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ORDINANCE NO. 358

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 COMMERCIAL "C" USES, AS DESIGNATED AND APPROVED BY THE CITY PLANNING 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 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 Commercial "C" uses for the construction and operation of one 40 ft. x 80 ft. and two 40 ft. x 60 ft. warehouse buildings and open yard storage of construction and building equipment, as designated and approved by the City Planning Commission, subject to the special conditions contained herein:

Metes and bounds description of the South portion of a tract of land owned by Roscoe and Dale Berry out of the H. Harter Survey Abstract 594 and conveyed by Maude Rhodes, et al.

Beginning at a 2" iron pipe in the Northeast right-of-way line Highway 80. Said point also being the Southeast corner of said tract;

Hence North 76° 44' West 246.5' along the Northeast right-of-way line of Highway 80 to a 2" iron pipe for corner;

Hence North  $16^{\circ}54'$  West a distance of 792.76 feet to a point for corner in the West line of said tract;

Hence East 464.56 feet to a point in the East line of said tract;

Hence South a distance of 760 feet to a place of beginning and containing 5.7 acres.

Section 2. That this Special Permit allowing Commercial "C" uses for the construction and operation of one 40 ft. x 80 ft. and two 40 ft. x 60 ft. warehouse buildings and open yard storage of construction and building equipment, 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; that double course asphalt penetration surface shall be applied on six inch rock base on driveway and parking area; that curbs and gutters and drainage structures shall be 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 the dedication of 30 feet for street purposes on the East side of the property adjacent to Akins Avenue;

(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 the rear of the two buildings on the North side of the 5.7 acre tract shall be located ten feet from the fence line;

(11) That no signs or billboards other than those pertaining to the occupancy of the premises 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.

shall be provided

(12) That screening consisting of a woven wire fence on all four sides at least six feet high and shrubs shall be planted inside the woven wire fence on all four sides and shall be shown on approved site plan by the Planning Commission. Said fence and shrubs shall be maintained by the owner of the property or the lessee.

(13) 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 Commercial "C" uses for the construction and operation of one 40 ft. x 80 ft. and two 40 ft. x 60 ft. warehouse buildings and open yard storage of construction and building equipment, 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 20th day of February, 1961.

ATTEST:

  
Norma G. McGaughy, City Secretary

  
James Fontenot, Mayor