

ORDINANCE NO. 3988
File No. 1461-97B

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 AN AMENDMENT TO ORDINANCE NO. 2506 ON PROPERTY ZONED PLANNED DEVELOPMENT – SERVICE STATION THEREBY ALLOWING THE SALE OF DIESEL FUEL FOR DOMESTIC HOUSEHOLD VEHICLES ONLY 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 (\$2,000.00) DOLLARS 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 an amendment to Ordinance No. 2506 on property zoned Planned Development – Service Station subject to the following stipulations:

1. Diesel sales shall be limited to two-axle, single-unit domestic household vehicles only. No large trucks may enter the site except for fuel tankers servicing the fuel tanks and trucks making deliveries to the store.
2. The site must contain the current minimum standards for parking spaces as prescribed in the City of Mesquite Zoning Ordinance.
3. The height of existing or any future canopies covering fuel pump islands shall not increase.
4. Any existing or future diesel fuel pumps must be located at an indention of at least eight feet from the south-north outer edge of a canopy, underneath a canopy.
5. Two double-faced signs with a height of eight feet and a face size of 24 inches by 30 inches shall be erected on the property with the text “No Trucks” or shall show the universal symbol for no trucks as displayed below in the locations indicated on the attached Exhibit “A.”



6. Concrete wheel stops shall be placed on the north end of the parking spaces located between the building and the Northwest Drive right-of-way to prevent traffic from traversing through the site in front of the building.

That the subject property is an approximate one-acre platted lot at the northwest intersection of Northwest Drive and Interstate 30, platted as Prairie Hills Retail, Block 1, Lot 1, and is more fully described in the approved field notes in Exhibit "B" 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 are 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 (\$2,000.00) Dollars 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 15th day of September, 2008.



John Monaco
Mayor

ATTEST:

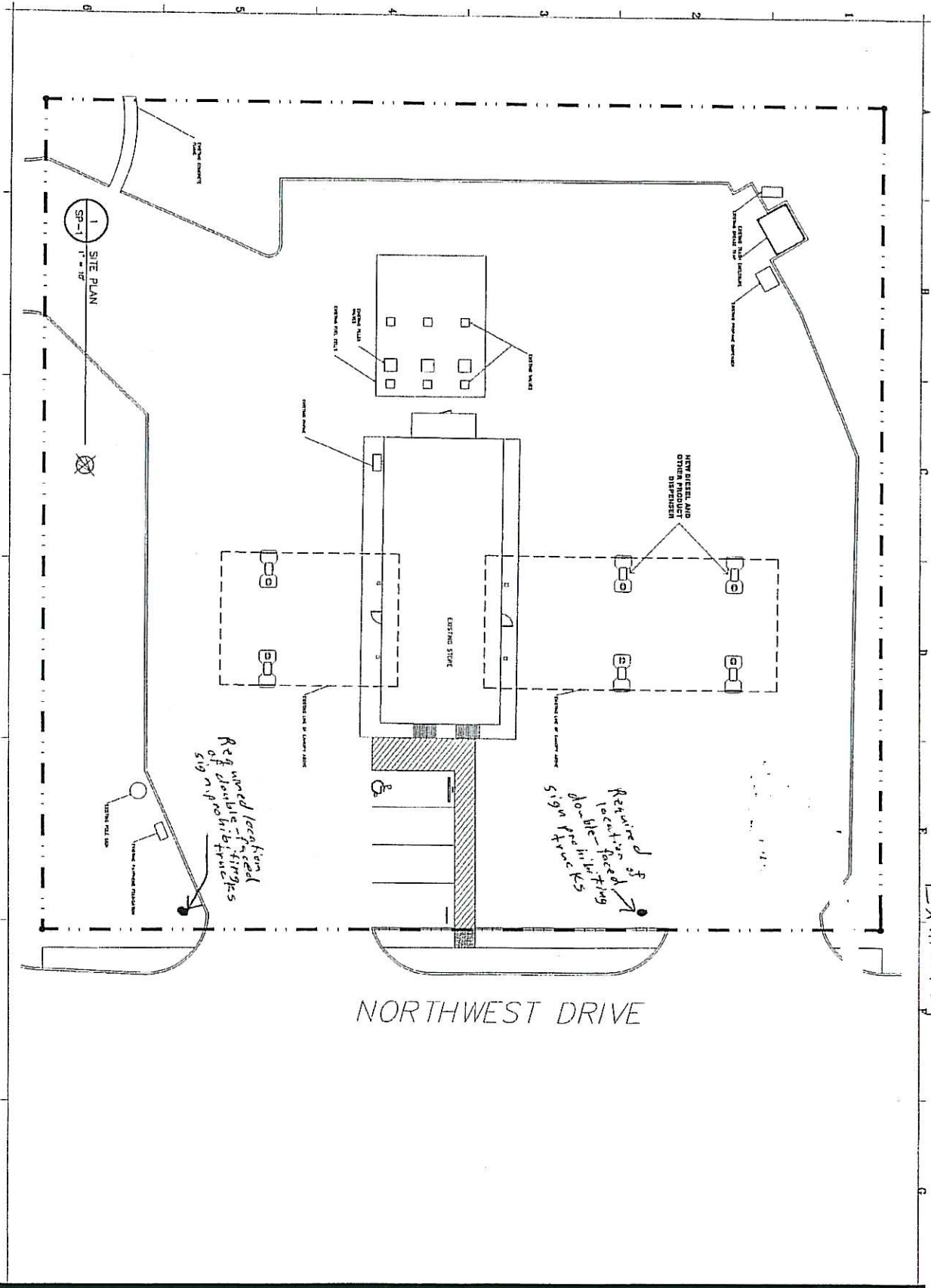


Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney



NORTHWEST DRIVE

EXHIBIT A

SP-1

REVISION	
DATE	
BY	
CHK'D	
APPROVED	
DESIGNED	
SCALE	
DATE	
PROJECT	
SHEET NO.	
TITLE	

PROJECT C.U.P. APPLICATION
VEC FACILITY 4517
 MESQUITE TEXAS
SITE PLAN
 SHEET TITLE

MARY FISK MANAGEMENT CO.
 ARCHITECT AND PLANNER
 1410 W. BAY DRIVE SUITE 100
 ARLING, TEXAS 76010
 (817) 221-1100

Valero
 Retail Holdings, Inc.



Field Notes for Zoning Case #1461-97B

Being a tract of land situated in the City of Mesquite, Dallas County, Texas, out of the T. THOMAS SURVEY, ABSTRACT 1461, and being part of a certain 19.01-acre tract conveyed to the Christian College of the Southwest, by Marie E. Oates et al, recorded in Volume 245, Page 0654 of the Deed if Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the Southwest line or Northwest Drive (100' R.O.W.) with the Northwest line of Interstate Highway 30, a ½" iron rod, same being on a curve to the left having a radius of 11,773.93 feet, a central angle of 0 degrees, 58 minutes, 24 seconds, and a tangent bearing of south 58 degrees, 41minutes, 10 seconds West;

THENCE Southwest with the Northwest line of said Highway and along said curve to the left an arc length of 200.00 feet to a ½" iron rod for a corner;

THENCE North 30 degrees, 35 minutes West, 202.55 feet parallel with the Southwest line of Northwest Drive to a ½" iron rod for a corner;

THENCE North 59 degrees, 25 minutes East, 200 feet to a ½" iron rod for a corner in the Southwest line of Northwest Drive;

THENCE South 30 degrees, 35 minutes East, 200 feet with the Southwest line of Northwest Drive, to the place of BEGINNING and containing 40,198.34 square feet of land.

The current legal description for this Property is Prairie Hills Retail, Block 1, Lot 1