



PLANNING AND ZONING DIVISION

FILE NUMBER: Z0521-0201
REQUEST FOR: Rezoning to amend Planned Development – General Retail to modify development standards for a self-storage facility
CASE MANAGER: Ellen Soward, Planner

PUBLIC HEARINGS

Planning and Zoning Commission: Monday, June 28, 2021
City Council: Monday, July 19, 2021

GENERAL INFORMATION

Applicant: Roger Albright, Sheils Winnubst PC
Requested Action: Rezoning to amend Planned Development – General Retail (Ordinance No. 3517 and 3581) to modify development standards for an existing self-storage facility.
Location: 4809 N Belt Line Rd

PLANNING AND ZONING ACTION

Decision: On June 28, 2021, the Planning and Zoning Commission unanimously recommended approval to amend Planned Development – General Retail, Ordinance No. 3517 and 3581, including the replacement of the existing stipulations with those in Exhibit A (Development Standards).

SITE BACKGROUND

Platting: Palos Verdes 11 Retail, Block B, Lot 1
Size: 4.0091 Acres
Zoning: Planned Development – General Retail (Ord. No. 3517 and 3581)
Existing Land Use: Miniwarehousing
Zoning History: 1971: Annexed and zoned Residential (Ord. 922)
1971: Zoning changed to Commercial (Ord. 936)
1982: Zoning changed to PD-Multifamily (Ord. 1782)
2000: Zoning for north tract changed to Office (Ord. 3383)
2002: Zoning for south tract changed to PD-General Retail (Ord. 3517)
2003: Zoning for north tract changed to PD-General Retail (Ord. 3581)

Surrounding Zoning and Land Uses (see attachment 3):

	<u>ZONING</u>	<u>LAND USE</u>
NORTH:	PD-MF, Planned Development – Multifamily (Ord. 1782)	City Lift Station
SOUTH:	C, Commercial; PD-SF, Planned Development – Single Family (Ord. 3435)	Single Family Residences; Health Food Store
EAST:	N/A (Mesquite City Limits)	Steel Fabricator and Supplier
WEST:	PD-MF, Planned Development – Multifamily (Ord. 1782)	Single Family Residences

CASE SUMMARY

The Storage Place was completed on the subject property in 2005, after receiving approval of Planned Development Ordinances No. 3517 and 3581, in 2002 and 2003, respectively. (See Attachments 7 and 8.)

The existing zoning (PD-GR Ord. 3517 and 3581) permits miniwarehousing as a use but fails to account for discrepancies between the existing facility and the miniwarehousing development standards that were in the *Mesquite Zoning Ordinance* (MZO) at the time. It appears that the site plan with the building permit was approved in error by staff in 2005. These discrepancies include required building separation, maximum building height, and minimum setbacks from adjacent properties. As a result, the facility is nonconforming.

Upon discovering these discrepancies, the applicant decided to seek an amendment to the existing Planned Development ordinances so that the subject property might be considered a legal conforming structure and premise. There are no proposed changes to the existing development.

Staff conducted a site visit and found the property to be well-maintained and equipped with fire sprinklers. The Fire Marshall reviewed a recent survey of the property and did not express any concerns.

MESQUITE COMPREHENSIVE PLAN

The *Mesquite Comprehensive Plan* designates the desired future land use for this property as Neighborhood Retail. The vision for this type of development includes a variety of retail and personal service businesses that meet the daily needs of the residents. A combination of screening, increased rear setbacks, and enhanced landscaping should be used to ensure adequate buffering from adjacent residential areas.

STAFF COMMENTS:

It is Staff's opinion that the proposed PD amendment will meet the intent of the Neighborhood Retail land use designation by continuing a personal service to the community that meets the storage needs of residents. Staff believes that the existing fortress design and setbacks provide adequate screening and buffering from adjacent residential areas.

PLANNED DEVELOPMENT STANDARDS

As mentioned in the case summary, there are no proposed changes to the existing development. The goal of the PD amendment is to update the zoning with the standards that exist on the ground. In terms of zoning regulations, the proposed amendment would permit the current building separation (ranging between 3 and 40 feet). It would not permit any changes to the existing maximum height of the storage buildings (13 feet). The proposed minimum setback from residential properties is nine feet, which is one foot less than the setback in the MZO for miniwarehouses adjacent to residential districts.

LOT, SETBACK, AND HEIGHT REGULATIONS			
	REQUIRED BY 3-502	AS-BUILT STANDARD	PROPOSED ZONING STANDARD
Minimum Front Yard	25 feet	25 feet	25 feet
Minimum Yard Adjacent to Residential	10 feet	9.4 feet	9 feet
Minimum Yard Adjacent to Nonresidential	None	1 foot	None
Minimum Building Separation	20 feet	3 feet	None except as required by Fire Code
Height: Office/apartment building	One-story adjacent to residential, district height (35 feet) adjacent to nonresidential	28.6 feet	District height (35 feet) with district setbacks
Height: Storage buildings	11 feet	13 feet	13 feet

CONCLUSIONS

ANALYSIS

It is Staff's opinion that the PD amendment is not contrary to the public interest. The property has been providing storage services for over 15 years, and the Staff is unaware of any issues. Staff understands the applicant's desire to rectify discrepancies between the zoning ordinance and the as-built development standards, which were approved by Staff at the time despite not being specified in the original PD ordinances. No changes to the development are proposed, and any significant site alterations would require compliance with zoning requirements and approval of a site plan.

RECOMMENDATIONS

Staff recommends approval of the amendment to the existing Planned Development – General Retail, Ordinance No. 3517 and 3581, including the replacement of the existing stipulations with those in Exhibit A (Development Standards).

PUBLIC NOTICE

Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has received two returned notices in opposition.

CODE CHECK

Beside the zoning code issues addressed in this report, there are no other outstanding code violations.

ATTACHMENTS

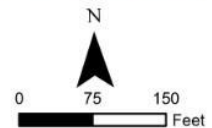
1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Application Materials
6. Site Photos
7. Planned Development Ordinance No. 3517
8. Planned Development Ordinance No. 3581
9. Miniwarehousing Supplementary Use Regulations (MZO 3-502)
10. Exhibit A – Development Standards
11. Returned Property Owner Notices

ATTACHMENT 1 – AERIAL MAP

Aerial Map

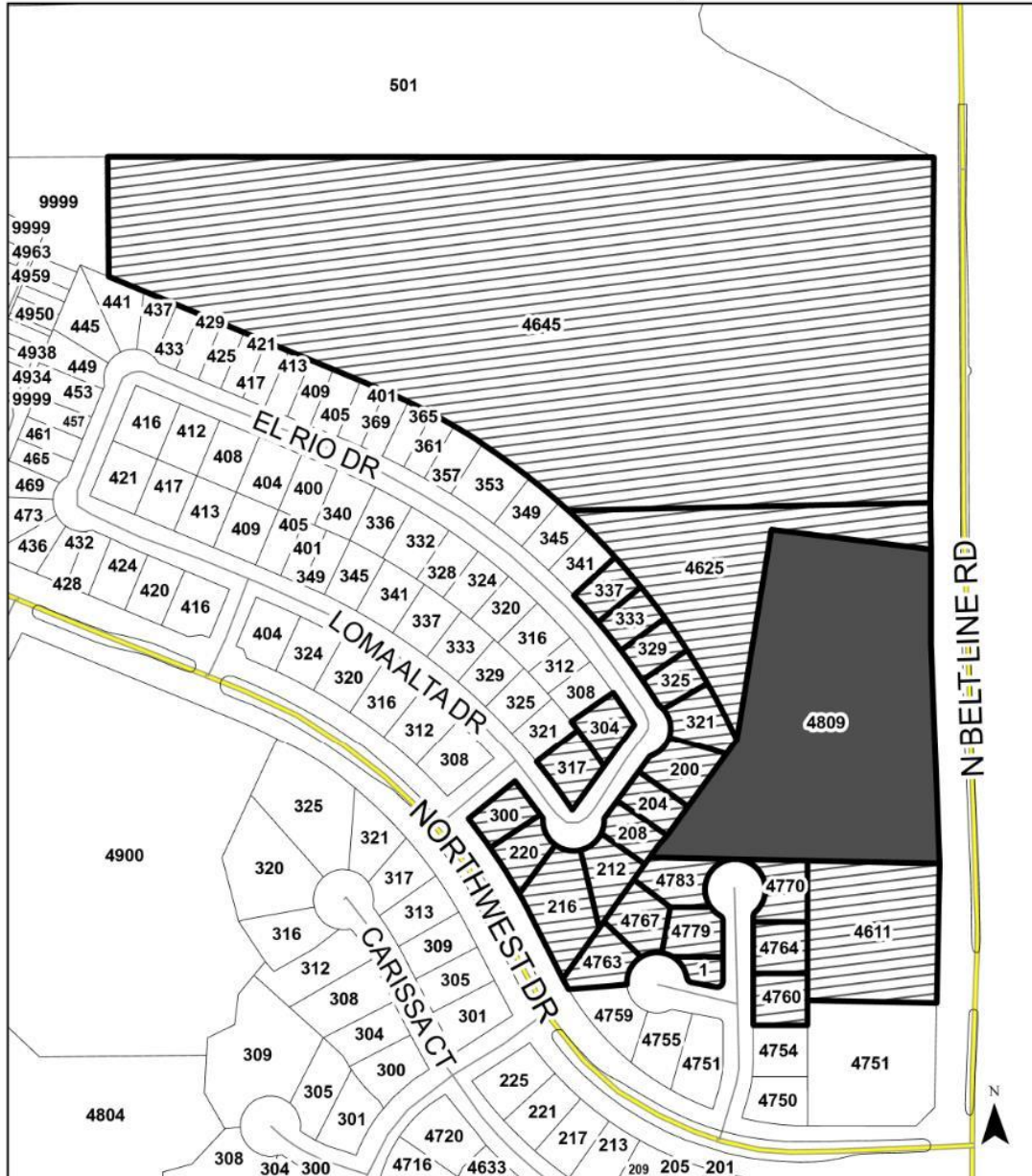


 Subject Property





ATTACHMENT 2 – PUBLIC NOTIFICATION MAP

Notification Map

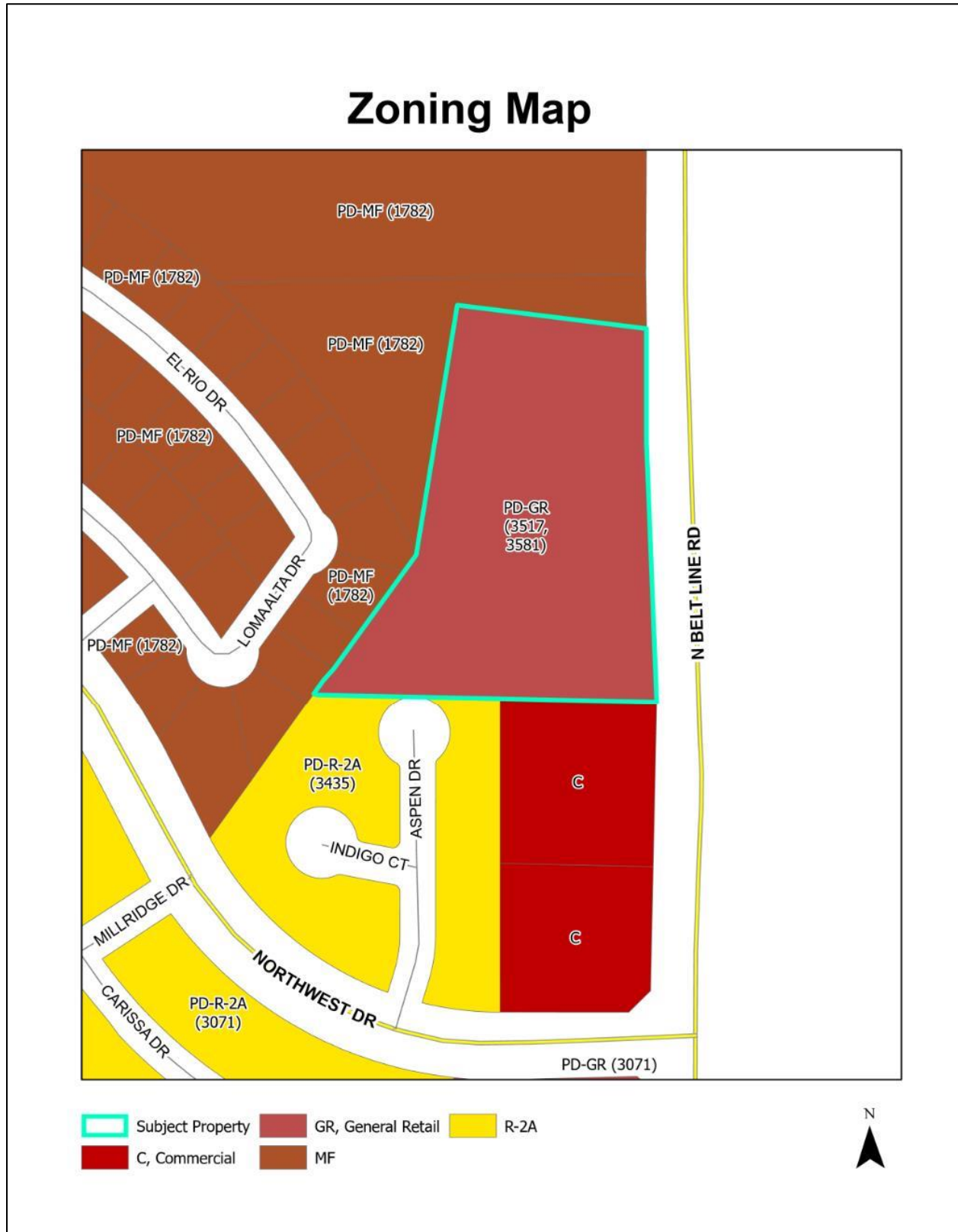


Request: PD Amendment to modify development standards
for a self-storage facility.
Applicant: Roger Albright
Location: 4809 N Belt Line Rd

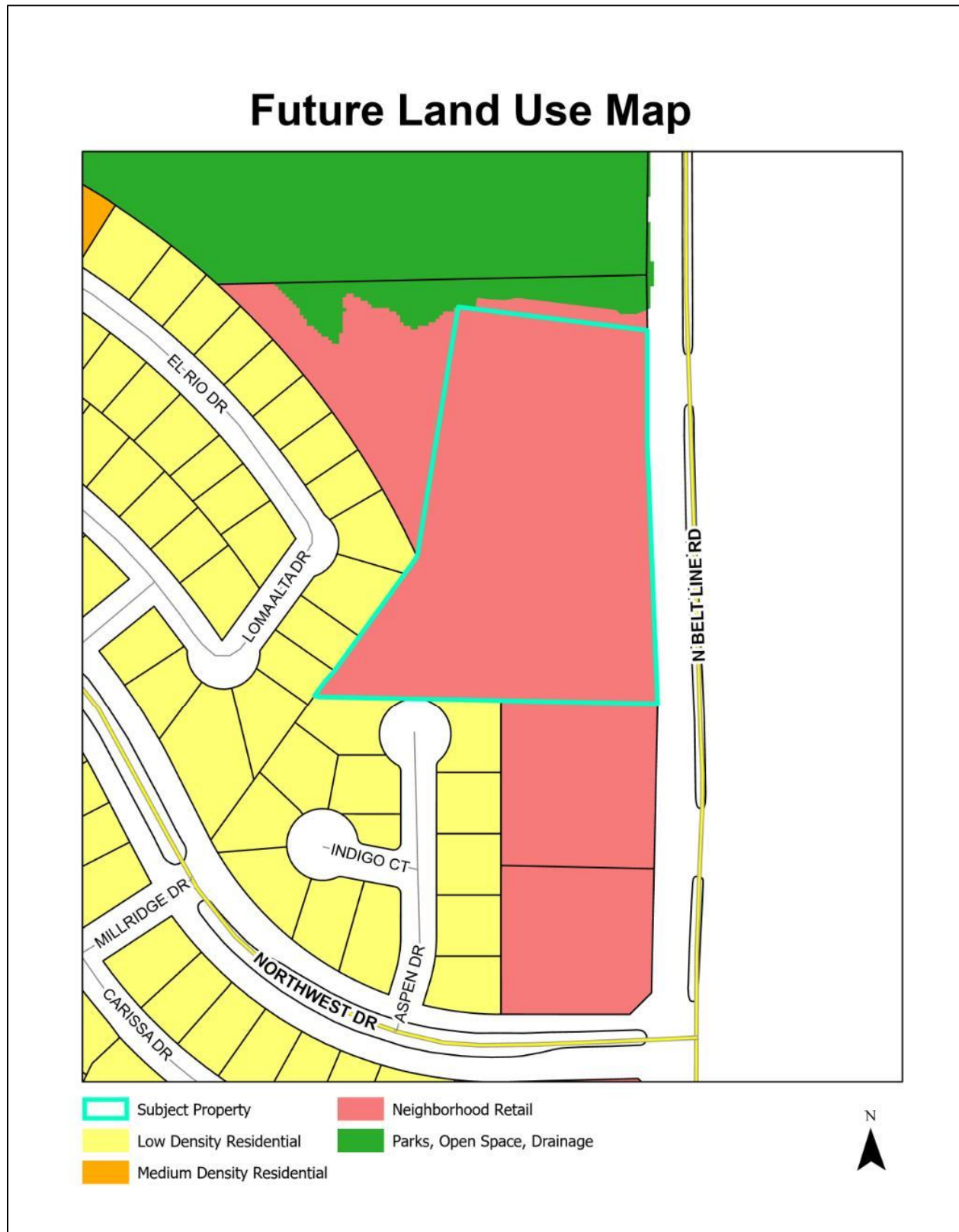
Legend

-  Notified Properties
-  Subject Property

ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – FUTURE LAND USE MAP



ATTACHMENT 5 – APPLICATION MATERIALS



City of Mesquite Planned Development Packet

Please print legibly. This application can also be completed online at [LINK](#)

Application Checklist

- ☒ Completed Application ☒ Statement of Intent and Purpose ☐ Zoning Exhibits A, B, & C
☒ Owner Authorization (page 6) ☐ Application Fee* (\$1,250 + \$15 per acre)

**An additional fee may apply if a change to the Comprehensive Plan is required.*

Property Information

General Location: Belt Line north of Northwest Drive
Physical Address: 4809 N. Belt Line Road City, State: Mesquite, Texas
Zip Code: 75150
Platted: ☒ Yes ☐ No (If yes, fill in the information below. If not platted, a metes and bounds description must be submitted)
Subdivision: Palos Verdes No.11 Retail Block: 13 Lot: 1

Applicant Information – The person filling out the application

First Name: Roger Last Name: Albright
Phone Number: 972-644-8181 Email Address: roger@sheilswinnubst.com
Company Name: Sheils Winnubst PC

Property Owner(s) Information – The owner of the property listed as physical address

Same as Applicant: ☐ Yes ☒ No (If no, fill in the information below)
First Name: Jim Last Name: Seaberg *
Phone Number: 801-597-7600 Email Address: jim@lodestarcap.com
Mailing Address: 3401 N.Center St., Suite 300 City, State: Lehi, Utah
(If different from physical address)
Zip Code: 84043 *As President of Lodestar Capital/J&D Holdings LLC

Requested Action

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P.O. Box 850137 • Mesquite, Texas 75185-0137 • www.cityofmesquite.com

ATTACHMENT 5 – APPLICATION MATERIALS

Existing district classification: (Select all that apply)

Residential Zoning Districts

- ☐ AG – Agricultural ☐ R-1 – Single Family ☐ R-1A – Single Family ☐ R-2 – Single Family
☐ R-2A – Single Family ☐ R-3 – Single Family ☐ D – Duplex ☐ Multifamily (less than 25 units)
☐ Traditional Neighborhood Mixed Residential (TNMR)
☐ Other: _____

Non-Residential Zoning Districts

- ☐ O – Office ☐ GR – General Retail ☐ LC – Light Commercial ☐ MU – Mixed Use
☐ CB – Central Business ☐ SS – Service Station ☐ C – Commercial ☐ I – Industrial
☐ CV – Civic
☒ Other: PD-GR _____

Amending Planned Development

Ordinance Number(s): 3517 and 3581

Change district classification to: (Select all that apply)

Planned Development Residential Zoning Districts (Base Zoning)

- ☐ AG – Agricultural ☐ R-1 Single Family ☐ R-1A Single Family ☐ R-2 Single Family
☐ R-2A Single Family ☐ R-3 Single Family ☐ D – Duplex ☐ Multifamily (less than 25 dwelling units)
☐ Multifamily (more than 25 dwelling units) ☐ Attached Dwellings (3-plex/4-plex)
☐ Zero Lot Line Dwelling ☐ Townhouse Dwellings ☐ Attached Dwellings (3-plex/4-plex)
☐ Patio Home ☐ Mobile Home Parks ☐ Traditional Neighborhood Mixed Residential (TNMR)
☐ Other: _____

Planned Development Non-Residential Zoning Districts (Base Zoning) Ord #3581

- ☐ O – Office ☒ GR – General Retail ☐ LC – Light Commercial ☐ MU – Mixed Use
☐ CB – Central Business ☐ SS – Service Station ☐ C – Commercial ☐ I – Industrial
☐ CV – Civic
☐ Other: _____

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ATTACHMENT 5 – APPLICATION MATERIALS

Describe the proposed planned development and the purpose of the request using the space below. The following should be included:

1. Description of proposed uses.
2. Existing and proposed zoning and land use.
3. If the property is currently developed, list all active businesses on the property with a brief description of each.
4. Potential residential density if proposed zoning for residential districts.
5. Address how the requested rezoning complies with the Mesquite Comprehensive Plan.

You may use separate or additional sheets

1. No proposed changes in uses or structures. Merely seeking to bring existing development into conformance with Zoning Ordinance.

2. Existing Zoning is PD-GR as per Ordinance #3581. Existing Land Use is mini-warehouse. Proposed changes to PD Ordinance: as set forth on the attached as-built survey

a) Amend the allowed 11' building heights to conform to the existing heights of 11'2", 11'2", 13' and 13';

b) Amend the required 10' setback to conform to (i) the existing 1' setback on the Northside of the development; and (ii) the existing 9.4' setback on the Southside of the development; and

c) Amend the 20' building separation requirements to the building separations shown on the attached as-built survey.

3. Property is currently developed with one use; that being "The Storage Place" which is a mini-warehouse/self storage use.

4. Not a Residential District.

5. Existing Zoning already approved in 2003.

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ATTACHMENT 5 – APPLICATION MATERIALS

OWNER AUTHORIZATION

1. I hereby certify that I am the owner of the subject property or the duly authorized agent of the owner of the subject property for the purpose of this application.
2. I hereby designate the person named as the applicant on page 1 of this application, if other than myself, to file this application and to act as the principal contact person with the City of Mesquite.
3. I hereby authorize the City of Mesquite, its agents or employees, to enter the subject property at any reasonable time for the purpose of taking photographs, documenting current use and current conditions of the property; and further, I release the City of Mesquite, its agents or employees from liability for any damages which may be incurred to the subject property in taking of said photographs.
4. I have read and understand the information contained in the City of Mesquite Planned Development Application.

Property Owner: J+D Holdings LLC ^{Principal} James M. Deaton, Manager/owner Phone Number: 801-597-7600
Address: 4809 N. Beltline Rd #100
Mesquite, TX 75150 Email Address: jim@lodestarep.com
Signature: James M. Deaton

Each property owner must complete a separate authorization form

current mailing address: 3401 N. Center St., Suite 100
Lehi, UT 84043

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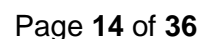
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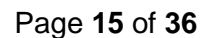
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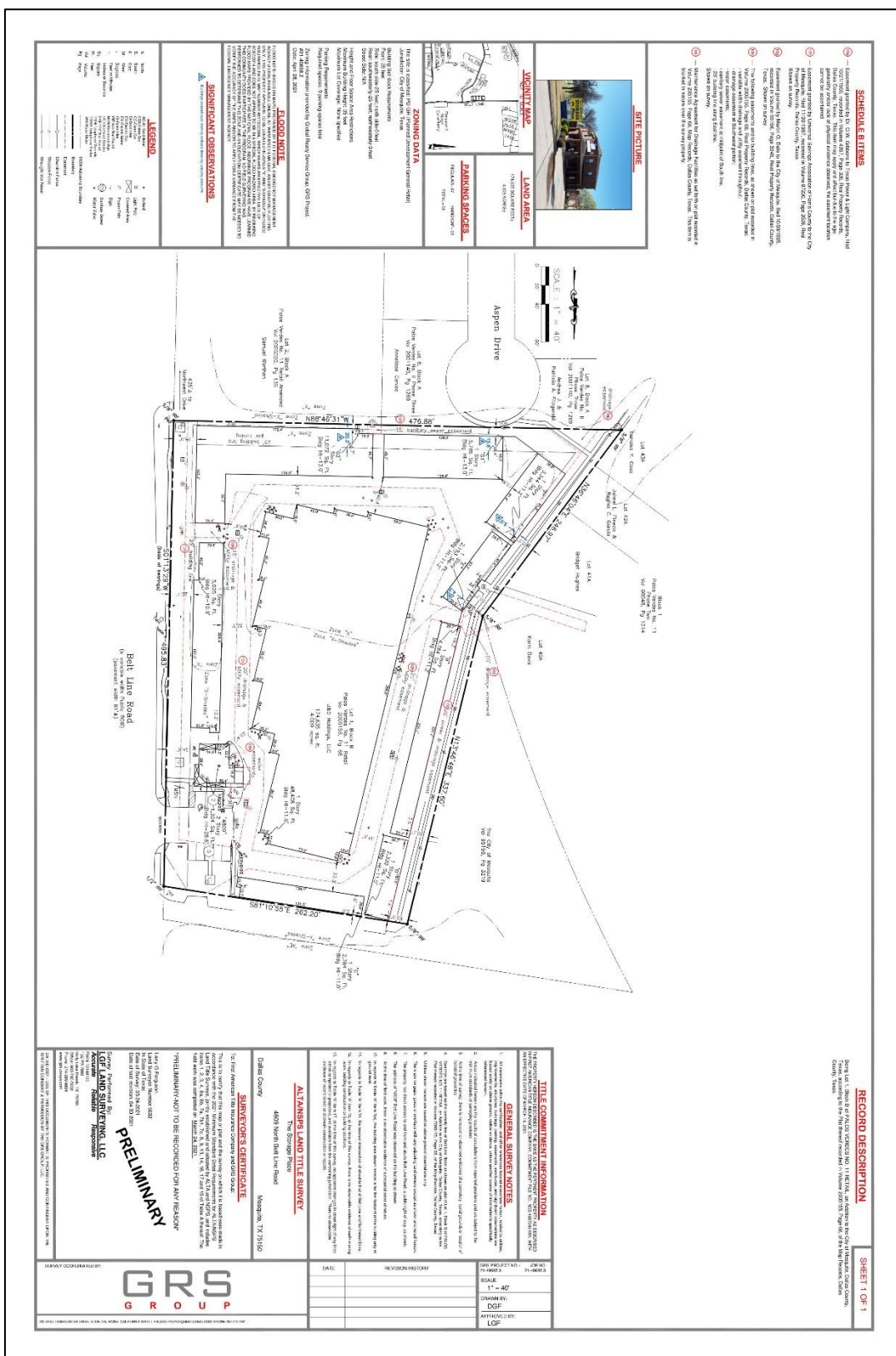
STATEMENT OF INTENT AND PURPOSE

This Property is zoned for PD-GR uses, including mini-warehouses, (*See* Ordinance No. 3517 as amended by Ordinance No. 3581 in 2003). The site was developed with a mini-warehouse use and a Certificate of Occupancy was issued on 12/28/05. Over 15 years later the Applicant discovered that there are discrepancies between the mini-warehouse use “as-built” and the terms of the P.D. Applicant seeks no changes in the existing use/development but merely seeks city approval of the existing already constructed mini-warehouses as a legal conforming use.

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ATTACHMENT 5 – APPLICATION MATERIALS

DEVELOPMENT STANDARDS

- A. All uses permitted in the General Retail as indicated in the Schedule of Permitted Uses shall be permitted in the District.
- B. Mini-warehouses shall be permitted in accordance with the site plan submitted and subject to the following design, conditions and stipulations.
 - 1. The project shall be designed as a “fortress” with no doors or windows on the rear of the building or facing outward; outside walls of the buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area and exit gate where wrought iron fencing may be utilized.
 - 2. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
 - 3. No parking/storage of recreational vehicles or boats shall be allowed.
 - 4. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 - 5. Building height for the office/apartment shall comply with the standard zoning district maximum height, provided that the office/apartment building meets the standard zoning district setbacks. All other buildings shall have a maximum height of 13 feet.
 - 6. The minimum setback adjoining any property used for residential use shall be 9 feet, provided that the rear of the buildings may be utilized as the required screening wall. No minimum setbacks adjoining any property used for nonresidential use. All other district setback lines shall apply.
 - 7. No additional fire lane or loading area requirement except as required by the Fire Code.
 - 8. No building separation requirements except as required by the Fire Code.
 - 9. The number of required off-street parking spaces shall be 8.
 - 10. No liner building is required.
 - 11. Except as amended or modified herein, all provisions of section 3-502 of the Mesquite Zoning Ordinance shall apply.

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ATTACHMENT 6 – SITE PHOTOS



Subject property as seen from N Belt Line Rd



Entrance to front office

ATTACHMENT 6 – SITE PHOTOS



Entrance gate to storage units



View inside facility

ATTACHMENT 6 – SITE PHOTOS



Separation (3 ft.) between Building C (right) and Building D (left)



Separation (4.2 ft.) between Building E (right) and Building F (left)

ATTACHMENT 6 – SITE PHOTOS



View, facing north, of drainage channel along western property line



View of southern property line adjacent to PD-SF district

ATTACHMENT 7 – PLANNED DEVELOPMENT ORDINANCE NO. 3517

ORDINANCE NO. 3517

File No. 1157-27

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM PLANNED DEVELOPMENT MULTIFAMILY TO PLANNED DEVELOPMENT GENERAL RETAIL ALLOWING MINIWAREHOUSES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from Planned Development Multifamily to Planned Development General Retail allowing the following:

- A. All uses permitted in the General Retail District as indicated in the Schedule of Permitted Uses shall be permitted in the district.
- B. Miniwarehouses shall be permitted in accordance with the site plan submitted and subject to the following design, conditions and stipulations:
 - 1. The project shall be designed as a "fortress" with no doors or windows on the rear of the building or facing outward; outside walls of the buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area and exit gate where wrought iron fencing may be utilized.
 - 2. All building exteriors shall be 100 percent solid-color masonry with a contrasting color along the entirety of the cap and base of the building.
 - 3. Roofing shall be of one color utilizing a rust or similar earthtone color.

ATTACHMENT 7 – PLANNED DEVELOPMENT ORDINANCE NO. 3517

Zoning Ordinance/File No. 1157-27/September 3, 2002
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4. Each building corner shall include decorative cornerstones.
5. The office structure shall be designed in a residential style.
6. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
7. No parking/storage of recreational vehicles or boats shall be allowed.
8. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
9. Wall signs shall be prohibited including flags and banners.
10. All provisions of Section 3-502 of the Mesquite Zoning Ordinance shall apply.

That the subject property is a 2.924-acre tract located approximately 400 feet north of the Northwest Drive and Belt Line Road intersection and is more fully described in the approved field notes in Exhibits "A" and "B" attached hereto.

SECTION 2. 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. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

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.

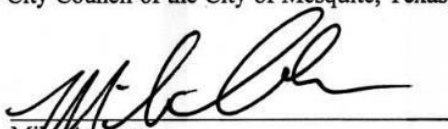
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

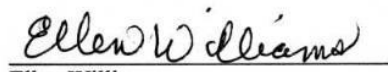
ATTACHMENT 7 – PLANNED DEVELOPMENT ORDINANCE NO. 3517

Zoning Ordinance/File No. 1157-27/September 3, 2002
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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 3rd day of September, 2002.


Mike Anderson
Mayor

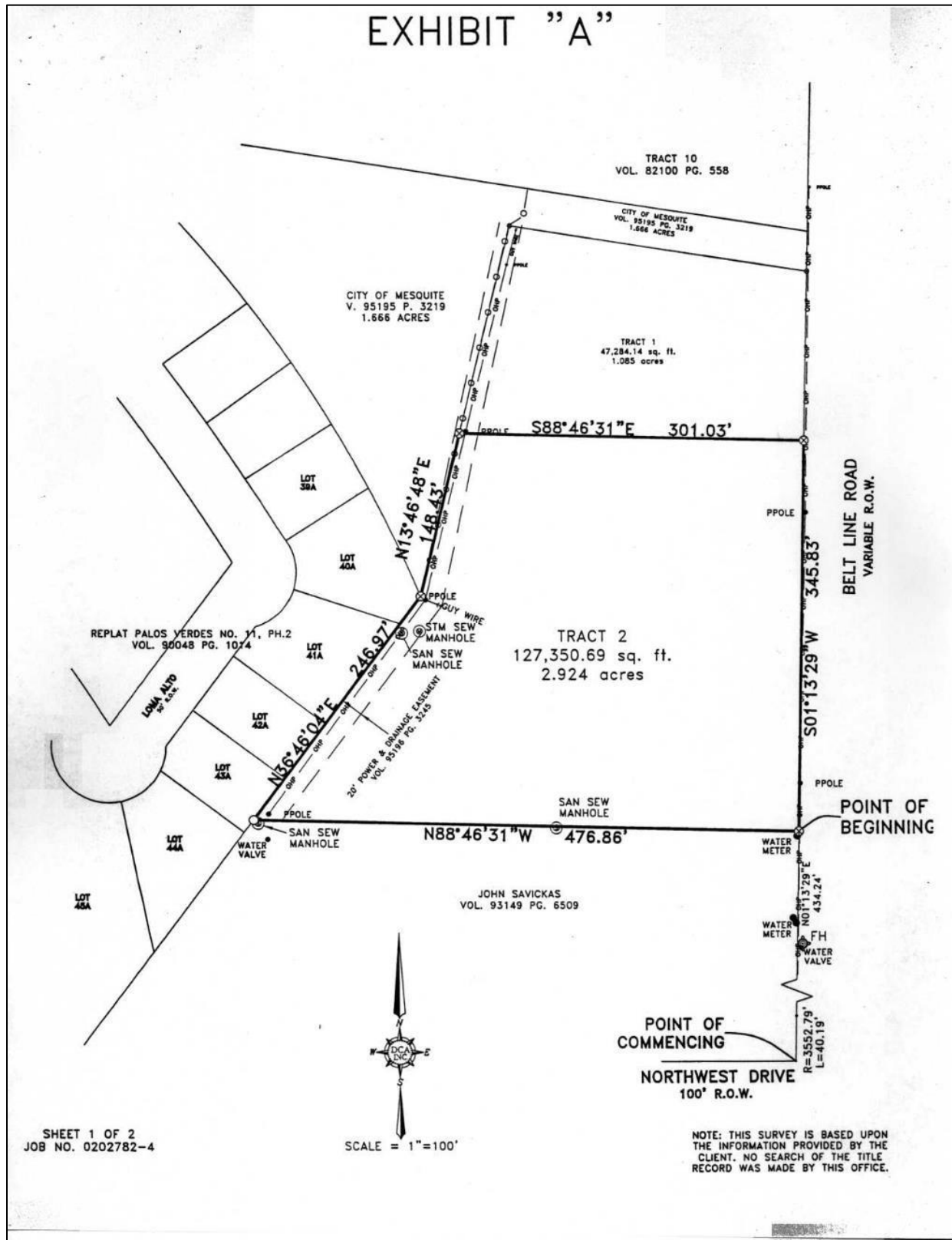
ATTEST:


Ellen Williams
City Secretary

APPROVED:


B. J. Smith
City Attorney

ATTACHMENT 7 – PLANNED DEVELOPMENT ORDINANCE NO. 3517



ATTACHMENT 7 – PLANNED DEVELOPMENT ORDINANCE NO. 3517

EXHIBIT "B"

LEGAL DESCRIPTION TRACT 2

Being a lot, tract or parcel of land situated in the Josiah Phelps Survey, Abstract No. 1157, City of Mesquite, Dallas County, Texas, and being a portion of a 5.6689 acre tract of land described in Volume 93014, Page 2028, Deed Records, Dallas County, Texas, and being more particularly described as follows:

Commencing at a 1/2 inch iron rod at the intersection of the North R.O.W. line of Northwest Drive (100' R.O.W.) with the West R.O.W. line of Beltline Road (Variable R.O.W.), said iron rod being the beginning of a curve to the right, having a radius of 3552.79 feet and a central angle of 00 degrees 38 minutes 53 seconds, a chord bearing of North 00 degrees 54 minutes 25 seconds East, a chord distance of 40.19 feet;

THENCE Along said curve and said West R.O.W. line of Belt Line Road, an arc length of 40.19 feet to a 1/2 inch iron rod;

THENCE North 01 degrees 13 minutes 24 seconds East, continuing along said West R.O.W. line of Belt Line Road, a distance of 434.24 feet to the Point of Beginning and being the Northeast corner of a tract of land conveyed to John Savickas by deed recorded in Volume 93149, Page 6509, Deed Records, Dallas County, Texas;

THENCE North 88 degrees 46 minutes 31 seconds West, along said the North line of Savickas tract, a distance of 476.86 feet to a 1/2 inch iron rod found for corner in the Southeast line of the Replat of Palos Verdes No. 11, Phase 2 an addition to the City of Mesquite, Dallas County, Texas according to the Plat recorded in Volume 90048, Page 1014, Plat Records, Dallas County, Texas;

THENCE North 36 degrees 46 minutes 04 seconds East along said Southeast line of said Replat of Palos Verdes No. 11, Phase 2, a distance of 246.97 feet to a 5/8 inch iron rod set with yellow plastic cap stamped (D.C.A.INC.) for corner and the South corner of a 1.666 acre tract of land to the City of Mesquite as described in Volume 95195, Page 3219, Deed Records, Dallas County, Texas;

THENCE North 13 degrees 46 minutes 48 seconds East along the most Westerly East line of said 1.666 acre tract, a distance of 148.43 feet to a 5/8 inch iron rod set with yellow plastic cap stamped (D.C.A.INC.) for corner;

THENCE South 88 degrees 46 minutes 31 seconds East, a distance of 301.03 feet to a 5/8 inch iron rod set with yellow plastic cap stamped (D.C.A.INC.) for corner in said West R.O.W. line of Belt Line Road;

THENCE South 01 degrees 13 minutes 29 seconds West along said West R.O.W. line of Belt Line Road, a distance of 345.83 feet to the Point of Beginning and containing 127,350.69 square feet or 2.924 acres of land.

SHEET 2 OF 2
JOB NO. 0202782-4

NOTE: THIS SURVEY IS BASED UPON
THE INFORMATION PROVIDED BY THE
CLIENT. NO SEARCH OF THE TITLE
RECORD WAS MADE BY THIS OFFICE.

ATTACHMENT 8 – PLANNED DEVELOPMENT ORDINANCE NO. 3581

ORDINANCE NO. 3581

File No. 1157-29

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM OFFICE TO PLANNED DEVELOPMENT - GENERAL RETAIL ALLOWING MINIWAREHOUSES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from Office to Planned Development - General Retail allowing miniwarehouses subject to the following stipulations:

- A. All uses permitted in the General Retail District as indicated in the Schedule of Permitted Uses shall be permitted in the district.
- B. Miniwarehouses shall be permitted in accordance with the site plan submitted and subject to the following design, conditions and stipulations:
 - 1. The project shall be designed as a "fortress" so that the rear of buildings, with no doors or windows, face outward; buildings shall be connected by masonry walls designed to match the building exterior, except at the entrance area and exit gate where wrought iron fencing may be utilized.
 - 2. All building exteriors shall be 100 percent masonry allowing for a contrasting color on cap and base.
 - 3. The office structure shall be designed in a residential style.

ATTACHMENT 8 – PLANNED DEVELOPMENT ORDINANCE NO. 3581

Zoning Ordinance/File No. 1157-29/June 2, 2003
Page 2 of 3

4. Roofing shall be limited to earth tone colors with all roofs of one color utilizing a rust or similar color.
5. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
6. No parking/storage of recreational vehicles or boats shall be allowed.
7. All provisions of Section 3-502 of the Mesquite Zoning Ordinance shall apply.
8. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
9. Each building corner shall include decorative cornerstones.

That the subject property is a 1.085-acre tract, being Tract 1, Sheet 4, of Abstract 1157 and is more fully described in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. 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. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

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, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

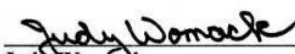
ATTACHMENT 8 – PLANNED DEVELOPMENT ORDINANCE NO. 3581

Zoning Ordinance/File No. 1157-29/June 2, 2003
Page 3 of 3

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 2nd day of June, 2003.


Mike Anderson
Mayor

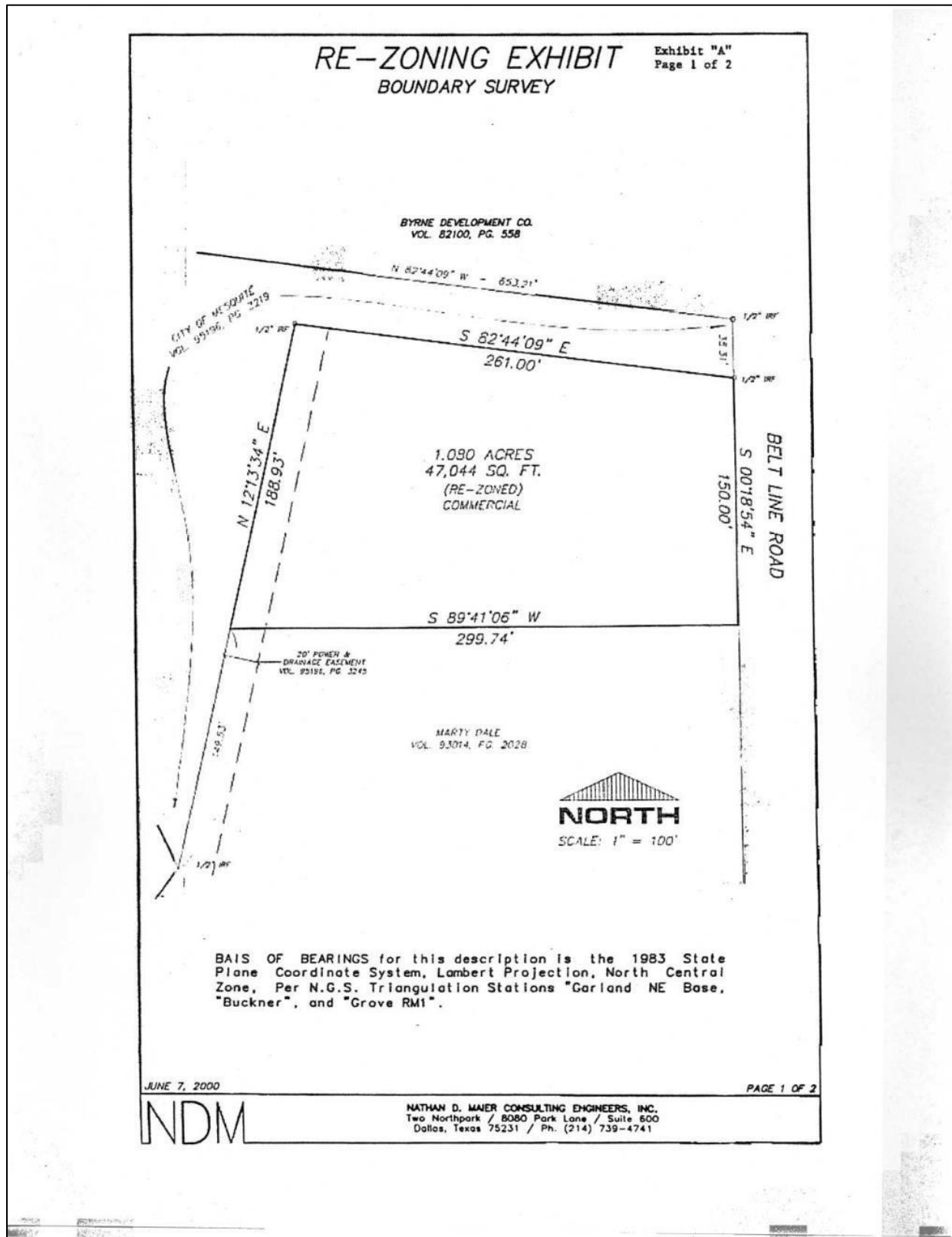
ATTEST:


Judy Womack
City Secretary

APPROVED:


B. J. Smith
City Attorney

ATTACHMENT 8 – PLANNED DEVELOPMENT ORDINANCE NO. 3581



ATTACHMENT 8 – PLANNED DEVELOPMENT ORDINANCE NO. 3581

<h2 style="margin: 0;">RE-ZONING EXHIBIT</h2> <p style="margin: 0;">BOUNDARY DESCRIPTION</p>		<small>Exhibit "A" Page 2 of 2</small>
<h3 style="margin: 0;">LEGAL DESCRIPTION</h3>		
<p>BEING 1.080 acres tract of land situated in the Josiah Phelps Survey, Abstract No. 1157, Dallas County, Texas, and being a portion of that certain tract of land conveyed to Marty Dale, as recorded in Volume 93014, Page 2028, Deed Records, Dallas County, Texas, and being more particularly described as follows:</p>		
<p>BEGINNING at a 1/2" iron rod with an NDM plastic cap found for the most easterly southeast corner of that certain 1.666 acre tract of land conveyed to the City of Mesquite as recorded in Volume 95196, Page 3219, Deed Records, Dallas County, Texas, said iron rod being in the west line of Belt Line Road, a variable width right-of-way;</p>		
<p>THENCE S 00°18'54" E, along the west line of said Belt Line Road, a distance of 150.00 feet to a point for corner;</p>		
<p>THENCE S 89°41'06" W, departing said west line, a distance of 299.74 feet to a point for corner, said point being in the most southerly east line of the aforementioned City of Mesquite 1.666 acre tract of land;</p>		
<p>THENCE N 12°13'34" E, along said east line, a distance of 188.93 feet to an NDM plastic cap found for an inner ell corner of said City of Mesquite tract;</p>		
<p>THENCE S 82°44'09" E, along the northerly south line of said City of Mesquite tract, a distance of 261.00 feet to the POINT OF BEGINNING containing 1.080 acres, 47,044 square feet of land, more or less.</p>		
<p>BAIS OF BEARINGS for this description is the 1983 State Plane Coordinate System, Lambert Projection, North Central Zone, Per N.G.S. Triangulation Stations "Garland NE Base, "Buckner", and "Grove RM1".</p>		
<div style="display: flex; align-items: center;"><div style="font-size: 2em; font-weight: bold; margin-right: 10px;">NDM</div><div style="font-size: 0.8em;">JUNE 7, 2000</div></div>		<div style="display: flex; align-items: center;"><div style="font-size: 0.8em;">NATHAN D. MAIER CONSULTING ENGINEERS, INC. Two Northpark / 8080 Park Lane / Suite 600 Dallas, Texas 75231 / Ph. (214) 739-4741</div><div style="font-size: 0.8em; margin-left: 20px;">PAGE 2 OF 2</div></div>

ATTACHMENT 9 – MINIWAREHOUSING SUPPLEMENTARY USE REGULATIONS (MZO 3-502)

3-502 Miniwarehousing.

Miniwarehousing shall mean those facilities designed for self-storage by patrons in individual, compartmentalized, controlled-access stalls or lockers. Miniwarehousing shall comply with the following standards.

A. *Use provisions.*

1. *Dead storage.* Miniwarehousing shall be used for storage purposes only and not for any other use, processing, services, or activities. Outdoor storage is prohibited in conjunction with this use except as listed below.
2. *Recreational vehicle storage.* A miniwarehousing use may include recreational vehicle, boat (watercraft) and automobile storage, provided that the storage area is screened from view and paved. The site/concept plan must show the designated parking/storage area. No parking/storage of recreational vehicles or boats shall be allowed adjacent to a residential district. This accessory use is permitted in the industrial district and may be allowed only when specifically permitted by a conditional use permit in the commercial district or specifically requested and approved in a planned development district.
3. *Apartment.* One (1) apartment, located in the principal building, shall be permitted for use by an on-site manager/security guard.

B. *Parking and access.*

1. *Paving.* All drives, parking, loading and vehicular circulation areas shall be paved in accordance with section 3-400.
2. *Office parking.* One (1) parking space shall be provided in the office/apartment area for each ten thousand (10,000) square feet of floor area in the miniwarehousing development. These spaces are in addition to the required loading areas.
3. *Fire lanes.* Continuous marked fire lane access is required throughout the project. Fire lanes shall be a minimum twenty-two (22) feet in width with thirty-foot interior radius and fifty-foot exterior radius unless otherwise permitted by the Fire Code.
4. *Loading area.* A continuous loading area, minimum eight (8) feet in width, shall be provided for parking and loading in addition to the fire lane along any building where there is access to the storage units.

C. *Design criteria.* Miniwarehouse/self-storage projects shall be developed in the "fortress design" so that the rear of the buildings, face outward and have no doors, windows or other openings. Buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area where wrought iron fencing may be utilized. The following standards shall also apply:

1. *Separation.* The minimum separation between buildings shall be twenty (20) feet, provided that additional separation will be necessary where loading and fire lanes are required.
2. *Screening.* Projects shall be designed with solid exterior masonry walls with no openings, so that access doors to the storage units are not visible from the public sides of the project. Unless lined, buildings shall be connected by masonry walls, eight-feet in height, designed to match the building exterior except at the entrance area, where wrought iron fencing may be used.

ATTACHMENT 9 – MINIWAREHOUSING SUPPLEMENTARY USE REGULATIONS (MZO 3-502)

3. *Liners.* The outermost wall of buildings with storage units and any connecting walls shall have liner buildings with leasable space for the first and second stories along collector, arterial and highway frontage streets. "Leasable space" shall mean an enclosed area designed and intended for any use permitted in the district, except self-storage or warehousing, which requires a valid certificate-of-occupancy and the physical presence of one or more persons to conduct the use.
4. *Office/Apartment.* The leasing office, manager's apartment shall be 100 percent masonry with a "residential-style" design, including materials, doors, windows, roofing, roof pitch, etc., typically used in residential design and construction and shall not exceed one-story in height if adjacent to a residential district. In areas adjacent to nonresidential districts, the zoning district height limit shall apply.
5. *Exterior Appearance.* All building exteriors shall be 100 percent masonry. Principal façades shall comply with the Community Appearance Manual; provided that on the façade of unlined buildings and connecting walls fronting a local street, the Transparency Principle shall not apply and shall include, in addition to other requirements of the Manual, articulated columns, pilasters or other design features with a minimum relief from the wall of 12 inches.
6. *Setbacks.* The minimum setback adjoining any residential district line shall be ten feet; provided that the rear of the buildings may be utilized as the required screening wall. All other district setback lines shall apply.
7. *Building Height.* Maximum building height adjacent to a residential district line shall be one story, generally limited to a maximum of 11 feet. In areas adjacent to nonresidential districts, the district height limit shall apply.
8. *Landscaping.* Professionally designed landscaping, full irrigated, shall be provided on all public sides of the property and shall include at a minimum, foundation plantings and a tree line. A buffer tree line shall be established within the ten-foot landscape strip adjoining a residential district in accordance with Section 1A-301.
9. *Mechanical Equipment.* No roof-mounted equipment shall be allowed.
10. *Signage.* Signage shall be limited to wall and monument signs, i.e., no pole signs shall be permitted.
11. *Lighting.* Lighting shall be installed with no fixtures extending above the rooflines and/or shining toward the residential district.

(Ord. No. 2650, 12-18-89; Ord. No. 3105, § 1, 8-19-96; Ord. No. 3308, § 1, 7-19-99; Ord. No. 4269, § 1, 7-1-13)

Editor's note(s)—3-501Editor's note(s)— Outdoor sales lots was deleted by Ord. No. 2650, 12-18-89.

ATTACHMENT 10 – EXHIBIT A – DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS

- A. All uses permitted in the General Retail district as indicated in the Schedule of Permitted Uses shall be permitted in the District.
- B. Mini-warehouses shall be permitted in accordance with the site plan submitted and subject to the following design, conditions and stipulations.
 - 1. Except as amended or modified herein, all provisions of Section 3-502 of the Mesquite Zoning Ordinance shall apply.
 - 2. The project shall be designed as a “fortress” with no doors or windows on the rear of the building or facing outward; outside walls of the buildings shall be connected by masonry walls designed to match the building exterior except at the entrance area and exit gate where wrought iron fencing may be utilized.
 - 3. Professionally designed landscaping, fully irrigated, shall be provided on all public sides of the property.
 - 4. No parking/storage of recreational vehicles or boats shall be allowed.
 - 5. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
 - 6. Building height for the office/apartment shall comply with the standard zoning district maximum height, provided that the office/apartment building meets the standard zoning district setbacks. All other buildings shall have a maximum height of 13 feet.
 - 7. The minimum setback adjoining any property used for residential use shall be 9 feet, provided that the rear of the buildings may be utilized as the required screening wall. There shall be no minimum setbacks adjoining any property used for nonresidential use. All other district setback lines shall apply.
 - 8. No fire lane or loading area requirements except as required by the Fire Code.
 - 9. No building separation requirements except as required by the Fire Code.
 - 10. The number of required off-street parking spaces shall be 8.
 - 11. No liner building is required.

ATTACHMENT 11 – RETURNED PROPERTY OWNER NOTICES



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

RECEIVED
JUN 24 2021
PLANNING AND ZONING

LOCATION: 4809 N Belt Line Rd
(See attached map for reference)

CASE NUMBER: Z0521-0201

APPLICANT: Roger Albright

REQUEST: Amendment to Planned Development – General Retail (Ordinance No. 3517 and 3581) to modify development standards for a self-storage facility.

The requested Planned Development amendment would allow the existing self-storage facility to be considered legal conforming. There are no proposed changes to the existing development.

A list of permitted uses for each zoning district is available on the City's website at www.cityofmesquite.com/1250/Zoning-Ordinance. Please note that the City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height or density that is higher than the one requested; or (2) be nonresidential when the one requested is for a residential use or vice versa.

LEGAL DESCRIPTION

Palos Verdes 11 Retail, Block B, Lot 1

PUBLIC HEARINGS

The Planning and Zoning Commission will hold a public hearing on this request at 7:00 p.m. on Monday, June 28, 2021, located at 757 N. Galloway Ave.

The City Council will hold a public hearing on this request at 7:00 p.m. on Monday, July 19, 2021, located at 757 N. Galloway Ave.

Questions may be directed to the Planning Division at (972) 216-6344 or esoward@cityofmesquite.com.

REPLY FORM

State law requires that cities notify all property owners within 200 feet of any proposed zoning change. For this reason, we are sending you this notice. As a property owner within 200 feet of the property, you are urged to give your opinion on the request by attending the public hearing or by completing the form below or both. Your written reply is important and will be considered by the Commission and the Council. The reply form (below) is provided to express your opinion on this matter. The form should be returned to the Planning Division by 5 p.m. on June 24th to be included in the Planning and Zoning Commission packet and by 5 p.m. on July 1st in the City Council packet. All notices received after the listed dates will still be accepted and presented to Commission/Council, but will not be included in meeting packets.

(Complete and return)

Do not write on the reverse side of this form.

By signing the form, I declare I am the owner or authorized agent of the property at the address written below.

Zoning Case: Z0521-0201

I am in favor of this request

I am opposed to this request

Name:(required)

Address of

Noticed Property:

Owner Signature:

AMADO ABENOJAR & MELIA GRACE ABENOJAR

4764 ASPEN DR MESQUITE, TX 75150

Melia Grace Abenjoar

Date:

6-23-2021

Reasons (optional):

ZONING CHANGE TO BUSINESS MEANS INCREASE IN THE APPRAISAL OF OUR HOMES. THIS MEANS MORE TAX TO US. THAT'S WHY I OPPOSE.

Please respond by returning to: PLANNING DIVISION
ELLEN SOWARD
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137

ATTACHMENT 11 – RETURNED PROPERTY OWNER NOTICES



CITY OF MESQUITE
PLANNING AND ZONING COMMISSION
NOTICE OF PUBLIC HEARING

RECEIVED
JUN 24 2021
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Zoning Case: Z0521-0201

I am in favor of this request

I am opposed to this request

AC

Name: (required)

Address of

Noticed Property:

Owner Signature:

Annelisse A. Ceniza

4770 Aspen Dr., Mesquite, Tx 75150

Date: 06-23-2021

Reasons (optional):

Please respond by returning to: PLANNING DIVISION
ELLEN SOWARD
CITY OF MESQUITE
PO BOX 850137
MESQUITE TX 75185-0137