

ORDINANCE NO. 3243
File No. 1462-226

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 ZONING CHANGE FROM SERVICE STATION TO PLANNED DEVELOPMENT SERVICE STATION WITH A DRIVE THROUGH FOOD SERVICE FACILITY SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 zoning change from Service Station to Planned Development Service Station with a drive through food service facility, subject to the following stipulations:

1. Permitting all uses allowed in the Service Station District;
2. Permitting a food service facility in conjunction with self-service gasoline sales;
3. Prohibiting the service and parking of trucks with a rated carrying capacity of 2 tons or more, according to the manufacture's classification; and
4. No overnight truck parking.

The subject property is a 1.60 acre tract located at the south corner of the Gross Road and Peachtree Road intersection and platted as Lot 1, Block 1, Peachtree/Gross Addition, Dallas County, Texas, as shown in the attached Exhibit "A".

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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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 are 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.

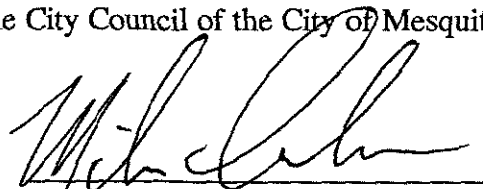
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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 3rd day of August, 1998.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney

FIELD NOTES

PEACHTREE/GROSS ADDITION
BLOCK 1, LOT 1
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

WHEREAS, SOLO STAR REALTY, INC. is the owner of a tract of land situated in the Daniel Tanner Survey, Abstract Number 1462, City of Mesquite, Dallas County, Texas as described in Special Warranty Deed recorded in Volume 93221, Page 0041 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with red plastic cap stamped "USA INC RPLS 2026" set (hereinafter called 1/2 inch iron rod set) for corner at the intersection of the Southwest line of Gross Road (120 foot right-of-way) with the Southeast line of Peachtree Road (100 foot right-of-way);

THENCE South 43 degrees 07 minutes 10 seconds East, along the Southwest line of said Gross Road for a distance of 250.00 feet to a 1/2 inch iron rod set for corner, from which a 1/2 inch iron rod found bears South 43 degrees 07 minutes 10 seconds East, a distance of 193.33 feet.

THENCE South 47 degrees 02 minutes 35 seconds West, departing the Southwest line of said Gross Road and parallel to the Southeast line of said Peachtree Road for a distance of 280.00 feet to a 1/2 inch iron rod set for corner;

THENCE North 43 degrees 07 minutes 10 seconds West, parallel to the Southwest line of said Gross Road for a distance of 250.00 feet to a 1/2 inch iron rod set for corner in the Southeast line of said Peachtree Road, from which a 3/8 inch iron rod found bears South 47 degrees 02 minutes 35 seconds West, 460.89 feet;

THENCE North 47 degrees 02 minutes 35 seconds East, along the Southeast line of said Peachtree Road for a distance of 280.00 feet to the POINT OF BEGINNING and containing 70,000 square feet or 1.6069 acres of land, more or less.

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