

ORDINANCE NO. 3633
File No. HG-26

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 CONDITIONAL USE PERMIT ON PROPERTY ZONED COMMERCIAL THEREBY 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 (\$2,000.00) DOLLARS 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 on property zoned Commercial thereby allowing miniwarehouses subject to the following stipulations:

1. New construction must conform to the standards set forth in Section 3-502 of the Mesquite Zoning Ordinance. This includes the provision that a continuous loading area, a minimum of eight feet in width, shall be provided for parking and loading in addition to the fire lane along any building face where there is access to the storage units.
2. Approval of the Conditional Use Permit does not constitute approval of a concept plan or site plan. The site plan will be reviewed with building plan submittals.

That the subject property is located approximately 460 feet southwest of the Franklin Drive and Mariposa Drive intersection 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 (\$2,000.00) Dollars for each offense.

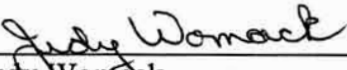
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 16th day of February, 2004.



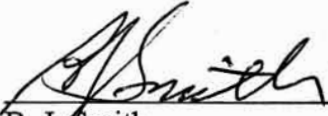
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

PROPERTY ADDRESS: MARIPOSA DRIVE

BEING A PART OF LOT 25, BLOCK 2, HILHOME GARDENS ADDITION TO THE CITY OF MESQUITE, TEXAS, MAP OF SAID ADDITION RECORDED IN VOLUME 7, PAGE 259, MAP RECORDS, DALLAS COUNTY, TEXAS AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2 INCH IRON ROD FOUND IN THE NORTHWEST CORNER OF SAID LOT 25, SAID POINT BEING IN THE SOUTHERLY RIGHT OF WAY LINE OF MARIPOSA DRIVE, A 60.00 FOOT RIGHT OF WAY;

THENCE NORTH 58 DEGREES 47 MINUTES 16 SECONDS EAST ALONG SAID SOUTHERLY LINE OF MARIPOSA DRIVE, A DISTANCE OF 70.10 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 31 DEGREES 40 MINUTES 44 SECONDS EAST ALONG THE WESTERLY LINE OF LOT 24A DESCRIBED IN VOLUME 90027, PAGE 0500, DEED RECORDS, DALLAS COUNTY, TEXAS, A DISTANCE OF 200.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH 58 DEGREES 47 MINUTES 16 SECONDS WEST ALONG THE NORTH LINE OF LOT 14, DESCRIBED IN VOLUME 85071, PAGE 0133, DEED RECORDS, DALLAS COUNTY, TEXAS, A DISTANCE OF 70.10 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER;

THENCE NORTH 31 DEGREES 40 MINUTES 48 SECONDS WEST (NORTH 31 DEGREES 30 MINUTES 27 SECONDS WEST ON PLAT) ALONG THE EASTERLY LINE OF LOT 12R DESCRIBED IN VOLUME 99132, PAGE 9888, DEED RECORDS, DALLAS COUNTY, TEXAS, A DISTANCE OF 200.00 FEET (200.00 FEET ON PLAT) TO THE POINT OF BEGINNING AND CONTAINING 14020.00 SQUARE FEET OR 0.32 ACRES OF LAND.

MARIPOSA DRIVE
60.00' ROW
POINT OF BEGINNING

1/2" I R F
N58°53'00"E 200.15'
BASIS OF BEARINGS

1/2" I R F

N58°47'16"E 70.10'

1/2" I R F

HILHOME GARDENS LOT 12R BLK. 2
VOL. 99132 PG. 9888

N O R T H
1" = 30'

BUILDING

(N31°30'27"W 200.00' PLAT)

N31°40'48"W 200.00'

BUILDING

VACANT LOT
14020.00 SQ. FT.
0.32 AC.

1/2" I R F

HILHOME GARDENS NO. 1 PT.
LOT 14, BLK. 2
VOL. 85071 PG. 0133

S58°47'16"W 70.10'

1/2" I R F

21.4' X 39.4'
SHED

CONC.
SLAB

10.1' X 20.0'
SHED

CONC.
SLAB

18.0' X 21.0'
COVER

S31°40'44"E 200.00'

HILHOME GARDENS NO. 1 PT. LOT 24A BLK. 2
VOL. 90027 PG. 0500

30.0' SAVE AND EXCEPT RECORDED IN VOL. 4310 PG284