

ORDINANCE NO. 4327
File No. 312-2-2014

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 AGRICULTURE TO PLANNED DEVELOPMENT – KAUFMAN-INTERSTATE 20 (PD-K20) WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 9041 OLD NACOGDOCHES THEREBY ALLOWING A SHOE WAREHOUSE 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 Agriculture to Planned Development – Kaufman-Interstate 20 (PD-K20) with a Conditional Use Permit (CUP) to allow a shoe warehouse with the following stipulations:

1. The property shall comply with the K20 District except as herein modified.
2. Warehousing shall be permitted by CUP.
3. A CUP for a shoe warehouse is hereby granted with the following conditions:
 - a. No outdoor storage or display shall be permitted.
 - b. The warehouse use shall be limited to the structure as it exists on the date of this ordinance, subject to compliance with City adopted Building and Fire Codes and Section 1-300 of the Mesquite Zoning Ordinance regarding nonconforming structures.

- c. The CUP shall expire on December 31, 2019. Provided that after October 1, 2019, the applicant may apply for renewal of the CUP and such application shall be subject to the same submittal, notification and hearing requirements and procedures as all other conditional use permits.
- d. If renewal of the CUP is requested, the application fee shall be waived.

That the subject property is the 2.79-acre site of a vacant structure located at 9041 Old Nacogdoches 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.

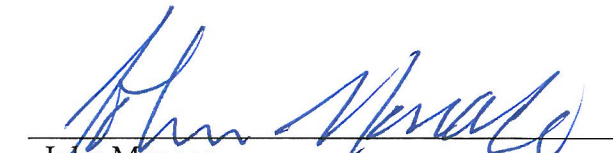
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

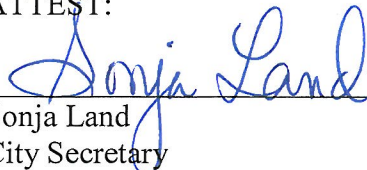
SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed 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 15th day of September, 2014.



John Monaco
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney

EXHIBIT "A"

BEING A TRACT OF LAND SITUATED IN THE MARTHA MUSICK SURVEY, ABSTRACT NO. 312, KAUFMAN COUNTY, TEXAS, BEING ALL OF A TRACT OF LAND CONVEYED TO SUTTON FRUIT & VEGETABLE COMPANY, BY DEED RECORDED IN VOLUME 3766, PAGE 554, DEED RECORDS, KAUFMAN COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT FOUND FOR CORNER, SAID CORNER BEING THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO 120-MESQUITE LIMITED PARTNERSHIP, BY DEED RECORDED IN VOLUME 3072, PAGE 537, DEED RECORDS, KAUFMAN COUNTY, TEXAS, AND BEING A POINT IN A SOUTH LINE OF INTERSTATE HIGHWAY NO. 20 (PUBLIC RIGHT-OF-WAY);

THENCE SOUTH $83^{\circ} 05$ MINUTES, 23 SECONDS EAST, ALONG A SOUTH LINE OF SAID INTERSTATE HIGHWAY NO. 20, A DISTANCE OF 386.25 FEET TO A $3/8$ INCH IRON ROD FOUND FOR CORNER;

THENCE SOUTH $89^{\circ} 39$ MINUTES 41 SECONDS EAST, ALONG A SOUTH LINE OF SAID INTERSTATE HIGHWAY NO. 20, A DISTANCE OF 345.21 FEET TO A $3/8$ INCH IRON ROD FOUND FOR CORNER, SAID CORNER BEING A POINT IN THE INTERSECTION OF A SOUTH LINE OF SAID INTERSTATE HIGHWAY NO. 20 AND THE NORTHWEST LINE OF OLD NACOGDOCHES TRAIL (PUBLIC RIGHT-OF-WAY);

THENCE SOUTH $46^{\circ} 32$ MINUTES 05 SECONDS WEST, ALONG THE NORTHWEST LINE OF SAID OLD NACOGDOCHES TRAIL, A DISTANCE OF 481.78 FEET TO A $3/8$ INCH IRON ROD FOUND FOR CORNER, SAID CORNER BEING IN THE EAST CORNER OF SAID 120-MESQUITE LIMITED PARTNERSHIP;

THENCE NORTH $44^{\circ} 55$ MINUTES 39 SECONDS WEST, ALONG THE NORTHEAST LINE OF SAID 120-MESQUITE LIMITED PARTNERSHIP TRACT, A DISTANCE OF 536.64 FEET TO THE POINT OF BEGINNING AND CONTAINING $121,599$ SQUARE FEET OF 2.79 ACRES OF LAND.