

ORDINANCE NO. _____
File No. Z0621-0204

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – SERVICE STATION ORDINANCE NO. 3016 TO PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 3016 WITH MODIFICATIONS TO THE SPECIAL CONDITIONS TO ALLOW A CONVENIENCE STORE WITH LIMITED FUEL SALES WITHIN 500 FEET OF A RESIDENTIAL DISTRICT AND TO ALLOW AN INCREASE IN THE MAXIMUM NUMBER OF VEHICLE FUELING POSITIONS ON PROPERTY LOCATED AT 1712 WEST SCYENE ROAD; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

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

SECTION 1. The subject property (“**Property**”) is described as being approximately 0.97 acres, platted as Freeway Addition, Block A, Lot 3, and more fully described in the legal descriptions attached as Exhibit A, and located at 1712 West Scyene Road, Mesquite, Dallas County, Texas.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Planned Development – Service Station Ordinance No. 3016 to Planned Development – General Retail Ordinance No. 3016 with modifications to the special conditions to allow for a convenience store with limited fuel sales within 500 feet of a residential district and to allow an increase in the maximum number of vehicle fueling positions on the Property subject to compliance with the Development Standards and the Concept Plan attached hereto as Exhibits B and C respectively and incorporated herein by reference.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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. Any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of August 2021.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary



David L. Paschall
City Attorney

**MURPHY MESQUITE – HWY. 635 & MILITARY PARKWAY
REZONING DESCRIPTION**

BEING a 0.9669 acre tract of land located in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, said 0.9669 acre tract of land being all of **LOT 3, BLOCK A, FREEWAY ADDITION**, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 95040, Page 1, Deed Records, Dallas County, Texas (D.R.D.C.T.), said 0.9669 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 2 inch brass monument stamped “GULF OIL CO. PROP CORNER” found at the southeast lot corner of said Lot 3, same being at the intersection of the west right-of-way line of Interstate Highway No. 635 (being a variable width public right-of-way with controlled access, a portion of said right-of-way being conveyed to the State of Texas, by deed thereof filed for record in Volume 658, Page 1261, D.R.D.C.T.) with the north right-of-way line of Military Parkway (being a variable width public right-of-way);

THENCE North 87°45’28” West (North 86°42’45” West – Called), along the south lot line of said Lot 3 and along the said north right-of-way line, a distance of 256.51 feet (256.13 feet – Called) to a 1/2 inch iron rod found (Controlling Monument) at the southwest lot corner of said Lot 3, same being the southeast lot corner of Lot 2, Block 1, Freeway Addition, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 74226, Page 36, D.R.D.C.T.;

THENCE North 12°54’07” West (North 11°51’30” West – Called) along the common lot line of said Lots 2 and 3, a distance of 141.42 feet (141.03 feet – Called) to a 1/2 inch iron rod found (Controlling Monument) at the northwest lot corner of said Lot 3, same being the northeast lot corner of said Lot 2, and being on the south right-of-way line of West Scyene Road (being a variable width public right-of-way);

THENCE North 76°29’37” East (North 77°04’00” East – Called) along the northwest lot line of said Lot 3 and along the said south right-of-way line, a distance of 130.59 feet (130.54 feet – Called) to a 5/8 inch iron rod with a cap stamped “SPOONER” found at the beginning of a tangent curve to the left having a radius of 1,687.02 feet;

THENCE continuing along the said lot line and the said right-of-way line, with said curve to the left, an arc length of 50.02 feet (50.03 feet -Called), and across a chord which bears North 75°38’37” East (North 76°13’01” East – Called), a chord length of 50.02 feet (50.03 feet – Called) to an “X” cut in concrete found at the most northerly lot corner of said Lot 3, same being at the westerly end of a corner clip located at the intersection of the said south right-of-way line with the aforementioned west right-of-way line of Interstate Highway No. 635;


THENCE South 79°24’31” East, along a northeast lot line of said Lot 3 and along the said corner clip, a distance of 66.13 feet to a 1/2 inch iron rod found (Controlling Monument) at the most easterly northeast lot corner of said Lot 3, same being at the easterly end of the said corner clip;

THENCE South 14°52’26” East (South 13°39’20” East – Called), along the east lot line of said Lot 3 and along the said west right-of-way line of Interstate Highway No. 635, a distance of 184.82 feet (186.31 feet – Called) to the **POINT OF BEGINNING**.

The hereinabove described tract of and contains a computed area of **0.9669 acres (42,118 square feet)** of land, more or less.

The basis of bearings for this survey is NAD83 Texas North Central Zone (4202). All distance shown are surface.

I do hereby certify that the above legal description was prepared from public records and from an actual and accurate survey upon the ground and that same is true and correct.



6/10/2021
Surveyors Name: Eric S. Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooners and Associates, Inc.
Texas Board of Professional Land Surveying Firm No. 10054900
Surveyed on the ground May 11th, 2020



EXHIBIT B
DEVELOPMENT STANDARDS

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This Planned Development General Retail (PD-GR) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopt base district standards corresponding with the Concept Plan attached hereto and incorporated herein as Exhibit C and as identified below. The following regulations apply to this PD-GR district. Where these regulations conflict with or overlap another ordinance, the more stringent restriction will prevail.

- A. **Permitted Land Uses.** Uses in the PD-GR are limited to those permitted in the GR – General Retail zoning district, as amended, and subject to the following.
1. Any land use requiring a Conditional Use Permit (CUP) in the GR zoning district, as amended, is only allowed if a CUP is approved for the use.
 2. The following uses are permitted by right:
 - I. SIC 549.a – Convenience Store
 - II. SIC 554 – Fuel Sales (maximum 16 vehicle fueling positions)
- B. **Development Standards.** In addition to the requirements of the GR base zoning district, the Planned Development is subject to the following.
1. Open space, as defined by the Mesquite Zoning Ordinance, must be a minimum of 24% of the lot.
 2. All pole signage must have an irrigated landscaped area consisting primarily of bushes, shrubs, and ornamental grasses that is equal to or greater in size than the surface area of one sign face of the pole sign and shall be installed around the base of the sign.
 3. Pump islands shall be located a minimum of 410 feet from any residential district.

