

ORDINANCE NO. 326

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 LOCAL BUSINESS "LB" 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 Local Business "LB" uses, as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

BEING TWO TRACTS OF LAND OUT OF A 53.95 ACRE TRACT CONVEYED TO J. S. NESBITT, JR. BY CLARENCE L. NESBITT AS RECORDED IN VOLUME 3764, PAGE 94 OF THE DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: (TRACT 1) BEGINNING AT THE SOUTHWEST CORNER OF A TRACT CONVEYED TO FROST GRAVE YARD, BY JOHN S. FROST AS RECORDED IN VOLUME 55, PAGE 40 OF THE DALLAS COUNTY DEED RECORDS, SAID POINT ALSO BEING ON THE EAST LINE OF BELT LINE ROAD (A 90 FOOT RIGHT-OF-WAY), AND THE WEST LINE OF SAID NESBITT TRACT, A POINT FOR CORNER; THENCE SOUTH 86 DEGREES 22 MINUTES EAST, WITH THE SOUTH LINE OF SAID GRAVE YARD,

99.00 FEET TO THE SOUTHEAST CORNER OF SAID TRACT, A POINT FOR CORNER; THENCE SOUTH 87 DEGREES 42 MINUTES WEST, 296.00 FEET, A POINT FOR CORNER; THENCE SOUTH 2 DEGREES 18 MINUTES EAST, 386.00 FEET TO A POINT ON A CURVE, A POINT FOR CORNER; THENCE IN A NORTHWESTERLY DIRECTION AND AROUND SAID CURVE, 110.00 FEET TO A POINT FOR CORNER; THENCE NORTH 81 DEGREES 57 MINUTES WEST, 253.00 FEET TO A POINT ON SAID EAST LINE OF BELT LINE ROAD, A POINT FOR CORNER; THENCE NORTH 3 DEGREES 38 MINUTES EAST, WITH THE EAST LINE OF BELT LINE ROAD, 311.50 FEET TO THE PLACE OF BEGINNING AND CONTAINING 2.9 ACRES OF LAND MORE OR LESS. (TRACT 2) BEGINNING AT A POINT ON THE NORTH LINE OF LAKE JUNE ROAD (A 50 FOOT RIGHT-OF-WAY), SAID POINT BEING SOUTH 88 DEGREES 33 MINUTES WEST, 959.33 FEET FROM THE SOUTHEAST CORNER OF SAID NESBITT TRACT, A POINT FOR CORNER; THENCE SOUTH 88 DEGREES 33 MINUTES WEST WITH THE NORTH LINE OF LAKE JUNE ROAD 262.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, A POINT FOR CORNER; THENCE IN A WESTERLY AND NORTHERLY DIRECTION WITH THE NORTHERLY LINE OF LAKE JUNE ROAD AND THE EASTERLY LINE OF BELT LINE ROAD, AND AROUND SAID CURVE 263.71 FEET TO THE END OF SAID CURVE, A POINT FOR CORNER; THENCE NORTH 3 DEGREES 38 MINUTES EAST, WITH THE EAST LINE OF BELT LINE ROAD, 231.38 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, A POINT FOR CORNER; THENCE IN A NORTHERLY DIRECTION WITH THE EAST LINE OF BELT LINE ROAD, AND AROUND SAID CURVE, 110.20 FEET TO A POINT FOR CORNER; THENCE SOUTH 81 DEGREES 57 MINUTES EAST, 250.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, A POINT FOR CORNER; THENCE IN A SOUTHEASTERLY DIRECTION AND AROUND SAID CURVE 179.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 2 DEGREES 18 MINUTES EAST, 394.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 4.9 ACRES OF LAND MORE OR LESS.

Section 2. That this Special Permit allowing Local Business "LB" 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

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by the 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 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 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 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.

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


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

(13) That construction must be started within a two (2) year period.

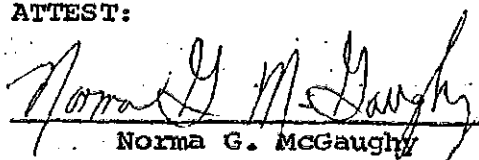
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars and each violation shall constitute a separate offense.

Section 4. WHEREAS, it appears that the subject property of this ordinance is to be used under a Special Permit allowing Local Business "LB" 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 19th day of September, 1960.


James Fontenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary