

ORDINANCE NO. 516

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120, DULY PASSED BY THE CITY COUNCIL ON MAY 3, 1955, AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM AN "R" RESIDENTIAL CLASSIFICATION TO AN "A-1" APARTMENT CLASSIFICATION UNDER A SPECIAL PERMIT, SAID TRACT BEING DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF A 45.66 ACRE TRACT DEEDED TO M. L. CANFIELD AUGUST 22, 1952, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE WEST CORNER OF SAID CANFIELD TRACT, SAID POINT BEING ON THE NORTHEASTERLY LINE OF GROSS ROAD (A 120 FT. R.O.W.); THENCE NORTH 44 DEGREES 26 MINUTES EAST WITH THE NORTHWESTERLY LINE OF SAID CANFIELD TRACT, 790 FEET TO A POINT FOR CORNER; THENCE SOUTH 45 DEGREES 39 MINUTES EAST PARALLEL TO GROSS ROAD, 435 FEET TO A POINT FOR CORNER; THENCE SOUTH 44 DEGREES 26 MINUTES WEST PARALLEL TO THE NORTHWESTERLY LINE OF SAID CANFIELD TRACT, 540 FEET TO A POINT FOR CORNER; THENCE NORTH 45 DEGREES 39 MINUTES WEST PARALLEL TO GROSS ROAD, 250 FEET TO A POINT FOR CORNER; THENCE SOUTH 44 DEGREES 26 MINUTES WEST PARALLEL TO THE NORTHWESTERLY LINE OF SAID CANFIELD TRACT, 250 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE AFOREMENTIONED GROSS ROAD; THENCE NORTH 45 DEGREES 39 MINUTES WEST ALONG THE NORTHEASTERLY LINE OF GROSS ROAD, 185 FEET TO THE PLACE OF BEGINNING AND CONTAINING 6.5 ACRES OF LAND; AND SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM AN "R" RESIDENTIAL CLASSIFICATION TO AN "LR" LOCAL RETAIL CLASSIFICATION UNDER A SPECIAL PERMIT, SAID PROPERTY BEING DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF A 45.66 ACRE TRACT DEEDED TO M. L. CANFIELD AUGUST 22, 1952, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST CORNER OF SAID CANFIELD TRACT, SAID POINT BEING ON THE NORTHEASTERLY LINE OF GROSS ROAD (A 120 FT. R.O.W.); THENCE SOUTH 45 DEGREES 39 MINUTES EAST WITH THE NORTHEASTERLY LINE OF SAID GROSS ROAD, 185 FEET TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 44 DEGREES 26 MINUTES EAST PARALLEL TO THE NORTHWESTERLY LINE OF SAID CANFIELD TRACT, 250 FEET TO A POINT FOR CORNER; THENCE SOUTH 45 DEGREES 39 MINUTES EAST PARALLEL TO GROSS ROAD, 250 FEET TO A POINT FOR CORNER; THENCE SOUTH 44 DEGREES 26 MINUTES WEST PARALLEL TO THE NORTHWESTERLY LINE OF SAID CANFIELD TRACT, 250 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THE AFOREMENTIONED GROSS ROAD, A POINT FOR CORNER; THENCE NORTH 45 DEGREES 39 MINUTES WEST ALONG THE NORTHEASTERLY LINE OF SAID GROSS ROAD, 250 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.4 ACRES OF LAND; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING

TO PLANS AND SPECIFICATIONS SUBMITTED THEREFOR WHICH SHALL BE APPROVED BY THE CITY PLAN 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 the 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 the 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 permits 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 an "A-1" Apartment Classification under a special permit, described as follows:

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being out of a 45.66 acre tract deeded to M. L. Canfield August 22, 1952, and being more particularly described as follows:

BEGINNING at the west corner of said Canfield tract, said point being on the northeasterly line of Gross Road (a 120 ft. R.O.W.);

THENCE N. 44° 26' E. with the northwesterly line of said Canfield tract, 790 ft, to a point for corner;

THENCE S. 45° 30' E. parallel to Gross Road, 435 ft. to a point for corner;

THENCE S. 44° 26' W. parallel to the northwesterly line of said Canfield tract, 540 ft. to a point for corner;

THENCE N.  $45^{\circ} 39'$  W. parallel to Gross Road, 250 ft. to a point for corner;

THENCE S.  $44^{\circ} 26'$  W. parallel to the northwesterly line of said Canfield tract, 250 ft. to a point on the northeasterly line of the aforementioned Gross Road;

THENCE N.  $45^{\circ} 39'$  W. along the northeasterly line of Gross Road, 185 ft. to the place of beginning and containing 6.5 acres of land.

SECTION 2. 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 "LR" Local Retail Classification under a special permit, described as follows:

Being a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being out of a 45.66 acre tract deeded to M. L. Canfield August 22, 1952, and being more particularly described as follows:

COMMENCING at the west corner of said Canfield tract, said point being on the northeasterly line of Gross Road (a 120 ft. R.O.W.);

THENCE S.  $45^{\circ} 39'$  E. with the northeasterly line of said Gross Road, 185 ft. to the place of beginning of the tract herein described;

THENCE N.  $44^{\circ} 26'$  E. parallel to the northwesterly line of said Canfield tract, 250 ft. to a point for corner;

THENCE S.  $45^{\circ} 39'$  E. parallel to Gross Road, 250 ft. to a point for corner;

THENCE S.  $44^{\circ} 26'$  W. parallel to the northwesterly line of said Canfield tract, 250 ft. to a point on the northeasterly line of the aforementioned Gross Road, a point for corner;

THENCE N.  $45^{\circ} 39'$  W. along the northeasterly line of said Gross Road, 250 ft. to the place of beginning and containing 1.4 acres of land.

SECTION 3. That the special permits for the "A-1" Apartment Classification use and for the "LR" Local Retail

Classification use are 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 Plan 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 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 requirement 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 such 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 approved 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 portions of the tracts at the cost of the owner and developer and shall be in accordance with the City's specifications and regulations.

(10) That any and all signs or billboards placed on the property shall comply with provisions of Ordinance Nos. 452 and 453 of the City of Mesquite.

(11) That solid screening six inches in height shall be provided along the northwest and northeast property lines of the above tracts of land subject to approval of the City Plan Commission.

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

(13) That no building permits shall be issued for the above described area zoned under a special permit for "LR" Local Retail Classification until such time as fifty percent of the apartment units on Tract No. 1 above have been completed.

SECTION 4. 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 tracts 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 by the developer.

SECTION 5. 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 6. That the above described tracts 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 these special permits.

SECTION 7. 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.

