

ORDINANCE NO. 347

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY PERMITTING THE HEREINAFTER DESCRIBED PROPERTY TO BE USED UNDER A SPECIAL PERMIT TO ALLOW LOCAL RETAIL "LR" USES, AS DESIGNATED AND APPROVED BY THE CITY PLANNING 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 COMMISSION AND THE CITY COUNCIL; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning 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 Retail "LR" uses, as designated and approved by the City Planning Commission, subject to the special conditions contained herein:

Being situated in Dallas County and being a part of the Robert Bethurum Survey, Abstract #170; BEGINNING at the intersection of the Southeast right-of-way line of Gus Thomasson Road and Range Drive with the Northeast right-of-way line of Gus Thomasson Road and Range Drive, said point being the Westerly corner of the J. L. Hanby 134½ acre tract in Robert Bethurum Survey, Abstract #170 in Dallas County Texas; THENCE North 45 degrees East along the Southeast line of Range Drive 188.71 feet to stake for corner; THENCE South 45 degrees East or parallel to the Southwest line of the said Robert Bethurum Survey, Abstract #170 204.71 feet to stake for corner in the East corner hereof; THENCE South 45 degrees West parallel with and 204.71 feet from the

Southeast line of Range Drive a distance of 188.71 feet to a point for corner; said point being the South corner of this tract; THENCE North 45 degrees West along a Northeast line of Gus Thomasson Road 204.71 feet to the place of beginning and containing one acre of land.

Section 2. That this Special Permit allowing Local Retail "LR" uses, as designated and approved by the City Planning Commission on the hereinabove 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 Commission and development shall be generally in conformance therewith. Such approved site plan may be revised or amended if such revision or amendment is first approved by the Planning 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 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. This would include dedication of a 20-foot strip of right-of-way along Gus Thomasson Road and the owner paying the cost of paving said strip and curb and gutter along Gus Thomasson Road; also the owner paying his share of the cost of paving improvements along his frontage on Range Drive.
- (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. No sign or billboard shall be permitted of a flashing or intermittently lighted type. That the location of any sign shall be first approved by the City Planning Commission.

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

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

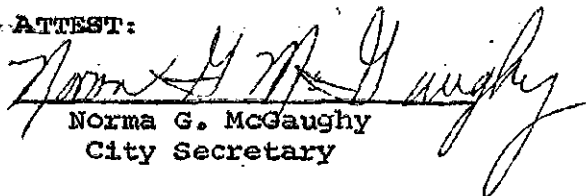
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

Section 4. WHEREAS, it appears that the subject property of this ordinance is to be used under a Special Permit allowing Local Retail "LR" uses, as designated and approved by the City Planning 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 5th day of December, 1960.


James Fontenot

ATTEST:


Norma G. McGaughey
City Secretary