

ORDINANCE NO. 4919
File No. Z0821-0212

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING ON APPROXIMATELY 14.75 ACRES LOCATED NORTHWEST OF EAST GLEN BOULEVARD AND CLAY MATHIS ROAD AT 2210 EAST SCYENE ROAD FROM PLANNED DEVELOPMENT – INDUSTRIAL ORDINANCE NO. 4856 TO (1) PLANNED DEVELOPMENT – INDUSTRIAL ON APPROXIMATELY TWO ACRES TO ALLOW A SELF-STORAGE FACILITY AND (2) TO PLANNED DEVELOPMENT - AGE RESTRICTED RESIDENTIAL COMMUNITY ON APPROXIMATELY 12.75 ACRES TO ALLOW AN AGE-RESTRICTED RESIDENTIAL DEVELOPMENT, SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

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

SECTION 1. The subject property is an approximately 14.75 acre tract located in the Samuel Andrews Survey Abstract No. 40, Dallas County, Texas and located northwest of East Glen Boulevard and Clay Mathis Road at 2210 East Scyene Road (the “**Property**”). Subject to the stipulations provided in Sections 2 and 3 of this Ordinance, two acres of the Property identified as Tract 1 in the attached Exhibit A (“**Tract 1**”) is rezoned herein to allow a self-storage facility and the remaining approximately 12.75 acres of the Property identified as Tract 2 in the attached Exhibit A (“**Tract 2**”) is rezoned herein to allow an age-restricted residential development. Exhibit A is incorporated herein by reference.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for Tract 1 from Planned Development – Industrial Ordinance No. 4856 to Planned Development - Industrial to allow a self-storage facility subject to the following conditions and stipulations:

1. Eight-foot sidewalks are required along Clay Mathis Road and East Glen Boulevard, so that sidewalk widths are consistent with the requirements approved by City Council for the Alcott Logistic Station Planned Development.
2. A buffer tree line is required along Clay Mathis Boulevard for consistency with the buffer tree line proposed along East Glen Boulevard. The buffer tree line shall consist of one large shade tree per each 35 linear feet.
3. The front yard setback shall comply with the Industrial Zoning District front yard setback of 25 feet.
4. Development shall conform substantially to the Planned Development Standards and the Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference, as determined by the Director of Planning and Development Services.

SECTION 3. The Mesquite Zoning Ordinance is amended by approving a change of zoning for Tract 2 from Planned Development – Industrial Ordinance No. 4856 to Planned Development – Age-Restricted Residential Community to allow an age-restricted residential development subject to the following conditions and stipulations:

1. Eight-foot sidewalks are required along Clay Mathis Road and East Glen Boulevard, so that sidewalk widths are consistent with the requirements approved by City Council for the Alcott Logistic Station Planned Development.
2. A buffer tree line is required along Clay Mathis Boulevard for consistency with the buffer tree line proposed along East Glen Boulevard. The buffer tree line shall consist of one large shade tree per each 35 linear feet.
3. The front setback standards for the proposed development must comply with the front setback standards identified in Section 2-501 of the Mesquite Zoning Ordinance (“**MZO**”).
4. A buffer tree line and five benches are required along the western boundary of the site adjacent to the creek. The buffer tree line shall consist of one large shade tree per each 35 linear feet (minimum of 20 trees).
5. A minimum of six amenities shall be provided from the list identified in Section 2-501.H of the MZO; three from Group A and three from Group B.
6. A minimum of two amenities shall be provided from the list of Indoor Amenities identified in Section 2-501.I of the MZO.
7. Development shall conform substantially to the Planned Development Standards and the Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference, as determined by the Director of Planning and

Development Services. The Concept Plan shall show a minimum of 307 parking spaces.

8. Submission to the City of restrictive covenants, to be agreed upon by City Staff, restricting residency to persons 55 years of age or older, naming the City as a third-party beneficiary of the covenants with enforcement rights, and filing the covenants in the Dallas County property records.

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.

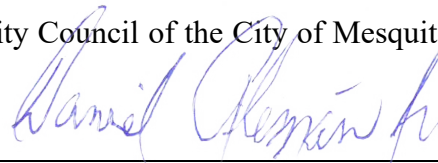
SECTION 5. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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.

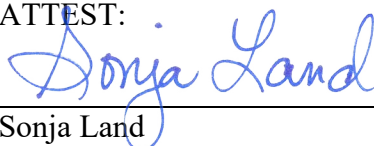
SECTION 8. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of December 2021.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A for
File No. Z0821-0212

ZONING CHANGE REQUEST
TRACT 1 – 2.047 ACRES

BEING 2.047 ACRES OF LAND LOCATED IN THE SAMUEL ANDREWS SURVEY, ABSTRACT NUMBER 40, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, BEING A PORTION OF THE S16 TEXAS HOLD-EM MESQUITE LLC CALLED 14.753 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 201900350539, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" (PREVIOUSLY SET) IN THE WEST LINE OF CLAY ROAD (VARIABLE WIDTH RIGHT-OF-WAY) AT THE NORTHEAST CORNER OF THE ABOVE-MENTIONED 14.753 ACRE TRACT;

THENCE SOUTH 00 DEGREES 21 MINUTES 24 SECONDS WEST, ALONG THE WEST LINE OF CLAY ROAD, AND THE COMMON EAST LINE OF SAID 14.753 ACRE TRACT, A DISTANCE OF 167.37 FEET TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "HALFF & ASSOC" FOUND;

THENCE SOUTH 01 DEGREES 20 MINUTES 29 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 83.91 FEET;

THENCE LEAVING SAID COMMON LINE AND GOING OVER AND ACROSS SAID 14.753 ACRE TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) NORTH 87 DEGREES 55 MINUTES 01 SECONDS WEST, A DISTANCE OF 343.36 FEET;
- 2) NORTH 02 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 26.00 FEET;
- 3) NORTH 87 DEGREES 55 MINUTES 01 SECONDS WEST, A DISTANCE OF 16.75 FEET;
- 4) NORTH 02 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 224.10 FEET TO THE NORTH LINE OF SAID 14.753 ACRE TRACT;

THENCE SOUTH 88 DEGREES 05 MINUTES 38 SECONDS EAST, A DISTANCE OF 353.99 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.047 ACRES OF LAND, MORE OR LESS;

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



EXHIBIT A for
File No. Z0821-0212

ZONING CHANGE REQUEST
TRACT 2 – 12.706 ACRES

BEING 12.706 ACRES OF LAND LOCATED IN THE SAMUEL ANDREWS SURVEY, ABSTRACT NUMBER 40, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, BEING A PORTION OF THE S16 TEXAS HOLD-EM MESQUITE LLC CALLED 14.753 ACRE TRACT AS DESCRIBED IN INSTRUMENT NUMBER 201900350539, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" (PREVIOUSLY SET) IN THE WEST LINE OF CLAY ROAD (VARIABLE WIDTH RIGHT-OF-WAY) AT THE NORTHEAST CORNER OF THE ABOVE-MENTIONED 14.753 ACRE TRACT;

THENCE SOUTH 00 DEGREES 21 MINUTES 24 SECONDS WEST, ALONG THE WEST LINE OF CLAY ROAD, AND THE COMMON EAST LINE OF SAID 14.753 ACRE TRACT, A DISTANCE OF 167.37 FEET TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "HALFF & ASSOC" FOUND;

THENCE SOUTH 01 DEGREES 20 MINUTES 29 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 83.91 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE SOUTH 01 DEGREES 20 MINUTES 29 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 354.55 FEET TO A 1/2" IRON ROD WITH YELLOW CAP STAMPED "HALFF & ASSOC" FOUND;

THENCE SOUTH 00 DEGREES 15 MINUTES 58 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 44.99 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "HALFF & ASSOC" FOUND;

THENCE SOUTH 44 DEGREES 08 MINUTES 02 SECONDS WEST, CONTINUING ALONG SAID COMMON LINE, A DISTANCE OF 70.92 FEET TO A 1/2" IRON ROD WITH CAP STAMPED "HALFF & ASSOC" FOUND THE NORTH RIGHT-OF-WAY LINE OF EAST GLEN BLVD. (100 FOOT RIGHT-OF-WAY) SAME BEING THE NORTH LINE OF THAT CERTAIN CALLED 2.85 ACRE TRACT OF LAND AS DESCRIBED IN RIGHT-OF-WAY DEED TO COUNTY OF DALLAS RECORDED IN VOLUME 84043, PAGE 1264, (D.R.D.C.T.), AND BEING AT THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 10 DEGREES 01 MINUTES 17 SECONDS, A RADIUS OF 4950.00 FEET, AND A LONG CHORD THAT BEARS NORTH 85 DEGREES 31 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 864.68 FEET;

THENCE ALONG SAID NON-TANGENT CURVE TO THE RIGHT AND THE NORTH RIGHT-OF-WAY LINE OF EAST GLEN BLVD., SAME BEING THE NORTH LINE OF THE ABOVE MENTIONED 2.85 ACRE TRACT, AN ARC LENGTH OF 865.78 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" (PREVIOUSLY SET);

THENCE NORTH 79 DEGREES 46 MINUTES 34 SECONDS WEST, CONTINUING ALONG THE NORTH RIGHT-OF-WAY LINE OF EAST GLEN BLVD., SAME BEING THE NORTH LINE OF SAID 2.85 ACRE TRACT, A DISTANCE OF 66.57 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" (PREVIOUSLY SET) AT THE SOUTHWEST CORNER OF SAID 14.753 ACRE TRACT, FROM WHICH A 5/8" IRON ROD WITH CAP STAMPED "RPLS 5430" FOUND AT THE SOUTHEAST CORNER OF THAT CERTAIN CALLED 0.863 ACRE TRACT AS DESCRIBED IN DEED TO CHAD VADNAIS AND RECORDED IN INSTRUMENT NUMBER

200402979809, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C.T.) BEARS NORTH 79 DEGREES 46 MINUTES 34 SECONDS WEST, A DISTANCE OF 108.42 FEET;

THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE OF EAST GLEN BLVD. AND GOING ALONG THE WEST AND NORTH LINES OF SAID 14.753 ACRE TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- (1) NORTH 01 DEGREES 54 MINUTES 21 SECONDS EAST, A DISTANCE OF 221.72 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" (PREVIOUSLY SET);
- (2) NORTH 18 DEGREES 37 MINUTES 02 SECONDS EAST, A DISTANCE OF 272.23 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" (PREVIOUSLY SET) AT THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 38 DEGREES 10 MINUTES 59 SECONDS, A RADIUS OF 325.00 FEET AND A LONG CHORD THAT BEARS NORTH 37 DEGREES 42 MINUTES 31 SECONDS EAST FOR A DISTANCE OF 212.60 FEET;
- (3) NORTHEASTERLY ALONG SAID TANGENT CURVE TO THE RIGHT, AN ARC LENGTH OF 216.59 FEET TO A 1/2" IRON ROD WITH RED CAP STAMPED "ONEAL 6570" (PREVIOUSLY SET) AT THE NORTHWEST CORNER OF SAID 14.753 ACRE TRACT;
- (4) SOUTH 88 DEGREES 05 MINUTES 38 SECONDS EAST, ALONG THE NORTH LINE OF SAID 14.753 ACRE TRACT, A DISTANCE OF 410.57 FEET;

THENCE GOING OVER AND ACROSS SAID 14.753 ACRE TRACT, THE FOLLOWING FOUR (4) COURSES AND DISTANCES:

- 1) SOUTH 02 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 224.10 FEET;
- 2) SOUTH 87 DEGREES 55 MINUTES 01 SECONDS EAST, A DISTANCE OF 16.75 FEET;
- 3) SOUTH 02 DEGREES 04 MINUTES 59 SECONDS EAST, A DISTANCE OF 26.00 FEET;
- 4) SOUTH 87 DEGREES 55 MINUTES 01 SECONDS EAST, A DISTANCE OF 343.36 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.706 ACRES OF LAND, MORE OR LESS.

This document was prepared under 22 TAC 663.21, it does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interest implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.





**EXHIBIT B
Planned Development Standards**

Conceptual Plan: Development and use of the property must comply with the conceptual plan as outlined in Exhibit C. In the event of any conflict between the conceptual plan and the text of this article, the text of this article shall control.

Subareas: This planned development is divided into two sub areas as shown on the concept plan outlined as Age Restricted Residential and Self-Storage.

Exhibits: Exhibit A – Legal Description, Exhibit B – Planned Development Standards, Exhibit C – Concept Plan

Main Uses Permitted: Age Restricted Residential - Permitted uses are those main uses permitted Mesquite Zoning Ordinance, Section 2-501.

Main Uses Permitted: Self-Storage – Permitted uses in are those uses permitted in the Industrial zoning district and Mini-warehousing. See Mesquite Zoning Ordinance, Section 3-502

Development Regulations: Age Restricted Residential

In addition to the Development Standards outlined in Section 2-501, the following standards shall apply and supersede any existing standards.

- Allowable property setbacks :

Overall Property Setbacks
Front Yard Setback : 25'-0"
Exterior Side Yard Setback: 25'-0"
Rear Yard Setback: 10'-0"
Interior Side Yard Setback: 10'-0"

- Fencing at all locations is to adhere to the proposed fencing at all appropriate conditions listed. See “Fencing Options” exhibit.
- The minimum open space required is 5.45 acres, inclusive of rear and front yards and all other on-site landscaping. In addition to the proposed open public space, each unit to be provided with a grassy fenced-in rear yard. All fencing requirements shall comply with the fencing exhibit.
- Minimum rear yard square footages:

Unit Type	Proposed Rear Yard Square Footage
One Bedroom	300 SF MIN
Two Bedroom	480 SF MIN



- Amenities shall be provided as generally shown in Exhibit C. The exact location is adjustable and will be determined on the site plan.
 - o Additional amenities shall include the following
 - A minimum of six outdoor amenities shall be provided from the list of outdoor amenities identified in Section 2-501.H of the Mesquite Zoning Ordinance; three from Outdoor Amenities – Group A and three from Outdoor Amenities – Group B.
 - A minimum of two Indoor Amenities shall be provided from the list of indoor amenities identified in Section 2-501.I of the Mesquite Zoning Ordinance
- Screening and Buffering
 - o A buffer tree line is required along Clay Mathis Rd. and East Glen Blvd within a thirteen-foot landscape buffer. The buffer tree line shall consist of one large shade tree per each 35 linear feet.
 - o A buffer tree line and five benches are required along the western boundary of the site adjacent to the creek. The buffer tree line shall consist of one large tree per each 35 linear feet with a minimum of 20 trees provided.
- Parking requirements to adhere to the ratios outlined below.

Unit Type	Unit Count	Proposed Ratio	Total Count
One Bedroom	88	1.5	132
Two Bedroom	80	2.0	160
			292

- A minimum of 60 percent of the parking spaces must be covered parking spaces including 177 carport parking spaces and 80 garage parking spaces.
- Fire-resistant rating of parking structures using materials such as brick, stone, fiber cement siding, and any other material shall be utilized if the approved fire-resistance adopted by building codes is met.
- Carports are to be of a design that allows for the use of a single sloped pitched roof and support columns constructed primarily of painted metal elements.
- Sidewalks and Pedestrian Connectivity
 - o Eight-foot sidewalks shall be constructed along Clay Mathis Rd. and East Glen. Blvd.
 - o Pedestrian connectivity is required throughout the residential development including four-foot sidewalks are required throughout the development and six-foot sidewalks at head-in parking spaces in accordance with the Concept Plan.

Development Regulations: Self Storage

In addition to the Mini-warehousing development standards outlined in Section 3-502, the following standards shall apply and supersede any existing standards.



- Screening: The proposed design is to be a fully enclosed facility with an outward facing commercial element.
-
- Setbacks: The front yard setback shall be 25 feet.
-
- Landscaping: The property shall include 22 percent landscaped area.
- Screening from any residential development shall consist of an 8-foot long-span precast or block concrete screening wall and a buffer tree line.
 - o A buffer tree line is required along Clay Mathis Rd. within a thirteen-foot landscape buffer. The buffer tree line shall consist of one large shade tree per each 35 linear feet.
- Sidewalks: Eight-foot sidewalks are required along Clay Mathis Rd.
- Liners: Along Clay Mathis Road, a leasable office on the first floor for staff is to be provided.
- Office/Apartment: The leasing office is to be integrated into the overall facility. No live-in apartment on site is required.
- Design of the structure to use appropriate materiality to articulate and divide the overall massing using masonry, metal, glass, plaster, color and more.
- Structure to consist of three stories and have a max height of 40'-0".
- All roof-mounted equipment is to be properly screened.



BRAINTREE
PROPERTIES

Proposed Fencing Options

REF: 2210 E. Scyene Rd, PAM0421-0498

Residential Perimeter Fence



The fence is proposed to separate the public from the proposed residential along Clay Mathis Rd and E. Glen Blvd. It is to consist of ornamental, painted steel and stained wood fencing as shown. Height of the fence is to be approximately 6'-0".

Residential Unit Fence



The fence is proposed to separate each living units backyards to provide privacy. It is to consist of painted steel and stained wood fencing as shown. Height of the fence is to be approximately 5'-0".

Club House / Pool Fence



The fence is proposed to provide security at the club house and pool. It will be utilized at the front of the clubhouse, and tie into the vehicular security gates. In addition it will also provide security around the pool. It is to consist of painted ornamental steel as shown. Height of the fence is to be approximately 6'-0".

Self Storage Fence



The fence is proposed to separate the residential community from the Self-Storage facility. It is to consist of pre-cast or block concrete decorative screening as shown above. Height of the of the fence is to be approximately 8'-0".



BRAINTREE
PROPERTIES

