

ORDINANCE NO. 4835  
File No. Z1120-0157

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM NORTH GUS THOMASSON CORRIDOR DISTRICT TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 4414 GUS THOMASSON ROAD TO ALLOW OUTDOOR DISPLAY AND SALES, AND WHOLESALE AND RETAIL SALES OF PLUMBING, ELECTRICAL AND MECHANICAL RELATED SUPPLIES 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 a 5.73-acre tract described as Whitson Gardens No. 1, Block A, Lot 11R, located at 4414 Gus Thomasson Road and more particularly described in **Exhibit A** attached hereto and incorporated herein by reference (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from North Gus Thomasson Corridor District to Planned Development – General Retail, subject to the Concept Plan attached hereto as **Exhibit B** and incorporated herein by reference, to allow outdoor display and sales, and wholesale and retail sales of plumbing, electrical and mechanical related supplies subject to the following stipulations:

1. All uses permitted in the General Retail District are allowed on the Property except as modified in Subsections “a” and “b” of this paragraph. The uses permitted in the Planned Development are subject to the same requirements applicable to the uses in the General Retail District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the General Retail District only by conditional use permit (“**CUP**”) is permitted in this district only by **CUP**.
  - a. The following uses are permitted on the Property:

506 Electrical Goods

507 Hardware, Plumbing, Heating Equipment

b. The following uses are prohibited on the Property:

554 Limited Fuel Sales  
5993 Tobacco Stores (Primary Use)  
61 Nondepository Institutions, including Alternative Financial  
Institutions  
753 Automobile Repair Shops  
7542 Car Washes, including Detail Shops  
7549 Other Automotive Services

2. Outdoor Display and Sales shall conform substantially to the Concept Plan, attached hereto as **Exhibit B**. The use of the Outdoor Display and Sales area shown on the Concept Plan shall be associated with the Certificate of Occupancy issued with the 34,000 square-foot tenant space.
3. Outdoor Display and Sales area visible from Gus Thomasson Road shall be screened with a wrought-iron fence (maximum height of eight feet) with Closed Mesh Polypropylene. Stacking of inventory in the outdoor sales shall not exceed the height of the screening fence.
4. All screening and security fencing on the property shall be maintained in a like new manner, meaning any portion of fencing showing signs of deterioration, broken or missing panels, or creates a safety hazard, shall be replaced.

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 21st day of December 2020.



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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

PROPERTY DESCRIPTION

BEING Lot 11-R, Block "A" of Replat of Whitson Gardens No. 1, Block "A", Lots 11-R and 12-R, an Addition in the City of Mesquite, Texas according to the Plat thereof recorded in Volume 89143, Page 32 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a cross found at the Westerly corner of said 11-R, point also being 130.00 feet from the intersection of Oates Drive (100' ROW) and Gus Thomasson Road (120' ROW);

THENCE: North 44 degrees 43 minutes 00 seconds East, 130.00 feet to a cross found;

THENCE: North 45 degrees 36 minutes 00 seconds West, 130.00 feet to a cross set;

THENCE: North 44 degrees 43 minutes 00 seconds East, 345.00 feet along the Southerly ROW line of Oates Drive to an iron rod found;

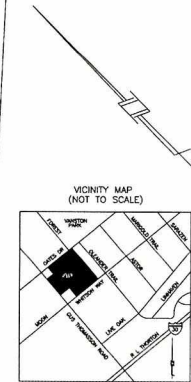
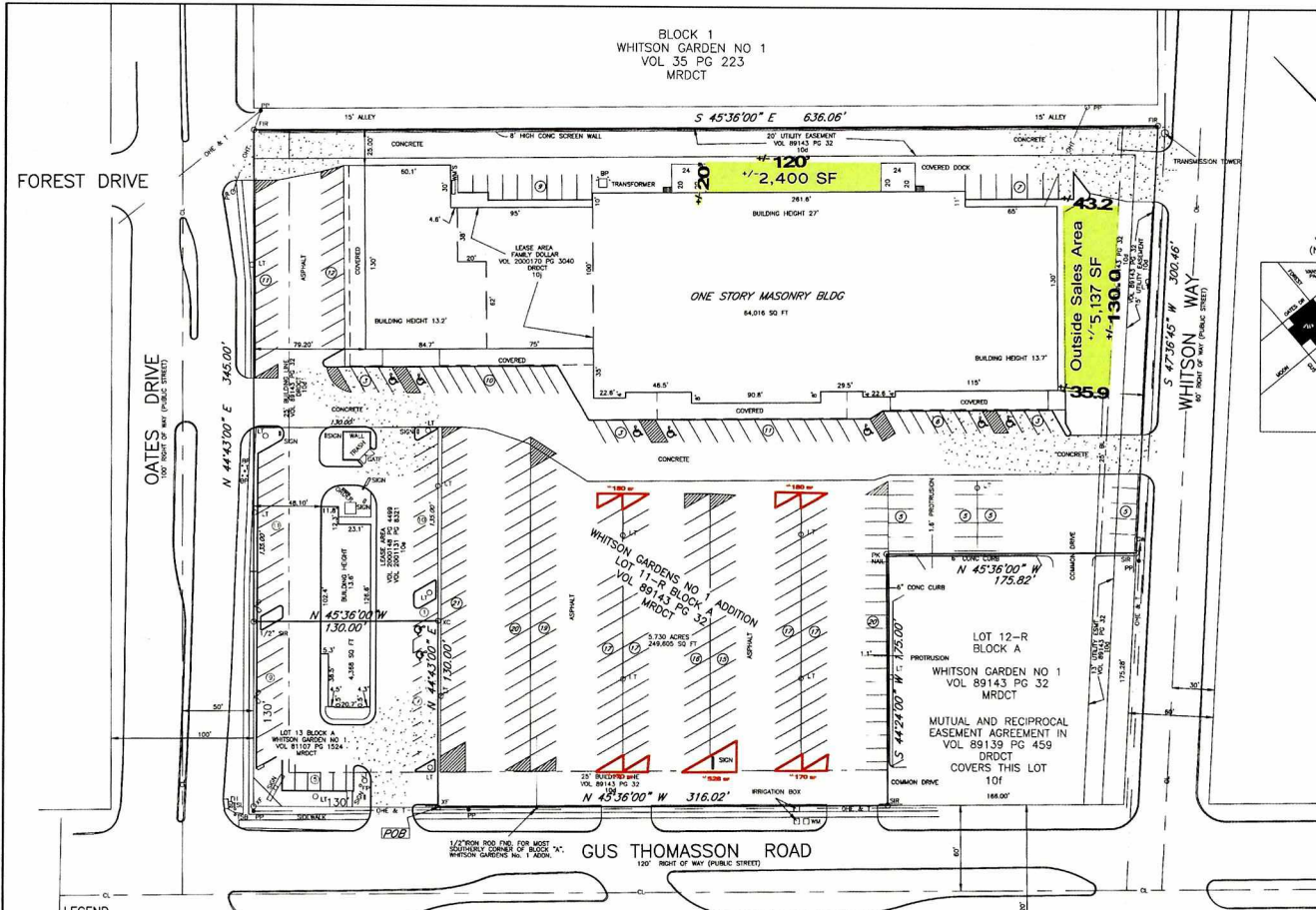
THENCE: South 45 degrees 36 minutes 00 seconds East, 636.06 feet along the Easterly line of said Lot 11-R to an iron rod found;

THENCE: South 47 degrees 36 minutes 45 seconds West, 300.46 feet along the Northerly ROW line of Whitson Way (60' ROW) to an iron rod set;

THENCE: North 45 degrees 36 minutes 00 seconds West, 175.82 feet to a PK nail for corner;

THENCE: South 44 degrees 24 minutes 00 seconds West, 175.00 feet to an iron rod set at the Easterly ROW line of Gus Thomasson Road;

THENCE: North 45 degrees 36 minutes 00 seconds West, 316.02 feet along the Easterly ROW line of Gus Thomasson Road to a cross found at the PLACE OF BEGINNING and containing 5.730 acres or 249,605 square feet of land.



- General Survey Notes:
- The property described herein is the same as the property described in Republic Title of Texas' GF No. 1002-77612-RTI, with an effective date of December 03, 2013, and that all easements, covenants and restrictions referenced in said title commitment or apparent from a physical inspection of the site or otherwise known to me have been plotted herein or otherwise noted as to their effect on the subject property.
  - Said described property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA), on Flood Insurance Rate Map No. 4811303370K, with a date of identification of February 5, 2003, for Community No. 485490, in Dallas County, State of Texas, which is the Flood Insurance Rate Map for the community in which said premises is situated.
  - There is no observable evidence of current earth moving work, building construction or building additions at the Property.
  - There is no observable evidence of recent street or sidewalk construction or repairs and to the best knowledge of Surveyor, there are no proposed changes in street right-of-way lines.
  - All areas in Reciprocal Access Easements ("REAs") have been denoted on the survey. The limits of any offsite appurtenant easements are also shown on the survey. The limits of any REAs of offsite appurtenant and beneficial easements to the surveyed property are reported, including the location of all buildings, parking spaces, and other improvements thereon.
  - The property has direct physical access to Whitson Way, Gus Thomasson Road and Oates Drive, all dedicated public streets or right-of-ways.
  - The zoning classification for the Property (City of Mesquite) is NGIC.
  - The Agency Survey was made on the ground and correctly shows the location of all buildings, structures and other improvements situated on the above premises; there are no visible encroachments on the subject property or upon adjacent land abutting said property except as shown herein and was made in accordance with laws and/or Minimum Standards of the State of Texas.
  - There is no observed evidence of use of the Property as a solid waste dump, sump or sanitary landfill.
  - The improvements lie wholly within the boundaries of the Property.
  - No part of the improvements encroach on or overhang any easement, right-of-way or land of others.
  - The improvements are wholly within building restriction lines established by plat, other recorded document or local ordinances.
  - No adjoining structure encroaches on the property or any dominant appurtenant easement.

- Schedule B, Exceptions from Coverage, as shown on Republic Title of Texas, Inc. GF No. 1002-77692-RTI, dated effective November 3, 2013.
- Property subject to restrictive covenants described in instrument filed July 19, 1989, recorded in Volume 89139, Page 459, Real Property Records, as affected by Affidavit filed January 21, 1998, recorded in Volume 98013, Page 5256, Real Property Records, Dallas County, Texas. Blanket description, not plottable.
  - The following easements and/or building lines, as shown on plat recorded in Volume 89143, Page 32, Map Records, Dallas County, Texas (shown on survey):
    - 15' Building line along the Northwest, Southeast and Southwest lines
    - 20' Utility easement along the Northeast line
    - 15' Utility easement along the Southeast line
    - 15' Utility easement along a portion of the Southeast line and adjacent to the 15' utility easement
  - Property subject to terms, provisions and conditions of lease between TSCA 52/203 Limited Partnership, and McDonald's Corporation, as evidenced by Memorandum filed August 1, 2000, recorded in Volume 2000148, Page 4429, Real Property Records, Dallas County, Texas. Supplement filed July 6, 2001, recorded in Volume 2001131, Page 8321, Real Property Records, Dallas County, Texas. Lease Area shown on survey.
  - Property subject to terms, provisions, conditions and easements contained in Mutual and Reciprocal Easement Agreement by and among Myriad Properties, Inc., KFC National Management Company and Myriad Food Stores, Inc., dated July 12, 1986, filed July 19, 1989, recorded in Volume 89139, Page 459, Real Property Records, Dallas County, Texas, as affected by Affidavit filed January 21, 1998, recorded in Volume 98013, Page 5256, Real Property Records, Dallas County, Texas. Blanket description, not plottable.
  - Property subject to terms, provisions and conditions of Agreement Respecting Re-Plating, filed June 20, 2000, recorded in Volume 2000120, Page 4444, Real Property Records, Dallas County, Texas. Blanket description, not plottable.
  - Property subject to terms, provisions and conditions of Covenant Not To Comply, filed June 20, 2000, recorded in Volume 2000120, Page 4451, Real Property Records, Dallas County, Texas. Blanket description, not plottable. 50' setback line along Gus Thomasson Road for any new improvements.
  - Property subject to title to all coal, lignite, oil, gas and other minerals in, under and that may be produced from the land, together with all rights, privileges and immunities relating thereto, all of such interest, to the extent not previously reserved or conveyed being described in instrument filed March 22, 2013, recorded in instrument No. 20130089777, Real Property Records, Dallas County, Texas. Not a survey matter.
  - Property subject to terms, provisions and conditions of lease between TSCA-52/203 Limited Partnership, and Family Dollar Stores of Texas, LP, as evidenced by Short Form Lease filed August 20, 2000, recorded in Volume 2000170, Page 3040, Real Property Records, Dallas County, Texas. Lease Area shown on survey.

**LEGEND**

- VOL. VOLUME
- DOC. PAGE
- NO. DOCUMENT NUMBER
- FOUR INCH ROD SET IRON ROD
- 5/8" CONCRETE CROSS CURB SET IN CONCRETE
- CONCRETE CURB SET IN CONCRETE
- FINISH
- PARKING SPACES
- TELEPHONE CABLE
- ELECTRIC HANDSAW UNDER GROUND
- POWER POLE
- CROSS CURB SET IN CONCRETE
- LIGHT POLE
- FIRE HYDRANT
- WATER VALVE
- STORM DRAIN
- SANITARY SEWER
- MANHOLE
- SEAL TIGHT GAS METER
- TRAFFIC SIGNAL LIGHT
- TRAFFIC SIGNAL BOX
- FLAG POLE
- BAMPER POLE

**NEW LANDSCAPE PLAN:**  
1,228 SQUARE FEET

**PARKING:**  
296 REGULAR SPACES  
7 HANDICAPPED SPACES  
303 TOTAL SPACES

**BASES OF RECORD:**  
THE NORTH BOUNDARY LINE OF GUS THOMASSON BLVD. BY THE PLAT VOL. 89143 PG. 32 MRDCT N 45°36'00" W 316.02'

**UTILITY WARNING**

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM SURVEY DATA, FIELD SURVEY AND TEST LOGS. SURVEYOR HAS MADE NO GUARANTEE THAT THE UNDERGROUND UTILITIES ARE ACCURATELY LOCATED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT AREAS LOCATED AS ACCURATELY SHOWN. CLIENTS THAT REQUIRE MORE DETAILED INFORMATION SHOULD CONSULT WITH THE UTILITY COMPANIES AVAILABLE IN THE AREA OR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

**PROPERTY DESCRIPTION**

BEING Lot 11-R, Block "X" of Record of Whitson Gardens No. 1, Block "X", lots 11-R and 12-R, an Addition in the City of Mesquite, Texas according to the Plat thereof recorded in Volume 89143, Page 32 of the Map Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a cross found at the Western corner of said 11-R, point also being 130.00 feet from the intersection of Oates Drive (100' ROW) and Gus Thomasson Road (120' ROW);

THENCE: North 44 degrees 43 minutes 00 seconds East, 130.00 feet to a cross found;

THENCE: North 45 degrees 36 minutes 00 seconds West, 130.00 feet to a cross set;

THENCE: North 44 degrees 43 minutes 00 seconds East, 345.00 feet along the Southerly ROW line of Oates Drive to an iron rod found;

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THENCE: North 45 degrees 36 minutes 00 seconds West, 316.02 feet along the Easterly line of Gus Thomasson Road to a cross found at the PLACE OF BEGINNING and containing 5.730 acres or 249,600 square feet of land.

**EASEMENT:**

Non-exclusive mutual and reciprocal access easement rights created in Mutual and Reciprocal Easement Agreement by and among Myriad Properties, Inc., KFC National Management Company and Myriad Food Stores, Inc., dated 07/12/1989, filed 07/19/1989, recorded in Volume 89139, Page 459, Real Property Records, Dallas County, Texas, as affected by Affidavit filed 01/21/1998, recorded in Volume 98013, Page 5256, Real Property Records, Dallas County, Texas.

ZONING	
NGIC	Maximum Lot Coverage 80%
North Gus Thomasson Corridor	Existing Parking
Building Set-Back Lines	Regular 296
Front 0' - 12' maximum	Handicap 7
Side 0' - 24' maximum	Total 303
Rear 10' minimum (or 15' from centerline of alley)	
Maximum Building Height: 2 stories minimum / 3 stories maximum	

**ZONING CONCEPT PLAN**

**OATES PARK SC 4414 GUS THOMASSON RD MESQUITE, TX 75150**

ALL OF LOT 11R BLOCK A, A REPLAT OF WHITSON GARDEN NO 1 LOTS 11R AND 12R BLOCK A CITY OF MESQUITE, DALLAS COUNTY, TEXAS

**OWNER / APPLICANT**  
TSCA-203, L.P.  
301 S Sherman St., Suite 100  
Richardson, TX 75081

**DATE:** SEPT, 1996

SCALE 1" = 40'

FILE No. 03-1612

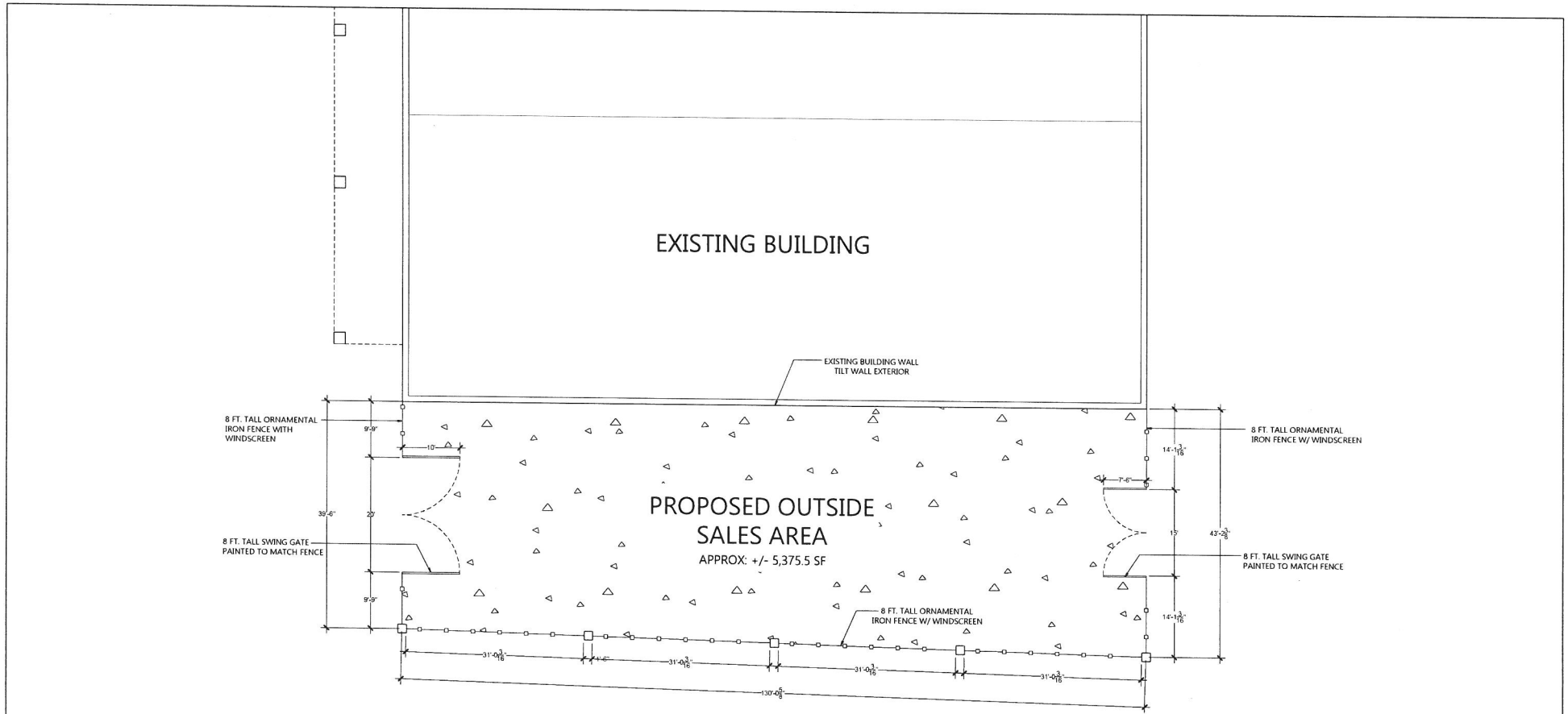
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**LOCKE SUPPLY OUTDOOR SALES AREA**



# **Locke Supply Outdoor Sales Area Screening Material**





01 | OUTDOOR SALES AREA CONCEPT

SCALE: 1/8" = 1'-0"

PROJECT: **OATES PARK SHOPPING CENTER**

ADDRESS: 4414 GUS THOMASSON RD. MESQUITE, TX

DATE: AUG. 08, 2019

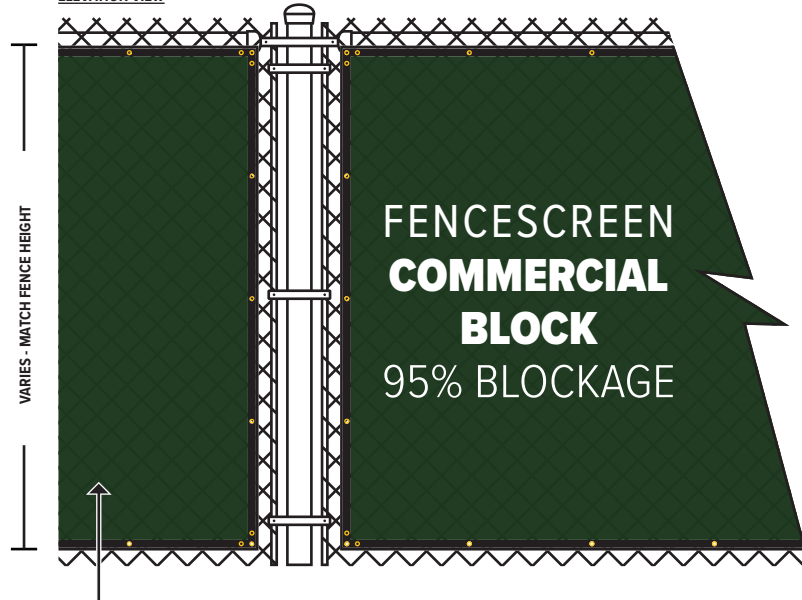
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NORTH



ELEVATION VIEW



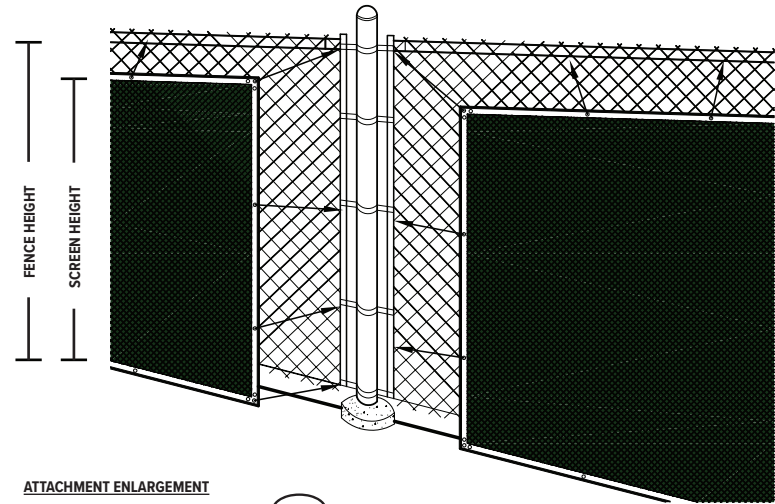
- FENCESCREEN PANELS WITH 2" POLYPROPYLENE WEBBING FOR EDGE REINFORCEMENT.
- 3/8" BRASS GROMMETS AT 24" ON CENTER ATTACH TO FENCE WITH FENCESCREEN FASTENERS OR GALVANIZED HOG RINGS.

### FENCESCREEN MATERIAL SPECIFICATIONS

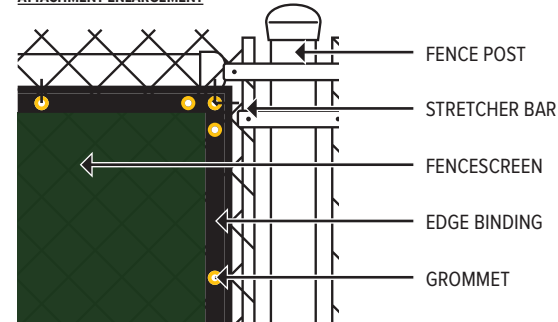
**MATERIAL COMPOSITION:** CLOSED WOVEN POLYPROPYLENE

PROPERTIES	RESULTS
Weight	400 g/m <sup>2</sup>
Grab Tensile	420/256 lbs.
Burst Strength	469 psi
Shade Percentage	95%

ATTACHMENT DETAIL 3D



ATTACHMENT ENLARGEMENT



**NOTE:**

- INSTALL PER FENCESCREEN MANUFACTURER RECOMMENDATION
- REFER TO STRUCTURAL PLANS FOR ALL FOOTING SIZE

**AVAILABLE COLORS:**



**750  
SERIES**

**COMMERCIAL BLOCK**  
**CLOSED MESH POLYPROPYLENE**



DRAWING #      **CB750 Commercial Block**

**888-313-6313**  
**WWW.FENCESCREEN.COM**