

ORDINANCE NO. 367

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY PERMITTING THE HEREBIN-AFTER DESCRIBED PROPERTY TO BE USED UNDER A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A DRIVE-IN GROCERY, 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 the construction and operation of a drive-in grocery, as designated and approved by the City Planning Commission, subject to the special conditions contained herein:

Being a part of the Jacob Lakey Survey, Abstract No. 810, Dallas County, Texas, and being more particularly described as follows:
BEGINNING at the intersection of the South line of Kearney Street and the West line of Galloway Avenue, a 100 ft. right-of-way street;
THENCE South 89 deg. 36 min. West along the South line of Kearney Street a distance of 118 ft. to an iron rod for a corner;
THENCE South 0 deg. 24 min. East 100 ft. to an iron rod for a corner;
THENCE North 89 deg. 36 min. East parallel with the South line of Kearney Street a distance of 118 ft. to an iron rod for a corner;
THENCE North 0 deg. 24 min. West along the West line of Galloway Avenue to the point of beginning and containing 0.271 acres of land.

Section 2. That this Special Permit allowing the construction and operation of a drive-in grocery, 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 there^{with}. 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, which would include the construction of a 6-inch curb from the North property line to the South property line between the Drive-in Grocery tract and the Doctor's Clinic tract, 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. This would include the dedication of a five foot wide strip along the Kearney Street property line for street purposes and a twenty foot wide strip along the Gus Thomasson Road property line for street purposes.

(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.

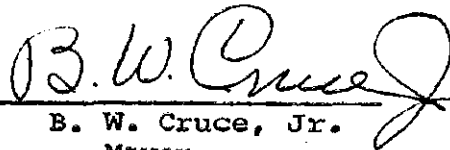
(11) That screening shall be as specified by the Planning Commission.

(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 the construction and operation of a Drive-in Grocery, 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 15th day of May, 1961.


B. W. Cruce, Jr.
Mayor

ATTEST:


Norma G. McGaughy
City Secretary