

ORDINANCE NO. 410

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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 A SHOPPING CENTER ON TRACT NO. 1; FROM RESIDENTIAL "R" TO APARTMENT "A-2" UNDER A SPECIAL PERMIT ON TRACT NO. 2; 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 a shopping center on Tract No. 1, and from Residential "R" to Apartment "A-2", under a Special Permit, on Tract No. 2, as designated and approved by the City Planning Commission, subject to the special conditions contained herein.

TRACT NO. 1

Being a portion of Blocks 39 and 40 of the Subdivision of the Daniel Tanner Survey, Abstract #1462 and also a portion of a 200 acre tract known as the Homestead of Schyler B. Marshall, Sr., as designated in Vol. 748 Page 653 Deed Records Dallas County, Texas: BEGINNING at a point on the South line of Military Parkway which point is the North East corner of that certain 28.77 acres of land described in a Deed from Schyler B. Marshall Jr., et al, to George Webb, Sr. and George Webb, Jr. by deed dated March 24, 1959 and filed for record on April 7, 1959 in the Deed records of Dallas County, Texas; THENCE North

89° and 42' West along the South line of Military Parkway 1180.67 ft. to its intersection with the Northwest line of said 200 Homestead tract which line is also the Northwest line of said block 40; THENCE South 45° and 20' West along the West line of said 200 acre Homestead tract, 234.2 ft. to its intersection with the Northeast line of Sam Houston Road; THENCE South 44° 26' east along the Northeast line of Sam Houston Road, 1265 to a point for corner; THENCE North 45° East 250 ft. to a point; THENCE North 28° East 630 ft.; THENCE North 2° West 332 ft. to the place of beginning.

TRACT NO. 2

BEING a portion of Block 39 and 40 of the subdivision of the Daniel Tanner Survey, Abstract 1462 and more particularly described as follows: BEGINNING at a point in the South right-of-way line of Military Parkway, said point being the Northeast corner of that certain tract of land described above and same being the Northwest corner of that certain 29.4 tract of land described in Trustee's Deed dated March 1, 1960 and recorded in Vol. 5289 Page 93 of the Deed Records of Dallas County, Texas; THENCE South 89° and 42' East along the South right-of-way line of Military Parkway 690 ft.; THENCE South 21° East 472 ft.; THENCE South 46° and 50' West 750 ft.; THENCE 53° West 190 ft.; THENCE South 44° West 435 ft. to a point in the Northeast right-of-way line of Sam Houston Road; THENCE along the Northeast right-of-way line of Sam Houston Road North 45° West 455 ft.; THENCE North 45° East 250 ft. to a point; THENCE North 28° East 630 ft.; THENCE North 2° West 332 ft. to the place of beginning.

Section 2. That this Special Permit allowing Local Business "LB" uses on Tract No. 1 and Apartment "A-2" uses on Tract No. 2, 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;

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(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;

(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 a 100 ft. right-of-way shall be dedicated for street purposes for the continuance of Masters Drive across the property, within thirty days from the date of this Ordinance;

(9) 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;

(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;

(10) 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;

(11) That solid screening shall be provided between the proposed Local Business area and the proposed Apartment "A-2" area;

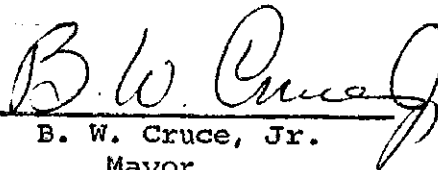
(12) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

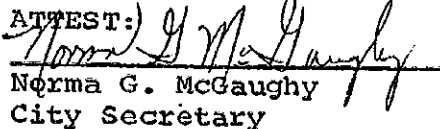
(13) That construction must be started within a 2-year period on Tract No. 1 (only);

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 used under a Special Permit to allow Local Business "LB" uses for a shopping center on Tract No. 1 and Apartment "A-2" on Tract No. 2, 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 5th day of February, 1962.


B. W. Cruce, Jr.
Mayor

ATTEST: 
Norma G. McGaughy
City Secretary