

ORDINANCE NO. 3484

File No. 1353-32

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 TO ALLOW 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 to allow miniwarehouses 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 concept 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, faces 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 of a single color and shall include brickwork, trim, columns or other design features to add distinction and break up the long facades.

3. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
4. No parking/storage of recreational vehicles or boats shall be allowed.
5. All other provisions of Section 3-502 of the *Mesquite Zoning Ordinance* shall apply.
6. All buildings to be a maximum of one story.
7. The manager's apartment shall meet the requirements of "residential style" as set out by the standards in Section 3-502C.3 of the *Mesquite Zoning Ordinance*.

That the subject property is a 6.3-acre tract located at the corner of Scyene Road, SH-352 and Pioneer Road and is more fully described in the approved field notes in Exhibit "A" attached hereto.

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*.

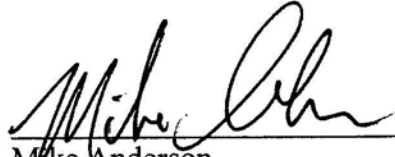
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the *Code of the City of Mesquite*.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 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. That 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.

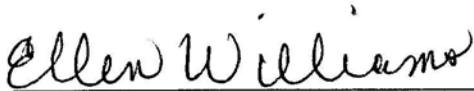
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 18th day of February, 2002.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

FIELD NOTES
File No. 1353-32

BEGINNING at a 1/2" iron rod found for corner at the intersection of the South line of Scyene Road (60 foot R.O.W.) with the Northerly line of State Highway 352, (100 foot R.O.W.);

THENCE South 04 degrees 08 minutes 00 Seconds East, along the South line of said Scyene Road, a distance of 1205.83 feet to a 1/2 inch iron rod set for corner, said point being the Northwest acorner of a tract of land conveyed to the County of Dallas by Right-of-Way Deed recorded in Volume 75159, Page 1811, of the Deed Records of Dallas County, Texas;

THENCE South 00 degrees 35 minutes 12 seconds East, along the West line of said County of Dallas tract, a distance of 150.48 feet to a 1/2 inch iron rod set for the point of curvature of a curve to the right having a radius of 682.16 feet and a central angle of 16 degrees 39 minutes 27 seconds;

THENCE along said curve to the right an arc distance of 198.32 feet to a 1/2 inch iron rod set for the point of tangency;

THENCE South 17 degrees 26 minutes 44 seconds West, continuing along the west line of said County of Dallas Tract, a distance of 37.40 feet to a 1/2 inch iron rod set in the Northerly line of State Highway No. 352, said point being the Southwest corner of said Dallas County tract, said point also being the point of curvature of a non-tangential curve to the right having a radius of 719.68 feet, a central angle of 27 degrees 22 minutes 30 seconds and a long chord bearing and distance of North 76 degrees 18 mintues 24 seconds West, 340.59 feet;

THENCE along said curve to the right and the northerly line of said State Highway No. 352, an arc distance of 343.85 feet to a point of tangency in the middle of a watercourse;

THENCE North 62 degrees 37 minutes 09 seconds West, continuing along the northerly line of said State Highway No. 352, a distance of 762.06 feet to a broken concrete highway monument found for the point of curvature of a curve to the left having a radius of 2586.37 feet and a central angle of 3 degrees 49 mintues 10 seconds;

THENCE along said curve to the left and continuing along the northerly line of said State Highway No. 352, an arc distance of 172.41 feet to the POINT OF BEGINNING and containing 274,914 square feet or 6.3112 acres of land.