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ORDINANCE NO. 313

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY PERMITTING THE HEREINAFTER DESCRIBED PROPERTY, NOW ZONED RESIDENTIAL "R" TO BE USED UNDER A SPECIAL PERMIT ALLOWING COMMERCIAL "C" USES, AS DESIGNATED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREAFTER 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 A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS; 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 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:

(TRACT 1) BEING A TRACT OF LAND SITUATED IN THE HENRY J. WEBB SURVEY, ABSTRACT NO. 1636 AND BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF OLD EAST PIKE, SAID POINT BEING LOCATED IN THE COMMON PROPERTY LINE OF THE BUCKNER ORPHANS HOME PROPERTY AND THE C. C. HERNDON TRACT, SAID POINT IS LOCATED APPROXIMATELY 180 FEET WEST OF THE SOUTHERLY EXTENSION OF THE CENTER LINE OF SHILOH ROAD; THENCE EAST ALONG SAID LINE OF OLD EAST PIKE A DISTANCE OF 1,209.19 FEET TO A POINT FOR CORNER; THENCE SOUTH 50 FEET TO A POINT FOR CORNER; THENCE EAST 50 FEET TO A POINT FOR CORNER SAID POINT BEING LOCATED IN THE MOST EASTERLY PROPERTY LINE

OF THE BUCKNER ORPHANS HOME TRACT; THENCE SOUTH ON SAID MOST EASTERLY LINE A DISTANCE OF 383.75 FEET TO A POINT FOR CORNER; THENCE IN A WESTERLY DIRECTION ALONG A LINE 433.75 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF OLD EAST PIKE A DISTANCE OF 1,079.19 FEET TO A POINT FOR CORNER, SAID POINT BEING LOCATED IN THE SOUTHERLY EXTENSION OF THE CENTER LINE OF SHILOH ROAD; THENCE IN A SOUTHERLY DIRECTION ALONG THE SOUTHERLY EXTENSION OF THE CENTER LINE OF SHILOH ROAD A DISTANCE OF 250 FEET MORE OR LESS TO A POINT FOR CORNER IN THE CENTER OF A POWER LINE EASEMENT (TEXAS POWER AND LIGHT COMPANY); THENCE IN A NORTHWESTERLY DIRECTION ALONG THE CENTER LINE OF SAID POWER LINE EASEMENT TO A POINT FOR CORNER IN THE SOUTH LINE OF THE FRANK NICK TRACT; THENCE IN AN EASTERLY DIRECTION ALONG SAID SOUTH LINE OF THE FRANK NICK TRACT TO A POINT FOR CORNER IN THE EAST LINE OF THE NICK TRACT; THENCE IN A NORTHERLY DIRECTION ALONG SAID LINE OF THE NICK TRACT A DISTANCE OF 275 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF THE HERNDON TRACT; THENCE IN AN EASTERLY DIRECTION A DISTANCE OF 140 FEET ALONG THE SOUTH LINE OF THE HERNDON TRACT TO A POINT FOR CORNER; THENCE IN A NORTHERLY DIRECTION ALONG THE EAST LINE OF THE HERNDON TRACT A DISTANCE OF 158.75 FEET TO THE PLACE OF BEGINNING.

(TRACT 2) BEING A TRACT OF LAND SITUATED IN THE HENRY J. WEBB SURVEY, ABSTRACT NO. 1636 AND BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF OLD EAST PIKE SAID POINT BEING LOCATED 1,075 FEET EAST OF THE CENTER LINE OF THE SAM HOUSTON ROAD; THENCE IN AN EASTERLY DIRECTION ALONG SAID LINE OF OLD EAST PIKE A DISTANCE OF 1,075 FEET TO A POINT FOR CORNER IN THE CENTER LINE OF SAM HOUSTON ROAD; THENCE SOUTH 158.75 FEET TO A POINT FOR CORNER; THENCE EAST 405 FEET TO A POINT FOR CORNER; THENCE SOUTH 275 FEET TO A POINT FOR CORNER; THENCE IN A WESTERLY DIRECTION ALONG A LINE 433.75 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF OLD EAST PIKE A DISTANCE OF 725 FEET MORE OR LESS TO A POINT FOR CORNER, SAID POINT BEING IN THE COMMON CORPORATE LIMITS LINE OF THE CITY OF MESQUITE AND THE CITY OF DALLAS; THENCE IN A NORTHERLY DIRECTION FOLLOWING SAID CORPORATE LIMITS LINE TO A POINT FOR CORNER IN SAID COMMON CORPORATE LIMITS LINE; THENCE IN AN EASTERLY DIRECTION ALONG SAID COMMON CORPORATE LIMITS LINE (AS IT PARALLELS OLD EAST PIKE) A DISTANCE OF 755 FEET MORE OR LESS TO A POINT FOR CORNER; THENCE IN A NORTHERLY DIRECTION TO THE PLACE OF BEGINNING.

(TRACT 3) BEING A TRACT OF LAND SITUATED IN THE ISSAC BEEMAN SURVEY, ABSTRACT NO. 82 AND THE WILLIAM CHENAULT SURVEY, ABSTRACT NO. 276 AND BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF OLD EAST PIKE SAID POINT BEING IN THE COMMON PROPERTY LINE OF THE BIG TOWN DEVELOPMENT AND THE BUCKNER ORPHANS HOME; THENCE IN A WESTERLY DIRECTION ALONG SAID LINE OF OLD EAST PIKE TO A POINT FOR CORNER IN THE COMMON CORPORATE LIMITS LINE BETWEEN THE CITY OF MESQUITE AND THE CITY OF DALLAS SAID POINT BEING LOCATED APPROXIMATELY 200 FEET EAST OF THE EAST LINE OF BUCKNER BOULEVARD (LOOP 12); THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID COMMON CORPORATE LIMITS LINE TO A POINT FOR CORNER IN THE SOUTH LINE OF U. S. HIGHWAY 67 AND 80 THE SAME BEING A POINT FOR CORNER PRESENT CORPORATE LIMITS LINE BETWEEN THE CITY OF MESQUITE AND THE CITY OF DALLAS; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID COMMON CORPORATE LIMITS LINE TO A POINT FOR CORNER IN THE COMMON PROPERTY LINE OF BUCKNER ORPHANS HOME TRACT AND THE BIG TOWN DEVELOPMENT; THENCE IN A SOUTHERLY DIRECTION ALONG SAID COMMON PROPERTY LINE TO THE PLACE OF BEGINNING.

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.

- (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.

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(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 right-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.

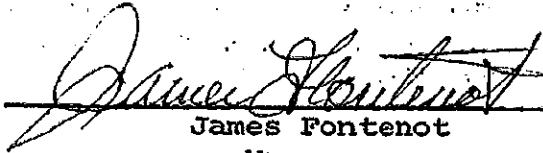
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

Section 4. WHEREAS, it appears that the subject property of this ordinance is to be used under a Special Permit allowing Commercial "C" uses, as designated and approved by the City Planning and Zoning Commission, subject to certain conditions and will serve

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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 15th day of August, 1960.


James Fontenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary