

ORDINANCE NO. 4766
File No. Z0120-0126

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM AGRICULTURE TO PLANNED DEVELOPMENT – SINGLE FAMILY RESIDENTIAL ON PROPERTY LOCATED SOUTHEAST OF IH-20 AND FM 740 NEAR THE EAST FORK OF THE TRINITY RIVER AND AT THE WESTERN CORNER OF FM 2757 AND KELLY ROAD TO ALLOW FOR THE DEVELOPMENT OF A RESIDENTIAL SUBDIVISION 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. The subject property (“Property”) includes approximately 805.79 acres that is generally located southeast of IH-20 and FM 740 near the East Fork of the Trinity River and at the western corner of FM 2757 and Kelly Road, as more fully described in the legal description attached as Exhibit “A.”

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, to allow for the development of a residential subdivision subject to the following stipulations:

1. Except as provided herein, the plat and site plan for the Property shall conform substantially to the Concept Plan and PD Development Standards attached hereto respectively as Exhibits “B” and “C.”
2. All amenities including open space, lakes, etc., and all nonresidential uses are subject to site plan approval as required by the Mesquite Zoning Ordinance.
3. The underlying zoning district for nonresidential developments shall be ETJ-1a.
4. A homeowner’s association (“HOA”) is required.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 2nd day of March 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

FIELD NOTES
BDMR Development, LLC
(805.79 Acre Tract)

BEING a tract or parcel of land situated in the Andrew Nail Survey, Abstract No. 355, Kaufman County, Texas, and being part of that tract of land described in a Deed to BDMR Development, LLC, as recorded in Volume 4174, Page 548 of the Official Public Records of Kaufman County, Texas, and being all of that tract of land described in a Deed to Alma Guerrero as recorded in Volume 5029, Page 84 of the Official Public Records of Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the Southwesterly line of F.M. Highway No. 2757 (a variable width right-of-way), said point being the most Northerly Northeast corner of a tract of land described in a Deed to Kathlena Kelly Sanders, per Deed recorded in Volume 1348, Page 252 of the Deed Records of Kaufman County, Texas;

THENCE in a Southeasterly direction, along the Southwesterly line of said F.M. Highway No. 2757, and along a non-tangent curve to the left having a central angle of 05 degrees 05 minutes 39 seconds, a radius of 5779.58 feet, a chord bearing of South 49 degrees 06 minutes 43 seconds East, a chord distance of 513.69 feet, and an arc length 513.86 feet to a concrete monument found for corner;

THENCE along the Southwesterly line of said F.M. Highway No. 2757 as follows:

South 51 degrees 25 minutes 16 seconds East for a distance of 215.11 feet to a concrete monument found for corner;

South 42 degrees 32 minutes 14 seconds East for a distance of 309.76 feet to a concrete monument found for corner;

South 50 degrees 16 minutes 50 seconds East for a distance of 254.13 feet to a concrete monument found for corner;

South 62 degrees 55 minutes 48 seconds East for a distance of 125.71 feet to a point for corner;

South 47 degrees 23 minutes 49 seconds East for a distance of 306.97 feet to a concrete monument found for corner;

South 53 degrees 46 minutes 08 seconds East for a distance of 101.75 feet to a concrete monument found for corner;

South 45 degrees 41 minutes 40 seconds East for a distance of 2153.23 feet to a concrete monument found for corner;

South 45 degrees 07 minutes 18 seconds East for a distance of 3376.01 feet to a concrete monument found for corner at the beginning of a curve to the right;

Southeasterly, along said curve having a central angle of 13 degrees 33 minutes 53 seconds, a radius of 1095.92 feet, a chord bearing of South 38 degrees 20 minutes 22 seconds East, a chord distance of 258.85 feet and an arc length of 259.46 feet to a point for corner in the center of Kelly Road, said point being the most Northerly East corner of the above cited BDMR Development, LLC tract;

THENCE South 44 degrees 15 minutes 13 seconds West departing the Southwesterly line of said F.M. Highway No. 2757, along the Southeasterly line of said BDMR Development, LLC tract, and

along the center of said Kelly Road, for a distance of 2543.09 feet to a 5/8" iron rod found for corner at an angle point in said road;

THENCE South 12 degrees 26 minutes 22 seconds East along the center of said Kelly Road, and along the Southeasterly line of said BDMR Development, LLC tract, for a distance of 638.25 feet to a 1/4" iron rod found for corner at an angle point in said road;

THENCE South 18 degrees 10 minutes 39 seconds West along the center of said Kelly Road, and along the Southeasterly line of said BDMR Development, LLC tract, for a distance of 350.54 feet to a 1/4" iron rod found for corner at an angle point in said road;

THENCE South 25 degrees 07 minutes 52 seconds West along the center of said Kelly Road, and along the Southeasterly line of said BDMR Development, LLC tract, for a distance of 642.84 feet to a 1/2" iron rod found for corner at an angle point in said road, said point being the southwest corner of that tract of land described to Traci and Gwen Luce as recorded in Volume 1574, Page 145, Deed Records, Kaufman County, Texas, and said point being the northwest corner of a tract of land described to Joyce Sevcik Cawley Family Trust in a deed recorded in Volume 4632, Page 248, Official Public Records, Kaufman County, Texas;

THENCE South 31 degrees 18 minutes 55 seconds West along the center of said Kelly Road, and along the Southeasterly line of said BDMR Development, LLC tract, for a distance of 1148.50 feet to a 60d nail found for corner at an angle point in said road, said point being the north corner of that tract of land described as Tract 1 to Patrick C. Kelly in a deed as recorded in Volume 1348, Page 265 of the Deed Records of Kaufman County, Texas;

THENCE South 02 degrees 53 minutes 11 seconds West along said Kelly Road, and along the Southeasterly line of said BDMR Development, LLC tract, for a distance of 696.69 feet to a point for corner in the Northwesterly line of a tract of land described as the Second Tract in a Deed to Patrick C. Kelly, as recorded in Volume 1348, Page 265 of the Deed Records of Kaufman County, Texas;

THENCE South 43 degrees 34 minutes 26 seconds West along the Northwesterly line of said Patrick C. Kelly tract, for a distance of 610.80 feet to the northeast corner of a tract of land described as Tract 4 to Double R Land Company in a deed as recorded in Volume 4175, Page 570, Official Public Records, Kaufman County, Texas, and said point being at the beginning of a non-tangent curve to the left;

THENCE in a Northwesterly direction, along said non-tangent curve to the left having a central angle of 12 degrees 45 minutes 14 seconds, a radius of 5280.00 feet, a chord bearing of North 77 degrees 00 minutes 40 seconds West, a chord distance of 1172.90 feet and an arc length of 1175.33 feet to a point for corner at the northwest corner of said Double R Land Company Tract 4, said point being in the easterly line of a tract of land described as Tract 1 to Double R Land Company in a deed as recorded in Volume 4175, Page 570, Official Public Records, Kaufman County, Texas;

THENCE following the common line of said BDMR Development, LLC tract and said Double R Land Company Tract 1 the following courses and distances:

North 22 degrees 07 minutes 18 seconds West for a distance of 229.66 feet to a point for corner;

North 15 degrees 31 minutes 26 seconds East for a distance of 897.27 feet to a point for corner;

North 56 degrees 00 minutes 43 seconds West for a distance of 522.03 feet to a point for corner;

North 00 degrees 17 minutes 14 seconds West for a distance of 1020.90 feet to a point for corner;

North 50 degrees 02 minutes 20 seconds East for a distance of 580.28 feet to a point for corner;

North 00 degrees 40 minutes 22 seconds West for a distance of 734.00 feet to a point for corner;

North 43 degrees 59 minutes 00 seconds West for a distance of 733.19 feet to a point for corner;

North 46 degrees 57 minutes 11 seconds West for a distance of 1764.06 feet to a point for corner;

North 78 degrees 58 minutes 22 seconds West for a distance of 855.79 feet to a point for corner in the common Extraterritorial Jurisdiction Line of the Cities of Seagoville and Mesquite;

THENCE North 00 degrees 11 minutes 44 seconds West following said Extraterritorial Jurisdiction Line for a distance of 3671.19 feet to a point for corner in the Southerly line of a tract of land conveyed to George Brian Holy in a deed recorded in Volume 1131, Page 813, Deed Records, Kaufman County, Texas;

THENCE North 44 degrees 58 minutes 09 seconds East following the southwesterly line of said Holy tract for a distance of 265.55 feet to a point for corner;

THENCE North 40 degrees 51 minutes 02 seconds West following the northeasterly line of said Holy tract for a distance of 289.04 feet to a point for corner in said Extraterritorial Jurisdiction Line;

THENCE North 00 degrees 11 minutes 44 seconds West following along said Extraterritorial Jurisdiction Line for a distance of 286.79 feet to a point for corner in the Southwesterly line of a tract of land conveyed to D.P. Newton, et tux per Deed recorded in Volume 616, Page 566 of the Deed Records of Kaufman County, Texas;

THENCE South 73 degrees 11 minutes 17 seconds East along the Southwesterly line of said Newton tract, for a distance of 542.80 feet to a wooden monument found for corner;

THENCE South 43 degrees 23 minutes 12 seconds East along the Southwesterly line of said Newton tract, for a distance of 194.48 feet to a 3/8" inch iron rod found for corner at the most Southerly corner of same;

THENCE North 44 degrees 08 minutes 49 seconds East along the Southeasterly line of said Newton tract, passing a 3/8" iron rod found for the most Southerly Northeast corner of same and the most Southerly corner of the above cited Kathlena Kelly Sanders tract at a distance of 494.03 feet, and continuing along the Southeasterly line of said Sanders tract for a total distance of 683.75 feet to a 1/2" inch iron rod found for corner at the most Southerly Northeast corner of said Sanders tract;

THENCE North 45 degrees 18 minutes 32 seconds West along the Northeasterly line of said Sanders tract, for a distance of 297.17 feet to a point for corner;

THENCE North 44 degrees 09 minutes 32 seconds East along the Southeasterly line of said Sanders tract, for a distance of 464.46 feet to the **POINT OF BEGINNING**, and containing 805.79 acres of land.

PHASE I

TOTAL AREA
187.40 AC

LOT TYPE ETJ 1A = 41 LOTS

LOT TYPE ETJ 100 = 40 LOTS

LOT TYPE ETJ 101 = 43 LOTS

LOT TYPE ETJ 102 = 40 LOTS

TOTAL LOT COUNT = 164 LOTS

PHASE II

TOTAL AREA
78.38 AC

LOT TYPE ETJ 1A = 3 LOTS

LOT TYPE ETJ 100 = 7 LOTS

LOT TYPE ETJ 101 = 42 LOTS

LOT TYPE ETJ 102 = 38 LOTS

TOTAL LOT COUNT = 88 LOTS

PHASE III

TOTAL AREA
74.82 AC

LOT TYPE ETJ 1A = 11 LOTS

LOT TYPE ETJ 100 = 8 LOTS

LOT TYPE ETJ 101 = 18 LOTS

LOT TYPE ETJ 102 = 37 LOTS

TOTAL LOT COUNT = 64 LOTS

PHASE IV

TOTAL AREA
19.85 + 69.33 = 89.18 AC

LOT TYPE ETJ 1A = 13 LOTS

LOT TYPE ETJ 100 = 24 LOTS

LOT TYPE ETJ 101 = 20 LOTS

LOT TYPE ETJ 102 = 29 LOTS

TOTAL LOT COUNT = 86 LOTS

PHASE V

TOTAL AREA
14.02 + 53.26 = 67.28 + 106.06

LOT TYPE ETJ 1A = 18 LOTS

LOT TYPE ETJ 100 = 14 LOTS

LOT TYPE ETJ 101 = 7 LOTS

LOT TYPE ETJ 102 = 40 LOTS

TOTAL LOT COUNT = 79 LOTS

PHASE VI

TOTAL AREA
74.32 AC

LOT TYPE ETJ 100 = 42 LOTS

LOT TYPE ETJ 101 = 31 LOTS

TOTAL LOT COUNT = 73 LOTS

PROPOSED LOT MIX

LOT TYPE	NUMBER OF LOTS	PERCENTAGE OF TOTAL LOTS
ETJ 1A	86	8.9%
ETJ 100	35	5.5%
ETJ 101	142	14.1%
ETJ 102	335	33.4%
ETJ 60	308	30.9%
TOTAL	1,007	



Polo Ridge Ranch
Exclusive Executive Homesites
LOCATED IN MESQUITE, TEXAS

CONCEPTUAL LAND PLAN

USA PROFESSIONAL SERVICES GROUP, INC.
10000 W. HUNTERS TRAIL
SUITE 100
DALLAS, TEXAS 75243
(972) 412-1000

DATE: 08/14/2012
DRAWN BY: J. SMITH
CHECKED BY: J. SMITH

Graphic Scale
1" = 100'

Prepared for: Centurian America

MESQUITE TEXAS
Real Estate Division

DEVELOPMENT
STANDARDS

I. General

1. **Definitions and Interpretations.** The definitions of the Mesquite Zoning Ordinance shall apply.
2. **Conflicts with Property Restrictions.** The Concept Plan and the Development Standards shall control the use and development of all land and structures within the Property. In the event of a conflict as to the use of property with any applicable private covenants, conditions or restrictions, the more restrictive provision shall control. In the event of a conflict as to, without limitation, lot configuration, building disposition, or the design of any structure or Authorized Improvements, the Concept Plan and Development Standards shall control unless waived by the City Manager, which denial of waiver may be appealed to the City Council.
3. **Conflicts with Kaufman County Regulations.** In the event of any conflict between the Concept Plan, including these Development Standards, and the City Regulations, the Concept Plan and these Development Standards shall control.

[4-5 Reserved]

II. Standards

6. **Allowed Uses of the Property.** The following uses are permitted-by-right on the Property under the conditions established in the Mesquite Zoning Ordinance:
 - a. **Main Uses.**
 - Single Family Detached Dwelling – Conventional Dwelling
 - Crop Production
 - Utility Facilities
 - Public Golf Courses, Playgrounds, and Parks
 - Elementary and Secondary Schools
 - Libraries
 - Residential Care Facility – Family Home
 - Museums, Art Galleries (Public)
 - Arboreta, Botanical Gardens (Public)
 - Churches
 - Public Safety Facilities
 - Child Day Care Center

Community/Recreation Room (Private)
 Membership Sports and Recreation Clubs
 Water Pump Station & Storage Facilities
 Sanitary Sewer Collection Facilities
 Amenity Center
 Sales Office
 Recreational Sports Fields
 Equestrian Facilities

b. Accessory Uses.

Accessory Structures (Private)
 Parking (Private)
 Gardening (Private)
 Home Occupations
 Home Day Care
 Yard/Garage Sales
 Keeping of Pets (Private)
 Keeping Horses and Ponies (Private)
 Refuse Containers (Private)
 Landscape Irrigation Systems
 Ponds
 Pools

7. **Lot and Building Standards.** There will be five Lot Types used for development of Single Family Residence detached uses: ETJ-1A, ETJ-125, ETJ-100, ETJ-80 and ETJ-60. The minimum living area for all single-family structures shall be 2,500 square feet. The maximum height for all single-family structures shall not exceed 35 feet, or 2.5 stories, whichever is less. There will be one Lot Type used for non-residential development: ETJ-NR. Lot widths shall be measured at the Building Line. All lot types shall be included regarding special garage setbacks.

a. Single Family Residence detached uses on Lot Type ETJ-1A shall comply with the standards of Table D1:

Table D1: Lot Type ETJ-1A			
		Minimums:	
Configuration	Lot size	43,560 square feet	Or as approved on the preliminary plat, whichever is the greater If a twenty-four (24') foot slip road is utilized for the five (5) lots fronting onto FM 2757 the Fifty (50) standard front setback will apply.
	Lot width	150 feet	
	Lot depth	200 feet	
Disposition	Front (except FM 2757)	Standard: 50 feet	
	Front on FM 2757	Standard: 100 feet	
	Exterior side	30 feet	
	Interior side	15 feet	
	Rear	50 feet	

- b. Single Family Residence detached uses on Lot Type ETJ-125 shall comply with the standards of Table D2:

Table D2: Lot Type ETJ-125			
		Minimums:	
Configuration	Lot size	17,500 square feet	Or as approved on the preliminary plat, whichever is the greater
	Lot width	125 feet	
	Lot depth	140 feet	
Disposition	Front	Standard: 30 feet	
	Exterior side	30 feet	
	Interior side	10 feet	
	Rear	20 feet	

- c. Single Family Residence detached uses on Lot Type ETJ-100 shall comply with the standards of Table D3:

Table D3: Lot Type ETJ-100			
		Minimums:	
Configuration	Lot size	12,000 square feet	Or as approved on the preliminary plat, whichever is the greater
	Lot width	100 feet	
	Lot depth	120 feet	
Disposition	Front	Standard: 30 feet	
	Exterior side	30 feet	
	Interior side	10 feet	
	Rear	20 feet	

- d. Single Family Residence detached uses on Lot Type ETJ-80 shall comply with the standards of Table D4:

Table D4: Lot Type ETJ-80			
		Minimums:	
Configuration	Lot size	8,800 square feet	Or as approved on the preliminary plat, whichever is the greater
	Lot width	80 feet	
	Lot depth	110 feet	
Disposition	Front	Standard: 20 feet	
	Exterior side	15 feet	
	Interior side	5 feet	
	Rear	15 feet	

- e. Single Family Residence detached uses on Lot Type ETJ-60 shall comply with the standards of Table D5:

Table D5: Lot Type ETJ-60			
		Minimums:	
Configuration	Lot size	7,200 square feet	Or as approved on the preliminary plat, whichever is the greater
	Lot width	60 feet	
	Lot depth	110 feet	
Disposition	Front	Standard: 20 feet	
	Exterior side	10 feet	
	Interior side	5 feet	
	Rear	15 feet	

f.

Garage Setbacks. The percentage of garage setbacks allowed in the development for all single family lot types as follows:

Maximum of 50% of single family lots may have J-Swing Drive garage entries.

Maximum of 20% of single family lots may have a two foot setback from the front building façade.

Maximum of 20% of single family lots may have a four foot setback from the front building façade.

Maximum of 20% of single family lots may have a six foot setback from the front building façade.

Minimum of 10% of single family lots shall have twenty (20) foot setback from the front building façade.

g. All non-residential uses, development and structures on the Property shall be subject to site plan review and approval by the Director or City Council in accordance with standards established in the Mesquite Zoning Ordinance and the City's Community Appearance Manual.

8. **Lot Mix.** Lots in the Property shall be distributed by lot type in accordance with the following table:

Lot Type	Number of Lots	Percentage of total lots
ETJ 1-Acre	86	8.5%
ETJ-125	55	5.5%
ETJ 100	142	14.1%
ETJ-80	336	33.4%
ETJ-60	388	38.5%
Total Number of Lots	1,007	

9. **Buffers, Fencing and Screenwalls.** Development of the Property shall include rural sight buffers of not less than thirty (30) feet in width where the Property abuts FM 2757 (except where Lots ETJ-1A front on FM 2757 as shown on the Concept Plan) and not less than thirty (30) feet in width where the Lots ETJ-60 abut Kelly Road (as located on the Concept Plan).
- a. The rural sight buffers shall be landscaped with a staggered tree line and xeriscape plant materials. The buffers shall be contained within an easement, and in addition to the tree line and other landscaping may consist of berms and other components specified in Section 21 where site constraints allow. A preliminary landscape plan, specific to the rural landscaped buffer areas, will be submitted to the City Manager, prior to installation, to allow for review of the plan as to general compliance with the intent of the Concept Plan. Existing site constraints will be taken into consideration when reviewing the preliminary landscape plan.
 - b. A continuous, flat-top, wrought iron or powder coated tubular steel fence with a uniform height of between six to eight feet shall separate the buffer and all adjoining Lots. The fence may include openings at points of public pedestrian or bicycle passage.
 - c. For Lots ETJ-1A that front on FM 2757, any fencing between the building line of any structure and FM 2757 shall consist only of wrought-iron or powder coated tubular steel with a minimum height of six feet and a maximum height of eight feet. Gates at driveways may include decorative wrought iron or powder coated tubular steel extensions that exceed maximum height.
 - d. When used within the Property, screenwalls shall be constructed of decorative, long-span precast concrete in accordance with City of Mesquite General Design Standards dated February 5, 2015, as amended.
 - e. No fence or screenwall may obstruct flow along a drainage way.
10. **Entry Monumentation.** Each street used for ingress to the Property from either FM2757 or Kelly Road shall include a Neighborhood Designation monument sign or equivalent and appropriately scaled monumentation approved by the City Manager, which denial of approval may be appealed to the City Council.
11. **Anti-Monotony.** No front elevation of a single-family structure, including its mirror image, shall be repeated any more often than once every eight (8) lots. Prior to obtaining the first building permit for a single-family structure, a builder shall submit to the City for review and approval by the Planning and Zoning Commission a palette of proposed elevations and façade materials indexed by floor plan. Each building permit application shall identify by index number the floor plan and elevation of the structure to be built.
12. **Exterior Fire Resistant Construction.** The standards of the Mesquite Zoning Ordinance shall apply. For Lots ETJ-60, ETJ-80, ETJ-100 and ETJ-125, which back up to FM 2757 or Kelly Road, the rear façade shall consist of 100% architectural-faced, unitized masonry.

A builder on Lots ETJ-60 may request a reduction in the requirements of this Section when submitting elevations and façade materials to the Planning and Zoning Commission for approval in accordance with Section 11. The decision of the Commission may be appealed to City Council.

[13-15 Reserved]

III. Phasing

16. Phasing of Development. The Project shall generally be developed according to the phasing sequence shown on the Concept Plan. The lot mix within each phase is intended to prevent overdevelopment of any one lot type during build-out of the Property. Modifications to each phasing sequence's actual size, number of actual lots or the lot mix within each phase shall only be subject to amendment upon approval by the City Council if altered by greater than ten percent (10%).

[17-20 Reserved]

IV. Infrastructure

21. Utility Facilities and Easements. All utilities, except transformers and necessary above-ground appurtenances not exceeding four feet in height, shall be placed underground. Except as provided herein, easements for all private or franchised utility facilities shall be located outside any easements or rights-of-way granted or dedicated to, or acquired by, the City, and shall not interfere with the City's use or access to its easements and rights-of-way. Whether located on private property or property common to the development, transformers shall be effectively screened from view from the public street in a manner approved by the Director or the City.

- a. The Owner shall dedicate to the City easements within the Property at the buffer widths prescribed in Section 9, which shall immediately abut and be parallel to the southwest right-of-way line of FM 2757 and the north right-of-way line of Kelly Road. The entirety of such easements shall be shown on and proposed for dedication to public use on each final plat of the Property, which uses shall include, without limitation:
 - i. Buffers, Fencing and Screen walls as required by Section 9;
 - ii. City water and sanitary sewer;
 - iii. Entry monumentation of Section 10; and
 - iv. Such private or franchised utilities that the City or State of Texas may authorize from time to time;
- b. The underlying fee shall be held by the homeowners association as common property, and said association shall be responsible for maintenance of all berms, landscaping, amenities and monumentation installed within the easement, save and except those improvements expressly dedicated to and accepted by the City.

- 22. Improvements to Kelly Road; Connectivity.** A minimum of two permanent street connections shall be constructed from Kelly Road into the Project at points shown on the concept plan. Improvements to Kelly Road shall be timed to be completed in a manner that provides unfettered access for fire apparatus to each section or phase of the Development adjacent to Kelly Road as shown below. The improvements adjacent to each section or phase shall be completed prior to the City performing a final inspection on the first dwelling unit within that section of the Development. Until such improvements are completed, the City shall have no obligation to perform a final inspection on any dwelling unit within that section of the Development, and the Owner shall not permit any person to occupy any dwelling within said section or phase.
- 23. Temporary Dead-Ends.** New streets in a phase of the Property may temporarily dead end at a boundary of that phase without the requirement of a temporary turnaround if the dead end is located within 150 feet of an intersection. Type III barricades shall be installed at the end of pavement with signage required by the TMUTCD.
- 24. Barrier Free Ramps and Sidewalks.** Barrier free ramps located at all intersections shall be constructed by the Developer concurrently with street construction in accordance with TAS/ADAAG standards, as amended. Sidewalks will be constructed by the Developer in accordance with TAS/ADAAG standards, as amended, if the sidewalk fronts on a lot owned by a homeowners' association, a common area, or along a main entry street. Sidewalks will be constructed by homebuilders in accordance with TAS/ADAAG standards, as amended, if the sidewalk fronts a residential lot.
- 25. Specific to Phase I.** The following regulations apply only to the 49 Lots ETJ-1A shown in Phase I of the Project on the Concept Plan:
- a. All residential rural pavements shall be a minimum of 6 inches thick using 3600-psi reinforced concrete with #4 bars on 18 inches centers both ways on a subgrade as approved by Geo-technical engineer. The width shall not be less than twenty-six (26'), thickened edge to thickened edge, with no curbs in a fifty (50') foot Right-of-Way or access easement, if private. No continuous borrow ditch is required if lots drain from front to rear. Where a continuous borrow ditch is necessary, due to lots draining to street, the Right-of-Way shall be sixty-five (65') in width. No maintenance strip shall be required. Borrow ditch shall carry the 100-year storm event, have a side slope of 4:1 max., a minimum slope of one (1%) percent, velocity of 6fps. max., 3' deep max., driveway culverts installed by a homebuilder shall be RCP with SET headwall without bars and the top of the ditch shall be no closer than 5' to the edge of pavement.
 - b. The maximum rural cul-de-sac length may not exceed 1,800 linear feet to conform with the Concept Plan and the paved cul-de-sac turnaround at the end shall have a ninety-five (95') foot diameter within a one-hundred-fifteen (115') right-of way or access easement, on a private street (in accordance with the 2015 International Fire Code).
 - c. The five (5) ETJ-1A lots as shown on the Concept Plan that face onto FM2757 shall be allowed to have five (5) individual separate driveway access points onto FM2757 if

approved by TxDOT permits or a twenty-four (24') foot wide common slip fire lane/access road shall be provided with two (2) points of ingress/egress onto FM2757 on which individual driveways will connect, which will provide turnaround ability to prevent backing onto FM 2757.

- d. Sidewalks 4-feet in width, as per the Subdivision Ordinance dated April 21, 2003, shall be located in the street right-of-way (not adjacent to curb) or adjacent in an easement provided that sidewalks shall not be required where an 8-foot trail is provided on one side of a street within the street right-of-way or an access/utility easement or is adjacent for connectivity.
- e. Water Distribution and Sanitary Sewer Collection Systems.

Water Distribution and Sanitary Sewer Collection Systems must be designed and approved per City codes and standards. All water mains shall provide adequate fire flows. The water mains serving the 49 one acre lots in Phase 1 may be dead end mains initially and looped with future phases. For the 49 one-acre lots in Phase 1, a temporary sanitary sewer collection system (pump & haul) acceptable to the Texas Commission on Environmental Quality may be approved by the City, provided the temporary sanitary sewer collection system accommodates future connection to the City gravity sanitary sewer collection system. The purpose is to allow building permits to be achieved on the one acre lots, should they be ready, prior to the remainder of Phase I. Approval of the above pump and haul system shall not be unreasonably withheld. Portions of the Sanitary Sewer System, where necessary due to topography, may be located in rear or side yards of lots, in easements.

- f. The runoff coefficient shall not exceed 0.50 for drainage computations.

26. Overall Development. The following regulations apply to the overall Project, including the 49 Lots ETJ-1A of Phase I referenced in Section 25. As pertains to such lots, in the event of a conflict between the regulations of Section 25 and this Section 26, the regulations of Section 25 shall govern.

a. Streets and Rights-of-Ways.

- i. Typical residential streets shall be 27 feet wide (as measured from back of curb to back of curb), 6-inch thick, 3,600 psi reinforced concrete with #4 bars on 18-inch centers both ways (in accordance with the Subdivision Ordinance dated April 21, 2003) on a subgrade as approved by Geo-technical engineer. Mountable curbs shall be allowed in the development with City Manager approval, which denial of approval may be appealed to the City Council.
- ii. The maximum cul-de-sac length may not exceed 1,000 linear feet, provided that the paved cul-de-sac turnaround at the end shall have a ninety-five (95') foot diameter within an one hundred-fifteen (115) foot right-of-way, or access easement, on private streets, in accordance with the 2015 International Fire Code.

- iii. The maximum typical residential street block length shall not exceed 2,300 linear feet before a curve deflection to conform to the Concept Plan and to work with the existing site topography. The maximum typical rural residential street block length shall not exceed 1,800 linear feet before a curve deflection to conform to the Concept Plan and work with the existing site topography.
- iv. There shall be no requirement for alleys within the entire development.
- v. Street slopes shall not be less than 0.60% or greater than 10% without staff approval.
- vi. Sidewalks 4-feet in width, as per the Subdivision Ordinance dated April 21, 2003, shall be located in the street right-of-way (not adjacent to curb) or adjacent in an easement provided that sidewalks shall not be required where an 8-foot trail is provided on one side on a street within the street right-of-way or an access/utility easement or is adjacent for connectivity.

b. Drainage

- i. All streets, except rural, shall be designed for the 100 year storm event. The depth of flow in all residential streets shall not exceed 8" deep or right-of-way to right-of-way, whichever is less. All streets shall be constructed at or above the 100-year flood plain elevation.
- ii. Lot Grading Plans shall be submitted to the City Manager for approval, which denial of approval may be appealed to the City Council. The finish floor elevation of the residential slab is allowed to be below the top of street curb elevation as long as all interior lot finish invert grades, including driveway PVI point to garage, carrying drainage are a minimum of two feet below the corresponding finish floor slab elevation and sufficient carrying capacity is shown to provide a minimum of 1 foot of freeboard. Lot to lot drainage is allowed in this entire development, defined as one lot draining to another.
- iii. New open drainage channels/waterways shall be allowed to carry storm drainage, **for any size drainage watershed, with no minimum size requirement**, within this overall development. Existing waterways shall also be allowed to remain where warranted by site conditions to convey storm drainage with no minimum size drainage watershed. The design shall provide one (1') foot of freeboard above the ultimate 100 year storm. Erosion control measures, velocity dissipation and vegetation shall be utilized where necessary to maintain velocities not exceeding eight (8) fps. A fifteen (15') accessible maintenance strip will be provided on one side. A drainage easement will be provided and dedicated to the HOA for maintenance.
- iv. Private storm sewer systems may be used to pick up localized drainage within lots, open space areas, etc. and may consist of HDPE pipe with pre-fab grate or

y-inlets and finally connected to the proposed City storm system or open drainage water ways. These will be private systems with easements dedicated to the HOA for maintenance.

- v. Delineated flood plain is to be reclaimed as part of this development. New streets in the reclaimed areas shall be set so the top of the proposed inlet elevation is a minimum of one (1') foot above the ultimate 100-year hydraulic grade line based on the starting elevation being the 100 year computed BFE.
- vi. One acre lots backing to the flood plain shall be allowed to have a flood plain easement within the rear unbuildable portion of the lots which shall be included in the one-acre size requirement.
- vii The runoff coefficient shall be a composite value overall including open space, etc. for each phase.