

ORDINANCE NO. _____
File No. Z1019-0118

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM SINGLE-FAMILY RESIDENTIAL ("R-1" AND "R-3"), PLANNED DEVELOPMENT - COMMERCIAL AND PLANNED DEVELOPMENT – LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – INDUSTRIAL ON PROPERTY LOCATED IN THE 500 BLOCK OF THE EAST SIDE OF STATE HIGHWAY 352 TO ALLOW A WAREHOUSE AND DISTRIBUTION DEVELOPMENT SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; 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. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Single-Family Residential ("R-1" and "R-3"), Planned Development – Commercial and Planned Development –Light Commercial to Planned Development – Industrial to allow a warehouse and distribution development subject to certain stipulations. Such stipulations are attached hereto as Exhibit "A," incorporated herein by reference and made a part thereof.

SECTION 2. That the subject property is approximately 80.334 acres located in the Thomas Scott Survey, Abstract No. 1353 and Harris Industrial Park Section 2, Block B, Lots 1 and 2, City of Mesquite, Dallas County, Texas, and located in the 500 Block of the east side of State Highway 352 (the "Property").

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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. That 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. That 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 \$2,000.00 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. That 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 January 2020.

Bruce Archer
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



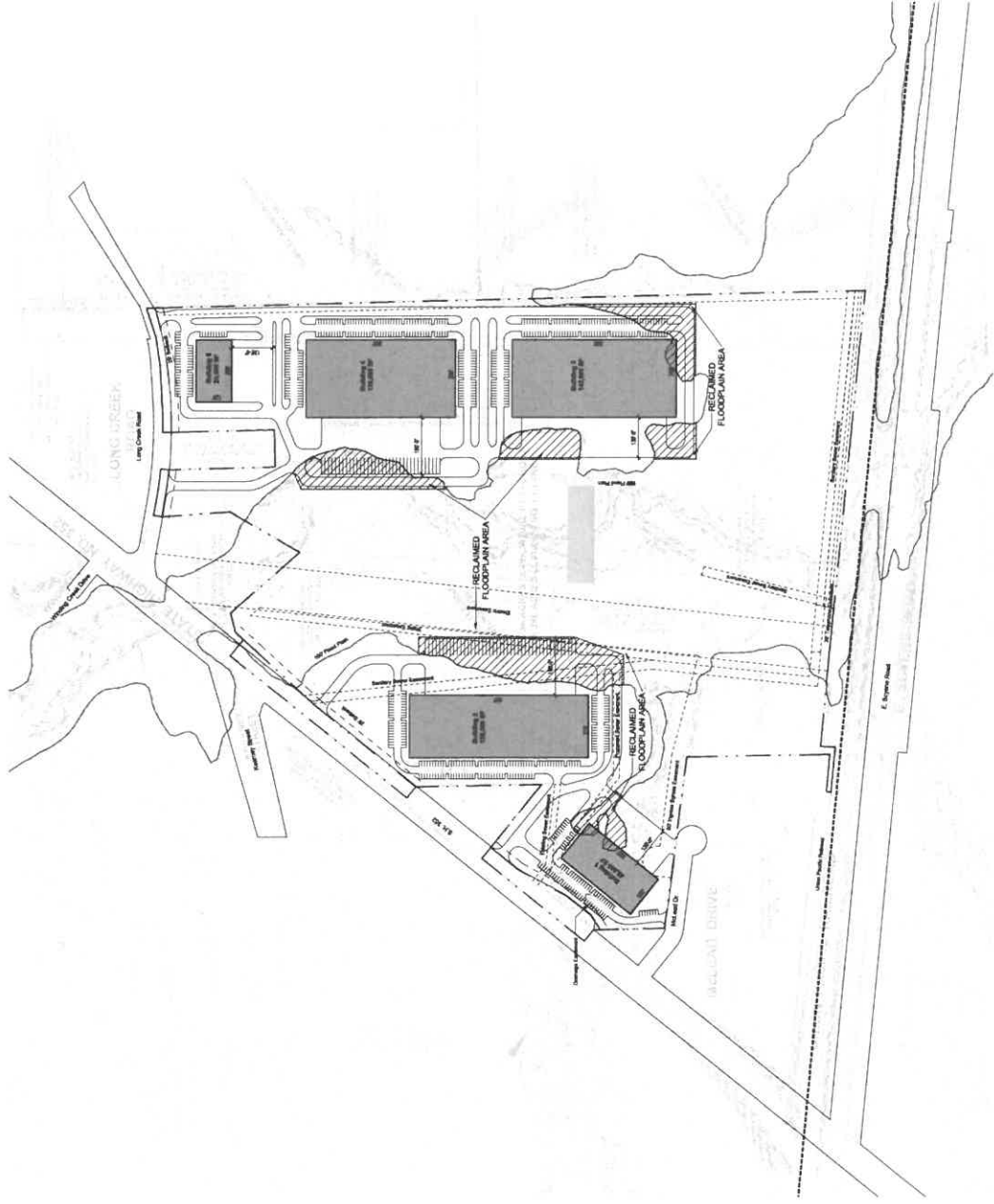
David L. Paschall
City Attorney

1. Except as provided herein, the site plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit "B." The orientation and location of structures, driveways and parking areas shown on Exhibit "B" may be modified to avoid conflict with utilities, floodplain and/or wetlands provided that parking and other development standards are met. In the event of a conflict between the provisions of this ordinance and Exhibit "B," the provisions of this ordinance control.
2. All uses permitted in the Industrial District are allowed on the Property except as modified in Subsections "a" and "b" of this paragraph. The uses permitted in the Industrial District are subject to the same requirements applicable to the uses in the Industrial District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Industrial District only by conditional use permit ("CUP") is permitted in this District only by CUP.
 - a. The following uses are prohibited on the Property:

SIC Code 32a:	Concrete Batch Plants
SIC Code 40:	Railroad Passenger Terminal
SIC Code 61:	Alternative Financial Institutions
SIC Code 593:	Used Merchandise
SIC Code 593a:	Pawnshops
SIC Code 5993:	Tobacco Stores
SIC Code 7299a:	Massage Parlors, Turkish and Steam Baths
 - b. The following uses are allowed only by CUP in this District:

SIC Code 20-399:	Manufacturing Uses
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3. Primary outdoor storage yard, including heavy load vehicles and unmounted trailers, as defined in Section 3-600 of the Mesquite Zoning Ordinance shall be prohibited.
4. The overnight parking of heavy load vehicle 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 tenant(s) or owner(s) of the Property.
5. The truck court (including heavy load vehicle parking, overhead doors or loading docks) shall not face a public right-of-way without screening. Where not screened by a building, the truck court shall be screened with an eight-foot 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.
6. All fire apparatus access roads shall meet the minimum distance separation requirements as approved by the Fire Marshall.

7. All applicable flood and wetland studies shall be completed as identified in the City of Mesquite Engineering Design Manual ("Mesquite Engineering Design Manual").
8. No Certificate of Occupancy shall be issued for any use requiring heavy load vehicles on the subject Property until the following improvements are completed in compliance with all applicable city standards:
 - a. McLead Drive shall be reconstructed to the standards identified in the Mesquite Engineering Design Manual and the City of Mesquite Thoroughfare Plan ("Mesquite Thoroughfare Plan"), as amended.
 - b. Long Creek Road shall be reconstructed to the standards identified in the Mesquite Engineering Design Manual and Mesquite Thoroughfare Plan, as amended, from State Highway 352 to and including the eastern most drive approach to the Property.
9. Alternative screening may be utilized as provided in Section 1A-303A.3 in the Mesquite Zoning Ordinance.



TAXIATIONS		See Average	90.25 AC
Building 1	Car Parking	45,000 SF	80
Building 2	Car Parking	128,000 SF	80
Building 3	Car Parking	176,000 SF	42
Building 4	Car Parking	24,860 SF	50
Building 5	Car Parking	130,000 SF	53
Building 6	Car Parking	143,000 SF	140
Reclaimed Floodplain Area		5.21 AC	(228,848 SF)

Deviations from current development standards / regulations not specifically addressed / listed for approval as part of Planned Development Regulations may require a hearing / approval by the Board of Adjustment (BOA).

All current development requirements of the City as amended shall be met unless approved otherwise within those 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 guidelines.

EXHIBIT B - ZONING EXHIBIT
80.334 ACRES
THOMAS SCOTT SURVEY, ABSTRACT NO. 1353
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

OWNER, FITCH INVESTMENTS, INC.
C/O BO FITCH
P.O. BOX 100
ADRIAN, TEXAS 75801
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webfit@yaho.com

