

ORDINANCE NO. 3287

File No. 569-3

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973 AND RECODIFIED ON NOVEMBER 21, 1988 SO AS TO APPROVE A PLANNED DEVELOPMENT DISTRICT WITH STIPULATIONS THEREBY AMENDING THE PLANNED DEVELOPMENT DISTRICT APPROVED BY ORDINANCE NO. 2286 AND KNOWN AS FALCON'S LAIR; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

WHEREAS, The Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given all requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein:

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

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973 and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning approving a Planned Development District which amends the Planned Development District known as Falcon's Lair and approved by Ordinance No. 2286, by modifying in its entirety the provisions and regulations of Ordinance No. 2286 relating to the North Tract, described in the attached Exhibit "A". The provisions and regulations of Ordinance No. 2286, as they relate to the portions of the Falcon's Lair development not described in the attached Exhibit "A", the South Tract, are not affected by this ordinance and shall remain in full force and effect.

The subject property is located southeast of Lawson Road and west of the East Fork of the Trinity River, City of Mesquite, Dallas County, Texas.

The following described provisions, regulations and amendments, applicable to the North Tract only of the Falcon's Lair Planned Development, are hereby adopted:

A. Land Use Plan

The land use plan of Ordinance No. 2286 is deleted in its entirety and is replaced by the *Revised Concept Plan (RCP)*, dated February 5, 1999, attached hereto as Exhibit "B". The location of roads shown on the *RCP* may be altered during site plan review, however all other aspects of the plan are adopted as shown on the *RCP*.

B. Development Standards

The *Sample Products/Development Concepts* brochure incorporated in Ordinance No. 2286 is replaced in its entirety by the following:

1. The Table of Development Standards entitled *Proposed Development Standards* and attached hereto as Exhibit "C" sets out the permitted and required standards for development of the subject property, provided, however, the development of parcel 4 shown on the *RCP* may occur in accordance with the *Neo-Traditional Mixed Use Development Standards* set forth in Exhibit "E" attached hereto. The development standards of Exhibits "C" and "E" replace in their entirety the North Tract development standards of Ordinance No. 2286.
2. The Table of Minimum Unit Sizes entitled *Minimum Dwelling Sizes for Residential Parcels* and attached hereto as Exhibit "D" sets out the required and permitted unit size minimums.
3. *Private Deed Restrictions*, containing the provisions stated in Exhibit "F" attached hereto, are required and shall be recorded against all property within parcels 1, 2, and 3 shown on the *RCP* prior to any sale of property to home builders.
4. The *Landscape and Screening Standards* attached hereto as Exhibit "G" are incorporated herein as the requirements that must be met on all tracts of the subject property, provided, however, that modifications may be requested by the developer in the site plan review process when a property's relationship to open space, unique design, or similar special feature warrants consideration of such modification. City requirements for installation of street lighting, left turn lanes, tree plantings, striping, and signage on all divided streets must be met, unless modifications requested by the developer, justified by topography, unique design or other similar reason, are specifically granted.
5. *Multifamily Standards:* In addition to the standards set forth in Exhibits "C", "D" and "E" above, standards for the development of traditional townhome and multifamily projects shall be as follows: (a) height, from the main entry side of the structure, shall be limited to three stories; (b) where terrain permits, a height of four stories will be permitted on the side of the structure opposite the main entry; (c) each dwelling unit shall be provided with one covered parking space, which may be either a garage or a carport; (d) ceiling heights shall be a minimum of nine feet; (e) flat roofs shall not be permitted on any structure; (f) the minimum roof pitch shall be 4:12; (g) all entry doors shall be of steel construction; (h) all landscaping shall be irrigated by automatic underground systems; (i) exterior walls shall be 75% masonry

construction; (j) one swimming pool, with a minimum of 1,000 square feet of water surface area, shall be provided for every 250 dwelling units.

6. *Nonresidential Standards:* The standards for all nonresidential development shall be in accordance with the provisions and requirements specified in the *Mesquite Zoning Ordinance* for the Light Commercial District.

C. Permitted Uses

Permitted uses for each parcel shown on the *RCP* shall be regulated by the provisions and regulations in effect at the time of development pertaining to the coinciding classification in the *Schedule of Permitted Uses, Sections 2-203 and 3-203*, of the *Mesquite Zoning Ordinance*. Nonresidential uses for parcel 4 shown on the *RCP* shall comply with the requirements and regulations in the *Mesquite Zoning Ordinance* for the Light Commercial District, provided however, that uses may be combined as set out in the *Neo-Traditional Mixed Use Development Standards* attached hereto as Exhibit "E".

D. Airport Protection

Incompatible land uses, as interpreted by the Federal Aviation Administration (FAA) in accordance with 14 CFR Part 150 FAA Regulations, shall be restricted within the proposed Runway Protection Zone and the 65 Ldn noise contour area as set out below.

1. *Runway Protection Zone:* The *RCP* identifies a proposed Runway Protection Zone (*RPZ*) of approximately 17.5 acres which is based on the assumption that the existing airport runway will be extended to 7,000 feet. Incompatible land uses within the proposed *RPZ* are restricted pursuant to FAA regulations. If, however, the *Airport Master Plan*, which is currently underway, is not completed by December 31, 1999, showing such 7,000 foot runway, or if the completed master plan indicates a runway of less than 7,000 feet in length, then the proposed *RPZ* will be adjusted to conform to the existing runway length or to the proposed reduced runway length. Any land thereby removed from the *RPZ* area may be used in accordance with the development provisions and regulations applicable to Parcel 4 shown on the *RCP*.

2. *65 Ldn Noise Contour Area:* The *RCP* identifies an area within which the noise produced by the Mesquite Metro Airport, based upon the current 2010 projections, equals or exceeds 65 Ldn. Incompatible land uses within this 65 Ldn area shall be restricted pursuant to FAA regulations. If the *Airport Master Plan*, which is currently underway, is completed by December 31, 1999, and if the completed plan shows a need for an expansion of the 65 Ldn area, incompatible land uses shall also be restricted within the expanded area; provided, however, regardless of the expansion of the 65 Ldn area, 1,518 dwelling units, as shown on Exhibit "C", shall be permitted within parcel 4 shown on the *RCP*. Should the 65 Ldn area expand to such an extent that the development of residential uses within the expanded 65 Ldn area is necessary to achieve 1,518 dwelling units, the following conditions shall apply:

- a. Development of single family residential will not be permitted within the 65 Ldn area;

- b. All development within the 65 Ldn area shall be burdened by a recorded "avigation easement" that gives notice of the airport and its related noise contour levels and that releases the City from claims based on airport noise;
- c. The developer and the City shall consult with the FAA regarding compatible land use; and
- d. All residential units constructed within the 65 Ldn area shall be constructed to standards that attenuate noise levels in accordance with 14 CFR part 150 FAA regulations.

E. Recreational Facilities

Section 1.A.8 of Ordinance No. 2286, regarding recreational facilities is replaced in its entirety by the following provisions. Specifically the requirement for a golf course contained in Ordinance No. 2286 is repealed.

1. *Hike and Bike Trails:* Each single family site plan shall include hike and bike trails, which shall be constructed to City standards. Such trails shall be designed and constructed to interconnect among all adjacent phases and to provide access to open space and regional parks.
2. *Neighborhood Amenities:* Common area amenities such as community centers, swimming facilities, and sports areas are required for all phases of single family residential development. The respective developers of the individual parcels will determine the nature and extent of the amenities to be proposed. Each site plan shall indicate the type, location, and phasing of facilities to be provided in conjunction with the development.
3. *Regional Park:* Approximately 246 acres of floodplain area will be retained as open space and regional park. Facilities such as hike and bike trails, nature and wildlife preserves, lakes and water features, recreational facilities, picnic areas, and similar amenities may be considered for construction in the open space, but are not required hereunder.

F. Maintenance of Facilities

Assurance of maintenance shall be provided for facilities and improvements as follows:

1. *Neighborhood Facilities:* Assurance of private maintenance shall be provided for (a) landscaped medians and rights-of-way; (b) open space, recreational facilities, trails, and similar facilities that are provided as common area amenities in parcels 1, 2, and 3 shown on the *RCP*. These assurances shall be provided with each site plan and will generally be expected to provide for maintenance by a homeowners association.
2. *Open Space and Regional Park:* The open space and regional park areas shown on parcel 6 on the *RCP* may be: (a) privately owned, subject to the right of the city to construct and

maintain improvements within such areas; (b) dedicated to the Falcon's' Lair Reclamation and Utility District, subject to the right of the City or grantor to construct and maintain improvements within such areas; or (c) dedicated to the City, subject to City Council review and acceptance of the dedication. Unless otherwise agreed, the party constructing such facilities will be responsible for the long-term maintenance of the facility constructed, including responsibility for wetlands/drainage facilities such as lake excavations.

G. Drainage/Reclamation/Tree Preservation

1. *Fill Plan:* All references in Ordinance No. 2286 to "levee" or "levee plan" as they relate to the North Tract of the Falcon's Lair development shall be replaced with reference to the "fill plan" which shall be permitted by this ordinance. Approval of the Wetlands Permit and approval of a "fill plan" by the appropriate agencies is required prior to approval of final site plans on floodplain tracts as set out in Section 1.C.1 and 1.C.2 of Ordinance No. 2286. Approval will allow encroachment of development into the floodplain, as set forth in Exhibit "B", pursuant to the "Floodplain Guidelines" of the *Mesquite Stormwater and Flood Protection Ordinance*.

2. *Tree Preservation:* Application of the Tree Preservation Regulations shall not apply to any land from the center line of Lawson Road to the "fill line" defined by the 404 Wetlands Permit that was approved by the Corp of Engineers on May 2, 1989. Tree planting for replacement purposes will be required as set out in Exhibit "G", *Landscape and Screening Standards*. Tree preservation is required in the area beyond the fill line established by the Wetlands Permit of May 2, 1989. Tree removal beyond this defined fill line shall be subject to the Tree Preservation Regulations.

H. Provisions Repealed

The following sections of Ordinance No. 2286 are expressly repealed with respect to the North Tract of Falcon's Lair: Sections 1.A.1, 1.A.2, 1.A.3, 1.A.4, 1.A.5, 1.A.6, 1.A.7, 1.A.8, 1.A.9, 1.B, 1.C.4, 1.C.7, and 1.C.8.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section One of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.


SECTION 4. That the foregoing change shall be and is granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.


SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. Whereas the property described in Section One of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite creates an urgency and emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of April, 1999.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B.J. Smith
City Attorney

PROPERTY DESCRIPTION

Being 626.07 acres of land more or less out of the M.L. Swing Survey, Abstract No. 1398, James S. Ramsey Survey, Abstract No. 1189, Swing and Laws Survey, Abstract No. 1403, Isaac Edwards Survey, Abstract No. 1656, and the C. Taylor Survey, Abstract No. 1482, City of Mesquite, Dallas County, Texas consisting of all of the tract of land belonging to Falcon's Lair, Ltd. as recorded in Volume 97204, Page 2008; all of the tract of land belonging to the City of Mesquite as recorded in Volume 4896, Page 83; all of the tract of land belonging to the City of Mesquite as recorded in Volume 4910, Page 236, and described as Tract II; and parts of the tracts of land belonging to the City of Mesquite as recorded in Volume 4743, Page 89, and described as Tracts I, II, and III, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a round 3/8-inch iron rod in or near the centerline of Lawson Road, also being the most Northerly corner of tract of land conveyed from J. F. Langley to D.P.H. Cartwright et ux, by a deed dated November 22, 1880, as recorded in Volume 48, Page 637, of the Deed Records of Dallas County, Texas, same point being on the northwest line of the M.L. Swing Survey, No. 92-F as surveyed by W. H. Thomas (County Surveyor) on May 28, 1863, and on the southeast line of the John P. Anderson Survey Abstract No. 1, Survey No. 38, as surveyed by R. A. Terrel (Deputy Surveyor) dated June 6, 1944.

THENCE North 44 degrees 48 minutes 11 seconds East, along or near the centerline of said Lawson Road and M. L. Swing and J. P. Anderson Survey line a distance of 2500.55 feet to a 3/8-inch iron rod found for corner.

THENCE North 49 degrees 14 minutes 11 seconds East, along or near the centerline of said Lawson Road departing from said survey line a distance of 705.75 feet to a found 3/8 inch rod for corner.

THENCE North 43 degrees 12 minutes 41 seconds East, along or near the centerline of said Lawson Road a distance of 1856.51 feet to a found 3/8 inch iron rod found for corner, being on the northwest line of the James R. Ramsey Survey Abstract No. 1189, Survey No. 40 as surveyed by R. A. Terrel (Deputy Surveyor) on June 15, 1844, same point being on the southeast line of the W. W. Bruten Survey Abstract No. 160 Survey No. 165-F as surveyed by R. B. Murphy (County Surveyor) on January 22, 1871.

THENCE North 44 degrees 53 minutes 44 seconds East, along or near the centerline of said Lawson Road and along said J. S. Ramsey and W. W. Bruten Survey line a distance of 800.29 feet to a found 1/2 inch rod for corner, same point being the most northerly corner of a tract of land from A. Lindsey to L. W. Cartwright in a deed dated August 31, 1901, as recorded in Volume 279, Page 20, same tract called tract 5 in said Falcon's Lair, Ltd. Deed, same corner being the most westerly corner of a tract of land from Lillie Barnes et al, to R. E. Berry as recorded in Volume 528, Page 254, dated June 28, 1911:

THENCE South 45 degrees 06 minutes 16 seconds East along or near a fence line, also being the Northeast line of said Tract 5, also being the southwest line of said R. E. Berry tract, a distance of 2265.00 feet to a found 3/8-inch iron rod on the west high bank of the East Fork of the Trinity River, same point being a corner of said Tract 5 and R. E. Berry tract:

THENCE along the said west high bank of the East Fork of the Trinity River, the following calls while in route passing the southwest line of aforementioned Ramsey Survey, same line being the northeast line of the Swing and Laws survey, A-1403 Survey #207-T as surveyed by W. H. Thomas (county surveyor) on November 15, 1861, same line being the northeast line of a tract of land from J. S. Neat, et ux, to L. W. Cartwright as recorded in Volume 1279, Page 348 on January 29, 1926, same tract called Tract 4 in said Falcon's Lair, Ltd. Deed.

South 76 degrees 13 minutes 10 seconds West, a distance of 221.30 feet to a found 3/8-inch iron rod for corner.

South 42 degrees 29 minutes 11 seconds West, a distance of 174.00 feet to a found 3/8-inch iron rod for corner

South 03 degrees 49 minutes 11 seconds West, a distance of 125.00 feet to a found 3/8-inch iron rod for corner.

00032

- South 20 degrees 50 minutes 49 seconds East, a distance of 117.00 feet to a found 3/8-inch iron rod for corner.
- South 13 degrees 09 minutes 11 seconds West, a distance of 119.00 feet to a found 3/8-inch iron rod for corner.
- South 01 degrees 09 minutes 11 seconds West, a distance of 92.00 feet to a found 3/8-inch iron rod for corner.
- South 45 degrees 50 minutes 49 seconds East, a distance of 166.00 feet to a found 3/8-inch iron rod for corner.
- South 76 degrees 21 minutes 49 seconds East, a distance of 80.00 feet to a found 3/8-inch iron rod for corner.
- South 51 degrees 53 minutes 49 seconds East, a distance of 128.00 feet to a found 3/8-inch iron rod for corner.
- South 85 degrees 54 minutes 49 seconds East, a distance of 80.00 feet to a found 3/8-inch iron rod for corner.
- South 34 degrees 24 minutes 49 seconds East, a distance of 605.00 feet to a found 3/8-inch iron rod for corner.
- South 19 degrees 15 minutes 11 seconds West, a distance of 431.00 feet to a found 3/8-inch iron rod for corner.
- South 04 degrees 10 minutes 11 seconds West, a distance of 183.00 feet to a found 3/8-inch iron rod for corner.
- South 45 degrees 49 minutes 49 seconds East, a distance of 440.00 feet to a found 3/8-inch iron rod for corner.
- South 39 degrees 50 minutes 11 seconds West, a distance of 442.00 feet to a found 3/8-inch iron rod for corner.
- South 18 degrees 09 minutes 49 seconds East, a distance of 135.00 feet to a fund 3/8-inch iron rod for corner.
- South 02 degrees 18 minutes 11 seconds West, a distance of 169.00 feet to a found 3/8-inch iron rod for corner.
- South 51 degrees 48 minutes 11 seconds West, a distance of 160.00 feet to a found 3/8-inch iron rod for corner.
- North 84 degrees 41 minutes 49 seconds West, a distance of 190.00 feet to a found 3/8-inch iron rod for corner.
- South 55 degrees 33 minutes 11 seconds West, a distance of 567.00 feet to a found 3/8-inch iron rod for corner.
- South 36 degrees 03 minutes 11 seconds West, a distance of 128.00 feet to a found 3/8-inch iron rod for corner.
- South 12 degrees 58 minutes 11 seconds West, a distance of 121.00 feet to a found 3/8-inch iron rod found for corner, same point being on the Northeast line of said Swing and Laws Survey, same being the Northeast line of said Tract 4, same line being the Northwest line of the Isaac Edwards Survey, Abstract No. 1658, Survey #188-D, as surveyed by John H. Cole (county surveyor) on June 10, 1858, same said line

00033

being the Northwest line of a tract of land from T. J. Stratton to J. Shawver as recorded in Book P, Page 156, dated January 22, 1872:

THENCE South 44 degrees 48 minutes 11 seconds West, departing from said River high bank and following the Northeast line of said Tract 4 and the Northeast line of said Swing and Laws Survey, also being the Northwest line of said Isaac Edwards Survey and J. Shawver tract, passing the most southerly corner of said Tract 4, same being the most southerly corner of said Swing and Laws Survey, same point being the most easterly corner of the C. Taylor Survey Abstract No. 1482, Survey #194-T, as surveyed by W. H. Thomas on December 31, 1860, same point also being the most easterly corner of a tract of land from D.P.H. Cartwright to I. W. Cartwright as recorded in Volume 1279, Page 346, dated January 25, 1926, same tract called Tract 1 in said Falcon's Lair, Ltd. Deed, continuing on same bearing along the Northeast line of said Tract 1 and C. Taylor Survey for a total distance of 2815.00 feet to a found 3/8-inch iron rod for corner, same point being the most westerly corner of said J. Shawver tract also being the most northerly corner of a tract of land from S. O. Johan and wife, Jennie, to W. J. Barry as recorded in Volume 313, Page 186, dated August 22, 1902, same tract being called Tract 7 in said Falcon's Lair, Ltd. deed:

THENCE South 45 degrees 11 minutes 49 seconds East partly along the Southwest line of said J. Shawver tract and said Tract 7 passing the most easterly corner of said tract7, same point being the most southerly corner of said J. Shawver tract, same point being the most northerly corner of a tract of land from J. W. Vinyard to S. O. Juhau in 1987, also being the most northerly corner of a tract referred to as Tract 8 in said Falcon's Lair, Ltd. deed, same point being the most westerly corner of a tract of land from W.J. Porter to J. C. Wright as recorded in Volume 573, Page 213, dated March 8, 1913, continuing same bearing now along the northeast line of said S. O. Juhau tract and said tract 8 and partly along said J. C. Wright tract while passing its most southerly corner same point being the most westerly corner of a tract of land from W. J. Porter, C. W. Hood and wife, to P. B. Liles as recorded in Volume 570, Page 542, dated March 9, 1913, continuing along and Jahau ract and Tract 8 Northeast line and now also along the Southwest line of said P.B. Liles tract for a total distance of 1466.67 feet to a found 3/8-inch iron rod for corner, same point being the most southerly corner of said P. B. Liles tract, same point being the most Easterly corner of said Juan tract and said Tract 8, same point being on the Northwest line of a tract of land from J. R. Garner and wife to H. W. Lawson as recorded in Volume 736, Page 22;

THENCE South 44 degrees 40 minutes 11 seconds West partly along the southeast line of said Tract 8 and the northwest line of said City of Mesquite tract passing the most southerly corner of said Tract 8, same point being the most easterly corner of a tract of land belonging to the City of Mesquite as recorded in Volume 4910, Page 236 (Tract 11), continuing on same bearing along the southeast line of said City of Mesquite Tract 11 and along the northwest line of said City of Mesquite Tract 1 passing the most southerly corner of said City of Mesquite Tract 11, same point being the most easterly corner of a tract of land belonging to the City of Mesquite as recorded in Volume 4896, Page 83, continuing o the same bearing along a line dividing the two City of Mesquite tracts for a total distance of 2,157.89 feet to point being the most westerly corner of said City of Mesquite Tract 1, same point being the most southerly corner of said City of Mesquite tract as recorded in Volume 4896, Page 83, same point being located on the northern boundary of a tract of land belonging to Falcon's Lair Ltd. as recorded in Volume 97204, Page 2013;

THENCE along or near the centerline of South Mesquite Creek and along the northern boundary of said Falcon's Lair, Ltd. tract and along the southern boundary of said City of Mesquite tract the following calls, while in route passing along the most southerly line of said Isaac Edwards Survey, same line being the most northerly line of the John M. Harding Survey, Abstract No. 569, Survey No. 39-C;

North 27 degrees 04 minutes 23 seconds West, a distance of 213.22 feet to a point for corner;

North 54 degrees 03 minutes 28 seconds West, a distance of 296.44 feet to a point for corner;

North 42 degrees 50 minutes 07 seconds West , a distance of 411.82 feet to a point for corner;

North 59 degrees 02 minutes 10 seconds West, a distance of 116.62 feet to a point for corner;

North 41 degrees 17 minutes 25 seconds West, a distance of 293.37 feet to a point for corner;

North 52 degrees 57 minutes 13 seconds West, a distance of 154.99 feet to a point for corner, same point being the northernmost corner of said Falcon's Lair, Ltd. tract, same point being the easternmost corner of a tract of land belonging to the City of Mesquite as recorded in Volume 4743, Page 89 (Tract II), same point being the

00034

southernmost corner of the Calvin Taylor Survey, Abstract No. 1482, same point being the westernmost corner of said Isaac Edwards Survey;

THENCE North 44 degrees 48 minutes 11 seconds East, along the southeast line of said City of Mesquite Tract II, same line being the northwest line of said City of Mesquite tract recorded in Volume 4896, Page 83, same line being the southeast line of said Calvin Taylor Survey, same line being the northwest line of said Isaac Edwards Survey a distance of 387.36 feet to a point for corner;

THENCE North 14 degrees 48 minutes 49 seconds East, departing said tract boundaries and survey line a distance of 58.27 feet to the point of curvature of a circular curve to the right and having a radius of 380.00 feet;

THENCE along the arc of said circular curve through a central angle of 29 degrees 59 minutes 21 seconds for a distance of 198.90 feet to a point of tangency;

THENCE North 44 degrees 48 minutes 11 seconds East, a distance of 749.27 feet to the point of curvature of a circular curve to the left and having a radius of 420.00 feet;

THENCE Northwesterly along the arc of said circular curve through a central angle of 89 degrees 54 minutes 48 seconds for a distance of 659.10 feet to a point of tangency;









THENCE North 45 degrees 07 minutes 21 seconds West, a distance of 1,679.28 feet to a point of curvature of a circular curve to the right and having a radius of 380.00 feet;

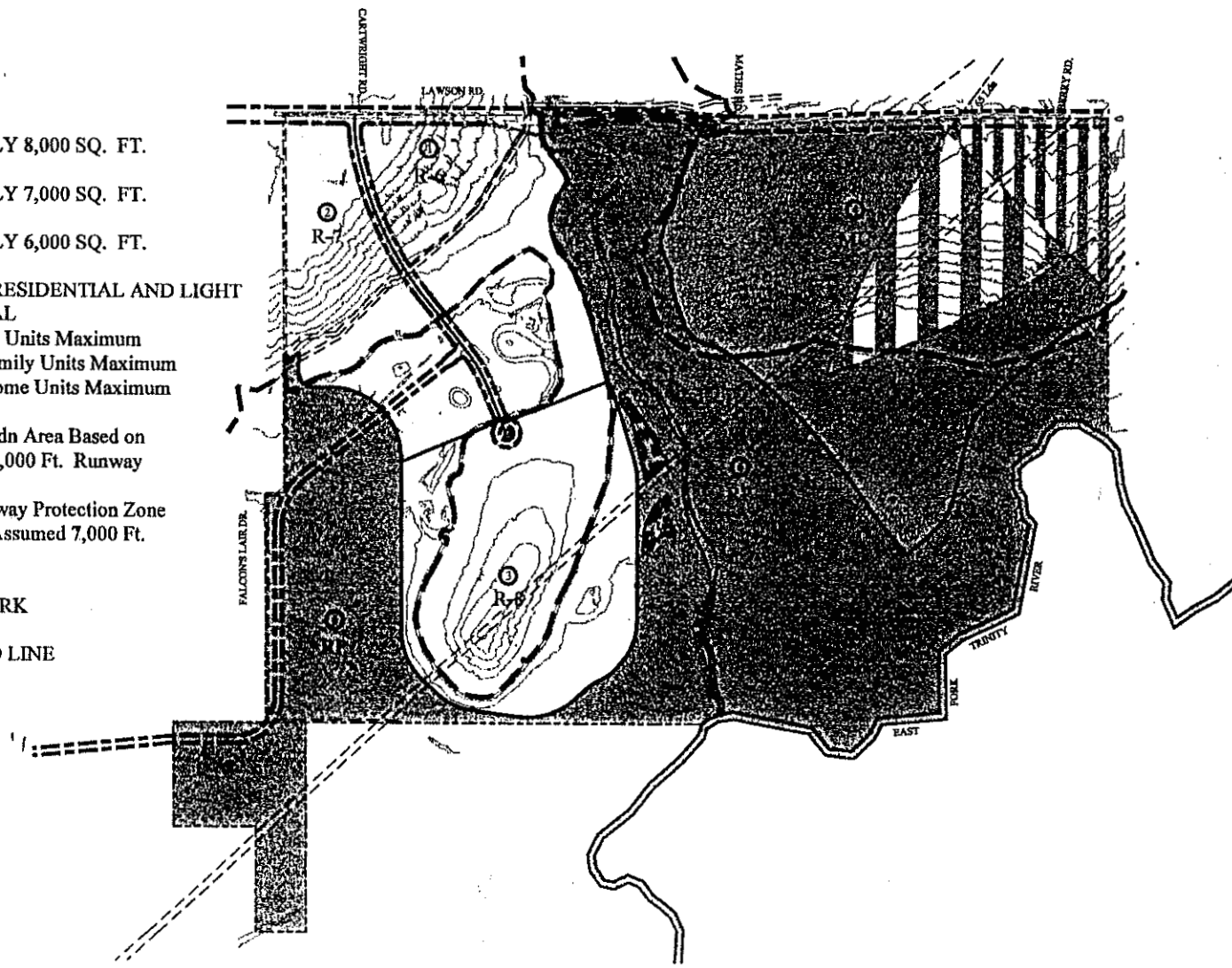
THENCE Northwesterly along the arc of said circular curve through a central angle of 60 degrees 17 minutes 12 seconds for a distance of 399.84 feet to a point of tangency;

THENCE North 15 degrees 09 minutes 53 seconds East, a distance of 5.71 feet to a point for corner, said point being on the southwest boundary of said Falcon's Lair, Ltd. property, same point being on the northeast boundary of a tract of land belonging to the City of Mesquite as recorded in Volume 4743, Page 89 (Tract I), same point being on the northeast survey line of said John M. Harding Survey, same point being on the southwest survey line of said M. L. Swing Survey;

THENCE North 45 degrees 07 minutes 21 seconds West, along said Falcon's Lair, Ltd. tract boundary, City of Mesquite tract boundary and said M. L. Swing and John M. Harding survey line a distance of 1,809.90 feet to the POINT OF BEGINNING AND CONTAINING in all 626.07 acres of land more or less.

LEGEND

-  R-8 SINGLE FAMILY 8,000 SQ. FT.
-  R-7 SINGLE FAMILY 7,000 SQ. FT.
-  R-6 SINGLE FAMILY 6,000 SQ. FT.
-  **MU** MIXED USE - RESIDENTIAL AND LIGHT COMMERCIAL
1518 Dwelling Units Maximum
- 918 Multifamily Units Maximum
- 600 Townhome Units Maximum
-  Proposed 65 Ldn Area Based on the Assumed 7,000 Ft. Runway
-  Proposed Runway Protection Zone Based on the Assumed 7,000 Ft. Runway
-  REGIONAL PARK
-  100-YR FLOOD LINE



00035

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FALCON'S LAIR
MESQUITE TEXAS

Concept Plan
Land Use
February 5, 1999

Proposed Development Standards

North Tract, Falcon's Lair, Mesquite, TX

EXHIBIT "C"

00036

Parcel	Acreage			Zoning Data											Reference Data		
	Gross Acreage	Acres in R.O.W.	Net Acreage	Zoning Category	Primary Land Use	Max. No. of Dwelling Units	Maximum Lot Coverage	Min. Lot Size (sf)	Min. Dwelling Area (sf)	Max. Bldg. Height (ft)	Front Yard Setback (a) (ft)	Rear Yard Setback (ft)	Side Yard Setback		F. A. R.	Density (du/ac)	Maximum Number of Floors
													Exterior (b) (ft)	Interior (ft)			
1	54.5	4.3	50.2	R-6	SF Residential	245	N/A	6,000	1,600	35	25	20	10	5	N/A	4.5	2.5
2	45.0	2.9	42.1	R-7	SF Residential	175	N/A	7,000	1,800	35	25	20	10	5	N/A	3.9	2.5
3	74.9	0.5	74.4	R-8	SF Residential	269	N/A	8,000	2,000	35	25	25	10	5	N/A	3.6	2.5
6	245.8	2.1	243.7	AG	Regional Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
4	<u>146.6</u>	<u>2.3</u>	<u>144.3</u>	MU	Commercial	N/A	50%	None	N/A	75	25	(c)	(c)	(c)	0.5 : 1.0	N/A	N/A
	566.8	12.1	554.7	MU	Multi-family	918	30%	10,000	550	52	25	(d)	25	(d)	N/A	25	N/A
				MU	Townhouse	600	60%	2,000	850	35	20	10	5	(e)	N/A	15	2.5

Footnotes:

- (a) Front yard setback in R and SF districts may be reduced to 15 feet for J-shaped driveway with garage door oriented perpendicular to the primary front orientation of the dwelling. Front yard setback in the MU district may be reduced to 0 feet.
- (b) Not on key lot. Setback on side yard of key lot same as front yard setback.
- (c) Adjacent to Nonresidential Uses - 0 ft. Adjacent to Multi-family Uses - 15 ft.
Adjacent to an AG District - 25 ft or 2 times the height of the building above the grade at the nearest AG district boundary, whichever is greater.
- (d) Adjacent to Nonresidential or Multi-family uses - 15 ft.
Adjacent to an AG district - 25 ft or 2 times the height of the building above the grade at the nearest AG district boundary, whichever is greater.
- (e) 5 ft. minimum with 10 ft. minimum building separation.

Total Detached Residential Units	689
Total MF Residential Units	918
Total Townhouse Units	600
Total Dwelling Units	2,207

ADDITIONAL NOTES:

1. See Exhibit E, attached, for standards corresponding to mixed-use community development.
2. Future Falcon's Lair Drive (a park roadway) is located partially in the floodplain of the East Fork of the Trinity River.

Minimum Dwelling Sizes for Residential Parcels**North Tract, Falcon's Lair**

Zoning	Parcel	Min. Percentage	Min. Dwelling Size
R-8	3	10% 25% 50% 100%	3,000 SF or larger 2,500 SF or larger 2,250 SF or larger 2,000 SF or larger
R-7	2	25% 50% 100%	2,000 SF or larger 1,900 SF or larger 1,800 SF or larger
R-6	1	50% 50%	1,800 SF or larger 1,600 SF or larger
SF-15 (Townhomes)	4	20% 50% 100%	1,100 SF or larger 1,000 SF or larger 850 SF or larger
MF-25 (Multi-family)	4	N/A N/A N/A	1 BR -- 550 SF min. 2 BR -- 700 SF min. 3 BR -- 1,000 SF min

Neo-Traditional Mixed Use Development Standards

Development within Parcel 4 will be allowed based on a standards that reflect a neo-traditional approach to mixed use development. These revised standards are intended to create vibrant, mixed-use, pedestrian and vehicular scale business and residential areas that will allow and encourage people to work and live in close proximity, that will be a focal point for business and leisure activities, and that will provide a gathering place for the community. Specific standards for such mixed-use development will be determined during the site plan review process. Each site plan must include a general description of the estimated development within the entire parcel (which description may be modified with successive site plans), and site plans will be approved if they reflect the following design principles:

1. A variety of business and residential uses will be allowed in the same building or group of buildings;
2. Block face lengths may be limited, and multiple small lots (without minimum lot sizes or setbacks) will be allowed;
3. "Build-to" lines and continuous "street edges" should be encouraged (whether achieved through building facades, fences, walls, or landscaping);
4. Buildings designed to a "build-to" line should be encouraged to have their main entrance on a street or plaza and will be allowed to have stoops, steps, balconies, chimneys, roof overhangs, colonnades, and awnings (which may extend no more than 2.5 feet beyond the "build-to" line);
5. Buildings should be encouraged to have a minimum height that is greater than one story (but no more than 60 feet);
6. Streets will allow on-street parking and should be designed to slow the movement of traffic and to disburse the traffic to multiple small destinations;
7. Public plazas will be allowed, and adjacency to a plaza will satisfy any "public access" requirement for purposes of platting;
8. Curbs, street trees (or other acceptable landscaping), and sidewalks on both sides of the street will be required, and lighting should be designed to a pedestrian scale; and
9. Development should encourage a variety of uses, lot and building sizes, creative parking arrangements, and open spaces. Parking will be allowed in non-contiguous parking locations, at the rear or side of buildings, or in designated areas facing the street.

Private Deed Restrictions

Private deed restrictions must be recorded before land is sold and must contain the following provisions:

1. Enforcement and administration shall be by an Architectural Review Committee (the "Committee")
2. Exploring or mining for oil, gas, and other minerals will be prohibited.
3. A minimum of 75% stone, stucco, masonry, or other materials approved by the Committee will be required on one-story and two-story homes (excluding gables and porches.)
4. Chimneys visible from a foundation will be constructed of stone, stucco, masonry, or other materials approved by the Committee.
5. Roofs will be constructed of dimensional asphalt shingles, tile, slate, standing seam metal, or other materials approved by the committee.
6. Signs, ornamental iron, and decorative mailboxes will require approval by the committee.
7. Chain link fences will be prohibited.
8. Single family lots will have underground irrigation systems in the front yard.
9. Hike and bike trails will be encouraged to utilize utility easements and road right-of-way and, where feasible, will provide access from residential areas to common area amenities. In addition, where feasible (and subject to reasonable access controls through private property that are approved by the committee), such trails will connect to regional trail systems constructed by the City. Hike and bike trails will have a minimum width of six feet and will be constructed of four-inch thick reinforced concrete (or other comparable materials approved by the committee).
10. Pocket parks and open space will be incorporated in all residential areas (including seating near focal points) Parks will be irrigated and planted with hydromulched turf and with one shade tree (or three ornamental trees) for each 500 square feet of such areas.
11. Streetscape plantings may occur in rows or selective groupings. Contrasting species of trees will be encouraged, with no single variety consisting of more than 40 %.
12. Uniform light standards will be used and will be spaced at appropriate intervals to provide adequate lighting.

13. Sidewalks will be constructed of reinforced concrete, concrete pavers, flagstone, brick, or other materials approved by the Committee.

14. Entry monuments and/or signs will be constructed of stone, brick, cut stone, cast stone, or other materials approved by the Committee. Monuments and signs will be illuminated, and the method of illumination will be incorporated into the design (subject to the approval of the Committee).

15. Retaining walls will be constructed of concrete, stone, brick, or other materials approved by the Committee. No railroad ties or treated timber walls will be allowed.

16. Runoff from paved or roofed areas should not cross sidewalks or trails except from an adjacent home site.

17. The following ornamental trees are approved:

Crape Myrtle	Lagerstroemia indica
Aristocrat Pear	Pyrus Calleryana "Aristocrat"
Desert Willow	Chilopsis linearis
Eastern Redbud	Cercis canadensis and varieties
Savannah Holly	Ilex x "Savannah"
Possum Haw Holly	Ilex decidua
Texas Mountain Laurel	Sophora secundiflora
Yaupon Holly	Ilex vomitoria
Cherry Laurel	Prunus caroliniana
Mexican Plum	Prunus mexicana
Ashe Juniper	Juniperus ashei
Calleryana Pear	Pyrus "Calleryana"
Chanticleer Pear	Pyrus "Chanticleer"
Hollywood Juniper	Juniperus torulosa
Little Gem Magnolia	Magnolia grandiflora "Little Gem"
Wax Myrtle	Myrica cerifera
Nellie R. Stevens Holly	Ilex x "Nellie R. Stevens"

18. The following shade trees are approved:

Bald Cypress	Taxodium distichum
Bur Oak	Quercus macrocarpa
Chinese Pistachio	Pistacia chinensis
Chinquapin Oak	Quercus mulhlenbergii
Lacebark Elm	Ulmus parvifolia "Drake"
Live Oak	Quercus virginiana (evergreen)
Pecan	Carya illinoensis
Pond Cypress	Taxodium ascendens
Red Cedar	Juniperus virginiana (evergreen)

Red Oak
Southern Magnolia
Sweet Gum
Texas Red Oak

Quercus Shumardii
Magnolia grandiflora (evergreen)
Liquidambar Styraciflua
Quercus texana

19. The restrictions should continue for a initial term of 30 years, and thereafter for successive ten-year terms unless and until they are terminated.

20. A homeowner association will commence upon the recording of such restrictions and that the association will have the power to assess all lot owners for operating expenses of the association, including, but not limited to, the expenses of maintaining common-area amenities (such as a community center, medians and parkways, hike and bike trails, perimeter fencing, and entry features).

21. The homeowner association will be managed by the developer (or professional manager acceptable to the developer) until 80% of the lots have occupied homes. Thereafter, the association may engage any professional manager it chooses.

22. The restrictions may be amended at any time by a 2/3 vote of the members of the homeowner association that are entitled to vote. After the expiration of the 30-year initial term, the restrictions may be terminated by a 2/3 vote of the members of the association entitled to vote.

Landscape and Screening Standards

1. General Requirements. All provisions of the City's Landscape Ordinance will apply. Landscaped area will include turf, shrubs, ground covers, trees and forests, and hardscape elements including masonry and cast features, sidewalks, and drives. Open space is any space not covered by buildings.
2. Community Center. At least 25% of the gross site area of any community center must be landscaped area (including landscaping in parking areas and including hardscape elements such as walls, columns, walks, monuments, etc.). At least 50% of the required landscaped area must be located in the front and side yards of the lot. In addition, one nursery grown shade tree, one evergreen tree, or two ornamental trees must be provided for each 500 square feet of required landscaped area (with credit given for any trees planted in parking areas).
3. Parking Lots. When a parking area contains 20 or more parking spaces, the interior of the parking area must be landscaped with a minimum of one tree for every 15 parking spaces (with such trees placed anywhere within the parking area) and the perimeter of the parking area (excluding points of vehicular and pedestrian ingress and egress) must be screened by a berm, wall, or vegetative planting (or any combination of the foregoing) that is at least 30 inches high. Trees must be planted in a landscaped area no smaller than 6x6 feet and must be protected from vehicles through the use of concrete curbs, wheel stops, or other barriers. Landscaping and screening materials cannot create a visibility obstruction for either vehicles or pedestrians. Landscaped materials in islands located at an intersection of maneuvering aisles may not exceed 30 inches in height. Trees must be trimmed so that no branch or growth is less than seven feet above grade. These requirements do not apply to parking areas that do not provide required "code parking" and are not visible from any public street.
4. Median Trees. All collector streets with medians must have a minimum of one tree (minimum 3-inch caliper) for each 60 feet of median length or two ornamental trees for each 40 feet of median length. Trees may be grouped for design effect. A minimum of 20% of all trees shall be evergreen. The minimum median width shall be 4 feet, and minimum length 40 feet.
5. Street Trees. All single family residential lots shall be required to have one tree (minimum 3 inch caliper) located within the front yard (or, alternatively, two ornamental trees within the front yard). The distance of such tree(s) from the street right of way shall not exceed one-half of the required front yard setback for the lot.
6. Perimeter Screening. Townhome and multi family development in Parcel 4 (other than development in accordance with neo-traditional mixed use standards) shall include screening by a six-foot high masonry wall or continuous screening hedge. Stone or brick columns (or a combination thereof) shall be a required element of such screening (with a minimum column width of two feet and a maximum spacing of 60 feet).