

ORDINANCE NO. 198

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955 BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY WHICH IS PRESENTLY ZONED RESIDENTIAL, TO WIT: BEGINNING AT A POINT IN THE WEST LINE OF NORTH GALLOWAY STREET 745.5 FEET, MORE OR LESS, NORTH OF THE CENTER LINE OF KEARNEY STREET; SAID POINT BEING THE SOUTHEAST CORNER OF THE D. T. REDDEN SIX ACRE TRACT OF LAND; THENCE WEST 110 FEET ALONG THE D. T. REDDEN SOUTH LINE; THENCE SOUTH 120 FEET PARALLEL TO GALLOWAY STREET; THENCE EAST 110 FEET PARALLEL WITH D. T. REDDEN SOUTH LINE TO GALLOWAY STREET; THENCE NORTH 120 FEET ALONG THE WEST LINE OF NORTH GALLOWAY STREET TO THE PLACE OF BEGINNING, TO BE USED UNDER A SPECIAL PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A DRIVE-IN RESTAURANT, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE PLANS AND SPECIFICATIONS SUBMITTED THEREFOR AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR PENALTY, AND DECLARING AN EMERGENCY.

WHEREAS, the City 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 the State Law with reference to the granting of Special Permit under the Zoning Ordinance regulations and zoning map have given the requisite notices by publications and otherwise and after holding due hearing and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof, the governing body of the City of Mesquite is of the opinion that said Special Permit should be granted, subject to the conditions set out herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 120 enacted by the City Council on May 3, 1955 be and is hereby amended insofar as the hereinafter described property is concerned, which is presently zoned Residential, shall be used under a Special Permit for the construction and operation of a drive-in restaurant, subject to the special conditions contained herein;

Beginning at a point in the west line of North Galloway

Street 745.5 feet, more or less, North of the center line of Kearney Street; said point being the Southeast corner of the D. T. Redden six acre tract of land; THENCE West 110 feet along the D. T. Redden South line; THENCE South 120 feet parallel to Galloway Street; THENCE East 110 feet parallel with D. T. Redden South line to Galloway Street; THENCE North 120 Feet along the West line of North Galloway Street to the place of beginning.

SECTION 2. That this Special Permit for the construction and operation of a drive-in restaurant on the hereinabove described property is approved and granted upon the following express conditions and in accordance with Section 4 of the Zoning Ordinance.

- (1) That the site plan for the construction and operation of a drive-in restaurant shall be approved by the City Planning and Zoning Commission and shall be generally in conformance therewith. Such approved site plan may be revised or amended if such revision or amendment thereof is first approved by the City Planning and Zoning Commission.
- (2) That all on-site improvements shall be specified on approved site plan.
- (3) That all adjacent uses of property shall be indicated on approved site plan.
- (4) That all means of ingress and egress shall be as indicated on the approved site plan.
- (5) That all streets, service drives, parking areas and alleys shall be paved and drainage structures and curbs and gutters installed in accordance with the City of Mesquite requirements and as indicated on the approved site plan; and that the developer shall bear the total cost of all such improvements.
- (6) That off-street parking facilities shall be provided as indicated on the approved site plan, and shall not be less than the requirement of Ordinance No. 120 for each use and occupancy.
- (7) That all utility services shall be shown on site plan and shall conform to the City's specifications and be as approved by the City's Engineer.
- (8) The City of Mesquite water and sanitary sewer lines shall be

extended to and service shall be made available for developed portion of the above tract at the cost of the owner and developer and shall be in accordance with the City's specifications and regulations.

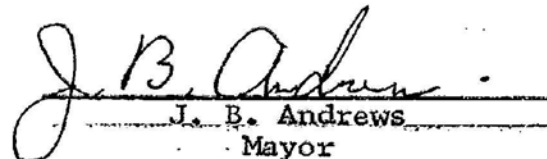
(9) That no signs or bill boards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type. No sign or billboard shall be permitted of a flashing or intermittently lighted type. That the location of any sign other than as stated above shall be first approved by the City Planning and Zoning Commission.

(10) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

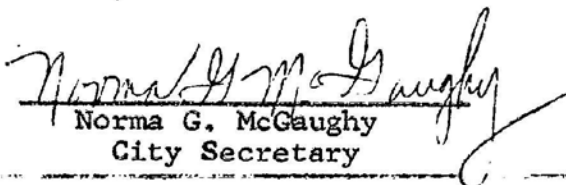
SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit for the construction and operation of a drive-in restaurant, subject to certain conditions and will serve the public interest, comfort and general welfare and requires that this Ordinance shall take effect immediately from and after its passage and it accordingly so ordained.

PASSED AND APPROVED this 18th day of February, 1958.



J. B. Andrews
Mayor

ATTEST:



Norma G. McGaughy
City Secretary