

ORDINANCE NO. 205

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: ALL THAT CERTAIN LOT, TRACT OR PARCEL OF LAND SITUATED IN DALLAS COUNTY, TEXAS, BEING SITUATED IN THE W. CASTEEL SURVEY, ABSTRACT NO. 343, AND BEING PART OF BLOCK 24 OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH RIGHT OF WAY LINE OF COLLEGE STREET, SAID POINT BEING THE SOUTHWEST CORNER OF A TRACT CONVEYED TO R. H. WAGONER BY DEED DATED SEPTEMBER 17, 1954, AND THE SOUTHEAST CORNER OF A TRACT CONVEYED TO A. L. POPE BY DEED DATED MARCH 19, 1946, SAID BEGINNING POINT ALSO BEING SOUTH 89 DEGREES 09 MINUTES WEST 305.70 FEET FROM THE POINT OF INTERSECTION OF THE WEST RIGHT OF WAY LINE OF BELT LINE ROAD WITH THE NORTH RIGHT OF WAY LINE OF COLLEGE STREET; THENCE, SOUTH 89 DEGREES 09 MINUTES WEST 178.85 FEET ALONG AND WITH THE NORTH RIGHT OF WAY LINE OF COLLEGE STREET TO A POINT FOR CORNER ALSO BEING THE SOUTHWEST CORNER OF A TRACT CONVEYED TO JEAN F. McCULLOUGH, JR., BY DEED DATED MARCH 28, 1945, AND ALSO BEING THE POINT OF INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF COLLEGE STREET WITH THE EAST RIGHT OF WAY LINE OF GIBSON STREET; THENCE NORTH 141 FEET ALONG AND WITH THE EAST RIGHT OF WAY LINE OF GIBSON STREET TO A POINT FOR CORNER; THENCE NORTH 89 DEGREES 09 MINUTES EAST 181.74 FEET TO A POINT FOR CORNER IN THE WEST LINE OF THE R. H. WAGONER TRACT; THENCE SOUTH 141 FEET WITH THE WEST LINE OF THE WAGONER TRACT TO THE PLACE OF BEGINNING, TO BE USED FOR THE CONSTRUCTION AND OPERATION OF A SHOPPING CENTER WITH COMMERCIAL USES; THAT A SPECIAL PERMIT SHALL BE GRANTED FOR THE CONSTRUCTION AND OPERATION OF SAID SHOPPING CENTER WITH COMMERCIAL 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 TO BE 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

Page 2
Ordinance No. 205

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 Commercial uses, subject to the special conditions contained herein:

All that certain lot, tract or parcel of land situated in Dallas, County, Texas, being situated in the W. Casteel Survey, Abstract No. 343, and being part of Block 24 of the City of Mesquite, Dallas County, Texas, and more particularly described as follows: BEGINNING at a point in the North right of way line of College Street, said point being the Southwest corner of a tract conveyed to R. H. Wagoner by Deed dated September 17, 1954, and the Southeast corner of a tract conveyed to A. L. Pope by Deed dated March 19, 1946, said beginning point also being South 89 Degrees 09 Min. West 305.70 Feet from the point of intersection of the West right of way line of Belt Line Road with the North right of way line of College Street; THENCE South 89 Degrees 09 Min. West 178.85 feet along and with the North right of way line of College Street to a point for corner also being the Southwest corner of a tract conveyed to Jean F. McCullough, Jr., by Deed dated March 28, 1945, and also being the point of intersection of the North right of way line of College Street with the East right of way line of Gibson Street; THENCE North 141 feet along and with the East right of way line of Gibson Street to a point for corner; THENCE North 89 Degrees 09 Min. East 181.74 Feet to a point for corner in the West line of the R. H. Wagoner tract; THENCE South 141 feet with the West line of the Wagoner tract to the place of beginning.

SECTION 2. That this Special Permit for the construction and operation of a shopping center with Commercial uses on the hereinabove

Page 3
Ordinance No. 205

described property shall be granted upon the following express conditions and in accordance with Section 4 of the Zoning Ordinance.

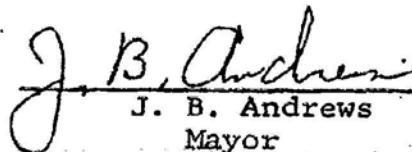
- (1) That no construction shall commence until a site plan for the foregoing described tract of land to have Commercial uses shall be approved by the City Planning and Zoning Commission and the development shall be generally in conformance therewith. Such approved site plan may be revised or amended 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.
- (6) 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.
- (7) 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.
- (8) 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.

Page 4
Ordinance No. 205

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.

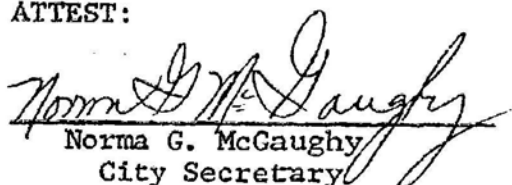
SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under Special Permit for the construction and operation of a shopping center with Commercial uses, subject to certain conditions and will serve the public interest, comfort and general welfare and requires that this Ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

ADOPTED this 20th day of May, 1958.



J. B. Andrews
Mayor

ATTEST:



Norma G. McGaughy
City Secretary