

ORDINANCE NO. 4899
File No. Z0421-0190

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY PROVIDING A COMPREHENSIVE PLAN AMENDMENT FROM NEIGHBORHOOD RETAIL TO MEDIUM DENSITY RESIDENTIAL AND BY AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – LIGHT COMMERCIAL ORDINANCE NO. 3580 TO PLANNED DEVELOPMENT – TOWNHOMES ON PROPERTY LOCATED AT 1535 NORTH BELT LINE ROAD TO ALLOW A TOWNHOME DEVELOPMENT; 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, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

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

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

SECTION 1. The subject properties are described as being 5.0 acres of land, platted as First Assembly of God No. 1, Block A, Lot 1R2, more fully described in the legal description attached as Exhibit A, and located at 1535 North Belt Line Road, Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Comprehensive Plan, last updated on October 7, 2019, be and the same is hereby amended by adopting an amendment to the Mesquite Comprehensive Plan from Neighborhood Retail to Medium Density Residential for the Property.

SECTION 3. The Mesquite Zoning Ordinance is hereby amended by approving a change of zoning from Planned Development – Light Commercial Ordinance No. 3580 to Planned Development - Townhomes to allow a townhome development including 43 townhomes subject to compliance with the Development Standards and the Concept Plan attached hereto as Exhibits B and C respectively and incorporated herein by reference.

SECTION 4. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 5. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 6. 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 7. 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 \$2,000.00 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.

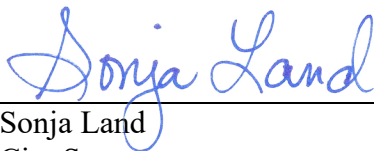
SECTION 8. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of September 2021.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

SURVEYOR'S CERTIFICATION

That, I, Dustin D. Davison, do hereby certify that this survey was made on the ground by me or under my personal supervision and the plat hereon is a true, correct and accurate representation of the property as determined by survey. The lines, dimensions and corners of said property being as indicated by the plat. There are no visible or apparent easements, encroachments, conflicts or protrusions except as shown hereon.



D.D.D. 10.7.17

No portion of the subject property lies within any area of 100-year flood according to FEMA's Flood Insurance Rate Map, Community-Panel No. 48113C0390K, dated July 7, 2014. Property is in zone X.

BOUNDARY SURVEY
1535 N. Beltline Road

EXHIBIT A

PROPERTY DESCRIPTION

BEING a 5.000 acre tract of land situated in the Robert Bethurum Survey, Abstract No. 170, City of Mesquite, Dallas County, Texas, same being a portion of that certain tract of land conveyed to FIRST ASSEMBLY OF GOD, by deed recorded in Volume 97202, Page 3109, Deed Records, Dallas County, Texas (D.R.D.C.T.) and further being described as follows:

BEGINNING at a 5/8" iron rod found for the northerly corner of that certain tract of land conveyed to Ismael Munoz by deed recorded in Instrument Number 201500298443, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.), same being in the southeasterly line of Range Road (called 60' R.O.W.);

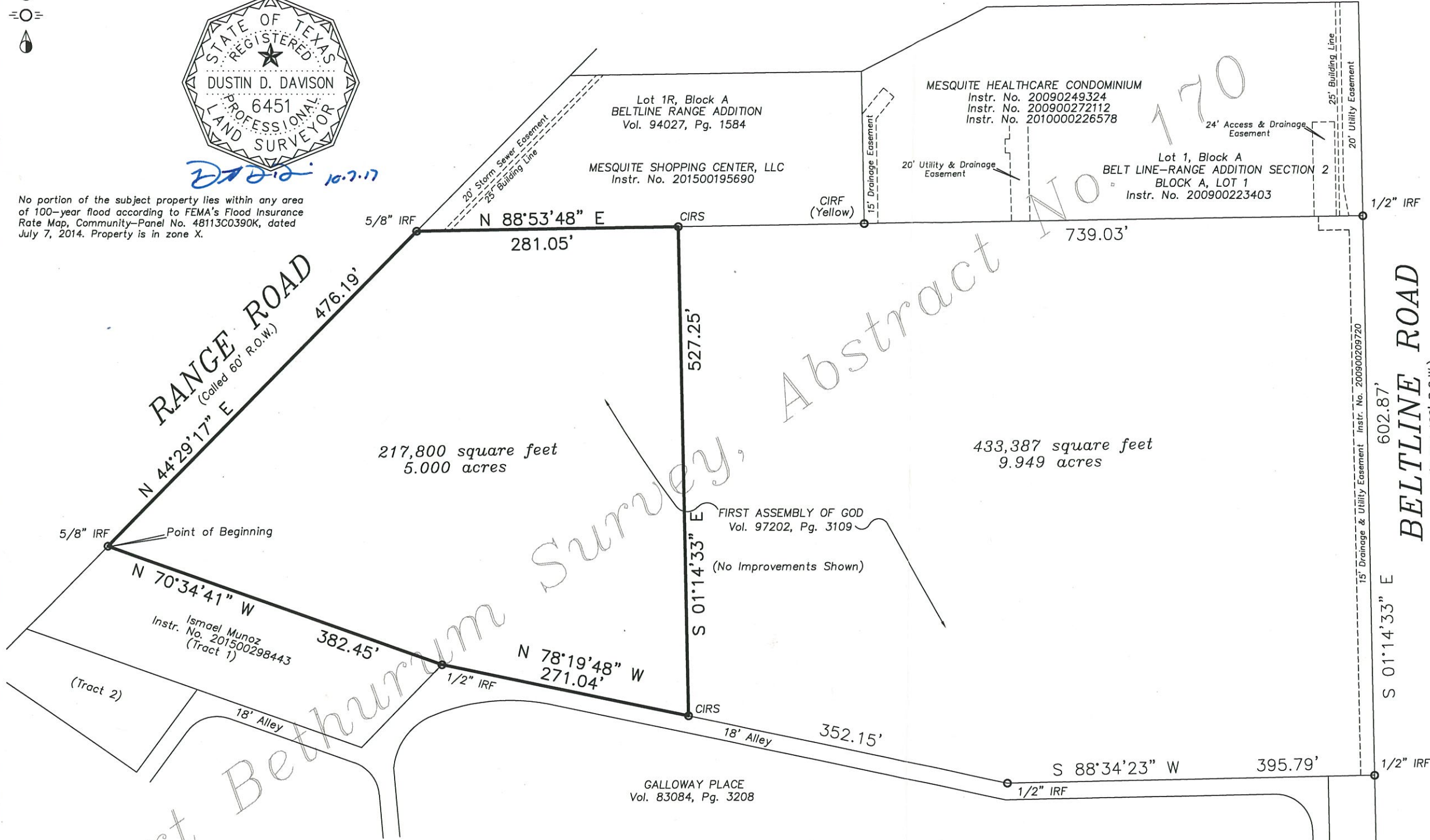
THENCE North 44 degrees 29 minutes 17 seconds East, along said southeasterly line, for a distance of 476.19 feet to a 5/8" iron rod found for the southwest corner of Lot 1R, Block A, BELTLINE RANGE ADDITION, an addition to the City of Mesquite, as recorded in Instrument Number 201500195690, O.P.R.D.C.T.;

THENCE North 88 degrees 53 minutes 48 seconds East, along the south line of said addition, for a distance of 281.05 feet to a capped iron rod, with yellow plastic cap, stamped "ARS ENGINEERS" set for corner;

THENCE South 01 degrees 14 minutes 33 seconds East, departing said south line, for a distance of 527.25 feet to a capped iron rod, with yellow plastic cap, stamped "ARS ENGINEERS" set in the northerly line of GALLOWAY PLACE, an addition to the City of Mesquite, recorded in Volume 83084, Page 3208, D.R.D.C.T.;

THENCE North 78 degrees 19 minutes 48 seconds West, along said northerly line, for a distance of 271.04 feet to a 1/2" iron rod found for the northwest corner of said addition, same being the easterly corner of the aforementioned certain tract of land conveyed to Ismael Munoz by deed recorded in Instrument Number 201500298443, O.P.R.D.C.T.;

THENCE North 70 degrees 34 minutes 41 seconds West, along the north line of said Munoz tract, for a distance of 382.45 feet to the POINT OF BEGINNING and containing 217,800 square feet or 5.000 acres of land, more or less.



217,800 square feet
5.000 acres

433,387 square feet
9.949 acres

NOTES:

- IRS = iron rod set for corner
- IRF = iron rod found for corner
- CIRF = capped iron rod found for corner
- CIRS = capped iron rod set for corner

Basis of Bearings: BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE 4202 (TXNC 4202), NORTH AMERICAN DATUM 1983 (NAD83). DISTANCES SHOWN HAVE BEEN MODIFIED TO SURFACE BY APPLYING A SCALE FACTOR OF 1.000136506 TO THE STATE PLANE COORDINATES.

Prepared without the benefit of a Title Commitment.

Scale: 1" = 120'



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Engineering Firm #F-819 Surveying Firm #101319-00

EXHIBIT B
PLANNED DEVELOPMENT STANDARDS
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The subject property shall be developed as single-family, townhome lots in accordance with the land uses and development standards identified below:

General:

1. Development shall be in general conformance with the following exhibits:
 - a. Concept Plan as shown on Exhibit C;
2. Before issuance of building permits for a project containing any common areas or community facilities, it shall be necessary to assure the city that provisions have been made for adequate upkeep and maintenance of such area and facilities through the creation of a homeowners or maintenance association established to maintain and manage all such common areas and community facilities. Documents creating such association shall grant the city the right to collect maintenance fees and provide maintenance in the event that the association fails to do so.
3. The HOA will be responsible for the improvement and maintenance of all common areas and/or common facilities dedicated to the HOA.
4. No recreation vehicle, motorhome, watercraft or other equipment greater than six (6) feet in height when mounted on its transporting trailer shall be parked or stored on any lot with a dwelling unit. Regardless of height, no such equipment shall be parked or stored on any street for longer than twenty-four (24) hours
5. An entry feature/monument sign shall be provided along Range Drive. An irrigated landscaped area consisting primarily of bushes, shrubs and ornamental grasses that is equal to or greater in size than the total surface area of the entry feature/monument sign, including both sides, shall be installed around the base of the sign.
6. The required two car enclosed garage may not be converted into living space.

Lots and Homes:

1. Development Standards:

Minimum Lot Area	1,875 Square Feet
Minimum Lot Depth	75 Feet
Minimum Lot Width	25 Feet
Minimum Front Yard Setback	20 Feet (<i>Front Entry</i>)
Minimum Exterior Side Yard Setback (from any public or private street, driveway, or alley)	10 Feet
Minimum Interior Side Yard	Per Fire Code
Minimum Rear Yard	10 Feet (<i>Front Entry</i>)
Maximum Density	9 Units per Acre
Minimum Living Area	1,400 Square Feet
Maximum Height	2 Stores, but up to 35 feet on interior lots
Minimum Separation Between Buildings	10 Feet
Maximum Number of Units per Building	7 Units
Minimum Open Space	29%
Resident Parking Requirement	2 Enclosed, Off-Street Spaces per Unit
Visitor Parking Requirement	1 Off-Street Space per Every 2.26 Units

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2. The maximum number of dwelling units shall not exceed 43 units.

Amenities:

1. Recreational Facilities:
 - a. Open Space shall be provided in general conformance with Exhibit C: Concept Plan and shall include the following:
 - i. A minimum of 50-foot wide landscape buffer shall be provided along Range Drive.
 - ii. A minimum of 15,000 square foot community gathering area with amenities.
 - iii. A minimum of one (1) of the following amenities shall be provided in public open spaces(s):
 1. Pavilion
 2. Fenced Dog Park
 - iv. A minimum of four (4) of the following amenities shall be provided in public open space(s):
 1. Picnic Tables
 2. Barbecue Grills
 3. Sidewalks with interconnectivity among all open spaces
 4. Playground Structure
 5. Benches
2. Landscaping:
 - a. Landscaping improvements shall be provided in general conformance with Exhibit C: Concept Plan.
 - b. All lots with dwelling units, open space, and rights-of-way shall be landscaped with turf grass, irrigated, and planted with trees in accordance with the requirements below.
 - c. A minimum of 29% of the subject area shall remain as public open space.
 - d. A minimum of 20% of the required open space area shall be improved with landscaped beds.
 - e. One shade tree, or one evergreen tree, or three ornamental trees shall be provided for each 375 square feet of required open space.
 - f. At the time of home construction, a minimum of one 3" caliper shade tree shall be planted in the front yard for every lot.
3. Sidewalks:
 - a. 5-foot sidewalks shall be constructed along the entire frontage of each individual lot within the right-of-way (including side of the lot for corner lots) at the time the home is constructed.
 - b. Sidewalks/trails shall be constructed of concrete or other material approved by the City.
4. Screening Walls and Fencing:
 - a. A 6-foot masonry wall or a wrought iron fence with living screen shall be provided and maintained along Range Drive.
 - b. A 6-foot wrought iron fence shall be provided and maintained along the rear property line of all townhome lots, which are adjacent to an external boundary of the subdivision.

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PLANNED DEVELOPMENT STANDARDS
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- c. A 6-foot wrought iron fence with living screen shall be provided and maintained at the exterior of all open space/public areas that are adjacent to an external boundary of the subdivision.
- d. No screening wall or fencing shall be erected as to obstruct traffic visibility.

Streets and Utility Improvements:

- 1. Streets shall be designed with a 50-foot wide street right-of-way and a 31-foot “back-to-back” pavement.

