

ORDINANCE NO. 318

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 A) BEING A TRACT OF LAND SITUATED IN THE J. FOREMAN SURVEY, ABSTRACT NO. 483 AND THE J. E. FIELD SURVEY, ABSTRACT NO. 1622 CONTAINING APPROXIMATELY 8.80 ACRES AND BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTHWEST LINE OF U. S. HIGHWAY 80 SAID POINT BEING LOCATED IN THE COMMON PROPERTY LINE OF THE G. C. MOTLEY AND THE FDR DEVELOPMENT COMPANY TRACT; THENCE SOUTH 70 DEGREES 14 MINUTES EAST A DISTANCE OF 917.52 FEET TO A POINT FOR CORNER; THENCE SOUTH 6 DEGREES 59 MINUTES EAST 110.06 FEET TO A POINT FOR CORNER;

THENCE SOUTH 44 DEGREES 26 MINUTES WEST 200 FEET TO A POINT FOR CORNER; THENCE SOUTH 71 DEGREES 24 MINUTES WEST 190 FEET TO A POINT FOR CORNER, SAID CORNER BEING LOCATED IN THE NORTH LINE OF OLD HIGHWAY 80 (OLD EAST PIKE); THENCE SOUTH 89 DEGREES 26 MINUTES WEST OF 552.39 FEET TO A POINT FOR CORNER; THENCE NORTH 9 DEGREES 24 MINUTES WEST A DISTANCE 626.83 FEET TO THE PLACE OF BEGINNING.

(TRACT B) BEGINNING AT A POINT IN THE NORTHEAST LINE OF THE NEW U. S. HIGHWAY 80, SAID POINT BEING LOCATED IN THE COMMON PROPERTY LINE OF THE FDR DEVELOPMENT COMPANY TRACT AND THE B. F. BIGGERS, JR. TRACT; THENCE NORTH 0 DEGREES 35 MINUTES WEST A DISTANCE OF 365 FEET MORE OR LESS TO A POINT FOR CORNER, SAID POINT BEING LOCATED IN THE SOUTH LINE OF AN ALLEY BEING PART OF THE RESIDENTIAL DEVELOPMENT OF THE FDR DEVELOPMENT COMPANY; THENCE IN AN EASTERLY DIRECTION ALONG SAID ALLEY LINE A DISTANCE OF 930 FEET MORE OR LESS TO A POINT FOR CORNER, SAID POINT FOR CORNER ALSO BEING IN AN ALLEY LINE; THENCE WITH AN ANGLE OF APPROXIMATELY 45 DEGREES 30 MINUTES TO THE LEFT ALONG SAID ALLEY LINE A DISTANCE OF APPROXIMATELY 560 FEET MORE OR LESS TO A POINT FOR CORNER IN THE NORTHEAST LINE OF A DRAINAGE EASEMENT; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID DRAINAGE EASEMENT LINE TO A POINT FOR CORNER LOCATED 125 FEET NORTH OF THE NORTHWEST LINE OF NEW HOPE ROAD AS WIDENED; THENCE ALONG A LINE 125 FEET NORTH OF THE NORTHWEST LINE OF NEW HOPE ROAD AS WIDENED; THENCE ALONG A LINE 125 FEET NORTHWEST OF AND PARALLEL TO THE NEW RIGHT-OF-WAY LINE OF NEW HOPE ROAD A DISTANCE OF 200 FEET TO A POINT FOR CORNER IN THE SOUTHWEST LINE OF THE PROPOSED STREET; THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID STREET LINE A DISTANCE OF 125 FEET TO A POINT FOR CORNER IN THE NORTHWEST LINE OF NEW HOPE ROAD AS WIDENED; THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID LINE OF NEW HOPE ROAD A DISTANCE OF 280 FEET MORE OR LESS TO A POINT FOR CORNER; THENCE SOUTH 88 DEGREES 52 MINUTES WEST A DISTANCE OF 169.70 FEET TO A POINT FOR CORNER; THENCE SOUTH 43 DEGREES 52 MINUTES WEST A DISTANCE OF 789.30 FEET TO A POINT FOR CORNER; THENCE NORTH 84 DEGREES 47 MINUTES WEST A DISTANCE OF 83.61 FEET TO A POINT FOR CORNER; THENCE NORTH 70 DEGREES 14 MINUTES WEST A DISTANCE OF 1,035.50 FEET 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.

(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

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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.

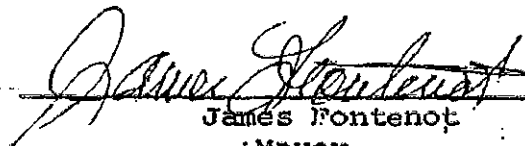
(11) That standard approved screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

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

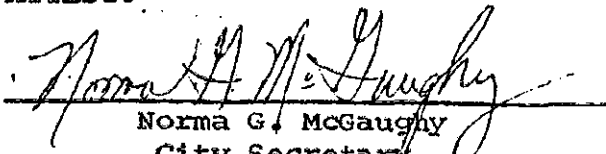
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

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 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