

ORDINANCE NO. _____
File No. Z0925-0416

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE TOWN EAST RETAIL AND RESTAURANT AREA (“TERRA”) OVERLAY DISTRICT WITH A CONDITIONAL USE PERMIT (“CUP”) TO ALLOW A FAMILY ENTERTAINMENT CENTER AND RELATED USES ORDINANCE NO. 5162 TO PLANNED DEVELOPMENT - COMMERCIAL WITHIN THE TERRA OVERLAY DISTRICT WITH A CUP TO ALLOW A FAMILY ENTERTAINMENT CENTER AND RELATED USES ORDINANCE NO. 5162 AND A CUP TO ALLOW CONFERENCE CENTERS, MAJOR RECEPTION FACILITIES, HOTELS, PARKING GARAGES, GOVERNMENTAL OR MUNICIPAL SPONSORED USES, AND USES PERMITTED BY RIGHT IN THE COMMERCIAL ZONING DISTRICT WITH MODIFIED DEVELOPMENT STANDARDS ON PROPERTY LOCATED AT 1738 NORTH TOWN EAST BOULEVARD (ALSO ADDRESSED AS 3000 TOWN EAST MALL); 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; 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 18.66 acres, platted as Town East Mall Phase 2, Block A, Lot 1, and located in the former Sears building at 1738 North Town East Boulevard (also addressed as 3000 Town East Mall) (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Commercial within the Town East Retail and Restaurant Area (“**TERRA**”) Overlay District with a Conditional Use Permit (“**CUP**”) to allow a family entertainment center and related uses Ordinance No. 5162 to Planned Development - Commercial within the TERRA Overlay District with a CUP to allow a family entertainment center and related uses Ordinance No. 5162 and a CUP to allow conference centers, major reception facilities, hotels,

parking garages, governmental or municipal sponsored uses, and uses permitted by right in the Commercial Zoning District on the Property subject to **EXHIBIT A** (Development Standards), **EXHIBIT B** (Concept Plan), and **EXHIBIT C** (Sign Concepts), attached hereto and incorporated herein by reference and made a part hereof.

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 described in Section 1 of this ordinance 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 6th day of October 2025.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

This Planned Development - Commercial (“**PD-C**”) district within the Town East Restaurant Retail (“**TERRA**”) Overlay 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 Commercial (“**C**”) District base standards consistent with the Concept Plan for the PD-C district property attached hereto and incorporated herein as **EXHIBIT “B” (“Concept Plan”)**, and the standards identified below, which apply to this PD-C district. Where these regulations conflict with or overlap another ordinance, the regulations contained in the standards identified below will control.

1. **Land Uses.** The permitted uses on the PD-C district property include the permitted uses in the C District classification and TERRA Overlay District, as set out in the MZO, and those permitted uses on the PD-C district property are subject to the same requirements as set out in the MZO. Prohibited uses on the PD-C district property are identified in subsection 1.b. below.

a. Any land use requiring a Conditional Use Permit (“**CUP**”) in the C Zoning District or TERRA Overlay District, as amended, is only allowed if a CUP is issued for the use unless permitted in subsection 1.c. below. The following uses will require a CUP within this PD-C district:

- i. Beauty Salons
- ii. Barber Salons
- iii. General Service Hotel
- iv. Limited Service Hotel

b. Any land use prohibited in the C Zoning District and TERRA Overlay District, as amended, is also prohibited unless permitted in subsection 1.c. below. The following uses are also prohibited:

- i. SIC Code 40: Railroad Passenger Terminal
- ii. SIC Code 61: Alternative Financial Institutions
- iii. SIC Code 593: Used Merchandise
- iv. SIC Code 593a: Pawnshops
- v. SIC Code 5947: Gift, Novelty, Souvenir Shops
- vi. SIC Code 5993: Tobacco Stores
- vii. SIC Code 5999g: Paraphernalia Shops
- viii. SIC Code 753 Auto Repair Shops
- ix. SIC Code 754 Auto Services

c. The following uses are permitted on the PD-C district property:

- i. SIC Code 6512: Conference Center (Limited to Parcel 1)
- ii. Reception Facility b. Major Reception Facilities within a Conference Center and/or Hotel (Limited to Parcel 1)
- ii. Multilevel parking garage
- iii. Any governmentally and/or municipally sponsored uses

- iv. Drive through lanes and related equipment and outdoor seating areas associated with any restaurant as an accessory use.
- 2. **Development Standards.** In addition to the requirements of the MZO, the planned development is subject to the following:
 - a. **Site Plan.** The site plan shall comply with the Concept Plan in all material respects. Material deviations from the Concept Plan (such as building placement and lot sizes) may be permitted to ensure compliance with the Mesquite Engineering Design Manual, as well as Building and Fire Codes, as amended, provided that the development continues to meet all requirements of this ordinance. The following items shall be completed prior to issuance of a Certificate of Occupancy for any purpose in the former Sears building on Parcel 1: (i) sidewalk connections shown on the Exhibit “B” Concept Plan; (ii) landscaping as required under subsection 2.g.; and (iii) the public gathering space in the approximate location and of the size shown on the Exhibit “B” Concept Plan with the final design elements being subject to the reasonable approval by the City Manager or their designee.
 - b. **Cross Access.** A cross access easement shall be provided between abutting lots within the PD-C district property. Cross access easements are not required to be platted and may be dedicated via separate instrument.
 - c. **Parking.** The minimum number of off-street parking spaces shall be provided as required by Section 3-400 of the MZO with the following modifications:
 - i. For all the outparcels 1-7, as shown on the Concept Plan, one (1) parking space for each 250 square feet of gross floor area shall be provided for retail, restaurant, and service uses.
 - ii. The maximum number of parking spaces required for the gross floor area within the existing building improvements (i.e. former Sears building identified as Parcel 1 on the Concept Plan) existing as of the date hereof within the PD-C district property shall be 400 parking spaces without regard to the uses being conducted within such existing gross floor area. The following uses shall provide additional parking beyond the 400 parking spaces:
 - 1. A conference center shall have at least 100 additional parking spaces.
 - 2. The minimum parking requirement for a hotel shall be 0.5 parking spaces for each hotel room.
 - 3. The required parking for the conference center and hotel shall be provided through a multilevel parking garage.
 - iii. Off-site parking. Required parking for a use may be provided on a separate lot not within the PD-C district property; provided, an easement over the off-site parking facilities in favor of the premises to be benefited thereby shall be granted and recorded in Dallas County records as a condition of such use.

- iv. The entire PD-C district property is considered one lot for purposes of required parking, and uses with compatibly overlapping or mutually exclusive hours may share parking spaces.
 - v. Reduction in the foregoing parking requirements may be provided as authorized by Section 3-403 of the MZO, or by receiving a Special Exception from the Board of Adjustment.
- d. **Signage.** All signage shall comply with the Mesquite Sign Ordinance except as modified below:
 - i. One (1) monument sign with a 5' maximum height and maximum of 100 square feet of face area (on each face) is permitted on each lot contemplated by the Concept Plan.
 - ii. Two (2) new multi-tenant Pylon Signs with a 35-foot maximum height and a maximum of 250 square feet of face area (on each face) are allowed at the existing Main Mall Entrance Drives from Town East Blvd. & the IH-635 Frontage Road. Signs permitted by this subsection may advertise any business located within the PD-C district, regardless of individual lot lines, without being considered off-premises (billboard) signage.
 - iii. One (1) single user Pylon Sign with a 25' maximum height and a maximum of 100 square feet of face area (on each face) is permitted on the street frontage of each lot contemplated by the Concept Plan.
 - iv. One (1) "Welcome" sign shall be installed by the developer located at southeast corner of Town East Blvd. & the IH-635 Frontage Road. The sign shall have an architectural design and material consistent with the freestanding sign permitted in this ordinance. After installation and acceptance, the City of Mesquite will maintain the Welcome sign pursuant to a maintenance easement between the developer and the City of Mesquite.
 - v. An assortment of Directional Signs are permitted on each lot contemplated by the Concept Plan to direct traffic flow.
 - vi. Free standing signs shall be consistent with the designs as shown in **Exhibit "C"**.
- e. **Screening.**
 - i. Screening for roof-mounted units shall be incorporated with the building facade.
 - ii. Drive-through lanes located between the building and the right-of-way will need to be screened from the right-of-way by a 4-foot evergreen hedge row.
- f. **Building Height.** Maximum building height for a hotel is nine (9) stories or 135 feet.
- g. **Landscaping.** The landscaping shall comply with the following stipulations:
 - i. The Outparcels 1-7, as shown on the Concept Plan, shall comply with Section 1A of the MZO.

- ii. Parcel 1, as shown on the Concept Plan, shall comply with Section 1A of the MZO, except that the minimum required landscaping shall be 5% of the lot. The minimum size at installation for all required landscape trees for Parcel 1 shall be 4-inch caliper.
- iii. The development will have cohesive landscaping to create a harmonious streetscape edge that will contain native plant materials and drought-tolerant shrubs and trees. 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 illinoensis
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

3. **Amenities.** A minimum of three (3) amenities from the list below must be installed within the PD-C district. To obtain credit, all standards must be met. All proposed amenities shall be identified on the final Site Plan for the PD-C district property. All amenities may be installed in phases in conjunction with the phased development of the PD-C district property.

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 of Planning and Development 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;
 - (4) All pedestrian seating shall be maintained by the property owner; and
 - (5) All pedestrian seating shall be made of a minimal maintenance material such as stone or a concrete product.
- c. Enhanced pavement materials. Enhanced pavement materials shall be provided at all vehicular access points from public right-of-ways into the PD-C district property and at all pedestrian crossing locations on the interior of the PD-C district property. 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 of Planning and Development.
- d. 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 floor area of the applicable 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 of Planning and Development to be unnecessary.
- e. 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.
- f. Other. Other amenities may be allowed as approved by the Director of Planning and Development.

Zoning File No. Z0925-0416

Exhibit "B" Concept Plan



- NOTES:**
1. THE THOROUGHFARE ALIGNMENTS SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF PLAT.
 2. ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS OTHERWISE 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 THE 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, THEN DEVELOPMENT REGULATIONS.

- SYMBOL LEGEND:**
- CANOPY TREE:
 - ORNAMENTAL TREE:
 - PYLON SIGN (25' HT. MAX.)
 - MONUMENT SIGN (5' HT. MAX.)

CONTACTS:

OWNER & APPLICANT:
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972-917-3274

CASE NUMBER:
LOT 1, BLOCK A, OF TOWN EAST MALL

SUBMISSION DATE:
9/15/2025

NCA Partners

ARCHITECTURE

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CONCEPT SITE PLAN

PD EXHIBIT

TOWN EAST MALL - FORMER SEARS TRACT

DATE	DESCRIPTION
9/15/2025	SUBMITTAL

NCA JOB #

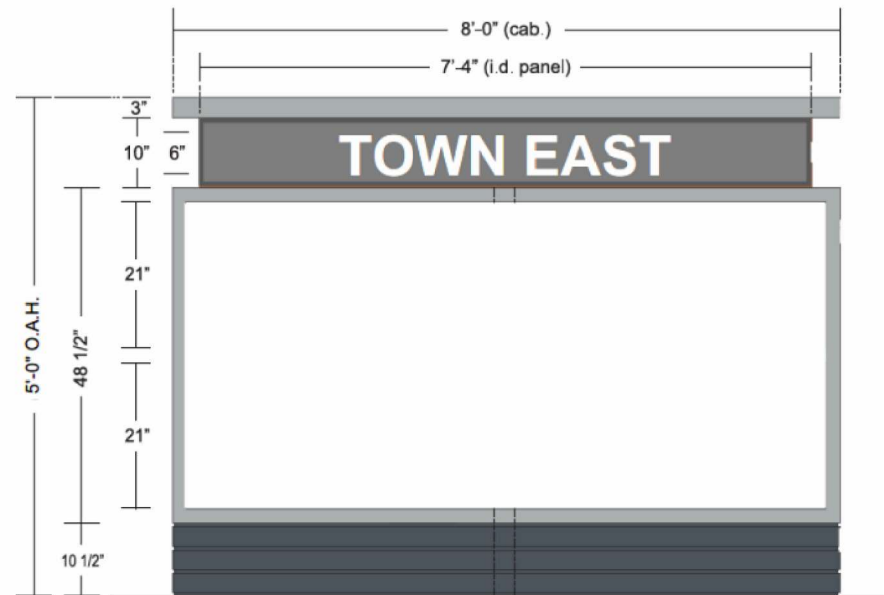
25007

SITE CONCEPT

SC



25' Single Tenant Pylon Sign Concept



5' Single Tenant Monument Sign Concept