

ORDINANCE NO. 5254
File No. Z0326-0445

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW A PRIMARY OUTDOOR STORAGE AREA ON PROPERTY LOCATED AT 4501 INTERSTATE HIGHWAY 30 SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL OTHER ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; 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 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 3.01 acres, platted as Lot 2R, Block 2, Tally Town Addition, and located at 4501 Interstate Highway 30 (“**IH-30**”) in the City of Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Commercial to Commercial with a Conditional Use Permit (“**CUP**”) to allow an outdoor storage area as a primary use on the Property with the following findings and stipulations:

- 2.01. This issuance of this CUP is conditioned upon an office use being operated within the building to be constructed on the Property. The CUP shall terminate, and all outdoor storage shall cease, in the event an office use is not continuously operated during normal business hours within the building on the Property.
- 2.02. The outdoor storage area shall be limited to the areas shown on the Concept Plan, attached hereto as Exhibit A and incorporated herein by reference, as clarified in this subsection. Outdoor storage is permitted on any area of the Property that is designated on Exhibit A for Storage or Parking for Trucks, Trailers and Equipment. Outdoor storage is prohibited in the areas on Exhibit A marked as Maintenance Parking, Proposed Building and Office Parking. Within the Parking for Trucks, Trailers and Equipment outdoor storage area, construction equipment shall be limited to storage of the following:

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- 2.02.1. Up to five (5) skid steer loaders (commonly known as Bobcats), not exceeding 9,000 lbs. operating weight per unit;
 - 2.02.2. Up to five (5) mini excavators, not exceeding 19,000 lbs. operating weight per unit;
 - 2.02.3. Up to five (5) rubber-tire backhoe loaders, not exceeding 18,000 lbs. operating weight per unit;
 - 2.02.4. Up to one (1) milling machine, not exceeding 78,000 lbs. operating weight; and
 - 2.02.5. Up to one (1) 52-ft long flatbed trailer.
 - 2.02.6. Parking of tractor trucks, enclosed trailers (i.e., 18-wheelers) and dump trucks shall be permitted, provided the total number of tractor trucks, enclosed trailers, and dump trucks does not exceed seven (7) of these in any combination.
 - 2.02.7. The Director of Planning and Development Services may administratively approve modifications to the type or combination of equipment stored within the outdoor storage area for trucks, trailers and equipment, provided that: (a) all equipment remains compact construction equipment and does not exceed the operating weight limits established for its respective equipment type as set forth in Conditions 2.01.1 through 2.01.4; (b) the total number of pieces of equipment stored on-site does not exceed sixteen (16); and (c) all other conditions of this Conditional Use Permit continue to be satisfied. Any such modification shall be documented in writing and placed in the permit file.
- 2.03. The applicant shall install screening fencing or walls along the perimeter of the Property in accordance with the following requirements:
- 2.03.1 Along Big Town Boulevard, the applicant shall install either:
 - a. an eight-foot (8-ft.) board-on-board cedar fence; or
 - b. an eight-foot (8-ft.) masonry screening wall; or
 - c. a combination of a masonry wall and board-on-board cedar fencing.

The screening fence or wall along Big Town Boulevard shall be setback a minimum of twenty-five feet (25 ft.) from the public right-of-way line. Any gate installed shall be solid.

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2.03.2. Along the southern property line, the applicant shall install either:

- a. an eight-foot (8-ft.) board-on-board cedar fence; or
- b. an eight-foot (8-ft.) masonry screening wall; or
- c. a combination of a masonry wall and board-on-board cedar fencing.

2.03.3. Along the northern and eastern property lines, chain-link fencing may be installed, provided it is at least eight feet (8 ft.) in height.

2.03.4. Along the IH-30 frontage road, the applicant shall install either:

- a. an eight-foot (8-ft.) board-on-board cedar fence; or
- b. an eight-foot (8-ft.) masonry screening wall; or
- c. a combination of a masonry wall and board-on-board cedar fencing.

The screening fence or wall along the IH-30 frontage road shall be setback a minimum of twenty-five feet (25 ft.) from the public right-of-way line. Any gate installed shall be solid.

Decorative signage may be incorporated into the perimeter fencing along the IH-30 frontage road to create a cohesive and harmonious streetscape and may be administratively approved by the Director of Planning and Development Services. The Director may approve the final location, design, materials, dimensions, and associated landscaping of the signage.

- 2.04. In addition to meeting the landscaping requirements in Section 1A of the MZO, the applicant shall install supplemental landscaping, including trees, shrubs, berms, and plantings, along the length of the IH-30 frontage road and Big Town Boulevard, creating a cohesive and harmonious streetscape edge.
- 2.05. Prior to CUP issuance, a site plan shall be reviewed and approved by City Staff based on compliance with the MZO, including the conditions of this Ordinance, and City Code.
- 2.06. The site plan shall clearly delineate parking, outdoor storage areas, screening, and landscaping elements.
- 2.07. The City Council finds that said use(s) defined and permitted under this CUP are sufficiently unusual in character or operation as to create the potential for variations in function or operation with possible negative impacts upon adjacent properties or on the citizenry as a whole.
- 2.08. The CUP is approved solely for Elite Emerald Construction LLC, and is not transferable or assignable to a different owner or business. A different business applicant desiring to continue this use must submit a new application requesting to continue the CUP and any such application shall require the procedures outlined in the MZO for initial approval of a CUP.

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- 2.09. The City Council finds that while the said use(s) may be viewed as consistent with current uses in the area and on adjoining property, anticipated future changes in the area may cause the requested use(s) to become incompatible after a period of time.
- 2.10. The CUP is granted for a period of five (5) years from the date of the issuance of a Certificate of Occupancy, after which it shall expire and terminate. In the event the holder of the CUP desires to continue the use(s) and prior to expiration of the CUP, the holder must submit a new application requesting to continue the CUP. Any such application shall require the procedures outlined in the MZO for initial approval of a CUP and City Staff shall present a report on Property conditions during the time period of the CUP.
- 2.11. Upon conviction of at least three (3) violations of the City's Code of Ordinances, including but not limited to the MZO which includes this ordinance, during any consecutive twelve (12) month period, then (1) the Building Official shall revoke the Certificate of Occupancy for the Property, and (2) Elite Emerald Construction LLC, shall automatically forfeit the CUP granted by this ordinance, without further action by the Planning and Zoning Commission or City Council.

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 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 1st day of June 2026.

Signed by:
Daniel Alemán, Jr.
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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:
David L. Paschall
666E18891208434...

David L. Paschall
City Attorney

