

ORDINANCE NO. 3845  
File No. 34-40

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 R-3 RESIDENTIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT THEREBY ALLOWING AN OFFICE/WAREHOUSING BUSINESS 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 change of zoning from R-3 Residential to Commercial with a Conditional Use Permit to allow an office/warehousing business subject to the following stipulations:

1. The Conditional Use Permit is granted for SIC 4225, General Warehousing and Storage.
2. Screening walls shall be constructed and maintained in perpetuity where the property abuts residential uses or districts.
3. Outside storage shall be prohibited.
4. The site plan shall be approved by staff.

That the subject property is approximately a one-acre lot that is located at 3929 Samuell Boulevard 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

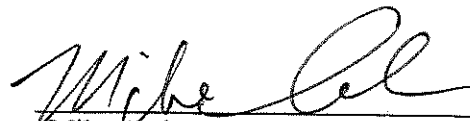
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

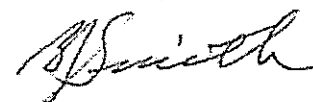
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of December, 2006.

  
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Mike Anderson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

**Field Notes**  
**File No. 34-40**

BEING a called 10.863 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 Brass Monument found for corner at the Southeast intersection of Samuel Blvd. (120' right-of-way) and Big Town Blvd. (100' right-of-way), same being the northwest corner of said Buckner Baptist Benevolences tract;

THENCE S 89 deg. 50 min. 42 sec. E a distance of 860.40 feet along the northerly line of said tract and the southerly line of said Samuel Blvd. to a 5/8 inch iron rod found for corner at the northeast corner of said of tract;

THENCE S 01 deg. 25 min. 27 sec. W passing a 1/2 inch iron rod found at 199.89 feet and continuing in all a total distance of 552.10 feet along the easterly line of said tract to a 5/8 inch iron rod set for corner at the southeasterly corner of said tract, same being a common corner of the Austin Addition Block B, Lot 1;

THENCE N 89 deg. 41 min. 49 sec. W a distance of 857.56 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. 08 min. 00 sec. E a distance of 549.84 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 10.863 acres or (473,189 sq. ft.) of land more or less.