

ORDINANCE NO. 250

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 TRACTS OF LAND SITUATED IN THE T. THOMAS SURVEY, ABSTRACT NO. 1501, AND THE JOHN HARDIN SURVEY, ABSTRACT NO. 545, DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TRACT NO. 1: BEGINNING AT THE INTERSECTION OF THE EXISTING NORTHERLY LINE OF NEW HOPE ROAD AND THE PROPOSED EASTERLY LINE OF GUS THOMASSON ROAD, FOR CORNER: THENCE ALONG SAID PROPOSED EAST LINE OF GUS THOMASSON ROAD, THE FOLLOWING: NORTH 10 DEGREES, WEST 10 MINUTES, 655 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, FOR CORNER; IN A NORTHERLY AND NORTHWESTERLY DIRECTION AND AROUND SAID CURVE, 630 FEET TO A POINT FOR CORNER; NORTH 46 DEGREES, 14 MINUTES WEST, 750 FEET TO A POINT FOR CORNER; NORTH 2 DEGREES 24 MINUTES W, 140 FEET TO A POINT FOR CORNER; NORTH 46 DEGREES, 14 MINUTES WEST, 290 FEET TO A POINT FOR CORNER; NORTH 21 DEGREES, 05 MINUTES EAST, 130 FEET TO A POINT ON THE PROPOSED SOUTHEAST LINE OF U. S. HIGHWAY NO. 67, A POINT FOR CORNER; THENCE NORTH 54 DEGREES 35 MINUTES EAST AND ALONG SAID PROPOSED SOUTHEAST LINE OF U. S. HIGHWAY NO. 67, 1795 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, FOR CORNER; THENCE IN AN EASTERLY DIRECTION AND AROUND SAID CURVE, 635 FEET TO A POINT ON THE NORTHWEST LINE OF A PROPOSED 15 FOOT ALLEY, FOR CORNER; THENCE SOUTH 54 DEGREES, 35 MINUTES WEST AND ALONG SAID NORTH LINE OF PROPOSED 15 FOOT ALLEY AND ITS EXTENSION, 1747 FEET TO A POINT ON THE WESTERLY LINE OF A PROPOSED 45 FOOT DRAINAGE EASEMENT, FOR CORNER; THENCE ALONG SAID WESTERLY LINE OF PROPOSED 45 FOOT DRAINAGE EASEMENT, THE FOLLOWING: SOUTH 40 DEGREES 11 MINUTES EAST, 985 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, FOR CORNER; IN A SOUTHERLY DIRECTION AND AROUND SAID CURVE 635 FEET, TO A POINT FOR CORNER; SOUTH 10 DEGREES, 10 MINUTES EAST, 880 FEET TO A POINT ON SAID EXISTING NORTHERLY LINE OF NEW HOPE ROAD, FOR CORNER; THENCE ALONG SAID EXISTING NORTHERLY LINE OF NEW HOPE ROAD THE FOLLOWING: NORTH 75 DEGREES, 30 MINUTES WEST, 120 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, FOR CORNER; IN A WESTERLY DIRECTION AND AROUND SAID CURVE, 460 FEET, TO A POINT FOR CORNER; SOUTH 52 DEGREES, 53 MINUTES WEST, 40 FEET TO THE PLACE OF BEGINNING AND CONTAINING 48.5 ACRES OF LAND, MORE OR LESS. TRACT NO. 2: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHWEST LINE OF MURPHY SCHOOL ROAD AND THE WEST LINE OF GUS THOMASSON ROAD; THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID LINE OF MURPHY SCHOOL, A DISTANCE OF 45.54 FEET TO A POINT FOR CORNER; THENCE NORTH 42 DEGREES, 46 MINUTES WEST, A DISTANCE OF 1,070 FEET TO A POINT FOR CORNER, SAME BEING IN THE SOUTHEAST BOUNDARY LINE OF THE ZONED SHOPPING CENTER AREA OWNED BY PHINNEY-ROFFINO; THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID BOUNDARY LINE A DISTANCE OF 590 FEET (MORE OR LESS) TO A POINT FOR CORNER IN THE SOUTHWEST LINE OF GUS THOMASSON ROAD; THENCE IN A SOUTHEASTERLY DIRECTION FOLLOWING SAID LINE OF GUS THOMASSON ROAD, A DISTANCE OF 1,395 FEET (MORE OR LESS) TO THE PLACE OF BEGINNING AND CONTAINING APPROXIMATELY 8 ACRES, MORE OR LESS, TO BE USED UNDER A SPECIAL PERMIT FOR COMMERCIAL 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, shall be used under a Special Permit for Commercial uses as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Being two tracts of land situated in the T. Thomas Survey, Abstract No. 1501, and the John Hardin Survey, Abstract No. 545, Dallas County, Texas and being more particularly described as follows: Tract No. 1: Beginning at the intersection of the existing Northerly line of New Hope Road and the proposed Easterly line of Gus Thomasson Road, for corner; Thence along said proposed East line of Gus Thomasson Road, the following: North 10 Degrees 10 Minutes West, 655 Feet to the beginning of a curve to the left, for corner; In a Northerly and Northwesterly direction and around said curve, 630 Feet, a point for corner; North 46 Degrees, 14 Minutes West, 750 Feet, to a point for corner; North 2 Degrees, 24 Minutes West, 140 Feet, to a point for corner; North 46 Degrees, 14 Minutes West, 290 Feet, to a point for corner; North 21 Degrees, 05 Minutes East, 130 Feet to a point on the proposed Southeast line of U. S. Highway No. 67, a point for corner; Thence North 54 degrees, 35 Minutes East, and along said proposed Southeast line of U. S. Highway No. 67, 1795 Feet to the beginning of a curve to the right, for corner; Thence in an Easterly direction and around said curve, 635 Feet to a point on the Northwest line of a proposed 15 Foot alley, for corner; Thence South 54 Degrees, 35 Minutes West and along said North line of proposed 15 Foot alley and its extension, 1747 Feet to a point on the Westerly line of a proposed 45 Foot drainage easement, for corner; Thence along said Westerly line of proposed 45 Foot drainage easement, the following: South 40 Degrees, 11 Minutes East, 985 Feet to the beginning of a curve to the right, for corner; In a Southerly direction and around said curve 635 Feet, a point for corner; South 10 Degrees, 10 Minutes East, 880 Feet to a point on said existing Northerly line of New Hope Road, for corner; Thence along said existing northerly line of New Hope Road the following; North 75 Degrees, 30 Minutes

West, 120 Feet to the beginning of a curve to the left, for corner; In a Westerly direction and around said curve, 460 Feet, to a point for corner; South 52 Degrees, 53 Minutes, West, 40 Feet to the place of beginning and containing 48.5 acres of land, more or less. Tract No. 2: Beginning at the point of intersection of the Northwest line of Murphy School Road and the West line of Gus Thomasson Road; Thence in a Southwesterly direction along said line of Murphy School, a distance of 45.54 Feet to a point for corner; Thence North 42 Degrees, 46 Minutes West, a distance of 1,070 Feet to a point for corner, same being in the Southeast boundary line of the zoned shopping center area owned by Phinney-Roffino; Thence in a Northeasterly direction along said boundary line a distance of 590 feet (more or less) to a point for corner in the Southwest line of Gus Thomasson Road; Thence in a Southeasterly direction following said line of Gus Thomasson Road, a distance of 1,395 Feet (more or less) to the place of Beginning and containing approximately 8 acres of land, more or less.

SECTION 2. That this Special Permit for Commercial 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 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 the 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 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.

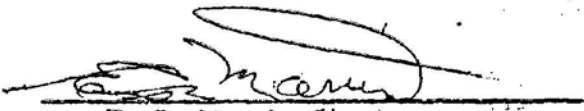
(11) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

(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.

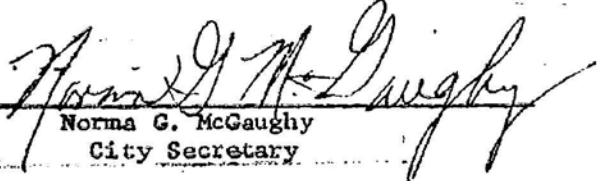
SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit for Commercial uses as designated and approved by the City Planning and Zoning Commission, subject to certain conditions, and will serve the public interest, comfort and general welfare and requires that this Ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND ADOPTED this the 20th day of July, 1959.



E. R. Morris
Mayor Pro Tem

ATTEST:



Norma G. McGaughy
City Secretary

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