

ORDINANCE NO. 2410  
File No. SKV-1

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM COMMERCIAL TO SERVICE STATION WITH THE ADDED USE OF A RESTAURANT WITH CERTAIN STIPULATIONS; THE .92 ACRE TRACT IS LOCATED 185 FEET SOUTHEAST OF THE GROSS ROAD AND WINDBELL CIRCLE INTERSECTION; CITY OF MESQUITE, DALLAS COUNTY, TEXAS; AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; 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 State laws with reference to granting of zoning change under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from Commercial to Service Station with the added use of a restaurant and with the following stipulations: 1) A median cut is required and must be approved by Staff, and 2) No diesel gasoline sales to 18 wheel trucks is allowed; The subject .92 acre tract is located 185 feet southeast of the Gross Road and Windbell Circle intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

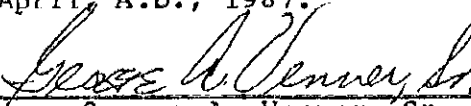
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

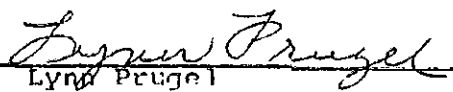
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of April, A.D., 1987.

  
George A. Venner, Sr.  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

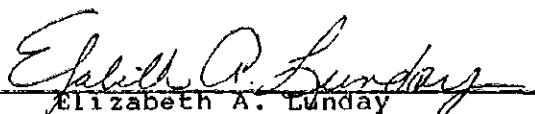
  
Elizabeth A. Lunday  
Assistant City Attorney

EXHIBIT "A"

WHEREAS ERIC ERIKSSON INC. is the owner of a tract of land in the DANIEL TANNER SURVEY, ABSTRACT NO. 1462, said tract being part of Lots 2A, 2B, 2P, Block B of REPLAT OF LOT 2, BLOCK A SKYLINE VILLAGE NO. 37, PHASE III, an addition to the City of Mesquite, recorded in Volume Page , Deed Records of Dallas County, Texas, said tract being more particularly described as follows:

Beginning at an iron rod for a corner on the Southwest line of Cross Road, said Point of Beginning being South 45°09'25" East, 185.0 from the most Southerly intersection of Cross Road and Windbell Circle, said Point of Beginning also being the most Northerly corner of said Replat recorded in Volume , Page and the most Easterly corner of SKYLINE VILLAGE NO. 37 PHASE I, an addition to the City of Mesquite, recorded in Volume H4029, Page 2090 Deed Records of Dallas County, Texas;

THENCE: South 45°09'25" East with the Northeast line of said Replat and Southwest line of Cross Road, 200.00 feet to an iron rod for a corner;

THENCE: South 44°50'35" West, a distance of 200.00 feet to an iron rod for a corner;

THENCE: North 45°09'25" West, a distance of 200.00 feet to an iron rod for a corner on the Northwest line of said Replat and the Southeast line of said Skyline Village No. 37, Phase I;

THENCE: North 44°50'35" East, with the Northwest line of said Replat, and the Southeast line of said Skyline Village No. 37, Phase I, a distance of 200.00 feet to the POINT OF BEGINNING and containing 40,000.00 square feet of land.

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Residential:  
 R-1, R-2, R-3-Single Family; D-Duplex  
 A-1, A-2, A-3-Apartments; PD-Planned  
 Development  
 Business:  
 O-Office; GR-General Retail; MU-Mixed  
 Use; SB-Service Station; LA-Light  
 Commercial; C-Commercial; CBD-Centre  
 Business District; I-Industrial

**CHANGE OF ZONING:** Racetrac Petroleum,  
 Inc. From Commercial to Service Station with  
 the added use of a restaurant. Located 185'  
 southeast of the Cross Road and Windbell  
 Circle intersection.

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