

ORDINANCE NO. 5043
File No. Z0223-0296

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY PROVIDING A COMPREHENSIVE PLAN AMENDMENT FROM COMMERCIAL TO HIGH DENSITY RESIDENTIAL AND AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL AND R-3, SINGLE FAMILY WITHIN THE MILITARY PARKWAY-SCYENE CORRIDOR (“MP-SC”) OVERLAY DISTRICT ON TRACT 1 AND R-3, SINGLE FAMILY ON TRACT 2 TO PLANNED DEVELOPMENT-MULTIFAMILY ON APPROXIMATELY 8.732 ACRES OF LAND LOCATED AT 930 MILITARY PARKWAY (TRACT 1 AND TRACT 2) TO ALLOW A 111-UNIT MULTIFAMILY DEVELOPMENT WITH MODIFICATIONS TO THE DEVELOPMENT STANDARDS; 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 property is approximately 8.732 acres and described in Exhibit A hereto and incorporated herein by reference, and located at 930 Military Parkway (Tract 1 and Tract 2), Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Comprehensive Plan, dated October 7, 2019, as amended, is hereby amended by changing the Property’s future land use designation from Commercial to High Density Residential.

SECTION 3. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Commercial and R-3, Single Family within the Military Parkway-Scyene Corridor (“**MP-SC**”) Overlay District on Tract 1 and R-3, Single Family on Tract 2 to Planned Development-Multifamily to allow a 111-unit multifamily development with modifications and subject to the Planned Development Standards and the Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference.

Zoning / File No. Z0223-0296 / Amending Comprehensive Plan from Commercial to High Density Residential / Amending MZO from Commercial & R-3, Single Family w-MP-SC Overlay (Tract 1) and R-3, Single Family (Tract 2) to PD-Multifamily
August 7, 2023
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SECTION 4. All other 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 5. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 6. 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 7. 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 8. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 9. 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 7th day of August 2023.

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B...

Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:
David Paschall
666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A
LEGAL DESCRIPTION (Tract 1 - North)
File No. Z0223-0296

LEGAL DESCRIPTION

SITUATED in the City of Mesquite, in the Daniel S. Carver Survey, Abstract No. 342 of Dallas County, Texas and being a part of that certain tract of land described as "First Tract" in a Special Warranty Deed to Debra L. Tutt, dated May 1, 2001 and recorded in Volume 2001143, Page 1273, Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod, topped with a yellow plastic cap, stamped "CBG Surveying" found on the south right-of-way line of Military Parkway (200' wide public right-of-way) on the west line of the above described Tutt tract and same being the northeast corner of Lot 1 of Church Of Prayer And Worship Addition, an addition to the City of Mesquite, according to the plat thereof, recorded in Instrument No. 201300356777, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.);

THENCE: South 87 deg. 24 min. 44 sec. East, along the south right-of-way line of said Military Parkway, a distance of 199.42 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set underneath a metal canopy for the northeast corner of this hereinafter described tract of land and same being the northwest corner of that certain called 0.5 acre tract of land described as "Second Tract" in a deed to Wayne Williams, recorded in Volume 72201, Page 654, D.R.D.C.T.;

THENCE: South 00 deg. 43 min. 46 sec. East, departing from said Military Parkway, along the west line of said 0.5 acre Williams tract, a distance of 432.95 feet to a chain linked fence corner post for the southwest corner of said 0.5 acre Williams tract;

THENCE: South 86 deg. 58 min. 17 sec. East, along the south line of said 0.5 acre Williams tract and also the south line of that certain called 1.00 acre tract of land described as "First Tract" in the above described deed to Wayne Williams, recorded in Volume 72201, Page 654, D.R.D.C.T. and with said chain linked fence, a distance of 150.00 feet to a 5/8 inch iron rod found at a chain linked fence corner post, on the east line of said Tutt tract, for the southeast corner of said 1.00 acre Williams tract and same being on the west line of that remainder tract of land described as "Tract 3" in a deed to Evelyn Carol Clark, Lawrence Edward Lindsey, Jr. and Darrel Wayne Lindsey, recorded in Instrument No. 201700170943, O.P.R.D.C.T.;

THENCE: South 00 deg. 15 min. 40 sec. East, along the east line of said Tutt tract and the west line of said remainder of Tract 3, a distance of 344.14 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the southeast corner of said Tutt tract and the northeast corner of that certain called 3.998 acre tract of land described in a deed from Debra L. Tutt to Gary Ward and wife, Nadine Ward, recorded in Instrument No. 201100115872, O.P.R.D.C.T.;

THENCE: North 87 deg. 05 min. 24 sec. West, along the common line of said Tutt and said Ward tracts, a distance of 348.45 feet to a point for corner in the center of a 12 inch bois d' arc tree found at the southwest corner of said Tutt tract and the northwest corner of said Ward tract

and said point being an angle corner of Lot 2 of the above described Church Of Prayer And Worship Addition;

THENCE: North 00 deg. 35 min. 49 sec. West, along the west line of said Tutt tract and the east line of Lot 2 and Lot 1 of said Church Of Prayer And Worship Addition, a distance of 776.33 feet to the POINT OF BEGINNING and containing 206,463 square feet or 4.740 acres of land.

EXHIBIT A
LEGAL DESCRIPTION (Tract 2 - South)
File No. Z0223-0296

LEGAL DESCRIPTION

SITUATED in the City of Mesquite, in the Daniel S. Carver Survey, Abstract No. 342 of Dallas County, Texas and being a all of that certain called 3.998 acre tract of land described in a Warranty Deed to Gary Ward and wife, Nadine Ward, dated May 6, 2011 and recorded in Instrument No. 201100115872 and same filed again in Instrument No. 201100115878, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the southwest corner of the above described Ward tract and said point also being the southeast corner of Lot 2 of Church Of Prayer And Worship Addition, an addition to the City of Mesquite, according to the plat thereof, recorded in Instrument No. 201300356777, O.P.R.D.C.T. and said corner point also being on the north line of that certain called 18.0 acre tract of land described in a deed to the City of Mesquite, Texas, recorded in Volume 67156, Page 1670, Deed Records, Dallas County, Texas (D.R.D.C.T.);

THENCE: North 28 deg. 07 min. 14 sec. East, along the common line of said Ward tract and said Lot 2, a distance of 639.24 feet to a point for corner in the center of a 12 inch bois d' arc tree found at the northwest corner of said Ward tract and same being the southwest corner of that certain tract of land described as "First Tract" in a deed to Debra L. Tutt, recorded in Volume 2001143, Page 1273, D.R.D.C.T.;

THENCE: South 87 deg. 05 min. 24 sec. East, along the common line of said Ward and Tutt tracts, a distance of 348.45 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set near a barbed wire fence corner post for the northeast corner of said Ward tract and the southeast corner of said Tutt tract and said point being on the west line of that remainder tract of land described as "Tract 3" in a deed to Evelyn Carol Clark, Lawrence Edward Lindsey, Jr. and Darrel Wayne Lindsey, recorded in Instrument No. 201700170943, O.P.R.D.C.T.;

THENCE: South 00 deg. 15 min. 40 sec. East, along the common line of said Ward tract and said remainder of Tract 3 and with said barbed wire fence, a distance of 200.00 feet to a 1/2 inch iron rod found at a fence corner post for the easterly southeast corner of said Ward tract, the southwest corner of said remainder of Tract 3 and same being on the north line of that certain called 5.002 acre tract of land described in a deed to Gary W. Ward and Nadine E. Ward, recorded in Instrument No. 201000137145, O.P.R.D.C.T.;

THENCE: North 87 deg. 20 min. 19 sec. West, along the common line of said 3.998 acre Ward tract and said 5.002 acre Ward tract, a distance of 296.86 feet to a 1/2 inch iron rod found for the northwest corner of said 5.002 acre Ward tract and an inside ell corner of said 3.998 acre Ward tract;

THENCE: South 00 deg. 42 min. 17 sec. East, continuing along said common line, a distance of 356.08 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the southwest corner of said 5.002 acre Ward tract and the southerly southeast corner of said 3.998 acre Ward tract and said point being on the north line of Block 3 of Wildwood Addition

#2, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 2, Page 87, Map Records, Dallas, County, Texas (M.R.D.C.T.);

THENCE: South 89 deg. 23 min. 18 sec. West, along the south line of said 3.998 acre Ward tract and the north line of said Wildwood Addition #2, at a distance of 173.7 feet, crossing the centerline north end of Wildwood Drive (50' wide public right-of-way) and continuing for a total distance of 358.06 feet to the POINT OF BEGINNING and containing 173,893 square feet or 3.992 acres of land.

Planned Development Standards (Exhibit B)
Z-0223-0296

This Planned Development – Multifamily (PD-MF) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts A base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-MF district. The development will not be subject to the requirements of the Military Parkway – Scyene Corridor Overlay District. Where these regulations conflict with or overlap another ordinance, this PD ordinance will control.

- A. **Permitted Land Uses.** Uses in the PD-MF are limited to those permitted in the A – Multifamily Residential zoning district, as amended, and subject to the following.
1. Any land use requiring a Conditional Use Permit (CUP) in the A zoning district, as amended, is only allowed if a CUP is issued for the use.
 2. Any land use prohibited in the A zoning district, as amended, is also prohibited.
- B. **Development Standards.** Development is subject to the A based zoning district, except as provided in this article below:
1. The minimum parking requirement of 190 spaces.
 2. A minimum of 27 parking spaces shall be covered by carports.
 3. The maximum number of stories is five. *Section 2-501 B.4 and C*
 4. The minimum building setbacks from property lines are as generally shown on the Concept Plan.
 5. The minimum amount of accessible open space is 20,000 square feet.
 6. A minimum of 5% of the required trees are required to be placed between the building and the front or exterior side property lines. *Section 1A-202 A.2*
 7. The maximum number of residential units allowed is 111. The minimum percentage of one-bedroom units allowed is 27%. The maximum percentage of three-bedroom units allowed is 18%. *Section 2-501 E*
 8. The natural treed floodplain area in the southern sector satisfies the perimeter screening and parking screening requirements from the residential district to the south and for the portion of the eastern perimeter. No additional screening is required. (Section 1A-304 and Section 1A-301 C. 3)

9. All mechanical units on the ground floor shall be screened with shrubs, ornamental grasses, ornamental trees, or evergreen trees.
10. All fencing shall be maintained in a like-new manner meaning, any portion of fencing showing signs of deterioration, broken or missing panels, or creating a safety hazard, shall be replaced.
11. The existing 1-story metal building and carport tied to 924 Military Parkway may encroach into the required front and side yard setbacks. In the event of demolition, the encroaching building shall not be re-constructed over the property line.

