

ORDINANCE NO. _____
File No. Z0224-0346

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY CHANGING THE ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT – MULTIFAMILY WITH MODIFIED DEVELOPMENT STANDARDS TO ALLOW A 133-UNIT AGE-RESTRICTED MULTIFAMILY DEVELOPMENT ON PROPERTY LOCATED AT 2910 MOTLEY DRIVE; 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 FOR 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 is described as being approximately 5.841 acres, described in Exhibit A, attached hereto and incorporated herein by reference, and located at 2910 Motley Drive, City of Mesquite, Dallas County, Texas (“**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by changing the zoning for the Property from General Retail to Planned Development – Multifamily to allow a 133-unit age-restricted multifamily development subject to modified Planned Development Standards and Concept Plan, attached hereto as Exhibits B and C, respectively, and incorporated herein by reference.

SECTION 3. All ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 4. The 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 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 15th day of July 2024.

Daniel Alemán, Jr.
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

David L. Paschall
City Attorney

LEGAL DESCRIPTION

SITUATED in the City of Mesquite, in the T.D. Sackett Survey, Abstract No. 1362 of Dallas County, Texas and being a part of Lot 3R, Block A of Manchester Square Addition, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 94209, Page 4551, Deed Records, Dallas County, Texas (D.R.D.C.T.) and further described in a Special Warranty Deed to Ink & Sons, LLC, dated December 11, 2017 and recorded in Instrument No. 201700346577, Official Public Records, Dallas County, Texas (O.P.R.D.C.T.) and said partial being more particularly described by metes & bounds as follows:

BEGINNING at a 5/8 inch iron rod, topped with a yellow plastic cap, stamped "JACOBS", found for the most easterly corner of the above described Lot 3R, Block A and same being the northern corner of Skaggs-Albertson Addition, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 73058, Page 691, D.R.D.C.T. and same being on the southwesterly line of Block V of Eastwood Estates – Phase II, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 83174, Page 18, D.R.D.C.T.

THENCE: South 45 deg. 00 min. 00 sec. West, along the common line of said Lot 3R and Skaggs-Albertsons Addition, a distance of 523.63 feet to a 1/2 inch iron rod found on the northeasterly right-of-way line of Motley Drive (80' wide public right-of-way) for the most southerly corner of said Lot 3R and the most westerly corner of said Skaggs-Albertsons Addition;

THENCE: North 45 deg. 00 min. 00 sec. West, along the common line said Lot 3R and said Motley Drive, a distance of 211.20 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701", set for the southerly southwest corner of said Lot 3R and the southern corner of Lot 1R, Block A of said Manchester Square Addition (Vol. 94209, Pg. 4551);

THENCE: North 45 deg. 00 min. 00 sec. East, departing from said Motley Drive, along the common line of said Lot 3R and said Lot 1R, Block A, a distance of 300.00 feet to a 1/2 inch iron rod, topped with a red plastic cap, stamped "RPLS 4701" (hereinafter referred to as "capped iron rod") found for an inside ell corner of said Lot 3R and the most easterly corner of said Lot 1R;

THENCE: North 45 deg. 00 min. 00 sec. West, continuing along said common line, a distance of 297.00 feet to a mag nail with a steel washer, stamped "RPLS 4701", found in asphalt for the north corner of said Lot 1R and said point being on the southeasterly line of Lot 2, Block A of Manchester Square Addition, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 78085, Page 4, D.R.D.C.T.;

THENCE: North 45 deg. 00 min. 00 sec. East, along the common line of said Lot 3R and said Lot 2, a distance of 11.00 feet to a mag nail with a steel washer, stamped "RPLS 4701", found in asphalt for an inside ell corner of said Lot 3R;

THENCE: North 45 deg. 00 min. 00 sec. West, continuing along said common line, a distance of 35.00 feet to a 1/2 inch iron rod found for an inside ell corner of said Lot 2;

THENCE: North 45 deg. 00 min. 00 sec. East, continuing along said common line, a distance of 31.00 feet to a 1/2 inch iron rod found for an inside ell corner of said Lot 3R;

THENCE: North 45 deg. 00 min. 00 sec. West, continuing along said common line, a distance of 155.00 feet to a 1/2 inch iron rod found for an inside ell corner of said Lot 2;

THENCE: North 45 deg. 00 min. 00 sec. East, continuing along said common line, a distance of 20.00 feet to a capped iron rod found for an inside ell corner of said Lot 3R;

THENCE: North 45 deg. 00 min. 00 sec. West, continuing along said common line, a distance of 135.00 feet to a 1/2 inch iron rod found for an inside ell corner of said Lot 3R and the most northern corner of said Lot 2;

THENCE: South 45 deg. 00 min. 00 sec. West, continuing along said common line, a distance of 110.00 feet to a capped iron rod found for an inside ell corner of said Lot 2;

THENCE: North 45 deg. 00 min. 00 sec. West, continuing along said common line, a distance of 11.66 feet to a capped iron rod found next to a concrete trash dumpster pad for an inside ell corner of said Lot 3R;

THENCE: South 45 deg. 00 min. 00 sec. West, continuing along said common line, a distance of 47.00 feet to a mag nail with a steel washer, stamped "RPLS 4701", found for the westerly south corner of said Lot 3R and same being the easterly corner of Lot 5, Block A of Manchester Square Addition, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 76137, Page 15, D.R.D.C.T.;

THENCE: North 45 deg. 00 min. 00 sec. West, along the common line of said Lot 3R and said Lot 5, a distance of 127.00 feet to a capped iron rod found for the most westerly corner of said Lot 3R and the most northerly corner of said Lot 5 and said point being on the southeastern line of Lot 4, Block A of Manchester Square Addition, an addition to the City of Mesquite, according to the plat thereof, recorded in Volume 73205, Page 400, D.R.D.C.T.;

THENCE: North 45 deg. 00 min. 00 sec. East, along the common line of said Lot 3R and said Lot 4, a distance of 182.00 feet to a 1/2 inch iron rod found for the most northern corner of said Lot 3R and the most eastern corner of said Lot 4 and said point being on the southwestern line of the above described Block V of Eastwood Estates, Phase II;

THENCE: South 66 deg. 33 min. 00 sec. East, along the common line of said Lot 3R and said Eastwood Estates, Phase II, a distance of 372.00 feet to a capped iron rod found for an angle corner;

THENCE: South 44 deg. 59 min. 55 sec. East, continuing along said common line, a distance of 625.86 feet to the POINT OF BEGINNING and containing 254,424 square feet or 5.841 acres of land.

EXHIBIT B - PLANNED DEVELOPMENT STANDARDS (File No. Z0224-0346)

Planned Development Standards

This Planned Development Multifamily (PD-MF) district must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance (MZO), as amended, and adopts the A – Multifamily Residential zoning district as the base district standards consistent with the Concept Plan attached hereto and incorporated herein as Exhibit C, and the standards as identified below, which apply to this PD-MF district. Where these regulations conflict with or overlap another ordinance or easement, this PD ordinance will control.

A. Permitted Land Uses – PD-MF. Uses in the PD-MF are limited to those permitted in the A – Multifamily Residential zoning district, as amended, and subject to the following:

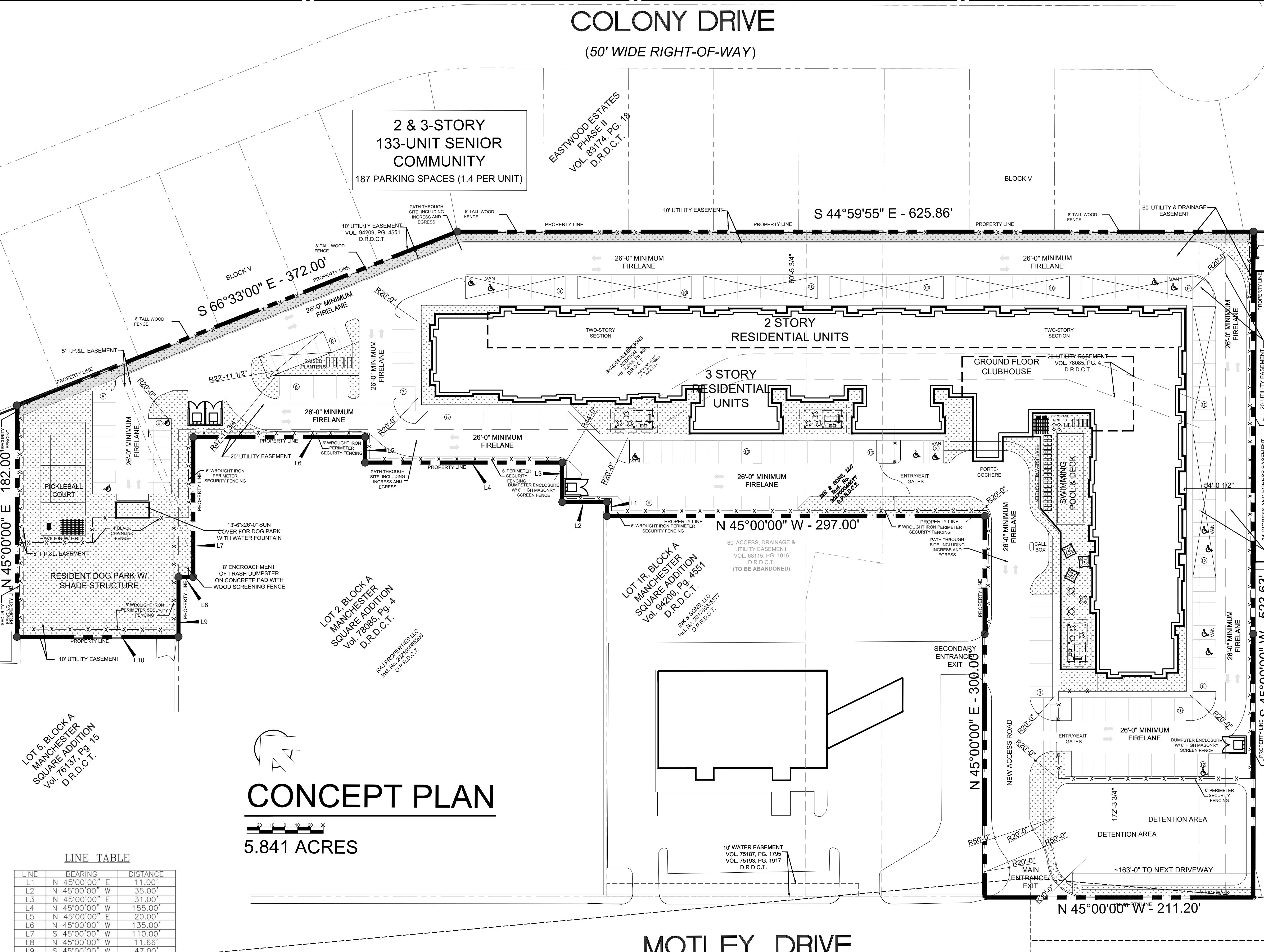
- 1) Any land use requiring a Conditional Use Permit (CUP) in the A – Multifamily Residential zoning district, as amended, is also permitted in this PD-MF district only by a CUP.
- 2) Any land use prohibited in the A – Multifamily Residential zoning district, as amended, is also prohibited in this PD-MF district.
- 3) All residents of any multifamily residential land use must be at least 62 years of age or greater.

B. Development Standards. In addition to the requirements of the A – Multifamily Residential zoning district, this district is subject to the following:

- 1) A minimum of 70 parking spaces shall be covered by carports.
- 2) The maximum number of stories is three.
- 3) The maximum number of residential units allowed is 133. The minimum percentage of one-bedroom units allowed is 45%.
- 4) The minimum amount of accessible open space required is 19,000 square feet.
- 5) Parking is permitted between the building and Motley Drive provided it is located a minimum of 70 feet from the right-of-way.
- 6) A minimum of 5% of the total required trees are required to be placed between the building and the front or exterior side property lines.

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- 7) The minimum floor area for one-bedroom units is 706 square feet.
- 8) Refuse containers shall be located a minimum of 35 feet from the residential district to the northeast.
- 9) A traffic memorandum with estimated daily and peak hour trips will satisfy the traffic impact analysis requirement.
- 10) A minimum 8-foot-tall board-on-board wooden fence is required along the perimeter adjacent to the single-family residential district as generally shown on Exhibit C (Concept Plan).
- 11) A minimum 6-foot-tall decorative metal "wrought iron" fence shall be provided in the front yard and along the other property boundaries as generally shown on Exhibit C (Concept Plan).
- 12) All mechanical units at the ground floor shall be screened with shrubs, ornamental grasses, ornamental trees, or evergreen trees.



T.D. SACKETT SURVEY
A-1362

OWNER/APPLICANT
2910 MOTLEY SENIOR LIVING, LTD.
13455 NOEL ROAD, SUITE 400, DALLAS, TX 75240
P: 972.774.4435

SURVEYOR/ENGINEER
CROSS ENGINEERING CONSULTANTS, INC.
1720 W VIRGINIA ST, MCKINNEY, TX 75069
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SEAL

REVISION

DRAWN BY:

AAG

CHECKED BY:

JMT

REV. DATE:

PLOT DATE:

06-24-2024

PROJECT NUMBER:

ISSUED FOR:

ZONING

SHEET NO.:

SCALE:

AS NOTED

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