

ORDINANCE NO. _____
File No. Z0920-0153

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY PROVIDING A COMPREHENSIVE PLAN AMENDMENT FROM COMMERCIAL TO LIGHT INDUSTRIAL AND BY AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL AND COMMERCIAL WITHIN THE SKYLINE LOGISTICS HUB OVERLAY TO PLANNED DEVELOPMENT – INDUSTRIAL WITHIN THE SKYLINE LOGISTICS HUB OVERLAY TO ALLOW AN URBAN INDUSTRIAL PARK ON PROPERTY LOCATED GENERALLY NORTHWEST OF EAST MEADOWS BOULEVARD AND U.S. HIGHWAY 80 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. The subject property is described as being approximately 25.4 acres currently zoned Traditional Neighborhood Mixed Residential (“**TNMR**”) and Commercial within the Skyline Logistics Hub Overlay District (“**SLHOD**”), located generally northwest of East Meadows Boulevard and U.S. Highway 80 and platted as W. O. Abbott Survey, Tracts 17 and 18, Abstract No. 34 and East Meadow Apartments, Block A, Lot 1 (collectively the “**Property**”).

SECTION 2. The Mesquite Comprehensive Plan, last updated on October 7, 2019, and the zoning map of the City, be and the same are hereby amended by changing the future land use for the Property from Commercial to Light Industrial.

SECTION 3. The Mesquite Zoning Ordinance is hereby amended by approving a change of zoning for the Property from TNMR and Commercial within the SLHOD to Planned Development – Industrial within the SLHOD to allow an urban industrial park subject to the following stipulations:

1. Except as provided herein, development and the site plan for the Property shall conform substantially to the Development Standards and Concept Plan, attached hereto as Exhibits A and B, respectively, and made a part thereof.
2. The reconstruction and/or alteration of East Meadows Boulevard must be approved by the City Engineer and the Manager of Traffic Engineering.

SECTION 4. 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 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 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 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 19th day of January 2021.

Bruce Archer
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

David L. Paschall
City Attorney

EXHIBIT “A”

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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 the district only by CUP.

- a. The following uses are prohibited on the Property:

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|-----------------|--|
| SIC Code 32a: | Concrete Batch Plants |
| SIC Code 40: | Railroad Passenger Terminal |
| SIC Code 61: | Alternative Financial Institutions |
| SIC Code 593a: | Pawnshops |
| SIC Code 7299a: | Massage Parlors, Turkish and Steam Baths |

- b. The following uses are allowed only by CUP in this district:

SIC Codes 20-399: Manufacturing Uses except as follows:

Uses in Division D (SIC Groups 20 – 39) and Division F (SIC Groups 50 – 51), which require a Conditional Use Permit to locate in the “I” district, may locate in the “I” district without a Conditional Use Permit, if the use complies with the following limitations: 1) The activity involves only the assembly/processing of premanufactured parts into finished products and does not involve processing of raw materials; 2) The activity is conducted entirely in an enclosed building with no outdoor storage or activity; and 3) The maximum gross floor area occupied by the activity is 5,000 square feet or less.

3. Unless oriented to the rear of the property and screened from East Meadows Boulevard, 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 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 tenant(s) or owner(s) of the property.

EXHIBIT “A”

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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-303D. 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 road shall meet the minimum distance separation requirements as approved by the Fire Marshal.
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. East Meadows Boulevard is reconstructed within the existing East Meadows Boulevard right-of-way to allow for heavy load traffic from the northern most heavy load vehicle drive (“DRIVEWAY B” as shown on the Concept Plan) all the way south to U.S. Hwy 80 right-of-way to the standards identified in the Mesquite Engineering Design Manual and the City of Mesquite Thoroughfare Plan (“Mesquite Thoroughfare Plan”), as amended.
9. Alternative screening may be utilized as provided in Section 1A-303A.3 in the Mesquite Zoning Ordinance.

