

ORDINANCE NO. 5217

File No. Z0925-0417

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE TOWN EAST RETAIL AND RESTAURANT AREA (“TERRA”) OVERLAY DISTRICT TO COMMERCIAL WITHIN THE TERRA OVERLAY DISTRICT WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1800 NORTH TOWN EAST BOULEVARD (FUTURE ADDRESS OF 9005 TOWN EAST MALL) TO ALLOW A DRONE DELIVERY SERVICE SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL OTHER 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:

SECTION 1. The subject property is approximately 5.93 acres, platted as Town East Mall Phase 2, Block A, Lot 5, and located at 1800 North Town East Boulevard (future address 9005 Town East Mall) (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Commercial within the Town East Retail and Restaurant Area (“**TERRA**”) Overlay District to Commercial within the TERRA Overlay District with a Conditional Use Permit (“**CUP**”) to allow a drone delivery service (SIC 4789a) on the Property subject to the following findings and stipulations:

- a. The City Council finds that said use(s) defined and permitted under this CUP are sufficiently unusual in character or operation as to create the potential for variations in function or operation with possible negative impacts upon adjacent properties or on the citizenry as a whole. The City Council further finds that while the said use(s) may be viewed as consistent with current uses in the area and on adjoining property, anticipated future changes in the area may cause the requested use(s) to become incompatible after a period of time.
- b. The CUP is approved solely for Wing Aviation, LLC, and the CUP is not transferable or assignable to a different owner or business. A different business

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applicant desiring to continue this use must submit a new application requesting to continue the CUP and any such application shall require the procedures outlined in the MZO for initial approval of a CUP.

- c. The CUP is granted for a period of two years from the date of the issuance of a Certificate of Occupancy, after which it shall expire and terminate. In the event the holder of the CUP desires to continue the use(s) and prior to expiration of the CUP, the holder must submit a new application requesting to continue the CUP. Any such application shall require the procedures outlined in the MZO for initial approval of a CUP and City Staff shall present a report on Property conditions during the time period of the CUP.
- d. The drone staging area shall be fully secured by an 8-ft tall fence made of decorative iron, metal, or chain link that is coated with black vinyl and screened with a durable mesh material, or as otherwise approved by the Director of Planning and Development Services.
- e. Any inoperative or unused equipment shall be removed from the site within thirty (30) days of discontinuance. All equipment areas shall remain in good repair, and the site must be maintained free of debris.
- f. Only battery-operated generators or equivalent zero-emission systems shall be permitted.
- g. Prior to CUP issuance, a site plan shall be reviewed and approved by City Staff based on compliance with engineering, building, and fire code compliance, as well as the following:
 - i. The Property shall comply with Section 1A of the MZO.
 - ii. The development will have cohesive landscaping to create a harmonious streetscape edge that will contain native plant materials and drought-tolerant shrubs and trees. 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 illinoensis
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

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SECTION 3. 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. The Property described in Section 1 of this ordinance 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.

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 17th day of November 2025.

Signed by:

Daniel Alemán, Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

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Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

David L. Paschall

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David L. Paschall
City Attorney