

ORDINANCE NO. 3844

File No. 1636-11

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 COMMERCIAL TO PLANNED DEVELOPMENT-INDUSTRIAL SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 change of zoning from Commercial to Planned Development-Industrial subject to the submission of the Planned Development site plan, substantially complying with the concept plan and building elevations presented to the City Council at the December 4, 2006 meeting, attached hereto as Exhibit "A" and incorporated therein for all purposes thereof, and subject to the following stipulations:

1. All uses permitted-by-right in the Commercial District as indicated in the Schedule of Permitted Uses shall be permitted in the district, and SIC 4231, Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation.
2. 100 percent masonry exterior on all buildings.
3. Wrought iron or black powder-coated fencing on the street sides.
4. Evergreen landscape screening with irrigation on the street frontages.
5. No repairs outside of enclosed buildings.
6. No overnight sleeping permitted.
7. No unmounted container storage.
8. Restricted and/or secured ingress and egress with at least three security inspections daily.

9. Site plan including landscaping must be approved by the Planning and Zoning Commission and the City Council.

That the subject property is a 10.95-acre tract located on the southeast corner of Big Town Boulevard and Samuell Boulevard, and is described more fully in the approved field notes in Exhibit "B" attached hereto.

SECTION 2. 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 3. 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 Mesquite City Code.

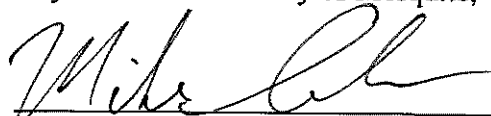
SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 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 18th day of December, 2006.



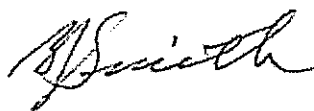
Mike Anderson
Mayor

ATTEST:

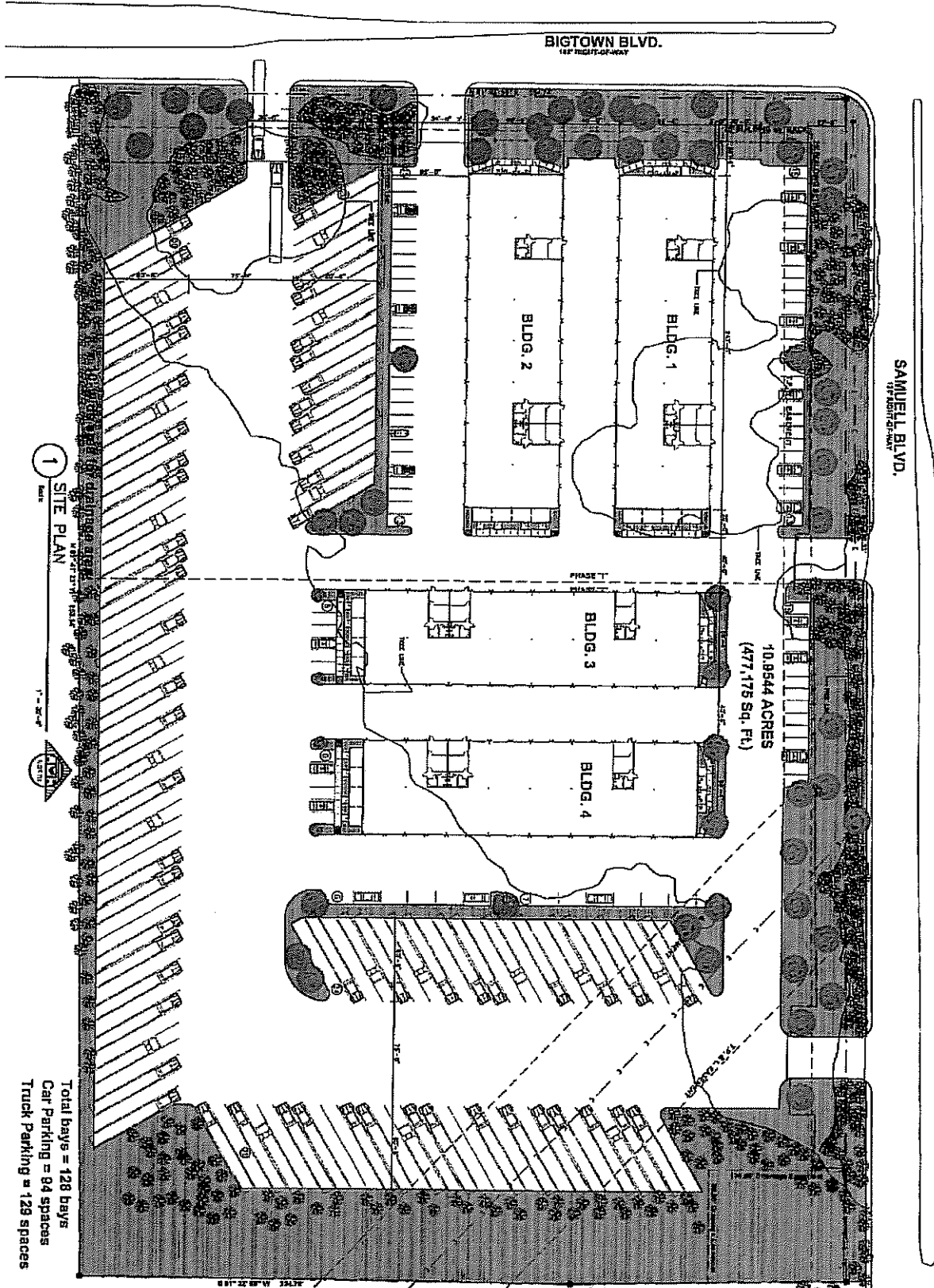
APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney



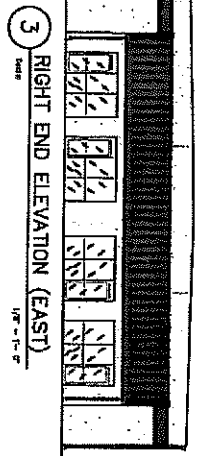
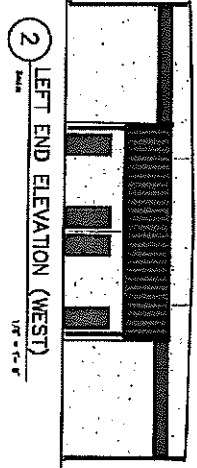
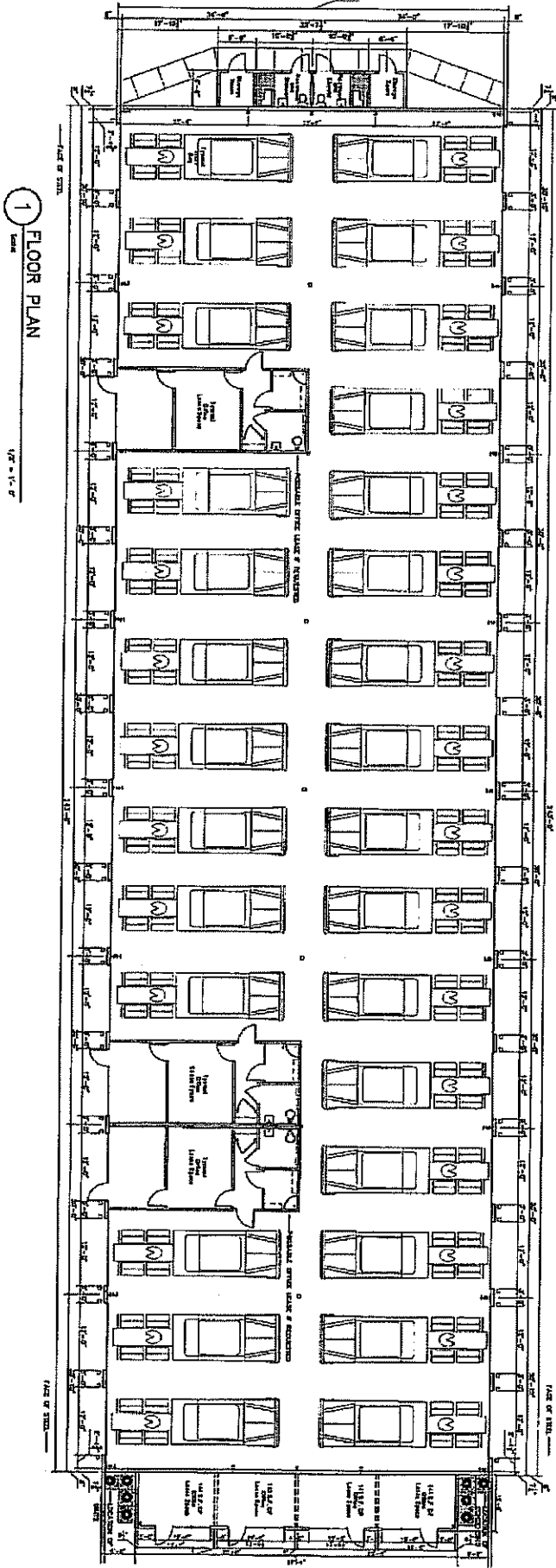
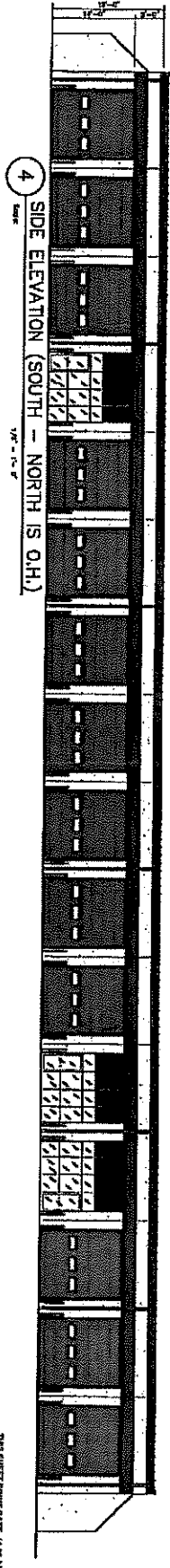
1 SITE PLAN

Total bays = 128 bays
Car Parking = 84 spaces
Truck Parking = 128 spaces

PRELIMINARY - Not for regulatory approval, permitting or construction/
SITE PLANS

<p>DATE SKIPPED: 05-03-01</p>	<p>JOHNE M. COLE - ARCHITECTS</p>		<p>American Truck Communities, LLC</p>
	<p>P.O. Box 577 Addicks, Texas 75001-0577</p>		
<p>NO. 1</p>	<p>DATE</p>	<p>BY</p>	<p>FOR</p>
<p>1</p>	<p>05-03-01</p>	<p>J.M.C.</p>	<p>American Truck Communities, LLC</p>

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American Truck Communities, LLC
 Prototype Plans
 For Dale Bulrough
 Samuel & Bigtown Boulevards
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THIS SHEET PRINT DATE: 11-20-08

**Field Notes
File No. 1636-11**

BEING a called 10.194 acre tract of land situated in the HENRY J. WEBB Survey, Abstract No. 1636, Dallas County, Texas, and being the same tract of land described in a deed to Buckner Baptist Benevolences recorded in Volume 2600, Page 581 D.R.D.C.T. and being more particularly described as follows:

BEGINNING at a point for corner at the Southeast intersection of Samuel Blvd. And Big Town Blvd., same being the northwest corner of said Buckner Baptist Benevolences tract;

THENCE S 89 deg. 50 min. 15 sec. E a distance of 561.61 feet along the northerly line of said tract and the southerly line of said Samuel Blvd. to a point for corner at the northeast corner of said;

THENCE S 01 deg. 32 min. 59 sec. W a distance of 552.99 feet along the easterly line of said tract to a point for corner at the southeasterly corner of tract, same being a common corner of the Austin Addition Block B, Lot 1;

THENCE N 89 deg. 41 min. 23 sec. W a distance of 858.84 feet along the southerly line of said tract and the northerly line of said Austin Addition to a point for corner, same being the southwest corner of said tract and in the easterly line of aforesaid Big Town Blvd.;

THENCE N 01 deg. 03 min. 09 sec. E a distance of 550.68 feet along the westerly line of said tract and the easterly line of said Big Town Blvd. the POINT OF BEGINNING, and containing a computed area of 10.194 acres (per deed) or (444,050 sq. ft.) of land more or less.