

ORDINANCE NO. \_\_\_\_\_  
File No. Z0525-0397

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE DESIGNATION FROM COMMERCIAL TO LIGHT INDUSTRIAL AND AMENDING THE MESQUITE ZONING ORDINANCE BY CHANGING THE ZONING FROM PLANNED DEVELOPMENT – LIGHT COMMERCIAL ORDINANCE NO. 2174 AND TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL TO PLANNED DEVELOPMENT – COMMERCIAL, WITH A CONDITIONAL USE PERMIT BEING GRANTED FOR A BREWERY, ALONG WITH MODIFIED DEVELOPMENT STANDARDS TO ALLOW A LIGHT INDUSTRIAL DEVELOPMENT THAT INCLUDES USES PERMITTED IN THE COMMERCIAL ZONING DISTRICT, AS WELL AS PERMITTING WAREHOUSE DISTRIBUTION, BEVERAGE MANUFACTURING, AND OTHER MANUFACTURING ON PROPERTY LOCATED AT 2100 EAST U.S. HIGHWAY 80; 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 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 consists of approximately seven acres described in Exhibit A, attached hereto and incorporated herein by reference, and located at 2100 East U.S. Highway 80, Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Comprehensive Plan, dated October 7, 2019, as amended, is amended by changing the Property’s future land use designation from Commercial to Light Industrial.

SECTION 3. The Mesquite Zoning Ordinance is amended by changing the zoning for the Property from Planned Development – Light Commercial Ordinance No. 2174 and Traditional Neighborhood Mixed Residential to Planned Development – Commercial, with a Conditional Use Permit being granted for a brewery, along with modified development standards

to allow a light industrial development that includes uses permitted in the Commercial Zoning District, as well as permitting warehouse distribution, beverage manufacturing, and other manufacturing subject to the Planned Development Standards and Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference.

SECTION 4. All other 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 5. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 6. 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 7. 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 8. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, Section 24.

SECTION 9. 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 21st day of July 2025.

---

Daniel Alemán, Jr.  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

---

Sonja Land  
City Secretary

---

David L. Paschall  
City Attorney

Legal Description:

BEING a 7.00 acre tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas and being more particularly described in the deed to American Multicinema Inc recorded in Volume 97223, Page 3695 Deed Records, Dallas County, Texas (D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a 1/2 capped iron rod cap illegible found at the intersection of Jane Street & U.S. Highway 80 E from which a "X" cut in concrete found in the west line of Jane Street same being the easterly most northeast corner of the tract described in deed Holy Tabernacle Church recorded as Instrument Number 200900305469 Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) bears SOUTH 73°53'34" WEST, a distance of 67.52 feet;

THENCE NORTH 40°41'07" EAST, with a distance of 7.17 feet to a 1/2 inch capped iron rod set in the south right-of-way line of U.S. Highway 80 E. same being the beginning of a curve to the right having a radius of 1889.86 feet;

CONTINUING along the arc of said curve to the right an arc length of 508.76 feet, passing through a central angle of 15°25'27" (having a chord bearing of SOUTH 73°03'13" EAST, a chord distance of 507.22 feet) to a point for corner;

THENCE with the south right-of-way line of U.S. Highway 80 E. the following courses: SOUTH 15°11'31" EAST, a distance of 99.77 feet to a point for corner; SOUTH 72°43'19" EAST, a distance of 46.26 feet to a point for corner;

THENCE departing the south right-of-way line of U.S. Highway 80 E. and with the common line of the tract described in deed to City of Mesquite as recorded in Volume 93122, Page 995 (D.R.D.C.T.) the following courses:

SOUTH 09°56'38" WEST, a distance of 38.31 feet to a point for corner;

SOUTH 50°15'12" WEST, a distance of 46.28 feet to the beginning of a curve to the right having a radius of 150.00 feet;

CONTINUING along the arc of said curve to the right and arc length of 120.63 feet, passing through a central angle of 46°04'45" (having a chord bearing of SOUTH 25°23'58" WEST, a chord distance of 117.41 feet) to a point for corner;

SOUTH 48°26'21" WEST, a distance of 70.00 feet to the beginning of a curve to the left having a radius of 538.90 feet;

CONTINUING along the said curve to the left an arc distance of 393.71 feet, passing through a central angle of 41°51'32" (having a chord bearing of SOUTH 27°30'35" WEST, a chord distance of 385.01 feet) to a 1/2 inch capped iron rod inscribed "Barron Stark";

**EXHIBIT A - LEGAL DESCRIPTION**

SOUTH 87°22'26" WEST, a distance of 214.88 feet to a 1/2 capped iron rod inscribed "Barron Stark" set in the east right of way line of Jane Street, from which a 1/2 inch capped iron rod cap illegible found for reference bears SOUTH 02°37'34" WEST, a distance of 4.95 feet;

THENCE departing the common line of the said City of Mesquite tract and continuing with the east right-of-way line of Jane Street the following courses:

NORTH 02°37'34" WEST, a distance of 547.85 feet to a set 1/2 capped iron rod inscribed "Barron Stark";

NORTH 87°22'26" EAST, a distance of 15.00 feet to a set 1/2 capped iron rod inscribed "Barron Stark";

NORTH 02°37'34" WEST, a distance of 275.91 feet returning to the POINT OF BEGINNING and enclosing 7.00 Acres (304,923 Square Feet) more or less.

## EXHIBIT B – 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 (“**MZO**”), as amended, and adopts Commercial (“**C**”) 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 C District classification as set out in the MZO except as modified in subsections “a – c” of this paragraph, 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 MZO, also require a CUP for the use to be permitted on the Property.
  - b. The following uses are permitted within the PD-C:
    - i. SIC Code 42: Warehouse Distribution (as defined in Section 3 below)
  - c. The following uses are allowed only by CUP in this PD-C:
    - i. SIC Code 20-399: Manufacturing Uses, general
    - ii. SIC Code 208: Alcoholic beverage manufacturing (as defined in Section 4 below)
2. **Prohibited Land Use.** The following uses are prohibited on the Property:
  - a. SIC Code 32a: Concrete Batch Plants
  - b. SIC Code 40(a): Railroad Passenger Terminal
  - c. SIC Code 593: Used Merchandise
  - d. SIC Code 593a: Pawnshops
  - e. SIC Code 5993: Tobacco Stores
  - f. SIC Code 5999g: Paraphernalia Shop
  - g. SIC Code 61: Alternative Financial Institutions
  - h. SIC Code 7299a: Massage Parlors, Turkish and Steam Baths
  - i. SIC Code 753: Automobile Repair Shops
  - j. SIC Code 754b: Towing/Wrecker Services
  - k. Outdoor storage as a primary use

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;
  - 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. 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. **Alcoholic Beverage Manufacturing Definition.** An establishment for the manufacture, blending, fermentation, processing and packaging of alcoholic beverages that takes place wholly inside a building. Additional provisions include:
- a. A taproom or an establishment permitted under a Brewer’s License (BW) from the Texas Alcohol Beverage Commission (TABC) where alcoholic drinks are served over a counter is permitted within the same building or a separate building on the same lot as an alcoholic beverage

- manufacturing use.
- b. Retail sales of alcoholic beverages and related items and tastings or sampling are allowed in accordance with TABC regulations.
  - c. Except for loading, unloading, and outdoor seating areas for serving retail customers, all activities must occur within a building.
  - d. Silos and containers of spent grain are allowed as outdoor storage.
5. **Dimensional Requirements:** The lot, setback and height regulations shall be provided per Section 3-301 of the Mesquite Zoning Ordinance except as provided herein:
- a. Maximum Lot Coverage (%): 75%
  - b. Minimum Front Yards (Feet): 25 ft
  - c. Minimum Exterior Side Yards (Feet): 10 ft
  - d. Minimum Rear Yards (Feet): 5 ft
  - e. Maximum Building Height (Feet): 50 ft
6. **Mobile Food Unit.** If a mobile food unit park is provided, it shall comply Section 3-512 of the MZO, except for Section 3-512(B)(2).
7. **Parking.** The minimum number of off-street parking spaces shall be provided per Section 3-400 of the MZO except as provided herein:
- a. A minimum of one (1) vehicle space for every 1,500 square feet of gross floor area used for distribution, warehousing, manufacturing, office, or storage use.
  - b. A minimum of two (2) vehicle parking spaces for each marked or otherwise designated Mobile Food Unit Stall.
  - c. The required parking for eating place and/or taproom associated with the brewery within the PD-C district may be shared with the parking for distribution, warehousing, manufacturing, office, alcoholic beverage manufacturing, and storage uses at a ratio of 1:1 (each parking space may be counted toward both the eating place and other uses due to their complementary peak demand times).
  - d. Off-site parking. Required parking for a use may be provided on a separate lot within the PD-C district; provided, a permanent and irrevocable easement of the parking facilities in favor of the Property to be benefited thereby shall be dedicated and recorded in Dallas County records as a condition of such use.
  - e. Special Exceptions. Reduction in any requirement in this Section 7 (Parking) may be provided as authorized by Section 3-403 of the MZO by receiving a Special Exception from the Board of Adjustment.

8. **Overnight Parking of Heavy Load Vehicles.** The overnight parking of heavy load vehicles and/or unmounted trailers is permitted as “outdoor storage” in accordance with Section 3-603 of the MZO in areas designated on the Concept Plan, if it is associated with a valid Certificate of Occupancy for a use located in any building within the Property.
9. **Screening.** The screening requirements of Section 1A-300 of the MZO are not required except that the truck court (including heavy-load vehicle parking, overhead doors, or loading docks) shall not face a residential district or a public right-of-way without screening. Where not screened by a building, the truck court facing a residential district or the right-of-way shall be screened with an 8-ft tall masonry wall or a living screen pursuant to Section 1A-303.D. Wood or chain link screening is prohibited. Said screening shall be provided prior to the issuance of a Certificate of Occupancy.
  - a. A Solid Landscape Hedge under Mesquite Zoning Ordinance’s Section 1A-303.D shall consist of large evergreen shrubs or small ornamental evergreen trees. These shrubs/ornamental screening plants shall be planted a maximum of eight feet (8’) on center and be full to the ground. Mature plant growth should provide continuous screening. Acceptable Screening species include, but are not limited to, Magnolias, Hollies, Cedars, or Junipers.
10. **Fencing.** If fencing is provided, it shall consist of the following:
  - a. Chainlink (black coated) or wrought-iron fence is permitted up to 8-ft in height along the interior or rear property lines.
  - b. Barbedwire or galvanized chainlink is prohibited.
11. **Landscaping.** The Property shall comply with the landscaping requirements of Section 1A-200-203 of the MZO and with the following buffer requirements. Landscaping shall be provided to create a harmonious streetscape edge containing native plant materials and drought-tolerant shrubs and trees.
  - a. Jane Street Buffer. A 10-ft landscape buffer shall be established along the Property line parallel to Jane Street. A buffer tree line and shrubs shall be established within the landscape buffer in accordance Subsection (d) below. Five feet of the landscape buffer may be located in the Jane Street right-of-way.
  - b. US E HWY 80 Service Road Buffer. A 10-ft landscape buffer shall be established along the Property line parallel to the service road. A buffer tree line and shrubs shall be established within the landscape buffer in accordance Subsection (d) below.

- c. Heritage Trail Buffer. Any parking space or truck court facing the Heritage Trail shall include a parking screen in accordance with MZO, Part 1A, Section 1A-301(C)(3).
  - d. Tree Spacing and Planting Standards. Within the designated landscape buffers or the adjacent green space within the right-of-way, one tree shall be planted for every 35 linear feet. Trees shall be spaced no more than 35 feet apart (on center). Buffers shall also include woody perennials, annuals, native plant materials, and shrubs.
  - e. Modifications. The Director of Planning and Development Services may approve modifications to the landscaping and buffer requirements to accommodate right-of-way improvements, engineering and utility constraints, or emergency service access. Modifications may include adjustments to planting materials and placement but shall not waive the overall requirement for landscaping or buffering.
12. **Exterior lighting.** 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.

13. **Jane Street.** No Certificate of Occupancy shall be issued for any permitted use on the Property until the following improvements are completed in compliance with all applicable City standards:
  - a. Jane Street shall be reconstructed from the US E Highway 80 service road to and including the southernmost drive approach to the Property to the standards identified in the Mesquite Engineering Design Manual, as approved by the Public Works Director.
  
14. **Site Plan.** The site plan shall comply with the Concept Plan as shown in Exhibit “C”. Deviations from the Concept Plan may be permitted to ensure compliance with the Mesquite Engineering Design Manual, as well as Building and Fire Codes, as amended, provided that the development continues to meet all requirements of this ordinance and subject to approval of the Public Works Director. Modifications can include the following and may be subject to approval of the Public Works Director:
  - a. Add a stand-alone building for an eating place on the Property.
  - b. Placement of the buildings provided that the required setbacks are met.
  - c. Devise the main building into two or more spaces or divide the main building into two buildings, provided the total floor area does not exceed 110,000 square feet.
  - d. Move the location of the commercial access drives on Jane Street, or include up to three total commercial access drives on Jane Street.

