

ORDINANCE NO. 427

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120, DULY PASSED BY THE CITY COUNCIL ON MAY 3, 1955, AND AS HERETOFORE AMENDED SO AS TO GIVE THE FOLLOWING DESCRIBED PROPERTY AN "A-1 APARTMENT CLASSIFICATION UNDER SPECIAL PERMIT FOR A DAY NURSERY AND KINDERGARTEN, SAID TRACT BEING DESCRIBED AS FOLLOWS, TO-WIT: BEING A TRACT OF LAND SITUATED IN THE J. FOREMAN SURVEY, ABSTRACT NO. 483, DALLAS COUNTY, TEXAS, AND OUT OF TRACT 4 OF TOWN EAST ESTATES, AN ADDITION TO THE CITY OF MESQUITE, TEXAS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTHWESTERLY LINE OF TRADEWIND DRIVE (A 50' R.O.W.), SAID POINT BEING $N45^{\circ}35'W$, 518.88' ALONG SAID SOUTHWESTERLY LINE OF TRADEWIND DRIVE FROM ITS INTERSECTION WITH THE NORTHWESTERLY LINE OF TOWN EAST BOULEVARD (AN 80' R.O.W.), A POINT FOR CORNER; THENCE $S44^{\circ}25'W$, 227.07' TO A POINT ON THE SOUTHWESTERLY LINE OF SAID TRACT 4, SAME BEING THE NORTHEAST LINE OF A 50' DRAINAGE & UTILITY EASEMENT, A POINT FOR CORNER; THENCE $N46^{\circ}52'W$, ALONG SAID SOUTHWESTERLY LINE OF TRACT 4, AND SAID EASEMENT LINE, 195.91' TO A POINT ON THE SOUTHERLY LINE OF A 15' ALLEY, FOR CORNER; THENCE $N43^{\circ}08'E$, ALONG THE SOUTHERLY LINE OF SAID 15' ALLEY, 25.0' TO A CURVE TO THE RIGHT HAVING A RADIUS OF 113.75' AND A CENTRAL ANGLE OF $39^{\circ}30'$, FOR CORNER; THENCE IN A NORTHEASTERLY DIRECTION AND AROUND SAID CURVE, 78.42' TO A POINT FOR CORNER; THENCE $NS2^{\circ}38'E$, AND ALONG THE SOUTHERLY LINE OF SAID 15' ALLEY, 183.16' TO A POINT ON A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 168.75' AND A CENTRAL ANGLE OF $20^{\circ}10'47''$, FOR CORNER, SAID CORNER ALSO BEING ON THE WESTERLY LINE OF SAID TRADEWIND DRIVE; THENCE IN A SOUTHERLY DIRECTION AND AROUND SAID CURVE ALONG THE WESTERLY LINE OF TRADEWIND DRIVE, 59.44', A POINT FOR CORNER; THENCE $S45^{\circ}35'E$, AND ALONG SAID WESTERLY LINE OF TRADEWIND DRIVE, 0.56' TO THE PLACE OF BEGINNING AND CONTAINING 0.79 ACRES OF LAND; THAT SUCH PROPERTY DESCRIBED IN THE FOREGOING TRACT IS TO BE USED FOR "A-1" APARTMENT USES UNDER A SPECIAL PERMIT FOR DAY NURSERY AND KINDERGARTEN, SUBJECT HOWEVER TO SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO PLANS AND SPECIFICATIONS SUBMITTED THEREFOR WHICH SHALL BE APPROVED BY THE CITY PLANNING COMMISSION, PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY:

WHEREAS, the City Planning and Zoning 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 State Laws 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 hearings and affording a full and fair hearing to all property

owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the said Special Permit should be granted herein, 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 of the City of Mesquite, Texas, duly passed by the governing body on the 3rd day of May, 1955, be, and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to give the following described property an "A-1" Apartment classification under special permit for day nursery and kindergarten as provided for under the provisions of Section IV of Ordinance No. 120 as heretofore amended subject to the special conditions contained herein, that the property to be covered by Special Permit for "A-1" Apartment uses is described as follows:

BEING a tract of land situated in the J. Foreman Survey, Abstract No. 483, Dallas County, Texas and out of Tract 4 of Town East Estates, an addition to the City of Mesquite, Texas and more particularly described as follows:

BEGINNING at a point on the southwesterly line of Tradewind Drive (a 50' R.O.W.), said point being $N45^{\circ}35'W$, 518.88' along said southwesterly line of Tradewind Drive from its intersection with the northwesterly line of Town East Boulevard (an 80' R.O.W.), a point for corner;

THENCE $S44^{\circ}25'W$, 227.07' to a point on the southwesterly line of said Tract 4, same being the northeast line of a 50' Drainage & Utility Easement, a point for corner;

THENCE $N46^{\circ}52'W$, along said southwesterly line of Tract 4, and said easement line, 195.91' to a point on the southerly line of a 15' alley, for corner;

THENCE $N43^{\circ}08'E$, along the southerly line of said 15' alley, 25.0' to a curve to the right having a radius of 113.75' and a central angle of $39^{\circ}30'$, for corner;

THENCE in a northeasterly direction and around said curve, 78.42' to a point for corner;

THENCE $N82^{\circ}38'E$, and along the southerly line of said 15' alley, 183.16' to a point on a curve to the left, said curve having a radius of 168.75' and a central

angle of $20^{\circ}10'47''$, for corner, said corner also being on the westerly line of said Tradewind Drive;

THENCE in a southerly direction and around said curve along the westerly line of Tradewind Drive, 59.44', a point for corner;

THENCE $S45^{\circ}35'E$, and along said westerly line of Tradewind Drive, 0.56' to the Place of Beginning and containing 0.79 acres of land.

SECTION 2. That the special permit for a day nursery and kindergarten under "A-1" apartment uses is approved and granted on the following expressed conditions and in accordance with Section IV of Ordinance No. 120 of the City of Mesquite.

(1) That prior to any construction or change in use, a site plan shall be submitted and shall be approved by the City Planning and Zoning 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 and Zoning 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 the 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.

(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 rights-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 for developed portion of the tract 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 bill boards 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 bill board 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 and Zoning Commission.

(11) That screening consisting of protective fencing five (5) feet in height around the play yard area shall be approved by the City Planning and Zoning Commission, and shown on approved site plan.

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

SECTION 3. That the site plan for the above described tract of land, when approved by the City Planning and Zoning Commission, shall become a part of this Ordinance for all purposes. A true copy of the Site Plan shall be retained in the Office of the City Secretary and in the Office of the Director of Public Works, on the above described tract of land, for observance in connection with these improvements. That all paved areas, permanent drive streets and drainage structures, if any, shall be constructed in accordance with standard City of Mesquite specifications adopted for such purpose and shall be done to the satisfaction of the City Engineers; that the entire cost of all such paved areas, permanent drive streets and drainage structures, if any, shall be paid for by the developers.

SECTION 4. That all Ordinances of the City of Mesquite in conflict with the provisions of this Ordinance, be, and the same are hereby repealed and all other Ordinances of the City of Mesquite, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 5. That the above described tract of land shall be used only in the manner and for the purposes provided for by Ordinance No. 120 of the City of Mesquite as heretofore amended and as amended herein by the granting of this Special Permit.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not effect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional and shall not effect the validity of the comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance No. 120 of the City of Mesquite as heretofore amended and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 8. WHEREAS, that the above described property requires that it be given the above zoning classifications in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite and creates an urgency and emergency for the preservation of public health, safety and welfare and requires that this Ordinance shall take effect immediately from and after its passage and publication of the caption of said Ordinance as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL of the City of Mesquite, Texas on the 4 day of June, 1962.

APPROVED:

B. W. Cruikshank
MAYOR

DULY ENROLLED:

Norman H. M. Daughy
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY