

ORDINANCE NO. 5048  
File No. Z1122-0260

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURAL TO PLANNED DEVELOPMENT - GENERAL RETAIL TO ALLOW RETAIL, RESTAURANT, SELF-STORAGE, AND PERSONAL SERVICE USES, IN ADDITION TO OTHER USES ALLOWED IN THE GENERAL RETAIL ZONING DISTRICT, AND THE PLANNED DEVELOPMENT IS SUBJECT TO CERTAIN STIPULATIONS, ON PROPERTY GENERALLY LOCATED ON APPROXIMATELY 10.208 ACRES WEST OF FM 741 AND SOUTH OF IH-20 (6611 FM 741 AND 6619 FM 741); REPEALING ALL OTHER 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 described as being approximately 10.208 acres of land more fully described in the legal description attached as Exhibit A, and located at 6611 FM 741 and 6619 FM 741, Mesquite, Kaufman County, Texas (the “**Property**”) and generally located west of FM 741 and south of IH-20.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Agricultural to Planned Development – General Retail to allow retail, restaurant, self-storage, and personal service uses, in addition to other uses allowed in the General Retail Zoning District, and the Planned Development is 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. All other 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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.

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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 August 2023.

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 Paschall*  
666E18891208434...

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David L. Paschall  
City Attorney

# EXHIBIT A LEGAL DESCRIPTION FILE NO. Z1122-0260

**PROPERTY DESCRIPTION:**

**BEING** a 10.208 acre tract of land situated in the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, being that same tract of land as conveyed to NADG 10/Heartland, LP, by deed recorded in Volume 3285, Page 229 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described by metes and bounds as follows (Bearings and distances are based on the State Plane Coordinate System, Texas North Central Zone (4202) North American Datum of 1983 (NAD 83)(US Foot) with a combined scale factor of 1.000114077):

**BEGINNING** at a 1/2-inch rebar with a cap stamped "1890" found for the Northeast corner of Tract 2 of said NADG tract, same being the Northwest corner of a tract of land conveyed to Deal A Day Real Estate, LLC by deed recorded in Volume 5489, Page 480 (D.R.K.C.T.), and lying on the South right-of-way line of Interstate Highway 20 (Variable width right-of-way);

**THENCE** South 45 Degrees 01 Minutes 33 Seconds East, departing the South right-of-way line of said Interstate Highway 20, with the Southwest line of said Deal A Day tract, a distance of 291.47 feet to a Concrete Right-of-way Monument found for the South corner of said Deal A Day tract, same being the Easternmost corner of Tract 1 of said NADG tract, and lying on the Northwest right-of-way line of F.M. Road No. 741 (90 foot right-of-way), and lying at the beginning of a non-tangent curve to the right having a central angle of 05 Degrees 01 Minutes 52 Seconds, a radius of 909.93 feet and a chord bearing and distance of South 44 Degrees 32 Minutes 00 Seconds West, 79.87 feet;

**THENCE** along said non-tangent curve to the right, with the Northwest right-of-way line of said F.M. Road No. 741, an arc length of 79.90 feet to a Concrete Right-of-way monument found for corner;

**THENCE** South 46 Degrees 18 Minutes 17 Seconds West, continuing with the Northwest right-of-way line of said F.M. Road No. 741, a distance of 694.46 feet to a 3/8-inch rebar with a cap stamped "WLSC-5331" found for the South corner of said Tract 1, same being the Southeast corner of a tract of land conveyed to Candr, LLC by deed recorded in Volume 4063, Page 99 (D.R.K.C.T.);

**THENCE** North 45 Degrees 19 Minutes 19 Seconds West, departing the Northwest right-of-way line of said F.M. Road No. 741, with the Northeast line of said Candr tract, a distance of 694.33 feet to a 1/2-inch rebar with a cap stamped "ASC" set for the Westernmost corner of said Tract 1, same being an interior "ell" corner of said Candr tract;

**THENCE** North 45 Degrees 55 Minutes 54 Seconds East, with a Southeast line of said Candr tract, a distance of 310.60 feet to a 1/2-inch rebar found for the Northernmost Northwest corner of said Tract 1, same being the Northeast corner of said Candr tract, and lying on the South right-of-way line of said Interstate Highway 20;

**THENCE** North 86 Degrees 52 Minutes 05 Seconds East, with the South right-of-way line of said Interstate Highway 20, a distance of 564.68 feet to a Concrete Right-of-way Monument found for corner;

**THENCE** North 82 Degrees 36 Minutes 16 Seconds East, continuing with the South right-of-way line of said Interstate Highway 20, a distance of 59.14 feet to the **POINT OF BEGINNING**, and containing 444,678 square feet, or 10.208 acres of land, more or less.

**TITLE COMMITMENT NOTES**

This survey was prepared without the benefit of a commitment for title insurance. Therefore, easements, agreements, or other documents, either recorded, or unrecorded may exist that affect the subject property that are not shown on this survey.

**SURVEYOR'S CERTIFICATE**

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7(a), 8, 9, 11, and 14 of Table A thereof. The field work was completed on March 26, 2019.

Date of Plat or Map: March 28, 2019



Thomas W. Mauk  
Registered Professional Land Surveyor No. 5119  
State of Texas



**EXHIBIT B – DEVELOPMENT STANDARDS  
Z1122-0260**

1. Except as provided herein, the site plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit “C”. The number of lots and the Permissible Building Area (“PBA”) sizes shown on Exhibit “C” may be modified provided that parking and other development standards are met. The orientation and location of structures, driveways and parking areas shown on Exhibit “C” may be modified to avoid conflict with utilities, floodplain and/or wetlands provided that parking and other development standards are met. However, in no case, shall screening and buffering requirements be modified. In the event of a conflict between the provisions of this ordinance and Exhibit “C”, the provisions of this ordinance control.
  
2. 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:

533	Variety Stores
549a	Convenience Stores
554	Limited Fuel Sales
5947	Gift, Novelty, Souvenir Shops
5993	Tobacco Stores

Exception: One convenience store with fuel sales may be permitted by right, as shown on Lot 4 in Exhibit C. The location of the convenience store and fuel sales may not be altered.
  
  - b. The following Finance, Insurance, Real Estate uses are prohibited on the Property:

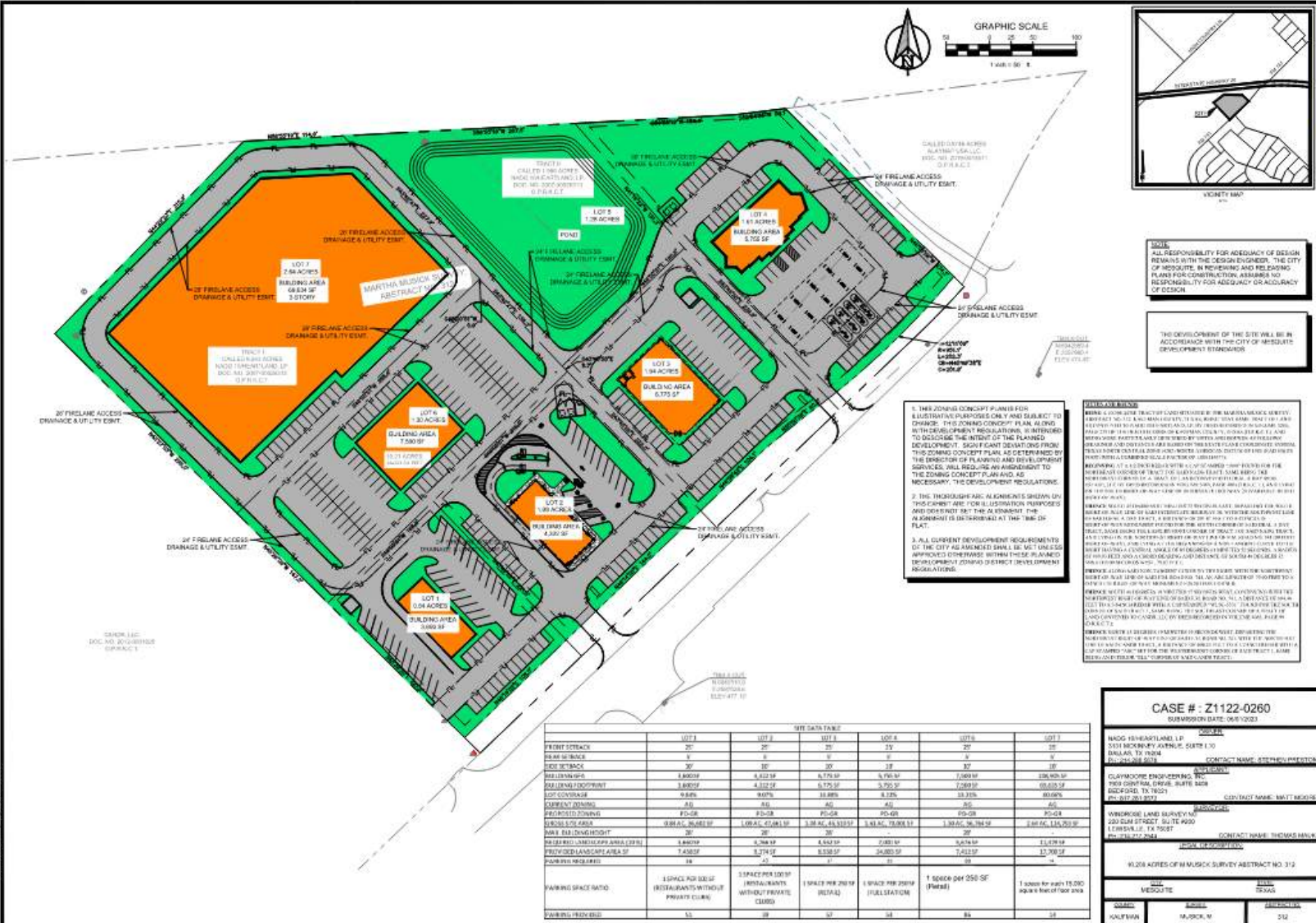
61	Nondepository Institutions, including Alternative Financial Institutions
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  - c. The following Services uses are prohibited on the Property:

7215	Coin-Operated Laundries
75	Automotive Repair Services – all including:
7514	Passenger Car Rental
7515	Passenger Car Leasing
752	Automobile Parking (Lots/Structures)
753	Automobile Repair Shops
7542	Car Washes, including Detail Shops
7549	Other Automotive Services
  
  - d. A self-storage facility (SIC 42a) may be permitted by right, as shown on Lot 7 on Exhibit C. The location of the self-storage facility shall not be altered. All storage units within the self-storage facility shall be accessed through the interior of the building or internal hallways. Additionally,

**EXHIBIT B – DEVELOPMENT STANDARDS  
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- Security Cameras shall be placed along the entrance and exit of the property and in the internal hallways of the building
- e. Tunnel Carwashes (SIC 7542) shall be permitted by right. 35 vehicle stacking spaces shall be provided.
3. Landscaping shall be provided that creates a harmonious streetscape edge containing native plant materials and drought-tolerant shrubs and trees 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.
4. District screening walls are not required. A tree buffer line shall be located along the southwest and northwest property lines. The tree buffer line shall be installed in accordance with the "Buffer Tree Line" in Section 1A-500-1.
5. Pole signs are prohibited. All freestanding signs shall have the same architectural design and materials.
6. 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.
7. A cross-access easement shall be provided on each lot at the time of development, as shown on Exhibit C, and shall be shown on the plat to be filed in Kaufman County.
8. All lots, excluding any self storage facility, shall be connected by pedestrian sidewalks separated from the parking lots except where necessary to cross a drive aisle.
9. Each lot within the Property shall have frontage on a public or private street, or be accessible by an access easement, which is dedicated by plat filed in Kaufman County

# EXHIBIT C CONCEPT PLAN FILE NO. Z1122-0260



1. THIS ZONING CONCEPT PLAN IS AN ILLUSTRATIVE PLAN ONLY AND SUBJECT TO CHANGE. THE 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.
2. THE THROUGH-FACE ALIGNMENTS SHOWN ON THIS CONCEPT ARE FOR ILLUSTRATION PURPOSES AND INTENDED SET THE ALIGNMENT. THE ALIGNMENT IS DESCRIBED AT THE TIME OF FLAT.
3. ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS APPLICABLE SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THOSE PLANNED DEVELOPMENT ZONING CONCEPT DEVELOPMENT REGULATIONS.

**PRELIMINARY NOTES:**

- DESIGN & CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MARIETTA SURVEY ABSTRACT, WHICH IS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF HARRIS, TEXAS, BOOK 110, PAGE 120.
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	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6
FRONT SETBACK	20'	20'	20'	20'	20'	20'
REAR SETBACK	5'	5'	5'	5'	5'	5'
SIDE SETBACK	30'	30'	30'	30'	30'	30'
MAX COVERING	1,800 SF	4,312 SF	4,175 SF	3,760 SF	7,000 SF	108,900 SF
MAX DEVELOPMENT	1,800 SF	4,312 SF	4,175 SF	3,760 SF	7,000 SF	108,900 SF
LOT COVERAGE	0.07%	0.07%	0.08%	0.12%	0.13%	0.02%
CURRENT ZONING	AO	AO	AO	AO	AO	AO
PREPARED DRAWING	8/20/18	8/20/18	8/20/18	8/20/18	8/20/18	8/20/18
PROPOSED LOT AREA	2,642.00 SQ FT	1,964.00 SQ FT	3,100.00 SQ FT	3,461.00 SQ FT	1,964.00 SQ FT	2,642.00 SQ FT
MAX BLDG. HEIGHT	20'	20'	20'	20'	20'	20'
MAXIMUM LOT AREA (SF)	1,800 SF	4,312 SF	4,175 SF	3,760 SF	7,000 SF	108,900 SF
PROPOSED LANDSCAPE AREA (SF)	7,840 SF	1,176 SF	6,326 SF	34,880 SF	7,000 SF	12,700 SF
PARKING REQUIRED	25	25	25	25	25	25
PARKING SPACE RATIO	1 SPACE PER 100 SF (RESTAURANTS WITHOUT PRIVATE CLUBS)	1 SPACE PER 100 SF (RESTAURANTS WITHOUT PRIVATE CLUBS)	1 SPACE PER 200 SF (HOTEL)	1 SPACE PER 200 SF (HOTEL)	1 SPACE PER 200 SF (HOTEL)	1 space for each 10,000 sq. ft. of floor area
PARKING PROVIDED	53	39	57	34	56	28

**CASE # - Z1122-0260**  
SUBMITTED DATE: 06/13/2018

**OWNER**  
HAROLD HENRIKSEN AND L.P.  
1511 HENRIKSEN PARKWAY, SUITE 170  
DALLAS, TX 75246  
TEL: 972.592.8872

**CONTRACT NAME:** STEPHEN HENRIKSEN

**DESIGNER**  
CLAY MOORE ENGINEERING, INC.  
7503 CORRAL CREEK, SUITE 2000  
HOUSTON, TX 77057  
TEL: 281.512.2924

**CONTRACT NAME:** WATTS BROWN

**PREPARED DRAWING**  
WATTS BROWN ENGINEERING  
1400 BLUE STREET, SUITE 2000  
HOUSTON, TX 77057  
TEL: 281.512.2924

**CONTRACT NAME:** THOMAS HARK

WELLS ACRE OF EM 741 SURVEY ABSTRACT NO. 312

SECTION: 0001

SHEET: SP-1

**CLAY MOORE ENGINEERING**

**PRELIMINARY**  
THIS SHEET HAS NO CONTRACT NUMBER.  
ALL DIMENSIONS SHOWN ARE UNLESS OTHERWISE NOTED.  
DATE: 8/20/18, 06/13/2018

**SWO OF EM 741 AND INTERSTATE HIGHWAY 20 MESSQUITE, TX**

**CONCEPT SITE PLAN**