

ORDINANCE NO. 5060  
File No. Z0823-0320

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING TO AMEND PLANNED DEVELOPMENT – COMMERCIAL ORDINANCE NO. 4911 ON PROPERTY LOCATED AT 1110 AND 1126 MILITARY PARKWAY TO MODIFY THE DEVELOPMENT STANDARDS AND THE CONCEPT PLAN TO ALLOW FOR ADDITIONAL TRUCK AND TRAILER PARKING SUBJECT TO NEW 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 FOR EACH OFFENSE; PROVIDING PUBLICATION OF THE CAPTION HEREOF; 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 law 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 in Exhibit A, attached 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 to amend Planned Development – Commercial Ordinance No. 4911 (“**Ordinance No. 4911**”) to allow for additional truck and trailer parking subject to modifications provided in the new Development Standards adopted herein, and as shown in the new Concept Plan adopted herein. The Exhibit B Development Standards and Exhibit C Concept Plan of Ordinance No. 4911 are hereby deleted and replaced with the Exhibit B Development Standards and Exhibit C Concept Plan, attached hereto and incorporated herein by reference.

SECTION 3. All ordinances, or portions thereof, of the City of Mesquite, including Ordinance No. 4911, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise the same, including Ordinance No. 4911, shall remain in full force and effect.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.

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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 \$2,000.00 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 5th day of September 2023.

DocuSigned by:

*Daniel Aleman Jr.*

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Daniel Alemán, Jr.  
Mayor

ATTEST:

DocuSigned by:

*Sonja Land*

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Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:

*David Paschall*

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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.



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

Aug. 20/21

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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**Exhibit B – Development Standards**

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:
    - i. Receiving, storing, shipping, distributing, preparing and selling items/products and serving as a pick-p/drop-off location for items/products;
    - ii. 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;
    - iii. Printing;

- iv. Limited assembly as defined below;
  - v. Warehouse and office use;
  - vi. 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;
  - vii. 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;
  - viii. Installing and operating battery storage systems, electrical generators and fuel tanks; and
  - ix. 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: Screening along the south property line is not required, provided the floodplain is not disturbed.
  - 7. A 50' long x 12' tall tilt-wall panel screen wall be provided to screen the trailer parking from Military Pkwy. Also, a 65' long x 12' tall tilt-wall panel screen wall be provided to screen the truck dock from Military Pkwy. Panels will be painted to match the building.
  - 8. The overnight parking of heavy-load vehicles and/or unmounted trailers is permitted, as shown on Exhibit C, if it is associated with a valid Certificate of Occupancy for a use located within the property.





