ORDINANCE NO. 3251 File No. 483-6

AN ORDINANCE OF THE CITY OF MESOUITE, TEXAS. **MESQUITE AMENDING** THE **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 CONFLICT WITH THE **PROVISIONS** OF 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.

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- 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.
- 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."

<u>SECTION 2</u>. 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.

<u>SECTION 3</u>. 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.

<u>SECTION 5</u>. 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.

<u>SECTION 6</u>. 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

City Attorney

TRACT 2:

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BEING a tract of land situated on the City of Mesonite, Ievas, being part of the JOSEPHES FOREMAN SURVEY, ABSTRACT NO. 483, being part of the Joseph of the FORM EAST TESTYLES, an Addition to the City of Mesonite, Bullas Cunnty, Texas, according to the Map thereof recorded in Volume 23, Fage 151. Map Records, Bullas County, Texas, being all of a rat of land conveyed to Bank One. Ievas, N.A. as Trustee of the Clarence W. Barner Linst, by Deed recorded or Volume 75038, Page 3133, Deed Records, Bullas County, Texas, and being more natificially described as follows: particularly described as follows:

BEGINNING at a 1/2" from end set for cuttier, being Sorth 43 degrees \$2 minutes Eart, a distance of 130.50 feet from the Southeasterb currier of sord Boulevard tax brong on the Northwesterby right of way line of Lowic Fast Boulevard ta Variable width R.Q.W.), being the Northwester or East 21, Block E of Lown Fast Estates. width R.O.W.), being the Northerax Grister of Lin (1), must, not from each exacts an Addition to the City of Alexquire, Leax, actuating to the Map thereof veen ded in Volume 73229, Page 6642, Map Records, Dullas County, 16328;

THENCE North 46 degrees 68 minutes West, distance of 593,38 lect to the CHEAVER, CORTH. 46. DEFFECT OR MINISTER WAST, DESIGN OF \$15.38 For to the Northwesterly line of vand Barins fract, being the Southeast line of a 15° after to Black. F. of Town East. Estates, recorded in Volume 43. Page 454. Map. Records Dallas County, Texas, a 172° iron rod set for country.

FHENCE North 43 degrees 08 minutes East along the Southeast line of said 15° alleg, being the Southeast line of said Lown East Estates Block U, and brong the Northwesterly line of unit Barnes (120), a distance of 210,22 feet to a 4.2° root and

THENCE South 46 degrees 08 minutes East, a distance of 596,0% feet in the Northwesterly R.O.W. line of said linux Last Bonlevard, a 1.2% from rod set for

HIENCE South 43 degrees \$2 mountes West, along the Northwesterly fine of yard Tuwn Fast Boulevard, a distance of 230.2 feet in the place of 40 GENNING and containing (25.013 square feet of famil, more or fest.)

TRACE 3:

BEING a teres of fated situated in the City of Mesquite, Texas, being part of the JOSEPHUS FOREMAN SI RNEY, ABSTRACT NO. 483, being part of the Tract 3 of the JOWN EAST ESLATES, an Addition to the City of Mesquite, Dallas County, Texas, according on the Map thereof recorded in Volume 43, Page 151, Map Records, Dallas County, Lexas, being all of a tract of fand enveyed to Bank One, Texas, N. as Truster of the Clarence W. Barnes Trast, by Deed recorded in Volume 95938, Page 3133. Deed Records, Dallas County, Texas, and bring more negriculated described as hollower. particularly described as tollows:

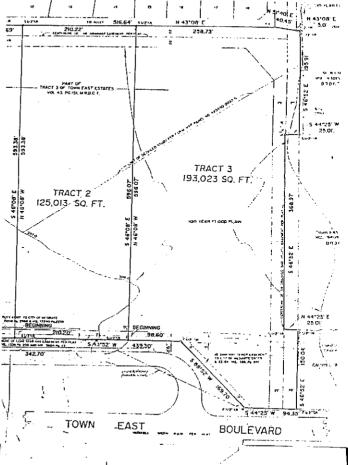
BEGINNING at a 1.2" from rod set for corner being North 43 degrees 52 minutes East a distance 342. "O leet from the Southeasterly corner of said Barnes tract, being in the Northwesterly right of way line of Town East Boulevard (a Variable width in the Northwesterty right of way since of flow east nontrivard (a variable width R.O.W.), being the Northeast corner of Lot 21, Block E of Town East Estates, Addition in the City of Wesquite, Teast, according to the Man thereof recorded in Volume 72229, Page 0642, Man Records, Ballas County, Teast;

FHENCE North 46 degrees 08 migures West a distance of 596,07 feet in the Northwesterb line of said Barnes trajet, being the Southeast line of a 15° alley of Block E of Cown Fast Estates, recorded in Volume 43, Page 154, Map Reenrids, Dallas County, Texas, a 92" iron rodsector curacy;

FIRENCE North 45 degrees 68 minutes fast along the Southeast bire of said 15' affey, being the Southerst life of sup! I two Fast Estates Illiek E, and being the Northwesterly face of said Barnes trust, a distance of 258.73 feet to an "N" lound in concrete for corner;

THENCE North 53 degrees 40 minutes East along the Westerly line of said Barnes tract, a distance of 40,45 feer to the Southeast ell corner of a 45° after in Block 11 at said fown East Estates, a lound 1/2" fron red for corner;

THENCT North 43 degrees 88 minutes East along the Westerls line of said Barnes treat and the Easterls line of said 15° alles, a distance of 5.0 feet in the Northwesterly corner of said Barnes Brice and being the Southwesterly corner of said Barnes Brice and being the Southwest corner of a total of land conveyed to N. C. & E. M. tree, as recorded in Volume 93015, Page 1694. Beed Records, Dallas County, Texas, a found 1/2" iron cad for corner;



THENCE South 46 degrees 52 minutes East along the Northerly line of Gard Harnes tract and the Southerly line of Gard A. C. & E. M. Inc. tract, a distance of 195.91 feet to the Southensterly concer of sand A. C. & E. M. Inc. tract and being in the Westerly line of a tract of land consequed to Town East Apartments at recorded in Volume 94091, Page 1244, Deed Records, Dollas County, Texas, a found 1/2" unit rud for corner:

THENCE South 44 degrees 25 minutes West, along the Westerly line of said Town East Apartments tract, a distance of 25.04 feet to the Southwesterly curner of said Town East Apartments teact and being in the convertine of a 50° drainage and untility casement, a set 3/8" iron and for corner:

THENCE South 46 degrees 52 minutes Fast above the contesting of said 50' dramage and utility executes and the Southerly line of said Foro Fast Apartments tract, a distance of 308.97 feet to the Southersterly corner of said Jown East Apartments truct, a set 1/2" from rod for corner:

THENCE North 44 degrees 25 minutes hast along the Southeasterly line of said Town East Appringents traff, a distance of 25.01 feet to a Northeasterts course of sout Barnes track, and being in the Northeasterts line of said 50° dramage and order. estement, a found 1/2" iron rod for corner;

THENCE South 46 degrees 52 minutes East along the Northeasterly line of said 50 dearinage and studies easement, and the most Northeasterly line of yard Burnes trace, a distance of 1904 feet to the must varificasterly curies of sand Burnes (trace) to an open being to the Northwestely line of sand fown Lass Bourleaste, a 190 foot feet Wart. this paint, a found 1/2" new rod for corner;

THENCE South 44 degrees 25 minutes West along the Northwesterly line of said Town East floatevard, a distance of 94.35 (ret to art angle point, a bound 1'2" scor

THENCE, South 88 degrees 52 manures West along the Northwesterly R-GW, line of said. Town: East Budievard, a distance of 169,70 feet to an angle point in the Northwesterly R-GW, fore of said. Town: East Budievard, (a variable width R.O.W.), a bound 1/2" iron and for corner;

THENCE South 43 degrees 52 minutes West along the Not "presterly R.O.W. have of taid Time East Boulevard, a distance of 98% feet to the piece of 80 CFNSISC and containing 193,023 square feet of land, more or less.