

ORDINANCE NO. 461

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 CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "R" RESIDENTIAL CLASSIFICATION TO "LB" LOCAL BUSINESS CLASSIFICATION UNDER A SPECIAL PERMIT FOR RETAIL STORES, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A PART OF A 16.7 ACRE TRACT OF LAND SITUATED IN THE M. L. SWING SURVEY, ABSTRACT 1397, AND DEEDED TO FRANK NICK BY DEED DATED APRIL 25, 1955, AND BEING MORE FULLY DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST EASTERLY NORTHEAST CORNER OF THE SAID 16.7 ACRE FRANK NICK TRACT. SAID POINT BEING SITUATED IN THE WESTERLY RIGHT-OF-WAY LINE OF GUS THOMASSON ROAD AND BEING ALSO THE SOUTHEAST CORNER OF THAT CERTAIN 105 FT. BY 390 FT. TRACT DEEDED TO JESSE A. ALLEN BY DEED DATED SEPTEMBER 17, 1958. THENCE SOUTH 2 DEGREES 38 MINUTES EAST A DISTANCE OF 196.79 FEET TO A POINT FOR CORNER. THENCE SOUTH 88 DEGREES 58 MINUTES WEST A DISTANCE OF 182 FEET TO A POINT FOR CORNER. THENCE SOUTH 5 DEGREES 34 MINUTES WEST A DISTANCE OF 157.45 FEET TO A POINT FOR CORNER; THENCE NORTH 79 DEGREES 21 MINUTES WEST A DISTANCE OF 555 FEET TO A POINT FOR CORNER; THENCE NORTH 10 DEGREES 39 MINUTES EAST A DISTANCE OF 428.70 FEET TO A POINT FOR CORNER; THENCE SOUTH 84 DEGREES 30 MINUTES EAST A DISTANCE OF 250 FEET TO A POINT FOR CORNER; THENCE SOUTH 2 DEGREES 38 MINUTES A DISTANCE OF 105 FEET TO A POINT FOR CORNER; THENCE SOUTH 84 DEGREES 30 MINUTES EAST A DISTANCE OF 390 FEET TO THE PLACE OF BEGINNING; 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 Plan 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 of the City of Mesquite

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 a "LB" Local Business Classification under a special permit for retail stores, described as follows:

Being a part of a 16.7 acre tract of land situated in the M. L. Swing Survey, Abstract 1397, and deeded to Frank Nick by deed dated April 25, 1955, and being more fully described as follows:

Beginning at the most Easterly Northeast corner of the said 16.7 acre Frank Nick tract, said point being situated in the Westerly right-of-way line of Gus Thomasson Road and being also the Southeast corner of that certain 105 ft. by 390 ft. tract deeded to Jesse A. Allen by deed dated September 17, 1958. Thence South 2 degrees 38 minutes East a distance of 196.79 feet to a point for corner. Thence South 88 degrees 58 minutes West a distance of 182 feet to a point for corner. Thence South 5 degrees 34 minutes West a distance of 157.45 feet to a point for corner;

Thence North 79 degrees 21 minutes West a distance of 555 feet to a point for corner;

Thence North 10 degrees 39 minutes East a distance of 428.70 feet to a point for corner;

Thence South 84 degrees 30 minutes East a distance of 250 feet to a point for corner;

Thence South 2 degrees 38 minutes a distance of 105 feet to a point for corner;

Thence South 84 degrees 30 minutes East a distance of 390 feet to the place of beginning.

SECTION 2. That the special permit for the "LB" Local Business Classification use is approved and granted on the following express 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 Plan 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 the approved site plan.

(5) That all streets, service drives, parking areas and alleys shall be paved and drainage structures, 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; that all such streets, service drives, parking areas and alleys shall be paved with a minimum of six-inch compact gravel and two coats of penetration asphalt, or any other minimum requirements which may be established by street ordinances of the City.

(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 the 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 portions 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 all signs on the property shall be in accordance with the sign ordinance as adopted by the City of Mesquite.

(11) That screening consisting of protective fencing and/or shrubs shall be as required by the City Plan 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 tracts of land, when approved by the City Plan 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 drives, streets and drainage structures, if any, shall be constructed in accordance with standard City of Mesquite specifications adopted for such purposes and shall be done to the satisfaction of the City Engineer; that the entire cost of all such paved areas, permanent drives, streets and drainage structures, if any, shall be paid for by the developer.

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 affect the validity of this Ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect 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, the above described property requires that it be given the above zoning classification in order to

permit its proper development and in order to protect the public interest, comfort and protect the general welfare of the City of Mesquite and creates an urgency and an emergency for the preservation of the 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 17 day of December, 1962.

APPROVED:

B. W. Owen
MAYOR

DULY ENROLLED:

Norman G. McLaughlin
CITY SECRETARY

APPROVED AS TO FORM:

B. Robert Baker
ATTORNEY