

ORDINANCE NO. 170

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: BEING A TRACT OF LAND OUT OF THE W. J. SWING SURVEY, ABSTRACT 1392, AND THE MCKINNEY AND WILLIAMS SURVEY, ABSTRACT 1035, BEING A PART OF A 73.4 ACRE TRACT DEEDED TO C. R. MARRIOTT AND WIFE BY SAM DAVIS BY DEED RECORDED IN VOLUME 3533, PAGE 129, DALLAS COUNTY TEXAS DEED RECORDS; BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH LINE OF BRUTON ROAD AND THE EAST LINE OF HICKORY TREE ROAD, SAID POINT BEING 40 FEET SOUTH AND 30 FEET EAST OF THE NORTHWEST CORNER OF THE W. J. SWING SURVEY, ABSTRACT 1392; THENCE SOUTH 89 DEGREES, 24 MINUTES EAST, 850 FEET; THENCE SOUTH 0 DEGREES, 9 MINUTES WEST 613 FEET; THENCE NORTH 89 DEGREES, 24 MINUTES WEST 850 FEET TO A POINT IN THE EAST RIGHT OF WAY LINE OF HICKORY TREE ROAD; THENCE NORTH 0 DEGREES 9 MINUTES EAST 613 FEET TO THE PLACE OF BEGINNING, TO BE USED FOR THE CONSTRUCTION AND OPERATION OF A SHOPPING CENTER WITH LOCAL RETAIL USES; THAT A SPECIAL PERMIT SHALL BE GRANTED FOR THE CONSTRUCTION AND OPERATION OF SAID SHOPPING CENTER WITH LOCAL RETAIL 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, TEXAS:

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Ordinance No. 170

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 Retail uses, subject to the special conditions contained herein:

Being a tract of land out of the W. J. Swing Survey, Abstract 1392, and the McKinney and Williams Survey, Abstract 1035, being a part of a 73.4 acre tract deeded to C. R. Marriott and wife by Sam Davis by deed recorded in Volume 3533, Page 129, Dallas County, Texas deed records; beginning at the point of intersection of the South line of Bruton Road and the East line of Hickory Tree Road, said point being 40 feet South and 30 feet East of the Northwest corner of the W. J. Swing Survey, Abstract 1392; thence South 89 degrees, 24 minutes East 850 feet; thence South 0 degrees, 9 minutes West 613 feet; thence North 89 degrees, 24 minutes West 850 feet to a point in the East right of way line of Hickory Tree Road; thence North 0 degrees 9 minutes East 613 feet the place of beginning

SECTION 2. That this Special Permit for the construction and operation of a shopping center with Local Retail 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 Retail 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.

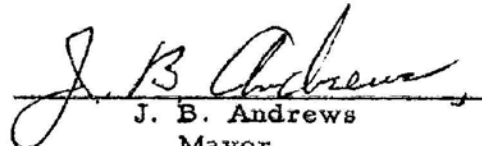
(5) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted and such allowable signs shall be of the parapet wall, marquee or flat wall type, except for a gasoline filling station a standard pole sign not exceeding 36 square 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.

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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 Retail 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 16th day of October, 1956.



J. B. Andrews
Mayor

ATTEST:



Norma Gene McGaughy
City Secretary