ORDINANCE NO. _____
File No. Z0526-0450

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM NORTH GUS THOMASSON CORRIDOR DISTRICT TO PLANNED DEVELOPMENT – LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW OFFICE AND WAREHOUSE OPERATIONS WITH AN OUTDOOR STORAGE YARD WITH MODIFIED DEVELOPMENT STANDARDS ON PROPERTY LOCATED AT 2909 LIVE OAK DRIVE 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 0.98 acres, described in **EXHIBIT A**, attached hereto and incorporated herein by reference, and located at 2909 Live Oak Drive 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 North Gus Thomasson Corridor District to Planned Development – Light Commercial with a Conditional Use Permit **("CUP")** to allow office and warehouse operations with an outdoor storage yard ("**Accessory Outdoor Storage**") with modified Planned Development Standards (**EXHIBIT B**) and the Concept Plan (**EXHIBIT C**) with the following findings and stipulations:

2.01. The CUP use shall comply with all stipulations and exhibits of this ordinance.

2.02. The Accessory Outdoor Storage area is limited to the area shown on the Concept Plan and stored materials are limited to bundles of black steel pipe (1-1/4" to 6"), not more than three company trucks (light load vehicle), and two trailers. Material stacking height is limited to 7.5 feet. Outdoor storage unrelated to fire protection services is expressly prohibited.

2.03. 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.

2.04. The CUP is approved solely for Prosperity Fire Protection 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.

2.05. Upon conviction of at least three violations of the City's Code of Ordinances, including but not limited to the MZO which includes this ordinance, during any consecutive twelve-month period, then (1) the Building Official shall revoke the Certificate of Occupancy for the Property, and (2) Prosperity Fire Protection 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of July 2026.

Daniel Alemán, Jr.
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

David L. Paschall
City Attorney

EXHIBIT A
File No. Z0526-0450

Legal Description

SUBJECT PROPERTY:
(2909 Live Oak Drive, Mesquite, Dallas County, Texas 75150)

Being a tract of land situated in the T. Thomas Survey, Abstract No. 1461, in the City of ~e. Dallas County, Texas, and being the same tract of Janel conveyed to Marsha Carolyn. Burleson by Deed recorded in Volume 99005, Page 3883. Deed Recoms, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "X'" set in concrete for comer. said comer lying in the Northwest line of live Oak Drive (50 root right-of-way} and being the South comer of a tract of land conveyed to Mesquite-CV Apartments, LTD. by Deed recorded in Official Doc # 200600137729. Deed Records. Dallas County, Texas;

Thence South 44 degrees 24 minutes 00 seconds West along the Northwest line of said Live Oak Drive, a distance of 132.72 feet to an "X" found for comer, said comer being the East comer of a tract of land conveyed to R & S First Stop, Inc. by Deed recorded in Volume 2005048, Page 6538, Deed Records, Dallas County, Texas:

THENCE North 45 degrees 36 minutes 00 seconds West along the North line of said R & S First Stop, Inc. 1ract, a distance of 58.74 feet to a 1/2 inch iron rod found for comer;

THENCE North 87 degrees 34 minutes 34 seconds West continuing along the North line of said R & S . First Stop. Inc. tract, a distance of 68.95 feet to a 112 inch iron rod set with yellow cap stamped DCA lnc. for comer, said comer being the most Easterly comer of a tract of *land* conveyed to Parampoltil T. Issac and Leelamma lssac by D~ recorded in Volume 2005149, Page 7900, Deed Records, Dallas County, Texas;

THENCE North 45 degrees 58 minutes 10 seconds West along 1he Northeast line of said Issac tract. A distance of 75.50 feet to an •x- found for comer;

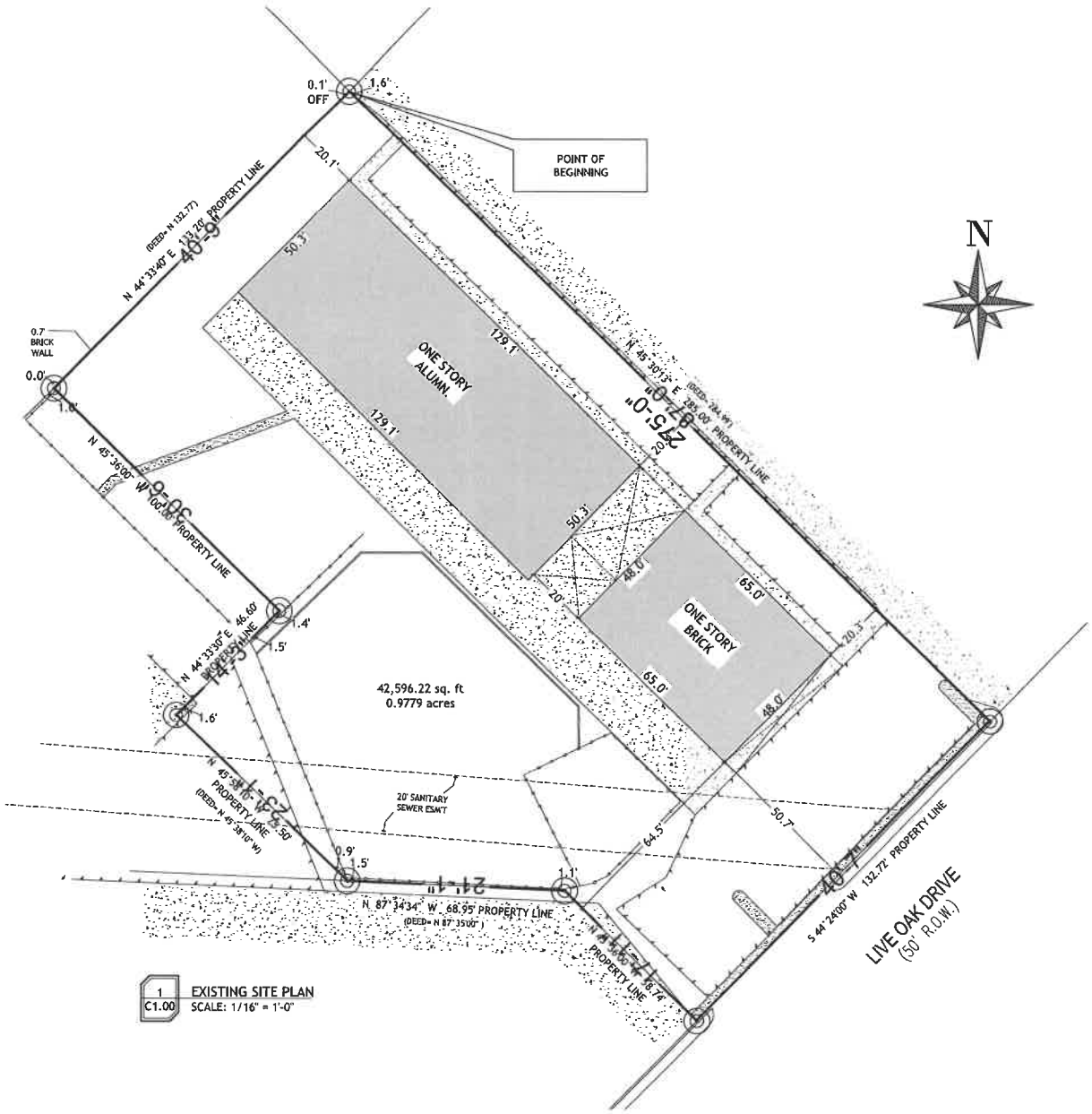
THENCE North 44 degrees 33 minutes 30 seconds East continuing along the Northeast line of said Issac tract, a distance of 46.60 feet to a 1f2 inch iron rod set with *yellow* cap stamped DCA Inc. for corner;

THENCE North 45 degrees 36 minutes 00 seconds West continuing along the North line of said Issac tract, a distance of 100.0 feet to a 5/8 inch iron rod found for comer, said comer lying in the Southeast line of a tract of fand conveyed to Mesquite Creek Center, Inc. by Deed recorded~ in Volume 95133, Page 5647. Deed Records, Dallas County, Texas;

THENCE North 44 degrees 33 minutes *40* seconds East along the Southeast line of said Mesquite Creek Center tract. a distance of 133.20 feet to a pk nail set *for* comer, said comer lying In the Southwest line of said Mesquite-CV Apartment tract;

THENCE South 45 degrees 30 minutes 13 seconds East along the southwest line of said Mesquite-CV Apartment tract. a distance of 285.00 feet 1he POINT OF BEGINNING and containing 42.596.22 square feet or 0.9779 acres of land.

Existing Site Plan



1 C1.00 EXISTING SITE PLAN
SCALE: 1/16" = 1'-0"

SQUARE FOOTAGE			
FIRST FLOOR PLAN			
EXISTING LIVING AREA	APPROX.	9614	S.F.
EXISTING COVERED PORCH	APPROX.	958	S.F.
EXISTING COVERED PATIO	APPROX.	248	S.F.
TOTAL			
TOTAL LIVING AREA	APPROX.	9614	S.F.
TOTAL COVERED AREA	APPROX.	10820	S.F.
TOTAL FOUNDATION	APPROX.	10820	S.F.
TOTAL CONSTRUCTION AREA	APPROX.	10820	S.F.
LOT SIZE	APPROX.	42074	S.F.
% OF COVERED AREA	APPROX.	2	%

Legal Desc (Current 2023)
1: T THOMAS ABST 1461 PG 251
2: TR 3 ACS 0.9779
3:
4: INT2022000006498 DD01072022 CO-DC
5: 146125110030O 3CM146125 11

RO	10/04/2023	USDAL2300000121

EXHIBIT "A"
TO
SPECIAL WARRANTY DEED
BETWEEN
IGLESIA PENIEL, AS GRANTOR
AND
AMERICA PROPERTIES, LLC, AS GRANTEE

SUBJECT PROPERTY
(2909 Live Oak Drive, Mesquite, Dallas County, Texas 75150)

Being a tract of land situated in the T. Thomas Survey, Abstract No. 1461, in the City of Mesquite, Dallas County, Texas, and being the same tract of land conveyed to Marsha Carolyn Burleson by Deed recorded in Volume 99005, Page 3883, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an "X" set in concrete for corner, said corner lying in the Northwest line of Live Oak Drive (50 foot right-of-way) and being the South corner of a tract of land conveyed to Mesquite-CV Apartments, LTD. by Deed recorded in Official Doc.# 200600137729, Deed Records, Dallas County, Texas;

THENCE South 44 degrees 24 minutes 00 seconds West along the Northwest line of said Live Oak Drive, a distance of 132.72 feet to an "X" found for corner, said corner being the East corner of a tract of land conveyed to R & S First Stop, Inc. by Deed recorded in Volume 2005048, Page 6538, Deed Records, Dallas County, Texas;

THENCE North 45 degrees 36 minutes 00 seconds West along the North line of said R & S First Stop, Inc. tract, a distance of 58.74 feet to a 1/2 inch iron rod found for corner;

THENCE North 87 degrees 34 minutes 34 seconds West continuing along the North line of said R & S First Stop, Inc. tract, a distance of 68.95 feet to a 1/2 inch iron rod set with yellow cap stamped DCA Inc. for corner, said corner being the most Easterly corner of a tract of land conveyed to Parampottil T. Issac and Leelamma Issac by Deed recorded in Volume 2005149, Page 7906, Deed Records, Dallas County, Texas;

THENCE North 45 degrees 58 minutes 10 seconds West along the Northeast line of said Issac tract, a distance of 75.50 feet to an "X" found for corner;

THENCE North 44 degrees 33 minutes 30 seconds East continuing along the Northeast line of said Issac tract, a distance of 46.60 feet to a 1/2 inch iron rod set with yellow cap stamped DCA Inc. for corner;

THENCE North 45 degrees 36 minutes 00 seconds West continuing along the North line of said Issac tract, a distance of 100.0 feet to a 5/8 inch iron rod found for corner, said corner lying in the Southeast line of a tract of land conveyed to Mesquite Creek Center, Inc. by Deed recorded in Volume 95133, Page 5647, Deed Records, Dallas County, Texas;

THENCE North 44 degrees 33 minutes 40 seconds East along the Southeast line of said Mesquite Creek Center tract, a distance of 133.20 feet to a pk nail set for corner, said corner lying in the Southwest line of said Mesquite-CV Apartment tract;

THENCE South 45 degrees 30 minutes 13 seconds East along the southwest line of said Mesquite-CV Apartment tract, a distance of 285.00 feet the POINT OF BEGINNING and containing 42,596.22 square feet or 0.9779 acres of land.

Exhibit B – Development Standards
Z0526-0450

This Planned Development – Light Commercial ("**PD-LC**") district must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance ("**MZO**"), as amended, and adopts Light Commercial ("**LC**") zoning district as the 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-LC district. Where these regulations conflict with or overlap another ordinance, this PD ordinance will control.

1. **Permitted Land Uses.** The permitted uses on the PD-LC district property include the permitted uses in the LC District classification as set out in the MZO, and those permitted uses on the PD-LC district property are subject to the same requirements as set out in the MZO. Prohibited uses on the PD-LC district property are identified in subsection 1.b. below.

   a. The permitted uses requiring a Conditional Use Permit ("**CUP**"), as set out in the MZO, also require a CUP for the use to be permitted on the Property. The following use is permitted with a CUP.

      i. Accessory Outdoor Storage

   b. Any land use prohibited in the LC Zoning District, as amended, is also prohibited unless permitted in subsection 1.c. The following uses are also prohibited:

      i. 554 Limited Fuel Sales
      ii. 593 Used Merchandise
      iii. 593a Pawnshops
      iv. 5947 Gift, Novelty, Souvenir Shops
      v. 5993 Tobacco Stores
      vi. 5999g Paraphernalia Shops
      vii. 61 Nondepository Institutions, including Alternative Financial Institutions
      viii. 752c. Heavy Load Vehicle Parking (as a primary or as an accessory use)
      ix. 753 Automobile Repair Shops
      x. 754 Automotive Services

   c. The following uses are permitted on the Property without a CUP.
      i. 1711 Fire Sprinkler Installation
      ii. 7389 Fire Protection Services

2. **Development Standards.** In addition to the requirements of the "LC" base zoning district, the PD-LC is subject to the following.

   a. **Site Plan**. The site plan shall be consistent with the Concept Plan as shown in Exhibit C and shall comply with the applicable development regulations in the MZO

and Mesquite City Code. Deviations from the Concept Plan may be permitted to comply with the Mesquite Engineering Design Manual, Building and Fire Codes, as amended, provided that the development complies with all requirements of this ordinance.

b. **Landscaping.** In addition to meeting the Light Commercial zoning district landscaping requirements in the MZO, the site must include the following additional landscaping:

    i. A minimum 10-foot landscape buffer along the street frontage, including evergreen screening shrubs and canopy trees spaced approximately every 30 feet.

    ii. Ornamental trees along the property line with the adjacent multi-family development as shown on the Concept Plan, spaced approximately every 30 feet, are required.

c. **Screening.** Outdoor storage areas shall be fully enclosed by an 8-foot solid masonry or solid wood fence, with landscaped buffers along property edges visible from public right-of-way. Screening shall be installed prior to use of any outdoor storage area. Solid metal fencing is not permitted.

d. **Fencing.** All screening and security fencing on the property 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.

e. **Lighting:** In addition to meeting the lighting standards in the MZO, the site shall use shielded, downward-directed fixtures only.

f. **Noise and Activity:** In addition to meeting the Mesquite Noise Ordinance, no siren or alarm testing outdoors is allowed.

g. **Hours of Operation**: Monday–Friday, 7:00 a.m.–7:00 p.m.

h. **Parking**: Outdoor storage areas shall not be used for parking and shall be clearly distinguished from required parking spaces on the approved site plan.

2909 Live Oak Drive
Mesquite, TX 75150

EXHIBIT C - CONCEPT PLAN
File No. Z0526-0450

SITE DATA

Proposed Use:
Office/Warehouse with
Accessory Outdoor Storage

Existing Zoning:
NGTC

Proposed Zoning:
PD with LC Base + CUP

Lot Size:
0.9779 acres (42,592 SF)

Building Area:
~10,820 SF

Max Height:
35 feet

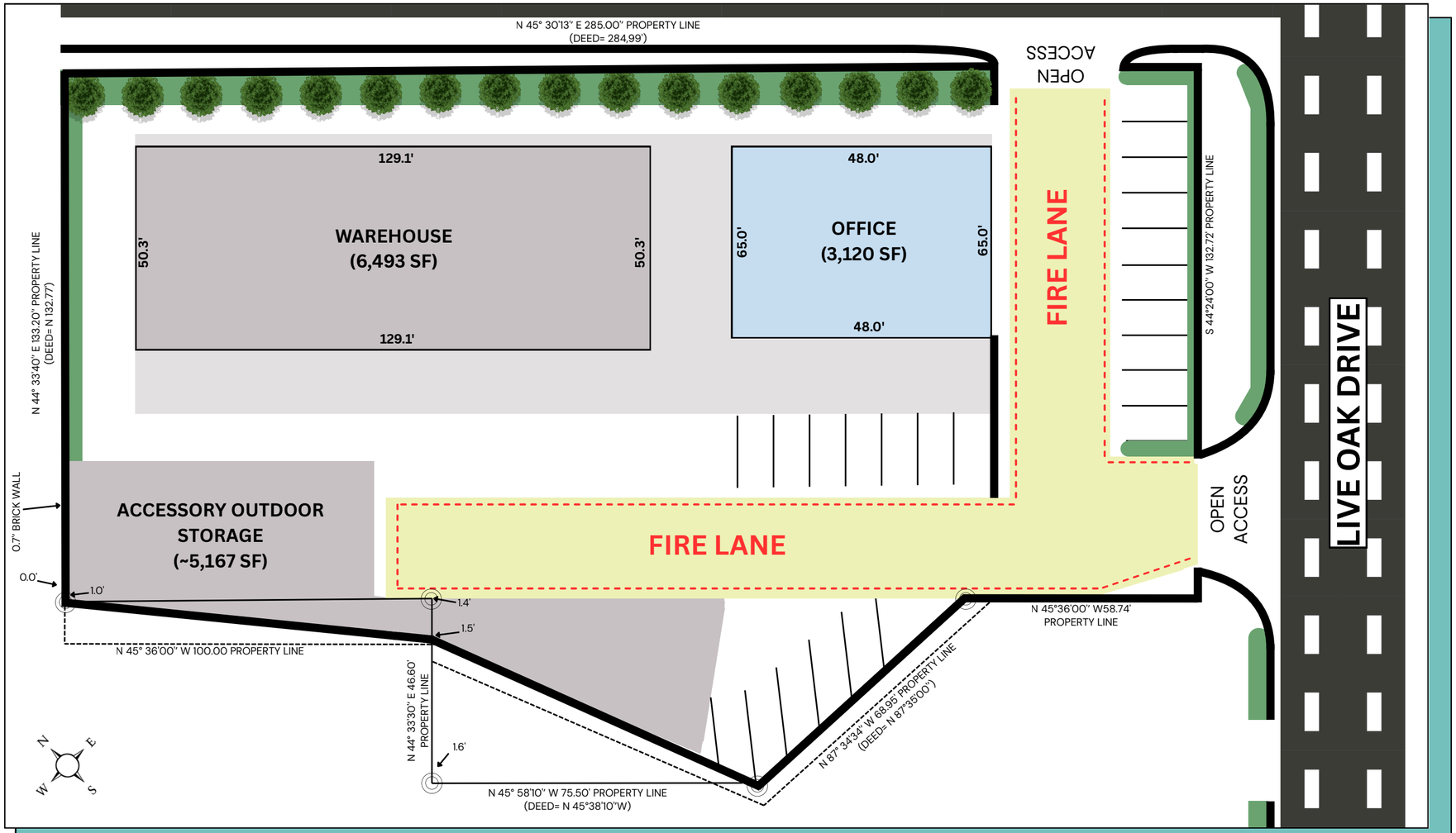
PARKING SUMMARY

Required:
20 Spaces

Provided:
21 Spaces

LEGEND

- Fire Lane
- Warehouse/Storage
- Office
- Road
- Landscape Buffer
- Parking
- Screening Fence



All dimensions and property lines are approximate. This plan is for illustrative purposes only.

DRAWINGS BY

Name: Edwin Bernal

Signature: Edwin Bernal

Date: April 23th, 2026