

ORDINANCE NO. 2648

File No. SKB-1

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, SO AS TO GRANT A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT SERVICE STATION WITH THE ADDED USE OF A RESTAURANT WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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 Planned Development Service Station with the added use of a restaurant and with the following stipulations:

- 1) No diesel fuel sales will be allowed;
- 2) A brick facing be provided around the front pedestal/price sign;
- 3) Landscaping be provided with additional crepe myrtles as shown on the revised landscape plan presented to the City Council; and
- 4) A six foot brick wall be provided to screen the dumpster.

The subject 0.703 acre tract is located southeast of the Town East Blvd. and U.S. Hwy. 80 service road intersection as shown on the filed plat of the Skyline Business Park Addition, Section 2, Block D recorded in the Dallas County Records, January 16, 1975; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

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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 as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2000.00) 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 18th day of December, 1989.


George A. Venner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Rugele
City Secretary


B.J. Smith
City Attorney

STATE OF TEXAS)
)
 COUNTY OF DALLAS)

OWNERS CERTIFICATE

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WHEREAS, TOTAL ROAD RUNNER, INC., is the owner of a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being a portion of Lot 1, Block D, of Skyline Business Park, Section Two, an addition to the City of Mesquite, as recorded in Volume 15012, Page 697, of the Plat Records of Dallas County, Texas, said tract also being part of a 1.670 acre tract of land conveyed to Electronic Data Systems Corporation Retirement Plan and Trust by deed recorded in Volume 85012, Page 3627, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the South line of Samuell Blvd. (a 120' R.O.W.) and the East line of Town East Blvd. (a 100' R.O.W.), same point of intersection being the Northwest corner of said 1.670 acre tract, a 1/2" iron pin found at corner;

THENCE, N 89° 56' 07" E, along said Samuell Blvd. South line, a distance of 175.00 feet to a 1/2" iron pin found at corner;

THENCE, S 00° 14' 12" E, leaving said Samuell Blvd. South line, a distance of 175.00 feet to a 1/2" iron pin found at corner;

THENCE, S 89° 56' 07" W, a distance of 175.00 feet to a point on said Town East Blvd. East line, a 1/2" iron pin found at corner;

THENCE, N 00° 14' 12" W, along said Town East Blvd. East line, a distance of 175.00 feet, to the PLACE OF BEGINNING and containing 30,625 square feet or 0.7031 acres of land.

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