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ORDINANCE NO. 260

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 4.072 ACRE TRACT OF LAND IN THE HENRY J. WEBB SURVEY, ABSTRACT NO. 1636 AND THE JAS. N. SMITH SURVEY, ABSTRACT NO. 1419, DALLAS COUNTY, TEXAS; AND BEING PART OF A TRACT CONVEYED BY C. N. MANAGAN TO BUCKNER ORPHANS HOME BY DEED RECORDED IN VOL. 2600, PAGE 581, ALL OF A TRACT CONVEYED BY J. E. BRUTON TO BUCKNER ORPHANS HOME BY DEED RECORDED IN VOL. 2605, PAGE 314 AND PART OF A TRACT CONVEYED BY JOHN C. HERNDON TO BUCKNER ORPHANS HOME BY DEED RECORDED IN VOL. 2771, PAGE 425 IN THE DEED RECORDS; SAID 4.072 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID BUCKNER TRACT AS RECORDED IN VOL. 2605, PAGE 314, SAID BEGINNING POINT BEING IN THE SOUTH LINE OF THE EAST PIKE (60 FT. SOUTH OF THE CENTERLINE OF SAME) AND BEING 685.0 FEET SOUTH 89 DEGREES 29 MINUTES 18 SECONDS EAST OF THE POINT OF INTERSECTION OF SAID SOUTH LINE OF EAST PIKE WITH THE CENTERLINE OF SAM HOUSTON ROAD, COORDINATES OF SAID BEGINNING POINT BEING NORTH 410,381.44 FEET - EAST 2,255,060.05 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 18 SECONDS EAST ALONG SAID SOUTH LINE OF EAST PIKE 280.0 FEET TO ITS INTERSECTION WITH SAID BUCKNER TRACT AS PER DEED RECORDED IN VOLUME 2771, PAGE 425, COORDINATES, NORTH 410,378.94 FEET - EAST 2,255,340.04 FEET; THENCE SOUTH 0 DEGREES 56 MINUTES 48 SECONDS EAST ALONG THE EAST LINE OF SAID BUCKNER TRACT AND PASSING ITS SOUTHEAST CORNER AT 158.75 FEET AND CONTINUING IN ALL ON THIS LINE 433.75 FEET, COORDINATES, NORTH 410,945.25 FEET - EAST 2,255,347.20 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 18 SECONDS WEST PARALLEL TO SAID EAST PIKE 560.0 FEET TO A POINT FOR CORNER, COORDINATES, NORTH 409,950.25 FEET - EAST 2,254,787.22 FEET; THENCE NORTH 0 DEGREES 56 MINUTES 48 SECONDS WEST 200.0 FEET TO A POINT IN THE NORTH LINE OF SAID BUCKNER TRACT AS PER DEED RECORDED IN VOLUME 2600, PAGE 581, SAID POINT BEING THE SOUTHWEST CORNER OF THE FRANK NICK TRACT, COORDINATES NORTH 410,150.22 FEET - EAST 2,254,783.92 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 18 SECONDS EAST ALONG SAID NORTH LINE 280.0 FEET TO THE SOUTHEAST CORNER OF SAID NICK TRACT, COORDINATES NORTH 410,147.22 FEET - EAST 2,255,063.91 FEET; THENCE NORTH 0 DEGREES 56 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID NICK TRACT, SAME BEING THE WEST LINES OF THE BUCKNER TRACTS, 233.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 4.072 ACRES OF LAND; TO BE USED UNDER A SPECIAL PERMIT FOR APARTMENT "A-1" AND RESTRICTED LOCAL BUSINESS "LB" 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 Apartment "A-1" and Restricted Local Business "LB" uses as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Being a 4.072 acre tract of land in the Henry J. Webb Survey, Abstract No. 1636 and the Jas. N. Smith Survey, Abstract No. 1419, Dallas County, Texas; and being part of a tract conveyed by C. N. Managan to Buckner Orphans Home by deed recorded in Volume 2600, Page 581, all of a tract conveyed by J. E. Bruton to Buckner Orphans Home by deed recorded in Volume 2605, Page 314 and part of a tract conveyed by John C. Herndon to Buckner Orphans Home by deed recorded in Volume 2771, Page 425, in the Deed Records; said 4.072 acre tract being more particularly described as follows: Beginning at the Northwest corner of said Buckner tract as recorded in Volume 2605, Page 314, said beginning point being in the South line of the East Pike (60 feet South of the centerline of same) and being 685.0 feet South 89 degrees 29 minutes 18 seconds East of the point of intersection of said South line of East Pike with the center line of Sam Houston Road, coordinates of said beginning point being North 410,381.44 feet - East 2,255,060.05 feet; Thence South 89 degrees 29 minutes 18 seconds East along said South line of East Pike 280.0 feet to its intersection with said Buckner tract as per deed recorded in Volume 2771, Page 425, coordinates, North 410,378.94 feet - East 2,255,340.04 feet;

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Thence South 0 degrees 56 minutes 48 seconds East along the East line of said Buckner tract and passing its Southeast corner at 158.75 feet and continuing in all on this line 433.75 feet, coordinates, North 410,945.25 feet - East 2,255,347.20 feet; Thence North 89 degrees 29 minutes 18 seconds West parallel to said East Pike 560.0 feet to a point for corner, coordinates, North 409,950.25 feet - East 2,254,787.22 feet; Thence North 0 degrees 56 minutes 48 seconds West 200.0 feet to a point in the North line of said Buckner tract as per deed recorded in Volume 2600, Page 581, said point being the Southwest corner of the Frank Nick tract, coordinates North 410,150.22 feet - East 2,254,783.92 feet; Thence South 89 degrees 29 minutes 18 seconds East along said North line 280.0 feet to the Southeast corner of said Nick tract, coordinates North 410,147.22 feet - East 2,255,063.91 feet; Thence North 0 degrees 56 minutes 48 seconds West along the East line of said Nick tract, same being the West lines of the Buckner tracts, 233.75 feet to the point of beginning and containing 4.072 acres of land.

SECTION 2. That this Special Permit for Apartment "A-1" and Restricted Local Business "LB" 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.

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(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 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.

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 Apartment "A-1" and Restricted Local Business "LB" 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

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effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND ADOPTED THIS THE 19th DAY OF OCTOBER, 1959.


James Fontenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary