

ORDINANCE NO. 5091
File No. Z0821-0215

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO PLANNED DEVELOPMENT - COMMERCIAL ON APPROXIMATELY 4.709 ACRES LOCATED AT 2300 GROSS ROAD TO ALLOW A SELF-STORAGE, MOVING TRUCK RENTAL AND WAREHOUSE FACILITY 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; PROVIDING FOR PUBLICATION; 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 property is on approximately 4.709 acres located at 2300 Gross Road, and more fully described in Exhibit A attached hereto and incorporated herein by reference (the “**Property**”).

SECTION 2. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial to Planned Development – Commercial to allow a self-storage, moving truck rental and warehouse facility 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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.

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SECTION 6. Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), 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, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

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 16th day of January 2024.

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B...

Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:
David Paschall
666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A for File No. Z0821-0215

LEGAL DESCRIPTION

BEING A TRACT OF LAND LOCATED IN THE DANIEL TANNER SURVEY, ABSTRACT No. 1462, DALLAS COUNTY, TEXAS, BEING A PORTION OF LOT 18, BLOCK A, BIG TOWN ESTATES No. 1, AN ADDITION TO THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS ACCORDING TO THE PLAT RECORDED IN VOLUME 38, PAGE 129, MAP RECORDS, DALLAS COUNTY, TEXAS, (M.R.D.C. T.), BEING ALL OF A TRACT OF LAND DESCRIBED IN A DEED TO VAN-TEXAS PROPERTIES, LP., RECORDED IN VOLUME 93253, PAGE 764, DEED RECORDS, DALLAS COUNTY, TEXAS (D.R.D.C. T.), AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A ½" IRON ROD FOUND WITH A CAP STAMPED "MCKIM CREED" BEING THE NORTHEAST END OF A RIGHT-OF-WAY CORNER CLIP AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF STATE HIGHWAY No. 80 (A VARIABLE WIDTH RIGHT-OF-WAY) WITH THE EAST RIGHT-OF-WAY LINE OF GROSS ROAD (A VARIABLE WIDTH RIGHT-OF-WAY), AND BEING THE MOST NORTHERLY NORTHWEST CORNER OF SAID VAN-TEXAS TRACT;

THENCE N 88 DEGREES 45'22" E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY No. 80, THE NORTH LINE OF SAID LOT 18, AND THE NORTH LINE OF SAID VAN-TEXAS TRACT, A DISTANCE OF 645.21 FEET TO A ½" IRON ROD FOUND BEING THE NORTHEAST CORNER OF SAID VAN-TEXAS TRACT AND THE NORTHWEST CORNER OF A TRACT OF LAND DESCRIBED AS TRACT I IN A DEED TO HOLY TABERNACLE CHURCH INTERNATIONAL, INC., RECORDED IN INSTRUMENT No. 200900305469, OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS (O.P.R.D.C. T.);

THENCE S 03 DEGREES 06'07" E, DEPARTING THE SOUTH RIGHT-OF-WAY LINE OF SAID STATE HIGHWAY No. 80, AND THE NORTH LINE OF SAID LOT 18, ALONG THE EAST LINE OF SAID VAN-TEXAS TRACT AND THE WEST LINE OF SAID HOLY TABERNACLE CHURCH INTERNATIONAL TRACT, A DISTANCE OF 276.97 FEET (DEED: 276.66 FEET) TO A ½" IRON ROD FOUND IN THE SOUTH LINE OF SAID LOT 18 AND THE NORTH RIGHT-OF-WAY LINE OF A 15 FOOT WIDE ALLEY, SAID IRON ROD BEING THE SOUTHEAST CORNER OF SAID VAN-TEXAS TRACT AND THE SOUTHWEST CORNER OF SAID HOLY TABERNACLE CHURCH INTERNATIONAL TRACT;

THENCE S 85 DEGREES 29'22" W. ALONG THE SOUTH LINE OF SAID LOT 18, THE SOUTH LINE OF SAID VAN-TEXAS TRACT, AND THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY, A DISTANCE OF 696.34 FEET (DEED: 696.15 FEET), TO A POINT BEING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF SAID ALLEY WITH THE EAST RIGHT-OF-WAY LINE OF SAID GROSS ROAD, FROM WHICH A RAIL ROAD SPIKE FOUND BEARS N 75 DEGREES 40'W, 0.7 FEET, SAID POINT BEING THE SOUTHWEST CORNER OF SAID LOT 18, THE SOUTHWEST CORNER OF SAID VAN-TEXAS TRACT, AND BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG THE WEST LINE OF SAID LOT 18, THE WEST LINE OF SAID VAN-TEXAS TRACT, AND THE EAST RIGHT-OF-WAY NE OF SAID GROSS ROAD AS FOLLOWS:

(1) NORTHERLY, AN ARC DISTANCE OF 32.64 FEET (DEED: 32.81 FEET) ALONG SAID NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1262.40 FEET, A DELTA ANGLE OF 01'28'52", AND A CHORD BEARING OF N 03 DEGREES 25'54" W. 32.64 FEET TO A ½" IRON ROD FOUND;

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(2) N 02 DEGREES 41'28" W. A DISTANCE OF 233.26 FEET (DEED: 233.50 FEET), TO A ½" IRON ROD FOUND BEING THE MOST WESTERLY NORTHWEST CORNER OF SAID LOT 18, THE MOST WESTERLY NORTHWEST CORNER OF SAID VAN-TEXAS TRACT, AND THE SOUTHWEST END OF SAID CORNER CLIP;

THENCE N 42 DEGREES 16'26" E, A DISTANCE OF 69.93 FEET (DEED: 69.77 FEET), TO THE PLACE OF BEGINNING AND CONTAINING 4.709 ACRES (205, 14.3 SQUARE FEET) OF LAND, MORE OR LESS.

EXHIBIT B for File No. Z0821-0215

PLANNED DEVELOPMENT STANDARDS

This Planned Development - Commercial (PD-C) district 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 within this 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.
 - 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 unless listed below.
 - i. SIC Code 42a: Mini-warehousing, Self-Storage
 - ii. SIC Code 7513: Truck Rental
 - iii. SIC Code 7519: Trailer Rental
2. **Prohibited Land Use.** The following uses are prohibited on the Property:
 - a. SIC Code 549a: Convenience Stores
 - b. SIC Code 5947: Gift Novelty, Souvenir Shops
 - c. SIC Code 5993: Tobacco Stores
 - d. SIC Code 5999g: Paraphernalia Shop
 - e. SIC Code 61: Alternative Financial Institutions
 - f. SIC Code 7215: Coin-Operated Laundries
 - g. SIC Code 7299a: Massage Parlors, Turkish and Steam Bath
3. **Development Standards.** In addition to the requirements of the C base zoning district, the Planned Development is subject to the following.
 - a. **Mini-warehousing, Self-Storage.**
 - i. **Site Plan.** A site plan for a mini-warehousing/self-storage development of the property shall be consistent with the Concept Plan in Exhibit C. The site plan may be altered without requiring an amendment to the Concept Plan to comply with the adopted Building and Fire Codes, Mesquite Engineering Design Manual, and TxDOT driveway standards. Modifications can include the following:
 1. Placement of the buildings may be adjusted if they meet the required setbacks.

2. The number and size of buildings may be reduced in height and square feet. Increases in the number or size of buildings are not permitted without amending the Concept Plan Exhibit C.
 3. The number and placement of the driveways may be adjusted.
- b. **Truck and/or Trailer Rental.** Delivery vehicle rentals, including trucks, vans, and trailers are permitted in conjunction with the self-storage facility. Parking and/or storage of rentals including trucks, vans, and trailers shall be located on the Property as shown on the Concept Plan, Exhibit C.
- c. **Screening.** Screening for the self-storage facility with or without delivery vehicle rentals shall comply with the following screening requirements.
- i. **District Screening.** Alternative screening along the south property line may consist of a living screen with a 6-ft wrought iron (ornamental metal fence). The living screen shall consist of two offsetting rows of evergreen trees planted at a minimum height of 8 feet, planted 8 feet on center within a 10-ft landscape buffer.
 - ii. **General Screening.**
 1. Overhead door access to the storage units shall be not visible.
 2. Access to the storage units shall be from the interior of the building.
- d. **Building Height and Setbacks**
- i. The maximum building height is 70 feet.
 - ii. The minimum exterior and front building setback is 25 feet.
 - iii. The minimum rear building setback 55 feet.
- e. **Landscaping.**
- i. The required landscaping and number of trees pursuant to Section 1A-202 of the MZO shall be based on the landscape area provided as shown on the Concept Plan, Exhibit C.
- f. **Glazing and Liners.** Liners pursuant to Section 3-502.C.3 of the MZO are not required for multistory self-storage buildings with interior access only and the following minimum amount of glazing is provided:
- i. **Building A.**
 1. North façade: 1680 SF
 2. West façade: 672 SF

3. East façade: 1008 SF
4. South façade: 205 SF

ii. **Building B:**

1. North façade: 720 SF
2. West façade: 600 SF
3. East façade: 660 SF
4. South façade: N/A

- g. **Parking.** One space for every two hundred (200) storage units.
- h. **Lighting.** Exterior light shall not shine towards the residential district. In no case shall exterior lighting add more than 0.25 footcandle to the illumination levels at any point off-site. 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.

