ORDINANCE NO. <u>5059</u> File No. Z0822-0253

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM INDUSTRIAL TO PLANNED DEVELOPMENT – INDUSTRIAL ON PROPERTY GENERALLY LOCATED TO THE WEST OF LAWSON ROAD, SOUTH OF EAST SCYENE ROAD AND EAST OF THE MESQUITE METRO AIRPORT (4650 AND 4698 EAST SCYENE ROAD, AND 215, 225, 229, 231, AND 1600 LAWSON ROAD) TO ALLOW AN INDUSTRIAL BUSINESS PARK 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; PROVIDING PUBLICATION OF THE CAPTION HEREOF; 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:

<u>SECTION 1.</u> The subject property is approximately 218 acres and described and depicted in <u>Exhibit A</u>, attached hereto and incorporated herein by reference, and generally located to the west of Lawson Road, south of East Scyene and east of the Mesquite Metro Airport (4650 and 4698 East Scyene Road, and 215, 225, 229, 231, and 1600 Lawson Road), City of Mesquite, Dallas County, Texas (collectively the "**Property**").

<u>SECTION 2.</u> The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Industrial to Planned Development – Industrial to allow an industrial business park subject to the Development Standards and the Concept Plan, attached hereto as <u>Exhibits B and C</u>, respectively, and incorporated herein by reference.

<u>SECTION 3.</u> 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

<u>SECTION 4.</u> The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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<u>SECTION 5.</u> 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.

<u>SECTION 6.</u> Any violation of the provisions or terms of this Ordinance by any "person," as defined in Mesquite City Code, Chapter 1, <u>Section 1-2</u>, shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, <u>Section 5-103</u> (General Penalties), or successor and as amended.

<u>SECTION 7.</u> This Ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, <u>Section 24</u>.

<u>SECTION 8.</u> 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 5th day of September 2023.

DocuSigned by: Daniel Aleman Jr. D999585317D142B...

Daniel Alemán, Jr. Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSianed by: Sonja Land C2518095973F46A..

Sonja Land City Secretary DocuSigned by: David Paschall 666E18891208434...

David L. Paschall City Attorney

EXHIBIT A – FILE NO. Z0822-0253 - LEGAL DESCRIPTION

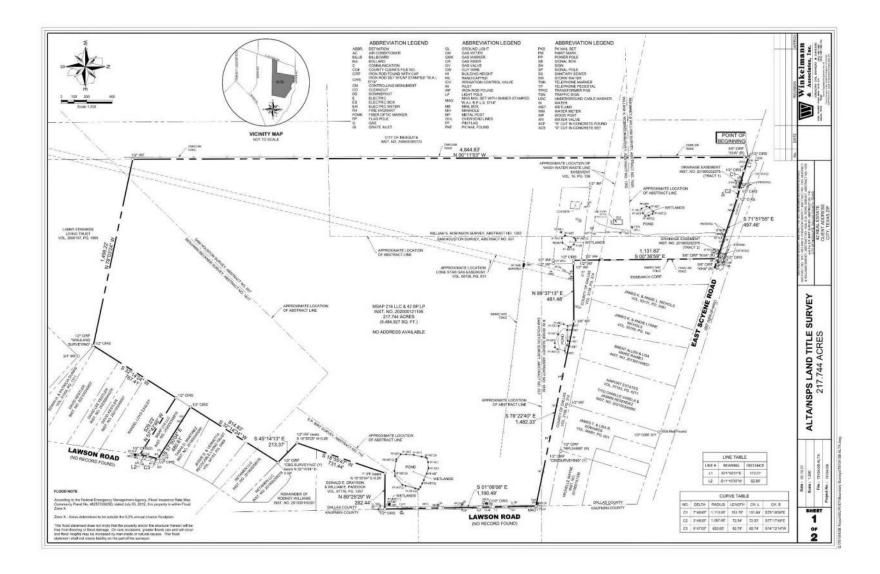


EXHIBIT A – FILE NO. Z0822-0253 - LEGAL DESCRIPTION

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Z0822-0253 EXHIBIT B – PD STANDARDS

This Planned Development Industrial ("PD-I") district must adhere to all conditions of the Mesquite City Code, including but not limited to the Mesquite Zoning Ordinance ("MZO"), as amended, and adopts Industrial 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-I district. The number of buildings, sizes, and locations shown on **EXHIBIT C** may be modified provided the parking ratios, and other development standards are met. Where these regulations conflict with or overlap another ordinance, this ordinance will control.

- Permitted Land Uses. The permitted uses on the Property include the permitted uses in the Industrial District classification ("I") and all the Commercial District classifications ("C") as set out in the MZO, and those permitted uses on the Property are subject to the same requirements as set out in the MZO unless this PD-I & C changes any requirements. Prohibited uses on the Property are identified in subsection 2 below.
 - a. The permitted uses requiring a conditional use permit ("CUP") in the Industrial and Commercial zoning districts as set out in the MZO, also require a CUP for the use to be permitted on the Property unless permitted in subsection b below.
 - b. The following uses are permitted on the Property in addition to all uses in the MZO covering Industrial, Commercial, Retail and Office:
 - i. Indoor crop production
 - ii. Self storage with a minimum of two stories for all self-storage structures where the storage units are accessed through the building's interior
 - iii. Manufacturing (not to include chemical production or processing of raw materials)
 - iv. Aircraft hangars and airport-related uses may be consistent with the existing structures located on the Mesquite Metro Airport property
 - v. Commercial, Office, Retail, Data Centers, and Cold Storage
- 2. Prohibited Land Use. The following use are prohibited on the property:
 - a. SIC Code 32a: Permanent Concrete Batch Plants
 - b. SIC Code 40: Railroad Passenger Terminal
 - c. SIC Code 61: Retail Alternative Financial Institutions
 - d. SIC Code 593a: Retail Pawnshops
 - e. SIC Code 5993: Retail Tobacco Stores
 - f. SIC Code 5947: Retail Gift, Novelty, Souvenir Shops
 - g. SIC Code 5999g: Retail Paraphernalia Shops
- 3. The overnight parking of heavy load vehicles and/or unmounted trailers (and 18-wheelers) is permitted at any parking location within the PD if it is associated with a valid Certificate of Occupancy for a use located in any building within the Property.
- 4. The minimum number of off-street parking spaces shall be as follows: Uses allowed in the Industrial District classified as distribution, fulfillment, warehousing, manufacturing, or storage shall provide 15 spaces plus one space per 7,000 square feet. Data centers shall provide one space per 10,000 square feet. Reduction in this requirement may be provided by meeting requirements in Section 3-403 of the MZO, or by receiving a Special Exception from the Board of Adjustment.

Z0822-0253 EXHIBIT B – PD STANDARDS

- 5. When adjacent to a public right-of-way or park, a truck court, and/or outdoor storage (including heavy load vehicle parking, overhead doors or loading docks) shall be screened with a solid masonry wall, or a solid landscape hedge pursuant to Mesquite Zoning Ordinance's Section, 1A-303.D, and further defined below in 5(a). Wood or chain link screening is prohibited. Said screening shall be provided, or constructed prior to the issuance of a Certificate of Occupancy. Notwithstanding the foregoing requirements, areas within the Property developed as airport related uses will not be subject to the screening standards in this Section 5.
 - a. A Solid Landscape Hedge shall consist of a large evergreen shrub, or small ornamental evergreen trees a minimum of six feet (6') in height at the 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.
 - b. Mature plant growth should provide continuous screening. Acceptable Screening species include, but are not limited to, Magnolias, Hollies, Cedars, or Junipers.
- 6. The screening and buffer zones shall include the following.
 - a. Along Lawson and Scyene Roads:
 - i. A 15-ft wide landscape buffer shall be established along the property line parallel to Lawson Road and Scyene Road (only when the Property abuts the right-of-ways) (the "15 Foot Landscape Buffer").
 - ii. Within the 15 Foot Landscape Buffer, or the green space within the immediately adajacent right-of-way, one tree shall be provided for each 60 linear feet, and trees shall be planted no more than 60 feet apart (on center) (the "Buffer Tree Line").
 - b. District screening shall consist of the following: (District screening shall apply only to areas of the Property abutting Residential properties)
 - i. An 8' tall, long-span precast decorative concrete screening wall, or
 - ii. An 8' tall wrought-iron fence with a continuous vegetative screen a minimum of 6 feet in height at planting.
 - iii. Barbedwire is prohibited.
 - c. Trees in the 15 Foot Landscape Buffer shall be selected from the following list. Trees planted outside of the landscape buffers shall be selected from Section 1A
 - 500 of the Mesquite Zoning Ordinance. A variety of species shall be required such that no single species shall exceed 25% of the total number of trees.

Common Name	Scientific Name
Texas Walnut	Juglans microcarpa
Pecan	Carya illinoinenis
Caddo Maple	Acer saccharum var. caddo
Cedar Elm	Ulmus crassifolia
Chinquapin Oak	Quercus muhlenbergii
Live Oak	Quercus virginiana
Texas Red Oak	Quercus texana

Shantung Maple	Acer truncatum
Lacebark Elm	Ulmus parvifolia

7. The term, "Landscape Buffers" refers to any 15 Foot Landscape Buffer. Trees and landscaping installed in the Landscape Buffers or the green space within the immediately adjacent right-of-way may be used to fulfill the tree requirement in MZO's Section, 1A-202.A.2 or in other documents.

The number and size of the trees required to meet Section 1A-200 of the MZO may be modified to avoid conflicts with the Mesquite Airport operations with the approval of the Director of Planning and Development Services.

- 8. Notwithstanding the requirements contained in Section 6 and Section 7 of this PD, areas within the Property developed as airport related uses will not be subject to the landscaping, screening and buffer zones requirements.
- 9. The truck courts and building size areas shall be excluded from the calculation for the required landscaping area. The minimum installation size of each tree shall be a minimum of 3 caliper-inches at 1 foot above the ground.
- 10. The maintenance and replacement of trees and other landscaping installed in the right-ofway are the responsibility of the adjacent property owner.
- 11. The quantities of trees required to meet the requirements of this PD are based on each tree having a minimum caliper-inch of 3-inches at one foot above the ground. As an option, the total number of required trees planted on a lot may be decreased by increasing the tree caliper-inch, only if the total caliper inches required are matched. For example, if 100 trees are required per ordinance (100 trees x 3-inches = 300 caliper-inches), the Property may elect to plant 75 trees if each tree is 4 caliper inches (75 trees x 4 inches = 300 caliper-inches). However, this option cannot be used to reduce the number of trees required in the Landscape Buffer or in the solid landscape hedge.
- 12. Any tree preservation and mitigation requirements in an approved Development Agreement for the Property will overrule the requirements in Section 1A-400 of the MZO. If there is no Development Agreement or it does not include provisions for tree preservation and mitigation, Section 1A-400 of the Mesquite Zoning Ordinance will apply.
- 13. Sign regulations for free standing signs All signage shall comply with the Mesquite Sign Ordinance except as modified below.
 - a. Pole signs shall be prohibited.
 - b. District identification and directional signage shall be permitted in the PD at locations agreed to between the developer and the City of Mesquite City Manager.
 - i. All district identification and directional signage shall have the same architectural design and material as permitted by the Mesquite Sign Ordinance. The district identification or directional sign shall match the design and materials of the first such sign installed with the PD.
 - ii. District identification and directional signage to be located a minimum of 30 feet from adjoining private property lines and shall not obstruct the vision

of traffic within a triangular area formed by the intersection of adjacent curb lines from a point on each curb line 20 feet from the intersection.

- iii. District identification and directional signage shall be installed by the developer of the property where a sign is to be located. After installation and acceptance, the City will maintain the district identification sign. The signs shall be placed in a maintenance easement dedicated to the City of Mesquite.
- iv. District identification and directional signage shall conform to the sign standards in the Mesquite Sign Ordinance; provided that such signs shall not count towards the number of signs permitted on the property.
- 14. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards, unless different standards are required for aircraft hangars and buildings for airport related uses.
 - a. Light sources shall be concealed or shielded with luminary shielding, skirts, or cutoffs with an angle not exceeding 90 degrees ("cutoff angle") if without said concealment or shielding, there would be potential for glare and unnecessary diffusion on adjacent property over one foot-candle additional illumination levels at any point off-site. For purposes of this provision, "cutoff angle" is further 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. 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.
 - c. For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roof line.
 - d. No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.
- 15. A wing wall shall be installed to screen the truck docks (see illustration). The wing wall height may exceed 8-ft in heigh, with the final size to be determined during the site plan review process.

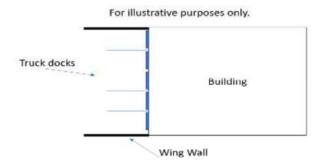


EXHIBIT C – FILE NO. Z0822-0253 - CONCEPT PLAN

