

ORDINANCE NO. _____
File No. Z1119-0120

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT - SERVICE STATION ON PROPERTY LOCATED AT 2650 INTERSTATE HIGHWAY 30 TO ALLOW A CONVENIENCE STORE WITH MORE THAN EIGHT FUELING POSITIONS, A RESTAURANT AND A LAUNDROMAT SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; 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 law 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. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Light Commercial to Planned Development - Service Station to allow a convenience store with more than eight fueling positions, a restaurant and a laundromat subject to certain stipulations. Such stipulations are attached hereto as Exhibit "A," incorporated herein by reference and made a part thereof.

SECTION 2. That the subject property is described as approximately 3.598 acres and located at 2650 Interstate Highway 30 (the "Property"), and is more fully described in Exhibit "B" attached hereto.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise the same shall remain in full force and effect.

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

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 (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 \$2,000.00 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. That this ordinance shall take effect and be in force from and after five days after publication.

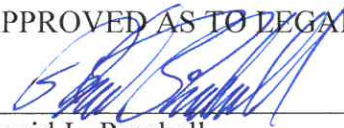
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of January 2020.

Bruce Archer
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

1. All uses permitted in the Service Station District are allowed on the Property except as modified in Subsections "a" and "b" of this paragraph. The uses permitted in the Planned Development are subject to the same requirements applicable to the uses in the Service Station District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Service Station District only by conditional use permit ("CUP") is permitted in this District only by CUP.
 - a. The following uses are permitted on the Property:

SIC Code 7215: Dry Cleaning / Coin-Operated Laundries
 - b. The following uses are prohibited on the Property:

SIC Code 75: Automotive Repair, Services
2. Window signs are (a) prohibited from three feet above the ground to at least six feet above the ground; and (b) limited to no more than 25 percent of the remaining window area.
3. Incidental outdoor display is prohibited.
4. The operator of the convenience store shall provide, maintain and operate at least three color digital high-resolution surveillance cameras in the convenience store in compliance with the following:
 - a. The cameras shall have a minimum of 450 lines of resolution, a lux lower than one. One camera shall be placed to capture a view of the face of the customer at the service counter. Another camera shall be placed with view of each entrance / exit area. Additional camera(s) shall be placed with an exterior view of each parking lot.
 - b. The entrance / exit area camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face entering or leaving the store.
 - c. The cameras shall be functional and provide views unobstructed by inventory or other matter, 24 hours a day, including hours when the store is not open for business and shall display the date and time of the recording.
 - d. The owner shall provide the Police Department with digital color images in connection with criminal investigations upon request.
 - e. The owner shall maintain a library of the recorded digital images for not less than 30 days.
 - f. A convenience store shall have posted at all public exits and entrances signs or decals indicating that surveillance cameras are in use.

5. A convenience store shall maintain an unobstructed line of sight allowing a clear view of and from the cash register and sales transaction area through all windows and public access doors. The unobstructed line of sight must, at a minimum, extend from three feet above the ground to at least six feet above the ground.
6. Store windows and doors must be clear of all items that would obstruct a clear view from three feet above the ground to at least six feet above the ground including, but not limited to, blinds, tinting, signage, advertisements, shelving and merchandise.

PROPERTY DESCRIPTION

STATE OF TEXAS §
COUNTY OF DALLAS §

BEING a tract of land situated in the THEOPHALUS THOMAS LEAGUE SURVEY, ABSTRACT NO. 1461, City of Mesquite, Dallas County, Texas and being all of Lot 1R, Block A, Towne Crossing, an addition to the City of Mesquite, Dallas County, Texas according to the plat thereof recorded in Volume 98121, Page 0051, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod with plastic cap stamped "roome" found for the most northerly corner of said Lot 1R, Block A, said iron rod being situated in the southeast right-of-way line of Interstate Highway 30 (variable width right-of-way)

THENCE South 35 deg 58 min 44 sec East, departing said southeast right-of-way line and along the southwest line of Lot 6, Block A of said Towne Crossing Addition, a distance of 562.15 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" set for corner in the northwest line of Lot 4, Block A, Towne Crossing, an addition to the City of Mesquite, Dallas County, Texas according to the plat thereof recorded in Volume 84234, Page 1833, D.R.D.C.T.;

THENCE South 43 deg 50 min 17 sec West, along said northwest line, a distance of 62.99 feet to a 1/2 inch iron rod found for corner;

THENCE North 35deg 58 min 44 sec Eest, a distance of 264.28 feet to a 1/2 inch iron rod found for corner;

THENCE South 54deg 01 min 16 sec West, a distance of 324.24 feet to a 1/2 inch iron rod found for corner;

THENCE South 44deg 06 min 06 sec West, a distance of 53.02 feet to a 1/2 inch iron rod found for corner;

THENCE along said northeasterly right-of-way line of Gus Thomasson Road (variable width right-of-way)the following:

North 45 deg 53 min 54 sec West, a distance of 254.45 feet to a 1/2 inch iron rod with plastic cap stamped "4613" found for corner at the southwest end of a corner clip at the intersection of said northeasterly right-of-way line with the southeasterly right-of-way line of said Interstate Highway 30;

THENCE North 20 deg 50 min 05 sec East, along said corner clip, a distance of 123.30 feet to a 1/2 inch iron rod with red plastic cap stamped "WAI" set for the northeast end

of said corner clip, said iron rod being situated in the southeasterly right-of-way line of said Interstate Highway 30;

THENCE North 54 deg 01 min 16 sec East, along said southeasterly right-of-way line, a distance of 379.10 feet to the POINT OF BEGINNING.

CONTAINING within these metes and bounds 3.598 acres or 156,731.90 square feet of land, more or less.