

ORDINANCE NO. 247

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 THAT CERTAIN LOT, TRACT OR PARCEL OF LAND DEEDED BY MYRA B. HAMMOND AND W. T. HAMMOND TO A. R. NEHRMEYER AND WIFE BESSIE MAE NEHRMEYER, RECORDED IN VOLUME 2425, PAGE 559 OF THE DALLAS COUNTY DEED RECORDS; LYING AND BEING SITUATED IN DALLAS COUNTY, TEXAS, A PART OF THE H. J. WEBB SURVEY, FRONTING ON THE EAST PIKE OR ORPHANS HOME ROAD, AND BEING ALL OF LOT NUMBER THREE (3), PLAT NUMBER ONE (1) OF THE SUBDIVISION OF THE J. D. HERNDON HOMESTEAD, AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF LOT NUMBER FOUR (4), PLAT NUMBER ONE (1) OF SAID SUBDIVISION, WHICH POINT IS 30 FEET SOUTH AND 1958 FEET WEST OF THE NORTHEAST CORNER OF THE J. D. HERNDON TRACT OF LAND IN SAID H. J. WEBB SURVEY; THENCE WEST WITH THE SOUTH LINE OF THE SAID HIGHWAY, 140 FEET TO THE NORTHEAST CORNER OF LOT NUMBER TWO (2) PLAT NUMBER ONE (1) OF SAID SUBDIVISION; THENCE SOUTH WITH THE EAST LINE OF SAID LOT NUMBER TWO (2) 178.75 FEET TO ITS SOUTHEAST CORNER; THENCE EAST 140 FEET TO THE SOUTHWEST CORNER OF SAID LOT NUMBER FOUR (4), WHICH LOT NUMBER FOUR (4) WAS CONVEYED TO GRANTORS HEREIN BY J. D. HERNDON BY DEED DATED APRIL 5th, 1932; THENCE NORTH WITH THE WEST LINE OF LOT NUMBER FOUR (4), 178.75 FEET TO THE PLACE OF BEGINNING; TO BE USED UNDER A SPECIAL PERMIT FOR CONSTRUCTION AND OPERATION OF A GOODYEAR TIRE AND RUBBER RETAIL STORE 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 Construction and Operation of a Goodyear Tire and Rubber Retail Store as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Being that certain lot, tract or parcel of land deeded by Myra B. Hammond and W. T. Hammond to A. R. Nehrmeyer and wife Bessie Mae Nehrmeyer, recorded in Volume 2425, Page 559, of the Dallas County Deed Records; lying and being situated in Dallas County, Texas, a part of the H. J. Webb Survey, fronting on the East Pike or Orphans Home Road, and being all of Lot Number Three (3), Plat Number One (1) of the Subdivision of the J. D. Herndon Homestead, and being described by metes and bounds as follows; Beginning at the Northwest corner of Lot Number Four (4), Plat Number One (1) of said subdivision, which point is 30 feet South and 1958 feet West of the Northeast corner of the J. D. Herndon tract of land in said H. J. Webb Survey; Thence West with the South line of the said Highway, 140 feet to the Northeast corner of Lot Number Two (2) Plat Number One (1) of said subdivision; Thence South with the East line of said Lot Number Two (2) 178.75 feet to its Southeast corner; Thence East 140 feet to the Southwest corner of said Lot Number Four (4) which Lot Number Four (4) was conveyed to grantors herein by J. D. Herndon by deed dated April 5th, 1932; Thence North with the West line of Lot Number Four (4), 178.75 feet to the place of beginning.

SECTION 2. That this Special Permit for Construction and Operation of a Goodyear Tire and Rubber Retail Store as designated and approved by the City Planning and Zoning Commission on the herein above 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 the 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 approved site plan, and shall not be less than the requirement of Ordinance No. 120 for each use and occupancy.

(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 to 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 bill boards 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.

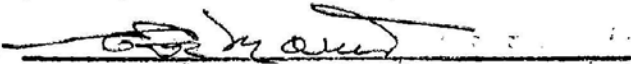
(12) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

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 Construction and Operation of a Goodyear Tire and Rubber Retail Store 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.

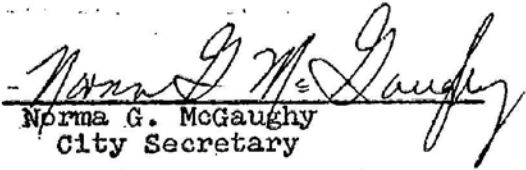
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PASSED AND ADOPTED THIS THE 10th day of July, 1959.



E. R. Morris
Mayor Pro Tem

ATTEST:



Norma G. McGaughy
City Secretary