

ORDINANCE NO. 3355

File No. EDE-19

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 OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT COMMERCIAL PERMITTING A MAXIMUM OF TEN GASOLINE PUMPS (TWENTY DISPENSERS) WITH 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 changes 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 Commercial to Planned Development Commercial, permitting all uses in commercial and permitting a maximum of ten gasoline pumps (twenty dispensers) with the following stipulations, provisions and regulations:

1. The building exterior shall be red brick with red brick columns to match; and
2. Lighting fixtures closest to Hanby Drive shall have opaque shields to control glare.

The subject property is located at the southwest corner of the Belt Line Road and Hanby Drive intersection, City of Mesquite, Dallas County, Texas, and is 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

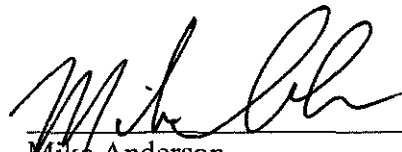
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 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 17th day of April, 2000.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney

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Field Notes
Zoning File No. EDE-19

STATE OF TEXAS:
COUNTY OF DALLAS:

WHEREAS RaceTrac Petroleum, Inc. is the sole owner of a 1.081 acre tract of land situated in the S.W. Caldwell Survey, Abstract No. 337, City of Mesquite, Dallas County, Texas, and being all of that called 1.0808 acre tract of land described in deed to Beltline Pavilion Partners Ltd recorded in Volume 94226, Page 342, Deed Records of Dallas County, Texas (DRDCT) and being a portion of Lot 8-A of the Replat of EAST DALLAS ESTATES an addition to the City of Mesquite described by plat recorded in Volume 78054, Page 3255, DRDCT, said 1.081 acre tract of land being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with cap stamped "NDM #2609" found for the southeast corner of said 1.0808 acre tract of land same being the most easterly northeast corner of Lot 6R, Block 1 of EAST DALLAS ESTATES an addition to the City of Mesquite described by plat recorded in Volume 95193, Page 4700, DRDCT and being in the westerly right-of-way line of Belt Line Road, (a 100-foot right-of-way);

THENCE North 88°14'57" West along the common line of said 1.0808 acre tract of land and said Lot 6R, a distance of 214.00 feet to a 1/2-inch iron rod with cap stamped "NDM #2609" found for the southwest corner of said 1.0808 acre tract of land;

THENCE North 01°36'20" East continuing along said common line, a distance of 220.00 feet to a 1/2-inch iron rod with cap stamped "Bury+Pittman" found for the northwest corner of said 1.0808 acre tract of land same being the most northerly northeast corner of said Lot 6R and being in the southerly right-of-way line of Hanby Drive, (a 50-foot right-of-way);

THENCE South 88°14'57" East along said southerly right-of-way line, a distance of 220.00 feet to a chiseled "x" found for the northeast corner of said 1.0808 acre tract of land being the point of intersection of said southerly right-of-way line with the aforementioned westerly right-of-way line of Belt Line Road;

THENCE South 01°36'20" West along said westerly right-of-way line, a distance of 220.00 feet to the POINT OF BEGINNING;

CONTAINING a computed area of 47,080 square feet or 1.081 acres of land.