

ORDINANCE NO. 4935
File No. Z0721-0207

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM R-2 SINGLE-FAMILY RESIDENTIAL, PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL ORDINANCE NO. 2741, AND PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 2521 TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL WITH AN UNDERLYING ZONING DISTRICT OF R-3 ON APPROXIMATELY 23.949 ACRES OF LAND LOCATED AT 22200 IH-635, 1401 NEW MARKET ROAD, AND 1341 NEW MARKET ROAD TO ALLOW AN 85-LOT SINGLE FAMILY SUBDIVISION; 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 approximately 23.949 acres and described and depicted in Exhibit A hereto and incorporated herein by reference, and located at 22200 IH-635, 1401 New Market Road, and 1341 New Market Road in Mesquite, Dallas County, Texas (collectively the “**Properties**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from R-2 Single-Family Residential, Planned Development – Single Family Residential Ordinance No. 2741, and Planned Development – General Retail Ordinance No. 2521 to Planned Development-Single Family Residential with an underlying zoning district of R-3, to allow an 85-lot single family subdivision subject to the Development Stipulations and the Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

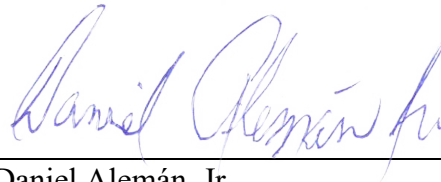
SECTION 4. The Properties shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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 7th day of February 2022.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT "A"

BEING a tract of land situated in the McKinney & Williams Survey, Abstract No. 1031 and the Daniel Tanner Survey Abstract No. 1462, in the City of Mesquite, Dallas County, Texas; and being all of a tract described in deed to Kentex Global Homes, LLC (Kentex Parcel 1) as recorded in County Clerk's Document No. 201800238921 Official Public Records of Dallas County, Texas (O.P.R.D.C.T.); and being all of that certain tract described in deed to Kentex Global Holdings, LLC (Kentex Parcel 2) as described in deed recorded in County Clerks Document No. 201900032146 O.P.R.D.C.T.; and being all of that certain tract described in deed to Kentex Global Holdings, LLC (Kentex Parcel 3) as recorded in County Clerk's Document No. 201800003205 O.P.R.D.C.T.; and being a portion of New Market Rd. (60 foot right-of-way); and being more particularly described as follows:

BEGINNING at the intersection of centerline of said New Market Rd. with the easterly right-of-way line of Interstate Highway Loop No. 635 (a variable width right-of-way);

THENCE North 22 deg 53 min 17 sec West, along the easterly right-of-way line of said I.H. Loop No. 635, passing at 32.34 feet the north right-of-way line of said New Market Rd., and continuing for total distance of 1,227.47 feet to a point for corner;

THENCE North 67 deg 50 min 08 sec East, for a distance of 20.05 feet to a point for corner;

THENCE North 23 deg 48 min 33 sec West, continuing along the easterly right-of-way line of said I.H. Loop No. 635, for a distance of 77.14 feet to a point for corner at the southwest corner of a tract described in deed to Sonia Janeth Espinozamedina as recorded in County Clerks Document No. 201400273270 O.P.R.D.C.T.;

THENCE North 89 deg 07 min 29 sec East, departing said easterly right-of-way line, and along the south line of said Espinozamedina tract, passing the northeast corner of Kentex Parcel 1 and the northwest corner of Kentex Parcel 2, for a distance of 993.51 feet to a point for corner at the northeast corner of Kentex Parcel 2 and the northwest corner of Kentex Parcel 3;

THENCE North 89 deg 06 min 18 sec East, continuing along the south line of said Espinozamedina tract, and along the north line of said Kentex Parcel 3, for a distance of 125.00 feet to the northeast corner of said Kentex Parcel 3 and the northwest corner of a tract described in deed to Robert Y. and Sue W. Yeh as recorded in Volume 84069 Page 2486 D.R.D.C.T.;

THENCE South 01 deg 05 min 39 sec East, along the east line of said Kentex Parcel 3, for a distance of 865.00 feet to the southeast corner of said Kentex Parcel 3, and in interior ell corner of said Yeh Tract;

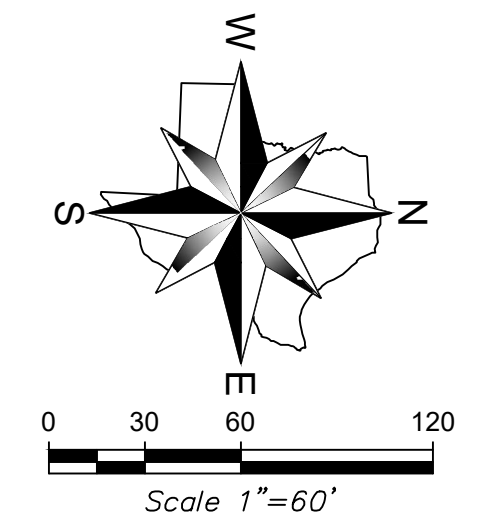
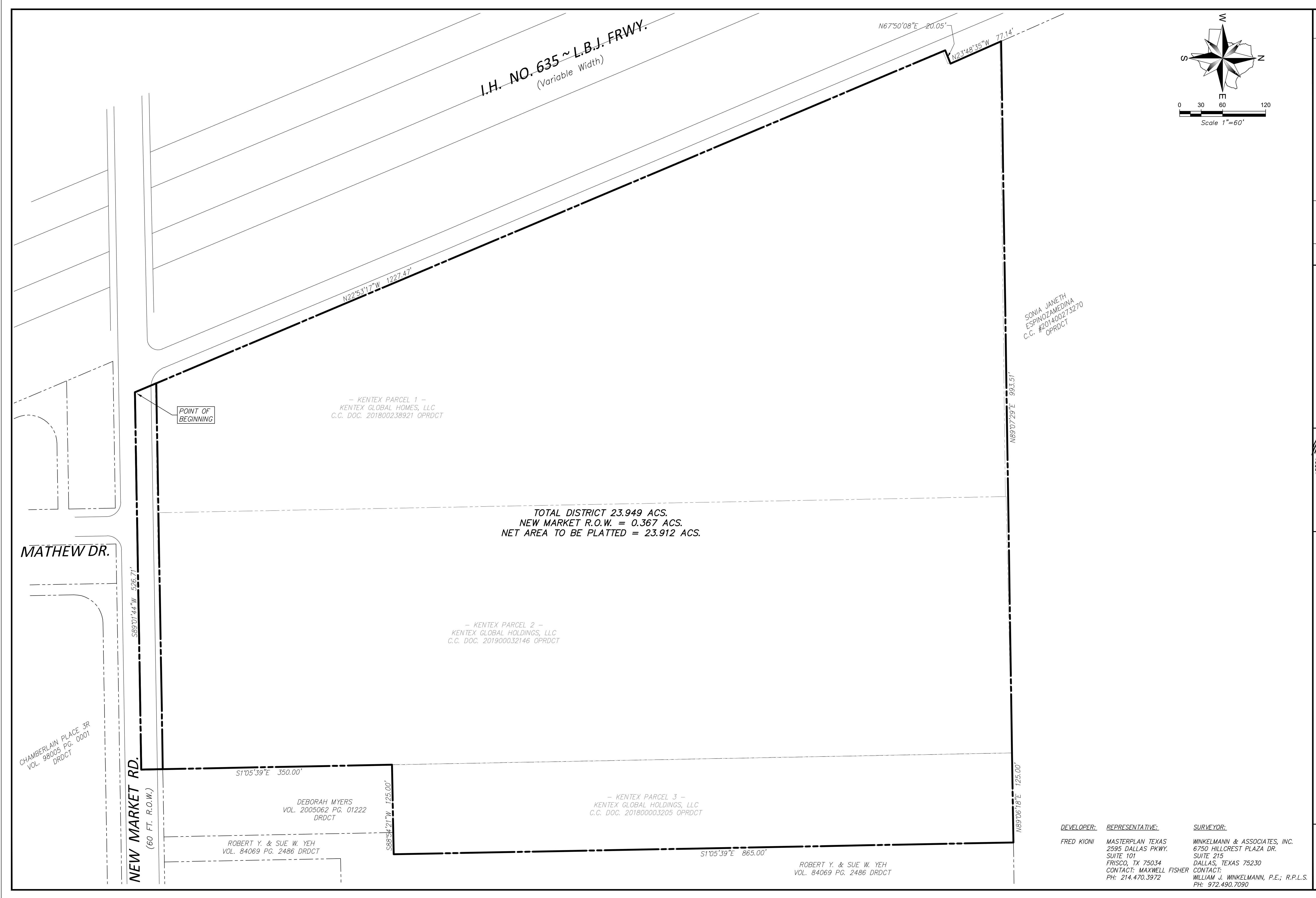
THENCE South 88 deg 54 min 21 sec West, along a north line of said Yeh tract, passing the northeast corner of a tract described in deed to Deborah Myers as recorded in Volume 2005062 Page 01222 Deed Records of Dallas County, Texas; and continuing along the north line of said Myers tract, for a total distance of 125.00 feet to a point for corner at the northwest corner of said Myers tract and at the southwest corner of said Kentex Parcel 3, said point being on the east line of said Kentex Parcel 2;

THENCE South 01 deg 05 min 39 sec East, along the west line of said Myers tract and along the east line of said Kentex Parcel 2, passing at 320.00 feet the north right-of-way line of said New Market Rd., and

continuing for a total distance of 350.00 feet to a point for corner on the centerline of said New Market Rd.;

THENCE South 89 deg 01 min 44 sec West, along said centerline, for a distance of 526.71 feet to the POINT OF BEGINNING and containing 23.949 acres or 1,043,218 sq. ft. of land, more or less.

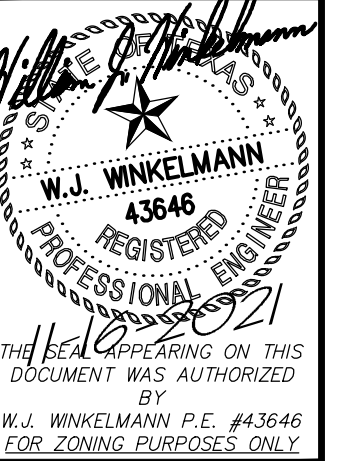
“THIS DOCUMENT WAS PREPARED UNDER 22TAC §663.21, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.”



SONIA JANETH
ESPINOZAMEDINA
C.C. #201400273270
OPRDCT

No.	DATE	REVISION	APPROVAL

Winkelmann & Associates, Inc.
 CONSULTING CIVIL ENGINEERS ■ SURVEYORS
 6750 HILLCREST PLAZA DR., SUITE 215
 DALLAS, TEXAS 75230
 PHONE: (972) 490-7090
 FAX: (972) 490-7096
 P.E. REGISTRATION NO. 100866-00
 C.E. REGISTRATION NO. 100866-00
 WINKELMANN & ASSOCIATES, INC.



ZONING EXHIBIT "A"
KANYON SPRINGS ADDITION
CITY OF MESQUITE, DALLAS COUNTY, TEXAS

DEVELOPER: FRED KIONI
 REPRESENTATIVE: MASTERPLAN TEXAS
 2595 DALLAS PKWY. SUITE 101
 FRISCO, TX 75034
 CONTACT: MAXWELL FISHER
 PH: 214.470.3972

SURVEYOR: WINKELMANN & ASSOCIATES, INC.
 6750 HILLCREST PLAZA DR. SUITE 215
 DALLAS, TEXAS 75230
 CONTACT: WILLIAM J. WINKELMANN, P.E.; R.P.L.S.
 PH: 972.490.7090

CASE NUMBER
 Z0721-0207

EXHIBIT B
DEVELOPMENT STIPULATIONS

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The property shall be developed as single-family detached lots in accordance with the land uses and development standards for the R-3, Single-Family District base zoning with the following exceptions, special conditions, restrictions and regulations:

General:

1. No building permit shall be issued until the developer has caused to be paid to the City a payment roughly proportionate to the impact of the proposed development on the City's infrastructure improvement needs for the off-site sidewalk providing connectivity for the development to Paschall Park on the north side of New Market Road. The amount of the payment shall be agreed upon by the developer and City Manager.
2. Development and use of the property shall be in general conformance with the Concept Plan as shown on Exhibit C. If there is a conflict between Exhibit C and the text of this article, the text of this article controls.
3. A homeowner's association (HOA) shall be established prior to recording the final plat for the development.
4. The HOA will be responsible for the improvement and maintenance of all common areas and/or common facilities dedicated to the HOA.
5. Prior to recording the final plat for the development, the property owner shall comply with Article VI, Conveyance of Land for Parks, of the Mesquite Subdivision Ordinance, Appendix B to the Mesquite City Code.

Permitted Uses:

1. Permitted uses are those uses permitted in the R-3 Single Family District.

Development Regulations:

1. The development shall include two separate lot Types as shown on the Concept Plan; Type A and Type B. The development standards for both lot Types are as follows:

	Type A	Type B
Minimum Lot Area	4,400 sq. ft.	6,600 sq. ft.
Minimum Lot Width	40 ft., except for lots on cul-de-sacs/eyebrows minimum is 25 ft.	55 ft., except for lots on cul-de-sacs/eyebrows minimum is 40 ft.
Minimum Lot Depth	110 ft., except for lots on cul-de-sacs/eyebrows minimum is 90 ft.	120 ft., except for lots on cul-de-sacs/eyebrows minimum is 100 ft.
Maximum Lot Coverage	60%	60%
Minimum Living Area	1,800 sq. ft.	2,000 sq. ft.
Front Yard Setback	10 ft.	20 ft.
Exterior Side Yard	10 ft.	10 ft.
Interior Side Yard	5 ft.	5 ft.
Rear Yard Setback	20 ft.	20 ft.
Maximum Building Height	35 ft. or 2.5 stories	35 ft. or 2.5 stories
Garage Access	Rear Entry	Front Entry

EXHIBIT B
DEVELOPMENT STIPULATIONS

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2. The maximum density is 3.62 units per acre for the development.
3. The total number of residential lots permitted in the district is 85.
4. A minimum of two garage parking spaces are required per unit.
5. Carports are prohibited.
6. Garage conversions are prohibited.
7. A minimum of 10-foot building separation is required for all primary structures.
8. The minimum interior side yard setback for accessory structures is 2 feet, as long as a minimum of 6-foot building separation is maintained from all other accessory structures. Accessory structure projections may project into the side yard provided no portion of a structure encroach a property line.

Streets and Utility Improvements:

1. Streets shall be designed with a minimum right-of-way width of 50 feet with a minimum of 31-foot wide street measured back to back of street curbs.
2. Alleys are required for Type A lots, including Block A, Lots 5-17; Block B, Lots 1-15; and Block C, Lots 1-8.
3. Alleys are not required for Type B lots, including Block A, Lots 1-4; Block A, Lots 19-25; Block D, Lots 1-9; Block E, Lots 1-13, and Block F, Lots 1-5.
4. Driveway approach locations and median configuration is permitted as generally shown on the Concept Plan, Exhibit C.

Landscaping:

1. Landscaping shall comply with the Mesquite Zoning Ordinance.
2. Open space lots are generally required as provided on Exhibit C.
3. At the time of residence construction, homebuilders shall plant a minimum of one 3" caliper shade tree in the front yard for each single-family residential lot. Tree materials used shall meet the requirements of the Mesquite Zoning Ordinance, Section 1A-500.

Screening:

1. An 8-foot tall, long-span precast concrete decorative screening wall is required along the western perimeter along the IH 635 right of way and the southern perimeter along New Market Road from the subdivision entrance to IH635 Service Road.
2. A 6-foot tall, long-span precast concrete decorative screening wall is required along the southern perimeter along New Market Road from the subdivision entrance across from Mathew Drive to the southeastern corner of the development.

Amenities:

1. A 5-foot wide sidewalk is required along New Market Road.
2. All right-of-ways on the interior of the development shall include sidewalks on both sides, either 6-foot in width if at back of curb or 5-foot in width if off curb.
3. A minimum of 700-square feet of surface area of enhance paving is required at each subdivision entry point, constructed per the city's Engineering Design Manual.

EXHIBIT B
DEVELOPMENT STIPULATIONS

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4. The following amenities must be provided within Lot 16X, as shown on Exhibit C, a minimum of two benches and a doggy bag station.
5. The following amenities must be provided within Lot 18X, as shown on Exhibit C, a minimum of one set of playground equipment, two picnic tables, two benches, a gazebo shade structure, and one cooking grill. A dog park that is a minimum of 2,000-square foot is also required.
6. Building Facades:
 - a. No two single-family structures of similar front elevation or façade, including its mirror image, shall be constructed or located on adjacent lots. Front elevations or facades shall be deemed to be similar when there is no substantial difference in roof lines; and no substantial change in windows of either size, location or type; and either no change in the color of materials used (rather than a change in shade), or no substantial change in the kind of materials.
 - b. No front elevation of a single-family structure, including its mirror image, shall be repeated any more often than once every 4 lots, and in no case more often than 4 times within any block.

Maintenance:

1. All Open Space Lots shall be owned and maintained by an established Homeowner's Association.
2. The ground cover in and around portions of Open Space Lots that are programmed as leisure areas shall be regularly maintained by the HOA.
3. Street ROW areas "parkways" adjacent to Open Space Lots shall be regularly maintained by the HOA.
4. Any understory plant material manifesting in the first 20 feet of pervious open space on the northeast side of Street C in Lot 18X shall be regularly manicured and maintained by the HOA. Active and formalized Open Space areas planned for human occupation shall be regularly maintained. Natural treed areas more than 20 feet from Street C in Lot 18x may be left natural.

