

ORDINANCE NO. 4299  
File No. 261-31B-2014

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 PLANNED DEVELOPMENT - COMMERCIAL TO PLANNED DEVELOPMENT – INDUSTRIAL ON PROPERTY LOCATED IN THE 4700 BLOCK OF U. S. HIGHWAY 80 THEREBY ALLOWING THE PROPERTY TO BE USED FOR THE CONSTRUCTION OF AN INDUSTRIAL BUILDING 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 Planned Development - Commercial to Planned Development – Industrial to allow for the construction of an industrial building subject to the following stipulations:

1. Uses shall be permitted as provided for in the I, Industrial zoning district except that the following uses shall not be permitted:
  - SIC 42a - Miniwarehousing, Self-storage
  - SIC 55 - Automobile Dealers, Service Stations, except that SIC 553 Auto and Home Supply Stores shall be permitted
  - SIC 60a and 61a - Alternative Financial Establishments
  - SIC 703 - Camps, Trailering Parks
  - SIC 751 - Automotive Rental, Leasing
  - SIC 9223 - Correctional Institutions
  
2. Outdoor Display Lots and Primary Outdoor Storage Yards shall be prohibited.

3. The historic Big Town Mall sign may be preserved and modified. If the sign is modified, the property owner shall obtain a recommendation on proposed changes from Historic Mesquite, Inc. The sign may be left in place or relocated on site. If the sign is to be removed, the City of Mesquite and Historic Mesquite, Inc., shall be notified a minimum of 30 days before removal and efforts shall be made by the property owner to sell or donate the sign to an organization or agency that will agree to preserve the sign. Such sale or donation shall be made at the time of removal.
4. In addition to meeting the minimum landscape requirements of the Mesquite Zoning Ordinance, a minimum 25-foot-wide landscape strip shall be required along the U. S. Highway 80 and Samuell Boulevard frontages, exclusive of driveways. A buffer tree line shall be established in each landscape strip to include one large shade tree per 30 feet of frontage. Three additional large evergreen shrubs must be grouped every 50 feet of street frontage, exclusive of driveways. Landscaping materials and irrigation requirements shall conform to the City's landscape ordinance, as amended, in effect on the date of site plan approval.
5. Driveway medians shall be landscaped. Enhanced landscaping shall be provided at all driveways going to or from a public street. Enhanced landscaping shall include at a minimum bushes or hedges, flowerbeds and/or low ground plantings.
6. Loading docks and overhead doors shall be generally perpendicular to U. S. Highway 80 and Samuell Boulevard. No loading docks or overhead doors shall be permitted on the north or south building façades.
7. All fencing must be wrought iron or similar, provided the fence on the western side of the property may be vinyl-coated material similar in character to the fencing just west of the proposed development. The detention pond shall not be separately fenced.
8. Parking for industrial/warehouse uses shall be a minimum of one space per employee at maximum shift plus one space per 300 square feet of designated office space. All other uses shall meet the parking requirements as found in the Mesquite Zoning Ordinance. Parking may be shared with adjacent Industrial-zoned properties by agreement and where sufficient parking is available to meet the minimum requirements of all sites party to any such agreement.
9. The Director of Community Development shall initiate a public hearing to consider a rezoning of the site to an alternate planned development or zoning classification if no approved building permit is issued for the proposed industrial facility in conformance with the stipulations herein by February 3, 2017.

That the subject property is described as 75 acres out of the Isaac Beeman Survey, Abstract 82 and W. A. Cole Survey, Abstract 261, located in the 4700 block of U. S. Highway 80 (former Big Town Mall site), 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.

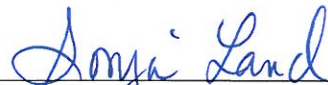
SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate 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 3rd day of February, 2014.

  
\_\_\_\_\_  
John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

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

**EXHIBIT "A"**  
**File No. 261-31B-2014**

69.298 ACRE TRACT

DESCRIPTION of a 69.298 acre parcel of land situated in the Isaac Beeman Survey, Abstract No. 82 and the W.A. Cole, Survey, Abstract No. 261, City of Mesquite, Dallas County, Texas, said tract being a portion of the Big Town Addition, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 37, Page 215 of the Map Records of Dallas County, Texas, said tract being more particularly described as follows:

BEGINNING at a 1/2-inch steel rod with "HALFF" cap found in the North right-of-way line of Samuel Boulevard (formerly East Pike Road) (a 120 foot wide right-of-way), and being the Southwest corner of said Big Town Addition and Southeast corner of the Samuel Boulevard Business Park an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 2002241, Page 72 of the Deed Records of Dallas County, Texas, said point having coordinates based on NAD83(CORS96, EPOCH 2002) tied to the Texas Coordinate System of 1983, North Central Zone (4202) of X=2,529,009.72 feet, Y=6,976,129.42 feet;

THENCE North 00°37'42" West with the East line of said Samuel Boulevard Business Park Addition passing at a distance 1365.74 feet the Northeast corner of said Samuel Boulevard Business Park Addition being the Southeast corner of a called 14.10-acre tract of land conveyed to Prologis in Special Warranty Deed recorded in Instrument No. 200600006445 of the Official Public Records of Dallas County, Texas, then continuing on the same course with the East line of said Prologis tract and additional distance of 719.35 feet for a total distance of 2085.09 feet to a TXDOT Brass disk found in the South line of U.S. Highway No. 80 ( a variable width right-of-way) as dedicated by instrument recorded in Volume 72050, Page 698 of Deed Records Dallas County, Texas;

THENCE Easterly and Southeasterly with said Southerly line of U.S. Highway No. 80 the following three calls;

North 80°33'17" East for a distance of 547.21 feet to a TXDOT Brass disk found to the beginning of a curve concave to the South having a radius of 763.94 feet, a central angle of 25°51'55", the long chord of which bears South 83°19'45" East for a distance of 341.95 feet;

Easterly with said curve for an arc length of 344.87 feet to a 5/8-inch steel rod found;

South 70°32'28" East for a distance of 513.21 feet to a point for corner

THENCE South 00°32'29" East departing said South right-of-way line for a distance of 945.51 feet to a point for corner

THENCE North 89°29'23" East for a distance of 154.45 feet to a 1/2-inch steel rod found at the Northwest corner of Trinity Place, an addition to the City of Mesquite, Texas according to the plat thereof recorded in Volume 84189, Page 4455 of the Deed Records of Dallas County, Texas;

THENCE South  $00^{\circ}32'29''$  East with the West line of said Trinity Place for a distance of 1005.54 feet to a 1-inch Steel Rod Found at the Southwest corner of said Trinity Place, and being the most southerly Southeast corner of said Big Town Addition, and in the said North right-of-way line of said Samuel Boulevard;

THENCE South  $89^{\circ}27'05''$  West with said North right-of-way line of Samuel Boulevard for a distance of 1513.40 feet to the POINT OF BEGINNING.

CONTAINING: 3,018,620 square feet or 69.298 acres of land, more or less.