

ORDINANCE NO. 4799
File No. Z0620-0142

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 4595 TO ALLOW AN AMENITY CENTER, A CONVENIENCE STORE WITH FUEL SALES AND MODIFY THE SCREENING WALL REQUIREMENTS ON PROPERTY LOCATED AT 1900 AND 2000 WEST SCYENE ROAD, 21713 AND 21717 IH-635, 1703 AND 1705 RODEO DRIVE, AND 417 RODEO CENTER BOULEVARD; 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 56 acres of land and generally located south of West Scyene Road and west of Rodeo Center Boulevard and more specifically located at 1900 and 2000 West Scyene Road, 21713 and 21717 IH-635, 1703 and 1705 Rodeo Drive, and 417 Rodeo Center Boulevard, as more particularly described in Exhibit “A” to Ordinance No. 4595, incorporated herein by reference (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended to amend the current stipulations in Planned Development Ordinance No. 4595 and certain exhibits identified therein to allow an amenity center, a convenience store with fuel sales and modify the screening wall requirements for the Property as follows:

1. For Tract 1D as identified on the Concept Plan attached as Exhibit B to Ordinance No. 4595, the Concept Plan is supplemented to add Exhibit B-1, attached hereto and incorporated herein by reference.
2. Exhibit D to Ordinance No. 4595 is hereby deleted and replaced with the Exhibit D - Revised Development Standards, attached to this Ordinance and incorporated herein by reference, and which identifies permitted uses and development standards

(the language removed from the Ordinance No. 4595 Exhibit D is marked by strikethrough and the language added to the Ordinance 4595 Exhibit D is marked with underlining.)

3. Exhibit F to Ordinance No. 4595 is hereby deleted and replaced with the Exhibit F – Screening, attached to this Ordinance and incorporated herein by reference.

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. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

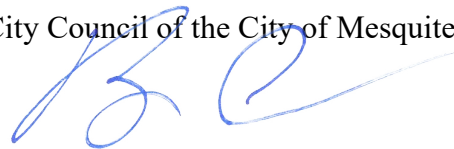
SECTION 4. The Property of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

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 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 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 3rd day of August 2020.



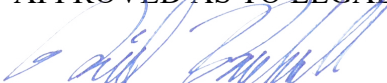
Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney



LANDSCAPE ARCHITECT
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DEVELOPER
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W.A. LANDRETH
3211 W. 4TH STREET
FORT WORTH, TX 76107
(817) 228-5288

CONVENIENCE STORE & QSR

HIGHWAY 352 & RODEO DRIVE
CITY OF MESQUITE
DALLAS COUNTY, TEXAS

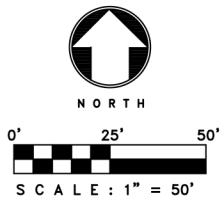
ISSUE:
FOR PLANNING 06.30.2020

DATE:
06.30.2020

SHEET NAME:
PRELIMINARY SITE PLAN

SHEET NUMBER:

PSP.1



- NOTES:
1. THIS PRELIMINARY SITE PLAN IS FOR PLANNING PURPOSES ONLY.
 2. THIS PRELIMINARY SITE PLAN MUST BE REVIEWED BY ALL GOVERNING JURISDICTIONS FOR COMPLIANCE.
 3. ALL EXISTING CONDITIONS MUST BE VERIFIED.
 4. ALL MEASUREMENTS ARE ESTIMATED.

EXHIBIT D – REVISED DEVELOPMENT STANDARDS

I. Residential Development Regulations

A. Residential Lot Standards – Table 1

Lot Type	Tracts per Concept Plan	Min. Lot Size	Min. Lot Width*	Min. Lot Depth	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback (Interior Lot)	Min. Side Yard Setback (Corner Lot)	Max. Height	Max. Lot Coverage	Min. Dwelling Size	Min. Separation Between Buildings	Max. Number of Units per Building
SF Bungalows	Tract 1C,2A	2,600 S.F.	40'	65'	8' (main structure) 20' (garage)	2'	2.5'	10'	35'	No Max.	1 story - 1,250 S.F. 2 Story - 1,600 S.F.	5'	N/A
SF Villas	Tract 1C	4,000 S.F.	40'	100'	20'	10'	5'	10'	35'	No Max.	1,800 Sq ft.	10'	N/A
Zero Lot Line - 2-504	Tract 2A	1,296 S.F.	24'	55'	6'	4'	0' side setback on one side, 3' side setback on the other side	10'	45'	No Max.	1,200 S.F.	N/A	N/A
Townhouse - Rear Entry 2-502	Tracts 1C, 2A, 3	1,400 S.F.	22'	65'	6'	4'	per Fire Code	10'	35'	No Max.	1,200 S.F.	10'	8
Townhouse - Front Entry 2-502	Tracts 1C, 2A, 3	1,400 S.F.	22'	85'	20'	4'	per Fire Code	10'	35'	No Max.	1,200 S.F.	10'	8

*Minimum Lot Width is measured along the front building line for all lots.

Zero Lot Line Residential - The plat shall dedicate, a one foot (2') wide Ingress, Egress, Overhang and Drainage Easement within the three foot (3') side setback for the purpose of maintenance, repair, and/or replacement of wall, overhang, roof, and/or eaves, and drainage onto the adjacent property. A minimum of three feet (3') separation between all principal structures must be provided for Zero Lot Line Residential.

No front elevation of a Zero Lot Line Residential shall be repeated any more often than once every 3 lots in a row. No front elevation of Villas and Bungalows Residential shall be repeated any more often than once every 2 lots in a row.

All residential dwellings shall conform to City of Mesquite's Fire code. Depending on code and building separation, certain dwellings may need to be sprinklered and/or a higher fire wall may be required.

Parking and Storage of Recreational Vehicles and Equipment. No recreational vehicle, motorhome, watercraft or other equipment greater than six feet (6') in height when mounted on its transporting trailer shall be parked or stored on any lot with a dwelling unit. Regardless of height, no such equipment shall be parked or stored on any street for longer than 24 hours.

Homeowner's Association. Before the issuance of a certificate of occupancy for a project containing any common areas or community facilities, it shall be necessary to assure the City that provisions have been made for adequate upkeep and maintenance association established to maintain and manage all such common areas, residential front lawns, and community facilities. HOA shall maintain residential areas once per week. Documents creating such association shall grant the City the right to collect maintenance fees and provide maintenance in the event that the Association fails to do so.

Primary Building Façade Materials	Front, Side and Rear elevations shall each be 90% brick or stone masonry excluding doors, windows, garage doors, and dormers; other façade materials may be Hardie-board/plank or equivalent.
Screening and Fencing	In order to create a walkable urban environment, screening shall only be required along arterials and directly adjacent to commercial areas. Where required, screening shall be (i) precast panel wall masonry construction or (ii) masonry construction, minimum Eight feet (8') in height. Any further screening may be provided at the discretion of the developer and approved by the City of Mesquite. Wooden fencing shall never be adjacent to Right-of-Way. Wrought Iron Fencing shall be permissible as screening in certain areas given City of Mesquite Approval. Wrought Iron fencing is acceptable behind Tract 1C Lots along Rodeo Drive.
Parking	1.) All Residential Units, attached or detached, shall provide two (2) garage Spaces per Unit. 2.) Front Entry Residential shall provide two (2) off-street parking spaces through use of a minimum eighteen foot (18') by eighteen foot (18') wide driveway and parallel or head in parking. 3.) Rear Entry Residential units, attached or detached, shall provide one and half (1.5) parking spaces for every two (2) units. Parking shall be either designated parallel, head-in, or driveway space.
Tract 1C -Southern Egress	Second egress point at the southern border of Tract 1C shall be a gated exit per City of Mesquite's Approval.
Phasing	Development may be constructed in phases.

B. Residential Landscape, Open Space, and Screening as shown on Landscape Concept Plan.

1. General Landscape Requirements

- a. Landscape areas equal to a minimum of 10 percent of the site area shall be provided.
- b. Calculation of the minimum landscape area may include internal landscaping in parking areas and a required buffer tree line. Adjacent rights-of-way shall be landscaped, but these areas shall not be included in the calculation of required area.
- c. Portions of the site area planned for development as part of a later phase may be excluded from the calculation of minimum landscape area for the portion of the site area being developed as part of the current phase.

- d. Adjacent rights-of-ways shall be landscaped with lawn or groundcover, but these areas shall not be included in the calculation of required minimum landscape area.

2. Tree Requirement

- a. One shade tree, or one evergreen tree, or 3 ornamental trees shall be provided for each 500 square feet of required landscape area. Trees provided for internal parking area landscaping and trees in a required buffer tree line may be counted to fulfill this requirement, provided that at least 50% of the required trees are located between the main building and the front and/or exterior side property lines.

3. Individual Lot Landscape Standards

- a. For each single family residential lot - a minimum of one shade tree, or one evergreen tree, or 3 small ornamental trees in the front yard of each dwelling unit; and one gallon shrubs, planted no more than 3 feet on center, along the front of the structure. Plant material to be selected at a later date, by lot builder, and shall satisfy the City of Mesquite required plant schedule outlined by table 1A-500.

4. Tract 1B-1, 1B-2, 1C, 2A, and 3

- a. Required: 10% of total Site Area
- b. 50% of the above landscape requirement to be located between main building and front or side property lines.
- c. 1 tree / 500 sf within a required landscape area

- 5. Tract 1C (Rodeo Drive) – 6’ concrete sidewalk.** Outside of ROW landscaping area will include flowering ornamental trees and landscape berms with shrubs/groundcover where a decomposed granite pathway shall lie. The landscaping will also consist of native grasses for groundcover, Bermuda sod, and a steel cattle themed landscape monument.

- 6. Tract 2A (Rodeo Drive) – 6’ concrete sidewalk along tract 2A.** Outside of ROW landscaping area will include steel cattle themed landscape monuments, a decomposed granite pathway, and a raised water feature. Large canopy trees, planter bed seating area surrounded by ornamental trees, Bermuda sod, and screening shrubs/groundcover.

- 7. Tract 3 (Peachtree Road) –5’ concrete sidewalk.** Flowering ornamental tree that will bring color to the area and large canopy trees with seating area. The landscaping will also consist of native grasses used for groundcover, Bermuda sod, and a small screening fence with planter

beds.

C. Neighborhood Amenity Center

1. A Neighborhood Amenity Center shall be permitted in Tract 2A. The site plan and plat for a Neighborhood Amenity Center shall substantially conform to Concept Plan, as shown in Exhibit H.

II. *Non-Residential Development Regulations* - The permitted uses and standards must be in accordance with the Light Commercial zoning districts, unless otherwise specified herein:

Commercial per Concept Plan	Tract	Land Uses	Min. Front Yard Setback (Primary Use Structure)	Min. Front Yard Setback (Accessory Use Structure)	Max. Height	Max. Lot Coverage			
Zoning Tract 1A (Light Commercial)	Tract 1A	LC	Per City Code						
Zoning Tract 1D (Light Commercial)	Tract 1D	LC	Per City Code						
Zoning Tract 2B (Light Commercial)	Tract 2B	LC	25'	10'	Per City Code	Per City Code			
* Tract 2B	1. The primary use within a platted lot shall be considered to be the structure within which the primary business is conducted on the property. All other improvements, excluding signage, within a platted lot shall be considered accessory uses. Primary uses shall be subject to a 25 foot front yard setback. Accessory uses shall be subject to a 10 foot front yard setback. For non-residential uses within Tract 2B, only frontage on Scyene shall be considered to be the front yard, all other street frontage shall be considered to be side or rear yards. There is no rear or side yard setback for non-residential uses in Tract 2B. 2. If developer is required to construct a right turn decel lane at the intersection of Scyene Road and Rodeo Drive, no greater than a five (5) foot sidewalk shall be required along Scyene Road for Tract 2B.								

1. Bowling Center/Indoor Recreational Facility permitted by right on Tract 1A.

2. Prohibited Uses:

- a. Check Cashing Services
- b. Motorcycle Sales and Repair
- c. Recycling Kiosk
- d. Sexually Oriented Businesses
- e. ~~Limited Fuel Sales~~
- f. Automotive Dealers
- g. Auto and Home Supply Store
- h. Tobacco Stores
- i. Funeral Services, Crematories
- j. Medical Equipment Rental
- k. Bail Bond Services
- l. Passenger Car Rental
- m. Automotive Repair Shops
- n. Automotive Parking (Principle Use)
- o. Automotive Diagnostic, Inspection Services
- p. Hotels, Camps, Other Lodging Places

q. Repair Services

2. Nonresidential Architectural Standards shall be governed by the POA's CCR's. Architectural Standards for all Light Commercial shall resemble the architectural standards set forth by the Residential HOA. Architectural Standards shall meet or exceed the City of Mesquite's Community Appearance Manual. Nonresidential Developments shall have the opportunity for alternate standards given City approval.
3. Nonresidential Tracts 1A, 1D, and 2B (per concept plan) are subject to City of Mesquite Commercial Property Landscape Standards.
4. A convenience store with fuel sales shall be permitted in Tract 1D. The site plan and plat for a convenience store with fuel sales shall substantially conform to Concept Plan 1A or 1B, as shown in Exhibit G.

3. Public Streets and Sidewalks

1. **Public Streets.** The street system is intended to create an urban feel and pedestrian friendly environment with easy and convenient access to community open spaces and amenities, some of which are shared with the adjacent commercial/retail. Streets shall be classified and constructed as follows:
 - a) Urban Residential Type 1 (Front Entry, Tract 1) –
 - a. Right-of-Way shall be fifty-feet (50') wide;
 - b. Pavement shall be thirty-one feet (31') wide from back of curb to back of curb;
 - c. Pavement shall be a minimum of six-inch (6") thick, 4000 PSI with number four (4) bars on eighteen-inch (18") centers both ways.
 - b) Urban Residential Type 2 (Front Entry, Tract 2 and Tract 3) –
 - a. Right-of-Way shall be forty-two feet (42') wide;
 - b. Pavement shall be thirty-one feet (31') wide from back of curb to back of curb;
 - c. Pavement shall be a minimum of six-inch (6") thick, 4000 PSI with number four (4) bars on eighteen-inch (18") centers both ways.
 - c) Urban Residential Type 3 (Parallel Street Parking) –
 - a. Right-of-Way shall be forty-two feet (42') wide;
 - b. Pavement width shall be increased by a minimum of two-feet (2') in width on the side of the street with rear entry residential. If rear entry residential is provided on one side of the street then the paving shall be a minimum of thirty-two and a half feet (32.5') wide from back of curb to back of curb. If rear entry residential is provided on both sides of the street then the paving shall be a minimum of thirty-four feet (34') wide from back of curb to back of curb. Trees wells can be provided to define parking areas and

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provide landscaping. Where tree wells are provided, a minimum of twenty-four feet (24') clear paving shall be provided;

- c. Pavement shall be a minimum of six-inch (6") thick, 4000 PSI with number four (4) bars on eighteen-inch (18") centers both ways.
- d) Alley Entry (Standard) –
 - a. Right-of-Way shall be eighteen feet (18') wide;
 - b. Right-of-Way shall transition from eighteen feet (18') wide at its typical section to twenty-two feet (22') wide at the Right-of-Way for the connecting street. The transition shall occur over twenty feet (20');
 - c. Alley pavement shall be twelve feet (12') wide from edge of alley to edge of alley;
 - d. Alley pavement shall transition from twelve (12') wide at its typical section to sixteen feet (16') wide at the Right-of-Way for the connecting street. The transition shall occur over twenty feet (20').
 - e. Pavement shall be a minimum of eight-inch (8") thick at the edge and five-inch (5") thick at the invert, 4000 PSI with number four (4) bars on eighteen-inch (18") centers both ways.
- e) Alley Entry (Fire/EMS Access) –
 - a. Right-of-Way shall be twenty-four feet (24') wide;
 - b. Right-of-Way shall transition from twenty-four feet (24') wide at its typical section to twenty-eight feet (28') wide at the Right-of-Way for the connecting street. The transition shall occur over twenty feet (20');
 - c. Alley pavement shall be twenty feet (20') wide from edge of alley to edge of alley;
 - d. Alley pavement shall transition from twenty (20') wide at its typical section to twenty-four feet (24') wide at the Right-of-Way for the connecting street. The transition shall occur over twenty feet (20').
 - e. Pavement shall be a minimum of eight-inch (8") thick at the edge and five-inch (5") thick at the invert, 4000 PSI with number four (4) bars on eighteen-inch (18") centers both ways.
- f) Ingress and Egress Easement, Volume 85144, Page 375 and Utility and Drainage Easement, Volume 85186, Page 5465 adjacent to Lot 1, Block A, The Landmark Addition, Volume 85135, Page 3484. Development Road connecting Peach Tree Road and Rodeo Drive as shown on the Concept Plan.
 - a. Residential development shall be allowed to connect to the existing access and utility easement.
 - b. Developer may dedicate this as an Urban Residential street as long as the improvements are reconstructed to the standards established herein.
 - c. Regardless of whether the improvements are public or private, access shall be allowed to serve both the residential or commercial use. If the improvements are to remain private, then a property owner's association

or homeowner's association must be established for the inspection and maintenance of said improvements. Documents creating such association shall grant the City the right to collect maintenance fees and provide maintenance in the event that the Association fails to do so.

g) Horizontal Geometry –

- a. Urban Residential – The minimum center line horizontal radius shall be fifty feet (50').
 - b. Alley Streets – The minimum center line horizontal radius shall be fifty feet (50').
 - c. Curb Returns –
 - i. Urban Residential to Urban Residential – minimum curb return shall be twenty feet (20') radius;
 - ii. Urban Residential to Collector – minimum curb return shall be twenty feet (20') radius;
 - iii. Urban Residential to Arterial – minimum curb return shall be twenty feet (20') radius;
2. **Curbs.** All curbs shall be standard six-inch with the exception that mountable curbs will be allowed adjacent to front entry townhomes (Lot Type: Townhouse – Front Entry 2-502).
3. **Signage.** The developer shall provide signage that designates no parking areas along Urban Residential Streets as determined and directed by the City Engineer. All signage requirements will be determined during the preliminary platting and final platting processes.
4. **Public Sidewalks.** The sidewalk system is intended to create walkability within this urban mix use development easy and convenient access to community open spaces, amenities, commercial/retail businesses. Sidewalks shall be constructed as follows:
- a. Along Urban Residential – shall be five feet (5') wide and located adjacent to the back of curb.
 - b. Along Rodeo Drive – shall be six feet (6') wide and located one foot (1') inside the right-of-way line.
 - c. Along Hwy 352 – shall be ten feet (10') wide per the trail plan and located within the right-of-way on the right-of-way line.
 - d. Along Rodeo Center Boulevard – Shall be six feet (6') wide and located one foot (1') inside the right-of-way line.

Developer may meander the sidewalk within the development up to eight feet (8') as long as a sidewalk maintenance easement is provided.

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5. **Residential Mailboxes.** Cluster boxes shall be provided as required by the US Postal Service. Cluster boxes shall be limited to eight units per box unless otherwise directed by the US Postal Service. The developer shall provide a preliminary cluster box layout for the City's review with the preliminary plat submittal.

