

ORDINANCE NO. 4786

File No. Z0420-0137

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 2110 NORTH TOWN EAST BOULEVARD TO ALLOW A CONVENIENCE STORE AND FUELING STATION SUBJECT TO CERTAIN STIPULATIONS; 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 approximately 0.98 acres of land platted as Schulz Rep, Block A, Lot 1 Less Right-of-Way, in the City of Mesquite, Dallas County, Texas, and more particularly described in Exhibit A attached hereto (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from 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 subject to the following stipulations:

1. The following devices are prohibited on the property which is within 300 feet of a church, school or hospital: any electronic, electromechanical or mechanical contrivance designed, made and adapted for amusement purposes that rewards the player with anything of value, including but not limited to noncash merchandise prizes, toys or novelties, or a representation of value redeemable for those items, regardless of value.
2. That a minimum of 10 percent transparency be required on the eastern façade.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise, they shall remain in full force and effect.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

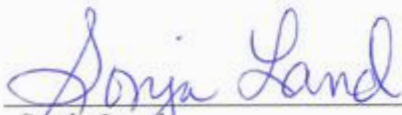
SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of June 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A – LEGAL DESCRIPTION

EXHIBIT "A"
MURPHY MESQUITE - GUS THOMASSON RD & TOWN EAST BOULEVARD
REZONING DESCRIPTION

BEING a 0.9745 acre tract of land located in the Daniel Tanner Survey, Abstract No. 1462 and the Isham Thomas Survey, Abstract No. 1501, City of Mesquite, Dallas County, Texas, said 0.9745 acre tract of land being all of **LOT 1, BLOCK A, SCHULTZ ADDITION**, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 78051, Page 1501, Deed Records, Dallas County, Texas (D.R.D.C.T.), said 0.9745 acre tract of land also being all of that certain tract of land conveyed to **TENNESSEE PROPERTY, LP**, by deed thereof filed for record in Volume 2005131, Page 7188, D.R.D.C.T., said 0.9745 acre tract of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found (Controlling Monument) at the southeast lot corner of said Lot 1, same being a northwest property corner of Lot 2, of said Block A, Schultz Addition;

THENCE South 79°54'48" West, along the south lot line of said Lot 1, same being a north lot line of said Lot 2, a distance of 178.00 feet to a 5/8 inch iron rod found at the southwest lot corner of said Lot 1, same being an interior ell corner in said Lot 2;

THENCE North 49°47'47" West, along a southwest lot line of said Lot 1, same being a northeast lot line of said Lot 2, a distance of 154.49 feet to a 5/8 inch iron rod with a cap stamped "SPOONER 5922" set (hereinafter referred to as an iron rod set) at a west lot corner of said Lot 1, same being a north lot corner of said Lot 2, and being on the east right-of-way line of Gus Thomasson Road (being a variable width public right-of-way);

THENCE North 09°47'12" West, along the most westerly lot line of said Lot 1 and along the said east right-of-way line, a distance of 51.15 feet to an iron rod set at the northwest lot corner of said Lot 1, same being at the intersection of the said east right-of-way line with the south right-of-way line of Town East Boulevard (being a called 100 feet wide public right-of-way);

THENCE North 79°54'48" East, along the north lot line of said Lot 1 and along the said south right-of-way line, a distance of 291.51 feet to an iron rod set at the northeast lot corner of said Lot 1, same being a northwest lot corner of the aforesaid Lot 2;

THENCE South 05°01'12" East, along the east lot line of said Lot 1, same being a northwest lot line of said Lot 2, a distance of 170.67 feet to the **POINT OF BEGINNING**.

The hereinabove described tract of land contains a computed area of **0.9745 acres (42,449 square feet)** of land, more or less.

The bearings shown hereon are referenced to the Texas Coordinate System of 1983, Texas North Central Zone 4202, and are based on the North American Datum of 1983, 2011 Adjustment. All areas shown hereon are calculated based on surface measurements.

I do hereby certify that the above legal description was prepared from public records and from an actual and accurate survey upon the ground and that same is true and correct.



1-20-20

Eric Spooner
Registered Professional Land Surveyor, Texas No. 5922
Spooners and Associates, Inc. Firm No. 10054900
Surveyed on the ground the October 8th, 2019, November 6th, 2019 and January 6th, 2020.



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 (maximum 12 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 25% of the lot.
2. One shade tree, or one evergreen tree, or three ornamental trees shall be provided and maintained for each 800 square feet of required open space area.
3. 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 and maintained around the base of the sign.
4. Pump islands shall be located a minimum of 310 feet from any residentially zoned property.
5. The façade fronting N. Town East Blvd. shall meet the Community Appearance transparency standards.

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS

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6. A minimum of 10% transparency is required for the eastern façade.
7. 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.



LEGEND

- EXISTING**
- 1. EXISTING ROADWAY
 - 2. EXISTING DRIVE
 - 3. EXISTING SIDEWALK
 - 4. EXISTING CURB
 - 5. EXISTING UTILITY
 - 6. EXISTING TREE
 - 7. EXISTING FENCE
 - 8. EXISTING BUILDING
 - 9. EXISTING LOT
 - 10. EXISTING DRIVEWAY
 - 11. EXISTING PARKING
 - 12. EXISTING TRUCK ROUTE
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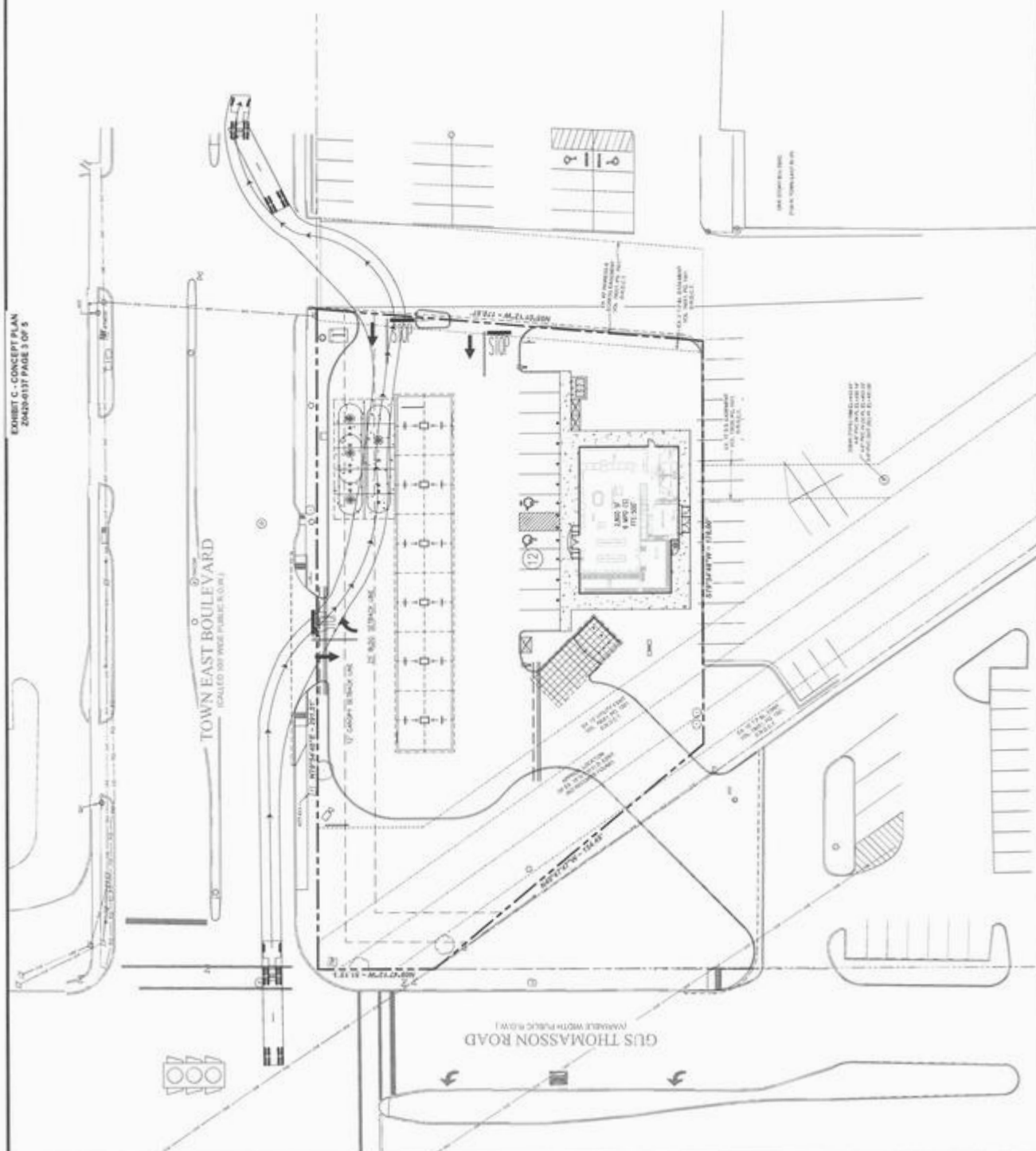
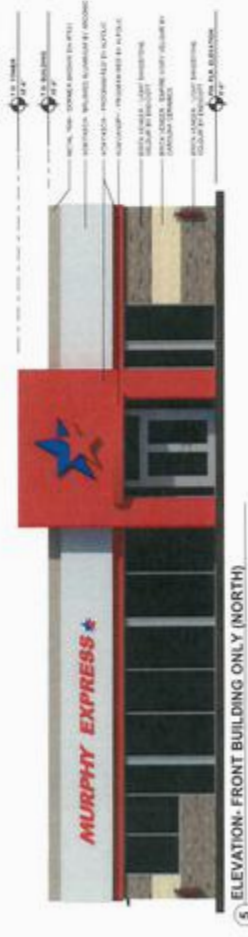
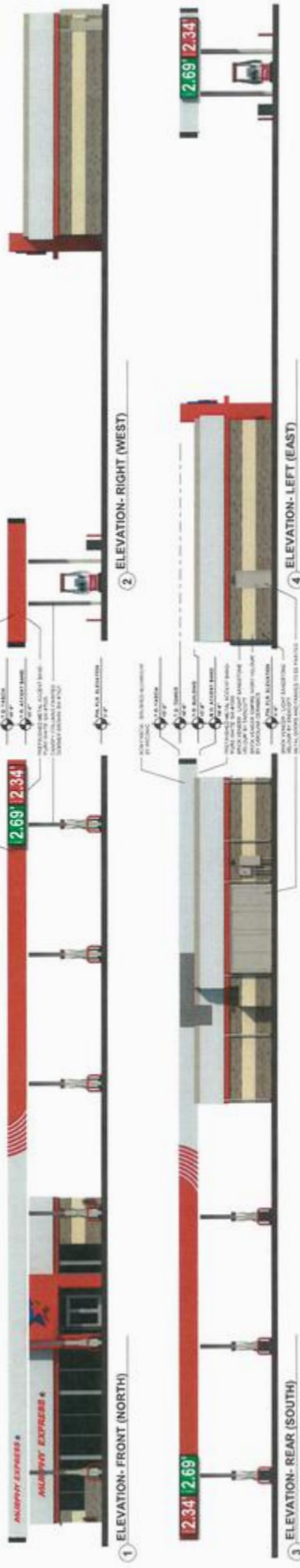


EXHIBIT C - CONCEPT PLAN
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EXHIBIT C - CONCEPT PLAN
2M420-4137 PAGE 5 OF 5



6 TRASH ENCLOSURE



7 MONUMENT SIGN

ITEM	QTY	REMARKS	UNIT	AREA S.F.	TOTAL S.F.
MURPHY EXPRESS BLDG. (NORTH)	1	BLDG. AREA	SQ. FT.	2,715	2,715
MURPHY EXPRESS BLDG. (SOUTH)	1	BLDG. AREA	SQ. FT.	2,715	2,715
MURPHY EXPRESS CANOPY (NORTH)	1	CANOPY AREA	SQ. FT.	1,500	1,500
MURPHY EXPRESS CANOPY (SOUTH)	1	CANOPY AREA	SQ. FT.	1,500	1,500
MURPHY EXPRESS TRASH ENCLOSURE	1	TRASH ENCLOSURE	SQ. FT.	100	100
MURPHY EXPRESS MONUMENT SIGN	1	MONUMENT SIGN	SQ. FT.	100	100
TOTAL					8,530

MURPHY EXPRESS

GreenbergFarrow

MESQUITE, TX (GUS THOMASSON & TOWN) (R01)
DECEMBER 02, 2019