

ORDINANCE NO. 3268

File No. 1462-224

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 ZONING REQUEST FROM GENERAL RETAIL TO PLANNED DEVELOPMENT GENERAL RETAIL ALLOWING 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 change of zoning from General Retail to Planned Development General Retail, subject to the following stipulations:

- A. All uses permitted in the General Retail District as indicated in the Schedule of Permitted Uses shall be permitted in the district.
- B. Miniwarehouses shall be permitted in accordance with the site plan submitted and subject to the following design and conditions:
 1. 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 fire exit gate where wrought iron fencing may be utilized;
 2. All building exteriors shall be 100% masonry;

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3. Professionally designed and fully-irrigated landscaping shall be provided on all public sides of the property;
4. No parking/storage of recreational vehicles or boats shall be allowed; and
5. All other provisions of Section 3-502 of the Mesquite Zoning Ordinance shall apply.

The subject property is a 4.17 acre tract located southwest of the North Galloway Avenue and U.S. Highway 80 East 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.

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.

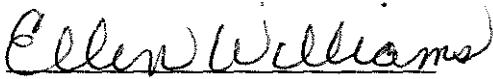
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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 2nd day of November, 1998.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

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OWNERS CERTIFICATE

Whereas we Galloway/80 All Storage, L.P. are the owners of a tract of land situated in Mesquite, Dallas County, Texas, and out of the Donal Tenner Survey, Abstract No. 1462, and being the same tract of land conveyed to Galloway/80 All Storage, L.P., recorded in Volume 98117, Page 07738, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found at the intersection of the East line of Crest Park Drive (50' R.O.W.) with the South line of U.S. Highway 80, (Interstate Highway 20), said intersection also being the Northwest corner of said Young tract:

THENCE South 89 degrees 45 minutes 40 seconds East, along the South R.O.W. line of said U.S. Highway 80, a distance of 122.27 feet to a 1/2 inch iron rod found for corner:

THENCE South 89 degrees 46 minutes 47 seconds East, continuing along said South R.O.W. line, a distance of 104.88 feet to a 1/2 inch iron rod found for corner:

THENCE South 89 degrees 09 minutes 47 seconds East, continuing along said South R.O.W. line, a distance of 12.43 feet to a 1/2 inch iron rod found for the Northwest corner of a tract of land conveyed to Shell Oil Company by deed recorded in Volume 82210, Page 2665, Deed Records, Dallas County, Texas:

THENCE South 03 degrees 04 minutes 40 seconds East, along the East line of said Shell Oil tract, a distance of 75.78 feet to a 1/2 inch iron rod found for corner:

THENCE South 43 degrees 40 minutes 34 seconds East, along the Southwest line of said Shell Oil tract, a distance of 199.14 feet to a 1/2 inch iron rod set for corner:

THENCE North 44 degrees 46 minutes 05 seconds East, along the Southeast line of said Shell Oil tract, a distance of 1610 feet to a brass monument found for corner in the Southwest line of North Galloway Avenue:

THENCE South 43 degrees 26 minutes 20 seconds East, along said Southwest line of North Galloway Avenue, a distance of 40.29 feet to an "X" found in concrete for corner, said corner also being the North corner of a 0.222 acre tract of land conveyed to Goodin, Inc. by deed recorded in Volume 97206 Page 355, Deed Records, Dallas County, Texas:

THENCE South 44 degrees 48 minutes 18 seconds West, along the Northwest line of said Goodin, Inc. tract, a distance of 160.43 feet to a 1/2 inch iron rod found for corner:

THENCE South 44 degrees 42 minutes 24 seconds East, along the Southwest line of said Goodin, Inc. tract, a distance of 59.25 feet to an "X" found in concrete for corner, said corner also lying in the Northwest line of Lot 3 Block A of Young Subdivision, recorded in Volume 84078, Page 2628, Deed Records, Dallas County, Texas:

THENCE South 45 degrees 22 minutes 19 seconds West, along the said Northwest line of Young Subdivision, a distance of 139.09 feet to an "X" found for corner:

THENCE South 45 degrees 12 minutes 52 seconds East, along the Southwest line of said Young Subdivision, a distance of 129.99 feet to a 1/2 inch iron rod found for corner in the Northwest line of Block 53 of Northridge Estates No. Four, recorded in Volume 29, Page 161, Deed Records, Dallas County, Texas:

THENCE South 45 degrees 24 minutes 17 seconds West, along said Northwest line of Northridge Estates No. Four, a distance of 205.04 feet to a 1/2 inch iron rod set for corner in the Northeast line of Crest Park Drive:

THENCE North 44 degrees 53 minutes 29 seconds West, along said Northeast line of Crest Park Drive, a distance of 329.30 feet to a 1/2 inch iron rod set for corner and the beginning of a curve to the right having a radius of 225.0 feet, a central angle of 44 degrees 51 minutes 38 seconds, and a chord of North 22 degrees 27 minutes 40 seconds West a distance of 171.70 feet:

THENCE along said Northeast line and said curve to the right, a distance of 176.18 feet to a 1/2 inch iron rod set for corner:

THENCE North 00 degrees 01 minutes 51 seconds West, continuing along the East line of Crest Park Drive, a distance of 232.95 feet to the POINT OF BEGINNING, and containing 4.195 acres or 182,727.421 square feet of land