

ORDINANCE NO. 3498

File No. 973-8

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 GENERAL RETAIL TO PLANNED DEVELOPMENT GENERAL RETAIL 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 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 General Retail to Planned Development General Retail to allow the following:

1. All uses permitted in the General Retail District as indicated in the *Schedule of Permitted Uses* shall be permitted.
2. A drive-in restaurant shall be permitted subject to the following stipulations:
  - a. The exterior structure of the building shall be brick, similar in color to surrounding businesses.
  - b. The interior columns in the patio area shall be brick to match exterior of the building.
  - c. The dumpster shall be screened in a brick enclosure matching the exterior of the building.
  - d. The landscaping shall meet minimum standards.
  - e. The site plan review shall be delegated to the staff.

That the subject property is a 0.8831-acre tract located 175-feet east of the Cartwright Road and Pioneer Road intersection, more fully described in the approved field notes 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.

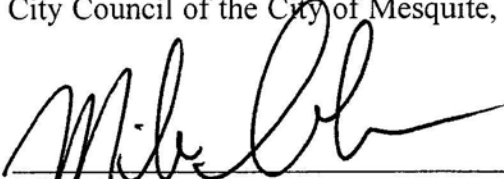
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

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.

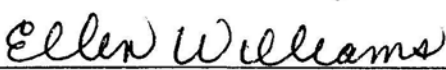
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. That 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 7th day of May, 2002.

  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

Field Notes and Location Map  
Zoning File No. 973-8

**Sonic – City of Mesquite, Dallas County, Texas**  
**April 18, 2002**

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**Being a 0.8831 acre tract of land (38,468 square feet) lying in the James P. Moore Survey, Abstract No. 973, City of Mesquite, Dallas County, Texas, being out of and a portion of that certain called 4.373 acre tract of land conveyed to Ralph H. Throneberry on October 20, 1993 and recorded in Volume 93208 on Page 0789 the Deed Records of Dallas County, Texas, said 0.8830 acres being more particularly described by metes and bounds as follows:**

**Commencing at a 5/8" rod found marking the east right-of-way line of Pioneer Road (a variable width public roadway), the northwest corner of that certain called 2.669 acre tract of land as described in an instrument to Chris C. Paulsen and Tamara S. Paulsen of record in Volume 98180 on Page 2797 of the said Deed Records and being the southwest corner of the said 4.373 acre tract;**

**Thence S 89°32'11" W with the North line of the called 2.669 acre tract and the Most Westerly South line of the said 4.373 acre tract for a distance of 195.51' to a ½" Rod with yellow cap stamped "ACCESS-5163" found marking the Point of Beginning and the Southwest corner of the herein described tract;**

**Thence N 01°09'58" W over and across the said 4.373 acre tract and with the West line of the herein described tract for a distance of 287.77' to a ½" Rod with yellow cap stamped "ACCESS-5163" found marking the North line of the said 4.373 acre tract, the South right-of-way line of Cartwright Road (variable width public roadway) and being the Northwest corner of the herein described tract;**

**Thence N 89°06'46" E with the South right-of-way line of Cartwright Road, the North line of the said 4.373 acre tract and the North line of the herein described tract for a distance of 148.08' to the Northwest corner of that certain 0.1074 acre tract of land as described in an instrument to the City of Mesquite on September 14, 2000, of record in Volume 2001014 on Page 1759 of the said Deed Records and being the Northeast corner of the herein described tract;**

**Thence S 00°53'14" E, over and across the said 4.373 acre tract, with the West line of the said 0.1074 acre tract and the Most Northerly East line of the herein described tract for a distance of 65.00' to the Southwest corner of the said 0.1074 acre tract and being an angle point in the East line of the herein described tract;**

Field Notes and Location Map  
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**Thence N 89°06'46" E**, over and across the said 4.373 acre tract, with the South line of the said 0.1074 acre tract and the East line of the herein described tract **for a distance of 24.05' to a point** for corner marking the centerline of a 30' wide Drainage Ditch Easement described in Exhibit "4" of record in County Clerk's File No. 2001 023 03883 of the Real Property Records of Dallas County, Texas and being an angle point in the East line of the herein described tract;

**Thence S 20°23'11" W**, over and across the said 4.373 acre tract, along the centerline of the said Drainage Easement and with the East line of the herein described tract **for a distance of 182.64' to a point** for corner marking the Northwest corner of that certain Lot 7 in Block G of the Revised Windsor Manor Addition No. 2, an addition to the City of Mesquite, according to the map or plat of record in Volume 81125 on Page 893 of the said Deed Records, an angle point in the South line of the said 4.373 acre tract, an angle point in the said Drainage Easement and being an angle point in the East line of the herein described tract;

**Thence S 07°47'54" W** along the East line of the said Drainage Easement, with the West line of Lot 7 and Lot 8 of the said Addition, the Most Southerly East line of the said 4.373 acre tract and the East line of the herein described tract **for a distance of 53.90' to a point** for corner marking an angle point in the South line of the said 4.373 acre tract, the Southeast corner of the said Drainage Easement, the Northeast corner of the called 2.669 acre tract and being the Southeast corner of the herein described tract;

**Thence S 89°32'11" W** with the North line of the called 2.669 acre tract, the South line of the said 4.373 acre tract, the South line of the said Drainage Easement and the South line of the herein described tract **for a distance of 96.33' to the point and place of beginning, containing in area 0.8831 acres (38,468 square feet) of land, more or less.**

This describes Lot No. 2 of the *proposed* Windsor Manor Retail Addition, Block No. 1, City of Mesquite, Dallas County, Texas.

# Cartwright Road

(variable width r.o.w.)

**Pioneer Road**  
(variable width R.O.W.)

1" = 50'

## Windsor Manor Retail Addition, Block 1

Prepared by:

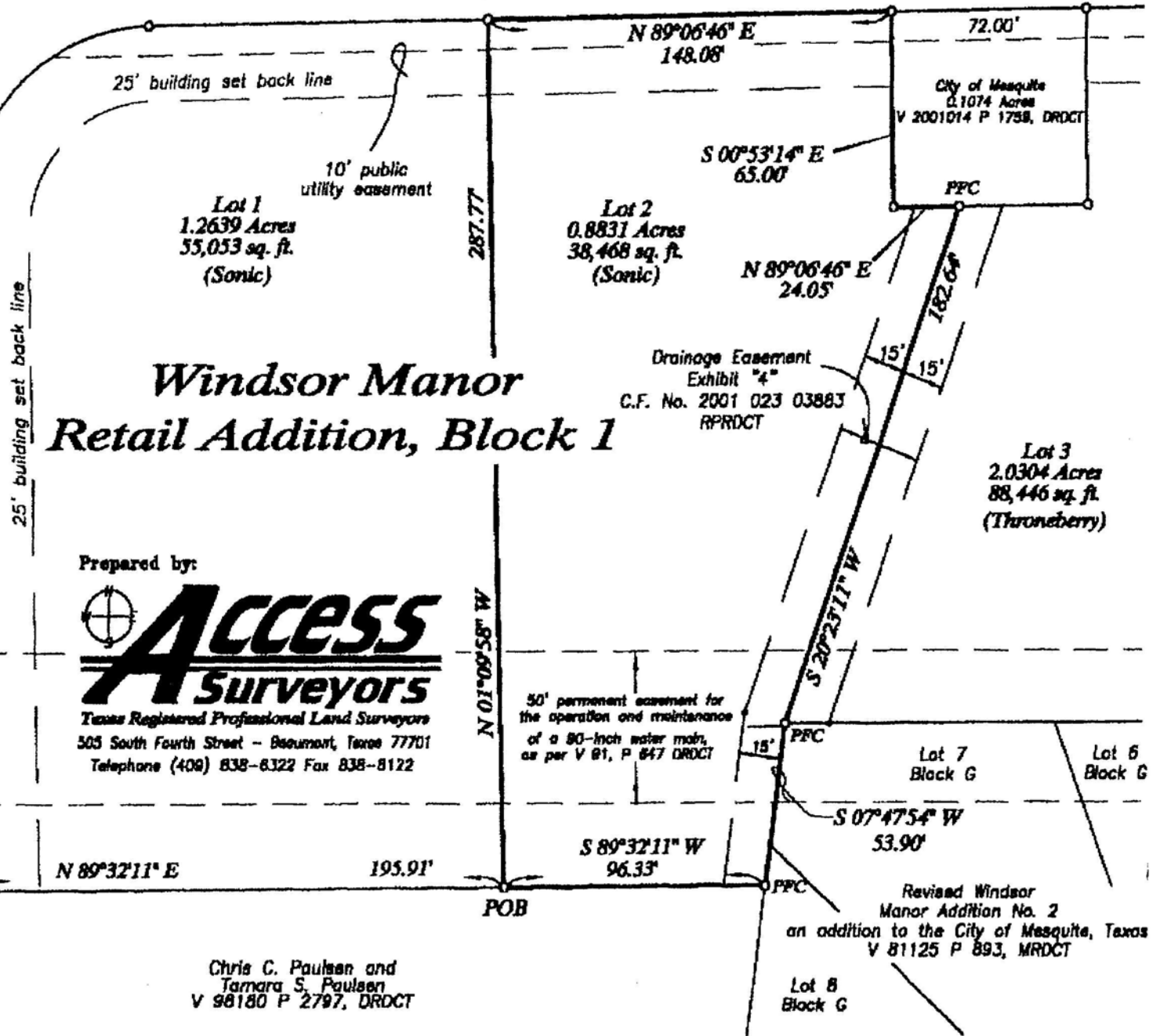
**ACCESS**  
**Surveyors**

Texas Registered Professional Land Surveyors  
505 South Fourth Street - Beaumont, Texas 77701  
Telephone (409) 838-8322 Fax 838-8122

Chris C. Paulsen and  
Tammara S. Paulsen  
V 98180 P 2797, DRDCT

April 18, 2002  
q/2419-lot2.dwg

Found  
5/8" Rod  
POC



City of Mesquite  
0.1074 Acres  
V 2001014 P 1758, DRDCT

Drainage Easement  
Exhibit "4"  
C.F. No. 2001 023 03883  
RPRDCT

50' permanent easement for  
the operation and maintenance  
of a 80-inch water main,  
as per V 81, P 847 DRDCT

Revised Windsor  
Manor Addition No. 2  
an addition to the City of Mesquite, Texas  
V 81125 P 893, MRDCT

Lot 8  
Block G

Lot 7  
Block G

Lot 6  
Block G

Lot 3  
2.0304 Acres  
88,446 sq. ft.  
(Throneberry)

Lot 2  
0.8831 Acres  
38,468 sq. ft.  
(Sonic)

Lot 1  
1.2639 Acres  
55,053 sq. ft.  
(Sonic)

S 00°53'14" E  
65.00'

N 89°06'46" E  
24.05'

N 89°06'46" E  
148.08'

72.00'

287.77'

PFC

PFC

PFC

PFC

POB

25' building set back line

25' building set back line

10' public  
utility easement

(variable width R.O.W.)

N 01°09'58" W

S 07°47'54" W  
53.90'

182.64'  
15'  
15'

N 89°32'11" E  
195.91'

S 89°32'11" W  
96.33'