

ORDINANCE NO. 5058  
File No. Z0723-0314

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A ZONING CHANGE TO AMEND PLANNED DEVELOPMENT – COMMERCIAL ORDINANCE NO. 5029 TO MODIFY THE SIGN REQUIREMENTS AND DEVELOPMENT STANDARDS FOR A NEW RETAIL BUILDING LOCATED ON A PROPOSED OUTPARCEL ALONG RANGE DRIVE, LOCATED AT 200 EAST US HIGHWAY 80; 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 zoning change to amend Planned Development – Commercial Ordinance No. 5029 to modify the sign requirements and development standards for a new retail building on the Property subject to the Development Standards, the Zoning Concept Plan, and the Pole Sign Concept Plan, attached hereto as Exhibits B, C, and D, respectively, and incorporated herein by reference.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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

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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 5th day of September 2023.

DocuSigned by:

*Daniel Aleman Jr.*

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Daniel Alemán, Jr .  
Mayor

ATTEST:

DocuSigned by:

*Sonja Land*

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Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

*David Paschall*

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David L. Paschall  
City Attorney

## **EXHIBIT A - FILE NO. Z0723-0314 - LEGAL DESCRIPTION**

### 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 DEVELOPMENT STANDARDS (REVISED)

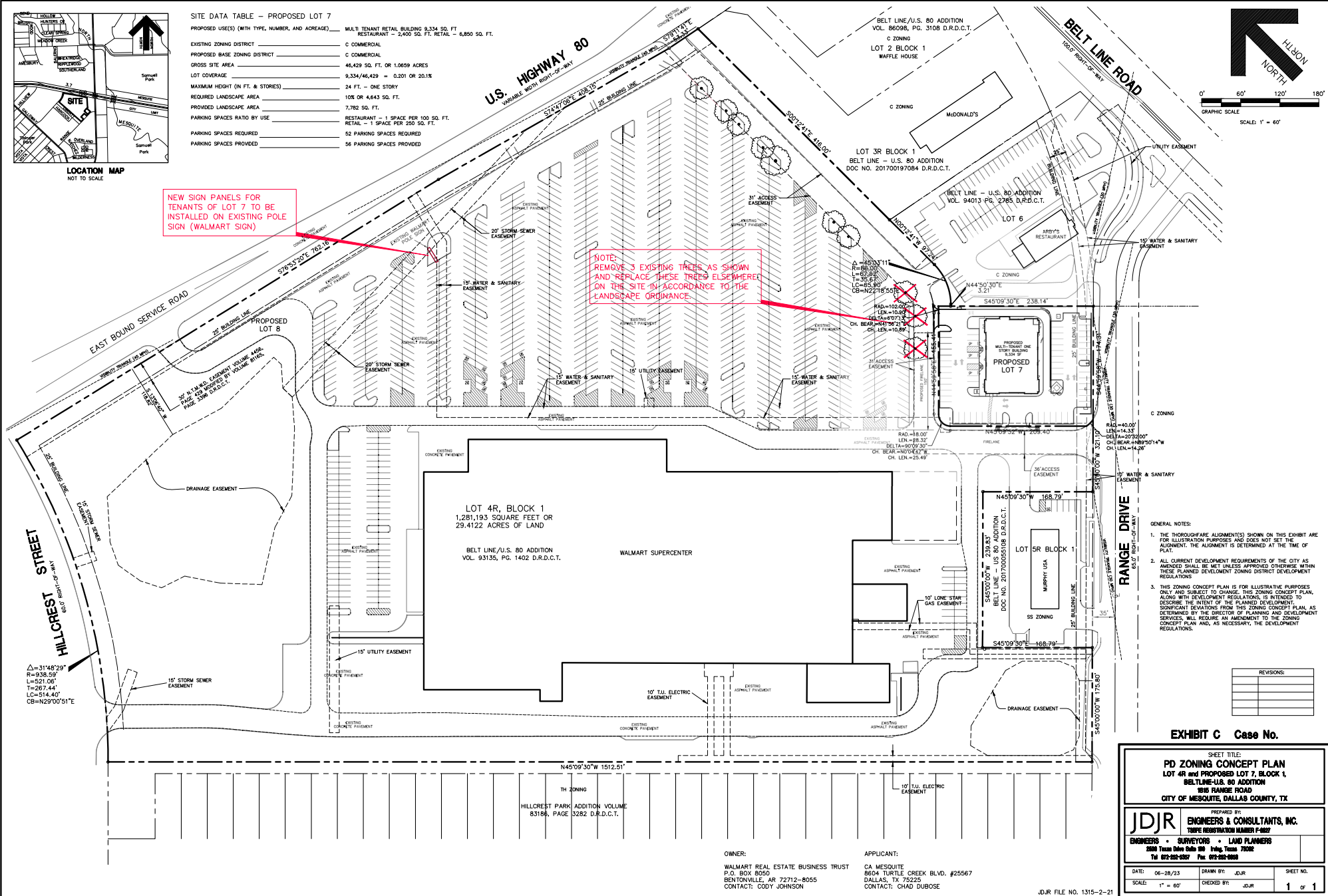
### PLANNED DEVELOPMENT STANDARDS Z0723-0314

This Planned Development Commercial (PD-C) 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 Mesquite Zoning Ordinance (MZO), also require a CUP for the use to be permitted on the Property.
  - b. The Property identified as Lot 7 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 conditional use permit (“CUP”):
    - i. SIC Code 549a: Convenience Stores
    - ii. SIC Code 5947: Gift Novelty, Souvenir Shops
    - iii. SIC Code 5993: Tobacco Stores
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 located within the PD, 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 height (50 feet) and total square footage (200 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 landscape provided as 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.

Exhibit C - Zoning Concept Plan



NEW SIGN PANELS FOR TENANTS OF LOT 7 TO BE INSTALLED ON EXISTING POLE SIGN (WALMART SIGN)

NOTE: REMOVE 3 EXISTING TREES AS SHOWN AND REPLACE THESE TREES ELSEWHERE ON THE SITE IN ACCORDANCE TO THE LANDSCAPE ORDINANCE.

**SITE DATA TABLE - PROPOSED LOT 7**

PROPOSED USE(S) (WITH TYPE, NUMBER, AND ACREAGE)	MULTI-TENANT RETAIL BUILDING 9,334 SQ. FT. RESTAURANT - 2,400 SQ. FT. RETAIL - 6,850 SQ. FT.
EXISTING ZONING DISTRICT	C COMMERCIAL
PROPOSED BASE ZONING DISTRICT	C COMMERCIAL
GROSS SITE AREA	46,429 SQ. FT. OR 1,0659 ACRES
LOT COVERAGE	9,334/46,429 = 0.201 OR 20.1%
MAXIMUM HEIGHT (IN FT. & STORIES)	24 FT. - ONE STORY
REQUIRED LANDSCAPE AREA	10% OR 4,643 SQ. FT.
PROVIDED LANDSCAPE AREA	7,782 SQ. FT.
PARKING SPACES RATIO BY USE	RESTAURANT - 1 SPACE PER 100 SQ. FT. RETAIL - 1 SPACE PER 200 SQ. FT.
PARKING SPACES REQUIRED	52 PARKING SPACES REQUIRED
PARKING SPACES PROVIDED	56 PARKING SPACES PROVIDED

- GENERAL NOTES:**
1. THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATIVE PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF PLAN.
  2. ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.
  3. 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.

REVISIONS:	

EXHIBIT C Case No.

SHEET TITLE:  
**PD ZONING CONCEPT PLAN**  
 LOT 4R and PROPOSED LOT 7, BLOCK 1,  
 BELTLINE-U.S. 80 ADDITION  
 8115 RANGE ROAD  
 CITY OF MESQUITE, DALLAS COUNTY, TX

PREPARED BY:  
**JDJR ENGINEERS & CONSULTANTS, INC.**  
 TSPE REGISTRATION NUMBER F-6827

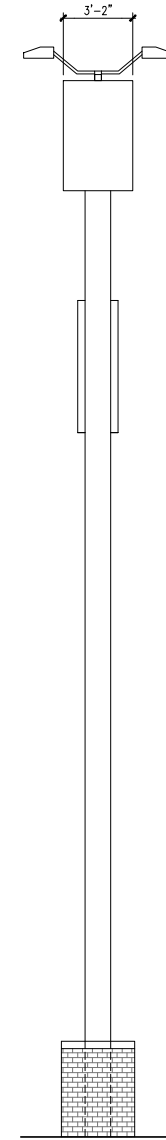
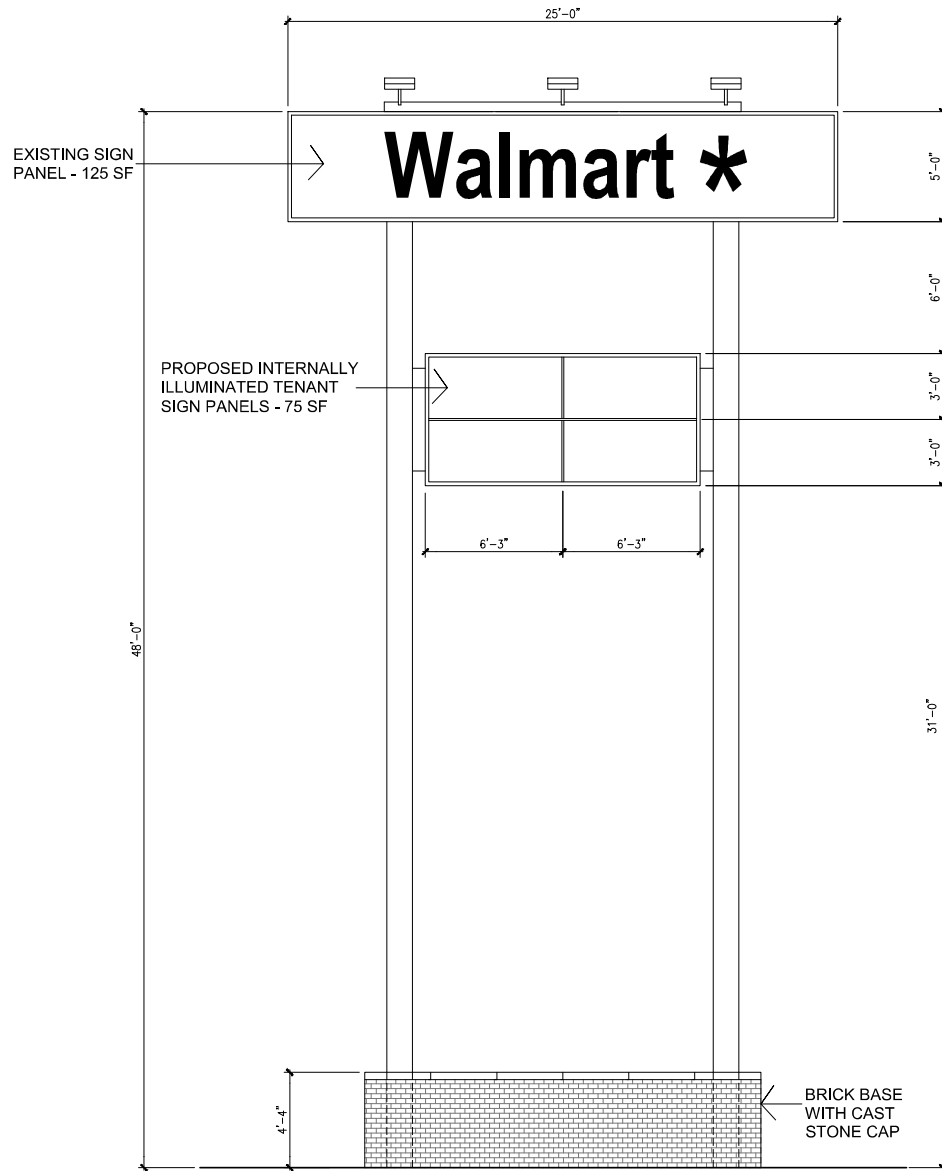
ENGINEERS • SURVEYORS • LAND PLANNERS  
 2800 Texas Drive Suite 200 Irving, Texas 75038  
 Tel: 972-252-5557 Fax: 972-252-0600

DATE: 06-28-23 DRAWN BY: DJR SHEET NO:  
 SCALE: 1" = 60' CHECKED BY: DJR 1 of 1

**OWNER:**  
 WALMART REAL ESTATE BUSINESS TRUST  
 P.O. BOX 8050  
 BENTONVILLE, AR 72712-8055  
 CONTACT: CODY JOHNSON

**APPLICANT:**  
 CA MESQUITE  
 8604 TURTLE CREEK BLVD. #25567  
 DALLAS, TX 75225  
 CONTACT: CHAD DUBOSE

JDR FILE NO. 1315-2-21



**EXHIBIT D EXISTING WAL-MART POLE SIGN WITH PROPOSED SIGN CABINET**

SIGN AREA: NOT TO EXCEED 200 SF TOTAL

CASE NUMBER : 20123-0288