

ORDINANCE NO. 3379  
File No. 569-4

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 south tract, described in the attached Exhibit "C", and made a part hereof for all purposes.

The subject property is located generally south of the wastewater treatment plant, 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 south tract of the Falcon's Lair development, as described in Exhibit "C", are hereby adopted:

A. Land Use Diagram

The *Land Use Diagram* (dated July 10, 2000), attached hereto as Exhibit "A" and incorporated herein for all purposes, sets out the land use plan for the development of the various parcels in the south tract. The locations of the roads and the IH-20 interchange shown on the *Land Use Diagram* are conceptual and therefore approximate. Such locations will be finalized at the time of site plan approval. If the final locations shown on any Council-approved site plan differ from the locations shown on the *Land Use Diagram*, the site plan shall be the controlling document for development and any such difference shall not require a zoning amendment to the *Land Use Diagram*.

B. Permitted Uses/Development Limitation

The *Land Use Diagram* (dated July 10, 2000), attached hereto as Exhibit "A", designates uses for the various parcels in the south tract. The uses permitted for each designated parcel as shown on the *Land Use Diagram* or as they may finally appear on a Council approved site plan shall be the uses allowed by the corresponding referenced district in the *Mesquite Zoning Ordinance* as shown on the following chart:

<u>District Designation on Land Use Diagram</u>	<u>Reference District in Zoning Ordinance</u>
Executive Residential	R-1 - Single Family Residential
Townhome and Apartment	A-3 - Multifamily Residential
Business Park	I - Industrial, provided that primary outdoor storage yards shall be prohibited.

Provided however, that the following additional restrictions shall apply:

1. Prior to commencement of construction of an IH-20 interchange, a traffic impact analysis that demonstrates the adequacy of access to the thoroughfare system for the uses proposed shall be required as part of the planned development site plan submission and review. Site plans may be approved for uses so justified, and building and occupancy permits may be issued pursuant to the approved site plans.
2. When construction of an IH-20 interchange has commenced (i.e., one or more contracts have been awarded for construction of the interchange, including performance bonds in the full amount of the respective contract prices), building permits may be issued for all development permitted by the *Land Use Diagram*; however, certificates of occupancy for development not otherwise permitted under Section 1 above will not be issued until the construction is substantially complete.

3. Direct connection of an arterial street to either existing Lumley Road or Shannon Loop in the city limits of the City of Mesquite shall be prohibited, except that connections to Lumley Road at the IH-20 underpass shall be permitted. Connection of residential streets serving the single-family uses shall be permitted.
4. No more than 50 single family residences may be constructed in the "executive residential" parcel unless and until there is more than one point of access, i.e., at least two access points are provided.
5. The Townhome Residential and Multifamily Residential may be constructed anywhere within the parcels labeled "apartments/townhomes/business park" on the *Land Use Diagram*. The maximum number of townhomes and apartments which may be constructed shall be limited to the number of units specified on Exhibit "D".

C. Development Standards

All development standards required by the referenced districts in the *Mesquite Zoning Ordinance* as set out in Section B shall apply, except as modified herein. Specific development standards for the development described and adopted herein are as set forth in the below-enumerated exhibits which are incorporated herein for all purposes.

1. Exhibit "D": Development Standards
2. Exhibit "E-1": Executive Single Family Design Standards
3. Exhibit "E-2": Executive Single Family Landscape/Screening Standards (Including requirements for hike/bike trails and pocket parks)
4. Exhibit "G": Executive Multifamily Residential Design Standards
5. Exhibit "H": Executive Townhome Residential Design Standards
6. Exhibit I: Business Park Design Standards

D. Maintenance of Facilities

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

1. *Neighborhood Facilities*: Assurances of private maintenance shall be provided for (i) landscaped medians and rights-of-way and (ii) open space, recreational facilities, trails, etc. that are provided as common-area amenities. These assurances will be provided with each site plan and will generally be expected to provide for maintenance by a Homeowner's Association.
2. *Regional Open Space and Park*: The parcel designated as *East Trinity Regional Park* may be (i) privately owned subject to the right of the City to construct improvements within such areas; (ii) dedicated to the Falcon's Lair Reclamation

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

E. Drainage/Reclamation/Tree Preservation

1. *Fill Plan:* All previous references to "levee" or "levee plan", as related to the south tract of the Falcon's Lair development, shall be replaced with reference to the "fill plan" which shall be permitted by this amendment. 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. Approval may allow encroachment of development as set forth in the application into the floodplain areas under the "Floodplain Guidelines" of the version of the *Mesquite Stormwater and Flood Protection Ordinance* current at the time of engineering plan submission.
2. *Tree Preservation:* Application of the Tree Preservation Regulations shall not apply to parcels designated for business park, apartment, townhome or executive residential use except that tree planting for replacement purposes will be required as set out in the exhibits relating to tree planting and landscaping requirements. Tree Preservation is required in the area designated *East Trinity Regional Park*.

F. Temporary Construction Access

Access to the subject property shall be temporarily permitted from Lumley Road only to perform major grading work and to build the IH-20 access road and interchange and only until such time as the south IH-20 service road is completed. No other construction work is to be performed utilizing the temporary connection to Lumley Road. Once the south IH-20 service road is completed, temporary access to the property from Lumley Road shall be eliminated. Temporary access will be subject to staff recommendation of a plan to minimize dust.

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 1 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 1 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 7<sup>th</sup> day of August, 2000.



Mike Anderson  
Mayor

ATTEST:



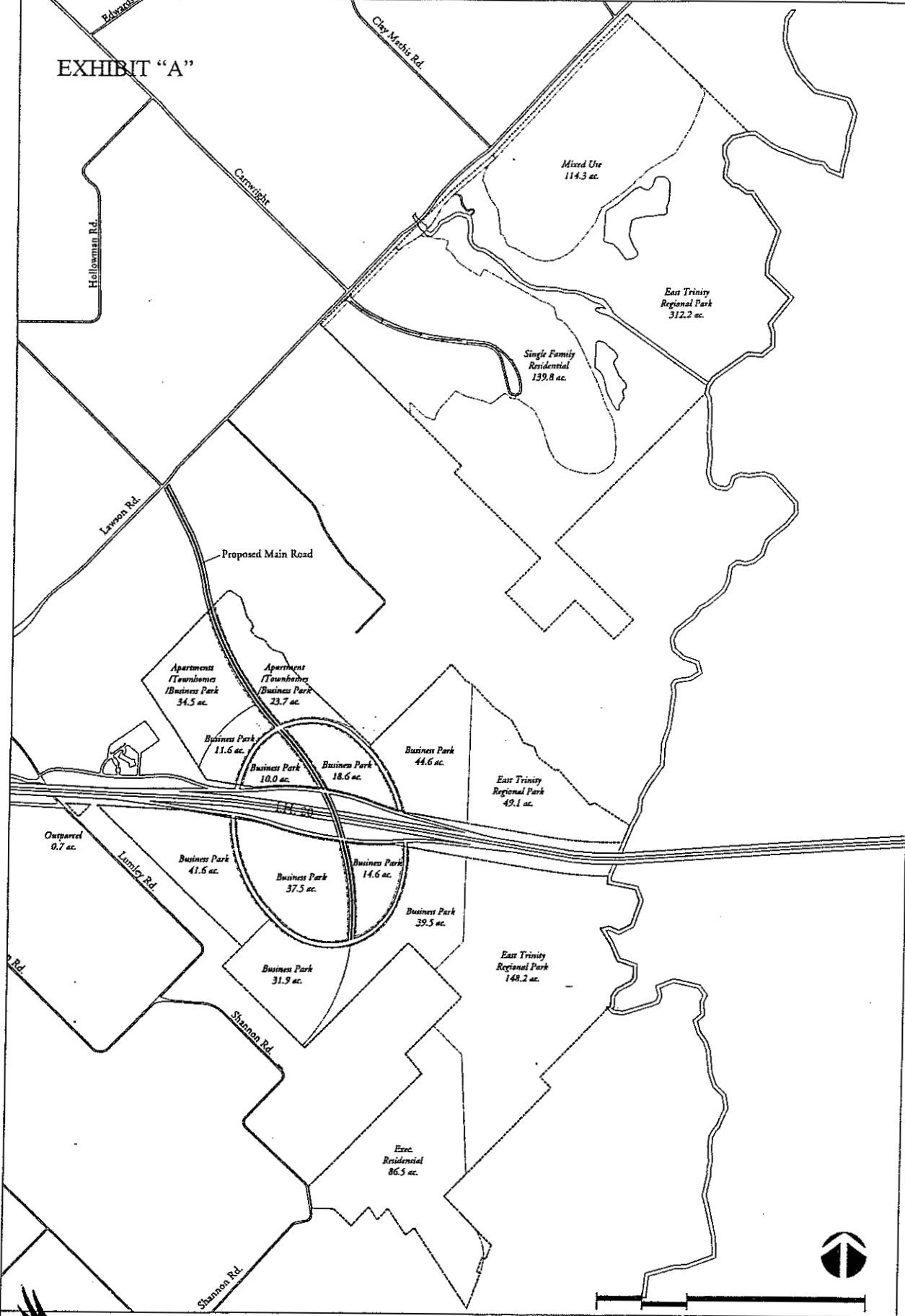
Ellen Williams  
City Secretary

APPROVED:



B.J. Smith  
City Attorney

EXHIBIT "A"



Land Use Diagram

Gensler

Alpert Capital, Inc.

10 July 2000

TBG Partners

EXHIBIT "B"

(Intentionally left blank)

Exhibit "C"  
to  
South Tract Rezoning Application

METES AND BOUNDS DESCRIPTION OF SOUTH TRACT

BEING 107.37 acres of land more or less out of the John M. Harding Survey, Abstract No. 569 and the Samuel A. Haught Survey, Abstract No. 548, City of Mesquite, Dallas County, Texas, and being part of a tract of land conveyed from Mesquite Investment Corporation to S. W. Cruse, Jr., Trustee, as recorded in Volume 73095, Page 844, dated May 8, 1971, of the deed records of Dallas County, Texas, also being part of the same tract of land described as Tract 2 in a deed from S. W. Morris to Falcon's Lair, Ltd. as recorded in Volume 84071, Page 5052, of the deed records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found 1/2-inch iron rod w/NDM cap for the southeast corner of the Trax Addition, an Addition to the City of Mesquite, Texas, according to the plat recorded in Volume 93073, Page 2590, Map Records of Dallas County, Texas, said iron rod being in the north right-of-way line of Interstate Highway 20;

THENCE North 12 degrees 53 minutes 55 seconds West, 1,613.92 feet with the north line of said Trax Addition to a 1/2-inch iron rod w/NDM cap found for corner, said iron rod being in the south line of a tract of land conveyed from Larry T. Walker and wife, Viola, to George L. Palmer and wife, Gloria, according to deed recorded in Volume 65699, Page 281 on November 5, 1965, same point being on the northwest line of a tract of land referred to as "Tract 4" in said S. W. Cruse, Jr. deed;

THENCE, North 43 degrees 54 minutes 36 seconds East, along or near two fence lines that run parallel to each other at approximately one foot apart, same line being a southeasterly line of said Palmer tract and northwesterly line of said Tract 4, a distance of 1531.60 feet to a point for corner in or near the centerline of South Mesquite Creek;

THENCE, along or near the centerline of said South Mesquite Creek the following:

North 71 degrees 59 minutes 17 seconds East, a distance of 49.59 feet to a point for corner;

South 55 degrees 35 minutes 29 seconds East, a distance of 176.96 feet to a point for corner;

South 16 degrees 24 minutes 49 seconds East, a distance of 268.96 feet to a point for corner;

South 42 degrees 55 minutes 03 seconds East, a distance of 77.83 feet to a point for corner;

South 26 degrees 52 minutes 41 seconds East, a distance of 81.84 feet to a point for corner;

South 35 degrees 28 minutes 17 seconds West, a distance of 66.07 feet to a point for corner;

South 43 degrees 40 minutes 59 seconds East, a distance of 123.07 feet to a point for corner;

South 70 degrees 06 minutes 15 seconds East, a distance of 111.56 feet to a point for corner;

South 33 degrees 06 minutes 41 seconds East, a distance of 109.84 feet to a point for corner;

South 48 degrees 48 minutes 51 seconds East, a distance of 63.78 feet to a point for corner;

South 72 degrees 44 minutes 42 seconds East, a distance of 138.22 feet to a point for corner;

South 26 degrees 33 minutes 36 seconds East, a distance of 224.36 feet to a point for corner;

THENCE, South 45 degrees 49 minutes 18 seconds East, departing from said creek, along or near a fence line, partly being the northeasterly line of said Tract 4, same line being a southeasterly line of a tract of land conveyed from J. C. Latham and wife, Nonie D., to the City of Mesquite as recorded in Volume 4896, Page 83 on May 12, 1958, passing the most easterly corner of said Tract 4 same point being the most westerly north corner of a tract of land referred to as "Tract 3" in said S. W. Cruse, Jr. deed, continuing from a total distance of 1,318.33 feet to a set 1/2-inch iron rod w/NDM cap for corner;



THENCE North 44 degrees 43 minutes 47 seconds East, along or near a fence line same line being a common line for said Tract 1 with said City of Mesquite tract, a distance of 1542.50 feet to a point for corner in the centerline of a drainage ditch;

THENCE, along or near the centerline of said drainage ditch the following calls, while in route passing the most southeasterly line of the aforementioned Harding Survey same being, the northwest line of the aforementioned Haught Survey, passing next the most westerly corner of said Tract 3 also being the most northerly corner of a tract of land referred to as "Tract 1" in said B. W. Cruse, Jr. Deed;

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

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

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

South 34 degrees 03 minutes 28 seconds East, a distance of 296.44 feet to a point for corner;

South 27 degrees 04 minutes 19 seconds East, a distance of 353.76 feet to a point for corner;

South 69 degrees 00 minutes 54 seconds East, a distance of 156.37 feet to a point for corner;

South 19 degrees 04 minutes 43 seconds East, a distance of 140.73 feet to a point for corner;

South 52 degrees 03 minutes 29 seconds East, a distance of 297.85 feet to a point for corner;

North 77 degrees 54 minutes 19 seconds East, a distance of 42.95 feet to a point for corner;

South 42 degrees 12 minutes 04 seconds East, a distance of 637.16 feet to a point for corner;

North 69 degrees 32 minutes 16 seconds East, a distance of 71.51 feet to a point for corner;

South 37 degrees 06 minutes 36 seconds East, a distance of 556.14 feet to a point for corner;

South 21 degrees 56 minutes 13 seconds West, a distance of 244.49 feet to a point for corner on the most northerly right of way line of Interstate Highway 20, same point being on a curve to the right having radius of 5504.58 feet and a central angle of 10 degrees 43 minutes 49 seconds (Chord bearing N 85 deg. 31 min. 00 sec. W, Chord length 1030.97 feet);

THENCE, along said curve, being the northerly right of way line of Interstate Highway 20, an arc distance of 1032.48 feet to a concrete right of way monument found for corner at the P. T. of said corner;

THENCE North 80 degrees 08 minutes 35 seconds West, along said right of way line and along or near a fence line a distance of 4630.67 feet to the POINT OF BEGINNING and CONTAINING in all 207.37 acres of land, more or less.

BEING 418.24 acres of land more or less out of the John M. Harding Survey, Abstract No. 563, James Moore Survey, Abstract No. 961, Samuel A. Haught Survey, Abstract No. 568, James R. Bruton Survey, Abstract No. 150, John Lanier Survey, Abstract No. 805, and the J. K. Balford Survey, Abstract No. 570, City of Mesquite, Dallas County, Texas, also being part of a tract of land conveyed from Mesquite Investment Corporation to S. W. Crum, Jr., Trustee, as recorded in Volume 73095, Page 844, dated May 8, 1973, of the Deed Records of Dallas County, Texas being all of that tract as described as Tract 3 in a deed from E. W. Morris to Falcon's Lair, Ltd. as recorded in Volume 84071, Page 5052, of the Deed Records of Dallas County, Texas, and Lot 2, Block A of C. C. FREEMAN ADDITION, an Addition to the City of Mesquite, Dallas County, Texas, according to the Plat thereof recorded in Volume 70241, Page 6, Map Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING, at a found 1/2-inch iron rod near a fence corner, same point being the most north corner of Lot 12, Block A, of the C. C. Freeman Addition No. 2 as recorded in Volume 70241, Page 6, Dallas County, Texas;

THENCE, North 45 degrees 28 minutes 54 seconds East, along or near a fence line also being a common line with said C. C. Freeman Addition No. 2, a distance of 366.42 feet to a 1/2-inch iron rod found for corner near a fence corner;

THENCE, North 45 degrees 05 minutes 52 seconds West, along or near a fence line also being a common line with said C. C. Freeman Addition No. 2, a distance of 895.60 feet to a one-inch iron rod found for corner at the most north corner of Lot 3, Block A, same being the most easterly corner of Lot 2, Block A, both lots being out of said C. C. Freeman Addition No. 2;

THENCE South 45 degrees 01 minutes 24 seconds West, along the common line of said Lots 2 and 3, Block A, a distance of 300.71 feet to a 1/2-inch iron rod w/NDM cap set for corner in the northwest right of way of Lumley Road;

THENCE, North 45 degrees 08 minutes 17 seconds West, along said Lumley Road right-of-way, also being the southwest line of said Lot 2, Block A, a distance of 120.00 feet to a 1-1/4-inch axle found for corner;

THENCE, North 44 degrees 51 minutes 43 seconds East, along the northwest line of said Lot 2, Block A, a distance of 300.21 feet to a one-inch iron rod found for corner at the most north corner of said Lot 2, Block A;

THENCE North 45 degrees 03 minutes 56 seconds West, along or near a fence line and partly along the common line with said C. C. Freeman Addition No. 2, passing the most westerly corner of the C. C. Freeman Addition No. 1, as recorded in Volume 70047, Page 52, Dallas County, continuing on same bearing now along the common line with said C. C. Freeman Addition No. 1 a distance of 684.12 to a 1/2-inch iron rod w/NDM cap set for corner at an angle point in the C. C. Freeman Addition No. 1;

THENCE, North 44 degrees 58 minutes 09 seconds West, along or near a fence line same being a common line with said C. C. Freeman Addition No. 1 a distance of 1,022.82 feet to a 1/2-inch iron rod w/NDM cap set for corner in the south right of way line of Interstate Highway 20;

THENCE, South 86 degrees 17 minutes 03 seconds East, along or near a fence line and being the south right-of-way line of said Interstate Highway 20 a distance of 1,126.20 feet to a concrete right-of-way monument found for corner;

THENCE South 80 degrees 08 minutes 35 seconds East, along or near a fence line and the south right-of-way line of said Interstate Highway 20 a distance of 4,879.96 feet to a concrete right-of-way monument found for corner at the point of curvature of a curve to the left having a radius of 5954.58 feet and a central angle of 08 degrees 48 minutes 16 seconds (Chord bearing S 84 deg. 32 min. 41 sec. E, Chord length 914.1157 feet)

THENCE, along said curve left for an arc distance of 919.02 to centerline of East Fork of the Trinity River;

THENCE, along or near the centerline of said Trinity River the following call:

South 01 degree 24 minutes 31 seconds West, a distance of 102.75 feet;  
 South 77 degree 59 minutes 44 seconds East, a distance of 372.63 feet;  
 South 21 degree 28 minutes 20 seconds East, a distance of 158.31 feet;  
 South 19 degree 45 minutes 08 seconds West, a distance of 338.83 feet;  
 South 61 degree 42 minutes 34 seconds West, a distance of 179.08 feet;  
 North 64 degree 16 minutes 42 seconds West, a distance of 140.70 feet;  
 South 75 degree 41 minutes 53 seconds West, a distance of 123.49 feet;  
 South 31 degree 28 minutes 52 seconds East, a distance of 246.56 feet;  
 South 23 degree 11 minutes 35 seconds East, a distance of 252.88 feet;  
 South 70 degree 23 minutes 58 seconds East, a distance of 228.27 feet;  
 South 01 degree 39 minutes 33 seconds West, a distance of 143.95 feet;  
 South 39 degree 42 minutes 15 seconds West, a distance of 62.73 feet;  
 South 61 degree 46 minutes 12 seconds West, a distance of 206.22 feet;  
 South 34 degree 35 minutes 24 seconds West, a distance of 113.11 feet;  
 South 02 degree 52 minutes 25 seconds West, a distance of 130.07 feet;

THENCE South 44 degree 28 minutes 33 seconds West, along or near a fence line a distance of 1,336.45 feet to a 1/2-inch iron rod w/NDM cap set for corner;

THENCE South 45 degree 02 minutes 29 seconds East, along or near a fence line, a distance of 204.40 feet to a 1/2-inch iron rod w/NDM cap set for corner;

THENCE South 44 degree 22 minutes 33 seconds West, along or near a fence line, same line being a common line between the James R. Bruton Survey, Abstract No. 150 and the H. Hartar Survey, Abstract No. 598, a distance of 2,040.00 feet to a wooden fence corner post for corner;

THENCE South 44 degree 17 minutes 15 seconds East, along or near a fence line, same line being a common line for said H. Hartar Survey and the John Lanier Survey Abstract No. 805, a distance of 910.84 feet to a wooden fence corner post for corner;

THENCE South 20 degree 50 minutes 44 seconds West, along or near a fence line a distance of 195.36 feet to a 1/2-inch iron rod w/NDM cap set for corner, said iron rod being the most westerly of a 0.0460 acre tract of land described in volume 85164, Page 4322, Deed Records of Dallas County, Texas;

THENCE North 69 degree 09 minutes 16 seconds West, 50.00 feet with the northeasterly line of said 0.0460 acre tract to a 1/2-inch iron rod w/NDM cap set for corner;

THENCE South 20 degree 50 minutes 44 seconds West, 200.00 feet with the northwesterly lines of five 0.0460 acre tracts of land recorded in Volume 85143, Pages 4322, 4315, 4308, 4301 and 4294, Deed Records of Dallas County, Texas;

THENCE South 69 degree 09 minutes 16 seconds East, 50.00 feet with the southwesterly line of said 0.0460 acre tract recorded in Volume 85164, Page 4294, to a 1/2-inch iron rod w/NDM cap set in a fence line for corner;

THENCE South 20 degree 50 minutes 44 seconds West, along or near a fence line a distance of 500.00 feet to a 5/8-inch iron rod found for corner;

THENCE, North 34 degree 05 minutes 25 seconds West, along or near a fence line a distance of 1,289.83 feet to a metal fence post for corner;

THENCE, South 51 degree 11 minutes 10 seconds West, along or near a fence

line a distance of 149.17 feet to a metal fence post for corner;

THENCE, North 34 degrees 20 minutes 36 seconds West, along or near a fence line a distance of 425.15 feet to a 3/4-inch iron pipe found for corner near a fence corner;

THENCE, South 43 degrees 37 minutes 17 seconds West, along or near a fence line a distance of 208.89 feet to a 1/2-inch iron rod found for corner near a fence corner;

THENCE, North 34 degrees 15 minutes 41 seconds West, along or near a fence line a distance of 309.44 feet to a 5/8-inch iron rod found for corner near a fence corner post;

THENCE, South 43 degrees 30 minutes 06 seconds West, along or near a fence line a distance of 344.66 feet to a wooden fence post for corner;

THENCE North 46 degrees 19 minutes 16 seconds West, along or near an old fence line a distance of 315.10 feet to a wooden fence post for corner;

THENCE, North 73 degrees 04 minutes 36 seconds West, along or near an old fence line a distance of 45.09 feet to a wooden fence post for corner;

THENCE, North 88 degrees 29 minutes 16 seconds West, along or near an old fence line or remnants of the old fence line, a distance of 285.11 feet to a found 3/8-inch iron rod for corner;

THENCE North 08 degrees 54 minutes 41 seconds West, along or near an old fence line or remnants of the old fence line a distance of 289.93 feet to a wooden fence post for corner;

THENCE, North 37 degrees 25 minutes 25 seconds East, along or near an old fence line a distance of 40.24 feet to a wooden fence post for corner;

THENCE, North 45 degrees 02 minutes 38 seconds East, along or near a fence line passing the most south corner of a tract of land conveyed to J. Monroe on February 24, 1972, as recorded in Volume 72045, Page 241, continuing now on the common line with said Monroe tract for a total distance of 2,099.01 feet to a wooden fence corner post for corner;

THENCE, North 39 degrees 25 minutes 27 seconds West, along or near a fence line same line being a common line with being a common line with said Monroe tract a distance of 343.15 feet to a set 1/2-inch iron rod w/NEM cap for corner at the most north corner of said Monroe tract same being in the southwest line of a tract of land conveyed from H. A. Foster, A. D. Foster, and C. R. Foster to E. G. Oats, et ux, by deed dated June 15, 1983, as recorded in Volume 83121, Page 2501;

THENCE, North 44 degrees 57 minutes 02 seconds East, along the common line with said Oats tract a distance of 1,068.16 feet to a wooden fence corner post for corner, same being the east corner of said Oats tract;

THENCE, North 45 degrees 02 minutes 29 seconds West, along or near a fence line same being a common line with said Oats tract a distance of 1,026.83 feet to a wooden fence corner post for corner, same point being the north corner of said Oats tract;

THENCE, South 44 degrees 57 minutes 09 seconds West, along the common line with said Oats tract a distance of 1,962.48 feet to a 1/2-inch iron rod w/NEM cap set near a fence corner, same point being the most westerly corner of the aforementioned C. C. Freeman Addition No. 2;

THENCE, North 45 degrees 12 minutes 35 seconds West, along or near a fence line same being a common line with said C. C. Freeman Addition No. 2 a distance of 1,558.68 feet to the POINT OF BEGINNING and CONTAINING in all 418.24 acres of land more or less.

## Exhibit "D" to South Tract Rezoning Application

DEVELOPMENT STANDARDS												
PARCEL DESIGNATION	GROSS ACREAGE	ZONING CLASSIFICATION	MAX DWELLING UNITS	MAX PERCENT COVERAGE	MIN LOT SIZE (sq. ft.)	MIN DWELLING AREA (sq. ft.)	MAX BLDG. HEIGHT LIMIT	MAX FLOORS	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	DENSITY
<b>BUSINESS PARK PARCELS</b>												
Use: Business Park	249.9; maximum 308.1*	PD-Business Park	N/A	50%	None	None	North of I-20: unlimited. South of I-20: unlimited, subject to residential proximity slope of 3:1 measured from any single family lot line and terminating 300 ft. from single family lot line	N/A	50 ft., except along the Main Road between Lawson Road and the South Ring Road where 60 ft. shall be required.	10 ft. (15 ft. if adjacent to multi-family)	10 ft. (15 ft. if adjacent to multi-family)	FAR 3:1
<b>APARTMENTS/TOWNHOMES/BUSINESS PARK PARCELS</b>												
Use: Business Park	58.2**	Business Park development in the "apartments/townhomes/business park" parcels shall comply with the standards set out above and in Exhibit "T" for business park use.										
Use: Executive Apartment		PD-MF-25	761	30%	10,000	1 BR—600* 2 BR—800 3 BR—1,100  *One bedroom units shall not exceed 50% of the total units.	52 ft.	N/A	25 ft., except along the Main Road between Lawson Road and the South Ring Road where 60 ft. shall be required.	15 ft. adjacent to nonresidential or multi-family; 25 ft. or 2 times the building height adjacent to AG	Exterior: 25 ft.; Interior: 15 ft. adjacent to non-residential or multi-family; 25 ft. or 2 times the building height adjacent to AG	25.0 du/acre
Use: Executive Townhome		PD-MF-12	243	60%	2,000	50% ≥ 1100 100% ≥ 1000	35 ft.	2.5	20 ft., except along the Main Road between Lawson Road and the South Ring Road where 60 ft. shall be required.	10 ft.	Exterior: 5 ft.; Interior: 5 ft. with minimum 10 ft. building separation	12.0 du/acre
<b>EXECUTIVE RESIDENTIAL PARCEL</b>												
Use: Executive Residential	86.5	PD-SFD-10	242	N/A	10,000	3500	35 ft.	2.5	25 ft.	25 ft.	Exterior: 10 ft.; Interior: 5 ft.	2.8 du/acre
<b>EAST TRINITY REGIONAL PARK PARCEL</b>												
Use: Regional Park	197.3	PD-Park	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

NOTES: \* Business Park may be expanded from 249.9 acres to a maximum of 308.1 acres through utilization of up to 58.2 acres designated for "apartment/townhome" use.  
 \*\* Executive apartment and executive townhome may be constructed anywhere within the parcels designated "apartments/townhomes/business park" on the land use diagram. The total acreage permitted for "executive apartment/executive townhome" use is 58.2 acres.

Exhibit "E-1"  
to  
South Tract Rezoning Application

EXECUTIVE SINGLE FAMILY DESIGN STANDARDS

- (1) This declaration will be recorded before land is sold and will be enforced and administered by an Architectural Review Committee (the "ARC"). The ARC will be comprised of the City Council Representative for District Four, the Director of Development Services, a Park Board member and two (2) representatives of the Developer.
- a) The purpose of the ARC is to enforce the architectural standards of the community and to approve or disapprove plans for improvements proposed for the Lots.
  - b) The ARC will act by simple majority vote, and will have the authority to delegate its duties or to retain the services of a professional engineer, architect, designer, inspector or other person to assist in the performance of its duties.
    - i) Scope of review. No building, fence, wall, outbuilding, landscaping, pool, athletic facility or other structure or improvement will be erected, altered, added onto or repaired upon any portion of the Property without the prior written consent of the ARC.
    - ii) Submission of plans. Prior to the initiation of construction upon any Lot, the Owner (excluding Declarant) thereof will first submit to the ARC a complete set of plans and specifications for the proposed improvements, including site plans, grading plans, landscape plans, floor plans depicting room sizes and layouts, exterior elevations, specifications of materials and exterior colors, and any other information deemed necessary by the ARC for the performance of its function. In addition, the Owner will submit the identity of the individual or company intended to perform the work and projected commencement and completion dates.
    - iii) Plan review. Upon receipt by the ARC of all of the information required, the ARC will have 30 days in which to review said plans. The proposed improvements will be approved if, in the sole opinion of the ARC: (a) the improvements will be of an architectural style and material that are compatible with the other structures in the Property; (b) the improvements will not violate any restrictive covenant or encroach upon any easement or cross platted building set back lines; (c) the improvements will not result in the reduction in property value, use or enjoyment of any of the Property; (d) the individual or company intended to perform the work is

acceptable to the ARC; and (e) the improvements will be substantially completed, including all cleanup, within three (3) months of the date of commencement (six months for the construction of a complete house). If the ARC fails to issue its written approval within 30 days of its receipt of the last of the materials or documents required to complete the Owner's submission, such failure by the ARC to issue its written approval shall be deemed disapproval.

- iv) Non-conforming structures. If there will be a significant or material deviation from the approved plans in the completed improvements, such improvements will be in violation of these standards to the same extent as if erected without prior approval of the ARC. The ARC, the Association or any Owner may maintain an action at law or in equity for the removal or correction of the non-conforming structure and, if successful, will recover from the Owner in violation all costs, expenses and fees incurred in the prosecution thereof.
- v) Immunity of ARC members. No individual member of the ARC will have any personal liability to any Owner or any other person for the acts or omissions of the ARC if such acts or omissions were committed in good faith and without malice. The Association will defend any action brought against the ARC or any member thereof arising from acts or omissions of the ARC committed in good faith and without malice.
- vi) Address for notice. Requests for ARC approval or correspondence with the ARC will be addressed to City of Mesquite, Director of Development Services or such other address as may be designated from time to time by the ARC. No correspondence or request for approval will be deemed to have been received until actually received by the ARC in form satisfactory to the ARC.

- (2) Exploring or mining for oil, gas, and other minerals will be prohibited.
- (3) Any frontage on a public right-of-way will be 100% stone or masonry and a minimum of 75% stone, stucco, or masonry will be required on one-story and two-story homes (excluding gables and porches).
- (4) Chimneys will be constructed of stone, masonry, or other materials approved by the Committee.
- (5) Roofs will be constructed of dimensional asphalt shingles, tile, slate, or standing seam metal.
- (6) All mailboxes shall be brick.

- (7) Chain link fences will be prohibited. Six foot (6') wood privacy fences will be allowed.
- (8) All lots will have front automatic yard underground irrigation systems.
- (9) Hike and bike trails will be encouraged to utilize utility easements and road rights-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, if any. Hike and bike trails will have a minimum width of ten feet and will be constructed of four-inch thick reinforced concrete (or other materials approved by the Committee).
- (10) Pocket parks and open space (including seating near focal points) will be incorporated. 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. At least 30% of all trees should be evergreen.
- (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) Decorative 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 and shall be completed within 24 months of the issuance of the first building permit within the neighborhood.
- (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) No direct front entry garages shall be allowed.
- (18) The following ornamental trees are approved:

Crape Myrtle  
Eastern Redbud  
Texas Mountain Laurel

Aristocrat Pear  
Savannah Holly  
Yaupon Holly



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

(19) The following shade trees are approved:

Bald Cypress	Bur Oak
Chinquapin Oak	Lacebark Elm
Pecan	Pond Cypress
Red Oak	Southern Magnolia
Texas Red Oak	Taxodium distichum
Magnolia grandiflora (evergreen)	Quercus muhlenbergii
Ulmus parvifolia "Drake"	Taxodium ascendens
Quercus virginiana (evergreen)	Quercus texana
Juniperus virginiana (evergreen)	Liquidambar Styraciflua
Chinese Pistachio	Live Oak
Red Cedar	Sweet Gum
Quercus macrocarpa	Carya illinoensis
Quercus shumardii	Pistacia chinensis

- (20) The restrictions should continue for an initial term of 30 years, and thereafter for successive ten-year terms unless and until they are terminated.
- (21) A homeowners association will commence upon the recording of such restrictions, and the association will have the power to assess all lot owners for its operating expenses, 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).
- (22) The homeowners 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.

- (23) The restrictions may be amended at any time by a 2/3 vote of the members of the homeowners 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.

Exhibit "E-2"  
to  
South Tract Rezoning Application

EXECUTIVE SINGLE-FAMILY LANDSCAPE/SCREENING STANDARDS

- (1) General requirements. All provisions of Mesquite's Landscape Ordinance will be attained. Landscaping area includes turf, shrubs, ground covers, trees and forests, and hardscape elements including masonry and cast features, sidewalks and drives. Open space is considered as any space not covered by buildings on platted lots or on dedicated open space.
- (2) Tree requirements. The following minimum tree requirements must be achieved:
- a) All lots shall provide not less than one 3-inch caliper tree in the rear yard.
  - b) Street frontage requires that street trees (minimum 3-inch caliper) be provided within the parkways of all streets at the rate equivalent to one (1) tree per 60 feet of street frontage. Trees may be grouped for design effect, but must meet the minimum requirement stated above.
  - c) Along collector streets with medians, a minimum of one street tree (minimum 3-inch caliper) shall be provided at the rate of one (1) per 60 feet of median length, or two (2) ornamental trees per 40 feet of median length. Trees may be grouped for design effect, but must meet the minimum requirement stated above. Minimum median width shall be 4 feet, and minimum length shall be 40 feet.
  - d) Twenty percent (20%) of all trees shall be evergreen.
- (3) Perimeter Screening.
- Perimeter screening is required around the parcel boundary. Such screening shall be by 6-foot high masonry wall or continuous screening hedge. Screening hedges shall be initially installed not less than 7-gallon nursery grown plants on 4-foot centers, or 10-gallon nursery grown plants on 5-foot centers.
- Stone or brick columns (or a material combination thereof) shall be a required element of perimeter screening whether vegetative or masonry. Column spacing shall not exceed 60-foot centers. Minimum column size shall be 2-feet wide.
- (4) Lot coverage. Maximum building coverage shall average 60% for the subdivision (or parcel), but shall not exceed 80% on any lot.

(5) Park Requirements.a) Hike and bike trail systems.

- i) A system of hike and bike trails shall be provided that utilize existing utility easements and along proposed road right-of-ways. The majority of these trails shall run along roadway frontages. The trail system will provide a trail through the tract, or connect to other trail systems proposed by the City of Mesquite.
- ii) Hike and bike trails shall be a minimum of 10 feet in width, and constructed of 4-inch thick reinforced concrete with #3 rebar at 12-inch centers each way.

- b) Pocket parks and open space. Pocket parks and open space shall be incorporated in the development plan (layout) for each residential parcel. A park and open space plan shall be submitted for each parcel. These parks and open spaces will be used as a focal point for the residential development, and to create an individual identity for each residential parcel. These areas shall be irrigated by a fully automatic underground irrigation system, and be planted with hydromulched turf and one (1) shade tree, or three (3) ornamental trees shall be provided for each 500 square feet of landscaped area. Thirty percent of all trees (shade or ornamental) by gross number shall be evergreen.

(6) Landscape Elements.

- a) Streetscape enhancements and improvements should include tree-lined streets with continuous single rows or selective groupings. Contrasting species of trees shall be used on streetscape plantings with no single variety consisting of more than 40% of gross project plant numbers. Contrasting species of trees shall be used in medians, where applicable. A minimum of five (5) varieties in each project are required.
- b) Special light standards shall be used consistently throughout the tract. Standards shall be spaced at appropriate intervals to provide adequate lighting.
- c) Where practicable, pocket parks and open space areas will provide pockets of seating near focal points.
- d) Walks shall be constructed of either reinforced concrete, concrete pavers, flagstone, or brick.

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- e) Entry signage and monumentation.
  - i) Monumentation should be of appropriate scale for the development. *Monuments should be constructed using quality materials such as stone, brick, cut stone or cast stone. The design for monuments should be timeless. Luminaries should be incorporated into the design of the monument.*
  - ii) Entry signs should be constructed of high quality materials such as cut or cast stone, or brick with either sandblasted engraved letters or pin-mounted metal letters. All signs shall meet City of Mesquite signage requirements.
  - iii) Monumentation and signs shall be adequately lighted.
  - iv) Each entry into the development shall *repeat one or more* of the hardscape elements from the design family specified by the developer.
- f) All ornamental iron shall be painted "forest green" or other such color approved by the ARC.
- g) Any retaining walls shall be built of concrete or stone. The exposed face shall be *either stone or brick*. No railroad tie or treated timber retaining walls are allowed.
- h) Subsurface drainage design shall be done in such a manner that collected runoff from paved or roofed areas shall not cross sidewalks or trails, except from the adjacent home site.

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EXHIBIT "F"

(Intentionally left blank)

**Exhibit "G"**  
**to**  
**South Tract Rezoning Application**

**EXECUTIVE MULTIFAMILY RESIDENTIAL DESIGN STANDARDS**

- (1) Height, from the main entry side of each structure, will be limited to three stories.
- (2) Where terrain permits, a height of four stories will be permitted on the side of the structure opposite the main entry.
- (3) Each dwelling unit will have one covered parking space, which may be either a garage or a carport; provided that a minimum of four detached garages shall be required for each building.
- (4) Ceiling heights will be a minimum of nine feet.
- (5) Flat roofs will not be permitted on any residential structure.
- (6) The minimum roof pitch will be 4:12.
- (7) All entry doors will be of steel construction.
- (8) All landscaping will be irrigated by automatic underground systems.
- (9) Exterior walls will be 75% masonry construction.
- (10) One swimming pool, with a minimum of 1,000 square feet of water surface area, will be provided for every 250 dwelling units.
- (11) A minimum of 25% of each lot will be landscaped with natural materials, and one 3-inch caliper tree will be planted for each 1,000 square feet of landscaped area.

Exhibit "H"  
to  
South Tract Rezoning Application

EXECUTIVE TOWNHOME RESIDENTIAL DESIGN STANDARDS

- (1) One garaged parking space (not to exceed two per unit) will be provided for each bedroom.
- (2) Minimum ceiling heights will be nine feet.
- (3) Minimum roof pitch will be 4:12 (cedar shingles or shakes will not be allowed).
- (4) Exterior walls will be 75% masonry construction.
- (5) All landscaping will be irrigated by automatic underground systems.
- (6) One three-inch caliper tree will be planted per unit.
- (7) A homeowner's association (HOA) shall be required.



**Exhibit "T"**  
**To**  
**South Tract Rezoning Application**

**BUSINESS PARK DESIGN STANDARDS**

1. Front Yard Setbacks

The minimum required front yard setback shall be 50 ft.; except that a 60 foot setback shall be required along the Main Road between Lawson Road and the South Ring Road.

2. Limitations of Location of Off-Street Parking

No parking will be permitted within the required front-yard. In addition, only short-term visitor parking will be allowed between the front of any building and the right of way of any public street.

3. Front Yard Landscaping

A minimum of 75% of the area included within the required front yard must be landscaped with natural plant materials. In addition, a minimum of one 3-inch caliper tree must be planted within the required front yard for each 1,000 square feet of landscaped area.

4. Visitor Parking Lot Trees

In addition to the screening required by Paragraph 5 below, a minimum of one 3-inch caliper tree must be planted for each five visitor parking spaces located between the front of any building and the right of way of any public street. These trees must be planted within the parking area, and no parking space may be more than 40 feet from a tree.

5. Screening of Off-Street Parking

All off-street parking areas must be screened from view if they could otherwise be seen at grade level from any public street. The screening must be at least 36 inches high and may be achieved through one or more (or any combination) of a masonry wall, a planting screen, or a berm.

6. Screening of Loading and Service Areas/Accessory Storage Areas

All off-street service and loading areas, and all accessory storage areas must be screened from view with a landscape reserve, not less than five feet wide, if such areas could otherwise be seen at grade level from any public street. The area to be screened excludes the areas providing access or entry to such service or loading areas. Screening within the landscape reserve may be accomplished through one or more (or any combination) of the following methods:

- a. A masonry wall plus a minimum of one 3-inch caliper tree planted for each 30 linear feet of landscape reserve; or
- b. Large evergreen shrubs with an initial height that will create a solid planting within three years plus a minimum of one 3-inch caliper tree planted for each 30 linear feet of landscape reserve; or
- c. Evergreen trees planted to create a solid planting within three years; or
- d. A berm with evergreen shrubs planted to create solid planting within three years plus a minimum of one 3-inch caliper tree for each 30 linear feet of berm.

7. Screening of Dumpsters

- a. Dumpsters shall be located at the side or rear of the property outside of the required building setback areas.
- b. Dumpsters shall be screened on three sides, using one or more (or any combination) of the following methods:
  - (1) A masonry wall enclosure with a minimum height that is one foot above the top of the dumpster; or
  - (2) Evergreen trees or large evergreen shrubs planted to create a solid planting to a minimum height that is one foot above the top of the dumpster within three years; or
  - (3) A berm with evergreen shrubs planted to create a solid planting to a minimum height that is one foot above the top of the dumpster within three years.

8. Screening of Roof-Top Equipment

Mechanical equipment, penthouses, ventilation equipment, satellite dishes, antennas, cooling towers and other similar equipment shall not exceed the actual height of the building by more than 10 feet and must be screened from view if such equipment could otherwise be seen at grade level from any public street.

9. Masonry Construction Requirement

All exterior building facades (excluding windows, doors, roofs, glass materials and sidewalk and walk-way covers) must be constructed using a minimum of 80% of the following materials: brick; stucco; architectural concrete, including pre-cast tilt wall (with architectural surface treatments such as color, texture, relief or detail); stone; rock; other similar masonry materials; or any other materials approved by the City Council of the City as part of a site plan.