

ORDINANCE No. 149

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955 BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY WHICH IS PRESENTLY ZONED RESIDENTIAL, TO-WIT: BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 1, BLOCK 21, CASA VIEW HEIGHTS ADDITION NO. 15, SAID POINT BEING 50 FEET NORTH OF THE CENTER LINE OF OATES DRIVE; THENCE NORTHWESTERLY ALONG THE D. C. MOTLEY 5-ACRE TRACT, A DISTANCE OF 535.99 FEET; THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF THE SAID D. C. MOTLEY 5-ACRE TRACT A DISTANCE OF 339.62 FEET TO A POINT IN THE NEW RIGHT-OF-WAY LINE OF GUS THOMASSON ROAD, SAID POINT BEING 60 FEET AT RIGHT ANGLES TO AND SOUTHWESTERLY FROM THE CENTER LINE OF GUS THOMASSON ROAD; THENCE SOUTHEASTERLY ALONG THE NEW RIGHT OF WAY LINE OF GUS THOMASSON ROAD AND 60 FEET FROM AND PARALLEL TO THE CENTER LINE OF GUS THOMASSON ROAD A DISTANCE OF 580.05 FEET; THENCE SOUTHWESTERLY ALONG THE NEW RIGHT OF WAY LINE OF OATES DRIVE PARALLEL TO AND 50 FEET FROM THE CENTER LINE OF OATES DRIVE A DISTANCE OF 369.16 FEET TO THE POINT OF BEGINNING, TO BE USED FOR THE CONSTRUCTION AND OPERATION OF A SHOPPING CENTER WITH LOCAL BUSINESS "LB" USES; THAT A SPECIAL PERMIT SHALL BE GRANTED FOR THE CONSTRUCTION AND OPERATION OF SAID SHOPPING CENTER WITH LOCAL BUSINESS USES ON THE HEREIN DESCRIBED PROPERTY, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE PLANS AND SPECIFICATIONS SUBMITTED THEREFOR AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR PENALTY; 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 the State Law with reference to the granting of Special Permit under the Zoning Ordinance regulations and zoning map have given the requisite notices by publications 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:

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, which is presently zoned Residential shall be used under a Special Permit for the construction and operation of a shopping center with Local Business uses, subject to the special conditions contained herein:

Beginning at the Southeasterly corner of Lot 1, Block 21, Casa View Heights Addition No. 15, said point being 50 feet north of the center line of Oates Drive; thence Northwestery along the D. C. Motley 5-acre tract a distance of 535.99 feet; thence northeasterly along the Northwestery line of the said

D. C. Motley 5-acre tract a distance of 339.62 feet to a point in the new right of way line of Gus Thomasson Road, said point being 60 feet at right angles to and Southwesterly from the center line of Gus Thomasson Road; thence Southeasterly along the new right of way line of Gus Thomasson Road and 60 feet from and parallel to the center line of Gus Thomasson Road a distance of 580.05 feet; thence southwesterly along the new right of way line of Oates Drive parallel to and 50 feet from the center line of Oates Drive, a distance of 369.16 feet to the point of beginning.

SECTION 2. That this Special Permit for the construction and operation of a shopping center with Local Business uses 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 the site plan for the proposed shopping center with Local Business uses shall be approved by the City Planning and Zoning Commission and that the 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) At such time as all proposed buildings are completely constructed, off-street parking facilities shall be provided, as indicated on the approved site plan.
- (3) That all means of ingress and egress shall be as indicated on the approved site plan.
- (4) 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.
- (5) 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 for a gas-o-line filling station a standard pole sign not exceeding 36 square feet shall be permitted for the filling station. That the location of any sign other than as stated above shall be first approved by the City Planning and Zoning Commission.

SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit for the construction and operation of a shopping center with Local Business uses, 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 APPROVED this 17th day of April, 1956.

ATTEST:

Norma G. McGaughey
Norma G. McGaughey
City Secretary

J. B. Andrews
J. B. Andrews
Mayor