

ORDINANCE NO. 228

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 M. L. SWING SURVEY, ABSTRACT NO. 1397, AND BEING PART OF A 14.5 ACRE TRACT CONVEYED TO RUTH L. HANBY BY QUIT CLAIM DEED DATED MAY 18, 1953, AND FILED IN DALLAS COUNTY, TEXAS, DEED RECORDS, IN VOLUME 3853, PAGE 109, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT A 3/8" 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 WEST RIGHT OF WAY LINE OF BELT LINE ROAD, SOUTH 23 DEGREES 12 MINUTES WEST 578 FEET TO A 3/4" PIPE FOR CORNER; THENCE SOUTH 84 DEGREES 34 MINUTES WEST 133.8 FEET TO A 3/8" 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 HIS SOUTHEAST CORNER BEING ALSO THE NORTHEAST CORNER OF ANNA MAE LORRAINE 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" ROD THE SOUTHEAST CORNER OF C. A. KEAHEY TRACT; THENCE WITH THE SOUTHEAST LINE OF C. A. KEAHEY NORTH 23 DEGREES 12 MINUTES EAST 100.5 FEET A 3/8" 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 AND CONTAINING 3.7958 ACRES; 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

Ordinance No. 228

Page 2

and Zoning Commission, subject to the special conditions contained herein:

Being a tract of land out of the M. L. Swing Survey, Abstract No. 1397, and being part of a 14.5 acre tract conveyed to Ruth L. Hanby by Quit Claim Deed dated May 18, 1953, and filed in Dallas County, Texas, Deed Records, in Volume 3853, page 109, and being more particularly described by metes and bounds as follows: Beginning at a 3/8" 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 West right of way line of Belt Line Road, South 23 degrees 12 minutes West 578 feet to a 3/4" pipe for corner; Thence South 84 degrees 34 minutes West 133.8 feet to a 3/8" 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 his Southeast corner being also the Northeast corner of Anna Mae Lorraine 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" rod the Southeast corner of C. A. Keahey tract; Thence with the Southeast line of C. A. Keahey North 23 degrees 12 minutes East 100.5 feet a 3/8" 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 and containing 3.7958 acres;

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 developer shall bear the total cost of all such improvements.
- (5) That off-street parking facilities shall be provided if and when buildings

Ordinance No. 228
Page 3

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 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.

(8) 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.

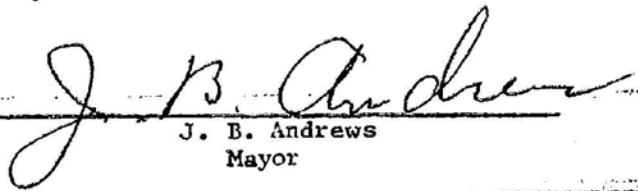
(9) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

(10) 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.

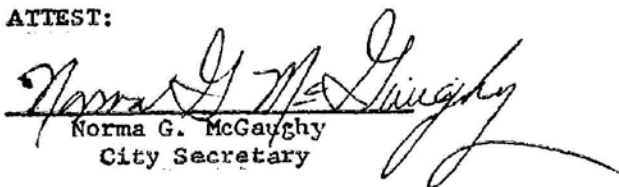
SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

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 3rd day of March, 1959.


J. B. Andrews
Mayor

ATTEST:


Norma G. McGaughy
City Secretary