ORDINANCE NO. <u>5005</u> File No. Z1222-0281

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING TO AMEND EXHIBIT B – LEGAL DESCRIPTION OF THE PROPERTY, EXHIBIT E - PLANNED DEVELOPMENT STANDARDS, AND EXHIBIT F - BUILDING SETBACK, AREA, AND BULK REQUIREMENTS FOR RESIDENTIAL **PLANNED** IN DEVELOPMENT ORDINANCE NO. 4739, A MASTER PLANNED COMMUNITY KNOWN AS TALIA (FORMERLY KNOWN AS SPRADLEY FARMS) GENERALLY LOCATED BETWEEN FM 2757 AND IH-20 AND NORTH OF IH-20 EAST OF FM 740: REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING 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 621 acres (8 acres north of IH-20 and 613 acres south of IH-20), a master planned community known as Talia (formerly known as Spradley Farms), generally located between FM 2747 and IH-20 and north of IH-20 east of FM 740 and more particularly described in Exhibit B hereto.

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning to amend Exhibit B – Legal Description of the Property, Exhibit E – Planned Development Standards, and Exhibit F – Building Setback, Area, and Bulk Requirements for Residential in Planned Development Ordinance No. 4739 by replacing said Exhibits with the amended Exhibits B, E, and F attached hereto and made a part hereof.

- a. <u>Exhibit B Legal Description of the Property</u>. The requested change corrects minor errors the applicant found in the initial survey used to describe the Property boundary in Planned Development Ordinance No. 4739. The size of the northern tract is corrected from 8.425 acres to 8.398 acres. The size of the southern tract is corrected from 613.57 acres to 612.97 acres.
- b. <u>Exhibit E Planned Development Standards</u>. The requested change includes correcting clerical errors and providing additional clarification to several terms defined in Planned Development Ordinance No. 4739.

Zoning / File No. Z1222-0281 / Amending Exhibits B, Dm and F in PD-Ordinance No. 4739 February 6, 2023 Page 2 of 2

c. Exhibit F – Building Setback, Area, and Building Requirements for Residential. The requested change allows mews lots to have setbacks as illustrated on the Concept Plan, removes unnecessary lot dimensions, corrects clerical errors, and reduces the minimum square footage for homes on 70-foot wide lots from 3,000 square feet to 2,700 square feet. The 55-foot wide lots are increased to 60-foot wide lots and the 65 foot wide lots and 75-foot wide lots are changed to 70-foot wide lots.

<u>SECTION 3.</u> 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.

<u>SECTION 5.</u> 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 violation of the provisions or terms of this Ordinance by any "person," as defined in Mesquite City Code, Chapter 1, Section 1-2, shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-103 (General Penalties), or successor and as amended.

SECTION 7. This Ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, Section 24.

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 6th day of February 2023.

DocuSigned by:

Daniel Aleman Jr.

Daniel Alemán, Jr.

Mayor

ATTEST:

Docusigned by:

Sowja Land

Sonja Land

City Secretary

APPROVED AS TO LEGAL FORM:

Docusigned by:

Parid L. Paschall

666E18891208434...

David L. Paschall

City Attorney

EXHIBIT B File No. Z1222-0281

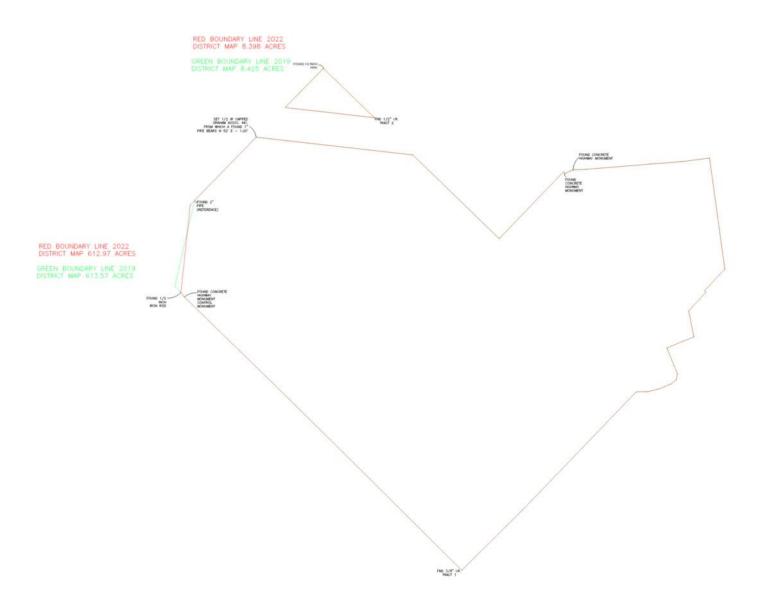


EXHIBIT B File No. Z1222-0281

PROPERTY DESCRIPTION TRACT 1

Being a 612.97 acre tract of land situated in the Martha Musick Survey, Abstract No.312, Kaufman County, Texas and being all of a tract of land described by deed to CH TNC Mesquite Owner, LP., and recorded in Volume 7669, Page 248, Deed Records, Kaufman County, Texas, and all of Tract 1 as described by deed to CH TNC Mesquite Investments, LP., and recorded in Volume 7669, Page 306, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a found 3/8 inch iron rod, said point being the south corner of said CH TNC Mesquite Owner, LP., tract, and the northwest corner of a tract of land described by deed to Heartland First Baptist Church, as recorded in Volume 3120, Page 471, Deed Records, Kaufman County, Texas, and being in the existing east right-of-way line of F.M. Road No. 2757 (a 100 foot Right-of-way);

THENCE North 45°15'08" West, along said existing east right-of-way line, a distance of 3200.34 feet to a found 1/2 inch iron rod with a "Graham Assoc. Inc." (GAI) cap;

THENCE North 45°44'58" West, continuing along said existing east right-of-way line, a distance of 2150.05 feet to a found concrete monument for corner:

THENCE North 36°42'08" West, a distance of 79.74 feet to a found 1/2 inch iron rod, said point being the southeast corner of a tract of land described by deed to Donald G, Jr and Leasa K. Davis, as recorded in Volume 3471, Page 60, Deed Records, Kaufman County, Texas;

THENCE North 06°06'39" East, along the east line of said Davis tract, a distance of 1209.99 feet to a found 1/2 inch iron rod with GAI cap;

THENCE North 44°20'33" East, a distance of 1297.95 feet to a found 1/2 inch iron rod with GAI cap from which a found one inch pipe bears North 52° East a distance of 1.20 feet, said point being in the existing south right-of-way line of State Highway I-20 (a variable width right-of-way line);

THENCE South 83°34'27" East, along said existing south right-of-way line, a distance of 2166.58 feet to a found 1/2 inch iron rod with GAI cap;

THENCE South 45°57'58" East, leaving said existing south right-of-way line, a distance of 1653.63 feet to a found 1/2 inch iron rod with GAI cap, and being the southwest corner of a tract of land described to I-20 Mesquite Limited Partnership as recorded in Volume 3326, Page 255, Deed Records, Kaufman County, Texas;

THENCE North 43°50'03" East, a distance of 1275.56 feet to a found 1/2 inch iron rod with GAI cap, said point being in the existing south right-of-way line of said State Highway I-20;

THENCE South 29°21'14" East, along said existing south right-of-way line, a distance of 30.24 feet to a found concrete monument;

THENCE North 67°03'31" East, continuing along said existing south right-of-way line, a distance of 124.28 feet to a found concrete monument;

THENCE North 87°00'49" East, a distance of 175.11 feet to a found 1/2 inch iron rod with GAI cap;

EXHIBIT B File No. Z1222-0281

THENCE North 85°28'07" East, a distance of 1321.76 feet to a found 1/2 inch iron rod with GAI cap;

THENCE North 82°29'14" East, a distance of 387.10 feet to a found 1/2 inch iron rod with GAI cap;

THENCE South 07°49'27" East, leaving said existing south right-of-way line, a distance of 1539.16 feet to a point for corner, said point being the northeast corner of a tract of land described by deed to Maryfield, LTD, as recorded in Volume 5835, Page 580, Deed Records, Kaufman County, Texas;

THENCE South 43°06'55" West, leaving said west line, and along the north line of said Maryfield tract, a distance of 406.47 feet to a point for corner;

THENCE South 39°47'53" East, continuing along said north line, a distance of 29.09 feet to a point for corner;

THENCE South 42°47'04" West, a distance of 349.18 feet to a point for corner, said point being the northwest corner of said Maryfield tract, and the northwest corner of a tract of land described by deed to Hannover Estates, LTD, as recorded in Volume 5835, Page 570, Deed Records, Kaufman County, Texas;

THENCE South 11°18'06" East, leaving said north line, and along the west line of said Hannover tract, a distance of 362.66 feet to a point for corner, said point being the northeast corner of a tract of land described by deed to David R. and Winona Littlefield, as recorded in Volume 1190, Page 528, Deed Records, Kaufman County, Texas;

THENCE South 67°37'47" West, leaving said west line and along the north line of said Littlefield tract, a distance of 401.86 feet to a point for corner;

THENCE South 22°19'17" East, leaving said north line, and along the west line of said Littlefield tract, a distance of 387.16 feet to a point for corner;

THENCE South 13°40'28" West, continuing along said west line, a distance of 85.16 feet to a point for corner, said point being the northeast corner of a tract of land described by deed to Future Telecom, Inc., as recorded in Volume 3611, Page 280, Deed Records, Kaufman County, Texas;

THENCE South 52°37'59" West, leaving said west line, and along the north line of said Future Telecom tract, a distance of 86.93 feet to a point for corner;

THENCE South 67°41'52" West, continuing along said north line, a distance of 190.04 feet to a point for corner;

THENCE South 76°52'46" West, a distance of 152.17 feet to a point for corner;

THENCE South 88°39'03" West, a distance of 155.78 feet to a point for corner;

THENCE South 43°55'26" West, a distance of 2284.40 feet to a found 1/2 inch iron rod with (GAI) cap;

THENCE South 45°15'08" West, a distance of 1143.49 feet to the POINT OF BEGINNING and CONTAINING 26,700,964 square feet, 612.97 acres of land, more or less.

EXHIBIT B File No. Z1222-0281

PROPERTY DESCRIPTION TRACT 2

Being a 8.398 acre tract of land situated in the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, and being all of Tract 2 as described by deed to CH TNC Mesquite Investments, LP., and recorded in Volume 7669, Page 306, Deed Records, Kaufman County, Texas, and being more particularly described as follows:

BEGINNING at a found 1/2 inch iron rod, said point being the most southerly southwest corner of Lot 13, Lone Star Estates Addition, an addition to the City of Forney, as recorded in Volume 2, Page 516, Plat Records, Kaufman County, Texas, and being in the existing north right-of-way line of State Highway I-20 (a variable width right-of-way)

THENCE North 83°29'51" West, along said existing north right-of-way line, a distance of 1233.15 feet to a found 1/2 inch iron rod with a "Graham Assoc Inc" (GAI) cap, said point being the most southerly southeast corner of a tract of land described by deed to Beam and Sons, Inc, as recorded in Volume 839, Page 241, Deed Records, Kaufman County, Texas;

THENCE North 44°20'33" East, leaving said existing north right-of-way line, and along the east line of said Beam and Sons tract, a distance of 751.24 feet to a found 1/2 inch pipe in the west line of said Lone Star Estates Addition;

THENCE South 45°57'58" East, leaving said east line, and along said west line, a distance of 973.87 feet to the POINT OF BEGINNING and CONTAINING 365,800 square feet, 8.398 acres of land, more or less.

Proposed Amendments to PD 4739 EXHIBIT E

Reference: Page 16, Exhibit E; Section III Definitions; Item Q.

Updating definition to reflect actual meaning and intention, as illustrated in PD Site Plan.

Mews means an alley that serves a residents which face directly on to a public open space and is commonly used for addressing, fire protection and mail delivery and access to parking a block type in which alley-fed, single-family lots are arranged around a common green with a walkway along the green.

Reference: Page 17, Exhibit E; Section III Definitions; Item W.

Updating definition to reflect intended information and final recorded document.

PD means this Planned Development District (Editor's note: to be inserted upon approval as follows: PDXX XX: Ordinance No. XX XXXX 4739, adopted Month Day Year November 4, 2019 and amended with Ordinance No. , adopted on February 6, 2023,)

Reference: Page 20, Exhibit E; Section V, Item B. Sub-items 3 & 6

Updates allow for temporary office space for developer and builders. Allows offices to be placed on the property, not exclusively within the construction boundary/phase.

3. Temporary Construction Field Office. The location of a temporary office may be permitted on a site for the Property which once a construction permit or building permit has been submitted and where a preconstruction meeting has been scheduled. Such office permit may be issued for no more than one year but may be extended if the developer or builder maintains active and continuous construction on the site. Temporary construction office shall mean office and/or storage space related to construction activities.

Reference: Page 27, Exhibit E; Section VII, Item I

Updating mailbox standards to meet USPS requirements in new subdivisions.

I. Other. Each single family detached home shall be serviced by a shared mailbox for each two homes. The area where the mailbox is located shall be landscaped and the mailbox shall be architecturally compatible with the residential structures it serves the overall theme of this PD. Notwithstanding the foregoing, mailboxes shall be installed in accordance with U.S. Postal Service guidelines. All streets must have upgraded streetlights that are architecturally compatible with the overall theme of this PD.

Reference: Page 29, Exhibit E; Section XI, Item B

Defining specific uses that would require outdoor trash storage/screening.

A. Trash Storage Areas. Commercial, Amenity Center, and Civic Ooutdoor trash storage areas visible from a street must be screened on three sides by a solid masonry wall. The wall must be at least eight feet in height and constructed of a material that is consistent with the exterior building material of the main building that the storage area serves. Decorative metal opaque gates shall be used to access such trash collection areas. The perimeter of screening walls shall be landscaped with a minimum 12-inch wide landscape strip containing shrubs, vines, or a combination of both.

Reference: Page 40, Exhibit E; Section XV, Item A Sub-Items 1a-m

Adjusting capitalization to match defined terms, correction of clerical errors. Removal of fencing requirement for Pocket Parks, which are less than 1 Acre in size.

- A. Open space amenities shall be provided as follows:
 - 1. The developer shall, at a minimum, construct the following amenities within open space by the time the Building Inspector approves the final inspection or the certificate of occupancy for the 700th dwelling unit located outside Town Center areas as shown on the Master Plan:
 - a. One recreational facility (may be an amenity center).
 - b. A swimming pool complex.
 - c. Three play structures (such as climbers, jungle gyms, spinners, or hangers).
 - d. One shade structure for each Active Park.
 - e. Two park benches for each *Active *Park.
 - f. Three dog clean-up stations.

Fencing for each pocket park.

- g. h. Community Ddog park.
- h. i. Shared use with the Sschool play yard.
- i. Hater Ffountains at major parks.
- j. k. Pocket Park.
- k. 1. Gas Barbeque grills in Amenity Center; and
- l. m. Park signage.

EXHIBIT F
BUILDING SETBACK, AREA, AND BULK REQUIREMENTS FOR RESIDENTIAL

Residential Type	Example of Residential Type	Minimum Lot Area (SF)	Minimum Lot Width	Minimum Lot Depth	Maximum Number of Stories	Garage Orientation	Density Range (number of units per acre)	Minimum Front Yard Setback (ft)	Min. Interior Side Yard Setback (ft)	Min. Corner Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Maximum Lot Coverage (%)	Min. Dwelling Unit Size (sf)	Special Conditions
SF-A	Single Family Attached	1,540	22'	70'	3	Alley	20-25	16	0	15	5	80%	1,100	Attached Garage Product
SF-D	Single Family Detached	1,540	22'	70'	3	Alley	20-25	16	0' <u>5</u>	15	5	80%	1,100	Detached Garage Product
SF-D	Single Family Detached	1,760	22'	80'	3	Alley	16-24	16	0	15	47	80%	1,100	Detached Garage Product
SF-A	Single Family Attached	<u>1,540</u>	<u>22'</u>	<u>70'</u>	<u>3</u>	Mews	<u>20-25</u>	<u>3</u>	<u>0</u>	<u>15</u>	<u>5</u>	80%	<u>1,100</u>	
SF-D	Single Family Detached	<u>1,540</u>	<u>22'</u>	<u>70'</u>	<u>3</u>	Mews	<u>20-25</u>	<u>3</u>	<u>5</u>	<u>15</u>	<u>5</u>	80%	<u>1,100</u>	
SF-A	Single Family Attached	1,980	30'	66'	3	Alley/Mews	8-13	æ	3	15	5	80%	1,200	-
SF-D	Single Family Detached	1,980	30'	66'	3	Alley/Mews	8-13	αþ	5	15	5	80%	1,200	-
SF-A	Single Family Attached	2,178	33'	66'	3	Alley	8-13	13 16	<u>50</u>	15	5	80%	1,200	
SF-D	Single Family Detached	2,178	33'	66'	3	Alley /Mews	8-13	13 16	3 5	15	5	80%	1,200	
SF-A	Single Family Attached	<u>2,178</u>	<u>33'</u>	<u>66'</u>	<u>3</u>	Mews	<u>8-13</u>	<u>3</u>	<u>0</u>	<u>15</u>	<u>5</u>	<u>80%</u>	<u>1,200</u>	-
SF-D	Single Family Detached	<u>2,178</u>	<u>33'</u>	<u>66'</u>	<u>3</u>	Mews	<u>8-13</u>	<u>3</u>	<u>5</u>	<u>15</u>	<u>5</u>	80%	<u>1,200</u>	-
SF-A	Single Family Attached	3,150	35'	90'	3	Alley	8-13	19	5	15	5	80%	1,250	-
SF-D	Single Family Detached	3,150	35'	90'	3	Alley	8-13	19 20	3	15	5	80%	1,250	
SF-D	Single Family Detached	<u>3,150</u>	<u>35'</u>	90'	<u>3</u>	Mews	<u>8-13</u>	<u>3</u>	<u>3</u>	<u>15</u>	<u>5</u>	80%	<u>1,250</u>	-

Residential Type	Example of Residential Type	Minimum Lot Area (SF)	Minimum Lot Width	Minimum Lot Depth	Maximum Number of Stories	Garage Orientation	Density Range (number of units per acre)	Minimum Front Yard Setback (ft)	Min. Interior Side Yard Setback (ft)	Min. Corner Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Maximum Lot Coverage (%)	Min. Dwelling Unit Size (sf)	Special Conditions
SF-A	Single Family Attached	4,000	40'	100'	3	Alley	7-9	20	<u>50</u>	15	5	80%	1,600	
SF-D	Single Family Detached	4,000	40'	100'	3	Alley	7-9	20	3 5	15	5	80%	1,600	
SF-A	Single Family Attached	4,000	<u>40'</u>	100'	<u>3</u>	Mews	<u>7-9</u>	<u>3</u>	<u>0</u>	<u>15</u>	<u>5</u>	<u>80%</u>	<u>1,600</u>	
<u>SF-D</u>	Single Family Detached	<u>4,000</u>	<u>40'</u>	<u>100'</u>	<u>3</u>	Mews	<u>7-9</u>	3	<u>5</u>	<u>15</u>	<u>5</u>	<u>80%</u>	<u>1,600</u>	
SF-A	Single Family Attached	4,500	45'	100'	3	Alley/Mews	7-9	3	5 0	15	5	80%	1,600	-
SF-D	Single Family Detached	4,500	4 5'	100'	3	Alley/Mews	7-9	3	5	15	5	80%	1,600	-
SF A	Single Family Attached	4,500	45'	100'	3	Alley	7 9	13	5	15	5	80%	1,600	-
SF D	Single Family Detached	4,500	4 5'	100'	3	Alley	7-9	13	3	15	5	80%	1,600	-
SF-A	Single Family Attached	5,000	50'	100'	3	Front, Side or Alley/Mews	9-10	15 20	<u>50</u>	15	5	80%	2,000	
SF-D	Single Family Detached	5,000	50'	100'	3	Front, Side or Alley /Mews	9-10	15 20	5	15	5	80%	2,000	
SF-A	Single Family Attached	<u>5,000</u>	<u>50'</u>	<u>100'</u>	<u>3</u>	Mews	<u>9-10</u>	<u>3</u>	<u>0</u>	<u>15</u>	<u>5</u>	<u>80%</u>	<u>2,000</u>	-
SF-D	Single Family Detached	<u>5,000</u>	<u>50'</u>	<u>100'</u>	<u>3</u>	Mews	<u>9-10</u>	<u>3</u>	<u>5</u>	<u>15</u>	<u>5</u>	80%	<u>2,000</u>	-
SF-A	Single Family Attached	5,500 <u>6,000</u>	55' <u>60'</u>	100'	3	Front, Alley or Side	5-9	20	10 0	15	5	75%	2,500	
SF-D	Single Family Detached	<u>5,5006,000</u>	55 " <u>60'</u>	100 <u>"</u>	3	Front, Alley or Side	5-9	20	5	15	5	75%	2,500	
SF-A	Single Family Attached	<u>6,000</u>	<u>60'</u>	<u>100'</u>	<u>3</u>	<u>Mews</u>	<u>5-9</u>	<u>3</u>	<u>0</u>	<u>15</u>	<u>5</u>	<u>75%</u>	<u>2,500</u>	-
SF-D	Single Family Detached	<u>6,000</u>	<u>60'</u>	<u>100'</u>	<u>3</u>	Mews	<u>5-9</u>	<u>3</u>	<u>5</u>	<u>15</u>	<u>5</u>	<u>75%</u>	<u>2,500</u>	-

Residential Type	Example of Residential Type	Minimum Lot Area (SF)	Minimum Lot Width	Minimum Lot Depth	Maximum Number of Stories	Garage Orientation	Density Range (number of units per acre)	Minimum Front Yard Setback (ft)	Min. Interior Side Yard Setback (ft)	Min. Corner Side Yard Setback (ft)	Minimum Rear Yard Setback (ft)	Maximum Lot Coverage (%)	Min. Dwelling Unit Size (sf)	Special Conditions
SF-A	Single Family Attached	6,500 <u>7,000</u>	65' 70'	100'	3	Front, Alley or Side	4-6	20	<u>50</u>	15	5	75%	3,000 <u>2.700*</u>	
SF-D	Single Family Detached	6,500 <u>7,000</u>	65' 70'	100'	3	Front, Alley or Side	4-6	20	5	15	5	75%	3,000 <u>2,700*</u>	
SF-A	Single Family Attached	<u>7,000</u>	<u>70'</u>	<u>100'</u>	<u>3</u>	Mews	<u>4-6</u>	<u>3</u>	<u>0</u>	<u>15</u>	<u>5</u>	<u>75%</u>	2.700*	-
<u>SF-D</u>	Single Family Detached	<u>7,000</u>	<u>70'</u>	<u>100'</u>	<u>3</u>	Mews	<u>4-6</u>	<u>3</u>	<u>5</u>	<u>15</u>	<u>5</u>	<u>75%</u>	<u>2,700*</u>	-
SF-A	Single Family Attached	7,500	75'	100'	3	Front, Alley or Side	4 -6	20	47	15	(5	75%	3,000	-
SF-D	Single Family Detached	7,500	75'	100'	3	Front, Alley or Side	4-6	20	5	15	5	75%	3,000	-
SF-A	Single Family Attached	10,400	80'	130'	3	Front, Alley or Side	3-5	24	7.5 0	15	5	75%	3,500	
SF-D	Single Family Detached	10,400	80'	130'	3	Front, Alley or Side	3-5	24	7.5	15	5	75%	3,500	

LEGEND (Residential Type) SF-A = Single Family Attached. SF-D = Single Family Detached.

NOTES: Front and corner setbacks are measured form-from back of the curb or property line.

*No more than 15% of homes constructed on 70' lots shall have dwelling unit size less than 3,000 square feet