

ORDINANCE NO. 240

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 DANIEL TANNER SURVEY, ABSTRACT 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF A 17.802 ACRE TRACT CONVEYED TO H. E. ENLOW AND T. C. STRICKLIN BY JAMES P. MOORE, ET AL, AND ALSO BEING ALL OF A 0.90 ACRE TRACT OWNED BY FRANK LEY; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH CORNER OF SAID MOORE TRACT; SAID POINT BEING ON THE NORTHEASTERLY LINE OF GROSS ROAD (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 44 DEGREES 58' WEST, WITH THE NORTHWESTERLY LINE OF SAID GROSS ROAD, 451.51' TO THE WEST CORNER OF THE SAID FRANK LEY TRACT; THENCE NORTH 44 DEGREES 52' EAST, WITH THE NORTHWESTERLY LINE OF SAID FRANK LEY TRACT, 225.0' TO THE NORTH CORNER OF SAID LEY TRACT AND CONTINUING 295.0' TO THE NORTH CORNER OF THE TRACT HEREIN DESCRIBED, FOR A TOTAL DISTANCE OF 520.0'; THENCE SOUTH 44 DEGREES, 58' EAST, 451.21' TO A POINT ON THE SOUTHEASTERLY LINE OF SAID JAMES P. MOORE TRACT; THENCE SOUTH 44 DEGREES 50' WEST, WITH THE SOUTHEASTERLY LINE OF SAID MOORE TRACT TO THE PLACE OF BEGINNING AND CONTAINING 5.39 ACRES OF LAND, TO BE USED UNDER A SPECIAL PERMIT FOR LOCAL RETAIL "LR" USES 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 "R", shall be used under a Special Permit for Local Retail "LR" 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 the Daniel Tanner Survey, Ab. 1462, City of Mesquite, Dallas County, Texas, and being part of a 17.802 acre tract conveyed to H. E. Enlow and T. C. Stricklin by James P. Moore, et al, and also being all of a 0.90 acre tract owned by Frank Ley; and being more particularly described as follows: Beginning at the South corner of said Moore tract; said point being on the Northeasterly line of Gross Road (a 60 foot right-of-way); Thence North 44 degrees 58' West, with the Northwesterly line of said Gross Road, 451.51' to the West corner of the said Frank Ley tract; Thence North 44 degrees 52' east, with the Northwesterly line of said Frank Ley tract, 225.0' to the North corner of the tract herein described, for a total distance of 520.0'; Thence South 44 degrees, 58' East, 451.21' to a point on the Southeasterly line of said James P. Moore tract; Thence South 44 degrees 50' West, with the Southeasterly line of said Moore tract to the place of beginning and containing 5.39 acres of land,

SECTION 2. That this Special Permit for Local Retail "LR" 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 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 adjacent uses of property shall be indicated on approved site plan.
- (4) That all means of ingress and egress shall be as indicated on the approved site plan.
- (5) 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 approved site plan; and that the developer shall bear the total cost of all such improvements.
- (6) 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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(7) 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.

(8) That all utility services shall be shown on site plan and shall conform with the City's specifications and be as approved by the City's Engineer.

(9) The City of Mesquite water and sanitary sewer lines shall be extended to and service shall be made available for developed portion of the tract at the cost of the owner and developer and shall be in accordance with the City's specifications and regulations.

(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 first be approved by the City Planning and Zoning Commission.

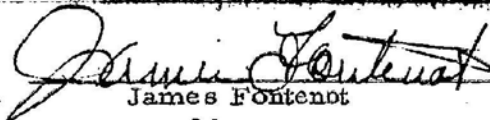
(11) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

(12) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

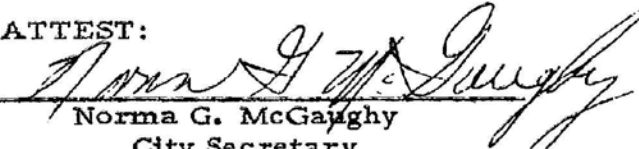
SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

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 the 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 5th day of May, 1959.


James Fontenot
Mayor

ATTEST:


Norma G. McGaughey
City Secretary