

ORDINANCE NO. 3016

File No. 1462-214

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 APPROVE A CHANGE IN ZONING FROM SERVICE STATION TO PLANNED DEVELOPMENT SERVICE STATION, PERMITTING A FULL-SERVICE RESTAURANT IN CONJUNCTION WITH SELF-SERVICE GASOLINE SALES; 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 approve a change of zoning from Service Station to Planned Development Service Station, permitting a Full-Service Restaurant in conjunction with self-service gasoline sales. The subject property is a 0.97 acre tract located at the intersection of I 635, Military Parkway and West Scyene Road; 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

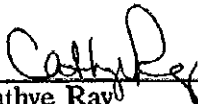
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

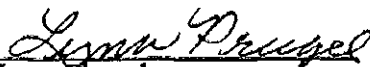
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of February, 1995.



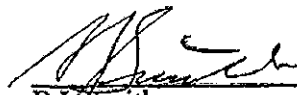
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

WHEREAS, Chevron U.S.A., Inc. is the owner of all that certain 0.9700 acre lot, tract or parcel of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, which is described as "Tract No. 2" in a conveyance to Gulf Oil Corporation by Jack L. Burnell, by general warranty deed recorded in Volume 69206, Page 0977, of the Dallas County Deed Records; does hereby plat and designate 0.9700 acres of land, as CHEVRON #1, same being more particularly described by metes and bounds as follows:

BEGINNING at a concrete highway monument found at the Southeast corner of the tract herein described, same being at the intersection of the North line of Military Parkway, a 200 foot right-of-way, with the West line of LBJ Freeway (Interstate Highway Loop No. 635), a variable width right-of-way;

THENCE leaving said LBJ Freeway, along and with the North line of said Military Parkway, NORTH 86°42'45" WEST, a distance of 256.14 feet to a 1" iron rod set for the Southwest corner of the tract of land herein described, same being the Southeast corner of Lot 1 of Block 1 of the FREEWAY ADDITION, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 74226, Page 0036, of the Dallas County Map Records;

THENCE leaving said Military Parkway, along and with the East line of said Lot 1, Block 1, FREEWAY ADDITION, NORTH 11°51'30" WEST, a distance of 141.03 feet to an "x" set in concrete at the Northeast corner of said Lot 1, Block 1, for the Northwest corner of the tract of land herein described, same being on the South line of Scyene Road, a 100 foot right-of-way;

THENCE leaving said Lot 1, Block 1, along and with the South line of said Scyene Road, the following courses and distances numbered (1) through (3);

(1) NORTH 77°04' EAST, a distance of 130.54 feet to an "x" set in concrete at the Point of Curvature of a curve to the left;

(2) 50.04 feet along the arc of said curve, to the left, having a radius of 1687.02 feet, a delta angle of 01°41'58", and a chord which bears, NORTH 76°13'01" EAST, a distance of 50.03 feet to an "x" set at the End of Curvature at a corner clip at the intersection of said Scyene Road, with the aforesaid LBJ Freeway;

(3) SOUTH 78°50'20" EAST, a distance of 66.14 feet to a concrete monument with brass cap found, for the Northeast corner of the tract of land herein described, same being on the West line of said LBJ Freeway;

THENCE leaving said Scyene Road, along and with the West line of said LBJ Freeway, SOUTH 13°39'20" EAST, a distance of 186.31 feet to the PLACE OR POINT OF BEGINNING and CONTAINING 0.9700 ACRES OF LAND, more or less, within the herein described metes and bounds.

00206