

**FILE NUMBER:** Z0821-0216  
**REQUEST FOR:** Planned Development - Commercial  
**CASE MANAGER:** Johnna Matthews, Principal Planner

### **PUBLIC HEARINGS**

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Planning and Zoning Commission: Monday, October 25, 2021  
City Council: Monday, November 1, 2021

### **GENERAL INFORMATION**

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**Applicant:** Halff Associates  
**Requested Action:** Zone Change from R-3, Single-Family Residential; R-3, Single-Family Residential within the Military Parkway-Scyene Corridor (MP-SC) Overlay District; and C, Commercial within the MP-SC Overlay District to "PD-C," Planned Development – Commercial to allow an industrial park. The request also includes removal of the property from the MP-SC Overlay District  
**Location:** 1110 & 1126 Military Pkwy.

### **PLANNING AND ZONING ACTION**

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On October 25, 2021, the Planning and Zoning Commission unanimously recommended approval of the Zone Change request, as proposed.

### **SITE BACKGROUND**

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**Platting:** Not platted  
**Size:** 24.05 +/- acres  
**Zoning:** R-3, Single-Family Residential; R-3, Single-Family Residential within the Military Parkway-Scyene Corridor (MP-SC) Overlay District; and C, Commercial within the MP-SC Overlay District  
**Future Land Use:** Commercial & Parks, Open Space, Drainage  
**Zoning History**  
1951: Annexed and zoned Residential  
1964: Zone change to Commercial  
2006: Adoption of the Military Parkway-Scyene Overlay District  
2013: Amendments to the Military Parkway-Scyene Overlay District  
2013: Amendments to the Military Parkway-Scyene Overlay District

	<b><u>ZONING</u></b>	<b><u>EXISTING LAND USE</u></b>
<b>NORTH:</b>	C – Commercial, MP-SC	Funeral home
<b>SOUTH:</b>	C – Commercial & R-3, Single-Family Residential	Undeveloped land
<b>EAST:</b>	C – Commercial, MP-SC & R-3, Single-Family Residential	Church
<b>WEST:</b>	LC - Light Commercial, MP-SC; C, Commercial; R-3, Single-Family Residential, MP-SC	Single-family home & undeveloped land

### **CASE SUMMARY**

The applicant is requesting the rezoning of three unplatted tracts of land including approximately 24.05 acres from R-3, Single-Family Residential; R-3, Single-Family Residential within the Military Parkway-Scyene Corridor (MP-SC) Overlay District; and C, Commercial within the MP-SC Overlay District to a Planned Development with an underlying zoning district of “C,” Commercial (PD-C) to allow for the construction of an industrial distribution center. The request would also remove land from the MP-SC, where applicable. The three tracts of land are owned by two separate owners. The subject request is similar to a recent zone change request submitted by the applicant for nearby properties located at 1212 and 1420 Military Pkwy. to rezone to a Planned Development to allow an industrial park and removal from the MP-SC Overlay District, which was approved by City Council on November 16, 2020.

According to the proposed Concept Plan, if approved, the development will include an approximately 174,200 square-foot warehouse-type structure constructed with tilt-wall techniques, associated parking, including parking for trailers and dock doors, and landscaping. The proposed development will take place along the north side of the property, fronting on Military Pkwy. The remainder of the site along the southern boundary, approximately 12.9 acres of land, is encumbered with floodplain and will remain in its natural state. Access will be provided via two proposed driveways along Military Parkway, according to the Concept Plan. Military Pkwy. is a three-lane, one-way thoroughfare, which leads into downtown. Traffic Engineering has concerns regarding driveway locations being too close to a storm inlet which will require the inlet to be moved. Those concerns will be addressed during the Site Plan process and the applicant has been made aware of the concerns. The proposed building will be equipped with an automatic sprinkler system approved by the Fire Department.

The applicant proposes approximately 58,450 square feet of landscaped area, which represents 13.66% of the developable area on the site, perimeter trees, and outdoor seating for employees. It is important to note that the minimum required landscaped area for any non-residential development is 10% of the site. If the 12.9 acres of land which is encumbered by floodplain, is included in the open space/landscaping calculation, the total open

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space/landscaped area proposed is 14.24 acres/620,374 square feet. The applicant is also proposing to increase the number of required trees by increasing the ratio from 1 tree required for every 500 square feet of required landscaping to 1 tree required for every 400 square feet landscaping. This increased ratio will result in approximately 30 additional trees being added to the site than what would otherwise be required.

The MP-SC Overlay District was applied to the property in 2006 and restricts a number of uses, including construction uses such as building, heavy construction, and special trade contractors; all manufacturing uses; transportation and utilities; wholesale trade; certain retail trade and service uses such as equipment rental, automotive repair, residential care institutions, and membership organizations as the primary use of tracts greater than one acre. The overlay district permits a number of uses including uses allowed within the underlying zoning district of "C," Commercial; as well as residential uses, retail trade such as hardware stores, grocery stores; and services such as hotels/motels, barber/beauty shops, childcare facilities, etc.

The MP-SC Overlay District was originally adopted by the City Council in 2006 and is positioned centrally between the Mesquite Arena and Rodeo Entertainment District, the downtown and historic Square area, and IH-635 and the rail line north of Scyene Road. The goal of the overlay district is to create an attractive and effective gateway into downtown and link these important assets and land uses. Pursuant to Section 4-901 (Purpose and Scope) of the Mesquite Zoning Ordinance, the MP-SC Overlay District is intended to:

1. Provide for a selective palette of retail/entertainment uses while accommodating a limited mix of residential and service uses that compliment retail developments and that support pedestrian- and transit-oriented design.
2. Avoid familiar "strip" patterns of development by encouraging multi-use development on large or unified parcels that minimize access points and allow for 360 design and reduce auto-dominated frontage.
3. Establish non-traditional setback, parking standards, lighting, signage, and other site planning features that create a distinct and cognizable "sense of place" on Military Parkway and Scyene Road.
4. Encourage pedestrian activity on the street frontage, between major uses and with links to the Parks and Recreation trail system.
5. Preserve long-term opportunities for incorporating transit-oriented development.

## **MESQUITE COMPREHENSIVE PLAN**

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The subject property is located within two future land use designations; Commercial and Parks, Open Space and Drainage, with much of the property located within the Commercial future land use designation. The Commercial land use designation represents a broad range of goods and services for a community or region. Developments within this category are larger and more intense than those in the Neighborhood Retail category. Land use types include retail, hotels, restaurants, big box retailers and personal services. The Parks, Open Space and Drainage land use designation is intended to preserve open spaces for the protection and enjoyment of natural areas. Areas within this designation are primarily located along the floodway running throughout the City. Preservation of these areas as public and neighborhood-oriented open spaces, incorporating trails and drainage which are left in a natural state is recommended. Active or passive recreation playing fields, recreational facilities, trails and playgrounds are recommended uses. Supporting uses include related storage of maintenance facilities.

### **STAFF COMMENTS:**

The proposed industrial use does not conform to either of the existing future land use designations associated with the property. However, the area is transitioning and based on existing uses and recent approvals by City Council, Staff will need to look at the entire area as a whole and consider amending the future land use designations for properties within the area as well as evaluating the MP-SC Overlay District.

## **MESQUITE ZONING ORDINANCE**

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### **SECTION 4-201(A) PROPOSED USES**

“An application for a PD district shall specify and the PD ordinance shall incorporate the category or type of use or the combination of uses, which are to be permitted in the PD district. Uses may be specified by reference to a specific zoning district, in which case all uses permitted in the referenced district, including those permitted through the cumulative provision of the zoning ordinance, shall be permitted in the PD district. Uses requiring a Conditional Use Permit under the referenced district shall require a Conditional Use Permit under the PD district unless such use is specifically set out as permitted in the PD ordinance.”

### **STAFF COMMENTS:**

The proposed PD will incorporate the Commercial zoning district as the base zone as outlined in the MZO, with all applicable regulations and uses, as amended.

### **SEC. 4-201(B) DEVELOPMENT REQUIREMENTS**

“An application for a PD district shall specify and the PD ordinance shall incorporate the development requirements and standards which are to be required in the PD district. Development requirements and standards may include, but are not limited to, density, lot size, unit size, setbacks, building heights, lot coverage, parking ratios, screening and other requirements or standards as the Council may deem appropriate. Development requirements and standards may be specified by reference to a specific zoning district, in which case all requirements and standards in the referenced district shall be applicable. The applicant or the

City may propose varied or different standards that improve development design or enable a unique development type not otherwise accommodated in the Zoning Ordinance.”

**STAFF COMMENTS:**

Through the PD, the property will have a base zoning district of Commercial but will allow for warehouse-type uses with some light assembly uses. The general regulations of the Commercial zoning district include the following and are applicable unless amended through the PD process:

Max. Lot Coverage	50%
Min. Front Yard	25 ft.
Min. Int. Side Yard (Adj. to non-residential)	0 ft.
Min. Int. Side Yard (Adj. residential)	25 ft. or 2 times the height of the building above grade at the nearest Residential district boundary, whichever is greater
Min. Rear Yard (Adj. to residential)	25 ft. or 2 times the height of the building above grade at the nearest Residential district boundary, whichever is greater
Max Height w/setbacks	75 ft. Increased height permitted with increased setbacks

**SEC. 4-201(C) CONCEPT PLAN**

“An application for a PD District shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space and the relationship to existing natural features and to adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific details.”

**STAFF COMMENTS:**

Attachment 7 includes the proposed Concept Plan and meets all the above requirements for a Concept Plan.

## **CONCLUSIONS**

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### **ANALYSIS**

The existing Future Land Use Designations do not support the proposed zone change nor proposed use. However, the area is transitioning and Staff will need to reevaluate the Comprehensive Plan designations in the area as well as the MP-SC Overlay District.

### **RECOMMENDATION**

Staff recommends approval of the request to rezone the subject property subject to meeting all standards outlined within the PD Exhibit B and C(See Attachments 6 and 7).

## **PUBLIC NOTICE**

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Staff mailed notices to all property owners within 200 feet of the subject property. As of the date of this writing, Staff has not received any returned notices.

### **CODE CHECK**

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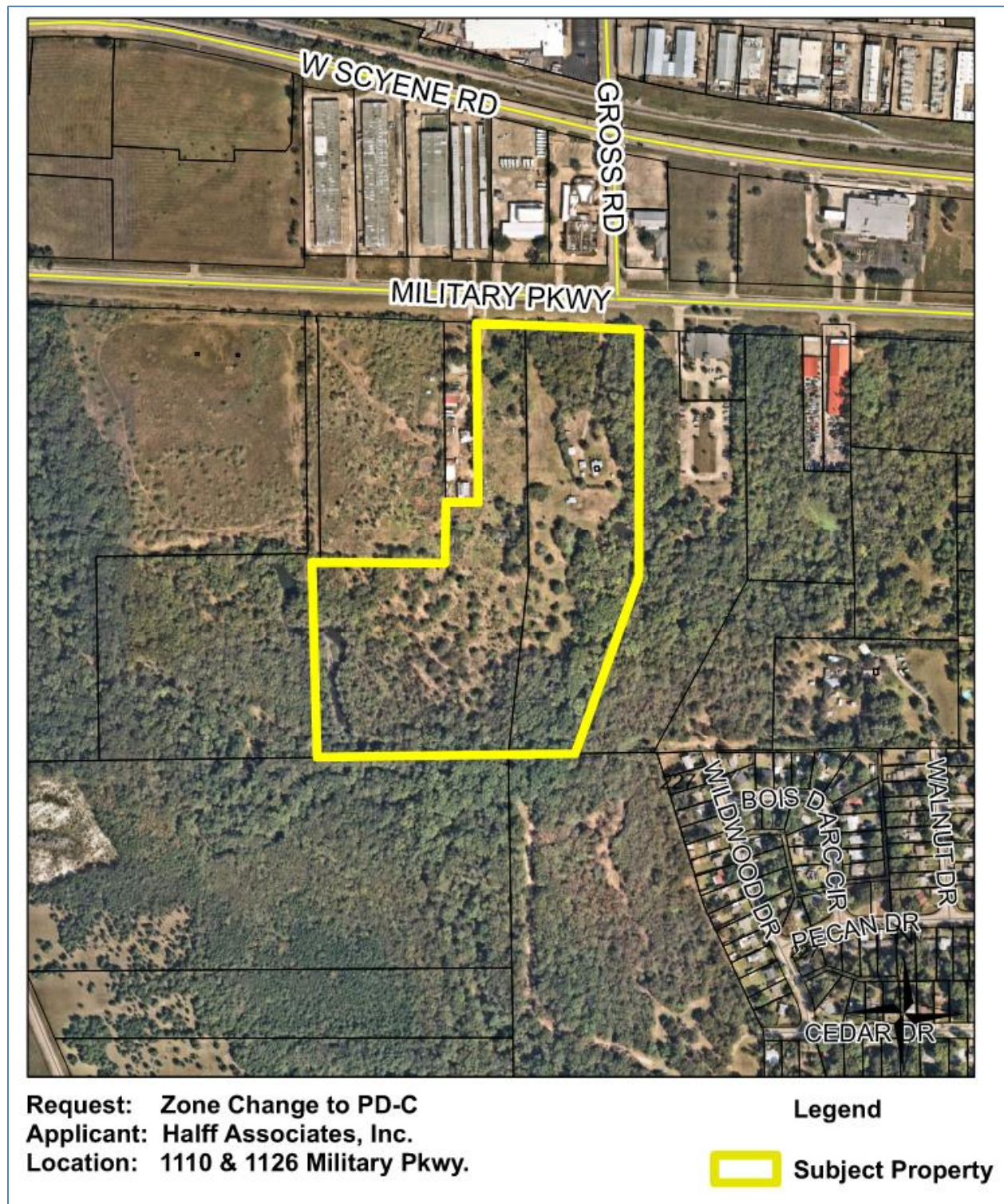
The site has no open code cases.

### **ATTACHMENTS**

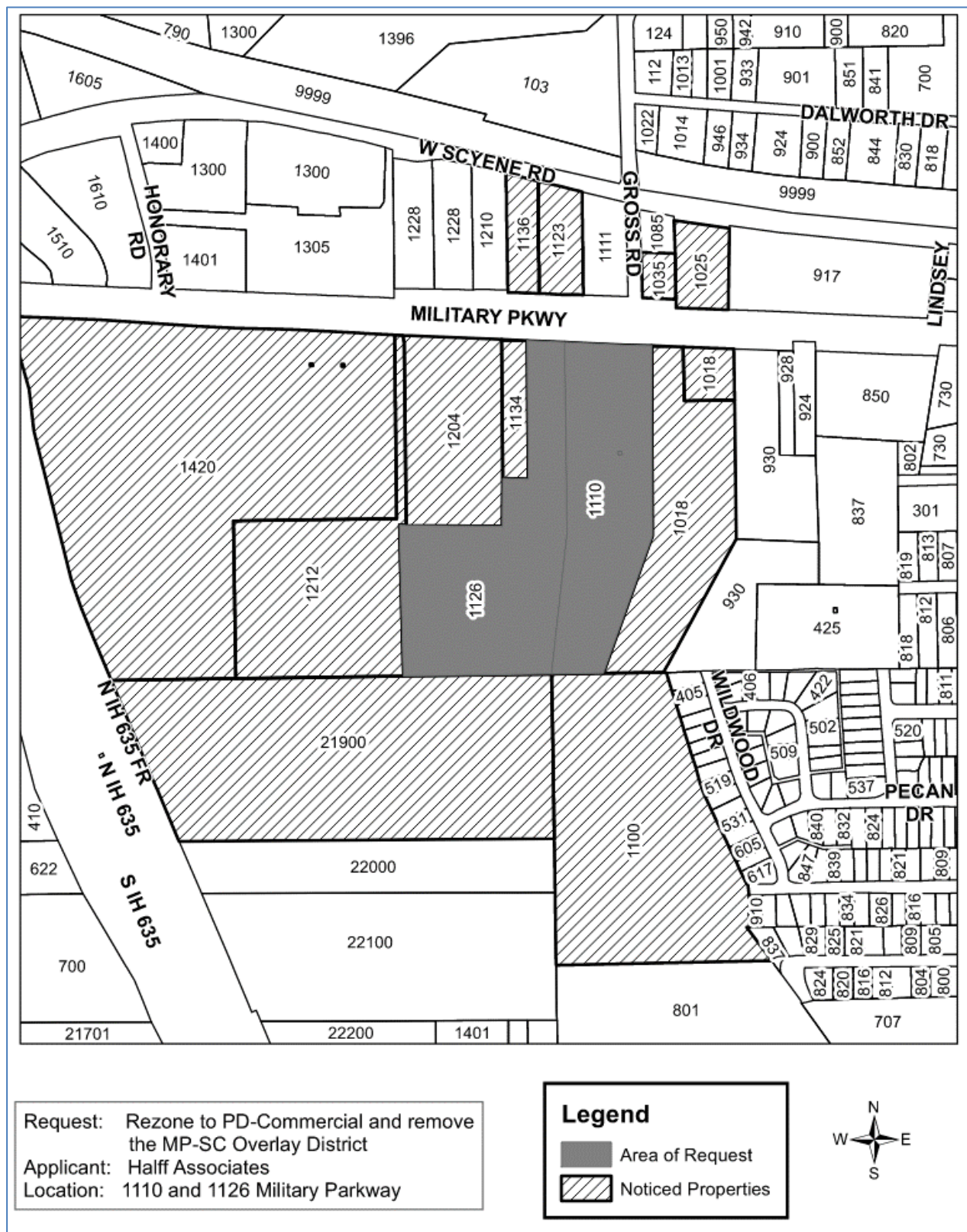
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1. Aerial Map
2. Public Notification Map
3. Zoning Map
4. Future Land Use Map
5. Site Photos
6. PD Standards (Exhibit B)
7. Concept Plan (Exhibit C)

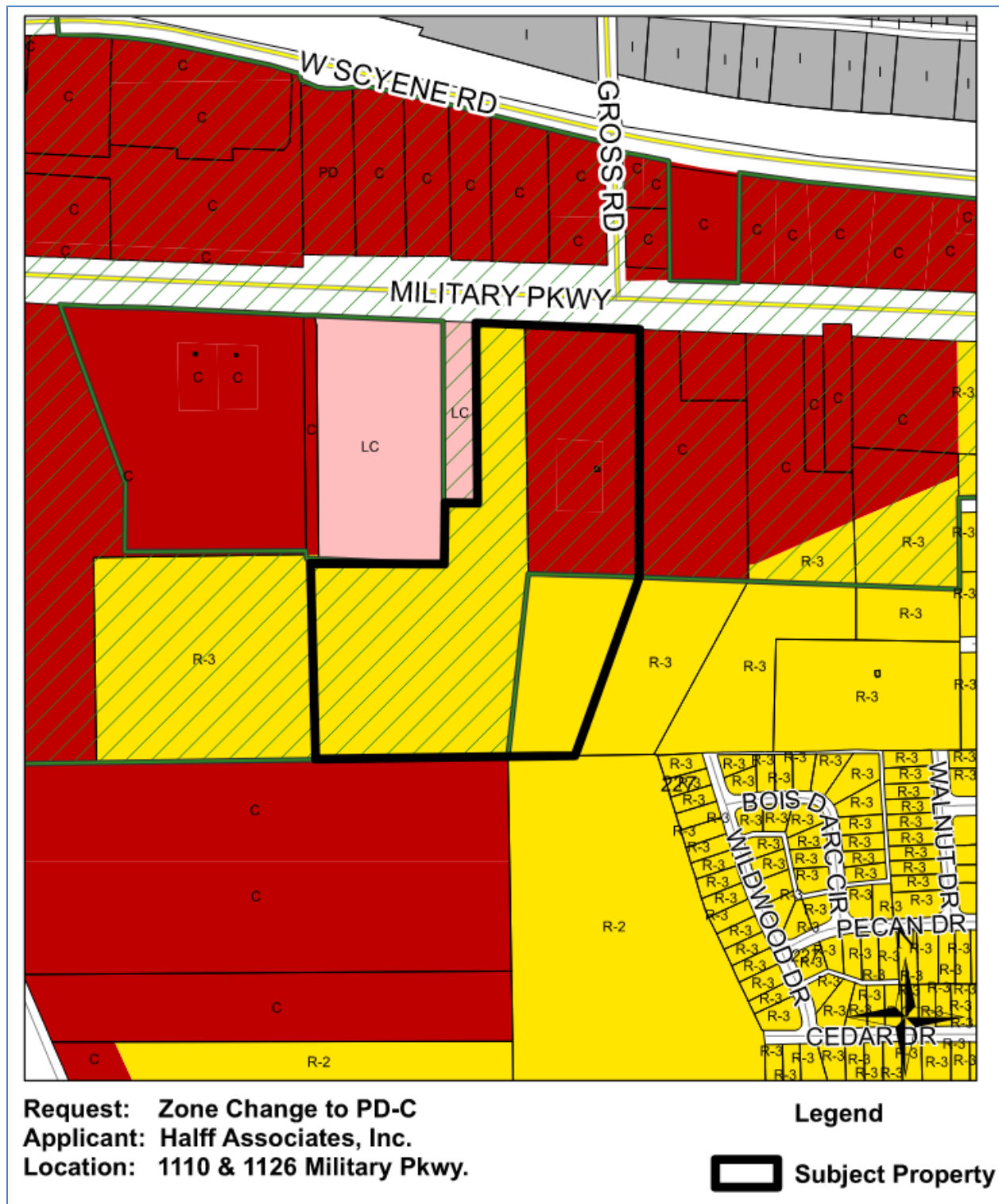
**ATTACHMENT 1 – AERIAL MAP**



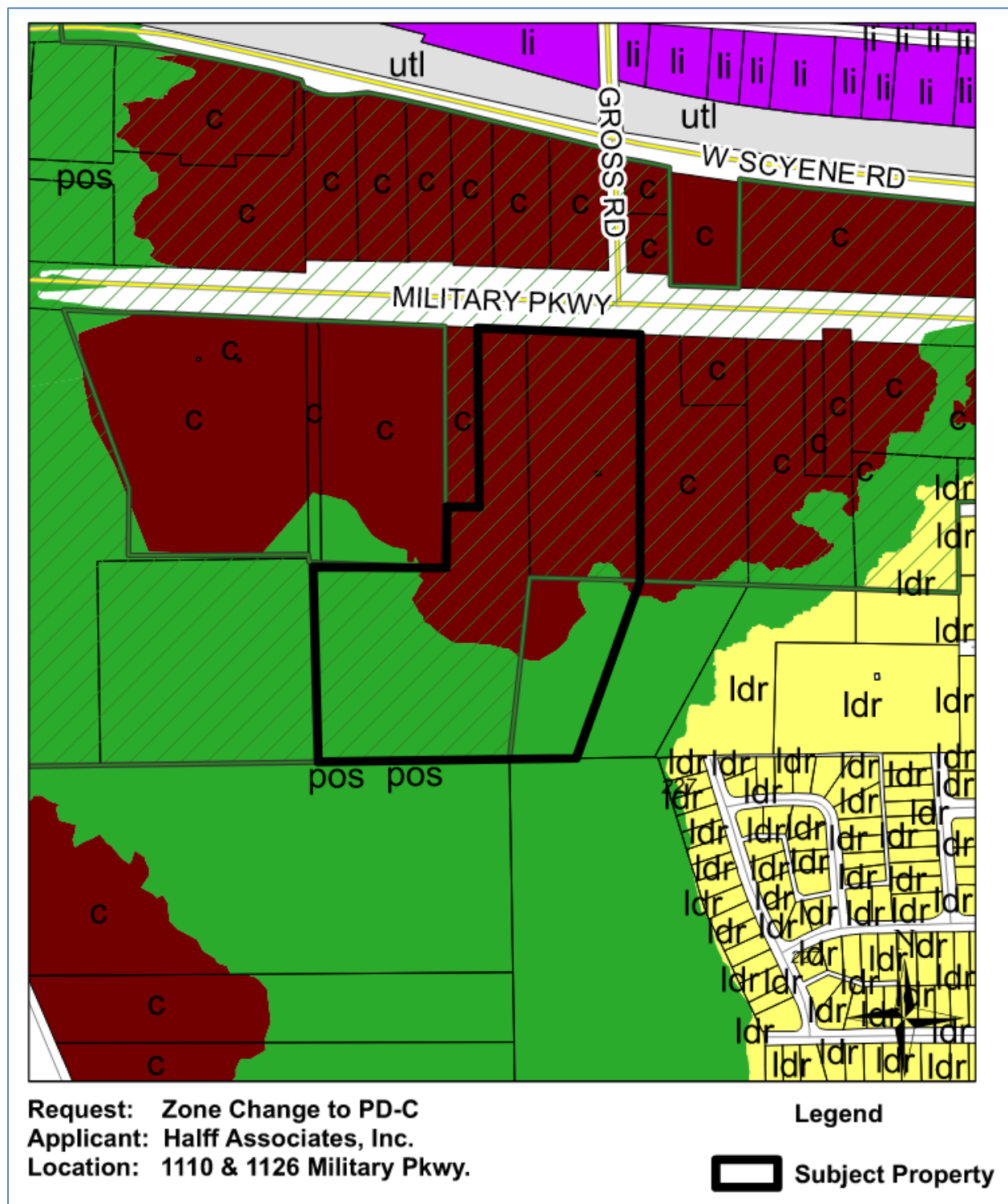
## ATTACHMENT 2 – PUBLIC NOTIFICATION MAP



ATTACHMENT 3 – ZONING MAP



## ATTACHMENT 4 – FUTURE LAND USE MAP



**ATTACHMENT 5 – SITE PHOTO**



**Google Image of Subject Property**



**Google Image of Subject Property**

## ATTACHMENT 6 – PD STANDARDS & CONCEPT PLAN

**EXHIBIT B**  
**File No. Z0821-0216**

### STIPULATIONS

1. Except as provided herein, the site plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit C. The number of lots and the Permissible Building Area (“PBA”) sizes shown on Exhibit C may be modified provided that parking and other development standards are met. The orientation and location of structures, driveways and parking areas shown on Exhibit C may be modified to avoid conflict with utilities, floodplain and/or wetlands provided that parking and other development standards are met.
2. All uses permitted in the Commercial District are allowed on the Property except as modified in Subsections “a”, “b”, and “c” of this paragraph. The uses permitted in the Planned Development – Commercial (“PD-C”) are subject to the same requirements applicable to the uses in the Commercial District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Commercial 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 5999g:	Paraphernalia Shop
SIC Code 7299a:	Massage Parlors, Turkish and Steam Baths
  - b. The following uses are allowed within the PD:

SIC Code 42:	Warehouse Distribution (as defined in Section 3), not including mini-warehousing
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  - c. The following uses are allowed only by CUP in this PD:

SIC Code 20-399:	Manufacturing Uses, general
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3. Definitions.
  - a. *Warehouse Distribution* is defined as a building or facility used for the storage and distribution of items/products, which may include:
    - (1) Receiving, storing, shipping, distributing, preparing and selling items/products and serving as a pick-p/drop-off location for items/products;
    - (2) The parking, storage, incidental maintenance, fueling and use (including driving into and through the building for loading and unloading and parking

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inside the building) of automobiles, trucks, machinery and trailers, including outdoor loading and unloading;

- (3) Printing;
  - (4) Limited assembly as defined below;
  - (5) Warehouse and office use;
  - (6) Using, handling or storing materials in the ordinance 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;
  - (7) 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;
  - (8) Installing and operating battery storage systems, electrical generators and fuel tanks; and
  - (9) 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.
- b. *Limited Assembly* is defined as the assembly of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing. 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. Enhanced Landscaping: 1 tree per 400 SF in lieu of code required 1 tree per 500 SF will be provided. An additional 15,000 SF for a total of 58,450 SF of landscaping in lieu of code required 10% being 43,484 SF.
  5. Employee Amenity Area: A paved pathway with benches on either side similar to the attached photos will be provided, but with standard concrete paving.
  6. Alternative Screening: A wrought iron fence with evergreens will be provided to screen from adjacent property along the West parking area and along the Southern developed area.
  7. A 50' long x 12' tall tilt-wall panel screen wall be provided to screen the trailer parking from Military Pkwy. Also, a 65' long x 12' tall tilt-wall panel screen wall be provided to screen the truck dock from Military Pkwy. Panels will be painted to match the building.

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## ATTACHMENT 7 – PD STANDARDS & CONCEPT PLAN

