

ORDINANCE NO. 227

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 SITUATED IN THE M. L. SWING SURVEY, ABSTRACT NO. 1397 AND ROBERT BETHURUM SURVEY, ABSTRACT NO. 170, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING PART OF A TRACT CONVEYED BY QUITCLAIM DEED TO RUTH L. HANBY BY MARY RUTH HANBY DUKE AND HUSBAND CLIFFORD L. DUKE AS RECORDED IN VOLUME 3853, PAGE 109 OF DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A WEST CORNER OF A PORTION OF SAID TRACT, SAID POINT BEING ON THE EAST LINE OF BELT LINE ROAD, (A 100' R.O.W.) SAID POINT ALSO BEING THE NORTHWEST CORNER OF THE GLENN C. GREEN ONE ACRE TRACT; THENCE NORTH 23 DEGREES 12' EAST, WITH THE EAST LINE OF BELT LINE ROAD, 530' TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 340' AND A CENTRAL ANGLE OF 23 DEGREES 12'; THENCE IN AN EASTERLY DIRECTION AND AROUND SAID CURVE 140' TO THE END OF SAID CURVE; THENCE EAST, 162'; THENCE SOUTH 33 DEGREES 16' EAST, 18'; THENCE SOUTH 23 DEGREES 12' WEST, 676' TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 750' AND A CENTRAL ANGLE OF 23 DEGREES 12'; THENCE IN A SOUTHERLY DIRECTION AND AROUND SAID CURVE 300' TO THE END OF SAID CURVE; THENCE SOUTH 20' TO A POINT ON THE SOUTH LINE OF SAID HANBY TRACT; THENCE WEST 150' TO THE SOUTHEAST CORNER OF MESQUITE BUILDING AND SUPPLY COMPANY ONE ACRE TRACT; THENCE NORTH 12 DEGREES 36' WEST, WITH THE EASTERLY LINE OF SAID BUILDING AND SUPPLY COMPANY TRACT, 204.43' TO A POINT ON THE SOUTHERLY LINE OF THE GLENN C. GREEN TRACT; THENCE WITH THE SAID GLENN C. GREEN TRACT, AS FOLLOWS: NORTH 75 DEGREES 08' EAST, 150'; NORTH 12 DEGREES 36' WEST, 38.31'; NORTH 23 DEGREES 12' EAST, 148.32'; NORTH 66 DEGREES 48' WEST, 200' TO THE PLACE OF BEGINNING AND CONTAINING 5.2 ACRES OF LAND 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 to allow Commercial uses as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

Being a tract of land situated in the M. L. Swing Survey, Abstract No. 1397 and Robert Bethurum Survey, Abstract No. 170, City of Mesquite, Dallas County, Texas, and being part of a tract conveyed by Quitclaim deed to Ruth L. Hanby by Mary Ruth Hanby Duke and husband Clifford L. Duke as recorded in Volume 3853, Page 109 of Dallas County Deed Records and being more particularly described as follows: BEGINNING at a west corner of a portion of said tract, said point being on the east line of Belt Line Road, (a 100' R.O.W.) said point also being the northwest corner of the Glenn C. Green one acre tract; Thence N 23 deg. 12' E, with the east line of Belt Line Road, 530' to the beginning of a curve to the left having a radius of 340' and a central angle of 23 deg. 12'; Thence in an easterly direction and around said curve 140' to the end of said curve; Thence East, 162'; thence S 33 deg. 16' E, 18'; Thence S 23 deg. 12' W, 676' to the beginning of a curve to the left having a radius of 750' and a central angle of 23 deg. 12'; Thence in a southerly direction and around said curve 300' to the end of said curve; Thence South 20' to a point on south line of said Hanby tract; Thence West 150' to the southeast corner of Mesquite Building and Supply Company one acre tract; Thence N 12 deg. 36' W, with the easterly line of said Building and Supply Company tract, 204.43' to a point on the southerly line of the Glenn C. Green tract; Thence with the said Glenn C. Green tract, as follows: N 75 deg. 08' E, 150'; N 12 deg. 36' W, 38.31'; N 23 deg. 12' E, 148.32'; N 66 deg. 48' W, 200' to the place of beginning and containing 5.2 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, site plan for the foregoing described tract of land to have Commercial uses shall be approved by the City Planning and Zoning Commission and that the 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 means of ingress and egress shall be as indicated on the approved site plan.
- (4) 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

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developer shall bear the total cost of all such improvements.

(5) That off-street parking facilities shall be provided if and when buildings are constructed, and shall not be less than the requirement of Ordinance No. 120 for each use and occupancy.

(6) 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.

(7) That the City of Mesquite water and sanitary sewer lines shall be extended to and through the above tract at the cost of the owner and developer and shall be in accordance with the City's specifications.

(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) 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.

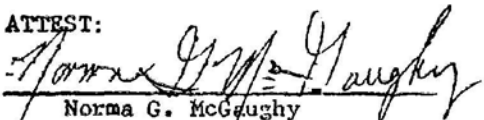
(10) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

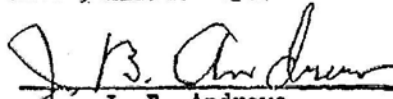
SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

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 required 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 March, 1959.

ATTEST:


Norma G. McGaughey
City Secretary


J. B. Andrews
Mayor