

ORDINANCE NO. 3517

File No. 1157-27

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 PLANNED DEVELOPMENT MULTIFAMILY 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 Planned Development Multifamily to Planned Development General Retail allowing the following:

- 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, conditions and stipulations:
 - 1. The project shall be designed as a "fortress" with no doors or windows on the rear of the building or facing outward; outside walls of the buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area and exit gate where wrought iron fencing may be utilized.
 - 2. All building exteriors shall be 100 percent solid-color masonry with a contrasting color along the entirety of the cap and base of the building.
 - 3. Roofing shall be of one color utilizing a rust or similar earthtone color.

4. Each building corner shall include decorative cornerstones.
5. The office structure shall be designed in a residential style.
6. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
7. No parking/storage of recreational vehicles or boats shall be allowed.
8. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
9. Wall signs shall be prohibited including flags and banners.
10. All provisions of Section 3-502 of the Mesquite Zoning Ordinance shall apply.

That the subject property is a 2.924-acre tract located approximately 400 feet north of the Northwest Drive and Belt Line Road intersection and is more fully described in the approved field notes in Exhibits "A" and "B" 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.

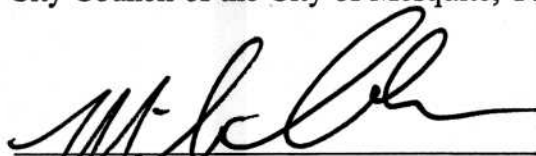
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

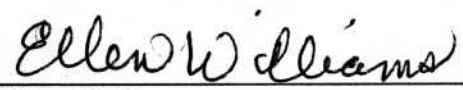
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 3rd day of September, 2002.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney

EXHIBIT "B"

LEGAL DESCRIPTION TRACT 2

Being a lot, tract or parcel of land situated in the Josiah Phelps Survey, Abstract No. 1157, City of Mesquite, Dallas County, Texas, and being a portion of a 5.6689 acre tract of land described in Volume 93014, Page 2028, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Commencing at a 1/2 inch iron rod at the intersection of the North R.O.W. line of Northwest Drive (100' R.O.W.) with the West R.O.W. line of Beltline Road (Variable R.O.W.), said iron rod being the beginning of a curve to the right, having a radius of 3552.79 feet and a central angle of 00 degrees 38 minutes 53 seconds, a chord bearing of North 00 degrees 54 minutes 25 seconds East, a chord distance of 40.19 feet;

THENCE Along said curve and said West R.O.W. line of Belt Line Road, an arc length of 40.19 feet to a 1/2 inch iron rod;

THENCE North 01 degrees 13 minutes 24 seconds East, continuing along said West R.O.W. line of Belt Line Road, a distance of 434.24 feet to the Point of Beginning and being the Northeast corner of a tract of land conveyed to John Savickas by deed recorded in Volume 93149, Page 6509, Deed Records, Dallas County, Texas;

THENCE North 88 degrees 46 minutes 31 seconds West, along said the North line of Savickas tract, a distance of 476.86 feet to a 1/2 inch iron rod found for corner in the Southeast line of the Replat of Palos Verdes No. 11, Phase 2 an addition to the City of Mesquite, Dallas County, Texas according to the Plat recorded in Volume 90048, Page 1014, Plat Records, Dallas County, Texas;

THENCE North 36 degrees 46 minutes 04 seconds East along said Southeast line of said Replat of Palos Verdes No. 11, Phase 2, a distance of 246.97 feet to a 5/8 inch iron rod set with yellow plastic cap stamped (D.C.A.INC.) for corner and the South corner of a 1.666 acre tract of land to the City of Mesquite as described in Volume 95195, Page 3219, Deed Records, Dallas County, Texas;

THENCE North 13 degrees 46 minutes 48 seconds East along the most Westerly East line of said 1.666 acre tract, a distance of 148.43 feet to a 5/8 inch iron rod set with yellow plastic cap stamped (D.C.A.INC.) for corner;

THENCE South 88 degrees 46 minutes 31 seconds East, a distance of 301.03 feet to a 5/8 inch iron rod set with yellow plastic cap stamped (D.C.A.INC.) for corner in said West R.O.W. line of Belt Line Road;

THENCE South 01 degrees 13 minutes 29 seconds West along said West R.O.W. line of Belt Line Road, a distance of 345.83 feet to the Point of Beginning and containing 127,350.69 square feet or 2.924 acres of land.