

ORDINANCE NO. 2820
File No. EG-3

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CHANGE OF ZONING FROM SERVICE STATION TO PLANNED DEVELOPMENT/GENERAL RETAIL WITH THE ADDED USE OF A DRIVE IN RESTAURANT; 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 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 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, 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 Service Station to Planned Development/General Retail with the added use of a drive in restaurant, with final site plan approval delegated to the Staff. The subject 0.6085 acre tract is located at the southeast corner of the East Glen Boulevard and Pioneer Road intersection as shown of the filed plat of the East Glen Phase I Addition, Block B, Lot 78C as recorded in the Dallas County Records April 23, 1992; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 Mesquite Zoning Ordinance.

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

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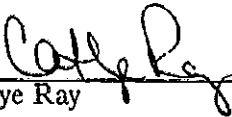
current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 Mesquite 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 Mesquite Zoning Ordinance 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 (\$2,000.00) 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 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.

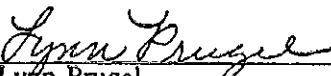
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of July, 1992.




Cathye Ray
Mayor

ATTEST:

APPROVED:



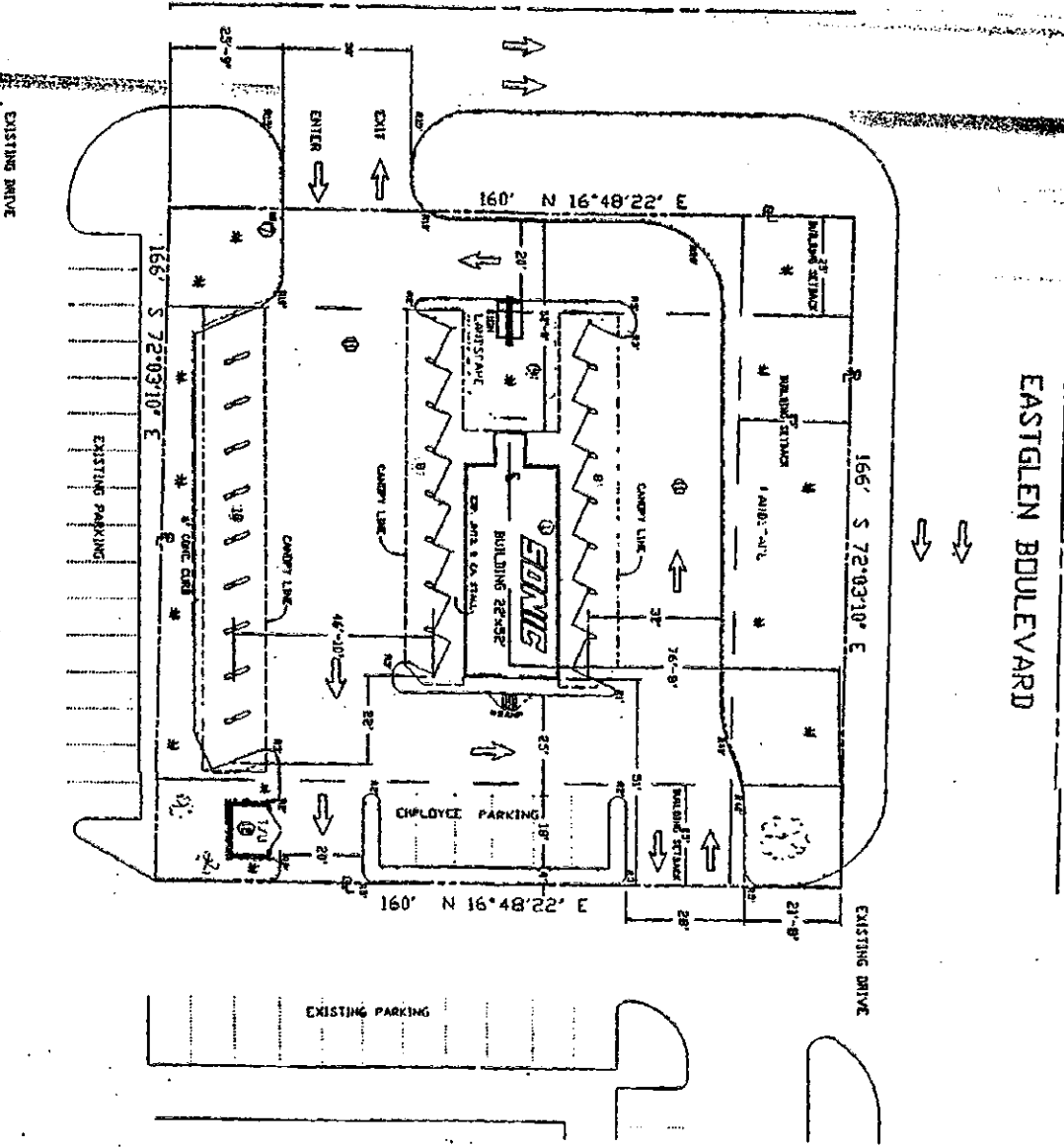
Lynn Prugel
City Secretary



B.J. Smith
City Attorney

00117

PIONEER ROAD



PRELIMINARY
SITE SKETCH
SONIC DRIVE IN
A COMMERCIAL FACILITY
WITH 26 STALLS
MESQUITE, TEXAS
5-15-92

Scale 1" = 20'



FOOD LION

**JACKSON & ASSOCIATES
LAND SURVEYORS****PROPERTY DESCRIPTION**

Being a tract of land situated in the Thomas Scott Survey, Abstract No. 1353, City of Mesquite, Dallas County, Texas and being Lot 78-C, Block B of a Replat of Part of Lot 78, Block B of East Glen Phase I & Replat of Blocks 6, 7, and 8 of Mesquite Highlands, an Addition to the City of Mesquite according to the Plat thereof recorded in Volume 92080, Page 2871, of the Map Records of Dallas County, Texas, and being more particularly described as follows:

Beginning at a 1/2 inch iron rod found at a corner clip at the intersection of the east right-of-way line of Pioneer Drive (100' R.O.W.) with the south right-of-way line of East Glen Boulevard (100' R.O.W.);

Thence, South 72 degrees 03 minutes 10 seconds East, along the south right-of-way line of East Glen Boulevard, a distance of 156.00 feet to a 1/2 inch iron rod set for the northwest corner of Lot 78-A Block B of said Addition;

Thence, South 16 degrees 48 minutes 22 seconds West, along the most northerly northwest line of said Lot 78-A, a distance of 160.00 feet to a 1/2 inch iron rod with RPLS #3949 cap set for a reentrant corner of said Lot 78-A;

Thence, North 72 degrees 03 minutes 10 seconds West, along the most westerly northwest line of said Lot 78-A, a distance of 166.00 feet to a 1/2 inch iron rod set in the east right-of-way line of Pioneer Drive;

Thence, North 16 degrees 48 minutes 22 seconds East, along the east right-of-way line of Pioneer Drive a distance of 150.00 feet to a 1/2 inch iron rod set for a corner clip;

Thence, North 62 degrees 22 minutes 36 seconds East, along said corner clip, a distance of 14.00 feet the Point of Beginning and containing 26,505 square feet or 0.6085 acres of land.