

ORDINANCE NO. 3581

File No. 1157-29

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 OFFICE 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 Office to Planned Development - General Retail allowing 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 site plan submitted and subject to the following design, conditions and stipulations:
 - 1. The project shall be designed as a "fortress" so that the rear of 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 exit gate where wrought iron fencing may be utilized.
 - 2. All building exteriors shall be 100 percent masonry allowing for a contrasting color on cap and base.
 - 3. The office structure shall be designed in a residential style.

4. Roofing shall be limited to earth tone colors with all roofs of one color utilizing a rust or similar color.
5. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
6. No parking/storage of recreational vehicles or boats shall be allowed.
7. All provisions of Section 3-502 of the Mesquite Zoning Ordinance shall apply.
8. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
9. Each building corner shall include decorative cornerstones.

That the subject property is a 1.085-acre tract, being Tract 1, Sheet 4, of Abstract 1157 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 are 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.

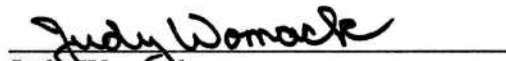
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 2nd day of June, 2003.



Mike Anderson
Mayor

ATTEST:

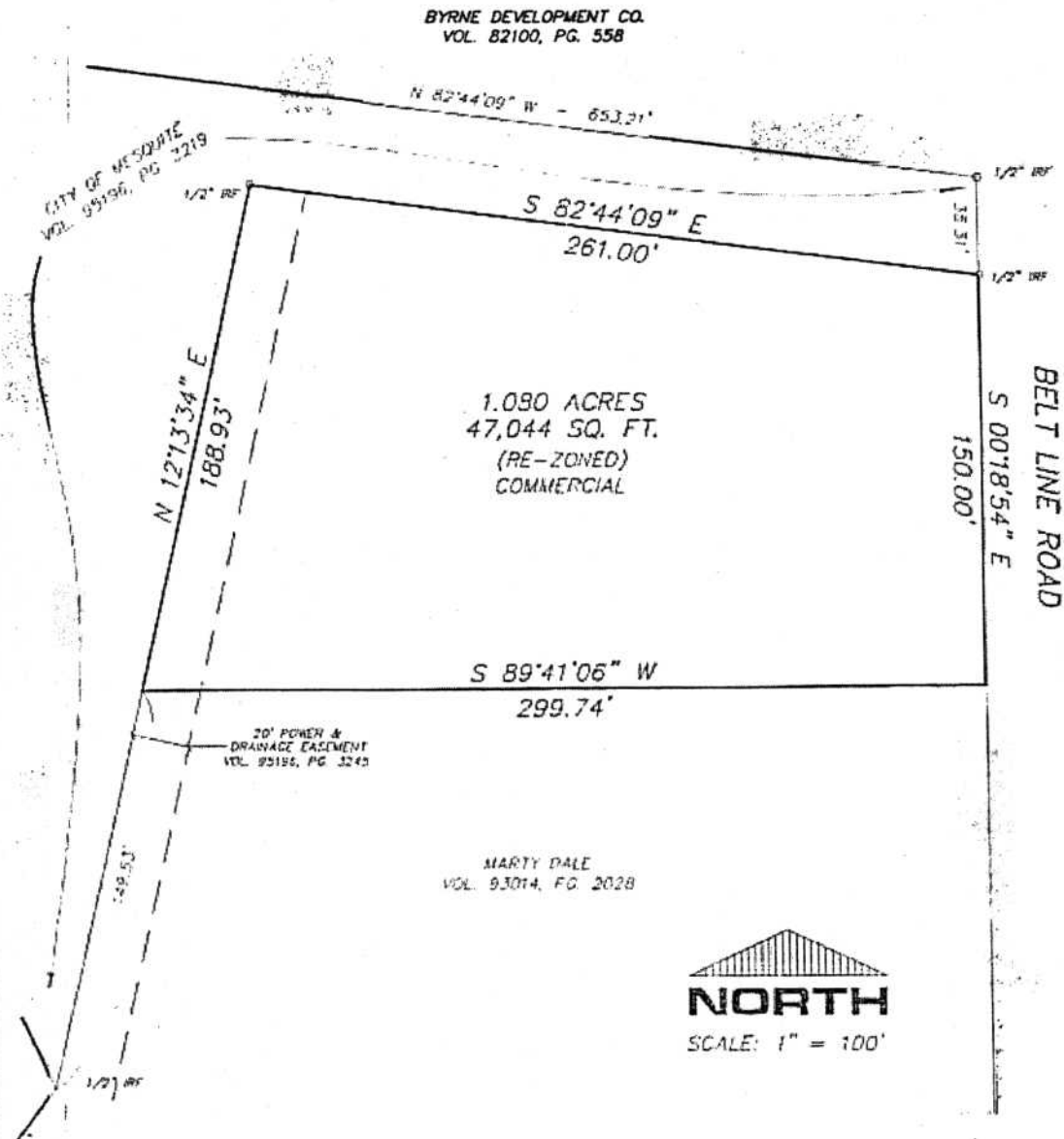

Judy Womack
City Secretary

APPROVED:


B. J. Smith
City Attorney

RE-ZONING EXHIBIT BOUNDARY SURVEY

Exhibit "A"
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BAIS OF BEARINGS for this description is the 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, Per N.G.S. Triangulation Stations "Garland NE Base", "Buckner", and "Grove RM1".

JUNE 7, 2000

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INDM

NATHAN D. MAIER CONSULTING ENGINEERS, INC.
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / Ph. (214) 739-4741

RE-ZONING EXHIBIT

Exhibit "A"
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BOUNDARY DESCRIPTION

LEGAL DESCRIPTION

BEING 1.080 acres tract of land situated in the Josiah Phelps Survey, Abstract No. 1157, Dallas County, Texas, and being a portion of that certain tract of land conveyed to Marty Dale, as recorded in Volume 93014, Page 2028, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod with an NDM plastic cap found for the most easterly southeast corner of that certain 1.666 acre tract of land conveyed to the City of Mesquite as recorded in Volume 95196, Page 3219, Deed Records, Dallas County, Texas, said iron rod being in the west line of Belt Line Road, a variable width right-of-way;

THENCE S 00°18'54" E, along the west line of said Belt Line Road, a distance of 150.00 feet to a point for corner;

THENCE S 89°41'06" W, departing said west line, a distance of 299.74 feet to a point for corner, said point being in the most southerly east line of the aforementioned City of Mesquite 1.666 acre tract of land;

THENCE N 12°13'34" E, along said east line, a distance of 188.93 feet to an NDM plastic cap found for an inner ell corner of said City of Mesquite tract;

THENCE S 82°44'09" E, along the northerly south line of said City of Mesquite tract, a distance of 261.00 feet to the POINT OF BEGINNING containing 1.080 acres, 47,044 square feet of land, more or less.

BAIS OF BEARINGS for this description is the 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, Per N.G.S. Triangulation Stations "Garland NE Base, "Buckner", and "Grove RM1".

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