

ORDINANCE NO. _____
File No. Z0224-0345

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL AND R-2 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT - COMMERCIAL ON PROPERTY LOCATED AT 21900, 22000, AND 22100 INTERSTATE HIGHWAY 635 TO ALLOW AN OFFICE WAREHOUSE DEVELOPMENT WITH MODIFIED 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; PROVIDING FOR PUBLICATION; 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 properties; 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 on approximately 51.19 acres located at 21900, 22000, and 22100 Interstate Highway 635, and more fully described in Exhibit A attached hereto and incorporated herein by reference (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial and R-2 – Single Family Residential to Planned Development – Commercial to allow an office warehouse development with modified Planned Development Standards and the Concept Plan, attached hereto as Exhibits B and C respectively, and incorporated herein by reference and made a part thereof.

SECTION 3. That 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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. That 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 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 15th day of April 2024.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney

EXHIBIT A – LEGAL DESCRIPTION

51.19 Acres
McKinney & Williams Survey, Abstract No. 1031,
City of Mesquite, Dallas County, Texas

BEING a 51.19 acre tract of land located in the McKinney & Williams Survey, Abstract No. 1031, in the City of Mesquite, Dallas County, Texas and being all of that certain tract of land described in Special Warranty Deed to Veggies House LLC as recorded in Instrument Number 202000219539, Official Public Records of Dallas County, Texas, (O.P.R.D.C.T.), all of that parcel described in Warranty Deed to Allen Bypass Trtust as recorded in Volume 2001194, Page 497, Deed Records Dallas County Texas (D.R.D.C.T.), and all of that parcel described in General Warranty Deed to Sonia Janeth Espinoza Medina, as recorded in Instrument NO. 201400273270, O.P.R.D.C.T., and being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8-inch iron rod with yellow cap stamped "Pate Surveyors" found for the northwest corner of said Veggies House parcel, same being the southwest corner of that parcel described in Special Warranty Deed to Lacy Billy as recorded in Instrument Number 201000054130, O.P.R.D.C.T., and being on the easterly right of way line of Interstate Highway 635 (a variable width right-of-way) and being on the called north line of the McKinney & Williams Survey, Abstract No. 1031, and the south line of the S. H. Miller Survey, Abstract No. 974;

THENCE North 89°45'42" East with said called Survey line, at 1,212.45 feet pass a found 1/2- inch iron pipe for the southeast corner of a City of Mesquite parcel as described in Deed recorded in Volume 94010, Page 762, Deed Records of Dallas County, Texas, (D.R.D.C.T.) same being the southwest corner of that parcel to DW Mesquite Distribution Center as recorded in Instrument No. 202200003557, O.P.R.D.C.T., continuing for a total distance of 1860.32feet to a point for corner, from which a found 1/2-inch iron rod bears North 62°58' West, 41.9 feet and a found 60d nail bears N 17°22' W, 8.6 feet, being on the west line of that tract of land described in Deed to the City of Mesquite (Paschall Park) as recorded in Volume 67116, Page 1403, D.R.D.C.T.;

THENCE South 00°54'06" East, with the called east line of said McKinney & Williams Survey, Abstract No. 1031 and with the west line of said Paschall Park, at a distance of 665.95 feet pass the northeast corner of a that parcel described in Deed to Allen Bypass Trust, as recorded in Volume 2001194, Page 497, D.R.D.C.T., at 882.01 feet pass the southeast corner of said Allen Trust parcel, same being the northeast corner of said Medina parcel, continuing for a total distance of 1414.66 feet to a found 1/2-inch iron rod;

THENCE South 89°34'02" West, with the south line of said Medina tract, a distance of 623.87 feet to a found 1/2-inch iron rod for the common northerly corner of those parcels described in deeds to Kentex Global Homes, LLC as recorded in Instrument No. 2018002389621 and 201900032146, O.P.R.D.C.T.:

THENCE South 88°26'51" West continuing with the north line of said Kentex parcel a distance of 631.41 feet to a point for corner from which a found 1/2-inch iron rod bears South 23°02' E, 6.6 feet, and being on the aforesaid east right-of-way line of Interstate Highway 635;

THENCE northerly with said right of way line as follows:

North 22° 58'48" West, a distance of 50.00 feet to a point for corner from which a found 1/2-inch iron rod bears South 71°59' West, 1.0 feet;

South 67° 01' 12" West, a distance of 20.00 feet to a point for corner;

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North 22° 58' 48" West, at a distance of 535.14 feet pass a found 1/2-inch iron rod for the common westerly corner of said Medina and Allen Trust parcels, at 768.30 feet pass a found 1/2-inch iron rod for the common westerly corner of said Allen Trust parcel and the Veggies House parcel, continuing for a total distance of 1510.19 feet to the POINT OF BEGINNING and containing 51.19 acres of land more or less.

PLANNED DEVELOPMENT STANDARDS

This Planned Development Commercial (PD-C) district must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts Commercial 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-C district. Where these regulations conflict with or overlap another ordinance, the more stringent restriction will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the Commercial District classification (“C”) as set out in the Mesquite Zoning Ordinance (MZO), and those permitted uses on the Property are subject to the same requirements as set out in the MZO. Prohibited uses on the Property are identified in subsection 2 below.
 - a. The permitted uses requiring a conditional use permit (“CUP”) as set out in the Mesquite Zoning Ordinance (MZO), also require a CUP for the use to be permitted on the Property.
 - b. The following uses are permitted within the PD-C district only by obtaining a conditional use permit (“CUP”):
 - i. SIC Code 20-399: Manufacturing Uses, general
 - ii. SIC Code 42: Warehousing Distribution (as defined in Section 3), not including mini-warehousing
2. **Prohibited Land Use.** The following use are prohibited on the property:
 - a. SIC Code 32a: Concrete Batch Plants
 - b. SIC Code 40: Railroad Passenger Terminal
 - c. SIC Code 61: Alternative Financial Institutions
 - d. SIC Code 593: Used Merchandise
 - e. SIC Code 593a: Pawnshops
 - f. SIC Code 5993: Tobacco Stores
 - g. SIC Code 7299a: Massage Parlors, Turkish and Steam Baths
 - h. SIC Code 753: Automobile Repair Shops
3. **Warehouse Distribution Definition.** Warehouse Distribution is defined as a building or facility used for the storage and distribution of items/products, which may include:
 - a. receiving, storing, shipping, distributing, preparing, and selling items/products and serving as a pick-up/drop-off location for items/products;
 - b. 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;
 - c. printing;

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- d. limited assembly as defined below;
- e. warehouse and office use;
- f. using, handling or storing materials in the ordinary 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;
- g. 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;
- h. installing and operating battery storage systems, electrical generators, and fuel tanks; and
- i. 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.

Definition:

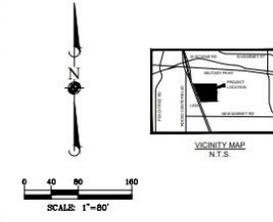
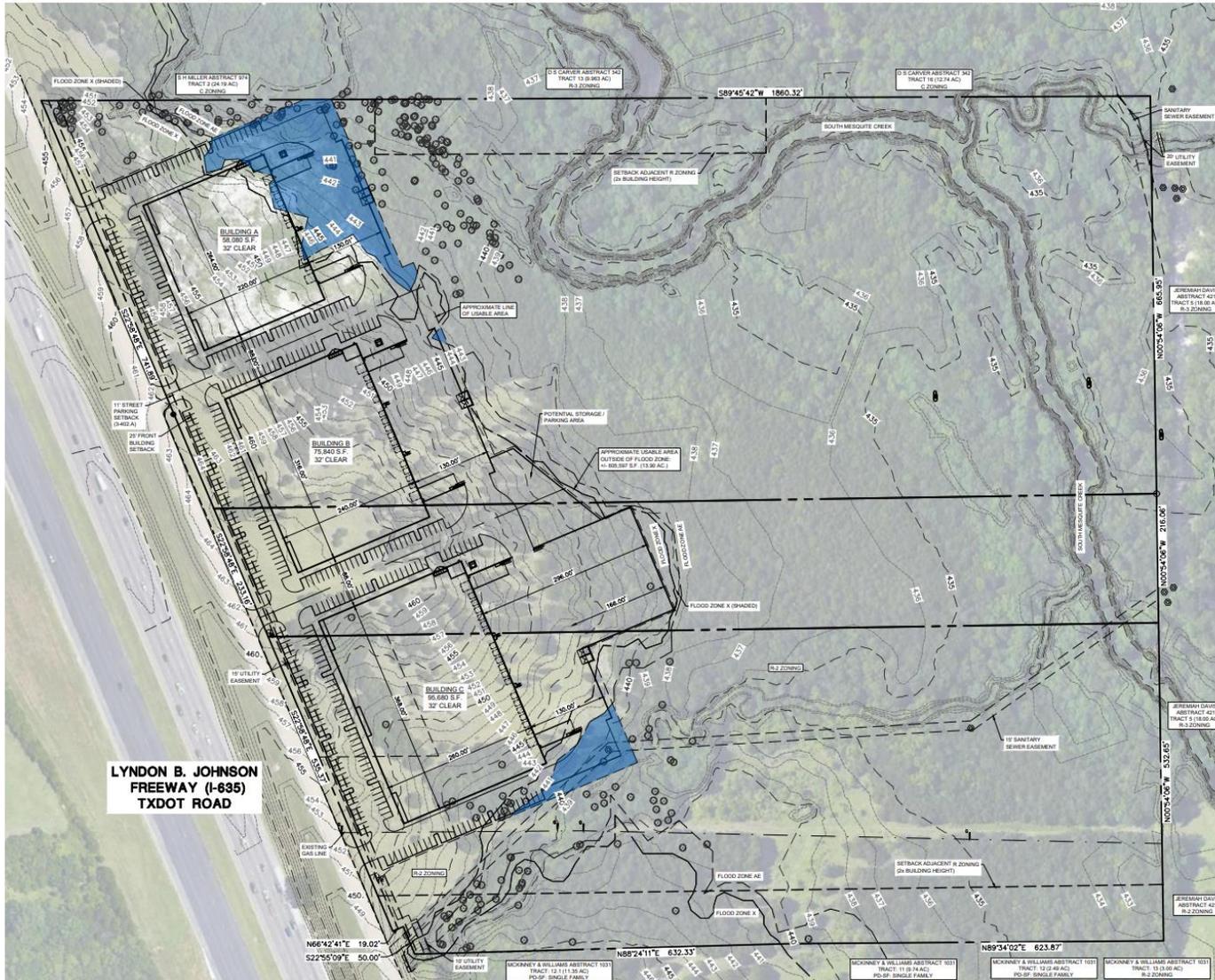
Limited Assembly - The assembly of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community 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. The minimum number of off-street parking spaces shall be provided per Section 3-400 of the Mesquite Zoning Ordinance for warehousing use: 1 space for each 300 square feet of office/display area plus 1 space for each 1,000 square feet of storage/plant area.
- 5. The overnight parking of heavy load vehicles and/or unmounted trailers is permitted as defined in Section 3-600 of the Mesquite Zoning Ordinance in areas designated on the Concept Plan if it is associated with a valid certificate of occupancy of the Property.
- 6. The truck court (including heavy load vehicle parking, overhead doors or loading docks) shall not face a public right-of-way without screening.
- 7. A six (6) foot wrought iron fence and landscape hedge may be used for screening abutting a residential district provided;
 - a. The nonresidential use is separated from the nearest residential property by a permanent easement, right-of-way or other feature at least eighty (80) feet in width, assuring the nonresidential use does not directly abut the residential use. This alternative may be utilized where drainage and/or utility easements or rights-of-way lie between a nonresidential use and a residential use, regardless of the actual district zoning of the easement or right-of-way area.

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8. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards.
 - a. Light sources shall be concealed or shielded with luminaries with shielding, skirts, or cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent Property. For purposes of this provision, "cutoff angle" is defined as the angle formed by a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted.
 - b. In no case shall exterior lighting add more than one footcandle to illumination levels at any point off-site.
 - c. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
 - d. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - e. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
 - f. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.

EXHIBIT C – CONCEPT PLAN



LEGEND

- EXISTING SANITARY MANHOLE
- EXISTING GAS MARKER
- EXISTING TREE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING SIGN
- FLOODPLAN RECLAMATION AREA

SITE DATA TABLE

TOTAL BUILDING AREA:	229,800 S.F.
TOTAL SITE AREA:	412,226.349 S.F. (9.11 AC.)
USABLE SITE AREA:	41,626,020 S.F. (14.37 AC.)
MAXIMUM HEIGHT:	75 FEET
REQUIRED LANDSCAPE AREA:	1.44 AC. (10% SITE AREA)
PROVIDED LANDSCAPE AREA:	55,899 S.F. (1.28 AC.)
FLOODPLAN RECLAMATION:	10.3% OF TOTAL
LOT COVERAGE (MAX. 50%):	36.7% OF USABLE

NOTES

- THE THROUGHFARE ALIGNMENT(S) SHOWN ON THIS EXHIBIT ARE FOR ILLUSTRATION PURPOSES AND DOES NOT SET THE ALIGNMENT. THE ALIGNMENT IS DETERMINED AT THE TIME OF PLAT.
- ALL CURRENT DEVELOPMENT REQUIREMENTS OF THE CITY AS AMENDED SHALL BE MET UNLESS APPROVED OTHERWISE WITHIN THESE PLANNED DEVELOPMENT ZONING DISTRICT DEVELOPMENT REGULATIONS.
- THIS ZONING CONCEPT PLAN IS FOR ILLUSTRATIVE PURPOSES ONLY AND SUBJECT TO CHANGE. THIS ZONING CONCEPT PLAN, ALONG WITH DEVELOPMENT REGULATIONS, IS INTENDED TO DESCRIBE THE INTENT OF THE PLANNED DEVELOPMENT. SIGNIFICANT DEVIATIONS FROM THIS ZONING CONCEPT PLAN, AS DETERMINED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES, WILL REQUIRE AN AMENDMENT TO THE ZONING CONCEPT PLAN AND, AS NECESSARY, THE DEVELOPMENT REGULATIONS.
- THE LINE OF USABLE AREA IS PRELIMINARY, BASED ON THE FEMA FIRM MAP NUMBER 4813C0390K, REVISED JULY 7, 2014. THIS WILL BE FURTHER ASSESSED AS THE DEVELOPMENT OF THE PROJECT CONTINUES WITH SURVEYING WORK AND GRADING EXTENTS.

APPLICANT: MANHARD CONSULTING
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CONTACT EMILY ZOELLNER

DEVELOPER: CREATION EQUITY
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(800) 260-6363
CONTACT TAYLOR MITCHAM

SURVEYOR: MANHARD CONSULTING
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MILITARY PARKWAY
21900 LBJ FREEWAY, DALLAS COUNTY, MESQUITE, TEXAS
EXHIBIT C - ZONING CONCEPT PLAN

FOR REVIEW ONLY
THIS DOCUMENT IS NOT
FOR CONSTRUCTION
OR PERMITTING PURPOSES

EMILY W. ZOELLNER, P.E.
TEXAS P.E. NO. 123456
ISSUED THIS DATE:
02/09/2024

DATE: 02-09-2024
SHEET
EXC
611.146001