

ORDINANCE NO. 5145  
File No. Z0824-0368

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL AND PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 5048 TO PLANNED DEVELOPMENT - GENERAL RETAIL WITH MODIFIED DEVELOPMENT STANDARDS TO ALLOW A RESTAURANT AND RETAIL DEVELOPMENT ON PROPERTY GENERALLY LOCATED SOUTH OF IH-20 AND WEST OF FM 741 (0, 6611 AND 6619 FM 741, KAUFMAN TAX PROPERTY ID NUMBERS 9680, 9686, 9687, AND 182255); 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 25.69 acres generally located south of IH-20 and west of FM 741 (0, 6611 and 6619 FM 741, Kaufman Tax Property ID Numbers 9680, 9686, 9687, and 182255), Mesquite, Kaufman County, Texas, 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 and Planned Development – General Retail Ordinance No. 5048 to Planned Development – General Retail to allow a restaurant and retail development subject to the Planned Development Standards and the Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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

Zoning / File No. Z0824-0368 / Agricultural & PD-GR Ord No. 5048 to PD-General Retail

October 21, 2024

Page 2 of 2

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 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 21st day of October 2024.

DocuSigned by:  
*Daniel Aleman Jr.*  
D999585317D142B...

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Daniel Alemán, Jr.  
Mayor

ATTEST:

DocuSigned by:  
*Sonja Land*  
C2518095973F46A...

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Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:

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

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David L. Paschall  
City Attorney

**ZONING METES & BOUNDS DESCRIPTION**

**BEING** a 25.6826 acre (1,118,733 square foot) tract of land situated in the Martha Music Survey, Abstract No. 312, Kaufman County, Texas, and being all of a tract of land described as Tract 1 and Tract 2 in the Special Warranty deed to NADG 10/Heartland, LP recorded in Instrument No. 2007-0026313, Official Public Records, Kaufman County, Texas, and being all of a called 10.463 acre tract of land described in Warranty Deed to CANDR, LLC recorded in Instrument No. 2012-0001025, said Official Public Records, and being all of a called 0.937 acre tract of land described in Warranty Deed to Jesse Foster recorded in Volume 1303, Page 36, Deed Records, Kaufman County, Texas, and being all of a called 3.00 acre tract of land described in Warranty Deed to Jesse R. Foster and Patricia A. Foster recorded in Volume 1248, Page 989, said Deed Records, and being all of a called 4.335 acre tract of land described in Warranty Deed to Jessie R. Foster and Patricia A. Foster recorded in Volume 1228, Page 396, said Deed Records, and being all of a called 1.054 acre tract of land described in Warranty Deed to Jessie R. Foster and Patricia A. Foster recorded in Volume 1189, Page 615, said Deed Records, and being more particularly described as follows:

**BEGINNING** at an aluminum disk stamped "TXDOT" found in the souht right-of-way line of Interstate Highway No. 20, a variable width right-of-way, and being at the northeast corner of a called 20.22 acre tract of land described as Tract Two in the Warranty Deed with Vendor's Lien to HighCountryForney LLC recorded in Instrument No. 2023-0032109, said Official Public Records;

**THENCE** along the said south right-of-way line, the following three (3) calls:

North 82°59'01" East, a distance of 650.48 feet to a point for corner, from which a 1/2-inch iron rod with cap stamped "WLSC RPLS 5331" found bears South 89°32'55" West, a distance of 3.47 feet;

North 86°53'53" East, a distance of 1,052.88 feet to a concrete monument found for corner;

North 82°55'56" East, a distance of 58.64 feet to a 3/8-inch iron rod found at the northeast corner of said Tract 2;

**THENCE** South 45°00'27" East, departing the said south right-of-way line, and along the east line of said Tract 2, at a distance of 163.08 feet passing a bolt found at the easternmost northeast corner of said Tract 1, and continuing along the east line of said Tract 1, in all a total distance of 290.71 feet to a point for corner, being at the beginning of a non-tangent curve to the right with a radius of 909.93 feet, a central angle of 04°59'36", and a chord bearing and distance of South 43°47'24" West, 79.28 feet, and being in the north right-of-way line of FM Road 741, a variable width right-of-way;

**THENCE** in a southwesterly direction, along the said north right-of-way line, with said non-tangent curve to the right, an arc distance of 79.30 feet to a concrete monument found for corner;

**THENCE** South 46°17'12" West, continuing along the said north right-of-way line, a distance of 1,016.54 feet to an iron pipe found for corner, being at the east corner of a called 0.1644 acre tract of land described in the Deed to the State of Texas recorded in Instrument No. 2024-0000231, said Official Public Records;

**(CONTINUED ON SHEET 2)**

EXHIBIT A  
 MARTHA MUSIC SURVEY  
 ABSTRACT NO. 312  
 KAUFMAN COUNTY, TEXAS

**Kimley»»Horn**

801 Cherry Street, Unit 11, # 1300  
 Fort Worth, Texas 76102 FIRM # 10194040

Tel. No. (817) 335-6511  
 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	DMD	JDW	8/30/2024	069227450	1 OF 4

**THENCE** North 43°51'22" West, departing the said north right-of-way line, along the northeast line of the said called 0.1644 acre tract, at a distance of 16.25 feet passing a 5/8-inch iron rod with cap stamped "TXDOT" found for the north corner of the said called 0.1644 acre tract, and continuing in all a total distance of 162.66 feet to a 1/2-inch iron rod with cap stamped "RPLS 394" found for corner, being the north corner of a called 1.557 acre tract of land described in Warranty Deed with Vendor's Lien to P. McClain Enterprises, LLC recorded in Instrument No. 2010-0001717, said Official Public Records;

**THENCE** South 46°02'14" West, along the northwest line of the said called 1.557 acre tract, a distance of 242.09 feet to a 1/2-inch iron pipe found for corner, being at the east corner of a called 5.8 acre tract of land described in Warranty Deed with Vendor's Lien to PSH Associates, LLC recorded in Instrument No. 2008-00015167, said Official Public Records;


**THENCE** North 45°59'06" West, along the northeast line of the said called 5.8 acre tract, a distance of 524.68 feet to a 5/8-inch iron rod found for corner, being the easternmost corner of the aforementioned called 20.22 acre tract;

**THENCE** North 44°56'45" West, along the northeast line of the said called 20.22 acre tract, a distance of 717.46 feet to the **POINT OF BEGINNING** and containing 1,118,733 square feet or 25.6826 acres of land, more or less.

**NOTES**

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone (4202). A survey plat of even survey date herewith accompanies this metes and bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the zoning tract.

  
 JOSHUA D. WARGO  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6391  
 801 CHERRY STREET,  
 UNIT 11 SUITE 1300  
 FORT WORTH, TEXAS 76102  
 PH. 817-335-6511  
 josh.wargo@kimley-horn.com

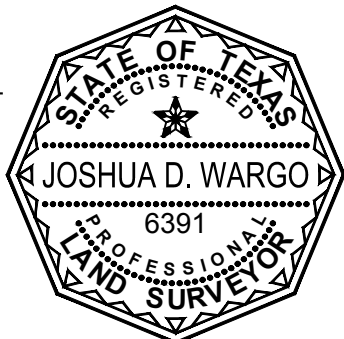
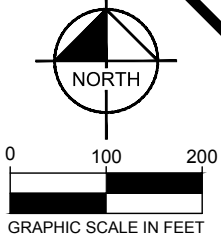
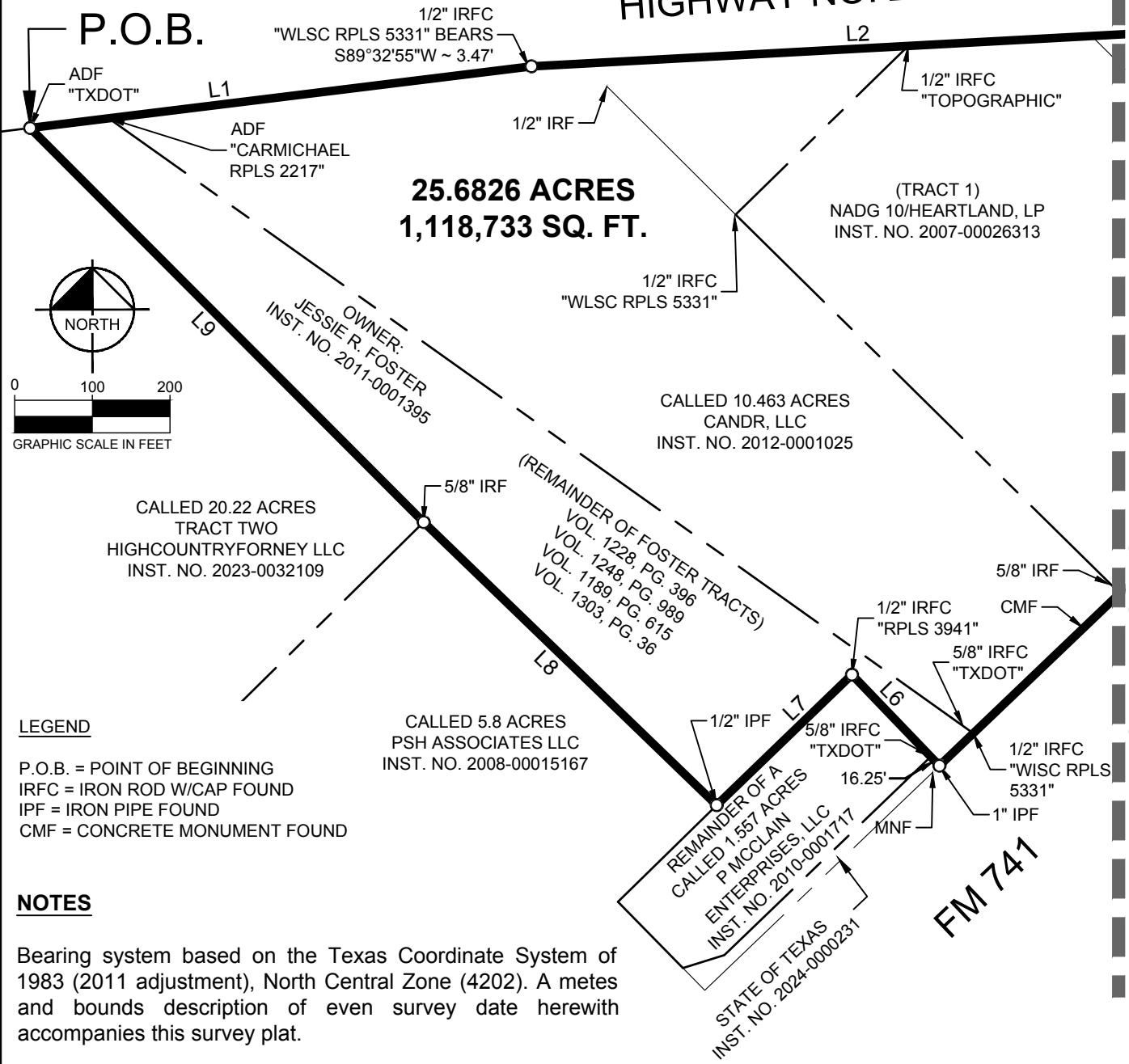


EXHIBIT A  
 MARTHA MUSIC SURVEY  
 ABSTRACT NO. 312  
 KAUFMAN COUNTY, TEXAS

<b>Kimley»Horn</b>					
801 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102		FIRM # 10194040		Tel. No. (817) 335-6511 www.kimley-horn.com	
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
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# INTERSTATE HIGHWAY NO. 20

**P.O.B.**



**LEGEND**

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IPF = IRON PIPE FOUND
- CMF = CONCRETE MONUMENT FOUND

**NOTES**

Bearing system based on the Texas Coordinate System of 1983 (2011 adjustment), North Central Zone (4202). A metes and bounds description of even survey date herewith accompanies this survey plat.

The undersigned, Registered Professional Land Surveyor, hereby certifies that this survey plat accurately sets out the metes and bounds of the zoning tract.

*Joshua D. Wargo*  
**JOSHUA D. WARGO**  
 REGISTERED PROFESSIONAL  
 LAND SURVEYOR NO. 6391  
 801 CHERRY STREET,  
 UNIT 11 SUITE 1300  
 FORT WORTH, TEXAS 76102  
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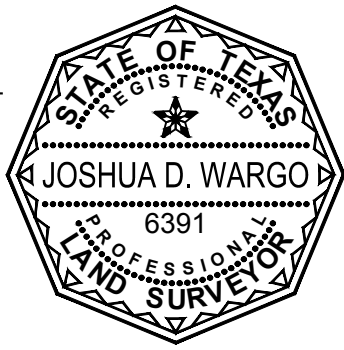


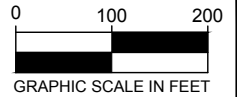
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 KAUFMAN COUNTY, TEXAS

**Kimley»Horn**

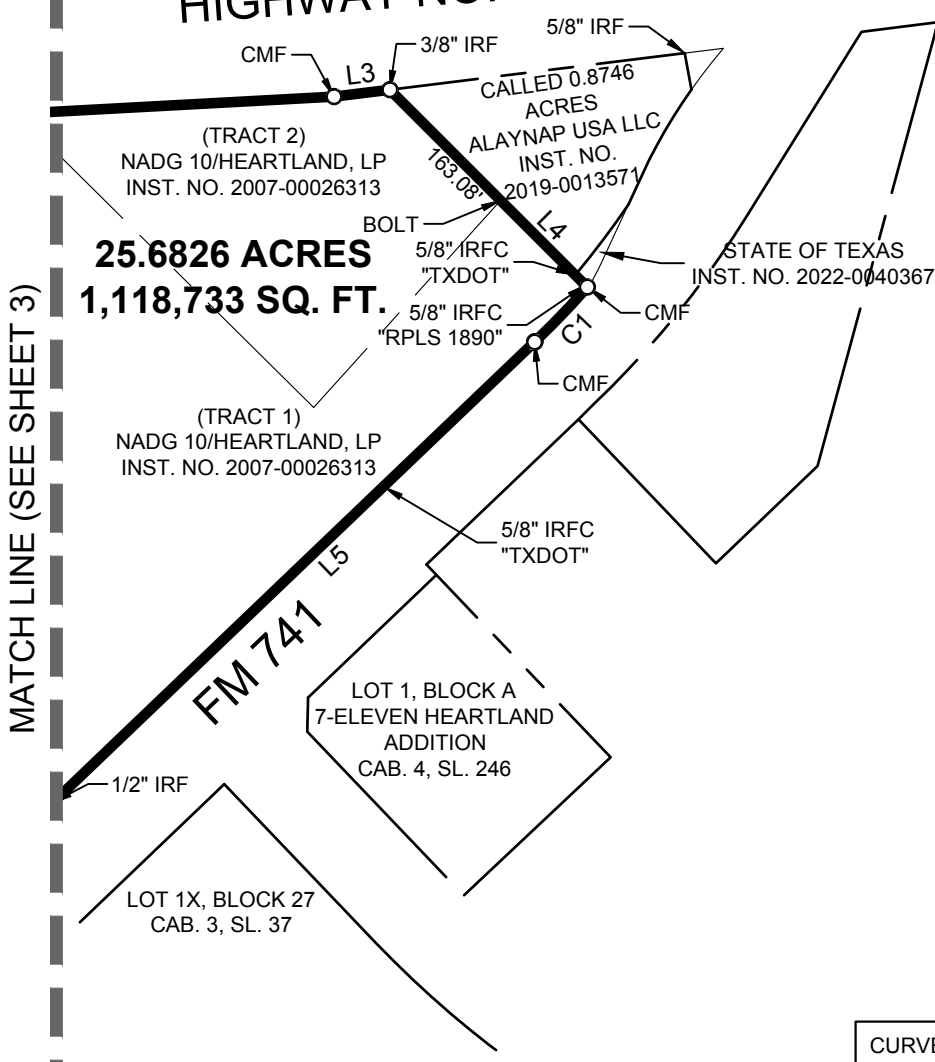
801 Cherry Street, Unit 11, # 1300  
 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511  
 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	DMD	JDW	8/30/2024	069227450	3 OF 4

MATCH LINE (SEE SHEET 4)



# INTERSTATE HIGHWAY NO. 20



5/8" IRFC  
"TXDOT"

STATE OF TEXAS  
INST. NO. 2022-0040367

**LEGEND**

- P.O.B. = POINT OF BEGINNING
- IRFC = IRON ROD W/CAP FOUND
- IPF = IRON PIPE FOUND
- CMF = CONCRETE MONUMENT FOUND

LINE TABLE		
NO.	BEARING	LENGTH
L1	N82°59'01"E	650.48'
L2	N86°53'53"E	1052.88'
L3	N82°55'56"E	58.64'
L4	S45°00'27"E	290.71'
L5	S46°17'12"W	1016.54'
L6	N43°51'22"W	162.66'
L7	S46°02'14"W	242.09'
L8	N45°59'06"W	524.68'
L9	N44°56'45"W	717.46'

CURVE TABLE					
NO.	RADIUS	DELTA	CHORD BEARING	CHORD	LENGTH
C1	909.93'	4°59'36"	S43°47'24"W	79.28'	79.30'

EXHIBIT A  
 MARTHA MUSIC SURVEY  
 ABSTRACT NO. 312  
 KAUFMAN COUNTY, TEXAS

# Kimley»Horn

801 Cherry Street, Unit 11, # 1300 Fort Worth, Texas 76102 FIRM # 10194040 Tel. No. (817) 335-6511 www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	DMD	JDW	8/30/2024	069227450	4 OF 4

**EXHIBIT B for File No. Z0824-0368**

**PLANNED DEVELOPMENT STANDARDS**

This Planned Development – General Retail (“**PD-GR**”) District must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance (“**MZO**”), as amended, and adopts the General Retail (“**GR**”) District as the base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-GR district. Where these regulations conflict with or overlap another ordinance, this PD-GR ordinance will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the GR District classification as set out in the MZO, and those permitted uses on the Property are subject to the same requirements as set out in the MZO. Prohibited uses on the Property are identified in subsection 2 below.
  - a. The permitted uses requiring a conditional use permit (“**CUP**”) as set out in the MZO, also require a CUP for the use to be permitted on the Property unless permitted in subsection 1.b below.
  - b. The following uses are permitted on the Property:
    - i. SIC Code 554 Refueling Stations with a Convenience Store is permitted as an accessory use to a grocery store with no more than 24 fueling positions. Any additional convenience stores(s) shall require approval of a CUP.
    - ii. Car washes are permitted as an accessory use to a refueling station and grocery store. Self-service car washes are prohibited (it does not preclude self-service vacuums provided with non-self-service carwashes).
    - iii. SIC Code 5812a Drive-In restaurants.
2. **Prohibited Land Use.** The following uses are prohibited on the Property:
  - a. SIC Code 554c: Heavy load vehicle refueling
  - b. SIC Code 5947: Gift Novelty, Souvenir Shops
  - c. SIC Code 5993: Tobacco Stores
  - d. SIC Code 5999g: Paraphernalia Shop
  - e. SIC Code 61: Alternative Financial Institutions
  - f. SIC Code 7215: Coin-Operated Laundries
  - g. SIC Code 7299a: Massage Parlors, Turkish and Steam Bath

3. **Development Standards.** In addition to the requirements of the GR base zoning district, the Planned Development is subject to the following.
- a. **Site Plan.** The lot sizes and Permissible Building Area (“PBA”) sizes shown on Exhibit “C” may be modified, provided that parking, landscaping, and other development standards are met. The site plan may be altered without requiring an amendment to the Exhibit “C” to comply with the adopted Building and Fire Codes, Mesquite Engineering Design Manual, and TxDOT driveway standards. In the event of a conflict between the provisions of this Exhibit “B” and Exhibit “C”, the provisions of this Exhibit “B” control.
  - b. **Cross Access.** A cross-access easement shall be provided on each lot at the time of development as appropriate with a reasonable standard. Cross-access easements may be controlled through a reciprocal easement agreement and are not required to be platted.
  - c. **Building Height and Setbacks.**
    - i. The setback for a grocery store (SIC 541) located on Lot 1 shall follow the setbacks as shown on the Exhibit “C”. The maximum allowed height for a grocery store is 45 feet.
  - d. **Drive-Through Facilities.** Drive-through facilities shall follow the stacking requirements in Section 3-400 of the MZO. The stacking requirement for a drive-through associated with a grocery store use shall provide a minimum of three vehicles at each service window or ordering station.
  - e. **Fencing.** Any fencing on the Property shall consist of a wrought iron. In this PD ordinance, wrought iron refers to tubular steel or aluminum commonly used in commercial fencing placed vertically between 3 and 6 inches on center.
  - f. **Landscaping and Screening.** 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:
    - i. The Property shall adhere to the landscaping requirements for nonresidential uses in Section 1A-200 of the MZO.
    - ii. 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. The landscape buffer can be inclusive of easements.
    - iii. One large shade tree selected from the City’s approved Tree Schedule (Section of 1A-500 of the MZO) shall be provided for each 35 linear feet along the ROW and shall be planted within the landscape buffer no more than 35 feet apart.
    - iv. Ten evergreen shrubs shall be provided for each 30 linear feet along the ROW and shall be planted in the 15-ft landscape buffer. If the required



landscaping cannot be provided in the landscape buffer due to easements, the plantings can be provided elsewhere within the same lot.

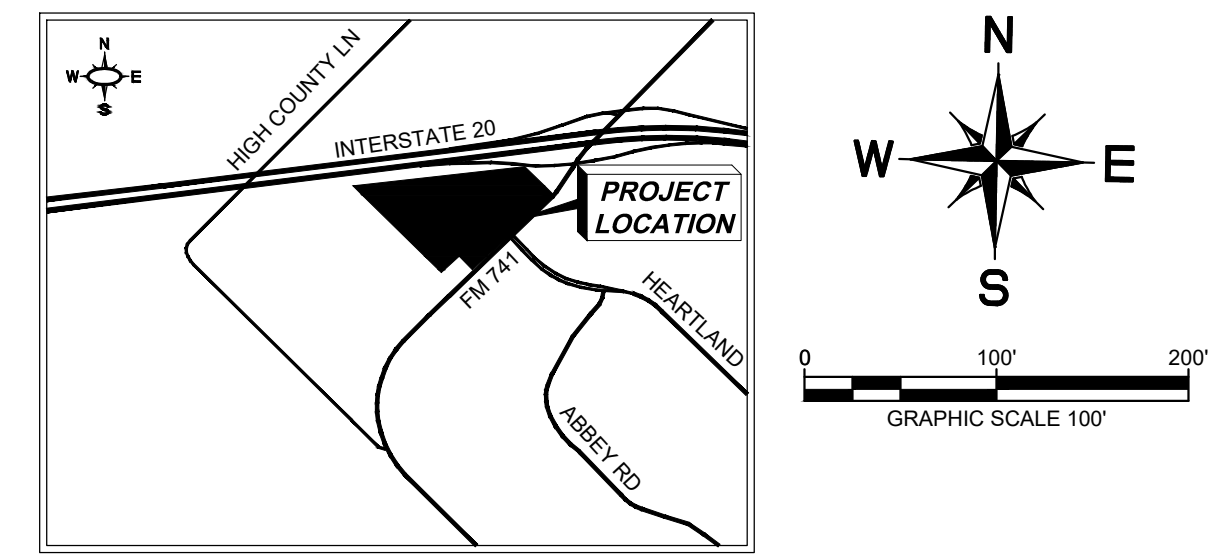
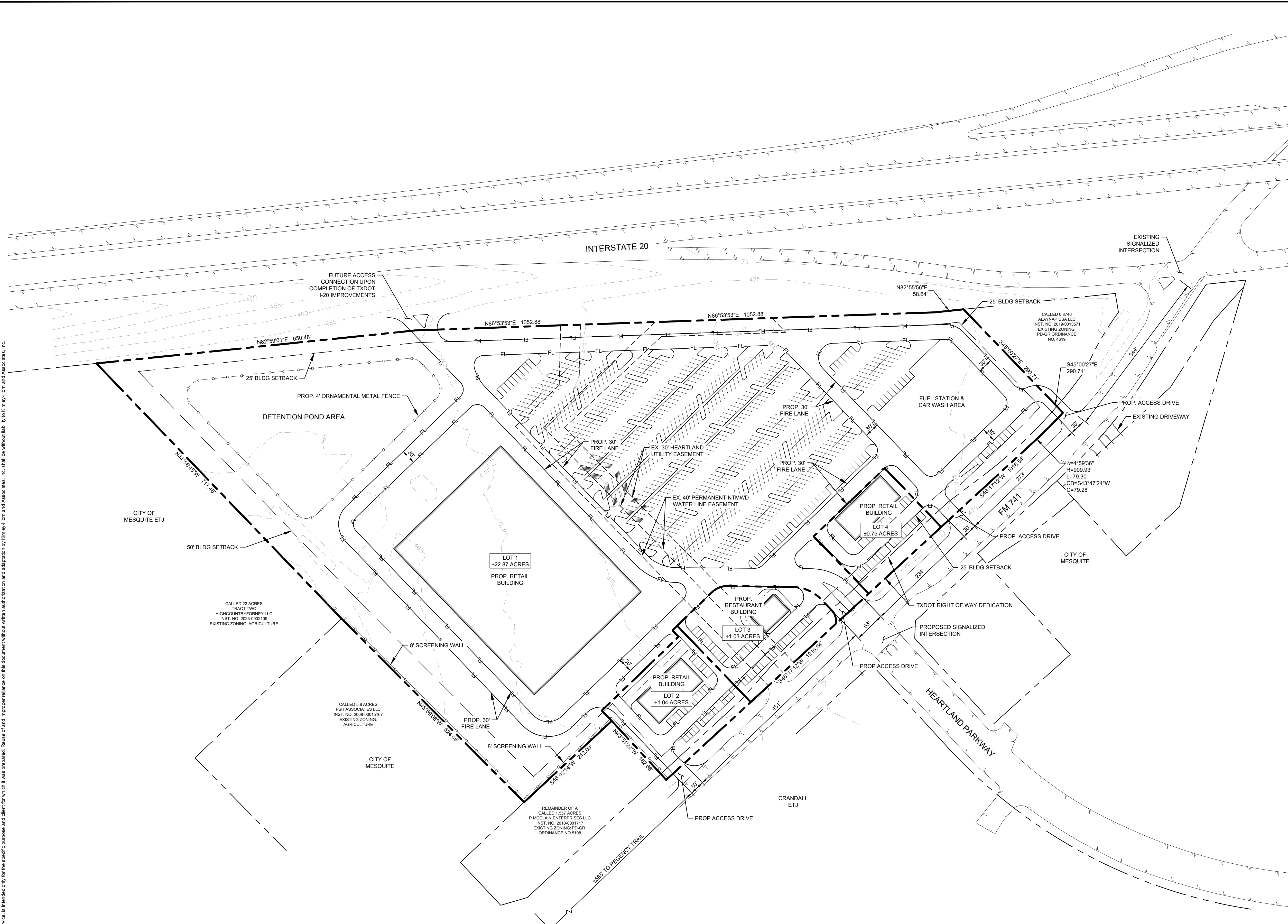
- v. District screening walls are only required, as shown on Exhibit C. A screening wall may be substituted with a living screen consisting of a 6-foot-tall hedge and wrought iron fence when there is a retaining wall greater than 6 feet in height at the property line.
- vi. Trees shall not be required to be planted within 200 feet of the front façade of the building on Lot 1. Islands adjacent to and within 200 feet of the front façade of the primary building shall be planted with shrubs at a ratio of 5:1 in lieu of terminus island trees.
- vii. Roof-mounted mechanical units shall not have a restriction on the location, size, or height, and can be screened individually or by a parapet wall. Roof-mounted mechanical units shall be screened from a viewpoint of 5.5 feet above the elevation of the adjacent right-of-way. The height of the screening element shall be sufficient to fully hide the mechanical unit from the viewpoint stated above.
- viii. Service Area Screening. Screening along the property line as shown in Exhibit C addresses all current and future screening requirements for back-of-house equipment and storage, including but not limited to loading docks, transformers, generators, and ground-mounted equipment.

**g. Outdoor Display and Outdoor Storage.**

- i. Outdoor displays shall be permitted for a grocery store located on Lot 1. Outdoor displays shall be limited to merchandise associated with a grocery store use.
  - ii. Outdoor display shall be permitted adjacent to the building's front façade. Such display shall be located on a paved surface with a walkway at least five (5) feet in width remaining unobstructed if located on a sidewalk. No such display shall obstruct or eliminate any designated parking or loading space, access drive or fire lane, or occupy any street right-of-way.
  - iii. Outdoor storage is permitted for a grocery store use located on Lot 1. Any outdoor storage (not including outdoor display) is restricted to behind the building and shall be screened from adjacent properties.
- h. Lighting.** Exterior light shall not shine towards the residential district. In no case shall exterior lighting add more than 0.25 footcandle to the illumination levels at any point off-site. Light sources shall be concealed or shielded with luminaries with shielding, skirts, or cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent properties.

- i. **Glazing.** Glazing or transparency for a grocery store on Lot 1 shall be required to have a minimum of 10% on the front entrance façade.
  
- j. **Signage.**
  - i. Multi-tenant signs may advertise any business located within the Planned Development, regardless of individual lot lines, without being considered off-premise (billboard) signage.
  
  - ii. Any signage plan and requirements in an approved Development Agreement for the Property will overrule the provisions in the Mesquite Sign Ordinance when there is a conflict. If there is no Development Agreement or it does not include provision for signage, the Mesquite Sign Ordinance (Chapter 13 of City Code) would apply unless modified by this ordinance.

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Review of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



**LEGEND**

	PROPOSED BUILDING
	BARRIER FREE RAMP (BFR)
	TYPICAL
	WATER EASEMENT
	EXISTING
	PROPOSED

**FLOOD STATEMENT**  
NO 100-YEAR FLOODPLAIN EXISTS ON THE SITE

**THOROUGHFARE NOTE**  
THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF PLAT.

**CITY OF MESQUITE NOTES:**

- ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.
- THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, WILL REQUIRE AN AMENDMENT TO THE ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.

SITE DATA SUMMARY TABLE

PROPOSED USES	GROCERY STORE, RETAIL, RESTAURANT
EXISTING ZONING DISTRICT	SPLIT ZONED AGRICULTURE AND PD-GR ORDINANCE NO. 2048
PROPOSED BASE ZONING DISTRICT	PD-COMMERCIAL
GROSS SITE AREA	LOT 1 (22.87 AC, 996,034 SF) LOT 2 (1.04 AC, 45,090 SF) LOT 3 (1.03 AC, 45,067 SF) LOT 4 (0.75 AC, 32,542 SF) TOTAL = 25.69 AC, 1,118,733 SF
LOT COVERAGE	12.92%
MAXIMUM HEIGHT	75 FT
REQUIRED LANDSCAPE AREA	2,569 AC. & 10%
PROVIDED LANDSCAPE AREA	2,569 AC. & 10%

NOTE: THE PROPOSED USES SHOWN ON THE CONCEPT PLAN ARE SUBJECT TO CHANGE.

**RUSSELL'S DREAM**  
CASE NO. Z0824-0368  
**EXHIBIT C**  
SOUTHWEST CORNER OF  
FM 741 & INTERSTATE 20  
**±25.69 ACRES**  
MARTHA MUSICK SURVEY, ABSTRACT NO.312  
City of Mesquite, Kaufman County, Texas  
Submitted 09/16/2024

**Current Owners:**  
CANDR, LLC  
525 S. Loop 288, Suite 105  
Denton, TX 76205  
Phone: 940-382-5003  
NAOG 10 Heartland, LP  
3131 McKinney Avenue, Suite L-10  
Phone: 214-288-5678  
Jessie Foster  
PO Box 515 Crandall, TX 75114  
Phone: 972-557-8000

**Applicant/Surveyor:**  
Kimley-Horn and Associates, Inc.  
2600 N Central Expressway, Suite 400  
Richardson, TX 75080  
Contact: Jonathan Kerby, P.E.  
Phone: 972-770-1300

© 2024 KIMLEY-HORN  
2600 N CENTRAL EXPRESSWAY, SUITE 400  
RICHARDSON, TEXAS 75080  
TEXAS REGISTERED ENGINEERING FIRM F-928

<p><b>SWC FM 741 &amp; I-20</b></p> <p>MESQUITE, TEXAS</p>	<p><b>EXHIBIT C</b></p>						
<p><b>SHEET NUMBER</b></p> <p><b>EXH</b></p>	<p><b>REVISIONS</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>DATE</th> <th>BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	No.	DATE	BY			
No.	DATE	BY					