ORDINANCE NO. <u>5159</u> File No. Z0125-0381

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY ADJUSTING THE BOUNDARIES OF THE HIGH DENSITY RESIDENTIAL AND OFFICE FUTURE LAND USE DESIGNATIONS BETWEEN TRACTS 1 AND 2 ON PROPERTY LOCATED AT 5201 NORTHWEST DRIVE; REPEALING ORDINANCE NO. 5094 IN ITS ENTIRETY; AND AMENDING THE MESQUITE ZONING ORDINANCE BY CHANGING THE ZONING FROM **PLANNED** DEVELOPMENT MULTIFAMILY (PD-MF) AND LIGHT COMMERCIAL (ORDINANCE NO. 5094) TO PLANNED DEVELOPMENT -MULTIFAMILY (PD-MF) ON TRACT 1 AND PLANNED DEVELOPMENT - LIGHT COMMERCIAL (PD-LC) ON TRACT 2 TO ALLOW A 300-UNIT MULTIFAMILY DEVELOPMENT ON TRACT 1 AND LIGHT COMMERCIAL USES ON TRACT 2, BOTH WITH MODIFIED DEVELOPMENT STANDARDS: REPEALING ALL **ORDINANCES** IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE: PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00: PROVIDING PUBLICATION OF THE CAPTION HEREOF: 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 consists of approximately 22.87 total acres for Tracts 1 and 2 described in **Exhibit A**, attached hereto and incorporated herein by reference, and located at 5201 Northwest Drive in Mesquite, Dallas County, Texas (the "**Property**").

<u>SECTION 2.</u> The Mesquite Comprehensive Plan, dated October 7, 2019, as amended, is amended by adjusting the future land use designation boundaries for the Property of

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High Density Residential for Tract 1 and Office for Tract 2 as shown on the Concept Plan attached hereto as **Exhibit C**.

<u>SECTION 3.</u> Ordinance No. 5094, approved by Council on February 5, 2024, is hereby repealed.

<u>SECTION 4.</u> The Mesquite Zoning Ordinance is amended by changing the zoning for the Property from Planned Development – Multifamily (PD-MF) and Light Commercial (Ordinance No. 5094) to Planned Development – Multifamily on Tract 1 to allow a 300-unit multifamily development and Planned Development – Light Commercial (PD-LC) on Tract 2 with both Tracts subject to the Planned Development Standards attached hereto as **Exhibit B**, as applicable, and the Concept Plan attached hereto as **Exhibit C**, both incorporated herein by reference.

<u>SECTION 5.</u> All other 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, including but not limited to Ordinance No. 5094; otherwise, they shall remain in full force and effect.

<u>SECTION 6.</u> The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

<u>SECTION 7.</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.

<u>SECTION 8.</u> Any violation of the provisions or terms of this Ordinance by any "person," as defined in Mesquite City Code, Chapter 1, <u>Section 1-2</u>, 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, <u>Section 5-103</u> (General Penalties), or successor and as amended.

<u>SECTION 9.</u> This Ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, <u>Section 24</u>.

SECTION 10. This Ordinance shall take effect and be in force from and after five days after publication.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of April 2025.

-Signed by: Daniel Alemán, Jr. D999585317D142B...

Daniel Alemán, Jr. Mayor

ATTEST:

DocuSigned by: Sonja Land C2518095973F46A.

Sonja Land City Secretary APPROVED AS TO LEGAL FORM:

Signed by: David L. Paschall -666E18891208434..

David L. Paschall City Attorney

Exhibit A Tract 1 - Legal Description 12.528 Acre Tract

Being all that certain 12.528 acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, being a portion of that certain tract of land conveyed to Mesquite Community Development, LLC, by General Warranty Deed recorded in Document Number 202200309721, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod with yellow "Bury & Partners" plastic cap found for the north corner of said Mesquite Community tract, same being the east corner of Lot 1, Block A, Mesquite Senior's Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 2004209, Page 4, Official Public Records, Dallas County, Texas, same being in the southwesterly right-of-way line of Northwest Drive (a 100 foot right-of-way);

THENCE along the common line of said Mesquite Community tract and said Northwest Drive as follows:

South 56 deg. 40 min. 17 sec. East, a distance of 572.21 feet to a 1/2 inch iron rod with yellow "Pacheco Koch" plastic cap found for the beginning of a curve to the left, having a radius of 628.44 feet, a central angle of 19 deg. 40 min. 11 sec., and a chord bearing and distance of South 66 deg. 20 min. 52 sec. East, 214.69 feet;

Along said curve to the left, an arc distance of 215.74 feet to a 1/2 inch iron rod found for angle point;

South 76 deg. 09 min. 44 sec. East, a distance of 125.00 feet to a 1/2 inch iron rod with "Peiser & Mankin SURV" red plastic cap set (hereinafter referred to as 1/2 inch iron rod set) for the beginning of a curve to the right, having a radius of 1220.62 feet, a central angle of 08 deg. 57 min. 11 sec., and a chord bearing and distance of South 71 deg. 57 min. 05 sec. East, 190.54 feet;

> Along said curve to the right, an arc distance of 190.73 feet to an 'X' cut set on a headwall for the northeast corner of the herein described tract;

> THENCE southerly, through the interior of said Mesquite Community tract, and generally along the centerline of a creek the following 26 calls:

South 17 deg. 30 min. 34 sec. West, a distance of 19.41 feet to an angle point; South 21 deg. 36 min. 19 sec. West, a distance of 28.37 feet to an angle point; South 35 deg. 27 min. 54 sec. West, a distance of 48.76 feet to an angle point; South 17 deg. 36 min. 44 sec. West, a distance of 27.38 feet to an angle point; South 55 deg. 47 min. 59 sec. West, a distance of 19.94 feet to an angle point; South 24 deg. 05 min. 03 sec. East, a distance of 22.36 feet to an angle point; South 71 deg. 40 min. 48 sec. East, a distance of 58.97 feet to an angle point; South 28 deg. 41 min. 06 sec. East, a distance of 10.30 feet to an angle point; South 22 deg. 17 min. 37 sec. West, a distance of 14.12 feet to an angle point; South 41 deg. 40 min. 02 sec. West, a distance of 40.14 feet to an angle point; North 74 deg. 36 min. 17 sec. West, a distance of 16.29 feet to an angle point; South 55 deg. 36 min. 09 sec. West, a distance of 27.74 feet to an angle point; South 05 deg. 04 min. 12 sec. West, a distance of 30.58 feet to an angle point; South 22 deg. 22 min. 48 sec. East, a distance of 4.16 feet to an angle point; South 75 deg. 14 min. 52 sec. West, a distance of 6.74 feet to an angle point; North 58 deg. 32 min. 51 sec. West, a distance of 15.05 feet to an angle point; South 21 deg. 08 min. 47 sec. West, a distance of 11.18 feet to an angle point; South 53 deg. 27 min. 46 sec. West, a distance of 19.12 feet to an angle point; South 11 deg. 21 min. 22 sec. West, a distance of 62.77 feet to an angle point; South 19 deg. 46 min. 28 sec. West, a distance of 19.86 feet to an angle point; South 05 deg. 12 min. 37 sec. West, a distance of 33.51 feet to an angle point;

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> North 85 deg. 49 min. 34 sec. West, a distance of 10.97 feet to an angle point; South 15 deg. 46 min. 26 sec. West, a distance of 62.55 feet to an angle point; South 18 deg. 36 min. 54 sec. East, a distance of 17.20 feet to an angle point; South 49 deg. 57 min. 13 sec. East, a distance of 33.87 feet to an angle point;

South 34 deg. 45 min. 46 sec. East, a distance of 24.31 feet to a 1/2 inch iron rod set for the southeast corner of the herein described tract, same being in the southwest line of said Mesquite Community tract, same being in the northeast line of that certain tract of land conveyed to Dallas Power & Light Co., by deed recorded in Volume 5458, Page 216, Deed Records, Dallas County, Texas;

THENCE North 63 deg. 37 min. 49 sec. West, along the common line of said Mesquite Community tract and said Dallas Power & Light Co. (Volume 5458, Page 216), passing the north corner of said Dallas Power & Light Co. (Volume 5458, Page 216), same being the east corner of that certain tract of land conveyed to Dallas Power & Light Co., by deed recorded in Volume 5458, Page 218, Deed Records, Dallas County, Texas, and continuing along the common line of said Mesquite Community tract and said Dallas Power & Light Co. (Volume 5458, Page 218), a total distance of 1276.92 feet to a 5/8 inch iron rod with yellow "Bury & Partners" plastic cap found for the west corner of said Mesquite Community tract, same being the south corner of aforesaid Lot 1;

THENCE North 33 deg. 20 min. 37 sec. East, along the common line of said Mesquite Community tract and said Lot 1, a distance of 511.89 feet to the POINT OF BEGINNING and containing 545,737 square feet or 12.528 acres of computed land, more or less.

Exhibit A Tract 2 - Legal Description 10.346 Acre Tract

Being all that certain 10.346 acre tract of land situated in the Theophalus Thomas Survey, Abstract No. 1461, City of Mesquite, Dallas County, Texas, being a portion of that certain tract of land conveyed to Mesquite Community Development, LLC, by General Warranty Deed recorded in Document Number 202200309721, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8 inch iron rod with yellow "Bury & Partners" plastic cap found for the north corner of said Mesquite Community tract, same being the east corner of Lot 1, Block A, Mesquite Senior's Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 2004209, Page 4, Official Public Records, Dallas County, Texas, same being in the southwesterly right-of-way line of Northwest Drive (a 100 foot right-of-way);

THENCE along the common line of said Mesquite Community tract and said Northwest Drive as follows:

South 56 deg. 40 min. 17 sec. East, a distance of 572.21 feet to a 1/2 inch iron rod with yellow "Pacheco Koch" plastic cap found for the beginning of a curve to the left, having a radius of 628.44 feet, a central angle of 19 deg. 40 min. 11 sec., and a chord bearing and distance of South 66 deg. 20 min. 52 sec. East, 214.69 feet;

Along said curve to the left, an arc distance of 215.74 feet to a 1/2 inch iron rod found for angle point;

South 76 deg. 09 min. 44 sec. East, a distance of 125.00 feet to a 1/2 inch iron rod with "Peiser & Mankin SURV" red plastic cap set (hereinafter referred to as 1/2 inch iron rod set) for the beginning of a curve to the right, having a radius of 1220.62 feet, a central angle of 08 deg. 57 min. 11 sec., and a chord bearing and distance of South 71 deg. 57 min. 05 sec. East, 190.54 feet;

> Along said curve to the right, an arc distance of 190.73 feet to an 'X' cut set on a headwall for the northwest corner of the herein described tract, same being the POINT OF BEGINNING;

> South 67 deg. 16 min. 14 sec. East, a distance of 410.30 feet to the beginning of a curve to the right, having a radius of 880.21 feet, a central angle of 34 deg. 30 min. 07 sec., and a chord bearing and distance of South 50 deg. 00 min. 16 sec. East, 522.07 feet;

Along said curve to the right, an arc distance of 530.04 feet for the most easterly corner of said Mesquite Community tract, same being the north corner of that certain tract of land conveyed to Audubon Partners, LTD., by deed recorded in Volume 94033, Page 2414, Deed Records, Dallas County, Texas;

THENCE along the common line of said Mesquite Community tract and said Audubon tract as follows:

South 58 deg. 31 min. 13 sec. West, a distance of 26.56 feet to internal corner;

South 31 deg. 28 min. 47 sec. East, a distance of 23.00 feet to corner;

South 58 deg. 31 min. 13 sec. West, a distance of 173.00 feet to an internal corner of the herein described tract, same being the west corner of said Audubon tract;

South 31 deg. 28 min. 47 sec. East, passing the south corner of said Audubon tract, same being the west corner of Lot 1, Block 1, Prairie Hills Retail Addition, an addition to the City of Mesquite, Dallas County, Texas, according to the plat thereof recorded in Volume 88121, Page 1483, Deed Records, Dallas County, Texas, and continuing along the common line of said Mesquite Community tract and said Lot 1, Block 1, Prairie Hills Retail Addition, a total distance of 252.31 feet to a southeast corner of said Mesquite Community tract, same being the south corner of said Lot 1, Block 1, Prairie Hills Retail Addition, same being the south corner of said Lot 1, Block 1, Prairie Hills Retail Addition, same being in the

northwesterly right-of-way line of I.H. 30 – U.S. Highway 67 (a variable width right-of-way west bound service road), same being the beginning of a non-tangent curve to the right, having a radius of 11773.93 feet, a central angle of 00 deg. 31 min. 10 sec., and a chord bearing and distance of South 57 deg. 36 min. 55 sec. West, 106.74;

THENCE along said non-tangent curve to the right, along the common line of said Mesquite Community tract and said I.H. 30, an arc distance of 106.74 feet to a ½ inch iron rod found for the most southerly corner of said Mesquite Community tract, same being the east corner of that certain tract of land conveyed to Dallas Power & Light Co., by deed recorded in Volume 5458, Page 216, Deed Records, Dallas County, Texas;

THENCE North 63 deg. 37 min. 49 sec. West, along the common line of said Mesquite Community tract and said Dallas Power & Light Co. (Volume 5458, Page 216), a distance of 866.61 feet to a 1/2 inch iron rod with red "Peiser & Mankin SURV" plastic cap set (hereinafter referred to as 1/2 inch iron rod set) for the west corner of the herein described tract;

THENCE northerly, through the interior of said Mesquite Community tract, and generally along the centerline of a creek the following 26 calls:

North 34 deg. 45 min. 46 sec. West, a distance of 24.31 feet to an angle point; North 49 deg. 57 min. 13 sec. West, a distance of 33.87 feet to an angle point; North 18 deg. 36 min. 54 sec. West, a distance of 17.20 feet to an angle point; North 15 deg. 46 min. 26 sec. East, a distance of 62.55 feet to an angle point; South 85 deg. 49 min. 34 sec. East, a distance of 10.97 feet to an angle point; North 05 deg. 12 min. 37 sec. East, a distance of 33.51 feet to an angle point; North 19 deg. 46 min. 28 sec. East, a distance of 19.86 feet to an angle point; North 11 deg. 21 min. 22 sec. East, a distance of 62.77 feet to an angle point; North 53 deg. 27 min. 46 sec. East, a distance of 19.12 feet to an angle point;

> South 58 deg. 32 min. 51 sec. East, a distance of 15.05 feet to an angle point; North 75 deg. 14 min. 52 sec. East, a distance of 6.74 feet to an angle point; North 22 deg. 22 min. 48 sec. West, a distance of 4.16 feet to an angle point; North 05 deg. 04 min. 12 sec. East, a distance of 30.58 feet to an angle point; North 55 deg. 36 min. 09 sec. East, a distance of 27.74 feet to an angle point; South 74 deg. 36 min. 17 sec. East, a distance of 16.29 feet to an angle point; North 41 deg. 40 min. 02 sec. East, a distance of 40.14 feet to an angle point; North 22 deg. 17 min. 37 sec. East, a distance of 14.12 feet to an angle point; North 28 deg. 41 min. 06 sec. West, a distance of 10.30 feet to an angle point; North 71 deg. 40 min. 48 sec. West, a distance of 58.97 feet to angle point; North 24 deg. 05 min. 03 sec. West, a distance of 22.36 feet to an angle point; North 55 deg. 47 min. 59 sec. East, a distance of 19.94 feet to an angle point; North 17 deg. 36 min. 44 sec. East, a distance of 27.38 feet to an angle point; North 35 deg. 27 min. 54 sec. East, a distance of 48.76 feet to an angle point; North 21 deg. 36 min. 19 sec. East, a distance of 28.37 feet to an angle point; North 17 deg. 30 min. 34 sec. East, a distance of 19.41 feet to the POINT OF BEGINNING and containing 10.346 acres of computed land, more or less.

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS

This Planned Development ("**PD**") district must comply with all applicable provisions of the Mesquite Code of Ordinances, including, but not limited to, the Mesquite Zoning Ordinance ("**MZO**"), as amended. The adopted base zoning districts are Multifamily ("**MF**") for Tract 1 and Light Commercial ("**LC**") for Tract 2, as shown on Exhibit C. The base district standards, along with the additional standards outlined below, shall apply. In the event of a conflict between this PD ordinance and any other ordinance, the provisions of this PD ordinance shall prevail.

TRACT 1

Except as provided herein, the portion of this PD for MF (12.528 acres) must adhere to all conditions of the Mesquite Code of Ordinances, including, but not limited to the MZO.

- A. **Permitted Land Uses.** The permitted uses on Tract 1 include the permitted uses in the MF district as set out in the MZO, and those permitted uses on the Property are subject to the same requirements as set out in the MZO.
 - 1) Any land use requiring a Conditional Use Permit ("**CUP**") in the MF zoning district, as amended, is only allowed if a CUP is issued for the use.
 - 2) Any land use prohibited in the MF zoning district, as amended, is also prohibited.
- B. **Development Standards.** In addition to the requirements of the MF base zoning district, Tract 1 is subject to the following:
 - The site plan shall comply with the Concept Plan as shown in Exhibit C. Deviations from the Concept Plan may be permitted to ensure compliance with the Mesquite Engineering Design Manual, as well as Building and Fire Codes, as amended, provided that the development continues to meet all requirements of this ordinance. Modifications can include the following:
 - i. Placement of the buildings provided that the required setbacks are met.
 - ii. Placement of driveways or thoroughfares provided that required parking is met.
 - 2) Landscaping and Fencing
 - i. All mechanical units on the ground floor shall be screened with shrubs, ornamental grasses, ornamental trees, or evergreen trees.
 - 3) Open Space and Amenities

- i. Open Space provided shall not be less than 35,000 square feet
- ii. The permitted outdoor and indoor amenities are listed on the concept plan (Exhibit C) and as follows:

Outdoor:

- 1. Swimming Pool
- 2. Dog Park
- 3. Grill in Pool Courtyard
- 4. Picnic / Shade Structure in Pool Courtyard
- 5. Fire Pit in Social Courtyard
- 6. Grill in Social Courtyard
- 7. Picnic Seating in Social Courtyard
- 8. Nature Viewing Area

Indoor:

- 1. Club Room Minimum size of 900 square feet
- 2. Fitness Center Minimum size of 950 square feet
- 3. Conference Room
- 4. Business Center
- 5. Private 'Zoom' Pods
- 6. Parcel Management Room
- 7. Clubhouse Covered Pool Porch
- 8. Dog Wash
- 4) Dwelling Unit Requirements
 - i. Minimum one-bedroom unit size of seven hundred (700) square feet.
- 5) Covered Parking
 - i. The minimum number of covered parking spaces (either in an enclosed garage or under a carport) shall be equal to 15% of the required parking.

TRACT 2

Except as provided herein, the portion of this PD for LC (10.346 acres) must adhere to all conditions of the Mesquite Code of Ordinances, including, but not limited to the MZO.

- A. **Permitted Land Uses.** Uses are limited to those permitted in the LC base zoning district, as amended, and are subject to the following.
 - 1) Any land use requiring a CUP in the LC zoning district, as amended, is only allowed if a CUP is issued for the use.

- 2) Any land use prohibited in the LC zoning district, as amended, is also prohibited.
- B. **Development Standards.** In addition to the requirements of the LC zoning district, this Planned Development is subject to the following:
 - 1) Landscaping and Fencing
 - i. All mechanical units on the ground floor shall be screened with shrubs, ornamental grasses, ornamental trees, or evergreen trees.

Docusign Envelope ID: D82685B1-CE94-4CB4-A1A2-E578D23C4C52

