

ORDINANCE NO. 218

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: BEING A LOT, TRACT OR PARCEL OF LAND SITUATED IN DALLAS COUNTY, TEXAS, AND BEING A PART OF THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462; BEGINNING AT THE INTERSECTION OF THE NORTHWEST LINE OF S. H. MILLER SURVEY, ABSTRACT NO. 947, WITH THE SOUTH LINE OF MILITARY EXPRESSWAY; THENCE SOUTH 45 DEGREES WEST WITH THE NORTHWEST LINE OF SAID S. H. MILLER SURVEY, AND ALONG AN OLD ESTABLISHED FENCE LINE, 411.8 FEET TO A POINT FOR CORNER; IN THE EAST LINE OF HICKORY TREE ROAD; THENCE NORTH WITH THE EAST LINE OF HICKORY TREE ROAD, AND ALONG A FENCE 278 FEET TO A POINT FOR CORNER; THENCE NORTH 47 DEGREES 11 MINUTES EAST WITH A FENCE LINE, 40.83 FEET TO A POINT FOR CORNER IN THE SOUTH LINE OF MILITARY EXPRESSWAY; THENCE SOUTH 86 DEGREES 48 MINUTES 30 SECONDS EAST WITH SAID LINE OF MILITARY EXPRESSWAY AND ALONG A FENCE, 261.74 FEET TO THE PLACE OF BEGINNING AND CONTAINING 1.0174 ACRES OF LAND, TO BE USED UNDER A SPECIAL PERMIT TO ALLOW CONSTRUCTION AND OPERATION OF A DRIVE-IN RESTAURANT, AS DESIGNATED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION, 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 Permits 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 to allow the construction and operation of a drive-in restaurant as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein;

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Being a lot, tract or parcel of land situated in Dallas County, Texas, and being a part of the Daniel Tanner Survey, Abstract No. 1462; Beginning at the intersection of the Northwest line of S. H. Miller Survey, Abstract No. 947, with the South line of Military Expressway; Thence South 45 degrees West with the Northwest line of said S. H. Miller Survey, and along an old established fence line, 411.8 feet to a point for corner; in the East line of Hickory Tree Road; thence North with the East line of Hickory Tree Road, and along a fence 278 feet to a point for corner; Thence North 47 degrees 11 minutes East with a fenceline, 40.83 feet to a point for corner in the South line of Military Expressway; Thence South 86 degrees 48 minutes 30 seconds East with said line of Military Expressway and along a fence, 261.74 feet to the place of beginning and containing 1.0174 acres of land.

SECTION 2. That this Special Permit to allow the construction and operation of a drive-in restaurant as designated and approved by the City Planning and Zoning Commission 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 prior to any construction, site plan for the foregoing described tract of land to allow the construction and operation of a drive-in restaurant shall be approved by the City Planning and Zoning Commission and that the development 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 means of ingress and egress shall be as indicated on the approved site plan.
- (4) 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.
- (5) That off-street parking facilities shall be provided if and when buildings are constructed, and shall not be less than the requirement of Ordinance No. 120 for each use and occupancy.
- (6) That the width of all streets and rights-of-way shall be in conformance with the City of Mesquite thoroughfare and street plan and shall be indicated on the approved site plan, dedicated and improved to the minimum requirements of the City.
- (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.

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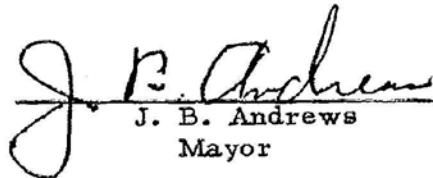
(8) That no signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type. No sign or billboard shall be permitted of a flashing or intermittently lighted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

(9) That the City of Mesquite water and sanitary sewer lines shall be extended to and through the above tract at the cost of the owner and developer and shall be in accordance with the City's specifications.

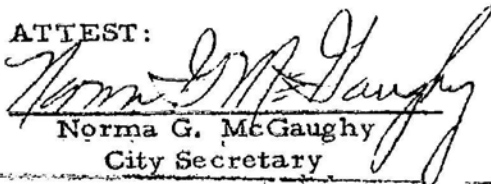
SECTION 3. That any person, firm or corporation violating any of the terms and provisions of this Ordinance shall be subject to the same penalties provided for in Ordinance No. 120.

SECTION 4. WHEREAS, it appears that the subject property of this Ordinance is to be used under a Special Permit to allow the construction and operation of a drive-in restaurant as designated and approved by the City Planning and Zoning Commission; 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 is accordingly so ordained.

PASSED AND ADOPTED this the 7th day of October, 1958.

  
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J. B. Andrews  
Mayor

ATTEST:

  
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Norma G. McGaughey  
City Secretary