

ORDINANCE NO. 4759
File No. Z1219-0122

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM OFFICE TO PLANNED DEVELOPMENT – TOWNHOMES ON PROPERTY LOCATED AT 3001 NORTH TOWN EAST BOULEVARD TO ALLOW A TOWNHOME DEVELOPMENT INCLUDING 45 TOWNHOMES AND THREE OPEN SPACE LOTS SUBJECT TO CERTAIN STIPULATIONS; 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. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Office to Planned Development – Townhomes to allow a townhome development including 45 townhomes and three open space lots subject to the following stipulations:

- A. Except as provided herein, the plat and site plan for the property shall conform substantially to the Concept Plan included in the PD Development Standards attached hereto as Exhibit “A.”
- B. The maximum number of dwelling units shall not exceed 45 units.
- C. Interconnectivity among all open space lots is required. For purposes of these stipulations, interconnectivity means linked through pedestrian routes/pathways that connect each open space lot.
- D. A minimum of five amenities must be incorporated into the development from the following list of amenities:
 - Dog park
 - Walking paths and benches

- Picnic area
- Landscape trees and beds in common areas
- Entry monuments at all entrances into development
- Multiple floor plans
- Decorative paving at key intersections (Engineering/Public Works must approve the paving at the time of site plan review.)
- Community gathering area for residents with Homeowners' Association - organized events
- Recreational areas
- 10,000 square foot plaza
- Water features, i.e., water fountain, pond
- Historical markers

E. A homeowner's association (HOA) is required.

SECTION 2. That the subject property is described as being 5.997 acres of land located within the T.D. Sackett Survey, Abstract No. 1362 and the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and located at 3001 North Town East Boulevard. The legal description of the subject property and surveys are provided and attached hereto as Exhibit "B."

SECTION 3. That 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.

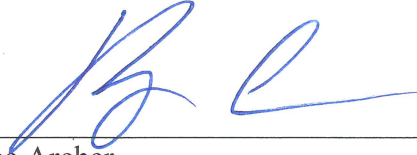
SECTION 4. That the property described in Section 2 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. That 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. That 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.

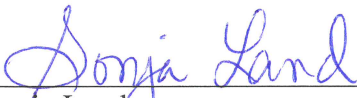
SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 3rd day of February 2020.



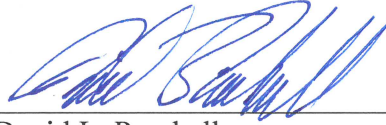
Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

A. LOT, SETBACK AND BUILDING STANDARDS

1. Minimum Lot Area: 2,600 square feet
2. Minimum Lot Depth: 90 feet
3. Minimum Lot Width: 27 feet
4. Minimum Front Yard: 20 feet
5. Minimum Exterior Side Yard (from any public or private street, drive or alley): 10 feet
6. Minimum Interior Side Yard: Per Fire Code, 5 feet from property line
7. Minimum Rear Yard: 20 feet
8. Maximum Density: 9.2 units per gross acre
9. Minimum Living Area: 1,400 square feet
10. Maximum Height: 2 stories, but up to 35 feet on interior lots
11. Minimum Exterior Fire-Resistant Construction (Masonry, which masonry may include stone and brick, but shall not include cementitious fiberboard or stucco): 100 percent of all front façades and any façade facing N Town East Blvd shall be comprised of masonry as defined, and 70 percent of any other façade shall be masonry as defined in this paragraph and the remaining 30 percent of non-masonry materials shall be comprised of cementitious fiberboard.
12. Minimum Separation Between Buildings: 10 feet
13. Maximum Number of Units per building: 3 units
14. Minimum Open Space: Please refer to concept plan for space location and approximate size.
15. Parking: resident parking- 2 car garage per unit
16. Minimum Right-of-Way: 50 feet

B. RECREATIONAL FACILITIES AND SUMMARY OF AMENITIES

Recreational and community facilities, including community buildings, and playground areas, etc. shall be considered in the review of the planned development. Some amenities to be considered include the following:

- Decorative paving at key intersections
- Community gathering area for all residents with HOA organized events
- Recreational areas
- Parking located in the rear of all buildings to provide a clean looking community
- Interconnectivity among all open space lots on site
- Urban-style feel with proximity of units to street frontage
- Urban style landscaping with clean streetscape
- Landscape trees and beds common areas
- Landscaping beds
- Abundance of street trees spaced along the right of way
- HOA to maintain all landscaping to ensure presentable upkeep
- Benches and walkability throughout site
- Multiple floor plans to provide a variety of elevation looks
- Multiple brick colors on building façade
- Entry monuments

C. SCREENING

A pre-cast concrete screening wall of six (6) feet in height, shall be erected and maintained at the perimeter of the district along Town East Blvd. Provided, however, that such wall shall not be required to extend into a required front or exterior side yard and shall not be erected so as to obstruct traffic visibility at alley, street or drive intersections.

D. PARKING AND STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT

The Planned Development district shall stipulate that no recreation vehicle, motorhome, watercraft or other equipment greater than six 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 24 hours. Garages may not be converted into residential living space.

E. LANDSCAPING AND OPENSOURCE

1. Submission: The concept plan submitted with the Planned Development application shall evidence compliance with the open space requirements of this Section. A landscape plan conforming with the requirements of 1A-201 and this Section shall be submitted with the development site plan.
2. Open Space: Not less than 34 percent of the net area to be platted in the district, excluding the residential lots and excluding the existing public street right-of-way within N. Town East Blvd and Rustown Dr., shall be maintained as pervious open space.

3. Landscaping: All lots with dwelling units including rights-of-way, shall be landscaped with turf grass, irrigated and planted with trees in accordance with 1A-203(A).

F. HOMEOWNERS' ASSOCIATION

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.

EXHIBIT "B"
File No. Z1219-0122
Legal Description

BEING a tract of land situated in the T.D. Sackett Survey, Abstract No. 1362 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 Land Sunshine Homes, LLC recorded in County Clerk's Document No. 201800300730 Official Public Records of Dallas County, Texas (O.P.R.D.C.T.); and being the adjacent 30.0 feet of Rustown Drive (a 60 ft. wide right-of-way); and being the adjacent 50.0 feet of Town East Blvd. (a 100 ft. wide right-of-way); and being more particularly described as follows:

BEGINNING at the intersection of centerline of said Rustown Drive with the centerline of said Town East Blvd.;

THENCE North 48 deg 45 min 45 sec West, along the centerline of said Rustown Drive, for a distance of 310.74 feet to a point for corner at the intersection of said centerline with the extension of the northwest line of said Land Sunshine Homes tract; said northwest line also being the southeast line of an 18 ft. wide alley per plat of Eastwood Estates recorded in Volume 81064 Page 2398 Plat Records Dallas County, Texas;

THENCE North 33 deg 50 min 51 sec East, departing said centerline and along said northwest line, for a distance of 386.97 feet to a point for the beginning of a circular curve to the right having a central angle of 10 deg 33 min 52 sec, a radius of 97.00 feet, and a chord which bears North 38 deg 46 min 50 sec East for 17.86 feet;

THENCE continuing along said northwest line, along said circular curve to the right for an arc distance of 17.89 feet to a point for corner;

THENCE North 44 deg 32 min 48 sec East, continuing along said northwest line, for a distance of 426.37 feet to a point for corner at the most westerly corner of Lot 15 Block B of said Eastwood Estates;

THENCE South 45 deg 11 min 00 sec East, along the southwest lines of Lots 15-18 Block A of said Eastwood Estates, passing at 267.41 feet the northwest line of said Town East Blvd., and continuing for a total distance of 317.41 feet to a point for corner at the intersection of the extension of said southwest lot lines with the centerline of said Town East Blvd.;

THENCE South 44 deg 41 min 58 sec West, along said centerline, for a distance of 223.57 feet to a point for corner and for the beginning of a circular curve to the left having a central angle of 10 deg 23 min 59 sec, a radius of 1,688.41 feet, and chord which bears South 39 deg 41 min 33 sec West for 306.04 feet;

THENCE continuing along said centerline with said circular curve to the left for an arc distance of 306.47 feet to a point for corner;

THENCE South 34 deg 20 min 26 sec West, continuing along said centerline, for a distance of 137.13 feet to a point for corner and for the beginning of a circular curve to the right having a central angle of 06 deg 38 min 38 sec, a radius of 1,229.59 feet, and chord which bears South 37 deg 45 min 08 sec West for 142.47 feet;

THENCE continuing along said centerline with said circular curve to the right for an arc distance of 142.55 feet to the POINT OF BEGINNING and containing 5.997 acres or 261,228 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.”