

ORDINANCE NO. 5108
File No. Z0324-0353

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT - GENERAL RETAIL TO ALLOW USES PERMITTED IN THE GENERAL RETAIL ZONING DISTRICT ON PROPERTY LOCATED AT 6491 FM 741 SUBJECT TO PLANNED DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; 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 properties; 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 subject property is on approximately 1.557 acres located at 6491 FM 741, and more fully described in Exhibit A attached hereto and incorporated herein by reference (the “**Property**”).

SECTION 2. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Agricultural to Planned Development – General Retail to allow uses permitted in the General Retail Zoning District subject to the Planned Development Standards, attached hereto as Exhibit B, and incorporated herein by reference and made a part hereof.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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

Zoning / File No. Z0324-0353 / Agricultural to PD-General Retail / May 20, 2024

Page 2 of 2

SECTION 6. Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. 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 20th day of May 2024.

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B...

Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:
David L. Paschall
666E18891208434...

David L. Paschall
City Attorney

LEGAL DESCRIPTION:

BEING A 1.557 ACRE TRACT OF LAND SITUATED IN THE MARTHA MUSICK SURVEY, ABSTRACT NO. 312, A CALLED 1.557 ACRE TRACT OF LAND CONVEYED TO C. LEE INVESTMENT, LLC BY A WARRANTY DEED RECORDED IN DOCUMENT NUMBER 2010-0011260 OFFICIAL PUBLIC RECORDS OF KAUFMAN COUNTY, TEXAS; SAID 1.557 ACRE TRACT OF LAND

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT FOR CORNER FROM WHICH A 1/2-INCH IRON ROD FOUND BEARS NORTH 44 DEGREES 12 MINUTES WEST, A DISTANCE OF 0.3 FEET; SAID CORNER BEING THE EAST CORNER OF SAID 1.557 ACRE TRACT, ON THE NORTHWEST RIGHT-OF-WAY LINE OF F.M. 741 (VARIABLE WIDTH RIGHT-OF-WAY) AND THE SOUTH CORNER OF A CALLED 0.937 ACRE TRACT OF LAND CONVEYED TO JESSIE FOSTER BY A WARRANTY DEED AS RECORDED IN VOLUME 1303, PAGE 36, DEED RECORDS, KAUFMAN COUNTY, TEXAS;

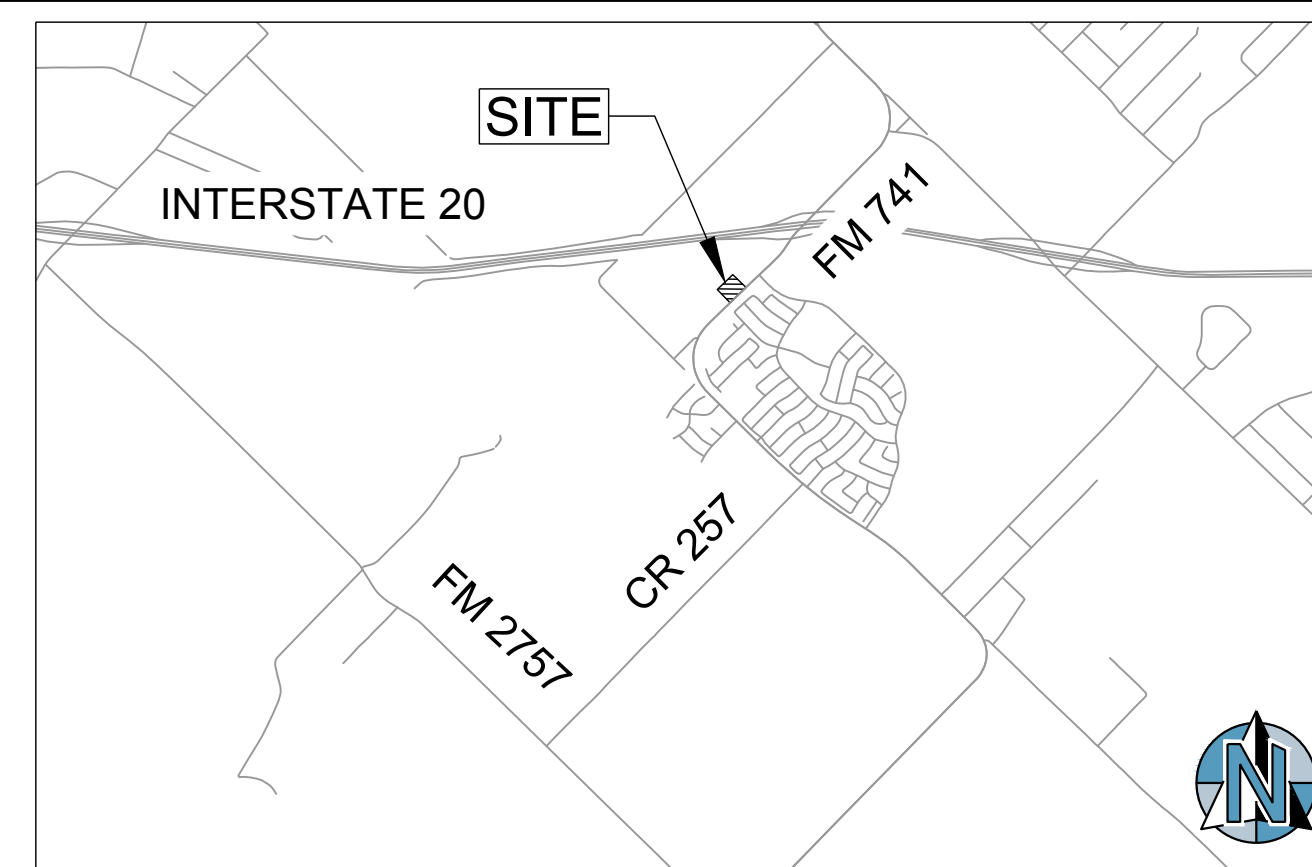
THENCE SOUTH 46 DEGREES 09 MINUTES 40 WEST ALONG THE NORTHWEST RIGHT-OF-WAY LINE OF SAID F.M. 741 AND THE SOUTHEAST LINE OF SAID 1.557 ACRE TRACT, A DISTANCE OF 418.14 FEET TO A 1/2-INCH IRON ROD FOUND FOR THE SOUTH CORNER OF SAID 1.557 ACRE TRACT AND AN EAST CORNER OF A CALLED 5.58 ACRE TRACT OF LAND CONVEYED TO PSH ASSOCIATES LLC, AS RECORDED IN VOLUME 3442, PAGE 622 OF THE DEED RECORDS OF KAUFMAN COUNTY, TEXAS;

THENCE NORTH 44 DEGREES 40 MINUTES 18 SECONDS WEST DEPARTING THE NORTHWEST RIGHT-OF-WAY LINE OF SAID F.M. 741, ALONG THE SOUTHWEST LINE OF SAID 1.557 ACRE TRACT AND A NORTHEAST LINE OF SAID 5.58 ACRE TRACT, A DISTANCE OF 159.93 FEET TO A 1/2-INCH IRON PIPE FOUND FOR THE WEST CORNER OF SAID 1.557 ACRE TRACT AND A RE-ENTRANT CORNER OF SAID 5.58 ACRE TRACT;

THENCE NORTH 46 DEGREES 19 MINUTES 39 SECONDS EAST ALONG THE NORTHWEST LINE OF SAID 1.557 ACRE TRACT AND A SOUTHEAST LINE OF SAID 5.58 ACRE TRACT, A DISTANCE OF 178.37 FEET TO A 1/2-INCH IRON PIPE FOUND FOR AN ANGLE POINT IN THE NORTHWEST LINE OF SAID 1.557 ACRE TRACT, AN EAST CORNER OF SAID 5.58 ACRE TRACT AND THE SOUTH CORNER OF A CALLED 5.998 ACRE TRACT OF LAND CONVEYED TO JESSIE FOSTER ET UX BY A WARRANTY DEED AS RECORDED IN VOLUME 1189, PAGE 615, DEED RECORDS, KAUFMAN COUNTY, TEXAS;.

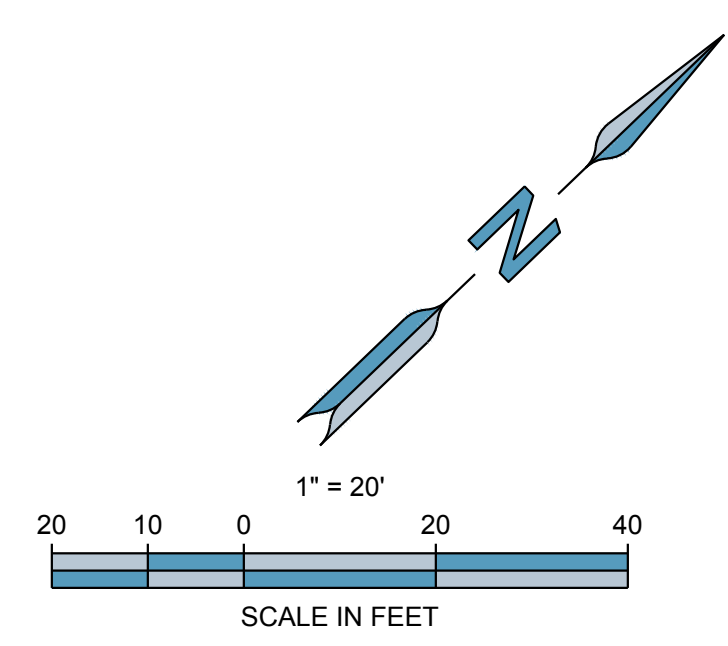
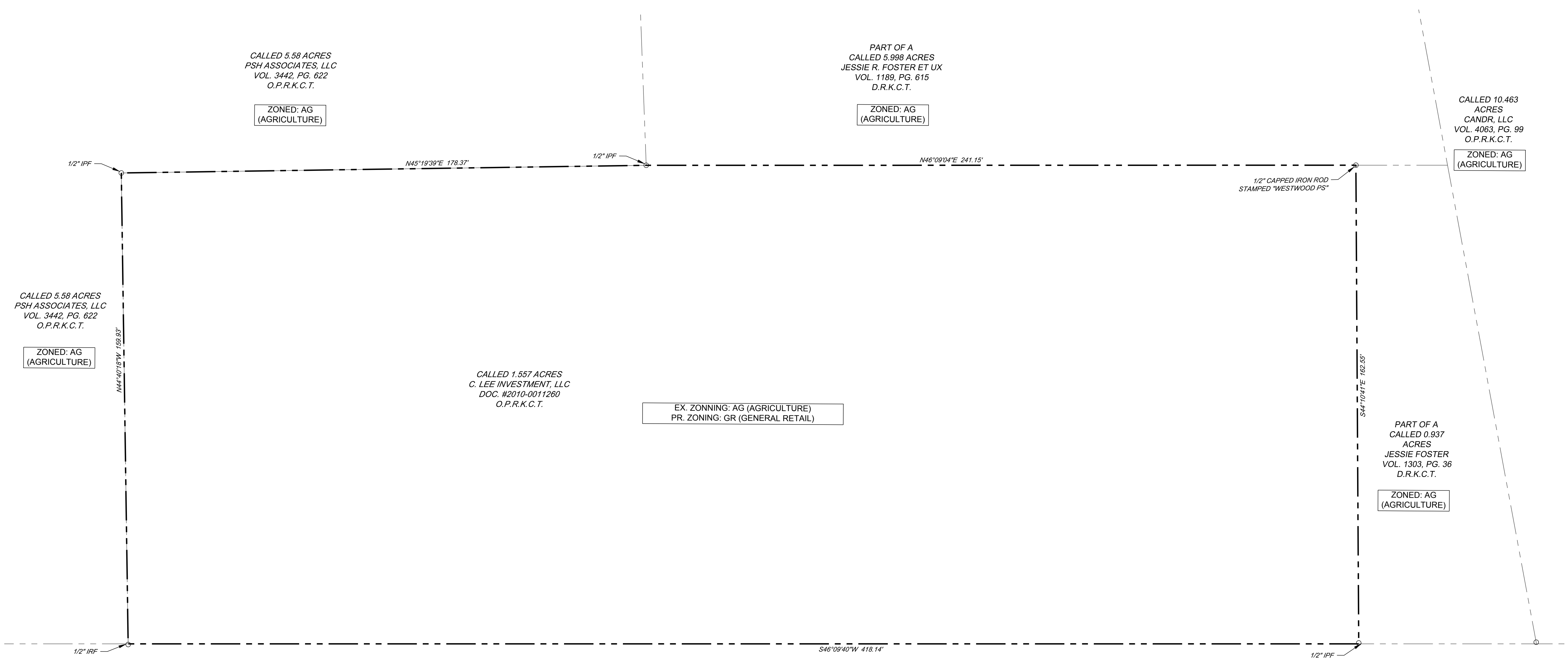
THENCE NORTH 46 DEGREES 09 MINUTES 04 SECONDS EAST CONTINUING ALONG THE NORTHWEST LINE OF SAID 1.557 ACRE TRACT AND THE SOUTHEAST LINE OF SAID 5.998 ACRE TRACT, A DISTANCE OF 241.15 FEET TO 1/2-INCH CAPPED IRON ROD STAMPED "WESTWOOD PS" SET FOR THE NORTH CORNER OF SAID 1.557 ACRE TRACT, THE WEST CORNER OF SAID 0.937 ACRE TRACT AND IN THE SOUTHEAST LINE OF SAID 5.998 ACRE TRACT;

THENCE SOUTH 44 DEGREES 10 MINUTES 41 SECONDS EAST DEPARTING THE SOUTHEAST LINE OF SAID 5.998 ACRE TRACT, ALONG THE NORTHEAST LINE OF SAID 1.557 ACRE TRACT AND THE SOUTHWEST LINE OF SAID 0.937 ACRE TRACT, A DISTANCE OF 182.55 FEET TO THE POINT-OF-BEGINNING AND CONTAINING 67,837 SQUARE FEET OR 1.557 ACRES OF LAND.



VICINITY MAP NOT TO SCALE

LEGEND	
	PROPERTY LINE
IRF	IRON ROD FOUND
IPF	IRON PIPE FOUND
D.R.K.C.T.	DEED RECORDS KAUFMAN COUNTY TEXAS
O.P.R.K.C.T.	OFFICIAL PUBLIC RECORDS KAUFMAN COUNTY TEXAS



F.M. 741
(VARIABLE WIDTH R.O.W.)

CITY PROJECT # XXXX## ####
ZONING EXHIBIT
FOR
6491 FM 741
LOT 9530, 1.557 ACRES
LOCATED IN THE MARTHA MUSICK SURVEY
ABSTRACT NO. 312
KAUFMAN COUNTY, TEXAS
PREPARED: MARCH 2024

TBPELS Firm No. F-12878
FORESITE
group
D/B/A Foresite Consulting Group of Texas, Inc.

SURVEYOR:
WESTWOOD PROFESSIONAL SERVICES
2901 DALLAS PARKWAY, SUITE 400
PLANO, TX 75093
(214) 473-4640
CONTACT: MR. JASON B. ARMSTRONG, R.P.L.S.

OWNER:
C LEE INVESTMENTS, LLC
P.O. BOX 906
FORNEY, TX 75126

ENGINEER:
FORESITE GROUP, LLC
4925 GREENVILLE AVE., SUITE 480
DALLAS, TX 75206
(214) 939-7123
CONTACT: MR. DAVID NORRIS, P.E.

File No.: Z0324-0353
Zoning Change

DEVELOPMENT STANDARDS – EXHIBIT B

EXHIBIT B – DEVELOPMENT STANDARDS

1. All uses permitted in the General Retail zoning district are allowed on the Property except the prohibited uses listed in Subsections a, b, and c of this paragraph. Uses listed in the Mesquite Zoning Ordinance as permitted by Conditional Use Permit in the General Retail zoning district are prohibited on the Property.
 - a. The following Retail Trade uses are prohibited on the Property:
 - i. 533 Variety Stores
 - ii. 549a Convenience Stores
 - iii. 554 Limited Fuel Sales
 - iv. 5947 Gift, Novelty, Souvenir Shops
 - v. 5993 Tobacco Stores
 - b. The following Finance, Insurance, Real Estate uses are prohibited on the Property:
 - i. 61 Nondepository Institutions, including Alternative Financial Institutions
 - c. The following Services uses are prohibited on the Property:
 - i. 7215 Coin-Operated Laundries
 - ii. 75 Automotive Repair Services – all including:
 1. 7514 Passenger Car Rental
 2. 7515 Passenger Car Leasing
 3. 752 Automobile Parking (Lots/Structures)
 4. 753 Automobile Repair Shops
 5. 7542 Car Washes, including Detail Shops
 6. 7549 Other Automotive Services
2. Landscaping shall be provided that creates a harmonious streetscape edge containing native plant materials and drought-tolerant shrubs and trees and shall include the following:
 - a. A landscape buffer along the ROW with a minimum depth of 15 feet shall be provided. Up to five feet of the landscape buffer may be in the right-of-way.
 - b. One tree is required for every 500 square feet of required landscaping, which shall also include that one large shade tree shall be provided for each 35 linear feet along the ROW and shall be planted within the 15-ft landscape buffer no more than 35 feet apart.
 - c. Ten evergreen shrubs shall be provided for each 30 linear feet along the ROW and shall be planted in the 15-ft landscape buffer.
3. District screening walls are not required. A tree buffer line shall be located along the southwest, northwest and northeast property lines. The tree buffer line shall be installed in accordance with the “Buffer Tree Line” in Section 1A-500-1.
4. Pole signs are prohibited. All freestanding signs shall have the same architectural design and materials.
5. All mechanical equipment shall be screened from view at a point six (6) feet above ground level at the property line. Screening for roof-mounted units shall be incorporated with the building façade.