

UNITED PROPERTIES SOUTHWEST, LLC

Commercial Real Estate
Development • Investment • Construction



July 27, 2017

Ms. Sonja Land
City Secretary
City of Mesquite Texas
1515 N. Galloway
Mesquite, TX 75149

RECEIVED

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**CITY OF MESQUITE
CITY SECRETARY**

Re: Request for Waiver to Commercial Moratorium Ordinance No. 4496 as adopted by the Mesquite City Council July 3, 2017 for the planned construction of the Expansion to The Pep Boys Texas Distribution Center at 1130 E. Kearney Rd., Mesquite, Texas 75149

Dear Ms. Land,

We are the original developer / builder of the Pep Boys Texas Distribution Center on Kearney Road in Mesquite. The original improvements were constructed in 1988 -99. On July 6, 2016 my firm held a Planning Review Meeting with Mesquite city staff concerning our planned expansion of this existing building by some 90,000 square feet. At the time our case manager, Mr. Jeff Armstrong coordinated the meeting. Those present were:

Mr. Matt Holzapfel	City Engineering
Mr. Tom Palmer	Director of Economic Development
Ms. Kim Buttram	Asst Manager of Economic Development
Mr. Alfred Paster	Fire Marshal
Mr. Travis Sales	Parks & Recreation
Mr. Mark Pross	Pross Design Group
Mr. Gary Pickens	United Properties Southwest

The planned 90,000 sf building expansion was discussed and shown by conceptual plan to be attached to the south façade of the existing building and extending south toward the existing Pep Boys / City of Mesquite Service Center joint property line. Areas of discussion for this proposed expansion included fire protection of the new expansion, on-site parking for automobiles and trucks, restroom improvements and location, landscaping, & architectural details of the new structure, etc.

Of particular concern at the time was the sheer feasibility of such an expansion under the newly adopted guidelines of Community Appearance Manual Version 1.5 ... ***at least as it pertained to the areas described above.*** It was determined that the expansion being at the rear of the existing building could be “grandfathered” to such an extent that it made the expansion financially and physically feasible.

As such, our firm United Properties Southwest (UPS) and Pep Boys moved forward with the due diligence and purchase of 2.4587 acres immediately abutting and adjoining the existing east property line of the original campus.....to accommodate the necessary additional land area to pave for needed new automobile parking and to merely replicate the existing on-site truck parking that would be displaced as a result of the new building footprint.

This land purchase was completed June 8, 2017 in reliance of these events. Additionally, some 2-3 days prior to this land closing, I spoke with Jeff Armstrong to say that we were on the eve of closing and asked if there were any changes to the thinking or discussion points of the earlier July 2016 meeting. His response was that he knew of no known changes that could affect our expansion plans.

Obviously unknown to us was the early internal council discussion potentially underway at the time (or perhaps sometime thereafter) of a possible moratorium on such a construction.

On Wednesday July 19, 2017 our firm requested another development review meeting, this time with substantially more detail to the planned building expansion than a year earlier. However, nothing has changed with respect to the planned expansion footprint or the on-site parking. This current volume of detail consists of architectural building plans and elevations, substantial site civil engineering, and landscape drawings.....all prepared in keeping with the agreed points of the prior July 2016 meeting.

Present in the July 19, 2017 Planning Review meeting were:

Mr. Garrett Langford	(introduced as our new Case Manager- Planning)
Mr. Jeff Armstrong	Planning
Mr. Alfred Paster	Fire Marshall
Mr. Robert Blankenship	Parks & Recreation
Mr. Kenney O'Quain	Building Inspection
Mr. Corey Nesbit	Engineering
Ms. Kim Buttram	Economic Development
Ms. Jerry Sue Gleares	Building Inspection
Mr. Mark Pross	Pross Design Group (project architect)
Mr. Brian Sataja	Halff Associates (project civil engineer)
Mr. Arron Law	Belle Firma (project landscape engineer)
Mr. Dale Bullough	United Properties Southwest (developer / builder)
Mr. Gary Pickens	United Properties Southwest (developer / builder)

It was at this meeting we were informed of the Moratorium that became effective July 3, 2017 by City Council.

Both UPS and Pep Boys have in good faith, diligently pursued this expansion of the Pep Boys DSC pursuant to the sequence of events described herein and have now committed hundreds of thousands of dollars to more land and project engineering.

Our expansion of 90,000 sf, is vital to Pep Boys ongoing distribution from Mesquite Texas. We are adding a few new dock doors but we are not adding more trucks to on-site storage than is already there. The expansion is simply displacing truck parking now located at the rear of the facility and we are merely replicating the same amount of displaced truck parking on the new east side land purchase.

The east side land was purchased to be platted into the larger campus and was purchased for the express purpose of

- accommodating the displaced truck parks already on-site,
- to add more on-site automobile parking, and
- provide a little more on-site landscaping...all per agreed discussions from July 2016.

The July 19, 2017 Planning Review meeting was merely to bring to light the details of what was previously discussed and agreed to in July 2016.

We therefore respectfully request a Waiver to Commercial Moratorium Ordinance No. 4496 as adopted by the Mesquite City Council July 3, 2017 so that we may proceed with Platting and Site Plan Approval of the newly acquired land and planned building expansion and its construction thereafter.

Respectfully Submitted,

UNITED PROPERTIES SOUTHWEST, LLC



Gary D. Pickens
President and General Manager