

ORDINANCE NO. 4322
File No. 974-10A-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 ON PROPERTY IDENTIFIED AS TRACT 1 ON THE NORTHEAST CORNER OF MILITARY PARKWAY AND INTERSTATE HIGHWAY 635 FROM COMMERCIAL WITH MILITARY PARKWAY – SCYENE CORRIDOR (MP-SC) OVERLAY TO PLANNED DEVELOPMENT – GATEWAY WITH MP-SC OVERLAY AND ON PROPERTY IDENTIFIED AS TRACT 2 ON THE WEST SIDE OF HONORARY ROAD BETWEEN MILITARY PARKWAY AND SCYENE ROAD FROM COMMERCIAL WITH MP-SC OVERLAY TO PLANNED DEVELOPMENT – COMMERCIAL WITH MP-SC OVERLAY THEREBY ALLOWING A CONVENIENCE STORE WITH UP TO 24 FUELING POSITIONS AND MODIFICATIONS FROM CERTAIN STANDARDS OF THE MP-SC OVERLAY SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 identified as Tract 1 as shown on Exhibit “A” and zoned Commercial with Military Parkway – Scyene Corridor (MP-SC) Overlay to Planned Development-Gateway with MP-SC Overlay subject to the following stipulations:

1. The premises shall be used for accessory bicycle parking in connection with permitted uses on Tract 2.

2. The Applicant shall dedicate an easement on the premises, the size and terms of which are mutually agreeable to the Applicant and the City, for public use as civic space in conjunction with the City's Trails Master Plan and for which the Applicant shall install City-approved bicycle racks and customer pedestrian and bicycle sidewalk connectivity between the premises and Tract 2.
3. The City may construct a gateway sign on the premises, the location and size of which are mutually agreeable to the City and the applicant.
4. The Applicant shall be eligible for a freeway-oriented monument sign on the premises subject to agreement with the Director of Community Development as provided in Sign Code Section 13-73(14)(c)(3), which in addition to its use for advertising purposes, shall identify the location as an entrance to the City's trail system and/or the Military Parkway – Scyene Corridor. The Director may grant a sign up to 30 feet in height, with an effective sign face up to 120 square feet, exclusive of the City's locational or directional signage.

That the subject property is located on the northeast corner of Military Parkway and Interstate Highway 635, and is more fully described in the approved field notes in Exhibit "A-1" attached hereto.

SECTION 2. 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 identified as Tract 2 as shown on Exhibit "A" and zoned Commercial with MP-SC Overlay to Planned Development - Commercial with MP-SC Overlay subject to the following stipulations:

1. In addition to other uses permitted-by-right, the premises may be used for a convenience store with a maximum of 6,000 square feet and up to 12 fuel pumps (24 fueling positions).
2. A convenience store with fuel pumps may provide for up to 4.5 parking spaces for each fuel pump, with a maximum of 54 spaces. The parking field shall not extend along Honorary Road more than 290 feet from the right-of-way line of Scyene Road. Any portion of the parking field outside the maximum allowable parking profile shall be effectively screened from Honorary Road with a short screen wall and/or landscaping. The parking spaces may apply as shared parking for subsequent subdivision and development of Tract 2. A minimum of two City-approved bicycle racks for every 10 parking spaces or portion thereof shall be provided near the north entrance of the primary structure, provided that half of such requirement may be located at the accessory bicycle parking area on Tract 1.
3. Building disposition and appearance:
 - a. The half-street assembly for Honorary Road shall consist of, beginning at the final right-of-way line, i) An eight-foot pedestrian-bicycle sidewalk between Military Parkway and Scyene Road; ii) An optional on-street loading and parking area for store deliveries; and iii) A vehicular travel

- lane. Portions of the assembly not occupied by on-street loading or parking shall be designed as landscaped parkway.
- b. The northeast façade of the primary structure may be set back a maximum of 15 feet from the right-of way line. The outermost projection of the northwest façade of the primary structure may be set back up to 90 feet from the north corner of Tract 2, and the area between the parking bay and curb line of Scyene Road shall be landscaped and maintained as usable open space in addition to all other required landscaping of the site.
 - c. The northeast façade of the primary structure shall be designed in accordance with Exhibit “B” with the service/delivery door located as illustrated.
4. Trash dumpster enclosures shall be located within the parking profile.
 5. Trails on Military Parkway shall be installed in conformance with the City’s Trails Master Plan.

That the subject property is located on the west side of Honorary Road between Military Parkway and Scyene Road, and is more fully described in the approved field notes in Exhibit “A-2” attached hereto.

SECTION 3. That, except as provided herein, the use and development of Tracts 1 and 2 and any subdivisions thereof, shall comply with the MP-SC Overlay District and all other development regulations of the City.

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 Mesquite City Code.

SECTION 5. 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.

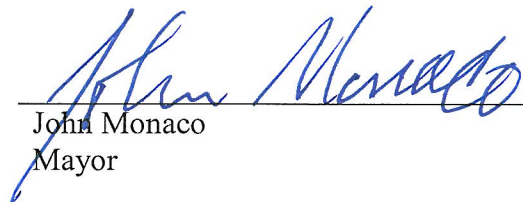
SECTION 6. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 7. 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.

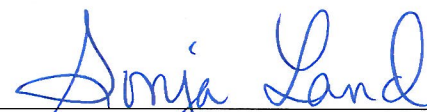
SECTION 8. That the properties described in Sections 1 and 2 of this ordinance require that they be given the above classification in order to permit their proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency 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 4th day of August, 2014.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney

EXHIBIT A



Request: Rezone to PD-C for Convenience Store
Applicant: Jason Acord, QuikTrip
Location: 1602 Military Pkwy & 1500 Scyene

Legend

 Subject Property

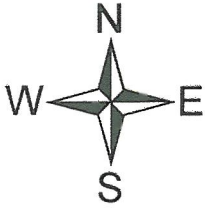


EXHIBIT A-1

LOT 1 BLOCK A GATEWAY CENTER ADDITION

BEING part of that tract of land conveyed by the Crosland Development Company, as recorded in Volume 85163, Page 5137 of the Deed Records of Dallas County and part of that tract of land conveyed by c/k Mesquite Joint Venture as recorded in Volume 86023, Page 2472, of said Deed Records:

BEGINNING at the intersection of the North line of Military Parkway (150 foot R.O.W.) and the East line of Interstate Highway No. 635 (Variable R.O.W.) a ½" iron rod found for corner;

THENCE N 14°04'50" W, 257.83 feet along the said East line to the South line of a drainage easement as recorded in Volume 79004, Page 1314 of said Deed Records, a ½" iron rod found for corner;

THENCE S 48°29'18" E, 301.41 feet along said easement to the North line of a drainage easement recorded in Volume 77157, Page 1412 of said Deed Records, a ½" iron rod found for corner;

THENCE S 45°28'16" W, 11.77 feet along said North line to a North line of Military Parkway (200 foot R.O.W. at this point), a ½" iron rod for corner;

THENCE S 02°57'45" W, 50.00 feet along said R.O.W. to a North line of Military Parkway (150 foot R.O.W. at this point), a ½" iron rod found for corner;

THENCE N 87°02'15" W, 152.20 feet along said North line to the POINT OF BEGINNING and containing 26,223 square feet or 0.602 acres of land.

EXHIBIT A-2

LOT 1 BLOCK B GATEWAY CENTER ADDITION

BEING part of that tract of land conveyed by the Crosland Development Company, as recorded in Volume 85163, Page 5137 of the Deed Records of Dallas County and part of that tract of land conveyed by c/k Mesquite Joint Venture as recorded in Volume 86023, Page 2472, of said Deed Records;

BEGINNING at the intersection of the West line of Gateway Boulevard (60 foot R.O.W.) and the South line of Scyene Road (Variable R.O.W.) a ½" iron rod set for corner;

THENCE along said West line the following calls:

Southerly, 37.75 feet along a curve to the left that has a central angle of 07°43'30", a radius of 280.00 feet, and whose chord bears S 11°18'43" E, 37.72 feet to a ½" iron rod set for corner;

S 15°10'28" E, 427.66 feet to a ½" iron rod set for corner;

Southerly, 148.78 feet along a curve to the right that has a central angle of 18°08'13", a radius of 470.00 feet and whose chord bears S 06°06'21" E, 148.16 feet to a North line of Military Parkway (200 foot R.O.W. at this point), a ½" iron rod set for corner;

THENCE S 02°57'45" W, 50.00 feet departing the aforementioned West line to a point in the North line of Military Parkway (150 foot R.O.W. at this point), a ½" iron rod found for corner;

THENCE N 87°02'15" W, 186.57 feet along said North line to a ½" iron rod found for corner;

THENCE N 02°57'45" E, 50.00 feet to a point in the North line of Military Parkway (200 foot R.O.W. at this point), said point being the Southeast corner of a drainage easement, recorded in Volume 77157, Page 1412, a ½" iron rod found for corner;

THENCE Northwesterly 224.64 feet along a curve to the left that has a central angle of 37°51'18", a radius of 340.00 feet and whose chord bears N 29°50'29" W, 220.57 feet to a Southeast corner of a drainage easement recorded in Volume 79004, Page 1314, a ½" iron rod found for corner;

THENCE N 48°46'08" W, 305.27 feet along said easement, a ½" iron rod found for corner;

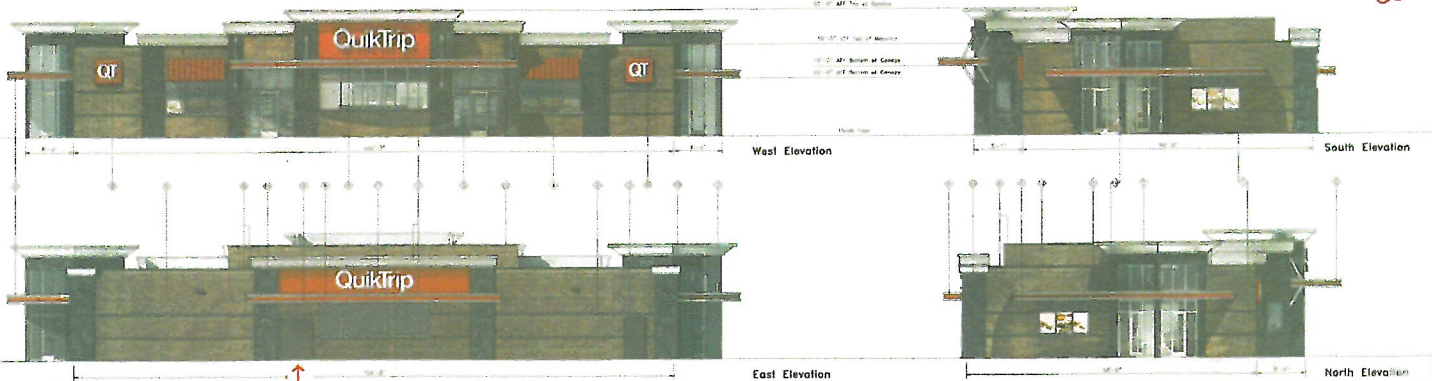
THENCE Northwesterly 92.55 feet along a curve to the right that has a central angle of 22°33'50", a radius of 235.00 feet, and whose chord bears N 37°29'13" W, 91.95 feet to the South line of Scyene Road, a ½" rod found for corner;

THENCE N 72°17'44" E, 44.34 feet along said South line, a ½" iron rod found for corner;

THENCE N 71°38'51" E, 252.67 feet along said South line, a ½" iron rod found for corner;

THENCE Easterly 167.00 feet along a curve to the right that has a central angle of 03°45'03", a radius of 2550.91 feet, and whose chord bears N 80°02'17" E, 166.97 feet along said South line to the POINT OF BEGINNING and containing 189,290 square feet or 4.346 acres of land.

Exhibit B



| | | | | | | |
|--|--|--------------------|---------------------------------------|-----------|---------------------|----------------|
| | <p>0985 Rear Plasters / Custom Rear Facade / Custom Brick Veneer Mech Screen</p> | | <p>SEC of 635 and Military/Scyene</p> | | <p>Mesquite, TX</p> | |
| | <p>08-0985-BSRE</p> | <p>1/16"=1'-0"</p> | <p>04/26/13</p> | <p>BP</p> | <p>1/24/13</p> | <p>5/24/13</p> |