

ORDINANCE NO. 4783

File No. Z0420-0135

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT THE SOUTHWESTERN CORNER OF LAWSON ROAD AND IH-20 TO ALLOW FOR A CONVENIENCE STORE AND FUELING STATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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 laws 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. The subject property is a 1.772-acre tract described as Woodland Park Addition, portion of Lots 5, 36, 37, 39, 40 and 41, Block F; portion of Lots 3, 4, 5, 8 and 9, Block G; all of Lot 38, Block F; all of Lots 6 and 7, Block G; and a portion of Ripplewood Drive (50 foot right-of-way), more particularly described in **Exhibit A** hereto, and generally located at the southwestern corner of Lawson Road and IH-20 frontage road, City of Mesquite, Dallas County, Texas (collectively the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Light Commercial to Planned Development – General Retail, subject to the Planned Development Standards and Concept Plan attached hereto as **Exhibits B and C** respectively and incorporated herein by reference, to allow for a convenience store and fueling station in addition to other uses allowed in the General Retail Zoning District.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise, they shall remain in full force and effect.

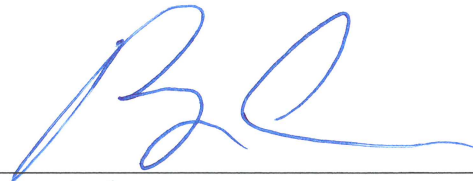
SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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. 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.

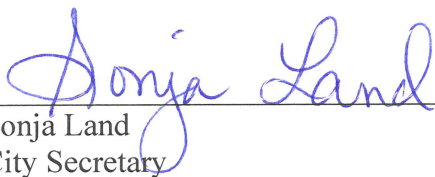
SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of June 2020.



Bruce Archer  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall  
City Attorney

EXHIBIT A – ZONING LEGAL DESCRIPTION

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**BEING** A 1.998 ACRE TRACT OF LAND SITUATED IN THE JOHN P ANDERSON SURVEY, ABSTRACT NO. 1, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF LOTS 3, 4, 8, AND 9, BLOCK G OF WOODLAND PARK ADDITION, AN ADDITION TO DALLAS COUNTY, TEXAS RECORDED IN VOLUME 73077, PAGE 1106 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, BEING ALL OF LOTS 5, 6, AND 7, BLOCK G OF SAID WOODLAND PARK ADDITION, BEING A PORTION OF LOTS 4, 5, 36, 37, 39, 40, AND 41, BLOCK F OF SAID WOODLAND PARK ADDITION, BEING ALL OF LOT 38, BLOCK F OF SAID WOODLAND PARK ADDITION, BEING A PORTION OF RIPPLEWOOD DRIVE (50' RIGHT-OF-WAY) RECORDED IN VOLUME 73077, PAGE 1106 OF SAID DEED RECORDS OF DALLAS COUNTY, TEXAS, AND ALSO BEING A PORTION OF A CALLED 12.9579 ACRE TRACT OF LAND DESCRIBED AS TRACT I IN THE DEED TO ROY BURKLOW RECORDED IN VOLUME 93214, PAGE 2667 OF SAID DEED RECORDS OF DALLAS COUNTY, TEXAS, SAID 1.998 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** AT A TXDOT TYPE I MONUMENT FOUND FOR AN EXTERIOR CORNER OF SAID 12.9579 ACRE TRACT OF LAND, SAID TXDOT TYPE I MONUMENT ALSO BEING IN THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 20 (VARIABLE WIDTH RIGHT-OF-WAY); THENCE SOUTH 86 DEGREES 49 MINUTES 04 SECONDS EAST, WITH THE COMMON NORTH LINE OF SAID 12.9579 ACRE TRACT OF LAND AND SOUTH RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 20, A DISTANCE OF 318.13 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "1519 SURVEYING" SET FOR THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED 1.998 ACRE TRACT OF LAND;

**THENCE** SOUTH 86 DEGREES 49 MINUTES 04 SECONDS EAST, WITH THE COMMON NORTH LINE OF SAID 12.9579 ACRE TRACT OF LAND AND SOUTH RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 20, A DISTANCE OF 310.09 FEET TO A TXDOT TYPE I MONUMENT FOUND FOR CORNER;

**THENCE** SOUTH 82 DEGREES 19 MINUTES 06 SECONDS EAST, WITH THE COMMON NORTH LINE OF SAID 12.9579 ACRE TRACT OF LAND AND SOUTH RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 20, A DISTANCE OF 134.80 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "1519 SURVEYING" SET FOR THE NORTHEAST CORNER OF SAID 12.9579 ACRE TRACT OF LAND, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "1519 SURVEYING" BEING IN THE SOUTHEASTERLY LINE OF SAID BLOCK G, SAID 1/2 INCH IRON ROD WITH CAP STAMPED "1519 SURVEYING" ALSO BEING THE INTERSECTION OF THE

EXHIBIT A – ZONING LEGAL DESCRIPTION  
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SOUTH RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 20 WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LAWSON ROAD (100' RIGHT-OF-WAY), FROM WHICH A TXDOT TYPE I MONUMENT FOUND FOR REFERENCE BEARS SOUTH 83 DEGREES 28 MINUTES 39 SECONDS EAST, A DISTANCE OF 3.18 FEET;

**THENCE** SOUTH 44 DEGREES 10 MINUTES 57 SECONDS WEST, WITH THE COMMON SOUTHEASTERLY LINE OF SAID 12.9579 ACRE TRACT OF LAND, SOUTHEASTERLY LINE OF SAID BLOCK G, AND NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID LAWSON ROAD, A DISTANCE OF 326.07 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "1519 SURVEYING" SET FOR CORNER;

**THENCE** NORTH 86 DEGREES 49 MINUTES 03 SECONDS WEST, A DISTANCE OF 230.55 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "1519 SURVEYING" SET FOR CORNER;

**THENCE** NORTH 03 DEGREES 10 MINUTES 56 SECONDS EAST, A DISTANCE OF 256.66 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 87,046 SQUARE FEET, OR 1.998 ACRES OF LAND, MORE OR LESS.



## EXHIBIT B - PLANNED DEVELOPMENT STANDARDS

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This Planned Development General Retail (PD-GR) must adhere to all conditions of the Mesquite Code of Ordinances, as amended, and adopt base district standards corresponding with the Concept Plan attached hereto and incorporated herein as **Exhibit C** and as identified below. The following regulations apply to this PD-GR District. Where these regulations conflict with or overlap another ordinance, easement, covenant or deed restrictions, the more stringent restriction will prevail and apply.

A. ***Permitted Land Uses.*** Uses in the PD-GR are limited to those permitted in the GR – General Retail zoning district as amended and subject to the following:

1. Any land use requiring a Conditional Use Permit (CUP) in the GR zoning district shall require a CUP in the PD-GR.
2. Any land use prohibited in the GR zoning district is also prohibited in the PD-GR.
3. The following uses are permitted by right in the PD-GR:
  - i. SIC 549.a – Convenience Store
  - ii. SIC 554 – Fuel Sales (16 fueling positions)

B. ***Development Standards.*** In addition to the requirements of the GR base zoning district, the Planned Development is subject to the following.

1. Open space, as defined by the Zoning Ordinance, must be a minimum 20% of the lot.
2. One shade tree, or one evergreen tree, or three ornamental trees shall be provided and maintained for each 650 square feet of required open space area.
3. Pole signage will be allowed at a rate of 1 (one) per lot at a maximum height of 50 feet with a maximum 300 square feet per sign face.
4. All pole signage must have an irrigated landscaped area consisting primarily of bushes, shrubs, and ornamental grasses that is equal to or greater in size than the total surface area of the largest pole sign face and shall be installed around the base of the sign.
5. All pole signs greater than 35 feet shall have a decorative masonry base measuring 8 feet in height.

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS

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6. Bike racks will be required at a rate of 1 per 100 square feet of floor area, as defined by the Zoning Ordinance, up to a maximum of 15 for any single end user.
7. All fencing shall be maintained in a like-new manner, meaning any portion of fencing showing signs of deterioration, broken or missing panels, or creating a safety hazard, shall be replaced.
8. The front and side elevations shall incorporate a minimum 35% transparency consisting of windows and doors.
9. The 4-foot fence along the south and west property lines as shown on **Exhibit C** shall be removed when the adjacent properties are developed and Certificates of Occupancies are issued.
10. Except as provided herein, the plat and site plan for the Property shall conform substantially to the Concept Plan attached hereto as **Exhibit C** and to these Planned Development Standards.



[illegible]