

ORDINANCE NO. 4851  
File No. Z1120-0159

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING TO AMEND PLANNED DEVELOPMENT – SERVICE STATION ORDINANCE NO. 2888 ON PROPERTY LOCATED AT 1320 GROSS ROAD TO ALLOW A PROPOSED BUILDING EXPANSION SUBJECT TO NEW 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 FOR EACH OFFENSE; 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 law 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. That the Mesquite Zoning Ordinance is amended by approving a change of zoning to amend Planned Development - Service Station Ordinance No. 2888 to allow a proposed building expansion subject to the following new stipulations:

- (1) Diesel fuel sales shall be limited to passenger vehicles only.
- (2) Development of the site shall conform generally to the Planned Development Standards and the Concept Plan, attached hereto as Exhibits A and B, respectively, and made a part thereof, as determined by the Director of Planning and Development Services.

SECTION 2. That the subject property is described as approximately 0.86 acres, platted as Oakbrook, Block A, Lot 1 and located at 1320 Gross Road (the “**Property**”), as identified with more particularity in Ordinance 2888.

SECTION 3. That all ordinances, or portions thereof, of the City of Mesquite, including Ordinance 2888, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise the same, including Ordinance 2888, shall remain in full force and effect.

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

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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 \$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. That this ordinance shall take effect and be in force from and after five days after publication.

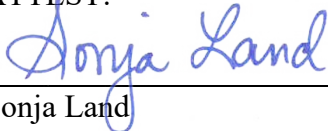
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of March 2021.



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Bruce Archer  
Mayor

ATTEST:



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Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



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David L. Paschall  
City Attorney

EXHIBIT A - PLANNED DEVELOPMENT STANDARDS

This Planned Development Service Station (PD-SS) 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 B** and as identified below. The following regulations apply to this PD-SS 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-SS are limited to those permitted in the SS – Service Station zoning district as amended and subject to the following:

1. Any land use requiring a Conditional Use Permit (CUP) in the SS zoning district shall require a CUP in the PD-SS.
2. Any land use prohibited in the SS zoning district is also prohibited in the PD-SS.
3. The following uses are permitted by right in the PD-SS:
  - i. SIC 549.a – Convenience Store
    1. Only in conjunction with self-service gasoline sales.
  - ii. SIC 554 – Fuel Sales (12 fueling positions)

B. **Development Standards.** In addition to the requirements of the SS 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. The primary structure shall conform to the following setbacks:

|  |   |
|--|---|
| Minimum Front and Exterior Side Yards  | 10 Feet   |
| Minimum Interior Side and Rear Yards   |   |
| 1. Adjacent to Nonresidential District | 0 Feet  |
| 2. Adjacent to A District              | 15 Feet   |
| 3. Adjacent to AG, R, and D District   | 25 feet or two times the height of the building above the grade at the nearest AG, R, or D district boundary, whichever is greater. |

EXHIBIT A - PLANNED DEVELOPMENT STANDARDS

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3. Except as provided herein, the plat and site plan for the Property shall conform substantially to the Concept Plan attached hereto as **Exhibit B** and to these Planned Development Standards.

