

ORDINANCE NO. 401

AN ORDINANCE OF THE CITY OF MESQUITE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY CHANGING THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY FROM RESIDENTIAL "R" TO LOCAL BUSINESS "LB" UNDER A SPECIAL PERMIT TO ALLOW ADDITIONAL CONSTRUCTION AND OPERATION OF AN UNCLAIMED FREIGHT BUSINESS, 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 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 the zoning on said property shall be changed from Residential "R" to Local Business "LB" under a Special Permit to allow additional construction and operation of an unclaimed freight business, as designated and approved by the City Planning Commission, subject to the special conditions contained herein:

BEING a part of a 30-acre tract purchased from M. C. Capps by H. G. Berry by deed dated 7-23-41 and shown recorded in Volume 2293, page 249 of the Deed Records of Dallas County, Texas, and being a part of the Levi J. Sweet Survey, Abstract No. 1367 and described by metes and bounds as follows:
BEGINNING at a point in the West line of said 30-acre tract, a distance of 248 feet South of the Northwest corner of the 30-acre tract conveyed to H. G. Berry by M. C. Capps, as mentioned above; THENCE South along the West line of said

Berry 30 acre tract a distance of 113 feet to a point for corner being the Northwest corner of a tract conveyed to W. P. Mitchell by M. C. Capps by deed dated March 4, 1942; THENCE East along said W. P. Mitchell's North line a distance of 386 feet to a point for corner; THENCE North parallel to the West line of said Berry 30-acre tract a distance of 113 feet to a point for corner; THENCE West parallel to the North line of said Mitchell's line a distance of 386 feet to the place of beginning, and containing one acre of land and being the property described in a deed from C. A. Spears and Margie Spears, to Harry Lee Alford dated July 15, 1948, recorded in Volume 5592, page 267 of Deed Records of Dallas County, Texas; and being the same property as that described in a deed dated March 5, 1953, executed by Harry Lee Alford and wife, to J. C. Whisenhunt and wife, recorded in Volume 3815, page 377 of Deed Records of Dallas County, Texas.

Section 2. That this Special Permit allowing additional construction and operation of an unclaimed freight business, 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 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 shall not be less than the requirement of Ordinance No. 120 for each use and occupancy;

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(7) That a four foot wide sidewalk shall be provided across the full width of the property adjacent to Hickory Tree Road;

(8) That a five foot clearance be maintained on the Northwest corner of the property between the exit driveway and the property line;

(9) 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;

(10) 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;

(11) That the City of Mesquite water and sanitary sewer lines shall be extended 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;

(12) 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, except that in the event a gasoline filling station is approved for location on the property, a standard pole sign not exceeding thirty-six (36) square feet shall be permitted for the filling station. 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;

(13) That screening shall be provided as specified by the City Planning Commission;


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 additional construction and operation of an unclaimed freight business, 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.

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PASSED AND ADOPTED this the 16th day of October, 1961.



B. W. Cruce, Jr.
Mayor

ATTEST: 
Norma G. McGaughy
City Secretary