ORDINANCE NO. <u>5102</u> File No. Z0224-0349

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM LIGHT INDUSTRIAL TO COMMERCIAL AND HIGH-DENSITY RESIDENTIAL AND AMENDING THE MESQUITE ZONING ORDINANCE BY CHANGING THE ZONING TO AMEND PLANNED DEVELOPMENT – GENERAL RETAIL (ORDINANCE NO. 4969) TO ALLOW MULTIFAMILY RESIDENTIAL USES IN ADDITION TO RETAIL USES ON PROPERTY LOCATED AT 4300 LAWSON ROAD; 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:

- <u>SECTION 1.</u> The subject property is approximately 34.366 acres described in <u>Exhibit A</u>, attached hereto and incorporated herein by reference, and located at 4300 Lawson Road (generally located southeast of Lawson Road and north of IH-20), Mesquite, Dallas County, Texas (the "**Property**").
- <u>SECTION 2.</u> The Mesquite Comprehensive Plan, dated October 7, 2019, as amended, is hereby amended by changing the Property's future land use designation from Light Industrial to Commercial and High-Density Residential.
- SECTION 3. The Mesquite Zoning Ordinance is amended by changing the zoning for the Property to amend Planned Development General Retail (Ordinance No. 4969) to allow multifamily residential uses in addition to retail uses with modified Planned Development Standards, Concept Plan 1, Concept Plan 2, and Concept Plan 3, attached hereto as Exhibits B, C, D, and E, respectively, and incorporated herein by reference.
- <u>SECTION 4.</u> 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

Zoning / File No. Z0224-0349 / Amending Mesquite Comprehensive Plan from Light Commercial to Commercial and High-Density Residential / Amending Mesquite Zoning Ordinance to Amend Planned Development — General Retail (Ordinance No. 4969)

April 1, 2024

Page 2 of 2

<u>SECTION 5.</u> The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

<u>SECTION 6.</u> 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.

<u>SECTION 7.</u> Any violation of the provisions or terms of this Ordinance by any "person," as defined in Mesquite City Code, Chapter 1, <u>Section 1-2</u>, 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, <u>Section 5-103</u> (General Penalties), or successor and as amended.

<u>SECTION 8.</u> This Ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, <u>Section 24</u>.

SECTION 9. 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 1st day of April 2024.

DocuSigned by:

Paniel Aleman Jr.

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Daniel Alemán, Jr.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:

David L. Paschall

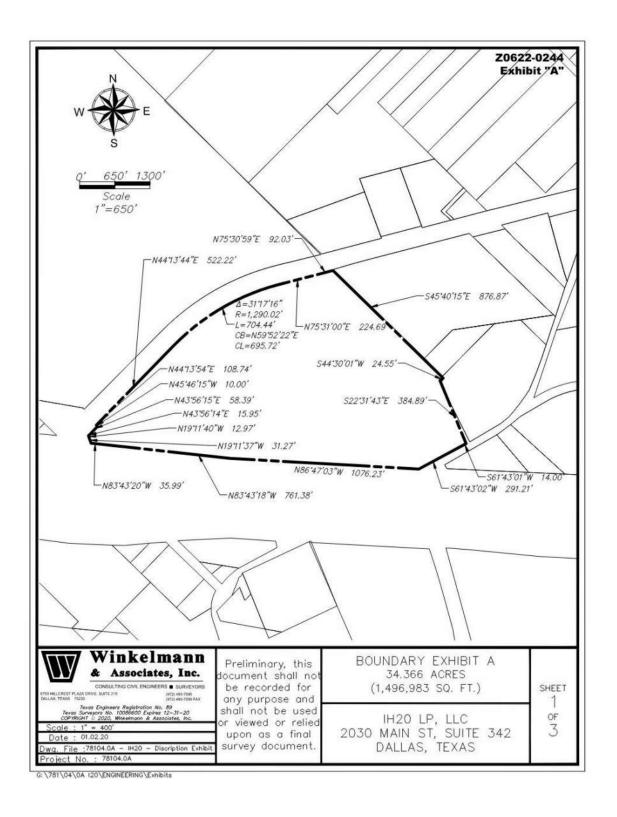
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Sonja Land
City Secretary

David L. Paschall

City Attorney

EXHIBIT A - LEGAL DESCRIPTION File No. Z0224-0349



IH 20 SURVEY DESCRIPTION

EXHIBIT A - LEGAL DESCRIPTION File No. Z0224-0349

STATE OF TEXAS Exhibit "A" COUNTY OF DALLAS § BEING A TRACT OR PARCEL OF LAND SITUATED IN THE JOHN M. HARDING SURVEY, ABSTRACT

NO. 569

EXHIBIT A (2 OF 3)

BEGINNING AT A POINT SET FOR CORNER IN THE SOUTHEASTERNLY RIGHT OF WAY LINE OF LAWSON ROAD (VARIABLE WIDTH RIGHT-OF-WAY AT THIS POINT)

THENCE SOUTH 45'40'15" EAST AND AT A DISTANCE OF 1876.87 FEET TO A POINT SET FOR CORNER;

THENCE SOUTH 44'30'01" WEST AND AT A DISTANCE OF 24.55 FEET TO A POINT SET FOR CORNER:

THENCE SOUTH 22'31'43" EAST AND AT A DISTANCE OF 384.89 FEET TO A POINT SET FOR CORNER.

THENCE NORTH 90°00'00" EAST AND AT A DISTANCE OF 2.04 FEET TO A POINT SET FOR CORNER;

THENCE SOUTH 45"10'15" EAST AND AT A DISTANCE OF 96.97 FEET TO A POINT SET FOR CORNER:

THENCE SOUTH 61'43'01" WEST AND FOLLOWING ALONG THE NORTHWESTERNLY RIGHT OF WAY LINE OF OLD LAWSON ROAD AT A DISTANCE OF 14.00 FEET TO A POINT SET FOR CORNER:

THENCE SOUTH 61'43'02" WEST AND FOLLOWING ALONG THE NORTHWESTERNLY RIGHT OF WAY LINE OF OLD LAWSON ROAD AT A DISTANCE OF 291.21 FEET TO A POINT SET FOR CORNER;

THENCE NORTH 86'47'03" WEST AND FOLLOWING ALONG THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 20 AT A DISTANCE OF 1076.23 FEET TO A POINT SET FOR CORNER:

THENCE NORTH 83'43'18" WEST AND FOLLOWING ALONG THE NORTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 20 AT A DISTANCE OF 761.38 FEET TO A POINT SET FOR CORNER;

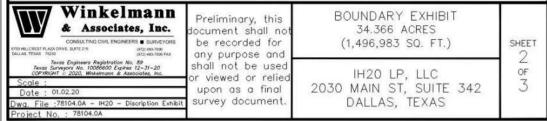
THENCE NORTH 83*43'20" WEST AND AT A DISTANCE OF 35.99 FEET TO A POINT SET FOR CORNER:

THENCE NORTH 19"11'37" WEST AND AT A DISTANCE OF 31.27 FEET TO A POINT SET FOR CORNER:

THENCE NORTH 19"11'40" WEST AND AT A DISTANCE OF 12.97 FEET TO A POINT SET FOR CORNER;

THENCE NORTH 43'56'14" EAST AND FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY LINE OF LAWSON ROAD AT A DISTANCE OF 15.95 FEET TO A POINT SET FOR CORNER;

THENCE NORTH 43'56'15" EAST AND FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY LINE OF LAWSON ROAD AT A DISTANCE OF 58.39 FEET TO A POINT SET FOR CORNER:



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Z0622-0244

EXHIBIT A - LEGAL DESCRIPTION File No. Z0224-0349

EXHIBIT A (3 OF 3)

Z0622-0244 Exhibit "A"

THENCE NORTH 45'46'15" WEST AT A DISTANCE OF 10.00 FEET TO A POINT SET FOR CORNER;

THENCE NORTH 44"3'54" EAST AND FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY LINE OF LAWSON ROAD AT A DISTANCE OF 108.74 FEET TO A POINT SET FOR CORNER;

THENCE NORTH 44"3'44" WEST AND FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY LINE OF LAWSON ROAD AT A DISTANCE OF 522.22 FEET TO A POINT SET FOR CORNER; SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1290.02 FEET, A CENTRAL ANGLE OF 31"17'16", AND A CHORD BEARING NORTH 59"52'22" EAST AT A DISTANCE OF 704.44 FEET;

THENCE NORTH 75"31"00" EAST AND FOLLOWING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF LAWSON ROAD AT A DISTANCE OF 224.69 FEET TO A POINT SET FOR CORNER;

THENCE NORTH 75°30'59" EAST AND FOLLOWING ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF LAWSON ROAD AT A DISTANCE OF 224.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 34.366 ACRES OF LAND, MORE OR LESS;

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&	Associa	tes,	Inc.
CON	NSULTING CIVIL ENGIN	EERS .	SURVEYORS
8700 HILLGREST PLAZA DRIVE, SUITE 219 DALLAB, TEXAB PS230			490-7690 490-7099 FAX
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Dwg. File ;78104.0A - IH20 - Discription Exhibi

Preliminary, this document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document.

BOUNDARY EXHIBIT 34.366 ACRES (1,496,983 SQ. FT.)

IH20 LP, LLC 2030 MAIN ST, SUITE 342 DALLAS, TEXAS SHEET 3 OF 3

G: \781\04\0A 120\ENGINEERING\Exhibits

Project No. : 78104.0A

This Planned Development General Retail (PD-GR) district must adhere to all conditions of the City of Mesquite, Texas, Mesquite City Code, including but not limited to the Mesquite Zoning Ordinance (MZO), as amended, and adopts General Retail base district standards consistent with the Concept Plans attached hereto and incorporated herein as **EXHIBITS** "C", "D", and "E", and the standards identified below, which apply to this PD-GR district. Where these regulations conflict with or overlap another ordinance, the more stringent restriction will control.

- 1. Concept Plan. Three Concept Plans for the Property are attached hereto as EXHIBITS "C", "D" and "E" though the ultimate Site Plan for the Property may differ. Permissible Building Area ("PBA") sizes and locations shown on EXHIBITS "C", "D", and "E" may be modified provided the parking and other development standards are met. In the event of a conflict between the provisions of this ordinance and EXHIBITS "C", "D", and "E", the provisions of this ordinance control.
- 2. Permitted Land Uses. The permitted uses on the Property include the permitted uses in the General Retail District classification ("GR") 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 Section 3 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 2.b below.
 - b. The following uses are permitted on the Property:
 - (1) Car washes, except self-service car washes are prohibited (does not preclude self-service vacuum provided with a non-self-service carwash).
 - (2) Alcohol sales of any kind in compliance with City ordinances and alcohol elections in effect at time of application for alcohol sales.
 - (3) Convenience stores with fuel sales. Maximum of one convenience store is permitted within the PD. One convenience store with refueling shall be permitted and be allowed to have a maximum of 12 fuel pumps (24 fueling positions). Any additional convenience stores(s) shall require approval of a Conditional Use Permit.
 - (4) A grocery store may have accessory fuel sales (no more than 24 fueling positions) as an accessory use to a grocery store.
 - (5) Electric vehicle charging stations.
 - (6) Residential Uses. Multifamily is permitted on Lots 11 and 12, as depicted on Exhibit E. Multifamily developments shall comply with the requirements of Section 2-501 of the MZO with a maximum density of 25 units per acre.
- 3. Prohibited Land Uses. The following uses are prohibited on the Property:
 - a. SIC Code 40: Railroad Passenger Terminal
 - b. SIC Code 61: Alternative Financial Institutions
 - c. SIC Code 593: Used Merchandise
 - d. SIC Code 593a: Pawnshops
 - e. SIC Code 5993: Tobacco Stores
 - f. SIC Code 5947: Gift, Novelty, Souvenir Shops

- g. SIC Code 5999g: Paraphernalia Shops
- 4. 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.
- 5. The minimum number of off-street parking spaces shall be provided as required by Section 3-400 of the Mesquite Zoning Ordinance (MZO) except that one parking space per 250-square feet of gross floor area shall be provided for retail, restaurant, and personal service uses. Reduction in this requirement may be provided as authorized by Section 3-403 of the MZO, or by receiving a Special Exception from the Board of Adjustment.
- 6. District Screening. District screening may be accomplished through one or more of the following:
 - (1) As required by MZO, Section 1A-303.A.
 - (2) Use of existing mature trees that provide a permanent visual barrier. Existing vegetation along the northeast and east property line, which, shall be preserved to provide at a minimum one (1) row of trees to provide screening. Should the existing vegetation be removed or altered for any reason, and it no longer provides a single row of trees as screening, a buffer tree line shall be established along the developable property line as shown on the Concept Plan. Trees in the buffer tree line shall be planted no more than 60 feet apart (on center). Trees, when planted, shall be a minimum of six (6) feet in height at the time of planting. Trees in the buffer tree line shall be selected from the following list. A variety of species shall be required such that no single species shall exceed 25% of the total number of trees.

Common Name	Scientific Name		
Texas Walnut	Juglans microcarpa		
Pecan	Carya illinoinenis		
Caddo Maple	Acer saccharum var. caddo		
Cedar Elm	Ulmus crassifolia		
Chinquapin Oak	Quercus muhlenbergii		
Live Oak	Quercus virginiana		
Texas Red Oak	Quercus texana		
Shantung Maple	Acer truncatum		
Lacebark Elm	Ulmus parvifolia		

- 7. A chain-link fence with black vinyl coating or a wrought-iron fence shall be installed between the improved portions of the site and the adjacent floodplain located to the north and east
- 8. Any tree preservation and mitigation requirements in an approved Development Agreement for the Property will overrule the requirements in Section 1A-400 of the MZO. If there is no Development Agreement or it does not include provisions for tree preservation and mitigation, Section 1A-400 of the MZO would apply.

- 9. Signage. All signage shall comply with the Mesquite Sign Ordinance except as modified below.
 - (1) Two multi-tenant Pylon Signs with a 35-foot maximum height and a maximum of 250 square feet each along IH20 are allowed. Signs permitted by this subsection may advertise any business located within the PD, regardless of individual lot lines, without being considered off-premises (billboard) signage.
 - (2) One multi-tenant Pylon Sign with a 20' maximum height and a maximum of 200 square feet along Lawson Rd is allowed. Signs permitted by this subsection may advertise any business located within the PD, regardless of individual lot lines, without being considered off-premises (billboard) signage.
 - (3) One monument sign with a 10' maximum height and maximum of 100 square feet is permitted on each lot.
- 10. Architectural Design Requirements. *Mechanical equipment*. Screening for roof-mounted units shall be incorporated with the building façade.
- 11. Canopies. An unenclosed canopy for drive-through or pick up services for a service station, grocery store, restaurant, day care center, hospital, or business with similar operating characteristics may be placed with a minimum 25-foot setback from any street right-of-way line and may exceed the maximum height and size requirements in Section 3-700 of the MZO.
- 12. Amenities. A minimum of four amenities from the list below must be installed within the PD prior to issuance of a Certificate of Occupancy for any structure or structures that result in the total building square footage of the PD exceeding 20,000 square feet. To obtain credit, all standards must be met. All proposed amenities shall be identified on the Site Plan.
 - a. Bicycle parking.
 - (1) A minimum of two (2) bicycle parking spaces or 5% of the required off-street parking spaces shall be provided, whichever is greater, up to a maximum of ten (10):
 - (2) Each bicycle parking space shall include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions;
 - (3) Bicycle parking shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a rack to which the bicycle can be locked;
 - (4) Lockers and racks shall be securely anchored to the pavement or a structure;
 - (5) Racks shall be designed and installed to support the bicycle upright by its frame in a manner that will not cause damage to the wheels and to permit the frame and one or both wheels to be secure;
 - (6) Areas containing bicycle parking shall be surfaced with impervious surface;
 - (7) When located within a parking area: curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of bikes, motor vehicles, and pedestrians, unless determined by the Director to be unnecessary; and
 - (8) Bicycle parking shall be placed in a convenient, highly visible, active, and well-lit location not more than 300 feet walking distance from the main entrance, but shall not interfere with pedestrian movements or accessible routes.

b. Pedestrian Seating.

- (1) A minimum of one permanent pedestrian seating feature (such as a bench) shall be provided for each 500 linear feet of sidewalk/trail, or a fraction thereof; Pedestrian seating which is provided at building entrances do not count towards fulfilling this requirement;
- (2) Each pedestrian seating feature shall provide a minimum of three (3) Seats and shall not interfere with pedestrian movements;
- (3) All pedestrian seating used should be selected from the same or a similar design "family" as other site furnishings (such as benches, bollards, bike racks, etc.) and should be finished or painted to complement other site furnishings; and
- (4) All pedestrian seating shall be maintained by the property owner.

c. Trash Receptacles.

- (1) A minimum of one permanent trash receptacle shall be provided for each 500 linear feet of sidewalk/trail, or a fraction thereof. Trash receptacles which are provided at building entrances do not count towards fulfilling this requirement;
- (2) Trash receptacles shall not interfere with pedestrian movements;
- (3) All trash receptacles used should be selected from the same or a similar design "family" as other site furnishings (such as benches, bollards, bike racks, etc.) and should be finished or painted to complement other site furnishings;
- (4) Trash receptacle construction should use durable, high-quality materials, such as galvanized or stainless steel; and
- (5) All trash receptacles shall be maintained by the property owner.
- d. Enhanced pavement materials. Enhanced pavement materials shall be provided at all vehicular access points from public right-of-ways into the development and at all pedestrian crossing locations on the interior of the development. Enhanced pavement may be in the form of brick pavers, stamped and stained concrete with the appearance of hand laid units, or other material as approved by the Director.

e. Public gathering space.

- A minimum of 250 square feet or 10 square feet for each 500 square feet of gross floor area of the primary structure, whichever is greater, shall be provided for a public gathering space;
- (2) The public gathering space shall provide a minimum of one seat for each 50 square feet of the public gathering space, or a fraction thereof;
- (3) Shade trees shall be provided at a ratio of one tree for each 100 square feet of provided area, or a fraction thereof;
- (4) A minimum of one trash receptacle shall be provided within the public gathering space;
- (5) Curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of motor vehicles and pedestrians, unless determined by the Director to be unnecessary; and

(6) The public gathering area shall be placed in a convenient, highly visible, active, and well-lit location but shall not interfere with pedestrian movements.

f. Outdoor dining area.

- (1) An outdoor dining area, including dining tables and seating, located mostly or completely outside shall be provided. The total outdoor dining area shall not be less than 10% of the gross square footage of the business; and
- (2) Curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of motor vehicles and pedestrians, unless determined by the Director to be unnecessary.

g. Play area.

- (1) A minimum of 300 square feet, or 20 square feet for each 500 square feet of gross floor area of the primary structure, of contiguous area shall be provided for the play area, whichever is greater at the time exceeding 20,000 square feet of building square footage;
- (2) A minimum of one permanent play feature or apparatus, which may be considered active or passive playground design, must be provided within the designated play area;
- (3) The play area shall be enclosed with fencing, planters, or similar barriers, unless determined by the Director to be unnecessary;
- (4) The play area shall be placed in a convenient, highly visible, active, and well-lit location but shall not interfere with pedestrian movements; and
- (5) The play area may be located indoors or outdoors.

h. Art feature.

- (1) An art feature may include a monument, sculpture, mural, or any artistic display. The art feature must have clear identification indicating its status as art (creator, dedication, year, materials, etc.);
- (2) The art feature shall be located where it is highly visible and accessible to the public; and
- (3) The art shall be maintained in good order for the life of the principal structure.

i. Water feature.

- (1) A water feature may include a fountain, stream, waterwall, splash pad, or other attractive feature that utilizes water;
- (2) The water feature shall be located where it is highly visible and accessible to the public; and
- (3) The water feature shall be maintained in good order for the life of the principal structure.
- j. Other. Other amenities may be allowed as approved by the Director of Planning and Development.

EXHIBIT C - FILE NO. Z0224-0349 CONCEPT PLAN 1 (EXISTING) NO CHANGES

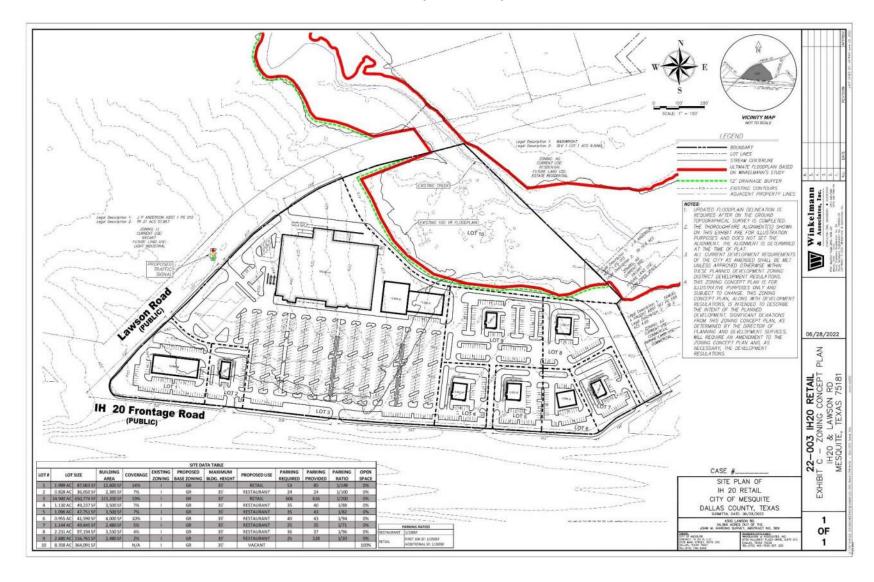


EXHIBIT D - FILE NO. Z0224-0349 CONCEPT PLAN 2 (EXISTING) NO CHANGES

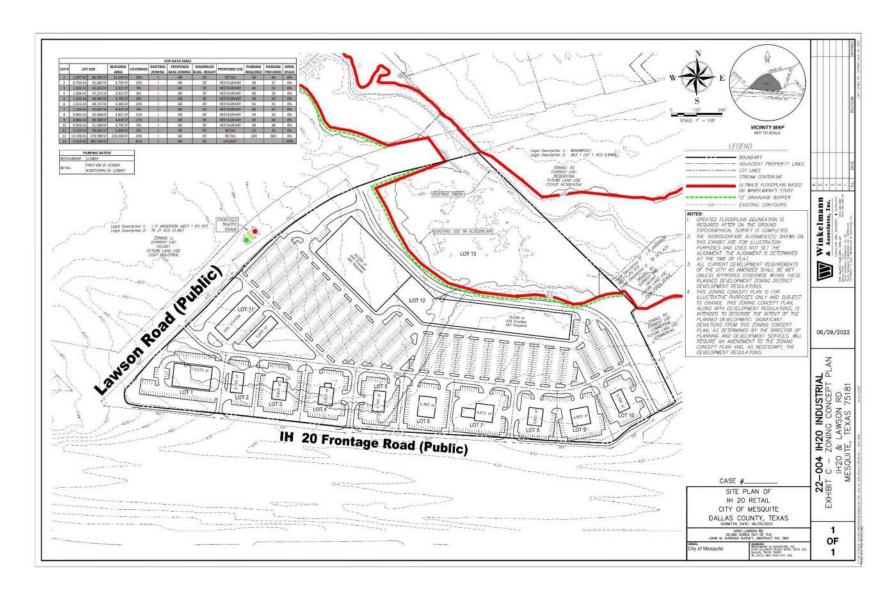


EXHIBIT E – FILE NO. Z0224-0349 CONCEPT PLAN 3 (NEW)

