

ORDINANCE NO. 153

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955 BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY TO HAVE LOCAL BUSINESS AND CERTAIN COMMERCIAL USES: BEING A TRACT OF LAND SITUATED IN THE I. BEEMAN SURVEY, ABSTRACT NO. 82 AND THE W. A. COLE SURVEY, ABSTRACT NO. 261, DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 15 (OLD U. S. HIGHWAY NO. 80), SAID POINT BEING 2095.90 FEET EAST FROM THE CENTERLINE OF BUCKNER BOULEVARD EXTENDED; DEPART SAID POINT OF BEGINNING WITH THE EAST LINE OF THE BUCKNER ORPHAN HOME'S PROPERTY, NORTH 02° 03' 57" EAST A DISTANCE OF 2352.18 FEET TO A POINT IN THE SOUTH RIGHT OF WAY LINE OF U. S. HIGHWAY NO. 80; THENCE WITH SAID RIGHT OF WAY LINE SOUTH 77° 32' EAST PASSING A RIGHT OF WAY MARKER AT 4.97 FEET, IN ALL A TOTAL DISTANCE OF 547.16 FEET TO A WOOD POST MARKER; THENCE SOUTH 67°50' 08" EAST PASSING A RIGHT OF WAY MARKER AT 114.20 FEET, IN ALL A TOTAL DISTANCE OF 1040.53 FEET TO AN IRON PIPE; THENCE SOUTH 02° 03' 57" WEST A DISTANCE OF 1896.46 FEET TO AN IRON PIPE IN THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY NO. 15 (EAST PIKE ROAD); THENCE NORTH 87° 54' 38" WEST WITH SAID RIGHT OF WAY LINE A DISTANCE OF 1515.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 75.0 ACRES OF LAND, MORE OR LESS; THAT A SPECIAL PERMIT SHALL BE GRANTED FOR LOCAL BUSINESS AND THE FOLLOWING COMMERCIAL USES, ONLY, ON THE HEREIN DESCRIBED PROPERTY; PRINTING SHOP, CLEANING AND DRY CLEANING, AUTOMOBILE LAUNDRY WITH BOILER AND STEAMCLEANING FACILITIES, IN WHICH ALL WASHING OPERATIONS ARE CARRIED ON WITHIN A BUILDING, COMMERCIAL AMUSEMENTS, OPTICIAN; 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, TEXAS,
AS FOLLOWS:

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 Local Business and the following Commercial uses: Printing Shop, cleaning and dry cleaning, automobile laundry with boiler and steam cleaning facilities, in which all washing operations are carried on within a building, commercial amusements and optician, subject to the special conditions contained herein:

Being a tract of land situated in the I. Beeman Survey, Abstract No. 82 and the W. A. Cole Survey, Abstract No. 261, Dallas County, Texas and being more particularly described as follows:

Beginning at a point in the North right of way line of State Highway No. 15 (Old U. S. Highway No. 80), said point being 2095.90 feet East from the Centerline of Buckner Boulevard extended;

Depart said point of beginning with the East line of the Buckner Orphan Home's property, North $02^{\circ} 03' 57''$ East a distance of 2352.18 feet to a point in the South right of way line of U. S. Highway No. 80;

Thence with said right of way line South $77^{\circ} 32'$ East passing a right of way marker at 4.97 feet, in all a total distance of 547.16 feet to a wood post marker;

Thence South $67^{\circ} 50' 08''$ East passing a right of way marker at 114.20 feet, in all a total distance of 1040.53 feet to an iron pipe;

Thence South $02^{\circ} 03' 57''$ West a distance of 1896.46 feet to an iron pipe in the North right of way line of State Highway No. 15 (East Pike Road);

Thence North $87^{\circ} 54' 38''$ West with said right of way line a distance of 1515.33 feet to the point of beginning and containing 75.0 acres of land, more or less.

SECTION 2. That this Special Permit for Local Business and certain Commercial 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 hereinabove described property 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) That this ordinance shall take effect immediately and continue in effect if construction in proposed shopping center is started within a thirty-six months period from the date of April 23, 1956; if construction has not begun within the specified time Special Permit shall become null and void.

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- (3) At such time as all proposed buildings are completely constructed, off street parking facilities shall be provided, as indicated on the 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 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 gasoline 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 15th day of May, 1956.

J. B. Andrews
J. B. Andrews
Mayor

ATTEST:
Norma G. McGaughy
Norma G. McGaughy
City Secretary