

## ORDINANCE NO. 204

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 SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE NORTHEASTERLY LINE OF GUS THOMASSON ROAD (A 90 FT. R.O.W.) SAID POINT BEING THE MOST SOUTHERLY SOUTHWESTERLY CORNER OF A 23.90 ACRE GENELL, INC. TRACT; THENCE N 44 DEGREES 43 MINUTES EAST, AND ALONG AN INTERIOR LINE OF SAID 23.90 ACRE TRACT 30.00 FEET TO THE PLACE OF BEGINNING, A POINT FOR CORNER; THENCE NORTH 45 DEGREES 11 MINUTES WEST, PARALLEL TO AND 30 FEET FROM SAID NORTHEASTERLY LINE OF GUS THOMASSON ROAD, 318.00 FEET, A POINT FOR CORNER; THENCE NORTH 44 DEGREES 43 MINUTES EAST, 445.46 FEET, A POINT FOR CORNER; THENCE SOUTH 45 DEGREES, 06 MINUTES EAST, 318.00 FEET TO AN INTERIOR CORNER OF SAID 23.90 ACRE TRACT, A POINT FOR CORNER; THENCE SOUTH 44 DEGREES 43 MINUTES WEST, AND ALONG SAID INTERIOR LINE OF 23.90 ACRE TRACT 445.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 3.25 ACRES OF LAND, TO BE USED FOR THE CONSTRUCTION AND OPERATION OF A SHOPPING CENTER WITH LOCAL BUSINESS 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 Permits 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 the 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 the construction and operation of a shopping center with Local Business uses, subject to the special conditions contained herein:

Being a tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, Dallas County, Texas, and being more particularly described as follows: Commencing at a point on the Northeasterly line of Gus Thomasson Road (a 90 ft. R. O. W. ) said point being the most southerly southwesterly corner of a 23.90 acre Genell, Inc. tract; thence North 44 degrees 43 minutes East, and along an interior line of said 23.90 acre tract 30.00 feet to the place of beginning, a point for corner; thence North 45 degrees 11 minutes West, parallel to and 30 feet from said Northeasterly line of Gus Thomasson Road, 318.00 feet, a point for corner; thence North 44 degrees 43 minutes East, 445.46 feet, a point for corner; thence South 45 degrees, 06 minutes East, 318.00 feet to an interior corner of said 23.90 acre tract, a point for corner; thence South 44 degrees 43 minutes west, and along said interior line of 23.90 acre tract 445.00 feet to the place of beginning and containing 3.25 acres of land.

SECTION 2. That this Special Permit for the construction and operation of a shopping center with Local Business "LB" uses on the hereinabove described property shall be granted upon the following express conditions and in accordance with Section 4 of the Zoning Ordinance.

- (1) That the site plan for the foregoing described tract of land to have Local Business "LB" uses shall be approved by the City Planning and Zoning Commission and 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 all on-site improvements shall be specified on 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 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.

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- (6) That the width of all streets and right-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.
- (7) That the developer of the above described property shall install at his cost 36 feet wide street paving and curbing and guttering to the next street East of the school property leading to Oates Drive.
- (8) That the developer shall install at his cost sidewalks on both sides of the street serving the above described shopping center and school and park sites, and will extend and provide sidewalks to the entrance of the school.
- (9) 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.
- (10) 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 that in the event a gasoline filling station is approved for location on the property, a standard pole sign not exceeding thirty-six (36) square feet shall be permitted for the filling station. No sign or billboard shall be permitted of a flashing or intermittently lighted type. That the location of any sign other than as stated above shall be first approved by the City Planning and Zoning Commission.
- (11) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.
- (12) That the City of Mesquite water and sanitary sewer lines shall be extended to and through the above tract at the cost of the owner and developer and shall be in accordance with the City's specifications.

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 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.

ADOPTED this 6th day of May, 1958.

ATTEST:

*Norma G. McGaughy*  
Norma G. McGaughy  
City Secretary

*J. B. Andrews*  
J. B. Andrews  
Mayor