

ORDINANCE NO. _____
File No. Z0821-0213

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM CENTRAL BUSINESS AND PLANNED DEVELOPMENT – CENTRAL BUSINESS (ORDINANCE NO. 2849) WITHIN THE MILITARY PARKWAY – SCYENE CORRIDOR (MP-SC) OVERLAY DISTRICT TO PLANNED DEVELOPMENT – CENTRAL BUSINESS TO REMOVE THE MP-SC OVERLAY DISTRICT, ALLOW AND RESTRICT CERTAIN USES PERMITTED IN THE CENTRAL BUSINESS ZONING DISTRICT ON PROPERTIES LOCATED AT 816 WEST SCYENE ROAD, 641 MILITARY PARKWAY, 701 MILITARY PARKWAY, 735 MILITARY PARKWAY, AND 821 MILITARY PARKWAY; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE INCLUDING ORDINANCE NO. 2849; 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 properties are approximately four acres and described as being Tracts 11 and 12 (approximately 0.439 acres) and Tract 34 (approximately 1.479 acres) in the D.S. Carver Abstract No. 342 and Lots 1-3, Block 1, Scyene Plaza, and more fully described and depicted in Exhibit A hereto and incorporated herein by reference, and located at 816 West Scyene Road, 641 Military Parkway, 701 Military Parkway, 735 Military Parkway, and 821 Military Parkway, Mesquite, Dallas County, Texas (collectively the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Central Business and Planned Development – Central Business (Ordinance No. 2849) within the Military Parkway – Scyene Corridor (MP-SC) Overlay District to Planned Development – Central Business to remove the MP-SC Overlay District and to allow and restrict certain uses permitted in the Central Business Zoning District subject to the Development Standards, attached hereto as Exhibit B and incorporated herein by reference.

SECTION 3. All ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, including but not limited to Ordinance No. 2849, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 4. The Property 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 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 Two Thousand (\$2,000.00) Dollars 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. 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 18th day of October 2021.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary



David L. Paschall
City Attorney

EXHIBIT "A"
LEGAL DESCRIPTIONS
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The following properties are platted:

701 Military Pkwy, being in the Scyene Plaza, Block 1, Lot 1
641 Military Pkwy, being in the Scyene Plaza, Block 1, Lot 2
816 W Scyene Rd, being in the Scyene Plaza, Block 1, Lot 3

Metes and Bounds descriptions are provided for the following properties:

735 Military Pkwy
821 Military Pkwy

EXHIBIT "A"
LEGAL DESCRIPTIONS

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735 Military Pkwy – Legal Description (Tract 34)

BEING a 64,451 square foot (1.479 acre) tract of land situated in the D.S. CARVER SURVEY, ABSTRACT No. 342, Dallas County, Texas, same being that certain tract of land conveyed to BELTRAN GONZALEZ PROPERTIES, LLC by Deed recorded in Instrument Number 201800209498, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the northwesterly corner of said tract of land, same being in the southerly line of Scylene Road (50' R.O.W.) also being the northeast corner of SCYENE PLAZA, BLOCK 1, an Addition to the City of Mesquite, recorded in Volume 94005, Page 6337, Map Records, Dallas County, Texas;

THENCE South 84 degrees 32 minutes 47 seconds East, departing said Addition, along said southerly line, for a distance of 34.78 feet to a 5/8" capped iron rod with purple cap stamped "RPLS 6451" found for the beginning of a curve to the right, having a radius of 1096.28 feet, a chord bearing of South 79 degrees 15 minutes 17 seconds East, for a distance of 202.21 feet;

THENCE southeasterly along said curve to the right, through a central angle of 10 degrees 35 minutes 00 seconds and an arc length of 202.50 feet to a 5/8" capped iron rod with purple cap stamped "RPLS 6451" found for the northeast corner of aforementioned BELTRAN GONZALEZ PROPERTIES, LLC tract, same being the northwest corner of SCYENE PLAZA, an Addition to the City of Mesquite, recorded in 72113, Page 1054, Map Records, Dallas County, Texas;

THENCE South 00 degrees 57 minutes 01 seconds East, departing aforementioned southerly line, for a distance of 240.37 feet to a 5/8" capped iron rod with purple cap stamped "RPLS 6451" found for the southeast corner of said BELTRAN GONZALEZ PROPERTIES, LLC tract, same being the southwest corner of said Addition, also being in the northerly line of Military Parkway;

THENCE North 87 degrees 29 minutes 12 seconds West, along said northerly line, departing said Addition, for a distance of 262.65 feet to a 1/2" iron rod found for the southwest corner of said BELTRAN GONZALEZ PROPERTIES, LLC tract, same being the southeast corner of aforementioned SCYENE PLAZA, BLOCK 1;

THENCE North 05 degrees 19 minutes 07 seconds East, departing said Military Parkway, for a distance of 270.99 feet to the POINT OF BEGINNING, containing 64,451 square feet or 1.479 acres of land more or less.

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LEGAL DESCRIPTIONS
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821 Military Pkwy – Legal Description (Tracts 11 and 12)

Being all of that certain lot, tract or parcel of land located in the D.S. Carver Survey, Abstract 342, Mesquite, Dallas County, Texas, being a part of a called 12.87 acre tract of land conveyed to A.W. Lindsey et ux, Kate Lindsey dated July 14, 1932, recorded in Volume 1813, Page 410, Deed Records, Dallas County, Texas, being the same land described as Tracts 1 and 2 in deed to Jean B. Lindsey dated May 24, 1950, recorded in Volume 3400, Page 470, Deed Records, Dallas County, Texas and being more particularly described as follows:

Beginning at a 1/2-inch diameter iron rod set at the Southwest corner of said Jean B. Lindsey land, said point being at the intersection of the present North line of Military Parkway (a 200 foot wide public right-of-way) with the East line of Lindsey Street (a 50 foot wide public right-of-way);

Thence North 05 degrees 51 minutes 20 seconds East, along said East line, a distance of 131.25 feet to a 1/2-inch diameter iron rod found at the Northerly, Southwest corner of Scyene Plaza, Block 1, Lot 3, an addition to the Town of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 94005, Page 6337, Map Records, Dallas County, Texas, and being the Northwest corner of said Tract 2 of Jean B. Lindsey land;

Thence South 84 degrees 02 minutes 00 seconds East, a distance of 149.99 feet to a 1/2-inch diameter iron rod found at an ell corner of said Scyene Plaza and being the Northeast corner of said Tract 1 of Jean B. Lindsey land;

Thence South 05 degrees 51 minutes 20 seconds West, a distance of 123.65 feet to a 1/2-inch diameter iron rod found at the Southwest corner of said Scyene Plaza, same being the Southeast corner of said Tract 1 and being in the aforementioned present North line of Military Parkway;

Thence North 86 degrees 56 minutes 00 seconds West, along said North line, a distance of 150.17 feet to the PLACE OF BEGINNING and containing 19,116 square feet or 0.439 of an acre of land.

NOTE: COMPANY DOES NOT REPRESENT THAT THE ABOVE ACREAGE AND/OR SQUARE FOOTAGE CALCULATIONS ARE CORRECT.

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Location Map

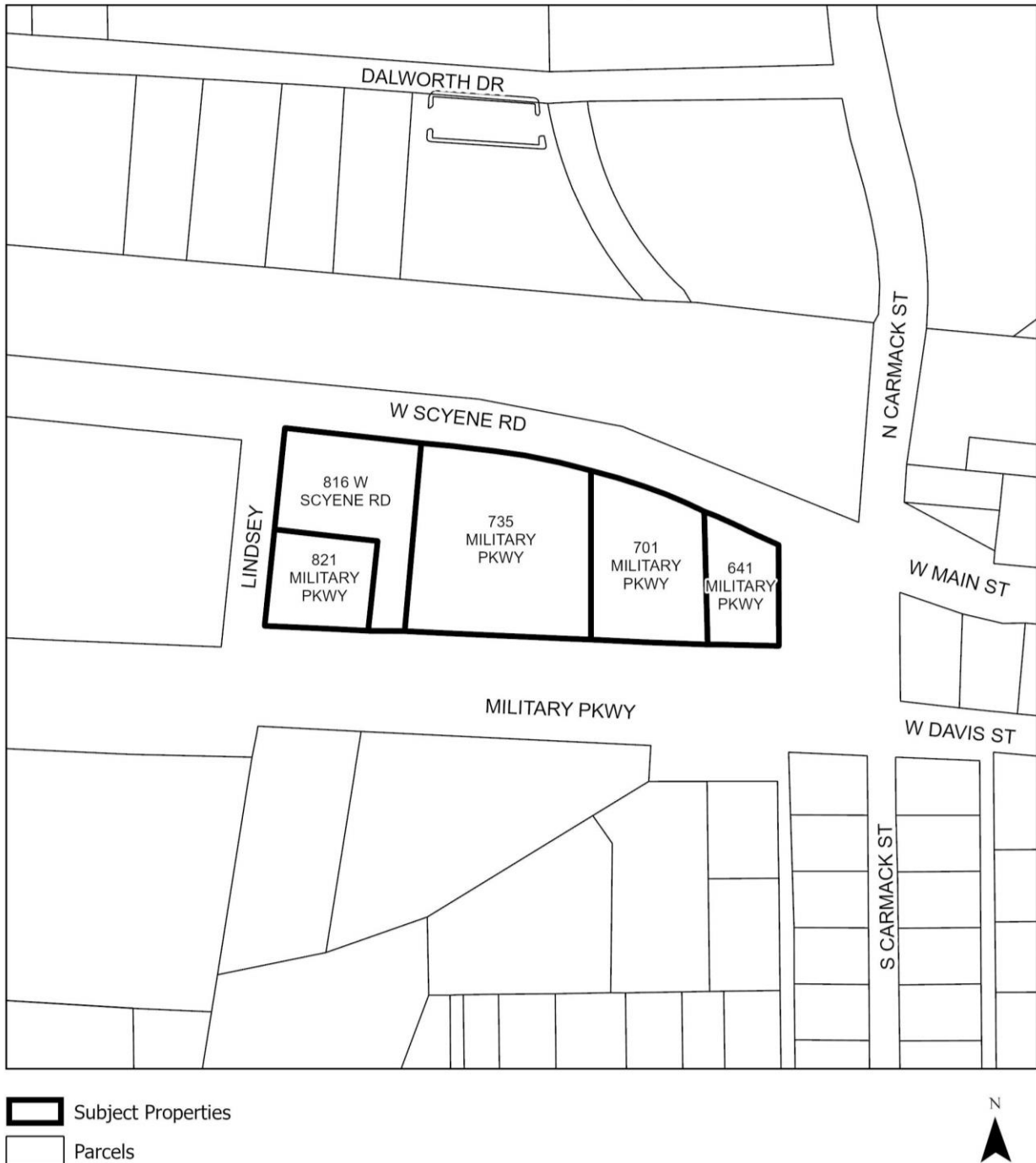


EXHIBIT “B”
DEVELOPMENT STANDARDS

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1. All uses permitted in the Mesquite Zoning Ordinance’s Central Business District classification (“Central Business District”) are allowed on the Property except as modified in Subsections “a” and “b” of this paragraph. The uses permitted in the Central Business District are subject to the same requirements applicable to the uses in the Central Business District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Central Business District only by conditional use permit (“CUP”) is permitted in the district only by CUP.
 - a. The following uses are prohibited on the Property:
 - i. SIC Code 551: Motor Vehicle Dealers (New & Used)
 - ii. SIC Code 552: Motor Vehicle Dealers (Used Only)
 - iii. SIC Code 753: Automobile Repair Shops
 - iv. SIC Code 7962: Welding Shops
 - b. The following uses are permitted only by CUP:
 - i. SIC Code 549a: Convenience Stores
 - ii. SIC Code 593: Used Merchandise Stores
2. Outdoor storage – as defined by the Mesquite Zoning Ordinance – is prohibited.
3. A buffer tree line – as described in Section 1A-301.C.4 of the Mesquite Zoning Ordinance – shall be provided along the Military Parkway and Scyene Road frontages, exclusive of driveways.
 - a. Trees required for screening or buffering may be located in the Right of Way and shall be counted toward the total number of required trees for the adjacent property.
4. For retail, restaurant, service, and office uses in Parking Standard Groups 1, 3, and 17, a minimum of one bicycle parking space for every 20 required automobile parking spaces or a portion thereof shall be required. The location of any proposed bicycle facilities must be approved by the Director of Planning and Development Services, or his/her designee.