

ORDINANCE NO. 4791
File No. Z0620-0141

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED SOUTHWEST OF FM 2932 AND COUNTY ROAD 214 TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION SUBJECT TO THE DEVELOPMENT AGREEMENT APPROVED BY RESOLUTION NO. 39-2019, AS AMENDED, AND CERTAIN DEVELOPMENT STANDARDS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Oak National Holdings, LLC (“**ONH**”) is the owner of approximately 363.225 acres of real property situated in the John Moore Survey, Abstract No. 309, in Kaufman County, Texas, generally located southwest of FM 2932 and County Road 214, more particularly described in Exhibit A attached hereto (the “**Property**”); and

WHEREAS, prior to the voluntary annexation of the Property into the City of Mesquite (“**City**”), the City and ONH entered into a Development Agreement (the “**Development Agreement**”) pursuant to Section 212.172 of the Texas Local Government Code and approved by the City Council by Resolution 39-2019 on May 20, 2019; and

WHEREAS, on May 18, 2020, the Property was annexed into the City by Ordinance No. 4782; and

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the Property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

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

SECTION 1. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Agriculture to Planned Development – Single Family Residential that allows single-family development at a minimum density of one dwelling unit per net acre consistent with the Development Agreement and the Development Standards attached hereto as Exhibit B.

SECTION 3. All ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

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

SECTION 5. Should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. Any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

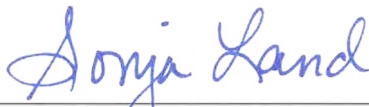
SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of July 2020.



Bruce Archer
Mayor

ATTEST:



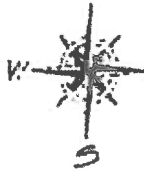
Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A – LEGAL DESCRIPTION



WARREN SURVEYING
16339 F.M. RD. 849
LINDALE, TEXAS 75771
OFFICE: 903-882-3605 FAX: 903-882-7122
EMAIL: wwarren@suddenlink.net

**363.225 ACRE TRACT
PAGE 1 OF 3**

All that certain lot, tract or parcel of land within the J. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being part of that tract of land in Distribution Deed from Anella Slaughter Bauer, (the "decedent"), Carrol W. Phillips and Richard Blake Rogers, Co-Executors to Richard Slaughter Bauer and recorded in Volume 2674 on Page 243 of the Official Public Records of Kaufman County, Texas, and this 363.225 acre tract being more fully described as follows:

BEGINNING at a 5/8" Iron Rod found at the base of a 4" concrete right-of-way monument, for the East corner of this 363.225 acre tract and being in the Southwest right-of-way of F.M. Road 2932, (100' wide right-of-way) also being the North corner of a called 313-1/2 acre tract (First Tract) in Deed to A.J. Layden, Jr., and Mary Ann Layden, Co-Trustees of the Layden Land Trusts and recorded in Volume 1073 on Page 231;

THENCE South 45 deg. 39 min. 55 sec. West, a distance of 956.71 feet, with the division line of said tracts, to a Nail set in fence;

THENCE South 44 deg. 37 min. 59 sec. West, a distance of 348.24 feet, with the division line of said tracts, to a Nail set in fence;

THENCE South 45 deg. 24 min. 37 sec. West, a distance of 1,658.90 feet, with the division line of said tracts, to a Nail set in fence;

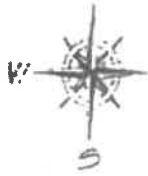
THENCE South 45 deg. 33 min. 57 sec. West, a distance of 349.52 feet, with the division line of said tracts, to a Nail set in fence;

THENCE South 45 deg. 01 min. 12 sec. West, a distance of 499.74 feet, with the division line of said tracts, to a Nail set in fence;

THENCE South 44 deg. 48 min. 08 sec. West, a distance of 283.98 feet, with the division line of said tracts, to a Nail set in fence;

THENCE South 44 deg. 02 min. 07 sec. West, a distance of 293.96 feet, with the Southeast line of same and Northwest line of said 313-1/2 acre tract, to an X-Tie Fence corner found for the South corner of said 363.225 acre tract;

THENCE North 45 deg. 59 min. 17 sec. West, a distance of 292.04 feet, to a fence corner found for a reentrant corner of said 363.225 acre tract;



WARREN SURVEYING
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**363.225 ACRE TRACT
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THENCE South 49 deg. 07 min. 57 sec. West, a distance of 19.36 feet, to a fence corner found for a reentrant corner of said 363.225 acre tract and being in the Northeast line of a called 52 acre tract (Second Tract) in Deed to A.J. Layden, Jr., and Mary Ann Layden, Co-Trustees of the Layden Land Trusts and recorded in Volume 1073 on Page 231

THENCE North 45 deg. 43 min. 39 sec. West, a distance of 882.60 feet, with the division line of said tracts, to a 5/8" Iron Rod found for the East corner of Lot 32 of Dallas East Estates as shown for record in Cabinet 1, Envelope 94 of the Plat Records;

THENCE North 44 deg. 29 min. 20 sec. West, a distance of 543.00 feet, to a 2" Iron Pipe found for the East corner of Lot 1 of said Dallas East Estates;

THENCE North 44 deg. 26 min. 26 sec. West, a distance of 1,858.02 feet, with the Southwest line of said 363.225 acre tract and Northeast line of Dallas East Estates to a 1/2" Iron Rod found for the West corner of said 363.225 acre tract and the North corner of Lot 21 of Dallas East Estates, and in the South right-of-way of Lake Street (40' right-of-way);

THENCE North 44 deg. 52 min. 04 sec. East, a distance of 4,402.08 feet, with the Northwest line of said 363.225 acre tract and the Southeast right-of-way of Lake Street and Southeast line of a called 50 acre tract in Deed to Preston W. Henderson, III, in Volume 1245 on Page 781, to a 3/8" Iron Rod found for the North corner of this 363.225 acre tract and East corner of said 50 acre tract, also being in the Southwest right-of-way of F.M. Road 2932;

THENCE South 45 deg. 24 min. 17 sec. East, a distance of 181.90 feet, with the Northeast line of said 363.225 acre tract and Southwest right-of-way of F.M. Road 2932, to a Concrete Monument found;

THENCE South 44 deg. 48 min. 24 sec. East, a distance of 700.75 feet, with the Northeast line of said 363.225 acre tract and Southwest right-of-way of F.M. Road 2932, to a Concrete Monument found;

THENCE South 45 deg. 01 min. 28 sec. East, a distance of 2,100.81 feet, with the Northeast line of said 363.225 acre tract and Southwest right-of-way of F.M. Road 2932, to a Concrete Monument found;

THENCE South 45 deg. 04 min. 22 sec. East, a distance of 622.00 feet, with the Northeast line of said 363.225 acre tract and Southwest right-of-way of F.M. Road 2932, to the POINT OF BEGINNING AND CONTAINING 363.255 ACRES OF LAND.

File No.: Z0620-0141
Zoning Change



WARREN SURVEYING
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363.225 ACRE TRACT
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See Map 8183A prepared in conjunction with these field notes. The bearings hereon were derived from TOPCON G.P.S. equipment and oriented to True North. I, Willie H. Warren, Jr., do hereby state that the above field notes were prepared from a survey made under my supervision during the month of September, 2014 and December, 2015.
GIVEN UNDER MY HAND & SEAL, this the 2nd day of December, 2015.

A handwritten signature in cursive script that reads "Willie H. Warren, Jr.".

Willie H. Warren, Jr.
Registered Professional Land Surveyor
State of Texas No. 4038



**EXHIBIT B - PLANNED DEVELOPMENT STANDARDS
BASED ON RESOLUTION NO. 39-2019
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This Planned Development Agricultural (PD-AG) must adhere to all conditions of the Development Agreement approved by Resolution Number 39-2019, as amended. The following regulations provided in said Development Agreement apply to this PD-AG District.

1. The minimum lot size shall be one acre. The minimum lot width shall be 100 feet, and shall be measured at the minimum front yard building setback line. The minimum lot depth shall be 200 feet. The determination of the minimum lot area may include area contained within easements (utility, drainage, or otherwise) located within the boundaries of a platted lot. The minimum front yard building setback shall be 40 feet, measured from the front lot line. The minimum side yard setback shall be 20 feet, measured from the side lot lines. The minimum rear yard building setback shall be 30 feet, measured from the rear lot line. No corner lot shall be considered to have two front yards. For lots adjacent to floodplain or easement boundaries, the front yard setback may be reduced to 30 feet and the rear yard setback to 20 feet.
2. The street shall be a rural street section with side ditches, with a 36-foot wide six-inch concrete pavement section with a thickened edge, on 28-foot wide six-inch lime stabilized subgrade within a 50-foot wide right-of-way. Sheets shall be 4,000 psi concrete, reinforced with No. 4 reinforcing steel at 18-inch centers (both ways). Alleys and sidewalks shall not be required.
3. In accordance with the 2015 International Fire Code with amendments, turnarounds area required for all dead-end access roads having a length of 151 feet to 500 feet and all dead-end access roads having a length of 501 feet to 750 feet. The turnarounds required are either a 120-foot Hammerhead, 60-foot "Y" or a 96-foot diameter cul-de-sac. A dead-end access road greater than 750 feet requires special approval. In accordance with the 2015 International Code with amendments, there shall be no more than 30 dwelling units constructed on a dead-end street.
4. There shall be no maximum or minimum block length.
5. Screening of lots backing to FM 2932 shall consist of a decorative metal fence and a minimum ten-foot wide landscaped buffer. A conceptual screening detail shall be submitted with the preliminary plat application. Wood fences shall be prohibited within an Atmos gas easement.

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS
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6. Sewer service to each residence may be provided by installing a septic system. Effluent shall not be sprayed into utility easements. Septic systems shall not be installed within the 100-year floodplain.
7. Improvements (or escrows in lieu of improvement) to perimeter streets shall not be required. Dedication of one-half of the right-of-way necessary to widen FM 2932 to a width of 120-feet is required.
8. Owner agrees to provide a drainage plan to the City for approval identifying the 100-year fully developed flood plain in the subdivision. Owner shall design all drainage in the subdivision including bar-ditches and lot to lot drainage for a 100-year event and shall submit such plan to the City for approval. The study of the 100-year fully developed floodplain shall not be submitted to any other jurisdiction authority, including the Federal Emergency Management Agency (FEMA) and therefore is not intended to revise the existing 100-year floodplain as depicted on the FEMA Flood Instance Rate Maps. For purposes of this Development Agreement the 100-year fully developed floodplain study is defined as follows: A hydraulic analysis of the 100-year storm event which includes existing land uses where developed and rural residential land use where undeveloped upstream of the subdivision and within the subdivision includes the use of bar ditches, lol-to-lot drainage, and any proposed detention with the subsequent hydraulic analysis of the drainage conveyance courses which affect area within or immediately adjacent to the subdivision.
9. Platted lots may contain areas located within the 100-year floodplain as long as no permanent structures are constructed within the 100-year fully developed floodplain. All structures shall be constructed such that the lowest living area finished floor elevation, including any basement, is 2-feet or more above the 100-year fully developed floodplain. See paragraph 8 above for the definition of the 100-year fully developed floodplain.
10. Compliance with City landscaping and tree preservation requirements shall not be required.
11. Owner shall submit for approval by the City and install entry features identifying the subdivision at all entrances to the subdivision along FM 2932. Entry features shall be landscaped in a manner consistent with landscape buffer along FM 2932 and shall be maintained by the HOA.

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS
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12. Owner shall phase construction of infrastructure and lots to allow for a second point of access from FM 2932 prior to construction of the 31st structure within the development including model homes.