

ORDINANCE NO. 371

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY PERMITTING THE HEREINAFTER DESCRIBED PROPERTY TO BE ZONED "LOCAL RETAIL" UNDER A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF TWO SERVICE STATIONS, DRIVE-IN GROCERY, BEAUTY SHOP AND BARBER SHOP ON TRACT NO. 1 AND A HOSPITAL, DOCTORS' OFFICES, FLORIST SHOP, DRUG STORE AND PARKING AREA ON TRACTS NOS. 2, 3 and 4, 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 publication 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 zoned "Local Retail" under a Special Permit to allow the construction and operation of two service stations, drive-in grocery, beauty shop and barber shop on Tract No. 1 and a hospital, doctors' offices, florist shop, drug store and parking area on Tracts Nos. 2, 3 and 4, as designated and approved by the City Planning Commission, subject to the special conditions contained herein:

TRACT NO. 1

BEGINNING at the intersection of the northeast line of Davis Street (100 feet right-of-way) with the prolongation of the east line of Block E, Paddy Heights Addition No. 2; THENCE in a southeasterly direction along the northeast line of said Davis Street along a curve to the right having a radius of 5730 feet and a central angle of 3 deg. 21 min.

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30 sec., a distance of 335.78 feet;

THENCE south 73 deg. 36 min. 20 sec. East, continuing along the northeast line of Davis Street, 1436.46 feet to the point of intersection of the northeast line of Davis Street with the northwest line of Pioneer Road (100 feet right-of-way);

THENCE North 16 deg. 23 min. 40 sec. East, along the northwest line of Pioneer Road, 26.18 feet to a point in the south line of State Highway No. 352 (100 feet right-of-way), same being on a curve to the right having a central angle of 24 deg. 36 min. and a radius of 845 feet;

THENCE along said curve to the right and along the south line of said State Highway No. 352, 362.85 feet to the end of said curve;

THENCE North 62 deg. 31 min. West, along the southwest line of said State Highway No. 352, 763.00 feet to the beginning of a curve to the left having a central angle of 21 deg.

28 min. and radius of 1859.86 feet;

THENCE along said curve to the left and along the southwest line of said State Highway No. 352, 696.82 feet to end of said curve;

THENCE North 83 deg. 59 min. West, along the southwest line of said State Highway No. 352, 24.82 feet;

THENCE South 00 deg. 43 min. 20 sec. East, 183.09 feet to the place of beginning and containing 4.68 acres of land, more or less.

TRACT NO. 2

BEGINNING at the intersection of the southwest line of Davis Street (100 feet right-of-way) and the northwest line of Pioneer Road (100 feet right-of-way);

THENCE North 73 deg. 36 min. 20 sec. West, along the southwest line of said Davis Street, 826.46 feet;

THENCE South 16 deg. 23 min. 40 sec. West, 135.00 feet;

THENCE South 73 deg. 36 min. 20 sec. East, 135.00 feet;

THENCE South 16 deg. 23 min. 40 sec. West, 108.78 feet;

THENCE South 07 deg. 50 min. 05 sec. West, 29.67 feet;

THENCE South 00 deg. 43 min. 30 sec. East, 102.58 feet;

THENCE South 45 deg. 43 min. 30 sec. East, 21.21 feet;

THENCE North 89 deg. 16 min. 30 sec. East, 80.00 feet to the beginning of a curve to the right having a central angle of 35 deg. 00 min. and a radius of 935.00 feet;

THENCE along said curve to the right, 570.43 feet to a point in the northwest line of said Pioneer Road;

THENCE North 16 deg. 23 min. 40 sec. East, along the northwest line of said Pioneer Road, 361.05 feet to the place of beginning and containing 5.74 acres of land, more or less.

TRACT NO. 3

BEGINNING at the intersection of the southwest line of Davis Street (100 feet right-of-way) and the southeast line of Pioneer Road (100 feet right-of-way);

THENCE South 73 deg. 36 min. 20 sec. East, along the Southwest line of said Davis Street, 35.96 feet to the beginning of a curve to the left having a central angle of 00 deg. 47 min. 20 sec. and a radius of 5736 feet;

THENCE along said curve to the left, and along the southwest line of said Davis Street, 79.04 feet to a point for corner;

THENCE South 00 deg. 24 min. 40 sec. East, 409.01 feet;

THENCE North 89 deg. 06 min. West, 119.22 feet;

THENCE North 72 deg. 24 min. 45 sec. West, 28.74 feet;

THENCE North 55 deg. 43 min. 30 sec. West, 94.15 feet to a point in the southeast line of said Pioneer Road;

THENCE North 16 deg. 23 min. 40 sec. East, along the southeast line of said Pioneer Road, 393.31 feet to the place of beginning and containing 1.66 acres of land, more or less.

TRACT NO. 4

BEGINNING at the intersection of the northeast line of Davis Street (100 feet right-of-way) with the southeast line of Pioneer Road (100 feet right-of-way);

THENCE South 73 deg. 36 min. 20 sec. East, along the northeast line of said Davis Street, 35.96 feet to the beginning of a curve to the left having a central angle of 00 deg. 30 min. and radius of 5636 feet;

THENCE along said curve to the left and along the northeast line of said Davis Street, 48.95 feet to a point for corner;

THENCE North 00 deg. 24 min. 20 sec. West, 85.65 feet to a point in the south line of State Highway No. 352 same being on a curve to the right having a central angle of 04 deg. 26 min. 30 sec. and a radius of 845 feet;

THENCE along said curve to the right and along the south line of State Highway No. 352, 65.28 feet to a point in the southeast line of said Pioneer Road;

THENCE South 16 deg. 23 min. 40 sec. West, along the southeast line of said Pioneer Road, 56.87 feet to the place of beginning and containing 0.12 acres of land, more or less.

Section 2. That this special permit allowing the construction and operation of two service stations, drive-in grocery, beauty shop and barber shop on Tract No. 1 and a hospital, doctors' offices, florist shop, drug store and parking area on Tracts 2, 3 and 4, 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.

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(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 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 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.

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

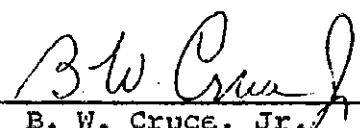
(12) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

(13) That construction shall be begun within a 2-year period.

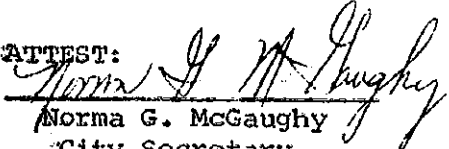
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

Section 4. WHEREAS, it appears that the subject property of this ordinance is to be used under a Special Permit allowing the construction and operation of two service stations, drive-in grocery, beauty shop and barber shop on Tract No. 1 and a hospital, doctors' offices, florist shop, drug store and parking area on Tracts Nos. 2, 3 and 4, 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 19th day of June, 1961.


B. W. Cruce, Jr.
Mayor

ATTEST:


Norma G. McGaughey
City Secretary