

ORDINANCE NO. 272

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY, NOW ZONED RESIDENTIAL, TO BE USED UNDER A SPECIAL PERMIT ALLOWING COMMERCIAL "C" USES: BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF NEW GROSS ROAD, (A 120 FOOT RIGHT-OF-WAY), AND THE NORTH LINE OF A 10 FOOT ALLEY IN BLOCK 4, OF BIG TOWN ESTATES NO. 3, AN ADDITION TO THE CITY OF MESQUITE, TEXAS, FOR CORNER; THENCE, SOUTH 86 DEGREES 44 MINUTES WEST, 78.67 FEET ALONG SAID 10 FOOT ALLEY NORTH LINE TO THE PLACE OF BEGINNING FOR CORNER; THENCE, SOUTH 86 DEGREES 44 MINUTES WEST WITH THE CENTERLINE OF SOUTHWESTERN BELL TELEPHONE COMPANY EASEMENT AND SAID 10 FOOT ALLEY NORTH LINE 361.80 FEET TO THE SOUTHWEST CORNER OF THE E. B. RANGE TRACT AS IT NOW EXISTS, A POINT FOR CORNER; THENCE, NORTH 0 DEGREES 01 MINUTES EAST 326.48 FEET WITH THE WEST LINE OF THE RANGE TRACT TO A POINT FOR CORNER; THENCE, NORTH 86 DEGREES 39 MINUTES EAST 280.23 FEET TO A POINT IN THE WEST LINE OF NEW GROSS ROAD, (A 340 FOOT RIGHT-OF-WAY), FOR CORNER; THENCE, SOUTH WITH A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 8 DEGREES 24 MINUTES 31 SECONDS AND A RADIUS OF 1602.40 FEET, SAME BEING THE WEST RIGHT-OF-WAY LINE OF NEW GROSS ROAD, 235.17 FEET TO THE END OF SAID CURVE, A POINT FOR CORNER; THENCE, SOUTH 73 DEGREES 07 MINUTES EAST, WITH THE WEST RIGHT-OF-WAY LINE OF NEW GROSS ROAD, 56.81 FEET TO A POINT IN THE EAST LINE OF THE E. B. RANGE 5.41 ACRE TRACT, A POINT FOR CORNER; THENCE SOUTH 0 DEGREES 02 MINUTES WEST WITH THE EAST LINE OF THE ABOVE-MENTIONED RANGE TRACT, 68.78 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.3 ACRES OF LAND; AS DESIGNATED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION; SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; AND THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE PLANS AND SPECIFICATIONS SUBMITTED THEREFOR AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR PENALTY AND DECLARING AN EMERGENCY.

WHEREAS, the City 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 the State Law with reference to the granting of Special Permits under the Zoning Ordinance regulations and zoning map have given the requisite notices by publications and otherwise and after holding due hearing and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof, the governing

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body of the City of Mesquite is of the opinion that said Special Permit should be granted, subject to the conditions set out herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 120 enacted by the City Council on May 3, 1955 be and is hereby amended insofar as the hereinafter described property is concerned and said property shall be used under a Special Permit allowing Commercial "C" uses as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, Dallas County, Texas, and being more particularly described by metes and bounds as follows: Commencing at the intersection of the West line of New Gross Road, (a 120 foot right-of-way), and the North line of a 10 foot alley in Block 4, of Big Town Estates, No. 3, an Addition to the City of Mesquite, Texas, for corner; Thence, South 86 degrees 44 minutes West, 78.67 feet along said 10 foot alley North line to the place of beginning for corner; Thence, South 86 degrees 44 minutes West, with the centerline of Southwestern Bell Telephone Company Easement and said 10 foot alley North line 361.80 feet to the Southwest corner of the E. B. Range tract as it now exists, a point for corner; Thence, North 0 degrees 01 minutes East, 326.48 feet with the West line of the Range tract, to a point for corner; Thence, North 86 degrees 39 minutes East, 280.23 feet to a point in the West line of New Gross Road, (a 340 foot right-of-way), for corner; Thence, South with a curve to the left having a central angle of 8 degrees 24 minutes 31 seconds and a radius of 1602.40 feet, same being the West right-of-way line of New Gross Road, 235.17 feet to the end of said curve, a point for corner; Thence, South 73 degrees 07 minutes East, with the West right-of-way line of New Gross Road, 56.81 feet to a point in the East line of the E. B. Range 5.41 acre tract, a point for corner; Thence, South 0 degrees 02 minutes West with the East line of the above-mentioned Range tract, 68.78 feet to the place of beginning and containing 2.3 acres of land.

SECTION 2. That this Special Permit allowing Commercial "C" uses as designated and approved by the City Planning and Zoning Commission on the herein above described property is approved and granted upon the following express conditions and in accordance with Section 4 of the Zoning Ordinance:

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- (1) That prior to any construction or change in use a site plan shall be submitted and shall be approved by the City Planning and Zoning Commission and development shall be generally in conformance therewith. Such approved site plan may be revised or amended if such revision or amendment thereof is first approved by the City Planning and Zoning Commission.
- (2) That all on-site improvements shall be specified on approved site plan.
- (3) That all adjacent uses of property shall be indicated on approved site plan.
- (4) That all means of ingress and egress shall be as indicated on the approved site plan.
- (5) That all streets, service drives, parking areas and alleys shall be paved and drainage structures and curbs and gutters installed in accordance with the City of Mesquite requirements and as indicated on the approved site plan; and that the developer shall bear the total cost of all such improvements.
- (6) That off-street parking facilities shall be provided as indicated on the approved site plan, and shall not be less than the requirement of Ordinance No. 120 for each use and occupancy.
- (7) That the width of all streets and rights-of-way shall be in conformance with the City of Mesquite thoroughfare and street plan and shall be indicated on the approved site plan, dedicated and improved to the minimum requirements of the City.
- (8) That all utility services shall be shown on site plan and shall conform to the City's specifications and be as approved by the City's Engineer.
- (9) The City of Mesquite water and sanitary sewer lines shall be extended to and service shall be made available at the cost of the owner and developer and shall be in accordance with the City's specifications and regulations.
- (10) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type, except that in the event a gasoline filling station is approved for location on the property, a standard pole

sign not exceeding thirty-six (36) square feet shall be permitted for the filling station. No sign or billboard shall be permitted of a flashing or intermittently lighted type. That the location of any sign other than as stated above shall be first approved by the City Planning and Zoning Commission.

(11) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

(12) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

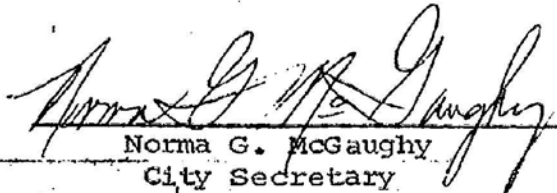
SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit allowing the Commercial "C" uses as designated and approved by the City Planning and Zoning Commission, subject to certain conditions and will serve the public interest, comfort, and general welfare and requires that this Ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND ADOPTED THIS THE 4th DAY OF JANUARY, 1960.

  
James Fontenot

Mayor

ATTEST:

  
Norma G. McGaughey  
City Secretary