

ORDINANCE NO. 4862
File No. Z0321-0186

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL AND PLANNED DEVELOPMENT – LIGHT COMMERCIAL ORDINANCE NOS. 2646 AND 2647 TO PLANNED DEVELOPMENT - COMMERCIAL ON PROPERTIES LOCATED AT 1600 EAST US HIGHWAY 80, 2000 EAST US HIGHWAY 80, 997 SANTA MARIA DRIVE, AND 900009 SANTA MARIA DRIVE TO ALLOW AN INDUSTRIAL BUSINESS PARK SUBJECT TO THE PLANNED DEVELOPMENT STANDARDS AND THE CONCEPT PLAN; 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 properties; 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 subject properties are located at 1600 East US Highway 80, 2000 East US Highway 80, 997 Santa Maria Drive, and 900009 Santa Maria Drive, and more fully described in Exhibit A attached hereto and incorporated herein by reference (the “**Properties**”); and

SECTION 2. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial and Planned Development – Light Commercial Ordinance Nos. 2646 and 2647 to Planned Development – Commercial to allow an industrial business park subject to the Planned Development Standards and the Concept Plan, attached hereto as Exhibits B and C respectively, and incorporated herein by reference and made a part thereof.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 Properties 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 Two Thousand (\$2,000.00) Dollars 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.

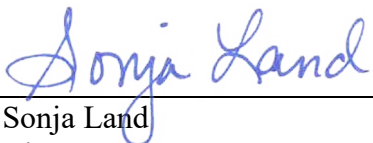
SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of May 2021.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

File No.: Z0321-0186
Zoning Change

EXHIBIT A – LEGAL DESCRIPTION

1600 E US HWY 80
2000 E US HWY 80
997 Santa Maria Dr
900009 Santa Maria Dr

LEGAL DESCRIPTION

File No. **Z0321-0186**

Exhibit A

BEING A TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NUMBER 1462, IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, BEING THE REMAINDER OF THAT SAME TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO FAROQ KHAN AS RECORDED IN VOLUME 93248, PAGE 190 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS (D.R.D.C.T.), BEING ALL OF LOT 7 THROUGH LOT 16, OWEN SMITH SUBDIVISION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 19, PAGE 111 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS, (M.R.D.C.T.), BEING ALL THAT SAME TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO CHRISTOPHER D. STONE AND JAY MASSEY AS RECORDED IN INSTRUMENT NO. 201800098667 OF THE OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), BEING THE REMAINING PORTION OF THAT SAME TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO ARGUS RESOURCES, INC. AS RECORDED IN VOLUME 99034, PAGE 4486 (D.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS AND DISTANCES ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202) NORTH AMERICAN DATUM OF 1983 (NAD83)(US FOOT) WITH A COMBINED SCALE FACTOR OF 1.000136506:

BEGINNING AT A 5/8-INCH REBAR FOUND FOR THE NORTH CORNER OF SAID ARGUS TRACT, SAID POINT BEING THE WEST CORNER OF LOT 2, BLOCK A, OWEN SMITH COMMERCIAL ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 90108, PAGE 1317 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.), SAID POINT LYING ON THE EAST RIGHT-OF-WAY LINE OF INTERSTATE 635 FRONTAGE ROAD (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE SOUTH 31 DEGREES 09 MINUTES 04 SECONDS EAST, DEPARTING THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, WITH THE COMMON LINE OF SAID ARGUS TRACT AND SAID LOT 2, A DISTANCE OF 404.39 FEET TO A 1/2-INCH REBAR FOUND FOR A COMMON CORNER OF SAID ARGUS AND SAID LOT 2, SAID POINT LYING ON A NORTHWEST LINE OF SAID KHAN TRACT;

THENCE NORTH 44 DEGREES 24 MINUTES 04 SECONDS EAST, WITH THE COMMON LINE OF SAID KHAN TRACT AND SAID LOT 2, A DISTANCE OF 380.28 FEET TO A 5/8-INCH REBAR FOUND FOR THE EAST CORNER OF SAID LOT 2, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 1, BLOCK A, OWEN SMITH COMMERCIAL ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 88013, PAGE 1733 (D.R.D.C.T.);

THENCE NORTH 88 DEGREES 51 MINUTES 20 SECONDS EAST, WITH THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 129.59 FEET TO A 1/2-INCH REBAR FOUND WITH CAP STAMPED "PEISER" FOR AN INTERIOR ELL CORNER OF SAID KHAN TRACT;

THENCE NORTH 00 DEGREES 34 MINUTES 55 SECONDS WEST, CONTINUING WITH THE COMMON LINE OF SAID LOT 1 AND SAID KHAN TRACT, A DISTANCE OF 9.03 FEET TO A POINT FOR CORNER, SAID POINT LYING ON THE WEST RIGHT-OF-WAY LINE OF SANTA MARIA DRIVE (60' R.O.W.), FROM WHICH A 5/8-INCH REBAR FOUND BEARS SOUTH 66 DEGREES 11 MINUTES WEST, 0.8' FEET;

THENCE NORTH 89 DEGREES 40 MINUTES 13 SECONDS EAST, WITH A NORTH LINE OF SAID KHAN TRACT, AND PARTIALLY WITH THE SOUTH LINE OF LOT 6, OWEN SMITH ADDITION NO. 1, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN VOLUME 19, PAGE 111 OF THE (M.R.D.C.T.), A DISTANCE OF 210.02 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID LOT 6, SAID POINT LYING ON A WEST LINE OF THAT SAME TRACT OF LAND DESCRIBED IN SPECIAL WARRANTY DEED TO ASHIQ A. KANJI AS RECORDED IN VOLUME 94116, PAGE 3056 (D.R.D.C.T.), FROM WHICH A 3/4-INCH REBAR FOUND BEARS SOUTH 67 DEGREES 06 MINUTES WEST, 0.3 FEET;

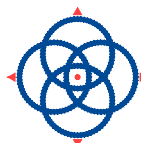
THENCE SOUTH 00 DEGREES 25 MINUTES 20 SECONDS EAST, WITH SAID WEST LINE OF SAID KANJI TRACT AND THE EAST LINE OF SAID KHAN TRACT, A DISTANCE OF 1,017.02 FEET TO A POINT FOR A COMMON CORNER OF SAID KANJI TRACT AND SAID KHAN TRACT, FROM WHICH A 3/4-INCH REBAR FOUND BEARS NORTH 05 DEGREES 27 MINUTES WEST, 2.4 FEET;

THENCE SOUTH 44 DEGREES 14 MINUTES 00 SECONDS WEST, CONTINUING WITH THE COMMON LINE OF SAID KHAN TRACT AND SAID KANJI TRACT, A DISTANCE OF 892.28 FEET TO A 1/2-INCH REBAR FOUND FOR THE SOUTH CORNER OF SAID KHAN TRACT;

THENCE NORTH 45 DEGREES 49 MINUTES 19 SECONDS WEST, PARTIALLY WITH A NORTHEAST LINE OF SAID KANJI TRACT, A DISTANCE OF 146.41 FEET TO A POINT FOR CORNER, SAID POINT BEING AN INTERIOR "ELL" CORNER OF THE HEREIN DESCRIBED PROPERTY FROM SAID POINT A 1/2-INCH REBAR FOUND BEARS NORTH 68 DEGREES 56 MINUTES EAST, A DISTANCE OF 1.8 FEET;

THENCE SOUTH 06 DEGREES 35 MINUTES 41 SECONDS WEST, WITH THE EAST LINE OF SAID ARGUS RESOURCES TRACT AND THE WESTERNMOST LINE OF SAID KANJI TRACT, A DISTANCE OF 626.18 FEET TO A POINT FOR THE SOUTHEAST CORNER OF SAID ARGUS RESOURCES TRACT, SAID POINT LYING ON THE NORTHWEST LINE OF BLOCK 68, NORTHRIDGE ESTATES NO. 5, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 28, PAGE 197 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS (M.R.D.C.T.);

FIELD BY:	B.H.	DATE:	03/17/2021
DRAWN BY:	E.R.	REV:	
CHECKED BY:	M.N.P.	REV:	
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LEGAL DESCRIPTION

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Exhibit A

THENCE SOUTH 48 DEGREES 47 MINUTES 33 SECONDS WEST, WITH THE SOUTHEAST LINE OF SAID ARGUS RESOURCES TRACT, AND PARTIALLY WITH THE NORTHWEST LINE OF SAID BLOCK 68, WITH THE NORTHWEST RIGHT-OF-WAY LINE OF DIANNE STREET (50' R.O.W.), AND WITH THE NORTHWEST LINE OF BLOCK 69, OF SAID NORTHRIDGE ESTATES, A DISTANCE OF 204.30 FEET TO A POINT FOR THE WEST CORNER OF LOT 3, OF SAID BLOCK 69, NORTHRIDGE ESTATES ADDITION; SAID POINT BEING THE NORTH CORNER OF THAT SAME TRACT OF LAND DESCRIBED TO SHAHABODDIN GHARAVI IN INTERSPOUSAL TRANSFER DEED RECORDED IN INSTRUMENT NUMBER 201600201310 (O.P.R.D.C.T.);

THENCE SOUTH 48 DEGREES 02 MINUTES 31 SECONDS WEST, WITH THE SOUTHEAST LINE OF SAID ARGUS RESOURCES TRACT AND THE NORTHWEST LINE OF SAID GHARAVI TRACT, A DISTANCE OF 120.05 FEET TO A TxDOT MONUMENT FOUND FOR THE SOUTHERNMOST SOUTHEAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED AS "PARCEL 4, PART 1" TO THE STATE OF TEXAS IN DEED RECORDED IN INSTRUMENT NUMBER 201600109937 (O.P.R.D.C.T.); SAID POINT LYING ON THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 635 FRONTAGE ROAD, AND BEING THE SOUTHERNMOST CORNER OF THE HEREIN DESCRIBED PROPERTY;

THENCE NORTH 11 DEGREES 23 MINUTES 44 SECONDS EAST, DEPARTING THE NORTHWEST LINE OF SAID GHARAVI TRACT, WITH AN EAST LINE OF SAID "PARCEL 4, PART 1", PASSING AT A DISTANCE OF 90.21 FEET A TxDOT MONUMENT FOUND, AND CONTINUING A TOTAL DISTANCE OF 115.92 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "BARTON CHAPA" FOUND FOR CORNER;

THENCE NORTH 02 DEGREES 50 MINUTES 41 SECONDS WEST, CONTINUING WITH THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 635 FRONTAGE ROAD, AND AN EAST LINE OF SAID "PARCEL 4, PART 1", A DISTANCE OF 175.05 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "BARTON CHAPA" FOUND FOR CORNER;

THENCE NORTH 12 DEGREES 12 MINUTES 27 SECONDS WEST, CONTINUING WITH THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 635 FRONTAGE ROAD, AND AN EAST LINE OF SAID "PARCEL 4, PART 1", A DISTANCE OF 278.64 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "BARTON CHAPA" FOUND FOR CORNER;

THENCE NORTH 01 DEGREES 57 MINUTES 02 SECONDS WEST, CONTINUING WITH THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 635 FRONTAGE ROAD, AND AN EAST LINE OF SAID "PARCEL 4, PART 1", A DISTANCE OF 241.76 FEET TO A POINT FOR THE NORTHERNMOST NORTHEAST CORNER THEREOF; SAID POINT BEING AN ANGLE POINT IN THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 635 FRONTAGE ROAD;

THENCE NORTH 77 DEGREES 35 MINUTES 13 SECONDS EAST, CONTINUING WITH THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE HIGHWAY 635 FRONTAGE ROAD, A DISTANCE OF 34.10 FEET TO A TxDOT MONUMENT FOUND FOR CORNER;

THENCE NORTH 08 DEGREES 54 MINUTES 30 SECONDS WEST, CONTINUING WITH THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, AND WITH A WEST LINE OF SAID ARGUS RESOURCES TRACT, A DISTANCE OF 339.04 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "BARTON CHAPA" FOUND FOR THE SOUTH CORNER OF SAID "PARCEL 4, PART 2";

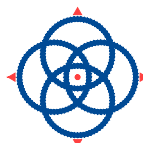
THENCE NORTH 00 DEGREES 30 MINUTES 08 SECONDS WEST, WITH THE EAST LINE OF SAID "PARCEL 4, PART 2", A DISTANCE OF 68.86 FEET TO A TEXAS DEPARTMENT OF TRANSPORTATION MONUMENT (TxDOT) FOUND FOR THE EAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED AS PARCEL 4, PART 2 TO THE STATE OF TEXAS IN DEED RECORDED IN INSTRUMENT NO. 201600109937 (O.P.R.D.C.T.), SAID POINT BEING A SOUTHEAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED AS PARCEL 5 IN DEED TO THE STATE OF TEXAS RECORDED IN INSTRUMENT NO. 201600101175 (O.P.R.D.C.T.), SAID POINT LYING ON THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE 635 FRONTAGE ROAD;

THENCE NORTH 00 DEGREES 28 MINUTES 37 SECONDS WEST, WITH THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, A DISTANCE OF 95.06 FEET TO A TxDOT MONUMENT FOUND FOR CORNER;

THENCE NORTH 02 DEGREES 28 MINUTES 44 SECONDS EAST, CONTINUING WITH THE EAST LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, A DISTANCE OF 249.20 FEET TO A 5/8-INCH REBAR FOUND FOR CORNER;

THENCE NORTH 06 DEGREES 26 MINUTES 22 SECONDS EAST, CONTINUING WITH THE EAST LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, A DISTANCE OF 48.40 FEET TO A TxDOT MONUMENT FOUND FOR CORNER;

FIELD BY:	B.H.	DATE:	03/17/2021
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CHECKED BY:	M.N.P.	REV:	
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Exhibit A

THENCE NORTH 06 DEGREES 09 MINUTES 58 SECONDS EAST, CONTINUING WITH THE EAST LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, A DISTANCE OF 200.38 FEET TO A POINT FOR CORNER, FROM WHICH A 5/8-INCH REBAR FOUND WITH CAP STAMPED "DST" BEARS NORTH 02 DEGREES 12 MINUTES EAST, 0.7 FEET;

THENCE NORTH 08 DEGREES 22 MINUTES 20 SECONDS EAST, CONTINUING WITH THE EAST LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, A DISTANCE OF 249.59 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "WINDROSE" SET FOR CORNER;

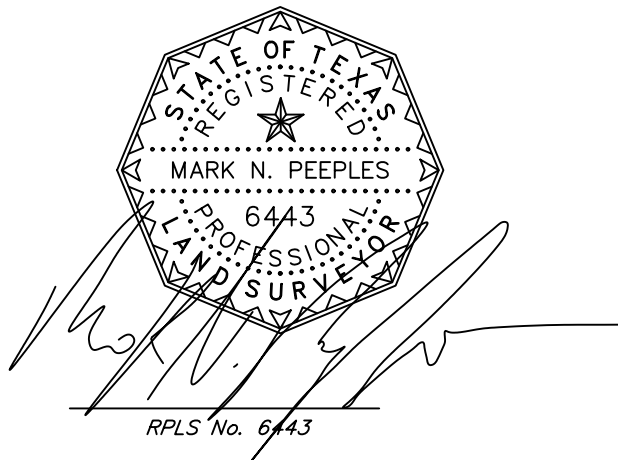
THENCE NORTH 19 DEGREES 31 MINUTES 04 SECONDS EAST, CONTINUING WITH THE EAST LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, A DISTANCE OF 100.55 FEET TO A TxDOT MONUMENT FOUND FOR CORNER, SAID POINT BEING THE WEST CORNER OF THAT SAME TRACT OF LAND DESCRIBED AS PARCEL 6E IN DEED TO THE STATE OF TEXAS RECORDED IN INSTRUMENT NO. 201600110170 (O.P.R.D.C.T.);

THENCE SOUTH 79 DEGREES 39 MINUTES 03 SECONDS EAST, WITH THE SOUTHWEST LINE OF SAID PARCEL 6E, A DISTANCE OF 20.26 FEET TO A 1/2-INCH REBAR WITH CAP STAMPED "WINDROSE" SET FOR THE SOUTH CORNER OF SAID PARCEL 6E;

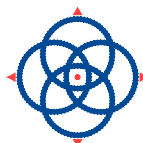
THENCE NORTH 19 DEGREES 31 MINUTES 04 SECONDS EAST, WITH THE SOUTHEAST LINE OF SAID PARCEL 6E, A DISTANCE OF 145.52 FEET TO A TxDOT MONUMENT FOUND FOR THE EAST CORNER OF SAID PARCEL 6E;

THENCE NORTH 66 DEGREES 20 MINUTES 39 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID PARCEL 6E, A DISTANCE OF 8.58 FEET TO A TxDOT MONUMENT FOUND FOR THE NORTH CORNER OF SAID PARCEL 6E, SAID POINT LYING ON THE EAST RIGHT-OF-WAY LINE OF SAID INTERSTATE 635 FRONTAGE ROAD;

THENCE, NORTH 36 DEGREES 31 MINUTES 11 SECONDS EAST, WITH THE EAST LINE OF SAID INTERSTATE 635 FRONTAGE ROAD, A DISTANCE OF 210.50 FEET TO THE POINT OF BEGINNING AND CONTAINING 38.290 ACRES OR 1,667,903 SQUARE FEET OF LAND MORE OR LESS.



FIELD BY:	B.H.	DATE:	03/17/2021
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CHECKED BY:	M.N.P.	REV:	
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EXHIBIT B – PLANNED DEVELOPMENT STANDARDS

1. Except as provided herein, the site plan and landscape plan for the Property shall conform substantially to the Concept Plan, attached hereto as Exhibit C, respectively. 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 – 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 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
 - c. The following uses are allowed only by CUP in this PD:
 - SIC Code 20-399: Manufacturing Uses, general
3. Warehouse Distribution Definition: Warehouse Distribution is defined as a building or facility used for the storage and distribution of items/products, which may include
 - a. receiving, storing, shipping, distributing, preparing, and selling items/products and serving as a pick-up/drop-off location for items/products;
 - b. the parking, storage, incidental maintenance, fueling and use (including driving into and through the building for loading and unloading and parking inside the building) of automobiles, trucks, machinery and trailers, including outdoor loading and unloading;
 - c. printing;
 - d. limited assembly as defined below;
 - e. warehouse and office use;
 - f. using, handling or storing materials in the ordinary 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;

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- g. 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;
- h. installing and operating battery storage systems, electrical generators, and fuel tanks; and
- i. 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.

Definition:

Limited Assembly - 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. The minimum number of off-street parking spaces shall be provided per Section 3-400 of the Mesquite Zoning Ordinance except as provided herein: One (1) space for every 1,500 square feet of gross floor area used for distribution, warehousing or storage. Reduction in this requirement may be provided by Section 3-405 of the Mesquite Zoning Ordinance.
- 5. 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 a valid certificate of occupancy of the Property.
- 6. The truck court (including heavy load vehicle parking, overhead doors or loading docks) shall not face a public right-of-way without screening. This includes the truck court at Building B as shown on the Concept Plan shall have 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.

A Solid Landscape Hedge under Mesquite Zoning Ordinance's Section 1A-303.D. shall consist of large evergreen shrubs or small ornamental evergreen trees a minimum eight feet (8') in height at time of planting. These shrubs/ornamental screening plants shall be planted a maximum of eight feet (8') on center and be full to the ground. Mature plant growth should provide continuous screening. Acceptable Screening species include, but are not limited to, Magnolias, Hollies, Cedars, or Junipers.

- 7. Unless oriented to the rear of the Property or screened from a public right-of-way, 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.
- 8. Alternative screening may be utilized as provided in Section 1A-303A.3 in the Mesquite Zoning Ordinance for district screening.
- 9. No access shall be permitted to Diane Drive.

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10. 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. Santa Maria Drive from the subject property north to the U.S. Hwy 80 right-of-way shall be reconstructed to the City of Mesquite specifications for a Collector Street as identified in the Mesquite Engineering Design Manual and the City of Mesquite Thoroughfare Plan (“Mesquite Thoroughfare Plan”), as amended.
11. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards.
- a. Light sources shall be concealed or shielded with luminaries with shielding, skirts, or cut-offs with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent Property. For purposes of this provision, “cutoff angle” is defined as the angle formed by a line drawn from the direction of light rays at the light source or reflector, and a line perpendicular to the ground from the light source above from which no light is emitted.
 - b. In no case shall exterior lighting add more than one footcandle to illumination levels at any point off-site.
 - c. All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.
 - d. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
 - e. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
 - f. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
12. A wing wall shall be installed to screen the truck docks (see illustration). The wing wall height may exceed 8-ft in height, with the final size to be determined during the site plan review process.

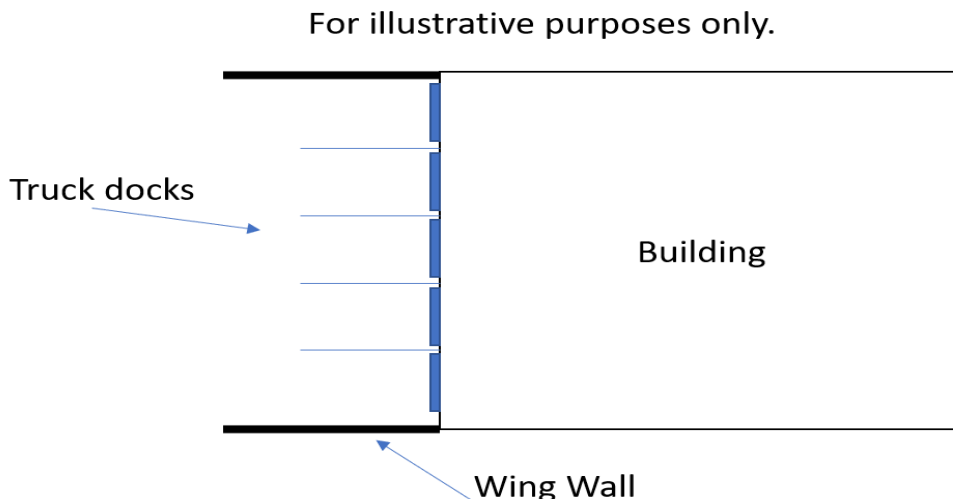


EXHIBIT C – CONCEPT PLAN



SEC 635 & Highway 80