

ORDINANCE NO. _____
File No. Z0126-0435

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT (PD) – GENERAL RETAIL AND COMMERCIAL, ORDINANCE NO. 1643, TO PD-GENERAL RETAIL TO ALLOW USES PERMITTED IN GENERAL RETAIL ZONING AND TO MODIFY DEVELOPMENT STANDARDS ON PROPERTY LOCATED AT 4355 CHILDRESS AVENUE; PROVIDING A REPEALER CLAUSE; 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 13.822 acres, described in **EXHIBIT A**, attached hereto and incorporated herein by reference, and located at 4355 Childress Avenue in the City of Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning from Planned Development – General Retail and Commercial, Ordinance No. 1643, to Planned Development – General Retail to allow uses permitted in General Retail zoning and subject to modified Planned Development Standards (**EXHIBIT B**), and said exhibit is attached hereto 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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.

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 4th day of May 2026.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT A

Description of the Real Property

Being a 13.83 acre tract or parcel of land situated in the T. Thomas Survey, Abstract Number 1461 in the City of Mesquite, Dallas County, Texas and being the remainder portion of Lot 2, Block A of Country Meadows 3 Addition an addition to the City of Mesquite, recorded in Document Number 201400068137 of the Plat Records of Dallas County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found at the South corner of said Lot 2 and the common East corner of Lot 1, Block A of Faulkner Corners South an addition to the City of Mesquite, recorded in Volume 87051, Page 4717 of the Plat Records of Dallas County, Texas and being in the North right-of-way line of Childress Avenue a 80 right-of-way;

THENCE North 33°51'17" West, with the West line of said Lot 2 and the common East line of said Lot 1, a distance of 560.45 feet to a 1/2" iron rod found at the West corner of said Lot 2 and the common North corner of said Lot 1 and being in the South right-of-way line of Interstate Highway 30 a variable width right-of-way;

THENCE North 56°06'36" East, with the North line of said Lot 2 and the common South right-of-way line of said Interstate Highway 30, a distance of 1014.36 feet to a capped 1/2" iron rod stamped "BURY PARTNERS" found at the North corner of said Lot 2 and the common West corner of Lot 1, Block A of Country Meadows 3 Addition;

THENCE South 45°59'23" East, with the East line of said Lot 2 and the common West line of said Lot 1, Block A of said Country Meadows 3 Addition, passing at a distance of 350.59 feet a capped 1/2" iron rod stamped "BURY PARTNERS" found at the South corner of said Lot 1, Block A of Country Meadows 3 Addition and the common West corner of Lot 3, Block A of Country Meadows 3 Addition an addition to the City of Mesquite, recorded in Document Number 202100030635 of the Plat Records of Dallas County, Texas, continuing on said course and with the West line of said Lot 3, a total distance of 573.12 feet to a 1/2" iron rod found at the South corner of said Lot 3 and being in the South line of said Lot 2 and the common North right-of-way line of said Childress Avenue;

THENCE South 56°06'24" West, with the South line of said Lot 2 and the common North right-of-way line of said Childress Avenue, a distance of 1134.84 feet to the POINT OF BEGINNING and containing 13.83 acres of land more or less.

Also described as:

BEING a tract of land situated in the T. Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas and being the remainder of Lot 2, Block A, Country Meadows 3 Addition, an addition to the City of Mesquite, recorded in Instrument No. 201400068137, Official Public

Records, Dallas County, Texas, and being all of a called 13.83 acre tract of land described in Special Warranty Deed to Rock & Galloway LLC, recorded in Instrument No. 202200005225 of said Official Public Records, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for the west corner of said 13.83 acre tract and the north corner of Lot 1, Block A, Faulkner Corners South, an addition to the City of Mesquite, recorded in Volume 87051, Page 4717, Plat Records, Dallas County, Texas, in the southeast right-of-way line of Interstate Highway 30 (a variable width right-of-way);

THENCE with said southeast right-of-way line of Interstate Highway 30, North 56°08'16" East, passing at a distance of 437.30 feet a brass disk stamped "Texas Highway Department" found, and continuing with said southeast right-of-way line of Interstate Highway 30 for a total distance of 1,014.15 feet to a 5/8" iron rod with plastic cap stamped "KHA" set for the north corner of said 13.83 acre tract and the west corner of Lot 1, Block A of said Country Meadows 3 addition, from which a 5/8" iron rod with cap stamped "TXDOT SURVEY MARKER RIGHT-OF-WAY" found bears North 56°08'16" East, a distance of 222.59 feet;

THENCE departing said southeast right-of-way line of Interstate Highway 30, with the northeast line of said 13.83 acre tract, South 46°00'02" East, passing at a distance of 350.77 feet a 5/8" iron rod with plastic cap stamped "BURY+PARTNERS" found, and continuing with said northeast line of the 13.83 acre tract for a total distance of 573.15 feet to a point for the east corner of said 13.83 acre tract, in the northwest right-of-way line of Childress Avenue (an 80-foot right-of-way), from which a 5/8" iron rod found (leaning) bears South 62°18'32" West, a distance of 0.25 feet;

THENCE with said northwest right-of-way line of Childress Avenue, South 56°07'11" West, a distance of 1,134.83 feet to a point for the south corner of said 13.83 acre tract and the east corner of said Lot 1 (Faulkner Corners South), from which a 1/2" iron rod found bears South 18°40'51" East, a distance of 0.39 feet;

THENCE departing said northwest right-of-way line of Childress Avenue, with the southwest line of said 13.83 acre tract and the northeast line of said Lot 1 (Faulkner Corners South), North 33°50'44" West, a distance of 560.69 feet to the **POINT OF BEGINNING** and containing 602,276 square feet or 13.8264 acres of land.

Bearing system based on the State Plane Coordinate System of 1983, Texas North Central Zone (4202), North American Datum of 1983 (2011).

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS

This Planned Development – General Retail district (“**PD-GR**”) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance (“**MZO**”), as amended, and adopts the General Retail (“**GR**”) zoning district as the base district standards and the standards identified below, which apply to this PD-GR district. Where these regulations conflict with or overlap another ordinance, this PD-GR ordinance will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the GR District classification 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.
 - 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 following uses are prohibited on the Property:
 - i. SIC Code 5947: Gift Novelty, Souvenir Shops
 - ii. SIC Code 5993: Tobacco Stores
 - iii. SIC Code 5999g: Paraphernalia Shop
 - iv. SIC Code 61: Alternative Financial Institutions
 - v. SIC Code 7215: Coin-Operated Laundries
 - vi. SIC Code 7299a: Massage Parlors, Turkish and Steam Bath
 - vii. SIC Code 7549b: Towing/Wrecker Service
 - viii. Outdoor Storage as Principal or Accessory Use
 - ix. Heavy Load Vehicle Parking
2. **Development Standards.** In addition to the requirements of the GR zoning district, the Planned Development is subject to the following.
 - a. Signage. All signs within the PD shall comply with the Mesquite Sign Ordinance, as amended, with the following modifications.
 - i. Pole Signs.
 1. Pole signs shall have a maximum height of fifty (50) feet.
 2. One electronic message center is allowed on the Property. It may display prices for a fuel center owned by the owner of the Property provided the fuel center is within 500 feet from the Property, measured property line to property line. The message center is not considered an off-premise sign for this district.

ii. Wall Signs. Wall signs are permitted with the following restrictions:

1. One wall sign may have a vertical height of up to one-half ($\frac{1}{2}$) the height of the wall, with a maximum height of seventeen and a half (17.5) feet. All other wall signs shall not have a vertical height which exceeds one-third ($\frac{1}{3}$) the height of the wall, with a maximum height of ten (10) feet. No wall signs may exceed seventy-five (75) percent of the width of such building or store frontage. In determining the height of the wall, the height is defined as the distance from the ground to the top of the peak if the wall includes a gable end.
2. If an electronic message center is located on the parcel, no reduction in the maximum wall sign area, height, or width is required.
3. Wall signs shall only be permitted on building façades that face a public street, access easement, or above a customer entrance.

iii. Monument Signs.

1. No lighted sign shall be erected within one hundred fifty (150) feet of a residential district, unless it is illuminated in such a manner so as not to produce intense glare or direct illumination across the bounding property line. Sign will be internally lit with no direct external illumination.