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ORDINANCE NO. 387

AN ORDINANCE OF THE CITY OF MESQUITE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY CHANGING THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTY FROM A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A BOWLING CENTER TO A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A DRIVE-IN RESTAURANT AND RETAIL SHOPS, AS DESIGNATED AND APPROVED BY THE CITY PLANNING COMMISSION, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; AND THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE PLANS AND SPECIFICATIONS SUBMITTED THEREFOR AND APPROVED BY THE CITY PLANNING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning 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 publication 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, and the zoning on said property shall be changed from a Special Permit allowing the construction and operation of a bowling center to a Special Permit allowing the construction and operation of a Drive-in Restaurant and Retail Shops, as designated and approved by the City Planning Commission, subject to the special conditions contained herein:

Being a tract of land situated in the T. Thomas Survey, Abstract No. 1461, and also being out of Block 2 of Country Club Estates No. 1, an addition to the City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

Beginning at a point on the Northeasterly line of Gus Thomasson Road (a 90-foot right-of-way), said point being North 45 degrees 03 minutes West 135.0 feet from the Northwesternly line of Tam O'Shanter Drive (a 100-ft. right-of-way), and iron stake for corner;

Thence North 45 degrees 03 minutes West 144.51 feet along the Northeasterly line of said Gus Thomasson Road to the South corner of the Seven-Eleven Stores tract, an iron stake for corner;

Thence North 44 degrees 43 minutes East 108.0 feet along the Southeasterly line of the said Seven-Eleven Stores tract, to the East corner of said tract, an iron stake for corner;

Thence North 45 degrees 03 minutes West 136.0 feet along the Northeasterly line of the said Seven-Eleven Stores tract, to a point on the Southeasterly line of Country Club Park No. 2, an addition to the City of Dallas, Dallas County, Texas, an iron stake for corner;

Thence North 44 degrees 43 minutes East 192.06 feet along the Southeasterly line of said Country Club Park No. 2, an iron stake for corner;

Thence South 45 degrees 06 minutes East 441.50 feet to a point on the Northwesterly line of Tam O'Shanter Drive, an iron stake for corner;

Thence along the Northwesterly line of said Tam O'Shanter Drive, the following:

South 44 degrees 54 minutes West 20.47 feet, an iron stake for corner;

South 62 degrees 15 minutes West 83.82 feet, an iron stake for corner;

South 44 degrees 54 minutes West 84.96 feet to the East corner of the Humble Oil Co. tract, an iron stake for corner;

Thence North 45 degrees 03 minutes West 135.0 feet along the Northeasterly line of the said Humble Oil Co. tract to the North corner of said tract, an iron stake for corner;

Thence South 44 degrees 54 minutes West 115.0 feet along the Northwesterly line of said Humble Oil Co. tract to the place of beginning, and containing 2.2 acres of land and being the property conveyed to Quintus Realty Co., Inc. a Texas corporation, by deed dated February 2, 1959, executed by Z. L. Majors, Trustee, filed for record in the office of the County Clerk of Dallas County, Texas, in Volume 5061, Page 427 of the Deed Records of Dallas County, Texas.

Section 2. That this Special Permit allowing the construction and operation of a Drive-in Restaurant and Retail Stores, as designated and approved by the City Planning 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 all on-site improvements shall be specified on approved site plan;

(2) That prior to any construction a site plan shall be submitted and shall be approved by the City Planning 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 Commission;

(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 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 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 right-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 sewer lines shall be extended and service shall be made available 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

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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 Commission;


(11) That screening shall be as specified by the Planning Commission;

(12) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

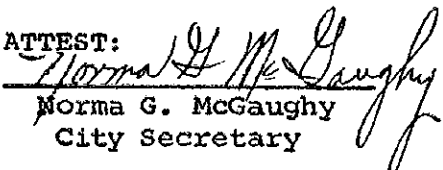
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

Section 4. WHEREAS, it appears that the subject property of this ordinance is to be used under a Special Permit allowing the construction and operation of a Drive-in Restaurant and Retail Shops, as designated and approved by the City Planning 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 5th day of September, 1961.


B. W. Cruce, Jr.
Mayor

ATTEST:


Norma G. McGaughy
City Secretary