

ORDINANCE NO. 233

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 MESQUITE, DALLAS COUNTY, TEXAS, AND BEING OUT OF THE JACOB LAKEY SURVEY, ABSTRACT NO. 810, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE WEST LINE OF BELT LINE ROAD AND THE NORTH LINE OF KEARNEY STREET; THENCE SOUTH 89 DEGREES 51 MINUTES WEST WITH THE NORTH LINE OF KEARNEY STREET, 20.0 FEET TO A POINT; THENCE NORTH 0 DEGREES 25 MINUTES WEST, 5.0 FEET TO THE POINT OF BEGINNING OF THIS SURVEY; THENCE SOUTH 89 DEGREES 51 MINUTES WEST, 125.0 FEET TO A POINT FOR CORNER; THENCE NORTH 0 DEGREES 25 MINUTES WEST, 141.33 FEET TO A POINT FOR CORNER; THENCE SOUTH 89 DEGREES 56 MINUTES EAST, 125.0 FEET TO A POINT FOR CORNER; THENCE SOUTH 0 DEGREES 25 MINUTES EAST, 141.80 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.406 ACRE OF LAND; TO BE USED UNDER A SPECIAL PERMIT TO ALLOW LOCAL RETAIL USES FOR A GASOLINE SERVICE STATION AND/OR DRIVE-IN GROCERY 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 Retail uses as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Being a tract of land situated in Mesquite, Dallas County, Texas, and being out of the Jacob Lakey Survey, Abstract 810 more particularly described by metes and bounds as follows: Commencing at the intersection of the West line of Belt Line Road and the North line of Kearney Street; thence S 89 degrees 51 minutes West with the North line of Kearney Street, 20.0 feet to a point; thence North 0 degrees 25 minutes West, 5.0 feet to the point of beginning of this survey. Thence South 89 degrees 51 minutes West, 125.0 feet to a point for corner;

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Thence N 0 degrees 25 minutes West, 141.33 feet to a point for corner; Thence S 89 degrees 56 minutes East, 125.0 feet to a point for corner; Thence S 0 degrees 25 minutes East, 141.80 feet to the place of beginning and containing 0.406 acre of land.

SECTION 2. That this Special Permit for Local Retail uses 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.

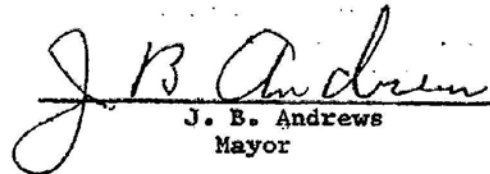
- (1) That prior to any construction, site plan for the foregoing described tract of land to have Local Retail uses shall be approved by the City Planning and Zoning Commission and that the development shall be generally in conformance therewith. Such approved site plan may be revised or amended if such revision or amendment thereof is first approved by the City Planning and Zoning Commission.
- (2) 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 if and when buildings are constructed, 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.
- (7) 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.
- (8) 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.
- (9) 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.
- (10) 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.

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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 Local Retail uses 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 17th day of March, 1959.



J. B. Andrews
Mayor

ATTEST:



Norma G. McGaughey
City Secretary