

ORDINANCE NO. 4959  
File No. Z0322-0237

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT - COMMERCIAL ON APPROXIMATELY 12.78 ACRES LOCATED AT 19400 INTERSTATE HIGHWAY 635, THE 2100 THROUGH 2300 BLOCKS OF ORLANDO AVENUE, AND 2443 AND 2501 WESTWOOD AVENUE 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 on approximately 12.78 acres located at 19400 Interstate Highway 635, the 2100 through 2300 blocks of Orlando Avenue, 2443 and 2501 Westwood Avenue, 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 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

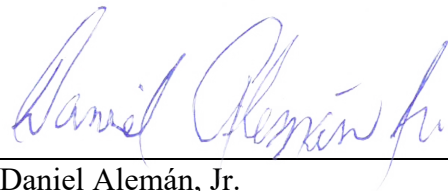
SECTION 4. That the Properties shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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.

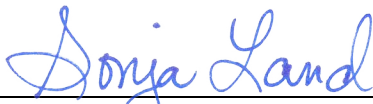
SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of May 2022.



Daniel Alemán, Jr.  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall  
City Attorney

PROPERTY DESCRIPTION:

TITLE COMMITMENT "TRACT 1", "TRACT 2", "TRACT 3", "TRACT 4", "TRACT 5" & "TRACT 6":

BEING A 12.782 ACRE TRACT OF LAND SITUATED IN THE DANIEL TANNER SURVEY, ABSTRACT NO. 1462, IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING ALL OF LOTS 8 THROUGH 17 AND THE REMAINDER OF LOT 18, BLOCK 1 AND ALL OF LOT 7, LOT 8, LOT 19 AND LOT 20, BLOCK 5, AND A PORTION OF ORLANDO AVENUE, HILHOME GARDENS, SECOND SECTION ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 291 DEED RECORDS DALLAS COUNTY, TEXAS (D.R.D.C.T.) AND THE REMAINDER OF LOT 6 AND THE REMAINDER OF LOT 7, BLOCK 1, HILHOME GARDENS FIRST SECTION ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7, PAGE 259 (D.R.D.C.T.) AND THE REMAINDER OF THAT SAME TRACT OF LAND DESCRIBED AS "TRACT 1" TO BETTY C. BOWIE BY WARRANTY DEED RECORDED IN DOCUMENT NUMBER 201700340774 OF THE OFFICIAL PUBLIC RECORDS DALLAS COUNTY, TEXAS (O.P.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 (NAD 83)(US FOOT) WITH A COMBINED SCALE FACTOR OF 1.000136506):

BEGINNING AT A 5/8-INCH REBAR CAPPED "TXTDOT" FOUND FOR THE EAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED AS "PARCEL 13" TO THE STATE OF TEXAS BY DEED RECORDED IN DOCUMENT NUMBER 202100323627 (O.P.R.D.C.T.), SAID POINT LYING ON THE EAST LINE OF SAID LOT 6, FIRST SECTION AND LYING ON THE WEST RIGHT-OF-WAY LINE OF ORLANDO AVENUE (50' RIGHT-OF-WAY);

THENCE NORTH 74 DEGREES 39 MINUTES 56 SECONDS WEST, WITH THE NORTHEAST LINE OF SAID "PARCEL 13", PASSING AT A DISTANCE OF 95.39 FEET A 5/8-INCH REBAR CAPPED "TXTDOT" FOUND FOR THE NORTH CORNER OF SAID "PARCEL 13" AND THE EAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED AS "PARCEL 12" TO THE STATE OF TEXAS BY DEED RECORDED IN DOCUMENT NUMBER 202100323650 (O.P.R.D.C.T.) AND CONTINUING WITH THE NORTHEAST LINE OF SAID "PARCEL 12", PASSING AT A DISTANCE OF 116.99 FEET A 5/8-INCH REBAR FOUND CAPPED "TXTDOT" FOR THE NORTH CORNER OF SAID "PARCEL 12" AND THE NORTHEAST CORNER OF THAT SAME TRACT OF LAND DESCRIBED AS "PARCEL 11" TO THE STATE OF TEXAS BY DEED RECORDED DOCUMENT NUMBER 202100323599 AND 202100323598 (O.P.R.D.C.T.) AND CONTINUING WITH THE NORTHEAST LINE OF SAID "PARCEL 11" FOR A TOTAL DISTANCE OF 314.28 FEET TO A 5/8-INCH REBAR CAPPED "TXTDOT" FOUND FOR THE NORTHWEST CORNER OF SAID "PARCEL 11" AND A SOUTHEAST CORNER OF SAID "TRACT 1", SAID POINT LYING ON THE NORTHEAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 80 (VARIABLE WIDTH RIGHT-OF-WAY);

THENCE NORTH 53 DEGREES 58 MINUTES 43 SECONDS WEST, WITH A SOUTHWEST LINE OF SAID "TRACT 1" AND THE NORTHEAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 80, A DISTANCE OF 457.77 FEET TO A CONCRETE MONUMENT FOUND FOR CORNER;

THENCE NORTH 22 DEGREES 12 MINUTES 10 SECONDS WEST, WITH A SOUTHWEST LINE OF SAID "TRACT 1" AND CONTINUING WITH THE NORTHEAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 80, PASSING AT DISTANCE OF 370.49 FEET A 5/8-INCH REBAR CAPPED "TXTDOT" FOUND FOR THE SOUTH CORNER OF THAT SAME TRACT OF LAND DESCRIBED TO THE STATE OF TEXAS BY DEED RECORDED IN VOLUME 690, PAGE 413 (D.R.D.C.T.) AND CONTINUING WITH THE NORTHEAST LINE OF SAID FOURTH REFERENCED STATE OF TEXAS TRACT FOR A TOTAL DISTANCE OF 446.53 FEET TO A POINT FOR THE NORTH CORNER OF SAID FOURTH REFERENCED STATE OF TEXAS TRACT, SAID POINT LYING ON THE NORTHWEST LINE OF SAID LOT 18, BLOCK 1, AND FROM WHICH A 1/2-INCH REBAR FOUND FOR REFERENCE BEARS SOUTH 37 DEGREES 58 MINUTES, 3.8 FEET;

THENCE NORTH 44 DEGREES 37 MINUTES 32 SECONDS EAST, WITH THE NORTHWEST LINE OF SAID LOT 18, BLOCK 1, A DISTANCE OF 368.44 FEET TO A 1/2-INCH REBAR CAPPED "WINDROSE" SET FOR THE NORTH CORNER OF SAID LOT 18, BLOCK 1, SAID POINT LYING ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID ORLANDO AVENUE;

THENCE SOUTH 45 DEGREES 30 MINUTES 24 SECONDS EAST, WITH THE NORTHEAST LINE OF SAID LOT 18 THROUGH LOT 14, BLOCK 1, AND THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID ORLANDO AVENUE, A DISTANCE OF 500.00 FEET TO A 1/2-INCH REBAR CAPPED "WINDROSE" SET FOR THE EAST CORNER OF SAID LOT 14, BLOCK 1 AND THE NORTH CORNER OF SAID LOT 13, BLOCK 1;

THENCE NORTH 44 DEGREES 37 MINUTES 32 SECONDS EAST, DEPARTING THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID ORLANDO AVENUE, OVER, ACROSS AND UPON SAID ORLANDO AVENUE, WITH THE NORTHWEST LINE OF SAID LOT 19, AND LOT 8, BLOCK 5, A DISTANCE OF 450.00 FEET TO A 3/8-INCH REBAR FOUND FOR THE NORTH CORNER OF SAID LOT 8, BLOCK 5 AND THE EAST CORNER OF LOT 9, BLOCK 5, SAID POINT LYING ON THE SOUTHWEST RIGHT-OF-WAY LINE OF WESTWOOD AVENUE (50' RIGHT-OF-WAY);

THENCE SOUTH 45 DEGREES 30 MINUTES 24 SECONDS EAST, WITH THE NORTHEAST LINE OF SAID LOT 8 AND SAID LOT 7, BLOCK 5, AND WITH THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID WESTWOOD AVENUE, A DISTANCE OF 201.10 FEET TO A 1/2-INCH REBAR FOUND FOR THE EAST CORNER OF SAID LOT 7, BLOCK 5 AND THE NORTH CORNER OF LOT 6, BLOCK 5;

THENCE SOUTH 44 DEGREES 46 MINUTES 59 SECONDS WEST, DEPARTING THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID WESTWOOD AVENUE, WITH THE SOUTHEAST LINE OF SAID LOT 7 AND SAID LOT 20, BLOCK 5, AND WITH THE NORTHWEST LINE OF SAID LOT 6, BLOCK 5 AND THE NORTHWEST LINE OF LOT 4, HILHOME GARDENS, SECOND SECTION ADDITION, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS RECORDED IN VOLUME 84055, PAGE 1278 (D.R.D.C.T.), AND OVER, ACROSS AND UPON SAID ORLANDO AVENUE, A DISTANCE OF 450.01 FEET TO A 1/2-INCH REBAR CAPPED "WINDROSE" SET FOR THE NORTH CORNER OF SAID LOT 11, BLOCK 1, SAID POINT LYING ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SAID ORLANDO AVENUE AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 145.72 FEET, A CENTRAL ANGLE OF 39 DEGREES 38 MINUTES 11 SECONDS AND A CHORD BEARING AND DISTANCE OF SOUTH 26 DEGREES 19 MINUTES 35 SECONDS EAST, 98.81 FEET;

THENCE IN A SOUTHERLY DIRECTION, WITH THE CURVING SOUTHWEST RIGHT-OF-WAY LINE OF SAID ORLANDO AVENUE, ALONG SAID NON-TANGENT CURVE TO THE RIGHT, AN ARC LENGTH OF 100.81 FEET, TO A 1/2-INCH REBAR CAPPED "WINDROSE" SET FOR CORNER ON THE EAST LINE OF SAID LOT 11, BLOCK 1;

THENCE SOUTH 05 DEGREES 07 MINUTES 02 SECONDS EAST, WITH THE EAST LINE OF SAID LOT 10 THROUGH LOT 6, AND THE WEST RIGHT-OF-WAY LINE OF SAID ORLANDO AVENUE, A DISTANCE OF 450.71 FEET TO THE POINT OF BEGINNING AND CONTAINING 12.782 ACRES OR 556,776 SQUARE FEET OF LAND, MORE OR LESS.







## EXHIBIT B

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### PLANNED DEVELOPMENT STANDARDS

This Planned Development Commercial (PD-C) must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts Commercial base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C and the standards identified below, which apply to this PD-C district. Where these regulations conflict with or overlap another ordinance, the more stringent restriction will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the Commercial District classification ("C") as set out in the Mesquite Zoning Ordinance (MZO), and those permitted uses on the Property are subject to the same requirements as set out in the MZO. Prohibited uses on the Property are identified in subsection 2 below.
  - a. The permitted uses requiring a conditional use permit ("CUP") as set out in the Mesquite Zoning Ordinance (MZO), also require a CUP for the use to be permitted on the Property.
  - b. The following uses are permitted within the PD:
    - i. SIC Code 42: Warehousing Distribution (as defined in Section 3), not including mini-warehousing
  - c. The following uses are permitted within the PD only by obtaining a conditional use permit ("CUP"):
    - i. SIC Code 20-399: Manufacturing Uses, general
2. **Prohibited Land Use.** The following uses are prohibited on the property:
  - a. SIC Code 32a: Concrete Batch Plants
  - b. SIC Code 40: Railroad Passenger Terminal
  - c. SIC Code 61: Alternative Financial Institutions
  - d. SIC Code 593: Used Merchandise
  - e. SIC Code 593a: Pawnshops
  - f. SIC Code 5993: Tobacco Stores
  - g. SIC Code 7299a: Massage Parlors, Turkish and Steam Baths
  - h. SIC Code 753: Automobile Repair Shops
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;

## EXHIBIT B

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- 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;
- 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.

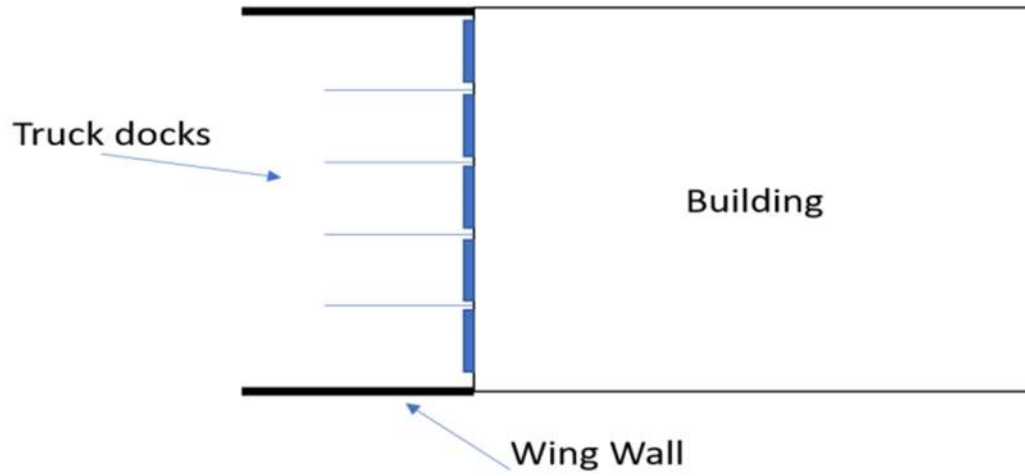
- 4. The minimum number of off-street parking spaces shall be provided per Section 3-400 of the Mesquite Zoning Ordinance except as provided herein: One (1) space for every 1,500 square feet of gross floor area used for distribution, warehousing or storage. Reduction in this requirement may be provided 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 for a use located in a building that exceeds 100,000 square feet in area and is located within the PD.
- 6. The truck court (including heavy load vehicle parking, overhead doors or loading docks) shall not face a public right-of-way without screening. Where not screened by a building, the truck court shall be screened with an eight-foot masonry wall or a living screen pursuant to Section 1A-303D. Wood or chain link screening is prohibited. Said screening shall be provided prior to the issuance of a Certificate of Occupancy.
  - a. 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.

## **EXHIBIT B**

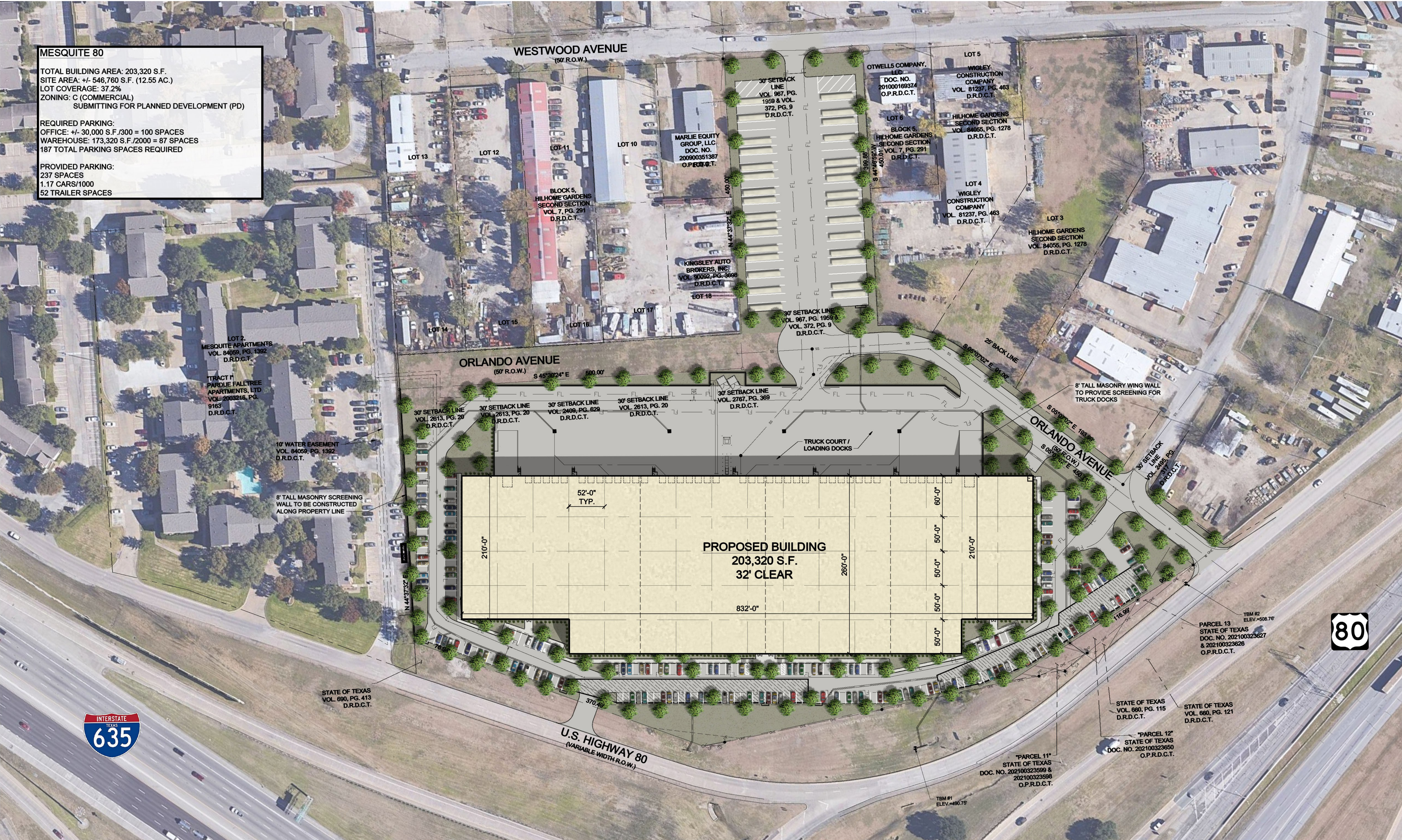
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7. Primary outdoor storage yard, including heavy load vehicles and unmounted trailers, as defined in Section 3-600 of the Mesquite Zoning Ordinance shall be prohibited.
8. Alternative screening may be utilized as provided in Section 1A-303A.3 in the Mesquite Zoning Ordinance for district screening.
9. Heavy load truck traffic shall be prohibited on Westwood Avenue until the following improvements are completed in compliance with all applicable city standards:
  - a. The subject property entrance on Westwood Avenue to the U.S. Hwy 80 right-of-way (including Westwood Avenue and Mariposa Avenue), 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.
10. 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.
11. 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.

For illustrative purposes only.







**MESQUITE 80**

TOTAL BUILDING AREA: 203,320 S.F.  
SITE AREA: +/- 546,760 S.F. (12.55 AC.)  
LOT COVERAGE: 37.2%  
ZONING: C (COMMERCIAL)  
SUBMITTING FOR PLANNED DEVELOPMENT (PD)

REQUIRED PARKING:  
OFFICE: +/- 30,000 S.F./300 = 100 SPACES  
WAREHOUSE: 173,320 S.F./2000 = 87 SPACES  
187 TOTAL PARKING SPACES REQUIRED

PROVIDED PARKING:  
237 SPACES  
1.17 CARS/1000  
52 TRAILER SPACES