

ORDINANCE NO. 4828
File No. Z0820-0146

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL AND COMMERCIAL WITHIN THE MILITARY PARKWAY-SCYENE CORRIDOR (MP-SC) OVERLAY TO PLANNED DEVELOPMENT – COMMERCIAL AND TO REMOVE THE PROPERTY FROM THE MP-SC OVERLAY TO ALLOW AN INDUSTRIAL PARK ON APPROXIMATELY 22.14 ACRES OF LAND GENERALLY LOCATED AT 1204, 1212 AND 1420 MILITARY PARKWAY 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 subject property is approximately 22.14 acres of land generally located at 1204, 1212 and 1420 Military Parkway (the “**Property**”) and is more fully depicted and described in Exhibit A attached hereto.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning from Light Commercial and Commercial within the Military Parkway-Scyene Corridor (“**MP-SC**”) Overlay to Planned Development – Commercial and removing the Property from the MP-SC Overlay to allow an industrial park subject to the Planned Development Standards, the Concept Plan and certain stipulations, attached hereto as Exhibits B, C and D respectively and incorporated herein by reference, and made a part thereof.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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

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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.

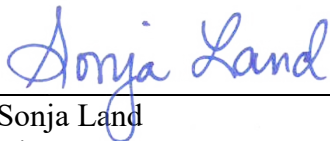
SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of November 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

LEGAL DESCRIPTION (for zoning application)

BEING a 22.14 acre tract of land situated in the, S.H. Miller Survey, Abstract Number 974, City of Mesquite, Dallas County, Texas, and being part of a called 53.93 acre tract of land described in Executor's Special Warranty Deed to Cathy Jane Swafford Lacy, recorded in Instrument Number 201900345913 of the Official Public Records of the Dallas County, Texas (O.P.R.D.C.T.), and all of a tract of land described in Warranty Deed with Vendor's Lien to Dr. Abdallah Adham and Hana Adham, recorded in Volume 84105, Page 3931 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and part of a called 10.38 acre tract of land described in Warranty Deed to City of Mesquite, recorded in Volume 94010, Page 762, D.R.D.C.T., and part of Military Parkway (also known as State Highway 352, a variable width right-of-way), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod with cap stamped "SJ&F" for corner at the intersection of the east right-of-way line of Interstate Highway 635 (also known as Lyndon B. Johnson Freeway, variable width right-of-way) and the south right-of-way line of said Military Parkway;

THENCE South 87 degrees 22 minutes 39 seconds East, with the north line of said 53.93 acre tract and the south right-of-way line of said Military Parkway, a distance of 827.57 feet to a corner for the **POINT OF BEGINNING**;

THENCE over and across said Military Parkway, the following bearings and distances:

North 02 degrees 18 minutes 24 seconds East, departing said north and south line, a distance of 91.68 feet to a corner (not monumented);

South 87 degrees 41 minutes 36 seconds East, a distance of 1,233.29 feet to a corner (not monumented);

South 02 degrees 18 minutes 24 seconds West, distance of 94.88 feet to a 1/2-inch found iron pipe for the northeast corner of said Adham tract and the northwest corner of a called 1.396 acre tract of land described in General Warranty Deed with Vendor's Lien to Pedro Lira and Juan Jose Lira and Rafael Lira, recorded in Instrument Number 201900067791, O.P.R.D.C.T.;

THENCE South 00 degrees 37 minutes 47 seconds East, with the east line of said Adham tract and the west line of said 1.396 acre tract, passing at a distance of 580.00 feet, a 1/2-inch found iron rod for the southwest corner of said 1.396 acre tract and the "ell" corner of a called 12.702 acre tract of land described in General Warranty Deed to Jose Noel Sorto, recorded in Instrument Number 201400259694, O.P.R.D.C.T., and continuing with said east line and the northwest line of said 12.702 acre tract, in all, a total distance of 777.44 feet to the southeast corner of said Adham and an "ell" corner of said 12.702 acre tract, from which a 1/2-inch found iron rod bears South 30 degrees 05 minutes 23 seconds West, a distance of 0.51 of a foot;

THENCE North 87 degrees 58 minutes 02 seconds West, with the south line of said Adham tract and the north line of said 12.702 acre tract, passing at a distance of 420.27 feet, a found nail for the southwest corner of said Adham tract and the "ell" corner of aforementioned 10.38 acre tract, and continuing with said north line and the southeast line of said 10.38 acre tract, in all, a total distance of 440.29 feet to a 5/8-inch found iron rod for the westerly northwest corner of said 12.702 acre tract and an "ell" corner of said 10.38 acre tract;

THENCE North 00 degrees 40 minutes 39 seconds West, over and across said 10.38 acre tract, a distance of 21.97 feet to a corner (not monumented) to an "ell" corner of said 10.38 acre tract and the easterly southeast corner of a said 53.93 acre tract;

THENCE South 89 degrees 19 minutes 21 seconds West, with the north line of said 10.38 acre tract and the southeast line of said 53.93 acre tract, a distance of 564.54 feet to a corner (not monumented);

THENCE North 00 degrees 40 minutes 39 seconds West, departing said north and south line, and over and across said 53.93 acre tract, a distance of 176.19 feet to a corner (not monumented);

THENCE North 20 degrees 34 minutes 13 seconds West, over and across said 53.93 acre tract, a distance of 665.58 feet to the **POINT OF BEGINNING AND CONTAINING** 22.14 acres (964,472 square foot) of land, more or less.

NOTE:

This document was prepared under 22 TAC 663.21 and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the zoning for which it was prepared.

The Basis of Bearing is the Texas Coordinate System of 1983, North Central Zone (4202). All distances shown hereon are surface distances. Surface Adjustment Scale Factor: 1.000136506.

This document shall not be recorded for any purposes and shall only be used for zoning application.

G. J. Suthan

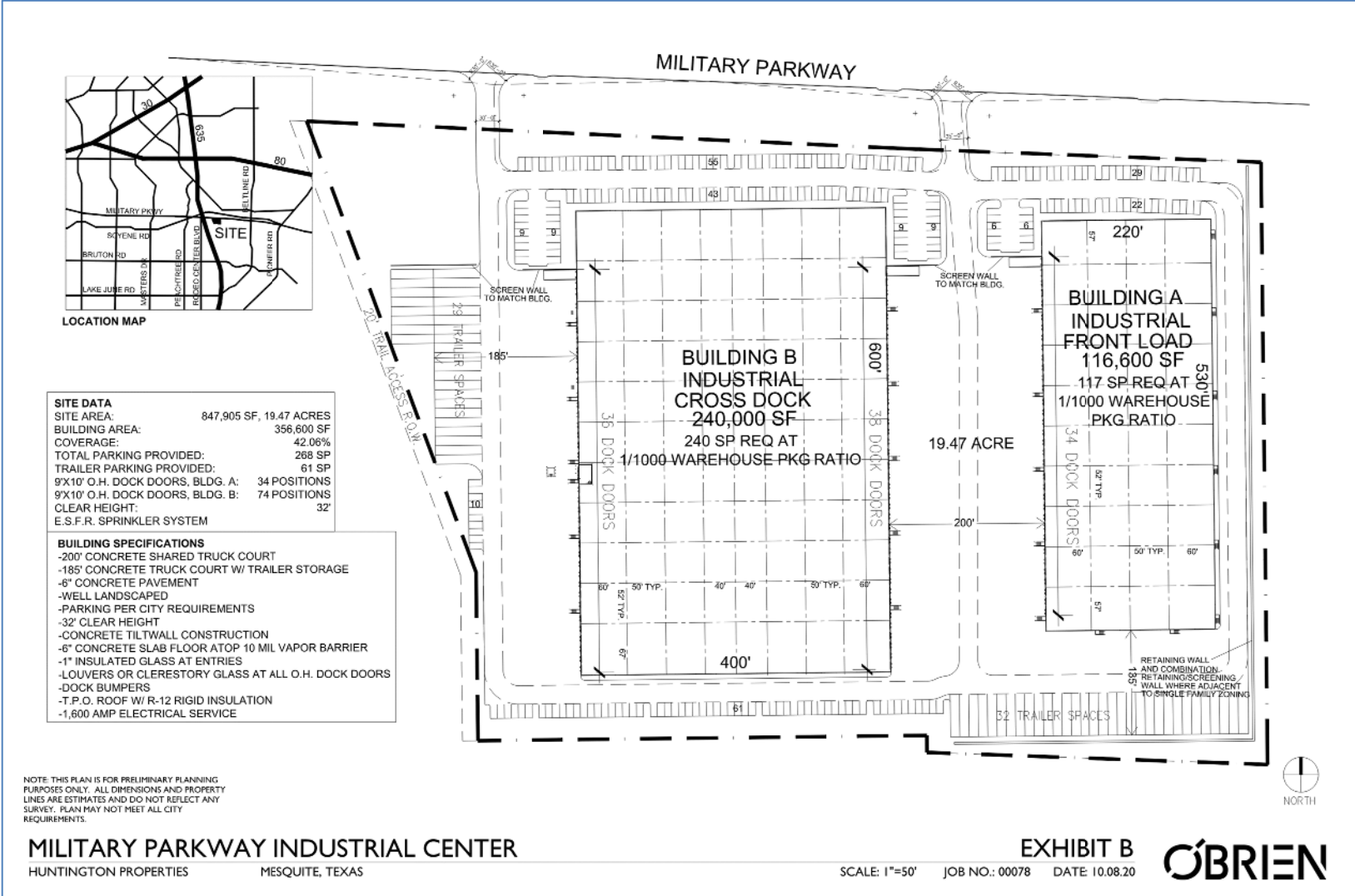
Aug. 24/2020

Getsy J. Suthan, R.P.L.S.
Texas Registration No. 6449
HALFF ASSOCIATES, INC.
1201 NORTH BOWSER ROAD
RICHARDSON, TEXAS 75081
TEL (214) 346-6200
TBPELS FIRM NO. 10029600

Date



PLANNED DEVELOPMENT STANDARDS



STIPULATIONS

1. Except as provided herein, the site plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit C. The number of lots and the Permissible Building Area (“PBA”) sizes shown on Exhibit C may be modified provided that parking and other development standards are met. The orientation and location of structures, driveways and parking areas shown on Exhibit C may be modified to avoid conflict with utilities, floodplain and/or wetlands provided that parking and other development standards are met.

2. All uses permitted in the Commercial District are allowed on the Property except as modified in Subsections “a” and “b” of this paragraph. The uses permitted in the Planned Development – Commercial (“PD-C”) are subject to the same requirements applicable to the uses in the Commercial District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Commercial District only by Conditional Use Permit (“CUP”) is permitted in this District only by CUP.
 - a. The following uses are prohibited on the property:

SIC Code 32a:	Concrete Batch Plants
SIC Code 40:	Railroad Passenger Terminal
SIC Code 61:	Alternative Financial Institutions
SIC Code 593:	Used Merchandise
SIC Code 593a:	Pawnshops
SIC Code 5993:	Tobacco Stores
SIC Code 7299a:	Massage Parlors, Turkish and Steam Baths

 - b. The following uses are allowed within the PD:

SIC Code 42:	Warehouse Distribution (as defined in Section 3), not including mini-warehousing
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 - c. The following uses are allowed only by CUP in this PD:

SIC Code 20-399:	Manufacturing Uses, general
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3. Definitions.
 - a. *Warehouse Distribution* is defined as a building or facility used for the storage and distribution of items/products, which may include:
 - (1) Receiving, storing, shipping, distributing, preparing and selling items/products and serving as a pick-p/drop-off location for items/products;
 - (2) The parking, storage, incidental maintenance, fueling and use (including driving into and through the building for loading and unloading and parking

inside the building) of automobiles, trucks, machinery and trailers, including outdoor loading and unloading;

- (3) Printing;
 - (4) Limited assembly as defined below;
 - (5) Warehouse and office use;
 - (6) Using, handling or storing materials in the ordinance course of business, including any packaged merchandise to be sold, handled and/or held for shipment to customers, maintenance of trucks and machinery, and fuel (including liquefied hydrogen or other alternative fuels) or batteries for any trucks, generators or other machinery or the equipment described in this definition;
 - (7) Installing and operating rooftop equipment such as satellite dishes, cellular antenna and renewable energy systems, including solar energy systems and hydrogen fuel cell tanks and related equipment;
 - (8) Installing and operating battery storage systems, electrical generators and fuel tanks; and
 - (9) Ancillary and related uses for any of the foregoing, all on a twenty-four-hour, seven-days-per-week, fifty-two-weeks-per-year basis.
- b. *Limited Assembly* is defined as the assembly of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas fumes, dust, odor or vibration, or the danger of fire, explosion or radiation.