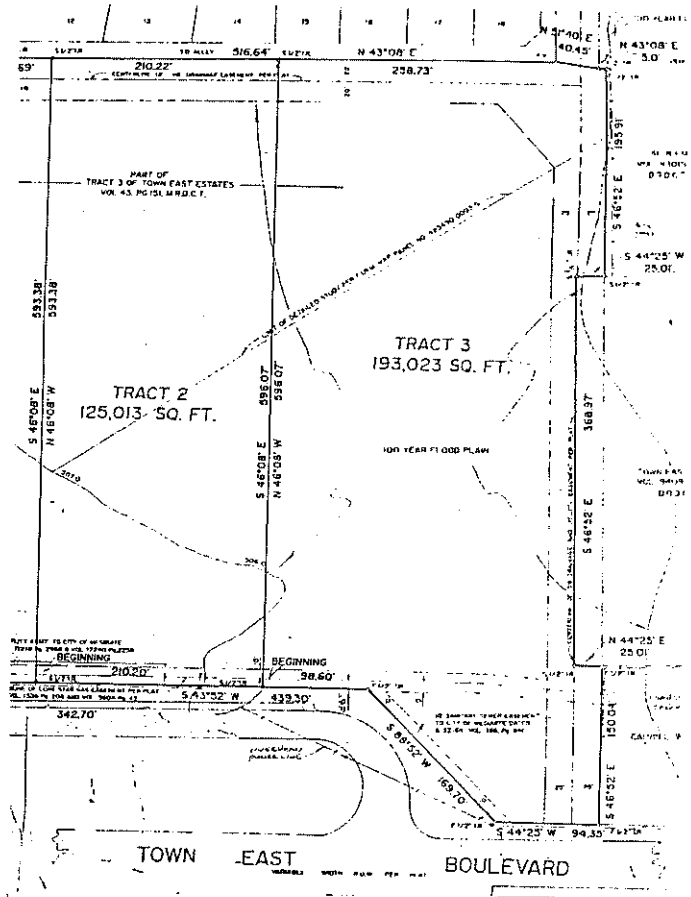
BEGINNING at a 1.2" iron rod set for corner being North 43 degrees 52 minutes East a distance 342.70 feet from the Southeasterly corner of said Barnes tract, being on the Northwesterly right of way line of Town East Boulevard (a Variable width R.O.W.), being the Northeast corner of Lot 21, Block E of Town East Estates, an Addition to the City of Mesquite, Texas, according to the Map thereof recorded in Volume 72229, Page 0642, Map Records, Dallas County, Texas;

THENCE North 46 degrees 08 minutes West a distance of 596.07 feet to the Northwesterly line of said Barnes tract, being the Southeast line of a 15' alley in Block E of Town East Estates, recorded in Volume 43, Page 151, Map Records, Dallas County, Texas, a 1/2" iron rod set for corner;

THENCE North 43 degrees 08 minutes East along the Southeast line of said 15' alley, being the Southeast line of said Town East Estates Block E, and being the Northwesterly line of said Barnes tract, a distance of 258.73 feet to an "X" found in concrete for corner;

THENCE North 51 degrees 40 minutes East along the Westerly line of said Barnes tract, a distance of 40.35 feet to the Southeast corner of a 15' alley in Block H of said Town East Estates, a found 1/2" iron rod for corner;

THENCE North 43 degrees 08 minutes East along the Westerly line of said Barnes tract and the Eastern line of said 15' alley, a distance of 5.0 feet to the Northwesterly corner of said Barnes tract and being the Southwest corner of a tract of land conveyed to A. C. & E. M. Inc., as recorded in Volume 93015, Page 1694, Deed Records, Dallas County, Texas, a found 1/2" iron rod for corner;



THENCE South 46 degrees 52 minutes East along the Southerly line of said Barnes tract and the Southerly line of said A. C. & E. M. Inc. tract, a distance of 195.91 feet to the Southeasterly corner of said A. C. & E. M. Inc. tract and being in the Westerly line of a tract of land conveyed to Town East Apartments as recorded in Volume 94891, Page 3243, Deed Records, Dallas County, Texas, a found 1/2" iron rod for corner;

THENCE South 44 degrees 25 minutes West along the Westerly line of said Town East Apartments tract, a distance of 25.91 feet to the Southwesterly corner of said Town East Apartments tract and being in the center-line of a 50' drainage and utility easement, a set 3/8" iron rod for corner;

THENCE South 46 degrees 52 minutes East along the centerline of said 50' drainage and utility easement and the Southerly line of said Town East Apartments tract, a distance of 368.97 feet to the Southeasterly corner of said Town East Apartments tract, a set 1/2" iron rod for corner;

THENCE North 44 degrees 25 minutes East along the Southeasterly line of said Town East Apartments tract, a distance of 25.91 feet to a Northwesterly corner of said Barnes tract, and being in the Northwesterly line of said 50' drainage and utility easement, a found 1/2" iron rod for corner;

THENCE South 46 degrees 52 minutes East along the Southeasterly line of said 50' drainage and utility easement, and the most Northwesterly line of said Barnes tract, a distance of 136.64 feet to the most Northwesterly corner of said Barnes tract and being in the Northwesterly line of said Town East Boulevard, a 100 foot R.O.W. at this point, a found 1/2" iron rod for corner;

THENCE South 44 degrees 25 minutes West along the Northwesterly line of said Town East Boulevard, a distance of 94.35 feet to an angle point, a found 1.2" iron rod for corner;

THENCE South 88 degrees 52 minutes West along the Northwesterly R.O.W. line of said Town East Boulevard, a distance of 169.70 feet to an angle point to the Northwesterly R.O.W. line of said Town East Boulevard, a variable width R.O.W., a found 1/2" iron rod for corner;

THENCE South 43 degrees 52 minutes West along the Northwesterly R.O.W. line of said Town East Boulevard, a distance of 98.6 feet to the place of **BEGINNING**, and containing 193,023 square feet of land, more or less.