ORDINANCE NO. <u>4891</u> File No. Z0621-0204

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – SERVICE STATION ORDINANCE NO. 3016 TO PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 3016 WITH MODIFICATIONS TO THE SPECIAL CONDITIONS TO ALLOW A CONVENIENCE STORE WITH LIMITED FUEL SALES WITHIN 500 FEET OF A RESIDENTIAL DISTRICT AND TO ALLOW AN INCREASE IN THE MAXIMUM NUMBER OF VEHICLE FUELING POSITIONS ON PROPERTY LOCATED AT 1712 WEST SCYENE ROAD; 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:

<u>SECTION 1.</u> The subject property (**"Property"**) is described as being approximately 0.97 acres, platted as Freeway Addition, Block A, Lot 3, and more fully described in the legal descriptions attached as <u>Exhibit A</u>, and located at 1712 West Scyene Road, Mesquite, Dallas County, Texas.

<u>SECTION 2.</u> The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Planned Development – Service Station Ordinance No. 3016 to Planned Development – General Retail Ordinance No. 3016 with modifications to the special conditions to allow for a convenience store with limited fuel sales within 500 feet of a residential district and to allow an increase in the maximum number of vehicle fueling positions on the Property subject to compliance with the Development Standards and the Concept Plan attached hereto as <u>Exhibits B and C respectively</u> and incorporated herein by reference.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

<u>SECTION 4.</u> 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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<u>SECTION 5.</u> 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.

<u>SECTION 6.</u> 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.

<u>SECTION 7.</u> 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 16th day of August 2021.

Bruce Archer Mayor

ATTEST:

Sonja Land City Secretary

APPROVED AS TO LEGAL FORM:

David L. Paschall City Attorney

#### Exhibit A

### MURPHY MESQUITE – HWY. 635 & MILITARY PARKWAY REZONING DESCRIPTION

**BEING** a 0.9669 acre tract of land located in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, said 0.9669 acre tract of land being all of **LOT 3, BLOCK A, FREEWAY ADDITION**, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 95040, Page 1, Deed Records, Dallas County, Texas (D.R.D.C.T.), said 0.9669 acre tract of land being more particularly described by metes and bounds as follows:

**BEGINNING** at a 2 inch brass monument stamped "GULF OIL CO. PROP CORNER" found at the southeast lot corner of said Lot 3, same being at the intersection of the west right-of-way line of Interstate Highway No. 635 (being a variable width public right-of-way with controlled access, a portion of said right-of-way being conveyed to the State of Texas, by deed thereof filed for record in Volume 658, Page 1261, D.R.D.C.T.) with the north right-of-way line of Military Parkway (being a variable width public right-of-way);

**THENCE** North 87°45′28″ West (North 86°42′45″ West – Called), along the south lot line of said Lot 3 and along the said north right-of-way line, a distance of 256.51 feet (256.13 feet – Called) to a 1/2 inch iron rod found (Controlling Monument) at the southwest lot corner of said Lot 3, same being the southeast lot corner of Lot 2, Block 1, Freeway Addition, being an Addition to the said City and State, according to the plat thereof filed for record in Volume 74226, Page 36, D.R.D.C.T.;

**THENCE** North 12°54'07" West (North 11°51'30" West – Called) along the common lot line of said Lots 2 and 3, a distance of 141.42 feet (141.03 feet – Called) to a 1/2 inch iron rod found (Controlling Monument) at the northwest lot corner of said Lot 3, same being the northeast lot corner of said Lot 2, and being on the south right-of-way line of West Scyene Road (being a variable width public right-of-way);

**THENCE** North 76°29'37" East (North 77°04'00" East – Called) along the northwest lot line of said Lot 3 and along the said south right-of-way line, a distance of 130.59 feet (130.54 feet – Called) to a 5/8 inch iron rod with a cap stamped "SPOONER" found at the beginning of a tangent curve to the left having a radius of 1,687.02 feet;

**THENCE** continuing along the said lot line and the said right-of-way line, with said curve to the left, an arc length of 50.02 feet (50.03 feet -Called), and across a chord which bears North 75°38′37″ East (North 76°13′01″ East – Called), a chord length of 50.02 feet (50.03 feet – Called) to an "X" cut in concrete found at the most northerly lot corner of said Lot 3, same being at the westerly end of a corner clip located at the intersection of the said south right-of-way line with the aforementioned west right-of-way line of Interstate Highway No. 635;

**THENCE** South 79°24'31" East, along a northeast lot line of said Lot 3 and along the said corner clip, a distance of 66.13 feet to a 1/2 inch iron rod found (Controlling Monument) at the most easterly northeast lot corner of said Lot 3, same being at the easterly end of the said corner clip;

**THENCE** South 14°52′26″ East (South 13°39′20″ East – Called), along the east lot line of said Lot 3 and along the said west right-of-way line of Interstate Highway No. 635, a distance of 184.82 feet (186.31 feet – Called) to the **POINT OF BEGINNING**.

The hereinabove described tract of and contains a computed area of 0.9669 acres (42,118 square feet) of land, more or less.

The basis of bearings for this survey is NAD83 Texas North Central Zone (4202). All distance shown are surface.

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.

6/10/2021

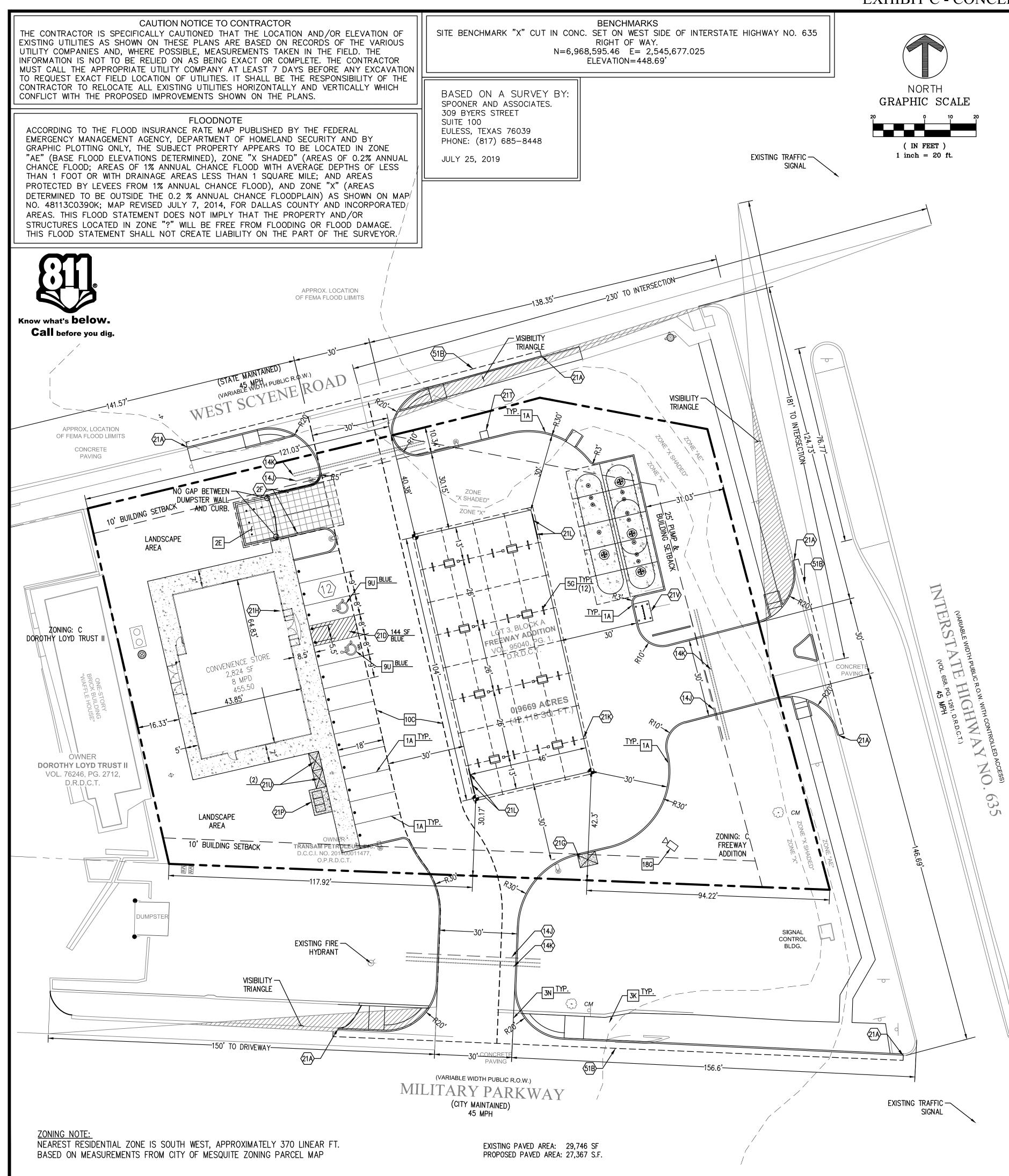
Surveyors Name: Eric S. Spooner Registered Professional Land Surveyor, Texas No. 5922 Spooner and Associates, Inc. Texas Board of Professional Land Surveying Firm No. 10054900 Surveyed on the ground May 11<sup>th</sup>, 2020



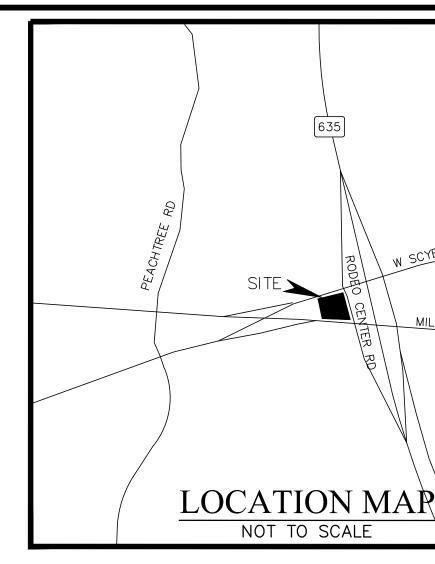
### EXHIBIT B DEVELOPMENT STANDARDS Page 1 of 1

This Planned Development General Retail (PD-GR) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, 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, the more stringent restriction will prevail.

- 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, as amended, is only allowed if a CUP is approved for the use.
  - 2. The following uses are permitted by right:
    - I. SIC 549.a Convenience Store
    - II. SIC 554 Fuel Sales (maximum 16 vehicle 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 Mesquite Zoning Ordinance, must be a minimum of 24% of the lot.
  - 2. 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 surface area of one sign face of the pole sign and shall be installed around the base of the sign.
  - 3. Pump islands shall be located a minimum of 410 feet from any residential district.



# EXHIBIT C - CONCEPT PLAN



## CITY OF MESQUITE CONCEPT SITE PLAN NOTES:

- THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDA MESQUITE DEVELOPMENT STANDARDS.
- THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS E ILLUSTRATION PURPOSES AN DOES NOT SET THE ALIG ALIGNMENT IS DETERMINED AT THE TIME OF THE PLAT
- DEVIATIONS FROM CURRENT DEVELOPMENT STANDARDS SPECIFICALLY ADDRESSED/LISTED FOR APPROVAL AS I DEVELOPMENT REGULATIONS MAY REQUIRE A HEARING, BOARD OF ADJUSTMENT (BOA)
- BOARD OF ADJUSTMENT (BOA).
   ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CONTRACT SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN
- SHALL BE MET UNLESS APPROVED UTHERWISE WITHIN DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULA
   THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PU SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, A DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF DEVELOPMENT SERVICE, WILL REQUIRE AN AMENDMENT CONCEPT PLAN PLAN AND, AS NECESSARY THE DEVEL

## LANDSCAPE AREA:

EXISTING LOT: 42,118 SF (100%) EXISTING LANDSCAPE AREA: 12,642 SF (30.0%) EXISTING PAVED AREA: 29,746 SF (70.0%) PROPOSED DRIVEWAY AREA: 1,378 SF (3.3%) PROPOSED LANDSCAPE AREA: 14,867 SF (35.29%) \*QUANTITIES ARE ESTIMATED BASED ON AERIAL INFORMATION NOT SURVEY.

SITE	DATA	TABLE
VE:		MURPHY EXPR
		1712 WEST SC
		MESQUITE, TX
ONING:		ZONING – PD
ZONING:		ZONING – PD
		NONE
CURRENT USE:		GAS STATION
PROPOSED USE:		GAS STATION
:		•
E AREA:		0.97 AC. (42,
TAGE:		131 FT.
1:		187 FT.
⊣:		257 FT.
S:		27,367 S.F.
		14,751 S.F.
CE:		0.34 AC./35%
ГА:		
AREA		2,824 S.F.
HEIGHT		1 STORY 18'-
COVERAGE		6.70%
		0.067:1
IMARY: ) SF		REQUIRED
PACES (9'x1	18')	12
SPACES		
ACES		12
ETAILS – SI	EE DETAIL S	HEETS
DUMPSTER ENCLO CONSTRUCTION S/ CONCRETE SIDEW/ WHEELCHAIR RAMI GUARD POST (SIN TRAFFIC SIGN IN U-BUMPER ACCESSIBLE / VA ACCESSIBLE PARK	AFETY FENCE ALK P IN SIDEWALK IGLE) BOLLARD AN ACCESSIBLE PAR KING SYMBOL (SEE RROW (TYP.)	• •
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ENE RD	EXISTING         ×       SURVEY CHECK         CONTROL POINT       T         EX. CONTROL POINT       T         EX. CONTROL POINT       T         EX. POWER POLE       EX. TELEPHONE MARKER         GUY WIRE       EX. CABLE RISER BOX         EX. LIGHT POLE       EX. SIGN         EX. LIGHT POLE       EX. GAS MARKER         EX. LIGHT POLE       EX. GAS MARKER         EX. LIGHTING       EX. GAS MARKER         EX. ELECTRIC TRANS./RISER       EX. GAS MARKER         EX. ELECTRIC MARKER       EX. GAS MARKER         EX. ELECTRIC MARKER       EX. GAS MARKER         EX. ELECTRIC MARKER       EX. GAS MATHER         EX. ELECTRIC MANHOLE       EX. GAS MATHER         EX. ELECTRIC MANHOLE       EX. GAS TEST STATION         EX. TV RISER       EX. WATER METER         EX. TV VAULT       EX. WATER METER         EX. TV VAULT       EX. WATER VALVE         EX. TV VAULT       EX. WATER VALVE         EX. IRRIGATION CONTROL VALVE       EX. WATER FAUCET         EX. IRRIGATION CONTROL VALVE       EX. WATER FAUCET         EX. IRRIGATION CONTROL VALVE       EX. WATER FAUCET         EX. IRRIGATION CONTROL VALVE       EX. WATER MAIN         EX. OVERHEAD ELECTRIC	C EXHIBIT C EXHIBIT C
	T       EX. UNDERGROUND TELE. LINE         FO       EX. FIBER OPTIC         CATV       EX. UNDERGROUND TV	CS
	PROPOSED	AP DES S AD
ANCE WITH CITY OF EXHIBIT ARE FOR	BOUNDARY LINE     INTEGRAL CURB     CF CONSTRUCTION FENCE (SEE CIVIL DETAILS)	
GNMENT. THE T. S/REGULATIONS NOT	CFP CONSTRUCTION FENCE ON PAVEMENT (SEE CIVIL DETAILS)	
PART OF PLANNED APPROVAL BY THE	GENERAL SITE NOTES	
CITY AS AMENDED THESE PLANNED ATIONS. JRPOSES ONLY AND ALONG WITH BE THE INTENT OF THE M FROM THIS ZONING OF PLANNING AND T TO THE ZONING LOPMENT REGULATIONS.	<ul> <li>A. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.</li> <li>B. ALL CURB RETURN RADII SHALL BE 5', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.</li> <li>C. UNLESS OTHERWISE SHOWN, CALLED OUT OR SPECIFIED HEREON: <ul> <li>ALL CURB AND GUTTER ADJACENT TO CONCRETE PAVING SHALL BE INSTALLED PER DETAIL.</li> <li>PAVEMENT SHALL BE INSTALLED IN ACCORDANCE WITH THE PAVING PLAN OVER THE ENTIRE PARKING LOT AREA AND ALL APPROACH DRIVES.</li> <li>SEE ASSOCIATED PLANS FOR CANOPY, COLUMN, PUMP ISLAND DETAILS AND LAYOUT.</li> </ul> </li> </ul>	REV-0 07/28/21 JM CONCEPT MURPHY 1712 WEST S MESQUIT
	<ul> <li>D. CONTRACTOR SHALL BEGIN CONSTRUCTION OF ANY LIGHT POLE BASES FOR RELOCATED LIGHT FIXTURES AND RELOCATION OF ELECTRICAL SYSTEM AS SOON AS DEMOLITION BEGINS. CONTRACTOR SHALL BE AWARE THAT INTERRUPTION OF POWER TO ANY LIGHT POLES OR SIGNS SHALL NOT EXCEED 24 HOURS.</li> <li>E. ALL SLOPES AND AREAS DISTURBED BY CONSTRUCTION SHALL BE GRADED SMOOTH AND FOUR INCHES OF TOPSOIL APPLIED. IF ADEQUATE TOPSOIL IS NOT AVAILABLE ON SITE, THE CONTRACTOR SHALL PROVIDE TOPSOIL, APPROVED BY THE OWNER, AS NEEDED. THE AREA SHALL THEN BE SEEDED/SODDED, FERTILIZED, MULCHED, WATERED AND MAINTAINED UNTIL HARDY GRASS GROWTH IS ESTABLISHED IN ALL AREAS. ANY AREAS DISTURBED FOR ANY REASON PRIOR TO FINAL ACCEPTANCE OF THE PROJECT SHALL BE CORRECTED BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.</li> <li>F. THE LOCATION OF THE CONSTRUCTION FENCE ON THE DRAWINGS IS FOR GRAPHICAL REPRESENTATION ONLY. THE CONTRACTOR IS TO ENSURE THAT THE CONSTRUCTION FENCE ENCOMPASSES THE ENTIRE WORK AREA.</li> </ul>	5900 S Lake Forest Drive, Suite 380 McKinney, TX 75070 Ph. 214-491-1830 John Measels, PE CIVIL ENGINEER
SS ÆNE ROAD 75149	<ul> <li>G. CONTRACTOR SHALL PURCHASE AND INSTALL A MAILBOX, AND SHALL COORDINATE LOCATION OF MAILBOX WITH MURPHY CONSTRUCTION MANAGER AND/OR ON-SITE REPRESENTATIVE AND LOCAL POSTMASTER.</li> <li>H. ALL PROPOSED PAVEMENT STRIPING OR MARKINGS SHALL FOLLOW THE SPECIFICATIONS</li> </ul>	
SS GR	FOR PAINT INCLUDED IN DETAIL 10A.	
CHEVRON)	<ul> <li>SITE NOTES</li> <li>2F DRILL (2) 3/4" X 5/8" DIA. HOLES (1) EACH FOR OPEN POSITION &amp; CLOSED POSITION OF GATES. TO BE USED ON BOTH SIDES OF GATE. SEE DUMPSTER DETAIL.</li> <li>8B OVERHEAD CANOPY - (TYPPER CANOPY PLANS)</li> <li>12A 4" TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT SYMBOL).</li> <li>12D 4" WIDE PAINTED STRIPES. 2.0' O.C. @ 45" (SEE SIZE COLOR INDICATED AT SYMBOL).</li> <li>12H 4" DOUBLE TRAFFIC YELLOW LANE STRIPE (SEE LENGTH INDICATED AT</li> </ul>	
PROVIDED          10         2         12	<ul> <li>SYMBOL).</li> <li>12M CONTRACTOR TO ENSURE THAT ANY LIGHT POLES OR HANDICAP PARKING SIGNS ARE AT LEAST 2' FROM BACK OF CURB TO PREVENT THE VEHICLES FROM STRIKING THESE ITEMS.</li> <li>14J GC TO INSTALL (1) 4" PVC SLEEVE FOR IRRIGATION LINE. SEE UTILITY PLAN FOR INSTALLATION REQUIREMENTS.</li> <li>14K GC TO INSTALL (2) 4" PVC SLEEVES FOR FUTURE USE. SEE UTILITY PLAN FOR INSTALLATION REQUIREMENTS.</li> <li>21A TAPER CURB TO MATCH EXISTING CURB</li> <li>21D EDGE OF CONCRETE SLAB. PER TANK/PIPING PLANS.</li> <li>21E UNDERGROUND STORAGE TANKS (1) 25,000 GAL-REGULAR, (1) 8,000 GAL-PREMIUM, (1) 10,000 GAL-DIESEL, (1) 8,000 GAL-E-85.</li> <li>21G AIR VACUUM UNIT WITH 4' X 7' CONCRETE SLAB.</li> <li>21H ATM LOCATION.</li> <li>21K MURPHY EXPRESS ID SIGN. PER APPROVED ELEVATION.</li> <li>21E PRICE SIGN PER APPROVED ELEVATION</li> <li>21F ATM LOCATION.</li> <li>21K MURPHY EXPRESS ID SIGN. PER APPROVED ELEVATION.</li> <li>21K MURPHY EXPRESS ID SIGN. PER APPROVED ELEVATION.</li> <li>21F ATM LOCATION.</li> <li>21M TAY CONCRETE PAD FOR PROPANE TANKS.</li> <li>21S 7'X7' CONCRETE PAD FOR ATM.</li> <li>21M MAILBOX (CONTRACTOR TO COORDINATE LOCATION WITH MURPHY AND POSTMASTER PRIOR TO INSTALLATION)</li> <li>21U 5' X 7' CONCRETE SLAB FOR ICE UNIT. SEE NUMBER INDICATED AT SYMBOL.</li> <li>21W CONCRETE PAD FOR VENT RISERS. PER TANK &amp; PIPING PLANS.</li> <li>51B LIMITS OF SAWCUT AND PAVEMENT REMOVAL.</li> </ul>	- USA, INC. Peach street Box 7000 Orado, ar 71730-7000
AT SYMBOL)	ALL RESPONSIBILITY FOR ADEQUACY OF DESIGN REMAIN WITH THE DESIGN ENGINEER. THE CITY OF MESQUITE, IN REVIEWING AND RELEASING PLANS FOR CONSTRUCTION, ASSUMES NO RESPONSIBILITY FOR ADEQUACY OR ACCURACY OF DESIGN EXHIBIT C – ZONING CONCEPT PLAN	RPHY OI RPHY OI Ax 200
DETAIL,	MURPHY EXPRESS — 1712 WEST SCYENE ROAD CASE #: Z0621-0204 FREEWAY ADDITION BLOCK 1, LOT 3 BEING A PART OF THE DANIEL TANNER SURVEY — ASST. 1462 MESQUITE, DALLAS, COUNTY, TEXAS	

JRPHY EXPRESS - 1712 W SCYENE ROAD, MESQUITE T

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