

ORDINANCE NO. 252

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 LOTS, TRACTS OR PARCELS OF LAND SITUATED IN DALLAS COUNTY, TEXAS, AND BEING OUT OF THE RUTH L. HANBY TRACT IN THE M. L. SWING SURVEY, ABST. No. 1397 AND THE ROBERT BETHURUM SURVEY, ABST. NO. 170; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT AN IRON PIN IN THE NORTHWEST LINE OF THE NEW BELT LINE ROAD, SAID POINT BEING IN THE SOUTH LINE OF PARK DRIVE, SAID POINT BEING 242.9 FEET SOUTH 23 DEGREES 12 MINUTES WEST FROM THE NORTH LINE OF SAID RUTH L. HANBY TRACT; THENCE SOUTH 23 DEGREES 12 MINUTES WEST 145.0 FEET ALONG THE NORTHWEST LINE OF SAID BELT LINE ROAD TO AN IRON PIN FOR CORNER; THENCE NORTH 66 DEGREES 48 MINUTES WEST 167.5 FEET TO AN IRON PIN FOR A CORNER; THENCE NORTH 23 DEGREES 12 MINUTES EAST 74.52 FEET TO AN IRON PIN IN THE SOUTH LINE OF SAID PARK DRIVE FOR A CORNER; THENCE NORTH 89 DEGREES 55 MINUTES EAST 176.55 FEET, TO THE PLACE OF BEGINNING AND CONTAINING 0.422 ACRES OF LAND, MORE OR LESS; BEGINNING AT A 3/8-INCH ROD IN THE NORTHWEST RIGHT-OF-WAY LINE OF BELT LINE ROAD, A POINT SOUTH 23 DEGREES 12 MINUTES WEST 145 FEET OF INTERSECTION OF SOUTH LINE OF PARK AVENUE AND WEST LINE OF BELT LINE ROAD; THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF BELT LINE ROAD, SOUTH 23 DEGREES 12 MINUTES WEST 578 FEET TO A 3/4-INCH PIPE FOR CORNER; THENCE SOUTH 84 DEGREES 34 MINUTES WEST 133.8 FEET TO A 3/8-INCH PIPE FOR CORNER BEING THE NORTHEAST CORNER AT J. J. MCGLOTHLIN TRACT AND SOUTHEAST CORNER OF R. E. MOTLEY TRACT; THENCE ALONG AN OLD FENCE LINE AND HEDGE ROW NORTH 13 DEGREES 35 MINUTES WEST 527.6 FEET TO SOUTH LINE OF G. B. ROBERTS TRACT A POINT SOUTH 89 DEGREES 33 MINUTES WEST 3 FEET FROM THE SOUTHEAST CORNER BEING ALSO THE NORTHEAST CORNER OF ANNA MAE LORAIN 1.78 ACRE TRACT; THENCE NORTH 89 DEGREES 33 MINUTES EAST AT 170 FEET THE SOUTHWEST CORNER OF C. A. KEAHEY TRACT IN ALL 296.6 FEET A 3/8-INCH ROD THE SOUTHEAST CORNER OF C. A. KEAHEY TRACT; THENCE WITH THE SOUTHEAST LINE OF C. A. KEAHEY TRACT NORTH 23 DEGREES 12 MINUTES EAST 100.5 FEET A 3/8-INCH ROD FOR CORNER BEING THE WEST CORNER OF WELDON BROWN LOT; THENCE ALONG SOUTHWEST LINE OF WELDON BROWN LOT SOUTH 66 DEGREES 50 MINUTES EAST 161.5 FEET TO BEGINNING, CONTAINING 3.7958 ACRES OF LAND, MORE OR LESS; BEGINNING AT A POINT IN THE SOUTH LINE OF PARK AVENUE, SAID POINT BEING 176.55 FEET WEST OF THE INTERSECTION OF THE NEW BELT LINE ROAD AND PARK AVENUE; THENCE WEST ALONG THE SOUTH LINE OF PARK AVENUE 196.7 FEET TO POINT FOR CORNER; THENCE SOUTH AT A 90 DEGREE ANGLE 155.2 FEET TO A POINT IN THE NORTH LINE OF A TRACT CONVEYED BY DEED FROM REX RANGE AND OTHERS TO ATLANTIS CORPORATION BY DEED DATED AUGUST 4, 1959; THENCE EAST ALONG THE SAID NORTH LINE OF THE SAID BROWN TRACT A DISTANCE OF 122.3 FEET TO A POINT FOR CORNER; THENCE NORTH 23 DEGREES 12 MINUTES EAST 174.5 FEET TO A PLACE OF BEGINNING; * BEGINNING AT A POINT IN THE SOUTH LINE OF PARK AVENUE, SAID POINT BEING 390.25 FEET WEST OF THE INTERSECTION OF THE NEW BELT LINE ROAD AND PARK AVENUE; THENCE WEST ALONG THE SOUTH LINE OF PARK AVENUE A DISTANCE OF 80 FEET TO POINT FOR CORNER; THENCE AT A 90 DEGREE ANGLE 155.2 FEET TO POINT FOR CORNER THE NORTH LINE OF TRACT CONVEYED BY LESLIE BROWN AND OTHERS TO ATLANTIS CORP. BY DEED DATED AUGUST 4, 1959; THENCE EAST PARALLEL WITH PARK AVENUE AND ALONG THE NORTH LINE OF SAID BROWN TRACT A DISTANCE OF 80 FEET TO POINT FOR CORNER; THENCE AT A 90 DEGREE ANGLE BEARING NORTH A DISTANCE OF 155.2 FEET TO PLACE OF BEGINNING; TO BE USED UNDER A SPECIAL PERMIT FOR LOCAL RETAIL USES AS DESIGNATED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR PENALTY, AND DECLARING AN EMERGENCY.

* TRACT 4 IS TO BE INCLUDED AS DESCRIBED ON PAGE 3 ORDINANCE NO. 252.

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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 lots, tracts or parcels of land situated in Dallas, County, Texas and being out of the Ruth L. Hanby tract in the M. L. Swing Survey, Abst. No. 1397 and the Robert Bethurum Survey, Abst. No. 170 and being more particularly described as follows; Tract No. 1 Beginning at an iron pin in the Northwest line of the new Belt Line Road, said point also being in the South line of Park Drive, said point being 242.9 feet South 23 degrees 12 minutes West from the North line of said Ruth L. Hanby tract; Thence South 23 degrees 12 minutes West 145.0 feet along the Northwest line of said Belt Line Road to an iron pin for corner; Thence North 66 degrees 48 minutes West 167.5 feet to an iron pin for a corner; Thence North 23 degrees 12 minutes East 74.52 feet to an iron pin in the South line of said Park Drive for a corner; Thence North 89 degrees 55 minutes East 176.55 feet, to the place of beginning and containing 0.422 acres of land more or less; Tract No. 2 Beginning at a 3/8-inch rod in the Northwest right-of-way line of Belt Line Road, a point South 23 degrees 12 minutes West 145 feet of intersection of South line of Park Avenue and West line of Belt Line Road; Thence along the West right-of-way line of Belt Line Road, South 23 degrees 12 minutes West 578 feet to a 3/4-inch pipe for corner; Thence South 84 degrees 34 minutes West 133.8 feet to a 3/8-inch pipe for corner being the Northeast Corner at J. J. McGlothlin tract and Southeast corner of R. E. Motley tract; Thence along an old fence line and hedge row North 13 degrees 35 minutes West 527.6 feet to the South line of G. B. Roberts tract a point South 89 degrees 33 minutes West 3 feet from the Southeast corner being also the Northeast corner of Anna Mae Loraine 1.78 acre tract; Thence North 89 degrees 33 minutes East at 170 feet the Southwest corner of C. A. Keahey tract in all 296.6 feet a 3/8-inch rod the Southeast corner of C. A. Keahey tract; Thence with the Southeast line of C. A. Keahey tract North 23 degrees 12 minutes East 100.5 feet a 3/8-inch rod for corner being the West corner of Weldon Brown lot; Thence along Southwest line of Weldon Brown lot South 66 degrees 50 minutes East 161.5 feet to beginning, containing 3.7958 acres of land, more or less; Tract No. 3 Beginning at a point in the South line of Park Avenue, said point being 176.55 feet West of the intersection of the new Belt Line Road and Park Avenue; Thence West along the South line of Park Avenue 196.7 feet to point for corner; Thence South at a 90 degree angle 155.2 feet to a point in the North line of a tract conveyed by Deed from Rex Range and others to Atlantis Corporation by Deed dated August 4, 1959; Thence East along the said North line of the said Brown tract a distance of 122.3 feet to point for corner; Thence

North 23 degrees 12 minutes East 174.5 feet to place of beginning; Tract No. 4 Beginning at a point in the South line of Park Avenue, said point being 373.25 feet West of the intersection of the new Belt Line Road and Park Avenue; Thence West along the South line of Park Avenue 17 feet to point for corner; Thence South at a 90 degree angle 155.2 feet to a point in the North line of a tract of land conveyed by Leslie Brown and others by Deed dated August 4, 1959; Thence East along the North line of said Brown tract 17 feet to point for corner; Thence North at a 90 degree angle 152.2 feet to place of beginning; Tract No. 5 Beginning at a point in the South line of Park Avenue, said point 390.25 feet West of the intersection of the new Belt Line Road and Park Avenue; Thence West along the South line of Park Avenue a distance of 80 feet to point for corner; Thence at a 90 degree angle 155.2 feet to point for corner the North line of Tract conveyed by Leslie Brown and others to Atlantis Corporation by deed dated August 4, 1959; Thence East parallel with Park Avenue and along the North line of said Brown tract a distance of 80 feet to point for corner; Thence at a 90 degree angle bearing North a distance of 155.2 feet to place of beginning.

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.
- (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.

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(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.

(13) *See below

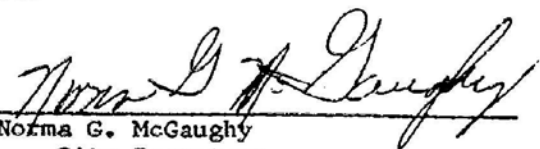
SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

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 13th DAY OF JULY, 1959.


James Fontenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

*(13) That construction must be started within a two-year period or the property would revert to the original zoning.

OK Norma McGaughy

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