

ORDINANCE NO. \_\_\_\_\_  
File No. Z0219-0086

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM R-2, SINGLE-FAMILY RESIDENTIAL WITHIN THE TOWN EAST RETAIL AND RESTAURANT OVERLAY DISTRICT TO PLANNED DEVELOPMENT – GENERAL RETAIL WITHIN THE TOWN EAST RETAIL AND RESTAURANT OVERLAY DISTRICT TO ALLOW RESTAURANT AND RETAIL USES ON PROPERTY LOCATED ON A PORTION OF THE SOUTH SIDE OF THE 1900 BLOCK OF NORTH TOWN EAST BOULEVARD SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL 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. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from R-2, Single-Family Residential within the Town East Retail and Restaurant Overlay District (“TERRA”) to Planned Development – General Retail within the TERRA to allow restaurant and retail uses subject to the following stipulations:

1. Except as provided herein, the site plan for the property shall conform substantially to the Concept Plan, attached hereto as Exhibit “B.” In no event shall the number of lots on the property exceed five or be fewer than four. Permissible Building Area (“PBA”) sizes and locations shown on Exhibit “B” may be modified provided that parking and other development standards are met. In the event of a conflict between the provisions of this ordinance and Exhibit “B,” the provisions of this ordinance control.
2. All uses permitted in both the General Retail zoning district and TERRA 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 or TERRA are prohibited on the property.

- a. The following Retail Trade uses are prohibited on the property:

554	Limited Fuel Sales
5947	Gift, Novelty, Souvenir Shops
5993	Tobacco Stores
- 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:

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
3. Drive through windows shall not face a public right-of-way except as shown on Lot 1 on Exhibit “B.”
4. District screening shall be provided in compliance with Stipulation No. 5. Building setbacks shall be provided as shown on Exhibit “B.”
5. Landscaping shall be provided that creates a harmonious streetscape edge containing native plant materials and drought tolerant shrubs and trees. Along the shared property line with North Mesquite High School, a retaining wall (where required) with six-foot-high wrought iron fence will be installed by the site developer during the initial site work. The wrought iron fence, at least six feet in height, with evergreen trees selected from Section 1A-500, shall be installed on the subject property to effectively create a visual screen. At the time of planting, the trees must, at minimum, be the height of the wrought iron fence. Before issuance of a certificate of occupancy for any use on the Property, the evergreen screening shown on the Landscape Concept Plan, attached as Exhibit “B-1,” must be installed on the lot where the use is located. This evergreen screening shall be installed by the individual lot developer within five feet of the north side of the wrought iron screening fence on the Property.
6. A cross access easement shall be provided on each lot at the time of development. Cross access easements will assure cross access through all lots in the development and assure that all lots have access to the signalized main entrance.

7. A Traffic Impact Analysis (“TIA”) is required. The TIA shall include recommended measures to minimize and/or mitigate the anticipated impacts and determine the adequacy of the development’s planned access points. Mitigation measures must be approved by the City Engineer and may include, but are not limited to, the following: an access management plan; transportation demand management measures; street improvements on or off site; placement of pedestrian, bicycle or transit facilities on or off the site; or other capital improvements projects such as traffic calming infrastructure or capacity improvements. The developer is responsible for making improvements recommended by the TIA and approved by the City that are necessitated by and proportional to the development.
8. Pole signs are prohibited. One monument sign is permitted on each lot. The monument sign shall be in accordance with the attached sign elevation exhibit attached hereto as Exhibit “D.”
9. On Lot 3 as identified on the Exhibit “B,” wall signs shall be permitted on elevations without a customer entrance. Painted brick may be used for an 84-square-foot wall sign on the drive-through side of the building.
10. Architectural Design Requirements.
  - a. *Transparency.* Ground level retail and restaurant shall incorporate transparent features over a minimum of 50 percent of one primary façade. Additional primary façades and secondary façades shall incorporate 20 percent transparency. One rear-facing secondary façade shall be allowed with no fenestration. Transparency, as defined in the Mesquite Community Appearance Manual, shall be measured within the first 10 feet of the building wall, measured vertically at street level. All ground level windows shall provide direct views to the building’s interior or a lit display area extending a minimum of three feet behind the window.
  - b. *Color and material.* To provide unity throughout the development, the exterior of all buildings shall incorporate the brick and stone material and color as shown on the Material and Color board attached as Exhibit “C” on 80 percent of the primary façades (excluding windows, doors, roofs and curtain walls). The remainder of the wall area shall incorporate other fire-resistive materials such as, but not limited to, stucco, EIFS and cement board provided that such materials are complimentary/compatible with materials and colors shown in Exhibit “C.” Additional accent materials or colors associated with established corporate identity are allowed on the remainder of the wall area.
  - c. *Mechanical equipment.* All mechanical equipment shall be screened from view at a point six feet above ground level at the property line. Screening for roof-mounted units shall be incorporated with the building façade.

SECTION 2. That the subject property is an approximately five-acre portion of Lot 1, Block A of the North Mesquite High School Addition, City of Mesquite, Dallas County, Texas, and located on a portion of the south side of the 1900 block of North Town East Boulevard, and is more fully described in the legal description attached hereto as Exhibit "A."

SECTION 3. That 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. That the property described in Section 2 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. That 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. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 7. That 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 2019.

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Stan Pickett  
Mayor

ATTEST:

APPROVED:

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Sonja Land  
City Secretary



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David L. Paschall  
City Attorney



BEING a 4.71 acre tract of land situated in the ZACH MOTLEY SURVEY, ABSTRACT NUMBER 1007, the JOHN T. NELMS SURVEY, ABSTRACT NUMBER 1095, and the ISHAM THOMAS SURVEY, ABSTRACT NUMBER 1501, City of Mesquite, Dallas County, Texas, being a part of Lot 1, Block A of North Mesquite High School Addition, an addition to the City of Mesquite, Texas, according to the plat thereof filed for record in Instrument Number 201000076841, Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.), and being conveyed to Mesquite Independent School District by the Warranty Deeds filed for record in Volume 124, Page 1639 and Volume 124, Page 1643, Deed Records of Dallas County, Texas, (D.R.D.C.T.) and being more particularly described by metes and bounds as follows:

**BEGINNING** at a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the Southerly right-of-way line of Town East Boulevard (a variable width right-of-way), being the North line of said Lot 1, Block A, and being at the beginning of a curve to the right, with a radius of 440.00 feet, delta angle of 19°42'49", chord bearing and distance of South 87°37'56" East, 150.64 feet;

THENCE with the Southerly right-of-way line of said Town East Boulevard and the common North line of said Lot 1, Block A, the following seven (7) calls;

- 1.) Along said curve, an arc distance of 151.39 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found at the end of said curve.
- 2.) South 77°42'26" East, a distance of 249.27 feet to a 1/2-inch iron rod with plastic cap stamped "NDM" found at the beginning of a curve to the right, with a radius of 1372.40 feet, delta angle of 17°03'11", chord bearing and distance of South 69°20'12" East, 406.97 feet;
- 3.) Along said curve, an arc distance of 408.47 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found at the end of said curve.
- 4.) South 30°23'43" West, a distance of 10.00 feet to a 1/2-inch iron rod with plastic cap stamped "NDM" found;
- 5.) South 58°23'59" East, a distance of 27.91 feet to a TxDOT right-of-way monument found;
- 6.) South 51°10'32" East, a distance of 74.80 feet to a TxDOT right-of-way monument found at the beginning of a curve to the left with a radius of 314.99 feet, delta angle of 04°54'59", chord bearing and distance of South 53°35'54" East, 27.02 feet;
- 7.) Along said curve, an arc distance of 12.84 feet to a TxDOT right-of-way monument found at the end of said curve;

THENCE South 07°46'35" East, departing the Southerly right-of-way line of said Town East Boulevard, over and across said Lot 1, Block A, a distance of 72.34 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found for the Southeast corner of said Lot 2, Block A;

THENCE over and across said Lot 1, Block A the following nine (9) calls:

- 1.) South 82°23'10" West, a distance of 186.17 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 2.) North 07°19'20" West, a distance of 58.51 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 3.) South 82°11'55" West, a distance of 221.71 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 4.) North 62°40'49" West, a distance of 70.93 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 5.) North 77°03'10" West, a distance of 123.35 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 6.) North 78°39'13" West, a distance of 30.79 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 7.) North 89°05'11" West, a distance of 269.19 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 8.) North 00°54'49" East, a distance of 150.44 feet to a 1/2-inch iron rod with green plastic cap stamped "EAGLE SURVEYING" found;
- 9.) North 08°52'07" East, a distance of 129.90 feet to the **POINT OF BEGINNING**, containing 4.71 acres of land, more or less.



Exhibit "B"  
0219-0086



GRAPHIC SCALE

1 inch = 40 ft.

TOWN EAST BOULEVARD  
CONCRETE SURFACE  
VARIABLE WIDTH R.O.W.



NORTH MESQUITE HIGH  
SCHOOL ADDITION  
DOC NO. 20100976841  
O.P.R.D.C.,  
EXISTING ZONING R-2

**LOT 4 AND 5 NOTE:**  
LOTS 4 AND 5 MAY ADJUSTED OR COMBINED  
AS PART OF FUTURE DEVELOPMENT

**NOTE:** THE DEVELOPMENT OF THE SITE WILL BE IN ACCORDANCE WITH THE CITY OF MESQUITE DEVELOPMENT STANDARDS

[illegible]



PROJECT STATION  
N TOWN EAST BLVD AND  
INTERSTAT 635  
MESQUITE, TEXAS

CONCEPT LANDSCAPE PLAN

SHEET  
L-1

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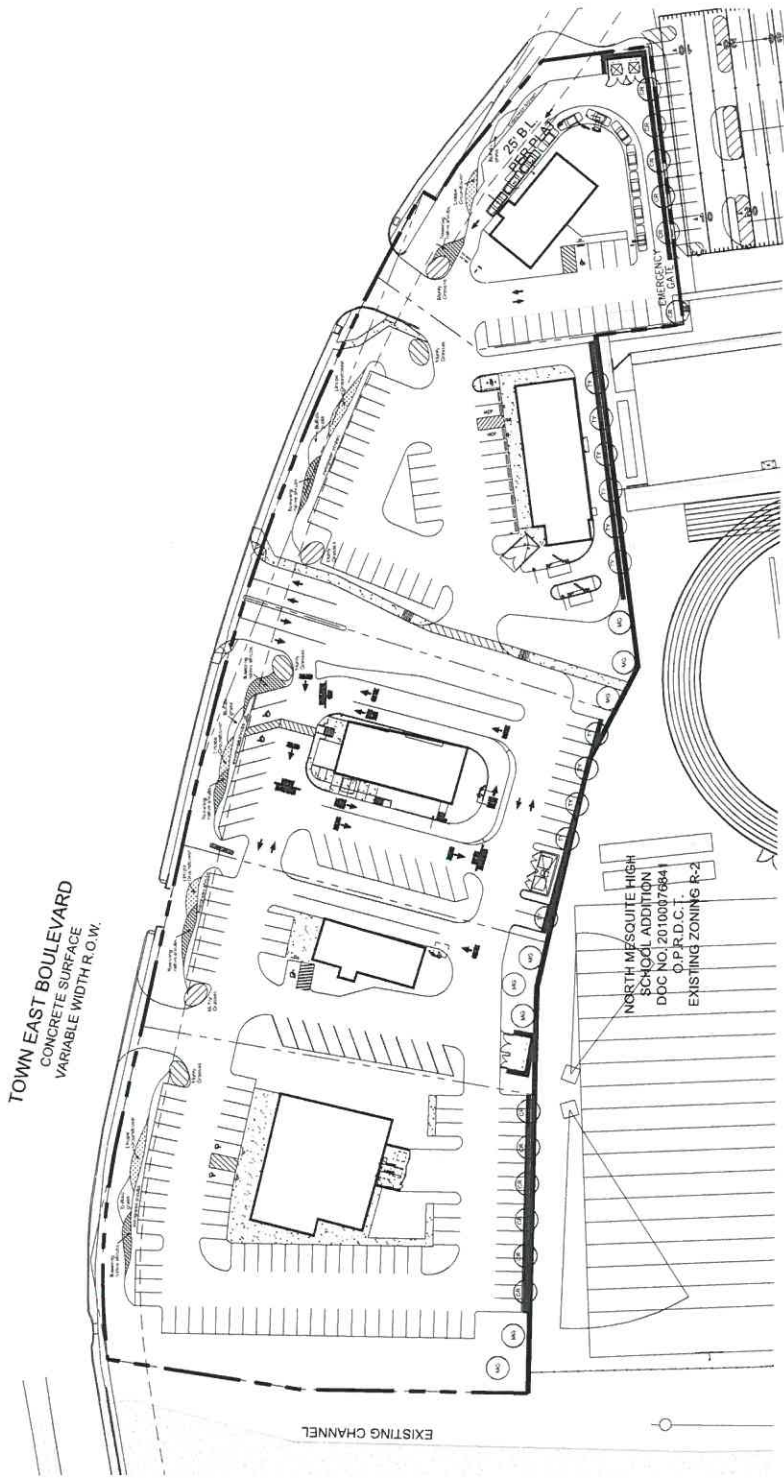
VICINITY MAP  
N.T.S.  
MAPSCO GRID: 49A-H



GRAPHIC SCALE

0 20 40

1 inch = 40 ft



## PLANT LIST

[illegible]

## LANDSCAPE CONCEPT

Town East Blvd. - There is a 20 ft wide Sanitary Sewer Easement along the frontage of Town East Blvd. In place of trees, create curvilinear beds of evergreen shrubs for screening, flowering natives, buffalo grass areas, and groundcover along the frontage

This design concept makes a visual statement between the parking lots and the ROW line. Shrub screening for parking lots should be evergreen and a minimum of 24 inch height at time of planting. The mulch grass areas at entries should be consistent at each entry.

Rear Frontage / N. Mesquite High School - Use ornamental trees at 24 foot centers along the property line as shown.  
An evergreen hedge should be planted between the rear parking and the school boundary as well as any drive thru aisles and service areas.

### TREE LEGEND

Ornamental Trees

CR Crataegus

MG Malus

TV Taxus

#### HATCH LEGEND

## Texas Natives

RY	Red Yucca
FA	Flame Acaulthus
PS	Pink Scaevola
TX	Texas Sage
GS	Green Cloud Sage
CS	Cherry Sage

### Evergreen Shrubs

BM	Burford Hobbs
AB	Azalia
NR	Nelle R. Stevens Hobbs
WM	Dean W. Myrtle

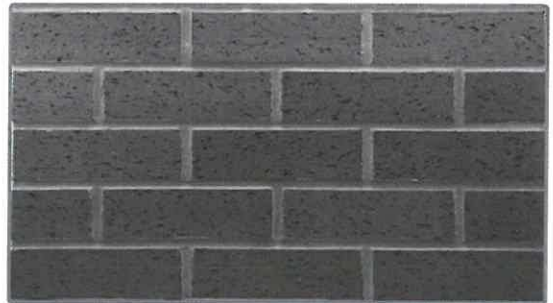




**Stallion Town East, LLC**  
**N Town East Blvd. & IH 635**  
**Building and Monument Sign Materials**

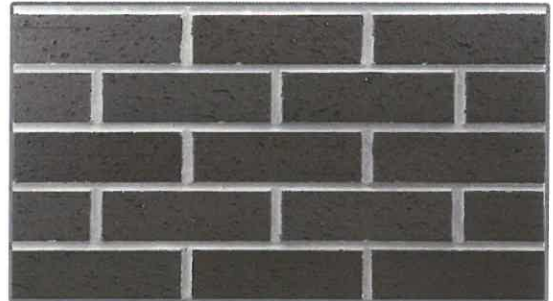
**Field Brick:**

**Endicott - Grey Blend Velour**



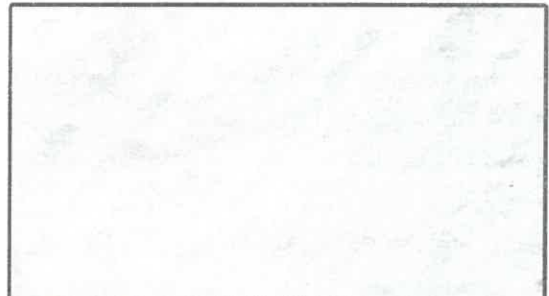
**Accent Brick:**

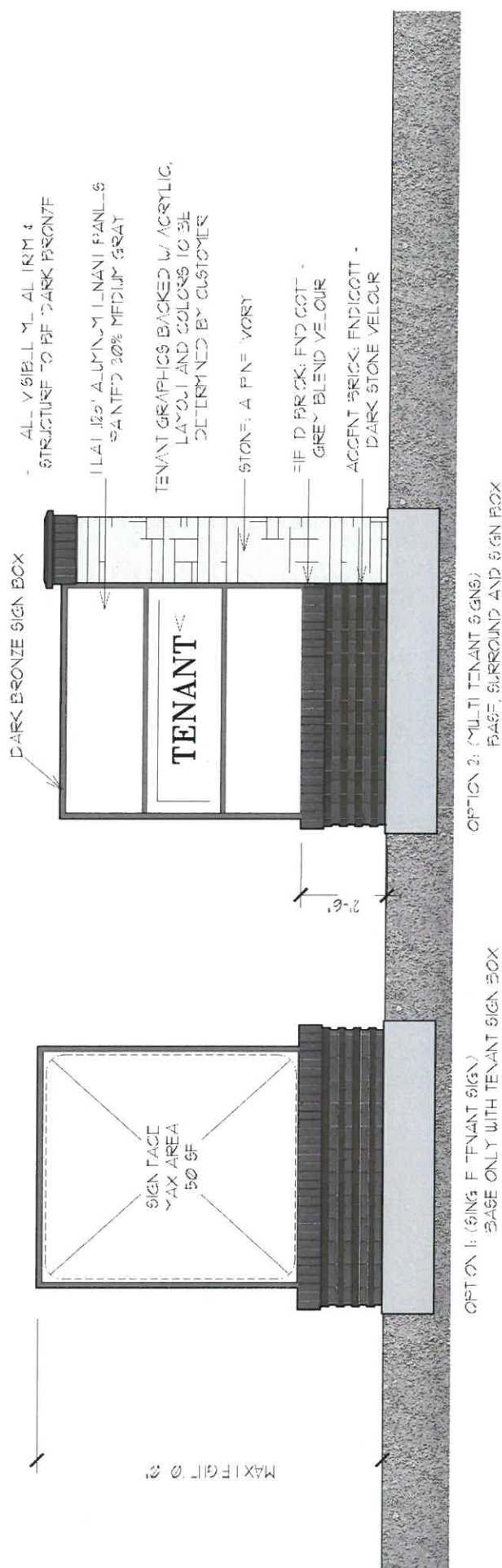
**Endicott - Dark Stone Velour**



**Stone:**

**Alpine Ivory**





FOR ILLUSTRATIVE PURPOSES ONLY  
NOT FOR LEASING DIMENSIONS OR  
CONSTRUCTION. ALL DIMENSIONS  
SUBJECT TO CHANGE.

## 01 MONUMENT SIGN



GSO ARCHITECTS

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WILEY

PRELIMINARY PLAN  
NOT FOR CONSTRUCTION

M. SIGN

JOB NO. ....  
ISSUE DATE: 02/28/19  
SCALE AS NOTED

MESQUITE, TEXAS  
STALLION TOWN EAST, LLC