

ORDINANCE NO. 3861

File No. 1462-253

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 THE OUTDOOR STORAGE OF A HELIUM TUBULAR TRAILER 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 Conditional Use Permit on property zoned Commercial for the outdoor storage of a helium tubular trailer subject to the following stipulations:

1. Obtain the necessary permit(s) and approval from the Mesquite Fire Department. The Mesquite Fire Department shall check for all required training certificates.
2. The storage of the helium tubular trailer shall be limited to the Number 3 Docking Bay at Suite 7.
3. The helium tubular trailer shall be screened with a permanently maintained solid (wood or vinyl) fence at eight feet in height. A chain link fence with slats will not be permitted.
4. The storage of the helium tubular trailer or the screening fence shall not encroach into the fire lane.
5. The Conditional Use Permit is granted specifically for Discount Helium of Dallas at 1331 East U. S. Highway 80, Suite 7.

6. The fence shall enclose the storage tank and the entire docking area adjacent to the three overhead doors for Suite 7 as shown on the site plan submitted with the zoning application as Fencing Option #2.

That the subject property is located at 1331 East U. S. Highway 80, Suite 7, and is platted as Block A, Lot 2 in the Center Place Addition, 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.

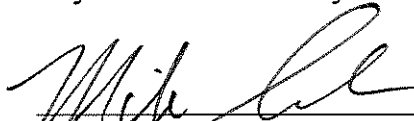
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

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 April, 2007.


Mike Anderson
Mayor

ATTEST:


Judy Womack
City Secretary

APPROVED:


B. J. Smith
City Attorney

Field Notes
File No. 1462-253

BEING a tract or parcel of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas and being part of a tract land conveyed to Baker and Associates, be deed recorded in the Deed Records of Dallas County, Texas and being more particularly described as follows;

BEGINNING at an iron rod found for a corner on the southeast right-of-way line of Tripp Road (a 60' R.O.W.) at the west corner of Centre Place Addition, an addition to the City of Mesquite, recorded in Volume 83221, Page 3892, Deed Records of Dallas County, Texas;

THENCE, South 45°35'00" East along the southwest line of said addition passing at 346.89 feet an iron rod found at the south corner of said addition, continuing a total distance of 391.89 feet to an iron rod set for a corner;

THENCE, South 0°33'52" West, a distance of 223.04 feet to an iron rod found for a corner on the north right-of-way line of US Highway No. 80 (300' R.O.W.)

THENCE, North 89°38'00" West along the north right-of-way line of U.S. Highway No. 80 a distance of 419.86 feet to an iron rod set for a corner;

THENCE, North 40°53'30" West a distance of 280.86 feet to an iron rod set for a corner on the southeast right-of-way line of Tripp Road;

THENCE, North 49°06'30" East along the southeast right-of-way line of Tripp Road a distance of 431.24 feet to the POINT OF BEGINNING and containing 196,100 sq. ft. or 4.5018 acres of land.