

ORDINANCE NO. 4310
File No. 1462-275-2014

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 ON PROPERTY LOCATED AT 3228 MILITARY PARKWAY THEREBY ALLOWING A CONVENIENCE STORE WITH SIX FUEL PUMPS AND 12 FUELING POSITIONS 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 a change of zoning on property zoned General Retail to Planned Development-General Retail thereby allowing a convenience store with six fuel pumps and 12 fueling positions subject to the following stipulations:

1. Uses permitted-by-right shall be limited to those in the following SIC classifications:

Retail:	549a	Convenience Store with or without Fuel Sales and Incidental Check Cashing
	56	Apparel, Accessory Stores
	57	Furniture, Home Furnishings
	58	Eating, Drinking Places
	594	Miscellaneous Shopping Goods Stores
	5992	Florists

	5995	Optical Good Stores	
Finance, Insurance, Real Estate:	60-67	Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents & Brokers, Real Estate, Holding Companies	Except 61, Nondepository Institutions
Services:	722	Photographic, Portrait Studios	
	7291	Tax Preparation Services	
	7299	Tanning Salon Only	
	7334	Photocopying, Duplicating Services	
	80	Health Services	
	81	Legal Services	
	82	Educational Services	
	83	Social Services	
	87	Engineering, Accounting, Research, Management Services	

2. A maximum of six fuel pumps and 12 fueling positions is allowed.
3. Outdoor storage shall be prohibited.
4. Outdoor display shall be prohibited.
5. A maximum of four coin-operated amusement devices shall be permitted on the premises as an accessory use.

That the subject property is located at 3228 Military Parkway on the southeast corner of Sam Houston and Military Parkway, described as Daniel Tanner Abstract 1462, PG 640, TR 3, and is 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 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 (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.

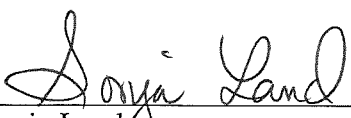
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 5th day of May, 2014.



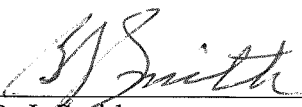
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

**LEGAL DESCRIPTION
3228 MILITARY PARKWAY
MESQUITE, TEXAS 75149
JOB NO. 56102 - GF NO. 001041364**

BEING a called 0.605 acre tract of land, in the Daniel Tanner Survey, Abstract No. 1462, and being a part of Lot 32 of the subdivision of said Tanner Survey as per map recorded in Volume 51, Page 283, in the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the Southeast line of said Lot 32 with the Northeast right-of-way line of Sam Houston Road (a 60 ft right-of-way street), said beginning point, being a 1/2 inch iron rod found;

THENCE North 44 degrees 56 minutes 30 seconds West, along said Northeast right-of-way line of Sam Houston Road, a distance of 182.53 feet, to a 1/2 inch iron rod found, for corner, being on the line of a cutback corner with Military Parkway;

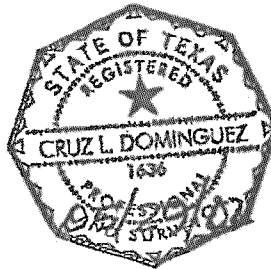
THENCE North 21 degrees 24 minutes 39 seconds East, along said cutback line a distance of 37.69 feet to a 1/2 inch iron rod found for corner, being a point on the South right-of-way line of Military Parkway (a 200 feet right-of-way street);

THENCE North 89 degrees 29 minutes 21 seconds East, along said South right-of-way line of Military Parkway, a distance of 279.83 feet to the intersection with the Southeast line of said Lot 32, for corner, being a 1/2 iron rod set;

THENCE South 44 degrees 37 minutes 43 seconds West, along said Southeast line of Lot 32, a distance of 234.36 feet to the POINT OF BEGINNING and containing 26281 square feet (0.603 acre) of land, more or less.

FIELD NOTES PREPARED BY

Cruz L. Dominguez
CRUZ DOMINGUEZ, RLPS NO. 1636



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