

ORDINANCE NO. 4911
File No. Z0821-0216

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM SINGLE-FAMILY RESIDENTIAL AND COMMERCIAL WITHIN THE MILITARY PARKWAY-SCYENE CORRIDOR (“MP-SC”) OVERLAY DISTRICT TO PLANNED DEVELOPMENT-COMMERCIAL TO REMOVE THE MP-SC OVERLAY DISTRICT ON APPROXIMATELY 24.05 ACRES OF LAND GENERALLY LOCATED AT 1110 AND 1126 MILITARY PARKWAY TO ALLOW AN INDUSTRIAL DISTRIBUTION CENTER AND TO ALLOW CERTAIN USES PERMITTED BY RIGHT IN THE COMMERCIAL DISTRICTS; 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. The subject properties are approximately 24.05 acres and described and depicted in Exhibit A hereto and incorporated herein by reference, and located at 1110 and 1126 Military Parkway, Mesquite, Dallas County, Texas (collectively the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Single-Family Residential and Commercial within the Military Parkway-Scyene Corridor (“**MP-SC**”) Overlay District to Planned Development-Commercial to remove the MP-SC Overlay District, to allow an industrial park, and to allow certain uses permitted by right in the Commercial Districts subject to the Development Standards and the Concept Plan, attached hereto as Exhibits B and C, respectively, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 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. 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 November 2021.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

BEING a 24.05 acre tract of land situated in the, D. S. Carnver Survey, Abstract Number 342, City of Mesquite, Dallas County, Texas, and being all of a called 12.702 acre tract of land described in General Warranty Deed to Jose Noel Sorto, as recorded in Instrument Number 201400259694 of the Official Public Records of the Dallas County, Texas (O.P.R.D.C.T.), and all of a called 6.0156 acre tract of land described in Warranty Deed to John Robert Lindsey, as recorded in Volume 3293, Page 358 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) and all of a called 4.0007 acre tract of land described in Deed to John R. Lindsey, as recorded in Volume 4831, Page 104, 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:

BEGINNING at a 1/2-inch found iron rod for the northeast corner of said 6.0156 acre tract and the northwest corner of Lot 2 of Church of Prayer and Worship Addition, an addition to the City of Mesquite, Texas, as recorded in Instrument Number 201300356777, O.P.R.D.C.T., said corner being on the south right-of-way line of said Military Parkway;

THENCE South 00 degrees 38 minutes 46 seconds East, with the east line of said 6.0156 acre tract and the west line of said Lot 2, a distance of 776.04 feet to the southeast corner (not monumented) of said 6.0156 acre tract and the northeast corner of said 4.0007 acre tract;

THENCE South 18 degrees 42 minutes 50 seconds East, continuing with the west line of said Lot 2 and with the east line of said 4.0007 acre tract, a distance of 614.18 feet to a 1/2-inch found iron rod for the southeast corner of said 4.0007 acre tract and the southwest corner of said Lot 2, said corner being on the north line of a called 18.0 acre tract of land described in Warranty Deed to City of Mesquite, as recorded in Volume 67156, Page 1670, D.R.D.C.T.;

THENCE South 89 degrees 05 minutes 56 seconds West, with the south line of said 4.0007 acre tract, passing at a distance of 198.56 feet the northwest corner of said 18.0 acre tract and the northeast corner of a called 26.8222 acre tract of land described in Special Warranty Deed to Veggies House LLC, as recorded in Instrument Number 202000219539, O.P.R.D.C.T., and continuing with the south line of said 4.0007 acre tract and the north line of said 26.8222 acre tract, in all a total distance of 235.38 feet to a 1/2-inch found iron rod for the southwest corner of said 4.0007 acre tract and the southeast corner of the aforementioned 12.702 acre tract;

THENCE South 89 degrees 18 minutes 25 seconds West, with the south line of said 12.702 acre tract and the north line of said 26.8222 acre tract, a distance of 605.70 feet to a 1/2-inch found iron rod with red plastic cap stamped "RPLS NO. 4888" for the southwest corner of said 12.702 acre tract and the southerly southeast corner of a called 10.38 acre tract of land described in Warranty Deed to City of Mesquite, as recorded in Volume 94010, Page 762, D.R.D.C.T.;

EXHIBIT A

THENCE with the west line of said 12.702 acre tract, the following bearings and distances:

North 01 degree 35 minutes 50 seconds West, departing said north line, and with the east line of said 10.38 acre tract, a distance of 635.13 feet to a 5/8-inch found iron rod for an "ell" corner of said 12.702 acre tract and said 10.38 acre tract;

South 87 degrees 58 minutes 02 seconds East, continuing with the east line of said 10.38 acre tract, passing at a distance of 20.02 feet a found nail for an "ell" corner of said 10.38 acre tract and the southwest corner of a tract of land described in Warranty Deed with Vendor's Lien to Dr. Abdallah Adham and Hana Adham, as recorded in Volume 84105, Page 3931, D.R.D.C.T., and continuing with said west line and the south line of said Adham tract, in all a total distance of 440.29 feet to an "ell" corner (not monumented) of said 12.702 acre tract and the southeast corner of said Adham tract;

North 00 degrees 37 minutes 47 seconds West, with the east line of said Adham tract, a distance of 197.44 feet to an "ell" corner (not monumented) of said 12.702 acre tract and the southwest 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, as recorded in Instrument Number 201900067791, O.P.R.D.C.T.;

South 87 degrees 26 minutes 47 seconds East, with the south line of said 1.396 acre tract, a distance of 105.00 feet to an "ell" corner (not monumented) of said 12.702 acre tract and the southeast corner (not monumented) of said 1.396 acre tract;

North 00 degrees 37 minutes 47 seconds West, with the east line of said 1.396 acre tract, passing at a distance of 579.23 feet a 3/4-inch found iron rod for the northerly northwest corner of said 12.702 acre tract and on the south right-of-way line of the aforementioned Military Parkway, and continuing with said east line, in all a total distance of 580.00 feet to the northeast corner (not monumented) of said 1.396 acre tract;

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

North 02 degrees 31 minutes 16 seconds East, a distance of 99.23 feet to a point for corner (not monumented);

South 87 degrees 28 minutes 44 seconds East, a distance of 511.27 feet to a point for corner (not monumented);

South 02 degrees 34 minutes 22 seconds West, a distance of 100.00 feet to the **POINT OF BEGINNING AND CONTAINING** 24.05 acres (1,047,666 square foot) of land, more or less.

EXHIBIT A

NOTE:

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. 20/21

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



Closure Report

Parcel TR01: 10000 10001 10002 10003 10004 10005 10006 10007 10008 10009 10010
10011 10000

10000 to 10001:	S 00 deg. 38 min. 46 sec. E	Dist. 776.04
10001 to 10002:	S 18 deg. 42 min. 50 sec. W	Dist. 614.18
10002 to 10003:	S 89 deg. 05 min. 56 sec. W	Dist. 235.38
10003 to 10004:	S 89 deg. 18 min. 25 sec. W	Dist. 605.70
10004 to 10005:	N 01 deg. 35 min. 50 sec. W	Dist. 635.13
10005 to 10006:	S 87 deg. 58 min. 02 sec. E	Dist. 440.29
10006 to 10007:	N 00 deg. 37 min. 47 sec. W	Dist. 197.44
10007 to 10008:	S 87 deg. 26 min. 47 sec. E	Dist. 105.00
10008 to 10009:	N 00 deg. 37 min. 47 sec. W	Dist. 580.00
10009 to 10010:	N 02 deg. 31 min. 16 sec. E	Dist. 99.23
10010 to 10011:	S 87 deg. 28 min. 44 sec. E	Dist. 511.27
10011 to 10000:	S 02 deg. 34 min. 22 sec. W	Dist. 100.00

Perimeter: 4899.66

Area: 1047665.7 sq. ft., Acres: 24.05110

Error North: -0.00 Error East: 0.00

Error bearing: N 28 deg. 54 min. 32 sec. W Total Dist. Error: 0.00

Error of Closure: 1:1445659

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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”, “b”, and “c” 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 5999g:	Paraphernalia Shop
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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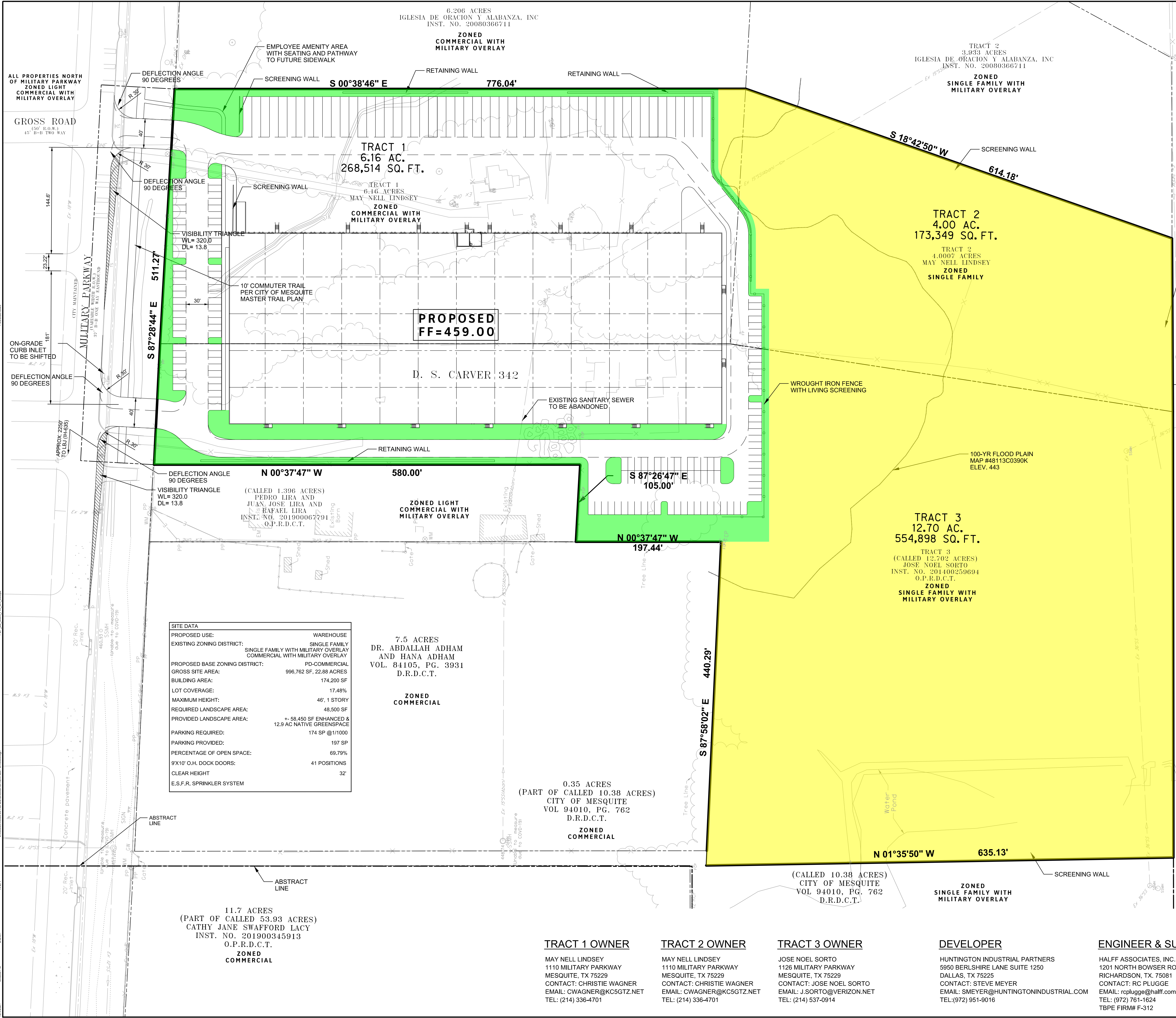
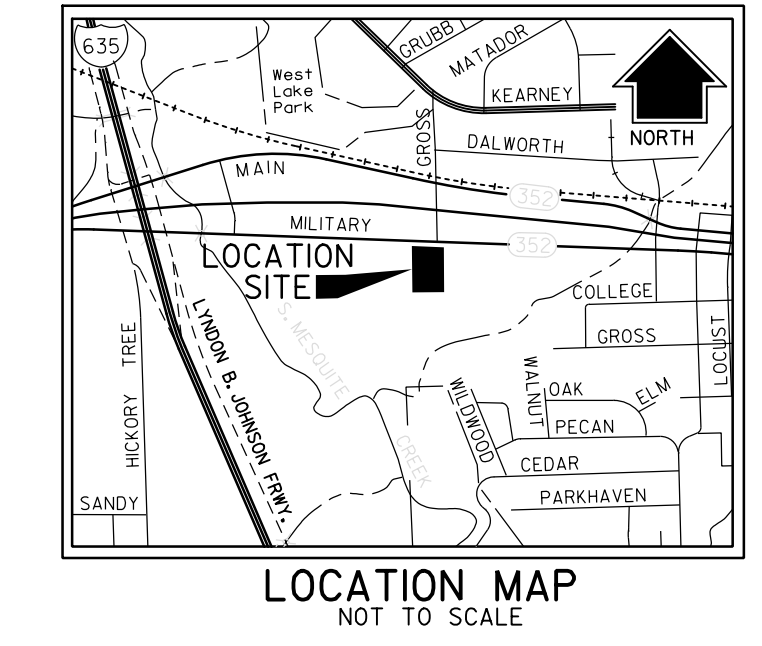
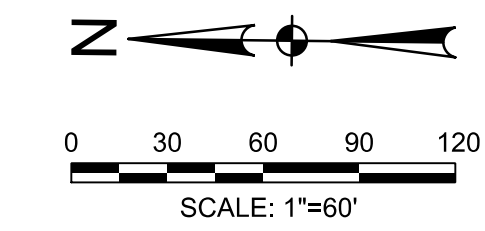
3. Definitions.
 - a. *Warehouse Distribution* is defined as a building or facility used for the storage and distribution of items/products, which may include:
 - (1) Receiving, storing, shipping, distributing, preparing and selling items/products and serving as a pick-p/drop-off location for items/products;
 - (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.
4. Enhanced Landscaping: 1 tree per 400 SF in lieu of code required 1 tree per 500 SF will be provided. An additional 15,000 SF for a total of 58,450 SF of landscaping in lieu of code required 10% being 43,484 SF.
 5. Employee Amenity Area: A paved pathway with benches on either side similar to the attached photos will be provided, but with standard concrete paving.
 6. Alternative Screening: A wrought iron fence with evergreens will be provided to screen from adjacent property along the West parking area and along the Southern developed area.
 7. A 50' long x 12' tall tilt-wall panel screen wall will be provided to screen the trailer parking from Military Pkwy. Also, a 65' long x 12' tall tilt-wall panel screen wall will be provided to screen the truck dock from Military Pkwy. Panels will be painted to match the building.







18.00 ACRES
CITY OF MESQUITE
JEREMIAH DAVIS ABST 421 PG 275
D.R.D.C.T.
ZONED SINGLE FAMILY

- LEGEND**
- RL PROPERTY LINE
 - TS TRAFFIC SIGN
 - EM ELECTRICAL METER
 - TSB TRAFFIC SIGNAL BOX
 - SSMH SANITARY SEWER MANHOLE
 - BOLL TRAFFIC BOLLARD
 - FH FIRE HYDRANT
 - WM WATER METER
 - PE POWER POLE
 - GW GUY WIRE
 - E ELECTRICAL OVERHEAD LINES
 - 1/2" SIR 1/2-INCH SET IRON ROD WITH YELLOW W/CAP
 - 1/2" FIR 1/2-INCH FOUND IRON ROD
 - INST. NO. INSTRUMENT NUMBER
 - R.O.W. RIGHT-OF-WAY
 - (C.M.) CONTROLLING MONUMENT
 - VOL., PG. VOLUME, PAGE
 - D.R.D.C.T. DEED RECORDS DALLAS COUNTY, TEXAS
 - O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS

- 12.9 ACRES TO REMAIN AS NATIVE GREENSPACE
- 58,450 SF OF ENHANCED LANDSCAPING WITH PERIMETER TREES, EMPLOYEE AMENITY SEATING AREAS, AND 1 TREE PER 400 SF.

26.82 ACRES
VEGGIE HOUSE LLC
INST. NO. 202000219539
ZONED COMMERCIAL

THE THOROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF PLAT.

ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.

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 THIS ZONING CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICE, WILL REQUIRE AN AMENDMENT TO THE ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.

Revision Log		
No.	Date	Description

SITE DATA	
PROPOSED USE:	WAREHOUSE
EXISTING ZONING DISTRICT:	SINGLE FAMILY WITH MILITARY OVERLAY COMMERCIAL WITH MILITARY OVERLAY
PROPOSED BASE ZONING DISTRICT:	PD-COMMERCIAL
GROSS SITE AREA:	996,762 SF, 22.88 ACRES
BUILDING AREA:	174,200 SF
LOT COVERAGE:	17.48%
MAXIMUM HEIGHT:	48', 1 STORY
REQUIRED LANDSCAPE AREA:	48,800 SF
PROVIDED LANDSCAPE AREA:	+ 58,450 SF ENHANCED & 12.9 AC NATIVE GREENSPACE
PARKING REQUIRED:	174 SP @ 1/1000
PARKING PROVIDED:	197 SP
PERCENTAGE OF OPEN SPACE:	69.79%
9'X10' O.H. DOCK DOORS:	41 POSITIONS
CLEAR HEIGHT	32'
E.S.F.R. SPRINKLER SYSTEM	

7.5 ACRES
DR. ABDALLAH ADHAM
AND HANA ADHAM
VOL. 84105, PG. 3931
D.R.D.C.T.

ZONED COMMERCIAL

0.35 ACRES
(PART OF CALLED 10.38 ACRES)
CITY OF MESQUITE
VOL 94010, PG. 762
D.R.D.C.T.
ZONED COMMERCIAL

11.7 ACRES
(PART OF CALLED 53.93 ACRES)
CATHY JANE SWAFFORD LACY
INST. NO. 201900345913
O.P.R.D.C.T.
ZONED COMMERCIAL

TRACT 1 OWNER
MAY NELL LINDSEY
1110 MILITARY PARKWAY
MESQUITE, TX 75229
CONTACT: CHRISTIE WAGNER
EMAIL: CWAGNER@KC5GTZ.NET
TEL: (214) 336-4701

TRACT 2 OWNER
MAY NELL LINDSEY
1126 MILITARY PARKWAY
MESQUITE, TX 75229
CONTACT: CHRISTIE WAGNER
EMAIL: CWAGNER@KC5GTZ.NET
TEL: (214) 336-4701

TRACT 3 OWNER
JOSE NOEL SORTO
1126 MILITARY PARKWAY
MESQUITE, TX 75229
CONTACT: JOSE NOEL SORTO
EMAIL: JSORTO@VERIZON.NET
TEL: (214) 537-0914

DEVELOPER
HUNTINGTON INDUSTRIAL PARTNERS
5950 BERLSHIRE LANE SUITE 1250
DALLAS, TX 75225
CONTACT: STEVE MEYER
EMAIL: SMEYER@HUNTINGTONINDUSTRIAL.COM
TEL: (972) 951-9016

ENGINEER & SURVEYOR
HALFF ASSOCIATES, INC.
1201 NORTH BOWSER ROAD
RICHARDSON, TX. 75081
CONTACT: RC PLUGGE
EMAIL: rplugge@halff.com
TEL: (972) 761-1624
TBPE FIRM# F-312

EXHIBIT C
ZONING CONCEPT PLAN
FOR MILITARY PARKWAY
DISTRIBUTION CENTER
OF A
6.02, 4.00, AND 12.70 ACRE TRACTS
SITUATED IN THE
DANIEL S. CARVER SURVEY, ABSTRACT NO. 342
CITY OF MESQUITE, DALLAS COUNTY, TEXAS
FOR
HUNTINGTON INDUSTRIAL PARTNERS
BY
HALFF
1201 NORTH BOWSER ROAD, RICHARDSON, TX 75081 (214) 346-6200
TBPLS FIRM NO. 10029600
AVO: 45586 DATE: SEPTEMBER, 2021
CASE # Z0821-0216