

ORDINANCE NO. 365

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

Being a tract of land on the Northeast corner of Gross Road and Town East Blvd., situated in the T. D. Sackett Survey, Abstract 1362, City of Mesquite, County of Dallas, and being more particularly described as follows:
BEGINNING at a point 50 ft. Northwest of the centerline of Town East Blvd. and 40 ft. Northeast of the centerline of Gross Road, said point being the Northeast corner of the intersection of Town East and Gross Road after widening; Thence 1049 ft. in a Northwesterly direction with the Northeast line (after widening) of Gross Road to a point; Thence 90 deg. to the right 70 ft. to a point;

Thence 19 deg. 36 min. to the left 430 ft. \pm to a point;
Thence 45 deg. to right 21.21 ft. to a point;
Thence 45 deg. to right 87 ft. \pm to a point;
Thence 19 deg. 36 min. to the right 1146 ft. \pm to a point in the N.W. line of Town East Blvd. (after widening);
Thence 85 deg. 17 min. to the right 527 ft. to the point of beginning and containing approximately 13 acres 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 thereof is first approved by the City 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. This would include Palm Drive being paved to a width of 38 feet through the shopping center.

(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 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 other than as stated above shall be first approved by the City Planning Commission.


(11) That a 6 ft. high solid screening be provided on the East and North sides of the shopping center.

(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 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 1st day of May, 1961.


B. W. Cruce, Jr.
Mayor

ATTEST:


Norma G. McGaughy
City Secretary