

ORDINANCE NO. 5029
File No. Z0123-0288

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT - COMMERCIAL ON PROPERTY LOCATED AT 200 EAST U.S. HIGHWAY 80 TO MODIFY THE SIGN REQUIREMENTS AND DEVELOPMENT STANDARDS FOR A NEW RETAIL BUILDING LOCATED ON A PROPOSED OUTPARCEL ALONG RANGE DRIVE 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; PROVIDING PUBLICATION OF THE CAPTION HEREOF; 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 29 acres and is described in Exhibit A, attached hereto and incorporated herein by reference, and located at 200 East U.S. Highway 80 in Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Commercial to Planned Development - Commercial to modify the sign requirements and development standards for a new retail building on the Property subject to the following stipulations:

- (1) The Planned Development Standards, the Concept Plan, and the Pole Sign depiction and description, attached hereto as Exhibits B, C, and D, respectively, are incorporated herein by reference.
- (2) The maximum height of the Pole Sign shall not exceed forty-three (43) feet in height measured from the ground level.
- (3) The addition of a masonry base to the Pole Sign is required, to be approved by the Director of Planning and Development Services or his designee.

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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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 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 June 2023.

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 Paschall
666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A

**LEGAL DESCRIPTION
FILE NO. Z0123-0288**

EXHIBIT A

LEGAL DESCRIPTION

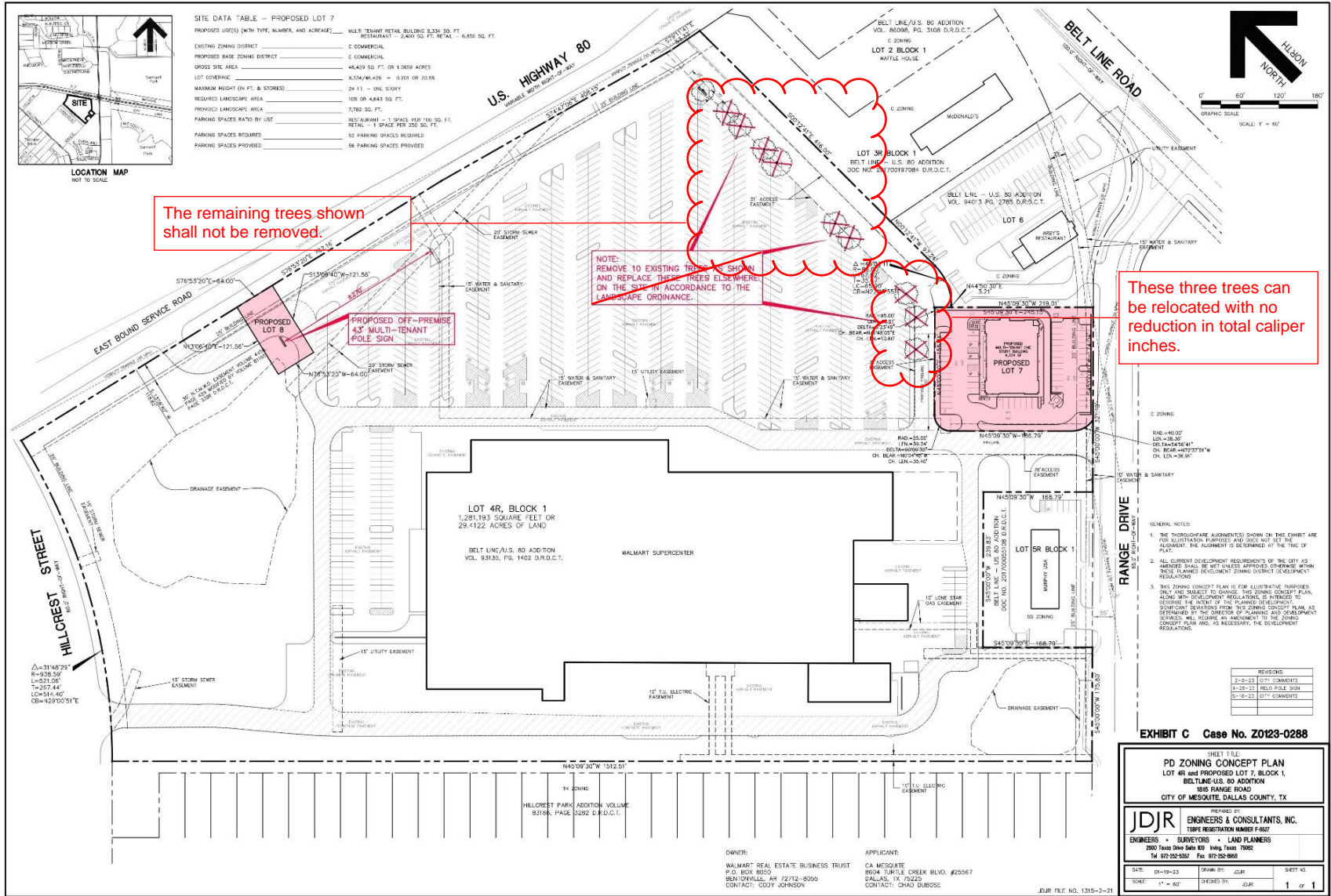
LOT 4R, BLOCK 1, BELTLINE-U.S. 80 ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AS RECORDED IN VOLUME 99063, PAGE 12, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS.

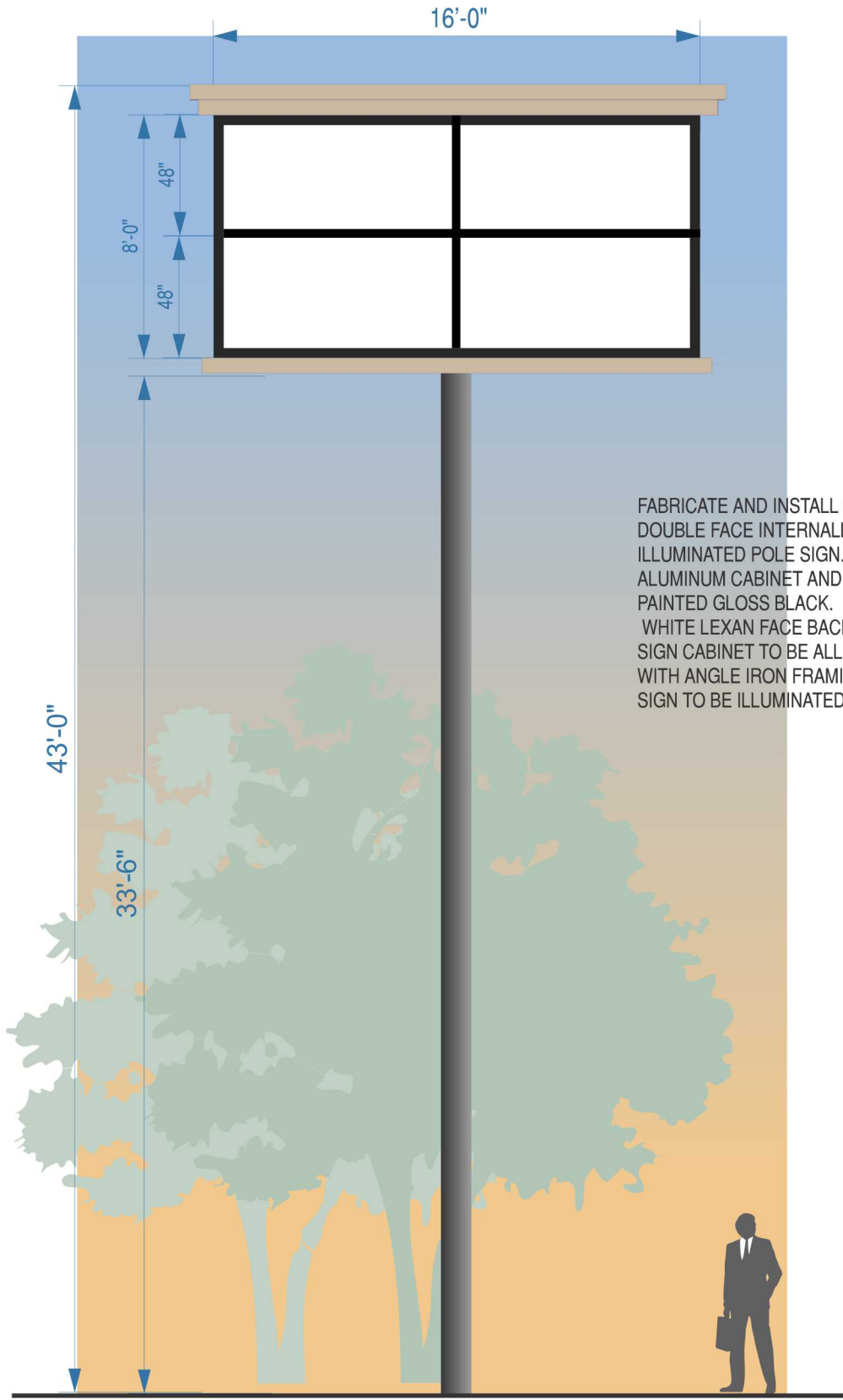
EXHIBIT B - PLANNED DEVELOPMENT STANDARDS Z0123-0288

This Planned Development Commercial (PD-C) district must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts Commercial 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-C district. Where these regulations conflict within this ordinance, the more stringent restriction will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the Commercial District classification (“C”) as set out in the Mesquite Zoning Ordinance (“MZO”), and those permitted uses on the Property are subject to the same requirements as set out in the MZO. Additional use restrictions for Lot 7 are identified in subsection b.
 - 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.
 - b. The Property identified as Lot 7 on the concept plan (shall be limited to retail and restaurant uses as permitted in the MZO. The following uses are permitted on Lot 7 only by obtaining a CUP:
 - i. SIC Code 549a: Convenience Stores
 - ii. SIC Code 5947: Gift Novelty, Souvenir Shops
 - iii. SIC Code 5993: Tobacco Stores
 - c. A pole sign as shown in Exhibit D may be permitted on Lot 8 as shown on Exhibit C.
2. **Development Standards.** In addition to the requirements of the C base zoning district, the Planned Development is subject to the following.
 - a. Signage
 - i. The pole sign as shown in Exhibit D may advertise any business that has a valid Certificate of Occupancy that has been issued by the City of Mesquite to occupy the building located on Lot 7, regardless of individual lot lines, without being considered off-premises (billboard) signage. The number and shape of the sign cabinets shown in Exhibit D may be modified; provided that there is no increase in total size of 130 square feet.
 - ii. All other signs within the PD shall comply with the Mesquite Sign Ordinance, as amended.
 - b. Development Standards
 - i. Lot 4R - The development on Lot 4R as shown on the attached Concept Plan, Exhibit C, may be modified provided the development meets all applicable development standards in Mesquite City Code, as amended.

- ii. Lot 7 – The development on Lot 7 shall be developed in accordance with the Concept Plan, Exhibit C, with the following stipulations.
 1. The square footage of retail and restaurant uses may change, provided that the development meets applicable parking requirements for each use as required in Section 3-400 of the MZO.
 2. Up to 10% of the required parking for Lot 7 may be located on Lot 4R; provided that a permanent and irrevocable easement of the parking facilities in favor of the premises to be benefited thereby shall be dedicated and recorded in Dallas County records as a condition of such use.
 3. Amenities. The amenities listed below must be installed within Lot 7 prior to issuance of any Certificate of Occupancy for the development on Lot 7. All proposed amenities shall be identified on the Site Plan.
 - a. A minimum of one bicycle parking space for every 20 required automobile parking spaces or a portion thereof shall be required. The location of any proposed bicycle facilities must be approved by the Director of Planning and Development Services, or his/her designee.
 - b. The required landscaping and number of trees shall be based on the landscaping shown on the Concept Plan, Exhibit C.
 - c. Outdoor dining patio defined with brick pavers and decorative railings shall be provided.
 - d. Other: Other amenities may be allowed as approved by the Director of Planning and Development Services.
3. Lot Numbers. The lot numbers on the concept plan may change, provided that the proposed retail building and pole sign are located on the Property, as shown in Exhibit C.





FABRICATE AND INSTALL ONE 8'x16'
 DOUBLE FACE INTERNALLY
 ILLUMINATED POLE SIGN. -.040
 ALUMINUM CABINET AND TRIMS
 PAINTED GLOSS BLACK.
 WHITE LEXAN FACE BACKGROUND
 SIGN CABINET TO BE ALL ALUMINUM
 WITH ANGLE IRON FRAMING.
 SIGN TO BE ILLUMINATED WITH LED.

SCALE: 3/16" = 1'-0"

EXHIBIT D



**BAKER SIGN
 COMPANY**

bakersigns@sbcglobal.net

The design is sole property of Baker Sign Company. Any unauthorized use or duplication of this drawing is prohibited.

5213 SUN VALLEY DR. FT. WORTH, TX. 76119

Phone# 817-572-7346 FAX# 817-483-0839

Created for the approval of:

Approved by:

Scale: 3/8"=1'-0"

Salesman: EDDIE BAKER

Location:

Date: MAY 12, 2023 Drawing#: