

ORDINANCE NO. 223

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: SITUATED IN DALLAS COUNTY, TEXAS, AND BEING A TRACT OF LAND OUT OF THE D. S. CARVER SURVEY, ON THE WATERS OF MESQUITE CREEK ABOUT ELEVEN MILES SOUTH 86 EAST FROM THE CITY OF DALLAS, TEXAS, AND BEING DESCRIBED AS FOLLOWS: BEGINNING IN THE SOUTH LINE OF STATE HIGHWAY NO. 15-A SAID BEGINNING POINT BEING THE NORTHWEST CORNER OF A 6 ACRE TRACT CONVEYED TO ELLA SMITHERMAN BY A. W. LINDSEY ET UX; THENCE SOUTH 381.4 FEET TO STAKE FOR CORNER IN THE NORTH LINE OF THE TERRELL INTERURBAN RIGHT OF WAY; THENCE WITH THE NORTH LINE OF SAID INTERURBAN RIGHT OF WAY NORTH 86 DEGREES 22 MINUTES WEST 110 FEET TO THE POINT FOR CORNER; THENCE IN A NORTHERLY DIRECTION 392.3 FEET TO POINT IN THE SOUTH LINE OF STATE HIGHWAY NO. 15-A, 110 FEET WEST FROM THE NORTHWEST CORNER OF THE ELLA SMITHERMAN TRACT ABOVE MENTIONED; THENCE EASTERLY 110 FEET TO THE PLACE OF BEGINNING, BEING THE SAME LAND DESCRIBED IN DEED FROM NOEL A. NALLS ET UX TO R. A. ARCHOR, RECORDED IN VOLUME 2671, PAGE 101 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; SAVE AND EXCEPT THAT PORTION OF SAID PROPERTY CONVEYED BY DEED FROM R. A. ARCHOR ET UX, GOLDA MAE, TO COUNTY OF DALLAS, TEXAS, DATED JANUARY 26, 1951, RECORDED IN VOLUME 3477, PAGE 285 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, BEING A STRIP ON THE SOUTH SIDE 50.1 FEET BY 110.0 FEET; TO BE USED UNDER A SPECIAL PERMIT FOR LOCAL BUSINESS USES TO ALLOW THE OPERATION OF A NEW AND USED CAR SALES BUSINESS AS DESIGNATED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION, 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 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:

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 uses to allow the operation of a new and used car sales business as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Situated in Dallas County, Texas, and being a tract of land out of the D. S. Carver Survey, on the Waters of Mesquite Creek about 11 miles South 86 East from the City of Dallas, Texas, and being described as follows: Beginning in the South line of State Highway No. 15-A said beginning point being the Northwest corner of a 6 acre tract conveyed to Ella Smitherman by A. W. Lindsey et ux; Thence South 381.4 feet to stake for corner in the North line of the Terrell Interurban Right of Way; Thence with the North line of said Interurban Right of Way North 86 degrees 22 minutes West 110 feet to the point for corner; Thence in a Northerly direction 392.3 feet to point in the South line of State Highway No. 15-A, 110 feet West from the Northwest corner of the Ella Smitherman tract above mentioned; Thence Easterly 110 feet to the place of beginning, being the same land described in deed from Noel A. Nalls et ux to R. A. Anchor, recorded in Volume 2671, page 101 of the Deed Records of Dallas County, Texas; Save and Except that portion of said property conveyed by deed from R. A. Anchor et ux, Golda Mae, to County of Dallas, Texas, dated January 26, 1951, recorded in Volume 3477, page 285 of the Deed Records of Dallas County, Texas, being a strip on the South side 50.1 feet by 110.0 feet.

SECTION 2. That this Special Permit for Local Business uses to allow the operation of a new and used car sales business as designated and approved by the City Planning and Zoning Commission 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 prior to any construction or change in use a site plan shall be submitted and shall be approved by the City Planning and Zoning Commission and 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 the width of all streets and rights-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.

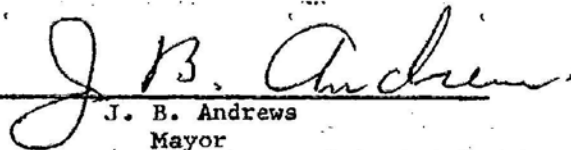
Ordinance No. 223
Page 3

- (7) 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;
- (8) The City of Mesquite water and sanitary sewer lines shall be extended to and service shall be made available to the above tract at the cost of the owner and shall be in accordance with the City's specifications and regulations;
- (9) That no signs or billboards other than those pertaining to the occupancy of the premises and such allowable signs shall be of the parapet wall, marquee or flat wall type. No sign or billboard shall be permitted of a flashing or intermittently lighted type. The location of sign shall be shown on site plan.
- (10) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission.

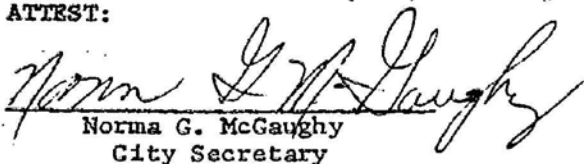
SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit for Local Business uses to allow the operation of a new and used car sales business as designated and approved by the City Planning and Zoning Commission, 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 ADOPTED this the 3rd day of February, 1959.


J. B. Andrews
Mayor

ATTEST:


Norma G. McGaughy
City Secretary