

ORDINANCE NO. 3285

File No. 161-10

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 IN ZONING REQUEST FROM GENERAL RETAIL WITH STIPULATIONS TO PLANNED DEVELOPMENT GENERAL RETAIL; 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 zoning change from General Retail with stipulations to Planned Development General Retail, subject to the following stipulations:

1. All uses as permitted in the General Retail District and allowing gasoline sales with a maximum of six pumps (12 fueling stations) in conjunction with a convenience store.
2. Compliance with all requirements and standards of Section 3-504 Gasoline Sales.
3. Compliance with Section 1A-303A – District Screening adjacent to the residential district to the north, and provisions of screening/buffering along Mayfair to include an 8 foot masonry wall and landscaping as referenced on Exhibit “3” of the staff report. The Mayfair screening/buffering must be installed in conjunction with any development on the site and is required to be maintained by the property owner. If development occurs on the lot that is not adjacent to Mayfair, easements or other assurances of maintenance must be provided regarding the landscape area on Mayfair.
4. Loading docks shall not be permitted on the north side of the structure (grocery store).

5. The Development Site Plan shall be in compliance with the concept plan presented.
6. Lighting requirements will be addressed at Site Plan review with additional specific consideration given to light intrusion to the northern residential area.
7. Screening of rooftop HV AC units.
8. The three-foot strip on the north side between the eight-foot screening wall and the alley pavement to be paved with the three-foot pavement sloped to prevent this area from being a driveable strip.

The subject property is a 15.6 acre tract located at the northwest corner of the Bruton Road and Pioneer Road intersection, City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

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 subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, 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. Whereas, 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 15th day of March, 1999.



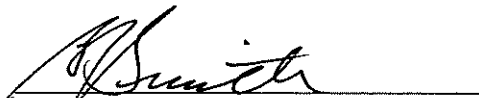
Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B.J. Smith
City Attorney

LEGAL DESCRIPTION

File No.: 161-10

BEGIN, a 15.613 acre tract of land situated in the E. Barroux Survey, Abstract No. 161, City of Mesquite, Dallas County, Texas; said tract being comprised of part of the same tract described in Warranty Deed to Polaris Properties II, a Texas joint venture, recorded in Volume 85057, Page 2180 of the Deed Records of Dallas County, Texas; and part of the same tract described in Warranty Deed to Polaris Properties III, a Texas joint venture, recorded in Volume 85057, Page 2166 of the Deed Records of Dallas County, Texas; said 15.613 acre tract being more particularly described as follows;

BEGINNING, at a "+" cut in concrete set at the intersection of the north right-of-way line of Bruton Road (a 100 foot wide right-of-way) and the west right-of-way line of Pioneer Road (an 80 foot wide right-of-way);

THENCE, westerly, along said north line of Bruton Road the following five courses and distances:

North 89 degrees, 41 minutes, 00 seconds West, a distance of 169.72 feet to a 1/2-inch iron rod found at the beginning of a curve to the left whose center bears South 00 degrees, 18 minutes, 00 seconds West, a distance of 609.81 feet from said point;

southwesterly, along said curve to the left, through a central angle of 30 degrees, 00 minutes, 00 seconds, an arc distance of 319.30 feet, on a chord bearing and distance of South 75 degrees, 19 minutes, 00 seconds West, 315.66 feet to a 1/2-inch iron rod found at the end of said curve;

South 60 degrees, 19 minutes, 00 seconds West, a distance of 134.84 feet to a 3/8-inch iron rod for corner at the beginning of a curve to the right whose center bears North 29 degrees, 41 minutes, 00 seconds West, a distance of 1069.62 feet from said point;

westerly, along the said curve to the right, through a central angle of 30 degrees, 00 minutes, 00 seconds, an arc distance of 560.05 feet, on a chord bearing and distance of South 75 degrees, 19 minutes, 00 seconds West, 553.68 feet to a 1/2-inch iron rod found for corner at the end of said curve to the right;

North 89 degrees, 41 minutes, 00 seconds West, a distance of 125.00 feet to 1/2-inch iron rod found at the said north line of Bruton Road and the east right-of-way line of Mayfair Road (a 50 foot wide right-of-way);

THENCE, northerly, departing the said north line of Bruton Road and along the said east line of Mayfair Drive, the following five courses and distances

North 00 degrees, 19 minutes, 00 seconds East, a distance of 343.76 feet to a 3/8-inch iron rod found at the beginning of a curve to the left whose center bears North 89 degrees, 41 minutes 00 seconds West, a distance of 300.00 feet from said point;

northerly, along the said curve to the left, through a central angle of 20 degrees, 00 minutes, 00 seconds, an arc distance of 104.72 feet, on a chord bearing and distance of North 09 degrees, 41 minutes, 00 degrees, West, 104.19 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the end of said curve;

North 19 degrees, 41 minutes, 00 seconds West, a distance of 156.00 feet to a 1/2-inch iron rod found for corner; said point being in a south line of Creek Park No. 1, an addition to the City of Mesquite, Texas according to the plat recorded in Volume 82215, Page 4161 of the Deed Records of Dallas County, Texas; said point also being the south line of an 18 foot wide alley;

THENCE, easterly, departing said east line of Mayfair Drive, and along the said south line of Creek Park No. 1 and the said 18 foot wide alley the following three courses and distances:

North 70 degrees, 19 minutes, 00 seconds East, a distance of 187.50 feet to a 1/2-inch iron rod with "Pacheco Koch" cap set at the beginning of a curve to the right whose center bears South 19 degrees, 41 minutes, 00 seconds East, a distance of 430.00 feet from said point;

northeasterly, along said curve to the right, through a central angle of 20 degrees, 00 minutes, 00 seconds, an arc distance of 150.10 feet, on a chord bearing and distance of North 80 degrees, 19 minutes, 00 seconds East, 149.34 feet to a 3/8-inch iron rod found at the end of said curve to the right;

South 89 degrees, 41 minutes, 00 seconds East, passing at a distance of 367.27 feet a 1/2-inch iron rod found at the southwest corner of the Casa Terrace Addition, 1st Section, an addition to the City of Mesquite, Texas according to the Final Plat recorded in Volume 43, Page 19 of the Map Records of Dallas County, Texas, continuing along the south line of said Casa Terrace Addition and a 15 foot wide alley, in all a distance of 997.27 feet to a 1/2-inch iron rod found for corner;

THENCE, South 00 degrees, 00 minutes, 17 seconds West, along the said west line of Pioneer Road, a distance of 390.60 feet to the POINT OF BEGINNING;

CONTAINING; 680,102 square feet or 15.613 acres of land more or less.