

ORDINANCE NO. 251

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 OUT OF THE R. BETHURUM SURVEY, ABSTRACT 170, AND BEING A PART OF A 14.5 ACRE TRACT CONVEYED TO RUTH L. HANBY BY QUIT CLAIM DEED DATED 5-18-1953, AND FILED IN DALLAS COUNTY RECORDS, VOLUME 3853 PAGE 109 AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS: Lot 17 of THE HANBY HEIGHTS ADDITION OUT OF THE R. BETHURUM SURVEY ABSTRACT 170, AND THE M. L. SWING SURVEY ABSTRACT 1397 A PART OF THE R. W. HANBY TRACT AS DESCRIBED IN VOLUME 2015 PAGE 515 AT THE DALLAS COUNTY DEED RECORDS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SOUTHEAST CORNER OF FLOYD POPE'S LOT 15 AND IN THE NORTH LINE OF PARK AVENUE A 1-INCH ROD FOR THE SOUTHWEST CORNER OF THIS TRACT; THENCE NORTH 163.3 FEET ALONG THE EAST LINE OF FLOYD POPE'S LINE TO HIS NORTHEAST CORNER FOR THE NORTHWEST CORNER THIS TRACT A 1-INCH IRON ROD IN THE SOUTH LINE OF NORTH SIDE BAPTIST CHURCH 1.36ACRE TRACT A POINT 76 FEET EAST OF ITS SOUTHWEST CORNER; THENCE ALONG THE SOUTH LINE OF THE NORTH SIDE BAPTIST CHURCH 1.36 ACRE TRACT EAST 241.6 FEET A 1/2-INCH PIPE IN WEST LINE OF BELT LINE ROAD FOR THE NORTHEAST CORNER THIS TRACT; THENCE ALONG THE WEST LINE OF BELT LINE ROAD SOUTH 23 DEGREES 12 FEET WEST 179.4 FEET A 3/8-INCH ROD IN NORTH LINE PARK AVENUE FOR THE SOUTHEAST CORNER THIS TRACT; THENCE ALONG THE NORTH LINE OF PARK AVENUE NORTH 89 DEGREES 28 FEET WEST 171 FEET TO THE PLACE OF BEGINNING AND CONTAINING 0.773 ACRE OF LAND; TO BE USED UNDER A SPECIAL PERMIT FOR LOCAL RETAIL 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:

Ordinance No. 251

Page 2

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 out of the R. Bethurum Survey Abstract 170, and being a part of a 14.5 Acre tract conveyed to Ruth L. Hanby by quit claim deed dated 5-18-1953, and filed in Dallas County Deed Records Volume 3853 Page 109 and being more particularly described as follows; Lot 17 of the Hanby Heights Addition out of the R. Bethurum Survey Abstract 170, and the M. L. Swing Survey Abstract 1397 a part of the R. W. Hanby tract as described in Volume 2015 Page 515 of the Dallas County Deed Records; and being more particularly described as follows: Beginning at the Southeast Corner of Floyd Pope's lot 15 and in the North line of Park Avenue a 1-inch rod for the Southwest Corner of this tract; Thence North 163.3 feet along the East line of Floyd Pope's line to his Northeast Corner for the Northwest Corner this tract a 1-inch iron rod in the South line of North Side Baptist Church 1.36 Acre tract a point 76 feet East of its Southwest Corner; Thence along the South line of the North Side Baptist Church 1.36 Acre tract East 241.6 feet a 1/2-inch pipe in West line of Belt Line Road for the Northeast Corner this tract; Thence along the West line of Belt Line Road South 23 degrees 12 feet West 179.4 feet a 3/8-inch Rod in North line Park Avenue for the Southeast Corner of this tract; Thence along the North Line of Park Avenue North 89 degrees 28 feet West 171 feet to the place of beginning and containing 0.773 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 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.

Ordinance No. 251

Page 3

- (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 sewerlines 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.

Ordinance No. 251

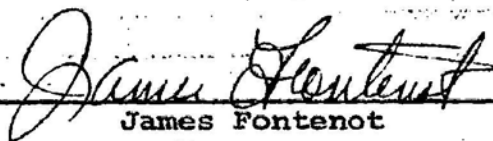
Page 4

(13) That construction must be started within a two (2) year period.

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.

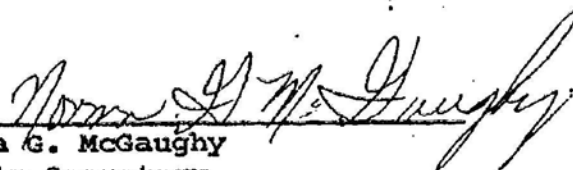
SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit for Local Retail uses as designated and approved by the City Planning and Zoning Commission, subject to certain conditions, and will serve the public interest, comfort and general welfare and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

PASSED AND ADOPTED THIS THE 3rd DAY OF AUGUST, 1959.



James Fontenot  
Mayor

ATTEST:

  
Norma G. McGaughy  
City Secretary