

ORDINANCE NO. 5001
File No. Z1122-0278

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE SKYLINE LOGISTICS HUB OVERLAY DISTRICT TO COMMERCIAL WITHIN THE SKYLINE LOGISTIC HUB OVERLAY DISTRICT WITH A CONDITIONAL USE PERMIT TO ALLOW A TOWING COMPANY WITH PRIMARY OUTDOOR STORAGE ON PROPERTY LOCATED AT 2530 BIG TOWN BOULEVARD AND THE NORTHERN PORTION OF PROPERTY AT 4501 EAST U.S. HIGHWAY 80 SUBJECT TO CERTAIN STIPULATIONS; REPEALING ORDINANCE NO. 4434, AND ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; 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 (“**Property**”) is described as being approximately 2.62 acres, located at 2530 Big Town Boulevard and encompassing the northern portion of the property located at 4501 East U.S. Highway 80, Mesquite, Dallas County, Texas, and more particularly described in the legal description attached hereto as **EXHIBIT A**.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Commercial within the Skyline Logistics Hub Overlay District to Commercial within the Skyline Logistics Hub Overlay District with a Conditional Use Permit (“**CUP**”) to allow a towing company with primary outdoor storage subject to the following conditions:

1. Outdoor storage shall be screened by a permanently maintained wood fence (which may include wrought iron posts or accents provided the screening is opaque), or solid masonry wall eight (8) feet in height along the north, the south, and the east property lines of the subject Property thereby being tied to an existing fence on the western property line.

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- 2. The CUP is approved solely for the business owned by the applicants Shannon Taylor and Matthew Gabeline of Park and Tow Solution. It shall not be transferred or assignable to a different owner or business.

SECTION 3.

3.01. Ordinance No. 4434 is hereby repealed.

3.02. 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 17th day of January 2023.

DocuSigned by:
Daniel Aleman Jr.
 D000696347D142B...
 Daniel Alemán, Jr.
 Mayor

ATTEST:

DocuSigned by:
Sonja Land
 C2518095973F46A...
 Sonja Land
 City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:
David L. Paschall
 666E18891208434...
 David L. Paschall
 City Attorney

EXHIBIT A

FILE NO. Z1122-0278

BEING A 2.6216 ACRE TRACT OF LAND SITUATED IN THE WILLIAM O. ABBOTT SURVEY, ABSTRACT NO. 34, CITY OF MESQUITE, DALLAS COUNTY, TEXAS AND BEING LOT 2 OF TRUCKOMATIC ADDITION, REVISED, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 79098, PAGE 835, MAP RECORDS, DALLAS COUNTY, TEXAS AND A PORTION OF THAT CERTAIN TRACT OF LAND AS CONVEYED TO MATTHEW GABELINE & SHANNON TAYLOR (RECORDING INFO PENDING) FORMERLY AND NOW GRANTOR KIRK SHEET METAL COMPANY, INC AS RECORDED IN CC FILE NUMBER 201700357621 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT A FOUND $\frac{1}{2}$ INCH IRON ROD LYING IN THE SOUTH LINE OF A PRIVATE ROAD AS DESCRIBED IN A DEED AS TRACT II AND RECORDED UNDER INSTRUMENT # 201900200983 SAME BEING THE NORTHEAST CORNER OF LOT 3 COMMON WITH THE NORTHWEST CORNER OF LOT 2 OF SAID TRUCKOMATIC ADDITION;

THENCE NORTH 88 DEGREES 10 MINUTES 49 SECONDS EAST, ALONG THE SOUTH ROW LINE OF SAID PRIVATE ROAD COMMON WITH THE NORTH LINE OF THE HEREIN DESCRIBED TRACT A DISTANCE OF 184.39 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD FOR THE NORTHEAST CORNER OF THE HEREIN DESCRIBED TRACT, SAID CORNER BEING AN INTERIOR CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO ILPT MESQUITE, LLC, AS RECORDED UNDER CC FILE# 202100141152, DEED RECORDS, DALLAS COUNTY, TEXAS;

THENCE SOUTH 01 DEGREES 20 MINUTES 21 SECONDS EAST, DEPARTING SAID SOUTH ROW LINE AND ALONG THE EAST LINE OF THIS TRACT COMMON WITH A WEST LINE OF SAID ILPT MESQUITES LLC TRACT, AND GENERALLY FOLLOWING A CHAIN LINK FENCE LINE, A DISTANCE OF 420.64 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD AT THE BASE OF A CHAIN LINK FENCE CORNER POST FOR AN EXTERIOR ELL CORNER OF THIS TRACT COMMON WITH THE SOUTH WEST CORNER OF SAID ILPT MESQUITE, LLC TRACT;

THENCE SOUTH 88 DEGREES 39 MINUTES 39 SECONDS WEST, AND GENERALLY FOLLOWING A CHAIN LINK FENCE LINE A DISTANCE OF 39.87 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD AT THE BASE OF A CHAIN LINK FENCE CORNER POST FOR AN INTERIOR ELL CORNER OF THIS TRACT, SAID CORNER A BEING THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND CONVEYED TO INVESTMENT INSIGHTS PJJ2, LLC AS RECORDED IN INSTRUMENT # 201700357621, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY TEXAS

THENCE SOUTH 00 DEGREES 28 MINUTES 25 SECONDS EAST ALONG THE COMMON LINE OF THIS TRACT AND INVESTMENT INSIGHTS PJ12, LLC TRACT AND GENERALLY FOLLOWING A CHAIN LINK FENCE A DISTANCE OF 197.99 TO A SET $\frac{1}{2}$ INCH IRON ROD WITH A CAP STAMPED "RPLS 5390" FOR THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 89 DEGREES 39 MINUTES 49 SECONDS WEST ALONG THE SOUTH LINE OF THIS HEREIN DESCRIBED TRACT A DISTANCE OF 186.92 FEET TO A SET $\frac{1}{2}$ INCH IRON ROD WITH A CAP STAMPED "RPLS 5390" FOR THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT AND LYING IN THE EAST LINE OF THAT CERTAIN TRACT OF LAND CONVEYED TO JAMES AND PATTIE MCINTYRE AS RECORDED IN CC FILE # 2003108-11967;

THENCE NORTH 00 DEGREES 42 MINUTES 39 SECONDS WEST ALONG SAID COMMON LINE A DISTANCE OF 194.71 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD AT THE BASE OF A CHAIN LINK FENCE CORNER POST FOR AN EXTERIOR ELL CORNER;

THENCE NORTH 88 DEGREES 39 MINUTES 39 SECONDS EAST, A DISTANCE OF 43.26 FEET TO A FOUND $\frac{1}{2}$ INCH IRON ROD FOR AN INTERIOR ELL CORNER OF THE HEREIN DESCRIBED TRACT AND SAME BEING THE SOUTHEAST CORNER OF SAID LOT 3, TRUCKOMATIC ADDITION;

THENCE NORTH 01 DEGREES 20 MINUTES 21 SECONDS WEST AND GENERALLY FOLLOWING A FENCE LINE A DISTANCE OF 419.09 FEET TO THE POINT OF BEGINNING AND CONTAINING 114,200 SQUARE FEET OR 2.6216 ACRES OF LAND.